

# BETHESDA DOWNTOWN PLAN

## DESIGN ADVISORY PANEL APPOINTMENT

### Description

The Bethesda Downtown Design Advisory Panel (DAP) is a volunteer body that provides design critique of Optional Method Development projects in Downtown Bethesda during monthly meetings open to the public. The DAP advises Applicants, Staff, and the Planning Board on the number of Design Excellence Public Benefit points merited for a project. DAP Rules of Procedure limit panel membership to two consecutive terms. The tenure has expired for the panel member representing the Bethesda Community. Staff recommends the Planning Board appoint David Lieb, for a term of three years from November 2024 to November 2027.

COMPLETED: 11/12/2024

PLANNING BOARD HEARING DATE: 11/21/2024

MCPB ITEM NO. 1.c Preliminary Matters

## Planning Staff



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### MASTER PLAN

*2017 Bethesda Downtown Sector Plan*

### Summary:

- Staff recommends the Planning Board appoint to the Bethesda DAP one new member, a resident of the Bethesda community, for a three-year term (November 2024 to November 2027).

### Attachments:

- A. David Lieb CV & Letter of Interest
- B. DAP Rules of Procedure

## SECTION 1: BACKGROUND

The Bethesda Downtown Design Advisory Panel (DAP) is an integral part of the Bethesda Overlay Zone. The role of the DAP is to provide advice and recommendations that will heighten design excellence and improve the quality of architecture, urban design and landscape architecture in downtown Bethesda.

The DAP is composed of five volunteer members and an ex-officio member representing the Planning Director's Office. Per the DAP's Rules of Procedures (Attachment B) the panel includes a registered architect, landscape architect, community member, developer, and a member of academia.

The Planning Board appointed the original DAP members in 2017 to serve staggered initial terms of two, three and four years. The Board appointed Rod Henderer representing the Bethesda Community in 2017 for a four-year term, who was reappointed for a three-year term in 2021, expiring this fall (2024). As the last original member of the Bethesda DAP, Rod has provided a steady voice for the community over the past 7 years and we appreciate his service and acuity for architectural design and its relation to the public realm.

## SECTION 2: METHOD OF SELECTION & PROFILE OF RECOMMENDED APPOINTMENT

For the open panel seat, Staff sent requests for nominations to several organizations in Bethesda and the surrounding area including the Bethesda Implementation Advisory Committee (IAC), Bethesda Urban Partnership (BUP), Bethesda Green, East Bethesda Citizens Association, and the Town of Chevy Chase. Staff interviewed three well-qualified Bethesda residents with education and experience in architecture and urban design.

Staff recommends the Planning Board appoint David Lieb, a 14-year resident of downtown Bethesda. Mr. Lieb will bring two decades of land use experience with a strong interest in urban design to the Panel. As a land use lawyer, he is keenly aware of the demands placed on new development including affordability, building performance, and amenities. In his interview, David spoke intimately about Bethesda's growth and redevelopment from a resident's perspective, and how building design is critical to creating a sense of place for residents and visitors. David received an undergraduate degree in Urban Planning from Virginia Tech and attended the University of Virginia Law School. He currently serves as Senior Counsel to the District of Columbia's Office of Planning and previously worked in the Maryland National Capital Parks and Planning Commission's Office of the General Counsel where he participated in the early development stages of the 2017 *Bethesda Downtown Sector Plan*.

We are pleased to bring David on board and we look forward to the unique perspective he will bring to the DAP as a resident with his education and professional experience, and continued interest in urban design.

**DAVID B. LIEB**

Bethesda, MD 20814

**EXPERIENCE****District of Columbia Office of Planning,  
Senior Counsel****Washington, DC  
Summer 2017-Present**

- Serve as general counsel for city planning agency, advising on full range of land use and institutional issues, including planning, zoning, historic preservation, affordable housing, development review, litigation, legislative affairs, federal relations, personnel, contracting, and grantmaking.
- Advise planning officials on first Comprehensive Plan rewrite in 20 years.
- Advise planning, zoning, and preservation officials on how to factor racial equity into planning and development review processes and to promote affordable housing production.
- Advise city officials on regulatory approach for major city development initiatives.
- Advised city officials on strategies for reducing impact of land use appeals.

**Maryland-National Capital Park and Planning Commission  
Associate General Counsel  
2017****Silver Spring, MD  
Fall 2006 – Summer**

- Advised Planning Board and professional planners on full range of land use issues, including zoning, planning, subdivision, historic preservation, environmental, and enforcement.
- Consulted on several complex master plans, including Downtown Bethesda, White Flint, Great Seneca Science Corridor, Chevy Chase Lake, and Germantown.
- Served as lead legal advisor on the comprehensive rewrite of Montgomery County Zoning Code.
- Managed litigation in office of four attorneys.
- Helped negotiate entitlements for millions of square feet of mixed-use and commercial development and thousands of residential units.
- Litigated more than 20 land use appeals.
- Guided creation of a new zone intended to promote redevelopment of existing strip-style developments into multi-dimensional, mixed-use places.
- Defeated civil complaint challenging Planning Board recommendation not to designate building as historic in Maryland's highest court, *Montgomery Preservation, Inc. v. Montgomery Cty. Planning Bd.*, 36 A.3d 419 (Md. 2012).
- Obtained Maryland Court of Appeals review of novel question regarding limits on deposing high-ranking government officials, *Maryland-National Capital Park and Planning Comm'n, et al. v. Mardirossian*, 972 A.2d 859 (Md. 2009)(dismissed as moot prior to decision on merits).

**Law Firm of Spiegel & McDiarmid  
Associate****Washington, D.C.  
Fall 1997 - Summer 2006**

- Successfully advocated for special municipal creditworthiness standards for regional electric trading markets.
- Mounted emergency challenge for City of San Francisco to Pacific Gas & Electric termination of long-term electric transmission service contract worth tens of millions of dollars.

- Won full payment of \$25 million dollar pension shortfall on behalf of utility employees in connection with settlement of state merger review.
- Contributed to municipal utility coalition's successful settlement of responsibility for customer share of \$568 million decommissioning costs of nuclear power plant.

## **EDUCATION**

**University of Virginia School of Law**  
**J.D.**

**Charlottesville, VA**  
**1997**

- Awarded Olin Prize in Law and Economics (1997).
- Editorial Board Member, *Journal of Law and Politics* (1995-97).

**Virginia Tech**  
**B.A. with honors and magna cum laude in Urban Planning**

**Blacksburg, VA**  
**1992**

- Graduated first in College of Architecture and Urban Studies
- Awarded prizes for top student in College of Architecture and Urban Studies and Department of Urban Affairs and Planning (1992).

## **BAR ADMISSIONS**

District of Columbia  
Maryland

U.S. District Court for the District of Columbia  
U.S. District Court for the District of Maryland

September 30, 2024

Grace Bogdan  
Bethesda Design Advisory Panel Coordinator  
Montgomery County Planning Department  
2425 Reedy Drive, 13<sup>th</sup> Floor  
Wheaton, MD 20902

Re: Bethesda Design Advisory Panel Membership

Dear Ms. Bogdan:

I am writing to express my interest in being appointed to the Bethesda Design Advisory Panel. My resume is enclosed.

As a 14-year resident of downtown Bethesda, I have watched with excitement as this area has grown and become more vibrant. I believe strongly in the need to make room for more people to live in transit-served communities like Bethesda and that more people will give Bethesda the vitality it needs to make it a place where future generations want to live, work, and play. To be successful, Bethesda needs to be, among other things, beautiful.

With almost two decades of experience as a land use lawyer, I am also keenly aware of the demands we place on new development in terms of affordability, building performance, and amenities. I am also familiar with the challenge of convincing existing residents of the value of new development. As downtown Bethesda continues to redevelop and grow, building design has an important role to play in creating a sense of place that ennobles residents and visitors and makes people want to live here.

Although my work as a land use lawyer requires me to have a good understanding of design issues, my interest in architecture is not just professional. It was an interest in design and urban development, stoked by studying planning studies and reading books about architecture on my own that led me to practice land use law in the first place. When I travel, visiting significant buildings and redeveloping neighborhoods are usually part of my itinerary. So although I am not an architect or urban designer, I have a framework for thinking about design issues – and sometimes a vocabulary for talking about buildings that an architect might not.

I welcome the opportunity to be part of the dialogue about how to shape downtown Bethesda by serving on the Bethesda DAP and thank you for your consideration.

Very truly yours,

David B. Lieb  
Bethesda, MD 20814

# **Bethesda Downtown Sector Plan – Design Advisory Panel**

Rules of Procedure Revised September 23, 2020

## **PURPOSE**

The Design Advisory Panel (DAP) is an integral part of the Bethesda Overlay Zone. The primary goal of the DAP is to provide advice and recommendations that will heighten design excellence and improve the quality of architecture, urban design and landscape architecture in Bethesda. The DAP will be guided by the Bethesda Downtown Sector Plan and the related Design Guidelines. To remain competitive within the greater Washington, DC region and to attract the best and brightest to the Bethesda community, it is essential to design great places in which people of all ages, ethnic and economic backgrounds will want to live, work and play. The DAP will help to achieve this outcome.

## **RELATIONSHIP TO CR ZONES**

The Commercial – Residential Zones (CR Zones) were created and adopted with an emphasis on creating great mixed-use, walkable places. Development proposals under the CR Zones are required to provide public amenities and need to focus on design intent to make sure quality is paramount to the applications and that an attractive public realm will be the outcome.

The Bethesda Overlay Zone creates a system for density allocation above and beyond the CR Zone density mapped in the 1994 Bethesda CBD Sector Plan. The requirements for getting additional density from the Bethesda Overlay Zone pool of density include review by the DAP. The additional “BOZ” density should only be allocated if a high degree of design excellence is achieved and the DAP will advise the staff and the Planning Board on this issue.

## **MAKE UP OF THE DESIGN ADVISORY PANEL**

The Design Advisory Panel will have five members. According to the Bethesda Overlay Zone, the DAP must be “composed of relevant independent professionals including at least one resident of the Bethesda community.”

Nominations for members will be solicited from the community and from organizations including but not limited to: CBAR, NAIOP, the Bethesda Chamber of Commerce, AIA, and ULI.

The DAP should, at a minimum, have the following expertise:

1. One registered architect representing academia and/or other jurisdictions in the region with a design review panel.
2. One registered architect from the greater Montgomery County community.
3. One member of the development community. This person may be a developer, real estate professional or involved in real estate investment.
4. One Bethesda community member who has a professional interest in urban design, architecture, and/or landscape architecture.

Members of the DAP will act in a professional manner, provide comments to Planning Department staff and the Planning Board, and be mindful of any conflicts of interest from associations with development teams, property owners or associations. The DAP should include the Planning Department’s Senior

Urban Designer as an ex-officio member, and another Planning Department staff member will serve as a liaison to the panel. If conflicts of interest arise, the specific panel members will recuse themselves from the discussion and recommendations. For reviews of Site Plan application projects that require an official vote on the number of Design Excellence Public Benefit points, if the quorum of voting members results in a split vote, the Senior Urban Designer may cast the deciding vote.

DAP members must be approved by the Planning Board and will serve three-year staggered terms. At initial appointment, two members will serve for two years, two members will serve for three years, and one member will serve for four years. The terms of membership will be staggered from this point onward.

Upon official acceptance of an appointment, each voting member may serve two consecutive three-year terms. After serving two terms, DAP members must take a one-year absence at a minimum from service before being considered for an additional term. Prior to completion of their first term, DAP members interested in remaining on the panel must submit a letter requesting to renew their term to the Planning Board for approval. If a DAP member's term is ended early, a new member may be approved by the Planning Board to serve the remainder of the term. If approved, the new panel member may renew for two additional terms.

Members of the DAP may vote to make minor revisions to the Rules of Procedure as necessary to improve the panel review process and logistics. These revisions are subject to Planning Director approval, but do not require approval from the Planning Board. The Planning Board will be updated on minor revisions at the next major change update.

#### **ROLE OF THE DESIGN ADVISORY PANEL IN THE REGULATORY PROCESS**

The DAP will review:

- **All Optional Method Development Projects** – All optional method projects in Bethesda will be presented to the DAP. Although the optional method typically begins with Sketch Plan submission, applicants are strongly encouraged to go through the Concept Plan process and meet with the DAP at this Concept Plan stage. If the applicant does not wish to file a Concept Plan, they must meet with the DAP to review their project early in the Sketch Plan process.
- **Projects Seeking Additional Density through the BOZ, Bonus Points through the CR Amenity Guidelines, and/or Height as a MPDU Bonus** – In order for projects to be considered for additional density or height, the applicant must meet with the DAP early on to review point allocations and to assess urban and architectural design implications.

The DAP will be guided by the Bethesda Downtown Sector Plan, the Bethesda Downtown Design Guidelines, the Bethesda Overlay Zone and the CR Zone criteria for granting density incentives for exceptional design.

The DAP will meet regularly once a month and more often as development applications are submitted and in need of review. This is a significant time commitment and panel members will need to respond within the timelines set forth by our zoning ordinance and development application schedules. The DAP will receive all the review drawings and/or access to the drawings one week in advance of the review meeting.



Written comments from the panel will be provided to Planning Department staff at Concept, Sketch and Site Plan stages. The assigned staff liaison will assist with the comments as needed.

### **DESIGN ADVISORY PANEL MEETINGS**

While DAP meetings are primarily for panel members to consider and comment on proposed developments, meetings should be collaborative, and input from developers, their consultants, and members of the public is encouraged. Because panel members are volunteers, however, the DAP is not expected to meet for more than one hour on any single project.

Members of the public who wish to participate in a DAP meeting should notify the DAP's staff liaison before the meeting. Those who have not notified the staff liaison in advance may sign up to participate the day of the meeting. Citizens will be invited to participate in the order in which they sign up. In certain cases, there may not be sufficient time for all interested citizens to participate. Members of the public who wish to ensure their comments are considered by the DAP should submit them in writing to the DAP's staff liaison no later than twenty-four hours before the DAP meeting. Any written comments submitted to the DAP will also be sent to the Planning Board before the Board meets to consider the proposed development.

Although DAP meetings are intended to be informal, it may be necessary in certain cases, such as meetings with many interested citizens, for the DAP to impose equitable time limits on public comments or other reasonable rules of order. When possible, the staff liaison will announce time limits at the start of the DAP meeting.

### **RECONSIDERATION REQUESTS**

The DAP will only entertain requests to reconsider votes from the Planning Board.