



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

MCPB No. 21-070
Sketch Plan No. 320210110
MHP-Nebel Street
Date of Hearing: July 29, 2021

AUG 11 2021

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 May 3, 2021, Montgomery Housing Partnership ("Applicant") filed an application for approval of a sketch plan for construction of a residential development with up to 188,500 square feet of total development (including 25% Moderately Priced Dwelling Units (MPDUs)), on 2.66 acres of CR-3.0, C-1.5, R-2.5, H-200 and CR-4.0, C-2.0, R-3.5, H-250' zoned-land, located on Nebel Street at the intersection of Old Georgetown Road ("Subject Property") in the 2010 White Flint Sector Plan area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320210110, MHP-Nebel Street ("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 July 16, 2021, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on July 29, 2021, 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.

2425 Reedy Drive, 14th Floor, Wheaton, Maryland 20902 Phone: 301.495.4605
www.montgomeryplanningboard.org E-Mail: mcp-chair@mnccppc.org

Approved as to
Legal Sufficiency: /s/ Delisa Coleman
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320210110, MHP-Nebel Street, for construction of up to 188,500 square feet of total development (including 25% MPDUs) 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.E 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 188,500 square feet of residential development, including a minimum of 25% MPDUs, on the Subject Property. The maximum number and distribution of residential dwelling units will be determined at Preliminary and Site Plan.

2. Height

The development is limited to a maximum height of 80 feet, as measured from the building height measuring point(s) 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. However, per Section 59.4.7.3.D.6.e, a project that provides a minimum of 20% MPDUs does not have to satisfy any benefit category other than Affordable Housing under the Diversity of Uses and Activities category. The requirements of Division 59.4.7.1 and the CR Zone Incentive Density Implementation Guidelines must be fulfilled for each public benefit. Final points and phasing will be established at Site Plan approval.

- a. Transit Proximity achieved through the Subject Property's location between $\frac{1}{4}$ and $\frac{1}{2}$ mile from the WMATA White Flint Metrorail Station (Level 1).

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.

- b. Diversity of Uses and Activities, achieved by providing a minimum of 25% of the residential units as MPDUs.
- c. Quality of Building and Site Design achieved through exceptional design and structured parking.
- d. Protection and Enhancement of the Natural Environment achieved through purchasing Building Lot Terminations and providing a cool roof.

4. Public Spaces

The Applicant must provide the open space as conceptually shown on the Sketch Plan that will be privately owned and maintained. While this space must be in the approximate location and size, as shown on the Sketch Plan, the exact size, location and design will be determined at the time of Site Plan(s).

5. Noise

A noise study must be submitted with the Preliminary Plan, showing existing noise impacts on the Property and projected noise impacts based on the proposed development. The noise study must include recommendations for limiting projected noise impacts to no more than 65 dBA Ldn for the exterior public use spaces (to the extent feasible), and projected interior levels not to exceed 45 dBA Ldn.

6. Future Coordination for Preliminary Plan(s) and Site Plan(s)

In addition to any other requirements for Preliminary Plans under Chapter 50 and Site Plans under Chapter 59, the following must be addressed when filing a Preliminary Plan or Site Plan:

- a. Consolidation of vehicle access points.
- b. Old Georgetown Road vista.
- c. Environmental enhancement plan.
- d. Channel stabilization.
- e. Noise.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations 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 Planning 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.*

The CR Zone permits a mix of residential and nonresidential uses at varying densities and heights. Section 4.5.4 of the Zoning Ordinance sets forth the development standards for the Optional Method of Development within the CR

Zone. The proposed development will satisfy the applicable development standards for the Optional Method of Development in the CR Zone, with the exact figures to be determined at the time of Site Plan.

a. Development Standards

The Subject Property includes a tract area of approximately 2.66 acres, zoned CR-3.0, C-1.5, R-2.5, H-200' and CR-4.0, C-2.0, R-3.5, H-250'. The Sketch Plan meets the development standards of Section 59-4.5.4, as shown in the Table 1 below. The Application will provide the minimum required number of bicycle parking spaces for residents and visitors, which will be determined at the time of Site Plan. The number of vehicular parking spaces will be determined at Site Plan based on the square footage of non-residential uses, and number and type of residential dwelling units.

Table 1- Development Standards and Parking Requirements

Section	Description	Required/Permitted	Approved
Density and Height			
4.5.2.A.2	Maximum Density		
	North Parcel CR-3.0, C-1.5, R-2.5, H-200'	Total: 325,599 square feet Commercial: 162,799 square feet Residential: 271,332 square feet	
	South Parcel CR-4.0, C-2.0, R-3.5, H-250'	Total: 29,224 square feet Commercial: 14,612 square feet Residential: 25,571 square feet	
	Total Density	Total: 354,823 square feet Commercial: 177,411 square feet Residential: 296,903 square feet	Residential: 188,500
5.3.5.B.2	Maximum Building Height (H)		
	North Parcel CR-3.0, C-1.5, R-2.5, H-200'	200 feet	80 feet
	South Parcel CR-4.0, C-2.0, R-3.5, H-250'	250 feet	
Open Space and Parking			
4.5.4.B.1	Minimum Open Space	10% of site area (11,584 square feet)	10% of net tract area (11,584 square feet)
6.2.4.B	Minimum Parking Permitted/Maximum Parking Allowed	Minimum: 150 spaces Maximum: 245 spaces	155 spaces

6.2.4.C	Bicycle Parking Residential	81 Long Term 4 Short Term	81 Long Term 4 Short Term
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b. Intent of the Zone

The Sketch Plan conforms to the intent of the CR Zone as described below.

i. a) *Implement the recommendations of applicable master plans.*

The MHP-Nebel Street Sketch Plan is located within the 2010 White Flint Sector Plan area. Located within the Nebel Street district, the Sector Plan recommends a public use space on the property as well as “signature buildings, between 150 and 200 feet tall, may be located at the terminus of Old Georgetown Road and Nebel Street” (p.41).

Transportation Network

The Property fronts onto Nebel Street (B-5), which is classified as a commercial business street with a minimum 80-foot right-of-way. Old Georgetown Road (B-2) is also recommended as a commercial business street with a minimum 90-foot right-of-way.

A protected bikeway has been installed along Nebel Street that fronts the proposed development. This bikeway achieves the Sector Plan’s bikeway recommendations for Nebel Street.

Public Use

The Sector Plan recommends a public use space on the MHP property. The proposed public use spaces, including at the intersection of Old Georgetown Road and Nebel Street, and along the frontage of the building as a promenade, further the Sector Plan recommendations. At site plan, the design and features of the linear open space and its relationship to the building should be carefully reviewed.

Public Benefits

The provision of 25 percent of Moderately Priced Dwelling Units (MPDUs) and structured parking are the primary proposed public benefits. The amount of affordable housing is a significant public benefit. Given the prominent location, the Applicant should pursue the inclusion of public art on the building façade or at key locations on the property. This proposal would add additional public benefits to the development.

Recreation Loop

The Sector Plan recommends a recreation loop along the frontages of Nebel Street and Old Georgetown Road. The Plan states that the recreation loop is a “signed pathway that is incorporated into the street right-of-way as part of the sidewalk” (p.61). The proposed open space should incorporate features that implements the recreation loop concept. This should be included in the future site plan.

Environment

The Sector Plan makes several recommendations to create an environmentally sustainable district, including increasing tree canopy, maximizing energy conservation, and reducing energy through site design and energy-efficient buildings. The Sketch Plan includes a cool roof and the purchase of Building Lot Terminations. A noise study must be conducted at the time of Preliminary Plan.

- ii. *Encourage development that integrates target opportunities for redevelopment of single-use commercial areas and surface parking lots with mix of uses.*

The Property is currently vacant.

- iii. *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 proposed development will provide mixed-income housing with 25% MPDUs, with structured parking. The Property is located close to the White Flint Metrorail Station, as well as numerous bus lines.

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

The proposed building height of up to 80 feet will be compatible with confronting buildings on Nebel Street and Old Georgetown Road. These buildings are a mix of low rise and high rise residential and mixed-use buildings.

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

The proposed development creates an affordable housing opportunity that is currently not available in the area. There are a number of

commercial, office and industrial uses in the vicinity of the Property that generate employment opportunities. Given the proximity of well-established employment uses near the Property, the additional housing provided by the Project will create an opportunity for individuals to live, work, and play in the White Flint area.

- vi. *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 public benefits to achieve the desired incentive density above the standard method limit. Even though the Sketch Plan is not required to provide public benefits beyond providing 25% MPDUs, per Section 59.4.7.3.D.6.e , the Applicant has proposed benefits in four categories.

2. *The Sketch Plan substantially conforms to the recommendations of the applicable master plan.*

The MHP-Nebel Street Sketch Plan is located within the 2010 White Flint Sector Plan area. Located within the Nebel Street district, the Sector Plan recommends a public use space on the property as well as “signature buildings, between 150 and 200 feet tall, may be located at the terminus of Old Georgetown Road and Nebel Street” (p.41).

The Sketch Plan complies with the recommendations of the Sector Plan by providing a public use space on the North Parcel, affordable housing, accommodating a recreation loop on Nebel Street and Old Georgetown Road, and will retain a significant area of existing tree canopy.

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 Sketch Plan is not subject to a development plan or schematic development plan.

4. *Under Section 7.7.1.B.5, for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment, satisfy any green area requirement in effect on October 29, 2014; any green area under this provision includes and is not in addition to any open space requirement of the property’s zoning on October 30, 2014.*

- 12. The Property's zoning classification on October 29, 2014 was not a result of a Local Map Amendment.

5. *The Sketch Plan achieves compatible internal and external relationships between existing and pending nearby development.*

The Sketch Plan successfully achieves compatibility with the industrial uses to the east and west and the newer residential and mixed-use development to the south. The restored natural areas will provide a buffer to the adjacent industrial areas while the form of the proposed development is compatible with the newer development to the south.

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

This project helps fulfill a portion of the overall Pike District bikeway network with a connected system of separated bike lanes to be implemented along streets as properties redevelop and new grid streets are constructed. It is anticipated that this facility will be improved with permanent street buffers in coordination with this Site's construction. The Applicant will coordinate with MCDOT on enhancing the separated bike lanes, and to participate in implementation of the Master Planned Old Georgetown Road separated bicycle lanes along the Property's Old Georgetown Road frontage.

The vehicular circulation is an issue that needs further coordination. The proposed development currently shows two entrances from Nebel Street, which ideally should be reduced to one. However, given the grading required for the development and limited developable area, this issue will require further study.

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

For developments of this size in the CR zone, the Zoning Ordinance requires 50 points in a minimum of three categories. However, per Section 59.4.7.3.D.6.e, a project that provides a minimum of 20% MPDUs does not have to satisfy any benefit category other than Affordable Housing under the Diversity of Uses and Activities category. Regardless, the Applicant is proposing to provide 25% MPDUs and is proposing to provide benefits in four categories. Although at the time of Sketch Plan review, only the categories need to be approved, the following table shows both the categories and points for public benefits requested at Sketch Plan to demonstrate the project's ability to meet the requirement to provide sufficient public benefit points. The final calculations and benefit points earned will be further refined and ultimately determined as part of a future site plan submission. Table 2 shows the Applicant's proposed public benefits in the following four

categories: Transit Proximity, Diversity of Uses and Activities, Quality Building and Site Design, and Protection and Enhancement of the Natural Environment .

Table 2- Proposed Public Benefits

Public Benefit	Incentive Density Points	
	Max Allowed	Total Requested
59.4.7.3.B: Transit Proximity		
Between ¼ and ½ mile of Level 1	50	30.0
59.4.7.3.D: Diversity of Uses and Activities		
Affordable housing-25% MPDUs	n/a	150.0
59.4.7.3.E: Quality of Building and Site Design		
Exceptional Design	10	10.0
Structured Parking	20	15.0
59.4.7.3.F: Protection and Enhancement of the Natural Environment		
Building Lot Termination	30	2.79
Cool Roof	10	10.0
Total	-	217.79

Transit Proximity

The Applicant seeks to gain approval for 30 points for being located close to mass transit. The Subject Property is located between ¼ and ½ mile from the WMATA White Flint Metrorail Station. Proximity to Metrorail Stations places this Property in Level 1 for transit service. Based on the distance from the entrance to the proposed development to the White Flint Metrorail Station, the Planning Board supports the Applicant's request for 30 points.

Diversity of Uses and Activities

Moderately Priced Dwelling Units: The Applicant seeks to gain approval for 90 points for providing 20% MPDUs. The project will provide 25% MPDUs, 12.5% above the minimum required. Twelve (12) points are allowed for every percentage point over the required 12.5% MPDUs as demonstrated in the calculation below. The Planning Board supports the Applicant's request based on the following calculation:

$$[25\% (\text{percentage MPDUs provided}) - 12.5\% (\text{percentage MPDUs required})] * 12 = 150 \text{ points}$$

Quality of Building and Site Design

Exceptional Design: The Applicant seeks to gain approval for 10 points for Exceptional Design. The criteria for Exceptional Design are:

- Providing innovative solutions in response to the immediate context;
- Creating a sense of place, that serves as a landmark;
- Enhancing the public realm in a distinct and original manner;
- Introducing materials, forms, or building methods unique to the immediate vicinity or applied in a unique way;
- Designing compact, infill development so living, working and shopping environments are more pleasurable and desirable on a problematic site; and
- Integrating low-impact development methods into the overall design of the site and building, beyond green building or site requirements.

The Applicant is proposing to develop this difficult, infill site and provide affordable housing while improving the environment. The Applicant is also proposing a major enhancement to the public realm with the development of the pocket park on the South Parcel. The architecture will evolve through the design and approval process, with the goal of providing a landmark at the termination of Old Georgetown Road. The Planning Board supports the Applicant's request based on the current design, with the understanding that it will be refined as part of the Site Plan.

Structured Parking: The Applicant seeks to gain approval for 15 points for providing structured parking. All of the 155 parking spaces will be provided in structured parking. The Planning Board supports the Applicant's request based on the following calculation:

$$[(77 \text{ above grade spaces} / 155 \text{ total spaces}) * 10] + [(78 \text{ below grade spaces} / 155 \text{ total spaces}) * 20] = 15 \text{ points}$$

Protection and Enhancement of the Natural Environment

Building Lot Terminations: The Applicant seeks approval for 2.79 points for purchasing building lot termination easements. The Planning Board supports the Applicant's request based on the following calculation:

$$\begin{aligned} &188,500 \text{ square feet total development proposed} - 57,919.5 \text{ square feet base density} = 130,580.5 \text{ square feet of incentive density} \\ &130,580.5 \text{ square feet} * 0.075 = 9,793.53 / 31,500 = 0.31 \text{ BLTs} \\ &0.31 \text{ BLTs} * 9 = 2.79 \text{ points} \end{aligned}$$

Cool Roof: The Applicant seeks to gain approval for 10 points for providing a Cool Roof. All roof areas in the Project will be constructed with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12. The Planning Board supports the Applicant's request.

8. *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 Applicant intends to develop the structures, landscaping and streetscaping for the Project simultaneously in a single phase.

BE IT FURTHER RESOLVED that the Planning 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 Planning 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

BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of Sketch Plan No. 320210110, MHP-Nebel Street, received by M-NCPPC as of the date of the Staff Report July 16, 2021, 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 AUG 11 2021 (which is the date that this Resolution is mailed to all parties of record); and

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Verma, seconded by Commissioner Cichy, with Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor of the motion, and Chair Anderson absent at its regular meeting held on Thursday, July 29, 2021, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board, P