JUL 29 2021

MCPB No. 21-084
Preliminary Plan No. 120210130
Hampden East
Date of Hearing: July 22, 2021

RESOLUTION

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

WHEREAS, on December 29, 2020, Washington Property Company and Douglas Development Company ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create 1 lot on 0.70 acres of land for up to 510,000 square feet of mixed-use development comprising up to 330,000 square feet of office, up to 10,000 square feet of retail, and up to 170,000 square feet of residential uses for a maximum of 150 dwelling units, and include a sending property (1.56 acres) for 148,445 square feet of transferred density on 1.06 tract acres of land in the CR 5.0 C-5.0 R-4.75 H-250' and Bethesda Overlay zone, located on the block of East Lane between Montgomery Lane and Hampden Lane ("Subject Property"), in the Bethesda CBD Policy Area and 2017 *Bethesda Downtown Sector Plan* ("Sector Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120210130, Hampden East ("Preliminary 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, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 22, 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

Approved as to
Legal Sufficiency: /s/ Delisa Coleman
M-NCPPC Legal Department

WHEREAS, at the hearing the Planning Board voted to approve the Application, subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120210130 to create 1 lot on the Subject Property, subject to the following conditions:[1]

General Approval

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

Adequate Public Facilities and Outside Agencies

2. The Adequate Public Facilities ("APF") review for the Preliminary Plan will remain valid for five (5) years from the date of mailing of this Planning Board Resolution.

Plan Validity Period

3. The Preliminary Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and prior to the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

4. Density Averaging
   Prior to record plat, the Applicant must record an instrument in the County Land records reflecting the density transfer for this project as required under Section 59.4.5.2.B of the Zoning Ordinance.
   a. The density to be transferred totals 148,445 square feet and will be from the Sending Property, Lot 18 (formerly Lot 16), Block 24-G on Plat No. 25751, located at 4800 Hampden Lane (referred to as One Bethesda Center Condominiums).

5. The Planning Board has reviewed and accepts the recommendations, of the Montgomery County Department of Transportation ("MCDOT") in its letter dated June 28, 2021, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the 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.

[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. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.

7. Prior to the Certification of the Site Plan, the Applicant must enter into an agreement with MCDOT to "fix or fund" non-ADA compliant pedestrian infrastructure within 500 feet of the Site. Improvements will be subject to MCDOT and/or Maryland State Highway Administration ("SHA") approval, as appropriate.

8. The Planning Board has reviewed and accepts the recommendations of the SHA in its letter dated June 25, 2021, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by SHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

9. The Applicant must dedicate all road rights-of-way to the full width mandated by the 2017 Bethesda Downtown Sector Plan or as otherwise designated on the Certified Preliminary Plan, and show on the record plat(s) the following:
   a. A dedication of the Hampden Lane frontage necessary to provide the Sector Plan-recommended 30-foot-wide right-of-way between the Subject Property line and right-of-way centerline, and
   b. A dedication of the East Lane frontage necessary to provide the Sector Plan-recommended 26-foot-wide right-of-way between the Subject Property line and right-of-way centerline.

10. If an approved site plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the site plan amendment.

11. There shall be no clearing or grading of the site prior to recordation of plat(s).

12. The record plat must show necessary easements.

13. The certified Preliminary Plan must contain the following note:

    Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.

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*

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

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

   a. Land Use

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

   1. **Parks and open spaces,** including new civic greens at Veteran's Park, Bethesda Farm Women's Cooperative Market, Capital Crescent Trail and new urban parks, pathways and gateways. Many of these parks on the eastern edge are to be connected through the creation of the Eastern Greenway.

   2. **Affordable housing,** including the preservation of existing market-rate affordable housing, providing a mix of housing options and the provision of Moderately Priced Dwelling Units in exchange for development incentives.

   3. **Environmental innovation,** including more energy-efficient buildings, better stormwater management, improved sidewalks and bicycle routes, and other measures to enhance community health and quality of life.

   4. **Economic competitiveness,** based on new development, public amenities and proximity to public transit to attract businesses and visitors from throughout the region, and foster entrepreneurship and innovation.

The Property is designated as site 103 on page 99 of the Sector Plan. The Property is located in the Wisconsin Avenue Corridor District. This District is the main artery through the center of downtown Bethesda. With the existing Bethesda Metrorail Station, future Purple Line and bus rapid transit (BRT) options, Wisconsin Avenue is a critical focus area for improved access, mobility and pedestrian safety. The corridor is envisioned as a symbolic downtown center that reflects the character of adjacent neighborhoods and overall identity of Bethesda through innovative building designs and active public spaces. Specifically, the Project addresses the following goals as outlined in the Overarching Goals and Wisconsin Avenue Corridor sections of the Sector Plan:

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

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

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

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

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

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

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

  The Project will incorporate energy efficient building systems to exceed the ASHRAE 90.1 standard by a minimum of 17.5%, as required by the

Bethesda Overlay Zone. In addition, intensive green roof systems are proposed to maximize the Property's overall green cover.

- *Improve the pedestrian environment with upgraded streetscapes*

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

b. Environment

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

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

3. Transportation

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

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

designated bikeways are recommended in the 2018 *Bicycle Master Plan* along Hampden Lane between East Lane and Wisconsin Avenue (MD 355).

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

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

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

a. Roads and Other Transportation Facilities

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

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

ii. *Proposed public transportation infrastructure*
Pedestrian access to the Property is proposed directly from the existing sidewalks along East Lane (primary lobby access), Hampden Lane, and Montgomery Lane. Bicyclists access the Property via East Lane, Hampden Lane, and Montgomery Lane. All three streetscapes will be brought into compliance with the 2020 *Bethesda Streetscape Design Standards* which include a 6-foot tree lawn. On the East Lane and Montgomery Lane frontages the sidewalks will be

widened to a minimum of 8-feet and on Hampden Lane the minimum sidewalk width will be 9-feet wide.

Bicycle access will be improved on Montgomery Lane upon implementation of the MCDOT interim separated bicycle lanes project[2] (anticipated to be completed in Fall/Winter 2020), discussed below. As conditioned, the Subject Project will further improve the new separated bicycle lanes to achieve the ultimate master-planned vision of the separated bicycle lanes by elevating the bikeway to an intermediate level between the sidewalk and the adjacent roadway.

The Applicant proposes a portion of required parking to be provided onsite in a below grade parking garage (up to 310 spaces), and 140 off-street parking spaces to be located offsite (within ¼ mile to the west), as allowed per the Zoning Ordinance. Vehicular access to the onsite parking garage is proposed via Hampden Lane. A consolidated curb cut shown on the Site Plan provides combined access for the two required off-street loading facilities and access to the structured parking garage. Separating the loading facilities and the garage ramp is a 6-foot pedestrian refuge. The loading space is designed to accommodate SU-30 vehicles and will be used for deliveries, trash collection and by residents moving in and out of the building. The Applicant will be subject to a loading management plan that minimizes disruptions to Hampden Lane during peak travel periods[3].

The Subdivision Regulations generally indicate that corner lots at an intersection must be truncated by straight lines joining points 25 feet back from the theoretical property line intersection in each quadrant, which would require a 25-foot truncation at the corners of Montgomery Lane and East Lane, and Hampden Lane and East Lane for traffic operations and safety. Historically, Planning and MCDOT have not required full truncations in urban settings to accommodate building placement as long as sight distance and traffic functions are not impeded. The Project is designed with public open space along these corners to allow for additional building setback at the ground level, wider streetscapes for pedestrian movements, and the Sector Plan recommended bikeway facility on Montgomery Lane. The Applicant is seeking approval from the Planning Board for a reduced truncation as part of the proposed record lot. The Project incorporates setbacks that are substantially greater than the existing condition at these corner locations. The build-to-lines and building form of the ground floor will enhance vehicular and pedestrian visibility at this intersection such that a reduced truncation allows for enhanced traffic operations and safety. Sight Distance evaluations were submitted for review by

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

[3] I As conditioned, the Loading Management Plan will be finalized to reflect the conditions of approval in the staff report and will be included with Certified Site Plan submittal.

MCDOT, which approved the proposed distances with the reduced truncation. The Applicant will be required to record a PIE at these corners in lieu of truncation. The Applicant has also committed to keeping this area free and clear of permanent items that could obstruct motorists view of the adjacent roadway network. The Board approves the Applicant's request to eliminate the truncation at the corner of i.) Hampden and East Lane, and ii.) Montgomery and East Lane in accordance with Section 50.4.3.E.2.f.iii of the Montgomery County Subdivision Regulations.

iii. *Proposed private transportation infrastructure*
No private roads, trails or shuttles are required or proposed as part of the Subject Application.

b. Local Area Transportation Review (LATR

The Project analyzed the potential impact on the transportation network of replacing 96,236 square feet of office and 13,876 square feet of retail uses (existing use on the site) with 350,000[4] square feet of office and 150 multi-family residential units and 10,000 square feet of retail (proposed for the Site) in accordance with the 2017 *Local Area Transportation Review Guidelines* (LATR). Based on this assessment, the Project is estimated to generate a total of 369 net new person trips during the AM weekday peak period and 361 net new person trips during the PM weekday peak period. Because the Application generates over 50 peak hour person trips, a traffic study was required for Local Area Transportation Review.

Table 1 - Trip Generation

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

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

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

1. Pedestrian Trips are estimated by adding transit trips and non-motorized trips (2017 LATR, page 17).
2. In accordance with the 2017 LATR, no new person trips are esimated by retail space in a building that totals to less than 15,000 gross square feet of retail space in a building that has at least 90 percent of of its floor area ratio devoted to non-retail uses, if no parkign space for retail customers are included in the site plan (page 22 of the LATR).

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

Table 2 - Motor Vehicle Adequacy
HCM Analysis – Average Vehicle Delay (sec.)

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

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

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

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

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

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

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

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

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

- Fix (or fund) all Americans with Disabilities Act (ADA) noncompliance issues, including, but not limited to, curb ramps and sidewalks, within a 500-foot radius

of site boundaries or within the distance to the nearest signalized intersections located beyond a 500-foot radius of site boundaries.

- Ensure LOS D for crosswalk pedestrian delay (or no more delay than existing) at any LATR study intersections that are located within 500 feet of site boundaries or within a Road Code Urban Area/Bicycle Pedestrian Priority Area (RCUA/BPPA).

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

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

The study intersections are all within the Bethesda CBD. Most of the intersections are along major arterial corridors with 120-second cycle length. Accordingly, there is a limited amount of green time that can be allocated to the Walk phase for pedestrians. However, no intersection is anticipated to operate with crosswalk delays greater than 40 seconds (the pedestrian delay standard), with the assumption that up to 30% of pedestrians are likely to begin crossing the street during the flashing don't walk phase, as is common in urban areas with significant pedestrian density. This is demonstrated in Table 3.

Table 3 – Pedestrian Crosswalk Delay Analysis

Pedestrian Crossing		AM/PM Cycle Length	Provided Walk Time	Effective Crossing Time	Crosswalk Delay	Pedestrian Counts		Average Crosswalk Delay Per Intersection
						AM	PM	
Wisconsin Avenue at Old Georgetown	North Leg	120 sec.	7	11	35	22	38	34

Road/ East Hwy	South Leg		7	11	35	34	31	
	East Leg		10	14	3	29	51	
	West Leg		10	14	33	22	31	
Woodmont Ave at Montgomery Ln	South Leg		7	11	35	7	8	
	East Leg	120 sec.	7	11	35	70	80	35
	West Leg		7	11	35	27	78	
East Ln at Montgomery Ln	North Leg		8	12	34	7	11	
	South Leg		8	12	34	7	8	
	East Leg	120 sec.	8	12	34	12	9	14
	West Leg		8	12	34	20	27	
Wisconsin Ave at Montgomery Ln/Ave	North Leg		7	11	35	16	27	
	South Leg		7	11	35	6	7	
	East Leg	120 sec.	7	11	35	34	45	35
	West Leg		7	11	35	21	37	
Woodmont Ave at Hampden Ln	North Leg		7	11	14	5	17	
	South Leg		7	11	14	6	10	
	East Leg	60 sec.	7	11	14	66	72	14
	West Leg		7	11	14	37	101	
Wisconsin Ave at Elm/Waverly St	North Leg	120 sec.	7	11	35	37	258	35

	South Leg		7	11	35	51	235	
	East Leg		7	11	35	69	183	
	West Leg		7	11	35	348	404	
Woodmont Ave at Elm St	North Leg		7	11	14	19	129	
	South Leg		7	11	14	26	118	
	East Leg	60 sec.	7	11	14	33	36	14
	West Leg		7	11	14	19	51	

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

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

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

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

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

c. Other Public Facilities and Services

Schools

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

Table 4: Applicable FY2022 School Adequacy

	Projected School Totals, 2025					Adequacy Ceilings		
School	Program Capacity	Enrollment	% Utilization	Surplus/ Deficit	Adequacy Status	Tier 1	Tier 2	Tier 3
Bethesda ES[5]	560	542	96.8%	+18	No UPP	103	130	214
Westland MS	1,105	814	73.7%	+291	No UPP	417	512	678
Bethesda-Chevy Chase HS	2,457	2,532	103.1%	-75	No UPP	105	417	785

The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school's adequacy status and ceilings, as determined in the Annual School Test. **Under the FY22 Annual School Test, development projects approved within these school service areas are not automatically subject to Utilization Premium Payments as identified in Table 4.** 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 150 units that are not age-restricted, the proposed project is estimated to generate the following number of students based on the subject property's location within an Infill Impact Area:

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

Table 5: Estimated Student Enrollment Impacts

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
SF Detached	0	0.195	0.000	0.096	0.000	0.139	0.000
SF Attached	0	0.166	0.000	0.091	0.000	0.116	0.000
MF Low-rise	0	0.059	0.000	0.023	0.000	0.032	0.000
MF High-rise	150	0.034	5.100	0.015	2.250	0.016	2.400
TOTALS	**150**		**5**		**2**		**2**

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

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

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

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

a. Environmental Guidelines

As initially described above, the Subject Property is located within the Willett Branch watershed, which is a tributary to Little Falls Branch Stream, a Use I-P watershed. The Site does not contain any environmentally sensitive features such as mature trees, forest areas, stream buffers, wetlands, 100-year floodplains, or steep slopes.

Forest Conservation

This Application is subject to Chapter 22A Forest Conservation Law but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(1), an exemption granted for small properties undergoing redevelopment. Forest Conservation Exemption 42020214E was confirmed for the Subject Property on June 24, 2020. The Project meets the particular requirements of the exemption because the proposed activity occurs on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion trees, and will not result in forest planting requirements of more than 10,000 square feet.

Noise

The Subject Application provides residential units fronting an arterial roadway and is therefore subject to the noise regulations associated with residential development. To address development standards regarding noise mitigation, the Applicant coordinated with Phoenix Noise & Vibration, LLC, an engineer specializing in acousitics. In a Phase I Noise Analysis Report dated April 20, 2021, Phoneix finds that noise levels on the proposed 8th floor amenity terrace will not exceed the exterior noise guidelines of 65 dBA Ldn due to height as well as shielding by the future building. Additionally, noise levels on the East, South, and portions of the West facades will not be exposed to noise levels above 65 dBA Ldn. Phoenix notes that the entire North façade and lower portions of the West façade will be exposed to noise levels above 65 dBA Ldn. Residential units near these areas will require further analysis to determine whether the proposed building architecture will be capable of maintaining interior noise levels below 45 dBA Ldn. If necessary, interior noise levels can be maintained below 45 dBA Ldn by increasing the STC ratings of the exterior building components such as windows and doors. As conditioned in this Staff Report, this future analysis will be conducted on-site in coordination with the M-NCPPC Inspector. The remaining residential units will not be exposed to significant transportation noise levels and do not require mitigation as currently proposed.

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

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

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

No other provisions apply to 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 JUL 29 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).

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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 Vice Chair Fani-González, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy and Verma voting in favor of the motion, and Commissioner Patterson absent at its regular meeting held on Thursday, July 22, 2021, in Wheaton, Maryland.

Casey Anderson, Chair
Montgomery County Planning Board