

8001 WISCONSIN AVENUE SKETCH PLAN 320210050 & PRELIMINARY PLAN 120210140



This application is for 375,000 square feet of residential and commercial uses that covers an entire city block in Downtown Bethesda. It includes a number of complex elements, including County Council abandonment of a public alley, and implementation of the Sector-Plan-recommended Eastern Greenway.

Sketch Plan: Request for up to 375,000 square feet of mixed-use development, comprised of up to 360,000 square feet of multifamily residential with 15% MPDUs and up to 15,000 square feet of commercial uses, including up to 159,689 square feet of BOZ density and associated PIP payment.

Preliminary Plan: Request to create one lot for up to 350 multi-family dwelling units and up to 15,000 square feet of non-residential uses.

No. 320210050 & 120210140
Completed: 01-13-2023

MCPB
Item No. 6
01-26-2023

Montgomery County
Planning Board
2425 Reedie Drive, Floor 14
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LOCATION/ADDRESS

Located on the block bounded by Wisconsin Avenue, Highland Avenue, West Virginia Avenue, and Tilbury Street

MASTER PLAN

2017 Bethesda Downtown Sector Plan

ZONE

CR 3.0 C 3.0 R 2.75 H 90', CR 3.0 C 2.0 R 2.75 H 90', CR 0.5 C 0.5 R 0.5 H 70', CRT 0.5 C 0.25 R 0.5 H 70' and Bethesda Overlay Zones

PROPERTY SIZE

2.74 tract acres

APPLICANT

B.F. Saul Company

ACCEPTANCE DATE

December 28, 2020

REVIEW BASIS

Chapter 59 & Chapter 50



Summary:

- The Sketch and Preliminary Plan will redevelop an entire block from Wisconsin Avenue to Tilbury Street in the northern section of downtown Bethesda, and provide a portion of the Sector Planned Eastern Greenway.
- Parks Department Staff have created a framework for the entire Sector-Planned Eastern Greenway (Attachment H), for which this Project will deliver the first section of approximately 10,445 square feet through a Public Use Easement.
- The Project will provide a mixed-use building 90 feet tall with ground floor retail along Wisconsin Avenue stepping down to 70 feet adjacent to the proposed Eastern Greenway.
- The Applicant is seeking approval from the Planning Board for a reduced truncation as part of the proposed record lot.
- The Applicant is seeking a waiver from the exterior noise analysis.
- The Applications received five extensions to extend review period from April 22, 2021 to January 31, 2023.

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SECTION 1: EXECUTIVE SUMMARY

The Applications before the Planning Board are a Sketch and Preliminary Plan, and the Project will require a subsequent Site Plan application to finalize further details. The Applications propose to redevelop an entire city block in Downtown Bethesda with a new mixed-use building with ground floor commercial and residential above and includes abandonment of a public alley and closure of several curb cuts along the four frontages to consolidated access points. With the consideration of these Applications, aside from the main findings that are necessary for approval of each, the Project addresses implementation of the 2017 *Bethesda Downtown Sector Plan*, specifically the Sector Planned Eastern Greenway.

The Sector Plan recommends the Eastern Greenway to span four blocks along the west side of Tilbury Street to serve as a continuous consistent open space experience. The proposed 70-foot-wide Eastern Greenway section on the Site fulfills the recommendation of the Sector Plan while providing a needed transition and critical open space break between the large building footprint and the adjacent single-family neighborhood.

The Sketch Plan includes the Applicant's initial design approach, as well as the Parks Department's Concept Framework for the Eastern Greenway. Conformance with this general Framework will help ensure continuity across the blocks and produce a unified set of diverse experiences. Further detail such as final size, design, construction phasing, and operational issues will be addressed at Site Plan.

SECTION 2: RECOMMENDATIONS AND CONDITIONS

SKETCH PLAN 320210050

Staff recommends approval of 8001 Wisconsin Avenue, Sketch Plan No. 320210050, for up to 375,000 square feet of mixed use density, including up to 360,000 square feet of residential uses with 15% MPDUs and 15,000 square feet of non-residential uses, and up to 159,689 square feet of BOZ density on 2.74 acres, zoned CR-3.0 C-3.0 R-2.75 H-90', CR-3.0 C-2.0 R-2.75 H-90', CR-0.5 C-0.5 R-0.5 H-70', CRT-0.5 C-0.25 R-0.5 H-70' and Bethesda Overlay Zone, in the 2017 *Bethesda Downtown Sector Plan*. 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:

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 of 375,000 square feet of total density including 360,000 square feet of residential uses with 15% MPDUs and 15,000 square feet of non-residential uses. This maximum includes up to 159,689 square feet of BOZ density. The final amount of BOZ density will be determined at Site Plan.

2. **Height**

The development is limited to a maximum building height of 90 feet along Wisconsin Avenue and 70 feet along Tilbury Street, as measured from the building height measuring point to be illustrated on the Certified 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. at the time of Site Plan. Total points must equal at least 100 and be chosen from at least 4 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) Major Public Facility, achieved through construction of the Master-Planned Eastern Greenway public space;
- b) Connectivity and Mobility, achieved by providing fewer than the maximum parking spaces under the Zoning Ordinance;
- c) Quality of Building and Site Design, achieved through exceptional design, and structured parking; and
- d) Protection and Enhancement of the Natural Environment achieved through the purchase of building lot terminations, and energy conservation.

4. **Park Impact Payment**

The Applicant must make a Park Impact Payment (PIP) to the M-NCPPC prior to the release of the first above-grade building permit. The final amount will be determined at Site Plan.

5. **Streetscape**

The Applicant must install the Bethesda Streetscape Standard along the Subject Property's right-of-way frontage, and MCDOT and Planning staff approved equivalent for the portions of West Virginia Avenue outside of the Urban District boundary, including the undergrounding of utilities.

6. **Public Open Space**

The Applicant must provide a minimum of 10% of the Site Area as Public Open Space.

7. **Green Cover**

At the time of Site Plan, the Applicant must provide a minimum 35% of Site Area as green cover as described in Section 2.4.1 of the *Bethesda Downtown Sector Plan* and any proposed tree canopy must utilize tree species and canopy sizes at 20-year maturity per the M-NCPPC Approved Trees Technical Manual.

8. **Eastern Greenway**

- a) The Applicant must provide for the design and construction the Eastern Greenway public space on a portion of the subject Site along Tilbury Street. The final size, design, construction phasing, and operational issues will be addressed at Site Plan.
- b) At the time of Site Plan, the Applicant must submit a design for the Eastern Greenway to Parks and Planning Staff for review. The design must address the following:
 - i. Consistency with the Department of Parks' Concept Framework for the Eastern Greenway, the *2017 Bethesda Downtown Sector Plan*, *Bethesda Downtown Plan Design Guidelines* and the *2019 Designing Public Spaces: Energized Public Spaces Design Guidelines*; and

- ii. Recreational amenities that meet the Department of Parks standards, such as but not limited to an improved hard surface promenade trail, plantings, signage, seating, and other suitable active and passive amenities.

9. Bethesda Downtown Plan Design Guidelines

At the time of Site Plan, the Applicant must demonstrate the following:

- a) Comments have been addressed from the Design Advisory Panel as specified in their November 17, 2021 meeting minutes; and
- b) Project conformance for street typology, parks and open space, site design, building form, creative placemaking, and any site-specific guidelines in accordance with the *Bethesda Downtown Plan Design Guidelines*.

10. Future Coordination for the Site Plan

In addition to any other requirements for Site Plans under Chapter 59, the following must be addressed in the Site Plan application:

- a) The Applicant must submit and receive approval of a Preliminary/Final Forest Conservation Plan and Variance Request. The Final Forest Conservation Plan must be consistent with the Preliminary Forest Conservation Plan.
- b) Address the SITES & LEED recommendations of the Sector Plan, specifically related to energy efficiency and building design features;
- c) SWM concept approval consistent with Chapter 19 of the Montgomery County Code which also addresses the recommendations of the Bethesda Downtown Sector Plan Water Quality Section (2.4.2.B);
- d) Address Bird-Safe Design per the Bethesda Downtown Sector Plan Design Guidelines;
- e) Submit a draft Energy use/generation model as required by the Bethesda Implementation Guidelines;
- f) Confirmation from the Department of Permitting Services on the application of energy conservation and generation points given that only a portion of the Project is located within the High-Performance Area;
- g) At Site Plan, the Applicant must provide a noise analysis for interior residential units per the 1983 Noise Guidelines. The noise analysis needs to address all applicable noise sources/roadways and be based on onsite field recordings, made during representative time periods. The analysis must show the existing and 20-year projected noise contours and/or provide 3-D modeling as appropriate (the 3-D modeling would need to reflect the existing and 20-year projected noise levels).

11. Validity

A site plan must be submitted within 48 months after the mailing date of the resolution.

PRELIMINARY PLAN 120210140

Staff recommends approval of the Preliminary Plan to create 1 lot on 2.74 acres for mixed use development of up to 350 multi-family dwelling units and up to 15,000 square feet of non-residential uses. All 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 following conditions:

GENERAL APPROVAL

1. This Preliminary Plan is limited to 1 lot for up to 350 multi-family dwelling units and up to 15,000 square feet of nonresidential uses.

ADEQUATE PUBLIC FACILITIES AND OUTSIDE AGENCIES

2. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

PLAN VALIDITY PERIOD

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

OUTSIDE AGENCIES

4. **MCDOT Letter**

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letters dated January 31, 2022, and February 19, 2021, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations provided in the letters, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

5. Before the issuance of access permits, the Applicant must satisfy the Montgomery County Department of Transportation’s requirements for access and improvements.

6. **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 June 7, 2022, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations provided in the letter, which

may be amended by MDOT SHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

7. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration's requirements for access and improvements.

8. **MCDPS Stormwater**

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letter dated December 3, 2021, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations provided in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

9. **MCDPS Fire Department Access**

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Fire Department Access and Water Supply Section in its letter dated December 16, 2021, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations provided in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

TRANSPORTATION

Frontage Improvements

10. **Right-of-Way Dedication**

The Applicant must dedicate their portion of rights-of-way along all four (4) frontages to the full width mandated by the Bethesda Downtown Sector Plan or as otherwise designated on the Certified Preliminary Plan, and show on the record plat(s) the following dedications:

- a) A dedication of the Wisconsin Avenue frontage between the Subject Property line and right-of-way centerline to provide the Sector Plan-recommended total 122-foot-wide right-of-way.
- b) A dedication of the Highland Avenue frontage between the Subject Property line and right-of-way centerline to provide the Sector Plan-recommended total 60-foot-wide right-of-way.
- c) A dedication of the West Virginia Avenue frontage between the Subject Property line and right-of-way centerline to provide the Sector Plan-recommended total 60-foot-wide right-of-way.
- d) A dedication of the Tilbury Street frontage between the Subject Property line and right-of-way centerline to provide the Sector Plan-recommended total 60-foot-wide right-of-way.

FUTURE SITE PLAN APPROVAL REQUIRED

11. Before clearing or grading or recording a plat for the Subject Property, the Applicant must receive Staff certification of a Planning Board-approved Site Plan. The number and location of site elements including but not limited to buildings, site circulation, open space, sidewalks and designated bikeway will be determined through site plan review and approval.

ENVIRONMENT

Forest Conservation

12. Before any clearing, grading or demolition on the site, the Applicant must submit and receive approval of a Final Forest Conservation Plan, which must be consistent with the approved Preliminary Forest Conservation Plan and associated conditions.
13. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
14. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
15. Before the start of any demolition, clearing, grading or construction, whichever comes first, for this development Application, the Applicant must submit the forest conservation fee-in-lieu payment to the M-NCPPC Planning Department for the 0.28- acres of afforestation/reforestation requirement, or as shown on the certified Final Forest Conservation Plan.
16. Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings as shown on the certified Final Forest Conservation Plan.
17. The Applicant must plant the variance tree mitigation plantings on the Subject Property, with a minimum size of 3 caliper inches, totaling at least 27 caliper inches, or as shown on the certified Forest Conservation Plan. All trees credited towards variance mitigation must be at least five (5) feet away from any structures, stormwater management facilities, PIEs, PUEs, ROWs, utility lines, and/or their associated easements. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
18. Before any demolition, clearing, grading or construction for this development Application, whichever comes first, the Applicant must submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the mitigation trees and maintenance credited toward meeting the requirements of the FCP.
19. Before any demolition, clearing, grading or construction for this development Application, whichever comes first, the Applicant must execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of General Counsel. The MMA is required for all forest planting areas, mitigation tree plantings, including variance tree

mitigation plantings, and landscape plantings credited toward meeting the requirements of the FCP. The MMA includes invasive species management control measures.

RECORD PLATS

20. There shall be no clearing or grading of the site before recordation of plat(s).

Easements

21. The record plat must show necessary easements.

22. Eastern Greenway

- a) The record plat must show a covenant for public use for the Eastern Greenway on the Subject Property, excluding portions of the Eastern Greenway that are in the publicly dedicated right-of-way. The final terms of the covenant will be determined at Site Plan.
- b) The area subject to the covenant must:
 - i. be a minimum of 70 feet in width, or other width determined at Site Plan, as measured from the face of curb on Tilbury Street to the nearest above-ground building face, excluding public right-of-way. However, any portion of the Eastern Greenway that is in the Tilbury Street right-of-way dedicated by the Applicant will continue to be included in the width of the Eastern Greenway for purposes of determining building height; and
 - ii. extend from Highland Avenue to the north and West Virginia Avenue to the south, excluding public right-of-way.

CERTIFIED PRELIMINARY PLAN

23. The Applicant must include the stormwater management concept approval letter and Preliminary Plan Resolution on the approval or cover sheet(s).

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

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

25. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes:

- a) Show resolutions and approval letters on the certified set; and
- b) Include the approved Fire Access Plans in the certified set.

SECTION 3: SITE DESCRIPTION

VICINITY

The Property is located at 8001 Wisconsin Avenue in downtown Bethesda along the east side of Wisconsin Avenue. The west side of Wisconsin Avenue is developed with taller residential buildings ranging in height from 100 to 300 feet as well as 1-2 story commercial buildings. The east side of Wisconsin Avenue is developed with significantly lower commercial buildings. Blocks east of Wisconsin Avenue are transitional with a mix of low-rise commercial buildings with surface parking and single family detached homes. To the north across Highland Avenue is County Parking Lot #25 and to the south across West Virginia Avenue is County Parking Lot #44 and single family detached homes. East of Tilbury Street is the single-family neighborhood of East Bethesda.



Figure 1 – Vicinity Map (Subject Property highlighted in red)

PROPERTY DESCRIPTION

The subject site (Subject Property, Property, or Project) is located on the east side of Wisconsin Avenue in the northern section of the 2017 *Bethesda Downtown Sector Plan*. The Property spans the entire block from Wisconsin Avenue east to Tilbury Street, with West Virginia Avenue to the south and Highland Avenue to the north. The Site is comprised of several lots originally created in 1916 by Plat No. 186, “West Chevy Chase Heights” and is currently developed with 1 and 2-story commercial buildings along Wisconsin Avenue, five (5) single family detached dwellings on Highland Avenue and West Virginia Avenue, Sandy Spring Builders with associated surface parking, and the Violin House of Weaver. There is an alley that runs north/south from Highland Avenue to West Virginia Avenue to serve the multiple commercial buildings that front along Wisconsin Avenue. Until recently, this alley was public and was formally abandoned. See Section 4, Previous Approvals for more discussion.



Figure 2 – Subject Property

The Property is located within the Rock Creek watershed which is a Use I¹ watershed. The Site, which is within Downtown Bethesda, is currently developed and not associated with any areas of forest, or

¹ Use I-P:

WATER CONTACT RECREATION & PROTECTION OF AQUATIC LIFE

Waters that are suitable for: water contact sports; play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply, and industrial water supply.

100-year flood plains, streams, or stream buffers. Soils associated with the Property are classified generally as urban land and are not considered highly erodible or otherwise sensitive; additionally, there are no areas of steep slopes within the project area.

Several mature trees are located within the undeveloped areas of the Property as well as within the landscaped right-of-way buffers. Many of these trees are considered specimen trees as they measure 30" in diameter-at-breast-height (DBH) or greater. There are no known rare, threatened, or endangered species on site. There are no known historic properties on or near the site.

SECTION 4: PROJECT DESCRIPTION

PREVIOUS APPROVAL

AB 769

The Applicant successfully petitioned the County Council for an abandonment of the existing public alley, which bisects the Site on the western side of the block (AB 769). The public alley ranges between 10 and 15 feet in width and covers approximately 2,475 square feet (Figure 10). The purpose of the alley was to consolidate loading and delivery activities for the multiple properties on the block. The Project proposes consolidating the properties and will provide a single onsite loading facility to serve the proposed mixed-use building, which therefore makes the existing alley unnecessary. Furthermore, by assembling and abandoning the public alley, the Applicant will be able to implement land use and building height recommendations proposed in the Bethesda Downton Sector Plan. Additionally, there are no specific recommendations in either the 2018 *Bicycle Master Plan* or the 2017 *Bethesda Downtown Sector Plan* that include or are relevant to the public alley.

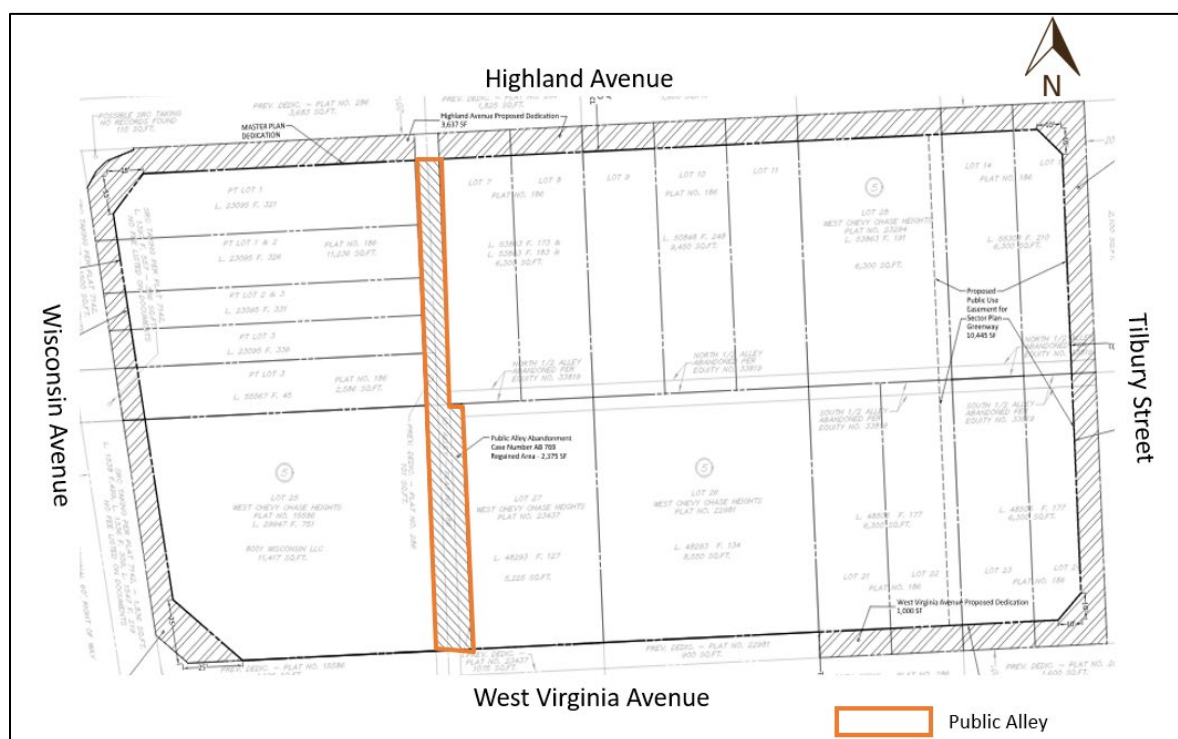


Figure 3 – Public Alley abandonment Exhibit

The Montgomery County Council, on July 13, 2021, found that the public alley was no longer necessary for public use, pursuant to Section 49-63 and approved the abandonment subject to the conditions enumerated in Resolution 19-939, attached to this report (Attachment E).

PROPOSAL

The Applicant proposes to redevelop the entire block with a new mixed-use building that will feature ground floor retail along Wisconsin Avenue and multifamily above, with structured parking below. The building will have a maximum density of up to 375,000 square feet for up to 360,000 square feet of residential uses with 15% MPDUs and 15,000 square feet of non-residential uses, and will utilize up to 159,689 square feet of BOZ density. The building will front onto Wisconsin Avenue with a height of 90 feet and decrease in height to 70 feet adjacent to the future Eastern Greenway and Tilbury Street. The conceptual massing will focus the residential entry along the Highland Avenue frontage with an onsite arrival court. The massing will be broken up along each of the four frontages through changes in façade planes that, along the West Virginia Avenue frontage, will allow for two courtyards. Along the Tilbury Street frontage, the Applicant proposes to set the building back 70 feet to accommodate the Sector Planned Eastern Greenway (see further discussion below on the Eastern Greenway design).

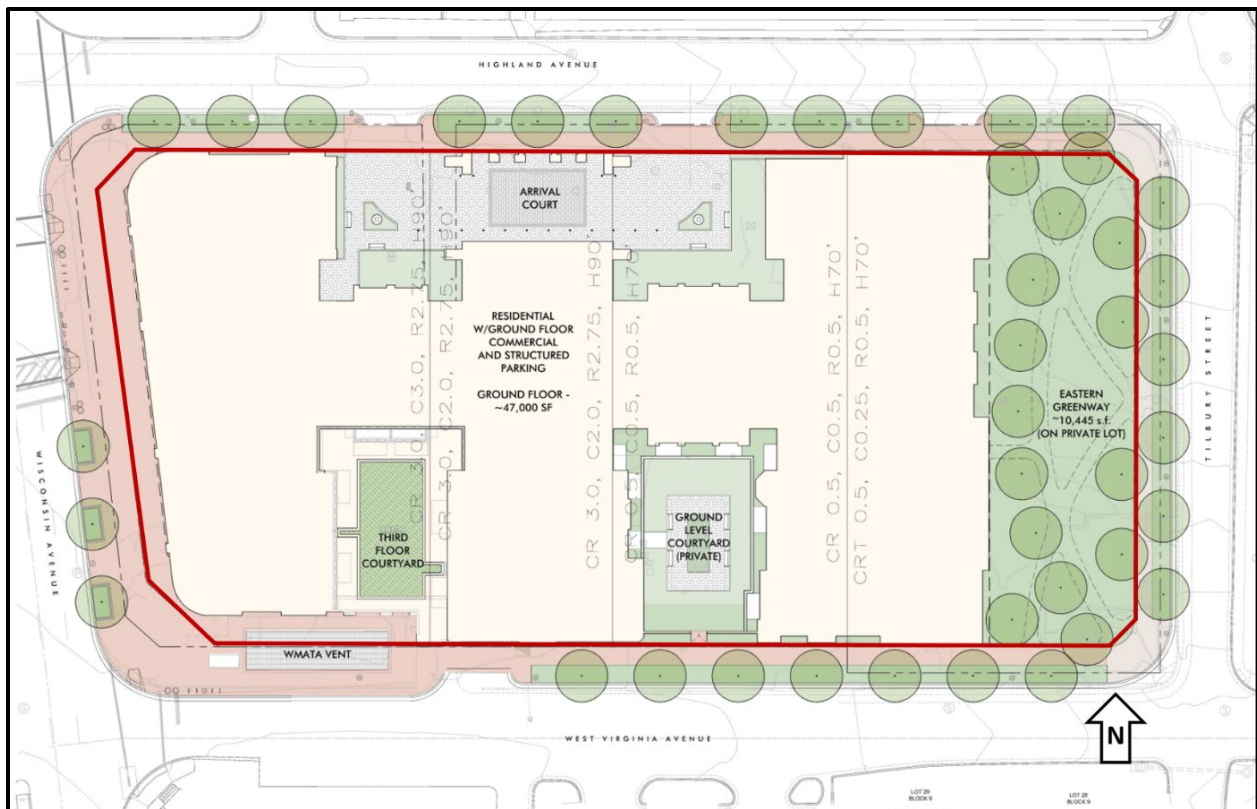


Figure 4 – Illustrative Sketch Plan

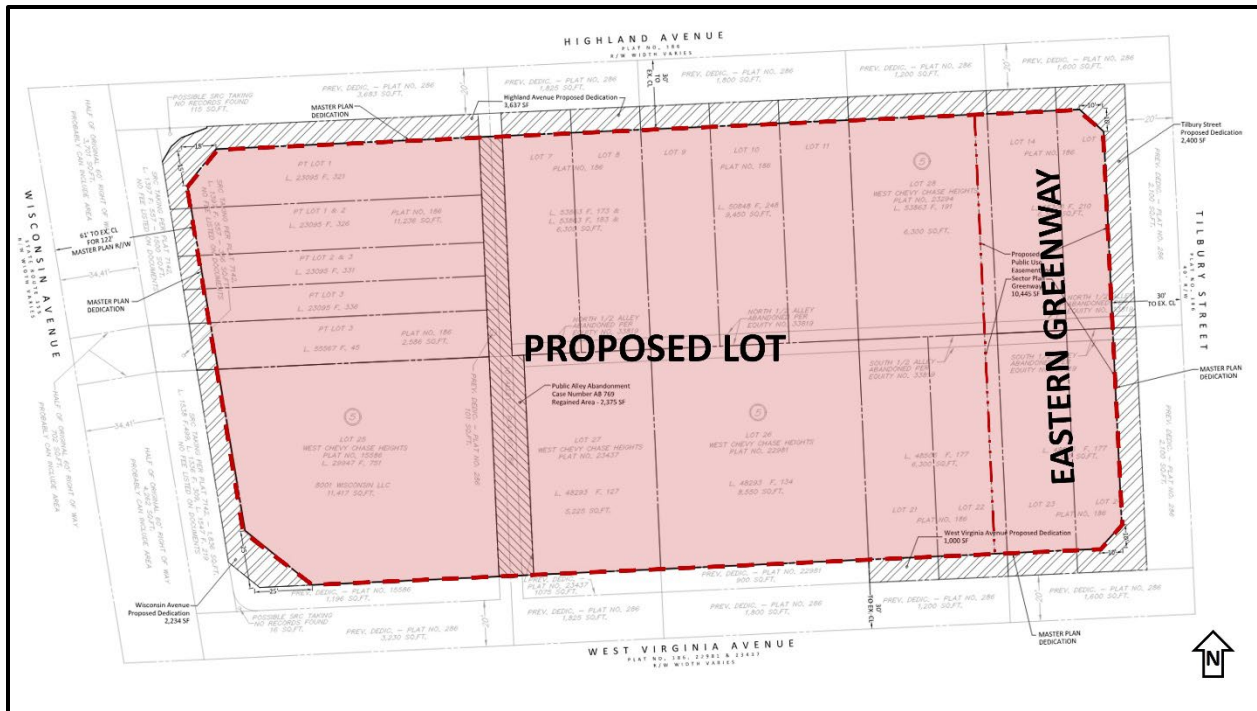


Figure 5 –Proposed Lot Consolidation

MASSING

Given the size of the site, the massing has been designed to respond to the changing context along each street, Wisconsin Avenue, Highland Avenue, Tilbury Street and West Virginia Avenue. Along Wisconsin Avenue, the massing will be at the tallest height of 90 feet, and conceptually proposes architecture that emphasizes the verticality of the urban boulevard. Along Highland Avenue to the north, the massing forms three wings around a proposed port cochere which will face the Sector Planned future public park on the northern block (currently County Parking Lot #25). To the south along West Virginia Avenue, the massing similarly breaks into three wings surrounding private courtyards, with the eastern wing stepping down to 70 feet. Along Tilbury Street to the east, the massing height remains at 70 feet and will express a more residential character relating to the East Bethesda Neighborhood.



Figure 6 – Rendering of Massing, looking south on Wisconsin Avenue at Highland Avenue



Figure 7 – Rendering of Massing & Eastern Greenway, looking west on West Virginia Avenue at Tilbury Street

EASTERN GREENWAY

Overall Vision/Framework

As envisioned by the Sector Plan, the North Section of the Eastern Greenway (Greenway) will consist of a series of high-quality public urban parks connected by sections of linear public open space stretching from Maple Avenue to Cheltenham Drive. The Department of Parks staff has created a Concept Framework for the Eastern Greenway (CFEG) to assist in the implementation of a unified green connector in the north and south section of Bethesda. Parks staff first presented the CFEG to the Applicant and the Bethesda Implementation Advisory Committee in September of 2021 and the current version is included as Attachment H. The Eastern Greenway will feature various forms of recreation, social connection, and environmental sustainability and will function as a continuous public greenway across the connected public parks and open spaces with a cohesive design to ensure continuity and provide for the experience and use of the Eastern Greenway as a single space. A wide promenade will physically connect the corridor while unique, enticing features and activity spaces will serve to draw the public into the Greenway and ensure that it serves as more than a transitional buffer.

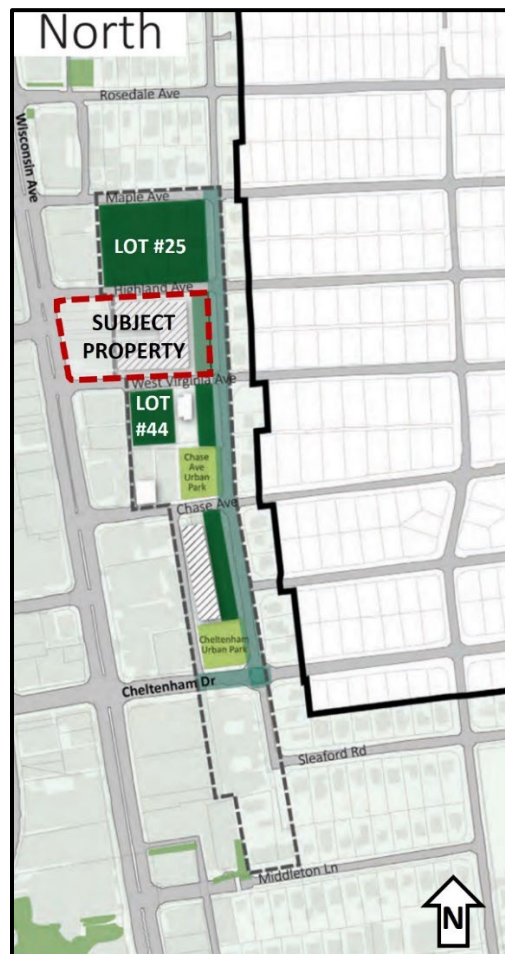


Figure 8 - Northern Segment of Eastern Greenway, Page 137 of Bethesda Downtown Sector Plan

In addition to this block along the northern section of the Eastern Greenway, there is a Request for Proposals under negotiation between the County and a private developer to redevelop County Parking Lot 44 (located south of West Virginia Avenue) and Lot 25 (located north of Highland Avenue) as located on Figure 8 above. The redevelopment of these parking lots would ultimately result in additional Eastern Greenway, a portion of which would become public parkland. Recently in 2020, the Planning Board approved Site Plan No. 820200100 to redevelop 4702 West Virginia Avenue (directly east of Lot #44) which included a contribution to Park improvements at Chase Avenue Urban Park.

Initial Design Concept

The Applicant proposes to provide the first section of the Eastern Greenway, so the design and implementation of this piece is crucial to establishing a framework for the entirety of the Eastern Greenway and the creation of a successful design. At this stage (Sketch and Preliminary Plan), specific design elements have not been finalized. Conceptually, this portion of the Eastern Greenway will have the required wide promenade and will provide room for enticing features and activity spaces to create an engaging and useable park as outlined in the Concept Framework for the Eastern Greenway. As conditioned, the Applicant will be required to record a covenant over the Eastern Greenway to ensure public use and access, with design to be finalized at the time of Site Plan review in coordination with Park and Planning Staff.

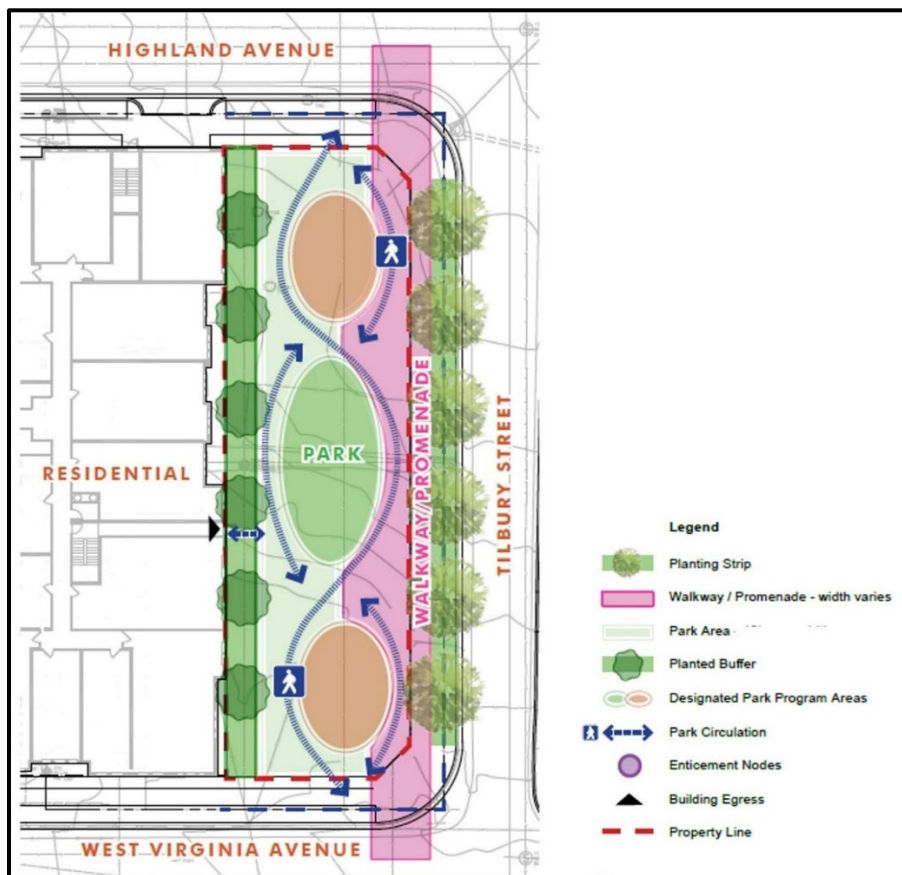


Figure 9 - Proposed concept rendering by Applicant

The Sector Plan limits the height of the adjacent development to the Eastern Greenway to proportion directly with the proposed width of the Eastern Greenway. Thus the Applicant proposes a 70-foot-tall building, so the Eastern Greenway width must be a minimum of 70 feet.

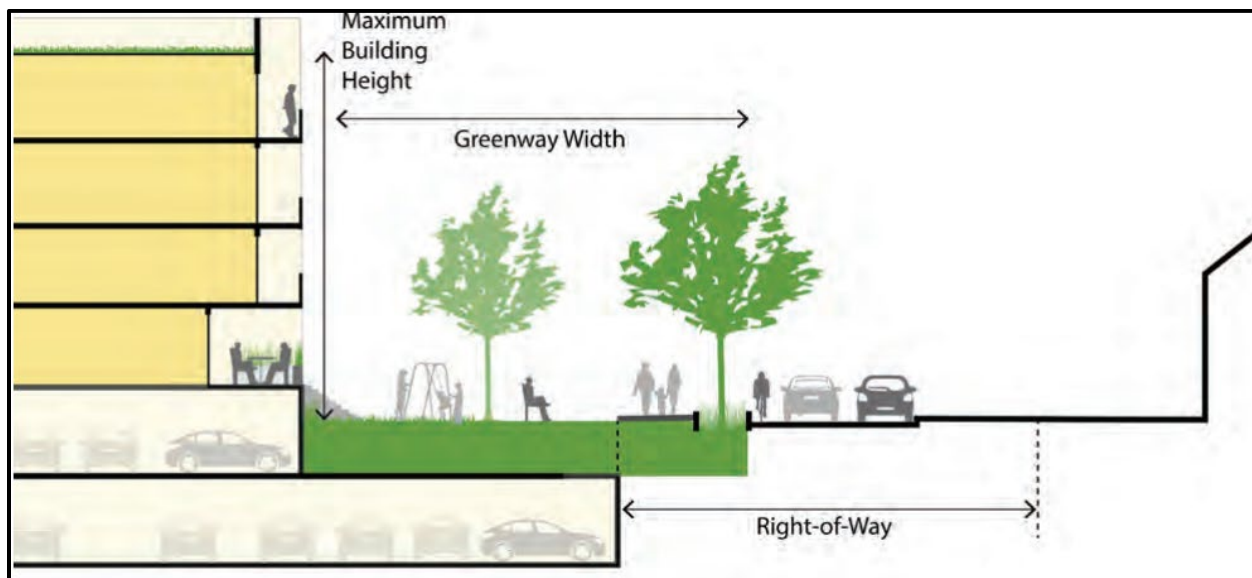


Figure 10 – Eastern Greenway Districts Allowable Heights, Figure 3.16 Bethesda Sector Plan

TRANSPORTATION

Access and Circulation

Pedestrian access to the Site will be from the established sidewalk network and will be enhanced by streetscape improvements along each of the four (4) Property frontages, consistent with the Bethesda Streetscape Standards. The Project proposes to consolidate a number of curb cuts along Highland and West Virginia Avenues, which will improve safety for all users, but especially pedestrians. Most of the vehicular access will occur from Highland Avenue which will have three (3) new curb cuts: two (2) for the entry and exit driveways of the porte cochere and one (1) for the entrance to the on-site parking garage to the eastern side of the Site. The porte cochere will serve residents and visitors picking up and dropping off on-site and can be used to receive unscheduled deliveries for the residents. Loading and trash collection will occur within the consolidated driveway on West Virginia Avenue (Figure 11).

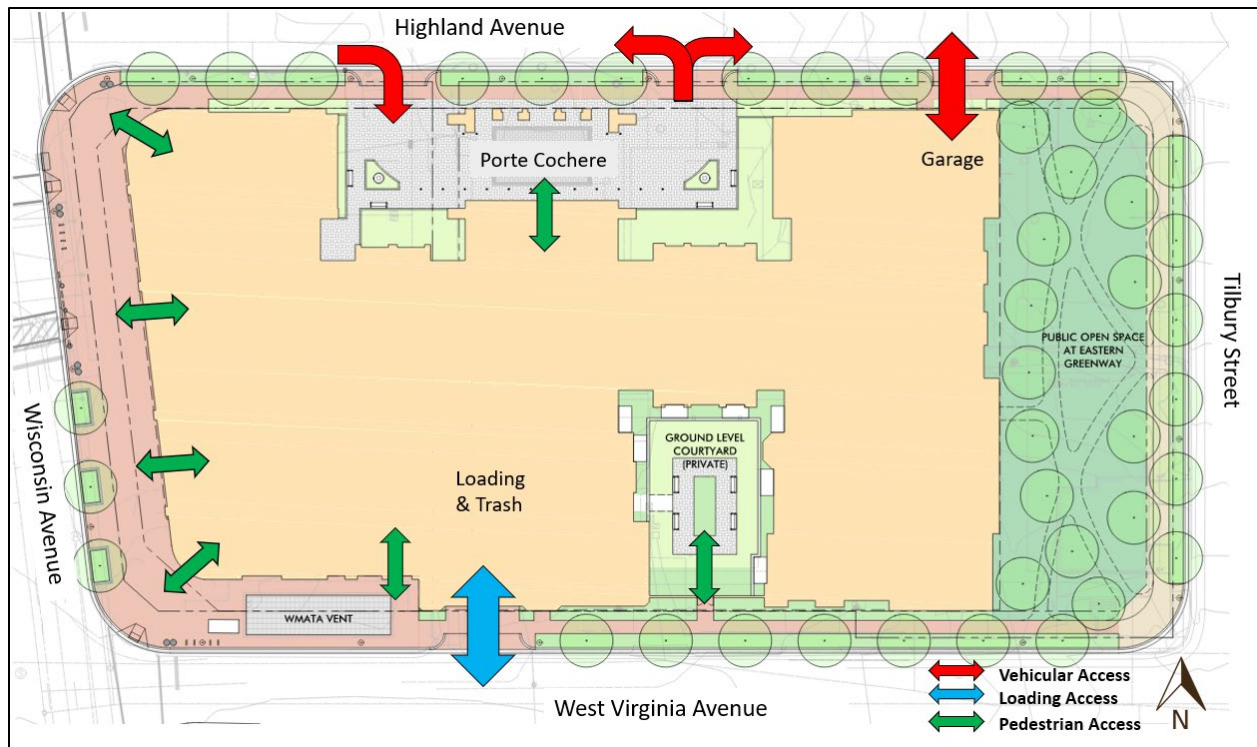


Figure 11 – Proposed Circulation Exhibit

Transit Connectivity

The immediate area is well served by transit which includes the Red Line Bethesda Metrorail Station (located within 0.4 miles of the site), Metrobus, RideOn, the Bethesda Circulator and future Purple Line.

The 2013 Countywide Transit Corridors Functional Master Plan (CTC) envisions a Bus Rapid Transit (BRT) route connecting the Bethesda Metro Station with the Rockville Metro Station via MD 355 (Corridor 4: MD 355 South). This was later confirmed by the 2017 *Bethesda Downtown Sector Plan*. The CTC identified potential station locations for further study, and one of them is at Cordell Avenue on the west side of Wisconsin Avenue (MD 355) and at West Virginia Avenue on the west (Site) side. The Montgomery County Department of Transportation (MCDOT) will study the alignment of the BRT route and its station locations in the future. Assuming that a pair of stations are to be installed at the master-planned locations as listed in the Master Plan, the Applicant was required to demonstrate that there will be adequate space for a BRT station on the west side of the site (east side of Wisconsin Avenue) but will not be required to contribute towards its construction at this time as the BRT design is not far enough along to determine a proportional cost. During review of the Preliminary Plan, it was determined that the footprint of a BRT station would need an area that is 65-feet long and 13-feet wide, plus ADA accessible ramps on either side of the station (see Figure 12 for the conceptual footprint on the west side of Wisconsin Avenue), while maintaining an ADA accessible pathway behind the station.

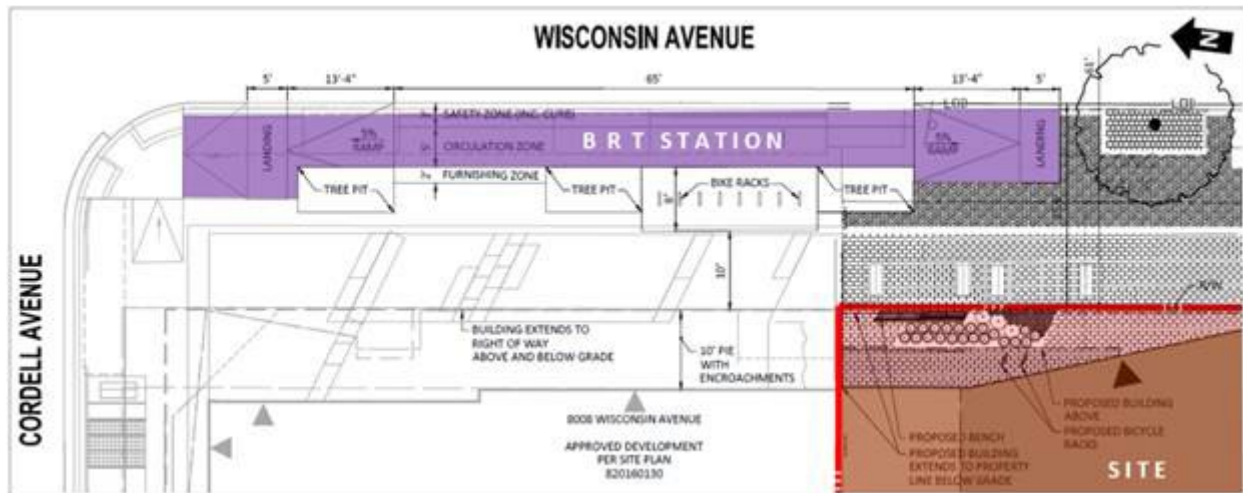


Figure: 12 – BRT Station Footprint Concept approved for Site Plan 820140130

The Preliminary Plan included cross sections with the submission and demonstrated that after providing the roadway infrastructure (median, travel lanes, BRT lane), there is 25 feet remaining for the streetscape, which can accommodate the 13-foot depth of the station and maintain 12-feet for the pedestrian through zone. The 12-feet remaining behind the station demonstrates compliance with the 2017 *Bethesda Urban Design Guidelines* (10-20 feet required for Urban Boulevards) as well as ADA accessibility standards.

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. Accordingly, an NRI/FSD was approved for the Subject Property on December 17, 2019. The NRI/FSD, designated No. 420200640, identifies the existing man-made and natural features associated with the Property, such as the buildings, associated parking, street trees and landscape elements. As described above, the setting includes specimen trees located on and near the site. There are no rare, threatened, or endangered species, no stream/buffers, or steep slopes on site. There are no historic or cultural properties onsite.

Although there is no forest on-site or adjacent to the Property, a Preliminary Forest Conservation Plan (PFCP) has been submitted as part of this concurrent Sketch and Preliminary submission. Due to tract area, associated offsite work, and the mixed-use designation of this project, the PFCP shows a minor afforestation requirement of 0.28-acres associated with the proposal, to be finalized at time of Site Plan and Final Forest Conservation Plan review.

Forest Conservation Variance

Due to the location of specimen trees on and near the Subject Property, a forest conservation variance is required for impact to trees that measure 30 inches DBH or greater. The Preliminary Forest Conservation Plan shows the proposed removal of two onsite specimen trees (30" and 34" DBH) and one offsite specimen street tree (43" DBH). The Applicant has provided initial plans showing the implementation of arborist recommended tree protection measures for subject tree impacts as well as mitigation for subject trees that cannot be saved. As discussed elsewhere in this report, the eastern portion of the site is proposed as a section of the Sector Plan recommended Eastern Greenway which will be populated with canopy trees; at this time, the Applicant has proposed the location of mitigation trees within the Eastern Greenway as this placement allows for ample soil volume and provides direct replacement for the loss of mature trees in proximity to the original location. However, design of the Eastern Greenway is not yet finalized, therefore placement of mitigation plantings will be determined at the time of Site Plan. As further discussed in Section 6 of this report, Staff is supportive of the variance to allow impacts to the protected trees to allow the realization of the Sector Planned Eastern Greenway which will provide an immersive and enjoyable green space. The Project has been conditioned to provide a total of 27 caliper inches of native canopy trees sized at least 3 caliper inches each.

Green Cover

The Sector Plan includes a number of recommendations to achieve the urban green goals. An important recommendation to this effect is the minimum on-site 35% green coverage recommendation. Green cover may be a consolidated space or a combination of intensive green roof (6 inches or deeper) or tree canopy cover, and may be on the ground or over structure. This Application consists of a Site Area of 73,068 square feet (SF) which results in a green cover requirement of at least 25,574 SF. Currently, the Application proposes to meet this requirement entirely through installation of an 8-inch-deep green roof at various levels of the proposed development. The final design and methods of achieving 35% green cover will be confirmed at the Site Plan stage of the Application.

Noise

The Subject Application provides public open space as well as residential units fronting an arterial roadway. To address development standards regarding noise mitigation, the Applicant has requested to have the exterior noise guidelines waived under Section 2.2.2 of the Noise Guidelines. Strict compliance with the guidelines to maintain 65 dBA throughout all Public Open Space would significantly compromise the design of the project's open space, a sector plan recommended greenway. The necessary changes, which would include walls, fencing, and/or berms, would conflict with recommendations of the Bethesda Downtown Plan to provide a functional and welcoming area for public use. Staff recommends approval of the waiver for exterior noise, however, standard conditions of approval relative to interior noise mitigation for the building are recommended for subsequent Site Plan review.

SECTION 5: SKETCH PLAN 320210050 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: 8001 Wisconsin Avenue Sketch Plan Data Table for CR Zone, Optional Method, Section 59.4.5

Development Standard	Permitted/ Required	Proposed
Tract Area (Square Feet/ Acres)¹ CR 3.0 C-3.0 R-2.75 H-90' Lot 25 (Tax ID 07-02551384) PT of Lot 3 (Tax ID 07-01969544) PT of Lot 1, 2 & 3 (Tax ID 07-01969577) Subtotal CR 3.0 C-2.0 R-2.75 H-90' Lot 7 & 8 (Tax ID 07-00545132) Lot 27 (Tax ID 07-03548713) Subtotal SUBTOTAL CR 3.0 CRT 0.5 C-0.5 R-0.5 H-70' Lot 9, 10, 11 (Tax ID 07-00545176) Lot 26 (Tax ID 07-03457071) Subtotal CRT 0.5 C-0.25, R-0.5, H-70' Lot 28 (Tax ID 07-03517040) Lot 14 & 15 (Tax ID 07-00545121) Lot 23 & 24 (Tax ID 07-00545165) Lot 21 & 22 (Tax ID 07-00545154) Subtotal SUBTOTAL CR 0.5 TOTAL Tract Area	n/a	21,957 (0.50) 3,745 (0.09) 20,235 (0.46) 45,937 (1.05) 8,125 (0.18) 8,125 (0.18) 16,250 (0.36) 62,187 (1.42) 11,250 (0.26) 11,250 (0.26) 22,500 (0.52) 7,500 (0.17) 10,000 (0.23) 10,000 (0.23) 7,500 (0.17) 35,000 (0.80) 57,500 (1.32) 119,687 (2.75)

Site Area (Square Feet/ Acres) Prior Dedication Proposed ROW Dedication Highland Avenue Wisconsin Avenue West Virginia Avenue Tilbury Street Proposed Dedication Subtotal Alley Abandonment ² Site Area (Tract Area – Dedications)	n/a	39,723 (0.91) 3,637 (0.08) 2,234 (0.04) 1,000 (0.02) 2,400 (0.05) 9,271 (0.22) +2,375 (0.5) 73,068 (1.67)
Residential Density (GFA/ FAR) CR 3.0, C3.0, R2.75, H90' & CR 3.0, C2.0, R2.75, H90' CRT 0.5, C0.5, R0.5, H70' & CRT 0.5, C0.25, R0.5, H70' Subtotal	171,014 (2.75) 28,750 (0.50) 199,764	 360,000 (3.0)
Commercial Density (GFA/ FAR) CR 3.0, C3.0, R2.75, H90' CR 3.0, C2.0, R2.75, H90' CRT 0.5, C0.5, R0.5, H70' CRT 0.5, C0.25, R0.5, H70' Subtotal	137,811 32,500 11,250 8,750 190,311	 15,000 (0.13)
Total Mapped Density (GFA/FAR)	186,561 (CR 3.0) 28,750 (CRT 0.5) 215,311	215,311 (1.80)
Bethesda Overlay Zone Density (GFA/ FAR)	n/a	159,689 (1.33)
Total GFA/ FAR	n/a	375,000 (3.13) ⁴
MPDU	15%	15%
Building Height	70' / 90' feet ^{3,5}	70' / 90' feet ^{3,5}
Public Open Space (min)	10% of site area	10% of site area
Green Cover	35% of site area	35% of site area
Minimum Setbacks		
Wisconsin Avenue, Highland Avenue, West Virginia Avenue	n/a	0
Tilbury Street	n/a	TBD at Site Plan ⁵

¹ Per the Gross Tract Area exhibit, Attachment F

² The Applicant petitioned in AB769 to abandon the alley, which the Planning Board supported and Council approved with conditions by Resolution 19-939, Attachment E

³ The Property is split zoned, therefore the height on the Property closer to Wisconsin Avenue is limited to 90' and Property closer to Tilbury Street is limited to 70', as measured from the Building Height Measuring Point, to be finalized at Site Plan.

⁴ Per Section 59.4.9.2.C.2.a of the Zoning Ordinance, in the Bethesda Overlay Zone a development may exceed the mapped FAR on a site with Planning Board approval of a Sketch Plan.

⁵ Per the 2017 Bethesda Downtown Sector Plan, Property adjacent to Sector Planned Eastern Greenway must provide space for Eastern Greenway proportional to the height of the proposed building, up to the mapped height. Applicant is proposing a 70' open space adjacent to Tilbury Street for the Eastern Greenway, to be finalized at the time of Site Plan

a) Implement the recommendations of applicable master plans

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

1. **Parks and open spaces**, including new civic greens at Veteran's Park, Bethesda Farm Women's Cooperative Market, Capital Crescent Trail and new urban parks, pathways and gateways. Many of these parks on the eastern edge are to be connected through the creation of the Eastern Greenway.
2. **Affordable housing**, including the preservation of existing market-rate affordable housing, providing a mix of housing options and the provision of Moderately Priced Dwelling Units in exchange for development incentives.
3. **Environmental innovation**, including more energy-efficient buildings, better stormwater management, improved sidewalks and bicycle routes, and other measures to enhance community health and quality of life.
4. **Economic competitiveness**, based on new development, public amenities and proximity to public transit to attract businesses and visitors from throughout the region, and foster entrepreneurship and innovation.

The Property is within the Wisconsin Avenue and Eastern Greenway District. The Property is designated as site 92 on page 101 of the Sector Plan and 208, 209 & 210 on page 134 of the Sector Plan. The Eastern Greenway District is split into two sections, north and south of East West Highway. The Property is in the northern district which is characterized by low-density, primarily residential development, green open spaces and paved parking lots which provides a transitional area between the commercial structures of the Central Business District (CBD) along the Wisconsin Avenue Corridor and the single-unit houses of East Bethesda. Located also within the northern portion of the Wisconsin Avenue district, it is characterized by older commercial buildings along Wisconsin Avenue. The Sector Plan sees this area as stable transitional uses. Specifically, the Project addresses the following goals as outlined in the Overarching Goals and the Eastern Greenway District sections of the Sector Plan:

- *Ensure the stability of the land uses in the transitional area to preserve East Bethesda and the Town of Chevy Chase as single unit residential neighborhoods*

The Proposal will provide an entire block of redevelopment, focusing ground floor retail with taller building heights along Wisconsin Avenue and transitioning the multifamily building to lower heights facing the single-family neighborhood of East Bethesda. As proposed, the project will provide a 70-foot setback along Tilbury Street for the Eastern Greenway which supports a compatible transition from the new building to the single unit residential neighborhood of East Bethesda.

- *Make the best use of land near the Bethesda Metrorail Station and future Purple Line station by promoting redevelopment of underutilized properties and private surface parking lots.*

The Proposal will replace 1-2 story commercial with associated surface parking and single-family dwellings, into a mixed-use redevelopment with dedicated open space proximate to the Bethesda Metro Station and future Bus Rapid Transit lines.

- *Provide a compatible transition between higher-density development along Wisconsin Avenue and the East Bethesda and Town of Chevy Chase*

The development has a large building footprint, covering the majority of the block with long facades along Highland and West Virginia Avenues. The Proposal will focus the taller building heights with ground floor retail along the Wisconsin Avenue corridor, while appropriately decreasing the building height towards Tilbury Street. The conceptual architectural approach provides many opportunities to break down the massing along the longer side streets. Importantly, the proposed 70-foot-wide Eastern Greenway along Tilbury Street provides a critical dimension of relief as the block transitions to East Bethesda.

- *Provide a green connector and a transition along the eastern edge of the Sector Plan area.*

The 2017 *Bethesda Downtown Sector Plan* recommends the formation of a linear greenway along the western side of Tilbury Street from Maple Avenue down to Cheltenham Drive linking Cheltenham Park, Chase Avenue Urban Park, and a proposed new park on Maple Avenue which is currently County Parking Lot #25. This Eastern Greenway is envisioned to provide additional open space to the area and buffer the higher-density development along Wisconsin Avenue from the East Bethesda neighborhood. The parcels adjacent to and within this future space were rezoned to increase their development potential, as the Eastern Greenway is envisioned to be created through the redevelopment of these parcels. The Sector Plan and Design Guidelines describe how development adjacent to the Eastern Greenway should be oriented towards the open space and the type of uses on the ground floor should activate the space through placement of ground floor retail and/or residential unit entryways. To enhance compatibility with the adjacent residential neighborhood, the Sector Plan calls for the Eastern Greenway width to be equal to the amount of building height proposed.

The Subject Property is located on a block where the Eastern Greenway is to be located. The Applicant has embraced the Eastern Greenway within the Proposal by providing a swath of land 70' in width along the eastern portion of the block. The greenway is conceptually shown on the plans with landscaping and weaving pathways. Parks Staff has created a framework for the entire Eastern Greenway which the Applicant and Staff have been coordinating to realize on this portion of the Greenway. As outlined in Sketch Plan Condition 8, the Applicant must design and construct this space, with further details to be determined at Site Plan in coordination with Park and Planning Staff.

- *Height limits and greenways will ensure compatibility with adjacent neighborhoods, provide public open space, improve connections and enhance environmental benefits.*

The Project proposes a massing with a maximum height of 90' along Wisconsin Avenue and steps down to 70' to the east facing Tilbury Street. As discussed above, the 70-foot Eastern Greenway on this site is a critical open dimension along Highland and West Virginia Avenues, which carry the longest

continuous, though modulated, facades of the building. The height and greenway are thus in keeping with the Sector Plan goals ensuring compatibility with the adjacent neighborhood.

- *On private property, provide a minimum of 35 percent green cover, which may include either singularly or a combination of intensive green roof and/or tree canopy cover.*

The green cover may include a consolidated space or a combination of intensive green roof (6 inches or deeper) or tree canopy cover. This Application consists of a Site Area of 73,068 square feet (SF) which results in a green cover requirement of at least 25,574 SF. Currently, the Application proposes to meet this requirement entirely through installation of an 8-inch-deep green at various levels of the proposed development. The final design and methods of achieving 35% green cover will be confirmed at the Site Plan stage of the Application. Staff is supportive of this proposal and encourages the Applicant to continue to maintain at least this level of green cover as the Project evolves in order to maintain compliance with the Sector Plan's urban green goals.

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

The Project proposes to redevelop an entire block within downtown Bethesda that currently contains 1-2 story commercial with associated surface parking and single-family dwellings, into a multifamily redevelopment with ground floor retail along Wisconsin Avenue and structured parking, and dedicated greenway along the eastern portion of the block facing the single-family dwellings of East Bethesda.

c) Encourage development that integrated 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 Project will provide a development with a range of dwelling unit options, as well as nonresidential uses, private amenity spaces, and dedicated public open space. The proposal will limit parking between the building and street along all frontages, while allowing a pickup/drop off area along Highland Avenue that has been designed to minimize curb cuts and conflict points with pedestrians.

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

Through a range of building height and modulation in massing, the Project has been designed to be compatible with the single-family neighborhoods to the east, while also maintaining the taller building heights and ground floor retail uses that line the Wisconsin Corridor to the west.

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

The Proposal will significantly increase housing opportunities in the area from the current single-family dwellings to 350 multifamily dwelling units. Given the location within the Wisconsin Avenue

Corridor District that is characterized by commercial uses, and proximity to the Bethesda Metro and future BRT line, the Project will provide a balance of employment and housing opportunities.

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 is on track to provide the required 100 public benefit points from a minimum of four (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 discussed in Finding 1.a above, the Project substantially conforms to the goals and recommendations of the 2017 *Bethesda Downtown Sector Plan*.

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

The Project will provide compatible internal and external relationships between existing and pending nearby development. The proposed building height of 90 feet along Wisconsin Avenue will be compatible with the newly constructed and pending development on the west side of Wisconsin Avenue, and the proposed building height will decrease to 70 feet. The Project will provide the first section of the Eastern Greenway, approximately 70 feet in width, on the eastern portion of the block facing Tilbury Street, providing for connection to adjacent future northern Greenway sections and further enhancing the external relationship of the surrounding area. This 70-foot Greenway will be critical to the compatible transition from the new development to the existing neighborhood of East Bethesda.

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

The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. Several existing curb cuts serving the previous sites will be eliminated with the consolidation of the block, thereby reducing conflict points for all travel modes. Access to the on-site parking garage will occur on Highland Avenue. The final number of parking spaces will be evaluated and conditioned at the time of Site Plan. Additionally, the one-way eastbound porte cochere will provide space away from public right-of-way for rideshare access and queuing, as well as unscheduled deliveries for the residents. Loading and trash collection will occur within a consolidated curb cut on the south side of the Site on West Virginia Avenue.

All four (4) of the Site frontages will be improved to meet the 2017 *Bethesda Urban Design Standards* which will increase pedestrian safety and comfort. The consolidation of curb cuts will create a new, nearly continuous buffered sidewalk along the entire perimeter of the Site, which will be lined with street trees. As envisioned by the 2017 *Bethesda Downtown Sector Plan*, the Project also proposes to construct a 70-foot Eastern Greenway along Tilbury Street that will create public open space to serve as a buffer for the single-family neighborhood to the east. No designated bicycle facilities are master-planned along the site frontages. Based on the densities evaluated at the time of Preliminary Plan, the Project will be required to provide a minimum of 96 long-term and six (6) short-term bicycle parking spaces on site. The final number of bicycle parking spaces will be determined at the time of Site Plan.

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, 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 100 points in 4 categories. Although at the time of Sketch Plan review only the categories need to 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 in concept.

Table 2: 8001 Wisconsin Avenue Public Benefit Calculations

Public Benefits	Incentive Density	
	Max Allowed	Requested in Concept
59.4.7.3A: Major Public Facility		
Eastern Greenway	70	70
59.4.7.3C: Connectivity and Mobility		
Minimum Parking	20	7
59.4.7.3E: Quality of Building and Site Design		
Exceptional Design	30	30
Structured Parking	20	20
59.4.7.3F: Protection and Enhancement of the Natural Environment		
Building Lot Terminations (BLT)	30	6
Energy Conservation	25	15
TOTAL		148

Per Section 59.4.9.2.C.4.g of the Zoning Ordinance, the Bethesda Overlay Zone increases the maximum amount of public benefit points available in certain categories. Applicable to this Sketch Plan are the Overlay Zone's increase in maximum points available for Minimum Parking (from 10 to 20 maximum points), Exceptional Design (from 10 to 30 maximum points), Energy Conservation and Generation (from 15 to 25 maximum points).

MAJOR PUBLIC FACILITY

Eastern Greenway

The Applicant requests 70 points for providing a major public facility in the form of the Eastern Greenway Sector Planned Park. Incentive Density for major public facilities is limited to 70 points in a CR zone and may be granted if the applicant conveys land and/or floor area for the facility, constructs the facility, or makes a payment towards the construction of the facility. In this case, the Applicant is proposing to provide 10,445 square feet towards the Eastern Greenway through a public access easement and to design and construct this section of the Eastern Greenway in coordination with the Department of Parks and Planning staff. Staff supports the category for only construction of the facility as land conveyance is not occurring through the proposed easement. Final points will be determined at the time of Site Plan.

CONNECTIVITY & MOBILITY

Minimum Parking

The Applicant requests 7 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 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 category at this time, with final points determined at the time of Site Plan.

QUALITY OF BUILDING & SITE DESIGN

Exceptional Design

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

The Design Advisory Panel (DAP) unanimously voted the Project is on track to meet the minimum design excellence points at their November 21, 2021 meeting. Staff supports the Applicant's request at this time, with further refinement and final points determined at the time of Site Plan.

Structured Parking

The Applicant requests 20 points for placing all parking in a below grade structure. Points for this incentive are granted on a sliding scale, based on the percentage of total on-site spaces provided in a below-grade parking structure multiplied by 20 points. Staff supports the category at this time, with final points determined at the time of Site Plan.

PROTECTION AND ENHANCEMENT OF THE NATURAL ENVIRONMENT

Building Lot Termination

The Applicant requests 6 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% 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 Applicant's request at this time, with final points determined at the time of Site Plan.

Energy Conservation & Generation

The Applicant is requesting 15 points for providing a building that exceeds applicable energy efficiency standards by 17.5%. Staff supports this request at this time, with final points determined at the time of Site Plan in coordination with the Department of Permitting Services.

- 7. 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 will be built in one phase.

SECTION 6: PRELIMINARY PLAN 120210140 FINDINGS AND ANALYSIS

The Preliminary Plan requests to 1 lot on 2.74 acres for mixed use development of up to 375,000 square feet, consisting of up to 360,000 square feet of multifamily residential for up to 350 units and up to 15,000 square feet of non-residential uses. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application has been reviewed by other applicable State, County and City agencies. The Application meets all applicable sections. The shape and orientation of the proposed lot is appropriate for the location of the subdivision taking into account the type of development and use contemplated.

- 1. The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.**

a) The block design is appropriate for the development or use contemplated

The proposed block design remains unchanged from the existing conditions at present. The entire block will be consolidated to one lot for mixed use development, and is of an appropriate size, width, and shape for the proposed density of up to 375,000 square feet and mix of uses proposed.

b) The lot design is appropriate for the development or use contemplated

Section 50.4.3.E.2.f.iii of the Montgomery County Subdivision Regulations indicate that corner lots at an intersection must be truncated by straight lines joining points 25 feet back from the theoretical property line intersection in each quadrant, which would require a 25-foot truncation at all four the corners of the Site: Wisconsin Avenue and Highland Avenue, Wisconsin Avenue and West Virginia Avenue, Tilbury Street and Highland Avenue, and Tilbury Street and West Virginia Avenue for traffic operations and safety. Due to existing WMATA easements, the Preliminary Plan reflects a 25-foot truncation at the intersection of Wisconsin Avenue and West Virginia Avenue. However, a 25-foot truncation is unnecessary for traffic operations and safety at the Wisconsin Avenue and Highland Avenue, Highland Avenue and Tilbury Street, and West Virginia Avenue and Tilbury Street intersections. Historically, Planning and MCDOT have not required full truncations in urban settings to accommodate building placement as long as sight distance and traffic functions are not impeded. The Preliminary Plan proposes a 15-foot truncation at the intersection of Wisconsin Avenue and Highland Avenue, and 10-foot truncations at the intersections of Highland Avenue and Tilbury Street, and West Virginia Avenue and Tilbury Street. In accordance with the Design Guidelines, the Project accommodates a build-to-line of 25 feet on Wisconsin Avenue, and 14.5 feet on Highland Avenue. These proposed pedestrian through zones from building face to edge of curb will allow for clear visibility for different movements (e.g., vehicular, pedestrian, and bicycle) along the intersection of Wisconsin Avenue and Highland Avenue. Moreover, the Project incorporates a 70-foot build-to line along Tilbury Street to accommodate the Sector Plan recommended Eastern Greenway. Given that this portion of the Property will be improved with public open space, a 25-foot truncation is not needed for adequate sight distance.

The Applicant is seeking approval from the Planning Board for a reduced truncation at these corners as part of the proposed record lot. The Project incorporates setbacks that are substantially greater than the existing condition at these corner locations. The build-to-lines and building form of the ground floor will enhance vehicular and pedestrian visibility at this intersection such that a reduced truncation allows for enhanced traffic operations and safety. Sight Distance evaluations were submitted for review by MCDOT, which approved the proposed distances with the reduced truncation. The Applicant will be required to record a PIE at these corners in-lieu-of truncation. The Applicant has also committed to keeping this area free and clear of permanent items that could obstruct motorists view of the adjacent roadway network. Staff supports the Applicant's request to eliminate the truncation at the corners of i) Wisconsin Avenue and Highland Avenue, ii) Tilbury Street and Highland Avenue, iii) and Tilbury Street and West Virginia Avenue in accordance with Section 50.4.3.E.2.f.iii of the Montgomery County Subdivision Regulations.

c) *The Preliminary Plan provides for required public sites and adequate open areas*

i. *Master Planned Sites*

The 2017 *Bethesda Downtown Sector Plan* recommends the formation of a linear greenway along the western side of Tilbury Street from Maple Avenue down to Cheltenham Drive linking Cheltenham Park, Chase Avenue Urban Park, and a proposed new park on Maple Avenue which is currently County Parking Lot #25. This Eastern Greenway is envisioned to provide additional open space to the area and buffer the higher-density development along Wisconsin Avenue from the East Bethesda neighborhood. The parcels adjacent to and within this future space were rezoned to increase their development potential, as the Eastern Greenway is envisioned to be created through the redevelopment of these parcels. The Sector Plan and Design Guidelines describe how development adjacent to the Eastern Greenway should be oriented towards the open space and the type of uses on the ground floor should activate the space through placement of ground floor retail and/or residential unit entryways. To enhance compatibility with the adjacent residential neighborhood, the Sector Plan calls for the Eastern Greenway width to be equal to the amount of building height proposed.

The Subject Property is located on a block where the Eastern Greenway is to be located. The Applicant has embraced the Eastern Greenway within the Proposal by providing a swath of land 70' in width along the eastern portion of the block through a public access easement. The greenway is conceptually shown on the plans with landscaping and weaving pathways. Parks Staff has created a framework for the entire Eastern Greenway which the Applicant and Staff have been coordinating to realize on this portion of the Greenway. A set of design performance criteria has been created and outlined in Sketch Plan Condition 8, with the final design to be determined at the time of Site Plan.

d) *The Lot(s) and Use comply with the basic requirements of Chapter 59*

As demonstrated in Sketch Plan No. 320210050 Data Table, the Application complies with the basic requirements of Chapter 59 for CR and CRT optional method development.

2. *The Preliminary Plan substantially conforms to the Master Plan.*

a) *Land Use*

As previously discussed in Sketch Plan No. 320210050 Finding 1.a above, the Application substantially conforms to the 2017 *Bethesda Downtown Sector Plan*. As conditioned, the Preliminary Plan requires the Applicant to record a covenant over the Eastern Greenway for public use, with terms to be determined at Site Plan.

b) *Environment*

This project is located within the areas identified in the Sector Plan as the Wisconsin Avenue Corridor and Eastern Greenway Districts. The Sector Plan specifically recommends part of the Subject Property, identified as Map #210, be rezoned in order to facilitate the eastern greenway. Pursuant to

this recommendation, the Applicant has incorporated a 70-foot greenway along the easternmost portion of the Site in order to contribute to the planned Eastern Greenway green connector in Downtown Bethesda.

The specific environmental goals of the Sector Plan contain recommendations to reduce urban heat island, improve air quality and carbon sequestration, increase tree canopy, and improve ecological biodiversity. Through the implementation of the Eastern Greenway, which will be populated with canopy trees, as well as the proposal for an 8" green roof designed to provide 35% green cover on site the Applicant has demonstrated commitment to meeting the urban green goals identified in the Sector Plan.

Additionally, the Applicant anticipates incorporating a masonry façade with punch windows in order to address the Bird Safe Design recommendations of the Sector Plan; such design details will serve to reduce reflections and glare which may be harmful to urban wildlife in the area.

c) Transportation

The Application is consistent with the above recommendations and will provide the necessary right-of-way dedications and streetscape improvements. The 2017 *Bethesda Downtown Sector Plan* recommends the following along property frontages:

1. A dedication of the Wisconsin Avenue frontage between the Subject Property line and right-of-way centerline to provide the Sector Plan-recommended total 122-foot-wide right-of-way.
2. A dedication of the Highland Avenue frontage between the Subject Property line and right-of-way centerline to provide the Sector Plan-recommended total 60-foot-wide right-of-way.
3. A dedication of the West Virginia Avenue frontage between the Subject Property line and right-of-way centerline to provide the Sector Plan-recommended total 60-foot-wide right-of-way.
4. A dedication of the Tilbury Street frontage between the Subject Property line and right-of-way centerline to provide the Sector Plan-recommended total 60-foot-wide right-of-way.

Sector-Planned Transportation Demand Management

This Project is located in the Bethesda Downtown Sector Plan area, which is in the Red Subdivision Staging Policy Area. The Project proposes to develop approximately 375,000 gross square feet (gsf). A new development in a Red Policy Area with more than 40,000 gsf must submit a Project-Based Level 3 Results Plan. A Project-based TDM Results Plan requires a commitment by the owner or applicant to achieve a base NADMS that is 5% higher than the District's goal as well as related commuting goals at that project. The Plan must be submitted and approved by MCDOT prior to issuance of any building permit from DPS.

3. Public facilities will be adequate to support and service the area of the subdivision.

a) Roads and other Transportation Facilities

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

i. Existing Facilities

The existing development is served by a several driveways along all four (4) site frontages, including a public alley, to provide vehicular access to the existing 20 properties on the block. All frontages have concrete sidewalks of varying widths and states of repair. The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station (located within ¼ mile of the site), Metrobus, RideOn, the Bethesda Circulator and future Purple Line and BRT route along MD 355.

ii. Proposed public transportation infrastructure

Vehicular access to the Site will be provided from Highland Avenue and West Virginia Avenue. Access to the parking garage and a porte cochere with a one-way eastbound operation will be located on Highland Avenue. The consolidated driveway for loading and trash collection will be located on West Virginia Avenue. The Project will construct the Bethesda streetscape on all four (4) frontages. Ample space will be reserved on Wisconsin Avenue for the potential installation of a future BRT station along the southern half of the Wisconsin Avenue frontage. Each of these improvements will improve access, mobility, and pedestrian safety. Pedestrian access to the site will be from the surrounding sidewalk network and will be enhanced by streetscape improvements along each of the Property frontages, consistent with the Bethesda Streetscape Standards.

iii. Proposed private transportation infrastructure

The finding does not apply because the Applicant does not propose to build any private roadways or transportation infrastructure with the Project.

b) Local Area Transportation Review (LATR)

A Transportation Impact Study (TIS) was submitted for the Subject Application on December 20, 2020 and was therefore subject to the 2016-2020 *Subdivision Staging Policy*. The TIS was reviewed by Planning, MCDOT, and MDOT SHA staff per the 2017 LATR Guidelines, and was ultimately approved by all reviewing agencies. A summary of the findings of the study is included below.

The Project is estimated to generate 52 net new morning peak-hour person trips (32 vehicle trips) and 123 net new evening peak-hour person trips (67 vehicle trips). As the estimated number of peak hour trips for the Project was greater than 50, the Applicant submitted a TIS, as previously stated. The Site is not estimated to generate more than 50 peak hour pedestrian, bicycle, or transit trips, and is therefore exempt from adequacy tests associated with those modes of transportation. The estimated peak-hour trip generation for the Site as proposed is summarized in the tables below.

Table 3: Trip Generation Estimate

Land Use		ITE Trip Generation		Policy Area Adjustment		Total Person Trips	
	Floor Area/ Units	AM	PM	AM	PM	AM	PM
<u>Existing</u>							
Office	13,057 SF	39	16	25	10	52	21
Retail	13,404 SF	13	123	8	75	18	170
Restaurant	4,256 SF	42	42	26	26	59	59
Single-family Dwelling unit	4 units	3	5	6	4	12	8
	Sub total	102	186	65	115	141	258
<u>Proposed</u>							
High-rise Apartments	350 units	111	128	88	101	173	198
Retail	15,000 SF	14	133	9	81	20	183
	Subtotal	125	261	97	182	193	381
	Net New	23	75	32	67	52	123

Source: Wells & Associates Transportation Impact Study, dated December 20, 2020.

Table 4: Net New Trips by Travel Mode¹

	Auto Driver	Transit	Bicycle	Pedestrian ²	Total Person
AM	32	1	4	5	52
PM	67	12	17	29	123

Source: Wells & Associates Transportation Impact Study, dated December 20, 2020.

¹Due to the calculations of pedestrian trips and auto-passenger trips, the total person trips shown in the table is a higher value than the sum of the travel modes.

²Pedestrian trips represents the sum of transit trips and non-motorized trips, in compliance with the 2017 LATR Guidelines.

Vehicle Adequacy

The number of vehicle trips estimated to be generated by the project in the peak hour is fewer than 250 and therefore the Applicant was required to study a minimum of four (4) intersections, one from each direction of the Site access. In coordination with MCDOT, SHA and Planning staff, the Applicant evaluated a total of nine (9) intersections, including the proposed site driveways:

1. Wisconsin Avenue (MD 355) / Norfolk Avenue
2. Wisconsin Avenue (MD 355) / West Virginia Avenue
3. West Virginia Avenue / Tilbury Street
4. Highland Avenue / Tilbury Street

5. Wisconsin Avenue (MD 355) / Cordell Avenue
6. Wisconsin Avenue (MD 355) / Highland Avenue
7. Wisconsin Avenue (MD 355) / Battery Lane
8. Site Driveway Access
9. Wisconsin Avenue (MD 355) / Chase Avenue



Figure 13 – Map of Nine (9) Intersections Studied

Per the LATR Guidelines and as accepted by Staff, network delay analysis was evaluated for the intersections located along Wisconsin Avenue.

The Site is in the Bethesda CBD Policy Area, which is designated as a Red Policy Area by the 2016-2020 Subdivision Staging Policy. Traffic congestion in Red Policy Areas is measured using Highway Capacity Manual (HCM) delay-based level of service standards, which applies to all signalized study intersections. The HCM average vehicle delay standard for the Bethesda CBD Policy Area is 120 seconds. Transportation Impact Studies must evaluate three (3) scenarios for the morning and

evening peak hours: existing conditions, background (includes approved but unbuilt development) and total future (adding the estimated trips from the proposed project to the background scenario). Motor vehicle mitigation is required for projects that are forecasted to exceed the average vehicle delay standard at any of the study intersections. For those intersections where the net new trips generated by the project causes the intersection to exceed the average vehicle delay standard, the Applicant must identify and participate in mitigation that will return the average vehicle delay below the average vehicle delay standard. In cases where an intersection exceeds the average vehicle delay standard in the current condition or is forecasted to exceed the average vehicle delay standard in the background condition, Applicants are required to mitigate back to the forecasted average vehicle delay of the background condition or lower. In other words, the Projects are required to mitigate their contribution to the average vehicle delay.

Table 5: Corridor and Intersection Capacity Analysis

Intersection	Congestion Standard	Existing		Background		Total Future	
		AM	PM	AM	PM	AM	PM
1. Wisconsin Avenue Corridor	120 sec.	10.0	10.0	13.0	13.0	13.0	13.0
3. West Virginia Avenue / Tilbury Street	120 sec.	7.9	7.9	7.9	7.9	8.0	8.0
4. Highland Avenue / Tilbury Street	120 sec.	7.8	8.0	7.8	8.0	7.8	8.1
8. Site Driveway Access	120 sec.	N/A Not existing driveway				4.6	5.2

Source: Wells & Associates Transportation Impact Study, dated December 20, 2020.

The Wisconsin Avenue (MD 355) corridor within the study area and the isolated study intersections of Tilbury Street / West Virginia Avenue, Tilbury Street / Highland Avenue, and the Site Driveway / Highland Avenue are expected to operate within the Bethesda CBD Policy Area congestion standard (120 seconds of average vehicle delay) during the weekday morning and evening peak hours in total future condition. Therefore, no mitigation is required to satisfy the LATR analysis of the Project.

c) Other Public Facilities and Services

SCHOOLS

The proposed Preliminary Plan #120210140, which proposes 350 multifamily high-rise units, is subject to the FY23 Annual School Test.

The Project is served by Bethesda ES, Westland MS and Bethesda-Chevy Chase HS. Based on the FY23 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 6: Applicable FY2023 School Adequacy.

School	Projected School Totals, 2026				Adequacy Status	Adequacy Ceilings		
	Program Capacity	Enrollment	% Utilization	Surplus/ Deficit		Tier 1	Tier 2	Tier 3
Bethesda ES	560	594	106.1%	-34	No UPP	51	78	162
Westland MS	1,105	782	70.8%	+323	No UPP	449	544	710
Bethesda-Chevy Chase HS	2,457	2,356	95.9%	+101	No UPP	281	593	961

The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school's adequacy status and ceilings, as determined in the Annual School Test. Under the FY23 Annual School Test, Bethesda ES and Westland MS and Bethesda-Chevy Chase HS do not require any UPP as identified in Table 1. 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.

With a net of 350 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:

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	350	0.034	11.900	0.015	5.250	0.016	5.600
TOTALS	350		11		5		5

As shown in Table 6, on average, this project is estimated to generate 11 elementary school students, 5 middle school students and 5 high school students. The number of students generated does not exceed the adequacy ceilings identified for each school in Table 5, therefore no additional UPPs are required and neither are partial payments across multiple UPP tiers.

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

The Applicant has submitted a Preliminary Forest Conservation Plan with this Application. The Forest Conservation Worksheet shows a calculated afforestation requirement of 0.28-acres associated with the Application due to the tract area, associated offsite work, and the mixed- use designation of the project. This minor afforestation requirement is anticipated to be met via fee-in-lieu.

Forest Conservation Variance

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ), requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The Law requires no impact to trees that measure 30 inches DBH or greater; are part of a historic site or designated with a historic structure; are designated as national, state, or county champion trees; are at least 75% of the diameter of the current State champion tree of that species; or to trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

The Application includes disturbance/removal of trees that are ≥ 30 " DBH, therefore a variance is required. The Applicant submitted a variance request dated September 26, 2022 (Attachment I) for impacts to three protected trees and the proposed removal of three protected trees that are considered high-priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law.

Table 8: Trees to be Removed

TREE #	TYPE	DBH	Percent of CRZ Impacted by LOD	CONDITION	PROPOSED STATUS
T-1	Red Maple	43"	47%	Fair	REMOVE
T-2	White Mulberry	30"	75%	Fair	REMOVE
T-3	White Mulberry	34"	75%	Fair	REMOVE

Table 9: Trees to be Impacted but Retained

TREE #	TYPE	DBH	Percent of CRZ Impacted by LOD	CONDITION	PROPOSED STATUS
T-7	Silver Maple	30"	2%	Fair	SAVE
T-11	Tulip Poplar	36"	18%	Fair	SAVE
T-12	Silver Maple	33"	21%	Fair-Poor	SAVE



Figure 14 – Specimen Tree Impacts and Removals

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. In addition to the required findings outlined numerically below, Staff has determined that the Applicant has demonstrated that enforcement of the variance provision would result in an unwarranted hardship because:

The impacts to variance trees is necessary for the implementation of a Sector Plan recommended Eastern Greenway in this location. Any level of disturbance within the Subject Property would impact the critical root zones of the subject trees; further, the realization of an immersive and enjoyable green space requires extensive grading and disturbance given that the location for the proposed greenway presently exists as single-family lots. In order to incorporate the development program, demolition of the existing structures is required, which in turn necessitates impacts and removals to variance trees. As conditioned, the proposed layout, which has been coordinated between the Applicant and MNCPPC Staff, will minimize CRZ impacts to existing specimen trees where possible. Further, the Applicant will coordinate with the M-NCPPC Forest Conservation Inspector to utilize specialized construction techniques, provide tree protection, and minimize the limits of disturbance as feasible in the field. Based on the existing circumstances and conditions on the Property, Staff agrees that there is an unwarranted hardship.

a) Variance Findings

The following determinations are based on the required findings for granting of the requested variance:

- i. ***Will not confer on the applicant a special privilege that would be denied to other applicants.***

The Applicant's proposal is to demolish the existing structures, construct a mixed-use development, which includes multi-family dwelling units (15% MPDU's) with structured parking and ground floor commercial uses, and provide a Sector Planned greenway. This proposal will provide much needed housing while also increasing parks/open space and environmental innovation in this urban area. With these factors considered, Staff concludes the variance request would be granted to any applicant in a similar situation and does not represent a special privilege granted to this Applicant.

- ii. ***Is not based on conditions or circumstances which are the result of the actions by the applicant.***

As stated above, the requested variance and associated tree impacts are due to the concerns related to the existing layout of the Subject Properties in relation to specimen trees onsite and on the Site's perimeter. Bringing the Eastern Greenway to fruition while also constructing a new multi-family mixed use building necessitates variance tree impacts. The variance request submitted by the Applicant reflects efforts to lessen overall site impacts and retain mature trees where possible. Therefore, this variance request is not based on circumstances which are the result of actions by the Applicant.

- iii. ***Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.***

The requested variance is a result of the proposed site design and layout on the Subject Property and not as a result of land or building use on a neighboring property.

- iv. ***Will not violate State water quality standards or cause measurable degradation in water quality.***

The proposed greenway, which includes lawn, landscape plantings of shrubs and trees in addition to canopy tree mitigation plantings will help maximize the permeability of the soil, which serves to reduce runoff. The planting of these trees will also help water quality goals by maintaining, and increasing, the level of shading, and water retention and uptake. As part of this proposal, the Applicant must also meet the 35% green cover requirements of the Sector Plan which will provide further water capture. Additionally, the Subject Property does not currently contain any stormwater management features while the Applicant proposes a development which will meet current State and local stormwater management standards; this has to be verified by the approval of a Stormwater Management Plan with the Department of Permitting Services. A measurable degradation in water quality is not anticipated as the development will provide Best Management Practices (BMP) areas to

meet ESD requirements for the Site in order to achieve water quality standards. This Application reduces impervious surfaces and implements areas of green roof and landscape plantings within the design. Thus, the Application will ultimately result in an improvement of water quality, rather than cause measurable degradation.

Mitigation for Trees Subject to the Variance Provisions

There are three subject trees proposed for removal in association with this Application. Planting mitigation for the removal should be at a rate that approximates the form and function of the trees removed, at a ratio of approximately 1" DBH for every 4" DBH removed, using trees that are a minimum of 3" caliper. As a result of the proposed removal of three subject trees, for a total of 107" DBH removed, which results in a mitigation requirement of at 27 caliper inches of native canopy trees sized at least 3 caliper inches each. As conditioned, this Application will satisfy the variance mitigation planting requirements with final location of the plantings within the Greenway to be determined at Site Plan.

Recommendation on the Variance

As a result of the above findings, Staff recommends approval of the Applicant's request for a variance from the Forest Conservation Law to impact, but retain, three protected trees and to remove three protected trees associated with the Application.

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

The Project must comply with the requirements of Chapter 19 of the Montgomery County Code for stormwater management. The Montgomery County Department of Permitting Services Stormwater Management Section approved the stormwater management concept plan for this project on December 3, 2021. According to the approval letter, the stormwater management concept meets stormwater management requirements via environmental site design to the maximum extent practicable through the use of micro-bioretenment and green roofs. Additionally, this Application has been granted a waiver in lieu of on-site management for the volume not able to be treated in Environmental Site Design measures. With this approval, the Applicant will meet all applicable requirements of Chapter 19 of the Montgomery County Code.

6. Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M.

Not applicable to this Property.

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

No other provisions apply to the Subdivision.

SECTION 7: COMMUNITY OUTREACH

The Applicant held a pre-submittal public meeting on December 8, 2020 related to the Sketch Plan and Preliminary Plan applications. The meeting was conducted virtually per COVID-19 Guidelines and has complied with all submittal and noticing requirements.

Additionally, the proposal was presented to the Bethesda Design Advisory Panel on November 17, 2021 with meeting minutes included as Attachment G, and also presented to the Bethesda Implementation Advisory Committee on January 7, 2022.

As of date of this Staff Report, no correspondence has been received.

SECTION 8: CONCLUSION

As conditioned, Sketch Plan No. 320210050 and Preliminary Plan No. 120210140 satisfies the findings under Section 59.4.5.4 of the Zoning Ordinance Chapter 50 of the Subdivision Ordinance, and substantially conforms to the recommendations of the 2017 *Bethesda Downtown Sector Plan*. Therefore, Staff recommends approval of the 8001 Wisconsin Avenue Sketch Plan No. 320210050 and Preliminary Plan No. 120210140, with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Agency Letters

Attachment B: Sketch Plan

Attachment C: Preliminary Plan

Attachment D: Preliminary Forest Conservation Plan

Attachment E: County Council Resolution 19-939 Approving Abandonment of the Public Alley Right of Way in Block 5 of the West Chevy Chase Heights Subdivision near 8001 Wisconsin Avenue.

Attachment F: Gross Tract Area Exhibit

Attachment G: Bethesda Design Advisory Panel Meeting Minutes

Attachment H: Department of Parks' Concept Framework for the Eastern Greenway

Attachment I: Variance Request