

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

April 30, 2025

MCPB No. 25-043  
Site Plan No. 820250030  
PLD Lot 25 Redevelopment  
Date of Hearing: March 27, 2025

## 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 October 2, 2024, Monument Realty (“Applicant”) filed an application for approval of a site plan for the construction of a mixed-use building with a maximum density of 230,000 square feet (utilizing up to 110,061 square feet of Bethesda Overlay Zone density) for up to 235 dwelling units with 20% MPDUs, comprised of up to 222,109 square feet for up to 227 dwelling units, and up to 7,891 square feet of nonresidential uses for up to eight (8) live/work dwelling units, a public parking garage containing 145 spaces within the building, and a public park, on 1.88 acres of CR-3.0, C-2.0, R-2.75, H-70, CRT-0.5, C-0.25, R- 0.5, H-70 and Bethesda Overlay Zone (BOZ) zoned-land, located 130 feet east of Wisconsin Avenue on the block bounded by Maple Avenue, Tilbury Street, Highland Avenue, and a public alley (“Subject Property” or “Property”), in the Bethesda CBD Policy Area and *2017 Bethesda Downtown Sector Plan* (“Sector Plan”) area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820250030, PLD Lot 25 Redevelopment (“Site Plan” or “Application”); and

WHEREAS, the Application was submitted for concurrent review and approval with Mandatory Referral No. MR2025005, Preliminary Plan No. 120250040, and Forest Conservation Plan No. F20250110; 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 March 17, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on March 27, 2025, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedricks, seconded by Vice Chair Pedoeem, with a vote of **5-0**; Chair Harris and Vice Chair Pedoeem Commissioners Bartley, Hedrick, Linden, voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820250030 for the construction of a mixed-use building with a maximum density of 230,000 square feet (utilizing up to 110,061 square feet of Bethesda Overlay Zone density) for up to 235 dwelling units with 20% MPDUs, comprised of up to 222,109 square feet for up to 227 dwelling units, and up to 7,891 square feet of nonresidential uses for up to eight (8) live/work dwelling units, a

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Approved as to  
Legal Sufficiency: /s/ Allison Myers  
M-NCPPC Legal Department

public parking garage containing 145 spaces within the building, and the public park, on the Subject Property, subject to the following conditions:<sup>1</sup>

## DENSITY, HEIGHT & HOUSING

### 1. Density

The Site Plan is limited to a maximum of 230,000 square feet of total development (utilizing up to 110,061 square feet of BOZ density) for up to 235 units including 20% MPDUs on the Subject Property, including 222,109 square feet of residential uses for up to 227 multifamily dwelling units, and 7,891 square feet of non-residential uses for up to eight (8) live/work dwelling units<sup>2</sup>.

### 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 83 feet, as measured from the building height measuring point, to be illustrated on the Certified Site Plan.

### 3. Bethesda Overlay Zone Density & Park Impact Payment

- a) The Application is subject to the provisions contained in Section 59-4.9.2 relating to the utilization of BOZ density and associated Park Impact Payment (PIP).
- b) In lieu of providing a PIP of \$951,563.14 for the allocation of 110,061 square feet of BOZ Density, not including the 33,875 square feet of MPDU density exempt from the PIP calculation, the Applicant must dedicate approximately 14,995 square feet of public parkland to Montgomery County, in accordance with the PIP Reduction Code Interpretation Policy 2024-05, which allows for a reduced PIP for dedication of master-planned public parkland. To qualify for the associated PIP Reduction, the parkland must be managed by Montgomery Parks under the 1972 Agreement between the County and the M-NCPPC. If a future site plan amendment modifies the amount of parkland dedication, the amendment may be subject to a PIP for the associated BOZ density.
- c) If ZTA 05-04 is adopted by the County Council, the Applicant may choose to convert the mapped commercial density to residential density, requiring an additional 7,891 square feet of BOZ density, for a total of 117,952 square feet of BOZ density with the corresponding change in Condition 3.b above for the PIP from \$951,563.14 to \$1,050,121.73.

### 4. Green Cover

- a) The Applicant must provide a minimum of 35% of Green Cover on the Site comprised of extensive green roof, native canopy tree plantings, and/or bioretention planter boxes, as shown on the Certified Site Plan.

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<sup>1</sup> 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.

<sup>2</sup> If Zoning text Amendment ZTA 05-04 is adopted by the Montgomery County Council sitting as the District Council (the “County Council”), the live/work units may be converted to multifamily units and shown on the Certified Site Plan, with appropriate and corresponding changes including an increase of BOZ density and PIP as described in Condition 3.c, without the need for a Site Plan Amendment.

- b) Any green roof installed pursuant to this condition must have a minimum soil depth of six inches (6 in) or Staff approved equivalent.
- c) The Certified Site Plan must include a section of the green roof demonstrating depth, soil media, and proposed structure to be built in place.

## OPEN SPACE, FACILITIES, AND AMENITIES

### 5. Open Space, Facilities, and Amenities

Before releasing any portion of the surety bond, the Applicant must construct the streetscape improvements, including the undergrounding of utilities, along the Property's frontage on Highland Avenue, Maple Avenue, and Tilbury Street, consistent with the Bethesda Streetscape Standards.

### 6. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *CR Zone Incentive Density Implementation Guidelines* for each one.

#### a) Major Public Facilities

Based on Condition No. 3 (Bethesda Overlay Zone Density & Park Impact Payment), the Applicant must construct and dedicate to Montgomery County approximately 14,995 square feet of public parkland for the Eastern Greenway lot and construct a public parking garage containing 145 public parking spaces.

#### b) Diversity of Uses and Activities

##### i. Affordable Housing/MPDUs

- a. The development must provide 20% MPDUs, or MCDHCA approved equivalent, consistent with the requirements of Chapter 25A and the applicable Master Plan.
- b. Before issuance of any building permit for any residential unit, the MPDU agreement to build between the Applicant and the Montgomery County Department of Housing and Community Affairs ("DHCA") must be executed.
- c. The Planning Board has reviewed and accepts the recommendations of the DHCA, in its letter dated January 23, 2025, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Site Plan approval.

#### c) Quality Building and Site Design

##### i. Exceptional Design

The Certified Site Plan must contain architectural elevations subject to Condition 19 below.

### 7. M-NCPPC Department of Parks

- a) The Applicant must dedicate the 14,995-square foot lot identified as "New Greenway Parcel" on the Certified Preliminary Plan for use as the Eastern Greenway public parkland ("Eastern Greenway Lot") as per Preliminary Plan No. 120250040 Condition 20.
- b) Any activity or work on existing parkland or the land to be dedicated for parkland requires an approved Park Construction Permit and is subject to the full Park Construction Permit process as directed by Montgomery Parks staff, including, but not limited to, construction of the Eastern Greenway Lot.

- c) All work and facilities, amenities, plantings, and furnishings, etc. on existing or future parkland must be acceptable to Montgomery Parks staff and meet or exceed Montgomery Parks standards. Plantings may occur per the provisions of Section 59-6.4.3.A of the Zoning Ordinance.
- d) Before issuance of the Final Use and Occupancy permit the Applicant must complete construction of the Eastern Greenway Lot and the Eastern Greenway Lot must be open for public use. Minor adjustments to the design may be made at the direction of Montgomery Parks staff under the Park Construction Permit process.
- e) The Eastern Greenway Lot must be constructed substantially as shown on the Certified Site Plan including but not limited to:
  - i. Six (6) benches
  - ii. One (1) picnic table with bench seating
  - iii. Three (3) chairs
  - iv. Landscape trees and other plantings
  - v. Bioretention stormwater management facilities
  - vi. Lighting fixtures
  - vii. Paved walkways including a main promenade walkway with a minimum width of ten feet (10 ft)
- f) The Maintenance and Management Agreement for Forest Conservation Plan No. F20250110 must include the mitigation trees and all other landscape trees on the Eastern Greenway Lot.
- g) Before issuance of the first above-grade building permit for the multifamily building the Applicant must enter into an Agreement with M-NCPPC that details the terms of maintenance associated with the multifamily building which occurs in or requires access to the Eastern Greenway Lot including, but not limited to, landscape and hardscape maintenance, operation such as snow removal, and access for maintenance of the multifamily building and its facilities.

#### 8. Recreation Facilities

- a) Before Certified Site Plan approval, the Applicant must meet the square footage requirements for all of the applicable recreational elements and demonstrate to M-NCPPC Staff that each element meets M-NCPPC Recreation Guidelines.
- b) 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.

#### NOISE

- 9. Before issuance of the first above-grade building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatments that the building shell for residential dwelling units affected by exterior noise levels projected at or above 65 dBA Ldn, will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. Any noise impacted units must be identified on the Certified Site Plan.

10. If any changes occur to the Site or Preliminary Plans which affect the validity of the noise analysis dated August 09, 2024, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the changes and new noise attenuation features may be required.

## TRANSPORTATION & CIRCULATION

### 11. Transportation

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 January 22, 2025, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

12. Before the issuance of any building permit, the Applicant must obtain approval of a Project-based Transportation Demand Management Plan (TDM) from the Montgomery County Department of Transportation (MCDOT).

### 13. Pedestrian & Bicycle Circulation

- a) The Applicant must provide 95 long-term and five (5) short-term bicycle parking spaces.
- b) The long-term spaces must be in a secured, well-lit bicycle room in a parking garage, and the short-term spaces must be inverted-U racks (or approved equal) installed in a location convenient to the main entrance (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 (1) bicycle repair station.
- d) The Applicant must provide the following master planned pedestrian and bicycle facilities, the exact location, design and construction of which must comply with requirements of the MCDOT, Division of Traffic Engineering and Operations, before right-of-way permit.
  - i. Maple Avenue: minimum six-foot-wide sidewalk (6 ft) with a six-foot-wide (6 ft) street buffer.
  - ii. Tilbury Street: minimum ten-foot-wide (10 ft) sidewalk with a variable width street buffer with a minimum of twelve feet (12 ft).
  - iii. Highland Avenue: minimum eight-foot-wide (8 ft) sidewalk with a five-and-one-half-foot-wide (5 ½ ft) street buffer.

### 14. 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 dated January 4, 2025, and 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

### 15. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Architecture Sheets 014, 015, 016, and 017 of the submitted architectural drawings, as determined by M-NCPPC Staff.

#### 16. Lighting

- a) Before certified Site Plan, the Applicant must provide certification to Staff 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 proposed 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 streetlights 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.

#### 17. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit, sediment control permit, or Use and Occupancy Certificate (excluding core and shell), whichever comes first, 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 ROW), including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, railings, etc. 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.

#### 18. 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.

#### 19. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, development program, and Sketch Plan, Preliminary Plan, FCP and Site Plan resolutions 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 Department 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) Include a Recreation Plan delineating location and detail of the recreation facilities, where appropriate, in a manner that is clear and corresponds to the posted surety and maintenance agreement.
  - g) Demonstrate that each recreational element proposed in the Recreation Plan satisfies the relevant specifications in the M-NCPPC Recreation Guidelines.
  - h) Revise landscape plans to show sod planting along unimproved north south alley.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of PLD Lot 25 Redevelopment, Site Plan No. 820250030, 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. When reviewing an application, the approval findings apply only to the site covered by the application.***

The findings herein apply only to the Subject Property.

***2. To approve a Site Plan, the Planning Board must find that the proposed development:***

***a) satisfies any previous approval that applies to the site;***

The Site Plan application satisfies the previously approved Sketch Plan, as amended, and the associated Preliminary Plan.

***b) satisfies under Section 7.7.1.B.5 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.

- c) satisfies under Section 7.7.1.B.5 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.

- d) satisfies applicable use standards, development standards, and general requirements under this Chapter;*
- i. *Division 4.5.4 CR & CRT Zone*

*Table 1: PLD Lot 25 Site Plan Data Table for CR & CRT Zone, Optional Method, Section 59.4.5.4*

Development Standard	Permitted/ Required	Proposed
<b>Tract Area</b>	n/a	
<b>CR 3.0, C-2.0, R-2.75, H-70’</b>		
Lots 7-10 & 17-20		21,900 (0.50)
Prior Dedications		7,563 (0.17)
Proposed Dedication		2,100 (0.05)
<b>Subtotal CR 3.0</b>		<b>31,563 (0.72)</b>
<b><u>CRT 0.5, C-0.25, R-0.5, H-70’</u></b>		
Lots 11-16 & 21-26		15,830 (0.36)
Prior Dedications		14,500 (0.33)
Proposed Dedication		5,175 (0.12)
Proposed Park Dedication		14,995 (0.34)
<b>Subtotal CRT 0.5</b>		<b>50,500 (1.16)</b>
<b>TOTAL Tract Area</b>		<b>82,063 (1.88)</b>
<b>Site Area<sup>1</sup> (Square Feet/Acres)</b>	n/a	
Prior Dedication		22,063 (0.51)
Proposed ROW Dedication		7,175 (0.18)
Proposed Eastern Greenway Dedication		14,995 (0.34)
+ alley abandonment		+2,900 (0.06)
<b>Site Area (Tract Area – Dedications)</b>		<b>40,731 (0.93)</b>
<b>Mapped Density</b>		
<b><u>Residential (GFA/ FAR)</u></b>		
CR 3.0, C2.0, R2.75, H70'	86,798 sf (2.75)	86,798 sf (2.75)
CRT 0.5, C0.25, R0.5, H70'	25,250 sf (0.5)	25,250 sf (0.5)
<b>Residential Subtotal</b>	<b>112,048 sf</b>	<b>112,048 sf</b>
<b><u>Commercial (GFA/FAR)</u></b>		
CR 3.0, C2.0, R2.75, H70'	63,126 sf (2.0)	7,891 sf (0.25)
CRT 0.5, C0.25, R0.5, H70'	12,625 sf (0.25)	0 sf
<b>Commercial Subtotal</b>	<b>109,250</b>	<b>7,891 sf (0.25)<sup>8</sup></b>
<b>Total Mapped Density (GFA/FAR)</b>		<b>119,939 (1.46)<sup>8</sup></b>



Development Standard	Permitted/ Required	Proposed
Bethesda Overlay Zone Density (GFA/FAR)		110,061 sf (1.34) <sup>2, 8</sup>
MPDU requirement	15%	20%
Total GFA/FAR		<b>230,000 (2.80)</b>
Building Height, max	70 ft	83 ft <sup>3,4</sup>
Public Open Space (min s.f.)	10% of site area	10% <sup>5</sup> (4,073 sf) being satisfied by park dedication
Development Standard	Permitted/ Required	Proposed
Green Cover	35% of site area	35% (14,256 sf)
Building Setbacks		
Maple Avenue	0 ft	0 ft
Highland Avenue	0 ft	0 ft
Alley	0 ft	0 ft
Eastern Greenway	0 ft	0 ft
<b>Vehicular Parking (min<sup>6</sup>/max)</b>		
227 residential units	8 <sup>6</sup> /305 sp	0-101 sp <sup>7</sup>
8 live/work units		
Public Parking	n/a	145 sp
<b>Total</b>		<b>246 sp</b>
<b>Bicycle Parking (short-term/long-term)</b>		
227 residential units	95/5 sp	95/5 sp
8 live/work units		

<sup>1</sup> Site area is determined by tract area minus any previous and proposed dedications per Section 59-4.5.2.A.2.e.

<sup>2</sup> Projects utilizing Bethesda Overlay Zone Density are subject to a PIP payment and may reduce the square footage associated with MPDUs from the PIP calculation. This Project is eligible for a PIP reduction based on the dedication of public parkland for the Eastern Greenway.

<sup>3</sup> The Planning Board approved allowing additional height based on the provision of Major Public Facilities per Section 59.4.5.2.A.2.e of the Zoning Ordinance.

<sup>4</sup> The Project is subject to the Residential Compatibility Standards of Section 59.4.1.8 of the Zoning Ordinance along Maple Avenue.

<sup>5</sup> Section 59-6.3.6.C.1 of the Zoning Ordinance states that, with Planning Board approval, required public open space may be satisfied offsite in instances where the project will be making a public park in an area at least as large as the required public open space. The Applicant will be dedicating 14,995 square feet as public parkland for the Eastern Greenway and as such will not be required to provide the public open space onsite.

<sup>6</sup> Section 59-6.2.3.I.8.a of the Zoning Ordinance states that residential uses within ½ mile of a Metro station are exempt from the baseline parking minimums. Section 59-6.2.3.H states that an Applicant may provide fewer parking spaces than required when located in a Parking Lot District.

<sup>7</sup> Parking for the residential development will be finalized at the time of building permit. The final number of parking spaces for the residential units may be reduced (or removed entirely) at the time of building permit.

<sup>8</sup> Per Conditions 1 & 3.c, if ZTA 05-04 is adopted by County Council, the proposed live work units can convert to multifamily units, and the mapped commercial density would reduce to 0 square feet and the mapped total density would reduce to 112,048 square feet, and the BOZ density would increase to 117,952 square feet. All corresponding changes will be incorporated on the Certified Site Plan.

The Bethesda Overlay Zone (BOZ) was adopted July 18, 2017, specifically to implement the recommendations of the Bethesda Downtown Sector Plan as it relates to density, building heights, affordable housing, parks, and design. The BOZ set a cap of overall development (32.4 million square feet) whereby the zoning approved for

most properties retains the base density but increases the heights on respective sites. An applicant can request an allocation of density over the base density to build to the maximum height permitted by the Zone, as needed. The Applicant is subject to a park impact payment valued at \$12.49/square foot based upon the density requested and facilitates acquisition of parkland in the downtown Bethesda area.

Based on the requested 110,061 square feet of BOZ density, reduced by 33,875 square feet of MPDU density<sup>3</sup>, the Applicant is required to pay for 76,186 square feet of BOZ density at a value of \$951,563.14. The amount of density allocated from the BOZ for the Subject Application is deducted from the 32.4 million cap. The Applicant will dedicate a public park as recommended in the Sector Plan and therefore can receive a reduction of the associated Park Impact Payment per Section 59-4.9.2.C.2.ii of the Zoning Ordinance.

The Project has been evaluated to determine if a PIP is required based on the following methodology as approved by the Planning Board (Policy No. 2024 – 05). As shown below, based on a public park dedication of 14,995 square feet and the associated Adjusted Dedicated Land Value of \$951,563.14, no PIP is required.

*If: Adjusted Dedicated Land Value  $\geq$  Park Impact Payment (PIP)*

*Then: No PIP Required*

*If: Adjusted Dedicated Land Value  $<$  Park Impact Payment (PIP)*

*Then: Park Impact Payment (PIP) – Adjusted Dedicated Land Value = Reduced PIP*

- A. Park Impact Payment: The amount of BOZ density requested (excluding density of MPDUs) multiplied by the current PIP rate.

$$110,061 - \text{MPDU density } (33,875) * 12.49 = \$951,563$$
$$\text{PIP} = \$951,563$$

- B. Adjusted Dedicated Land Value: The value of the land to be dedicated for a public park recommended in the Sector Plan minus the value of the mapped density taken from the dedicated land and the value of any portion of the dedicated land counted toward required public open space.

Dedicated Land Value:

$$\$3,200,000 / 24,000 \text{ sf} = \$133 \text{ per square foot}$$
$$\$133 * 14,995 \text{ sf} = \$1,994,335$$

Value of the Mapped Density:

$$(14,995 \text{ sf} * 0.5) * \$12.49 = \$93,637$$

Value of the Public Open Space:

$$4,073 \text{ sf} * \$133 = \$541,709$$

*Adjusted Dedicated Land Value = Dedicated Land Value – Value of the Mapped Density – Value of the Public Open Space*

$$\$1,994,335 - \$93,637 - \$541,709 = \$1,358,989$$

$$\text{Adjusted Dedicated Land Value} = \$1,358,989$$

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<sup>3</sup> Section 59-4.9.2.C.3.c.i. of the Zoning Ordinance exempts MPDU density from the Park Impact Payment.

When the PIP reduction formula is applied to this project, the value of the adjusted dedicated land is greater than the PIP, therefore no PIP would be required.

**\$1,358,989 ≥ \$951,563 = No PIP Required**

If the BOZ density is increased per Condition 1 and 3.c, the corresponding PIP would increase to \$1,050,121.73. In this case, it remains that no PIP is required.

#### **Section 59-4.5.2.A, Height Limits for Major Public Facilities**

The Planning Board approves additional height on the Project site based on the provision of Major Public Facilities, including replacement of surface parking within a structured garage within the building and the dedication of the Eastern Greenway Lot for the Eastern Greenway Sector Planned Public Park. Per Section 59-4.5.2.A.2.e of the Zoning Ordinance, *“with Planning Board approval, any Optional Method project in a CR zone that includes the provision of a major public facility ... may add the height of any floor mostly used for above grade parking to the maximum height otherwise allowed, when the major public facility diminishes the ability of the Applicant to provide parking at or below grade.”*

By delivering the public park facility and the public parking garage within the mixed-use building, the Applicant is limited in providing parking under the land to be dedicated for the public park given issues with fully dedicating the land, thereby requiring the parking to be fully contained within the building footprint. The Applicant has provided an exhibit demonstrating how the public parking provided within the building meets the criteria contained in the Zoning Ordinance and the additional height associated with this parking is approximately 12 feet4 inches. Therefore, the Planning Board approves additional height beyond the 70-foot mapped height for this parking, to a maximum of 83 feet.

#### **Section 59.4.1.8, Compatibility Requirements**

Per the standards set forth in Section 59-4.1.8 of the Zoning Ordinance, the Subject Property confronts a residential single-family detached zone on the north side of Maple Avenue, and therefore the Property must comply with the height compatibility standards set forth in Section 59-4.1.8.B.2.b which states that the height of the proposed building is limited to the maximum height allowed for a detached house in the confronting zone at the front setback line and may increase in height at a 45 degree plan. While the building will be approximately 83 feet tall towards Highland Avenue, the building will decrease in height towards Maple Avenue in conformance with this standard.

#### **ii. Division 4.7 Optional Method Public Benefits**

Per Section 59-4.7.1, Optional Method Projects are required to achieve 100 public benefit points from 4 categories. However, given the Project is located within the Bethesda Overlay Zone and is providing 20% MPDUs, no other public benefit categories are required other than Exceptional Design (if it were in the High-Performance Area, which it is not, it would need Energy Conservation points). The Project will achieve 165 public benefit points by the provision of major public facilities, MPDUs, and exceptional design.

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		
Moderately Price Dwelling Units	N/A	75
Quality Building and Site Design		
Exceptional Design	30	20
Total Points	100 (required)	165

Per Section 59-4.9.2.C.4.g of the Zoning Ordinance, the Bethesda Overlay Zone eliminates the category for Transit Proximity, increases the maximum amount of public benefit points available in certain categories, and requires a minimum amount of public benefit points for Exceptional Design, and Energy Conservation and Generation for projects located within the High-Performance Area as delineated in the 2017 *Bethesda Downtown Sector Plan*. Applicable to this Site Plan are the Overlay Zone’s increase in maximum points available for Exceptional Design (from 10 to 30 maximum points). This project is not located within the High-Performance Area. Therefore, no points are required in this category.

**Major Public Facility  
Eastern Greenway**

The Applicant requests 70 points for conveying and constructing a major public facility in the form of the Eastern Greenway Sector Planned Public Park (Eastern Greenway Lot, 14,995 sf) plus other dedicated area (3,473 sf), totaling 18,468 square feet. Incentive Density for major public facilities is limited to 70 points in a CR zone and may be granted if the applicant conveys land and/or floor area for the facility, constructs the facility, or makes a payment towards the construction of the facility. In the formula below, the Net Lot area includes the lot for the multifamily building (40,731 sf) plus the Greenway Lot (14,995 sf).

$$\{ [ ((Land\ area\ conveyed + Floor\ area\ conveyed) / Net\ lot\ area) * 2 ] + [ (Constructed\ area\ of\ facility / Net\ lot\ area) * 4 ] \} * 100$$
$$\{ [ ((18,468 + 0) / 55,726) * 2 ] + [ (18,468 / 55,726) * 4 ] \} * 100 = 199\ points$$

The Planning Board approves 70 points for this category, as the CR guidelines limit 70 points for projects located in the CR zone.

**Diversity of Uses and Activities  
Moderately Priced Dwelling Units**

The Applicant requests 75 points for providing 20% Moderately Priced Dwelling Units. The Planning Board approves 75 points for this category.

$$20\% \text{ MPDUs proposed } - 15\% \text{ MPDUs min } = 5 * 15 \text{ points } = 75 \text{ points}$$

**Quality of Building & Site Design  
Exceptional Design**

The Applicant requests 20 points for building and/or site design that enhances the character of a setting. As a site receiving an allocation of BOZ density, the Project is subject to the Design Advisory Panel review, which awards

points based on the quality of the design. The Project fulfills many recommendations of the *Bethesda Downtown Sector Plan* and Design Guidelines.

The Design Advisory Panel (DAP) voted in support (3-0 with 1 abstention) of 20 design excellence points for the Project at their September 25, 2024 meeting, therefore the Board approved 20 points for this category.

iii. ***Division 59-6 General Development Standards***

***(1) Division 6.1 Site Access***

Vehicular access to the Site is provided via two curb cuts on Maple Avenue. The western curb cut provides access to a three-level parking garage that includes public parking spaces as well as spaces to serve the 235 units. The eastern curb cut provides access for loading and trash areas within the building.

Pedestrian access to the Site is provided via improved frontages along Maple Avenue, Tilbury Street, and Highland Avenue. The Maple Avenue frontage will be improved with a six-foot-wide (6 ft) sidewalk and six-foot-wide (6 ft) street buffer. The Tilbury Street frontage will be improved with a ten-foot-wide (10 ft) curvilinear sidewalk with a variable street buffer (minimum of 12-feet-wide). The Highland Avenue frontage will be improved with an eight-foot-wide (8 ft) sidewalk and five-and-a-half-foot-wide (5 ½ ft) street buffer.

***(2) Division 6.2 Parking, Queuing and Loading***

Parking is located within a three-level parking garage located within the proposed building accessed via Maple Avenue. The parking garage includes 145 public parking spaces and 101 parking spaces to serve the 235 residential units for a total of 246 parking spaces, which is less than the maximum allowed of 305 spaces. The Project is located within ½ mile of the Bethesda Metro Station and within the Bethesda Parking Lot District, and per Section 59-6.2.3.H and Section 59-6.2.3.I.8 of the Zoning Ordinance, parking minimums can be reduced within Parking Lot Districts and there is no minimum requirement for parking for residential uses. Therefore, as conditioned, the final number of parking spaces for the residential units may be reduced (or removed entirely) at the time of building permit.

A loading dock that can accommodate an SU-30 truck is located within the building and is accessed via a separate curb cut on Maple Avenue.

The two curb cuts on Maple Avenue allow for the removal of an existing curb cut on Highland Avenue and no curb cuts on Tilbury Street. Both Tilbury Street and Highland Avenue are expected to have higher pedestrian volumes.

***(3) Division 6.3 Open Space and Recreation***

Based on the tract area and number of street frontages, the Project is required to provide 10% of the site area (4,073 square feet) as public open space. Section 59-6.3.6.C.1 of the Zoning Ordinance states that, with Planning Board approval, required public open space may be satisfied offsite in instances where the project will be making a public park in an area at least as large as the required public open space.

The Applicant will be dedicating the Eastern Greenway Lot totaling 14,995 square feet as public parkland and, as such, will not be required to provide the public open space onsite.

***(4) Division 6.4 General Landscaping and Outdoor Lighting***

The Project will provide appropriate landscaping at the base of the building fronting on Maple Avenue and Highland Avenue as well as along the Eastern Greenway Lot. The Project has been conditioned to plant grass in the unimproved alley directly west of the Project site. The landscaping within the Eastern Greenway Lot has been designed in coordination with Montgomery Parks. As conditioned, the proposed lighting is in conformance with the Zoning Ordinance.

***e) Satisfies the applicable requirements of:***

***i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and***

DPS approved a Stormwater Management Concept on January 10, 2025. The plan proposes to meet required stormwater management goals via the use of green roof, micro-bioretenction practices, and a partial waiver due to site constraints.

***ii. Chapter 22A, Forest Conservation***

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines as further discussed in the findings for Forest Conservation Plan F20250110, which are included in a separately approved resolution and are incorporated herein.

***f) Provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;***

All vehicular access will be consolidated to Maple Avenue, approximately midblock between Wisconsin Avenue and Tilbury Street. Consolidating the loading and garage access to one location is required per Section 59-6.12.1.E. Given the proximity to many activity centers south of the Site (the Bethesda Metro Station, Purple Line Station, retail and entertainment in the Downtown Core and the CCT trailhead), and the fact that the building lobby entrance is proposed on Highland Avenue, higher volumes of pedestrians and bicyclists are expected on Highland Avenue. The building height will step down towards the north to be compatible with the single-family homes north of Maple Avenue.

The Project will also construct a portion of the Sector Planned Eastern Greenway which will provide approximately 14,995 square feet of public park with furnishings for the surrounding neighborhood with a large promenade that will continue south beyond Highland Avenue.

As conditioned, the Project will provide safe circulation patterns and improved pedestrian access on all frontages.

***g) Substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;***

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 206 and 207 on page 134 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 Project will provide a sizeable redevelopment of an underutilized surface parking lot and deliver a portion of the Sector Planned Eastern Greenway public park as a transition to the residential neighborhood of East Bethesda. As proposed, the Project will construct an 83-foot-tall building on the block with a 93-foot setback on Tilbury Street for the Eastern Greenway which will be dedicated as a public park.

- *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 mixed-use building with important public facilities such as increased levels of affordable housing, the dedication and construction of public parkland, and integration of replacement public parking spaces within the structured parking for the residential building.

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

The development will cover the majority of the eastern portion of the block with long facades along Highland and Maple Avenues. The Project will decrease in building height from 83 feet to 35 feet towards Maple Avenue where single family residential homes exist on the northern side of the street, per the Residential Compatibility standards of the Zoning Ordinance. The conceptual architectural approach provides many opportunities to break down the massing along the longer side streets. Importantly, the proposed 93-foot-wide Eastern Greenway along Tilbury Street provides a critical dimension of relief as the block transitions to East Bethesda.

- *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 Park, Chase Avenue Urban Park, and a proposed new park on Maple Avenue which is currently 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 to be at least as wide as the amount of building height proposed. In this case, the building will be 83 feet in height and the proposed Greenway will be 93 feet in width, in conformance with the Sector Plan recommendations.

The Eastern Greenway has been designed in coordination with Parks staff as shown on the plans with landscaping and weaving pathways. The design is in conformance with the framework that has been created for the Eastern Greenway.

- *Height limits and greenways will ensure compatibility with adjacent neighborhoods, provide public open space, improve connections and enhance environmental benefits.*

The Project proposes a massing with a maximum height of 83 feet and steps down towards Maple Avenue to ensure compatibility with the single-family residential homes on the north side of the street. As discussed above, the Project includes a 93-foot-wide dedication to the Eastern Greenway on the eastern portion of the Site. The height and greenway are thus in keeping with the Sector Plan goals ensuring compatibility with the adjacent neighborhood. The redevelopment will remove the impervious surface parking and allow opportunity for plantings including larger trees.

- *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 Site Plan proposes tree plantings along the Tilbury Street, Highland Avenue, and Maple Avenue rights of ways. These streetscape improvements conform with the Bethesda Streetscape and Design Guidelines, and final design has been coordinated with Parks staff for the Eastern Greenway.

- *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 (six inches or deeper) or tree canopy cover. This Application consists of a Site Area of 40,730 square feet which results in a green cover requirement of at least 14,256 square feet. The Application will meet this requirement entirely through installation of an eight-inch-deep green roof at various levels of the proposed development.

#### Noise Guidelines

The Project involves a residential apartment building in an area affected by noise near a main road (Wisconsin Avenue). As a result, the Project must adhere to the Noise Guidelines for residential development. However, according to the Transportation Noise Analysis report from August 9, 2024, conducted by Miller, Beam & Paganelli, Inc., the future noise impact from transportation on the residences within the development will be lower than the accepted interior noise level of 45 dBA Ldn. Therefore, no further analysis or noise mitigation measures are necessary for the residential units to meet Montgomery County's Guidelines for interior noise in residences. Additionally, the noise levels in the open spaces within the development will also be below 65 dBA Ldn, so no additional mitigation measures are required for these outdoor areas.

- h) *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. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is*

***required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;***

As approved in the associated Preliminary Plan No. 120250040, the Project has been studied per the 2024-2028 Growth and Infrastructure Policy and has been found to be served by adequate public services and facilities. Based on the Local Area Transportation Review (LATR), the Project is required to reconstruct curb ramps in the vicinity to meet ADA standards, install a high visibility crosswalk at West Virginia Avenue and Tilbury Street, replace two streetlights, and construct a bus shelter on Wisconsin Avenue.

The Property is served by public water and sewer and is classified in the W-1 and S-1 categories. Public water and sewer mains currently serve the Property, which will be adequate to serve the Project.

Dry utilities including electricity, gas, and telephone are also available to the Property. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Growth and Infrastructure Policy currently in effect. Similarly, Bethesda Elementary School, Westland Middle School, and Bethesda-Chevy Chase High School were tested based on the Updated FY2025 Annual School, and were found to be adequate for the Project.

***i) on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and***

The Property is not located in a rural residential or residential zone.

***j) on a property in all other zones, is compatible with existing, approved or pending adjacent development.***

The proposed building will be compatible with existing and pending nearby development. The building will locate the main lobby entrance at the southeast corner of the building near the Eastern Greenway on Highland Avenue, towards downtown Bethesda. The building has been designed to be compatible with the pending redevelopment of 8001 Wisconsin Avenue to the south, which has received Sketch Plan and Preliminary Plan approval for a residential building up to 90 feet in height that steps down to 70 feet along the Eastern Greenway. This Proposal will be of a similar height (approximately 83 feet) and will be connected through the Eastern Greenway along Tilbury Street. To the north, the massing steps down in height to 35 feet to remain compatible with the existing single family residential neighborhood to the north of Maple Avenue. The Applicant has provided an exhibit that demonstrates the compatibility based on the standards contained in Section 59-4.1.8 of the Zoning Ordinance.

***3. 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.

***4. 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.*

Not applicable, the Subject Property was not zoned C-1 or C-2 on October 29, 2014.

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

April 30, 2025

(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 Vice Chair Pedoeem, 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, April 24, 2025, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair  
Montgomery County Planning Board