

4725 CHELTENHAM DRIVE

Sketch Plan Amendment No. 32020006A and Site Plan No. 820220060



Description

Site Plan proposal for up to 76,841 square feet of density including up to 72,490 square feet of residential uses for up to 102 dwelling units with 15% MPDUs and 4,351 square feet of commercial uses for 8 Live/Work Units, and Sketch Plan amendment to convert up to 4,351 square feet of residential uses to commercial uses for 8 Live/Work Units, and modify the public benefit categories; request for Bethesda Overlay Zone density and associated PIP payment.

Plan Type: Sketch Plan Amendment
No. 32020006A & Site Plan No.
820220060
Completed: 2.7.2022

MCPB
Item No. 3
2.17.2022

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Floor 14
Wheaton, MD 20902



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Summary:

- Staff recommends **approval** of the 4725 Cheltenham Drive Sketch Plan Amendment and Site Plan, with conditions.
- In 2020, the Board approved Sketch Plan 320200060 for a residential project of up to 80,000 square feet of density.
- The Site Plan includes an allocation of Bethesda Overlay Zone density of up to 28,385 square feet. Based on this amount of BOZ density, the corresponding future Park Impact Payment (PIP) is \$189,406.
- The Project proposes to redevelop the existing, single-story automotive repair use into one mid-rise mixed-use development including 15% MPDUs and 8 Live/Work units.
- The proposed public benefits include incentive density, major public facility, minimum parking, streetscape, Live/Work Units, exceptional design, BLTs, cool roof, and energy conservation and generation.
- The Bethesda Downtown Design Advisory Panel reviewed the design concept on September 22, 2021 and October 27, 2021.
- The Applicant received an extension from the Planning Board, extending the review period to February 17, 2022. This extension was in accordance with the Section 50.7.3.3.C and 59.7.3.4.C of the Zoning Ordinance, regarding the Sketch Plan Amendment and Site Plan hearing date.
- The Property is located across a public alley from Cheltenham Drive Urban Park.
- Staff has not received correspondence on this application.

LOCATION

Approximately 110 feet east of Wisconsin Avenue in the Wisconsin Avenue Corridor District.

MASTER PLAN

2017 *Bethesda Downtown Sector Plan*

ZONE

CR-3.0 C-2.0 R-2.75 H-90

PROPERTY SIZE

0.245 acres

APPLICATION

4725 Cheltenham Drive

ACCEPTANCE DATE

October 19, 2021

REVIEW BASIS

Section 59.7.3.3 and Section 59.7.3.4

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

SKETCH PLAN AMENDMENT 32020006A

Staff recommends approval of 4725 Cheltenham Drive, Sketch Plan Amendment No. 32020006A, to convert up to 5,000 square feet of residential uses to commercial use to accommodate up to 8 Live/Work Units, modify the public benefit categories to eliminate structured parking, and add points for cool roof and Live/Work Units. The following site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the conditions below.

The following Conditions 1, 3, and 9 supersede and replace the previous conditions, while all other conditions remain in full force and effect.

1. Density

The Sketch Plan is limited to a maximum of 80,000 total square feet of development including up to 75,000 square feet of residential density and up to 5,000 square feet of commercial density. The maximum number of dwelling units will be determined at Site Plan. The maximum density includes up to 31,544 square feet of density from the Bethesda Overlay Zone (BOZ) with a Park Impact Payment (PIP). The final square footage, including BOZ density and PIP payment, will be determined at Site Plan.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59.7.3.3.I. and this Sketch Plan is amended. Total points must equal at least 100 and be chosen from at least four categories as required by Section 59.4.5.4.A.2. The requirements of Division 59.4.7 and the *CR and Employment Zones Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

- a) Major Public Facility, achieved by providing a financial contribution for planning/improvements to Cheltenham Drive Urban Park.
- b) Connectivity and Mobility, achieved by providing fewer than the maximum parking spaces under the Zoning Ordinance and BOZ; and improved streetscape beyond site frontage at the alley entrance.
- c) Diversity of Uses and Activities, achieved through providing up to 8 live/work units on site.
- d) Quality of Building and Site Design, achieved through exceptional design.
- e) Protection and Enhancement of the Natural Environment, achieved through building lot terminations, cool roof and energy conservation and generation.

9. MCDOT letter

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated February 3, 2022 and hereby incorporates them as conditions of the Sketch 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 Sketch Plan approval.

SITE PLAN 820220060

Staff recommends approval of 4725 Cheltenham Drive, Site Plan No. 820220060, for up to 76,841 square feet of density including up to 72,490 square feet of residential uses for up to 102 dwelling units with 15% MPDUs, and up to 4,351 square feet of commercial uses for up to 8 Live/Work Units; request for Bethesda Overlay Zone density and associated PIP payment; located on Cheltenham Drive approximately 110 feet east of the intersection with Wisconsin Ave; 0.245 acres in the CR-3.0 C-2.0 R-2.75 H-90 and Bethesda Overlay Zones; *2017 Bethesda Downtown Sector Plan*. The following site development elements shown on the latest electronic version of the date of this Staff Report submitted via ePlans to the MNCPPC are required except as modified by the conditions below:

1. Density

The Site Plan is limited to a maximum of 76,841 square feet of total development, including up to 72,490 square feet of residential development on the Subject Property, for up to 102 dwelling units including 15% MPDUs, and up to 4,351 square feet of commercial uses for up to 8 Live/Work Units.

2. Height

The development is limited to a maximum height of 90 feet, as measured from the building height measuring point, illustrated on the Certified Site Plan.

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. 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 \$189,406 prior to the release of the first above-grade building permit for the allocation of 28,385 square feet of Bethesda Overlay Zone Density, not including 11,785 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, the Applicant may apply to reduce the allocation of density from the BOZ through a minor site plan amendment.

4. Moderately Priced Dwelling Units (MPDUs)

- a) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (DHCA), in its letter dated December 21, 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 Site Plan approval.
- b) The development must provide a minimum of 15 percent MPDUs, or a Department of Housing and Community Affairs (DHCA) approved equivalent, consistent with the requirements of Chapter 25A.
- c) Before issuance of any building permit for any residential unit, an MPDU agreement between the Applicant and DHCA that satisfies the requirements of Chapter 25A must be executed.

5. Occupancy Provisions

- a) The maximum eight (8) units designated as live/work as shown on the Certified Site Plan must be in accordance with Section 59.3.5.14.H.
- b) The 8 live/work units cannot include any MPDUs that count toward the 15% MPDU requirement.
- c) Commercial usage of the live/work units must be included in lease agreements. A copy of the live/work lease agreement must be provided to staff prior to final Use and Occupancy permit for the residential units.
- d) Prior to Certified Site Plan:
 - i. The Applicant must record a covenant among the Land Records of Montgomery County reflecting the applicable commercial use restriction in a form approved by the M-NCPPC Office of General Counsel; and
 - ii. The Book/Page reference must be included on the Certified Site Plan.

6. 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) Major Public Facilities

Prior to the release of the first above-grade building permit, the Applicant must contribute \$25,000 to the Parks Department for improvements to the Cheltenham Drive Urban Park.

b) Connectivity between Uses, Activities, and Mobility Options

- i. Minimum Parking – The Applicant will not provide parking on-site.

- ii. Streetscape Improvements-The Applicant must construct 1,640 square feet of off-site streetscape in addition to any required streetscape improvements along the Subject Property frontage, as illustrated on the Certified Site Plan.
- c) Diversity of Uses and Activities
The Applicant must provide 8 live/work units in accordance with Condition 5. The location of the live/work units must be shown on the Certified Site Plan.
- d) Quality Building and Site Design
Exceptional Design – The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the Certified Site Plan, as determined by Planning Staff.
- e) Protection and Enhancement of the Natural Environment
 - i. Building Lot Termination – Prior to issuance of any building permit, the Applicant must provide proof of purchase and/or payment equivalent to 0.1637 BLTs to MCDPS and MNCPPC staff.
 - ii. Cool Roof – The Applicant must install a cool roof having a minimum solar reflectance index (SRI) of 75, covering a minimum of 2,500 square feet of roof area, as shown on the Certified Site Plan.
 - iii. Energy Conservation and Generation – 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 (2016) Appendix G. The final energy model must be submitted to MCDPS with the building permit application.

7. Recreation Facilities

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

8. Public Facilities, and Amenities

- a) Prior to the issuance of the final Use and Occupancy Certificate, the Applicant must construct the streetscape improvements, including the undergrounding of utilities, along the Property's frontage along Cheltenham Drive, consistent with the *2020 Bethesda Downtown Streetscape Standards*.
- b) The Applicant is responsible for maintaining all publicly accessible amenities located on the Subject Property.

Site Plan

9. Landscaping

- a) Prior to issuance of the final residential Use and Occupancy Certificate, all on-site amenities, including, but not limited to lights, sidewalks/ pedestrian pathways,

hardscape, benches, trash receptacles, bicycle facilities, recreation amenities, and rooftop amenities must be installed.

- b) The Applicant must install landscaping no later than the next growing season after completion of site work.

10. Lighting

- a) Prior to Certified Site Plan approval, 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 on-site 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 on-site down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors must be installed on all proposed fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by street lights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f) On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

Environment

11. Noise Attenuation

- a) Prior to approval of the Certified Site Plan, the Applicant must submit a noise analysis for Planning staff review.
- b) All noise impacted units must be clearly identified on the Certified Site Plan.
- c) 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.
- d) The Applicant must provide a signed commitment to construct the units in accord with the noise mitigation design specifications, with any changes that may affect acoustical performance approved by the engineer and Staff in advance of installation.
- e) 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.

- f) Before issuance of Use and Occupancy Certificate 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.

12. Green Cover

- a) The Applicant must provide a Green Cover exhibit prior to Certified Site Plan showing compliance with the Bethesda Downtown Sector Plan Green Cover requirement. The Project must provide a minimum of 35% of Green Cover on the Site comprised of intensive green roof, plantings and/or 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 (8”) or M-NCPPC and MCDPS staff approved equivalent.

Transportation

13. Pedestrian & Bicycle Circulation

- a) The Applicant must provide 53 long-term and 2 short-term bicycle parking spaces.
- b) The long-term spaces must be in a secured, well-lit bicycle room on the 1st floor of the building, and the short-term spaces must be inverted-U racks (or approved equal) installed along the building’s main residential entrance (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 recommendation of the 2018 *Bicycle Master Plan* along the project’s Cheltenham Drive frontage, as illustrated on the Certified Site Plan, consisting of a 6-foot minimum bike way, buffered by a 2.5-foot-wide monolithic nose-down median in coordination with MCDOT and DPS prior to issuance of the first use and occupancy certificate.
- d) Prior to issuance of the first use and occupancy certificate, the applicant must improve the separated bicycle lanes in the interim condition on the north side of Cheltenham Drive between Wisconsin Avenue and Tilbury Street (except along the Site frontage) frontage, as illustrated on the Certified Site Plan, in coordination with MCDOT.
- e) Prior to the issuance of the first use and occupancy permit the Applicant must install the streetscape improvements, as illustrated on the Certified Site Plan.

14. 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).

15. Department of Permitting Services-Right-of-Way

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 memorandum dated January 3, 2022 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the memorandum, which may be amended by the DPS-ROW Section provided that the amendments do not conflict with other conditions of the Site Plan approval.

16. 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 January 18, 2022, 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.

17. 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 Site Development Stormwater Management Plan letter dated January 28, 2022 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 the MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Site Plan approval.

18. Development Program

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

19. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, whichever one comes first, 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, 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 for 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 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.

20. Certified Site Plan

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

- a) Include all applicable agency letters, development program, and Site Plan resolution (and other applicable resolutions) on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that “M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”
- c) Include Fire and Rescue Access plan in the Certified Site Plan.
- d) 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.”
- e) Modify data table to reflect development standards approved by the Planning Board.
- f) Ensure consistency of all details and layout between Site and Landscape plans.
- g) Identify on floor plans all units designated as live/work units.

SECTION 2: SITE DESCRIPTION

VICINITY

The Property is located near the eastern edge of downtown Bethesda along Cheltenham Drive, approximately 110 feet east of its intersection with Wisconsin Avenue and approximately 0.3 miles of the Bethesda Metro Station. The block on which the Property is located includes a one-story CVS Pharmacy, a two-story United Bank, associated commercial surface parking, two-story rowhouses, and Cheltenham Drive Urban Park. To the east, across Tilbury Street is the East Bethesda single-family residential neighborhood.



Figure 1 – Aerial Map

To the north and south of the Property along both sides of Wisconsin Avenue is mixed-use development, increasing in height and intensity approaching the Bethesda Metro Station. Confronting the subject site to the south, across Cheltenham Drive, is Public Parking Garage No. 42, which was constructed as part of the Whitney residential development, which contains townhouse and high-rise multi-family residential units. Also located to the south is the Chevy Chase Acura dealership and associated three-story parking garage. Directly to the east of the site is the Cheltenham Drive Urban Park.

PROPERTY DESCRIPTION

The Subject Site (Subject Property or Property) is located on the north side of Cheltenham Drive, approximately 110 feet east of the intersection with Wisconsin Avenue and is within the Wisconsin Avenue Corridor District of the *2017 Bethesda Downtown Sector Plan* (Sector Plan). The Site is comprised of one existing lot, known as Lot 8, in the Westboro Subdivision. Cheltenham Urban Park confronts the Property across an existing public alley to the east. The alley provides vehicular service and parking access to the commercial uses to the north and connects through to Chase Avenue.

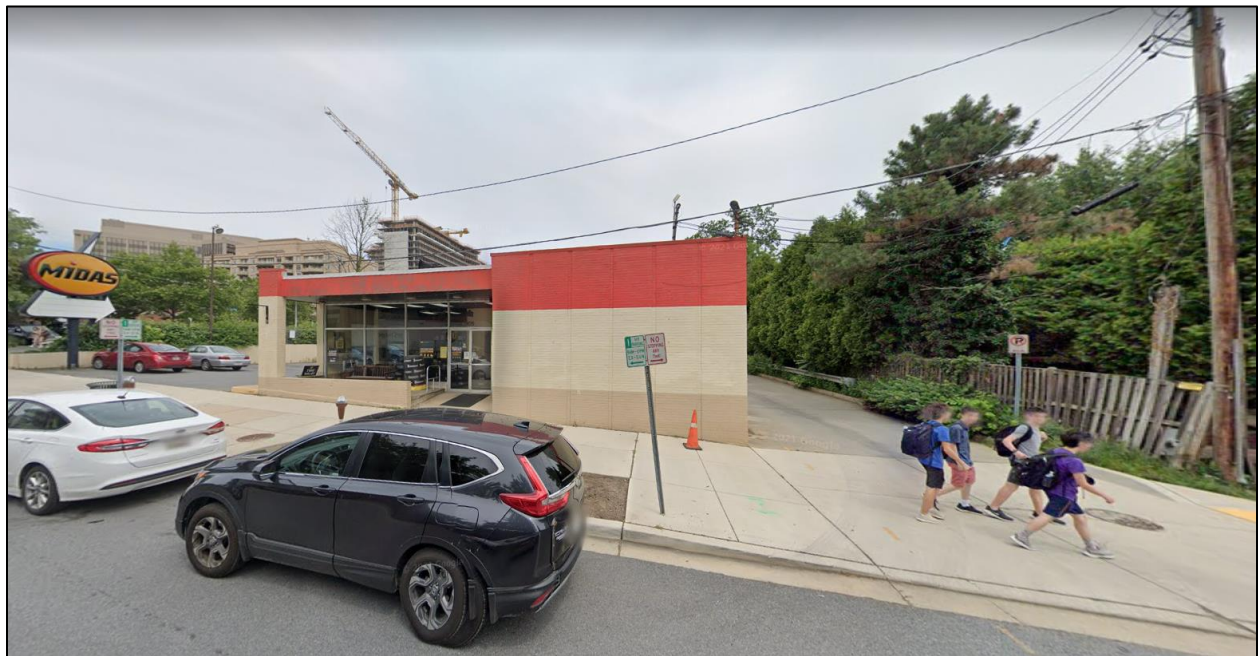


Figure 2 – Existing building viewed from Cheltenham Drive

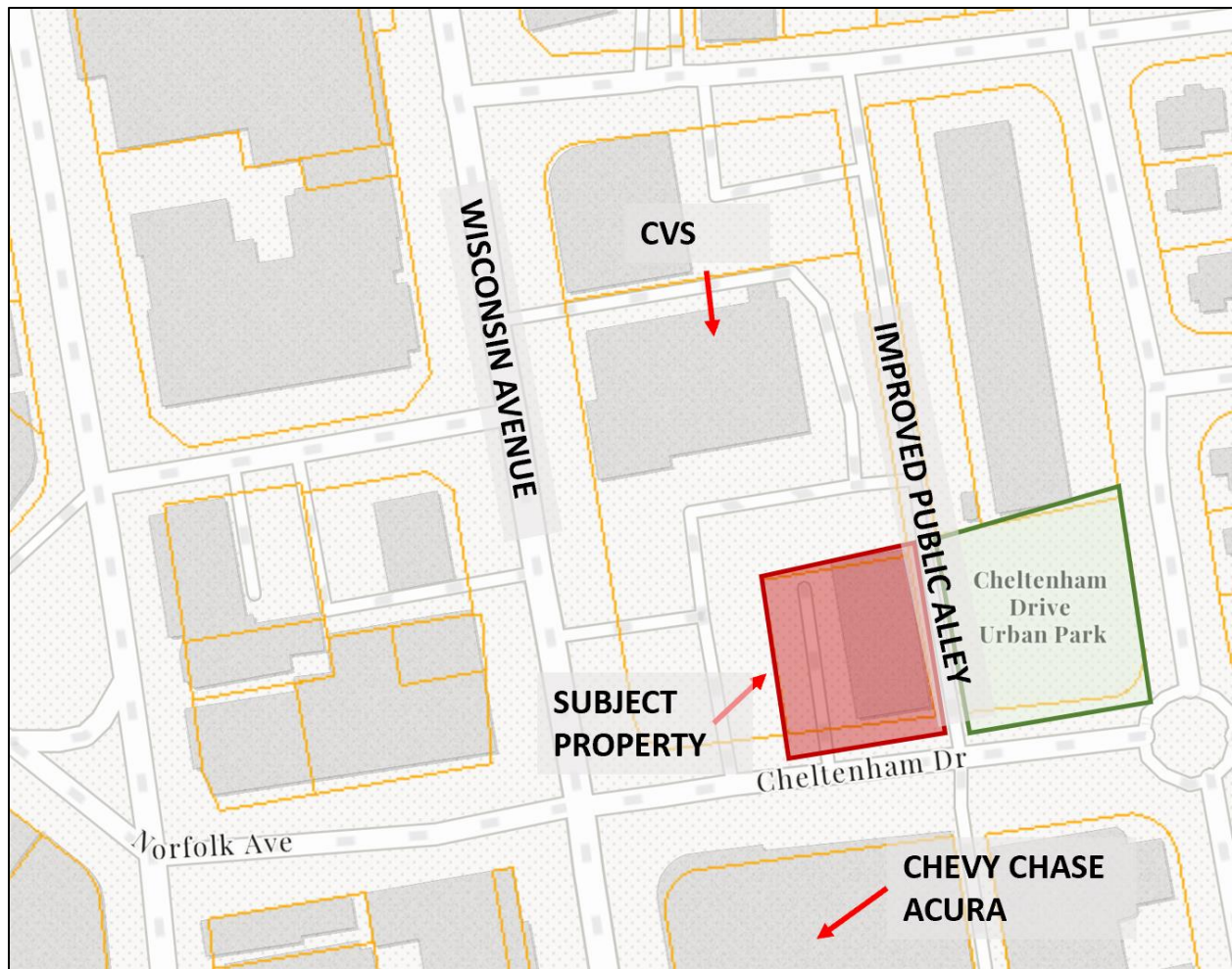


Figure 3 – Vicinity Map

Site Analysis

The Property totals 0.25 acres of tract area, is zoned CR-3.0 C-2.0 R-2.75 H-90 and is within the Bethesda Overlay Zone. The Property is currently developed with a single-story automotive repair shop and associated surface parking lot. There is one existing curb cut to the Property, which provides vehicular access from Cheltenham Drive.

The Property is located within the Lower Rock Creek watershed which is a Use I-P watershed. The Property is not associated with any environmentally sensitive features such as forest areas, stream buffers, wetlands, 100-year floodplains, steep slopes, or specimen trees. There are several street trees along the site at a range of sizes but are generally under a 23-inch diameter at breast height (DBH) with the exception of a one 26-inch DBH Red Maple associated with the adjacent Cheltenham Drive Urban Park. There are no historic structures on site.

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

SKETCH PLAN NO. 320200060

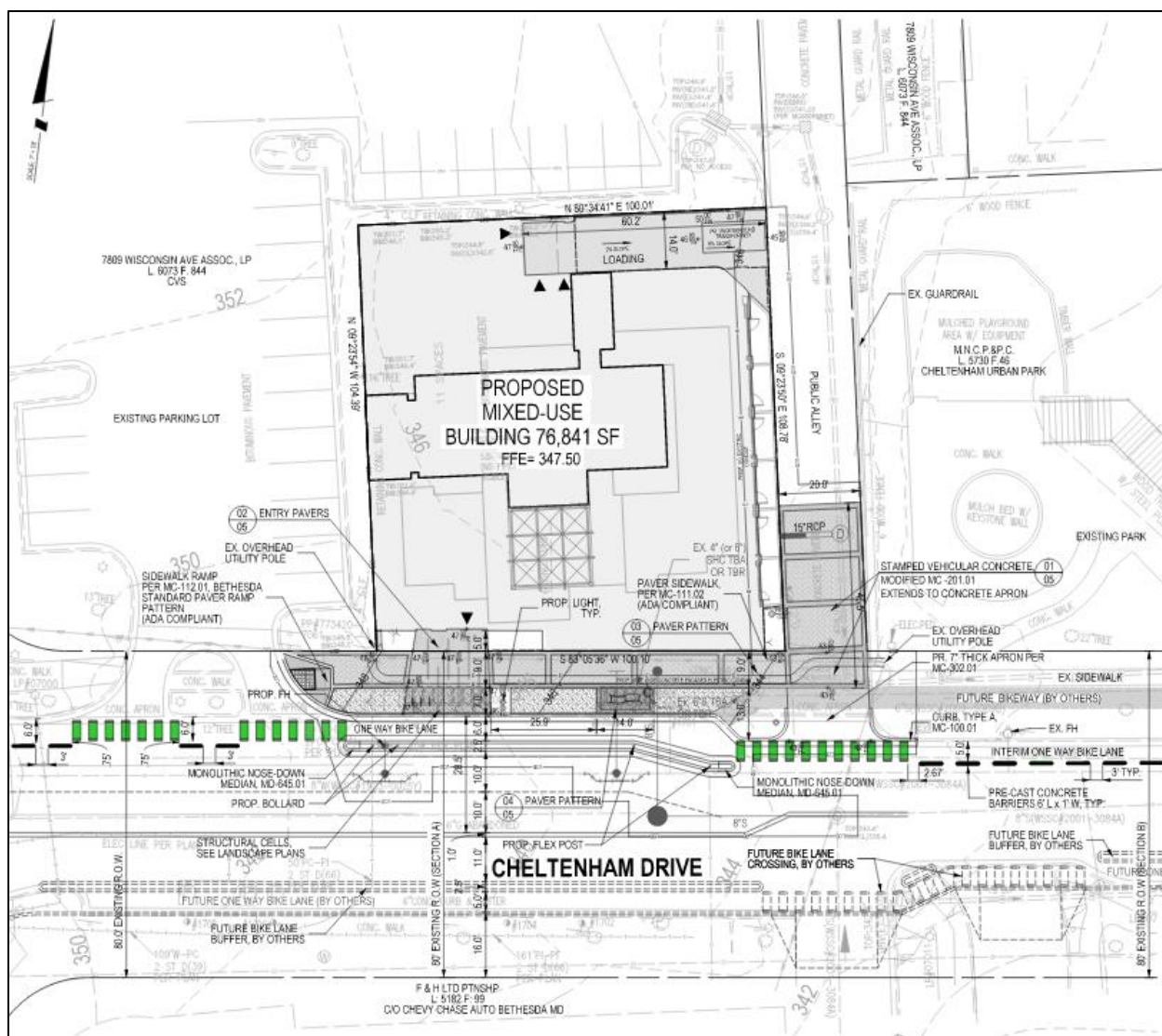
The Planning Board previously approved Sketch Plan No. 320200060, by resolution MCPB No. 20-118, dated January 7, 2021 (Attachment A) to allow the construction of up to 80,000 square feet of density for residential development with a minimum of 15% Moderately Priced Dwelling Units (MPDUs).

The property is a recorded lot and a Preliminary Plan of Subdivision is not required.

PROPOSAL

The Applicant proposes to amend the previously approved Sketch Plan to convert up to 5,000 square feet of residential uses to commercial use to accommodate up to 8 Live/Work Units and modify the public benefit categories to eliminate structured parking and add points for cool roof and Live/Work Units

The proposed Site Plan will redevelop the Property with a new 90-foot-tall mixed-use building with a maximum density of up to 76,841 including up to 72,490 square feet of residential uses for up to 102 dwelling units including 15% MPDUs, and 4,351 square feet of commercial uses for 8 Live/Work Units. The Applicant proposes a green roof, private amenities, and streetscape improvements along the frontages.



MODERATELY PRICED DWELLING UNITS

The Application is required to provide Moderately Priced Dwelling Units (MPDUs) per Chapter 25A-5 of the Montgomery County Code, as such the Project will provide 15% MPDUS (17 multi-family mid-rise MPDUs) dispersed throughout the Project in the form of efficiency, 1-bedroom, and 2-bedroom units. The MPDUs do not include the live/work units.

LIVE/WORK UNITS

The Applicant is proposing 8 Live/Work units as part of the proposed development. These live/work units are located on the first through third floors and are designed to provide living areas separate from the workspaces.

BUILDING/ARCHITECTURE

The proposed building has been designed to respond to the recommendations of the 2017 *Bethesda Downtown Plan Design Guidelines*. The building will achieve a height of 90 feet and provide a viable development for a site of this size. The building establishes a continuous street edge and incorporates ample transparency and articulation at the ground plane along Cheltenham Drive, to further define and actively engage the street. Specifically, the building will be setback approximately 16 feet from the curb, consistent with the existing streetscape conditions and recommended building placement for Neighborhood Local Streets. The Cheltenham façade is comprised of multiple masses and various façade treatments to break down the scale and provide architectural interest.



Figure 4: View of Proposed building from Cheltenham Drive

The project will deliver a series of step-backs, unique geometry, modulated and articulated facades, undulations, and/or variations in building materials and colors. The perceived mass of the building is carefully addressed via the tower's unique 'folding' façade which creates varying setbacks between 6 and 10 feet.

The building base has two portions: a two-story portion along the eastern elevation and a three-story portion along the western elevation which demonstrates conformance to the base height recommendations of the Neighborhood Local Streets in the Design Guidelines. Each of the elevations features the same materials of charcoal brick, glass, and wood, but the west places emphasis on transparency whereas the east emphasizes screening via articulations that create a screen of corbelled masonry frames with woodgrain columns and planters. The upper floors are setback and feature plantings creating visual interest.

The building base pairs well with the subtle geometry of the tower, contributing to a dynamic massing. The upper floors are similarly divided into east and west wings, consistent with the angles of the approved Sketch Plan (MCPB No. 20-118), but with a stack of balconies at the inflection point adding emphasis. The upper floors feature metal panels and glass with vertical woodgrain panels (similar to the columns in the base below). Windows vary to reflect the rooms behind them. Extensions of the metal panels across the front of the balconies are designed in an alternating pattern introducing movement along the semi-random placement of the woodgrain panels.

The roofline of this Project also was carefully integrated into the design. The south façade along Cheltenham Drive has two angled wings while the west façade features the stair tower which undulates upward allowing the eye to view the penthouse and provides interest. The north tower features a stair tower that behaves in a similar fashion. The east façade provides a seamless roofline. The penthouse is setback along the eastern façade only to be seen in more distant views.

The Project seeks to integrate streetscape improvements that are consistent with the Design Guidelines. Specifically, the proposed streetscape includes a six (6) foot planting/furnishing zone and nine (9) foot pedestrian through zone, consistent with the recommendations for a Neighborhood Local Street which requires a 5-to-8-foot planting zone and 6-to-10-foot pedestrian through zone. The light poles have been carefully considered as their placement is located within the planting beds in the 'planting/furnishing' zone. This approach ensures adequate soil volume/room for the canopy trees, while also achieving the desired light pole spacing. The streetscape improvements as proposed will contribute to the overall Canopy Corridor recommended along Cheltenham Drive.



Figure 5: Proposed streetscape view looking towards Cheltenham Urban Park

The Project also will significantly enhance the existing alleyway. The alleyway currently functions as a 'back of house' space. The Project proposes to activate the alleyway by providing patios for five adjacent units, as well as Juliet balconies for second story-units, which will achieve a key component of Crime Prevention Through Environmental Design (CPTED) by providing 'eyes on the street,' and direct human engagement to help to enliven this frontage. The location of the patios also considers the slope of the site as they are designed to be between 18 inches and 3 feet above the alley fostering optimal interaction. There is a landscape area at the south end of the patios, and the Applicant anticipates residents will have plants on their patios providing additional greenery to the west side of the alley. This complements the adjacent Cheltenham Drive Urban Park. The Project also proposes specialty paving at the entrance to the alleyway to improve the pedestrian experience and serve as a traffic calming device at this access point.

The Design Guidelines recommend tower separations but also recognize that party walls may be appropriate for buildings below 120 feet or with limited property size/width/depth. The Subject Property is bordered to the west and north by a much larger site (approximately 51,176 square feet) that is currently improved with a CVS and a large surface parking lot, to the east by a service alley, and to the south by Cheltenham Drive. As discussed above, the Property size is constrained, and the Project is proposing a maximum building height of 90 feet. The Project takes into consideration that the adjacent site will be called upon for future development given its size, shape and configuration along Wisconsin Avenue and that it will be built close to the western Property boundary, possibly even on face-on-line. For all of these reasons, the Applicant is proposing a party wall along most of the western Property boundary, but with a small portion pulled back allowing windows and a stack of balconies at the southwest corner. These, along with the geometric mural proposed for the lower three floors and the expression of the stair tower provides visual interest until the site redevelops. The northern façade will be setback approximately 14 feet from the Property boundary, which allows for 45 percent of glazing along this façade. Although this façade will not be particularly visible, even within the current context (except from CVS parking lot), it has been designed as a composed façade, with the same high-quality material palette as the other, more visible facades.

OPEN SPACE

As a Site within the CR Zone with a tract area less than 0.50 acres (16,152 sf; 0.37 ac) and two right-of-way frontages, the Applicant is not required to provide any public open space.

TRANSPORTATION

Access and Circulation

The Applicant proposes eliminating the existing 40-foot curb cut on the western side of the Property and moving all vehicular access including loading, and trash service operations to the existing alley along the eastern boundary of the site. No vehicular parking is proposed on-site. As the Site is located within the boundary of the Bethesda Parking Lot District, the Applicant is permitted to provide fewer

than the minimum number of required parking spaces¹. Furthermore, Public Parking Garage 42 is located immediately southeast of the project at 4720 Cheltenham Drive, and the Bethesda Metrorail Station and future Purple Line and MD 355 Bus Rapid Transit stations are located within a walkable distance from the Site.

The proposed access configuration is in conformance with the Zoning Ordinance, the 2017 *Bethesda Downtown Plan*, the 2017 *Bethesda Downtown Plan and Design Guidelines*, and also upholds the County's Vision Zero policy. The alley is 20-feet wide and meets the minimum design standards for a public alley. The alley serves adjacent commercial uses which today includes a branch of the United Bank and CVS Pharmacy. The Tilbury Garden Apartments rear façades, located just to the north, face the public alley but are physically separated from the alley by a wood fence. The bank and pharmacy sites are accessible by multiple curb cuts on Cheltenham Drive, Wisconsin Avenue and Chase Avenue. In other words, while these sites have access to the alley, it does not serve as their primary access. The Montgomery County Department of Transportation (MCDOT) has approved the proposed access in their letter dated February 3, 2022 (Attachment B).

Pedestrian access to the Property is proposed directly from the existing sidewalks along Cheltenham Drive which as conditioned will be improved to meet the 2017 *Bethesda Downtown Plan Design Guidelines* for a Neighborhood Local Street. Specifically, the proposed streetscape includes a seven-foot-wide planting zone and nine-foot pedestrian through zone, consistent with the recommendations for a Neighborhood Local Street. The proposed streetscape includes specialty paving at the main building entry along Cheltenham Drive to further define the building entrance. Specialty paving also is provided at the vehicular entrance to the alley. This will enhance the pedestrian experience and provide traffic calming at the Site's access point, by signaling to vehicles that they are crossing the pedestrian through zone.

¹ Section 59-6.2.3.H.1.

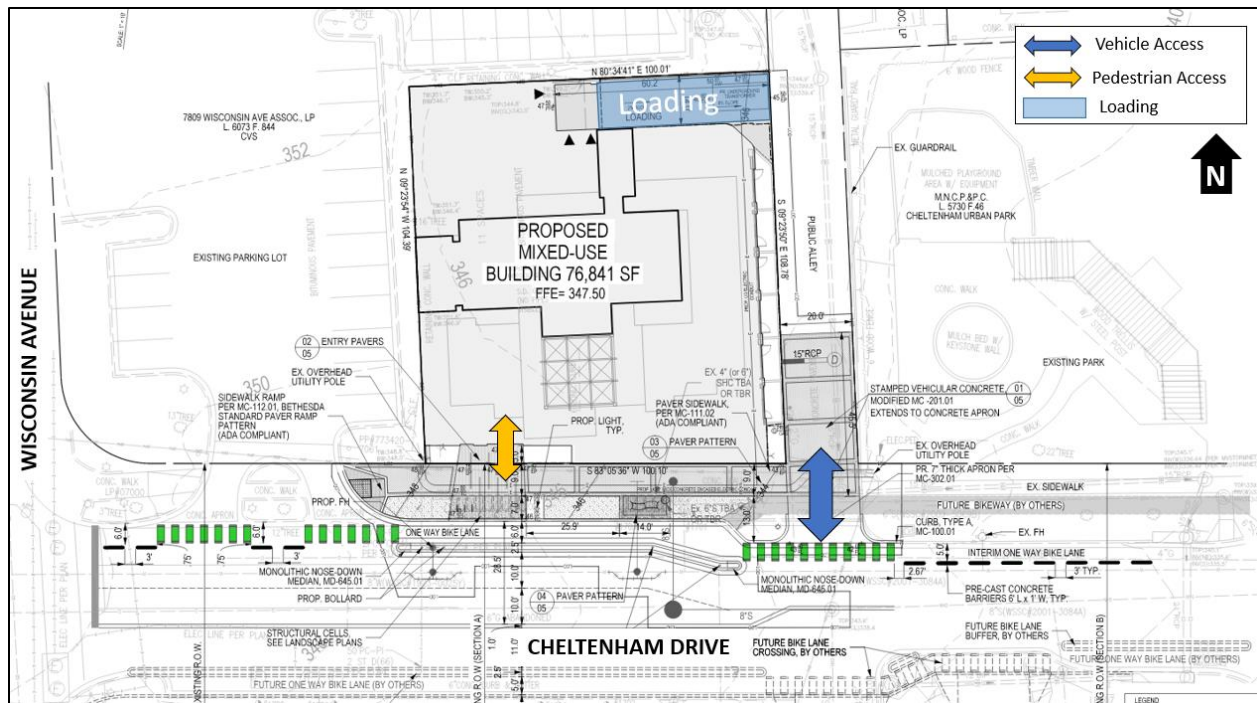


Figure 6: Proposed streetscape view looking towards Cheltenham Urban Park

The design of the streetscape also acknowledges Cheltenham Drive's designation as a Canopy Corridor. As such, the Project will prioritize street tree plantings and the street trees will be planted in tree pits that will have adequate soil volume to promote their growth.

Bicyclists will access the Property via Cheltenham Drive. Bicycle access and safety will be further improved with the final design and implementation of the master-planned separated bike lanes along both sides of Cheltenham Drive. The Applicant will construct the westbound separated bicycle lanes in their ultimate condition along the Site frontage which consists of a 2.5-foot-wide poured concrete median buffer, and 6-foot-wide minimum bicycle lanes. In compliance with the County's 2017 *Commercial/Residential and Employment Zones Incentive Density Implementation Guidelines* the Applicant will receive public benefit points for constructing the remaining segments of the master-planned separated bike lane along the north side between Wisconsin Avenue and Tilbury Street in the interim condition, as agreed upon by MCDOT, MCDPS and Planning staff. These segments of the bicycle lane that extend away from the Site frontage will consist of 5-foot minimum bike lanes (6-foot where feasible) buffered from motor vehicle traffic by pre-cast concrete barriers (6 feet long by 1 foot wide), spaced 3 feet apart. These segments will be further improved when MCDOT staff constructs the entirety of the bicycle lanes, on either side of Cheltenham Drive between Wisconsin Avenue and Tilbury Street outside the Site frontage (outside of the segment along the Site frontage which has been installed in the ultimate condition).

In accordance with Section 6.2.4.C, the Project will provide a minimum of 55 bicycle parking spaces, of which 53 spaces will be provided as secured, long-term bicycle parking. The long-term bicycle spaces

will be provided in a secure bike storage room on the ground floor of the building. Short-term bicycle parking will be provided through an inverted-u rack located near the building entrance on Cheltenham Drive.

Transit Connectivity

The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station (located within walking distance of the site), Metrobus, RideOn, the Bethesda Circulator, the future Purple Line, and planned Bus Rapid Transit (BRT). The 2013 *Countywide Transit Corridors Functional Master Plan* identifies the intersection of Elm Street and Wisconsin Avenue as a future BRT station location for the MD 355 South Corridor.

Master Plan Roadways and Pedestrian/Bikeway Facilities

The 2017 *Bethesda Downtown Sector Plan*, the 2018 *Master Plan of Highways and Transitways*, and the 2018 *Bicycle Master Plan* designate Cheltenham Drive along the Property's frontage, as a Business District Street with a minimum right-of-way width of 80 feet (40 feet from center line) and envisions one-way separated bike lanes along both sides of the street. No right-of-way dedication is needed along the Site frontage. As conditioned the Applicant will construct the westbound separated bike lanes in the ultimate condition along the Site frontage, and in the interim condition beyond the Site frontage (between Wisconsin Avenue and Tilbury Street), as approved by MCDOT, MCDPS, and Planning staff. The interim condition located along the Cheltenham Drive Urban Park and CVS site frontages within the public right-of-way will connect with the permanent bike lane (with fixed curb) along the Site's frontage. The interim bike lane provides an immediate public benefit ensuring connectivity between Tilbury Street and Wisconsin Avenue. The final design of the off-site bikeway facility will be finalized via the MCDOT CIP Project.

Transportation Demand Management

As a project located within the Bethesda Transportation Management District (TMD) that is greater than 40,000 square feet of gross floor area, the development is required to develop a Level 3 Results Transportation Demand Management (TDM) Plan with the Planning Board and MCDOT to participate in the Bethesda TMD and work toward the Sector Plan goal of 55 percent Non-Auto Drive Mode Share (NADMS).

ENVIRONMENT

Environmental Guidelines

As mentioned in the project description, the Subject Property is located within the Lower Rock Creek Watershed. The 0.24-acre site contains no forest nor any onsite trees; the site is, however, bordered by many off-site street trees which generally range in size from 2" in diameter-at-breast-height (DBH) to 20" DBH. Soils onsite are classified as urban land and are not considered erodible or otherwise environmentally sensitive. As a currently developed property, slopes onsite are gentle and rise from

east to west. There are no slopes of greater than 25% found onsite. There are no known rare, threatened, or endangered species on site. There are no known historic structures on the site.

Forest Conservation

A Simplified Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) 42020201E, was approved for the Subject Property on June 11, 2020. Following plan approval, a Forest Conservation Exemption was approved for the site by Planning Staff on October 19, 2020. The Property was approved for a small property exemption as the proposed activity will occur on a tract less than 1-acre that will not result in the clearing of more than a total of 20,000 square feet of existing forest, or any existing specimen or champion tree, and reforestation requirements would not exceed 10,000 square feet. Given the limited environmental features on this currently developed site, all requirements for this exemption are met, therefore, this Application will satisfy all requirements of Chapter 22A, Forest Conservation as well as the Montgomery County Environmental Guidelines.

Noise

The Project proposes residential units to be built near arterial roadways and is therefore subject to the requirement to submit a noise analysis per Section 2.2.2 of the County Noise Guidelines. The Applicant has submitted a noise waiver for exterior amenity areas and balconies. It is possible that some outdoor balconies will experience elevated noise levels during limited periods of time, but this is unavoidable and anticipated in urban, residential buildings within the Central Business District. Second, the residential amenity space, which is located on the roof of the 90-foot-tall building is far removed from the streets below. Furthermore, the penthouse structure and ample rooftop vegetation will help to serve as an acoustical buffer between the surrounding streets and the rooftop amenity space. This waiver request is consistent with waivers that have been granted for other projects in Bethesda. In addition, as conditioned, prior to certification of the Site Plan, the Applicant must submit a noise analysis prepared by an engineer specializing in acoustics detailing the anticipated interior noise levels and the associated impacts on residential units. The Applicant must also provide Staff with certification that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.

Stormwater Management (SWM)

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 January 28, 2022 (Attachment B). The Application will meet stormwater management goals through a green roof. The waiver was also requested by the Applicant and granted by MCDPS Water Resources Section for a portion of the stormwater management treatment, due to site constraints.

SECTION 4: SKETCH PLAN AMENDMENT 32020006A FINDINGS AND ANALYSIS

The Planning Board approved Sketch Plan No. 320200060 to allow a residential building with a maximum density of 80,000 square feet on the Subject Property, and up to 90 feet in height, with a minimum of 15% MPDUs, zoned CR-3.0 C-2.0 R-2.75, H-90 in the 2017 *Bethesda Downtown Sector Plan*. The maximum density included up to 35,596 square feet of density from the Bethesda Overlay Zone (BOZ) with a Park Impact Payment (PIP).

Sketch Plan Amendment 32020006A proposes to convert up to 5,000 square feet of residential uses to commercial use to accommodate up to 8 Live/Work Units and modify the public benefit categories to eliminate structured parking and add points for cool roof and Live/Work Units. This Amendment does not alter the intent, objectives, or requirements in the originally approved Sketch Plan and all previous findings remain in effect, except as modified below.

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

The Sketch Plan Amendment meets the development standards of Section 59.4.5.4 as shown in Table 1 below.

Table 1: 4725 Cheltenham Drive Data Table

Sketch Plan Amendment Data Table				
Section 59.4	Development Standard	Permitted/ Required	Approved Sketch Plan 320200060	Proposed Sketch Plan Amendment 32020006A
	Tract Area	n/a	16,147 sf (0.371 ac)	16,152 sf (0.371 ac)
	Prior Dedication	n/a	5,493 sf (0.126 ac)	5,493 sf (0.126 ac)
	Proposed Dedication	n/a	0	0
	Site Area	n/a	10,654 sf (0.245 ac)	10,659 sf (0.245 ac)
	Mapped Density CR-3.0 C-2.0 R-2.75 H-90			
	Residential (GFA/ FAR)	44,418 sf (2.75)	44,404 sf (2.75)	43,456 sf (2.7)
	Commercial (GFA/FAR)	32,304 sf (2.0)	0 sf (0.00)	5,000 sf (0.3)
	Total Mapped Density (GFA/FAR)	48,456 sf (3.0)	44,404 sf (2.75)	48,456 sf (3.0)
	Bethesda Overlay Zone Density (GFA/FAR)	n/a	35,596 sf (2.20)	31,544 (1.95)
	Total GFA (FAR)	n/a	80,000 sf (4.95)	80,000 sf (4.95)
	MPDU Density (GFA/FAR)	15%	15%	15%
	Building Height, max average	90 feet	90 feet	90 feet
	Public Open Space (min)	0	0	0
	Green Cover (min)	35% of Site Area	35% of Site Area	35% of Site Area

Minimum Setbacks (ft)			
Cheltenham Drive	0'	0'	0'
20' Private Alley	0'	0'	0'

The final number of vehicular parking spaces will be determined at Site Plan based on the residential units.

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. An allocation of density from the BOZ requires a park impact payment of \$11.41/square foot based upon the density requested and facilitates acquisition of parkland in the downtown Bethesda area. This Application is requesting an allocation of 31,544 square feet from the BOZ initiating a Park Impact Payment, with the final amount to be finalized during Site Plan review and to be paid at the time of building permit.

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

Taking into account the considerations in Section 59.4.7.1.B and the Public Benefit Points established with the Bethesda Overlay Zone in Section 59.4.9.2.C.4, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the *Incentive Density Implementation Guidelines*, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site, as described below.

For the development, the Zoning Ordinance requires 100 points from 4 categories. Although at the time of Sketch Plan review only the categories need be approved, the following table shows both the categories and points for the public benefits requested at Sketch Plan to demonstrate the project's ability to meet the requirement to provide sufficient benefit points.

The Sketch Plan Amendment proposes to eliminate the Structured Parking subcategory from the Quality of Building and Site Design, as the Applicant will not be providing parking on site, add the Diversity of Uses and Activities category to add Live/Work units and add Cool Roof to the Protection and Enhancement of the Natural Environment. The Public Benefits table below has been updated to reflect the proposed changes with the Sketch Plan Amendment.

Table 2: Public Benefits Table

4725 Cheltenham Avenue-Public Benefits Table			
Public Benefit	Incentive Density Points		
	Max Allowed	Approved in Concept Sketch Plan 320200060	Proposed Sketch Plan Amendment 32020006A
59.4.7.3A: Major Public Facility			
Parks Financial Contribution	70	7.51	7.51
59.4.7.3C: Connectivity and Mobility			
Minimum Parking¹	20	20	20
Streetscape	30	20	20
Diversity of Uses and Activities			
Live/Work Units	10	NA	10
59.4.7.3E: Quality of Building and Site Design			
Exceptional Design¹	30	23	23
Structured Parking	20	20	NA
59.4.7.3.F: Protection and Enhancement of the Natural Environment			
Building Lot Termination (BLT)	30	1.54	1.54
Cool Roof	15	NA	10
Energy Conservation and Generation¹	25	15	15
TOTAL		107.05	107.05

¹Denotes Sector Plan priority

Major Public Facilities

Parks Financial Contribution: The Applicant requests 7.51 points for financially contributing towards improvements to Cheltenham Avenue Urban Park to not exceed \$25,000, located directly east of the Property for the implementation of certain design enhancements within the Park.

Connectivity and Mobility

Minimum Parking: Given the Property's location and close proximity to transit, the Applicant is not proposing to provide on-site parking. The Property is also located within the Bethesda Parking Lot District (PLD) and no spaces are required to be provided. This Project supports the Sector's Plans goal of promoting alternative modes of transportation and the constrained long-term parking supply policy. The Applicant is seeking 20 points for minimum parking.

Streetscape: The Project requests to implement off-site streetscape improvements along the north side of Cheltenham Drive between Wisconsin Avenue and Tilbury Street and install specialty paving at the entrance to the public alley. The Applicant proposes to

construct an interim bike lane along the Cheltenham Drive Urban Park and CVS site frontages within the public right-of-way, which will connect with the permanent bike lane (with fixed curb) along the Site's frontage. The interim bike lane provides an immediate public benefit ensuring connectivity between Tilbury Street and Wisconsin Avenue. The final design of the off-site bikeway facility will be finalized via the MCDOT CIP Project. The Applicant is seeking 20 public benefit points for this category.

Diversity of Uses and Activities:

Live/Work Units: The Project will provide up to 8 Live/Work units. The property's zone allows a minimum of 6.6 percent of the total units must be provided at Live/Work units to achieve 10 points. The Project proposes to provide 8 Live/Work Units out of the 110 total units provided (i.e., 7.3%) Accordingly, the Project request 10 points for this category.

Quality of Building and Site Design

Exceptional Design: The Applicant is seeking 23 points towards exceptional design. The Project satisfies a minimum of four of the Exceptional Design Criteria. The Project will redevelop an underutilized property in close proximity to public transit. The building provides context sensitive massing that responds to the location and constrained site. The mid-rise boutique façade activates the pedestrian environment while employing a variety of building materials that bridge the Wisconsin Avenue and the Cheltenham Drive Urban Park. The design scheme was evaluated by the Design Advisory Panel (DAP) where the Panel endorsed the Project, with final points to be determined at the time of Site Plan.

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT): The Applicant requests 1.54 points for the purchase of BLT easements, with final number to be determined at the time of Site Plan.

Cool Roof: Any roof area that is not covered by a vegetated roof or mechanical equipment will be constructed with a minimum solar reflectance index of 75. Final points are determined at the time of Site Plan.

Energy Conservation and Generation: The Applicant is seeking a minimum of 15 points towards this category. The Project is designed to exceed energy-efficiency standards for this building typology.

SECTION 5: SITE PLAN 820220060 FINDINGS AND ANALYSIS

- 1. When reviewing an application, the approval findings apply only to the site covered by the application.**

The findings herein apply only to the Subject Property.

- 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 is consistent with the use and densities of the concurrently pending Sketch Plan Amendment.

- 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 CR-3.0 C-2.0 R-2.75 H-90', totaling 0.37 acres or 16,152 square feet within the Bethesda Overlay Zone. The following Data Table shows the Application's conformance to the development standards of the zone.

Table 3: Site Plan Data Table

Section 59.4	Development Standard	Permitted/ Required	Proposed
	Tract Area	n/a	16,152 sf (0.371 ac)
	Prior Dedication	n/a	5,493 sf (0.126 ac)
	Proposed Dedication	n/a	0
	Site Area	n/a	10,659 sf (0.245 ac)
	Mapped Density CR-3.0 C-2.0 R-2.75 H-90		
	Residential (GFA/ FAR)	44,418 sf (2.75)	44,105 sf (2.73)
	Commercial (GFA/FAR)	32,304 sf (2.0)	4,351 sf (0.27)
	Total Mapped Density (GFA/FAR)	48,456 sf (3.0)	48,456 sf (3.0)
	Bethesda Overlay Zone Density (GFA/FAR)	n/a	28,385 (1.76)
	Total GFA (FAR)	n/a	76,841 sf (4.76)
	MPDU Density (GFA/FAR)	15%	15%
	Building Height, max average	90 feet	90 feet
	Public Open Space (min)	0	0
	Green Cover (min)	35% of Site Area	35% (3,731 sf)
	Minimum Setbacks (ft) Cheltenham Drive 20' Private Alley	0' 0'	0' 0'
Section 59.6.2	Parking¹	Permitted/ Required	Proposed
	Bicycle Parking (Long Term/ Short Term)	53/2	53/6

¹This Project will not be providing vehicular parking on site. The Project is located within the Bethesda Parking Lot District and will be subject to the parking district tax regulations in lieu of providing the full minimum parking.

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 28,385 square feet of BOZ density, reduced by 11,785 square feet of MPDU density², the Applicant is required to pay for 16,600 square feet of BOZ density at a value of \$189,406. The amount of density allocated from the BOZ for the Subject Application is deducted from the 32.4 million cap.

Section 4.5.4.B.4 - Form Standards

The Site Plan conforms to the intent of the form standards, including transparency, blank walls and active entrances. The Project proposes significant glass features at the ground-level for transparency as well as activating features on the ground-floor level, including a residential lobby along Cheltenham Drive. As conditioned, the exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the architectural drawings included in the Certified Site Plan, as determined by Staff.

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: Major Public Facilities, Connectivity and Mobility, Diversity of Uses and Activities, Quality of Building and Site Design, and Protection of the Natural Environment. The public benefit points have been updated since the Sketch Plan, to reflect an increase in points for Streetscape, BLTs, and Energy Conservation and Generation subcategories.

Table 4: Site Plan Public Benefit Points

4725 Cheltenham Avenue-Public Benefits Table		
Public Benefit	Incentive Density Points	
	Max Allowed	Recommended
59.4.7.3A: Major Public Facility		
Parks Financial Contribution	70	7.51
59.4.7.3C: Connectivity and Mobility		
Minimum Parking¹	20	20
Streetscape	30	26.77
Diversity of Uses and Activities		
Live/Work Units	15	10
59.4.7.3E: Quality of Building and Site Design		
Exceptional Design¹	30	20
59.4.7.3.F: Protection and Enhancement of the Natural Environment		
Building Lot Termination (BLT)	30	1.47
Cool Roof	15	10
Energy Conservation and Generation¹	25	25
TOTAL		120.75

¹Denotes Sector Plan priority

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

Major Public Facilities

Parks Financial Contribution: The Applicant requests 7.51 points for financially contributing towards improvements to Cheltenham Avenue Urban Park to not exceed \$25,000, located directly east of the Property for the implementation of certain design enhancements within the Park. Planning and Park staff support the Applicant's request.

Connectivity and Mobility

Minimum Parking: Given the Property's location and close proximity to transit, the Applicant is not proposing to provide on-site parking. The Property is also located within the Bethesda Parking Lot District (PLD) and no spaces are required to be provided. This Project supports the Sector's Plans goal of promoting alternative modes of transportation and the constrained long-term parking supply policy. The Applicant is seeking 20 points for minimum parking. Staff supports the Applicant's request.

$$\begin{aligned} & [((\text{Maximum Allowed Parking}) - (\text{Parking Provided})) / \\ & ((\text{Maximum Allowed Parking}) - (\text{Minimum Parking}))] * 10 \\ & (122 - 0) / (122 - 68) * 10 = 22.59 \text{ points} \end{aligned}$$

Streetscape: The Project requests to implement off-site streetscape improvements along the north side of Cheltenham Drive between Wisconsin Avenue and Tilbury Street and install specialty paving at the entrance to the public alley. The Applicant proposes to construct an interim bike lane along the Park and CVS site frontages within the public right-of-way, which will connect with the permanent bike lane (with fixed curb) along the Site's frontage. The interim bike lane provides an immediate public benefit ensuring connectivity between Tilbury Street and Wisconsin Avenue. The final design of the off-site bikeway facility will be finalized via the MCDOT CIP Project. The Applicant is seeking 26.77 public benefit points for this category, based off of the following formula. Staff supports the Applicant's request.

$$\begin{aligned} & (\text{streetscape improvements/net lot area}) * 100 \\ & (2,854 \text{ sf}/10,659 \text{ sf}) * 100 = 26.77 \end{aligned}$$

Diversity of Uses and Activities:

Live/Work Units: The Project will provide up to 8 Live/Work units. The property's zone allows a minimum of 6.6 percent of the total units must be provided at Live/Work units to achieve 10 points. The Project proposes to provide 8 Live/Work

Units out of the 110 total units provided (e.g. 7.3%) Accordingly, the Project request 10 points for this category and Staff supports the Applicant's request.

Quality of Building and Site Design

Exceptional Design: The Applicant is seeking 20 points towards exceptional design. The Project satisfies a minimum of four of the Exceptional Design Criteria. The Project will redevelop an underutilized property in close proximity to public transit. The building provides context sensitive massing that responds to the location and constrained site. The mid-rise boutique façade activates the pedestrian environment while employing a variety of building materials that bridge the Wisconsin Avenue and the Cheltenham Drive Urban Park. The design scheme was evaluated by the Design Advisory Panel (DAP) at the September 22, 2021 and October 27, 2021 meetings, where the Panel endorsed the Project at the October meeting (Attachment C). The Panel voted unanimously that the Project receive 20 points for design excellence with the following comment: The financial contribution to the Park be prioritized to remove vegetation and improve overall appearance of the Cheltenham Drive Urban Park. Staff recommends 20 points for the Exceptional Design category.

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT): The Applicant requests 1.47 points for the purchase of 0.1637 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. Staff recommends 1.47 public benefit points based on the following calculation:

$$(((76,841 \text{ sf}) - (8,076 \text{ sf})) * 7.5\%) / 31,500) * 9 = 1.47 \text{ points}$$

Cool Roof: Any roof area that is not covered by a vegetated roof or mechanical equipment will be constructed with a minimum solar reflectance index of 75. The Applicant requests 10 points for this category and Staff supports the category at this time. Approximately 2,500 square feet of cool roof (30% of the total roof coverage) will be provided and the final location and details must be shown on the Certified Site Plan.

Energy Conservation and Generation: The Applicant is seeking a minimum of 25 points towards this category. 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 (2016) Appendix G.

The final energy model must be submitted to MCDPS with the building permit application. Staff recommends 25 points.

iii. Division 6.1. Site Access

No parking is provided on-site and as the Site is located within the boundaries of the Bethesda Parking Lot District, no parking is required. Future residents and visitors will have access to Public Parking Garage 42, located on the opposite side of Cheltenham Drive from the Site. Furthermore, the Site is located within walking distance of the Bethesda Station of the Metrorail Red Line and the Bethesda station of the future Purple Line. In compliance with Section 59-6.2.8.C, the Applicant proposes an off-street loading and trash collection facility on-site. Access to the loading facility will be provided by an existing public alley along the eastern side of the Site. The Applicant will improve the alley to meet MCDOT's design standards along the Site frontage in compliance with the *Complete Streets Design Guide* and Chapter 49 of the County Code.

Pedestrian and bicycle access will be improved in compliance with the 2017 *Bethesda Downtown Plan Design Guidelines*, the 2020 *Bethesda Downtown Streetscape Standards*, and the 2018 *Bicycle Master Plan*. The streetscape will consist of a minimum 7-foot-wide street buffer and a minimum 9-foot-wide sidewalk. Along the Site frontage the Applicant will construct the master-plan envisioned condition of the one-way westbound separated bicycle lane which consists of a 6-foot minimum bike way, buffered by a 2.5-foot wide monolithic nose down median. The Applicant has agreed to construct the remainder of the master-planned bikeway on the north side of the block of Cheltenham Drive between Wisconsin Avenue and Tilbury in the interim condition, which consists of 5-foot minimum bike lanes (6-foot where feasible) buffered from motor vehicle traffic by pre-case concrete barriers (6 foot long by 1 foot wide), spaced 3 feet apart. MCDOT will construct the eastbound separated bicycle lane on the southern side of Cheltenham Drive in the future.

The building provides the main building entry and pedestrian entrance along the Cheltenham Drive frontage to contribute to an active streetscape. The Project provides significant streetscape improvements along the Property's frontage, through the elimination of a vehicular curb cut along Cheltenham Drive, and through the realignment of the existing sidewalk along the Park's Cheltenham Drive frontage. Collectively, these improvements will provide an enhanced pedestrian connection between downtown Bethesda and the residential neighborhood to the east. Additionally, the streetscape improvements will

promote Cheltenham Drive as a Canopy Corridor, as recommended in the Downtown Plan and Design Guidelines.

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

No parking is provided on-site and as the Site is located within the boundaries of the Bethesda Parking Lot District, no parking is required. Future residents and visitors will have access to Public Parking Garage 42, located on the opposite side of Cheltenham Drive from the Site. Furthermore, the Site is located within walking distance of the Bethesda Station of the Metrorail Red Line and the Bethesda station of the future Purple Line. In compliance with Section 59-6.2.8.C, the Applicant proposes an off-street loading and trash collection facility on-site. Access to the loading facility will be provided by an existing public alley along the eastern side of the Site. The Applicant will improve the alley to meet MCDOT's design standards along the Site frontage in compliance with the Complete Streets Design Guide and Chapter 49 of the County Code.

v. *Division 6.3. Open Space and Recreation*

As a Site within the CR Zone with a tract area less than 0.50 acres (16,152 sf; 0.37 ac) and two right-of-way frontages, the Applicant is not required to provide any public open space.

The Application is in conformance with the *Recreation Guidelines*, as demonstrated in the Recreation Facilities Data table provided with the Application (Scenario ID 18974). The Applicant is providing recreational facilities in the form of: bikeways through constructing the master planned the one-way westbound separated bicycle lane along their frontage; a dog cleaning station; resident lounge; rooftop amenity space; picnic/ seating areas; public art seating; and a grilling area. 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 Cheltenham Drive 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 January 28, 2022. The Application will meet stormwater management goals through a green roof. The waiver was also requested by the Applicant and granted by MCDPS Water Resources Section for a portion of the stormwater management treatment, due to site constraints.

ii. Chapter 22A, Forest Conservation.

As conditioned, this Application meets the requirements of Chapter 22A of the Montgomery County Code. A Forest Conservation Exemption for this Application was confirmed on October 19, 2020.

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. No parking is provided on-site and as the Site is located within the boundaries of the Bethesda Parking Lot District, no parking is required, as discussed in previous Finding 2.d)iii. Division 6.1. Site Access. Future residents and visitors will have access to Public Parking Garage 42, located on the opposite side of Cheltenham Drive from the Site. Furthermore, the Site is located within walking distance of the Bethesda Station of the Metrorail Red Line and the Bethesda station of the future Purple Line. In compliance with Section 59-6.2.8.C, the Applicant proposes an off-street loading and trash collection facility on-site. Access to the loading facility will be provided by an existing public alley along the eastern side of the Site. The Applicant will improve the alley to meet MCDOT's design standards along the Site frontage in compliance with the Complete Streets Design Guide and Chapter 49 of the County Code.

Pedestrian and bicycle access will be improved in compliance with the 2017 *Bethesda Downtown Plan Design Guidelines*, the 2020 *Bethesda Downtown Streetscape Standards*, and the 2018 *Bicycle Master Plan*. The streetscape will consist of a minimum 7-foot-wide street buffer and a minimum 9-foot-wide sidewalk. Along the Site frontage the Applicant will construct the master-plan envisioned condition of the one-way westbound separated

bicycle lane which consists of a 6-foot minimum bike way, buffered by a 2.5-foot-wide monolithic nose down median. The Applicant has agreed to construct the remainder of the master-planned bikeway on the north side of the block of Cheltenham Drive between Wisconsin Avenue and Tilbury in the interim condition, which consists of 5-foot minimum bike lanes (6-foot where feasible) buffered from motor vehicle traffic by pre-cast concrete barriers (6 foot long by 1 foot wide), spaced 3 feet apart. MCDOT will construct the eastbound separated bicycle lane on the southern side of Cheltenham Drive in the future.

The building provides the main building entry and pedestrian entrance along the Cheltenham Drive frontage to contribute to an active streetscape. The Project provides significant streetscape improvements along the Property's frontage, through the elimination of a vehicular curb cut along Cheltenham Drive, and through the realignment of the existing sidewalk along the Park's Cheltenham Drive frontage. Collectively, these improvements will provide an enhanced pedestrian connection between downtown Bethesda and the residential neighborhood to the east. Additionally, the streetscape improvements will promote Cheltenham Drive as a Canopy Corridor, as recommended in the Downtown Plan and Design Guidelines. As a Site within the CR Zone with a tract area less than 0.50 acres (16,152 sf; 0.37 ac) and two right-of-way frontages, the Applicant is not required to provide any public open space.

The building design and massing ensures an appropriate transition between Wisconsin Avenue, the Cheltenham Drive Urban Park, and the East Bethesda residential neighborhood located just outside of the CBD boundary. The building massing has been strategically designed to increase sight lines to promote visual connections to the Park.

The Project will provide safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.

g) Substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;

The Project substantially conforms to the recommendation of the 2017 *Bethesda Downtown Sector Plan*. The type of development proposed by the Project will develop a mid-rise mixed-use building with up to 102 multi-family dwelling units with a minimum of 15% MPDUs and 8 Live/Work units in the core of downtown Bethesda on an existing underutilized and constrained site.

The building design incorporates several urban design elements that will achieve design excellence and enhance the visual interest from several locations including on Cheltenham Drive, and along Wisconsin Avenue. The Project will incorporate a series of

step-backs, unique geometry, modulated and articulated facades, undulations and variations in building materials and colors to break down the massing along Cheltenham Drive, while providing a consistent street edge. The building provides context sensitive massing that responds to the location and constrained site. The mid-rise boutique façade activates the pedestrian environment while employing a variety of building materials that bridge the Wisconsin Avenue and the Cheltenham Drive Urban Park. The design scheme was evaluated by the Design Advisory Panel at the September 22, 2021 and October 27, 2021 meetings, where the Panel endorsed the Project at the October meeting. The Panel voted unanimously that the Project receive 20 points for design excellence.

The Sector Plan includes a number of recommendations to achieve the urban green goals. Cheltenham Drive is recommended as a Canopy Corridor. Canopy Corridor designations are intended to create green corridors that connect parks, trails, stream buffers, and denser forest networks beyond the Bethesda boundaries. The corridors also align with recommended bike and pedestrian priority streets where tree canopy becomes a crucial element to enhance shade and comfort while also providing an ecological benefit.

In aligning the proposed development with these goals, the Applicant proposes street design that will incorporate additional tree plantings within a continuous soil panel which will provide a minimum of 1,800 cubic feet of soil for three trees. Additionally, the building design will promote the available of sunlight along the street in order to facilitate the maintenance of healthy trees along the corridor.

An important recommendation is the on-site 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 Application consists of a Site Area of 10,659 square feet (SF) which results in a green cover requirement of at least 3,731 SF. Currently, the Application proposes 8 inches of depth green roof to fulfill the 3,731 square foot requirement in addition to treating on-site stormwater.

This project also addresses the bird-safe design recommendations of the Sector Plan through the use of building features such as glazing, screens, and guardrails which will eliminate reflections that are dangerous to birds. Additionally, windows have been designed to reduce reflections as well.

The Project substantially conforms with the goals and recommendations contained in the Sector Plan and the Design Guidelines.

- 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;***

The public facilities will be adequate to accommodate the proposed development. The location of the Project in close proximity to the Bethesda Metro Station and other transit facilities, ensures that a significant portion of the users of the Site will rely upon the multimodal transit opportunities available.

Local Area Transportation Review

In accordance with the 2021-2024 *Growth and Infrastructure Policy* (GIP) and the 2021 *Local Area Transportation Review Guidelines* (LATR), the transportation impact of the Subject Application (110 multi-family residential units) is estimated to be 63 total peak hour person trips in the morning and 77 total peak hour person trips in the evening. After accounting for peak hour trips currently associated with the existing 5,000 square feet of automobile service center use (18 morning peak hour trips and 34 evening peak hour trips), the Project is estimated to generate 45 net new morning peak hour trips and 43 net new evening peak hour trips. As a result of the estimated transportation impact, which is fewer than 50 net new person trips during the peak hour, the Project was required to submit Transportation Exemption Statement (TES) to satisfy the LATR. Planning and MCDOT staff reviewed and approved the TES submitted with the Application.

Table 5: Person Trip Generation for Proposed Project

Land Use	ITE Vehicle Trips		Adjusted Vehicle Trips		Total Person Trips	
	AM	PM	AM	PM	AM	PM
Existing						
Automobile Care Center 5,000 SF	12	24	3	6	18	34
Proposed						
Mid-Rise Apartment 110 Units	40	49	13	16	63	77
Total	28	25	10	10	45	43

Source: Transportation Exemption Statement dated September 13, 2021 prepared by Wells & Associates

Overview and Applicable School Test

The FY22 Annual School Test, approved by the Planning Board on June 17, 2021 and effective July 1, 2021 is applicable to this Application. This plan proposes 102 multifamily high-rise units.

School Adequacy Test

The 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 6: 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 ³	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. If the project is estimated to generate more students than the identified ceilings, then additional UPPs or partial payments at multiple tiers may still be required.

Calculation of Student Enrollment Impacts

To calculate the number of students generated by the proposed amendment, 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 102 multifamily high-rise 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:

³ Projected enrollment reflects the estimated impact of CIP P652107, which will reassign students between Bethesda ES, Somerset ES and Westbrook ES in 2022.

Table 7. 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	102	0.034	3.468	0.015	1.530	0.016	1.632
TOTALS	102		3		1		1

As shown in Table 7, on average, this project is estimated to generate 3 elementary school students, 1 middle school student and 1 high school student. The number of students generated does not exceed the adequacy ceilings identified for each school in Table 6, therefore no additional UPPs are required and neither are partial payments across multiple UPP tiers.

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 2021-2024 *Growth and Infrastructure Policy* and will be adequate to serve the Property.

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

Not applicable as this Site Plan is not located in the aforementioned zone.

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

The Project has been designed to ensure that it is physically compatible with the existing and future development surrounding the Property. This Project will provide an improved, compatible transition between the more intensive uses of the CBD and Wisconsin Avenue to the west and the single family neighborhood to the east.

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.

SECTION 6: COMMUNITY OUTREACH

The Applicant held a pre-submittal public meeting on September 14, 2021 related to the Sketch Plan Amendment and Site Plan. The meeting was conducted virtually per COVID-19 Guidelines and has complied with all submittal and noticing requirements. In addition to the required public meeting, the Applicant has conducted additional outreach. As the date of this staff report, Staff has not received correspondence on the Applications.

SECTION 7: CONCLUSION

As conditioned the Sketch Plan Amendment and Site Plan application satisfies the findings under Section 59.7.3.3. E and Section 7.3.4.E of the Zoning Ordinance and substantially conforms to the recommendations of the *2017 Bethesda Downtown Sector Plan*. Therefore, Staff recommends approval of the 4725 Cheltenham Drive Sketch Plan Amendment No. 32020006A and Site Plan No. 820220060, with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Sketch Plan resolution

Attachment B: Agency Letters

Attachment C: Design Advisory Panel memo