

PLD LOT 25 REDEVELOPMENT

MANDATORY REFERRAL NO. MR2025005, PRELIMINARY PLAN NO. 120250040, SITE PLAN NO. 820250030, & FOREST CONSERVATION PLAN NO. F20250110



Description

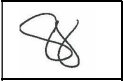
Redevelopment of a County-owned surface parking lot to create one lot for the construction of a 230,000- square foot mixed-use building containing up to 235 units with 20% MPDUs, including up to 227 multifamily units, 8 live work units and a public parking garage; one lot for dedication of public parkland; and abandonment of a public alley.

COMPLETED: 3/17/2025

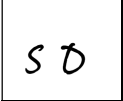
PLANNING BOARD HEARING DATE: 3/27/2025

ITEM NO. 7

Planning Staff



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LOCATION/ADDRESS

Located approximately 130 ft east of Wisconsin Avenue on the block bounded by Maple Avenue, Tilbury Street, Highland Avenue, and a public alley including 4701 through 4705 Highland Avenue and 4700 through 4704 Maple Avenue

MASTER PLAN

2017 *Bethesda Downtown Sector Plan*

ZONE

CR-3.0, C-2.0, R-2.75, H-70, CRT-0.5, C-0.25, R-0.5, H-70 and Bethesda Overlay Zone (BOZ)

PROPERTY SIZE

1.88 acres

APPLICANT

Monument Realty

ACCEPTANCE DATE

October 2, 2024

REVIEW BASIS

Chapter 22A, Chapter 50, Chapter 59

Summary:

- The Applications are related to a General Development Agreement with the County to redevelop two County-owned surface parking lots in downtown Bethesda, Lots #25 and #44. Each lot is undergoing redevelopment through separate regulatory review; these applications are related to Lot #25.
- The Project will provide a new mixed-use building with up to 235 dwelling units with 20% MPDUs ranging from 50-70% AMI, structured parking including 145 public parking spaces as a replacement of the surface parking lots and construction and dedication of a portion of the Sector Planned Eastern Greenway to be managed by the M-NCPPC Montgomery County Department of Parks.
- Staff supports the Applicant's request to abandon an unimproved public alley totaling 2,900 square feet that bisects the Property.
- The Applicant requests a maximum height of 83 feet which is beyond the mapped 70 feet for the provision of the public parking and Eastern Greenway per Section 59.4.5.2.A.2.e of the Zoning Ordinance.
- The Applications received two regulatory extensions since its acceptance on October 2, 2024.
- No correspondence from the public has been received as of the date of this Staff Report.

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SECTION 1: EXECUTIVE SUMMARY

GENERAL DEVELOPMENT AGREEMENT FOR COUNTY OWNED SURFACE LOTS

The County has entered into a General Development Agreement (GDA) with two developers to individually redevelop two County-owned parking lots in downtown Bethesda, Lot #25 and Lot #44, shown in Figure 1 below. In September of 2024, the Planning Board approved a Speed to Market project for Lot #44 and 4702 West Virginia Avenue to allow a new mixed-use multifamily building for up to 59 units with 15% MPDUs, including construction and dedication of 5,582 square feet of public parkland for the Sector Planned Eastern Greenway. The current Applications before the Planning Board are for Lot #25 fronting on Maple Avenue, Tilbury Street, and Highland Avenue, which have an approved Sketch Plan from the Planning Board (May 2024). The Planning Board will consider the Mandatory Referral application for the County to dispose of the public property and the regulatory applications (Preliminary Plan, Site Plan and Forest Conservation Plan) to allow the developer to proceed with the private redevelopment.

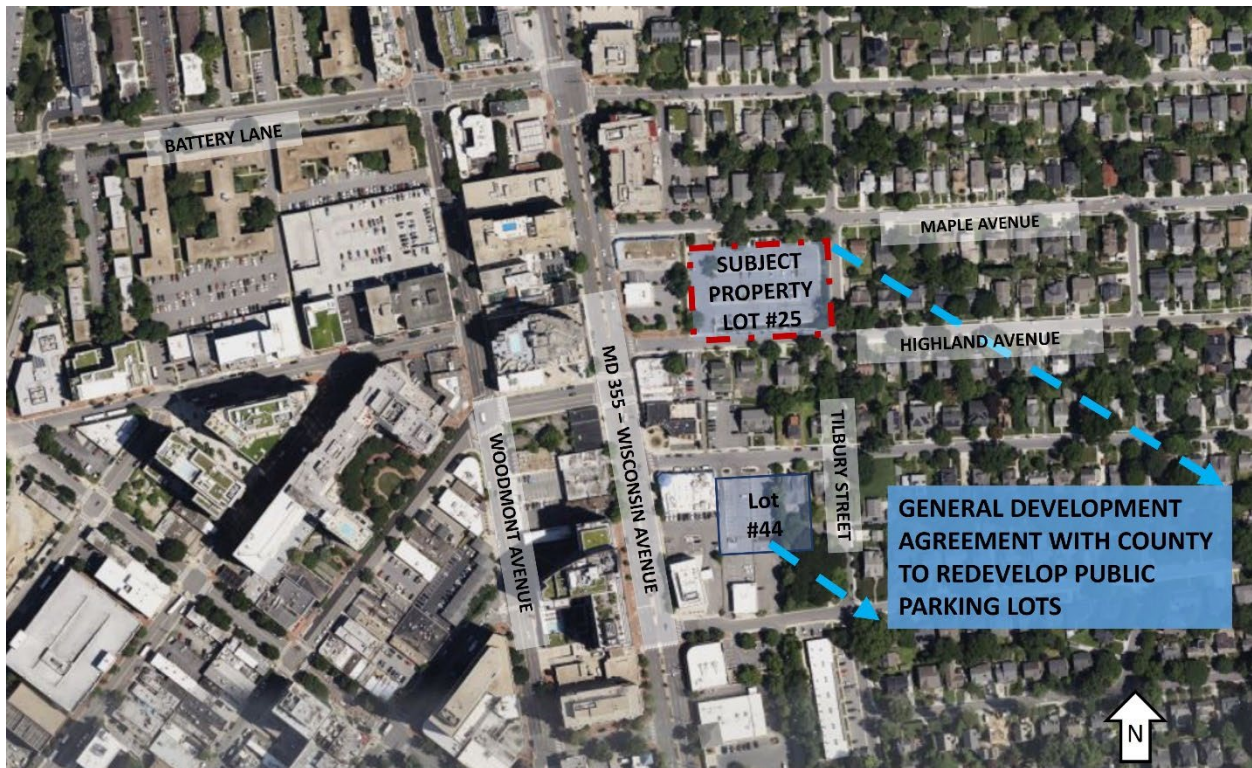


Figure 1 – Vicinity Map showing locations of General Development Agreement for PLDs #25 and #44

SECTOR PLANNED EASTERN GREENWAY PUBLIC PARK

As envisioned by the 2017 *Bethesda Downtown Sector Plan (Sector Plan)* and described further in the Montgomery Parks Eastern Greenway Framework Concept (Attachment E), the North Section of the

Eastern Greenway will function as a single high-quality linear park incorporating sustainable design elements stretching from Maple Avenue to Cheltenham Drive with spaces for recreation and social connection. It will function as a continuous park connecting several existing public parks, newly dedicated parks through redevelopment, and privately owned public open spaces through redevelopment. With the GDA, public parks will be delivered with the Lot #25 and Lot #44 redevelopments¹. The block between these County parking lots has been approved for redevelopment through a project called 8001 Wisconsin Avenue. The 8001 Wisconsin Avenue redevelopment will deliver privately owned public open space for the Eastern Greenway and received Sketch Plan and Preliminary Plan approval from the Planning Board in early 2023 (Sketch Plan No. 320210050 and Preliminary Plan No. 120210140).



Figure 2 - Northern Segment of Eastern Greenway, Page 137 of Bethesda Downtown Sector Plan

¹ The Project will dedicate approximately 14,995 square feet of public parkland and is seeking a Park Impact Payment (PIP) reduction per Code Interpretation Policy 2024-05

SECTION 2: RECOMMENDATIONS AND CONDITIONS

MANDATORY REFERRAL NO. MR2025005

Staff recommends approval of the Mandatory Referral for disposition of County Parking Lot #25 and dedication/construction of a portion of the Eastern Greenway, and transmittal of comments to Montgomery County Department of Transportation including the conditions of the associated regulatory applications for Preliminary Plan No. 120250040, Site Plan No. 820250030, and Forest Conservation Plan No. F20250110.

PRELIMINARY PLAN NO. 120250040

Staff recommends approval with conditions of the Preliminary Plan No. 120250040 to create two lots for a mixed-use development, public parking garage, abandonment of alley (2,900 square feet) and public parkland dedication. All site development elements shown on the latest electronic version of the Preliminary Plan No. 120250040 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 (1) lot for up to 235 dwelling units including up to 227 multifamily dwelling units and up to 7,891 square feet for up to eight (8) live/work dwelling units², and one (1) lot for dedication as public parkland. This approval also includes the abandonment of 2,900 square feet of the east-west alley that bisects the Property which will be incorporated into both of the recorded lots (one of which will be conveyed to M-NCPPC pursuant to Condition No. 21 below).

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.

² If Zoning Text Amendment 05-04 is adopted, the live/work units may be converted to multifamily units and shown on the Certified Preliminary Plan, with appropriate and corresponding changes, without the need for a Preliminary Plan Amendment.

OUTSIDE AGENCIES

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated March 4, 2025, 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 January 8, 2025, 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 MDOT 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 Montgomery County Department of Permitting Services (“MCDPS”), Water Resources Section in its stormwater management concept letter dated January 10, 2025, 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 January 4, 2025, 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 and sidewalks 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 provide the following dedications and show them on the record plat(s) for the following existing roads:
 - a) All land necessary to accommodate thirty (30) feet from the existing pavement centerline along the Subject Property frontage for Maple Avenue.
 - b) All land necessary to accommodate thirty (30) feet from existing pavement centerline along the Subject Property frontage for Tilbury Street.
 - c) All land necessary to accommodate thirty (30) feet from existing pavement centerline along the Subject Property frontage for Highland Avenue.
13. Before the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDPS to ensure construction of a minimum six-foot-wide (6 ft) sidewalk with a minimum six-foot-wide (6 ft) street buffer and along the Property frontage on Maple Avenue.
14. Before the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDPS to ensure construction of a ten-foot-wide (10 ft) sidewalk with a variable street buffer along the Property frontage on Tilbury Street.
15. Before the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDPS to ensure construction of a minimum eight-foot-wide (8 ft) sidewalk with a minimum five-and-a-half-foot-wide (5 ½ ft) street buffer along the Property frontage on Highland Avenue.

Off-Site Improvements/LATR

16. Before the release of any above ground building permit, the following off-site improvements must be permitted and bonded (to ensure construction) pursuant to MCDOT and/or MDOT SHA requirements:
 - a) Construct ADA curb ramps on northeast and southeast corners of the intersection of West Virginia Avenue and Tilbury Street.
 - b) Reconstruct the ADA curb ramp at the southwest corner of the intersection of Rosedale Avenue and Tilbury Street.
 - c) Construct a five-foot-wide (5 ft) sidewalk and two-foot-wide (2 ft) street buffer along the east side of Tilbury Street between West Virginia Avenue and Highland Avenue.
 - d) Construct a five-foot-wide (5 ft) sidewalk and two-foot-wide (2 ft) street buffer along the east side of Tilbury Street between Highland Avenue and Maple Avenue.
 - e) Install high visibility crosswalks on the north and east legs of the intersection of West Virginia Avenue and Tilbury Street.
 - f) Install a bus shelter for the southbound direction on Wisconsin Avenue for stop #2000152.
 - g) Replace streetlight #772421-647757 located on the west side of Wisconsin Avenue just south of Battery Lane.
 - h) Replace streetlight #23507 located on the west side of Wisconsin Avenue midblock between Maple Avenue and Highland Avenue.

17. If, at the time the Applicant submits for permits to construct one of the required LATR Off-Site Improvements in Condition 16, the improvement is no longer necessary or desirable, because:
 - i) it has been constructed or is under construction by another applicant or as part of a capital improvement project by a government agency, or, ii) the applicable master plan has changed and no longer requires or suggests the improvement, the Applicant can propose an alternative LATR Off-Site Improvement from the priority list of improvements provided in the subject Staff Report that is of similar value, and this alternative improvement, if reviewed and approved by Planning Staff, can be substituted and shown on a revised Certified Preliminary Plan.

RECORD PLATS

18. The record plat must show necessary easements.

Notes and Labels

19. The record plat must reflect all areas under common ownership.

OTHER DEDICATIONS

Parks

20. The Applicant must dedicate to Montgomery County the approximately 14,995 square foot lot identified as “Greenway Parcel” on the Certified Preliminary Plan for use as public parkland to be managed by Montgomery Parks under the 1972 Agreement between the County and the M-NCPPC as per the 2017 *Bethesda Downtown Sector Plan* and as required by the General Development Agreement with the County (Eastern Greenway lot). The land must be dedicated to Montgomery County through notation on the plat and by a deed of dedication approved by the M-NCPPC’s Office of General Counsel and the Montgomery County Office of the County Attorney as to form and substance. The deed of dedication must be executed and delivered to Montgomery Parks before the recordation of the plat. Montgomery Parks will hold the deed of dedication in escrow until all other relevant conditions of approval and any conditions of the Park Construction Permit have been completed at which time Montgomery Parks will formally accept the dedication and record the deed. At the time of formal acceptance of the dedication, the land to be dedicated must be free of any trash and unnatural debris.
21. Any activity or work on existing parkland or the land to be dedicated for parkland requires an approved Park Construction Permit and is subject to the full Park Construction Permit process as directed by Montgomery Parks staff, including, but not limited to, construction of the Eastern Greenway. The Applicant must not grant any new easements over the parkland (Greenway Parcel) without permission from Parks Staff and must extinguish any unneeded easements prior to dedication.

CERTIFIED PRELIMINARY PLAN

22. 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 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.

23. 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) Provide Illuminance Test as required by the 2025 *Local Area Transportation Review Guidelines* for review.

SITE PLAN NO. 820250030

Staff recommends approval of Site Plan No. 820250030, for the construction of a mixed-use building with a maximum density of 230,000 square feet (utilizing up to 110,061 square feet of Bethesda Overlay Zone density) for up to 235 dwelling units with 20% MPDUs, comprised of up to 222,109 square feet for up to 227 units, and up to 7,891 square feet of nonresidential uses for up to eight (8) live/work dwelling units, a public parking garage containing 145 spaces within the building, and the public park. The development must comply with the conditions of approval for Sketch Plan No. 320240070 as listed in MCPB Resolution No. 34-083 and Preliminary Plan No. 120250040 approved concurrently herein, both 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.³

DENSITY, HEIGHT & HOUSING

1. Density

The Site Plan is limited to a maximum of 230,000 square feet of total development (utilizing up to 110,061 square feet of BOZ density) for up to 235 units including 20% MPDUs on the Subject

³ 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.

Property, including 222,109 square feet of residential uses for up to 227 multifamily dwelling units, and 7,891 square feet of non-residential uses for up to eight (8) live/work dwelling units⁴.

2. Height

The development is eligible for an increase in height from the mapped maximum of 70 feet for the provision of Major Public Facilities to a maximum height of 83 feet, as measured from the building height measuring point to be illustrated on the Certified Site Plan.

3. Bethesda Overlay Zone Density & Park Impact Payment

- a) The Application is subject to the provisions contained in Section 59.4.9.2 relating to the utilization of BOZ density and associated Park Impact Payment (PIP).
- b) In lieu of providing a PIP of \$951,563.14 for the allocation of 110,061 square feet of BOZ Density, not including the 33,875 square feet of MPDU density exempt from the PIP calculation, the Applicant must dedicate approximately 14,995 square feet of public parkland to Montgomery County, in accordance with the PIP Reduction (Code Interpretation Policy 2024-05), which allows for a reduced PIP for dedication of master-planned public parkland. To qualify for the associated PIP Reduction, the parkland must be managed by Montgomery Parks under the 1972 Agreement between the County and the M-NCPPC. If a future site plan amendment modifies the amount of parkland dedication, the amendment may be subject to a PIP for the associated BOZ density.

4. Green Cover

- a) The Applicant must provide a minimum of 35% of Green Cover on the Site comprised of extensive 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 six inches (6 in) 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

5. Open Space, Facilities, and Amenities

Before releasing any portion of the surety bond, the Applicant must construct the streetscape improvements, including the undergrounding of utilities, along the Property's frontage on Highland Avenue, Maple Avenue, and Tilbury Street, consistent with the Bethesda Streetscape Standards.

6. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and

⁴ If ZTA 05-04 is adopted, the live/work units may be converted to multifamily units and shown on the Certified Site Plan, with appropriate and corresponding changes, without the need for a Site Plan Amendment.

requirements of the Zoning Ordinance and the *CR Zone Incentive Density Implementation Guidelines* for each one.

a) Major Public Facilities

Based on Condition No. 3 (Parks), the Applicant must construct and dedicate to Montgomery County approximately 14,995 square feet of public parkland for the Eastern Greenway lot and construct a public parking garage containing 145 public parking spaces.

b) Diversity of Uses and Activities

i. Affordable Housing/MPDUs

- a. The development must provide 20% 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, the MPDU agreement to build between the Applicant and the Montgomery County Department of Housing and Community Affairs (“DHCA”) must be executed.
- c. The Planning Board has reviewed and accepts the recommendations of the DHCA, in its letter dated January 23, 2025, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Site Plan approval.

c) Quality Building and Site Design

i. Exceptional Design

The Certified Site Plan must contain architectural elevations subject to Condition 19 below.

7. M-NCPPC Department of Parks

- a) The Applicant must dedicate the 14,995 square foot lot identified as “New Greenway Lot” on the Certified Preliminary Plan for use as the Eastern Greenway public parkland (Eastern Greenway Lot) as per Preliminary Plan No. 120250040 Condition 21.
- b) Any activity or work on existing parkland or the land to be dedicated for parkland requires an approved Park Construction Permit and is subject to the full Park Construction Permit process as directed by Montgomery Parks staff, including, but not limited to, construction of the Eastern Greenway.
- c) All work and facilities, amenities, plantings, and furnishings etc. on existing or future parkland must be acceptable to Montgomery Parks staff and meet or exceed Montgomery Parks standards. Plantings may occur per the provisions of Section 59.6.4.3.A of the Zoning Ordinance.
- d) Before issuance of the Final Use and Occupancy permit the Applicant must complete construction of the Eastern Greenway lot and the Eastern Greenway lot must be open for

public use. Minor adjustments to the design may be made at the direction of Montgomery Parks staff under the Park Construction Permit process.

- e) The Eastern Greenway lot must be constructed substantially as shown on the Certified Site Plan including but not limited to:
 - i. Six (6) benches
 - ii. One (1) picnic table with bench seating
 - iii. Three (3) chairs
 - iv. Landscape trees and other plantings
 - v. Bioretention stormwater management facilities
 - vi. Lighting fixtures
 - vii. Paved walkways including a main promenade walkway with a minimum width of ten feet (10 ft)
- f) The Maintenance and Management Agreement for Forest Conservation Plan No. F20250110 must include the mitigation trees and all other landscape trees on the Eastern Greenway lot.
- g) Before issuance of the first above-grade building permit for the multifamily building the Applicant must enter into an Agreement with M-NCPPC that details the terms of maintenance associated with the multifamily building which occurs in or requires access to the Eastern Greenway lot including, but not limited to, landscape and hardscape maintenance, operation such as snow removal, and access for maintenance of the multifamily building and its facilities.

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 (CSP). The CSP 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.

NOISE

- 9. 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.
- 10. If any changes occur to the Site or Preliminary Plans which affect the validity of the noise analysis dated August 09, 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.

TRANSPORTATION & CIRCULATION

11. Transportation

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 January 22, 2025, 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.

12. Before the issuance of any building permit, the Applicant must obtain approval of a Project-based Transportation Demand Management Plan (TDM) from the Montgomery County Department of Transportation (MCDOT).

13. Pedestrian & Bicycle Circulation

- a) The Applicant must provide 95 long-term and five (5) short-term bicycle parking spaces.
- b) The long-term spaces must be in a secured, well-lit bicycle room in a parking garage, and the short-term spaces must be inverted-U racks (or approved equal) installed 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 right-of-way permit.
 - i. Maple Avenue: minimum six-foot-wide sidewalk (6 ft) with a six-foot-wide (6 ft) street buffer.
 - ii. Tilbury Street: minimum ten-foot-wide (10 ft) sidewalk with a variable width street buffer with a minimum of twelve feet (12 ft).
 - iii. Highland Avenue: minimum eight-foot-wide (8 ft) sidewalk with a five-and-one-half-foot-wide (5 ½ ft) street buffer.

14. Fire and Rescue

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 January 4, 2025, 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.

SITE PLAN

15. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Architecture Sheets 014, 015, 016, and 017 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 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 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.

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 ROW), including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, railings, etc. 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 Sketch Plan, Preliminary Plan, FCP and Site Plan resolutions 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 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) Demonstrate that each recreational element proposed in the Recreation Plan satisfies the relevant specifications in the M-NCPPC Recreation Guidelines.
- h) Revise landscape plans to show sod planting along unimproved north south alley.

FOREST CONSERVATION PLAN NO. F20250110

Staff recommends approval of Forest Conservation Plan No. F20250110, subject to the following conditions:

1. 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.
2. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
3. Record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Lower Rock Creek watershed or Priority Area to satisfy the reforestation requirement of 0.24 acres of mitigation credit. If no off-site forest banks exist within the Lower Rock Creek watershed or Priority Area, then the off-site requirement may be met by purchasing 0.24 acres of mitigation credits from a mitigation bank within Montgomery County outside of the Lower Rock Creek watershed or Priority Area, subject to Staff approval. If forest mitigation bank credits are not available for purchase, a fee-in-lieu payment must be made to M-NCPPC for the appropriate mitigation credits outside of the same watershed or Priority Area.
4. Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings as shown on the certified Final Forest Conservation Plan.
5. The Applicant must plant the variance tree mitigation plantings on the Subject Property, with a minimum size of 3 caliper inches, totaling at least 16 caliper inches, or as shown on the certified Forest Conservation Plan. All trees credited towards variance mitigation must be at least five (5) feet away from any structures, stormwater management facilities, PIEs, PUEs, ROWs, utility lines, and/or their associated easements. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
6. Before any demolition, clearing, grading or construction for this development Application, whichever comes first, the Applicant must submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the mitigation trees and maintenance credited toward meeting the requirements of the FCP.
7. Before any demolition, clearing, grading or construction for this development Application, whichever comes first, the Applicant must execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of General Counsel. The MMA is required for mitigation tree plantings, including variance tree mitigation plantings credited toward meeting the requirements of the FCP.

SECTION 3: SITE DESCRIPTION

VICINITY

The Project is located in the northern portion of downtown Bethesda east of Wisconsin Avenue. The west side of Wisconsin Avenue is developed with taller residential buildings ranging in height from 100 to 300 feet in height as well as 1-2 story commercial buildings. The east side of Wisconsin Avenue is developed with significantly lower commercial buildings. Blocks east of Wisconsin Avenue are transitional with a mix of low-rise commercial buildings with surface parking, County owned surface parking lots, and single-family detached homes. East of Tilbury Street, the development is limited to single family homes, known as the East Bethesda Neighborhood.

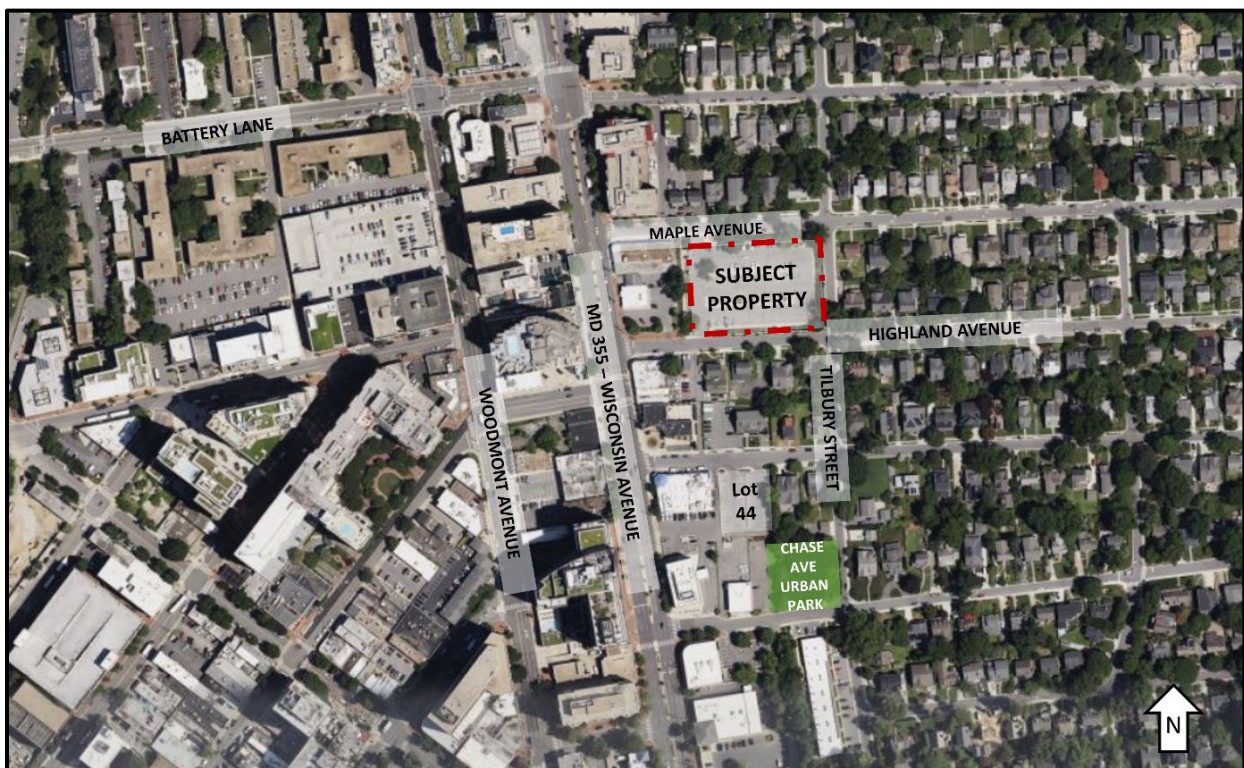


Figure 3 – Vicinity Map

PROPERTY DESCRIPTION

The Property is located within the block directly east of Wisconsin Avenue. The Property spans from Maple Avenue to the north, Tilbury Street to the east, Highland to the south, and an unimproved public alley to the west. The Property is currently developed as County Parking Lot District (PLD) #25 which contains 129 spaces with one access point on Highland Avenue and one access point on Maple Avenue. The Subject Property is comprised of Lots 7-26 of Block 1 on Plat No. 186, “West Chevy Chase Heights” recorded in Montgomery County Land Records, totaling 82,063 square feet. A second

unimproved public alley exists on the site that is 10 feet in width and extends from Tilbury Street west to the unimproved north-south alley, as shown in the Figure below.

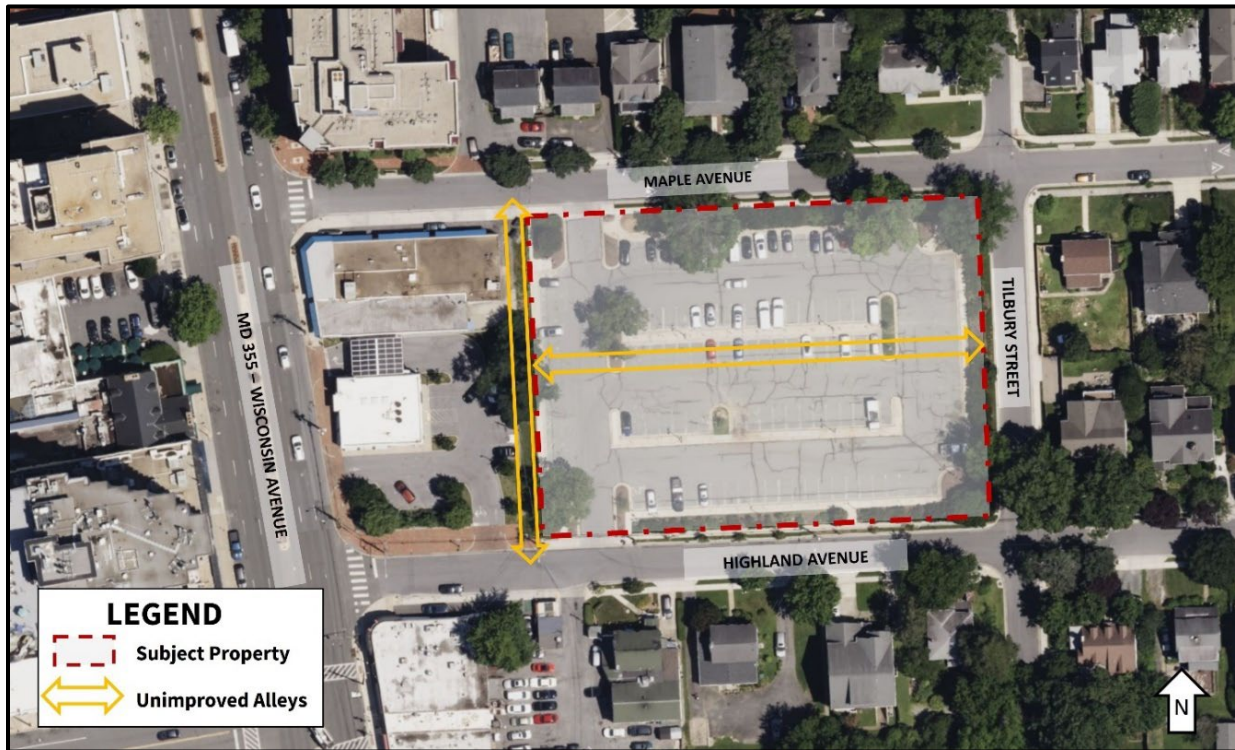


Figure 4 – Subject Property showing existing unimproved public alleys

The Property is located within the Rock Creek watershed which is a Use I⁵ watershed. The Site is relatively flat with a gentle grade sloping downward to the east. The Site is not associated with any areas of forest, or 100-year flood plains, streams, or stream buffers, or areas of steep slopes. Soils associated with the Property are classified generally as urban land and are not considered highly erodible or otherwise sensitive.

Several mature street trees are located around the perimeter of the Property including two specimen Oak trees, sized 30 inches or greater in diameter-at-breast-height (DBH), located along Maple Avenue. A mature 27-inch Pin Oak is located at the corner of Maple Avenue and Tilbury Street while three additional specimen-sized Maple trees are located just offsite to the southwest, across Highland Avenue and Tilbury Street. There are no known rare, threatened, or endangered species on site. There are no known historic properties on or near the site.

⁵ Use I:

WATER CONTACT RECREATION & PROTECTION OF NONTIDAL WARMWATER 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.

SECTION 4: PROJECT DESCRIPTION

SKETCH PLAN NO. 320240070

On May 30, 2025, the Planning Board approved Sketch Plan No. 320240070 for the redevelopment of the County-owned surface parking lot to include a new mixed-use building with a maximum density of 230,000 square feet that would contain 145 public parking spaces and dedication of public parkland for the Sector Planned Eastern Greenway.



Figure 5 – Sketch Plan No.320240070 Rendering

PROPOSAL

The Applicant proposes to redevelop the surface parking lot with a new mixed-use building containing up to 235 multifamily units including eight (8) live/work units. The building will include structured parking, with two of the three levels being dedicated to public parking (145 spaces) as a replacement for PLD Lots 44 and 25. As required by the General Development Agreement with the County, the building will provide 20% MPDUs, 15% will be provided at 70% (36 units) Average Median Income (AMI) and an additional 5% (11 units) of deeply affordable units at 50% AMI, for a total of 47 MPDUs. The eastern portion of the site will be dedicated as public parkland for the Sector Planned Eastern Greenway.

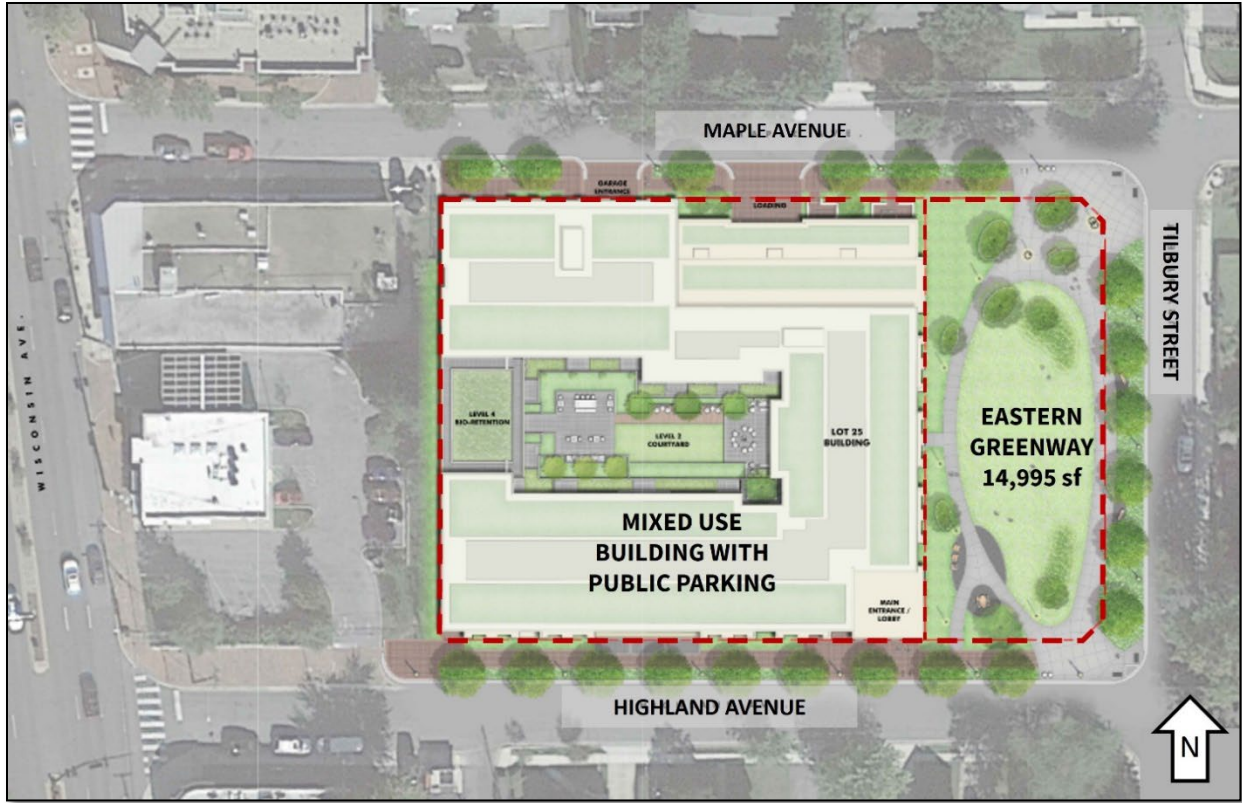


Figure 6 – Illustrative Site Plan No. 820250030

The Applicant is requesting the Planning Board approve additional height of 12 feet, 4 inches above the height maximum of 70 feet, for maximum building height of 82 feet, 4 inches, based on the provision of Major Public Facilities, including replacement of surface parking within a below grade garage within the building and the dedication of land for the Eastern Greenway Public Park. Per Section 59.4.5.2.A.2.e of the Zoning Ordinance, an optional method project may add the height of any floor mostly used for above grade parking to the maximum height otherwise allowed, when the provision of major public facilities diminishes the ability to provide parking at or below grade.



Figure 7 – Site Plan No. 820250030 Rendering looking west towards the Eastern Greenway and proposed building



Figure 8 – Site Plan No. 820250030 Rendering from Maple Avenue looking south

BUILDING/ARCHITECTURE

The proposed building has been refined from the massing proposed at the Sketch Plan phase. The main lobby entrance on Highland Avenue at the southeast corner has been enhanced with a larger streetscape to signal the building entrance which also faces onto the Eastern Greenway. Along Highland Avenue, the architectural elevations vary in bays with setbacks as well as recessed balconies and have incorporated green walls at the ground level to enhance the pedestrian experience.



Figure 9 – Site Plan No. 820250030 Rendering from Highland Avenue looking towards proposed building

The building proposes a maximum building height of 83 feet which will step down to 35 feet towards the single-family homes to the north of Maple Avenue, per the requirements of the Zoning Ordinance for residential compatibility. The Maple Avenue façade features materials found in the surrounding neighborhood and will provide high quality designs for garage doors to the loading bay.



Figure 10 – Site Plan No. 820250030 Rendering from Maple Avenue and Tilbury Street looking east towards Eastern Greenway and proposed building



Figure 11 – Site Plan No. 820250030 Rendering from Maple Avenue looking south at the loading entrance and building above

Along the Eastern Greenway, the base of the building will be comprised of large windows and brick to emphasize the base of the building and allow light and sight into the building and the interior courtyard. The Design Advisory Panel (DAP) voted (3-0 with 1 abstention) in support of 20 Design Excellence points for the Project at their September 25, 2024 (Attachment D).

EASTERN GREENWAY

As envisioned, the North Section of the Eastern Greenway will function as a single high-quality linear park incorporating sustainable design elements stretching from Maple Avenue to Cheltenham Drive with spaces for recreation and social connection. It will function as a continuous park connecting several larger neighborhood greens and will have a cohesive design to ensure the experience of a single park. A wide promenade will physically connect the corridor while unique, enticing features and activity spaces will serve to draw the public into the park.

Montgomery Parks staff created the Eastern Greenway Framework Concept (Attachment E), and the Applicant has coordinated with Montgomery Parks on the design within the overall framework created for the Eastern Greenway. The Applicant proposes to dedicate 14,995 square feet as public parkland and construct the improvements in continued coordination with Parks, as conditioned. This northern portion of public parkland will be improved with a larger lawn for active recreation and the corner at Maple Avenue and Tilbury Street provides a plaza area to be activated for future Park events.



Figure 12 – Site Plan No. 820250030 Rendering looking southwest towards the Eastern Greenway Lot

Figure 6 shows that the Eastern Greenway dedication area will be approximately 93 feet in width from the proposed building façade. The *Bethesda Downtown Design Guidelines* states that any building height proposed adjacent to the Eastern Greenway should be proportional to the Eastern Greenway width. With the additional height proposed with the parking, the maximum building height of 83 feet will still be proportional to the Eastern Greenway width of 93 feet.

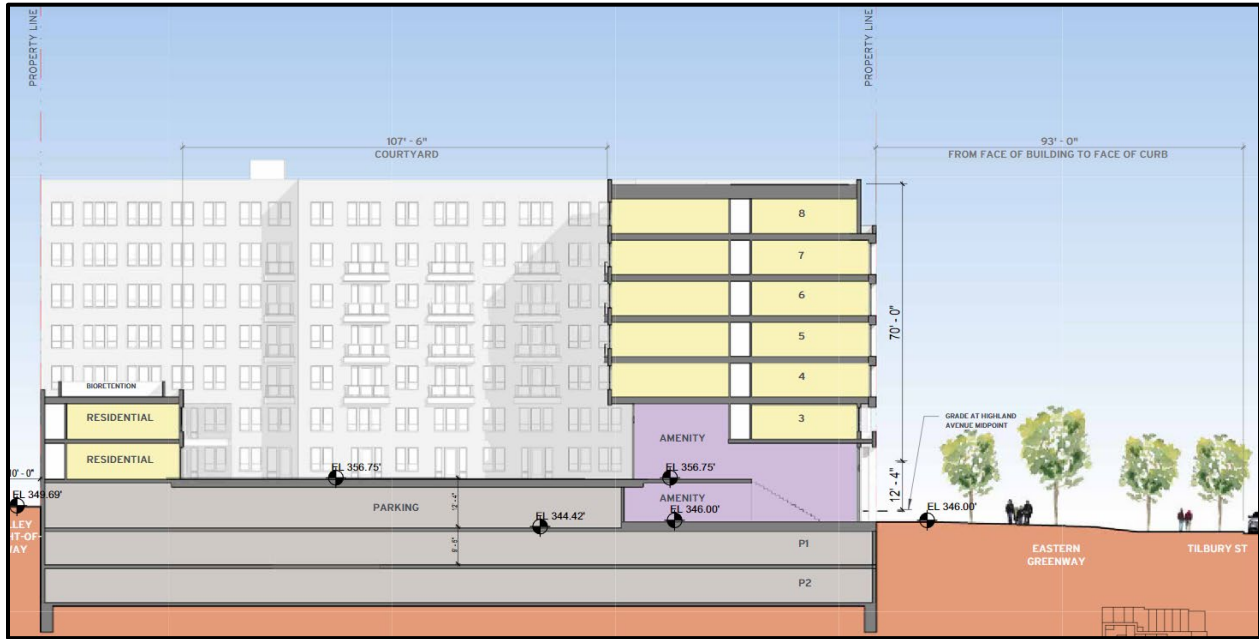


Figure 13 – Section looking north towards Maple Avenue showing additional height from parking garage floor

TRANSPORTATION

The Site has frontage on Maple Avenue (north), Tilbury Street (east), and Highland Avenue (south). The onsite loading facility and structured parking will be accessed from Maple Avenue via two curb cuts. The existing curb cut on Highland Avenue will be eliminated. Maple Avenue was chosen for vehicular access as Highland Avenue and Tilbury Street are expected to have higher rates of pedestrian activity, given the proximity of the new Eastern Greenway, the Metro Station and the heart of downtown Bethesda. The main entrance to the lobby is also located on Highland Avenue, further emphasizing the need to reduce vehicular conflicts with the sidewalks.

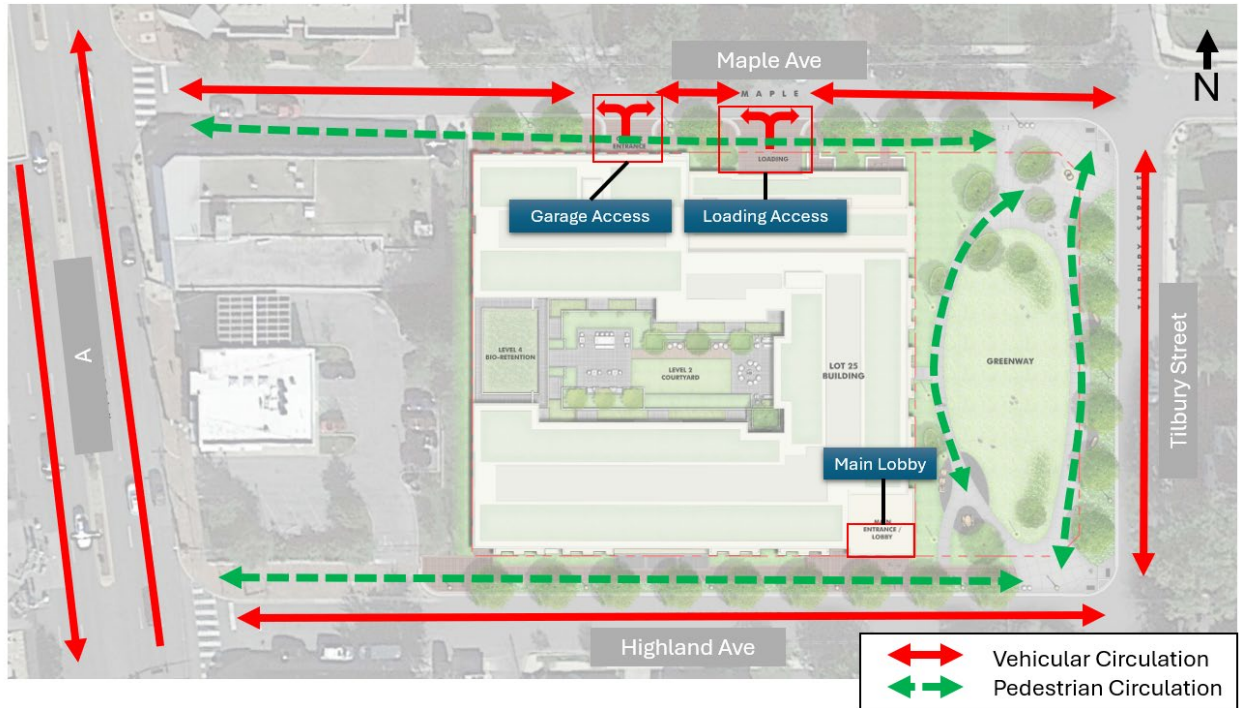


Figure 14 - PLD Lot 25 circulation diagram

Alley Abandonment

The Applicant proposes abandonment of the existing east-west alley (2,900 square feet) that was previously dedicated and recorded on Plat 186 in 1916. The paper alley is 10-foot-wide but was never constructed. The entire Site has been a public surface parking lot for decades and curb cuts on either end were never constructed. Therefore, pursuant to Section 49-68 of the County Code, the paper alley will be abandoned as part of the Preliminary Plan.

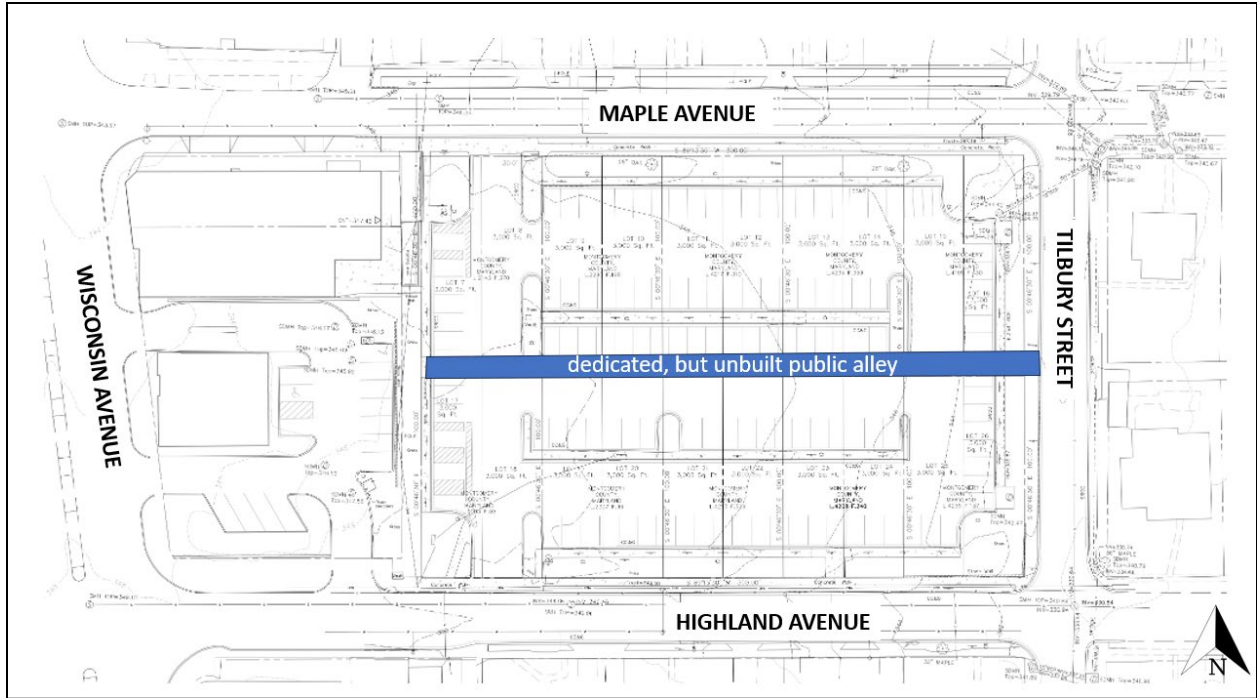


Figure 15 – Dedicated but unbuilt alley (highlighted in blue)

Parking

The Project is located within the Bethesda Parking Lot District and within ½ mile of the Bethesda Metro Station, and due to the provisions of Section 59.6.2.3.H and 59.6.2.3.I, there is no minimum required parking for the development. The Project is proposing a total of 246 parking spaces onsite, with 145 of those spaces available to the public and 101 private parking spaces for the 235 units, with final determination of private parking to be finalized at the time of building permit. This parking structure will replace the public parking spaces provided at the existing PLD 25 Lot as well as PLD Lot 44 (one block south of the Site), which currently has 54 public parking spaces⁶. As proposed, this will result in a net decrease in public parking spaces; however, both surface lots are underutilized. The Applicant has worked closely with the Montgomery County Department of Transportation Division of Parking Management to determine the appropriate number of spaces for the Subject Site and PLD Lot 44 while balancing the benefits of increasing the number of housing units (especially affordable) and the two new public parks that will further realize the master planned vision of the East Bethesda Greenway.

Long-term bicycle parking will be provided via a secure bike room located on the first parking floor adjacent to the parking garage and accessible from a residential amenity space. The bike room will have a total of 95 spaces. Short-term bicycle parking will be provided via five (5) publicly accessible

⁶ Redevelopment of Lot 44 will occur through separate development applications.

spaces located outside the building. Racks will be provided near the building lobby on Highland Avenue as well as on Maple Avenue.

Frontage Improvements

The Site is subject to the 2017 *Bethesda Downtown Plan Design Guidelines*, which set minimum design standards for sidewalks along the Site frontage. The Applicant is demonstrating compliance with the Guidelines with eight-foot-wide sidewalks and five-and-one-half-foot-wide street buffers on Highland Avenue. Six-foot-wide sidewalks and six-foot-wide street buffers are provided on Maple Avenue. Tilbury Street will have a ten-foot-wide curvilinear sidewalk with a variable street buffer with a minimum width of 12 feet.

LATR Off-Site Mitigations

In accordance with the 2024-2028 *Growth and Infrastructure Policy*, any project generating 30 or more net new peak hour vehicle trips is required to submit an LATR Study. The project generates 92 net new vehicle trips in both the AM and PM peak period and therefore completed the study and identified several mitigation projects to address off-site transportation deficiencies. This includes the following:

- Curb ramp construction at the intersection of West Virginia Avenue/Tilbury Street and Rosedale Avenue/Tilbury Street.
- Redesign and construction of sidewalk on the east side of Tilbury Street from West Virginia Avenue to Highland Avenue.
- Redesign and construction of sidewalk on the east side of Tilbury Street from Highland Avenue to Maple Avenue
- Installation of high visibility crosswalks on the north and east legs of the intersection of West Virginia Avenue/Tilbury Street
- Construction of a bus shelter in the southbound direction located just south of Battery Lane
- Replacement of two streetlights, one on the west side of Wisconsin Avenue just south of Battery Lane and another on Wisconsin Avenue midblock between Maple Avenue and Highland Avenue.

ENVIRONMENT

Forest Conservation

Although there is no forest on-site or adjacent to the Property, a Forest Conservation Plan (FCP) has been submitted as part of this concurrent Mandatory Referral, Preliminary and Site Plan submission. Due to tract area, associated offsite work, and the mixed-use designation of this project, the FCP proposes a minor afforestation requirement of 0.24 acres, to be addressed by offsite banking or a payment of fee-in-lieu.

SECTION 5: COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements, and a pre-submittal public meeting was held on July 31, 2024. Attendees had several questions that were responded to by the Applicant as noted in the Meeting Minutes included in Attachment F. Regarding parking, attendees raised concerns that residents of the building will park in the neighborhood to the east; however, the Applicant noted that the neighborhood is residential permit only⁷. Based on the LATR Study, 97% of vehicular trips will be focused towards Wisconsin Avenue, with only 3% of trips traveling east. The development and required mitigation projects will result in several new pedestrian safety improvements including wider sidewalks along each of the frontages and a promenade through the new public park, and improved crosswalks, lighting, and bus shelters. The massing complies with all compatibility requirements in the Zoning Ordinance and the building has been designed with high quality materials that were well received by the Design Advisory Panel.

Staff received one phone call from a resident requesting information on the proposed landscaping, which will be predominantly within the Eastern Greenway as conditioned by Parks and finalized during the Park Construction Permit process. As of date of this Staff Report, no other correspondence has been received.

SECTION 6: MANDATORY REFERRAL ANALYSIS

Mandatory Referral review is guided by the Montgomery Planning Mandatory Referral Review Uniform Standards (December 2022), and the authority granted through the Maryland Land Use Article, Section 20-301, et.seq. As set forth in Sections 20-301 and -302, the Montgomery County Planning Board has jurisdiction over mandatory referral projects presented by Montgomery County government, municipal corporation or special taxing district, and Montgomery County Board of Education/Montgomery County Public Schools, for (i) acquiring or selling land; (ii) locating, constructing or authorizing a road, park, public way or ground, public building or structure, or publicly owned or privately owned public utility; or (iii) changing the use of or widening, narrowing, extending, relocating, vacating or abandoning any of the previously mentioned facilities. The Planning Board, or its Staff pursuant to the adopted Uniform Guidelines, must review such projects and transmit comments on the proposed location, character, grade and extent of the activity.

The Subject Property is comprised of publicly owned land, PLD Lot 25. A Mandatory Referral is required for the disposition of public land and the construction of a public parking garage within the proposed building. The Applicant has entered into a General Development Agreement with the County to redevelop the Subject Property with a multifamily building for up to 235 units with 20% MPDUs, including up to 222,109 square feet of residential uses for up to 227 units and up to 7,891 square feet of non-residential uses for up to 8 live/work units and dedication and construction of approximately

⁷ Note that residents of the Project will not be eligible for residential parking permits, as MCDOT only provides these for single-family detached homes.

14,995 square feet of public parkland to be managed by Montgomery Parks. The Proposal is subject to Sketch Plan No. 320240070, Preliminary Plan No. 120250040, Site Plan No. 820250030, and Forest Conservation Plan No. F20250110 and the findings and analysis contained within for each application. The analysis and findings required for each of these applications are substantially similar to those findings for Mandatory Referrals, therefore no further review is required.

SECTION 7: PRELIMINARY PLAN 120250040 FINDINGS AND ANALYSIS

The Preliminary Plan would create two lots, one measuring approximately 40,731 square feet to allow a mixed-use development for up to 235 dwelling units and one measuring 14,995 square feet of parkland dedication, and abandonment of a public alley totaling 2,900 square feet. 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.***

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

The proposed block design remains unchanged from the existing conditions. The layout of the proposed subdivision is appropriate size, width, and shape for the proposed multifamily building and public park. The 2017 *Bethesda Downtown Sector Plan* recommended that the eastern portion of the blocks between Wisconsin Avenue and Tilbury Street become a linear park, referred to as the Eastern Greenway. The proposed subdivision will create two lots within the existing block, with the lot facing Tilbury Street to be 14,995 square feet in size for dedication to Montgomery Parks for the Sector Planned Eastern Greenway. The proposed lot to the west will be 40,731 square feet, for the development of a mixed-use building that will provide structured public parking as a replacement for the existing public parking spaces contained in PLD Lots 25 and 44.

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

Section 50.4.3.E.2.f.iii of the Montgomery County Subdivision Regulations indicate that corner lots at an intersection must be truncated by straight lines joining points 25 feet back from the theoretical property line intersection in each quadrant, which would require a 25-foot truncation at two corners of the Site: Highland Avenue and Tilbury Street and Maple Avenue and Tilbury Street. Historically, Planning and MCDOT have not required full truncations in urban settings to accommodate building placement as long as sight distance and traffic functions are not impeded. The Preliminary Plan proposes 10-foot truncations at the

intersections of Highland Avenue and Tilbury Street, and Maple Avenue and Tilbury Street. In accordance with the Design Guidelines, the Project accommodates a build-to-line of 25 feet on Wisconsin Avenue, and 14.5 feet on Highland Avenue. Given that this portion of the Property will be dedicated as public parkland for the future Eastern Greenway, a 25-foot truncation is not needed for adequate sight distance.

Sight Distance evaluations were submitted for review by MCDOT, which approved the proposed distances with the reduced truncation. Staff supports the Applicant's request for reduced truncations in accordance with Section 50.4.3.E.2.f.iii of the Montgomery County Subdivision Regulations.

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

i. *Master Planned Sites*

The 2017 *Bethesda Downtown Sector Plan* recommends the formation of a linear greenway along the western side of Tilbury Street from Maple Avenue down to Cheltenham Drive linking Cheltenham Park, Chase Avenue Urban Park, and a proposed new park on Maple Avenue which is currently County Parking Lot #25. This Eastern Greenway is envisioned to provide additional open space to the area and buffer the higher-density development along Wisconsin Avenue from the East Bethesda neighborhood. As stated above, the Preliminary Plan will dedicate 14,995 square feet to Montgomery Parks for the Sector Planned Eastern Greenway.

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

As demonstrated in Site Plan No. 820250030 Finding 2.d.i, the proposed lots will comply with the basic requirements of Chapter 59.

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

As discussed in Site Plan No. 820250030, Finding 1.a below, the Project substantially conforms to the 2017 *Bethesda Downtown Sector Plan*.

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

a) *Roads and other Transportation Facilities*

i. *Existing Facilities*

The Project is bounded by three existing public roads.

Maple Avenue is a two-lane undivided Downtown Street with an existing 45-foot-wide right-of-way and a planned right-of-way of 60 feet. Sidewalk is provided on both sides of the street with a small buffer between the roadway and sidewalk.

Tilbury Street is a two-lane undivided Neighborhood Connector with an existing 40-foot-wide right-of-way and a planned right-of-way of 60 feet. A sidewalk with no street buffer is provided on the east side of the street. There is no sidewalk on the west side of the street.

Highland Avenue is a two-lane undivided Downtown Street with an existing 40-foot-wide right-of-way and a planned right-of-way of 60 feet. Sidewalk is provided on both sides of the street with a small buffer between the roadway and sidewalk.

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

An additional 7.5 feet will be dedicated on Maple Avenue along the Property Frontage. A six-foot-wide (6 ft) sidewalk and six-foot-wide (6 ft) street buffer will be constructed along the frontage.

An additional 10 feet will be dedicated on Tilbury Street along the Property Frontage. A 10-foot-wide curvilinear sidewalk with a variable street buffer with a minimum width of 12 feet will be constructed along the frontage and will connect to the Greenway.

An additional 10 feet will be dedicated on Highland Avenue along the Property Frontage. An eight-foot-wide (8 ft) sidewalk and nine-foot-wide (9 ft) street buffer will be constructed along the frontage.

All curb ramps at the intersections of Maple Avenue / Tilbury Street and Highland Avenue / Tilbury Street will also be reconstructed to meet current ADA standards. As part of the Local Area Transportation Review discussed in Finding 3.b, the Applicant will construct a bus shelter on Wisconsin Avenue.

b) Local Area Transportation Review (LATR)

Travel Mode Adequacy Test

As a proposed development with 235 units, the Project is estimated to generate 92 net new peak hour vehicle trips in the morning and 92 net new peak hour vehicle trips in the evening. As a result of the estimated transportation impact, the Project must submit a Transportation Impact Study (TIS) with the Preliminary to satisfy the Local Area Transportation Review (LATR).

Table 1: Lot 25 Estimated Person Trip Generation

		ITE Trip Generation Vehicle Rates		Adjusted Vehicle Rates Bethesda CBD Policy Area	
		AM	PM	AM	PM
Proposed	235 Residential Units ⁸	92	92	73	73

Source: Local Area Transportation Review study by Wells and Associates dated 1/17/2025, amended by staff

The 2024-2028 *Growth and Infrastructure Policy* requires evaluation of all transportation modes, including: auto-driver, transit, walking and biking. Mode-specific adequacy tests are required for any project estimated to generate 30 or more net new peak hour vehicle trips. However, projects within Red Policy Areas (such as the Subject Site) are not required to evaluate motor vehicle adequacy. The adequacy tests for transit, pedestrians, and bicyclists are still required.

Pedestrian, Bicycle, and Bus Transit Adequacy Tests

- Transit system adequacy was evaluated by inventorying bus stops located within 1,000 feet of the Property. Where shelters and associated amenities are not provided, the Applicant must install the standard amenities in coordination with MCDOT. There are seven (7) bus stops within the study area, none of which have shelters. Based on discussions with MCDOT staff, the southbound bus stop located near the intersection of Wisconsin Avenue and Battery Lane, the northbound stop at Wisconsin Avenue and Highland Avenue, and the northbound stop at Wisconsin Avenue and Chestnut Street were identified as locations where adding a bus shelter would be feasible.
- Pedestrian system adequacy was evaluated within 400 feet of the Property. Mitigation will be required to achieve a Pedestrian Level of Comfort (PLOC) greater than 2 (Somewhat Comfortable), and/or deficiencies identified for streetlamps within the scoped boundary. The Pedestrian system adequacy also requires mitigation for ADA deficiencies identified within 200 feet of the Property and Illuminance (Street Lighting) within 400 feet of the Property.

The study demonstrates that there are uncomfortable and undesirable ratings along segments of Rosedale Avenue, West Virginia Avenue, Cordell Avenue, and Tilbury Street.

Additionally, the study found that ten (10) ramps did not meet current ADA standards. Under the 2025 *Local Area Transportation Review Guidelines*, the Street Lighting Adequacy Test was replaced by an updated Illuminance test. However, guidance for performing the test was not available until early February. Therefore, the project has deferred the undertaking of this test until the Certified Preliminary Plan stage to have

⁸ For LATR review, live/work units are evaluated like other dwelling units.

adequate time needed to comply and complete the test. However, during the streetlight inventory process, two (2) lights were identified as not working and needing replacement.

- Bicycle system adequacy was evaluated by analyzing bikeways within 400 feet of the Property. Mitigation will be required to achieve a Level of Traffic Stress 2 (LTS-2) or lower, consistent with the Bicycle Master Plan.

Sections of Battery Lane and Cordell Avenue west of Wisconsin Avenue as well as Woodmont Avenue and Wisconsin Avenue have high levels of stress.

Under Section 4 of 2025 *Local Area Transportation Review Guidelines* (LATR Proportionality Guide), the maximum cost of mitigation improvements the Applicant is required to construct or fund for a project that generates 849 average weekday trips is not to exceed \$649,485 (see calculation below) based on the Proportionality Guide Rate.

$$\text{LATR Proportionality Guide} = (\text{Net New Daily Motor Vehicle Trips}) * (\text{LATR Proportionality Guide Rate})$$

$$\$649,485 = (849 * \$765)$$

For the Subject Preliminary Plan, the cost of construction and/or mitigation payments for mitigation project is not to exceed \$649,485. After evaluating the adequacy of each of the required transportation modes, the Applicant identified a comprehensive list of deficiencies, by which a prioritized list of mitigation improvements was submitted to staff for review. In compliance with the 2025 *LATR Guidelines*, the final list of eight prioritized projects was finalized by the reviewing agencies and are now conditioned for approval of the Preliminary Plan. The final list of projects is included in Table 2 and a map of the projects is provided on Figure 16.

Table 2: Lot 25 LATR Mitigation Project List

Map ID	Project Location	Project Description	Construct/Mitigation Payment	Project Cost
R-1	West Virginia Avenue & Tilbury Street	Construct ADA curb ramps at West Virginia Avenue and Tilbury Street (east leg of intersection)	Construct	\$65,254
R-4	Rosedale Avenue & Tilbury Street	Reconstruct ADA curb ramp at the southwest corner of Rosedale Avenue and Tilbury Street	Construct	\$22,848
P-2	Tilbury Street (East Side) West Virginia Avenue to Highland Avenue	Reconstruct sidewalk for a 5 foot width and add a 2 foot buffer to increase to PLOC from a 3 to a 2.	Construct	\$192,823

P-3	Tilbury Street (East Side) Highland Avenue to Maple Avenue	Reconstruct sidewalk for a 5 foot width and add a 2 foot buffer to increase to PLOC from a 3 to a 2.	Construct	\$166,190
P-6	West Virginia Avenue & Tilbury Street (North and East Legs)	Construct high visibility crosswalks consisting of 24 inch wide pavement marking lines 10 feet long (North and East legs on intersection)	Construct	\$25,722
BS-1	Wisconsin Avenue and Battery Lane Southbound stop along Wisconsin Avenue	BT-1: Construct a bus shelter for stop #2000152 Wisconsin Avenue SB at Battery Lane	Construct	\$95,477
ST-1	West side of Wisconsin Avenue just south of Battery Lane	Replace Street Light # 772421-647757	Construct	\$23,320
ST-2	West side of Wisconsin Avenue, midblock between Maple Avenue and Highland Avenue	Replace Street Light #23507	Construct	\$23,320
Construction Subtotal				\$614,954
Mitigation Payment Subtotal				\$0
MPDU Credit ¹				\$0
Adjusted Mitigation Payment Subtotal				\$614,954
Total				\$614,954
Proportionality Guide				\$649,485

¹ Consistent with Section TA4 of the 2024-2028 *Growth and Infrastructure Policy*, any mitigation payment will be reduced proportionally based on the share of the project’s LATR Proportionality Guide that is generated by MPDUs.

Table 3: Lot 25 LATR Mitigation Alternative Projects

Map ID	Project Location	Project Description	Construct/ Mitigation Payment	Project Cost
BT-2	Wisconsin Avenue and Chestnut Street Northbound stop along Wisconsin Avenue	Construct a bus shelter for stop #2000164 Wisconsin Avenue NB at Chestnut Street	Construct	\$110,494
BT-3	Wisconsin Avenue and Highland Avenue Northbound stop along Wisconsin Avenue	Construct a bus shelter for stop #2000148 Wisconsin Avenue NB at Highland Avenue	Construct	\$115,563
P-1	East side of Tilbury Street from Chase Avenue to West Virginia Avenue	Redesign sidewalk for a 5-foot width and add a 2 foot buffer to increase the PLOC from a 3 to a 2	Construct	\$222,009
P-4	East side of Tilbury Street from Maple Avenue to Rosedale Avenue	Redesign sidewalk for a 5-foot width and add a 2 foot buffer to increase the PLOC from a 3 to a 2	Construct	\$236,616
P-5	East side of Tilbury Street from Rosedale Avenue to Chestnut Street	Redesign sidewalk for a 5-foot width and add a 2 foot buffer to increase the PLOC from a 3 to a 2	Construct	\$355,713
P-9	Rosedale Avenue and Tilbury Street	Construct high visibility crosswalks consisting of 24 inch wide pavement marking lines 10 feet long at all legs of the listed intersections	Construct	\$39,993
P-10	Chestnut Street and Tilbury Street	Construct high visibility crosswalks consisting of 24 inch wide pavement marking lines 10 feet long at all legs of the listed intersections	Construct	\$36,878



Figure 16 – Map of Off-site LATR Mitigation Projects

As conditioned, all off-site mitigation projects must be permitted, bonded for construction, and all mitigation payments must be paid before the issuance of the first above grade building permit or right-of-way permit (whichever comes first). Montgomery County Planning, MCDOT, and MDOT SHA staff reviewed the LATR Study and approved the mitigation project list. Therefore, the Applicant has satisfied the requirements of the LATR, and the public transportation facilities are adequate for the Site.

c) Schools

The proposed project is located within the Bethesda CBD Policy Area, which is categorized as an Infill Impact Area by the 2024-2028 Growth and Infrastructure Policy. As shown in Table 4, the project is estimated to generate 9 elementary school (ES) students, 3 middle school (MS) students, and 4 high school (HS) students during an average year throughout its life.

Table 4: Student Enrollment Impact Estimate (reflects Updated FY2025 Student Generation Rates)

Type of Unit	Net Number of Units	Infill ES Student Generation Rate	ES Student Estimate	Infill MS Student Generation Rate	MS Student Estimate	Infill HS Student Generation Rate	HS Student Estimate
SF Detached	0	0.206	0.000	0.103	0.000	0.156	0.000
SF Attached	0	0.176	0.000	0.095	0.000	0.133	0.000
MF Low-rise	0	0.073	0.000	0.033	0.000	0.049	0.000
MF High-rise	235	0.041	9.635	0.017	3.995	0.019	4.465
TOTALS	235		9		3		4

The Application is subject to the FY2025 Annual School Test, approved by the Planning Board on December 19, 2024, and effective since January 1, 2025. The Project is served by Bethesda Elementary School, Westland Middle School, and Bethesda-Chevy Chase High School. The student enrollment and capacity projections of these schools in the Updated FY2025 Annual School Test, which evaluates the 2028-2029 school year, are noted in Table 5.

Table 5: Updated FY2025 Annual School Test Projections (2028-2029 School Year)

	Program Capacity	Enrollment	% Utilization	Seat Surplus or Deficit
Bethesda ES	561	590	105.2%	-29
Westland MS	1,064	865	81.3%	+199
Bethesda-Chevy Chase HS ⁹	2,475	2,341	94.6%	+134

Under the Updated FY2025 Annual School Test results, Bethesda Elementary School, Westland Middle School, and Bethesda-Chevy Chase High School are not placed in Utilization Premium Payment (UPP) tiers, as shown in Table . In addition, the estimated number of students generated (see Table 4) do not exceed the adequacy ceilings identified in Table 6.

Table 6: Updated FY2025 Annual School Test Results

	Adequacy Status	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Bethesda ES	No UPP	45	84	168
Westland MS	No UPP	319	412	572
Bethesda-Chevy Chase HS	No UPP	294	629	1,001

⁹ 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.

d) Other Public Facilities and Services

The Property is served by public water and sewer and is classified in the W-1 and S-1 categories. Public water and sewer mains currently serve the Property, which will be adequate to serve the proposed subdivision.

Dry utilities including electricity, gas, and telephone are also available to the Property. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Growth and Infrastructure Policy currently in effect.

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

The Application satisfies all of the 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 F20250110.

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

DPS approved a Stormwater Management Concept on January 10, 2025. The plan proposes to meet required stormwater management goals via the use of green roof, micro-bioretenion practices, and a partial waiver due to site constraints.

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

Not applicable to this Property because the Applicant has no accrual or constructive notice that a burial site is on the Property or in the Cemetery Inventory.

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

This approval also includes the abandonment of an existing 10-foot-wide east-west alley. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 49 Section 68, Abandonment of previously unused rights-of-way. As stated in the Code, “If any right-of-way, except a right-of-way located entirely in a municipality which has independent zoning and subdivision authority, has not been in public use, one or more abutting property owners may petition the Planning Board to abandon the right-of-way. The petition must take the form of a preliminary plan for the subdivision of land and must state the reason for the

proposed abandonment and show any proposed relocation or realignment of the right-of-way, where applicable.”

Section 46-68(c)

(c) The Planning Board must solicit the comments of each notice recipient, and then promptly determine whether:

(1) the right-of-way previously was improved or used for the purposes for which it was intended or dedicated; and

(2) the right-of-way is necessary for anticipated public use.

The subject portion of right-of-way is a 10-foot-wide paper alley located within the existing surface parking lot. The entire Site has been a public surface parking lot for decades and curb cuts on either end were never constructed not was any portion of an alley constructed. The Project has also received approval letters from MCDOT and MDOT SHA. Therefore, the right-of-way is not necessary for anticipated public use.

49-68(e) If the Planning Board finds that the right-of-way is not necessary for anticipated future public use or that an alternative alignment or location will not adversely affect the public interest, the Board may authorize the right-of-way to be abandoned by incorporating the abandoned land into an amended plat of subdivision. The amended subdivision plat must require the dedication of any land needed for rights-of-way, easements, and other public uses.

As stated above, the right-of-way is not necessary for anticipated future public use, therefore the abandoned area can be incorporated into the amended plat of subdivision and no further dedication of land is necessary.

SECTION 8: SITE PLAN 820250030 FINDINGS AND ANALYSIS

Section 59.4.5.4.A.1 requires that Optional Method projects in the CR and CRT 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:***

e) satisfies any previous approval that applies to the site;

The Site Plan application is in conformance with the previously approved Sketch Plan, as amended, and the associated Preliminary Plan.

f) 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.

g) 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.

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

i. Division 4.5.4 CR & CRT Zone

Table 7: PLD Lot 25 Site Plan Data Table for CR & CRT Zone, Optional Method, Section 59.4.5.4

Development Standard	Permitted/ Required	Proposed
Tract Area	n/a	
<u>CR 3.0 C-2.0 R-2.75 H-70'</u>		
Lots 7-10 & 17-20		21,900 (0.50)
Prior Dedications		7,563 (0.17)
Proposed Dedication		2,100 (0.05)
Subtotal CR 3.0		31,563 (0.72)
<u>CRT 0.5 C-0.25, R-0.5, H-70'</u>		
Lots 11-16 & 21-26		15,830 (0.36)
Prior Dedications		14,500 (0.33)
Proposed Dedication		5,175 (0.12)
Proposed Park Dedication		14,995 (0.34)
Subtotal CRT 0.5		50,500 (1.16)
TOTAL Tract Area		82,063 (1.88)
Site Area¹ (Square Feet/Acres)	n/a	
Prior Dedication		22,063 (0.51)
Proposed ROW Dedication		7,175 (0.18)

Proposed Eastern Greenway Dedication + alley abandonment Site Area (Tract Area – Dedications)		14,995 (0.34) +2,900 (0.06) 40,731 (0.93)
Mapped Density <u>Residential (GFA/ FAR)</u> CR 3.0, C2.0, R2.75, H70' CRT 0.5, C0.25, R0.5, H70' Residential Subtotal	86,798 sf (2.75) 25,250 sf (0.5) 112,048 sf	86,798 sf (2.75) 25,250 sf (0.5) 112,048 sf
<u>Commercial (GFA/FAR)</u> CR 3.0, C2.0, R2.75, H70' CRT 0.5, C0.25, R0.5, H70' Commercial Subtotal	63,126 sf (2.0) 12,625 sf (0.25) 109,250	7,891 sf (0.25) 0 sf 7,891 sf (0.25)
Total Mapped Density (GFA/FAR)		119,939 (1.46)
Bethesda Overlay Zone Density (GFA/FAR)		110,061 sf (1.34) ²
MPDU requirement	15%	20%
Total GFA/FAR		230,000 (2.80)
Building Height, max	70 ft	83 ft ^{3,4}
Public Open Space (min s.f.)	10% of site area	10% ⁵ (4,073 sf)
Green Cover	35% of site area	35% (14,256 sf)
Building Setbacks		
Maple Avenue	0 ft	0 ft
Highland Avenue	0 ft	0 ft
Alley	0 ft	0 ft
Eastern Greenway	0 ft	0 ft
Vehicular Parking (min⁶/max) 227 residential units 8 live/work units Public Parking Total	8 ⁶ /305 sp n/a	0-101 sp ⁷ 145 sp 246 sp
Bicycle Parking (short-term/long-term) 227 residential units 8 live/work units	95/5 sp	95/5 sp

¹ Site area is determined by tract area minus any previous and proposed dedications per Section 59-4.5.2.A.2.e, to be finalized at Preliminary Plan based on Gross Tract Area Exhibit

² Projects utilizing Bethesda Overlay Zone Density are subject to a PIP payment and may reduce the square footage associated with MPDUs. This Project is eligible for a PIP reduction based on the dedication of public parkland for the Eastern Greenway.

³ The Applicant is requesting the Planning Board allow additional height based on the provision of Major Public Facilities per Section 59.4.5.2.A.2.e of the Zoning Ordinance.

⁴ The Project is subject to the Residential Compatibility Standards of Section 59.4.1.8 of the Zoning Ordinance along Maple Avenue.

⁵ Section 59.6.3.6.C.1 of the Zoning Ordinance states that, with Planning Board approval, required public open space may be satisfied offsite in instances where the project will be making a public park in an area at least as large as the required public open space. The Applicant will be dedicating 14,995 square feet as public parkland for the Eastern Greenway and as such will not be required to provide the public open space onsite.

⁶ Section 59.6.2.3.I.8.a of the Zoning Ordinance states that residential uses within ½ mile of a Metro station are exempt from the baseline parking minimums. Section 59.6.2.3.H states that an Applicant may provide fewer parking spaces than required when located in a Parking Lot District.

⁷ Parking for the residential development will be finalized at the time of building permit. The final number of parking spaces for the residential units may be reduced (or removed entirely) at the time of building permit.

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 110,061 square feet of BOZ density, reduced by 33,875 square feet of MPDU density¹⁰, the Applicant is required to pay for 76,186 square feet of BOZ density at a value of \$951,563.14. The amount of density allocated from the BOZ for the Subject Application is deducted from the 32.4 million cap. The Applicant is proposing to dedicate a public park as recommended in the Sector Plan and therefore is requesting a reduction of the associated Park Impact Payment per Section 4.9.2.C.2.ii of the Zoning Ordinance.

The Project has been evaluated to determine if a PIP is required based on the following methodology as approved by the Planning Board (Policy No. 2024 – 05). As shown below, based on a public park dedication of 14,995 square feet and the associated Adjusted Dedicated Land Value of \$951,563.14, no PIP is required.

If: Adjusted Dedicated Land Value ≥ Park Impact Payment (PIP)

Then: No PIP Required

If: Adjusted Dedicated Land Value < Park Impact Payment (PIP)

Then: Park Impact Payment (PIP) – Adjusted Dedicated Land Value = Reduced PIP

A. Park Impact Payment: The amount of BOZ density requested (excluding density of MPDUs) multiplied by the current PIP rate.

$$110,061 - \text{MPDU density (33,875)} * 12.49 = \$951,563$$

$$\text{PIP} = \$951,563$$

¹⁰ Section 59.4.9.2.C.3.c.i. of the Zoning Ordinance exempts MPDU density from the Park Impact Payment.

- B. Adjusted Dedicated Land Value: The value of the land to be dedicated for a public park recommended in the Sector Plan minus the value of the mapped density taken from the dedicated land and the value of any portion of the dedicated land counted toward required public open space.

Dedicated Land Value:

$\$3,200,000 / 24,000 \text{ sf} = \$133 \text{ per square foot}$

$\$133 * 14,995 \text{ sf} = \$1,994,335$

Value of the Mapped Density:

$(14,995 \text{ sf} * 0.5) * \$12.49 = \$93,637$

Value of the Public Open Space:

$4,073 \text{ sf} * \$133 = \$541,709$

Adjusted Dedicated Land Value = Dedicated Land Value – Value of the Mapped Density – Value of the Public Open Space

$\$1,994,335 - \$93,637 - \$541,709 = \$1,358,989$

Adjusted Dedicated Land Value = \$1,358,989

When the PIP reduction formula is applied to this project, the value of the adjusted dedicated land is greater than the PIP, therefore no PIP would be required.

$\$1,358,989 \geq \$951,563 = \text{No PIP Required}$

Section 59.4.5.2.A, Height Limits for Major Public Facilities

The Applicant is requesting the Planning Board approve additional height on the Project site based on the provision of Major Public Facilities, including replacement of surface parking within a structured garage within the building and the dedication of land for the Eastern Greenway Public Park. Per Section 59.4.5.2.A.2.e of the Zoning Ordinance, “*with Planning Board approval, any Optional Method project in a CR zone that includes the provision of a major public facility ... may add the height of any floor mostly used for above grade parking to the maximum height otherwise allowed, when the major public facility diminishes the ability of the Applicant to provide parking at or below grade.*”

By delivering the public park facility and the public parking garage within the mixed-use building, the Applicant is limited in providing parking under the land to be dedicated for the public park given issues with fully dedicating the land, thereby requiring the parking to be fully contained within the building footprint. The Applicant has provided an exhibit

demonstrating how the public parking provided within the building meets the criteria contained in the Zoning Ordinance and the additional height associated with this parking is approximately 12'4". Therefore, the Applicant is requesting additional height beyond the 70-foot mapped height for this parking. Staff is recommending a maximum building height of 83 feet.

Section 59.4.1.8, Compatibility Requirements

Per the standards set forth in Section 59.4.1.8 of the Zoning Ordinance, the Subject Property confronts a residential single family detached zone on the north side of Maple Avenue, and therefore the Property must comply with the height compatibility standards set forth in Section 59.4.1.8.B.2.b which states that the height of the proposed building is limited to the maximum height allowed for a detached house in the confronting zone at the front setback line and may increase in height at a 45 degree plan. While the building will be approximately 83 feet towards Highland Avenue, the Applicant has provided an exhibit demonstrating the building's decrease in height towards Maple Avenue in conformance with this standard as shown in Figure XX.

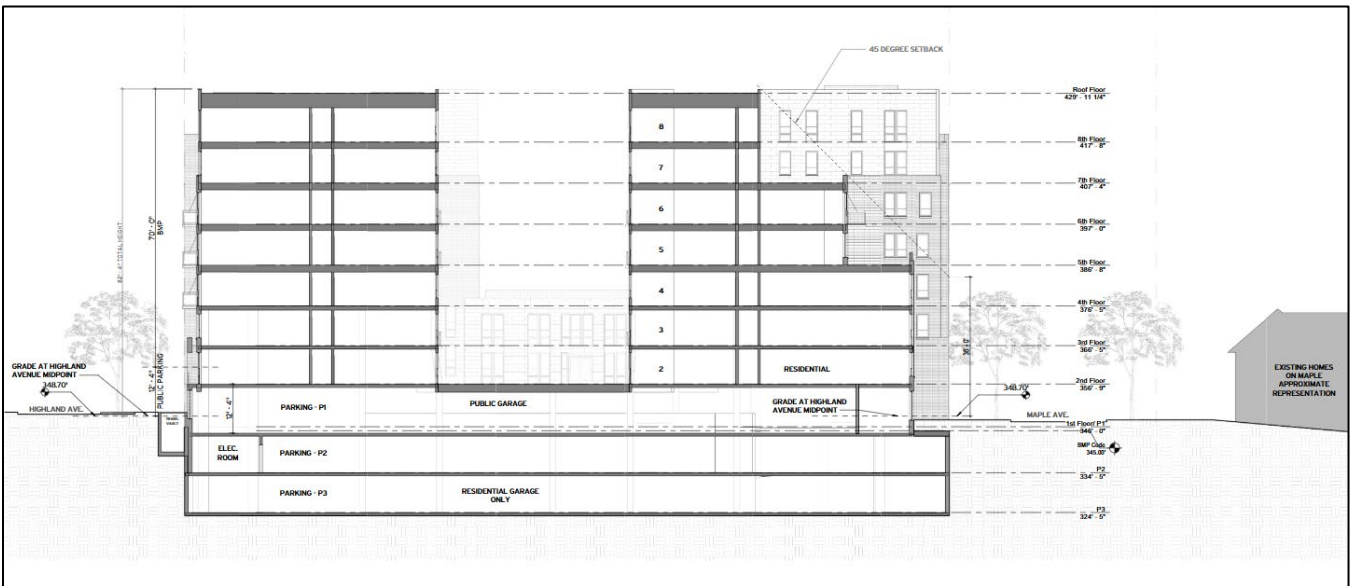


Figure 17 – Section looking towards Wisconsin Avenue showing conformance with Residential Compatibility Standards towards Maple Avenue

ii. Division 4.7 Optional Method Public Benefits

Per Section 59.4.7.1, Optional Method Projects are required to achieve 100 public benefit points from 4 categories. However, given the Project is located within the Bethesda Overlay Zone and is providing 20% MPDUs, no other public benefit categories are required other than Exceptional Design and Energy Conservation for Projects located within the High-Performance area. The Project is not within the

High-Performance Area and plans to achieve 165 public benefit points due to the provision of major public facilities, MPDUs, and exceptional design.

Table 8: Public Benefit Calculations- Division 59-4.7

Public Benefit	Maximum Points Allowed	Proposed
Major Public Facilities	70	70
Diversity of Uses and Activities		
Moderately Price Dwelling Units	N/A	75
Quality Building and Site Design		
Exceptional Design	30	20
Total Points	100 (required)	165

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 available in certain categories, and requires a minimum amount of public benefit points for Exceptional Design and Energy Conservation and Generation for projects located within the High-Performance Area as delineated in the 2017 *Bethesda Downtown Sector Plan*. Applicable to this Site Plan are the Overlay Zone’s increase in maximum points available for Exceptional Design (from 10 to 30 maximum points). This project is not located within the High-Performance Area. Therefore no points are required in this category.

MAJOR PUBLIC FACILITY

Eastern Greenway

The Applicant requests 70 points for providing two major public facilities in the form of the Eastern Greenway Sector Planned Public Park and area provided for public parking, totaling 18,468 square feet. Incentive Density for major public facilities is limited to 70 points in a CR zone and may be granted if the applicant conveys land and/or floor area for the facility, constructs the facility, or makes a payment towards the construction of the facility.

$$\{(((\text{Land area conveyed} + \text{Floor area conveyed})/\text{Net lot area}) * 2) + [(\text{Constructed area of facility}/\text{Net lot area}) * 4]\} * 100$$

$$\{(((18,468 + 0)/55,725) * 2) + [(18,468/55,725) * 4]\} * 100 = 199 \text{ points}$$

Staff recommends 70 points for this category, as the CR guidelines limit 70 points for projects located in the CR zone.

DIVERSITY OF USES AND ACTIVITIES

Moderately Priced Dwelling Units

The Applicant requests 75 points for providing 20% Moderately Priced Dwelling Units. The final percentage and number of affordable units will be determined at Site Plan. Staff supports the Applicant's request.

*20% MPDUs proposed -15% MPDUs min = 5 * 15 points = 75 points*

QUALITY OF BUILDING & SITE DESIGN

Exceptional Design

The Applicant requests 20 points for building and/or site design that enhances the character of a setting. As a site receiving an allocation of Bethesda Overlay Zone density, the Project is subject to the Design Advisory Panel review, which will award points based on the quality of the design. The Applicant asserts that the Project fulfills many recommendations of the *Bethesda Downtown Sector Plan* and Design Guidelines.

The Design Advisory Panel (DAP) voted in support (3-0 with 1 abstention) of 20 design excellence points for the Project at their September 25, 2024 meeting.

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

(1) Division 6.1 Site Access

Vehicular access to the Site is provided via two curb cuts on Maple Avenue. The western curb cut provides access to a three-level parking garage that includes public parking spaces as well as spaces to serve the 235 units. The eastern curb cut provide access for loading and trash areas within the building.

Pedestrian access to the Site is provided via improved frontages along Maple Avenue, Tilbury Street, and Highland Avenue. The Maple Avenue frontage will be improved with a six-foot-wide sidewalk and six-foot-wide street buffer. The Tilbury Street frontage will be improved with a ten-foot-wide curvilinear sidewalk with a variable street buffer (minimum of 12-foot-wide). The Highland Avenue frontage will be improved with an eight-foot-wide sidewalk and nine-foot-wide street buffer.

(2) Division 6.2 Parking, Queuing and Loading

Parking is located within a three-level parking garage located within the proposed building accessed via Maple Avenue. The parking garage includes 145 public parking spaces and 101 parking spaces to serve the 235 residential units for a total of 246 parking spaces, which is less than the maximum allowed of 305 spaces. The Project is located within ½ mile of the Bethesda Metro Station and

within the Bethesda Parking Lot District, and per Section 59.6.2.3.H and Section 59.6.2.3.I.8 of the Zoning Ordinance, parking minimums can be reduced within Parking Lot Districts and there is no minimum requirement for parking for residential uses. Therefore, as conditioned, the final number of parking spaces for the residential units may be reduced (or removed entirely) at the time of building permit.

A loading dock that can accommodate an SU-30 truck is located within the building and is accessed via a separate curb cut on Maple Avenue.

The two curb cuts on Maple Avenue allow for the removal of an existing curb cut on Highland Avenue and no curb cuts on Tilbury Street. Both Tilbury Street and Highland Avenue are expected to have higher pedestrian volumes.

(3) Division 6.3 Open Space and Recreation

Based on the tract area and number of street frontages, the Project is required to provide 10% of the site area (4,073 square feet) as public open space. Section 59.6.3.6.C.1 of the Zoning Ordinance states that, with Planning Board approval, required public open space may be satisfied offsite in instances where the project will be making a public park in an area at least as large as the required public open space. The Applicant will be dedicating 14,995 square feet as public parkland for the Eastern Greenway and, as such, will not be required to provide the public open space onsite.

(4) Division 6.4 General Landscaping and Outdoor Lighting

The Project will provide appropriate landscaping at the base of the building fronting on Maple Avenue and Highland Avenue as well as along the Eastern Greenway. The Project has been conditioned to plant grass in the unimproved alley directly west of the Project site. The landscaping within the Eastern Greenway has been designed in coordination with Montgomery Parks. As conditioned, the proposed lighting is in conformance with the Zoning Ordinance.

i) Satisfies the applicable requirements of:

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

DPS approved a Stormwater Management Concept on January 10, 2025. The plan proposes to meet required stormwater management goals via the use of green roof, micro-bioretenion practices, and a partial waiver due to site constraints.

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

The Application satisfies all of the 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 F20250110.

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

All vehicular access will be consolidated to Maple Avenue, approximately midblock between Wisconsin Avenue and Tilbury Street. Consolidating the loading and garage access to one location is required per Section 59-6.12.1.E. Given the proximity to many activity centers south of the Site (the Bethesda Metro Station, Purple Line Station, retail and entertainment in the Downtown Core and the CCT trailhead), and the fact that the building lobby entrance is proposed on Highland Avenue, higher volumes of pedestrians and bicyclists are expected on Highland Avenue. The building height will step down towards the north to be compatible with the single family homes north of Maple Avenue.

The Project will also construct a portion of the Eastern Greenway which will provide a approximately 14,995 square feet of public park with furnishings for the surrounding neighborhood with a large promenade that will continue south beyond Highland Avenue.

As conditioned, the Project will provide safe circulation patterns and improved pedestrian access on all frontages.

k) 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 major recommendations of the Sector Plan are as follows:

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

4. Economic competitiveness, based on new development, public amenities and proximity to public transit to attract businesses and visitors from throughout the region, and foster entrepreneurship and innovation.

The Property is within the Eastern Greenway District designated as sites 206 and 207 on page 134 of the Sector Plan. The Eastern Greenway District is split into two sections, north and south of East West Highway. The Property is in the northern district which is characterized by low-density, primarily residential development, green open spaces and paved parking lots which provides a transitional area between the commercial structures of the Central Business District (CBD) along the Wisconsin Avenue Corridor and the single-unit houses of East Bethesda. The Project addresses the following goals as outlined in the Overarching Goals and the Eastern Greenway District sections of the Sector Plan:

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

The Proposal will provide a sizeable redevelopment of an underutilized surface parking lot and deliver a portion of the Sector Planned Eastern Greenway public park as a transition to the residential neighborhood of East Bethesda. As proposed, the Project will construct an 83-foot-tall building on the block with a 93-foot setback on Tilbury Street for the Eastern Greenway which will be dedicated as a public park.

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

The Project will transform an underutilized surface public parking lot into a mixed-use building with important public facilities such as increased levels of affordable housing, the dedication and construction of public parkland, and integration of replacement public parking spaces within the structured parking for the residential building.

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

The development will cover the majority of the eastern portion of the block with long facades along Highland and Maple Avenues. The Proposal will decrease in building height from 83 feet to 35 feet towards Maple Avenue where single family residential homes exist on the northern side of the street, per the Residential Compatibility standards of the Zoning Ordinance. The conceptual architectural approach provides many opportunities to break down the massing along the longer side streets. Importantly, the proposed 93-foot-wide Eastern Greenway along Tilbury Street provides a critical dimension of relief as the block transitions to East Bethesda.

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

The 2017 *Bethesda Downtown Sector Plan* recommends the formation of a linear greenway along the western side of Tilbury Street from Maple Avenue down to Cheltenham Drive linking Cheltenham Park, Chase Avenue Urban Park, and a proposed new park on Maple Avenue which is currently County Parking Lot #25. This Eastern Greenway is envisioned to provide additional open space to the area and buffer the higher-density development along Wisconsin Avenue from the East Bethesda neighborhood. The parcels adjacent to and within this future space were rezoned to increase their development potential, as the Eastern Greenway is envisioned to be created through the redevelopment of these parcels. The Sector Plan and Design Guidelines describe how development adjacent to the Eastern Greenway should be oriented towards the open space and the type of uses on the ground floor should activate the space through placement of ground floor retail and/or residential unit entryways. To enhance compatibility with the adjacent residential neighborhood, the Sector Plan calls for the Eastern Greenway to be at least as wide as the amount of building height proposed. In this case, the building will be 83 feet in height and the proposed Greenway will be 93 feet in width, in conformance with the Sector Plan recommendations.

The proposed Eastern Greenway has been designed in coordination with Parks staff as shown on the plans with landscaping and weaving pathways. The design is in conformance with the framework that has been created for the Eastern Greenway.

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

The Project proposes a massing with a maximum height of 83 feet and steps down towards Maple Avenue to ensure compatibility with the single-family residential homes on the north side of the street. As discussed above, the Project includes a 93-foot-wide dedication to the Eastern Greenway on the eastern portion of the Site. The height and greenway are thus in keeping with the Sector Plan goals ensuring compatibility with the adjacent neighborhood. The redevelopment will remove the impervious surface parking and allow opportunity for plantings including larger trees.

- *Increase overall tree canopy cover and subcanopy cover by encouraging the planting of trees on public and private land, along rights-of-ways, and within open space and existing neighborhoods.*

The Site Plan proposes tree plantings along the Tilbury Street, Highland Avenue, and Maple Avenue rights of ways. These streetscape improvements will be finalized at the time of Site Plan based on conformance with the Bethesda Streetscape and Design Guidelines, as well as final design in coordination with Parks staff for the Eastern Greenway.

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

The green cover may include a consolidated space or a combination of intensive green roof (six inches or deeper) or tree canopy cover. This Application consists of a Site Area of 40,730 square feet which results in a green cover requirement of at least 14,256 square feet. The Application proposes to meet this requirement entirely through installation of an eight-inch-deep green roof at various levels of the proposed development.

Noise Guidelines

The Project involves a residential apartment building in an area affected by noise near a main road (Wisconsin Avenue). As a result, the project must adhere to the Noise Guidelines for residential development. However, according to the Transportation Noise Analysis report from August 9, 2024, conducted by Miller, Beam & Paganelli, Inc., the future noise impact from transportation on the residences within the development will be lower than the accepted noise level of 65 dBA Ldn. Therefore, no further analysis or noise mitigation measures are necessary for the residential units to meet Montgomery County's Guidelines for interior noise in residences. Additionally, the noise levels in the open spaces within the development will also be below 65 dBA Ldn, so no additional mitigation measures are required for these outdoor areas.

- l) 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 discussed in findings for Preliminary Plan No. 120250040 of this staff report, the Project will be served by adequate public services and facilities.

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

The Property is not located in a rural residential or residential zone.

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

The proposed building will be compatible with existing and pending nearby development. The building will locate the main lobby entrance at the southeast corner of the building near the Eastern Greenway on Highland Avenue, towards downtown Bethesda. The

building has been designed to be compatible with the pending redevelopment of 8001 Wisconsin Avenue to the south, which has received Sketch Plan and Preliminary Plan approval for a residential building up to 90 feet in height that steps down to 70 feet along the Eastern Greenway. This Proposal will be of a similar height (approximately 83 feet) and will be connected through the Eastern Greenway along Tilbury Street. To the north, the massing steps down in height to 35 feet to remain compatible with the existing single family residential neighborhood to the north of Maple Avenue. The Applicant has provided an exhibit that demonstrates the compatibility based on the standards contained in Section 59.4.1.8 of the Zoning Ordinance.

- o) 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, this Site Plan does not include a restaurant with a drive-thru.

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

SECTION 9: FOREST CONSERVATION PLAN F20250110 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 Net Tract Area for forest conservation purposes is 1.38 acres. The Subject Property is zoned CR-3.0, C-2.0, R-2.75, H-70, CRT-0.5, C-0.25, R-0.5, H-70 and is classified as Mixed-Use Development Areas (“MPD”) as defined in Section 22A-3 of the FCL and specified in the Trees Technical Manual. 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. The Forest Conservation Worksheet shows a calculated afforestation requirement of 0.24 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, as conditioned, this minor afforestation requirement will be met by offsite banking or a payment of fee-in-lieu.

Forest Conservation Variance

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

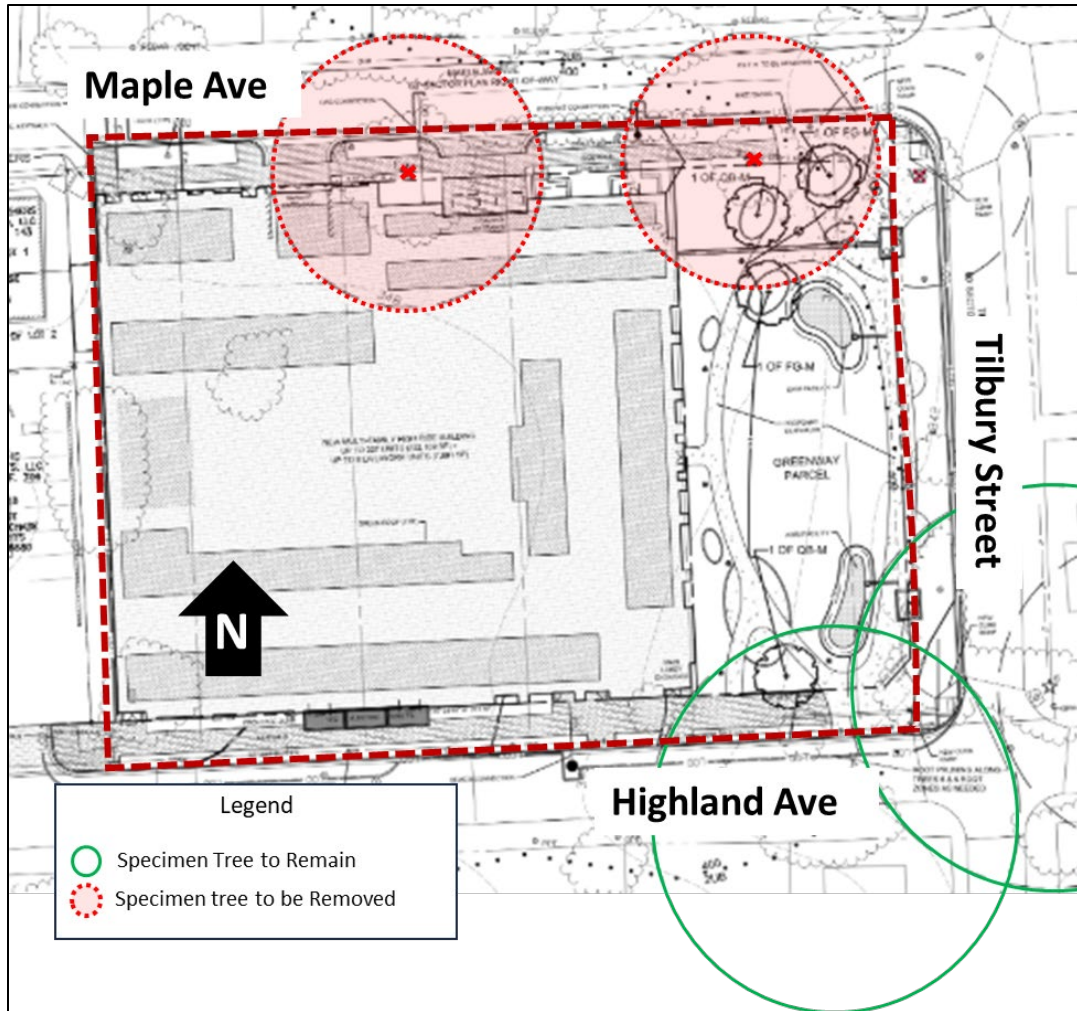


Figure 18 – Specimen Tree Removals

The Application includes disturbance/removal of trees that are ≥ 30 -inch diameter at breast height (DBH), therefore a variance is required. The Applicant submitted a variance request dated October 24, 2024, for impacts to two protected trees and the removal of two protected trees that are considered high-priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law.

Table 9: Variance Tree Removals

TREE ID#	DBH	Latin Names	Common Name	Disposition
1	33	<i>Quercus palustris</i>	Pin Oak	Remove
2	31	<i>Quercus rubra</i>	Red Oak	Remove

Table 10: Variance Tree Impacted

TREE ID#	DBH	Latin Names	Common Name	% Impact	Disposition
5	45	<i>Acer rubrum</i>	Red Maple	28	Save
6	49	<i>Acer saccharinum</i>	Silver Maple	16	Save

Unwarranted Hardship

In accordance with Section 22A-21(a), the Applicant has requested a variance denying the variance would impose an unwarranted hardship on the Applicant, preventing reasonable and significant use of the Property for the new multi-family dwelling units. The variance is required to accommodate stormwater facilities, portions of buildings, and The Eastern Greenway. Denying the variance would create unnecessary hardship, preventing the Applicant from constructing new industrial buildings and two self-storage facilities. Staff has determined that the Applicant demonstrated that enforcement of the variance provision would result in an unwarranted hardship because:

The impacts on variance trees are necessary for implementing a Sector Plan for the recommended Eastern Greenway and the proposed development in this location. Any level of disturbance within the Subject Property would impact the critical root zones of the subject trees. Additionally, the creation of an enjoyable green space will need extensive grading and disturbance. This is due to the current state of the designated greenway location, which comprises a parking lot. To implement the development program, demolition of the existing concrete surfaces is necessary, which consequently requires impacts and removals of protected trees. As conditioned, the proposed layout, which has been coordinated between the Applicant and M-NCPPC Staff, will minimize CRZ impacts to existing specimen trees where possible. Further, the Applicant will coordinate with the M-NCPPC Forest Conservation Inspector to utilize specialized construction techniques, provide tree protection, and minimize the limits of disturbance as feasible in the field. Based on the existing circumstances and conditions on the Property, Staff agrees that there is an unwarranted hardship.

Variance Findings

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

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

The impacts on the Protected Trees resulting from this redevelopment are necessary. The development cannot proceed without disturbing or removing Specimen Trees. The proposed redevelopment requires specific infrastructure improvements, including stormwater facilities, designated parking areas, and an eastern greenway, which will result in the removal of all specimen trees. The Applicant's proposal to demolish the existing structures and construct a mixed-use development, which includes multi-family dwelling units (20% MPDUs) with structured parking and provide a Sector Planned eastern greenway. This proposal will provide much needed housing while also increasing parks/open space and environmental innovation in this urban area. With these factors considered, Staff concludes the variance request would be granted to any applicant in a similar situation and does not represent a special privilege granted to this Applicant.

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

The requested variance and associated tree impacts are due to concerns related to the existing layout of the Subject Properties in relation to specimen trees onsite and on the Site's perimeter. Implementing the Eastern Greenway and constructing a new multi-family building necessitates variance tree impacts. The Applicant's variance request demonstrates efforts to minimize overall site impacts and preserve mature trees where feasible. Therefore, this variance request is not based on circumstances which are the result of actions by the Applicant.

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

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

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

The variance will not cause measurable degradation in water quality, as granting the variance will allow the development of the Eastern Greenway, which includes lawn, landscape plantings of shrubs and trees in addition to canopy tree mitigation plantings that will help maximize the permeability of the soil, which serves to reduce runoff. The planting of these trees will also help water quality goals by maintaining, and increasing, the level of shading, and water retention and uptake. As part of this proposal, the Applicant must also meet the 35% green cover requirements of the Sector Plan which will provide further water capture. Additionally, the Subject Property does not currently contain any stormwater management features while the Applicant proposes a development which will meet current State and local stormwater management standards. This Application reduces impervious surfaces and implements areas of green roof and landscape plantings within the design. Thus, the Application will ultimately result in an improvement of water quality, rather than cause measurable degradation.

Mitigation for Trees Subject to the Variance Provisions

There are two subject trees proposed for removal in association with this Application. Planting mitigation for the removal should be at a rate that approximates the form and function of the trees removed, at a ratio of approximately 1-inch DBH for every 4 inches DBH removed, using trees that are a minimum of 3-inch caliper. As a result of the proposed removal of three subject trees, for a total of 64 inches DBH removed, which results in a mitigation requirement of 16 caliper inches of native canopy trees sized at least 4 caliper inches each. As conditioned,

this application will fulfill the variance mitigation planting requirements, with the final location of the plantings within the Greenway as shown on the Final Forest Conservation plan.

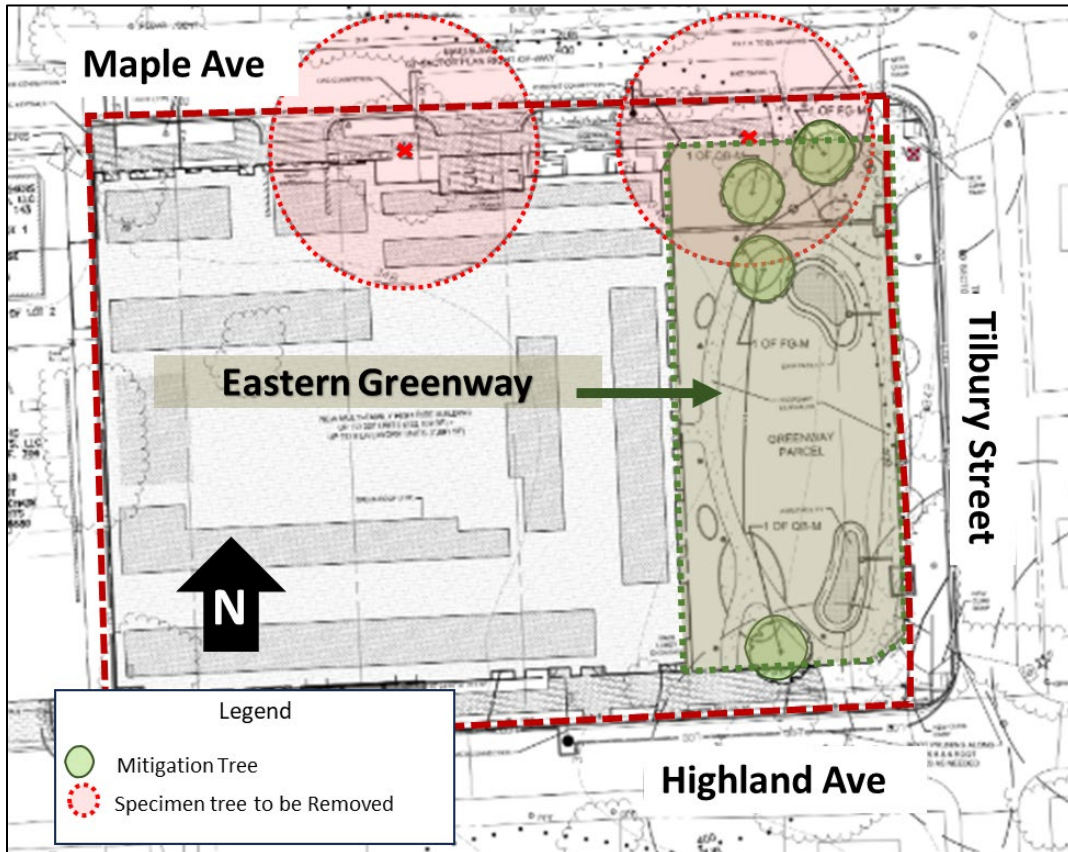


Figure 19: Proposed tree mitigation

Recommendation on the Variance

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

SECTION 10: CONCLUSION

As conditioned, the Mandatory Referral, Preliminary Plan, Site Plan and Forest Conservation Plan applications each satisfy the findings of the Subdivision Ordinance, Zoning Ordinance, Forest Conservation Law, and substantially conform to the recommendations of the 2017 *Bethesda Downtown Sector Plan*. Therefore, Staff recommends approval of the PLD Lot 25 Redevelopment Project with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Preliminary Plan, Site Plan, Forest Conservation Plan, MR Plan

Attachment B: Prior Approvals

Attachment C: Agency Letters

Attachment D: Bethesda Design Advisory Panel Meeting Minutes

Attachment E: Montgomery Parks Eastern Greenway Framework

Attachment F: Affidavit Regarding Community Meeting and Meeting Minutes