

## 8015 OLD GEORGETOWN ROAD

### SITE PLAN AMENDMENT 82020013B

#### Description

Request to amend Site Plan 82020013A to remove Condition 23.b thereby allowing the Department of Housing and Community Affairs (DHCA) to determine the location of Moderately Priced Dwelling Units (MPDUs).

Site Plan Amendment No.  
82020013B

Completed: 05-20-2022

MCPB  
Item No. 5  
06-02-2022

2425 Reedie Drive  
Floor 14  
Wheaton, MD 20902

## Planning Staff



Grace Bogdan, Planner III, DownCounty Planning, grace.bogdan@montgomeryplanning.org, 301.495.4533



Stephanie Dickel, Supervisor, DownCounty Planning, Stephanie.Dickel@montgomeryplanning.org, 301.495.4527



Elza Hisel-McCoy, Chief, DownCounty Planning, Elza.Hisel-McCoy@montgomeryplanning.org, 301.495.2115

### LOCATION/ADDRESS

Located on the north quadrant of the intersection of Old Georgetown Road and Glenbrook Road

### MASTER PLAN

2017 *Bethesda Downtown Sector Plan*

### ZONE

CR- 2.5, C-0.75, R-1.75, H-120 & Bethesda Overlay Zone

### PROPERTY SIZE

2.52 acres

### APPLICANT

JLB Georgetown Road LLC

### ACCEPTANCE DATE

April 21, 2022

### REVIEW BASIS

Chapter 59.7.7.1.B.3



## Summary:

- In July of 2021, the Planning Board approved a Site Plan Amendment allowing a reduction of residential units from 297 to 224 units, and inclusion of up to 82,270 square feet of commercial density for 73 live/work units and shared commercial space. With this Site Plan Amendment approval, in coordination with DHCA Condition 23.b expressly did not allow live/work units to be counted as MPDUs.
- This Site Plan Amendment proposes to remove Condition 23.b, thereby allowing the location of MPDUs to be fully determined by DHCA as the lead agency.
- Department of Housing and Community Affairs reviewed the Application and is supportive of the condition change, as reflected in their approval letter (Attachment A).
- There is no change in building footprint, density, unit count, or total MPDUs proposed with this Amendment.
- No community correspondence has been received for this Application.

## SECTION 1: RECOMMENDATIONS AND CONDITIONS

### SITE PLAN 82020013B

Staff recommends approval of Site Plan Amendment No. 82020013B, to remove Condition 23.b thereby allowing DHCA to determine the location of MPDUs. The development must comply with the binding elements and conditions of approval for Sketch Plan No. 32019010A and Preliminary Plan No. 12016022B as listed in the MCPB Resolution Nos. 21-076 and 21-077. All site development elements shown on the latest electronic version of the Site Plan Amendment as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.<sup>1</sup> The following Condition 23 modifies the previously approved language, and all other conditions remain in full force and effect:

#### Modified Condition

##### 23. Occupancy Provisions

- a. The 73 units designated as live/work on the Certified Site Plan Amendment must each be restricted to commercial and residential uses.
- ~~b. The 73 live/work units cannot include any MPDUs that count toward the 15% MPDU requirement.~~
- b. ~~c.~~ Commercial usage of the live/work units must be included in lease agreements. A copy of the live/work lease agreement must be provided to staff prior to final Use and Occupancy permit for the residential units.
- c. ~~d.~~ No on-site parking will be reserved for clients, customers, or colleagues of the 73 units designated as live/work.
- d. ~~e.~~ Live/work tenants will be informed that clients, customers, and colleagues should not visit such that they would be traveling during morning and evening peak hours by the management company.
- e. ~~f.~~ Prior to Certified Site Plan Amendment:
  - i. The Applicant must enter into a covenant with the Planning Board reflecting the commercial use restriction in a form approved by the M-NCPPC Office of General Counsel;
  - ii. The covenant must be recorded in and among the Land Records of Montgomery County; and
  - iii. The Book/Page reference must be included on the Certified Site Plan Amendment.

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<sup>1</sup> For the purposes 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.



## SECTION 2: SITE DESCRIPTION

### PROPERTY DESCRIPTION

The Property is 2.52 acres in size, zoned CR-2.5, C-0.75, R-1.75, H-120 within Bethesda Overlay Zone, with frontage on Old Georgetown Road, Glenbrook Road, and Rugby Avenue. The Site is within the Battery Lane District of the 2017 *Bethesda Downtown Sector Plan* (Sector Plan) and is located outside the Bethesda Parking Lot District (PLD).

The Property is currently improved with the former Christ Evangelical Lutheran Church, consisting of a church building and adjoining three-story community building, three single-family detached houses used for a child daycare and other community purposes, and a surface parking lot. There is a gradual change in topography on-site that rises approximately 14 feet from the corner of Old Georgetown Road and Glenbrook Road to Rugby Ave.

The vicinity contains a mix of land uses including established single-family residential neighborhoods located directly north of the Site and across Old Georgetown Road to the south. Farther north along Battery Lane are garden apartments and higher-density multi-family developments and the campus of the National Institutes of Health (NIH). To the west is the Bethesda Chevy Chase Rescue Squad. To the east is an 8-story commercial building and the beginning of the Woodmont Triangle District that is comprised of lower- to higher-density office, retail, and residential mixed-use development.

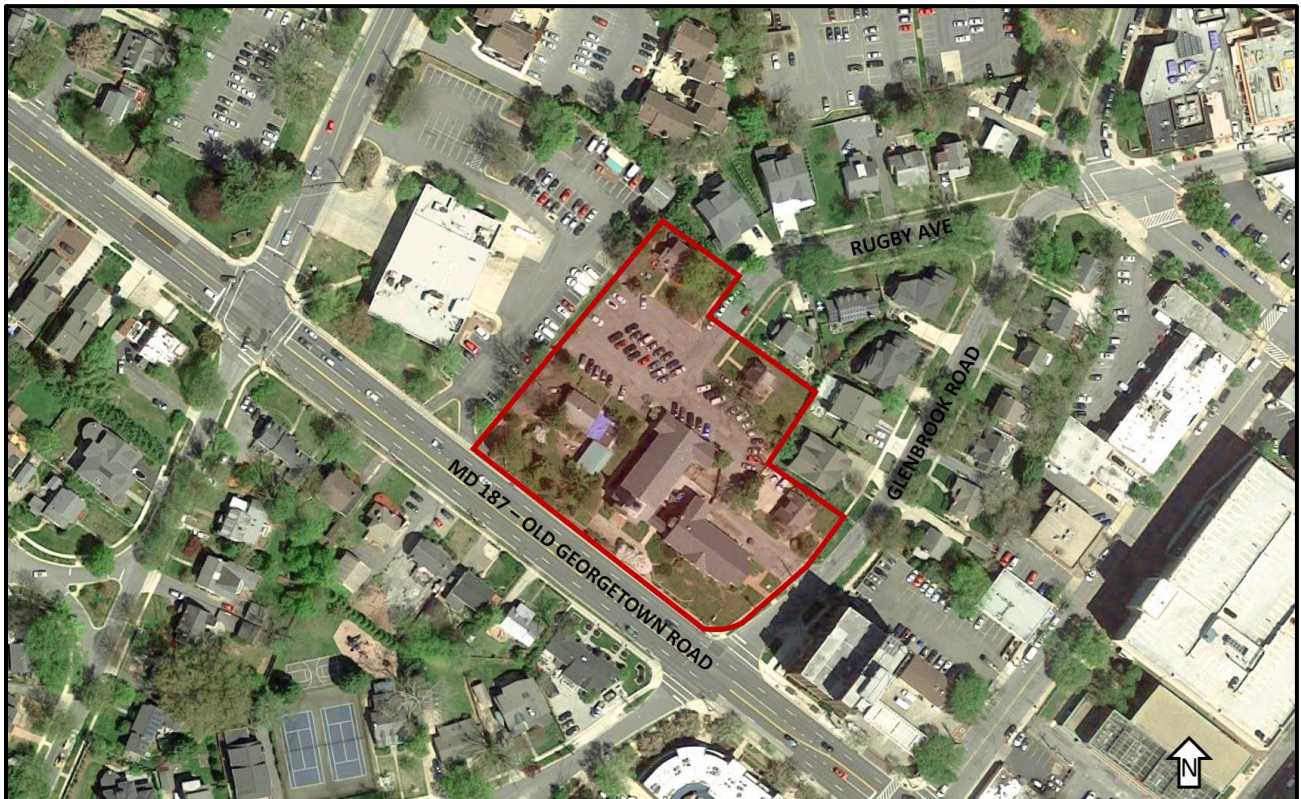


Figure 1 – Aerial Map

## SECTION 3: PROJECT DESCRIPTION

### PREVIOUS APPROVALS

In June of 2019, the Planning Board approved Sketch Plan 320190100 (MCPB No. 19-108) to allow up to 320,000 square feet of multi-family development with an allocation of up to 128,036 square feet of BOZ density.

Subsequent to the Sketch Plan approval by the Planning Board, the Sketch Plan was appealed to the Montgomery County Circuit Court (Circuit Court). While the appeal was under review, the Applicant continued with the development review process.

In July of 2020, the Planning Board approved related Preliminary and Site Plans to create one (1) lot for a multi-family residential development with a maximum density of 316,500 square feet for residential uses (up to 297 residential dwelling units) on 2.52 tract acres or 109,771 square feet, zoned CR-2.5, C-0.75, R-1.75, H-120 and Bethesda Overlay Zone. The total density included up to 124,536 square feet of Bethesda Overlay Zone density.

On August 28, 2020, the Circuit Court concluded that, pursuant to Section 59.4.9.2.C.2.ii.A of the Montgomery County Zoning Ordinance, the Project could not utilize density from the Bethesda Overlay Zone (BOZ) without first using all mapped density (commercial and residential) allowed by the Property's zoning.

In July 2021, the Planning Board approved amendments to the Sketch, Preliminary, and Site Plan to correct the use of density to utilize all mapped commercial and residential density to allow the use of the BOZ density. This approval allowed, within the previously approved maximum density of 316,500 square feet, a reduction of residential units from 297 to 224 units, and inclusion of up to 82,270 square feet of commercial density for 73 live/work units and shared commercial space. With this approval, it was noted by the Department of Housing and Community Affairs that none of the live/work units could be utilized as Moderately Priced Dwelling Units (MPDUs), which was reflected in Site Plan Amendment 82020013A Condition 23.b (MCPB Resolution No. 21-078).

### PROPOSAL

With this Site Plan Amendment, the Applicant proposes to remove the language of Condition 23.b of Site Plan Amendment (MCPB Resolution No. 21-078), which restricts the location of MPDUs. As the Applicant describes in their Statement of Justification (Attachment B), they have been working closely with DHCA on their Agreement to Build, and through that process DHCA has agreed that some of the live/work units can be designated as MPDUs. While the DHCA condition (Condition 7 of Site Plan Amendment 82020013A) does not expressly limit live/work units from being MPDUs, Condition 23.b

does. The Applicant requests removal of 23.b which would allow the location of MPDUs to be fully determined by DHCA, the lead agency.

With this Amendment, there is no change to the building footprint, overall density, number of units, or number of required MPDUs. The Project will still require 15% MPDUs spread among the live/work and residential units, totaling 45 units.

## SECTION 6: SITE PLAN 82020013B FINDINGS AND ANALYSIS

The Planning Board approved Site Plan No. 82020013A, MCPB No. 21-078, to allow within the previously approved maximum density of 316,500 square feet an increase in commercial density up to 82,270 square feet, including for up to 76,270 square feet for 73 live/work units and up to 6,000 square feet of shared commercial working space, and a reduction in residential density from 316,500 to 234,230 square feet, including 224 residential units, with 15% MPDUs, and a decrease in allocation of BOZ density from 124,536 to 42,266 square feet and related PIP payment on the Subject Property with conditions.

Site Plan Amendment 82020013B requests to remove Condition 23.b, to allow DHCA to determine the location of MPDUs. The proposed Site Plan Amendment does not alter the intent of the previous findings, which remain applicable, except as modified below.

- 1. When reviewing an application, the approval findings apply only to the site covered by the application.**

The findings herein apply only to the Subject Property.

- 2. To approve a Site Plan, the Planning Board must find that the proposed development:**

- d) satisfies applicable use standards, development standards, and general requirements under this Chapter;**

- i. Division 4.5 Commercial/Residential Zones**

Development Standards

The Tract is approximately 2.52 tract acres or 109,771 square feet, zoned CR-2.5, C-0.75, R-1.75, H-120', and is within the Bethesda Overlay Zone. The following Data Table shows the Amendment is in keeping with the previously approved plans, with the removal of footnote 3.

Table 1: 8015 Old Georgetown Road Site Plan Amendment 82020013B Data Table

Development Standard	Permitted/ Required	Approved w/ 82020013A	Proposed w/ 82020013B
Tract Area (Square Feet/ Acres) CR-2.5, C-0.75, R-1.75, H-120 Total Tract Area	n/a	109,694 sf (2.52)	109,694 sf (2.52)
Site Area (Square Feet/ Acres) Prior Dedication Proposed Dedication Site Area	n/a	22,562 sf (0.52) 7,330 sf (0.17) 79,802 sf (1.83)	22,562 sf (0.52) 7,330 sf (0.17) 79,802 sf (1.83)
Residential Density (GFA/ FAR)	191,964 sf (1.75)	191,964 sf (1.75)	191,964 sf (1.75)
Commercial Density (GFA/ FAR)	82,270 sf (0.75)	82,270 sf (0.75)	82,270 sf (0.75)
Total Mapped Density (GFA/FAR)	Residential 191,964 sf (1.75) Commercial 82,270 sf (0.75) Total 274,235 sf (2.5)	191,964 sf (1.75) 82,270 sf (0.75) 274,235 sf (2.5)	191,964 sf (1.75) 82,270 sf (0.75) 274,235 sf (2.5)
MPDU Density (GFA/FAR)	15%	15% (45 units) <sup>3</sup> 36,607 sf (0.33)	15% (45 units) 36,607 sf (0.33)
Bethesda Overlay Zone Density (GFA/ FAR)	n/a	42,266 sf (0.39)	42,266 sf (0.39)
Total GFA/ FAR	n/a	316,500 (2.89)	316,500 (2.89)
Building Height	120 feet	90 feet	90 feet
Public Open Space (min)	10%	11% (8,775 sf)	11% (8,775 sf)
Green Cover	35%	Tree Cover 14,905 sf Green Roof 7,572 sf Solar Array 5,500 sf Total 35% (27,977 sf)	Tree Cover 14,905 sf Green Roof 7,572 sf Solar Array 5,500 sf Total 35% (27,977 sf)
Minimum Setbacks	Front: n/a Side: n/a Rear <sup>2</sup> : 30'	Front: 0 Side: 22' (western) 0' (eastern) Rear <sup>2</sup> : 30'	Front: 0 Side: 22' (western) 0' (eastern) Rear <sup>2</sup> : 30'

<sup>1</sup> Sketch Plan 320190100 approved the use of a solar array as a 1 to 1 substitute for Green Cover per Bethesda Downtown Sector Plan recommendations to allow projects proposing onsite energy generation to alter the 35% green cover recommendation.

<sup>2</sup> Residential Compatibility Standards per Section 59.4.8.1.A apply. Rear setback is based on 1.5 times the minimum rear setback for the abutting residential zone (R60).

<sup>3</sup> 15% MPDUs are based off total units (224 residential units + 73 live work units = 297 units), resulting in 45 units, however, per DHCA live work units cannot be counted as MPDUs.

As approved with Site Plan 82020013A, the minimum required parking was 132 spaces to accommodate the project and the Applicant proposed a range from 292-298, with the final number to be determined by building permit. While the minimum required parking will be reduced slightly, the total range of parking spaces proposed will not change with Site Plan Amendment 82020013B and will remain from 292-298. The proposed parking remains in conformance with Section 59.6.2.

## SECTION 7: COMMUNITY OUTREACH

A notice regarding the subject amendment was sent to all parties of record by the Applicant on April 20, 2022. The notice gave interested parties 15 days to review and comment on the Site Plan Amendment per Montgomery County Zoning Ordinance Section 59.7.3.4.J.2. As of date of this Staff Report, no correspondence has been received.

## SECTION 8: CONCLUSION

As conditioned, Site Plan Amendment No. 82020013B satisfies the findings under Sections 59.7.3.3 & 7.3.4 and the applicable standards of the Zoning Ordinance, and substantially conforms to the recommendations of the 2017 *Bethesda Downtown Sector Plan*. Therefore, Staff recommends approval of Site Plan Amendment No. 82020013B with the conditions specified at the beginning of this report.

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### ATTACHMENTS

*Attachment A: Agency Letters*

*Attachment B: Applicant SOJ*

*Attachment C: Site Plan Amendment 82020013A (MCPB Resolution No. 21-078)*





DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Marc Elrich  
County Executive

Aseem K. Nigam  
Director

May 3, 2022

Grace Bogdan, Planner Coordinator  
Down County Planning Division  
Montgomery County Planning Department  
2425 Reedie Drive  
Wheaton, Maryland 20902

Re: 8015 Old Georgetown Rd  
Site Plan Amendment 82020013B

Dear Ms. Bogdan:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced plan and recommends Approval.

The development proposes to locate some of their MPDUs in live-work units. DHCA does not generally approve MPDUs in such unit types. In preparing the Agreement to Build for this development, however, the development team demonstrated that the live work units for this project are indistinguishable from other MPDUs, other than the commercial covenants that will also be recorded on the units. In order to prioritize the reasonable dispersion requirement Chapter 25A for MPDUs, the identification of some live-work units as MPDUs will provide a better distribution of affordable units throughout the building.

The live-work units to be designated as MPDUs will be rented at the same rate as other MPDUs, as determined at the time of the Offering Agreement.

Sincerely,

A handwritten signature in blue ink that reads "S. T. Cross".

Somer Cross, Manager  
Affordable Housing Programs Section

cc: Erin Girard, Miles & Stockbridge

Division of Housing

Affordable Housing    Common Ownership Communities    Landlord-Tenant Affairs    Multifamily Housing

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**Erin E. Girard**  
 301-517-4804  
 egirard@milesstockbridge.com

March 4 2022

Mr. Casey Anderson, Chair  
 and Members of the Montgomery County Planning Board  
 Maryland-National Capital Park and Planning Commission  
 2425 Reddie Drive  
 Wheaton, Maryland 20902

Re: 8015 Old Georgetown Road; Site Plan Amendment No. 82020013B

Dear Chairman Anderson and Members of the Planning Board:

On behalf of our client, JLB Georgetown Road LLC (“JLB”), the purpose of this letter is to request an amendment to Condition No. 23a of Site Plan No. 82020013A (“Site Plan”) to allow the Montgomery County Department of Housing and Community Affairs (“DHCA”) to approve the designation of some of the live/work units within the approved project as Moderately Priced Dwelling Units (“MPDUs”).

Condition No. 7 of the Site Plan Resolution, dated July 27, 2021, accepts the recommendations of DHCA in its letters of May 12, 2020 and June 29, 2021 and incorporates them as conditions of the Site Plan approval. DHCA’s July 29, 2021 letter did not place a restriction on the designation of live/work units as MPDUs. However, Condition No. 23a states, “[t]he 73 live/work units cannot include any MPDUs that count toward the 15% MPDU requirement.” This condition seems to have originated from email correspondence in June 2021 between JLB, DHCA and Staff where it was initially agreed that none of the live/work units would be designated as MPDUs, although, as noted, such a limitation was not ultimately included in DHCA’s July 2021 letter. Subsequent to the approval of the Site Plan, JLB has been working closely with DHCA on the Agreement to Build MPDUs, and, through this collaboration, it has been agreed that some of the live/work units should in fact be designated as MPDUs. Therefore, JLB is now requesting a modification of Condition No. 23a to allow DHCA, the lead agency with respect to MPDUs, to approve the designation of some of the live/work units as MPDUs. All other aspects of the approved site plan and entitlements for the proposed project will remain unchanged.

11 N. WASHINGTON STREET, SUITE 700 | ROCKVILLE, MD 20850-4276 | 301.762.1600 | milesstockbridge.com

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Thank you for your consideration of this request. If you have any questions or would like any additional information, please feel free to contact me.

Sincerely,

**Miles & Stockbridge, P.C.**

A handwritten signature in black ink that reads 'Erin E. Girard'.

Erin E. Girard

cc: Graham Brock  
Martin Mankowski



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

**JUL 27 2021**

MCPB No. 21-078  
Site Plan No. 82020013A  
8015 Old Georgetown Road  
Date of Hearing: July 22, 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 June 25, 2020, the Planning Board, by Resolution MCPB No. 20-053, approved Site Plan No. 820200130, for construction of a multi-family residential building of up to 316,500 square feet for a maximum of 297 units with 15% MPDUs, including up to 124,536 square feet of BOZ Density with a Park Impact Payment on 2.52 acres of CR 2.5 C 0.75 R 1.75 H-120 and the Bethesda Overlay Zone land, located at the north corner of Old Georgetown Road and Glenbrook Road ("Subject Property"), in the Bethesda CBD Policy Area and 2017 *Bethesda Downtown Sector Plan* ("Sector Plan"), area; and

WHEREAS, on June 1, 2021 JLB Realty, LLC ("Applicant") filed an application for approval of an amendment to the previously approved site plan to allow within the previously approved maximum density of 316,500 square feet an increase in commercial density up to 82,270 square feet, including for up to 76,270 square feet for 73 live/work units and up to 6,000 square feet of shared commercial working space, and a reduction in residential density from 316,500 to 234,230 square feet, including 224 residential units, with 15% MPDUs, and a decrease in allocation of BOZ density from 124,536 to 42,266 square feet and related PIP payment on the Subject Property; and

WHEREAS, the application to amend the site plan was designated Site Plan No. 82020013A, 8015 Old Georgetown Road ("Site Plan," "Amendment," or "Application"); and

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www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc.org

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

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 8015 Old Georgetown Road  
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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 July 9, 2021, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 22, 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 conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82020013A to allow within the previously approved maximum density of 316,500 square feet an increase in commercial density up to 82,270 square feet, including for up to 76,270 square feet for 73 live/work units and up to 6,000 square feet of shared commercial working space, and a reduction in residential density from 316,500 to 234,230 square feet, including 224 residential units, with 15% MPDUs, and a decrease in allocation of BOZ density from 124,536 to 42,266 square feet and related PIP payment by modifying Conditions 1, 3, 5, 6, 7, 8, 10 and adding Condition 23 as follows:<sup>1</sup>

**Modified Conditions:**

1. Sketch Plan Conformance

The development must comply with the binding elements and conditions of approval for Sketch Plan No. 320190100 as listed in MCPB Resolution No. 19-108, and any subsequent amendments.

3. Density

The Site Plan Amendment is limited to a maximum of 316,500 square feet of mixed-use density including up to 82,270 square feet of commercial development for up to 73 live work units, and up to 234,230 square feet of residential development for up to 224 dwelling units including a minimum of 15% MPDUs.

5. Bethesda Overlay Zone Density

a. The Planning Board approves 42,266 square feet of Bethesda Overlay Zone (BOZ) density for this Application.

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



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- b. Per Section 59.4.9.2.D.4 of the Zoning Ordinance, the Applicant must have a building permit application accepted by MCDPS that includes the core and shell of the principal building within two years of the mailing date of the Planning Board's Resolution for this Site Plan Amendment. Within two years of MCDPS accepting the building permit application, the Applicant must obtain the building permit. The deadlines may not be extended. If the Applicant fails to comply with any of the deadlines in this condition, the entire Site Plan approval is revoked.
  - c. In the event the final allocation of density from the BOZ is less than the approved amount, the Applicant may apply to reduce the allocation of density from the BOZ through a minor amendment.
6. Park Impact Payment  
 The Applicant must pay to the M-NCPPC a Park Impact Payment of \$62,701.72, prior to release of the first above-grade building permit, or as may be adjusted through a minor amendment as set forth in Condition 5.c above.
7. Moderately Priced Dwelling Units (MPDUs)  
 The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated May 12, 2020 and confirmed on June 29, 2021 and incorporates them as conditions of the Site Plan Amendment approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan Amendment approval.
8. Public Benefits
- d. Protection and Enhancement of the Natural Environment
    - i. Building Lot Terminations (BLTs) – Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment of 0.6229 BLTs to MCDPS and M-NCPPC staff.
    - ii. Cool Roof - The Applicant must install a cool roof, having a minimum solar reflectance index of 75, covering a minimum of 30,000 square feet of roof area, as shown on the Certified Site Plan Amendment.
10. Public Open Space, Facilities, and Amenities
- a. The Applicant must install the standard Bethesda Streetscape improvements, including the undergrounding of utilities, along the Property's frontage on Old Georgetown Road and Glenbrook Road.
  - b. The Applicant must provide a minimum of 8,775 square feet of public open space, as illustrated on the Certified Site Plan Amendment.
  - c. Before the issuance of the final residential Use and Occupancy Certificate, all public open space areas on the Subject Property must be completed.

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**New Condition:**

23. Occupancy Provisions

- a. The 73 units designated as live/work on the Certified Site Plan Amendment must each be restricted to commercial and residential uses.
- b. The 73 live/work units cannot include any MPDUs that count toward the 15% MPDU requirement.
- c. Commercial usage of the live/work units must be included in lease agreements. A copy of the live/work lease agreement must be provided to staff prior to final Use and Occupancy permit for the residential units.
- d. No on-site parking will be reserved for clients, customers, or colleagues of the 73 units designated as live/work.
- e. Live/work tenants will be informed that clients, customers, and colleagues should not visit such that they would be traveling during morning and evening peak hours (6:30 AM - 9:30 AM, 4:00 PM - 7:00 PM) by the management company.
- f. Prior to Certified Site Plan Amendment:
  - i. The Applicant must record a covenant among the Land Records of Montgomery County reflecting the applicable commercial use restriction in a form approved by the M-NCPPC Office of General Counsel;
  - ii. The Book/Page reference must be included on the Certified Site Plan Amendment.

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

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 82020013A, 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 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, the Planning Board FINDS, with the conditions of approval, that this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan and that all findings not specifically addressed remain in effect, except as modified below:

2. *To approve a Site Plan, the Planning Board must find that the proposed development:*

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d. satisfies applicable use standards, development standards, and general requirements under this Chapter;

i. Division 4.5. Commercial/Residential Zones

Development Standards

The Tract is approximately 2.52 tract acres or 109,771 square feet, zoned CR 2.5, C 0.75, R 1.75, H-120', and is within the Bethesda Overlay Zone. The following Data Table shows the Application's conformance to the development standards of the zone.

Table 1: Project Data Table (Section 59.4)			
Development Standard	Permitted/ Required	Approved w/ 820200130	Approved w/ 82020013A
Tract Area (Square Feet/ Acres) CR 2.5, C 0.75, R 1.75, H-120 Total Tract Area	n/a	109,694 sf (2.52)	109,694 sf (2.52)
Site Area (Square Feet/ Acres) Prior Dedication Proposed Dedication Site Area	n/a	22,562 sf (0.52) 7,330 sf (0.17) 79,802 sf (1.83)	22,562 sf (0.52) 7,330 sf (0.17) 79,802 sf (1.83)
Residential Density (GFA/ FAR)	191,964 sf (1.75)	191,964 sf (1.75)	191,964 sf (1.75)
Commercial Density (GFA/ FAR)	82,270 sf (0.75)	0 sf (0)	82,270 sf (0.75)
Total Mapped Density (GFA/FAR)	Residential 191,964 sf (1.75) Commercial 82,270 sf (0.75) Total 274,235 sf (2.5)	191,964 sf (1.75) 0 sf (0) 191,964 sf (1.75)	191,964 sf (1.75) 82,270 sf (0.75) 274,235 sf (2.5)
MPDU Density (GFA/FAR)	15%	15% (45 units) 36,607 sf (0.33)	15% (45 units) <sup>3</sup> 36,607 sf (0.33)
Bethesda Overlay Zone Density (GFA/ FAR)	n/a	124,536 sf (1.14)	42,266 sf (0.39)
Total GFA/ FAR	n/a	316,500 (2.89)	316,500 (2.89)
Building Height	120 feet	90 feet	90 feet
Public Open Space (min)	10%	11% (8,775 sf)	11% (8,775 sf)
Green Cover	35%	Tree Cover 14,905 sf Green Roof 7,572 sf Solar Array 5,500 sf Total 35% (27,977 sf)	Tree Cover 14,905 sf Green Roof 7,572 sf Solar Array 5,500 sf Total 35% (27,977 sf)
Minimum Setbacks	Front: n/a Side: n/a Rear <sup>2</sup> : 30'	Front: 0 Side: 22' (western) 0' (eastern) Rear <sup>2</sup> : 30'	Front: 0 Side: 22' (western) 0' (eastern) Rear <sup>2</sup> : 30'

<sup>1</sup> Sketch Plan 320190100 approved the use of a solar array as a 1 to 1 substitute for Green Cover per Bethesda Downtown Sector Plan recommendations to allow projects proposing onsite energy generation to alter the 35% green cover recommendation.

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<sup>2</sup> Residential Compatibility Standards per Section 59.4.8.1.A apply. Rear setback is based on 1.5 times the minimum rear setback for the abutting residential zone (R60).

<sup>3</sup> 15% MPDUs are based off total units (224 residential units + 73 live work units = 297 units), resulting in 45 units, however, per DHCA live work units cannot be counted as MPDUs.

The parking remains unchanged from the original approval as the live/work unit parking rate remains the same as the residential unit

ii. *Division 4.7. Optional Method Public Benefits*

Site Plan 820200130 approved a total of 108.84 public benefit points from four categories. With this Amendment, the Applicant is revising the calculation for Building Lot Termination within the Protection of Natural Environment category; as it was previously determined the original calculation utilized an incorrect methodology.

Public Benefit	Incentive Density Points		
	Max Allowed	Approved w/ 820200130	Approved w/ 82020013A
<b>59.4.7.3C: Connectivity and Mobility</b>			
Minimum Parking <sup>1</sup>	20	3.56	3.56
Through-Block Connections <sup>1</sup>	30	20	20
<b>59.4.7.3D: Diversity of Uses and Activities</b>			
Enhanced Accessibility	10	5	5
<b>59.4.7.3E: Quality of Building and Site Design</b>			
Exceptional Design <sup>1</sup>	30	15	15
Architectural Elevations <sup>1</sup>	30	30	30
Structured Parking	20	20	20
<b>59.4.7.3F: Protection and Enhancement of the Natural Environment</b>			
BLTs	30	4.82	5.61
Cool Roof	15	10.46	10.46
<b>TOTAL</b>		<b>110.56</b>	<b>109.63</b>

<sup>1</sup>Denotes Sector Plan priority

Protection and Enhancement of the Natural Environment

*Building Lot Termination (BLT)*: The Applicant requests 5.16 points for the purchase of 0.6229 BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area, exclusive of any density allocated for MPDUs. Based on the calculation set forth in Section 59.4.7.3.F of the Zoning Ordinance, the Planning Board approves 5.61 points for this category.

$$\begin{aligned} &(((\text{Incentive Density} - \text{Standard Method Density}) * 7.5\%) / 31,500) * 9 = \\ &(((316,500 \text{ sf}) - (54,847 \text{ sf})) * 7.5\%) / 31,500 * 9 = 5.61 \text{ points} \end{aligned}$$

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*e. substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

As amended, the Project remains in conformance with the 2017 *Bethesda Downtown Sector Plan* recommendations for the Property. The inclusion of commercial density for live/work units will enhance the area and provide flexibility for change in the working environment.

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 JUL 27 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 Commissioner Cichy, 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, July 22, 2021, in Wheaton, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board