



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

MCPB No. 19-012
Site Plan No. 820190030
7607 Old Georgetown Road
Date of Hearing: January 24, 2019

FEB 27 2019

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 October 1, 2018, Washington Property Company ("Applicant") filed an application for approval of a site plan for a mixed-use project of up to 228,000 total square feet, including up to 225,000 square feet of residential development including 15 percent MPDUs, and up to 3,000 square feet of non-residential uses and including an allocation of Bethesda Overlay Zone density 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, the site plan application for the Subject Property was designated Site Plan No. 820190030, 7607 Old Georgetown Road ("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 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 at which it heard testimony and received evidence 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.

Approved as to
Legal Sufficiency by:

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M-NCPPC Legal Department
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NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820190030 for a mixed-use project of up to 228,000 total square feet, including up to 225,000 square feet of residential development including 15 percent MPDUs, and up to 3,000 square feet of non-residential uses including an allocation of up to 133,615 square feet of Bethesda Overlay Zone density, subject to the following conditions:¹

Density, Height & Housing

1. Density

The Site Plan is limited to a maximum of 228,000 square feet of total development on the Subject Property, including up to 225,000 square feet of residential uses, for up to 200 units, and up to 3,000 square feet of non-residential uses.

2. Height

The development is limited to a maximum height of 225 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

3. 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 \$1,116,150 prior to release of the first above-grade building permit for the allocation of 133,615 square feet of Bethesda Overlay Zone Density. The total MPDU square footage of 22,000 square feet is excluded from the PIP calculation, resulting in 111,615 square feet of BOZ density attributed toward the PIP calculation and payment. In the event the final allocation of density from the BOZ is less than the approved amount, the Applicant may apply to reduce the allocation of density from the BOZ and PIP through a minor amendment .

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.

4. Affordable Housing

- a. The development must provide a minimum of 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 December 10, 2018, and does hereby incorporate 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.

Open Space, Facilities and Amenities

5. Public Open Space, Facilities, and Amenities

- a. Prior to issuance of the final Use and Occupancy Certificate for the Subject Property, the Applicant must construct streetscape improvements, along the Subject Property's frontage on Commerce Lane and Old Georgetown Road, consistent with the Bethesda Streetscape Standards, and as illustrated in the Certified Site Plan.
- b. The Applicant must maintain all open spaces and amenity areas located on the Subject Property required by this approval.
- c. Prior to issuance of final Use and Occupancy Certificate for the residential units, 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.
- d. The Applicant must install landscaping no later than the next growing season after completion of site work.

6. 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. Major Public Facilities

The Applicant must provide payment for an off-site 19-dock bikeshare station as approved by MCDOT.

b. Connectivity and Mobility

- i. Minimum Parking – The Applicant must not provide more than 140 parking spaces, all of which must be unbundled from the sale or lease of the proposed dwelling units.

- ii. Trip Mitigation - Before issuance of any above-grade building permit, the Applicant must execute a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District (TMD).
 - c. Diversity of Uses and Activities
Small Business Opportunities - Before issuance of any building permit, the Applicant must record a covenant among the County Land Records that reflects all commercial square feet specifically reserved for small, neighborhood-oriented businesses. These restrictions must remain in effect for a minimum of six years after the issuance of the initial Use and Occupancy Certificates. The six-year time period is binding upon future owners and successors in title. Before issuance of any Use and Occupancy Certificate, the Applicant must provide as-built floor plans to M-NCPPC and a copy of the approved layout to DPS Z&SPE.
 - d. Quality Building and Site Design
 - i. Architectural Elevations – The exterior architectural elevations must be substantially similar to those shown on the Certified Site Plan, as determined by M-NCPPC Staff.
 - ii. 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.
 - iii. Structured Parking – The Applicant must provide all parking spaces within the below-grade structure on the Subject Property.
 - iv. Tower step-back - The Applicant must step back the building's upper floors by a minimum of six feet behind the first-floor façade, the setback must be retained across at least 70 percent of the frontage on any right-of-way or open space, and at height no greater than 72 feet. The Certified Site Plan (CSP) must show this step-back.
 - e. Protection and Enhancement of the Natural Environment
 - i. Building Lot Terminations (BLTs) – Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment equivalent to 0.2061 BLTs to MCDPS.
 - ii. Energy Conservation and Generation – The Applicant must construct the building to exceed energy efficiency standards for the building type by 17.5%, as determined by MCDPS.
- 7. Recreation Facilities
Before Certified Site Plan approval, the Applicant must demonstrate substantial conformance with the M-NCPPC Recreation Guidelines.

Environment

8. Green Cover

- a. The Applicant must provide an on-site minimum of 35% of site area with intensive green roof/planter boxes.
- b. Any intensive green roof installed pursuant to this condition must have a minimum soil depth of eight inches.

9. 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, legally-binding commitment in a form acceptable to M-NCPPC Staff and the Commission's Office of General Counsel, 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 any use and occupancy certificate for the residential units, the Applicant must obtain certification that the noise-impacted units have been constructed in accordance with the recommendations of an engineer who specializes in acoustical treatments. The certification must be based on the testing of at least five representative residential units.

Transportation & Circulation

10. 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). The TMAG must outline strategies to exceed the Sector Plan goal of 55% Non-Auto Driver Mode Share in accordance with Commercial/Residential Public Benefits Connectivity and Mobility category.

11. Pedestrian & Bicycle Circulation

- a. The Applicant must provide a minimum of 101 bicycle parking spaces to include 95 long-term and six (6) 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 with the Montgomery County Department of Transportation to implement the master planned separated bicycle lanes along the Project's Old Georgetown Road frontage, details of which will be evaluated at Preliminary Plan.

12. 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 December 7, 2018 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

Site Plan

13. Building & Site Design

- a. The Planning Board accepts the recommendations of the Design Advisory Panel as described in its letter, dated September 26, 2018, and incorporates them as conditions of approval.
- b. Any significant changes to the design, as determined by Staff, 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.

14. 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 or BUG equivalent.

- 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.

15. 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, 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.

16. 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.

17. Certified Site Plan

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

- a. Coordinate with staff for modifications regarding planting, tree save, and soil detail requirements.
- b. Include the stormwater management concept approval letter and other applicable agency letters, Sketch Plan resolution, Preliminary Plan resolution, and Site Plan resolution on the approval or cover sheet(s).
- c. 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."
- d. Modify data table to reflect development standards approved by the Planning Board.
- e. Ensure consistency of all details and layout between Site and Landscape plans.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 7607 Old Georgetown Road, Site Plan 820190030, 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 binding elements of Sketch Plan No. 320180160.

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 includes approximately 0.44 acres zoned CR 5.0 C 5.0 R 4.75 H 225 and is within the Bethesda Overlay Zone. The Application satisfies the applicable development standards as shown in the following data table:

Data Table

Section 59.4	Development Standard	Permitted/ Required	Approved
	Tract Area per Zone		
	CR 5.0 C-5.0 R-4.75 H-225	n/a	19,239 sf (0.44 ac)
	Prior Dedication	n/a	4,362 sf (0.10 ac)
	Proposed Dedication	n/a	1,100 sf (0.02 ac)
	Site Area	n/a	13,777 sf (0.32 ac)
	Density		
	Residential Density (GFA/ FAR)	91,385 sf (4.75)	91,385 sf (4.75)
	Commercial Density (GFA/FAR)	96,195 sf (5.0)	3,000 sf (0.16)
	Bethesda Overlay Zone Density	n/a	133,615 sf (6.94)
	Total GFA/ FAR	96,195 sf (5.0)	228,000 sf (11.85)
	MPDU Density GFA/ FAR (minimum)	15%	22,000 sf (1.14)
	Building Height	225 feet	225 feet
	Public Open Space (minimum)	0	0
	Minimum Setbacks	0	0

Section 59.6	Parking	Spaces Required	Spaces Provided
	Vehicle Parking Residential¹		
	1 Bedroom-110 market rate units; 19 MPDUs	65 min/162 max ²	
	2 Bedroom-60 market rate units; 11 MPDUs	51 min/107 max ²	
	170 market rate units; 30 MPDUs	116 min/269 max	
	Retail/Service establishment (3,000 sq. ft.)	11 min/18 max	
	TOTAL	127 min/287 max	140 (unbundled)
	Bicycle Parking (Long Term/ Short Term)		
	Residential (200 units)	95/5	95/1
	Retail/Service establishment	0/1	0/1
	TOTAL	95/6	95/6
	Loading Spaces	1	1

¹Final number of vehicle and bicycle parking spaces to be determined at building permit based on final number of dwelling units.

²Minimum parking adjusted per Section 59.6.2.3.I, 2b and 5.

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 increases the heights on respective sites. 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 133,615 square feet from the BOZ initiating a Park Impact Payment of \$1,116,150 (22,000 square feet of MPDU Density, valued at \$220,000, 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 square foot cap.

Division 4.7. Optional Method Public Benefits

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

Public Benefits		
Public Benefit	Incentive Density Points	
	Max Allowed	Approved
59.4.7.3A. Major Public Facilities	70	9
59.4.7.3C: Connectivity and Mobility		
Minimum Parking*	20	9.18
Trip Mitigation	20	10
59.4.7.3D: Diversity of Uses and Activities		
Small Business Opportunities	30	10
59.4.7.3E: Quality of Building and Site Design		
Architectural Elevations	30	30
Exceptional Design*	30	30
Structured Parking	20	20
Tower Setback	20	5
59.4.7.3F: Protection and Enhancement of the Natural Environment		
Building Lot Termination (BLT)	30	1.8
Energy Conservation and Generation*	25	15
TOTAL		139.98

Major Public Facilities

Bikeshare station: The Applicant requests 9 points for providing an off-site 19-dock bikeshare station. Points for this incentive are granted based on the amount of land conveyed to, actual construction of, or financial contributions made to major public facilities. The Applicant will provide this facility in the form of capital costs for an off-site 19-dock bikeshare station. Per the calculations provided on the Site Plan, the Planning Board supports the Applicant's request.

Connectivity and Mobility

Minimum Parking: The Applicant requests 9.18 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 number of spaces on site. the Planning Board supports 9.18 points for this category.

[(Maximum Allowed – Proposed) / (Maximum Allowed – Minimum Required)] * 10
 [(287 – 140) / (287 – 127) * 10 = 9.18 points

Trip Mitigation: The Applicant requests 10 points for executing a binding traffic mitigation agreement (TMAg) with MNCPPC and MCDOT prior to certification of a Site Plan Application for the Project. Points for this incentive are granted for entering into binding agreements to reduce the number of weekday morning and evening peak hour trips attributable to the site in excess of any other regulatory requirement. The Public Benefits Section of the ordinance requires a minimum 50% reduction, however the *Bethesda Downtown Sector Plan* recommends a reduction of trips by 55%. Points are given when the Project exceeds regulatory requirements and the Planning Board supports the request.

Diversity of Uses and Activities

Small Business Opportunities: The Applicant requests 10 points for providing retail space for small businesses. Points for this incentive are granted when the project will be designed for small, neighborhood-oriented businesses and the Applicant records covenants that reflect certain restrictions. One ground floor retail bay of up to 3,000 square feet is currently provided. The Planning Board supports the request.

Quality of Building and Site Design

Architectural Elevations: The Applicant requests 30 points for providing architectural elevations as part of the certified site plan showing particular elements in the façade including minimum amounts of transparency on the first floor, minimal spacing between operable doors, and design priorities of the applicable sector plan or implementing design guidelines. As conditioned, the exterior architectural elements must be substantially similar to architectural elevations shown on the submitted architectural drawings. The Planning Board supports the Applicant's request.

Exceptional Design: The Applicant requests 30 points for a building or site design that enhances the character of a setting. In accordance with the Bethesda Overlay Zone density, the Project was reviewed by the Design Advisory Panel, which supported the Applicant's request based on the quality of the design. 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.

Based on the materials submitted with the Application, the Planning Board supports the Applicant's request for 30 exceptional design points, as discussed below and in the Applicant's Statement of Justification:

Providing innovative solutions in response to the immediate context:

The design of 7607 Old Georgetown Road is responsive to its site on two different scales: the scale of the street, and the larger scale of the Bethesda skyline. In both cases, the design responds to its unique neighboring context of streets and public spaces and its specific location in the Wisconsin Corridor neighborhood in close proximity to Metro Center. Given its corner location along the primary rights of way of Old Georgetown Road and Commerce Lane, the building will be visible from a distance in addition to its street experience. The design embraces this duality with a unique composition of a street and sky approach by breaking down the massing. First, an approximately 5-story street-scaled volume that contains retail, loft residences and two parking levels defines the street and scales the building to the pedestrian. Second, a two-tower composition articulates the building and provides a compelling sky profile. Together, the design accomplishes a welcome scale and profile for the neighborhood.

Creating a sense of place and serves as a landmark:

The design is located on a corner site along Old Georgetown Road, one of the primary arteries in the center of Bethesda. The site shape is distinctively trapezoidal and provides geometric inspiration for the building's form. This geometric inspiration is realized on the unique inflections that the two tower elements employ in their compositions as they address issues of neighboring adjacencies, corner articulation, and the splay of Commerce Lane. At the street scale the 5-story volume that comprises the building's base is 'splayed' along Commerce Lane to follow its arc toward Wisconsin Avenue. Two tower forms, scaled to the residential units they comprise, are stepped back from the base as they embrace the skyline. These volumes are independently oriented with chamfers at their ends and along their flanks to address view corridors, provide outdoor spaces, and appropriately address the site's urban location. At the main roof plane, the two volumes are stepped to create terraces and animate the skyline with a slender profile of overlapping vertical volumes.

Enhancing the public realm in a distinct and original manner:

The building sits along three distinct and interesting public streets and spaces. In each case the design seeks to support the inherent character of that frontage. The primary frontage on Old Georgetown Road is a busy

commercial street with numerous retail venues. The design provides active, contiguous corner retail frontage along old Georgetown road without interruption. Engagement of the public realm with 'operable facades' and storefront seating will create a memorable and unique experience for pedestrians. The retail plates will be tall, flexible infrastructure that will be desirable quality space. Service for the building has been located on the secondary street and combined with parking access to consolidate these services for an improved public realm. Loading vehicles will not need to back in from, or onto, Commerce Lane. Vehicles will enter and leave the site safely and frontally.

The main residential entry and lobby will be located on Old Georgetown Road, which is noted as a 'tree canopy' corridor in the guidelines. A notably quieter, more intimate and distinct character occurs on Commerce Lane and is appropriate as the main residential entry street. As many trees as possible will be placed on the limited frontage along Commerce Lane. With only one driveway instead of two on Commerce Lane, there can be significantly more street frontage available for trees or other streetscape.

Introducing materials, forms or building methods unique to the immediate vicinity or applied in a unique way:

The design for 7607 Old Georgetown Road envisions materials that will complement its form, uses, and neighborhood. As required in high-rise construction the materials will be robust and durable. Sustainable practices for buildings of this height include rain screen technologies for glass and skin, with architectural concrete as an additional option. Materials being considered at the sketch plan stage of design include large format metal or ceramic panels, and masonry or concrete panels rendered in a unique, simple pattern that compliments the overall building form. Beyond the three-volume composition that is finished with stepped articulation of the roof planes, outdoor space will form a secondary level of articulation for the building's architecture. In addition to the outdoor connections envisioned at the street level for retail activation, outdoor 'rooms' will be provided for residents and carefully integrated into the buildings forms.

Designing compact, infill development so living, working, and shopping environments are more pleasurable and desirable on a site:

By providing a quality urban living alternative in the vibrant heart of this Bethesda neighborhood the uses will help to support the emerging improvement of the public realm in Bethesda. As a complement to the primarily commercial neighborhood, residents on this site will provide the

critical support that successful retail street environments need to thrive. By providing a building of quality that reinforces the adjacent sidewalks and public realm with flexible retail and residential living the building will provide and anchor in the existing street corridors in which it is located. The design provides interesting and unique retail frontage, quality residential living and architecture, and a building that is scaled to the street life in which it is located. Street architecture will embrace the materials envisioned in the design guidelines with a focus on the pedestrian experience with minimal interruptions and trees and landscape design that complete the street experience.

Integrating low-impact development methods into the overall design of the site and building, beyond green building or site requirements:

The site's stormwater management system embraces the concept of onsite hydrology management for minimal impact on the public resources and systems. The design will manage storm water through a combination of filtering, storage, evaporation, and minimization of runoff on the site holistically. These strategies will consist of a combination of green roof filtering and storage, bio retention areas integrated into the building's architecture, and carefully selected planting species that are native and drought-tolerant. Other sustainable design elements to be incorporated into the building include: exceeding energy-efficiency standards by at least 17.5%; and providing on-site energy co-generation.

The Design Advisory Panel recommended the following during their September 26, 2018 meeting:

1. Two of the three façade options are preferable.
2. Consider providing accessible access directly from the building to the plaza.
3. Public Benefit Points: All of the panel members support the requested 30 exceptional design points noting that this building is an example and shows real care to meeting the spirit of the design guidelines.
4. Vote: 5 in support

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

Tower Step-Back: The Applicant requests points for providing a tower step-back on the building's upper floors by a minimum of six feet behind the building's upper floors. The setback must begin at a height no greater than 72 feet and must be retained across at least 70 percent of the

frontage on any right-of-way or open space. The Planning Board supports 5 points for this category.

Protection and Enhancement of the Natural Environment

BLTs: The Applicant requests 1.8 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 (0.2061 BLTs). Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F.1 of the Zoning Ordinance. The Planning Board supports the Applicant's request.

Energy Conservation and Generation: The Applicant requests 15 points for incorporating high efficiency building materials and mechanical systems that exceed energy efficient standards for the building type by 17.5%. For Projects located within the High-Performance Area of Downtown Bethesda, this is a required public benefit category for which the Applicant must achieve 15 points. The Planning Board supports this request.

b. General Requirements

i. *Site Access*

Vehicular access to the Property is provided directly from Commerce Lane through a consolidated garage access point and loading bay. Pedestrian and bicycle access to the Property will be provided along both Commerce Lane and Old Georgetown Road, though pedestrian and bicycle access will be prioritized along the Old Georgetown Road frontage through the residential lobby. The bicycle parking room located in the garage and short-term bicycle parking will be provided along the public sidewalks. The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.

ii. *Parking, Queuing, and Loading*

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 and minimizes interruptions to the pedestrian realm. One loading space is provided, as required by the Zoning Ordinance.

iii. *Open Space and Recreation*

Under the Optional Method of Development in the CR Zone (given that the lot area for the property is under one acre and it does not have frontage on more than two existing and planned right-of-way frontages), the Application is not required to provide on-site public open space. The Application is in conformance with the Recreation Guidelines, as demonstrated in the Recreation Facilities Data table provided on the Site Plan. The Application is providing bicycle amenities (including an indoor repair room); indoor fitness room; resident lounge; multi-purpose lobby area; and picnic and seating areas. Final locations and quantities of each of these amenities will be shown on the Certified Site Plan.

iv. *General Landscaping and Outdoor Lighting*

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The Project will transform existing streetscape along Commerce Lane and Old Georgetown Road 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 Chapters 19 and 22A of the Montgomery County Code.*

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

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

b. Chapter 22A, Forest Conservation

A Forest Conservation Exemption for this project was approved on January 19, 2018, through Section 22A-5(s)(1) of the Forest Conservation Law under application #42018113E. The project qualifies for the small property exemption because the net tract area is less than 1.5 acres with no existing forest or existing specimen or champion trees, and the afforestation requirements would not exceed 10,000 square feet.

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

The Project provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities. Vehicular access and loading will be located along Commerce Lane. Resident vehicle parking, accessed at this location, will be within a structured below-grade garage. This configuration eliminates vehicular access from Old Georgetown Road and minimizes interruptions to the pedestrian realm. The Project has been conditioned to coordinate with MCDOT to participate in the future construction of separated bicycle lanes along the north side of Old Georgetown Road. Additionally, the Project will provide an offsite bikeshare station as part of its Public Benefit package, onsite bicycle storage for tenants, and underground parking for residents and retail tenants. The Project is located within the Parking Lot District and as such, is providing less parking than the maximum required by zoning. Pedestrian access to the site will be from the established sidewalk network and will be enhanced by streetscape improvements along each of the Property frontages and right-of-way dedication along Old Georgetown Road as recommended by the Bethesda Design Guidelines. Although, under the Optional Method of Development in the CR Zone (given that the lot area for each property is under one acre and no lot has frontage on more than two existing and planned right-of-way frontages), the Applicant is not required to provide on-site public open space, the project does provide recreational amenities including an indoor fitness room, resident lounge, multi-purpose lobby area and picnic and seating areas, as shown on the Certified Site Plan.

The Project's massing is internally and externally compatible with existing and pending development in the vicinity. Per the Applicant's Statement of Justification:

The design of the Project is responsive to the scale of the street and the larger scale of the Bethesda skyline. In both cases, the urban design of the Project responds to its unique neighboring context of streets and public spaces and its specific location in the Wisconsin Corridor neighborhood in close proximity to Metro Center. Given its corner location along the primary rights of way of Old Georgetown Road and Commerce Lane, the building will be visible from a

distance in addition to its street experience. The design embraces this duality with a unique composition of a street and sky approach by breaking down the massing. First, an approximately 4-story street-scaled volume that contains retail and residential uses defines the street and scales the building to the pedestrian. Second, a two-tower composition articulates the building and provides a compelling sky profile. Together, the design accomplishes a welcome scale and profile for the neighborhood. The Project will enhance the public realm through the placement of well-designed and flexible retail uses and residential building entries while providing trees and landscaping as appropriate. In addition to the distinct frontages of Old Georgetown Road and Commerce Lane, the Property also faces onto Bethesda Place, a unique neighborhood amenity that provides outdoor public space. As a building located along one of the primary arteries in Bethesda, the design provides a three-volume composition to include a street-scale base with two volume towers of varying heights resulting in a distinct profile in the Bethesda cityscape.

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

As discussed in the approved Preliminary Plan 120190050, the Site Plan substantially conforms with the recommendations of the Sector Plan. The Site Plan provides a mixed-use development with up to 200 multi-family residential dwelling units with 15% on-site MPDUs and up to 3,000 square feet of ground-floor street activating retail uses, as well as underground parking, minimum parking, exceptional design, energy conservation and generation and on-site amenities for the residents.

- 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 approved Preliminary Plan No. 120190050, the development will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

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

The Site Plan is compatible with other uses and other site plans, as well with existing and proposed adjacent development. The Sector Plan identifies the Wisconsin Avenue Corridor District as an area that should emphasize mixed

land uses that focus on employment, high density residential, and distinctive infill buildings. The Project will provide residential uses on-site as well as a height and density that is compatible with the desired character of infill development within the Wisconsin Avenue Corridor District. The Project's design and scale is compatible with adjacent buildings in the Wisconsin Avenue Corridor 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 ~~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).

* * * * *

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.



Casey Anderson, Chair
Montgomery County Planning Board