



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

MCPB No. 19-125  
Site Plan No. 82019003A  
7607 Old Georgetown Road  
Date of Hearing: November 7, 2019

**NOV 15 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 February 14, 2019, the Planning Board, by Resolution MCPB No. 19-012, approved 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 on 0.44 acres of CR 5.0 C 5.0 R 4.75 H-225 and Bethesda Overlay zoned-land, 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 2017 *Bethesda Downtown Sector Plan* ("Sector Plan") area; and

WHEREAS, on June 18, 2019, Washington Property Company ("Applicant") filed an application for approval of an amendment to the previously approved site plan to reduce total approved density from 228,000 square feet to 222,645 square feet, reduce BOZ density from 133,615 square feet to 129,560 square feet, reduce related Park Impact Payment from \$1,116,150 to \$1,077,600, revise condition 9.d, and make minor modifications to parking and public benefit point calculations on the Subject Property; and

WHEREAS, the application to amend the site plan was designated Site Plan No. 82019003A, 7607 Old Georgetown Road ("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 October 25, 2019, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

Approved as to  
Legal Sufficiency:

 10/31/19

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MNCPPC Legal Department  
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

WHEREAS, on November 7, 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 by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82019003A to reduce total approved density from 228,000 square feet to 222,645 square feet, reduce BOZ density from 133,615 square feet to 129,560 square feet, reduce related Park Impact Payment from \$1,116,150 to \$1,077,600, revise condition 9.d, and make minor modifications to parking and public benefit point calculations by modifying the following conditions:<sup>1</sup>

The following conditions supersede the previous Conditions 1, 3, & 9, while all other conditions remain in full force and effect:

1. Density

The Site Plan is limited to a maximum of 222,645 square feet of total development on the Subject Property, including 220,945 square feet of residential uses and up to 1,700 square feet of non-residential uses.

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 new building within two years of the date of Resolution 19-012 for the original Site Plan No. 820190030. 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 ("PIP") of \$1,077,600 prior to release of the first above-grade building permit for the allocation of 129,560 square feet of Bethesda Overlay Zone Density. The total MPDU square footage of 21,800 square feet is excluded from the PIP calculation, resulting in 107,760 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 (Consent Agenda).

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

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 Site 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 the final 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 that specializes in acoustical treatments. The certification must be based on the testing of at least five representative residential units.

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 all site development elements shown on the latest electronic version of 82019003A, 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 set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

*Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, and all findings not specifically addressed remain in effect.*

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

This Site Plan Amendment proposes a reduction to the previously approved total Project density and BOZ density as reflected in the Data Table below. The decrease in density results in a reduction of required and provided vehicle parking, which is also shown in the Data Table below.

a. Development Standards

The Subject Property included approximately 0.44 tract 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**

| <b>Section 59.4</b> | <b>Development Standard</b>                    | <b>Permitted/ Required</b>  | <b>Approved</b>            |
|---------------------|--|-----------------------------|----------------------------|
|                     | <b>Tract Area per Zone</b>                     |                             |                            |
|                     | 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)         |
|                     | <b>Site Area</b>                               | n/a                         | <b>13,777 sf (0.32 ac)</b> |
|                     | <b>Density</b>                                 |                             |                            |
|                     | Residential Density (GFA/ FAR)                 | 91,385 sf (4.75)            | 91,385 sf (4.75)           |
|                     | Commercial Density (GFA/FAR)                   | 96,195 sf (5.0)             | 1,700 sf (0.09)            |
|                     | <b>Bethesda Overlay Zone Density</b>           | n/a                         | <b>129,560 sf (6.73)</b>   |
|                     | <b>Total GFA/ FAR</b>                          | <b>96,195 sf (5.0)</b>      | <b>222,645 sf (11.57)</b>  |
|                     | <b>MPDU Density GFA/ FAR (minimum)</b>         | <b>15%</b>                  | <b>21,800 sf (1.13)</b>    |
|                     | <b>Building Height</b>                         | <b>225 feet</b>             | <b>225 feet</b>            |
|                     | <b>Public Open Space (minimum)</b>             | <b>0</b>                    | <b>0</b>                   |
|                     | <b>Minimum Setbacks</b>                        | <b>0</b>                    | <b>0</b>                   |
| <b>Section 59.6</b> | <b>Parking</b>                                 | <b>Spaces Required</b>      | <b>Spaces Provided</b>     |
|                     | <b>Vehicle Parking Residential<sup>1</sup></b> |                             |                            |
|                     | 1 Bedroom-110 market rate units; 19 MPDUs      | 65 min/162 max <sup>2</sup> |                            |
|                     | 2 Bedroom-60 market rate units; 11 MPDUs       | 51 min/107 max <sup>2</sup> |                            |
|                     | 170 market rate units; 30 MPDUs                | 116 min/269 max             |                            |
|                     | Retail/Service establishment (1,700 sq. ft.)   | 6 min/11 max                |                            |
|                     | <b>TOTAL</b>                                   | <b>122 min/280 max</b>      | <b>138 (unbundled)</b>     |
|                     | <b>Bicycle Parking (Long Term/ Short Term)</b> |                             |                            |
|                     | Residential (200 units)                        | 95/5                        | 95/1                       |
|                     | Retail/Service establishment                   | 0/1                         | 0/1                        |
|                     | <b>TOTAL</b>                                   | <b>95/6</b>                 | <b>95/6</b>                |
|                     | <b>Loading Spaces</b>                          | <b>1</b>                    | <b>1</b>                   |

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

<sup>2</sup>Minimum parking adjusted per Section 59.6.2.3.I, 2b and 5.



*Division 4.7. Optional Method Public Benefits*

This Site Plan Amendment modifies the previously approved Public Benefits for the Minimum Parking category. As a result of the decrease parking that is required and provided by the Project, the associated public benefit points approved for Minimum Parking reduces from 9.18 to 8.98.

| Public Benefits   |                          |               |
|---|--------------------------|---------------|
| Public Benefit  | Incentive Density Points |               |
|   | Max Allowed              | Approved      |
| <b>59.4.7.3A. Major Public Facilities</b>                               | <b>70</b>                | <b>9</b>      |
| <b>59.4.7.3C: Connectivity and Mobility</b>                             |                          |               |
| Minimum Parking*  | 20                       | 8.98          |
| Trip Mitigation   | 20                       | 10            |
| <b>59.4.7.3D: Diversity of Uses and Activities</b>                      |                          |               |
| Small Business Opportunities  | 30                       | 10            |
| <b>59.4.7.3E: Quality of Building and Site Design</b>                   |                          |               |
| Architectural Elevations  | 30                       | 30            |
| Exceptional Design*   | 30                       | 30            |
| Structured Parking  | 20                       | 20            |
| Tower Setback   | 20                       | 5             |
| <b>59.4.7.3F: Protection and Enhancement of the Natural Environment</b> |                          |               |
| Building Lot Termination (BLT)  | 30                       | 1.8           |
| Energy Conservation and Generation*                                     | 25                       | 15            |
| <b>TOTAL</b>  |                          | <b>139.78</b> |

Connectivity and Mobility

*Minimum Parking:* The Applicant requests 8.98 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 approves 8.98 points for this category.

[(Maximum Allowed – Proposed) / (Maximum Allowed – Minimum Required)]  
\* 10

[(280 – 138) / (280 – 122) \* 10 = 8.98 points

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 Amendment substantially conforms with the recommendations of the Sector Plan. The Amendment provides a mixed-use development with up to 200 multi-family residential dwelling units with 15% on-site MPDUs and up to 1,700 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.

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 15 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 Commissioner Cichy, seconded by Vice Chair Fani-González, with Chair Anderson, Vice Chair Fani-González, and Commissioner Cichy voting in favor, and Commissioners Patterson and Verma absent at its regular meeting held on Thursday, November 7, 2019, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board