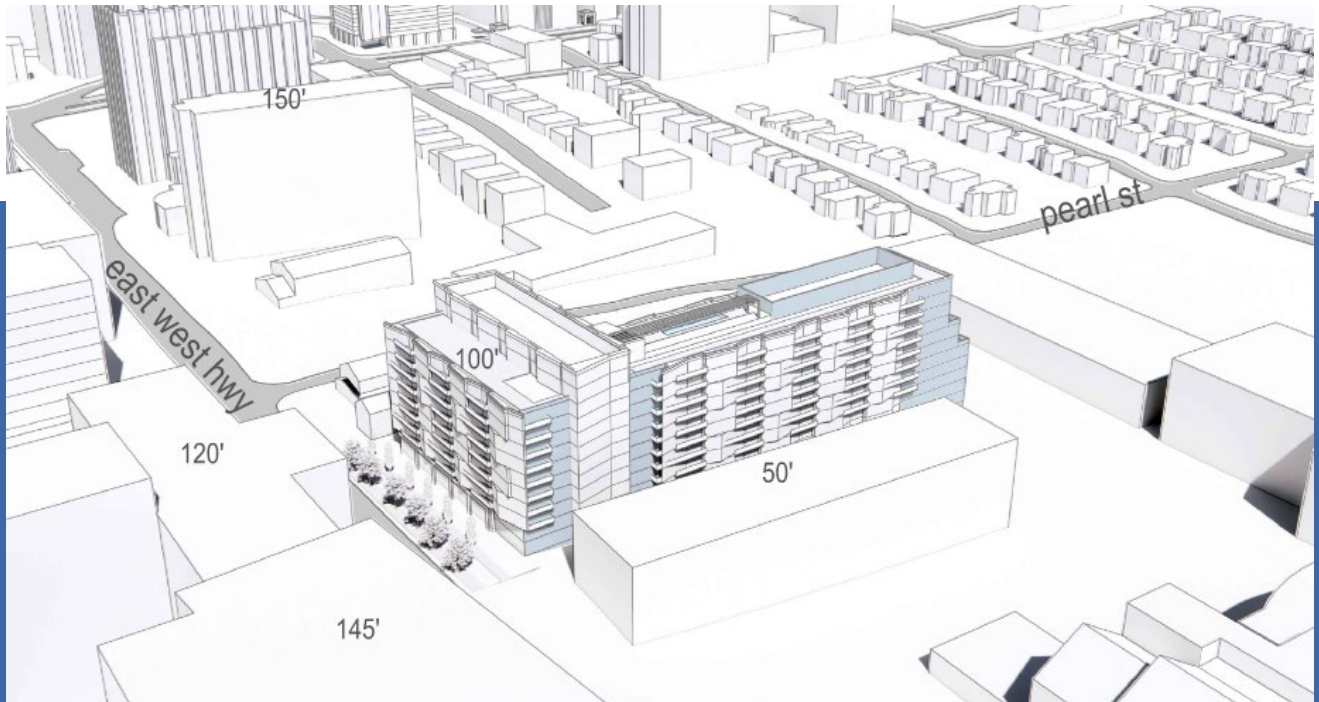


4405 EAST WEST HIGHWAY SKETCH PLAN NO. 320220120



Description

Request for up to 355,000 total square feet of density for a mixed-use development with up to 348,000 square feet residential use with 15 percent MPDUs, and up to 12,000 square feet non-residential uses, including up to 258,953 square feet of BOZ density and associated PIP payment; CR-1.5 C1.5 R1-1.5 H-100, CRT-0.25 C-0.25 R-0.25 H-50 Zones and Bethesda Overlay Zone. Located on the north side of East West Highway, approximately 100 feet east of its intersection with Pearl Street; 2017 *Bethesda Downtown Sector Plan*.

No. 320220120

Completed: 10-24-2022

MCPB

Item No. xx

11-3-2022

Montgomery County

Planning Board

2425 Reedie Drive, Floor 14

Wheaton, MD 20902

Planning Staff

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LOCATION/ADDRESS

4405 East West Highway, Bethesda; on the north side of East West Highway, approximately 100 feet east of its intersection with Pearl Street.

MASTER PLAN

2017 *Bethesda Downtown Sector Plan*

ZONE

CR-1.5 C-1.5 R-1.5 H-100, CRT-0.25 C-0.25 R-0.25 H-50, and Bethesda Overlay Zone

PROPERTY SIZE

65,707 square feet (1.51 acres)

APPLICANT

Persueus TDC

ACCEPTANCE DATE

August 10, 2022

REVIEW BASIS

Chapter 59



Summary:

- Staff recommends approval of the Sketch Plan with conditions.
- The Proposal will redevelop a property containing a low-rise office building and associated surface parking with a new ten-story mixed-use building within walking distance of the Bethesda Metrorail Station.
- The Proposal includes a maximum of 355,000 square feet of density for up to 350 residential units, with 15 percent MPDUs, and up to 12,000 square feet of commercial uses.
- The Application includes up to 258,953 square feet of Bethesda Overlay Zone (BOZ) Density.
- If the Sketch Plan is approved, the Project will require subsequent Preliminary and Site Plan applications.
- Correspondence dated September 27, 2022 regarding various design concerns was received from an adjacent property owner.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

SKETCH PLAN NO. 320220120

Staff recommends approval of 4405 East West Highway, Sketch Plan No. 320220120 for up to 355,000 total square feet of density for a mixed-use development with up to 348,000 square feet residential use with 15 percent MPDUs and up to 12,000 square feet non-residential uses, including up to 258,953 square feet of BOZ density and associated PIP payment on approximately 1.5 acres, zoned CR-1.5 C-1.5 R-1.5 H-100, CRT-0.25 C-0.25 R-0.25 H-50, and the Bethesda Overlay Zone, in the 2017 *Bethesda Downtown Sector Plan*. The following site development elements shown on the latest electronic version of Sketch Plan No. 320220120, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the conditions below:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements of the Sketch Plan are illustrative and subject to refinement at the time of Site Plan.

This approval is subject to the following conditions:

1. **Density**

The Sketch Plan is limited to a maximum total of 355,000 total square feet of development with up to 348,000 square feet of residential and up to 12,000 square feet of commercial development. The maximum total development includes 15 percent MPDUs, and up to 258,953 square feet of Bethesda Overlay Zone (BOZ) Density. Any given combination of commercial and residential density must not exceed 355,000 square feet.

2. **Height**

The development is limited to a maximum building height of 100 feet, as measured from the building height measuring point to be illustrated on the Certified Site Plan.

3. **Park Contribution**

At building permit, the Applicant must provide a financial contribution to M-NCPPC Department of Parks for the implementation of the Sector-Plan-recommended Bethesda-Chevy Chase Neighborhood Green. The amount and instrument of the contribution will be determined at Site Plan.

4. Incentive Density

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

- a) Connectivity and Mobility, achieved through providing fewer than the maximum number of parking spaces under the Zoning Ordinance;
- b) Diversity of Uses and Activities, achieved by providing accessible residential units that exceed ADA requirements;
- c) Quality of Building and Site Design, achieved through architectural elevations, exceptional design, and structured parking; and
- d) Protection and Enhancement of the Natural Environment, achieved through the purchase of building lot terminations, cool roof, energy conservation, and a recycling facility plan.
- e) Major Public Facilities points may be considered at the time of Site Plan without further Sketch Plan amendment.

5. Streetscape

The Applicant must install along the Site frontage the Bethesda Streetscape Standard or equivalent approved by MCDOT and Planning Staff, including the undergrounding of utilities.

6. MCDOT Letter

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated October 6, 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.

7. MDOT SHA Letter

The Planning Board has reviewed and accepts the recommendations of the Maryland Department of Transportation State Highway Administration (“MDOT SHA”) in its letter dated October 5, 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 MDOT SHA provided that the amendments do not conflict with other conditions of the Sketch Plan approval.

8. Future Coordination for Preliminary and Site Plan

In addition to any other requirements for Preliminary Plans under Chapter 50 and Site Plans under Chapter 59, the Applicant must address the following in subsequent applications:

- a. The final design, alignment and dimensions of the single vehicular access point will be determined at the time of Preliminary Plan, subject to MDOT SHA approval.
- b. The sidepath will be required to provide an ADA accessible transition between the Site and the adjacent properties to the east and west. The final design of the sidepath will be determined at the time of Site Plan.
- c. Stormwater Management concept approval consistent with Chapter 19 of the Montgomery County Code.
- d. At the time of Site Plan, the Applicant must provide a minimum 35% of site area on site as green cover as described in Section 2.4.1 of the *Bethesda Downtown Sector Plan* and utilize tree species and canopy sizes at 20-year maturity per the *M-NCPPC Approved Trees Technical Manual*.
- e. Address the SITES & LEED recommendations of the Sector Plan, specifically related to energy efficiency and building design features.
- f. SWM concept approval which also addresses the recommendations of the *Bethesda Downtown Sector Plan Water Quality Section (2.4.2.B)*.
- g. Address Bird-Safe Design per the *Bethesda Downtown Sector Plan Design Guidelines*;
- h. At time of Preliminary Plan, provide a noise analysis, or a waiver per Section 2.2.2 of the 1983 Noise Guidelines.
- i. The Applicant must continue to coordinate with MCDOT, MDOT SHA, MCDPS, and Planning staff on the design of the frontage improvements which will include a street buffer, a sidepath (interim condition of the ultimate master-planned two-way separated bike lane), pedestrian/bicycle buffer, sidewalk, and frontage zone.
- j. The Applicant shall continue to coordinate with the Department of Parks, and Planning staff, regarding contributing to the Bethesda-Chevy Chase East Neighborhood Green.

9. **Validity**

A site plan must be submitted within 36 months after the mailing date of the resolution.

SECTION 2: SITE DESCRIPTION

VICINITY

The Property (“Subject Property” or “Property” or “Site”), outlined in red in Figure 1, is located on the north side of East West Highway, approximately 100 feet east of its intersection with Pearl Street in Bethesda. It is bounded by the Bethesda Chevy Chase High School, zoned R-60, to the north; by an office building, zoned CR-1.5 C-1.5 R-1.5 H-100, to the east; by the right-of-way of East West Highway to the south with an 11-story residential building, zoned CR-5.25 C-5.25 R-5.25 H -120; and a four-story

office building, zoned CR-1.5 C-1.5 R-1.5 H-145, beyond. To the west of the Site are two single-family dwellings that are utilized as commercial offices, zoned CR-1.5 C-1.5 R-1.5 H-100, and a surface parking lot, zoned CRT-0.25 C-0.25 R-0.25 H-50. The Site is within the Pearl Street District as defined by the 2017 *Bethesda Downtown Sector Plan* and is within the Bethesda Overlay Zone. It is located outside of the Bethesda Parking Lot District but within the potential Parking Lot District Expansion Area. The Bethesda Metrorail Station is approximately one-quarter mile to the west and multiple bus stops are located proximate to the site.

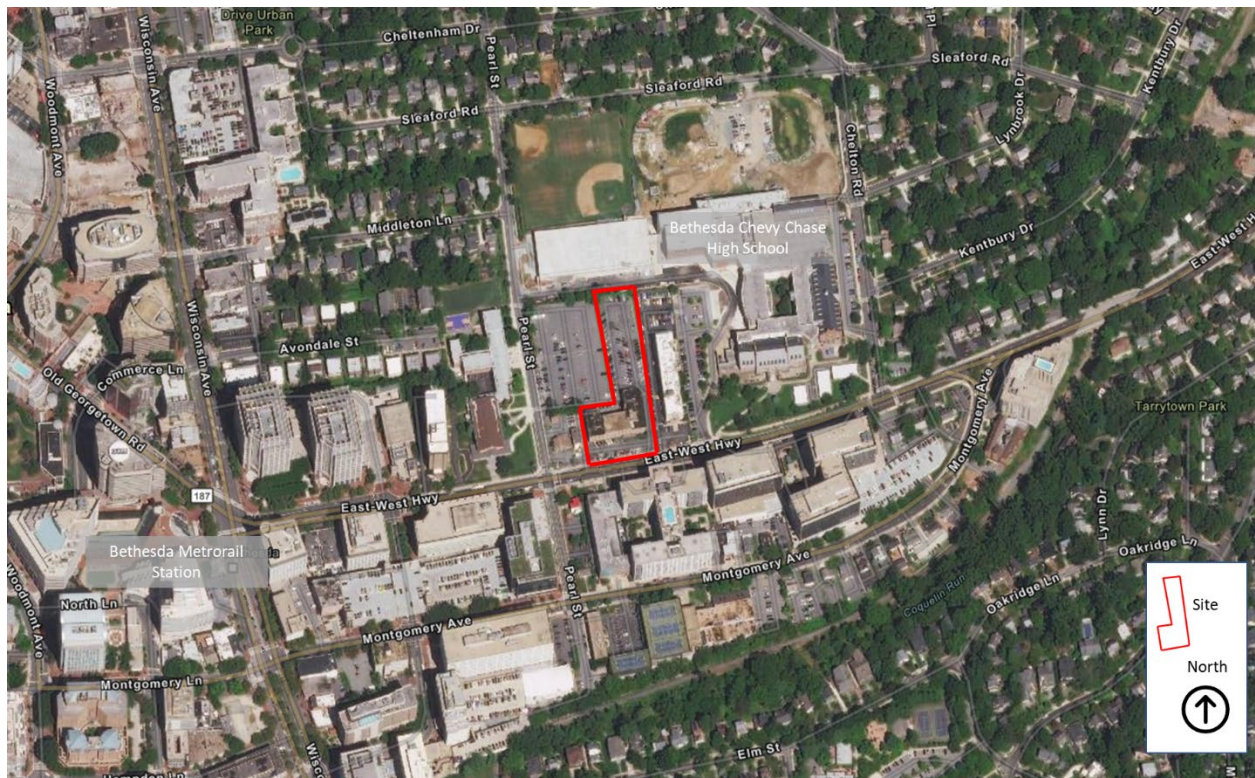


Figure 1 – Vicinity Map

PROPERTY DESCRIPTION

The inverted “L” shaped Site is located at 4405 East West Highway and is comprised of three parcels; Parcel 224, Pritchetts Purchase subdivision, bearing tax account no. 07-00426370; Lots 3 and 4, Block A, Friendship Pafflows unrecorded subdivision, bearing tax account no. 07-00426368; and parts of Lots 6-10, including Pafflows subdivision; totaling 1.508 tract acres. As shown in Figure 2, the south side of the Property fronts on East West Highway with its length extending to the high school site to the north. The Site is developed with a five-story, 65,0060 square-foot office building and surface parking. The building is set back from the street approximately 55 feet, with most of its frontage area occupied with surface parking. Access to the Site is via two curb cuts to East West Highway, one each at the southeast and southwest corners of the Property.

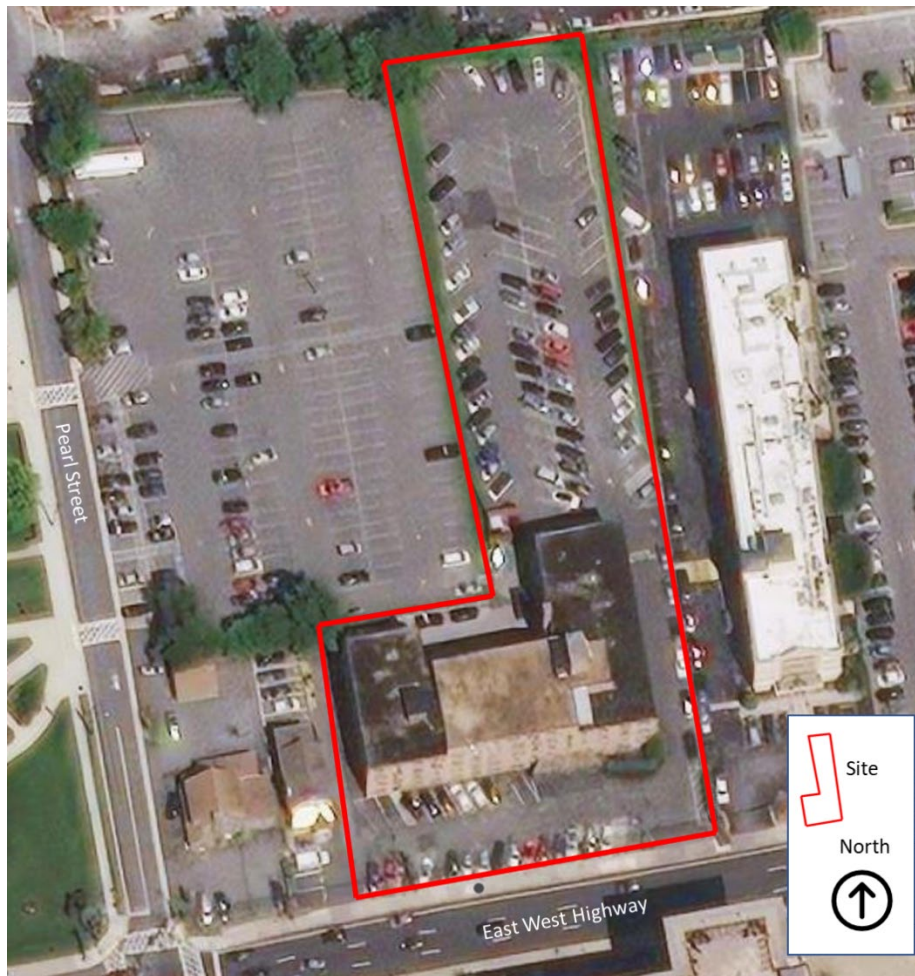


Figure 2 – Subject Property

SECTION 3: PROJECT DESCRIPTION

PROPOSAL

The Application proposes to redevelop the Site with a new mixed-use building with structured subsurface parking. This development concept envisions up to 350 residential units with 15 percent MPDUs and ground-level commercial space fronting on East West Highway within a 100-foot-tall building. The Proposal also provides for right-of-way dedication, streetscape enhancements, and undergrounding of utilities.

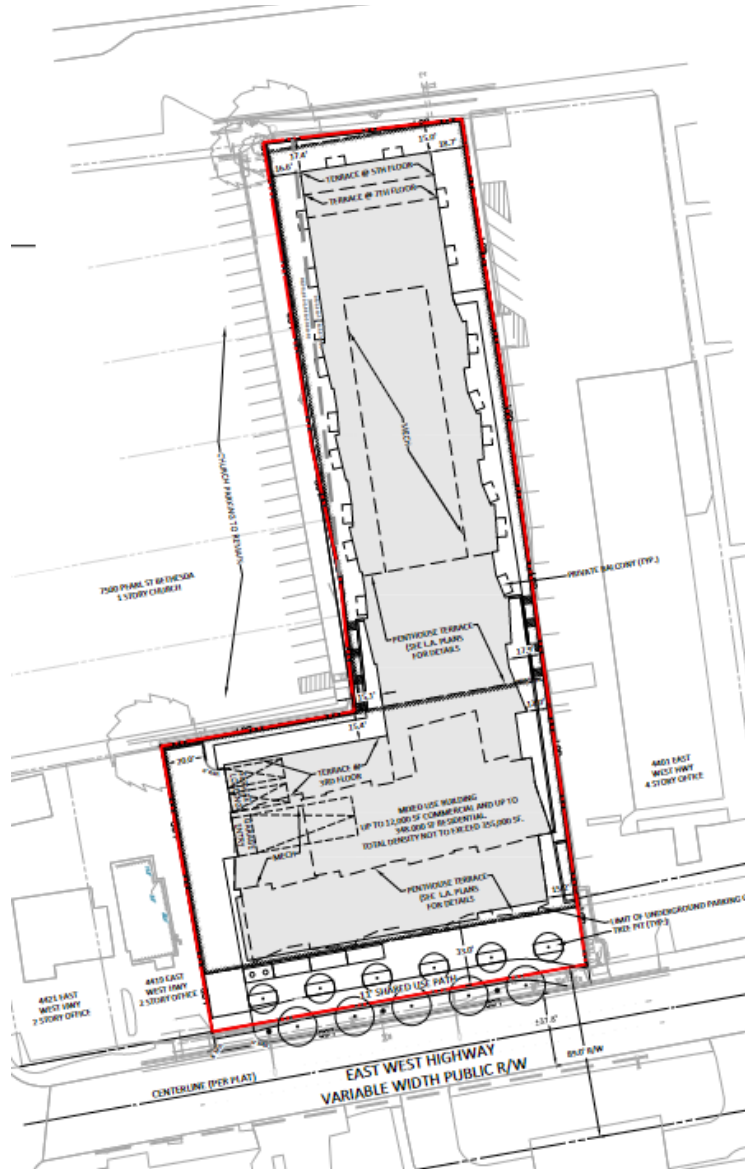


Figure 3 – Sketch Plan

BUILDING/ARCHITECTURE

The proposed building is designed to integrate with the Site's irregular shape with its inverted "L" shaped footprint as shown in Figure 3. The building footprint will be set back approximately 40 feet from the curb line of East West Highway and provide a two-story base lining the roadway and wrapping around the building's southeast corner. Space for future commercial use and residential amenities are envisioned for the base area fronting on East West Highway. Vehicular, loading and service access will be from a single point at the southwestern corner of the building. Parking will be in a subsurface garage below grade.

As illustrated in Figures 4 and 5, the proposed building is 100 feet tall, and its massing includes a distinctive base, middle and top. A unifying “wave” articulation is incorporated throughout the façade design, as are recessed and protruding balconies. There are two step backs in the northern most section of the building, nearest neighboring Bethesda-Chevy Chase High School and a vertical tower element designed into the southeastern corner. Each of these design elements helps to break down the perceived mass of the building. The top of the building will include space for residential amenities, mechanical equipment, and areas of vegetated green roof.

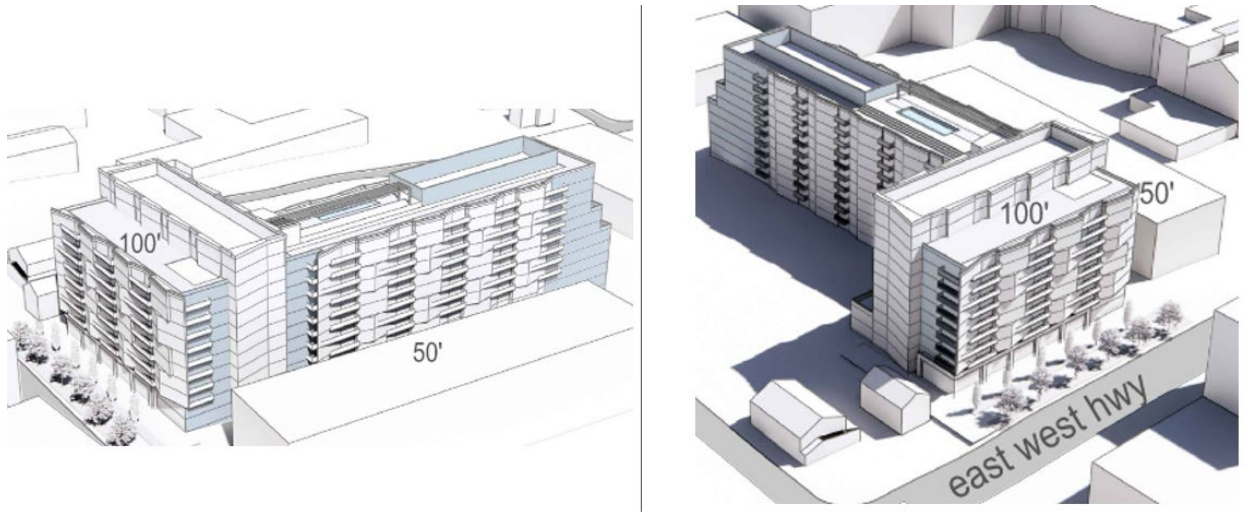


Figure 4 – Aerial Perspective Views to the Northwest and Northeast

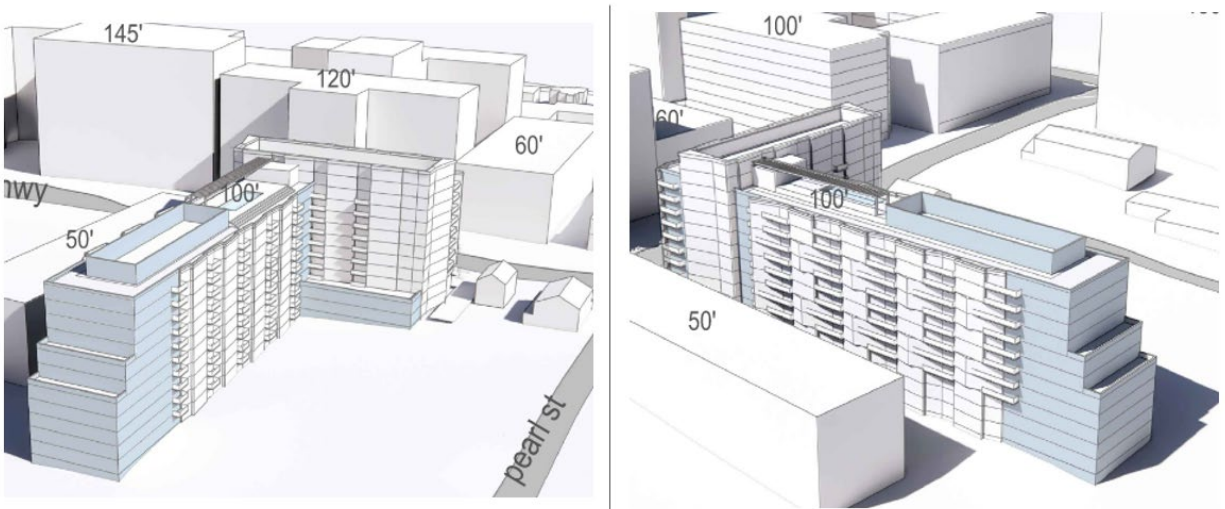


Figure 5 – Aerial Perspective Views to the Southwest and Southeast

OPEN SPACE

The tract area of the Site is 1.508 acres, and it has one street frontage. As such, the Application is not required to provide onsite public open space per Section 59.4.5.4.B.1 of the Zoning Ordinance.

PARKS

The Sector Plan designates a portion of the Site for future use as an M-NCPPC park known as the Bethesda-Chevy Chase East Neighborhood Green, see Figure 6. The Sector Plan recommends the Neighborhood Green to be at least 0.3 acres in size and provide community open space, seating areas, trees and an art or nature-based play area. As discussed in Section 4 of this report, the Department of Parks identified challenges to creating this Green in concert with piecemeal redevelopment of the block in which it is to be located. The Department of Parks recommends an alternative approach to working with this and future associated proposed developments to best ensure the creation of the Green can occur without unduly burdening one particular property owner or development applicant.

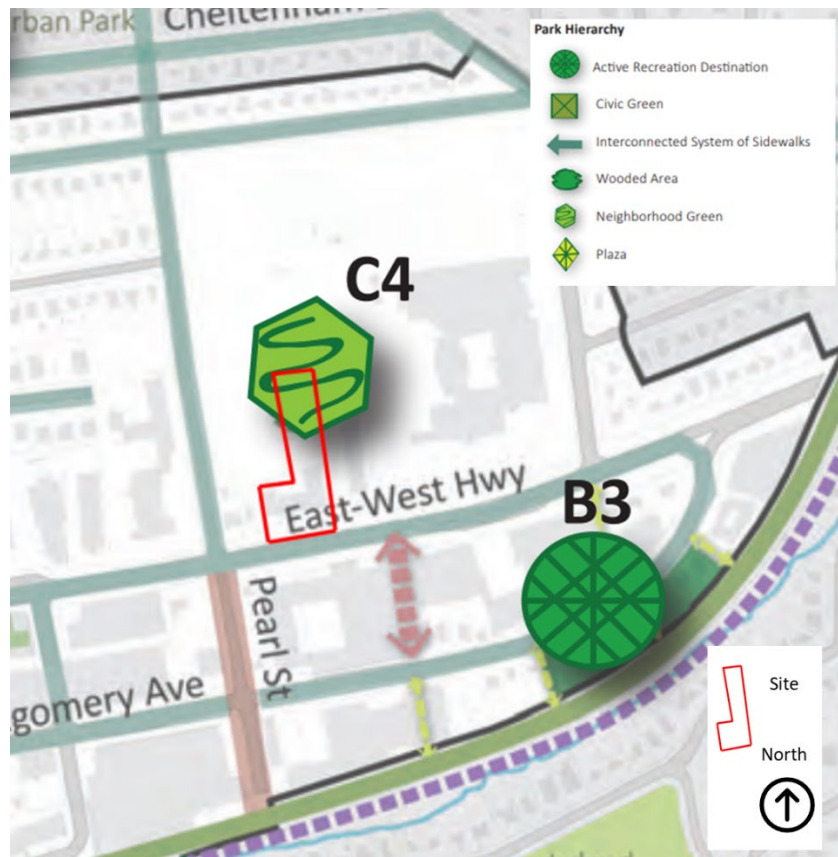


Figure 6– Bethesda-Chevy Chase East Neighborhood Green

TRANSPORTATION

All vehicular access to the Site will be provided by a single, consolidated driveway on East-West Highway (MD 410). The final position of the driveway (east or west side of the Site) will be determined at the time of the Preliminary Plan and will be subject to approval by the Maryland Department of Transportation State Highway Administration. Turning movements at the driveway will be limited to right-in, right-out due to the one-way traffic operations on East-West Highway. The driveway will connect to a two-way ramp access to the subsurface parking garage, and to two loading bays, north of the garage entrance.



Figure 7 – Proposed Access and Circulation¹

The Application proposes fewer than the minimum parking spaces required for the project. The Site is located outside the Bethesda Parking Lot District but within the boundary revision recommended by Sector Plan. The Applicant will therefore need to request a parking waiver at the time of Site Plan to provide fewer off-street spaces than required. The total number of parking spaces will be finalized at the time of Site Plan.

The 2018 *Bicycle Master Plan* envisions a two-way separated bike lane and a distinct sidewalk for pedestrians along East-West Highway between Wisconsin Avenue and Montgomery Avenue. As the Site frontage consists of a relatively small segment of the entire block, the Applicant will be responsible for constructing an interim condition along their frontage. This will consist of a street buffer, a sidepath that will tie into the existing sidewalks along the north side of East-West Highway, a

¹ The Sketch Plan proposes a driveway on the western side of the Site, but the final location will be determined at Preliminary Plan, subject to MDOT SHA approval.

landscaped pedestrian and bicycle buffer, a sidewalk, and a frontage zone. The Applicant will need to transition connections from the sidepath to the existing sidewalk on either side of the Site. These transitions will be designed, reviewed, and finalized at the time of Site Plan. In accordance with the Sector Plan, the Applicant is required to relocate utilities underground along the Site frontage.

ENVIRONMENT

Forest Conservation

All properties seeking approval of a Sketch Plan after February 26, 2018, must obtain approval of a Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) or Forest Conservation Exemption prior to Planning Board action on the Sketch Plan. Forest Conservation Exemption 42022270E was confirmed for the Subject Property on September 16, 2022. As such, this Application is subject to Chapter 22A Forest Conservation Law but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(1). The Project meets the requirements of the exemption because the proposed activity is conducted on a tract of land less than 1.5-acres (not including previous right-of-way dedication), with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet.

The Subject Property is within the Lower Rock Creek watershed which is a Use I-P watershed. The Site is not associated with any environmentally sensitive features such as forest areas, stream buffers, wetlands, 100-year floodplains, steep slopes, or specimen trees.

Green Cover

The Sector Plan recommends a minimum of 35% green coverage be provided on-site. Green Cover may include intensive green roof, tree canopy cover, or a combination thereof. The Site has an area of 59,677 square feet which results in a minimum green cover requirement of 8,951 square feet. The Application proposes to meet this requirement through a combination of tree canopy and intensive green roofs located above the structure at ground level, third, fifth and seventh floor terraces and rooftop levels. At the time of Site Plan review, the Applicant will be requested to include a Green Cover exhibit to illustrate conformance with the recommendation.

Bird Safe Design

The Sector Plan also includes recommendations for the incorporation of bird safe design features in the proposed buildings to protect local and migratory birds from collisions. This project proposes a massing and façade that will make use of articulation coupled with nested balconies which will create varied shadows that serve to block window reflection. Various façade treatments, materials, and window sizes are also proposed to enhance the visual aesthetic while further reducing reflection and visual confusion for birds. Staff is supportive of this concept and encourages the Applicant to maintain such features in the building design as the project develops.

Noise

The Application proposes residential units to be built adjacent to an arterial road with more than 20,000 vehicle trips per day. As a result, a noise analysis is required to be submitted with the future Preliminary Plan submission. The noise analysis must identify existing and future noise impacts and any recommended abatement techniques for the identified, noise impacted areas. Per Section 2.2.2. of the Noise Guidelines, a waiver may be requested for exterior impacted areas if noise attenuation measures are not feasible.

Stormwater Management

Although a stormwater management concept plan is not required at Sketch Plan, the Applicant provided a concept stormwater management narrative, dated April 21, 2021. The narrative proposes on-site stormwater management for the project to include green roof, bioretention facilities, and environmental site design techniques to the maximum extent practicable. Approval of a stormwater management concept from the Department of Permitting Services is required prior to approval of a Site Plan.

SECTION 4: SKETCH PLAN 320220120 FINDINGS AND ANALYSIS

The purpose of a Sketch Plan is to identify general land uses, development intensity, and public benefits for the optional method of development in the CR, CRT, EOF or LSC zones. The Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, heights and anticipated uses, the locations of open and public use spaces, the general circulation patterns for all modes of transportation, an estimated range of peak hour trips and relationships between existing or proposed adjacent buildings and rights-of-way. Details of the proposed development are determined during Preliminary and Site Plan review. Section 59.7.3.3.E of the Zoning Ordinance states: To approve a Sketch Plan the Planning Board must find that the following elements are appropriate in concept and appropriate for further detailed review at Site Plan. The Sketch Plan must:

1. Meet the objectives, general requirements, and standards of this Chapter;

Table 1: 4405 East West Highway Sketch Plan Data Table for CR and CRT Zones, Optional Method, Section 59.4.5.4

Development Standard	Permitted/ Required	Proposed
Tract Area (sq. ft. / acres)		65,707 sf (1.508 acres)
CR-1.5 C-1.5 R-1.5 H-100		63,697 sf (1.462 acres)
CRT-0.25 C-0.25 R-0.25 H-50		2,010 sf (0.046 acres)
Prior Dedication¹	n/a	5,887 sf (0.135 acres)
Proposed Dedication¹	n/a	5,921 sf (0.136 acres)
Site Area	n/a	53,899 sf (1.237 acres)
Mapped Density		

CR-1.5 C-1.5 R-1.5 H-100		
Residential (GFA/ FAR)	95,545 sf (1.5)	95,545 sf (1.5)
Commercial (GFA/FAR)	95,545 sf (1.5)	
CRT-0.25 C-0.25 R-0.25 H-50		502 sf (0.25)
Residential (GFA/ FAR)	502 sf (0.25)	
Commercial (GFA/FAR)	502 sf (0.25)	
MPDU requirement	15%	15%
BOZ Density	n/a	258,953 sf
Total GFA/FAR	96,047 sf (1.46)	355,000 sf (5.4)
Residential	96,047 sf (1.46)	348,000 sf (5.3) ²
Commercial	96,047 sf (1.46)	12,000 sf (0.18) ²
Building Height, max average	100 ft	100 ft
Public Open Space (min s.f.)	0	0

¹ Prior and proposed dedications are associated with the portion of the Site within the CR-1.5 C-1.5 R-1.5 H-100 Zone only.

² Proposed Residential and Commercial densities reflect “up to” amounts. However, the combination of each will not exceed 355,000 square feet.

a) Implement the recommendations of applicable master plans (59.4.5.1.A)

As conditioned, the project substantially conforms to the applicable recommendations of the 2017 *Bethesda Downtown Sector Plan*. The Site is within the Pearl District and is identified as part of site 195 on page 121. The Sector Plan recommended rezoning of the Site to the CR-1.5 C-1.5 R-1.5 -100 Zone to promote infill redevelopment with a mix of uses. The Pearl District is the eastern gateway to the Sector Plan area and is characterized by a mix of office and residential uses in a variety of building types constructed prior to the 1976 Bethesda Central Business District Sector Plan. For the Pearl District, the Sector Plan envisions the creation of an active and welcoming mixed-use environment with improved pedestrian connectivity and new public space opportunities. The proposed project addresses the following applicable goals for the Pearl District as outlined in the Sector Plan:

- *Create a gateway to Bethesda along East-West Highway and a gateway to the Metro Core District at Pearl Street through public art, landscaping and architecture.*

The architecture of the proposed building and improvements to the streetscape of East West Highway will help create a gateway into downtown at the Site. The building façade includes enhanced treatments along its eastern and southern facades, which will be highly visible to those traveling westbound into Bethesda.

- *Promote more mix of land uses to enhance 24-hour activity in the district.*

The proposed mixed-used development and associated streetscape improvements will replace a single-use office structure and surface parking lot. The Proposal includes up to 12,000 square feet of

commercial uses to be created proximate to the building lobby and East West Highway. This mix of uses and provision of wider sidewalks and sidepath will help to promote activity in the district.

- *Encourage attractive, compatible redevelopment and infill development on properties with low densities.*

The Proposal redevelops an existing office building and surface parking on an infill site within walking distance to the Bethesda Metrorail Station. The existing density on the Site is approximately 1.1 FAR and proposed project provides a mixed-use development with a maximum density of 5.4 FAR.

- *Enhance pedestrian connectivity throughout the district.*

The proposed project will redevelop the Site's frontage to include the standard Bethesda streetscape as well as a portion of a master-planned sidepath. Existing pedestrian facilities are limited to a sidewalk abutting the curb of East West Highway. The proposal will enhance pedestrian connectivity by providing a wider sidewalk that is buffered from vehicular traffic by street trees and a sidepath. The final design of the transition between the sidepath on the Site and the existing sidewalk along the adjacent properties on either side will be evaluated and finalized at the time of Site Plan. Given the Site's proximity to schools and public transportation, the proposed improvements to the pedestrian realm at this location are significant.

- *Expand the network of public open spaces.*

The 2017 *Bethesda Downtown Sector Plan* calls for the creation of a 1/3-acre Bethesda-Chevy Chase East Neighborhood Green, an "urban park that serves new development in the area between Bethesda-Chevy Chase High School and the Pearl Street and East-West Highway intersection" which includes the area of the subject Site. (See pages 79, 84, and 123 of the Sector Plan). The Sector Plan does not provide details on a more specific location for a future Bethesda-Chevy Chase East Neighborhood Green within the block.

If a single redevelopment proposal was to be evaluated for the entirety of this block, the Neighborhood Green could be located and completely provided for at that time (including dedication of the property required). However, as this block is redeveloping in pieces, the Department of Parks recommends that each development proposal for this block (the subject Application being the first) make a proportional financial contribution to support the creation of a future Bethesda-Chevy Chase East Neighborhood Green, as conditioned above. The intent of this recommended approach to fulfilling the vision of the master plan is to provide a mechanism for this, and future applicants, to support the creation of the Neighborhood Green, which will serve their new developments, without unduly burdening any individual Applicant. This conditioned contribution is in addition to a separate Park Impact Payment (PIP) the proposal will be obligated to make to utilize BOZ density.

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

The Proposal will replace the existing low-rise office building and surface parking lot with a larger building, to include residential and commercial uses.

- c) *Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street.***

The Proposal will provide up to 350 residential units, to include studios, one-bedroom and two-bedroom units, and up to 12,000 square feet of commercial uses. The existing site includes surface parking between the existing building and street. The Proposal will replace this condition with a consolidated access point for parking and loading areas internal to the site and will implement the Bethesda streetscape between the building and street. Parking will be prohibited between the building and street, and the Proposal will enhance the public realm on its frontage with pedestrian and bicycle features, street trees, and landscaping. The new building will include a mix of residential unit types and 15 percent MPDUs, as well as ground level commercial uses. The Site's location is within walking distance of multiple public transit options.

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

The project proposes to provide a mixed-use building of appropriate height and massing for the desired character of infill development within the Pearl District. The existing development located on East West Highway proximate to the Site is a mix of lower-height offices, single-family dwellings used for commercial uses, and taller office and residential buildings that reach approximately 10-12 stories. The proposed building will have a maximum height of 100 feet, which is similar in height to the existing office and residential buildings across East West Highway, directly south of the Site.

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

The Project will provide new high-density residential housing and ground-level commercial opportunities in a mixed-use building in proximity to the existing commercial and employment areas in and around downtown Bethesda.

- f) *Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.***

The Project will provide the required 100 public benefit points from a minimum of 4 categories to achieve the desired incentive density above the standard method limit. Final determination of public benefit points will be determined at the time of Site Plan.

2. *Substantially conforms to the recommendations of the applicable master plan:*

As conditioned, the proposal substantially conforms to the recommendations of the 2017 *Bethesda Downtown Sector Plan* as discussed in Finding 1.a. The proposed project will redevelop an existing low-rise office building and surface parking with a new mixed-use building with 15 percent MPDUs and streetscape improvements. In addition to the recommendations discussed in Finding 1.a, the Sector Plan and the 2018 *Master Plan of Highways and Transitways* envisions a total right-of-way width for East West Highway of 120 feet between Pearl Street and Montgomery Avenue. According to Plat 7945 and 329, the existing total width of the East-West Highway right-of-way adjacent to the Site is 90 feet. At the time of Preliminary Plan, additional dedication of 30 feet along the Site frontage beyond the current property line will be required.

The 2017 *Bethesda Downtown Sector Plan* recommends the study of potentially changing the existing the one-way traffic operations on East-West Highway, Old Georgetown Road, Woodmont Avenue and Montgomery Lane/Avenue to two-way traffic flow. If the study concludes that converting the traffic operations to two-way for motorists is not desirable or feasible, the 2017 *Bethesda Downtown Sector Plan* recommends studying a potential road diet. As of the time of preparation of this staff report, the one-way conversion study had just begun and is unlikely to conclude prior to the approval of a Preliminary Plan for the Site. The Applicant and agency review staff are following the progress of the study to ensure that the frontage improvements to be constructed as part of 4405 East West Highway's redevelopment will not preclude future potential changes to the traffic operations along the roadway. The Applicant will continue to coordinate with MDOT SHA, MCDOT, MCDPS ROW and Planning staff to finalize the proposal for frontage improvements for this project at the time of Preliminary Plan.

The 2018 *Bicycle Master Plan* envisions a two-way separated bike lane along the north side of East-West Highway between Wisconsin Avenue and Montgomery Avenue. As shown on the Sketch Plan the Applicant will construct the interim condition, which consists of a buffered sidepath (to be converted to a two-way separated bike lane in the ultimate condition) a pedestrian/bicycle buffer and a sidewalk.

As conditioned, the Application meets the recommendations of the applicable master plans.

3. Satisfy any development plan or schematic development plan in effect on October 29, 2014;

The Sketch Plan is not subject to a development plan or schematic development plan.

4. For a property where the zoning classification on October 29, 2014, was the result of a Local Map Amendment, satisfy any green area requirement in effect on October 29, 2014; any green area under this provision includes and is not in addition to any open space requirement of the property's zoning on October 30, 2014;

The zoning classification of the property is not the result of a Local Map Amendment, therefore the requirement is not applicable to this Sketch Plan.

5. Achieve compatible internal and external relationships between existing and pending nearby development;

The proposal will achieve compatible relationships with existing nearby development. The proposed building will include uses that are existing in the neighborhood and be of a height and massing that is compatible with buildings to the south, which are 10-12 stories in height. This proposal is one of the first in this portion of the Pearl District and is consistent with the Sector Plan's vision for the area.

6. Provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;

All vehicular access will be provided by a consolidated driveway on East-West Highway. The final alignment and dimensions of the driveway will be determined at the time of Preliminary Plan, and are subject to MDOT SHA approval. Vehicular parking will be located within a subsurface structured parking garage, internal to the Site. The Project also includes two loading bays, satisfying the minimum requirements of Section 59-6.2.8.B.1. Pedestrian and bicycle access will be improved by the frontage improvements, which consists of an 8-foot street buffer, 11-foot sidepath, 6-foot vegetated pedestrian and bicycle buffer, and a 15-foot sidewalk, as master planned by the 2018 *Bicycle Master Plan* and in compliance with the 2021 *Complete Streets Design Guide*.

7. 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, 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 proposed development, the Zoning Ordinance requires a minimum of 100 public benefit points in four categories be provided. The Sketch Plan provides the required outline of public benefit categories and points to be further refined at the time of Site Plan review. The Applicant proposes to exceed the 100-point requirement utilizing four categories, demonstrating the project's ability to meet the requirement as illustrated in Table 2.

Table 2: Public Benefit Calculations- Division 59-4.7

Public Benefit	Maximum Points Allowed	Proposed
Connectivity and Mobility		
Minimum Parking	20	14.8
Diversity of Uses and Activities		
Enhanced Accessibility	20	10
Quality Building and Site Design		

Architectural Elevations	30	15
Exceptional Design	30	15
Structured Parking	20	20
Protection and Enhancement of the Natural Environment		
Building Lot Terminations (BLT)	30	6.9
Cool Roof	15	5
Energy Conservation and Generation	25	15
Recycling Facility Plan	10	10
Total Points	100 minimum	111.7

CONNECTIVITY AND MOBILITY

Minimum Parking

The Applicant requests 14.8 points for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points for providing the maximum allowable number of on-site spaces to 20 points for providing no more than the minimum numbers of spaces on-site. Staff supports the subcategory at this time.

DIVERSITY OF USES AND ACTIVITIES

Enhanced Accessibility

The Applicant requests ten points for exceeding the requirements for the Americans with Disabilities Act (ADA) by providing 11 units that satisfy the American National Standards Institute A117.1 Residential Type A standards, or equivalent County code. Staff supports the subcategory at this time with final calculations to be determined at the time of Site Plan.

QUALITY BUILDING AND SITE DESIGN

Architectural Elevations

The Sketch Plan is conceptual in nature, with an emphasis on building density, massing, and height. The Applicant requests 15 points for providing architectural elevations as part of the Certified Site Plan showing particular elements of the design such as minimum amounts of transparency, maximum separation between doors, and other design priorities of the Sector Plan's design guidelines. At this time the Applicant has agreed to be bound by the following elements of design:

- Minimum amount of transparency on the first floor
- Maximum separation between doors
- Awning provisions
- Sign restrictions
- Lighting parameters
- Design priorities of the Sector Plan

Staff supports the subcategory at this time, with details to be refined at the time of Site Plan.

Exceptional Design

The Applicant requests 15 points for exceptional design by providing a building that will enhance the character of Bethesda's Pearl District in furtherance of the Sector Plan's vision for the neighborhood as an emerging center of activity. At their May 25, 2022 meeting, the Design Advisory Panel (DAP) voted that the Project is on track to receive the minimum ten design excellence points, with comments regarding building massing and architectural treatments to be refined at the time of Site Plan review. Staff supports the subcategory at this time, with final review at Site Plan.

Structured Parking

The Applicant requests 20 points for providing structured parking. Staff supports the subcategory at this time.

PROTECTION AND ENHANCEMENT OF THE NATURAL ENVIRONMENT

Building Lot Terminations

The Applicant requests 6.9 points for the purchase of BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5 percent incentive density floor area. Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance. Staff supports the subcategory at this time.

Cool Roof

The Applicant requests five points for proposing to provide a cool roof that will collectively meet or exceed a solar reflective index (SRI) of 75. Staff supports the subcategory at this time with details to be addressed at the time of Site Plan.

Energy Conservation and Generation

The Applicant requests 15 points for proposing to exceed energy efficiency standards by 17.5 percent. Points are granted based on the percentage exceeding the efficiency standard. Staff supports the subcategory at this time with details to be addressed at the time of Site Plan.

Recycling Facility Plan

The Applicant requests ten points for providing a recycling plan, to be approved at the time of Site Plan, for the development in accordance with Montgomery County Executive Regulation 15-04AM or Montgomery County Executive Regulation 18-04. Staff supports the subcategory at this time.

MAJOR PUBLIC FACILITIES

Bethesda-Chevy Chase East Neighborhood Green

The Applicant may request additional public benefit points at the time of Site Plan review in this category for contributing to the Sector Plan's vision for the creation of the Bethesda-Chevy Chase East Neighborhood Green. Staff supports the category at this time with details to be addressed at the time of Site Plan.

- 8. *Establish a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.***

The Project is proposed to be built in one phase.

SECTION 5: COMMUNITY OUTREACH

The Applicant held a pre-submittal public meeting on June 13, 2022 related to the Sketch Plan. The meeting was conducted virtually per COVID-19 Guidelines and has complied with all submission and noticing requirements.

Correspondence from representatives of the owner of the property abutting the Site to the west (4419 and 4421 East West Highway) was received on September 27, 2022, and expresses concerns with the proposed driveway location, noise, screening, and building massing proximate to their property. Staff has reviewed the concerns expressed and notes that each issue raised is to be further reviewed in detail during the Preliminary Plan and Site Plan review processes. In response to key issues of concern noted in the abutters letter, staff offers the following:

- **Access Location:** As discussed in Section 4, all vehicular access will be provided by a consolidated driveway on East-West Highway, with a final alignment to be determined at the time of Preliminary Plan; subject to MDOT SHA approval. Furthermore, in their October 5, 2022 letter, MDOT SHA indicated the driveway location as shown on the Sketch Plan will need to be relocated.
- **Noise and Screening:** The proposed development will be evaluated for conformance with applicable noise and screening requirements at the time of Preliminary and Site Plan reviews. Relocation of the access point further to the east in these future applications will itself help to mitigate noise and screening concerns raised.
- **Building Massing:** Further conformance with building and architectural design requirements will be evaluated at the time of Site Plan review. As a change in location of the access point to

the proposed building is expected in future applications in response to MCDOT SHA's October 5, 2022 recommendation, changes to the building design are anticipated.

SECTION 6: CONCLUSION

As conditioned, the Sketch Plan application satisfies the findings under Sections 59.7.3.3 and the applicable standards of the Zoning Ordinance, substantially conforms to the recommendations of the 2017 *Bethesda Downtown Sector Plan*. Staff recommends approval of the Sketch Plan with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Sketch Plan

Attachment B: Agency Letters

Attachment C: Community Correspondence