



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

**AUG 17 2020**

MCPB No.20-053  
Site Plan No. 820200130  
8015 Old Georgetown Road  
Date of Hearing: July 9, 2020

**RESOLUTION**

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

WHEREAS, on February 27, 2020, JLB Realty, LLC ("Applicant") filed an application for approval of a site plan 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 on 2.52 acres of CR 2.5 C 0.75 R 1.75 H-120 and the Bethesda Overlay Zone land, located at the north corner of Old Georgetown Road and Glenbrook Road ("Subject Property"), in the Bethesda CBD Policy Area and 2017 *Bethesda Downtown Sector Plan* ("Sector Plan"), area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820200130, 8015 Old Georgetown Road ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated 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 at which it heard testimony and received evidence on the Application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820200130, which supersedes the previous Site Plan approval (820160090; MCPB No. 16-062) in its entirety, 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, is subject to the following conditions:<sup>1</sup>

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.

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



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 the 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 treatments 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, and 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 the 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 5 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. 5 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 Glenbrook 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.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 820200130, 8015 Old Georgetown Road, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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

1. *The development satisfies any previous approval that applies to the site.*

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

2. *The development satisfies 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.

3. *The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

Although the zoning classification on October 29, 2014 was the result of a Local Map Amendment, Section 7.7.1.B.5 is not applicable because the Property was not in the H-M zone.



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

a. Development Standards

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

- <sup>1</sup> 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.
- <sup>2</sup> 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).

<b>Table 1 (Con't): Parking</b>		
<b>Parking</b>	<b>Spaces Required</b>	<b>Spaces Provided</b>
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)	--
	--	--
<b>Total Residential Units (252 Market rate; 45 MPDUs)</b>	<b>(164 minimum/ 391 maximum)</b>	--
Reduced 20% (Bethesda Overlay Zone)	<b>132 Minimum</b>	<b>292-298<sup>4</sup></b>
Bicycle Parking (Long Term/ Short Term)		
Residential (297 units)	(95/5) 100 <sup>3</sup>	(95/10) 105
<b>Total Bicycle Parking</b>	<b>(96/5) 100</b>	<b>(96/10) 105</b>
Loading Spaces	<b>1</b>	<b>1</b>

<sup>3</sup> Bicycle Parking requirement is limited to a maximum of 100 spaces.

<sup>4</sup> 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.

*i. 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
<b>59.4.7.3C: Connectivity and Mobility</b>			
Minimum Parking <sup>1</sup>	20	3.17	3.56
Through-Block Connections <sup>1</sup>	30	20	20
<b>59.4.7.3D: Diversity of Uses and Activities</b>			
Enhanced Accessibility	10	5	5
<b>59.4.7.3E: Quality of Building and Site Design</b>			
Exceptional Design <sup>1</sup>	30	20	15
Architectural Elevations <sup>1</sup>	30	30	30
Structured Parking	20	20	20
<b>59.4.7.3F: Protection and Enhancement of the Natural Environment</b>			
BLTs	30	4.82	4.82
Cool Roof	15	5	10.46
<b>TOTAL</b>		<b>110.56</b>	<b>108.84</b>

<sup>1</sup>Denotes 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 number 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.

$$\frac{[(\text{Maximum Allowed Parking}) - (\text{Parking Provided})]}{[(\text{Maximum Allowed Parking}) - (\text{Minimum Parking})]} * 10$$

$$(390 - 298) / (390 - 132) * 10 = 3.56 \text{ points}$$

*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 for 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 the 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 Exceptional 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:

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

#### 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.



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

*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.

ii. *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 is proposed to provide ingress and egress access, but will only permit right turns (westbound movement) onto Glenbrook Road for reasons of safety and to lessen the impact on 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.

Based on these findings, the Planning Board approves the Alternative Compliance request for Driveway Access, Section 59.6.1.4.E.

*iii. 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 the number of spaces required and is providing a range of 292 - 298 spaces in a below-grade garage, which is below the maximum 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.

*iv. 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.

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

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The Project 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.

*5. The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

*a. Chapter 19, Erosion, Sediment Control, and Stormwater Management*

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services (MCDPS) on 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.

*b. 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.

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

The Project provides adequate, safe, and efficient parking and circulation patterns. The Project provides a private driveway from Old Georgetown Road which consolidates the garage and loading entrances. 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.

7. *The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

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-bioretenention 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.

8. *The development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

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.

9. *The development is compatible with existing and 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.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and

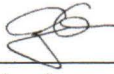
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is AUG 17 2020 (which is the date that this resolution is mailed to all parties of record); and

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).

\* \* \* \* \*

**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