



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

Agenda Date: September 7, 2017
Agenda Item No.: Other Consent Items 1-c

MEMORANDUM

TO: Montgomery County Planning Board

FROM: Gwen Wright, Planning Director *GW*

VIA: Robert Kronenberg, Chief, Area One *RKB*
Elza Hisel-McCoy, Supervisor, Area One
Matthew Folden, Planner Coordinator, Area One *MF*

Re: Correction of Resolution for Site Plan No. 820170080,
MCPB No. 17-073, The Claiborne

Attached, please find a redlined version of the Resolution for Site Plan No. 820170080, The Claiborne. The Resolution was adopted by the Planning Board at the July 27, 2017, Planning Board Hearing, and was mailed out to all parties of record on July 31, 2017. This Corrected Resolution addresses an error that occurs on page 12 of the original Resolution.

The correction is to address a typographical error on page 12 of the Resolution in the Public Benefits Calculation Table. The Resolution incorrectly states that the approval is for 7.5 public benefit points for the Recycling Facility, 5 public benefit points for the Energy Conservation and Generation Category, and 7.5 public benefit points for the Vegetated Roof; 156.4 public benefit points in total. These public benefit point values should be updated to reflect the values approved by the Planning Board and discussed elsewhere in the original resolution as follows: 10 public benefit points for the Recycling Facility, 10 public benefit points for the Energy Conservation and Generation Category, and 0 public benefit points for the Vegetated Roof; 151.4 public benefit points in total. The attached corrected Resolution states the correct approval of public benefit points. The corrected public benefit points is consistent with the public benefits stated in the staff report and established with approval of Sketch Plan 320170030 and Preliminary Plan 120170250.

cc: Christina Sorrento, Associate General Counsel



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

MCPB No. 17-073
 Site Plan No. 820170080
 The Claiborne
 Date of Hearing: July 24, 2017 and July 27, 2017

SEP 19 2017

CORRECTED RESOLUTION

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

WHEREAS, on March 21, 2017, 4820 Auburn, LLC (“Applicant”), filed an application for approval of a site plan for an 11-story, mixed-use building containing up to 76,000 square feet of total development, including up to 73,200 square feet of multi-family residential use, consisting of up to 58 dwelling units, including 15% moderately priced dwelling units (“MPDUs”), and up to 2,800 square feet of nonresidential (retail, restaurant, service, or office) uses 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 site plan application was designated Site Plan No. 820170080, The Claiborne (“Site Plan” or “Application”); and

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

Approved as to
 Legal Sufficiency: *Christina Sout* 8/30/17
 8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
 MNCPPC Legal Department
 www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820170080 for up to 76,000 square feet of total development including up to 73,200 square feet of residential development, for up to 58 multi-family residential units, and up to 2,800 square feet of non-residential uses on approximately 0.3 gross acres in the CR 3.0, C 1.0, R 2.75, H 90T. 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.¹

1. Sketch Plan Conformance

The development must comply with the binding elements and conditions of approval for Sketch Plan No. 320170030 as listed in the MCPB Resolution No. 16-122 dated November 29, 2016.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120170250.

3. Public Open Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 425 square feet of public open space on-site.
- b. The Applicant must construct streetscape improvements, including the undergrounding of utilities, along the property's frontage on Auburn Avenue and Norfolk Avenue, consistent with the Bethesda Streetscape Standards, and as illustrated in the Certified Site Plan.
- c. Before the issuance of the final use and occupancy certificates for the residential development, all public open space areas on the Subject Property must be completed.

4. Recreation Facilities

Before Certified Site Plan approval, the Applicant must demonstrate conformance with the M-NCPPC Recreation Guidelines.

5. Public Benefits

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

¹ For the purposes 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.

- a. **Transit Proximity** – The Subject Property is located within ½ mile of a Metrorail station, which allows the Application to be eligible for Level 1 transit as defined in the Zoning Ordinance.
- b. **Connectivity between Uses, Activities, and Mobility Options**
 - i. **Minimum Parking**

The Applicant must not provide more than 47 parking spaces.
 - ii. **Streetscape Improvement**

The Applicant must construct the Bethesda Streetscape, exclusive of undergrounding utilities, off-site on the north side of Norfolk Avenue between the site frontage and Del Ray Avenue, in addition to any required streetscape improvements along the Subject Property frontage.
- c. **Diversity of Uses and Activities**
 - i. **Affordable Housing/MPDUs**

The development must provide 15 percent MPDUs on-site consistent with the requirements of Chapter 25A and the applicable Master Plan. The Applicant is receiving a 22 percent density bonus for providing 15 percent MPDUs on-site.

 - a. Before issuance of any building permit for any residential unit, the MPDU agreement to build between the Applicant and the DHCA must be executed.
 - b. The Planning Board accepts the recommendations of DHCA in its letter dated June 2, 2017, and does hereby incorporate them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by DHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.
- d. **Quality Building and Site Design**
 - i. **Architectural Elevations**

Final elevation design must be shown on the Certified Site Plan. The exterior architectural elements must be substantially similar to architectural elevations shown on the Certified Site Plan, as determined by M-NCPPC Staff.
 - ii. **Exceptional Design**

The Applicant must construct the building in a manner consistent with the architectural elevations included in the Certified Site Plan, as determined by M-NCPPC staff.
 - iii. **Structured Parking**

The Applicant must provide all parking spaces within the below-grade structure on the Subject Property.
 - iv. **Tower Step-Back**

The Applicant must step back 70 percent of the building's upper floors by 10 feet behind the fourth-floor façade, as shown on the Certified Site Plan.

e. **Protection and Enhancement of the Natural Environment**

i. **Building Lot Terminations (BLTs)**

Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment equivalent to 0.15 BLTs to MCDPS.

ii. **Cool Roof**

The Applicant must install a cool roof having a minimum solar reflectance index (SRI) of 75 on slopes at or below 2:12 and a minimum SRI of 25 on slopes above 2:12. This SRI rating will cover all roof areas not covered by green roof or mechanical equipment, as shown on the Certified Site Plan.

iii. **Energy Conservation and Generation**

The Applicant must construct the building to exceed energy efficiency standards for the building type by 10%, as determined by MCDPS.

iv. **Recycling Facility Plan**

The Applicant must provide a material sorter to handle recyclable materials generated on the Subject Property. The Applicant must also provide a paper shredder, cooking oil dispenser, and special collection for scrap metal and recyclable commercial waste. The Applicant must contract with a private hauler to recycle materials collected on-site.

v. **Vegetated Roof**

The Applicant must install a vegetated roof with a soil depth of a minimum of eight (8) inches covering a minimum of 13% of the building's roof, excluding space for mechanical equipment.

6. **Transportation**

Before the release of any building permit, the Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District (TMD).

7. **Pedestrian & Bicycle Circulation**

a. The Applicant must provide a minimum of twenty-eight (28) long-term and two (2) short-term bicycle parking spaces for the residential uses and at least one (1) long-term and one (1) short-term for the non-residential use.

b. The long-term spaces must be in a secured, well-lit bicycle room in the garage, and the short-term spaces must be inverted-U racks installed along the building's retail frontage and in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the public bicycle rack(s) must be identified on the Certified Site Plan.

8. Density Averaging

a) Before certification of the Site Plan, the Applicant must record an instrument in the County Land records reflecting the density transfer for this project as required under Section 59-4.5.2.B of the Zoning Ordinance.

i. The residential density to be transferred under this Site Plan is measured in gross square feet and will total approximately 23,975 square feet. The Sending Properties will transfer and retain the following square feet of development potential based on the existing zoning:

1. 4830 Cordell Avenue will be transferring 6,221 SF of residential density and retaining 6,829 SF of density.
2. 5004 Cordell Avenue will be transferring 2,349 SF of residential density and retaining 3,919 SF of density.
3. 5001 Wilson Avenue will be transferring 10,164 SF of residential density and retaining 7,455 SF of density.
4. 5027 Wilson Avenue will be transferring 5,241 SF of residential density and retaining 3,771 SF of density

9. Building Lot Terminations (BLTs)

Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment of 0.15 BLTs to the Department of Permitting Services (DPS).

10. 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 M-NCPPC Staff.

11. Landscaping

- a) Prior to issuance of final residential Use and Occupancy Certificate, all on-site amenities, including, but not limited to: streetlights, sidewalks/ pedestrian pathway, hardscape, benches, trash receptacles, bicycle facilities, recreation amenities, and public open space must be installed.
- b) The Applicant may install a modified Bethesda Streetscape (paver pattern), as shown on the Certified Site Plan.
- c) Prior to issuance of the final residential Use and Occupancy Certificate, all rooftop amenities must be installed.
- d) The Applicant must install landscaping no later than the next growing season after completion of site work.
- e) The Applicant must provide vertical and horizontal screening for rooftop mechanical equipment to be approved by Staff at certified site plan.

12. Forest Conservation & Tree Save

The development must comply with the conditions of the Forest Conservation exemption 42017006E which was confirmed on July 19, 2016.

13. Lighting

- a. Prior to issuance of any above-grade building permit, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b. All onsite down-lights must have full cut-off fixtures.
- c. Deflectors will be installed on all proposed fixtures to prevent excess illumination and glare.
- d. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- e. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

14. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, excluding sheet and shoring, or sediment 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 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable at-grade Site Plan elements, including, but not limited to plant material, on-site lighting, site furniture, trash enclosures, private utilities, sidewalks, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of the any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

- d) The bond or surety shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

15. 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.

16. Certified Site Plan

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

- a. Include the stormwater management concept approval letter, development program, and 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.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of The Claiborne Site Plan No. 820170080, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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

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

The Planning Board approved Sketch Plan No. 320170030 on November 10, 2016, and Preliminary Plan No. 120170250 on July 24, 2017. The Application is consistent with the development approved under the previous sketch plan and preliminary plan applications.

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

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

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

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

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

a. Development Standards

The Subject Property includes approximately 0.3 gross acres zoned CR 3.0, C 1.0, R 2.75, H 90T. The Application satisfies the applicable development standards as shown in the following data table:

Data Table

Project Data Table				
Zone	CR	C	R	H
Subject Property	3.00	1.00	2.75	90T
4830 Cordell Avenue	5.00	1.00	5.0	145T
	CRT	C	R	H
5001 Wilson Avenue	2.25	1.5	0.75	35
5027 Wilson Avenue	2.25	1.5	0.75	35
5004 Cordell Avenue	2.25	1.5	0.75	35
DEVELOPMENT STANDARD (59.4.5.4)	PERMITTED/REQUIRED		APPROVED	
Tract Area	SF	Acres	SF	Acres
Subject Property	n/a	n/a	13,100	0.30
4830 Cordell Avenue	n/a	n/a	2,610	0.06
5001 Wilson Avenue	n/a	n/a	13,552	0.31
5027 Wilson Avenue	n/a	n/a	6,988	0.16
5004 Cordell Avenue	n/a	n/a	3,133	0.07
Total	n/a	n/a	39,383	0.90
Dedications	SF	Acres	SF	Acres
Subject Property	n/a	n/a	4,756	0.11
4830 Cordell Avenue	n/a	n/a	171	0.00
5001 Wilson Avenue	n/a	n/a	10,039	0.23

5027 Wilson Avenue	n/a	n/a	4,048	0.09
5004 Cordell Avenue	n/a	n/a	1,351	0.03
Total	n/a	n/a	20,365	0.46
Site Area	SF	Acres	SF	Acres
Subject Property	n/a	n/a	8,344	0.19
4830 Cordell Avenue	n/a	n/a	2,439	0.06
5001 Wilson Avenue	n/a	n/a	3,513	0.08
5027 Wilson Avenue	n/a	n/a	2,940	0.07
5004 Cordell Avenue	n/a	n/a	1,782	0.04
Total	n/a	n/a	19,018	0.44

DEVELOPMENT STANDARD (59.4.5.4)	PERMITTED/REQUIRED		APPROVED	
	SF	FAR	SF	FAR
Total Density (maximum)				
Subject Property	39,300	3.0	38,825	2.96
4830 Cordell Avenue	13,050	5.0	6,221	2.38
5001 Wilson Avenue	30,492	2.75	10,164	0.75
5027 Wilson Avenue	15,723	2.75	5,241	0.75
5004 Cordell Avenue	7,049	2.75	2,349	0.75
22% Bonus w/15% MPDUs	13,200	n/a	13,200	n/a
Total	118,814	n/a	76,000	5.8
Total Commercial Density (maximum)	SF	FAR	SF	FAR
Subject Property	13,100	1.0	2,800	0.21
4830 Cordell Avenue	n/a	n/a	n/a	n/a
5001 Wilson Avenue	n/a	n/a	n/a	n/a
5027 Wilson Avenue	n/a	n/a	n/a	n/a
5004 Cordell Avenue	n/a	n/a	n/a	n/a
Total	13,100	n/a	2,800	0.21
Total Residential Density (maximum)	SF	FAR	SF	FAR
Subject Property	36,025	2.75	36,025	2.75
4830 Cordell Avenue	13,050	5.0	6,221	2.38
5001 Wilson Avenue	10,164	0.75	10,164	0.75
5027 Wilson Avenue	5,241	0.75	5,241	0.75
5004 Cordell Avenue	2,349	0.75	2,349	0.75
22% Bonus w/15% MPDUs	13,200	n/a	13,200	n/a
Total	80,029	n/a	73,200	5.59
Height (maximum)	Feet		Feet	
Subject Property	110 ¹		110	
4830 Cordell Avenue	145		As existing	
5001 Wilson Avenue	35		As existing	
5027 Wilson Avenue	35		As existing	
5004 Cordell Avenue	35		As existing	
Setbacks - All Properties (minimum)	Feet		Feet	
Street	n/a		0	0
Side	n/a		0	0
Public Open Space (minimum)	SF	Acres	SF	Acres
Subject Property	0	0	425	0

¹Height allowed by Sector Plan if the Project provides at least 15% MPDUs. The Project meets the height requirements contained in Section 4.5.2.C Zoning Ordinance for properties zoned CR with a height designation of "T". The "T" designation permits even greater heights on the Subject Property, but the height is limited to 110 feet per the *Woodmont Triangle Amendment*.

Parking ²	Spaces Required	Spaces Provided
Vehicle Parking	(15 minimum/ 19 maximum)	
Residential		
1 Bedroom (17 units); 3 MPDUS	(32 minimum/ 48 maximum)	
2 Bedroom (32 units); 6 MPDUS		
Total Residential (49 market rate; 9 MPDUS)	(47 minimum/ 67 maximum)	
Non-Residential		15
Restaurant (up to 2,800 SF)	(12 minimum/ 34 maximum)	32
Retail (up to 2,800 SF)		47
Total Non-Residential	(10 minimum/ 17 maximum)	
Total Vehicle Parking	(10 minimum/ 34 maximum)	0
		0
		0
	57 minimum/ 101 maximum	47³
Bicycle Parking (Long Term/ Short Term)		
Residential (49 units)	(23/1) 24	(28/2) 30
Restaurant/ Retail (2,800 SF)	(1/1) 2	(1/1) 2
Total	(24/2) 26	(29/3) 32
Loading Spaces	1	1

b. Form Standards

The Site Plan conforms to the intent of the form standards, including transparency, blank walls and active entrances. The Project provides significant glass features at the ground-level for transparency as well as activating features on the ground-floor level, including the retail entrance at the corner of Norfolk Avenue and Auburn Avenue, and residential entrance and outdoor seating along Norfolk Avenue. The northern side of the Project, along Auburn Avenue, contains the parking and loading access, while the bicycle access to the Project is provided via the residential lobby on Norfolk Avenue and short-term bicycle parking along the public sidewalks.

ii. Division 4.7 Optional Method Public Benefits

² Final number of vehicle and bicycle parking spaces to be determined at Certified Site Plan.

³ The Project can provide less than the minimum number of parking spaces because it is within the Bethesda Parking Lot District.

In accordance with the Zoning Ordinance, Section 59-4.7.1, the Site Plan provides the following public benefits to satisfy the requirements: Transit Proximity; Connectivity and Mobility; Diversity of Uses and Activities; Quality Building and Site Design; and Protection and Enhancement of the Natural Environment.

Public Benefits Calculations			
Public Benefit	Incentive Density Points		
	Max Allowed	Requested	Approved
59.4.7.3B: Transit Proximity			
¼ to ½ Mile from Transit	30	30	30
59.4.7.3C: Connectivity and Mobility			
Minimum Parking	10	5	5
Streetscape Improvements	20	20	20
Way-Finding	10	0	0
59.4.7.3D: Diversity of Uses and Activities			
Affordable Housing (MPDUs)	No limit	30	30
59.4.7.3E: Quality of Building and Site Design			
Architectural Elevations	20	10	10
Exceptional Design	10	5	5
Structured Parking	20	20	20
59.4.7.3F: Protection and Enhancement of the Natural Environment			
BLTs	30	1.4	1.4
Cool Roof	10	10	10
Energy Conservation and Generation	15	5 10	5 10
Vegetated Roof	15	7.5 0	7.5 0
Recycling Facility Plan	10	7.5 10	7.5 10
TOTAL⁴			156.4 151.4

Transit Proximity

The Property is located within ½ mile of the Bethesda Metro Station, which allows the development to be eligible for Level 1 transit as defined in the Zoning Ordinance. The Planning Board grants 30 points as suggested in the *2015 Commercial / Residential Zones Incentive Density Implementation Guidelines* (CR Guidelines).

Connectivity and Mobility

Minimum Parking: Minimum Parking: The Project proposes to provide 47 parking space, fewer than the maximum number of parking spaces (101) permitted under the Zoning Ordinance. The Applicant requests 5 points

⁴ The Application must provide a minimum of 150 public benefits points because of the density transfer proposed for the Site.

and the Planning Board grants this request. The points are calculated as follows:

$$[(101/47)/(101/57)]*10 = 12 \text{ (5 points)}$$

Streetscape Improvements: The Applicant requests 20 points for proposed off-site streetscape improvements along the remainder of Norfolk Avenue to Del Ray Avenue in addition to the required streetscape improvements along the property frontage. The off-site portion measures approximately 1,850 square feet. The Planning Board grants 20 points in this public benefit category.

$$[(1,850 \text{ SF}/8,344 \text{ SF})*100 = 22 \text{ (20 Points)}$$

Diversity of Uses and Activities

Moderately Priced Dwelling Units: Section 59-4.7.3.D.6.a.i of the Zoning Ordinance permits 12 public benefit points for every 1% of MPDUs greater than 12.5%, with any fraction of 1% increase in MPDUs entitling an applicant to an equal fraction of 12 points. The Applicant requests 30 points for providing 15% of the multi-family units as MPDUs. The incentive density points for MPDUs are calculated as a percentage of the total number of dwelling units (58 multi-family units). The Applicant will provide 9 MPDUs, which yields 30 points. The Planning Board grants the Applicant's request.

$$[(15\% - 12.5)*12 + 0*2 + 0*5] = 30 \text{ Points}$$

Quality of Building and Site Design

Architectural Elevations: The Applicant requests 10 points for providing a building that contains a masonry base and contemporary façade above the fourth floor. This design treatment is intended to help relate the building to buildings on the rest of the block as well as the pedestrian realm and provide a step back above this base. The Planning Board grants the Applicant's request for 10 points.

Exceptional Design: The Applicant requests 5 points for building or site design that enhances the character of a setting. Per the CR Guidelines, incentive density of 5 points is appropriate for development that meets at least four of the guideline criteria. The Applicant asserts that the Project provides innovative solutions in response to the immediate context; creates a sense of place and serves as a landmark; enhances the public realm in a

distinct and original manner; introduces materials, forms, or building methods unique to the immediate vicinity or applied in a unique way; uses design solutions to make compact infill development living and shopping environments more pleasurable and desirable; and integrates low-impact development methods into the overall design of the site and building, beyond green building or site requirements. The Planning Board grants the Applicant's request.

Structured Parking: The Applicant requests 20 points for structured parking for the parking that will be below grade. The Application proposes all parking spaces to be provided in a below-ground parking garage and the layout of the parking garage is depicted in the architectural plans and will be included in the Certified Site Plan. The Planning Board grants 20 points for this benefit.

$$[(0/47)*10 + (47/47)*20] = 20$$

Protection and Enhancement of the Natural Environment

BLTs: Up to 30 points can be granted for the purchase of Building Lot Termination (BLT) easements or payment to the Agricultural Land Preservation Fund (ALPF). The Applicant proposes the purchase of 0.15 BLT easements for 1.4 public benefit points. The Planning Board grants this request.

$$[(7.5\% * 62,859)/31,500] = 0.15 \text{ BLTs}$$

Energy Conservation and Generation: Up to 10 points can be granted for constructing buildings that exceed the energy-efficiency standards for the building type by 10% for new building. The Project is being designed to exceed the energy efficiency standards for its building type by 10%, through such features as a highly efficient mechanical system, energy efficient lighting, and low-flow plumbing fixtures. The Applicant has provided an energy/use generation model with comparisons to the average use/generation for the building type based on the Department of Energy Standards. The Applicant requests 10 points in this public benefit category and the Planning Board grants the Applicant's request.

Cool Roof: The Applicant requests 10 points for providing a cool roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum of SRI of 25 for slopes above 2:12, for

a site less than 1 acre in size, thus achieving 10 points in this public benefit category. The Planning Board grants 10 points for this benefit.

Vegetated Roof: The Applicant requests 7.5 points for providing vegetated roofs. The CR Guidelines recommend 7.5 points for development that meets the Zoning Ordinance requirements; with additional points granted if other criteria are met, including: greater coverage, greater soil depth, plant species that provide habitat and native plant species. The Applicant's final submission includes a vegetated roof with a soil depth of at least eight (8) inches and covering only 13% of the total roof excluding space for mechanical equipment. Since the proposed area does not meet the minimum area requirement for this category, the Planning Board does not support the Applicant's request and recommends that zero points be awarded for this category. The vegetated roof amenity will still be implemented.

Recycling Facility Plan: The Applicant requests 10 points for providing a recycling facility plan. This plan includes a designated recycling material sorter, paper shredder, cooking oil dispenser, and special treatment for scrap metal and commercial waste. The Planning Board grants 10 points for this benefit.

Way-Finding: The Applicant proposed way-finding as part of its Sketch Plan. However, the Applicant has decided to forego providing way-finding and the associated public benefit points. The Planning Board grants 0 points for way-finding.

c. General Requirements

i. *Site Access*

Vehicular access and loading will occur via a consolidated access point on Auburn Avenue. Pedestrians and bicyclists will be able to enter the Project from the residential lobby on Norfolk Avenue and short-term bicycle parking along the public sidewalks. The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.

ii. *Parking, Queuing, and Loading*

The Application's building will use an underground parking garage and loading spaces for adequate off-street parking and loading.

iii. *Open Space and Recreation*

Although the Project is not required to provide public open on-site space because the Subject Property contains less than ½ acre on two frontages, the Project includes 425 square feet of open space along the Auburn Avenue frontage. The Application will meet the Recreation Guidelines.

iv. *General Landscaping and Outdoor Lighting*

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The Project will transform existing streetscape along the Norfolk Avenue and Auburn Avenue frontages 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.

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

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

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on June 20, 2017. The concept plan will meet stormwater management requirements through the use of a green roof and micro-bioretenion planter boxes.

b. Chapter 22A, Forest Conservation

The Board finds that as conditioned the Application complies with the requirements of the Forest Conservation Law.

Forest Conservation Exemption #42017006E was confirmed for the Subject Property. The Application qualifies for a small property exemption under Section 22A-5(s)(2) of the Montgomery County Forest Conservation Law, since the approved activity occurs within a tract of land smaller than one acre with no forest or existing specimen trees or champion trees present, and the afforestation requirements would not exceed 10,000 square feet.

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

The Project provides adequate, safe, and efficient parking and circulation patterns. The Project consolidates the garage and loading entrances on Auburn Avenue to limit impacts to the pedestrian environment. The wide streetscapes and modified brick installation further enhance the pedestrian experience.

The Project provides a safe and well-integrated building, open spaces and site amenities. The Project incorporates a mid-rise base along both the Norfolk Avenue and Auburn Avenue frontages, before stepping back 10-feet above the fourth floor on Norfolk Avenue. This feature brings the building to a more pedestrian scale at the street level and better integrates with the surrounding retail buildings. The Project provides amenities for the residents of the Project, on the ground floor level and rooftop amenities.

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

The 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 also 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 Sector Plan 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 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 and the Guidelines.

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

In approving Preliminary Plan 120170250, the Planning Board found that the development will be served by adequate public facilities, including police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

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

The Site Plan is compatible with other uses and other site plans, as well with existing and proposed adjacent development. The Project's design and scale is compatible the adjacent buildings in the Woodmont Triangle.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is SEP 19 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 the original mailing date, or, if the appeal relates to the corrected portions of this resolution, within thirty days of the date of this Corrected 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 Dreyfuss, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González and Cichy voting in favor, and Commissioner Patterson abstaining at its regular meeting held on Thursday, September 7, 2017, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board