

**Limited Preliminary Plan Amendment 12012007A & Site Plan 820120210, Bethesda Center**

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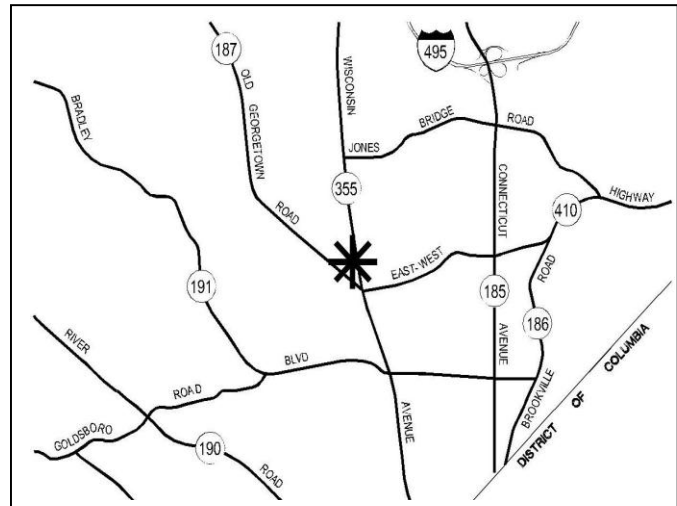
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**Staff Report: 3/22/13**

**Description**

To include:

- Limited Amendment to the Preliminary Plan to increase the number of hotel rooms by 19 and reallocate 2,885 square feet of office use to restaurant/retail and hotel use.
- Site Plan for 466,470 s.f. of commercial mixed-use redevelopment including a hotel, office and retail.
- Located between Woodmont Avenue and Wisconsin Avenue south of Norfolk Avenue.
- On 93,294 gross square feet (2.14 acres) of CBD-2 Zoned land in the Bethesda CBD Sector Plan area.
- Applicant: The *Bethesda Center*, LLC, filed on July 9, 2012



- Staff recommends approval of the limited amendment to the Preliminary Plan and Site Plan with conditions.
- The proposed development will provide ground floor retail uses, a hotel and office space utilizing the full density allowed under the optional method of development, and intends to accommodate the proposed density with underground parking and the provision of a public amenity package that includes art/water features and a pedestrian mews that allows circulation between Woodmont and Wisconsin Avenues directly to the Bethesda Metro.
- The applicant has made revisions to design of the hotel to address concerns raised by the adjoining property from the previous plan.

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## SITE DESCRIPTION

### Vicinity

The Subject Property is zoned CBD-2 and is located between Woodmont Avenue and Wisconsin Avenue just south of Norfolk Avenue. The adjacent uses include the Montgomery County parking garage #11 directly across Woodmont Avenue, the Tastee Diner located to the north on Norfolk Avenue and Bethesda Place, a 14-story commercial building located directly on the southern property line. The site is within walking distance of the Bethesda Metro station. The zones surrounding the site to the south, east and west are primarily CBD-2 with the exception of a property further south, on the west side of Woodmont Avenue zoned CBD-R2. The property directly north of Norfolk Avenue is zoned CBD-1.



Vicinity Map

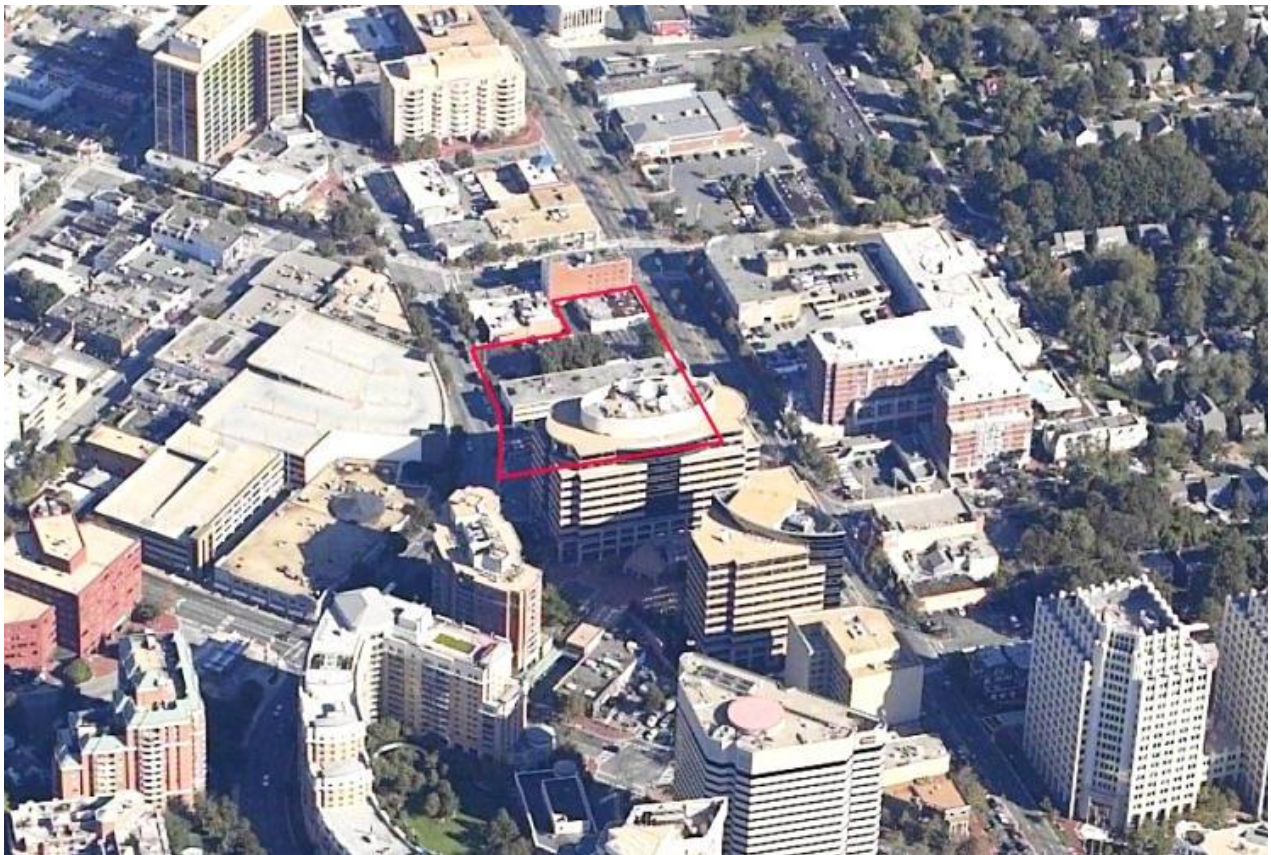
### Site Analysis

The Subject Property consisted of Lots 7 and 12, “Sunnyside”, and parts of Lots 525-526, parts of Lots 527-529, parts of Lot 530-532 and Parcels 086 and 087 Woodmont. Preliminary Plan 120120070 was approved on December 11, 2011, to consolidate the Property into one new lot.



The gross tract area is 93,294 square feet, including previous right-of-way dedications. The Subject Property is currently improved with the Manor Inn Bethesda hotel, a two-story commercial building known as the Connor Building with a surface parking lot, a one story restaurant, and a surface parking lot used to provide valet service for a nearby restaurant. The key features of the property are the hotel and office building surrounded by surface parking. There are no significant grades across the site, substantial trees or other vegetation.

There are no known rare, threatened, or endangered species on site; 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*

## **BACKGROUND**

### Prior Approvals

The Project Plan (920120010, Resolution No. 11-137) and Preliminary Plan (120120070, Resolution No. 11-138) were approved on December 15, 2011, for 466,470 square feet of development, including 256,672 square feet of office uses, 193,999 square feet of hotel use (203 rooms) and 15,799 square feet of retail use on 2.14 gross acres of land in the CBD-2 Zone in downtown Bethesda. The buildings were approved for heights of a maximum 143' on the

southern boundary (hotel) stepping down to 122' on the northern edge (office building).  
(Appendix D)

## **PROJECT DESCRIPTION**

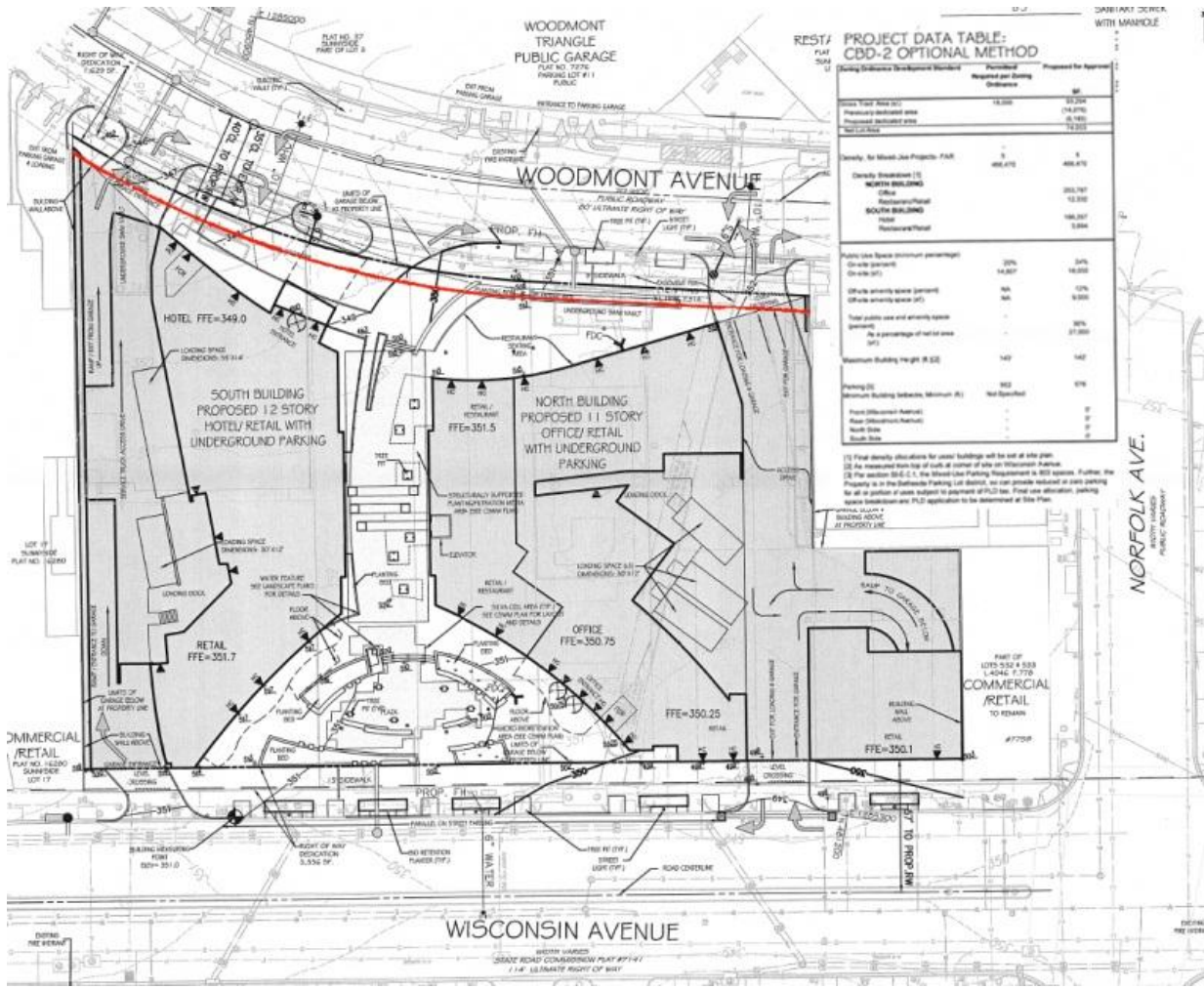
### **Proposal**

The application proposes to demolish the existing buildings on the site and provide 466,470 square feet of total gross floor area for a hotel, office and restaurant/retail uses. The development consists of two buildings; a south building containing 196,357 square feet of hotel use (hotel), and a north building containing 253,787 square feet of office uses (office). A total of 16,326 square feet of restaurant/retail use will be provided on the ground floor of both buildings. The perimeter areas, sidewalks and on-site open spaces total 27,000 square feet, representing 36 percent of the net lot area.

### **Preliminary Plan**

The Preliminary Plan approved one new platted lot including dedication of approximately 5,100 square feet of right-of-way for Woodmont Avenue and Wisconsin Avenue. The amendment to the Preliminary Plan proposes to increase the number of hotel rooms by 19 for a total of 222 rooms and reallocate 2,885 square feet of office use to restaurant/retail and hotel use within the same maximum square footage of development. The Preliminary Plan amendment does not change the use, only the square foot allotment of uses. As conditioned, the amount of new restaurant/retail use (327 square feet) and new hotel rooms results in less intensive development, and does not affect the original adequate public facilities approval. The changes to the preliminary plan numbers match the square footages of the site plan application.

The Preliminary Plan amendment also addresses a variability in the Woodmont Avenue right-of-way and location of road centerline that surfaced with the review of the site plan application. The original application complies with the conditions of approval for dedication, however, when the site plan application was submitted staff noticed a jog in the right-of-way on the southern property that did not line up with the dedication approved by the Preliminary Plan. Staff analyzed the existing and future improvements within the right-of-way and determined that right-of-way proposed with the original approval accommodates the necessary bike lane and the Bethesda streetscape standards, including the street trees and 20-foot-wide sidewalk. At Staff's request, the applicant is proposing a 5-foot public improvement easement (PIE) along the future Woodmont Avenue frontage to provide for future expansion of streetscape or right-of-way improvements, if necessary and permit the underground parking structure to remain at the property line. The applicant has also come to an agreement with WSSC to relocate or abandon an existing 6" waterline in Woodmont Avenue in order to avoid potential conflicts with the proposed garage wall.



Preliminary Plan Amendment

## Design

The proposed development is comprised of two separate buildings over a single below-grade parking structure. The hotel and office buildings are separated by a 36 foot-wide pedestrian pass-through or mews that connects plazas located on Woodmont and Wisconsin Avenue. The proposed mews also provides a stronger connection for pedestrians travelling between the Woodmont Triangle area and the Bethesda Metro station. The main pedestrian pathways are directed to the edges of the open spaces while the areas in the center are designed for public gathering with seating, shade plantings, fountains and public art.

The hotel is a 12-story (143 feet) building with a hotel lobby entrance on Woodmont Avenue, and retail space facing onto Wisconsin Avenue at street level. To the north is an 11-story (143-122 feet) office building with the office lobby/entry and ground-level retail onto Wisconsin Avenue and Woodmont Avenue. The structured parking below ground accommodates up to



576 parking spaces, as well as loading areas dedicated for the hotel, retail, restaurant and offices uses. The buildings will be a maximum height of 143 feet on the southern boundary stepping down to 122 feet on the northern edge. The hotel above the podium base is configured into a "v" shape to maximize light and air for the hotel while minimizing the impact on the existing building to the south.



*Landscape Plan*

The office and hotel facades will have similar architectural treatments to reinforce the sense of unity in the open space that they form. Both buildings will have a minimum of a 50% green roof, and the Project is designed to achieve, at a minimum, a USGBC LEED Silver certification level.

Since the approval of the Project Plan, the applicant has modified their hotel building design by adding more windows, upgrading building finishes and cutting back the projection on the west side.





Image of the hotel and office buildings from Woodmont Avenue



Image looking north along Woodmont Avenue with hotel lobby in foreground





Image of the plaza area fronting Wisconsin Avenue

## Public Amenities

The proposed development would provide 18,000 square feet of on-site public use space and 9,000 square feet of off-site public amenity space. The on-site space is primarily composed of a hardscape plaza that incorporates best management practices for storm water management as part of the planting design. The off-site amenity space would improve the existing sidewalks

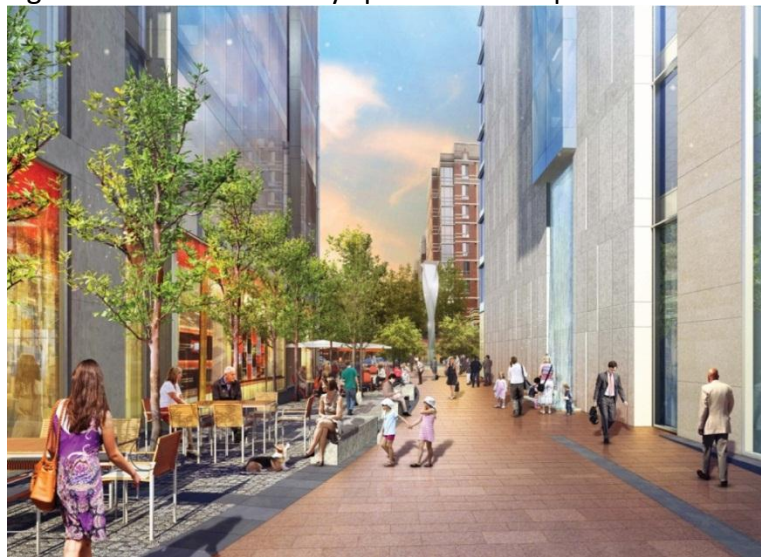
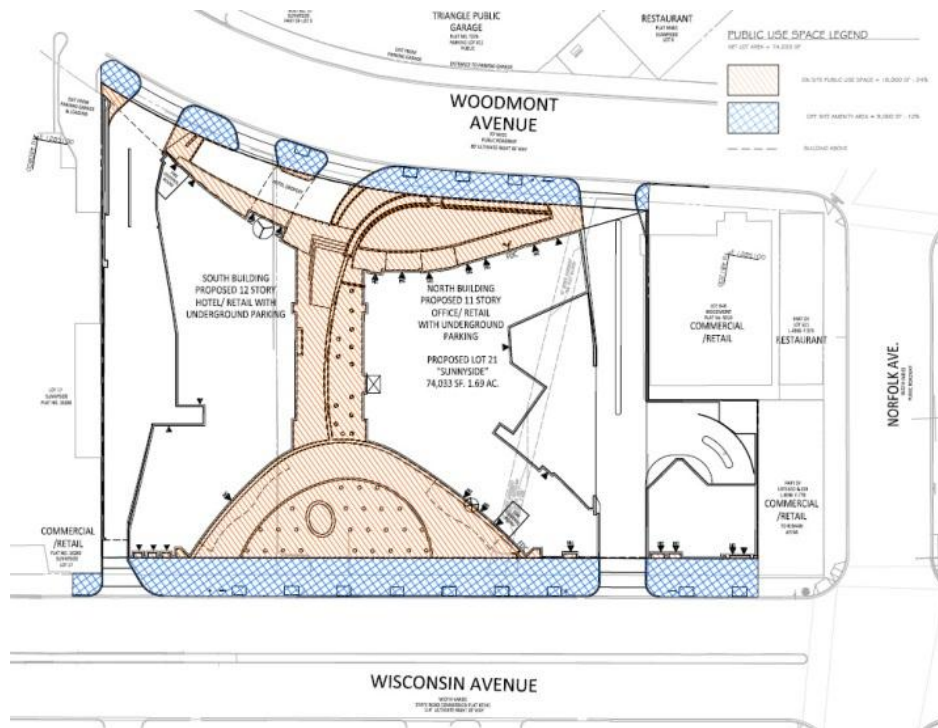


Image of pedestrian connection between Woodmont Avenue and Wisconsin Avenue

along frontages of Woodmont and Wisconsin Avenues by installing an upgraded and wider streetscape consistent with the Bethesda Streetscape Standards. The artwork designed by artist Cliff Garten will be placed in the center of the plaza fronting Wisconsin Avenue providing a focal point in the public use space. A water feature integral to the hotel building design will be visible in the middle of the pedestrian mews opposite the outdoor seating for the retail.



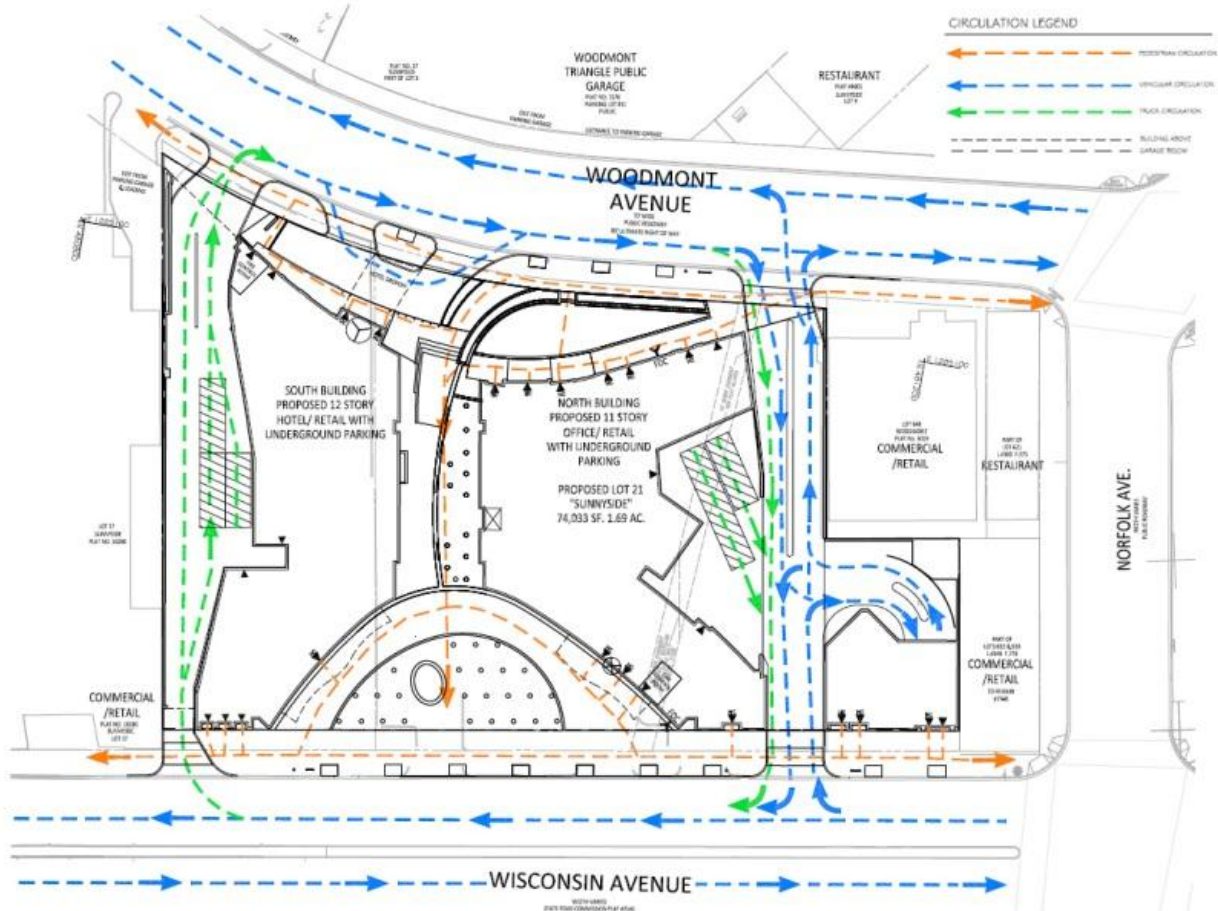
*Public Use Space*

### **Vehicular and Pedestrian Circulation**

Vehicular access points to the site are located at the corners of the site to efficiently manage on and off-site circulation, including service, valet, loading and parking, for the proposed uses within the site boundary. This enables stronger pedestrian routes on the sidewalks and through the site allowing minimal conflicts with vehicles. Trucks will access the hotel at the southeast curb cut and exit at the southwest curb cut on Woodmont Avenue. For the office building, trucks will enter at the northwest curb cut on Woodmont Avenue and exit at the northeast curb cut on Wisconsin Avenue. Car parking for the office or retail uses can be accessed from three separate points of ingress (two off Wisconsin Avenue and one on Woodmont Avenue).

The hotel provides valet service at the hotel lobby entrance from Woodmont Avenue with additional service from the underground parking garage.





*Circulation Plan*

Pedestrian circulation will be improved through widened sidewalks on Wisconsin and Woodmont Avenues. The proposed pedestrian connection between Woodmont and Wisconsin Avenues will provide a convenient cut-through for pedestrians travelling south from the Woodmont Triangle neighborhood to the Bethesda Metro Center at a nearly level grade between the two streets.

The Master plan of bikeways shows an on-road bike lane on Woodmont Avenue. The previous dedication of right-of-way on Woodmont Avenue will allow for designation of this bike lane at time of full restriping by the Montgomery County Department of Transportation ("MCDOT"). The Preliminary Plan conditioned the applicant to explore the possibility of installing a bike share facility on site at time of site plan, however, the locations on Woodmont Avenue were less feasible due to the relation of the hotel drop-off and outdoor seating area for the retail. The applicant has proffered \$57,000 to MCDOT to construct a bike share facility at another site in the Woodmont Triangle area. A specific site was not determined, however, Veteran's Park may be an ideal location due to its proximity to other large development sites and retail venues.



## **Community Outreach**

The application information was properly posted on the Property. On May 7, 2012, community pre-submittal meeting was held, as required, and on June 15, 2012, the Applicant held a meeting with the Woodmont Triangle Action Group (WTAG). The Applicant and representatives of the project have met with the property owners to the south of the site. Staff met with the adjoining property owners regarding their opposition to this application to review their concerns with respect to building design, architecture and compatibility. The applicant and the neighbors to the south have come to an agreement regarding the design of the building façade that faces south.

## **PROJECT ANALYSIS**

### **PRELIMINARY PLAN**

The Project and Preliminary Plans were approved by the Planning Board on December 15, 2011 and supported all of the general goals and pertinent recommendations of the 1994 Bethesda Sector Plan. The reallocation of office use to hotel, restaurant and retail does not change the findings made by the Board in their approval of the Preliminary Plan. The amendment continues to substantially conform to the Sector Plan, specifically with respect to the mix of uses in the Downtown Environment, Urban Form, Zoning and Density and Employment and Land Use.

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. Specifically, the Sector Plan recommends employment and retail uses for this block. The proposed office, retail and hotel uses are appropriate for the subject site and conform to the Sector Plan.

### Roads and Transportation Facilities

#### Adequate Public Facilities Review

Since the proposed development is estimated to generate 30 or more peak-hour trips during the weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods, a traffic study was submitted in accordance with the LATR & TPAR Guidelines. That study determined traffic impacts of the proposed development and received Adequate Public Facilities (APF) approval at the Preliminary Plan on December 15, 2011.

A local area transportation review (LATR) and a policy area mobility review (PAMR) were completed as part of the preliminary plan review and tested a larger square footage than what was ultimately approved in the preliminary plan. The reallocation of square footage, sought through this amendment, is below the numbers tested (and approved) under the original trip generation summary. As a result, the PAMR trip mitigation requirement remains \$725,400.00 to MCDOT to satisfy the previously-required PAMR test (\$11,700 per trip).

### Trip Generation

The peak-hour trip generation estimate for the proposed Bethesda Center development is based on trip generation rates included in the LATR & TPAR Guidelines. A site trip generation summary, provided in Table A in the appendix (Summary of Site Trip Generation), shows that the proposed development is estimated to generate 441 peak-hour trips during the weekday morning peak period and 472 peak-hour trips during the weekday evening peak period. After discounting for existing density on the site, the proposed development is estimated to generate 406 net “additional” peak-hour trips during the weekday morning peak period and 381 net “additional” peak-hour trips during the weekday evening peak period. As a result of the square footage reallocation requested through this limited amendment, the estimated weekday evening peak-hour trip generation is increased by one additional trip than the number generated by what was proposed in the original Preliminary Plan approval. This additional trip would not change the Congestion Level/ Critical Lane Volume (CLV) analysis completed with the previously approved Preliminary Plan application and included in the staff’s memo dated December 1, 2011. The previously submitted traffic study demonstrated acceptable levels of congestion for a more intense development mix than was ultimately approved by the Planning Board.

### Local Area Transportation Review

A summary of the Peak-Hour Congestion/ Critical Lane Volume (CLV) analysis completed for the Preliminary Plan approval is provided in Table B in the appendix (Summary of Capacity Calculations). Since CLV values for the studied intersections are not impacted by the one additional evening peak-hour trip (the one additional peak-hour trip is less than the difference between the initially analyzed and ultimately approved trips), the CLV values approved with the Preliminary Plan remain below the Bethesda CBD congestion standard of 1,800 CLV.

### Policy Area Mobility Review

To satisfy the PAMR requirements of the APF test, a development located within the overall PAMR Bethesda/Chevy Chase Policy Area is required to mitigate 25 percent (25%) of “new” peak-hour trips generated by the proposed development. Based on the site trip generation of the previously approved Preliminary Plan, the development is required to mitigate 62 peak-hour trips at \$725,400.00 (\$11,700 per trip). As a new APF test after January 1, 2013, the additional trip generated during the evening peak-hour is subject to the newly adopted TPAR test and does not need to pay the transportation impact tax because of the site location within the Bethesda CBD and the relatively small impact to previously approved trip generation rates (less than three additional trips). A summary of the previously approved PAMR calculation is provided in Table C in the appendix (PAMR Credit Calculations).

As conditioned, the subject limited amendment remains within compliance of its previously approved APF test for the following uses totaling 466,470 square feet:

1.
  - a. 253,787 SF of General Office Space
  - b. 222 Hotel Rooms (196,357 SF)
  - c. 11,736 SF of Restaurant
  - d. 4,590 SF of General Retail Space

#### Compliance with the Subdivision Regulations and Zoning Ordinance

The Amendment has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application continues to meet all applicable sections. Access and public facilities will be adequate to support the proposed lot and uses. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The Amendment was reviewed for compliance with the dimensional requirements for the CBD-2 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. Proposed on-site Public Use Space exceeds the minimum requirement of 20%. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

The revision does not substantially change the plan. As determined by the Planning Board at the initial hearing for this project, the plan is in conformance with the land use recommendations of the Bethesda CBD Sector Plan.

Only conditions number 1, 7, 18 and 19 were modified with this amendment to reflect the change in square footage and the PIE.

#### **Recommendations and Conditions**

Approval of Preliminary Plan amendment 12012007A pursuant to Chapter 50 of the Montgomery County Subdivision Regulations and subject to the following conditions:

1. All prior approvals for Preliminary Plan 120120070 remain in full force and effect except as modified by this Amendment.
2. Approval under this preliminary plan is limited to one lot for up to 253,787 square feet of office uses, 196,357 square feet of hotel uses, and 16,326 square feet of restaurant/retail uses.
3. The Applicant must dedicate and the record plat must show dedication of 40 feet of right-of-way as measured from the centerline along the property frontage for Woodmont Avenue and 57 feet of right-of-way as measured along the centerline along the property frontage for Wisconsin Avenue. An additional 5-foot-wide public improvement easement (PIE) must be provided adjacent to the Woodmont Avenue right-of-way along the property boundary.
4. The Applicant, prior to the release of any building permit for the proposed development, must pay \$725,400.00 to MCDOT to satisfy the Policy Area Mobility

Review (PAMR) requirement of the APF test (to mitigate sixty- two (62) net “new” weekday site-generated peak-hour trips at \$11,700 per peak-hour trip). The project is in the Bethesda Metro Station Policy Area and the reallocation of uses and square footage satisfies the Transportation Policy Area Review (TPAR) standards without any additional requirements or payments.

5. The Adequate Public Facility (APF) review for the preliminary plan will remain valid until April 7, 2019.

## **SITE PLAN**

### **FINDINGS**

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The site plan is in conformance with all of the conditions related to project plan (no. 920120010) required for the site.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The site is zoned CBD-2 and governed by the development standards in Section 59-C-6.2 of the Montgomery County Zoning Ordinance. The minimum lot size of 22,000 square feet for optional method projects is met. 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, which this Site Plan also satisfies by providing a public plaza, pedestrian link and sidewalks built per the Bethesda Streetscape Standards. Third, the maximum density for optional method mixed-use projects in the CBD-2 Zone is FAR 5.0, which this project is proposing. The application can achieve a maximum FAR of 5.0 under Sect. 59-C-6.234 (b) (iii) (B) if the following provisions are met which (1) includes transient lodging, (2) confronts a major highway, (3) is located at least 250 feet from single-family zoned land, (4) is in an urban district defined in Chapter 68A, (5) has a minimum lot area of 22,000 square feet, and (6) includes a ground floor retail use (FAR). This application satisfies the provisions of the ordinance because it includes a hotel, confronts Wisconsin Avenue, and is located more than 250 feet away from single-family zoned land, is in the Bethesda Urban District, proposes a lot area of 93,294 square feet and includes ground floor retail in both buildings. The height limit under the CBD-2 optional method standards is 143 feet. The height limit of 143 feet is appropriate for this CBD-2 zoned area of the Bethesda CBD



and does not adversely affect the surrounding properties in any detrimental way given the urban context.

As the data table 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 calculated to determine the total yield, but are not technically required to be provided on the site. The application is proposing to provide up to 576 spaces with the remainder to be satisfied through the PLD tax.

The following data table indicates the proposed development’s compliance with the Zoning Ordinance.

*Project Data Table for the CBD-2 Zone*

<b>Development Standard</b>	<b>Permitted/Required</b>	<b>Approved and Binding on the Applicant with the Project and Preliminary Plan</b>	<b>Proposed for Approval with the Site Plan</b>
<b>Max. Building Height (feet)</b>			
	143	143	143
<b>Min. Building Setbacks (feet)</b>			
Front	0	0	0
Right-of-Way	0	0	0
Rear	0	0	0
Side	0	0	0
Minimum setback between buildings (north and south buildings)	0	35	35
<b>Site Area (square feet)</b>			
Net Tract Area	n/a	74,033	74,033
Prior Dedications		14,076	14,076
Proposed Dedication	n/a	5,185	5,185
Gross Tract Area	22,000	93,294	93,294
<b>Density (sf.)</b>			
Office		256,672	253,787
Hotel		193,999	196,357
Restaurant/Retail		15,799	16,326
Total	466,470	466,470	466,470
<b>Floor Area Ratio (FAR)</b>			
	5.0	5.0	5.0*

<b>Min. Public Use Space (% of lot)</b>			
On-Site Public Use Space	20	24 (18,000 sf.)	24 (18,000 sf.)
Off-Site Amenity Space	n/a	12 (9,000 sf.)	12 (9,000 sf.)
Total Public Use & Amenity Space	36	36 (27,000 sf.)	36 (27,000 sf.)
<b>Building Area (square feet)</b>			
<b>Parking Facility Internal Landscaping (%)</b>			
<b>Parking Spaces</b>			
Office @ 2.1/1,000 [253,787 sf]	533		
Hotel @ 0.5/# of rooms [222 rooms]	111		
Assembly @ 10/1,000 [14,269 sf] Minus 15% Metro Proximity Credit	122		
Restaurant @ 25/1,000 sf for patron use area [7,828 sf] Minus 15% Metro Proximity Credit	167		
Retail @ 5/1,000 [4,590 sf] Minus 15% Metro Proximity Credit	20		
Total Parking Required	803**	919	803
Total Parking Provided		760	Up to 576

\*The application can achieve a maximum FAR of 5.0 under Sect. 59-C-6.234 (b) (iii) (B) if the following provisions are met (1) includes transient lodging, (2) confronts a major highway, (3) is located at least 250 feet from single-family zoned land, (4) is in an urban district defined in Chapter 68A, (5) has a minimum lot area of 22,000 square feet, and (6) includes a ground floor retail use (FAR).

\*\*The applicant is using the mixed use parking calculations pursuant to Section 59-E-3.1 as provided in the Shared Use Parking Table below. The actual number of parking spaces required by use equals 952, however, the Shared Use Parking Table permits a reduction of spaces based upon the average weekday, weekend and evening allowances. The property is located within the Bethesda Parking Lot District and must pay the PLD tax for the difference between the required and provided spaces.

Shared Use Parking Table						
		Weekday		Weekend		Evening
	Base Requirement	Daytime (6am-6pm)	Evening (6pm-midnight)	Daytime (6am-6pm)	Evening (6pm-midnight)	(Midnight-6am)
Hotel						
Rooms	111.0	83.3	111.0	83.3	111.0	83.3
Assembly	121.3	91.0	121.3	91.0	121.3	91.0
Restaurant						
Patron Area	166.3	83.2	166.3	166.3	166.3	16.6
Retail	19.5	11.7	17.6	19.5	13.7	1.0
Office	533.0	533.0	53.3	53.3	26.6	26.6
Total	951.1	802.04	469	413	439	218
<b>Total Parking Required</b>		<b>803</b>				

- The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

The buildings and structures of the proposed development are located on the north and south sides of the site atop a below-grade parking structure. The buildings are separated by a pedestrian passageway that provides for pedestrian circulation and a variety of activating ground floor uses, which is appropriate for the character envisioned by the Master Plan. The southern hotel building fronts onto Woodmont Avenue and is complimented by an outdoor restaurant and retail seating. The majority of the retail space is on the ground level of the adjacent office building. These locations provide easy access to the building from adjoining sidewalks and public space. The locations of the buildings and structures are adequate and efficient, while meeting the aesthetic concerns of the area, and do not pose any safety concerns on the site.

The public open space that is provided has been designed to allow a pedestrian connection between two major travel ways and to provide areas for public gathering with seating, shade plantings, fountains and public art. The proposed development would provide 18,000 square feet of on-site public use space and 9,000 square feet of off-site public amenity space. The on-site space is primarily composed of a hardscape plaza that incorporates best management practices for storm water management as part of the planting design. The off-site amenity space would improve the existing sidewalks along the frontages of Woodmont and Wisconsin Avenues by installing an upgraded and wider streetscape consistent with the Bethesda Streetscape Standards. The artwork, designed by artist Cliff Garten, will be placed in the center of the plaza

fronting Wisconsin Avenue providing a focal point from Woodmont Avenue between the pedestrian connection.

Landscaping provides shade for outdoor seating in the adjacent retail areas and plazas, open space is used for stormwater management, a traditional foundation planting area for the building, and as a colorful space for ornamental plantings. Street trees and lighting are provided along the street to enhance the pedestrian environment and is in conformance with the Bethesda streetscape guidelines. Interior lighting will provide the visibility for outdoor gathering and the ambiance needed for a successful retail and restaurant space. There are no recreation facilities required for this site plan since this is a commercial development, but benches and bicycle facilities are provided. The open spaces, landscaping, and site details adequately and efficiently address the needs of the proposed use and the recommendations of the Master Plan, while providing a safe and comfortable environment.

The development will improve pedestrian circulation primarily through the creation of an on-site pedestrian passageway, wider sidewalks on Woodmont and Wisconsin Avenues and the reduction and consolidation of curb cuts to promote pedestrian circulation and minimize vehicular impacts to the pedestrian environment. In addition the project will provide pick up and drop off of cars for the hotel with an on-site driveway as well as within the underground parking lot. Pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the surrounding area.

The vehicular circulation design efficiently directs traffic into and through the site with minimal impacts to pedestrian circulation. As designed, the vehicular turning movements in and out of the site maximize the car and loading operations for the office and hotel uses. Loading operations enter the garage from Woodmont Avenue from the northern office building and exit onto southbound Wisconsin Avenue. Cars for the office and hotel have multiple access points to the garage from both Wisconsin and Woodmont Avenues, providing for a more efficient circulation within the garage and creating a safer environment for pedestrians, cyclists, and vehicles.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The proposal is compatible with both existing and potential development in the general neighborhood and with adjacent properties. The project has been designed to ensure that it is physically compatible with existing and planned development in the general area. The proposed building locations are oriented in such a manner as to provide for increased light and air for the overall property and to provide for increased pedestrian activity in public areas. This applicant has made significant changes to the building design and layout in an effort to minimize impacts on neighboring properties and properties in the *general neighborhood*.



The site is located in an area of the CBD (CBD-2) with allowable densities of up to 5.0 FAR, and maximum building heights of 143 feet, for optional method of development projects. The proposed 12-story high rise of 143 feet (consistent with the sector plan) is the same height as the existing commercial office building to the south, and considerably higher than the primarily 2-3-story developments to the north and east. However, as development proceeds in Bethesda and the adjacent Woodmont Triangle, potential densities and building heights as envisioned by the Master Plan will be much higher than the existing fabric. In terms of urban design, the proposal maintains a similar building line as the existing buildings to the south and continues the pedestrian activation of Woodmont Avenue to the south. The architecture will minimize the impacts of a fairly large building upon the surrounding community by breaking-up the massing into 2 towers separated by a pedestrian mews.

The height and massing does not adversely affect the surrounding properties in a manner inconsistent with urban environments. The project steps down in height from 143 feet closest to the Metro Core to 122' on the northern edge furthest away from the core. This is consistent with adjoining and nearby properties, some of which have been constructed with others being approved but not yet built, including Bethesda Place located directly to the south at 143 feet, 4900 Fairmont at 174 feet to the west, and the Lionsgate to the south at 143 feet.

The relationship of the proposed buildings to existing buildings is typical and appropriate for a central business district. In most cases in the CBD, adjacent buildings with windows are required to be setback at least 15 feet from each other; this proposal meets that standard in order to minimize the impacts on available sunlight and existing views by setting the building back 15 feet at the 2<sup>nd</sup> floor where the building to the south has windows. This practice of providing a podium base with the building mass or tower above provides a compatible relationship for existing and proposed properties in the CBD. Measures have also been taken to limit the impact on the views of the existing building to the south.

Additionally, the proposed building design provides greater benefits to the adjacent properties by replacing the low density improvements on an underutilized site with dynamic buildings that capture sight lines from streets, providing green areas on the different levels of the buildings, paying attention to architecture to offer visual vantage points from adjacent buildings. The building massing fills in the void created by the existing commercial properties and surface parking and extends the character of the block created by the properties from the Metro moving northward. The benefits provided by this project, including the public use and amenities and mix of uses, justifies the additional density permitted through the optional method, negating any perceived detrimental impacts to existing or potential development in the general area. In fact, the design of the project serves to create a good precedent for urban infill redevelopment that allows the transition of the downtown area into the urban environment envisioned by the sector plan, minimizing any negative impacts associated

with the proposed development and existing improvements inherent in any urban transition.

The structure itself is in scale with the nearby buildings and is located such that it will not adversely impact existing or proposed adjacent uses.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) #420111760 for the site was approved on 7/1/2011. The urban site is located within 2 separate watersheds; Little Falls Branch, a use-class I-P watershed<sup>1</sup> and the Lower Rock Creek, a use I watershed<sup>2</sup>.

The site is not otherwise associated with any environmentally sensitive features such as forest areas, including specimen trees, stream buffers, wetlands, 100 year floodplains or steep slopes.

The submitted Preliminary Forest Conservation Plan (PFCP) identifies an afforestation planting requirement of 0.33 acres. The planting requirement will be met by payment of fee-in-lieu. A condition of approval is recommended that the forest conservation planting requirements be satisfied prior to land disturbing activities occurring onsite.

The proposed development is subject to the water quality resources protection requirements. The MCDPS Stormwater Management Section approved the storm water management concept for the site on September 8, 2011. The storm water management concept consists of meeting required stormwater management goals via environmental site design guidelines to the maximum extent possible by the use of green roofs and micro-bio retention. Onsite recharge is not required for redevelopment applications.

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1 Use I-P:

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

*Waters that are suited for all uses identified in Use I and use a public water supply.*

2 Use I:

*WATER CONTACT RECREATION & PROTECTION OF AQUATIC LIFE*

*Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply and industrial water supply.*

(Refer to page 60 of the Environmental Guidelines for criteria and further information)

## RECOMMENDATION AND CONDITIONS

Staff recommends approval of Site Plan 820120210, Bethesda Center, for 466,470 square feet of mixed-use development, including 253,787 square feet of office, 196,357 square feet of hotel and 16,326 square feet of restaurant/retail on 2.14 gross acres. All site development elements shown on the site and landscape plans stamped "Received" by the M-NCPPC on February 19, 2013 are required except as modified by the following conditions.

### Conformance with Previous Approvals

1. Project Plan Conformance

The proposed development must comply with the conditions of approval for Project Plan 92020010 as listed in the Planning Board resolution dated December 15, 2011.

2. Preliminary Plan Conformance

The proposed development must comply with the conditions of approval for preliminary plan amendment 12012007A. This includes but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, DOT conditions, and DPS stormwater conditions.

### Environment

3. Forest Conservation & Tree Save

The proposed development must comply with the conditions of the approved preliminary forest conservation plan. The Applicant must satisfy all conditions prior to the recording of a plat(s) or to the issuance of sediment and erosions control permits by the Montgomery County Department of Permitting Services.

- a. The fee-in-lieu or certificate of compliance for the off-site forest mitigation must be submitted by applicant, then approved by M-NCPPC staff prior to land disturbing activities occurring onsite.
- b. The plans must be appropriately signed by the plan preparer and applicant.

4. Noise Attenuation

The Applicant must provide analysis and attenuate for any noise levels exceeding those recommended by the Planning Boards Noise Guidelines for interior levels.

5. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated September 8, 2011 unless amended and approved by the Montgomery County Department of Permitting Services.

6. LEED Certification

The Applicant must achieve a LEED (Leadership in Energy and Environmental Design) Certified Rating Certification at a minimum. The Applicant must make good faith efforts to achieve a LEED Silver rating. Before the issuance of any use and occupancy certificate, the Applicant must inform M-NCPPC staff of the LEED Certification Level for which they are applying. If this level is less than a Silver rating, before the issuance of the final use and occupancy certificate the Applicant must provide to staff a written report for public record purposes only from the Applicant's LEED consultant analyzing the feasibility of achieving a LEED-Silver rating, to include an affidavit from a LEED-Accredited Professional identifying the minimum additional improvements required to achieve the LEED Silver rating, including their associated extra cost. Submission of this report constitutes compliance with this condition.

**Parks, Open Space, & Recreation**

7. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible on site amenities including, but not limited to, paving, seat walls, lighting, planters, water features, trees, plants and shrubs, artwork and street furnishings, including lamp poles, benches, trash receptacles, bike racks.

**Transportation & Circulation**

8. Transportation

- a. The applicant must enter into a Traffic Mitigation Agreement ("TMAg Agreement") with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District (TMD). The Applicant must execute the TMAg Agreement prior to the release of any building permit for the proposed development, exclusive of the building permit for the garage.
- b. The Applicant must provide 20 private and 10 public bicycle parking spaces. The private spaces must be in a secured and well-lit bicycle room in the parking garage near the elevator or entrance and the public spaces must be inverted-U racks installed along the building's retail frontage (weather protected preferred). Specific Locations of the public bicycle rack locations must be identified on the Certified Site Plan.
- c. The Applicant must pay \$57,000 to MCDOT as a contribution for an off-site bike-share facility to be located near the site. Contribution and general location to be identified in the TMAg and must be paid prior to the release of a building permit.



## Site Plan

### 9. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet A04-A06 of the submitted architectural drawings, as determined by M-NCPPC Development Review and Urban Design staff.

### 10. Landscaping

- a. Provide trees, shrubs and perennials per approved site plan.
- b. Provide paving retaining walls, paving, and bio planters per approved site plan.
- c. Provide lighting per approved site plan.

### 11. Private Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for commercial development.
- b. All onsite down- light fixtures must be full cut-off fixtures.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels shall not exceed 0.5 foot candles (fc) at any property line abutting county roads.
- e. The height of the light poles shall not exceed the height indicated on the site plan.

## Public Use, Facilities and Amenities

### 12. Public Use Space and Amenities

- a. The Applicant must provide a minimum of 18,000 square feet of 24% of the net lot area for on-site public use space and a minimum of 27,000 square feet or 36% of the net lot area for on and off-site public amenity space.
- b. The Applicant must contribute a sum of \$5 per gross foot for any gross floor area exceeding 4 FAR to the Housing Initiative Fund (HIF), with payments to be made over two installments, the first payment at initial occupancy of the hotel and the second at the 1<sup>st</sup> anniversary of the initial occupancy of the hotel (with two payments in equal installments).

### 13. Public Art

- a. Provide for and install the public art concept designed by artist Cliff Garten, as presented to the Planning Department's Art Review Panel on October 9, 2012, and illustrated in the Certified Site Plan.
- b. Any significant changes to the concept presented on October 9, 2012, must be presented to the Art Review Panel and approved by Area 1 staff before Certified Site Plan.

- c. Significant changes to the concept, as determined by Area 1 staff, proposed after Certified Site Plan will require a Site Plan Amendment.

#### 14. Surety

Prior to issuance of first building permit within each relevant phase of development, Applicant must provide a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. Applicant must provide a cost estimate of the materials and facilities, which, upon staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety shall include plant material, on-site lighting, recreational facilities, site furniture, and entrance piers within the relevant phase of development.
- c. Prior to issuance of the first building permit, Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d. Bond/surety shall be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

#### 15. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Street lamps and sidewalks within the Woodmont and Wisconsin Avenue rights-of-way must be installed and completed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- a. On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, outdoor seating, specialty paving and bicycle facilities for both outdoor plaza areas must be installed prior to release of the final use and occupancy permit for the first building under construction.
- b. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- c. The development program must provide phasing for installation of on-site landscaping and lighting.
- d. Community-wide pedestrian pathways and bike lanes, including the streetscape improvements and striping for the 4-foot-wide on-street bike lane on Woodmont Avenue if requested by MCDOT at the time of permit, must be installed and completed within six months after street construction is completed.

- e. Landscaping associated with each plaza area must be completed within six months of completion of either building.
- f. Pedestrian pathways and seating areas associated with each facility must be completed as construction of each facility is completed.
- g. Public art by artist Cliff Garten must be installed upon completion of the plaza facing Wisconsin Avenue.
- h. The water feature that is integral to the hotel building must be installed prior to final use and occupancy of the hotel building.
- i. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

16. Certified Site Plan

Prior to 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 final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Add a note to the site plan stating that “M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading”.
- c. Modify data table to reflect development standards enumerated in the staff report.
- d. Ensure consistency of all details and layout between site plan and landscape plan.
- e. Provide a 5-foot-wide public improvement easement (PIE) parallel and contiguous to the Woodmont Avenue right-of-way along the property frontage.

**APPENDICES**

Appendix A: Transportation Analysis Tables

Appendix B: Agency letters referenced in conditions

Appendix C: Correspondence

Appendix D: Preliminary and Project Plan Resolutions

## Appendix A

**Table A  
SUMMARY OF SITE TRIP GENERATION  
PROPOSED BETHESDA CENTER DEVELOPMENT**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
<b>A. Existing Density - (CBD Rates)</b>						
74-room Hotel	10	6	16	9	7	16
4,340 SF Restaurant(s)	2	1	3	6	5	11
24,600 SF Retail	8	8	16	32	32	64
<b>Total Trips (A1)</b>	<b>20</b>	<b>15</b>	<b>35</b>	<b>47</b>	<b>44</b>	<b>91</b>
<b>B. Proposed Density - (CBD Rates)</b>						
253,787 SF Office	324	57	381	95	286	381
222-room Hotel	29	20	49	27	22	49
16,326 SF Restaurant(s)/ Retail	6	5	11	21	21	42
<b>Total Trips (B1)</b>	<b>359</b>	<b>82</b>	<b>441</b>	<b>143</b>	<b>329</b>	<b>472</b>
<b>C. Net "New" Trips (C1 = B1 - A1)</b>						
	<b>339</b>	<b>67</b>	<b>406</b>	<b>96</b>	<b>285</b>	<b>381</b>

Source: Wells and Associates, Inc. Local Area Transportation Review and Policy Area Mobility Review; October 31, 2011.  
(With Updated Density; November 28, 2011 and March 8, 2013)



**Table B**  
**SUMMARY OF CAPACITY CALCULATIONS**  
**PROPOSED BETHESDA CENTER DEVELOPMENT**

Intersection	Traffic Conditions					
	Existing		<i>Background</i>		Total	
	AM	PM	AM	PM	AM	PM
Wisconsin Ave/Cordell Ave	693	577	887	816	920	837
Wisconsin Ave/Norfolk Ave	840	699	1,022	920	1,068	976
Wisconsin Ave/Old G'town Rd/EW Hwy	1,079	1,094	1,392	1,459	1,415	1,490
Wisconsin Ave/Mont. Ln/Mont. Ave	979	970	1,373	1,223	1,390	1,257
Woodmont Ave/St. Elmo Ave	660	664	734	735	772	747
Woodmont Ave/Norfolk Ave	545	587	1,056	835	1,132	879
Woodmont Ave/Old Georgetown Rd	832	879	951	1,035	960	1,129
Woodmont Ave/Edgemoor Ln	877	654	956	736	967	749
Old G'town Rd/Edgemoor Ln/Comm. Ln	486	601	513	676	557	691
Norfolk Ave/St. Elmo Ave	640	665	674	715	679	735
Old G'town Rd/Wilson Ln/St. Elmo Ave/Arlington Rd	971	1,115	1,104	1,369	1,108	1,425

Source: Wells and Associates, Inc. Local Area Transportation Review and Policy Area Mobility Review; October 31, 2011. Note: Bethesda CBD Policy Area Congestion Standard: 1,800 CLV

**Table C**  
**PAMR CREDIT CALCULATIONS**  
**PROPOSED BETHESDA CENTER DEVELOPMENT**

	Morning Peak-Hour	Evening Peak-Hour
<b>A. Existing Density - (Countywide Rates)</b>		
74-room Hotel	50	52
4,340 SF Restaurant(s)	8	32
24,600 SF Retail	46	182
Pass-by (34% of restaurant and retail)	n/a	-73
<b>"New" Trips (A1)</b>	<b>104</b>	<b>193</b>
<b>B. Proposed Density - (Countywide Rates)</b>		
256,672 SF Office	428	390
203-room Hotel	136	142
11,570 SF Restaurant(s)	20	82
4,229 SF Retail	8	29
Pass-by (34% of restaurant and retail)	n/a	-38
<b>"New" Trips (B1)</b>	<b>591</b>	<b>605</b>
<b>C. Net "New" Trips - (Countywide Rates)</b>		
<b>Net "New" Trips (C1 = B1 - A1)</b>	<b>487</b>	<b>413</b>
<b>D. Existing Density - (CBD Rates)</b>		
74-room Hotel	16	16
4,340 SF Restaurant(s)	3	11
24,600 SF Retail	16	64
<b>"New" Trips (D1)</b>	<b>35</b>	<b>91</b>
<b>E. Proposed Density - (CBD Rates)</b>		
256,672 SF Office	385	385
203-room Hotel	45	45
11,570 SF Restaurant(s)	8	30
4,229 SF Retail	3	11
<b>"New" Trips (E1)</b>	<b>441</b>	<b>471</b>
<b>F. Net "New" Trips - (CBD Rates)</b>		
<b>Net "New" Trips (F1 = E1 - D1)</b>	<b>406</b>	<b>380</b>
<b>G. PAMR Mitigation Requirement</b>		
PAMR (G1 = F1 x 0.25)	102	95
<b>H. Trip Credit for CBD Location</b>		
Trip Credit (H1 = C1 - F1)	81	33
<b>I. Adjusted PAMR Mitigation Requirement</b>		
<b>(I1 = H1 - G1)</b>	<b>-21</b>	<b>-62</b>
[PAMR: Excess/Pass = +ve; Deficit/Fail = -ve]		

APPENDIX B



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**FIRE MARSHAL COMMENTS**

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**DATE:** 19-Dec-12  
**TO:** Meredith Byer  
VIKA, Inc  
**FROM:** Marie LaBaw  
**RE:** Bethesda Center  
120120070 820120210

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**PLAN APPROVED**

1. Review based only upon information contained on the plan submitted **19-Dec-12** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.



December 12, 2012

Bethesda Center  
Preliminary Plan # 12012007A  
Site Plan #820120210  
VIKA #VM1444E

**Fire Access Statement**

The proposed development for the Bethesda Center includes a Hotel fronting Woodmont Avenue and an Office Building fronting Wisconsin Avenue. Within these two buildings are ground floor retail spaces that may be utilized for restaurants. The retail is accessed directly from the street by way of several doors along the ground level. The doors to most of the retail spaces exceed the 50 foot maximum distance from a fire access road. However, every corner of the retail space will be within 200 feet of the fire access road.

**FIRE CODE ENFORCEMENT**

**Fire Department Access Review**

**Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors, or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.**

S/MC 43 12/19/12



*[Signature]*  
12/12/12





DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

November 29, 2011

Arthur Holmes, Jr.  
Director

Mr. John Marcolin, Planner Coordinator  
Area 1 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120120070  
Bethesda Center

Dear Mr. Marcolin:

We have completed our review of the amended preliminary plan dated November 14, 2011. An earlier version of this plan was reviewed by the Development Review Committee at its meeting on October 17, 2011. We appreciate the consultant's point-by-point response to MCDOT's DRC comments in a letter dated November 14, 2011. We recommend approval of the plan – including the modified driveway design and on-site hotel dropoff area outside the public right-of-way – subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Necessary dedication along Woodmont Avenue and Wisconsin Avenue (MD 355) site frontages in accordance with the master plan.
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. We recommend approval of the applicant's stormwater management concept plan.
4. We accept the consultant's storm drain capacity and impact analysis of Study Point #1 on Woodmont Avenue. Since runoff from the site will decrease in the post-development condition, no improvements to the existing County-maintained storm drain system will be required for this development.
5. We accept the consultant's Design Exception package for the proposed driveway locations and spacing. The southern (combined truck and garage egress) driveway on Woodmont Avenue is to be physically channelized to preclude westbound left turn movements.

**Division of Traffic Engineering and Operations**

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878  
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080  
trafficops@montgomerycountymd.gov

- At the site plan stage, we recommend the applicant demonstrate the need for a two lane approach for the northern driveway on Woodmont Avenue; we recommend it be reduced to a single lane approach [twenty four (24) foot maximum width] if possible to facilitate pedestrian safety.
6. The sight distances study for the proposed driveways on Woodmont Avenue has been accepted. A copy of the accepted MCDOT Sight Distances Evaluation certification form is enclosed for your information and reference.
  7. Truck loading space requirements to be determined in accordance with the Executive Branch's "Off-Street Loading Space" policy.
  8. For any parking facility containing more than fifty (50) parking spaces, the applicant needs to furnish bicycle parking facilities as required Section 59 E-2.3 of the Montgomery County Code. Accordingly, the applicant should provide either bike lockers or inverted "U" type bike racks.
  9. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
  10. Access and improvements along Wisconsin Avenue (MD 355) as required by the Maryland State Highway Administration.
  11. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
  12. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
  13. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
  14. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with Brett Linkletter, Chief of the Division of Highway Services, Tree Maintenance Section at (240) 777-7651.
  15. Prior to approval of the record plat by MCDPS, the applicant will need to enter into a Traffic Mitigation Agreement with the Planning Board and this Department. Within MCDOT, the applicant should coordinate with Ms. Sandra Brecher, Chief of the Division of Transit Services/Commuter Services Section. Ms. Brecher may be contacted at 240-777-5800.

Mr. John Marcolin  
Preliminary Plan No. 1-20120070  
November 29, 2011  
Page 3

A draft Traffic Mitigation Agreement, amended to address DRC review comments, was submitted on October 4, 2011; it remains under review.

16. At or before the permit stage, coordinate with Ms. Stacy Coletta of our Division of Transit Services to provide a bus shelter on Wisconsin Avenue (MD 355) south of the intersection with Norfolk Avenue. Ms. Coletta may be contacted at 240 777-5800.
17. Coordinate relocation of the existing parking meters with Mr. Jeremy Souders of our Division of Parking Management. Mr. Souders may be contacted at 240-777-8740.
18. Coordinate proposed Bethesda CBD streetscaping improvements on Woodmont Avenue with the County's Capital Improvement Program (CIP Project No. 500102) through Mr. Michael Mitchell of our Division of Transportation Engineering. Mr. Mitchell may be contacted at 240-777-7220.
19. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
  - A. Provide Bethesda CBD streetscaping (including brick sidewalks, street trees in amended soil panels, etc.) across the Woodmont Avenue site frontage. Maintain the existing curbline along Woodmont Avenue.
  - B. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
  - C. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
  - D. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
  - E. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. David Adams, our Development Review Area Engineer for this project at david.adams@montgomerycountymd.gov or (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager  
Development Review Team



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Carla Reid  
Director

September 8, 2011

Mr. Ghassan S. Khouri, P.E.  
Vika, Inc.  
20251 Century Boulevard, Suite 400  
Germantown, MD 20874

Re: Stormwater Management **CONCEPT** Request  
for Bethesda Center  
Preliminary Plan #: 120120070  
SM File #: 240729  
Tract Size/Zone: 1.82 Ac./CBD-2  
Total Concept Area: 1.82 Ac.  
Lots/Block: 7 & 8, Pt of 525 - 532  
Parcel(s): P087  
Watershed: Lower Rock Creek / Little Falls  
Branch

Dear Mr Khouri:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via ESD to the MEP by the use of green roof, micro-bioretenention. The remaining volume will be treated with two structural proprietary filters.

The following items will need to be addressed **prior to** site plan going to the Planning Board:

1. All covered parking areas are to drain to WSSC.
2. Provide landscape plan for the plaza Silva Cell and structurally supported planting areas that will serve as micro- bioretention. Please show how the water is to get into the planted media.
3. Provide a flow splitter for the StormFilter vaults. The method you have shown is not acceptable. You may use our standard type of man hole flow splitter or the "Bayseparator FS" is a proprietary flow splitter that has been approved.
4. Please consider providing a thicker green roof (8 inches).
5. **At site plan submittal, please resubmit a stormwater concept to DPS that addresses the items above and shows access for maintenance of micro- bioretention. Also verify that the architect has designed the covered parking areas to drain to the WSSC system.**

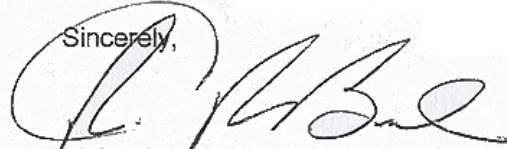
This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,



Richard R. Brush, Manager  
Water Resources Section  
Division of Land Development Services

RRB: tla CN240729 Bethesda Center.DWK

cc: C. Conlon  
SM File # 240729

ESD Acres:	0.91
STRUCTURAL Acres:	0.91
WAIVED Acres:	0.00





THE GREATER  
BETHESDA-CHEVY CHASE  
CHAMBER OF COMMERCE

7910 Woodmont Avenue, Suite 1204  
Bethesda, MD 20814  
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Your Business Is  
Our Only Business

November 30, 2011

Commissioner Francois Carrier, Chair  
Montgomery County Planning Board  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Letter in Support of Bethesda Center Project

Dear Commissioner Carrier:

On behalf of The Greater Bethesda-Chevy Chase Chamber of Commerce, we are submitting this letter in support of the proposed Bethesda Center project (Project Plan No. 920120010 and Preliminary Plan No. 120120070), located between Wisconsin Avenue and Woodmont Avenue, just south of Norfolk Avenue in the Woodmont Triangle area of the Bethesda Central Business District (CBD). The project proposes to develop the site with a mix of office, hotel, restaurant, and retail uses, and will play an important role in the overall redevelopment of the Woodmont Triangle area. The project's location bridges the heart of the Bethesda CBD and portions of Woodmont Triangle located further to the north, and the mix of uses will enliven the southern portion of Woodmont Triangle and help to ensure that the project and surrounding areas are activated beyond just the workday.

Aside from the positive contributions to the community as a result of the buildings and uses themselves, the project also proposes a mid-block pedestrian connection that will facilitate pedestrian access between Bethesda's two main north-south streets, Wisconsin Avenue and Woodmont Avenue. This connection is important for the success of the businesses located along these two street frontages, and will add to the pedestrian activity in the area. It also helps to provide improved connectivity for those accessing Bethesda Metro Station and the bus facilities just to the south. In addition to the mid-block pedestrian connection, the project proposes attractive on-site public use space and off-site amenity spaces. Bethesda Center represents exactly what is needed in this portion of the Woodmont Triangle area of the Bethesda CBD.

Thank you for your consideration of our comments. We look forward to welcoming the Bethesda Center project to the Bethesda community.

Sincerely,

Ginanne M. Italiano, IOM  
President & CEO

cc: Members of the Montgomery County Planning Board  
John Marcolin, M-NCPPC

### 2011 Annual Sponsors

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MAR 17 2012



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB No. 11-138**  
**Preliminary Plan No. 120120070**  
**Bethesda Center**  
**Date of Hearing: December 15, 2011**

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on August 25, 2011, The Bethesda Center, LLC ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 2.14 gross acres of land in the CBD-2 zone, located between Woodmont Avenue and Wisconsin Avenue, approximately 75 feet south of Cheltenham Drive ("Property" or "Subject Property"), in the Bethesda Central Business District Sector Plan area ("Sector Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120120070, Bethesda Center ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board, dated December 1, 2011, setting forth its analysis and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on December 15, 2011, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on December 15, 2011, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Anderson,

Approved as to  
Legal Sufficiency:

8787 Georgia Avenue, Spring, Maryland 20910

*Christina Somers* 2/23/12  
MNCPPC Legal Department

Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

seconded by Commissioner Dreyfuss, with a vote of 4-0; Commissioners Anderson, Carrier, Dreyfuss, and Wells-Harley voting in favor. Commissioner Presley was absent.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 50 the Planning Board approves Preliminary Plan No. 120120070 to create one lot on the Subject Property, subject to the following conditions:

1. Approval under this Preliminary Plan is limited to one lot for up to 256,672 square feet of office uses, 193,999 square feet of hotel uses, and 15,799 square feet of retail uses.
2. The Applicant must comply with the conditions of approval for Project Plan No. 920120010.
3. The Applicant must comply with the conditions of approval for the preliminary forest conservation plan. The Applicant must satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services ("MCDPS") issuance of sediment and erosion control permits as applicable.
4. The Applicant must obtain approval of a Final Forest Conservation Plan, consistent with the approved Preliminary Forest Conservation Plan and associated conditions, prior to any clearing, grading or demolition on the site.
5. No clearing, grading, demolition, or recording of plats prior to certified site plan approval unless specified with the site plan approval.
6. The fee-in-lieu or certificate of compliance for the off-site forest mitigation must be submitted by the Applicant and approved by M-NCPPC Staff prior to land disturbing activities occurring on the Subject Property.
7. The Applicant must dedicate and the record plat must show dedication of 40 feet of right-of-way as measured from the centerline along the property frontage for Woodmont Avenue and 57 feet of right-of-way as measured along the centerline along the property frontage for Wisconsin Avenue.
8. The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the master plan and to the design standards imposed by all applicable road codes.
9. The Applicant must satisfy MCDPS requirements prior to recordation of the plat to ensure the construction of the sidewalks per Bethesda Streetscape Standards along the property frontages on Wisconsin Avenue and Woodmont Avenue.
10. The final density and mix of uses will be determined at Site Plan.
11. The Applicant must comply with the conditions of the MCDPS stormwater management approval dated September 8, 2011. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
12. The Applicant must comply with the conditions of the Montgomery County Department of Transportation ("MCDOT") letter dated November 29, 2011.

These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.

13. Prior to site plan approval, the Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s) and/or Maryland State Highway Administration ("MDSHA") prior to issuance of access permits, as applicable.
14. The Applicant must satisfy requirements of Montgomery County Fire and Rescue pertaining to addressing, emergency vehicle access, fire access walk path and the locations of proposed fire department connection, hydrants, door locations and fire control rooms.
15. Final approval of the number and location of buildings, on-site parking, site circulation, sidewalks, and bike paths will be determined at site plan.
16. The record plat must show necessary easements.
17. The certified Preliminary Plan must contain the following note: "Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the preliminary plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
18. Transportation
  - a. The Applicant must limit future development on the site to a 203-room hotel, 256,672 SF of office, and 15,799 SF of restaurant/retail.
  - b. The Applicant, prior to the release of any building permit for the proposed development, must pay \$725,400.00 to MCDOT to satisfy the Policy Area Mobility Review (PAMR) requirement of the APF test (to mitigate sixty-two (62) net "new" weekday site-generated peak-hour trips at \$11,700 per peak-hour trip).
  - c. The Applicant must dedicate and show on the final record plat the following rights-of-way along property frontage consistent with the 1994 Approved and Adopted *Bethesda CBD Sector Plan*:
    - i. Wisconsin Avenue – minimum of 57 feet from the roadway right-of-way centerline, and
    - ii. Woodmont Avenue – minimum of 40 feet from the roadway right-of-way centerline.
  - d. Frontage improvements must be finalized at site plan.
  - e. The Applicant must enter into a Traffic Mitigation Agreement ("Agreement") with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District (TMD) and must execute the Agreement prior to the release of any building permit for the proposed development.

- f. The Applicant, as part of the above Agreement or separately, must grant an easement to MCDOT to install a future bike-share station on the site, preferably along Woodmont Avenue. If a bike share station is appropriate at this site, then the location for the proposed bike-share station and the easement agreement with MCDOT for the proposed bike-share station must be finalized at least 30 days prior to any Planning Board hearing on the site plan for the development.

19. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as presented at the Hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Sector Plan.*

The Subject Property lies within the boundaries of the Approved and Adopted 1994 Bethesda Central Business District ("CBD") Sector Plan. The Sector Plan supports mixed use development, including office uses near Metro. The Planning Board approves a mixed-use development with 466,470 square feet of commercial uses including 256,672 square feet of office space and 15,799 square feet of restaurant/retail use. There will be 193,999 square feet of hotel space, including a ballroom on the second level of the hotel. The maximum density allowed under the CBD-2 Zone is 5.0 FAR; the proposed density is 5.0 FAR. The development maximizes the building height at 143 feet, which is allowed by the zone. The project steps down in height from 143 feet closest to the Metro Core to 122 feet on the northern edge furthest away from the core. This is consistent with adjoining and nearby properties, some of which have been constructed with others being approved but not yet built, including Bethesda Place located directly to the south at 143 feet, 4900 Fairmont at 174 feet to the west, and the Lionsgate to the south at 143 feet.

The Sector Plan indicates that a mix of office, retail, restaurant, as well as residential uses is appropriate for the site. The Preliminary Plan will provide office, retail, restaurant and hotel uses that will be visible and accessible to a greater number of pedestrians. In addition, the Applicant has committed to provide a contribution to the Housing Initiative Fund as part of its amenity package. In light of the large number of residential and retail proposals in the vicinity that have recently been approved by the Planning Board, this intensity



and diversity of land use conforms to the Sector Plan recommendations. Both the general goals of the Sector Plan and the specific objectives of the area advocate approval of optional method projects that provide employment and housing opportunities near both transit stations and other day-to-day necessities.

The ground-floor uses and off-site public space will serve not only the weekday office workers, but also the evening and weekend residents of the CBD, bringing pedestrian activity and vitality to what is currently an underutilized space.

The Preliminary Plan is in substantial conformance with the recommendations in the Sector Plan by:

- Establishing a vibrant and diverse downtown;
- Providing infill development that complements the existing urban fabric;
- Creating employment opportunities;
- Creating an appealing environment for working, shopping, and entertainment; and
- Creating circulation patterns that encourage walking, cycling, and the use of mass transit.

The Planning Board finds that the mixed-use Application substantially conforms to the general goals and additional specific recommendations of the Sector Plan, including downtown environment, urban form, and employment, housing and land use described below.

#### Downtown Environment

The Downtown Bethesda Metro Core District is envisioned as a place that has a choice of retail, restaurant, cultural programming, open space and pathways. It should also include office uses with the potential for additional residential uses. The Board finds that the Preliminary Plan provides several features that address this goal:

- The mix of office, hotel and retail uses fulfills the Sector Plan goal of increasing the mix of uses.
- The public use space expands the existing network of open spaces in the area and provides a more direct connection to the Metro through connections to existing pedestrian routes. The design will reflect Bethesda as a “garden” through the imaginative use of on-site rain gardens and Low Impact Development techniques.
- The physical character of the public realm is well defined by building edges. The open spaces will 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 improves the orientation and strengthens the perception of a sub-center at the northern edge of the Bethesda core.

- The amenities will provide an animated space through the use of waterfalls, shade trees, seating areas, and art features.

#### Urban Form

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

- The Preliminary Plan will fulfill this goal by including restaurant/retail uses on the ground floor and office and hotel use above.
- The Preliminary Plan strengthens the urban form of the surrounding neighborhood by creating active street frontages both on Woodmont and Wisconsin Avenues.
- The open spaces will be activated by outdoor cafes and retail seating and open, tree-shaded plaza areas that will attract people to gather and stay.
- The new pedestrian circulation connections and choices will increase foot traffic and provide more efficient pedestrian connectivity.
- The cultural and artistic amenities will provide a sense of identity through the unique design of water features, lighting, and landscaping

With regard to building height and the surrounding context, numerous Sector Plan recommendations speak to anticipated infill development with higher-density employment and housing uses downtown. The Applicant conducted shade studies to show the impact of the height and massing of the project on adjacent properties. The studies showed that the shade and massing relationships associated with this development will not cast significant shadow on presently used public areas or block direct sunlight from surrounding properties. The studies show that a significant portion of the shadows fall on roadways and only during portions of the day will there be detrimental impacts, while adverse effects on adjacent properties are minimal. In addition, the glass facades included in the building design further 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.

#### Employment, Housing, & Land Use

The applicable references in the Sector Plan refer to the need for increased choices associated with retail, restaurants, cultural programming, open space, and pathways in this area. The specific objectives with regard to this site are met as indicated:

- The Preliminary Plan creates job opportunities by providing a variety and mix of uses that are employment generators including hotel, office, and retail uses.

- The Applicant will contribute to the affordable housing goals of Montgomery County by contributing to the Housing Initiative Fund. The Applicant will make a payment to the fund based upon a formula of \$5 per FAR foot approved above a 4 FAR. The total payment for the maximum FAR approved for the project will be \$466,479 (93,294 square feet of gross tract area multiplied by 5).
- The design promotes a pedestrian and street-activating environment by applying the Bethesda Streetscape standards to frontage along Woodmont and Wisconsin Avenues. In accordance with these standards, the Application provides widened sidewalks paved with brick, street trees, seating areas, and pedestrian scaled lighting.
- The development consolidates multiple properties for an optional method of development to accommodate the maximum density in the CBD.
- The infill development is more environmentally sustainable because it concentrates growth near transit and other day-to-day needs, thereby reducing vehicular travel and saving open space in our suburban and agricultural areas. In addition the project provides green roofs and bio-filtration techniques at grade that will significantly improve the quality of water flowing off-site during rain events.

Based upon the testimony provided at the Hearing and evidence provided by Staff, the Board finds that the Preliminary Plan is in substantial conformance with the Sector Plan.

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

Public facilities are adequate to accommodate the Application. Vehicular and pedestrian access will be safe and adequate with the proposed improvements. Sidewalks will be reconstructed along Woodmont and Wisconsin Avenues to facilitate pedestrian mobility.

As conditioned, the Application satisfies the LATR and PAMR requirements. A traffic study (dated October 31, 2011) was submitted by the Applicant for the Application per the LATR/PAMR Guidelines since the proposed development was estimated to generate 30 or more peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. The traffic study determined traffic-related impacts of the proposed development on nearby roadway intersections during weekday morning and evening peak periods.

### **Trip Generation**

The peak-hour trip generation estimate for the Application was based on trip generation rates included in the LATR/PAMR Guidelines. The Application will generate 441 peak-hour trips during the weekday morning peak period and 471 peak-hour trips during the weekday evening peak period. After accounting for existing density on the site, the Application is estimated to generate 406 net “new” peak-hour trips during weekday morning peak period and 380 net “new” peak-hour trips during weekday evening peak period.

### **Local Area Transportation Review**

Under Total (Build) traffic conditions, Critical Lane Volume (CLV) values for intersections included in the study were estimated to be below the Bethesda CBD congestion standards (1,600 and 1,800 CLV, respectively). Based on the analysis presented in the traffic study, it is concluded that the Application will satisfy the LATR requirements of the APF test.

### **Policy Area Mobility Review**

To satisfy the PAMR requirements of the APF test, a development located within the Bethesda CBD Policy Area is currently required to mitigate 25% of “new” peak-hour trips generated by the development.

Based on the site trip generation summary, the PAMR mitigation requirement for the proposed development is calculated as 102 peak-hour trips for the morning peak period and 95 peak-hour trips for the evening peak period.

By virtue of being located within the Bethesda CBD, the Applicant is also eligible to receive a PAMR trip mitigation credit (determined by comparing Countywide and CBD trip generation estimates for a development). This peak-hour trip mitigation credit is equivalent to the difference in trip generation (i.e., net “new” trips) between similar developments located outside the CBD (determined using countywide trip generation rates) and located within the CBD (determined using CBD trip generation rates).

Thus, a development outside the CBD, similar to that proposed on the site, after discounting for existing on-site density, would generate 487 net “new” peak-hour trips during the morning peak-period (i.e., 81 more peak-hour trips than the net “new” site CBD peak-hour trips) and 413 net “new” peak-hour trips during the evening peak-period (i.e., 33 more peak-hour trips than the net “new” site CBD peak-hour trips). The Application, as a result of being located within the Bethesda CBD, will receive a credit of 81 peak-hour trips for the morning peak period and

33 peak-hour trips for the evening peak period towards its PAMR mitigation requirement. With the above credit, the proposed development is required to mitigate 21 peak-hour trips during the morning peak period and 62 peak-hour trips during the evening peak period. The Applicant is therefore required to mitigate 62 peak-hour trips to satisfy the PAMR requirements of the APF test.

The Planning Board finds that the methodology in calculating the PAMR requirement is consistent with the intent and established procedures in place to determine credits for CBD developments. The Applicant must therefore, prior to the release of any building permit for the proposed development, pay \$725,400.00 to MCDOT to satisfy the PAMR requirements of the APF test (to mitigate 62 net "new" weekday site-generated peak-hour trips at \$11,700 per peak-hour trip).

### **Other Public Facilities**

The Subject Property will be served by public water and sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service, which has determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, schools, and health services, are operating according to the Subdivision Staging Policy and will be adequate to serve the Property. The Application is not proposing any residential; therefore, is not impacting any local area school facilities. Electrical, telecommunications, and natural gas services are also available to serve the Subject Property.

- 3. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections. Access and public facilities will be adequate to support the proposed lot and uses. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The Preliminary Plan was reviewed for compliance with the dimensional requirements for the CBD-2 zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. Proposed on-site Public Use Space exceeds the minimum requirement of 20%.

- 4. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*



A Natural Resources Inventory/Forest Stand Delineation (NFI/FSD) #420111760 for the site was approved on July 1, 2011. The urban site is located within 2 separate watersheds; Little Falls Branch, a use-class I-P watershed and the Lower Rock Creek, a use I watershed.

The submitted Preliminary Forest Conservation Plan (PFCP) identifies an afforestation planting requirement of 0.33 acres. The planting requirement will be met by payment of fee-in-lieu. The conditions of this Resolution require that the forest conservation planting requirements are satisfied prior to land disturbing activities occurring onsite.

The Planning Board finds that with the conditions imposed by this Resolution the Preliminary Forest Conservation Plan complies with the requirements of Chapter 22A, the Montgomery County Forest Conservation Law.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site.*

The MCDPS Stormwater Management Section approved the stormwater management concept for the site on September 8, 2011. The stormwater management concept consists of meeting required stormwater management goals via environmental site design guidelines to the maximum extent possible through the use of green roofs and micro-bioretenment. Onsite recharge is not required for redevelopment applications.

BE IT FURTHER RESOLVED, that for the purpose 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; and

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Land Records of Montgomery County, Maryland or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAR 17 2012 (which is the date that this Resolution is mailed to all parties of record); and

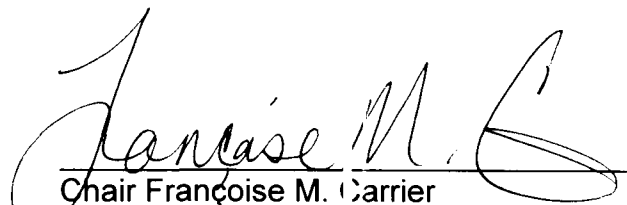
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

**RESOLUTION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Anderson, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley and Commissioners Anderson and Dreyfuss present and voting in favor of the motion, and Commissioner Presley abstaining at its regular meeting held on Thursday, March 1, 2012, in Silver Spring, Maryland.

  
Chair Françoise M. Carrier  
Montgomery County Planning Board

MAR 7 2012



**MONTGOMERY COUNTY PLANNING BOARD**  
MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 11-137  
Project Plan No. 920120010  
Project Name: Bethesda Center  
Date of Hearing: December 15, 2011

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Division 59-D-2, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review project plan applications; and

WHEREAS, on August 25, 2011, The Bethesda Center, LLC ("Applicant"), filed an application for approval of a project plan for 466,470 square feet of mixed-use development including a hotel, office, and retail on 2.14 gross acres of CBD-2-zoned land, located between Woodmont Avenue and Wisconsin Avenue, approximately 75 feet south of Cheltenham Drive ("Property" or "Subject Property") in the Bethesda Central Business District Sector Plan area ("Sector Plan"); and

WHEREAS, Applicant's project plan application was designated Project Plan No. 920120010, Bethesda Center ("Project Plan" or "Application"); and

WHEREAS, Planning Board Staff ("Staff") issued a memorandum to the Planning Board dated December 1, 2011, setting forth its analysis of and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on December 15, 2011, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on December 15, 2011, the Planning Board approved the Application subject to conditions, on motion of Commissioner Anderson, seconded by

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Approved as to  
Legal Sufficiency

*Christina Sonnet* 2/23/12  
M-NCPPC Legal Department

Commissioner Wells-Harley, with a vote of 4-0; Commissioners Anderson, Carrier, Dreyfuss, and Wells-Harley voting in favor. Commissioner Presley was absent.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Project Plan No. 920120010 for 466,470 square feet of mixed-use development including a hotel, office and retail, on 2.14 gross acres in the CBD-2 zone, subject to the following conditions:

1. Development Ceiling

The proposed development is limited to 466,470 square feet of gross floor area for non-residential development, including hotel.

2. Building Height and Mass

- a. The proposed development is limited to the building footprint as delineated in the Project Plan drawings submitted to MNCPPC dated November 14, 2011 unless modified at site plan review.
- b. The building height is limited to 143 feet in height for the southern building (hotel) transitioning to 122 feet in height for the northern building (office), as determined by the Department of Permitting Services approved building height measurement point.
- c. The third level of the southern building (hotel) must include an extensive green roof to provide for a passive outdoor amenity area.
- d. The south elevation of the hotel building must be substantially similar to the architectural drawings (A201-A504) submitted to M-NCPCC dated November 14, 2011.

3. Public Use Space and Amenities

- a. The Applicant must provide a minimum of 18,000 square feet or 24% of the net lot area for on-site public use space and a minimum of 27,000 square feet or 36% 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 provide activating elements (e.g. water and public art), landscaping and other features in general conformance with the illustrative landscape plan depicted in the Application, with final design at the time of site plan approval.
- d. The Applicant must present the plaza design and public artwork to the art review panel for comment prior to approval of the site plan.

4. 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.
  - d. The Applicant must contribute a sum of \$5 per gross foot for any gross floor area exceeding 4 FAR to the Housing Initiative Fund, with payments to be made over two installments, the first payment at initial occupancy of the hotel and the second at the 1st anniversary of the initial occupancy of the hotel (with two payments in equal installments).
5. 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.
6. Coordination for Additional Approvals Related to the Review of the Site Plan
- a. The Applicant must obtain written approval from the Montgomery County Department of Transportation (DOT) for the final design and extent of any and all streetscape or other improvements within the rights-of-way.
  - b. The Applicant must present preliminary and final public art and amenity concepts to the Art Review Panel prior to approval of the site plan.
  - c. At the time of site plan submittal, provide M-NCPPC Staff a noise analysis addressing noise levels above grade as well as noise impacts to adjacent properties, specifically related to the hotel loading operations. Additional wall structures may be required to mitigate noise impacts.
  - d. Details of the green roofs to be provided at Site Plan.

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference, and upon consideration of the entire record and all applicable elements of § 59-D-2.43, the Montgomery County Planning Board, with the conditions of approval, FINDS:

- (a) The Application complies with all of the intents and requirements of the CBD-2 zone.**

**Intents and Purposes For All CBD Zones:**



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 (59-C-6.212):

- (1) *“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 Subject Property lies within the boundaries of the Approved and Adopted 1994 Sector Plan for the Bethesda Central Business District. The Sector Plan supports mixed use development, including office uses near Metro. The Project Plan proposes a mixed-use development with 466,470 square feet of commercial uses including 256,672 square feet of office space and 15,799 square feet of restaurant/retail use. There will be 193,999 square feet of hotel space, including a ballroom on the second level of the hotel. The maximum density allowed under the CBD-2 Zone is 5.0 FAR; the proposed density is 5.0 FAR. The proposal maximizes the building height of 143 feet, which is allowed by the zone. The project steps down in height from 143 feet closest to the Metro Core to 122 feet on the northern edge furthest away from the core. This is consistent with adjoining and nearby properties, some of which have been constructed with others being approved but not yet built, including Bethesda Place located directly to the south at 143 feet, 4900 Fairmont at 174 feet to the west, and the Lionsgate to the south at 143 feet. The Board finds that the height and massing are consistent with the Sector Plan.

- (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 Sector Plan indicates that a mix of office, retail, restaurant, as well as residential uses is appropriate for the site. The current Application will provide office, retail, restaurant and hotel uses that will be visible and accessible to a greater number of pedestrians. In addition, the Applicant is providing a volunteer contribution to the Housing Initiative Fund as part of its amenity package. In light of the large number of residential and retail proposals in the vicinity that have recently been approved by the Planning Board, this intensity and diversity of land use conforms to the Sector Plan recommendations. Both the general goals of the Sector Plan and the specific

objectives of the area advocate approval of optional method projects that provide employment and housing opportunities near both transit stations and other day-to-day necessities.

The ground-floor uses and off-site public space will serve not only the weekday office workers but also the evening and weekend residents of the CBD, bringing pedestrian activity and vitality to what is currently an underutilized space.

- (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 Plan will enhance pedestrian, cyclist, and vehicular circulation by creating a pedestrian pass-through on the site between Woodmont and Wisconsin Avenues, to provide people walking to Metro a more efficient route. The layout of the vehicular circulation allows cars to efficiently drop off passengers and/or enter the site. Doors, sidewalks, elevators, and open space will direct pedestrians in and around the site to access this and adjacent buildings and streets.

The relationship of the proposed buildings to existing buildings is typical and appropriate for a central business district. The building code requires that buildings with windows are setback 15 feet from the property line or 30 feet between buildings, if both buildings have windows. The building to the south is setback 15 feet from the property line above its podium. The proposed building respects the building code and the adjacent building by stepping back 15 feet from the property line above its podium where the proposed building has windows. This practice of providing a podium base with the building mass or tower above provides a compatible relationship for existing and proposed properties in the CBD. Architectural and design enhancements have been implemented to limit the impact on the views of the existing building to the south. The Applicant added windows on the south side of the building to create interest and reflect light. The southeast corner of the building was cut back so the views to the northeast were opened up, and the interiors were redesigned to allow for the installation of green roofs.

In addition, the Applicant conducted shade studies to show the impact of the height and massing of the project on adjacent properties. The studies showed that the shade and massing relationships associated with this development will not cast significant shadow on presently used public areas or block direct sunlight from surrounding properties. The studies show that a

significant portion of the shadows fall on roadways and only during portions of the day, having only minimal detrimental impacts or adverse effects on adjacent properties. In addition the glass facades included in the building design further 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.

The Planning Board finds that overall, the design of the proposed building and public space creates a desirable relationship between adjacent buildings in the central business district and adjacent areas.

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

The Project Plan is approximately 1000 feet from Metro and 100 feet from the nearest bus stop. It is a local and regional imperative to provide infill development is provided at such sites as an alternative to suburban sprawl. As conditioned, the location of the proposed development and its accessibility to the local transit system are an excellent realization of the Sector Plan transit and sustainability goals, specifically, providing jobs within walking distance of the Metro and shopping areas.

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

The Project Plan will improve pedestrian circulation, primarily through improved on-site pedestrian circulation consisting of a diagonal cut through from Woodmont and Wisconsin Avenue, which provides a more direct route to the Metro. The pedestrian walkway has amenities such as fountains, rain gardens, shade trees, seating areas, public art, and retail. The Application also provides wider sidewalks on Woodmont and Wisconsin Avenues and the reduction and consolidation of curb cuts to promote pedestrian circulation and minimize vehicular impacts to the pedestrian environment. In addition, the project will provide pick up and drop off of cars for the hotel with an on-site driveway as well as within the underground parking lot.

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

The Project Plan does not provide residential uses but does provide employment and retail options for residents in the nearby Woodmont Triangle section of Bethesda, a housing resource area. The Application also provides

a significant contribution to the Housing Initiative Fund to promote residential opportunities within the CBD.

- (7) *“To encourage land assembly and most desirable use of land in accordance with a sector plan.”*

As part of preliminary Plan No. 120120070, the Applicant will consolidate lots 7 and 12, Sunnyside, and parts of lots 525-526, parts of lots 527-529, parts of lot 530-532 and parcels 086 and 087 Woodmont Avenue into 1 recorded lot with a net lot area of 74,033 square feet after right-of-way dedication for Wisconsin Avenue and Woodmont Drive. The Application incorporates multiple properties to promote greater densities in the CBD, which also allows for stronger site designs, connected streetscapes and greater opportunities for activated public use spaces and amenities.

**Further Intentions Specific to the CBD-2 Zone:**

Section 59-C-6.213(b) of the Zoning Ordinance states that the CBD-2 zone's intent is:

*“[T]o foster and promote the orderly development of the Central Business Districts of the county so that these areas will enhance the economic status of the county as well as providing an expanding source of employment and living opportunities for its citizens in a desirable urban environment.”*

The 12-story hotel and 11 story office building in this Application will provide employment opportunities and help fill the demand for hotels in the Bethesda CBD within walking distance from Metro and nearby residential developments. The proposed street-level retail will expand the employment base in Bethesda, contribute to the economic development of the County and provide street-level, after hours, and weekend pedestrian activity. The Project Plan further promotes the orderly development of the Bethesda CBD by designing the buildings to enable a more direct and active pedestrian connectivity to the Metro.

**Requirements of the CBD-2 Zone**

The Project Plan conforms to the development standards of 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 Project Plan is providing the following package of amenities and public facilities:

Amenities and Facilities Summary

*On-Site Public Use Space Improvements*

- Sidewalks with specialty paving
- Art
- Lighting
- Fountains
- Rain Gardens
- Low Impact Development plantings
- Seating

*Off-Site Amenity Improvements*

- Brick paving
- Street lighting
- Street tree planting in amended soil panel
- Street furniture

*Other amenities*

- The Applicant has committed to contribute to the Housing Initiative Fund a total amount of \$466,479, in two payments of \$233,235, which equates to \$5/square foot for any FAR achieved over 4.

The Planning Board finds, based on the data table below and other evidence and testimony of record, that the Application meets all of the applicable requirements of the CBD-2 zone. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.



**DATA TABLE**

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Approved by the Planning Board and Binding on the Applicant</b>
<b>Building Height (feet)</b>	143	143
<b>Setbacks (feet)</b>		
East Property Line	0	0
North Property Line	0	0
West Property Line	0	0
South Property Line	0	0
Minimum setback between proposed buildings	0	35'
<b>Site Area (square feet)</b>		
Net Tract Area	n/a	74,033
Prior Dedications		14,076
Proposed Dedication	n/a	5,185
Gross Tract Area	22,000	93,294
<b>Density</b>		
Floor Area Ratio *	5.0	5.0
Hotel		193,999
Office		256,672
Retail/Restaurant		15,799
<b>Public Use Space (% of net lot)</b>		
On-Site Public Use Space	20	24

Off-Site Amenity Space	n/a	12
Total Public Use & Amenity Space	20	36
<b>Parking</b>		
Office @ 2.1/1,000 [256,672 sf]	539	
Hotel @ 0.5/# of rooms [203 rooms]	102	
Assembly @ 10/1,000 [11,342 sf]		
Minus 15% Metro Proximity Credit	96	
Restaurant @ 25/1,000 sf for patron use area [7,713 sf]	164	
Minus 15% Metro Proximity Credit		
Retail @ 5/1,000 [4,229 sf]		
Minus 15% Metro Proximity Credit	18	
Total Parking Required	919	
Total Parking Provided		760**

**(b) The Application is consistent with the Bethesda CBD (Central Business District) Sector Plan approved under Chapter 56.**

Zoning and Land Use

The Subject Property is zoned CBD-2, which is recommended by the Bethesda CBD Sector Plan. All proposed uses are allowed in the CBD-2 Zone and the Project Plan is consistent with the general guidelines to provide employment uses in the Sector Plan. Specifically, the Sector Plan recommends employment and retail uses for the Subject Property. The proposed office, retail, and hotel uses are appropriate for the Property and are consistent with the Sector Plan.

Sector Plan Conformance

The Approved and Adopted Bethesda CBD Sector Plan is organized around several goals that the Project satisfies, including:

- 1) Strengthen the Metro Core as the center of Bethesda, with greatest emphasis on and around the Metro Center and Plaza.
- 2) Increase the choices and activities in the Metro Core associated with retail, restaurants, cultural programming, open space, and pathways.

- 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.
- 4) Emphasize employment near Metro transit to complete Metro Core development.

The Project Plan encourages the establishment of a vibrant and diverse downtown, fulfills the development of infill properties that complement the existing urban fabric, and creates employment opportunities in the downtown. The development will provide an appealing environment for working, shopping, and entertainment. The pedestrian circulation patterns encourage walking, cycling, and the use of mass transit to further implement the goals and objectives of the Sector Plan.

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

The adjacent property owners, including their consultants and counsel, testified at the hearing that they were not contesting the height, FAR, or density of the proposed building on their southern boundary, but were opposed to the location, design and massing of the building with respect to the impacts the building has on the existing 14-story Bethesda Place office building on their site. The opposition also voiced concerns over the economic impacts they believed to be detrimental to the existing Bethesda Place development. Planning Staff testified to the merits of the proposed development to fulfill objectives of the Sector Plan for urban infill development, strengthening pedestrian connectivity within the metro core, and creating interesting and attractive public spaces that are not currently available. The Planning Board finds that the Project Plan creates a desirable relationship between the adjacent buildings.

The Project Plan is compatible with both existing and potential development in the general neighborhood and with adjacent properties. The project has been designed to ensure that it is physically compatible with existing and planned development in the general area. The proposed building locations are oriented in such a manner as to maximize light and air for the Subject Property and the neighboring property to the south and to provide for increased pedestrian activity in public areas. The Planning Board finds that this Applicant has made significant changes to the building design and layout in an effort to minimize negative impacts on neighboring properties and in the general neighborhood.

The site is located in an area of the CBD (CBD-2) with allowable densities of up to 5.0 FAR, and maximum building heights of 143 feet, for optional method of development projects. The Project Plan's 12-story high rise of 143 feet is consistent with the Sector Plan and is the same height as the existing commercial office building to the south. The 12-story office building is considerably higher than the primarily 2-3-story developments to the north and east, but steps down in height and mass to compliment anticipated future redevelopment to the north. However, as development proceeds in Bethesda and the adjacent Woodmont Triangle, potential densities and building heights as envisioned by the Sector Plan will be much higher than the existing fabric. In terms of urban design, the proposal maintains a similar building line as the existing buildings to the south and continues the pedestrian activation of Woodmont Avenue to the south. Moreover, the architecture will minimize the impacts of a fairly large building upon the surrounding community by breaking-up the massing into 2 towers separated by a pedestrian mews.

Additionally, the proposed building design provides greater benefits to the adjacent properties by 1) replacing parking lots on an underutilized site with a dynamic streetscape experience on Woodmont and Wisconsin Avenues, and 2) creating vibrant architecture that captures sight lines from the street, offers visual vantage points from adjacent buildings and provides stimulating green areas at the street level and on rooftop gardens. The building massing fills in the void created by the existing commercial properties and surface parking and extends the character of the block created by the properties from the Metro moving northward. The benefits provided by this project, including the public use space and amenities and mix of uses, makes the additional density permitted through the optional method desirable. In fact, the design of the project serves to create a good precedent for urban infill redevelopment that allows the transition of the downtown area into the urban environment envisioned by the Sector Plan, minimizing any negative impacts associated with the proposed development and existing improvements inherent in any urban transition.

The Board finds that the height, building location, intensity, design, and operational characteristics of the proposed development are compatible with and not detrimental to the existing or potential development in the general neighborhood.

- (d) The Application does 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.**

The project will not overburden existing public services. The project's close proximity to the Metro Station and bus lines on Wisconsin Avenue help to promote public transportation. The proposed use will generate 441 AM peak hour trips and 471 PM peak hour trips (406 net "new" AM peak hour trips and 380 net "new" PM peak hour trips) and the study area intersections will continue to operate within the acceptable congestion standard levels. There is adequate water and sewer capacity within the Bethesda CBD Policy Area to accommodate the project.

A draft Trip Mitigation 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 preliminary plan approval.

**(e) The Application is more efficient and desirable than could be accomplished by the use of the standard method of development.**

A standard method project would only allow a density of 3.0 FAR or 80 dwelling units per acre on this site. 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 and given the number and quality of public amenities being provided, the optional method of development is much more desirable and more efficient for this particular site.

**(f) The Application includes moderately priced dwelling units in accordance with Chapter 25A of this Code.**

The proposed development does not require moderately priced dwelling units ("MPDUs") because it does not provide any residential uses. However, the Applicant is providing a significant contribution to the Housing Initiative Fund to provide additional housing opportunities in the area.

***(g) 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 Project Plan is located on multiple lots that are proposed to be subdivided into one lot and does not propose any open space or density transfers.

**(h) The Application satisfies any applicable requirements for forest conservation under Chapter 22A.**

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) #420111760 for the site was approved on July 1, 2011. The urban site is located within two separate watersheds; Little Falls Branch, a use-class I-P watershed and the Lower Rock Creek, a use I watershed.

The Preliminary Forest Conservation Plan (PFCP) identifies an afforestation planting requirement of 0.33 acres. The planting requirement will be met by payment of a fee-in-lieu. A condition of approval is included in Preliminary Plan No. 120120070 requiring that the forest conservation planting requirements be satisfied prior to land disturbance activities occurring onsite.

**(i) The Application satisfies any applicable requirements for water quality resources protection under Chapter 19.**

The proposed development is subject to the water quality resources protection requirements. The stormwater management concept was approved on September 11, 2011 and proposes to meet required stormwater management goals via environmental site design to the maximum extent practicable by the use of a green roof and micro-bioretenion. Recharge is not required for a re-development site.

BE IT FURTHER RESOLVED that all elements of the plans for Project Plan No. 920120010, Bethesda Center stamped received by M-NCPPC on November 14, 2011 are required except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Project Plan shall remain valid as provided in Montgomery County Code § 59-D-2.7; and

BE IT FURTHER RESOLVED that the date of this Resolution is MAR 7 2012  
(which is the date that this Resolution is mailed to all parties of record); and

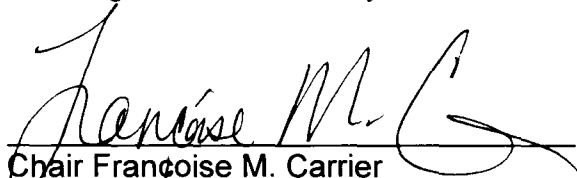
BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

**RESOLUTION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Anderson, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Dreyfuss present and voting in favor of the motion, and Commissioner Presley abstaining, at its regular meeting held on Thursday, March 1, 2012, in Silver Spring, Maryland.

  
Chair Françoise M. Carrier  
Montgomery County Planning Board