



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

MCPB No. 17-078
Sketch Plan No. 32016001A
Brightview Bethesda
Date of Hearing: September 7, 2017

SEP 13 2017

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 December 28, 2015, the Planning Board, by Resolution MCPB No. 15-145, approved Sketch Plan No. 320160010, for an assisted living facility consisting of up to 89,780 Square feet of assisted living use, consisting of up to 120 assisted living units, up to 28,623 square feet of office use, and up to 3,125 square feet of nonresidential (retail restaurant, or service) uses on 1.39 acres of CR-3.0 C-1.0 R-2.75 H-90T and CRN-0.5 C-0.5 R-0.25 H35 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 *Bethesda Downtown Sector Plan* ("Sector Plan") area; and

WHEREAS, on July 21, 2017, Shelter Development, LLC ("Applicant") filed an application for approval of an amendment to the previously approved sketch plan to delete the small business opportunity public benefit subcategory; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 32016001A 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 August 25, 2017, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on September 7, 2017, 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

Approved as to
Legal Sufficiency:

Christina Jones 8/30/17

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 32016001A, Brightview Bethesda, to delete the small business opportunity public benefit subcategory, by modifying condition 5 of the original sketch plan, as follows:¹

5. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59-7.3.3.1. Section 59-4.6.2.8 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 594.7 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.

BE IT FURTHER RESOLVED that all other Site Plan conditions of approval for this project remain valid, unchanged and in full force and effect; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which

¹ 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.

the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, and all findings not specifically addressed remain in effect.*

In its Resolution of December 28, 2015, approving Sketch Plan No. 320160010, the Planning Board found that the original sketch plan met the objectives, general requirements, and standards of the zoning ordinance; conformed to the recommendations of the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan; was not subject to a development plan; achieved compatible internal and external relationships between existing and pending nearby development; provided satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading; proposed an outline of public benefits that supported the requested incentive density and was appropriate for the specific community; and established a feasible and appropriate phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.

One of the approved subcategories, in which the Application was awarded 10 points, was for the provision of small business opportunities. The Applicant had intended to lease the building's retail space to two small, neighborhood-oriented businesses – a coffee shop and a hair salon. However, as the Applicant began to prepare the necessary restrictive covenants and examine how a small business is defined, it was determined that the proposed tenants would not qualify for this designation. For this reason, and because the Applicant still intends to lease the spaces to the same tenants that were previously identified, the Applicant seeks to amend the sketch and site plans to remove the small business opportunity subcategory and reduce the number of benefit points accordingly. This Application reduces the total number of public benefit points from 176.7 to 166.7, which continues to exceed the required 150 points.

When the previous application was approved, it was subject to the *Woodmont Triangle Amendment to the Bethesda CBD Sector Plan*. After approval of the original application, the recently-adopted *Bethesda Downtown Sector Plan* became effective. The current Application to modify the public benefit subcategories is very minor in nature and does not affect the previous findings of substantial conformance, and is in substantial conformance with the *Bethesda Downtown Sector Plan*.

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 version of Sketch Plan No. 32016001A, Brightview Bethesda, received by 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 SEP 13 2017 (which is the date that this Resolution is mailed to all parties of record); and

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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 Cichy, seconded by Vice Chair Dreyfuss, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, September 7, 2017, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board