



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

MCPB No. 19-057  
Sketch Plan No. 320190060  
4702 West Virginia Avenue  
Date of Hearing: June 6, 2019

JUN 11 2019

**RESOLUTION**

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review sketch plan applications; and

WHEREAS, on February 11, 2019, Broad Branch Development ("Applicant") filed an application for approval of a sketch plan for the construction of a residential building of up to 20,000 total square feet with underground parking; The maximum density includes up to 14,750 square feet of density from the Bethesda Overlay Zone (BOZ) with a Park Impact Payment (PIP) on .21 acres of CRT 0.5 C 0.25 R 0.5 H 70 zoned-land, located approximately 280 feet east of the intersection of Wisconsin Ave and West Virginia Ave ("Subject Property") in the Bethesda CBD Policy Area and 2017 Bethesda Downtown Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320190060, 4702 West Virginia Avenue ("Sketch 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 23, 2019, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on June 6, 2019, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

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

Approved as to  
Legal Sufficiency:



M-NCPPC 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

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NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320190060, 4702 West Virginia Avenue, for construction of a residential building of up to 20,000 total square feet with underground parking; The maximum density includes up to 14,750 square feet of density from the Bethesda Overlay Zone (BOZ) with a Park Impact Payment (PIP) on the Subject Property, subject to the following binding elements and conditions:<sup>1</sup>

A. Binding Elements. The following site development elements are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

1. Density

The Sketch Plan is limited to a maximum of 20,000 total square feet of residential development. The maximum number of dwelling units and use mix will be determined at Preliminary Plan. The maximum density includes up to 14,750 square feet of density from the Bethesda Overlay Zone (BOZ) with a Park Impact Payment (PIP). The final square footage, including BOZ density and PIP payment, will be determined at Site Plan.

2. Height

The development is limited to a maximum height of 35 feet, as measured from the building height measuring point to be illustrated on the Certified Site Plan.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59.7.3.3.I. and this Sketch Plan is amended. Total points must equal at least 50 and be chosen from at least three categories as required by Section 59.4.5.4.A.2. The requirements of Division 59.4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

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

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- a. Major Public Facilities achieved through providing a financial contribution to the M-NCPPC for improvements to Chase Avenue Urban Park. This contribution must be accepted by the M-NCPPC.
  - b. Connectivity and Mobility achieved by providing fewer than the maximum parking spaces under the Zoning Ordinance and BOZ; and
  - c. Quality of Building and Site Design, achieved through architectural elevations, exceptional design, and structured parking.
4. Park Impact Payment (PIP)  
The Park Impact Payment (PIP) must be paid to the M-NCPPC prior to the release of the first above-grade building permit. The final amount will be determined at Site Plan.
5. Streetscape  
The Applicant must install the Bethesda Streetscape Standard along the Site Frontage.
6. MCDOT letter  
The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated May 2, 2019, and hereby incorporates them as conditions of the Sketch Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Sketch Plan approval.
7. Future Coordination for Preliminary and Site Plan  
In addition to any other requirements for Preliminary Plans under Chapter 50 and Site Plans under Chapter 59, the following must be addressed when filing a Preliminary or Site Plan, as appropriate:
  - a. Submit alternative designs that show façade treatments and site layouts for redevelopment scenarios that include the abutting property on the corner of West Virginia Ave and Tilbury Street and those that do not;
  - b. Explore ways to improve the western façade by adding architectural elements to avoid blank walls;
  - c. Integrate design improvements as requested by Design Advisory Panel;
    - a. Address the SITES & LEED recommendations of the Sector Plan, specifically related to energy efficiency and building design features;
    - b. Coordinate with appropriate agencies to determine improvements to the alley at the rear of the Property;
    - c. Submit a Tree Save Plan at the time of Preliminary Plan to address impacts associated with the project, with particular emphasis on the trees located to the south of the Subject Property;

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- d. At the time of Site Plan address the 35% green cover requirement for the site as described in the Sector Plan and Design Guidelines;
- e. Address Bird-Safe Design per the Bethesda Downtown Sector Plan Design Guidelines;
- f. At the time of Preliminary Plan provide a noise analysis, or request a waiver per Section 2.2.2 of the 1983 Noise Guidelines.

BE IT FURTHER RESOLVED that having given full consideration to 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 and all applicable elements of the Zoning Ordinance, the Board finds that as conditioned the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that:

- 1. *The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.*

The Sketch Plan meets the development standards of Section 59.4.5.4, as shown in the following Data Table:

**4702 West Virginia Ave Sketch Plan Data Table**

Sketch Plan Data Table			
Section 59.4	Development Standard	Permitted/ Required	Proposed
	<b>Tract Area</b>	n/a	10,500 sf (0.24 ac)
	Prior Dedication	n/a	1,500 sf (0.03 ac)
	Proposed Dedication	n/a	600 sf (0.01 ac)
	<b>Site Area</b>	n/a	<b>8,400 sf (0.19 ac)</b>
	Residential Density (GFA/ FAR)	5,250 sf (0.5)	5,250 sf (0.50)
	Commercial Density (GFA/FAR)	2,625 sf (0.25)	0 sf
	Bethesda Overlay Zone Density	n/a	14,750 sf (1.40)
	<b>Total FAR/GFA</b>		<b>20,000 sf (1.90)</b>
	<b>Building Height, max</b>	70 feet	35 feet
	<b>Public Open Space (min s.f.)</b>	0	0
	<b>Minimum Setbacks (ft)</b>		
	Front	0	0
Side	0	Western: 0	
Rear	0	Eastern: 10'	
		0	

The final number of vehicular parking spaces will be determined at Site Plan based on the residential units.

The Sketch Plan conforms to the intent of the CR zone as described below:

*a) Implement the recommendations of applicable master plans.*

The Project substantially conforms to the recommendations for the Property included in the 2017 *Bethesda Downtown Sector Plan*. Specifically, this Sector Plan builds on the past successes of Downtown Bethesda to create a truly sustainable downtown by focusing on components that will bolster the elements most in need of enhancement. The recommendations increase:

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

The Property is designated as site 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 the Central Business District (CBD) 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 proposal 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 proposal will replace one single-family dwelling with a multi-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 proposal 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 under the control of the Applicant and therefore is not included in the Project. The Applicant has stated that they are attempting to acquire the corner property but cannot guarantee acquisition will be successful. The Project has been through several iterations to better conform with the Sector Plan and Design Guidelines without utilizing the corner lot. These revisions include a change in building orientation from the west to the east, and a reduction in height from 50 feet to the current Proposal of 35 feet. While the current Proposal 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. As a Sketch Plan application, the Project has conceptually provided a transition along the eastern edge that will need to be further reviewed at the time of Site Plan for conformance with Sector Plan's goals for the Eastern Greenway.

- *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. This Project currently does not include the corner lot where the Greenway is proposed in the Sector Plan. The Project has been conditioned to provide design alternatives and site layouts that include the corner property and those that do not. This condition is intended to further evaluate the Project's compatibility with the adjacent neighborhood at the Site Plan level of review to ensure, in both development scenarios, the development will meet this finding.

- b) *Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses.*

The Project will redevelop an existing single-family dwelling with multi-unit residential development. The increase in density will support investment in the area to encourage redevelopment of the nearby commercial uses.

- c) *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 Project encourages such development by proposing a housing type and style that is lacking in the area. The multi-unit building will be of a more intimate scale between high-density buildings in the Central Business District and detached single-family housing. The housing will be in walking distance of the nearby commercial businesses as well as Chase Avenue Urban Park, transit facilities, and other urban amenities.

- d) *Allows a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.*

The proposed building height of 35 feet is in keeping with height limits for single-family residential development.

- e) *Integrate an appropriate balance of employment and housing opportunities.*

The Project will provide medium-density residential in a size and style that will improve the balance of housing opportunities within the surrounding residential blocks and neighborhood which are predominantly single-family detached homes.

- f) *Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard Method limit.*

The Project will provide the required public benefits from a minimum of three categories to achieve the desired incentive density above the standard method limit. Final determination of public benefit points will be determined at the time of Site Plan.

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 14,750 square feet from the BOZ initiating a Park Impact Payment (amount to be determined during Site Plan review) 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.

*2. The Sketch Plan substantially conforms to the recommendations of the Sector Plan.*

As discussed in Finding 1.a above, the Project substantially conforms to the recommendation of the 2017 *Bethesda Downtown Sector Plan*. The type of development proposed by the Project will redevelop an underutilized property with an appropriate transitional land use and density given proximity to commercial services and transit and provide streetscape improvements that improve the safety and character of East Bethesda. The Sector Plan calls for the formation of the Eastern Greenway on the corner lot adjacent to this Property. The Project has been through several iterations to better conform with the Sector Plan and Design Guidelines without utilizing the corner lot, and while Staff supports the Project as a Sketch Plan level of review, integrating the corner lot into the Project would ultimately bring forward the vision of the Sector Plan's Eastern Greenway.

*3. The Sketch Plan satisfies, under Section 7.7.1.B.5 of the Zoning Ordinance, the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

The Sketch Plan is not subject to a development plan or schematic development plan.

*4. The Sketch Plan achieves compatible internal and external relationships between existing and pending nearby development.*

At 35' in height, the building will be of similar height to the existing single-family residential dwellings. The proposed massing shows articulation to reduce bulk, and the Design Advisory Panel has requested further enhancement to be incorporated into the design during Site Plan review. The

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Project has been conditioned to submit design alternatives at time of Site Plan review that include the corner property and those that do not include the corner property to ensure the design will be compatible with the corner property as it exists today as a single-family detached dwelling, or as the future Eastern Greenway.

5. *The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.*

As proposed, circulation, parking, and loading is safe, adequate and efficient. Pedestrian access to the Site will be from a new sidewalk along West Virginia Avenue and new pedestrian pathways along both the eastern and southern property lines. Pedestrian travel will be further enhanced by installation of the Bethesda Streetscape along the Site frontage.

Vehicular access to the residential garage is proposed directly from West Virginia Avenue at the northwest corner of the Site. The parking garage will be located below grade and will include up to 15 vehicular parking spaces, the final quantity to be determined at the time of Site Plan. 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 Site is located immediately outside the Bethesda Parking Lot District.

6. *The Sketch Plan proposes an outline of public benefits that supports the requested incentive density and is appropriate for the specific community.*

Taking into account the considerations in Section 59.4.7.1.B and the Public Benefit Points established with the Bethesda Overlay Zone in Section 59.4.9.2.C.4, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site, as described below.

For the proposed development, the Zoning Ordinance requires 50 points in three categories. Although at the time of Sketch Plan review only the categories need be approved, the following table shows both the categories and points for the public benefits requested at Sketch Plan to demonstrate the project's ability to meet the requirement to provide sufficient benefit points.

Public Benefits Calculations		
Public Benefit	Incentive Density Points	
	Max Allowed	Requested
<b>59.4.7.3A: Major Public Facilities</b>		
Parks Contribution	40	20
<b>59.4.7.3C: Connectivity and Mobility</b>		
Minimum Parking <sup>1</sup>	20	1
<b>59.4.7.3E: Quality of Building and Site Design</b>		
Architectural Elevations	30	15
Exceptional Design <sup>1</sup>	30	10
Structured Parking	20	20
<b>TOTAL</b>		<b>66</b>

<sup>1</sup>Denotes Sector Plan priority

**Major Public Facilities**

*Parks Financial Contribution:* The Applicant requests 20 points for financially contributing \$25,000 towards improvements to Chase Avenue Urban Park, located directly south of the Property. The CR guidelines do not provide a point formula for payments towards Major Public Facilities but states that payments will be granted public benefit points after public review and assessment of master plan goals and community priorities. Staff supports the category at this time and further review of the park improvements, public benefit points, and agency approval will be required at time of Site Plan review.

**Connectivity and Mobility**

*Minimum Parking:* The Applicant requests 1 point 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 maximum allowable number of on-site spaces to 20 points for providing no more than the minimum numbers of spaces on-site. While minimal points will be gained from this category, the application meets the criteria and final review of points will be reviewed at Site Plan. Staff supports the category at this time.

**Quality of Building and Site Design**

*Architectural Elevations:* The Applicant requests 15 points for providing architectural elevations as part of the Certified Site Plan showing particular elements of the design such as minimum amounts of transparency, maximum separation between doors, and other design priorities of the applicable Sector Plan and implementing design guidelines. The Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, and

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heights. Staff supports the category at this time with further details and refinement to be provided at the time of Site Plan.

*Exceptional Design:* The Applicant requests 10 points for building and/or site design that enhances the character of a setting. As a site receiving an allocation of Bethesda Overlay Zone density, the Project is subject to the Design Advisory Panel review, which will award points based on the quality of the design. The Applicant asserts that the Project fulfills many recommendations of the *Bethesda Downtown Sector Plan* and Design Guidelines.

While the proposed massing is rudimentary in nature, the building features subtle façade niches and protrusions to define each unit and reinforce the townhouse-style design. The construction materials are intended to be a combination of materials found in the existing residential neighborhood such as brick and other forms of masonry. Improvements to the western façade facing the existing County Parking Lot #44 should be reviewed at the time of Site Plan review. Based on the conceptual materials submitted with the Application, Staff supports the category at this time.

The Design Advisory Panel recommended the following during their April 24, 2019, meeting:

- Public Benefit Points: The project is on track to achieve at least the minimum 10 Exceptional Design points required in the Bethesda Overlay Zone if the below recommendations are addressed.
- Provide more depth to all the elevations. In particular, design the west elevation with more articulation and no blank panels. Incorporate elements such as balconies and windows.
- Improve the building entry and planted transition to Chase Avenue Urban Park.
- Show the interim scenario without the adjacent new parks and the long-term scenario with adjacent new parks.

*Structured Parking:* The Applicant requests 20 points for providing structured parking in a below grade parking structure. Staff supports the category at this time.

*7. The Sketch Plan establishes a feasible and appropriate phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The Project will be built in one phase.

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BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the Bethesda Downtown Sector Plan, or other requirements; 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 all binding site development elements shown on the latest version of 4702 West Virginia Avenue Sketch Plan No. 320190060 received by 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 this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUN 11 2019 (which is the date that this Resolution is mailed to all parties of record); and

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Dreyfuss, seconded by Commissioner Patterson, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, June 6, 2019, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board

# Bethesda Downtown Design Advisory Panel

FROM: Grace Bogdan  
*Planner Coordinator*

PROJECT: 4702 West Virginia Avenue

DATE: 11/20/2019

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*The 4702 West Virginia Avenue project was reviewed by the Bethesda Downtown Design Advisory Panel on 11/20/2019. The following meeting notes summarize the Panel's discussion, and recommendations regarding design excellence and the exceptional design public benefits points. The Panel's recommendations should be incorporated into the Staff Report and strongly considered by Staff prior to the certification of the Site Plan. Should you have any additional questions and/or comments please feel free to contact the Design Advisory Panel Liaison.*

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## Attendance:

### Panel Members

Karl Du Puy  
 George Dove  
 Damon Orobona  
 Rod Henderer

### Staff

Robert Kronenberg, Deputy Director  
 Elza Hisel-McCoy, Area 1 Division Chief  
 Stephanie Dickel, Area 1 Regulatory Supervisor  
 Grace Bogdan, Lead Reviewer

### Applicant Team

Bob Dalrymple, Linowes and Blocher  
 Matt Gordon, Linowes and Blocher  
 Jason Weinstein, Broad Branch Development  
 Shane Crawly, Broad Branch Development  
 Dennis Connors, SKI  
 Pat Lavay, MHG

### Members of the Public

Jim Manuel



Paige Nerenberg  
 Marge Smith  
 Mary Rubino  
 Marty Jul

### Discussion Points:

- Big improvement from the previous massing. Do you have the previous elevation from the west side?
  - *Applicant Response:* No, it wasn't developed at that time and was one of the tasks to do at site plan. Current western elevation has the opportunity to be dramatic in terms of materials. Applicants have tried to work with MCDOT to create a grander vision for redevelopment of the parking lot but those efforts have not been successful
- The parking lot façade really lacks aesthetically, compared to the other three facades. How does the interior unit look? Is there a ground floor unit? It seems pretty grim and lacking natural light.
  - *Applicant Response:* The units are long and narrow. We tried to make as many as we can, the units aren't reliant on the windows on the west side rather relying on the main façade. The windows that are there are 'at risk' meaning if the neighboring property develops the window may need to be removed or be blocked by the adjacent building, but the units are not reliant on those windows.
- Considering the Master Plan recommendation, is it still needing to be considered as a structure? Also, the western façade is the most seen from Wisconsin Ave and it seems like a lost opportunity that it isn't nicer
  - *Applicant Response:* The building has been designed with many contingents based on future development, such as the at-risk windows.
- Can you talk about the unit entries that were proposed at sketch plan level to be on the eastern and southern side and why those entries were removed?
  - *Applicant Response:* It is now a much more traditional multifamily based on market conditions, research, and neighborhood consensus. They were too big, too vertical for the Bethesda today. So the unit plan layout does not work if they have a front door based on internal access (bedroom cannot be at front door) etc
- So who uses that alley now? Seems you may want to set aside a couple feet for a walkway
  - *Applicant Response:* Nobody, it is currently fenced right now
- I can understand why the alley isn't utilized, as it doesn't get you anywhere in the current condition
  - *Applicant Response:* We think of it more now as visually blending into the park
- So the pathway along the eastern side remains? Perhaps the full 10 foot is not necessary
  - *Applicant Response:* Correct, it remains, however is no longer raised as previously proposed. It will connect West Virginia to the Park and also serve as fire access



and resident access to the single entry. It will be about 5 feet of sidewalk and 5 feet of landscape/stormwater

- The trees that are along the eastern side do not exist? Very important to show which trees are under the Applicant's control rather than offsite vision, which properly show the proposed landscaping along the property frontage and the pathway
  - That is correct, and they are offsite, only conceptually placed as a future condition for the greenway. Will clarify with site plan submittal
- Can you update us on the attempts for purchasing the neighboring property? It is a good project but there is a major concern that if that property does not join the project then it will never fully develop. The building could be much better with a larger footprint and greatly improve the western side.
  - There is a disconnect in terms of value and they are not motivated to sell. We are trying to enlist help from others to encourage their motivation to sell. The Parks Department could purchase the lot utilizing PIP funds, but it could never redevelop
- All of the elevations have significantly improved, however still very concerned about the western elevation facing the parking lot side.
- Moving forward, if there are opportunities to increase the wood paneling and minimizing the darkness on the western façade. Is there any way to create indents for the wood paneling?
  - There isn't much opportunity due to the depth, but maybe just adding a couple inches is possible
- There is a discrepancy between the elevation and rendering, two windows are missing from the rendering
  - You are correct, the elevation is correct which shows two additional windows
- Is DPS allowing at risk windows
  - Yes, for certain projects such as this one and another project in Kensington where the project is facing a county parking lot

#### Public Comment

- Adequate parking? Where will the overflow go?
  - An application is not submitted yet. The parking will need to meet the requirements, and are proposing 16 spaces which is above the minimum requirement.
- Applicant has been great and very engaging, appreciate the redesign, but are very concerned about the parking lot elevation as it is so visible. The existing green will be coming down and will be left with the big dark wall which is higher than 35' considering mechanical/penthouse. Also concerned about the east side facing the house with maintenance concerns and there are no sidewalks currently and have CEPTED concerns
- A little concerned about the mass bearing down on the street
  - On the site plan show the existing condition of the offsite area so it can be reviewed

#### **Panel Recommendations:**

The following recommendation should be incorporated into the Staff Report.





1. Public Benefit Points: The Applicant is requesting 20 Exceptional Design points, the Panel votes 4 in support, 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.





DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Marc Elrich  
County Executive

Aseem K. Nigam  
Director

April 10, 2020

Ms. Grace Bogdan  
Area 1 Division  
Montgomery County Planning Department  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: 4702 West Virginia Avenue – Site Plan No. 820200100

Dear Ms. Bogdan:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced plan and recommends Approval, with the following condition:

Amend Note #2 in the Development Standards table on Sheet C0.01 of the plan by adding the second sentence below:

2. Less than 20 dwelling units proposed. Per Section 25A-5(b) of the Montgomery County Code and COMCOR 25A.00.02.03.1, a payment of 0.5% of the purchase price of each dwelling unit in the development is to be made to the County's Housing Initiative Fund at the settlement of each dwelling unit.

Section 25A-5(b) of the Montgomery County Code states that an applicant that proposes development of between 11 and 19 dwelling units is not required to provide MPDUs, but must make a payment to the Housing Initiative Fund. This requirement applies to any submission or application under Section 25A-5(a) accepted as complete on or after October 31, 2018. The original Sketch Plan for this development was accepted on February 11, 2019. Therefore, the requirement applies to this development. The MPDU Executive Regulation (COMCOR 25A.00.02.03.1) states that the amount of this payment is 0.5% of the purchase price of each dwelling unit in the development.

Sincerely,

*Lisa Schwartz*

Lisa Schwartz, Manager  
Affordable Housing Programs Section

cc: Patrick La Vay, MHG

[https://mcgov.sharepoint.com/teams/DHCA/Housing/Affordable/Shared Documents/MPDU/Developments/4702 West Virginia Ave/4702 West Virginia DHCA Letter\\_4-10-2020.docx](https://mcgov.sharepoint.com/teams/DHCA/Housing/Affordable/Shared Documents/MPDU/Developments/4702 West Virginia Ave/4702 West Virginia DHCA Letter_4-10-2020.docx)

Division of Housing

Affordable Housing    Common Ownership Communities    Landlord-Tenant Affairs    Multifamily Housing

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**Department of Permitting Services  
Fire Department Access and Water Supply Comments**

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**DATE:** 12-Mar-20  
**TO:** Stephen Crum - scrum@mhgpa.com  
Macris, Hendricks & Glascock  
**FROM:** Marie LaBaw  
**RE:** 4702 West Virginia Ave  
820200100

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**PLAN APPROVED**

1. Review based only upon information contained on the plan submitted **12-Mar-20**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

**\*\*\* See Statement of Performance Based Design \*\*\***



9220 Wightman Road, Suite 120  
Montgomery Village, MD 20886  
(301) 670-0840  
[www.mhgpa.com](http://www.mhgpa.com)

March 9, 2020

Marie LaBaw, PhD, PE  
Fire Access & Water Supply  
Montgomery County Department of Permitting Services  
255 Rockville Pike, 2<sup>nd</sup> Floor  
Rockville, MD 20850

**FIRE CODE ENFORCEMENT**

**Fire Department Access Review**

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation

*S.M.C. 43 3/12/2020*

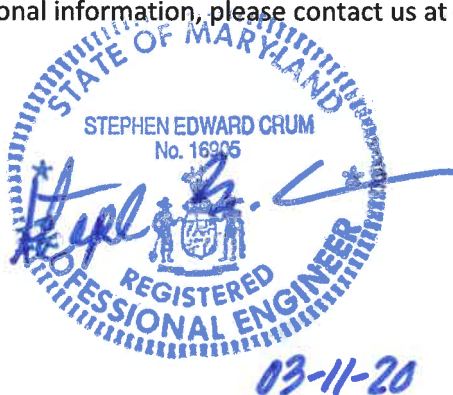
Re: 4702 West Virginia Avenue, Bethesda  
MNCPPC Site Plan # 820200100  
MHG Project # 2018.243.12

Dr. LaBaw:

On behalf of our Client, 4702 West Virginia Ave, LLC we hereby request approval of a Performance Based Design in accordance with Executive Regulation 8-16 Section 22.00.07.81 as an alternative to the access requirements in NFPA 1, Section 18.2.3.2.3.6. Due to the limited size of the property, 15 feet of clear and unobstructed walkable grade cannot be provided on the east, south and west sides of the building. A reduction to 10 feet is requested along the east and south sides. On the east side, stormwater management planters will occupy roughly 1/2 of the 10 foot corridor, however ladder or stair access will be provided to the interior of the planters and fall protection fencing will include an acceptable method of access control (i.e. unlocked gate or lock key will be kept in building knox box). The western side of the structure will be constructed directly on the property line and will meet the required fire rating standards for a zero setback condition along with the applicable building codes. Any openings on the western façade will require a code modification approval by MCPDS

For your use in reviewing this request, we have included a Fire Access Plan, building elevations and a typical residential floor plan.

Thank you in advance for your review of this application. If you have any questions or need additional information, please contact us at your convenience.



Sincerely,

Stephen E. Crum, P.E.

Professional Certification

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the Laws of the State of Maryland, License Number 16905, Expiration Date 04.21.2020

## DPS-ROW CONDITIONS OF APPROVAL

### 820200100 4702 West Virginia Ave

Contact: Sam Farhadi at 240 777-6333

We have reviewed site and landscape plans files:

“07-SITE-820200100-C2.01.pdf V4” uploaded on/ dated “4/2/2020”,  
“08-LL-820200100-L2.01.pdf V3” uploaded on/ dated “4/2/2020” and

The followings need to be addressed prior to the certification of site plan:

1. Clarify and show ROW dedication for the rear alley.
2. Clarify in the notes, Bethesda streetscaping applies to all site frontage streetscaping along West Virginia Ave and not just the pavement.
3. Ensure “No Truck Entry” sign is correctly pointed out.
4. Ensure “Pedestrian Sidewalk Grate” is correctly pointed out.

And, the followings need to be conditions of the certified site plan:

1. The downstream adequacy analysis will be provided and reviewed at the time of ROW permit. The applicant will responsible to provide any required improvements or easements.
2. The applicant’s engineer has determined, the adequate sight distance, although not available at this point, can be achieved at the completion of the ROW permit. Please note, if this is not achieved at that stage, the access point will be considered unsafe and will not be allowed into service.
3. Bethesda UMP is currently in development & is anticipated to go into effect in early 2020. This project may potentially be subject to UMP Fees depending on where it is in the development process upon the UMP’s Council Approval.
4. No door swing is permitted into ROW.



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
County Executive

Hadi Mansouri  
Acting Director

April 20, 2020

Mr. Jeremiah Swenson  
Macris, Hendricks and Glascock, P.A.  
9220 Wightman Road, Suite 120  
Montgomery Village, MD 20886-1279

Re: **COMBINED STORMWATER MANAGEMENT  
CONCEPT/SITE DEVELOPMENT  
STORMWATER MANAGEMENT PLAN** for  
4702 West Virginia Avenue  
Site Plan #: 820200100  
SM File #: 285629  
Tract Size/Zone: 0.21 Ac. / CRT-0.5  
Total Concept Area: 0.26 Ac.  
Lots/Block: 29/9  
Watershed: Lower Rock Creek

Dear Mr. Swenson:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via ESD to the use of green roof and a micro-bioretenention planter box. Due to site conditions full stormwater management compliance cannot be provided so the request for a partial waiver of stormwater management requirements is hereby granted.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Landscaping in areas located within the stormwater management easement which are shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
5. The green roof should be designed by a professional with green roof experience. You have proposed a minimum of 2,792 square feet of six-inch green roof. At time of plan submittal try to increase the area and thickness of green roof.
6. Use MCDPS latest design criteria at time of plan submittal.



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*Mr. Jeremiah Swenson  
April 20, 2020  
Page 2 of 2*

7. Provide mechanical drawing profiles to verify how the roof areas drain to the micro-bio.
8. The garage areas are to drain to WSSC. Provide mechanical profiles to verify.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,



Mark C. Etheridge, Manager  
Water Resources Section  
Division of Land Development Services

MCE: CN285629 4702 West Virginia Avenue.DWK

cc: N. Braunstein  
SM File # 285629

ESD: Required/Provided 1653 cf / 941.2 cf  
PE: Target/Achieved: 2.0"/1.14"  
STRUCTURAL: 0.0 cf  
WAIVED: 0.26 ac.



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

January 18, 2019

Mr. Shane Crowley  
West Virginia Avenue LLC.  
7201 Wisconsin Avenue, Suite 440  
Bethesda, MD. 20814

Re: Forest Conservation Exemption 42019104E; 4702 West Virginia Ave., Lot 29, Block 9

Dear Mr. Crowley:

This letter is to inform you that your request for an exemption from submitting a forest conservation plan 42019104E, 4702 West Virginia Avenue, is confirmed. This plan submitted on January 16, 2019 is in compliance with Chapter 22A-5(S)(2) of the Forest Conservation Law. This exemption covers an activity conducted on a tract less than 1 acre that will not result in the clearing of more than a total of 20,000 square feet of existing forest, or any existing specimen or champion tree, and reforestation requirements would not exceed 10,000 square feet. Forest in any priority area on-site must be preserved.

A pre-construction meeting is required after the limits of disturbance have been staked, prior to any clearing or grading to verify the limits of disturbance and to determine if any tree protection is required. The property owner, construction superintendent, a Maryland licensed tree expert, this forest conservation inspector, and the Montgomery County Department of Permitting Services (DPS) sediment control inspector should attend.

Please contact this inspector at [david.wigglesworth@montgomeryplanning.org](mailto:david.wigglesworth@montgomeryplanning.org) or 301-495-4581 to schedule the pre-construction meeting.

Sincerely,

A handwritten signature in black ink that reads "David Wigglesworth".

David Wigglesworth  
Sr. Planner  
Development Applications & Regulatory Coordination

CC: Frank Johnson (MHG)  
42019104E