






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Date: 11.04.21

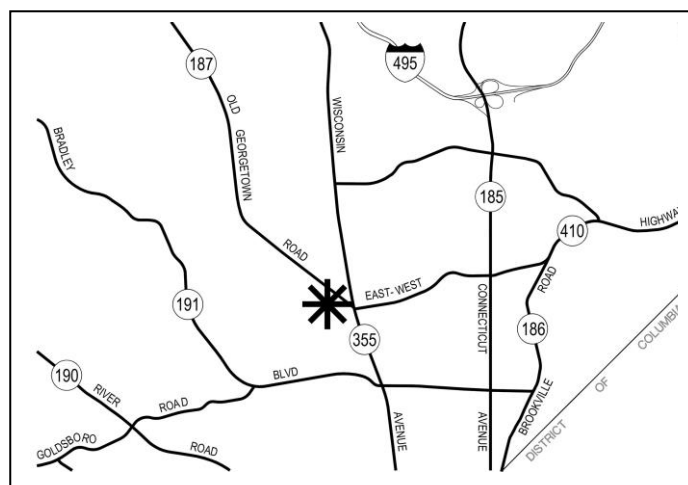
## 7070 Arlington Road, Sketch Plan No. 320210100 and Preliminary Plan Amendment No. 11998051A

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Completed: 10.25.21

### Description

- Sketch Plan: Construction of a 10-story mixed-use project of up to 313,070 total square feet of development which includes: 38,070 square feet existing retail uses, 261,000 square feet of residential (250 multifamily dwelling units to include 17.6% Moderately Priced Dwelling Units (MPDUs)), and up to 14,000 square feet of new commercial uses with various parking strategies totaling 242 spaces, and amenity spaces.
- Preliminary Plan Amendment: Request to subdivide the Property into a single record lot, measuring approximately 104,118 square feet.
- Current use(s): 52,521 square feet of commercial uses (retaining only 38,070 square feet) and surface parking.
- Located in the southeast quadrant of the intersection of Bethesda Avenue and Arlington Road and within the Bethesda Parking Lot District (PLD).
- 2.39 acres or 129,543 gross square feet of tract area zoned CRT-2.25 C-2.25 R-2.25 H-90', H-70' and Bethesda Overlay Zone in the 2017 *Bethesda Downtown Sector Plan*
- Applicant: MHG: Federal Realty Investment Trust
- Acceptance date: July 8, 2021



### Summary

- Staff recommends approval of the Sketch Plan and Preliminary Plan Amendment with conditions.
- The proposal will redevelop the site retaining commercial uses with a mixed-use building with 17.6% MPDUs in accordance with Chapter 25A and will include the following conceptual public benefit subcategories: minimum parking, moderately priced dwelling units, architectural elevations, exceptional design, structured parking, energy conservation and habitat, and a recycling facility plan. Final determination of public benefits will be made at the time of Site Plan.
- The Planning Director approved a 30-day extension for the Sketch Plan to extend the review per Section 59.7.3.3.C.
- Staff has not received written community correspondence regarding the project, however Staff did speak with a concerned community member and their concerns are summarized in the staff report.

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## SECTION 1: RECOMMENDATION AND CONDITIONS

### SKETCH PLAN NO. 320210100

Staff recommends approval of Sketch Plan No 320210100, for the construction of a 10-story mixed-use project of up to 313,070 total square feet of development which includes: 38,070 square feet of existing retail uses, ) and 275,000 square feet of new mixed-use development (which includes 261,000 square feet residential for up to 250 multifamily dwelling units, with 17.6% Moderately Priced Dwelling Units (MPDUs), and up to 14,000 square feet of new commercial uses) with various parking strategies totaling 242 spaces, and amenity spaces, on 2.39 acres of land, zoned CRT-2.25 C-2.25 R-2.25 H-90', CRT-2.25 C-2.25 R-2.25 H-70', Bethesda Overlay Zone and the Height Incentive Area. The Project includes an allocation of MPDU Bonus Density of up to 21,598 square feet. The following 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 conditions below:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements of the Sketch Plan are illustrative and subject to refinement at the time of Site Plan.

This approval is subject to the following conditions:

1. Density

The Sketch Plan is limited to a maximum of 313,070 total square feet of total development (includes 38,070 square feet of existing retail uses to remain), on the Subject Property. The maximum number of dwelling units will be determined at time of Site Plan.

2. Height

The Project is limited to a maximum building height of 100 feet.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59.7.3.3.I. Total points must equal at least 50 and be chosen from at least three categories as required by Section 59.4.5.4.A.2. The requirements of Division 59.4.7 and the *Commercial/Residential and Employment Zones Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

- a. Connectivity and Mobility, achieved through minimum parking;
- b. Diversity of Uses and Activities, achieved through moderately priced dwelling units;
- c. Quality of Building and Site Design, achieved through architectural elevations, exceptional design, and structured parking; and
- d. Protection of the Natural Environment, achieved through energy conservation and habitat, and a recycling facility plan.

4. Bethesda Downtown Plan Design Guidelines

At the time of Site Plan submission, the Applicant must explore methods to provide additional pedestrian views, enhance the space at the Arlington Road access point to be more plaza like and provide a rendered landscape plan, consistent with the DAP's February 24, 2021 meeting minutes.

5. Streetscape

The Applicant must install the Bethesda Streetscape Standard along the Subject Property's right-of-way frontages on Bethesda Avenue and Arlington Road, including the undergrounding of utilities.

6. Moderately Priced Dwelling Units (MPDUs)

The Applicant must provide a minimum of 17.6% of the total new units as Moderately Priced Dwelling Units in accordance with Chapter 25A.

7. Future Coordination for Site Plan

In addition to any other requirements for Site Plans under Chapter 59, the following must be addressed when filing a Site Plan application:

- a. Fire and Rescue access and facility details;
- b. Streetscape details;
- c. Loading Management Plan;
- d. Truck Turning Templates;
- e. Final circulation plan for the proposed alley;
- f. Parking for vehicles and bicycles;
- g. Evaluate the provision of a short-term drop-off/ pick-up space within the ground floor of the building;
- h. Demonstrate how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guideline requirements;
- i. SWM concept approval which also addresses the recommendations of the *Bethesda Downtown Sector Plan* Water Quality Section (2.4.2.B);
- j. Address the SITES & LEED recommendations of the Sector Plan, specifically related to energy efficiency and building design features;
- k. Provide notes on the Site Plan describing the Bird-Safe design principles to be incorporated into the building architecture;
- l. Provide a minimum of 35% of Green Cover over the portion of the property to be redeveloped. Green cover may consist of a combination of intensive green roof with minimum soil depths of 6 inches or greater and tree canopy cover provided by native canopy trees; and
- m. At the time of Site Plan provide a noise analysis and/or request a waiver per Section 2.2.2 of the 1983 Noise Guidelines.

**PRELIMINARY PLAN 11998051A**

Staff recommends approval of Preliminary Plan No. 11998051A subject to the following conditions which supersede all prior conditions of approval associated with Preliminary Plan 119980510:

1. Approval is limited to 1 lot for up to 313,070 square feet of total development (includes 38,070 square feet to remain for existing retail uses) and 275,000 square feet of mixed-used development which includes 261,000 dedicated to 250 multi-family dwelling units and up to 14,000 square feet of commercial use.
2. The Applicant must comply with the binding elements and conditions of approval for Sketch Plan No. 320210100 and any subsequent amendments.
3. The Applicant must submit and receive approval of a Final Forest Conservation Plan for the Subject Property. The Final Forest Conservation Plan must be consistent with the Preliminary Forest Conservation Plan submitted as part of this Application.
4. Prior to Certified Preliminary Plan, the Applicant must submit a noise analysis.
5. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated September 20, 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 Preliminary Plan approval.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (DHCA), in its letter dated September 10, 2021, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
7. The Planning Board has reviewed and accepts the recommendations of MCDPS – Water Resources Section in its stormwater management concept letter dated September 21, 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 MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.
8. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in that agency's letter dated October 22, 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 MCDOT, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
9. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements associated with each plat, as required by MCDOT.
10. The certified Preliminary Plan must contain the following note:  
Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the

Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.

11. The record plat must show necessary easements.
12. Include all applicable agency letters and the Preliminary Plan Resolution on the approval or cover sheet(s) of the Certified Preliminary Plan.
13. Before clearing or grading or recording a plat for the Subject Property, the Applicant must receive Staff certification of a Planning Board-approved Site Plan.
14. If a subsequent Site Plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration, location, or right-of-way width or alignment, the Applicant must obtain approval of a Preliminary Plan amendment prior to certification of the Site Plan.
15. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for five (5) years from the date of mailing of the Planning Board resolution.

## SECTION 2: SITE DESCRIPTION

### Site Vicinity and Analysis

#### *Subject Property*

The subject site (Subject Property or Property) consists of two recorded lots, Lots 15 and 16, located at 7070 Arlington Road, known as the 'Millers Addition to Bethesda,' in the southeast quadrant of the intersection of Arlington Road and Bethesda Avenue. The Property is comprised of 2.39 acres or 129,543 gross square feet of tract area, which includes prior dedications.

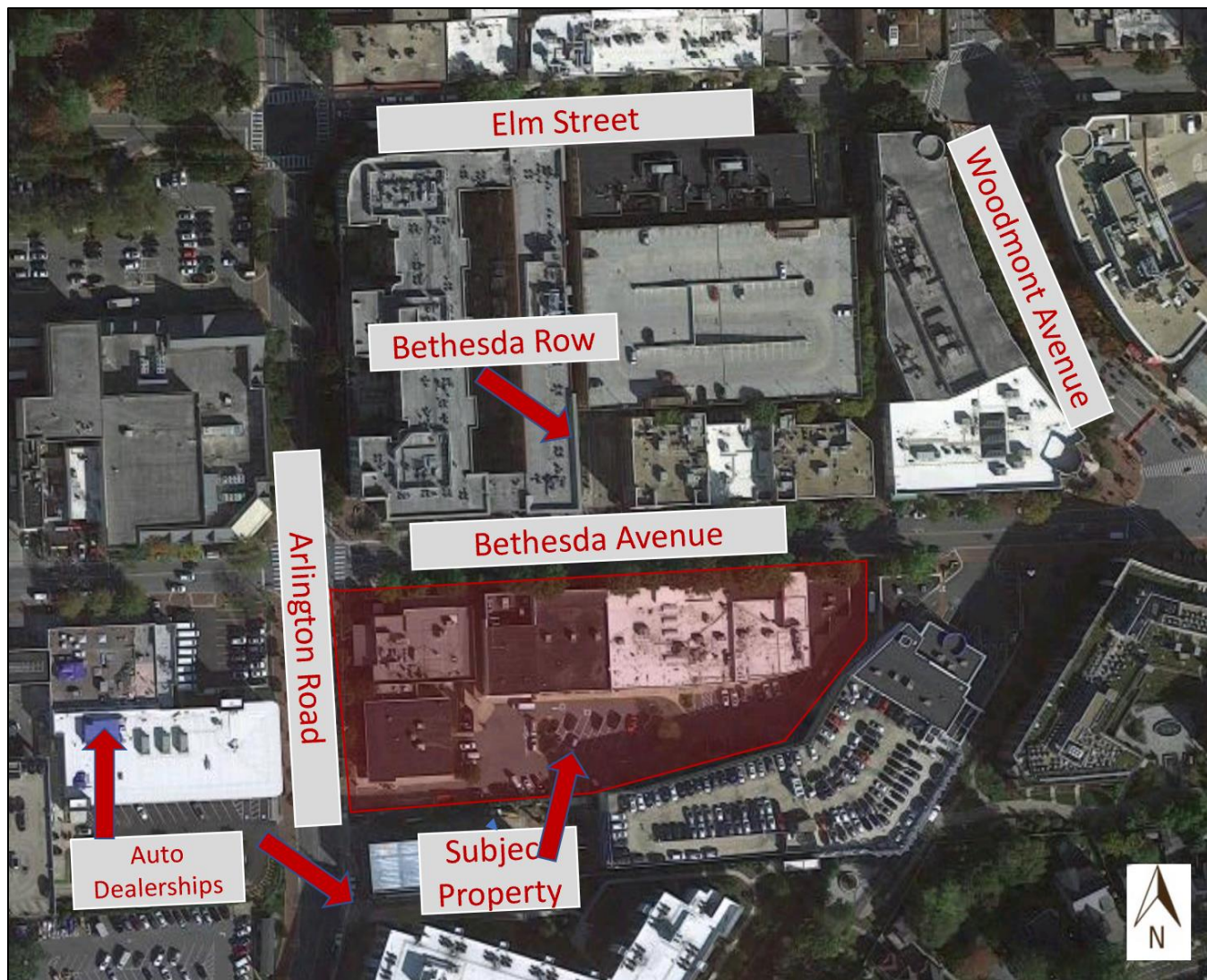


Figure 1-Vicinity Map

The Property is within the area encompassed by the 2017 *Bethesda Downtown Sector Plan* (Sector Plan) and is subject to the 2017 *Adopted Bethesda Downtown Plan Design Guidelines* and the 2020 *Bethesda Downtown Plan Streetscape Standards*. The Property is located within walking distance of various transit options including the future Bethesda Purple Line station and the Bethesda Metro Station and bus facility. The Property is also located within the Bethesda Parking Lot District (PLD) and the Height Incentive Area.



### Site Analysis

The Property is zoned CRT-2.25 C-2.25 R-2.25 H-90', CRT-2.25 C-2.25 R-2.25 H-90' H-70' and Bethesda Overlay Zone and is currently improved with approximately 52,521 square feet of commercial uses and surface parking. The existing 38,070 square feet one-story retail located along Bethesda Avenue is inside the Project area and will remain. The Subject Property is located within the Little Falls Branch watershed which is a Use I-P<sup>1</sup> watershed. The Site is not associated with any environmentally sensitive features such as forest areas, stream buffers, wetlands, 100-year floodplains, or steep slopes. Although numerous street trees border the site, all are less than 24" diameter-at-breast-height (DBH). As the Site lies in an urban area, the topography is generally flat with a gentle grade rising to the east along Bethesda Avenue. The soils associated with the Property are classified generally as urban land, which is not highly erodible or otherwise sensitive. There are no known rare, threatened, or endangered species on site. There are no known historic properties on site.



Figure 2 – Site Aerial

### Surrounding Uses

The Property is surrounded by a mix of residential and non-residential uses. Abutting the Property to the east and south is an auto dealership. Confronting the Property to the north and south across Bethesda Avenue is the Bethesda Row project. Confronting the Property to the west across Arlington Road is an auto dealership. The Project will be located in the heart of Bethesda Row, which serves as the heart of downtown Bethesda. This bustling downtown district is highly walkable and is within close proximity to the Nation's Capital and accessible via Metro.

<sup>1</sup> Use I-P:

*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 use as a public water supply.*



### SECTION 3: PROJECT DESCRIPTION

#### Proposal

The Project proposes to consolidate two Lots, designated as Lots 15 and 16 into a single lot, within the Millers Addition to Bethesda Subdivision. As shown in Figure 5, the new lot will have a gross tract area of 129,543 (2.97 acres) and a Site area of 104,118 square feet (2.39 acres).

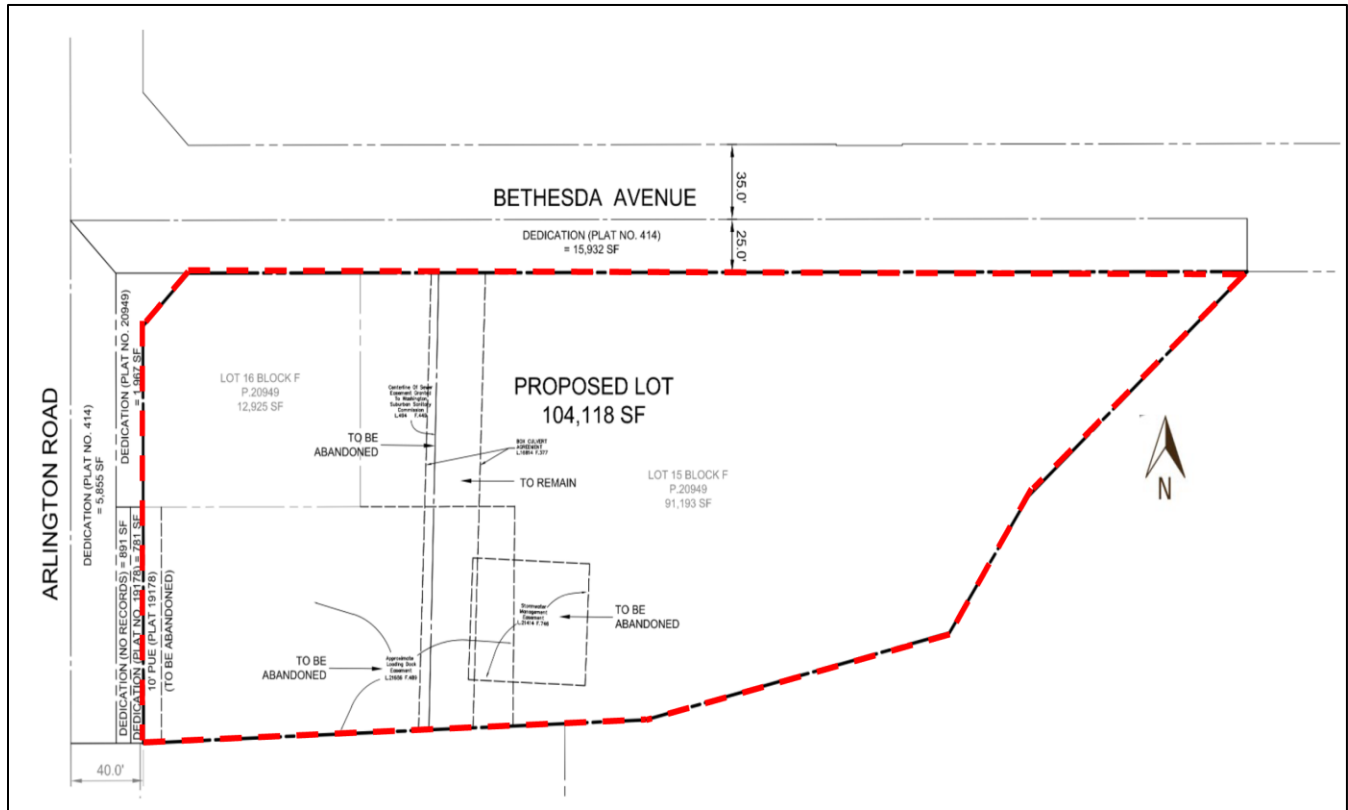


Figure 3- Lotting Diagram

The Sketch Plan and Preliminary Plan Amendment seeks to subdivide the Property into a single record lot and construct a 10-story mixed-use project of up to 313,070 total square feet of development (includes 38,070 square feet to remain for existing retail uses) and 275,000 square feet mixed-use development which includes 261,000 square feet dedicated to 250 multifamily dwelling units to include 17.6% allocated towards Moderately Priced Dwelling Units (MPDUs) in accordance with Chapter 25A. The project also proposes up to 14,000 square feet of commercial uses with various parking strategies totaling 242 spaces, and amenity spaces. The Project does not require the utilization of Bethesda Overlay Zone density, therefore no Park Impact Payment is required.

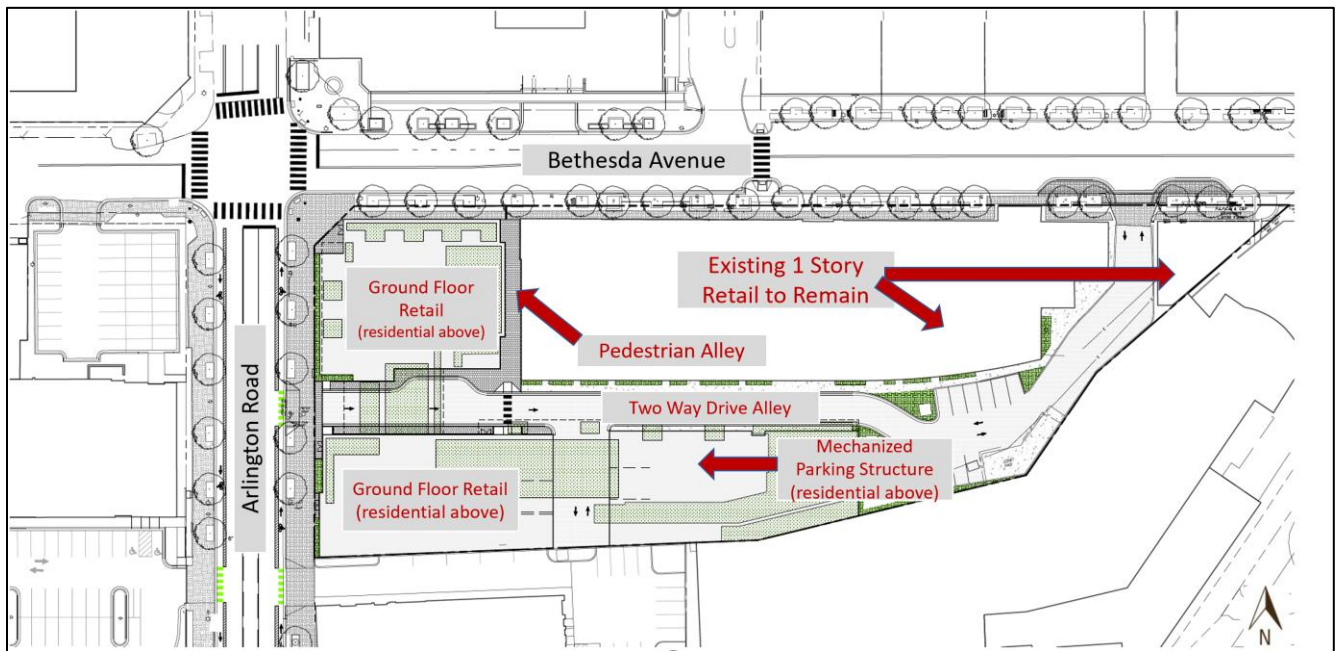


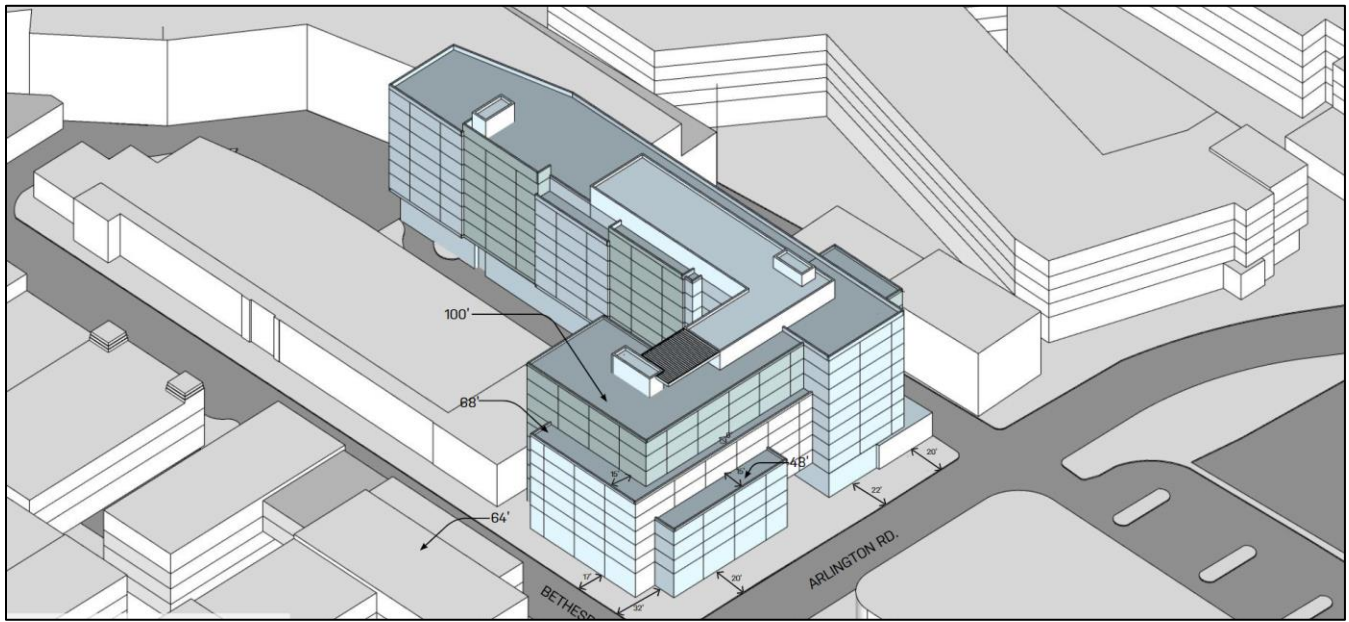
Figure 4 - Proposed Sketch Plan

### Buildings

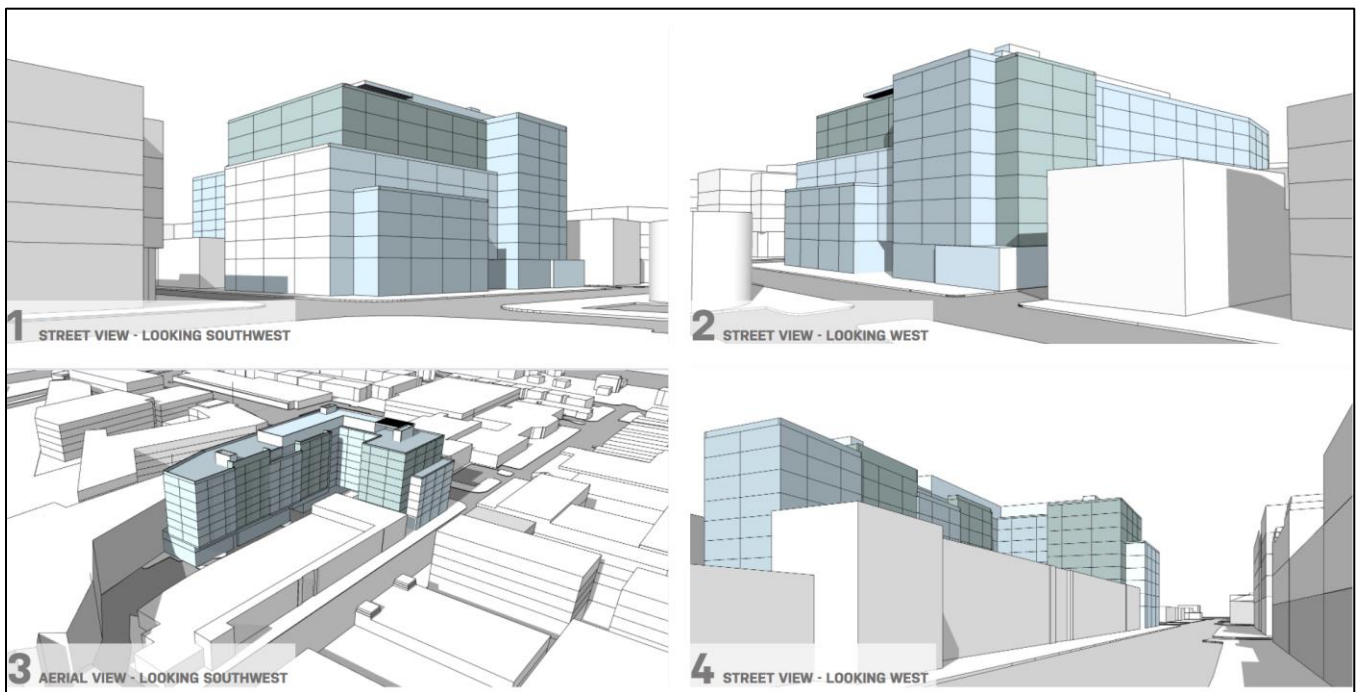
Architecture is conceptual at the time of Sketch Plan. The architectural concept has been designed in a manner responsive to its proximity to the aforementioned and existing Metro Stations. Specifically, the Project proposes a critical mass of residential density that responds to its transit oriented location but will also provide support for the existing retail and restaurants in Bethesda Row. The Project is designed to serve as a gateway into Bethesda Row which is achieved by concentrating the density behind the existing Bethesda Avenue retail allowing the existing retail to remain as is and incorporating a number of step downs along the Arlington Road and Bethesda Avenue frontages of the building thereby ensuring compatibility with the lower scale of the existing retail buildings. As presented to the Design Advisory Panel on February 24, 2021, the building is anticipated to reach a maximum height of 100 feet, in accordance with Section 59.4.9.2.C.3.b of the Zoning Ordinance. Figures 5 and 6, below, show the illustrative building massing.

The proposed building occupies the entire corner lot at the intersection of Arlington Road and Bethesda Avenue. The building's pedestrian entrance is proposed at the corner of the intersection of Bethesda Avenue and Arlington Road. The proposed driveway provides access to the service drive to the rear of the existing retail, and to the proposed parking and loading entrances of the new building. Above the driveway is the 'terraced corner' and the 'linear bar' which is discussed in greater detail below. As stated in the Applicant's Exceptional Design Narrative:

"...the building will be pulled back at the corner to create a vibrant community space. The proposed commercial uses will be located at the northwest corner of Bethesda Avenue and Arlington Road and along Arlington Road adjacent to the residential lobby to activate the Property's frontages. The pedestrian frontages along the Project will be improved in accordance with the Bethesda Streetscape Standards. While the frontage along the remaining portion of the Property on Bethesda Avenue is already improved, it is the Applicant's intent to provide a 'refresh' of this frontage outside the subject applications and in advance of the implementation of the approvals for the Project.



*Figure 5 - Massing Diagram (looking southeast)*



*Figure 6 – Massing Context*

The architectural concept for this Project responds to both the prominent role of this intersection and to the infill nature of the eastern portion of the Property. The mass is articulated in two major components, the ‘terraced corner,’ and the ‘linear bar.’ The terraced corner identifies the entrance to Bethesda Row with a sculptural composition articulated with a progressive sequence of step backs that provide volume relief. The design naturally responds to the scale of the adjacent buildings across Bethesda Avenue and Arlington Road, while mediating with the new buildings and public realm. The linear bar, serves as an urban backdrop to the existing buildings to the south and north of the building. The western entrance along Arlington road defines the new entrance and contributes to a sequence of horizontal and vertical elements that articulate the west frontage of the proposed building and the urban front along Arlington Road. During their February 24, 2021 meeting, the Design Advisory

Panel (DAP) was pleased to see the site redeveloped as it is an appropriate location for additional density. The DAP expressed that the Design Guidelines surfaced well in this Project and noted the careful attention to maximizing pedestrian views from Bethesda Lane and Bethesda Avenue and the enhancing the space at the Arlington Road access point at time of Site Plan. The DAP discussed scheme preferences, material and articulation, and the proposed height and setbacks. The DAP recommended that the Applicant:

- Provide additional pedestrian views from Bethesda Lane and Bethesda Avenue approximately 50 feet west of Arlington Road looking east to study if the current setback at the corner of Bethesda Avenue is sufficient.
- Enhance the space at the Arlington Road access point to be more plaza like.
- Provide a rendered landscape plan.

Additional details for the architectural concept and DAP context of the DAP's discussion are included in the DAP meeting summary (Attachment A).

#### Open Space

As a Site within the CRT Zone with two right-of-way frontages, the Applicant is required to provide 5% of public open space. The Project proposes to meet the 5% requirement of open space totaling to 5,500 square feet located along the building frontage and at the corner of the Bethesda Avenue and Arlington Road. Further design review and refinement will be completed at time of Site Plan.

#### Environment

The Subject Property is located within the Little Falls watershed, which is a Use I-P 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 street trees generally measuring less than 24" diameter at breast height (DBH) associated with the Subject Property frontages.

#### *Forest Conservation*

All properties seeking approval of a Sketch Plan after February 26, 2018 must obtain approval of a Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) or Forest Conservation Exemption prior to Planning Board action on the Sketch Plan. Accordingly, an NRI/FSD was approved for the Subject Property on May 18, 2021. The plan, designated No. 420211790, identifies the existing man-made and natural features associated with the Property, such as the buildings, associated parking, the street trees and landscape elements. The on-site setting includes no significant or specimen trees. There are no rare, threatened, or endangered species, no stream/buffers, or steep slopes on site. There are no historic or cultural properties onsite.

There is no forest on-site or adjacent to the Property, however, due to tract area and associated offsite work in this project categorized on the Forest Conservation Worksheet as mixed-use, there is an afforestation requirement of 0.36-acres. The Applicant is proposing to meet all forest conservation requirements through off-site banking, or via fee-in-lieu, in accordance with Forest Conservation Regulations. This Application does not require a forest conservation variance as it does not impact any trees that measure 30 inches DBH or greater; are part of a historic site or designated with a historic structure; are designated as national, state, or county champion trees; are at least 75 percent of the diameter of the current state champion tree of that species; or to trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. Staff recommends approval of the Preliminary Forest Conservation Plan with conditions listed at the beginning of this Staff Report.

#### *Green Cover*

The Bethesda Downtown Plan includes recommendations to achieve the urban green goals within the Sector Plan boundary. An important recommendation to this effect is the onsite 35% green area coverage minimum. The green cover may include singularly or a combination of intensive green roof (6 inches or deeper) or tree canopy

cover.

However, since only a portion of the Subject Property is proposed for redevelopment, rather than the entire 104,118 square feet (SF) site, it is anticipated that the Applicant will not achieve the overall 35% minimum coverage for the entire Property. The Property was developed prior to the current standards were in place and has relatively little canopy/green coverage. With a net area of 104,118 SF, the green cover requirement equates to at least 36,441 SF. Currently, the Application proposes green coverage in the form of 15,962 SF of green roof and 3,200 SF of micro bio-retention planters to fulfill this requirement for a total of 19,162 SF of green cover (18%). Additionally, though not identified in the Sector Plan as an eligible contribution to green cover, the Applicant proposes an additional 2,773 SF of ground level landscape planting.

As currently submitted, the Application demonstrates an 18% *overall* green cover and a 36% cover for the redeveloped area. Staff is supportive of this proposal and has conditioned the Project to continue to maintain at least this level of green cover as the Project evolves in order to pursue compliance with the Sector Plan's urban green goals. Further, in order to maximize Green Area cover over the entire site, the applicant is encouraged to use strategies including, but not limited to, the following: installation of additional planter boxes on existing buildings; identifying areas for further micro-bioretenion or canopy cover; and some level of green roof retrofits on existing buildings.

#### *Stormwater Management*

A stormwater management concept plan was approved by the Montgomery County Department of Permitting Services (MCDPS) on September 20, 2021. The stormwater management concept plan proposes to meet stormwater requirements through the use of green roof and micro-bioretenion planters. MCDPS will provide a detailed review of stormwater management computations and assess the potential applicability for waiver for quality treatment, at time of detailed plan submittal.

#### Transportation

##### *Access and Circulation*

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

The Project proposes converting the existing surface parking lot into a new private alley connection between Arlington Road and Bethesda Avenue for vehicular access. The existing curb cut on Arlington Road will be relocated slightly north of its current position and no changes are proposed to the curb cut on Bethesda Avenue. The Arlington Road access point will be inbound only, while the Bethesda Avenue access will be a full movement driveway (inbound and outbound), as it operates today. The benefit of the alley configuration is that all loading (including retail loading, move-ins/outs, and resident pick-up and drop-off), trash collection and parking activities will occur internal to the Site and away from active streetscapes along Arlington Road and Bethesda Avenue. Sidewalks are proposed along the entirety of the north side of the alley and the majority of the south side<sup>1</sup>, to enhance the comfort and safety of pedestrians accessing the residential and commercial uses on the Site.

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<sup>1</sup> Sidewalks are present along all of the building frontages/pedestrian activity areas. Sidewalks are continuous along the north side of the private alley.



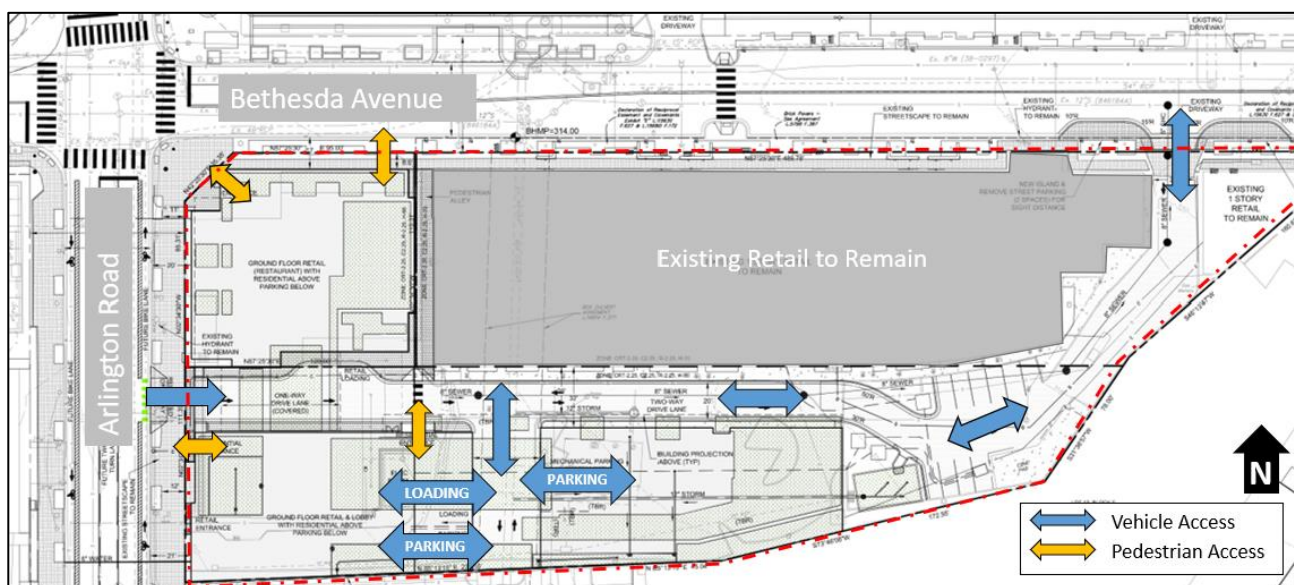


Figure 7 - Pedestrian and Vehicular Circulation

An existing through-block connection for pedestrians and bicyclists is proposed to remain, providing efficient access between Bethesda Avenue and the lobby to the proposed residential southern building proposed on the Site. A marked crosswalk across the private alley is proposed to remind motorists entering from Arlington Road to be aware of the potential presence of pedestrians.

Vehicular parking will be provided in two levels of below-grade garage, under a portion of the building and within a mechanized parking structure at the rear of the building. Ten parking spaces remaining from the existing surface parking lot (on either side of the proposed alley) will also be available to the residential and retail uses on the Site. The Project is proposing 242 off-street vehicular parking spaces, which is fewer than the minimum 337 required for the existing and proposed uses on the Site. The Site is located within the Bethesda Parking Lot District (PLD), and therefore is permitted to provide fewer than the minimum vehicular parking spaces typically required for the zone with a payment under Chapter 60<sup>1</sup>.

The Project is proposing 106 total parking spaces for bicycles (6 short-term and 100 long-term). The final number and location will be finalized at Site Plan.

#### Transit Connectivity

The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station (the master-planned Bethesda South Transit Station entrance located within blocks of the site), Metrobus, RideOn, the Bethesda Circulator and future Purple Line.

#### Separated Bicycle Lanes

The sector-planned one-way separated bicycle lanes on both sides of Arlington Road are proposed pursuant to the latest design available from the Montgomery County Department of Transportation. The design of these bicycle lanes may be changed by MCDOT as that agency's project progresses, however, the current design satisfies the 2018 Bicycle Master Plan requirement and establishes a conceptual design for the Applicant's participation.

<sup>1</sup> Per Section 59-6.2.3H.1.a.



## SECTION 4: SKETCH PLAN NO. 320210100 ANALYSIS AND FINDINGS

The purpose of a Sketch Plan is to identify general land uses, development intensity, and public benefits for the optional method of development in the CR, CRT, EOF or LSC Zones. The Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, heights, and anticipated uses, public benefit categories, the locations of open and public use spaces, the general circulation patterns for all modes of transportation, an estimated range of peak hour trips and relationships between existing or proposed adjacent buildings and rights-of-way. Details of the proposed development are determined during Preliminary and Site Plan review. Section 59.7.3.3.E of the Zoning Ordinance states: "To approve a Sketch Plan the Planning Board must find that the following elements are appropriate in concept and appropriate for further detailed review at site plan. The Sketch Plan must:"

1. *meet the objectives, general requirements, and standards of this Chapter;*

The Sketch Plan meets the development standards of Section 59.4.5.4, as shown in the following Data Table:

Table 1: Sketch Plan/ Preliminary Plan Data Table			
Section 59.4	Development Standard	Permitted/ Required	Proposed
	<b>Tract Area</b>	n/a	
	CRT-2.25, C-2.25, R-2.25, H-70		59,326 sf (1.36 ac)
	CRT-2.25, C-2.25, R-2.25, H-90		70,217 (1.61 ac)
	<b>Total Tract Area</b>		129,543 (02.97 ac)
	Prior Dedication Proposed Dedication <b>Site Area</b>		25,425 sf (0.58 ac) 0 sf (0.00 ac) <b>104,118 sf (2.39 ac)</b>
	<b>Residential Density (GFA/ FAR)</b>	291,472 sf/ (2.25)	261,000 sf/ (2.00)
	<b>Commercial Density (GFA/FAR)</b>	291,472 sf/ (2.25)	38,070 sf
	Existing to Remain		14,000 sf
	Proposed		52,070 (0.42)
	<b>Bethesda Overlay Zone Density</b>	n/a	0 (0.00)
	<b>Bonus Density</b>		<b>21,598 sf<sup>1</sup></b>
	<b>Total GFA/FAR</b>	n/a	<b>291,472 sf (2.42)</b>
	<b>Building Height</b>	70 ft/90 ft <sup>2</sup>	100 feet <sup>2</sup>
	<b>Public Open Space (min)</b>	5%	5%
	<b>Moderately Priced Dwelling Units</b>	15%	17.6%
	<b>Minimum Setbacks</b>	0	Must meet minimum <sup>3</sup>

<sup>1</sup> Per Section 59.4.5.2.C.2 and based on the provision of 17.6% MPDUs, the Project is entitled to 62,628 square feet of bonus density, although the Project will not utilize all of this additional bonus density.

<sup>2</sup> In accordance w/ section 59.4.9.2.C.3.b, If a project exceeds 17.5% MPDUs and is located in the Height Incentive Area as delineated in Subsection E, the height limit of the applicable zone does not apply to the extent required to provide MPDUs. The additional height is calculated as the floor area provided for MPDUs above 15% divided by the average residential floor plate area, where each whole number and each remaining fraction allows an increase of 12 feet.

<sup>3</sup> Setbacks to be finalized at time of Site Plan.

The Application will provide the minimum required number of long term bicycle parking spaces within the building and the minimum number of short term bicycle parking spaces near the main entrance, both the final quantity and location of bicycle parking will be determined at the time of Site Plan. The final number of vehicular parking spaces will be determined at Site Plan based on the approved quantity of residential units.

The Sketch Plan conforms to the intent of the CRT zone as described below:

a) *Implement the recommendations of applicable master plans.*

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

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

Additionally, the Project responds to the following recommendations for the "Bethesda Row District," which is described as the heart of Downtown Bethesda and is a regional destination and model for placemaking with thriving retail, human-scaled design and an active streetscape environment. The Property is designated as Site 160a on page 107 of the Plan. Specifically, the Project addresses the following goals as outlined in the Bethesda Row District section of the Plan:

- Preserve the human-scale and mixed-use character of the neighborhood.

The Project will preserve the human-scale of Bethesda Row by concentrating the density behind the existing single-story retail on Bethesda Row and incorporating various step-downs in the design of the building to relate to the lower scale retail. The Project proposes to enhance the existing mixed-use character of the neighborhood by redeveloping a single-use commercial property with a mix of commercial and residential uses.

- Continue the main street shopping character along Bethesda Avenue consistent with recent development.

The Project provides continuity of the main street shopping character through introducing ground floor retail space at the corner of Arlington Road and Bethesda Avenue, as well as along Arlington Avenue adjacent to the residential lobby of the proposed building.

- Improve bike facilities and connectivity throughout the district.

The Sector Plan encourages separated bike lanes on each side of Arlington Road, converting the roadway from four lanes to three lanes inclusive of a center turn lane. Assuming that the County will want to construct the entire bike lane in one phase, the Applicant will provide a fee in lieu payment for the future construction of the bike lane.

- Design new buildings to reflect the successful approaches to the building articulation, material and street frontage seen throughout Bethesda Row.

The design of the Project is articulated via two major components, the terraced corner that will be comprised of a sculptural composition of three volumes and a linear bar. The terraced corner materiality will be based on a palette of masonry finishes which celebrates the urban nature of Bethesda Row. The ground floor will be transparent while the upper floors will adopt a varied mix of opening sizes. The architectural language of the linear bar on the north, south and east elevations will include a more regular composition of openings. The western end of the linear bar terminates at Arlington Road may provide a more transparent feeling with larger size openings.

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

Vehicular access to the site will be provided from Arlington Road (inbound only) and from Bethesda Avenue (full movement driveway). The Project will construct the Bethesda streetscape on its Arlington Road and Bethesda Avenue frontages and will participate in the implementation of master-planned separated bicycle lanes on Arlington Road. Each of these improvements will improve access, mobility, and pedestrian safety.

To reduce exposure to conflicts with motorists and pedestrians, the Project proposes a private alley connecting Arlington Road and Bethesda Avenue. All of the loading, trash collection, and parking maneuvers will occur within the alley. Curbed sidewalks will be installed on both the alley along the building frontages to separate pedestrians from service trucks and other motorized vehicles.

The Project proposes vehicular parking in a structure parking garage, with a mechanized parking structure and with surface parking spaces accessible from the private alley. Additional details regarding the garage design and operation will be provided at the time of Site Plan. As an additional programmatic element, the Project will be subject to a loading management plan at the time of Site Plan that will further limit negative impacts to the adjacent public roadways. The loading management plan must include: delivery times, and strategies to ensure that move-in, move-out, loading and trash/ service operations do not negatively impact the public right-of-way. The project will be required to have an on-site loading manager responsible for scheduling deliveries, move-in, move-out and addressing issues related to the loading operations.

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

### ***Bethesda Design Guidelines***

Specifically, this Project will demonstrate conformance to the Design Guidelines or provide alternative techniques, as applicable, to achieve a visually interesting building that is compatible with the surrounding built environment.

#### **A. Neighborhood Main Street – Bethesda Avenue**

Bethesda Avenue is designated as a Neighborhood Main Street. The Project complies with the building placement recommendations with a setback of 17 feet from the Bethesda Avenue curb. The Design Guidelines recommend a nine-foot sidewalk and an eight-foot-wide planting zone which will be finalized at Site Plan. Along Bethesda Avenue, the building design complies with the recommendations of the Design Guidelines by providing a 15-foot step back beginning at the sixth story. Providing the step-back at the sixth story was determined to be the appropriate design response given the 64-foot height of the Bethesda Row development directly across the street from this Project.

#### **B. Neighborhood Connector – Arlington Road**

Arlington Road is designated as a Neighborhood Connector. The Project complies with the building placement recommendations by setting back a minimum of 20 feet from the Arlington Road curb. The Design Guidelines recommend a 12-foot-wide sidewalk with an additional three to five-foot frontage zone and an eight foot wide planting zone. All of the aforementioned will be determined at Site Plan. The Project proposes a number of step backs along Arlington Road to reduce the bulk of the building. At the corner of, the lower stepback that starts at the fourth floor is 16 feet while the upper step back at the sixth floor is six feet. The most prominent southern feature of the building steps back at approximately 22 feet from the building façade. In addition, the center component of the building where the access drive is located and connects the southern and northern components is also set back 22 feet. The Project successfully breaks up the building and relates to ground floor retail and street activity.

#### **C. Canopy Corridor**

Arlington Road is designed as a 'Canopy Corridor.' Landscaping, which will be defined at time of Site Plan, will comply with the Sector Plan's recommendations to create green corridors that connect parks, trails, stream buffers, and dense forest networks beyond the Bethesda downtown area. This will be accomplished by prioritizing street tree plantings with native, canopy trees planted with no less than 600 cubic feet of soil volume. Additionally, sidewalks and buildings will be designed to allow maximum space and sunlight for healthy trees along the Arlington Road corridor. Additionally, the Project proposes intensive green roofs, and the undergrounding of utilities to avoid conflict with street trees. Although not identified in the Sector Plan as an eligible contribution to green cover, the Applicant proposes an additional 2,773 SF of ground level landscape planting. the applicant is encouraged to use strategies including, but not limited to, the following: installation of additional planter boxes on existing buildings; identifying areas for further micro-bioretenment or canopy cover; and some level of green roof retrofits on existing buildings.

D. Compatibility

The Design Guidelines recommend that infill development, like the Project, respect the existing character and scale of the downtown's diverse districts, neighborhoods, and public spaces.' As described, the building's design achieves this goal.

E. Base: Building Placement, Street Activation, Variation and Articulation

The building is located beyond the recommended 15 foot from curb build-to line along Bethesda Avenue. Along Arlington Road, the building is located a minimum of 20 feet from the back of curb. The frontages will include a high-level of transparency, retail uses, and the lobby main entrance for the residential dwelling units. The Arlington Road façade is realized by three distinct modules and employs a number of vertical and horizontal breaks providing visual relief, thereby adding interest to the façade.

F. Corner Treatments

The Project will incorporate retail at the corner of Arlington Road and Bethesda Avenue. Further refinement of architectural elements to highlight the retail corner will be determined at time of Site Plan.

G. Tower Setback

The proposed building will be approximately 100 feet in height. The Project proposes a series of setbacks and step-backs to achieve the desired design objective.

H. Tower Separation

Tower separation is not strictly recommended due to the Projects proposed building height being less than 120 feet. Additionally, the Property is not adjacent to any other tall buildings. However, the building is employing a number of strategies to include varying heights, and a modulated and articulated façade to reduce the bulk of the building.

I. Bird Safe Design

The project will address Bird Safe Design via low reflective glass and by integrating architecture features in the façade such as recessed areas, balconies and cornices to create shadows and block window reflections. The Bird-Safe Design methods at this stage are preliminary and will be refined at time of Site Plan.

J. Green Cover

The Design Guidelines recommend the provision of 35% green cover on the property. Although the Project proposes improvements to roughly 50% of the Property, the Project seeks to provide as much green cover feasible on the Project area, in an attempt to meet the Design Guidelines goal. The Project will utilize green roofs, and micro-bioretenment planters, to provide 19,162 square feet of green cover. This equates to 18% of the overall Property and 35% of the Project area.

#### K. Environmental Site Design

The Project will use environmental site design measures to adequately address stormwater management including the integration of the following from the ESD toolbox items provided for in the Design Guidelines: intensive green roofs, and micro bioretention planters.

#### L. Servicing, Access and Parking

The Project proposes loading, trash and parking to be located within the interior of the Project boundaries, thereby reducing or eliminating any visual impact of these activities.

- b) Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses.*

The Project will redevelop the existing single use commercial buildings and the associated surface parking with a higher-density mixed-use building with a structured parking garage and mechanized parking structure to maximize residential development in close proximity to the Metro. The Project meets the objective of this finding.

- c) Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street.*

The Project is located within walking distance from both the future Bethesda Purple Line Station and the Bethesda Metro station, and it is anticipated that this Project user's will also utilize these transit options to access the site. Additionally, the building has been designed to activate the pedestrian environment. Streetscape enhancements will be identified at time of Site Plan.

Additionally, the proposed residential development includes 17.6% MPDUs, which will facilitate economic diversity located near transit and other important services. The Project also contains a diverse mix of market rate units. The Project will also provide ample recreational facilities for residents and significant public amenities. The Project proposes parking strategies that is located to the interior of the site and will not be between the building and street.

- d) Allows a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.*

The Sector Plan identifies this area as the heart of Downtown Bethesda and is a regional destination and model for placemaking with thriving retail, human-scaled design and an active streetscape environment. The Property is located within close proximity to various commercial uses, including office, retail and hospitality uses. The additional residential development proposed will support the existing and future employment base in the Downtown Area. Additionally, the Project will achieve compatibility with the existing low-scale retail uses along Bethesda Avenue.

- e) Integrate an appropriate balance of employment and housing opportunities.*

The Project provides both housing and employment uses, which will support each other. Additionally, the substantial amount of new residential development proposed will help to support the existing retail, employment, and other non-residential uses in downtown Bethesda. As proposed, the mixed use project is more suitable for this site and achieves the goals of the Sector Plan.



- f) *Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard Method limit.*

The Project will include significant public benefits in accordance with the requirements in Section 4.5.4.A.2 of the Zoning Ordinance, as further discussed in Finding 6 below. Final determination of public benefit points will be determined at the time of Site Plan.

2. *The Sketch Plan substantially conform with the recommendations of the applicable master plan;*

As discussed in Finding 1.a. above, the Project substantially conforms to recommendations of the 2017 *Bethesda Downtown Sector Plan*. The Project will increase the supply of housing to serve a variety of income levels, redevelop an under-utilized property, and provide streetscape improvements that improve the safety and character of the existing streets.

3. *satisfy any development plan or schematic development plan in effect on October 29, 2014;*

The Sketch Plan is not subject to a development plan or schematic development plan.

4. *Under Section 7.7.1.B.5, for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment, satisfy any green area requirement in effect on October 29, 2014; any green area under this provision includes and is not in addition to any open space requirement of the property's zoning on October 30, 2014.*

The Sketch Plan was not the result of a Local Map Amendment; therefore this finding is not applicable.

4. *The Sketch Plan achieves compatible internal and external relationships between existing and pending nearby development;*

As conditioned, the future Site Plan application will be refined to comply with the Design Advisory Panel's recommendations and provide the residential development that complements the existing and proposed uses in the vicinity and within the larger Downtown Area. Architecturally, the Project achieves compatibility with the surrounding area by providing additional low-scale retail uses along Bethesda Avenue. The building anchors the corner and serves as a gateway to this integral area with an existing robust retail program.

5. *The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;*

The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. Vehicular access to the Site will occur via Arlington Road and Bethesda Avenue. The access points occur within the interior of the site with access to the parking, loading, trash and residential pick-up and rop-off areas. Bicycle racks and lockers will be provided within the garage and short-term spaces will be provided along the Property's frontage (with final location to be determined at the Site Plan).

6. *The Sketch Plan proposes an outline of public benefits that supports the requested incentive density and is appropriate for the specific community;*

Taking into account the considerations in Section 59.4.7.1.B and the Public Benefit Points established with the Bethesda Overlay Zone in Section 59.4.9.2.C.4, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and

additional enhancements related to the individual public benefits, Staff finds that the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site, as described below.

For the proposed development, the Zoning Ordinance requires 50 points in three categories. Although at the time of Sketch Plan review only the categories need be approved, the following table shows both the categories and points for the public benefits recommended at Sketch Plan to demonstrate the project's ability to meet the requirement to provide sufficient benefit points.

<b>Table 2: Public Benefits Calculations</b>		
<b>Public Benefit</b>	<b>Incentive Density Points</b>	
	<b>Max Allowed</b>	<b>Requested in Concept</b>
<b>59.4.7.3C: Connectivity and Mobility</b>		
<b>Minimum Parking<sup>1</sup></b>	<b>20</b>	<b>13</b>
<b>59.4.7D: Diversity of Uses and Activities</b>		
<b>Moderately Priced Dwelling Units<sup>1</sup></b>	<b>No limit</b>	<b>39</b>
<b>59.4.7.3E: Quality of Building and Site Design</b>		
<b>Architectural Elevations</b>	<b>30</b>	<b>15</b>
<b>Exceptional Design<sup>1</sup></b>	<b>30</b>	<b>20</b>
<b>Structured Parking</b>	<b>20</b>	<b>14</b>
<b>59.4.7.3F: Protection and Enhancement of the Natural Environment</b>		
<b>Energy Conservation and Habitat</b>	<b>25</b>	<b>15</b>
<b>Recycling Facility Plan</b>	<b>10</b>	<b>10</b>
<b>TOTAL</b>		<b>126</b>

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

#### Connectivity and Mobility

*Minimum Parking:* The Applicant requests 13 points for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points for providing the maximum allowable number of on-site spaces to 20 points for providing no more than the minimum numbers of spaces on site. At this time, the Applicant is proposing 242 parking spaces for 250 units, which equates to 13 points. Final determination will be made at Site Plan and Staff supports the Applicant's request at this time.

#### Diversity of Uses and Activities

*Moderately Priced Dwelling Units:* The Applicant requests 39 points for providing 44 units accounting for 17.6% within the Project as MPDUs. Final determination will be made at Site Plan and Staff supports the Applicant's request at this time.

#### Quality of Building and Site Design

*Architectural Elevations:* The Applicant requests 15 points for providing architectural elevations as part of the certified site plan showing particular elements to include the organization of the massing and the ability of the Project to offer a cohesive and well-articulated design for the various elevations in both in terms of materiality and that of proportion and typology of the buildings fenestration. Additionally, the terraced corner, materiality will be based on a palette of masonry finishes that will celebrate the urban nature of the site, with a myriad of colors, and finishes which further expresses the building. Ground floor fronts are proposed to be mostly transparent to maximize the interaction between the retail program and the public

realm, the upper-level fronts along Bethesda Avenue and Arlington Road will adopt a varied mix of opening sizes, with the integration of architectural features that contribute to the sculptural volume of the Project. Staff supports the Applicant's request at this time with further details and refinement to be provided at the time of Site Plan.

*Exceptional Design:* Although the Applicant requested 20 points for exceptional design, the Design Advisory Panel indicated, at its February 24, 2021 meeting, that the project was on track to receive the minimum number of points (10) required for this category. The Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, and heights. Based on the conceptual materials submitted with the Application, staff supports 10 points for exceptional design at this time. As conditioned, the future Site Plan application will comply with the DAP's recommendations, as set forth in the meeting minutes from the DAP's February 24, 2021 meeting.

*Structured Parking:* The Applicant requests 14 points for providing 122 spaces via the mechanical parking, and 110 spaces of below grade structured parking. Staff supports this request at this time.

#### Protection and Enhancement of the Natural Environment

*Energy Conservation and Habitat:* The Applicant requests 15 points as the Project will exceed energy efficiency standards by 17.5%. Final determination will be made at Site Plan and Staff supports the Applicant's request at this time.

*Recycling Facility Plan:* The Applicant requests 10 points for providing a recycling facility plan that exceeds the minimum requirements set forth in the Zoning Ordinance. The final details of this plan will be determined at the time of Site Plan and Staff supports the Applicant's request at this time.

7. *establish a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The Project will be built in one phase.

### **SECTION 5: PRELIMINARY PLAN AMENDMENT NO. 11998051A**

1. *The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59*

This Preliminary Plan creates one lot of appropriate size, width, shape, orientation, and density for the proposed mixed development use. Transportation access is adequate to serve the proposed development through this Preliminary Plan. Water and sewer and other utilities are available to serve the Property. The Application meets the Environmental Guidelines and Forest Conservation Law.

The lot was reviewed for compliance with the dimensional requirements of the CRT-2.25 C-2.25 R-2.25 H-90', CRT-2.25 C-2.25 R-2.25 H-70' the Bethesda Overlay Zone and Height Incentive Area, as specified in the Zoning Ordinance. The lot as proposed will meet all dimensional requirements or area, frontage, width and setbacks in that zone as shown in the Data Table on page 16. The Application has been reviewed by other applicable County agencies, all of which have recommended approval of the plan.

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

As discussed in the concurrently filed Sketch Plan No. 320210100, the Preliminary Plan Amendment substantially conforms with the recommendations of the Sector Plan.

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

a. Roads and Other Transportation Facilities

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

i. *Existing Facilities*

The existing development is served by two driveways, with one curb cut on Arlington Road (inbound only), another on Bethesda Avenue (full-movement), and an associated surface parking lot. Both the Arlington Road and Bethesda Avenue frontages are improved with public sidewalks. The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station (located within ¼ mile of the site), Metrobus, RideOn, the Bethesda Circulator and future Purple Line.

ii. *Proposed public transportation infrastructure*

Vehicular access to the Site will be provided from a slightly relocated curb cut on Arlington Road (inbound only), and the existing curb cut on Bethesda Avenue (full-movement). The surface parking lot will be replaced with a private alley for the purpose of removing all loading, trash collection and parking maneuvers outside of the public right-of-way. The Project will construct the Bethesda streetscape on its Arlington Road and Bethesda Avenue frontages and will participate in the implementation of new separated bicycle lanes on Arlington Road by making a financial contribution of \$32,000 to MCDOT prior to issuance of the right-of-way permit. These improvements will improve access, mobility, and pedestrian safety. Pedestrian access to the site will be from the established sidewalk network and will be enhanced by streetscape improvements along each of the Property frontages, consistent with the Bethesda Streetscape Standards.

b. Local Area Transportation Review (LATR)

*Adequate Public Facilities*

A transportation exemption statement, dated August 13, 2021, satisfied the Local Area Transportation Review (LATR) for the Subject Application because the Project generates fewer than 50 net new peak hour person trips when compared to the existing restaurant and retail uses to be removed. The existing retail to remain is not included in the transportation impact analysis because these trips are already in the network. The proposed mixed-use development (250 residential units with 14,000 square feet of ground-floor retail) is estimated to generate 5 net new morning peak-hour person trips and 6 net new evening peak-hour person trips (Table 4).

Table 4: Project Peak Hour Trip Generation							
		Vehicle Rates		Adjusted Vehicle Rates		Person Trips	
Existing		AM	PM	AM	PM	AM	PM
Restaurant to be removed	8,086 SF	80	79	49	48	111	109
Portion of retail to be removed	6,365 SF	0	17	0	11	0	24
<b>Subtotal</b>		80	96	49	59	111	133
Proposed		AM	PM	AM	PM	AM	PM
Mixed-use residential w/ground floor retail <sup>1</sup>	250 Units	75	90	59	71	116	139
<b>Net New Trips</b>						<b>5</b>	<b>6</b>

Source: Lenhart Traffic Consulting Transportation Statement, dated August 13, 2021.

c. Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The property will be served by public water and sewer systems. Water and sewer and other utilities are located in Arlington Road and Bethesda Avenue. Connections (one or multiple connections) off one or more of these roads adjoining the Property will service the Property, the final design of which will be finalized at Site Plan. The Application has been reviewed by MCFRS, and emergency vehicle access has been deemed adequate. The Montgomery County Fire Station No. 6 (Bethesda Fire Department) is located slightly more than ½ mile from the Property on Wisconsin Avenue. The 2<sup>nd</sup> District Police Station, serving the Downtown Bethesda, is located on Rugby Avenue in the Woodmont Triangle. Electrical and telecommunications services are also available to serve the Subject Property. Local health clinics, police stations and fire stations are all operating within acceptable levels as established by the Growth and Infrastructure Policy.

**Overview and Applicable School Test**

Preliminary Plan No. 11998051A located at 7070 Arlington Road, is scheduled to come before the Planning Board for review on November 4, 2021. Therefore, the updated FY22 Annual School Test, approved by the Planning Board on June 17, 2021 and effective July 1, 2021 is applicable. This project proposes up to 250 multifamily high-rise dwelling units as part of this amendment.

**School Adequacy Test**

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.

<sup>1</sup> In compliance with the LATR Guidelines, the Project applied the ITE Land Use Code 231 Mid-Rise Residential with Ground-Floor Retail, which includes the 14,000 square feet of new retail in the proposed mixed-use building.

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 <sup>1</sup>	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 5. 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.

With a net of 250 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: Per Unit Student Generation Rates – Southwest Region

	Elementary School	Middle School	High School
SF Detached	0.195	0.096	0.139
SF Attached	0.166	0.091	0.116
MF Low-Rise	0.059	0.023	0.032
MF High-Rise	0.034	0.015	0.016

With a net increase of 250 multifamily high-rise units, the Project is estimated to generate the following number of students:

Table 7: 7070 Arlington Road Lane Student Generation

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
MF High-Rise	250	0.034	8.500	0.015	3.750	0.016	4.000
<b>TOTAL</b>	<b>250</b>		<b>8</b>		<b>3</b>		<b>4</b>

These estimates do not exceed the adequacy ceilings in Table 5; therefore, no partial Utilization Premium Payments are required.

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



### **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.

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

##### **a. Environmental Guidelines**

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD), application no. 420211790, was approved for the Subject Property on May 18, 2021. The Subject Property is located in downtown Bethesda and within the Little Falls Branch watershed which is a Use I-P watershed. The Site is not associated with any environmentally sensitive features such as forest areas, stream buffers, wetlands, 100-year floodplains, or steep slopes. The Subject Property does not include any significant or specimen trees. There are no rare, threatened, or endangered species within the study area. There are no historic properties on-site.

##### **b. Forest Conservation Plan**

Although no forest exists onsite, this Application is subject to Chapter 22A Forest Conservation Law. Accordingly, the Applicant has included a Preliminary Forest Conservation Plan with this Application. Based on the net tract area and offsite work, the Forest Conservation Worksheet shows a calculated afforestation requirement of 0.36-acres. The Applicant proposes to meet this requirement through an offsite bank or via fee-in-lieu. As conditioned, the Application will meet all applicable requirements of Chapter 22A.

##### **c. Noise**

The Subject Property is in a busy urban environment fronting an arterial roadway and is therefore subject to the Noise regulations associated with residential development. As conditioned, A noise analysis must be submitted at the time of Site Plan.

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

As part of the Preliminary Plan Application, the Applicant submitted a Stormwater Management Concept Plan, which was approved by the Department of Permitting Services on September 20, 2020. The approved concept plan showed that the stormwater management goals will be met via green roof and micro-bioretenention planters. MCDPS will provide a detailed review of stormwater management computations and assess the potential applicability for waiver for quality treatment, at time of detailed plan submittal. As conditioned, all requirements of Chapter 19 will be satisfied.

#### **6. *Any burial site of which the applicant has actual notice or constructive notice that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M; and***

This site has no known factual or constructed burial sites.

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

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

## **Community Outreach**

The Applicant held a pre-submittal public meeting on February 22, 2021. This meeting was held in a virtual format due to the COVID-19 Pandemic. The Applicant has complied with all submittal and noticing requirements. As of the date of this Staff Report, staff has received not written correspondence from the community. However, staff did speak to a community member who raised concerns about the proposed density and associated parking, the environmental impact, methods of food disposal, and green space. These concerns are summarized below and addressed through Staff's review of the Sketch Plan and Preliminary Plan application.

### **Density**

The community member initially expressed concerns regarding how much density is proposed for the site and felt that the Applicant would be increasing the capacity beyond what the site could withstand.

Staff Response: Staff advised the community member that the Applicant is proposing a 10-story mixed-use project of up to 313,070 total square feet of development to include 38,070 square feet of existing retail uses, 261,000 square feet residential for up to 250 multifamily dwelling units, with 17.6% allocated towards Moderately Priced Dwelling Units (MPDUs), and up to 14,000 square feet of new commercial uses. Staff advised that the maximum number of residential units will be determined at a later regulatory review stage (e.g. Site Plan). Staff advised that the proposed project supports the existing retail and restaurants within the area (Bethesda Row). Staff also noted that the permitted residential density is greater than what the Applicant is proposing.

### **Parking**

Staff spoke with the community member regarding concerns about the proposed density and the associated parking. Specifically, the resident perceived that the proposed development would provide excessive surface parking.

Staff Response: The proposed building will be built to the property line. Staff advised the community member that vehicular parking will be provided via a below-grade garage, under a portion of the building and also a mechanized parking structure at the rear of the building. The Application proposes ten parking spaces to remain from the existing surface parking lot (on either side of the proposed alley) and will be available to the residential and retail uses on the Site. The Project is proposes 242 off-street vehicular parking spaces, *which is fewer* than the minimum 337 required for the existing and proposed uses on the Site. The Site is located within the Bethesda Parking Lot District (PLD), and therefore is permitted to provide fewer than the minium vehicular parking spaces typically required for the zone with a payment under Chapter 60. Staff noted that the 13 points requested of public benefits, specifically, *Minimum Parking*, supports the Applicant's request for incentive density and is appropriate for the community surrounding the site, as described below.

### **Environmental Impact**

The community member shared great concerns regarding general environment issues and the impact this Project would have on the environment. Staff provided detail regarding how the Project must demonstrate conformance to the County's environmental guidelines and forest conservation laws.

Staff Response: Staff noted that the Site is not associated with any environmentally sensitive features such as forest areas, stream buffers, wetlands, 100-year floodplains, or steep slopes. Although numerous street trees border the site, all are less than 24" diameter-at-breast-height (DBH). Staff also shared that the Project meets the design guidelines specifically around environmental innovation by providing better stormwater management and other measures to enhance community health and quality of life. Specifically, the Project will use environmental site design measures to adequately address stormwater

management including the integration of the following from the ESD toolbox items provided for in the Design Guidelines: intensive green roofs, and micro bioretention planters. Additionally, the community member was also made aware of that the Applicant is requesting 15 public benefit points for the *Conservation and Habitat* category as the Project will exceed energy efficiency standards by 17.5%. Final determination will be made at Site Plan and Staff supports the Applicant's request at this time.

### **Food Disposal**

Staff spoke with the community member regarding their concerns about proper food disposal and waste and provided details regarding how this Project will properly address their concerns.

*Staff Response:* The Project has been evaluated by the Waste Reduction and Recycling Section of Montgomery County's Department of Environmental Protection (DEP) Recycling and Resource Management Division in accordance with Section 59.4.7.3F of the Zoning Ordinance. To qualify for the full 10 ten points awarded the Recycling Facility Plan, must include three services to include:

1. Food Scraps Collection and Recycling through either:
  - a. Food scraps recycling collection and service for residents (for offsite composting)  
The project must provide food scraps recycling collection containers in trash/recycling rooms or a central location to allow residents to separate food scraps for recycling from trash. Contract for food scraps recycling collection service with a food scraps recycling collection service provider that takes the food scraps to an off-site compost facility for recycling and processing.

Staff also notes that the Sketch Plan requests a minimum of ten public benefits for their Recycling Plan which includes proper food disposal. Further refinement will be addressed at time of Site Plan.

### **Green Space**

The community member did have concerns about this among future developments creating green space for existing and future residents. Staff provided details surrounding the Applicant's proposal to meet the green cover requirements:

*Staff Response:* The Bethesda Downtown Plan includes recommendations to achieve the urban green goals within the Sector Plan boundary. An important recommendation to this effect is the onsite 35% green area coverage minimum. The green cover may include singularly or a combination of intensive green roof (6 inches or deeper) or tree canopy cover. However, since only a portion of the Subject Property is proposed for redevelopment, rather than the entire 104,118 square feet (SF) site, it is anticipated that the Applicant will not achieve the overall 35% minimum coverage for the entire Property. The Property was developed prior to the current standards were in place and has relatively little canopy/green coverage. The green cover requirement equates to at least 36,441 SF and the Application proposes green coverage in the form of 15,962 SF of green roof and 3,200 SF of micro bio-retention planters to fulfill this requirement for a total of 19,162 SF of green cover (18%). Additionally, though not identified in the Sector Plan as an eligible contribution to green cover, the Applicant proposes an additional 2,773 SF of ground level landscape planting. Staff is supportive of this proposal and has conditioned the Project to continue to maintain at least this level of green cover as the Project evolves in order to pursue compliance with the Sector Plan's urban green goals. Further, in order to maximize Green Area cover over the entire site, the applicant is encouraged to use strategies including, but not limited to, the following: installation of additional planter boxes on existing buildings; identifying areas for further micro-bioretention or canopy cover; and some level of green roof retrofits on existing buildings.

## **CONCLUSION**

As conditioned, the Sketch Plan application satisfies the findings under Section 59.4.5.4 of the Zoning Ordinance and substantially conforms to the recommendations of the 2017 *Bethesda Downtown Sector Plan*, the 2017 *Adopted Bethesda Downtown Plan Design Guidelines* and the 2020 *Bethesda Downtown Plan Streetscape Standards*. As conditioned, the Preliminary Plan Amendment satisfies the findings of the Subdivision Regulations and is consistent with the goals and recommendations of the 2017 *Bethesda Downtown Sector Plan* and the *Bethesda Downtown Design Guidelines*. Therefore, Staff recommends approval of the Sketch Plan and Preliminary Plan with the conditions specified at the beginning of this report.

## **ATTACHMENTS**

- A. Design Advisory Panel Memo and Architectural Concept
- B. Agency Letters