



Edgemont at Bethesda II: Site Plan Amendment No. 82018017A



Grace Bogdan, Planner Coordinator, Area 1, Grace.Bogdan@montgomeryplanning.org, 301.495.4533



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

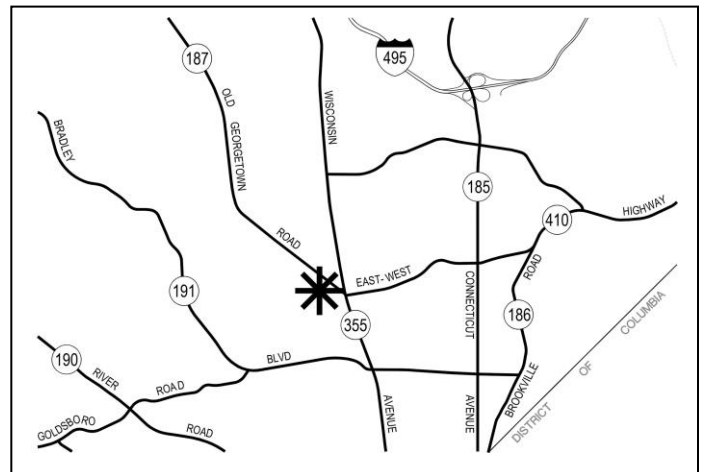


Mark Pfefferle, Interim Chief, Area 1, Mark.Pfefferle@montgomeryplanning.org, 301.495.4730

Staff Report Date: 3.22.19

Description

- Request to reduce the amount of Moderately Priced Dwelling Unit (MPDU) density exempt from Park Impact Payment (PIP) calculation by 456 square feet, from 16,990 square feet to 16,534 square feet, and accordingly increase the PIP from \$1,210,930 to 1,215,490.
- Located on Edgemoor Lane at the corner of Woodmont Avenue;
- 1.65 acres or 71,905 gross square feet of tract area zoned CR 2.5 C 0.5 R 2.5 H90 and CR 2.5 C 0.50 R 2.5 H150 in the 2017 *Bethesda Downtown Sector Plan*;
- Applicant: Equity Residential;
- Accepted on February 21, 2019.



Summary

- Staff recommends **Approval** of the Site Plan Amendment.
- The total approved maximum density remains 300,743 square feet, including 138,083 square feet of BOZ density.
- The project will continue to provide a minimum of 15% MPDU's, as conditioned in the original approval (see Appendices)

SECTION 1 – RECOMMENDED CONDITIONS

Staff recommends approval of Site Plan Amendment No. 82018017A, for modification of Site Plan 820180170 Conditions 1 & 2 relating to the amount of MPDU and BOZ density and PIP contribution. The following conditions supersede the previous Conditions 1 & 2, while all other conditions remain in full force and effect:

1. Density

The Site Plan is limited to a maximum of 300,743 square feet of residential development on the Subject Property, including 115,193 existing square feet to remain, for up to 276 dwelling units (including 122 existing units to remain). This includes a maximum allocation of Bethesda Overlay Zone Density of 138,083 square feet, of which 16,534 square feet is attributable to on-site Moderately Priced Dwelling Units (MPDUs).

2. 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 new building within two years of the date of Resolution 18-095 for the original Site Plan 820180170. 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 \$1,215,490 prior to release of the first above-grade building permit for the allocation of 121,549 square feet of Bethesda Overlay Zone Density not attributable to on-site MPDUs.

SECTION 2 - SITE DESCRIPTION

Vicinity

The subject site (Subject Property or Property) consists of an assemblage of two properties located at 4885 and 4903 Edgemoor Lane, in the Arlington North District of the Bethesda Downtown area. The Property has a tract area of 1.65 acres.

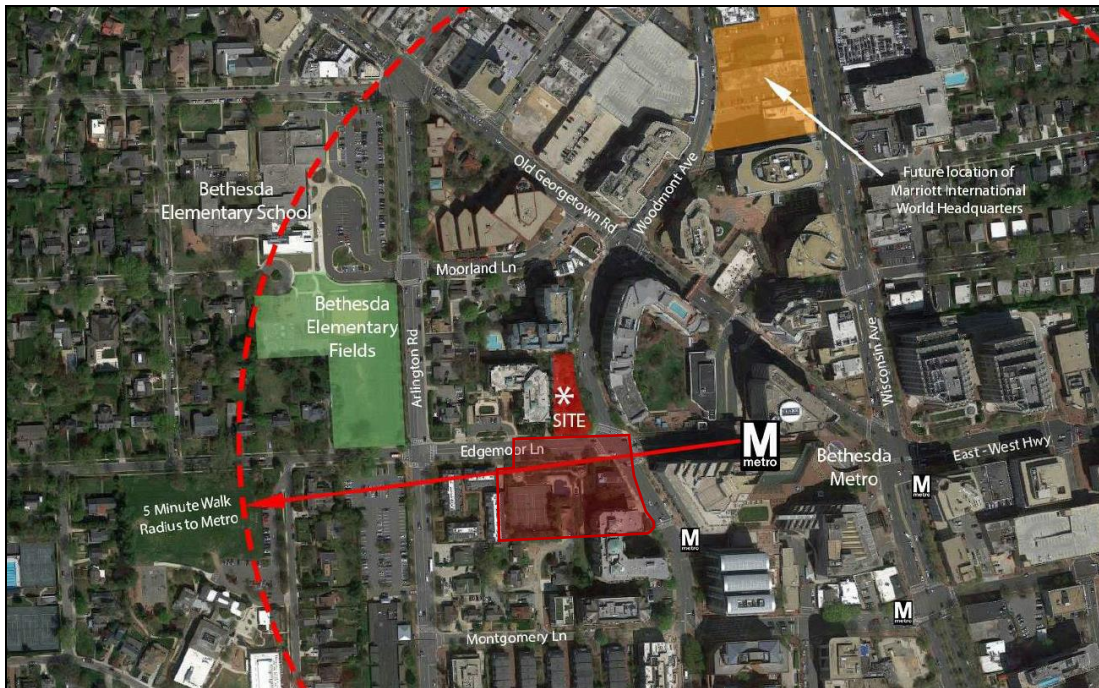


Figure 1-Aerial View

SECTION 3 - AMENDMENT DESCRIPTION

Previous Approvals

The existing multi-family apartment building was developed under the prior TSR Zone and was part of a larger Development Plan (G-347) that covers 142,038 square feet of land both north and south of Edgemoor Lane. In 1984, the Planning Board approved Preliminary Plan No. 119840580 for the subdivision of 4903 Edgemoor Lane into one lot. The Planning Board subsequently approved Site Plan No. 819840320 on March 23, 1984, for the construction of 122 dwelling units at 4903 Edgemoor Lane (Edgemont I).

The Planning Board previously approved Sketch Plan No. 320180030 & 32018003A, (by Resolution MCPB No. 18-004 & 18-094), Preliminary Plan Amendment No. 11984058A (by Resolution MCPB No. 18-005 dated February 22, 2018), and Site Plan 820180170 (by Resolution MCPB No. 18-095) to allow 1 lot for a maximum of 300,743 square feet of residential development, with up to 276 multi-family dwelling units, including up to 138,083 square feet of Bethesda Overlay Density, of which 16,990 square feet was attributable to on-site Moderately Priced Dwelling Units (MPDUs).

Description of Amendment

The Applicant is proposing to reduce the density allocated to MPDUs from 16,990 sf. to 16,534 sf. As stated in Section 59.4.9.3.c of the Zoning Code, a Park Impact Payment (PIP) is not required for the gross floor area allocated for MPDU's. Therefore, the Applicant proposes to increase the corresponding BOZ density applicable to the Park Impact Payment from 121,093 sf. to 121,549 sf. The total requested BOZ density remains at 138,083 square feet. The corresponding PIP increases from \$1,210,930 to 1,215,490.

SECTION 4 - PUBLIC NOTICE

A notice regarding the subject amendment was sent to all parties of record by the Applicant on March 7, 2019. The notice gave interested parties 15 days to review and comment on the amended site plan per Montgomery County Zoning Ordinance Section 59.7.3.4.J.2. Staff has received no inquiries regarding the proposed amendment.

SECTION 5 - CONCLUSION

The proposed modifications to the site plan will not alter the overall character or impact of the development with respect to the original findings of approval. Further, these modifications will not affect the compatibility of the development with respect to the surrounding neighborhood. Staff recommends approval of Site Plan Amendment No. 82018017A.

APPENDICES

- A. Site Plan 820180170 Resolution 18-095
- B. Draft Planning Board Resolution



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

MCPB No. 18-095
Site Plan No. 820180170
Edgemont at Bethesda II
Date of Hearing: September 20, 2018

NOV 06 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 April 27, 2018, Equity Residential ("Applicant") filed an application for approval of a site plan for up to 300,743 total square feet (including 115,193 existing square feet to remain) with up to 276 multifamily dwelling units (including 122 existing units to remain) including 15% MPDUs and includes an allocation of Bethesda Overlay Zone density on 1.65 acres of CR 2.25 C 0.5 R 2.5 H90 and CR 2.5 C 0.50 R 2.5 H150 zoned-land, located on Edgemoor Lane at the corner of Woodmont Avenue ("Subject Property"), in the Bethesda CBD Policy Area and 2017 *Bethesda Downtown Sector Plan* ("Sector Plan") area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820180170, Edgemont at Bethesda II ("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 September 10, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on September 20, 2018, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

WHEREAS, on September 20, 2018 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Patterson, seconded by Commissioner Cichy, with a vote of 3-0, Commissioners Cichy, Fani-Gonzalez and Patterson voting in favor, with Chairman Anderson and Commissioner Dreyfuss being absent.

Approved as to
Legal Sufficiency:

 10/17/18
MNCPPC Legal Department

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820180170 for a residential building of up to 300,743 total square feet (including 115,193 existing square feet to remain) for up to 276 dwelling units (including 122 existing units to remain) including 15% MPDUs and the Project includes an allocation of up to 138,083 square feet of Bethesda Overlay Zone density, the Subject Property, subject to the following conditions:¹

Density, Height & Housing

1. Density

The Site Plan is limited to a maximum of 300,743 square feet of residential development on the Subject Property, including 115,193 existing square feet to remain, for up to 276 dwelling units (including 122 existing units to remain). This includes a maximum allocation of Bethesda Overlay Zone Density of 138,083 square feet, of which 16,990 square feet is attributable to on-site Moderately Priced Dwelling Units (MPDUs).

2. 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 new 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 \$1,210,930 prior to release of the first above-grade building permit for the allocation of 121,093 square feet of Bethesda Overlay Zone Density not attributable to on-site MPDUs.

3. Height

- a) The existing Edgemont I portion of the building, within the Subject Property, is limited to a maximum building height of 72 feet as measured from its building height measurement point illustrated on the Certified Site Plan.
- b) The CR 2.5 C 0.50 R 2.5 H150-zoned portion of the building ("Edgemont II") is limited to a maximum building height of 150 feet as measured from its building height measurement point illustrated on the Certified Site Plan.

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 Sector 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, August 6, 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, Amenities, and Public Benefits

5. Public Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 4,000 square feet of public open space (6.7% of net lot area) on-site.
- b) Prior to issuance of the final Use and Occupancy Certificate for the Subject Property, the Applicant must construct streetscape improvements, including the undergrounding of utilities, along the Subject Property's frontage on Woodmont Avenue and Edgemoor Lane, consistent with the Bethesda Streetscape Standards, and as illustrated in the Certified Site Plan.
- c) The Applicant must maintain all open spaces and amenity areas located on the Subject Property required by this approval.

6. Green Cover

- a) The Applicant must provide on-site a minimum of 15,961 square feet of Green Cover with intensive green roof, on-site non-overlapping tree canopy area, or a combination of the two, as illustrated on the Certified Site Plan.
- b) Any intensive green roof installed pursuant to this condition must have a minimum soil depth of eight inches.
- c) All existing canopy trees or intensive green roof areas counted towards this condition must be upgraded and maintained to the same standard as the new areas.
- d) Prior to Certified Site Plan submission, the Applicant must revise the Green Cover Exhibit to specify tree species and canopy sizes at 20-year maturity per the M-NCPPC Approved Trees Technical Manual and show the canopies to scale based on the listed credit.

7. 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/construct more than 220 total parking spaces (existing and proposed), 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 1.2% (2 dwelling units) of the Site Plan's new dwelling units in accordance with ANSI A117.1 Residential Type A standards.

c) Quality Building and Site Design

- i. Architectural Elevations – The final elevation design must be shown on the Certified Site Plan. The exterior architectural elements must be substantially similar to architectural elevations shown on the submitted architectural drawings, 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.

d) 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 0.42 BLTs to MCDPS.
- ii. Cool Roof – The Applicant must provide a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12.
- 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 July 11, 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.

8. Recreation Facilities

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

Site Plan

9. 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 Planning Board accepts the recommendations of the Design Advisory Panel as described in their letter, dated June 27, 2018.
- c) 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.

10. Landscaping

- a) Prior to issuance of final 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 provide a total of six crape myrtle shrubs located east of the existing pool, near the entrance, as illustrated on the Certified Site Plan.
- c) The Applicant must provide the minimum soil volumes of no less than 600 cubic feet for canopy trees, as illustrated on the Certified Site Plan.
- d) The Applicant must install landscaping no later than the next growing season after completion of site work.

11. 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.

12. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, 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.

13. 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.

14. 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 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.

Environment

15. Forest Conservation

The Applicant must obtain approval of a revised Final Forest Conservation Plan (FFCP) from the Planning Department prior to clearing, grading or demolition. The Final Forest Conservation Plan must address the following to the satisfaction of Staff:

- a) Limits of disturbance (LOD) to reflect the work associated with the required undergrounding of utilities and streetscape enhancements associated with the project, including (but not limited to) the entire Edgemoor Lane frontage.
- b) The FCP worksheets and associated notes/tables/figures must be revised to be based on the net tract area plus the offsite LOD without claiming deductions for prior dedications (which are not valid for FCP purposes).
- c) Before any clearing or grading occurs on site, the Certificate of Compliance for an off-site forest mitigation bank must be approved by the Planning Department and recorded in the Montgomery County Land Records, or the fee-in-lieu as applicable to satisfy the forest conservation requirements (as shown on the revised Final Forest Conservation) must be submitted and approved by the Planning Department.

16. 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 Certificate 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.

Transportation & Circulation

17. Pedestrian & Bicycle Circulation

- a) The Applicant must provide a minimum of 77 bicycle parking spaces to include 74 long-term and three (3) 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.

18. 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 (MCDPS-ROW) in its memo dated August 22, 2018 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which MCDPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

19. 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 April 13, 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.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Edgemont at Bethesda II, Site Plan No. 820180170, 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. 320180030, and as amended.

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 1.65 acres zoned CR 2.25 C 0.5 R 2.5 H90 and CR 2.5 C 0.50 R 2.5 H150 and is within the Bethesda Overlay Zone. The Application satisfies the applicable development standards as shown in the following data table:

Data Table

Site Plan Data Table			
Section 59.4	Development Standard	Permitted/ Required	Approved
	Gross Tract Area per Zone		
	CR 2.5 C-0.25 R-2.5 H-90	n/a	52,918 sf (1.214 ac)
	CR 2.5 C-0.50 R-2.5 H-150		18,987 sf (0.436 ac)
	Total Gross Tract Area	n/a	71,905 sf (1.651 ac)
	Prior Dedication	n/a	11,839 sf (0.272 ac)
	Proposed Dedication	n/a	936 sf (0.021 ac)
	Net Lot Area	n/a	59,130 sf (1.357 ac)
	Residential Density (GFA/ FAR)¹		
	CR 2.5 C-0.25 R-2.5 H-90	132,295 sf/ (2.5)	115,193 sf/ (2.18) ²
	CR 2.5 C-0.50 R-2.5 H-150	47,467 sf/ (2.5)	47,467 sf (2.5)
	Residential Density Subtotal	179,762 sf/ (2.5)	162,660 sf (2.26)
	Bethesda Overlay Zone Density	n/a	138,083 sf (1.92)

Total FAR/GFA	n/a	300,743 sf (4.18)
Building Height		
CR 2.5 C-0.25 R-2.5 H-90	90 feet	72 feet ³
CR 2.5 C-0.50 R-2.5 H-150	150 feet	150 feet
Public Open Space (min)	5%/2,957 sq. ft.	6.9%/4,109 sq. ft.
Minimum Setbacks	0	0

Section 59.6	Parking ⁴	Spaces Required	Spaces Provided
	Vehicle Parking-Residential		
	CR 2.5 C-0.25 R-2.5 H-90	57 min/ 158 max	153
	CR 2.5 C-0.50 R-2.5 H-150	76 min/ 217 max	67 ⁵
	Total (130 market rate; 24 MPDUs)	133 min /375 max	220
	Bicycle Parking - CR 2.5 C-0.50 R-2.5 H-150 (154 units)		
	(Long Term/ Short Term) Total	(74/3) 77	(74/3) 77
	Loading Spaces	1	1

¹No commercial density is proposed with the Subject Application.

²Square footage based off of the existing Edgemont I building.

³Height of the existing Edgemont I building.

⁴Final number of vehicle and bicycle parking spaces to be determined at building permit based on final number of dwelling units.

⁵Based on 154 new units. Minimum parking adjusted per Section 59.6.2.3.I. In addition, a 20% reduction for being within the Bethesda Overlay Zone has been applied to the minimum parking requirement.

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 138,083 square feet from the BOZ initiating a Park Impact Payment of \$1,210,930 (16,990 square feet of MPDU Density, valued at \$169,900, 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 provides 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.

Public Benefits Calculations		
Public Benefit	Incentive Density Points	
	Max Allowed	Approved
59.4.7.3C: Connectivity and Mobility		
Minimum Parking ¹	20	12.6
59.4.7.3D: Diversity of Uses and Activities		
Enhanced Accessibility for the Disabled	20	3.8
59.4.7.3E: Quality of Building and Site Design		
Architectural Elevations	30	20
Exceptional Design ¹	30	20
Structured Parking	20	20
59.4.7.3F: Protection and Enhancement of the Natural Environment		
BLTs	30	3.7
Cool Roof	15	10
Recycling Facility Plan	10	10
Vegetated Roof	20	7.5
TOTAL		107.6

¹Denotes Sector Plan priority

Connectivity and Mobility

Minimum Parking: The Applicant requests 12.6 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.

$$[(\text{Maximum Allowed} - \text{Proposed}) / (\text{Maximum Allowed} - \text{Minimum Required})] * 10$$

$$[(375 - 220) / (375 - 129)] * 10 = 12.6 \text{ points}$$

Diversity of Uses and Activities

Enhanced Accessibility for the Disabled: The Applicant requests 3.8 points for providing at least 1.2% of the Project's units in accordance with ANSI A117.1 Residential Type A standards. The Planning Board supports the Applicant's request.

(2 ANSI Accessible Units/ Total Units) * 300 = 3.89 (3.8 points)

Quality of Building and Site Design

Architectural Elevations: The Applicant requests 20 points for providing architectural elevations as part of the certified site plan showing particular elements in the façade including minimum amount 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 20 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 20 exceptional design points, as discussed below and in the Statement of Justification:

The design provides innovative solutions in response to the immediate context: The shape of the building derives from its immediate context, so the design builds roots on the site making it unique. The design revolves around the connectivity aspect of the site by emphasizing the curvature of the road. The use of shifting frames shapes the public domain. Surrounding buildings are of different scales and heights, so the project utilizes the shifting frames to relate to the stepping of the building across the street on Woodmont Avenue, while respecting the scale of the existing Edgemont building to the west and Christopher to the north.

Creates a sense of place and serves as a landmark:

The building's corner and highly visible location serves as a connector between the Woodmont Triangle and Bethesda Row. The nature of the curvature of this section of Woodmont Avenue requires the use of a vertical element that visually links Bethesda old and new and invites people to explore between these two pivotal downtown areas. It will also signify the

arrival or departure of those two parts of Bethesda and help pedestrians orient themselves.

Enhances the public realm in a distinct and original manner:

The building serves as a needed link between the Woodmont Triangle and Bethesda Row by enhancing the pedestrian experience along Woodmont Avenue and providing wider sidewalks with street facing facades that shape the public realm. The reinvention of the existing buildings entrance creates an oasis for Bethesda residents to enjoy a landscaped public space, which had previously functioned as dated surface parking and a drop off area unique only to the building and provided no benefit to the public.

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

The introduction of curved metal panel frames in conjunction with a series of glass boxes create an interesting yet cohesive texture that serves as a fabric that dresses the building, bringing a new aesthetic to the environment. The project provides an innovative architectural solution to the ever-changing residential realm.

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

This development on just 15,332 sf of land area, just steps from the Metro, shopping and commercial core of downtown Bethesda is a great example of compact/infill design. Many other small parcels in the CBD have been developed as drive through banks. This is an example of creative infrastructure solutions to provide an enhanced living experience for the buildings residents and neighbors.

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

The building is designed to maximize the sun exposure and natural light. The South and East facing façades treatment have a higher percentage of glass than the North and West facing ones. The ratio of glass versus solid on each façade is adjusted according to its exposure. Also, the use of these “big shifting frames” and the alternating glass boxes creates deeper than normal shadows on the glass surfaces reducing heat gain in the interior while maximizing the natural light during summer. The opposite happens on the North and West where openings are much smaller retaining heat inside in winter time. In winter the sunlight is more horizontal therefore the frames and boxes generate minimum shadowing while taking advantage of the solar heat gain. The project will feature a cool roof with a combination of vegetated and green roof and high albedo materials and furniture to reduce heat gain

from the roof down into the building. All these will provide interior comfort while reducing energy consumption and reducing the carbon footprint of the Building. The applicant, Equity Residential, has been named a Global Real Estate Sustainability Benchmark leader for the past 2 years. Sustainability is a corporate focus for them and this development with endeavor to implement as many LEED and SITES aspects as possible, including but not limited to site context, soil and vegetation, water treatment, and construction techniques.

The Design Advisory Panel supported the Applicant's request for 20-points and suggested consideration of further development of the following design elements:

1. Emphasize the southeast corner of the building, potentially through a subtle treatment of the top that makes this a stronger corner;
2. Strengthen the hierarchy of the design elements in the plaza;
3. Further activate the base of the building through material, texture and detail. Provide ground floor entries along the Woodmont façade if feasible.

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 3.7 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 (0.42 BLTs based on an incentive density of 175,550 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.

Cool Roof: Roof areas not covered by green roof or mechanical equipment will incorporate a mixture of materials that will collectively meet or exceed a solar reflectance index (SRI) of 75. This is achieved from the roof areas which are not already covered by green roof/plantings with a mixture of roofing aggregate to be finalized at the time of Certified Site Plan. The Applicant is requesting 10 points and the Planning Board supports this 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 Project

will provide public space recycling and litter containers at a frequency agreed to by DEP, paper shredders and cooking oil collection and removal. 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.

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

b. General Requirements

i. *Site Access*

Vehicular access to the Subject Property will remain unchanged by the Application – vehicular access to both the existing and new residential buildings will be provided from Edgemoor Lane, via the existing driveway along the western most property boundary. Loading will be accommodated via the existing loading dock located between the two buildings on Edgemoor Lane. Pedestrians and bicyclists will be able to enter the Project from the residential lobby on Edgemoor Lane 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 Subject Property will remain unchanged by the Application – vehicular access to both the existing and new residential buildings will be provided from Edgemoor Lane, via the existing driveway along the western most property boundary. Parking for the residential building will be provided in a below-grade facility. Loading will be accommodated via the existing loading dock located between the two buildings on Edgemoor Lane.

iii. *Open Space and Recreation*

Although the Sector Plan recommends providing off-site improvements and/or contributions for projects with an open space requirement less than 10 percent, the Planning Board supports the on-site public open space improvement on the Project's existing property along Edgemoor Lane.

Based on certain characteristics of the Property, including the location, the existing apartment building and its siting on the Property, and the associated land area, The Planning Board believes it has a unique opportunity to justify an on-site open space improvement with a specific programming use for citizens providing 4,109 square feet of open space. The onsite public open space to be provided along Edgemoor Lane will provide a more meaningful benefit to the community. Currently the front of the existing Edgemont I building is dated and acts solely as a drop off/parking area for the building with a large area of asphalt. A majority of the ground cover is impervious surface and is uninviting to the public. The Edgemont II development will make streetscape improvements along Edgemoor that continue west in front of the existing drop off/parking area. The Applicant is proposing to expand upon the standard streetscape improvements by increasing green space, removing a dated drop off/parking area by removing the asphalt, programming the space to coincide with the MCDOT requirement for a bike share station, to create a "bike park." This block, specifically on Edgemoor Lane will see a dramatic transformation as the book ends of the street are redeveloped, streetscape improvements are made, and the pedestrian experience is improved. Locating open space on site will remove a curb cut, increase green space and tree canopy, compliment future bike lane infrastructure and provide bike users and pedestrians a much improved Edgemoor Lane experience. The Applicant intends to program the space with a docking station, a bike repair kit, and seating areas so that bike users of all types can use this area. This open space program was presented to the Design Advisory Panel, who was supportive of the concept and encouraged the Applicant to continue to look at further improvements to the open space.

Furthermore, the design is in conformance with the intent statement of the CR Zone, Section 4.5.1.A.3 of the ZO, which states "encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street". The Planning Board believes the re-programming of this approximately 4,109 square foot asphalted and vehicular oriented space into the newly created public space would be highly used and benefit the public realm in a significant way and the design features of the on-site open space will work well within the

Bethesda Downtown Sector Plan framework and function as a much-needed public open space close to Metro and Bethesda's core.

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 and a bicycle support station, rooftop amenities, an urban plaza, an outdoor swimming pool, 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 the Woodmont Avenue 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 Chapters 19 and 22A of the Montgomery County Code.*

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

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on July 20, 2018. The plan proposes to meet stormwater management requirements through the use of green roof and micro-bioretenment and a waiver of quantity and quality control for remaining requirements based on site limitations.

b. Chapter 22A, Forest Conservation

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

A Natural Resource Inventory Forest Stand Delineation was approved for the west part of the project (existing lot 15 containing the existing apartment building) on September 20, 2017 under plan No. 420180230. The NRI/FSD for the east portion of the project (the property with the existing single-family house) was approved on May 17, 2017 under plan No. 420171190.

Forest Conservation

The Application is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code). Although no forest exists onsite, there is an afforestation requirement of approximately 0.24 acres. Given the relatively small size of the Property, the lack of environmentally sensitive areas, and the modest amount of afforestation requirements, the afforestation will be satisfied offsite by either a fee-in-lieu payment or the use of a forest conservation bank. Furthermore, due to the proposed density of the development and the priority to provide onsite mitigation plantings for the variance trees under Section 22A-12b (3), the Subject Property is not an appropriate setting to apply landscape plantings toward forest conservation requirements.

The Project will remove one tree (a 33" Southern Magnolia) that is subject to a Forest Conservation Variance which was approved by the Planning Board at the time of the Preliminary Plan hearing. The mitigation for the removal is addressed by the onsite planting of two 4.5" caliper native canopy trees.

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

The Property serves as a transitional site between the more intensive uses of the CBD and the smaller-scale development along Arlington Road and the residential neighborhoods beyond the CBD boundary. The development will have a maximum building height of 150 feet. The taller building heights will be located along Woodmont Avenue. The existing multi-family apartment building has a height of approximately 75 feet, which provides a step-down in building height, as a transition to the low-rise buildings (recommended for a maximum building height of 60') along Arlington Road and the single-family neighborhoods beyond. The design, scale, and façade of the Project will provide a consistent relationship with the adjacent buildings, while serving as a transition to the neighboring development.

The Project provides adequate, safe, and efficient parking and circulation patterns. Vehicular access to the Site will remain unchanged by the Application

– vehicular access to both the existing and new residential buildings will be provided from Edgemoor Lane, via the existing driveway along the western most property boundary. Loading will be accommodated via the existing loading dock located between the two buildings on Edgemoor Lane. 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 the Woodmont Avenue and Edgemoor Lane frontages with new street trees, improved, wider sidewalks, street lighting, and street furniture. The new Edgemont II development will make streetscape improvements along Edgemoor that continue west in front of the existing drop off/parking area. The Applicant will expand upon the standard streetscape improvements by increasing green space, removing a dated drop off/parking area, and programming the space to coincide with the MCDOT requirement for a bike share station, to create a “bike park.” This block, specifically on Edgemoor Lane will see a dramatic transformation as the book ends of the street are redeveloped, streetscape improvements are made, and the pedestrian experience is improved. On-site open space would help complete this transformation and completely re-urbanize Edgemoor Lane. 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 and a bicycle support station, rooftop amenities, an urban plaza, an outdoor swimming pool, and picnic and seating areas. Final locations and quantities of each of these amenities will be shown on the Certified Site Plan.

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

The Site Plan will provide a residential development with up to 154 new multi-family residential dwelling units with 15% on-site MPDUs, as well as underground parking, on-site amenities for the residents, and public open space.

The Project substantially conforms to the recommendations for the Property included in the 2017 *Bethesda Downtown Sector Plan*. Specifically, this 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:

- A. 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.

- B. 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.
- C. 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.
- D. 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.

E. Green Cover

The Sector Plan includes a number of recommendations to achieve the urban green goals, including the recommendation for onsite 35% green coverage minimum. Although the Sector Plan places a high priority on the Green Cover, it recognizes that certain project may not be able to achieve all of the recommendations. Given the nature of a constrained downtown site such as this one with an existing building to be retained and an existing underground parking garage, there are limits on what can be planted. The Green Cover may include singularly or a combination of intensive green roof or tree canopy cover. Furthermore, the Sector Plan specifies soil volume minimums of 600 cubic feet per tree associated with the tree plantings to help insure the desired canopy will be achieved.

However, since only a portion of the Site Plan area will be redeveloped it was anticipated that the Applicant would not achieve the overall 35% minimum coverage for the entire Property. The overall Property was developed long before the current standards were in place although the site does feature some tree canopy and areas which meet green roof standards. The currently submitted Green Cover plan claims a 30.6% overall Green Cover. Although the Application will not meet the 35% Green Cover, the Applicant is providing Green Cover to the extent possible on-site, given the site constraints and as conditioned, reasonable level of Green Cover will be provided and is supported by the Planning Board.

The Property is designated as sites 131 and 132 on page 145 of the Plan. The Property is located in the area of the Plan designated as the "Arlington North District," a transitional zone between the urban core and single-unit neighborhoods to the west of the Sector Plan area. Specifically, the Project

addresses the following goals as outlined in the Arlington Road District section of the Plan:

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

The Project will provide up to 276 residential dwelling units, 122 units in the existing Edgemont I building and 154 new units in the Edgemont II building, with a height of 150 feet for the new building. The Property serves as a transitional site between the more intensive uses of the CBD and the smaller-scale development along Arlington Road and the residential neighborhoods beyond the CBD boundary. The development will have a maximum building height of 150 feet. The taller building heights will be located along Woodmont Avenue. The existing multi-family apartment building has a height of approximately 75 feet and thus, provides a step-down in building height, as a transition to the low-rise buildings (recommended for a maximum building height of 60') along Arlington Road and the single-family neighborhoods beyond.

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

Vehicular access to the site will remain unchanged by the Application – vehicular access to both the existing and new residential buildings will be provided from Edgemoor Lane, via the existing driveway along the western most property boundary. Loading will be accommodated via the existing loading dock located between the two buildings on Edgemoor Lane. Further, the drop-off/pick-up lane serving the residential lobby on Edgemoor Lane will be transformed into on-site public open space. The Project will construct the Bethesda streetscape on its two frontages and will participate in the implementation of new separated bicycle lanes on Woodmont Avenue and Edgemoor Lane. Each of these improvements will improve access, mobility, and pedestrian safety.

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

The Property, prominently located at the intersection of Woodmont Avenue and Edgemoor Lane, is significantly under-developed. As such, the Project will redevelop the existing single-family detached home with a 15-story, multi-family residential building that is more appropriately suited for a property located in such close proximity to the Bethesda Metro Station.

- *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 Project 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 directly adjacent to the Subject Property and will therefore not be implemented as part of the Project. The Applicant is required to pay the Park Impact Payment, which could be directed toward this future improvement or other sites within the downtown Bethesda district.

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

Per the approved Preliminary Plan No. 11984058A, 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 Project'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 NOV 06 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 Vice Chair Dreyfuss, with Chair Anderson, Vice Chair Dreyfuss, and Commissioner Cichy voting in favor, and Commissioners Fani-González and Patterson absent at its regular meeting held on Thursday, October 25, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

MCPB No. _____
Site Plan No. 82018017A
Edgemont at Bethesda II
Hearing Date: March 28, 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 September 20, 2018, the Planning Board, by Resolution MCPB No. 18-095, approved Site Plan No. 820180170, for up to 300,743 total square feet (including 115,193 existing square feet to remain) with up to 276 multifamily dwelling units (including 122 existing units to remain) including 15% MPDUs and includes an allocation of Bethesda Overlay Zone (BOZ) density on 1.65 acres of CR 2.25 C 0.5 R 2.5 H90 and CR 2.5 C 0.50 R 2.5 H150 zoned-land, located on Edgemoor Lane at the corner of Woodmont Avenue ("Subject Property"), in the Bethesda CBD Policy Area and 2017 *Bethesda Downtown Sector Plan* ("Sector Plan") area; and

WHEREAS, on February 21, 2019, Equity Residential, ("Applicant") filed an application for approval of an amendment to the previously approved site plan to reduce the amount of Moderately Priced Dwelling Unit (MPDU) density exempt from Park Impact Payment (PIP) calculation by 456 square feet, from 16,990 square feet to 16,534 square feet, and accordingly increase the PIP from \$1,210,930 to 1,215,490; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82018017A, Edgemont at Bethesda II ("Site Plan," "Amendment," 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 March 22, 2019, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on March 28, 2019, Staff presented the Amendment to the Planning Board as a consent item for its review and action, at which time the Planning Board voted to approve the Amendment subject to certain conditions, by the vote certified below.

Approved as to
Legal Sufficiency: _____
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 82018017A, subject to the modification of the following conditions:

1. Density

The Site Plan is limited to a maximum of 300,743 square feet of residential development on the Subject Property, including 115,193 existing square feet to remain, for up to 276 dwelling units (including 122 existing units to remain). This includes a maximum allocation of Bethesda Overlay Zone Density of 138,083 square feet, of which 16,534 square feet is attributable to on-site Moderately Priced Dwelling Units (MPDUs).

2. 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 new building within two years of the date of Resolution 18-095 for the original Site Plan 820180170. 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 \$1,215,490 prior to release of the first above-grade building permit for the allocation of 121,549 square feet of Bethesda Overlay Zone Density not attributable to on-site MPDUs.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged and in full force and effect

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference, the Montgomery County Planning Board FINDS, with the conditions of approval, that this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, and that all findings remain in effect; and

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

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

BE IT FURTHER RESOLVED, that the date of this written resolution is _____ (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 written opinion, 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 _____, seconded by Commissioner _____, with Commissioners _____, _____, _____, and _____ voting in favor of the motion, [***modify vote as applicable if PB member absent, abstains, etc.***] at its regular meeting held on Thursday, _____, in Silver Spring, Maryland.

Casey Anderson, Chairman
Montgomery County Planning Board