

Montgomery Planning
4824 EDGEMOOR
PRELIMINARY PLAN NO. 12020007A
SITE PLAN NO. 82021004A



Description

Preliminary and Site Plan Amendment applications for approval of building modifications to increase the maximum number of proposed units from 76 units to 111 units, with the option to convert up to 65 units to short-term residential rentals. Additional modifications include revised bicycle parking to reflect the requirement of 111 units, decrease in vehicular parking spaces, minor changes in fenestration and the inclusion of additional balconies on the eastern and northern elevations, and additional windows added to elevations to accommodate the proposed additional units.

No. 12020007A/82021004A

Completed: 2-27-2023

MCPB

Item No. 6

3-9-2023

Montgomery County

Planning Board

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LOCATION/ADDRESS

On Edgemoor Lane at the corner of Woodmont Avenue

MASTER PLAN

2017 *Bethesda Downtown Sector Plan*

ZONE

CR 2.5 C 0.5 R 2.5 H120

PROPERTY SIZE

0.20 acres

APPLICANT

MACAW 100, LLC c/o Acumen Companies

ACCEPTANCE DATE

October 19, 2022

REVIEW BASIS

Chapter 50, Chapter 59



Summary:

- Staff Recommends Approval of the Preliminary Plan Amendment and Site Plan Amendment, with conditions.
- The Planning Board approved the original Preliminary Plan on April 2, 2020, and the original Site Plan on March 25, 2021.
- The Applicant received one 30-day extension from the Planning Director, extending the 120-day review period from February 16, 2023 to March 16, 2023, per Section 50.4.1.E of the Zoning Ordinance for the Preliminary Plan review period and 59.7.3.4.C of the Zoning Ordinance for the Site Plan review period.
- The current Amendments propose to increase the number of multi-family dwelling units, from up to 76 to up to 111, and allow an option that up to 65 dwelling units may serve as short-term residential rental units, compliant with Section 59.3.3.3.I of the Zoning Ordinance.
- Staff has received correspondence regarding the change of unit types and transportation impacts of the proposed Application. These concerns have been addressed in the staff report.

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SECTION 1: EXECUTIVE SUMMARY

The Applications propose to amend previous approvals to increase the maximum number of multi-family dwelling units from 76 to 111. The Applicant further requests the flexibility to convert up to 65 of these units to short-term residential rentals (STRR), allowed as a Limited Use in accordance with Section 59.3.3.3.I of the Zoning Ordinance. The Zoning Code defines STRR as the "residential occupancy of a dwelling unit for a fee for less than 30 consecutive days" (Section 59.3.3.3.I.1.). The original application erroneously used the term "hotel" to describe the STRRs. Per the Zoning Code, hotel is a different, commercial use while STRRs are a residential use. At staff's direction, the Applicant has updated the application materials as appropriate to clarify the proposed use.

If the Planning Board approves the amendments, the Applicant may invoke and revoke the option to convert up to 65 multi-family dwelling units to STRR at their discretion without further approval by Planning Staff or the Planning Board.

As required in the Bethesda Overlay Zone, the development must provide a minimum of 15 percent of the multi-family dwelling units as MPDUs, consistent with the requirements of Chapter 25A as determined by the Department of Housing and Community Affairs (DHCA). Regardless of whether the Applicant has converted a portion of the units to STRR, this requirement must be met. DHCA has determined that STRR units may not be used as MPDUs because they may be occupied only for less than 30 consecutive days. For the maximum requested 111 multi-family dwelling units, the Applicant must provide 15 percent or 17 units as MPDUs. While multi-family units are serving as STRR, this may serve to reduce the total number of dwelling units subject to the 15 percent requirement. Such permutations will be addressed as discussed below in the Applicant's Agreement to Build with DHCA.

Additionally, the Applicant intends to design 22 of the 111 multi-family units as suites with a common area for living, kitchen, and dining and 3-4 surrounding bedrooms and 2-3 bathrooms. These may be marketed and rented under a "co-living" arrangement, with the residents of each bedroom having a separate lease agreement with the owner/operator. Regulatory approvals do not dictate whether units will be rental and/or for-sale. The owner's decision to market these units as co-living rather than a standard 3- or 4-bedroom apartment will not be directly limited by the development review process. However, DHCA has determined that Chapter 25A of the County Code, governing MPDUs, does not consider the described co-living arrangement as separate "dwelling units" because they do not have a complete living facility for one household with "facilities for cooking, sanitation and sleeping." Therefore, these types of units cannot be counted toward the required number of MPDUs. As conditioned with every Site Plan requiring MPDUs, the Applicant must enter into an Agreement to Build with DHCA. This agreement will identify the number, type, and distribution of units as well as other issues related to meeting the MPDU requirement.

Additional revisions included as part of the amended Applications consist of revised vehicle and bicycle parking as well as façade changes needed to address the updated unit count. The massing and overall design approach previously supported by the Bethesda Design Advisory Panel remains unchanged.

SECTION 2: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN 12020007A

Staff recommends approval with conditions of the Preliminary Plan amendment to increase the maximum number of multi-family dwelling units from 76 units to 111 units, with the option to convert up to 65 units to short-term rentals. All site development elements shown on the latest electronic version of the Preliminary Plan No. 12020007A as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions. The amendment modifies the following conditions, and all other conditions remain in full force and effect:

Modified Condition

1. This Preliminary Plan is limited to one lot for up to ~~77~~ **111** multi-family dwelling units.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (DHCA), in its letter dated ~~January 21, 2020~~ **February 27, 2023**, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

New Conditions

18. Certified Preliminary Plan:
Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
 - a) Show resolutions and approval letters on the certified set
 - b) Modify the data table to reflect development standards as shown herein and as approved by the Planning Board.

SITE PLAN 82021004A

Staff recommends approval of Site Plan No. 82021004A, for the construction of a residential project of up to 89,000 square feet with up to 111 multi-family dwelling units, with the option to convert up to 65 units to short-term rentals, and an allocation of up to 67,353 square feet of Bethesda Overlay Zone (BOZ) density. All site development elements shown on the latest electronic version of the Site Plan, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.¹ The Amendment modifies the following conditions, and all other conditions of previous approvals remain in full force and effect.

Modified Conditions

1. Density

The Site Plan is limited to a maximum of 89,000 square feet of residential development on the Subject Property, for up to 76 111 dwelling units, including 15% MPDUs. The Applicant may convert up to 65 multi-family dwelling units to short-term residential rental units, in accordance with Section 59.3.3.3.I of the Zoning Ordinance, to be invoked and revoked at their discretion without further approval by Planning Staff or the Planning Board.

4. Moderately Priced Dwelling Units (MPDUs)

- a. The development must provide a minimum of 15 percent MPDUs, or a Department of Housing and Community Affairs (DHCA)-approved equivalent, consistent with the requirements of Chapter 25A. The development must provide the required MPDUs as standard, long-term residential units or as directed by DHCA.
- b. When units are converted to short-term residential rental units, the development must meet the MPDU requirement in effect at the time of conversion for the units not identified as short-term rental.
- c. Before issuance of any building permit for any residential unit, an MPDU agreement between the Applicant and DHCA that satisfies the requirements of Chapter 25A must be executed.
- d. Following the conversion of any unit determined by DHCA not to meet the definition of dwelling unit in Chapter 25A,” to a standard single-household dwelling unit, the development must comply with the MPDU requirement in effect at the time of conversion.

15. Pedestrian & Bicycle Circulation

- a. The Applicant must provide ~~38~~54 long-term and ~~4~~2 short-term bicycle parking spaces.

20. Certified Site Plan

- i. Show resolutions and approval letters on the certified set
- j. Modify the data table to reflect development standards as shown herein and as approved by the Planning Board.

¹ For the purposes of these conditions, the term “Applicant” shall also mean the developer, the owner or any successor (s) in interest to the terms of this approval.

New Conditions

21. Short-Term Residential Rental Units

The Development must comply with the limited use standards for short-term residential rentals per the Zoning Ordinance Section 59.3.3.3.I.2.

SECTION 3: SITE DESCRIPTION

VICINITY

The subject site (Subject Property or Property) consists of a single property, located at 4824 Edgemoor Lane, in the Arlington North District of the Bethesda Downtown area. The Property is comprised of 0.20 acres or 8,659 gross square feet of tract area. As a result of Preliminary Plan No. 120200070, the Site was subdivided into 1 lot, comprised of approximately 7,700 square feet of Site Area.



Figure 1 – Vicinity Map

PROPERTY DESCRIPTION

The Property is within the area encompassed by the 2017 *Bethesda Downtown Sector Plan* (Sector Plan). The Property is located within a ¼ mile of the Bethesda Metro Station and falls within the area identified for future expansion of the Bethesda Parking Lot District (PLD); however, the Site is not currently within the PLD.

The Property is zoned CR 2.5 C 0.5 R 2.5 H120 and Bethesda Overlay Zone and is currently improved with a detached house serving as a professional office use that will be removed from the Site to accommodate the Project. The Site is within the Edgemoor subdivision and was consolidated into a single lot as part of Preliminary Plan No. 120200070. There are no known rare, threatened, or endangered species on-site; there are no 100-year floodplains, stream buffers, or wetlands on-site. There are no known historic properties on-site.



Figure 2 – Subject Property

SECTION 4: PROJECT DESCRIPTION

PREVIOUS APPROVALS

On May 14, 2020, the Planning Board approved Sketch Plan No. 320200020 (MCPB Corrected Resolution No. 20-019) and Preliminary Plan No. 120200070 (MCPB Corrected Resolution No. 20-018) for the creation of one lot for up to 92,000 square feet of residential uses (up to 77 multifamily dwelling units) and a future Bethesda Overlay Zone (BOZ) density allocation of up to 70,353 square feet.

On March 25, 2021, the Planning Board approved Site Plan No. 820210040 (MCPB Resolution No. 21-027) for a residential project of up to 89,000 total square feet with up to 76 multifamily dwelling units, including 15% moderately priced dwelling units (MPDUs) on 0.20 acres of land zoned CR-2.5 C-0.5 R-2.5 H-120. The Project density included an allocation of up to 67, 353 square feet of Bethesda Overlay Zone density and was limited to a maximum height of 119 feet.

PROPOSAL

The Applications propose to amend previous approvals to increase the maximum number of multifamily dwelling units from 76 to 111. The Applicant further requests the flexibility to convert up to 65 of these units to short-term residential rentals (STRR), allowed as a Limited Use in accordance with Section 59.3.3.3.I of the Zoning Ordinance. The Zoning Code defines STRR as the "residential occupancy of a dwelling unit for a fee for less than 30 consecutive days" (Section 59.3.3.3.I.1.). The original application erroneously used the term "hotel" to describe the STRRs. Per the Zoning Code, hotel is a different, commercial use while STRRs are a residential use. At staff's direction, the Applicant has updated the application materials as appropriate to clarify the proposed use.

If the Planning Board approves the amendments, the Applicant may invoke and revoke the option to convert up to 65 multifamily dwelling units to STRR at their discretion without further approval by Planning Staff or the Planning Board.

The Applicant is proposing minor façade updates to accommodate the increase in units but the overall massing and design approach previously supported by the Bethesda Design Advisory Panel (DAP) remains unchanged. On November 30, 2022, upon reviewing these minor updates, the DAP determined further review was not necessary.

Finally, the Applicant is proposing to reduce the required number of automobile and bicycle parking spaces to the minimum required for 111 units.

All other elements remain unchanged.

SECTION 5: PRELIMINARY PLAN 12020007A FINDINGS AND ANALYSIS

Preliminary Plan Amendment 12020007A requests to increase the maximum number of residential units from 76 to 111 units and to allow the Applicant the option to convert up to 65 of these units for us as short-term residential rentals. The proposed Preliminary Plan Amendment does not alter the intent of the previous findings, which remain applicable, except as modified below.

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

The original Application was reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations including the technical review standards in Section 50.4.3. The current Application maintains compliance with all applicable sections. The size, width, shape, and orientation of the proposed lot is unchanged and remains appropriate for the location of the subdivision taking into account the recommendations included in the applicable master plan and for the type of development/use proposed. As conditioned, the Application substantially conforms to the 2017 *Bethesda Downtown Sector Plan*. The Application complies with the land use recommendations for the site as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. This Preliminary Plan creates one lot. Transportation access remains adequate to serve the proposed development by this Preliminary Plan. Water and sewer and other utilities remain available to and currently serve the Property. The Application continues to meet the Environmental Guidelines and Forest Conservation Law.

- 2. *Public facilities will be adequate to support and service the area of the subdivision.***

- b) *Local Area Transportation Review (LATR)***

Local Area Transportation Review

The Applicant provided an updated transportation exemption statement to reflect the proposed increase in units, and the potential to convert 65 of the units to short-term residential units (Wells & Associates, January 31, 2023). For transportation review purposes, all units are assumed to be multi-family residential. One reason for this is that the 2022 LATR Guidelines requires trip estimation rates based on the latest version of the Institute of Transportation Engineers Trip Generation Manual. The 11th edition of the ITE Trip Generation Manual does not distinguish between multi-family units and short-term residential units.

The Project is estimated to generate 41 net new peak-hour person trips in the morning and 47 in the evening, as compared to the office use that previously occupied the Site. The Project is not estimated to generate 50 or net new person trips; therefore, a

Calculation of Student Enrollment Impacts

To calculate the number of students generated by the proposed plan, the number of dwelling units is multiplied by the applicable School Impact Area student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low-rise multifamily unit, or high-rise multifamily unit.

With a net of 34 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 4. 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	34	0.034	1.156	0.015	0.510	0.016	0.544
TOTALS	34		1		0		0

As shown in Table 4, on average, this project is estimated to generate 1 elementary school student, 0 middle school students and 0 high school students. The estimated number of students generated do not exceed the adequacy ceilings identified for each school in Table 3. Therefore, no additional UPPs are required, and neither are partial payments across multiple UPP tiers.

Analysis Conclusion and Condition of Approval

Prior to issuance of each building permit for a residential dwelling unit, the Applicant must obtain an assessment from Montgomery County Department of Permitting Services for Utilization Premium Payments (UPPs) consistent with County Code and the Growth and Infrastructure Policy, as follows:

No UPP condition required.

Montgomery County may modify the per unit UPP rates prior to payment of any required UPPs. The Applicant must pay the above UPPs to the Montgomery County Department of Finance based on the rates in effect at the time of payment.

SECTION 6: SITE PLAN 82021004A FINDINGS AND ANALYSIS

Site Plan Amendment 82021004A requests to increase the maximum number of units proposed from 76 units to 111 units and to allow the Applicant the option to convert up to 65 of these units for use as short-term residential rentals. To support this increase, the proposal also includes additional modifications such as revised bicycle parking to reflect the requirement of 111 units, decrease in parking spaces, minor changes in fenestration and the inclusion of additional balconies on the eastern and northern elevations, and additional windows added to elevations to accommodate the proposed additional units. The proposed Site Plan Amendment does not alter the intent of the previous findings, which remain applicable, except as modified below.

3. To approve a Site Plan, the Planning Board must find that the proposed development:

a) satisfies applicable use standards, development standards, and general requirements under this Chapter;

i. Division 4.5 Commercial/Residential Zones

Development Standards

The Tract is approximately 0.20 acres or 8,659 gross square feet, zoned CR 2.5 C 0.5 R 2.5 H120' and is within Bethesda Overlay Zone. The following Data Table shows the Application's conformance to the development standards of the zone.

Table 7: 4824 Edgemoor Lane Site Plan Data Table

Development Standard	Permitted/ Required	Approved with 820210040 ²	Proposed
Tract Area CR 2.5 C 0.5 R 2.5 H120	n/a	8,659 sf (0.20 ac)	8,659 sf (0.20 ac)
Site Area	n/a	7,700 sf (0.18 ac)	7,700 sf (0.18 ac)
Residential Density (GFA/ FAR)³	21,647 sf/ (2.5 ac)	89,000 sf (10.28 ac)	89,000 sf (10.28 ac)
Number of Residential Units (Max)	n/a	76	111
MPDU requirement	15%	15%	15%
Commercial Density (GFA/FAR)	4,329 (0.5)	0 (0.00 FAR)	0 (0.00 FAR)
Bethesda Overlay Zone Density	n/a	67,353 (7.78 Total Tract FAR)	67,353 (7.78 Total Tract FAR)
Total Mapped Density (GFA/FAR)	n/a	89,000 sf (10.28)	89,000 sf (10.28)
Building Height (max)	120 feet	119 feet	119 feet
Public Open Space (min)	0%	0%	0%
Green Cover	35%	35% (2,695 sf)	35% (2,695 sf)
Minimum Setbacks (ft)	0	0	0
Parking⁴			
Vehicular Parking			
111 Multi-family units	45 minimum/148 maximum	62/65	45
Bicycle Parking (Long Term/ Short Term)	54/2	38/4	54/2
Loading Spaces	1	1	1

² Figures in this column based on previous density and unit numbers

³ Density must not exceed maximum approval.

⁴ Final number of vehicle and bicycle parking spaces to be determined at building permit based on final number of dwelling units. Parking calculations account for 20% Bethesda Overlay Zone parking reduction in accordance with Section 59.4.9.2.C.6.

ii. **Division 59-6 General Development Standards**

(2) Division 6.2 Parking, Queuing and Loading

After all permitted reductions are applied, the minimum required parking spaces is 45 and the maximum is 148, for 111 multi-family residential units. The Board previously approved 65 vehicular spaces for the Site; however, the Applicant has revised the Site Plan to provide a total of 45 spaces. This meets the minimum required number of spaces for the use, as required by the Zoning Ordinance.

Site Plan No. 820210040 was approved with a maximum of 65 vehicular parking spaces. With the Subject Site Plan Amendment, the Applicant is seeking approval for a maximum of 45 spaces. For a Project in a CR zone, proposing 111 residential units, the minimum parking requirements is 45 vehicle spaces, and the maximum is 148 vehicle spaces. The Applicant is proposing to provide the exact minimum number of vehicle spaces, which is fewer than what was previously approved Site Plan 820210040. Staff is recommending approval of the proposed number of spaces for two reasons. The first is the proximity to the Bethesda Metrorail station. The entrance from the Bethesda Metro station, which is served by both Metrorail and Metrobus is roughly 400 feet from the Site. The second reason is that the Site is located within the area recommended for expansion of the current Bethesda Parking Lot District (PLD) by the 2017 Bethesda Downtown Sector Plan. The significance of the Parking Lot District is that there are no parking minimums for Sites within its boundaries. The rationale behind the recommended expansion of the Bethesda PLD in the Sector Plan was to include all sites within a quarter mile, or roughly a five-minute walk of existing parking garages and lots, while considering areas recommended for Commercial Residential zoning, centers of emerging activity, and the areas surrounding the Bethesda Metrorail Station (page 57 of the Sector Plan). The Sector Plan further states that the recommended expanded boundary is consistent with the original intent, which focused on the Central Business District Zones.

The Applicant will provide 54 long-term bicycle parking spaces and 2 short-term parking spaces, as required by the Zoning Ordinance.

As previously approved the Applicant will provide an on-site loading space to allow residents to move in and out of the building. The Applicant is subject to a Loading Management Agreement, as approved by the Planning Board. A short-term vehicular parking space within the entrance of the garage will also be provided to allow queuing space for ridesharing services and unscheduled deliveries.

Division 59-3.3.3 Accessory Residential Uses

(2) Use Standards

Where Short-Term Residential Rental is allowed as a limited use, it must satisfy the following standards:

- a. **Short-Term Residential Rental is prohibited in a Farm Tenant Dwelling or on a site that includes an Accessory Dwelling Unit.**

- b. The dwelling unit used as a Short-Term Rental must be the property owner's or owner-authorized resident's primary residence, regardless of dwelling unit type.**
- c. If the property owner or owner-authorized resident is not present in the residence, the property can be used as a Short-Term Residential Rental for a maximum of 120 days in a calendar year. If the property owner or owner-authorized resident is physically present and occupies the residence during the rental stay, there is no limitation on the number of days the property can be used as a Short-Term Residential Rental.**
- d. The use must be licensed under Chapter 54.**
- e. The maximum number of occupants is limited by Chapter 26, Section 5; however, the total number of overnight guests in the Short-Term Residential Rental who are 18 years or older is limited to six, and the total number of overnight guests over 18 years of age per bedroom is limited to two.**
- f. One off-street parking space must be provided for each rental contract unless the online listing indicates that vehicle parking is prohibited.**

As conditioned, the Applicant will comply with all applicable requirements.

SECTION 7: COMMUNITY OUTREACH

The Applicant held the required pre-submittal public meeting for the Subject Preliminary Plan Amendment and Site Plan Amendment. The meeting was conducted virtually per COVID-19 Guidelines and has complied with all submittal and noticing requirements. In addition to the required public meeting, the Applicant has conducted additional outreach.

Staff received several letters of correspondence throughout the review of the Project addressing the subject of traffic safety, building design, unit type and neighborhood compatibility, as well as the overall process as it relates to the change in proposal. Specific concerns addressed in letters from the community are as follows:

Pedestrian and Traffic Safety Concerns

- Inadequate capacity on Edgemoor Lane and Woodmont Avenue to accommodate additional traffic associated with the Subject Development.

Staff Response: The Subject Application generates fewer than 50 peak-hour person-trips and is therefore not required to submit a traffic impact study. Traffic analysis for

the Project is satisfied through a transportation statement, as discussed in this Staff Report.

- The Project is located too close to the adjacent streets and will endanger pedestrians by creating blind spots where vehicles exit the garage.

Staff Response: The proposed building will be built to the property line and the garage/loading entrance will be located along the back of the sidewalk without pulling back the building around the garage entrance. This design is consistent with other urban projects and will have elements that contribute to a safe pedestrian environment. Some of these elements may include traffic control signs within the garage (i.e. “STOP,” “Pedestrian Crossing,” etc.) and must include the Bethesda Streetscape with a minimum sidewalk width of 8 feet. The Bethesda sidewalk bricks will serve as a visual queue to drivers that the entry/ exit crosses a main pedestrian path and is not a suburban parking lot drive aisle. MCDOT reviewed and approved the sight distance analysis for the proposed driveway at the time of Preliminary Plan, and the access point is not proposed to change with the Subject Application.

- The demand for loading will result in cars queuing on Woodmont Avenue.

Staff Response: The entrance to the garage includes one short-term parking space to allow cars to wait onsite for ridesharing purposes or unscheduled deliveries. The Applicant submitted a Loading Management Plan as part of the previously approved Site Plan, to which the Site Plan Amendment will also be subject to. All residents will be instructed to communicate to taxis, rideshare drivers, and food deliveries to use that space. To manage the loading space, the management company is required to make staff available onsite, on-demand Monday through Friday, 7 AM to 8 PM to assist with loading operations. Outside of that time, residents will need to electronically reserve time for access to the loading space. More details are included on Sheet 13 of the Certified Site Plan for 820210040.

- The Project is generating a different number of trips than identified in previous applications.

Staff Response: The Institution for Transportation Engineers (ITE) Trip Generation Manual, which is used for calculating trip generation rates, was updated in September of 2021, after the previous application was accepted. In other words, the previous Site Plan was subject to the 10th Edition of the ITE Trip Generation Manual. The Subject Application, in compliance with the 2022 LATR Guidelines, is subject to the most recently published trip generation rates or in this case, the 11th Edition of the ITE Trip Generation Manual (page 19). ITE routinely updates their datasets, and when new

editions are published, some trip generation rates may change. In some cases, the trip rates for a land use category decrease and in other cases they increase.

Bethesda Downtown Plan Design Guidelines

- There are community concerns regarding building form, step-back distance, building placement, tower separation, and access.

Staff Response: These aspects of the proposal remain substantially unchanged from the previously approved Applications. The review of the current Applications focuses on the updated unit count and type; therefore, it is outside the scope to revisit aspects of the Project previously reviewed and approved by both the Design Advisory Panel and Planning Board. As part of the review process for the current Subject Applications, the Applicant confirmed with the Design Advisory Panel that further review of this Project was not necessary as the proposed changes remain in substantial conformance with the previous design.

Unit Type and Neighborhood Compatibility

- How does the County classify and regulate short-term rental units and co-living units?

Staff Response: As opposed to hotel units, which would be classified as a commercial use, the units currently proposed by the Applicant are categorized as fully residential uses. Short-term residential units are a limited use and subject to regulations in Section 59.3.3.3.1 of the Zoning Ordinance; these regulations are addressed in the findings of this Staff Report and included as conditions of approval. While “co-living” units are not a use recognized within the County Zoning Ordinance or Chapter 25 Housing Policy/Regulations, the Applicant has coordinated with Planning Staff and DHCA in order to meet all applicable development regulations associated with the proposal as described and conditions in this report.

- Given that Subject Property is surrounded by many new buildings that are not at full capacity, there is concern regarding the need for 111 units as well as how visitors coming for a short stay will impact the area.

Staff Response: As described in the Applicant’s Statement of Justification, and addressed in this Staff Report, the increase in the proposed number of units and change in proposed unit type is based on the change in market and the need for smaller, more affordable rental units. The needs of various living situations can be met by short term rentals such as temporary relocation for work/education, or a change in family structure. The presence of vacant units associated with other developments

indicates that the existing buildings are not adequately filling the housing needs of the area. As stated by the Applicant, the current proposal is seeking to address this gap.

Updated Proposal and Noticing Process

- The original amendment Applications proposed hotel units; this has now been updated to reference short-term rental and co-living units. What is the requirement for noticing and public meetings?

Staff Response: Based on the Administrative Procedures for Development Review, found in Section 50.10.01.03.B, a “major revision” requires re-noticing. Major revisions include any increase or significant decrease in density or number of units, an increase in the limits of disturbance, a significant change in lot layout, or an increase in building height or scale. In this case, the Applicant originally sent notice for the Amendments, proposing an increase in units from 76 to up to 111, prior to the start of the review process on October 20, 2022. The subsequent change in unit types, which occurred during the review process, does not fit into the identified classification of a major revision, therefore re-noticing is not a requirement. However, following communication received from the public, the Applicant voluntarily updated their notice to clarify that commercial hotel units are not a part of the proposed Applications.

SECTION 8: CONCLUSION

As conditioned, Preliminary Plan Amendment 12020007A and Site Plan Amendment 82021004A applications each satisfy the findings under Sections 59.7.3.3 & 7.3.4 and the applicable standards of the Zoning Ordinance, substantially conform to the recommendations of the 2017 *Bethesda Downtown Sector Plan* and satisfy the findings of the Subdivision Regulations. The proposed amendments do not alter the overall character or impact the development with respect to the original findings of approval, nor do they affect the compatibility of the development with respect to the surrounding neighborhood. Therefore, Staff recommends approval of the Preliminary Plan Amendment 12020007A and Site Plan Amendment 82021004A with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Preliminary/Site Plan

Attachment B: Agency Letter

Attachment C: Community Correspondence