

Montgomery Planning

7749 OLD GEORGETOWN ROAD

**PRELIMINARY PLAN NO. 120240070, SITE PLAN NO. 820240090
& FOREST CONSERVATION PLAN NO. F20241020**



Description

Request to create one lot for a 246,000 square foot mixed-use building containing up to 6,000 square feet of ground floor retail and up to 270 units above.

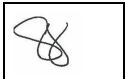
COMPLETED: 1/6/2025

PLANNING BOARD HEARING DATE: 1/16/2025

MCPB ITEM NO. 8

Montgomery County Planning Board
2425 Reedie Drive, Floor 14 Wheaton MD 20902
Montgomeryplanning.org

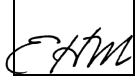
Planning Staff



Grace Bogdan, Planner IV, Downcounty Planning, grace.bogdan@montgomeryplanning.org, 301.495.4533



Stephanie Dickel, Supervisor, Downcounty Planning, Stephanie.Dickel@montgomeryplanning.org, 301.495.4527



Elza Hisel-McCoy, Chief, Downcounty Planning, Elza.Hisel-McCoy@montgomeryplanning.org, 301.495.2115

LOCATION/ADDRESS

Located in the southeast quadrant of the intersection of Old Georgetown Road & St. Elmo Avenue

MASTER PLAN

2017 Bethesda Downtown Sector Plan

ZONE

CR-5.0, C-5.0, R-5.0, H-175 and Bethesda Overlay Zone (BOZ)

PROPERTY SIZE

0.72 acres

APPLICANT

Stonebridge

ACCEPTANCE DATE

August 7, 2024

REVIEW BASIS

Chapter 22A, Chapter 50 & Chapter 59

Summary:

- On December 14, 2023, the Planning Board approved Sketch Plan No. 320240040 to allow up to 246,000 square feet of mixed-use development with a maximum building height of 175 feet.
- The Applications seek approval for a new building with ground floor retail and residential above for up to 270 units with 15% MPDUs, utilizing up to 89,165 square feet of Bethesda Overlay Zone density with associated Park Impact Payment (PIP).
- The Applicant requests a reduced truncation at the intersection of Old Georgetown Road and St. Elmo Avenue. See Section 5 for further discussion.
- The Applicant will install the 5-foot-wide master planned bicycle lanes along the Site frontage with a flex post buffer on St. Elmo Avenue and extend striping of the bicycle lanes beyond the site frontage to Norfolk Avenue.
- Staff received correspondence regarding loading design and how construction impacts will be managed. See Section 4 for further discussion.
- Staff recommends approval of the applications with conditions.

TABLE OF CONTENTS

SECTION 1: RECOMMENDATIONS AND CONDITIONS	3
PRELIMINARY PLAN 120240070	3
SITE PLAN 820240090	6
FOREST CONSERVATION PLAN F20241020	12
SECTION 2: SITE DESCRIPTION	13
VICINITY.....	13
PROPERTY DESCRIPTION.....	14
SECTION 3: PROJECT DESCRIPTION.....	15
PREVIOUS APPROVALS.....	15
PROPOSAL	16
SECTION 4: COMMUNITY OUTREACH	20
SECTION 5: PRELIMINARY PLAN 120240070 FINDINGS AND ANALYSIS	21
SECTION 6: SITE PLAN 820240090 FINDINGS AND ANALYSIS	26
SECTION 7: FOREST CONSERVATION PLAN F20241020 FINDINGS AND ANALYSIS.....	38
SECTION 8: CONCLUSION	39
ATTACHMENTS	39

SECTION 1: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN 120240070

Staff recommends approval of Preliminary Plan No. 120240070 to create one lot for a mixed-use building for up to 270 multifamily dwelling units with 15% MPDUs and up to 6,000 square feet of commercial uses. All site development elements shown on the latest electronic version of the Preliminary Plan No. 120240070 as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.

GENERAL APPROVAL

1. This Preliminary Plan is limited to one lot for up to 270 multi-family dwelling units with 15% MPDUs and up to 6,000 square feet of retail uses.¹

ADEQUATE PUBLIC FACILITIES

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

PLAN VALIDITY PERIOD

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

OUTSIDE AGENCIES

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated December 4, 2024 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations 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 recording a plat 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 (“MDOT SHA”) in its letter dated November 1, 2024, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of

¹ The retail space can be changed to other commercial uses if there is no adverse impact on the Preliminary Plan and the APF findings and it is approved by Staff.

the recommendations in the letter, which may be amended by MDOT SHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

7. Before the issuance of MDOT SHA 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 Montgomery County Department of Permitting Services ("MCDPS"), Water Resources Section in its stormwater management concept letter dated October 28, 2024, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
9. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Fire Department Access and Water Supply Section in its letter dated December 3, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

OTHER APPROVALS

10. Before approval of a record plat or any demolition, clearing or grading 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, sidewalks and bikeways is determined through site plan review and approval.
11. If an approved 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

Frontage Improvements on Existing Roads

12. The Applicant must satisfy all necessary requirements of MCDPS to ensure construction of the following frontage improvements:
 - a. St. Elmo Avenue: Eight-foot-wide (8 ft) sidewalk with a five-foot-wide (5 ft) vegetated street buffer, and a five-foot-wide (5 ft) separated bike lane on the south side of the street with two-foot-wide (2 ft) buffer striped with flex posts along the Site frontage. This will transition to five-foot-wide (5 ft) striped bike lanes with no buffer to the east of the Site; the Applicant will install striped lanes beyond the site frontage to Norfolk Avenue. The portion of this bikeway to the east of the site that is striped with no buffer should be placed between the travel lane and the curbside parking. The Applicant's participation in bike lane striping shall not require milling or overlay in the right-of-way.

- a. A variable sidewalk width with a minimum width of ten-feet (10 ft) and a six-foot-wide (6 ft) vegetated street buffer.

RECORD PLATS

13. No above-grade building permits shall be issued before recordation of plat(s).
14. The record plat must show necessary easements.

CERTIFIED PRELIMINARY PLAN

15. The certified Preliminary Plan must contain the following note:
 - a. Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.
16. 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. Clearly label extent of Public Access Easement including truncation area.
 - c. Update street sections to show variable sidewalk width on Old Georgetown Road.

SITE PLAN 820240090

Staff recommends approval of Site Plan No. 820240090, for the construction of a mixed-use building with a maximum density of 246,000 square feet, including up to 6,000 square feet of commercial uses and up to 240,000 square feet of residential uses for up to 270 multi-family dwelling units with 15% MPDUs. The development must comply with the binding elements and conditions of approval for Sketch Plan No. 320240010 as listed in the MCPB Resolution No. 23-131 dated December 27, 2023, as may be amended. 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.²

DENSITY, HEIGHT & HOUSING

1. Density

The Site Plan is limited to a maximum of 246,000 square feet of total development on the Subject Property, including 240,000 square feet of residential uses for up to 270 multi-family dwelling units with 15% MPDUs, and up to 6,000 square feet of non-residential uses for retail/service³.

2. Height

The development is limited to a maximum height of 175 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

3. 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 October 22, 2024, and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

a. The development must provide 15% MPDUs or MCDHCA-approved equivalent consistent with the requirements of Chapter 25A and the applicable Master Plan.

b. 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.

4. Bethesda Overlay Zone Density & Park Impact Payment

a. Per Section 59.4.9.2.D.4 of the Zoning Ordinance, the Applicant must have a building permit application accepted by MCDPS that includes the core and shell of the principal building within two years of the date of the Planning Board Resolution 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

² 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.

³ The retail space can be changed to other commercial uses allowed in the CR zone if there is no adverse impact on the Site Plan and the APF findings and it is approved by Staff.

fails to comply with any of the deadlines in this condition, the entire Site Plan approval is revoked.

- b. The Applicant must pay to the M-NCPPC a Park Impact Payment of \$672,249.27 prior to release of the first above-grade building permit for the allocation of 89,165 square feet of Bethesda Overlay Zone Density, not including 35,342 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.

5. Green Cover

- a. The Applicant must provide a minimum of 35% of Green Cover on the Site comprised of intensive green roof, native canopy tree plantings, and/or bioretention planter boxes, as shown on the Certified Site Plan.
- b. Any green roof installed pursuant to this condition must have a minimum soil depth of eight inches or Staff approved equivalent.
- c. The Certified Site Plan must include a section of the green roof demonstrating depth, soil media, and proposed structure to be built in place.

OPEN SPACE, FACILITIES AND AMENITIES

6. Public Benefits

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

- a. Connectivity between Uses, Activities, and Mobility Options
 - i. Streetscape
The Applicant must install striping on St. Elmo Avenue as shown on the Certified Site Plan in accordance with Condition 13.
- b. Diversity of Uses and Activities
 - i. Enhanced Accessibility for the Disabled
Before issuance of any residential building permit, the Applicant must certify that seven (7) dwelling units will 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 & Exceptional Design
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. Structured Parking
The Applicant must provide all onsite parking 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 0.5484 BLTs to the MCDPS and M-NCPPC staff.
- ii. Cool Roof
The Applicant must provide a minimum solar reflectance index (SRI) of 75 for 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%, as determined by MCDPS through the methodology established by ASHRAE 90.1 (2013) Appendix G. The final energy model with final calculations must be submitted to the Department of Permitting Services Sustainability and Energy Division with the building permit application.
- iv. Recycling Facility Plan
Before issuance of the Final Use and Occupancy Certificate for the building, the Applicant must install recycling containers in the building beyond the minimum County standards as outlined in the memo dated September 11, 2024 and signed by the Department of Environmental Protection Recycling and Resource Management Division.

7. Recreation Facilities

The Applicant must provide the required recreation facilities as shown on the Certified Site Plan (CSP).

NOISE

8. Before 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.
9. If any changes occur to the Site or Preliminary Plan(s) which affect the validity of the noise analysis dated October 07, 2024, 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.
10. Before issuance of any Final 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 recommendations as certified by an engineer that specializes in acoustical treatments.
11. 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 or lease 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.

TRANSPORTATION & CIRCULATION

12. 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 October 10, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

13. Pedestrian & Bicycle Circulation

- a. The Applicant must provide 95 long-term and 5 short-term bicycle parking spaces.
- b. The long-term spaces must be in a secured, well-lit bicycle room on the ground floor, and the short-term spaces must be inverted-U racks (or approved equal) installed along the building's retail frontage/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.
- d. The Applicant must 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 issuance of the first Use and Occupancy permit.
 - i. St. Elmo Avenue: eight-foot-wide (8 ft) sidewalk with a five-foot-wide (5 ft) vegetated street buffer, and a five-foot-wide (5 ft) separated bike lane on the south side of the street with two-foot-wide (2 ft) buffer striped with flex posts along the Site frontage. This will transition to striped bike lanes with no buffer to the east of the Site; the Applicant will install striped lanes beyond the site frontage to Norfolk Avenue. The portion of this bikeway to the east of the site that is striped with no buffer should be placed between the travel lane and the curbside parking. The Applicant's participation in bike lane striping shall not require milling or overlay in the right-of-way.
- e. A variable sidewalk width with a minimum width of ten-feet (10 ft) and a six-foot-wide (6 ft) vegetated street buffer. Before release of the surety bond, the Applicant must construct the streetscape improvements, including the undergrounding of utilities, along the Property's frontage on St. Elmo Avenue and Old Georgetown Road, consistent with the latest *Bethesda Streetscape Standards*.

14. Fire and Rescue

- a. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated December 3, 2024, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

- b. Before approval to release any portion of the site plan performance bond, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the fire access improvements have been constructed and installed per the recommendations from the Fire Department Access and Water Supply Section, and as shown in the approved MCDPS fire access plan, or as amended.

SITE PLAN

15. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet A01.05 & A01.06 of the submitted architectural drawings, as determined by M-NCPPC Staff.

16. Lighting

- a. Before certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All 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 proposed fixtures to prevent excess illumination and glare.
- d. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by street lights within the right-of-way.
- e. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

17. Site Plan Surety and Maintenance Agreement

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

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements only for facilities located on the Property (not in the public r.o.w.), including, but not limited to plant material, site furniture, on-site lighting, outdoor recreational facilities, indoor and rooftop amenities,.

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.

18. Development Program

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

19. 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 Site Plan resolution and other applicable resolutions on the approval or cover sheet(s).
- b. Add the following notes:
 - i. “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.”
 - ii. “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 before any site development work commencement and before 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. Include approved Fire Department Access 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. Include a Recreation Plan delineating location and detail of the recreation facilities, where appropriate, in a manner that is clear and corresponds to the posted surety and maintenance agreement.
- g. Clearly label extent of Public Access Easement including truncation area.
- h. Include Loading Management Plan showing the approved truck turning movements and narrative covering operations for the Site.

FOREST CONSERVATION PLAN F20241020

Staff recommends approval of Forest Conservation Plan No. F20241020, which involves demolishing the existing mixed-use building and small parking spots to create one lot for a mixed-use building for up to 270 multifamily dwelling units and up to 6,000 square feet of commercial uses. The approval is subject to the following conditions:

1. Before any clearing, grading or demolition on the site, the Applicant must certify the Final Forest Conservation Plan, which must be consistent with the approved Forest Conservation Plan and associated conditions.
2. 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.
3. Before the start of any demolition, clearing, grading or construction, whichever comes first for this development Application, the Applicant must submit the forest conservation fee-in-lieu payment to the M-NCPPC Planning Department for the 0.08- acres of afforestation/reforestation requirement, or as shown on the certified Final Forest Conservation Plan.

SECTION 2: SITE DESCRIPTION

VICINITY

The Project is located in the Woodmont Triangle District of downtown Bethesda at a unique five-way intersection of Old Georgetown Road, St Elmo Avenue, Wilson Lane, and Arlington Road. The vicinity is developed with a mixture of office, retail, and residential buildings ranging in heights from two stories up to residential high rises (up to 225 feet). To the north, St. Elmo Avenue is predominantly developed with two-story buildings with ground floor retail and office above. Directly to the south along Old Georgetown Road is a 12-story office building. Across Old Georgetown Road to the southwest is a three-story retail and office space, the Montgomery County Board of Education, and a three-story office development referred to as Garden Plaza. Moving farther south and east towards Wisconsin Avenue and the downtown core, building heights increase. The Property is located approximately 1/3-mile from the Bethesda Metro Station to the southeast.



Figure 1 – Vicinity Map showing the Subject Property in red and the Woodmont Triangle District in dotted black line

PROPERTY DESCRIPTION

The Subject Site (Subject Property, Property, Site) is located on the southeast corner of the intersection of Old Georgetown Road and St. Elmo Avenue. The Property is an assemblage of lots and parcels originally created by the 'Woodmont' Subdivision recorded in Plat Book No. 1, Plat No. 4.

The Site totals 0.72 tract acres and is zoned CR-5.0, C-5.0, R-5.0, H-175' and is within the Bethesda Overlay Zone (BOZ). The Property is currently developed with several buildings, including a three-story office facing Old Georgetown Road with Old Georgetown Grill on the first floor, and a one-story Jewelry Exchange and parking lot facing Old Georgetown Road. On St. Elmo Avenue, there are several one-story retail buildings with associated curb cuts providing access to commercial establishments such as Bethesda Florist and Bethesda Boxing and Kickboxing Academy.

The Property is located within the Rock Creek watershed which is a Use I watershed. The Site is not associated with any areas of forest, or 100-year flood plains, streams, or stream buffers. Soils associated with the Property are classified generally as urban land and are not considered highly erodible or otherwise sensitive; additionally, there are no areas of steep slopes within the project area. There are no historic properties or trees on-site.

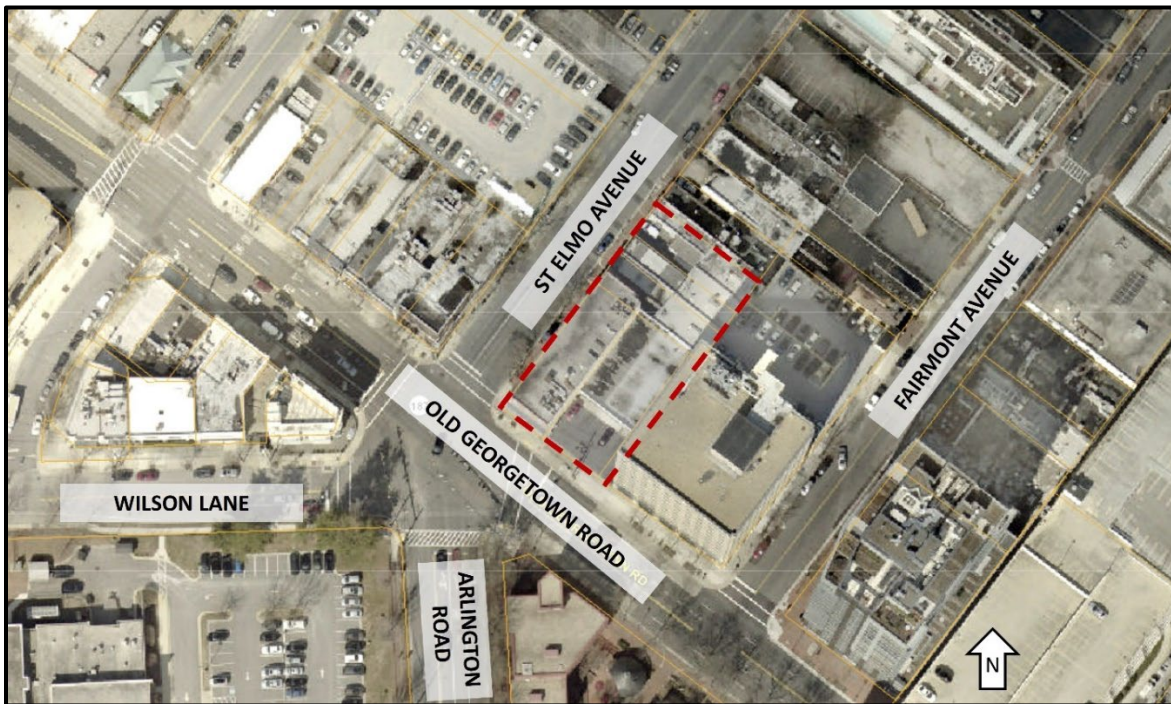


Figure 2 – Subject Property

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

On December 14, 2023, the Planning Board approved Sketch Plan No. 320240040 to allow up to 246,000 square feet of mixed-use development with a maximum building height of 175 feet, including up to 6,000 square feet of nonresidential uses and up to 240,000 square feet of residential uses with 15% MPDUs and utilizing up to 89,165 square feet of Bethesda Overlay Zone density with the associated Park Impact Payment (PIP).

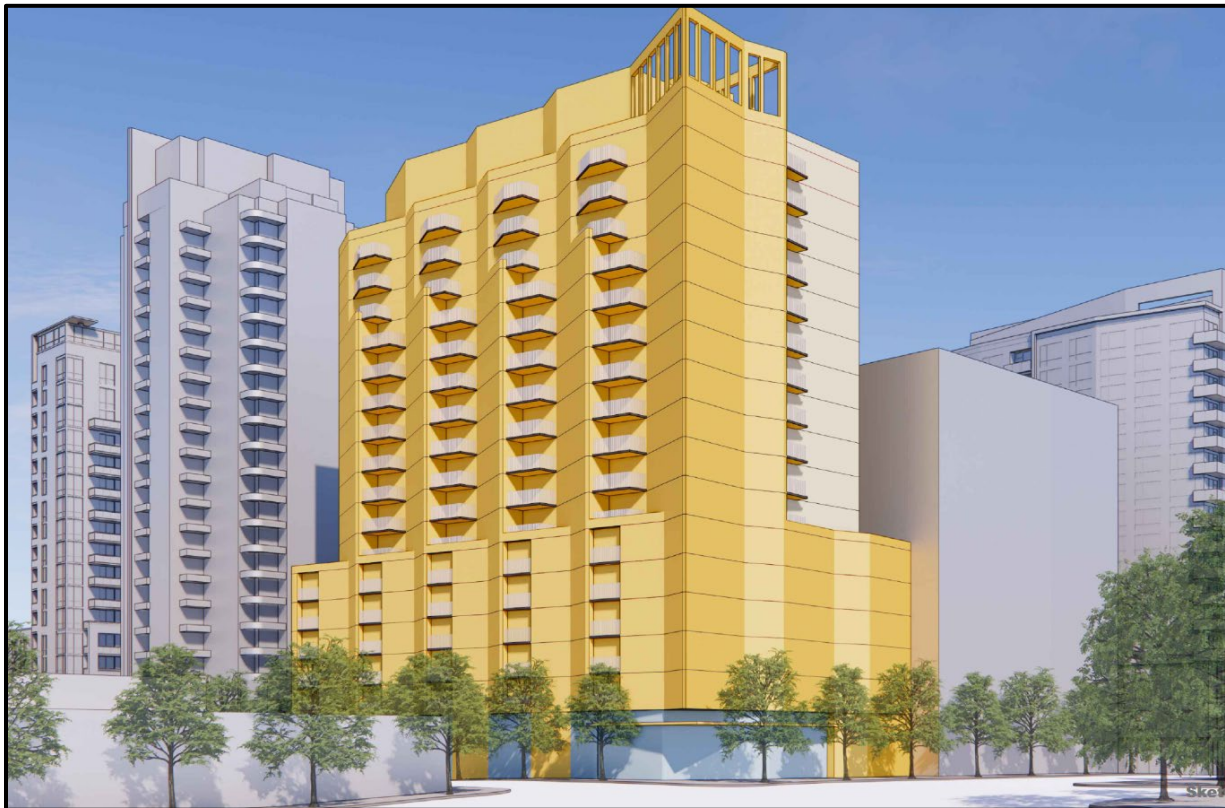


Figure 3 – Rendering of Sketch Plan No. 320240040 looking southeast towards St Elmo/Old Georgetown Road

PROPOSAL

The Application is consistent with the Sketch Plan and proposes to create one lot for the construction of a mixed-use building up to 175 feet in height. The building will contain up to 6,000 square feet of retail uses on the ground floor with up to 240,000 square feet of residential uses above for up to 270 multi-family dwelling units with 15% MPDUs. The proposal includes up to 89,165 square feet of BOZ density with the associated PIP.



Figure 4 – Rendering of proposed Site Plan looking southeast towards St Elmo/Old Georgetown Road

BUILDING/ARCHITECTURE

The building's architecture has been refined since the Sketch Plan. The building will provide a six-story base with the ground floor activating the corner of Old Georgetown Road and St. Elmo Avenue with retail uses and entrances on the Old Georgetown Road frontage, with optional outdoor seating.

The lobby for the residential building will be located on the St. Elmo Avenue frontage, as well as access to the loading and vehicular garage. Above the base, the building will step back on both the St. Elmo Avenue and Old Georgetown Road frontages at an angle, creating a 'chevron' modulation along the facades. On the Old Georgetown Road façade, the tower will provide a setback from the southern property line. The corner of the building pronounces these angles, enhancing the unique five-way intersection. The top of the building is accentuated with the trellis and large piers that frame the building's penthouse and rooftop amenities.



Figure 5 – Rendering of proposed Site Plan looking east

The Project was reviewed by the Bethesda Design Advisory Panel (DAP) at the June and July 2024 meetings, with focus on refinement of the Old Georgetown Road façade and penthouse design. At the time of Sketch Plan, the massing provided the Sector Planned tower setback of 22.5 feet from the southern property line (to support a total 45-foot setback between building towers) as a flat building elevation. As the building design has been refined, the elevation now provides modulation that reflects the facades along Old Georgetown Road and St. Elmo Avenue, which narrows the setback at its closest point to 18 feet. The DAP is supportive of this alternative treatment as the variation in this space will allow more light and air into these units and will unify the building design. The DAP voted in support of 25 public benefit points for Exceptional Design with review of the garage entry to be finalized during the Site Plan review. The Applicant provided elevations detailing the brick area surrounding the garage and loading entries.



Figure 6 – Rendering of building base on St. Elmo Avenue showing retail and lobby entrance

TRANSPORTATION

The Site is a corner lot with frontages on Old Georgetown Road and St. Elmo Avenue. Transportation access, safety and comfort will be improved for all travel modes in and around the Site and utilities will be undergrounded. All vehicular access will be provided from St. Elmo Avenue, and the existing excessively wide curb cut and surface parking on Old Georgetown Road will be eliminated. Separate bays will be provided for loading and garage access on the eastern side of the Site on St. Elmo Avenue. Both frontages will be enhanced with the tree lined buffers and sidewalks per the *Bethesda Downtown Streetscape Guidelines and Design Guidelines*.

The Applicant will provide a variable width sidewalk on Old Georgetown Road ranging from 10 to 22-feet in width with a 6-foot-wide tree-lined buffer, and an 8-foot-wide sidewalk with a 5-foot-wide tree-lined buffer on St. Elmo Avenue.

The Applicant submitted a Loading Management Plan (LMP) with the Site Plan that aims to facilitate smooth loading operations while also maintaining a safe environment for pedestrians, bicyclists, and all other users of the Site. To accomplish this the LMP states the following:

- There will be a designated on-site property management staff member to manage the loading dock to ensure that deliveries do not block pedestrian, bicycle, or vehicular traffic.
- To discourage loading activities along St. Elmo Avenue, routine carriers will not be given fob access to the front door of the building.
- The loading dock will be open seven days a week from 7 am to 8 pm.
- Trucks larger than 30 feet in length will be prohibited from using the loading dock.

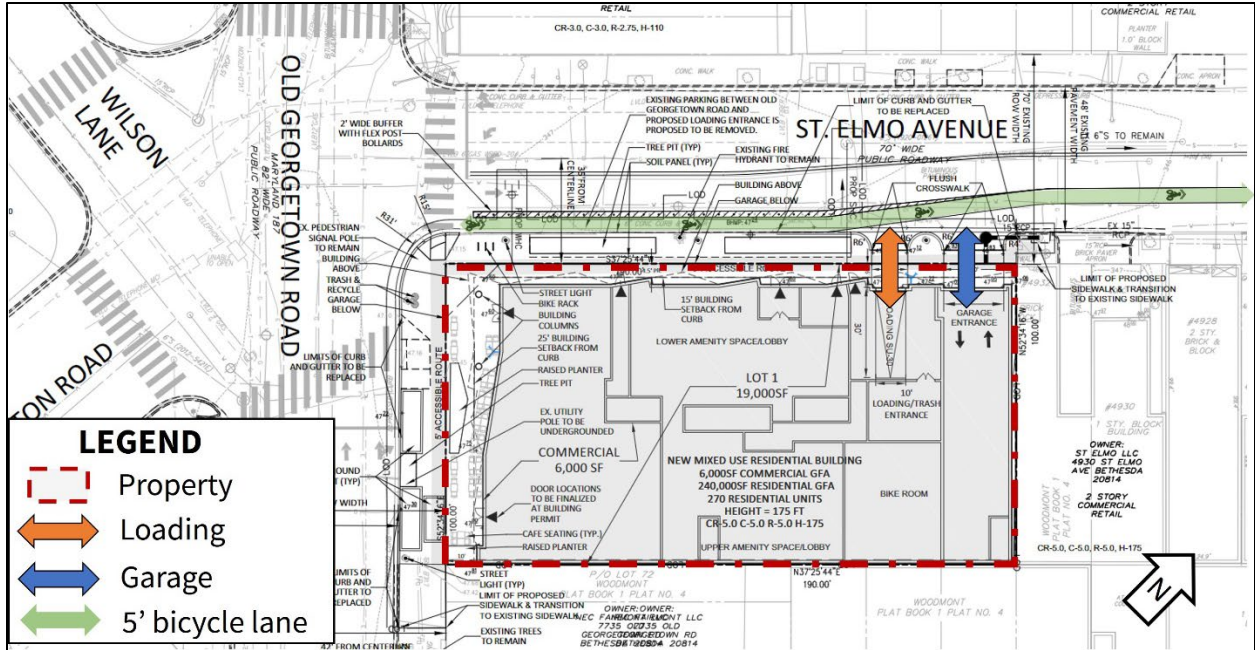


Figure 7 – Proposed site circulation

The Applicant will install bicycle lanes along the St. Elmo Avenue frontage as envisioned in the 2018 *Bicycle Master Plan*. The bicycle lanes will be five feet in width with a two-foot buffer containing flex posts and lightweight breakaway bollards along the Site frontage. The design of these bicycle lanes, which is an interim facility until the final design can be achieved, was coordinated with Montgomery County Department of Transportation (MCDOT) and consistent with the Complete Streets Design Guide for an interim facility. On St. Elmo Avenue, beyond the Site frontage, the Applicant will provide striping to continue the five-foot-wide bicycle lanes with no buffer to Norfolk Avenue. Street parking will be removed along the Site frontage but will remain in place for the remainder of St. Elmo Avenue to Norfolk Avenue.

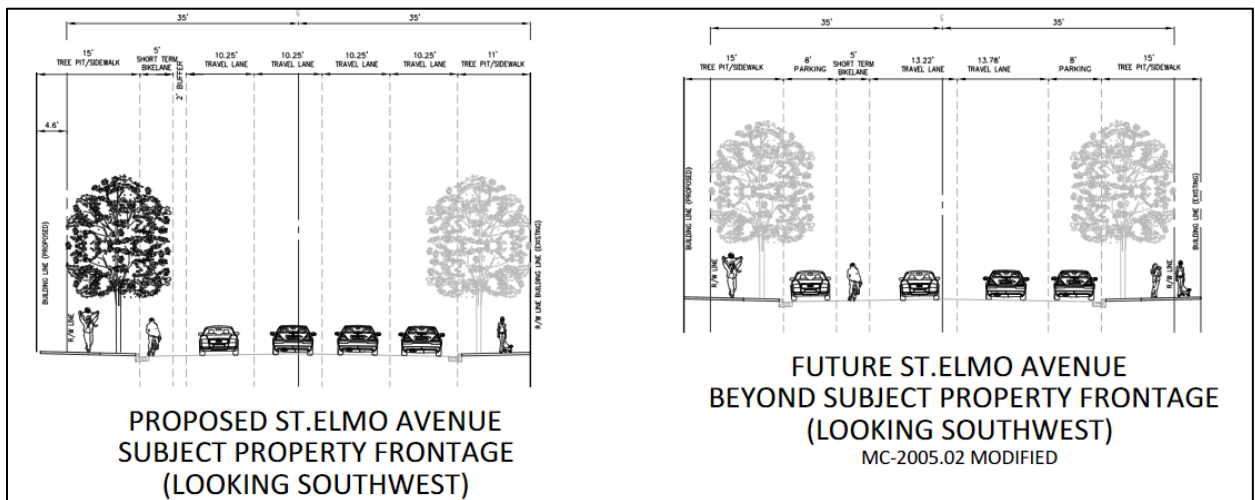


Figure 8 – Proposed street sections on St. Elmo Avenue for bicycle improvements

All vehicular parking will be provided in the below-grade parking garage, accessed from St. Elmo Avenue which will accommodate up to 145 vehicular spaces on-site, and 100 bicycle parking spaces.

ENVIRONMENT

Although there is no forest on-site or nearby the Property, a Forest Conservation Plan (FCP) has been submitted as part of this concurrent Preliminary and Site Plan submission. The FCP proposes a combination of green infrastructure strategies to increase green cover on public and private lands. The project will achieve 35% green cover on private property through intensive green roofs and tree planting. To promote better plant development, the Sector Plan also recommends providing high-volume soil for street trees. The Applicant proposes to use the recommended tree species cited in the Sector Plan; however, due to limited site space, a double row of trees and wider sidewalks are not feasible for this Project. Due to the tract area, associated offsite work, and the mixed-use designation of this project, the FCP requires a minor afforestation requirement of 0.08 acres, to be addressed by offsite banking or a payment of a fee-in-lieu.

SECTION 4: COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements. A pre-submittal public meeting was held on June 10, 2024, where the Applicant answered questions regarding the project timeline and funding, building design, and dwelling unit mix. The meeting minutes are provided in Attachment F.

Staff received two emails with questions regarding how traffic will be managed during construction of the building and installation of streetscape improvements and loading design. Staff communicated that this stage of planning process does not include details on construction management, road/sidewalk closures, etc. If the Planning Board approves the Project, the Applicant will proceed to permit review with the Department of Permitting Services (DPS) and the Applicant will be required to provide a Temporary Traffic Control Plan to be reviewed and approved by DPS Right-of-Way (ROW) Division, and the Project will be assigned a ROW Inspector to inspect and enforce the Plan.

Based on the proposed development, the Project is required to provide one loading space for an SU-30 box truck, which is proposed on St. Elmo Avenue next to the garage access. This loading bay is designed to be 30-feet in depth and the Applicant provided truck turning movements demonstrating how trucks will be able to maneuver in and out of the loading space. Additionally, as conditioned, the Loading Management Plan will help facilitate efficient loading around the Site to ensure these activities will not disrupt pedestrian, bicycle and vehicular circulation along St. Elmo Avenue.

SECTION 5: PRELIMINARY PLAN 120240070 FINDINGS AND ANALYSIS

The Preliminary Plan would create one lot for a mixed-use building for up to 270 multifamily dwelling units with 15% MPDUs and up to 6,000 square feet of commercial uses. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application has been reviewed by other applicable State, County and City agencies.

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 layout of the subdivision is appropriate for the proposed mixed-use building. As demonstrated by Table 6 in Site Plan Finding 1.a, the proposed lot and Proposal complies with the basic requirements contained in Chapter 59 for optional method projects within the CR zone.

Section 50.4.3.E.2.f.iii of the Montgomery County Subdivision Regulations indicate that corner lots at an intersection must be truncated by straight lines joining points 25 feet back from the theoretical property line intersection in each quadrant, which would require a 25-foot truncation at the corner of the Site where St. Elmo Avenue intersects with Old Georgetown Road. When more or less width is needed for traffic safety and operations, the Board may specify a greater or lesser truncation than otherwise required. Historically, Planning and MCDOT have not required full truncations in urban settings to accommodate building placement as long as sight distance and traffic functions are not impeded. The Applicant requests a reduced truncation at this intersection and alternatively proposes a building design and pedestrian zones along both frontages that achieves a 25-foot build-to-line on Old Georgetown Road and a 15-foot build-to-line on St. Elmo Avenue. In addition to the building design, the Applicant will dedicate a public access easement at the intersection that will achieve an 18-foot truncation. The easement would functionally restrict the installation of any obstructions within the area of the public access easement to ensure vehicular and pedestrian visibility at this intersection. The Project will improve the streetscape along both frontages to enhance safety for all modes of transportation.

Montgomery County Department of Transportation has reviewed the proposal and supports the reduced truncation as the additional right-of-way is not necessary for MCDOT purposes. Staff supports the Applicant's request for reduced truncation at the corner of St. Elmo Avenue and Old Georgetown Road in accordance with Section 50.4.3.E.2.f.iii of the Montgomery County Subdivision Regulations.

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

a) *Land Use*

As discussed in Site Plan Finding 2.g, the Proposal substantially conforms to the 2017 *Bethesda Downtown Sector Plan*.

b) Environment

St. Elmo Avenue is identified in the Sector Plan as a Canopy Corridor, and as such is intended to create green corridors that connect parks, trails, stream buffers, and denser forest networks beyond the Bethesda boundaries. The proposed plan includes increasing canopy cover in streets and public spaces and achieving 35% green cover on private property through intensive green roofs and tree planting. However, due to limited site space, a double row of trees and wider sidewalks are not feasible for this project. The corridors also align with recommended bike and pedestrian priority streets where tree canopy becomes a crucial element to enhance shade and comfort while also providing an ecological benefit. In aligning the proposed development with these goals, the Applicant proposes vegetated buffers within St. Elmo Avenue and Old Georgetown Road and will be providing two additional planters on Old Georgetown Road within the Property where outdoor seating is proposed. The streetscape will improve the pedestrian realm for the benefit of the greater Woodmont Triangle neighborhood.

c) Transportation

Old Georgetown Road is classified as an Urban Boulevard per the *Bethesda Design Guidelines* which recommends a minimum 25-foot-wide build-to-line from the curb to the building, and a pedestrian through zone ranging from 10-20 feet in width. The Application will provide a build-to-line of 28 feet and a variable pedestrian through zone ranging from 10 to 22 feet with a frontage zone that will provide landscape beds and outdoor seating areas. St. Elmo Avenue is classified as a Downtown Mixed-Use Street with a 15 to 20-foot-wide build-to-line from the curb to the building, and the Application will provide a 15-foot-wide build-to-line and an 8-foot-wide sidewalk.

As further discussed in Finding 3 below, the Applicant will be implementing the master-planned separated bicycle lanes on St. Elmo Avenue and updating the streetscape per the *Bethesda Design and Streetscape Guidelines*.

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

a) Roads and other Transportation Facilities

i. Existing Facilities

Both frontages have already achieved their master-planned right-of-way (ROW) width with Old Georgetown Road containing 87 feet of existing ROW and St. Elmo Avenue containing 70-feet of existing ROW. No further dedication is required.

ii. Proposed public transportation infrastructure

7749 Old Georgetown Road

The Applicant will install a separated bike lane on St. Elmo Avenue. This includes a five-foot-wide separated bike lane with a two-foot buffer (striped and with flex posts) along the Site frontage (the south side of St. Elmo Ave) and this will transition to striped bike lanes with no buffer to the east of the Site (to be installed by the Applicant, as conditioned). The portion of this bikeway to the east of the site that is striped should be placed between the travel lane and the curbside parking, which is to remain. The design of these bicycle lanes, which is an interim facility until the final design can be achieved, was coordinated with Montgomery County Department of Transportation (MCDOT) and consistent with the Complete Streets Design Guide for an interim facility. The Applicant will also install enhanced streetscape on Old Georgetown Road, consistent with the Bethesda *Streetscape Standards and Design Guidelines*, to achieve a 22-foot-wide sidewalk with a 6-foot-wide vegetated buffer with street tree plantings.

b) Local Area Transportation Review (LATR)

The previous use on the Site was 23,015 square feet of commercial uses, including 18,760 square feet of retail, and 4,255 square feet of office. The proposed 270 high-rise residential units and 6,000 square feet of ground floor retail are estimated to generate a net increase of 46 person trips in the morning peak hour and a net decrease of 39 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 the morning or evening peak hours. As that is not the case for this Application, the LATR review is satisfied with a transportation exemption statement. A summary of the trip generation analysis is provided in Table 1 below.

Table 1: 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	Strip Retail Plaza (<40K sf)	44	122	27	74	61	167
	Office	11	12	7	8	15	17
Proposed	270 multifamily housing (high-rise)	78	93	62	74	122	145
	6,000 square feet retail ¹	0	0	0	0	0	0
Net Change						46	-39

Source: *Transportation Exemption Statement from Wells and Associates, September 10, 2024, modified by staff*

¹ 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 (2022 LATR Guide, page 20).

c) Schools

Preliminary Plan No. 120240070 is subject to the FY25 Annual School Test, approved by the Planning Board on June 20, 2024, and effective July 1, 2024. This plan proposes 270 multifamily high-rise units.

School Adequacy Test

The project is served by Bethesda Elementary School (ES), Westland Middle School (MS) and Bethesda-Chevy Chase High School (HS). Based on the FY25 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 2: FY2025 Annual School Test Projections (2028-2029 School Year)

	Program Capacity	Enrollment	%Utilization	Surplus/ Deficit
Bethesda ES	561	590	105.2%	-29
Westland MS	1,064	865	81.3%	+199
Bethesda-Chevy Chase HS ⁴	2,475	2,341	94.6%	+134

Table 3: FY2025 School Test Results

	Adequacy Status	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Bethesda ES	No UPP	56	84	168
Westland MS	No UPP	325	412	572
Bethesda-Chevy Chase HS	No UPP	314	629	1,001

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 FY25 Annual School Test, Bethesda ES, Westland MS and Bethesda-Chevy Chase HS 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.

Calculation of Student Enrollment Impacts

The calculation of student enrollment impacts is determined by the number of dwelling units multiplied by the applicable School Impact Area student generation rate for each

⁴ Projected enrollment is modified to estimate the impact of the Charles W. Woodward High School Reopening (CIP P651908) and the Northwood HS Addition/Facility Upgrades (CIP P651907), reflecting the scope of the boundary study approved by the Board of Education on March 28, 2023.

school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low-rise multifamily unit, or high-rise multifamily unit.

With a net of 270 multifamily high-rise units that are not age-restricted, the proposed project is estimated to generate the following number of students based on the subject property’s location within an Infill Impact Area:

Table 4: Estimated Student Enrollment Impacts

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
SF Detached	0	0.202	0.000	0.096	0.000	0.141	0.000
SF Attached	0	0.161	0.000	0.087	0.000	0.126	0.000
MF Low-rise	0	0.065	0.000	0.030	0.000	0.040	0.000
MF High-rise	270	0.039	10.530	0.016	4.320	0.018	4.860
TOTALS	270		10		4		4

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.

d) Other Public Facilities and Services

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.

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

The Application satisfies all applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department’s Environmental Guidelines as further discussed in the findings for Forest Conservation Plan No. F20241020.

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

DPS approved a Stormwater Management Concept on October 28, 2024. The concept plan proposes to meet required stormwater management goals via the use of green roof, micro-bioretenment, and a partial waiver.

- 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 actual or constructive notice of any burial site on this Property.

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

No other provisions apply to the Subdivision.

SECTION 6: SITE PLAN 820240090 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 application is in conformance with the previously approved Sketch Plan No. 320240010 and the concurrent Preliminary Plan No. 120240070.

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

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

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

7749 Old Georgetown Road

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 CR Zone

Table 5: Project Name Site Plan Data Table for CR Zone, Optional Method, Section 59.4.5

Development Standard	Permitted/ Required	Proposed
Tract Area	n/a	31,367 sf (0.72 ac)
Tract Area - Prior Dedication	n/a	12,637 sf (0.28 ac)
Tract Area - Proposed Dedication	n/a	0 sf
Site Area¹ (tract area minus dedications)	n/a	19,000 sf (0.44 ac)
Mapped Density		
CR 5.0, C 5.0, R 5.0, H 175		
Residential (GFA/ FAR)	156,835 sf (5.0)	240,000 sf (7.65)
Commercial (GFA/FAR)	156,835 sf (5.0)	6,000 sf (0.19)
Total Mapped Density (GFA/FAR)	156,835 sf (5.0)	156,835 sf (5.0)
Bethesda Overlay Zone Density	n/a	89,165 sf (2.84) ²
Total GFA/FAR		246,000 sf (7.84)
MPDU requirement	15%	15%
Building Height, max	175 ft	175 ft
Setbacks		
Old Georgetown Road	0 ft	10 ft
St. Elmo Avenue	0 ft	8 ft
Public Open Space (min s.f.)	0%	0%
Green Cover	35% of site area	35% (6,650 sf)
Vehicular Parking (min/max)		
270 residential units	0 ³ /368 sp	
Ancillary retail (6,000 sf)	17/36 sp	145 sp ⁴
Bicycle Parking (short-term/long-term)		
270 residential units	5/95 sp	
Ancillary retail (6,000 sf)	1/0 sp	6/95 sp

¹ Site area is determined by tract area minus any previous and proposed dedications per Section 59.4.1.7.A

² Projects utilizing Bethesda Overlay Zone Density are subject to a PIP payment and may reduce the square footage associated with MPDUs.

³ Per Section 59.6.2.3.I.8 of the Zoning Ordinance, residential uses located within ½ mile of a metro station are exempt from parking minimums.

⁴ No parking will be reserved for the retail space as it is ancillary. Parking will be finalized at the time of building permit based on final unit count.

The Bethesda Overlay Zone (BOZ) was adopted July 18, 2017, specifically to implement the recommendations of the Bethesda Downtown Sector Plan as it relates to density, building heights, affordable housing, parks, and design. The BOZ set a cap of overall development (32.4 million square feet) whereby the zoning approved for most properties retains the base density but increases the heights on respective sites. An applicant can request an allocation of density over the base density to build to the maximum height permitted by the Zone, as needed. The Applicant is subject to a park impact payment valued at \$12.49/square foot based upon the density requested and facilitates acquisition of parkland in the downtown Bethesda area.

Based on the requested 89,165 square feet of BOZ density, reduced by 35,342 square feet of MPDU density⁵, the Applicant is required to pay for 53,823 square feet of BOZ density at a value of \$672,249.27. The amount of density allocated from the BOZ for the Subject Application is deducted from the 32.4 million cap.

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

In accordance with the Zoning Ordinance, Section 59.4.7.1, the Site Plan proposes at least 100 public benefit points in 4 categories to satisfy the requirements:

Table 6: Public Benefit Calculations- Division 59-4.7

Public Benefit	Maximum Points Allowed	Recommended
Connectivity and Mobility		
Minimum Parking	20	0
Streetscape Improvement	20	11
Diversity of Uses and Activities		
Enhanced Accessibility	20	7.8
Quality Building and Site Design		
Architectural Elevations	30	15
Exceptional Design	30	25
Structured Parking	20	20
Protection and Enhancement of the Natural Environment		
Building Lot Terminations (BLT)	30	4.94
Cool Roof	15	7
Energy Conservation and Generation	25	15
Recycling Facility Plan	10	5
Total Points	100 (required)	110.74

Per Section 59.4.9.2.C.4.g of the Zoning Ordinance, the Bethesda Overlay Zone eliminates the category for Transit Proximity, increases the maximum amount of public benefit points

⁵ Section 59.4.9.2.C.3.c.i. of the Zoning Ordinance exempts MPDU density from the Park Impact Payment.

available in certain categories, and requires a minimum amount of public benefit points for Exceptional Design and Energy Conservation and Generation. 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 Sketch Plan proposed providing less than the minimum required parking spaces for the zone, however since the approval of the Site Plan, the County Council adopted a ZTA that exempts minimum parking requirements for residential uses within 1/2 miles of a metro station. The Project is located approximately 1/3 mile from the Bethesda Metro Station, therefore this public benefit category is no longer applicable to the Project.

Streetscape

The Applicant requests 11 points for providing improvements to off-site streetscape on the St. Elmo Avenue right-of-way. The Applicant will provide painting and striping for the five-foot-wide bicycle lane to continue beyond the Site frontage east to Norfolk Avenue, allowing cyclists to continue safely to the next intersection. The offsite streetscape improvement totals 426 linear feet, therefore Staff supports 11 points for this category based on the following formula:

$$(\text{streetscape improvements}/\text{net lot area}) * 100$$

$$[(426 * 5) / 19,000] * 100 = 11 \text{ points}$$

DIVERSITY OF USES AND ACTIVITIES

Enhanced Accessibility for the Disabled

The Applicant requests 7.8 points for exceeding the requirements for the Americans with Disabilities Act (ADA). The Applicant proposes to construct 5 units that satisfy the American National Standards Institute A117.1 Residential Type A standards, or a County equivalent. Staff recommends 7.8 points for this category based on the following formula:

$$(\text{ANSI 117.1 Units} / \text{Total Units}) * 300$$

$$(7 / 270) * 300 = 7.8 \text{ points}$$

QUALITY BUILDING AND SITE DESIGN

Architectural Elevations

The Applicant requests 15 for providing architectural elevations as part of the Certified Site Plan showing particular elements in the façade including substantial amounts of transparency on the first floor, operable doors on St. Elmo Avenue and Old Georgetown Road, and design priorities of the applicable sector plan or implementing design guidelines. As conditioned, the architectural elements must be substantially similar to architectural elevations shown on the submitted architectural drawings. Staff supports 15 points for this category.

Exceptional Design

The Applicant requests 25 points for building and/or site design that enhances the character of a setting. As a site located within the Bethesda Overlay Zone, the Project is subject to the Design Advisory Panel review, which will award points based on the quality of the design. The Applicant states that the Project fulfills many recommendations of the *Bethesda Downtown Sector Plan* and Design Guidelines and meets the 6 criteria listed in both the CR Implementation Guidelines and the Bethesda Implementation Guidelines for exceptional design as follows:

Providing innovative solutions in response to the immediate context.

Due to the Project's prominent corner location, the St. Elmo Ave. and Old Georgetown Rd. facades will be featured prominently as you enter Downtown Bethesda from the North and West. The Project focuses on activating both of those facades with a unique, articulated, interwoven design that wraps the building, creates a base, middle, and top proportion, and culminates in expressing a tower at the corner. Creating a tall visual element at the corner anchors the corner and establishes this intersection as the Gateway coming into Bethesda. Tall, 18-foot retail space will be featured prominently at the corner at this location to promote transparency and activity, enhancing the pedestrian experience at this gateway to the vibrant Woodmont Triangle District. Because of its location at the corner, the garage entrance and loading are located as far away as possible up St. Elmo. Ave. to alleviate any congestion issues and favor the pedestrian experience. The remainder of the ground floor will be populated with the Project's residential lobby and amenity spaces to further support visual connections and encourage activity along the street.

Creating a sense of place and serves as a landmark

The Project is located at the four-way intersection of Old Georgetown Rd., Wilson Ln., St. Elmo Ave., and Arlington Rd., and the Project features prominently as you enter Bethesda from the North and West. The highly visible St. Elmo Ave. façade is designed to be a highly interwoven and integrated façade using unique design elements that break the building down into the base, middle, and top proportion and seamlessly extend to the corner to create a tower element that anchors the corner of this highly visible intersection. Because of the height of this project and the lower heights of the buildings to the north, this unique façade will be a visual landmark as you approach from the North. The architecture blends throughout the building and creates an overall proportion that connects the Project from top to bottom, using unique and innovative forms and architecture, and that breaks down into a pedestrian scale at the ground floor, creating a sense of place and destination at this gateway intersection of the Bethesda CBD.

Enhancing the public realm in a distinct and original manner.

7749 Old Georgetown Road

The high visibility and location of the Property promotes the Project as a destination landmark of Downtown Bethesda, serving as a visual beacon and gateway into the Woodmont Triangle District. Using unique and distinctive architecture not only helps enhance the public realm, but using a design concept that connects the Project from top to bottom anchors the whole building to the street and promotes the pedestrian experience.

Introducing materials, forms, or building methods unique to the immediate vicinity or applied in a unique way.

The Project features an interwoven “chevron” design that integrates setbacks, recesses, and balconies and creates a layered façade that expresses a proportional top, middle, and base for the Project. This design is unique to the area and utilizes many of the recommended guidelines to reduce the bulk of the building in a whole new and innovative way, while still achieving the overall design goals of the guidelines. Using different materials and colors to help emphasize these moves will further elevate the form and massing of the Project.

Designing compact infill development so living, working, and shopping environments are more pleasurable and desirable on a site.

As mentioned above, the Project sits on a compact site that limits the building footprint because of its adjacency to its neighbors and the intersection. The architecture is highly articulated from top to bottom to connect the building to the public realm and promote the pedestrian experience. Integrated balconies throughout the façade and outdoor rooftop amenity space encourages an active indoor and outdoor building experience. The Project is a mixed-use building featuring commercial space at the prominent corner, which is flanked on either side by the Project’s residential lobby and amenity space. Integrating all those uses with views toward the streets will encourage activation and activity throughout the day.

Integrating low-impact development methods into the overall design of the site and building beyond green building or site requirements.

The Project is located in the high-performance area of the BOZ, and the building will strive to integrate low-impact development methods into the Project. The “chevron” helps provide additional daylighting into the unit by angling towards the west while the unique geometry of this element also helps provide additional shadows and shading that will help the building with solar heat gain. The Project is meeting the required 35% green cover through use of intensive green roof and tree canopy. In addition to integrated private balconies, the Project will also include a large outdoor amenity space at the roof to enhance the indoor/outdoor experience.

The Project was reviewed by the Bethesda Design Advisory Panel at the June and July 2024 meetings, with focus on refinement of the Old Georgetown Road façade and penthouse design. At the time of Sketch Plan, the massing provided the Sector Planned tower setback of 22.5 feet from the southern property line (to support a total 45-foot setback between building towers) as a flat building elevation. As the building design has been refined, the elevation now provides modulation that reflects the facades along Old Georgetown Road and St. Elmo Avenue, which narrows the setback at its closest point to 18 feet. The Design Advisory Panel is supportive of this alternative treatment as the variation

in this space will allow more light and air into these units and will unify the building design. The DAP voted in support of 25 points with review of the garage entry to be finalized during the Site Plan review. The Applicant provided elevations detailing the brick area surrounding the garage and loading entries, therefore Staff recommends 25 points for Exceptional Design.

Structured Parking

The Applicant requests 20 points for providing all parking within a below grade parking structure. Staff supports 20 points in this category based on the following formula:

$$[(\text{Above Grade Parking} / \text{Total Parking}) * 10] + [(\text{Below Grade Parking} / \text{Total Parking}) * 20]$$
$$[(0/145) * 10] + [(145/145)] * 20 = 20 \text{ points}$$

PROTECTION AND ENHANCEMENT OF THE NATURAL ENVIRONMENT

Building Lot Termination

The Applicant requests 4.94 points for the purchase of 0.5484 BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area, exclusive of any density allocated for MPDUs. Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance. Staff recommends 4.94 public benefit points based on the following calculation:

$$(((246,000 \text{ sf}) - (15,684 \text{ sf})) * 7.5\%) / 31,500) * 9 = 4.94 \text{ points}$$

Cool Roof

The Applicant requests 7 points for proposing to provide any roof area on the tower portion of the building that is not covered by a vegetated roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12 and a minimum SRI of 25 for slopes above 2:12. As proposed, the Applicant will provide cool roof treatment on 47% of the remaining roof area. For this reason, Staff supports 7 of the 15 eligible points for this category.

Energy Conservation and Generation

The Applicant requests 15 points for exceeding energy-efficient standards for the building type by 17.5%. The Applicant provided a draft energy model to the Montgomery Department of Permitting Services Sustainability and Energy Division for review which was confirmed on October 7, 2024 that the energy model will meet the requirements, with the final model and calculations to be provided at building permit. Staff supports the Applicant's request for 15 public benefit points.

Recycling Facility Plan

The Applicant requests 5 points for providing a recycling facility plan that exceeds the minimum requirements set forth in the Zoning Ordinance. The Applicant provided a Recycling Plan for review by the Montgomery County Department of Environmental Protection (MCDEP) Waste Reduction and

Recycling Section. The Applicant proposes to provide dedicated recycling containers within their building for collection and recycling of batteries, plastic bags, and light bulbs. These efforts are beyond the minimum requirements of the County for recycling and disposal and will enhance waste reduction and increase awareness in the building. Staff supports the Applicant's request for public benefit points based and MCDEP's approval letter dated September 11, 2024 (Attachment C).

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

(1) Division 6.1 Site Access

The Project will consolidate several existing curb cuts on the Old Georgetown Road and St. Elmo Avenue frontage to one access point located off St. Elmo Avenue. The sight distance for this access point was evaluated by Montgomery County Department of Transportation and it was found to be sufficient. Pedestrians will access the building from entrances on Old Georgetown Road and St. Elmo Avenue, which will be enhanced with wider sidewalks and tree lined buffers per the Bethesda Design Guidelines and Streetscape Standards.

(2) Division 6.2 Parking, Queuing and Loading

All parking will be located within the building in a below-grade garage. Per Section 59.6.2.3.1.8, there is no minimum parking requirements for residential projects located within ½ mile of a metro station. This Project is located approximately 1/3 mile from the Bethesda Metro Station and as such, no parking is required. As proposed, the below-grade parking garage will accommodate up to 145 spaces (approximately 1.8 spaces per unit). The Project will also provide 95 long-term bicycle parking spaces which will be located on the first floor of the building, and five short-term bicycle parking spaces to be located near the retail entrance at the intersection of Old Georgetown Road and St. Elmo Avenue.

Based on the development program proposed, the Project is required to provide one loading space that can accommodate an SU-30 box truck. The loading space is located on St. Elmo Avenue on the eastern side of the Site next to the parking garage entrance, along with truck turning templates demonstrating how trucks can safely maneuver in and out of the space. All loading operations, including trash collection, resident move-ins/outs, and major deliveries will utilize the loading space. The Applicant submitted a Loading Management Plan (LMP) with the Site Plan that aims to facilitate smooth loading operations while also maintaining a safe environment for pedestrians, bicyclists, and all other users of the Site. To accomplish this the LMP states the following:

- There will be a designated on-site property management staff member to manage the loading dock to ensure that vehicles do not block pedestrian, bicycle, or vehicular traffic along St. Elmo Avenue.
- To discourage loading activities along St. Elmo Avenue, routine carriers will not be given fob access to the front door of the building.
- The loading dock will be open seven days a week from 7 am to 8 pm.
- Trucks larger than 30 feet in length will be prohibited from using the loading dock.

(3) Division 6.3 Open Space and Recreation

Based on the tract area and frontages, the Project is not required to provide public open space per Section 59.6.3 of the Zoning Ordinance. The Project will provide recreation facilities including an indoor fitness room, resident lounge, rooftop amenity and picnic seating, which will be demonstrated on the Certified Site Plan.

(4) Division 6.4 General Landscaping and Outdoor lighting

The Project will provide landscaping within the tree lined buffer on both frontages per the Bethesda Streetscape Standards. Additionally, the Applicant proposes two planters within the outdoor patio area on Old Georgetown Road which will contain a mixture of shrubs, grasses, perennials, and evergreens. As conditioned, the lighting will conform to the standards contained in Section 59.6.4.

e) Satisfies the applicable requirements of:

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

MCDPS approved a Combined Stormwater Management Concept/ Site Development Stormwater Management Plan on October 28, 2024. The concept plan proposes to meet required stormwater management goals via green roof, micro-bioretenion and a partial waiver.

ii. Chapter 22A, Forest Conservation

The Application satisfies all applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department’s Environmental Guidelines as further discussed in the findings for Forest Conservation Plan No. F20241020.

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

7749 Old Georgetown Road

The Project will provide safe, well-integrated parking, circulation patterns, massing, and site amenities. As stated in Finding 2.d.iii(1) above, the vehicular and loading access has been consolidated to St. Elmo Avenue, and the existing curb cut along Old Georgetown Road will be closed. The streetscape on both frontages will be enhanced in compliance with the *Bethesda Streetscape Standards*, and overhead utilities will be undergrounded. The Applicant has proposed outdoor seating areas along the Old Georgetown Road frontage to further activate the corner with outdoor amenity space.

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

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

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

The Property is designated as site 36 on pages 111 and 112 of the Sector Plan. Woodmont Triangle is an eclectic, mixed-use district that balances high-rise residential development with small-scale retail and arts amenities. This district serves as an office and retail center during the day, and as a restaurant district during the evenings and weekends. Woodmont Triangle is primarily a commercial area, containing both retail and office uses. Residential uses were once limited, but since the 2006 *Woodmont Triangle Amendment*, additional apartments and condominiums have been developed in the district. The predominance of low buildings on small parcels in Woodmont Triangle creates a strong contrast with the higher density residential blocks that have recently developed in the district as well as in the Metro Core. Parking lots and decks, both public and private, occupy the limited number of otherwise vacant properties. The area has little open space and few visually distinctive buildings. Lack of distinguishing characteristics among the streets creates

orientation problems for visitors. Despite its lack of visual quality, the district's diverse business activity, low-scale buildings and low-speed street pattern contribute to the area's appeal. Due in part to its angled roadway system that creates triangles within the Triangle, this district features oddly configured and dispersed retail spaces, and difficult accessibility and visibility from major roadways. However, these conditions have allowed a more diverse and local boutique retail environment to flourish.

Specifically, the Project addresses the following goals as outlined in the Sector Plan and Woodmont Triangle District sections of the Sector Plan:

- *Improve intersections and environment for pedestrians and bikes through lighting and safety measures.*

The Project will update the Old Georgetown Road frontage, and the intersection of, and frontage along, St. Elmo Avenue in compliance with the *Bethesda Design Guidelines*. This includes undergrounding overhead utilities and providing lighting, street trees, benches, and trash receptacles as recommended by the *Bethesda Streetscape Standards*.

- *Enhance bike connectivity.*

As conditioned, the Project will construct the southern side of the master planned bicycle lanes on St. Elmo Avenue as envisioned by the 2018 *Bicycle Master Plan* and will also provide short term bicycle parking on the exterior of the building to support the multimodal activity to the proposed retail space, and long-term bicycle parking for the users of the building.

- *Increase environmental innovation, including more energy efficient buildings, better stormwater management, improved sidewalks and bicycle routes, and other measures to enhance community health and quality of life.*

The Project will result in significant improvements to the treatment of stormwater management on-site, as there are no known stormwater management facilities located on the Property. As recommended by the Sector Plan, the Project will achieve 35% green cover by providing green roof. Additionally, the Project is located within the High-Performance Area and will meet the requirements in the Sector Plan and Bethesda Overlay Zone for exceeding current energy efficient standards for buildings by 17.5%.

- *Continue the Constrained Long-term Parking Policy and promote incentives to reduce parking.*

Given its proximity to transit, the Project will provide up to 145 parking spaces on-site for the proposed 270 multifamily units. This results in a low parking ratio, approximately 0.5 spaces per unit. This is well below the maximum number of parking spaces allowed by the Zoning Ordinance.

- *Promote infill development with higher densities and building heights nearest the central core of Downtown Bethesda to accommodate future growth.*

The Property is currently improved with low-density, aging commercial buildings. Given its location within walking distance of the Bethesda Metro Station, the Project is proposing to redevelop the site with a 17-story mixed-use, transit-oriented development.

- 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;***

As demonstrated in the associated Preliminary Plan No. 120240070 Finding 3, there are adequate facilities to serve the Project.

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

The Property is not within a Rural Residential or Residential Zone.

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

The Project will be compatible with existing and pending nearby development. The massing will provide a stepback from the existing commercial building to the south on Old Georgetown Road as recommended by the Bethesda Design Guidelines and provide stepbacks above the base on the Old Georgetown Road and St Elmo façade to reduce perceived bulk and mass from the street views.

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

Not applicable, as this Site Plan does not include a restaurant with a drive-thru.

- 4. For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed***

development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.

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

SECTION 7: FOREST CONSERVATION PLAN F20241020 FINDINGS AND ANALYSIS

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

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. The Forest Conservation Plan complies with the Montgomery County Environmental Guidelines and the Forest Conservation Law, as conditioned and described below.

The Applicant has submitted a Final Forest Conservation Plan with this Application. The Forest Conservation Worksheet shows a calculated afforestation requirement of 0.08 acres associated with the Application due to the tract area, associated offsite work, and the mixed-use designation of the Project. This minor afforestation requirement is anticipated to be addressed by a payment of fee-in-lieu.

As defined in Section 22A-12(g)(2) of the Forest Conservation Law, off-site reforestation and afforestation requirements are not mandatory if they are less than 0.5 acre and the Planning Board or Planning Director determines that: (A) no on-site priority planting area is present; and (B) no other appropriate on-site planting area is available. In this case, the Applicant has submitted a Final Forest Conservation Plan with this Application. The Forest Conservation Worksheet shows a calculated afforestation requirement of 0.08 acres, which is below the 0.5-acre threshold. This requirement is triggered by the tract area, associated offsite work, and the mixed-use designation of the Project. Since the afforestation requirement is minor and on-site planting is not feasible, it is anticipated that it will be addressed by a payment of a fee-in-lieu.

The Application satisfies all applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and complies with the Montgomery County Planning Department's Environmental Guidelines. Staff recommends approval of the Forest Conservation Plan No. F20241020.

SECTION 8: CONCLUSION

As conditioned, the Preliminary Plan, Site Plan, and Forest Conservation Plan applications each satisfy the findings under Section 7.3.4 and the applicable standards of the Zoning Ordinance, Subdivision Ordinance, Forest Conservation Law, and substantially conform to the recommendations of the 2017 *Bethesda Downtown Sector Plan* and satisfy the findings of the Subdivision Regulations. Therefore, Staff recommends approval of Preliminary Plan No. 120240070, Site Plan No. 820240090, and Forest Conservation Plan No. F20241020 with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Preliminary/Site/FCP Plan

Attachment B: Sketch Plan No. 320240010 Resolution MCPB No. 23-131

Attachment C: Agency Letters

Attachment D: Community Correspondence

Attachment E: Bethesda Design Advisory Panel minutes June and July 2024

Attachment F: Affidavit Regarding Community Meeting and Meeting Minutes