

4 BETHESDA METRO CENTER

SKETCH PLAN AMENDMENT 32018011A

Description

Request to extend the Sketch Plan's eligible period to submit a Site Plan by three years, from October 17, 2021 to October 17, 2024.

NO. 32018001A

COMPLETED: 12-3-2021

MCPB

Item No. 1.c

12.16.2021

2425 Reedie Drive

Floor 13

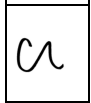
Wheaton, MD 20902



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LOCATION:

At the intersection of Wisconsin Avenue
and Old Georgetown Road

MASTER PLAN & ZONE

CR 8.0 C 8.0 R 7.5 H210 and CR 8.0 & C 8.0 R 7.5
H290, and the Bethesda Overlay Zone, in the 2017
Bethesda Downtown Sector Plan

PROPERTY SIZE

Tract area: 4.34 acres

Site area: 3.44 acres

APPLICANT

BOP Bethesda Metro Center LLC

ACCEPTANCE DATE:

8/6/2021

REVIEW BASIS:

Chapter 59



Summary

- On July 19, 2018, the Planning Board approved Sketch Plan 320180010 to allow the construction of a mixed-use project of up to 1,092,242 square feet located at the Bethesda Metro Station.
- Section 59.7.3.3.G of the Zoning Ordinance, states that if a sketch plan is approved, a site plan must be submitted within three years of the date of the sketch plan resolution.
- The Applicant states that due to several reasons, including the COVID-19 Pandemic and working with WMATA surrounding an active metro and bus station, several unexpected delays have occurred, and request a three-year extension of this provision, from October 2021 through to December 2024.
- The Amendment will not result in any changes to the original Sketch Plan proposal.
- Staff recommends **approval** of the Applicant's request to extend the time period for which a site plan must be filed through December 2024.

SECTION 1

RECOMMENDATIONS & CONDITIONS

Sketch Plan Amendment 32018011A

Staff recommends approval of Sketch Plan Amendment 32018011A, to extend the Sketch Plan's eligible period to submit a Site Plan by three years, from October 17, 2021 to October 17, 2024, on 4.34 tract acres of land zoned CR-8.0 C-8.0 R-7.5 H-210 and CR-8.0 C-8.0 R-7.5 H-290, and within the Bethesda Overlay Zone. All conditions of Sketch Plan 320180110 remain in full force and effect with the addition of Condition 13 below:

13. Site Plan submittal

The associated site plan, in conformance with Section 7.3.3.G of the Zoning Ordinance, must be submitted within three years of the date of the resolution for Sketch Plan Amendment 32018011A.

SECTION 2

PROJECT DESCRIPTION

Previous Approvals

[Sketch Plan 320180110](#)

On July 19, 2018, the Planning Board approved Sketch Plan 320180110, MCPB No. 18-082 (Attachment A), to redevelop the existing three-story "food court" building (40,532 square feet) and a portion of the surrounding Metro Plaza with a new mixed-use development containing up to a maximum of 500,000 square feet, combined with the existing office building and hotel to remain unchanged, for a total density of 1,092,242 square feet (or 5.77 FAR).

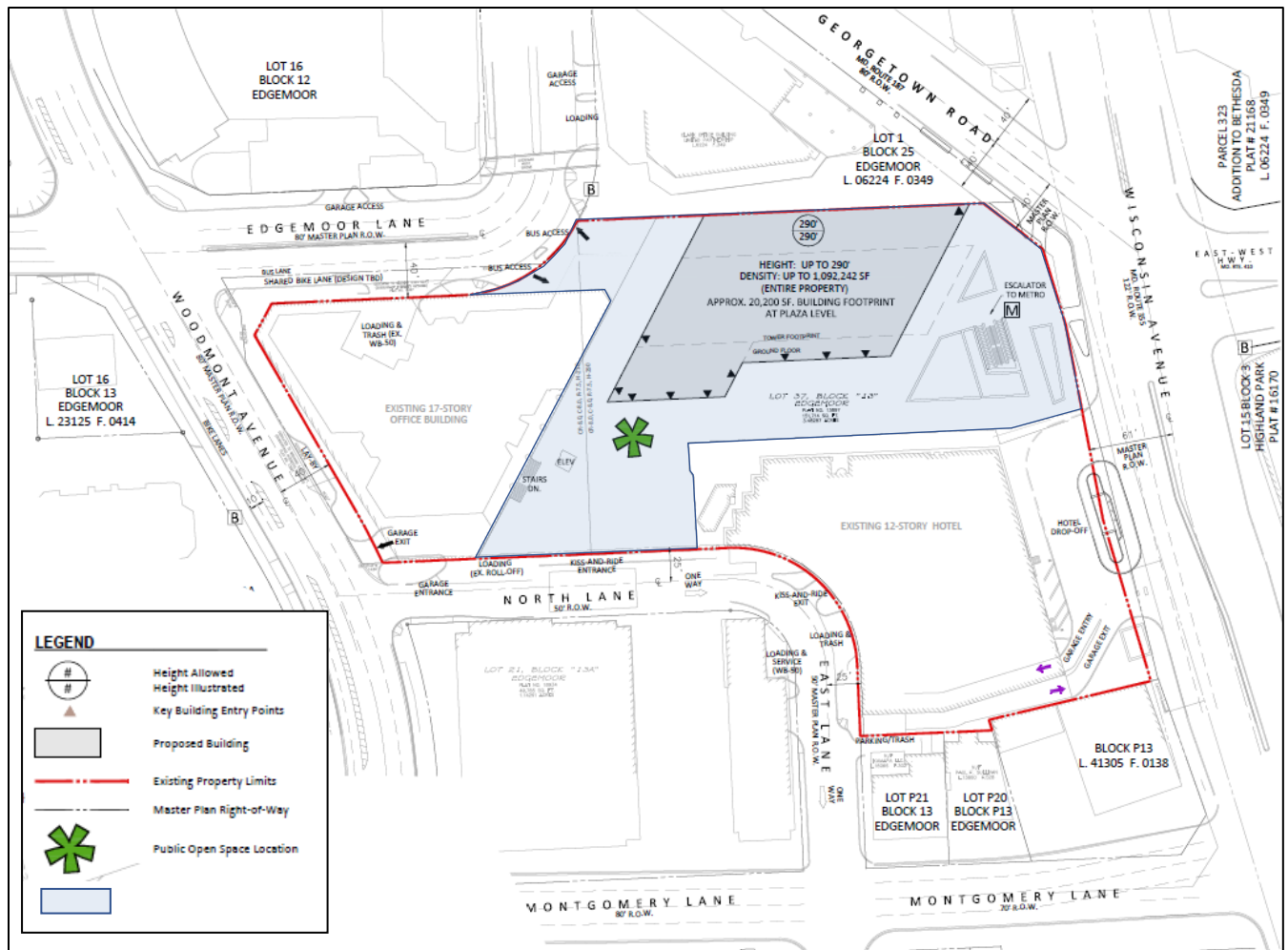


Figure 3-Approved Sketch Plan

The approved Sketch Plan allowed flexibility in order to respond to changes in market demands and included two alternative development options, a residential option and a commercial option as described below.

Residential Development option: This residential and retail option proposes ground floor retail, restaurant and other activating uses with multi-unit residential uses above. The residential component of the Project will include a minimum of 15% Moderately Priced Dwelling Units (MPDUs).

Commercial Development option: This option would enable non-residential development on all floors.

Either option will provide substantial public benefits and amenities, including various improvements to the public open space at the Metro Plaza level, improvements to the Metro bus facilities, and enhanced access to transit. The final allocation of uses will be determined at the time of Preliminary

and Site Plan review. The approval did not require an allocation of density from the Bethesda Overlay Zone; therefore, no resulting Park Impact Payment (PIP) was required.

[Preliminary Plan 11981068B](#)

On November 14, 2019, the Planning Board approved Preliminary Plan 11981068B, MCPB No. 19-129 (Attachment B), for up to 479 multi-family dwelling units and up to 20,600 square feet of ground floor retail and 592,242 square feet of existing uses (office and hotel). This approval was based on the Residential Development option of the previously approved Sketch Plan.

The approval established there were adequate public facilities to serve the development, with an APF period of 5 years from the date of the resolution mailing. County Council Ordinance 19-12 granted a two-year extension to valid APF validity periods and preliminary plan validity periods due to the COVID-19 pandemic, extending the APF validity period of 11981068B from December 16, 2024 to December 16, 2026 and the Preliminary Plan validity period from January 16, 2023 to January 16, 2025.

Proposed Sketch Plan Amendment

The proposed Sketch Plan Amendment is procedural in nature and results in no change to the original proposal, with the sole purpose of allowing additional time for submittal of the required site plan. Section 59.7.3.3.G of the Zoning Ordinance states:

If a sketch plan is approved, a site plan under Section 7.3.4 must be submitted within 36 months after the date the resolution is sent, unless a longer period is established by the resolution.

Sketch Plan 320180110, MCPB Resolution No. 18-082, was mailed on October 17, 2018 (see Attachment A) and did not establish a longer period. Based on the above Zoning Ordinance provision, a site plan must have been submitted by October 17, 2021. The Applicant initially submitted this proposed Sketch Plan Amendment on August 6, 2021, prior to the site plan submission deadline. In the Applicant's Statement of Justification (see Attachment C), the Applicant noted that being located within an active bus and metro station, required coordination with WMATA, and pandemic related uncertainties, had resulted in several unavoidable delays in finalizing a site plan design.

SECTION 3

SKETCH PLAN AMENDMENT 32018011A

Analysis and Findings

The Planning Board approved Sketch Plan No. 320180110 (MCPB No. 18-082) to to redevelop the Proeprty with a new mixed-use development containing up to a maximum of 500,000 square feet, combined with the existing office building and hotel to remain unchanged, for a total density of 1,092,242 square feet (or 5.77 FAR).

Sketch Plan Amendment 32019010A proposes to extend the Sketch Plan's eligible period, per Section 59.7.3.3.G, to submit a Site Plan by three years, from October 17, 2021 to October 17, 2024. Except as modified below, the Sketch Plan Amendment does not alter the intent, objectives, or requirements in the originally approved Sketch Plan, and all other findings remain in effect.

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 is envisioned to be built in one phase. The limitations set forth by Section 59.7.3.3.G of the Zoning Ordinance require submittal of a site plan within 36 months (three years) after the date of the resolution mailing, unless a longer period is established by the resolution. The original Sketch Plan Resolution (MCPB No. 18-082) was mailed on October 17, 2021 and did not establish a longer period. The Applicant initially submitted this Application to extend the submittal period on August 6, 2021, prior to the site plan submission deadline. In the Applicant's Statement of Justification, the Applicant noted that being located within an active bus and metro station, required coordination with WMATA, and pandemic related uncertainties, had resulted in several unavoidable delays in finalizing a site plan design.

Based on the Project's complex location and proximity to an active metro station and bus depot, and the required coordination with varying organizations, the Applicant's request to allow additional time, from October 17, 2021 to October 17, 2024, is a reasonable request and will not alter the Applicant's ability to deliver the Project in a single phase as previously approved.

ATTACHMENTS

- A. Sketch Plan Resolution MCPB No. 18-082
- B. Preliminary Plan Amendment Resolution MCPB No. 19-129
- C. Applicant's Statement of Justification



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 18-082
Sketch Plan No. 320180110
4 Bethesda Metro
Date of Hearing: July 19, 2018

OCT 17 2018

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review sketch plan applications; and

WHEREAS, on February 1, 2018, BOP Bethesda Metro Center LLC ("Applicant") filed an application for approval of a sketch plan for construction of up to 1,092,242 total square feet (including 358,578 existing square feet to remain for 3 Bethesda Metro and 233,664 existing square feet to remain for the Hyatt Hotel) on 4.34 acres of land zoned CR 8.0 C 8.0 R 7.5 H210 and CR 8.0 C 8.0 R 7.5 H290 within the Bethesda Overlay Zone, located at the intersection of Wisconsin Avenue and Old Georgetown Road ("Subject Property") in the Bethesda CBD Policy Area and 2017 Bethesda Downtown Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320180110, 4 Bethesda Metro Center ("Sketch Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 9, 2018, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on July 19, 2018, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on July 19, 2018, the Planning Board voted to approve the Application, subject to certain binding elements and conditions, on the motion of Commissioner Cichy, seconded by Commissioner Fani-Gonzalez, with a vote of 4-0;

Approved as to
Legal Sufficiency:

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www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

MCPB No. 18-082
Sketch Plan No. 320180110
4 Bethesda Metro Center
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Commissioners Anderson, Cichy, Fani-Gonzalez, and Patterson voting in favor, and Commissioner Dreyfuss absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320180110, 4 Bethesda Metro Center, for up to 1,092,242 total square feet of development (including 358,578 existing square feet to remain for 3 Bethesda Metro and 233,664 existing square feet to remain for the Hyatt Hotel) on the Subject Property, subject to the following binding elements and conditions:¹

A. Binding Elements. The following site development elements are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:

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 are illustrative.

B. Conditions. This approval is subject to the following conditions:

1. Density

The Sketch Plan is limited to a maximum of 1,092,242 square feet of total development, including the 592,242 square feet of existing square footage to remain. The maximum number and distribution of residential dwelling units and/or non-residential uses will be determined at Preliminary Plan.

2. Height

The CR 8.0 C 8.0 R 7.5 H290-zoned building ("4 Bethesda Metro Center building") is limited to a maximum building height of 290 feet as measured from its building height measurement point illustrated on the Certified Site Plan.

3. Land Use

- a. The Applicant must select either the Residential or Commercial Development option at the time of Preliminary Plan.
- b. If at Preliminary Plan the Applicant pursues the Commercial Development option, they must file a sketch plan amendment to address the following considerations:

¹ For the purpose of these binding elements and conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- i. Building design and relationship of the base with the open space areas;
- ii. Pedestrian circulation through the site; and
- iii. Design and function of the open space areas.

4. 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 100 and be chosen from at least four categories as required by Section 59.4.5.4.A.2. The requirements of Division 59.4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan.

- a. Major Public Facilities, achieved through transit access improvements and enhancements to the Metro bus bay area;
- b. Connectivity and Mobility, achieved through minimum parking;
- c. Quality of Building and Site Design, achieved through exceptional design, public open space, and structured parking; and
- d. Protection of the Natural Environment, achieved through the purchase of building lot terminations and energy conservation and generation.

5. Building Design

- a. The Applicant must submit a revised architectural design concept to the Design Advisory Panel, addressing comments from the DAP enumerated in the Sketch Plan Findings, prior to submittal of any Site Plan application.
- b. The Applicant must address the Bethesda Design Guidelines, Tower Separation minimum dimensions and further refinement of building massing using the "Tower: Menu of Methods to Reduce Bulk" for both Development options.

6. Open Space

The Applicant must provide approximately 42,000 square feet (28 percent of the Subject Property) of public open space on-site, with the final area and design to be determined at Site Plan.

7. Green Area

The Applicant must provide a minimum of 35% of the redeveloped site area as Green Cover, consistent with the Sector Plan. At time of Site Plan review, the Applicant must demonstrate good faith efforts to maximize the Green Area provided over the entire Subject Site.

8. Streetscape

The Applicant must install the Bethesda Streetscape Standard along the Subject Property's right-of-way frontages, including the undergrounding of utilities, as illustrated on the Certified Site Plan.

9. Bicycle Facilities

The Applicant must coordinate with the Montgomery County Department of Transportation to participate in the implementation of master-planned bicycle facilities along the Subject Property's right-of-way frontages, including separated bicycle lanes on Woodmont Avenue, Old Georgetown Road, and Edgemoor Lane.

10. Building Lot Terminations (BLTs)

Prior to release of any building permit, the Applicant must provide proof of purchase and/or payment for the required BLTs.

11. Moderately Priced Dwelling Units (MPDUs)

For any development alternative required to provide MPDUs, the Applicant must provide on the Subject Property a minimum of 15% of the total new units as MPDUs in accordance with Chapter 25A.

12. Future Coordination for Preliminary Plan and Site Plan

In addition to any other requirements for Preliminary Plan under Chapter 50 and Site Plans under Chapter 59, the following must be addressed when filing a Preliminary Plan or Site Plan application, as applicable:

- a. Fire and Rescue access and facility details;
- b. Streetscape details;
- c. Building shadow study;
- d. Physical scale model of the proposed development including surrounding existing development and site area;
- e. Submit a preliminary/final forest conservation plan;
- f. Address the SITES & LEED recommendations of the Sector Plan, specifically related to energy efficiency and building design features;
- g. Provide a noise analysis at time of Preliminary Plan, or submit a waiver under Section 2.2.2 of the 1983 Noise Guidelines;
- h. Address the conflicts between the credited tree canopies and building interface by shifting the locations of the trees further away from the existing and proposed buildings and/or reducing the canopy credit to reflect the zone of clearance pruning that would occur;
- i. Provide details and cross sections showing appropriate soil volumes of no less than 600 cubic feet for canopy trees, in accordance with the Sector Plan;
- j. Address the Sector Plan recommendations and design guidelines regarding stormwater management;

- k. Streetscape details;
- l. Address Bird-Safe Design per the Bethesda Downtown Plan Design Guidelines.
- m. Traffic Mitigation Agreement to participate in the Bethesda Transportation Demand Management District and achieve the Sector Plan 55% NADMS goal;
- n. Necessary dedication along frontage roadways and covenant for future dedication along North Lane and Edgemoor Lane in response to existing buildings to remain;
- o. Demonstrate how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guideline requirements.
- p. Provide a strategy and long-term commitment for programming the public spaces.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of the Zoning Ordinance, the Board finds that as conditioned the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that:

1. *The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.*

a. Development Standards

The Subject Property includes approximately 4.34 acres zoned CR 8.0 C 8.0 R 7.5 H210 and CR 8.0 C 8.0 R 7.5 H290, within the Bethesda Overlay Zone. At the time of Preliminary Plan submission, the Applicant must select one of two development options encompassed by this Sketch Plan: the Residential Development option, which includes ground floor retail, restaurants, and other activating uses with partially terraced multi-unit residential uses above and a minimum of 15% MPDUs; or the Commercial Development option, which includes ground floor retail, restaurants, and other activating uses and non-residential uses above the ground floor. As shown in the data table below, both development options conform to the applicable development standards of the Subject Property's zones.

Data Table

Sketch Plan Data Table			
Section 59.4	Development Standard	Permitted/ Required	Approved
	Gross Tract Area per Zone		
	CR 8.0 C 8.0 R 7.5 H 210	n/a	58,830 sf (1.35 ac)
	CR 8.0 C 8.0 R 7.5 H 290		130,453 sf (2.99 ac)
	Total Gross Tract Area	n/a	189,283 sf (4.34 ac)
	Prior Dedication	n/a	37,569 sf (0.86 ac)
	Additional Dedication	n/a	2,038 sf (0.05 ac)
	Net Lot Area	n/a	149,676 sf (3.44 ac)
	Commercial Development option		
	Non-Residential	1,514,264 sf (8.0 FAR)	858,578 sf (4.53 FAR)
	Other (Hotel to remain)		233,644 sf (1.23 FAR)
	Total Density	1,514,264 sf (8.0 FAR)	1,092,242 sf (5.77 FAR)
	Residential Development option		
	Non-Residential	1,514,264 sf (8.0 FAR)	393,578 sf (2.07 FAR)
	Residential	1,419,622 sf (7.5 FAR)	465,000 sf (2.45 FAR)
	Other (Hotel to remain)		233,664 sf (1.23 FAR)
	Total Density	1,514,264 sf (8.0 FAR)	1,092,242 sf (5.77 FAR)
	Building Height		
	CR 8.0 C 8.0 R 7.5 H 210	210 feet	NO CHANGE
	CR 8.0 C 8.0 R 7.5 H 290	290 feet	290 feet
	Public Open Space (min)	10%/14,968 sq. ft.	28%/42,000 sq. ft. ²

The Application will provide the minimum required number of bicycle parking spaces within the building, which 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 final development option.

The Sketch Plan, including both development options, conforms to the intent of the CR zone as described below.

a) Implement the recommendations of applicable master plans.

The Application substantially conforms to the recommendations for the Subject Property in the 2017 *Bethesda Downtown Sector Plan*. Specifically, this Sketch 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:

² Final square footage to be determined at the time of Site Plan.

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.

Under both development options, the Application addresses three of the four overarching Sector Plan goals. The Application envisions a comprehensive redesign of the Metro Plaza, which will improve public open space in Bethesda. The approximately 42,000 square feet of public open space provided in both the Residential and Commercial Development options will consist of zones, intended to serve different functions and meet the needs of various users of the Subject Property. The design of the public open space is described in more detail below. The Application will also incorporate environmental innovation through energy efficiency, innovative stormwater management solutions, improved pedestrian and bicycle opportunities, and improvements to the Metro bus facilities. The Application will improve economic competitiveness and attract business opportunities by adding new development to downtown Bethesda above the Metro Station with access to public amenities including a completely redesigned Metro Plaza. Finally, if the Applicant selects the Residential Development option, this Application will meet the fourth overarching Sector Plan goal by providing a mix of housing options, including 15% MPDUs.

The Subject Property is designated as site 98 and 99 in the Sector Plan and is in the "Wisconsin Avenue Corridor District," which 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. The area's retail potential is compromised by its location on either side of Wisconsin Avenue. As a major commuter arterial, this street has heavy traffic volumes that eliminate the potential for "cross shopping" and a lack of visibility for retail establishments.

Under both development options, the Sketch Plan addresses the following goals as outlined in the Wisconsin Avenue Corridor section of the Plan:

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

The Sketch Plan provides an important opportunity for infill development of an underdeveloped commercial site with a mixed-use, transit-oriented project. The Application will provide a variety of uses (including restaurant, retail/service, and residential or commercial) directly on top of the Bethesda Metro Station and bus facility, and within walking distance of the proposed Bethesda Purple Line Station, and other transit options, such as the Bethesda Circulator.

- *Provide new civic gathering spaces.*

The Application will provide a comprehensive redesign of the Metro Plaza with new public open space areas intended to serve different functions to meet the needs of various users of the Subject Property. Public open spaces include plazas, a central lawn area for performances, retail promenade, gallery and active areas. The Application will also provide several improvements to enhance access to and from the Metro/bus facilities, including a new covered escalator that will provide a direct pedestrian connection between the Metro Plaza and transit facilities below, improvements to the existing staircase near the intersection of Woodmont Avenue and North Lane, and a new elevator at this location. These improvements will enhance the community's experience when accessing the Metro Station and bus facilities and are designed to encourage use of the Metro Plaza above.

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

The Sector Plan recommended rezoning the Subject Property to increase the commercial density and height to provide flexible development opportunities and allow future development to better adapt to market conditions. Consistent with the Sector Plan, the Applicant requested flexibility to respond to changes in market demands through the approval of two alternative development options. If the project is developed under the Residential Development option, it will provide residential units on top of the Metro station, including affordable housing in the form of additional MPDUs. These MPDUs will help to further one of the primary goals of the Sector Plan and Bethesda Overlay Zone and ensure that affordable housing opportunities exist in transit-oriented locations.

Although the Commercial Development option, if selected, would not provide mixed-income/affordable housing, it is consistent with the zoning recommended by the Sector Plan for the Subject Property and satisfies a variety of other Sector Plan goals, as described in this Resolution. The Sector Plan does not mandate residential development on the Subject Property, and even without such development, the Application substantially conforms to the Sector Plan.

- *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 Application will provide high-intensity infill redevelopment at the very center of downtown Bethesda, between adjacent commercial/office and hotel development. The combination of multi-family dwelling units or commercial uses, ground floor retail uses, and amenities proposed for the block will create a more pedestrian-friendly, active, and functional metro plaza space.

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

The Sketch Plan proposes to incorporate energy efficient building systems to exceed the ASHRAE 90.1 standard by a minimum of 17.5%, as required by the Bethesda Overlay Zone. In addition, intensive green roof systems, planters, and green area at the plaza level will maximize the Subject Property's overall green cover.

- *Improve and enhance underutilized privately-owned public use spaces.*

The Application will greatly improve and enhance downtown Bethesda's central civic space and premier public transit facility in the Metro station by comprehensively redesigning the Metro Plaza and upgrading various transit functions below with improved circulation and functionality, added public amenities, and by providing additional commercial, retail and/or residential uses that will activate and enliven the area around-the-clock and ensure a more successful public realm.

Both of the Sketch Plan's proposed development options are in substantial conformance with the 2017 *Bethesda Downtown Sector Plan* and will provide a mix of uses at an appropriate density.

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

The Application provides an important opportunity for infill development of an underdeveloped commercial site, as recommended by the Sector Plan, with a mixed-use, transit-oriented project. The Sketch Plan proposes a variety of uses (including restaurant, retail/service, and residential or commercial) within walking distance of the Bethesda Metro Station, various bus routes, the proposed Bethesda Purple Line Station, and other transit options.

- 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.*

Both development options provide significant public benefits and amenities, including various improvements to Metro bus facilities and Metro Plaza, as well as transit access improvements. Additionally, the location of the development atop the Metro Station and bus area will facilitate the use of multiple modes of transportation to access the Subject Property.

The Residential Development option includes market-rate residential units in a variety of unit types as well as 15% MPDUs, offering housing opportunities for a range of incomes proximate to the numerous transit options of downtown Bethesda. Although housing would not be provided in the Commercial Development option, the Subject Property will provide

commercial services and public amenities to nearby existing and proposed high-rise multi-family buildings. Public amenities including bike share, public open space, and streetscape improvements are integral to the design and operation of the Subject Property.

The Application will also improve mobility options, including improved streetscapes for pedestrians in and around the Subject Property and along the Wisconsin Avenue corridor, as well as planned bike lanes on three frontages of the Subject Property. Below-grade parking is proposed for both development options, taking advantage of the existing, below-grade parking garage. The Application does not include any parking between the building and the street frontages.

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

Both development options will provide a desirable mix of uses at an appropriate density at this prominent location. The proposed building height will highlight the Subject Property's important location as a gateway to the Bethesda Metro Station. The surrounding buildings will step down in height and density to provide an appropriate transition to the existing residential areas on the edges and outside of the Sector Plan boundary.

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

The Sector Plan identified several distinct districts within Downtown Bethesda to guide development compatibility. The Subject Property is within the Wisconsin Avenue Corridor District, which 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. The Application proposes two development options – one with a substantial amount of new residential development and the other with additional commercial use. Given the existing mix-of uses within the Bethesda CBD, both development options will facilitate an appropriate mix of employment and/or housing opportunities to facilitate the creation of a sustainable downtown.

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.

As described in more detail below, the Sketch Plan will provide the required public benefits from a minimum of four categories to achieve the desired incentive density above the standard method limit. Final determination of public benefit points will be determined at the time of Site Plan.

2. *The Sketch Plan substantially conforms to the recommendations of the Sector Plan.*

As discussed above, the Sketch Plan substantially conforms to recommendations of the 2017 *Bethesda Downtown Sector Plan*.

3. *The Sketch Plan satisfies, under Section 7.7.1.B.5 of the Zoning Ordinance, the binding elements of 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. *The Sketch Plan achieves compatible internal and external relationships between existing and pending nearby development.*

This Subject Property is located at the center of Bethesda. The proposed building height will highlight the Redevelopment Area's important location as a gateway to the Bethesda Metro Station. Although the specific architecture for either development option has not been developed, the location and proposed massing of the building under both options will add to the symbolic center of Bethesda. The building has been situated at the focal point from East West Highway, with visibility along Wisconsin Avenue as well. The Applicant asserts that this project will deliver a signature building at this important location. It will include a vertical marker and an active and highly programmed set of spaces that forms the civic heart of the greater region. The architectural design of the project will enhance the pedestrian environment and surrounding public use space. The massing and verticality of the building will emphasize the urban context of the project, while façade treatments and architectural elements will provide an appropriate human-scale at the pedestrian level. The proposed building has been strategically designed to help frame the Metro Plaza to provide a well-defined space, while simultaneously preserving views of Wisconsin Avenue and Old Georgetown Road to improve visibility and connections to the street. In addition, the location of the existing buildings and the proposed building are designed to surround a central civic gathering space as expressly called for in the Sector

Plan. The proposed building will allow for light and air for the open space. As conditioned, the Applicant will provide a shadow study at the time of Site Plan submission.

Under Section 59-7.3.3.A.2, “[a] sketch plan describes a project at an early stage to provide the public and the Planning Board the chance to review a proposed development for general design, density, circulation, public benefits, and relationship to the master plan before a developer is required to expend significant resources on design and engineering.” Based on the information in the record, including the Staff Report, the Applicant has met this standard for both the Residential and Commercial development options, as detailed in the various findings in this Resolution. However, the Application provides a more detailed picture of the project under the Residential development option.

As conditioned, if the Applicant pursues the Commercial Development option, it must file a sketch plan amendment at the time of Preliminary Plan to provide additional detail on building design and relationship of the base with the open space areas, pedestrian circulation through the site, and design and function of the open space areas. Given the location of the Subject Property at the heart of Bethesda and the importance of the public open space at the Bethesda Metro station, additional detail is warranted if the Applicant chooses to proceed with the Commercial Development option. This will facilitate the review of subsequent development applications by developing more fully the Board’s expectations for the building and public open space under the Commercial Development option and offer all stakeholders an additional opportunity to comment on the proposal.

Under either development option, the architectural design of the facade will be developed and expressed more fully in the Site Plan submission to ensure the facade is not exceedingly long, uninterrupted or rigidly uniform, or overly monolithic in mass.

The Application adheres to the height and density recommendations contained in the Sector Plan. The conceptual building massing is compatible in height and scale with the existing and pending nearby development in the Wisconsin Avenue Corridor District.

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

Under both development options, the Application provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and

loading. The Sketch Plan will improve the pedestrian circulation in Downtown Bethesda by providing active through-block connections to facilitate alternative means of access to transit and surrounding properties within the CBD. The building has been located and oriented to help define and activate the street and these passageways. Activated ground floor space, including retail and restaurant use, and ample transparency on the ground level will further enhance the pedestrian environment. An important component of the Application is the redesigned Metro Plaza. The Metro Plaza is currently an underutilized series of terraced and isolated spaces that prevent full pedestrian access and use. The vibrancy of the Metro Plaza will depend on the presence of additional workers (in the case of the Commercial Development option) or residents (in the case of the Residential Development option) as well as the redesign of a coherent set of plazas and green spaces. Additional activating, ground-floor uses, improved circulation, and successful programming that supports the outdoor spaces will be essential.

The Application proposes transit access improvements that will substantially improve a rider's experience when accessing the Metro Station and bus facilities and, thus, encourage transit ridership. Long-term bicycle racks or lockers will be provided within the building or garage, and short-term spaces will be provided along the Subject Property's frontage or within the public Metro Plaza (with final location to be determined at time of Site Plan) to facilitate bicyclist access to the Subject Property. The Application utilizes the existing parking garage, which will continue to remain adequate to accommodate all users of the Subject Property. Access to parking and loading will utilize existing driveways and continue to be safe, adequate and efficient.

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, 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, the Planning Board 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. Final determination of public benefit point values will be determined at Site Plan.

For the proposed development, the Zoning Ordinance requires 100 points in four 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.

Public Benefits Calculations		
Public Benefit	Incentive Density Points	
	Max Allowed	Approved in Concept
59.4.7.3.A: Major Public Facility	70	30
59.4.7.3.C: Connectivity and Mobility		
Minimum Parking*	20	9.21
59.4.7.3.E: Quality of Building and Site Design		
Exceptional Design*	30	10
Public Open Space*	30	18.06
Structured Parking	20	20
59.4.7.3.F: Protection and Enhancement of the Natural Environment		
BLTs	30	8.69
Energy Conservation and Generation ¹	25	15
TOTAL		110.96

* Denotes Sector Plan priority.

Major Public Facility

The Application proposes significant transit access improvements and enhancements to the Metro bus bay area. These modifications will substantially improve users experience when accessing the Metro and thus, encourage additional transit ridership. Based on the square footage associated with the construction of these improvements, the Applicant is seeking 30 points in this category. Final determination will be made at Site Plan, and the Planning Board supports the Applicant's request at this time.

Connectivity and Mobility

Minimum Parking: The Applicant requests 9.21 points for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points for providing the maximum allowable number of on-site spaces to 20 points for providing no more than the minimum numbers of spaces on-site. Based on the Application's initial proposal for parking, the Application generates 9.21 points. Final determination will be made at Site Plan, and the Planning Board supports the Applicant's request.

Quality of Building and Site Design

Exceptional Design: The Applicant requests 10 points for building or site design that enhances the character of a setting. The project is subject to Design Advisory Panel (“DAP”) review, which awards points based on the quality of the design. The Applicant asserts that the project provides innovative solutions in response to the immediate context; creates a sense of place and serves as a landmark; enhances the public realm in a distinct and original manner; introduces materials, forms, or building methods unique to the immediate vicinity or applied in a unique way; and integrates low-impact development methods into the overall design of the site and building, beyond green building or site requirements.

The DAP reviewed the project on April 25, 2018 and requested the Applicant return to the panel before going to the Planning Board. The DAP made a number of recommendations, which are detailed in the Staff Report.

The Applicant returned to the Design Advisory Panel on June 27, 2018. Understanding that points are not awarded at Sketch Plan, the DAP supported the design concept and believed the Applicant could achieve the minimum exceptional design points at Site Plan, with a significant focus on the public space and interaction with the proposed building design. A refined design will come back to the DAP before the submittal of the Site Plan.

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 for both the Commercial and Residential development options, and in consideration of the DAP’s recommendations, the Planning Board supports the Applicant’s request at this time.

Open Space: The Applicant requests 18.06 points for providing public open space. Points for this incentive are granted on a sliding scale based on the percentage of the net lot area. The conceptual layout yields 27,032 square feet of additional open space above the required square feet of public use, space for a total of 18.06 points. Under both development options, the public open space provided will consist of zones, intended to serve different functions to meet the needs of various users of the site. These spaces are: (1) the Metro Commons, (2) the Promenade, and (3) the Lawn. The Metro Commons, located along the Wisconsin Avenue frontage, will create a new open space area fronting on Wisconsin Avenue that will total nearly 17,000 square feet and will facilitate a variety of new uses benefitting the public. The Promenade connects the Metro Commons to the interior Lawn. The proposed design of the promenade envisions a unified public space that works both for pedestrians passing through and as a destination in itself.

The Lawn area is envisioned as a flexible, inviting green space. The proposed location of the Lawn will allow for the creation of an area for all of Bethesda, buffered from the noise and traffic of the surrounding streets by the proposed building. The Applicant's intention is to transform the Lawn into a destination. The Metro Commons open area creates an inviting entry to the wide Promenade and the Lawn area which, together, when included with the central open area provided by the existing Newlands Building, offer the public nearly an acre of connected public use space.

Consistent with the CR Guidelines, the open space will be: directly accessible to a street; open to the public; designed so that the loading or parking facilities are screened or faced with active uses, contain seating, trash receptacles, landscaping, and other amenities; be at least 35 feet wide; designed so that walls of any residential floor area facing the open space have windows on at least 60 percent of the façade between three and eight feet; and designed so that any dwelling unit facing the open space will have access to the open space. The Planning Board supports the category at this time, with the final design and points to be determined at the time of Site Plan.

Structured Parking: The Applicant requests 20 points for providing structured parking in a below-grade parking structure. The Planning Board supports this request at this time.

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT): The Applicant requests 8.69 points for the purchase of BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area. Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance. The Planning Board supports the Applicant's request at this time.

Energy Conservation and Generation: The Sector Plan requires that all projects in the High-Performance area must exceed the current ASHRAE 90.1 requirement by at least 15 percent. The CR Zone Incentive Density Implementation Guidelines states that up to 15 points are available for constructing buildings that exceed the energy-efficiency standards for the building type by 17.5 percent; however, the BOZ permits up to 25 points for this benefit. Exceeding the energy efficiency standards by 17.5 percent in the BOZ proportionally allows the project to receive 15 public benefit points. The Planning Board supports the Applicant's request at this time.

7. *The Sketch Plan establishes a feasible and appropriate 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.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the Sector Plan, or other requirements; and

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of 4 Bethesda Metro Center, Sketch Plan No. 320180110, received by M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is OCT 17 2018 (which is the date that this Resolution is mailed to all parties of record); and

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Commissioner Cichy, with Chair Anderson and Commissioners Fani-González and Cichy voting in favor, and Vice Chair Dreyfuss and Commissioner Patterson absent at its regular meeting held on Thursday, October 11, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 19-129
4 Bethesda Metro Center
Preliminary Plan No. 11981068B
Date of Hearing: November 14, 2019

DEC 16 2019

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on June 18, 1981, the Planning Board approved Preliminary Plan No. 119810680, creating one lot on 3.5 acres of land in the CBD-3 zone, located on the west side of Wisconsin Avenue, between Edgemoor Lane and North Lane and Bethesda Central Business District Sector Plan area; and

WHEREAS, on June 29, 2007 Preliminary Plan Amendment No. 11981068A was submitted to increase density and was subsequently withdrawn; and

WHEREAS, on April 24, 2019, BOP Bethesda Metro Center LLC ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan(s) for up to 479 multi-family dwelling units and up to 20,600 square feet of ground floor retail and 592,242 square feet of existing uses (office and hotel) on 4.3 acres of land in the CR 8.0 C 8.0 R 7.5 H210 and CR 8.0 C 8.0 R 7.5 H290 zones and the Bethesda Overlay Zone, located at the southwest corner of the intersection of Wisconsin Avenue and Old Georgetown Road ("Subject Property"), and 2017 Bethesda Downtown Sector Plan ("Sector Plan") area on the Subject Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 11981068B, 4 Bethesda Metro Center ("Preliminary Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated November 4, 2019, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

Approved as to
Legal Sufficiency

Christa Scott 11/25/19
3978 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
MNCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

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4 Bethesda Metro Center
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WHEREAS, on November 14, 2019, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on November 14, 2019, the Planning Board voted to approve the Application subject to certain conditions, on motion of Vice-Chair Fani-Gonzalez, seconded by Commissioner Verma, with a vote of 5-0; Commissioners Anderson, Cichy, Fani-Gonzalez, Patterson, and Verma voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 11981068B for up to 479 multi-family dwelling units and up to 20,600 square feet of ground floor retail and 592,242 square feet of existing uses (office and hotel) which supersede the previously approved Preliminary Plan in its entirety:¹

1. This Preliminary Plan is limited to 1 lot for up to 479 multi-family dwelling units and up to 20,600 square feet of ground floor retail and 592,242 square feet of existing uses to remain (358,578 square feet of existing office and 233,664 square feet for the existing hotel).
2. The Applicant must comply with the binding elements and conditions of approval for Sketch Plan No. 320180110 and any subsequent amendments.
3. As part of submission of Certified Preliminary Plans, the Applicant must provide a revised Preliminary Forest Conservation Plan addressing the following:
 - a. Provide correctly scaled drawings; and
 - b. Coordinate with M-NCPPC Staff on minor corrections and clarifications as required.
4. Before demolition, clearing, or grading on the Subject Property, the Applicant must record a Certificate of Compliance to use an off-site forest mitigation bank easement in the Montgomery County Land Records, satisfying the 0.55-acre requirement (or as determined by the Certified Final Forest Conservation Plan). The certificate of compliance must be in a form approved by the M-NCPPC Office of the General Counsel.
5. The Final Forest Conservation Plan must be approved prior to record plat.
6. 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 October 28, 2019 and hereby incorporates

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

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.

7. The Planning Board accepts the recommendations of MCDPS – Water Resources Section in its stormwater management concept letter dated October 23, 2019, 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 accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in their letter dated October 31, 2019, and hereby incorporate them as conditions of the Preliminary Plan approval and for the Traffic Impact Statement (TIS). 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 Applicant must dedicate all road rights-of-way to the full width mandated by the Bethesda Downtown Sector Plan or as otherwise designated on the Certified Preliminary Plan, and show on the record plat(s) the following dedications:
 - a. A dedication of the Old Georgetown Road frontage necessary to provide the Sector Plan-recommended 40-foot-wide right-of-way between the Subject Property line and right-of-way centerline, as illustrated on the Certified Preliminary Plan.
 - b. A dedication of the Wisconsin Avenue frontage necessary to provide the Sector Plan-recommended 61-foot-wide right-of-way between the Subject Property line and right-of-way centerline, except where precluded by the existing hotel awning structure which will be encumbered by an easement for future dedication, as illustrated on the Certified Preliminary Plan.
 - c. An easement for future dedication along the North Lane and East Lane frontages, as illustrated on the Certified Preliminary Plan.
11. The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the master plan and/or to the design standards imposed by all applicable road codes.

Only those roads (or portions thereof) expressly designated on the Preliminary Plan, "To Be Constructed By _____" are excluded from this condition.

12. Before the release of any above grade building permit, the Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District (TMD) and work toward the Sector Plan goal of 55% Non-Auto Driver Mode Share.
13. Bicycle Facilities
 - a. The Applicant must provide a minimum of 115 bicycle parking spaces to include 107 long-term and eight (8) short-term bicycle parking spaces.
 - b. The long-term spaces must be in a secured, well-lit bicycle room in the garage, and the short-term spaces must be inverted-U racks (or approved alternative) installed in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the public bicycle rack(s) must be identified on the Certified Site Plan.
 - c. The Applicant must construct the master planned separated bicycle lanes along the Project's North Lane frontage.
 - d. The Applicant must participate in a pro-rata basis towards the construction of the Sector-Planned bicycle facility on their Old Georgetown Road frontage.
14. The certified Preliminary Plan must contain the following note:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.
15. The record plat must show necessary easements.
16. Include all applicable agency letters and Preliminary Plan Amendment Resolution on the approval or cover sheet(s) of the Certified Preliminary Plan.
17. If a subsequent site plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or 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.

18. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of the Planning Board Resolution.
19. The Planning Board accepts the recommendations of the Maryland State Highway Administration (MDSHA) in its letter dated November 13, 2019 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The layout of the subdivision, including size, width, shape, orientation and diversity 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 Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Code including the technical review standards in Section 50.4.3. This Preliminary Plan Amendment includes one recorded lot, with a combined total density of 1,092,242 square feet, including up to 500,000 square feet of new square footage for up to 479 new multi-family dwelling units, up to 20,600 square feet of new non-residential uses, and 592,242 square feet of existing square footage to remain for the existing hotel and office uses. The existing 592,242 square feet of office and hotel uses will remain unchanged by this Preliminary Plan Amendment and were reviewed and approved as part of the original Preliminary Plan 119810680. The Application meets all applicable sections. The size, width, shape and orientation of the lot is appropriate for the location of the subdivision taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated. As discussed in the following Preliminary Plan finding, the Application substantially conforms to the 2017 Bethesda Downtown Sector Plan. The Application complies with the land use recommendations for the site as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. The Property is a recorded lot. The Applicant is proposing to redevelop the existing three-story "food court" building and a portion of the surrounding Metro Plaza (replacing approximately 40,532 square feet of floor area) with a new mixed-use development containing up to a maximum of 500,000 square feet, for a net increase in 459,468 square feet of new development.

Transportation access is adequate to serve the development by this Preliminary Plan Amendment. Water and sewer and other utilities are available to and currently serve the Property. The Application meets the Environmental Guidelines and Forest Conservation Law.

The lot was reviewed for compliance with the dimensional requirements for the CR 8.0 C 8.0 R 7.5 H210 and CR 8.0 C 8.0 R 7.5 H290 zones as specified in the Zoning Ordinance. The lot will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. This Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan Amendment.

2. The Preliminary Plan substantially conforms to the Sector Plan

The Property is designated as Sites 98 and 99 on pages 99 and 101 of the Sector Plan. The Property is in the “Wisconsin Avenue Corridor District”, which is the main artery through the center of downtown Bethesda. The Project provides an important opportunity for infill development of an underdeveloped commercial site, as recommended by the Sector Plan, with a mixed-use, transit-oriented Project. The Project will provide a variety of uses (including restaurant, retail/service, and residential) directly on top of the Bethesda Metro Station and bus facility, and within walking distance from the proposed Bethesda Purple Line Station, and other transit options (including the Bethesda Circulator).

a. Land Use

The Project will provide up to 479 residential units including 15% MPDUs and up to 20,600 square feet of non-residential uses on the ground floor and includes 592,242 square feet of existing uses (office and hotel) to remain. The Project will provide a desirable mix of uses, at an appropriate density, at this prominent location.

b. Environment

As conditioned, the Application meets the Sector Plan recommendations, the Environmental Guidelines and Forest Conservation Law. The Forest Conservation Plan with the conditions cited as part of this Preliminary Plan Amendment are acceptable.

c. Transportation

The Application is consistent with the Sector Plan recommendations and will provide the necessary right-of-way dedications and streetscape improvements. The 2017 *Bethesda Downtown Sector Plan* recommends the following along property frontages:

- i. Edgemoor Lane along the northern site frontage, as a Business District Street with a minimum right-of-way width of 80 feet and two-way

separated bicycle lanes (LB-8) along the eastbound (property frontage) side of the street.

- ii. Woodmont Avenue along the western site frontage, as an arterial roadway with a minimum right-of-way width of 80 feet and separated bicycle lanes (CT-4) along the southbound (opposite frontage) side of the street.
- iii. North Lane along the southern site frontage, as a Business District Street with a minimum right-of-way width of 50 feet.
- iv. East Lane along the southern site frontage, as a Business District Street with a minimum right-of-way width of 50 feet.
- v. Wisconsin Avenue along the eastern site frontage, as a major highway (M-6) with a minimum right-of-way width of 80 feet.
- vi. Old Georgetown Road along the northeastern site frontage, as a major highway (M-4) with a minimum right-of-way width of 80 feet and separated bicycle lanes (CT-8). Although a specific design for the Old Georgetown Road separated bike lanes has not yet been determined, the current concept envisions this bicycle facility on the north side of Old Georgetown Road. The Planning Board believes the north side of the roadway will better coordinate with plans for the East-West Highway (MD 410) separated bikeway which are also envisioned on the north side.

d. Sector-Planned Transportation Demand Management

The Sector Plan encourages a Non-Auto Driver Mode Share (NADMS) of 55%, averaged between employees and residents of downtown Bethesda. In order to meet this goal, downtown Bethesda is organized into a Transportation Demand Management District (TMD) that strives to promote travel by means other than single occupancy vehicles. As a residential project of more than 100 dwelling units within the Bethesda TMD, the development is required to enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and Montgomery County Department of Transportation (MCDOT) to participate in the Bethesda TMD.

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 development by this Preliminary Plan Amendment.

i. *Existing Facilities*

Vehicular access to the Property will occur in the same manner as the existing condition with no changes to the Site access concept. Existing vehicular access operates in the following manner:

- a. Edgemoor Lane operates as a two-way median-divided roadway along the site frontage. Public buses enter the Bethesda Metrorail

station via Edgemoor Lane at the northwest corner of the site with a loading/ service access point located midway between the bus entrance and Woodmont Avenue.

- b. Woodmont Avenue operates as a one-way (southbound) roadway along the site frontage. A single point of garage ingress/ egress exists at the southwest corner of the site, adjacent to the intersection of Woodmont Avenue and North lane. Woodmont Avenue and North Lane each have an ingress/ egress lane at this intersection.
- c. North Lane and East Lane operate as one-way (eastbound/ southbound) service streets along the site's southern frontage. In addition to the garage access at the Woodmont Avenue/ North Lane intersection described above, North Lane and East Lane provide access to the Metrorail station kiss & ride and short term parking, and loading.
- d. Wisconsin Avenue operates as a six-lane median divided roadway along the site frontage. Site access along this roadway is limited to a single point of garage access (right-in/right-out) and a forecourt for the hotel.
- e. Old Georgetown Road operates as a one-way (northbound) roadway along the site frontage. No vehicular access is permitted along this roadway.

ii. *Proposed public transportation infrastructure*

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 study dated May 17, 2019, and revised September 13, 2019, was submitted to analyze the Project. The study reflected the 479 residential units and up to 20,600 square feet of retail. The existing 592,242 square feet of office and hotel uses were counted as background conditions in the traffic study because the uses have existed for more than twelve (12) years. The development is estimated to generate 171 net new morning peak-hour person trips (88 vehicle trips) and 313 net new evening peak-hour person trips (154 vehicle trips). Because the estimated transportation impact of the Project exceeds 50 net new trips for the vehicular, pedestrian, and bicycle modes, the Project evaluated the adequacy of each of these modes to satisfy the Local Area Transportation Review requirement. Transit was not evaluated due to the Site's proximity to the Bethesda Metrorail station.

Vehicle Adequacy

The Applicant evaluated a total of 15 intersections on five corridors within downtown Bethesda. In accordance with the 2016-2020 Subdivision Staging Policy, the corridors were evaluated using the Highway Capacity Manual methodology and each corridor was found to be within the 120-second delay standard for the Bethesda CBD Policy Area. As a result, no mitigation is necessary to satisfy the vehicular adequacy test.

Pedestrian Adequacy

Because the Project generates more than 50 peak hour pedestrian trips, the Applicant evaluated each of the crosswalk level of service at LATR study intersections within 500 feet of the Site and determined that each of the pedestrian crossings would operate at a level of service "D" or better in the future condition. Additionally, the Applicant evaluated ADA non-compliance issues within 500 feet of the Site and found that existing and proposed infrastructure is adequate.

Bicycle Adequacy

The Applicant evaluated bicycle travel in accordance with the Planning Department's "Level of Traffic Stress" analysis, which recognizes the effect different roadways have on bicyclists' comfort. That analysis determined that bicycle facilities within 750 feet of the Site were Level of Traffic Stress "2" or better. This low level of traffic stress is due, in large part, to the future provision of new physically separated bicycle lanes on Woodmont Avenue through the MCDOT Capital Improvement Program (CIP) and the new bicycle lanes on North Lane, which will be provided as part of the Subject Project.

Transit Adequacy

Although the Project generates more than 50 transit trips, the Application is exempt from the transit test of the LATR because of the Site's proximity to the Bethesda Metrorail Station. As a result, the Application satisfies the transit test without further analysis.

c. Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the development. The Property will be served by public water and sewer systems and the requirements for the development needs are expected to be met by the Washington Suburban Sanitary Commission through connections to the existing lines. Electric, gas and telecommunications services also are available. Other public facilities and services, including police stations, fire houses and health care facilities, are currently operating in accordance with the Subdivision Staging Policy and will continue to be sufficient following

construction of the project. The Application has been reviewed by MCFRS, and emergency vehicle access has been deemed adequate.

The Project will be served by Bethesda Elementary School, Westland Middle School, and Bethesda-Chevy Chase High School. The applicable annual school test is the FY20 Annual School Test, approved by the Planning Board on June 20, 2019 and effective July 1, 2019. This project provides 479 multifamily high-rise dwelling units. Pursuant to the Schools Test for FY 2020, the elementary, middle, and high schools serving the Project have adequate capacity, as shown in the following analysis.

Calculation of Student Generation

To calculate the number of students generated by the Project, the number of dwelling units is multiplied by the applicable regional student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low- to mid-rise multifamily unit, or high-rise multifamily unit. The Property is located in the southwest region of the County.

With a net of 489 multifamily high-rise units, the Project is estimated to generate 19 new elementary school students, 8 new middle school students, and 11 new high school students.

Cluster Adequacy Test

The Project is located in the Bethesda-Chevy Chase High School Cluster. The student enrollment and capacity projections from the FY20 Annual School Test for the cluster are noted in the Table 7 of the Staff Report.

The Moratorium Threshold identified in the table is the number of additional projected students that would cause the projected utilization to exceed the 120% utilization threshold and therefore trigger a cluster-wide residential development moratorium. As indicated in the last column of Table 7, the estimated enrollment impacts of the Application fall below the moratorium thresholds at all three school levels. Therefore, there is enough capacity at the elementary, middle and high school cluster levels to accommodate the estimated number of students generated by this Project.

Individual School Adequacy Test

The applicable elementary and middle schools for this project are Bethesda ES and Westland MS, respectively. Based on the FY20 Annual School Test results, the student enrollment and capacity projections for these schools are noted in Table 8 of the Staff Report.

Under the individual school adequacy test, a school is deemed inadequate if the projected school utilization rate exceeds 120% and the school seat deficit meets or exceeds 110 seats for an elementary school or 180 seats for a middle school. If a school's projected enrollment exceeds *both* thresholds, then the school service area is placed in a residential development moratorium.

The Moratorium Enrollment Thresholds identified in Table 8 above are the enrollments at which the 120% utilization threshold and the seat deficit threshold are exceeded. As indicated in the last column of Table 8, the estimated enrollment impacts of this Application fall below the moratorium thresholds for both Bethesda ES and Westland MS.

Analysis Conclusion

Based on the school cluster and individual school capacity analysis performed, using the FY2020 Annual School Test, there is adequate school capacity for the amount and type of development provided by this Application.

The Planning Board has reviewed and accepted the recommendations of MCDOT, SHA, and DPS-Fire Department Access and Water Supply Section.

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

A Natural Resource Inventory Forest Stand Delineation (NRI/FSD) was approved for the Application on June 27, 2018. The NRI/FSD, designated No. 420182430, 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 is a 30-inch Thornless Honeylocust to the northwest of the Subject Property that will not be impacted by this Project). There are no rare, threatened, or endangered species, no stream/buffers, or steep slopes on site. The "Madonna of the Trails Sculpture", Historic Site 35/014-002A, is within the Subject Property at the Southeast portion of the Site but is not impacted by this Application. Additionally, the Bethesda Post Office, Historic Site 35/014-005A, is not within the Subject Property, but is adjacent to the site's southern boundary.

There is no forest on-site or adjacent to the Property, however there is an afforestation requirement of 0.55 acres. The Applicant is proposing to meet all forest conservation requirements through off-site banking in accordance with Forest Conservation Regulations. This Application is not subject to 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

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trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. The Planning Board approves of the Preliminary Forest Conservation Plan with conditions.

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

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on October 23, 2019. The Application will meet stormwater management goals via ESD to the MEP via the use of green roof and a request for a waiver of partial quality and full quantity due to existing site constraints and shallow storm drain. The Planning Board has reviewed and accepted the recommendations of DPS-Water Resources Section.

6. *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.

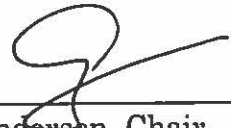
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is DEC 16 2019 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy and Verma voting in favor, and Commissioner Patterson absent at its regular meeting held on Thursday, December 5, 2019, in Silver Spring, Maryland.



 Casey Anderson, Chair
 Montgomery County Planning Board



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Robert R. Harris
Attorney
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July 16, 2021

The Honorable Casey Anderson
Chairman
Maryland-National Capital Park and Planning Commission
2425 Reedie Drive
Wheaton, MD 20902

Re: 4 Bethesda Metro – Sketch Plan No. 320180110 – Extension Request

Dear Chairman Anderson:

We represent BOP Bethesda Metro Center LLC (“Brookfield”), the applicant in this matter.

We are submitting this Extension Request to extend the period of time within which to file a Site Plan Application to implement the Approved Sketch Plan under Section 59.7.3.3.G of the Zoning Ordinance and to extend the Preliminary Plan APF validity period under Section 50.4.3.J.5 of the Subdivision Regulations.

The Bethesda Metro Center property is the physical and figurative center of Bethesda. For years it has been developed at less than its zoning potential ever since the current buildings were conceived in the 1970s. Montgomery County has changed dramatically since then and transit oriented development has become ever more important. Following years of close work with the Washington Metropolitan Area Transit Authority (“WMATA”), neighboring property owners and, of course, the Planning Board and its Staff, the County approved the project through the 2017 Bethesda Downtown Plan, the referenced Sketch Plan and a Preliminary Plan Amendment (Preliminary Plan No. 11981068B). These approvals now position the site for development consistent with its important location in the center of Bethesda above the Bethesda Metro Station. To ensure that Brookfield can successfully execute its development plans, we are requesting the extension for the reasons outlined herein.

Not surprisingly, development above the Bethesda Metro Station and an active Metro bus station requires significant engineering and architectural work. The project also requires significant coordination with WMATA, the ground lessor of this project. Brookfield has invested significant time and money in this effort already. Brookfield also has been working with the community and its neighbors to address specific issues regarding this high-profile project. These measures have taken time to resolve. These factors, coupled with the uncertainties created from the pandemic and its impact on real estate development, have caused unavoidable delays in finalizing a design for Site Plan approval, and in implementing the Sketch Plan and Preliminary

The Honorable Casey Anderson

July 16, 2021

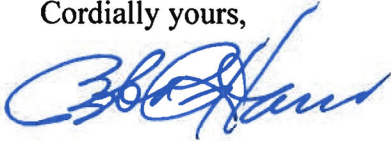
Page 2

Plan approvals. Even though Brookfield has been delayed in proceeding with the investment of many millions of additional dollars to move this project forward, both Brookfield and WMATA believe strongly in the future of this site and the development that has been approved by the Planning Board.

For the foregoing reasons, Brookfield is requesting a three-year extension for the submittal of the detailed Site Plan application otherwise required by October 17, 2021. This would allow submission of that Site Plan on or before October 17, 2024. Applicant also is seeking a three-year extension of the Adequate Public Facilities validity period from December 16, 2024 to December 16, 2027. The Preliminary Plan validity period, within which time a record plat has to be recorded, runs until January 15, 2025 and Applicant believes this period of time is sufficient for plat recordation. The requested three-year extensions will enable coordinated implementation of the various approvals and documentation required to make this exciting project a reality.

Thank you for your consideration.

Cordially yours,



Robert R. Harris

cc: Simon Carney, Esq.
Richard Fernicola
Augustus Haney
Josh Sloan