



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

MCPB No. 20-052  
Preliminary Plan No. 12016022A  
8015 Old Georgetown Road  
Date of Hearing: July 9, 2020

**AUG 17 2020**

**RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on November 3, 2016, the Planning Board, by Resolution MCPB No. 16-061, approved Preliminary Plan No. 120160220 creating 1 lot on 2.0 acres of land in the PD-44 zone, located at the north corner of Old Georgetown Road and Glenbrook Road ("Subject Property"), in the Bethesda CBD Policy Area and *Woodmont Triangle Amendment to the Bethesda CBD Sector Plan* area; and

WHEREAS, on May 25, 2017, by Resolution No. 18-835, the Montgomery County Council approved and adopted the 2017 *Bethesda Downtown Sector Plan* ("Sector Plan"), which rezoned the Subject Property to CR 2.5 C 0.75 R 1.75 H-120 and the Bethesda Overlay Zone; and

WHEREAS, on February 27, 2020, JLB Realty, LLC ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan(s) 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 on the Subject Property<sup>1</sup>; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12016022A, 8015 Old Georgetown Road ("Preliminary Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the

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<sup>1</sup> The tract area increased from 2.0 to 2.52 acres as part of this application because the original Preliminary Plan was reviewed under the previous PD-44 zone which did not include previously dedicated land on Old Georgetown Road, Glenbrook Road, and Rugby Avenue. This Preliminary Plan Amendment is reviewed under the current CR zone which allows the tract area to reflect previous dedications, therefore this Application included previously dedicated land on Old Georgetown Road, Glenbrook Road, and Rugby Avenue, increasing the tract size to 2.52 acres.

Planning Board, dated June 22, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 9, 2020, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 12016022A 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 subject to the following conditions that supersede the previous conditions in their entirety:<sup>2</sup>

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 No. 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

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<sup>2</sup> For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.



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.*

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

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

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



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; the CR zone was specifically recommended 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 -family 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 though 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 the 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 No. 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*

The Subject Property is located in the southwest region of the County, and based on the generation rates for each school level and the number of dwelling units proposed, the 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 and the Cluster Adequacy test was based on the student enrollment and capacity projections from the FY20 Annual School Test. The Amendment estimates 11 new elementary school, 5 new middle school, and 7 new high school students.

The Moratorium Threshold is the number of additional projected students that would cause the projected utilization to exceed the 120% utilization threshold and therefore trigger a cluster-wide residential development moratorium. The estimated enrollment impacts of this Amendment 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 estimate 11 new students at Bethesda ES and 5 new students at Westland MS.

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 Individual School Adequacy Test indicate the estimated enrollment impacts of this Amendment 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 Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved for this site on August 21, 2019. The NRI/FSD, 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. The Applicant proposes to meet stormwater management requirements through environmental site design with the use of micro-bioretenention 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 are satisfied.*

No other provisions apply to the Subdivision.

BE IT FURTHER RESOLVED that this Preliminary Plan Amendment will remain valid for 72 months from the initiation date established by MCPB Resolution No. 16-061, and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

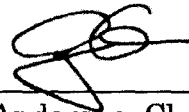
AUG 17 2020 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, July 9, 2020, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board