



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

MCPB No. 18-081
Site Plan No. 820180120
ZOM Bethesda
Date of Hearing: July 19, 2018

SEP 25 2018

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 16, 2018, ZMA Development, LLC ("Applicant") filed an application for approval of a site plan for a residential building with up to 230 dwelling units and 15% MPDUs on 1.30 acres of 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 zoned-land, located on the east side of Arlington Road, between Moorland Lane and Edgemoor Lane ("Subject Property"), in the 2017 *Bethesda Downtown Sector Plan* ("Sector Plan") area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820180120, ZOM 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 June 29, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 19, 2018, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

WHEREAS, on July 19, 2018, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Fani-Gonzalez, seconded by Commissioner Patterson, with a vote of 4-0; Commissioners Anderson, Cichy, Fani-Gonzalez, and Patterson voting in favor and Commission Dreyfus absent the date of the hearing.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan 820180120, for a residential building of up to 253,200 total square feet with up to 230 multi-family dwelling units, on 80,381 square feet of land, zoned CR 2.25 C 0.5 R

Approved as to
Legal Sufficiency:

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2.25 H60; CR 2.0 C 0.25 R 2.0 H60; and CR 1.0 C 0.25 R 1.0 H60, subject to the following conditions of approval:¹

1. Sketch Plan Conformance

The development must comply with the binding elements and conditions of approval for Sketch Plan No. 320180050 as listed in the MCPB Resolution No. 17-108 dated November 30, 2017.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120180140.

3. Public Open Space, Facilities, and Amenities

- a. In accordance with Section 59.6.3.6.C of the Zoning Ordinance, the Applicant must either provide 5,565 square feet of public open space improvements off-site at the Bethesda Library site or contribute \$ 785,278 to the M-NCPPC for off-site public improvements in downtown Bethesda.
- b. All off-site improvements must be accepted by the Montgomery County Department of General Services and the Bethesda Urban Partnership (BUP) and other relevant agencies and be illustrated on the Certified Site Plan.
- c. At Certified Site Plan, Staff may approve an area of public open space improvements at the Bethesda Library site less than 5,565 square feet, but not less than 5,000 square feet, per Section 59.4.9.2.C.7.a of the Zoning Ordinance. For any amount of public open space improvements less than 5,000 square feet, the Applicant must make a financial contribution based on the calculation described in Condition 3.a., above.
- d. Prior to issuance of the first above-grade building permit, the Applicant must either:
 - i. Provide the financial contribution described in Condition 3.a. to M-NCPPC; or
 - ii. File for all applicable permits to construct public open space improvements at the Bethesda Library site.
- e. Prior to the issuance of the final Use and Occupancy Certificate for the Subject Property, all off-site public open space improvements to the Bethesda Library site must be completed, unless the Applicant has provided the financial contribution described in Condition 3.a. to M-NCPPC.
- f. Prior to issuance of the final Use and Occupancy Certificate for the Subject Property, the Applicant must construct streetscape

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.

improvements, including the undergrounding of utilities, along the Subject Property's frontage on Moorland Lane, Arlington Road, and Edgemoor Lane, consistent with the Bethesda Streetscape Standards, and as illustrated in the Certified Site Plan.

- g. The Applicant must maintain all open spaces and amenity areas located on the Subject Property and off-site location(s) required by this approval.

4. Green Cover

- a. The Applicant must provide a minimum of 19,476 square feet of Green Cover, which is equivalent to 35% of the site area, exclusive of 828 square feet of easement area along Arlington Road, as illustrated on the Certified Site Plan.
- b. Any green roof installed pursuant to this condition must have a minimum soil depth of eight inches.

5. Recreation Facilities

Before Certified Site Plan approval, the Applicant must demonstrate substantial conformance with the M-NCPPC Recreation Guidelines.

6. Bethesda Overlay Zone Density

- a. Per Section 59.4.9.2.D.4 of the Zoning Ordinance, the Applicant must have a building permit application accepted by MCDPS that includes the core and shell of the principal building within two years of the date of this Resolution. Within two years of MCDPS accepting the building permit application, the Applicant must obtain the building permit. The deadlines may not be extended. If the Applicant fails to comply with any of the deadlines in this condition, the entire Site Plan approval is revoked.
- b. The Applicant must pay to the M-NCPPC a Park Impact Payment of \$1,439,870, prior to release of the first above-grade building permit for the allocation of 168,233 square feet of Bethesda Overlay Zone Density.

7. Affordable Housing

- a. The development must provide 15 percent Moderately Priced Dwelling Units (MPDUs) on-site consistent with the requirements of Chapter 25A and the applicable Master Plan.
- b. Before issuance of any building permit for any residential unit, the MPDU agreement to build between the Applicant and the DHCA must be executed.
- c. The Planning Board accepts the recommendations of DHCA in its letter, dated May 31, 2018, 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

DHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.

8. 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.

- a. **Connectivity and Mobility**
 - i. **Minimum Parking** – The Applicant must not provide more than 202 parking spaces, all of which must be unbundled from the sale or lease of the proposed dwelling units.
- b. **Diversity of Uses and Activities**
 - i. **Enhanced Accessibility for the Disabled** – The Applicant must provide at least 7% (17 dwelling units) of the Site Plan's dwelling units in accordance with ANSI A117.1 Residential Type A standards.
- c. **Quality Building and Site Design**
 - i. **Exceptional Design** – The Applicant must construct the building in a manner consistent with the architectural elevations included in the Certified Site Plan, as determined by Staff.
 - ii. **Structured Parking** – The Applicant must provide all parking spaces within the below-grade structure on the Subject Property.
- d. **Public Art**
 - i. **Provide and install the public art concept** as recommended by the Art Review Panel in its letter, dated June 19, 2018, and illustrated on the Certified Site Plan.
 - ii. **Any significant changes to the concept presented on May 30, 2018,** must be presented to the Art Review Panel and approved by Staff before Certified Site Plan.
- e. **Protection and Enhancement of the Natural Environment**
 - i. **Building Lot Terminations (BLTs)** – Before issuance of the any building permit, the Applicant must provide proof of purchase and/or payment equivalent to 0.51 BLTs to MCDPS.
 - ii. **Energy Conservation and Generation** – The Applicant must construct the building to exceed energy efficiency standards for the building type by 10%, as determined by MCDPS.
 - iii. **Recycling Facility Plan** – The Applicant must comply with the letter from the Montgomery County Department of Environmental Protection – Waste Reduction and Recycling Section, dated June 15, 2018.
 - iv. **Vegetated Roof** – The Applicant must install a vegetated roof with a soil depth of a minimum of eight (8) inches covering a minimum of 33% of the building's roof, excluding space for mechanical equipment, as illustrated on the Certified Site Plan.

9. Transportation

Before the release of any above grade building permit, the Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District (TMD) and work toward the Sector Plan goal of 55% Non-Auto Driver Mode Share.

10. Pedestrian & Bicycle Circulation

- a. The Applicant must provide a minimum of 115 bicycle parking spaces to include 107 long-term and eight (8) short-term bicycle parking spaces.
- b. The long-term spaces must be in a secured, well-lit bicycle room in the garage, and the short-term spaces must be inverted-U racks (or approved alternative) installed in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the public bicycle rack(s) must be identified on the Certified Site Plan.
- c. The Applicant must participate in the implementation of master planned separated bicycle lanes along the project's Edgemoor Lane frontage.

11. Department of Permitting Services-Right-of-Way

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated May 21, 2018 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

12. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section, in its letter dated May 29, 2018, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

13. Building & Site Design

- a. 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.
- b. The Applicant must provide a minimum of four (4) pedestrian entrances from the Arlington Road sidewalk.
- c. The Planning Board accepts the recommendations of the Design Advisory Panel as described in their letter, dated April 25, 2018, and incorporates them as conditions of approval.

- d. Any significant changes to the design must be presented to the Design Advisory Panel and approved by Staff prior to certification of the Site Plan, and certain changes to the design, as determined by Staff, may require a Site Plan Amendment.
- e. Building height is limited to 60 feet, as measured from the building height measuring point on Moorland Lane.

14. Landscaping

- a. Prior to issuance of final residential Use and Occupancy Certificate, all on-site amenities, including, but not limited to: lights, sidewalks/pedestrian pathway, hardscape, benches, trash receptacles, bicycle facilities, recreation amenities, and rooftop amenities must be installed.
- b. The Applicant must install landscaping no later than the next growing season after completion of site work.

15. Forest Conservation & Tree Save

- a. Prior to any clearing, grading or demolition necessary to construct the project, the Applicant must obtain Staff certification of a Final Forest Conservation Plan and payment of the fee-in-lieu.
- b. Prior to certification of the Final Forest Conservation Plan, the applicable sheets must be revised to address the following items:
 - i. 0.24 acres of proposed landscape credit need to be eliminated and replaced with credit by fee-in-lieu or off-site bank;
 - ii. The Tree Save Plan must be prepared by an International Society of Arboriculture certified arborist who is also a Maryland Licensed Tree Care Expert and address all affected neighboring trees. The Applicant must provide suitable mitigation (subject to Staff approval) for trees which cannot be appropriately retained;
 - iii. The plans shall include a monitoring and replacement program for the affected trees; and
 - iv. Coordinate with Staff on minor corrections & clarifications of the plans notes and details.
- c. The plans must be revised to include details and specifications for soil restoration in all areas of the LOD which are not built (i.e. to remain in a lawn or landscape setting).
- d. Prior to any clearing, grading or demolition within the project area, the Applicant must submit a fee-in-lieu payment or certificate of compliance which satisfies the off-site 0.24-acre afforestation credit requirements (or as approved in the certified FFCP). If a certificate of compliance is used, the M-NCPPC approved document must be recorded in the Land Records of Montgomery County.

- e. The limits of disturbance shown on the final Sediment Control Plan must be consistent with the limits of disturbance shown on the Final Forest Conservation Plan.
- f. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.
- g. The Applicant must make good faith efforts to reconstruct the landscape bed along the eastern property line (shared with the neighboring Edgemont property), as located on the FFCP, in a manner that will accommodate the planting of a canopy tree.
- h. The Applicant must plant four off-site shade trees within the CBD (in addition to any street tree plantings along the Subject Property frontages). The off-site plantings may be incorporated into the off-site public open space under 59.6.3.6.C (if the Applicant chooses to construct off-site open space rather than make a financial contribution).

16. Lighting

- a. Prior to 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 latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All on-site exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b. All on-site down-lights must have full cut-off fixtures.
- c. Deflectors must be installed on all proposed fixtures to prevent excess illumination and glare.
- d. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- e. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

17. Noise Attenuation

- a. Prior to issuance of a building permit for any residential dwelling unit(s) to be constructed within the projected 65 dBA Ldn noise contour, the Applicant must provide Staff with certification from an engineer specializing in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b. The Applicant must provide a signed commitment to construct the units in accord with the noise mitigation design specifications, with any

changes that may affect acoustical performance approved by the engineer and Staff in advance of installation.

- c. If the plan changes in any manner that affects the validity of the noise analysis for acoustical certifications and noise attenuation features, the Applicant must conduct a new noise analysis to reflect the revised plans, and new noise attenuation features may be required.
- d. Before issuance of use and occupancy permit for residential units, the Applicant must obtain certification that the noise impacted units have been constructed in accordance with the recommendations of an engineer that specializes in acoustical treatments. The certification must be based on the testing of at least five representative residential units.

18. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, excluding sheet and shoring, or sediment 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 at-grade Site Plan elements, including, but not limited to streetscape, plant material, on-site lighting, site furniture, trash enclosures, private utilities, sidewalks, storm drainage facilities, street trees, public art, and street lights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c. A separate cost estimate and bond must be completed for any off-site improvements associated with the off-site public open space requirements.
- d. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.
- e. The bond or surety shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

19. Development Program

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

20. 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 stormwater management concept approval letter, Department of General Services acceptance letter for off-site public open space, Department of Environmental Protection letter approving the recycling facility plan, 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.
- d. Ensure consistency of all details and layout between Site and Landscape plans.
- e. Ensure that the sidewalk on the Subject Property's Arlington Road frontage is a minimum of 7 feet wide, with necessary modifications to the adjacent tree panel or paved areas to be approved by Staff.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 820180120, ZOM Bethesda, 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 Site Plan conforms to all bindings elements of Sketch Plan No. 320180050.

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

This section 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 section 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 is approximately 1.84 acres, zoned CR 2.25 C 0.5 R 2.25 H60, CR 2.0 C 0.25 R 2.0 H60, CR 1.0 C 0.25 R 1.0 H60, and is within the Bethesda Overlay Zone. The following Data Table shows the Application's conformance to the development standards of the zone.

Data Table			
Section 59.4	Development Standard	Permitted/ Required	Proposed
	Tract Area per Zone CR 2.25 C-0.5 R-2.25 H-60 CR 2.0 C-0.25 R-2.0 H-60 CR 1.0 C-0.25 R-1.0 H-60 Total Tract Area	n/a n/a	51,229 sf (1.18 ac) 8,820 sf (0.20 ac) 20,332 sf (0.46 ac) 80,381 sf (1.84 ac)
	Prior Dedication Proposed Dedication Arlington Road Easement Area Site Area	n/a n/a n/a n/a	22,789 sf (0.52 ac) 1,118 sf (0.03 ac) 828 sf (0.02) 56,474 sf (1.30 ac)
	Residential Density (GFA/ FAR)* CR 2.25 C-0.5 R-2.25 H-60 CR 2.0 C-0.25 R-2.0 H-60 CR 1.0 C-0.25 R-1.0 H-60 Residential Density Subtotal	46,995 sf/ (2.25) 17,640 sf/ (2.00) 20,332 sf/ (1.00) 84,967 sf/ (1.05)	46,995 sf/ (0.58) 17,640 sf (0.22) 20,332 sf (0.25) 84,967 sf (1.05)
	Previous Density Transfer (Removed from GFA/ FAR)	n/a	(68,270 sf)
	Bethesda Overlay Zone Density	n/a	168,233 sf (2.09)
	Total GFA/ FAR	n/a	253,200 sf (3.15)
	MPDU Density GFA/ FAR (Minimum)	15%	24,246 sf (0.30)
	Building Height	60 feet	60 feet
	Public Open Space (min)	10% (5,565 square feet)	10% (5,565 square feet) (Off-Site per 59.6.3.6 C)
	Minimum Setbacks	0	0

*No commercial density is proposed with the Subject Application.

Data Table (Continued)

Parking ¹	Spaces Required	Spaces Provided
Vehicle Parking		
Residential		
Efficiency (29 market rate units); 5 MPDUS	(32 minimum/ 32 maximum)	--
1 Bedroom (74 market rate units); 12 MPDUS	(80 minimum/ 100 maximum)	--
2 Bedroom (88 market rate units); 18 MPDUS	(97 minimum/ 146 maximum)	--
3 Bedroom (4 market rate units); 0 MPDUS	(4 minimum/ 8 maximum)	--
(195 market rate; 35 MPDUs)	(213 minimum/ 286 maximum)	190 (Unbundled)
Total		202 ¹
Bicycle Parking (Long Term/ Short Term)		
Residential (230 units)	(95/5) 100 ²	(107/8) 115
Loading Spaces	1	1

¹ Twelve (12) spaces for motorcycle parking, electric vehicle charging station, and handicapped spaces provided in accordance with the Zoning Ordinance

² Bicycle Parking requirement is limited to a maximum of 100 spaces, however, the Applicant has elected to provide additional spaces.

b. General Requirements

The Bethesda Overlay Zone (BOZ) was adopted July 18, 2017, specifically to implement the recommendations of the Bethesda Downtown Sector Plan as it relates to density, building heights, affordable housing, parks, and design. The BOZ set a cap of overall development (32.4 million square feet) whereby the zoning approved for most properties retains the base density but certain sites have increased height. An Applicant can request an allocation of density over the base density to build to the maximum height permitted by the Zone, as needed. An allocation of density from the BOZ requires a park impact payment of \$10/square foot based upon the density requested and facilitates acquisition of parkland in the downtown Bethesda area. This Application is requesting an allocation of 168,233 square feet from the BOZ, initiating a Park Impact Payment of \$1,439,870 (24,246 square feet of MPDU Density, valued at \$242,460, excluded from payment) to be paid at the time of building permit. The amount of density allocated from the BOZ for Application is deducted from the 32.4 million cap.

i. *Division 4.7. Optional Method Public Benefits*

In accordance with the Zoning Ordinance, Section 59-4.7.1, the Site Plan includes the following public benefits to satisfy the requirements: Connectivity and Mobility; Diversity of Uses and Activities; Quality Building and Site Design; and Protection and Enhancement of the Natural Environment.

Table 2: Public Benefit Points

Public Benefits		
Public Benefit	Incentive Density Points	
	Max Allowed	Requested
59.4.7.3C: Connectivity and Mobility		
Minimum Parking*	20	10
59.4.7.3D: Diversity of Uses and Activities		
Enhanced Accessibility for the Disabled	20	20
59.4.7.3E: Quality of Building and Site Design		
Exceptional Design*	30	10
Public Art	20	15
Structured Parking	20	20
59.4.7.3F: Protection and Enhancement of the Natural Environment		
Building Lot Termination (BLT)	30	4.56
Energy Conservation and Generation*	25	10
Vegetated Roof	20	15
Recycling Facility Plan	10	10
TOTAL		114.56

*Denotes Sector Plan priority

Connectivity and Mobility

Minimum Parking: The Applicant requests 10 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. The Planning Board supports the Applicant's request.

Diversity of Uses and Activities

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 Planning Board supports the Applicant's request.

Quality of Building and Site Design

Exceptional Design: The Applicant requests 10 points for a building or site design that enhances the character of a setting. Per the Commercial/Residential and Employment Zone Incentive Density and Implementation Guidelines, incentive density of 10 points is appropriate for development that

meets all guideline criteria. In accordance with the Bethesda Overlay Zone density, the Application was reviewed by the Design Advisory Panel, which supported the Applicant's request with suggestions addressed in the Applicant's final e-plans submittal and through the Planning Board's conditions of approval. As described in the Staff Report, the Site Plan 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. Based on the materials submitted with the Application, the Planning Board supports the Applicant's request for 10 exceptional design points.

Public Art: The Applicant requests 15 points for providing two pieces of public art along the Arlington Road façade. The Applicant proposed the Site Plan's art component to the Art Review Panel on May 30, 2018 and received a favorable response supporting the requested 15 points. The Planning Board supports the Applicant's request.

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

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT): The Applicant requests 4.56 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 (0.51 BLTs based on an incentive density of 213,010 square feet). 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.

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. The Planning Board supports the Applicant's request. Although the Subject Property is not within a High-Performance Area, 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 Site Plan's green

roof will be intensively planted with native plants to provide habitat. The Planning Board supports the Applicant's request.

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. In achieving the intent of this category, the Applicant will provide recycling and compost chutes, separate from the buildings trash chute, and will provide paper shredding to encourage paper recycling. The Applicant must comply with the letter from the Montgomery County Department of Environmental Protection – Waste Reduction and Recycling Section, dated June 15, 2018. The Planning Board supports the Applicant's request.

ii. *Division 6.1. Site Access*

Vehicular access and loading will occur via a consolidated access point on Moorland Lane. Pedestrians and bicyclists will be able to enter the development from the residential lobbies on either Moorland Lane or Edgemoor Lane and short-term bicycle parking will be provided along the public sidewalks. The Site Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.

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

Parking for the residential building will be provided in a below-grade facility. Vehicular and loading access will occur via Moorland Lane along the north side of the Subject Property to limit impacts to either the higher volume Arlington Road or more pedestrian oriented Edgemoor Lane.

iv. *Division 6.3. Open Space and Recreation*

Since the Application is not able to meet its open space requirement on-site, the Applicant will comply with the off-site open space requirements set forth in Section 59.6.3.6.C of the Zoning Ordinance through one of the following options:

Construct (59.6.3.6.C.1)

“[Make] public park or public open space improvements in an area at least as large as the required public open space located within or near the applicable master plan area.”

Under this option, the Applicant would make improvements to the area on the southern end of the Connie Morella Bethesda Library site. These

improvements must be accepted by the Montgomery County Department of General Services (MCDGS) and be documented on the Certified Site Plan. Such improvements would complement the adjacent Caroline Freeland Park while allowing the improvements to be implemented within the timeframe of the Subject Development.

To facilitate this opportunity to improve public open space so close to the Subject Property and next to an existing park, this resolution includes a condition of approval to allow some flexibility in the amount of public open space provided, because the library site area is fixed and may not yield the full 5,565 square feet required.

Financial Contribution (59.6.3.6.C.2)

“[Pay] all or part of the cost to design, construct, renovate, restore, install or operate a public open space located within or near the applicable master plan area if the payment:

- a. Equals the cost of constructing the same amount of public open space and any associated amenity on-site per square foot plus the fair market value of the land per square foot.”

Under the financial contribution option, the Applicant would pay \$785,278 for future open space improvements within Downtown Bethesda.

The Application is in conformance with the *Recreation Guidelines*, as demonstrated in the Recreation Facilities Data table provided with the Application. The Applicant is providing bicycle amenities; indoor community spaces, including lounges and an internet café; interior courtyards and sculpture gardens; and rooftop amenities, including an outdoor pool. Final locations and quantities of each of these amenities will be shown on the Certified Site Plan.

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 Site Plan will transform existing streetscape along the Moorland Lane, Arlington Road, and Edgemoor Lane frontages with new street trees, improved, wider sidewalks, street lighting, and street furniture. The on-site lighting will limit the necessary light levels to streets and sidewalks.

As shown in the Development Standards table, the Site Plan meets all general requirements and development standards of Section 4.5 of the Zoning Ordinance, the optional method public benefits provisions of Division 4.7 of the Zoning Ordinance, and the general development requirements of Article 59-6 of the Zoning Ordinance.

5. *The development satisfies the applicable requirements of:*

1. *Chapter 19, Erosion, Sediment Control, and Stormwater Management; and*

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on May 30, 2018. The plan proposes to meet stormwater management requirements through the use of an extensive (8-inch depth) green roof over 14,437 square feet of the site and a waiver of quantity and quality control for remaining requirements based on site limitations.

2. *Chapter 22A, Forest Conservation.*

A Natural Resource Inventory Forest Stand Delineation (NRI/FSD) was approved for the project on April 9, 2018. The NRI/FSD, designated 420181450, identifies the existing man-made and natural features associated with the Subject Property, such as the buildings, associated parking, the street trees and landscape elements. The on-site setting includes two significant trees and one specimen tree² ranging in size from 25 to 28-inch diameter. The site topography is gently sloping from north to south. There are no rare, threatened, or endangered species, no trees measuring 30-inch DBH or greater, no stream/buffers, steep slopes or known historical or cultural resources on site. The site is located within the Little Falls Watershed, a use I-P watershed.

Forest Conservation

There is no forest on-site or adjacent to the Subject Property; however, there is an afforestation requirement of 0.24 acres. The afforestation requirements must be addressed off-site, either by a fee-in-lieu payment or certificate of compliance for an off-site bank. As conditioned, all afforestation requirements will be met off-site.

² Tree #3 is a 28-inch Holly and measures 75% or more (85%) than of the size of the current County champion and is therefore a specimen tree. It is not subject to the forest conservation variance because it does not meet any of the qualifying attributes for a variance tree, such as measuring 30-inch diameter or 75% or more of the size of the current State champion.

Forest Conservation Variance

The Application is not subject to a forest conservation variance as it does not impact any trees that measure 30 inches DBH or greater; are part of a historic site or designated with a historic structure; are designated as national, state, or county champion trees; are at least 75 percent of the diameter of the current state champion tree of that species; or impact any trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

Tree Save Plan

Sketch Plan 320180050, ZOM Bethesda, includes condition of approval 11.d. to provide a tree-save plan addressing any impacts to neighboring trees. However, the Subject Project does not acknowledge neighboring trees located on the adjacent Edgemont at Bethesda property. The adjacent Edgemont site, subject to Sketch Plan 320180030 and Preliminary Plan 11984058A, has its own set of Planning Board conditions (Condition 11.p), that require the applicant to maximize overall site Green Cover, a part of which may be met by existing canopy trees.

The Edgemont applicant is actively exploring ways to satisfy this condition, however the likely removal of the existing Edgemont canopy trees by the ZOM Bethesda project would undermine the green coverage accounting for the Edgemont project. Therefore, the Final Forest Conservation Plan includes conditions of approval that the revised tree save plans be prepared by an International Society of Arboriculture certified arborist who is also a Maryland Licensed Tree Care Expert, and that the Applicant should provide suitable mitigation (subject to Staff approval) for affected trees which cannot be appropriately retained on the Edgemont property.

The Application also proposes retaining four existing street trees along the northeast edge of the Subject Property along the entryway of the Christopher Condominiums. However, it is unlikely that these trees will survive the construction. As conditioned in the Final Forest Conservation Plan, the Applicant will prepare a revised Tree Save Plan for Staff approval that will identify suitable mitigation for trees that cannot be retained.

Noise

The Subject Application provides residential units fronting an arterial roadway and is therefore subject to the noise regulations associated with residential development. To address development standards regarding noise mitigation, the Applicant coordinated with Phoenix Noise & Vibration, LLC, an engineer specialized in acoustics. The analysis shows excessive noise impacts, measuring 65 dBA Ldn and above, currently affecting the Subject

Property, and future noise levels are projected to be slightly higher. The noise analysis determined that future noise levels throughout the rooftop pool and terrace areas will be below 65 dBA Ldn, therefore, no mitigation is recommended for the rooftop amenity space. The zone of excessive noise impacts generally occurs along the Arlington Road frontage, however, interior noise levels for the affected residential units can be mitigated to appropriate levels (less than 45 dBA Ldn) through building construction techniques and installation of windows designed to mitigate the sound. As conditioned, the Application adequately mitigates interior noise for the proposed residential units.

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

The Application provides adequate, safe, and efficient parking and circulation patterns. The Site Plan consolidates the garage and loading entrances on Moorland Lane to limit impacts to the pedestrian environment and improves public streetscape along its three frontages. The Application provides entrances and stoops to activate the building along the façade. This accommodation responds to a very unique set of circumstances and will have a positive impact of the pedestrian circulation along the street.

The Application provides a safe and well-integrated building, open spaces and site amenities. The development presents as a mid-rise building along each of its frontages and steps-back above the sixth floor along Arlington Road to achieve the sector plan recommendation for height along that street. The Site Plan provides amenities for the residents of the project internal to the building, along the eastern façade, and on the rooftop.

- 7. The development substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

The Site Plan substantially conforms to the 2017 *Bethesda Downtown Sector Plan*. The Subject Property is designated as sites 128, 129, and 130 on page 145 of the Sector Plan. The Subject Property is located in the area of the Sector 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. The Application addresses the following goals as outlined in the Arlington Road District section of the Sector Plan:

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

The Application provides up to 230 multi-family residential dwelling units in a building of no more than 60 feet in height. The building serves 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 Site Plan consolidates existing vehicular access points to a single point on Moorland Lane, thus eliminating vehicular access entirely from this block of Arlington Road. The Application provides 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 improves access, mobility, and pedestrian safety along Arlington Road.

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

The Application proposes the redevelopment of eight existing single-family homes that currently serve both residential and non-residential uses. Given the Subject Property's proximity to the Metro station and the downtown Bethesda core, these structures are under-utilized. A mid-rise residential building will take better advantage of the Subject Property's proximity to Metro and the Bethesda core and will provide 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 project. Since the Application is not able to meet its open space requirement on-site, the Applicant will comply with the off-site open space requirements set

forth in Section 59.6.3.6.C of the Zoning Ordinance as described in the Staff Report.

Green Cover Requirements

The Applicant must provide a minimum of 19,476 square feet of Green Cover to meet the 35% Green Cover requirement set forth in Section 2.4.1 of the Sector Plan and Section 2.3.2 of the associated Design Guidelines. In response to this requirement, the Application will install an intensive green roof, with a minimum depth of 8-inches, on portions of the building.

The Site Plan substantially conforms to the 2017 *Bethesda Downtown Sector Plan*. The Site Plan complies with the specific density recommendations for the Subject Property as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. The Subject Property is not subject to an Urban Renewal Plan.

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.*

As discussed in the Planning Board resolution approving Preliminary Plan No. 120180140, the development will be served by adequate public facilities.

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

The Site Plan is compatible with other uses and other site plans, as well with existing and proposed adjacent development. The Site Plan's design and scale is compatible with adjacent buildings in the Arlington Road District.

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 SEP 25 2018 (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 this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Patterson, with Commissioners Fani-González, Cichy, and Patterson voting in favor, and Chair Anderson and Vice Chair Dreyfuss absent at its regular meeting held on Thursday, September 20, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board