



Hampden East

Sketch Plan Amendment No. 32020007A, Preliminary Plan No. 120210130 & Site Plan 820210070

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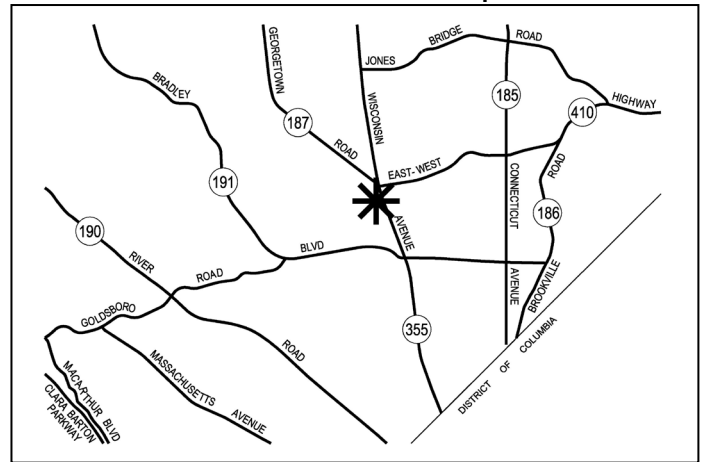
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Description

Completed: 07.09.2021

- Sketch Plan Amendment to reduce the previously approved maximum density from 525,000 to 510,000 square feet, reduce requested BOZ density from 293,440 to 129,995 square feet and include a sending property (1.56 acres) for 148,445 square feet of transferred density
- Preliminary Plan Request to create 1 lot on 0.70 acres of land for up to 510,000 square feet of mixed-use development comprising up to 330,000 square feet of office, up to 10,000 square feet of retail, and up to 170,000 square feet of residential uses for a maximum of 150 units, and include a sending property (1.56 acres) for 148,445 square feet of transferred density
- Site Plan for construction of 510,000 square feet of mixed-use development comprising up to 330,000 square feet of office, up to 10,000 square feet of retail, and up to 170,000 square feet of residential uses for a maximum of 150 multi-family dwelling units with 17.6% MPDUs, with 129,995 square feet of BOZ density with associated PIP payment
- Current use: Multi-story office buildings and several single-story retail buildings totaling 109,518 square feet
- Located on the block of East Lane between Montgomery Lane and Hampden Lane
- 1.06 tract acres zoned CR 5.0 C 5.0 R 4.75 H 250' in the 2017 *Bethesda Downtown Sector Plan*
- Applicant: Washington Property Company and Douglas Development Company
- Acceptance date: December 29, 2020



Summary

- Staff recommends **Approval** of the Hampden East Sketch Plan Amendment, Preliminary Plan, and Site Plan, with conditions.
- In October of 2020, the Planning Board approved Sketch Plan 320200070 (MCPB No. 20-115) to allow the Property to redevelop with a new mixed-use building with a maximum density of up to 525,000 square feet and up to 262' in height. This included a portion of BOZ density and the provision of MPDUs in excess of 17.5%, allowing additional height beyond the zoning maximum.
- This Sketch Plan Amendment proposes to transfer density from a sending property, thereby reducing the previously requested BOZ density.
- The Applicant is seeking approval from the Planning Board for a reduced truncation as part of the proposed record lot.
- The Planning Board granted one extension for the Preliminary and Site Plan to extend the review process from April 29, 2021 through July 29, 2021.
- The Project includes a density transfer of 148,445 square feet and an allocation of Bethesda Overlay Zone density of up to 129,995 square feet with a Park Impact Payment of \$1,175,172.95, discounted for MPDU Density. The proposal includes 17.6% moderately priced dwelling units, minimum parking, structured parking, exceptional design, energy efficient building and purchase of BLTS.

SECTION 1: RECOMMENDATION AND CONDITIONS

Sketch Plan No. 32020007A

Staff recommends approval of Sketch Plan No. 32020007A, for modification of Condition 1, regarding project density. The following Condition 1 supersedes the previous, while all other conditions remain in full force and effect:

1. Density

The Sketch Plan is limited to a maximum density of 510,000 square feet of total development, including up to 170,000 square feet of residential uses and 340,000 square feet of non-residential uses. The maximum number of dwelling units and use mix will be determined at Preliminary Plan. The maximum density includes up to 129,995 square feet of density from the Bethesda Overlay Zone (BOZ) with a Park Impact Payment (PIP). The final square footage, including BOZ density and PIP payment, will be determined at Site Plan.

Preliminary Plan No. 120210130

Staff recommends approval of Preliminary Plan No. 120210130, to create 1 lot on 0.70 acres of land for up to 510,000 square feet of mixed-use development comprising up to 330,000 square feet of office, up to 10,000 square feet of retail, and up to 150 multi-family dwelling units, and include a sending property (1.56 acres) for 148,445 square feet of transferred 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:

General Approval

1. This Preliminary Plan is limited to one lot with a maximum density of 510,000 square feet of total development, consisting of up to 330,000 square feet of office, up to 10,000 square feet of retail, and up to 150 multi-family dwelling units.

Adequate Public Facilities and Outside Agencies

2. The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of this Planning Board Resolution.

Plan Validity Period

3. The Preliminary Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and prior to the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.
4. Density Averaging
Prior to record plat, the Applicant must record an instrument in the County Land records reflecting the density transfer for this project as required under Section 59.4.5.2.B of the Zoning Ordinance.
 - a. The density to be transferred under this Site Plan totals 148,445 square feet and will be from the Sending Property, Lot 18 (formerly Lot 16) located at 4800 Hampden Lane (referred to as One Bethesda Center Condominiums).
5. The Planning Board has reviewed and accepts the recommendations, of the Montgomery County Department of Transportation ("MCDOT") in its letter dated June 28, 2021, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the remaining recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

6. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
7. Prior to the Certification of the Site Plan, the Applicant must enter into an agreement with MCDOT to “fix or fund” non-ADA compliant pedestrian infrastructure within 500 feet of the Site. Improvements will be subject to MCDOT and/or MD SHA approval, as appropriate.
8. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration (“MSHA”) in its letter June 25, 2021, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
9. The Applicant must dedicate all road rights-of-way to the full width mandated by the 2017 Bethesda Downtown Sector Plan or as otherwise designated on the Certified Preliminary Plan, and show on the record plat(s) the following:
 - a. A dedication of the Hampden frontage necessary to provide the Sector Plan-recommended 30-foot-wide right-of-way between the Subject Property line and right-of-way centerline, and
 - b. A dedication of the East Lane frontage necessary to provide the Sector Plan-recommended 26-foot-wide right-of-way between the Subject Property line and right-of-way centerline.
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. There shall be no clearing or grading of the site prior to recordation of plat(s).
12. The record plat must show necessary easements.
13. 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 issuance 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. 820210070

Staff recommends approval of Site Plan No. 820210070, for construction of 510,000 square feet of mixed-use development comprising up to 330,000 square feet of office, up to 10,000 square feet of retail, and up to 170,000 square feet of residential uses for a maximum of 150 multi-family dwelling units with a minimum of 17.6% MPDUs, and 129,995 square feet of BOZ density with associated PIP payment. The development must comply with the binding elements and conditions of Sketch Plan 320200070 and Preliminary Plan 120210130 and any subsequent amendments. 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 510,000 square feet of total development on the Subject Property, consisting of up to 330,000 square feet of office, up to 10,000 square feet of retail, and up to 170,000 square feet of residential uses for a maximum of 150 units with a minimum of 17.6% MPDUs.

2. Height

The development is limited to a maximum height of 262 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 mapped height of 250 feet for the provision of MPDUs.

3. Bethesda Overlay Zone Density & Park Impact Payment

- 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 approving the Site Plan. Within two years of MCDPS accepting the building permit application, the Applicant must obtain the building permit. The deadlines may not be extended. If the Applicant fails to comply with any of the deadlines in this condition, the entire Site Plan approval is revoked.
- b. The Applicant must pay to the M-NCPPC a Park Impact Payment of \$1,175,172.95 prior to release of the first above-grade building permit for the allocation of 129,995 square feet of Bethesda Overlay Zone Density, not including 27,000 square feet of MPDU density exempt from the PIP calculation. In the event the final allocation of density from the BOZ is less than the approved amount, or if the amount of exempt MPDU density changes, the Applicant may apply to reduce the allocation of density from the BOZ, and/or modify the PIP through a minor site plan amendment.

4. 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 stormwater management concept letter dated June 21, 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 MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Site Plan approval.

5. Right-of-Way Permitting

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 memo dated April 30, 2021 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

6. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section, in its letter dated June 14, 2021, and hereby 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 amendments do not conflict with other conditions of Site Plan approval.

7. Public Open Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 3,040 square feet of public open space on-site, as illustrated on the Certified Site Plan.
- b. The Applicant must construct streetscape improvements along the property's frontage on Hampden Lane, East Lane, and Montgomery Lane consistent with the Bethesda Streetscape Standards, except for nonstandard paving and other design elements located outside of the right-of-way as shown on the Certified Site Plan.
- c. Before the issuance of the final use and occupancy certificate for the residential development, all public open space areas and streetscape improvement areas identified on the Certified Site Plan must be completed.
- d. The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited onsite sidewalk.

8. Green Cover

- a. The Applicant must provide a minimum of 35% of Green Cover on the Site comprised of intensive green roof, native canopy tree plantings, and/or bioretention 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.

9. Recreation Facilities

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

10. Public Benefits

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

- a. Connectivity and Mobility
 - i. Minimum Parking - The Applicant must not provide more than 336 parking spaces on the Subject Property, as shown on the Certified Site Plan, and 140 offsite spaces per Parking Agreement recorded at Book 13263 and Page 554
- b. Diversity of Uses and Activities
 - i. Affordable Housing
 1. The development must provide a minimum of 17.6 % Moderately Priced Dwelling Units (MPDUs), or MCDHCA approved equivalent, consistent with the requirements of Chapter 25A and the applicable Sector Plan. The Applicant is receiving bonus height for providing more than the minimum required MPDUs within the Bethesda Overlay Zone.
 2. Before issuance of the first above-grade building permit, the MPDU Agreement to Build between the Applicant and the DHCA must be executed.

- c. Quality of Building and Site Design
 - i. Exceptional Design - The Applicant must construct the building in a manner consistent with the architectural elevations included in the Certified Site Plan.
 - ii. Structured Parking - The Applicant must provide all onsite parking spaces within the below grade structure on the Subject Property.
- d. Protection and Enhancement of the Environment
 - i. Building Lot Terminations ("BLT") - Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment of 1.1591 BLTs to the MCDPS and M-NCPPC staff. One BLT must be purchased for each 31,500 square feet of gross floor area.
 - ii. Energy Conservation and Generation - The Applicant must construct the building to exceed energy efficiency standards for the building type by 17.5%, as determined by MCDPS through the methodology established by ASHRAE 90.1 (2013) Appendix G. The final energy model must be submitted to DPS with the building permit application.

12. Pedestrian and Bicycle Circulation

- a. The Applicant must provide 128 long-term and 15 short-term bicycle parking spaces.
- b. The long-term spaces must be in a secured, well-lit bicycle room within the garage, and the short-term spaces must be inverted-U racks (or approved equal) installed along the building's main retail and residential entrances (weather protected preferred). The specific location(s) of the bicycle parking must be identified on the Certified Site Plan.
- c. The Applicant must improve the separated bicycle lanes to achieve the vision of the 2018 *Bicycle Master Plan* along the project's Montgomery Avenue frontage in coordination with MCDOT prior to issuance of the first use and occupancy certificate.
- d. Streetscape improvements
 - i. Montgomery Lane, which includes a 10-foot minimum two-way separated bike lane on the south side, a 6-foot minimum planting zone and an 8-foot minimum sidewalk.
 - ii. East Lane, which includes a 6-foot minimum planting zone and an 8-foot minimum sidewalk.
 - iii. Hampden Lane, which includes a 6-foot minimum planting zone and a 9-foot minimum sidewalk.

13. Transportation Demand Management

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).

14. Lighting

- a. Prior to issuance of any above-grade building permit, 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 onsite 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 onsite down-lights must have full cut-off fixtures, or the BUG equivalent.
- c. Deflectors will 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.

15. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, excluding sheeting and shoring, or sediment control permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-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, retaining walls, fences, railings, sidewalks, 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 the any building permit of 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 for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

16. Development Program

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

17. 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 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; this certification must be based on the testing of at least five representative residential units.

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

- e. Illustrate public benefit calculations on cover sheet of Site Plan consistent with the Staff Report and Site Plan resolution.
- f. Include the Loading Management Plan as reviewed and approved.
- g. Specify chosen material for building elevations.
- h. Update Sending Property information to show entire Lot.
- i. Update Cover Sheet to reflect adjusted PIP payment.
- j. Update Cover Sheet to record plat references (Book and Page) for Density Transfer

SECTION 2: SITE DESCRIPTION

Vicinity

The Property is located in the core of downtown Bethesda, approximately one block west of the Wisconsin Avenue corridor and two blocks south of the Bethesda Metro Station. The surrounding properties are zoned for high-density mixed-use development. The adjacent property to the east, 7340 Wisconsin, is currently developed as a gas station, however, has received sketch plan approval by the Planning Board for the future redevelopment. The property to the west, across from East Lane is a 20-story office and residential building. To the south, across Hampden Lane, is the Metro Tower property, which just received Site Plan approval from the Planning Board for a 250' residential building with ground floor retail, which includes a major through block connection that will align with the Subject Property. To the southwest is One Bethesda Center Condominiums, a 12-story commercial building, which is a Sending Property for this Application for density. The new Bethesda Purple Line station will be located on the south side of the Metro Tower site. To the north across Montgomery Lane is lined with one-story retail, and 2, 3, and 4 Bethesda Metro which comprises of office buildings, hotel, and ground floor retail and restaurants.

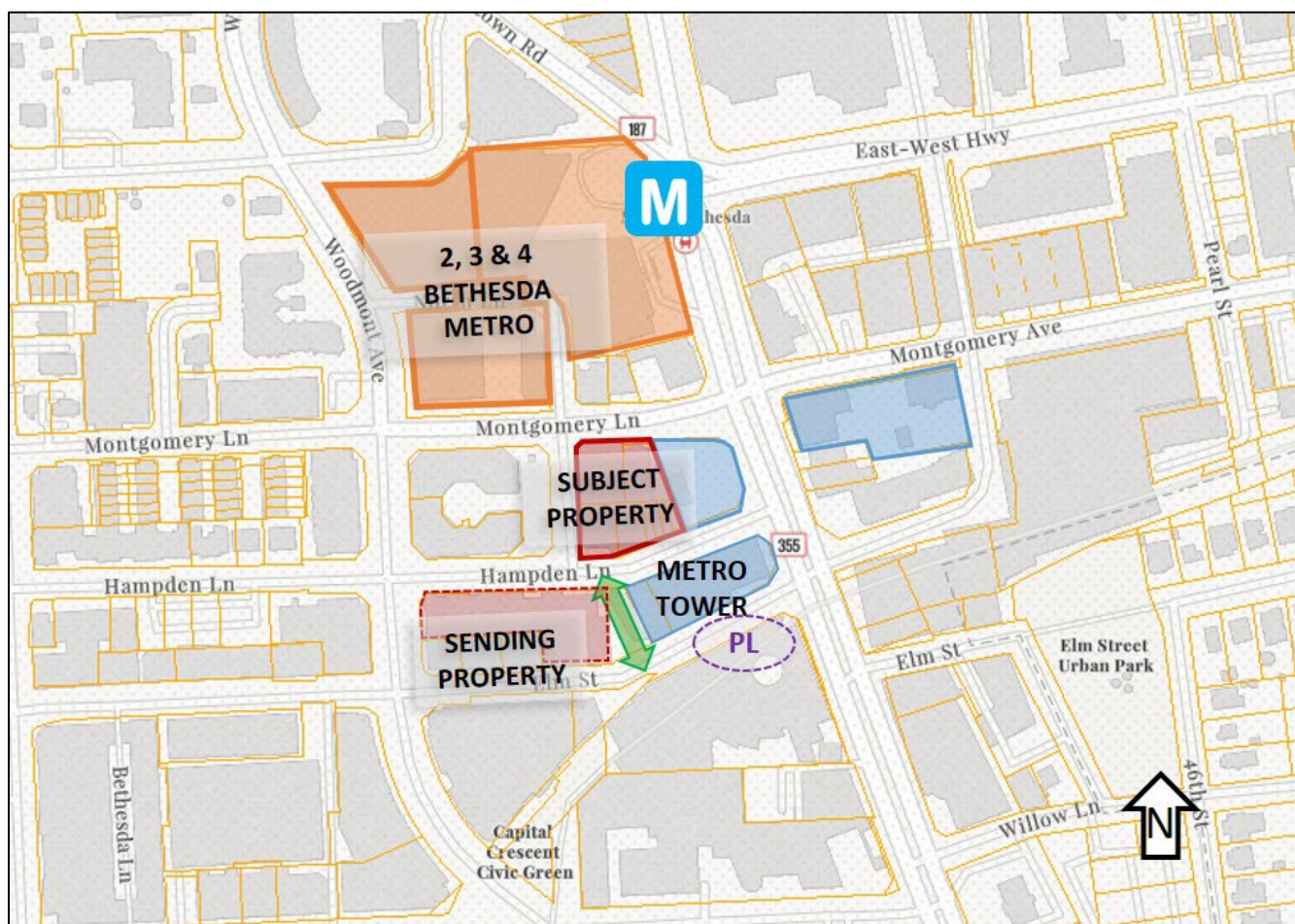


Figure 1 – Vicinity Map

Subject Property

The Subject Site (Subject Property or Property) is located one block west of Wisconsin Avenue within the 2017 *Bethesda Downtown Sector Plan* (Sector Plan) and Wisconsin Avenue Corridor District. The Property is comprised of 5 existing lots and parcels along East Lane between Montgomery Lane and Hampden Lane, including 4703 to 4719 Hampden Lane and 4714 to 4720 Montgomery Lane, with frontage on all three streets.

Sending Property

The Applicant proposes to transfer density to the Subject Property from another property in the vicinity per the provisions of the Bethesda Overlay Zone (Section 50.4.9.2.C.5). The Sending Property being introduced with Sketch Plan Amendment 32020007A is located to the southwest of the Subject Property at One Bethesda Center Condominiums. This site area is approximately 41,062 square feet in size and is currently developed with a 12-story office building totaling 180,396 square feet of density. This property recently was reduced in size through Project Plan No. 91983005B and Site Plan No. 81984006A to allow 4,490 square feet of land to be added to the Metro Tower redevelopment project. Prior to those amendments, the remaining mapped, but unbuilt, density on this site was sold through a Zoning Rights Agreement, recorded in Book 52850 and Page 488, a copy is provided in Attachment D. The Applicant has acquired this purchased, unbuilt density in the amount of 148,445 square feet and proposes to transfer this density to the Subject Property. This transfer will leave the Sending Property (4800 Hampden Lane/One Bethesda Center Condominiums) with the existing density of 180,396 square feet.

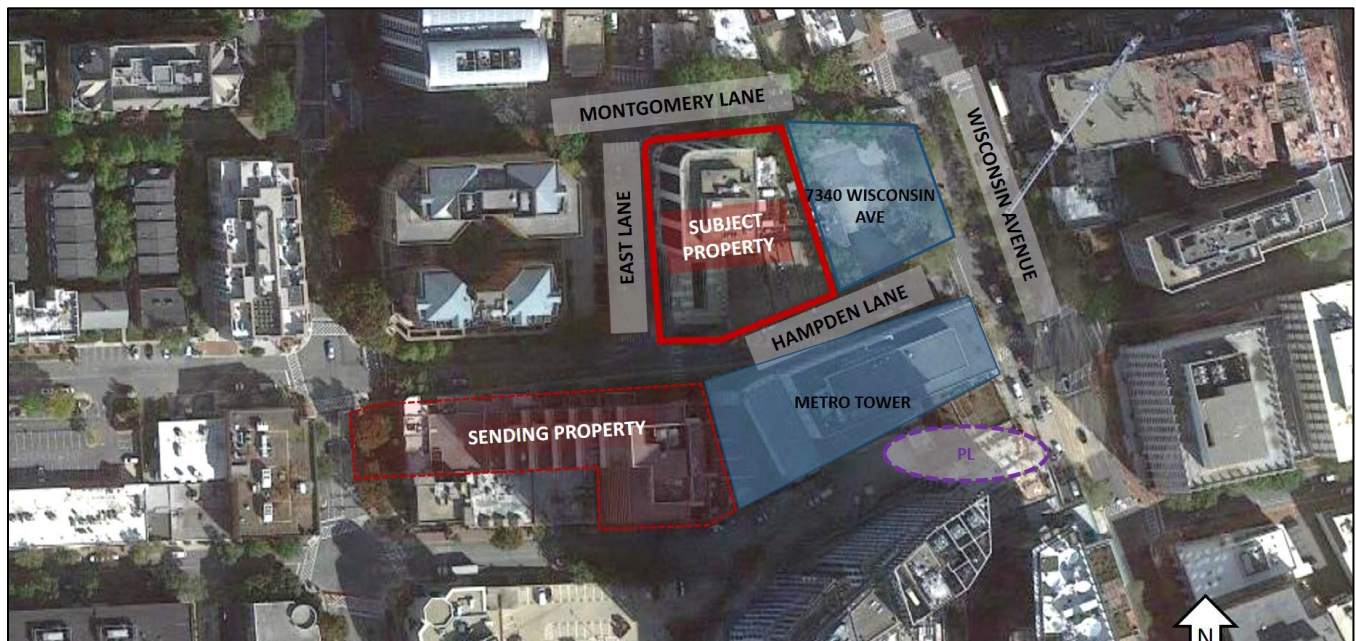


Figure 2 – Aerial Map

Site Analysis

The Site includes approximately 1.06 acres of tract area and is zoned CR 5.0 C 5.0 R 4.75 H-250' and within the Bethesda Overlay Zone. The Site is currently developed with several single-story retail and restaurants, as well as a three-story office building at the corner of Hampden Lane and East Lane and a 110' office building at the corner of Montgomery Lane and East Lane. There are four existing curb cuts to the Property, one from Montgomery Lane and three on East Lane.

The Subject Property is located within the Willett Branch watershed which is a tributary to the Little Falls Branch Stream, a Use I-P watershed¹. Aside from the watershed, the Site is not associated with any environmentally sensitive features such as forest areas, stream buffers, wetlands, 100-year floodplains, steep slopes, or specimen trees. There are several street trees along the site at a range of sizes but are generally under 23" diameter at breast height (DBH). There are no historic properties on-site.

¹ WATER CONTACT RECREATION, PROTECTION OF AQUATIC LIFE, AND PUBLIC WATER SUPPLY

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

SECTION 3: PROJECT DESCRIPTION

Previous Approvals

In October of 2020, the Planning Board approved Sketch Plan 320200070 (MCPB No. 20-115) to allow the Property to redevelop with a new mixed-use building with a maximum density of up to 525,000 square feet and up to 262 feet in height. The Project envisioned up to 10,000 square feet of ground floor retail, up to 350,000 square feet of office, and up to 165,000 square feet of residential for up to 150 multi-family dwelling units with a minimum of 17.6% MPDUs.

Proposal

Sketch Plan Amendment 32020007A

The Applicant proposes to modify the previously approved Sketch Plan to reduce maximum density from 525,000 to 510,000 square feet and modify how density will be achieved. Originally, the Applicant proposed to utilize all mapped density onsite, with the remaining density to be purchased from the BOZ (293,440 square feet). This Sketch Plan Amendment introduces a Sending Property, located southwest of the site, to utilize 148,995 square feet of transferred density. This results in a reduction of BOZ density to be purchased from 293,440 to 129,995 square feet. All other major components and binding elements of the previously approved Sketch Plan remain.

Preliminary Plan 120210130 and Site Plan 820210070

The Applicant proposes to create one lot for the future construction of a 510,000 square feet mixed-use building comprising of up to 330,000 square feet of office, up to 10,000 square feet of retail, and up to 170,000 square feet of residential uses. The residential density will provide up to 150 units with 17.6% MPDUs, the provision of MPDUs beyond minimum required (15%) allow for one additional floor of height beyond the maximum mapped height (from 250' to 262').

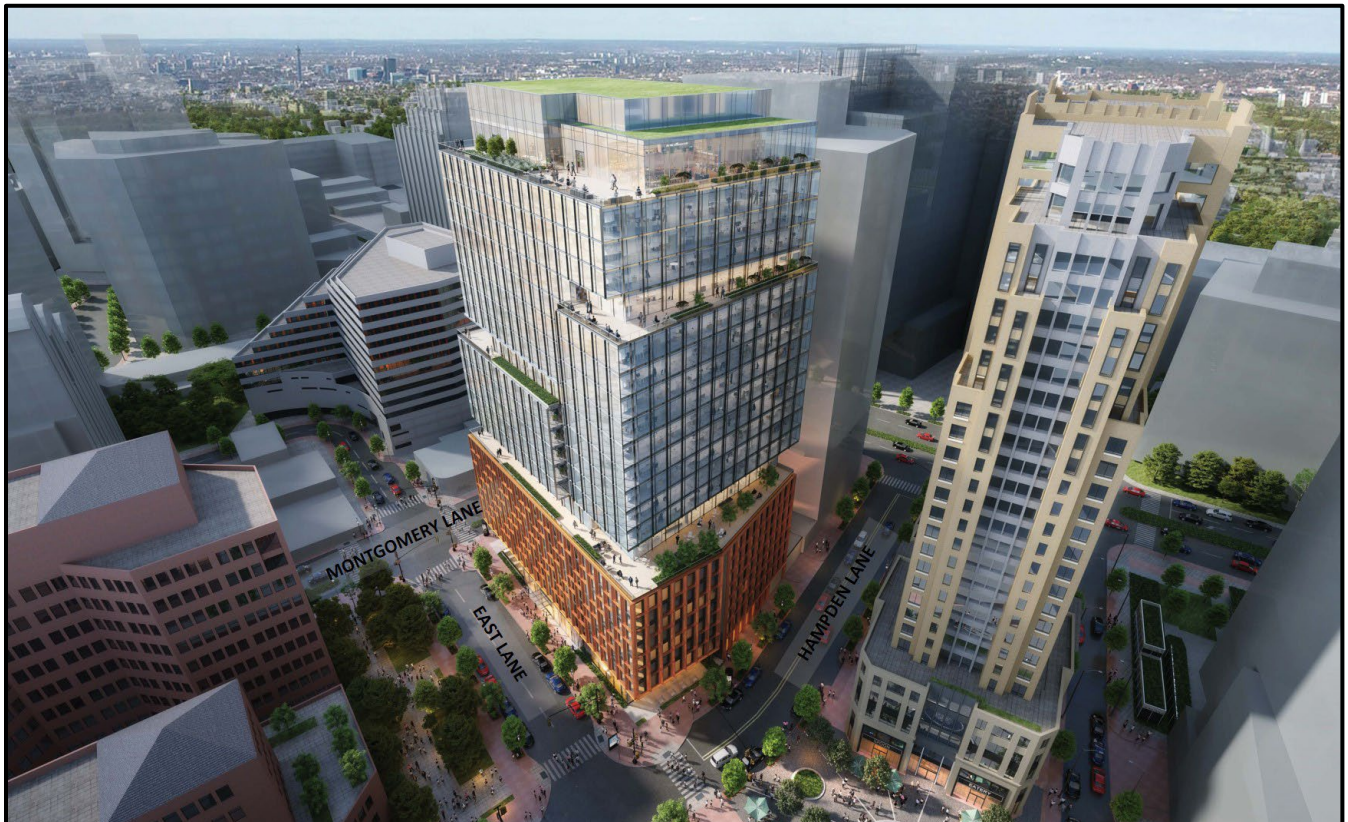


Figure 3 – Birds eye perspective

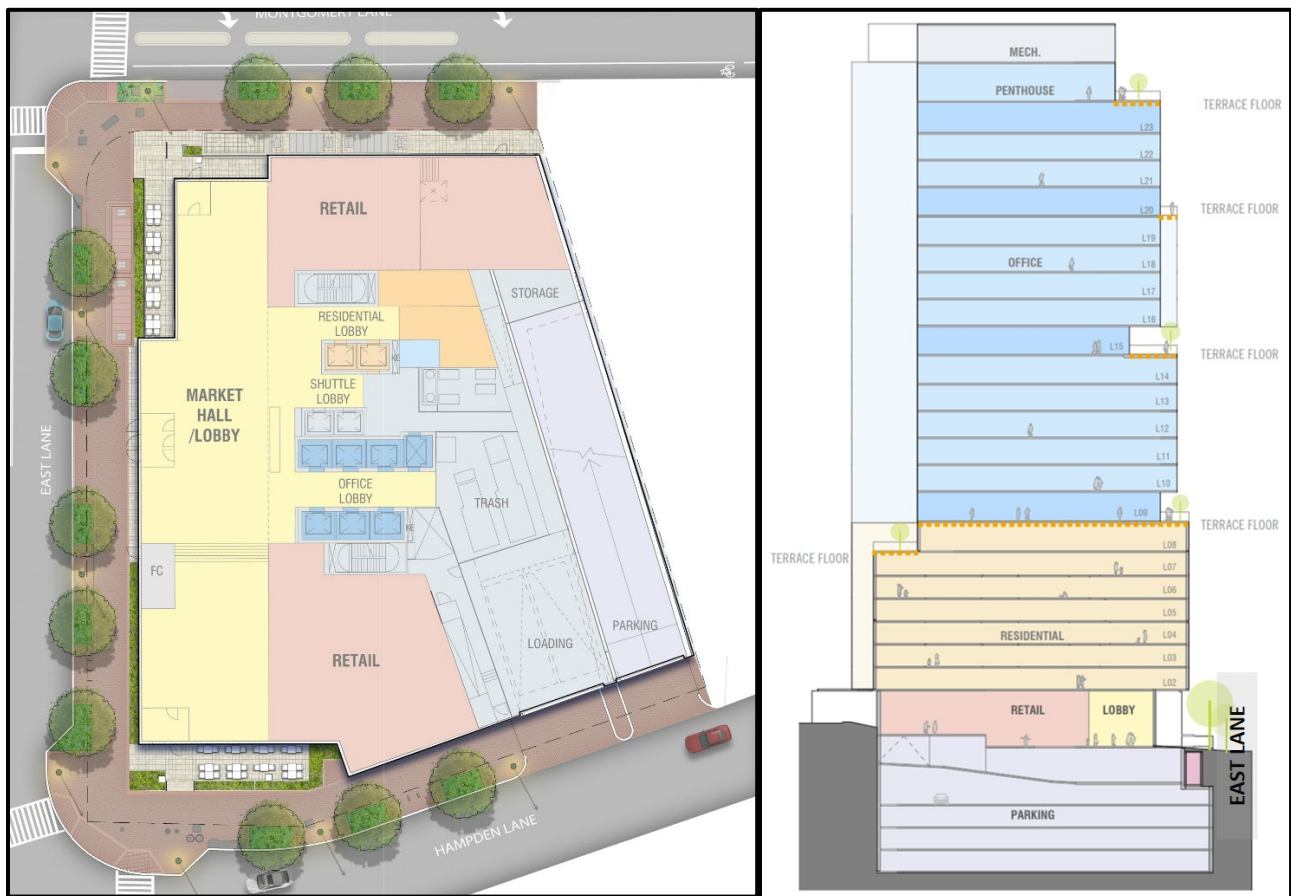


Figure 4 – Rendered Site Plan (left) Building Section showing mix of uses (right)

Building & Site Design

The building will vertically program the mix of uses with retail on the ground floor allowing several entrances to activate the three frontages, residential in the mid-floors, and office on the top floors. The main lobby will be shared by the office and residential users and will be located on East Lane. Loading and the structured parking entrance is consolidated along the Hampden Lane frontage. The Applicant has refined the building's massing and articulation from Sketch Plan to soften the southwest corner, at the intersection of Hampden Lane and East Lane, as well as enhance the 'program break' between the residential and office uses, which will allow for an outdoor terraced amenity area for the residential floors (See Figure 5).

The materials chosen will be selected to achieve compatibility with the neighborhood character while also providing a distinctive building of contrasting and juxtaposed forms, expressive of the uniqueness of the buildings program. The retail and terrace levels will be transparent and primarily glass in material, the residential and office programs will have textured surfaces. The Applicant presented two material choices for the lower floors (See Figure 6 below), which will express the residential as either a warm terracotta or grey brick to match the upper office levels. Glazing systems will be high performance thermally broken insulated glass, and designed to be bird-safe, allowing for an envelope that achieves energy efficiency performance consistent with a LEED Silver rating.



Figure 5 – View from future Metro Tower Plaza



Figure 6 – Material choices for residential floors

Building Height

In addition to the additional floor (12' in height) due to the provision of MPDUs for a maximum height of 262', the Applicant is requesting an alternative measuring point for building height, pursuant to Section 59.4.1.7.C.2.a of the Zoning Ordinance. As described above, the Property contains three frontages, therefore is considered a through lot, which would require the measuring point to be located opposite the middle of the building façade. Alternatively, the Applicant is requesting the measuring point to be located along the southeastern portion of Hampden Lane to allow for more compatible urban design at the Property including taller retail ceilings. Staff supports this location.

Open Space

The Site is required to provide 10% of site area as public open space, resulting in 3,040 square feet. The Applicant proposes to locate this space adjacent to the public right-of-way along all three frontages, with a focus on East Lane, which allows for generous street tree plantings, sidewalk, and frontage areas envisioned by the 2017 *Bethesda Downtown Sector Plan*.

Access and Circulation

Pedestrian access to the Property is proposed directly from the existing sidewalks along East Lane (primary lobby access), Hampden Lane, and Montgomery Lane. Bicyclists access the Property via East Lane, Hampden Lane, and Montgomery Lane. All three streetscapes will be brought into compliance with the 2020 *Bethesda Streetscape Design Standards* which include a 6-foot tree lawn. On the East Lane and Montgomery Lane frontages the sidewalks will be widened to a minimum of 8-feet and on Hampden Lane the minimum sidewalk width will be 9-feet wide.

Bicycle access will be improved on Montgomery Lane upon implementation of the MCDOT interim separated bicycle lanes project¹ (anticipated to be completed in fall/winter 2020), discussed below. As conditioned, the Subject Project will further improve the new separated bicycle lanes to achieve the ultimate master-planned vision of the separated bicycle lanes by elevating the bikeway to an intermediate level between the sidewalk and the adjacent roadway, as shown in Figure 7 below.



Figure 7 – Frontage views along Montgomery and East Lane

¹ CIP No. 500119, Bethesda Bikeway and Pedestrian Facilities:
https://www.montgomerycountymd.gov/OMB/Resources/Files/omb/pdfs/fy16/cip_pdf/P500119.pdf

The Applicant proposes a portion of required parking to be provided onsite in a below grade parking garage (up to 310 spaces), and 140 off-street parking spaces to be located offsite (within ¼ mile to the west), as allowed per the Zoning Ordinance. Vehicular access to the onsite parking garage is proposed via Hampden Lane. A consolidated curb cut shown on the Site Plan provides combined access for the two required off-street loading facilities and access to the structured parking garage. Separating the loading facilities and the garage ramp is a 6-foot pedestrian refuge. 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 Hampden Lane during peak travel periods¹. Key elements of the loading management plan include the following:

1. A loading dock manager will be designated by the building management. The dock manager will coordinate with vendors and tenants to schedule deliveries and move in/move out activities and will be on duty during weekday regular daytime business building hours of the building and will coordinate to resolve any loading dock conflicts should they arise.
2. The dock manager will coordinate the scheduling of deliveries and move in/move out activities such that the dock's capacity is not exceeded. In the event that an unscheduled delivery vehicle arrives while either dock is full, that driver will be directed to return at a later time when a berth will be available so as not to compromise safety or impede street or intersection function. Signage will be posted in the loading docks notifying users that truck idling is restricted on Hampden Lane.
3. A flagger will be provided when necessary to alert and assist a vehicle that is entering/exiting the loading dock. This flagger will alert pedestrian/bicyclists/other vehicles to trucks that may be entering or exiting the loading facilities.
4. The loading dock will be available seven days a week, on weekdays from 5:30 am to 6:30 pm, and on weekends on a limited schedule as needed. Special deliveries may be scheduled outside of normal operating hours, for by way of example: event services and construction and maintenance services. Commercial deliveries are anticipated to average four to five deliveries daily on weekdays. Move-in/move-out activities are anticipated to be more common on weekends than on weekdays, with up to six activities per day.

A narrow, 8-foot short-term parking lane is proposed on the curbside of the Site's East Lane frontage opposite the main lobby entrance to accommodate taxis, short-term delivery services and ride share activity. The design of the layby will include a new bump-out on the northeast corner at East Lane and Hampden Lane that will align with the existing bump-out at East Lane and Montgomery Lane. The juxtaposition of the short-term parking lane is such that it does not interrupt the tree lawn or the pedestrian pathway, thereby eliminating potential conflicts with pedestrians and motorists. Repurposing the existing metered parking lane with a short-term parking/layby is the ideal compromise for the many demands of the curb lane in an urban area.

¹ 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.

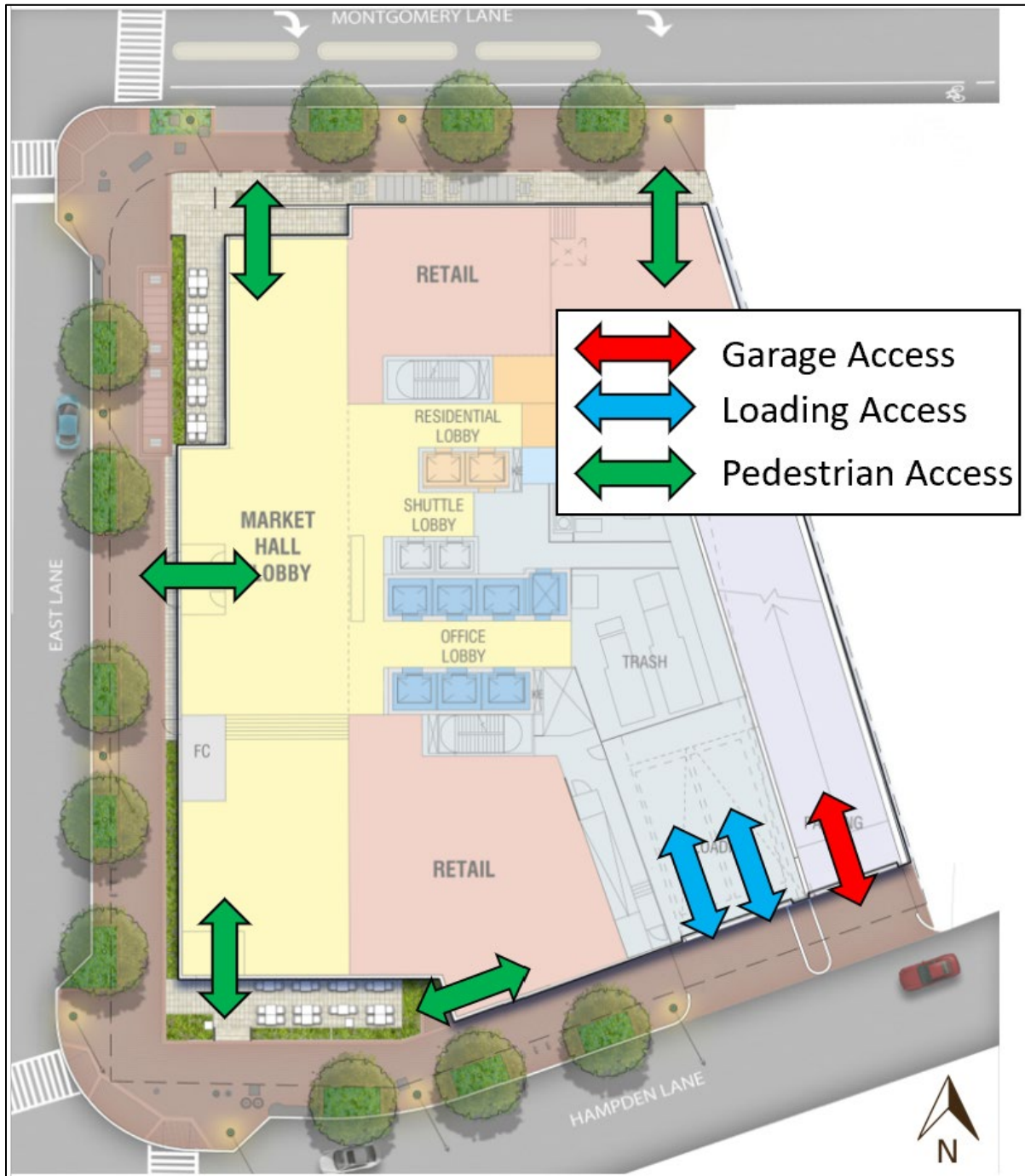


Figure 8 – Pedestrian and Vehicular Circulation

Transit Connectivity

The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station (located within two blocks of the site), Metrobus, RideOn, the Bethesda Circulator, future Purple Line, and future Bus Rapid Transit (BRT) station, located one block south of the site. The 2013 *Countywide Transit Corridors Functional Master Plan* identifies the intersection of Elm Street and Wisconsin Avenue as a future station location for the MD 355 South Corridor.

Master Plan Roadways and Pedestrian/Bikeway Facilities

The 2017 Bethesda Downtown Sector Plan, the 2018 Master Plan of Highways and Transitways, and the 2018 Bicycle Master Plan recommend the following master plan facilities along property frontage:

1. Montgomery Lane, along the north site frontage, as a Business District Street with a minimum right-of-way width of 70' (35' from center line), and separated bike lanes along the south (site) side.
2. East Lane, along the east site frontage, as a Business District Street with a minimum right-of-way width of 55' (26' from centerline).
3. Hampden Lane, along the south site frontage, as a Business District Street, with a minimum right-of-way width of 60' (30' from centerline).

Bethesda Bikeway and Pedestrian Facilities

The County Council has endorsed and funded a network of new separated bicycle infrastructure within the Bethesda Downtown (CIP No. 500119) which is anticipated to be completed in fall/winter 2020. That network identifies Montgomery Lane as two-way separated bike lanes to be improved in the future with upgraded, landscaped buffers between motorized and non-motorized traffic on the south side of the street (Figure 9). It is anticipated that the interim conditions of this facility will be built and finalized prior to this Site's construction. As conditioned, the Applicant will further improve the separated bike lanes currently under design and will participate in implementation of the Master Planned Montgomery Lane separated bicycle lanes along the Property's Montgomery Lane frontage. This includes raising the bikeway to an intermediate grade between the adjacent travel lane and sidewalk.

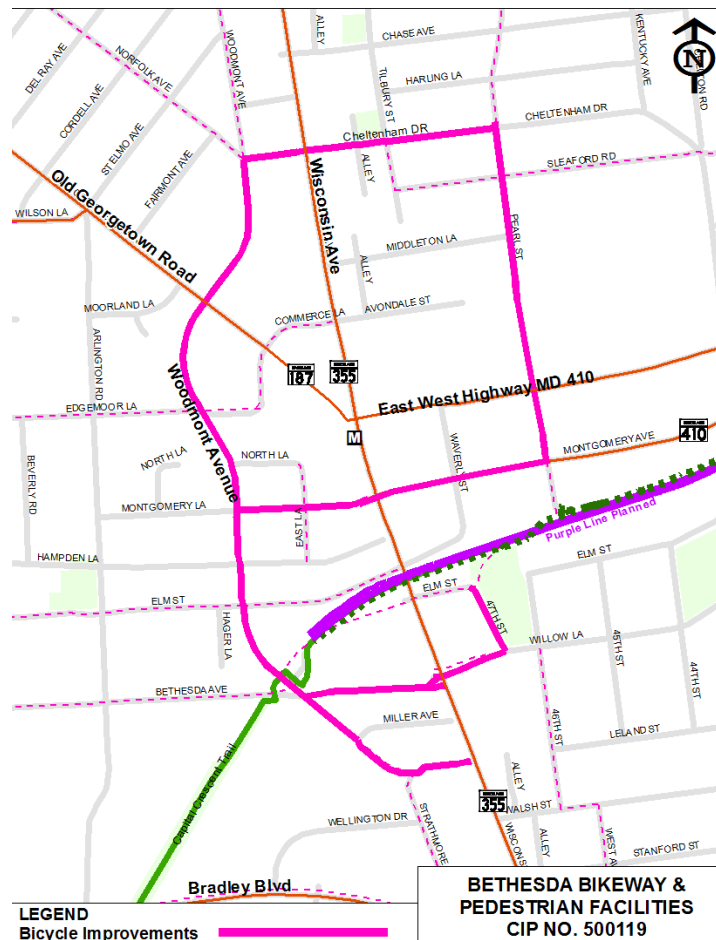


Figure 9 – Bethesda Separated Bikeway Network Map

Transportation Demand Management

As a mixed-use project within the Bethesda Transportation Management District (TMD), the development is required to develop a Level 3 Results Transportation Demand Management (TDM) Plan with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District (TMD). The specific criterion requiring a Level 3 Results TDM Plan is 40,000 square feet of development or more in a Red policy area, as identified in the 2016 -2020 Subdivision Staging Policy.

Design Advisory Panel

During their March 24, 2021 meeting, the Design Advisory Panel (DAP) voted 5-0 in support of 25 points with the Project as proposed, however if the Applicant were to commit to a Site Plan condition to pursue a minimum of LEED Gold certification, the Panel supports the full 30 points requested. Additional context and discussion for the DAP's recommendations are included in DAP meeting summary (Attachment C). A full discussion of how the Project meets the exceptional design criteria is provided in the Public Benefits section of this Staff Report.

Community Outreach

The Applicant held a pre-submittal public meeting on December 3, 2020 and a second meeting on May 3, 2021 related to the Sketch Plan Amendment. Both meetings were conducted virtually per COVID-19 Guidelines and has complied with all submittal and noticing requirements. Staff has not received any correspondence as of the date of this staff report.

SECTION 4: SKETCH PLAN AMENDMENT 32020007A

ANALYSIS AND FINDINGS

The Planning Board approved Sketch Plan No. 320200070 to allow a mixed-use building with a maximum density of 525,000 square feet on the Subject Property, and up to 262' in height, consisting of up to 10,000 square feet of ground floor retail, up to 350,000 square feet of office, and up to 165,000 square feet of residential for up to 150 multi-family dwelling units with a minimum of 17.6% MPDUs, zoned CR 5.0 C 5.0 R 5.0, H-225 in the 2017 *Bethesda Downtown Sector Plan*. The maximum density includes up to 293,440 square feet of density from the Bethesda Overlay Zone (BOZ) with a Park Impact Payment (PIP).

Sketch Plan Amendment 32020007A proposes to reduce the previously approved maximum density from 525,000 to 510,000 square feet, reduce requested BOZ density from 293,440 to 129,995 square feet and include a sending property (1.56 acres) for 148,445 square feet of transferred density. This Amendment does not alter the intent, objectives, or requirements in the originally approved Sketch Plan and all previous findings remain in effect. The data table has been updated to reflect the proposed changes.

Table 1: Sketch Plan Data Table

Subject Property					
CR 5.0 C-5.0 R-4.75 H-250				46,312 sf (1.06 ac)	
Prior Dedication				14,485 sf (0.331 ac)	
Proposed Dedication				1,431 (0.03 ac)	
Site Area				30,396 sf (0.70 ac)	
Sending Property					
CR 5.0 C-4.0 R-4.75 H-175				61,159 sf (1.40 ac)	
Prior Dedication				19,996 sf (0.46 ac)	
Site Area				41,163 (0.94) sf	
Total Site Area				30,396 sf (0.70 ac)	
Total Tract Area				107,471 sf (2.48 ac)	
Section 59.4	Development Standard	Permitted/ Required	Approved by 320200070	Proposed 32020007A	Proposed 820210070
	Mapped Density CR 5.0 C-5.0 R-4.75 H-250				
	Residential Density (GFA/ FAR)	219,982 sf (4.75)	165,000 sf (3.56)	170,000 sf (3.56)	170,000 sf (10.57) / 150 units
	Commercial Density (GFA/FAR)	231,560 sf (5)	360,000 sf (7.77)	340,000 sf (7.34)	340,000 sf (7.34)
	Total Mapped Density		231,560 sf (5.0)	231,560 sf (5.0)	231,560 sf (5.0)
	Bethesda Overlay Zone Density	n/a	293,440 sf (6.34)	129,995 sf (2.80)	129,995 sf (2.80) ²
	Sending Property Density	148,445 sf ¹	0	148,445 sf	148,445 sf
	Total FAR/GFA	n/a	525,000 sf (11.34)	510,000 sf (11.01)	510,000 sf (11.01)
	MPDUs	15%	17.6%	17.6%	17.6% / 27 units ²
	Building Height CR 5.0 C-5.0 R-4.75 H-250	250 feet	262 feet	262 feet	262 feet ³
	Public Open Space (min)	10% of Site Area	10% of Site Area	10% of Site Area	10% / 3,040 sf
	Minimum Setbacks				
	East Lane	0'	10'	10'	10'
Hampden Lane	0'	5'	2'	2'	
Montgomery Lane	0'	4'	0'	0'	
Rear	0'	0'	0'	0'	
Green Cover	35% / 10,639 sf	35%	35%	35% / 10,700 sf	

¹ Density transfer is a result of Zoning Agreement as recorded in Book 52850 and Page 488. One Bethesda Center/4800 Hampden Lane will maintain 180,396 square feet of density onsite for the existing development.

² The Application is subject to a Park Impact Payment for the use of BOZ density, to be paid at the time of Building Permit. The Application is providing 17.6% MPDUs (27 units) resulting in 27,000 square feet of MPDU density, which is reduced from the Park Impact Payment.

³ The Project is eligible for an additional 12 feet of height based on the provisions of MPDUs above 15% (Section 59.4.9.2.C.3.b)

SECTION 5: PRELIMINARY PLAN 120210130

ANALYSIS AND FINDINGS

- a. *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 and orientation are appropriate for the location of the subdivision considering the recommendations in the 2017 *Bethesda Downtown Sector Plan* and the type of development and use contemplated. The lot complies with the dimensional requirements for the CR zone as specified in the Zoning Ordinance.

- b. *The Preliminary Plan substantially conforms to the Master Plan or Urban Renewal Plan*

a. Land Use

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

1. **Parks and open spaces**, including new civic greens at Veteran's Park, Bethesda Farm Women's Cooperative Market, Capital Crescent Trail and new urban parks, pathways and gateways. Many of these parks on the eastern edge are to be connected through the creation of the Eastern Greenway.
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 103 on page 99 of the Sector Plan. The Property is located in the Wisconsin Avenue Corridor District. This District is the main artery through the center of downtown Bethesda. With the existing Bethesda Metrorail Station, future Purple Line and bus rapid transit (BRT) options, Wisconsin Avenue is a critical focus area for improved access, mobility and pedestrian safety. The corridor is envisioned as a symbolic downtown center that reflects the character of adjacent neighborhoods and overall identity of Bethesda through innovative building designs and active public spaces. Specifically, the Project addresses the following goals as outlined in the Overarching Goals and Wisconsin Avenue Corridor sections of the Sector Plan:

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

The Project provides an opportunity for infill development of underdeveloped commercial properties within a block of the Metro station, as recommended by the Sector Plan, by converting several commercial properties into a mixed-use Project with up to 330,000 square feet of office, 170,000 square feet of multi-family residential uses, and up to 10,000 square feet of retail.

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

The Proposal includes a minimum of 17.6% MPDUs, which exceeds the Sector Plan requirement of 15%. The Project is located two blocks from the Bethesda Metro Station and one block from the future Purple Line Station.

- *Develop compact nodes that place the highest intensity in those centers, provide distinctive infill buildings and step down to lower densities and heights near the edges.*

The Project will place a mixed-use building, containing office, high-density residential uses, and street activating retail uses, in the core of downtown Bethesda. The conceptual building design incorporates several urban design elements that will enhance the visual interest from several locations including Wisconsin Avenue, Hampden Lane, East Lane, and Montgomery Lane.

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

The Project will incorporate energy efficient building systems to exceed the ASHRAE 90.1 standard by a minimum of 17.5%, as required by the Bethesda Overlay Zone. In addition, intensive green roof systems are proposed to maximize the Property's overall green cover.

- *Improve the pedestrian environment with upgraded streetscapes*

The Project will improve and enhance the pedestrian environment along all three building frontages on Montgomery Lane, East Lane, and Hampden Lane per the Bethesda Design Guidelines. Additionally, the Applicant will participate in the implementation of master planned separated bicycle lanes along Montgomery Lane.

b. Environment

In pursuit of meeting the environmental recommendations within the 2017 *Bethesda Downtown Plan*, the Applicant has proposed the incorporation of several design features which address the Sector Plan's vision; this includes site design strategies that provide multiple performance area benefits for water quality, habitat, health and aesthetic improvement such as intensive green roof and bioretention. The Site Plan will also reduce impervious cover to maximize stormwater infiltration and green space, and incorporates additional street trees along Hampden, East and Montgomery Lane.

Further, this Application addressed the Bird-Safe Design principles per the Bethesda Downtown Sector Plan Design Guidelines through the proposal of glass coverage, glazing, and architecture features that minimize the risk to local and migratory birds.

c. Transportation

The 2017 *Bethesda Downtown Sector Plan*, the 2018 *Master Plan of Highways and Transitways*, and the 2018 Bicycle Master Plan recommend the following master plan facilities along the Property's frontage:

1. Montgomery Lane, north frontage, as a Business District Street with a minimum right-of-way width of 70 feet (35 feet from centerline). A two-way separated bike lane is recommended along the south (Site) side of the street in the 2018 *Bicycle Master Plan* along Montgomery Lane between Woodmont Avenue and East-West Highway (MD 410).
2. East Lane, west frontage, as a Business District street, with a minimum right-of-way width of 55 feet (26 feet from centerline). No designated bikeways are recommended in the 2018 *Bicycle Master Plan* along East Lane between Hampden Lane and Montgomery Avenue.
3. Hampden Lane, south frontage, as a Business District Street with a minimum right-of-way width of 60 feet (30 feet from centerline). No designated bikeways are recommended in the 2018 *Bicycle Master Plan* along Hampden Lane between East Lane and Wisconsin Avenue (MD 355).

The Applicant will dedicate additional right-of-way along all three of the Site's frontages necessary to achieve the minimum widths recommended in the 2018 *Master Plan of Highways and Transitways* and the 2017 *Bethesda Downtown Sector Plan*. The necessary additional right-of-way varies along the Site frontages and is recorded on Sheets PP-3 and PP-55 of the submitted Preliminary Plan.

The Applicant has also demonstrated conformance with the 2020 *Bethesda Downtown Streetscape Standards* along all three Site frontages. Along Montgomery Avenue, the street tree buffer will be widened to a minimum of 6-feet with a minimum 8-foot sidewalk. East Lane will be completely redesigned with a 6-foot minimum street tree buffer and a minimum 8-foot sidewalk. Hampden East will also include a 6-foot street tree buffer and a minimum 9-foot wide sidewalk.

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

a. Roads and Other Transportation Facilities

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

i. *Existing Facilities*

The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station (located within two blocks of the site), Metrobus, RideOn, the Bethesda Circulator, future Purple Line, and future Bus Rapid Transit (BRT) station, located one block south of the Site. The existing pedestrian infrastructure is lacking, with narrow sidewalks and few street trees, particularly on East Lane. Bicycle access will be improved by the construction of the two-way separated bike lane along Montgomery Avenue by MCDOT, which as conditioned will be upgraded to its ultimate condition along the Site's frontage by the Applicant.

ii. *Proposed public transportation infrastructure*

Pedestrian access to the Property is proposed directly from the existing sidewalks along East Lane (primary lobby access), Hampden Lane, and Montgomery Lane. Bicyclists access the Property via East Lane, Hampden Lane, and Montgomery Lane. All three streetscapes will be brought into compliance with the 2020 *Bethesda Streetscape Design Standards* which include a 6-foot tree lawn. On the East Lane and Montgomery Lane frontages the sidewalks will be widened to a minimum of 8-feet and on Hampden Lane the minimum sidewalk width will be 9-feet wide.

Bicycle access will be improved on Montgomery Lane upon implementation of the MCDOT interim separated bicycle lanes project¹ (anticipated to be completed in fall/winter 2020), discussed below. As conditioned, the Subject Project will further improve the new separated bicycle lanes to achieve the ultimate master-planned vision of the separated bicycle lanes by elevating the bikeway to an intermediate level between the sidewalk and the adjacent roadway.

The Applicant proposes a portion of required parking to be provided onsite in a below grade parking garage (up to 310 spaces), and 140 off-street parking spaces to be located offsite (within ¼ mile to the west), as allowed per the Zoning Ordinance. Vehicular access to the onsite parking garage is proposed via Hampden Lane. A consolidated curb cut shown on the Site Plan provides combined access for the two required off-street loading facilities and access to the structured parking garage. Separating the loading facilities and the garage ramp is a 6-foot pedestrian refuge. 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 Hampden Lane during peak travel periods².

The Subdivision Regulations generally indicate that corner lots at an intersection must be truncated by straight lines joining points 25 feet back from the theoretical property line intersection in each quadrant, which would require a 25-foot truncation at the corners of Montgomery Lane and East Lane, and Hampden Lane and East Lane for traffic operations and safety. Historically, Planning and MCDOT have not required full truncations in urban settings to accommodate building placement as long as sight distance and traffic functions are not impeded. The Project is designed with public open space along these corners to allow for additional building setback at the ground level, wider streetscapes for pedestrian movements, and the Sector Plan recommended bikeway facility on Montgomery Lane. The Applicant is seeking approval from the Planning Board for a reduced truncation as part of the proposed record lot. The Project incorporates setbacks that are substantially greater than the existing condition at these corner locations. The build-to-lines and building form of the ground floor will enhance vehicular and pedestrian visibility at this intersection such that a reduced truncation allows for enhanced traffic operations and safety. Sight Distance evaluations were submitted for review by MCDOT, which approved the proposed distances with the reduced truncation. The Applicant will be required to record a PIE at these corners in lieu of truncation. The Applicant has also committed to keeping this area free and clear of permanent items that could obstruct motorists view of the adjacent roadway network. Staff supports the Applicant's request to eliminate the truncation at the corner of i.) Hampden and East Lane, and ii.) Montgomery and East Lane in accordance with Section 50.4.3.E.2.f.iii of the Montgomery County Subdivision Regulations.

iii. *Proposed private transportation infrastructure*

No private roads, trails or shuttles are required or proposed as part of the Subject Application.

b. Local Area Transportation Review (LATR)

The Project analyzed the potential impact on the transportation network of replacing 96,236 square feet of office and 13,876 square feet of retail uses (existing use on the site) with 350,000³ square feet of office and 150 multi-family residential units and 10,000 square feet of retail (proposed for the Site) in

¹ CIP No. 500119, Bethesda Bikeway and Pedestrian Facilities:

https://www.montgomerycountymd.gov/OMB/Resources/Files/omb/pdfs/fy16/cip_pdf/P500119.pdf

² 1 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.

³ The Project is subject to approval for a maximum of 340,000 square feet of office use; however, as a conservative measure the Project was analyzed based on a total of 350,000 square feet of development.

accordance with the 2017 *Local Area Transportation Review Guidelines* (LATR). Based on this assessment, the Project is estimated to generate a total of 369 net new person trips during the AM weekday peak period and 361 net new person trips during the PM weekday peak period. Because the application generates over 50 peak hour person trips, a traffic study was required for Local Area Transportation Review.

Table 2 - Trip Generation											
Land use	Density	Motorist		Transit		Bicycle		Pedestrian ¹		Person Trips	
		AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
Proposed											
Office	350,000 SF	224	236	111	117	73	77	184	194	468	493
Multi-family Residential	150 units	37	43	9	10	12	14	21	24	73	84
Retail	10,000 SF	N/A ²	N/A ²	N/A ²	N/A ²	N/A ²	N/A ²	N/A ²	N/A ²	N/A ²	N/A ²
Subtotal		261	279	120	127	85	91	205	218	541	577
Existing											
Office	96,263 SF	74	69	37	34	24	23	61	57	154	144
Retail	13,876 SF ¹	8	32	2	8	5	20	7	28	18	72
Subtotal		82	101	39	42	29	43	68	85	172	216
Net New		179	178	81	85	56	48	137	133	369	361

Source: *Transportation Impact Study* by Kimley Horn, December 2020, Revised May 2021

1. Pedestrian Trips are estimated by adding transit trips and non-motorized trips (2017 LATR, page 17).

2. In accordance with the 2017 LATR, no new person trips are estimated by retail space in a building that totals to less than 15,000 gross square feet of retail space in a building that has at least 90 percent of its floor area ratio devoted to non-retail uses, if no parking space for retail customers are included in the site plan (page 22 of the LATR).

The Project is estimated to generate 179 net new vehicle trips in the morning peak hour and 178 in the evening peak hour and was therefore required to study one tier of intersections, as approved by Planning, MCDOT and MDOT SHA staff. The identified intersections were studied in December of 2021 as shown in Figure 10 and Table 3 below.

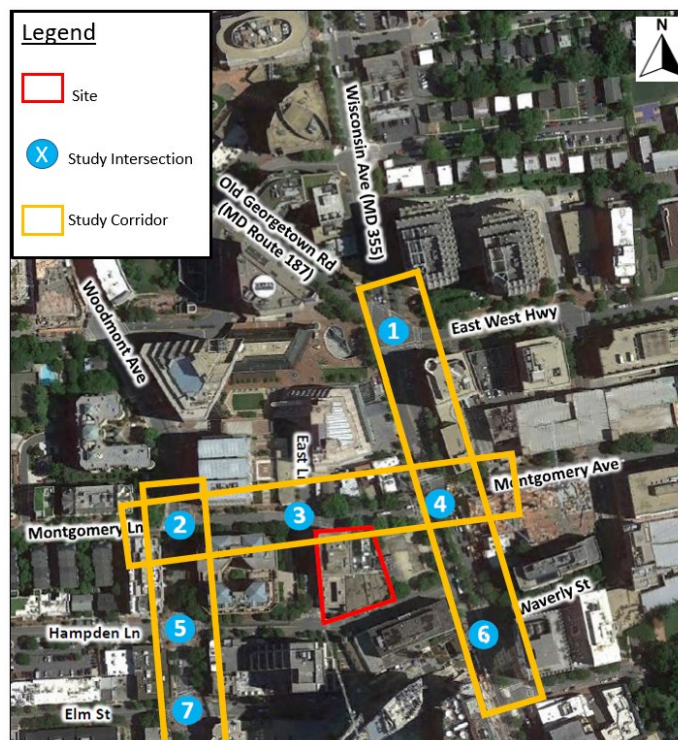


Figure 10: Study Intersections and Study Corridors

Table 3 - Motor Vehicle Adequacy HCM Analysis – Average Vehicle Delay (sec.)							
Intersection/Corridor	Policy Area Congestion Standard	Existing		Background		Total Future	
		AM	PM	AM	PM	AM	PM
1. Wisconsin Ave at Georgetown Rd/ East-West Hwy	120 sec.	36.5	32.7	47.9	34.9	51.2	37.2
2. Woodmont Ave at Montgomery Ln	120 sec.	5.6	6.2	5.5	6.5	5.5	6.5
3. East Ln at Montgomery Ln	120 sec.	12.5	19.2	8.6	14.9	10.1	18.9
4. Wisconsin Ave and Montgomery Ln/ Montgomery Ave	120 sec.	11.5	17.8	19.9	30.8	19.9	35.0
5. Woodmont Ave at Hampden Ln	120 sec.	15.1	14.4	11.8	13.6	11.4	13.7
6. Wisconsin Ave at Elm St/ Waverly St	120 sec.	14.7	25.0	18.2	52.4	18.1	52.2
7. Woodmont Ave at Elm St	120 sec.	14.5	16.1	14.1	14.8	14.1	14.7
8. Hampden Ln and Site Driveway/ Garage Access	120 sec.	N/A	N/A	N/A	N/A	2.4	3.4
A. Woodmont Ave Corridor	120 sec.	6.0	6.0	5.0	5.0	5.0	5.0
B. Wisconsin Ave Corridor	120 sec.	15.0	16.0	21.0	22.0	23.0	23.0
C. Montgomery Ln/Ave Corridor	120 sec.	20.0	25.0	29.0	31.0	29.0	37.0

Source: *Transportation Impact Study by Kimley Horn, December 2020, Revised May 2021*

On September 17, 2020, the Montgomery County Planning Department initiated an interim policy to adjust traffic counts taken during COVID-19 pandemic. The county's policy was based on data collected by SHA which demonstrated that statewide daily traffic volumes had leveled off at approximately 83% of traffic compared with 2019 levels. These volumes, while lower than the pre-March 2020 volumes, reflected the existing "new normal" daily traffic conditions. Per the methodology outlined in the September 17 memorandum, new traffic counts were allowed to be collected and used in a traffic study with the following requirements:

1. The new counts must be adjusted by a factor to account for Montgomery County Public Schools not being in session in-person. The calculated adjustment factor of 1.07 must be applied as follows:
2. AM peak period – Apply the 1.07 adjustment factor to all AM peak period traffic counts.
3. PM peak period – Apply the 1.07 adjustment factor to any PM peak period traffic counts captured before 4:30 pm. No adjustment factor is required for counts captured after 4:30 pm.

School was not in session when the turning movement counts for this study were collected, so the counts were adjusted per the guidelines above.

Due to construction on the west leg (Elm Street) of the intersection of Wisconsin Avenue and Elm Street/Waverly Street and the east leg (Elm Street) of the intersection of Woodmont Avenue and Elm Street, the above outlined procedure could not be used to develop representative 2020 existing traffic volumes for these intersections. Per the scoping agreement with Planning, MDCOT and MDOT SHA staff, at these particular intersections count data from 2016 was used and adjusted using an annual growth rate of 0.5%. This growth rate was based on review of historical AADT data along Wisconsin Avenue provided by MDOT. The growth rate was applied to through volumes on Wisconsin Avenue at the intersection of Wisconsin Avenue and Elm Street/Waverly Street, and applied to all movements at the intersection of Woodmont Avenue and Elm Street.

All corridors studied show an average vehicle delay that is fewer than 120 seconds in both the morning and even peak hours. Therefore, a finding can be made that the adjacent network has adequate capacity today and can accommodate the vehicle trips estimated to increase by the Project. As per the 2016-2020 LATR, no mitigation will be required by the Applicant.

The Project is estimated to generate 81 net new transit trips in the morning peak hour and 85 net new trips in the evening peak hour. However, the Site is located within 1,000 feet of a Metrorail station entrance (Bethesda Station) and is therefore exempt from the transit adequacy evaluation requirement as the transit patrons are likely to have a significant orientation toward Metrorail rather than buses (2017 LATR, page 51).

The Project is estimated to generate 137 net new pedestrian trips in the morning peak hour and 133 net new trips in the evening peak hour, and is therefore required to evaluate the pedestrian adequacy of the adjacent network. The 2017 LATR requires that projects exceeding 50 net new peak hour pedestrian trips must:

- Fix (or fund) all Americans with Disabilities Act (ADA) noncompliance issues, including, but not limited to, curb ramps and sidewalks, within a 500-foot radius of site boundaries or within the distance to the nearest signalized intersections located beyond a 500-foot radius of site boundaries.
- Ensure LOS D for crosswalk pedestrian delay (or no more delay than existing) at any LATR study intersections that are located within 500 feet of site boundaries or within a Road Code Urban Area/Bicycle Pedestrian Priority Area (RCUA/BPPA).

In coordination with MCDOT staff, the Applicant scoped the pedestrian system adequacy study area and identified issues within a three-tiered ring around the development area.

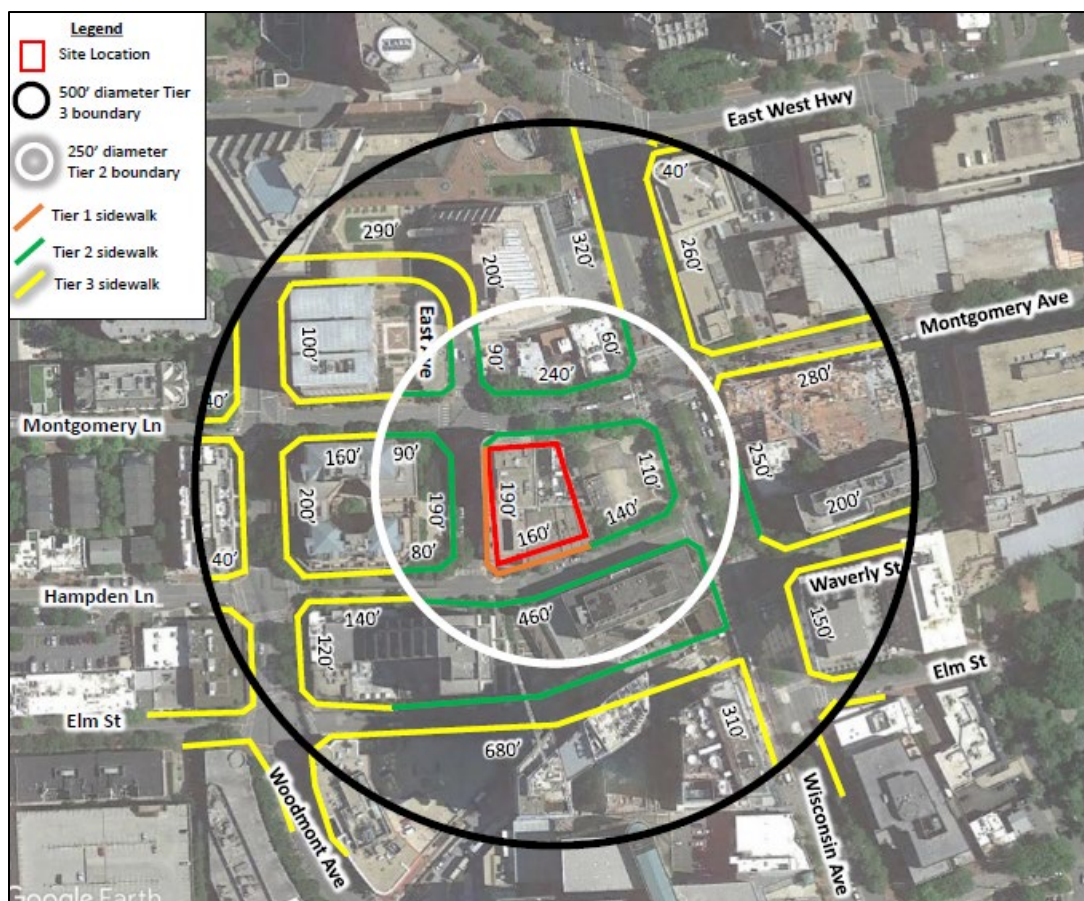


Figure 11 – Pedestrian Adequacy Assessment Area Map

There were four identified ADA non-compliance issues. Two issues are located along the site frontages on East Lane and Hampden Lane. Along East Lane, the existing sidewalk is narrow, and bollards protecting the existing garage entrances which narrow the sidewalk to an even greater degree. On Hampden Lane existing steps leading to the existing business entrance constrict the sidewalk and encroach into the accessible path. Both of these issues will be addressed with new, ADA-compliant sidewalks provided by the development along the site frontages. The third identified ADA issue relates to curb ramps on either side of East Lane just north of Montgomery Lane, which are missing detectable warning surfaces and, thus, do not appear to meet ADA standards. The fourth ADA issue is in the northeast corner of the intersection of East Lane and Montgomery Lane. Only a single ramp is provided in this corner for the east leg crosswalk, but a separate ramp is not provided for the north leg crosswalk. The Applicant has committed to addressing all identified ADA accessibility issues, both on- and off-site.

The study intersections are all within the Bethesda CBD. Most of the intersections are along major arterial corridors with 120-second cycle length. Accordingly, there is a limited amount of green time that can be allocated to the Walk phase for pedestrians. However, no intersection is anticipated to operate with crosswalk delays greater than 40 seconds (the pedestrian delay standard), with the assumption that up to 30% of pedestrians are likely to begin crossing the street during the flashing don't walk phase, as is common in urban areas with significant pedestrian density. This is demonstrated in Table 4.

Table 4 – Pedestrian Crosswalk Delay Analysis								
Pedestrian Crossing		AM/PM Cycle Length	Provided Walk Time	Effective Crossing Time	Crosswalk Delay	Pedestrian Counts		Average Crosswalk Delay Per Intersection
						AM	PM	
Wisconsin Avenue at Old Georgetown Road/ East Hwy	North Leg	120 sec.	7	11	35	22	38	34
	South Leg		7	11	35	34	31	
	East Leg		10	14	3	29	51	
	West Leg		10	14	33	22	31	
Woodmont Ave at Montgomery Ln	South Leg	120 sec.	7	11	35	7	8	35
	East Leg		7	11	35	70	80	
	West Leg		7	11	35	27	78	
East Ln at Montgomery Ln	North Leg	120 sec.	8	12	34	7	11	14
	South Leg		8	12	34	7	8	

	East Leg		8	12	34	12	9	
	West Leg		8	12	34	20	27	
Wisconsin Ave at Montgomery Ln/Ave	North Leg	120 sec.	7	11	35	16	27	35
	South Leg		7	11	35	6	7	
	East Leg		7	11	35	34	45	
	West Leg		7	11	35	21	37	
Woodmont Ave at Hampden Ln	North Leg	60 sec.	7	11	14	5	17	14
	South Leg		7	11	14	6	10	
	East Leg		7	11	14	66	72	
	West Leg		7	11	14	37	101	
Wisconsin Ave at Elm/Waverly St	North Leg	120 sec.	7	11	35	37	258	35
	South Leg		7	11	35	51	235	
	East Leg		7	11	35	69	183	
	West Leg		7	11	35	348	404	
Woodmont Ave at Elm St	North Leg	60 sec.	7	11	14	19	129	14
	South Leg		7	11	14	26	118	
	East Leg		7	11	14	33	36	
	West Leg		7	11	14	19	51	

Source: *Transportation Impact Study by Kimley Horn, December 2020, Revised May 2021*

The proposed site is anticipated to generate 56 net new bicycle trips in the AM peak hour and 48 net new bicycle trips in the PM peak hour. The AM value exceeds the 50-trip threshold that requires a bicycle adequacy test. Per the 2017 LATR Guidelines, the standard for bicycle system adequacy is to be able to travel via LTS-2 (low levels of traffic stress) routes to destinations within 750 feet of a development site boundary if that development site generates at least 50 peak-hour non-motorized trips and is likely to include a significant bicycling population as indicated by one-quarter-mile proximity to an educational institution or an existing or planned bikeshare station.

Based on the Bicycle Level of Traffic Stress (LTS) Map and the 2018 *Bicycle Master Plan* and the following streets are located within 750 feet of the Site and have been determined to have an LTS score higher than 2, and a designated bikeway recommendation:

- Montgomery Avenue/Lane between Woodmont Avenue and Pearl Street
- Woodmont Avenue between North Lane and Hampden Lane

The two-way separated bikeway along the Site frontage on Montgomery Lane will be upgraded to its ultimate condition, an intermediate-level bikeway buffered from vehicular traffic and separate from pedestrians, as a part of the Subject Application and the required frontage improvements. The segment of Woodmont Avenue between Montgomery Avenue and Old Georgetown Road is not currently funded, and therefore the Project, as conditioned, will participate in its implementation as a means to mitigate the bicycle adequacy by paying a fee in the amount of \$53,380. The fee in lieu was based on a detailed cost estimate (materials, pavement milling and overlay, maintenance of traffic, etc.) provided by the Applicant and ultimately modified and approved by MCDOT.

c. Other Public Facilities and Services

Schools

After July 1, 2021, the applicable schools test for projects coming before the Planning Board is the updated FY22 Annual School Test, approved by the Planning Board on June 17, 2021. The proposed project is served by Bethesda ES, Westland MS and Bethesda-Chevy Chase HS. Based on the FY22 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 5: Applicable FY2022 School Adequacy

School	Projected School Totals, 2025				Adequacy Status	Adequacy Ceilings		
	Program Capacity	Enrollment	% Utilization	Surplus/Deficit		Tier 1	Tier 2	Tier 3
Bethesda ES ¹	560	542	96.8%	+18	No UPP	103	130	214
Westland MS	1,105	814	73.7%	+291	No UPP	417	512	678
Bethesda-Chevy Chase HS	2,457	2,532	103.1%	-75	No UPP	105	417	785

The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school's adequacy status and ceilings, as determined in the Annual School Test. **Under the FY22 Annual School Test, development projects approved within these school service areas are not automatically subject to Utilization Premium Payments as identified in Table 1.** However, if the application is estimated to generate more students than the identified ceilings, then partial payments may still be required.

Calculation of Student Enrollment Impacts

To calculate the number of students generated by the proposed development, the number of dwelling units is multiplied by the applicable School Impact Area student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low-rise multifamily unit, or high-rise multifamily unit.

¹ Projected enrollment reflects the estimated impact of CIP P652107, which will reassign students between Bethesda ES, Somerset ES and Westbrook ES in 2022.

With a net of 150 units that are not age-restricted, the proposed project is estimated to generate the following number of students based on the subject property's location within an Infill Impact Area:

Table 6: Estimated Student Enrollment Impacts

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	0.195	0.000	0.096	0.000	0.139	0.000
SF Attached	0	0.166	0.000	0.091	0.000	0.116	0.000
MF Low-rise	0	0.059	0.000	0.023	0.000	0.032	0.000
MF High-rise	150	0.034	5.100	0.015	2.250	0.016	2.400
TOTALS	150		5		2		2

As shown in Table 6, on average this project is estimated to generate 5 elementary school students, 2 middle school students and 2 high school students. These estimates do not exceed the adequacy ceilings in Table 5, therefore no partial Utilization Premium Payments are required.

Analysis Conclusion and Condition of Approval

Based on the school capacity analysis performed, using the updated FY2022 Annual School Test, this application is not subject to a Utilization Premium Payment. Therefore, no UPP condition is required.

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

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

a. Environmental Guidelines

As initially described above, 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 mature trees, forest areas, stream buffers, wetlands, 100-year floodplains, or steep slopes.

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)(1), an exemption granted for small properties undergoing redevelopment. Forest Conservation Exemption 42020214E was confirmed for the Subject Property on June 24, 2020. The Project meets the particular requirements of the exemption because the proposed activity occurs on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion trees, and will not result in forest planting requirements of more than 10,000 square feet.

Noise

The Subject Application provides residential units fronting 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. In a Phase I Noise Analysis Report dated April 20, 2021, Phoenix finds that noise levels on the proposed 8th floor amenity terrace will not exceed the exterior noise guidelines of 65 dBA Ldn due to height as well as shielding by the future building. Additionally, noise levels on the East, South, and portions of the West facades will not be exposed to noise levels above 65 dBA Ldn. Phoenix notes that the entire North façade and lower portions of the West façade will be exposed to noise levels above 65 dBA Ldn. Residential units near these areas will 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.

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

The Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from MCDPS Water Resources Section on June 21, 2021. The Application will meet stormwater management goals through a variety of techniques including green roof and micro-bioretenment for the site, and a waiver was accepted for improvements within the public right-of-way.

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

No other provisions apply to the Subdivision.

SECTION 6: SITE PLAN 820200070

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. 320200070, as amended by 32020007A, and Preliminary Plan No. 120210130.

- 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 Subject Property is zoned CR5.0 C-5.0 R-5.0 H-225', totaling 1.06 acres or 46,312 square feet and the Sending Property is zoned CR 5.0 C 4.0 R 4.75 H-175', totaling 1.56 acres or 67,873 square feet and are both within the Bethesda Overlay Zone. The total tract area including the Subject Property and Sending Property is 2.48 acres or 107,471 square feet. The following Data Table shows the Application's conformance to the development standards of the zone.

Table 7: Site Plan Data Table

Subject Property					
CR 5.0 C-5.0 R-4.75 H-250				46,312 sf (1.06 ac)	
Prior Dedication				14,485 sf (0.331 ac)	
Proposed Dedication				1,431 (0.03 ac)	
Site Area				30,396 sf (0.70 ac)	
Sending Property					
CR 5.0 C-4.0 R-4.75 H-175				61,159 sf (1.40 ac)	
Prior Dedication				19,996 sf (0.46 ac)	
Site Area				41,163 (0.94) sf	
Total Site Area				30,396 sf (0.70 ac)	
Total Tract Area				107,471 sf (2.48 ac)	
Section 59.4	Development Standard	Permitted/ Required	Approved by 320200070	Proposed 32020007A	Proposed 820210070
	Mapped Density				
	CR 5.0 C-5.0 R-4.75 H-250				
	Residential Density (GFA/ FAR)	219,982 sf (4.75)	165,000 sf (3.56)	170,000 sf (3.56)	170,000 sf (10.57) / 150 units
	Commercial Density (GFA/FAR)	231,560 sf (5)	360,000 sf (7.77)	340,000 sf (7.34)	340,000 sf (7.34)
	Total Mapped Density		231,560 sf (5.0)	231,560 sf (5.0)	231,560 sf (5.0)
	Bethesda Overlay Zone Density	n/a	293,440 sf (6.34)	129,995 sf (2.80)	129,995 sf (2.80) ⁴
	Sending Property Density	148,445 sf ¹	0	148,445 sf	148,445 sf
	Total FAR/GFA	n/a	525,000 sf (11.34)	510,000 sf (11.01)	510,000 sf (11.01)
	MPDUs	15%	17.6%	17.6%	17.6% / 27 units
	Building Height				
	CR 5.0 C-5.0 R-4.75 H-250	250 feet	262 feet	262 feet	262 feet ²
	Public Open Space (min)	10% of Site Area	10% of Site Area	10% of Site Area	10% / 3,040 sf
	Minimum Setbacks				
	East Lane	0'	10'	10'	10'
	Hampden Lane	0'	5'	2'	2'
	Montgomery Lane	0'	4'	0'	0'
	Rear	0'	0'	0'	0'
	Green Cover	35% / 10,639 sf	35%	35%	35% / 10,700 sf

Parking	Spaces Required	Spaces Provided
Vehicle Parking		
Residential		
1 Bedroom (80 market rate units); 18 MPDUS	49 min/ 123 max	--
2 Bedroom (43 market rate units); 9 MPDUS	37 min/ 79 max	--
Total Residential Parking (123 market rate; 27 MPDUs)	86 min/ 202 max³	--
Office	660 min/990 max	
Retail, 10,000 SF	0 min/ 36 max ⁵	--
Vehicle Parking Subtotal	746 min/ 1,192 max	--
BOZ Overlay reduction ⁴	597 minimum/ 1,192 max	--
Vehicle Parking Total		476⁶
On-site		336
Off-site ⁷		140
Bicycle Parking (Long Term/ Short Term)		
Residential	(71/4) 75	(71/4) 75
Office	(57/11)68	(57/11)68
Bicycle Parking Total	(128/15) 139	(128/15) 139
Loading Spaces	2	2

¹ 180,396 square feet of density to remain at Sending Property.

² The Project is eligible for an additional 12 feet of height based on the provisions of MPDUs above 15% (Section 59.4.9.2.C.3.b)

³ Minimum parking per market rate unit has been adjusted per Zoning Ordinance Section 59.6.2.3.I.5 to reflect unbundling.

⁴ Parking calculations account for 20% reduction for Bethesda Overlay Zone parking minimums in accordance with Section 59.4.9.2.C.6.

⁵ Retail space considered ancillary use to office and residential per LATR Guidelines, therefore no parking is required.

⁶ Final number of vehicle and bicycle parking spaces to be determined at building permit based on final number of dwelling units and non-residential density. Public Benefit points are based on 476 spaces.

⁷ Off-site parking is being utilized in the Hampdens Square parking garage (4800 Montgomery Lane; a private parking garage. The Applicant's use of these 140 off-site parking spaces is in conformance with Section 59-6.2.3.G. of the Zoning Ordinance and the Applicant's right to use 140 spaces in a Supplemental Agreement to Parking Covenants recorded in the Land Records of MoCo at Book 13263 and Page 554.

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. The Applicant is subject to a park impact payment valued at \$11.41/square foot based upon the density requested and facilitates acquisition of parkland in the downtown Bethesda area.

Based on the requested 129,995 square feet of BOZ density, reduced by 27,000 square feet of MPDU density¹, the Applicant is required to pay for 102,995 square feet of BOZ density at a value of \$1,175,172.95. 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 8: Public Benefit Points Summary

Public Benefit	Incentive Density Points		Approved
	Maximum Allowed	Requested	
59.4.7.3C: Connectivity and Mobility			
Minimum Parking*	20	14.82	12.03
59.4.7.3D: Diversity of Uses and Activities			
Affordable Housing*	n/a	39	39
59.4.7.3E: Quality of Building and Site Design			
Exceptional Design*	30	30	25
Structured Parking	20	20	20
59.4.7.3F: Protection and Enhancement of the Natural Environment			
Building Lot Termination (BLT)	30	10.43	10.43
Energy Conservation and Generation*	25	15	15
Total		124.25	121.46

* Denotes a Sector Plan priority

¹ Section 59.4.9.2.C.3.c.i. of the Zoning Ordinance exempts MPDU density from the Park Impact Payment.

Connectivity and Mobility

Minimum Parking: The Applicant requests 14.82 point for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points for providing maximum allowable number of on-site spaces to 20 points for providing no more than the minimum numbers of spaces on-site. Based on the formula set forth in the Guidelines, the Applicant is eligible for 12.03 public benefit points in this category, the reduction in points is a result of the Applicant counting only onsite parking, however given the recorded parking agreement, Staff has based the calculation on 450 total parking spaces. Staff recommends 12.47 points.

$$\begin{aligned} & [((\text{Maximum Allowed Parking}) - (\text{Parking Provided})) / \\ & ((\text{Maximum Allowed Parking}) - (\text{Minimum Parking}))] * 10 \\ & (1191 - 476) / (1191 - 597) * 10 = 12.03 \text{ points} \end{aligned}$$

Diversity of Uses and Activities

Affordable Housing: The Applicant requests 39 points for providing 17.6% Moderately Priced Dwelling Units. Staff recommends 39 points for this category.

$$17.6\% \text{ MPDUs proposed} - 15\% \text{ MPDUs min} = 2.6\% * 15 \text{ points per } 1\% \text{ over min} = 39 \text{ points}$$

Quality of Building and Site Design

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

The Applicant states the Project will provide innovative solutions in response to the immediate context through the proposed 'vertical village, three volumes and outdoor spaces'. The mixed-use programming could not be achieved with the uses being adjacent to one another, therefore the vertical programming allows for sculpting of each of the vertical uses. Large outdoor terraces are proposed in the vertical junctures between uses which will provide visual relief and amenity areas for the building users.

The Project will create a sense of place and landmark through biophilic design principles. The surrounding area contains several open spaces and important pedestrian links to public transit, therefore the Project's emphasis on the public realm will enhance the existing network and through building design, will offer urban and architectural opportunity for expression in the neighborhood.

The Project will introduce unique forms and materials through geometric expression of the programmed uses. The Applicant proposed three material options for the residential floors to the Design Advisory Panel, terracotta, light masonry, or metal panel, the DAP was supportive of all with a preference towards the terracotta. The Project will be conditioned to provide the final material choices on the Certified Site Plan. These materials have been selected to achieve compatibility with the neighborhood character while providing a distinctive building of juxtaposed forms.

During their March 24, 2021 meeting, the Design Advisory Panel (DAP) voted 5-0 in support of 25 points with the Project as proposed, however if the Applicant were to commit to a Site Plan condition to pursue a minimum of LEED Gold certification, the Panel supports the full 30 points requested. The Applicant has decided to not pursue LEED Gold at this time, therefore Staff recommends 25 points for Exceptional Design.

Structured Parking: The Applicant requests 20 points for providing structured parking in 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.

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT): The Applicant requests 10.43 points for the purchase of 1.1591 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. Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance. Staff recommends 10.43 public benefit points based on the following calculation:

$$(((510,000 \text{ sf}) - (23,156 \text{ sf})) * 7.5\%) / 31,500) * 9 = 10.43 \text{ points}$$

Energy Conservation and Generation: The Applicant is requesting 15 points for providing a building that exceeds applicable energy efficiency standards by 17.5%. The Applicant has provided a preliminary energy/use generation model with comparisons to the average use/generation for the building type based on the Department of Energy Standards. The final model with specific methods used to achieve this reduction will be determined by MCDPS prior to the issuance of Building Permit. As conditioned, the Applicant will meet the minimum reduction standards for this category and Staff recommends 15 points for this benefit.

iii. Division 6.1. Site Access

Vehicular access for the Site will be provided Hampden Lane in a consolidated access point for the two off-street loading bays and the parking garage. Long-term bicycle parking will be provided within the garage and short-term bicycle parking will be provided along the Property's frontage, as shown on the Certified Site Plan.

Pedestrian access to the Site will be from the established sidewalk network and will be enhanced by streetscape improvements along each of the Property's three frontages, consistent with the 2020 *Bethesda Downtown Streetscape Standards*.

iv. Division 6.2. Parking, Queuing, and Loading

Parking for the residential building will be provided in a below-grade facility and off-site. The Applicant's right to use 140 spaces at 4800 Montgomery Lane, a private parking garage is recorded in a Supplemental agreement to Parking Covenants recorded in the Land Records of MoCo in Book 13263 and Page 554. Vehicular and loading access will occur via Hampden Lane. Loading for the Project will occur internal to the Site within two spaces designed for SU-30 trucks. The Applicant will be subject to a loading management plan that minimizes disruptions to Hampden during peak travel periods. 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.

v. Division 6.3. Open Space and Recreation

The Site is required to provide 10% of site area as public open space, resulting in 3,040 square feet. The Applicant proposes to locate this space adjacent to the public right-of-way along all three frontages, with a focus on East Lane, which allows for generous street tree plantings, sidewalk, and frontage areas envisioned by the 2017 *Bethesda Downtown Sector Plan*.

The Application is in conformance with the *Recreation Guidelines*, as demonstrated in the Recreation Facilities Data table provided with the Application (Scenario ID 9709). The Applicant is providing bicycle amenities in the form of constructing the master planned separated bicycle lanes along Montgomery Lane, indoor parking garage and a bicycle support station; indoor community spaces, including a fitness room; and interior courtyards with picnic seating. 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 all frontages including Hampden Lane, East Lane, and Montgomery Lane with new street trees, improved, wider sidewalks, street lighting, and street furniture. The on-site lighting will limit the necessary light levels to streets and sidewalks.

As shown in the Development Standards table, the Site Plan meets all general requirements and development standards of Section 4.5 of the Zoning Ordinance, the optional method public benefits provisions of Division 4.7 of the Zoning Ordinance, and the general development requirements of Article 59-6 of the Zoning Ordinance.

e. *satisfies the applicable requirements of:*

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

The Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from MCDPS Water Resources Section on June 21, 2021. The Application will meet stormwater management goals through a variety of techniques including green roof and micro-bioretenment for the site, and a waiver was accepted by MCDPS for improvements within the public right-of-way.

ii. *Chapter 22A, Forest Conservation*

The Project received approval of an exemption from Forest Conservation requirements on June 24, 2020 (42020214E). The Project meets the particular requirements of the exemption because the proposed activity occurs on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion trees, and will not result in forest planting requirements of more than 10,000 square feet.

Noise

A noise analysis for the Property has been conducted with findings as described above. As conditioned, this Application will meet all applicable noise guidelines.

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 Hampden Lane to limit impacts to the

pedestrian environment and improve public streetscape along all frontages. The building provides several pedestrian entrances along all façades for individual retail spaces to contribute to an active streetscape, and the main building entry will be located on East Lane.

- 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 described in the findings for Preliminary Plan 120210130, the Project substantially conforms with the recommendations of the 2017 *Bethesda Downtown Sector Plan*. Furthermore, the type of development proposed by the Project will locate a mix of uses, in the core of downtown Bethesda and within a high energy performance building. The Project will provide a minimum of 17.6% MPDUs, which exceeds the Bethesda Overlay Zone requirement and achieves one of the main goals of the Sector Plan, affordable housing.

The conceptual building design incorporates several urban design elements that will achieve design excellence and enhance the visual interest from several locations including Wisconsin Avenue, Hampden Lane, East Lane, and Montgomery Lane. To achieve this visual interest, the Applicant proposes several upper-story building projections on Hampden Lane and Montgomery Lane. Although upper-story building projections, commonly referred to as “cantilevers,” have generally been discouraged in downtown Bethesda, this architectural element can uniquely sculpt a building and provide the quality of urban design envisioned by the Sector Plan. Achieving a high-quality architectural design at this location is the Applicant’s intent, and the Design Advisory Panel discussed the Project at their March 24th meeting, where they voted in 5-0 in support of 25 points for the Project as proposed.

Green Cover

The Sector Plan includes several recommendations to achieve the urban green goals outlined for the Bethesda Downtown area. An important recommendation to this effect is the onsite 35% green coverage minimum. The green cover may include singularly or a combination of intensive green roof (6 inches or deeper) or tree canopy cover. The subject property consists of a site area of 30,396 square feet which results in a green cover requirement, per Section 2.4.1(B) The Green Cover Exhibit provided with this Application shows that the Applicant has proposed 10,700 square feet of green cover consisting of bioretention planters and 8” depth green roof, which meets the Sector Plan recommendations.

- 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. 120210130 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 proposed mixed-use building of up to 262 feet in height is appropriate to the setting due to the Site's proximity to public transit and surrounding mixed-use properties. The adjacent properties are zoned for similar height maximums; however this Site proposes a minimum of 17.6% MPDUs, allowing an additional floor (12') above the zoning maximum of 250 feet, per Section 59.4.9.2.C.3.b of the Zoning Ordinance.

This Site is adjacent to 7340 Wisconsin Avenue to the east, which recently received Planning Board approval for Sketch Plan No. 320200010, for a 250-foot tall senior living facility. Through the review process, the architects for Sketch Plan No. 320200010 and the Subject Property worked together to agree on a proper tower separation from the shared property line to achieve the Sector Plan vision to allow access to light and air, and limit the shadows on the public realm. This Project provides a 30' setback from the property line above the building base, and it is anticipated that the adjacent site (7340 Wisconsin Avenue property) will also provide a similar setback when the project moves forward, achieving a separation that varies between 45' and 60', as recommended by the Sector Plan.

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.

CONCLUSION

As conditioned, the Sketch Plan Amendment, Preliminary Plan and Site Plan applications each satisfy the findings under Section 59.4.5.4 of the Zoning Ordinance, substantially conform to the recommendations of the 2017 *Bethesda Downtown Sector Plan* and *Bethesda Downtown Design Guidelines*, and satisfy the findings of the Subdivision Regulations. Therefore, Staff recommends approval of the Sketch Plan Amendment, Preliminary Plan and Site Plan with the conditions specified at the beginning of this report.

ATTACHMENTS

- A. Sketch Plan Resolution MCPB No. 20-115
- B. Agency Letters
- C. Design Advisory Panel Memorandum
- D. Zoning Rights Agreement
- E. Forest Conservation Exemption Letter
- F. Green Cover Exhibit