



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

MCPB No. 17-072
Preliminary Plan No. 120170250
The Claiborne
Date of Hearing: July 24, 2017 and July 27, 2017

JUL 31 2017

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on March 21, 2017, 4820 Auburn, LLC (“Applicant”), filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 0.30 acres of land in the CR 3.0: C 1.0, R 2.75, H 90T zone, located on the northeast corner of the Norfolk Avenue and Auburn Avenue intersection (“Subject Property”), in the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan (“Sector Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120170250, The Claiborne (“Preliminary Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 14, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on July 24, 2017, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing the Planning Board voted to continue the hearing on July 27, 2017.

WHEREAS, on July 27, 2017, the Planning Board continued the public hearing on the Application and voted to approve the Application, subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120170250 create one lot on the Subject Property, subject to the

Approved as to
Legal Sufficiency

Christina Sonnet 7/26/17

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following conditions:¹

1. This Preliminary Plan is limited to 1 lot for up to 58 multi-family dwelling units and up to 2,800 square feet of commercial uses.
2. Prior to record plat, the Applicant must record all necessary density transfer instruments in the Land Records of Montgomery County, as required by the subsequent site plan.
3. The Applicant must include the stormwater management concept approval letter and Preliminary Plan Resolution on the approval or cover sheet(s).
4. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated May 23, 2017, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
5. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
6. The record plat must show necessary easements.
7. Prior to submission of any plat, Site Plan No. 820170080 must be certified by MNCPPC Staff.
8. No grading of the site or recording of plats prior to certified site plan approval.
9. Final approval of the number and location of the multi-family building, dwelling units, on-site parking, site circulation, and sidewalks will be determined at site plan.
10. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated June 20, 2017, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
11. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section, in its letter dated June 9, 2017, 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 Preliminary Plan approval.
12. The certified Preliminary Plan must contain the following note:

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

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.

13. In the event that a subsequent site plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or location or right-of-way width, or alignment, the Applicant must obtain approval of a Preliminary Plan amendment.
14. The Applicant may obtain permits for below-grade excavation and sheeting and shoring prior to the recording of plats and Certified Site Plan approval. The record plat(s) and Certified Site Plan must be submitted to M-NCPPC prior to any below-grade activity occurring on site.
15. The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of this Planning Board Resolution.

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Sector Plan.*

The Preliminary Plan Application substantially conforms to the Sector Plan. The Property is designated as Block 15, which is recommended for a FAR of 3.0 (not including the MPDU bonus density) and MPDU bonus height up to 110 feet.¹ The Property is located in the area of the Woodmont Triangle that is closest to the Battery Lane Urban Park. The Property also is within the area designated as a Density Transfer Area. Specifically, the Project furthers the following goals as outlined in the *Woodmont Triangle Amendment*:

- *Housing – Provide opportunities to increase the supply of housing to serve a variety of income levels.*

The Project will provide approximately 58 units, containing diverse housing opportunities by including a variety of market-rate unit sizes and layouts and 15% MPDUs to facilitate the availability of new housing, in a range of types and rents, within walking distance of the Metro.

- *Small-scale Retail – Provide opportunities to retain existing businesses and expand opportunities for new businesses.*

Through the use of density averaging, the Sending Properties will remain as existing small-scale developments, while simultaneously allowing for the development of a larger mixed-use project on the Property. Both the retention of small scale development and density transfer are occurring in accordance with the Sector Plan. Additionally, the Project will provide street activating uses, such as ground-floor retail on both Auburn Avenue and Norfolk Avenue.

- *Safe and Attractive Streets – Focus on improving the safety and character of the existing streets.*

The Project will provide streetscape improvements along Auburn Avenue and Norfolk Avenue per the current Bethesda Streetscape Standards

- *Public Amenities – Increase flexibility in providing the public use space through optional method of development by allowing off-site and on-site fulfillment of this requirement, and by identifying a list of priority public amenities.*

The *Woodmont Triangle Amendment* lists priority public use space and amenities for the Woodmont Triangle area, which include streetscape improvements. The Project will provide streetscape improvements along its frontage as well as the remainder of the Norfolk Avenue block to Del Ray Avenue.

The Preliminary Plan complies with the specific density recommendations for the site as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan and the Guidelines.

2. *Public facilities will be adequate to support and service the area of the approved subdivision.*

Roads and Public Transportation Facilities

Vehicular access to the Property is directly from Auburn Avenue through a consolidated garage access point and loading bay at the north corner of the site. Resident vehicular parking will be contained within a structured below-grade garage. Pedestrian and bicycle access to the Property will be provided along both Norfolk Avenue and Auburn Avenue.

The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station (located within 0.5 mile of the site), Metrobus, RideOn, the Bethesda Circulator and future Purple Line.

LATR

A traffic exemption statement was submitted on March 7, 2017. The development is estimated to generate 28 new morning peak-hour trips and 48 new evening peak-hour trips. Because of the estimated transportation impact (fewer than 50 new person trips), the Project satisfies the Local Area Transportation Review requirement without further analysis.

Other Public Facilities

Public facilities and services are available and will be adequate to serve the development. The Property will be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, 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.

3. *The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

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 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. The Application substantially conforms to the Sector Plan. The Application complies with the specific density recommendations for the site as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. As evidenced by the Preliminary Plan, the site is sufficiently large to efficiently accommodate the mix of uses.

Under Section 59-4.5.4 of the Zoning Ordinance, the dimensional standards for the lots will be determined with approval of the subsequent site plan.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

A. Forest Conservation

This Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law, but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(2) because the proposed activity occurs on a tract of land less than 1 acre that will not result in the clearing of more than a total of 20,000 square feet of existing forest, or any existing specimen tree or champion tree, and reforestation requirements would not exceed 10,000 square feet. Forest in any priority area on-site must be preserved.

5. *All storm water management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

This finding is based in part upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards.

The MCDPS Stormwater Management Section approved the stormwater management concept on June 20, 2017. According to the approval letter, the stormwater management concept meets stormwater management requirements.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50-35(h)), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 31 2017 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of

this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley and Commissioners Fani-González and Cichy voting in favor of the motion, and Commissioner Dreyfuss temporarily absent, at its regular meeting held on Thursday, July 27, 2017, in Silver Spring, Maryland.



Casey Anderson, Chairman
Montgomery County Planning Board