



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MAR 3 2022

MCPB No. 22-023
Site Plan No. 820220060
4725 Cheltenham Drive
Date of Hearing: February 17, 2022

RESOLUTION

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

WHEREAS, on October 19, 2022, Community Three ("Applicant") filed an application for approval of a site plan for up to 76,841 square feet of density including up to 72,490 square feet of residential uses for up to 102 dwelling units with 15% MPDUs, and up to 4,351 square feet of commercial uses for up to 8 Live/Work Units; and a request for Bethesda Overlay Zone density and associated PIP payment on 0.245 acres of CR-3.0 C-2.0 R-2.75 H-90 and Bethesda Overlay Zone zoned-land, located on Cheltenham Drive approximately 110 feet east of the intersection with Wisconsin Ave ("Subject Property"), in the Bethesda 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. 820220060, 4725 Cheltenham Drive ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated February 7, 2022, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

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Approved as to
Legal Sufficiency: Matthew T. Mills
M-NCPPC Legal Department

WHEREAS, on February 17, 2022, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

WHEREAS, on February 17, 2022, the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Rubin, seconded by Commissioner Verma, with a vote of 4-0; Chair Anderson, and Commissioners Cichy, Rubin and Verma voting in favor with Commissioner Patterson absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820220060 for up to 76,841 square feet of density including up to 72,490 square feet of residential uses for up to 102 dwelling units with 15% MPDUs, and up to 4,351 square feet of commercial uses for up to 8 Live/Work Units; and a request for Bethesda Overlay Zone density and associated PIP payment, the Subject Property, subject to the following conditions:¹

1. Density

The Site Plan is limited to a maximum of 76,841 square feet of total development, including up to 72,490 square feet of residential development on the Subject Property, for up to 102 dwelling units including 15% MPDUs, and up to 4,351 square feet of commercial uses for up to 8 Live/Work Units.

2. Height

The development is limited to a maximum height of 90 feet, as measured from the building height measuring point, illustrated on the Certified Site Plan.

3. Bethesda Overlay Zone Density & Park Impact Payment

- a) Per Section 59.4.9.2.D.4 of the Zoning Ordinance, the Applicant must have a building permit application accepted by MCDPS that includes the core and shell of the principal building within two years of the date of the Planning Board Resolution. Within two years of MCDPS accepting the building permit application, the Applicant must obtain the building permit. The deadlines may not be extended. If the Applicant fails to comply with any of the deadlines in this condition, the entire Site Plan approval is revoked.
- b) The Applicant must pay to the M-NCPPC a Park Impact Payment of \$189,406 prior to the release of the first above-grade building permit for the allocation of 28,385 square feet of Bethesda Overlay Zone Density, not including 11,785 square feet of MPDU density exempt from the PIP calculation. In the event the final allocation of density from the BOZ is less than the approved amount, the Applicant may apply to reduce the allocation of density from the BOZ through a minor site plan amendment.

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.

4. Moderately Priced Dwelling Units (MPDUs)

- a) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (DHCA), in its letter dated December 21, 2021 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Site Plan approval.
- b) The development must provide a minimum of 15 percent MPDUs, or a Department of Housing and Community Affairs (DHCA) approved equivalent, consistent with the requirements of Chapter 25A.
- c) Before issuance of any building permit for any residential unit, an MPDU agreement between the Applicant and DHCA that satisfies the requirements of Chapter 25A must be executed.

5. Occupancy Provisions

- a) The maximum eight (8) units designated as live/work as shown on the Certified Site Plan must be in accordance with Section 59.3.5.14.H.
- b) The 8 live/work units cannot include any MPDUs that count toward the 15% MPDU requirement.
- c) Commercial usage of the live/work units must be included in lease agreements. A copy of the live/work lease agreement must be provided to staff prior to final Use and Occupancy permit for the residential units.
- d) Prior to Certified Site Plan:
 - i. The Applicant must record a covenant among the Land Records of Montgomery County reflecting the applicable commercial use restriction in a form approved by the M-NCPPC Office of General Counsel; and
 - ii. The Book/Page reference must be included on the Certified Site Plan.

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

Prior to the release of the first above-grade building permit, the Applicant must contribute \$25,000 to the Parks Department for improvements to the Cheltenham Drive Urban Park.

b) Connectivity between Uses, Activities, and Mobility Options

- i. Minimum Parking – The Applicant will not provide parking on-site.
- ii. Streetscape Improvements - The Applicant must construct 1,640 square feet of off-site streetscape in addition to any required

streetscape improvements along the Subject Property frontage, as illustrated on the Certified Site Plan.

- c) Diversity of Uses and Activities
The Applicant must provide 8 live/work units in accordance with Condition 5. The location of the live/work units must be shown on the Certified Site Plan.
- d) Quality Building and Site Design
Exceptional Design – The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the Certified Site Plan, as determined by Planning Staff.
- e) Protection and Enhancement of the Natural Environment
 - i. Building Lot Termination – Prior to issuance of any building permit, the Applicant must provide proof of purchase and/or payment equivalent to 0.1637 BLTs to MCDPS and MNCPPC staff.
 - ii. Cool Roof – The Applicant must install a cool roof having a minimum solar reflectance index (SRI) of 75, covering a minimum of 2,500 square feet of roof area, as shown on the Certified Site Plan.
 - iii. Energy Conservation and Generation – Energy Conservation and Generation - The Applicant must construct the building to exceed energy efficiency standards for the building type by 17.5%, as determined by MCDPS through the methodology established by ASHRAE 90.1 (2016) Appendix G. The final energy model must be submitted to MCDPS with the building permit application.

7. Recreation Facilities

The Applicant must provide the minimum required recreation facilities as shown on the Certified Site Plan.

8. Public Facilities, and Amenities

- a) Prior to the issuance of the final Use and Occupancy Certificate, the Applicant must construct the streetscape improvements, including the undergrounding of utilities, along the Property's frontage along Cheltenham Drive, consistent with the *2020 Bethesda Downtown Streetscape Standards*.
- b) The Applicant is responsible for maintaining all publicly accessible amenities located on the Subject Property.

Site Plan

9. Landscaping

- a) Prior to issuance of the final residential Use and Occupancy Certificate, all on-site amenities, including, but not limited to lights, sidewalks/ pedestrian pathways, hardscape, benches, trash receptacles, bicycle facilities, recreation amenities, and rooftop amenities must be installed.
- b) The Applicant must install landscaping no later than the next growing season after completion of site work.

10. Lighting

- a) Prior to Certified Site Plan approval, 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 on-site 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 on-site down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors must be installed on all 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 street lights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f) On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

Environment

11. Noise Attenuation

- a) Prior to approval of the Certified Site Plan, the Applicant must submit a noise analysis for Planning Staff review.
- b) All noise impacted units must be clearly identified on the Certified Site Plan.
- c) Prior to issuance of a building permit for any residential dwelling unit(s) to be constructed within the projected 65 dBA Ldn noise contour, the Applicant must provide Staff with certification from an engineer specializing in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- d) The Applicant must provide a signed commitment to construct the units in accord with the noise mitigation design specifications, with any changes that may affect acoustical performance approved by the engineer and Staff in advance of installation.
- e) If the plan changes in any manner that affects the validity of the noise analysis for acoustical certifications and noise attenuation features, the Applicant must conduct a new noise analysis to reflect the revised plans, and new noise attenuation features may be required.
- f) Before issuance of Use and Occupancy Certificate for the noise impacted residential units, the Applicant must obtain certification that the noise impacted units have been constructed in accordance with the recommendations of an engineer who specializes in acoustical treatments;

this certification must be based on the testing of at least five representative residential units.

12. Green Cover

- a) The Applicant must provide a Green Cover exhibit prior to Certified Site Plan showing compliance with the Bethesda Downtown Sector Plan Green Cover requirement. The Project must provide a minimum of 35% of Green Cover on the Site comprised of intensive green roof, plantings and/or planter boxes, as shown on the Certified Site Plan.
- b) Any green roof installed pursuant to this condition must have a minimum soil depth of eight inches (8") or M-NCPPC and MCDPS staff approved equivalent.

Transportation

13. Pedestrian & Bicycle Circulation

- a) The Applicant must provide 53 long-term and 2 short-term bicycle parking spaces.
- b) The long-term spaces must be in a secured, well-lit bicycle room on the 1st floor of the building, and the short-term spaces must be inverted-U racks (or approved equal) installed along the building's main residential entrance (weather protected preferred). The specific location(s) of the bicycle parking must be identified on the Certified Site Plan.
- c) The Applicant must improve the separated bicycle lanes to achieve the recommendation of the 2018 *Bicycle Master Plan* along the project's Cheltenham Drive frontage, as illustrated on the Certified Site Plan, consisting of a 6-foot minimum bike way, buffered by a 2.5-foot-wide monolithic nose-down median in coordination with MCDOT and DPS prior to issuance of the first use and occupancy certificate.
- d) Prior to issuance of the first use and occupancy certificate, the applicant must improve the separated bicycle lanes in the interim condition on the north side of Cheltenham Drive between Wisconsin Avenue and Tilbury Street (except along the Site frontage) frontage, as illustrated on the Certified Site Plan, in coordination with MCDOT.
- e) Prior to the issuance of the first use and occupancy permit the Applicant must install the streetscape improvements, as illustrated on the Certified Site Plan.

14. Transportation Demand Management

Before the release of any above-grade building permit, the Applicant must coordinate with and gain approval from MCDOT on a Level 3 Results Transportation Demand Management (TDM) Plan to participate in the Bethesda

Transportation Management District (TMD) and work toward the Sector Plan goal of 55 percent Non-Auto Drive Mode Share (NADMS).

15. Department of Permitting Services-Right-of-Way

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 memorandum dated January 3, 2022 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the memorandum, which may be amended by the DPS-ROW Section provided that the amendments do not conflict with other conditions of the Site Plan approval.

16. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section, in its letter dated January 18, 2022, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

17. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) – Water Resources Section in its Site Development Stormwater Management Plan letter dated January 28, 2022 and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by the MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Site Plan approval.

18. Development Program

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

19. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, whichever one comes first, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the 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, including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, trash enclosures, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of any building permit for 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 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.

20. Certified Site Plan

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

- a) Include all applicable agency letters, development program, and Site Plan resolution (and other applicable resolutions) on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- c) Include Fire and Rescue Access plan in the Certified Site Plan.
- d) Add a note stating that "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."
- e) Modify data table to reflect development standards approved by the Planning Board.
- f) Ensure consistency of all details and layout between Site and Landscape plans.
- g) Identify on floor plans all units designated as live/work units.

21. Validity

The Adequate Public Facility (APF) review for the Site Plan will remain valid or sixty (60) months from the date of mailing of the Planning Board resolution.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 4725 Cheltenham Drive, Site Plan No. 820220060, 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 and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

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

The Site Plan is consistent with the use and densities of the approved Sketch Plan Amendment.

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

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

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

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

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

a. Development Standards

The Subject Property includes approximately 0.245 acres of site area zoned CR-3.0 C-2.0 R-2.75 H-90'. The Application satisfies the applicable development standards as shown in the following data table:

Data Table

Section 59.4	Development Standard	Permitted/ Required	Approved
	Tract Area	n/a	16,152 sf (0.371 ac)
	Prior Dedication	n/a	5,493 sf (0.126 ac)
	Proposed Dedication	n/a	0

	Site Area	n/a	10,659 sf (0.245 ac)
	Mapped Density CR-3.0 C-2.0 R-2.75 H-90 Residential (GFA/ FAR)	44,418 sf (2.75)	44,105 sf (2.73)
	Commercial (GFA/FAR)	32,304 sf (2.0)	4,351 sf (0.27)
	Total Mapped Density (GFA/FAR)	48,456 sf (3.0)	48,456 sf (3.0)
	Bethesda Overlay Zone Density (GFA/FAR)	n/a	28,385 (1.76)
	Total GFA (FAR)	n/a	76,841 sf (4.76)
	MPDU Density (GFA/FAR)	15%	15%
	Building Height, max average	90 feet	90 feet
	Public Open Space (min)	0	0
	Green Cover (min)	35% of Site Area	35% (3,731 sf)
	Minimum Setbacks (ft) Cheltenham Drive 20' Private Alley	0' 0'	0' 0'
Section 59.6.2	Parking¹	Permitted/ Required	Approved
	Bicycle Parking (Long Term/ Short Term)	53/2	53/6

¹ This Project will not be providing vehicular parking on site. The Project is located within the Bethesda Parking Lot District and will be subject to the parking district tax regulations in lieu of providing the full minimum parking.

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 \$11.41/square foot based upon the density requested and facilitates acquisition of parkland in the downtown Bethesda area.

Based on the requested 28,385 square feet of BOZ density, reduced by 11,785 square feet of MPDU density², the Applicant is required to pay for

² Section 59.4.9.2.C.3.c.i. of the Zoning Ordinance exempts MPDU density from the Park Impact Payment.

16,600 square feet of BOZ density at a value of \$189,406. The amount of density allocated from the BOZ for the Subject Application is deducted from the 32.4 million cap.

Section 4.5.4.B.4 - Form Standards

The Site Plan conforms to the intent of the form standards, including transparency, blank walls and active entrances. The Project provides significant glass features at the ground-level for transparency as well as activating features on the ground-floor level, including a residential lobby along Cheltenham Drive. As conditioned, the exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the architectural drawings included in the Certified Site Plan, as determined by Staff.

Division 4.7. Optional Method Public Benefits

In accordance with the Zoning Ordinance, Section 59.4.7.1., the Site Plan will provide the following public benefits to satisfy the requirements: Major Public Facilities, Connectivity and Mobility, Diversity of Uses and Activities, Quality of Building and Site Design, and Protection of the Natural Environment. The public benefit points have been updated since Sketch Plan, to reflect an increase in points for Streetscape, BLTs, and Energy Conservation and Generation subcategories, as shown in the following table.

4725 Cheltenham Avenue-Public Benefits Table		
Public Benefit	Incentive Density Points	
	Max Allowed	Approved
59.4.7.3A: Major Public Facility		
Parks Financial Contribution	70	7.51
59.4.7.3C: Connectivity and Mobility		
Minimum Parking ¹	20	20
Streetscape	30	26.77
Diversity of Uses and Activities		
Live/Work Units	15	10
59.4.7.3E: Quality of Building and Site Design		
Exceptional Design ¹	30	20
59.4.7.3.F: Protection and Enhancement of the Natural Environment		
Building Lot Termination (BLT)	30	1.47
Cool Roof	15	10
Energy Conservation and Generation ¹	25	25
TOTAL		120.75

¹Denotes Sector Plan priority

Major Public Facilities

Parks Financial Contribution: The Applicant requests 7.51 points for financially contributing towards improvements to Cheltenham Avenue Urban Park to not exceed \$25,000, located directly east of the Property for the implementation of certain design enhancements within the Park. The Planning Board hereby approves the Applicant's request.

Connectivity and Mobility

Minimum Parking: Given the Property's location and close proximity to transit, the Applicant is not proposing to provide on-site parking. The Property is also located within the Bethesda Parking Lot District (PLD) and no spaces are required to be provided. This Project supports the Sector Plan's goal of promoting alternative modes of transportation and the constrained long-term parking supply policy. The Applicant is seeking 20 points for minimum parking. The Planning Board approves the Applicant's request.

$$\begin{aligned} & [((\text{Maximum Allowed Parking}) - (\text{Parking Provided})) / \\ & ((\text{Maximum Allowed Parking}) - (\text{Minimum Parking}))] * 10 \\ & (122 - 0) / (122 - 68) * 10 = 22.59 \text{ points} \end{aligned}$$

Streetscape: The Project requests to implement off-site streetscape improvements along the north side of Cheltenham Drive between Wisconsin Avenue and Tilbury Street and install specialty paving at the entrance to the public alley. The Applicant will construct an interim bike lane along the Park and CVS site frontages within the public right-of-way, which will connect with the permanent bike lane (with fixed curb) along the Site's frontage. The interim bike lane provides an immediate public benefit ensuring connectivity between Tilbury Street and Wisconsin Avenue. The final design of the off-site bikeway facility will be finalized via the MCDOT CIP Project. The Applicant is seeking 26.77 public benefit points for this category, based upon the following formula, and the Planning Board hereby approves the Applicant's request.

$$\begin{aligned} & (\text{streetscape improvements/net lot area}) * 100 \\ & (2,854 \text{ sf}/10,659 \text{ sf}) * 100 = 26.77 \end{aligned}$$

Diversity of Uses and Activities:

Live/Work Units: The Project will provide up to 8 Live/Work units. The property's zone allows a minimum of 6.6 percent of the total units must be provided at Live/Work units to achieve 10 points. The Project will provide up to 8 Live/Work Units out of the 110 total units provided (e.g. 7.3%) Accordingly, the Project requests 10 points for this category and the Planning Board approves the Applicant's request.

Quality of Building and Site Design

Exceptional Design: The Applicant is seeking 20 points towards exceptional design. The Project satisfies a minimum of four of the Exceptional Design Criteria. The Project will redevelop an underutilized property in close proximity to public transit. The building provides context sensitive massing that responds to the location and constrained site. The mid-rise boutique façade activates the pedestrian environment while employing a variety of building materials that bridge the Wisconsin Avenue and the Cheltenham Drive Urban Park. The design scheme was evaluated by the Design Advisory Panel (DAP) at the September 22, 2021 and October 27, 2021 meetings, where the Panel endorsed the Project at the October meeting (Attachment C). The Panel voted unanimously that the Project receive 20 points for design excellence with the following comment: The financial contribution to the Park be prioritized to remove vegetation and improve overall appearance of the Cheltenham Drive Urban Park. The Planning Board approves 20 points for the Exceptional Design category.

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT): The Applicant requests 1.47 points for the purchase of 0.1637 BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area, exclusive of any density allocated for MPDUs. Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance. The Planning Board approves 1.47 public benefit points based on the following calculation:

$$(((76,841 \text{ sf}) - (8,076 \text{ sf})) * 7.5\%) / 31,500) * 9 = 1.47 \text{ points}$$

Cool Roof: Any roof area that is not covered by a vegetated roof or mechanical equipment will be constructed with a minimum solar reflectance index of 75. The Applicant requests 10 points for this category and the Planning Board approves the category and points. Approximately 2,500 square feet of cool roof (30% of the total roof coverage) will be provided and the final location and details must be shown on the Certified Site Plan.

Energy Conservation and Generation: The Applicant is seeking a minimum of 25 points towards this category. The Applicant must construct the building to exceed energy efficiency standards for the building type by 17.5%, as determined by MCDPS through the methodology established by ASHRAE 90.1 (2016) Appendix G. The final energy model must be submitted to MCDPS with the building permit application. The Planning Board approves 25 points.

b. General Requirements

i. *Site Access*

No parking is provided on-site and as the Site is located within the boundaries of the Bethesda Parking Lot District, no parking is required. Future residents and visitors will have access to Public Parking Garage 42, located on the opposite side of Cheltenham Drive from the Site. Furthermore, the Site is located within walking distance of the Bethesda Station of the Metrorail Red Line and the Bethesda station of the future Purple Line. In compliance with Section 59-6.2.8.C, the Applicant will provide an off-street loading and trash collection facility on-site. Access to the loading facility will be provided by an existing public alley along the eastern side of the Site. The Applicant will improve the alley to meet MCDOT's design standards along the Site frontage in compliance with the Complete Streets Design Guide and Chapter 49 of the County Code.

Pedestrian and bicycle access will be improved in compliance with the 2017 Bethesda Downtown Plan Design Guidelines, the 2020 Bethesda Downtown Streetscape Standards, and the 2018 Bicycle Master Plan. The streetscape will consist of a minimum 7-foot-wide street buffer and a minimum 9-foot-wide sidewalk. Along the Site frontage the Applicant will construct the master-plan envisioned condition of the one-way westbound separated bicycle lane which consists of a 6-foot minimum bike way, buffered by a 2.5-foot wide monolithic nose down median. The Applicant has agreed to construct the remainder of the master-planned bikeway on the north side of the block of Cheltenham Drive between Wisconsin Avenue and Tilbury in the interim condition, which consists of 5-foot minimum bike lanes (6-foot where feasible) buffered from

motor vehicle traffic by pre-cast concrete barriers (6 foot long by 1 foot wide), spaced 3 feet apart. MCDOT will construct the eastbound separated bicycle lane on the southern side of Cheltenham Drive in the future.

The building provides the main building entry and pedestrian entrance along the Cheltenham Drive frontage to contribute to an active streetscape. The Project provides significant streetscape improvements along the Property's frontage, through the elimination of a vehicular curb cut along Cheltenham Drive, and through the realignment of the existing sidewalk along the Park's Cheltenham Drive frontage. Collectively, these improvements will provide an enhanced pedestrian connection between downtown Bethesda and the residential neighborhood to the east. Additionally, the streetscape improvements will promote Cheltenham Drive as a Canopy Corridor, as recommended in the Downtown Plan and Design Guidelines.

ii. *Parking, Queuing, and Loading*

No parking is provided on-site and as the Site is located within the boundaries of the Bethesda Parking Lot District, no parking is required. Future residents and visitors will have access to Public Parking Garage 42, located on the opposite side of Cheltenham Drive from the Site. Furthermore, the Site is located within walking distance of the Bethesda Station of the Metrorail Red Line and the Bethesda station of the future Purple Line. In compliance with Section 59-6.2.8.C, the Project will provide an off-street loading and trash collection facility on-site. Access to the loading facility will be provided by an existing public alley along the eastern side of the Site. The Applicant will improve the alley to meet MCDOT's design standards along the Site frontage in compliance with the Complete Streets Design Guide and Chapter 49 of the County Code.

iii. *Open Space and Recreation*

As a Site within the CR Zone with a tract area less than 0.50 acres (16,152 sf; 0.37 ac) and two right-of-way frontages, the Applicant is not required to provide any public open space.

The Application is in conformance with the Recreation Guidelines, as demonstrated in the Recreation Facilities Data table provided with the Application (Scenario ID 18974). The Applicant is providing recreational facilities in the form of: bikeways through

constructing the master planned one-way westbound separated bicycle lane along their frontage; a dog cleaning station; resident lounge; rooftop amenity space; picnic/ seating areas; public art seating; and a grilling area. Final locations and quantities of each of these amenities will be shown on the Certified Site Plan.

iv. *General Landscaping and Outdoor Lighting*

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The Project will transform existing streetscape along Cheltenham Drive with new street trees, improved, wider sidewalks, street lighting, and street furniture. The on-site lighting will limit the necessary light levels to streets and sidewalks.

As shown in the Development Standards table, the Site Plan meets all general requirements and development standards of Section 4.5 of the Zoning Ordinance, the optional method public benefits provisions of Division 4.7 of the Zoning Ordinance, and the general development requirements of Article 59-6 of the Zoning Ordinance.

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

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

The Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from MCDPS Water Resources Section on January 28, 2022. The Application will meet stormwater management goals through a green roof. The waiver was also requested by the Applicant and granted by MCDPS Water Resources Section for a portion of the stormwater management treatment, due to site constraints.

b. Chapter 22A, Forest Conservation

The Board finds that as conditioned the Forest Conservation Plan complies with the requirements of the Forest Conservation Law. A Forest Conservation Exemption for this Application was confirmed on October 19, 2020.

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

The Project provides adequate, safe, and efficient parking and circulation patterns. No parking is provided on-site and as the Site is located within the boundaries of the Bethesda Parking Lot District, no parking is required, as discussed in previous Finding 2.d)iii. Division 6.1. Site Access. Future residents and visitors will have access to Public Parking Garage 42, located on the opposite side of Cheltenham Drive from the Site. Furthermore, the Site is located within walking distance of the Bethesda Station of the Metrorail Red Line and the Bethesda station of the future Purple Line. In compliance with Section 59-6.2.8.C, the Project will provide an off-street loading and trash collection facility on-site. Access to the loading facility will be provided by an existing public alley along the eastern side of the Site. The Applicant will improve the alley to meet MCDOT's design standards along the Site frontage in compliance with the Complete Streets Design Guide and Chapter 49 of the County Code.

Pedestrian and bicycle access will be improved in compliance with the 2017 Bethesda Downtown Plan Design Guidelines, the 2020 Bethesda Downtown Streetscape Standards, and the 2018 Bicycle Master Plan. The streetscape will consist of a minimum 7-foot-wide street buffer and a minimum 9-foot-wide sidewalk. Along the Site frontage the Applicant will construct the master-plan envisioned condition of the one-way westbound separated bicycle lane which consists of a 6-foot minimum bike way, buffered by a 2.5-foot-wide monolithic nose down median. The Applicant has agreed to construct the remainder of the master-planned bikeway on the north side of the block of Cheltenham Drive between Wisconsin Avenue and Tilbury in the interim condition, which consists of 5-foot minimum bike lanes (6-foot where feasible) buffered from motor vehicle traffic by pre-case concrete barriers (6 foot long by 1 foot wide), spaced 3 feet apart. MCDOT will construct the eastbound separated bicycle lane on the southern side of Cheltenham Drive in the future.

The building provides the main building entry and pedestrian entrance along the Cheltenham Drive frontage to contribute to an active streetscape. The Project provides significant streetscape improvements along the Property's frontage, through the elimination of a vehicular curb cut along Cheltenham Drive, and through the realignment of the existing sidewalk along the Park's Cheltenham Drive frontage. Collectively, these improvements will provide an enhanced pedestrian connection between downtown Bethesda and the residential neighborhood to the east. Additionally, the streetscape improvements will promote Cheltenham Drive as a Canopy Corridor, as recommended in the Downtown Plan and Design Guidelines. As a Site within the CR Zone with a tract area less than 0.50 acres (16,152 sf; 0.37 ac) and two right-of-way frontages, the Applicant is not required to provide any public open space.

The building design and massing ensures an appropriate transition between Wisconsin Avenue, the Cheltenham Drive Urban Park, and the East Bethesda residential neighborhood located just outside of the CBD boundary. The building massing has been strategically designed to increase sight lines to promote visual connections to the Park.

The Project will provide safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.

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

The Project substantially conforms to the recommendation of the 2017 *Bethesda Downtown Sector Plan*. The Project will develop a mid-rise mixed-use building with up to 102 multi-family dwelling units with a minimum of 15% MPDUs and up to 8 Live/Work units in the core of downtown Bethesda on an existing underutilized and constrained site.

The building design incorporates several urban design elements that will achieve design excellence and enhance the visual interest from several locations including on Cheltenham Drive, and along Wisconsin Avenue. The Project will incorporate a series of step-backs, unique geometry, modulated and articulated facades, undulations and variations in building materials and colors to break down the massing along Cheltenham Drive, while providing a consistent street edge. The building provides context sensitive massing that responds to the location and constrained site. The mid-rise boutique façade activates the pedestrian environment while employing a variety of building materials that bridge the Wisconsin Avenue and the Cheltenham Drive Urban Park. The design scheme was evaluated by the Design Advisory Panel at the September 22, 2021 and October 27, 2021 meetings, and the Panel endorsed the Project at the October meeting. The Panel voted unanimously that the Project receive 20 points for design excellence, and that recommendation was adopted by the Planning Board.

The Sector Plan includes a number of recommendations to achieve the urban green goals.

Cheltenham Drive is recommended as a Canopy Corridor. Canopy Corridor designations are intended to create green corridors that connect parks, trails, stream buffers, and denser forest networks beyond the Bethesda boundaries. The corridors also align with recommended bike and pedestrian priority streets

where tree canopy becomes a crucial element to enhance shade and comfort while also providing an ecological benefit.

In aligning the development with these goals, the Applicant will provide a street design that will incorporate additional tree plantings within a continuous soil panel which will provide a minimum of 1,800 cubic feet of soil for three trees. Additionally, the building design will promote the availability of sunlight along the street in order to facilitate the maintenance of healthy trees along the corridor.

An important recommendation is the on-site 35% green coverage minimum. The green cover may include singularly or a combination of intensive green roof (6 inches or deeper) or tree canopy cover. The Application consists of a Site Area of 10,659 square feet (SF) which results in a green cover requirement of at least 3,731 SF. Currently, the Application provides 8 inches of depth green roof to fulfill the 3,731 square foot requirement in addition to treating on-site stormwater.

This project also addresses the bird-safe design recommendations of the Sector Plan through the use of building features such as glazing, screens, and guardrails which will eliminate reflections that are dangerous to birds. Additionally, windows have been designed to reduce reflections as well.

The Project substantially conforms with the goals and recommendations contained in the Sector Plan and the Design Guidelines.

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

The public facilities will be adequate to accommodate the development. The location of the Project in close proximity to the Bethesda Metro Station and other transit facilities ensures that a significant portion of the users of the Site will rely upon the multimodal transit opportunities available.

Local Area Transportation Review

In accordance with the 2021-2024 *Growth and Infrastructure Policy* (GIP) and the 2021 *Local Area Transportation Review Guidelines* (LATR), the transportation impact of the Subject Application (110 multi-family residential units) is estimated to be 63 total peak hour person trips in the morning and 77 total peak hour person trips in the evening. After accounting for peak hour trips currently associated with the existing 5,000 square feet of automobile service center use (18 morning peak hour trips and 34 evening peak hour trips), the

Project is estimated to generate 45 net new morning peak hour trips and 43 net new evening peak hour trips. As a result of the estimated transportation impact, which is fewer than 50 net new person trips during the peak hour, the Project was required to submit Transportation Exemption Statement (TES) to satisfy the LATR. Planning and MCDOT staff reviewed and approved the TES submitted with the Application.

Person Trip Generation the 4725 Cheltenham Avenue Project

Land Use	ITE Vehicle Trips		Adjusted Vehicle Trips		Total Person Trips	
	AM	PM	AM	PM	AM	PM
Existing						
Automobile Care Center 5,000 SF	12	24	3	6	18	34
Proposed						
Mid-Rise Apartment 110 Units	40	49	13	16	63	77
Total	28	25	10	10	45	43

Source: Transportation Exemption Statement dated September 13, 2021 prepared by Wells & Associates

Overview and Applicable School Test

The FY22 Annual School Test, approved by the Planning Board on June 17, 2021 and effective July 1, 2021 is applicable to this Application. This plan will provide 102 multifamily high-rise units.

School Adequacy Test

The project is served by Bethesda ES, Westland MS and Bethesda-Chevy Chase HS. Based on the FY22 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Applicable FY2022 School Adequacy

School	Projected School Totals, 2025				Adequacy Status	Adequacy Ceilings		
	Program Capacity	Enrollment	% Utilization	Surplus/ Deficit		Tier 1	Tier 2	Tier 3
Bethesda ES ³	560	542	96.8%	+18	No UPP	103	130	214
Westland MS	1,105	814	73.7%	+291	No UPP	417	512	678
Bethesda-Chevy Chase HS	2,457	2,532	103.1%	-75	No UPP	105	417	785

The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school's adequacy status and ceilings, as determined in the Annual School Test. If the project is

³ Projected enrollment reflects the estimated impact of CIP P652107, which will reassign students between Bethesda ES, Somerset ES and Westbrook ES in 2022.

estimated to generate more students than the identified ceilings, then additional UPPs or partial payments at multiple tiers may still be required.

Calculation of Student Enrollment Impacts

To calculate the number of students generated by the project, the number of dwelling units is multiplied by the applicable School Impact Area student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low-rise multifamily unit, or high-rise multifamily unit.

With a net of 102 multifamily high-rise units that are not age-restricted, the project is estimated to generate the following number of students based on the subject property's location within an Infill Impact Area:

Estimated Student Enrollment Impacts

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
SF Detached	0	0.195	0.000	0.096	0.000	0.139	0.000
SF Attached	0	0.166	0.000	0.091	0.000	0.116	0.000
MF Low-rise	0	0.059	0.000	0.023	0.000	0.032	0.000
MF High-rise	102	0.034	3.468	0.015	1.530	0.016	1.632
TOTALS	102		3		1		1

As shown table above, on average, this project is estimated to generate 3 elementary school students, 1 middle school student and 1 high school student. The number of students generated does not exceed the adequacy ceilings identified for each school in the Applicable FY2022 School Adequacy table, therefore no additional UPPs are required and neither are partial payments across multiple UPP tiers.

Public facilities and services are available and will be adequate to serve the development. The Subject Property will be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service which has determined that the Subject Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as electrical, telecommunications, gas, police stations, firehouses, and health services are operating according to the *2021-2024 Growth and Infrastructure Policy* and will be adequate to serve the Property.

9. *The development is compatible with existing and approved or pending adjacent development.*

The Project has been designed to ensure that it is physically compatible with the existing and future development surrounding the Property. This Project will provide an improved, compatible transition between the more intensive uses of the CBD and Wisconsin Avenue to the west and the single-family neighborhood to the east.

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 MAR 3 2022 (which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Maryland Rule 7-203).

* * * * *

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 Vice Chair Verma, seconded by Commissioner Rubin, with Chair Anderson, Vice Chair Verma, and Commissioners Cichy and Rubin voting in favor of the motion, and Commissioner Patterson abstaining at its regular meeting held on Thursday, March 3, 2022, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board