

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 22-067
Site Plan No. 82008011C
North Bethesda Parcel F
Date of Hearing: July 14, 2022

AUG 10 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, under Section 59-7.7.1.B.3, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014, including the zoning then in effect; and

WHEREAS, September 16, 2008, the Planning Board, by Resolution MCPB No. 08-70, approved Site Plan No. 820080110 for 327 multi-family dwelling units in a 19-story building and approximately 63,100 square feet of Public Use Space on Parcels F and J on 7.36 acres of TS-M zoned-land, located in the southwestern quadrant of the intersection of Old Georgetown Road and Nebel Street ("Subject Property"); and

WHEREAS, on November 10, 2011, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82008011A (MCPB No. 11-90), to make the following modifications on the Subject Property:

1. Reduction of building height from 19 to 18 floors;
2. Reduction of construction area by approximately 29,500 square feet;
3. Modification of unit sizes and mix;
4. Increase of 14 units to 341 total;
5. Removal of certain sun rooms from some units and reconfiguration of 1st floor units' patios;
6. Revisions of site details per previous conditions of approvals;
7. Minor grading, site, and streetscape changes due to stormwater management, utilities, and site conditions;
8. Increase in screening of utilities; and

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Approved as to

Legal Sufficiency: /s/ Emily Vaias

M-NCPPC Legal Department

9. Adjustment of parcel boundaries and addition of a volumetric easement to accommodate structures; and

WHEREAS, on April 15, 2014, the Planning Director approved an administrative amendment to the previously approved site plan, designated Site Plan No. 82008011B, to make the following modifications on the Subject Property:

1. Inclusion of a sun shelf within the limits of the pool shape;
2. Addition of a new arbor and water feature on the east side of the pool;
3. Adjustment to the height of the screen wall on the eastern side of the pool to provide additional privacy;
4. Extension of the temporary field fence for screening and safety on the southern portion of the community green; and
5. Two additional tree pits along a temporary sidewalk; and

WHEREAS, on March 10, 2022, North Bethesda Center Parcel H L/CAL, LLC ("Applicant") filed an application for approval of an amendment to the previously approved site plans to reflect the parking garage connection and shared amenities between buildings on Parcels F and H and revise the parking requirements pursuant to Section 59-7.7.1.B.3. of the current Zoning Code on the Subject Property; and

WHEREAS Applicant's application to amend the site plan was designated Site Plan No. 82008011C, North Bethesda Parcel C ("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 July 1, 2022, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 14, 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 Rubin, seconded by Commissioner Verma, with a vote of 5-0; Chair Anderson, Commissioners Cichy, Patterson, Rubin and Verma voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82008011C to reflect the parking garage connection and shared amenities between buildings on Parcels F and H and revise the parking requirements pursuant to Section 59-7.7.1.B.3. of the current Zoning Code by adding the following conditions, which only apply to Site Plan Amendment 82008011C: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.

5. Before approval of Certified Site Plan 82008011C, the following revisions must be made and/or information provided subject to Staff review and approval:
 - a) Include the Resolution on the Approvals Sheet.
 - b) Include revised garage plans with the Certified Set and modify the Sheet Index on the Cover Sheet accordingly.
 - c) Provide staff with a redline of Sheets A.2.10 and A.2.11 from Site Plan 82008011B.
 - d) Add car-share, motorcycle/scooter and electric-vehicle charging stations as required by Section 59-6.2.3
 - e) Reflect the NADMS reduction in the parking table calculations.
 - f) Include a note referencing the covenant to be recorded to allow Parcel F ingress and egress to the Parcel H garage.

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 82008011C, 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 of its Staff as presented at the hearing and/or 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:

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.

1. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56;*

The Site Plan Amendment revises the parking requirements pursuant to Section 59.7.7.1.B.3.b of the current Zoning Ordinance. This provision allows an Applicant to amend the parking requirements of a Site Plan approved under the Zoning Ordinance in effect on October 29, 2014 in a manner that satisfies the parking requirements of Section 59.6.2.3 and Section 59.6.2.4 of the current Zoning Ordinance. In the prior approval, Site Plan No. 82008011B, 337 vehicle parking spaces were required by the

Zoning Ordinance in effect at the time and 376 spaces were provided. The Amendment proposes to provide 12 fewer parking spaces within the existing parking garage, for a total of 364 parking spaces as shown in the table below. As conditioned, the requirements of Section 59.6.2.3 and Section 59.6.2.4 of the current Zoning Ordinance are satisfied.

Parking Requirement Table for Parcel F

	Required	Provided
Vehicle Parking Spaces (341 ¹ dwelling units)	260 ² (min)/ 403 (max)	364
Bicycle Parking	100 (95% long-term)	95 long-term, 5 short-term
¹ This is a correction from page 22 of the Staff Report. ² Minimum parking reduction factor of 20% for market-rate units taken for non-auto driver mode share (NADMS) as allowed under Section 59-6.2.3.I.7.		

At the hearing, the Planning Board requested that the resolution include the parking requirements for Parcel F, the subject of this Application, and Parcel H, the subject of accompanying Site Plan No. 820220100, in one table:

Vehicle Parking for Parcels F & H

	Dwelling Units	Required Parking Spaces	Provided Parking Spaces
Parcel F (existing)	341 ¹	260 (min) ^{2,3} / 403 (max)	364
Parcel H (proposed by Site Plan No. 820220100)	365	278 ² (min)/ 475 (max)	360
TOTAL	706	538 (min)/ 878 (max)	724
¹ This is a correction from page 22 of the Staff Report. ² Minimum parking reduction factor of 20% for market-rate units taken for non-auto driver mode share (NADMS) as allowed under Section 59-6.2.3.I.7.			

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-D-3.8; 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 10 2022~~ (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 the motion of Commissioner Rubin, seconded by Vice Chair Verma, with a vote of 5-0; Chair Anderson, Vice Chair Verma, and Commissioners Cichy, Patterson, and Rubin, voting in favor of the motion, at its regular meeting held on Thursday, July 28, 2022, in Wheaton, Maryland and via video conference.



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North Bethesda Parcel H