

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

MCPB No. 20-043  
Site Plan No. 820200100  
4702 West Virginia Avenue  
Date of Hearing: May 14, 2020

**MAY 21 2020**

**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 January 15, 2020, Broad Branch Development (“Applicant”) filed an application for approval of a site plan for the construction of a multi-unit residential building of up to 21,500 square feet for a maximum of 19 units on 0.24 acres of CRT 0.5 C 0.25 R 0.5 H-70 zoned-land, located on West Virginia Avenue approximately 300 feet east of Wisconsin Avenue (“Subject Property”), in the Bethesda CBD Policy Area and 2017 Bethesda Downtown Sector Plan (“Sector Plan”) area; and

WHEREAS, Applicant’s site plan application was designated Site Plan No. 820200100, 4702 West Virginia Avenue (“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 May 4, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on May 14, 2020, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820200100 for the construction of a multi-unit residential building of up to 21,500 square feet for a maximum of 19 units, the Subject Property, subject to the following conditions:<sup>1</sup>

<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.

1. Sketch Plan Conformance

The development must comply with the binding elements and conditions of approval for Sketch Plan No. 32019006A and any subsequent amendments.

2. Adequate Public Facilities

The Adequate Public Facility (APF) review for the Site Plan will remain valid for sixty (60) months from the date of mailing of the Planning Board Resolution.

**Density, Height & Housing**

3. Density

The Site Plan is limited to a maximum of 21,500 square feet of total residential development on the Subject Property for up to 19 dwelling units.

4. Height

The development is limited to a maximum height of 35 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan. Any building elements shown above maximum building height are subject to MCDPS review at building permit.

5. Bethesda Overlay Zone Density & Park Impact Payment

- a. The Planning Board approves 16,250 square feet of Bethesda Overlay Zone (BOZ) density for this Application.
- b. 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 the Planning Board Resolution approving the Site Plan. 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.
- c. The Applicant must pay to the M-NCPPC a Park Impact Payment of \$180,050, prior to release of the first above-grade building permit for the allocation of 16,250 square feet of Bethesda Overlay Zone Density based on the current rate of \$11.08/square foot.
- d. 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/or modify the PIP through a minor site plan amendment.

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 – Prior to the release of the first above-grade building permit, the Applicant must contribute \$25,000 to Parks CIP for improvements at Chase Avenue Urban Park.
- b. Connectivity between Uses, Activities, and Mobility Options
  - i. Minimum Parking – The Applicant must provide no more than 17 parking spaces for the residential use.
- c. 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 Planning Board has reviewed and accepts the recommendations of the Design Advisory Panel as described in their memorandum, dated November 19, 2020, and incorporates them as conditions of approval.
    - 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 M-NCPPC Staff.
    - b) Any significant changes to the design must be presented to the Design Advisory Panel and approved by M-NCPPC Staff prior to certification of the Site Plan, and significant changes to the design may require a Site Plan Amendment.
  - iii. Structured Parking – The Applicant must provide all parking within a below-grade garage, as shown on the Certified Site Plan.

7. Streetscape

The Applicant must install the Bethesda Streetscape along the Site Frontage, including the undergrounding of any utilities.

8. Moderately Priced Dwelling Units (MPDUs)

The Planning Board has reviewed and accepts the recommendations of Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated April 10, 2020 and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

**Site Plan**

9. Landscaping

- a. Prior to issuance of the final residential Use and Occupancy Certificate, all on-site amenities, including, but not limited to lights, sidewalks, hardscape, benches, trash receptacles, and rooftop amenities must be installed.



- b. The Applicant must install landscaping no later than the first growing season after completion of site work.

10. 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 fixtures.
  - c. Deflectors must be installed on all proposed fixtures to prevent excess illumination and glare.
  - d. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
  - e. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.
11. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated March 12, 2020 and 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 amendment does not conflict with other conditions of Site Plan approval.

**Environment**

12. Noise Attenuation

- a. Before issuance of the any building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatment that building shell for residential dwelling units affected by exterior noise levels projected above 65 or 55 (based on map in guidelines) dBA Ldn will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b. If the plan changes in any manner that affects the validity of the noise analysis dated March 30, 2020 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.

- c. Before issuance of any Use and Occupancy Certificate for residents, the Applicant must certify that the noise impacted units have been constructed in accordance with the certification of an engineer that specializes in acoustical treatments.

13. Green Cover

- a. The Applicant must provide a minimum of 2,940 square feet of Green Cover, which is equivalent to 35% of the site area, as illustrated on the Certified Site Plan.
- b. Green roof must have a minimum soil depth of 6-inches.

14. Tree Save Plan

Prior to certification of Site Plan, the Tree Save Plan must be finalized. The TSP must include the following:

- a. Mitigation protection measures include root pruning, deep root fertilization, and manual aeration for significant trees located adjacent to the Property in Chase Avenue Urban Park.
- b. If it is determined by Staff that removal of trees 2, 3 and/or 5 are necessary, mitigation plantings are required based on the size and character of the tree(s) to be cleared. These measures will be reviewed by the MNCPPC Forest Conservation Inspector and an arborist/licensed tree care expert at pre-construction.

## **Transportation**

15. Existing Frontage Improvements

The Applicant must prepare a deed of dedication for all land necessary to accommodate a minimum 30 feet from the existing pavement centerline of West Virginia Avenue along the Subject Property frontage in support of a master-planned 60-foot right-of-way. Prior to issuance of any ROW permit for the Subject Property, the deed of dedication must be submitted to MCDPS for review and approval and recorded in land records. Any future plat recordation must reflect this dedication.

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

The Planning Board has reviewed and accepts the approval of the Montgomery County Department of Permitting Services Right-of-Way (DPS-ROW) Section in its memo dated April 7, 2020. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Right-of-Way Section provided that the amendments do not conflict with other conditions of the Site Plan approval.

17. Stormwater



The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) – Water Resources Section in its stormwater management concept letter dated April 20, 2020, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Site Plan approval.

18. 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.

19. 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 Site Plan elements, including, but not limited to plant material, on-site lighting, site furniture, trash enclosures, private utilities, paths and associated improvements of development, including sidewalks, and storm drainage facilities. The surety must be posted before issuance of any building permit for development and will be tied to the development program.
- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety 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.

20. Certified Site Plan

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

- a. Include the stormwater management concept approval letter and other applicable agency approval letters, development program, and Sketch Plan and Site Plan resolutions on the cover sheets.

- 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. Revise cover sheet to reflect correct CIP account number for Chase Avenue Urban Park contribution.
- e. Ensure consistency of all details and layout between Site and Landscape plans.
- f. Submit a Loading Management Plan that sets forth specific measures to limit disruption from on-site loading and service activities on West Virginia Avenue.
- g. Finalize materials for pedestrian pathway to Chase Avenue Urban Park and Tilbury Street with MCDPS and M-NCPPC Parks Department staff.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 820200100, 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. 320190060 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 is approximately 0.24 tract acres or 10,500 gross square feet, zoned CRT 0.5 C 0.25 R 0.5 H-70' and is within the Bethesda Overlay Zone. The Application satisfies the applicable development standards as shown in the following data table:

*Site Plan 820200100 Data Table*

Section 59-4	Development Standard	Permitted/ Required	Proposed
	<b>Tract Area (Square Feet/ Acres)</b> CRT 0.5 C 0.25 R 0.5 H-70 <b>Total Tract Area</b>	n/a	10,500 sf (0.24 ac)
	<b>Site Area (Square Feet/ Acres)</b> Prior Dedication Proposed Dedication <b>Site Area (Tract Area – Dedications)</b>	n/a	1,500 sf (0.03 ac) 600 sf (0.01 ac) <b>8,400 sf (0.19 ac)</b>
	<b>DENSITY</b> Residential Density GFA (FAR) Commercial Density GFA (FAR) <b>Total Mapped Density GFA (FAR)</b> <b>MPDU Density (GFA/FAR)</b> <b>Bethesda Overlay Zone Density GFA (FAR)</b> <b>Total GFA (FAR)</b>	Residential 5,250 sf (0.50) Commercial 2,625 sf (0.25) <b>7,875 sf (0.75)</b> n/a n/a n/a	5,250 sf (0.50) 0 sf <b>5,250 sf (0.50)</b> 0 <sup>1</sup> 16,250 sf (1.55) <b>21,500 (2.05)</b>
	<b>Building Height</b>	70 feet	35 feet <sup>2</sup>
	<b>Public Open Space (min)</b>	0	0 <sup>3</sup>
	<b>Green Cover (% / sf)</b>	35% / 2,940 sf	36% / 3,071 sf
	<b>Minimum Setbacks</b>	Front: 0 Side: 0 Rear: 0	Front: 0 Side: Western: 0' Eastern: 10' Rear: 0

<sup>1</sup> MPDUs not required projects providing less than 20 units. Project will be required to pay a fee to the DHCA per Section 25A-5(b) of the Montgomery County Code

<sup>2</sup> The Sector Plan limits height to 35 feet because the Project does not provide land for a future Eastern Greenway

<sup>3</sup> The tract area is less than 0.50 acres, therefore public open space is not required



Parking	Spaces Required	Spaces Provided
Vehicle Parking		
Residential		
1 Bedroom (5 market rate units);	(2.5 minimum/ 6.25 maximum)	--
2 Bedroom (4 market rate units);	(3 minimum/ 6 maximum)	--
3 Bedroom (10 market rate units);	(7.5 minimum/ 20 maximum)	--
	--	--
<b>Total Residential Units (19 Market rate)</b>	<b>(13 minimum<sup>1</sup>/ 33 maximum)</b>	--
Reduced 20% (Bethesda Overlay Zone)	<b>11 Minimum</b>	<b>17</b>
Bicycle Parking (Long Term/ Short Term)		
Residential (19 units)	0 <sup>2</sup>	8 / 0
<b>Total Bicycle Parking</b>	<b>0</b>	<b>8</b>
Loading Spaces	<b>0</b>	<b>0</b>

<sup>1</sup> Per Section 59.6.2.3.1.5 Minimum Parking Requirement based on Unbundled Residential Adjustment

<sup>2</sup> Per Section 59.6.2.4.C Bicycle Parking Spaces, bicycle parking is not required for projects with 19 or fewer dwelling units

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 typically requires a Park Impact Payment of \$11.08/square foot based upon the density requested and facilitates acquisition of parkland in the downtown Bethesda area. The amount of density allocated from the BOZ for the Subject Application is deducted from the 32.4 million square feet development cap.

b. General Requirements

i. *Division 4.7. Optional Method Public Benefits*

In accordance with the Zoning Ordinance, Section 59.4.7.1., the Site Plan is required to provide a minimum of 50 public benefit points from three categories. The Planning Board approves a total of 72 public benefits from the following three categories: Major Public Facilities, Connectivity and Mobility, and Quality of Building and Site Design.

Major Public Facilities

*Chase Ave Urban Park Contribution:* The Applicant requested 20 points for making a financial contribution in the amount of \$25,000 towards improvements to the Chase Avenue Urban Park. Points for this incentive are typically granted based on land conveyance for facilities, however points may be granted if payments are made towards the facility. In this case, Parks staff is supportive of the contribution. While construction work at Chase Avenue Urban Park was recently completed, Parks Staff has future lighting improvements as well as community requests for further Park enhancements including activity equipment and ping pong tables. While Staff is supportive of the contribution, the facility currently exists, and the contributions would fund enhancements rather than provide a new resource to the public. Therefore, the Planning Board approves 10 points for this category.

#### Connectivity and Mobility

*Minimum Parking:* The Applicant requested 7 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. Based on the formula set forth in the *2017 Commercial/ Residential and Employment Zones Incentive Density Implementation Guidelines*, provided below, the Planning Board approves 7 public benefit points in this category.

$$\frac{((\text{Maximum Allowed Parking}) - (\text{Parking Provided}))}{((\text{Maximum Allowed Parking}) - (\text{Minimum Parking}))} * 10$$
$$(33 - 17) / (33 - 11) * 10 = 7 \text{ points}$$

#### Quality of Building and Site Design

*Architectural Elevations:* The Applicant requested 15 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 approves 15 points for architectural elevations.



*Exceptional Design:* The Applicant requested 20 points for a building or site design that enhances the public realm in a distinct and original manner. The Applicant presented this Project to the Design Advisory Panel on two occasions throughout the Sketch and Site Plan review process. At the November 20, 2019 meeting, the DAP voted 4-0 in support of 20 exceptional design points for the Project with the following conditions:

- a. Further develop the western façade facing the County parking lot through increase of wood paneling and adding depth, of even a couple inches, and minimizing the darkness of materials
- b. Properly reflect on-site plan only landscaping that is under control and maintenance by the Applicant. Do not include landscaping that is offsite and not in control by the Applicant.

The Applicant incorporated these comments into the Site Plan application. The landscaping plan only shows plantings proposed on the Subject Property. The architectural elevations for the western façade show additional depth and more information on the material type. As conditioned, the elevations must be substantially similar to the architectural elevations shown on the architectural drawings.

**Providing innovative solutions in response to the immediate context.**

The Project creates frontages on all four sides of the Property. The front elevation is setback to enhance the streetscape on West Virginia Avenue, and the side elevation is oriented towards the future Eastern Greenway, which will be part of a more comprehensive network of open spaces. Finally, the south façade is activated to have a compatible relationship with Chase Avenue Urban Park. The Applicant has also redesigned the western elevation to allow for windows and balconies to the maximum extent feasible, and variations in colors, materials and textures on the façade.

**Creating a sense of place and serves as a landmark.**

The Project is a small boutique style condominium that will create a transition in building height and housing type from the higher density development on Wisconsin Avenue to the west and the single-family residential neighborhoods to the east. The proposed transition in building heights will identify a change between downtown Bethesda and an established residential community. When the Eastern Greenway is implemented, the



Project will front and engage this public open space thereby becoming an identifiable landmark along this route.

**Enhancing the public realm in a distinct and original manner.**

In addition to enhancing the streetscape along West Virginia Avenue, the Project will interact with the future Eastern Greenway allowing for access to the first floor of the Project from the east, and the unimproved public alley to the rear will be enhanced through proposed landscape features which will also help to activate Chase Avenue Urban Park.

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

The Project will create frontages on four sides. First, the front elevation is setback to enhance the streetscape on West Virginia Avenue. Second, the east elevation is activated to face a future greenway which will be part of the North Eastern Greenway. Additionally, the south façade will activate Chase Avenue Urban Park. Finally, the western elevation will be activated with building articulation through variation in colors, materials and textures.

*Structured Parking:* The Applicant requested 20 points for providing all parking within a below-grade parking structure. The Applicant satisfies the requirements for 20 points because all on-site parking is provided in a below-grade garage. the Planning Board approves 20 points in this category based on the following formula:

$$\begin{aligned} & [(Above\ Grade\ Parking / Total\ Parking) * 10] + [(Below\ Grade\ Parking / \\ & \qquad \qquad \qquad Total\ Parking) * 20] \\ & [(0/17) * 10] + [(17/17) * 20 = 20\ points) \end{aligned}$$

ii. *Division 6.1. Site Access*

Pedestrian access to the Site will be from a new sidewalk along West Virginia Avenue that will be further enhanced by installation of the Bethesda Streetscape. The Applicant proposes to continue the sidewalk along the site frontage to the intersection of Tilbury Street with a modified sidewalk detail in the existing right-of-way. The Project proposes new pedestrian pathways along both the eastern and southern property lines. A 10' unimproved public alley exists to the south of the Subject Property, between the Site and Chase

Avenue Urban Park. The Applicant proposes to landscape this unused alley to the south of the Site, and install a pathway to Tilbury Street to the east. The Applicant will coordinate with Montgomery County Parks on the final design of the pedestrian pathways into Chase Avenue Urban Park at the time of Certified Site Plan.

Vehicular access to the residential garage is proposed directly from West Virginia Avenue at the northwest corner of the Site. West Virginia Avenue is currently improved as a two-way street within a 40-foot wide right-of-way. The street has metered parking along the commercial uses near Wisconsin Avenue and residential permit parking along the residential properties near Tilbury Street. The Project proposes to dedicate 10 feet of property as right-of-way to contribute to the master planned right-of-way minimum of 60 feet.

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

The parking garage will be located below grade and will include up to 17 vehicular parking spaces. The parking spaces will be unbundled with the sale of the units. The Site is located immediately outside the Bethesda Parking Lot District.

In accordance with Section 59.6.2.4.C Bicycle Parking Spaces, bicycle parking is only required for those projects with 20 or more dwelling units. The Applicant proposes 8 long-term spaces. Installation of the bicycle parking spaces will need to comply with the Zoning Ordinance and Bicycle Parking Guidelines.

The final number and location of automobile and bicycle parking spaces will be determined at Certified Site Plan based on the final number of residential dwelling units.

As a residential project with less than 50 dwelling units, the Site is not required to provide an off-site loading space. As a result, loading is expected to occur within the roadway along the Site's West Virginia Avenue frontage. The Applicant will include a provision in the condominium documents that requires the limited loading activities associated with residents moving in and out of the Project to be: (a) coordinated amongst the other unit owners; and (b) conducted pursuant to a validly issued temporary contractors Residential Parking Permit. FedEx, Amazon and similar deliveries will be permitted to temporarily utilize this loading zone as



permitted under the County's Executive Regulations governing RPPA's. Additionally, all trash for the Project will be maintained within the underground parking garage and placed along West Virginia Avenue for pick-up during limited periods of time. The Project has been conditioned to submit a loading management plan at the time of Certified Site Plan.

*iv. Division 6.3. Open Space and Recreation*

In accordance with Section 59.4.6.4.B of the Zoning Ordinance, based on tract area and number of frontages, the Project is not required to provide public open space. However, the Project is providing a direct pathway from the Site into Chase Avenue Urban Park and is financially contributing \$25,000 towards improvements within the Park. The Application proposes a residential development of 19 units and therefore is not required to provide Recreation Facilities per Section 59.6.3.9 of the Zoning Ordinance.

*v. Division 6.4. General Landscaping and Outdoor Lighting*

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The Project proposes landscaping along the site frontage of West Virginia Avenue as well as a pathway from West Virginia Avenue along the eastern property line to access the Chase Avenue Urban Park. This pathway will be lined with landscape plantings within the stormwater bioretention planters and will further landscape the rear of the Property as it faces Chase Avenue Urban Park.

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 (MCDPS) on April 20, 2020. The



Planning Board finds that the Application will meet stormwater management goals through green roof and micro-bioretenion boxes.

b. Chapter 22A, Forest Conservation

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

There are no environmentally sensitive features, such as streams, wetlands floodplains or associated buffers, associated with the site. This Project is subject to the Chapter 22A, Montgomery County Forest Conservation Law, but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(2) because the proposed activity occurs on a tract of land less than 1 acre, will not result in the clearing of more than a total of 20,000 square feet of existing forest or any existing specimen tree or champion tree, and reforestation requirements would not exceed 10,000 square feet. The Forest Conservation Exemption (42019104E) was confirmed on January 18, 2019

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

The Project provides adequate, safe, and efficient parking and circulation patterns. The Project proposes one driveway entrance off of West Virginia Avenue for access to an underground parking garage. The Applicant has provided turning templates demonstrating proper circulation patterns within the parking garage for the standard and compact spaces. The building will provide residential amenities on the rooftop. While the Project is not required to provide open space, the Site abuts Chase Avenue Urban Park, and the Project has been designed to provide direct pedestrian connections to the Park.

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 Property is designated as site 212 on page 134 of the Sector Plan. The Property is located in the Eastern Greenway District, which is split into two sections, north and south of East West Highway. The Property is in the northern district which forms a transitional area between the commercial structures of

downtown Bethesda and the single-unit houses of East Bethesda. It is characterized by low-density, primarily residential development, green open spaces and paved parking lots. The area is located only half a block from the commercial uses within the Downtown Bethesda area on Wisconsin Avenue. The Sector Plan sees this area as stable transitional uses. Specifically, the Project addresses the following goals as outlined in the Overarching Goals and the Eastern Greenway District sections of the Sector Plan:

- *Ensure the stability of the land uses in the transitional area to preserve East Bethesda and the Town of Chevy Chase as single unit residential neighborhoods*

The Project will provide a medium-density residential development similar to the existing nearby garden apartments to confirm the transition from the Wisconsin Avenue Corridor to East Bethesda.

- *Make the best use of land near the Bethesda Metrorail Station and future Purple Line station by promoting redevelopment of underutilized properties and private surface parking lots.*

The Project will replace one single-family dwelling with a 19-unit residential building, thereby increasing residential density near existing and proposed transit.

- *Provide a compatible transition between higher-density development along Wisconsin Avenue and the East Bethesda and Town of Chevy Chase*

The Project will provide a medium-density residential housing type that is lacking in the area at a scale in keeping with the single-family neighborhood of East Bethesda.

- *Provide a green connector and a transition along the eastern edge of the Sector Plan area.*

The 2017 *Bethesda Downtown Sector Plan* recommends the formation of a linear Greenway along the western side of Tilbury street from Maple Avenue down to Cheltenham Drive linking Cheltenham Park, Chase Avenue Urban Park, and a proposed new park on Maple Avenue which is currently County Parking Lot #25. This public Greenway is envisioned to provide additional open space to the area and buffer the higher-density development along Wisconsin Avenue from the East Bethesda neighborhood. The parcels adjacent to and within the future Greenway were rezoned to increase their development potential, as the Greenway is



envisioned to be created through the redevelopment of these parcels. The Sector Plan and Design Guidelines describe how development adjacent to the Eastern Greenway should be oriented towards the Greenway and the type of uses on the ground floor should activate the space through placement of ground floor retail and/or residential unit entryways. To enhance compatibility with the adjacent residential neighborhood, the Sector Plan calls for the Greenway width to be equal to the amount of building height proposed.

The corner property (4700 West Virginia Ave), where the Eastern Greenway is to be located, is not a part of this Application. Through the Sketch Plan review, the Project was revised to better conform with the Sector Plan and Design Guidelines without utilizing the corner lot. Given that the Project cannot contribute to the Eastern Greenway, the building height has been limited to 35 feet. While the Project does not provide a green connector for the Eastern Greenway as envisioned in the Sector Plan, it does acknowledge and accommodate the future Greenway by orienting the building towards the corner lot and providing a transitional land use and density that will complement the surrounding neighborhood.

- *Height limits and greenways will ensure compatibility with adjacent neighborhoods, provide public open space, improve connections and enhance environmental benefits.*

The Sector Plan states that the Greenway width should be equal to the allowed building height. For projects that cannot provide a Greenway, the maximum height is 35 feet. The Site Plan does not include the corner lot where the Greenway is proposed in the Sector Plan, therefore the Project is limited to 35 feet in height. While the Project does not include the corner Property, the building has been oriented to face the future Eastern Greenway and has provided a pathway connecting West Virginia Avenue through the Site to the Chase Avenue Urban Park.

- *On private property, provide a minimum of 35 percent green cover, which may include singularly or a combination of intensive green roof and tree canopy.*

The Applicant will provide a minimum of 35% of the Site Area (2,940 square feet) of Green Cover to meet the 35% Green Cover requirement set forth in Section 2.4.1 of the Sector Plan and Section 2.3.2 of the associated Design Guidelines. In response to this requirement, the Application proposes an intensive green roof, with a minimum depth of 6-inches, and bioretention plantings on portions of the building.



Typically, when green roof is also used to achieve stormwater management requirements, which is the case for this Application, a deeper green roof is required, such as 8-inches. The Applicant has stated that the structure cannot bear the weight of any additional depth of green roof. Given the small Site, and the Applicant's ability to provide just above the 35% green cover, the intensive green roof with a dept of 6-inches is acceptable.

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.*

i. *Roads and other Transportation Facilities*

Transportation access is adequate to serve the proposed development by this Site Plan.

a. *Existing Facilities*

The Site has direct frontage and access on West Virginia Avenue, which is currently improved as a two-way street within a 40-foot wide right-of-way. The street has metered parking along the commercial uses near Wisconsin Avenue and residential permit parking along the residential properties near Tilbury Street. The Project is located approximately less than ½ mile from Bethesda Metro Station.

b. *Proposed public transportation infrastructure*

West Virginia Avenue is identified in the 2017 *Bethesda Downtown Sector Plan* as a business district roadway with a minimum right-of-way width of 60'. The 2018 *Bicycle Master Plan*, 2013 *Countywide Transit Corridors Functional Master Plan*, 2018 *Bicycle Master Plan*, and 2018 *Master Plan of Highways and Transitways* have no specific recommendations for West Virginia Avenue. The Project proposes to dedicate 10 feet of property as public right-of-way on West Virginia Avenue. The Project will construct street frontage improvements along the site frontage according to the Bethesda Streetscape Guidelines, and further extend the sidewalk beyond the site frontage to Tilbury Street within the existing right-of-way.

ii. *Local Area Transportation Review (LATR)*

The Applicant is seeking approval for up to 21,500 square feet for 19 condominium units. Based on trip generation guidance included in the

2017 *Local Area Transportation Review Guidelines*, the Project is estimated to generate 14 net new morning peak hour person trips and 17 net new evening peak hour trips. Trip generation is estimated below 50 net new person peak hour trips. Therefore, no additional transportation analysis is necessary, and a finding can be made that adequate public facilities exist to serve the site.

iii. Other Public Facilities

Schools Analysis

**Overview and Applicable School Test**

Site plan application #820200100 for 4702 West Virginia Avenue is scheduled to come before the Planning Board for review on May 14, 2020. Therefore, the FY20 Annual School Test, approved by the Planning Board on June 20, 2019 and effective July 1, 2019 is applicable. The application proposes development of 19 multi-family low-rise units replacing one existing single-family detached home.

**Calculation of Student Generation**

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

With a net of 18 units, the proposed project is estimated to generate 2 new elementary school students, 1 new middle school student, and 1 new high school student.

**Cluster Adequacy Test**

The project is located in the Bethesda-Chevy Chase cluster area and analysis was based on the student enrollment and capacity projections from the FY20 Annual School Test.

The Moratorium Threshold is the number of additional projected students that would cause the projected utilization to exceed the 120% utilization threshold and therefore trigger a cluster-wide residential development moratorium. The estimated enrollment impacts of this application fall below the moratorium thresholds at all three school levels. Therefore, there is sufficient capacity at the elementary, middle and high school cluster



levels to accommodate the estimated number of students generated by this project.

#### **Individual School Adequacy Test**

The applicable elementary and middle schools for this project are Bethesda ES and Westland MS, respectively. The individual school adequacy for these schools was based on the FY20 Annual School Test results for student enrollment and capacity projections. Under the individual school adequacy test, a school is deemed inadequate if the projected school utilization rate exceeds 120% and the school seat deficit meets or exceeds 110 seats for an elementary school or 180 seats for a middle school. If a school's projected enrollment exceeds *both* thresholds, then the school service area is placed in a residential development moratorium.

The Moratorium Enrollment Thresholds identified in the analysis are the numbers of additional projected students that would cause the projected utilization to exceed the 120% utilization threshold and the seat deficit threshold. The analysis found that the estimated enrollment impacts of this application fall below the moratorium thresholds for both Bethesda ES and Westland MS. Therefore, there is sufficient anticipated school capacity to accommodate the estimated number of students generated by this project.

#### **Schools Analysis Conclusion**

Based on the school cluster and individual school capacity analysis performed, using the FY2020 Annual School Test, there is adequate school capacity for the amount and type of development proposed by this application.

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

- 9. The development is compatible with the character of the residential neighborhood.*

The Subject Property is not located in a Rural Residential or Residential zone.

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

At 35' in height, the building will be of similar heights to the existing single-family residential dwellings to the east. The building will provide an appropriate transition from the higher density development along the Wisconsin Avenue corridor to the single-family neighborhood to the east. The building design reduces bulk through the articulation of materials, which the Design Advisory Panel has reviewed and supports.

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 MAY 21 2020 (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 Fani-González, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, May 14, 2020, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board