

**7340 WISCONSIN AVENUE  
SKETCH PLAN 32020001A, PRELIMINARY PLAN 11994080C,  
SITE PLAN 820230010**



**Description**

Proposal for the development of a 315,500-square-foot mixed-use building, 250 feet in height, comprised of up to 306,849 square feet of multi-family residential uses, including up to 308 units with 15 percent MPDUs, and up to 8,651 square feet of commercial uses; with 142,475 square feet of Bethesda Overlay Zone (BOZ) density and associated PIP payment.

No. 32020001A, 11994080C,  
820230010  
Completed: 2-06-2023

MCPB  
Item No. 6  
02-16-2023

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

7340 Wisconsin Avenue, Bethesda. At the northwest quadrant of the intersection of Hampden Lane and Wisconsin Avenue.

### MASTER PLAN

2017 Bethesda Downtown Sector Plan

### ZONE

CR-5.0 C-5.0 R4.75 H-250 and Bethesda Overlay Zone

### PROPERTY SIZE

0.79 acres (tract)

### APPLICANT

Greystar Development East, LLC

### ACCEPTANCE DATE

September 21, 2022

### REVIEW BASIS

Chapters 50 & 59



## Summary:

- The Planning Board previously approved Sketch Plan 320200010 and Preliminary Plan 11994080B for a 315,500-square-foot mixed-use development with 4,500 square feet of commercial uses and 311,000 square feet of senior housing. This proposal requests to amend previously approved uses, revise the public benefit schedule, and revise plans to reflect the updated design.
- Site Plan 820230010 proposes a 315,500-square-foot mixed use building, 250 feet in height, with 306,849 square feet of residential uses for 308 units with 15 percent MPDUs, and 8,651 square feet of commercial uses, with 142,475 square feet of Bethesda Overlay Zone (BOZ) density and associated PIP payment.
- Staff recommends approval of the Sketch Plan Amendment, Preliminary Plan Amendment and Site Plan.

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## SECTION 1: EXECUTIVE SUMMARY

Sketch Plan Amendment 32020001A, Preliminary Plan Amendment 11994080C, and Site Plan 820230010 propose the redevelopment of a former gas station site in the heart of Downtown Bethesda with a new mixed-use, high-rise building.

The Amendments propose to revise the previously approved uses from senior living and commercial to multi-family residential and commercial uses, to redistribute density between uses, revise the public benefit schedule subcategories and number of points requested, and revise plans to reflect an updated building footprint and site design. The new proposal will allow for a maximum 315,500 square feet of development density to include 306,849 square feet of multi-family residential use, consisting of no more than 308 multi-family dwelling units, including a minimum of 15 percent MPDUs, and up to 3,400 square feet of ground floor commercial uses, and up to 5,651 square feet of Live/Work Units, with the total square footage of commercial uses not to exceed 8,651 square feet. The total development includes 142,475 square feet of Bethesda Overlay Zone (BOZ) density and associated Park Impact Payment (PIP).

Staff reviewed the applications for conformance with the applicable requirements of Montgomery County Code Chapter 50 Subdivision of Land and Chapter 59 Zoning Ordinance. The subject site is in the CR Zone and Bethesda Overlay Zone (BOZ) and within the boundaries of the 2017 *Bethesda Downtown Sector Plan*. Subject to the conditions recommended herein, the proposal conforms with the applicable requirements of Chapter 50 and Chapter 59. Staff recommends the Planning Board approve the three applications with the conditions provided in this report.

## SECTION 2: RECOMMENDATIONS AND CONDITIONS

### SKETCH PLAN 32020001A

Staff recommends approval of 7340 Wisconsin Avenue Sketch Plan No. 32020001A for up to 315,500 square feet of density on 0.79 acres, zoned CR-5.0 C-5.0 R-4.75 H-250 and Bethesda Overlay Zone, in the 2017 *Bethesda Downtown Sector Plan* area. The following site development elements shown on the latest electronic version of Sketch Plan No. 32020001A as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the conditions below. The following Conditions 1, 3, and 13 are modified, as indicated by strikethroughs for deletion of text and underlining for inclusion of new text and supersede the previously approved version. All other conditions of the prior approval remain in full force and effect:

This approval is subject to the following MODIFIED conditions:

1. Density

The Sketch Plan is limited to a maximum density of 315,500 total square feet, including up to ~~311,000~~ 306,849 square feet of multi-family residential development ~~for senior housing including independent living, assisted living, memory care and up to 3,400 square feet of ground floor commercial uses, and up to 5,651 square feet of Live/Work Units, with the total square footage of commercial uses not to exceed 8,651 square feet.~~ The maximum number of residential units and use mix will be determined at Preliminary Plan. The maximum density includes up to ~~146,779~~ 142,475 square feet of density from the Bethesda Overlay Zone (BOZ) with a Park Impact Payment (PIP). The final square footages will be determined at Site Plan.

3. Incentive Density

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

- a. Connectivity and Mobility, achieved by providing fewer than the maximum parking spaces under the Zoning Ordinance and BOZ overlay, ~~and Streetscape Improvements;~~
- b. Diversity of uses and activities, achieved by providing ~~Small Business Opportunities and~~ Enhanced Accessibility;
- c. Quality of Building and Site Design, achieved through Architectural Elevations, Exceptional Design and Structured Parking.
- ~~d.~~ Protection and Enhancement of the Natural Environment, achieved through Building Lot Terminations, Cool Roof, and—Energy Conservation and Generation. ~~by incorporating materials and systems that exceed the required minimums.~~

13. Fire Department letter

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 ~~email memorandum~~ dated ~~April 16, 2020~~ December 22, 2022, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the email, which MCDPS may amend if the changes do not conflict with other conditions of the Preliminary Plan approval.

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**PRELIMINARY PLAN 11994080C**

Staff recommends approval with conditions of Preliminary Plan Amendment No. 11994080C to increase the maximum number of multi-family dwelling units from 225 to 308 and increase the

allowed commercial density from 5,500 square feet to 8,651 square feet. All site development elements shown on the latest electronic version of the Preliminary Plan No.11994080C 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 following conditions supersede those previously approved in their entirety.

#### GENERAL APPROVAL

1. This Preliminary Plan is limited to one (1) lot for 308 multi-family dwelling units and up to 3,400 square feet of ground floor commercial uses, and up to 5,651 square feet of Live/Work Units, with the total square footage of commercial uses not to exceed 8,651 square feet.

#### 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).

#### OUTSIDE AGENCIES

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated January 19, 2023 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 MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
5. Before Montgomery County Department of Permitting Services (“MCDPS”) issuance of a right-of-way permit for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
6. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration (“SHA”) in its letter dated December 28, 2022 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 SHA if the amendment does not conflict with any 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. The Planning Board has reviewed and accepts the recommendations of the MCDPS Fire Department Access and Water Supply Section in its letter December 22, 2022 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.

## OTHER APPROVALS

9. Before issuance of any above grade building permit for the Subject Property, the Applicant must receive Staff certification of any subsequent Site Plan(s) associated with this Preliminary Plan. The number and location of site elements including but not limited to buildings, dwelling units, on-site parking, site circulation, and sidewalks and is determined through site plan review and approval. Demolition, grading, and other permits associated with site remediation can be obtained prior to certification of the Preliminary Plan or Site Plan.
10. If an approved site plan or site plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the site plan amendment.

## TRANSPORTATION

11. The Applicant must provide the following easements for the following existing roads prior to issuance of the support and excavation permit:
  - a. All land necessary to accommodate a six-foot wide Perpetual Easement for Public Improvement to be held by MDOT SHA between the existing dedicated right-of-way and the property line along the Subject Property frontage for Wisconsin Avenue.
12. Before the issuance of the Montgomery County Public Right-of-Way Permit for street improvements, the Applicant must satisfy all necessary requirements of MDOT SHA to ensure construction of a six-foot-wide street buffer and an eight-foot-wide sidewalk along the property frontage on Wisconsin Avenue. Before issuance of the Public Right-of-Way Permit associated with construction access and support of excavation/tiebacks in the right-of-way, the Preliminary Plan and Site Plan must be certified.
13. Before issuance of the above-grade building permit, the Applicant must satisfy all necessary requirements of MCDPS to ensure construction of the following frontage improvements:
  - a. a six-foot-wide street buffer and an eight-foot-wide sidewalk along the Property frontage on Hampden Lane.
  - b. a six-foot-wide pedestrian/bicycle buffer and an eight-foot-wide sidewalk along the Property frontage on Montgomery Lane.

## CERTIFIED PRELIMINARY PLAN

14. 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 issuance 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.*

15. 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. Show, dimension, and label the Perpetual Easement for Public Improvement along Wisconsin Avenue.
  - c. Update commercial and residential density figures to be consistent with the Project's associated Site Plan 820230010.

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#### **SITE PLAN 820230010**

Staff recommends approval of Site Plan No. 820230010, for the construction of a 250-foot-tall, 315,500-square-foot mixed-use building comprised of 8,651 square feet of commercial uses and 306,849 square feet of residential uses for a maximum of 308 units with 15 percent MPDUs, using 142,475 square feet of Bethesda Overlay Zone (BOZ) density and provision of an associated PIP payment. The development must comply with the conditions of approval for Sketch Plan No. 32020001A and Preliminary Plan No. 11994080C. 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.<sup>1</sup>

#### **Density, Height & Housing**

1. **Density**

The Site Plan is limited to a maximum of 315,500 square feet of total development on the Subject Property, including 306,849 square feet of residential uses, for up to 308 multi-family dwelling units, and up to 3,400 square feet of ground floor commercial uses, and up to 5,651 square feet of Live/Work Units, with the total square footage of commercial uses not to exceed 8,651 square feet.<sup>2</sup>

2. **Height**

The development is limited to a maximum height of 250 feet, as measured from the building height measuring point illustrated on the Certified Site Plan (CSP).

3. **Previous Approvals**

The development must comply with the conditions of approval for Sketch Plan No. 32020001A and Preliminary Plan 11990408C, as may be amended.

4. **Moderately Priced Dwelling Units (MPDUs)**

- a. The Planning Board has reviewed and accepts the recommendations of Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated

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<sup>1</sup> 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.

<sup>2</sup> The commercial use space can be changed to other commercial uses if there is no adverse impact on the Site Plan and APF findings and it is approved by Staff.

January 9, 2023 and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations provided in the letter, which DHCA may amend provided the amendments do not conflict with other conditions of the Site Plan approval.

- b. The development must provide a minimum of 15 percent MPDUs or MCDHCA-approved equivalent consistent with the requirements of Chapter 25A.
- c. Before issuance of any building permit for any residential unit(s), the MPDU Agreement to Build between the Applicant and the MCDHCA must be executed and provided to M-NCPPC Staff.

5. Bethesda Overlay Zone Density and Park Impact Payment

- a. Per Section 59.4.9.2.D.4 of the Zoning Ordinance, the Applicant must have a building permit application accepted by MCDPS that includes the core and shell of the principal building within two years of the date of the Planning Board Resolution approving the Site Plan. Within two years of MCDPS accepting the building permit application, the Applicant must obtain the building permit. The deadlines may not be extended. If the Applicant fails to comply with any of the deadlines in this condition, the entire Site Plan approval is revoked.
- b. The Applicant must pay to the M-NCPPC a Park Impact Payment (PIP) of \$1,197,958.72 before release of the first above-grade building permit for the allocation of 142,475 square feet of Bethesda Overlay Zone Density, not including 37,483 square feet of MPDU density exempt from the PIP calculation. In the event the final allocation of density from the BOZ is less than the approved amount, or if the amount of exempt MPDU density changes, the Applicant may apply to reduce the allocation of density from the BOZ, and/or modify the PIP through a minor Site Plan Amendment.

## OPEN SPACE, FACILITIES AND AMENITIES

6. Public Open Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 1,377 square feet of public open space (7.6 percent of net lot area) on-site as illustrated on the Certified Site Plan.
- b. Before final Use and Occupancy certificates for the Residential units, the Applicant must construct the streetscape improvements, including the undergrounding of utilities, along the Property's frontages on Montgomery Avenue, Hampden Lane and Wisconsin Avenue, consistent with the Bethesda Downtown Streetscape Standards.
- c. Before the issuance of final Use and Occupancy certificates for the residential development, all public open space areas on the Subject Property must be completed.

7. Public Benefits

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

- a. Connectivity between Uses, Activities, and Mobility Options

- i. Minimum Parking –The Applicant must not provide/construct more than 157 parking spaces.
  - b. Diversity of Uses and Activities
    - i. Enhanced Accessibility for the Disabled –The Applicant must construct eleven (11) dwelling units that satisfy American National Standards Institute A117.1 Residential Type A standards or an equivalent County standard.
  - c. Quality Building and Site Design
    - i. Architectural Elevations – Final elevation design must be shown on the Certified Site Plan. The exterior architectural elements must be substantially similar to architectural elevations as shown on the Certified Site Plan and as determined by M-NCPPC Staff.
    - ii. Exceptional Design – The Applicant must construct the building in a manner consistent with the architectural elevations included in the Certified Site Plan.
    - iii. Structured Parking – The Applicant must provide all onsite parking spaces within a below grade structure.
  - d. Protection and Enhancement of the Natural Environment
    - i. Building Lot Terminations (BLTs) – Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment of 0.709 BLTs to the MCDPS and M-NCPPC staff.
    - ii. Cool Roof – The Applicant must provide a minimum solar reflectance index (SRI) of 75 for mechanical roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12, as shown on the Certified Site Plan.
    - iii. Energy Conservation and Generation – The Applicant must construct the building to exceed energy efficiency standards for the building type by 17.5 percent, as determined by MCDPS through the methodology established by ASHRAE 90.1 (2013) Appendix G. The energy model must be submitted to DPS with the building permit application.
8. Recreation Facilities
- a. Before Certified Site Plan approval, the Applicant must meet the square footage requirements for all of the applicable recreational elements and demonstrate to M-NCPPC Staff that each element meets M-NCPPC Recreation Guidelines.
  - b. The Applicant must provide the required recreation facilities as shown on the Certified Site Plan. The Certified Site Plan must include an exhibit delineating location and detail of recreation facilities, where appropriate, in a manner that is clear and corresponds to the posted surety and maintenance agreement.
9. Maintenance of Public Amenities
- The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to streetscape improvements, including those in the Site’s public open space area on Wisconsin Avenue.

## ENVIRONMENT

### 10. Green Cover

The Applicant must provide on-site a minimum 35 percent of the site area as green cover (at least 6,343 square feet), as described in Section 2.4.1 of the *Bethesda Downtown Sector Plan*; any proposed tree canopy counted toward this requirement must utilize tree species and canopy sizes at 20-year maturity per the M-NCPPC *Approved Trees Technical Manual*. Green Cover must be illustrated on the Certified Site Plan.

### 11. Forest Conservation

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.

### 12. Noise Attenuation

- a. Before the issuance of the first above-grade building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatments that the building shell for residential dwelling units affected by exterior noise levels projected at or above 65 dBA Ldn, will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. Any noise impacted units must be identified on the Certified Site Plan.
- b. Before the final inspection for any residential unit, the Applicant must certify to M-NCPPC Staff that the noise impacted units have been constructed in accordance with the certification of the engineer that specializes in acoustical treatments.
- c. If any changes occur to the Site or Preliminary Plan(s) which affect the validity of the noise analysis dated July 12, 2022, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the changes and new noise attenuation features may be required.
- d. Before issuance of any Use and Occupancy Certificate or Final Inspection, whichever is relevant, for any of the noise impacted units, a Professional Engineer must certify to the Planning Department and Department of Permitting Services that the noise impacted units have been constructed in accordance with the certification of an engineer that specializes in acoustical treatments.
- e. For all noise impacted residential dwelling units, the Applicant/developer/builder must disclose in writing to all prospective purchasers that those homes are impacted by transportation noise. Such notification may be accomplished by inclusion of this information and any measures to reduce the impacts in brochures and promotional documents and must be included in any noise impacted sales contracts, any illustrative site plan(s) on display within any sales related offices(s); in Homeowner Association documents; with all Deeds of Conveyance of noise impacted units; and by inclusion on all signature subdivision and site plans.

### 13. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater

management concept letter dated December 7, 2022 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations provided in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

## TRANSPORTATION & CIRCULATION

### 14. Transportation

- a. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated December 5, 2022 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations provided in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.
- b. Before the issuance of any above-grade building permit, the Applicant must obtain approval of a Project-based Transportation Demand Management Plan (TDM) from the Montgomery County Department of Transportation (MCDOT).

### 15. Pedestrian & Bicycle Circulation

- a. The Applicant must provide 96 long-term and 6 short-term bicycle parking spaces.
- b. The long-term spaces must be in a secured, well-lit bicycle room on the ground floor, and on Level 1 of the parking garage, and the short-term spaces must be inverted-U racks (or approved equal) installed on Wisconsin Avenue in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- c. The Applicant must provide one bicycle repair station. Bicycle facilities, the exact location, design and construction of which must comply with requirements set forth by the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations, before issuance of the final use and occupancy permit.
- d. The Applicant must show on the Certified Site Plan and provide the following master-planned pedestrian and bicycle facilities, the exact location, design, and construction of which must comply with requirements of the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations, before the issuance of the final use and occupancy permit.
  - i. Wisconsin Avenue: The Applicant must install an eight-foot-wide sidewalk with six-foot-wide buffer from traffic.
  - ii. Montgomery Lane: The Applicant must provide the necessary space for ten-foot-wide two-way separated bike lanes on the south side of the street with six-foot-wide buffer from the street (to be built by MCDOT), and construct a six-foot-wide buffer from the sidewalk and an eight-foot-wide sidewalk.
  - iii. Hampden Lane: The Applicant must install an eight-foot-wide sidewalk with six-foot-wide buffer from traffic.

## SITE PLAN

### 16. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the Certified Site Plan, as determined by M-NCPPC Staff.

### 17. Lighting

- a. Before certified Site Plan, the Applicant must provide certification to M-NCPPC Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b. All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c. Deflectors will be installed on all fixtures to prevent excess illumination and glare.
- d. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way.
- e. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

### 18. Site Plan Surety and Maintenance Agreement

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

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

recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

19. Development Program

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

20. Certified Site Plan

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

- a. Include the stormwater management concept approval letter, development program, and Sketch Plan Amendment, Preliminary Plan Amendment, and Site Plan resolution on the approval or cover sheet(s).
- b. Add the following notes:
  - i. "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
  - ii. "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
  - iii. "The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur prior to any site development work commencement and prior to any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan along with any subsequent amendments is required to be on-site at all times."
- c. Fire and Rescue Access plan should be included in the Certified Site Plan.
- d. Modify data table to reflect development standards approved by the Planning Board.
- e. Ensure consistency of all details and layout between Site and Landscape plans.
- f. Provide a loading management plan to be reviewed and approved by Planning staff.

## SECTION 3: SITE DESCRIPTION

### VICINITY

The Property (“Subject Property” or “Property” or “Site”), outlined in Figure 1, is located at 7340 Wisconsin Avenue, between Montgomery Lane and Hampden Lane, within the core of downtown Bethesda. Adjacent sites are developed with a mix of mid-rise and high-rise commercial and mixed-used buildings. Multiple properties within close proximity of the Site have recently been redeveloped, are actively under construction, or have received or are seeking approval of redevelopment plans. The Property abuts Montgomery Lane to the north, with one-to-two story commercial buildings beyond, including the historic Bethesda Post Office. Wisconsin Avenue abuts the east side of the Site. A new high-rise commercial building (7359 Wisconsin) and multiple low-rise commercial buildings are located on the opposite side of Wisconsin Avenue. Confronting the Site to the south is the Metro Tower mixed-use development that is under construction. Abutting the Site to the west are single-story commercial buildings, with mid-rise commercial buildings beyond. The abutting site is approved for the Hampden East redevelopment project (Site Plan No. 820210070). The Site and those properties associated with Hampden East comprise the block of land bound by Montgomery Lane, Hampden Lane, Wisconsin Avenue and East Lane.



Figure 1 – Vicinity Map

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## PROPERTY DESCRIPTION

The Property is a recorded lot known as Lot 8, Block 24C in the Edgemoor Subdivision, as recorded in the Montgomery County Land Records on Plat No. 19553. The Property has a tract area of approximately 0.79 acres (34,605 square feet). Prior dedication of public right-of-way and additional allocation of area to a perpetual easement for public improvement result in a site area of approximately 0.42 acres (18,122 square feet). The Property has frontage on three roadways, Montgomery Lane to the north, Hampden Lane to the south, and Wisconsin Avenue to the west. There are three existing curb cuts for accessing the Site, one from each of these roadways. Existing development on the Site is limited to single-story, 1,596 square-foot commercial building and paved area associated with a former gas station use as shown in Figure 2. The gas station ceased operation approximately 10 years ago and Site has been fenced-off and not actively used since as illustrated in Figure 3. The Site is within the Bethesda Urban District and Parking Lot District.

The Property is in the Little Falls Branch watershed, which is a Use I-P<sup>3</sup> watershed. The Site is not associated with any areas of forest, 100-year flood plains, or steep slopes. Street trees are found bordering the Site; however, all of these trees measure below 24" in diameter-at-breast-height (DBH) and are thus not considered significant or specimen trees. The soils associated with the Property are classified as urban land and are not considered highly erodible nor otherwise sensitive. There are no known rare, threatened, or endangered species on site. The Subject Property is not designated as historic; however, two adjacent properties are identified in the Montgomery County Master Plan for Historic Preservation; the Bethesda Post Office (Historic Resource No. 35/014-005A) is located to the north across Montgomery Lane, and the Dr. Benjamin Cissel Perry Office (Historic Resource No. 35/14-006A) is located on the east side of Wisconsin Avenue. Neither of these properties are proposed to be altered with this Application.

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<sup>3</sup> 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

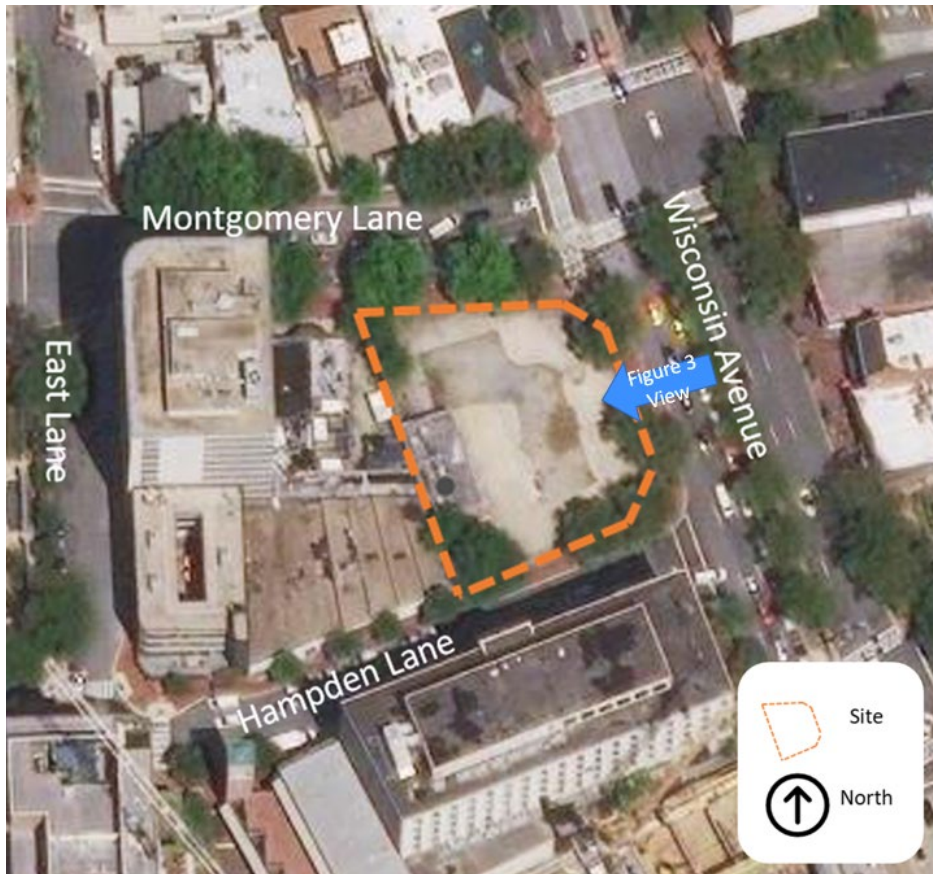


Figure 2 – Subject Property



Figure 3 – Existing Conditions view from Wisconsin Avenue west into the Site

## SECTION 4: PROJECT DESCRIPTION

### PREVIOUS APPROVALS

The Planning Board approved Preliminary Plan No. 119940800 on June 9, 1994 to subdivide the Property into a single lot to accommodate the development of a gas station. The gas station was also the subject of County Board of Appeals Case S-2066. The Planning Board subsequently approved a record plat for the Property on July 21, 1994 (Montgomery County Land Records Plat No. 19553).

On December 12, 2013, the Planning Board approved Project Plan No. 920140010 and Preliminary Plan Amendment No. 11994080A to redevelop the Site with a mixed-use building to include a maximum of 192,791 square feet of multi-family residential uses, consisting of no more than 225 multi-family dwelling units (including a minimum of 15 percent MPDU units) and a maximum of 15,000 square feet of retail uses, limited to retail, restaurant, or services uses.

On September 18, 2014, the Planning Board approved Project Plan Amendment No. 92014001A, Preliminary Plan Amendment No. 11994080B, and Site Plan No. 820140120 for a reduction in the previously approved commercial density to 5,500 square feet and a corresponding increase in the residential density to 204,381 square feet. The total development density approved was 209,881 square feet.

On April 30, 2020, the Planning Board approved Sketch Plan No. 320200010 for the development of a mixed-use building to include 4,500 square feet of retail uses and 311,000 square feet of senior housing (a mix of independent living, assisted living and memory care), for a total development density of 315,500 square feet.

Development projects associated with the 2013, 2014 and 2020 previous approvals were not pursued.

### PROPOSAL

Cumulatively, the Sketch Plan Amendment, Preliminary Plan Amendment and Site Plan propose the redevelopment of the Property with a mixed-use building with a maximum height of 250 feet and total density of 315,500 square feet. The proposal includes 308 multifamily residential units, 15 percent of which will be Moderately Priced Dwelling Units (MPDUs) for 306,849 square feet of residential density, and 8,651 square feet of commercial density. The proposed commercial density consists of up to 3,400

square feet for commercial uses and up to up to 5,651 square feet of Live/Work Units<sup>4</sup>, with the total square footage of commercial uses not to exceed 8,651 square feet.

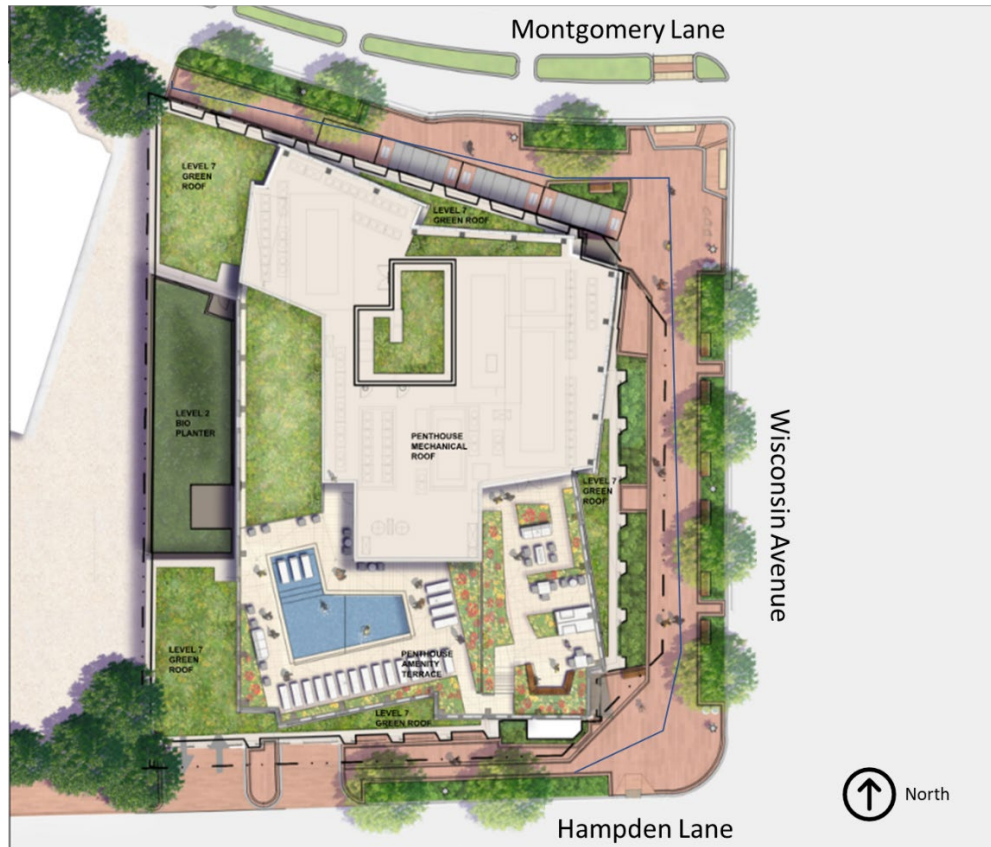
Sketch Plan No. 32020001A proposes to amend specific aspects of the prior Sketch Plan approval to support the current development proposal. This amendment requests to revise the previously approved public benefit schedule, revise the approved uses from independent living, assisted living, memory care and retail to multi-family residential and commercial uses, and to update plans to reflect building and site design changes.

Preliminary Plan No. 11994080C proposes to amend the previous Preliminary Plan approvals to increase the allowed residential density from 204,381 square feet to 306,849 square feet, to increase the residential unit count from 225 to 308 and increase commercial density from 5,500 square feet to 8,651 square feet.

Site Plan No. 820230010 proposes the development of a 250-foot tall, 315,500 square foot mixed-use building comprised of 8,651 square feet of commercial uses and 306,849 square feet of residential uses for a maximum of 308 units with 15 percent MPDUs, with 142,475 square feet of Bethesda Overlay Zone (BOZ) density and associated PIP payment. An illustrative site plan is shown in Figure 4.

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<sup>4</sup> Live/Work Unit means a building, or a space within a building, that combines space for a commercial or manufacturing activity that is allowed in the zone with a dwelling unit for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household (Section 59.3.5.14.H)



*Figure 4 – Illustrative Site Plan*

## BUILDING/ARCHITECTURE

The Project proposes one building, 250 feet in height, with 308 multifamily dwelling units, including 15 percent MPDUs, indoor and rooftop recreational amenity spaces, and internal loading facilities and subsurface parking. The building footprint will occupy the majority of the site area and will have frontage on Montgomery Lane, Hampden Lane, and Wisconsin Avenue. The western portion of the building's base will share a party wall with the Hampden East development. At the street level, retail uses are proposed for the building's southeast corner, adjacent to the intersection of Wisconsin Avenue and Hampden Lane. The residential lobby is located at the building's northeast corner, adjacent to the intersection of Wisconsin Avenue and Montgomery Lane. Access to the internal, subsurface parking structure and loading area is from Hampden Lane. The location and design of the residential lobby and retail areas, including the incorporation of ample fenestration, will improve activation of the pedestrian realm on all three street frontages. Residential uses, Live/Work Units and associated amenities will occupy the remaining floors of the building.

The overall design of the building is rooted in the development concept previously approved by Sketch Plan 32020010 but altered to respond to the proposed change in use for the Site and to ensure the building will have a unique visual presence on Wisconsin Avenue. The architecture of the

proposed building is updated with this Proposal to incorporate a dynamic pin-wheel shape that twists the building form around its core. This form is enhanced by glazing, balconies and strong angles created at building corners and on its top. As a whole, the building design includes a distinct base, middle and top. The base extends up from the ground plane by six floors prior to the building stepping back and tower rising vertically from this level. The tower is capped by an angular “crown” formed by extension of the façades as illustrated in Figure 5.



*Figure 5 – Illustrative Building Design*

## OPEN SPACE

In accordance with Section 59.4.5.4.B.1 of the Zoning Ordinance, the Project is required to provide a minimum of five percent of the site area as public open space, resulting in a requirement of 906 square feet. The Project provides 1,377 square feet (7.6 percent of the site area) as public open space. The proposal locates this space adjacent to the public right-of-way for Wisconsin Avenue, which allows for the inclusion of a wider sidewalk, landscaping and associated frontage elements envisioned by the Sector Plan.

## TRANSPORTATION

Currently the Site has three curb cuts, one each on Wisconsin Avenue and Montgomery and Hampden Lanes. The previous gas station on the Site required maximum vehicular permeability. The Subject Application proposes closing the curb cuts on the busier street frontages on Wisconsin Avenue and Montgomery Lane, thereby eliminating all pedestrian exposure to vehicles on these roadways. All vehicular access will be provided from a combined driveway for loading and parking garage access on Hampden Lane as shown in Figure 6.

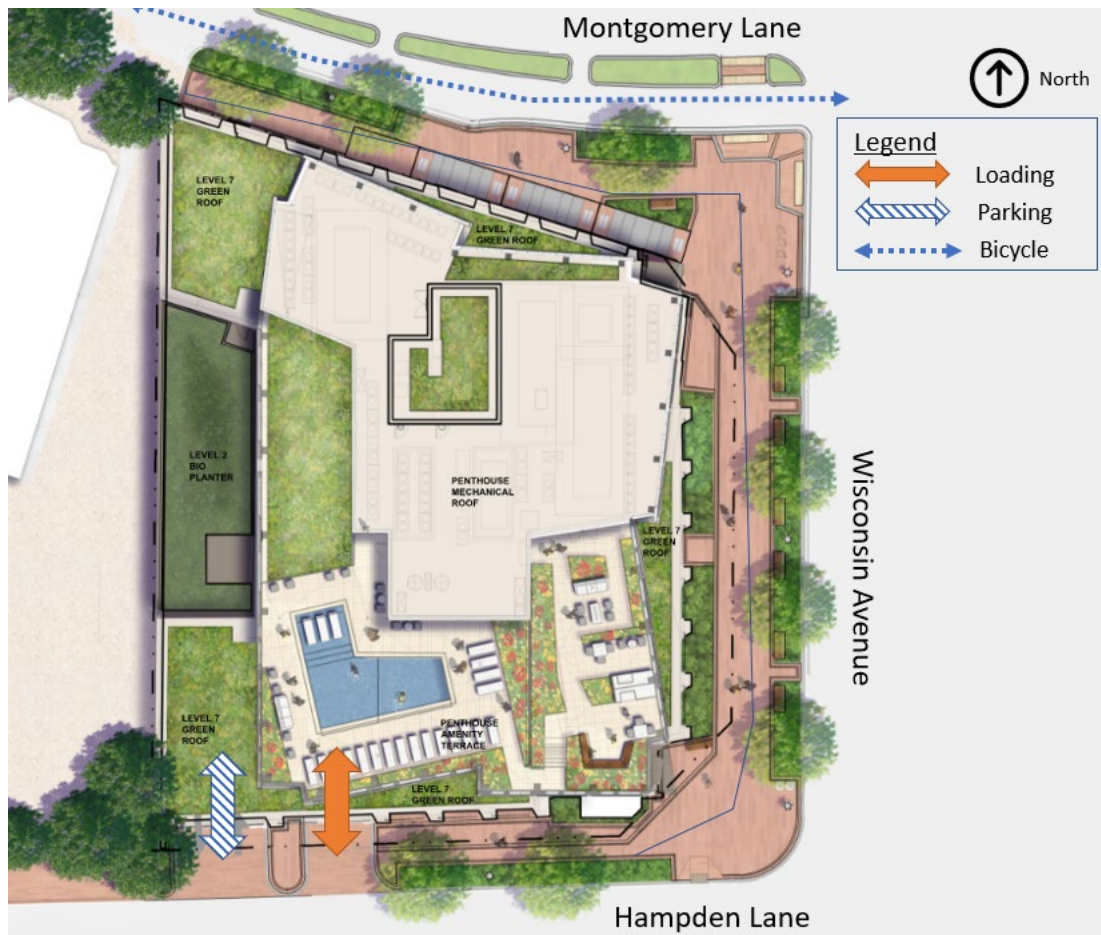


Figure 6 – Access and Circulation

In compliance with the Bethesda Downtown Streetscape Guidelines, the streetscape along all three (3) street frontages will be improved with wider street buffers and wider sidewalks than what are present today. Sidewalks will be a minimum of eight-feet wide and will be located behind buffers that are a minimum of six-feet wide. All sidewalks will be built to the Bethesda Streetscape Standard. Montgomery Lane will be improved with a ten-foot-wide two-way separated bike lane along the south (Site) side, with a six-foot street buffer. The street buffer and two-way separated bike lane will be installed by MCDOT as part of Capital Improvement Project No. 500119. Construction of the bike lanes along the Site frontage is currently underway.

All vehicular parking will be provided on-site within the parking garage. The Site is located within the Bethesda Parking Lot District, which allows Applicant to provide fewer than the minimum number of parking spaces (or even none at all)<sup>5</sup>. The Applicant proposes providing 157 spaces which results in a parking ratio of approximately 0.5 spaces per residential unit. This approach to on-site parking aligns with the 2017 *Bethesda Downtown Sector Plan* recommendation for reducing parking within the Sector Plan area.

The Project is required to provide 100 total bicycle parking spaces for the residential use (95 long-term and 5 short-term spaces) and two (2) spaces for the retail uses (one short-term and one long-term) proposed on-site. Therefore, the Applicant is providing 96 long-term bicycle parking spaces and six (6) short-term parking spaces. The long-term spaces will be divided among two secure bike rooms in the building: one located on the ground floor and the other on Level 1 of the parking garage. The six (6) short term bicycle parking spaces will be located at the corner of Montgomery Lane and Wisconsin Avenue, which is the corner of the Site likely to experience the highest levels of activity given the proximity to the retail lobby and future separated bike lane on Montgomery Lane.

## ENVIRONMENT

### *Green Cover*

The Sector Plan includes a number of recommendations to achieve the urban green goals. An important recommendation to this effect is the on-site 35 percent green coverage minimum. The green cover may include singularly or a combination of intensive green roof (6 inches or deeper) or tree canopy cover. The Application has a Site Area of 18,122 square feet which results in a minimum green cover requirement of 6,343 square feet. The Applicant proposes to meet this requirement through a combination of bioretention areas and intensive green roofs located on various terraces and at the penthouse/rooftop levels. In total, the Applicant is providing 6,368 SF of green roof. Staff is

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<sup>5</sup> Section 59-6.2.3.H.1.a In a Parking Lot District, an applicant may provide fewer parking spaces than required, after all adjustments are made under Section 6.2.3.I, if payment is made under Chapter 60. MCDOT has not collected this payment in recent years, but Applicant's area aware that they will be subject to the payments should this practice be reinstated by MCDOT in the future.

supportive of this direction as it exceeds the requirement as conditioned at least 35 percent green cover will be included in order to meet the Sector Plan recommendations.

#### *Bird-Safe Design*

In addition to Green Cover, the Sector Plan also includes recommendations for the incorporation of bird-safe design features in the proposed building design to protect local and migratory birds from collisions. This project incorporates architectural features such as angled walls, step-back balconies, and corner balconies which will create shadow and eliminate reflection to reduce bird collisions. Façade treatments such as vertical fin frames, decorative finish panels, and solid masonry piers will create façade variation, shadows, and limit glass reflections. These elements are included to enhance the visual aesthetic while also reducing visual confusion for birds. Staff is supportive of this concept which is in-line with the recommendations of the Sector Plan.

#### *Noise*

The Subject Application provides residential units adjacent to an arterial roadway, Wisconsin Avenue, and is therefore subject to the noise regulations associated with residential development. The acoustical analysis included with the Applications shows that the majority of the north and east elevations of the proposed building will be exposed to noise levels greater than 65 dBA Ldn; additionally, approximately half of the south elevation will be exposed to future noise levels above 65 dBA Ldn. According to Montgomery County's noise regulations for residential development, residential sites and buildings impacted by noise levels above 65 dBA Ldn require further analysis to determine the necessary mitigation measures to maintain noise levels in interior living spaces below 45 dBA Ldn. The acoustical analysis notes that interior noise levels can be maintained at or below the required 45 dBA Ldn by increasing the STC ratings of the exterior building components such as windows and doors. These units require further analysis to determine whether the proposed building architecture will be capable of maintaining interior noise levels below 45 dBA Ldn. The remaining residential units will not be exposed to significant transportation noise levels and do not require mitigation as currently proposed. The Site's future outdoor activity areas will not be exposed to ground level noise impacts greater than 65 dBA Ldn, therefore no mitigation is required for outdoor noise levels. Subject to conditions included in this report, the Applicant can meet the interior noise specifications.

## **SECTION 5: SKETCH PLAN 32020001A FINDINGS AND ANALYSIS**

The Planning Board approved Sketch Plan No. 320200010 for the development of a mixed-use building to include 4,500 square feet of retail uses and 311,000 square feet of senior housing (a mix of independent living, assisted living and memory care), for a total development density of 315,500 square feet.

Sketch Plan Amendment 32020001A proposes to revise the previously approved uses from senior living and commercial to multi-family residential and commercial uses, to redistribute density between uses from the previously approved 311,153 square feet of senior living (residential) use and 4,500 square feet of commercial use to 306,849 square feet of multi-family residential use and a maximum of 8,651 square feet of commercial uses (commercial uses to include up to 5,651 square feet of Live/Work Units and up to 3,400 square feet of commercial uses), revises public benefit schedule subcategories and amount of points requested, and revises plans to reflect an updated building footprint and site design. This Amendment does not alter the intent, objectives or requirements in the originally approved Sketch Plan and all previous findings and conditions of approval remain in effect, except as modified herein.

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

*Table 1: 7340 Wisconsin Avenue Sketch Plan Data Table for CR Zone, Optional Method, Section 59.4.5.4*

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Approved by 320200010</b>	<b>Proposed</b>
<b>Tract Area</b>	n/a	34,605 sf	34,605 sf (0.79 acres)
<b>Prior Dedication</b>	n/a	5,926 sf	5,926 sf
<b>Proposed Dedication</b>	n/a	557	n/a
<b>Proposed Public Improvement Easement</b>	n/a	n/a	557 sf
<b>Site Area</b>	n/a	18,122 sf	18,122 sf (0.42 acres)
<b>Mapped Density CR-5.0 C-5.0 R-4.75 H- 250</b>			
<b>Residential (GFA/ FAR)</b>	164,374 sf (4.75)	164,374 sf (4.75)	164,374 sf (4.75)
<b>Commercial (GFA/FAR)</b>	173,025 sf (5.0)	4,347 sf (0.13)	8,651 sf (0.25) <sup>1</sup>
<b>Total Mapped Density (GFA/FAR)</b>	173,025 sf (5.0)	168,721 sf (4.89)	173,025 sf (5.0)
<b>Bethesda Overlay Zone (BOZ) Density</b>	n/a	146,779 sf	142,475 sf
<b>MPDU requirement</b>	15 percent	15 percent	15 percent
<b>Total GFA/FAR</b>	173,025 sf (5.0)	315,500 sf (9.12)	315,500 sf (9.12)
<b>Building Height, max average</b>	250 ft	250 ft	250 ft
<b>Public Open Space (min sf / percent site area)</b>	906 sf (5 percent)	906 sf (5 percent)	1,377 sf (7.6 percent)
<b>Minimum Setbacks Front Rear Front Side</b>	0	TBD at Site Plan	TBD at Site Plan

<sup>1</sup> Commercial area includes up to 3,400 square feet of ground-floor retail space and up to 5,651 square feet of Live/Work Units, with the total not to exceed 8,651 square feet of commercial area.

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

The Planning Board previously determined the Sketch Plan conforms with this requirement. The proposed Sketch Plan Amendment does not alter these findings, except where specific references to “senior” housing or “senior” residential units are made. The Amendment provides for multi-family residential housing in lieu of senior housing, a change in the project scope that does not alter the proposal’s ability to implement the recommendations of the Sector Plan in accordance with the Planning Board’s previous finding.

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

This Sketch Plan Amendment does not alter the Planning Board’s previous finding of conformance with this requirement. The existing site includes a vacant one-story building and open paved areas associated with its former gas station use. The amendment to the Sketch Plan continues to propose the redevelopment of a long-vacant, single-use commercial lot and paved area with a high-density, mixed-use building within close proximity to the Bethesda Metrorail Station and future Purple Line Station.

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

The proposed Amendment does not alter the Board’s previous finding of conformance with this requirement. The proposal provides for multi-family residential housing to include a mix of unit types and 15 percent MPDUs, offering new housing opportunities for a range of incomes proximate to numerous transit options in Downtown Bethesda. The project will accommodate commercial uses, Live/Work Units and expand the pedestrian realm on its three street frontages. Parking is accommodated in a subsurface garage under the building, with no parking areas to be located in between the building and street.

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

The proposed Amendment does not alter the Board’s previous finding of conformance with this requirement. The Sector Plan identifies the Wisconsin Avenue Corridor as area that should emphasize high-density residential and employment uses, as well as distinctive infill buildings. The amended Sketch Plan proposal provides for residential and commercial uses on-site in a building with the height, density and unique

architectural character envisioned by the Sector Plan for this portion of Downtown Bethesda.

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

The proposed Amendment does not alter the Board's previous finding of conformance with this requirement. The Amendment provides for a mixed-use project containing high-density residential uses, ground floor commercial uses, and Live/Work Units, which is an appropriate balance for the Site's location.

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

The Project will provide the required 100 public benefit points from a minimum of four categories to achieve the desired incentive density above the standard method limit. This Amendment retains the previously approved public benefit categories but makes modifications to point subcategories and quantity of points requested as is detailed in Finding 6 below. Final 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 Sketch Plan Amendment substantially conforms to the recommendations of the 2017 *Bethesda Downtown Sector Plan*. The amended Project will create a high-rise building with a mix of multi-family residential and commercial uses in an established area of activity within the Wisconsin Avenue Corridor. The proposal will increase housing and business opportunities, redevelop a vacant property, and enhance the streetscape along Wisconsin Avenue, Montgomery Lane, and Hampden Lane.

Regarding roadways, the 2017 *Bethesda Downtown Sector Plan* recommends a 122-foot total right-of-way width for Wisconsin Avenue. This would require a minimum right-of-way width of 61 feet from the centerline to the Site's property line. The existing right-of-way between the centerline the property line is 55 feet, which is six (6) feet fewer than what is master planned. The Applicant is requesting relief of the requirement to dedicate an additional six (6) feet of right-of-way because the Applicant seeks to build an underground parking garage whereby the footprint would encroach within the right-of-way.

Wisconsin Avenue is a state road, which is operated by the Maryland Department of Transportation State Highway Administration (MDOT SHA). MDOT SHA will allow the Applicant to record a perpetual easement for public improvement measuring six feet in width to achieve the intent of the Master Plan right-of-way width on the Site. A portion of the required sidewalk will be located within the easement. The Applicant has also coordinated with MCDOT staff to ensure that the future MD 355 Bus Rapid Transit (BRT) project will not be impeded by

recording an easement instead of dedicating right-of-way. No bicycle facilities are master planned on this road.

Montgomery Lane has a master planned right-of-way width of 70 feet and no further dedication is required. The 2018 *Bicycle Master Plan* recommends a two-way separated bike lane along the south (Site) side of the roadway. The bicycle facility is currently under construction.

Hampden Lane has a master-planned width of 60 feet and no further dedication is required. No bicycle facilities are master planned on this roadway.

**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 proposed Amendment does not alter the Planning Board's previous finding of conformance with this requirement. The amended building and site design remain compatible with existing and pending nearby developments.

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

The Sketch Plan amendment provides satisfactory general vehicular, pedestrian, and bicyclist circulation, parking, and loading. Vehicular and loading access to the site will be from a single curb cut on Hampden Lane to an internal, subsurface parking structure, eliminating two existing vehicular access points, one each from Montgomery Lane and Wisconsin Avenue. This vehicular access arrangement is an improvement upon the previous approved Sketch Plan as it consolidates loading and vehicle access to the Site's southwestern corner on Hampden Lane, whereas the prior approval had separate loading access at Montgomery Lane. The prior approval included a vehicular drop-off area along Hampden Lane, which this Amendment removes. The removal of the drop-off area further reduces the number of potential vehicle and pedestrian conflict points on Hampden Lane.

Pedestrian access and circulation will be enhanced through inclusion of sidewalks and streetscape elements to the Bethesda Streetscape Standard along the Site's three frontages.

While not part of this proposal, a separate County project is currently underway to install two-way separated bicycle lanes on the south side of Montgomery Lane, including along the Site's frontage. The Montgomery Lane and Wisconsin Avenue streetscape layout proposed with the Sketch Plan Amendment are designed to be responsive to the new bicycle facility.

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

This Sketch Plan Amendment proposes to modify the outline of public benefit categories and points previously approved by the Planning Board. The Amendment retains all four originally approved public benefit categories but adjusts the subcategories under which points are requested. The total conceptual number of public benefit points requested is also modified with the Amendment, with the final number of points to be determined at the time of Site Plan. The Amendment still provides for greater than the 100 points required in the four categories previously approved. Within each point category, the key changes proposed by this Amendment are:

- Connectivity and Mobility – points no longer sought for Streetscape improvements;
- Diversity of Uses and Activities – points no longer sought for Small Business Opportunities, additional points sought for Enhanced Accessibility;
- Quality Building and Site Design – reduces requested points for Exceptional Design, adds Architectural Elevations subcategory with 20 points requested;
- Protection and Enhancement of the Natural Environment – adds Cool Roof and Recycling Facility Plan subcategories, with 15 points requested for each.

The following Table 1 shows the categories and points for the public benefits, previously approved in concept with the original Sketch Plan and as requested with this Sketch Plan Amendment, to demonstrate the project's ability to meet the requirement to provide sufficient public benefit points. Section 7, Site Plan Findings of this report provides a detailed description of how the proposal fulfills requirements for the public benefit points requested. Staff supports the requested amendments to the Sketch Plan outline of public benefit categories and the expected points associated with each benefit.

Table 1: Public Benefit Calculations- Section 59-4.7 & Section 59.4.9.2.C.4

Public Benefit	Maximum Points Allowed	Previously Approved in Concept	Proposed
<b>Connectivity and Mobility</b>			
Minimum Parking	20	14.8	15.92
Streetscape Improvements	20	3.92	0
<b>Diversity of Uses and Activities</b>			
Enhanced Accessibility	20	6	10.71
Small Business Opportunities	20	10	0
<b>Quality Building and Site Design</b>			
Architectural Elevations	30	n/a	20
Exceptional Design	30	30	20
Structured Parking	20	20	20
<b>Protection and Enhancement of the Natural Environment</b>			
Building Lot Terminations (BLT)	30	3.05	3.05
Cool Roof	15	n/a	5
Energy Conservation and Generation	15	15	15
Recycling Facility Plan	10	n/a	10
<b>Total Points</b>	<b>Minimum of 100</b>	<b>102.77</b>	<b>119.68</b>

**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.**

All site elements are proposed to be developed in a single-phase.

## SECTION 6: PRELIMINARY PLAN 11994080C FINDINGS AND ANALYSIS

The Planning Board approved Preliminary Plan No. 11994080B, MCPB No. 14-73, to allow for a maximum of 204,381 square feet of multi-family residential uses, consisting of no more than 225 multi-family dwelling units (including a minimum of 15 percent MPDUs), and a maximum of 5,000 square feet of commercial use, limited to retail, restaurant, or service uses on the Subject Property with conditions. The total development density approved was 209,381 square feet.

Preliminary Plan Amendment 11994080C requests to amend the previous approval to allow for a maximum 315,500 square feet of development density to include 306,849 square feet of multi-family residential use, consisting of no more than 308 multi-family dwelling units, including a minimum of 15 percent MPDUs, and a maximum of 8,651 square feet of commercial use, to include up to 3,400 square feet of commercial use and up to 5,651 square feet of Live/Work Units. The proposed Preliminary Plan Amendment findings replace all previous findings in their entirety.

- 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 proposed lot has been reviewed for compliance with Chapter 50, the Subdivision Regulations. The layout of the single-lot subdivision, including its size, width, shape, and orientation is appropriate for the mixed-use building located in the CR Zone.

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

The block design is existing and appropriate for the proposed development and use. The length, width, and shape of the block are compatible with the development patterns in the Wisconsin Avenue corridor.

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

The Preliminary Plan Amendment does not substantially change the lot design as was previously approved. The size and dimensions of the lot are appropriate for the Project location and proposed mixed-use development.

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

- i. *Master Planned Sites***

The *Bethesda Downtown Sector Plan* does not recommend specific public sites or open areas to be provided on the subject Site.

ii. **Local Recreation**

The Preliminary Plan Amendment does not include dedication of land for public recreation purposes. As detailed in accompanying Site Plan 820230010, adequate private, on-site recreational facilities for future residents of the development are proposed and include an outdoor rooftop amenity area.

iii. **Transportation and Utilities**

Utilities are to be undergrounded along the Site's frontage with Montgomery Lane, Wisconsin Avenue and Hampden Lane.

As noted in Section 5, Sketch Plan Amendment Analysis, Finding 5 of this report, there is a master-planned two-way separated bicycle facility being installed along the Site's frontage on Montgomery Lane as part of a separate project. This Preliminary Plan Amendment will enhance the safety and operation of that facility by removing a previously approved curb cut for loading access from Montgomery Lane and relocating it to Hampden Lane.

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

As shown in Section 7 Site Plan Findings and Analysis, Table 5, the Site Plan data table for the CR Zone Optional Method of development, the Preliminary Plan Amendment will comply with the development standards for the CR Zone Optional Method and related development standards. The Preliminary Plan Amendment meets all applicable sections of the Subdivision Regulations. The size, width, shape, and orientation of the proposed lot are appropriate for the zone, location and mix of uses proposed for the Site.

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

**a) Land Use**

The Preliminary Plan Amendment substantially conforms with the 2017 *Bethesda Downtown Sector Plan*. The Property is within the area identified as the "Wisconsin Avenue Corridor" and is designated as part of Site 103 on page 99 of the Sector Plan, which recommended increasing the allowable maximum commercial density from 4.0 FAR to 5.0 FAR and allowable building height from 145 feet to 250 feet<sup>6</sup>. The intent of the increases was "to provide flexible development opportunities and allow future development to better adapt to market conditions". The character of the proposed development is consistent with the Sector Plan's recommendations regarding the

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<sup>6</sup> The allowable height and commercial density for the Site was increased from CR-5.0 C-4.0 R-4.75 H-145 to CR-5.0 C-5.0 R-4.75 H-250 by Sectional Map Amendment H-122 for the Bethesda Downtown Sector Plan.

scope and scale of developed desired for the location. The Preliminary Plan Amendment conforms with the applicable goals of the Sector Plan for the Wisconsin Avenue Corridor as follows:

- i. Encourage infill and reinvestment on underutilized commercial sites and private surface parking lots.*

The Project proposes infill redevelopment of a former gas station site that has sat vacant since prior to the approval of the Sector Plan in 2017.

- ii. Encourage mixed income/affordable housing near transit stations.*

The Proposal will include up to 308 new multi-family residential units including 15 percent MPDUs. A mix of studio, one, two and three-bedroom units are proposed. The development will be within walking distance of the Bethesda Metrorail Station, multiple bus stops, and future Purple Line Station.

- iii. Encourage high-performance buildings and sites nearest the established centers.*

The Site is located in the High-Performance Area as shown on page 65 of the Sector Plan, which requires development proposals to exceed energy efficiency standards for the building type. As discussed in Section 7 Site Plan Findings and Analysis, the Proposal seeks to exceed energy efficiency standards for the building type by 17.5 percent.

- iv. Improve the pedestrian environment with upgraded streetscapes.*

The Preliminary Plan Amendment provides the appropriate space and layout for the inclusion of streetscape elements to the Bethesda Downtown Streetscape Standard. This will include wider sidewalks, plantings, street trees and furnishings.

- v. Emphasize mixed land uses focused on employment and high density residential.*

A mix of uses including high density residential, Live/Work Units and commercial uses are proposed.

- vi. Create green, active, and walkable sidewalks that are designed to balance pedestrian and retail activity with vehicular and BRT traffic this major corridor.*

The Preliminary Plan Amendment allows for the implementation streetscape improvements to the Bethesda Streetscape Standard on the Site's frontages

on Montgomery Lane, Hampden Lane, and Wisconsin Avenue. The Proposal includes its required public open space along the Site's Wisconsin Avenue frontage, which allows for the creation of wider sidewalks and additional landscaping to further enhance the pedestrian realm.

Vehicular access to the Site is consolidated to a single point on Hampden Lane from three existing access points, one from each roadway abutting the Property. The removal of curb cuts from Wisconsin Avenue and Montgomery Lane will reduce points of conflict between vehicles, pedestrians, and bicyclists. The Proposal provides a perpetual easement for public improvement along the Site's Wisconsin Avenue frontage to allow for adequate space for a future BRT line envisioned for the corridor.

The Preliminary Plan Amendment also locates ground-floor commercial uses at the Site's southeast corner, adjacent to the intersection of Wisconsin Avenue and Hampden Lane. The main entry to the residential portion of the development is at the Site's northeast corner. These active spaces will span the Site's Wisconsin Avenue frontage and wrap its corners on to Hampden and Montgomery Lanes. The location of these uses and proposed street sections, including space for sidewalks and streetscape elements, is consistent with the Bethesda Streetscape Standards.

**b) Environment**

In pursuit of meeting the environmental recommendations of the Sector Plan, the development proposal includes building and site design strategies that provide benefits for water quality, health, and aesthetic improvement such as green roof, bioretention and increasing Green Cover on-site. Bird-safe design principles are also incorporated into the building design per the Bethesda Downtown Plan Design Guidelines. Details regarding building and site design strategies are included in the accompanying Site Plan 820230010.

**c) Transportation**

The 2017 *Bethesda Downtown Sector Plan*, the 2018 *Master Plan of Highways and Transitways*, and the 2018 *Bicycle Master Plan* recommend the following master plan facilities along the Property's frontage:

- Montgomery Lane is classified as a Business District Street with a master-planned right-of-way of 70 feet. As shown on Plat No. 19553 70 feet of right-of-way is currently dedicated along the entire Site frontage. The 2017 *Bicycle Master Plan* envisions a two-way separated bike lane along the south (Site)

side of the roadway. MCDOT owns and operates this roadway and is currently constructing the bike facility.

- Hampden Lane is also classified as a Business District Street with a master-planned right-of-way of 60 feet. As shown on Plat No. 19553 the right-of-way currently measures at 60 feet and therefore no further dedication is required. No bikeways are master planned along the roadway. MCDOT owns and operates Hampden Lane.
- Wisconsin Avenue is classified as a Major Highway with a master planned right-of-way of 122 feet. MDOT SHA owns and operates Wisconsin Avenue. Currently, there is 55 feet of right-of-way dedicated between the centerline and the property line. The Applicant has received permission from MDOT SHA to achieve the intent of the master planned right-of-way with a six-foot perpetual easement for public improvement to improve the streetscape within the public realm, while allowing the Applicant to construct a structured parking lot that is located partially within the bounds of the easement, below ground.

The sidewalks along the Site's three frontages will be improved to meet the requirements of the 2017 *Bethesda Downtown Plan Design Guidelines*.

### **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 development proposed by this Preliminary Plan. As is discussed above in Finding 2.c., appropriate right-of-way dedications and public easements have been previously implemented or are proposed with this Application. Improvements to pedestrian facilities in the Site's frontage are proposed.

##### **i. *Existing Facilities***

The Site is well served by the existing road and transportation network of downtown Bethesda. The Bethesda Metrorail Station, multiple bus lines, and future Purple Line Station are located within two blocks of the Site. Existing pedestrian infrastructure in the Site's frontages will be improved to the Bethesda Streetscape Standard. Bicycle access will be improved with two-way separated bicycle lanes on Montgomery Lane, under construction by others.

##### **ii. *Proposed public transportation infrastructure***

The Preliminary Plan Amendment includes provisions for streetscape improvements on the Site's three frontages, to the Bethesda Streetscape Standard. There are no

other required or proposed public transportation infrastructure improvements included with the Proposal.

iii. ***Proposed private transportation infrastructure***

The Application provides for private on-site loading and subsurface parking structure. These facilities are accessed from a consolidated curb cut at the Site’s southwest corner on Hampden Lane. Consolidating vehicular access to this location, and removing multiple existing, and previously approved access points to the Site, reduces the number of potential conflict points between vehicles, pedestrians, and bicyclists, and other motorists traveling on Montgomery Lane, Wisconsin Avenue, and Hampden Lane.

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

The previous use on the Site was a gas station with 12 fueling positions (“pumps”). The proposed 308 high-rise residential units are estimated to generate a net decrease of 14 person trips in the morning peak hour and a net decrease of 118 person trips in the evening peak hour. The 2020-2024 Growth and Infrastructure Policy requires a transportation impact study for any project that is estimated to generate a net increase of 50 or more person trips in either peak hour. As that is not the case for this Application, the LATR review is satisfied with transportation exemption statement. A summary of the trip generation analysis is provided in Table 2 below.

*Table 2: Trip Generation Analysis*

		ITE Trip Generation Vehicle Rates		Adjusted Vehicle Rates Bethesda CBD Policy Area		Total Person Trips	
		AM	PM	AM	PM	AM	PM
Existing	Gas Station (12 pumps)	123	167	76	104	161	219
Proposed	308 Residential Units	95	65	75	51	147	101
	3,400 square feet retail <sup>1</sup>	0	0	0	0	0	0
Net Change						-14	-118

*Source: Transportation Exemption Statement from Lenhart Traffic Consulting, Inc., July 11, 2022, modified by staff*

<sup>1</sup> The presumption that no new person trips are generated applies for up to 15,000 gross square feet of retail space in a building that has least 90 percent of its floor area ratio (FAR) devoted to non-retail uses, as long as no parking spaces for retail customers are included in the site plan. No parking spaces are designated for the proposed retail use on-site. Therefore, all criteria for ancillary uses are met and it is assumed that no trips are generated by the proposed retail use.

### c) Other Public Facilities and Services

#### General

Public facilities and services are available and will be adequate to serve the proposed development. The Subject Property is proposed to be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service which has determined that the Subject Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as electrical, telecommunications, gas, police stations, firehouses, and health services are operating according to the Growth and Infrastructure Policy resolution currently in effect and will be adequate to serve the Property.

#### Schools

The FY23 Annual School Test, approved by the Planning Board on June 16, 2022 and effective July 1, 2022 is applicable to this application. This plan proposes 308 multifamily high-rise units in a location to be served by Bethesda Elementary School, Westland Middle School, and Bethesda-Chevy Chase High School. Based on the FY23 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

*Table 3: Applicable FY2023 School Adequacy.*

School	Projected School Totals, 2026				Adequacy Status	Adequacy Ceilings		
	Program Capacity	Enrollment	Percent 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 Elementary School, Westland Middle School, and Bethesda-Chevy Chase High School do not require any UPP as identified in Table 3. 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.

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; with the subject Application providing a high-rise multifamily unit structure.

With a net of 308 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.*

<b>Type of Unit</b>	<b>Net Number</b>	<b>ES Generation</b>	<b>ES Students</b>	<b>MS Generation</b>	<b>MS Students</b>	<b>HS Generation</b>	<b>HS Students</b>
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	308	0.034	10.472	0.015	4.620	0.016	4.928
<b>TOTALS</b>	<b>308</b>		<b>10</b>		<b>4</b>		<b>4</b>

As shown in Table 4, on average, this project is estimated to generate 10 elementary school students, 4 middle school students and 4 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.

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

**a) Forest Conservation Plan/Exemption**

A Forest Conservation Exemption, no. 42020043E was confirmed for the Subject Property on October 30, 2019. As such, this Application is subject to Chapter 22A Forest Conservation Law but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(1). The Project meets the particular requirements of the exemption because the proposed activity is conducted on a tract of land less than 1.5-acres, with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet.

As described above, the Subject Property is located in downtown Bethesda and within the Little Falls Branch watershed which is a Use I-P watershed. The Site is not associated with any environmentally sensitive features such as forest areas, stream buffers, wetlands, 100-year floodplains, steep slopes, or specimen trees. As a result of the confirmed Forest Conservation Exemption and lack of sensitive features onsite, this Application satisfies all applicable Chapter 22A Forest Conservation requirements.

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

This Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from MCDPS Water Resources Division on December 7, 2022. There are no known stormwater management facilities existing on the Property. The Application will meet stormwater management goals through green roof and micro-bioretenention planter boxes to treat stormwater runoff. A partial waiver of stormwater requirements was requested due to site constraints and was granted with this stormwater concept approval. A detailed review of the stormwater management computations will occur at the time of detailed plan review.

**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.***

The Applicant does not have any notice, actual or constructive, of the existence of a burial site on the Property and none are included in the Montgomery County Cemetery inventory.

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

There are no other applicable provisions specific to the Property and necessary for approval of the subdivision.

## SECTION 7: SITE PLAN 820230010 FINDINGS AND ANALYSIS

Section 59.4.5.4.A.1 requires that Optional Method projects in the CR zone receive an approved Site Plan under Section 59.7.3.4 for any development on a property with an approved Sketch Plan.

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

The findings herein apply only to the Subject Property.

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

**a) satisfies any previous approval that applies to the site;**

The Site Plan satisfies the requirements of Preliminary Plan 11994080C and Sketch Plan 32020001A. These Sketch and Preliminary Plan Amendments were specifically updated to be supportive of the development proposed by the Site Plan. The proposal is within the established density and height limitations, provides appropriate design elements that are responsive to the public benefits schedule, and includes the required public dedications.

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

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

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

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

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

i. **Division 4.5.4 CR Zone Optional Method Development**

*Table 5: 7340 Wisconsin Avenue Site Plan Data Table for CR Zone, Optional Method, Section 59.4.5.4*

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Proposed</b>
<b>Tract Area</b>	n/a	34,605 sf (0.79 acres)
<b>Prior Dedication</b>	n/a	5,926 sf (0.37 acres)
<b>Proposed Easement <sup>7</sup></b>	n/a	557 sf (0.013 acres)
<b>Site Area</b>	n/a	18,122 sf (0.42 acres)
<b>Mapped Density CR-5.0 C-5.0 R-4.75 H-250</b>		
<b>Residential (GFA/ FAR)</b>	164,375 sf (4.75)	306,849 sf (8.8)
<b>Commercial (GFA/FAR)</b>	173,025 sf (5.0)	8,651 sf (0.25) <sup>8</sup>
<b>Total Mapped Density (GFA/FAR)</b>	173,025 sf (5.0)	173,025 sf (5.0)
<b>Bethesda Overlay Zone (BOZ) Density</b>	142,475 sf	142,475 sf
<b>MPDU requirement</b>	15 percent	15 percent
<b>MPDU Bonus Density (GFA/FAR)</b>		37,483 sf (1.1)
<b>Total GFA/FAR with MPDU bonus (GFA/FAR)</b>	315,500 sf (9.12)	315,500 sf (9.12)
<b>Building Height</b>	250 ft	250 ft
<b>Public Open Space (min sf)</b>	906 sf	1,377 sf
<b>Minimum Setbacks (ft)</b>		
<b>Front</b>	0	0
<b>Front</b>	0	0
<b>Front Side</b>	0	0
	0	0

<sup>7</sup> A Perpetual Easement for Public Improvement in lieu of dedication of land to achieve the full master-planned right-of-way width for Wisconsin Avenue on the Site's frontage is provided.

<sup>8</sup> Commercial area includes up to 3,400 square feet of ground-floor retail space and up to 5,651 square feet of Live/Work Units, for a total maximum of 8,651 square feet of commercial density.

*Table 6: Development Standards for Parking*

<b>Vehicular Parking</b>	<b>Minimum Required</b>	<b>Maximum Permitted</b>	<b>Proposed</b>
308 residential Units			
1 Bedroom (191 Units)	1 per unit	1.25 per unit	
2 Bedroom (104 Units)	1 per unit	1.5 per unit	
3 Bedroom (13 Units)	1 per unit	2 per unit	
Subtotal	235	379	157 <sup>1</sup>
3,400 sf retail	12	20	0 <sup>1,2</sup>
<b>Total</b>			<b>157</b>
<b>Bicycle Parking</b>	<b>Long-term Required</b>	<b>Short-term Required</b>	<b>Provided Long-term/Short-term</b>
308 residential units	95	5	95/5
3,400 square feet retail	1	1	1/1
<b>Total</b>			<b>96/6</b>
<b>Loading Spaces</b>	1	N/A	1

<sup>1</sup>Per Section 59-6.2.3.H.1.a., an applicant may provide fewer parking spaces than required. The Site is located within the Bethesda Parking Lot District and therefore this provision applies.

<sup>2</sup>No parking is provided for retail uses in accordance with the LATR provisions for ancillary retail.

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

Based on the requested 142,475 square feet of BOZ density, reduced by 37,483 square feet of MPDU density, the Applicant is required to pay for 104,992 square feet of BOZ density at a value of \$1,197,958.72. The amount of density allocated from the BOZ for the Subject Application is deducted from the 32.4 million cap.

#### *Section 4.5.4.B.4 - Form Standards*

The Site Plan conforms to the intent of the form standards, including transparency, blank walls, and active entrances. The Project proposes ample fenestration and activating features on the ground-floor level, including an expansive residential lobby and amenity area wrapping its northeast corner, and retail space wrapping its southeast corner. The

building incorporates an architectural design that leaves no blank walls. As conditioned, the exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the architectural drawings included in the Certified Site Plan, as determined by Staff.

ii. **Division 4.7 Optional Method Public Benefits**

In accordance with the Zoning Ordinance, Section 59.4.7.1, as modified by Section 59.4.9.2.C.4 for the Bethesda Overlay Zone, the Site Plan proposes 109.68 public benefit points in four categories to satisfy the requirements: Connectivity and Mobility, Diversity of Uses and Activities, Quality Building and Site Design, and Protection and Enhancement of the Natural Environment. The Site Plan public benefits proposal is consistent with the Sketch Plan Amendment, with one exception. The Site Plan does not request ten points for providing a Recycling Facilities Plan while the Sketch Plan Amendment included such. Thus, the Site Plan proposes a total of 109.68 public benefit points, which is ten points less than the 119.68 points provided with the Sketch Plan Amendment but remains greater than the 100 points required.

*Table 7: Public Benefit Calculations- Division 59-4.7*

<b>Public Benefit</b>	<b>Maximum Points Allowed</b>	<b>Proposed</b>
<b>Connectivity and Mobility</b>		
Minimum Parking	20	15.92
<b>Diversity of Uses and Activities</b>		
Enhanced Accessibility	20	10.71
<b>Quality Building and Site Design</b>		
Architectural Elevations	30	20
Exceptional Design	30	20
Structured Parking	20	20
<b>Protection and Enhancement of the Natural Environment</b>		
Building Lot Terminations (BLT)	30	6.38
Cool Roof	15	5
Energy Conservation and Generation	25	15
<b>Total Points</b>	<b>Minimum of 100</b>	<b>113.01</b>

The Bethesda Overlay Zone increases the maximum amount of public benefit points available in certain public benefit categories. Applicable to this Site Plan are the Overlay Zone's increase in maximum points available for Minimum Parking (from 10 to 20 maximum points), Architectural Elevations (from 20 to 30 maximum points), Exceptional Design (from 10 to 30 maximum points), Cool Roof (from 10 to 15 maximum points), and Energy Conservation and Generation (from 15 to 25 maximum points).

## CONNECTIVITY AND MOBILITY

### Minimum Parking

The Bethesda Overlay Zone increases the maximum amount of public benefit points available for Minimum Park from 10 points to 20 points within the Overlay Zone. The Applicant requests 15.92 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. Based on the formula set forth in the Incentive Density Implementation Guidelines, the proposed project is eligible for 15.92 public benefit points in this category.

$$\{((\text{Maximum Allowed Parking}) - (\text{Parking Provided})) / ((\text{Maximum Allowed Parking}) - (\text{Minimum Parking}))\} * 10 = \text{number of public benefit Points}$$

$$(399-157) / (399-247) * 10 = 15.92 \text{ points}$$

The Application provides 157 parking spaces, which is 242 fewer spaces than the maximum, and yields 15.92 public benefit points. Staff supports the allocation of 15.92 public benefit points for Minimum Parking.

## DIVERSITY OF USES AND ACTIVITIES

### Enhanced Accessibility

The Applicant requests 10.71 public benefit points for providing 11 dwelling units that satisfy ANSI A117.1 Residential Type A accessibility standard or equivalent county standard. Each percentage of units provided to this standard is worth three points. Based on the formula set forth in the Incentive Density Implementation Guidelines, the proposed project is eligible for 10.71 public benefit points in this category. Staff supports the 10.71 public benefits points for the provision of enhanced accessible residential dwelling units.

$$(\text{ANSI 117.1 Type A Units} / \text{Total Units}) * 300 = \text{number of public benefit points}$$

$$(11 / 308) * 300 = 10.71 \text{ points}$$

## QUALITY BUILDING AND SITE DESIGN

### Architectural Elevations

The Bethesda Overlay Zone increases the maximum amount of public benefit points available for Architectural Elevations from 20 points to 30 points within the Overlay Zone. The Applicant requests 20 public benefit points for providing high-quality architectural elevations that include binding design elements approved with the Sketch Plan. These

elements include maximum density and height, approximate location of lots and public dedications, general location and extent of public open space, general location of vehicular access points, and public benefits schedule. The Applicant has further agreed to provide particular elements in their façade design including minimum amount of transparency on the first floor, minimal spacing between operable doors, awning provisions, sign restrictions, lighting parameters, and other design priorities of the Sector Plan. These are features and design parameters that affect the perception of building mass and pedestrian comfort. The provision of well-proportioned and attractive elevations is particularly significant with this proposal as three sides of the building will be highly visible from the public realm. The northern façade will face Montgomery Lane, southern façade will front on Hampden Lane and eastern façade will front on Wisconsin Avenue. The proposed elevations will frame the streets and help to create a safe and attractive pedestrian environment and add visual interest to the Wisconsin Avenue corridor. Staff supports the 20 public benefit points requested for Architectural Elevations.

### Exceptional Design

The Bethesda Overlay Zone increases the maximum amount of public benefit points available for Exceptional Design from 10 points to 30 points within the Overlay Zone. The Applicant requests 20 public benefit points for providing a building and site design that enhance the character of the Wisconsin Avenue corridor setting. As a site receiving an allocation of Bethesda Overlay Zone density, the Project is subject review by the Design Advisory Panel, which recommends awarding of points based on the quality of the design. The Applicant asserts the Project will fulfill recommendations of the Bethesda Downtown Sector Plan and associated Design Guidelines.

The Project proposes to replace an existing shuttered gas station with a multi-use, high-rise building that is architecturally distinct and complimentary to the existing and evolving neighborhood context in the center of downtown Bethesda. The site and building design work in harmony to create active streetscapes on the site's three frontages that balance multiple design requirements for different street types. At the ground-level, attention has been given to locating the residential lobby and amenity spaces, as well as retail space, at appropriate locations to foster activity in the street frontages. Ample fenestration is provided along these active areas to encourage a visual interface between those inside and outside of the building. Vehicular and loading access are located on Hampden Lane to reduce conflicts with pedestrians and reduce the visual impacts of vehicular access from the public realm. The use of large windows, as well the colors and masonry materials incorporated into the base design will accentuate the residential lobby and amenity area and retail spaces and serve as a solid visual anchor for the building's tower. This type of street front development continues a pattern street-level retail spaces fronting on

Wisconsin Avenue on the blocks between the existing Bethesda Metrorail Station and future Purple Line Station.

Architecturally, the building incorporates a “pin-wheel” design into its tower, adding a high degree of visual interest to the façade and tower top. The building’s form will be enhanced with a high quantity of glazing and inclusion of balconies. At the building’s top, corners of the façade will angle and extend vertically beyond the rest of the façade, creating a “crown” for the building, which is a distinct feature of the design.

The design of the project meets many of the goals for development in the Wisconsin Avenue Corridor, as is discussed in Section 6 of this report.

The Design Advisory Panel (DAP) reviewed the proposed project twice in 2022, at their meetings on May 25, 2022 and July 27, 2022. At the May meeting, the DAP was presented with changes the proposal is making to the previously approved Sketch Plan design concept. The DAP agreed the changes were consistent with the intent of the previously approved Sketch Plan, with details to be discussed with the review of a Site Plan submission. On July 27, 2022, the DAP reviewed the proposed Site Plan design and was supportive of it. The DAP voted 4-0 in support of awarding 20 points for Exceptional Design, with “refinement of the base to be reviewed through the site plan application process”. The Applicant subsequently enhanced the building’s base design during the site plan review process. Staff supports the request for 20 Exceptional Design public benefit points.

### Structured Parking

The Applicant requests 20 public benefit points for providing Structured Parking. The proposal includes below-grade structured parking with 157 spaces. All on-site parking will be provided in the subsurface garage. The CR Zone Incentive Density Implementation Guidelines grants points on a sliding scale based on the percentage of total on-site spaces to be provided in a below-grade parking structure. The proposed parking regime qualifies for 20 public benefit points as 100 percent of the proposed parking spaces for the project will be located in a subsurface parking structure. Staff supports the request for 20 public benefit points.

## PROTECTION AND ENHANCEMENT OF THE NATURAL ENVIRONMENT

### Building Lot Terminations (BLTs)

The Applicant requests 6.38 points for the purchase of 0.709 BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5 percent incentive density floor area, exclusive of any density allocated for MPDUs. Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning

Ordinance. Staff supports the 6.38 public benefits points requested based on the following calculation:

$$(((315,500-(17,302))*7.5\%)/31,500= 0.709 \text{ BLTs}$$

$$0.709 \text{ BLTs} * 9 \text{ points/BLT} = 6.38 \text{ points}$$

### Cool Roof

The Bethesda Overlay Zone increases the maximum amount of public benefit points available for Cool Roof from 10 points to 15 points in the Overlay Zone. The Applicant requests five points for providing cool roof area. The Project will meet the minimum solar reflective index (SRI) on a total of 1,800 square feet of the building's non-vegetated roof area. Staff supports the request for five public benefit points.

### Energy Conservation and Generation

The Bethesda Overlay Zone increases the maximum amount of public benefit points available for Energy Conservation and Generation from 15 to 25 points in the Overlay Zone. The Applicant requests 15 points for providing a design that exceeds the energy efficiency standards for the building type by greater than 17.5 percent. The Applicant provided a preliminary energy use and generation model with comparisons to the average use and generation for the building type based on the Department of Energy Standards. The final model with specific methods used to achieve this reduction will be determined by MCDPS prior to the issuance of a Building Permit. As conditioned, the Applicant will meet the minimum reduction standards for this category and Staff recommends 15 points for this public benefit.

#### iii. ***Division 59-6 General Development Standards***

##### ***(1) Division 6.1 Site Access***

The Subject Application proposes consolidating three curb cuts to a single point of vehicular access on Hampden Lane. All vehicular access to the loading and on-site parking garage will occur on the single, full-movement driveway on Hampden Lane. Consolidating the vehicular access to a single point on-site significantly reduces the exposure of all travel modes to conflicts, which aligns with the County's commitment to Vision Zero.

Pedestrian access will be improved with wider street buffers which will include trees and understory plantings. The sidewalks will also be widened to eight feet, which exceeds ADA accessibility standards and significantly increases pedestrian comfort.

Bicycle access will be improved by two-way separated bike lanes that are under construction along Montgomery Lane. The Project is providing 95 long-term bicycle parking spaces in two areas on the Site. One is on the ground floor of the building and the other in Level 1 of the garage. Six short-term bicycle parking spaces are provided at the corner of Wisconsin Avenue and Montgomery Lane, where bicycle activity is expected to be highest on the Site.

## **(2) Division 6.2 Parking, Queuing and Loading**

The Project proposes providing 157 vehicular parking spaces in a below-grade parking garage. The 2017 *Bethesda Downtown Sector Plan* recommends a constrained parking policy within the Plan area. The Site is also located within the Bethesda Parking Lot District, which permits the Applicant to provide fewer than the minimum required (i.e., zero spaces). Given the allowances of the Zoning Code, the recommendations of the Sector Plan, and the proximity of the Site to rapid transit, this quantity of parking is permitted.

The Zoning Code requires one (1) on-site loading area, and one (1) is provided, accessed from Hampden Lane. The Loading area as shown on the Site Plan meets the design requirements as outlined in Section 59-6.2.8.C.2.a.

MCDOT has evaluated the consolidated loading and parking garage access driveway for sight distance and has approved its design.

## **(3) Division 6.3 Open Space and Recreation**

In accordance with Section 59.4.5.4.B.1, as the Site has an area of 18,122 square feet and frontages on three existing rights-of-way, the proposal must include a minimum of five percent (906 square feet) of the site area as public open space. The Project includes 1,377 square feet of site area dedicated to public open space, which equates to approximately 7.6 percent of the site area. This public open space area is located along the Site's Wisconsin Avenue frontage and will contribute to the creation of an attractive streetscape area.

## **(4) Division 6.4 General Landscaping and Outdoor lighting**

Landscaping and outdoor lighting is proposed as part of the Project. These elements, located along the Site's three street frontages, are generally designed to the Bethesda Streetscape Standards. Outdoor lighting is provided in appropriate locations around the Site and building to ensure safe and attractive nighttime illumination. Landscaping is provided on outdoor building terrace and rooftop areas where feasible and appropriate.

**e) Satisfies the applicable requirements of:**

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

DPS approved a Combined Stormwater Management Concept/ Site Development Stormwater Management Plan on December 7, 2022. The plan proposes to meet required stormwater management goals via green roof and microbioretention planter boxes.

**ii. Chapter 22A, Forest Conservation.**

This project has satisfied all applicable Chapter 22A Forest Conservation Requirements. As part of this Application, a Forest Conservation Exemption was confirmed for the Subject Property on October 30, 2019. The submitted Forest Conservation Exemption Plan identified the existing man-made and natural features associated with the Property, such as the buildings, associated parking, street trees and landscape elements. There are no rare, threatened, or endangered species, no stream/buffers, or steep slopes identified on Site. Furthermore, there are no historic or cultural properties identified on the Site as well.

**f) Provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;**

All parking, loading and service areas for the development are located on-site, internal to the building. The proposal includes reducing vehicular access points to the property from three to one consolidated driveway. Existing curb cuts are located on Montgomery Avenue, Hampden Lane and Wisconsin Avenue. The proposal will remove curb cuts from Montgomery and Wisconsin Avenues and locate one, consolidated curb cut at the Site's southwestern corner on Hampden Lane. The consolidation of vehicular access points will improve circulation and safety around the site. Pedestrian safety and connectivity will be improved with the provision of enhanced streetscapes along the Site's three frontages. The building design also provides for resident amenities internal to the building and exterior on the roof, as well as open space area (as is discussed under Site Plan finding 2.d.iii.3 above) where required.

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

As described in the findings for Preliminary Plan Amendment 11994080C in this report, the Project substantially conforms with the recommendations of the 2017 *Bethesda Downtown Sector Plan*. The type of development proposed by the Project will locate a mix of uses, including high-density residential, Live/Work Units and commercial in the

core of downtown Bethesda. Furthermore, the Project will redevelop a long-shuttered former gas station and deliver a 250-foot-tall building with distinctive architectural character on a highly visible property in the core of the Wisconsin Avenue Corridor.

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

A detailed discussion of the adequacy of public facilities analysis is included under the Preliminary Plan Amendment findings of the staff report. Public facilities including schools, police and fire protection, water, sanitary sewer, public roads and storm drainage are adequate to serve the proposed development.

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

The Subject Property is not located in a Rural Residential or Residential Zone; therefore, this requirement is not applicable to this Application.

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

The Property is located in the core of Downtown Bethesda and is surrounded by properties that have recently redeveloped, are in the process of redeveloping, or have received approvals to redevelop. The proposed high-rise, mixed-use building with a height of 250 feet is compatible with existing, approved, or pending adjacent development. Adjacent properties are zoned for similar maximum height, densities, and mix of uses. Abutting the west side of the Site is the approved Hampden East project (Site Plan No. 820210070), a mixed-use, high-rise tower. The Proposal provides for tower setback of 22.5 feet from the property line shared with Hampden East. The two abutting towers will have a minimum tower separation of 45 feet above their bases, as recommended by the Sector Plan. Across Hampden Lane to the south is the Metro Tower project (Site Plan No. 820190110), with the recently completed Wilson and Elm buildings beyond (Site Plan No. 820160200), to the east across Wisconsin Avenue is the recently completed hotel and residential Avocet Tower building (Site Plan No. 820180040), and to the north, across Montgomery Lane is a historic post office building, and two single-story commercial buildings, with the Bethesda Metro Center development beyond.

3. ***To approve a Site Plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.***

This requirement is not applicable as the Site Plan does not include a restaurant with drive-through service.

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

This requirement is applicable as the Subject Property was not zoned C-1 or C-2 on October 29, 2014.

## SECTION 8: COMMUNITY OUTREACH

The Applicant held a pre-submittal public meeting on July 12, 2022 related to the applications associated with this Proposal. The meeting was conducted virtually per COVID-19 Guidelines and has complied with all submission and noticing requirements. In addition to the required public meeting, the Applicant has completed the required on-site sign posting and mailed written notice of the applications to applicable parties.

As of date of this Staff Report, Staff has received no correspondence on the Applications.

## SECTION 9: CONCLUSION

As conditioned, the Sketch Plan Amendment, Preliminary Plan Amendment, and Site Plan applications each satisfy the applicable 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 *Bethesda Downtown Sector Plan* and satisfy the findings of the Subdivision Regulations. Therefore, Staff recommends approval of the Sketch Plan Amendment, Preliminary Plan Amendment, and Site Plan with the conditions specified at the beginning of this report.

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## ATTACHMENTS

*Attachment A: Sketch Plan*

*Attachment B: Preliminary Plan*

*Attachment C: Site Plan*

*Attachment D: Sketch Plan Resolution*

*Attachment E: Preliminary Plan Resolutions*

*Attachment F: Agency Letters*

*Attachment G: DAP Meeting Minutes*