



Bethesda Commerce, Project Plan, 920130030

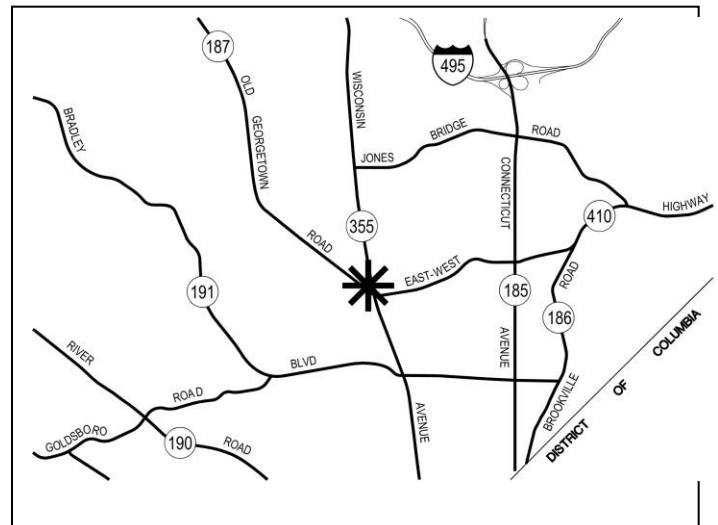
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Completed: 02-28-13

Description

- 7535 Old Georgetown Road
- CBD-2 Zone, Optional Method
- Bethesda CBD Sector Plan, July 1994
- Gross tract area: 29,069 square feet (0.67 acres)
- Approval of Project Plan
- Bethesda Commerce, LLC
- December 20, 2012



Summary

- The staff recommendation is **approval** of the Project Plan.
- The redevelopment proposes the demolition of the existing two-story drive-through bank to replace it with a mixed use 143 foot tall multi-family high-rise building in the Bethesda Metro Core District.
- The proposed development provides 140,345 square feet of residential property with an additional 5,000 square feet of commercial/non-residential space.
- The application proposes public space opposite the Clark building and the Bethesda Metro along Old Georgetown Road.
- Staff provides a discussion on the transportation related issues for sight distance, loading and access.

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SITE DESCRIPTION

Vicinity

The subject property address is 7535 Old Georgetown Road. It is located on a triangular parcel bounded by Old Georgetown Road on the south and west, Commerce Lane on the north, and 7550 Wisconsin Avenue on the east. It's located catty-corner from the Bethesda Metro station and in the heart of the Bethesda Metro Core District.



Vicinity Map

Site Analysis

The Property is a record Lot known as Lot 10, with 14,020 square feet entitled "Sunnyside" on Plat 4718. It's located within the Metro Core of the Bethesda Central Business District and zoned CBD-2. The property is recommended for redevelopment in the 1994 Approved and Adopted Bethesda CBD Sector Plan

The subject property currently consists of a two-story, 9,286 square feet United Bank, surface parking, and two drive-through lanes accessed from Old Georgetown Road and Commerce Lane. To the east of the property is a 1960's era office building currently being remodeled and tenanted. To the north lies Bethesda Place, one of the first mixed use developments under the 1994 Sector Plan housing a Safeway grocery store, office and residential uses. To the west of the property is the Metropolitan, a public and private parking and retail space. To the north is La Madeleine French Bakery and Café with surface parking. Finally, to the south is a small mixed use office condominium building.

There are no known rare, threatened, or endangered species on site; there are no forests, 100-year floodplains, stream buffers, wetlands, or steep slopes on site. There are no known historic properties or features associated with the property.



Aerial Photo Looking North

PROJECT DESCRIPTION

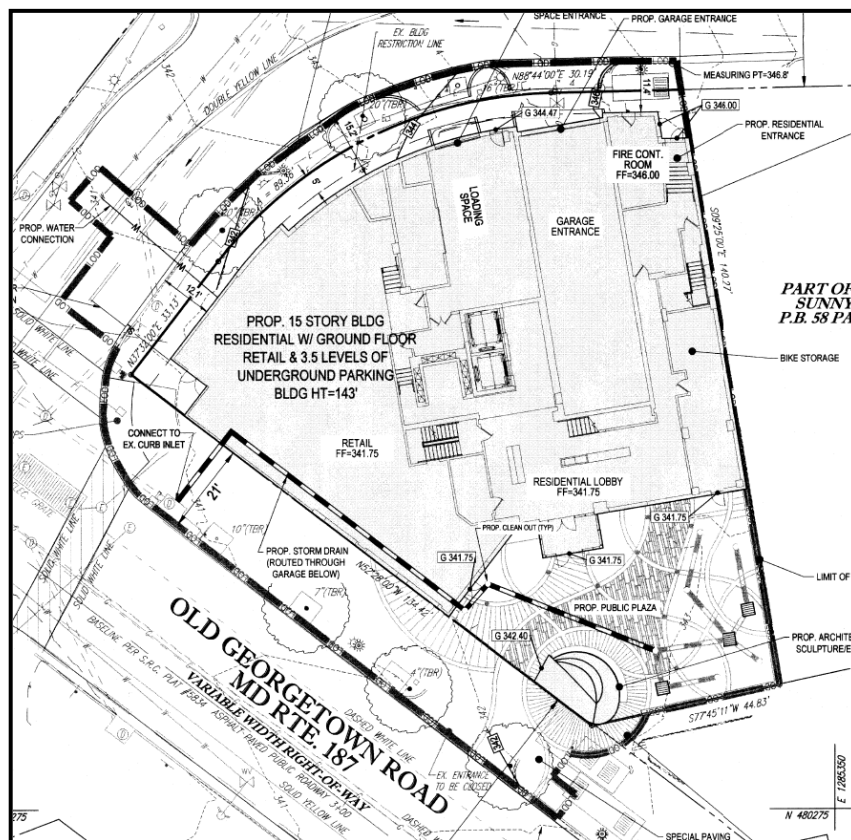
Proposal

The Applicant is proposing a mixed-use redevelopment with up to 120 multi-family residential units, including 12.5% Moderately Priced Dwelling Units (MPDUs), 5,000 square feet of retail space, below-grade parking, and public use space and amenity space. The application proposes the 5.0 FAR allowed by the Zone. The building proposal is 15 stories, or 143 feet as measured from Commerce Lane.

The open public amenity plaza will create an appealing pedestrian experience with an intimate vest pocket park in an urban landscape. The park will include a highly designed plaza pavilion, high quality paving materials, creative lighting, a lush planting pallet, and an integrated bioretention system.

The Applicant proposes the demolition of the existing two-story drive-through bank, replacing it with a mixed-use, multi-family high rise building. The ground floor will consist of approximately 5,000 square feet of ground floor retail space on the corner of Commerce Lane and Old Georgetown Road, including residential above retail, below-grade parking for approximately 164 spaces, a private rooftop recreation area, and a multi-purpose public use plaza.

In order to achieve the desired height and massing envisioned by the Sector Plan, the Project is proposed under the Optional Method of Development. The gross tract area is 29,069 square feet, which includes previously dedicated right-of-way exceeding the 18,000 square foot minimum threshold in the zoning ordinance.



Design & Architecture

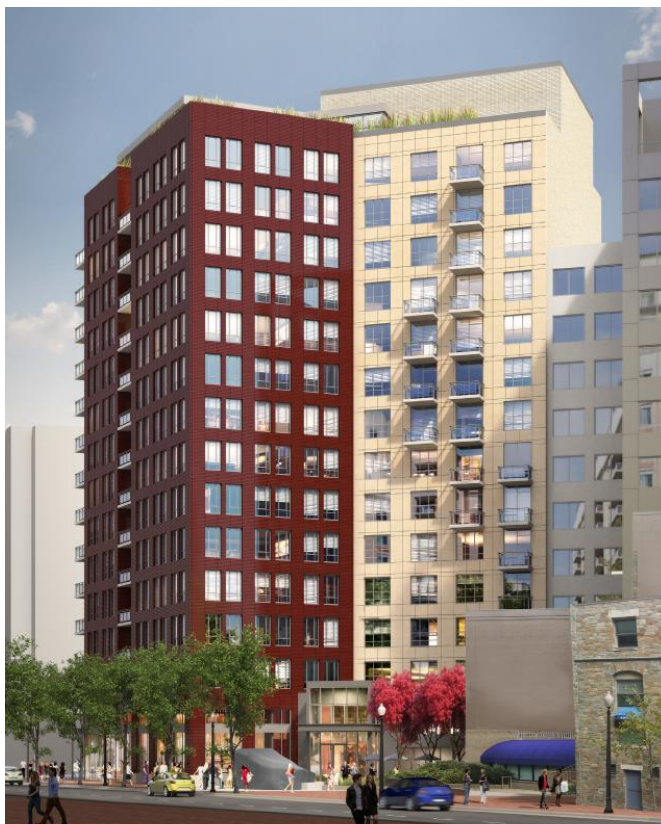
The building is 15 stories, and 143 feet, built to the property line along the east and western edge. Along the northern edge, the building hugs and mimics the curve of Commerce Lane. There will be two pedestrian entries; the principal access is along Commerce Lane, as called for in the Sector Plan, and the secondary access fronting Old Georgetown Road diagonal to the Bethesda Metro station.

The façade will be glazed terracotta and masonry with sculpted bay projections and alternating areas of floor-to-ceiling glass, punched window openings, and balconies. The building is configured into a narrow “v” shape to maximize use of the slim wedge-shaped lot and viewshed. The building will have a through-lobby accessible from both Old Georgetown Road and Commerce Lane. The Old Georgetown Road entrance is where the central plaza and artistic sculpture centerpiece is featured. The sculpture will simultaneously function as an access to the underground parking garage. Details of the artistic sculpture will be further identified at site plan.

The ground floor will consist of approximately 5,000 square feet of retail space on the corner of Commerce Lane and Old Georgetown Road, a residential lobby, amenity space, and bike room with 44 bicycle spaces. The retail and public plaza will span the entirety of Old Georgetown Road to activate the street frontage while providing a respite for pedestrians traveling to and from the Metro line. The retail space will link other existing retail uses to the north, south and west of the site.

For the building residents there will be a rooftop recreation area with an activity room and outdoor terraces creating semi-private alfrescos with nooks and lounge areas. The preliminary design includes a fire element, outdoor grilling area, and opportunities for seating and gathering.

The building will strive to be LEED-NC Silver certification or its equivalent. Final details of the proposed open space and public amenities will be determined during the review of the Site Plan.

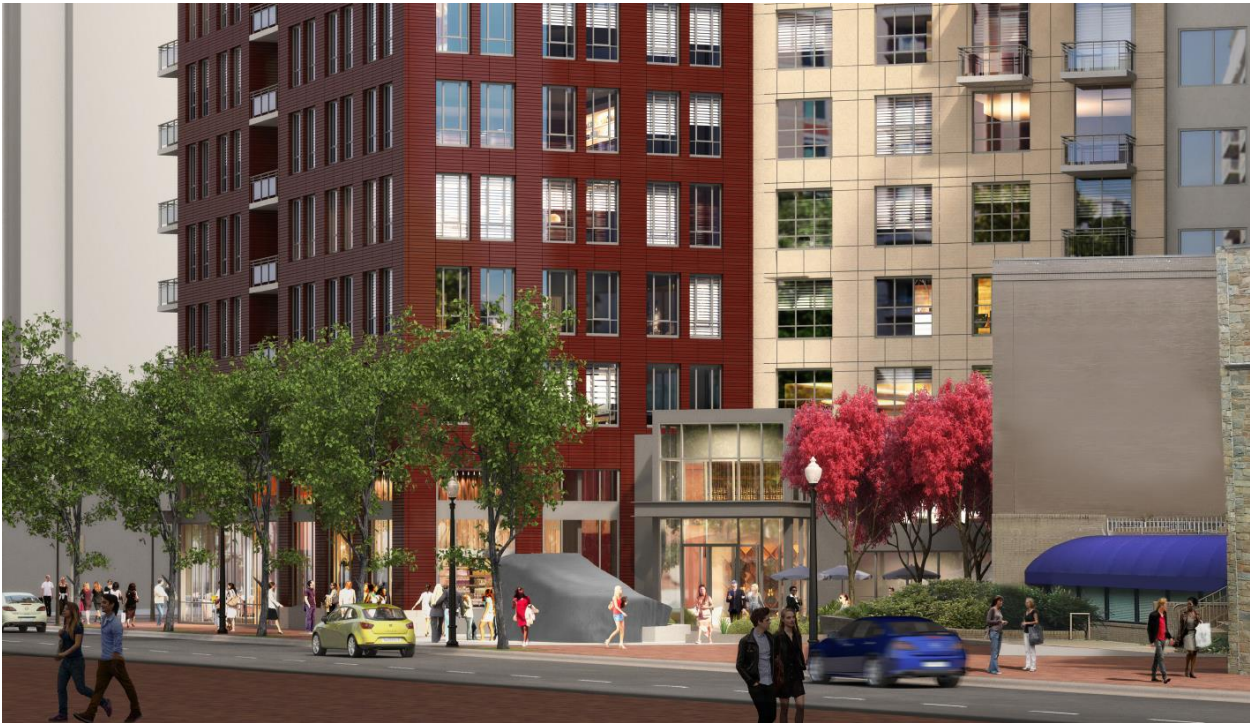


Approach from Bethesda Metro Station

Public Use Space & Amenities

The proposed development will provide 3,172 square feet (22.6%) of on-site public use space and 3,602 square feet (25.7%) of off-site public amenity space. The public use space (plaza) will be a vest pocket park diagonal from the Bethesda Metro on Old Georgetown Road. The plaza is approximately 46-foot by 65-foot with seating, public art, a verdant planting plan, and a pedestrian path weaving through the integrated bioretention stormwater management facility.

On the southwestern edge of the plaza an architectural sculpture adjacent to Old Georgetown Road will be a prominent component of the hardscape and clearly seen as one emerges from the Bethesda Metro. Simultaneously, the sculpture will provide a place for sitting and a means of access to and from the sites below ground parking garage.



Illustrative Landscape Plan

Vehicular Circulation

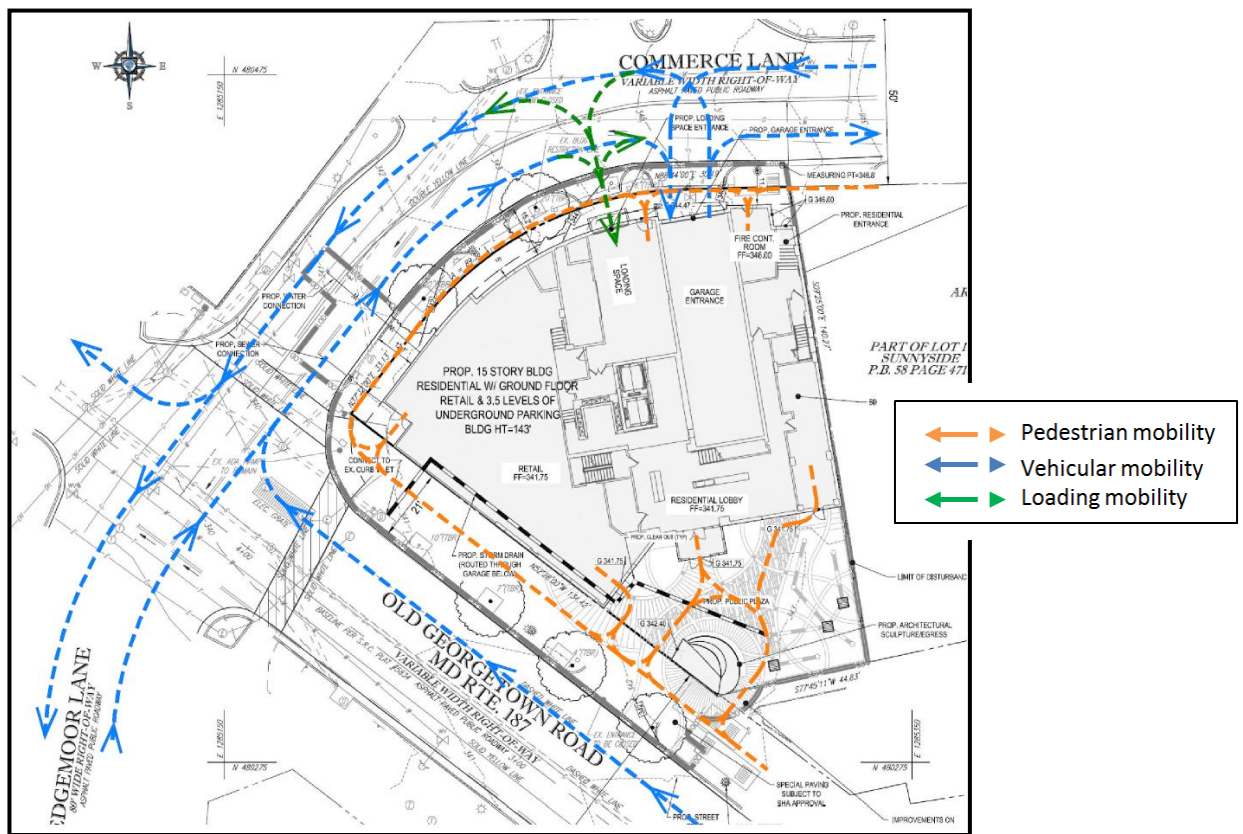
Currently, the site has one vehicular access point from Old Georgetown Road and two access points from Commerce Lane with surface parking to serve the existing bank. Old Georgetown Road is one-way northbound, and there is no on-street parking on either Commerce Lane or Old Georgetown Road. The Applicant proposes to eliminate the access from Old Georgetown Road and keep the two access points from Commerce Lane. One of the proposed access points will be to the underground parking garage; the second is for loading.

Montgomery County Department of Transportation (MCDOT) has voiced concerns to this proposal. MCDOT's policy is to require two loading docks instead of one; one curb cut rather than the two; and

improved sight distance from Old Georgetown Road. Staff believes the most efficient locations and numbers for vehicular and loading ingress and egress are proposed. Two curb cuts will separate and demarcate the loading from garage to improve safety and prevent possible collisions and traffic blockage. Additionally, the Applicant’s analysis shows that for a building of this size, both in units and square footage, one loading dock is sufficient to meet the tenant’s needs. In Bethesda, there are various buildings of similar or greater size that function properly with one loading bay, notably: Edgemont at Bethesda Metro, Whitney at Bethesda Theatre, and Upstairs at Bethesda Row.

A further discussion of site distance, vehicular access and the number of loading spaces is discussed in the transportation section on page 19 of this report.

Parking for patrons and employees of the non-residential portion of the property will utilize on-street parking, public and private parking garages.



Building Circulation

Pedestrian Circulation

Pedestrian access to the residential and retail lobby will be provided on both Old Georgetown Road (MD 187) and Commerce Lane. However the primary residential entrance and address will be from Commerce Lane. This is at the request of Fire and Rescue to service both fire truck and the fire control room access from Commerce Lane.

The proposed development will enhance pedestrian circulation by integrating the design of the public use space with the adjacent sidewalk, and by providing streetscape improvements along the frontage of Old Georgetown Road and Commerce Lane. The public use space design will support the Bethesda Sector Plans intention for “improving open spaces and gathering places, landmarks and focal points.” Furthermore, the open space and ground-floor retail respond to existing pedestrian flows and will augment activity in this area. The Project is located across the street from the Bethesda Metro Station, is served by 14 different Metrobus routes, Ride-On routes, and the Bethesda Circular/Trolley operates along Commerce Lane. Parking is being provided to meet the market demand, which is significantly below the parking that would otherwise be required by code, but more than the zero parking required in the Parking Lot District.

The Applicant is providing improvements to the streetscape on Old Georgetown Road and Commerce Lane consistent with the Bethesda Streetscape standards. Sidewalk widths on Old Georgetown Road are approximately 21-feet from curb to building and will remain the same. The sidewalk along Commerce Lane will be improved by approximately 5-7 feet making them compliant with ADA standards and just slightly below the 15'-foot recommendation in the Sector Plan. Details of the streetscape improvements will be further refined at site plan.

A discussion regarding site distance, vehicular access from Commerce Lane and truncation is found in more detail in the transportation section of this report on page 19.

Building Restriction Line

There is a five-foot Building Restriction Line (BRL) on a recorded lot along Commerce Lane which is proposed to be removed via a Limited Preliminary Plan. While not technically subject to Chapter 50, the Subdivision Regulations, the Applicant is conditioned to submit a limited Preliminary Plan for the sole purpose of removing the BRL. When the plat was recorded in 1956, the site was zoned C-2 with the possibility of residential on the outskirts of the current commercial core. As C-2 sites were redeveloped, it was not uncommon to establish a setback for compatibility purposes to address potential residential uses. While we don't know the specifics of the building restriction line, it is not needed today for compatibility purposes, nor is the setback needed for additional dedication along Commerce Lane as the full right-of-way width is adequate.

Community Outreach

Prior to filing the Project Plan, notification letters were sent on October 10, 2012 to neighboring and confronting property owners, 67 designated homeowner associations, the neighborhood schools and the Bethesda Library; recipients were invited to an informational meeting on October 23, 2012 at the Bethesda/Chevy Chase Regional Service Center, located directly across from the property. The letter noted that the Applicant was proposing a redevelopment of the property, with a mixed-use commercial-residential development. The meeting notice was also posted by the Service Center. There were no attendees at the meeting. A second letter, providing “Notice of Application” was sent on December 23, 2012 to the same mailing list.

The Applicant presented to the Woodmont Triangle Action Group on November 9, 2012 and the Bethesda-Chevy Chase Chamber of Commerce on November 28, 2012.

PROJECT ANALYSIS

Sector Plan

The property is located within the Bethesda Metro Core District in the 1994 Bethesda Central Business District Sector Plan (“Plan”). The site is currently occupied by a two story, 9,286 square foot United Bank branch with surface parking and two drive through-lanes accessed from both Old Georgetown Road and Commerce Lane. The proposal will replace the bank with a high-rise multi-family building adjacent to the Bethesda Metro Station in the heart of the CBD Core. The Project is designed to take advantage of the proximity to such transportation facilities as Metrobus, Ride One and the Bethesda Trolley with full integration into the Bethesda CBD pedestrian network and bikeways. The proposed development will fulfill a number of Metro Core goals, objectives outlined in the Plan as well as the 1992 Bethesda Streetscape Plan design guidelines.

The objectives of the Plan (pg. 58) provide a vision and intent for the Metro Center area by providing a mix of uses and activities to support a vibrant town center. While no plan can meet all of the recommended guidelines this plan meets a majority of the recommendations and the intent of the overall goals of the Sector Plan. The following analysis addresses the Sector Plan’s objectives for the Metro Core District:

1. *“Strengthen the Metro Core as the center of Bethesda, with greatest emphasis on and around the Metro Center and plaza.”*

This proposal will strengthen the Metro Core by intensifying the use of this 0.32 acre site from a current 9,286 square foot drive-thru bank with surface parking and two drives thru lanes, to a high-rise mixed-use building with 120 units, ground floor retail, and an artistically designed open space plaza. The ‘Core’ will also be strengthened by providing infill residential development, improving the pedestrian network, providing significant and well-designed open space, building uniformity in alignment with the intended “step down” concept, retail space, and helping to “achieve a greater focus of activities, a better sense of community, and more attractive open space” (pg. 61) as per the Sector Plan.

2. *“Increase the choices and activities in the Metro Core associated with retail, restaurants, cultural programming, open space, and pathways.”*

This proposal will increase the choices and activities in the Metro Core by providing 5,000 square feet of street oriented retail along Old Georgetown Road and Commerce Lane. It will also provide approximately 3,100 square feet of public use space which includes a small public plaza with plantings and public art, facing Old Georgetown Road. While not directly connected with the Discovery Trail, the proposed improvements to the streetscape will increase connectivity on the north side of Commerce Lane where on the opposite side of the street, there is access to a set of stairs linking to the Discovery Trail. .

3. *Develop a compact core that places the highest intensity in the center, provides distinctive infill buildings, and steps down to lower densities and heights near the edge of the district.*

This proposal will maximize urban infill, is in accordance with the step-down concept that the Plan intends, and contributes to the development of a compact core by replacing the bank and surface parking with a high rise mixed use building, and public plaza. The proposed building will be 143' tall, a step down from the 200' feet Hot Shoppes Site along Wisconsin Avenue as per chapter 4.5.c. of the Sector Plan, and the 200' foot tall Clark building on the western side of Old Georgetown Road.

4. *Emphasize employment near Metro transit to complete Metro Core development.*"

The land use recommendation on page 59 of the Sector plan recommends office. However, there are references for exceptions within the Metro Core District such as on page 58 to "emphasize employment land uses, but include potential for some additional residential uses". For this site, Staff supports residential development for the following reasons:

- a. The Plan recommends the optional method of development for employment of up to a 4 FAR. Yet, the Plan recognizes the need for residential uses in the same paragraph by stating that "optional method residential use is allowed at 5 FAR." This application is requesting a 5 FAR.
- b. The targets set in the Plan for Stage 1 outlined housing and employment goals that have been met (5,000 jobs and 2,150 housing units in the Bethesda CBD). Now in Stage II, the Plan set targets for jobs (54,900) and dwelling units (8,300). According to MNCPPC in-house Research and Technology Department, data compiled from the State Department of Assessment and taxation, the Department of Labor, Licensing, and Employment and Wage (ES-202) for 2011 (most recent data available) shows that the employment capacity for the Bethesda CBD is 41,561, with 6,793 dwelling units. Given these findings the proposed development for housing and employment is in line with the Plans objectives.

There are numerous jobs in and around the Metro Center, Project area, and the block on which this development is located. Adjacent to the Project on Commerce Lane is a ten-story Class A office building undergoing renovation by the Akridge Company which will provide approximately 500 jobs. The building represents roughly one third of the block. The remainder of the block, the southern portion, has multiple owners today. Should those assemble in the future and redevelop as commercial, they have the potential to provide hundreds of additional jobs.

The Metro Core itself has over 19,500 jobs and is rising. A number of buildings being constructed and will provide additional jobs including: the recently approved 7200 Woodmont Avenue site plan (SP #82009008A) providing 946,854 square feet of commercial space; and Bethesda Center (820120210) providing 466,470 square feet of hotel/office and retail space.

- c. The Plan recommends the block be “Employment: Office: Medium to High Density” as shown on the left side of the map below. The map below exhibits the existing development within the Metro Core. A number of properties identified for retail and mixed use have been approved for office space. This demonstrates that the goals and objectives for employment are being met. The map also demonstrates that within the Metro Core, the predominant land use is retail, office, and institutional/community. The few multifamily housing lots are primarily on the peripheral of the Core. A preferred mix of residential and employment is needed to both meet the needs of the Plan objectives for a “greater focus of activities, a better sense of community”, as well providing a sustainable future where citizens can live, work, and play in the same location.



The graphics above demonstrate the intended use in the 1994 Bethesda Sector Plan sided by the existing development as constructed today. Note the office spaces provided beyond the recommendations in many areas.

Land Use

The Sector Plan consistently states in several places that a key component is to complete the Metro Core (page 3 and 4). The Plan also holds as part of its vision and objectives to provide opportunities for people to live in the downtown. This proposal would provide such opportunities. In fact, on page 30, the

Plan recommends “modifying County regulations and policies to improve the feasibility and attractiveness of higher-density housing.”

The matter of timing or “completion” of the Metro Core development has been a consideration in planning and should be taken into account. The Metro Core, as evidenced by the low level of intensity of development on much of this block, including this property, may be considered “incomplete”. According to the 1994 Plan, “*The 1976 Plan also recommended that development in the Metro Core occur in the early years of the planning period.*” At the time of the 1994 Plan there were many sites in the Metro Core that had not redeveloped. This is reflected by the fact that in the 1994 Plan recommendations for the Metro Core District^j, there are six major sites identified individually for which detailed recommendations and guidelines are provided. They are:

- **The Bethesda Metro Center** (pg. 61)
- The Newlands Building (pg. 63, re: Lorenz Building)
- The Chevy Chase Trust Building (pg. 64, re: Hot Shoppes)
- Bethesda Place II (pg. 72, re: Commerce Lane property)
- Woodmont East (pg. 72, re: The Woodmont Avenue and Elm Street Site)
- Bethesda Theater Café and Chevyland Block (pg. 73)

All of the six sites have since embarked on redevelopment and most are complete. This is a major achievement and has contributed to the fact that the Bethesda CBD is indeed fulfilling a role as a regional employment center. In order to perpetuate the “completion” and intensification in the Metro Core District this proposal contributes to the achievement by redeveloping one third of this block, across the street from the “Metro Center” its central plaza and the Metro Station entrance. The redevelopment of this property will help to fulfill a significant and longstanding goal, dating back to the 1976 Plan, 37 years ago.

The land use and zoning section in the Sector Plan provides specific language (pg. 72) regarding site recommendations and design guidelines for the Commerce Lane. Many of the recommendations apply more specifically to the Bethesda Place II property; however, some are more pertinent to the subject site. There are six recommendations and guidelines that are called out below:

Commerce Lane Site Recommendations and Design Guidelines

Along Commerce Lane the Plan recommends the CBD-2 zone and allows optional method of employment development up to a 4 FAR. Office development will allow a coherent extension of the Bethesda Place project. A mixed-use project of up to a 5 FAR may also be built on the properties.

Urban design guidelines for this site include:

- a. *Develop allowable density in several separate buildings. This site is considered an “in-fill” block in which buildings should fill out the building envelope within recommended setbacks.*

The proposed building provides a maximum 5.0 FAR in a 143 foot tall building with a maximum of 120 units and ground floor retail. The building fills in the block with frontage on Commerce Lane and Old Georgetown Road and complements the existing GSA office building to the northeast of the property that was recently architecturally retrofitted with glass facades and windows to replace the brick. The existing record plat has a 5-foot building restriction line (BRL) along the frontage of Commerce Lane. The current proposal is for a building that holds the property line along Commerce Lane, as appropriate in a CBD zone being reviewed under the optional method that requires no setbacks. As conditioned and with the approval of a new preliminary plan, for the limited purpose of removing the BRL, the building will comply with the recommended setbacks. If the building setback is not removed through the review and approval of a limited preliminary plan, then the 5 foot setback would apply to Commerce Lane.

- b. Locate the office buildings' main entrances toward Wisconsin Avenue and Old Georgetown Road. If residential use is included, buildings should provide entrances primarily along Commerce Lane, with ground floor retail.*

The property does not front onto Wisconsin Avenue; however, it does front onto Old Georgetown Road. Entrances and the primary addressing to the residential lobby are from Commerce Lane and multiple entrances are proposed from Old Georgetown Road and Commerce Lane for the ground floor retail.

- c. Locate taller buildings along Wisconsin Avenue. Building heights should step down along Commerce Lane with lower heights along Old Georgetown Road to assure that adequate sunlight and air reach the inner plaza of Bethesda Place.*

The proposal is for a 143-foot building that naturally steps down from Commerce Lane to Old Georgetown Road due to the transition of grade from east to west. The building will be lower than the Clark Building at the Metro site which measures at 200 feet. The proposed building will also step down from the existing adjacent GSA office building (Akridge) that fronts onto Wisconsin Avenue. Sunlight and air will be maximized as the plaza and building is oriented to maximize sunlight.

- d. Achieve building setbacks along Old Georgetown Road comparable to existing building setbacks of Bethesda Place to ensure a continuous sidewalk area.*

The building along Old Georgetown Road will be located at the property line while providing a 20 foot wide pedestrian streetscape and will be comparable to the adjacent building setbacks with to the east. The sidewalk area along Commerce Lane will be expanded from the current condition by approximately 5 feet providing for an adequate pedestrian experience from the face of the building to the edge of the tree pits. The expansion of the sidewalk area accommodates an accessible route for ADA compliance and provides for the Bethesda streetscape standards.

- e. Provide a major open space and pedestrian connection from Commerce Lane through the site, into the inner plaza of Bethesda Place. This will satisfy onsite open space requirements, improve pedestrian access, and create a desirable link of interconnected public spaces within the Metro Core District.*

This recommendation does not specifically apply to this site, however, a pedestrian connection was provided from the Bethesda Place open space down to Commerce Lane with the redevelopment of that site. The enhanced streetscape will enhance the pedestrian connections to the open space.

- f. Locate vehicular access to rear service areas and underground parking from Commerce Lane. Restrict driveway access from Old Georgetown Road and Wisconsin Avenue.*

Vehicular access, both loading and parking to the proposed underground parking is provided from Commerce Lane, restricting the vehicular access from Old Georgetown Road. Since the property is on a recorded lot, access and dedications are not typically reviewed by MCDOT and the Planning Board. However, MCDOT indicated concerns over the number of curb cuts on Commerce Lane, sight distance implications and the number of truck loading spaces proposed. The transportation section in the report clarifies Staff's support of the application and believes the curb cuts and access points are appropriate for Commerce Lane as this is a Commercial Business District street.

In addition to the land use and planning recommendations above, the Plan provides additional recommendations regarding the downtown environment, urban form, zoning and density as discussed below.

Downtown Environment

The Downtown Bethesda Metro Core District is a major transportation hub and envisioned as a place that has a choice of retail, restaurants, cultural programming, open space and entertainment. The proposed project plan provides several features that address these goals:

- The public use space expands the existing network of open spaces in the area and connects to existing pedestrian routes and the Discovery Trail.
- The physical character of the public realm is well defined by building edges. The proposed open spaces shape the form of the buildings and relate well to the surrounding context of public spaces.
- The design of the architecture will add a contemporary structure to the urban fabric of downtown Bethesda. It will provide a landmark and gateway element to Wisconsin Avenue that responds to views and vistas within the CBD. It will create a focal point that strengthens the Bethesda core and provides a central open space that allows a respite for pedestrians.
- The proposed amenities will provide an animated space through the use of water, stone, and a major sculpture feature.



Approach from Wisconsin Ave - Commerce Lane



Approach from Edgemoor Lane

Urban Form

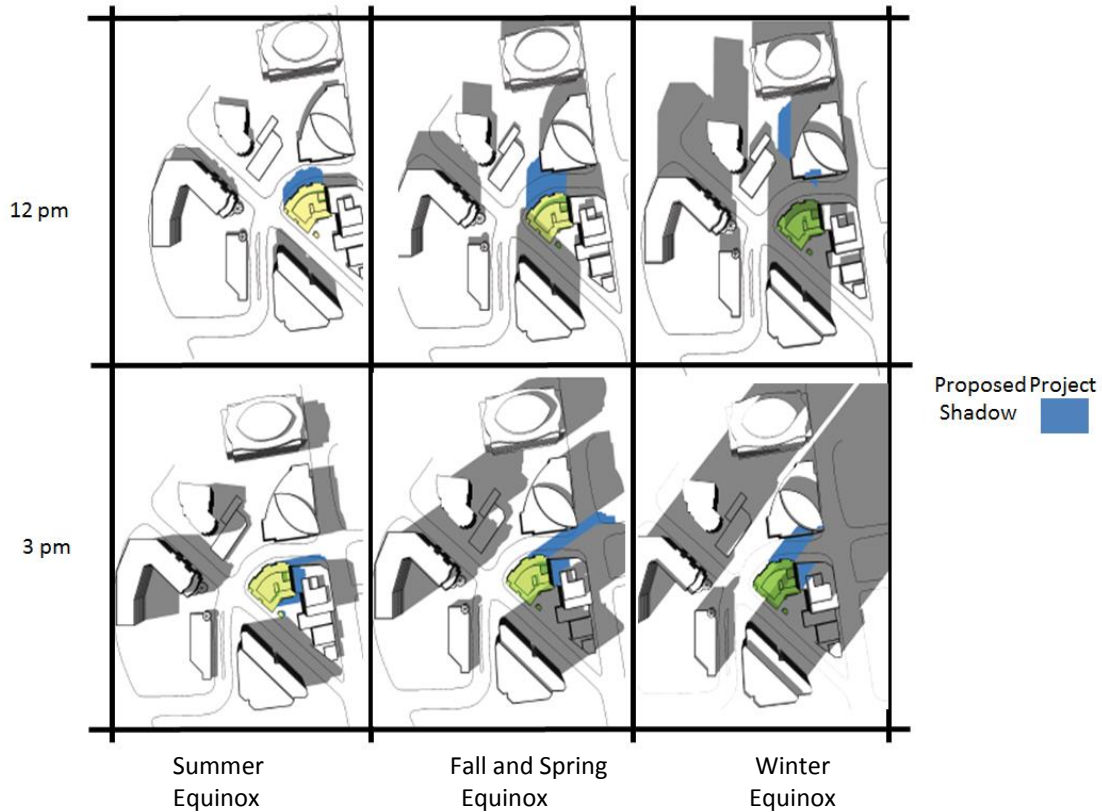
In general, the Sector Plan encourages mixed-use development that includes retail, office and residential located in buildings on active streets.

- The proposed uses will fulfill this goal by including restaurant/retail uses on the ground floor and residential above.
- The adjacent urban form will be strengthened by the creation of active street frontages both on Old Georgetown and Commerce Lane.
- The open spaces will be activated by retail seating, a plaza area that will attract people to gather and stay and an artistic element to accentuate the space.
- The new circulation connections and choices will encourage pedestrian connectivity.
- The cultural and artistic amenities will provide a sense of identity through the unique design of water elements, lighting and landscaping.

Shading

With regard to building height and the surrounding context, numerous Sector Plan citations speak to anticipated infill development with higher-density employment and housing uses downtown. The shade and massing relationships associated with this proposal show that the project does not cast shadow on presently used public areas or block direct sunlight from surrounding properties. As shown below, the greatest impact to surrounding properties is during the Equinox (months of September and March) and the Winter Solstice (December) during the evening hours. The shadows do not impact the Bethesda Metro Center with the exception of a small time period on the south end of Bethesda Place. The

proposed building will cast the greatest amount of shade onto sections of Woodmont and Wisconsin Avenues. The majority of shade will fall on Commerce Lane and only during short portions of the day, detrimental impacts or adverse effects on adjacent properties are minimal. In addition the glass facades will offset the shadow effect. During the summer months, when outdoor spaces get the most usage, the shadow impact of the proposed building is minimal on the surrounding properties, streets and sidewalks.



Zoning and Density

The subject site is zoned CBD-2 as recommended in the Sector Plan. The CBD zone provides compact urban development near transit centers and fosters a variety of land uses designed at a pedestrian scale. CBD-2 offers incentives for development that include housing to serve those employed in the area or who commute by public transit. A maximum FAR of 5.0 is allowed in the CBZ -2 zone for mixed use development.

Specific Site Recommendations

While the specific area recommendation for “Employment: Office: Medium to High Density” is not proposed by the Applicant, the vision, goals, and principles of the Sector Plan are maintained. Section 3.1 of the Sector Plan outlines employment and housing objectives for the CBD. Clearly stated is the need for “all forms of housing in the Bethesda CBC” due to its “prestigious address”; “the increasing

availability of restaurants, shops and recreational activities; the growing employment base; and the easy access to Metro.”

The plan proceeds (page 29) to endorse the following objectives and strategies in support of additional housing:

1. Promote variety and choice in housing of quality design and durable construction in various types of neighborhoods.
2. Modify County regulations and policies to improve the feasibility and attractiveness of higher-density housing.
3. Encourage and enhance the quality of housing by encouraging excellence in architectural design.

Further support for residential housing and commercial space, the Sector plan is a 17 year old document. Significant amounts of employment have been realized in the CBD area which allows for a reevaluation of the use proposed for this property. In the *notice to the readers* (VII) the following is stated:

“Master Plans generally look ahead to a time horizon of about 20 years from the date of adoption, although it is intended that they be updated and revised about every ten years. It is recognized that the original circumstances at the time of plan adoption will change over time, and that the specifics of a master plan, may become less relevant as time goes on...”

Circumstances are presently different than they were in 1994 and there is an increase in demand for housing and commercial properties. In addition, the Applicant believes that the small size of the lot will not support a successful commercial office building due to the requirements for an office floorplate versus residential.

Rooftop Waiver

The Applicant requests a waiver from the Planning Board, pursuant to Section 59-B-1.1 of the Zoning Ordinance, to allow rooftop structures to exceed 25 percent of the roof area and remain exempt from height controls. Pursuant to the Sector Plan recommendation to utilize rooftop spaces (page 40), the Applicant has designed the rooftop to serve as a mix of amenity space and bio-filtration (green roof). Specifically, the rooftop structures include mechanical space, restrooms, and an “all weather” amenity space. The sum of the total rooftop structures proposed will be approximately 40 percent of the rooftop space, necessitating a waiver to exceed the standard by 15 percent.

Section 59-B1.1 of the Zoning Ordinance exempts such rooftop structures from building height limits provided that (a) the property is developed under the Optional Method in a Central Business District

Zone and (b) is incidental to the main use of the building and not used for retail or general offices. In this case, the property is being developed under the Optional Method in the CBD-2 Zone and the amenity space is incidental to the residential use of the building as amenity space, not retail or office.



Rooftop Amenity

TRANSPORTATION

Vehicular Site Access Points

The existing bank has one vehicular access point from Old Georgetown Road and one vehicular access point with two curb cuts from Commerce Lane. The Applicant proposes to close the curb cut from Old Georgetown Road as it is designated in the 1994 *Bethesda Central Business District Sector Plan* as major highway. Thus, any access from Old Georgetown Road will be prohibited.

The Applicant proposes to relocate the two existing curb cuts from Commerce Lane, a business district street, to access for the parking garage and loading dock(s). The Applicant must work with the Montgomery County Department of Permitting Services (DPS) regarding the proposed relocated curb cut(s) on Commerce Lane and show they have adequate sight distance. Transportation staff supports two separate curb cuts to access the parking garage and loading dock(s) from Commerce Lane to reduce potential conflicting vehicular movements.

On-Site Parking

The Applicant is proposing to provide all 111 parking spaces on the subject site in an underground parking garage, satisfying their parking requirement on site. The site is within the Bethesda PLD and will

not currently be required to pay the PLD tax; however, if the number of parking spaces is reduced at site plan a payment to the PLD will be required.

Sector-Planned Transportation Demand Management

Applicants of developments located within the Bethesda Transportation Management District (TMD) are required to enter into a Traffic Mitigation Agreement with the Montgomery County Department of Transportation (MCDOT) and the Planning Board. The Traffic Mitigation Agreement requires the Applicant to participate in the Bethesda Transportation Management Organization to assist in achieving its non-auto-driver mode share goal in the Bethesda TMD. The Traffic Mitigation Agreement must be fully executed prior to release of any building permits.

Sector-Planned Roadways and Master-Planned Bikeway

In accordance with the 1994 *Bethesda Central Business District Sector Plan* and 2005 *Countywide Bikeways Functional Master Plan*, the sector/master-planned designated roadways are as follows:

1. Old Georgetown Road is designated as a major highway, M-4, with a recommended 80-foot wide right-of-way along the property frontage and no bikeway. The existing right-of-way along the property frontage is more than 80 feet wide.
2. Commerce Lane is designated as a business district street with a recommended 50-foot wide right-of-way and no bikeway. The existing right-of-way along the property frontage is 50 (or more) feet wide, but not wide enough for an ADA-compliant sidewalk along the property frontage. Hence, Planning Board and MCDOT recommend that the Applicant provide a Public Improvement Easement (PIE) to widen the sidewalk along Commerce Lane to be 12 feet wide between the planters and face of the proposed building the at site plan review.

Truncation at the Old Georgetown Road (MD 187)/Commerce Lane Corner

MCDOT has requested a standard 25 foot wide truncation at the intersection of Old Georgetown Road and Commerce Lane. SHA has not made the same request. Truncation requires dedication during subdivision review (Chapter 50) and not typically at a project plan since the project plan determines the overall density, public use space and general access requirements. The site is also on a recorded lot and would not require a new subdivision, however, a 5-foot building restriction line (BRL) was provided on the original 1956 plat. To remove that BRL, staff is recommending a limited preliminary for the sole purpose of removing the BRL and not for full subdivision review. Adequate public facilities can be reviewed with the site plan application and the lead agency at site plan for right-of-way and access is the Department of Permitting Services (DPS). The applicant is pursuing the comments regarding truncation and access both MCDOT and MCDPS prior to any subsequent reviews.

The truncation issue is tied directly to sight distance, the number of access points (curb cuts) and number of loading spaces for the proposed application. The applicant submitted a design exceptions

package to MCDOT to address their various policies with the hopes of coming to a conclusion to establish a more defined solution. Staff supports the applicant's proposal for no truncation and for the design exceptions to address access and loading.

The need for truncation at the intersection corner is based on the motorist's sight distance of vehicular, bicycle, and pedestrian traffic along the perpendicular roadway. Sight distance is a function of the motorist's speed approaching the intersection. At this intersection, the vehicle speeds are slow with no posted speed limit signs on these roadway segments because:

1. The traffic signals at the Old Georgetown Road/Commerce Lane intersection and at the intersections provide for a safer sight distance.
2. A closed-spaced urbanized street grid.
3. The segment of Old Georgetown Road along the site frontage is a one-way northbound roadway.

The Applicant has provided supplemental information supporting information regarding the unique urban environment at this intersection and how the proposal appropriately addresses pedestrian and vehicular circulation and safety.

Available Transit Service

The site is located within approximately 570 feet walking distance from the entrance to the Bethesda Metrorail Station. This Metrorail Station is served by 14 different bus routes. Along the property's Old Georgetown Road, Ride-On routes 29, 30, 32, 34, 47, and 70 and Metrobus routes J-2, J-3, J-7, and J-9 operate with a bus stop near the Old Georgetown Road/Commerce Lane intersection. The Bethesda Circular/Trolley operates along Commerce Lane.

Pedestrian and Bicycle Facilities

Pedestrians and bicycle upgrades will be provided by the Applicant and will include the following:

1. A Public Improvement Easement (PIE) to widen the sidewalk along Commerce Lane to be 12 feet wide between the planters and face of the proposed building.
2. Participation in the Pedestrian Road Safety Audit with MCDOT along Commerce Lane and with SHA along Old Georgetown Road to design streetscaping to minimize mid-block pedestrian movements.
3. Provide 44 bike parking spaces as inverted-U bike racks (storing 2 to 4 bikes) located near the main entrances and bike lockers or secured bike room in the parking garage in a well-lit area near an access point, stairs, or elevator. The locations of bike parking spaces will be determined at site plan review.

Local Area Transportation Review

Although no transportation Adequate Public Facilities (APF) finding is made at project plan, the Applicant submitted a traffic study for informational purposes. The Applicant must satisfy the transportation APF test at site plan. At that time, an updated traffic study would be required if the traffic counts were over a year old and/or new significantly-sized “background developments” are approved near the subject site between now and the future filing of a complete site plan application.

The table below shows the net number of net number of peak-hour trips generated by the proposed redevelopment during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.).

Land Use	No. of Units or Square feet	Peak-Hour Trips	
		Morning	Evening
Proposed High-Rise Apartments	120 units	36	36
Proposed General Retail Space	5,000 sq. ft.	3	13
Subtotal: Trips by the Proposed Land Uses		39	49
Existing Bank	-9,286 sq. ft.	- 9	-14
Net Increase in Site-Generated Trips		30	35

The Applicant submitted a traffic study because the proposed redevelopment generates 30 or more total peak-hour trips within the weekday morning and evening peak periods. The table below shows the calculated Critical Lane Volume (CLV) values at the analyzed intersections for the following traffic conditions:

1. Existing: Existing traffic condition as they exist now.
2. Background: The existing condition plus the trips generated from approved but un-built nearby developments.
3. Total: The background condition plus the site-generated trips.

<i>Analyzed Intersection</i>	<i>Weekday Peak Hour</i>	<i>Traffic Condition</i>		
		<i>Existing</i>	<i>Background</i>	<i>Total Future</i>
Wisconsin Avenue (MD 355) & Norfolk Avenue	Morning	897	940	941
	Evening	702	704	704
Wisconsin Avenue & Commerce Lane	Morning	573	580	585
	Evening	498	498	499
Wisconsin Avenue & Old Georgetown Road/ East-West Highway (MD 410)	Morning	977	999	1,005
	Evening	853	882	893
Old Georgetown Road &	Morning	475	520	540

Commerce Lane	Evening	700	717	734
Commerce Lane & Site's Parking Garage Driveway	Morning	N/A – Not Existing		145
	Evening			147

As shown on the table above, the CLV values at the five analyzed intersections are less than the congestion standard of 1,800 for these intersections located in the Bethesda Central Business District Policy Area. Thus, without any significant changes between now and future filing of a complete site plan application, the LATR test would be satisfied.

Policy Area Review

Under the 2012-2016 Subdivision Staging Policy, the Applicant would have to satisfy the “policy area review” test by complying with the Transportation Policy Area Review (TPAR) test as a completed site plan application filed after January 1, 2013. For the future site plan “policy area review” finding, the TPAR test would not require payment of the transportation impact tax because the site is located within a metro station policy area.

ENVIRONMENT

Environmental guidelines and forest conservation

The subject property is located in an urban setting within the Willett Branch watershed which is a tributary to Little Falls Branch Stream, a Use I-P¹ watershed. There a number of street trees fronting the site ranging in sizes from 4” to 20” diameter at breast height (DBH). The site is not otherwise associated with any environmentally sensitive features such as forest areas, stream buffers, wetlands, 100 year floodplains or steep slopes.

A forest conservation exemption was confirmed for the property on October 16, 2012 and is still valid for the project as currently proposed. The project qualifies for a small property exemption under section 22A-5(s)(1) of the Montgomery County Forest Conservation Law- an activity occurring on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet.

Noise

The project will provide residential units which are located near a busy urban environment. Noise levels for affected units will be attenuated by the design and appropriate installation of the building shell and

¹ Use I-P:

WATER CONTACT RECREATION & PROTECTION OF AQUATIC LIFE, AND PUBLIC WATER SUPPLY

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, industrial water supply, and use as a public water supply.

windows. A number of conditions are recommended to ensure the noise levels are appropriately mitigated.

Development Standards

The subject project plan amendment is zoned CBD-2 which is governed by the development standards in Section 59-C-6.12 (b) of the Montgomery County Zoning Ordinance. The minimum lot size of 18,000 square feet for optional method projects is met. The net lot area for the Project is 14,020 square feet and the gross tract area is 29,069 square feet. Previous dedications of 15,049 square feet accounts for the veritable size difference. There is no maximum building coverage for optional method projects, but there is a requirement for the provision of a minimum of 20% of the net lot area to be devoted to public use space. The Applicant proposes to exceed the minimum open space requirement for a total of 22.6 percent to satisfy this provision. The maximum density as well as the proposed density for the optional method projects in the CBD-2 Zone is 5.0 FAR. The only other development standard for a CBD-2 optional method project is building height, which normally limits height to 143 feet and which this project is meeting at 143 feet.

The CBD-2 zone was created to provide increased height and density in the areas surrounding the urban core. The development standards associated with the CBD-2 are minimal to encourage flexibility through the Optional Method of Development, with final details to be determined at Site Plan.

The recorded Plat shows a 5 foot Building Restriction Line (BRL) along Commerce Lane. To achieve the proposed Project plan, the Applicant must file a limited preliminary plan for the sole purpose of removing the BRL currently shown on the record plat. If the limited preliminary plan is not approved, then the Applicant must adhere to the established setback.

The purposes of the CBD-2 Zone include:

- encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system and between the central business district and adjacent areas;
- promote the effective use of transit facilities in the central business district and pedestrian access thereto as well as an improved pedestrian and vehicular circulation;
- assist in the development of adequate residential areas for people with a range of different incomes;
- encourage land assembly and the most desirable use of land in accordance with a sector plan;
- provide a density and intensity of development which will permit an appropriate transition from the cores of central business districts to the less dense peripheral areas within and adjacent to the districts; and
- provide an incentive for the development of residential uses to meet the needs of those employed within the central business districts and those who will be able to use the district transit facilities to travel to and from places of employment.

The data table on the following page shows all of the requirements of the zone are met by the subject Project plan. Because this project is within a Parking Lot District, parking spaces are not required to be provided. In an effort to increase market desirability, the Applicant will be providing 111 parking spaces for the residents of the building.

The following data table indicates the proposed development's compliance with the Zoning Ordinance.
Project Data Table for the CBD-2 Zone

Optional Method	Zoning Ordinance Permitted/ Required	Proposed for Approval
Site Area (acres)		
Gross Tract Area	18,000 sf	29,069 sf
Less Dedication for Public ROW Previously dedicated area	n/a	15,049 sf
Net Lot Area	n/a	14,020 sf
Density		
Max. Overall (FAR)	5.0 (145,345 sf.)	5.0 (145,345 sf.)
Retail (sf.) Residential (sf.)		5,000 140,345
Residential D.U.s	n/a	120
MPDUs [Chapter 25A]	12.5%	12.5%
Min. Public Use Space, Facilities and Amenities		
Percent of net lot area on-site	20% (2,804 sf)	22.6% (3,172 sf)
Percent of net lot area off-site	n/a	25.7% (3,602 sf)
Min. Building Setbacks (ft) [59-C-10.3.8]		
Front (Commerce Lane) ²	n/a	0
Side (West)	n/a	0
Side (East)	n/a	0
Rear	n/a	0
Max. Building Height (ft)		
	143 ft	143 ft., as measured from Commerce Lane
Vehicle Parking		
Retail		0 spaces
Residential		111 spaces*
Bicycle Parking (number of spaces)		
	1 space per 20 parking spaces	44 spaces
Motorcycle Parking		
Number of spaces	0 spaces	0 spaces

² The Project Plan considers the ultimate density and footprint, however, the current record plan has an established 5 foot Building Restriction Line (BRL) along the frontage of Commerce Lane. A Limited Preliminary Plan is required to remove the BRL. In the event the preliminary plan is not approved for the purposes of removing the BRL, then the 5 foot BRL will apply.

**The site is located within the Parking Lot District (PLD) and is not technically required to satisfy their parking obligation on site, however, a tax paid to the PLD will be assessed for the deficient number of spaces. Final number of parking spaces will be determined at site plan based upon the final unit mix and unit count.*

FINDINGS

According to Section 59-D-2.43 of the Montgomery County Zoning Ordinance, in reaching its determination on a project plan the Planning Board must consider the following:

- (a) The nature of the proposed site and development, including its size and shape, and the proposed size, shape, height, arrangement and design of structures, and its consistency with an urban renewal plan approved under chapter 56.
- (b) Whether the open spaces, including developed open space, would serve as convenient areas for recreation, relaxation and social activities for the residents and patrons of the development and are planned, designed and situated to function as necessary physical and aesthetic open areas among and between individuals structures and groups of structures, and whether the setbacks, yards and related walkways are located and of sufficient dimensions to provide for adequate light, air, pedestrian circulation and necessary vehicular access.
- (c) Whether the vehicular circulation system, including access and off-street parking and loading, is designed to provide an efficient, safe and convenient transportation system.
- (d) Whether the pedestrian circulation system is located, designed and of sufficient size to conveniently handle pedestrian traffic efficiently and without congestion; the extent to which the pedestrian circulation system is separated from vehicular roadways so as to be safe, pleasing and efficient for movement of pedestrians; and whether the pedestrian circulation system provides efficient, convenient and adequate linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities.
- (e) The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs, in relation to the type of use and neighborhood.
- (f) The adequacy of provisions for construction of moderately priced dwelling units in accordance with chapter 25a if that chapter applies.
- (g) The staging program and schedule of development.
- (h) The adequacy of forest conservation measures proposed to meet any requirements under chapter 22a.
- (i) The adequacy of water resource protection measures proposed to meet any requirements under chapter 19.
- (j) When the Planning Board allows any public use space, or public facilities and amenities to be provided off-site, the Planning Board must find that the space or improvement:
 - (1) is consistent with the goals of the applicable master or sector plan; and

- (2) serves the public interest better than providing the public use space or public facilities and amenities on-site.

As the following Findings demonstrate, the subject project plan amendment adequately addresses each of these considerations, as conditioned by the Staff Recommendation.

Section 59-D-2.42 of the Zoning Ordinance establishes the findings that must be made by the Planning Board and in concert with the considerations enumerated above form the basis for the Board's consideration of approval. In accordance herewith, the Staff makes the following findings:

- (a) *As conditioned, the proposal complies with all of the intents and requirements of the zone.*

The Montgomery County Zoning Ordinance states the purposes which the CBD zones are designed to accomplish. The following statements analyze how the proposed Project Plan conforms to these purposes:

- (1) *59-C-6.212 (a)¹⁵ "To encourage development in accordance with an adopted and approved master or sector plan, or an urban renewal plan approved under Chapter 56 by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan or urban renewal plan and the site plan or combined urban renewal project plan is approved on review by the Planning Board."*

The Project complies with the intent and recommendations of the Sector Plan. Although the Sector Plan designates the site for "Employment", the targets for Stage 1 housing and employment goals have been met (5,000 jobs and 2,150 housing units in the Bethesda CBD). Now in Stage II, the Plan set targets for jobs (54,900) and dwelling units (8,300). According to MNCPPC in-house Research and Technology Department, data compiled from the State Department of Assessment and taxation, the Department of Labor, Licensing, and Employment and Wage (ES-202) for 2011 (most recent data available) shows that the employment capacity for the Bethesda CBD is 41,561, with 6,793 dwelling units. Given these findings the proposed development for housing and employment is in line with the Plans objectives. The Core Area still maintains a predominate focus on employment and the amount of residential proposed with this application will not adversely impact the balance of jobs to housing.

Section 59-C-6.235(b) Zoning Ordinance recommends a maximum height of 143' feet. The proposed project plan meets this requirement.

- (2) *"To permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central business districts to meet the needs and requirements of workers, shoppers and residents."*

The Project directly responds to the current market for mixed use by providing them where the infrastructure, public facilities, jobs, entertainment, and amenities already exist to support their incorporation into the community.

The additional density of the optional method provides an incentive for the proposal to contribute to a variety of land uses and activities by: providing retail at the street level of a

residential building; providing a highly visible public plaza with art, seating, and open space; widening the narrow sidewalk along Commerce Lane, and enhancing the public realm.

(3) "To encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system and between the central business district and adjacent areas."

The project's relationship to existing buildings is typical and appropriate for a central business district. The building height and massing complement those of adjacent buildings and help define the intersection of Old Georgetown Road and Commerce Lane.

The proposed development will enhance pedestrian circulation by integrating the design of the public use space with the adjacent sidewalk, and by providing streetscape improvements along the Old Georgetown Road and Commerce Lane frontage. The public use space design will reflect Bethesda as a "garden" through the imaginative use of on-site rain gardens and Low Impact Development techniques. Furthermore, the open space and ground-floor retail respond to existing pedestrian flows and will enhance activity in this area. The new construction will provide enhancements in the form of streetscape and undergrounding of utilities that will improve the pedestrian circulation system by increasing its attractiveness and the ease of use.

The physical character of the public realm is well defined by building edges. The proposed open spaces shape the form of the buildings and relate well to the surrounding context of public spaces. The design of the architecture will add a contemporary structure to the urban fabric of Downtown Bethesda. It will provide a landmark and gateway element to Wisconsin Avenue and responds to views and vistas within the CBD.

The location will provide an appropriate transition from the edge of the Central Business District where it is located, to the other commercial and residential dwellings in and around then adjacent area.

(4) "To promote the effective use of transit facilities in the central business district and pedestrian access thereto."

The proposed development is 570 feet from Bethesda Metro and approximately the same distance from the nearest bus stop. It is a local and regional imperative that infill development is provided at such sites as an alternative to suburban sprawl. As conditioned, the location and accessibility of the proposed development to the local transit system is an excellent realization of the Sector Plan transit and sustainability goals, for example the provision of jobs and housing within walking distance of the Metro and shopping areas.

(5) "To improve pedestrian and vehicular circulation."

The project will improve vehicular circulation by eliminating the drive-through bank circulation presently occurring onsite. The proposed traffic pattern provides vehicle access on one road (Commerce Lane) as opposed to two (Old Georgetown Road). By eliminating egress and ingress

traffic flow on Old Georgetown Road transportation movement will be improved. The consolidation of curb cuts to accommodate vehicular access for parking and loading is an improvement to the current site conditions that allows for multiple access points from/to Commerce Lane and Old Georgetown Road.

The Project parallels Old Georgetown Road, a primary vehicle and pedestrian route. Across the street from the northern property edge is the Bethesda Discovery Trail. Pedestrian circulation will improve by the creation of a wider sidewalk along Commerce Lane and the removal of the bank drive-through which presently causes mobility disruption. The Project provides a major public plaza within the Metro Core acting as a new destination and focal point for the community as well as being on route to and from the Bethesda Metro to embolden movement.

(6) "To assist in the development of adequate residential areas for people with a range of different incomes."

The development will provide up to 120 dwelling units with 12.5 percent MPDUs.

(7) "To encourage land assembly and most desirable use of land in accordance with a sector plan."

The proposed development follows the land use assemblage principals set forth in multiple areas of the sector plan:

Requirements of the CBD-2 Zone

The table on page 23 of the staff report demonstrates the conformance of the project plan with the development standards under the optional method of development. Among other standards, the proposed development meets the area, public use space, building height, and density requirements of the zone.

According to the Zoning Ordinance (59-C-6.215(b)) a further requirement of optional method projects is the provision of additional public amenities:

"Under the optional method greater densities may be permitted and there are fewer specific standards, but certain public facilities and amenities must be provided by the developer. The presence of these facilities and amenities is intended to make possible the creation of an environment capable of supporting the greater densities and intensities of development permitted."

To this end, the proposed development is proffering the following package of amenities and public facilities:

Amenities and Facilities Summary

- *On-Site Public Use Space Improvements*
Hardscaped and landscaped plaza with distinctive paving and integrated stormwater management Architectural sculptural element

- *Off-Site Amenity Improvements*

Streetscape improvements along Old Georgetown Road and Commerce Lane.

These amenities will contribute to the diversity of public spaces in the Bethesda CBD. Combined with the street-level retail, the public space design will create an attractive and welcoming environment.

(a) *The proposal conforms to the approved and adopted Master or Sector Plan or an Urban Renewal Plan approved under Chapter 56.*

The subject property is zoned CBD-2, which is recommended by the Sector Plan. All proposed uses are allowed in the CBD-2 Zone and the proposed development is in keeping with the general guidelines to provide employment uses in the Sector Plan. There are many references throughout the Sector Plan to support the proposed Project including:

- Establishment of a vibrant and diverse downtown,
- Development by infill that complements the existing urban fabric,
- Supports new commercial development that enhance the character of Bethesda,
- Promote variety and choice in housing of quality design and durable construction in various types of neighborhoods,
- Design new buildings that respond to views and vistas within the CBD to create focal points and landmarks that improve the orientation and strengthen the perception of existing centers,
- Development of a wide range of housing,
- Creation of an appealing environment for working, shopping, and entertainment.
- Creation of a circulation patterns that encourage walking, cycling, and the use of mass transit.

(b) *Because of its location, size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.*

The location is optimal for as much intensity of use and density as are found to be compatible with the context and proximity to the Bethesda Metro station. The proposed Project is designed to enhance the block, and compliment adjacent buildings and uses. To this end, the architecture and open space have been designed to provide a relationship to the Core and metro area and enhance the pedestrian realm of Old Georgetown Road.

The Project provides a desirable relationship between the proposed building and the existing buildings of the CBD. The proposal provides an appropriate transition from the edge of the Central Business District where it is located, to the existing offices and businesses adjacent to the property.

(c) *As conditioned, the proposal would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under Chapter 42A, article II, is subject to a traffic mitigation agreement that meets the requirements of that article.*

A draft traffic management agreement has been submitted by the Applicant and will be finalized during the site plan review process. Other public facilities exist on or near the site and no expansion or renovation of these services will be required to be completed by the County. Further, requirements for public safety and fire will be minimally impacted due to the nature of the land use and must be approved by the respective agencies prior to site plan approval.

- (d) *The proposal will be more efficient and desirable than could be accomplished by the use of the standard method of development.*

A standard method mixed use project would only allow a density of 3 FAR. Due to the size of the lot development would not likely be efficacious as density limits would prohibit economic feasibility. Further, the requirement for public amenities would be removed and the public use space requirement would be reduced by one-half. Because infill development and density at transit hubs is a core value of smart growth, recommendations in the Sector Plan and given the number and quality of public amenities being proffered, the optional method of development is much more desirable and more efficient for this particular site.

- (e) *The proposal will include moderately priced dwelling units in accordance with Chapter 25A of this Code, if the requirements of that chapter apply.*

The proposed development under this CBD-2, Optional Methods, requires a 12.5 percent MNCPU.

- (f) *When a Project Plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from on lot to another or transfer densities, within a lot with two or more CBD zones, pursuant to the special standards of either section 59-C 6.2351 or 59-C 6.2352 (whichever is applicable), the Project Plan may be approved by the Planning Board based on the following findings:*

The proposed development is located on one existing lot and does not propose any open space or density transfers.

- (g) *As conditioned, the proposal satisfies any applicable requirements for forest conservation under Chapter 22A.*

The project is exempt from the requirements of the forest conservation law.

- (h) *As conditioned, the proposal satisfies any applicable requirements for water quality resources protection under Chapter 19.*

The project is exempt from Chapter 19 water quality resources protection requirements.

- (i) When the Planning Board allows any public use space, or public facilities and amenities to be provided off-site, the Planning Board must find that the space or improvement:
- (1) is consistent with the goals of the applicable master or sector plan; and
 - (2) serves the public interest better than providing the public use space or public facilities and amenities on-site.

This section does not apply as the proposal accommodates the entirety of the public use space on site.

RECOMMENDATION AND CONDITIONS

Approval of project plan 920130030, Bethesda Commerce, for 145,345 gross square feet of development including a maximum of 120 multi-family dwelling units and 5,000 square of non-residential space, subject to the following conditions:

1. Development Ceiling

The proposed development is limited to a maximum of 145,345 square feet of gross floor area, including a maximum of 120 multi-family dwelling units and 5,000 square of non-residential space.

2. Preliminary Plan

The Applicant must file a preliminary plan currently with the site plan for the limited purpose of removing the building restriction line currently shown on the record plat.

3. Building Height and Mass

The proposed development is limited to the building footprint as delineated in the project plan drawings submitted to the M-NCPPC dated February 8, 2013 unless modified at site plan review and to 143 feet in height as determined by the Department of Permitting Services approved building height measurement point.

4. Housing

The development will provide a minimum of 12.5 percent moderately priced dwelling units (MPDUs) based upon the total number of units, in accordance with Chapter 25A.

5. Transportation

a. The Project Plan is limited to up to 120 multi-family dwelling units (or 140,345 square feet of residential space) and 5,000-square-feet of general retail space.

b. At site plan review, the Applicant must comply with the following:

1. The Applicant must satisfy the transportation Adequate Public Facilities (APF) test at site plan including an updated traffic study, if necessary.
2. The Applicant must enter into a Traffic Mitigation Agreement with the Montgomery County Department of Transportation (MCDOT) and the Planning Board to participate in the Bethesda Transportation Management Organization. The Traffic Mitigation Agreement must be fully executed prior to release of any building permits.

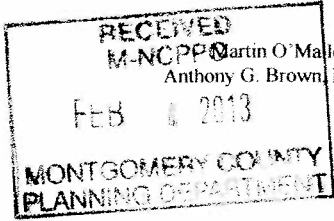
3. The Applicant must provide a Public Improvement Easement (PIE) to widen the sidewalk by approximately 5 feet along Commerce Lane to be 12 feet wide between the planters and face of the proposed building.
 4. The Applicant must participate in the Pedestrian Road Safety Audit with MCDOT along Commerce Lane and the Maryland State Highway Administration (SHA) along Old Georgetown Road to design the streetscaping that would minimize mid-block pedestrian movements across these road frontages while not requiring a long-term maintenance burden for the responsible agency.
6. Public Use Space
- a. The Applicant must provide a minimum of 22.6% of the net lot area for on-site public use space and a minimum of 25.7% of the net lot area for on and off-site public amenity space. The final design and details will be determined during site plan review.
 - b. The proposed public use space must be easily and readily accessible to the general public and available for public enjoyment.
 - c. The Applicant must improve Old Georgetown Road and Commerce Lane streetscapes, in accordance with the Bethesda Streetscape standards.
 - d. The Applicant must provide the plaza design and rooftop design, and other features in general conformance with the illustrative landscape plan depicted in the staff report.
 - e. The Applicant must present the plaza design and public artwork to the art review panel for comment prior to submittal of the site plan amendment.
7. Staging of Amenity Features
- a. The proposed development will be completed in one phase. A detailed development program will be required prior to approval of the certified site plan.
 - b. The Applicant must complete the on-site public use space improvements prior to issuance of use-and-occupancy permits unless modified by the site plan development program.
 - c. The Applicant must install the landscaping no later than the next growing season after completion of the building and site work.
8. Maintenance and Event Management Organization
- Prior to issuance of use-and-occupancy permits, the Applicant will create and implement a maintenance plan for all on-site public use space unless an alternative arrangement is made with another entity.
9. Coordination for Additional Approvals Required Prior to Preliminary Plan and Site Plan
- a. The Applicant must obtain written approval from the Montgomery County Department of Permitting Services for the final design and extent of any and all streetscape improvements within the rights-of-way.
 - b. The Applicant must obtain written approval for the transportation design exceptions from MCDOT related to sight distance, curb cuts on Commerce Lane and loading prior to submittal of the site plan.
 - c. The Applicant must present the public art and amenity concepts to the Art Review Panel prior to submittal of the site plan.

APPENDICES

Appendix A: State Highway Administration Comments

Appendix B: Public Use Space

TMS



Ms. Tina Schneider
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, Maryland 20910



Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION
January 29, 2013

RE: Montgomery County
Old Georgetown Road (MD 187)
Bethesda Commerce
SHA Tracking No: 13APMO005XX
County File No: 920130030
Mile Post: 0.10

Dear Ms. Schneider:

Thank you for the opportunity to review the project plan, dated January 7, 2013, for the proposed Bethesda Commerce development in Montgomery County. The State Highway Administration (SHA) offers the following comments:

Regional and Intermodal Planning Division Comments:

1. There are currently no projects for this segment of MD 187 included in the State Highway Needs Inventory (HNI). Just to the east of the proposed site is Wisconsin Avenue (MD 355) which is included in the HNI for reconstruction and the addition of transit. Currently the travel lane configuration on MD 355 is consistent with the proposed six-lane HNI roadway section. While there are currently no HNI or Consolidated Transportation Program (CTP) projects for the segments of MD 187 and MD 355 in the immediate vicinity of the proposed development, there are a number of CTP BRAC related intersection improvement projects 1-2 miles north of the site. The closest is MD 355 Jones Bridge Road Phases 1-4. For additional information on the status and the scope of these projects please contact Ms. Yuqiong Bai at YBai@sha.state.md.us or via phone at 410-545-8816.
2. Any development should maintain the existing bicycle and pedestrian accommodations on MD 187 and MD 355.
3. The proposed development is within the area covered by the 2006 Woodmont Triangle Amendment to the Sector Plan for the Bethesda CBD. The adopted plan includes transportation network recommendations that may impact the proposed development. Please coordinate with Ms. Rebecca Boone via phone 301-495-4645 or via e-mail at Rebecca.Boone@mncppc-mc.org.

For further clarification on the above comments, please contact our Regional and Intermodal Planning Division reviewer Mr. John Thomas at 410-545-5671 or via email at JThomas10@sha.state.md.us.

Access Management Division Comments:

1. The SHA requires seven (7) copies of the traffic impact study be sent to our office for review. The studies can be sent to Mr. Steve Foster attention of Mr. Nick Driban. The applicant should be made aware that the proposed improvements within SHA right-of-way, including improvements within the limits shown on the site plan and offsite improvements pursuant to the traffic impact study, will require a SHA Access Permit. The acquisition of the permit will be subject to the SHA access management pre-permit engineering plan review and issuance

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processes. The SHA Access Manual can be accessed at www.roads.maryland.gov by selecting the Business Center drop down menu and Permits and Miss Utility Information, Access Permits, Commercial/Industrial/Residential Subdivision Access Permit, State Highway Access Manual. The policy can also be accessed by using the following direct link:
<http://www.roads.maryland.gov/Index.aspx?PageId=393>

2. The SHA supports the proposal to close the existing access on Old Georgetown Road (MD 187).

Upon SHA approval of the traffic impact study, the applicant is required to submit 6 sets of SHA improvement plans and a CD containing the plans and supporting documentation in PDF format directly to Mr. Steven Foster attention of Mr. Jonathan Makhlof. Please reference the SHA tracking number on future submissions. Please keep in mind that you can view the reviewer and project status via SHA Access Management Division web page at <http://www.roads.maryland.gov/pages/amd.aspx>. If you have any questions, or require additional information, please contact Mr. Jonathan Makhlof at 410-545-5586, by using our toll free number in Maryland only at 1-800-876-4742 (x5586) or via email at JMakhlof2@sha.state.md.us.

Sincerely,

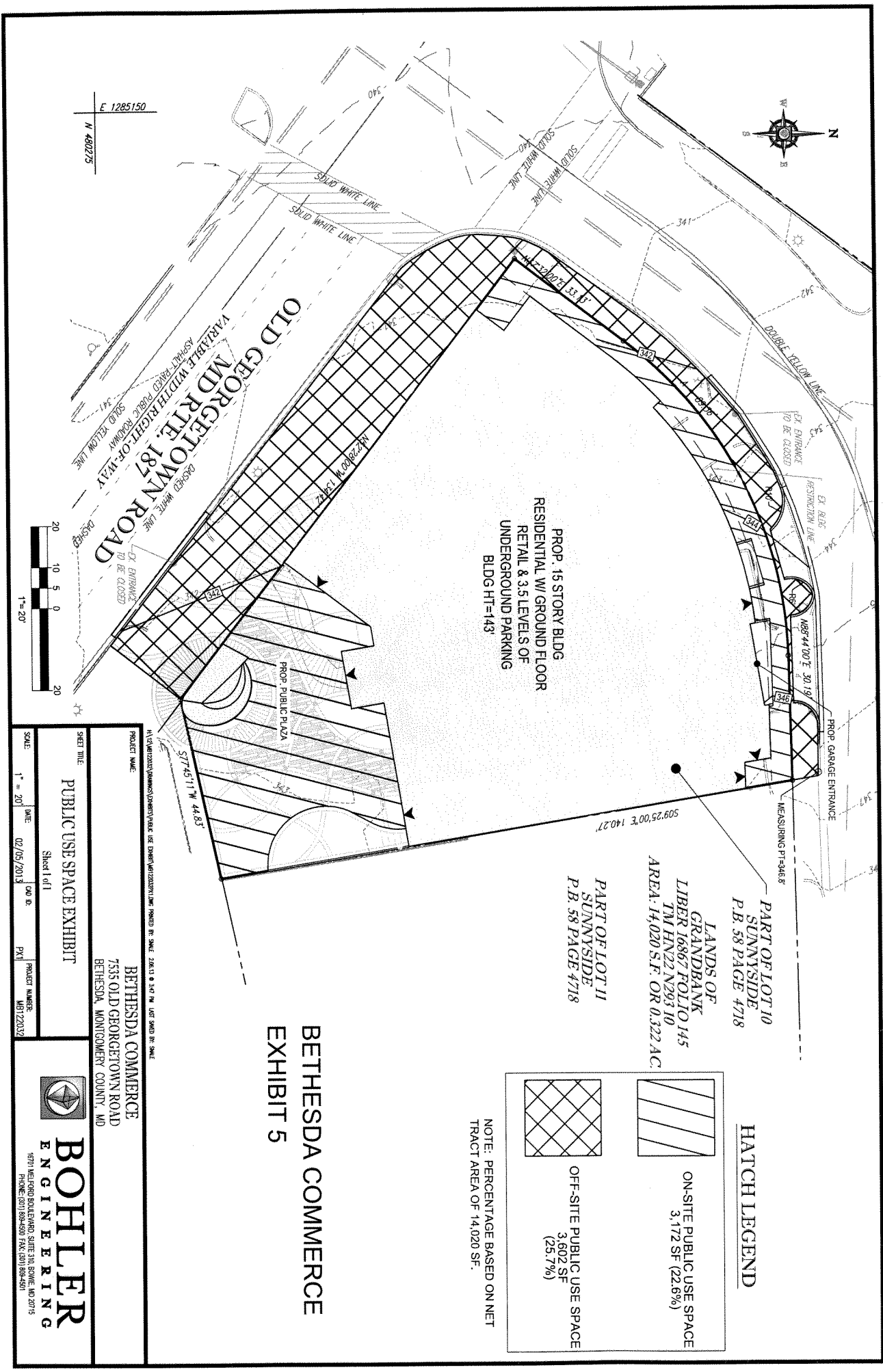


for Steven D. Foster, Chief
Access Management Division

SDF/JWR/JMM

cc: Ms. Yuqiong Bai (YBai@sha.state.md.us), SHA Community Design Division
Ms. Rebecca Boone (Rebecca.Boone@mnccppc-mc.org), The Maryland-National Capital Park and Planning Commission
Ms. Mary Deitz, SHA Regional and Intermodal Planning Division
Mr. Nick Driban, SHA Access Management Division
Mr. Daniel Duke (DDuke@Bohlereng.com), Bohler Engineering
Mr. Mark McKenzie, SHA Access Management Division
Ms. Anyesha Mookherjee, SHA District 3 Traffic
Mr. Scott Newill, SHA Access Management Division
Mr. Asheel Shah (AShah@kettler.com), Bethesda Commerce LLC
Mr. John Thomas, SHA Regional and Intermodal Planning Division

RECEIVED
JAN 10 2011
11:00 AM
SECRETARY



PROP. 15 STORY BLDG
RESIDENTIAL W/ GROUND FLOOR
RETAIL & 3.5 LEVELS OF
UNDERGROUND PARKING
BLDG HT=143

PART OF LOT 10
SUNNYSIDE
P.B. 58 PAGE 4718

PART OF LOT 11
SUNNYSIDE
P.B. 58 PAGE 4718

LANDS OF
GRANDBANK
LIBER 16867 FOLIO 145
T.M. HN22 N293 10
AREA: 14,020 S.F. OR 0.322 AC.

HATCH LEGEND	
	ON-SITE PUBLIC USE SPACE 3,172 SF (22.6%)
	OFF-SITE PUBLIC USE SPACE 3,602 SF (25.7%)

NOTE: PERCENTAGE BASED ON NET TRACT AREA OF 14,020 SF.

BETHESDA COMMERCE EXHIBIT 5

PROJECT NAME: BETHESDA COMMERCE
7535 OLD GEORGETOWN ROAD
BETHESDA, MONTGOMERY COUNTY, MD

SHEET TITLE: PUBLIC USE SPACE EXHIBIT
Sheet 1 of 1

SCALE: 1" = 20'

DATE: 02/05/2013

DESIGNER: BOHLER ENGINEERING

PROJECT NUMBER: MB122032

BOHLER ENGINEERING
18701 HAGERSON BOULEVARD, SUITE 310, SCOTTSDALE, AZ 85258
PHONE: (480) 988-9900 FAX: (480) 988-9501