



8015 Old Georgetown Road Preliminary Plan Amendment No. 12016022A & Site Plan No. 820200130

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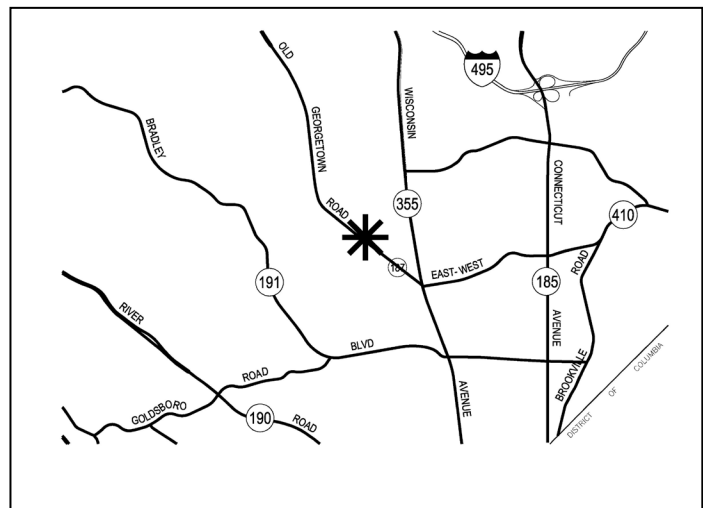
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Description

Completed: 6.22.2020

- Preliminary Plan Amendment: Request to increase maximum density from 145,863 square feet to 316,500 square feet, increase residential units from 107 to 297 units, remove the commercial/church use, and remove Development Plan requirements;
- Site Plan: Request to construct a multi-family residential building of up to 316,500 square feet for a maximum of 297 units with 15% MPDUs, including up to 124,536 square feet of BOZ Density with a Park Impact Payment;
- Current use: church, parking lot, and detached single family home;
- Located on the north quadrant of the intersection of Old Georgetown Road and Glenbrook Road in Downtown Bethesda;
- 2.52 acres zoned CR 2.5 C 0.75 R 1.75 H-120 and the Bethesda Overlay Zone, in the 2017 *Bethesda Downtown Sector Plan*;
- Applicant: JLB Realty, LLC;
- Acceptance date: February 27, 2020.



Summary

- Staff recommends approval of the Preliminary Plan amendment and Site Plan with conditions.
- The Preliminary Plan Amendment and Site Plan Application received an administrative extension on June 19, 2020, extending the review period by 30 days from June 26, 2020 to July 26, 2020.
- In June of 2019, the Planning Board approved Sketch Plan 320190100 to allow a maximum of 320,000 square feet of multi-family residential development with a maximum allocation of BOZ density of 128,036 square feet.
- The site was previously approved for development under the PD-44 zone prior to the adoption of the 2017 *Bethesda Downtown Sector Plan*, which allowed expansion of the existing church and daycare, and construction of a new building of up to 107 units.
- Pursuant to Section 59.7.7.1.B.5.a.i, the Property is no longer subject to the previously approved Development Plan (G-864) as a Sectional Map Amendment was approved implementing the 2017 *Bethesda Downtown Sector Plan*. The related Sketch Plan requires the Applicant to submit a letter of withdrawal for the Development Plan prior to certification of the Preliminary Plan.
- The expansion of the existing church and daycare is no longer part of the Proposal, which will redevelop the existing site with a new 90-foot-tall multi-family building of up to 297 units with 15% MPDUs.
- The Applicant is seeking approval of alternative compliance for Section 59.6.4.1, Driveway Access Requirements.
- The Project includes an allocation of Bethesda Overlay Zone density of up to 124,536 square feet and a Park Impact Payment of \$974,253.32.

SECTION 1: RECOMMENDATION AND CONDITIONS

Preliminary Plan Amendment No. 12016022A

Staff recommends approval of Preliminary Plan Amendment No. 12016022A subject to the following conditions that supersede the previous conditions in their entirety:

1. This Preliminary Plan is limited to one (1) lot for up to 316,500 square feet of total development, for a multi-family residential building with a maximum of 297 units.
2. The Adequate Public Facility (“APF”) review period granted for Preliminary Plan 120160220 remains valid for 85 months from the date of mailing MCPB Resolution 16-061, December 12, 2016.
3. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated May 12, 2020, and incorporates them as conditions of the Preliminary Plan Amendment approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
4. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
5. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration (“MDSHA”) in an email, dated May 7, 2020, and incorporates them as conditions of the Preliminary Plan Amendment approval. The Applicant must comply with each of the recommendations as set forth in the email, which may be amended by MDSHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
6. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration’s requirements for access and improvements.
7. 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 May 28, 2020, and incorporates them as conditions of the Preliminary Plan Amendment 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 if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
8. The development must comply with the binding elements and conditions of approval for Sketch Plan No. 320190100 as listed in MCPB Resolution No. 19-108.
9. Before recordation of a plat or issuance of any demolition, clearing or grading permit for the Subject Property, the Applicant must receive Staff certification of Site Plan No. 820200130.
10. If an approved Site Plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan Amendment, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the Site Plan amendment.

11. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
 - a. A dedication of the Old Georgetown Road frontage necessary to provide the Sector Plan-recommended 100-foot-wide right-of-way between the Subject Property line and right-of-way centerline.
 - b. A dedication of the Glenbrook Road frontage necessary to provide the Sector Plan-recommended 80-foot-wide right-of-way between the Subject Property line and right-of-way centerline.
 - c. Dedication for the proposed cul-de sac at the terminus of Rugby Avenue, as illustrated on the Certified Preliminary Plan.
 - i. Sidewalks on private property located outside the right-of-way around Rugby Avenue are to be contained within a Public Improvement Easement (PIE).
 - ii. The Applicant must record the Declaration of PIE document in the Land Records of Montgomery County prior to plat recordation. The deed reference is to be provided on the record plat.
12. A Traffic Mitigation Agreement (TMAg) was required under the previously approved Preliminary Plan (120160220). The draft TMAg must be updated, finalized and executed prior to issuance of any building permits to participate in the Bethesda Transportation Management District (TMD) and work toward the Sector Plan goal of 55 percent Non-Auto Driver Mode Share.
13. Short-term public bicycle parking must be installed near the main entrance to the building. Secure long-term private bicycle parking must be installed, internal to the private parking garage, for residential use. The exact number and location of bicycle parking spaces will be determined at the time of Site Plan.
14. The record plat must show necessary easements.
15. The Applicant must include the stormwater management concept approval letter and any other applicable agency letters and Preliminary Plan Resolution on the approval or cover sheet(s).
16. The certified Preliminary Plan must contain the following note:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of Site Plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.

Site Plan No. 820200130

Staff recommends approval of Site Plan No. 820200130, which supersedes the previous Site Plan approval (820160090; MCPB No. 16-062) in its entirety. The Project includes an allocation of up to 124,536 square feet of Bethesda Overlay Zone density. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.

1. Sketch Plan Conformance

The development must comply with the binding elements and conditions of approval for Sketch Plan No. 320190100 as listed in MCPB Resolution No. 19-108.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan Amendment No. 12016022A and any subsequent amendments.

Density, Height & Housing

3. Density

The Site Plan is limited to a maximum of 316,500 square feet of residential development on the Subject Property, including up to 297 dwelling units including a minimum of 15% MPDUs.

4. Height

The development is limited to a maximum height of 90 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

5. Bethesda Overlay Zone Density

- a. The Planning Board approves 124,536 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 mailing date of the Planning Board's Resolution. Within two years of MCDPS accepting the building permit application, the Applicant must obtain the building permit. The deadlines may not be extended. If the Applicant fails to comply with any of the deadlines in this condition, the entire Site Plan approval is revoked.
- c. 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 through a minor amendment.

6. Park Impact Payment

The Applicant must pay to the M-NCPPC a Park Impact Payment of \$974,253.32, prior to release of the first above-grade building permit, or as may be adjusted through a minor amendment as set forth in Condition 5.c above.

7. 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 May 12, 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.

8. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the CR Zone Incentive Density Implementation Guidelines for each one.

- a. Connectivity between Uses, Activities, and Mobility Options
 - i. Minimum Parking – The Applicant must provide no more than 298 parking spaces for the residential use.
 - ii. Through-Block Connections – The Applicant must provide the pedestrian connection between Glenbrook Road and the western Property Line, as shown on the Certified Site Plan. The through-block connection must have a minimum width of 15 feet with a minimum 8-foot-wide ADA-accessible pathway. The through-block connection must remain open to the public between the hours of 8:00 AM and 9:00 PM.
- b. Diversity of Uses and Activities
 - i. Enhanced Accessibility - The Applicant must construct a minimum of 5 dwelling units that satisfy American National Standards Institute A117.1 Residential Type A standards or an equivalent County Standard.
- 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 and include minimum door spacing, maximum ground floor transparency, and other elements such as balconies and material changes.
 - ii. Exceptional Design – The Planning Board has reviewed and accepts the recommendations of the Design Advisory Panel as described in their memorandum, dated January 22, 2020.
 - a) At Certified Site Plan, Staff must review and approve corner treatment per Design Advisory Plan recommendations.
 - b) 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.
 - c) 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.
- d. Protection and Enhancement of the Natural Environment
 - i. Building Lot Terminations (BLTs) – Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment of 0.5358 BLTs to MCDPS and M-NCPPC staff.
 - ii. Cool Roof - The Applicant must install a cool roof, having a minimum solar reflectance index of 75, covering a minimum of 30,000 square feet of roof area, as shown on the Certified Site Plan.

9. Recreation Facilities

The Applicant must provide the minimum required recreation facilities as shown on the Certified Site Plan.

10. Public Open Space, Facilities, and Amenities

- a. The Applicant must construct the streetscape improvements, including the undergrounding of utilities, along the property's frontage on Old Georgetown Road and Glenbrook Road, consistent with the 2019 *Bethesda Streetscape Standards*.
- b. The Applicant must provide a minimum of 8,775 square feet of public open space, as illustrated on the Certified Site Plan.

- c. Before the issuance of the final residential Use and Occupancy Certificate, all public open space areas on the Subject Property must be completed.

11. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to streetscape improvements and the through-block pedestrian connection.

Site Plan

12. Landscaping

- a. Prior to issuance of the final residential Use and Occupancy Certificate, all on-site amenities, including, but not limited to: lights, sidewalks/pedestrian pathway, hardscape, benches, trash receptacles, bicycle facilities, recreation amenities, and rooftop amenities must be installed.
- b. The Applicant must install landscaping no later than the first growing season after completion of site work.

13. 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.

- 14. 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 May 13, 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

15. Noise Attenuation

- a. Prior to issuance of a building permit for any residential dwelling unit(s) to be constructed within the projected 65 dBA Ldn noise contour, the Applicant must provide Staff with certification from an engineer specializing in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b. The Applicant must provide a signed commitment to construct the units in accord with the noise mitigation design specifications, with any changes that may affect acoustical performance approved by the engineer and M-NCPPC Staff in advance of installation.
- c. If the plan changes in any manner that affects the validity of the noise analysis for acoustical certifications and noise attenuation features, the Applicant must conduct a new noise analysis to reflect the revised plans, and new noise attenuation features may be required.

- d. Before issuance of the use and occupancy permit for the noise impacted residential units, the Applicant must obtain certification that the noise impacted units have been constructed in accordance with the recommendations of an engineer that specializes in acoustical treatments. The certification must be based on the testing of at least five representative residential units.

16. Green Cover

- a. The Applicant must provide a minimum of 27,931 square feet of Green Cover, including 14,905 square feet of tree cover, 7,572 square feet of green roof, and 5,500 square feet of rooftop photovoltaic panels, which is equivalent to 35% of the site area, as illustrated on the Certified Site Plan.
- b. Any green roof installed pursuant to this condition must have a minimum soil depth of 6 inches.

Transportation

17. Pedestrian & Bicycle

The Applicant must provide a minimum of 95 long-term and five short-term bicycle parking spaces (three (3) inverted-U racks or Staff-approved equivalent) in the following configuration:

- a. 95 long-term bicycle parking spaces in a secured, well-lit bicycle room located in the garage, and
- b. Five short-term bicycle parking spaces installed in a location convenient to the main entrances (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.

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

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way (DPS-ROW) Section in its memo dated April 28, 2020. 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.

20. 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.

21. 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, indoor and outdoor recreational facilities, site furniture, trash enclosures, private utilities, associated improvements of development, including the through block connection, sidewalks, bikeways, 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.

22. 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 all applicable approval letters, development program and related Sketch Plan, Preliminary Plan, and Site Plan resolutions, and withdrawal letter for the development plan 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 tables and public benefit point tables to reflect development standards approved by the Planning Board.
- d. Show all public benefit point calculations on the cover sheet.
- e. Ensure consistency of all details and layout between Site and Landscape plans.
- f. The pedestrian through-block connection, sidewalks, and pedestrian pathways, including sidewalk ramps at the Genbrook Road/ Old Georgetown Road intersection, will be in compliance with Americans with Disabilities Act (ADA) design standards including but not limited to path width, path slope and cross slope, access ramps, etc.
- g. Modify site plan to show the sidewalks' grade, treatments, materials, and cross slopes continue across the proposed private driveway on Old Georgetown Road, the proposed garage entrance on Glenbrook Road, and the fire access lane on Rugby Avenue.
- h. Modify data table and parking plans to demonstrate at least ten (10) motorcycle parking spaces are being provided.

SECTION 2: SITE DESCRIPTION

Site Vicinity and Analysis

Subject Property

The Property (Subject Property or Property) is located at the corner of Old Georgetown Road and Glenbrook Road in the Battery Lane District of the 2017 *Bethesda Downtown Sector Plan* (Sector Plan). The Property has a tract area of 2.52 acres and is located outside the Bethesda Parking Lot District (PLD).

Site Vicinity and Analysis

The vicinity contains a mix of land uses given its location at the edge of the Sector Plan. Established single-family residential neighborhoods are located directly north of the Site and across Old Georgetown Road to the south. Farther north along Battery Lane are garden apartments and higher-density multi-family developments and the campus of the National Institutes of Health (NIH). To the west is the Bethesda Chevy Chase Rescue Squad. To the east is an 8-story commercial building and the beginning of the Woodmont Triangle District that is comprised of lower- to higher-density office, retail, and residential mixed-use development.

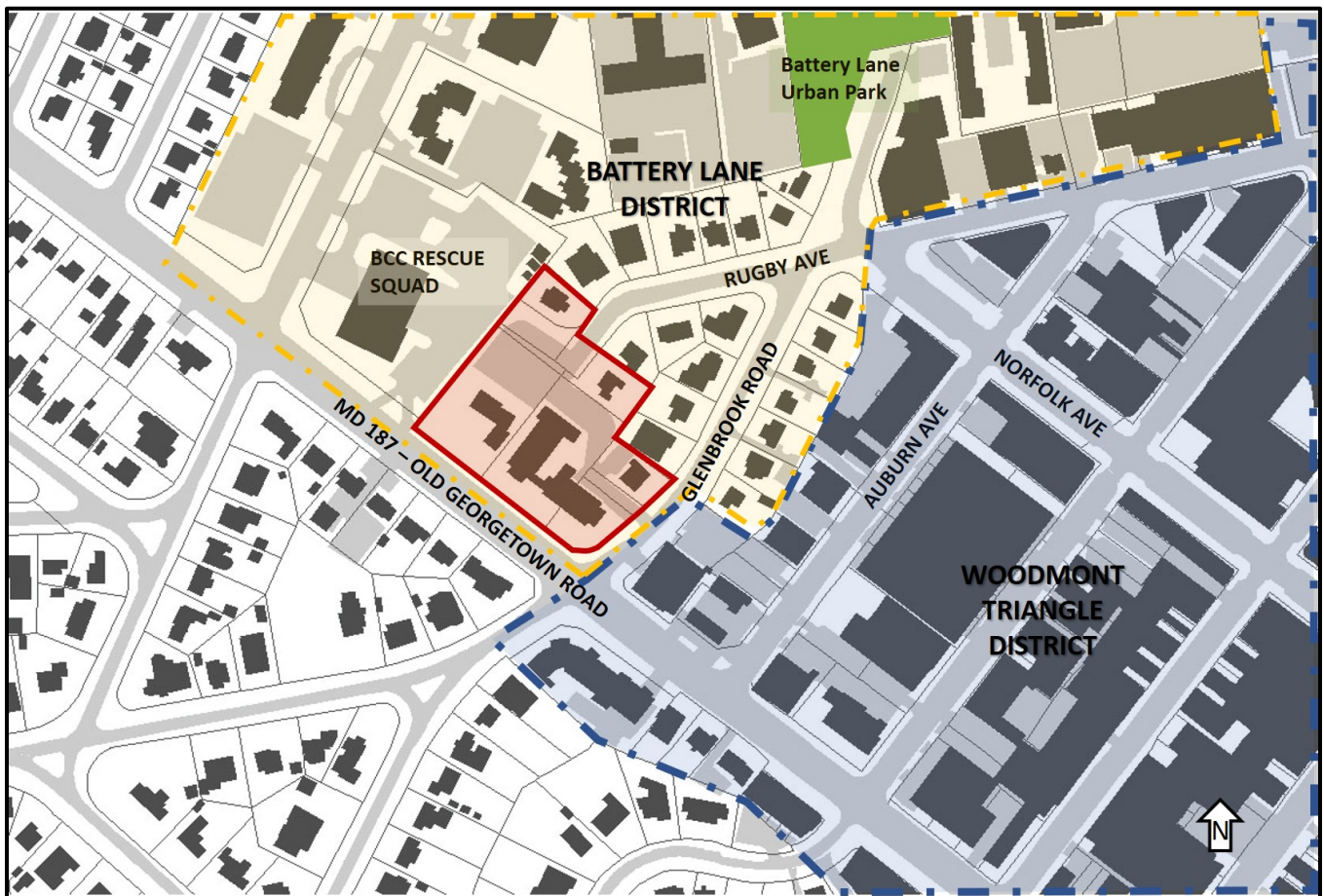


Figure 1: Vicinity Map

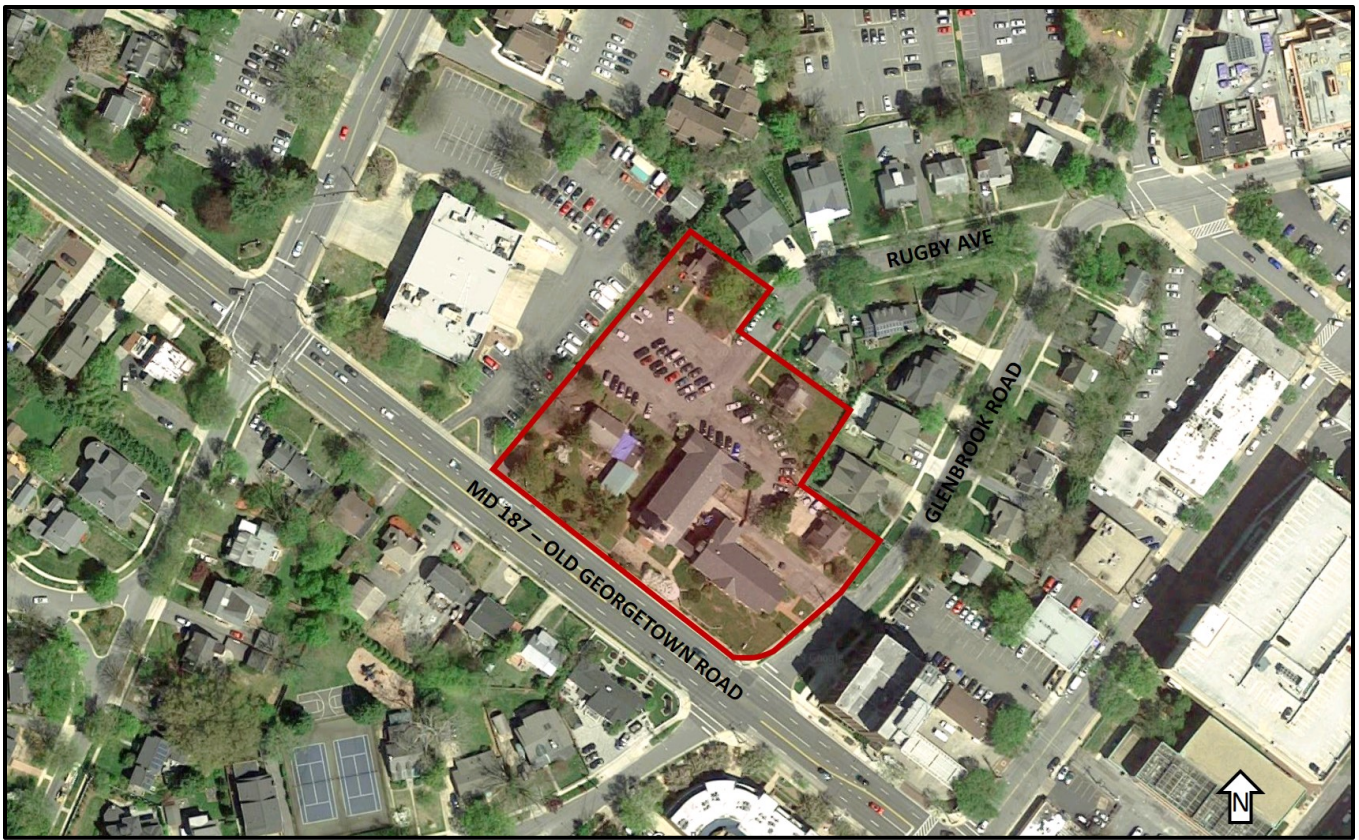


Figure 2: Boundary Map

The Property is zoned CR 2.5, C 0.75, R 1.75, H-120 and Bethesda Overlay Zone. The Site is currently improved with the Christ Evangelical Lutheran Church of Bethesda-Chevy Chase, consisting of a church building and adjoining three-story community building, three single-family detached houses used for a child daycare and other community purposes, and a surface parking lot. This section of Old Georgetown Road is comprised of five lanes in the following configuration: two lanes of northbound and two lanes of southbound traffic with a turning lane, and no on-street parking. Glenbrook Road is a two-way street with no on-street parking. There is an existing 6-foot sidewalk along Old Georgetown Road directly adjacent to the roadway, and a green strip buffer with a 4-foot sidewalk along Glenbrook Road. There is a gradual change in topography on-site that rises approximately 14 feet from the corner of Old Georgetown Road and Glenbrook Road to Rugby Ave. The Property does not contain any forest, streams, or environmental buffers. There are no known rare, threatened, or endangered species on-site; there are no 100-year floodplains, stream buffers, or wetlands on-site. There are no historic properties on-site.

SECTION 3: PROJECT DESCRIPTION

Previous Approvals

Prior to the adoption of the 2017 *Bethesda Downtown Sector Plan*, the County Council approved Zoning Application No. G-864 by Resolution No. 16-1540. This approval reclassified the Property from the R-60 zone to the PD-44 zone, subject to the binding elements and requirements of the approved Development Plan. Subsequently, the Planning Board approved Preliminary Plan 120160220, and Site Plan 820160090 to allow the Property to redevelop with a 53,000 square-foot church/community center building with a maximum height of 76 feet, and a 145,863 square-foot multi-family residential building containing a maximum of 107 units and with a maximum height of 94 feet. Given the rezoning of the Property implemented through the *Bethesda Downtown Sector Plan*, and the approval of the Sketch Plan discussed below, the Property is no longer subject to the Development Plan.

In June of 2019, the Planning Board approved Sketch Plan 320190100 (MCPB No. 19-108) to allow up to 320,000 square feet of multi-family development with an allocation of up to 128,036 square feet of BOZ density. The Sketch Plan required subsequent amendments for the previously approved Preliminary Plan and Site Plan, and conditioned the Applicant to submit a letter of withdrawal for the Development Plan prior to certification of the Preliminary Plan Amendment.

Proposal

The Applicant proposes to create one (1) lot for a multi-family residential development with a maximum density of 316,500 square feet for residential uses (up to 297 residential dwelling units) on 2.52 tract acres or 109,771 square feet, zoned CR 2.5, C 0.75, R 1.75, H-120 and Bethesda Overlay Zone. The total density includes up to 124,536 square feet of Bethesda Overlay Zone density. The Preliminary Plan Amendment will dedicate land necessary on Old Georgetown Road, Glenbrook Road, and Rugby Avenue to accommodate master planned rights-of-way and streetscape improvements per the Sector Plan and Bethesda Streetscape guidelines.

As the original Preliminary Plan was approved in December of 2016, the associated preliminary plan validity period is set to expire in 2022. Per Section 50.4.2.G.4 of the Subdivision Ordinance, the Applicant requests the Planning Board to extend the validity period by one year to allow additional time to address the newly recommended conditions related to this Preliminary Plan Amendment application, resulting in a validity period that will expire in January 2023. Staff is supportive of this request given the many changes proposed with the Preliminary Plan Amendment.

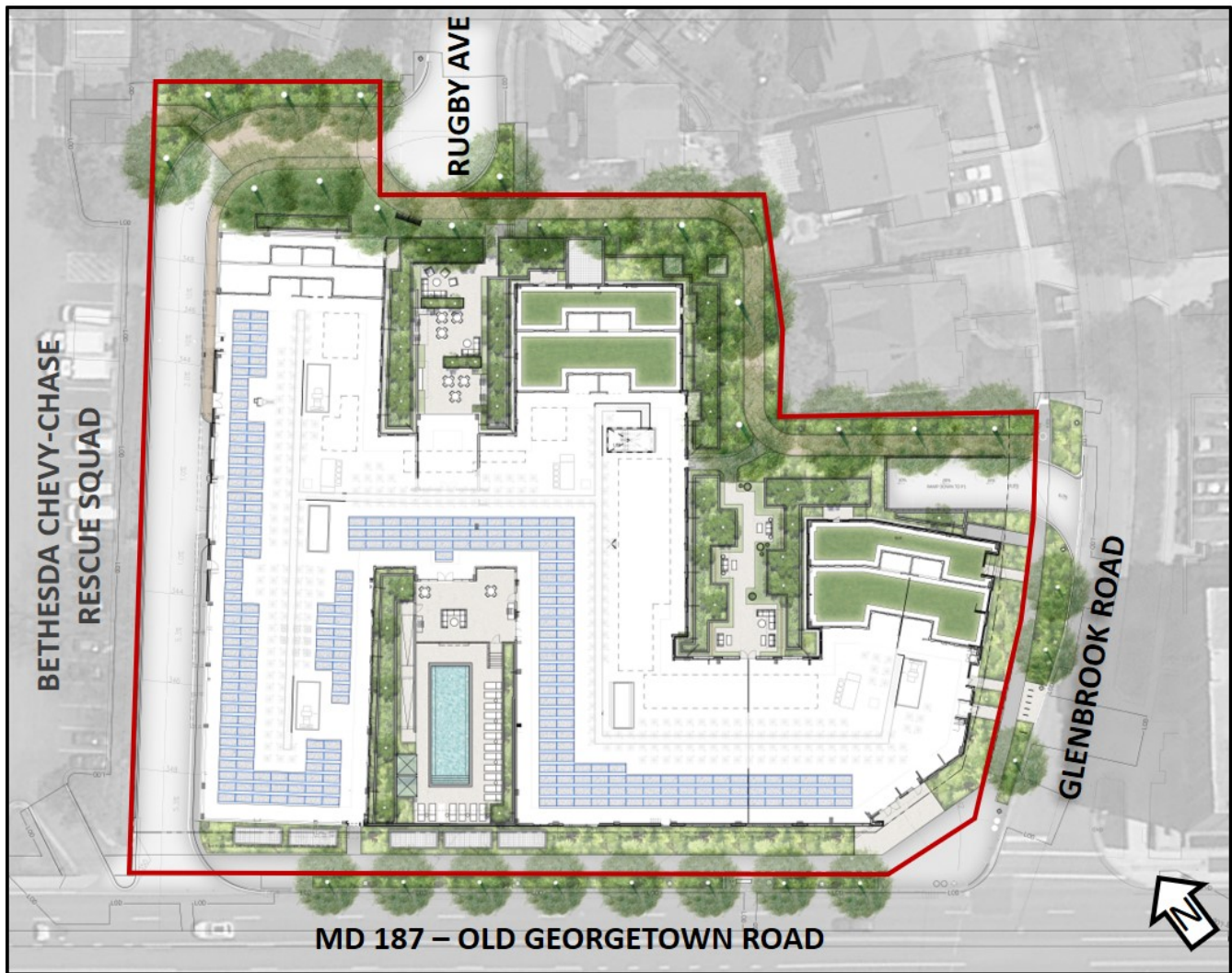


Figure 3 – Illustrative Site Plan

Building

The 90-foot-tall building will be broken down through the inclusion of three elevated courtyards, one of which will be visible from Old Georgetown Road and two at the rear of the Site facing the residential homes along Glenbrook Road and Rugby Avenue. The first story of the building along Old Georgetown Road will feature a double height of 20 feet with gridded windows to activate the pedestrian realm and accommodate residential amenity space. Within this residential amenity space is a second story courtyard area, which divides the building into two separate towers, further defining the shape. The upper stories are articulated through the use of bays, floating planes, elevation setbacks, integrated balconies and material changes. The articulation of the massing creates a focal point at the corner of Old Georgetown Road and Glenbrook Road, where the main entry is located. This corner consists of a metal and glass canopy that wraps and extends up Old Georgetown Road. Building signage and down lighting will be integrated into this canopy and corner design.



Figure 4 – Old Georgetown Road Façade

The Glenbrook Road facade will include individual unit entries and present as a townhouse style base with a material and color change above the first three stories. This façade wraps around the corner to Old Georgetown Road, extending the residential character into the chamfered corner. During Sketch Plan review, there were concerns from the Design Advisory Panel on the corner of the building at Old Georgetown Road and Glenbrook Road. While the Proposal maintains a chamfered corner, the addition of Bethesda Streetscape and enhanced building design and articulation has significantly improved the character of the building.



Figure 5 – Glenbrook Road Façade (Street level)

While the maximum height for this Property per the mapped zone is 120 feet, the Applicant proposed a lower building of 90 feet at the time of Sketch Plan to be more compatible with the adjacent residential neighborhood. Additionally, the Project is required to conform with the residential compatibility standards in Section 59.4.8.1.A of the Zoning Ordinance. As proposed, the Site Plan demonstrates conformance with these standards through a large building setback at the rear of the Property (ranging from 34-60 feet in depth), where the through block connection and outdoor courtyards will be located. The building height at the rear (adjacent to the residential neighborhood along Rugby Avenue) will match the residential neighborhood heights and increase with upper story stepbacks towards Old Georgetown Road. Due to the topography of the Site, the underground parking structure will partially extend into the rear building setback and the roof of the garage will be utilized as a private courtyard with a green roof.



Figure 6 – Perspective of Building’s rear setback and stepbacks from residential neighborhood looking towards Old Georgetown Road

The rear of the building features two courtyards and three residential wings with stepbacks to respond to the residential dwellings along Rugby Avenue. During review of the Sketch Plan, the Design Advisory Panel suggested additional stepbacks at the rear to further break down the massing, or incorporating other design alternatives that reduce perceived height and mass of the building. The current proposal has addressed these comments by defining the base of the building facing the residential neighborhood with a light brick material, and contrasting this base with plane changes and a substantially different material, fiber cement paneling with a dark color. The Design Advisory Panel reviewed the updated proposal at their January 22, 2020 meeting and voted unanimously in support of the Project.



Figure 7 – View from Rugby Avenue looking towards the rear of the building

Open Space and Through Block Connection

The Project is required to provide 10% of the Site as public open space (7,890 square feet) which will be achieved within the through block connection at the rear of the site (Figure 9). The Proposal will exceed the minimum requirement and provide 8,775 square feet of public open space. This Sector Plan recommended connection will link Glenbrook Road to the western property line, and when the adjacent property (Bethesda Chevy-Chase Rescue Squad) redevelops, the connection will be completed to Battery Lane. The through-block connection also links Glenbrook Road to Rugby Avenue to the rear, which ultimately connects to Battery Lane Urban Park. The through block connection will be a minimum of fifteen feet in width with an 8-foot pathway for pedestrians and bicyclists, with vegetation and tree plantings on either side of the pathway. The pathway will be completely uncovered and accessible to the public at all hours. The building will step back from the path to provide more sunlight to the area. As shown in Figure 8 below, the pathway will be lined with a variety of vegetation including canopy trees and ornamental shrubs. The landscaped area on either side of the pathway further conveys a feeling of open air and improves sight lines throughout the connection.



Figure 8 – Mid-block connection (Looking westbound from Glenbrook Road)

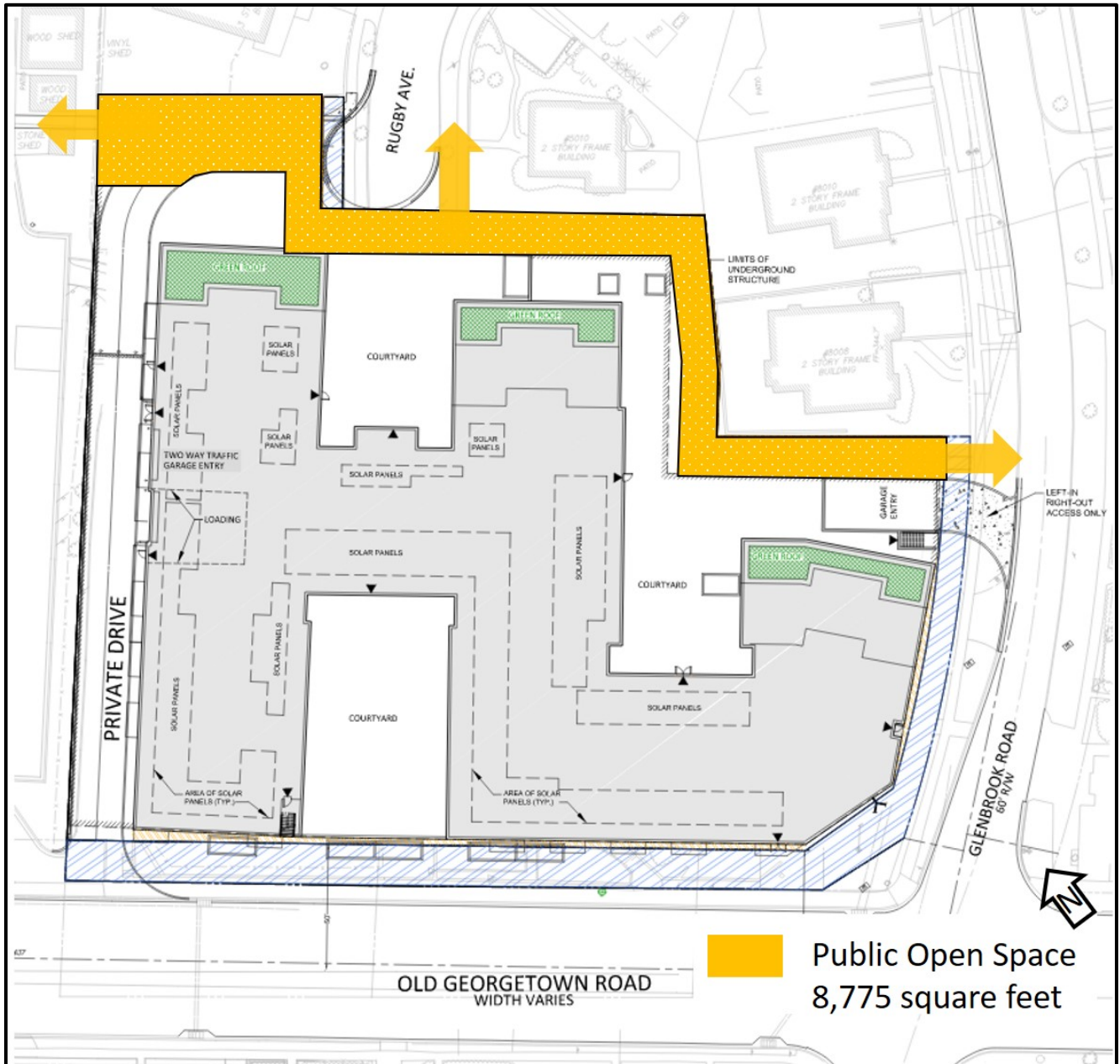


Figure 9 – Public Open Space Exhibit

Access & Circulation

Access to the Project will be provided from Old Georgetown Road (MD 187) and Glenbrook Road. No vehicular access will be permitted from Rugby Avenue except for emergency vehicles. Pedestrian and bicycle access to the property will be maintained along the property's frontage sidewalks and adjacent public roadways. Additional pedestrian access will be provided through the Site from Rugby Avenue to Glenbrook Road, via a new public through-block connection, as recommended in the Sector Plan. Parking will be contained within a new structured garage internal to the proposed building.

Pedestrian access to the site will be from the established sidewalk network on Old Georgetown Road, Glenbrook Road, and Rugby Avenue and will be enhanced by streetscape improvements along each of the Site frontages, consistent with the Bethesda Streetscape Standards.

Vehicular Access will be provided by two new driveways: one on Old Georgetown Road and the other on Glenbrook Road. The driveway on Old Georgetown Road is considered the main driveway, which proposes full movement ingress and egress access for both the parking garage and the designated loading and trash collection area. The driveway on Glenbrook Road has been designed to minimize safety concerns and impacts to pedestrians and the existing single family dwellings by only permitting left turns into the parking garage from Glenbrook Road, and right turns from the parking garage (westbound movement) onto Glenbrook Road. This design and operation is directed by proposed signage and the curvature of the driveway to restrict vehicular movement from turning left onto Glenbrook Road, or turning right into the parking garage from Glenbrook Road. This configuration of the driveway on Glenbrook Road is the result of direction provided by the Board from the approval of the original Preliminary Plan (120160220) for the Subject Site.

The original Preliminary Plan approved two access points to the Subject Site which was not subject to the current standards of the Zoning Ordinance, however, this Site Plan is subject to the current standards. Section 59.6.1.4.E states that a vehicle must access a corner lot with only one driveway or a through lot from the street with the lower road-way classification. The Applicant is seeking Alternative Compliance under Section 59.6.8 for this requirement, which the Planning Board may approve if it finds that the site has unique characteristics and the alternative design will satisfy the intent of the Section and further the public interest. The Applicant states that the single-family neighborhood along Glenbrook Road has expressed strong objections to the sole use of Glenbrook Road for access, resulting in the Applicant's minimal driveway design. Additionally, given the high usage of Old Georgetown Road, having all access focused on the alley entrance would not be appropriate, resulting in the need for both entrances to properly disperse traffic to and from the Site. Given the surrounding neighborhood context and the previous approvals, Staff is supportive of this request.

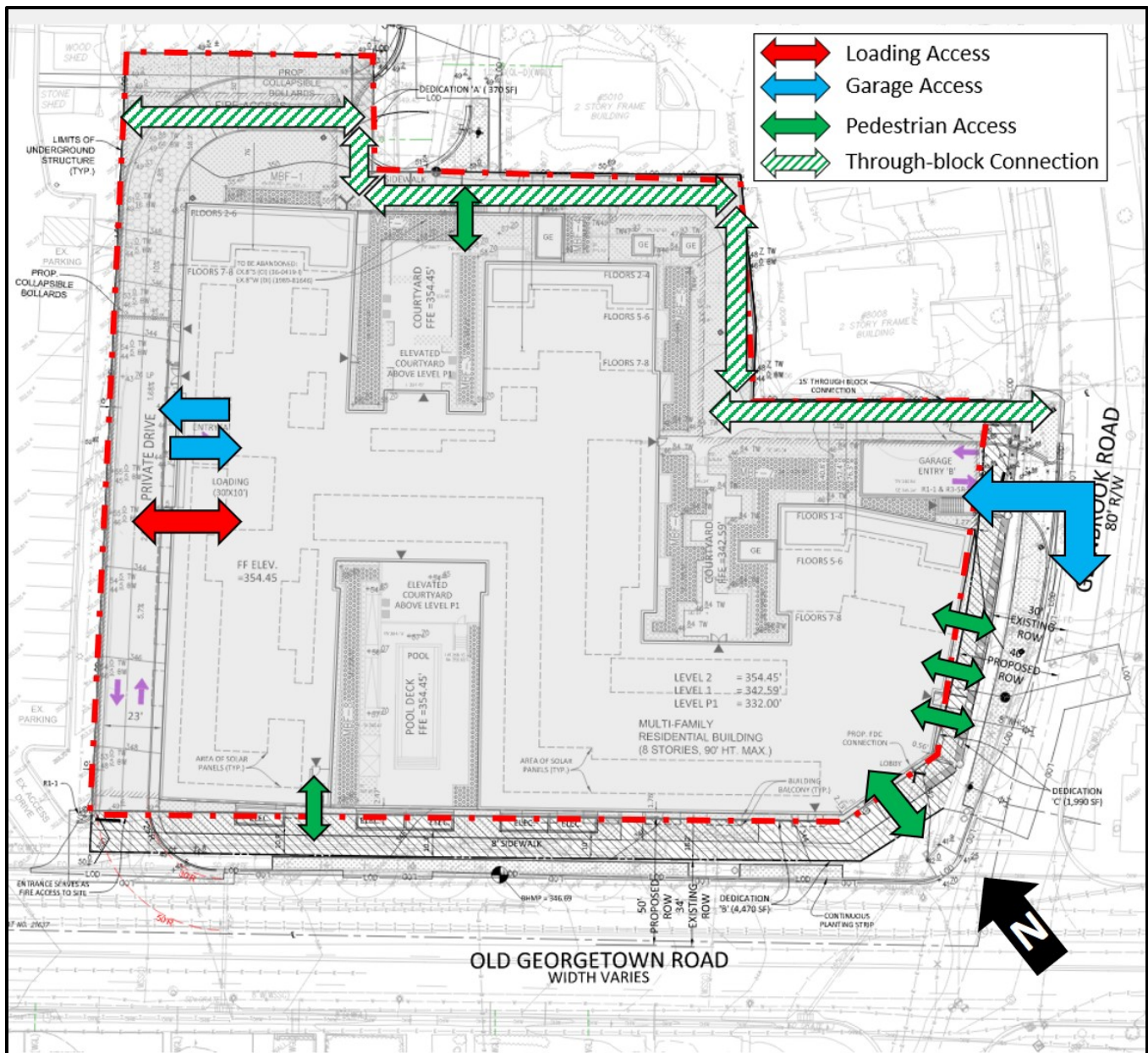


Figure 10 – Circulation Plan

The through-block connection will be a minimum of 15-feet wide, with a minimum 8-foot pathway that will allow pedestrians and bicyclists access between Glenbrook Road, Rugby Avenue, and the Bethesda Chevy Chase Rescue Squad property to the northwest. When completed, it will implement a segment which is part of a longer public through-block connection between Battery Lane and Glenbrook Road, envisioned in the 2017 *Bethesda Downtown Sector Plan*. The remaining connection will be achieved when the Bethesda Chevy Chase Rescue Squad property redevelops.

The Project is required to provide a minimum of five short-term bicycle parking spaces (three inverted-U racks or approved alternative) along the Old Georgetown Road building frontage. Additionally, the Project is required to provide a bicycle parking room to provide 95 long-term bicycle storage for the residents. This requirement is satisfied through the provision of one room within the garage, accessible via the parking garage, residential lobby, or the secondary entrance on Old Georgetown Road.

Environment

Forest Conservation

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) for the site was submitted for review on August 21, 2019 and was subsequently approved. The plan, designated No. 420200100, identifies the existing man-made and natural features associated with the Property, such as the buildings, associated parking, the street trees and landscape elements. The site is situated approximately 6-feet higher than the elevation of Old Georgetown Road with a stone retaining wall running along the southern property line. There are no rare, threatened, or endangered species, no stream/buffers, steep slopes, or known historical or cultural resources on site. The site is located within the Lower Rock Creek Watershed, as use I-P watershed¹.

There is no forest on-site or adjacent to the Property, however there is an afforestation requirement of 0.30 acres. The Applicant is proposing to meet this requirement through the planting of on-site canopy trees. Additionally, the study area includes nine specimen trees, found both on-site and within 100-feet of the property line, ranging in size from 30 to 46-inches in diameter at breast-height (DBH). One specimen tree, number 71 which was observed to be a 34-inch DBH Black Walnut was observed in previous Applications for the Subject Property, but has since been removed to avoid hazardous conditions for a neighboring residence; for the purposes of this Application this tree is to be included in all necessary Forest Conservation calculations and Variance mitigation requirements.

Variance

Due to the impact on existing trees anticipated by the proposed project, this Application is subject to a forest conservation variance. Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. The Law requires no impact to trees that: measure 30 inches or greater in DBH; are part of a historic site or designated with a historic structure; are designated as current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species ("Protected Trees"). Any impact to a Protected Tree, including removal or disturbance within the Tree's critical root zone ("CRZ") requires a variance. An application for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the Montgomery County Forest Conservation Law.

The Applicant submitted a variance request in a letter dated January 22, 2020 for the removal of five specimen trees and for specimen tree 71 which was previously removed. This results in a mitigation requirement of at least 54.35 caliper-inches of replacement native canopy trees. The Applicant proposes to meet this requirement through the on-site planting of eleven 3.5" caliper trees and six 3" caliper trees. This results in a total of 56.5" of mitigation planting, which exceeds the requirement. The estimated on-site 20-year canopy coverage provided by these mitigation tree plantings will also be used towards the Sector Plan green cover requirement. Due to the dual purposes of the proposed trees, the Sketch Plan required the Applicant to prioritize at-grade, rather than over structure, planting of trees to ensure long-term health. Despite the Site's restricted space within the property line, which was further limited by the proposed through-block connection, the Applicant currently proposes at-grade planting and at least 600 cubic feet of soil volume for all canopy trees.

Green Cover

The Subject Property consists of a net lot area of 79,803 square feet which results in a green cover requirement of at least 27,931 square feet (35% of site area). Section 2.4.1(B) of the *Bethesda Downtown Sector Plan* also states

¹ Use I-P: WATER CONTACT RECREATION, PROTECTION OF AQUATIC LIFE, AND PUBLIC WATER SUPPLY

Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply; industrial water supply; and public water supply.

that “if on-site energy generation requires the use of either the roof or open space, accommodations for these features may alter the 35 percent minimum green cover requirement”.

The green cover exhibit submitted by the Applicant shows a proposed green cover area of approximately 22,569 square feet composed of intensive green roof, tree canopy coverage, and bioretention planting. The Sector Plan allows the green cover to be reduced to allow for on-site energy generation, therefore the Applicant proposes 5,550 sf of rooftop solar panels in lieu of green cover to achieve the 35% green cover recommendation.

In the Sketch Plan Application for this project, the Applicant proposed approximately 16,931 square feet of traditional green cover and 11,000 square feet of rooftop solar panels. As conditioned in the approved Sketch Plan, the Applicant was required to maximize the green cover area composed of green roof, canopy cover, and bioretention plantings in pursuit of the Sector Plan’s urban green goals. The resulting change in green cover composition, as shown in the current Application, reflects an ongoing collaboration between the Applicant Team and Staff to reach a solution that adheres to Sector Plan recommendations and goals as closely as possible.

Noise

The Subject Application provides residential units fronting an arterial roadway and is therefore subject to the noise regulations associated with residential development. To address development standards regarding noise mitigation, the Applicant coordinated with Phoenix Noise & Vibration, LLC, an engineer specializing in acoustics. The analysis shows that noise levels upon the proposed building facades and within the pool terrace are appropriately mitigated by the future topography and building structure. A portion of the 2nd floor pool terrace, facing Old Georgetown Road, will be exposed to noise levels greater than 65 dBA Ldn. Phoenix Noise & Vibration notes that mitigation for noise in this area can be provided through the construction of a five-foot noise barrier at the edge of the terrace. Given the adverse impact a tall parapet would have on the building’s architecture and massing, the Applicant is requesting a waiver of this requirement pursuant to Section 2.2.2. of the Noise Guidelines to allow for the increased noise levels in this courtyard. This request is typical in urban centers throughout the County where vehicular movement and activity is concentrated. As such, Staff is recommending approval of the Applicant’s waiver request.

Phoenix Noise & Vibration, LLC further states that all residential units located along the Old Georgetown Road elevation will be exposed to future transportation noise levels greater than 65 dBA Ldn and up to 73 dBA Ldn. Additionally, a portion of the residential units located on the southeast and northwest ends of the building, as well as at the ends of the pool terrace elevations will also be exposed to future transportation noise levels greater than 65 dBA Ldn. These units require further analysis to determine whether the proposed building architecture will be capable of maintaining interior noise levels below 45 dBA Ldn. If necessary, interior noise levels can be maintained below 45 dBA Ldn by increasing the STC ratings of the exterior building components such as windows and doors. The remaining residential units will not be exposed to significant transportation noise levels and do not require mitigation as currently proposed.

SECTION 4: PRELIMINARY PLAN AMENDMENT 12016022A

ANALYSIS AND FINDINGS

The Preliminary Plan Amendment will create one lot, measuring approximately 79,802 square feet or 1.83 acres of Site area, to allow for a maximum density of up to 297 multi-family dwelling units. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application meets all applicable sections. The size, width, shape, and orientation of the proposed lot is appropriate for the location of the subdivision taking into account the recommendations included in the applicable Master Plan, and for the type of development or use contemplated. The Application has been reviewed by other applicable County agencies, all of which have recommended approval of the Preliminary Plan Amendment.

1. *The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The proposed lot size, width, shape, orientation, and density are appropriate for the location of the subdivision considering the recommendations in the 2017 *Bethesda Downtown Sector Plan* and the type of development and use contemplated. The lots were reviewed and found to be in compliance with the dimensional requirements for the CR zone, as specified in the Zoning Ordinance.

2. *The Preliminary Plan substantially conforms to the Master Plan.*

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.
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 located in the Battery Lane District, designated as Site 17 on page 130 of the Sector Plan, and specifically recommended the CR zone to promote infill redevelopment with high density residential and increased building heights. This District consists of a range of housing types including garden style apartments along Battery Lane as well as single unit homes and low- to high-rise buildings. Battery Lane Park and the North Bethesda Trail are located in the center of the District and are heavily utilized, however wider buffered sidewalks and connections through long blocks are needed to make this neighborhood a

truly walkable area. Specifically, the Project addresses the following applicable goals as outlined in the Sector Plan:

- *Promote enhanced redevelopment opportunities to foster a quality mix of housing options.*

The Project proposes to replace a church, associated day care, and three single-family dwellings with a multi-family residential building which will increase housing options and density as envisioned in the Sector Plan.

- *Improve pedestrian and bike connectivity through the district and along the park.*

The Project will provide a through block connection through the rear of the site as recommended in the Sector Plan. The through block connection will be at least 15 feet wide with a minimum 8-foot path to accommodate both pedestrians and bicyclists.

- *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 green cover exhibit submitted by the Applicant shows a net lot area of 79,803 square feet and a resulting green coverage requirement of at least 27,931 square feet (35% of site area). The Applicant proposes approximately 22,569 sf be achieved through intensive green roof, bioretention planting, and canopy cover. The Sector Plan allows the green cover to be reduced to allow for on-site energy generation, therefore the Applicant proposes 5,550 sf of rooftop solar panels in lieu of green cover to achieve the 35% green cover recommendation.

The Preliminary Plan Amendment substantially conforms with 2017 *Bethesda Downtown Sector Plan*, including the specific density recommendations, applicable urban design, roadway, and general recommendations outlined in the Sector Plan for the Subject Property.

3. *Public facilities will be adequate to support and service the area of the subdivision.*

Vehicular access to the Property is proposed directly from Old Georgetown Road and Glenbrook Road. Pedestrian and bicycle access to the Property will be provided along the established sidewalk network on Old Georgetown Road, Glenbrook Road, Rugby Avenue and via the proposed pedestrian throughblock connection.

Transit Connectivity

The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station (located less than a half-mile to the north of the Site), Metrobus, RideOn, the Bethesda Circulator and future Purple Line.

Master Plan Roadways and Pedestrian/Bikeway Facilities

The 2017 *Bethesda Downtown Sector Plan* recommends the following along property frontages:

1. Old Georgetown Road, along the western site frontage, as a major highway (M-4) with a minimum right-of-way width of 100 feet;
2. Glenbrook Road, along the southern site frontage, as a business district roadway with a minimum right-of-way width of 80 feet.
3. Rugby Road, along the northeastern site frontage, as a business district roadway with a minimum right-of-way of 50 feet.

4. No designated bicycle facilities are master-planned on any of the three site frontages.

Right-of-Way Abandonment

The Site contains two improved public rights-of-way that were recently abandoned by the County Council through abandonment application AB751 (County Council Resolution 18-711). Those rights-of-way include the terminus of Rugby Avenue, located along the north eastern portion of the Site, and a twenty-foot wide alley, located along the eastern portion of the Site.

Sector-Planned Transportation Demand Management

The Sector Plan encourages a Non-Auto Driver Mode Share (NADMS) of 55 percent, averaged between employees and residents of Downtown Bethesda. In order to meet this goal, Downtown Bethesda is organized into a Transportation Demand Management District (TMD) that strives to promote travel by means other than single occupancy vehicles. A Traffic Mitigation Agreement (TMAG) was required under previously approved Preliminary Plan (120160220; MCPB No. 16-061). The draft TMAG must be updated, finalized and executed prior to issuance of any building permits to participate in the Bethesda TMD.

Adequate Public Facilities

Transportation

The Preliminary Plan Amendment is estimated to generate a net decrease of 56 auto driver trips in the morning peak hour and 43 auto driver trips in the evening peak hour, as compared to the previously approved Preliminary Plan. Since the Project will generate fewer than 50 net new person trips, the Local Area Transportation Review was satisfied with a transportation exemption statement, dated February 24, 2020.

School Capacity

The Project was analyzed based on the FY20 Annual School Test, approved by the Planning Board on June 20, 2019 and effective July 1, 2019. The application proposes development of 297 multi-family high-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.

Per Unit Student Generation Rates – Southwest Region

| | Elementary School | Middle School | High School |
|---------------------|------------------------------|----------------------|--------------------|
| SF Detached | 0.186 | 0.109 | 0.151 |
| SF Attached | 0.167 | 0.085 | 0.111 |
| MF Low-Rise | 0.150 | 0.068 | 0.085 |
| MF High-Rise | 0.041 | 0.018 | 0.025 |

With a net of 296 units, the proposed Project is estimated to generate the following number of students:

| Type of Unit | Net Number of Units | ES Generation Rates | ES Students Generated | MS Generation Rates | MS Students Generated | HS Generation Rates | HS Students Generated |
|--------------|---------------------|---------------------|-----------------------|---------------------|-----------------------|---------------------|-----------------------|
| SF Detached | -1 | 0.186 | -0.186 | 0.109 | -0.109 | 0.151 | -0.151 |
| MF High-Rise | 297 | 0.041 | 12.177 | 0.018 | 5.346 | 0.025 | 7.425 |
| TOTAL | 296 | | 11 | | 5 | | 7 |

This Project is estimated to generate 11 new elementary school students, 5 new middle school students, and 7 new high school students.

Cluster Adequacy Test

The project is located in the Bethesda-Chevy Chase cluster area. The student enrollment and capacity projections from the FY20 Annual School Test for the cluster are noted in the following table:

| School Level | Projected Cluster Totals, September 2024 | | | Moratorium Threshold | Estimated Application Impact |
|--------------|--|--------------------|---------------|----------------------|------------------------------|
| | Enrollment | Program Capacity | % Utilization | | |
| Elementary | 3,714 | 4,020 ¹ | 92.4% | 1,111 | 11 |
| Middle | 1,917 | 2,024 | 94.7% | 511 | 5 |
| High | 2,410 | 2,457 | 98.1% | 538 | 7 |

The Moratorium Threshold identified in the table 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. As indicated in the last column, 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. Based on the FY20 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

| School | Projected School Totals, September 2024 | | | | Moratorium Threshold | Estimated Application Impact |
|-------------|---|------------------|---------------|------------------|----------------------|------------------------------|
| | Enrollment | Program Capacity | % Utilization | Surplus/ Deficit | | |
| Bethesda ES | 731 | 698 ² | 104.7% | -33 | 107 | 11 |
| Westland MS | 899 | 1,089 | 82.6% | +190 | 408 | 5 |

¹ The projected cluster elementary school capacity of 3,813 has been modified to reflect the impact of a six-classroom placeholder project at Bethesda ES and a four-classroom placeholder project at Somerset ES included by the County Council in the FY20 Capital Budget.

² The projected Bethesda ES capacity of 560 students has been modified to reflect the impact of a six-classroom placeholder project included by the County Council in the FY2019-2024 Capital Improvements Program.

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 table above are the numbers of additional projected students that would cause the projected utilization to exceed the 120% utilization threshold and the seat deficit threshold. As indicated in the last column, 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.

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.

4. *All Forest Conservation Law, Chapter 22A requirements are satisfied.*

A Natural Resource Inventory Forest Stand Delineation (NRI/FSD) was approved for this Site on August 21, 2019. The plan, designated No. 420200100, identified the existing man-made and natural features associated with the Property. There is no forest on-site or adjacent to the Property, however there is an afforestation requirement of approximately 0.30 acres which will be met by onsite tree canopy coverage.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services (MCDPS) on May 28, 2020 (Attachment B). The Applicant proposes to meet stormwater management requirements through environmental site design with the use of micro-bioretenion planter boxes. Due to site limitations and an existing shallow storm drain, additional treatment cannot be provided and therefore a partial waiver was granted by MCDPS.

6. *Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.*

No other provisions apply to the Subdivision.

SECTION 5: SITE PLAN 820200130

FINDINGS

1. *When reviewing an application, the approval findings apply only to the site covered by the application.*

2. *To approve a Site Plan, the Planning Board must find that the proposed development:*

a. satisfies any previous approval that applies to the site;

The Site Plan conforms to all binding elements of Sketch Plan No. 320190100.

b. satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;

Development Plan G-864 was previously approved for this site as a PD zone application, however, the Property is no longer subject to this development plan pursuant to Section 59.7.7.1.B.5.a.i of the Zoning Ordinance. After the 2017 *Bethesda Downtown Sector Plan* was adopted, a Sectional Map Amendment was approved implementing the new CR zone. The associated Sketch Plan (MCPB 19-108) conditioned the Project to submit a letter of withdrawal prior to Certification of the Preliminary Plan Amendment.

c. satisfies under Section 7.7.1.B.5 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 a Sectional Map Amendment was approved for the Property, implementing the Sector Plan and new CR zone, pursuant to Section 59.7.7.1.B.5.a.i.

d. satisfies applicable use standards, development standards, and general requirements under this Chapter;

i. Division 4.5. Commercial/Residential Zones

Development Standards

The Tract is approximately 2.52 tract acres or 109,771 square feet, zoned CR 2.5, C 0.75, R 1.75, H-120', and is within the Bethesda Overlay Zone. The following Data Table shows the Application's conformance to the development standards of the zone.

| Table 1: Project Data Table (Section 59.4) | | |
|---|---|--|
| Development Standard | Permitted/ Required | Proposed |
| Tract Area (Square Feet/ Acres) CR 2.5, C 0.75, R 1.75, H-120 | | |
| Total Tract Area | n/a | 109,694 sf (2.52) |
| Site Area (Square Feet/ Acres) Prior Dedication Proposed Dedication Site Area (Tract Area – Dedications) | n/a | 22,562 sf (0.52) 7,330 sf (0.17) 79,802 sf (1.83) |
| Residential Density (GFA/ FAR) | 191,964 sf (1.75) | 191,964 sf (1.75) |
| Commercial Density (GFA/ FAR) | 82,270 sf (0.75) | 0 sf (0) |
| Total Mapped Density (GFA/FAR) | Residential 191,964 sf (1.75) Commercial 82,270 sf (0.75) Total 274,235 sf (2.5) | 191,964 sf (1.75) 0 sf (0) 191,964 sf (1.75) |
| MPDU Density (GFA/FAR) | 15% | 15% (45 units) 36,607 sf (0.33) |
| Bethesda Overlay Zone Density (GFA/ FAR) | n/a | 124,536 sf (1.14) |
| Total GFA/ FAR | n/a | 316,500 (2.89) |
| Building Height | 120 feet | 90 feet |
| Public Open Space (min) | 10% | 11% (8,775 sf) |
| Green Cover | 35% | Tree Cover 14,905 sf Green Roof 7,572 sf Solar Array 5,500 sf Total- 35% (27,977 sf) |
| Minimum Setbacks | Front: n/a Side: n/a Rear ² : 30' | Front: 0 Side: 22' (western) 0' (eastern) Rear ² : 30' |

¹ Sketch Plan 320190100 approved the use of a solar array as a 1 to 1 substitute for Green Cover per Bethesda Downtown Sector Plan recommendations to allow projects proposing onsite energy generation to alter the 35% green cover recommendation.

² Residential Compatibility Standards per Section 59.4.8.1.A apply. Rear setback is based on 1.5 times the minimum rear setback for the abutting residential zone (R60).

| Table 1 (Con't): Parking | | |
|--|-----------------------------------|----------------------------|
| Parking | Spaces Required | Spaces Provided |
| Vehicle Parking | | |
| Residential | | |
| 1 Bedroom (192 market rate units); 30 MPDUS | (111 minimum/ 278 maximum) | -- |
| 2 Bedroom (60 market rate units); 15 MPDUS | (53 minimum/ 113 maximum) | -- |
| | -- | -- |
| Total Residential Units (252 Market rate; 45 MPDUS) | (164 minimum/ 391 maximum) | -- |
| Reduced 20% (Bethesda Overlay Zone) | 132 Minimum | 292-298⁴ |
| Bicycle Parking (Long Term/ Short Term) | | |
| Residential (297 units) | (95/5) 100 ³ | (95/10) 105 |
| Total Bicycle Parking | (96/5) 100 | (96/10) 105 |
| Loading Spaces | 1 | 1 |

³ Bicycle Parking requirement is limited to a maximum of 100 spaces.

⁴ Parking to be finalized at building permit.

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 (PIP) 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 cap.

ii. *Division 4.7. Optional Method Public Benefits*

In accordance with the Zoning Ordinance, Section 59.4.7.1., the Site Plan proposes the following public benefits to satisfy the requirements: Connectivity and Mobility, Diversity of Uses and Activities, Quality of Building and Site Design, and Protection of the Natural Environment.

| Table 2: Public Benefits Calculations | | | |
|---|--------------------------|---------------|---------------|
| Public Benefit | Incentive Density Points | | |
| | Max Allowed | Requested | Recommended |
| 59.4.7.3C: Connectivity and Mobility | | | |
| Minimum Parking ¹ | 20 | 3.17 | 3.56 |
| Through-Block Connections ¹ | 30 | 20 | 20 |
| 59.4.7.3D: Diversity of Uses and Activities | | | |
| Enhanced Accessibility | 10 | 5 | 5 |
| 59.4.7.3E: Quality of Building and Site Design | | | |
| Exceptional Design ¹ | 30 | 20 | 15 |
| Architectural Elevations ¹ | 30 | 30 | 30 |
| Structured Parking | 20 | 20 | 20 |
| 59.4.7.3F: Protection and Enhancement of the Natural Environment | | | |
| BLTs | 30 | 4.82 | 4.82 |
| Cool Roof | 15 | 5 | 10.46 |
| TOTAL | | 110.56 | 108.84 |

¹Denotes Sector Plan priority

Connectivity and Mobility

Minimum Parking: The Applicant requests 3.17 points for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points for providing the maximum allowable number of on-site spaces to 20 points for providing no more than the minimum numbers of spaces on site. The Applicant proposes a range of 292-298 parking spaces, which will be finalized at the time of building permit. For purposes of calculating public benefit points, the calculation was based on the maximum proposed, 298 spaces. Based on the formula set forth in the 2017 *Commercial/ Residential and Employment Zones Incentive Density Implementation Guidelines*, provided below, Staff recommends 3.56 public benefit points in this category; the slight increase is due to an error in the Applicant's calculation.

$$\begin{aligned} & [((\text{Maximum Allowed Parking}) - (\text{Parking Provided})) / \\ & ((\text{Maximum Allowed Parking}) - (\text{Minimum Parking}))] * 10 \\ & (390 - 298) / (390 - 132) * 10 = 3.56 \text{ points} \end{aligned}$$

Through Block Connection: The Applicant requests 20 points for providing a through-block connection between Glenbrook Road and the western property line, as envisioned in the Sector Plan. The proposed through-block connection will be a minimum of 15 feet in width with plantings on either side of an 8-foot paved path. Points for this incentive are granted on criteria such as public access, minimum width, and minimum hours of operation, as determined by the Guidelines. The Applicant states this through-block connection will be open to the public at all hours, and provide pedestrian access from Glenbrook Road to Rugby Avenue, and onto Battery Lane Urban Park to the north. To the west, the through-block connection will end at the western property line which abuts the neighboring property's parking lot, and when Bethesda Chevy-Chase Rescue Squad redevelops, that property will provide the connection through to Battery Lane. Staff recommends 20 points with this category with the condition that the path be ADA accessible.

Diversity of Uses and Activities

Enhanced Accessibility for the Disabled: The Applicant requested 5 points for exceeding the requirements for the Americans with Disabilities Act (ADA). The Applicant proposes to construct 5 units that satisfy the American National Standards Institute A117.1 Residential Type A standards, or a County equivalent. Staff recommends 5 points for this category.

$$\begin{aligned} & (\text{ANSI 117.1 Units} / \text{Total Units}) * 300 \\ & (5 / 297) * 300 = 5 \text{ points} \end{aligned}$$

Quality of Building and Site Design

Architectural Elevations: The Applicant is requesting 30 points for providing architectural elevations as part of the Certified Site Plan showing particular elements in the façade including minimum amounts of transparency on the first floor, minimal spacing between operable doors, and design priorities of the applicable sector plan or implementing design guidelines.

Approximately 60% of the ground floor along Old Georgetown Road will be transparent, consisting mainly of expansive double height storefront glass and amenity space, and no blank walls along

this façade will exceed 35 feet in length. Along the Glenbrook Road and Rugby Avenue frontages, approximately 32% of the ground floor will be transparent. These amounts far exceed the minimum 20% standard for these frontages established by Section 59.4.5.3 of the Zoning Ordinance. There are two pedestrian entrances along the Project's Old Georgetown Road elevation: one towards the northern end of the Project, and one at the corner of Old Georgetown Road and Glenbrook Road. Given the change in elevation along the Old Georgetown Road façade, additional entries were not feasible. The majority of Glenbrook Road consists of residential units with individual unit entries.

Additionally, the design of the Project furthers the objectives and design priorities of the Sector Plan, as well as its associated guidelines. The Project conforms to the streetscape and massing recommendations of the Design Guidelines and provides an appropriate transition between Old Georgetown Road and the adjacent residential areas. The use of bays, floating planes, elevation setbacks, integrated balconies and material changes are all used in a harmonious manner that creates a successful façade. The bays and floating planes help create a natural 2 story awning/covered space that extends the majority of the Old Georgetown Road elevation. This, coupled with the significant amount of expansive double height storefront looking into the amenity space, creates an enhanced urban edge and pedestrian experience.

As conditioned, the architectural elements must be substantially similar to architectural elevations shown on the submitted architectural drawings. Staff supports 30 points for this category.

Exceptional Design: The Applicant initially requested 20 points for a building or site design that enhances the public realm in a distinct and original manner, however, this request was reduced to 10 points as part of the subsequent plan review. The Applicant presented this Project to the Design Advisory Panel on two occasions, including the Sketch Plan, and actively participated in an iterative public design process to achieve the goals set forth in the Sector Plan.

As evaluated through the exceptional design criteria, the Project incorporates a high quality of articulation, streetscape, and material transitions. As a site receiving an allocation of Bethesda Overlay Zone density, the Project was reviewed by the Design Advisory Panel during their meeting on January 22, 2020. The Applicant requested 20 Exceptional Design points and the Panel supported a maximum of 15 points (based on staff's review of further improvements). All five Panel members voted to support the design, with the following recommendations:

- a. Corner treatment recommendations to be reviewed by Staff, which may determine whether it needs to return to the DAP
- b. Direction on corner treatment:
 - i. Seems to be ambivalence between building entrance and the unit location on the ground floor which is a real problem. Should communicate more as domestic rather than office.
 - ii. Is there an opportunity to inset or project one to emphasize entrance? The blade wall isn't enough and the blade wall on the right side reads very different than the left, but the solid plane glass could be manipulated. Perhaps more detail, with window character.

During Staff's subsequent review of the Project, the Applicant incorporated DAP's comments and supports the revised design. The Glenbrook Road elevation wraps the corner and extends the

residential character of the base of the building with residences and unit entries at the street level. The lobby entrance was moved closer to the Old Georgetown Road frontage and creates an overall strong composition.

Based on the revised design, the Applicant maintains the request for 20 Exception Design points, however based on the notes taken at the DAP, the members did not vote to allow for additional points. Staff recommends 15 points for this category.

Additional context and discussion for the DAP's recommendations are included in the attached DAP meeting summary (Attachment B).

Structured Parking: The Applicant requests 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. Staff supports 20 points in this category based on the following formula:

$$[(\text{Above Grade Parking} / \text{Total Parking}) * 10] + [(\text{Below Grade Parking} / \text{Total Parking}) * 20] \\ [(0/298) * 10] + [(298/298)] * 20 = 20 \text{ points}$$

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT): The Applicant requests 4.2 points for the purchase of 0.5358 BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area, exclusive of any density allocated for MPDUs. Based on the calculation set forth in Section 59.4.7.3.F of the Zoning Ordinance, Staff supports 4.82 points for this category.

$$(((\text{Incentive Density} - \text{Standard Method Density}) * 7.5\%) / 31,500) * 9 = \\ (((225,046 \text{ sf}) - (54,847 \text{ sf})) * 7.5\%) / 31,500) * 9 = 4.82 \text{ points}$$

Cool Roof: The Applicant requests 5 points for proposing to provide 30,000 square feet of cool roof that will collectively meet or exceed a solar reflectance index (SRI) of 75. The Applicant will achieve this through utilizing a system that would go under the solar panels on the roof to maximize cool roof on areas not covered by vegetation. Based on the proposed amount of cool area proportioned with the remaining roof, Staff recommends 10.46 points for this benefit.

iii. Division 6.1. Site Access

Pedestrian access to the Site will be from the established sidewalk network along Old Georgetown Road, Glenbrook Road, Rugby Avenue and the through block connection at the rear of the Site. The Old Georgetown Road and Glenbrook Road streetscape will be enhanced, consistent with the Bethesda Streetscape Standards. Bicycle parking for residents will be provided within the parking structure and publicly accessible short-term bicycle parking will be provided near the building front entrance.

Vehicular Access will be provided by two new driveways: one on Old Georgetown Road and the other on Glenbrook Road. The driveway on Old Georgetown Road is considered the main driveway, which proposes full movement ingress and egress access for both the parking garage and the designated loading and trash collection area. The driveway on Glenbrook Road has been designed to minimize

safety concerns and impacts to pedestrians and the existing single-family dwellings by only permitting left turns into the parking garage from Glenbrook Road, and right turns from the parking garage (westbound movement) onto Glenbrook Road. This design and operation is directed by proposed signage and the curvature of the driveway to restrict vehicular movement from turning left onto Glenbrook Road, and turning right into the parking garage from Glenbrook Road. This configuration is the result of direction provided by the Board from the approval of Preliminary Plan (120160220) for the Subject Site.

Preliminary Plan 120160220 approved two access points to the Subject Site, which at that time was not subject to the current standards of the Zoning Ordinance, however, this Site Plan is subject to the current Zoning Ordinance standards. Section 59.6.1.4.E states that a vehicle must access a corner lot with only one driveway or a through lot from the street with the lower road-way classification. The Applicant is seeking Alternative Compliance under Section 59.6.8 for this requirement, which the Planning Board may approve if the alternative design will:

a. Satisfy the intent of the applicable Division;

The alternative design satisfies the intent to ensure safe and convenient vehicular, bicycle, and pedestrian circulation within and between lots on the same block face by allowing two access points to disperse traffic impacts between Old Georgetown Road and Glenbrook Road. The design of the driveway on Glenbrook Road limits turning movements to minimize conflicts with pedestrians and restricts vehicles from travelling into the single-family neighborhood on Glenbrook Road.

b. Modify the applicable functional results or performance standards the minimal amount necessary to accommodate the constraints;

The alternative design modifies the performance standards to the minimal amount by only allowing two access points on the corner lot, while limiting and restricting the vehicular movements off Glenbrook Road.

c. Provide necessary mitigation alleviating any adverse impacts; and

The alternative design minimizes impacts entirely through design and does not require additional mitigation to achieve the intent of the Division.

d. Be in the public interest.

The restriction of movements off Glenbrook Road, which is the lower roadway classification, is a direct result of concerns from the surrounding single family dwelling neighborhood. The design is in the public interest as it takes into account the potential impact of this development within the existing context.

Staff recommends approval of the Alternative Compliance for Driveway Access, Section 59.6.1.4.E.

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

Parking for the residential building will be provided in a below-grade facility with two access points, one from Old Georgetown Road and one from Glenbrook Road. The driveway on Old Georgetown Road is considered the main driveway, which proposes full movement ingress and egress access for both the parking garage and the designated loading and trash collection area.

The Sector Plan recommends each application in downtown Bethesda promote a constrained parking policy that supports a transit-oriented downtown. This is done by providing parking below the minimum and exploring opportunities for co-location of public facilities on Parking Lot District properties and facilities. As a project within the Bethesda Overlay Zone, the Applicant is receiving a 20 percent reduction in number of spaces required and is providing 298 spaces, which may be reduced to 292 spaces (to be finalized at the time of building permit) in a below-grade garage, which is below the minimum required consistent with the Zoning Ordinance.

The Project includes one bicycle parking room on-site within the parking garage to provide long-term bicycle storage for the residents. Bicyclists can access the room via the parking garage, residential lobby, or the secondary entrance on Old Georgetown Road. The bicycle parking rooms will provide secure, private parking for 95 bikes and the proposed layout meets the design and capacity standards set by the Zoning Ordinance. The final number of automobile and bicycle parking spaces will be determined at Certified Site Plan based on the final number of residential dwelling units.

v. *Division 6.3. Open Space and Recreation*

The Project is required to provide 10% of the Site as public open space (7,980 sf); the Applicant proposes to exceed this requirement by providing 11% (8,775 square feet) of public open space, which will be achieved predominantly within the through block connection at the rear of the Site. This Sector Plan recommended connection will link Glenbrook Road to the western property line, and when the adjacent property redevelops, the connection will be completed to Battery Lane. The through-block connection also links Glenbrook Road to Rugby Avenue to the rear, which ultimately connects to Battery Lane Urban Park. The through block connection will be a minimum of fifteen feet in width with an 8-foot pathway for pedestrians and bicyclists, with vegetation and tree plantings on either side of the pathway.

The Application is in conformance with the *Recreation Guidelines*, as demonstrated in the Recreation Facilities Data table provided with the Application (Scenario ID 12475). The Applicant is providing bicycle amenities; indoor community spaces, including lounges and a fitness space; three outdoor courtyards with a pool, grills, and rooftop amenities, among other elements. Final locations and quantities of each of these amenities will be shown on the Certified Site Plan.

vi. *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 will transform existing streetscape along Old Georgetown Road and Glenbrook Road with new street trees, improved, wider sidewalks, street lighting, and street furniture. The Project will also provide a new through-block pedestrian connection, as recommended by the Sector Plan. The on-site lighting will limit the necessary light levels to streets and sidewalks.

As shown in the Development Standards table, the Site Plan meets all general requirements and development standards of Section 4.5 of the Zoning Ordinance, the optional method public benefits provisions of Division 4.7 of the Zoning Ordinance, and the general development requirements of Article 59-6 of the Zoning Ordinance.

e. satisfies the applicable requirements of:

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services (MCDPS) on May 28, 2020 (Attachment B). The Applicant proposes to meet stormwater management requirements through environmental site design with the use of micro-bioretenion planter boxes. Due to site limitations and an existing shallow storm drain, additional treatment cannot be provided and therefore a partial waiver was granted by MCDPS.

ii. Chapter 22A, Forest Conservation.

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 although there is no forest onsite. The proposed project results in an afforestation requirement of 0.30 acres which the Applicant will meet through onsite canopy coverage.

The Subject Application provides residential units fronting an arterial roadway and is therefore subject to the Montgomery County Noise Guidelines associated with residential development. To address development standards regarding noise mitigation, the Applicant coordinated with Phoenix Noise & Vibration, LLC, an engineer specializing in acoustics. The analysis shows that noise levels upon the proposed building facades and within the pool terrace are appropriately mitigated by the future topography and building structure. A portion of the 2nd floor pool terrace, facing Old Georgetown Road, will be exposed to noise levels greater than 65 dBA Ldn. Phoenix Noise & Vibration notes that mitigation for noise in this area can be provided through the construction of a five-foot noise barrier at the edge of the terrace. Given the adverse impact a tall parapet would have on the building's architecture and massing, the Applicant is requesting a waiver of this requirement pursuant to Section 2.2.2. of the Noise Guidelines to allow for the increased noise levels in this courtyard. This request is typical in urban centers throughout the County where vehicular movement and activity is concentrated. As such, Staff is recommending approval of the Applicant's waiver request.

Phoenix Noise & Vibration, LLC further states that all residential units located along the Old Georgetown Road elevation will be exposed to future transportation noise levels greater than 65 dBA Ldn and up to 73 dBA Ldn. Additionally, a portion of the residential units located on the southeast and northwest ends of the building, as well as at the ends of the pool terrace elevations will also be exposed to future transportation noise levels greater than 65 dBA Ldn. These units require further analysis to determine whether the proposed building architecture will be capable of maintaining interior noise levels below 45 dBA Ldn. If necessary, interior noise levels can be maintained below 45 dBA Ldn by increasing the STC ratings of the exterior building components such as windows and doors. The remaining residential units will not be exposed to significant transportation noise levels and do not require mitigation as currently proposed. As conditioned, the Project will meet the standards of the Noise Guidelines.

- f. *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 provides a private driveway from Old Georgetown Road which consolidates the garage and loading entrance. The private driveway continues to Rugby Avenue which will allow for emergency access only. A second garage access for residents is located off Glenbrook Road. Additionally, the Project improves the public streetscape along Old Georgetown Road, Glenbrook Road and Rugby Avenue. The building provides entrances along Old Georgetown Road, Glenbrook Road, and the through-block pedestrian connection. The Project provides safe and well-integrated open spaces and site amenities.

- g. *substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

As discussed in the Preliminary Plan Amendment 12016022A findings of this Staff Report, the Site Plan substantially conforms with the recommendations of the Sector Plan. The Site Plan proposes a residential development with up to 297 multifamily residential dwelling units with a minimum of 15% MPDUs, as well as underground parking and on-site amenities for the residents.

Further, the Applicant will provide a minimum of 35% of the Site Area (27,931 square feet) with 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, on portions of the building in addition to micro-bioretenction planters, canopy cover, and rooftop solar panels.

Section 2.4.1 (B) of the *Bethesda Downtown Sector Plan* recommends the following regarding urban green cover:

On private property, provide a minimum of 35 percent green cover, which may include singularly or a combination of the following: intensive green roof (6 inches or deeper) on 35 percent of rooftop, tree canopy on 35 percent of landscape, [or] a combination of tree canopy and intensive green roof for a total green cover of 35 percent or greater*.

**If on-site energy generation requires the use of either the roof or open space, accommodations for these features may alter the 35 percent minimum green cover requirement.*

The Sector Plan's Urban Ecosystem goals are intended to support biodiversity and local wildlife while providing improved air quality and carbon sequestration. While the use of solar panels supports the Sector Plan's Renewable Energy generation goals, solar panels do not serve as a direct replacement of green cover in achieving all the Urban Green Goals outlined.

With the related Sketch Plan (320190100), the Applicant proposed approximately 16,931 square feet of traditional green cover and 11,000 square feet of rooftop solar panels. The Sketch Plan conditioned the Project to maximize the green cover area composed of green roof, canopy cover, and bioretention plantings in pursuit of the Sector Plan's urban green goals. The resulting change

in green cover composition, as shown in the current Application, reflects an ongoing collaboration to reach a solution that adheres to Sector Plan recommendations and goals as closely as possible.

- h. 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. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

As discussed in the Preliminary Plan Amendment No. 12016022A findings, the development will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

- i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

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

- j. on a property in all other zones, is compatible with existing, approved or pending adjacent development.*

The Project provides high density residential infill in a manner that is appropriate for this area of Downtown Bethesda and adjacency to a residential neighborhood. The redevelopment of an underutilized site with surface parking with multi-family dwelling units and a through block connection is compatible with the adjacent residential and office uses. The Project will construct a building of up to 90 feet in height and stepping down in the rear to match the heights of existing single-family dwellings. The location of the through-block connection in the rear will provide access to the existing Battery Lane Urban Park.

- 3. To approve a Site Plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.*

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

- 4. For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

Not applicable, the Subject Property is not zoned C-1 or C-2.

Community Outreach

The Applicant has met all signage, noticing, and submission meeting requirements. The Applicant held a pre-submittal public meeting at the Bethesda Elementary School, 7600 Arlington Road, on January 6, 2020. Staff received one letter of correspondence with concerns regarding the driveway on Glenbrook Road. The letter

requests signage for 'right turn only' and 'stop'. The Proposed Signage and Marking Plan includes both of these signs and as previously described, the driveway has been designed to restrict left turn movements onto Glenbrook Road. The letter also requests the Applicant to install screening to block headlights from shining into the residences across the street. The Project is directly opposite a commercial building, and as designed, the driveway directs the vehicles away from the existing residences, therefore additional screening is not necessary.

CONCLUSION

The Project complies with the general requirements and development standards of Section 59.4.5, the optional method public benefits provisions of Division 59.4.7, and the general development requirements of Article 59.6 of the Zoning Ordinance. The Project satisfies the findings of the Subdivision Regulations and is consistent with the goals and recommendations of the 2017 *Bethesda Downtown Sector Plan*. Therefore, Staff recommends approval of Preliminary Plan Amendment No. 12016022A and Site Plan No. 820200130 with the conditions specified at the beginning of this report.

ATTACHMENTS

- A. Sketch Plan Resolution MCPB No. 19-108
- B. Design Advisory Panel Memoranda
- C. Agency Letters
- D. Variance Request
- E. Correspondence