

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

JUN 14 2022

MCPB No. 22-053
Site Plan Amendment No. 82020013B
8015 Old Georgetown Road
Date of Hearing: June 2, 2022

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 (“BOZ”) 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 July 22, 2021, the Planning Board approved an amendment to the previously approved site plan, designated 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 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, on April 21, 2022, JLB Georgetown Road LLC (“Applicant”) filed an application for approval of an amendment to the previously approved site plans 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”) on the Subject Property; and

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Approved as to
Legal Sufficiency: /s/ Emily Vaias
M-NCPPC Legal Department

WHEREAS Applicant's application to amend the site plan was designated Site Plan Amendment No. 82020013B, 8015 Old Georgetown Road ("Site Plan," "Amendment," 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 May 20, 2022, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on June 2, 2022, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Cichy, seconded by Vice Chair Verma, with a vote of 4-0; Chair Anderson, Vice Chair Verma, Commissioners Cichy, and Patterson voting in favor with Commissioner Rubin abstaining.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan Amendment No. 82020013B to remove Condition 23.b thereby allowing the DHCA to determine the location of MPDUs by replacing Condition 23 in its entirety as follows:¹

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. 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. No on-site parking will be reserved for clients, customers, or colleagues of the 73 units designated as live/work.
- d. 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. 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.

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.

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 Site Plan Amendment No. 82020013B, 8015 Old Georgetown Road, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above condition of approval.

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or 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 condition of approval, that, unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan as revised by previous amendments, and 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:

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 109,694 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 ac)	109,694 sf (2.52 ac)
Site Area (Square Feet/ Acres) Prior Dedication Proposed Dedication Site Area	n/a	22,562 sf (0.52 ac) 7,330 sf (0.17 ac) 79,802 sf (1.83 ac)	22,562 sf (0.52 ac) 7,330 sf (0.17 ac) 79,802 sf (1.83 ac)
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) 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 ² : 30'	Front: 0 Side: 22 ft (western) 0 ft (eastern) Rear ² : 30 ft	Front: 0 ft Side: 22 ft (western) 0 ft (eastern) Rear ² : 30 ft

¹ 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.

² 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).

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.

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

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H.


BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUN 14 2022 (which is the date that this resolution is mailed to all parties of record).

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 Verma, seconded by Commissioner Patterson, with Chair Anderson, Vice Chair Verma and Commissioner Patterson voting in favor with Commissioner Cichy being absent and Commissioner Rubin abstaining, at its regular meeting held on Thursday, June 9, 2022, in Wheaton, Maryland.



Casey Anderson, Chair
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