



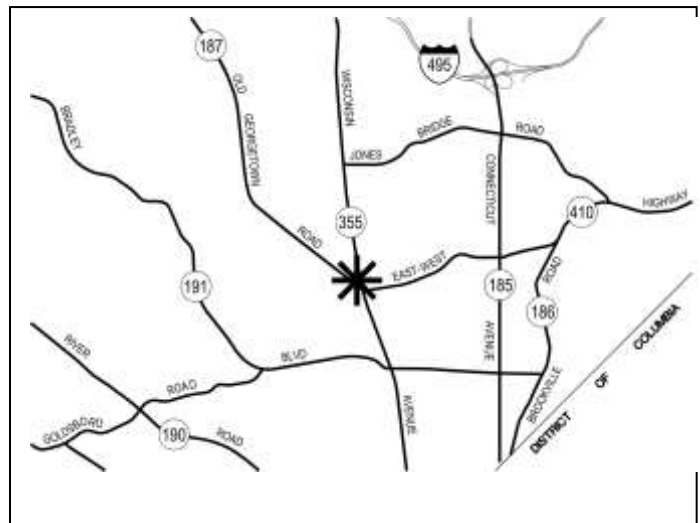
**Bethesda Commerce, Limited Preliminary & Site Plan, 120130240 & 820130240**

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**Staff Report Date: 9-6-13**

**Description**

- Located at 7535 Old Georgetown Road
- CBD-2 Zone, Optional Method
- Bethesda Sector Plan, July 1994
- Gross tract area: 29,069 square feet (0.67 acres)
- 120 Multi-family Residential Units
- 12.5% MPDUs
- 5,000 square feet of Retail Space
- Below Grade Parking Garage for 103 spaces
- Submitted: July 21, 2013
- Applicant: Bethesda Commerce, LLC



**Summary**

- **Staff Recommends Approval of the Limited Preliminary Plan and Site Plan with Conditions.**
- As a condition of the Project Plan, the Board approved the submittal of a Limited Preliminary Plan for the purposes of removing the established building restriction line (“BRL”) from an existing plat. Staff recommends approval of the removal of the BRL and addresses the Chapter 50 requirements in a limited fashion pertinent to the BRL. Adequate Public Facilities have been reviewed with the site plan. Master Plan compliance was evaluated at Project Plan but is also reviewed in a limited fashion pertinent to the BRL.
- The Project will be built in one phase and will provide the required public use space and public benefits, including below grade parking for residents, tree canopy, public art, and an integrated, interactive stormwater management facility.

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## SECTION 1: RECOMMENDATIONS AND CONDITIONS

### PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of Limited Preliminary Plan 120130240 subject to the following conditions:

- 1) This Limited Preliminary Plan is limited to one lot for the uses specified in Site Plan 820130240.
- 2) The certified Limited 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 Limited Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape are determined and outlined herein this report and at the time of site plan approval. Please refer to the zoning data table for the approved development standards such as setbacks, 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.
- 3) The record plat must reflect a Public Improvement Easement (“PIE”) easement over the adjacent parallel sidewalk along Commerce Lane.
- 4) The record plat must eliminate the existing Building Restriction Line (BRL).
- 5) The record plat must show all necessary easements.
- 6) Prior to recordation of any plat, Site Plan No. 820130240 must be certified by Staff.
- 7) There shall be no clearing and grading of the site prior to certified site plan approval. Demolition of existing buildings may occur prior to certified site plan approval. The Applicant may receive a demolition permit prior to approval of the certified site plan and record plat, subject to approval from the Montgomery County Department of Permitting Services (“MCDPS”).

### SITE PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of Site Plan 820130240, Bethesda Commerce, for a mixed use high-rise development for a maximum of 120 multi-family dwelling units, including 12.5 percent Moderately Priced Dwelling Units (MPDUs) and a maximum of 5,000 square feet of retail space. All site development elements shown on the site and landscape plans stamped “Received” by the M-NCPPC on August 16, 2013, are required except as modified by the following conditions.

1. Project Plan Conformance  
The Applicant must comply with the conditions of approval for Project Plan No. 920130030 as listed in the Planning Board Resolution dated April 17, 2013, unless amended (Attachment A).
2. Preliminary Plan Conformance  
The development must comply with the conditions of the approved Resolution for Limited Preliminary Plan 120130240, including any amendments approved by the Planning Board

## **Public Use Space, Facilities and Amenities & Recreation Facilities**

### **3. Public Use Space, Facilities and Amenities**

- a. The Applicant must provide a minimum of 22.9% of the net lot area for on-site public use space and 25.4% for off-site amenities and facilities.
- b. The public use and public amenity space must be easily and readily accessible to the general public and available for public enjoyment.
- c. The Applicant must provide the streetscape improvements consistent with the Bethesda CBD Streetscape Standards, or as shown on the site or landscape plans, including the undergrounding of public utilities along the property's frontage on Old Georgetown Road and Commerce Lane.
- d. The Applicant must obtain an easement from Lot 15 "Sunnyside" (Parcel 301, P.B. 138 P.N. 15971) and construct the improvements labeled "Alt A" on sheet L-302 of the Landscape Plans that extend the paving treatment and design onto Lot 15. If an easement is not granted by Lot 15 for these improvements, then "Alt. B" improvements must be constructed. If granted, the easement must be provided to the M-NCPPC and the improvements must be completed by the time of the Use and Occupancy Permit.

### **4. Public Art**

The Applicant must provide for and install a central sculpture in the public plaza consistent with the recommendations of the Art Review Panel on May 15<sup>th</sup>, 2013. Final details of the sculpture must be provided on the certified site plan.

### **5. Recreation Facilities**

- a. At a minimum, the Applicant must provide three picnic/sitting areas, pedestrian walkway system, indoor community space and indoor fitness facility to satisfy the M-NCPPC Recreation Guidelines.
- b. The Applicant must meet the square footage requirements for all of the applicable proposed recreational elements and demonstrate that each element is in conformance with the approved M-NCPPC Recreation Guidelines.

### **6. Maintenance of Publicly Accessible Amenities**

Maintenance of all on-site Public Use Space is the responsibility of the Applicant and subsequent owner(s). This includes maintenance of paving, artwork, plantings, lighting, landscaping, and benches/sitting areas. Maintenance may be taken over by a governmental agency by agreement with the owner and applicable agency.

## **Environment**

### **7. Noise**

- a. Prior to the issuance of the above-grade building permit, the Applicant must provide M-NCPPC staff with a certification from an engineer specialized in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn prior to certified site plan. The builder commits to construct the units in accord with these design specifications, with any changes that may affect acoustical performance approved by the acoustical engineer in advance of installation.

- b. If the proposed use will generate noise that could impact adjacent uses (i.e., trash pickup, generators etc.), appropriate onsite measures must be provided to avoid or minimize the impacts.
- c. Prior to the issuance of the above-grade building permit, the details for and location of noise mitigation techniques to attenuate current noise levels to no more than 65 dBA Ldn for areas of common outdoor activity (such as the pocket park) must be approved by Staff.
- d. After construction is complete, and prior to use and occupancy, the builder must provide M-NCCPC staff a certification from an engineer specialized in acoustics confirming that interior noise levels do not exceed 45 dBA Ldn, as pursuant to the recommendations in the noise analysis provided.
- e. For all residential dwelling units constructed within identified noise impact areas, the Applicant/developer/builder shall disclose in writing to all prospective purchasers that they are located within an area impacted by current or future highway or railway noise. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures and promotional documents, including the *Illustrative Site Plan(s)* on display within any sales related office(s), as well as in Homeowner Association Documents, and by inclusion on all subdivision and site plans, and within all *Deeds of Conveyance*.

**8. LEED Certification**

Before issuance of any use and occupancy certificate, the Applicant must inform M-NCCPC staff of the LEED certification level that they are applying for. 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 the 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.

**9. Stormwater Management**

The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Services- Water Resources Section ("MCDPS") in its letter June 6, 2013, and does hereby incorporate them as conditions of the Site Plan approval (Attachment B). Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS provided that the amendments do not conflict with the other conditions of the Site Plan approval.

## **Adequate Public Facilities**

### **10. Schools**

The Subject Property is within the Bethesda-Chevy Chase School Cluster area. The Applicant must make a school facilities Payment to the Montgomery County Department of Permitting Services (MCDPS) at the high school level at the applicable unit rate for which a building permit is issued and a School Facilities Payment is applicable for a new residential unit. The timing and amount of the payment must be in accordance with Chapter 52 of the Montgomery County Code.

- 11.** The Adequate Public Facilities Ordinance (APFO) review for the site plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.

## **Transportation and Circulation**

### **12. Agreements and Agency Approvals**

- a. The Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District and must execute the TMAg prior to the release of any building permit for development on the site exclusive of any sheeting and shoring permit. The TMAg must include trip mitigation measures recommended by MCDOT.
- b. The Planning Board has accepted the recommendations of the Maryland State Highway Administration (“MD SHA”) in its letter dated May 29, 2013, and does hereby incorporate them as conditions of the Site Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MD SHA provided that the amendments do not conflict with other conditions of the Site Plan approval (Attachment C).
- c. The Planning Board has accepted the following recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) and hereby incorporates them as conditions of the Site Plan approval (Attachment D). Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS provided that the amendments do not conflict with other conditions of the Site Plan approval.
  - i. The loading space must have a roll-up door with a 24/7 locked gate.
  - ii. Access to the loading dock or freight elevator must be provided, with prior authorization from the leasing office.
  - iii. Exit out of the loading space is limited to left turns only.
  - iv. On-site vehicles must be limited to a maximum size of SU-30.
  - v. Proper signage in accordance with MCDPS standards for the loading operations and vehicle size must be shown on the certified site plan.
  - vi. No truck waiting on Commerce Lane is permitted at any time.
  - vii. The Applicant must provide a safe and adequate refuge island between the loading space entrance and the garage entrance.
  - viii. The MCDPS approval does not negate approvals from other agencies including but not limited to the Fire Marshall.
  - ix. The Applicant must record a private open space covenant prior to recordation of the plat.

**13. Pedestrian and Bicycle Facilities**

- a. The Applicant must install at least two bicycle racks along the retail frontage to provide a minimum of two bicycle parking spaces per rack. Bicycle racks along Old Georgetown Road must avoid conflict with the pedestrian safety barrier/ landscape panel. No bicycle racks may be placed along Commerce Lane.
- b. The Applicant will comply with 59-E-2.3(a) of the Zoning Ordinance, by providing 30 secured bicycle parking spaces or bike lockers that are well-lit, and easily accessed. The final location and details must be determined by Certified Site Plan.

**Density & Housing**

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

- a. The development must provide 12.5 percent MPDUs on-site in accordance with the letter from the Department of Housing and Community Affairs dated August 7, 2013 (Attachment E).
- b. An Agreement to build between the Applicant and DHCA must be executed prior to the release of any building permits.

**15. Architecture**

The final exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings dated August 16, 2013, as determined by Staff.

**16. Private Lighting**

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential development.
- b. All onsite down-light fixtures must be cut-off fixtures.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on any perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
- e. The height of the light poles must not exceed 16.10 feet in height as specified on the Certified Site Plan.
- f. The height of the light fixtures on the roof terrace must not exceed 67-inches or 5.58 feet.

**17. Financial Security and Agreement**

Prior to issuance of the first building permit, excluding the sheeting and shoring permit, within each relevant phase of development, the 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. The 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, artwork, site furniture, the street and alleys, sidewalks, and entrance piers within the relevant phase of development.

- c. Prior to issuance of the first building permit, excluding the sheeting and shoring permit, the 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. The bond/surety must 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.

**18. Development Program**

The Applicant must construct the 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. Demolition of existing buildings may commence prior to approval of the certified site plan.
- b. Street lamps and sidewalks adjacent to each building must be installed prior to release of any use-and-occupancy permit for the respective building. Street tree planting may wait until the next growing season.
- c. On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, recreation facilities and bicycle facilities must be installed prior to release of the final residential use and occupancy permit.
- d. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Sediment Control Plan and M-NCPPC inspection and approval of all applicable environmental protection devices exclusive of sheeting and shoring.
- e. The development program must provide phasing for installation of on-site landscaping and lighting.
- f. Community-wide pedestrian pathways and public use space and amenity areas, including benches, landscaping, artwork and hardscape, must be completed prior to issuance of the final residential use and occupancy permit.
- g. The detailed development program must provide phasing of dedications, stormwater management, sediment and erosion control and other features, as applicable.

**19. 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 forest conservation exemption, stormwater management concept approval, development program, inspection schedule, and Site Plan Resolution on the approval or cover sheet.
- b. Ensure consistency of all details and layout between Site Plan and landscape plan.
- c. Label all modifications from the Bethesda Streetscape standards on the Site Plan and Landscape Plans to accommodate the continuous planter requested by MCDOT and the paver design requested by the Applicant or referenced in the landscape sheet.



## SECTION 2: CONTEXT AND PROPOSAL

### SITE DESCRIPTION

#### Vicinity and Site Description

The subject property including the dedicated are is 0.67 gross acres and located on 7535 Old Georgetown Road. It is situated on a triangular parcel bounded by Old Georgetown Road on the south and west, Commerce Lane on the north, and 7550 Wisconsin Avenue on the east. This Property is a recorded lot known as Lot 10, "Sunnyside" on Plat 4718. The site is located opposite the Bethesda Metro station on Old Georgetown Road and in the heart of the Bethesda Metro Core District and is in the CBD-R2 Zone.

The Property is on a central axis for activity along Old Georgetown Road for pedestrians walking to and from the Metro, and for cyclists and vehicles coming to and from Bethesda.



Figure 1: Site Vicinity and Zoning

The Property is recommended for redevelopment in the 1994 Bethesda CBD Sector Plan. The Property currently consists of a two-story, 9,286 square feet United Bank, surface parking, and two drive-through lanes accessed from Old Georgetown Road and Commerce Lane.

To the east of the property is a 1960's era office building currently being remodeled and tenanted. To the north lies Bethesda Place, one of the first mixed use developments under the 1994 Sector Plan housing a Safeway grocery store, office and residential uses. To the west of the property is the

Metropolitan, a public and private parking and retail space. To the north is La Madeleine French Bakery and Café with surface parking. Finally, to the south is a small mixed use office condominium building.



*Figure 2: Aerial Photo Looking North*

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

### **Previous Approvals**

The Property is a previously recorded lot described as Lot 10, “Sunnyside” on Plat 4718 and was recorded in 1956. The land encompassed by this plat is 14,035 square or 0.32 net acres. The gross acreage including prior dedication is 0.67 acres.

The Planning Board approved Project Plan 920130030 for a maximum of 120 residential dwelling units and 5,000 square feet of commercial development. As part of the Project Plan, the Planning Board approved a waiver pursuant to Section 59-B-1.1 of the Zoning Ordinance to allow rooftop structures to exceed 25 percent of the roof area and remain exempt from height controls. The Applicant has designed the rooftop to serve as a mix of amenity space and bio-filtration (greenroof) with an all-weather amenity, restrooms and mechanical space, and restrooms, which will occupy, in total, approximately 41 percent of the rooftop space.

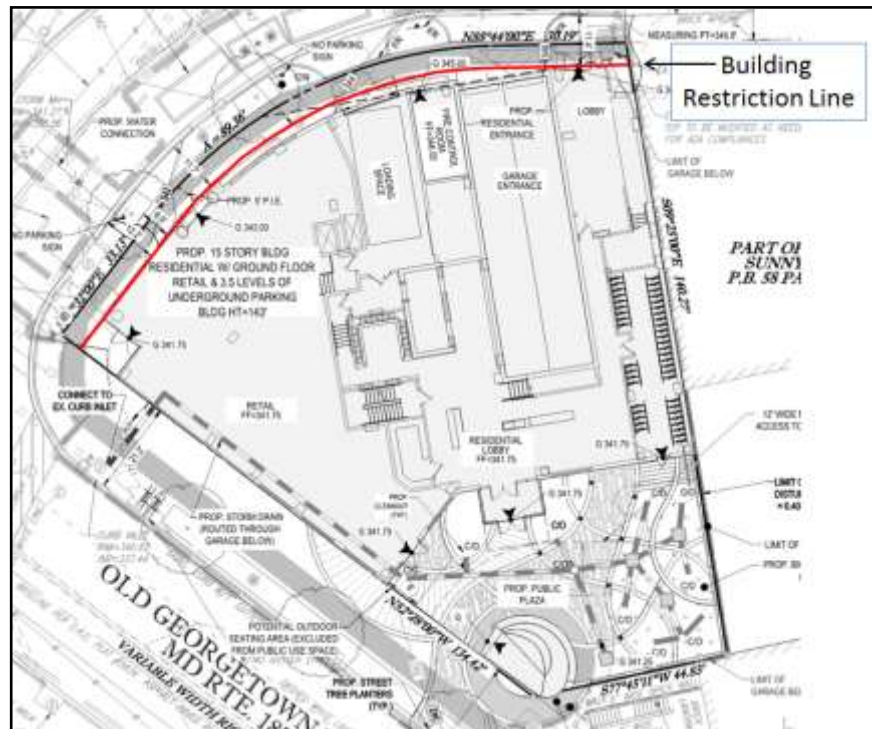
## PROJECT DESCRIPTION

### Limited Preliminary Plan

There is a five-foot Building Restriction Line (BRL) on a recorded lot along Commerce Lane which is proposed to be removed via a Limited Preliminary Plan. MNCPPC does not have a minor subdivision record plat category that permits removal of a BRL, however, a new record plat must be recorded to eliminate the BRL and was required as a condition of the Project Plan approval. Since an action pursuant to Chapter 50 is required prior to the submittal of a record plat, a Limited Preliminary Plan has been submitted. Staff's evaluation under Chapter 50 and conformance to the Master Plan were limited in scope to the removal of the BRL.

When the plat was recorded in 1956, the site was zoned C-2 with the possibility of residential on the outskirts of the current commercial core. As C-2 sites were redeveloped, it was not uncommon to establish a setback for compatibility purposes to address potential residential uses. While we don't know the specifics of the building restriction line, it is not needed today for compatibility purposes, nor is the setback needed for additional dedication along Commerce Lane as the existing right-of-way width is adequate.

The project changes the low density, single use, automotive oriented site into a high density, mixed use, mass transit oriented development. The 1994 Bethesda CBD Sector Plan envisioned redevelopment of this site up to a 5.0 FAR.



### Site Plan

The Applicant proposes a 143-foot tall building that will conform to the curve of Commerce Lane. There will be two pedestrian entries: the principal access is along Commerce Lane, as called for in the Sector Plan; and the secondary access fronting Old Georgetown Road diagonal to the Bethesda Metro station. The ground floor will consist of approximately 5,000 square feet of retail space on the corner of Commerce Lane and Old Georgetown Road, with 120 residential units above, below-grade parking for approximately 103 spaces, a private rooftop recreation area, and a multi-purpose public use plaza.

The façade will be glazed terracotta and masonry with sculpted bay projections and alternating areas of floor-to-ceiling glass, punched window openings, and balconies. The building is configured into a narrow "v" shape to maximize use of the slim wedge-shaped lot and viewshed. The building will have a through-



lobby accessible from both Old Georgetown Road and Commerce Lane. The Old Georgetown Road entrance is where the central plaza and artistic sculpture centerpiece is featured. The sculpture will simultaneously function as an access to the underground parking garage.



Approach from Wisconsin Ave - Commerce Lane



Approach from Edgemoor Lane

Approach from  
Old Georgetown Road

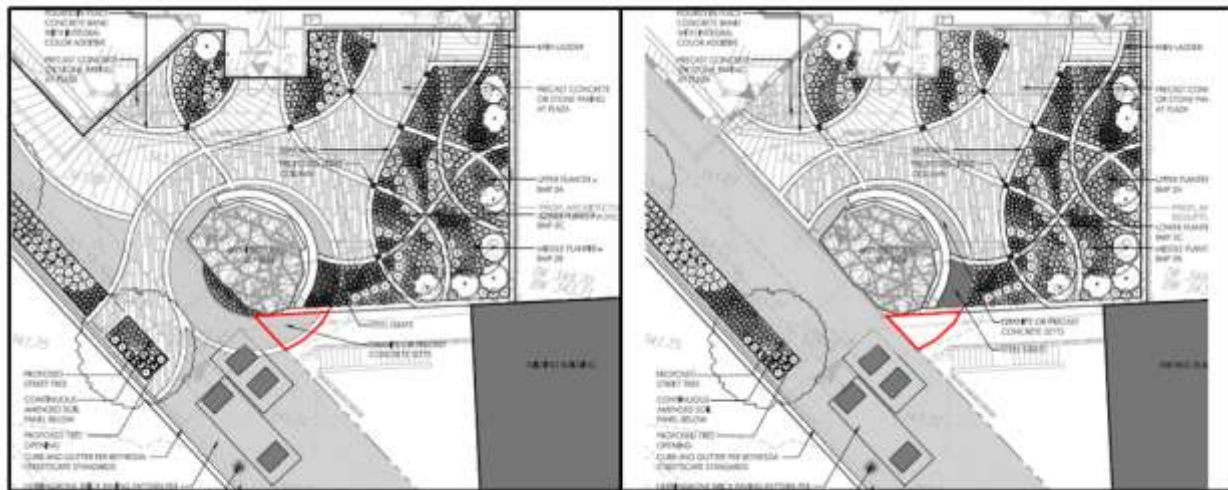


The ground floor will consist of approximately 5,000 square feet of retail space on the corner of Commerce Lane and Old Georgetown Road, a residential lobby, amenity space, and bike room with 44 bicycle spaces. The retail and public plaza will span the entirety of Old Georgetown Road to activate the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

both Old Georgetown Road and Commerce Lane consistent with the Bethesda streetscape standards. Once developed, 22.9 percent of the site will be on-site and 25.4 will be offsite public use space. There will be a four level underground garage with parking and loading accessible from Commerce Lane accommodating 103 spaces.

The open space public plaza is proposed to create an intimate vest pocket park diagonal to the Bethesda Metro Station in the urban landscape. The park will be distinctly designed with high quality paving materials, an ultra-modern multipurpose sculpture, creative landscape lighting, a diverse planting pallet, and an integrated demonstration bioretention system.

The Applicant has proposed site improvements (Alt 1) that extend onto the neighboring property, lot 15 “Sunnyside” (parcel 301) to include specialty paving. However, an offsite easement is required for the improvements on the neighboring property. An alternate paving treatment and design is proposed (Alt 2) if the easement is not granted by the neighboring property owner.



“Alt A”

“Alt B”

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



*Illustrative Rooftop  
Amenity Area*



## Art Sculpture

The central plaza sculpture continues to evolve in an effort to refine and create a prominent art piece that serves multiple purposes including a functional means of egress from the underground parking garage, and public seating. The proposed piece will be replicate falling leaves. The cells will be highlighted with veins and filled with a number of materials including translucent glazing, vegetated soil, or photovoltaic panels. The skin of the sculpture is partially translucent allowing for daylight to penetrate and filter the sculpture. Lights will allow the sculpture to glow in the evenings from discreetly located lumination. There will be a sense of lightness that is organic and geometric. Applicant has responded to many of the Art Panel Review suggestions (May 15<sup>th</sup>, 2013) by: receding the stairwell door to the garage into the sculpture; including tiered planters; increased the 'lightness' of the design; and highlighting the connection of rainwater and the onsite treatment facility.



Aerial view of the sculpture and plaza area with accompanying contextual images.

Evening image of the sculpture from Old Georgetown Road



### **Community Outreach**

Prior to presenting the Project Plan to the Planning Board on March 14, 2013, notification letters were sent to neighboring and confronting property owners, 67 designated homeowner associations, the neighborhood schools and the Bethesda Library regarding an informational meeting to be held on October 23, 2012. There were no attendees at the meeting. A second letter, providing "Notice of Application" was sent on December 23, 2012 to the same mailing list.

Subsequent to the Hearing on March 14<sup>th</sup>, a notice of development for a limited preliminary plan and site plan application was sent by the Applicant on May 13, 2013. The Applicant noted public participation in the review process may be taken by contacting the Development Application and regulatory Coordination Division (DARC) at the M-NCPPC.

## **SECTION 3: ANALYSIS AND FINDINGS**

### **LIMITED PRELIMINARY PLAN ANALYSIS**

#### ***Limited Preliminary Plan***

This Limited Preliminary Plan of subdivision was filed specifically to remove an existing 5-foot-wide building restriction line from a 1956 recorded lot. At the Project Plan hearing, the Board supported a condition requiring the limited plan review to remove the BRL and record a new plat. The Board found that the project plan (920130030 for Bethesda Commerce) was in general conformance with the Bethesda CBD Sector Plan pertinent to zoning, land use and intensity, objectives for the Bethesda Metro Core District and the general recommendations and objectives of the Plan. The elimination of a 5-foot BRL does not alter the overall findings of the previous approval nor is it in conflict with the objectives and recommendations of the Bethesda CBD Sector Plan.

Since the application was limited in nature and does not change the lot size, width, shape or orientation, this application was not reviewed for full compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations.

Finding: Staff has reviewed the lot for compliance with the development standards for the CBD-R2 zone as specified in the Zoning Ordinance. Even with the removal of the BRL, the lot will continue to meet all the dimensional requirements for area, frontage, width, and setbacks that apply in that zone. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Plan, therefore, staff recommends approval of the limited preliminary plan.

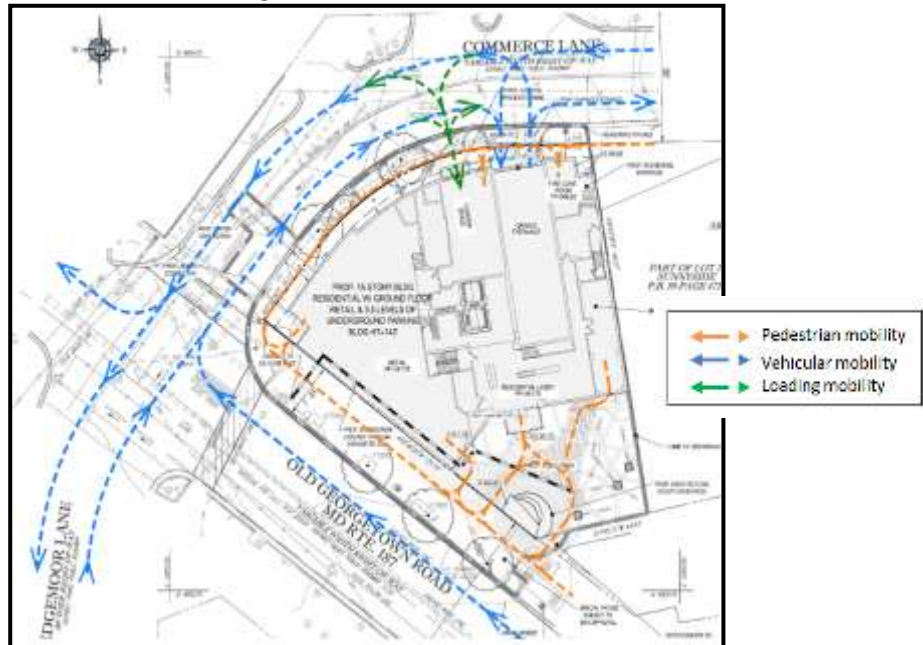


## **SITE PLAN ANALYSIS**

### **Circulation**

The Applicant proposes to eliminate the access from Old Georgetown Road and retain the two access points from Commerce Lane. One of the proposed access points will be to the underground parking garage; the second is for the loading area.

Two curb cuts will separate and demarcate the loading from garage to improve safety and prevent possible collisions and traffic blockage. The Applicant has collaborated with the Montgomery County Department of Permitting Services (DPS) regarding the proposed relocated curb cut(s) on Commerce Lane to achieve adequate sight distance. There will be a pedestrian island separating the two curb cuts.



### ***Adequate Public Facilities Review***

Adequate Public Facilities Review is typically conducted at the time of Subdivision, however, since the subject property is an existing lot, Chapter 8, Sec. 8-31 permits the APF review was conducted with the Site Plan. Below is the evaluation of adequate transportation, utilities, facilities and schools as part of the APF review.

### **Access, Parking, and Public Transportation**

The existing bank currently has one vehicular access point along Old Georgetown Road and one vehicular access point with two curb cuts from Commerce Lane. The Project proposes to improve future vehicular access by eliminating site entrances on Old Georgetown Road and consolidating vehicular ingress and egress points along Commerce Lane.

The Project will significantly improve the existing sidewalks on the along Old Georgetown Road and Commerce Lane frontages by widening the sidewalk width and implementing pedestrian safety elements recommended in MCDOT's Pedestrian Road Safety Audit. Presently, the sidewalk along Commerce Lane ranges from as narrow as 3.3 feet to a maximum of 8-feet wide. The proposed sidewalk in its narrowest location, between the planters and the building, will be approximately 6.9 feet wide. Beyond the planters the sidewalk width opens to 12.2' feet. Along Old Georgetown Road, the sidewalk will remain ADA compliant.

On June 28<sup>th</sup>, 2013 the Department of Permitting Services, approved the Applicant's Design Exceptions for one loading dock with conditions: access to the loading dock or freight elevator will be provided with



prior authorization from the leasing office; the loading space must have a roll up door with a 24/7 locked gate; no truck waiting will be allowed on Commerce Lane at any time; and provide a safe and sufficient refuge island between the loading space entrance and the garage entrance.

The Site is within walking distance of the Bethesda Metrorail Station (300 feet away) and is conveniently located near the following transit routes:

1. RideOn Bus Routes 29, 30, 32, 34, 47, 70 run along Old Georgetown Road. Additionally, RideOn Routes 33 and 36 can be accessed at the Metrorail station.
2. WMATA Metrobus service provided in the vicinity of the Site includes Routes J2, J3, J4, J7, and J9.

Master Plan Roadways and Pedestrian/Bikeway Facilities

The 1994 Approved and Adopted *Bethesda CBD Sector Plan* and the 2005 *Countywide Bikeways Functional Master Plan* include the following nearby roadway/bikeway facilities:

1. Old Georgetown Road, along the southern/western Site frontage and between Woodmont Avenue to the north and Wisconsin Avenue (MD 355) to the southeast, as a major highway (M-4) with a minimum right-of-way width of 80 feet, and
2. Commerce Lane, along the northern site frontage, as a business district roadway. The master plan is silent with regard to a recommended minimum future right-of-way, however, Commerce Lane aligns with Edgemoor Lane (80' ROW), to the west, and Avalon Street (50' ROW), to the east. Staff supports the proposed 50' wide right-of-way because that width is sufficient to provide adequate pedestrian circulation and Bethesda streetscape amenities.

Traffic Study

A traffic study (dated April 22, 2013) was submitted for the subject application per the *LATR/TPAR Guidelines* since the proposed development was estimated to generate more than **30** 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.

Trip Generation

A site trip generation summary for the proposed development, provided in Table 1, shows that the project will generate 39 peak-hour trips during the weekday morning peak period and 49 peak-hour trips during the weekday evening peak period. The proposed development will result in an increase of 34 peak-hour trips during the morning peak period and 26 peak-hour trips during the evening peak period.

Table 1

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

Local Area Transportation Review (LATR)

A summary of the capacity analysis/Critical Lane Volume (CLV) analysis for the weekday morning and evening peak-hour periods, presented in Table 2, shows that the total (Build) condition will remain within the policy area congestion standard of 1,800 CLV. Based on the analysis presented in the traffic study, it is concluded that the subject application will satisfy the LATR requirements of the APF test.

Table 2

<i>Analyzed Intersection</i>	<i>Weekday Peak Hour</i>	<i>Traffic Condition</i>		
		<i>Existing</i>	<i>Background</i>	<i>Total Future</i>
Wisconsin Avenue (MD 355) & Norfolk Avenue	Morning	897	940	941
	Evening	702	704	704
Wisconsin Avenue & Commerce Lane	Morning	573	580	585
	Evening	498	498	499
Wisconsin Avenue & Old Georgetown Road/ East-West Highway (MD 410)	Morning	977	999	1,005
	Evening	853	882	893
Old Georgetown Road & Commerce Lane	Morning	475	520	540
	Evening	700	717	734
Commerce Lane & Site's Parking Garage Driveway	Morning	N/A – Not Existing		145
	Evening			147

Transportation Policy Area Review (TPAR)

Since the proposed development is within the Bethesda CBD Policy Area, the project is exempt from both the roadway and transit tests set forth in the 2012-2016 Subdivision Staging Policy. As a result, the proposed development is not required to pay transportation impact tax to satisfy the TPAR requirement. Staff concludes that the subject application for the proposed development satisfies the *LATR and TPAR requirements* of the APF review with the recommendations described in this memorandum.

Other Public Facilities and Services

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

### Environment

The subject property is located in an urban setting within the Willett Branch watershed which is a tributary to Little Falls Branch Stream, a Use I-P<sup>1</sup> watershed. There a number of street trees fronting the site ranging in sizes from 4" to 20" diameter at breast height (DBH). The site is not otherwise associated with any environmentally sensitive features such as forest areas, stream buffers, wetlands, 100 year floodplains or steep slopes.

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

### Stormwater Management

The Montgomery County Department of Permitting Services (MCDPS) Stormwater Management Section approved the stormwater management concept on June 6, 2013. According to the approval letter, the stormwater management concept consists of on-site storm water management using a green roof, bioretention planters, and two Filterra treatment facilities.

### Noise

The Applicant will be required to provide a noise analysis prior to the issuance of the building permit, which must include exhibits of existing noise contours, 20 year projections, and certification from an engineer specialized in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.

### Green Buildings

The project is proposed to comply with County Council Green Building legislation by achieving a Leadership in Energy and Environmental Design (LEED) Silver New Construction certification. A LEED Silver Certification means 33-38 points out of a possible 69 have been achieved by adhering to specific measures in each of the following categories, including but not limited to: sites, locations and linkages, water, energy, materials, indoor environmental quality and innovation.

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<sup>1</sup> Use I-P:

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

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



## 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 Application complies with all of the conditions of approval for Project Plan 920130030 with respect to density, public use space and conformance with the master plan recommendations. The Application is providing a total of 120 multi-family units, including 12.5 percent MPDUs and 5,000 square feet of retail space approved by the Board on March 14, 2013 during the project plan review. Consistent with the approved project plan, the building height is 143 feet measured along Bethesda Commerce. The Application minimally increases the amount of on-site public use space from 22.6 percent to 22.9 percent, with the off-site decreasing from 25.7 percent to 25.4 percent.

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

In accordance with Chapter 8, Sec. 8-31, staff reviewed adequate public facilities for transportation, utilities, and schools. The property is zoned CBD-2 and satisfies the intent of the zone, paraphrased from Section 59-C-6.21 to serve one or more specific functions in the implementation of the master plan, sector plan, or urban renewal plan. These functions are based upon: (1) the location of the site with respect to the core, or area of highest intensity of the Central Business District; (2) existing or planned development adjacent to the Central Business District; and (3) the availability or adequacy of public facilities.

The Plan achieves the goals set within the Zone by providing development in accordance with the Bethesda Central Business District Sector Plan 1994; providing an aesthetically pleasing high density multiuse building within the urban core; and providing an open space for community gatherings and enjoyment.

The Project is being developed under the optional method of development, detailed in §59-C-6.215, which has specific minimum criteria on public facilities and amenities. 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. The Plan meets the intent of §59-C-6.213 for the CBD-2 zone by fostering the development of the zone to 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 following data table indicates the proposed developments compliance with the Zoning Ordinance under the optional method.

*Data Table for the CBD-2, Optional Method of Development*

<b>Development Standard</b>	<b>Zoning Ordinance Permitted/ Required</b>	<b>Project Plan 920130030</b>	<b>Proposed for Approval</b>
<b>Site Area</b> (square feet)			
Gross Tract Area	18,000 sf	29,084 sq.ft. (gross) 0.67 acres	29,084 sq.ft. (gross) 0.67 acres
Previously Dedicated Area	n/a	15,049 sq.ft.	15,049 sq.ft.
Net Lot Area	n/a	14,035 sq.ft.	14,035 sq.ft.
<b>Density</b>			
Max. Commercial (FAR) [59-C-10.3.4]	5.0 (145,345 sf.)	5.0 (145,345 sf.)	5.0 (145,345 sf.)
Max. Total FAR - residential  - commercial	5.0	5.0 140,345 sq.ft. 120 dwelling units 5,000 sq.ft.	5.0 140,345 sq.ft. 120 dwelling units 5,000 sq.ft.
MPDUs [Chapter 25A] %	12.5	12.5 % 5 units	12.5 % 5 units
<b>Min. Public Use Space</b>			
On-Site (%)	20	22.6 %	22.9 %
Off-Site Amenity Space (%)	0	25.7 %	25.4 %
<b>Max. Building Height</b> (ft)			
For a main building	143	143 ft. as measured from Commerce Lane	143 ft. as measured from Commerce Lane
<b>Parking Spaces</b> (59-E)			

Residential		103 spaces	103 <sup>(a)</sup>
Retail spaces		25 spaces	
<b>ADA Parking</b>	5 for 101-150 spaces	5 spaces	
<b>Van Parking</b>	1 per 8 ADA spaces	3 spaces	
<b>Bicycle Parking (number of spaces)</b>			
	6	44	33
<b>Min. Building Setbacks (ft)</b> [59-C-10.3.8]			
Front Setback (Commerce Lane)	0-foot minimum	5 <sup>(b)</sup>	5 <sup>(b)</sup>
Front Setback (Old Georgetown)	0-foot minimum	0	0
Side Setback (East)	0-foot minimum	0	0
Side Setback (South)	0-foot minimum	0	0
(a) The site is located in the Bethesda Parking Lot District (PLD) and is permitted to provide all or part of the parking requirement. An ad valorem tax is assessed for any part of the requirement not provided.			
(b) A concurrent Limited Preliminary Plan is under review for the elimination of an existing 5-foot building restriction line (BRL) along Commerce Lane.			

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

Locations of Buildings and Structures

The building and structures of the proposed development are located such that they balance efficiency of operation with neighborhood compatibility. This location provides easy access to the building from adjoining sidewalks, streets, the Bethesda Metro Center, and neighboring public parking facilities. The location of the building and structures are adequate and efficient, while addressing the aesthetic concerns of the area and do not pose any safety concerns on the site.

Landscape and Lighting Plan

The landscape plan includes a mix of shrubs, canopy trees, perennials and grasses that provide four season attraction. The herbaceous species selected are not only appropriate but require little irrigation while providing pollination and bird food potential. The landscape will draw visitors and transform the present barren landscape into an urban green space.

The lighting will include Bethesda Globe luminaries. They are decorative posts fixtures, cylindrical in shape with an overall height of 42.1 inches. They will be posted along the plaza, the art feature, and the frontage along Old Georgetown Road and Commerce Lane. The plan meets all lighting standards to provide safe pedestrian and vehicular circulation.

Pedestrian and Bicycle Facilities

Pedestrian access from the adjacent sidewalks adequately and efficiently integrates this site into the surrounding area. Safety is enhanced by several improvements including new and upgraded sidewalks. The vehicular circulation design efficiently directs traffic into the building with minimal impacts to pedestrian circulation.

The Application includes a 6.9-foot wide sidewalk at its narrowest width along Commerce Lane. This is an increase of over 3.5-feet to today's existing sidewalk width. The proposed sidewalk along Old Georgetown Road is wide and includes a planting bed to deter pedestrians from crossing in the middle of Old Georgetown Road. The pedestrian walkway will be just below 9-foot wide. Both sidewalks will be improved, ADA compliant, and provide linkages to the Discovery Trail, Metro station, and local shopping venues.

There will be 44 free indoor bicycle stations for the residents and two bicycle racks along Old Georgetown Road. The Applicant will provide bicycle storage area in a secure weatherproof, well lit location within a high traffic part of the parking facility. Additionally, two bicycle racks along Old Georgetown Road providing bicycle locking a station for four bicycles. No bicycle racks are allowed along Bethesda Commerce Lane as per MCDOT's requirement to retain sight distance for commercial and residential vehicles.

### Open Spaces

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, alluring and gathering place for the community. The Plan proposes a 3,172 square foot public plaza (22.6 percent) with seating, curved masonry sidewalks and pathways leading through and around the site. The plaza is perpendicular to the Metro station and will provide a prominent and enticing area for local commuters and residents of the building. Outdoor seating with herbaceous and canopy trees will soften the urban landscape to draw visitors as well as residents.

There will be integrated stormwater features, and a contemporary sculpture symbolic of nature and our connection to it.

The prominent sculpture (approx. 14ft. wide x 22 ft. long x 9 ft. tall) will be located within the pocket park along the southern edge of the property. It will be clearly seen from the Bethesda Metro and is designed to draw people in to explore the art and elements within the park plaza. The sculpture will take on a leaf shape showing the veins and cells filled with the one of a number of materials including translucent glazing (glass or polycarbonate), vegetated soil, or photovoltaic panels. The leaf will serve as shelter from the weather, transmit light, channel and absorb water travel down the veins to irrigate the proposed plantings (e.g. ornamental grasses). Seating is also provided along the planted edge. The sculpture also encloses the emergency exit from the underground parking garage. It will be fully illuminated at night from the interior lights of the parking garage.

The rooftop contains additional private open space for the residents with seating, a lounge, gathering area, entertainment space, and a green roof around 3 sides of the perimeter with an aesthetic palette of plants.

### Recreation Facilities

The Applicant is providing seating areas, a pedestrian system, indoor community space and indoor fitness facility to comply with the M-NCPPC Recreation Guidelines. The Applicant is providing all of their facilities on site without having to receive off-site credit as shown in the table below.

Recreation Calculations						
Number of units: 120	D1	D2	D3	D4	D5	Totals
	Tots	Children	Teens	Adults	Seniors	
Recreation Demand	4.80	4.80	4.80	92.40	55.20	162.00
Required to provide 90% demand	4.32	4.32	4.32	83.16	49.68	
Supply Points						
-Picnic/Sitting Area	4.80	4.80	7.20	462.0	11.40	
-Pedestrian System	0.48	0.96	0.96	41.58	24.84	
-Indoor Community Space	0.48	0.72	1.44	27.72	22.08	
-Indoor Fitness Facility	0.48	0.48	1.44	27.72	22.08	
Total On-Site Supply	6.24	6.96	11.04	559.02	80.40	

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

The surrounding, developed properties in the immediate area to the Plan include CBD-2 zoned properties to the north, east and south, CBD-R2 to the west, CBD-3 to the south across Old Georgetown Road in the Metro station quadrant. Height limitations associated with these zones is predominately 143 feet with provisions to reach 200 feet. The Property will be similar in height blend with the surrounding skyline to create consistency as well as a more urbanized impression of Bethesda.

The Project represents infill development for mixed use residential and commercial property to complement the community and providing improved livelily and housing options.

The building strengthens the existing urban form by improving and reinforcing the districts and transitional areas, open spaces and gathering places, landmarks and focal points as highlighted in the Master Plan. The building has been designed to respond to views and vistas within the CBD to create focal points and landmarks that improve the orientation and strengthen the perception of existing centers.

This open space and the associated public art will be able to serve as both landmark and focal point for thousands of people arriving from Metro and coming up the escalator or steps to street level. People will be looking in the direction of the site as they reach the landing at the top. The design of the building, open space and public art for this site will be able to enhance the walk to Woodmont Triangle from the Metro Station.

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.*

This development is subject to the Chapter 22A, Montgomery County Forest Conservation Law, but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(1) because the proposed activity occurs on a tract of land less than 1.5 acres with no existing



forest, or existing specimen or champion tree, and the afforestation requirements are not in excess of 10,000 square feet.

The MCDPS Stormwater Management Section approved the stormwater management concept on April 1, 2011. According to the approval letter, the stormwater management concept consists of on-site storm water management using grass swales and proprietary structural filtering devices. Environmental site design was limited due to requirements of the special exception site plan.

## **CITIZEN CORRESPONDENCE AND ISSUES**

As of September 5 2013, staff has received no correspondence related to the Bethesda Commerce Limited Preliminary or Site Plan proposal.

## **CONCLUSION**

The Limited Preliminary Plan specifically for the removal of the building restriction line meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conforms to the recommendations of the Bethesda CBD 1994 Sector Plan, as previously approved by the Planning Board during the Project Plan. Access and public facilities were reviewed with the Site Plan and will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the Limited Preliminary Plan application with the conditions specified above is recommended.

The Site Plan and the proposed building addition meet all of the requirements of the zone, provide building, open space, landscaping, and circulation system locations that are adequate, safe, and efficient, are compatible with existing and proposed adjacent development, and meet all applicable requirements of Chapter 22A regarding forest conservation and Chapter 19 regarding water resource protection.

## **Attachments**

Attachment A – Project Plan Resolution (920130030)

Attachment B – Montgomery County Department of Permitting Stormwater Management

Attachment C- Maryland State Highway Administration

Attachment D- Montgomery County Department of Permitting Service

Attachment E- Department of Housing and Community Affairs



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

MCPB No. 13-36  
 Project Plan No. 920130030  
 Date of Hearing: March 14, 2013

**MAR 17 2013**

**RESOLUTION**

WHEREAS, under Montgomery County Code Division 59-D-2, the Montgomery County Planning Board ("Planning Board" or "Board") is authorized to review project plan applications; and

WHEREAS, on December 20, 2012, Bethesda Commerce, LLC ("Applicant"), filed an application for approval of a project plan for a mixed use high-rise multi-family building in the Bethesda Metro Core District. The proposed development provides 140,345 square feet of residential property with an additional 5,000 square feet of commercial/non-residential space. The building will be 15-stories and 143 feet in height as measured from Commerce Lane with approximately 120 multifamily units. The gross tract area is 29,069 square feet on 0.67 acres of CBD-2 zoned-land, located at the intersection of Old Georgetown Road and Commerce Lane in the central portion of the Bethesda Metro Core. The Property ("Subject Property") is situated on Lot 10 and Plat 4718 at the southeast corner of Old Georgetown Road and Commerce Lane. The address is 7535 Old Georgetown Road, Bethesda, Maryland, in the Bethesda CBD Approved and Adopted Sector Plan, 1994 plan ("Master Plan") area; and

WHEREAS, Applicant's project plan application was designated Project Plan No. 920130030, Bethesda Commerce, ("Application" or "Project Plan"); and

WHEREAS, following review and analysis of the Application by Planning Board Staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated February 28, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on March 14, 2013, the Planning Board held a public hearing on the Application, and at the hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

Approved as to  
 Legal Sufficiency:

*Christina Sorenst* 4/4/13  
 M-NCPPC Legal Department

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320

www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

WHEREAS, at the Hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board APPROVES Project Plan No. 920130030 for the construction of a 15-story building that is 143 feet in height. There will be approximately 120 multifamily units with 12.5 percent MPDUs on the Subject Property, subject to the following conditions:<sup>1</sup>

1. Development Ceiling

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

2. Preliminary Plan

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

3. Building Height and Mass

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

4. Housing

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

5. Transportation

- a. The Project Plan is limited to up to 120 multi-family dwelling units (or 140,345 square feet of residential space) and 5,000-square-feet of general retail space.
- b. At site plan review, the Applicant must comply with the following:

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<sup>1</sup> 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.

1. The Applicant must satisfy the transportation Adequate Public Facilities (APF) test at site plan including an updated traffic study, if necessary.
  2. The Applicant must enter into a Traffic Mitigation Agreement with the Montgomery County Department of Transportation (MCDOT) and the Planning Board to participate in the Bethesda Transportation Management Organization. The Traffic Mitigation Agreement must be fully executed prior to release of any building permits.
  3. The Applicant must provide a Public Improvement Easement (PIE) to widen the sidewalk to provide a 5 feet wide ADA path along Commerce Lane to be approximately 12 feet wide between the back of curb and face of the proposed building.
  4. The Applicant must participate in the Pedestrian Road Safety Audit with MCDOT along Commerce Lane and the Maryland State Highway Administration (SHA) along Old Georgetown Road to design the streetscaping that would minimize mid-block pedestrian movements across these road frontages while not requiring a long-term maintenance burden for the responsible agency.
6. Public Use Space
- a. The Applicant must provide a minimum of 22.6% of the net lot area for on-site public use space and a minimum of 25.7% of the net lot area for on and off-site public amenity space. The final design and details will be determined during site plan review.
  - b. The proposed public use space must be easily and readily accessible to the general public and available for public enjoyment.
  - c. The Applicant must improve Old Georgetown Road and Commerce Lane streetscapes, in accordance with the Bethesda Streetscape standards.
  - d. The Applicant must provide the plaza design and rooftop design, and other features in general conformance with the illustrative landscape plan depicted in the staff report.
  - e. The Applicant must present the plaza design and public artwork to the art review panel for comment prior to submittal of the site plan.
7. Staging of Amenity Features
- a. The proposed development will be completed in one phase. A detailed development program will be required prior to approval of the certified site plan.

- b. The Applicant must complete the on-site public use space improvements prior to issuance of use-and-occupancy permits unless modified by the site plan development program.
  - c. The Applicant must install the landscaping no later than the next growing season after completion of the building and site work.
8. Maintenance and Event Management Organization  
Prior to issuance of use-and-occupancy permits, the Applicant will create and implement a maintenance plan for all on-site public use space unless an alternative arrangement is made with another entity.
9. Coordination for Additional Approvals Required Prior to Preliminary Plan and Site Plan
- a. The Applicant must obtain written approval from the Montgomery County Department of Permitting Services for the final design and extent of any and all streetscape improvements within the rights-of-way.
  - b. The Applicant must obtain written approval for the transportation design exceptions from DPS related to sight distance, curb cuts on Commerce Lane and loading prior to submittal of the site plan.
  - c. The Applicant must present the public art and amenity concepts to the Art Review Panel prior to submittal of the site plan.

BE IT FURTHER RESOLVED that all elements of the plans for Project Plan No. 920130030, Bethesda Commerce, LLC., stamped received by M-NCPPC on December 20, 2012, are required except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and having considered the entire record, all applicable elements of Section 59-D-2.42, and the relevant provisions of Section 59-D-2.43, the Planning Board FINDS, with the conditions of approval, that:

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

**Requirements of the CBD-2 zone**

The data table below lists the required development standards approved by the Planning Board and binding on the Applicant. The Planning Board finds, based on the aforementioned data table, and other evidence and testimony of record,

that the Application meets all of the applicable requirements of the optional method of development in the CBD-2 zone.

**DATA TABLE**

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

<b>Vehicle Parking</b>		
Retail		0 spaces
Residential		103 spaces*
<b>Bicycle Parking (number of spaces)</b>		
	1 space per 20 parking spaces	44 spaces
<b>Motorcycle Parking</b>		
Number of spaces	0 spaces	0 spaces

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 Application is proffering the following package of amenities and public facilities:

- ***On-Site Public Use Space Improvements***  
 Hardscaped and landscaped plaza with distinctive paving and integrated stormwater management, and an architectural sculptural element.
- ***Off-Site Amenity Improvements***  
 Streetscape improvements along Old Georgetown Road and Commerce Lane contribute to the diversity of public spaces in the Bethesda CBD. Combined with the street-level retail, the public space design will create an attractive and welcoming environment.

The Project Plan provides several features that enhance the community to improve local amenities:

- The public use space expands the existing network of open spaces in the area and connects to existing pedestrian routes and the Discovery Trail.
- The physical character of the public realm is well defined by building edges. The open spaces shape the form of the buildings and relate well to the surrounding context of public spaces.
- The design of the architecture will add a contemporary structure to the urban fabric of downtown Bethesda. It will provide a landmark and

gateway element to Wisconsin Avenue that responds to views and vistas within the CBD. It will create a focal point that strengthens the Bethesda core and provides a central open space that allows a respite for pedestrians.

- The proposed plaza will provide an animated space through the use of water, stone, and a major sculpture feature.
- A Public Improvement Easement (PIE) will widen the sidewalk to accommodate the 5' wide ADA passage along Commerce Lane to be a minimum 12 feet wide between the back of curb and face of the proposed building.

### **Intent and Purposes of the CBD Zones**

The Montgomery County Zoning Ordinance, Section 59-C-6.212, states the purposes that the CBD zones are designed to accomplish. The Project Plan conforms to these purposes as follows:

- (1) *"To encourage development in accordance with an adopted and approved master **plan** by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan and the site plan approved on review by the Planning Board."*

The Project fulfills the objective outlined in the Bethesda CBD Sector Plan, 1994 by providing infill and maintaining a "compact development with the tallest buildings concentrated in the center (Bethesda)". While there is no specific height recommendation for this site, the Sector Plan suggests a "stepping down from the 200-foot Clark Building to the surrounding 143-foot heights allowed in the CBD-2 Zone" (page57). The proposed building will be 15 stories or 143 feet as measured from Commerce Lane and will be a "step down" from the 200' foot tall Clark building.

- (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 Application directly responds to the current market for mixed use by providing residential and commercial uses where the infrastructure, public facilities, jobs, entertainment, and amenities already exist to support their incorporation into the community.



The additional density of the optional method provides an incentive for the proposal to contribute to a variety of land uses and activities by: providing retail at the street level of a residential building; providing a highly visible public plaza with art, seating, and open space; widening the narrow sidewalk along Commerce Lane, and enhancing the public realm.

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

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

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

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

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

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

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

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

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

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

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

The development will provide up to 100 dwelling units with 12.5 percent MPDU's to provide housing for a mix of incomes. The Project Plan will increase the opportunity for people who work in the Bethesda CBD to live within its boundaries who may otherwise not be able to afford detached housing in and around the CBD.

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

The Sector Plan consistently states in several places that a key component is to complete the Metro Core (page 3 and 4). The Sector Plan also recommends providing opportunities for people to live in the downtown area. Further, on page 30, the Sector Plan recommends "modifying County regulations and policies to improve the feasibility and attractiveness of higher-density housing." This Application will provide the recommended higher-density housing in the downtown area.

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

Commerce Lane Site Recommendations and Design Guidelines

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

Urban design guidelines for this site include:

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

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

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

The Subject Property does not front onto Wisconsin Avenue; however, it does front onto Old Georgetown Road. Entrances and the primary addressing to

the residential lobby are from Commerce Lane and multiple entrances are proposed from Old Georgetown Road and Commerce Lane for the ground floor retail.

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

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

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

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

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

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

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

Vehicular access for loading and parking to the underground parking is provided from Commerce Lane, restricting the vehicular access from Old Georgetown Road. Since the Subject Property is on a recorded lot, access and dedications are not typically reviewed by MCDOT and the Planning Board. However, MCDOT indicated concerns over the number of curb cuts on Commerce Lane, sight distance implications and the number of truck loading spaces proposed. The Planning Board supports the Application and believes the curb cuts and access points are appropriate for Commerce Lane as this is a Commercial Business District street.

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

*(b) The development conforms to the Bethesda CBD Sector Plan, July 1994.*

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 development is in keeping with the general guidelines to provide employment uses in the Sector Plan. There are many references throughout the Sector Plan to support the Application including:

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

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

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

This Application will increase the choices and activities in the Metro Core by providing 5,000 square feet of street oriented retail along Old

Georgetown Road and Commerce Lane. It will provide approximately 3,100 square feet of public use space which includes a small public plaza with plantings and public art, facing Old Georgetown Road.

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

The Project Plan is designed to enhance the block and not affect adjacent buildings and uses. The building will improve the aesthetics of the block by the construction of a state of the art building that is vibrant, modern, and elegant. The ground floor commercial use will activate the block. The public plaza will encourage public use and activity while offering a respite from the busy Bethesda Metro station located adjacent to the Subject Property. The building will also improve the quality of life for the local employees and residents by providing opportunities for eateries and shopping. The artistic elements within the plaza will attract visitors and by-passers to improving the neighborhoods liveliness. To this end, the architecture and open space have been designed to not only be compatible with the use but to be an integrated community.

The Project Plan provides a desirable relationship between the Application and the existing buildings of the CBD. The Application provides an appropriate transition from the edge of the Central Business District where it is located, to the existing offices and businesses adjacent to the Subject Property.

- (d) The development does not overburden existing public services nor those programmed for availability concurrently with each stage of construction.*

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

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

A standard method mixed use project would only allow a density of 3 FAR. Due to the size of the lot, development under the standard method would not likely be successful as density limits would prohibit economic feasibility. Further, the

requirement for public amenities would be removed and the public use space requirement would be reduced by one-half. Because infill development and density at transit hubs is a core value of smart growth, the Application's compliance with the Sector Plan recommendations that require more density, and the number and quality of public amenities being proffered, the optional method of development is much more desirable and more efficient for the Subject Property.

- (f) The development includes moderately priced dwelling units in accordance with Chapter 25A of the Montgomery County Code.*

The Application under this CBD-2, Optional Method development, provides 12.5 percent MPDU's in accordance with Chapter 25A of the Montgomery County Code.

- (g) The development satisfies any applicable requirements for forest conservation under Chapter 22A of the Montgomery County Code.*

A Forest Conservation Law small property exemption was confirmed for the Subject Property on October 16, 2012. The exemption is still valid for the Application as currently approved.

- (h) The proposed development satisfies any applicable requirements for water quality resources protection under Chapter 19 of the Montgomery County Code.*

The Application will meet the Montgomery County Stormwater Management and Environmental Site Design requirements through the installation of a green roof and micro-bioretenion systems.

- (i) Any public use space or public facility or amenity to be provided off-site is consistent with the goals of the Bethesda CBD Sector Plan, July 1994 and serves the public interest better than providing the public use space or public facilities and amenities on-site.*

The Application will provide 3,172 square feet (22.6%) of on-site public use space within the plaza, and 3,602 square feet (25.7%) of off-site public amenity space within the sidewalk.

BE IT FURTHER RESOLVED, that this Resolution 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

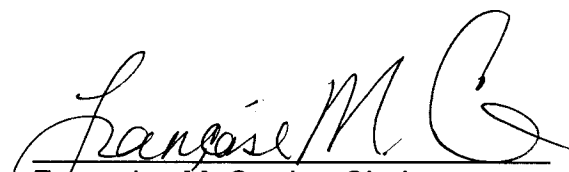
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board and that the date of this Resolution is ~~APR 17 2013~~ (which is the date that this Resolution is mailed to all parties of record); and

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).

\* \* \* \* \*

**CERTIFICATION**

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 Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley, voting in favor at its regular meeting held on Thursday, April 11, 2013, in Silver Spring, Maryland.

  
\_\_\_\_\_  
Françoise M. Carrier, Chair  
Montgomery County Planning Board



MR. RICHARD BRUSH, MANAGER  
MCDPS-WATER RES. PLAN REVIEW  
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2<sup>ND</sup> FLOOR  
ROCKVILLE, MD 20850

MS. LISA SCHWARTZ  
DHCA  
100 MARYLAND AVENUE  
4<sup>TH</sup> FLOOR  
ROCKVILLE, MD 20850

MS. SUSAN SCALA-DEMBY  
MCDPS-ZONING  
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2<sup>ND</sup> FLOOR  
ROCKVILLE, MD 20850

MR. CHRISTOPHER ANDERSON MPDU  
MANAGER, DHCA  
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MR. ALAN SOUKUP  
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BALLARD SPAHR  
ERICA LEATHAM  
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BETHESDA, MD 20814

MR. RICHARD BRUSH, MANAGER  
MCDPS-SEDIMENT/STORMWATER  
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ROCKVILLE, MD 20850

MR. ESHAN MOTAZEDI  
MCDPS-SITE PLAN ENFORCEMENT  
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ROCKVILLE, MD 20850

MR. GENE VON GUNTEN  
MCDPS-WELL & SEPTIC  
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ROCKVILLE, MD 20-850

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MCLEAN, VA 22102

R2L ARCHITECTS  
TOM LENAR  
3222 N STREET, MW  
SUITE 500  
WASHINGTON, DC 20007

BOHLER ENGINEERING  
JOHN WOJDAK  
16701 MELFORD BOULEVARD  
SUITE 310  
BOWIE, MD 20715

**MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES**  
255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850-4153

Date: June 6, 2013

MEMO TO: Catherine Conlon, Supervisor for  
Development Review Committee, MNCPPC

FROM: William Campbell, Senior Permitting Services Specialist  
Division of Land Development Services, MCDPS

SUBJECT: Stormwater Management Concept Plan/Floodplain Review  
Preliminary Plan 120130240 ; Bethesda Commerce  
Subdivision Review Meeting June 10, 2013 SWM File # 247471  
DPS Reviewer Kuykendall

The subject plan has been reviewed to determine if it meets the requirements of Executive Regulation 7-02AM for stormwater management and Executive Regulation 108-92 AM for Floodplain. The following summarizes our findings:

**SM CONCEPT PLAN PROPOSED:**

- On-site:**  CPv  WQv  Both  ESD  
 **CPv** < 2cfs, not required  
 **Waiver:**  CPv  WQv  Both  ESD  
 On-site/Joint Use  Central (Regional): waived to  
 Existing Concept:  Approved Date, May 7, 2013  
 **Other**

**Type Proposed:**

- Infiltration  Retention  Surface Detention  Wetland  Sand Filter  
 Separator Sand Filter  Underground Detention  Non Structural Practices  Other

**FLOODPLAIN STATUS:** 100-Year Floodplain On-Site  Yes  No  Possibly

- Provide the source of the 100-Year Floodplain Delineation for approval:  
 Source of the 100-Year Floodplain is acceptable.  
 Submit drainage area map to determine if a floodplain study (>or equal to 30 acres) is required.  
 Dam Breach Analysis  Approved  Under Review  
 100 yr. floodplain study  Approved  Under Review

**SUBMISSION ADEQUACY COMMENTS:**

- Downstream notification is required.  
 The following additional information is required for review: \_\_\_\_\_

**RECOMMENDATIONS:**

- Approve  as submitted  with conditions (see approval letter).  
 Incomplete; recommend not scheduling for Planning Board at this time.  
 Hold for outcome of the SWM Concept review.  
 Comments/Recommendations: No comments on amendment to remove BRL.



Martin O'Malley, *Governor*  
Anthony G. Brown, *Lt. Governor*

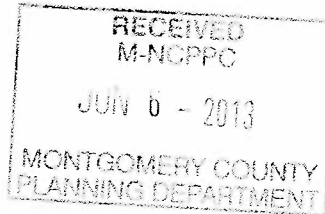
Darrell B. Mobley, *Acting Secretary*  
Melinda B. Peters, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

May 29, 2013

RE: **Montgomery County**  
**MD 187 - Mile Point 0.01**  
**Bethesda Commerce**  
**SHA Tracking No. 13APMO005**  
**County Project Plan No. 920130030**  
**Traffic Impact Study**

Mr. Matthew Folden  
Area 1 Transportation Coordinator  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, Maryland 20910



Dear Mr. Folden,

Thank you for the opportunity to review the Traffic Impact Study prepared by Wells & Associates, Inc., dated April 22, 2013, for the Bethesda Commerce residential/retail development in Montgomery County, Maryland. The major report findings and the Maryland State Highway Administration (SHA) comments and conclusions are as follows:

- The development is proposed to include 120 residential dwelling units (high-rise apartments) and 5,000 square feet of ground-level retail, which would replace the existing United Bank branch which occupies 9,826 square feet. Access is proposed via one (1) full movement site access to Commerce Lane (a County road) with a loading dock also proposed adjacent to the site entrance. The existing driveway along MD 187 would be closed.
- The study analyzed the following intersections under existing, background and future conditions:
  - MD 355 & MD 187/MD 410
  - MD 355 & Commerce Lane
  - MD 355 & Norfolk Avenue
  - MD 187 & Commerce Lane
  - Commerce Lane & Proposed Site Access (a County intersection)
  - MD 187 & United Bank South Driveway (to be removed)
- The report concludes that the study intersections will continue to operate at acceptable levels of service under future conditions and that no Transportation Policy Area Review (TPAR) payments are required based on the development's location within the Bethesda CBD.

My telephone number/toll-free number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

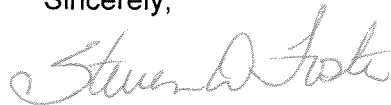
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • [www.roads.maryland.gov](http://www.roads.maryland.gov)

Based on the information provided, the SHA offers the following comments:

1. Any development should maintain existing bicycle and pedestrian facilities along MD 187 (Old Georgetown Road) and MD 355 (Wisconsin Avenue). Any improvements within the SHA right of way must include bicycle and pedestrian accommodations consistent with SHA policies, standards, and practices.
2. The Bethesda Commerce development is within the area covered by the 2006 Woodmont Triangle Amendment to the Sector Plan for the Bethesda CBD. This adopted plan includes transportation network recommendations that may impact the proposed development.

The SHA concurs with the report findings and will not require the submission of any additional traffic analyses for this project as currently proposed. However, an access permit will be required for all construction within the SHA right of way. Seven (7) copies of design plans and a point-by-point response addressing the above comments may now be submitted to the SHA Access Management Division addressed to Mr. Steven D. Foster to the attention of Mr. Jon Makhlof. This plan submittal should include a signing and pavement marking plan. Please reference the SHA Tracking Number on future submissions. Unless specifically indicated in the SHA response on this report, the comments contained herewith do not supersede previous comments made on this development application. If you have any questions regarding the plan review process, please contact Mr. Makhlof at 410-545-5586 or [jmakhlof@sha.state.md.us](mailto:jmakhlof@sha.state.md.us). If you have questions or comments regarding the enclosed traffic review, please contact Mr. Nick Driban at 410-545-0398 or [cdriban@sha.state.md.us](mailto:cdriban@sha.state.md.us).

Sincerely,



Steven D. Foster, Chief  
Access Management Division

SDF/cnd

cc: Ms. Rola Daher, SHA DSED  
Ms. Mary Deitz, SHA RIPD  
Mr. Nick Driban, SHA AMD  
Mr. Daniel Duke ([DDuke@Bohlereng.com](mailto:DDuke@Bohlereng.com)), Bohler Engineering  
Mr. Bob French, SHA CPD  
Mr. Chris Kabatt, ([clkabatt@mjwells.com](mailto:clkabatt@mjwells.com)), Wells + Associates, Inc.  
Mr. Keith Kucharek, SHA RIPD  
Mr. Greg Leck, MCDOT  
Mr. Subrat Mahapatra, SHA DSED  
Mr. Jon Makhlof, SHA AMD  
Mr. Mark McKenzie, SHA AMD  
Ms. Anyesha Mookherjee, SHA District 3  
Mr. Scott Newill, SHA AMD  
Mr. Johnson Owusu-Amoako, SHA CPD

Mr. Matthew Folden

Page 3

Mr. Saed Rahwanji, SHA TDSD

Ms. Erica Rigby, SHA AMD

Mr. Asheel Shah (AShah@kettler.com), Bethesda Commerce LLC

Mr. Errol Stoute, SHA TDSD

Mr. Morteza Tadayon, SHA DSED

Mr. John Thomas, SHA RIPD

**UPDATED DPS COMMENTS  
FOR THE PLAN REVISED ON JUNE 28, 2013**

8-20130240 Bethesda Commerce

1-20130240

Contact: Sam Farhadi at 240 777-6333

**Bold denotes outstanding.**

To be conditions of the Certified Site Plan:

- a) About the loading space:
  - i) ✓ The loading space must have a roll up door with 24/7 locked gate;
  - ii) ✓ Access to the loading dock or freight elevator will be provided; with prior authorization from the leasing office;
  - iii) ✓ Exit out of the loading space is limited to left turn only, **proper signage to be shown onsite on the site plan;**
  - iv) ✓ No Truck waiting on Commerce lane at any time;
  - v) ✓ Provide a safe and sufficient refuge island between the loading space entrance and the garage entrance;
  - vi) ✓ DPS' approval does not negate approval by other agencies such as Fire Marshall and others.
- b) Prior to recordation of the plat, ~~record a private open space covenant;~~
- c) ✓ **Truck turning movements for the maximum size vehicle permitted on the site (SU-30) show problems for EB out (should be prohibited per above item a.iii) and EB in (goes out of the R/W). Larger vehicles should not be permitted onsite and proper signage should be shown on the site plan.**
- d) ✓ **Specify if there is any modification to Bethesda Streetscaping standards. DPS approval will be needed for any modification. Label on the certified site plan.**
- e) The applicant seems to propose underground garage below the PIE and roof top above it:
  - i) No overhang below 15 feet of height (form sidewalk elevation) is permitted on PIE;
  - ii) The PIE document should be modified to accommodate the proposed garage below the ground, prior to plat recordation;
  - iii) No projection is permitted within the public right of way whether below or above the ground.



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett  
County Executive

Richard Y. Nelson, Jr.  
Director

August 7, 2013

Ms. Tina Schneider  
Area 1 Division  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Bethesda Commerce  
Preliminary Plan No. 120130240  
Site Plan No. 820130240

Dear Ms. Schneider:

The Department of Housing and Community Affairs (DHCA) has reviewed the responses of the applicant to DHCA's Development Review Committee (DRC) comments and the revisions to the above Preliminary and Site Plans. The applicant has made the changes to the plans requested by DHCA. DHCA therefore recommends Approval of the Preliminary and Site Plans, with the following condition, which is already listed in the Notes for the plans:

- Final MPDU locations, bedroom compositions and layouts will be determined at certified site plan with review and approval by DHCA.

Please note that in issuing this recommendation of Approval, DHCA is not providing final approval of the architectural plans in the applicant's submission. As noted above, final review and approval will occur at certified site plan.

Sincerely,

Lisa S. Schwartz  
Senior Planning Specialist

cc: Raquel Montenegro, Ballard Spahr LLP

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**Division of Housing**

Moderately Priced  
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FAX 240-777-3709

Housing Development  
& Loan Programs  
FAX 240-777-3691

Landlord-Tenant Affairs  
FAX 240-777-3691

Licensing & Registration Unit  
240-777-3666  
FAX 240-777-3699

100 Maryland Avenue, 4th Floor • Rockville, Maryland 20850 • 240-777-3600 • [www.montgomerycountymd.gov/dhca](http://www.montgomerycountymd.gov/dhca)