



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

**DEC 28 2015**

MCPB No. 15-145  
Sketch Plan No. 320160010  
Brightview Bethesda  
Date of Hearing: December 10, 2015

**RESOLUTION**

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review sketch plan applications; and

WHEREAS, on July 23, 2015, Shelter Development, LLC ("Applicant") filed an application for approval of a sketch plan for a maximum density of 121,528 square feet of development consisting of up to 89,780 square feet of assisted living use with up to 120 assisted living dwelling units, up to 28,623 square feet of office use, and up to 3,125 square feet of other nonresidential (retail, restaurant, or service) uses on 1.39 gross acres of CR 3.0 C 1.0, R 2.75, H 90 T and CRN 0.5 C 0.5, R 0.25 H 35 zoned-land, located in the northeast quadrant of the intersection of Rugby Avenue and Glenbrook Road ("Subject Property") in the Bethesda CBD Policy Area and *Woodmont Triangle Amendment to the Bethesda CBD Sector Plan* ("Sector Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320160010 Brightview Bethesda ("Sketch Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated November 25, 2015, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on December 10, 2015, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain binding elements and conditions, by the vote certified below.

Approved as to  
Legal Sufficiency:

 12/2/15

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320160010, Brightview Bethesda, for a maximum density of 121,528 square feet of development consisting of up to 89,780 square feet of assisted living use with up to 120 assisted living dwelling units, up to 28,623 square feet of office use, and up to 3,125 square feet of other nonresidential (retail, restaurant, or service) uses on the Subject Property, subject to the following binding elements and conditions:<sup>1</sup>

A. Binding Elements. The following site development elements are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

1. Density

The development is limited to a maximum of 121,528 square feet of total development on the Subject Property, including up to 89,780 square feet of assisted living use consisting of up to 120 assisted living dwelling units, up to 28,623 square feet of office, and up to 3,125 square feet of other nonresidential uses. The Sending Properties are collectively limited to 13,793 square feet of nonresidential uses. The Subject Property and the Sending Properties together are collectively limited to a maximum total density of 135,321 square feet of development.

2. Site Plan

Any development within the Subject Property must receive site plan approval, including a review of all applicable public benefit point calculations.

3. FAR Averaging

Prior to record plat approval, the Applicant must state the gross square footage taken from any lot with reduced density in an instrument approved by the M-NCPPC Office of the General Counsel and must record the instrument in the Montgomery County land records. Final allocation of density will be determined

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<sup>1</sup> For the purpose of these binding elements and conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.



at the time of site plan review. The properties within the Site will transfer the following square feet of development potential based on the existing zoning:

- a. Sending Site A (8106 Norfolk Avenue, Lots 401 and 402) will be transferring 4,942 square feet of residential density to the Subject Property.
- b. Sending Site B (8000 Norfolk Avenue, Lots 329 and 330) will be transferring 14,058 square feet of residential density to the Subject Property.

4. Height

The development is limited to the maximum height of 90 feet, as measured from the approved building height measuring point for the building.

5. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59-7.3.3.I. Section 59-4.6.2.B requires properties taking advantage of FAR Averaging to exceed the minimum public benefit points otherwise required by 50%. Total points must equal at least 150 and be chosen from at least four categories as required by Section 59-4.5.4.A.2. The requirements of Division 59-4.7 and the *Commercial/Residential and Employment Zones Incentive Density Implementation Guidelines* must be fulfilled for each public benefit proposed. Final points will be established at site plan approval.

- a. Transit Proximity, achieved through proximity to a Metrorail station;
- b. Connectivity and Mobility, achieved through provision of fewer than the maximum parking spaces, transit access improvements, and provision of wayfinding;
- c. Diversity of Uses and Activities, achieved through providing opportunities for small businesses and enhanced accessibility for the disabled;
- d. Quality of Building and Site Design, achieved through structured parking, public art, exceptional design, and architectural elevations; and
- e. Protection and Enhancement of the Natural Environment, achieved through building lot termination, energy conservation and generation, cool roof, vegetated roof, and vegetated wall, and recycling facility plan.

6. Building Lot Terminations ("BLTs")

Prior to release of any building permit, the Applicant must provide proof of purchase and/or payment for the required BLTs.

7. Standard Streetscape

For each site plan approved pursuant to this Sketch Plan, the Applicant must provide and install the Bethesda Streetscape Standard along the site plan frontage, including undergrounding of utilities.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of the Zoning Ordinance, the Board finds that as conditioned the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that:

1. *The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.*

a. Development Standards

The Subject Property includes approximately 1.39 acres zoned CR 3.0 C1.0 R2.75 H 90T and CRN 0.5 C 0.5 R 0.25 H 35. The data table below demonstrates the Application's conformance to the applicable development standards of the zones.

**Data Table**

Table 1 - Project Data Table				
Zone	Zone	C	R	H
Subject Property				
Lot 1 CRN	CRN-0.5	0.5	0.25	35
Lot 1 CR	CR-3.0	1.0	2.75	90T
Lot 2	CR-3.0	1.0	2.75	90T
Sending Site A (8106 Norfolk Avenue)	CR-3.0	1.0	2.75	90T
Sending Site B (8000 Norfolk Avenue)	CR-3.0	1.0	2.75	90T

DEVELOPMENT STANDARD (59-4.5.4)	PERMITTED/REQUIRED		APPROVED	
Tract Area	SF	Acres	SF	Acres
Subject Property	n/a		60,339	1.39
Sending Site A (8106 Norfolk Avenue)	n/a		4,075	0.09
Sending Site B (8000 Norfolk Avenue)	n/a		6,856	0.16
Total	n/a		71,270	1.64
Previous Dedications	SF	Acres	SF	Acres
Subject Property	n/a		13,493	0.31
Sending Site A (8106 Norfolk Avenue)	n/a		1,000	0.02



DEVELOPMENT STANDARD (59-4.5.4)	PERMITTED/REQUIRED		APPROVED	
Sending Site B (8000 Norfolk Avenue)	n/a		3,700	0.08
Total	n/a		18,193	0.42
<b>Site Area</b>	<b>SF</b>	<b>Acres</b>	<b>SF</b>	<b>Acres</b>
Subject Property	n/a		46,846	1.08
Sending Site A (8106 Norfolk Avenue)	n/a		3,075	0.07
Sending Site B (8000 Norfolk Avenue)	n/a		3,156	0.07
Total	n/a		53,077	1.22
<b>Height (maximum)</b>	<b>Feet</b>		<b>Feet</b>	
Subject Property				
Lot 1	35/90		As existing	
Lot 2	90		90	
Sending Site A (8106 Norfolk Avenue)	90		As existing	
Sending Site B (8000 Norfolk Avenue)	90		As existing	
<b>Total Density (maximum)</b>	<b>SF</b>	<b>FAR</b>	<b>SF</b>	<b>FAR</b>
Subject Property				
Lot 1 CRN	9,287	0.5	9,287	0.5
Lot 1 CR	48,081	3.0	19,336	1.2
Lot 2	77,214	3.0	92,905	3.6
Sending Site A (8106 Norfolk Avenue)	12,225	3.0	7,283	1.5
Sending Site B (8000 Norfolk Avenue)	20,568	3.0	6,510	1.1
Total	167,375	2.3	135,321	1.9
<b>Total Commercial Density (maximum)</b>	<b>SF</b>	<b>FAR</b>	<b>SF</b>	<b>FAR</b>
Subject Property				
Lot 1 CRN	9,287	0.5	9,287	0.5
Lot 1 CR	16,027	1.0	19,336	1.2
Lot 2	25,738	1.0	3,125	0.1
Sending Site A (8106 Norfolk Avenue)	4,075	1.0	7,283	1.5
Sending Site B (8000 Norfolk Avenue)	6,856	1.0	6,510	1.1
Total	61,983	0.9	45,541	0.6
<b>Total Residential Density (maximum)</b>	<b>SF</b>	<b>FAR</b>	<b>SF</b>	<b>FAR</b>
Subject Property				
Lot 1 CRN	4,644	0.25	0	0
Lot 1 CR	44,074	2.75	0	0
Lot 2	70,780	2.75	89,780	3.5
Sending Site A (8106 Norfolk Avenue)	11,206	2.75	0	0
Sending Site B (8000 Norfolk Avenue)	18,854	2.75	0	0
Total	149,558	2.1	89,780	1.3
<b>Setbacks - All Properties (minimum)</b>	<b>Feet</b>		<b>Feet</b>	
Street	0		0	
Side	0		0	
<b>Public Open Space (minimum)</b>	<b>SF</b>	<b>Percent</b>	<b>SF</b>	<b>Percent</b>
Subject Property	2,342	5%	6,010	13%
Sending Site A (8106 Norfolk Avenue)	0	0	0	0

DEVELOPMENT STANDARD (59-4.5.4)	PERMITTED/REQUIRED		APPROVED	
Sending Site B (8000 Norfolk Avenue)	0	0	0	0
Total	2,342	5%	6,010	13%
<b>Parking</b>	<b>Minimum</b>	<b>Maximum</b>	<b>Approved</b>	
Subject Property	47	154	47	

The intent of the CR zone is to:

- a) *Implement the recommendations of applicable master plans.*

As discussed in Finding 2 below, the Application substantially conforms to the recommendations of the Sector Plan. The Application responds to the Sector Plan's main goals, including enhancing the pedestrian realm, providing transit-oriented, mixed-use development, and providing opportunities for small businesses.

- b) *Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses.*

Lot 2 of the Subject Property is currently improved with single-story, small-scale commercial buildings and associated surface parking. The Application will redevelop this single-use property with a modern, mixed-use development with structured below-grade parking. In total, the Application will provide up to 120 assisted living residential dwelling units and 3,125 square feet of commercial uses in close proximity to transit and other essential services.

- c) *Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street.*

The Application provides a mixed-use, transit-oriented development in the CBD. The residential component of the Application is an assisted living facility, providing housing opportunities to senior citizens. The Application will provide an opportunity for senior citizens to live in a pedestrian-friendly, transit-oriented central business district, where they will not be dependent on the ability to drive (or the need to have others drive them) to continue to participate socially and economically in the community. The ground floor commercial space provides opportunities for various businesses to operate within the CBD, which will support residents and workers in the CBD.



The Application will provide new residential units for senior citizens and employment opportunities in close proximity to the Bethesda and Medical center Metro stations. The location of these uses within ½ mile of the Metro will encourage utilization of mass transit. Additionally, the streetscape improvements along the Subject Property frontage will promote pedestrian mobility.

No parking will be provided between the building and the street.

- d) *Allows a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.*

The Application provides a context-sensitive design and will complement the surrounding uses – the taller portions of the building are located toward the front and east sides of the Subject Property, adjacent to the more intense CR-zoned properties, and the lower, four-story portion of the building will be located closer to the adjacent garden apartment building, the two-story office building, and the single family dwellings beyond.

- e) *Integrate an appropriate balance of employment and housing opportunities.*

The Application will provide significant housing opportunities for seniors and promote economic diversity. The Application will provide up to 120 assisted living units. These units will provide an opportunity for senior citizens to live in a pedestrian-friendly, transit-oriented central business district, where they will not be dependent on the ability to drive (or the need to have others drive them) to continue to participate socially and economically in the community. In addition to the residential opportunities for senior citizens, the assisted living units will also provide employment opportunities in fields such as elder care, medical services, and dining and custodial staff.

The assisted living facility will provide additional opportunities for those who live in the CBD to work in close proximity to their residence.

The non-residential component of the Application will provide additional retail uses for the future residents of the Subject Property and surrounding area. The retail use will also provide employment opportunities in close proximity to Metro.

- f) *Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.*

As discussed in Finding 6 below, the Application will provide the required public benefits from a minimum of five categories to achieve the desired incentive density above the standard method limit.

Density Transfer

Section 59-4.5.2.B.3 of the Zoning Ordinance provides that density may be averaged over two or more non-contiguous properties in the CR Zone if:

- a. *Each provision under Section 4.5.2.B.2 is satisfied, including:*
- i. *The properties are under the same site plan or sketch plan; and, if a sketch plan is required, the density averaging must be shown on the sketch plan;*

All Sending and Receiving Properties are encompassed by this Application.

- ii. *The resulting properties are created by the same preliminary subdivision plan or satisfy a phasing plan established by an approved sketch plan;*

All Sending and Receiving Properties are included in this Application and will satisfy the phasing plan approved as part of the Sketch Plan. The Sending Properties are also included in the concurrent preliminary plan application. The new development included in the Application will be constructed in one phase.

- iii. *The maximum total, nonresidential, and residential FAR limits apply to the entire development, not to individual properties;*

As shown on the Sketch Plan data summary table, the density of development on the combined lots does not exceed the total density permitted on separate lots. The entire development, including the Sending Properties and the Subject Property, is limited to a total FAR of 1.9, with a maximum non-residential FAR of 0.6 and residential FAR of 1.3, determined by the final mix and density bonus approved at site plan.

- iv. *The total allowed maximum density on a resulting property that is abutting or confronting a property in an Agricultural, Rural*



*Residential, or Residential Detached zone that is vacant or improved with an agricultural or residential use, does not exceed that allowed by the property's zone; and*

The Subject Property confronts R-60 zoned properties (i.e., Residential Detached land) at the intersection of Rugby and Norfolk Avenues. The density of development on the Subject Property will not exceed the total allowed maximum densities under the applicable Commercial/Residential zones, as shown in Table 1 above.

- v. Public benefits are required to be provided under any phasing element of an approved sketch plan.*

The new development included in the Application will be developed in one phase and will provide adequate public benefits.

- b. The properties are within ¼ mile of each other or in a designated master-planned density transfer area;*

The Sending and Receiving Properties are located within ¼ mile of each other. Additionally, the Sending and Receiving Properties are all located within the Density Transfer Area of the Sector Plan.

- c. The minimum public benefit points required under Section 4.5.4.A.2 are exceeded by at least 50%; and*

The Application will exceed the minimum public benefit points otherwise required by at least 50%, as demonstrated in Finding 6.

- d. The applicable master plan does not specifically prohibit the averaging of density between non-contiguous properties.*

The Sector Plan specifically encourages the averaging of density between non-contiguous properties, within the Woodmont Triangle area. The CR Zone incorporates this goal.

- b. General Requirements**

- i. Section 4.1.7.C.2 Building Height Measurement**

Under Section 4.1.7.C.2, the building height of each street-fronting building must be measured from the approved curb grade opposite the middle of the front of each building. The subsequent site plan

will show a building height measurement location that complies with this section.

ii. *Division 6.1. Site Access*

A driveway from Rugby Avenue will provide well-integrated vehicular access to the underground parking garage. Pedestrian access will be provided via the existing sidewalk on Rugby Avenue, which will be enhanced with the Bethesda streetscape standard.

iii. *Division 6.2. Parking, Queuing, and Loading*

The Application will be served by an underground parking garage for adequate off-street parking.

iv. *Division 6.3. Open Space and Recreation*

The Application has a 5 percent public open space requirement, which yields a requirement of 2,342 square feet of open space. The Application will provide 6,010 square feet of public open space, of which 4,660 square feet will be provided on Lot 1, and 1,350 square feet will be provided on Lot 2, which is the lot for development of the assisted living facility. The public open space on Lot 1 was previously approved as public use and amenity space in Site Plan No. 819810810, which approved the existing office building. Because this is an existing condition and no new development will occur on Lot 1, this portion of the public open space will not be improved with new streetscape materials. Future new development on Lot 1 will trigger the requirement to provide new streetscape materials along this frontage.

v. *Division 6.4. General Landscaping and Outdoor Lighting*

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The Application will transform existing streetscape along the frontage on Rugby Avenue with new street trees, improved sidewalk, and street lighting.



2. *The Sketch Plan substantially conforms to the recommendations of the Sector Plan.*

The Subject Property is within the boundaries of the 2006 *Woodmont Triangle Amendment to the Bethesda CBD Sector Plan*. The primary objective of the Sector Plan is to spur the revitalization of the Woodmont Triangle Study Area as a vibrant urban, mixed-use neighborhood that emphasizes residential, small-scale retail, the arts, and public amenities. More specifically, the Sector Plan recognizes that the transit-oriented location of the Woodmont Triangle makes it a desirable and appropriate location for mixed-use, pedestrian-friendly development. Opportunities to retain existing businesses and expand opportunities for new businesses are encouraged, as are efforts to improve the safety and character of the existing streets.

The Application will be the first senior assisted living facility established in the CBD and will provide an important opportunity to integrate – rather than isolate – assisted living services into an urban setting. The location of the Subject Property will provide seniors in need of assisted living care with opportunities to enjoy and experience the amenities of an urban community. The location will also be a convenient option for family members already located in Bethesda who may desire to obtain care for their relatives closer to home.

The Application includes a ground-floor retail component that will serve residents and visitors of the facility while providing opportunities for small-scale businesses in the Woodmont Triangle.

The Application will provide streetscape improvements along the frontage of the Subject Property consistent with current Bethesda streetscape standards. Such streetscaping does not presently exist at this location, and will be a significant transformation over existing conditions. The improvements will directly contribute to the goal of promoting an active and safe pedestrian environment in the Woodmont Triangle. The opportunity to upgrade the streetscape at the Subject Property, near the new through-block connection to Del Ray Avenue that has been established with the Woodmont Central project (Site Plan 820110020, as amended), will allow a more comprehensive pedestrian network to emerge.

New public art is proposed, which the Sector Plan identifies as a priority public amenity. Although the specific details of the public art component will be refined through the site plan process, an initial concept has been suggested. The art will convey the theme of Bethesda as a crossroads community with connections to the outlying areas of the region throughout its



history. The south-facing façade and canopy are two likely areas for placement of the art on the Subject Property.

The Sector Plan also provides specific recommendations for building heights, with which the Application fully complies. Lot 2 and the front portion of Lot 1 are identified as part of Block 15. For these portions of the Subject Property, the Sector Plan specifically recommends heights up to 90 feet and supports the use of density transfers, if needed, to achieve these maximum heights. The specific heights approved with the Application comply with the recommendations of the Sector Plan, as well as with the mapped heights of the Commercial/Residential and Commercial/Residential Neighborhood Zones approved with DMA G-956. Maximum building heights in the Application will be 90 feet.

3. *The Sketch Plan satisfies, under Section 7.7.1.B.5 of the Zoning Ordinance, the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

The Sketch Plan is not subject to a development plan or schematic development plan.

4. *The Sketch Plan achieves compatible internal and external relationships between existing and pending nearby development.*

The scale of the building will be appropriate for the location, with heights that establish a proper relationship with surrounding existing and planned buildings, and with the larger-scale buildings in the Woodmont Triangle District. The overall massing is oriented to give prominence to the building's presence on Rugby Avenue, and upper level setbacks will provide a transition to the Battery Lane District to the north of the Subject Property, including the adjacent garden apartments (where the R-10 Zone immediately abutting the Subject Property allows for maximum heights of 100 feet for apartment buildings). A study comparing the shaded areas of the garden apartment complex before and after construction of the building shows that the building will not substantially increase the amount of shadow that is cast onto the garden apartment property. On December 21, the date on which the impact would be the greatest, the study shows that at midday through the afternoon, a small area at the southern end of the southeastern building would be shaded that is not currently shaded in the absence of the building. In terms of aesthetics, the Application will provide a visually pleasing, modern building that will contribute positively to views in the CBD.



5. *The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.*

The Subject Property is within walking distance to public parking garages and various public transit resources including the Bethesda and Medical Center Metrorail Stations, WMATA busses, Ride-on busses, and the Bethesda Circulator. The Application will satisfy applicable minimum parking requirements on-site, even though parking demand for the assisted living facility use is not anticipated to be significant. The Applicant expects visitors to the building to make use of multiple modes of transit, which will allow the Application to contribute to the maximization of Bethesda's transit infrastructure.

The Application will improve pedestrian circulation on Rugby Avenue and contribute to the emerging pedestrian network in the Woodmont Triangle by providing new streetscape. Notably, no sidewalk exists on the south side of Rugby Avenue across from the Subject Property, which makes the streetscape upgrades on the north side even more meaningful.

Loading will be accommodated on the Subject Property, to the west of the building.

6. *The Sketch Plan proposes an outline of public benefits that supports the requested incentive density and is appropriate for the specific community.*

Under Section 59.4.7.1.B, in approving any incentive FAR based on the provision of public benefits, the Planning Board must consider:

1. the recommendations of the applicable master plan;
2. *CR Zone Incentive Density Implementation Guidelines*;
3. any design guidelines adopted for the applicable master plan area;
4. the size and configuration of the site;
5. the relationship of the site to adjacent properties;
6. the presence or lack of similar public benefits nearby; and
7. enhancements beyond the elements listed in an individual public benefit that increase public access to, or enjoyment of, the benefit.

The Planning Board finds that the public benefits proposed by the Applicant as set forth in the following table are appropriate in concept, and appropriate for further detailed review. Final determination of public benefit point values will be determined at Site Plan(s).

**Table 2- Sketch Plan Public Benefits Calculations**

Public Benefit	Incentive Density Points		
	Total Points Possible	Requested	Approved in Concept
<b>4.7.3.B: Transit Proximity</b>	<b>20</b>	<b>20</b>	<b>20</b>
<b>4.7.3.C: Connectivity and Mobility</b>			
Minimum Parking	10	10	10
Transit Access Improvement	20	10	10
Wayfinding	10	5	5
<b>4.7.3.D: Diversity of Uses and Activities</b>			
Small Business Opportunity	20	10	10
Enhanced Accessibility for the Disabled	20	20	20
<b>4.7.3.E: Quality of Building and Site Design</b>			
Structured Parking	20	20	20
Public Art	15	15	15
Exceptional Design	10	5	5
Architectural Elevations	20	10	10
<b>4.7.3.F: Protection and Enhancement of the Natural Environment</b>			
Building Lot Termination (BLT)	30	2.6	2.6
Energy Conservation and Generation	15	5	5
Vegetated Wall	10	10	10
Vegetated Roof	15	15	15
Cool Roof	10	10	10
Recycling Facility Plan	10	5	5
<b>TOTAL</b>	<b>150 Required</b>	<b>172.6</b>	<b>172.6</b>

#### Transit Proximity

The Subject Property is located between ½ mile and one mile of the entrance to the Bethesda and Medical Center Metrorail Stations, which allows the development to be eligible for Level 1 transit as defined in the Zoning Ordinance. The full 20 points are approved in concept, as provided in the Zoning Ordinance for CR-zoned properties that are between ½ mile and one mile of a Metrorail station.

#### Connectivity and Mobility

*Minimum Parking:* The Application will provide fewer than the maximum number of allowed parking spaces. The maximum number of allowed spaces is 154, but the Application will provide 47 spaces. The full 10 points are approved in concept



*Transit Access Improvement:* The Application will improve crosswalks, sidewalks, and accessibility ramps at the intersections of Rugby Avenue at Glenbrook Road and Auburn Avenue. These improvements are located within ½ of the Subject Property and are not otherwise required improvements along the Subject Property's frontage. The 10 points requested are approved in concept.

*Wayfinding:* In conjunction with the streetscape improvements on Rugby and Auburn Avenue, wayfinding signs will be installed to direct pedestrians and bicyclists to the Bethesda Metrorail Station, the National Institutes of Health, Battery Lane Park, and other points of interest. The 5 points requested are approved in concept.

#### Diversity of Uses and Activities

*Enhanced Accessibility for the Disabled:* The Application will provide dwelling units that satisfy the ANSI A117.1 Residential Type A standards for accessibility, or an equivalent County standard. The full 20 points are approved in concept.

*Small Business Opportunities:* All of the commercial space in the building will be allocated to small businesses. The 10 points requested are approved in concept.

#### Quality of Building and Site Design

*Architectural Elevations:* The building is designed to provide ground-floor transparency. The ground-floor façade is primarily glass, readily allowing views into and out of the building. The building will have at least three public entry doors on Rugby Avenue serving the retail spaces and the assisted living lobby. These will be spaced apart to create both egress and opportunities for two-way visual interaction through the large picture windows. The certified site plan will document these and other design elements and substantial conformance with the building design will be required of the Applicant. The 10 points requested are approved in concept.

*Exceptional Design:* Incentive density of up to five points is appropriate for development that meets at least four of the following criteria, and ten points for development that meets all of them:

- Provides innovative solutions in response to the immediate context
- Creates a sense of place and serves as a landmark
- Enhances the public realm in a distinct and original manner
- Introduces materials, forms, or building methods unique to the immediate vicinity or applied in a unique way



- Uses design solutions to make compact infill development living, working, and shopping environments more pleasurable and desirable on a problematic site
- Integrates low-impact development methods into the overall design of the site and buildings, beyond green building or site requirements.

The building will respond well to the immediate context, serving as a transition between the 17-story buildings to the south and the two-story garden apartments to the north. The building will serve as a landmark because of its prominent location as a terminating vista at the end of the pedestrian connection between Del Ray and Auburn Avenues, which was constructed with the Woodmont Central project. The use of modern architecture on multi-story urban building, while not unique to the Woodmont Triangle area, is a unique application for an assisted living facility, which are typically built in lower density settings with more suburban-style design. The 5 requested Exceptional Design points are approved in concept, and a more detailed finding will be made at the time of site plan review.

*Public Art:* The Applicant requests 15 points for installing public art on the Subject Property. The public art concept will be developed during the preliminary plan and site plan process and will be presented to the Public Arts Trust Steering Committee. The final points will be determined at the time of site plan review.

*Structured Parking:* Twenty points for structured parking consisting of 47 below-grade spaces are approved in concept. This incentive is granted on a sliding scale based on the percentage of spaces provided above and below grade.

#### Protection and Enhancement of the Natural Environment

*Building Lot Termination:* The Applicant must purchase BLT easements in an amount equal to 7.5% of the incentive density floor area. One BLT must be purchased for each 31,500 square feet of gross floor area. With these parameters, the Applicant must purchase 0.29 BLTs, which yields 2.6 points.

*Cool Roof:* All roof areas not covered by green roof or mechanical equipment will be covered by a cool roof having a minimum solar reflectance index of 75.

*Energy Conservation and Generation:* The Application will exceed energy efficiency standards by a minimum of 2.5%, which yields five points. This will be achieved through the use of cool and vegetated roofs to minimize heating and cooling loads. The building envelope will feature increased insulation and Energy Star labeled windows and doors. The building's mechanical



system will employ energy efficient HVAC systems and equipment. Energy Star appliances and lighting will be selected to maximize energy conservation.

*Recycling Facilities Plan:* The Application will provide a recycling facility plan that complies with the Montgomery County Executive regulations 15-04AM and 18-04. The Application will integrate recycling facilities into the building and site design for easy accessibility. All residential units will be provided with recycling bins, and recycling facilities will be provided at other designated locations in the common areas within the building and on-site. On-site signage will be provided to remind residents and employees about the recycling program. The 5 points requested are approved in concept.

*Vegetated Roof:* Fifteen points are approved in concept for providing vegetated roofs with a soil depth of at least 4 inches and covering at least 50% of the total roof excluding space for mechanical equipment.

*Vegetated Wall:* A vegetated wall, visible from Rugby Avenue, will be placed on the west side of the building, covering an area of at least 600 square feet. The green screen is located on an otherwise blank wall. The full 10 points are approved in concept

*7. The Sketch Plan establishes a feasible and appropriate phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The new development included in the Application will be built in one phase.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at site plan, when, based on detailed review, the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the Sector Plan, or other requirements; and

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


BE IT FURTHER RESOLVED that all binding site development elements shown on the latest electronic version of Brightview Bethesda Sketch Plan 320160010, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is ~~DEC 28 2015~~ (which is the date that this Resolution is mailed to all parties of record); and

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor at its regular meeting held on Thursday, December 17, 2015, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board