

Brightview Bethesda: Sketch Plan Amendment 32016001A and Site Plan Amendment 82016012A

NB Neil Braunstein, Planner Coordinator, Area 1, Neil.Braunstein@montgomeryplanning.org, 301.495.4532

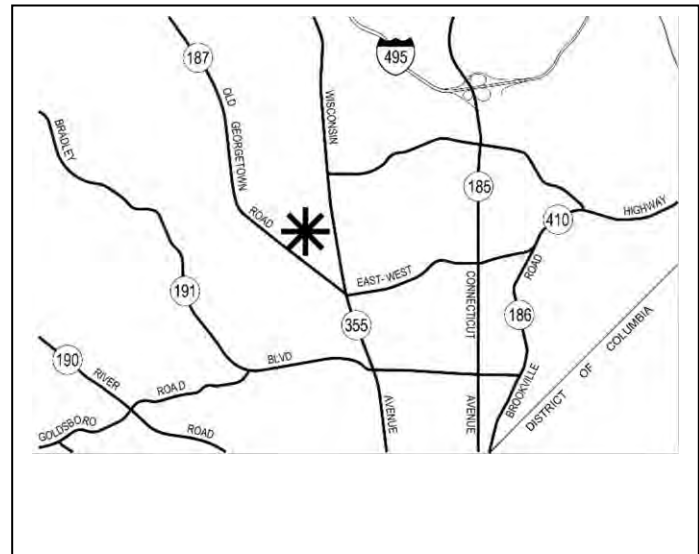
CA Elza Hisel-McCoy, Supervisor, Area 1, Elza.Hisel-McCoy@montgomeryplanning.org, 301.495.2115

PAK Robert Kronenberg, Chief, Area 1, Robert.Kronenberg@montgomeryplanning.org, 301.495.2187

Description

Staff Report Date: 8/25/2017

- Amendment to delete one public benefits subcategory and associated points;
- Previously approved assisted living facility consisting of up to 120 assisted living units and 3,125 square feet nonresidential uses in an eight-story building;
- Located in the northeast quadrant of the intersection of Rugby Avenue and Glenbrook Road in the Bethesda CBD;
- 0.59 gross acres zoned CR-3.0 C-1.0, R-2.75, H-90 T
- *Bethesda Downtown Sector Plan* area;
- Application accepted July 21, 2017;
- Applicant: Shelter Development, LLC.
- Review Basis: Chapter 59 Montgomery County Code



Summary

- **Staff recommendation: Approval of the site plan amendment.**
- Approved originally under the *Woodmont Triangle Amendment to the Bethesda CBD Sector Plan*

SECTION 1: RECOMMENDATION AND CONDITIONS

Sketch Plan Amendment 32016001A

Staff recommends approval of Sketch Plan Amendment No. 32016001A, Brightview Bethesda, to delete the small business opportunity public benefit subcategory, subject to all previous conditions, except as modified by the additional following condition¹:

1. Condition 5 of the Resolution approving Sketch Plan 320160010 (MCPB 15-145), dated December 28, 2015, is modified by deleting the reference to providing opportunities for small businesses, as follows:
 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.

Site Plan No. Amendment 82016012A

Staff recommends approval of Site Plan Amendment No. 82016012A, Brightview Bethesda, to delete the small business opportunity public benefit subcategory and associated public benefit points, subject to all previous conditions, except as modified by the additional following condition:

1. Condition 5 of the Resolution approving Site Plan 820160120 (MCPB 16-058), dated July 22, 2016 (revised May 22, 2017), is modified by deleting the reference to providing opportunities for small businesses, as follows:
 5. Public Benefits
The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *CR Zone Incentive Density Implementation Guidelines* for each one.

¹ For the purposes of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor (s) in interest to the terms of this approval.

c. Diversity of Uses and Activities

i. Enhanced Accessibility for the Disabled

The Applicant must provide 25% of the assisted living units as units that satisfy the ANSI A117.1 Residential Type A Standards for accessibility, or an equivalent County standard.

~~ii. Small Business Opportunities~~

~~The Applicant must allocate all of the commercial space in the building to small businesses. Each retail space may not exceed 5,000 square feet in floor area. The retail spaces must be restricted for at least six years. Prior to submission of a building permit application, the Applicant must record a covenant in the County land records that reflects these restrictions.~~

SECTION 2: SITE DESCRIPTION

Site Vicinity

The subject property is located immediately northwest of the intersection of Auburn Avenue and Rugby Avenue, in the Woodmont Triangle area of the Bethesda CBD. The adjacent uses consist primarily of multi-family residential dwellings, including low-rise walk-up garden apartments and high-rise buildings, but also include single-family detached residences, offices, and retail uses. The site is within walking distance of the Bethesda and Medical Center Metrorail stations, as well as the future Purple Line and Capital Crescent Trail.



Vicinity Map

Site Analysis

The site is currently developed with two single-story commercial buildings and surface parking, which will be removed to accommodate the development approved by the previous application. The property is located in the Lower Rock Creek watershed. The site is entirely developed, and there are no historic features, streams, floodplains, forests, or other sensitive environmental features on the site.

SECTION 3: PROJECT DESCRIPTION

Previous Approvals

On December 10, 2015, the Planning Board approved Sketch Plan 320160010 and Preliminary Plan 120160010 for two lots for an assisted living facility consisting of up to 120 assisted living units and 3,125 square feet of nonresidential uses in an eight-story building and retention of an existing office building. The approval included a density transfer from two sending sites, which transferred 19,000 square feet of residential density to the assisted living use.

On July 14, 2016, the Planning Board approved Site Plan 820160120 for an assisted living facility consisting of up to 120 assisted living units and up to 3,125 square feet of nonresidential uses in an eight-story building.

Proposal

The application proposes to modify the previously approved sketch plan and site plan by deleting the small business opportunity public benefit subcategory and associated public benefit points. As an optional method project that includes FAR averaging, the application is required to provide at least 150 public benefit points in five categories. The approved site plan provided 176.7 points in five categories.

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 amendment would reduce the total number of public benefit points from 176.7 to 166.7, which continues to exceed the required 150 points.

SECTION 4: ANALYSIS AND FINDINGS

In its resolution of December 28, 2015, approving Sketch Plan 320160010, the Planning Board found that the 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.

In its resolution of July 22, 2016 (revised March 22, 2017), approving Site Plan 820160120, the Planning Board found that the site plan satisfied any previous approvals that applied to the site; was not subject to binding elements of any development plan; was not subject to a zoning classification that was the result of a local map amendment, satisfied the applicable use standards, development standards, and general requirements under the Zoning Ordinance; satisfied the applicable requirements of Chapters 19 and 22A of the Montgomery County Code; provided safe, well-integrated parking, circulation patterns, building massing, open spaces, and site amenities; substantially conformed to the recommendations of the *Woodmont Triangle Amendment to the Bethesda CBD Sector Plan*; will be served by adequate public facilities; and was compatible with existing and approved or pending adjacent development.

When the previous applications were approved, they were subject to the *Woodmont Triangle Amendment to the Bethesda CBD Sector Plan*. After approval of the applications, the recently-adopted *Bethesda Downtown Sector Plan* became effective. The current applications to modify the public benefit subcategories and points are very minor in nature and do not affect the previous findings of substantial conformance, and are in substantial conformance with the *Bethesda Downtown Sector Plan*.

The proposed amendments would modify the public benefits calculations as shown in the following table.

Site Plan Public Benefits Calculations			
Public Benefit	Incentive Density Points		
	Approved in Concept Under Sketch Plan	Requested	Recommended
4.7.3.B: Transit Proximity	20	20	20
4.7.3.C: Connectivity and Mobility			
Minimum Parking	10	10	10
Transit Access Improvement	10	10	10
Wayfinding	5	5	5
4.7.3.D: Diversity of Uses and Activities			
Small Business Opportunity	10	10	10 0
Enhanced Accessibility for the Disabled	20	20	20
4.7.3.E: Quality of Building and Site Design			
Structured Parking	20	20	20
Public Art	15	15	15
Exceptional Design	5	5	5
Architectural Elevations	10	20	20
4.7.3.F: Protection and Enhancement of the Natural Environment			
Building Lot Termination (BLT)	2.6	1.7	1.7
Energy Conservation and Generation	5	5	5
Vegetated Wall	10	10	10
Vegetated Roof	15	15	15
Cool Roof	10	10	10
Recycling Facility Plan	5	5	0
TOTAL	172.6	181.7	176.7 166.7

Except as noted above, the proposed amendments do not affect the applications' conformance with these findings and the Planning Board's prior findings remain valid.

COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing, and submission meeting requirements. Notice of the subject amendments was sent to all parties of record. Staff has not received any correspondence in response to the noticing.

CONCLUSION

The project complies with the general requirements and development standards of Section 4.5, the optional method public benefits provisions of Division 4.7, and the general development requirements of Article 59-6 of the Zoning Ordinance. The project substantially conforms with the goals and recommendations of the *Woodmont Triangle Amendment to the Bethesda CBD Sector Plan* [or should I say the *Bethesda Downtown Sector Plan*?]. Therefore, staff recommends approval of Sketch Plan No. 32016001A and Site Plan No. 82016012A with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Site Plan

Attachment B: Resolutions Approving Sketch Plan 320160010 and Site Plan 820160120



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:

Christina Sonnet 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:¹

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

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.

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
Site Area	SF	Acres	SF	Acres
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
Height (maximum)	Feet		Feet	
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	
Total Density (maximum)	SF	FAR	SF	FAR
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
Total Commercial Density (maximum)	SF	FAR	SF	FAR
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
Total Residential Density (maximum)	SF	FAR	SF	FAR
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
Setbacks - All Properties (minimum)	Feet		Feet	
Street	0		0	
Side	0		0	
Public Open Space (minimum)	SF	Percent	SF	Percent
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%
Parking	Minimum	Maximum	Approved	
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
4.7.3.B: Transit Proximity	20	20	20
4.7.3.C: Connectivity and Mobility			
Minimum Parking	10	10	10
Transit Access Improvement	20	10	10
Wayfinding	10	5	5
4.7.3.D: Diversity of Uses and Activities			
Small Business Opportunity	20	10	10
Enhanced Accessibility for the Disabled	20	20	20
4.7.3.E: Quality of Building and Site Design			
Structured Parking	20	20	20
Public Art	15	15	15
Exceptional Design	10	5	5
Architectural Elevations	20	10	10
4.7.3.F: Protection and Enhancement of the Natural Environment			
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
TOTAL	150 Required	172.6	172.6

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

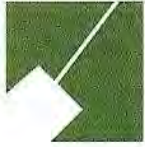
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CERTIFICATION

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 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.



Casey Anderson, Chair
Montgomery County Planning Board



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 16-058
Site Plan No. 820160120
Brightview Bethesda
Date of Hearing: July 14, 2016

MAR 22 2017

CORRECTED RESOLUTION

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

WHEREAS, on March 4, 2016, Shelter Development, LLC ("Applicant") filed an application for approval of a site plan 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, and up to 3,125 square feet of nonresidential (retail, restaurant, or service) uses on 0.59 gross acres of CR-3.0, C-1.0, R-2.75, H-90T-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 site plan application was designated Site Plan No. 820160120, Brightview Bethesda ("Site 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 July 1, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 14, 2016, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820160120 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, and up to 3,125

Approved as to
Legal Sufficiency:

Christina Souta 3/8/17

8787 Georgia Avenue, N.C. Planning Department 910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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

square feet of nonresidential (retail, restaurant, or service) uses on the Subject Property, subject to the following conditions:¹

1. Sketch Plan Conformance
The Applicant must comply with the binding elements and conditions of approval for Sketch Plan No. 320160010.
2. Preliminary Plan Conformance
The Applicant must comply with the conditions of approval for Preliminary Plan No. 120160010.

Environment

3. Stormwater Management
The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated November 18, 2015, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Site Plan approval.

Public Use Space, Facilities, and Amenities

4. Public Use Space, Facilities, and Amenities
 - a. The Applicant must provide a minimum of 1,350 square feet of public open space (6.4% of the net lot area) on-site, as illustrated on the Certified Site Plan.
 - b. The Applicant must construct Bethesda CBD streetscape standard, including but not limited to street trees, street lighting, brick paving, and the undergrounding of utilities, along the Subject Property’s frontage, as shown on the Certified Site Plan.
 - c. Before the issuance of the final use and occupancy certificate, all public open space areas must be completed.
5. Public Benefits
The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *CR Zone Incentive Density Implementation Guidelines* for each one.

¹ For the purpose of these conditions, the term “Applicant” shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- a. Transit proximity
The Subject Property is located between ½ mile and one mile of a Metrorail station, which allows the Application to be eligible for Level 1 transit as defined in the Zoning Ordinance.
- b. Connectivity and Mobility
 - i. Minimum Parking
The Applicant must not provide more than 45 parking spaces on the Subject Property.
 - ii. Transit Access Improvement
The Applicant must improve crosswalks, sidewalks, and accessibility ramps at the intersection of Rugby Avenue at Glenbrook Road, as shown on the Certified Site Plan.
 - iii. Wayfinding
The Applicant must install wayfinding signs to direct pedestrians and bicyclists to the Bethesda Metrorail Station, the National Institutes of Health, Battery Lane Park, and other points of interest. Final design, location, and installation details must be approved prior to issuance of any use and occupancy certificate.
- c. Diversity of Uses and Activities
 - i. Enhanced Accessibility for the Disabled
The Applicant must provide 25% of the assisted living units as units that satisfy the ANSI A117.1 Residential Type A Standards for accessibility, or an equivalent County standard.
 - ii. Small Business Opportunities
The Applicant must allocate all of the commercial space in the building to small businesses. Each retail space may not exceed 5,000 square feet in floor area. The retail spaces must be restricted for at least six years. Prior to submission of a building permit application, the Applicant must record a covenant in the County land records that reflects these restrictions.
- d. Quality of Building and Site Design
 - i. Architectural Elevations
The Applicant must design and construct the façade of the building to provide transparency as shown on the approved building elevation. Entrance doors must be placed substantially as shown on the Certified Site Plan.
 - ii. Exceptional Design
The Applicant must construct the building in a manner consistent with the architectural elevations included in the Certified Site Plan.
 - iii. Public Art
The Applicant must provide an art piece in accordance with Condition 7 on the front façade of the building, as shown on the Certified Site Plan.

- iv. Structured Parking
The Applicant must provide no more than 45 parking spaces within the below grade structure on the Subject Property.
 - e. Protection and Enhancement of the Environment
 - i. Building Lot Termination (“BLT”)
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. The Applicant must purchase ~~0.29~~ 0.19 BLTs. Prior to issuance of any building permit, the Applicant must provide to Staff documentation of the purchase.
 - ii. Cool Roof
The Applicant must install a cool roof, having a minimum solar reflectance index of 75, covering all roof areas not covered by green roof or mechanical equipment.
 - iii. Energy Conservation and Generation
The Applicant must construct the building to exceed the energy-efficiency standards for the building type by 2.5%. Prior to issuance of any residential Use and Occupancy certificates, the Applicant must submit to Staff a Final Energy Performance Report.
 - iv. Vegetated Roof
The Applicant must install a vegetated roof with a soil depth of a minimum of four inches covering a minimum of 50% of the building’s roof, excluding space for mechanical equipment and cool roof.
 - v. Vegetated Wall
The Applicant must install a vegetated wall on the western façade of the building facing west, covering an area of at least 600 square feet, as illustrated on the Certified Site Plan.
6. Public Art
- a. The Certified Site Plan must state the name of the art piece and the name of the artist, as presented to the Art Review Panel on May 11, 2016.
 - b. The Certified Site Plan must contain site details that clearly indicate the overall dimensions, prescribed materials, necessary lighting fixtures, footers, and fasteners of the art piece.
 - c. Prior to issuance of the final certificate of use and occupancy, the Applicant must install the art piece on the front façade of the building, as shown on the Certified Site Plan.
 - d. Prior to issuance of the final certificate of occupancy, the Applicant must install signage near the art piece that identifies the title of the work, the artist’s name, materials, completion date, and overall dimensions of the art piece.
 - e. Prior to issuance of the final certificate of occupancy, the Applicant must submit to the Public Art Coordinator with the Maryland – National Capital Park and Planning Commission (M-NCPPC) at least three images of the artwork

installed on-site and information regarding the associated project number, title of the piece, date of completion, description of materials used, and address.

7. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to, pedestrian pathways, landscaping, hardscape, and public open space and appurtenances.

Transportation and Circulation

8. Pedestrian and Bicycle Circulation

- a. The Applicant must provide ten bicycle parking spaces for long-term private use and two bicycle parking spaces for short-term public use.
- b. The private spaces must be on-site in a secured, well-lit bicycle room within the garage and/or building, and the public spaces must be an inverted-U rack installed in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the public and private bicycle parking must be identified on the Certified Site Plan.

9. Traffic Mitigation

Prior to issuance of a building permit, the Applicant must enter into a Traffic Mitigation Agreement ("TMAg") with the Planning Board and the Montgomery County Department of Transportation ("MCDOT") to participate in the Bethesda Transportation Management District.

10. Department of Permitting Services

The Planning Board accepts the recommendations of MCDPS – Right-of-Way Section in its memorandum dated May 25, 2016, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the memorandum, which may be amended by MCDPS –Right-of-Way Section provided that the amendments do not conflict with other conditions of the Site Plan approval.

Site Plan

11. Building Height

The development is limited to the maximum height of 90 feet, as measured from the approved building height measuring point shown on the Certified Site Plan.

12. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the Certified Site Plan, as determined by Staff.

13. Landscaping

- a. Before issuance of the final residential use and occupancy certificate or similar final inspection for this Site Plan, all on-site amenities including, but not limited to, streetlights, sidewalks/pedestrian pathways, streetscape and related improvements, hardscape, bicycle facilities, and public open space amenities must be installed.
- b. The Applicant must install the landscaping no later than the next growing season after completion of construction and site work.

14. Lighting

- a. Before approval of the Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the Illuminating Engineering Society of North America (IESNA) recommendations in effect on the date of this Resolution for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations in effect on the date of this Resolution.
- b. Deflectors must be installed on all up-lighting fixtures to prevent excess illumination and glare.
- c. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

15. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit or sediment and erosion control permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.k.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount;
- b. The cost estimate must include applicable Site Plan elements including, but not limited to, plant materials, on-site lighting, exterior site furniture, art pieces, vegetated walls, retaining walls, railings, curbs, gutters, sidewalks, and associated improvements; and
- c. The bond or surety must be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety will be followed by inspection and release of the surety.

16. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

17. Certified Site Plan

Before approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the forest conservation exemption letter, stormwater management concept approval letter, development program, and Sketch Plan resolution, Preliminary Plan resolution, and Site Plan resolution on the approval or cover sheet(s).
- b. Add a note stating that "Minor modifications to the limits of disturbance shown on the Site Plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- c. Modify data table to reflect development standards approved by the Planning Board. The data table must reflect all of the existing and approved development on the entire Subject Property.
- d. Ensure consistency of all details and layout between Site and Landscape plans.
- e. Show the location of the vegetated wall on applicable Site Plan sheets. Include the plants for the vegetated wall in the plant list.
- f. Expand the public improvement easement ("P.I.E.") along the Subject Property frontage to encompass the entire area between the front lot line and the building face.
- g. Illustrate, as applicable, conformance with all public benefits.
- h. Show the density transfer sending properties on the Site Plan.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Brightview Bethesda, 820160120, 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 having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The development satisfies any previous approval that applies to the site.*

The Planning Board approved Sketch Plan 320160010 and Preliminary Plan 120160010 on December 10, 2015. This site plan is consistent with the development approved under the previous sketch plan and preliminary plan applications.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

This finding is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

3. *The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

This finding is not applicable as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

- a. Development Standards

The Subject Property includes approximately 0.59 acres zoned CR-3.0, C-1.0, R-2.75, H-90T. The Application satisfies the applicable development standards as shown in the following data table:

Data Table

Table 1 - Site Plan Project Data Table				
Section	Development Standard	Permitted/ Required	Approved in Sketch Plan and Preliminary Plan for Lot 2	Approved in Site Plan
59 – 4	Gross Tract Area (sf)	n/a	25,738	25,738
4.5.4.B.2.b	Density CR-3.0, C-1.0, R-2.75, H-90T Commercial FAR/GFA Residential FAR/GFA TOTAL FAR/GFA	1.0/25,738 2.75/70,780 3.0/77,214	0.1/3,125 3.5/89,780 3.6/92,905	0.1/3,125 3.5/89,780 ² 3.6/92,905
4.5.4.B.2.b	Building Height (feet) CR-3.0, C-1.0, R-2.75, H-90T	90	90	90
4.5.4.B.3	Minimum Setback (feet) From R.O.W. Rear Side	0 0 0	0 0 0	5 3 8
4.5.4.B.1	Open Space Public Open Space (%/sq. ft.)	5/1,056	6.4/1,350	6.4/1,350
6.2	Parking spaces, minimum-maximum	45-147	47	45

b. Optional Method Public Benefits

In accordance with the Zoning Ordinance, Section 59-4.7.1, the Planning Board approved the following public benefits categories to satisfy the requirements: Transit Proximity, Connectivity and Mobility, Diversity of Uses and Activities, Quality of Building and Site Design, and Protection and Enhancement of the Natural Environment.

² The residential density (and, consequently, total density) exceeds the permitted amount because 19,000 square feet of residential density were transferred to the Subject Property through FAR averaging with approval of the sketch plan and preliminary plan.

Table 2 - Site Plan Public Benefits Calculations

Public Benefit	Incentive Density Points		
	Approved in Concept Under Sketch Plan	Requested	Approved Under Site Plan
4.7.3.B: Transit Proximity	20	20	20
4.7.3.C: Connectivity and Mobility			
Minimum Parking	10	10	10
Transit Access Improvement	10	10	10
Wayfinding	5	5	5
4.7.3.D: Diversity of Uses and Activities			
Small Business Opportunity	10	10	10
Enhanced Accessibility for the Disabled	20	20	20
4.7.3.E: Quality of Building and Site Design			
Structured Parking	20	20	20
Public Art	15	15	15
Exceptional Design	5	5	5
Architectural Elevations	10	20	20
4.7.3.F: Protection and Enhancement of the Natural Environment			
Building Lot Termination (BLT)	2.6	2.6 1.7	2.6 1.7
Energy Conservation and Generation	5	5	5
Vegetated Wall	10	10	10
Vegetated Roof	15	15	15
Cool Roof	10	10	10
Recycling Facility Plan	5	5	0
TOTAL	172.6	182.6 181.7	177.6 176.7

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 awarded 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 is approved for fewer than the maximum number of allowed parking spaces. The maximum number of allowed spaces is 147, but the Application will provide 45 spaces.

The points are calculated as follows:

$$[(147/45)/(147/45)]*10 = 10$$

Transit Access Improvement: The Application will improve crosswalks, sidewalks, and accessibility ramps at the intersections of Rugby Avenue at Glenbrook Road. These improvements are located within ½ mile of the Subject Property and are not otherwise required improvements along the Subject Property's frontage. Ten points are awarded.

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. Five points are awarded.

Diversity of Uses and Activities

Enhanced Accessibility for the Disabled: The Application will provide 25% of the assisted living units as units that satisfy the ANSI A117.1 Residential Type A standards for accessibility, or an equivalent County standard. Twenty points are awarded.

Small Business Opportunities: All of the commercial space in the proposed building will be allocated to small businesses. According to the Incentive Density Implementation Guidelines, incentive density of ten points is appropriate when all of the commercial spaces are allocated to small businesses. Ten points are awarded.

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 full 20 points are awarded because the Subject Property is located in an area where architectural elevations are a priority of the Sector Plan.

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 contemporary 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. Further, the high-quality design will raise the standard for all building types in downtown Bethesda. Five points are awarded.

Public Art: The Application includes an art piece on the front façade of the building, near the eastern end of the building. This location provides visibility from the length of Rugby Avenue and from the pedestrian walkway that connects Rugby Avenue to Del Ray Avenue. The art will be a vertical triangular column (or prism) affixed to the façade of the building, and will extend from the ground to the top of the seventh floor.

The art will evoke a message of growth and connectedness suggested by the vine and tree motifs that convey the tree of life metaphor. The palette and shapes suggest the seasonal aspects of growth and change in nature and life.

Fifteen points are awarded because the public art was reviewed by the Art Review Panel and meets the following goals:

- Achieves aesthetic excellence;
- Ensures an appropriate interaction between the art and the architectural setting in terms of scale, materials, and context;

- Ensures public access and invites public participation;
- Encourages collaboration between the artist and other project designers early in the design phases;
- Ensures long-term durability of permanent works through material selection and/or a documented maintenance program;
- Encourages a rich variety of arts including permanent installations, revolving temporary works, and event programming;
- Increases public understanding and enjoyment of art through interpretive information and/or programmed events; and
- Contributes to a collection of commissioned art that is unique and fosters a positive community identity.

Structured Parking: The Application is awarded 20 points for structured parking consisting of 45 below-grade spaces. This incentive is granted on a sliding scale based on the percentage of spaces provided above and below grade.

The points are calculated as follows:

$$[(0/45)*10] + [(45/45)]*20 = 20$$

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~~ 0.19 BLTs, for ~~2.6~~ 1.7 points.

The points are calculated as follows:

$$((123,412.5*7.5\%)/31,500)*9 = 2.6 \quad ((80,036*7.5\%)/31,500)*9 = 1.7$$

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. Ten points are awarded.

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 Applicant has requested five points because the project will provide a recycling facility plan that complies with the Montgomery County Executive Regulations 15-04AM and 18-04. However, according to the executive regulations, provision of a recycling facilities plan is mandatory for multi-family buildings with more than 100 dwelling units. Section 59.4.7.1.B of the Zoning Ordinance prohibits granting points as a public benefit for any amenity or project feature otherwise required by law. Therefore, no points are awarded for this public benefit.

Vegetated Roof: The Application will provide 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 and cool roof. Fifteen points are awarded.

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, located on an otherwise blank wall. Ten points are awarded.

c. General Requirements

i. *Site Access*

The driveway has been located at the western end of the Subject Property's frontage, in order to maximize its distance from the intersection of Rugby Avenue and Auburn Avenue. The driveway will provide well-integrated access from Rugby Avenue to the Subject Property.

ii. *Parking, Queuing, and Loading*

The building will use a parking garage and loading spaces for adequate off-street parking and loading.

Section 6.2.4.C of the Zoning Ordinance requires that bicycle parking space be provided for a residential care facility at a rate of 0.25 space per dwelling unit, of which 95% must be long term spaces. With 120 units in the assisted living facility, 30 bicycle parking spaces are required, of which 29 are long-term and one is short-term.

However, Section 6.2.10 allows the Planning Board to grant a waiver to reduce the number of bicycle parking spaces. The Applicant has requested to reduce the number of bicycle parking spaces from 30 to 12, ten of which would be spaces for long-term use and two would be for short-term use. The Planning Board grants the waiver to reduce the number of bicycle parking spaces because the average age of residents of the assisted living facility is mid-eighties and the majority of residents need personal care assistance with the activities of daily living. They are not likely to travel by bicycle. The ten bicycle parking spaces for long-term use that the Planning Board approves are expected to be used by employees of the assisted living facility. Approval of this waiver meets the intent of the bicycle parking requirements because sufficient bicycle parking will be provided for the use.

iii. *Open Space and Recreation*

The Application has a five percent public open space requirement, which yields a requirement of 1,056 square feet of open space. The Application will provide 1,350 square feet of public open space. The public open space will consist of sidewalk along the Rugby Avenue frontage of the Subject Property. The public open space will be improved with the Bethesda standard streetscape. Recreational amenities will be provided within the building for residents.

iv. *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, employees, and visitors. The Application will transform existing streetscape along the frontage on Rugby Avenue with new street trees, improved sidewalk, and street lighting.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept on November 18, 2015. According to the approval letter, the stormwater management concept meets stormwater

management requirements via environmental site design to the maximum extent practicable through the use of micro-bioretenion planters and green roof.

b. Chapter 22A, Forest Conservation

Forest Conservation Exemption #42015029E was confirmed for the Subject Property on August 8, 2014. The Application qualifies for a small property exemption under Section 22A-5(s)(1) of the Montgomery County Forest Conservation Law, since the activity occurs within a tract of land smaller than 1.5 acres with no forest or existing specimen trees or champion trees present, and the afforestation requirements would not exceed 10,000 square feet.

6. *The development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.*

The Site Plan has been designed to ensure that the locations of all buildings, structures, parking lots, open spaces, landscaping and site amenities will be safe and well-integrated. The Subject Property, located within the Woodmont Triangle Study Area, is within convenient walking distance to various public transit resources, including the Bethesda and Medical Center Metro Stations, WMATA buses, Ride-on buses, the Bethesda Circulator, and public parking garages. As such, visitors to the building are expected to make use of multiple modes of transit. In order to ensure compatibility between pedestrians and vehicles coming to the Subject Property and to maximize the continuity of the streetscape, the Application utilizes a single driveway to access the parking garage. Loading for the Subject Property will be accommodated on-site, to the west of the building.

The Application will improve pedestrian circulation on Rugby Avenue and contribute to the emerging pedestrian network in the Woodmont Triangle by providing new open space and streetscape. The Rugby Avenue frontage will be activated by the street-level retail component, and will provide opportunities for multigenerational interactions between senior residents and young families. 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 more meaningful.

With respect to resident amenities, the Application creates opportunities for courtyard and patio space on the second floor roof of the garage below and at the eighth floor. The second-floor courtyard will be a secure outdoor area for memory-impaired residents.

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 approved building. In terms of aesthetics, the Application will provide a visually pleasing, modern building that will contribute positively to views in the CBD.

7. *The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable 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 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 will be provided, which the Sector Plan identifies as a priority public amenity. The art will evoke a message of growth and connectedness suggested by the vine and tree motifs that convey the tree of life metaphor. The palette and shapes suggest the seasonal aspects of growth and change in nature and life. The art will be installed on the south-facing façade of the building.

The Sector Plan also provides specific recommendations for building heights, with which the Application fully complies. The Subject Property is identified as part of Block 15. 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.

8. *The development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

In approving Preliminary Plan 120160010 on December 10, 2015, the Planning Board found that the development will be served by adequate public facilities, including police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

9. *The development is compatible with existing and approved or pending adjacent 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.

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

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAR 22 2017 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of the original mailing date, or, if the appeal relates to the corrected portions of this resolution, within thirty days of the date of this Corrected Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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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 Fani-González, seconded by Commissioner Cichy, with Vice Chair Wells-Harley and Commissioners Fani-González and Cichy voting in favor, and Chair Anderson and Commissioner Dreyfuss absent at its regular meeting held on Thursday, March 16, 2017, in Silver Spring, Maryland.


Marye Wells-Harley, Vice Chair
Montgomery County Planning Board