



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

MAR 08 2022

MCPB No. 22-022
Sketch Plan No. 32020006A
4725 Cheltenham Drive
Date of Hearing: February 17, 2022

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 January 7, 2021, the Planning Board, by Resolution MCPB No. 20-118, approved Sketch Plan No. 320200060, for up to 80,000 square feet of density for residential development with a minimum of 15% Moderately Priced Dwelling Units on 0.245 acres of CR-3.0 C-2.0 R-2.75 H-90 and the Bethesda Overlay Zone zoned-land, located on Cheltenham Drive, approximately 110 feet east of Wisconsin Avenue in the Wisconsin Avenue Corridor District ("Subject Property"), in the Bethesda Policy Area and 2017 *Bethesda Downtown Sector Plan* ("Sector Plan") area; and

WHEREAS, on October 19, 2021, Community Three ("Applicant") filed an application for approval of an amendment to the previously approved sketch plan to convert up to 4,351 square feet of residential uses to commercial uses for 8 Live/Work Units, and modify the public benefit categories on the Subject Property; and

WHEREAS Applicant's sketch plan application was designated Sketch Plan Amendment No. 32020006A, 4725 Cheltenham Drive ("Sketch Plan" or "Application"); and

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Approved as to
Legal Sufficiency: Matthew T. Mills
M-NCPPC Legal Department

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 February 7, 2022, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on February 17, 2022, 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, on February 17, 2022 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Rubin, seconded by Commissioner Verma, with a vote of 4-0; Chair Anderson, Commissioners Cichy, Rubin and Verma voting in favor with Commissioner Patterson absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan Amendment No. 32020006A to convert up to 4,351 square feet of residential uses to commercial uses for 8 Live/Work Units, and modify the public benefit categories by modifying the following conditions:¹

Conditions. This approval is subject to the following conditions:

1. Density

The Sketch Plan is limited to a maximum of 80,000 total square feet of development including up to 75,000 square feet of residential density and up to 5,000 square feet of commercial density. The maximum number of dwelling units will be determined at Site Plan. The maximum density includes up to 31,544 square feet of density from the Bethesda Overlay Zone (BOZ) with a Park Impact Payment (PIP). The final square footage, including BOZ density and PIP payment, will be determined at 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. and this Sketch Plan is amended. 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 and Employment Zones Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

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.

- a. Major Public Facility achieved by providing a financial contribution for planning/improvements to Cheltenham Drive Urban Park.
- b. Connectivity and Mobility achieved by providing fewer than the maximum parking spaces under the Zoning Ordinance and BOZ; and improved streetscape beyond site frontage at the alley entrance.
- c. Diversity of Uses and Activities, achieved through providing up to 8 live/work units on site.
- d. Quality of Building and Site Design achieved through exceptional design.
- e. Protection and Enhancement of the Natural Environment, achieved through building lot terminations, cool roof and energy conservation and generation.

9. MCDOT letter

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated February 3, 2022 and hereby incorporates them as conditions of the Sketch 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 Sketch Plan approval.

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

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 this Amendment does not alter the intent, objectives, or requirements in the originally approved Sketch Plan and all previous findings remain in effect, except as modified below:

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

a. Development Standards

The Subject Property includes approximately 0.245 acres zoned CR-3.0 C-2.0 R-2.75 H-90 and the Bethesda Overlay Zone. The data table below

demonstrates the Application's conformance to the applicable development standards of the zone.

Data Table

Sketch Plan Amendment Data Table				
Section 59.4	Development Standard	Permitted/ Required	Approved Sketch Plan 320200060	Approved Sketch Plan Amendment 32020006A
	Tract Area	n/a	16,147 sf (0.371 ac)	16,152 sf (0.371 ac)
	Prior Dedication	n/a	5,493 sf (0.126 ac)	5,493 sf (0.126 ac)
	Proposed Dedication	n/a	0	0
	Site Area	n/a	10,654 sf (0.245 ac)	10,659 sf (0.245 ac)
	Mapped Density CR-3.0 C-2.0 R-2.75 H-90			
	Residential (GFA/ FAR)	44,418 sf (2.75)	44,404 sf (2.75)	43,456 sf (2.7)
	Commercial (GFA/FAR)	32,304 sf (2.0)	0 sf (0.00)	5,000 sf (0.3)
	Total Mapped Density (GFA/FAR)	48,456 sf (3.0)	44,404 sf (2.75)	48,456 sf (3.0)
	Bethesda Overlay Zone Density (GFA/FAR)	n/a	35,596 sf (2.20)	31,544 (1.95)
	Total GFA (FAR)	n/a	80,000 sf (4.95)	80,000 sf (4.95)
	MPDU Density (GFA/FAR)	15%	15%	15%
	Building Height, max average	90 feet	90 feet	90 feet
	Public Open Space (min)	0	0	0
	Green Cover (min)	35% of Site Area	35% of Site Area	35% of Site Area
	Minimum Setbacks (ft)			
	Cheltenham Drive	0'	0'	0'
	20' Private Alley	0'	0'	0'

The final number of vehicular parking spaces will be determined at Site Plan based on the residential units.

The Bethesda Overlay Zone (BOZ) was adopted July 18, 2017, specifically to implement the recommendations of the *Bethesda Downtown Sector Plan* as it relates to density, building heights, affordable housing, parks, and design. The BOZ set a cap of overall development (32.4 million square feet) whereby the zoning approved for most properties retains the base density but increases the heights on respective sites. An Applicant can request an allocation of density over the base density to build to the maximum height permitted by the Zone, as needed. An allocation of density from the BOZ requires a park impact payment of \$11.41/square

foot based upon the density requested and facilitates acquisition of parkland in the downtown Bethesda area. This Application requested an allocation of 31,544 square feet from the BOZ, initiating a Park Impact Payment, with the final amount to be finalized during Site Plan review and to be paid at the time of building permit.

6. *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, 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, the Planning Board 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. Final determination of public benefit point values will be determined at Site Plan(s).

For the development, the Zoning Ordinance requires 100 points from 4 categories. Although at the time of Sketch Plan review only the categories need be approved, the following table shows both the categories and points for the public benefits requested at Sketch Plan to demonstrate the project's ability to meet the requirement to provide sufficient benefit points.

The Sketch Plan Amendment eliminated the Structured Parking subcategory from the Quality of Building and Site Design, as the Applicant will not be providing parking on site, added the Diversity of Uses and Activities category to add Live/Work units, and added Cool Roof to the Protection and Enhancement of the Natural Environment. The Public Benefits table below has been updated to reflect the changes associated with the Sketch Plan Amendment.

4725 Cheltenham Avenue-Public Benefits Table			
Public Benefit	Incentive Density Points		
	Max Allowed	Approved in Concept Sketch Plan 320200060	Approved in Concept Sketch Plan Amendment 32020006A
59.4.7.3A: Major Public Facility			
Parks Financial Contribution	70	7.51	7.51

59.4.7.3C: Connectivity and Mobility			
Minimum Parking¹	20	20	20
Streetscape	30	20	20
Diversity of Uses and Activities			
Live/Work Units	10	NA	10
59.4.7.3E: Quality of Building and Site Design			
Exceptional Design¹	30	23	23
Structured Parking	20	20	NA
59.4.7.3.F: Protection and Enhancement of the Natural Environment			
Building Lot Termination (BLT)	30	1.54	1.54
Cool Roof	15	NA	10
Energy Conservation and Generation¹	25	15	15
TOTAL		107.05	107.05

¹Denotes Sector Plan priority

Major Public Facilities

Parks Financial Contribution: The Applicant requests 7.51 points for financially contributing towards improvements to Cheltenham Avenue Urban Park to not exceed \$25,000, located directly east of the Property for the implementation of certain design enhancements within the Park.

Connectivity and Mobility

Minimum Parking: Given the Property's location and close proximity to transit, the Applicant is not proposing to provide on-site parking. The Property is also located within the Bethesda Parking Lot District (PLD) and no spaces are required to be provided. This Project supports the Sector Plan goal of promoting alternative modes of transportation and the constrained long-term parking supply policy. The Applicant is seeking 20 points for minimum parking.

Streetscape: The Project requests to implement off-site streetscape improvements along the north side of Cheltenham Drive between Wisconsin Avenue and Tilbury Street and install specialty paving at the entrance to the public alley. The Applicant will construct an interim bike lane along the Cheltenham Drive Urban Park and CVS site frontages within the public right-of-way, which will connect with the permanent bike lane (with fixed curb) along the Site's frontage. The interim bike lane provides an immediate public benefit ensuring connectivity between Tilbury Street and Wisconsin Avenue. The final design of the off-site bikeway facility will be finalized via the MCDOT CIP Project. The Applicant is seeking 20 public benefit points for this category.

Diversity of Uses and Activities:

Live/Work Units: The Project will provide up to 8 Live/Work units. The property's zone allows that a minimum of 6.6 percent of the total units must be provided at Live/Work units to achieve 10 points. The Project will provide up to 8 Live/Work Units out of the 110 total units provided (i.e., 7.3%) Accordingly, the Project request 10 points for this category.

Quality of Building and Site Design

Exceptional Design: The Applicant is seeking 23 points towards exceptional design. The Project satisfies a minimum of four of the Exceptional Design Criteria. The Project will redevelop an underutilized property in close proximity to public transit. The building provides context-sensitive massing that responds to the location and constrained site. The mid-rise boutique façade activates the pedestrian environment while employing a variety of building materials that bridge the Wisconsin Avenue and the Cheltenham Drive Urban Park. The design scheme was evaluated by the Design Advisory Panel (DAP) where the Panel endorsed the Project, with final points to be determined at the time of Site Plan.

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT): The Applicant requests 1.54 points for the purchase of BLT easements, with final number to be determined at the time of Site Plan.

Cool Roof: Any roof area that is not covered by a vegetated roof or mechanical equipment will be constructed with a minimum solar reflectance index of 75. Final points are determined at the time of Site Plan.

Energy Conservation and Generation: The Applicant is seeking a minimum of 15 points towards this category. The Project is designed to exceed energy-efficiency standards for this building typology.

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

BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of 4725 Cheltenham Drive, Sketch Plan Amendment No. 32020006A, 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 MAR 08 2022 (which is the date that this Resolution is mailed to all parties of record).

* * * * *

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 Verma, seconded by Commissioner Rubin, with Chair Anderson, Vice Chair Verma, and Commissioners Cichy and Rubin voting in favor of the motion, and Commissioner Patterson abstaining at its regular meeting held on Thursday, March 3, 2022, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

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