



**Committee:** PHP  
**Committee Review:** At a future date  
**Staff:** Livhu Ndou, Senior Legislative Attorney  
**Purpose:** To receive testimony – no vote expected

AGENDA ITEM #5  
April 1, 2025  
**Public Hearing**

## SUBJECT

Zoning Text Amendment (ZTA) 25-04, Overlay Zones – Bethesda (B) Overlay Zone

Lead Sponsor: Council President at the Request of the Planning Board

## EXPECTED ATTENDEES

Members of the public

## COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

To receive testimony – no vote expected

## DESCRIPTION/ISSUE

ZTA 25-04 will amend the Bethesda Overlay Zone, implementing recommendations found in the Bethesda Downtown Plan Minor Master Plan Amendment.

## SUMMARY OF KEY DISCUSSION POINTS

- The Bethesda Downtown Plan Minor Master Plan Amendment was transmitted by the Planning Board to the District Council on December 19, 2024. A copy of the plan can be found here: <https://montgomeryplanning.org/wp-content/uploads/2024/12/Bethesda-Downtown-Plan-Minor-Master-Plan-Amendment-Planning-Board-Draft-20241219-FINAL-web.pdf>
- The ZTA contains the zoning changes recommended by the Plan, including: incentivizing both family-size and deeply affordable moderately-priced dwelling units (MPDU) units by providing benefits such as additional building height, reduced park impact payments, and additional public benefit points; encouraging a new recreation center by allowing additional building height, a reduction of required public open space, and public benefit points; and lifting the existing development cap for properties within the Bethesda Overlay Zone.
- The ZTA also makes minor changes to public benefits associated with energy codes, removes conditions of approval requiring applications to file for a building permit within two years of site plan approval, expands the height incentive area, adjusts the rate and payment for the park impact payments, and clarifies that Bethesda Overlay Zone (BOZ) density is eligible once an application has maximized all its commercial or residential zoning.
- A PHP Committee worksession will be scheduled at a later date.

### This report contains:

ZTA 25-04, as introduced  
Planning Board Recommendation, February 12

© 1  
© 12

Planning Staff Report, January 30	© 14
Letter from County Executive Elrich	© 35
Planning Board Recommendation, March 25	© 47
Planning Staff Report, March 13	© 48
Racial Equity & Social Justice Impact Statement	© 53
Climate Assessment	© 65

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Ordinance No.: \_\_\_\_\_  
Zoning Text Amendment No.: 25-04  
Concerning: Overlay Zones –  
Bethesda (B) Overlay  
Zone  
Revised: 2/18/2025 Draft No.: 1  
Introduced: February 25, 2025  
Public Hearing: \_\_\_\_\_  
Adopted: \_\_\_\_\_  
Effective: \_\_\_\_\_

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

---

Lead Sponsor: Council President at the Request of the Planning Board

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- (1) implement recommendations of the Bethesda Downtown Plan Minor Master Plan Update, including incentives for additional MPDUs, a new recreation center, and lifting the development cap; and
- (2) generally amend the Bethesda (B) Overlay Zone.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 4.9.	“Overlay Zones”
Section 4.9.2.	“Bethesda (B) Overlay Zone”

**EXPLANATION:** ***Boldface** indicates a Heading or a defined term.*  
*Underlining indicates text that is added to existing law by the original text amendment.*  
***[Single boldface brackets]** indicate text that is deleted from existing law by original text amendment.*  
*Double underlining indicates text that is added to the text amendment by amendment.*  
***[[Double boldface brackets]]** indicate text that is deleted from the text amendment by amendment.*  
*\* \* \* indicates existing law unaffected by the text amendment.*

*ORDINANCE*

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

1           **Sec. 1. DIVISION 59-4.9 is amended as follows:**

2   **Division 4.9. Overlay Zones**

3                                   \*    \*    \*

4   **Section 4.9.2. Bethesda (B) Overlay Zone**

5   **A.    Purpose**

6   The purpose of the B Overlay Zone is to implement the recommendations of the  
7   Bethesda Downtown Plan, as amended, as it relates to density, building heights,  
8   affordable housing, parks, and design.

9   **B.    Land Uses**

10   The land uses of the underlying zones apply.

11   Surface Parking for Use Allowed in the Zone is not allowed as a principal use on a  
12   site from which density has been transferred.

13   **C.    Development Standards**

14       **1.    Building Height**

15           a.    Except as provided in [Subsection 3 concerning MPDUs]  
16                   Section 4.9.2.C.3, the maximum building height is limited to the  
17                   height allowed in the underlying zone.

18           b.    With Planning Board approval, any optional method  
19                   development in a CR zone that includes the provision of a new  
20                   recreation center may add the height of any floor mostly used for  
21                   the facility, including above-grade parking, up to a maximum of  
22                   24 additional feet, to the maximum height otherwise allowed.

23       **2.    Density**

24           a.    In the CR or CRT zone, a development may exceed the mapped  
25                   FAR on a site if the Planning Board approves a sketch or site  
26                   plan under Section 7.3.3 or Section 7.3.4 that includes the

allocation of gross floor area from Bethesda Overlay Zone (BOZ) Density, or FAR Averaging under Section 4.9.2.C.5.

- b. BOZ Density means the total square footage of gross floor area by which new development in the Bethesda Downtown Plan Area may cumulatively exceed the maximum square footage of gross floor area allowed under the mapped CR and CRT zones. [BOZ Density is determined by subtracting the gross floor area of existing and approved development from 32.4 million (the total gross floor area recommended by the Bethesda Downtown Plan). The Planning Board must periodically publish the gross floor area remaining in BOZ Density.]

**i. Land Use**

The gross floor area allocated from BOZ Density may be developed as Commercial or Residential square footage.

**ii. Qualification**

To qualify for BOZ Density, a proposed development must:

[A](a). use all gross floor area allowed by the mapped “C” or “R” components of CR or CRT FAR and may not transfer BOZ Density to any other property; and

[B](b). except as provided under [Subsection 3 concerning MPDUs] Section 4.9.2.C.3, make a Park Impact Payment. Half of the payment must be made before the issuance of any building permit and half at the first use and occupancy permit, [application] at a rate of [\$10] \$15.57 per square foot of approved BOZ Density gross floor area. The Planning Board, after advertising and holding a public hearing, must

adjust this payment rate on July 1 of each odd-numbered year by the cumulative increase or decrease in a published construction cost index over the prior two calendar years. The Planning Board must cap the biennial Park Impact Payment rate adjustment not to exceed 20%. If the biennial tax rate adjustment exceeds 20%, the excess dollar amount must be carried over and added to the Park Impact Payment rate before calculating the next adjustment. If this total adjustment, including any carried over value, again exceeds 20%, the excess dollar amount must be carried over and added to the rate before calculating the next biennial adjustment. If a property owner dedicates or makes publicly accessible land designated in the master plan as a recommended open space to the M-NCPPC Parks Department, or land or space for a new recreation center, the Planning Board may reduce the amount of square footage for which a Park Impact Payment must be made.

### **3. Moderately Priced Dwelling Units (MPDUs)**

#### **a. General Requirement**

For any development application that includes 20 or more residential dwelling units, the Planning Board may only approve the application if the development provides at least 15% MPDUs under the provisions of Chapter 25A. The provisions of Section 4.9.2.C.3.b through Section 4.9.2.C.3.d apply to any development application that is required to

provide a minimum 15% MPDUs and includes family-sized MPDUs that exceed the minimum number required under Chapter 25A or deeply affordable MPDUs as defined by the Department of Housing and Community Affairs.

**b. Building Height**

If a project exceeds 17.5% MPDUs and is located in the Height Incentive Area [as delineated in Subsection E] under Section 4.9.2.E, the height limit of the applicable zone does not apply to the extent required to provide MPDUs. The additional height is calculated as the floor area provided for MPDUs above 15% divided by the average residential floor plate area, where each whole number and each remaining fraction allows an increase of 12 feet. In the portion of the Height Incentive Area bound by Arlington Road, Woodmont Avenue, Moorland Avenue, and Montgomery Avenue, this additional height is limited to a maximum of 24 feet.

\* \* \*

**4. Public Benefit Points**

The requirements for public benefit points are established by Division [59.4.7] 4.7, except as provided in [Subsection 3 Section 4.9.2.C.3 concerning MPDUs] Section 4.9.2.C.3 and as follows:

\* \* \*

c. Within the High-Performance Area designated in the Bethesda Downtown Plan, the Planning Board must determine that the development [achieves 15 public benefit points from Energy Conservation and Generation under Section 59.4.7.3.F.3.] exceeds the applicable building or energy code standards.

\* \* \*



- g. In addition to the other adjustment for maximum public benefit points made in this [subsection] Section 4.9.2.C.4., the number of maximum allowed public benefit points in the following categories are increased to the number of points indicated:
- h. For the Public Art Public Benefit under Section 4.7.3.E.5, the fee may also be accepted by the Bethesda Urban Partnership, the Bethesda Arts & Entertainment District, or other civic arts organization accepted by the Planning Board.

\* \* \*

## 7. Public Open Space

- a. The Public Open Space requirement under Section 4.5.4.B.1.a may be reduced by the Planning Board, including providing for land or built area for a new recreation center.

\* \* \*

## D. Development Procedures

1. Except as modified in this [subsection] Section 4.9.2.D., the development procedures of the underlying zone apply.

\* \* \*

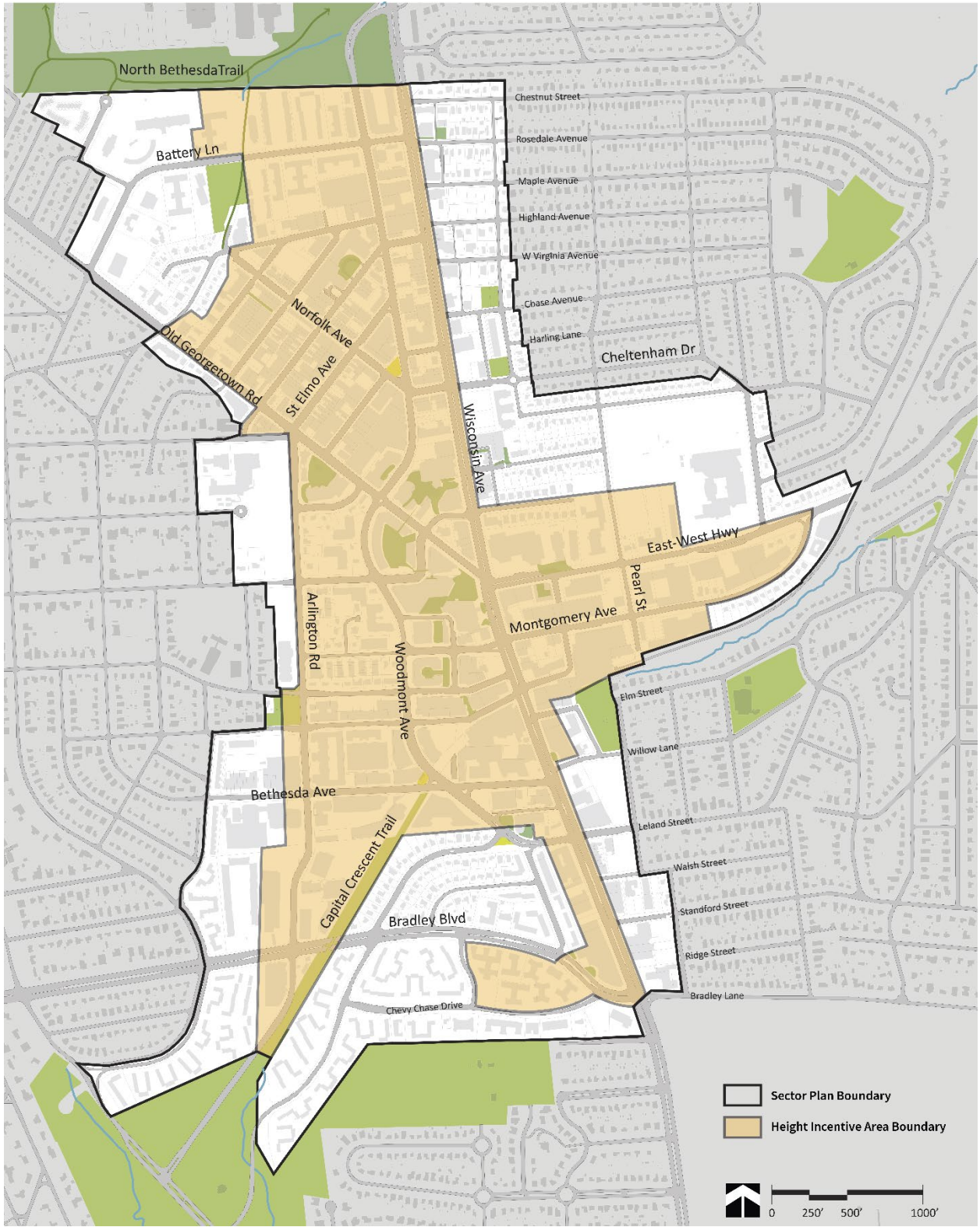
- [3. To approve a site plan, the Planning Board must find that the proposed allocation of gross floor area, in addition to the sum of previously approved or built developments, does not exceed 32,400,000 square feet of gross floor area.]

- [4. If the Planning Board approves a site plan using BOZ Density, the applicant must have a building permit application, accepted by the Department of Permitting Services, that includes the core and shell of the principal building within two years of the date of the Planning Board's resolution. Within two years after the Department of Permitting

Services accepts the building permit application that includes the core and shell of the principal building, the applicant must obtain that building permit. If an applicant fails to comply with any of the deadlines under this section, the entire site plan approval is revoked. For any site plan using BOZ density that was valid on July 17, 2023, the deadline to have an application for a building permit that includes the core and shell of the principal building accepted by the Department of Building Services is automatically extended for one year. The deadlines under this section may not otherwise be extended.]

#### E. Height Incentive Area Map





146

147 **F. Site Plan Validity**

A site plan using BOZ Density that was approved and valid on {effective date}, that  
as part of a condition of approval includes a deadline for applying for or receiving a  
building permit, must have that deadline struck and the site plan instead remain valid  
in accordance with Section 7.3.4.H.

\* \* \*

**Sec. 2. Effective date.** This ordinance becomes effective 20 days after the  
date of District Council adoption.

This is a correct copy of Council action.

---

Sara R. Tenenbaum  
Clerk of the Council

**February 12, 2025**

**To:** The Honorable Kate Stewart  
President, Montgomery County Council  
Stella B. Werner Council Office Building  
100 Maryland Avenue, Room 501  
Rockville, Maryland 20850

**From:** Montgomery County Planning Board

**Subject:** Proposed Zoning Text Amendment – Bethesda Overlay Zone

#### **BOARD RECOMMENDATION**

The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission met on January 30, 2025, and by a vote of 5:0 recommended transmitting a new draft Zoning Text Amendment (ZTA) to the County Council for introduction. This ZTA amends the Bethesda Overlay zone, implementing recommendations found in the *Bethesda Downtown Plan Minor Master Plan Amendment*, which was transmitted from the Board to the District Council on December 19, 2024. The Minor Master Plan amendment recommendations reflected in this ZTA include incentives for family-sized and deeply affordable Moderately Priced Dwelling (MPDU) units, the construction of a new recreation center, and the removal of the development cap.

The amended overlay zone incentivizes family-size MPDU units, and deeply affordable MPDU units by providing benefits such as additional building height, reduced park impact payments, and additional public benefit points. Amended provisions to encourage a new recreation center include allowing additional building height, a reduction of required public open space, and public benefit points for an application that provides the space for a recreation center on site. Lifting the existing development cap for properties within the Bethesda Overlay Zone is another important recommendation and this ZTA would remove the requirement to track and report on available density, and the requirement to ensure new development has available density. The ZTA also retroactively removes any conditions of approval requiring applications to file for a building permit within two years of site plan approval.

The remainder of the draft ZTA includes minor changes to public benefits associated with energy codes, expanding the height incentive area, adjusting the rate for the park impact payments and allowing them to be split into two payments, and clarifying that BOZ density is eligible once an application has maximized all its commercial or residential zoning.



The Planning Board appreciates the Council's consideration in introducing this draft ZTA for the Bethesda Overlay Zone, implementing recommendations of the *Bethesda Downtown Plan Minor Master Plan Amendment*. Planning Staff are available to assist with any questions or concerns as this ZTA is considered for adoption.

#### **CERTIFICATION**

This is to certify that the attached report is a true and correct copy of the technical staff report and the foregoing is the recommendation adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission, at its regular meeting held in Wheaton, Maryland, on Thursday, January 30, 2025.



**Artie L. Harris**

Chair

Attachments: A – Planning Board Staff Report  
B – Draft ZTA

## PROPOSED ZONING TEXT AMENDMENT FOR THE BETHESDA (B) OVERLAY ZONE

### Description

This ZTA would amend the Bethesda (B) Overlay Zone, consistent with the recommendations in the draft Bethesda Downtown Plan Minor Master Plan Amendment.

ZTA 25-##

Completed: 1-24-25

MCPB

Item No. 7

1-30-25

2425 Reedie Drive

Floor 14

Wheaton, MD 20902



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Countywide Planning and Policy on behalf of  
Downcounty Planning

#### PLANNING BOARD HEARING DATE

January 30, 2025

#### REVIEW BASIS

Chapter 59

## Summary

- On December 19, 2024, the Planning Board approved transmitting the Planning Board Draft of the *Bethesda Downtown Plan Minor Master Plan* to the Council.
- A Council public hearing on the minor master plan update will be held on February 26, 2025, and will be followed by Planning, Housing, and Parks committee work sessions on the plan, and this accompanying ZTA for the Bethesda Overlay Zone.
- This ZTA would amend the Bethesda Overlay Zone to implement recommendations of the *Bethesda Downtown Plan Minor Master Plan* by adding incentives for applicants to provide space or funding for a new recreation center, to provide more family sized and deeply affordable Moderately Priced Dwelling Units (MPDUs), and to remove the development cap, along with other small technical updates.

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## SECTION 1 – BACKGROUND

This draft Zoning Text Amendment (ZTA) would amend the [Bethesda \(B\) Overlay Zone](#) (BOZ) in Section 59-4.9.2 of the zoning code to be consistent with the recommendations in the Planning Board draft of the [Bethesda Downtown Plan Minor Master Plan Amendment](#), which was approved by the Planning Board for transmittal to the District Council on December 19, 2024. The minor master plan amendment covers the entire area of the approved 2017 *Bethesda Downtown Plan*, and includes various updates to remove the development cap, ensure development continues to provide needed transportation and parks improvements, and increase incentives for priorities such as affordable housing, open spaces, and a recreation center.

Introduction of this draft ZTA is intended to coincide with the review of minor master plan amendment by the District Council. The District Council is expected to hold a public hearing on the minor master plan on February 26<sup>th</sup>, and will have subsequent Planning, Housing, and Parks (PHP) Committee work sessions to discuss the draft plan and public comments. Because this draft ZTA will be sent to the Council with a request for introduction, the Planning Board will have an additional opportunity to review this ZTA once the District Council officially introduces the ZTA.

## SECTION 2 – AMENDMENTS TO THE BETHESDA OVERLAY ZONE

### BUILDING HEIGHT

The first section of the proposed ZTA is to the Building Height section of the BOZ, starting on line 14 of the draft ZTA (attachment A). The ZTA would give the Planning Board approval to increase building heights above the mapped height for a development application that provides a new county recreation center. The additional height is equal to the amount necessary to provide for the facility and any above grade structured parking, up to 24 feet in total (lines 18-22). Incentivizing the creation of a new recreation center within the BOZ area is one of the new priorities of the minor master plan amendment and this is one of multiple ways the BOZ will be amended to incentivize a recreation center.

### DENSITY

Several changes to the Density section of the BOZ are proposed with this ZTA.

[BOZ DENSITY](#) (line 32 – 37): Development applications within the BOZ are eligible, under certain conditions, to request BOZ Density, which is density that exceeds that otherwise allowed by the underlying zone. The first change to this section eliminates the provisions that BOZ density only be awarded if total development within the BOZ is under 32.4 million square feet. The amendment also removes the requirement that the Board periodically publish how much density is remaining under

this development cap. Elimination of the development cap and the associated reporting is one of the major recommendations of the minor master plan amendment.

QUALIFICATION SUBSECTION (lines 41 – 70): Within the Density section, there are three proposed to the Qualifications subsection:

- **Use of Mapped FAR:** Lines 43-44 clarify that an application may be eligible for BOZ Density if the application that uses all the mapped “C” and/or “R” components of the FAR. Currently, code states the application must use all the mapped FAR, and in most situations, the total FAR for a project can only be reached by providing some mix of both C and R components. This amendment allows the use of BOZ density so long as at least one of the components is used to the maximum.
- **Park Impact Payment Timing:** Lines 47-50 update the timing of the necessary Park Impact Payment (PIP) for utilizing BOZ density and updates the PIP rate. Currently, the PIP must be fully paid before the issuance of any building permit. The amendment proposes making only half the payment due before any building permit, with the other half being due at the time of the first use and occupancy permit. The amendment also increases the PIP rate from \$10 per square foot to \$15.57 per square foot. Allowing the PIP to be made in two parts helps development applications move forward given the increase both in the PIP rate, and in construction costs. The new PIP rate in the BOZ reflects that it has been adjusted for inflation three times since the BOZ took effect. The rate is adjusted to correct for previous adjustment errors that relied on annual average adjustments rather than cumulative adjustments.
- **Applications Eligible for Reduction in the PIP Payment:** Lines 63 through 68 update the applications eligible for a reduction in the PIP payment. Language is added that clarifies that private but publicly accessible open space, as well as land or space for a new county recreation center, are eligible for PIP reductions in addition to the existing reductions available for providing public park dedication.

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#### MODERATELY PRICED DWELLING UNITS (MPDUS)

The next amendment to the BOZ is a change to the MPDU section (lines 71 – 80). The existing code provides numerous incentives and benefits for applications that provide more than the minimum 15% of MPDUs, including additional height to provide the MPDUs, reducing the PIP amount by not counting the extra floor area of the extra MPDUs toward BOZ Density, and modification to the required number of public benefits points and categories. This amendment would add language starting on line 76 that allows applications to reap these benefits if they either: 1) provide the minimum 15% MPDUs but provide more family-sized (3+ bedroom) units than required by Chapter 25A of the county

code<sup>1</sup> or 2) provide MPDUs more deeply affordable than required to take advantage of the same incentives and benefits.

The ZTA also proposes the addition of language in lines 87 – 90, limiting the amount of height incentive an application may receive to 24 feet for properties bound by Arlington Road to the west, Woodmont Avenue to the east, Moorland Avenue to the north and Montgomery Avenue to the south. This geography corresponds with the area of the BOZ added to the Height Incentive Map discussed later in this report.

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## PUBLIC BENEFITS

The public benefits section of the BOZ begins on line 96. The first provision amended are building energy standards. The ZTA would remove the existing standard that required applicants in the High-Performance area designated in the plan to achieve 15 public benefit points from Energy Conservation and Generation, replacing it with a more general requirement that buildings must exceed the applicable building and energy codes. The threshold for receiving those public benefits has grown more onerous as county codes have been updated, requiring higher standard levels of energy efficiency, necessitating the change.

Additionally, a new provision is added starting on line 109, adding the Bethesda Urban Partnership, the Bethesda Arts and Entertainment District, or any other civic arts organization accepted by the Board as potential recipients of any fee in lieu collected for the Public Art public benefit.

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## PUBLIC OPEN SPACE

There is one small amendment proposed to the Public Open Space section of the BOZ on lines 111-112. The amended text will specifically allow the Planning Board to reduce the required public open space requirements of a development application if it provides land for, or space for a county owned recreation center.

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## DEVELOPMENT PROCEDURES

The Development Procedures section of the BOZ is being substantially updated, removing subsections D.3. and D.4. from the text.

Subsection D.3. is the provision that implemented the development cap in the BOZ area to no more than 32,400,000 square feet of density. The development cap is an important part of the 2017 *Bethesda Downtown Plan* but is recommended for removal with the minor master plan update. The development cap was based on the motor vehicle adequacy test that was part of the 2016-2020 Subdivision Staging Policy when the *Bethesda Downtown Plan* was approved in 2017. The 2020-2024

<sup>1</sup> Currently, MPDU bedroom mixes are required to be proportional to the market rate bedroom mixes.

Growth and Infrastructure Policy removed the motor vehicle adequacy test for Red policy areas (including Downtown Bethesda) and therefore the development cap is no longer consistent with county policy.

Subsection D.4. is a provision that details that any application that received BOZ Density must apply for building permits within two years of plan approval and that within two years of the permit application, the permits must be obtained. The requirements that an applicant file for and then obtain permits in a timely manner were necessary to ensure developers did not tie up density in entitlements for extended periods of time. With no cap on development, there is no longer a concern that an applicant may tie up density from another project.

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#### HEIGHT INCENTIVE AREA MAP

The last section of the BOZ ZTA is a replacement of the height incentive area map. This is a map showing which portions of the Bethesda Downtown Plan area are allowed to request additional building height under certain provisions. The minor master plan update adds two blocks previously excluded from the height incentive area. These two blocks are west of Woodmont Avenue, East of Arlington Road, south of Moorland Lane, and north of Hampden Lane. The added area is shown in dashed red outline on both the existing map (Figure 1) and the proposed map (Figure 2).

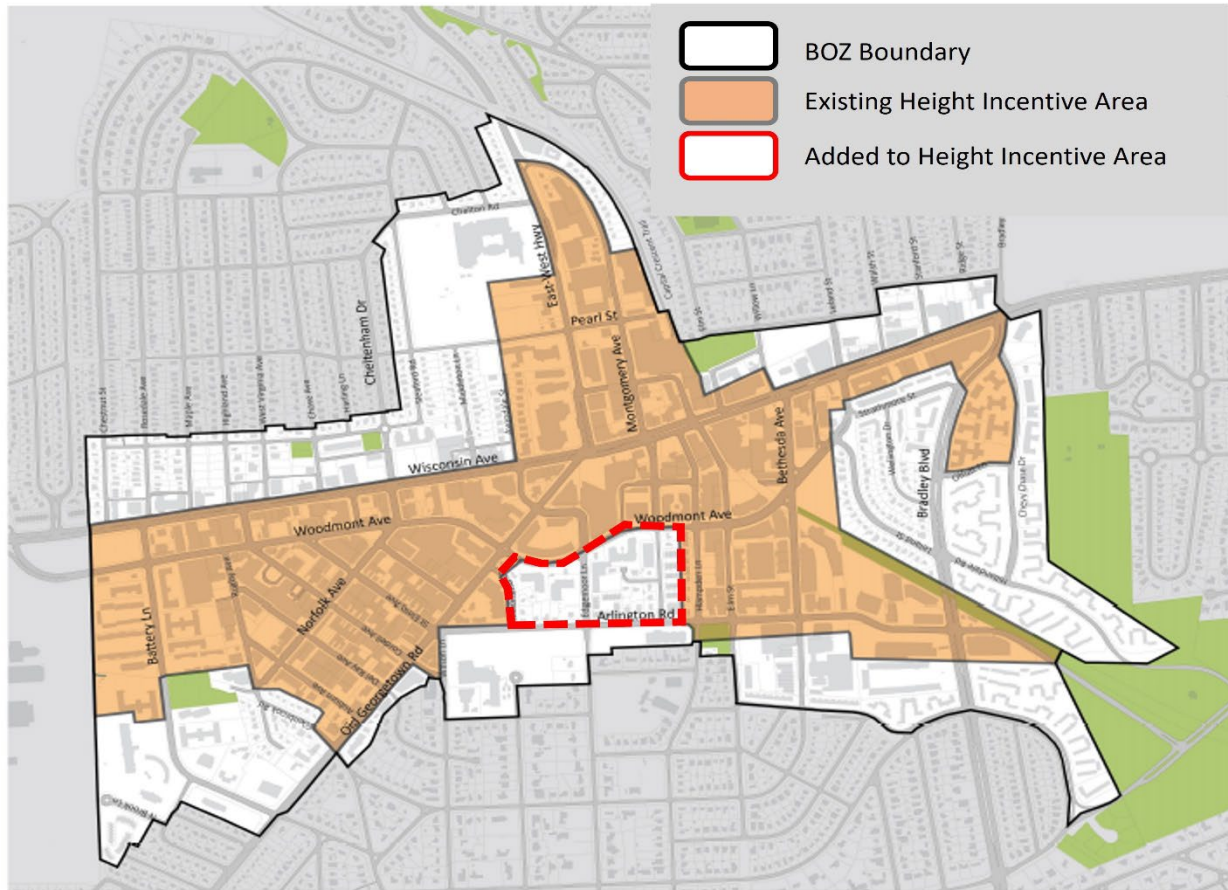


Figure 1 Existing Boundary of the Height Incentive Area



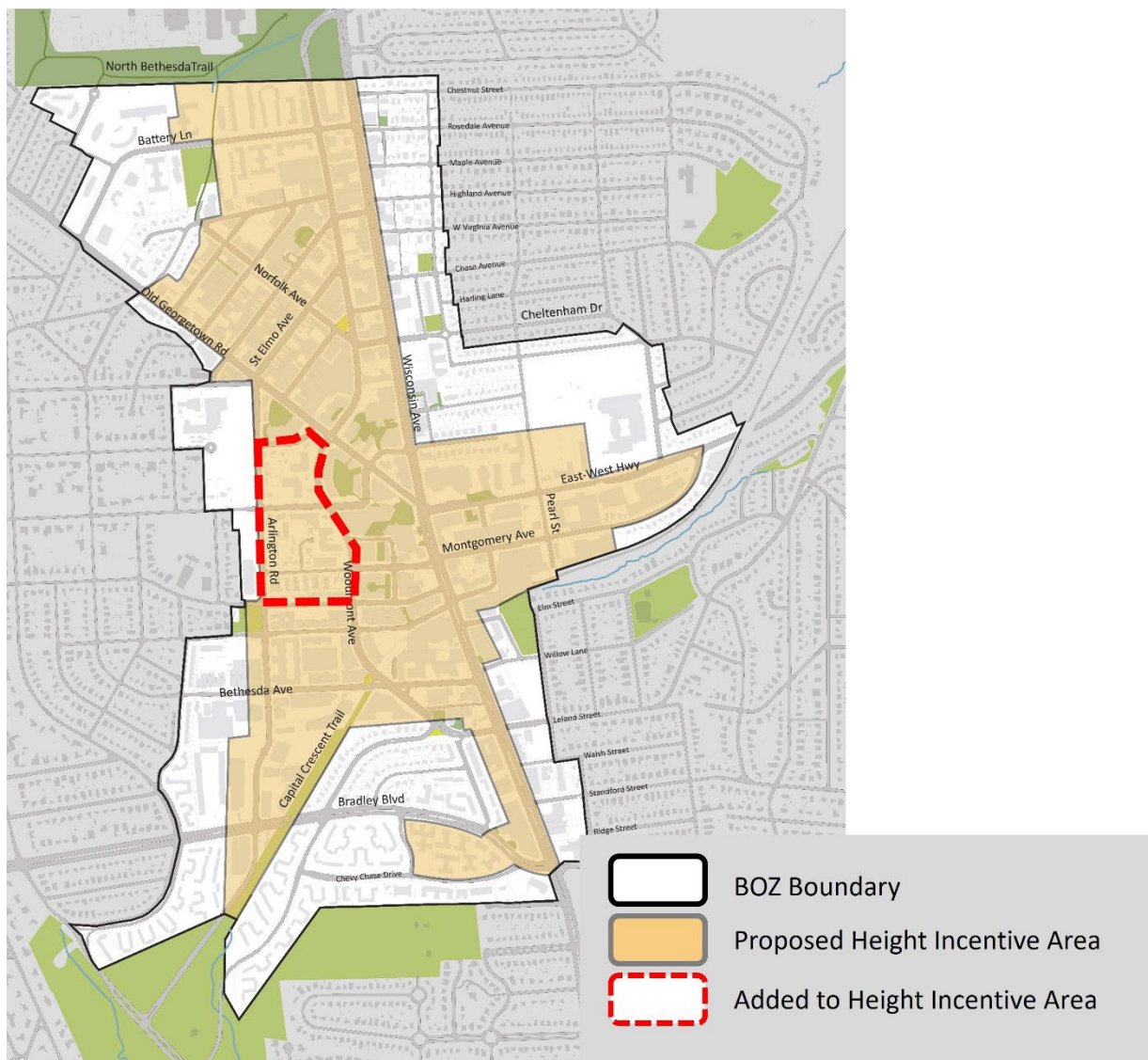


Figure 2 Proposed Boundary of the Height Incentive Area

## HEIGHT INCENTIVE AREA MAP

The last section of the proposed ZTA is a new section titled Site Plan Validity. This section, from lines 130 – 134 would relieve certain applicants that received BOZ density under the current system from being bound by the statutory deadlines requiring applying for a building permit within two years of site plan approval and receiving that permit within two more years. The section of the BOZ that laid forth those requirements are recommended for removal as discussed in the Development Procedures section of this report on page five.

## SECTION 3 – CONCLUSION



Planning Staff recommends the Planning Board support the draft amendments to the Bethesda Overlay Zone and to transmit the draft to the District Council for introduction. This ZTA will modify the BOZ to reflect certain recommendations from the Bethesda Downtown Minor Master Plan amendment including removing the cap on development, supporting the creation of a recreation center, and further incentivizing the creation of MPDUs.

## SECTION 4 – ATTACHMENTS

Attachment A – Draft Bethesda Overlay Zone

## Attachment A

Ordinance No.: \_\_\_\_\_  
Zoning Text Amendment No.: 25-xx  
Concerning: \_\_\_\_\_  
Revised: \_\_\_\_\_ Draft No.: \_\_\_\_\_  
Introduced: \_\_\_\_\_  
Public Hearing: \_\_\_\_\_  
Adopted: \_\_\_\_\_  
Effective: \_\_\_\_\_

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember \_\_\_\_\_  
Co-Sponsors: Councilmembers \_\_\_\_\_

**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- (1) Update the Bethesda (B) Overlay Zone consistent with the draft of the Bethesda Downtown Plan Minor Master Plan Update including incentives for additional MPDUs, a new recreation center, and lifting the development cap; and
- (2) generally amend the Bethesda (B) Overlay Zone.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

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*\* \* \* indicates existing law unaffected by the text amendment.*

*ORDINANCE*

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

1           **Sec. 1. DIVISION 59-4.9 is amended as follows:**

2   **Division 4.9. Overlay Zones**

3   \*    \*    \*

4   **Section 4.9.2. Bethesda (B) Overlay Zone**

5   **A. Purpose**

6   The purpose of the B Overlay Zone is to implement the recommendations of the  
7   Bethesda Downtown Plan, as amended, as it relates to density, building heights,  
8   affordable housing, parks, and design.

9   **B. Land Uses**

10   The land uses of the underlying zones apply.

11   Surface Parking for Use Allowed in the Zone is not allowed as a principal use on a  
12   site from which density has been transferred.

13   **C. Development Standards**

14       **1. Building Height**

15           a. Except as provided in Subsection 3 concerning MPDUs, the  
16           maximum building height is limited to the height allowed in the  
17           underlying zone.

18           b. With Planning Board approval, any Optional Method project in a  
19           CR zone that includes the provision of a new recreation center may  
20           add the height of any floor mostly used for the facility, including  
21           above-grade parking, up to a maximum of 24 additional feet, to the  
22           maximum height otherwise allowed.

23       **2. Density**

24           a. In the CR or CRT zone, a development may exceed the mapped  
25           FAR on a site if the Planning Board approves a sketch or site plan  
26           under Section [7.3.3](#) or Section [7.3.4](#) that includes the allocation of

gross floor area from Bethesda Overlay Zone (BOZ) Density, or FAR Averaging under Section [4.9.2.C.5](#).

b. BOZ Density means the total square footage of gross floor area by which new development in the Bethesda Downtown Plan Area may cumulatively exceed the maximum square footage of gross floor area allowed under the mapped CR and CRT zones. [BOZ Density is determined by subtracting the gross floor area of existing and approved development from 32.4 million (the total gross floor area recommended by the Bethesda Downtown Plan). The Planning Board must periodically publish the gross floor area remaining in BOZ Density.]

**i. Land Use**

The gross floor area allocated from BOZ Density may be developed as Commercial or Residential square footage.

**ii. Qualification**

To qualify for BOZ Density, a proposed development must:

- A. use all gross floor area allowed by the mapped “C” and/or “R” components of CR or CRT FAR and may not transfer BOZ Density to any other property; and
- B. except as provided under Subsection 3 concerning MPDUs, make a Park Impact Payment. Half of the payment must be made before the issuance of any building permit and half at the first use and occupancy permit, [application] at a rate of [\$10] \$15.57 per square foot of approved BOZ Density gross floor area. The Planning Board, after advertising and holding a public hearing, must adjust this payment rate on July 1 of each odd-numbered year by the cumulative increase or decrease in a

published construction cost index over the prior two calendar years. The Planning Board must cap the biennial Park Impact Payment rate adjustment not to exceed 20%. If the biennial tax rate adjustment exceeds 20%, the excess dollar amount must be carried over and added to the Park Impact Payment rate before calculating the next adjustment. If this total adjustment, including any carried over value, again exceeds 20%, the excess dollar amount must be carried over and added to the rate before calculating the next biennial adjustment. If a property owner dedicates, or makes publicly accessible, land designated in the master plan as a recommended open space to the M-NCPPC Parks Department, or land or space for a new recreation center, the Planning Board may reduce the amount of square footage for which a Park Impact Payment must be made.

### **3. Moderately Priced Dwelling Units (MPDUs)**

#### **a. General Requirement**

For any development application that includes 20 or more residential dwelling units, the Planning Board may only approve the application if the development provides at least 15% MPDUs under the provisions of Chapter 25 A. The provisions of Section 4.9.2.C.3.b through Section 4.9.2.C.3.d below also apply to any development application that is required to provide a minimum 15% MPDUs and that includes family-sized MPDUs that exceed the minimum number required under Chapter 25A and/or deeply affordable MPDUs as defined by Montgomery County DHCA.

#### **b. Building Height**

If a project exceeds 17.5% MPDUs and is located in the Height Incentive Area as delineated in Subsection E, the height limit of the applicable zone

does not apply to the extent required to provide MPDUs. The additional height is calculated as the floor area provided for MPDUs above 15% divided by the average residential floor plate area, where each whole number and each remaining fraction allows an increase of 12 feet. In the portion of the Height Incentive Area bound by Arlington Road, Woodmont Avenue, Moorland Avenue, and Montgomery Avenue, this additional height is limited to a maximum of 24 feet.

\* \* \*

#### **d. Public Benefit Points**

\* \* \*

c. Within the High-Performance Area designated in the Bethesda Downtown Plan, the Planning Board must determine that the development [achieves 15 public benefit points from Energy Conservation and Generation under Section 59.4.7.3.F.3.] exceeds the applicable building and/or energy code.

\* \* \*

h. For the Public Art Public Benefit under Section 4.7.3.E.5., the fee may also be accepted by the Bethesda Urban Partnership, the Bethesda Arts & Entertainment District, or other civic arts organization accepted by the Planning Board.

\* \* \*

#### **7. Public Open Space**

a. The Public Open Space requirement under Section 4.5.4.B.1.a, may be reduced by the Planning Board, including providing for land or built area for a new recreation center.

\* \* \*

#### **D. Development Procedures**

\* \* \*

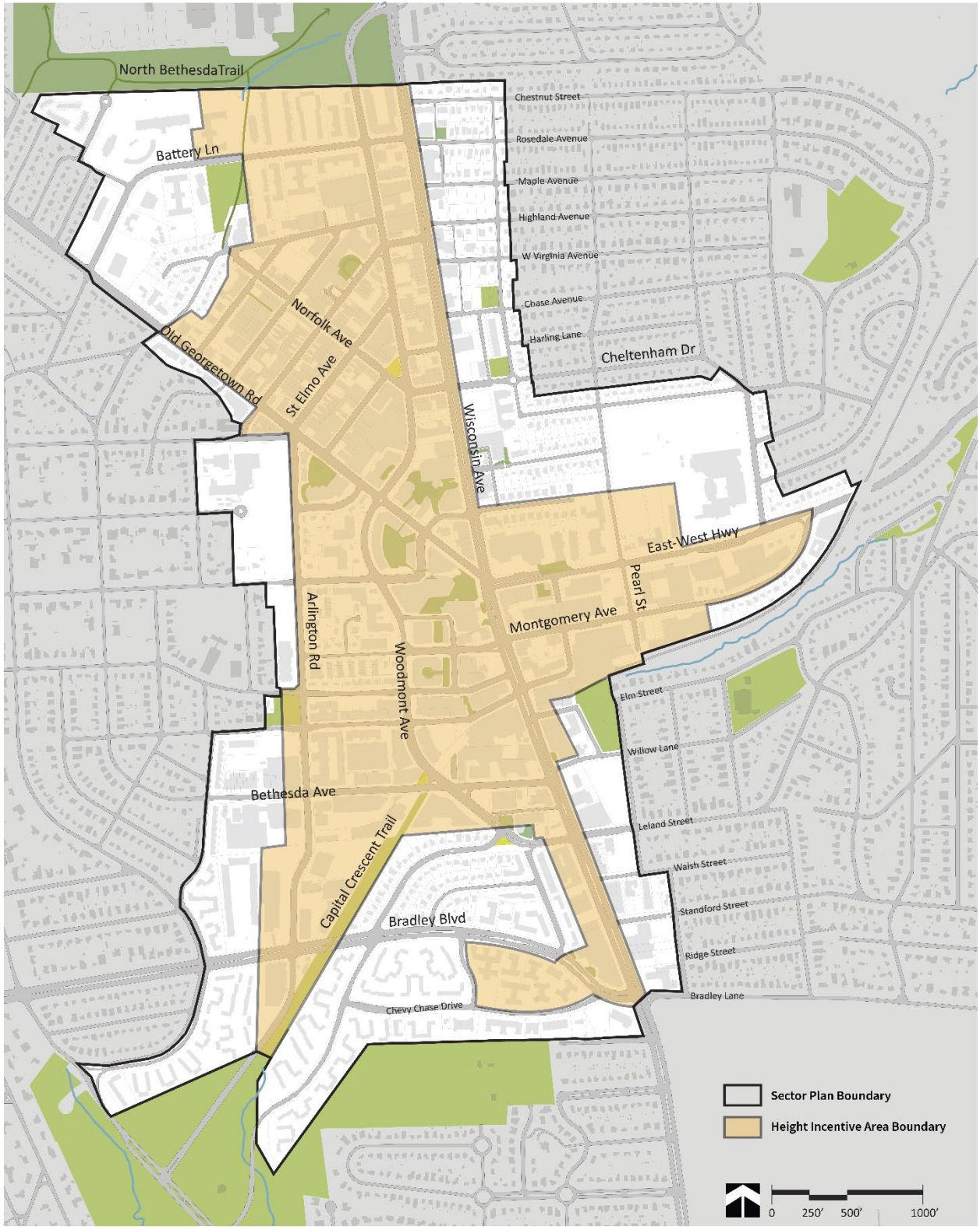
[3. To approve a site plan, the Planning Board must find that the proposed allocation of gross floor area, in addition to the sum of previously approved or built developments, does not exceed 32,400,000 square feet of gross floor area.

4. If the Planning Board approves a site plan using BOZ Density, the applicant must have a building permit application, accepted by the Department of Permitting Services, that includes the core and shell of the principal building within two years of the date of the Planning Board's resolution. Within two years after the Department of Permitting Services accepts the building permit application that includes the core and shell of the principal building, the applicant must obtain that building permit. If an applicant fails to comply with any of the deadlines under this section, the entire site plan approval is revoked. For any site plan using BOZ density that was valid on July 17, 2023, the deadline to have an application for a building permit that includes the core and shell of the principal building accepted by the Department of Building Services is automatically extended for one year. The deadlines under this section may not otherwise be extended.]

#### **E. Height Incentive Area Map**







128

## 129 **E. Site Plan Validity**

130 For any site plan using BOZ Density that was approved and valid on {effective  
131 date} that as part of a condition of approval includes a deadline for applying for, or  
132 receiving a building permit, shall have that deadline struck and the site plan instead  
133 remain valid in accordance with Section 59-7.3.4.H.

134 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the date of  
135 District Council adoption.

This is a correct copy of Council action.

---

Judy Rupp  
Clerk of the Council

March 6, 2025

Kate Stewart, President  
Montgomery County Council  
100 Maryland Ave., 6<sup>th</sup> Floor  
Rockville, MD 20850

Dear Council President Stewart,

I write regarding the Bethesda Minor Master Plan Amendment, which is currently before the Council.

On December 4, 2024, I submitted my comments to the Planning Board prior to their hearing on the Bethesda Minor Master Plan Amendment, along with comments from the Departments of Environment (DEP), General Services (DGS), and Transportation (DOT). A few of the recommended changes have been incorporated in the Planning Board draft. The attached Executive Department memos (from DEP and DOT) acknowledge those changes and direct your attention to their remaining concerns. Those concerns are also highlighted below, along with issues I raised with the Planning Board in my December memo, also attached.

Page 6 of the Bethesda Minor Master Plan Amendment (MMPA) recommends updating the overlay zone to remove a specific development level and suggests that new development will supply the needed infrastructure to support that growth, either directly through frontage and LATR requirements or indirectly through Park Impact Payment (PIP) funds and increases in tax revenues. The suggestion that new development will supply the infrastructure needed to support new growth is belied by what has already happened in Bethesda in the eight years since the Council enacted the Bethesda Downtown Sector Plan. Consider the following:

- Master-planned parks were a key element of the Sector Plan, which created a funding source, known as the Park Impact Payment (PIP). Yet, apparently lacking the funding, the Parks Department has not completed even one of the thirteen parks called for in that Plan, and the MMPA does not identify alternative sources of funding. Prior to passing the MMPA, a review is needed of each master-planned park and its cost, along with proposals for additional funding sources.
- There is serious overcrowding at Bethesda Elementary School in part due to the increased number of students generated by the new housing. In fact, surprisingly, to temporarily

address the overcrowding, MCPS Superintendent Thomas Taylor offered mid-year transfers for Bethesda Elementary students (See 2024 Bethesda Downtown IAC Annual Monitoring Report: [item1-BethesdaDowntownImplementationAdvisoryCommittee.pdf](#)), and it has been reported that there has been little interest in this offer. This points to the need for reconsideration of the impacts of development on the area's schools.

- DOT's memo states that although Bethesda has already built out to the cap, sufficient funding for infrastructure has not materialized. It points out that removing the development cap "further exacerbates the ongoing challenge of delivering needed infrastructure due to a lack of funding." This is another step away from the concept of ensuring that adequate facilities should accompany increased development.

The Bethesda MMPA recommends adopting an open-ended increase in development. Yet the plan itself offers an incomplete analysis of what needs to be in place to make this level of development successful and sustainable.

I urge you to carefully review the comments attached from the departments as well as consider the comments from the adjacent communities and the IAC. I also want to quote Wildwood Manor Citizens Association "The Development cap should not be raised without confirmation that infrastructure, including schools, can accommodate new development." ([item1 WildwoodManorCitizensAssociation.pdf](#)) Additionally, as the Wildwood Manor Civic Association notes, the description of this minor master plan as "technical" is not appropriate given that it lifts the development cap that was an important part of the Bethesda Downtown Sector Plan.

Other highlights from the departments:

In response to DEP requests, the Planning Board draft made some positive changes to prioritize tree canopy in the Plan Area (page 27), but the recommendations are based on voluntary efforts rather than requirements. DEP points out that unless it is a requirement, tree canopy will likely continue to decline.

- My December letter to the Planning Board highlighted DEP's recommendation to include mention of the County's Comprehensive Water Supply and Sewerage Systems and to strengthen the section on energy requirements for buildings in the Bethesda Overlay Zone. The Planning Board did not include these requested changes; they are repeated in the attached DEP memo.
- Regarding the section on Naturally Occurring Affordable Housing (pages 21-22), the Department of Housing and Community Affairs requests that the final sentence in that section be revised to read as follows: "The MMPA recommends that DHCA convene and coordinate a workgroup to determine how to define NOAH, how to demonstrate the existence of NOAH affordability, and explore redevelopment and financing scenarios that could preserve affordability and unit count to further the goal of "no net loss."



- On page 27, under Section 4.8, there is a bullet that reads “New recreation center and/other civic buildings or spaces, including related studies”. DGS recommends deleting the phrase “including related studies.”

We would like to work with you to address these critical issues. Staff from the Executive office and departments are available to provide information and answer questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc Elrich", with a stylized, cursive script.

Marc Elrich  
County Executive

cc: Ken Hartman-Espada, Assistant Chief Administrative Officer, Montgomery County  
Claire Iseli, Special Assistant, Montgomery County  
Debbie Spielberg, Special Assistant, Montgomery County  
Meredith Wellington, Policy Analyst, Montgomery County

Enclosures: CE comments on Bethesda MMPA Public Hearing Draft, December 4, 2025  
Memo from DEP, February 12, 2025  
Memo from MCDOT, February 13, 2025

## MEMORANDUM

February 12, 2025

**TO:** Kara Olsen Salazar, Planning Specialist  
Department of General Services

**FROM:** Amy Stevens, Chief, Watershed Restoration Division *AS*  
Department of Environmental Protection

**SUBJECT:** Bethesda Downtown Plan Minor Master Plan Amendment, Planning Board Draft –  
Executive Branch Comments

Thank you for the opportunity to provide comments on the Bethesda Downtown Plan Minor Master Plan Amendment, Planning Board Draft (December 2024). As requested, the Department of Environmental Protection (DEP) has reviewed the Planning Board Draft and is submitting the following comments.

- All Master Plans should include reference the County’s Comprehensive Water Supply and Sewerage Systems Plan. The following is recommended language to add to the Planning Board draft, Section 2.1: “The entirety of the minor master plan amendment area lies within the planned community (public) water and sewer service envelopes in the Comprehensive Water Supply and Sewerage Systems Plan. Virtually all properties in the master plan area receive public water and sewer service from existing water and sewer mains owned and operated by the Washington Suburban Sanitary Commission (WSSC Water). As new development and redevelopment occurs, as suggested by this plan, WSSC Water will evaluate the need for relief of existing water and sewer mains.”
- The DEP acknowledges and appreciates the changes regarding tree canopy. Increasing tree canopy is a goal DEP very much supports. However, tree canopy in the planning area continues to decline. In order to increase tree canopy, it may be necessary to implement canopy coverage requirements rather than recommendations and voluntary efforts.
- In the Planning Board Draft (December 2024), the Bethesda Downtown Plan Minor Master Plan Amendment still removes the existing 17.5 percent above energy code, and now removes the 15 points required to meet the Energy Conservation and Generation Public Benefit category requirements. As a result of this change, buildings will need to exceed building and/or energy



code by an unspecified percentage. The County Executives December 4, 2024 comments recommended a minimum of 5 percent above building and/or energy codes, as well as other suggestions for more innovative building requirements that are not strictly energy conservation focused. These comments are not reflected in the Planning Board Draft (December 2024). Perhaps Planning will reference these more specific items in the *Bethesda Downtown Plan Implementation Guidelines*, however, the energy conservation requirements for building in BOZ should be reflected clearly in the Bethesda Downtown Plan Minor Master Plan Amendment.

We appreciate the opportunity to comment on the Public Hearing Draft and look forward to continuing to partner with Planning staff on future master plans.

cc: Claire Iseli, CEX  
Meredith Wellington, CEX  
Jon Monger, DEP  
Jeff Seltzer, DEP  
Stan Edwards, DEP

## MEMORANDUM

February 13, 2025

**TO:** Kara Olsen Salazar  
Department of General Services

**FROM:** Corey Pitts, Manager for Transportation Policy and Planning  
Department of Transportation



**SUBJECT:** Comments on Bethesda Downtown Plan Minor Master Plan Amendment

We are supportive of the Bethesda Downtown Plan Minor Master Plan Amendment's overall goal to strengthen Bethesda's economy and advance a truly multimodal transportation future. The Plan continues to emphasize the priorities of prior planning efforts to advance transit, particularly BRT and Metrorail, and build a safe and connected bike and pedestrian network.

Nevertheless, we highlight that the plan does not address and in fact further exacerbates the ongoing challenge of delivering needed infrastructure due to a lack of funding. The Plan's main recommendation removes the existing development cap for downtown Bethesda. While this may encourage economic expansion, this will result in population and job growth that will need to be supported through additional, new infrastructure and significant new funding. Although the scale of development is uncertain without the cap, significant investments will clearly be necessary to expand the transit, bikeway, and pedestrian networks beyond existing planned improvements. For example, an analysis performed by MCDOT in March of 2021 for a draft Unified Mobility Program for downtown Bethesda determined that at least \$113 million of capital expenditures would be necessary to construct identified transportation projects within downtown Bethesda. This amount did not include additional major projects such as supportive infrastructure for the Purple Line and Complete Streets streetscape improvements to major downtown boulevards. While new development enabled by the Plan will provide some frontage and off-site improvements, these will be limited only to areas adjacent to these developments. New development alone cannot deliver the infrastructure needed to complete all known infrastructure needs, fill existing gaps, or build major new core infrastructure.

Overall, the plan maintains laudable recommendations to promote a more multimodal transportation future. However, the lack of a clear infrastructure implementation structure or clear funding mechanism will limit our ability to deliver these goals. We hope that Council will consider these funding challenges in the review of the Plan. We are encouraged and will work closely with the Council's forthcoming Infrastructure Funding Work Group which we hope will provide a clear path forward.

Thank you for the opportunity to comment.

Cc: Meredith Wellington, CEX  
Haley Peckett, MCDOT  
Chris van Alstyne, MCDOT  
Andrew Bossi, MCDOT



OFFICE OF THE COUNTY EXECUTIVE

Marc Eirich  
*County Executive*

December 4, 2024

Mr. Artie Harris, Chair  
Montgomery County Planning Board  
2425 Reddie Drive, 14<sup>th</sup> Floor  
Wheaton, Maryland 20902

Dear Chair Harris:

I am commenting on the Bethesda Minor Master Plan Amendment (MMPA) Public Hearing Draft, pursuant to Sec. 33A-5. This section (Sec. 33A-5) requires the Executive to present comments and recommendations "on the effect of the public hearing draft upon public facilities and the County capital improvements program." As discussed below and in the attached comments of MCDOT, DEP, and DGS, the removal of the Development Cap will notably exacerbate the current deficit in adequate public facilities in Downtown Bethesda and require substantial additional funding in the CIP. The Draft would benefit from an assessment of the current level of public infrastructure, as well as future infrastructure needs based on the three scenarios of development. This would allow the Executive agencies to better estimate the investment costs needed to support future development. As currently written, the Draft makes some flawed assumptions: it assumes that the new development will supply the needed infrastructure either directly through frontage and LATR requirements or indirectly through Park Impact Payment (**PIP**) funds and increases in tax revenues. For parks, the Draft either ignores or is unaware that the Downtown Bethesda Plan recommends finding a public funding source in addition to the **PIP** funds. For these and other reasons explained below, this Draft is defective.

Specifically, the Draft lacks basic information needed to understand and comment on it. The Draft recommends "updating the BOZ to remove a specific development level..." and allow development at the pace set by the private sector. While it discusses three scenarios of development, it never chooses one to establish the outer limit of development in Bethesda. As a result, it is impossible to assess the infrastructure that would be needed to support the Draft's primary recommendation. The absence of any outer limit is of particular concern with respect to parks. The Draft lacks basic facts about the current number of recommended parks, their location, function, and estimated cost of completion. It contains no information about future park needs.

Additionally, while the 2017 Bethesda Downtown Plan addresses the importance of Bethesda as an economic center, the Public Hearing Draft omits any discussion of the critical

importance of encouraging commercial development that brings more jobs to Bethesda. It leaves the decision of commercial or residential to the developers for the foreseeable future by removing the Development Cap and retaining the exclusive use of the CR zones. The Draft should analyze and make a recommendation as to whether the exclusive use of the CR zone with no Development Cap will, under current market conditions, encourage more residential development with the unintended consequence that when market conditions become more favorable to commercial development, it will be much more difficult to accommodate the economically preferred office/commercial uses. Bethesda would once again become a bedroom community, although with an urban rather than suburban character.

**I do not support the Bethesda MMPA Public Hearing Draft's recommendation to remove the Development Cap, as this recommendation undermines the core County policy of Adequate Public Facilities and raises questions about the County's commitment to economic development that brings more jobs to Montgomery County.**

**I. Parks and Open Space: The Draft fails to explain why none of the master-planned parks have been completed in the seven years of the Bethesda Downtown Plan, and how implementation would improve under the MMPA—even though implementation was one of the primary reasons for opening up the Bethesda Downtown Plan.**

**A. The Planning Board needs to exercise oversight over the Department of Parks to understand the reasons that the Parks Department has yet to complete and deliver one park/greenway recommended in the Downtown Plan.**

There is no cogent discussion of the astonishing fact that no new parks have been completed in seven years. The Planning Board should review each proposed park, identify what is needed to complete the park, and the cost of the park. The Bethesda Downtown Plan recognizes that PIP funds alone will not be enough. The Planning Board should consider and recommend additional public funding sources for the master-planned parks and include these funding sources in the MMPA.

**B. The Planning Board should not approve an amendment to the Bethesda Downtown Plan that would make a property purchased by Parks with PIP funds for \$9.75M in 2020 no longer eligible to be part of the Veterans Park Civic Green.** The status of the Veterans Park Civic Green is another reason for the Planning Board to exercise oversight over the Department of Parks with respect to master-planned parks in Bethesda. Without explanation, the Draft recommends amending the Bethesda Downtown Master Plan such that the \$9.75M properties purchased in 2020 for the Veterans Civic Green would no longer be eligible to be used for the Veterans Civic Green.

According to the Draft, Montgomery Parks has collected over \$15M in PIPs out of a total of approximately \$24.5M conditioned by the Planning Board with Site Plan approvals. For more than four years—since 2020—almost two-thirds of the PIP revenues (\$9.75M)

have been tied up in Parks' purchase (with Planning Board approval) of the properties at 7800 and 7810 Wisconsin Avenue, at the intersection of Wisconsin Avenue and Norfolk Avenue for the Veterans Park Civic Green. In fact, to date Veterans Green properties are the only properties that have been purchased with PIP funds. An additional \$2.5M in PIP funds has been approved for use, but not spent, on the future park at Parking Lots 10 and 24 in Bethesda.

Parks purchased the Veterans Green properties but has not been able to either move forward with the park, or to sell the property (a sale to a developer with a project adjacent to the properties was approved, but never completed). Parks currently owns the properties, and the Draft is now recommending that the master plan be amended to remove the location of Veterans Park Civic Green from the east side where the \$9.75M property is and locate the park on the west side.

This recommendation is not supported by any facts. What is the purpose of this amendment? How does the Department of Parks explain the removal of the properties from use as a park? How will the public recoup the loss of almost two-thirds of the **PIP** funds? How does Parks address the serious consequences of having two-thirds of the PIP funds tied up in the dysfunctional Veterans Park Civic Green purchase? Why will Parks not use the properties for a smaller Veterans Park Civic Green, and what will be done with the properties if they are not used for their intended purpose? What is the status of the purchase negotiations that almost, but did not, culminate in a sale? If Parks intends to sell the property, what is the pool of potential purchasers? These are the questions that need to be answered in a public forum before any amendment is supported.

**II. Transportation improvements. Contrary to the Draft, MCDOT identifies important transportation improvements that are necessary to support new development in Bethesda and asks that the Plan include a transportation funding mechanism to pay for new transportation infrastructure.**

MCDOT points out that Bethesda's high-capacity transportation network remains incomplete, in particular expansion of bus rapid transit (BRT). There are other transportation improvements that lack full funding or have been pushed to out years of the CIP due to lack of fiscal capacity, including expansion of the bike and pedestrian network, and streetscape and intersection improvements in Bethesda. MCDOT urges the Planning Board to include a funding mechanism like PIP to fund transportation needs.

An adequate transportation system, with a general schedule for implementation, is a mandatory requirement for the open-ended increase in development recommended by the Draft.

**III. Environmental concerns. As DEP explains, the Draft fails to adequately address the environmental concerns about the impact of more development, including the loss of tree**

**canopy, and weakens the current energy standards by recommending the complete removal of the high-performance building energy requirements.**

**A. Water and Sewer:** DEP notes that the MMPA should mention the County's Comprehensive Water Supply and Sewerage Systems Plan but does not. DEP proposes language to correct the omission.

**B. Increasing Tree Canopy:** DEP notes that expanding the tree canopy is a top priority for the Bethesda Downtown Plan Implementation Advisory Committee (IAC) and residents, and yet the primary strategies in the draft are frontage streetscape improvements and park construction and dedication, "both of which rely on development." Tree canopy coverage was about 21.6% in 2014 and declined to about 20.5% in 2020, a loss of about 1.1%. Although redevelopment may include streetscape improvements and help fund parks, DEP concludes that the net impact of development is probably detrimental to tree canopy. Additionally, DEP concludes that relying on parks to increase tree canopy may not be successful. "If tree canopy expansion is a top priority, achieving it will require a more intentional effort. This minor master plan amendment misses an opportunity to address this top priority for the Bethesda community and the County's climate initiatives."

**C. Maintain high-performance energy requirements:** DEP does not support the Draft's recommendation for the complete removal of the high-performance building energy requirements for the Bethesda Downtown Plan. Due to the complexity of the new energy codes, the existing 17.5 percent above code in the downtown Bethesda Sector Plan has become increasingly difficult to meet. However, rather than a complete removal of the high-performance building energy requirements, DEP strongly encourages the Planning Department to coordinate with Department of Permitting Services on incorporating more innovative-not necessarily more stringent- building requirements in the Bethesda Downtown area, such as buildings that exceed the current energy code by at least 5 percent, Passive House design, biophilic design elements, bird-friendly design standards, Dark-Skies compliant buildings, and/or an increased multiplier for renewable energy requirements in the current energy code. DEP notes that the Draft omits a unique opportunity to lead by example on the County's climate objectives through creative problem solving.

In sum, this Draft needs substantial re-examination. Attached are the memos from our agencies, including MCDOT, DEP, and DGS. We are pleased to read on your website that "[t]he Planning team is working closely with the Bethesda Downtown Plan Implementation Advisory Committee"; they can provide important input as well. We appreciate the opportunity to comment on the Public Hearing Draft.

Sincerely,



Marc Elrich  
County Executive, Montgomery County

ME:ds

Enclosures: MCDOT Bethesda MMPA Public Hearing Draft  
DEP - Bethesda-MMPA-Public-Hearing-Draft  
DGS Bethesda MMPA Public Hearing Draft

Cc: Kate Stewart, Council President, Montgomery County Council  
Will Jawando, Council Vice President, Montgomery County Council  
Andrew Friedson, Council Member, Chair, Planning, Housing and Parks Committee,  
Montgomery County Council  
Chris Conklin, Director, Montgomery County Department of Transportation  
David Oise, Director, Montgomery County Department of General Services  
Jon Monger, Director, Montgomery County Department of Environmental Protection  
Ken Hartman, Assistant Chief Administrative Officer, Office of the County Executive  
Jason Sartori, Planning Director, Montgomery County Planning Department  
Elza Hisel-McCoy, Division Chief, Montgomery County Downcounty Planning



**March 25, 2025**

**To:** The Honorable Kate Stewart  
President, Montgomery County Council  
Stella B. Werner Council Office Building  
100 Maryland Avenue, Room 501  
Rockville, Maryland 20850

**From:** Montgomery County Planning Board

**Subject:** Zoning Text Amendment 25-04, Bethesda (B) Overlay Zone

#### **BOARD RECOMMENDATION**

The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission met on March 20, 2025, and by a vote of 5:0 recommended supporting Zoning Text Amendment (ZTA) 25-04, Bethesda (B) Overlay Zone. The Bethesda Overlay Zone would help implement zoning and land use recommendations from the Bethesda Downtown Plan Minor Master Plan Amendment.

The Bethesda Overlay Zone accomplishes many goals of the minor master plan amendment, including updates to remove the development cap, ensure development continues to provide needed transportation and park improvements, and increase incentives for priorities such as affordable housing, open spaces, and a recreation center.

As ZTA 25-04 implements recommendations in the Bethesda Downtown Plan Minor Master Plan Amendment, the climate assessment for this ZTA mirrors that of the minor master plan amendment. The climate assessment found that the minor master plan amendment will have both negative impacts and positive impacts on the County's goals of addressing greenhouse gas emissions, and slight positive and negative impacts on carbon sequestration.

#### **CERTIFICATION**

This is to certify that the attached report is a true and correct copy of the technical staff report and the foregoing is the recommendation adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission, at its regular meeting held in Wheaton, Maryland, on Thursday, March 20, 2025.



**Artie L. Harris**

Chair

Attachment A – Planning Board Staff Report  
Attachment B – Climate Assessment ZTA 25-04

## ZONING TEXT AMENDMENT 25-04 BETHESDA (B) OVERLAY ZONE

### Description

This ZTA amends Bethesda (B) Overlay Zone, consistent with the recommendations in the draft Bethesda Downtown Plan Minor Master Plan Amendment.

COMPLETED: 3/13/25

PLANNING BOARD HEARING: 3/20/25

MCPB ITEM NUMBER: 12

BB	Benjamin Berbert, Planner III, Countywide Planning and Policy <a href="mailto:Benjamin.Berbert@montgomeryplanning.org">Benjamin.Berbert@montgomeryplanning.org</a> , 301-495-4644
DA	Lisa Govoni, Planning Supervisor, Countywide Planning and Policy <a href="mailto:Lisa.Govoni@montgomeryplanning.org">Lisa.Govoni@montgomeryplanning.org</a> , 301-650-5624
ymg	David Anspacher, Chief, Countywide Planning and Policy <a href="mailto:David.Anspacher@montgomeryplanning.org">David.Anspacher@montgomeryplanning.org</a> , 301-495-2191

## Summary

### DISTRICT COUNCIL SPONSORS

Council President Stewart on behalf of the Planning Board

### DISTRICT COUNCIL HEARING DATE

April 1, 2025

### REVIEW BASIS

Chapter 59, Section 7.1.2

- On December 19, 2024, the Planning Board approved transmitting the Planning Board Draft of the *Bethesda Downtown Plan Minor Master Plan* to the Council.
- On January 30, 2025, the Planning Board voted to transmit a draft Zoning Text Amendment (ZTA) for the Bethesda Overlay Zone (BOZ).
- This ZTA would amend the Bethesda Overlay Zone to implement recommendations of the *Bethesda Downtown Plan Minor Master Plan* by adding incentives for applicants to provide space or funding for a new recreation center, to provide more family sized and deeply affordable Moderately Priced Dwelling Units (MPDUs), and to remove the development cap, along with other small technical updates.

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SECTION 3 – CONCLUSION ..... 2

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## SECTION 1 – BACKGROUND

This Zoning Text Amendment (ZTA) was introduced on February 25, 2025, by Council President Stewart on behalf of the Planning Board (Attachment A). The Planning Board voted to transmit a draft of this ZTA for introduction on January 30, 2025. This ZTA amends the [Bethesda \(B\) Overlay Zone](#) (BOZ) in Section 59-4.9.2 of the zoning code to be consistent with the recommendations in the Planning Board draft of the [Bethesda Downtown Plan Minor Master Plan Amendment](#), which was approved by the Planning Board for transmittal to the District Council on December 19, 2024. The minor master plan amendment covers the entire area of the approved 2017 *Bethesda Downtown Plan*, and includes various updates to remove the development cap, ensure development continues to provide needed transportation and parks improvements, and increase incentives for priorities such as affordable housing, open spaces, and a recreation center.

Review of this ZTA is intended to coincide with the review of minor master plan amendment by the District Council. The District Council held a public hearing on the minor master plan on February 26<sup>th</sup>, and will have subsequent Planning, Housing, and Parks (PHP) Committee work sessions to discuss the draft plan and public comments. Other than minimal formatting adjustments, ZTA 25-04 is the same as the draft ZTA the Board previously considered. Planning Staff have attached the previous staff report, dated January 23, 2025, as a reminder of what this ZTA does (Attachment B).

## SECTION 2 CLIMATE ASSESSMENT

The Planning Board is required to prepare a climate assessment for each zoning text amendment, master plan, and master plan amendment. Each climate assessment must include the potential positive or negative effects a ZTA may have on climate change (including greenhouse gas emissions) and on community resilience and adaptive capacity. The climate impact assessment for ZTA 25-04 is attached in Attachment C and mirrors the climate assessment that was completed for the Planning Board Draft of the *Bethesda Downtown Plan Minor Master Plan Amendment* in 2024.

## SECTION 3 – CONCLUSION

Planning Staff recommends the Planning Board support ZTA 25-04, Bethesda (B) Overlay Zone, as introduced, and support the findings of the climate assessment. This ZTA will modify the BOZ to reflect certain recommendations from the Bethesda Downtown Minor Master Plan amendment including removing the cap on development, supporting the creation of a recreation center, and further incentivizing the creation of MPDUs.

## SECTION 4 ATTACHMENTS

Attachment A – Introduction Packet ZTA 25-04.

Attachment B – Staff Report from 1/30/25.

Attachment C – Climate Assessment for ZTA 25-04.

## ZTA 25-04: OVERLAY ZONES – BETHESDA (B) OVERLAY ZONE

### SUMMARY

The Office of Legislative Oversight (OLO) cannot predict whether ZTA 25-04: Overlay Zones – Bethesda (B) Overlay Zone will create more housing units in the Bethesda Overlay Zone. Thus, OLO cannot predict the impact of this ZTA on racial disparities in housing across the County or on racial equity and social justice (RESJ).

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### PURPOSE OF RESJ STATEMENTS

RESJ impact statements (RESJIS) for zoning text amendments (ZTAs) evaluate the anticipated impact of ZTAs on racial equity and social justice in the County. RESJ is a **process** that focuses on centering the needs, leadership, and power of Black, Indigenous, and other people of color (BIPOC) and communities with low incomes with a **goal** of eliminating racial and social inequities. Applying a RESJ lens is essential to achieve RESJ.<sup>1</sup> This involves seeing, thinking, and working differently to address the racial and social inequities that cause racial and social disparities.<sup>2</sup>

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### PURPOSE OF ZTA 25-04

The purpose of ZTA 25-04 is to implement the recommendation of the Bethesda Downtown Plan Minor Master Plan Amendment (MMPA)<sup>3</sup> currently under review by the County Council. Specifically, the ZTA would amend the Bethesda (B) Overlay Zone (BOZ) to be consistent with the recommendations of the MMPA as it relates to density, building heights, affordable housing, and design.<sup>4</sup>

Of note, the MMPA amends the 2017 Bethesda Downtown Plan and covers the same plan area.<sup>5</sup> Notable changes to the Zoning Ordinance proposed under ZTA 25-04 include:<sup>6</sup>

- Creation of height incentives for the construction of a new recreation center;
- Retroactive removal of any conditions of approval requiring applications to file for a building permit within two years of site plan approval;
- Removal of the existing development cap;<sup>7</sup>
- Incentives for including family-sized and deeply affordable Moderately Priced Dwelling Units (MPDU)<sup>8</sup> as part of the 15 percent MPDU requirement;
- Minor changes to public benefits<sup>9</sup> associated with energy codes, expanding the height incentive area, and adjusting the rate for the park impact payments (PIP) to be split into two payments; and
- Clarification that developments are eligible for a BOZ density once an application has maximized all its commercial or residential density.

For a detailed comparison between current policy in the BOZ and proposed changes with ZTA 25-04 see Appendix B.

ZTA 25-04 was introduced on February 25, 2025.

This RESJ impact statement builds on OLO RESJ impact statements completed for:

- ZTA 23-09: Farming - Incidental Outdoor Stays;<sup>10</sup>
- Bill 13-23: Montgomery County Urban Districts – Friendship Heights Urban District;<sup>11</sup> and
- ZTA 25-03: Expedited Approvals - Commercial to Residential Reconstruction.<sup>12</sup>

For background on residential segregation and racial inequities in housing, property ownership, and housing affordability, please refer to these RESJISs.

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## ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of ZTA 25-04 on racial equity and social justice, OLO considers two related questions:

- Who would primarily benefit or be burdened by this ZTA?
- What racial and social inequities could the passage of this ZTA weaken or strengthen?

OLO considered the potential benefits and burdens of ZTA 25-04 for three sets of stakeholders:

- **Developers and Construction Firms.** OLO anticipates that real estate developers could benefit from ZTA 25-04 because its incentives could increase the profitability of their developments in the BOZ. Construction firms that build parks, recreation centers, and infrastructure could also benefit from additional business opportunities resulting from this ZTA. ZTA 25-04's incentives are summarized in Appendix B. Eight in ten real estate businesses in the County are owned by White people (Table 1, Appendix A), so they could disproportionately benefit from these incentives, that in turn could widen racial disparities in development. OLO, however, cannot discern whether ZTA 25-04's incentives would increase housing development, or the amenities planned in the BOZ.
- **Current Residents of the BOZ.** OLO anticipates that current residents in the BOZ could also benefit from this ZTA as it offers incentives to encourage new development and upgrades of commercial/residential buildings, commercial uses, parks, a new County recreation center, road networks, and other infrastructure improvements. White and Asian residents account for 76 percent of residents in the Downtown Bethesda area as well as the wider Bethesda CDP area (Table 2, Appendix A),<sup>13</sup> so they could disproportionately benefit from ZTA 25-04's incentives. OLO, however, cannot discern whether ZTA 25-04's incentives would increase the amenities or infrastructure planned for the BOZ.
- **New Residents in the BOZ.** OLO also anticipates that new residents to the BOZ could benefit from additional housing and amenities incentivized under ZTA 25-04. If new housing is built under ZTA 25-04, most of it would be for market-rate units. Given existing disparities by race and ethnicity in homeownership and housing cost burden (see Tables 3 and 4 in Appendix A), White and Asian residents could disproportionately benefit from the increase in market rate housing in the BOZ, potentially undermining RESJ. Yet, Black, Latinx, and Indigenous households could disproportionately benefit from the affordable units built with new development, and potentially the greater share of family-sized and deeply affordable MPDUs incentivized under ZTA 25-04. An increase in affordable units could advance RESJ. OLO, however, cannot discern whether ZTA 25-04 would increase the number of units built in the BOZ that are affordable or market rate.



Overall, if ZTA 25-04 worked as intended and increased the number of housing units and public benefits available in the BOZ, it would disproportionately benefit White residents, and to a lesser extent Asian residents, widening racial disparities in housing and entrepreneurship and diminishing RESJ. However, OLO cannot discern whether ZTA 25-04 will work as intended and increase housing development in the BOZ. Thus, OLO cannot predict the impact of this ZTA on the County’s overall housing supply or its effects on RESJ.

## RECOMMENDED AMENDMENTS

Bill 44-20 amending the County’s Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to zoning text amendments aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.<sup>14</sup> OLO cannot discern the anticipated impact of ZTA 25-04 on RESJ in the County. Consequently, the actual yield of affordable housing attainable through this ZTA is neither quantifiable nor could be estimated practically. Therefore, OLO does not offer recommended amendments.

## CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of zoning text amendments on racial equity and social justice is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement on the proposed zoning text amendment is intended to inform the Council’s decision-making process rather than determine it. Thus, any conclusion made in this statement does not represent OLO’s endorsement of, or objection to, the ZTA under consideration

## Appendix A

Table 1: Real Estate, Rental, and Leasing Business Owners by Race and Ethnicity, Montgomery County

Race and Ethnicity <sup>15</sup>	Real Estate and Rental and Leasing Business Owners (NAICS 53) <sup>16 17</sup>	County Population
White	82.3%	46.6%
Asian	12.4%	15.3%
Latinx	3.9%	20.0%
Black	5.1%	18.5%

Source: 2022 American Business Survey (Table AB2200CSA01) and 2022 American Community Survey 5-Year Estimates (Table DP05), Census Bureau.

**Table 2: Bethesda, Maryland: Demographics by Race and Ethnicity, 2023**

Bethesda, Maryland: Population 69,966	
Race/ethnicity	Population Percentage
White	63.0%
Asian	13.0%
Latinx <sup>18</sup>	9.0%
Black	7.0%
American Indian and Alaskan Native	0.2%
Native	0.0%
Two or More Races	5.0%

*Source: Census Reporter: Census data: ACS 2023 1-year unless noted*

**Table 3: Homeownership and Cost Burden Rates of Homeowners. Montgomery County, 2023**

Race and Ethnicity	Homeownership Rate	Homeowner Cost Burden Rate
White	74%	20%
Asian	75%	28%
Latinx <sup>19</sup>	49%	31%
Black	44%	39%

*Source: Table S0201, 2023 American Community Survey 1-Year Estimates, Census Bureau*

**Table 4: Renter-Occupied Households and Cost Burden Rates of Renter Households. Montgomery County, 2023**

Race and Ethnicity	Renter-Occupied Households	Renter Burden Rate
White	26%	50%
Asian	25%	41%
Latinx <sup>20</sup>	51%	60%
Black	56%	58%

*Source: Table S0201, 2023 American Community Survey 1-Year Estimates, Census Bureau*

## Appendix B

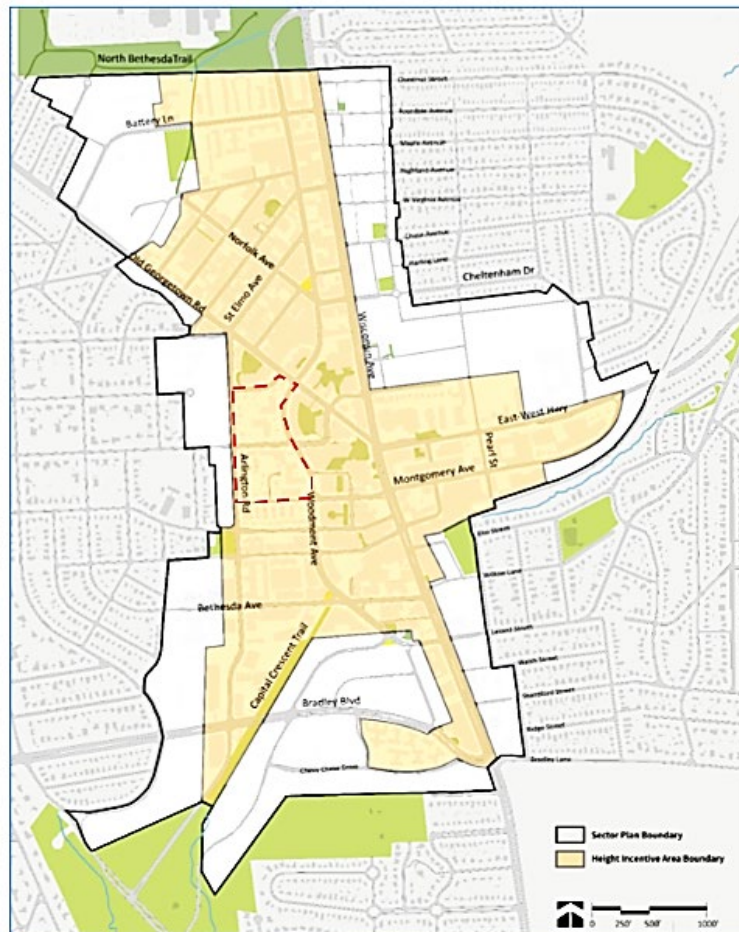
### Current Bethesda Overlay Zone (BOZ) Policies and Proposed Changes with ZTA 25-04

BOZ Focus Areas	Current BOZ Policy	Proposed Amendments-ZTA 25-04
New Community Recreation Facility	None	<ul style="list-style-type: none"> <li>New recreation center with project earning up to 24 feet of maximum height</li> <li>Reduce a PIP for land dedicated to a new recreation center</li> <li>Update the “priority public benefits” to include a new recreation center as a “Major Public Facility” and credit the recreation center area toward any required public open space</li> </ul>
Affordable Housing	Required minimum of 15% MPDUs in new optional method of development projects	<ul style="list-style-type: none"> <li>Family size (3-4 bedrooms) exceeding required minimum and/or deeply affordable MPDUs (30% to 50% of AMI)</li> <li>Strive for no net loss of naturally occurring affordable housing (NOAH)</li> <li>Extend current incentives</li> <li>Height incentives for higher percentages of MPDUs (exceeding 17.5%) in height incentive areas (Appendix C)</li> <li>Public benefit points for developments providing more than 15% MPDUs</li> </ul>
Development CAP and Building Permit Deadline	<ul style="list-style-type: none"> <li>Development cap in the BOZ area to no more than 32,400,000 sq ft of density.</li> <li>Two-year deadline for applying for permit</li> </ul>	<ul style="list-style-type: none"> <li>Removal of the development cap with the MMPA</li> <li>Remove statutory deadline</li> </ul>
Height Incentive Area	<ul style="list-style-type: none"> <li>Not included in the height incentive area</li> </ul>	<ul style="list-style-type: none"> <li>Add two more blocks to the height incentive area (Appendix C)</li> </ul>
Park Impact Payment (PIP)	Calculated based on annual average	<ul style="list-style-type: none"> <li>Calculated using cumulative inflationary increases</li> <li>New methodology for the 2025 adjustment, with a maximum 20% increase</li> <li>Developers will be allowed to make the PIP in two equal payments</li> <li>Extend current PIP reduction to owners who make private space accessible to public</li> </ul>
Public Art	Maximum benefit of 15 points	<ul style="list-style-type: none"> <li>Add public art public benefit for optional method of development projects</li> <li>Maximum benefit of 20 points</li> <li>Allow fee payments to also be accepted by civic arts organization</li> </ul>
Public Benefits for Optional Method of Development Projects	The 2017 Plan lists five top-priority public benefits for optional method of development projects	<ul style="list-style-type: none"> <li>Add a sixth priority “Major Public Facility: New Recreation Center” to incentivize the new public recreation center</li> <li>Qualify for a fee-in-lieu payment under the Zoning Ordinance</li> </ul>
Green Canopy in Downtown Bethesda	Expanded tree canopy in Downtown Bethesda and surrounding communities	<ul style="list-style-type: none"> <li>Expand the potential for planting more trees in parks and open spaces</li> <li>Build programs that offer property owners incentives to plant trees (e.g. Reforest Montgomery)</li> </ul>

Source: Bethesda Downtown Plan Minor Master Plan Amendment Planning Board draft December 2024 and Staff memorandum to Planning, Housing, and Parks (PHP) Committee. Montgomery County Council. Bethesda Downtown Plan Minor Master Plan Amendment.

## Appendix C

**Recommended Expanded BOZ Height Incentive Area Map**



Source: Bethesda Downtown Plan Minor Master Plan Amendment Planning Board draft December 2024

<sup>1</sup> Definition of racial equity and social justice adopted from “Applying a Racial Equity Lens into Federal Nutrition Programs” by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools <https://www.raciaequitytools.org/glossary>

<sup>2</sup> Ibid.

<sup>3</sup> A Minor Master Plan Amendment (MMPA) provides an update of an existing Master Plan or Sector Plan, with a more narrow focus, either in terms of geography or the topics to be covered. These plans follow the same process steps as a Master Plan and Sector Plan, with community outreach, a public hearing, and the Planning Board and County Council's review. *Montgomery County Planning Department website.*

<sup>4</sup> Montgomery County Zoning Ordinance 2014. Division 4.9 Overlay Zones.

<sup>5</sup> Bethesda Downtown Plan Minor Master Plan Amendment Planning Board draft December 2024.

<https://montgomeryplanning.org/wp-content/uploads/2024/12/Bethesda-Downtown-Plan-Minor-Master-Plan-Amendment-Planning-Board-Draft-20241219-FINAL-web.pdf>

<sup>6</sup> Montgomery County Council. Introduction, ZTA 25-04. Agenda Item 3A. February 25, 2025

[https://montgomerycountymd.granicus.com/MetaViewer.php?view\\_id=169&clip\\_id=17810&meta\\_id=189812](https://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&clip_id=17810&meta_id=189812)

<sup>7</sup> Letter from Montgomery County Planning Board to Kate Stewart, Montgomery County Council President. Board recommendation for proposed ZTA 25-04-BOZ. February 12, 2025.

<sup>8</sup> In Montgomery County, households with income ranging between 50%-70% of the Area Medium Income (AMI) qualify to purchase or rent MPDUs. Deeply affordable MPDUs are offered for renters or first-time home buyers with household income ranging between 30% to 50% of the AMI. *MPDUS -Montgomery County, Maryland Consolidated Annual Performance Evaluation Report County Fiscal Year 2021*

<sup>9</sup> A broad range of amenities or features that are provided through the development review process that enhance or contribute to the objectives of a zone or a master plan. *Planning Terms Glossary, Montgomery County, MD Planning Department*, <https://montgomeryplanning.org/about-planning/mission/glossary/#p>

<sup>10</sup> OLO RESJ impact statement. ZTA 23-09: Farming - Incidental Outdoor Stays. January 3, 2024  
<https://www.montgomerycountymd.gov/OLO/Resources/Files/resjis/ZTA/2023/ZTA23-09.pdf>

<sup>11</sup> OLO RESJ impact statement. Expedited Bill 13-23. Montgomery County Urban Districts – Friendship Bill 13-23: Heights Urban District  
<https://www.montgomerycountymd.gov/OLO/Resources/Files/resjis/2023/Bill13-23E.pdf>

<sup>12</sup> OLO RESJ Impact Statement. ZTA 25-03 Expedited Approvals - Commercial to Residential Reconstruction, March 10, 2025  
<https://www.montgomerycountymd.gov/OLO/Resources/Files/resjis/ZTA/2025/ZTA25-03.pdf>

<sup>13</sup> Bethesda Downtown Plan Minor Master Plan Amendment Planning Board Draft., December 2024, Attachment.  
<https://montgomeryplanning.org/wp-content/uploads/2024/12/Bethesda-Downtown-Plan-Minor-Master-Plan-Amendment-Planning-Board-Draft-Attachments-20241220-web.pdf>

<sup>14</sup> Bill 44-20, Racial Equity and Social Justice – Impact Statements – Advisory Committee – Amendments, Montgomery County, Maryland, December 1, 2020.  
[https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=2682\\_1\\_12149\\_Bill\\_44-20\\_Signed\\_20201211.pdf](https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=2682_1_12149_Bill_44-20_Signed_20201211.pdf)

<sup>15</sup> Estimates for Native American and Pacific Islander community members were not available for data points in this RESJIS.

<sup>16</sup> The Real Estate and Rental and Leasing Sector includes establishments that rent, lease, or otherwise allow the use of their own real estate or other assets by others. This sector also includes establishments primarily engaged in managing real estate for others, selling, renting, and/or buying real estate for others, and appraising real estate- as cited in RESJ Impact Statement for Bill 2-25

<sup>17</sup> Margins of error for these data points may be large-as cited in RESJ Impact Statement for Bill 2-25.

<sup>18</sup> Latinx is an ethnicity rather than a race; therefore, Latinx people are included in multiple racial groups throughout this impact statement unless where otherwise noted. Estimates for Native American and Pacific Islander constituents not available for all data points presented in impact statement.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

# Montgomery Planning

## CLIMATE ASSESSMENT FOR ZTA 25-04, BETHESDA OVERLAY ZONE

### PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of master plans and zoning text amendments (ZTAs) on the county's contribution to addressing climate change. These assessments will provide the County Council with a better understanding of the potential climate impacts and implications of proposed master plans and ZTAs, at the county level. The scope of the Climate Assessments is limited to addressing climate change, specifically the effect of land use recommendations in master plans and ZTAs on greenhouse gas (GHG) emissions and sequestration, and how actions proposed by master plans and ZTAs could improve the county's adaptive capacity to climate change and increase community resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed master plans and ZTAs may impact GHG emissions and community resilience.

### SUMMARY

As ZTA 25-04 is an implementation of the Bethesda Minor Master Plan Amendment (BMMPA), this report summarizes the impacts identified in the Climate Assessment conducted for the BMMPA that are specific to the ZTA, this overarching Climate Assessment is included as Attachment A. ZTA 25-04 will have both negative impacts and positive impacts on the County's goals of addressing greenhouse gas emissions, and slight positive and negative impacts on carbon sequestration. However, key changes contained within ZTA 25-04 will have an overall positive impact on ensuring the resilience and adaptive capacity within the Bethesda Community and providing access to public spaces, community connections, and access to resources.

### BACKGROUND AND PURPOSE OF ZTA 25-04

This ZTA would amend the Bethesda Overlay Zone to implement recommendations of the Bethesda Downtown Plan Minor Master Plan by adding incentives for applicants to provide space or funding for a new recreation center, to provide more family sized and deeply affordable Moderately Priced Dwelling Units (MPDUs), and to remove the development cap, along with other small technical updates.

### VARIABLES THAT COULD AFFECT THE ASSESSMENT

The following climate-related variables that were considered in this assessment as impacted by the ZTA. Climate related variables include the various greenhouse gas reduction, sequestration, resilience, and adaptive capacity activities in the climate assessment checklists (Tables 1 and 8) contained in the *Climate Assessment Recommendations for Master Plans and Zoning Text Amendments in Montgomery County*.

#### GREENHOUSE DATA ENTRY-RELATED VARIABLES:

Transportation: Vehicle Miles Traveled (VMT), number of trips, non-vehicle modes of transportation, public transportation use, electric vehicle infrastructure.

Building Embodied Emissions: Building certifications, building square footage, building lifespan, pavement infrastructure, material waste produced, use of green building materials.

Energy-related: Electricity usage, stationary fuel usage, electricity efficiency, stationary fuel efficiency.

#### RESILIENCE RELATED VARIABLES:

Sensitivity-Related Factors: Changes to forest and non-tree canopy cover, quality of green cover, green roofs, perviousness, stormwater treatments, heat sources (pavements, AC, roofs, etc.), reduced urban heat, and improved air and water quality.

Adaptive Capacity-Related Variables: Changes to accessibility of community and public spaces, access to transportation, accessibility to local food sources, change in economic and financial resources, and change in community connectivity.

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## ANTICIPATED IMPACTS

Note: The *Climate Assessment Recommendations for Master Plans and Zoning Text Amendments in Montgomery County* indicates that carbon sequestration, drawdown, and reduction are generally used interchangeably. The *Recommendations* document uses the term sequestration.

The following section describes the Plan's positive or negative impacts for each climate activity variable associated with GHG emissions, sequestration, community resilience, and adaptive capacity category.

### GREENHOUSE GAS EMISSIONS, CARBON SEQUESTRATION, AND DRAWDOWN

#### Transportation Activities Related to Total Lifetime Transportation GHG Emissions

Due to the increased density allowed by ZTA 25-04, the effects of vehicle miles traveled by type (personal vehicles, commercial trucks, rideshare, school buses, motorcycles) on greenhouse gas

emissions and carbon sequestration will be significant, as residents are projected to grow from 16,179 to 33,499. Furthermore, the overall number of trips per person may increase traffic and congestion in these regions, as the rising vehicle miles traveled both by type and per person represent negative impacts. Conversely, non-vehicle modes of transportation, such as biking and walking, are expected to rise and improve due to new infrastructure. Moreover, public transportation usage is anticipated to rise due to the proximity to Bethesda Metro Station, the future Purple Line Station, and several WMATA and Ride On bus stops. Finally, increased population density will likely enhance access to electric vehicle charging infrastructure, facilitating greater adoption of electric vehicles.

#### Building Activities Related to Total Lifetime Embodied Building GHG Emissions

Building activities as a result of ZTA 25-04 will have both positive and negative impacts. Building Certifications and use of green building materials will have a positive impact as the Bethesda Overlay Zone will require new development to exceed energy efficiency standards set by the County. There will be negative impacts relating to building square footage, as more density will directly result in more square footage and a shorter building lifespan as a result of redevelopment opportunity.

#### Energy Activities Related to Total Lifetime Building Energy GHG Emissions

Energy activities as a result of ZTA 25-04 will have both positive and negative impacts. Stationary Fuel Usage will be positively impacted as Montgomery County has moved away from fossil fuel use. While there is an average increase in energy consumption due to density increases, the average embodied energy emissions per residential unit will decline with the increase in density, which is a positive impact in terms of electricity efficiency. However, electricity usage and stationary fuel efficiency (retrofit of existing buildings) will both have negative impacts due to the increase in overall use of electricity and the unlikelihood of retrofitting of existing buildings.

#### COMMUNITY RESILIENCE AND ADAPTIVE CAPACITY

ZTA 25-04 is anticipated to have no impact to exposure-related factors and predominantly positive impacts on sensitivity-related factors with the main negative impact being changes to air quality due to increased density. However, it is anticipated the ZTA will have an overall positive impact for factors relating to adaptive capacity.

#### Sensitivity-Related Factors

ZTA 25-04 is expected to have a negative impact on air quality. While alternative energy sources and fossil fuel combustion are not sourced within the County, increased density and its associated construction impacts contribute to overall emissions. However, it is anticipated that the ZTA will have a positive impact on factors related to the quality of green areas. Additionally, increasing green cover can enhance stormwater treatment capacity by converting impervious surfaces into green areas with



soil and vegetation, which can filter and absorb stormwater. This transformation will also slightly reduce and positively impact the heat island effect caused by impervious surfaces.

### Adaptive Capacity Factors

ZTA 25-04 will have positive impacts to adaptive capacity factors. The ZTA expands the ability for development applications to financially contribute to the Bethesda Urban District and increases the Park Impact Payment for projects utilizing Bethesda Overlay Zone Density. Both these changes positively impact accessibility and prevalence of community events, activation of public spaces, funding for new public spaces, and overall changes to community connectivity.

ZTA 25-04 will also incentivize developments that provide deeper levels of affordability and family sized units within their Moderately Priced Dwelling Units (MPDUs) which positively impacts the equitable distribution of resources, including accessibility to local food sources and other goods. Lastly, ZTA 25-04 will incentivize development that will provide space for a new recreation center, which will positively impact availability of resources and support and other goods, including economic and financial resources. These changes within the ZTA will provide an overall positive impact to community connectivity.

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## RELATIONSHIP TO GREENHOUSE GAS REDUCTION AND SEQUESTRATION ACTIONS CONTAINED IN THE MONTGOMERY COUNTY CLIMATE ACTION PLAN (CAP)

The CAP details the effects of a changing climate on Montgomery County and includes interagency strategies to reduce greenhouse gas emissions and climate-related risks to the county's residents, businesses, and the built and natural environment.

The CAP includes 86 climate actions as a pathway to meet the county's ambitious climate goals while building a healthy, equitable, and resilient community. Each county department has responsibilities for specific climate actions that are relevant to the work of that department. The following section provides a list of the CAP action items relevant to Montgomery Planning Department that are affected by ZTA 25-04. While it is not possible to know the rate or type of development, each action item was rated high, medium, or low for its potential to reduce GHG gasses or sequester carbon.

### Building Actions

B-7: Net Zero Energy Building Code for New Construction. **Medium.** All new construction is encouraged to exceed the county's energy standard and reach net zero, net positive, and/or Living Building standards. However, it is not possible to know if these techniques will be applied.

### Transportation Actions

T-7: Expand the Electric Vehicle Charging Network. **High.** The number of charging stations is dependent on the number of units per building. Increased density will result in increased charging stations.

### Climate Adaptation Actions

A-7: Green Public Spaces. **High.** As noted, the proposed increases in density will increase developer funding to be used for purchasing parks and open space.

A-10: Green Infrastructure. **Medium.** Green infrastructure is not directly recommended but there will be an increase in parks and green roofs with development.

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## RECOMMENDED AMENDMENTS

The Climate Assessment Act requires the Planning Board to offer appropriate recommendations such as amendments to the proposed ZTA 25-04, or other mitigating measures that could help counter any identified negative impacts through this Climate Assessment. However, given many of the negative impacts are a result of the increased density allowed by ZTA 25-04 due to the removal of the development cap, which is a main recommendation of the Bethesda Minor Master Plan Amendment, there are no recommended amendments.

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## SOURCES OF INFORMATION, ASSUMPTIONS, AND METHODOLOGIES USED

This Climate Assessment was based on a focused review of the Climate Assessment for the Bethesda Minor Master Plan Amendment, which is the main source of information that is included as Attachment A.



## CLIMATE ASSESSMENT FOR BETHESDA DOWNTOWN MINOR MASTER PLAN AMENDMENT PLANNING BOARD DRAFT

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### PURPOSE OF CLIMATE ASSESSMENTS

The Climate Action Plan (CAP) is Montgomery County's strategic plan to cut greenhouse gas (GHG) emissions 80% by 2027 and 100% by 2035, compared to 2005 levels. To meet this mission, in July 2022, the County Council approved the Climate Assessment Bill (3-22) to better understand the anticipated impacts of proposed legislation and land-use recommendations on the county's GHG emissions. This bill requires planning staff to assess the GHG/climate impacts of each master and sector plan, as well as of zoning text amendments.

In compliance with the Climate Assessment Bill, this Climate Assessment evaluates the anticipated impacts of the Planning Board Draft of the Bethesda Downtown Minor Master Plan Amendment (Amendment) on the county's GHG emissions and reductions. The assessment describes the potential GHG emissions, climate impacts, and the implications of three different density scenario increases compared to the existing Bethesda Master Plan (2017) at full build out for the projected year, 2045. The 3-density increase proposals are Scenario 1 (11 million additional square feet of development, Scenario 2 (16 million additional sq/ft), and Scenario 3 (21 million additional square feet).

This assessment is focused on the GHG emissions and sequestration effects of the 3 scenarios on land-use, transportation, and nature-based climate solutions. While the Amendment recommendations offer many co-benefits, such as economic development, increased housing and office space, and affordable housing, these are not the subjects of this report.

The Climate Assessment was conducted in accordance with the *Climate Assessment Recommendations for Master Plans and Zoning Text Amendments in Montgomery County*, December 1, 2022, prepared by ICF International, Inc. It offers an approach based on national and international available data for conducting a Climate Assessment either for a master plan (quantitative) or for a proposed zoning text amendment (qualitative).

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### SUMMARY

The Greenhouse Gas Quantification Tool (Quant Tool) used for the assessment is an updated version of a prior model used by Montgomery Planning. The original model was developed by King County, Washington, in 2007. It was revised in 2023 by ICF, using similar methodology with updated building lifetime assumptions (2020), the inclusion of life cycle/upstream emissions associated with fuel combusted production and transportation, and future electric vehicle penetration and fuel mix rates.

The model assesses emissions from four categories: lifetime embodied building emissions, total lifetime building energy emissions, total lifetime building waste emissions, and total lifetime transportation emissions. For each category, the assessment uses the proposed number of buildings or units, the types of buildings, and the total commercial square footage. Sequestration is not an emissions category, rather, it's based on existing and proposed land cover for forests, non-forest tree cover, wetland/meadow, grasslands, and green roofs. The model compares base GHG emissions and sequestration levels for the existing master plan at full build-out with the 3 proposed density increases in the Amendment at full-build out.

The Bethesda Downtown Plan (2017) has a building density cap of 32.4 million square feet, about 1.8 million square feet of which remains. However, some of the objectives of the 2017 Plan for additional parks, certain transportation improvements, and a new recreation center have not been realized. To accomplish these goals, the Planning Department is proposing an increase in density using these 3 different density scenarios. Building density increases will simultaneously require additional developer funding to be used to meet the Bethesda Downtown Plan goals outlined above.

A greenhouse gas carbon assessment has been done for each of the three proposed density increase scenarios determine the level of greenhouse gas increases or decreases for each quantifiable emissions category. The assessment assumes full build out by 2024 for each scenario (every rezoned property is torn down and redeveloped at maximum allowance). The overall GHG emissions increase for **Scenario 1** (11 million additional sq/ft) will be approximately 34%. GHG emissions increase for **Scenario 2** (16 million additional sq/ft) will be 53.58%. GHG emissions for **Scenario 3** (21 million additional sq/ft) will be 73.50%.

The overall increases in total GHG emissions increases are linked to the projected population increase with each scenario from 16,179 people to 24,839 (11 million additional sq/ft), to 29,169 (16 million additional sq/ft), and 33,499 (21 million additional sq/ft). GHG increases in each of the four emissions categories are generated from the following:

1. **Lifetime Embodied Building GHG Emissions:** Based on building type, residents/daily occupancy of building, square footage, lifespan of building, embodied emissions associated with building pavement, and upstream fuel and end-of-life emissions associated with production, transportation, and disposal of different types of materials used for construction.
2. **Total Lifetime Building Energy GHG Emissions:** Based on building type, projected floorspace, carbon coefficient, energy consumption, and lifespan to develop a lifespan estimate of energy-related emissions per thousand square feet.
3. **Total Lifetime Building Waste:** Based on material waste produced, waste management, landfill waste generation, combustion of solid waste, and trash generated within the building type. Includes waste from deconstruction and disposal of materials, the transportation of waste, processing, recycling, and/or disposal of materials.
4. **Total Lifetime Transportation:** Based on transportation according to building type, occupancy in the unit or building, square footage, building life, Maryland state vehicle related GHG emissions, life cycle/upstream emissions associated with fuel combusted, estimated building residents or

daily occupants, emissions by transportation mode and vehicle type, EV penetration, and fuel mix rates.

Table 1: Results of Greenhouse Gas Assessment for 3 Growth Scenario's (in metric tons of carbon dioxide)

	Existing Master Plan (EMP) 2017	Additional 11 Million Sq/Ft	Percent Increase above EMP	Additional 16 Million Sq/Ft	Percent Increase above EMP	Additional 21 Million Sq/Ft	Percent Increase above EMP
<b>Total Lifetime Embodied Building GHG Emissions</b>	1,179,011	1,501,250	27.33%	1,669,943	41.64%	1,838,642	55.95%
<i>Lifetime Residential Emissions per residential unit</i>	23.6	21.77	<b>-7.79%</b>	21.67	<b>-8.25%</b>	21.58	<b>-8.60%</b>
<i>Lifetime Commercial Emissions per commercial sq/ft</i>	0.05	0.05	0.19%	0.05	0.23%	0.05	0.26%
<b>Total Lifetime Building Energy GHG Emissions</b>	5,947,418	7,926,450	33.28%	9,025,751	51.76%	10,125,056	70.24%
<i>Lifetime Residential Emissions per residential unit</i>	249.39	228.49	<b>-8.38%</b>	225.88	<b>-9.43%</b>	223.92	<b>-10.22%</b>
<i>Lifetime Commercial Emissions per commercial sq/ft</i>	0.23	0.23	0.04%	0.23	0.12%	0.23	0.24%
<b>Total Lifetime Building Waste GHG Emissions</b>	930,370	1,272,218	36.74%	1,478,993	58.97%	1,685,767	81.19%
<i>Annual Total Building Waster Emissions</i>	8,985.31	13,654.23	36.74%	15,873.46	58.97%	18,092.69	81.19%
<i>Lifetime Residential Emissions per residential unit</i>	88.71	86.54	<b>-2.44%</b>	86.47	<b>-2.53%</b>	86.41	<b>-2.59%</b>
<i>Lifetime Commercial Emissions per commercial sq/ft</i>	0	0	<b>-1.77%</b>	0	<b>-2.12%</b>	0	<b>-2.40%</b>
<b>Total Lifetime Transportation GHG Emissions</b>	19,225,523	4,642,287	36.86%	5,410,087	59.50%	6,215,377	83.24%
<b>Land Cover &amp; Management Ecosystems Emissions</b>		-1,414	<b>N/A</b>	-1,503	<b>N/A</b>	-1,594	<b>N/A</b>
<b>Total GHG Emissions</b>	<b>11,448,774</b>	15,340,791	<b>34.00%</b>	17,583,270	<b>53.58%</b>	19,863,249	<b>73.50%</b>

At the same time, its noteworthy that while the model projects an overall increase in GHG emissions for each scenario at full build-out, per-capita residential and per-square foot commercial emissions are projected to be reduced in the following four categories: Lifetime Embodied Building Emissions per residential unit; Lifetime Embodied Building Energy Emissions per residential unit; Lifetime Building Waste for Residential Emissions per residential unit; and Lifetime Building Waste for Commercial Emissions per commercial sq/ft.

**Table 2: Greenhouse Gas Decrease Emissions Categories**

	<b>Percent GHG decrease for additional 11,000 Sq/ft</b>	<b>Percent GHG decrease for additional 16,000 Sq/ft</b>	<b>Percent GHG decrease for additional 21,000 Sq/ft</b>
<b>Lifetime Embodied Building Emissions per residential unit</b>	<b>-7.79%</b>	<b>-8.25%</b>	<b>-8.60%</b>
<b>Lifetime Embodied Building Energy Emissions per residential unit</b>	<b>-8.38%</b>	<b>-9.43%</b>	<b>-10.22%</b>
<b>Lifetime Building Waste for Residential Emissions per residential unit</b>	<b>-2.44%</b>	<b>-2.53%</b>	<b>-2.59%</b>
<b>Lifetime Building Waste for Commercial Emissions per commercial sq/ft</b>	<b>-1.77%</b>	<b>-2.12%</b>	<b>-2.40%</b>

The Quant Tool is limited and many potential factors could reduce the projected GHG emissions, such as rapid acceleration in electric vehicle adoption that results in market penetration sooner than the model forecasts, expanded use of alternative modes of transportation, less than full redevelopment, building requirements for new buildings to meet net zero or net positive standards, use of waste materials on-site, improvements in composting, and a reduced waste footprint through waste stream reductions.

It's important to outline that all new or changed development leads to additional GHG emissions. Providing increased density in an already dense areas may reduce county sprawl into greenfields, concentrating development where infrastructure such as metro lines, shops, community centers, and schools already exist.

New stormwater management regulations will require stormwater treatment where there presently is none. Cumulatively, will reduce stormwater runoff pollutants and improve water quality. The green cover requirements in the 2017 Master Plan will be applied. If development continues, by 2035 there could be an increased green roof coverage of 10.2 acres. By 2040, an increase in 15.3 acres of green roofs, and by 2045, 20.4 acres. Quantifiably, these roofs could draw down carbon (sequester) approximately 1,594 metric tons of carbon.

Table 3: Metric Tons of Carbon Sequestration for each Growth Scenario

	Percent GHG decrease for additional 11,000 Sq/ft	Percent GHG decrease for additional 16,000 Sq/ft	Percent GHG decrease for additional 21,000 Sq/ft
<b><i>Land Cover &amp; Management Ecosystems Emissions</i></b>	1,414 metric tons	1,503 metric tons	<i>Land Cover &amp; Management Ecosystems Emissions</i>

## BACKGROUND AND PURPOSE OF DENSITY AMENDMENT

Bethesda's most recent success was made possible by the innovative 2017 [Bethesda Downtown Sector Plan](#). Following years of community collaboration, the plan defined a 20-year vision for a truly sustainable urban community by balancing additional building height and density with a new Park Impact Payment to help address the high cost of park development in the downtown, in addition to all the other public amenity, transportation, and school infrastructure improvements paid for by private development.

Beyond the standard measures used all over the county to ensure that public facilities and infrastructure will be in place to serve new development, the plan included several measures to track the implementation of plan recommendations for development, parks, transportation, and more. These included a cap on total development in downtown Bethesda of 32.4 million square feet, including existing and approved new development, based on a transportation analysis conducted at the time the plan was being developed. Once total development came within 2 million square feet (approximately 10 200-unit apartment buildings) of the cap, the plan recommended that the Planning Department and Planning Board check in with the County Council to see if additional recommendations are needed to help implementation of public amenity and infrastructure recommendations like new parks and transportation-related improvements.

In fall 2023, total development in downtown Bethesda reached the 2 million square-foot checkpoint. After public engagement and comment, Planning staff and the Planning Board recommended that the County Council authorize the development of a Minor Master Plan Amendment (MMPA). The amendment includes increasing the density cap. This model measures the greenhouse gas emissions associated with the additional square footage of new construction for the three different building scenarios: 11 million additional square feet; 16 million additional square feet; and 21 million additional square feet.

## VARIABLES THAT COULD AFFECT THE ASSESSMENT

The following climate-related variables were used or considered in the assessment of the proposed increases in density. Climate-related variables include GHG reduction, sequestration, resilience, and adaptive capacity activities as outlined in the qualitative checklists (Tables 1 and 8) within the *Climate Assessment Recommendations for Master Plans and Zoning Text Amendments in Montgomery County*.

### Greenhouse Data Entry–Related Variables:

Transportation: Vehicle Miles Traveled (VMT), number of trips, non-vehicle modes of transportation, public transportation use, electric vehicle infrastructure.

Building Embodied Emissions: Building certifications, building square footage, building lifespan, pavement infrastructure, material waste produced, use of green building materials.

Energy-related: Electricity usage, stationary fuel usage, electricity efficiency, stationary fuel efficiency.

Land Cover Change & Management: Retention and/or removal of forest, non-forest tree cover, and green space; proposed Nature-Based Solutions.

#### **Resilience-Related Variables:**

Exposure-Related Factors: Activity in flood areas and Urban Heat Islands

Sensitivity-Related Factors: Changes to forest and non-tree canopy cover, quality of green cover, green roofs, perviousness, stormwater treatments, heat sources (pavements, AC, roofs, etc.), reduced urban heat, and improved air and water quality.

Adaptive Capacity-Related Variables: Changes to accessibility of community and public spaces, access to transportation, accessibility to local food sources, change in economic and financial resources, and change in community connectivity.

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#### **ANTICIPATED IMPACTS**

The Master Plan (2017) has strong environmental recommendations to improve Bethesda's climate resiliency, energy consumption through high performance buildings, carbon sequestration capacity, water and air quality. These are also goals set forth within the Climate Action Plan and Thrive Montgomery 2050. The increased density proposed within the Beltway will consolidate populations to reduce sprawl and protect greenfields. New construction will be required to meet today's energy efficiency standards, as well as provide Nature-Based Climate Solutions such as green roofs and tree plantings on each new development project, resulting in an increase in trees, green roofs, and vegetated stormwater management. These features can enhance a community's climate resiliency by reducing runoff and building emissions and improve biodiversity by planting native species. Concurrently, building demolition, construction, and increased transportation demands will increase GHG emissions in all four categories: Lifetime Embodied Building Emissions per residential unit; Lifetime Embodied Building Energy Emissions per residential unit; Lifetime Building Waste for Residential Emissions per residential unit; and Lifetime Building Waste for Commercial Emissions per commercial sq/ft.

The following section describes the Plan's positive or negative impacts for each climate activity variable associated with GHG emissions, sequestration, community resilience, and adaptive capacity category.

#### **GREENHOUSE GAS EMISSIONS, CARBON SEQUESTRATION/DRAWDOWN**

##### **Transportation Activities Related to Total Lifetime Transportation GHG Emissions**

- Vehicle miles traveled by type (personal vehicles, commercial trucks or vehicles, rideshare, school buses, motorcycles). **Negative Impact.** Transportation Planning staff modeled an overall increase in vehicle miles traveled (VMT) within the transit area due to the projected increase in population from 16,179 to 33,499 people. This increase will result in a greater traffic and



congestion to adjacent neighborhoods, shopping areas, work, and other regional communities which will impact VMT throughout the plan area.

- Number of trips (including single occupancy and carpool trips). **Negative Impact.** The number of trips per person is expected to increase due to population increases. At the same time, Bethesda is a walkable city with access to most daily necessities and services such as work, shopping centers, schools, healthcare, grocery stores, entertainment, restaurants, and more. The proposed vehicle miles travelled per person decreases while the overall number of miles travelled increases due to population increases.
- Non-vehicle modes of transportation (scooters, bikes, walking). **Positive Impact.** It is anticipated that non-vehicle modes of transportation will increase due to the proximity to the Bethesda metro station, bus stops, increased bike-share stations, and improved sidewalks and pedestrian network.
- Public transportation use (public bus and Metrorail). **No Impact.** It is not anticipated that public transit trips will increase with the proposed increases in density.
- Electric vehicle infrastructure access (i.e., charging stations). **Positive Impact.** It is anticipated that electric vehicle use will increase within the next few decades due to national and local incentives, policies, and increased affordability. The number of electric vehicle charging stations is based on the number of units within a building. Therefore, increased density will result in increased charging stations.

#### **Building Activities Related to Total Lifetime Embodied Building GHG Emissions**

- Building Certifications. **Positive Impact.** There is a correlation between green building certification and lower emissions. While the master plan cannot dictate actual design and engineering of a building, the recommendations encourage all development to exceed the county's minimum energy standards and strive to meet net zero, net positive, and/or Living Building standards. New buildings will also be required to meet the county's energy standards and codes.
- Building square footage. **Negative Impact.** It is anticipated that there will be an increase in the overall square footage of large buildings. An increase in building square footage will increase material use for building construction (embodied energy), construction activities, and additional energy use in buildings, all of which will increase emissions. While many green building certification standards require materials to be sustainable or sourced within a certain distance, it is not possible to know whether this requirement will apply to new construction projects.
- Building lifespan. **Negative Impact.** A shorter building lifespan results in greater turnover of emissions associated with building demolition and the construction of new buildings. In contrast, a longer building lifetime results in lower overall embodied emissions. The increased density will increase embodied building GHG emissions by approximately 27.33% for **Scenario 1** (11 million additional sq/ft), 41.64% for **Scenario 2** (16 million additional sq/ft), 55.95% for **Scenario 3** (21 million additional sq/ft). To reduce embodied energy emissions, it is recommended to reuse building material during construction.

- Pavement infrastructure. **No Impact**. The manufacturing and use of pavements to create roadways, walkways, and buildings causes GHG emissions. None of the density scenarios propose additional surface area.
- Use of green building materials. **Positive Impact**. It is not possible to know what materials will be used for future building; however, the Master Plan (2017) provides incentives for high performance buildings. While not required, the county's green building codes and standards provides benefit points for the use of green construction materials.

#### Energy Activities Related to Total Lifetime Building Energy GHG Emissions

- Electricity usage. **Negative Impact**. Due to the density recommendations and the population increases, the overall use of electricity is expected to increase even with the construction of energy efficient, high performing buildings.
- Stationary fuel usage. **Positive Impact**. Stationary fuel usage refers to combustion equipment for generating steam or providing useful heat or energy. Stationary fuel usage results in direct GHG emissions. Montgomery County has moved from fossil fuel use to alternative energy sources thereby reducing stationary fuel usage. Fossil fuel is anticipated to further decline in the future.
- Electricity efficiency (per square foot). **Positive Impact**. While there is an average increase in energy consumption due to density and population increases, the average embodied energy emissions per residential unit declines by 8.38%, for **Scenario 1** (11 million additional sq/ft), 9.43%, for **Scenario 2** (16 million additional sq/ft), 10.22% for **Scenario 3** (21 million additional sq/ft).
- Stationary fuel efficiency (BTU per square foot). **Negative Impacts**. Stationary fuel efficiency capabilities refers to retrofitting existing buildings to improve fuel efficiencies. The proposed density increases will not result in the retrofitting of existing buildings.

#### Waste Activities Related to Total Lifetime Building Waste GHG Emissions

- Material waste produced. **Negative Impact**. Material waste is sent to a combination of recycling, landfilling, and waste combusting facilities, which can increase GHG emissions. Although the Plan recommends salvaging building materials during demolition (steel, wood, brick, glass, asphalt, and concrete), most of the property proposed for redevelopment and zoning changes will generate waste material and embodied emissions increasing the overall Building Waste GHG Emissions. However, lifetime residential and commercial building waste per unit for residential and commercial will decrease.

#### Land Cover Change & Management Activities Related to Land Cover & Management Ecosystems Carbon Stock (Sequestration)

- Area of forest. **No Impact**. No forests will be affected.
- Area of non-forest tree canopy. **Positive Impact**. It is intended that no trees will be lost due to increased density. The Master Plan (2017) proposes an increase in street and open space canopy cover.

- Area of green cover. **Positive Impact.** Green cover in the form of green roofs, trees, shrubs, and/or herbaceous cover can sequester and store carbon as biomass, restore and build soils, and provide food and habitat for coevolved species. Green cover is especially important in urbanized areas with high levels of impervious surfaces, as it helps reduce the heat island effect and cools streetscapes, walkways, roads, and open space. The Master Plan (2017) requires all new development to achieve a minimum of 35% green cover by planting native canopy trees, installing a green roof, or doing both. If growth continues at its current rate, it is anticipated that there may be as much as 20.4 acres of green roofs at full building out in 2024 (21 million additional square feet).
- Implementation of Nature-Based Climate Solutions. **No Impact.** Nature-Based Climate Solutions are a broad range of actions to restore and mitigate lost natural systems and functions to enhance climate adaptation and sequestration capacities, biodiversity, water and air quality, and human health. Increasing density will not change the implementation of Nature-Based Climate Solutions.

## COMMUNITY RESILIENCE AND ADAPTIVE CAPACITY

Urban resilience is the inverse of vulnerability. It is the capacity to function so that people who are living and working in the area, particularly those who are lower income or otherwise vulnerable, can survive and thrive no matter what stresses or shocks they encounter. This section addresses the Plan's Resiliency and Adaptive Capacity for three core vulnerability areas: Exposure (the level of contact that people, systems, and assets have with climate hazards); Sensitivity factors (an increase or decrease in the severity of impacts to people, systems, and assets from a climate hazard); and Adaptive capacity (factors that increase or decrease people or society's ability to cope with adverse impacts). Each vulnerability area has several potential impact factors that increase or decrease resiliency. The worksheet associated with this category requires a broad yes-or-no impact and positive-or-negative determination. Positive impacts will not happen quickly. They are uncertain and dependent on the rate of redevelopment, transportation funding and implementation, and city/county initiatives.

### Exposure-Related Factors

- Activity in flood risk areas. **No Impact.** There are no flood zones or flood plains within the Plan area.
- Activity in urban heat island. **No Impact.** Any density changes will not affect urban heat island temperatures as its expected buildings will increase in height rather than width.
- Exposure to other hazards (e.g., storms, wind, drought). **No Impact.** Severe storms and wind can negatively affect public safety and cause damage and disruptions to critical infrastructure (e.g., loss of power, damage to buildings). High winds can discourage sustainable forms of transportation such as biking and walking. The density recommendations will have no impact on exposure to these hazards.

### Sensitivity-Related Factors

- Change to forest cover. **No Impact.** There are no forests within the area where density is proposed to increase.

- Area of non-forest tree canopy. **No Impact.** Non-forest trees, especially in urbanized areas, provide multiple ecological and human benefits, including cooling streetscapes, providing microclimates, reducing urban heat island temperatures, sequestering GHG, reducing energy demand (3 to 30%<sup>1</sup>), and providing wildlife habitat, food, and pollinators. Increasing density should not change non-forest tree canopy cover.
- Change to quality or quantity of other green areas (meadows, green roofs, planting beds, etc.). **Positive Impact.** Adding and mitigating green areas, especially where there are impervious surfaces, will improve community resilience by aiding in temperature reduction and reducing the impacts of extreme heat on human health. Green cover can also add stormwater treatment capacity by converting impervious surfaces into green cover with soils and vegetation to filter and absorb stormwater. Increasing density will facilitate development which in turn, requires funding for the purchasing of additional parks and open space. Green roof construction is anticipated with new development.
- Change impacts of heat (e.g., cool pavements, cool roofs, air conditioning, energy efficiency improvements). **Positive Impact.** Temperatures are expected to increase in Montgomery County, posing a growing threat to human and animal health, natural resources, and infrastructure. The addition of green roofs and trees will slightly reduce heat island effect from impervious surfaces. In turn, this will reduce heat to those directly adjacent to the property.
- Change in perviousness. **No Impact.** Increasing density will not affect pervious surfaces.
- Change in stormwater management system treatments. **No Impact.** Changes in density will not affect stormwater management treatment above what will be anticipated with all new development.
- Change to water quality or quantity. **No Impact.** Changes in density will not affect stormwater management treatment above what will be anticipated with all new development.
- Change to air quality. **Negative Impact.** Increases in density will increase overall GHG emissions which reduce air quality. While alternative energy and the burning of fossil fuels are not sourced within the county, increased density and its construction impacts adds to overall emissions.
- Infrastructure design decisions. **Unknown Impacts.** Infrastructure design can have a bearing on climate resiliency. Increased density does may affect infrastructure design decisions such as culverts or drainage sizing. This is in the purview of other county agencies.

#### Adaptive Capacity Factors

- Change to accessibility or prevalence of community and public spaces (e.g., libraries, air-conditioned cooling centers). **Positive Impact.** The proposed density increases are anticipated to aid in the funding of additional parks and open space resulting in an increase in community and public open spaces.
- Change to emergency response and recovery capabilities. **No Impact.** Expanding emergency response and recovery capabilities is generally associated with increased community resilience

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<sup>1</sup> Climate Assessment Recommendations for Zoning Text Amendments and Master Plans in Montgomery County

and adaptive capacity. For example, if there are more emergency responders available during a flood event or storm, more people can be dispatched to check on vulnerable residents and residents will be more likely to receive the help they need. The Plan does not address this factor.

- Change in access to transportation. **No Impact.** The increase in density will have no impact on the transportation network, bicycle or pedestrian ways, bus shelters, etc.
- Change to accessibility or prevalence of local food sources and other goods. **Positive Impact.** Expanding the accessibility and prevalence of local food sources enhances community resilience by reducing reliance on distant travel. It is possible that new development will result in additional food stores and restaurants reducing travel demand for these necessities.
- Change in availability or distribution of economic and financial resources (i.e., to what extent the master plan will influence the accessibility or distribution of economic and financial resources). **Potential Impact.** Added density could encourage mixed uses which could increase the local labor force, creating jobs and increasing income. This effect is not guaranteed, as mixed use is optional in the master plan and does not guarantee an increase in local jobs.
- Change to community connectivity (e.g., social connections, sense of place, belonging). **Positive Impact.** Studies show that social cohesion and community connectivity are directly linked with resilience and often help strengthen a community, especially in post-disaster recovery situations. Community connectivity can also reduce mental health challenges and post-traumatic stress for individuals who are impacted by natural disasters. The proposed density increases may improve community connectivity by enhancing public gathering spaces and parks, which provide opportunities to make social connections.
- Change in distribution of resources and support (influencing the equitable distribution of resources and providing policies, institutional knowledge, training, and resources). **No Impact.** The density changes does not directly make recommendations to provide additional resources and support in this category.

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#### RELATIONSHIP TO GREENHOUSE GAS REDUCTION AND SEQUESTRATION ACTIONS CONTAINED IN THE MONTGOMERY COUNTY CLIMATE ACTION PLAN (CAP)

The CAP details the effects of a changing climate on Montgomery County and includes interagency strategies to reduce greenhouse gas emissions and climate-related risks to the county's residents, businesses, and the built and natural environment.

The CAP includes 86 climate actions as a pathway to meet the county's ambitious climate goals while building a healthy, equitable, and resilient community. Each county department has responsibilities for specific climate actions that are relevant to the work of that department. The following section provides a list of the CAP action items relevant to Montgomery Planning Department. While it is not possible to know the rate or type of development, each action item was rated high, medium, or low for its potential to reduce GHG gasses or sequester carbon.

#### Clean Energy Actions

- E-3: Promote Private Solar Photovoltaic Systems. **Medium.** It's possible that developers will incorporate photovoltaics into their development projects, but it is not absolute.

## Building Actions

- B-7: Net Zero Energy Building Code for New Construction. **Medium**. All new construction is encouraged to exceed the county's energy standard and reach net zero, net positive, and/or Living Building standards. However, it is not possible to know if these techniques will be applied.

## Transportation Actions

- T-1: Expand Public Transit. **Low**. There are no transportation recommendations associated with the density increases proposed.
- T-2: Expand Active Transportation and Micro-mobility Network. **No**. There are no recommendations to construct bicycle lanes, improve sidewalks, and increase access, stations, and frequency of public transit.
- T-4: Constrain Cars in Urban Areas, Limit Major New Road Construction. **Low**. There are no recommendations to address car constraints.
- T-7: Expand the Electric Vehicle Charging Network. **High**. The number of charging stations is dependent on the number of units per building. Increased density will result in increased charging stations.
- T-8: Transportation Demand Management. **Low**. There are no recommendations to address transportation demand management.

## Carbon Sequestration Actions

- S-1: Retain and Increase Forests. **Low** (for forest retention), **Low** (for increase in forest). There are no forests within the properties proposed for increased density.
- S-2: Retain and Increase Tree Canopy. **Low**. There are no recommendations for tree canopy changes with the proposed density increases.
- S-5: Restore Soil Fertility, Microbial Activity, and Moisture-Holding Capacity. **Low**. There are no recommendations for in this category with the proposed density increases.

## Climate Adaptation Actions

- A-18: Expanded Community Gardens. **Low**. There are no recommendations for in this category with the proposed density increases.
- A-7: Green Public Spaces. **High**. As noted, the proposed increases in density will increase developer funding to be used for purchasing parks and open space.
- A-10: Green Infrastructure. **Medium**. Green infrastructure is not directly recommended but there will be an increase in parks and green roofs with development.
- A-13: Ban Stormwater Management Requirement Waivers. **Low**. There are no recommendations for in this category with the proposed density increases.

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## SOURCES OF INFORMATION, ASSUMPTIONS, AND METHODOLOGIES USED

The climate assessment for the for the proposed 3 density scenarios was prepared using the methodology for master plans contained within the *Climate Assessment Recommendations for Master Plans and Zoning Text Amendments in Montgomery County*, December 1, 2022.

The approach for modeling greenhouse gas emissions from existing and future (2045) land use and transportation growth was done using a GHG quantification spreadsheet (Quant Tool). The spreadsheet

provides totals emissions by type, including lifetime embodied building GHG emissions, lifetime building energy GHG emissions, lifetime building waste GHG emissions, lifetime transportation GHG emissions, and sequestration rates for land cover and management. The original model was developed in 2007 by King County, Washington, using national averages for transportation, and estimates emissions factors for the lifetime of buildings associated with the master plan’s development. The model was revised in 2022 by ICF consultants, using similar methodology with updated building lifetime assumptions (2020), the inclusion of life cycle/upstream emissions associated with fossil fuel production and transportation, and future electric vehicle penetration and fuel mix rates.

## Sources of Information

- *Climate Assessment Recommendations for Master Plans and Zoning Text Amendments in Montgomery County*, December 2022
- *Montgomery County Climate Action Plan*, June 2021
- *Thrive Montgomery 2050*, October 2022
- GHG Quant Tool inputs:
  - **Land Use**—Master Plan Parcel GIS (land use attributes from county parcel layer); residential units and commercial floor area values adjusted for the Existing Policy and Master Plan scenarios (based on theoretical maximum possible build-out for each scenario’s zoning allowances)
  - **Pavement/Impervious Surfaces**—Montgomery County Planimetric GIS, 2020 (coverage values adjusted for projected Master Plan build-out)
  - **Transportation (VMT)**—Montgomery County Planning transportation staff modeling program, March 2023
  - **Land Cover**—Montgomery County Tree, non-forest, turf, and soil cover (Montgomery County GIS, 2015)

## GHG Quant Tool Assumptions

- The model calculates the GHG emissions for the maximum build-out by 2045 of land-use development (i.e., residential units and commercial building area) and resulting vehicle miles traveled consistent with the existing allowable development potential for current zoning districts. The model was run for all 3 density increase scenarios.
- The assessment calculates GHG emissions for a theoretical maximum possible build-out by 2045 of land use development (i.e., residential units and commercial building area) and resulting vehicle miles traveled consistent with the theoretical maximum build-out for zoning districts as recommended by the Master Plan.
- The Quant tool assumes an electric vehicle market penetration rate in the GHG Quant Tool of 90% by the year 2035. This estimate is consistent with Montgomery County’s goal for transitioning vehicles to 100% electric by 2035, adjusted down by 10% to allow for a possible slower market uptake. However, electric vehicle use could increase at a faster rate than the penetration rate projects.
- The model was run assuming a 35% increase in green cover for all new development based on the proposed requirement. Green cover can be tree canopy cover, green roofs, or both.