

**MCPB**

Item No. 9

Date: 10.7.2021

**Bethesda Overlay Zone Development Limit Status Update**

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**Completed: 09.30.2021****STAFF RECOMMENDATION**

Transmit Briefing Memo and Planning Board comments to County Council.

**DISCUSSION**

As described in the June 2021 *Bethesda Downtown Plan Annual Monitoring Report*, presented to the Planning Board and forwarded to the County Council earlier this year, Development in Bethesda is proceeding as envisioned in the Bethesda Downtown Sector Plan, with progress towards all Sector Plan goals. Advances have been made on realizing the Civic Greens and the Eastern Greenway, the Capital Crescent Trail and other bicycle infrastructure, and the Non-Auto-Driver Mode Share (NADMS) in the Plan area has been consistently moving closer to the 55% goal. Based on the most recent analyses, school utilization in the cluster and the road network within the Plan Area meet the appropriate standards.

Building construction remains a constant feature of the Bethesda landscape, and development applications have continued through the Pandemic. As part of its routine assessment of the monitoring and tracking of development in Downtown Bethesda, Staff has made sure that Adequate Public Facilities (APF) approvals remain valid and that BOZ permit deadlines are being met. During our last review, three projects were deducted from the Tracking totals (“approved unbuilt density” is that above the existing built density used to calculate the BOZ base of 23.3 million square feet of existing and pipeline density in 2017):

- 8280 Wisconsin Avenue (83,388 sf. approved unbuilt density) did not meet their first BOZ permit deadline;
- Millers Addition to Bethesda (146,666 sf. approved unbuilt density), a pipeline approval from 1998 with an expired APF; and
- Koseian Property (12,090 sf. approved unbuilt density), which is part of the 7000 Wisconsin Avenue project already included in the Tracking.

As a result of this last assessment, the total development in the Bethesda Overlay Zone is currently approximately 30.3 million square feet, including the Avondale Site Plan approved on September 30. The Sector Plan recommends (p. 151) that:

Once total development-including approvals reaches 30.4 million square feet, the County Council may require certain actions before additional development is permitted. Depending on the Planning Board's recommendations, such actions would address needed infrastructure and/or achieving of certain NADMS goals as outlined in 2.3.5 Transportation Demand Management and progress toward the acquisition of half of the recommended new urban parks as discussed in 2.7 Parks and Open Space.

At this time Staff estimates the 30.4 million square-foot threshold will not be crossed until Spring 2022 at the earliest. There are no BOZ Site Plan applications currently under review. There is a submitted Site Plan application that has not been yet accepted as complete, however, and the anticipated 120-day review period for that project would be February or March 2022. As proposed, the approved unbuilt density for that project would not exceed the 30.4 million square-foot threshold.

Even without new Site Plan approvals, the total development number will continue to fluctuate as APF for pre-Sector Plan pipeline projects expire and BOZ permit deadlines come due. Staff is working to make sure that development pipeline projects included in the 2017 Sector Plan "base" of 23.3 million square feet have not been brought into the BOZ tracking system since then and are thus double-counted. Staff is also working to make sure the existing built development numbers are as accurate as possible. One of the earliest processes in any master planning effort is to make sure that the parcel-level data truly reflects existing conditions on the ground. This requires a close examination of the Maryland State Department of Assessment and Taxation (SDAT) database, which reports, among other things, the land use and the square feet of every parcel. Since the Sector Plan was completed in 2017, Planning Staff have worked hard to correct many of the inaccuracies in the database and have developed many workflows and tracking procedures to keep the database as up-to-date as possible, something that was not possible at that time. Thus, the 2021 SDAT is considerably more accurate than the 2017 database that was used to create the initial BOZ density foundation.

As stated above, Development in Bethesda is proceeding as expected, with progress towards all Sector Plan goals. Staff is scheduled to present to the Planning Board next spring/summer the 2022 *Bethesda Annual Monitoring Report*. This report will have updates on development activity including progress towards the 30.4 million and the 32.4 million square-foot development thresholds, NADMS progress and the Roadway Adequacy Test, Parks, and schools.