

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

July 29, 2024

MCPB No. 24-068
Site Plan No. 820230140
Shops at Sumner, Sumner Place Apartments
Date of Hearing: July 18, 2024

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 November 29, 2023, W.C. & A.N. Miller Development (“Applicant”) filed an application for approval of a site plan for the construction of up to 117,608 square feet of multi-family dwelling uses (up to 118 multi-family dwelling units, including 15.2 percent Moderately Priced Dwelling Units (“MPDUs”), 224,274 square feet of non-residential uses to remain, and new streetscape improvements and amenity open space on 11.88 acres of NR-0.75, H-45 zoned-land (currently two recorded parcels, Parcel E per Plat 16267 and Parcel F, per Plat 21680), located at the northeast corner of Sentinel Drive and Sangamore Road in Bethesda (“Subject Property”), in the Bethesda - Chevy Chase & Vicinity Policy Area and 1990 *Bethesda-Chevy Chase Master Plan* (“Master Plan”) area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820230140, Shops at Sumner Place (“Site 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 8, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on July 18, 2024, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Commissioner Linden, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem and Commissioners Bartley, Hedrick, and Linden voting in favor.

2425 Reedie Drive, Floor 14, Wheaton, MD 20902 | Phone: 301-495-4605
www.montgomeryplanningboard.org | mcp-chair@mncppc.org

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820230140 for construction of up to 117,608 square feet of multi-family dwelling uses (up to 118 multi-family dwelling units, including 15.2 percent MPDUs), 224,274 square feet of non-residential uses to remain, and new streetscape improvements and amenity open space on the Subject Property, subject to the following conditions:¹

Density, Height & Housing

1. Density

The Site Plan is limited to a maximum of 341,882 square feet of total development on the Subject Property, including 117,608 square feet of new residential uses, for up to 118 multi-family dwelling units (including the MPDU bonus density), and 224,274 square feet of retail/service, restaurant, office, non-residential uses which are existing and will remain².

2. Height

The development is limited to a maximum building height of fifty-seven (57) feet (including the MPDU bonus density), as measured from the building height measuring point, as illustrated on the Certified Site Plan.

3. Moderately Priced Dwelling Units (MPDUs)

- a) The Planning Board has reviewed and accepts the recommendations of Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated May 29, 2024, and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.
- b) The development must provide 15.2 percent MPDUs or MCDHCA-approved equivalent consistent with the requirements of Chapter 25A and the applicable Master Plan. The Applicant is receiving a twenty-two percent (22%) residential density bonus (21,453 square feet) for providing 15.2 percent MPDUs or MCDHCA-approved equivalent.
- c) Before issuance of any building permit for any residential unit(s), the MPDU Agreement to Build between the Applicant and the MCDHCA must be executed.

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.

² The retail/service, restaurant, office use spaces can be changed to other commercial/non-residential uses if there is no adverse impact on the Site Plan and APF findings and it is approved by Staff.

Open Space, Facilities and Amenities

4. Amenity Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 86,256 square feet of amenity open space (16% of net lot area) on-site, as illustrated on the Certified Site Plan.
- b) Before the issuance of the first use and occupancy certificate for the residential development (excluding core and shell), all public amenity open space areas on the Subject Property must be completed.

5. Amenity Open Space Covenant

Before the new record plat is recorded, the Applicant must record an Amenity Open Space Covenant, in a form approved by the M-NCPPC Office of the General Counsel.

6. Recreation Facilities

The Applicant must provide the required recreation facilities as shown on the Certified Site Plan (CSP). The CSP must include an exhibit delineating location and detail of recreation facilities, where appropriate, in a manner that is clear and corresponds to the posted surety and maintenance agreement.

Transportation & Circulation/Adequate Public Facilities (APF)

7. Transportation

- a) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated May 16, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

8. Pedestrian & Bicycle Circulation

- a) The Applicant must provide fifty-seven (57) new long-term and six new (6) short-term bicycle parking spaces and maintain the existing thirty (30) spaces for a total of ninety-three (93) total bicycle parking spaces onsite, as illustrated on the Certified Site Plan.
- b) The new long-term spaces must be in a secured, well-lit bicycle room on the ground floor of the residential building, and the short-term spaces must be inverted-U racks (or approved equal) installed in a location convenient to the main entrance of the residential building (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.

- c) The Applicant must provide one bicycle repair station in the secure bike parking room in the residential building, as illustrated on the Certified Site Plan.
- d) The Applicant must show on the Certified Site Plan and before issuance of the first use and occupancy permit (excluding core and shell) for the residential development provide the following master planned pedestrian and bicycle facilities, the exact location, design, and construction of which must comply with requirements of the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations:
 - i. Sentinel Drive: six-foot-wide (6 ft) sidewalk, except where infeasible due to existing grade and retaining walls, with six-foot-wide (6 ft) buffer from traffic.

9. Fire and Rescue

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter May 29, 2024, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

Site Plan

10. Site Design

- a) The exterior architectural character, proportion, materials, and articulation of the new residential building must be substantially similar to the schematic elevations shown on the Certified Site Plan, as determined by M-NCPPC Staff.
- b) There will be no balconies above the second floor, along the northern portion of the east elevation as shown in Exhibit A-01, as modified as represented by the Applicant during the July 18, 2024, Public Hearing, and included as part of the Certified Site Plan.

11. Lighting

- a) Before Certified Site Plan, the Applicant must provide to Staff certification from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with

the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).

- b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on approved fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by street lights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f) On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

12. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, whichever comes first, associated with this Site Plan application, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements only for facilities located on the Property (not in the public right-of-way), including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, fences, railings, internal sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector

recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

13. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved before the approval of the Certified Site Plan.

14. Certified Site Plan

Before approval of the Certified Site Plan, the Applicant must make the following revisions or provide additional information, subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution on the approval or cover sheet(s).
- b) Add the following notes:
 - i. “M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”
 - ii. “Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”
 - iii. “The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur before any site development work commencement and before any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan along with any subsequent amendments is required to be on-site at all times.”
- c) Include approved Fire and Rescue Access Plan.
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.
- f) On Construction Details Sheet L-601, indicate that the height of the composite fence to be installed on the Sumner Village Community property will be eight-feet.

- g) Modify Exhibit A-01 as represented by the Applicant during the July 18, 2024, Public Hearing.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Sumner Place Apartments, Site Plan No. 820230140, 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 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 conditions of approval, that:

1. *The development satisfies any previous approval that applies to the site.*

The development complies with the conditions of approval for Preliminary Plan Amendment No. 11985202A, which is being approved concurrently with this Application, and supersedes prior Certified Site Plan No. 820200060 only regarding Amenity Open Space and off-street parking.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

3. *The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

This section is not applicable as the Subject Property's zoning classification on October 29, 2014, was not the result of a Local Map Amendment.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

- a. Use Standards

Multi-unit living is a limited use in the NR Zone subject to the requirements in 59-3.3.1.E. It requires that, "the gross floor area of all Household Living uses is limited to 30% of the gross floor area on the subject site". Further analysis is provided below demonstrating that the Application complies with this

requirement.

b. Development Standards

The Subject Property includes approximately 11.88 acres zoned NR-0.75, H-45. The Application satisfies the applicable development standards as shown in the following data table:

Data Table

Development Standard	Permitted/ Required	Approved
Tract Area	n/a	588,867 s.f., 13.52 ac
Tract Area - Prior Dedication	n/a	71,251 s.f., 1.64 ac
Tract Area - Approved Dedication¹	n/a	0 s.f., 0 ac
Site Area	n/a	517,616 s.f., 11.88 ac
Mapped Density NR-0.75, H-45		
Base Density Residential (GFA) ²	132,495 s.f./0.3 GFA	96,117 s.f./0.19 GFA
Commercial (GFA/FAR)	441,650 s.f./0.75 FAR	224,274 s.f./0.38 FAR
Total Mapped Density (GFA/FAR)	441,650 s.f./0.75 FAR	320,391 s.f./0.54 FAR
MPDU Requirement	12.5%	15.2%
MPDU Bonus Density³ (GFA/FAR)		21,453 s.f.
Total Residential Density (Base + Bonus)³		117,570 s.f.
Total GFA/FAR with MPDU bonus (GFA/FAR)		341,882 s.f. /0.58 FAR
Building Height	45ft	57 ft ⁴
Amenity Open Space (min s.f.)	10% (51,762 s.f.)	16% (86,256 s.f.)
Minimum Setbacks (ft) – Front (Sentinel Drive)	0 ft	14 ft
Minimum Setbacks (ft) –Side, East	0 ft	37 ft
Minimum Setbacks (ft) –Side, West (Sangamore Road)	0 ft	586 ft
Minimum Setbacks (ft) - Rear	0 ft	446ft
Vehicular Parking (min⁵/max)		
118 Dwelling Units	584 ⁵ /1,160 sp	712 sp
116,289 s.f. retail and restaurant		
107,985 s.f. office uses		
Bicycle Parking (short-term/long-term)		

Development Standard	Permitted/ Required	Approved
118 Dwelling Units	2/57	
116,289 s.f. retail and restaurant	2/10	
107,985 s.f. office uses	2/20	
	Total: 6/87 sp	6/87 sp

¹Note that as conditioned, the Applicant will be required to record a covenant for future right-of-way dedication along Sangamore Road.

²Section 59-3.3.1.E and 59-4.6.3.C.1.a. of the Zoning Ordinance require that, “ In the GR, NR, and EOF zones, the gross floor area of all Household Living uses is limited to 30% of the gross floor area on the subject site.”

³ Residential density within the NR zone may receive bonus density for providing more than 12.5 percent MPDUs in accordance with Section 59-4.6.2.C.

⁴Section 59-4.6.2.C.6 permits the Applicant to build an additional floor of building height through the provision of 15.2% MPDU’s.

⁵In accordance with Section 59-6.2.3.1.3.a an applicant is approved for development with more than one use may submit a shared parking analysis using the Urban Land Institute Shared Parking Model (Second Edition, 2005) instead of using the parking table in Section 6.2.4.B.

c. Division 4.6.2.C. Development with Moderately Price Dwelling Units

Section 59-4.6.2.C. states that, “For any application that includes more than 12.5% of the gross residential floor area as Moderately Priced Dwelling Units (MPDUs), qualified under Chapter 25A, the following provisions apply:

1. Residential density may be increased above the mapped residential FAR by:
 - a. 0.88% for each 0.1% increase in MPDUs above 12.5%, up to and including 15%;
 - b. 22% plus 0.16% for each 0.1% increase in MPDUs above 15%, up to and including 20%; or
 - c. 30% plus 0.1% for each 0.1% increase in MPDUs above 20%.”

Section 59-4.6.2.C.2 of the Zoning Ordinance states that the “total density may be increased above the number following the zoning classification on the zoning map by an amount equal to the residential density achieved under 59-4.6.2.C.1.”. Section 59-4.6.2.C.5 says, “the floor counted as MPDU floor area includes a proportional share of the gross floor area not devoted to residential units”.

The Applicant is approved to construct a total of 118 multi-family dwelling units, including 18 MPDUs, which amounts to 15.2 percent MPDUs. Thus, the Applicant is approved to provide three additional MPDUs, and a proportional share of gross floor area (common residential space) not devoted to residential units that is beyond the 12.5 percent MPDUs. The total residential floor area for the Project is 117,570 square feet with the following breakdown of gross floor area allocated to market rate units and MPDUs:

1. Base residential gross floor area is 96,117 square feet
2. MPDU bonus density (15.2 percent) is .2232 MPDU bonus density, or approximately 21,453 square feet
3. Total residential gross floor area is 117,570 square feet

The height may be increased pursuant to Section 59-4.6.2.C.6. which says, “The height limit of the applicable zone and master plan does not apply to the extent required to provide the MPDUs. The additional height is calculated as the floor area provided for MPDUs above 12.5% divided by the average residential floor plate area, where each whole number and each remaining fraction allows an increase of 12 feet.” In this case that means the Project is eligible for 12 feet of additional building height beyond the Property’s mapped height of 45 feet because the Project provides a minimum of 15.2 percent MPDUs. The specific application of the formula described in Section 59-4.6.2.C.6 is detailed in Table 7.

Table 7: Bonus Density Analysis, Section 59-4.6.2.C.1.b

Analysis Factor	Input
Maximum Mapped Height	45 ft
Base Residential GFA	96,117 s.f.
Avg. Residential Floorplate	23,150 s.f.
Avg. Dwelling Unit Size	926 s.f.
Baseline 12.5% MPDU per Section 59-4.6.2.C.6 of the Zoning Ordinance	15 MPDUs (12.5% of 118 units)
MPDUs Approved	18 MPDUS (15.2% of 118 units)
Additional MDPUs Provided Above 12.5%/GFA	3 MPDUS (approx. 2,788 s.f.)
Allowable Bonus Height	12 ft
Total Allowable Building Height	57 ft

i. *Division 3.3.1.E.2.a Multi-unit Living as a Limited Use*

Multi-unit living uses are a limited used in the NR zones (Section 59-3.1.6, Use Table). Section 59-3.3.1.E.2.a.i states, “In the GR, NR, and EOF zones, the gross floor area of all Household Living uses is limited to 30% of the gross floor area on the subject site”³. The gross floor area of the commercial density (restaurant, retail, and office uses to remain) is 224,274 square feet. The base residential density before applying the MPDU bonus density is 96,117 square feet. Therefore, the GFA subject to this provision is 320,391 square feet. The base residential density will not exceed 30 percent of the GFA for the Site.

Table 8: Residential Density Analysis, Section 59-3.1.6 and 59-3.3.1.E

	Commercial Density	Base Residential Density	Total Density
Gross Floor Area	224,274 s.f. (70%)	96,117 s.f. (30%)	320,391 s.f.

The Applicant is seeking bonus density for providing more than 12.5 percent of the gross residential floor area as Moderately Priced Dwelling Units (MPDUs). Detailed analysis of this proposal is included in the previous finding. It is important to note that Section 59-4.6.2.C.2 states that the “total density may be increased over the number following the zoning classification on the zoning map by an amount equal to the residential density achieved under Section 4.6.2.C1”.

³ The 30 percent limitation on multi-unit living uses only applies to the base density, excluding the bonus density.

d. General Requirements

i. *Site Access*

The Subject Application does not propose any changes to the overall site access. Vehicular access will continue to be provided from the existing driveway connections on Sentinel Drive and the three driveways on Sangamore Road (two opposite the Defense Intelligence Agency Community Campus of Bethesda, and one opposite the Sumner Highlands Apartments). Given the orientation and proximity to Sentinel Drive, the new residents of the building are likely to favor the Sentinel Drive entrance, which was re-evaluated for both passenger car and truck access.

Pedestrian access to the Site will be improved along Sentinel Drive with a buffered, six-foot-wide sidewalk that will be constructed along the entire frontage, except where some pinch points require a narrower buffer due to steep grades behind the sidewalk. This improved sidewalk complies with the minimum standards of the 2024 *Complete Streets Design Guide*.

Pedestrian access through the Site will be improved with new internal sidewalks around the perimeter of the residential building and pocket park. Pedestrian crossings around the residential building and pocket park will be enhanced with curb extensions, ADA accessible curb ramps, and high visibility crosswalk markings. The existing trail connections between the Site and the condominiums to the east will be preserved to ensure safe and comfortable access to the existing retail and office uses.

ii. *Parking, Queuing, and Loading*

The multi-family residential building and pocket park will replace an existing portion of the surface parking lot on site. Once constructed, the Site will have 712 total vehicular off-street parking spaces. The residential building will have 50 spaces in the garage for use by the residents only. Five parallel short-term vehicular parking spaces will be located along the residential building (interior to the Site) for use by visitors, ride sharing, and unscheduled deliveries. The remaining 657 surface parking spaces will be available for the retail, restaurant, and office uses, as well as overflow parking for the residential building (if needed).

Section 59-6.2.3.I.3. of the Zoning Ordinance permits projects with multiple uses to apply the Urban Land Institute's Shared Parking model (Second Edition) to determine the peak parking demand for the uses when determining the parking minimum for the whole Site. Applying this methodology, the peak parking demand is 584 spaces for the residential and commercial/non-residential uses. The maximum parking demand is 1,160 parking spaces. As stated previously, the Project is approved to provide 712 parking spaces which is higher than the minimum but lower than the maximum.

To address the community concerns that there would be insufficient parking onsite, the Applicant conducted a parking evaluation study. Parking use was evaluated on June 3, 2023 (a Tuesday) and June 6, 2023 (a Saturday). Parking usage was recorded at 41.34 percent and 59.58 percent, respectively. This study confirms the estimates of the ULI Shared Parking Model which demonstrates that the remaining 712 onsite parking spaces will accommodate the peak demand of the multiple uses onsite.

In accordance with Section 59-6.2.10 the Applicant is receiving approval of a parking waiver for a portion of the surface parking lot that is outside the limits of disturbance for the Project. A significant portion of the existing parking lot, which was developed prior to the current zoning standards is to remain in its current condition, with upgrades made to the tree canopy, perimeter planting and pedestrian pathways. In the interim condition, the surface parking lot will comply with most of the design standards set forth in Section 59-6.2.9.C. of the Zoning Ordinance. However, the Planning Board is approving a waiver that would allow more than 20 parking spaces to be located between planting islands on portions of the Property. This represents an existing condition of the Site that will not be modified. The Planning Board approves the parking waiver for the design of the lot because it finds that, “the alternative design satisfies Section 6.2.1”. Section 59-6.2.1. is the Intent statement of Parking, Queuing, and Loading Division of the Chapter, which reads, “The intent of the vehicle and bicycle parking, queuing, and loading requirements is to ensure that adequate parking is provided in a safe and efficient manner. In this case, exceeding the number of parking spaces between planting islands does not create an unsafe or inefficient condition for motorists or pedestrians. Therefore, the existing conditions are acceptable in the existing condition.

The Project is required to provide six short-term bicycle parking spaces and 87 long-term bicycle parking spaces. Fifty-seven of the long-term spaces are required for the residential building. The Subject Application complies with these requirements. The 57 long-term spaces for the residential use will be in the first level of the parking garage in a secured room.

The Project will co-locate loading facilities for the residential building with the adjacent retail uses (CVS Pharmacy) at the eastern side of the Site (just south of the building) in accordance with Section 59-6.2.8.A. of the Zoning Ordinance. The space can be accessed by an SU-30 (Box style) truck as demonstrated by the size of the space and the truck turning movements, submitted with the Subject Application. There are designated loading spaces throughout the Site to serve the retail, restaurant, and office uses to remain onsite.

iii. *Open Space and Recreation*

Section 59-6.3.C.1. of the Zoning Ordinance requires a minimum of 10 percent amenity open space and the Project includes approximately 16 percent of the Property as amenity open space (86,256 square feet). In addition to the existing hardscape and landscape areas within the Property that provide both recreational and natural amenities to the employees

and visitors to the Site, the Applicant will construct additional amenity open space along the residential building's ground-floor. Adjacent to the existing retail uses on Parcel E a pocket park is approved. This is the ideal location on the Site because of its proximity to sidewalks that connect to the mix of uses to the Property. The Project also includes recreational facilities in accordance with Section 59-6.3.9. of the Zoning Ordinance.

iv. *General Landscaping and Outdoor Lighting*

Landscaping and lighting will be provided to ensure that the Project is safe, adequate, and efficient for residents and visitors of the Project. Lighting was evaluated for the project and complies with requirements of Section 59-6.4.4.B (fixture design, height and light source) and Section 59-6.4.4.C (security lighting, accent lighting, canopy area lighting, residential entrances, outdoor recreational lighting and commercial businesses) .

v. *Screening*

The Subject Project is a Standard Method of Development and therefore is subject to Section 59-6.5. Per the table contained in Section 6.5.3, screening is not required for apartment buildings that abut residential multi-unit zones. The Project proposes an apartment building, and the abutting zone is R-30; therefore, no screening is required. However, the Applicant has included additional amenity open space in the setback area between the Sumner Village Condominium and the residential building to create a compatible buffer.

vi. *Outdoor Display and Storage*

This finding is inapplicable because the Project does not propose any outdoor display or storage.

vii. *Signs*

The Applicant will obtain all necessary approvals for signage from MCDPS.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

DPS approved a Combined Stormwater Management Concept/ Site Development Stormwater Management Plan on May 14, 2024. The plan will meet required stormwater management goals via the use of two microbioretentions, one enhanced, and one structural practice.

b. Chapter 22A, Forest Conservation

The Board finds that as conditioned the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

The Property is subject to the Montgomery County Forest Conservation Law,

Chapter 22A of the County Code, and requires a Forest Conservation Plan. The accompanying Forest Conservation Plan No. F20240050, will update the previous Forest Conservation Plan No. 119852020. A separate resolution is being approved for the Forest Conservation Plan. FCP No. F20240050 will preserve 0.39 acres of forest in a Category I Conservation Easement, replace an existing Category I Forest Conservation Easement and record a new Category I Forest Conservation Easement. In addition, the approved FCP includes the granting of a variance to remove one protected tree. As conditioned, the approved FCP complies with Chapter 22A.

- 6. The development provides safe, well-integrated parking, circulation patterns, building massing, and where required, open spaces and site amenities.*

The existing and modifications to the parking and site circulation are safe, efficient, and well-integrated into the overall Site Plan. As conditioned, the Applicant is improving the sidewalks along the Property frontage on Sentinel Road, and the existing sidewalks on Sangamore Road are adequate. The Project will improve pedestrian connections throughout the Site. Specifically, the Applicant will provide new pedestrian walkways around the perimeter of the residential building and will provide new marked crossings and crossing islands connecting the residential building to the other uses onsite. The existing trail between the adjacent residential uses and the Site is to remain. Motor vehicles will continue to access the Site from the existing driveways on Sentinel and Sangamore Road. These access points are sufficient for the design vehicles (trucks and passenger vehicles) and have adequate sight lines. The building massing meets the requirements of the NR-0.75, H-45' zone, and bonus density made allowable to projects providing MDPU's beyond the minimum required. The Project exceeds the minimum required space dedicated to amenity open space and meets the requirements for site amenities and recreation.

- 7. The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

The 1990 Bethesda Chevy Chase Master Plan includes recommendations that apply to the Property and Proposal as follows:

In order to enhance the Mall's use by the community and its compatibility with adjacent uses, public amenities and additional landscaping are encouraged as part of any new development (page 71)... Enhance the role of the Mall as a "community magnet". Improve the economic viability of the Mall (page 72).

The amenity open space and pedestrian circulation improvements around the new building will improve connectivity for the surrounding residences and will further

activate the Property. The Project's inclusion of multi-family dwelling units is intended to expand upon the Property's role as a community magnet by providing additional customers and employees to serve the mix of commercial uses at the Property.

Better pedestrian connections to and through the Mall are needed to improve accessibility and reduce reliance on the automobile (page 76).

The Project includes new sidewalks along the Site frontage on Sentinel Drive and internally through the Site connecting the approved multi-family building and existing condominiums to the north and east with the retail and office uses to remain. Furthermore, the Project is replacing existing surface parking spaces with residential uses, pedestrian walkways and crossings, a pocket park, and new bicycle parking facilities to encourage walking and biking trips to and within the Site.

There is an opportunity for providing not only community-oriented uses but also outdoor public use space, such as a corner courtyard and promenade, to serve the people who live and work near the shopping center (page 76).

The Subject Application includes the construction of a new pocket park positioned conveniently to the approved residential building and the existing, adjacent condominiums which will serve both the new and neighboring residents.

Sidewalks should be installed along the sections of Sangamore Road where they are now lacking in order to allow residents of Sumner Highland Apartments and townhouses to the south safe access to the Mall. Pedestrian walkways into the Mall are needed at the southern entrance opposite the apartments and across from the Sumner Court townhouses on Sentinel Drive. A protected pathways should be extended from the Mall across the parking lot to Sumner Village (page 76).

Since the Master Plan's adoption, sidewalks have been constructed along Sangamore Road and Sentinel Drive that provide pedestrian access from Sumner Highland Apartments and townhouses to the south of the Property. The existing, unbuffered sidewalks along Sentinel Drive will be widened and buffered from vehicular traffic and on-street parking. The sidewalks on Sangamore Road have street buffers with large, healthy street trees. A pedestrian walkway exists (and will remain) between the Property's southern entrance and the townhouse and multi-family units across Sentinel Drive. The Applicant is also improving internal pedestrian circulation with the construction of new, wide, buffered sidewalks and marked pedestrian crossings to improve pedestrian access and comfort between the approved and established residential uses and the retail and office uses onsite.

The existing development includes landscaping along the center's periphery and shade trees in the parking lot. Additional landscaping at the eastern and southern entrances to

the building and installation of trees in conjunction with an expanded walkway system would be desirable. As security lighting is installed to enhance nighttime safety, care should be taken that it not disturb residential neighborhoods (pages 25-26).

As conditioned, the Applicant is adding street buffers along Sentinel Drive that will be landscaped with street trees. Additionally, the Project includes amenity open space and pedestrian pathways connecting the approved residential building and approved pocket park. All approved lighting was evaluated for compliance with Section 59-6.4.4. of the Zoning Ordinance which mandates that footcandles must be 0.5 or less at the lot line.

Bethesda-Chevy Chase is dominated by single-family detached housing, which results in a serious lack of housing choices to meet the needs of people in varied stages of life, lifestyles, or financial situations (page 26).

As described earlier in this report, the Project is approved for a new residential building with up to 118 units, of which 15.2 percent will be Moderately Priced Dwelling Units (MPDUs), exceeding the minimum required. Therefore, the Project is contributing to the varied mix of housing options in both form and cost.

The *2024 Complete Streets Design Guide* classifies Sentinel Street along the Site frontage as a Neighborhood Residential Street and Sangamore Road as a Neighborhood Connector. The minimum design requirements for these roadway types are described in the subsequent finding.

The 2018 Bicycle Master Plan does not recommend any designated bicycle facilities on either Sentinel Street or Sangamore Road.

8. *The development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

The accompanying approved Preliminary Plan Amendment 11985202A, includes approval and findings related to adequate public facilities to serve the Project including transportation, schools, police, fire protection, water, sanitary sewer, public roads, storm drainage and other facilities. The following agencies reviewed the Project and issued approval letters with conditions: MCDPS ROW, MCDOT, MDPS Stormwater, MCDPS Fire & Rescue, and DHCA. As conditioned by the accompanying Preliminary Plan Amendment No. 11985202A, and this Site Plan, the Project will be served by adequate public facilities.

9. *On a property in a Rural Residential or Residential zone, the development is compatible with the character of the residential neighborhood.*

This finding is not applicable because the Property is not located within a Rural Residential or Residential zone.

10. *On a property in all other zones, is compatible with existing and approved or pending adjacent development.*

The Project, as conditioned, will be compatible with adjacent development. The height and bulk of the building has been evaluated for compliance with the Montgomery County Zoning Ordinance and for architectural compatibility with the surrounding buildings. The residential use will complement and support the established retail, restaurant and office uses on the Site. As recommended in the Master Plan the project will contribute to the varied housing options in the surrounding area in form, size, and price. It will replace an under-utilized surface parking lot with an active use that contributes to the surrounding community. Although not required, the building is set back and provides screening from the adjacent Sumner Village Condominium with landscape and hardscape improvements.

11. *To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.*

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

12. *For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

The Property was zoned C-1 on October 29, 2014 and was not rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014. The Property was rezoned to NR-0.75,H-45' by District Map Amendment G-956. The development is approved for a reduction in 3,025 square feet of retail uses (removal of the bank pad site) but the Subject Application will not have an adverse impact on the surrounding area. The Project is approved for an infill residential building within an established shopping center which is developed with retail, service, and office uses. Increasing housing units and unit diversity on this specific Site is recommended in the 1990 Bethesda/Chevy Chase Master Plan. Adding residential uses aligns with a larger County goal to increase housing stock countywide and will not have an adverse impact on the surrounding area.

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

July 29, 2024

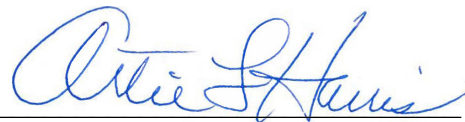
(which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal consistent with the Maryland Rules for the judicial review of administrative agency decisions.

* * * * *

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 Linden, seconded by Commissioner Bartley, with a vote of **3-0**; Chair Harris, and Commissioners Bartley, and Linden, voting in favor of the motion, Vice Chair Pedoeem and Commissioner Hedrick necessarily absent, at its regular meeting held on Thursday, July 25, 2024, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board