



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

MCPB No. 21-085
Site Plan No. 820210070
Hampden East
Date of Hearing: July 22, 2021

JUL 29 2021

RESOLUTION

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

WHEREAS, on December 29, 2020, Washington Property Company and Douglas Development Company ("Applicant") filed an application for approval of an optional method site plan for construction of 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 multi-family dwelling units with a minimum of 17.6% MPDUs, and 129,995 square feet of BOZ density with associated PIP payment 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 site plan application was designated Site Plan No. 820210070, Hampden East ("Site 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 at which it heard testimony and received evidence on the Application; and

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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 Site Plan No. 820210070 for construction of 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 multi-family dwelling units with a minimum of 17.6% MPDUs, and 129,995 square feet of BOZ density with associated PIP payment on the Subject Property, subject to the following conditions:¹

1. Density

The Site Plan is limited to a maximum of 510,000 square feet of total development on the Subject Property, consisting of 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 with a minimum of 17.6% MPDUs.

2. Height

The development is limited to a maximum height of 262 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan. This height includes an additional 12 feet above the mapped height of 250 feet for the provision of MPDUs.

3. Bethesda Overlay Zone Density & Park Impact Payment

- a. Per Section 59.4.9.2.D.4 of the Zoning Ordinance, the Applicant must have a building permit application accepted by MCDPS that includes the core and shell of the principal building within two years of the date of the Planning Board Resolution approving the Site Plan. Within two years of MCDPS accepting the building permit application, the Applicant must obtain the building permit. The deadlines may not be extended. If the Applicant fails to comply with any of the deadlines in this condition, the entire Site Plan approval is revoked.
- b. The Applicant must pay to the M-NCPPC a Park Impact Payment of \$1,175,172.95 prior to release of the first above-grade building permit for the allocation of 129,995 square feet of Bethesda Overlay Zone Density, not including 27,000 square feet of MPDU density exempt from the PIP calculation. In the event the final allocation of density from the BOZ is less than the approved amount, or if the amount of exempt MPDU density changes, the Applicant may apply to reduce the allocation of density from the BOZ, and/or modify the PIP through a minor site plan amendment.

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.

4. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letter dated June 21, 2021, and hereby incorporates them as conditions of the Site 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 Site Plan approval.

5. Right-of-Way Permitting

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated April 30, 2021 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

6. Fire and Rescue

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 dated June 14, 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 Site Plan approval.

7. Public Open Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 3,040 square feet of public open space on-site, as illustrated on the Certified Site Plan.
- b. The Applicant must construct streetscape improvements along the Property's frontage on Hampden Lane, East Lane, and Montgomery Lane consistent with the Bethesda Streetscape Standards, except for nonstandard paving and other design elements located outside of the right-of-way as shown on the Certified Site Plan.
- c. Before the issuance of the final use and occupancy certificate for the residential development, all public open space areas and streetscape improvement areas identified on the Certified Site Plan must be completed.
- d. The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited onsite sidewalk.

8. Green Cover

- a. The Applicant must provide a minimum of 35% of Green Cover on the Site comprised of intensive green roof, native canopy tree plantings, and/or bioretention planter boxes, as shown on the Certified Site Plan.
- b. Any green roof installed pursuant to this condition must have a minimum soil depth of eight inches or Staff approved equivalent.

9. Recreation Facilities

The Applicant must provide the minimum required recreation facilities as shown on the Certified Site Plan.

10. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *CR Zone Incentive Density Implementation Guidelines* for each one.

- a. Connectivity and Mobility
 - i. Minimum Parking - The Applicant must not provide more than 336 parking spaces on the Subject Property, as shown on the Certified Site Plan, and 140 offsite spaces per Parking Agreement recorded at Book 13263 and Page 554
- b. Diversity of Uses and Activities
 - i. Affordable Housing
 1. The development must provide a minimum of 17.6 % Moderately Priced Dwelling Units (MPDUs), or MCDHCA approved equivalent, consistent with the requirements of Chapter 25A and the applicable Sector Plan. The Applicant is receiving bonus height for providing more than the minimum required MPDUs within the Bethesda Overlay Zone.
 2. Before issuance of the first above-grade building permit, the MPDU Agreement to Build between the Applicant and the MCDHCA must be executed.
- c. Quality of Building and Site Design
 - i. Exceptional Design - The Applicant must construct the building in a manner consistent with the architectural elevations included in the Certified Site Plan.
 - ii. Structured Parking - The Applicant must provide all onsite parking spaces within the below grade structure on the Subject Property.
- d. Protection and Enhancement of the Environment
 - i. Building Lot Terminations ("BLT") - Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment of 1.1591 BLTs to the MCDPS and M-NCPPC staff. One BLT must be purchased for each 31,500 square feet of gross floor area.
 - ii. Energy Conservation and Generation - The Applicant must construct the building to exceed energy efficiency standards for the building type

by 17.5%, as determined by MCDPS through the methodology established by ASHRAE 90.1 (2013) Appendix G. The final energy model must be submitted to DPS with the building permit application.

12. Pedestrian and Bicycle Circulation

- a. The Applicant must provide 128 long-term and 15 short-term bicycle parking spaces.
- b. The long-term spaces must be in a secured, well-lit bicycle room within the garage, and the short-term spaces must be inverted-U racks (or approved equal) installed along the building's main retail and residential entrances (weather protected preferred). The specific location(s) of the bicycle parking must be identified on the Certified Site Plan.
- c. The Applicant must improve the separated bicycle lanes to achieve the vision of the 2018 *Bicycle Master Plan* along the project's Montgomery Avenue frontage in coordination with MCDOT prior to issuance of the first use and occupancy certificate.
- d. Streetscape improvements
 - i. Montgomery Lane, which includes a 10-foot minimum two-way separated bike lane on the south side, a 6-foot minimum planting zone and an 8-foot minimum sidewalk.
 - ii. East Lane, which includes a 6-foot minimum planting zone and an 8-foot minimum sidewalk.
 - iii. Hampden Lane, which includes a 6-foot minimum planting zone and a 9-foot minimum sidewalk.

13. Transportation Demand Management

Before the release of any above-grade building permit, the Applicant must coordinate with and gain approval from MCDOT on a Level 3 Results Transportation Demand Management (TDM) Plan to participate in the Bethesda Transportation Management District (TMD) and work toward the Sector Plan goal of 55 percent Non-Auto Drive Mode Share (NADMS).

14. Lighting

- a. Prior to issuance of any above-grade building permit, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b. All onsite down-lights must have full cut-off fixtures, or the BUG equivalent.

- c. Deflectors will be installed on all proposed fixtures to prevent excess illumination and glare.
- d. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- e. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

15. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, excluding sheeting and shoring, or sediment control permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, trash enclosures, retaining walls, fences, railings, sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

16. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

17. Noise Attenuation

- a. Prior to issuance of a building permit for any residential dwelling unit(s) to be constructed within the projected 65 dBA Ldn noise contour, the Applicant must provide Staff with certification from an engineer specializing in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b. The Applicant must provide a signed commitment to construct the units in accordance with the noise mitigation design specifications, with any changes

- that may affect acoustical performance approved by the engineer and Staff in advance of installation.
- c. If the plan changes in any manner that affects the validity of the noise analysis for acoustical certifications and noise attenuation features, the Applicant must conduct a new noise analysis to reflect the revised plans, and new noise attenuation features may be required.
 - d. Before issuance of Use and Occupancy permit for the noise impacted residential units, the Applicant must obtain certification that the noise impacted units have been constructed in accordance with the recommendations of an engineer that specializes in acoustical treatments; this certification must be based on the testing of at least five representative residential units.

18. Certified Site Plan

Before approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the forest conservation exemption letter, agency approval letters, development program, Sketch Plan resolution, Preliminary Plan resolution, and Site Plan resolution on the approval or cover sheet(s).
- b. Add a note stating that "Minor modifications to the limits of disturbance shown on the Site Plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- c. Modify the data table to reflect development standards approved by the Planning Board.
- d. Ensure consistency of all details and layout between Site and Landscape plans.
- e. Illustrate public benefit calculations on cover sheet of Site Plan consistent with the Staff Report and Site Plan resolution.
- f. Include the Loading Management Plan as reviewed and approved.
- g. Specify chosen material for building elevations.
- h. Update Sending Property information to show entire Lot.
- i. Update Cover Sheet to reflect adjusted PIP payment.
- j. Update Cover Sheet to record plat references (Book and Page) for Density Transfer

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 820210070, submitted via ePlans to the 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 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. *When reviewing an application, the approval findings apply only to the site covered by the application.*
2. *To approve a site plan, the Planning Board must find that the proposed development:*
 - a. *satisfies any previous approval that applies to the site;*

The Site Plan conforms to all binding elements of Sketch Plan No. 320200070, as amended by 32020007A, and Preliminary Plan No. 120210130.

- b. *satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

- c. *satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

This section is not applicable as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

- d. *satisfies applicable use standards, development standards, and general requirements under this Chapter;*

- i. *Division 4.5. Commercial/Residential Zones*

Development Standards

The Subject Property is zoned CR5.0 C-5.0 R-5.0 H-225', totaling 1.06 acres or 46,312 square feet and the Sending Property is zoned CR 5.0 C-4.0 R-4.75 H-175', totaling 1.56 acres or 67,873 square feet and are both within the Bethesda Overlay Zone. The total tract area including the Subject Property and Sending Property is 2.48 acres or 107,471

square feet. The following Data Table shows the Application's conformance to the development standards of the zone.

Table 1: Site Plan Data Table

Subject Property				
CR 5.0 C-5.0 R-4.75 H-250			46,312 sf (1.06 ac)	
Prior Dedication			14,485 sf (0.331 ac)	
Proposed Dedication			1,431 (0.03 ac)	
Site Area			30,396 sf (0.70 ac)	
Sending Property				
CR 5.0 C-4.0 R-4.75 H-175			61,159 sf (1.40 ac)	
Prior Dedication			19,996 sf (0.46 ac)	
Site Area			41,163 (0.94) sf	
Total Site Area			30,396 sf (0.70 ac)	
Total Tract Area			107,471 sf (2.48 ac)	
Section 59.4	Development Standard	Permitted/ Required	Approved 32020007A	Proposed 820210070
	Mapped Density			
	CR 5.0 C-5.0 R-4.75 H-250			
	Residential Density (GFA/ FAR)	219,982 sf (4.75)	170,000 sf (3.56)	170,000 sf (10.57) / 150 units
	Commercial Density (GFA/FAR)	231,560 sf (5)	340,000 sf (7.34)	340,000 sf (7.34)
	Total Mapped Density		231,560 sf (5.0)	231,560 sf (5.0)
	Bethesda Overlay Zone Density	n/a	129,995 sf (2.80)	129,995 sf (2.80) ⁴
	Sending Property Density	148,445 sf ¹	148,445 sf	148,445 sf
	Total FAR/GFA	n/a	510,000 sf (11.01)	510,000 sf (11.01)
	MPDUs	15%	17.6%	17.6% / 27 units
	Building Height			
	CR 5.0 C-5.0 R-4.75 H-250	250 feet	262 feet	262 feet ²
	Public Open Space (min)	10% of Site Area	10% of Site Area	10% / 3,040 sf
	Minimum Setbacks			
	East Lane	0'	10'	10'
	Hampden Lane	0'	2'	2'
	Montgomery Lane	0'	0'	0'
	Rear	0'	0'	0'
	Green Cover	35% / 10,639 sf	35%	35% / 10,700 sf

Parking	Spaces Required	Spaces Provided
Vehicle Parking		
Residential		
1 Bedroom (80 market rate units); 18 MPDUs	49 min/ 123 max	--
2 Bedroom (43 market rate units); 9 MPDUs	37 min/ 79 max	--

Total Residential Parking (123 market rate; 27 MPDUs)	86 min/ 202 max³	--
Office	660 min/990 max	--
Retail, 10,000 SF	0 min/ 36 max ⁵	--
Vehicle Parking Subtotal	746 min/ 1,192 max	--
BOZ Overlay reduction ⁴	597 minimum/ 1,192 max	--
Vehicle Parking Total		476⁶
On-site		336
Off-site ⁷		140
Bicycle Parking (Long Term/ Short Term)		
Residential	(71/4) 75	(71/4) 75
Office	(57/11)68	(57/11)68
Bicycle Parking Total	(128/15) 139	(128/15) 139
Loading Spaces	2	2

¹ 180,396 square feet of density to remain at Sending Property.

² The Project is eligible for an additional 12 feet of height based on the provisions of MPDUs above 15% (Section 59.4.9.2.C.3.b)

³ Minimum parking per market rate unit has been adjusted per Zoning Ordinance Section 59.6.2.3.1.5 to reflect unbundling.

⁴ Parking calculations account for 20% reduction for Bethesda Overlay Zone parking minimums in accordance with Section 59.4.9.2.C.6.

⁵ Retail space considered ancillary use to office and residential per LATR Guidelines, therefore no parking is required.

⁶ Final number of vehicle and bicycle parking spaces to be determined at building permit based on final number of dwelling units and non-residential density. Public Benefit points are based on 476 spaces.

⁷ Off-site parking is being utilized in the Hampdens Square parking garage (4800 Montgomery Lane; a private parking garage. The Applicant's use of these 140 off-site parking spaces is in conformance with Section 59-6.2.3.G. of the Zoning Ordinance and the Applicant's right to use 140 spaces in a Supplemental Agreement to Parking Covenants recorded in the Land Records of Montgomery County at Book 13263 and Page 554.

The Bethesda Overlay Zone (BOZ) was adopted July 18, 2017, specifically to implement the recommendations of the Bethesda Downtown Sector Plan as it relates to density, building heights, affordable housing, parks, and design. The BOZ set a cap of overall development (32.4 million square feet) whereby the zoning approved for most properties retains the base density but increases the heights on respective sites. An applicant can request an allocation of density over the base density to build to the maximum height permitted by the Zone, as needed. The Applicant is subject to a park impact payment valued at \$11.41/square foot based upon the density requested and facilitates acquisition of parkland in the downtown Bethesda area.

Based on the requested 129,995 square feet of BOZ density, reduced by 27,000 square feet of MPDU density², the Applicant is required to pay for 102,995 square feet of BOZ density at a value of \$1,175,172.95. The amount of density allocated from the BOZ for the Subject Application is deducted from the 32.4 million cap.

² Section 59.4.9.2.C.3.c.i. of the Zoning Ordinance exempts MPDU density from the Park Impact Payment.

ii. *Division 4.7. Optional Method Public Benefits*

In accordance with the Zoning Ordinance, Section 59.4.7.1., the Site Plan proposes the following public benefits to satisfy the requirements: Connectivity and Mobility, Diversity of Uses and Activities, Quality of Building and Site Design, and Protection of the Natural Environment.

Table 2: Public Benefit Points Summary

Public Benefit	Incentive Density Points		Approved
	Maximum Allowed	Requested	
59.4.7.3C: Connectivity and Mobility			
Minimum Parking*	20	14.82	12.03
59.4.7.3D: Diversity of Uses and Activities			
Affordable Housing*	n/a	39	39
59.4.7.3E: Quality of Building and Site Design			
Exceptional Design*	30	30	25
Structured Parking	20	20	20
59.4.7.3F: Protection and Enhancement of the Natural Environment			
Building Lot Termination (BLT)	30	10.43	10.43
Energy Conservation and Generation*	25	15	15
Total		124.25	121.46

* Denotes a Sector Plan priority

Connectivity and Mobility

Minimum Parking: The Applicant requests 14.82 point 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 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 formula set forth in the Guidelines, the Applicant is eligible for 12.03 public benefit points in this category, the reduction in points is a result of the Applicant counting only onsite parking, however given the recorded parking agreement, Staff has based the calculation on 450 total parking spaces. The Planning Board approves 12.47 points.

$$\frac{[(\text{Maximum Allowed Parking}) - (\text{Parking Provided})] / ((\text{Maximum Allowed Parking}) - (\text{Minimum Parking}))}{(1191 - 476) / (1191 - 597)} * 10 = 12.03 \text{ points}$$

Diversity of Uses and Activities

Affordable Housing: The Applicant requests 39 points for providing 17.6% Moderately Priced Dwelling Units. The Planning Board approves 39 points for this category.

17.6% MPDUs proposed -15% MPDUs min = 2.6% * 15 points per 1%
over min = 39 points

Quality of Building and Site Design

Exceptional Design: The Applicant requests 30 points for building and/or site design that enhances the character of a setting. As a site receiving an allocation of Bethesda Overlay Zone density, the Project is subject to the Design Advisory Panel review, which will award points based on the quality of the design. The Applicant asserts that the Project fulfills many recommendations of the *Bethesda Downtown Sector Plan* and Design Guidelines.

The Applicant states the Project will provide innovative solutions in response to the immediate context through the proposed “vertical village, three volumes and outdoor spaces”. The mixed-use programming could not be achieved with the uses being adjacent to one another, therefore the vertical programming allows for sculpting of each of the vertical uses. Large outdoor terraces are proposed in the vertical junctures between uses which will provide visual relief and amenity areas for the building users.

The Project will create a sense of place and landmark through biophilic design principles. The surrounding area contains several open spaces and important pedestrian links to public transit, therefore the Project’s emphasis on the public realm will enhance the existing network and through building design, will offer urban and architectural opportunity for expression in the neighborhood.

The Project will introduce unique forms and materials through geometric expression of the programmed uses. The Applicant proposed three material options for the residential floors to the Design Advisory Panel, terracotta, light masonry, or metal panel, the DAP was supportive of all with a preference towards the terracotta. The Project will be conditioned to provide the final material choices on the Certified Site Plan. These materials have been selected to achieve compatibility with the neighborhood character while providing a distinctive building of juxtaposed forms.

During their March 24, 2021 meeting, the Design Advisory Panel (DAP) voted 5-0 in support of 25 points with the Project as proposed, however if the Applicant were to commit to a Site Plan condition to pursue a

minimum of LEED Gold certification, the Panel supports the full 30 points requested. The Applicant has decided to not pursue LEED Gold at this time; therefore, the Planning Board approves 25 points for Exceptional Design.

Structured Parking: The Applicant requests 20 points for providing structured parking in a below grade parking structure. The Applicant satisfies the requirements for 20 points because all on-site parking is provided in a below-grade garage.

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT): The Applicant requests 10.43 points for the purchase of 1.1591 BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area, exclusive of any density allocated for MPDUs. Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance. The Planning Board approves 10.43 public benefit points based on the following calculation:

$$(((510,000 \text{ sf}) - (23,156 \text{ sf})) * 7.5\%) / 31,500) * 9 = 10.43 \text{ points}$$

Energy Conservation and Generation: The Applicant is requesting 15 points for providing a building that exceeds applicable energy efficiency standards by 17.5%. The Applicant has provided a preliminary energy/use generation model with comparisons to the average use/generation for the building type based on the Department of Energy Standards. The final model with specific methods used to achieve this reduction will be determined by MCDPS prior to the issuance of Building Permit. As conditioned, the Applicant will meet the minimum reduction standards for this category and the Planning Board approves 15 points for this benefit.

iii. *Division 6.1. Site Access*

Vehicular access for the Site will be provided Hampden Lane in a consolidated access point for the two off-street loading bays and the parking garage. Long-term bicycle parking will be provided within the garage and short-term bicycle parking will be provided along the Property's frontage, as shown on the Certified Site Plan.

Pedestrian access to the Site will be from the established sidewalk network and will be enhanced by streetscape improvements along each of the Property's three frontages, consistent with the 2020 *Bethesda Downtown Streetscape Standards*.

iv. *Division 6.2. Parking, Queuing, and Loading*

Parking for the residential building will be provided in a below-grade facility and off-site. The Applicant's right to use 140 spaces at 4800 Montgomery Lane, a private parking garage is recorded in a Supplemental agreement to Parking Covenants recorded in the Land Records of Montgomery County in Book 13263 and Page 554. Vehicular and loading access will occur via Hampden Lane. Loading for the Project will occur internal to the Site within two spaces designed for SU-30 trucks. The Applicant will be subject to a loading management plan that minimizes disruptions to Hampden Lane during peak travel periods. 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.

v. *Division 6.3. Open Space and Recreation*

The Site is required to provide 10% of site area as public open space, resulting in 3,040 square feet. The Applicant proposes to locate this space adjacent to the public right-of-way along all three frontages, with a focus on East Lane, which allows for generous street tree plantings, sidewalk, and frontage areas envisioned by the 2017 *Bethesda Downtown Sector Plan*.

The Application is in conformance with the *Recreation Guidelines*, as demonstrated in the Recreation Facilities Data table provided with the Application (Scenario ID 9709). The Applicant is providing bicycle amenities in the form of constructing the master planned separated bicycle lanes along Montgomery Lane, indoor parking garage and a bicycle support station; indoor community spaces, including a fitness room; and interior courtyards with picnic seating. Final locations and quantities of each of these amenities will be shown on the Certified Site Plan.

vi. *Division 6.4. General Landscaping and Outdoor Lighting*

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The Project will transform existing streetscape along all frontages including Hampden Lane, East Lane, and Montgomery Lane with new street trees, improved, wider sidewalks, street lighting, and street furniture. The on-site lighting will limit the necessary light levels to streets and sidewalks.

As shown in the Development Standards table, the Site Plan meets all general requirements and development standards of Section 4.5 of the Zoning Ordinance, the optional method public benefits provisions of Division 4.7 of the Zoning Ordinance, and the general development requirements of Article 59-6 of the Zoning Ordinance.

e. satisfies the applicable requirements of:

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

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-bioretenment for the site, and a waiver was accepted by MCDPS for improvements within the public right-of-way.

ii. Chapter 22A, Forest Conservation

The Project received approval of an exemption from Forest Conservation requirements on June 24, 2020 (42020214E). 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

A noise analysis for the Property has been conducted with findings as described above. As conditioned, this Application will meet all applicable noise guidelines.

f. provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;

The Project provides adequate, safe, and efficient parking and circulation patterns. The Project consolidates the garage and loading entrances on Hampden Lane to limit impacts to the pedestrian environment and improve public streetscape along all frontages. The building provides several pedestrian entrances along all façades for individual retail spaces to contribute to an active streetscape, and the main building entry will be located on East Lane.

- g. substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

As described in the findings for Preliminary Plan 120210130, the Project substantially conforms with the recommendations of the 2017 *Bethesda Downtown Sector Plan*. Furthermore, the type of development proposed by the Project will locate a mix of uses, in the core of downtown Bethesda and within a high energy performance building. The Project will provide a minimum of 17.6% MPDUs, which exceeds the Bethesda Overlay Zone requirement and achieves one of the main goals of the Sector Plan, affordable housing.

The conceptual building design incorporates several urban design elements that will achieve design excellence and enhance the visual interest from several locations including Wisconsin Avenue, Hampden Lane, East Lane, and Montgomery Lane. To achieve this visual interest, the Applicant proposes several upper-story building projections on Hampden Lane and Montgomery Lane. Although upper-story building projections, commonly referred to as “cantilevers,” have generally been discouraged in downtown Bethesda, this architectural element can uniquely sculpt a building and provide the quality of urban design envisioned by the Sector Plan. Achieving a high-quality architectural design at this location is the Applicant’s intent, and the Design Advisory Panel discussed the Project at their March 24th meeting, where they voted in 5-0 in support of 25 points for the Project as proposed.

Green Cover

The Sector Plan includes several recommendations to achieve the urban green goals outlined for the Bethesda Downtown area. An important recommendation to this effect is the onsite 35% green coverage minimum. The green cover may include singularly or a combination of intensive green roof (6 inches or deeper) or tree canopy cover. The subject property consists of a site area of 30,396 square feet which results in a green cover requirement, per Section 2.4.1(B) The Green Cover Exhibit provided with this Application shows that the Applicant has proposed 10,700 square feet of green cover consisting of bioretention planters and 8” depth green roof, which meets the Sector Plan recommendations.

- h. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal*

to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;

As discussed in the Preliminary Plan No. 120210130 findings, the development will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

- i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

The Subject Property is not located in a Rural Residential or Residential zone.

- j. on a property in all other zones, is compatible with existing, approved or pending adjacent development.*

The proposed mixed-use building of up to 262 feet in height is appropriate to the setting due to the Site's proximity to public transit and surrounding mixed-use properties. The adjacent properties are zoned for similar height maximums; however, this Site proposes a minimum of 17.6% MPDUs, allowing an additional floor (12 feet) above the zoning maximum of 250 feet, per Section 59.4.9.2.C.3.b of the Zoning Ordinance.

This Site is adjacent to 7340 Wisconsin Avenue to the east, which recently received Planning Board approval for Sketch Plan No. 320200010, for a 250-foot tall senior living facility. Through the review process, the architects for Sketch Plan No. 320200010 and the Subject Property worked together to agree on a proper tower separation from the shared property line to achieve the Sector Plan vision to allow access to light and air and limit the shadows on the public realm. This Project provides a 30-foot setback from the property line above the building base, and it is anticipated that the adjacent site (7340 Wisconsin Avenue property) will also provide a similar setback when the project moves forward, achieving a separation that varies between 45 feet and 60 feet, as recommended by the Sector Plan.

- 3. *To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the*

County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

4. *For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

Not applicable, the Subject Property is not zoned C-1 or C-2.

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 this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; 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 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).

* * * * *

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