



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

DEC 16 2021

MCPB No. 21-125
Preliminary Plan No. 11998051A
7070 Arlington Road
Date of Hearing: November 4, 2021

RESOLUTION

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

WHEREAS, on April 21, 1998, the Planning Board, by Opinion, approved Preliminary Plan No. 119980510, creating 1 lot on 3.04 acres of land in the C-2 zone, located in the southeast quadrant of the intersection of Bethesda Avenue and Arlington Road ("Subject Property").

WHEREAS, on November 4, 2021, the Planning Board approved Preliminary Plan No. 11998051A, creating one lot on 2.39 acres of land in the CRT-2.25 C-2.25 R-2.25 H-70', CRT-2.25 C-2.25 R-2.25 H-90' and Bethesda Overlay Zone, located in the southeast quadrant of the intersection of Bethesda Avenue and Arlington Road and within the Bethesda Parking Lot District (PLD). ("Subject Property"), in the Bethesda CBD Policy Area and 2017 Bethesda Downtown Sector Plan area; and

WHEREAS, on July 8, 2021, Federal Realty Investment Trust ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan to subdivide the Property into a single record lot, measuring approximately 104,118 square feet on the Subject Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 11998051A, 7070 Arlington Road ("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

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Approved as to
Legal Sufficiency: Matthew T. Mills
M-NCPPC Legal Department

Planning Board, dated October 25, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on November 4, 2021, 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 4, 2021, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Cichy, seconded by Commissioner Verma, with a vote of 5-0; Chair Anderson, Commissioners, Cichy, Patterson, Rubin, and Verma voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 11998051A to subdivide the Property into a single record lot, measuring approximately 104,118 square feet by adding the following conditions:¹

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.

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.

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.

BE IT FURTHER RESOLVED that all other preliminary plan conditions and terms of approval, including but not limited to all those contained in all previously-approved Resolutions recited herein, for this project remain valid, unchanged and in full force and effect, except as may be specifically modified herein.

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 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 mixed development use. Transportation access is adequate to serve the 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 will meet all dimensional requirements or area, frontage, width and setbacks in that zone as shown in the Data Table below. The Application has been reviewed by other applicable County agencies, all of which have recommended approval of the plan.

Table 1: Sketch Plan/ Preliminary Plan Data Table			
Section 59.4	Development Standard	Permitted/ Required	Approved
	Tract Area	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)
	Total Tract Area		129,543 (02.97 ac)
	Prior Dedication Proposed Dedication Site Area		25,425 sf (0.58 ac) 0 sf (0.00 ac) 104,118 sf (2.39 ac)
	Residential Density (GFA/FAR)	291,472 sf/ (2.25)	261,000 sf/ (2.00)
	Commercial Density (GFA/FAR) Existing to Remain Proposed Total Commercial Density	291,472 sf/ (2.25)	38,070 sf 14,000 sf 52,070 (0.42)
	Bethesda Overlay Zone Density	n/a	0 (0.00)
	Bonus Density		21,598 sf²
	Total GFA/FAR	n/a	291,472 sf (2.42)
	Building Height	70 ft/90 ft ³	100 feet ³
	Public Open Space (min)	5%	5%
	Moderately Priced Dwelling Units	15%	17.6%
	Minimum Setbacks	0	Must meet minimum ⁴

² 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.

³ 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.

⁴ Setbacks to be finalized at time of Site Plan.

2. The Preliminary Plan substantially conforms to the Master Plan

The Application 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 Application 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 Sector Plan. Specifically, the Application addresses the following goals as outlined in the Bethesda Row District section of the Sector Plan:

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

The Application 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 Application will 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 Application 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 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 this Application 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 and 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 Application 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 Application will provide 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 and the building frontages to separate pedestrians from service trucks and other motorized vehicles.

The Application will provide vehicular parking in a structured 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 Application 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. This Application 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 Application is in general conformance with the 2017 *Bethesda Downtown Sector Plan*.

Bethesda Design Guidelines

Specifically, this Application 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 Application 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 Application.

B. Neighborhood Connector – Arlington Road

Arlington Road is designated as a Neighborhood Connector. The Application 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 Application will provide a number of step backs along Arlington Road to reduce the bulk of the building. The lower step back 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 Application 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 Application will provide intensive green roofs, and the undergrounding of utilities, to be determined at the time of Site Plan, to avoid conflict with street trees. Although not identified in the Sector Plan as an eligible contribution to green cover, the Application will provide 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-bioretenion or canopy cover; and some level of green roof retrofits on existing buildings.

D. Compatibility

The Design Guidelines recommend that infill development, like the Application, 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 Application 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 building will be approximately 100 feet in height. The Application will provide 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 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 Application 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 Application will provide improvements to

roughly 50% of the Property, the Application will provide as much green cover as feasible on the Project area, in an attempt to meet the Design Guidelines goal. The Application will utilize green roofs, and micro-bioretenention planters, to provide 19,162 square feet of green cover. This equates to 18% of the overall Property and 35% of the Site area.

K. Environmental Site Design

The Application 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 Application will provide loading, trash and parking to be located within the interior of the Application's boundaries, thereby reducing or eliminating any visual impact of these activities.

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

The Application 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 Application meets the objective of this finding.

- b) *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 Application is located within walking distance from both the future Bethesda Purple Line Station and the Bethesda Metro station. Additionally, the building has been designed to activate the pedestrian environment. Streetscape enhancements will be identified at time of Site Plan.

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

- c) *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 will support the existing and future employment base in the Downtown Area. Additionally, the Application will achieve compatibility with the existing low-scale retail uses along Bethesda Avenue.

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

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

- e) *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 Application 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.

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*

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 Application 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 Application 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 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 2).

Table 2: 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
Subtotal	80	96	49	59	111	133
Approved	AM	PM	AM	PM	AM	PM

Mixed-use residential w/ground floor retail ⁵						
250 Units	75	90	59	71	116	139
Net New Trips					5	6

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 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 2nd 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 Application proposes up to 250 multifamily high-rise dwelling units as part of this amendment.

School Adequacy Test

The Application 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.

⁵ 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 mixed-use building.

Table 3: 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 ⁶	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 applications 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 Application is estimated to generate the following number of students based on the Subject Property's location within an Infill Impact Area:

Table 4: 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

⁶ Projected enrollment reflects the estimated impact of CIP P652107, which will reassign students between Bethesda ES, Somerset ES and Westbrook ES in 2022.

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

Table 5: 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
TOTAL	250		8		3		4

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

Analysis Conclusion and Condition of Approval

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

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 prior to certified Preliminary Plan approval.

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 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.

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 2021 (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 Rubin, seconded by Commissioner Cichy, with Chair Anderson and Commissioners Cichy, Patterson, and Rubin voting in favor of the motion, and Commissioner Verma absent at its regular meeting held on Thursday, December 2, 2021, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board