



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

MCPB No. 18-126  
Preliminary Plan No. 120180210  
4915 Auburn Avenue  
Date of Hearing: November 29, 2018

DEC 13 2018

**RESOLUTION**

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

WHEREAS, on May 7, 2018, Auburn Building Associates, LP (“Applicant”) filed an application for approval of a preliminary plan of subdivision of property that would create Two (2) lots on 0.72 acres of land in the CR 3.0 C 3.0 R 2.75 H110 zone, located on Auburn Avenue, west of Norfolk Avenue (“Subject Property”) in the Bethesda CBD Policy Area and 2017 *Bethesda Downtown Sector Plan* (“Sector Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120180210, “4915 Auburn Avenue” (“Preliminary Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board Staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated November 16, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on November 29, 2018, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing the Planning Board voted to approve the Application, subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120180210 to create two (2) lots on the Subject

Approved as to  
Legal Sufficiency:

Property, subject to the following conditions:<sup>1</sup>

1. Approval is limited to two lots for up to 204,728 total square feet of development for up to 180 dwelling units, including up to 29,728 square feet of MPDU density not counted toward the Project's FAR, and up to 12,500 total square feet of retail development and an allocation of up to 80,008 square feet of density from the Bethesda Overlay Zone. The project density will be divided between the two proposed lots as follows but will not exceed 204,728 square feet of total development density, as described above:
  - a. Lot 1: Up to 4,000 square feet of retail development and up to 4,000 square feet of residential amenity space; and
  - b. Lot 2: Up to 192,228 square feet of residential development (up to 180 dwelling units), including 29,728 square feet of MPDUs, and up to 10,500 square feet of retail development.
2. The Applicant must comply with the binding elements and conditions of approval for Sketch Plan No. 320180170 and any subsequent amendments.
3. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated June 26, 2018, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.
4. The Planning Board accepts the recommendations of MCDPS – Water Resources Section in its stormwater management concept letter dated October 8, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.
5. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated October 10, 2018, and as amended via e-mail dated October 30, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must

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

comply with each of the recommendations as set forth in the letter, as amended, which may be further amended by MCDOT, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

6. The Planning Board accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated August 24, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by DHCA, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
7. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements associated with each plat, as required by MCDOT.
8. The Applicant must dedicate and show on the record plat(s) a dedication of the Auburn Avenue frontage necessary to provide the Sector Plan-recommended 30-foot-wide right-of-way between the Subject Property line and right-of-way centerline.
9. Short-term public bicycle parking must be installed near the main entrances. Secure long-term private bicycle parking must be installed within the residential building. The exact number and location of bicycle parking will be determined at the time of Site Plan.
10. The certified Preliminary Plan must contain the following note:  
Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.
11. The record plat must show necessary easements.
12. Lot 1 and Lot 2 must be platted together; neither lot may proceed to above ground building permit (excluding foundation only permits) or site plan independently.

13. Include all applicable agency letters and the Preliminary Plan resolution on the approval or cover sheet(s) of the Certified Preliminary Plan.
14. Before the release of any above-grade 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) and work toward the Sector Plan goal of 55% Non-Auto Driver Mode Share.
15. If a subsequent site plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or location or right-of-way width or alignment, the Applicant must obtain approval of a Preliminary Plan amendment prior to certification of the Site Plan.
16. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board resolution.

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

1. *The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations, including the technical review standards in Section 50.4.3. The Application meets all applicable requirements. The size, width, shape and orientation of the proposed lot is appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and the type of development or use contemplated. As discussed in the Sketch Plan findings, the Application substantially conforms to the 2017 *Bethesda Downtown Sector Plan*. The Application complies with the land use recommendations for the site as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. This Preliminary Plan creates two lots that will accommodate a mixed-use building on Auburn Avenue and commercial building on Norfolk Avenue. Transportation

Water and sewer and other utilities are available to and currently serve the Property. The Application meets the Environmental Guidelines and Forest Conservation Law.

The lot was reviewed for compliance with the dimensional requirements for the CR 3.0 C 3.0 R 2.75 H110 zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. The Application has been reviewed by other applicable county agencies, all of which have recommended approval of the plan.

2. *The Preliminary Plan substantially conforms to the Master Plan.*

As discussed in the concurrently filed Sketch Plan No. 320180170, the Preliminary Plan substantially conforms with the recommendations of the Sector Plan.

a. Land Use

As discussed in the Sketch Plan section of this report, the Project will provide up to 180 residential units, including 17.7% MPDUs (a minimum of 32 dwelling units) on-site.

b. Environment

As conditioned, the application meets the Sector Plan recommendations, the Environmental Guidelines and Forest Conservation Law.

c. Transportation

The Application is consistent with the above recommendations. The 2017 *Bethesda Downtown Sector Plan* recommends the following along property frontages:

- i. Auburn Avenue, along the southern site frontage, as a business district roadway with a minimum right-of-way width of 60 feet;
- ii. Norfolk Avenue, along the eastern site frontage, as a business district roadway with a minimum right-of-way width of 80 feet and bicycle lanes (BL-44);

d. Sector-Planned Transportation Demand Management

The Sector Plan encourages a Non-Auto Driver Mode Share (NADMS) of 55%, averaged between employees and residents of downtown Bethesda. In order to meet this goal, downtown Bethesda is organized into a Transportation Demand Management District (TMD) that strives to promote travel by means other than single-occupancy vehicles. As a residential project of more than 100 dwelling units within the Bethesda TMD, the developer is required to enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board

and Montgomery County Department of Transportation (MCDOT) to participate in the Bethesda TMD.

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

Transportation access is adequate to serve the proposed development by this Preliminary Plan.

- i. *Existing Facilities*

Vehicular access to the Site will be consolidated by the proposed Application and reduced from three existing driveways to one driveway. Both garage and loading access will be accommodated via the shared driveway on Auburn Avenue. The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station (located approximately 0.6 miles from the site), Metrobus, RideOn, the Bethesda Circulator and future Purple Line.

- ii. *Proposed public transportation infrastructure*

Pedestrian access to the site will be from the established sidewalk network and will be enhanced by streetscape improvements along each of the Property frontages, consistent with the Bethesda Streetscape Standards.

- e. Local Area Transportation Review (LATR)

- Adequate Public Facilities*

A transportation statement, dated April 17, 2018, was submitted with the Project, indicating that the proposed development will generate 21 net new morning peak-hour person trips and 30 net new evening peak-hour person trips. Because the estimated transportation impact of the Project is less than 50 net new person trips, the Project satisfies the Local Area Transportation Review requirement without further analysis.

**Table 3: Project Peak Hour Trip Generation**

Total Proposed		Vehicle Rates		Policy Area Vehicle Trips		Person Trips	
Use	Total Units/GFA	AM	PM	AM	PM	AM	PM
<b>Existing Use (Credit)</b>							
	28,000 SF Office	53	34	34	22	71	46
	6,250 SF Retail	6	24	4	15	9	34
	<b>Total Existing</b>	<b>59</b>	<b>58</b>	<b>38</b>	<b>37</b>	<b>80</b>	<b>80</b>
<b>Proposed Use<sup>1</sup></b>							
	180 High Rise Dwelling Units	64	70	51	56	101	110
<b>Total Net New Trips</b>		<b>5</b>	<b>12</b>	<b>13</b>	<b>19</b>	<b>21</b>	<b>30</b>

Source: Wells & Associates Transportation Statement, dated April 17, 2018.

<sup>1</sup> Proposed retail is less than 15,000 square feet, less than 10% of project, and no retail parking provided and is therefore considered ancillary for trip generation purposes.

**f. Other Public Facilities and Services**

Public facilities and services are available and will be adequate to serve the proposed development. The property will be served by public water and sewer systems. The application has been reviewed by MCFRS, and emergency vehicle access has been deemed adequate. Electrical and telecommunications services are also available to serve the subject property. Local health clinics, police stations and fire stations are all operating within acceptable levels as established by the Subdivision Staging Policy.

**School Adequacy**

The Project was reviewed under the FY2019 Annual School Test, approved by the Planning Board on June 21, 2018, and effective July 1, 2018. Under the FY2019 Annual School Test, student generation is calculated by multiplying the number of dwelling units by the applicable regional student generation rate for each school level. For the purposes of this calculation, dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low- to mid-rise multifamily unit, or high-rise multifamily unit (Table 4). The Subject Property is proposed to be redeveloped as a high-rise multifamily project and is located in the Bethesda-Chevy Chase High School (B-CC) Cluster and the southwest region of the County.

Based on this analysis, the Project is estimated to generate nine new elementary school students, three new middle school students, and five new

high school students (Table 5). Staff finds that sufficient school capacity exists at the elementary, middle and high school cluster levels to accommodate the estimated number of students generated by the Project.

*Table 4: Student Generation Rates Per Dwelling Unit – Southwest Region*

	Elementary School	Middle School	High School
SF Detached	0.193	0.111	0.147
SF Attached	0.191	0.094	0.124
MF Low- to Mid-Rise	0.146	0.063	0.083
MF High-Rise	0.055	0.022	0.031

*Table 5: 4915 Auburn Avenue Student Generation*

Unit Type	Net New Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
MF High-rise	180	0.055	9.900	0.022	3.960	0.031	5.580
<b>TOTAL</b>	<b>235</b>		<b>9</b>		<b>3</b>		<b>5</b>

### Cluster Adequacy Test

Student enrollment and capacity projections for the Bethesda-Chevy Chase High School (B-CC) Cluster, as established in the FY2019 Annual School Test, are summarized in Table 6. As indicated in the last column of the table, the sum of the projected future enrollment and the estimated student impact associated with the Subject Application fall below the moratorium<sup>2</sup> thresholds at all three school levels. As a result, staff finds that sufficient capacity exists at the elementary, middle and high school cluster levels to accommodate the estimated number of students generated by this project.

*Table 6: FY2019 Annual School Test  
Bethesda Chevy Chase High School Cluster*

School Level	Projected Cluster Totals, September 2023			Moratorium Enrollment Threshold	Projected Enrollment + Application Impact
	Enrollment	Program Capacity	% Utilization		
Elementary	3,690	4,043 <sup>3</sup>	91.3%	4,852	3,699
Middle	1,803	2,024	89.1%	2,429	1,806
High	2,463	2,407	102.3%	2,889	2,468

<sup>2</sup> The moratorium enrollment threshold represents 120% enrollment utilization.

<sup>3</sup> The projected cluster elementary school capacity of 3,813 has been modified to reflect the impact of a six-classroom placeholder project at Bethesda ES and a four-classroom placeholder project at Somerset ES included by the County Council in the FY 2019 Capital Budget.



**Individual School Adequacy Test**

The applicable elementary and middle schools for this project are Bethesda Elementary School and Westland Middle School, respectively. Based on the FY2019 Annual School Test results, the student enrollment and capacity projections for these schools are noted in Table 7.

*Table 7: FY2019 Annual School Test  
Individual School Adequacy*

School	Projected School Totals, September 2023				Moratorium Enrollment Thresholds		Projected Enrollment + Application Impact
	Enrollment	Program Capacity	% Utilization	Surplus / Deficit	120% Utilization	Surplus/ Deficit	
Bethesda ES	699	698 <sup>4</sup>	100.1%	-1	838	808	708
Westland MS	832	1,089	76.4%	257	1,307	1,269	835

Under the individual school adequacy test, a school is deemed inadequate if the projected school utilization rate exceeds 120% and if the school seat deficit meets or exceeds 110 seats for the elementary school or 180 seats for the middle school. If a school’s projected enrollment exceeds both thresholds, then the school service area is placed in a residential development moratorium.

The Moratorium Enrollment Thresholds, identified in Table 7, are the enrollments at which the 120% utilization threshold and the seat deficit threshold are exceeded. As indicated in the last column, the projected enrollment plus the estimated impact of this application falls below both applicable moratorium thresholds for Bethesda Elementary School and Westland Middle School. Therefore, staff finds sufficient anticipated school capacity to accommodate the estimated number of students generated by the Project.

**School Capacity Analysis Conclusion**

Based on the FY2019 Annual School Tests at the cluster and individual school level, staff finds adequate school capacity to support the proposed development.

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

**A. Forest Conservation**

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

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<sup>4</sup> The projected Bethesda Elementary School capacity of 560 students has been modified to reflect the impact of a six-classroom placeholder project included by the County Council in the FY 2019-2024 Capital Improvements Program.

This Application is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(2) because the proposed activity occurs on a tract of land less than 1 acre that will not result in the clearing of more than a total of 20,000 square feet of existing forest, or any existing specimen tree or champion tree, and reforestation requirements would not exceed 10,000 square feet. There are two specimen trees, located immediately adjacent to the Subject Property, that will be removed or impacted by the Application; therefore, a tree save plan is required.

The subject property, including the areas of the drainpipe, is generally paved and it is possible that the roots of the adjacent trees have avoided the paved areas and would therefore not be overly impacted by the work. However, it is also possible that anchoring roots of nearby trees are in fact located within the subject property, underneath the existing paving, and the proposed work would necessitate removal of some of the trees. The actual location of the roots and the extent of the impacts can only be determined at the time of construction. Therefore, Staff recommends that the tree save plan be revised at the time of Site Plan to include a provision for an ISA certified arborist who is also a MD licensed tree care expert along and within the storm sewer easement.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

The MCDPS Stormwater Management Section approved the stormwater management concept on October 8, 2018. Per the approval letter, the stormwater management concept meets stormwater management requirements through the use of environmentally-sensitive design to the maximum extent practicable (ESD to the MEP) via the use of green roof, micro-bioretenion, and a partial waiver on Lot 1 and green roof and micro-bioretenion on Lot 2.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G, and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is DEC 13 2018 (which is the date that this Resolution is mailed to all parties of record); and

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

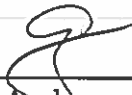
this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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**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 Commissioner Patterson, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, November 29, 2018, in Silver Spring, Maryland.

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Casey Anderson, Chair  
Montgomery County Planning Board