

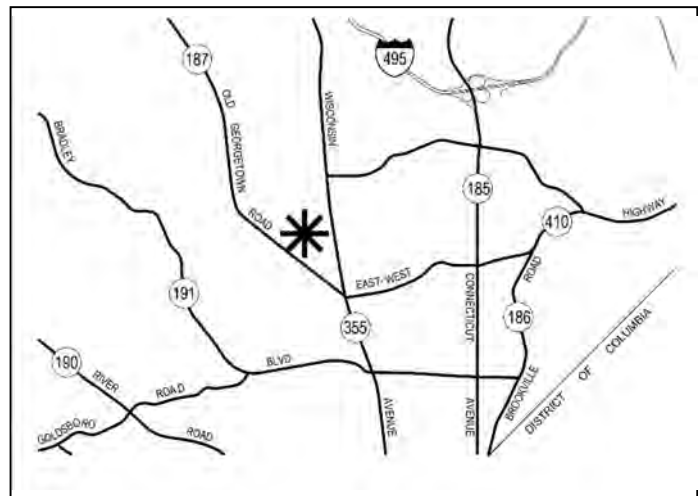
Brightview Bethesda: Sketch Plan 320160010 and Preliminary Plan 120160010

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Description

Staff Report Date: 11/25/2015

- Two lots for an assisted living facility consisting of up to 120 dwelling units and 3,125 square feet nonresidential uses in an eight-story building and retention of an existing office building;
- Located in the northeast quadrant of the intersection of Rugby Avenue and Glenbrook Road in the Bethesda CBD;
- 1.39 gross acres zoned CR 3.0 C 1.0, R 2.75, H 90 T and CRN 0.5 C 0.5, R 0.25 H 35
- Woodmont Triangle Amendment to the Bethesda CBD Sector Plan* area;
- Application accepted July 23, 2015;
- Applicant: Shelter Development, LLC.
- Review Basis: Chapter 50 and Chapter 59



Summary

- Staff recommendation: Approval of the sketch plan and preliminary plan amendment.**
- The project is being developed with the use of FAR Averaging (density transfer) from two sending properties. The density transfer will send 19,000 square feet of residential floor area from the sending sites to the subject property.

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SECTION 1: RECOMMENDATION AND CONDITIONS

Sketch Plan No. 320160010

Staff recommends approval of Sketch Plan No. 320160010, Brightview Bethesda, for construction of a maximum total density of 135,321 square feet of development on the Subject Property and the sending properties collectively, subject to the following binding elements and conditions:

Binding Elements

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements of the Sketch Plan are illustrative.

Recommended Conditions of Approval

1. Density

The development is limited to a maximum of 121,528 square feet of total development on the Subject Property, including up to 89,780 square feet of assisted living use consisting of up to 120 assisted living dwelling units, up to 28,623 square feet of office, and up to 3,125 square feet of other nonresidential uses. The sending properties are collectively limited to 13,793 square feet of nonresidential uses. The Subject property and the sending sites together are collectively limited to a maximum total density of 135,321 square feet of development.

2. Site Plan

Any development within the Subject Property must receive site plan approval, including a review of all applicable public benefit point calculations.

3. FAR Averaging

Prior to record plat approval, the Applicant must state the gross square footage taken from any lot with reduced density in an instrument approved by the M-NCPPC Office of the General Counsel and must record the instrument in the Montgomery County land records. Final allocation of density will be determined at the time of site plan review. The properties within the Site will transfer the following square feet of development potential based on the existing zoning:

- a. Sending Site A (8106 Norfolk Avenue, Lots 401 and 402) will be transferring 6,077 square feet of residential density to the Subject Property.
- b. Sending Site B (8000 Norfolk Avenue, Lots 329 and 330) will be transferring 12,923 square feet of residential density to the Subject Property.

4. Height

The development is limited to the maximum height of 90 feet, as measured from the approved building height measuring point for the building.

5. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59-7.3.3.I. Section 59-4.6.2.B requires properties taking advantage of FAR

Averaging to exceed the minimum public benefit points otherwise required by 50%. Total points must equal at least 150 and be chosen from at least four categories as required by Section 59-4.5.4.A.2. The requirements of Division 59-4.7 and the *Commercial/Residential and Employment Zones Incentive Density Implementation Guidelines* must be fulfilled for each public benefit proposed. Final points will be established at site plan approval.

- a. Transit Proximity, achieved through proximity to a Metrorail station;
- b. Connectivity and Mobility, achieved through provision of fewer than the maximum parking spaces, transit access improvements, and provision of wayfinding;
- c. Diversity of Uses and Activities, achieved through providing opportunities for small businesses and enhanced accessibility for the disabled;
- d. Quality of Building and Site Design, achieved through structured parking, public art, exceptional design, and architectural elevations; and
- e. Protection and Enhancement of the Natural Environment, achieved through building lot termination, energy conservation and generation, cool roof, vegetated roof, and vegetated wall, and recycling facility plan.

6. Building Lot Terminations (“BLTs”)

Prior to release of any building permit, the Applicant must provide proof of purchase and/or payment for the required BLTs.

7. Standard Streetscape

For each site plan approved pursuant to this Sketch Plan, the Applicant must provide and install the Bethesda Streetscape Standard along the site plan frontage, including undergrounding of utilities.

Preliminary Plan No. 120160010

Staff recommends approval of Preliminary Plan No. 120160010, Brightview Bethesda, for two lots for construction of a maximum total density of 121,528 square feet of development on the Subject Property, subject to the following conditions:

1. Approval is limited to two lots for a maximum density of 89,780 square feet of assisted living use, consisting of up to 120 assisted living units, up to 28,623 square feet of office uses, and up to 3,125 square feet of other nonresidential (retail, restaurant, or service) uses.
2. The Applicant must comply with the binding elements and conditions of approval for Sketch Plan No. 320160010, as may be amended.
3. Prior to approval of any site plan, the Applicant must submit for Staff review and approval a tree save plan addressing impacted trees, with particular focus on the off-site 43-inch tree identified as a red maple on the existing conditions plan sheet, prepared by a Maryland Licensed Tree Care Expert who is also an ISA certified arborist. The plans must address canopy pruning and clearance, stress reduction measures, and any mitigation plantings.
4. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated November 18, 2015, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

5. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated November 27, 2015, and hereby incorporates them as conditions of the Preliminary Plan approval, except recommendation 1 with respect to right-of-way dedication. The Applicant must comply with each of the recommendations, except recommendation 1 with respect to right-of-way dedication, as set forth in the letter, which may be amended by MCDOT, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
6. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements which are associated with each plat, as required by MCDOT.
7. The Applicant must provide public bicycle parking for short-term use along the retail frontage and near public open space. Secure bicycle parking for long-term use must be installed internal to the proposed residential buildings or garage. Exact locations and quantities will be determined at site plan review.
8. The Applicant must enter into a Traffic Mitigation Agreement (“TMAg”) with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District and must execute the TMAg prior to the release of any above grade building permit for development on the Subject Property, exclusive of any sheeting and shoring permit. The TMAg must include trip mitigation measures recommended by MCDOT.
9. The certified Preliminary Plan must contain the following note:
Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.
10. The record plat must show necessary easements.
11. No clearing, grading or recording of plats prior to certified site plan approval.
12. Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, and sidewalks will be determined at site plan.
13. Include the stormwater management concept approval letter, MCDOT recommendation letter, and Preliminary Plan resolution on the approval or cover sheet(s).
14. The Applicant must construct all road and frontage improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the master plan and/or to the design standards imposed by all applicable road codes.
15. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.

SECTION 2: SITE DESCRIPTION

Site Vicinity

The subject property is located in the northeast quadrant of the intersection of Rugby Avenue and Glenbrook Road, in the Woodmont Triangle area of the Bethesda CBD. The adjacent uses consist primarily of multi-family residential dwellings, including low-rise walk-up garden apartments and high-rise buildings, but also include single-family detached residences, offices, and retail uses. The site is within walking distance of the Bethesda and Medical Center Metrorail stations, as well as the future Purple Line and Capital Crescent Trail.



Figure 1-Vicinity Map

Site Analysis

The eastern portion of the property, at 4907 Rugby Avenue, is currently developed with two single-story commercial buildings and surface parking, which will be removed to accommodate the development proposed by this application. The western portion of the property, at 8101 Glenbrook Road, is currently developed with a two-story office building and surface parking. These improvements will not be removed or changed by the current application.

The property is located in the Lower Rock Creek watershed. The site is entirely developed, and there are no streams, floodplains, forests, or other sensitive environmental features on the site.

In addition to the site proposed for development, the application includes density from two additional properties consisting of four parts of lots that comprise 10,931 gross square feet of land. Sending Site A, located at 8106 Norfolk Avenue, consists of parts of Lots 401 and 402 and is 4,075 square feet in gross tract area. Sending Site B, located at 8000 Norfolk Avenue, consists of parts of Lots 329 and 330 and is 6,856 square feet in

gross tract area. The total gross tract area of the sending properties and the subject property (the property receiving the development rights) is 71,270 square feet.



Figure 2-Aerial View. Subject Property in Yellow, Sending Properties in Red.

SECTION 3: PROJECT DESCRIPTION

Previous Approvals

On December 2, 1982, the Planning Board approved Site Plan 819810810 for 39,194 square feet of office use, including the two-story, 28,623 square-foot office building that is to remain on proposed Lot 1.

Proposal

Sketch Plan

The sketch plan will establish the density of the subject property up to 89,780 square feet of assisted living uses, consisting of up to 120 assisted living dwelling units and up to 3,125 square feet of nonresidential (retail, restaurant, or service) uses. An existing office building containing 28,623 square feet will be retained on the site. The total floor area requested on the subject property is 121,528 square feet, to be placed in two buildings: the existing office building and the proposed assisted living building. The sketch plan includes a transfer of density from several off-site properties to the subject property. The overall floor area of the sketch plan tract including the existing office building, the proposed assisted living building, and the existing buildings on the sending sites is 135,321 square feet. The maximum height of the proposed building will be 90 feet.

Subdivision

The preliminary plan will create two lots to allow for a maximum density of 121,528 square feet of development. Proposed Lot 1 will be 25,733 square feet in area and will contain the existing office building, which consists of 28,623 square feet of office use. Proposed Lot 2 will be 21,113 square feet in area and will contain the proposed assisted living building, which will contain 89,780 square feet of assisted living residential use, consisting of up to 120 assisted living units, and 3,125 square feet of ground floor retail.

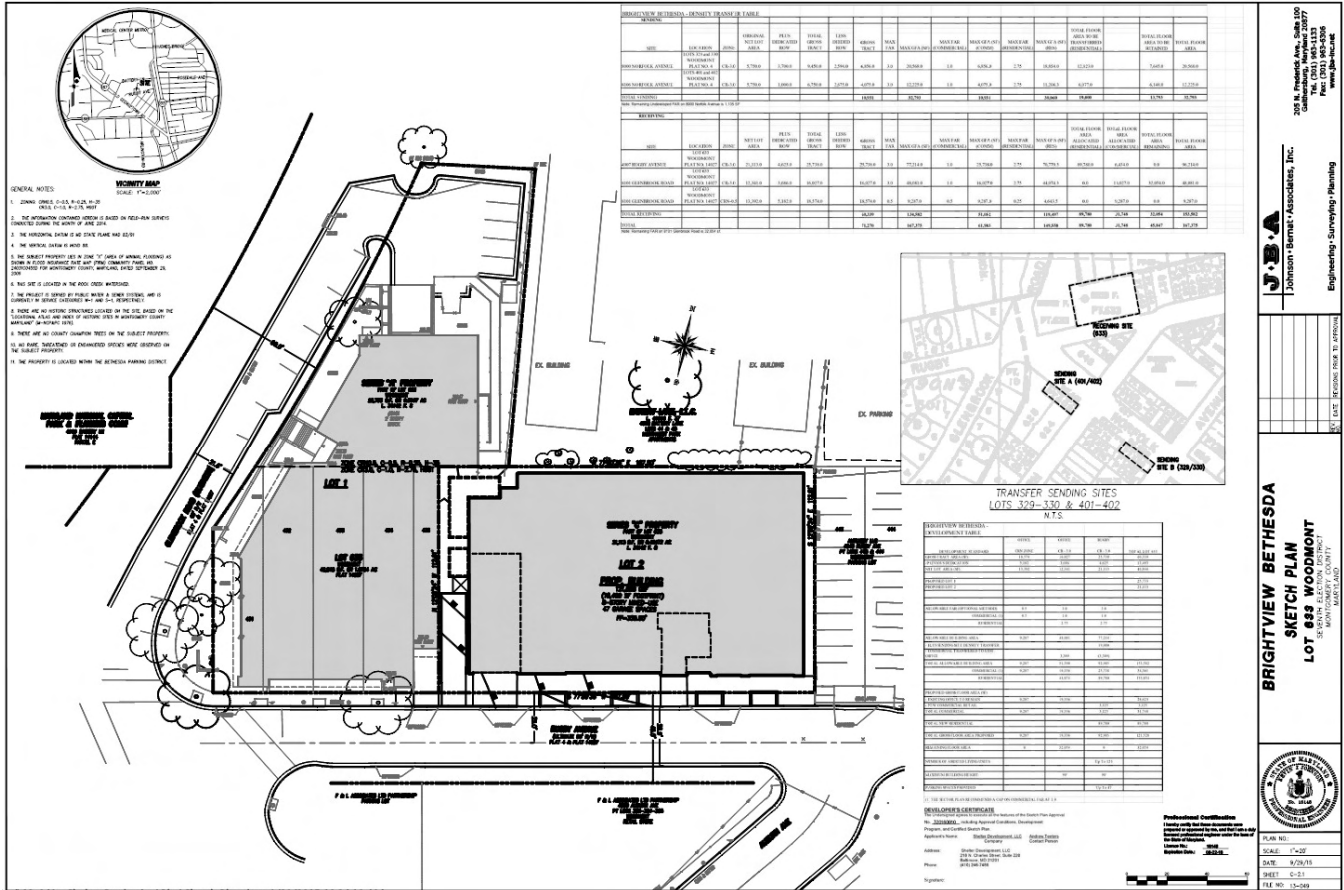


Figure 3-Sketch Plan

Buildings

The Plan proposes one new building, on proposed Lot 2. The building will have ground floor retail facing Rugby Avenue and up to 120 assisted living units on the floors above. Parking will be provided in a garage in the rear of the ground floor of the building and underground. The top floor and adjacent roof terrace will provide space for resident amenity areas. The building will have a maximum height of 90 feet, and will be eight stories tall. The northwest portion of the building, adjacent to one of the off-site garden apartment buildings, will step down to approximately 45 feet in height, or four stories. (See Figure 7.)



Figure 4-Existing Office Building to be Retained on the Subject Property. Image from Google Street View.



Figure 5-Illustrative Building Massing



Figure 6-Illustrative Rendering of the Proposed Building as Seen from Rugby Avenue



Figure 7- Illustrative Rendering of the Proposed Building as Seen from the Northwest

Open Space & Amenities

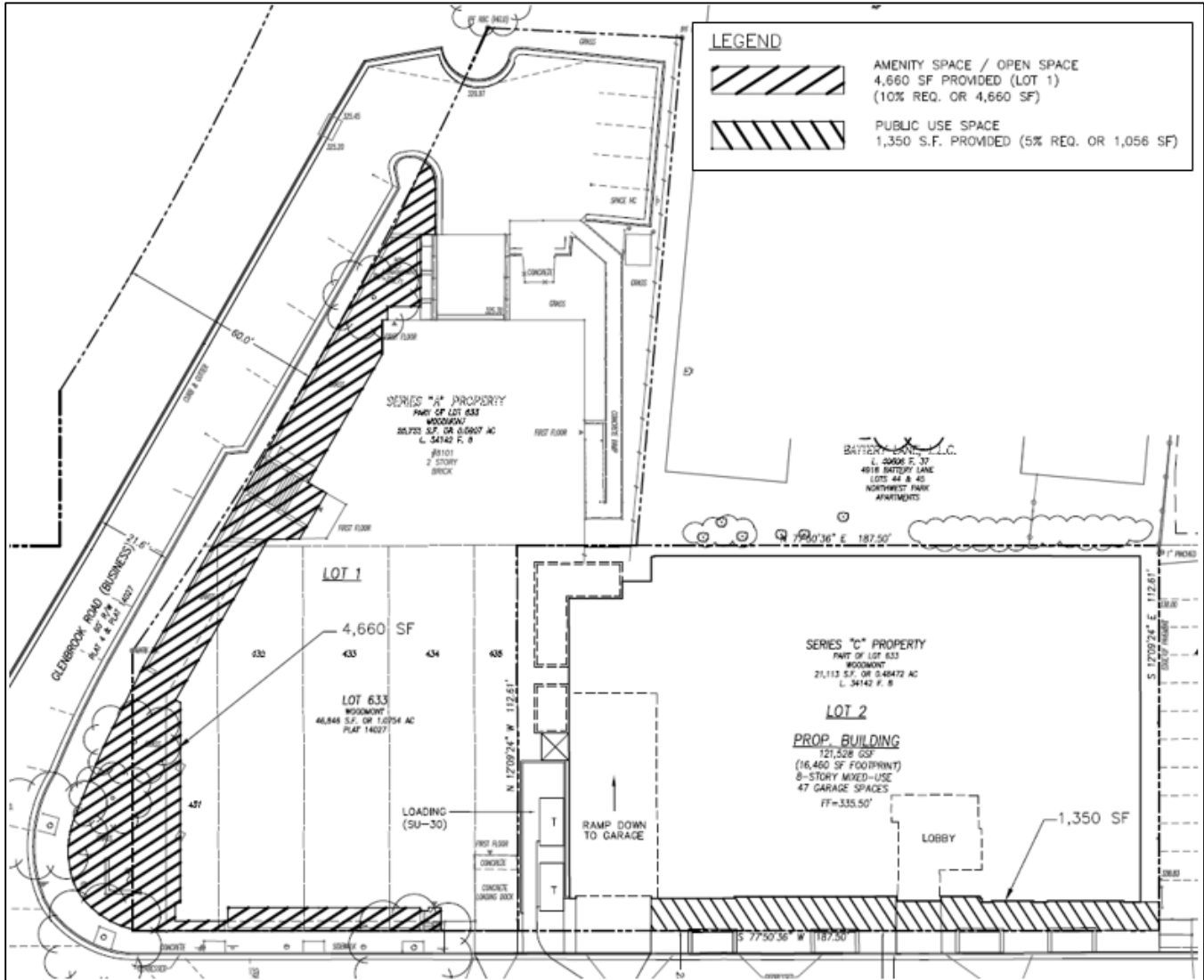


Figure 8-Open Space Plan

The total public open space on the subject property will encompass 6,010 square feet, or 13% of the net lot area of the subject property, more than the 5% required by the Zoning Ordinance. The public open space will consist of sidewalk along the Rugby Avenue and Glenbrook Road frontages of the subject property. The public open space on Lot 2 will be improved with the Bethesda standard streetscape, and will encompass 1,350 square feet. The public open space on Lot 1 (4,660 square feet) will not be further improved, because it is the existing condition approved with original Site Plan 819810810 and the current application does not propose any changes to the existing office building or site design.

The project will also provide amenity space for residents of the building, including indoor space and outdoor roof terraces. The amenity space will be reviewed more extensively at the time of site plan review.

Public Art

Although the public art component of the project will not be finalized until site plan review, an initial concept has been suggested. The art will convey the theme of Bethesda as a crossroads community with connections to the outlying areas of the region throughout its history. The south-facing façade and canopy are two likely areas for placement of the art on the property.

Circulation

Vehicular access to the proposed building will be provided by two adjacent driveways on Rugby Avenue, at the western end of the building. The western-most driveway will provide access to a single loading space, while the eastern-most driveway will provide access to the parking garage. Pedestrian access to the building will be via doors fronting on the sidewalk on Rugby Avenue. Vehicular access to the existing office building will continue to be provided via an existing driveway from Glenbrook Road, which provides access to a surface parking lot, and pedestrian access will continue to be provided via existing sidewalks on Rugby Avenue and Glenbrook Road.

FAR Averaging

The project is being developed with the use of FAR Averaging (density transfer) from four parts of lots (see Attachment B and Attachment C). The density transfer will send 19,000 square feet of residential floor area from the sending sites to the subject property. The sending sites will retain sufficient density to be developed under the standard method of development, including existing buildings on those properties. A recorded easement for each sending property will limit the properties to this amount of development. Any attempt to develop the sending properties at a density higher than standard method would trigger a sketch plan amendment, and this would alert staff to the fact that the densities are limited to standard method. The combination of the recorded easements and the sketch plan amendment process will ensure that an application is not processed for an inappropriate increase in density.

Community Outreach

The applicant has complied with all submittal and noticing requirements. As of the date of this staff report, staff has received one letter on the application (Attachment D). The letter, from the managing member of the company that owns an adjacent garden apartment complex, raised concerns about the proposed building's potential to create excessive shadows on the garden apartment property. In response to the letter, staff requested that the applicant provide a shadow study for the project (Attachment E). As discussed below, the shadow study shows that construction of the proposed building will not substantially increase the amount of shadow that is cast onto the garden apartment property.

SECTION 4: SKETCH PLAN ANALYSIS AND FINDINGS

The purpose of a Sketch Plan is to identify general land uses, development intensity, and public benefits for the optional method of development in the CR, CRT, EOF or LSC Zones. The Sketch Plan is intended to be conceptual in nature with an emphasis on: building densities; massing; heights and anticipated uses; the locations of open and public use spaces; the general circulation patterns for all modes of transportation; an estimated range of peak hour trips; and relationships between existing or proposed adjacent buildings and rights-of-way. Details of the proposed development are determined during Preliminary and Site Plan review.

Proposed Lot 1 of the subject property contains the existing office building that was approved by the Planning Board with Site Plan 819810810. This application does not propose to alter the building or the site design of proposed Lot 1. Therefore, the sketch plan analysis and findings will focus only on proposed Lot 2 and the proposed assisted living building.

Section 59-7.3.3.E of the Zoning Ordinance states: “To approve a sketch plan, the Planning Board must find that the following elements are appropriate in concept and appropriate for further detailed review at site plan. The sketch plan must:”

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

As conditioned, the sketch plan meets the development standards of Section 59-4.5.4, as shown in Table 1, Sketch Plan Project Data Table.

Zone	Zone	C	R	H
Subject Property				
Proposed Lot 1 CRN	CRN-0.5	0.5	0.25	35
Proposed Lot 1 CR	CR-3.0	1.0	2.75	90T
Proposed Lot 2	CR-3.0	1.0	2.75	90T
Sending Site A (8106 Norfolk Avenue)	CR-3.0	1.0	2.75	90T
Sending Site B (8000 Norfolk Avenue)	CR-3.0	1.0	2.75	90T

DEVELOPMENT STANDARD (59-4.5.4)	PERMITTED/REQUIRED		PROPOSED	
Tract Area	SF	Acres	SF	Acres
Subject Property	n/a		60,339	1.39
Sending Site A (8106 Norfolk Avenue)	n/a		4,075	0.09
Sending Site B (8000 Norfolk Avenue)	n/a		6,856	0.16
Total	n/a		71,270	1.64
Previous Dedications	SF	Acres	SF	Acres
Subject Property	n/a		13,493	0.31
Sending Site A (8106 Norfolk Avenue)	n/a		1,000	0.02
Sending Site B (8000 Norfolk Avenue)	n/a		3,700	0.08
Total	n/a		18,193	0.42
Site Area	SF	Acres	SF	Acres
Subject Property	n/a		46,846	1.08
Sending Site A (8106 Norfolk Avenue)	n/a		3,075	0.07
Sending Site B (8000 Norfolk Avenue)	n/a		3,156	0.07
Total	n/a		53,077	1.22
Height (maximum)	Feet		Feet	
Subject Property				
Proposed Lot 1	35/90		As existing	
Proposed Lot 2	90		90	
Sending Site A (8106 Norfolk Avenue)	90		As existing	
Sending Site B (8000 Norfolk Avenue)	90		As existing	

DEVELOPMENT STANDARD (59-4.5.4)	PERMITTED/REQUIRED		PROPOSED	
Total Density (maximum)	SF	FAR	SF	FAR
Subject Property				
Proposed Lot 1 CRN	9,287	0.5	9,287	0.5
Proposed Lot 1 CR	48,081	3.0	19,336	1.2
Proposed Lot 2	77,214	3.0	92,905	3.6
Sending Site A (8106 Norfolk Avenue)	12,225	3.0	6,148	1.5
Sending Site B (8000 Norfolk Avenue)	20,568	3.0	7,645	1.1
Total	167,375	2.3	135,321	1.9
Total Commercial Density (maximum)	SF	FAR	SF	FAR
Subject Property				
Proposed Lot 1 CRN	9,287	0.5	9,287	0.5
Proposed Lot 1 CR	16,027	1.0	19,336	1.2
Proposed Lot 2	25,738	1.0	3,125	0.1
Sending Site A (8106 Norfolk Avenue)	4,075	1.0	6,148	1.5
Sending Site B (8000 Norfolk Avenue)	6,856	1.0	7,645	1.1
Total	61,983	0.9	45,541	0.6
Total Residential Density (maximum)	SF	FAR	SF	FAR
Subject Property				
Proposed Lot 1 CRN	4,644	0.25	0	0
Proposed Lot 1 CR	44,074	2.75	0	0
Proposed Lot 2	70,780	2.75	89,780	3.5
Sending Site A (8106 Norfolk Avenue)	11,206	2.75	0	0
Sending Site B (8000 Norfolk Avenue)	18,854	2.75	0	0
Total	149,558	2.1	89,780	1.3
Setbacks - All Properties (minimum)	Feet		Feet	
Street	0		0	
Side	0		0	
Public Open Space (minimum)	SF	Percent	SF	Percent
Subject Property	2,342	5%	6,010	13%
Sending Site A (8106 Norfolk Avenue)	0	0	0	0
Sending Site B (8000 Norfolk Avenue)	0	0	0	0
Total	2,342	5%	6,010	13%
Parking	Minimum	Maximum	Proposed	
Subject Property	47	154	47	

The intent of the CR zone is to:

- a) *Implement the recommendations of applicable master plans.*

As discussed in Finding 2 below, the project substantially conforms to the recommendations of the Sector Plan. The project responds to the Sector Plan's main goals, including enhancing the pedestrian realm, providing transit-oriented, mixed-use development, and providing opportunities for small businesses.

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

Proposed Lot 2 of the subject property is currently improved with single-story, small-scale commercial buildings and associated surface parking. The project will redevelop this single-use property with a modern, mixed-use development with structured below-grade parking. In total, the project will provide up to 120 assisted living residential dwelling units and 3,125 square feet of commercial uses in close proximity to transit and other essential services.

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

The project provides a mixed-use, transit-oriented development in the CBD. The residential component of the project is an assisted living facility, providing housing opportunities to senior citizens. The project will provide an opportunity for senior citizens to live in a pedestrian-friendly, transit-oriented central business district, where they will not be dependent on the ability to drive (or the need to have others drive them) to continue to participate socially and economically in the community. The ground floor commercial space provides opportunities for various businesses to operate within the CBD, which will support residents and workers in the CBD.

The project will provide new residential units for senior citizens and employment opportunities in close proximity to the Bethesda and Medical center Metro stations. The location of these uses within ½ mile of the Metro will encourage utilization of mass transit. Additionally, the streetscape improvements along the subject property frontage will promote pedestrian mobility.

No parking will be provided between the building and the street.

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

The project provides a context-sensitive design and will complement the surrounding uses – the taller portions of the building are located toward the front and east sides of the subject property, adjacent to the more intense CR-zoned properties, and the lower, four-story portion of the building will be located closer to the adjacent garden apartment building, the two-story office building, and the single family dwellings beyond.

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

The project will provide significant housing opportunities for seniors and promote economic diversity. The project will provide up to 120 assisted living units. These units will provide an opportunity for senior citizens to live in a pedestrian-friendly, transit-oriented central business district, where they will not be dependent on the ability to drive (or the need to have others drive them) to continue to participate socially and economically in the community. In addition to the residential opportunities for senior citizens, the assisted living units will also provide employment opportunities in fields such as elder care, medical services, and dining and custodial staff.

The proposed assisted living facility will provide additional opportunities for those who live in the CBD to work in close proximity to their residence.

The non-residential component of the project will provide additional retail uses for the future residents of the subject property and surrounding area. The retail use will also provide employment opportunities in close proximity to Metro.

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

As discussed in finding 6 below, the project will provide the required public benefits from a minimum of five categories to achieve the desired incentive density above the standard method limit.

Density Transfer

Section 59-4.5.2.B.3 of the Zoning Ordinance provides that density may be averaged over two or more non-contiguous properties in the CR Zone if:

- a. *Each provision under Section 4.5.2.B.2 is satisfied, including:*
- i. *The properties are under the same site plan or sketch plan; and, if a sketch plan is required, the density averaging must be shown on the sketch plan;*

All Sending and Receiving Properties are encompassed by this sketch plan application.

- ii. *The resulting properties are created by the same preliminary subdivision plan or satisfy a phasing plan established by an approved sketch plan;*

All sending and receiving properties are included in this application and will satisfy the phasing plan approved as part of the sketch plan. The sending properties are also included in the concurrent preliminary plan application. The new development included in the project will be constructed in one phase.

- iii. *The maximum total, nonresidential, and residential FAR limits apply to the entire development, not to individual properties;*

As shown on the sketch plan data summary table, the density of development on the combined lots does not exceed the total density permitted on separate lots. The entire development, including the sending properties and the subject property, is limited to a total FAR of 1.9, with a maximum non-residential FAR of 0.6 and residential FAR of 1.3, determined by the final mix and density bonus approved at site plan.

- iv. *The total allowed maximum density on a resulting property that is abutting or confronting a property in an Agricultural, Rural Residential, or Residential Detached zone that is vacant or improved with an agricultural or residential use, does not exceed that allowed by the property's zone; and*

The subject property confronts R-60 zoned properties (i.e., Residential Detached land) at the intersection of Rugby and Norfolk Avenues. The density of development on the subject property will not exceed the total allowed maximum densities under the applicable Commercial/Residential zones, as shown in Table 1 above.

- v. *Public benefits are required to be provided under any phasing element of an approved sketch plan.*

The new development included in the project will be developed in one phase and will provide adequate public benefits.

- b. *The properties are within ¼ mile of each other or in a designated master-planned density transfer area;*

The sending and receiving properties are located within ¼ mile of each other. Additionally, the sending and receiving properties are all located within the Density Transfer Area of the *Woodmont Triangle Amendment*.

- c. *The minimum public benefit points required under Section 4.5.4.A.2 are exceeded by at least 50%; and*

The project will exceed the minimum public benefit points otherwise required by at least 50%, as demonstrated in Finding 6.

- d. *The applicable master plan does not specifically prohibit the averaging of density between non-contiguous properties.*

The *Woodmont Triangle Amendment* specifically encourages the averaging of density between non-contiguous properties, within the Woodmont Triangle area. The CR Zone incorporates this goal.

The sketch plan meets the general requirements of the Chapter 59 as follows:

- i. *Section 4.1.7.C.2 Building Height Measurement*

Under Section 4.1.7.C.2, the building height of each street-fronting building must be measured from the approved curb grade opposite the middle of the front of each building. The subsequent site plan will show a building height measurement location that complies with this section.

- ii. *Division 6.1. Site Access*

A driveway from Rugby Avenue will provide well-integrated vehicular access to the underground parking garage. Pedestrian access will be provided via the existing sidewalk on Rugby Avenue, which will be enhanced with the Bethesda streetscape standard.

- iii. *Division 6.2. Parking, Queuing, and Loading*

The project will be served by an underground parking garage for adequate off-street parking.

- iv. *Division 6.3. Open Space and Recreation*

The project has a 5 percent public open space requirement, which yields a requirement of 2,342 square feet of open space. The project proposes to provide 6,010 square feet of public open space, of which 4,660 square feet will be provided on proposed Lot 1, and 1,350 square feet will be

provided on proposed Lot 2, which is the lot proposed for development of the assisted living facility. The public open space on Lot 1 was previously approved as public use and amenity space in Site Plan 819810810, which approved the existing office building. Because this is an existing condition and no development is proposed on proposed Lot 1, this portion of the public open space will not be improved with new streetscape materials. Future new development on proposed Lot 1 will trigger the requirement to provide new streetscape materials along this frontage.

v. *Division 6.4. 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 application will transform existing streetscape along the frontage on Rugby Avenue with new street trees, improved sidewalk, and street lighting.

2. *substantially conform with the recommendations of the applicable master plan;*

The subject property is within the boundaries of the 2006 *Woodmont Triangle Amendment to the Bethesda CBD Sector Plan*. The primary objective of the Sector Plan is to spur the revitalization of the Woodmont Triangle Study Area as a vibrant urban, mixed-use neighborhood that emphasizes residential, small-scale retail, the arts, and public amenities. More specifically, the *Woodmont Triangle Amendment* recognizes that the transit-oriented location of the Woodmont Triangle makes it a desirable and appropriate location for mixed-use, pedestrian-friendly development. Opportunities to retain existing businesses and expand opportunities for new businesses are encouraged, as are efforts to improve the safety and character of the existing streets.

The project will be the first senior assisted living facility established in the CBD and will provide an important opportunity to integrate – rather than isolate – assisted living services into an urban setting. The location of the subject property will provide seniors in need of assisted living care with opportunities to enjoy and experience the amenities of an urban community. The location will also be a convenient option for family members already located in Bethesda who may desire to obtain care for their relatives closer to home.

The project includes a ground-floor retail component that will serve residents and visitors of the facility while providing opportunities for small-scale businesses in the Woodmont Triangle.

The project will provide streetscape improvements along the frontage of the subject property consistent with current Bethesda streetscape standards. Such streetscaping does not presently exist at this location, and will be a significant transformation over existing conditions. The proposed improvements will directly contribute to the goal of promoting an active and safe pedestrian environment in the Woodmont Triangle. The opportunity to upgrade the streetscape at the subject property, near the new through-block connection to Del Ray Avenue that has been established with the Woodmont Central project (Site Plan 820110020, as amended), will allow a more comprehensive pedestrian network to emerge.

New public art is proposed, which the Sector Plan identifies as a priority public amenity. Although the specific details of the public art component will be refined through the site plan process, an initial concept has been proposed. The art will convey the theme of Bethesda as a crossroads community with connections to the outlying areas of the region throughout its history. The south-facing façade and canopy are two likely areas for placement of the art on the property.

The Sector Plan also provides specific recommendations for building heights, with which the application fully complies. The proposed Lot 2 and the front portion of proposed Lot 1 are identified as part of Block 15. For these portions of the subject property, the Sector Plan specifically recommends heights up to 90 feet and supports the use of density transfers, if needed to achieve these maximum heights. The specific heights proposed with the application comply with the recommendations of the Sector Plan, as well as with the mapped heights of the Commercial/Residential and Commercial/Residential Neighborhood Zones approved with DMA G-956. Maximum building heights in the application will be 90 feet.

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

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

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

The scale of the building will be appropriate for the location, with heights that establish a proper relationship with surrounding existing and planned buildings, and with the larger-scale buildings in the Woodmont Triangle District. The overall massing is oriented to give prominence to the building's presence on Rugby Avenue, and upper level setbacks are proposed to provide a transition to the Battery Lane District to the north of the subject property, including the adjacent garden apartments (where the R-10 Zone immediately abutting the subject property allows for maximum heights of 100 feet for apartment buildings). A study comparing the shaded areas of the garden apartment complex before and after construction of the proposed building shows that the building will not substantially increase the amount of shadow that is cast onto the garden apartment property. On December 21, the date on which the impact would be the greatest, the study shows that at midday through the afternoon, a small area at the southern end of the southeastern building would be shaded that is not currently shaded in the absence of the proposed building. In terms of aesthetics, the application will provide a visually pleasing, modern building that will contribute positively to views in the CBD.

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

The subject property is within walking distance to public parking garages and various public transit resources including the Bethesda and Medical Center Metrorail Stations, WMATA busses, Ride-on busses, and the Bethesda Circulator. The application will satisfy applicable minimum parking requirements on-site, even though parking demand for the assisted living facility use is not anticipated to be significant. The applicant expects visitors to the building to make use of multiple modes of transit, which will allow the application to contribute to the maximization of Bethesda's transit infrastructure.

The application will improve pedestrian circulation on Rugby Avenue and contribute to the emerging pedestrian network in the Woodmont Triangle by providing new streetscape. Notably, no sidewalk exists on the south side of Rugby Avenue across from the subject property, which makes the proposed streetscape upgrades on the north side even more meaningful.

Loading will be accommodated on the subject property, to the west of the proposed building.

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

The application includes public benefits that address the general incentive and density considerations required by Section 59-4.7.1.B. The public benefits:

- a. Take into consideration “the recommendations of the applicable master plan” by providing a project that creates a mixed-use, pedestrian-friendly project, which will allow senior citizens to age in place within the community, and which will provide retail space for small businesses;
- b. Meet the 2015 *Commercial/Residential and Employment Zones Incentive Density Implementation Guidelines* by providing the proper calculations and criteria for each public benefit;
- c. Meet “any design guidelines adopted for the applicable master plan area” by providing an attractive pedestrian environment with public open space and safe, pedestrian-friendly connections;
- d. Are appropriate for “the size and configuration of the site” by improving the existing configuration of surface parking lots and replacing them with structured parking to allow for public open spaces close to transit;
- e. Adequately address “the relationship of the site to adjacent properties” by designing the building at an appropriate scale for the surroundings with heights and areas of open space that complement the existing character of the area;
- f. Consider “the presence or lack of similar public benefits nearby” through the provision of structured parking, small business opportunities, public art, environmental benefits, public open space, and pedestrian connections, all of which are currently needed in this area; and
- g. Provide “enhancements beyond the elements listed in an individual public benefit that increase public access to, or enjoyment of, the benefit” which will be developed and assessed during preliminary plan and site plan reviews.

For the proposed development, the zoning code requires 150 points in four categories. Although at the time of sketch plan review only the categories need be approved, Table 2 shows both the categories and points for the public benefits recommended at sketch plan to demonstrate the project’s ability to meet the requirement to provide sufficient benefit points.

Table 2- Sketch Plan Public Benefits Calculations

Public Benefit	Incentive Density Points		
	Total Points Possible	Requested	Recommended
4.7.3.B: Transit Proximity	20	20	20
4.7.3.C: Connectivity and Mobility			
Minimum Parking	10	10	10
Transit Access Improvement	20	10	10
Wayfinding	10	5	5
4.7.3.D: Diversity of Uses and Activities			
Small Business Opportunity	20	10	10
Enhanced Accessibility for the Disabled	20	20	20
4.7.3.E: Quality of Building and Site Design			
Structured Parking	20	20	20
Public Art	15	15	15
Exceptional Design	10	5	5
Architectural Elevations	20	10	10
4.7.3.F: Protection and Enhancement of the Natural Environment			
Building Lot Termination (BLT)	30	2.6	2.6
Energy Conservation and Generation	15	5	5
Vegetated Wall	10	10	10
Vegetated Roof	15	15	15
Cool Roof	10	10	10
Recycling Facility Plan	10	5	5
TOTAL	150 Required	172.6	172.6

Transit Proximity

The subject property is located between ½ mile and one mile of the entrance to the Bethesda and Medical Center Metrorail Stations, which allows the development to be eligible for Level 1 transit as defined in the Zoning Ordinance. Staff recommends the full 20 points as provided in the Zoning Ordinance for CR-zoned properties that are between ½ mile and one mile of a Metrorail station.

Connectivity and Mobility

Minimum Parking: The application proposes fewer than the maximum number of allowed parking spaces. The maximum number of allowed spaces is 154, but the application will provide 47 spaces.

Transit Access Improvement: The project will improve crosswalks, sidewalks, and accessibility ramps at the intersections of Rugby Avenue at Glenbrook Road and Auburn Avenue. These improvements are located within ½ of the project site and are not otherwise required improvements along the subject property’s frontage.

Wayfinding: In conjunction with the streetscape improvements on Rugby and Auburn Avenue, wayfinding signs will be installed to direct pedestrians and bicyclists to the Bethesda Metrorail Station, the National Institutes of Health, Battery Lane Park, and other points of interest.

Diversity of Uses and Activities

Enhanced Accessibility for the Disabled: The project will provide dwelling units that satisfy the ANSI A117.1 Residential Type A standards for accessibility, or an equivalent County standard.

Small Business Opportunities: All of the commercial space in the proposed building will be allocated to small businesses.

Quality of Building and Site Design

Architectural Elevations: The proposed building is designed to provide ground-floor transparency. The ground-floor façade is primarily glass, readily allowing views into and out of the building. The building will have at least three public entry doors on Rugby Avenue serving the retail spaces and the assisted living lobby. These will be spaced apart to create both egress and opportunities for two-way visual interaction through the large picture windows. The certified site plan will document these and other design elements and substantial conformance with the building design will be required of the applicant.

Exceptional Design: Incentive density of up to five points is appropriate for development that meets at least four of the following criteria, and ten points for development that meets all of them:

- Provides innovative solutions in response to the immediate context
- Creates a sense of place and serves as a landmark
- Enhances the public realm in a distinct and original manner
- Introduces materials, forms, or building methods unique to the immediate vicinity or applied in a unique way
- Uses design solutions to make compact infill development living, working, and shopping environments more pleasurable and desirable on a problematic site
- Integrates low-impact development methods into the overall design of the site and buildings, beyond green building or site requirements.

The proposed building will respond well to the immediate context, serving as a transition between the 17-story buildings to the south and the two-story garden apartments to the north. The building will serve as a landmark because of its prominent location as a terminating vista at the end of the pedestrian connection between Del Ray and Auburn Avenues, which was constructed with the Woodmont Central project. The use of modern architecture on multi-story urban building, while not unique to the Woodmont Triangle area, is a unique application for an assisted living facility, which are typically built in lower density settings with more suburban-style design. Staff supports the inclusion of the Exceptional Design category and will make more detailed findings regarding the above criteria at the time of Site Plan.

Public Art: The applicant requests 15 points for installing public art on the site. The public art concept will be developed during the preliminary plan and site plan process and will be presented to the Public Arts Trust Steering Committee. The final points will be determined at the time of site plan review. Staff supports the applicant's request at this time.

Structured Parking: The applicant requests 20 points for structured parking consisting of 47 below-grade spaces. This incentive is granted on a sliding scale based on the percentage of spaces provided above and below grade.

Protection and Enhancement of the Natural Environment

Building Lot Termination: The applicant must purchase BLT easements in an amount equal to 7.5% of the incentive density floor area. One BLT must be purchased for each 31,500 square feet of gross floor area. With these parameters, the applicant must purchase 0.29 BLTs, which yields 2.6 points.

Cool Roof: All roof areas not covered by green roof or mechanical equipment will be covered by a cool roof having a minimum solar reflectance index of 75.

Energy Conservation and Generation: The project will exceed energy efficiency standards by a minimum of 2.5%, which yields five points. This will be achieved through the use of cool and vegetated roofs to minimize heating and cooling loads. The building envelope will feature increased insulation and Energy Star labeled windows and doors. The building's mechanical system will employ energy efficient HVAC systems and equipment. Energy Star appliances and lighting will be selected to maximize energy conservation.

Recycling Facilities Plan: The project will provide a recycling facility plan that complies with the Montgomery County Executive regulations 15-04AM and 18-04. The project will integrate recycling facilities into the building and site design for easy accessibility. All residential units will be provided with recycling bins, and recycling facilities will be provided at other designated locations in the common areas within the building and on-site. On-site signage will be provided to remind residents and employees about the recycling program.

Vegetated Roof: The applicant requests 15 points for providing vegetated roofs with a soil depth of at least 4 inches and covering at least 50% of the total roof excluding space for mechanical equipment.

Vegetated Wall: A vegetated wall, visible from Rugby Avenue, will be placed on the west side of the building, covering an area of at least 600 square feet. The green screen is located on an otherwise blank wall.

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

The new development included in the project will be built in one phase.

SECTION 5: PRELIMINARY PLAN ANALYSIS AND FINDINGS

Sector Plan Conformance

As discussed in the Sketch Plan section of this report, the application substantially conforms to the 2006 *Woodmont Triangle Amendment to the Bethesda CBD Sector Plan*. The application complies with the land use recommendations for the site as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan.

Transportation

Access to the subject property is via Rugby Avenue and Glenbrook Road. Pedestrian and bicycle access to the property will be maintained along the property frontage sidewalks and public roadways. Parking for the proposed building will be contained within structured parking facilities below the building. Parking for the existing office building will continue to be provided in a surface parking lot that is accessed from Glenbrook Road.

Access, Parking, and Public Transportation

Vehicular access to the proposed building will be directly from Rugby Avenue, at the southwest corner of the site. This access point is configured as a full-movement garage entrance, internal to the building, and an adjacent full movement loading space located external to the building. Primary pedestrian and bicycle access to the subject property will be provided along Rugby Avenue and Glenbrook Road. Additionally, a through-block connection will be provided along the west side of the subject property to enhance north-south connection between Rugby Avenue and the existing multifamily dwelling units to the north.

The immediate area is well served by transit that includes both the Medical Center and Bethesda stations on the Metrorail Red Line, both of which are located approximately 0.7 miles from the site. Metrobus, RideOn, the Bethesda Circulator, and future Purple Line are also within walking distance. Specific transit routes near the subject property include:

1. RideOn Bus Routes 29, 32, 30, 34, 36, 40, 47, 70
2. WMATA Metrobus Routes J2, J3, J4, J7, and J9

Master Plan Roadways and Pedestrian/Bikeway Facilities

The following summarizes recommendations included in the 1994 *Bethesda CBD Sector Plan* and 2005 *Countywide Bikeways Functional Master Plan* along the property frontage:

1. Rugby Avenue: a Business District Street with a minimum right-of-way width of 50 feet.

The existing right-of-way condition confronting the subject property meets the recommended Sector Plan width.

Sector-Planned Transportation Demand Management

As a mixed-use project within the Bethesda Transportation Management District (TMD), the applicant is required to enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Bethesda TMD. A TMAg is required by the application will result in 25 or more employees or more than 100 dwelling units.

Adequate Public Facilities

A traffic statement (dated June 5, 2015) was submitted for the subject application per the *Local Area Transportation Review (LATR)/Transportation Policy Area Review (TPAR) Guidelines* since the proposed development was estimated to generate less than 30 peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. A site trip generation summary for the proposed development, provided in Table 3, shows that the project will generate five net new peak-hour trips during the weekday morning peak period and 20 net new peak-hour trips during the weekday evening peak period. The application satisfies APF requirements through the traffic statement and does not require further traffic analysis.

TABLE 3
SUMMARY OF SITE TRIP GENERATION
PROPOSED BETHESDA BRIGHTVIEW PROJECT

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
Existing (Credit)						
7,0000 SF Dance Studio/ Fitness Center	5	5	10	5	5	10
1,300 SF Office	2	0	2	1	1	2
Total Credit	7	5	12	6	6	12
Proposed						
120 Assisted Living Dwelling Units	10	5	15	12	12	24
3,125 SF Retail	1	1	2	4	4	8
Total Proposed	11	6	17	16	16	32
Total Net New Peak Hour Trips	4	1	5	10	10	20

Source: Integrated Transportation Solutions, Inc. traffic statement dated June 5, 2015.

TPAR Review

Since the proposed development is within the Bethesda CBD Policy Area, the application is exempt from both the roadway and transit tests set forth in the 2012-2016 Subdivision Staging Policy. As a result, the applicant is not required to pay the transportation impact tax to satisfy the TPAR requirement.

Other Public Facilities

Public facilities and services are available and will be adequate to serve the proposed development. The property is proposed to be served by public water and public sewer. The application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, and health services are operating according to the *Subdivision Staging Policy* resolution currently in effect and will be adequate to serve the property. Electrical, telecommunications, and gas services are also available to serve the property.

Compliance with Zoning Ordinance and Subdivision Regulations

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated. As discussed in the Sketch Plan section of this report, the application substantially conforms to the 2006 *Woodmont Triangle Amendment to the Bethesda CBD Sector Plan*. The application complies with the land use recommendations for the site as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. As evidenced by the preliminary plan, the site is sufficiently large to efficiently accommodate the proposed mix of uses.

Under Section 4.5.4 of the Zoning Ordinance, the dimensional standards for the lots will be determined with approval of the subsequent site plans.

Environment

Environmental Guidelines

The subject property is located in the Bethesda CBD and is not associated with any environmentally sensitive features such as forest areas, stream buffers, wetlands, 100 year floodplains, or steep slopes. There is one offsite 43-inch tulip tree (identified as a red maple on the existing conditions plan sheet) growing on the adjacent property to the north. Additionally, there are a number of minor trees measuring up to approximately 20 inches DBH that are located along the property boundary and the roadway fronting the subject property.

A Forest Conservation Exemption #42015029E was confirmed for the subject property on August 8, 2014. The application qualifies for a small property exemption under Section 22A-5(s)(1) of the Montgomery County Forest Conservation Law, since the proposed activity occurs within a tract of land less than 1.5 acres with no forest or existing specimen trees or champion trees present, and the afforestation requirements would not exceed 10,000 square feet. The project is located within the Rock Creek Watershed, a Use I^[1] watershed.

Tree Save

There are number of offsite trees that are growing immediately adjacent to the proposed work site. Furthermore, the plans show the LOD extending approximately 10 feet northwards into the adjacent garden apartment property. The work, as proposed, would require the direct removal of a number of minor trees and would also occur within the Critical Root Zone (CRZ) of the 43-inch tree. This tree has limbs overhanging into the subject property. Therefore, the work would require considerable pruning and impacts to the offsite tree. The extent of impacts and likelihood of appropriate preservation of the tree is not clear. A condition of approval is recommended that at the time of site plan review, a tree save plan addressing impacted trees, with particular focus on the 43-inch tree, must be prepared by a Maryland licensed tree care expert who is also an ISA certified arborist. The plans will address canopy pruning/clearance, stress reduction measures, and any mitigation plantings. Removals of the street trees would be addressed by replanting under the Bethesda streetscape standards.

Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept on November 18, 2015. According to the approval letter, the stormwater management concept meets stormwater management requirements via environmental site design to the maximum extent practicable through the use of micro-bioretenion planters and green roof.

CONCLUSION

The project complies with the general requirements and development standards of Section 4.5, the optional method public benefits provisions of Division 4.7, and the general development requirements of Article 59-6 of the Zoning Ordinance. The project satisfies the findings of the Subdivision Regulations and substantially conforms with the goals and recommendations of the *Woodmont Triangle Amendment to the Bethesda CBD Sector Plan*. Therefore, staff recommends approval of Sketch Plan No. 320160010 and Preliminary Plan No. 120160010 with the conditions specified at the beginning of this report.

^[1] Use I:

WATER CONTACT RECREATION & PROTECTION OF AQUATIC LIFE

Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply and industrial water supply.

ATTACHMENTS

Attachment A: Sketch Plan and Preliminary Plan

Attachment B: Gross Tract Area

Attachment C: Density Transfer Table

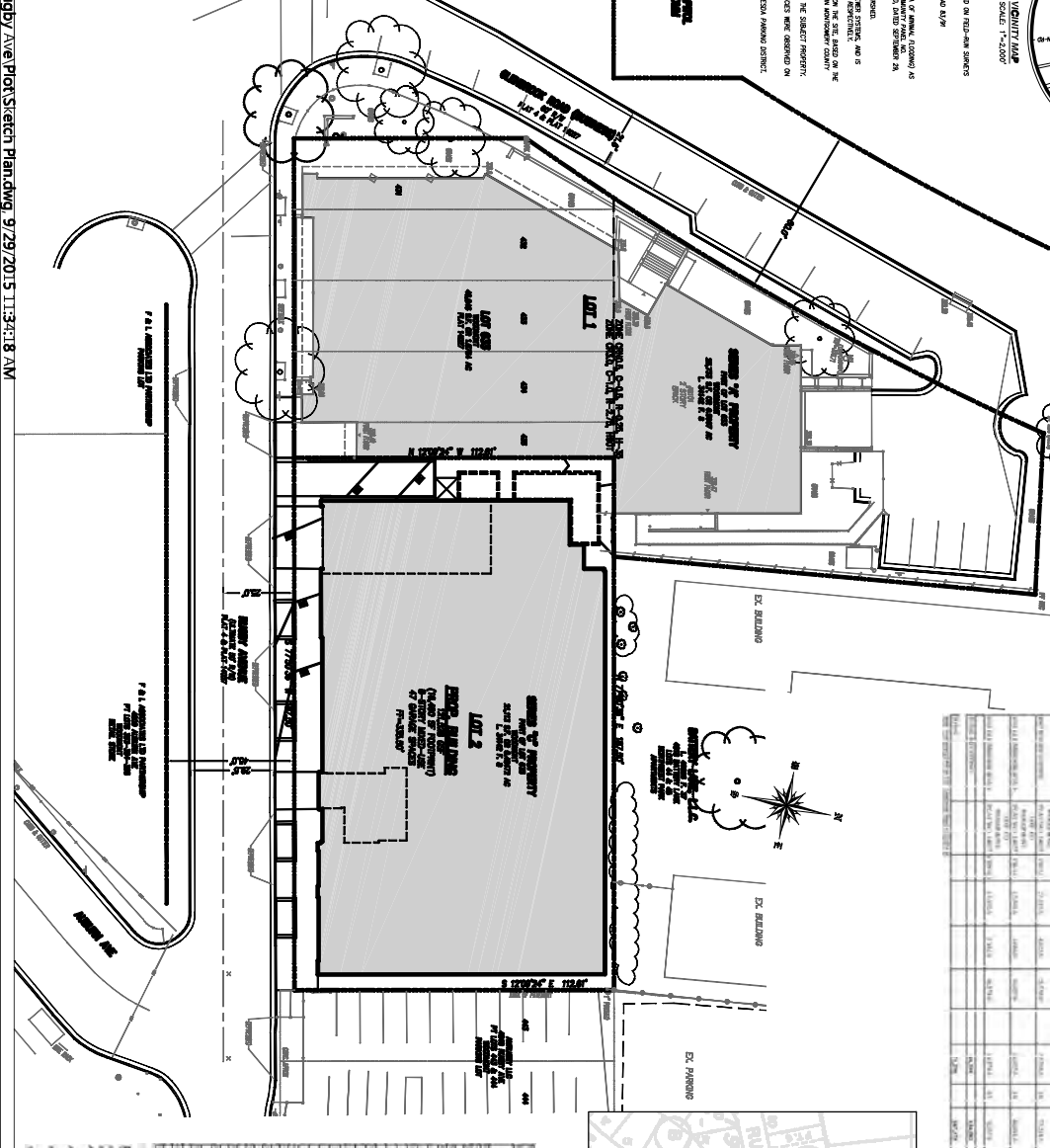
Attachment D: Citizen Correspondence

Attachment E: Shadow Study

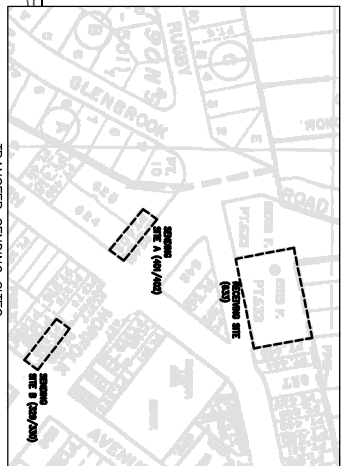
Attachment F: Agency Correspondence Referenced in the conditions



- GENERAL NOTES:**
1. ZONING CODE: C-2-1, 2-1, 2-2, 2-3, 2-4, 2-5, 2-6, 2-7, 2-8, 2-9, 2-10, 2-11, 2-12, 2-13, 2-14, 2-15, 2-16, 2-17, 2-18, 2-19, 2-20, 2-21, 2-22, 2-23, 2-24, 2-25, 2-26, 2-27, 2-28, 2-29, 2-30, 2-31, 2-32, 2-33, 2-34, 2-35, 2-36, 2-37, 2-38, 2-39, 2-40, 2-41, 2-42, 2-43, 2-44, 2-45, 2-46, 2-47, 2-48, 2-49, 2-50, 2-51, 2-52, 2-53, 2-54, 2-55, 2-56, 2-57, 2-58, 2-59, 2-60, 2-61, 2-62, 2-63, 2-64, 2-65, 2-66, 2-67, 2-68, 2-69, 2-70, 2-71, 2-72, 2-73, 2-74, 2-75, 2-76, 2-77, 2-78, 2-79, 2-80, 2-81, 2-82, 2-83, 2-84, 2-85, 2-86, 2-87, 2-88, 2-89, 2-90, 2-91, 2-92, 2-93, 2-94, 2-95, 2-96, 2-97, 2-98, 2-99, 2-100.
 2. THE PROPOSED CONVEYANCE HEREIN IS MADE BY RECITATION AND CONVEYANCE.
 3. THE PROPERTY IS LOCATED IN THE SEVENTH ELECTION DISTRICT.
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NO.	DESCRIPTION	AREA (SQ. FT.)	PERCENTAGE	REMARKS
1	Lot 1	10,000	100%	
2	Lot 2	5,000	100%	
3	Lot 3	15,000	100%	
4	Lot 4	20,000	100%	
5	Lot 5	25,000	100%	
6	Lot 6	30,000	100%	
7	Lot 7	35,000	100%	
8	Lot 8	40,000	100%	
9	Lot 9	45,000	100%	
10	Lot 10	50,000	100%	
11	Lot 11	55,000	100%	
12	Lot 12	60,000	100%	
13	Lot 13	65,000	100%	
14	Lot 14	70,000	100%	
15	Lot 15	75,000	100%	
16	Lot 16	80,000	100%	
17	Lot 17	85,000	100%	
18	Lot 18	90,000	100%	
19	Lot 19	95,000	100%	
20	Lot 20	100,000	100%	



NO.	DESCRIPTION	AREA (SQ. FT.)	PERCENTAGE	REMARKS
1	Lot 1	10,000	100%	
2	Lot 2	5,000	100%	
3	Lot 3	15,000	100%	
4	Lot 4	20,000	100%	
5	Lot 5	25,000	100%	
6	Lot 6	30,000	100%	
7	Lot 7	35,000	100%	
8	Lot 8	40,000	100%	
9	Lot 9	45,000	100%	
10	Lot 10	50,000	100%	
11	Lot 11	55,000	100%	
12	Lot 12	60,000	100%	
13	Lot 13	65,000	100%	
14	Lot 14	70,000	100%	
15	Lot 15	75,000	100%	
16	Lot 16	80,000	100%	
17	Lot 17	85,000	100%	
18	Lot 18	90,000	100%	
19	Lot 19	95,000	100%	
20	Lot 20	100,000	100%	

PROFESSIONAL CERTIFICATION

I, the undersigned, being a duly Licensed Professional Engineer in the State of Maryland, do hereby certify that I am the author of the foregoing plan and that the same is a true and correct copy of the original as shown to me.

Signature: _____
 Title: _____
 Date: _____

BRIGHTVIEW BETHESDA

SKETCH PLAN

LOT 633 WOODMONT

SEVENTH ELECTION DISTRICT
 MONTGOMERY COUNTY
 MARYLAND

PLAN NO.: _____
 SCALE: 1"=20'
 DATE: 9/29/15
 SHEET: C-21
 FILE NO: 13-068

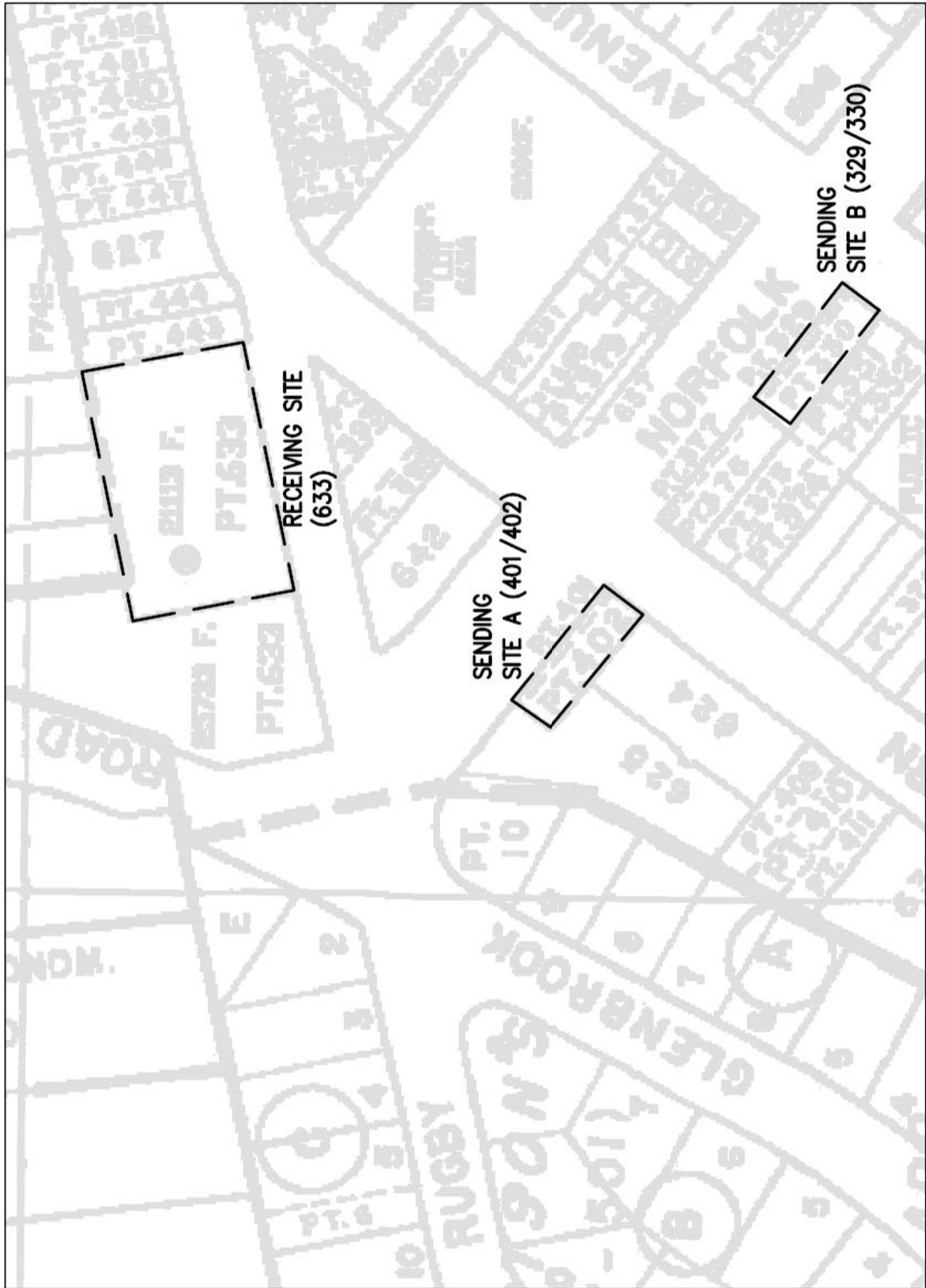
REV. NO.	DATE	REVISIONS PRIOR TO APPROVAL

J.B.A.

Johnson · Bernat · Associates, Inc.

Engineering · Surveying · Planning

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 Fax: (301) 963-6306
 www.jba-inc.net



TRANSFER SENDING SITES
LOTS 329-330 & 401-402

N.T.S.

BRIGHTVIEW BETHESDA - DENSITY TRANSFER TABLE															
SENDING															
SITE	LOCATION	ZONE	ORIGINAL NET LOT AREA	PLUS DEDICATED ROW	TOTAL GROSS TRACT	LESS DEEDED ROW	GROSS TRACT	MAX FAR	MAX GFA (SF) (COMM)	MAX FAR (RESIDENTIAL)	MAX FAR (RESIDENTIAL)	MAX GFA (SF) (RES)	TOTAL FLOOR AREA TO BE TRANSFERRED (RESIDENTIAL)	TOTAL FLOOR AREA TO BE RETAINED	TOTAL FLOOR AREA
8000 NORFOLK AVENUE	LOTS 329 and 330 WOODMONT PLAT NO. 4	CR-3.0	5,750.0	3,700.0	9,450.0	2,594.0	6,856.0	3.0	6,856.0	2.75	1.0	18,854.0	12,923.0	7,645.0	20,568.0
8106 NORFOLK AVENUE	LOTS 401 and 402 WOODMONT PLAT NO. 4	CR-3.0	5,750.0	1,000.0	6,750.0	2,675.0	4,075.0	3.0	4,075.0	2.75	1.0	11,206.3	6,077.0	6,148.0	12,225.0
TOTAL SENDING							10,931		10,931			30,060	19,000	13,793	32,793
Note: Remaining Undeveloped FAR on 8000 Norfolk Avenue is 1,135 SF															
RECEIVING															
SITE	LOCATION	ZONE	NET LOT AREA	PLUS DEDICATED ROW	TOTAL GROSS TRACT	LESS DEEDED ROW	GROSS TRACT	MAX FAR	MAX GFA (SF) (COMM)	MAX FAR (RESIDENTIAL)	MAX FAR (RESIDENTIAL)	MAX GFA (SF) (RES)	TOTAL FLOOR AREA ALLOCATED (RESIDENTIAL)	TOTAL FLOOR AREA ALLOCATED (COMMERCIAL)	TOTAL FLOOR AREA
4907 RUGBY AVENUE	LOT 633 WOODMONT PLAT NO. 14027	CR-3.0	21,113.0	4,625.0	25,738.0		25,738.0	3.0	25,738.0	2.75	1.0	70,779.5	89,780.0	6,434.0	96,214.0
8101 GLENBROOK ROAD	LOT 633 WOODMONT PLAT NO. 14027	CR-3.0	12,241.0	3,686.0	16,027.0		16,027.0	3.0	16,027.0	2.75	1.0	44,074.3	0.0	16,027.0	48,081.0
8101 GLENBROOK ROAD	LOT 633 WOODMONT PLAT NO. 14027	CRN-0.5	13,392.0	5,182.0	18,574.0		18,574.0	0.5	9,287.0	0.25	0.5	4,643.5	0.0	9,287.0	9,287.0
TOTAL RECEIVING							60,339		51,052			119,497	89,780	31,748	153,582
TOTAL							71,270		61,983			149,558	89,780	31,748	167,375
Note: Remaining FAR on 8101 Glenbrook Road is 32,054 SF															

Development Application and Regulatory Coordination Division
MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Brightview Bethesda Sketch Plan #320160010; Preliminary Plan #120160010

To Whom It May Concern:

I am the managing member of the 4918-4938 Battery Lane, LLC, the 2.5 story, 62 unit garden apartment complex known as Battery Gardens, that is directly north of the proposed Brightview Bethesda senior residential care facility and retail building.

I want to go on record that our LLC cannot support the development as proposed. While I understand that the proposed 90 foot height is permitted based on the zoning, the proposal calls for the building to be built on the property line that is shared with our apartment complex, which would simply be unacceptable.

If the new building were to be built as proposed, it would block out virtually all sunlight for 22 of our apartments for over 8 months out of the year, and another 10 apartments for about 6-7 months out of the year. Even the apartments farther away from the new structure would lose sunlight for much of the year.

That would simply be unfair. The economic value of our property would be severely compromised – it is likely that we would be unable to rent at least half of our apartments for anything close to the already very low rents we are charging for them now. How many tenants do you think would want to rent an apartment at all that would be rendered into virtual darkness for so much of the day and so much of the year?

We are in no way opposed to redevelopment in downtown Bethesda. But we believe that the lot on which the proposed building would sit is too narrow for a structure of that height – and that a better height would be something along the lines of the height of the buildings along Woodmont Ave. between Elm St. and Bethesda Ave. Permitting a 90 foot building to be built on our joint property line would be ridiculous – a non-starter really. Our buildings begin only about 20 feet from the property line. Can you imagine our tenants looking out their windows and seeing a 90 foot behemoth only 20 feet away? We would eventually have no tenants in those buildings – while the County would continue taxing our property as though it were fully leased.

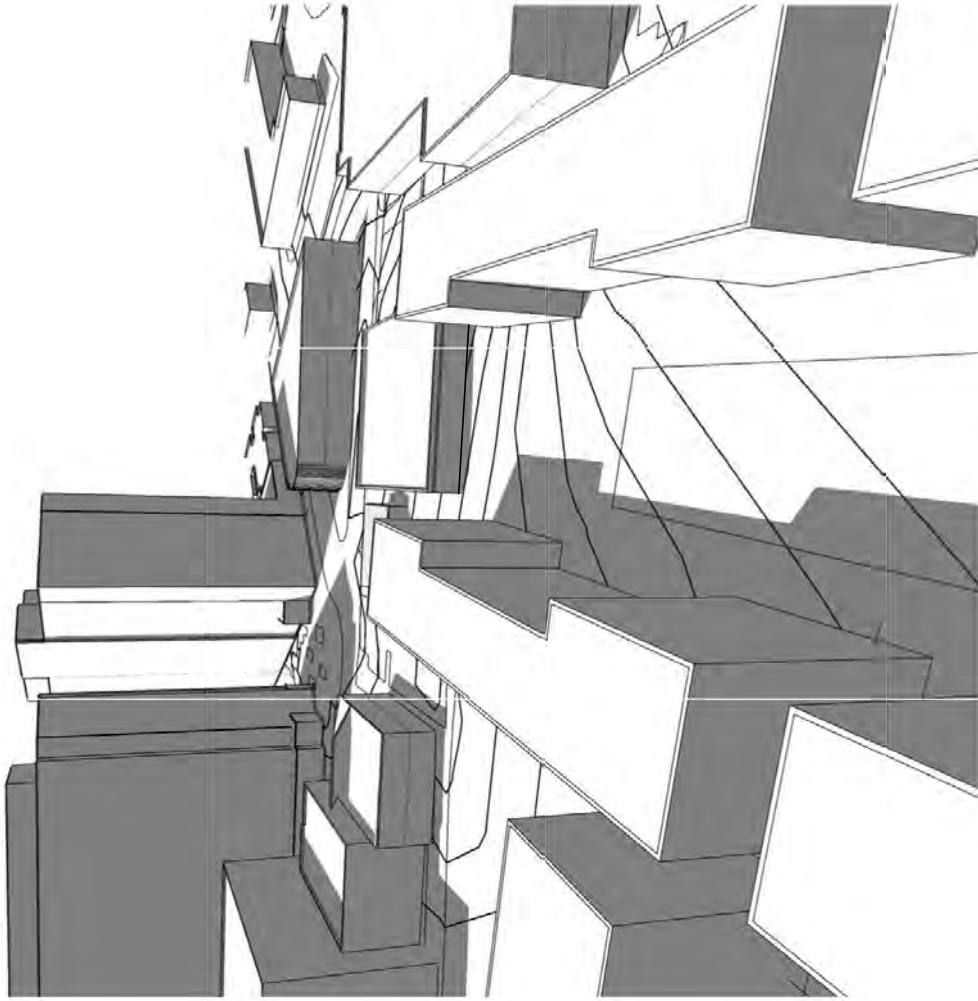
We have no objection to the retail component of the plans. And if Brightview can make the project viable with perhaps a 40 or 50 foot structure set back off of the property line 20 feet or so, we would have no problem with the use as a senior residential care facility.

We have met with the architect of the project – a nice person who has tried to placate us by getting the developer to lower one side of the building by one floor. But that will not suffice – the building is too big as proposed. I am confident that one property owner is not permitted to drastically reduce the economic value of a neighboring property. So I ask that you deny this application as submitted – perhaps Brightview can develop a better plan that would not so drastically affect our property.

Sincerely,

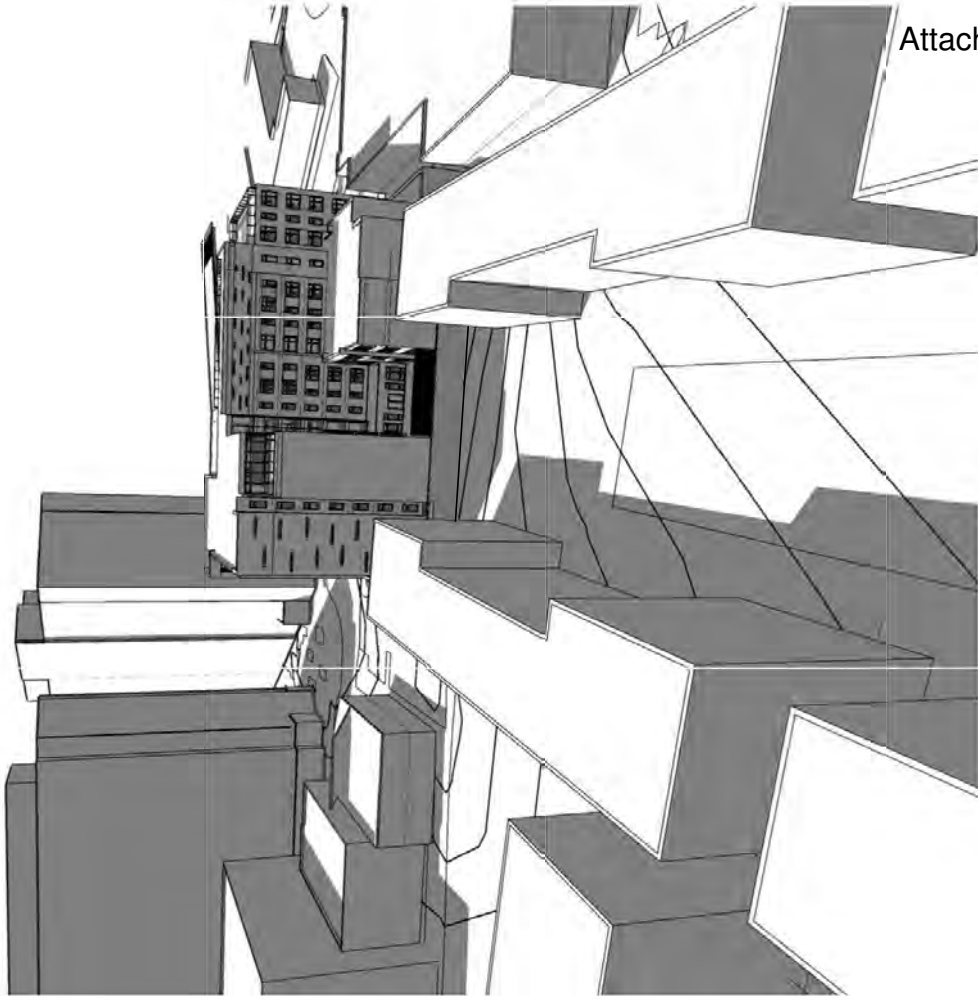
John W. Gill, Jr.
Managing Member
4918-4938 Battery Lane, LLC

SUN STUDY JUNE 21, 10 AM



① SUN STUDY - EXISTING CONDITIONS

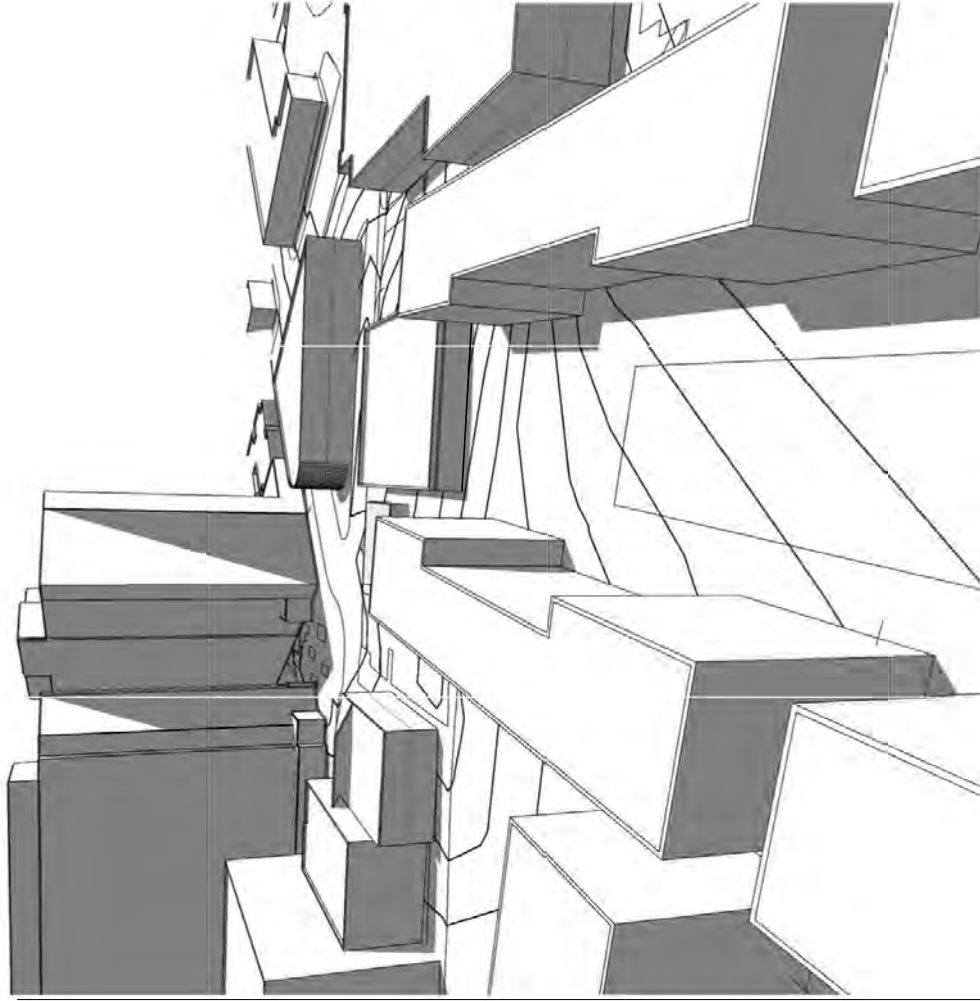
BRIGHTVIEW BETHESDA
RUGBY AVENUE, BETHESDA MD



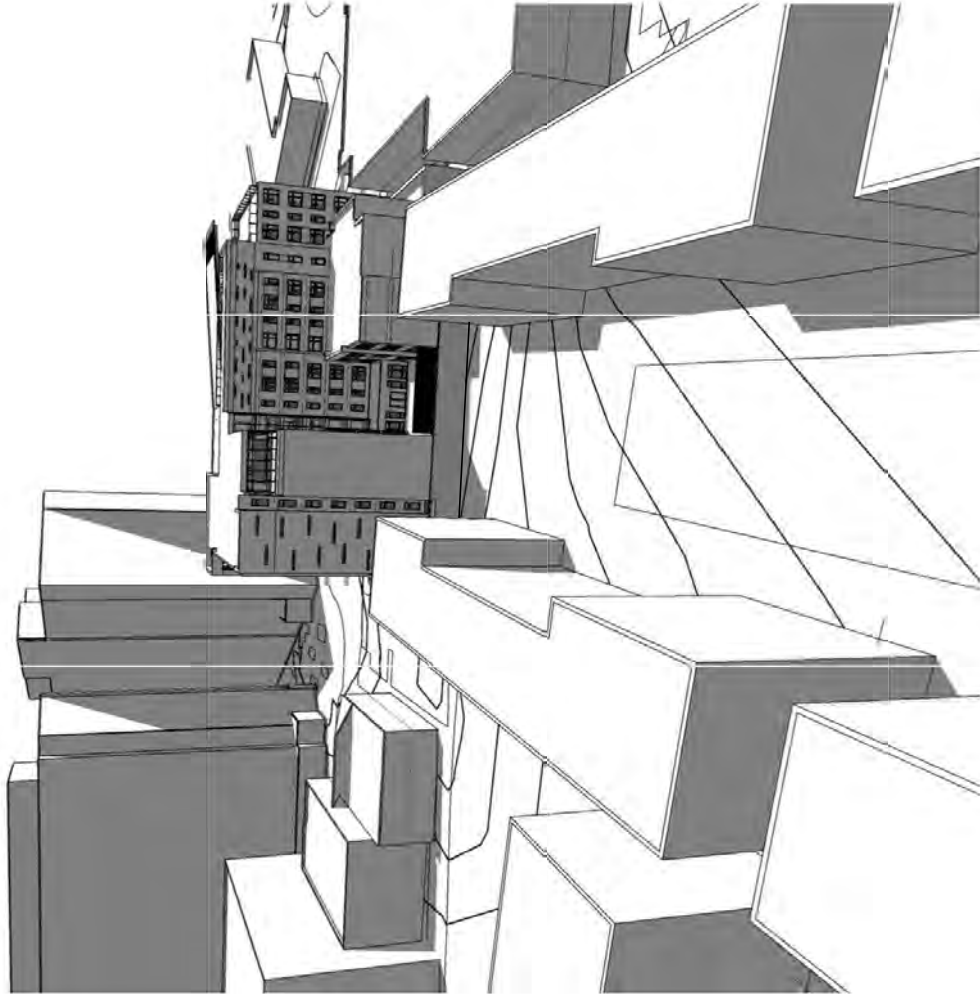
② SUN STUDY - BRIGHTVIEW BETHESDA

Attachment E

SUN STUDY JUNE 21, 1 PM



① SUN STUDY - EXISTING CONDITIONS

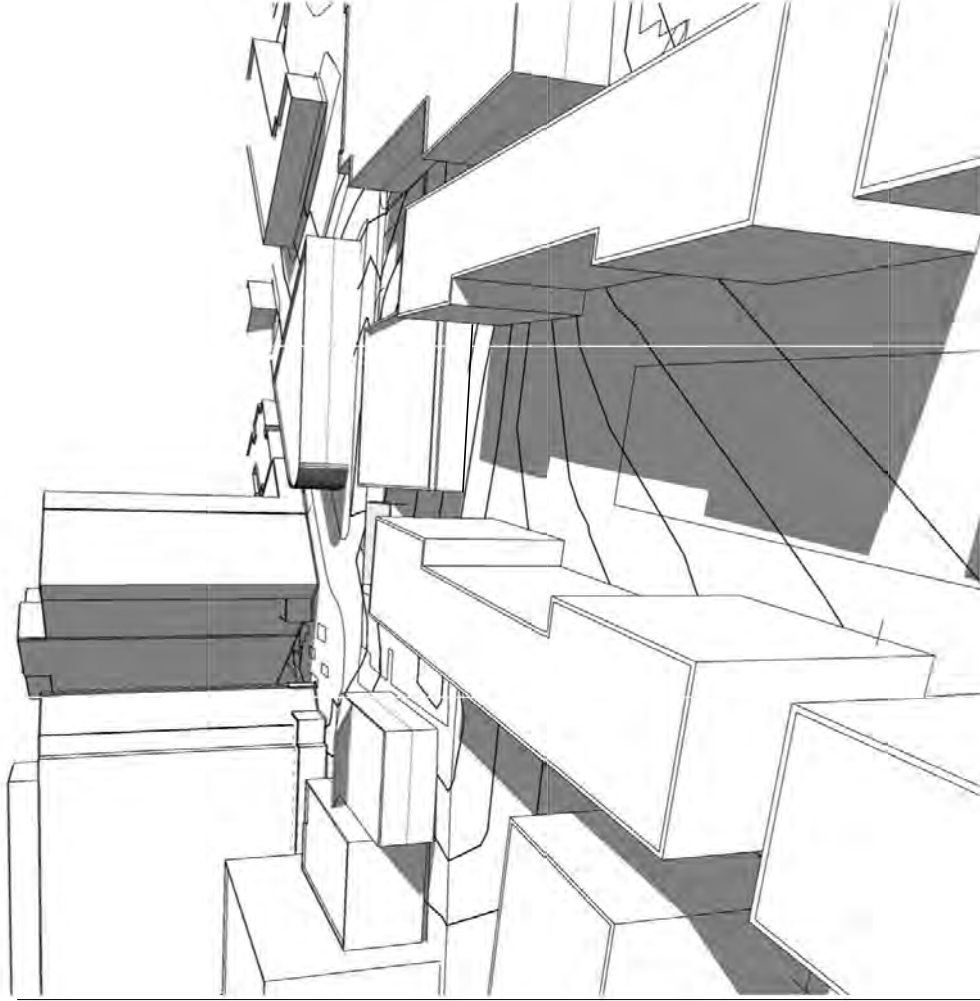


② SUN STUDY - BRIGHTVIEW BETHESDA

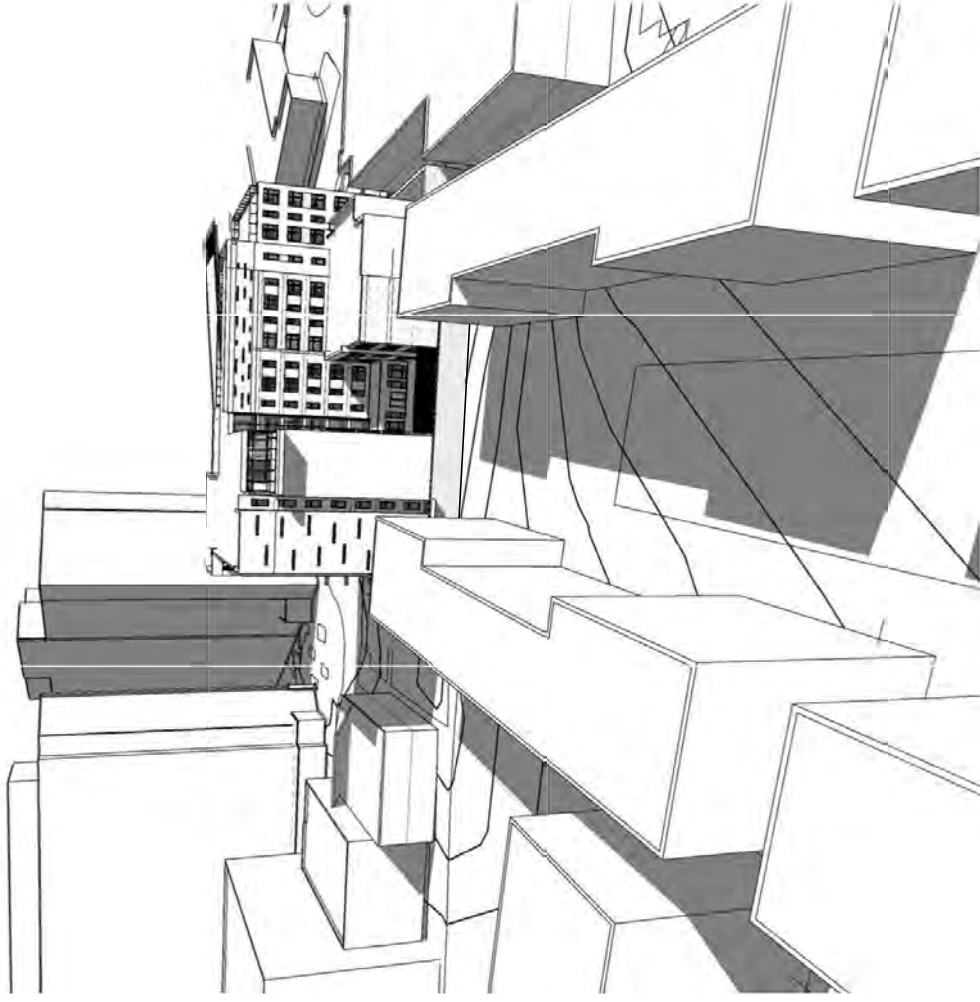
BRIGHTVIEW BETHESDA
RUGBY AVENUE, BETHESDA MD

09/03/2015

SUN STUDY JUNE 21, 4 PM



① SUN STUDY - EXISTING CONDITIONS



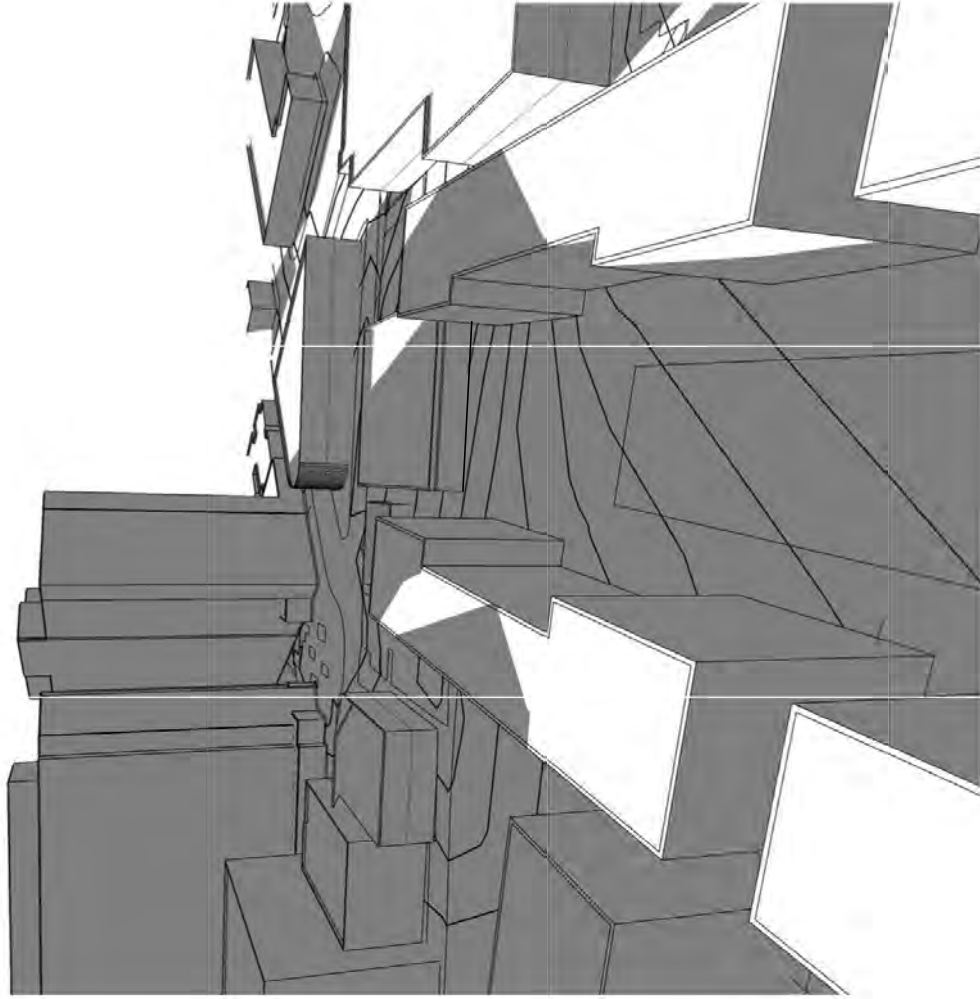
② SUN STUDY - BRIGHTVIEW BETHESDA

BRIGHTVIEW BETHESDA
RUGBY AVENUE, BETHESDA MD

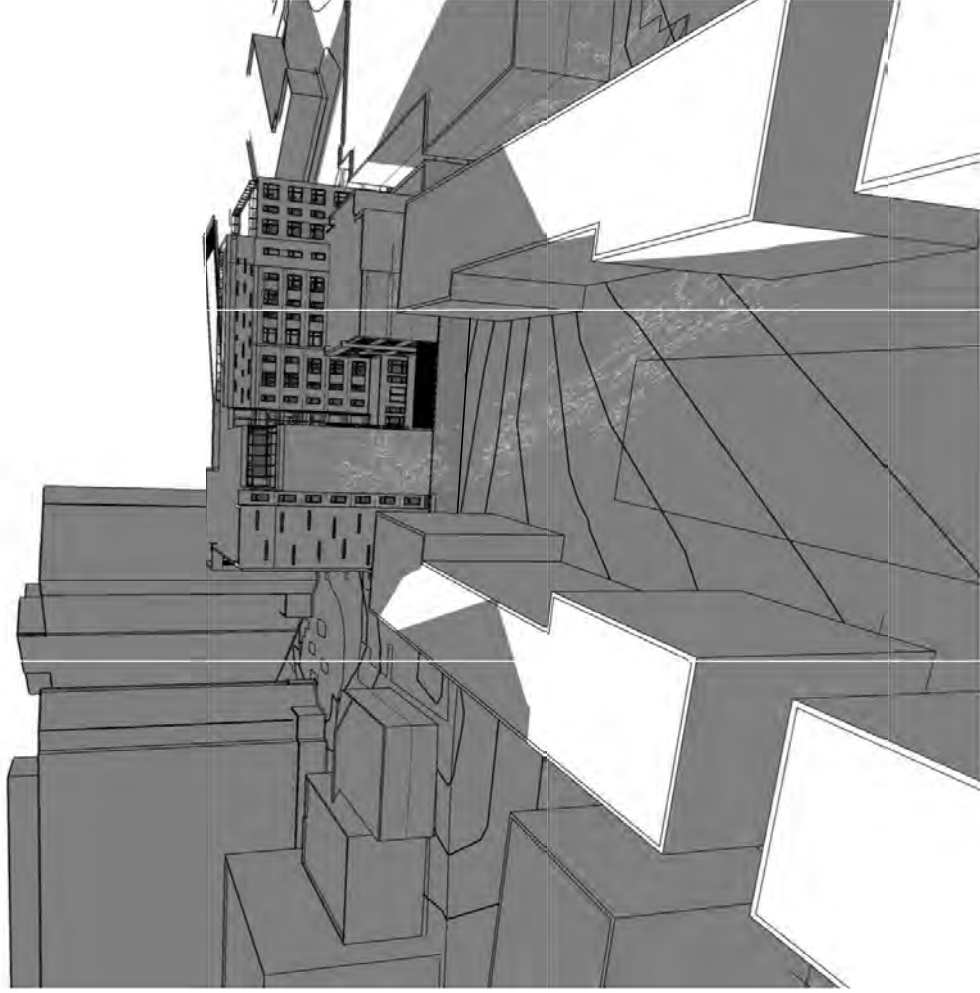
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09/03/2015

SUN STUDY DECEMBER 21, 10 AM



① SUN STUDY - EXISTING CONDITIONS



② SUN STUDY - BRIGHTVIEW BETHESDA

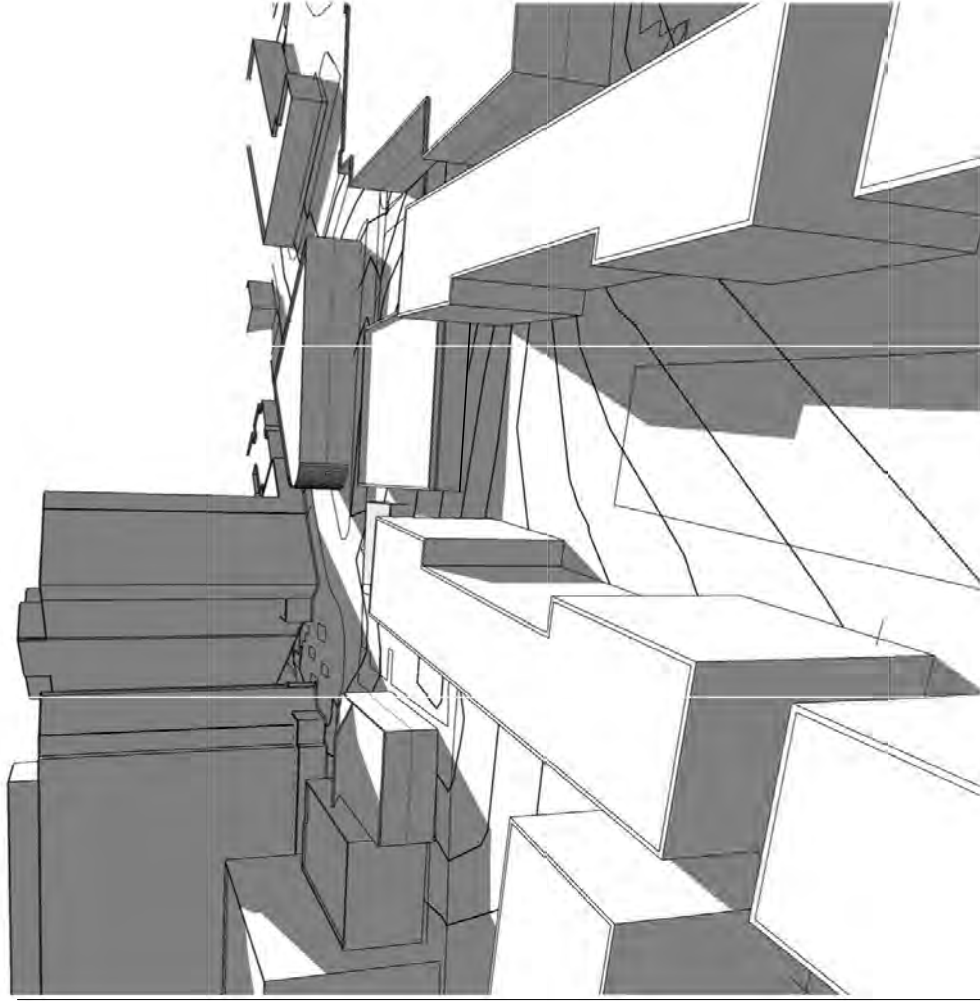
BRIGHTVIEW BETHESDA
RUGBY AVENUE, BETHESDA MD

09/03/2015

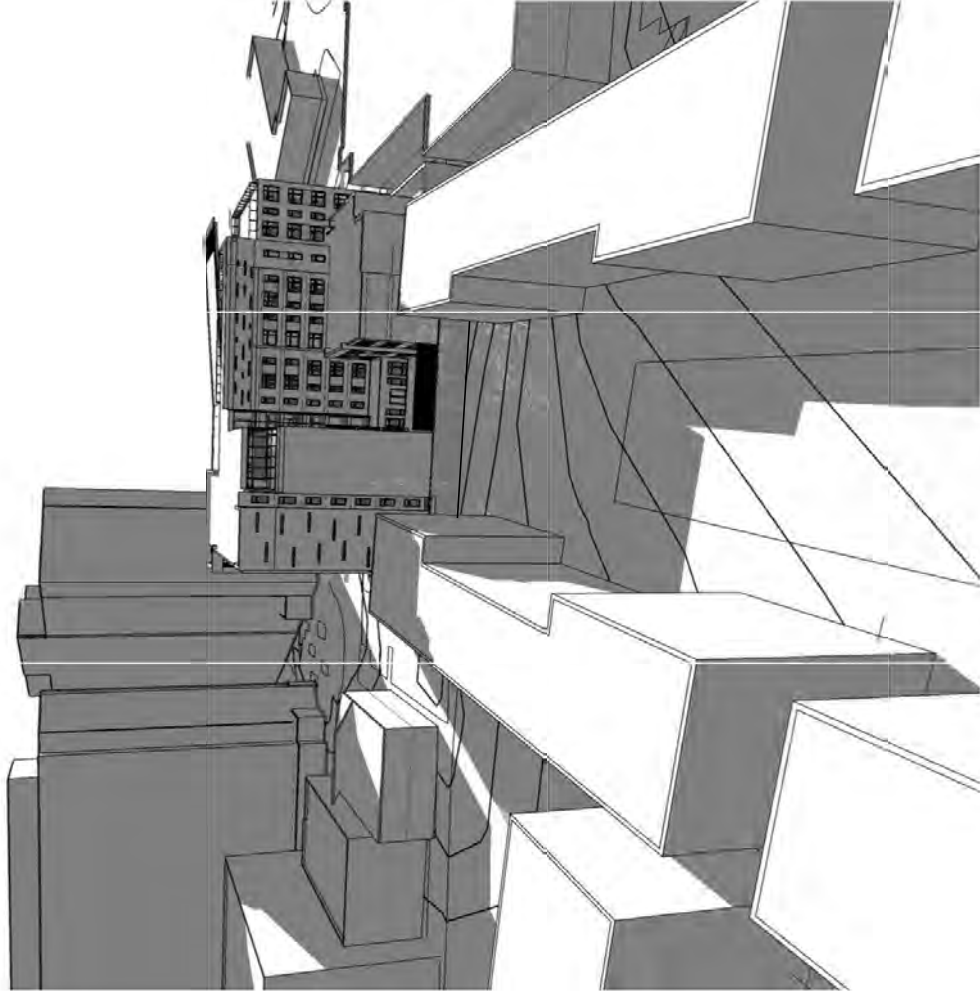
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SUN STUDY DECEMBER 21, 1 PM



① SUN STUDY - EXISTING CONDITIONS

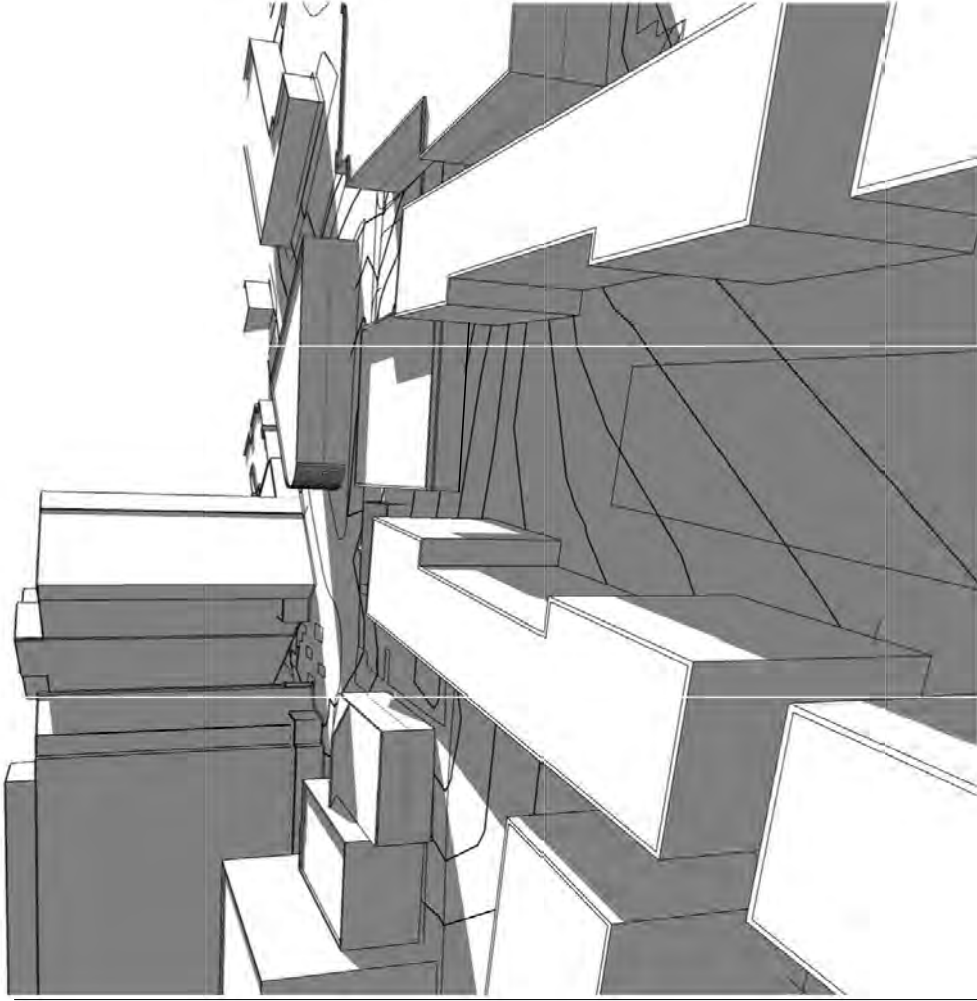


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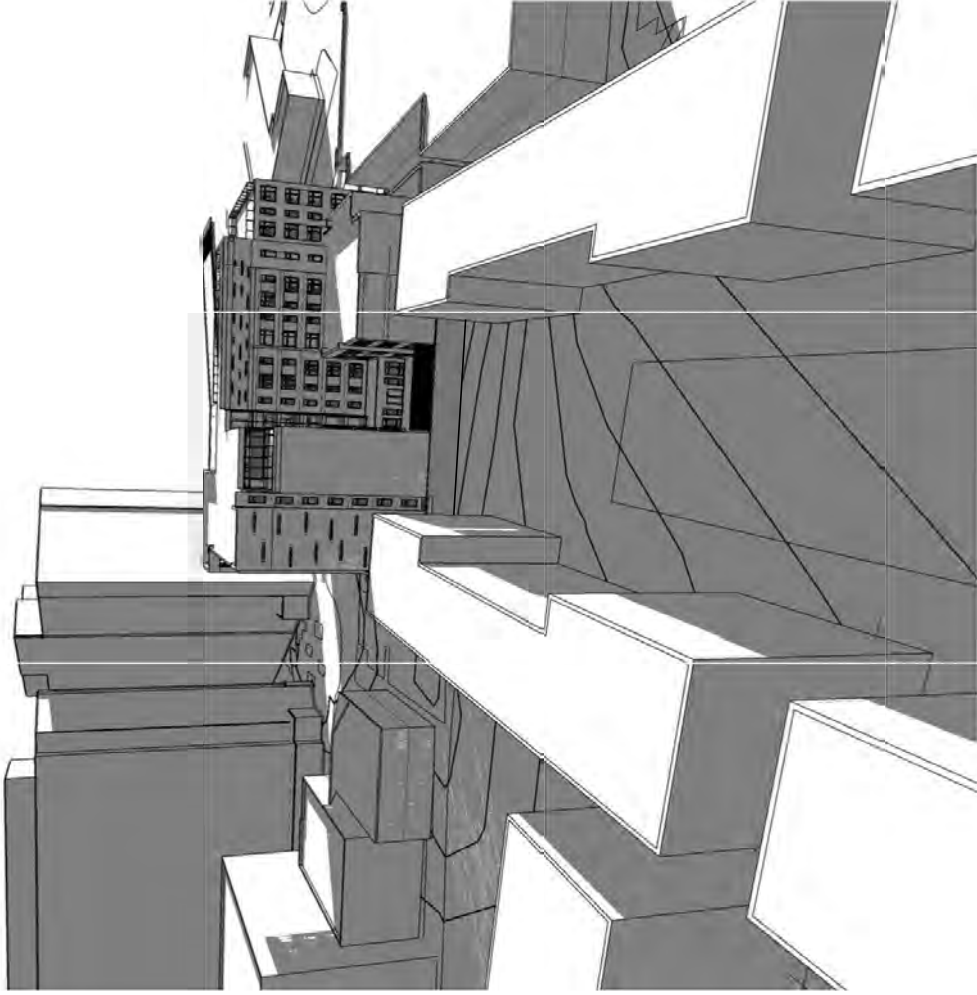
BRIGHTVIEW BETHESDA
RUGBY AVENUE, BETHESDA MD

09/03/2015

SUN STUDY DECEMBER 21, 4 PM



① SUN STUDY - EXISTING CONDITIONS



② SUN STUDY - BRIGHTVIEW BETHESDA

BRIGHTVIEW BETHESDA
RUGBY AVENUE, BETHESDA MD

09/03/2015



Attachment F

DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

November 18, 2015

Mr. Andrew Bradshaw, P.E.
Johnson Bernat Associates, Inc.
205 North Frederick Ave., Suite 100
Gaithersburg, Maryland 20877

Re: Stormwater Management **CONCEPT
Reconfirmation** Request for Brightview
Bethesda / Woodmont Lot 663
Preliminary Plan #: 120160010
SM File #: 269235
Tract Size/Zone: 1.07 Ac. / CR-3
Total Concept Area: 0.49 Ac
Lot: 633
Watershed: Lower Rock Creek

Dear Mr. Bradshaw:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via 3 micro-bioretenion planters and areas of extensive green roof.

The following **items** will need to be addressed **during to** the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
5. All garage drains are to go to WSSC.
6. Provide copy of roof drain and garage drain schematics to show where the roof drains and the garage drains go.

This list may not be all-inclusive and may change based on available information at the time. Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

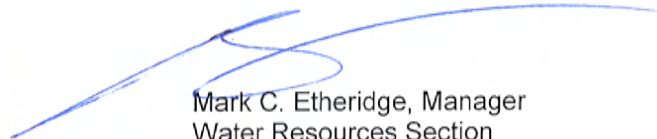
255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY
www.montgomerycountymd.gov

Mr. Andrew Bradshaw, P.E.
November 18, 2015
Page 2 of 2

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: me CN269235 Brightview Bethesda Woodmont Lot 663 Reconfirmation.DWK

cc: C. Conlon
SM File # 269235

ESD Acres: 0.5
STRUCTURAL Acres: 0
WAIVED Acres: 0



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Al R. Roshdieh
Acting Director

November 27, 2015

Mr. Neil Braunstein, Planner Coordinator
Area 1 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120160010
Brightview Bethesda

Dear Mr. ^{Neil:} Braunstein:

We have completed our review of the revised amended preliminary plan dated September 29, 2015. An earlier version of this plan was reviewed by the Development Review Committee at its meeting on August 17, 2015. We appreciate the applicant's consultant's September 29, 2015 letter of responses to the DRC review comments. We recommend approval of the revised plan, which provides a single underground entrance for the site, subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Right-of-Way dedication: This section of Rugby Avenue is shown as a fifty (50) foot wide right-of-way – which is consistent with the [minimum] right-of-way recommended in the 1994 Approved and Adopted Bethesda CBD Sector Plan and the pending Bethesda Downtown Plan. This roadway is also classified as a business district street.

This project is also subject to County Council Resolution No. 16-809 and Executive Regulation No. 31-08AM (“Context Sensitive Road Design Standards”) as well as Expedited Bill No. 33-13 (“Streets and Roads – Urban Road Standards and Pedestrian Safety Improvements”).

The scaled pavement width on the plan appears to be approximately thirty (30) feet – which is acceptable pavement for an urban business district street with two travel lanes and parking on one side of the road following passage of Expedited Bill 33-13. (Although metered parking spaces exist on portions of both sides of Rugby Avenue in the vicinity of this site, we are not advocating widening the pavement.)

Office of the Director

101 Monroe Street, 10th Floor • Rockville, Maryland 20850 • 240-777-7170 • 240-777-7178 FAX
www.montgomerycountymd.gov/dot

However, we are recommending the applicant be required to dedicate right-of-way thirty (30) feet from centerline [which is consistent with the right-of-way on MCDOT design standard no. MC-2005.01 ("Business District Street-2 Lanes with Parking on One Side")] across their site frontage.

If the Planning Board does not agree with this recommendation, the applicant will need to grant a Public Improvement Easement across the site frontage to allow public maintenance of any public improvements on private property.

We also recommend the Planning Board require the applicant to agree to future dedication of additional right-of-way (along that portion of proposed Lot 1 that is encumbered by the existing building); this additional right-of-way should be dedicated at no cost to the County when that building is removed.


2. The proposed "15" RCP" on-site storm drain as should be labelled on the plan as "Private."
3. This project is located in the Bethesda CBD Policy Area (Transit – Exempt, Roadways – Adequate). Therefore, there is no Transportation Area Policy Review ("TPAR") payment required for this site.
4. Prior to approval of the record plat, the applicant's consultant will need to submit a revised Sight Distances Certification (showing the single driveway only) for Executive Branch approval.
5. The applicant submitted a Traffic Statement, which was reviewed and approved by MNCP&PC on August 6, 2015. Therefore, a Traffic Impact Study is not required.
6. Based on the proposed site development and gross floor area, we concur with the applicant's proposal to provide a single off-street SU-30 truck loading to service this site. We have accepted the consultant's truck turning diagrams.
7. The applicant should be aware that the 2006 Woodmont Triangle Amendment specifies that the intersection of Norfolk Ave / Rugby Ave / Glenbrook Rd be modified to remove pedestrian and bicycle connectivity, with the drawing on p18 (pdf p29) showing a realigned intersection that would directly impact the applicant's property (though not necessarily the site, which is isolated to Lot 2; so this may be a non-issue at this time).
8. For trees in the County rights-of-way, the spacing and species must be in accordance with the applicable MCDOT standards. Tree planting within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.
9. Prior to approval of the record plat by MCDPS, the applicant will need to enter into a Traffic Mitigation Agreement with the Planning Board and this Department. Within MCDOT, the applicant should coordinate with Ms. Sandra Brecher, Chief of the Division of Transit Services/Commuter Services Section. Ms. Brecher may be contacted at 240-777-7170.

10. At or before the permit stage, the applicant will need to coordinate with Ms. Stacy Coletta of our Division of Transit Services regarding the potential need for improvements to RideOn bus facilities in the vicinity of this project. Ms. Coletta may be contacted at 240-777-5800.
11. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
12. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
13. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
14. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
15. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following modifications:
 - A. Across proposed Lot 2 site frontage on Rugby Avenue, provide a fifteen (15) foot wide sidewalk shelf, with street trees in tree boxes and street lights. Provide a minimum of five (5) feet of unencumbered sidewalk area behind the tree boxes.
 - B. If required by the Planning Board as a condition of approval, provide the Bethesda CBD streetscaping improvements along the Rugby Avenue Street frontage.
 - C. Extension of the proposed private fifteen (15) inch RCP storm drain and installation of the proposed manhole for same within the Rugby Avenue right-of-way.
 - D. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.

Mr. Neil Braunstein
Preliminary Plan No. 120160010
November 27, 2015
Page 4

- E. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- F. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this amended preliminary plan. If you have any questions or comments regarding this letter, please contact William Whelan, our Development Review Area Engineer for this project, at (240) 777-2190 or at william.whelan@montgomerycountymd.gov.

Sincerely,

Gregory M. Leck, Manager
Development Review
Office of Transportation Policy

M:\corres\FY15\Traffic\Active\11987271C_Milestone - MCDOT FINAL prelim plan review ltr.docx

cc: Karen Johnson GNRW Properties
Caroline Latimer Johnson Bernat Associates, Inc.
Andrew Bradshaw Johnson Bernat Associates, Inc.
Kevin Johnson Johnson Bernat Associates, Inc.
Cynthia Shonaiya Hord | Coplan | Macht
Chris Schein Hord | Coplan | Macht
Andrew Teeters Shelter Development, LLC
Patricia Harris Lerch, Early & Brewer, Chtd.
Robert Kronenberg M-NCPPC Area 1
Matthew Folden M-NCPPC Area 1
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Atiq Panjshiri MCDPS RWPR
Sande Brecher MCDOT DTS
Beth Dennard MCDOT DTS
Stacy Coletta MCDOT DTS
Patricia Shepherd MCDOT DTE
Dan Sanayi MCDOT DTEO
Bruce Mangum MCDOT DTEO
William Whelan MCDOT OTP