



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

Agenda Date: May 14, 2020
Agenda Item No.: Other Consent Items

May 7, 2020

MEMORANDUM

TO: Montgomery County Planning Board

FROM: Gwen Wright, Planning Director *G LMW*

VIA: Elza Hisel-McCoy, Chief, Area 1 *EH*
Stephanie Dickel, Supervisor, Area 1 *SD*
Matthew Folden, Planner Coordinator, Area 1 *Mat*

RE: Correction of Resolutions
MCPB No. 20-019 and 20-018
Sketch Plan No. 320200020
Preliminary Plan No. 120200070
4824 Edgemoor Lane

Please find the attached redlined version of the Resolutions for Sketch Plan 320200020 and Preliminary Plan 120200070, 4824 Edgemoor Lane. These Resolutions were adopted by the Planning Board at the April 16, 2020, Planning Board Hearing, and were mailed out to all parties of record on April 24, 2020.

These Corrected Resolutions update the date of the hearing to reflect a continuation, from April 2, 2020 to April 16, 2020, and revise Sketch Plan Condition No. 4, pertaining to the Bethesda Downtown Plan Design Guidelines, as stated in the Staff Report and reflective of the final position of the Planning Board.

The Sketch Plan Condition, to be reflected in the Corrected Resolution for Sketch Plan 320200020:

4. Bethesda Downtown Plan Design Guidelines

At the time of Site Plan submission, the Applicant must explore methods to increase the tower separation, along the south façade, to the existing Chase Condominium building. Above the base (i.e., four stories) the Applicant must endeavor to achieve a minimum separation of 30 feet and an average separation of 40 feet, consistent with the DAP's February 26, 2020 meeting minutes.

The current Resolution Condition, to be deleted in the Corrected Resolution for Sketch Plan 320200020:

4. Bethesda Downtown Plan Design Guidelines

At the time of Site Plan submission, proposed building must include a tower step-back along the south façade above the fourth floor. The Step-back must be at least 30 feet away from the existing Chase Condominium building façade and must provide an average separation of 40 feet along the entire southern façade, as specified in the DAP's February 26, 2020 meeting minutes.

cc: Matthew Mills, Associate General Counsel



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

MCPB No. 20-019
Sketch Plan No. 320200020
4824 Edgemoor Lane
Date of Hearing: April 2, 2020

MAY 21 2020

CORRECTED RESOLUTION

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

WHEREAS, on November 6, 2019, Edgemoor 48, LLC c/o Acumen Companies ("Applicant") filed an application for approval of a sketch plan for a residential project of up to 92,000 total square feet, comprised of up to 77 dwelling units on 0.20 acres of CR 2.5 C 0.5 R 2.5 H120 and Bethesda Overlay Zone zoned-land, located on the southwest quadrant of Edgemoor Lane and Woodmont Avenue, ("Subject Property") in the Bethesda CBD Policy Area and 2017 *Bethesda Downtown Sector Plan* ("Sector Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320200020, "4824 Edgemoor Lane" ("Sketch Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated March 20, 2020, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on April 2, 2020 and April 16, 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 binding elements and conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320200020, "4824 Edgemoor Lane," for construction of up to 92,000

Approved as to 8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
Legal Sufficiency:  www.montgomeryplanningboard.org E-Mail: mcp-chair@mcppc.org
M-NCPPC Legal Department

MCPB No. 20-019
 Sketch Plan No. 320200020
 4824 Edgemoor Lane
 Page 2

total square feet, comprised of up to 77 dwelling units, on the Subject Property, subject to the following binding elements and conditions:¹

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

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

All other elements are illustrative.

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

1. Density

The Sketch Plan is limited to a maximum of 92,000 square feet of total development, including an allocation of up to 70,353 square feet. of Bethesda Overlay Zone density, on the Subject Property. The maximum number of dwelling units will be determined at Preliminary Plan.

2. Height

The Project is limited to a maximum building height of 120 feet as measured from its building height measurement point illustrated on the Certified Site Plan.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59.7.3.3.I. Total points must equal at least 100 and be chosen from at least four categories as required by Section 59.4.5.4.A.2. The requirements of Division 59.4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

- a. Major Public Facilities, achieved through a Park Impact Payment;
- b. Connectivity and Mobility, achieved through minimum parking;
- c. Quality of Building and Site Design, achieved through architectural elevations, exceptional design, and structured parking; and
- d. Protection of the Natural Environment, achieved through the purchase of building lot terminations, cool roof, recycling facility plan.

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

MCPB No. 20-019
 Sketch Plan No. 320200020
 4824 Edgemoor Lane
 Page 3

4. Bethesda Downtown Plan Design Guidelines

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At the time of Site Plan submission, the Applicant must explore methods to increase the tower separation, along the south façade, to the existing Chase Condominium building. Above the base (i.e., four stories) the Applicant must endeavor to achieve a minimum separation of 30 feet and an average separation of 40 feet, consistent with the DAP's February 26, 2020 meeting minutes.

5. Park Impact Payment (PIP)

At the time of Site Plan, the Applicant must identify the amount of BOZ density being purchased and allocated to the Subject Property.

6. Streetscape

The Applicant must install the Bethesda Streetscape Standard along the Subject Property's right-of-way frontage, including the undergrounding of utilities.

7. Building Lot Terminations (BLTs)

Prior to release of any building permit, the Applicant must provide proof of purchase and/or payment for the required BLTs.

8. Moderately Priced Dwelling Units (MPDUs)

The Applicant must provide a minimum of 15% of the total new units as Moderately Priced Dwelling Units in accordance with Chapter 25A.

9. Future Coordination for Site Plan

In addition to any other requirements for Site Plans under Chapter 59, the following must be addressed when filing a Site Plan application:

- a. Fire and Rescue access and facility details;
- b. Streetscape details;
- c. Loading Management Plan;
- d. Evaluate the provision of a short term drop-off/ pick-up space within the ground floor of the building;
- e. Demonstrate how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guideline requirements;
- f. Address the SITES & LEED recommendations of the Sector Plan, specifically related to energy efficiency and building design features;

MCPB No. 20-019
Sketch Plan No. 320200020
4824 Edgemoor Lane
Page 4

- g. Provide notes on the Site Plan describing the Bird-Safe design principles to be incorporated into the building architecture;
- h. Provide a minimum of 35% of Green Cover onsite. Green cover may consist of a combination of intensive green roof with minimum soil depths of 6 inches or greater and tree canopy cover provided by native canopy trees.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of the Zoning Ordinance, the Board finds that as conditioned the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that:

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

- a. Development Standards

The Subject Property includes approximately 0.20 acres zoned CR 2.5 C 0.5 R 2.5 H120 and Bethesda Overlay Zone. The data table below demonstrates the Application's conformance to the applicable development standards of the zone.

MCPB No. 20-019
 Sketch Plan No. 320200020
 4824 Edgemoor Lane
 Page 5

Table 1: Sketch Plan/ Preliminary Plan Data Table			
Section 59.4	Development Standard	Permitted/ Required	Proposed
	Tract Area CR 2.5 C 0.5 R 2.5 H120	n/a	8,659 sf (0.20 ac)
	Prior Dedication Proposed Dedication Site Area	n/a	653 sf 0.015 306 sf (0.070) 7,700 sf (0.18 ac)
	Residential Density (GFA/ FAR)¹	21,647 sf/ (2.5)	21,647 sf/ (2.5)
	Bethesda Overlay Zone Density	n/a	70,353 sf (8.12)
	Total FAR/GFA	n/a	92,000 sf (10.62)
	Building Height	120 feet	120 feet
	Public Open Space (min)	0%	0%
	Moderately Priced Dwelling Units	15%	15%
	Minimum Setbacks	0	0

¹No commercial density is proposed with the Subject Application.

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

The Project substantially conforms to the recommendations for the Property included in the 2017 *Bethesda Downtown Sector Plan*. Specifically, this 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.

MCPB No. 20-019
 Sketch Plan No. 320200020
 4824 Edgemoor Lane
 Page 6

3. **Environmental innovation**, including more energy-efficient buildings, better stormwater management, improved sidewalks and bicycle routes, and other measures to enhance community health and quality of life.
4. **Economic competitiveness**, based on new development, public amenities and proximity to public transit to attract businesses and visitors from throughout the region, and foster entrepreneurship and innovation.

The Property is designated as Site 133 on page 145 of the Plan. The Property is located in the area of the Plan designated as the "Arlington North District," which is described as a transitional zone between the urban core and single-family neighborhoods to the west of the Sector Plan area. Specifically, the Project addresses the following goals as outlined in the Arlington Road District section of the Plan:

- *Retain the residential scale along Arlington Road as a transition between the urban core and suburban neighborhoods.*

The Project is located in closer proximity to the downtown core of Bethesda than the lower scale residential uses on the west side of Arlington Road. The Site does not front on Arlington Road and serves as the beginning of a gradual transition from the higher heights of the core to lower heights along Arlington Road, as recommended in the Sector Plan.

The Project will provide up to 77 residential dwelling units, with a maximum height of 120 feet. The Property serves as a transitional site between the more intensive uses of the CBD, across Woodmont Avenue, and more moderate densities along Edgemoor Lane to the west. In accordance with the Sector Plan, higher heights recommended within the Arlington North District are located along Woodmont Avenue. As conditioned, the Application will comply with the Design Advisory Panel's recommendations, at the time of Site Plan, to achieve compatibility with the adjacent Chase Condominium building.

- *Improve access, mobility, and pedestrian safety along Arlington Road.*

As previously stated, the Site does not front on Arlington Road and therefore contributes indirectly to the Sector Plan's vision of improved access, mobility, and pedestrian safety along Arlington Road.

Vehicular access to the site will be provided from Woodmont Avenue, via a consolidated garage and loading access point. The Project will construct the Bethesda streetscape on its Edgemoor Lane and Woodmont Avenue

MCPB No. 20-019
 Sketch Plan No. 320200020
 4824 Edgemoor Lane
 Page 7

frontages and will participate in the implementation of new separated bicycle lanes on both Woodmont Avenue and Edgemoor Lane. Each of these improvements will improve access, mobility, and pedestrian safety. The consolidated access point is located in a manner that minimizes negative impacts to the Edgemoor Lane/ Woodmont Avenue intersection and limits interruption to both the sidewalk and future separated bicycle lanes.

Due to the constrained nature of the Site, the garage is anticipated to be automated with two carriages available to convey cars between the ground level and subterranean garage. This configuration eliminates garage inefficiencies dedicated to drive aisle and ramps and improves parking operations on the constrained Site. Additional details regarding the garage design and operation will be provided at the time of Site Plan. As an additional programmatic element, the Project will be subject to a loading management plan at the time of Site Plan that will further limit negative impacts to the adjacent public roadways. The loading management plan must include: delivery times, and strategies to ensure that move-in, move-out, loading and trash/ service operations do not negatively impact the public right-of-way. The project will be required to have an on-site loading manager responsible for scheduling deliveries, move-in, move-out and addressing issues related to the loading operations.

- *Promote redevelopment opportunities for under-utilized sites such as single-unit homes.*

The Property, prominently located at the intersection of Woodmont Avenue and Edgemoor Lane, directly across the street from the Bethesda Metrorail, is currently under-utilized and is improved with a detached house serving a commercial use. The Project proposes to replace the detached house with a 12-story, multifamily residential building that is more appropriately suited for a property located in such close proximity to the Bethesda Metrorail Station. As recommended on page 144 of the Sector Plan, the Project (designated as Site #133) takes advantage of the approved CR 2.5 C 0.5 R 2.5 H120 and Bethesda Overlay Zone to implement a residential project that relates to the heights and density near the core of downtown Bethesda.

- *Limit commercial and retail uses to preserve residential urban village character.*

MCPB No. 20-019
 Sketch Plan No. 320200020
 4824 Edgemoor Lane
 Page 8

The Sector Plan recommends that commercial and retail uses be limited to the ground floor of buildings along Woodmont Avenue. The Project proposes a purely residential building.

- *Create a new neighborhood park adjacent to Bethesda Elementary School.*

The Sector Plan identifies a potential area for a new neighborhood park on the west side of the Bethesda Elementary School playing fields. Although the potential future park location is within the Arlington North District, it is not directly adjacent to the Subject Property and will therefore not be implemented as part of the Project. The Applicant is required to pay the Park Impact Payment, and is, in fact, exceeding the minimum required payment as part of its public benefit package. As a result, these funds could be directed toward this future improvement or other sites within downtown Bethesda.

The Project is in general conformance with the 2017 *Bethesda Downtown Sector Plan*.

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

The Project will redevelop the existing detached house (currently serving a commercial use) with a higher-density residential building with an automated underground parking garage to maximize residential development in close proximity to the Metro. The Project meets the objective of this finding.

- Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street.*

The Project encourages such development by proposing market-rate residential units in a variety of unit types as well as a minimum of 15% MPDUs, in accordance with Chapter 25A, offering housing opportunities for a range of incomes proximate to the numerous transit options of downtown Bethesda. The Project facilitates all modes of transit – pedestrian, bicycle, and vehicular – in close proximity to the Metro and bus service by improving the streetscape along its three frontages. Additionally, the Project will participate in the implementation of both the Edgemoor Lane and Woodmont Avenue separated bicycle lanes through the dedication of public right-of-way, coordinated site design, and *pro rata* financial contribution in the amount of \$33,000. The Project does not propose any parking between the building and the street frontages.

MCPB No. 20-019
 Sketch Plan No. 320200020
 4824 Edgemoor Lane
 Page 9

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

The Sector Plan identifies this area as a priority for residential uses and as an area of transition from the higher density downtown Bethesda core to the surrounding lower density residential neighborhoods. The Project will provide residential uses on-site as well as a height and density that is compatible with the desired character of the Arlington North District. As conditioned, the Project will achieve compatibility with the adjacent Chase Condominium by providing a tower separation of at least 30 feet with an average separation of 40 feet along the entire southern façade.

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

The Sector Plan identified several distinct districts within Downtown Bethesda to guide development compatibility. The Subject Property is within the Arlington North District, which is intended primarily for residential development along the edge of the Downtown area. As proposed, the purely residential project provides the appropriate land use, as recommended in the Sector Plan.

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

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

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

The Subject Application is not subject to a development plan or schematic development plan in effect on October 29, 2014.

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

MCPB No. 20-019
 Sketch Plan No. 320200020
 4824 Edgemoor Lane
 Page 10

The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. Vehicular access to the Site will occur via Woodmont Avenue through a consolidated access point at the southwestern corner of the Site. This access point will feature an automated garage and space for a loading vehicle, the precise design and operation of which will be evaluated at the time of Site Plan. This location is appropriate given the Site's limited frontage on Edgemoor Lane. Additional details regarding the design and operation of the automated garage will be provided at the time of Site Plan. As an additional programmatic element, the Project will be subject to a loading management plan at the time of Site Plan that will further limit negative impacts to the adjacent public roadways.

Bicycle access to the Property will be enhanced through the future provision of separated bicycle lanes on Edgemoor Lane and Woodmont Avenue and bicycle racks or lockers will be provided within the garage and short-term spaces will be provided along the Property's frontage. The final location of bicycle parking amenities will be determined at time of Site Plan, to facilitate bicyclist access to the Property. Pedestrian access to the site will be from the established sidewalk network and will be enhanced by streetscape improvements along each of the Property frontages, consistent with the Bethesda Streetscape Standards. The Project is also designed in coordination with the Montgomery County Department of Transportation (MCDOT) plans for separated bicycle lanes on both Edgemoor Lane and Woodmont Avenue. As a result, the Project accommodates the future implementation of the bicycle lanes and will make a financial contribution, in the amount of \$33,000, toward construction.

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

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

For the proposed development, the Zoning Ordinance requires 100 points in four categories. Although at the time of Sketch Plan review only the

MCPB No. 20-019
 Sketch Plan No. 320200020
 4824 Edgemoor Lane
 Page 11

categories need be approved, the following table shows both the categories and points for the public benefits recommended at Sketch Plan to demonstrate the project's ability to meet the requirement to provide sufficient benefit points.

Table 2: Public Benefits Calculations		
Public Benefit	Incentive Density Points	
	Max Allowed	Conceptual Points
59.4.9.2.C.4.B.ii: Major Public Facilities		
Park Impact Payment	30	14
59.4.7.3C: Connectivity and Mobility		
Minimum Parking¹	20	10
59.4.7.3E: Quality of Building and Site Design		
Architectural Elevations	30	25
Exceptional Design¹	30	10²
Structured Parking	20	20
59.4.7.3F: Protection and Enhancement of the Natural Environment		
BLTs	30	1.7
Cool Roof	15	10
Recycling Facility Plan	10	10
TOTAL		100.7

¹ Denotes Sector Plan priority

² Applicant requested 25 points for exceptional design

Major Public Facilities

Park Impact Payment: The Applicant requests 4 points for increasing the required Park Impact Payment by 14% in accordance with Section 59.4.9.2.C.4.B.ii, which allows up to 30 points for projects exceeding the minimum required payment. Final determination will be made at Site Plan and Staff supports the Applicant's request.

Connectivity and Mobility

Minimum Parking: The Applicant requests 10 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. At this time, the Applicant is proposing 62 parking spaces for 77 units, which equates to 10 points. Final determination will be made at Site Plan and Staff supports the Applicant's request.

MCPB No. 20-019
Sketch Plan No. 320200020
4824 Edgemoor Lane
Page 12

Quality of Building and Site Design

Architectural Elevations: The Applicant requests 25 points for providing architectural elevations as part of the certified site plan showing particular elements in the façade including minimum amount of transparency on the first floor, minimal spacing between operable doors, and design priorities of the applicable master plan or implementing design guidelines. The Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, and heights. Staff supports the Applicant's request at this time with further details and refinement to be provided at the time of Site Plan.

Exceptional Design: Although the Applicant requested 25 points for exceptional design, the Design Advisory Panel indicated, at its February 26, 2020 meeting, that the project was on track to receive only the minimum number of points (10) required for this category. As a site receiving an allocation of Bethesda Overlay Zone density, the Project is subject to the Design Advisory Panel review, which will award points based on the quality of the design. The Applicant asserts that the Project provides innovative solutions in response to the immediate context; creates a sense of place and serves as a landmark; enhances the public realm in a distinct and original manner; introduces materials, forms, or building methods unique to the immediate vicinity or applied in a unique way; and integrates low-impact development methods into the overall design of the site and building, beyond green building or site requirements. The Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, and heights. Based on the conceptual materials submitted with the Application, staff supports 10 points for exceptional design at this time. As conditioned, the future Site Plan application will comply with the DAP's recommendations, as set forth in the meeting minutes from the DAP's February 26, 2020 meeting.

During their February 26, 2020 meeting, the Design Advisory Panel (DAP) expressed concerns about the architect's approach to addressing the Bethesda Downtown Design Guidelines' recommendations for tower separation. The design needs to mediate between the higher heights across Woodmont Avenue and the architectural character of the adjacent Chase residential building, including that building's proximity to the building proposed through the Subject Application. Of specific concern to the DAP was the treatment of the building's southern façade, which needs to achieve compatibility with the adjacent Chase Condominium building. Toward that end, the DAP recommended the following:

MCPB No. 20-019
 Sketch Plan No. 320200020
 4824 Edgemoor Lane
 Page 13

1. Explore methods to increase tower separation above the base (4 stories) to achieve a minimum separation of 30' and an average separation of 40'.

Additional details for the architectural concept and DAP context of the DAP's discussion are included in the November 20, 2020, January 22, 2020, and February 26, 2020 DAP meeting summaries (Attachment A).

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

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT): The Applicant requests 1.7 points for the purchase of BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area. Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance. Staff supports the Applicant's request at this time.

Cool Roof: Roof areas not covered by green roof or mechanical equipment will incorporate a mixture of materials that will collectively meet or exceed a solar reflectance index (SRI) of 75. The Applicant is requesting 10 points and Staff supports this request at this time.

Recycling Facility Plan: The Applicant requests 10 points for providing a recycling facility plan that exceeds the minimum requirements set forth in the Zoning Ordinance. The final details of this plan will be determined at the time of Site Plan and Staff supports the Applicant's request at this time.

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

The Project will be built in one phase.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the Sector Plan, or other requirements; and

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

MCPB No. 20-019
 Sketch Plan No. 320200020
 4824 Edgemoor Lane
 Page 14

BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of Sketch Plan No. 320200020, "4824 Edgemoor Lane," received by M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAY 21 2020 (which is the date that this Resolution is mailed to all parties of record); and

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Fani-González, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, May 14, 2020, in Silver Spring, Maryland.



 Casey Anderson, Chair
 Montgomery County Planning Board



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

Agenda Date: May 14, 2020

Agenda Item No.: Other Consent Items

May 7, 2020

MEMORANDUM

TO: Montgomery County Planning Board

FROM: Gwen Wright, Planning Director *G LMW*

VIA: Elza Hisel-McCoy, Chief, Area 1 *CH*
Stephanie Dickel, Supervisor, Area 1 *SD*
Matthew Folden, Planner Coordinator, Area 1 *Mat*

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cc: Matthew Mills, Associate General Counsel



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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MAY 21 2020

MCPB No. 20-018
Preliminary Plan No. 120200070
4824 Edgemoor Lane
Date of Hearing: April 2, 2020

CORRECTED RESOLUTION

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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 March 20, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on April 2, 2020 and April 16, 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. 120200070 to create one lot on the Subject

Approved as to 8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
Legal Sufficiency: *[Signature]* www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc.org
M-NCPPC Legal Department

MCPB No. 20-018
 Preliminary Plan No. 120200070
 4824 Edgemoor Lane
 Page 2

Property, subject to the following conditions:¹

1. Approval is limited to 1 lot for up to 77 multi-family dwelling units.
2. The Applicant must comply with the binding elements and conditions of approval for Sketch Plan No. 320200020 and any subsequent amendments.
3. As required by Chapter 22A-6(b), provide mitigation planting, consisting of two 4-inch-caliper shade trees to be planted as shown on the Tree Save Plan or as approved by Staff. The mitigation plantings must be installed prior to the issuance of the final use and occupancy permit.
4. The Applicant must submit a noise analysis at the time of Site Plan submission.
5. 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 January 28, 2020, and hereby 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 amendments do not conflict with other conditions of Preliminary Plan approval.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (DHCA), in its letter dated January 21, 2020, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
7. The Planning Board has reviewed and accepts the recommendations of MCDPS – Water Resources Section in its stormwater management concept letter dated February 19, 2020, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

¹ 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.

MCPB No. 20-018
Preliminary Plan No. 120200070
4824 Edgemoor Lane
Page 3

8. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in that agency's letter dated January 29, 2020, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
9. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements associated with each plat, as required by MCDOT.
10. Consistent with MCDOT's January 29, 2020, letter, the Applicant must participate on a *pro rata* basis, in the amount of \$33,000 payable prior to the final use and occupancy permit, towards the construction of the Sector-Planned bicycle facility on their Edgemoor Lane and Woodmont Avenue frontages, as illustrated on the Certified Site Plan.
11. The Applicant must dedicate all road rights-of-way to the full width mandated by the Bethesda Downtown Sector Plan or as otherwise designated on the Certified Preliminary Plan, and show on the record plat(s) the following dedications:
 - a. A dedication of the Woodmont Avenue frontage necessary to provide the Sector Plan-recommended 40-foot-wide right-of-way between the Subject Property line and right-of-way centerline.
 - b. A dedication of the Edgemoor Lane frontage necessary to provide the Sector Plan-recommended 40-foot-wide right-of-way between the Subject Property line and right-of-way centerline.
12. 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. Other limitations for site development may also be included in the conditions of the Planning Board's approval.
13. The record plat must show necessary easements.
14. Include all applicable agency letters and the Preliminary Plan Resolution on the approval or cover sheet(s) of the Certified Preliminary Plan.

MCPB No. 20-018
 Preliminary Plan No. 120200070
 4824 Edgemoor Lane
 Page 4

15. Before clearing or grading or recording a plat for the Subject Property, the Applicant must receive Staff certification of a Planning Board-approved Site Plan.
16. If a subsequent Site Plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration, location, or right-of-way width or alignment, the Applicant must obtain approval of a Preliminary Plan amendment prior to certification of the Site Plan.
17. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of the Planning Board resolution.

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 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.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations including the technical review standards in Section 50.4.3. 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. As discussed in the Sketch Plan findings, and as conditioned, the Application substantially conforms to the 2017 Bethesda Downtown Sector Plan. The Application complies with the land use recommendations for the site as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. This Preliminary Plan creates one lot. Transportation access is adequate to serve the proposed development by this Preliminary Plan. Water and sewer and other utilities are available to and currently serve the Property. The Application meets the Environmental Guidelines and Forest Conservation Law.

The lot was reviewed for compliance with the dimensional requirements for the CR 2.5 C 0.5 R 2.5 H120 and Bethesda Overlay Zone, as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is

MCPB No. 20-018
Preliminary Plan No. 120200070
4824 Edgemoor Lane
Page 5

included in following table. The Application has been reviewed by other applicable county agencies, all of which have recommended approval of the plan.

Table 1: Development Standards in the CR 2.5 C 0.5 R 2.5 H120		
Standard	Required/Permitted	Proposed
Total Density (square feet/ FAR)	21,647 sf (2.5)	92,000 SF ¹ (10.62)
Residential Dwelling Units	n/a	77
Non-residential density (square feet)	n/a	0
Front setbacks	0	Must meet minimum ²
Side setbacks	0	Must meet minimum ²
Rear setbacks	0	Must meet minimum ²
Open Space	0%	0%
Site Plan Required	Yes	
MPDUs Required	Yes	Yes (Determined at Site Plan)

¹Includes a maximum allocation of Bethesda Overlay Zone density of up to 70,353 square feet. Final amount to be determined at Site Plan.

²As determined by MCDPS at the time of building permit.

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

As discussed in the concurrently filed Sketch Plan No. 320200020, the Preliminary Plan substantially conforms with the recommendations of the Sector Plan.

a. Land Use

As discussed in the Sketch Plan section of this report, the Project will provide up to 77 residential units, including a minimum of 15% MPDUs in accordance with Chapter 25A.

b. Environment

As conditioned, the Application meets the Sector Plan recommendations, the Environmental Guidelines and Forest Conservation Law. Although the Subject Application is exempt from submitting a Forest Conservation Plan, the Applicant has provided a Tree Save Plan as required by Forest Conservation Exemption No. 42020018E.

c. Transportation

The Application is consistent with the above recommendations and will provide the necessary right-of-way dedications and streetscape improvements. The 2017 *Bethesda Downtown Sector Plan* recommends the following along property frontages:

- i. Woodmont Avenue, along the eastern site frontage, as an arterial roadway with a minimum right-of-way width of 80 feet and separated bicycle lanes (CT-4);

MCPB No. 20-018
 Preliminary Plan No. 120200070
 4824 Edgemoor Lane
 Page 6

- ii. Edgemoor Lane along the northern site frontage, as a Business District Street with a minimum right-of-way width of 80 feet and separated bicycle lanes (LB-8).

d. Sector-Planned Transportation Demand Management

The Sector Plan encourages a Non-Auto Driver Mode Share (NADMS) of 55%, 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. The Project will enter into a Traffic Mitigation Agreement (TMAG) with the Planning Board and Montgomery County Department of Transportation (MCDOT) to participate in the Bethesda TMD and work toward the Sector Plan NADMS goal.

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

a. Roads and Other Transportation Facilities

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

i. *Existing Facilities*

The existing development is served by a single driveway, with a curb cut on Woodmont Avenue, and an associated surface parking lot. Both the Edgemoor Lane and Woodmont Avenue frontages are improved with public sidewalks. The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station (located within ¼ mile of the site), Metrobus, RideOn, the Bethesda Circulator and future Purple Line.

ii. *Proposed public transportation infrastructure*

Vehicular access to the Site will be provided from Woodmont Avenue, via a consolidated garage and loading access point. The Project will construct the Bethesda streetscape on its Edgemoor Lane and Woodmont Avenue frontages and will participate in the implementation of new separated bicycle lanes on both Woodmont Avenue and Edgemoor Lane by making a financial contribution of \$33,000 to MCDOT prior to issuance of the first use & occupancy certificate. Each of these improvements will improve access, mobility, and pedestrian safety. Pedestrian access to the site will be from the established sidewalk network and will be enhanced by streetscape improvements along each of the Property frontages, consistent with the Bethesda Streetscape Standards.

MCPB No. 20-018
 Preliminary Plan No. 120200070
 4824 Edgemoor Lane
 Page 7

b. Local Area Transportation Review (LATR)

Adequate Public Facilities

A transportation exemption statement, dated November 25, 2019, satisfied the Local Area Transportation Review for the Subject Application because the Project generates fewer than 50 net new peak hour person trips. The proposed development is estimated to generate 45 net new morning peak-hour person trips (23 vehicle trips) and 47 net new evening peak-hour person trips (24 vehicle trips) (Table 2).

Table 2: Project Peak Hour Trip Generation						
	Vehicle Rates		Adjusted Vehicle Rates		Person Trips	
Existing	AM	PM	AM	PM	AM	PM
Office3,034 SF	6	7	4	4	8	8
Proposed	AM	PM	AM	PM	AM	PM
High-Rise Apartments77 Units	34	35	27	28	53	55
Net New Trips	28	28	23	24	45	47

Source: Wells & Associates Transportation Statement, dated November 25, 2019.

c. Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The property will be served by public water and sewer systems. Water and sewer and other utilities are located in Edgemoor Lane and Woodmont Avenue. Connections (one or multiple connections) off one or more of these roads adjoining the Property will service the Property, the final design of which will be finalized at Site Plan. The Application has been reviewed by MCFRS, and emergency vehicle access has been deemed adequate. The Montgomery County Fire Station No. 6 (Bethesda Fire Department) is located slightly more than ½ mile from the Property on Wisconsin Avenue. The 2nd District Police Station, serving Downtown Bethesda, is located on Rugby Avenue in the Woodmont Triangle. Electrical and telecommunications services are also available to serve the Subject Property. Local health clinics, police stations and fire stations are all operating within acceptable levels as established by the Subdivision Staging Policy.

Overview and Applicable School Test

Preliminary Plan 120200070, 4824 Edgemoor Lane, is scheduled to come before the Planning Board for review on April 2, 2020. Therefore, the FY20 Annual

MCPB No. 20-018
Preliminary Plan No. 120200070
4824 Edgemoor Lane
Page 8

School Test, approved by the Planning Board on June 20, 2019 and effective July 1, 2019 is applicable. The Application proposes development of 77 multifamily high-rise dwelling units.

Calculation of Student Generation

To calculate the number of students generated by the Project, 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 and generation rates for that region are summarized in Table 3 and student generation for the Subject Project is summarized in Table 4. This Project is estimated to generate 3 new elementary school students, 1 new middle school student, and 1 new high school student.

Table 3: 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 increase of 77 multifamily high-rise units, the Project is estimated to generate the following number of students:

Table 4: 4824 Edgemoor Lane Student Generation

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
MF High-Rise	77	0.041	3.157	0.018	1.386	0.025	1.925
TOTAL	77		3		1		1

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 presented in Table 5:

MCPB No. 20-018
Preliminary Plan No. 120200070
4824 Edgemoor Lane
Page 9

Table 5: Bethesda-Chevy Chase Cluster area Capacity Projections

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

The Moratorium Threshold identified in Table 5 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 of the table, the estimated enrollment impacts of the Subject 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 Table 6:

Table 6: Individual School Adequacy

School	Projected School Totals, September 2024				Moratorium Threshold	Estimated Application Impact
	Enrollment	Program Capacity	% Utilization	Surplus/Deficit		
Bethesda ES	731	698 ³	104.7%	-33	107	3
Westland MS	899	1,089	82.6%	+190	408	1

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.

² 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.

³ 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.

MCPB No. 20-018
 Preliminary Plan No. 120200070
 4824 Edgemoor Lane
 Page 10

The Moratorium Enrollment Thresholds identified in Table 6 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 the Subject 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.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

The Project received approval of an exemption from Forest Conservation requirements on August 26, 2019 (42020018E). The exemption cited the requirement of a tree save plan to be approved with the Subject Application. The tree save plan proposes mitigation for the removal of an existing 30" specimen Black Locust street tree in the form on planting two 4" caliper canopy trees.

Noise

The Subject Property is in a busy urban environment near a Metro station, fronting an arterial roadway and is therefore subject to the Noise regulations associated with residential development. As conditioned, A noise analysis must be submitted at the time of Site Plan.

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 (DPS) on February 19, 2020. The Plan proposes to meet stormwater management goals via ESD to the MEP with the use of a green roof and micro-bioretenention. Due to site constraints, full stormwater management treatment cannot be provided, so a partial waiver was also conditionally granted by DPS.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), 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 MAY 21 2020 (which is the date that this Resolution is mailed to all parties of record); and

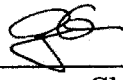
MCPB No. 20-018
Preliminary Plan No. 120200070
4824 Edgemoor Lane
Page 11

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Fani-González, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, May 14, 2020, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board