



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

MCPB No. 17-108  
Sketch Plan No. 320180050  
ZOM Bethesda  
Date of Hearing: November 30, 2017

**JAN 03 2018**

**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 August 25, 2017, ZMA Development, LLC (“Applicant”), filed an application for approval of a sketch plan covering a 80,381 square foot tract comprised of properties zoned CR 2.25 C 0.5 R 2.25 H60; CR 2.0 C 0.25 R 2.0 H60; and CR 1.0 C 0.25 R 1.0 H60, located on the east side of Arlington Road, between Moorland Lane and Edgemoor Lane, (“Subject Property”) in the Arlington North District of the Bethesda Downtown Sector Plan (“Sector Plan”) area; and

WHEREAS, Applicant’s sketch plan application was designated Sketch Plan No. 320180050, ZOM 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 17, 2017, setting forth its analysis of and recommendation for approval of the Application subject to certain binding elements and conditions (“Staff Report”); and

WHEREAS, on November 30, 2017, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on November 30, 2017, the Planning Board voted to approve the Application, subject to certain binding elements and conditions, on the motion of Commissioner Dreyfuss, seconded by Commissioner Cichy, with a vote of 4-0; Commissioners Anderson, Cichy, Dreyfuss, and Patterson voting in favor and Commissioner Fani-González absent.

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Approved as to  
Legal Sufficiency:

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320180050, ZOM Bethesda, for a maximum of 257,675 square feet of residential development, including an allocation of Bethesda Overlay Zone density of up to 172,708 square feet, subject to the following binding elements and conditions:<sup>1</sup>

A. Binding Elements.

The following site development elements, shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance except as modified by the conditions below:

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

1. Density

The Sketch Plan is limited to a maximum of 257,675 square feet of total development, exclusive of 68,270 square feet previously transferred to the Christopher Condominium and including an allocation of up to 172,708 square feet of Bethesda Overlay Zone density, on the Subject Property for up to 235 dwelling units. The maximum number of dwelling units will be determined at Preliminary Plan.

2. Height

The development is limited to a maximum height of 60 feet, as specified in the Zoning Ordinance.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59.7.3.3.I. Total points must equal at least 100 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 *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

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

- a. Connectivity and Mobility, achieved through minimum parking;
  - b. Diversity of Uses and Activities, achieved through dwelling unit mix, enhanced accessibility for the disabled;
  - c. Quality of Building and Site Design, achieved through exceptional design, public art, and structured parking; and
  - d. Protection of the Natural Environment, achieved through building lot termination, energy conservation and generation, recycling facility plan, and a vegetated roof.
4. Building Design
- a. On the Arlington Road façade, the Applicant must step back the building above the sixth floor at a height-to-step-back ratio of 1:1.
  - b. The Applicant must submit their architectural design concept to the Design Advisory Panel prior to submittal of Site Plan.
5. Open Space  
The Applicant must provide a minimum of 5,565 square feet (10 percent of the Site) of public open space off-site per section 59.6.3.6.C of the Zoning Ordinance.
6. Park Impact Payment (PIP)  
At the time of Site Plan, the Applicant must identify the amount of BOZ density being purchased and allocated to the Site.
7. Streetscape  
The Applicant must install the Bethesda Streetscape Standard along the Site Frontage, including the undergrounding of utilities.
8. Bicycle Facilities  
The Applicant must coordinate with the Montgomery County Department of Transportation to participate in the implementation of master planned bicycle facilities along the project frontages, including:
- a. Separated bicycle lanes on Arlington Road, and
  - b. Separated bicycle lanes on Edgemoor Lane
9. 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.
10. Moderately Priced Dwelling Units (MPDUs)  
The Applicant must provide on the Subject Property a minimum of 15% of the total units as Moderately Priced Dwelling Units. The development must provide MPDUs in accordance with Chapter 25A.

**11. Future Coordination for Preliminary and Site Plan**

In addition to any other requirements for Preliminary Plans under Chapter 50 and Site Plans under Chapter 59, the following must be addressed when filing a Preliminary or Site Plan, as appropriate:

- a. Fire and Rescue access and facility details;
- b. Streetscape details;
- c. Provide details and cross sections showing appropriate soil volumes associated with the new plantings per the Sector Plan;
- d. Provide a tree-save plan addressing any impacts to the neighboring trees.
- e. Demonstration of how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guideline requirements;
- f. Address the SITES & LEED recommendations of the Sector Plan, specifically related to energy efficiency and building design features;
- g. Noise analysis;
- h. Necessary public right-of-way dedication;
- i. Transportation Impact Study and ADA evaluation within 500-feet of the site;
- j. Written coordination with the adjacent Christopher Condominium building demonstrating good faith effort to consolidate the vehicular access point within the existing Christopher driveway on Moorland Lane;
- k. Traffic Mitigation Agreement to participate in the Bethesda Transportation Demand Management District and achieve the Sector Plan 55% NADMS goal; and
- l. SWM concept approval (and subsequent plan) which also address the Bethesda Downtown Plan recommendations regarding SWM.
- m. Coordination with MCDOT in accordance with that agency's letter, dated November 20, 2017.

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 § 59-7.3.3.E, the Planning Board finds that as conditioned herein the elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan. Specifically, the Planning Board FINDS the Sketch Plan:

1. *meets the objectives, general requirements, and standards of this Chapter;*

The Sketch Plan meets the development standards of Section 59.4.5.4, as shown in the Data Table below:

Table 1: Data Table  
 Sketch Plan Data Table

Section	Development Standard	Permitted/ Required	Approved
59.4	<b>Gross Tract Area per Zone</b>		
	CR 2.25 C-0.5 R-2.25 H-60	n/a	51,229 sf (1.18 ac)
	CR 2.0 C-0.25 R-2.0 H-60	n/a	8,820 sf (0.20 ac)
	CR 1.0 C-0.25 R-1.0 H-60	n/a	20,332 sf (0.46 ac)
	<b>Total Gross Tract Area</b>		<b>80,381 sf (1.84 ac)</b>
	Prior Dedication	n/a	22,789 sf (0.52 ac)
	Proposed Dedication	n/a	1,946 sf (0.04 ac)
	<b>Net Lot Area</b>		<b>55,646 sf (1.28 ac)</b>
	<b>Residential Density (GFA/ FAR)*</b>		
	CR 2.25 C-0.5 R-2.25 H-60**	46,995 sf/ (2.25)	46,995 sf/ (0.58)
CR 2.0 C-0.25 R-2.0 H-60	17,640 sf/ (2.00)	17,640 sf (0.22)	
CR 1.0 C-0.25 R-1.0 H-60	20,332 sf/ (1.00)	20,332 sf (0.25)	
Residential Density	84,967 sf/ (1.05)	84,967 sf (1.05)	
Subtotal			
<b>Bethesda Overlay Zone Density</b>	n/a	172,708 sf (2.14)	
<b>Total FAR/GFA</b>	n/a	<b>257,675 sf (3.21)</b>	
<b>Building Height</b>	60 feet	60 feet	
<b>Public Open Space (min)</b>	10% (5,565 square feet)	10% (5,565 square feet)	
<b>Minimum Setbacks</b>	0	0	

\*No commercial density is proposed with the Subject Application.

\*\*Prior density transfer of 68,270 square feet removed from GFA/ FAR density.

The Application will provide the minimum required number of bicycle parking spaces within the building, which will be determined at the time of Site Plan. The

final number of vehicular parking spaces will be determined at Site Plan based on the residential units and retail square footage.

The Sketch Plan conforms to the intent of the CR zone as described below.

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

The Application substantially conforms to the recommendations for the Subject Property included in the 2017 *Bethesda Downtown Sector Plan*. The Subject Property is designated as sites 128, 129, and 130 on page 145 of the Plan and is located in the area of the Plan designated as the "Arlington North District," a transitional zone between the urban core and single-unit neighborhoods to the west of the Sector Plan area. Specifically, the Application addresses the following goals as outlined in the Arlington Road District section of the Plan:

- *Retain the residential scale along Arlington Road as a transition between the urban core and suburban neighborhoods.*

The Application will provide up to 235 residential dwelling units in a building of no more than 60 feet in height. The proposed building will serve as a transition from the taller Christopher Condominium building (approximately 145-feet in height) and Edgemont building (approximately 85-feet in height), to the east, to the lower-scale two-to-three story residential neighborhoods west of Arlington Road.

- *Improve access, mobility, and pedestrian safety along Arlington Road.*

The Application will consolidate existing vehicular access points to a single point on Moorland Lane, thus eliminating vehicular access entirely from this block of Arlington Road. The Application will ensure the construction of the Bethesda streetscape on its three frontages and will participate in the implementation of new separated bicycle lanes on Arlington Road and Edgemoor Lane. Each of these improvements will improve access, mobility, and pedestrian safety along Arlington Road.

- *Promote redevelopment opportunities for under-utilized sites such as single-unit homes.*

The Application will redevelop eight existing single-family homes that are currently occupied by non-residential uses. Given the Subject Property's proximity to the Metro station and the downtown Bethesda

core, these structures are under-utilized and their replacement will better contribute to the area as a mid-rise residential building and as a gradual height transition from the core to the adjacent neighborhoods.

- *Limit commercial and retail uses to preserve residential urban village character.*

The Sector Plan recommends that commercial and retail uses be limited to the ground floor of buildings along Woodmont Avenue. The Application complies with this recommendation by providing a purely residential building.

- *Create a new neighborhood park adjacent to Bethesda Elementary School.*

The Sector Plan identifies a potential area for a new neighborhood park on the west side of the Bethesda Elementary School playing fields. Although the potential future park location is within the Arlington North District, it is not near the Subject Property and will therefore not be implemented as part of the Application. Since the Application will not meet its open space requirement onsite, the Applicant will work with Staff to identify public open space off-site improvements. Final determination of the public open space off-site improvement will be made at the time of Site Plan.

The Project is in general conformance with the *2017 Bethesda Downtown Plan*.

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

The Application will redevelop the existing low-density commercial sites with a higher-density residential building with underground parking to maximize residential development near the Metro. The Sketch Plan meets the objective of this finding.

- 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 Sketch Plan encourages such development by proposing market-rate residential units in a variety of unit types as well as 15% MPDUs, offering housing opportunities for a range of incomes proximate to the numerous

transit options of downtown Bethesda. The Application facilitates all modes of transit – pedestrian, bicycle, and vehicular – in close proximity to the Metro and bus service by improving the streetscape along its three frontages. The Sketch Plan does not propose any parking between the building and the street frontages.

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

The Sector Plan identifies this area as a priority for residential uses and as an area of transition from the higher density downtown Bethesda core to the surrounding lower density residential neighborhoods. The Application will provide residential uses on-site as well as a height and density that is compatible with the desired character of the Arlington North District.

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

The Sector Plan identifies several distinct districts within Downtown Bethesda to guide development compatibility. The Subject Property is within the Arlington North District, which is intended primarily for residential development along the edge of the Downtown area. As proposed, the purely residential project envisioned in this Sketch Plan provides the appropriate land use, as recommended in the Sector Plan.

- 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.*

The Sketch Plan will provide the required public benefits from a minimum of four categories to achieve the desired incentive density above the standard method limit. Final determination of public benefit points will be determined at the time of Site Plan.

2. *substantially conform with the recommendations of the applicable master plan;*

As discussed in Finding 1.a. above, the Sketch Plan substantially conforms to recommendations of the *2017 Bethesda Downtown Sector Plan*. The Application will increase the supply of housing to serve a variety of income levels, redevelop under-utilized properties, and provide streetscape improvements that improve the safety and character of the existing streets.



3. *satisfy 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. *achieve compatible internal and external relationships between existing and pending nearby development;*

The building design is compatible in height and scale with the existing and pending nearby development in the Arlington North District. The Project achieves compatibility with the building heights by providing a transition between the higher building heights of the downtown Bethesda core, to the east, and the lower density residential neighborhoods to the west. At the time of Site Plan submission and review, the Applicant must continue to show the seventh story at a 1:1 height-to-step back ratio to reduce the perceived height on Arlington Road. From a compatibility perspective, the step-back is necessary to comply with the goals of the Sector Plan, which recommend the perceived height along Arlington Road be no more than six stories.

5. *provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;*

The Application provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. The Sketch Plan appropriately locates vehicular access and loading on Moorland Lane, thus eliminating curb cuts from Arlington Road, and provides a pedestrian/ bicycle lobby on Edgemoor Lane to strengthen the Project's relationship with the nearby Bethesda Metrorail station. Although the proposed vehicular access on Moorland Lane will be safe and adequate, the Applicant should continue good faith efforts with the Christopher to consolidate the proposed access point with the existing Christopher driveway.

6. *propose an outline of public benefits that supports the requested incentive density and is appropriate for the specific community;*

Taking into account the considerations in Section 59.4.7.1.B, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the following outline of public benefits supports the Applicant's request for

incentive density and is appropriate for the community surrounding the site, as described below.

For the proposed development, the Zoning Ordinance requires 100 points in four categories. Although at the time of Sketch Plan review only the categories need be approved, Table 2 shows both the categories and points for the public benefits recommended at Sketch Plan to demonstrate the project's ability to meet the requirement to provide sufficient benefit points.

Table 2: Public Benefits

<b>Public Benefits Calculations</b>		
<b>Public Benefit</b>	<b>Incentive Density Points</b>	
	<b>Max Allowed</b>	<b>Requested</b>
<b>59.4.7.3C: Connectivity and Mobility</b>		
<b>Minimum Parking*</b>	<b>20</b>	<b>11.49</b>
<b>59.4.7.3D: Diversity of Uses and Activities</b>		
<b>Dwelling Unit Mix*</b>	<b>10</b>	<b>10</b>
<b>Enhanced Accessibility for the Disabled</b>	<b>20</b>	<b>20</b>
<b>59.4.7.3E: Quality of Building and Site Design</b>		
<b>Exceptional Design*</b>	<b>30</b>	<b>10</b>
<b>Public Art</b>	<b>15</b>	<b>15</b>
<b>Structured Parking</b>	<b>20</b>	<b>20</b>
<b>59.4.7.3F: Protection and Enhancement of the Natural Environment</b>		
<b>BLTs</b>	<b>30</b>	<b>4.66</b>
<b>Energy Conservation and Generation*</b>	<b>15</b>	<b>10</b>
<b>Vegetated Roof</b>	<b>20</b>	<b>15</b>
<b>Recycling Facility Plan</b>	<b>10</b>	<b>10</b>
<b>TOTAL</b>		<b>126</b>

*\*Denotes Sector Plan priority*

Connectivity and Mobility

*Minimum Parking:* The Applicant requests 11.49 points for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points for providing the maximum allowable number of on-site spaces to 20 points for providing no more than the minimum numbers of spaces on site. Final determination will be made at Site Plan, but at this time the Planning Board supports the Applicant's request.

Diversity of Uses and Activities

*Dwelling Unit Mix:* The Applicant requests 10 points for providing a mix of units, including studios, one-bedroom units, two-bedroom units, and three-bedroom units, in accordance with the CR Zone Incentive Density Implementation Guidelines, which require a minimum of 7.5% efficiency units, 8% one- and two-bedroom units, and 5% three or more bedroom units. The final unit mix will be determined at Site Plan. The Planning Board supports the Applicant's request at this time.

*Enhanced Accessibility for the Disabled:* The Applicant requests 20 points for providing at least 7% of the Project's units in accordance with ANSI A117.1 Residential Type A standards. The final percentage of accessible units will be determined at Site Plan. The Planning board supports the Applicant's request at this time.

Quality of Building and Site Design

*Exceptional Design:* The Applicant requests 10 points for building or site design that enhances the character of a setting. Per the CR Guidelines, incentive density of 10 points is appropriate for development that meets all of the guideline criteria. As a site receiving an allocation of Bethesda Overlay Zone density, the project is subject to the Design Advisory Panel review, which will award points based on the quality of the design. The Applicant asserts that the project 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; and integrates low-impact development methods into the overall design of the site and building, beyond green building or site requirements. The Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, and heights. Based on the conceptual materials submitted with the Application, the Planning Board supports the Applicant's request at this time.

*Public Art:* The Applicant requests 15 points for providing public art at strategic points around the perimeter of the project. At this time, the Applicant is coordinating with local artists to refine the art concept and will provide additional

detail with the Site Plan submittal. The Planning Board supports the Applicant's request at this time.

*Structured Parking:* The Applicant requests 20 points for providing structured parking in a below-grade parking structure. The Planning Board supports this request at this time.

Protection and Enhancement of the Natural Environment

*Building Lot Termination (BLT):* The Applicant requests 4.66 points for the purchase of BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area. Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance. The Planning Board supports the Applicant's request at this time.

*Energy Conservation and Generation:* The Applicant requests 10 points for providing a project that exceeds the energy efficiency standards for new buildings by 10% through high efficiency mechanical, electrical, and plumbing systems. Further refinement will be determined at the time of Site Plan, but the Planning Board supports the Applicant's request at this time. This category is a priority in the Sector Plan.

*Vegetated Roof:* The Applicant requests 15 points for providing vegetated roofs with a soil depth of at least eight inches and covering at least 33% of the total roof excluding space for mechanical equipment. The CR Guidelines recommend 20 points for development that provides a vegetated roof with a soil depth of at least four inches over at least 33% of the rooftop, excluding space for mechanical equipment. At the time of Site Plan, the Applicant will provide additional details on meeting the vegetated roof criteria. The Planning Board supports the Applicant's request at this time.

*Recycling Facility Plan:* The Applicant requests 10 points for providing a recycling facility plan that exceeds the minimum requirements set forth in the Zoning Ordinance. The final details of this plan will be determined at the time of Site Plan, but the Planning Board supports the Applicant's request at this time.

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

The Project 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 elements of the plans for Sketch Plan No. 320180050, ZOM Bethesda, received by the M-NCPPC as of the date of the Staff Report, are required except as modified herein; 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 JAN 03 2018 (which is the date that this Resolution is mailed to all parties of record).

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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 Patterson, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, December 14, 2017, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board