

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

October 11, 2024

MCPB No. 24-083
Sketch Plan Amendment No. 32019006B
PLD Lot 44 & 4702 West Virginia Avenue
Date of Hearing: September 12, 2024

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review sketch plan applications; and

WHEREAS, on June 6, 2019, the Planning Board, by Resolution MCPB No. 19- 057, approved Sketch Plan No. 320190060 for the construction of a residential building of up to 20,000 total square feet with underground parking on 0.24 acres of land zoned CRT-0.5, C-0.25, R-0.5, H-70 within the Bethesda Overlay Zone (“BOZ”), located approximately 280 feet east of the intersection of Wisconsin Ave and West Virginia Ave (“Original Property”) in the Bethesda CBD Policy Area and 2017 *Bethesda Downtown Sector Plan* (“Sector Plan”) area; and

WHEREAS, on May 14, 2020, the Planning Board approved an amendment to the previously approved sketch plan, designated Sketch Plan No. 32019006A (MCPB No. 20-042), to increase density from 20,000 square feet of residential development to 21,500 square feet, including an increase of BOZ density from 14,750 square feet to 16,250 square feet on the Original Property; and

WHEREAS, on May 1, 2024, BB 4702 Holding LLC, with authorization from Montgomery County Department of Transportation (collectively the “Applicant”) filed an application for approval of an amendment to the previously approved sketch plan to increase the tract area to 0.74 acres to include the Original Property and County-owned Parking Lot PLD Lot 44 (“Subject Property” or “Property”) collectively zoned CRT-0.5, C-0.25, R-0.5, H-70 and CR-3.0, C-2.0, R-2.75, H-70 within the Bethesda Overlay Zone (“BOZ”), increase the maximum density to 125,469 square feet of mixed-use development, and increase BOZ density up to 54,594 square feet on the Subject Property; and

WHEREAS, Applicant’s application to amend the sketch plan was designated Sketch Plan No. 32019006B, PLD Lot 44 & 4702 West Virginia Avenue (“Sketch Plan,” “Amendment,” or “Application”); and

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

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated August 30, 2024, providing its analysis and recommendation for approval of the Application subject to certain binding elements and conditions (“Staff Report”); and

WHEREAS, on September 12, 2024, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Vice Chair Pedoeem, seconded by Commissioner Hedrick, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem, Commissioners Bartley, Hedrick, and Linden voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 32019006B to increase the tract area to 0.74 acres for the Subject Property, increase the maximum density to 125,469 square feet, and increase BOZ density up to 54,594 square feet on the Subject Property by superseding all previous conditions with the 8 conditions as follows:¹

- A. Binding Elements. With this Application, the following site development elements are being amended:
1. Maximum density and height; and
 2. Approximate location of lots and public dedications.
 5. Public benefit schedule.

The following elements remain unchanged:

3. General location and extent of public open space;
4. General location of vehicular access points; and

All other elements are illustrative.

Conditions. This approval is subject to the following conditions which supersede and replace all other conditions:

1. **Density**

The Sketch Plan is limited to a maximum of 125,469 total square feet of mixed-use development including up to 120,000 square feet of residential uses and up to 5,469 square feet of non-residential uses. The maximum number of dwelling units and use will be determined at Site Plan. The maximum density includes up to 54,594 square feet of density from the Bethesda Overlay Zone (“BOZ”) with a Park Impact Payment (“PIP”).

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.

The final square footage, including BOZ density and PIP payment, will be determined at Site Plan.

2. Height

The development is eligible for an increase in height from the mapped maximum of 70 feet for the provision of Major Public Facilities to a maximum height of 114 feet, as measured from the building height measuring point to be illustrated on the Certified Site Plan. At the time of Site Plan, the increase in building height will be finalized per the provisions of Section 59-4.5.2.A.2.e based on the final details of Major Public Facilities including public parking and dedication of public parkland for the Eastern Greenway.

3. Incentive Density

The development must be constructed with the public benefits listed below unless modifications are made under Section 59.7.3.3.I. Total points must equal at least 100 points and be chosen from at least 4 categories as required by Section 59.4.5.4.A.2. The requirements of Division 59.4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

- a) Major Public Facility, achieved by dedicating and constructing sector planned parkland;
- b) Quality of Building and Site Design, achieved through exceptional design, and structured parking;
- c) Diversity of Uses and Activities, achieved through providing live/work units; and
- d) Protection and Enhancement of the Natural Environment, achieved through the purchase of building lot terminations.

4. Park Impact Payment

The Park Impact Payment (PIP) must be paid to the M-NCPPC prior to the release of the first above-grade building permit. The Project will utilize up to 54,594 square feet of BOZ density, which is subject to a PIP. The Project may receive a PIP Reduction as specified in Section 59.4.9.2.C.2.b.ii.B of the Zoning Ordinance for the proposed Eastern Greenway Public Park dedication, final credit to be determined at the time of Site Plan.

5. Streetscape

The Applicant must install the Bethesda Streetscape Standard along the Site Frontage.

6. MCDOT Letter

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated August 14, 2024, and incorporates them as conditions of the Sketch Plan approval. The Applicant must

comply with each of the recommendations in the letter, which may be amended by MCDOT provided that the amendments do not conflict with any other conditions of the Sketch Plan approval.

7. Future Coordination for Preliminary and Site Plan

In addition to any other requirements for Preliminary Plans under Chapter 50 and Site Plans under Chapter 59, the following must be addressed when filing a Preliminary or Site Plan, as appropriate:

- a) Integrate design improvements as requested by the Design Advisory Panel;
- b) Address the SITES and LEED recommendations of the Sector Plan, specifically related to energy efficiency and building design features;
- c) Coordinate with appropriate agencies to determine improvements to the alley at the rear of the Property;
- d) Submit a Tree Save Plan at the time of Preliminary Plan to address impacts associated with the project, with particular emphasis on the trees located to the south of the Subject Property;
- e) At the time of Site Plan address the 35% green cover requirements for the site as described in the Sector Plan and Design Guidelines;
- f) Address Bird-safe Design per the Bethesda Downtown Sector Plan Design Guidelines;
- g) At the time of Preliminary Plan provide a noise analysis, or request a waiver per Section 2.2.2 of the 1983 Noise Guidelines.

8. Eastern Greenway Dedication

- a) The Applicant must dedicate, design, and construct approximately 5,582 square feet for the Eastern Greenway as public parkland on the eastern portion of the subject Site. The final size, design, construction phasing, and operational issues will be addressed at Site Plan. The design must address the following:
 - i) Consistency with the Montgomery Parks Eastern Greenway Framework Concept, the 2017 *Bethesda Downtown Sector Plan*, Bethesda Downtown Plan Design Guidelines, and the 2019 *Designing Public Spaces: Energized Public Spaces Design Guidelines*; and
 - ii) Recreational amenities must be included that meet Montgomery Parks' standards such as, but not limited to, an improved hard surface promenade trail, plantings, signage, seating, and other suitable active and passive amenities.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations of its Staff as presented at the hearing and/or as set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of the Zoning Ordinance, the Board FINDS, with conditions of approval, that the necessary elements of the Sketch Plan, as amended, are appropriate in concept and appropriate for further review at the site plan and that:

1. Meet the objectives, general requirements, and standards of this Chapter;

As demonstrated in the table below, the Project meets the standards of the CR and CRT zones.

Table 1: Lot 44 & 4702 West Virginia Avenue Sketch Plan Data Table for CR & CRT Zone, Optional Method, Section 59.4.5

Development Standard	Permitted/ Required	Proposed
Tract Area <u>CR-3.0, C-2.0, R-2.75, H -90'</u> Lots 11-14 Prior Dedication Proposed Dedication Subtotal CR-3.0	n/a	16,801 sf 3,875 sf 1,188 sf 21,875 sf¹
<u>CRT-0.5, C-0.25, R-0.5, H 70'</u> Lot 29 Prior Dedication Proposed Dedication Proposed Park Dedication Subtotal CRT-0.5		2,993 sf 1,500 sf 593 sf 5,391 sf 10,500 sf²
Total Tract Area		32,375 sf
Site Area (Square Feet) Prior Dedication Proposed ROW Dedication Proposed Eastern Greenway lot ^{3,6} + alley abandonment in site	n/a	5,375 sf 1,781 sf 5,391 sf ³ + 106 sf
Site Area (Tract Area – Dedications)		19,901 sf^{1, 2, 6}
Mapped Density		

Development Standard	Permitted/ Required	Proposed
<u>Residential (GFA/ FAR)</u> CR-3.0, C-2.0, R-2.75, H-70' CRT-0.5, C-0.25, R-0.5, H-70'	60,156 sf (2.75) 5,250 sf (0.5)	60,156 sf (2.75) 5,250 sf (0.5)
Residential Subtotal	65,406 sf (2.75)	65,406 sf (2.75)
<u>Commercial (GFA/FAR)</u> CR-3.0, C-2.0, R-2.75, H-70' CRT-0.5, C-0.25, R-0.5, H-70'	43,750 sf (2.0) 2,625 sf (0.25)	5,469 sf (0.25) 0 sf
Commercial Subtotal	46,375 sf (2.25)	5,469 sf (0.25)
Total Mapped Density (GFA/FAR)		70,875 sf (2.19) ⁷
Bethesda Overlay Zone Density (GFA/FAR)		54,594 sf (1.34) ³
Total GFA/FAR		125,469 sf (3.87)
MPDU requirement	15%	15%
Maximum Building Height	70 ft	114 ft ⁴
Principle Building setbacks		
Front (West Virginia Avenue)	0 ft	0 ft
Front (public alley)	0 ft	0 ft
Side (Eastern Greenway)	0 ft	4 ft
Green Cover (% of site area)	35% (6,965 sf)	35% (7,000 sf)
Public Open Space (min)	0%	0%
Vehicular Parking (min⁵/max) 53 residential units 6 live/work units	0 ⁵ /104 sp	99 sp
Bicycle Parking (short-term/long-term) 53 residential units 6 live/work units	28/2 sp	33/4 sp

¹Tract Differential from recorded vs measured totals an additional 11 square feet

² Tract Differential from recorded vs measured totals an additional 23 square feet

³ Projects utilizing BOZ Density are subject to a PIP payment and may reduce the square footage associated with MPDUs. This Project is also eligible for a PIP reduction based on the dedication of public parkland for the Eastern Greenway per Section 4.9.2.C.2.ii of the Zoning Ordinance. Eastern Greenway lot will total 5,582 sf when alley abandonment (+191 square feet) is added to 5,391 square feet.

⁴ The Planning Board approved additional height based on the provision of Major Public Facilities per Section 59.4.5.2.A.2.e of the Zoning Ordinance.

⁵ 4702 West Virginia Avenue is located within the Bethesda Parking Lot District and therefore can provide as few as 0 spaces onsite. Reductions may also be made to account for MPDUs but are not needed based on the current Application.

⁶ Lot size is approximate and may be adjusted during final record plat review.

⁷The Application utilized the FAR Averaging provisions of Section 59.4.5.2.B.3 of the Zoning Ordinance.

a) Implement the recommendations of applicable master plans (59.4.5.1.A)

The Project substantially conforms to the recommendations for the Property included in the 2017 *Bethesda Downtown Sector Plan*. Specifically, this Sector Plan builds on the past successes of Downtown Bethesda to create a truly sustainable downtown by focusing on components that will bolster the elements most in need of enhancement. The major recommendations of the Sector Plan are as follows:

1. Parks and open spaces, including new civic greens at Veteran's Park, Bethesda Farm Women's Cooperative Market, Capital Crescent Trail and new urban parks, pathways and gateways. Many of these parks on the eastern edge are to be connected through the creation of the Eastern Greenway.
2. Affordable housing, including the preservation of existing market-rate affordable housing, providing a mix of housing options and the provision of Moderately Priced Dwelling Units in exchange for development incentives.
3. Environmental innovation, including more energy-efficient buildings, better stormwater management, improved sidewalks and bicycle routes, and other measures to enhance community health and quality of life.
4. Economic competitiveness, based on new development, public amenities and proximity to public transit to attract businesses and visitors from throughout the region, and foster entrepreneurship and innovation.

The Property is within the Eastern Greenway District designated as sites 211 and 212 on page 135 of the Sector Plan. The Eastern Greenway District is split into two sections, north and south of East-West Highway. The Property is in the northern district which is characterized by low-density, primarily residential development, green open spaces and paved parking lots which provides a transitional area between the commercial structures of the Central Business District (CBD) along the Wisconsin Avenue Corridor and the single-unit houses of East Bethesda. The Project addresses the following goals as outlined in the Overarching Goals and the Eastern Greenway District sections of the Sector Plan:

- *Ensure the stability of the land uses in the transitional area to preserve East Bethesda and the Town of Chevy Chase as single unit residential neighborhoods.*

The Proposal will redevelop an underutilized surface parking lot and one single family home to deliver a multifamily building and a portion of the Sector Planned Eastern Greenway public park and a transition to the residential neighborhood of East Bethesda.

- *Make the best use of land near the Bethesda Metrorail Station and future Purple Line station by promoting redevelopment of underutilized properties and private surface parking lots.*

The Project will transform an underutilized surface public parking lot into a multifamily building with important public facilities such as large unit type affordable housing and the dedication and construction of public parkland.

- *Provide a compatible transition between higher-density development along Wisconsin Avenue and the East Bethesda and Town of Chevy Chase.*

The Project has located the taller portion of the building towards the western portion of the Property, closer to Wisconsin Avenue. Facing the East Bethesda neighborhood, the building will decrease in height to 43'6" townhouses and provide a 43'6" wide Eastern Greenway as a compatible transition to the single-family neighborhood.

- *Provide a green connector and a transition along the eastern edge of the Sector Plan area.*

The 2017 *Bethesda Downtown Sector Plan* recommends the formation of a linear greenway along the western side of Tilbury Street from Maple Avenue down to Cheltenham Drive linking Cheltenham Urban Park, Chase Avenue Urban Park, and a proposed new park on Maple Avenue (County Parking Lot #25). This Eastern Greenway is envisioned to provide additional open space to the area and buffer the higher-density development along Wisconsin Avenue from the East Bethesda neighborhood. The parcels adjacent to and within this future space were rezoned to increase their development potential, as the Eastern Greenway is envisioned to be created through the redevelopment of these parcels. The Sector Plan and Design Guidelines describe how development adjacent to the Eastern Greenway should be oriented towards the open space and the type of uses on the ground floor should activate the space through placement of ground floor retail and/or residential unit entryways. To enhance compatibility with the adjacent residential neighborhood, the Sector Plan calls for the Eastern Greenway width to be equal to the amount of building height proposed. In this case, the building will be 43.5 feet in height facing the Greenway, and the proposed Eastern Greenway will be 43.5 feet in width, in substantial conformance with the Sector Plan recommendations. While the actual dedication width for the Eastern Greenway Public Park will be slightly less than the 43.5 feet in width, at 38 feet, as the five feet directly adjacent to the building will contain stormwater management

facilities for the multifamily building, which is not appropriate for public parkland dedication. Given that there are several constraints on this Site including the public alley to the west and the existing house on the corner of West Virginia Avenue and Tilbury Street, this exception is appropriate. At such time in the future when the corner Property redevelops and becomes incorporated into the Eastern Greenway, the functional width of the Eastern Greenway will be significantly wider than the Sector Plan recommendation.

- *Increase overall tree canopy cover and subcanopy cover by encouraging the planting of trees on public and private land, along rights-of-ways, and within open space and existing neighborhoods.*

The Sketch Plan proposes tree plantings along the West Virginia Avenue and throughout the Eastern Greenway. These streetscape improvements will be finalized at the time of Site Plan based on conformance with the Bethesda Streetscape and Design Guidelines, as well as final design in coordination with Parks staff for the Eastern Greenway.

- *Bird-Safe Design, to design glass buildings to protect local and migratory birds from deadly strikes. Integrate elements into the building and site design to warn birds before they collide.*

The building has been designed with the primary material of masonry, with only punched glass openings. As such, the building design will be bird-safe, and the glazing is not highly reflective. Due to the modeled façade with projections and glazing within masonry openings, the shadow will often be present that helps mitigate against birds being attracted to the structure in flight. Lighting will include full cutoff fixtures with an emphasis on not illuminating the night sky.

- *On private property, provide a minimum of 35 percent green cover, which may include either singularly or a combination of intensive green roof and/or tree canopy cover.*

The green cover may include a consolidated space or a combination of intensive green roof (6 inches or deeper) or tree canopy cover. This Application consists of a Site Area of 20,000 square feet (SF) which results in a green cover requirement of at least 7,000 SF. Currently, the Application proposes to meet this requirement entirely through the installation of a 6-inch-deep green roof at various levels of the proposed development.

Transportation

West Virginia Avenue is a Neighborhood Local Street, per the 2017 *Bethesda Downtown Streetscape Guidelines*, with a master-planned right-of-way of 60 feet total. There are no designated bikeways master planned along the Site frontage.

b) Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses.

The Project will redevelop an existing County-owned surface parking lot and single-family dwelling into a multifamily building with structured parking and dedicate a portion of the Property for a Sector Planned public park.

c) Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street.

The Project proposes a total of 59 units that include townhouses, live/work, and multifamily units with 15 percent of the total units being MPDUs. The Project will also provide a portion of the Sector Planned Eastern Greenway as a major public facility that will connect to the existing Chase Avenue Urban Park.

d) Allows a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.

The Project has been designed to be compatible with the adjacent neighborhood to the east, by reducing the height along the eastern façade to 43.5 feet and focusing the taller portion of the building closer to Wisconsin Avenue to the west.

e) Integrate an appropriate balance of employment and housing opportunities.

The Project will provide additional housing opportunities, specifically affordable housing, at a location that will contribute to the nearby employment opportunities within downtown Bethesda.

f) Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.

The Project will provide the required 100 public benefit points from a minimum of 4 categories to achieve the desired incentive density above the standard method limit. Final determination of public benefit points will be determined at the time of Site Plan.

2. *Substantially conforms to the recommendations of the applicable master plan:*

As described in Finding 1.a above, the Project substantially conforms to the *Bethesda Downtown Sector Plan*.

3. *Satisfy any development plan or schematic development plan in effect on October 29, 2014;*

The Sketch Plan is not subject to a development plan or schematic development plan.

4. *Achieve compatible internal and external relationships between existing and pending nearby development;*

The proposed building will be compatible with the existing, approved and pending adjacent development. The block directly north of the Subject Property has been approved for Sketch Plan (No. 320210050) and Preliminary Plan (No. 120210240) to allow a residential building up to 90 feet in height along Wisconsin Avenue, stepping down to 70 feet along the eastern side of the block near Tilbury Street. That development will provide a 70-foot-wide public open space for the Eastern Greenway. This building, which will be a maximum 114 feet in height on the western side, will be of a similar height to the approved development to the north, and the proposed Eastern Greenway has been designed to connect into the approved public open space to the north. The proposed building will step down to 43'6" in height towards the eastern portion of the block and provide the Eastern Greenway of the same width to be compatible with the single-family neighborhood east of Tilbury Street.

5. *Provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;*

The Subject Application improves site circulation by reducing conflicts with the consolidation of two access points into one driveway for the parking garage. The on-street loading facility is incorporated into the street buffer and therefore will not create any new conflict points for pedestrians. The public loading space was evaluated and determined to be sufficient for an SU-30 box truck by the Montgomery County DOT. Continuous, wider,

buffered sidewalks will be provided along the Site frontage and beyond to complete the sidewalk network along the south side of the block.

6. Propose an outline of public benefits that supports the requested incentive density and is appropriate for the specific community;

For the proposed development, the Zoning Ordinance requires 100 points in 4 categories. The Applicant proposes to exceed the 100-point requirement as demonstrated below. Although at the time of Sketch Plan review only an outline of public benefits needs to be approved, the following table shows both the categories and points for the public benefits requested at Sketch Plan to demonstrate the project’s ability to meet the requirement to provide sufficient benefit points.

Table 2: Public Benefit Calculations- Division 59-4.7

Public Benefit	Maximum Points Allowed	Proposed
Major Public Facilities	70	70
Diversity of Uses and Activities		
Live/Work	15	15
Quality Building and Site Design		
Exceptional Design	20	20
Structured Parking	20	11
Protection and Enhancement of the Natural Environment		
Building Lot Terminations (BLT)	30	2
Total Points	100 (required)	118

Per Section 59.4.9.2.C.4.g of the Zoning Ordinance, the BOZ increases the maximum amount of public benefit points available in certain categories. Applicable to this Sketch Plan are the BOZ’s increase in maximum points available for exceptional design (from 10 to 30 maximum points).

7. Establish a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.

The Project will be built in one phase.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at the site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the Sector Plan, or other requirements; and

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

BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of Sketch Plan Amendment No. 32019006B, received by M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

October 11, 2024

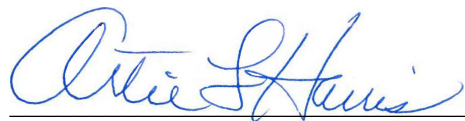
(which is the date that this Resolution is mailed to all parties of record); and

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 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 of the motion, at its regular meeting held on Thursday, October 3, 2024, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board