



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

Item #
MCPB 7-26-07

MEMORANDUM

DATE: July 16, 2007
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RAK*
Robert A. Kronenberg, Acting *RAK*
Supervisor
Development Review Division
FROM: Kristin Aleshire, ARRO Consulting
(301) 790-1101



REVIEW TYPE: **Project Plan**
PROJECT NAME: **Auburn Avenue**
CASE NUMBER: 920070090
REVIEW TYPE: Project Plan

ZONE: CBD-1
APPLYING FOR: Application for 126,049 square feet of mixed use development, including a maximum of 60 multi-family residential dwelling units, of which 15% will be MPDUs, and up to 30,500 square feet of non-residential uses of which 11,500 is proposed for retail and 19,000 is proposed for office all on approximately 36,273 square feet.

LOCATION: Auburn Avenue
Property is located on the southwest quadrant of Auburn Avenue and Norfolk Avenue in the Woodmont Triangle area of Bethesda

MASTER PLAN: Bethesda CBD 1994, Woodmont Triangle Amendment 2006
REVIEW BASIS: Div. 59-D-2 of the Montgomery County Zoning Ordinance requires submission of a Project Plan as part of the application for use of the Optional Method of Development for a CBD zoned property.

APPLICANT: Auburn Building Associates, LP
FILING DATE: September 21, 2006
HEARING DATE: July 26, 2007

Attached is the staff report for the proposed Auburn Avenue Project Plan. The Planning Board public hearing for this application is scheduled for July 26, 2007.

The Staff recommends approval of the application as stated in the attached report.

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SUMMARY

Proposal

The applicant proposes to redevelop the property with a 9-story residential building with underground parking and enhanced ground floor retail uses. The building will consist of 126,049 square feet of building area, including 11,500 square feet of retail and 19,000 square feet of office. The residential component will contain up to 60 multi-family dwelling units, 15% of which will be MPDUs. The applicant is utilizing the 22% bonus to construct to a building height of 90 feet to accommodate the 15% on-site MPDUs and the bonus market rate units. The applicant is permitted to exceed the 90-foot height limit up to 110 feet, but has chosen to maintain the 90-foot limit. Approximately 140 parking spaces for the residential units and retail uses will be provided in a two-story below-grade garage structure.

Public Use Space and Amenity

Approximately 6,081 square feet, or 20% of the net lot area is to be used as on-site public use area. Amenities, such as a public plaza, landscaping, public art, benches, and special lighting are proposed within the public use area to accommodate public activities and to enhance the streetscape in the Woodmont Triangle area. The development will also provide 11,600 square feet (38% of net lot area) of off-site amenities including streetscape improvements along the north side of Auburn Avenue and both the east and west sides of Norfolk Avenue in front of and across from the property.

Issues

Primary issues addressed during review include pedestrian access to both the public use and amenity areas on site, amount and quality of proposed public use space and amenity area, priority location of streetscape improvements, location of garage and service entrance, accuracy of LATR study, actual height of structure, ratio of MPDUs, type of public art, timing of landscaping, use of easement along rear of property, and impact of property on adjacent single family homes.

Community Outreach

The applicant participated in at least one community workshop(s) conducted as part of the community outreach process for the Amendment and held a community meeting to review the project and respond to questions on October 17, 2006.

Public Art Review

The applicant has identified a local artist, and will be taking plans before the Art Review Panel, which will include a large artwork component located on the façade of the structure.

Concurrent Review

There are no other plans submitted concurrent with this review.

STAFF RECOMMENDATION FOR PROJECT PLAN: Approval of Project Plan #920070090 for 126,049 square feet of mixed use development, including a maximum of 60 multi-family residential dwelling units, of which 15% will be MPDUs, and up to 29,500 square feet of non-residential uses of which 11,500 is proposed for retail and 19,000 is proposed for office all on approximately 36,273 square feet, with the following conditions:

1. Development Ceiling

The proposed development shall be limited to a maximum of 60 multi-family dwelling units 11,500 square feet of retail is proposed and 19,000 square feet of office is proposed for office all on approximately 36,273 square feet. The applicant is receiving a density bonus for the residential portion by providing 15% MPDUs on-site.

2. Transportation Improvements

At the time of Preliminary Plan, the applicant must provide the following information:

- a. Designate the parking spaces first for the residential units within the building.
- b. Provide bicycle racks and lockers
- c. Dedication of two additional feet of right-of-way on Norfolk Avenue.
- d. Enter into a Transportation Mitigation Agreement prior to the release of the first building permit.

3. Public Use Space and Amenity

- a. The proposed development shall be subject to the minimum of 20 percent on-site public use space and 20% of off-site public use and amenity area.
- b. Public Use Space shall be accessible and open to the public.

4. Site Design

- a. The applicant shall provide a green roof in accordance with DPS standards of review for green technology and stormwater management.

5. Streetscape

- a. The applicant shall provide the full streetscape improvements along the frontage of the property on Auburn and Norfolk Avenue, as required in accordance with the Bethesda Streetscape Plan Standards.
- b. The applicant shall provide utilities underground with the streetscape improvements.

6. Public Art

The public art program shall be developed to include opportunities within the public use space that will reinforce the animation of the streetscape providing an active place for pedestrians and shoppers to congregate.

7. Moderately Priced Dwelling Units

- a. The applicant shall provide 15 percent of the units on site as MPDUs, in accordance with Chapter 25A.
- b. The distribution and proportion of MPDUs within the building shall be in accordance with Chapter 25A.

8. Staging of Amenity Features

- c. The proposed project shall be developed in one phase.
- d. Landscaping to be installed no later than the next growing season after completion of the proposed building.
- e. Streetscape improvements and public art to be installed no later than six months after the occupancy of the building.

8. Maintenance and Management Organization

Initially, the applicant, and subsequently, within ninety days of formation, the Condominium Association shall become a member of and may enter into an agreement with the Bethesda Urban Partnership for the purpose of maintaining public open spaces and participating in community events.

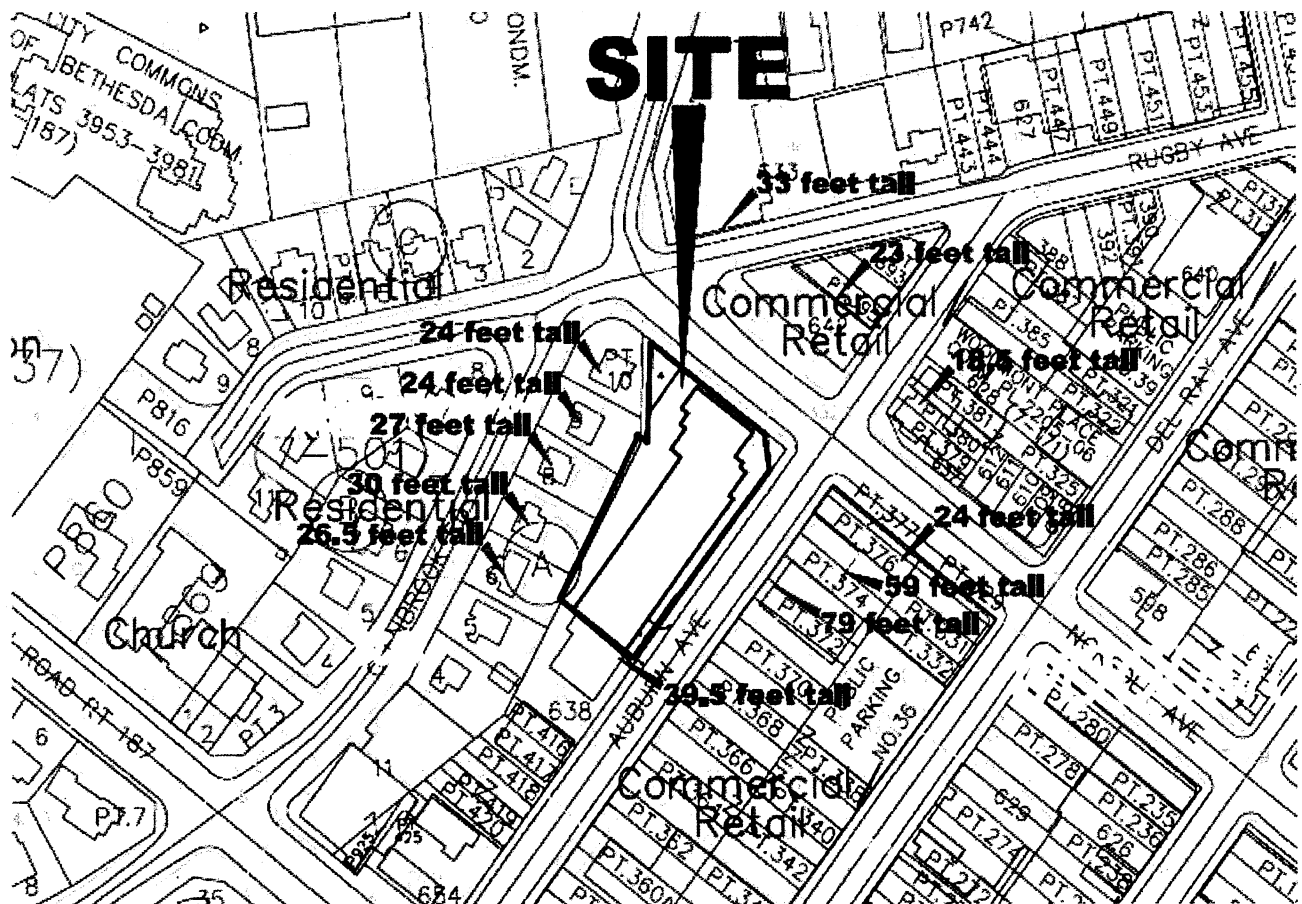
10. Coordination for Additional Approvals Required Prior to Site Plan Approvals

- a. The applicant shall present the public art components to the Art Review Panel for review and comment that will be available to the Planning Board prior to scheduling the Planning Board hearing for the site plan application.
- b. The applicant shall enter into a maintenance agreement with the Bethesda Urban Partnership for the non-standard streetscape elements within the public right-of-way.

PROJECT DESCRIPTION: Surrounding Area

The property is located on the southwest quadrant of Auburn Avenue and Norfolk Avenue in the Woodmont Triangle section of the Bethesda CBD. The property consists of 36,273 gross square feet of land identified as part of lots 624 and 625; part of lots 401 and 402; and part of parcels 409,410,410 and 411 (the "Property"). The property is zoned CBD-1 consistent with the recommendation in the 2006 Woodmont Triangle Amendment to the approved and adopted 1994 Bethesda Central Business District Sector Plan.

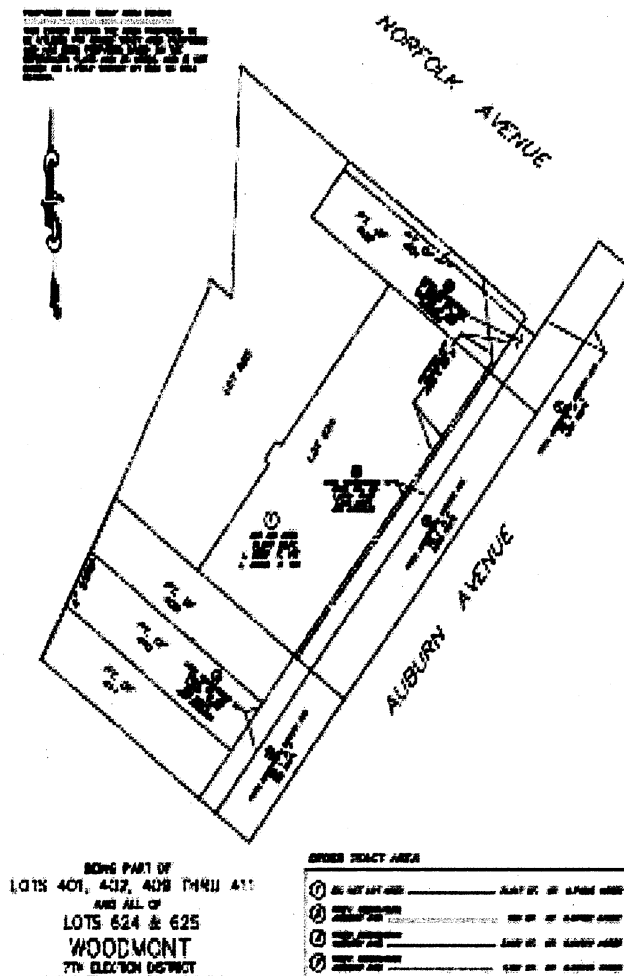
The surrounding area includes other properties zoned CBD-1, as well as properties zoned CBD-R1 and R-60. Properties located to the north and south are zoned CBD-1 and include small to medium scale office and commercial structures. There are also C-T and C-2 zoned properties further to the south of the site. Directly to the east are CBD-1 zoned properties, which include low-rise office and retail buildings. CBD-R2 properties are located further east. Several residentially zoned properties are located to the west, which include primarily one and two story single-family structures directly adjacent to this site. The Woodmont Triangle Amendment recommends PD-44 for these areas, which would include structures with three to ten story heights.



PROJECT DESCRIPTION: Site Description

The Property is located on the easternmost portion of the block surrounded by Norfolk Avenue, Auburn Avenue, Old Georgetown Road and Glenbrook Road (Block "A") and has direct frontage along both Auburn Avenue and Norfolk Avenue. The property is zoned CBD-1 and consists of 30,401 net square feet. The total gross square feet is 36,273. The Project site features a moderate northward slope which will be retained after construction is complete.

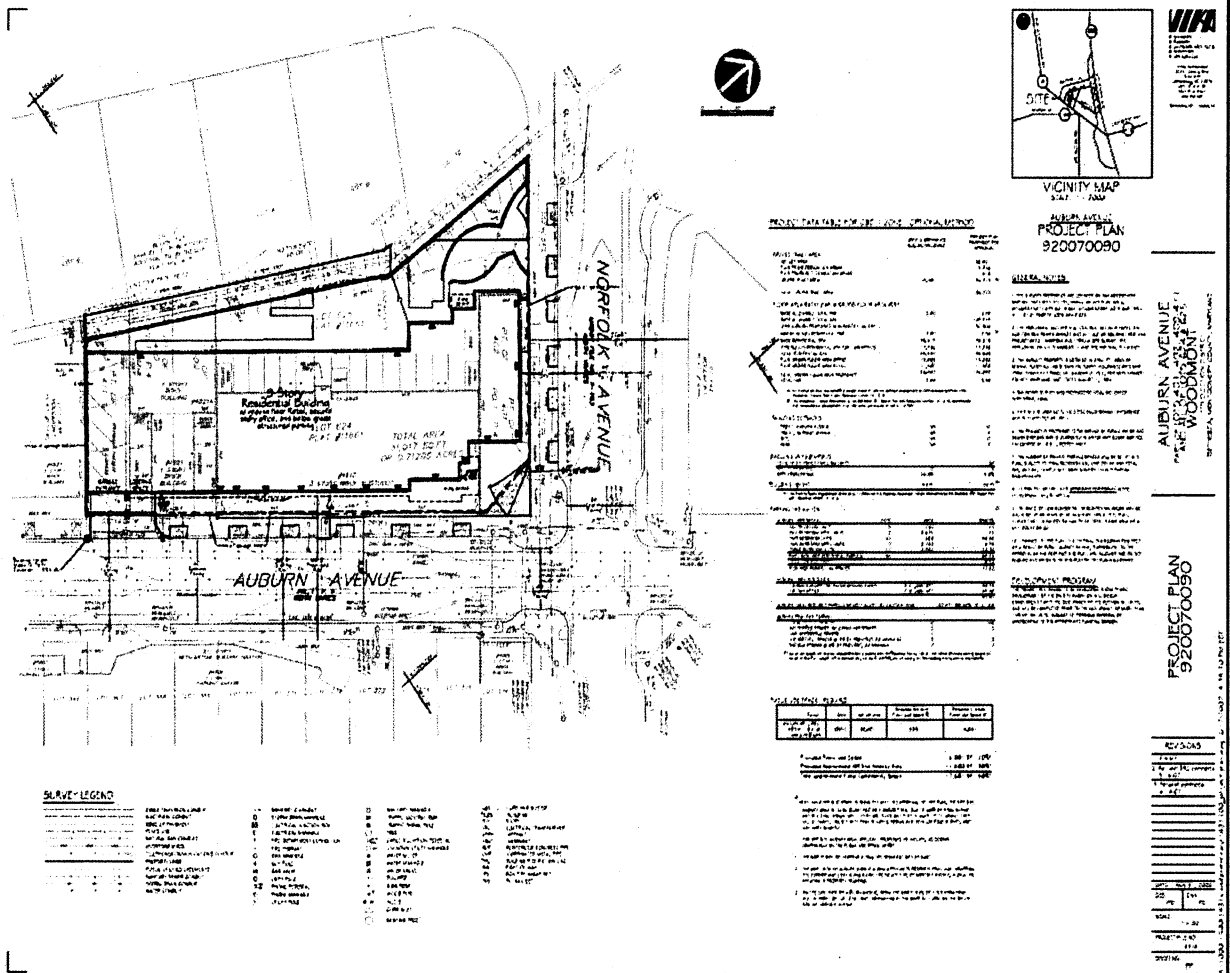
The property is currently improved with two and three-story buildings fronting both Auburn and Norfolk Avenues. The buildings fronting Auburn Avenue consist of brick and stucco that house professional medical offices and a two-story brick building that contains businesses providing supplemental education services. The two-story brick building that fronts Norfolk Avenue contains several small retail businesses including a bridal salon, a manicurist and specialty deli. A surface parking lot with access from Norfolk Avenue is located behind the existing structures.



PROJECT DESCRIPTION: Proposed Development

The project plan proposes a mixed-use building with approximately 126,049 square feet of gross floor area and an overall maximum density of 3.48 FAR. The application proposes up to 60 multi-family residential units, including 15% (9) MPDUs; office space with a gross floor area of 19,000 square feet; and approximately 11,500 square feet of ground-floor retail space. The components of the proposed mixed-use development will include 95,549 square feet (2.64 FAR) of residential, located on the third through ninth floors, including a mixture of one, two and three bedroom units.

The Project will provide approximately 140 off-street below-grade parking spaces in a two level garage with approximately 70 spaces per level, allowing for a ratio of 1.82 parking spaces for each residential unit and 47 spaces for the office and retail uses. The two-way ingress/egress point is for both parking and loading, and will be located on the eastern side of the Property, along Auburn Avenue, preserving the greatest distance from Norfolk Avenue.



Building Design

The building on the subject property will consist of 126,049 square feet of building area, including 30,500 square feet of retail/office uses. The residential component will contain up to 60 dwelling units, 15% of which will be MPDUs. The applicant is utilizing the 22% height bonus to construct a building height of up to 90 feet to accommodate the 15% on-site MPDUs and the bonus residential density.

The building will have frontage on both Auburn and Norfolk avenues with the main residential entrance along Auburn Avenue and access to the commercial uses as well as the proposed side/rear area public/private plaza(s) from both streets. The project will improve the streetscape along both Auburn and Norfolk Avenues, and within the vicinity of the project.

The property is designed to compliment adjoining taller structures along Auburn Avenue, and is set back for compatibility with shorter structures along Norfolk Avenue as well as the single family dwellings to the rear of the property.

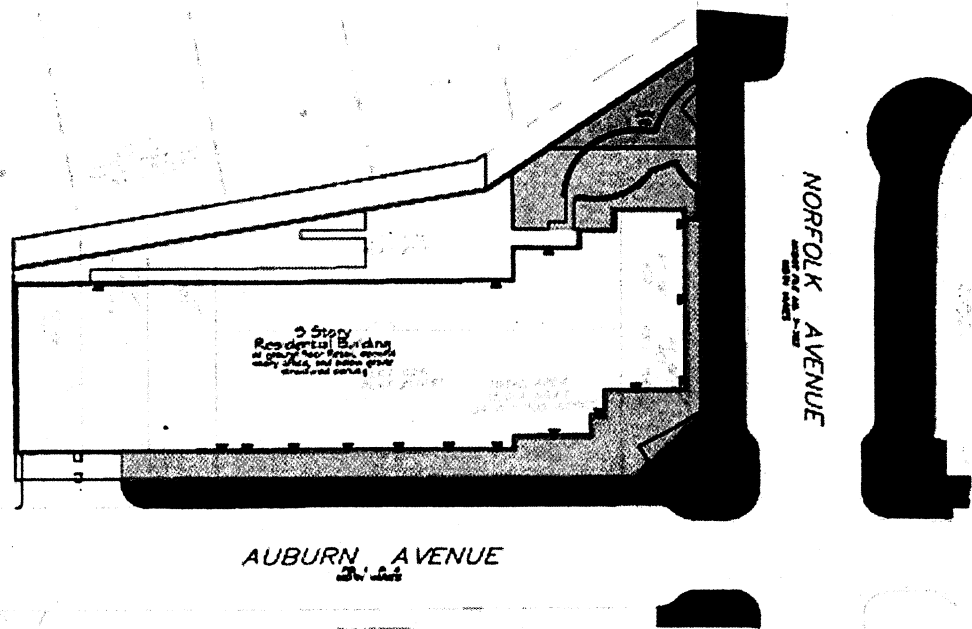


Public Use Space and Amenities

The applicant is providing a total of 17,681 (6,081 on-site) square feet of on and off-site amenity. The total public use space provided is based on the net lot area of the site. The on-site public use space consists of a large public plaza adjacent and to the rear of the property along Norfolk Avenue, as well as some public use space provided along the building frontage. The project will also provide for a second smaller public plaza area located at the corner of Auburn and Norfolk Avenues. Amenities within this space include a public art component, public garden area, accent planting and lighting, seating, decorative pavers and landscape improvements, retail façade, receptacles, and possible outdoor seating area consistent with the Bethesda Streetscape Plan. .

Off-site improvements include streetscape improvements along Auburn and Norfolk avenues along the property frontages and continuing on Norfolk Avenue. Utilities will be underground to improve the pedestrian appearance and environment. Off-site improvements will be comprised of pavers, streetlights, and street trees in conformance with the Bethesda Streetscape Standards. The total off-site improvements equate to 11,600 square feet of the net lot area.

The project also proposes a combination of interior and exterior private spaces, which will be available only for residents, such as a fitness center, club room, landscaped plaza/courtyard to the rear of the property, adjacent to the public garden.



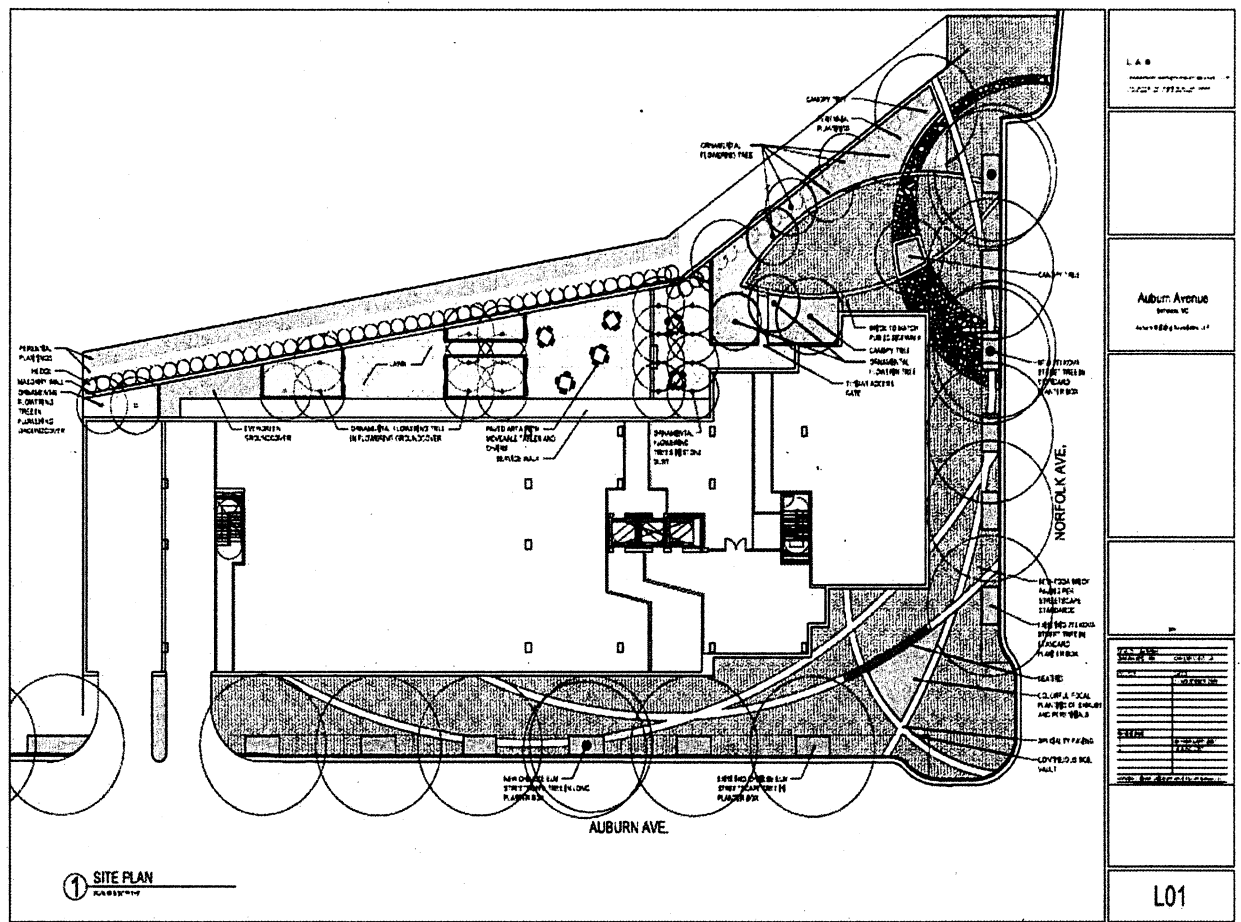


Exhibit of the proposed landscaping and amenity areas

Pedestrian and Vehicular Access

The applicant is requesting a maximum of 60 residential units and 30,500 square feet of office/retail space and the 140 spaces being provided in a two level below grade garage meets the required parking for most of these uses without the provision of any additional spaces. The plans show access into the parking area via access from Auburn Avenue. Access for service is located in a separate adjacent entrance along Auburn Avenue. Access to and from the parking area for the building is provided on Auburn Avenue due to its location and distance from Norfolk Avenue.

The sidewalk improvements and streetscaping will improve the current pedestrian circulation and provide more convenient access to property along both street frontages, at the corner of the property, and to the rear from the public and private plazas. The applicant's proposed Traffic Mitigation Agreement will assist with educating tenants and residents about the alternative modes of transportation available and the services of Bethesda Transportation Solutions.

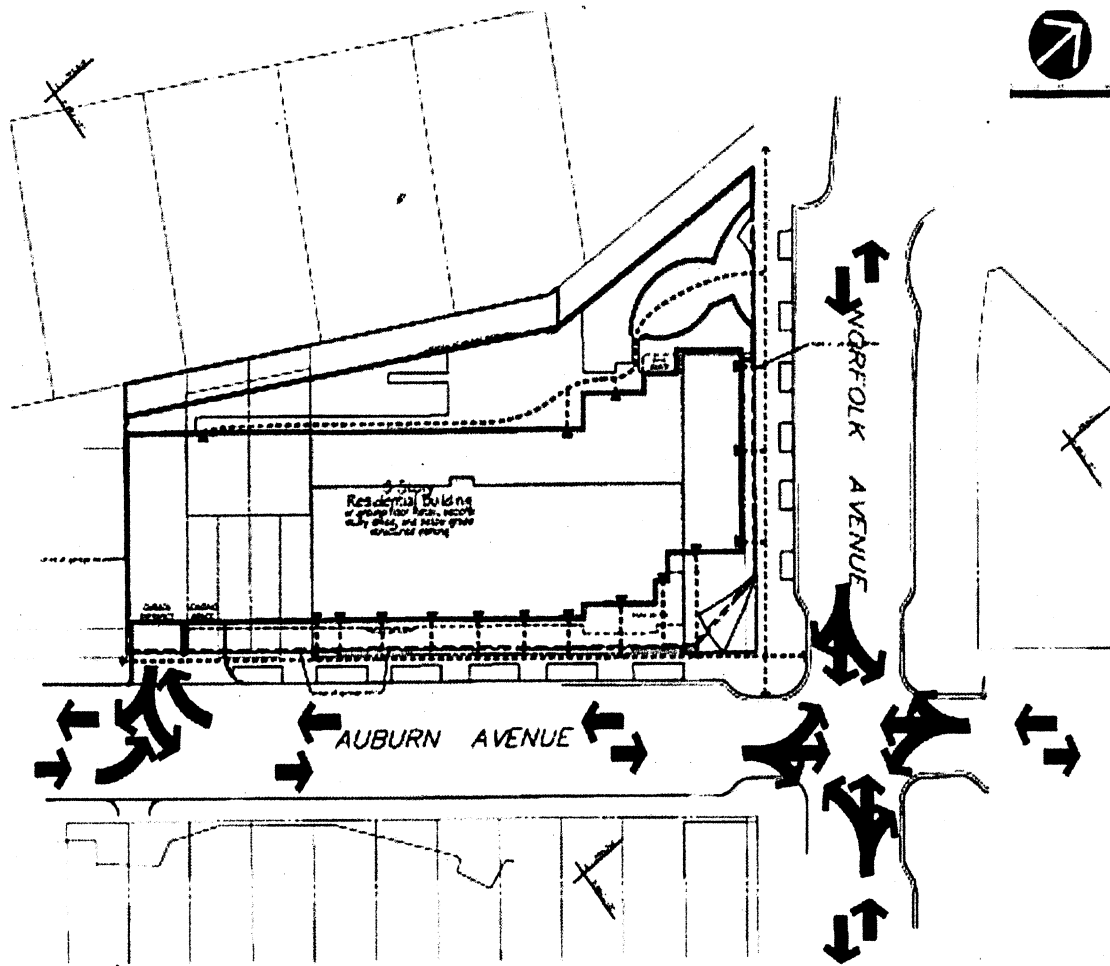


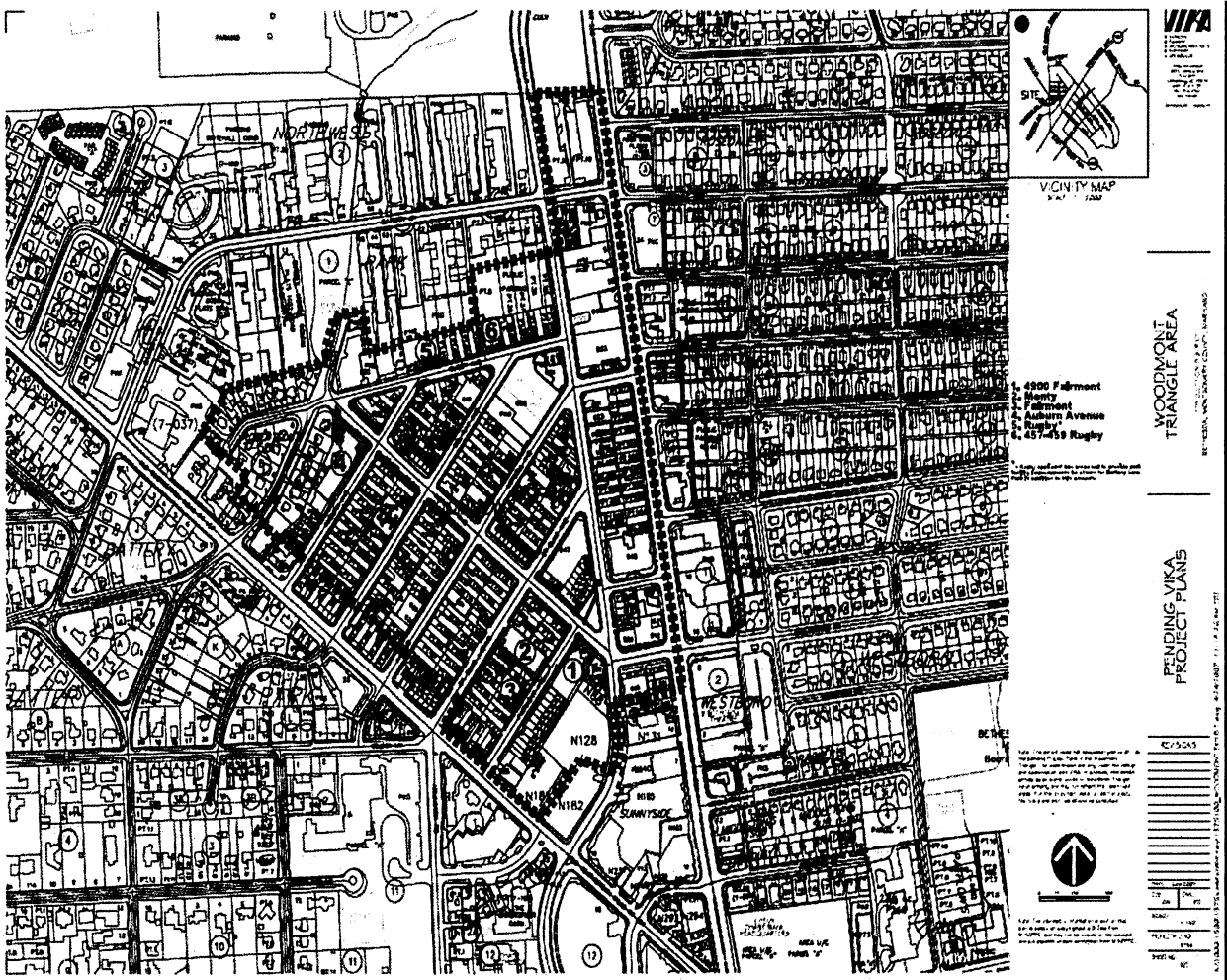
Exhibit of the proposed vehicular and pedestrian circulation

PLANNING AND REGULATORY FRAMEWORK

The Property is located on the easternmost portion of the block surrounded by Norfolk Avenue, Auburn Avenue, Old Georgetown Road and Glenbrook Road (Block "A") and has direct frontage along both Auburn Avenue and Norfolk Avenue. The property is zoned CBD-1 and consists of 30,401 net square feet. The total gross square feet is 36,273.

Master Plan

The Project Plan is in conformance with Woodmont Triangle Sector Plan Amendment (2006) to the Bethesda CBD Sector Plan (1994). The exhibit below highlights in red the proposed development activity in the Woodmont Triangle.



Prior Approvals

There are no prior approvals associated with this property.

Preliminary or Site Plan

A Preliminary and Site Plan will be required from the applicant for review and approval by the Planning Board.

BASIS FOR CONSIDERATION OF ISSUES

Per Section 59-D-2.43, in making its decision on an application for the optional method project plan, the Planning Board must consider:

- (a) The nature of the proposed site and development, including its size and shape, and the proposed size, shape, height, arrangement and design of structures, and its consistency with an urban renewal plan approved under Chapter 56.
- (b) Whether the open spaces, including developed open space, would serve as convenient areas for recreation, relaxation and social activities for the residents and patrons of the development and are planned, designed and situated to function as necessary physical and aesthetic open areas among and between individuals structures and groups of structures, and whether the setbacks, yards and related walkways are located and of sufficient dimensions to provide for adequate light, air, pedestrian circulation and necessary vehicular access.
- (c) Whether the vehicular circulation system, including access and off-street and loading, is designed to provide an efficient, safe and convenient transportation system.
- (d) Whether the pedestrian circulation system is located, designed and of sufficient size to conveniently handle pedestrian traffic efficiently and without congestion; the extent to which the pedestrian circulation system is separated from vehicular roadways so as to be safe, pleasing and efficient for movement of pedestrians; and whether the pedestrian circulation system provides efficient, convenient and adequate linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities.
- (e) The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs, in relation to the type of use and neighborhood.
- (f) The adequacy of provisions for construction of moderately priced dwelling units in accordance with Chapter 25A if that Chapter applies.
- (g) The staging program and schedule of development.
- (h) The adequacy of forest conservation measures proposed to meet any requirements under Chapter 22A.
- (i) The adequacy of water resource protection measures proposed to meet any requirements under Chapter 19.

FINDINGS for Project Plan Review:

The following sections of the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan and the Zoning Ordinance establish findings for compliance, which must be made by the Planning Board. These findings form the basis for the Board's consideration of approval. In accordance herewith, the staff makes the following findings:

Woodmont Triangle Sector Plan Compliance

1. Compliance with the Woodmont Triangle Sector Plan Goals

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

The project includes a maximum of 60 multi-family units, including 15% on-site MPDUs, with a variety of 1, 2, and 3 bedrooms.

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

The development replaces approximately 33,050 square feet of existing office space and 6,148 square feet of existing retail with 30,500 square feet of office and retail space on the first floors, with access and frontage along Auburn and Norfolk Avenues. The proposed retail fronting Norfolk Avenue is also accessed through the small urban pocket park on the western end of the site.

- c. *Arts and Entertainment District – Enhance the existing public arts programs in the Bethesda CBD and provide opportunities for both the visual and performing arts.*

The on-site amenities for the project will contain a public art component intended to draw the general public to the amenity space within the project. This will include artwork along the façade, which will be designed by a local artist and serve as a landmark for pedestrians. The artwork, as well as other site features, is intended to be complimentary of the surrounding uses, including the Imagination Stage across Auburn Avenue.

- d. *Safe and Attractive Streets – Focus on improving the safety and character of the existing streets. Establish Norfolk Avenue as the main street in the Woodmont Triangle Study Area.*

The project will improve the safety and character of Auburn and Norfolk avenues by removing old, functionally obsolete structures, providing an improved and consistent streetscape plan, and providing uses and public spaces that activate the street during day and evening hours. The improvements will establish Norfolk Avenue as the main

street by relocating the existing property access from Norfolk Avenue and onto Auburn Avenue.

- e. *Public Amenities – Increase the flexibility in providing the public use space through the 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 public plazas will connect the retail uses and public spaces, and the streetscape will be improved along both Auburn and Norfolk Avenues creating a larger public plaza adjacent along Norfolk Avenue and second plaza along the corner to activate the building space in front of the property.

The continuation of the streetscape improvements within the Norfolk Avenue right-of-way support the Master Plan goal of establishing Norfolk Avenue as the primary street.

2. Compliance with the Woodmont Triangle Sector Plan General Recommendations

- a. *Provide a range of housing opportunities, including new low-rise and high-rise housing, to serve a variety of income levels.*

The project will provide a 9-story building containing a maximum of 60 units, including 15% (9) on-site MPDUs to help fill the need for housing opportunities for a range of income levels.

- b. *Support the “step down” of building heights from the Metro station area to the edges of the Central Business District, but provide incentives for increased building heights to encourage new opportunities for housing for all income levels.*

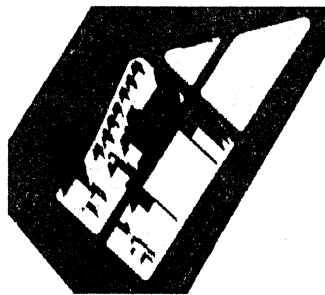
The project is within 1600' of the metro station, and proximate to taller buildings and higher densities within the downtown core. The project provides for a height transition from the Metro Core to the Woodmont Triangle in compliance with the Woodmont Triangle Amendments.

The height of the building also transitions from Auburn Avenue to the one-family detached properties to the west.

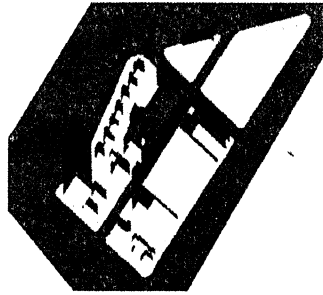
- c. *Protect the sunlight to the area's streets and spaces, particularly along Norfolk Avenue.*

The project is a stepped back building situated east to west, with the stepped back approach planned along Norfolk Avenue. The following exhibits indicate the shadow study performed for the site in the winter and spring timeframe.

NOTE: perspective views, shadows and elevations are for illustrative purposes only

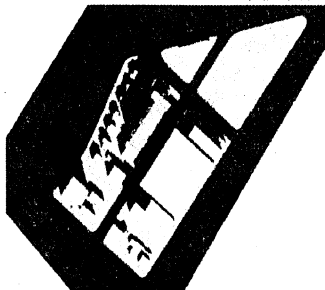


Winter 11:00 AM



Winter 12:00 PM

Existing Condition



Winter 11:00 AM



Winter 12:00 PM

Proposed

AUBURN AVE.



Shadow Study

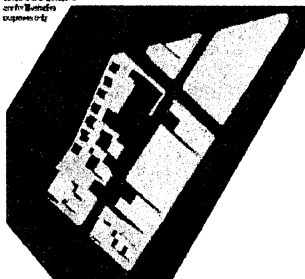
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AUBURN BUILDING ASSOCIATES, LLP

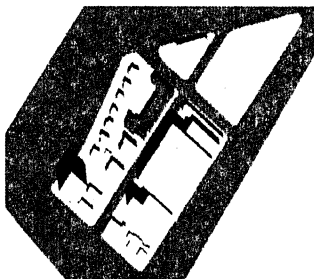
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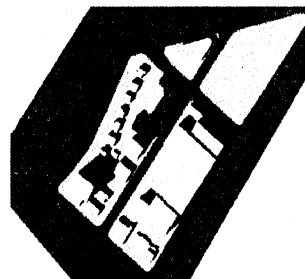
NOTE: perspective views, shadows and elevations are for illustrative purposes only



Spring 10:00 AM

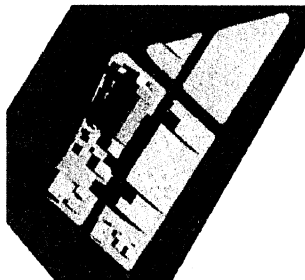


Spring 1:00 PM

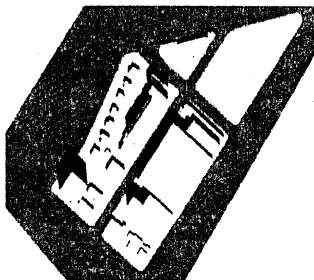


Spring 4:00 PM

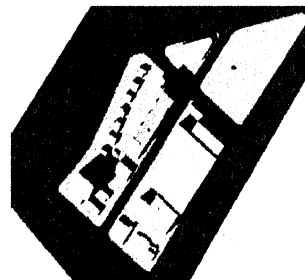
Existing Condition



Spring 10:00 AM



Spring 1:00 PM



Spring 4:00 PM

Proposed

AUBURN AVE.



Shadow Study

BETHESDA, MD

AUBURN BUILDING ASSOCIATES, LLP

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- d. *Provide sufficient building setbacks to adequately accommodate pedestrians and streetscape improvements.*

At the time of the preliminary plan, the project will dedicate frontage along Auburn and Norfolk Avenues to increase the sidewalks to 21 feet. The sidewalks will be connected by a public space plaza at the intersection of the streets. Also, the higher floors will be stepped back from Norfolk Avenue for visual interest and additional sunlight.

- e. *Review projects for compatibility with existing uses that ensure animation of the first floor space through commercial uses.*

The project will provide compatibility with existing retail uses by providing retail frontage on Auburn and Norfolk Avenues, as well as improving the streetscape along the entire frontage of the property along both streets in compliance with the Bethesda Streetscape Plan Standards.

Access to some of the retail component will be provided through the public use areas to assist in activating both the retail use and the public use space.

- f. *Provide street oriented retail, restaurants and other animating uses of building located along streets such as Norfolk Avenue and Cordell Avenue.*

The project includes 11500 square feet of retail space on the ground floor and office space on the next two floors. There will be access to these areas from both street frontages as well as the adjacent public and private plazas along Norfolk Avenue.

3. Compliance with the Woodmont Triangle Sector Plan Urban Design Guidelines

- a. *Design new buildings so that public streets and spaces retain adequate sunlight, particularly along Norfolk Avenue.*

The applicant has provided a shade study that demonstrates that the building location and "step-back" features minimize impact on shade to adjoining streets and properties.

- b. *Provide sufficient building setbacks to adequately accommodate pedestrians and streetscape improvements. Where outdoor restaurants are proposed, additional building setbacks may be required to accommodate pedestrian space and outdoor seating areas.*

The project façade on all three sides that are exposed to public streets and use space contains building setbacks that allow for a transition from the street, thus creating a stepping affect. The commercial space on the ground floor is proposed for retail. The pedestrian linkage has been widened further through the review process to accommodate pedestrians and will include opportunity for seating areas within the

public use space, tying into the street activity and pedestrian connections for the residents and patrons of the building.

- c. *Review new projects for compatibility with existing uses and to ensure animation of the first floor space through use of retail, restaurant, or other activating uses.*

The project is compatible with the Woodmont Triangle Amendments to the Sector Plan and planned uses in the area. The proposed retail/office space located on the lower floors and plaza areas, as well as new residential units, will provide economic opportunities for existing businesses in the vicinity of the project.

- d. *Provide street-oriented retail, restaurants, and other street animating uses on the first floor of buildings located along streets such as Norfolk Avenue and Cordell Avenue.*

The project will include street oriented retail and other street animating uses, such as the artwork, landscaping and paving materials on the ground floor along Auburn and Norfolk Avenues. The continuation of the artwork and specialty elements will be extended into the property through public plazas located at the corner and along Norfolk Avenue.

4. Compliance with the Woodmont Triangle Sector Plan Public Amenities and Facilities Guidelines

- a. *Improve Norfolk Avenue as a pedestrian system that connects existing public facilities and amenities such as Battery Lane Urban Park, the Whitney Theater, the Bethesda Outdoor Stage, Imagination Stage, and Veterans Park to the Capital Crescent Trail. Renovation of Norfolk Avenue should include; utilities placed underground; Washington Globe street lights and other festive lighting; benches, bike racks, brackets for banners, and trash receptacles; street trees; outdoor seating for restaurants and cafes; public art; and special paving for sidewalks established as the standard for Bethesda.*

The application includes streetscape improvements along Norfolk Avenue, both in front of the site and further east. The streetscape improvements on Norfolk and Auburn Avenues, as well as the proposed artwork on the building, will compliment and animate existing facilities such as Imagination Station and the nearby Battery Park. The streetscape improvements will be in compliance with the Bethesda Streetscape Plan Standards.

- b. *Provide the Bethesda streetscape on other streets in the study area, such as Cordell Avenue.*

The project proposes streetscape improvements in accordance with the Bethesda Streetscape Standards on Auburn and Norfolk Avenues along the property frontage, and both sides of Norfolk Avenue in the project vicinity.

- c. *Establish north-south, mid-block pedestrian connections for the blocks located between Old Georgetown Road and Norfolk Avenue.*

The project does not include a location for a mid-block crossing. However, the location of the property is situated in a manner to provide for access around the entirety of the building.

- d. *Establish a network of diverse urban spaces when including public use space on-site.*

The public use space will include two distinct public plazas. The first of which is the large plaza located adjacent to the building along Norfolk Avenue, and being connected to ea private garden area. The second will be located at the Property corner to animate the space and accentuate the street connectivity and highlight the retail façades, providing a more convenient access to other adjacent uses.

- e. *Block 20 contains an office building with associated parking, zoned CBD-1, and a single-family homes, zoned R-60. Lots facing Norfolk and Auburn Avenues are zoned CBD-1 with a mix of mid and low-rise retail and office. The portion of Blocks 21-23 between Norfolk Avenue and the edge of Old Georgetown Road Corridor and are zoned CBD-1. These areas are appropriate for mixed-use development. This Amendment confirms the CBD-1 zoning, but allows a FAR of 3.0 to encourage residential development. Height is limited to 50-90 feet or 50-110 feet including a 22 percent MPDU bonus.*

The property is zoned CBD-1 and located within Block 20 as described. The Project proposes a building height of 90 feet (108 feet actual) with a 22% density bonus to maximize development as recommended in the Woodmont Triangle Amendment.

Zoning Ordinance Compliance

Section 59-C

1. (59-C-6.212) Intent of the Zones

- (a) *To encourage development in accordance with an adopted and approved master or sector plan . . . by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan . . . and the site plan . . . is approved on review by the Planning Board.*

The applicant proposes to meet the goals of the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan by:

- Including on-site MPDUs to increase choices for a variety of incomes.

- Providing 30,500 square feet of non-residential uses on the ground and lower floors to provide opportunity for new businesses.
- Increasing the attractiveness of streets by demolishing numerous underutilized structures, undergrounding utilities, and improving streetscape with both on and off-site improvements in the vicinity.
- Providing public use space that is artistically designed with seating and other features and includes two distinct public plazas as well as a private garden area to animate the space.

(b) To permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central business districts to meet the needs and requirements of works, shoppers, and residents.

The applicant proposes a 9-story, 60-unit (maximum) development to include 15% MPDUs. This allows for the applicant to achieve an increase in maximum height from 90' to 110', utilizing the 22% residential density bonus, but the applicant is not requesting this extra height.

The project focuses on high-rise development where infrastructure, services and amenities exist. The project will address housing needs within the County and improve retail and amenities within the area. The 15% MPDUs will be located on-site in compliance with Chapter 25A. The applicant has been involved in the Woodmont Triangle Amendment process. The project will provide greater streetscape activity and frontage by eliminating surface parking. "Step-back" features are offered on higher floors to address height differences, which is consistent with Section 59-A-2.1 of the Code.

(c) To encourage designs which produce a desirable relationship between the individual buildings in the CBD, between the buildings and the circulation system, and between the CBD and adjacent areas.

The proposed project is being submitted in compliance with recent changes to the Bethesda CBD Master Plan, which included in particular changes in this area of the CBD to encourage redevelopment efforts. It is consistent with the new Sector Plan Amendment, and is compliant with the goals of the Plan amendments. The public plazas and streetscape improvements are also consistent with the Plan.

(d) To promote the effective use of transit facilities in the CBD and pedestrian access thereto.

The applicant is proposing improvements to the streetscape and connectivity between Auburn and Norfolk avenues, which is a goal of the Plan. The sidewalk improvements will enhance pedestrian circulation and provide more convenient access to alternative modes of transportation. The applicant is proposing a maximum of 60 residential units and 140 parking spaces to meet most of the residential parking need for the project.

(e) *To promote improved pedestrian and vehicular circulation.*

As noted above the applicant is proposing on and off-site public street improvements to improve pedestrian connectivity. This will open up more convenient access at the street corner and retail uses in the vicinity. The plan does not provide at this time any projected traffic flow patterns beyond ingress and egress to the underground parking area.

(f) *To assist in the development of adequate residential areas for people with a range of different incomes.*

The project is providing at least 3 different dwelling unit sizes, including 15% on-site MPDUs. The unit density decreases from approximately 13 units on the lower floors to approximately 7 units on the upper floor, which reflects a similar range in marketable price.

(g) *To encourage land assembly and the most desirable use of land in accordance with a sector plan.*

As noted in subsection (a) of this section of the ordinance, the project is proposing to meet the 5 primary goals of the amended Plan. This application is consolidating seven lots or parts of lots into 1 lot totaling a net lot area of 30,401 square feet.

2. (59-C-6.213) Additional Intent of certain zones

(a) *In the CBD-0.5, CBD-R1, and CBD-1 zones it is further the intent:*

(1) *To foster and promote the orderly development of the fringes of the Central Business District of the County so that these areas will provide land uses at a density and intensity which will encourage small business enterprises and diverse living accommodations, while complementing the uses in the interior portions of these districts; and*

The applicant is proposing a Project that is compatible with adjacent uses within the Bethesda CBD, and also zoned CBD-1. The density proposed is in compliance with the Sector Plan, and does provide for space to encourage small business enterprise and diverse living accommodations.

(2) *To provide a density and intensity of development which will be compatible with adjacent land uses outside the Central Business Districts.*

The density appears to be in compliance with adjacent uses within the CBD. The intensity of the Project as it applies to the overall height and mass of the structure is compatible with the adjacent one-family homes.

- (b) *In the CBD-R1, CBD-R2, CBD-2 and CBD-3 zones, it is further the intent to foster and promote the orderly development of the CBDs of the county so that these areas will enhance the economic status of the county as well as providing an expanding source of employment and living opportunities for its citizens in a desirable urban environment.*

As noted above the proposed development will provide increased opportunities through a mixed-use development project to include both commercial and residential uses.

- (c) *In the CBD-2 it is further the purpose:*

This section does not apply to this Plan

3. (59-C-6.215(b)) Methods of development and approval procedures

- (a) *Standard Method of development.*

This section does not apply to this application.

- (b) *Optional Method. Under the optional method greater densities may be permitted and there are fewer specific standards, but the developer must provide certain public facilities and amenities. The presence of these facilities and amenities is intended to make possible the creation of an environment capable of supporting the greater densities and intensities of development permitted. If residential uses are included in a development, moderately priced dwelling units must be provided in accordance with chapter 25A. The maximum dwelling unit density or residential FAR may be increased in proportion to any MPDU density bonus provided on-site. The procedure for approval of an optional method project is specified in Division 59-D-2, and the procedure for approval of this site plan is specified in Division 59-D-3.*

The applicant is proposing to use the optional method, and comments regarding Division 59-D-2 and Chapter 25A are addressed elsewhere in this report.

The optional method of development is the most appropriate method of development for the Property, allowing for the creation of a building that will be compatible and consistent in design with the surrounding structures, including the Imagination Stage. It also ensures that a critical mass of needed residential units will be provided in order to help create a residential community in the CBD. The addition of up to 60 residential units within the Woodmont Triangle District, in close proximity to public transportation, serves the interests of the CBD as well as those of the region as a whole.

An important benefit of the optional method of development is the provision of a significant amount of public use space. The optional method makes it feasible for the Project to devote a minimum of 20 percent of the Property's net lot area to public use (on-site), whereas a

standard method of development on the Property would result in only 10 percent public use space.

First, the project will provide a density to accomplish the much needed housing that is recommended in the Master Plan. Second, 20 percent public use space will be provided on-site and approximately 38 percent public amenity space will (be) provided off-site. The total on and off-site public use space and amenity area equals 58 percent. The public amenity improvements will include implementation of the Bethesda streetscape standards along the "main street" of Norfolk Avenue. Third, increased density will allow for more significant public art to be located on the property.

4. (59-C-6.22) Land Use

No use is allowed except as indicated in the table of uses under this section.

The residential uses proposed are all permitted uses in this zone. The non-residential portion of the development will be subject to review of the uses as requested at time of proposed occupancy of each of the provided non-residential spaces identified in the project.

5. (59-C-6.23) Development Standards

The development standards applicable to the standard and optional methods of development, indicated in each zone, as specified in this section.

Following is a brief overview of those standards that apply to this project and how the applicant proposes to meet them:

PROJECT DATA TABLE FOR CBD-1 ZONE

	<u>Zoning Ordinance Development Standards</u>	<u>Proposed for Approval</u>
Gross Tract Area (sf): (Includes sending and receiving parcels)	18,000	36,273
Max. Density:		
Base allowable FAR	3.0	3.0
Base allowable GFA (sf):	108,819	108,819
Non Residential FAR:	2.0	0.84
Base Residential GFA (sf):	78,319	78,319
22% Bonus Residential GFA For 15% MPDUs (sf):	17,230	17,230
Total Residential GFA (sf):	95,549	95,549
Total Non-Residential GFA (sf):		
Office	19,000	19,000
Retail	11,500	11,500
Total Density (FAR): (s.f.)	3.48 with density bonus (126,049 sf)	3.48 with density bonus (126,049 sf)
Total Number of Units:	60	60
MPDUs (%):	15	15
(number of units)	9	9
Max. Building Height (ft.):	110' with density bonus	90 (as measured from Auburn Avenue)
Number of Floors	Not specified	9
Min. Building Setbacks (ft.):		
Front Yard (Auburn Avenue)	Not specified	10
Front yard (Norfolk Avenue)	Not specified	4
Side Yard (east)	Not specified	0
Rear Yard (south)	Not specified	17
Parking (number of spaces):		
Residential Uses (Mkt. Rate)		
9 1BR @ 1.25 sp./unit (9 x 1.25)	11.25	
31 2BR @ 1.50 sp./unit (31 x 1.5)	46.50	
11 3BR @ 2.00 sp./unit (11 x 2.0)	22	
Residential Uses (MPDUs)		
2 1BR @ 0.625 sp./unit (2 x 0.625)	1.25	
7 2BR @ 0.75 sp./unit (7 x 0.75)	<u>5.25</u>	
Residential subtotal:	86.25	

	<u>Zoning Ordinance Development Standards</u>	<u>Proposed for Approval</u>
15% credit for residential in CBD	(8.63)	
Required residential parking	77.62	
Non-residential Uses:		
Retail (11,500 gsf @ 3.5sp./1000)	40.25	
Office (19,000 gsf @ 2.4 sp./1000)	45.60	
Non-residential sub-total	85.85	
Total Parking Required	163.47	140 ¹
Public Use Space (% of net lot area):		
On-Site	20% or 6,081	20% or 6,081
Off-Site and Amenity Space	Not Specified	38% or 11,600 sf
Total On Public Use Space and Off-Site Amenity		58% or 17,681 sf

(§59-C-6.234(b)(3)) Floor Area Ratio (FAR)

Total FAR for this Project is proposed to exceed the maximum allowable 3 FAR by utilizing a 22% density bonus. The total FAR with the density bonus is 3.48 FAR.

(§59-C-6.235(b)) Building Height

Total height for this project is not proposed to exceed the maximum allowable 90' even with the 22% density bonus. The total building height is 90', exclusive of the mechanical equipment.

6. (59-D-2.42) Findings required for approval

The Planning Board can approve, or approve with modifications, an application only if it finds that the proposed development meets all of the following requirements:

- (a) *It would comply with all of the intents and requirements of the zone.*

The project meets all of the zoning requirements as provided on the previous page.

¹ The property is located within the Bethesda Parking District and not required to provide parking on-site. Site is within the limits of the Parking Lot District and not required to provide any parking spaces pursuant to Sect. 59-E-3 of the Montgomery County Zoning Ordinance; however, the PLD will assess a parking tax for the maintenance and use of the county facilities based on the number of spaces required for the uses proposed at the time of building permit. Parking credits are also applicable pursuant to Section 59-E-3.3 for residential in the CBD and proximity to metro. Any spaces provided by the Applicant offsets the parking tax assessed by the County against the Applicant.

(b) *It would conform to the applicable sector plan or urban renewal plan. In the case of the inclusion of MPDUs, the Planning Board must decide which if any of the following measures subject to Chapters 59 or 50 should be approved to assure the construction of all required MPDUs on site:*

(1) *exceeding an applicable height limit, lower than the maximum height in the zone, that is recommended in a master plan or sector plan, or*

The project, with a height of only 90 feet, complies with the 110' applicable height limit as prescribed in the sector plan amendment.

(2) *exceeding an applicable residential density limit, lower than the maximum density in the zone, that is recommended in a master plan or sector plan, or*

The project complies with the residential density limits per the total base gross square feet, subject to resolution of density bonus and height allowances.

(3) *locating any required public use space off-site.*

The project complies with the provision of public use space on-site subject to determination by the Board of quality and adequacy of the space.

(c) *Because of its location, size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.*

As noted previously in this report, although it complies with the guidelines and recommendations of the sector plan amendments, it appears that this project is one of the first proposals to utilize these recently adopted provisions. However, the project is consistent with the Woodmont Amendment goals and recommendations guiding redevelopment in this area of the Bethesda CBD.

The project includes 17,681 square feet of on and off-site public use space and amenity area primarily made up of two public plazas and pedestrian frontage flowing east/west along Auburn Avenue and north/south along both sides of Norfolk Avenue. This public use space is proposed to include an artistic feature, pavers, landscaping, seating and visual appeal for the ground level corridor commercial uses. There is also a small linear part provided along the side/rear as well, and the desired wider sidewalks in accordance with the Bethesda Streetscape Plan. The applicant is not proposing any different restrictions for public use space on-site other than a PIE that will confirm the use of the areas for the public as an easement in perpetuity.

(d) *It would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a*

transportation management district designated under chapter 42A, article II, is subject to a traffic mitigation agreement that meets the requirements of that article.

As noted by the applicant, this proposal complies with recommendations of the Sector Plan to locate development and redevelopment where services currently exist. The applicant has provided a draft traffic mitigation agreement and will provide a revised Traffic Study.

- (e) *It would be more efficient and desirable than could be accomplished by the use of the standard method of development.*

The Optional Method of Development permits a more efficient and desirable product than by using the standard method of development. The Project Plan proposes to use the optional method of development and is in conformance with the goals and objectives of the Woodmont Triangle Sector Plan. The proposed development maximizes its gross floor area on site, but does not take advantage of the increased height permitted by providing the additional MPDUs. The permitted base floor area ratio (FAR) for this site is 3.0 and 3.48 respectively for the bonus density. The proposal includes 15 percent or 9 Moderately Priced Dwelling Units on-site, which far exceeds the number that would have been required in a standard method project. Under a standard method of development, the application would only achieve a 2 FAR and fewer MPDUs than would be permitted with the optional method of development.

In addition to the provision of MPDUs, the project will include a significant new public open space and art amenity on the site. The project is providing over 58% of new on and off-site public use space and amenity area, which would not have been possible through the standard method of development. Additionally, the streetscape improvements associated with this proposal greatly enhance the pedestrian connections along Norfolk and Auburn Avenues.

- (f) *It would include moderately priced dwelling units in accordance with chapter 25A of this Code, if the requirements of that chapter apply.*

The application is providing 9 MPDUs or 15% of the total number of units on the site, in accordance with Chapter 25A. The MPDUs will need to be proportional to the overall layout and dispersed within the building according to Chapter 25A.

Section 25A of the Code also requires that the developer enter into a written MPDU agreement approved by the Department of Housing and Community Affairs and the County Attorney, prior to approval of the certified site plan and building permit.

- (g) *When a project plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from one lot to another or transfer densities within a lot with two or more CBD zones, pursuant to the special standards of either section*

59-C-6.2351 or 59-C-6.2352 (whichever is applicable), the project plan may be approved by the planning board based on the following findings:

(1) The project will preserve an historic site, building, structure or area as shown on the Locational Atlas and Index of Historic Sites or the Master Plan for Historic Preservation; and/or

This provision is not applicable to the proposed development.

(2) The project will implement an urban renewal plan adopted pursuant to Chapter 56 of the Montgomery County Code; and/or

This provision is not applicable to the proposed development.

(3) The project will result in an overall land use configuration that is significantly superior to that which could otherwise be achieved.

This provision is not applicable to the proposed development.

(h) Any applicable requirements for forest conservation under Chapter 22A.

In letter dated November 9, 2006, M-NCPPC Technical Staff finds that the Project site qualifies for a small property exemption under the requirements of Chapter 22A of the County Code. Project Number NRI/FSD No. 4-07077E.

(i) Any applicable requirements for water quality resource protection under Chapter 19.

The application does provide that the project will be supplied with public water and sewer, and has a W/S classification of W-1 & S-1. A stormwater management concept is required with the site plan process and staff has conditioned the concept on the provision of a green roof.

APPENDIX

- A. Memoranda from other agencies
- B. Letter from Applicant

Appendix A



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

July 12, 2007

MEMORANDUM

TO: Robert Kronenberg, Acting Site Plan Supervisor
Development Review Division

FROM: Judy Daniel, Team Leader, Bethesda-Chevy Chase/North Bethesda Team
Community-Based Planning Division

SUBJECT: Auburn Avenue Application, Project Plan No. #9-07009
Woodmont Triangle Amendment to the Sector Plan for the Bethesda CBD

This memorandum outlines the findings and recommendations of the Community-Based Planning Division concerning the submitted plans for the proposed Auburn Avenue development.

RECOMMENDATION

Community Based Planning recommends approval of the Project Plan as it accomplishes the stated goals of the Sector Plan for this area within the Woodmont Triangle as discussed below. It is particularly important for the developer to work with the Parks Department group that is currently working on a development plan for Battery Lane Park to coordinate the design and orientation of the public use space with the plans for the southern terminus of the Park, and the eventual redesign of the Norfolk/Glenbrook/Rugby intersection – as recommended in the Sector Plan. This location is an important northern visual terminus for Norfolk Avenue, matching the southern visual terminus at Veteran's Park.

MASTER PLAN GOALS

Overall Vision

The Woodmont Triangle area is to be a vibrant urban, mixed-use neighborhood that emphasizes residential uses, small-scale retail, the arts, and public amenities.

The proposed Auburn Avenue development contributes to this vision, by adding an attractive mixed-use building that is predominantly residential with first floor retail available, and substantial areas of public use space at this critical corner near the entrance to Battery Lane Park and the Imagination Stage. It replaces several small commercial structures with a paved parking area behind them.

Expanded Housing Potential

Development should provide housing opportunities that serve a variety of income levels.

The proposed development provides 60 additional housing units on six floors in the northern portion of the Woodmont Triangle, including 9 moderately priced dwelling units (MPDUs), representing the required 15 percent. The applicant is not requesting additional height above the limits of the Sector Plan to accommodate these MPDUs.

Small Scale Retail Preservation

Development should provide opportunities to retain existing business and expand opportunities for new businesses.

The first floor of the proposed development offers two retail spaces (one small and one larger) in addition to recreational space for the upper floor residential units, and an entire floor of office space on the second floor.

Arts and Entertainment District

Development should enhance existing public arts programs and provide opportunities for visual and performing arts.

Given its location across from the Imagination Stage, the development has the potential to provide restaurant or gallery space that complements this community resource. In addition, public art is contemplated for the public space areas of the development. Redevelopment may also spur other redevelopment in this area of the Woodmont Triangle.

Safe and Attractive Streets

Development should improve the safety and character of the existing streets, and establish Norfolk Avenue as the main street.

The planned amenities contributed by the development will provide streetscaping in this area of the Woodmont Triangle, greatly improving their character and safety by design and lighting. The garage and loading entrances are at the far end of the structure, along Auburn Avenue, away from the Norfolk Avenue intersection, close to the entrances to the public garage that stretches between Auburn Avenue and Del Ray Avenue.

Public Amenities and Public Use Space

Developments should increase the quantity and quality of public amenities and facilities along public streets in the Woodmont Triangle area. Improvements to the public streets, especially Norfolk Avenue, the district's main street should be the first priority. Major projects under review in the district are expected to contribute to Norfolk's revitalization.

The proposed development will provide streetscaping in its vicinity along Norfolk and Auburn Avenue. Further, the design of the public use space along Norfolk is being coordinated with the current design study for Battery Lane Park (being led by Park Department staff). This area has

great potential to become a major anchor for the northern terminus of Norfolk Avenue so it is important for these elements to have a coordinated design.

The design will take into account the Park, improvements to the Norfolk Avenue intersections with Auburn Avenue and Rugby Lane (as recommended in the Sector Plan). Elements will include the potential for longterm expansion of the Park, improved pedestrian and bicycle access across the intersection, relationship of the Auburn Avenue public use space along Norfolk Avenue to the redesign of the Rugby/Glenbrook/Norfolk intersection, and a more pedestrian and bicycle friendly character for this area.

Building Heights

At this location, heights are not to exceed 90 feet, or 110 feet with a 22 percent MPDU bonus.

The development proposes a height of 90 feet, conforming to the sector plan. It does not request additional height to accommodate MPDUs. The height to the top of the enclosure for the mechanical equipment is 108 feet.

Urban Design Guidelines

Development should provide sufficient building setbacks to adequately accommodate pedestrians and streetscape improvements.

The proposed development provides setbacks sufficient to accommodate pedestrians and streetscaping.

New projects should be compatible with existing uses and ensure animation of the first floor space through use of retail, restaurant or other activating uses.

The proposed development will be compatible with existing and proposed uses in the area. And the first floor is planned for retail uses. There are homes behind the building, but they are in a location recommended for rezoning to the PD 44 zone.

Development should maintain the established building line along Norfolk Avenue.

Between the proposed public use space areas, the proposed building maintains the established building line along Norfolk Avenue.

New buildings should be designed so that “public streets and spaces retain adequate sunlight, particularly along Norfolk Avenue.”

The submitted sun/shade study shows how the 90 foot high building has been designed to minimize the shading of adjacent residences. And the stepped back design limits shading of Norfolk Avenue, following the intent of the Sector Plan.

Appendix B



ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ GPS SERVICES

November 21, 2006

Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Auburn Project Plan

8104 Norfolk Avenue LLC (the "Applicant") submits the following application for Project Plan approval (the "Application") under the optional method of development in accordance with the applicable provisions of Chapter 59 of the Montgomery County Code, 2004, as amended (the "Zoning Ordinance"). As described in detail herein, the Applicant proposes redevelopment of a 30,401 square-foot area of land identified as Lots 401 & 402 (Tax ID 07-00552547); Lots 409 through 411 (Tax ID 07-00552332) & Lots 624 & 625 (Tax ID 07-01790272) in the Woodmont Triangle area of Bethesda (the "Property").

As depicted on the proposed Project Plan submitted with this Application (the "Project Plan"), the Property is zoned CBD-1 (Central Business District, 1) consistent with the recommendation in the Woodmont Triangle Amendment (the "Woodmont Triangle Map Amendment") to the Approved and Adopted 1994 Bethesda Central Business District ("CBD") Sector Plan (the "Sector Plan"). The Project proposes to utilize the transfer of density opportunities available in this area, and the properties involved have been identified in the Application.

The required Project Plan fee (\$17,425) is remitted in the enclosed checks. If you have any questions regarding the enclosed, please do not hesitate to contact us. Thank you for your consideration.

Sincerely,

VIKA, Inc.
Ian P. Duke 11-21-06

Ian P. Duke
Planner/Graphic Artist