



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

MCPB No. 19-011  
Preliminary Plan No. 120190050  
7607 Old Georgetown Road  
Date of Hearing: January 24, 2019

FEB 27 2019

**RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on October 1, 2018, Washington Property Company ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 0.44 acres of land in the CR 5.0 C 5.0 R 4.75 H-225 zone and the Bethesda Overlay Zone, located on the north corner of the intersection of Old Georgetown Road and Commerce Lane in Downtown Bethesda ("Subject Property"), in the Bethesda CBD Policy Area and the 2017 *Bethesda Downtown Sector Plan* ("Sector Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120190050, 7607 Old Georgetown Road ("Preliminary 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 January 11, 2019, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on January 24, 2019, 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, on January 24, 2019, the Planning Board voted to approve the Application subject to certain conditions, on motion of Vice-Chair Dreyfuss seconded by Commissioner Fani-Gonzalez with a vote of 4-0; Chair Anderson, Vice-Chair Dreyfuss, Commissioner Fani-Gonzalez and Commissioner Cichy voting in favor, and Commissioner Patterson absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120190050 to create one lot on the Subject Property, subject to

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Approved as to  
Legal Sufficiency

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the following conditions:<sup>1</sup>

1. This Preliminary Plan is limited to one (1) lot for up to 200 multi-family dwelling units and an allocation of 133,615 square feet of density from the Bethesda Overlay Zone.
2. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated December 10, 2018, and as amended by letter dated January 23, 2019, except for Plan Review Comment 2D, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
3. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
4. The Planning Board accepts the recommendations of the Maryland State Highway Administration (“MSHA”) in its letter dated November 9, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
5. The Applicant must dedicate all road rights-of-way to the full width mandated by the Bethesda Downtown Sector Plan or as otherwise designated on the Certified Preliminary Plan, and show on the record plat(s) the following:
  - a. A dedication of the Old Georgetown Road frontage necessary to provide the Sector Plan-recommended 40-foot-wide right-of-way between the Subject Property line and right-of-way centerline, as illustrated on the Certified Preliminary Plan.
  - b. A dedication of the Commerce Lane frontage necessary to provide the Sector Plan-recommended 25-foot-wide right-of-way between the Subject Property line and right-of-way centerline, as illustrated on the Certified Preliminary Plan.
  - c. The record plat must show all necessary easements.
6. Prior to recordation of any plat, Site Plan No. 820190030 must be certified by M-NCPPC Staff.
7. 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 16, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which

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<sup>1</sup> 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.

may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

8. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section, per the Fire Department Access Plan dated October 12, 2018. The Applicant must comply with the Fire Department Access Plan, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.
9. The Certified Preliminary Plan must contain the following note:  
Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.
10. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of this Planning Board Resolution.

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 layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The Planning Board finds the lot size, width, shape and orientation are appropriate for the location of the subdivision considering the recommendations in the 2017 *Bethesda Downtown Sector Plan* and the type of development and use contemplated. The lot complies with the dimensional requirements for the CR zone as specified in the Zoning Ordinance.

2. *The Preliminary Plan substantially conforms to the Master Plan.*

The Project substantially conforms to the recommendations for the Property included in the 2017 *Bethesda Downtown Sector Plan*. Specifically, this Sector Plan builds on the past successes of Downtown Bethesda to create a truly

sustainable downtown by focusing on components that will bolster the elements most in need of enhancement. The recommendations increase:

1. **Parks and open spaces**, including new civic greens at Veteran's Park, Bethesda Farm Women's Cooperative Market, Capital Crescent Trail and new urban parks, pathways and gateways.
2. **Affordable housing**, including the preservation of existing market-rate affordable housing, providing a mix of housing options and the provision of Moderately Priced Dwelling Units in exchange for development incentives.
3. **Environmental innovation**, including more energy-efficient buildings, better stormwater management, improved sidewalks and bicycle routes, and other measures to enhance community health and quality of life.
4. **Economic competitiveness**, based on new development, public amenities and proximity to public transit to attract businesses and visitors from throughout the region, and foster entrepreneurship and innovation.

The Property is designated as site 70 on page 100 of the Sector Plan. The Property is in the "Wisconsin Avenue Corridor District." The Wisconsin Avenue Corridor is the main artery through the center of Downtown Bethesda. With the existing Bethesda Metrorail Station, future Purple Line and bus rapid transit (BRT) options, Wisconsin Avenue is a critical focus area for improved access, mobility and pedestrian safety. The corridor is envisioned as a symbolic downtown center that reflects the character of adjacent neighborhoods and overall identity of Bethesda through innovative building designs and active public spaces. Specifically, the Project addresses the following goals as outlined in the Overarching Goals and Wisconsin Avenue Corridor sections of the Sector Plan:

- *Encourage infill and reinvestment on underutilized commercial sites and private surface parking lots.*

The Project provides an opportunity for infill development of an underdeveloped commercial site within a block of the Metro station, as recommended by the Sector Plan, by converting a single-story commercial building and surface parking lot to a mixed-use Project with up to 200 multi-family dwelling units and up to 3,000 square feet of retail.

- *Encourage mixed-income / affordable housing near transit stations.*

The Project will provide residential dwelling units within a block of the Metro station in an area dominated by commercial and office uses. The project would provide much needed affordable housing in the form of additional MPDUs. The 15 percent MPDUs will result in up to 30 additional MPDUs in Downtown Bethesda. This proposed influx of MPDUs will help to further one of the primary goals of the Sector Plan and Bethesda Overlay Zone thereby ensuring that affordable housing opportunities exist in transit-oriented locations.

- *Develop compact nodes that place the highest intensity in those centers, provide distinctive infill buildings and step down to lower densities and heights near the edges.*

The Project will place high density residential uses and street-activating retail uses in the core of Downtown Bethesda, incorporating urban design elements that provide visual interest further defining the skyline in the Wisconsin Avenue Corridor District.

- *Economic competitiveness based on new development, public amenities and proximity to public transit to attract businesses and visitors from throughout the region, and foster entrepreneurship and innovation.*

The Project will provide infill redevelopment within the highest intensity center in Downtown Bethesda which is dominated by office buildings and retail that serves the office customer base. The Project will provide an influx of residents to the Metro Core area providing much needed around-the-clock activity contributing to a more vibrant mixed-use identity. The combination of multifamily dwelling units, ground floor retail uses, and amenities provided will increase the customer base of nearby shops, restaurants and services in the Metro Core during nighttime and on weekends that does not exist today.

- *Encourage high-performance buildings and sites nearest the established centers.*

The Project proposes to incorporate energy efficient building systems to exceed the ASHRAE 90.1 standard by a minimum of 17.5%, as required by the Bethesda Overlay Zone. In addition, intensive green roof systems are proposed to maximize the Property's overall green cover.

The Preliminary Plan Application substantially conforms to the 2017 *Bethesda Downtown Sector Plan*. The Preliminary Plan Application 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 Site is not subject to an Urban Renewal Plan.

3. *Public facilities will be adequate to support and service the area of the subdivision.*

Vehicular access to the Property is provided directly from Commerce Lane through a consolidated garage access point and loading bay (two separate but adjacent entrances) at the northeast corner of the site. Resident vehicle parking, accessed at this location, will be within a structured below-grade garage. This configuration eliminates vehicular access from Old Georgetown Road (MD 187) and minimizes interruptions to the pedestrian realm.

Pedestrian and bicycle access to the site will be from the established sidewalk network and will be enhanced by streetscape improvements along each of the Site frontages, consistent with the Bethesda Streetscape Standards. Master planned separated bicycle lanes are anticipated along Old Georgetown Road, though the exact location and design of that bikeway has not yet been determined. The Applicant will participate in implementation through pro rata cost sharing prior to the first Use and Occupancy permit.

The Project includes a bicycle parking room to provide long-term bicycle storage for the residents. Bicyclists will access the room via the lobby on Old Georgetown Road. The bicycle parking room will provide secure, private parking for 96 bikes and the layout meets the design and capacity standards set by the Zoning Ordinance. The final number of automobile and bicycle parking spaces will be determined at Certified Site Plan based on the final number of residential dwelling units.

#### *Transit Connectivity*

The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station (located approximately 500-feet to the southeast), Metrobus, RideOn, the Bethesda Circulator and future Purple Line and BRT.

#### *Master Plan Roadways and Pedestrian / Bikeway Facilities*

The 2017 *Bethesda Downtown Sector Plan* recommends the following along property frontages:

1. Old Georgetown Road, along the southwestern site frontage, as a major highway (M-4) with a minimum right-of-way width of 80 feet and separated bicycle lanes (CT-8). Although a specific design for the Old Georgetown Road separated bike lanes has not yet been determined, the current concept envisions this bicycle facility on the

north side of Old Georgetown Road. The Planning Board finds the north side of the roadway will better coordinate with plans for the East-West Highway (MD 410) separated bikeway which are also envisioned on the north side.

2. Commerce Lane, along the eastern site frontage, as a business district street with a minimum right-of-way width of 50 feet and bicycle shared roadway (SR-8).

#### *Sector-Planned Transportation Demand Management*

The Sector Plan encourages a Non-Auto Driver Mode Share (NADMS) of 55%, averaged between employees and residents of Downtown Bethesda. In order to meet this goal, Downtown Bethesda is organized into a Transportation Demand Management District (TMD) that strives to promote travel by means other than single occupancy vehicles. As a residential project of more than 100 dwelling units within the Bethesda TMD, the development is required to enter into a Traffic Mitigation Agreement (TMAG) with the Planning Board and Montgomery County Department of Transportation (MCDOT) to participate in the Bethesda TMD.

#### *Adequate Public Facilities*

The Project is estimated to generate 108 morning peak-hour person trips and 120 evening peak-hour trips. When compared to the existing use to be removed from the Site, the Project generates a net new four morning peak-hour person trips and 18 evening peak-hour trips. Since the Project will generate fewer than 50 net new person trips, the Local Area Transportation Review is satisfied without further analysis.

#### **School Adequacy Analysis**

##### *Overview and Applicable School Test*

The applicable annual school test is the FY19 Annual School Test, approved by the Planning Board on June 21, 2018 and effective July 1, 2018 for Preliminary Plan No. 120190050, 7607 Old Georgetown Road. The application provides development of up to 200 new multifamily high-rise dwelling units.

##### *Calculation of Student Generation*

To calculate the number of students generated by the development, the number of dwelling units is multiplied by the applicable regional student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low- to mid-rise multifamily unit, or high-rise multifamily unit. The Subject Property is located in the southwest region of the County.

With a net of 200 new dwelling units, the project is estimated to generate 11 new elementary school students, 4 new middle school students, and 6 new high school students.

*Cluster Adequacy Test*

The project is located in the Bethesda-Chevy Chase High School (B-CC) Cluster. The student enrollment and capacity projections from the FY19 Annual School Test for the B-CC Cluster are noted in Table 4 of the Staff Report.

The Moratorium Enrollment Threshold identified in the Staff Report is the enrollment at which the 120% utilization threshold is exceeded, resulting in a cluster-wide residential development moratorium. Current projections for the cluster fall within the threshold at each level, therefore the cluster service area remains open to new residential development. Since this project is not estimated to generate any students, there is sufficient capacity at the elementary, middle and high school cluster levels to accommodate this project.

*Individual School Adequacy Test*

The applicable elementary and middle schools for this project are Bethesda ES and Westland MS. Based on the FY19 Annual School Test results, the student enrollment and capacity projections for these schools are noted in Table 5 of the Staff Report.

Under the individual school adequacy test, a school is deemed inadequate if the projected school utilization rate exceeds 120% and if the school seat deficit meets or exceeds 110 seats for the elementary school or 180 seats for the middle school. If a school's projected enrollment exceeds *both* thresholds, then the school service area is placed in a residential development moratorium.

The Moratorium Enrollment Thresholds identified in Table 5 of the Staff Report are the enrollments at which the 120% utilization threshold and the seat deficit threshold are exceeded. As indicated in the Staff Report, the projected enrollment plus the estimated impact of this application falls below both applicable moratorium thresholds for both Bethesda ES and Westland MS. Therefore, there is sufficient anticipated school capacity to accommodate the estimated number of students generated by this project.

**School Analysis Conclusion**

Based on the school cluster and individual school capacity analysis performed, using the FY2019 Annual School Test, there is adequate school capacity for the amount and type of development provided by this application.

**Other Public Facilities**



Public facilities and services are available and will be adequate to serve the development. The Subject Property will be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service which has determined that the Subject Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as electrical, telecommunications, gas, police stations, firehouses, and health services are operating according to the *Subdivision Staging Policy* resolution currently in effect and will be adequate to serve the Property.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

- A. Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

This Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law, but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(1) because the proposed activity occurs on a tract of land less than 1.5 acres that will not result in the clearing of more than a total of 20,000 square feet of existing forest, or any existing specimen tree or champion tree, and afforestation requirements would not exceed 10,000 square feet.

*Green Cover requirements*

The Applicant must provide a minimum of 4,827 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. The green cover may include singularly or a combination of intensive green roof (8 inches or deeper) or tree canopy cover. The layout of the building precludes the opportunity for onsite canopy tree plantings. Therefore, the onsite 35% green area cover will need to be achieved entirely with intensive green roof. The Application is proposing approximately 3,217 square feet of green roof, and 1,610 square feet of planter boxes, which is equivalent to 35% of the site area. Conditions of approval are recommended for the Applicant to provide 35% of site area with intensive green roof and planter boxes, rather than tree canopy.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

This finding is based upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards. The proposed

Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services (MCDPS) on November 16, 2018 (Attachment C). The Preliminary Plan proposes to meet stormwater management requirements through the use of an extensive (8-inch depth) green roof over 3,750 square feet of the site, micro-bioretenment and a waiver of quantity and quality control for remaining requirements based on site limitations.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; 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 ~~\_\_\_\_\_~~ FEB 27 2019 (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).

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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 Vice Chair Dreyfuss, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González and Patterson voting in favor, and Commissioner Cichy absent at its regular meeting held on Thursday, February 14, 2019, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board