



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

MCPB No. 21-027
Site Plan No. 820210040
4824 Edgemoor Lane
Date of Hearing: March 25, 2021

MAR 30 2021

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 November 2, 2020, Edgemoor 48, LLC c/o Acumen Companies ("Applicant") filed an application for approval of a site plan for a residential project of up to 89,000 total square feet with up to 76 multifamily dwelling units, including 15% MPDUs, on 0.20 acres of land zoned CR 2.5 C 0.5 R 2.5 H120 and Bethesda Overlay Zone, 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 site plan application was designated Site Plan No. 820210040, 4824 Edgemoor Lane ("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 March 12, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on March 25, 2021, 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. 820210040 for a residential project of up to 89,000 total square feet with up to 76 multifamily dwelling units, including 15% MPDUs, on the Subject Property, subject to the following conditions:¹

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.

The development must comply with the binding elements and conditions of approval for Sketch Plan No. 320200020 and Preliminary Plan No. 120200070. The Project density includes an allocation of up to 67,353 square feet of Bethesda Overlay Zone density. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.

1. Density

The Site Plan is limited to a maximum of 89,000 square feet of residential development on the Subject Property, for up to 76 dwelling units, including 15% MPDUs.

2. Height

The development is limited to a maximum height of 119 feet, as measured from the building height measuring point, illustrated on the Certified Site Plan.

3. Bethesda Overlay Zone Density

- a. 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 date of the Planning Board 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.
- b. 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 site plan amendment.

4. Moderately Priced Dwelling Units (MPDUs)

- a. The development must provide a minimum of 15 percent MPDUs, or a Department of Housing and Community Affairs (DHCA) approved equivalent, consistent with the requirements of Chapter 25A.
- b. Before issuance of any building permit for any residential unit, an MPDU agreement between the Applicant and DHCA that satisfies the requirements of Chapter 25A must be executed.

5. 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. Major Public Facilities

- i. Park Impact Payment (PIP) – the Applicant must increase the Project's PIP, \$746,272, by 1%, (\$7,463) to a total PIP of \$753,735, for one public benefit point. The final PIP payment will be determined in accordance with Site Plan Condition 3.b.

b. Connectivity between Uses, Activities, and Mobility Options

- i. Minimum Parking – The Applicant must provide no more than 65 parking spaces.

c. Quality Building and Site Design

- i. Architectural Elevations – The Applicant must construct the building in a manner consistent with the architectural elevations included in the Certified Site Plan, as determined by Staff.
- ii. Exceptional Design – 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 Staff.
- iii. Public Art – The Planning Board has reviewed and accepts the recommendations of the Art Review Panel as described in its memorandum dated February 8, 2021 and incorporates them as conditions of approval. The Applicant must provide for and install the public art, "Macaw 2," designed by artist Jeff Huntington, as presented to the Planning Board's Art Review Panel on January 13, 2021 and illustrated in the Certified Site Plan. Any significant changes to the concept must be presented to the Art Review Panel and approved by M-NCPPC Staff and significant changes to the concept may require a Site Plan Amendment.
- iv. Structured Parking – The Applicant must provide all parking spaces within the structured parking garage.

d. Protection and Enhancement of the Natural Environment

- i. Building Lot Termination – Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment equivalent to 0.1880 BLTs to MCDPS.
- ii. Cool Roof – The Applicant must install a cool roof having a minimum solar reflectance index (SRI) of 75 on all roof areas not covered by green roof or mechanical equipment, as shown on the Certified Site Plan.
- iii. Recycling Facility Plan – The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Environmental Protection ("MCDEP"), Waste Reduction and Recycling Section in its memorandum dated March 8, 2021 and incorporates them

as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the memorandum, which may be amended by the MCDEP – Waste Reduction and Recycling Section provided that the amendments do not conflict with other conditions of the Site Plan approval.

6. Recreation Facilities

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

7. Public Amenities

- a. Prior to the issuance of the final use and occupancy certificate, the Applicant must construct the streetscape improvements, including the undergrounding of utilities, along the property's frontage on Edgemoor Lane and Woodmont Avenue, consistent with the 2020 Bethesda Downtown Streetscape Standards.
- b. The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to streetscape improvements.

Site Plan

8. Landscaping

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

9. Lighting

- a. Prior to Certified Site Plan approval, 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 or BUG-equivalent fixtures.
- c. Deflectors must be installed on all proposed fixtures to prevent excess illumination and glare.
- d. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way.

- e. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

10. 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 December 24, 2020 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Site Plan approval.

Environment

11. Noise Attenuation

- a. Prior to Certification of the Site Plan, the Applicant must provide certification to M-NCPPC Staff, from an engineer who specializes in acoustical treatments, that noise levels will be attenuated to no more than 65 dBA Ldn in areas of common and individual outdoor activity. The location and details for any necessary noise mitigation techniques must be approved by Staff.
- b. The Applicant must provide a signed commitment to construct the units in accordance with the noise mitigation design specifications, with any changes that may affect acoustical performance approved by the engineer and Staff in advance of installation.
- c. If the Site 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 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. Noise impacted units must be identified on the Site Plan and the certification must be based on the testing of at least five representative residential units.

12. Green Cover

- a. The Applicant must provide a Green Cover exhibit prior to Certified Site Plan showing compliance with the Bethesda Downtown Sector Plan Green Cover requirement. The Project must provide a minimum of 35% of Green Cover on the Site comprised of intensive green roof, plantings and/or planter boxes, as shown on the Certified Site Plan.

- b. Any green roof installed pursuant to this condition must have a minimum soil depth of eight inches or Staff approved equivalent.

13. Tree Save Plan (TSP)

- a. The Applicant must provide a Tree Save Plan with the Certified Site Plan.
- b. As required by Chapter 22A-6(b), the Tree Save Plan must show mitigation planting consisting of two 4-inch caliper shade trees to be planted as shown on the TSP or as approved by Staff. The mitigation plantings must be installed prior to the issuance of final use and occupancy permit.
- c. The Applicant must schedule the required site inspections by M-NCPPC Inspection Staff per section 22A.00.01.10 of the Forest Conservation Regulations.
- d. Prior to any demolition, clearing, grading or construction of this development Application, the Applicant must submit financial surety, in a form approved by the M-NCPPC Office of General Counsel to the M-NCPPC Planning Department for the mitigation plantings required by the approved Tree Save Plan. The financial surety must be provided for a period of 5 years which may be reduced to 3 years upon request by the Applicant and approval by M-NCPPC Forest Conservation Inspector.

Transportation

14. Transportation

Before the release of any above-grade building permit, the Applicant must coordinate with and gain approval from MCDOT on a Level 3 Results Transportation Demand Management (TDM) Plan to participate in the Bethesda Transportation Management District (TMD) and work towards the Sector Plan goal of 55 percent Non-Auto Driver Mode Share (NADMS).

15. Pedestrian & Bicycle Circulation

- a. The Applicant must provide 38 long-term and 4 short-term bicycle parking spaces.
- b. The long-term spaces must be in a secured, well-lit bicycle room on the ground floor, and the short-term spaces must be inverted-U racks (or approved equal) installed along the building's frontage and in a location convenient to the main residential entrance (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- c. The Applicant must provide:
 - i. 9-foot wide sidewalks with 6-foot planting/ furnishing panels along Woodmont Avenue, and
 - ii. 10-foot sidewalks and 6-foot planting/ furnishing panels along Edgemoor Lane.

16. 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 Section (DPS-ROW) in its memorandum dated January 22, 2021 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the memorandum, which may be amended by the DPS-ROW Section provided that the amendments do not conflict with other conditions of the Site Plan approval.

17. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) – Water Resources Section in its Site Development Stormwater Management Plan letter dated January 7, 2021 and hereby 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 may be amended by the MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Site Plan approval.

18. 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.

19. 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, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. 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.

20. 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 agency approval letters, development program, and the Site Plan resolution and other applicable resolution(s) on the cover sheets;
- b. Include the Loading Management Plan as reviewed and approved with the following adjustment: Trash collection, routine deliveries, and resident move-in/ move-out will be scheduled to occur outside peak travel periods (i.e. weekends; Monday – Friday, between 9:30 AM and 4:00 PM, and after 7:00 PM) to minimize disruption on Woodmont Avenue.
- c. The Certified Site Plan must contain site details for the Public Art that clearly indicate the overall dimensions, prescribed materials, and any lighting fixtures.
- d. The Certified Site Plan must contain notes describing the Bird-Safe design principles to be incorporated into the building architecture.
- e. Show the trash and recycling receptacles along the Site frontage in accordance with the Bethesda Streetscape Standards.
- f. Revise short-term bicycle parking racks to conform with Montgomery County Bicycle Design Guidelines.
- g. 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;”
- h. Ensure consistency of all details and layout between Site and Landscape plans.
- i. Above the fourth floor on the southern façade, provide an average building separation of 35’ feet with a minimum separation distance of 30 feet, as approved by the Design Advisory Panel on June 24, 2020.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan No. 820210040, “4824 Edgemoor Lane,” 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. 320200020 and Preliminary Plan No. 120200070.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

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.*

This section is not applicable as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

4. *The development satisfies applicable use standards, development standards, and general requirements under 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 Application satisfies the applicable development standards as shown in the following data table:

Table 1: Site Plan Data Table

Section 59.4	Development Standard	Permitted/ Required	Approved
	Tract Area CR 2.5 C 0.5 R 2.5 H120	n/a	8,659 sf (0.20 ac)
	Prior Dedication Proposed Dedication	n/a	653 sf (0.015 ac) 306 sf (0.007 ac)
	Site Area		7,700 sf (0.18 ac)
	Residential Density (GFA/ FAR)¹ CR 2.5 C 0.5 R 2.5 H120 Maximum Dwelling Units Maximum Square Footage	n/a 21,647 sf (2.5)	Up to 76 Dwelling Units 89,000 sf (10.28 FAR) (21,647 SF Mapped Density)
	MPDU Density	15%	15% ²
	Commercial Density (GFA/ FAR)¹ CR 2.5 C 0.5 R 2.5 H120	4,329 sf (0.5)	0 (0.00 FAR)
	Bethesda Overlay Zone Density	n/a	67,353 (7.78 Total Tract FAR)
	Total Maximum GFA/ FAR¹	21,647 sf (2.5)	89,000 sf (10.28 FAR)
	Building Height (max)	120 feet	119 feet
	Public Open Space (min)	0%	0%
	Green Cover	35%	35% (2,695 sf)
	Minimum Setbacks	0	0
Section 59.6.2	Parking ³	Permitted/ Required	Approved
	Vehicle Parking 1 Bedroom (57 units) 2 Bedroom (19 units) Total (76 units) Vehicle Parking Total	46 min./ 71 max. 15 min./ 29 max. -- 61 min./ 100 max.	-- -- -- 65
	Bicycle Parking (Long Term/ Short Term)	(37/1) 38	(38/4) 42
	Loading Spaces	1	1

¹ Density must not exceed maximum approval.

² The development must provide 15 percent Moderately Priced Dwelling Units (MPDUs), which may include an Alternative Payment Agreement into the County's Housing Initiative Fund or other mechanism approved by DHCA, in accordance with Chapter 25A of the County Code.

³ Final number of vehicle and bicycle parking spaces to be determined at building permit based on final number of dwelling units. Parking calculations account for 20% Bethesda Overlay Zone parking reduction in accordance with Section 59.4.9.2.C.6.

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. To qualify for BOZ density per Section 59.4.9.2.C.2.ii of the Zoning Ordinance, the Project must use all gross floor area allowed by the mapped CR FAR. The Subject Property is zoned CR 2.5 C 0.5 R 2.5 H120, which permits up to 21,647 square feet of total mapped density, comprised of any combination of up to 4,329 square feet of commercial density and up to 21,647 square feet of residential density. Since the Project maximizes the total mapped density of 21,647 square feet and incorporates an additional 67,353 square feet of Bethesda Overlay Zone density, this qualification has been met. The Applicant is subject to a park impact payment valued at \$11.08/ square foot based upon the density requested and facilitates acquisition of parkland in the downtown Bethesda area. Based on the requested 67,353 square feet of BOZ density, the Applicant is required to make a Park Impact Payment of \$746,272. The Applicant is increasing the PIP by 1% (\$7,463), for one public benefit point, to a total PIP of \$753,735. The amount of density allocated from the BOZ for the Subject Application is deducted from the 32.4 million cap.

Section 4.5.4.B.4 - Form Standards

The Site Plan conforms to the intent of the form standards, including transparency, blank walls and active entrances. The Project includes significant glass features at the ground-level for transparency as well as activating features on the ground-floor level, including a residential lobby along Edgemoor Lane and Woodmont Avenue. As conditioned, the exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the architectural drawings included in the Certified Site Plan, as determined by Staff.

b. *Division 4.7. Optional Method Public Benefits*

In accordance with the Zoning Ordinance, Section 59.4.7.1., the Site Plan includes the following public benefits to satisfy the requirements: Major Public Facilities, Connectivity and Mobility, Quality of Building and Site Design, and Protection of the Natural Environment.

Table 2: Public Benefits Calculations		
Public Benefit	Incentive Density Points	
	Max Allowed	Recommended
59.4.9.2.C.4.B.ii: Major Public Facilities		
Park Impact Payment	40	1
59.4.7.3C: Connectivity and Mobility		
Minimum Parking¹	20	9
59.4.7.3E: Quality of Building and Site Design		
Architectural Elevations	30	25
Exceptional Design¹	30	15
Public Art	20	12
Structured Parking	20	20
59.4.7.3F: Protection and Enhancement of the Natural Environment		
BLTs	30	1.69
Cool Roof	15	10
Recycling Facility Plan	10	10
TOTAL		103

¹ Denotes Sector Plan priority

Major Public Facilities

Park Impact Payment: The Applicant requests 1 point for increasing the required Park Impact Payment by 1% 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. Based on the Project's requested BOZ density allocation of 67,353 square feet and associated Park Impact Payment valued at \$11.08 per square foot, the resulting Park Impact Payment is \$746,272. The additional Park Impact Payment for public benefit points, \$7,463, exceeds the required payment by 1% and is therefore eligible for 1 public benefit point. As a result of the 1% increase in Park Impact Payment, the total PIP will be \$753,735.

$$\begin{aligned}
 &67,353 \text{ SF BOZ Density} * \$11.08 \text{ per SF} = \$746,272 \text{ PIP} \\
 &\$746,272 \text{ Base PIP} * 0.01 = \$7,463 \text{ Major Public Facilities PIP} \\
 &\$746,272 \text{ Base PIP} + \$7,463 \text{ Major Public Facilities PIP} = \\
 &\quad \$753,735 \text{ Total PIP} \\
 &1\% \text{ increase in PIP} = 1 \text{ Public Benefit Point}
 \end{aligned}$$

Connectivity and Mobility

Minimum Parking: The Applicant requests 9 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 is proposing between 62 and 65 parking spaces for 76 units² (final unit count to be determined with the Certified Site Plan)³ and is therefore eligible for 9 benefit points.

$$\begin{aligned} & [((\text{Maximum Allowed Parking}) - (\text{Parking Provided})) / \\ & ((\text{Maximum Allowed Parking}) - (\text{Minimum Parking}))] * 10 \\ & (100 - 65) / (100 - 61) * 10 = 9 \text{ points} \end{aligned}$$

Quality of Building and Site Design

Architectural Elevations: The Applicant requests 25 points for adhering to architectural elevations, included in the certified site plan, showing particular elements in the façade including a 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.

Exceptional Design: The Applicant requested 15 points for exceptional design and that request was endorsed by the Design Advisory Panel during its June 24, 2020 meeting. As a site receiving an allocation of Bethesda Overlay Zone density, the Project is required to achieve at least 10 exceptional design points, as determined by the Design Advisory Panel.

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.

² 76 multifamily dwelling units comprised of: 57 one-bedroom units and 19 two-bedroom units. Parking calculations require a minimum of 61 parking spaces and a maximum of 100 parking spaces.

³ For the purposes of the Public Benefit Point calculations, Staff evaluated 65 on-site parking spaces would be provided with the Project.

- **Provides innovative solutions to the immediate context;**
The Subject Property is located at a prominent corner within the immediate vicinity of the Bethesda Metro Station. The Project places infill development on an underutilized site. In response to the Site constraints, the Project includes an innovative and space-saving automated parking garage. This automated garage allows for more transparency at the ground level than could be achieved by a convention garage with circulation ramps.
- **Creates a sense of place and serves as a landmark;**
The building will add a new presence in downtown Bethesda that will gracefully turn the corner between Edgemoor Lane and Woodmont Avenue and contribute to the fabric of Bethesda. Design elements, such as balconies roof terraces, and street-level planters will enhance the building's sense of place and help establish the building as a landmark on a prominent corner.
- **Enhances the public realm in a distinct and original manner;**
The building's continuous masonry base reinforces the street edge along both Edgemoor Lane and Woodmont Avenue. Planters and canopies along the façades provide visual interest and vegetation on a constrained site. Above the street level, the western façade includes a mural that will serve as a landmark and gateway for the western edge of downtown Bethesda and will include the public art associated with the Project, "Macaw 2."
- **Introduces materials, forms, or building methods unique to the immediate vicinity or applied in a unique way;**
The Project responds to the unique and constrained nature of the Subject Property by proposing a fan-shaped building that accentuates the intersection of Edgemoor Lane and Woodmont Avenue on the northeast façade. Along the southern façade, the building employs a massing with chamfered corners and an upper-floor step-back to maximize light and air for the adjacent Chase Condominium and mitigate the building's proximity to the existing building.
- **Integrates low-impact development methods into the overall design of the site and building, beyond green building or site requirements.**
The building incorporates low impact development methods, such as high-performance concrete panels and recycled plastic/

wood exterior panels. The automated parking system will reduce the amount of excavation required for the project, when compared to conventional below-grade garage designs, and the rooftop will include both vegetated and cool-roof elements.

The Applicant worked closely with the Design Advisory Panel as part of both the Sketch Plan and Site Plan processes. Of specific concern to DAP members throughout their review was the treatment of the building's southern façade and the methods employed to achieve compatibility with the adjacent Chase Condominium building. As a result of the Applicant's coordination with the DAP, the final building design reflects chamfered corners and an upper-floor step-back to maximize light and air for the adjacent Chase Condominium and mitigate the building's proximity to the existing building.

The DAP endorsed the Applicant's design and steps to mitigate impacts to the Chase Condominium during their June 24, 2020 meeting and recommended that the Project be awarded 15 exceptional design points (Attachment B).

Public Art: The Applicant requests 12 points for providing a mural on the building's western façade measuring approximately 33 feet wide by 90 feet tall (approximately 2,970 square feet). The Applicant presented the Project's art piece, a mural by Jeff Huntington called "Macaw 2," to the Art Review Panel as part of the Panel's July 8, 2020 and January 13, 2021 meetings. Additional information on the Project's Public Art and the Art Review Panel discussion is provided in Attachment D. The Art Preview Panel endorsed the Applicant's request for 12 public benefit points.

Structured Parking: The Applicant requests 20 points for providing all parking within a below-grade parking structure.

$$\begin{aligned} &[(\text{Above Grade Parking}) / (\text{Total Parking Provided}) * 10] + \\ &[(\text{Below Grade Parking}) / (\text{Total Parking Provided}) * 20] \\ &[(0/65)*10] + [(65/65)*20] = 20 \text{ points} \end{aligned}$$

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT): The Applicant requests 1 point 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.

$$\begin{aligned} &(((\text{Project Density} - \text{Standard Method Density}) * 7.5\%) / 31,500) * 9 = \\ &(((89,000 \text{ sf}) - (10,000 \text{ sf})) * 7.5\%) / 31,500 * 9 = \\ &5,925 \text{ sf} / 31,500 = 0.1880 \text{ BLTs} * 9 = \\ &1.69 \text{ points} \end{aligned}$$

Cool Roof: The Applicant requests 10 points for the provision of cool roof elements, including a mixture of materials that will collectively meet or exceed a solar reflectance index (SRI) of 75, on roof areas not covered by a green roof or mechanical equipment.

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. In accordance with the approval memorandum from the Montgomery County Department of Environmental Protection (MCDEP) Waste Reduction and Recycling Section memorandum, dated March 8, 2021, the Applicant will provide recycling collection for food scraps, batteries, plastic (bags, film, and shrink wrap), and through the provision of a commercial paper shredder.

c. General Requirements

i. *Site Access*

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. As conditioned through Preliminary Plan No. 120200070, the Applicant will contribute \$33,000 toward the master-planned separated bike lanes along Edgemoor Lane and Woodmont Avenue.

Vehicular access to the Site will occur via a consolidated curb cut on Woodmont Avenue on the southeastern corner of the Site. This access configuration is appropriate given the Site's limited frontage on Edgemoor Lane and proximity to both the existing Chase garage entrance and Woodmont Avenue intersection along that street. The consolidated curb cut on Woodmont Avenue limits interruption of the pedestrian and bicycle routes and promotes the County's Vision Zero policy.

ii. *Parking, Queuing, and Loading*

Due to the constrained nature of the Site, the garage will not have a conventional circulation pattern and will instead be served by an automated garage system with two elevator carriages that will 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.

During the morning and evening peak hours, when the majority of the trips are in the same direction, both elevators will serve vehicles in the peak direction. For queuing purposes, the interior of the parking garage at-grade can accommodate four returning vehicles plus one vehicle in each of the two elevators. In order to ensure that residents are ready to receive their cars when their car arrives from the elevator system, residents will not be able to call for their cars from their units but instead will call from the lobby area near the elevators. The building will have a television in the lobby showing the vehicle elevators and the queue.

Loading and Curbside Management

As a multi-unit residential project with more than 50 units, the Project includes an on-site loading facility within the building. As described previously, the loading space is accessed from the consolidated curb cut along the southeastern portion of the Site. The loading space is designed to accommodate SU-30 vehicles and will be used for deliveries, trash collection and by residents moving in and out of the building. The Applicant will be subject to a loading management plan that minimizes disruptions to Woodmont Avenue during peak travel periods. Key elements of the loading management plan include the following:

1. The loading space will be accessed by a roll-up exterior door which will be open at times of use only and will remain closed at all other times.
2. Trash collection and routine deliveries will occur outside peak travel periods on Monday-Friday, 9:30 AM to 4:00 PM.
3. Carriers will be given a fob that provides access to the loading area only (and not to the front door to the lobby) to discourage queuing on Woodmont Avenue.
4. The management company will oversee loading, trash collection and deliveries. A staff person will be present on-site to manage

- the loading area when activities are scheduled and can be requested to be on-site by residents or carriers when necessary.
5. The management company will coordinate the scheduling of deliveries to avoid exceeding the loading area's capacity. In the event that an unscheduled delivery arrives when the loading dock is at capacity, signage will be posted instructing drivers on Woodmont Avenue to return later so as not to compromise safety or impede street or intersection function. Signage will be posted in the loading dock notifying users that truck idling is restricted on Woodmont Avenue.
 6. The management company will direct residents to utilize the loading area for ride-sharing pick-ups and drop-offs.

In response to the limited street frontage available for conventional pick-up and drop-off operations along the curb, the building will provide a short-term pick-up and drop-off area within the ground floor of the building's parking garage. This short-term pick-up and drop-off area will be conveniently located less than fifty feet from the lobby entrance to the parking garage. The space is designed to accommodate wheelchair accessible vans as well as Sprinter delivery vehicles (base, XL, and extended models). While the doors to the garage and loading area will be closed when not in use, they will automatically open upon the approach of a vehicle in order to allow unhindered access to the loading area and garage.

In addition to the internal short-term pick-up and drop-off area, discussed above, Planning Staff coordinated with MCDOT to identify a common curbside loading area on the north side of Edgemoor Lane. This common on-street loading space would help accommodate short-term loading and delivery operations for all buildings within the vicinity once the two-way separated bicycle lanes are installed on Woodmont Avenue and Edgemoor Lane. Final determination of the common loading area will be made by the Department of Transportation and Department of Permitting Services at the time the Signing and Marking Plan is approved, though MCDOT has endorsed the common loading space concept at this time.

iii. *Open Space and Recreation*

As a Site within the CR Zone with an area less than 0.50 acres (7,700 sf; 0.18 ac) and two right-of-way frontages, the Applicant is not required to provide any public open space.

iv. *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 both the Edgemoor Lane and Woodmont Avenue frontages with new street trees, wider sidewalks, and street lighting. 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 59.4.5 of the Zoning Ordinance, the optional method public benefits provisions of Section 59.4.7, and the general development requirements of Section 59.6.

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

MCDPS Stormwater Management Section approved the Site Development Stormwater Management Plan on January 7, 2021. Per the approval letter, the Project meets stormwater management requirements via Environmental Site Design to the Maximum Extent Practicable ("ESD to the MEP") via the use of green roof and a partial quantity waiver.

b. Chapter 22A, Forest Conservation

The Application meets the requirements of Chapter 22A of the Montgomery County Code. A Forest Conservation Exemption request, designated Plan No. 42020018E, was confirmed on August 26, 2019. The Site is exempt from Article II of the Forest Conservation Law because the Project Site is less than 1 acre and the development will not result in the clearing of more than a total of 20,000 square feet of existing forest, and will not result in reforestation requirements of more than 10,000 square feet.

Since the development will remove one specimen tree (a 30" DBH Black Locust), this Application is subject to the Tree Save Provision under Forest Conservation Law section 22A-6(b). The Applicant has provided a Tree Save Plan which shows mitigation for this removal in the form of two 4" caliper canopy trees. As conditioned, this Application satisfies all requirements of Chapter 22A, Forest Conservation.

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. Vehicular access to the Site will occur via Woodmont Avenue through a consolidated access point at the southeastern corner of the Site. This access point will feature an automated garage and space for a loading vehicle, and the Project will be further regulated through the use of a loading management plan to limit disruptions caused by loading operations. The building's main pedestrian entrance is located at the corner of Edgemoor Lane and Woodmont Avenue

The Project provides a safe and well-integrated building and site amenities. The Project presents as a 119-foot tall building along Edgemoor Lane and Woodmont Avenue and includes building massing and articulation elements endorsed by the Bethesda Design Advisory Panel to mitigate the building's impact on the adjacent Chase Condominium building, to the south, and create visual interest.

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.*

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.
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 Sector Plan. The Property is located in the area of the Sector 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 Sector 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 76 residential dwelling units, with a maximum height of 119 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 complies with the Design Advisory Panel's recommendations 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.

The Project provides adequate, safe, and efficient parking and circulation patterns. Vehicular access to the Site will occur via Woodmont Avenue through a consolidated access point at the southeastern corner of the Site. This access point will feature an automated garage and space for a loading vehicle, and the Project will be further regulated through the use of a loading management plan to limit disruptions caused by loading operations. The building's main pedestrian entrance is located at the corner of Edgemoor Lane and Woodmont Avenue.

- *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 will replace the detached house with a multifamily residential building of up to 119-feet in height 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.*

The Sector Plan recommends that commercial and retail uses be limited to the ground floor of buildings along Woodmont Avenue. The Project is 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*.

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 associated Preliminary Plan approval (MCPB No. 20-018), 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 is compatible in height and scale with the existing and pending nearby development in the Arlington North District. The building design contributes to the Project's compatibility with adjacent buildings by setting back the upper

floors, above the fourth floor, and chamfering the corners of the southern façade, closest to the existing Chase Condominium. These design elements were endorsed by the Design Advisory Panel (DAP) during their June 24, 2020 meeting as a means of minimizing impacts to the Chase Condominium and complying with the DAP's recommendations at the time of Sketch Plan. As a building with a height below 120-feet, the Project is not subject to the tower separation requirements set forth in the Bethesda Downtown Plan Design Guidelines. As a result of the Applicant's coordination with the DAP, the final building design mitigates the building's proximity to the existing building, resulting in a building that is compatible with adjacent development and endorsed for 15 exceptional design points by the DAP.

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 MAR 30 2021 (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 Vice Chair Fani-González, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy and Verma voting in favor of the motion, and Commissioner Patterson absent at its regular meeting held on Thursday, March 25, 2021, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board