



8015 Old Georgetown Road, Preliminary Plan 120160220, Site Plan 820160090

SD Stephanie Dickel, Planner Coordinator, Area 1, stephanie.dickel@montgomeryplanning.org, (301) 495-4527

CU Elza Hisel-McCoy, Supervisor, Area 1, elza.hisel-mccoy@montgomeryplanning.org, (301) 495-2115

PAK Robert Kronenberg, Chief, Area 1, robert.kronenberg@montgomeryplanning.org, (301) 495-2187

Staff Report Date: 10/21/16

Description

Application: Preliminary Plan for a subdivision to create one lot; Site Plan for a residential building with up to 107 dwelling units and a 53,000 square-foot church and community center

Location: North corner of Old Georgetown Road and Glenbrook Road

Zone: PD-44

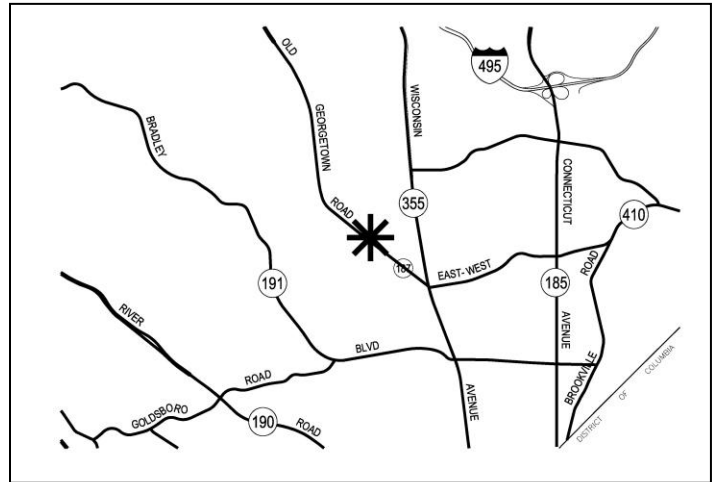
Master Plan: *Woodmont Triangle Amendment to the Bethesda CBD Sector Plan*

Property size: 2.00 gross acres

Applicant: Bush at 8015 Old Georgetown Road Associates, LLLP

Applications Acceptance Date: March 9, 2016

Review Basis: Chapter 50 and Chapter 59, Montgomery County Code



Summary

- Staff recommendation: Approval with conditions.
- The County Council approved Development Plan G-864 on November 4, 2010.
- Because this application is based on a previous application that was submitted before October 30, 2014, it is being reviewed under the PD-44 zone in the previous version of the Zoning Ordinance.
- The Applicant has requested a parking waiver pursuant to Section 59-E-4.5 of the Zoning Ordinance.
- The Applicant has requested a design exception from the loading waiver.
- The Application was granted a 30-day extension by the Planning Director, on April 22, 2016, extending the review period from July 14, 2016 to July 22, 2016.
- The Application was granted an extension by the Planning Board, on July 14, 2016, extending the review period from July 23, 2016 to September 21, 2016, for additional time to address issues raised at the Development Review Committee, to coordinate with review agencies, and to resubmit updated plans to all agencies.
- The Application was granted an extension by the Planning Board, on September 15, 2016, extending the review period from September 21, 2016 to October 7, 2016, to allow the Applicant sufficient time to receive agency comments and letters.
- The Application was granted an extension by the Planning Board, on September 15, 2016, extending the review period from October 7, 2016 to November 4, 2016, to allow the Applicant sufficient time to meet Zoning Ordinance’s notice requirements for a parking waiver.
- Staff has received correspondence from residents and adjacent property owners.

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SECTION 1: RECOMMENDATION AND CONDITIONS

Preliminary Plan No. 120160220

Staff recommends approval of Preliminary Plan No. 120160220 for one lot for a maximum of 145,863 square feet of a multi-family residential use consisting of up to 107 multi-family dwelling units, including 15% Moderately Priced Dwelling Units (MPDUs) on-site, and 53,000 square feet for a church and community center, subject to the following conditions:

1. This Preliminary Plan is limited to one lot for a maximum of 145,863 square feet of multi-family residential use consisting of up to 107 multi-family dwelling units, including 15% Moderately Priced Dwelling Units (MPDUs) on-site, and 53,000 square feet of church/community center uses.
2. The proposed development must comply with the binding elements of the Development Plan G-864.
3. Prior to recordation of any plat, the County Council must abandon the portions of public rights-of-way subject to Right-of-Way Abandonment Cases # AB751 and AB752, "Rugby Avenue and Twenty-Foot Alley," within Samuel T. Robertson's Addition to Bethesda.
4. The Applicant must comply with the following conditions of the Preliminary Forest Conservation Plan, unless modified by the Final Forest Conservation Plan:
 - a. Prior to record plat, the Applicant must execute and record in the Montgomery County Land Records a covenant with the Planning Board for the perpetual maintenance and replacement, if necessary, of the afforestation trees, in accordance with the Final Forest Conservation Plan. The covenant must be in a form approved by the M-NCPPC Office of the General Counsel and must be noted on the record plat.
 - b. All credited plantings must be clearly specified to meet the latest version of the American Standard for Nursery Stock specifications (ANSI Z60.1).
 - c. All of the plantings beds and tree locations must be designed/detailed to readily accommodate the root balls of the required plantings without severing or deforming the root balls or encroaching in to neighboring residential property.
 - d. The credited plantings must consist of only native trees and their associated credit as listed in pages 86-88 of the 1992 *Trees Technical Manual*. Alternates in the manual may also be specified provided that the overall credit meets or exceed the required amounts.
 - e. The soil volume within the courtyard in areas associated with credited trees over structure (over the parking structure, subject to Staff approval), to be shown on the Certified Site Plan, to ensure proper tree survivability and any revisions to proposed planting as a result of the required planting volumes must be incorporated into the Final Forest Conservation Plan. Soil volumes must be a minimum of five (5) feet in depth.
5. Include the stormwater management concept approval letter and Preliminary Plan Resolution on the approval or cover sheet(s).
6. Vehicular access from Rugby Avenue is prohibited except for emergency vehicles.
7. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated July 29, 2016, and 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 MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

8. The Planning Board accepts the recommendations of the Maryland State Highway Administration (MSHA) in its letter dated April 13, 2016, and does hereby incorporate 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 MSHA, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
9. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
10. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MSHA.
11. 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 March 7, 2016, and 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.
12. The Applicant must dedicate and show on the record plat(s) the following dedications:
 - a. Old Georgetown Road: dedication necessary to provide 50 feet between the property line and right-of-way centerline to support a master-planned future right-of-way of 100 feet.
 - b. Glenbrook Road: dedication necessary to provide 40 feet between the property line and right-of-way centerline to support a master-planned future right-of-way of 80 feet.
13. 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.
14. The record plat must show necessary easements.
15. Prior to submission of any plat, Site Plan No. 820160090 must be certified by Staff.
16. No demolition, clearing or grading of the site, or recording of plats prior to Certified Site Plan approval.
17. Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, and sidewalks will be determined at site plan.

18. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of this Planning Board Resolution.

Site Plan No. 820160090

Staff recommends approval of Site Plan No. 820160090, 8015 Old Georgetown Road, for a total of up to 198,863 square feet of development, including up to 145,863 square feet of multi-family residential uses, consisting of no more than 107 multi-family dwelling units (including a minimum of 15% MPDUs on-site), and a maximum of 53,000 square feet for a church and community center, and a parking waiver from the parking standards pursuant to Section 59-E-4.5 of the zoning ordinance in effect on October 29, 2014, on approximately 87,132 gross square feet in the PD-44 zone. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions:

Conformance with Prior Approvals

1. Development Plan Conformance

The proposed development must comply with the binding elements of the Development Plan G-864.

2. Preliminary Plan Conformance

The proposed development must comply with Preliminary Plan 120160220.

Environment

3. Forest Conservation

The Applicant must comply with the following conditions of the Final Forest Conservation Plan:

- a. Prior to record plat, the Applicant must execute and record in the Montgomery County Land Records a covenant with the Planning Board for the perpetual maintenance and replacement, if necessary, of the afforestation trees, in accordance with the Forest Conservation Plan. The covenant must be in a form approved by the M-NCPPC Office of the General Counsel and must be noted on the record plat.
- b. All credited plantings shall be clearly specified to meet the latest version of the American Standard for Nursery Stock specifications (ANSI Z60.1).
- c. All of the plantings beds and tree locations must be designed/detailed to readily accommodate the root balls of the required plantings without severing or deforming the root balls or encroaching in to neighboring residential property.
- d. The credited plantings must consist of only native trees and their associated credit as listed in pages 86-88 of the 1992 Trees Technical Manual. Alternates in the manual may also be specified provided that the overall credit meets or exceed the required amounts.
- f. The soil volume within the courtyard in areas associated with credited trees over structure (over the parking structure, subject to Staff approval), to be shown on the Certified Site Plan, to ensure proper tree survivability and any revisions to proposed planting as a result of the required planting volumes must be incorporated into the Final Forest Conservation Plan. Soil volumes must be a minimum of five (5) feet in depth.

4. Noise Attenuation

- a. Prior to issuance of a building permit, 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.
- b. The Applicant must provide a signed commitment to construct the units in accord with these design specifications, with any changes that may affect acoustical performance approved by the engineer and Staff in advance of installation.
- c. After construction is complete, and prior to issuance of final residential occupancy permits, the Applicant must provide staff with a certification from an engineer specializing in acoustics confirming that the dwelling units were constructed in accord with the approved specifications for noise attenuation.
- d. 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.

Public Use Space, Facilities, and Amenities

5. Public Use Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 47,200 square feet of Green Area on the Subject Property, as illustrated on the Certified Site Plan.
- b. The Applicant must construct the Bethesda CBD standard streetscape, including, but not limited to, street trees, street lighting, brick paving, and undergrounding of utilities, along the Subject Property's frontage on Old Georgetown Road and Glenbrook Avenue, as shown on the Certified Site Plan, except as modified by design exceptions approved by MCDPS.
- c. Prior to issuance of the final Use and Occupancy Certificate for each building, all Green Area spaces associated with each building must be completed, as illustrated on the Certified Site Plan.

6. Recreation Facilities

- a. At Certified Site Plan, the Applicant must demonstrate compliance with the M-NCPPC Recreation Guidelines.
- b. The Applicant must provide at a minimum the following recreation facilities: picnic/sitting areas, a multipurpose court, pedestrian system, a swimming pool and an indoor fitness facility.

7. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to, pedestrian pathways, landscaping, hardscape, and Green Area.

Transportation and Circulation

8. Bicycle Parking

- a. The Applicant must provide 11 bicycle parking spaces for long-term private use and 4 bicycle parking spaces for short-term public use.
- b. Short-term public bicycle parking must be installed near the main residential entrance to the multifamily building and Green Area.
- c. Long-term bicycle parking must be installed internal to the proposed high-rise residential buildings or garage, for resident use.

- d. Bike parking must be inverted-U racks or approved alternative installed in a location convenient to the main entrance (weather protected preferred) and the Green Area.
- e. The specific locations of the public and private bicycle parking must be identified on the Certified Site Plan.

9. Traffic Mitigation

Prior to issuance of any building permit, the Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and the Montgomery County Department of Transportation (MCDOT) to participate in the Bethesda Transportation Management District. The TMAg must be executed 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.

10. Department of Permitting Services

The Planning Board accepts the recommendations of MCDPS – Right-of-Way Section in its memorandum dated July 1, 2016, and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the memorandum, which may be amended by MCDPS –Right-of-Way Section provided that the amendments do not conflict with other conditions of the Site Plan approval.

11. Glenbrook Road

Prior to Certified Site Plan, the Applicant must reconfigure the Glenbrook Road access point to be oriented southwest toward Old Georgetown Road to limit non-residential site-generated traffic on Glenbrook Road northeast of the Site.

12. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Fire Code Enforcement Section in its letter dated September 8, 2016, 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.

Density and Housing

13. Moderately Priced Dwelling Units (MPDUs)

- a. The Planning Board accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (MCDHCA) in its letter dated July 29, 2016, and 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 MCDHCA may amend if the amendments do not conflict with other conditions of the Site Plan approval.
- b. The Applicant must provide a minimum of 15% MPDUs on the Subject Property.
- c. The Applicant must reserve 11 residential parking spaces to offer for sale to the initial MPDU purchasers at the time of purchase of a condominium, but in any event, no later than the date of settlement on the purchased MPDUs. The Applicant may proportionately reduce the number of residential parking spaces offered for sale to MPDU purchasers as the MPDU units are settled. In the event any of the parking spaces reserved for purchasers of MPDUs are not sold as

of the date the final MPDU is settled the spaces may be offered to market-rate residents and thereafter there will be no restriction on the sale of parking spaces

- d. Prior to the release of any building permit, exclusive of the sheeting and shoring permit, the Applicant must execute the MPDU Agreement to Build.

Site Plan

14. Building Height

- a. The maximum height of the residential building is limited to 94 feet, as measured from the approved building height measuring point shown on the Certified Site Plan.
- b. The maximum height of the church/community center is limited to 76 feet, as measured from the approved building height measuring point shown on the Certified Site Plan.

15. Site Design

- a. 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 Staff.

16. Landscaping

- a. The Applicant must provide evergreen landscaped buffering along the north and northeast property lines adjacent to any one-family detached dwelling unit, in addition to the deciduous trees provided.
- b. The Applicant must increase the planter bed areas around the four American Yellowwood trees located near the play lot (between the play lot and the bio-planter) and decrease the hardscape area around these four trees to readily accommodate the root balls of the required plantings and provide additional green area.
- c. Prior to issuance of final Use and Occupancy Certificate of the first building constructed on the Property, on-site amenities including streetlights, sidewalks/pedestrian pathways, streetscape and related improvements, and public use space amenities must be installed, as illustrated on the Certified Site Plan.
- d. Prior to issuance of the final Use and Occupancy Certificate or similar final inspection for each building, all on-site amenities including, but not limited to, hardscape, bicycle facilities, and Green Area spaces must be installed, as illustrated on the Certified Site Plan.
- e. The Applicant must install the landscaping no later than the next growing season after completion of construction and site work.

17. Lighting

- a. Prior to approval of the Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the Illuminating Engineering Society of North America (IESNA) recommendations in effect on the date of this resolution for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations in effect on the date of this resolution.
- b. Deflectors must be installed on all up-lighting fixtures to prevent excess illumination and glare.
- c. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- d. All lighting fixtures abutting the adjacent residential properties must have full cut-off shades to minimize potential glare or excess illumination and illumination levels for any light fixtures

adjacent the one-family detached dwelling unit located along the north and northeast property lines must not exceed 0.1 footcandles at the shared property line, as illustrated on the Certified Site Plan.

18. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit or sediment and erosion control permit, 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-D-3.5(d) 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 materials, on-site lighting, recreational facilities, site furniture, retaining walls, fences, railings, curbs, gutters, sidewalks, paths and associated improvements; and
- c. The bond or surety must be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety will be followed by inspection and release of the surety.

19. Development Program

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

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 the stormwater management concept approval letter, development program, Preliminary Plan resolution, and Site Plan resolution on the approval or cover sheet(s).
- b. 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."
- c. Modify data table to reflect development standards approved by the Planning Board.
- d. Ensure consistency of all details and layout between Site and Landscape plans.
- e. Include a note documenting compliance with Binding Element 10 of Development Plan for Local Map Amendment G-864.

SECTION 2: SITE DESCRIPTION

SITE DESCRIPTION

The property is currently improved with the Christ Evangelical Lutheran Church of Bethesda-Chevy Chase, consisting of a church building and adjoining three-story community building, three single-family, detached houses used for a child daycare and other community purposes, and surface parking areas (Subject Property).

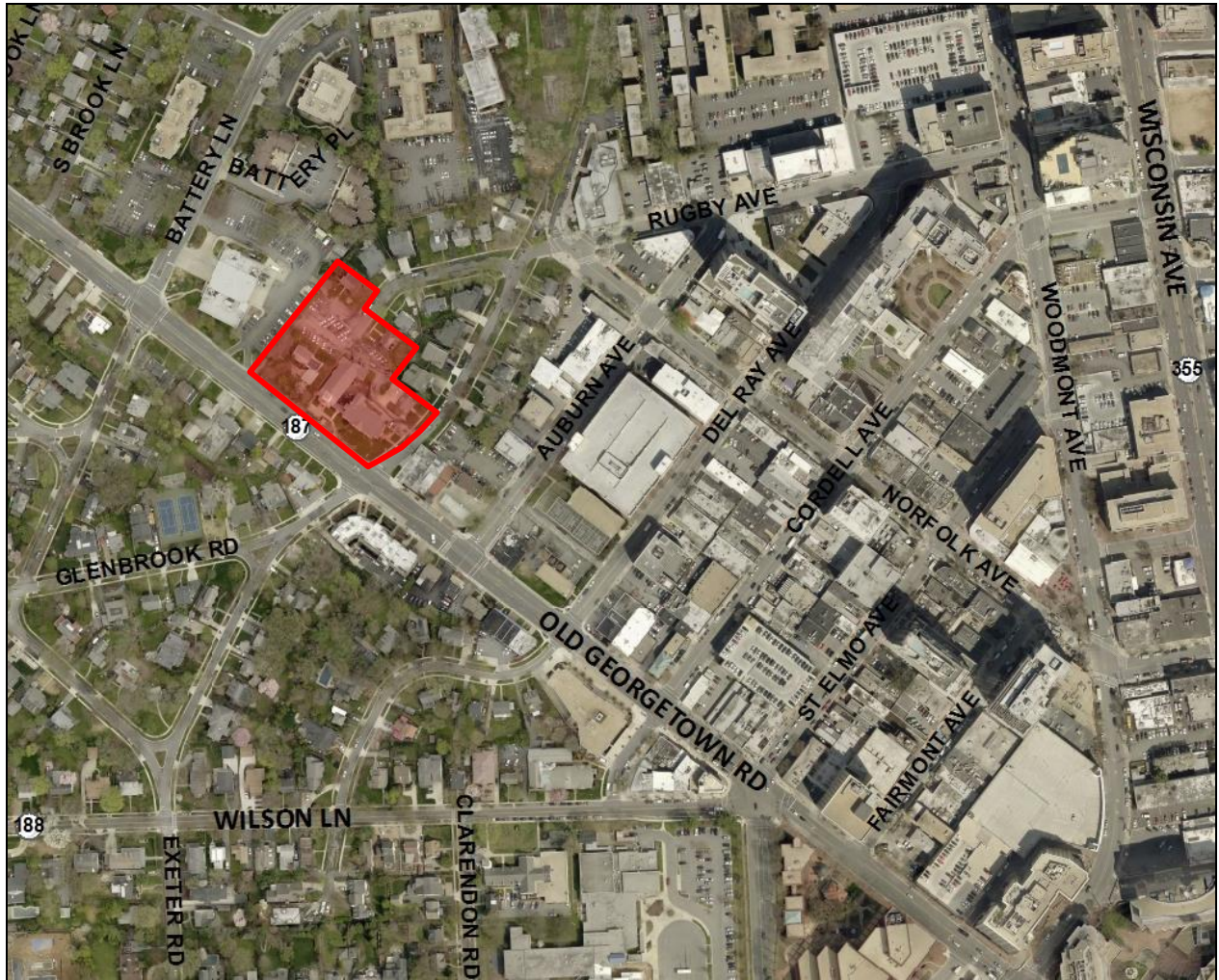


Figure 1: Aerial Photograph of the Subject Property

SITE VICINITY

To the south and west of the site are established single-family residential neighborhoods. To the north are higher-density multi-family development and the campus of the National Institutes of Health (NIH). To the east of the site is the Bethesda Central Business District, with lower- to higher-density office, retail, and residential mixed-use development.

SECTION 3: PROJECT DESCRIPTION

Previous Approvals

Local Map Amendment Application No. G-864 was initially filed on November 29, 2006. The Planning Board considered the application on September 6, 2007 and unanimously approved Staff's recommended approval of the rezoning and associated development plan. On December 15, 2008, the Hearing Examiner issued her Report and Recommendation recommending denial of the application, and, by Resolution dated February 3, 2009, the District Council remanded the case back to the Hearing Examiner to allow the Applicant the opportunity to revise its plans to better address compatibility issues. On February 18, 2010, the Planning Board considered the revised application and, by a vote of 3-1, approved Staff's recommendation of approval. The Hearing Examiner issued a Report and Recommendation on Remand on September 29, 2010, again recommending denial of the application.

On October 26, 2010, the County Council approved Zoning Application No. G-864 by Resolution No. 16-1540. This approval reclassified the Property from the R-60 zone to the PD-44 zone, subject to the specifications and requirements of the approved Development Plan.

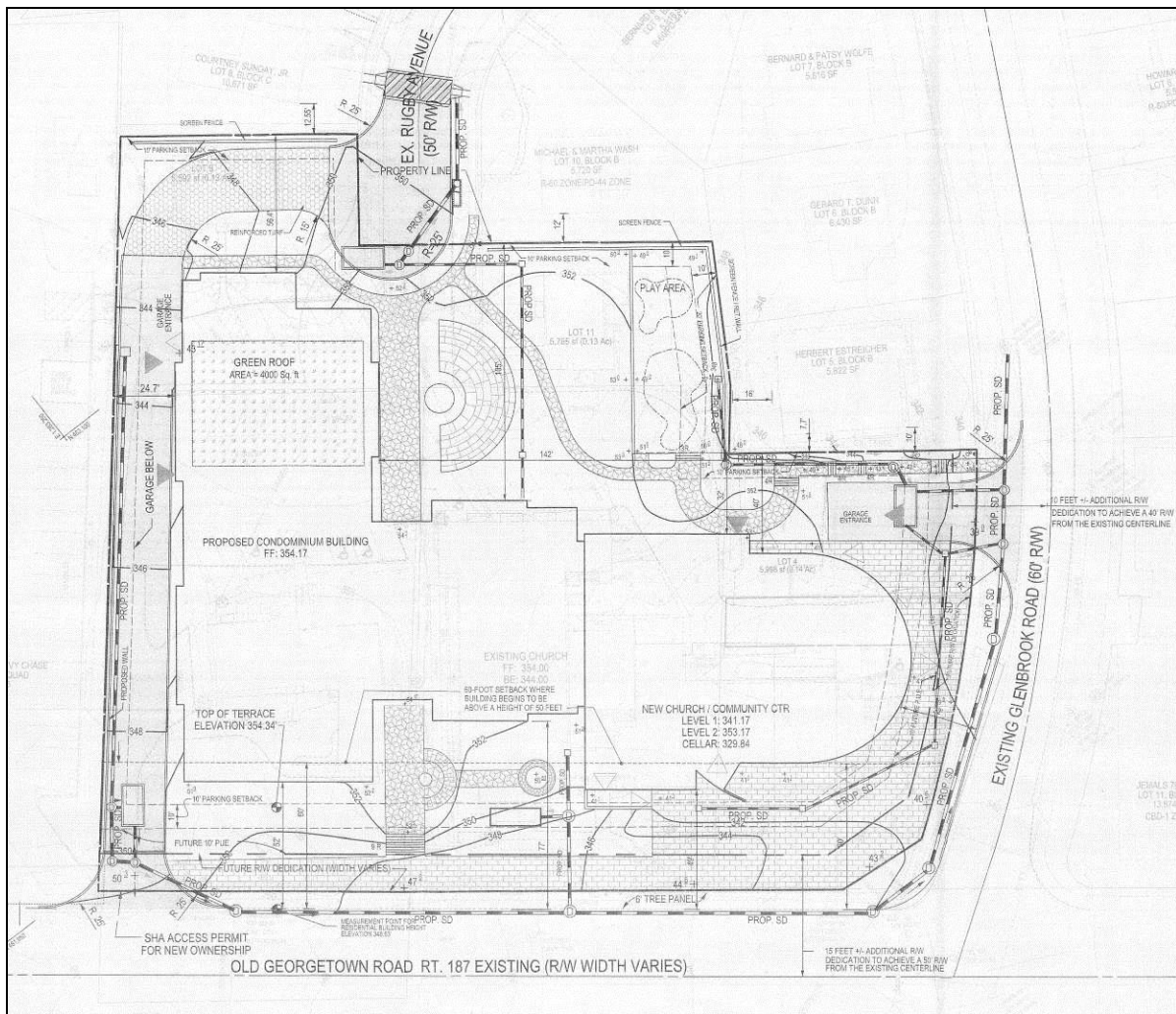


Figure 2: Approved Development Plan

Development Plan

The approved Development Plan consists of up to 107 dwelling units including 15% MPDUs on-site and 53,000 square feet for a church and community center. The dwelling units would consist of up to 90 market rate units and 17 MPDUs. The overall residential density proposed for the site was 44 dwelling units per acre, with a 15 percent MPDU bonus.

The following textual binding elements, below, provided additional parameters and limitations for the development:

1. The density of the site will be limited to that permitted in the PD-44 zone, including the MPDU density bonus.
2. Primary access points will be from Old Georgetown Road and Glenbrook Road.
3. Within the 60' setback, measured from the face of curb of the existing Old Georgetown Road, the new buildings will not exceed 50' in height as measured from the terrace grade.
4. The maximum height of the residential building will not exceed 94 feet.
5. The maximum height of the church/community center will not exceed 78 feet.
6. The maximum number of dwelling units will be 107, including the 15% MPDUs.
7. The green space will meet or exceed 50% of the gross lot area.
8. All green areas (including active/passive recreation rooftop green area) will be accessible to all residents or occupants of the buildings.
9. Except for emergency vehicles, no direct access from Rugby Road is permitted.
10. The pedestrian path from Rugby Road to Glenbrook Road is to be opened to the public.
11. The location and footprint of the buildings, including the minimum setbacks, as shown on the Development Plan, are intended to set the location of the buildings. However, minor adjustments to the buildings' location will be permitted at site plan review to satisfy environmental site design and stormwater management requirements.
12. The upper three floors of the north wing of the residential building facing Rugby Road will be stepped back on a 1:1 ratio reflecting a 10-foot setback on each of the floors.

Right-of-Way Abandonment

The Site contains two improved public rights-of-way that are the subject of an in-progress abandonment application (AB751) to the Montgomery County Council. Those rights-of-way include the terminus of Rugby Avenue, located along the north eastern portion of the Site, and a twenty-foot wide alley, located along the eastern portion of the Site. Both of these rights-of-way were previously abandoned through Montgomery County Council Resolution 16-835, however, the abandonment expired in accordance with Section 49-65 (d) because the Applicant did not record it within five years of the Council action. At the

request of the Applicant, Staff has agreed to allow the subdivision to proceed conditionally upon future approval of the abandonment by the District Council. Staff notes that were the Council to abandon any portion less than the full extent described in that case, the Applicant must seek an amendment to the subject Preliminary Plan.

Subdivision

The preliminary plan will combine the existing six platted lots and two parcels into one new 79,528-square-foot lot for development of the project. The preliminary plan will dedicate 6,956 square feet for the Old Georgetown Road and Glenbrook Road rights-of-way.

Project Description

The Application proposes to demolish the existing church and related structures and redevelop the Property with a 53,000 square-foot church/community center building with a maximum height of 76 feet, and a 145,863 square-foot multi-family residential building containing a maximum of 107 units and with a maximum height of 94 feet.

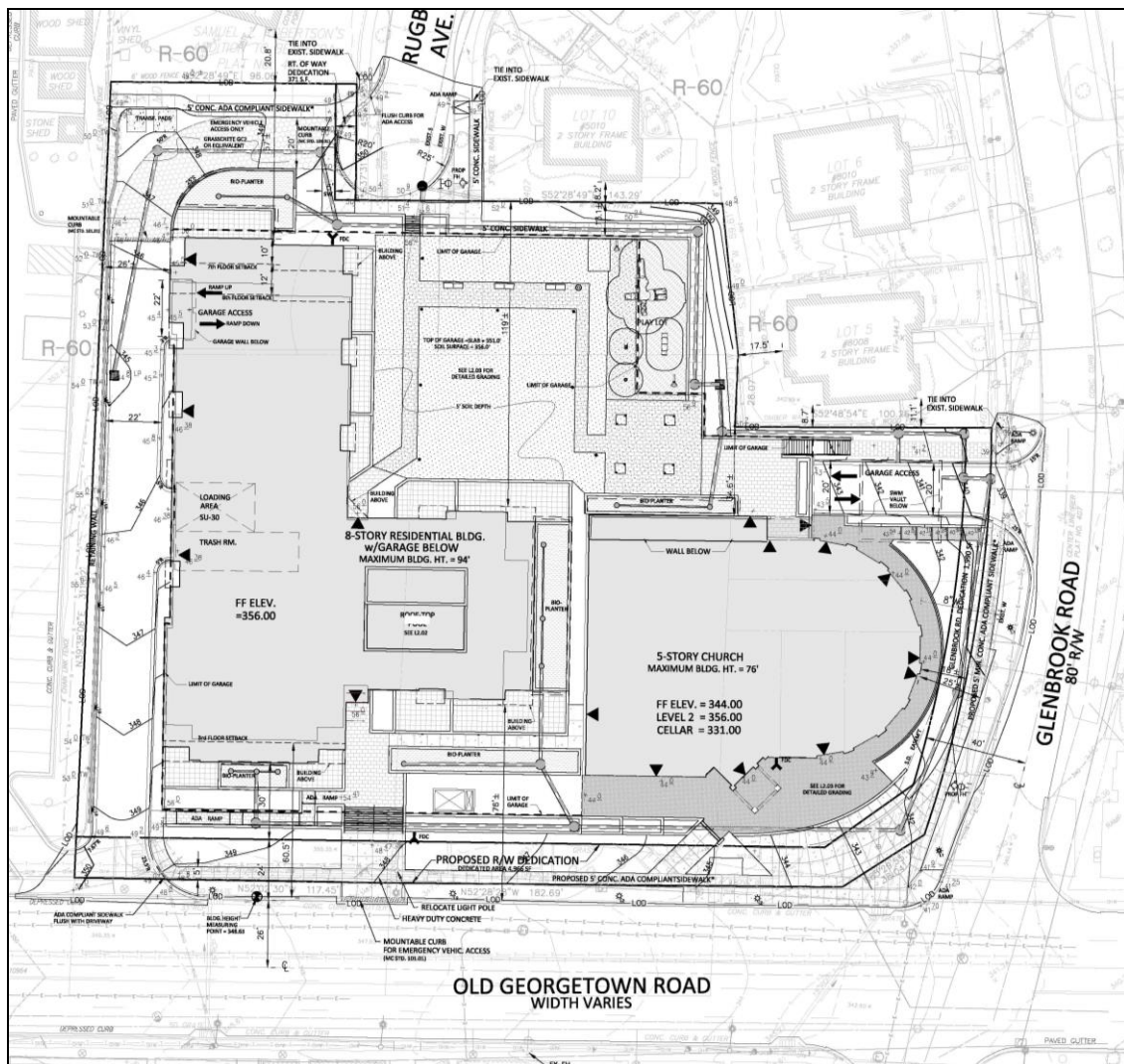


Figure 3: Proposed Site Plan

Building Design

The 107-unit multi-family residential building will have eight floors and is expected to contain units ranging from one to three bedrooms. The Development Plan's binding element 6 states that the maximum number of dwelling units will be 107, including 15% MPDUs, equating to a total of 90 market rate units and 17 MPDUs and it is the intent of the Development Plan to have the MPDUs on-site, which the Applicant will be providing. The Amenities in the residential building will include a fitness center and rooftop open space including a pool. This building will step-back in height on the second and top floor to reduce massing, and will be constructed of masonry with horizontal rusticated banding at the base and decorative brick detailing on the main façade. Large glass windows and balconies will soften the corners and contribute to the vibrancy of the streetscape.



Figure 4: Illustrative Rendering of the Proposed Building as seen from Rugby Avenue



Figure 5: Illustrative Rendering of the Proposed Building as seen from Old Georgetown Road

The church/community center building will have five floors and will contain a 350-seat sanctuary, offices, classrooms, daycare facilities and a multi-purpose facility for assembly and recreational uses. This building will also be of masonry construction, with corbelled detailing, anchoring the corner. The shape of the church building will give form to the main public gathering space and is accentuated with stained glass windows and transparent glass to engage the street at the corner of Old Georgetown Road

and Glenbrook Road. The top of the church building is reduced in scale with smaller windows and a lighter metal trim that serves as a transition to the metal roof above.

The proposed buildings are set back significantly from neighboring single-family detached homes and other properties. These setbacks, as well as the open spaces incorporated in the overall design of the Project, promote compatibility of the Project with the existing single-family homes along Rugby Avenue, Glenbrook Road and Old Georgetown Road.

Green Area and Amenities

The Project will provide 54% (or 47,200 square feet) of the gross lot area of the Property to Green Area, Properties classified in the PD-44 must devote at least 50% of their gross lot area to green space. This Application exceeds this requirement by devoting at least 54% (or 47,200 square feet) to green space exceeding both the requirements of § 59-C-7.16 of the Zoning Ordinance, as well as the approved Development Plan. The green space features a lawn panel with plantings and includes seating options for the residents, the congregants of the church and members of the neighboring communities. The Project will provide streetscape improvements along Old Georgetown Road and Glenbrook Road per the current Bethesda Streetscape Standards.



Figure 6: Green Area and Open Space Plan

The Green Area provides a buffer between the project and single-family residential areas to the east and north. The property will have significant landscaping both in these areas and throughout the project, including a significant tree canopy that will integrate the project into the neighborhood and provide significant screening of the project from adjacent properties. The Green Area also includes picnic/sitting areas and a play lot for the use of the day care center. Public amenities including a multipurpose court will be provided in the church/community center.

Access

Vehicular access to the multi-family building parking garage is proposed via a new private driveway adjacent to the Bethesda Rescue Squad Driveway directly off of Old Georgetown Road. Vehicular access to the expanded daycare facility and religious use is proposed from the new private driveway off Old Georgetown Road as well as a new private driveway off Glenbrook Road in the following configuration: the daycare use will enter the Site from Old Georgetown Road via the new private driveway and will exit the Site via the Site access point on Glenbrook Road; the religious use will have access from both the Old Georgetown Road driveway as well as a new driveway on Glenbrook Road. Pedestrian and bicycle circulation will be accommodated by the frontage sidewalk, which will be improved to business district standards as a result of the subject project, as well as pathways through the proposed open space.

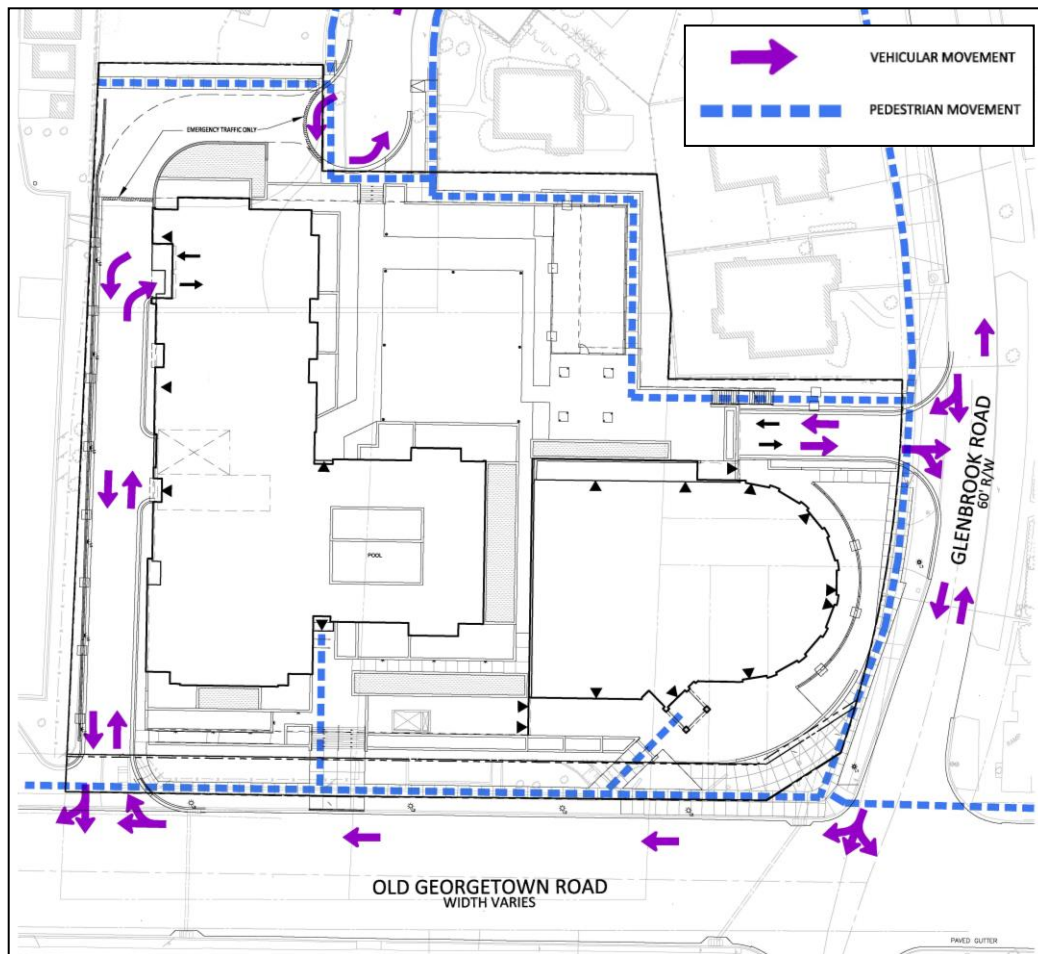


Figure 7: Circulation Plan

A cul-de-sac is also provided at the terminus of Rugby Avenue, to be used primarily for residential deliveries and resident drop-off and pick-up. In conformance with the binding elements of the Development Plan, direct vehicular access is prohibited through the Property to Rugby Avenue; however, a fire lane is provided from Rugby Avenue to Old Georgetown Road for emergency vehicles only.

The Application also enhances the pedestrian circulation network through the Property and to the adjacent public streets and sidewalks with a series of sidewalk connections through an open plaza area.

Parking

The Project includes 180 parking spaces within a below-grade parking garage. As part of its Application, the Applicant is requesting a waiver of the remaining 28 required parking spaces, pursuant to Section 59-E-4.5 of the Zoning Ordinance. Given the proximity of the Project to the Bethesda CBD and Parking Lot District, its proximity to Metro, and the public transportation options provided by buses immediately in front of the Property, the Applicant believes that demand for parking on the site will be reduced. Additionally, the Applicant has conferred with the Department of Housing and Community Affairs and confirmed that DHCA will not expect each MPDU units to have on-site parking available to them, further supporting the waiver request.

The Applicant has also requested from MCDOT and MCDPS a design exception from the loading requirement. The design that has been approved by MCDOT and MCDPS reduces two loading bays to one for the proposed uses. Reducing the number of loading spaces will reduce noise, enhance pedestrian safety, will provide safe circulation of traffic, and will not negatively impact the provision of appropriate lighting.

SECTION 4: PRELIMINARY PLAN

Analysis and Findings

Conformance to the Sector Plan

The subject property is located within the *Woodmont Triangle Amendment to the Bethesda CBD Sector Plan* area.

The primary goals of the Sector Plan are to encourage redevelopment in order to provide housing opportunities, to provide opportunities to retain existing businesses and expand opportunities for new businesses, enhance the existing public arts programs in the Bethesda CBD, focus on improving the safety and character of the existing streets, and increase the flexibility in providing the public use space through the Optional Method of Development. (Sector Plan, page 5)

The subject property located in Block 19, identified in the Sector Plan (page 23). Accordingly, the subject property is recommended for the PD-44 floating zone, provided that issues of compatibility with existing single-family homes are addressed. The PD-44 zone allows for the near-term redevelopment of the existing church property and possible longer-term redevelopment of the single-family detached homes, some of which have been renovated. The Plan further states that “At the time of rezoning, any application should be reviewed to determine compatibility with existing single-family homes, both north and south of Old Georgetown Road. In addition, the rezoning should not be allowed to result in multi-

family development surrounding or isolating a limited number of single-family homes”. The layout of the site, articulation of the buildings and incorporation of significant setbacks and open areas into the site design ensure a compatible relationship between the Project and adjacent area. As was recognized by the Planning Board in its February 19, 2010 Memorandum recommending approval of the Development Plan by the County Council, “the revised development plan ensures compatibility with adjacent single-family development by providing increased setbacks, reducing the height and mass of the proposed buildings, and providing open space within the proposed development.” Additionally, as recognized by the Council in Resolution No. 16-1540, “Compatibility is not just a question of the overall building context in the surrounding area; it is also, and perhaps most importantly, a question of harmony with the immediate neighbors. One of those immediate neighbors is the eleven-story building across Glenbrook Road from the subject site.” (Resolution, p. 8) M-NCPPC Staff, the Planning Board and the District Council all found that the development proposed in the Development Plan was consistent and compatible with the surrounding neighborhood and the proposed Site Plan substantially complies with the approved Development Plan. (Attachment A-January 25, 2010 Staff Report, p. 13; Attachment B-October 26, 2010 District Council Opinion, p. 8)

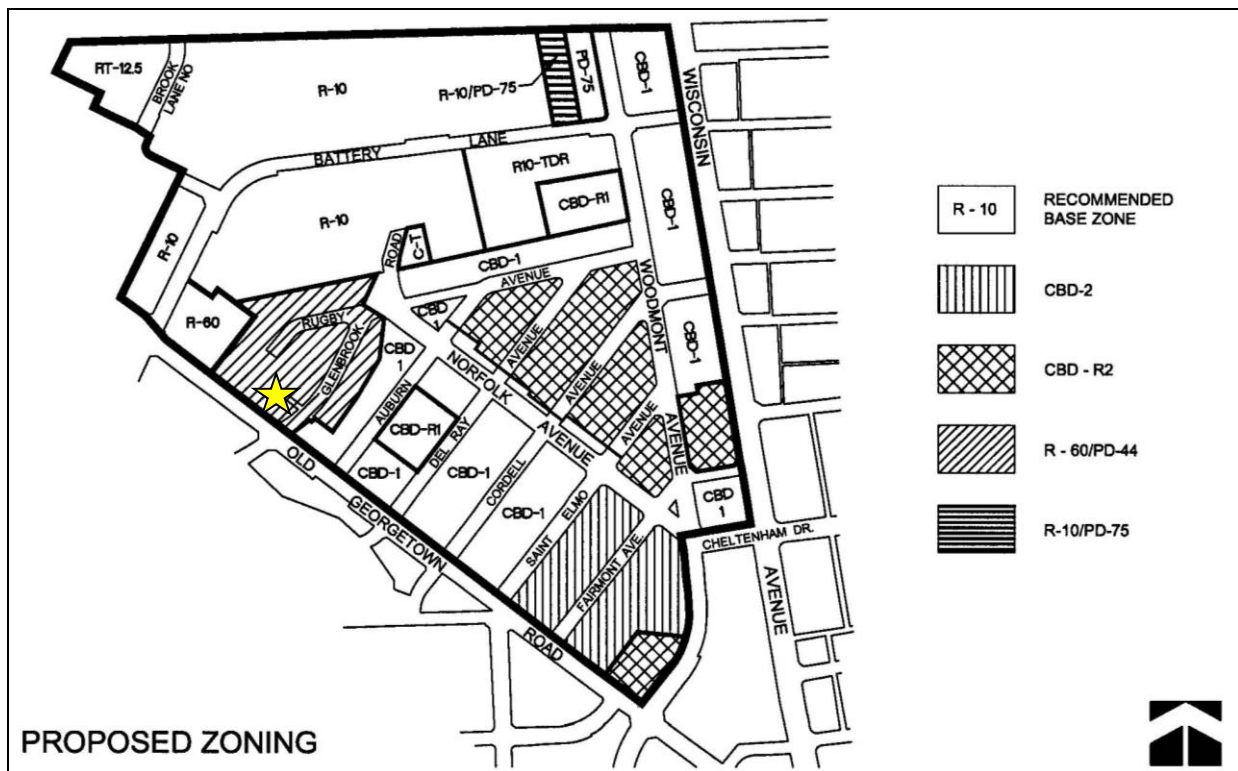


Figure 8: Proposed Zoning Map, Sector Plan (page 28)

The project conforms to the site specific recommendations provided by the *Woodmont Triangle Amendment* for the subject property. The heights of the proposed buildings will be in compliance with the Sector Plan’s tenting principles and the Sector Plan’s height recommendations to “limit the height along Old Georgetown Road north of St. Elmo to 50 feet, extending 60 feet back from Old Georgetown Road to maintain compatibility with existing development”. (p. 10) The heights of the proposed buildings will be in compliance with the Sector Plan’s height recommendations for properties along Old Georgetown Road and the approved Development Plan.

The Application also proposes the development of for-sale multi-family dwelling units, including 15% moderately priced dwelling units, advancing the Sector Plan goals of providing opportunities to increase the supply of housing in the Woodmont Triangle Area. Different unit sizes will ensure that the project serves a variety of residents at varying levels of income. (p. 5, 11)

In conformance with the Sector Plan's goals of "improving the safety and character of the existing streets" and "enhance[ing] pedestrian safety and access to transit," the project will provide significant streetscape improvements along both Old Georgetown Road and Glenbrook Road. (p. 5, 8, 11, 15) These improvements, coupled with the public path to be provided through the property, will significantly enhance circulation around and through the Property.

In addition, the open space at the corner of Old Georgetown Road and Glenbrook, as well as the spaces along the pedestrian path through the Property further the Sector Plan's goals of establishing a network of diverse urban spaces including open space on-site as well as providing public gathering spaces.

The Application provides for a mixture of residential and institutional uses. The variety of these proposed uses, coupled with the significant amount of open space, will create opportunities for congregation and social and community interaction among not only residents of the multi-family residential building, but also the congregants of the church and members of the neighboring communities. The project conforms to the general recommendations of the *Woodmont Triangle Amendment*.

Transportation

Access to the Project for will be provided from Old Georgetown Road (MD 187) and Glenbrook Road. No vehicular access will be permitted from Rugby Avenue except for emergency vehicles. Pedestrian and bicycle access to the property will be maintained along the property frontage sidewalks and public roadway. Additional pedestrian access will be provided through the Site from Rugby Avenue to Glenbrook Road, via a new internal sidewalk open to the public. Parking is proposed to be contained within a new structured garage internal to the proposed building.

Circulation

Vehicular access to the multi-family building parking garage is proposed directly off of Old Georgetown Road via a new private driveway adjacent to the Bethesda Rescue Squad Driveway. Vehicular access to the expanded daycare facility and religious use is proposed from the new private driveway off Old Georgetown Road as well as a new private driveway off Glenbrook Road in the following configuration: the daycare use will enter the Site from Old Georgetown Road via the new private driveway and will exit the Site via the Site access point on Glenbrook Road; the religious use will have access from both the Old Georgetown Road driveway as well as a new driveway on Glenbrook Road. Pedestrian and bicycle circulation will be accommodated by the frontage sidewalk, which will be improved to business district standards as a result of the subject project, as well as pathways through the proposed open space.

In response to resident concerns about the potential for increased non-residential traffic on Glenbrook Road east of the Site, Staff is recommending a condition of approval requiring the Applicant to reconfigure the Glenbrook Road access point so that it is oriented west toward Old Georgetown Road. This orientation will limit non-residential traffic on Glenbrook Road east of the Site and is anticipated to mitigate potential negative impacts of non-residential traffic on the single family homes east of the Site. It should be noted that the adjacent residents also suggested that a traffic signal be required at the

intersection of Old Georgetown Road/ Glenbrook Road. Planning staff and Maryland State Highway Administration staff are in agreement that the intersection is too close to the nearest signalized intersection (Old Georgetown Road/ Auburn Avenue) for an additional signal to be practical.

Transit

The immediate area is well served by transit that includes the Bethesda Metrorail station, approximately 0.5 miles from the Site, and bus stops for Metrobus, RideOn, and the Bethesda Circulator. In the future, Purple Line light rail service will be available within a mile of the Site. Specific transit routes near the Site include:

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

Right-of-Way Abandonment

The Site contains two improved public rights-of-way that are the subject of an in-progress abandonment application (AB751) to the Montgomery County Council. Those rights-of-way include the terminus of Rugby Avenue, located along the north eastern portion of the Site, and a twenty-foot wide alley, located along the eastern portion of the Site. Both of these rights-of-way were previously abandoned through Montgomery County Council Resolution 16-835, however, the abandonment expired in accordance with Section 49-65 (d) because the Applicant did not record it within five years of the Council action. At the request of the Applicant, staff has agreed to allow the subdivision to proceed conditionally upon future approval of the abandonment by the District Council. Staff notes that were the Council to abandon any portion less than the full extent described in that case, the Applicant must seek an amendment to the subject Preliminary Plan.

Master Plan Roadways and Pedestrian/Bikeway Facilities

The following summarizes recommendations included in the *1994 Bethesda Central Business District Sector Plan* and the *2005 Countywide Bikeways Functional Master Plan*:

1. *Old Georgetown Road (MD187)*, along the Site's southwestern frontage, as a Major Highway (M-4) within a minimum right-of-way width of 100 feet.
2. *Glenbrook Road*, along the Site's southeastern frontage, as a bicycle signed-shared roadway within a minimum right-of-way width of 80 feet.

Sector-Planned Transportation Demand Management

As a mixed-use project with 25 or more employees or more than 100 dwelling units within the Bethesda Transportation Management District (TMD), the development is required to enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and Montgomery County Department of Transportation (MCDOT) to participate in the Bethesda TMD.

Adequate Public Facilities

A traffic study (April 2016) was submitted for the subject application per the *LATR/TPAR Guidelines* since the proposed development was estimated to generate more 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 development, provided in Table 1, shows that the project will generate 93 new peak-hour trips during the weekday morning peak period and 100 new peak-hour trips during the weekday evening peak period. This trip generation estimate is based on the addition of up to 107 high rise dwelling units and an increase of up to 25 caregivers at the daycare facility. The estimate

does not include the religious use because that use is being replaced in kind on the Site and is therefore accounted for in the background traffic data.

TABLE 1: SUMMARY OF SITE TRIP GENERATION, PROPOSED 8015 OLD GEORGETOWN PROJECT

Trip Generation	Morning Peak Hour			Evening Peak Hour		
	In	Out	Total	In	Out	Total
Proposed						
107 High Rise Apartments	6	26	32	21	11	32
Daycare (25 staff)	32	29	61	33	35	68
Total Proposed	38	55	93	54	46	100

Source: Lenhart Traffic Consulting traffic study, dated April 26, 2016.

A summary of the capacity analysis/Critical Lane Volume (CLV) analysis for the weekday morning and evening peak-hour periods, presented in Table 2, shows that the total (Build) condition will remain within the applicable policy area congestion standard of 1,800 CLV for intersections within the Bethesda CBD policy area and 1,600 CLV for intersections within the Bethesda-Chevy Chase policy area. Based on the analysis presented in the traffic study, the subject application satisfies the LATR requirements of the APF test.

TABLE 2: SUMMARY OF CAPACITY CALCULATIONS, PROPOSED 8015 OLD GEORGETOWN PROJECT

Intersection	Traffic Conditions					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Old Georgetown Road/ Battery Lane	928	1037	942	1078	947	1084
Old Georgetown Road/ Site Access	--	--	--	--	802	831
Old Georgetown Road/ Glenbrook Road	833	872	844	892	871	929
Old Georgetown Road/ Auburn Avenue	632	748	644	768	664	779
Glenbrook Road/ Site Access	--	--	--	--	136	114
Glenbrook Road/ Rugby Avenue*	144	125	144	125	163	131
Rugby Avenue/ Norfolk Avenue*	162	128	162	128	181	142

*Congestion standard of 1,600 CLV; all others 1,800.

Source: Lenhart Traffic Consulting traffic study, dated April 26, 2016.

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 proposed development is not required to pay the transportation impact tax to satisfy the TPAR requirement.

Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The subject property is proposed to be served by public water and sewer. The application has been reviewed by the Montgomery County Department of Permitting Services - Fire Code Enforcement Section which has determined that the Subject Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, schools, 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.

Environment

Environmental Guidelines & Natural Resource Inventory/Forest Stand Delineation (NRI/FSD)

The original NRI/FSD # 420100680 was approved for the project on November 30, 2009. Subsequently, a revised NRI/FSD # 420160580 for the same Property was approved on December 21, 2015. The site is not associated with any forest areas or other environmentally sensitive resources such as highly erodible soils, steep slopes, streams, floodplains or related buffers. Furthermore, there are no known rare, threatened, or endangered species on or near the site. However, there are a number of specimen trees which measure over 30" DBH located on and near the subject property (which are subject to a Forest Conservation Variance). The site is located within the Rock Creek watershed, a Use I watershed¹.

Forest Conservation Plan

The application is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code). The proposed development which is located within a PD zone, triggers the special provision of forest conservation law section 22A-12(f)(2)(D) that requires that the afforestation requirements be met onsite.

In its public hearing on the Local Map Amendment No. G-864 on February 18, 2010, the Planning Board reviewed a preliminary forest conservation plan (PFCP) showing removal of five Protected Trees. The Planning Board voted to recommend approval of the Local Map Amendment. Currently, the Applicant's Final Forest Conservation Plan (FFCP) shows removal of the same five Protected Trees, and a slight increase to the impacts on one additional tree. As part of its review of the FFCP, Staff has considered the proposed impacts/removals to all six Protected Trees. Refer to the variance section below for more information.

The PFCP stamped on November 3, 2009, was considered by the Planning Board as part of the Local Map Amendment No. G-864. The development plan reviewed at that time was very similar to the plan proposed today, showing an underground garage footprint over significant portions of site. The approval of the PFCP included meeting the afforestation credits onsite by landscape plantings, some of which were located over the underground parking. Staff emphasizes that forest conservation credit for plantings over structures should be applied in only very limited instances and the practice is recommended in this case only out of consistency with the PFCP. To help ensure the longer-term viability of these plantings, Staff recommends a condition of approval that a covenant with the Planning Board be recorded for the perpetual maintenance and replacement (if necessary) of the afforestation trees in accordance with the forest conservation plan. An equivalent covenant was recorded for the other project in Bethesda that also received credit for plantings over structure.

¹ 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.

The latest version of the Final Forest Conservation Plan (FFCP) was submitted through Eplans on July 26, 2016 (Attachment C). Although no forest exists onsite, the application is subject to the Forest Conservation Law and there is an afforestation requirement of 0.33 acres. As originally shown in the PFCP, the Forest Conservation requirements are continued to be satisfied with onsite credited landscape plantings consisting of native trees.

Forest Conservation Variance

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree’s critical root zone (CRZ), requires a variance. An Applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. Unless the variance is granted, the law requires no impact to trees that measure 30 inches DBH or greater; are part of a historic site or designated with a historic structure; are designated as national, state, or county champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or to trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

During the LMA, the Planning Board reviewed and approved the initial variance request as part of the PFCP (refer to Table 3 further below). The affected resources that have been identified on the current Plan includes a tree with a DBH of 30 inches or greater (per Table 4 below). The Applicant submitted the variance request package through Eplans on July 26, 2016, for the impacts of the subject tree (Attachment D). The Applicants’ expanded request is to impact (but retain) one tree considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law.

Table 3: VARIANCE TREES PROPOSED FOR REMOVAL

Tree #	Common Name	D.B.H (inches)	Field Condition	Disposition
70	<i>black walnut</i>	30	Fair/Good	Removal approved under LMA No. G-864
71	<i>black walnut</i>	34	Fair/Good	Removal approved under LMA No. G-864
72	<i>boxelder</i>	47	Poor	Removal approved under LMA No. G-864
74	<i>white ash</i>	44.5	Good	Removal approved under LMA No. G-864
76	<i>sugar maple</i>	32.5	Good	Removal approved under LMA No. G-864

Table 4: VARIANCE TREE PROPOSED FOR IMPACT

Tree #	Common Name	D.B.H (inches)	Field Condition	Disposition	CRZ Impacts (%)	Justification
78	<i>red maple</i>	30	Fair/Good	Impact	5.55	ROW modifications

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. In addition to the required findings outlined numerically below, Staff has determined that the Applicant has demonstrated that enforcement of the variance provision would result in an unwarranted hardship

because the subject tree is located in ROW on opposite side of Glenbrook Road from the proposed work. Although the trees' CRZ is technically affected by the LOD as shown in the plan view, few if any roots at all would actually be affected by the proposed work.

Variance Findings

Staff has made the following determinations for the required findings that granting of the requested variance:

1. *Will not confer on the Applicant a special privilege that would be denied to other Applicants.*

The impacts are avoided/minimized to the greatest extent possible since little or no impacts beyond the PFCP/earlier variance will occur. The newly proposed impact is associated with minor modifications of the built ROW where such impacts are anticipated. Therefore, the variance request would be granted to any Applicant in a similar situation.

2. *Is not based on conditions or circumstances which are the result of actions by the Applicant;*

The requested variance is based on proposed development allowed under the existing zoning and the need to achieve adequate site access. The variance can be granted under this condition if the impacts are avoided or minimized and that any necessary mitigation is provided. In this case, the impacts proposed beyond the previous approval are on the opposite side of the existing roadway where there would be few if any actual roots of the subject tree.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance beyond the original approval is a result of the access modifications in the ROW that is included within the net tract area of this project and not as a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

Granting this variance request will not violate State water quality standards or cause measurable degradation in water quality. The Department of Permitting Services (DPS) staff approved the stormwater management (SWM) concept for the project on March 7, 2016. The SWM concept proposes to meet required stormwater management goals by the use of micro-bioretenion planter boxes, with the remaining volume to be treated by the use of an underground filter. Additionally, the subject area is not directly associated with any streams, wetlands or related buffers. Furthermore, there would be few if any actual roots of the subject tree growing on the opposite side of the existing roadway and the canopy of the tree will not be affected. Therefore, the minor changes to the right-of-way relative to the subject tree will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance

The LOD and associated variance request of the PFCP (associated with the previous review of Local Map Amendment No. G-864) included the removal of trees 70,71,72,74 & 76, each of which measure 30" DBH or greater, and their total DBH is 188". The FFCP currently under review removes the same number

of trees and is required to address the mitigation for the variance tree removals. Planting mitigation for the proposed removals should be at a rate that approximates the form and function of the trees removed, at a ratio of approximately 1" DBH for every 4" DBH removed, using trees that are a minimum of 3" caliper. This means that for the 188 diameter inches of tree to be removed, the Applicant must provide mitigation of at least 47 inches of caliper replacements. Therefore, the mitigation requirements will be more than addressed by the planting supplement of 50 caliper inches of onsite trees.

However, Staff notes that the original variance was approved at the time of the rezoning/revised development plan hearing which occurred a relatively short time after the variance provisions came into effect, and before the time that the variance mitigation planting rates were standardized. Therefore, in this case (since the layout of the project was generally approved before the variance mitigation plantings practice was conceived), staff is agreeable to addressing the mitigation by increasing the size of other required plantings (rather than the now standard practice of adding individual tree plantings designated for mitigation only). Specifically, there are 25 particular trees shown on the plans which would traditionally would have been specified as minimum of three-inch caliper trees for site plan/FCP purposes. However, those same trees will instead be specified as 25 (quantity) five-inch caliper trees to mitigate for the variance ($25 \times 2" = 50"$) which will more than satisfy the requirements of 47 inches. Again, the preference would be to have individually designated mitigation trees (*in addition to* the forest conservation plantings); however, since the layout for this particular project was generally approved before the mitigation requirement was anticipated, Staff finds the increased planting sizes (which would not otherwise be required) to be an equitable solution.

Furthermore, Staff notes that on other projects with limited space/planting opportunities it is common practice to upsize the mitigation plantings thereby providing fewer, but larger trees (say for example, six five-inch caliper trees may be specified rather than ten three-inch caliper trees).

Staff does not recommend mitigation plantings for variance trees that are retained and not overly impacted (such as tree 78).

County Arborist Recommendation

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The Applicants' current request was forwarded to the County Arborist on August 5, 2016. The County Arborist responded to the variance request on August 12, 2016, and recommended that the variance be approved and that appropriate mitigation be provided (Attachment E).

Staff Recommendation on Variance

As a result of the above findings, Staff recommends the Board **approve** the Applicant's request for a variance from Forest Conservation Law associated with the minor impacts to tree 78. The removals for trees 70,71,72,74 & 76 were previously approved under LMA No. G-864.

Noise

The project proposes residential units adjacent to an arterial roadway, Old Georgetown Road, and is therefore subject to the noise regulations associated with residential development.

A noise analysis dated May 27, 2016, was prepared by Phoenix Noise & Vibration, LLC. The study indicates that the project will be subject to a moderate level of noise impact, however the noise impacts to the residential units can be mitigated by modifications to the building shell construction (such as the use of specialized windows and modifications to the exterior walls). The standard conditions of approval are recommend regarding compliance with noise mitigation for the residential units.

The areas of common outdoor open space including the play area and surrounding terrace located behind the building are sheltered from the roadway noise by the building itself and no further mitigation is required. Also, the noise levels at the rooftop pool area are below the required thresholds (65 dBA Ldn) and do not require any noise mitigation.

Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept on March 7, 2016. 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 boxes.

Compliance with the Subdivision Regulations and Zoning Ordinance

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 lot is 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 above, the application substantially conforms to the *Woodmont Triangle Amendment to the Bethesda CBD Sector Plan*. As conditioned, 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 application, the site is sufficiently large to efficiently accommodate the proposed mix of uses.

The lot was reviewed for compliance with the dimensional requirements for the CBD-1 zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

As conditioned, the application complies with all applicable binding elements of County Council Resolution No. 16-1540 approving Local Map Amendment G-864, as discussed below in the Site Plan findings.

SECTION 5: SITE PLAN

Analysis and Findings

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The proposed Site Plan is subject to the approved Development Plan G-864. The Site Plan conforms to all of the textural binding elements of the approved Development Plan as shown in the following Table 5. The uses, densities, heights and setbacks conform to those contained on the Development Plan.

Table 5-Development Plan Textural Binding Elements

Required	Proposed
1. The density of the site will be limited to that permitted in the PD-44 zone, including the MPDU density bonus.	The proposed density of 107 dwelling units, including 15% MPDUs, for which a density bonus is allowed and taken, will not exceed the 44 units per acre, with density bonus, allowed by the zone.
2. Primary access points will be from Old Georgetown Road and Glenbrook Road	As shown on the Site Plan, primary access points are from Old Georgetown Road and Glenbrook Road.
3. Within the 60' setback, measured from the face of curb of the existing Old Georgetown Road, the new buildings will not exceed 50' in height as measured from the terrace grade.	This requirement is met, as shown on the Site Plan and building elevations included with the Application.
4. The maximum height of the residential building will not exceed 94 feet.	The residential building is currently proposed for a maximum of 94 feet, as shown on the Site Plan.
5. The maximum height of the church/community center will not exceed 78 feet.	The church/community center is currently proposed for a maximum of 76 feet, as shown on the Site Plan.
6. The maximum number of dwelling units will be 107, including the 15% MPDUs.	As shown on the Site Plan, the maximum allowed number of total dwelling units is 107, including 15% MPDUs (17 units) on-site. The area of the residential building has decreased, however, from the 175,000 square feet approved in the Development Plan to the 145,863 square feet in the Site Plan.
7. The green space will meet or exceed 50% of the gross lot area.	As shown on the Site Plan, 54% of the gross lot area is now proposed to be green space.
8. All green areas (including active/passive recreation rooftop green area) will be accessible to all residents or occupants of the buildings.	All green areas, with the exception of the daycare playground, access to which must be restricted for regulatory compliance purposes, will be accessible to the residents of the residential building, and open areas along the street frontages will be available to users of the church building.
9. Except for emergency vehicles, no direct access from Rugby Road is permitted.	Vehicular access from Rugby Avenue through the Property is limited to emergency vehicles.

10. The pedestrian path from Rugby Road to Glenbrook Road is to be opened to the public.	As shown on the Site Plan, a pedestrian pathway is provided from Rugby Avenue to Glenbrook Road and this pathway will be open to the public.
11. The location and footprint of the buildings, including the minimum setbacks, as shown on the Development Plan, are intended to set the location of the buildings. However, minor adjustments to the buildings' location will be permitted at site plan review to satisfy environmental site design and stormwater management requirements.	The locations and footprints of the proposed buildings are consistent with those shown on the Development Plan, with the exception of a new 20-foot separation between the residential and church/community center buildings. This separation was necessitated by the need to provide stormwater management facilities in accordance with current code requirements on the site. As shown on the Site Plan and related documents, including the concept stormwater management plan included with the Application, this area is now proposed to contain microbioretention facilities to assist in stormwater management on the Property. No other changes to building footprint and location are proposed.
12. The upper three floors of the north wing of the residential building facing Rugby Road will be stepped back on a 1:1 ratio reflecting a 10-foot setback on each of the floors.	As shown on the architectural plans included with the Application, the residential building is proposed to be stepped back in accordance with this requirement.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The proposed uses are allowed in the PD-44 zone, and the site plan fulfills the specific purposes of the zone, in compliance with the approved Development Plan. As the project data table below indicates, the site plan meets all of the development standards of the zone. With respect to building height, setbacks, density, and public use space, the proposed development meets the minimum and maximum standards, respectively.

Table 6: Project Data Table for the PD-44 Zone

Section	Development Standard	Per Approved Development Plan G-864	Proposed
	Gross Tract Area (sf)	87,132	87,132
	Old Georgetown Rd Dedication	4,966	4,966
	Glenbrook Road Rd Dedication	1,990	1,990
	Rugby Road	371	371
	Net Tract Area (sf)	79,805	79,805

Section	Development Standard	Per Approved Development Plan G-864	Proposed
59-C-7.14	Maximum Density		
	Gross Floor Area (sf)		
	Residential Building	175,000	145,863
	Church and Community Center	53,000	53,000
	Total Gross Floor Area	228,000	198,863
59-C-7.14	Dwelling Units (44 du/ac)	90	90
	MPDUs (% / units on-site)	15% / 17 units	15% / 17 units
	Total Number of Dwelling Units	107	107
	Building Height (feet)		
	Residential Building	94'	94'
	Church and Community Center	76'	76'
59-C-7.16	Minimum Green Area (%)	50% (43,566)	54% (47,200)
	Min. Building Setbacks		
	Old Georgetown Road (from face of curb)	49'	49'
	Glenbrook Road (from face of existing curb)	32'	32'
	West Side Property Line	24.7'	25'
	Rear North Property Line	56.4'	57'
59-E	Parking Spaces, minimum-maximum per Zoning Ordinance		
	Residential (107 units)		
	1 bedroom – market rate	34	11 spaces to be provided for MPDUs
	2-bedroom – market rate	83	
	3-bedroom – market rate	16	
	1-bedroom – MPDU	4	
	2-bedroom – MPDU	9	
	TOTAL RESIDENTIAL	146	118
	Church (350 Seats) ¹	62	62
	TOTAL	208	180 ²
Loading, Accessible Spaces, Motorcycle & Bicycle			
Bicycle Parking	11	11	
Motorcycle Parking	5	5	
Loading	1	1	

Section 59-C-7.131- Residential Uses

Section 59-C-7.131 of the Zoning Ordinance provides that all types of residential uses are permitted in the PD-44 Zone, and that a residential development proposing fewer than 200 units, as is proposed in this Application, may consist of 100% multi-family units. Here, the Applicant proposes redeveloping the Property with a multi-family residential building consisting solely of 107 multi-family residential units.

¹ Church parking at 1 space per 4 seats with a 30% reduction for proximity to public parking. Auburn – Del Ray Garage (Parking Garage 36), located at 4910 Auburn Avenue, is within 500 feet of the church.

² Applicant has requested a parking waiver of 28 spaces pursuant to Section 59-E-4.5 of the Zoning Ordinance.

Section 59-C-133 – Other Uses

With regard to the proposed non-residential portion of the Application, Sections 59-C-7.133(a) and (b) of the Zoning Ordinance governing “other uses” in the PD-44 Zone provide that “Noncommercial community recreational facilities which are intended exclusively for the use of the residents of the development and their guests may be permitted,” and that “Any nonresidential noncommercial use may be permitted at the discretion of the district council on a finding that it is compatible with the planned development and satisfies the requirements of Section 59-C-17.15.” In its approval of the rezoning of the Property, the District Council reviewed these requirements and explicitly found that the community center proposed in the Project would be used by residents, as well as non-residents, and that the shared parking and use arrangements would facilitate the use of the Property by both residents and the church and community center. In so finding, the District Council approved of the non-residential components of the Project as part of its approval of the rezoning of the Property to the PD-44 zone.

Section 59-C-7.11 – Purpose

The Application complies with the goals, objectives and purposes of the PD-44 Zone as set forth in 59-C-7.11 of the Zoning Ordinance, and is in substantial compliance with the goals, objectives and recommendations of the 2006 *Woodmont Triangle Amendment to the Bethesda CBD Sector Plan*, which encourages the provision of new housing in the Sector Plan area and specifically recommends PD-44 Zoning for the Property “provided that issues of compatibility with existing single family homes can be addressed.” (page 5, 8) Compatibility issues were addressed to the satisfaction of the Council to ensure appropriate buffering between the proposed buildings and neighboring single-family detached homes and other properties. The heights of the proposed buildings will be in compliance with the Sector Plan’s tenting principles and the Sector Plan’s height recommendations for properties along Old Georgetown Road and will achieve the Sector Plan’s goal of improving the safety and character of the existing streets through the streetscape improvements proposed by the Project.

This Application is also consistent with the remaining purposes of the PD-44 Zone to provide for social and community interactions, visual character and mixture of uses. The Application provides for a mixture of residential and institutional uses. The variety of these proposed uses, coupled with the significant amount of open space, will create opportunities for congregation and social and community interaction among not only residents of the multi-family residential building, but also the congregants of the church and members of the neighboring communities. Additionally, the residential aspect of the Application will provide a range of housing types, including MPDUs on-site, that will serve to increase the available stock of housing in the Sector Plan area. The Application will provide a convenient, comprehensive and safe pedestrian circulation network that will allow residents and pedestrians to safely and conveniently access both the Property and adjacent rights-of-way.

The Application meets the PD-44 Zone’s goals of minimizing the amount of grading required and taking the greatest possible aesthetic advantage of trees. With regard to grading, there will be little grading needed in light of the existing terrace along Old Georgetown Road. With regard to trees, tree variances were granted at the time of approval of the Preliminary Forest Conservation Plan for two specimen trees interior to the Property. Removal of these trees, one of which is in poor health, was found to be appropriate given their species and condition. Removal of the other trees identified as to be removed on the forest conservation plan was similarly previously reviewed by the Planning

Board and found to be appropriate. These trees will be replaced with species that are more hardy and proper for the setting, and which will create a nice green aesthetic for the Project.

Section 59-C-7.15 – Compatibility

This section requires that the uses proposed in the Application be compatible with each other and with other existing or proposed uses adjacent to or within the proximity of the area of the Application. The layout of the site, articulation of the buildings and incorporation of significant setbacks and open areas into the site design ensure a compatible relationship between the Project and adjacent area, as discussed in further detail in findings 3 and 4.

Section 59-C-7.16 – Green Area

Properties classified in the PD-44 must devote at least 50% of their gross lot area to green space. This Application exceeds this requirement by devoting at least 54% (or 47,200 square feet) to green space.

Section 59-C-7.17 – Dedication of Land for Public Use

This section requires that land necessary for public streets, parks, schools and other public uses be dedicated to public use and that such dedications be reflected on the site plan. Preliminary Plan No. 120160020, being reviewed concurrently with this Site Plan, identifies the necessary dedications along Old Georgetown Road and Glenbrook Road.

Section 59-C-7.18 – Parking Facilities

This section requires that off-street parking be provided in accordance with the provisions of Section 59-E, governing off-street parking and loading. The Application is requesting a 13.5% reduction or waiver in the required parking pursuant to Section 59-E-4.5 of the Zoning Ordinance. DHCA does not object to the allocation of the MPDU parking at 50% of the market rate residential parking requirement, as a proportionate share of the spaces will be made available for purchase or rent by the MPDU owners, at the market price. Given the location of the Property and the agreement with DHCA that 11 of the 118 total residential spaces will be designated as MPDU parking, the Applicant believes this waiver is appropriate and will ensure the Project is not unnecessarily over-parked.

Section 59-E-4.5 Waiver-parking standards

Under Section 59-E-3.4 of the Zoning Ordinance, the project is required to provide 208 parking spaces. However, the Applicant is requesting a waiver from this standard to provide 180 parking spaces. The Planning Board is authorized to grant the requested parking waiver where it finds that the parking requirement is not necessary to accomplish the objectives in Section 59-E-4.2. Those objectives are:

- (a) The protection of the health, safety and welfare of those who use any adjoining land or public road that abuts a parking facility. Such protection shall include, but shall not be limited to, the reasonable control of noise, glare or reflection from automobiles, automobile lights, parking lot lighting and automobile fumes by use of perimeter landscaping, planting, walls, fences or other natural features or improvements.
- (b) The safety of pedestrians and motorists within a parking facility.
- (c) The optimum safe circulation of traffic within the parking facility and the proper location of entrances and exits to public roads so as to reduce or prevent traffic congestion.
- (d) The provision of appropriate lighting, if the parking is to be used after dark.

The 180 spaces will be located in a below-grade parking facility, beneath the proposed structures. As such, the parking associated with the project will not impact adjoining land or public roads, as the typical impacts from a parking facility, including noise, glare and lighting, will be contained within the underground facility, outside of the view of adjacent properties or roads.

Pedestrian circulation around and through the property will largely not be impacted by the parking facility which, again, will be contained below-grade. The parking structure itself has been designed to appropriately direct users through the garage and minimize motorist conflicts, as explained more fully below. The parking garage will be appropriately lit to ensure the safety of users at all times of day and night.

Only two points of access to the garage are proposed. Traffic associated with the residential portion of the project will utilize the service drive connecting to Old Georgetown Road for access. Daycare drop-off and pick up will enter the garage from the Old Georgetown Road access drive and continue through the site to exit onto Glenbrook Road, eliminating any potential conflicts or congestion associated with drop-off and pick-up occurring at a single access point. Church and community center traffic will be directed to the Glenbrook Road access point, separating such traffic from the residential access and minimizing conflicts. Section 59-E-3.4. Church, synagogue or other place of worship, allows for church parking at 1 space per 4 seats with a 30% reduction in parking if the church, synagogue or other place of worship is located within 500 feet of any public parking lot where sufficient spaces are available during the time of services to make up for the additional spaces required. The Auburn – Del Ray Garage (Montgomery County Parking Garage 36), located at 4910 Auburn Avenue, with entrances off of Del Ray Avenue and Auburn Avenue, is within 500 feet of the church. The Auburn – Del Ray Garage contains 747 spaces and is only metered Monday-Friday, 7am-10pm and would therefore be available during the time of services to make up for the additional spaces required.

Given the proximity of the Project to the Bethesda CBD and Parking Lot District, its proximity to Metro, and the public transportation options provided by buses immediately in front of the Property, the Applicant believes that demand for parking on the site will be reduced. Additionally, the Applicant has conferred with the Department of Housing and Community Affairs (DHCA) and confirmed that DHCA will not expect all 17 MPDU units to have on-site parking available to them, further supporting the waiver request. Planning Staff and DHCA do not object to the allocation of the MPDU parking at 50% of the market rate residential parking requirement (as is allowed in CBD zones under the old Zoning Ordinance and in all zones under the new ordinance), and DHCA also does not object to the waiver of 28 residential spaces. The location of the property within 500 feet of a County parking garage and the availability of 62 church parking spaces for potential shared parking are mitigating factors. Furthermore, a proportionate share of the remaining 118 residential spaces will be made available for purchase or rent by the MPDU owners, at the market price. Since the MPDU parking comprises approximately 8.9% of the 146 residential spaces that would be available without the parking waiver, a proportionate share of the post-waiver residential parking spaces (11 of the 118 total residential spaces) will be designated as MPDU parking on the Certified Site Plan. This leaves 107 residential parking spaces for the market-rate units, or one per market unit. Any MPDU-designated parking spaces that are not purchased by MPDU residents may be offered to market-rate residents. As conditioned, Staff supports this waiver request.

Loading Space Design Exception

MCDOT and MCDPS require the project to provide two loading bays. However, the Applicant is requesting a design exception from this standard to allow only one loading bay. Reducing the number of loading spaces will reduce noise, enhance pedestrian safety, will provide safe circulation of traffic, and will not negatively impact the provision of appropriate lighting. MCDOT has approved a design exception to reduce the number of loading spaces from two (2) to one (1).

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

As conditioned, the building locations and overall site design proposed in the Application, including the proposed open spaces, circulation systems and landscaping, will be adequate, safe and efficient. With regard to the building locations and the overall proposed site design, the building locations and accompanying setbacks are appropriate and compatible with the surrounding area. The building locations and circulation systems conform to the locations shown on the approved Development Plan. The church/community center and residential components of the project have now been separated by twenty feet into two distinct structures, thereby reducing the massing and scale of the development as viewed from Old Georgetown Road, as well as adjacent residential areas, enhancing the compatibility of the project with the adjacent area. Additionally, as part of the Application, and partly as a by-product of the separation between the components, the residential density has been reduced by approximately 25,000 square feet, resulting in a smaller building footprint than that approved in the Development Plan, which again enhances compatibility.

As conditioned, the proposed green area is in compliance with the approved Development Plan and provides compatibility with surrounding land uses. The Project has a 50% percent Green Area requirement. The Project proposes 54 percent, totaling 47,200 square feet of Green Area. With regard to landscaping and open spaces, as part of the Application, at-grade green space has been increased by approximately 3,000 square feet and, as shown on the Landscape Plan included with the Application, the significant open spaces provided as part of the project will provide a buffer between the project and single-family residential areas to the east and north. The property will have significant landscaping both in these areas and throughout the project, including a significant tree canopy that will integrate the project into the neighborhood and provide significant screening of the project from adjacent properties.

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 the frontage on Old Georgetown Road and Glenbrook Road 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. The Project also includes landscaping and lighting in the courtyard and on the rooftop in order to provide an attractive outdoor environment for use by the residents and visitors. Site furnishings will be integrated within the site to create a unique and interesting place and ensure accessibility and comfort.

In addition, the Project meets the active and passive recreation space required by the zone. The proposed development will provide the following on-site recreation facilities: a picnic/sitting areas, a multipurpose court, pedestrian system, a swimming pool and an indoor fitness facility. The

development meets the required supply of recreation facilities based on the calculation methods in the M-NCPPC Recreation Guidelines. The development will provide adequate, safe, and efficient recreation facilities to allow residents to lead an active and healthy life.

4. *Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development.*

The two structures are located along the southwestern edge of the site. This serves both to maintain the streetwall along Old Georgetown Road, which has an 8-story commercial building on the next block, and to provide a measure of physical separation from the lower-scaled single-family residential buildings along the northeastern edge of the site. The church structure is oriented parallel to Old Georgetown Road, further accentuating the separation. Additionally, the massing of the multi-family structure steps down from the tallest portion along Old Georgetown towards the nearby residences.

The multi-family residential use compliments the existing rental apartment and condominium development located between Old Georgetown and the National Institutes of Health campus. The existing religious institution use, which is being maintained on the site, remains compatible as a civic use in the community.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable laws.*

As conditioned, the plan is in compliance with the M-NCPPC's Environmental Guidelines and Forest Conservation Law. Staff recommends that the Planning Board approve the Final Forest Conservation Plan.

The MCDPS Stormwater Management Section approved the stormwater management concept on March 7, 2016. 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 green roofs and micro-bioretenion planter boxes.

CITIZEN CORRESPONDENCE AND ISSUES

The Applicant has complied with all submittal and noticing requirements. Staff received two letters of support, one from the Woodmont Triangle Action Group, dated March 30, 2016 (Attachment G) and the second from The Maryland General Assembly, dated October 6, 2016 (Attachment H). Staff has also met with neighborhood community members to discuss the proposed development. Staff has received correspondence from the neighborhood community members who reside in the single-family residential community along Rugby Avenue and Glenbrook Road, dated June 20, 2016 and August 8, 2016 (Attachment I). The main concerns from the residents include not enough green area, traffic flow entering and exiting the new residential building (access to Rugby for emergency vehicles only), traffic flow entering and exiting the new church building, the perceived height of the new church/community center building and the overall architecture of the residential building. In response to these issues, Staff has included a number of conditions of approval, as discussed below.

In regards to the green area, the Project has a 50% percent green area requirement. The Project proposes 54 percent, totaling 47,200 square feet of green area. In addition, Staff has conditioned an

area of the green area near the play lot to be converted from hardscape to landscaped beds and additional landscape screening along the property lines shared with the adjacent residences.

In regards to the traffic flow entering and exiting the new residential building concerns, a binding element of the approved Development Plan is that except for emergency vehicles, no direct access from Rugby Road is permitted. Vehicular access from Rugby Avenue through the Property is limited to emergency vehicles, a mountable curb is being used to prevent thru traffic, and the Fire Code Enforcement Section has approved the plans.

In regards to the traffic flow entering and exiting the new church/community building onto Glenbrook Road, Staff has conditioned that the Applicant must reconfigure the Glenbrook Road access point so that is oriented west toward Old Georgetown Road. This orientation will limit non-residential Site-generated traffic on Glenbrook Road east of the Site.

The correspondence further suggested architectural measures, intended to further soften the visual impact of the church building from the adjacent homes. Staff is not recommending these measures, which included potentially shifting a portion of the upper floor and the associated roof features, as the benefits appear to be outweighed by the associated costs.

CONCLUSION

The Application satisfies the findings under Section 59-C and 59-E of the Zoning Ordinance and substantially conforms to the recommendations of the *Woodmont Triangle Amendment to the Bethesda CBD Sector Plan*. Therefore, Staff recommends approval to the Planning Board of the Preliminary Plan and Site Plan with the conditions specified at the beginning of this report.

Attachments

- A. January 25, 2010 Planning Board Staff Report-Local Map Amendment
- B. October 26, 2010 County Council Opinion-Local Map Amendment
- C. Final Forest Conservation Plan
- D. Tree Variance Request
- E. County Arborist's Letter
- F. Agency Letters
- G. Woodmont Triangle Action Group Letter
- H. The Maryland General Assembly Letter
- I. Citizen Correspondence