



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

MCPB No. 16-122
Sketch Plan No. 320170030
The Claiborne
Date of Hearing: November 10, 2016

NOV 29 2016

RESOLUTION

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

WHEREAS, on August 1 2016, 4820 Auburn, LLC ("Applicant"), filed an application for approval of a sketch plan for construction of up to 76,000 square feet of development, including up to 73,200 square feet of residential development and up to 2,800 square feet of non-residential uses on 0.30 acres of CR 3.0: C 1.0, R 2.75, H 90T zoned-land, located at the corner of Norfolk Avenue and Auburn Avenue ("Subject Property"), using density transferred from four sending sites, in the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan ("Sector Plan") area; and


WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320170030, The Claiborne ("Sketch 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 October 28, 2016, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on November 10, 2016, 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 binding elements and conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320170030, The Claiborne, for a maximum of 76,000 square feet of

Approved as to
Legal Sufficiency: 

M-NCPPC Legal Department

8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

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development on the Subject Property, including up to 73,200 square feet of residential density and up to 2,800 square feet of non-residential uses, subject to the following binding elements and conditions:¹

A. Binding Elements. The following site development elements shown on the Sketch Plan stamped "Received" by M-NCPPC on September 21, 2016, are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

1. Density

The Sketch Plan is limited to a maximum of 76,000 square feet of total development on the Subject Property. The final distribution of density between residential and non-residential uses, and the maximum number of dwelling units will be determined at Preliminary Plan.

2. Density Transfer

Prior to record plat approval, the Applicant must state the gross square footage taken from any lot with reduced density in an instrument approved by the M-NCPPC Office of the General Counsel and must record the instrument in the Montgomery County Land Records. The residential density to be transferred under this Sketch Plan is measured in gross square feet and will total approximately 23,975 square feet. Final allocation of density will be determined at the time of Site Plan. The Sending Properties will transfer and retain the following square feet of development potential based on the existing zoning:

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

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

3. Height

The development is limited to a maximum height of 110 feet, as measured from the building height measuring point.

4. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59.7.3.3.I. The CR Zone requires properties taking advantage of FAR Averaging to exceed the minimum public benefit points otherwise required in Section 59.4.5.4.A.2 by 50%. Total points must equal at least 150 and be chosen from at least three² categories as required by Section 59.4.5.4.A.2. The requirements of Division 59.4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

- a. Transit Proximity, achieved through location within 2,500 feet of the Bethesda Metro Station;
- b. Connectivity and Mobility, achieved through minimum parking, streetscape improvements, and way-finding;
- c. Diversity of Uses and Activities, achieved through affordable housing;
- d. Quality of Building and Site Design, achieved through architectural elevations, exceptional design, and structured parking; and
- e. Protection and Enhancement of the Natural Environment, achieved through building lot terminations, cool roof, vegetated roof, energy conservation and generation, and a recycling facility plan.

5. Building Design

On the Norfolk Avenue façade, the Applicant must step back the building a minimum of 10 feet over at least 70 percent of the façade above the fourth floor.

6. Streetscape

- a. The Applicant must install the Bethesda streetscape standard, including undergrounding of overhead utilities, along the site frontage.
- b. The Applicant must install the Bethesda streetscape standard, exclusive of undergrounding utilities, along the northeast side of Norfolk Avenue, from the site frontage to Del Ray Avenue, and along the northwest side of Del Ray Avenue from Norfolk Avenue to the edge of the existing building at 8003 Norfolk Avenue.

7. Building Lot Terminations (BLTs)

Prior to release of any building permit, the Applicant must provide proof of purchase and/or payment for the required BLTs.

² Section 59.4.7.3.D.6.a.v. states that a project providing a minimum of 15% MPDUs is permitted to provide one less benefit category than required under Section 59.4.5.4.A.2.

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8. Moderately Priced Dwelling Units (MPDUs)

The Applicant must provide a minimum of 15% of the total units as Moderately Priced Dwelling Units on the Subject Property. The development must provide MPDUs in accordance with Chapter 25A.

9. Future Coordination for Preliminary and Site Plan

In addition to any other requirements for Preliminary Plans under Chapter 50 and Site Plans under Chapter 59, the following must be addressed when filing a Preliminary or Site Plan:

- a. Fire and Rescue access and facility details;
- b. Streetscape details;
- c. Demonstration of how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guideline requirements;
- d. Architectural façade step back;
- e. Consideration of building-to-street interface to maximize activation and safety;
- f. Focus on energy efficiency in building design features;
- g. Noise analysis;
- h. Dedication along Auburn Avenue and Norfolk Avenue; and
- i. Coordination with adjacent property owners regarding rooftop treatment and mechanical equipment
- j. Traffic Mitigation Agreement

BE IT FURTHER RESOLVED that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of the Zoning Ordinance, the Board finds that as conditioned the elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that:

1. *The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.*

The Sketch Plan meets the general objectives of the CR Zones, as outlined in Section 59-4.5.1.A. Specifically, the development as approved will:

- a) *Implement the recommendations of applicable master plans.*

The Application substantially conforms to the recommendations for the Subject Property included in the Sector Plan. The Subject 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. The Subject Property is in the area of the Woodmont Triangle closest to the Battery Lane Urban Park. The Subject Property also is within the area designated as a Density Transfer Area. The Sketch Plan 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 Sketch Plan will provide approximately 58 units, 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.*

Using density averaging, the sending properties will remain small-scale developments, while simultaneously allowing for the development of a larger mixed-use project on the Subject Property. Additionally, the Sketch Plan 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 Sketch Plan will provide streetscape improvements along Auburn Avenue and Norfolk Avenue per the current Bethesda Streetscape Standards

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

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

The Sketch Plan conforms to the Sector Plan.

- b) *Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses.*

The Sketch Plan will replace the Subject Property's existing low-density commercial development with a higher-density mixed-use building with underground parking to maximize residential development near the Metro. The Application includes ground-floor retail uses, upper level residential units, and residential amenity space. The Application meets the objective of this finding.

- c) *Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street.*

The Application encourages such development by including market-rate residential units in a variety of unit types as well as 15% MPDUs, offering housing opportunities for a range of incomes proximate to the numerous transit options of downtown Bethesda. The non-residential uses on the ground floor will provide commercial services for the residents and surrounding neighborhood. The Sketch Plan facilitates all modes of transit – pedestrian, bicycle, and vehicular – proximate to the Metro and bus service by improving the streetscape. The Application does not propose any parking between the building and the street frontages.

- d) *Allows a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.*

The Sketch Plan will provide a mix of uses on-site, including new residential development and ground floor retail for small-scale business opportunities with a building height of 110 feet, as allowed in the CR-3.0, C-1.0, R-2.75, H-90T zone. The Sector Plan encourages the transfer of density to retain the smaller-scale commercial and retail developments, while simultaneously allowing for the development of larger mixed-use projects in the Woodmont Triangle area. With density averaging, the Sending Properties will remain small-scale developments, while simultaneously allowing for the development of a larger mixed-use project on the Subject Property. The height and densities included in the Application are compatible with the desired character of the Woodmont Triangle area.

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- e) *Integrate an appropriate balance of employment and housing opportunities.*

As recommended in the Sector Plan, the Application provides new residential development through a variety of housing options with both market-rate units and MPDUs in an array of unit sizes that will support the existing retail and non-residential development in the Woodmont Triangle area. The Sketch Plan also provides new ground-floor retail to create a mixed-use development.

- f) *Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.*

The Sketch Plan will provide the required public benefits from a minimum of four categories to achieve the desired incentive density above the standard method limit and will exceed the minimum public benefit points by at least 50%, as required for density averaging.

In addition to meeting the general standards of the zone, the data table below demonstrates the Application's conformance to the applicable development standards.

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

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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
Total Density (maximum)	SF	FAR	SF	FAR
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		

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Subject Property	110 ³		100	
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		TBD Site Plan	TBD Site Plan
Side	n/a		TBD Site Plan	TBD Site Plan
Public Open Space (minimum)	SF	Acres	SF	Acres
Subject Property	0	0	425	0

* These figures represent only the density proposed to be transferred from the "sending sites" to the Subject Property.

2. The Sketch Plan substantially conform with the recommendations of the applicable master plan.

As discussed in Finding 1.a. above, the Application substantially conforms to recommendations of the Sector Plan. The Sketch Plan will increase the supply of housing to serve a variety of income levels, provide opportunities to retain existing businesses and expand opportunities for new businesses, and provide streetscape improvements that improve the safety and character of the existing streets.

3. The Sketch Plan satisfies, under Section 7.7.1.B.5 of the Zoning Ordinance, the binding elements of any development plan or schematic development plan in effect on October 29, 2014.

The Sketch Plan is not subject to a development plan or schematic development plan.

4. The Sketch Plan achieves compatible internal and external relationships between existing and pending nearby development.

As conditioned, the Sketch Plan will result in a building compatible in height and scale with the existing and pending nearby development in the Woodmont Triangle area. At the time the Site Plan is reviewed, the Applicant must provide a step-back

³ Height allowed by Sector Plan if 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*.

of 10-feet over 70% of the building façade to maintain the appearance of a lower scale street wall along Norfolk Avenue and provide a continuous streetscape character for this primary pedestrian link between Veteran's Park and Battery Lane Urban Park.

From a compatibility perspective, the tower step back is necessary to comply with the goals of the Sector Plan, maintain compatibility with the low-rise scale and main street character, and enhance pedestrian comfort. The Sector Plan clearly highlights Norfolk Avenue as the main street for the Woodmont Triangle District and states that buildings should be stepped back along this street. The step-back is especially important because Norfolk Avenue is primarily framed by one to two-story small retail structures that add visual interest and human-scaled details with fine-grained and varied storefronts. A substantial tower step back is necessary to maintain the appearance of a lower scale street wall along Norfolk Avenue and provide a continuous streetscape character for this primary pedestrian link between Veteran's Park and Battery Lane Urban Park.

5. *The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.*

The Application provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. The Sketch Plan appropriately locates activating pedestrian uses along the Norfolk Avenue frontage. Vehicular access and loading will be from Auburn Avenue.

6. *The Sketch Plan proposes an outline of public benefits that supports the requested incentive density and is appropriate for the specific community.*

The Application includes public benefits that address the general incentive and density considerations required by Section 59.4.7.1.B. The public benefits:

- a. Take into consideration "the recommendations of the applicable master plan" by providing diversity of housing, opportunities to retain existing businesses and expanding opportunities for new businesses, and connectivity improvements;
- b. Meet "the CR Zone Incentive Density Implementation Guidelines" by providing the proper calculations and criteria for each public benefit;
- c. Meet "any design guidelines adopted for the applicable master plan area" by providing streetscape improvements along Auburn Avenue and Norfolk Avenue, which will create an inviting pedestrian environment that will activate the street and support the ground-floor retail included in the Sketch Plan;

- d. Are appropriate for “the size and configuration of the site” by improving the existing configuration of aging existing buildings and providing structured parking;
- e. Adequately address “the relationship of the site to adjacent properties” by designing the building at an appropriate scale for the surroundings with heights that complements the existing character of the area;
- f. Consider “the presence or lack of similar public benefits nearby” through the provision of affordable housing, environmental benefits, pedestrian connections, all of which are currently needed in this area; and
- g. Provide “enhancements beyond the elements listed in an individual public benefit that increase public access to, or enjoyment of, the benefit” which will be developed and assessed during Preliminary and Site Plan reviews.

For the Application, the zoning code requires 150 points in three categories. Although at the time of sketch plan review only the categories need be approved, the Public Benefits Data Table below shows both the categories and points for the public benefits recommended at sketch plan to demonstrate the Sketch Plan’s ability to meet the requirement to provide sufficient benefit points.

Public Benefits Calculations			
Public Benefit	Incentive Density Points		
	Max Allowed	Requested	Approved in Concept
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	5	5
59.4.7.3D: Diversity of Uses and Activities			
Affordable Housing	No limit	38	38
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	5
Vegetated Roof	15	7.5	7.5
Recycling Facility Plan	10	7.5	7.5

TOTAL	164
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Transit Proximity

The Subject Property is located within one ½ mile of the Bethesda Metro Station, which allows the development to be eligible for Level 1 transit as defined in the Zoning Ordinance. At this time, the Planning Board supports 30 points as suggested in the *2012 Commercial/Residential Zones Incentive Density Implementation Guidelines* (CR Guidelines).

Connectivity and Mobility

Minimum Parking: The Applicant requests 5 points for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points for providing the maximum allowable number of on-site spaces to 10 points for providing no more than the minimum numbers of spaces on site. At this time, the Planning Board supports granting 5 points.

Streetscape Improvements: The Applicant requests 20 points for proposed streetscape improvements along the remainder of Norfolk Avenue to Del Ray Avenue in addition to the required streetscape improvements along the Subject Property frontage. At this time, the Planning Board supports granting 20 points in this public benefit category.

Way-Finding: The Applicant requests 5 points for providing wayfinding signs within the Woodmont Triangle area. Such wayfinding is envisioned to help orient pedestrians and bicyclists toward transit facilities and other public amenities. At this time, the Planning Board supports granting 5 points in this public benefit category.

Diversity of Uses and Activities

Affordable Housing: The Applicant requests 38 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 (assuming 58 multi-family units). The Applicant's initial estimate of providing 9 MPDUs yields 38 points. Final number of MPDU units to be determined at Site Plan. At this time, the Planning Board supports the Applicant's request.

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 the rest of the block as well as the pedestrian realm and provide a step back above this base. At this time, the Planning Board supports the Applicant's request for 10 points if the step back is substantial enough to provide the horizontal datum line above the four-story base. Further details and refinement to be provided at the time of Site Plan.

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 Application 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 Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, and heights. At this time, the Planning Board supports the Applicant's request with further details and refinement to be provided at the time of Site Plan.

Structured Parking: The Applicant requests 20 points for providing structured parking in a below-grade parking structure. At this time, the Planning Board supports this request.

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT): The Applicant requests 1.4 points for the purchase of BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area. Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance. At this time, the Planning Board supports 1.4 points for this.

Energy Conservation and Generation: The Applicant requests 5 points for providing a project that exceeds the energy efficiency standards for new buildings by 2.5% through high efficiency mechanical, electrical, and plumbing systems. Further refinement will be determined at the time of Site Plan, and the Planning Board supports 5 points for this benefit at this time.

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 final layout is determined at the time of Site Plan, and the Planning Board supports 10 points for this benefit at this time.

Vegetated Roof: The Applicant requests 7.5 points for providing vegetated roofs with a soil depth of at least 4 inches and covering at least 33% of the total roof excluding space for mechanical equipment. The CR Guidelines recommend 7.5 points for development that meets the Zoning Ordinance requirements, with

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additional points granted if other criteria are met, including greater coverage, greater soil depth, plant species that provide habitat, and native plant species. At the time of Site Plan, the Applicant will provide additional details on meeting the vegetated roof criteria. At this time, the Planning Board supports the Applicant's request.

Recycling Facility Plan: The Applicant requests 7.5 points for providing a recycling facility plan. The final details of this plan will be determined at the time of Site Plan, and the Planning Board supports 7.5 points for this benefit at this time.

7. *The Sketch Plan establishes a feasible and appropriate phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The project will be built in one phase.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the Sector Plan, or other requirements; and

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 all binding site development elements of the plans for Sketch Plan No. 320170030, The Claiborne, stamped received by M-NCPPC on September 21, 2016, are required except as modified herein; 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 NOV 29 2016 (which is the date that this Resolution is mailed to all parties of record).

* * * * *

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 Cichy, with Chair Anderson and Commissioners Fani-González and Cichy voting in favor, and Vice Chair Wells-Harley and Commissioner Dreyfuss absent at its regular meeting held on Thursday, November 17, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board



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

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

JUL 31 2017

RESOLUTION

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

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

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

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

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

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

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

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

Approved as to
Legal Sufficiency

Christina Sonnet 7/26/17
MNCPPC Legal Department
www.montgomeryplanningboard.org

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following conditions:¹

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

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

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Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Roads and Public Transportation Facilities

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

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

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LATR

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

Other Public Facilities

Public facilities and services are available and will be adequate to serve the development. The Property will be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, schools, and health services are operating according to the *Subdivision Staging Policy* resolution currently in effect and will be adequate to serve the Property. Electrical, telecommunications, and gas services are also available to serve the Property.

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

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections. The size, width, shape, and orientation of the lot is appropriate for the location of the subdivision taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated. The Application substantially conforms to the Sector Plan. The Application complies with the specific density recommendations for the site as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. As evidenced by the Preliminary Plan, the site is sufficiently large to efficiently accommodate the mix of uses.

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

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

A. Forest Conservation

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

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

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

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

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

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

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

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

* * * * *

CERTIFICATION

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



Casey Anderson, Chairman
Montgomery County Planning Board



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 *RK*
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
8/8/17 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

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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.

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- 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.

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- 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

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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

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DEVELOPMENT STANDARD (59.4.5.4)	PERMITTED/REQUIRED		APPROVED	
Total Density (maximum)	SF	FAR	SF	FAR
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*.

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Parking²	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.

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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: 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

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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

Bethesda Downtown Design Advisory Panel

FROM: Laura Shipman
Design Advisory Panel Liaison

PROJECT: The Claiborne
Sketch and Site Plan Amendment No. 32017003A, 82017008A

DATE: October 24, 2018

*The Claiborne project was reviewed by the Bethesda Downtown Design Advisory Panel on **October 24, 2018**. The following meeting notes summarize the Panel's discussion, and recommendations regarding design excellence and the exceptional design public benefits points. The Panel's recommendations should be incorporated into the Staff Report and strongly considered by Staff prior to the certification of the Site Plan. Should you have any additional questions and/or comments please feel free to contact the Design Advisory Panel Liaison.*

Attendance:

Karl Du Puy (Panelist)
George Dove (Panelist)
Damon Orobona (Panelist)
Rod Henderer (Panelist)
Qiaojue Yu (Panelist)
Paul Mortensen (Panelist, Senior Urban Designer in the Director's Office)

Laura Shipman (Design Advisory Panel Liaison)
Gwen Wright (Planning Director)
Elza Hisel-McCoy (Area 1 Regulatory Supervisor)
Matt Folden (Lead Reviewer)

Neil Goradia (Applicant Team)
Laura Tallerico (Applicant Team)
Marius Radulescu (Applicant Team)
Heather Dhopolsky (Applicant Team)
Anthony Pizzo (Applicant Team)
Bruno Carvalho (Applicant Team)

Alicia Delahunty (Member of the Public)
Naomi Spinrad (Member of the Public)
Amanda Farber (Member of the Public)



Discussion Points:

- You did not change a lot in the design, what about the corner zipper we mentioned at the last meeting?
 - *Applicant Response:* We addressed a few items looking at the comments from last time. At the corner the balconies form the relationship between the top and bottom, but we didn't want to add a tower at the corner to detract.
- I wish the zone would come all the way down. You have a real opportunity to unite the top and base and you have not done that. The entry piece could reflect the balconies that come down and is an opportunity to mark a continuous zone.
 - *Applicant Response:* Created a stack of balconies that highlight the intersection between the two base heights, you can experience this from far away.
- The form is very interesting, but you need to consider the dimensions and how to maintain the pedestrian zone on the sidewalk.
 - *Applicant Response:* The seating concept was well-received by the different agencies and DPS was focused on the clear zone. It is over 12 feet clear zone and 15 feet on Auburn. When we bulbed out at the corner there was a lot of room. There is 18 feet total sidewalk from curb to building and we are meeting the guidelines for the sidewalk zones.
- What is the intention for the retail tenant? Will there be outdoor seating and is there room?
 - *Applicant Response:* That corner we don't have a retail tenant signed up yet but probably a coffee shop type concept. There may not be outdoor seating.
- The ADA ramps are close to the corner, how do they relate to the pedestrian flow?
 - *Applicant Response:* We have a drawing that shows that they line up well.
- The disruption between lower and upper part, it looks like timid structure and heavy material of base. Are you trying to express this as an open zone or more units? The abruptness of white and black and the intermediate zone that does not seem to be part of either one.
- Let me interject, the last time we saw this it was a well-received building but we heard this comment. What is your justification for this configuration of top and bottom?
 - *Applicant Response:* We wanted to have separation between top and bottom, as if the upper portion floats over the base. And we wanted to emphasize the separation.
- If you wanted to be transparent why isn't it transparent? I am concerned with the color and the perception.



- *Applicant Response:* We would end up with elements that will be relatively solid, it is hard to bring the structure inwards far enough.
- I am comfortable with how that component works. The column cover could be different, lighter or round concrete columns. By making them dark it is almost like the base. If they were white or the color of the glass.
- At this point in my opinion this is a pretty good building. There could be a stronger reading, but again I think we are quibbling, I think it's a nice building.
- I agree, the columns could be a little less stark.
- I have other comments I'd make if I were here at the last meeting but that would be unfair to the applicant. I support a project like this I think it is appropriate for Norfolk Avenue. It is consistent with the rest of the buildings.
- I wasn't here last time either I think the building is simple and elegant. I like the seating it is playful.
- I like the base of the building I think it will fit in well with Norfolk Avenue.
- Are those benches continuous or broken? Maybe you can create a break so its easier to walk around. It will add porosity, so people can get around it. The shapes can be continuous, but they could be several benches rather than one.
 - *Applicant Response:* They are about 16-18feet, we could do that, and break up the bigger ones.
- Can we combine the curb ramps into one ramp because they are so close?
 - *Applicant Response:* No, DPS would like 2 ramps it is an ADA standard.
- I think this view justifies even more that each cube should remain clean and pristine and are separate elements floating over a traditional base and tying them together may not accomplish a great deal.
- I applaud you for the canopies. I wish more projects would do that instead of awnings.



Panel Recommendations:

The following recommendations should be incorporated into the Staff Report.

1. Explore the material in the transition zone, use a lighter material or blend columns with the glass.
2. Ensure there is sufficient clear pedestrian path on the sidewalk and consider creating breaks in the benches to allow more movement.
3. Public Benefit Points: The project was generally positively received and all of the panel members support the requested 10 exceptional design points.
4. Vote: **4** support, **1** support with conditions to meet recommendations above.



Bethesda Downtown Design Advisory Panel

FROM: Laura Shipman
Design Advisory Panel Liaison

PROJECT: The Claiborne
Sketch Plan No. 32017003A, Site Plan No. 82017008A

DATE: July 25, 2018

*The Claiborne project was reviewed by the Bethesda Downtown Design Advisory Panel on **July 25, 2018**. The following meeting notes summarize the Panel's discussion, and recommendations regarding design excellence and the exceptional design public benefits points. The Panel's recommendations should be incorporated into the Staff Report and strongly considered by Staff prior to the certification of the Site Plan. Should you have any additional questions and/or comments please feel free to contact the Design Advisory Panel Liaison.*

Attendance:

Karl Du Puy (Panelist)
George Dove (Panelist)
Damon Orobona (Panelist)
Paul Mortensen (Panelist, Senior Urban Designer in the Director's Office)

Laura Shipman (Design Advisory Panel Liaison)
Robert Kronenberg (Area 1 Division Chief)
Elza Hisel-McCoy (Area 1 Regulatory Supervisor)
Matt Folden (Lead Reviewer)
Leslye Howerton (Area 1 Planner Coordinator)

Neil Govadia (Applicant Team)
Anthony Pizzo (Applicant Team)
Marius Radulescu (Applicant Team)
Sami Kirkdil (Applicant Team)
Brad Fox (Applicant Team)
Heather Dishopolsky



Discussion Points:

- Would like to see the cross section and elevation in context with the adjacent Donahoe building and see what is happening. Show the existing elevation looking from Auburn and your elevation to see how the plinth relates to your building.
- Appreciate the massing diagram on compliance with the guidelines. Generally, really like the building. My company actually looked at this site and found it to be very difficult and constrained.
- I like that the streetscape is extending down Norfolk to the end of the block.
- I didn't realize the height difference is because of the zoning but it works well.
- Very compelling, works well as a larger rather than small building.
- The whole composition works very well, particularly the scale and material of the base.
- The subtle articulation or crenulation as an infill building makes this more interesting and will be very effective in reality.
- Your base will be larger and you are able to fit units in this way which we have gotten push back on. Its good to see that you are able to achieve this base and tower that is in the guidelines.
- I don't think you should have trouble moving forward.
- The two bases and how they overlap is not clear, how does the lower cream-colored base end in relation to the other base? This needs to be clarified because you are going to have an edge where the cream colored meets the grey.
- The corner zipper language appears to be broken, I would carry the zipper all the way up. The zipper is a terrific idea I wish it were stronger and more consistent all the way
 - *Applicant Response:* We chose the integrity of the box. Tried to imply a tower without making one.
- Why did you use the base material on the floor between and not use the material from above? Maybe it is the graphic, but the stitch looks so much like the base. Maybe the grid from above slides down.
 - *Applicant Response:* That is actually a grey metal and is a different material than the base. What was important for staff was to make the base have clarity rather than stitching them together.
- The zipper may want to come all the way to the ground at the corner. And the entrance is an opportunity to acknowledge the balconies above.
- Mirror the balcony detail in the base or as a canopy.
- As a massing model this is very nice, we are talking about details now.
- What does the back elevation of the addition look like? It would be nice to see that.
 - *Applicant Response:* We don't do this often in Maryland, you can have at risk windows in DC, however Maryland does not allow that.
- Landscaping and seating?
 - *Applicant Response:* This was the result of coordination with DOT DPS and Planning, everyone agreed that the seating would be an interesting element.



- It is weird to have the geometry focused on a corner that doesn't exist. It doesn't come to the door. So, the chevron relates to the intersection? All brick?
 - *Applicant Response:* I'm not sure the door will be there it will be what the retailer wants. The chevron will actually read as a subtle gesture. Yes, it will be all brick just combining the darker brick.
- Planter and stability?
 - *Applicant Response:* We are using structural soils and following Bethesda streetscape standards, so it should be stable.
- I'm not a proponent of using brick in high pedestrian areas because of slipperiness and tripping hazards.
- Identifying the lobby more strongly would be helpful. Maybe acknowledge that corner zone.
 - *Applicant Response:* We will study it, we want to take any opportunity to make the building better.

Panel Recommendations:

The project will return at the time of Sketch/Site Plan amendment application and the panel will provide recommendations at that time.

1. Show all elevations of the building. In particular, the panel would like to know how the back of the building is designed and how the building meets the adjacent project along Auburn Avenue.
2. Update the building cross section to include the adjacent building.
3. Create a stronger and more consistent corner treatment or "zipper" at the corner of Auburn Avenue and Norfolk Avenue from the base to the top. Also, clearly identify the lobby.
4. Clarify how the two building bases overlap.
5. Consider better stitching together the upper floors with the lower floors in the transition floor. The grid/materials from above could slide down rather than using materials similar to the base.
6. Public Benefit Points: The project is on track to achieve at least the minimum 10 Exceptional Design points required in the Bethesda Overlay Zone. The panel is supportive of the general massing and design direction.



Folden, Matthew

From: Heather Dlhopsky - Linowes and Blocher LLP <HDLhopsky@linowes-law.com>
Sent: Thursday, January 3, 2019 5:09 PM
To: 'Torma, Rebecca'; Bossi, Andrew (Andrew.Bossi@montgomerycountymd.gov);
'john.thomas@montgomerycountymd.gov'
Cc: Folden, Matthew
Subject: The Claiborne - Norfolk Avenue Shared Street Cost Estimate
Attachments: 181211 - Norfolk Ave. Shared Street Cost Estimate Exhibit.pdf; Norfolk Avenue Shared Street Bonds Estimation.pdf

Rebecca, Andrew, and John,

Per our meeting several weeks ago, we have put together the attached shared street construction cost estimate for The Claiborne's frontage of Norfolk Avenue. The estimate is based on constructing from back of the curb to centerline for the site frontage on Norfolk Avenue and pavement section based on the business district standard. Below are bulletpoints to explain the methodology we utilized:

- Applicant is required to build streetscape per approved Site Plan and the cost estimate is based on pricing to construct the future shared street from the back of curb to centerline of road for subject site frontage.
- The streetscape sidewalk area is to expand from 16-feet to 21-feet per shared street section and to raise a portion of the road to tie into existing streetscape 4-inches of concrete with asphalt setting bed and tack coat with brick pavers on top to provide the 21-foot flexible activity/sidewalk space.
- The shared travelway and parking will be constructed by removal of 4-inches of existing road metal and replace with 8-inches primary paving (3-inch bituminous concrete surface and 5-inch bituminous concrete base) per business district street standard then addition of asphalt setting bed and brick pavers to be level with streetscape.
- Additional costs included were the modification for the curb inlet, removal of curb and gutter and some lump sum fees for mobilization, traffic control and survey.
- Construction cost: \$91,053.00

Notwithstanding the attached analysis, our team's strong preference is to actually construct the long-term street section as part of the project, because it is beneficial to the project and the area, and it also seems to be far less of a hassle and process than paying into a fund and/or bonding future improvements whose timing for implementation is completely unknown. We think that constructing the section with the project could serve as an advantageous test of the street section and also generate interest and excitement for the concept of a shared street.

We'd like to discuss this with you as well once you've had the opportunity to review.

Thank you.

Heather

Heather Dlhopsky
Partner

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Website: www.linowes-law.com

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Folden, Matthew

From: Heather Dlhopsky - Linowes and Blocher LLP <HDLhopsky@linowes-law.com>
Sent: Friday, January 25, 2019 2:39 PM
To: 'Torma, Rebecca'; Folden, Matthew
Cc: Hisel-McCoy, Elza
Subject: RE: The Claiborne language
Attachments: Norfolk Avenue Shared Street Bonds Estimation.pdf

Rebecca,

Attached is a breakdown of the amounts and quantities of the materials that we had provided.

Per my discussion with Matt a little earlier today, we are OK if the condition reads as the \$91,053 we had provided plus 40% contingency (so around \$127k) as a "not to exceed" value, with the language of "or other amount as determined by the applicant and MCDOT" as Matt's language had previously read. So essentially the language in Matt's condition below would say:

The Applicant must participate in the implementation of the Norfolk Avenue shared street project by either constructing a portion along the Site frontage, or contributing a maximum of \$127,000 (or other amount determined by the Applicant and the Montgomery County Department of Transportation (MCDOT)) to MCDOT for future implementation.

Heather

Heather Dlhopsky | Linowes and Blocher LLP | 301.961.5270

From: Torma, Rebecca [mailto:Rebecca.Torma-Kim@montgomerycountymd.gov]
Sent: Friday, January 25, 2019 2:27 PM
To: Heather Dlhopsky - Linowes and Blocher LLP; Folden, Matthew
Cc: Hisel-McCoy, Elza
Subject: RE: The Claiborne language

DOT has a contingency standard of 40%. You can ask Matt Gordon to confirm.

Rebecca Torma | Manager, Development Review
Director's Office | Department of Transportation
101 Monroe Street
10th Floor
Rockville MD 20850
(240) 777-2118 (direct)
(240) 777-7170
Rebecca.torma@montgomerycountymd.gov

From: Heather Dlhopsky - Linowes and Blocher LLP <HDLhopsky@linowes-law.com>
Sent: Friday, January 25, 2019 2:21 PM
To: Torma, Rebecca <Rebecca.Torma-Kim@montgomerycountymd.gov>; Folden, Matthew <matthew.folden@montgomeryplanning.org>
Cc: Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>
Subject: RE: The Claiborne language

I'm checking with our team, and will be back with you as soon as I receive a response.

Heather Dlhopsky | Linowes and Blocher LLP | 301.961.5270

From: Torma, Rebecca [<mailto:Rebecca.Torma-Kim@montgomerycountymd.gov>]
Sent: Friday, January 25, 2019 2:13 PM
To: Heather Dlhopsky - Linowes and Blocher LLP; Folden, Matthew
Cc: Hisel-McCoy, Elza
Subject: RE: The Claiborne language

Heather,

How much contingency did you add? Also, do you have a spreadsheet showing the amount of everything?

Rebecca Torma | Manager, Development Review
Director's Office | Department of Transportation
101 Monroe Street
10th Floor
Rockville MD 20850
(240) 777-2118 (direct)
(240) 777-7170
Rebecca.torma@montgomerycountymd.gov

From: Heather Dlhopsky - Linowes and Blocher LLP <HDlhopsky@linowes-law.com>
Sent: Friday, January 25, 2019 1:03 PM
To: Torma, Rebecca <Rebecca.Torma-Kim@montgomerycountymd.gov>; Folden, Matthew <matthew.folden@montgomeryplanning.org>
Cc: Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>
Subject: RE: The Claiborne language

I'd obviously prefer it be left in, especially because it also says or other amount determined by the applicant and MCDOT. But this may be something we all just need to discuss when we get actual contract amounts in by the end of next week, and/or at the hearing.

Heather Dlhopsky | Linowes and Blocher LLP | 301.961.5270

From: Torma, Rebecca [<mailto:Rebecca.Torma-Kim@montgomerycountymd.gov>]
Sent: Friday, January 25, 2019 12:59 PM
To: Folden, Matthew; Heather Dlhopsky - Linowes and Blocher LLP
Cc: Hisel-McCoy, Elza
Subject: RE: The Claiborne language

We have not agreed that cost estimate. Please remove it. I believe that Heather agreed that we could leave it out of the staff report.

Rebecca Torma | Manager, Development Review
Director's Office | Department of Transportation
101 Monroe Street
10th Floor
Rockville MD 20850
(240) 777-2118 (direct)
(240) 777-7170
Rebecca.torma@montgomerycountymd.gov

From: Folden, Matthew <matthew.folden@montgomeryplanning.org>
Sent: Friday, January 25, 2019 11:56 AM
To: Torma, Rebecca <Rebecca.Torma-Kim@montgomerycountymd.gov>; Dlhopsky, Heather <HDLhopolsky@linowes-law.com>
Cc: Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>
Subject: RE: The Claiborne language

Thanks, Rebecca. Here is the language for the staff report condition – do you see any issues with the timing you’ve set forth in your draft letter?

1. Norfolk Avenue Shared Street Implementation

The Applicant must participate in the implementation of the Norfolk Avenue shared street project by either constructing a portion along the Site frontage, or contributing a maximum of \$91,053 (or other amount determined by the Applicant and the Montgomery County Department of Transportation (MCDOT)) to MCDOT for future implementation.

- a. The scope and manner of the Applicant’s participation must be accepted by the MCDOT and be illustrated on the Certified Site Plan.
- b. If the Applicant’s participation is a financial contribution, payment must be made to MCDOT prior to the first above grade building permit;
- c. If the Applicant’s participation is construction, work must be completed prior to issuance of the Final Use and Occupancy Permit.

Matt

Matthew Folden, AICP | Planner Coordinator
301.495.4539 | matthew.folden@montgomeryplanning.org

From: Torma, Rebecca <Rebecca.Torma-Kim@montgomerycountymd.gov>
Sent: Friday, January 25, 2019 11:22 AM
To: Dlhopsky, Heather <HDLhopolsky@linowes-law.com>; Folden, Matthew <matthew.folden@montgomeryplanning.org>
Subject: The Claiborne language
Importance: High

Good morning,

Below is my proposed language as used in other projects in Bethesda. Please provide any comments ASAP

1. The applicant must participate in a pro-rata basis towards the construction of a master planned shared street on Norfolk Avenue for their street frontage. The decision of whether a portion of the shared street will be constructed or paid for by the applicant, will be determined prior to issuance of the right-of-way permit.
 - a. If the Montgomery County DOT accepts construction of a portion of the shared street, the applicant must:
 - (i) Provide an engineer’s estimate for costs that need to include contingencies and be approved by MCDOT prior to issuance of the record plat. The cost estimate shall include, but not be limited to, pavers, drainage design, striping, signing and other related improvements to the shared street.

- (ii) Prior to issuance of the right-of-way permit, the applicant must obtain MCDOT DTE approval of the design plans for the shared street and related work. Prior to issuance of the use and occupancy permit for the building, the shared street must be installed and accepted by MCDOT.
- b. If the applicant pays a *pro rata* financial contribution toward implementation of the shared street, as agreed to by MCDOT, the applicant must:
 - i. Provide an engineer's cost estimate for the shared street along the subject property side of Norfolk Avenue that will include contingencies and be approved by MCDOT prior to issuance of the right-of-way permit. The cost estimate shall include, but not be limited to, pavers, drainage design, striping, signing and other related improvements to the shared street.
 - ii. The payment must be made prior to the issuance of the first Use and Occupancy permit.

Rebecca Torma | Manager, Development Review
Director's Office | Department of Transportation
101 Monroe Street
10th Floor
Rockville MD 20850
(240) 777-2118 (direct)
(240) 777-7170
Rebecca.torma@montgomerycountymd.gov

Department of Permitting Services

Bonds Estimation

Subdivision: Claiborne

Street Name: Norfolk Avenue

Permit Number:

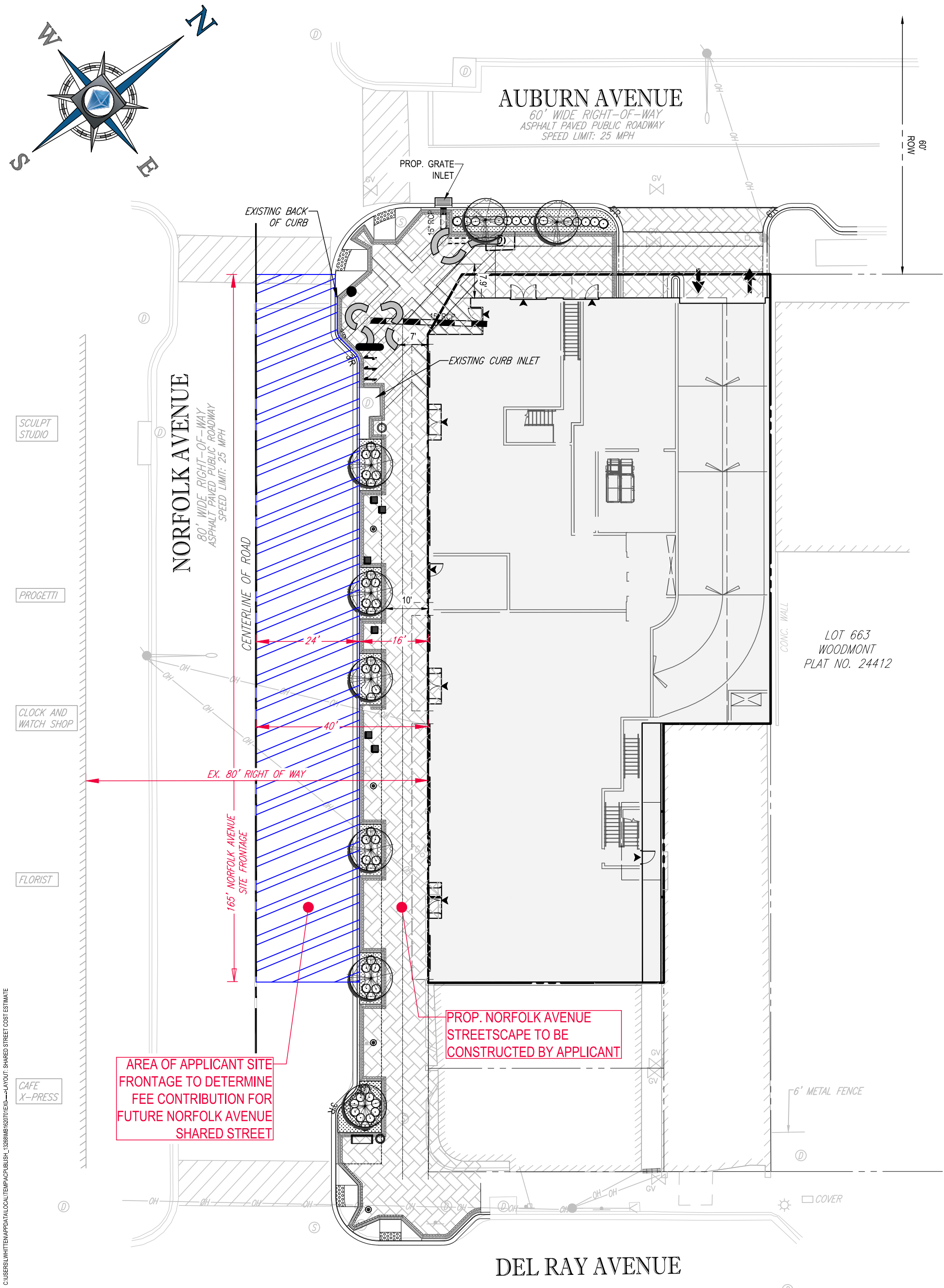
Computed B : Bohler Engineering

Quantity	Unit	Description	Unit Cost	Subtotals
168	L.F.	Remove existing curb & gutter	\$12.00	\$2,016.00
348	S.Y.	8" Primary Paving	\$19.00	\$6,612.00
87	S.Y.	4" Concrete Sidewalk	\$23.00	\$2,001.00
348	S.Y.	4" Pavement Removal	\$5.00	\$1,740.00
1	E.A.	Modify Existing Curb Inlet to Grate Inlet	\$4,000.00	\$4,000.00
3906	S.F.	Brick Pavers	\$10.00	\$39,060.00
1	L.S.	Mobilization	\$5,000.00	\$5,000.00
1	L.S.	Traffic Control (MOT)	\$10,000.00	\$10,000.00
1	L.S.	Survey	\$5,000.00	\$5,000.00
3906	S.F.	Asphalt Setting Bed and Tack Coat with Asphalt Adhesive	\$4.00	\$15,624.00

Construction Activity Costs (CAC) Total:	\$91,053.00
Bond	
Bond Subtotal (CAC + 5% Contigenc):	\$95,605.65
Total Bond Requirements:	\$95,700.00
Permit Fee	
Permit Fee Subtotal (Total Bond x 14.650%):	\$14,020.05
EFSF (Permit Fee Subtotal x 3%):	\$420.60
Total Permit Fee:	\$14,440.65

Approved b : _____

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SHARED STREET COST ESTIMATE

CLAIBORNE
NORFOLK AVENUE
BETHESDA, MD 20814

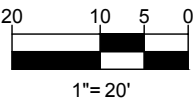


BOHLER
ENGINEERING

16701 MELFORD BLVD., SUITE 310 BOWIE, MD 20715
PHONE: (301) 809-4500 FAX: (301) 809-4501

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Dec. 11, 2018 | LMW | MB1620701 | Rev. 0



CIP Road Project Process: Cost Estimating Methodology

Estimate of
Unknown
Contingency

40%+/-



35%+/-



20%+/-



10%+/-

Order of Magnitude Cost Estimates

- Quick analysis of alternatives where there is little other information
- Based on best available information and historical linear foot or square foot costs

Conceptual Cost Estimates

- Basic alignments and general consensus on type of structures, etc. are known
- Based on conceptual plans on topographic maps, and historical linear foot or square foot costs

Preliminary Cost Estimates

- Actual field and aerial surveys, and prepared (35%) preliminary plans and plats
- Based on actual alignments with most features, and the right-of-way plats have computed preliminary areas to be acquired
- Based on actual preliminary quantities and the most closely related unit prices

Final Cost Estimates

- Based on the 100% final plans and plats
- Refined alignment features; permits acquired; utility impacts, property acquisitions completed or in "quick take"; detour routes established; etc
- Right-of-way plats been adjusted to take into account these extra items
- Based on 100% final quantities and the most closely related unit prices

The level of contingency needed decreases as design is finalized and the number of unknowns decreases.



CIP Road Project Cost Estimate

7

05/2008

CountyStat

Source: United States Department of Transportation - Federal Highway Administration



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

November 27, 2018

Mr. Bradford Fox, P.E.
Bohler Engineering
16701 Melford Boulevard, Suite 310
Bowie, MD 20715

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN
REVISION** Request for The Claiborne
Preliminary Plan #: 12017025A
SM File #: 282758
Tract Size/Zone: 0.27 Ac./ CR
Total Concept Area: 0.43 Ac.
Lots/Block: Parts 379, 380, 381, 637; All of
610, 611, & 612
Watershed: Lower Rock Creek

Dear Mr. Fox:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via ESD to the MEP using green roof and micro-bioretention. Due to existing shallow storm drains and other site constraints full treatment cannot be provided, so a partial waiver is hereby granted.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. **This Combined Stormwater Management Concept/Site Development Stormwater Management Plan supersedes the approved Stormwater Management Concept Letter dated June 20, 2017.**
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.



255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850 | 240-777-0311
www.montgomerycountymd.gov/permittingservices

6. Access for maintenance and inspection of the micro-bioretenction planter boxes must be from a community area. Also, the location of these structures may not be part of a privately-owned unit. At engineered plan stage if it is determined that the location of the planter boxes is not acceptable, they may be eliminated as stormwater management and the waiver fee adjusted accordingly*.
7. Green roof to be designed by a green roof specialist.
8. Proposed green roof area at a minimum is to be 4,110 square feet of eight-inch thickness. At plan submittal try to increase this area.

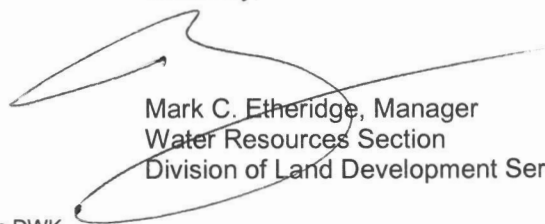
This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: me CN 282758 The Claiborne Combined Revision.DWK

cc: N. Braunstein
SM File # 282758

ESD Acres:	0.27
STRUCTURAL Acres:	0.00
WAIVED Acres:	0.16 (+ 0.27 *)



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Marc Elrich
County Executive

December 20, 2018

Mr. Matthew Folden
Area 1 Division
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: The Claiborne
Preliminary Plan Amendment No. 12017025A
Site Plan Amendment No. 82017008A

Dear Mr. Folden:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced plans and recommends Approval. At certified site plan, the applicant will need to provide DHCA with schematic floor plans showing the locations and proposed layouts of the MPDUs.

Sincerely,

Lisa S. Schwartz
Senior Planning Specialist

cc: Brad Fox, Bohler Engineering

S:\Files\recurring\Housing\MPDU\Developments\Claiborne, The\Claiborne DHCA Letter_12-20-2018.docx

Division of Housing

Affordable Housing Common Ownership Communities Landlord-Tenant Affairs Multifamily Housing

1401 Rockville Pike, 4th Floor • Rockville, Maryland 20852 • 240-777-0311 • 240-777-3691 FAX • www.montgomerycountymd.gov/dhca



Department of Permitting Services
Fire Department Access and Water Supply Comments

DATE: 09-Jun-17
TO: Bradford Fox - bfox@bohlereng.com
Bohler Engineering
FROM: Marie LaBaw
RE: The Claiborne
820170080

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **09-Jun-17** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

***** Increased pavement width allows for decreased curb return radius at Auburn and Norfolk *****

***** 12/20/2018 Amendment: modified building footprint *****



December 11, 2018

Montgomery County Department of Permitting Services
255 Rockville Pike
2nd Floor
Rockville, MD 20850

Attention: Dr. Marie LaBaw, P.E.

Re: Fire Department Access Plan Revision
The Claiborne #820170080
4820 Auburn Avenue
Bethesda, Montgomery County, MD
BEPC # MB1620701

Dear Ms. LaBaw:

On behalf of 4820 Auburn, LLC, Bohler Engineering is submitting a revision to the Fire Department Access Plan for the Claiborne project which was approved on June 9, 2017.

The purpose for the revision is to include the expansion of the proposed building which increases the ground floor square footage from 7,874SF to 10,708SF. The Applicant has purchased additional properties on the southeast side to increase building square footage.

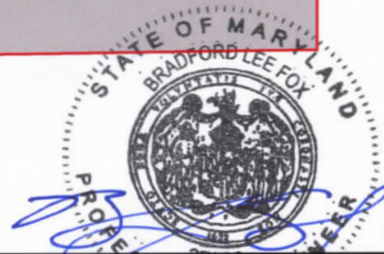
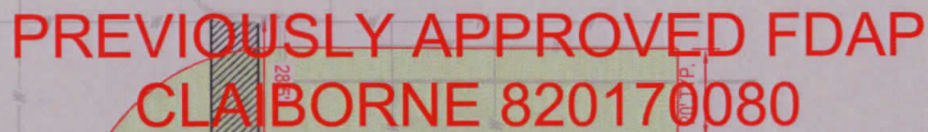
Should you have any questions, or require additional information, please do not hesitate to contact this office at (301) 809-4500.

Sincerely,

Bradford L. Fox, P.E.

BLF/kd

H:\16\MB1620701\Administrative\Letters\181212 DPS - MLaBaw - FDAP Revision Letter.doc



PROFESSIONAL CERTIFICATION
I, BRADFORD L. FOX, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 37966, EXPIRATION DATE: 11/30/2019

4 PROP. SINGLE ROW OF WINDOWS ABOVE ADJACENT BUILDING. SHOULD WINDOWS IN QUESTION REMAIN IN PROJECT, THEY WILL COMPLY WITH CODE/NFPA REQUIREMENTS.

FIRE CODE ENFORCEMENT

Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation

12/20/2016

BY: SMCFM: 43

DATE: _____

12/20/2018

FIRE DEPARTMENT

ACCESS PLAN

REVISION

4820 AUBURN AVENUE
BETHESDA, MD 20814

12.07.18 | IBG | MB1620701 | Rev 0

BOHLERTM
ENGINEERING

16701 MELFORD BLVD., SUITE 310 BOWIE, MD 20715
PHONE: (301) 809-4500 FAX: (301) 809-4501

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 $1'' = 40'$



DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Al R. Roshdieh
Director

January 25, 2019

Mr. Matthew Folden, Planner Coordinator
Area 1 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Amended Preliminary Plan
No. 120150125A
The Claiborne
Addendum

Dear Mr. Folden:

This email is to amend comments contained in the MCDOT November 30, 2018, Preliminary Plan Amendment letter. All comments remain applicable, unless discussed below.

Significant Plan Review Comment

1. **Comment #1 Original Language:** *The applicant must participate in a pro-rata basis towards the construction of a master planned shared street on Norfolk Avenue for their street frontage. The contribution has been determined at \$5,000 per linear foot of site frontage along Norfolk Avenue. The payment must be made prior to the issuance of the first Use and Occupancy permit.*

The comment is amended as follows:

1. The Applicant must participate in the implementation of the Norfolk Avenue shared street project by either constructing a portion along the Site frontage, or contributing a maximum of \$127,000 (or other amount determined by the Applicant and the Montgomery County Department of Transportation (MCDOT)) to MCDOT for future implementation.

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178

FAX

www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

- a. The scope and manner of the Applicant's participation must be accepted by the MCDOT and be illustrated on the Certified Site Plan.
- b. If the Applicant's participation is a financial contribution, payment must be made to MCDOT prior to the first above grade building permit;
- c. If the Applicant's participation is construction, work must be completed prior to issuance of the Final Use and Occupancy Permit.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact myself for this project at rebecca.torma-kim@montgomerycountymd.gov or (240) 777-2118.

Sincerely,



Rebecca Torma, Manager
Development Review Team
Office of Transportation Policy

Sharepoint/dot/director's office/development review/Rebecca/developments/Bethesda/the claiborne/120170125A Claiborne
prelimin ad.docx

cc: Neil Goradia, 4820 Auburn, LLC
Brad Fox, Bohler Engineering
Heather Dlhopsky, Linowes and Blocher, LLP
Letters notebook

cc-e: Sam Farhadi, MCDPS RWPR
John Thomas, MCDOT DTE
Kamal Hamud, MCDOT DTEO
Dan Sanayi, MCDOT DTEO
Benjamin Morgan, MCDOT DPM
Sandra Brecher, MCDOT
Beth Dennard, MCDOT



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Al R. Roshdieh
Director

November 30, 2018

Matthew Folden, Planner Coordinator
Area 1 Planning Division
Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Amended Preliminary Plan
No. 12017025A
The Claiborne

Dear Mr. Folden:

We have completed our review of the revised and amended preliminary plan uploaded on November 14, 2018. A previous plan was reviewed by the Development Review Committee at its meeting on November 6, 2018. This letter supersedes the previous MCDOT letter dated May 23, 2017. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. This letter and all other correspondence from this department should be included in the package.

Significant Preliminary Plan Comments

1. The applicant must participate in a pro-rata basis towards the construction of a master planned shared street on Norfolk Avenue for their street frontage. The contribution has been determined at \$5,000 per linear foot of site frontage along Norfolk Avenue. The payment must be made prior to the issuance of the first Use and Occupancy permit.
2. Construct Bethesda Central Business District streetscaping along the Auburn, Norfolk and Del Ray Avenues site frontages as shown on the preliminary plan sheet 3 of 5.

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178

FAX

www.montgomerycountymd.gov

3. Prior to DPS approval of the record plat, the applicant will need to submit an updated Sight Distances Evaluation certification form to DPS for their approval, for the proposed driveway.
4. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site. We accept the consultant's proposal to provide a seventeen (17) foot curb return at the Norfolk Avenue and Aurburn Avenue intersection.
5. The storm drain analysis was reviewed and is acceptable to MCDOT. No improvements are needed to the downstream public storm drain system for this plan.
6. Traffic Mitigation Agreement: With the preliminary plan application, submit a draft Traffic Mitigation Agreement (TMAg) to MCDOT. Prior to the issuance of any building permits by MCDPS, the Applicant will need to work with this Department to finalize the draft TMAg. Coordinate with Ms. Sandra Brecher, Chief of Commuter Services Section. Ms. Brecher may be contacted at 240-777-8383. The TMAg will include but not be limited to the following:
 - a. Electric Car Charging. Provide two (2) electric car charging stations on site or other EV charging arrangements acceptable to MCDOT, or the number of stations required by law, whichever is greater.
 - b. Bicycle Facilities. Provide bike racks/lockers in weather-protected, highly visible/active locations. Consider providing secure bicycle storage area in garage for resident use (bike cage) as well as a small bicycle repair station for resident use.
 - c. Bike Sharing Station. See comment below.
 - d. Real Time Transit Information – See comment below.
 - e. Permanent Information Displays - Incorporate permanent/static display space into residential lobby(ies), retail locations and other high pedestrian activity areas, to provide opportunity for display of transit and other alternative transportation information.
7. Bikeshare Station. Given site constraints acknowledged by this Department, the Applicant is not required to provide space in the Project for a bikesharing docking station. Instead, MCDOT will select an off-site location for the station based upon the requirements of the bikesharing system in the County, in a highly visible, publicly accessible, and well-lit location as near to the Project as possible. The applicant must pay the capital costs for one, nineteen (19) dock station. All payments must be made to the County or its designee. If the County determines that a bikeshare station is not to be provided, racks or other suitable facilities or equipment for the orderly storage of mobility devices shall be provided. The applicant must take other actions in concert with MCDOT to promote the use of bikesharing among employees, residents and visitors at the project, in order to accomplish the objectives of the TMD.
8. Real Time Transit Information: Provide opportunity and connections for electronic (LCD) display screens providing Real Time Transit Information Signs in the residential lobby, to enable information to be readily accessed by building residents, employees, visitors, etc. Real Time Transit Information display can be incorporated into planned lobby display monitors/software system for building(s). Alternately, the Applicant can reimburse the County for the cost of a

County-provided monitor. If this alternative is chosen, the Applicant will pay for five years of maintenance for County-provided sign(s); if Real Time Transit Information is incorporated into the building's planned monitor systems, there would be no additional maintenance costs.

Standard Preliminary Plan Comments


9. Maintain a minimum five (5) foot wide continuous open sidewalk (no grates) along all street frontages.
10. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.
11. In all underground utility installations, install identification tape or other "toning" device approximately 2' above the utility.
12. If the proposed development will alter any existing street lights, replacement of signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
13. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Kamal Hamud of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
14. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.
15. We recommend that the applicant coordinate with Mr. John Thomas of our Transportation Engineering Section regarding bicycle facilities along the site frontage. Mr. Thomas can be reached at john.thomas@montgomerycountymd.gov or at 240-777-7240.
16. At or before the permit stage, please coordinate with Mr. Benjamin Morgan of our Division of Parking Management to coordinate the impacts on public parking facilities in the vicinity of this project. Mr. Morgan may be contacted at 240 777-8704.
17. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - a. Bethesda Central Business District streetscaping along the Auburn, Norfolk and Del Ray Avenues site frontages as shown on preliminary plan sheet 3 of 5.
 - b. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
 - c. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost

to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.

- d. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- e. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at Rebecca.torma@montgomerycountymd.gov or at (240) 777-2118.

Sincerely,



Rebecca Torma, Manager
Development Review Team
Office of Transportation Policy

Sharepoint/transportation/director's office/development review/Rebecca/bethesda/Claiborne/12017025A Claiborne DOT.docx

cc: Neil Goradia, 4820 Auburn, LLC
Brad Fox, Bohler Engineering
Heather Dishopolsky, Linowes and Blocher, LLP
Letters notebook

cc-e: Sam Farhadi, MCDPS RWPR
John Thomas, MCDOT DTE
Kamal Hamud, MCDOT DTEO
Dan Sanayi, MCDOT DTEO
Benjamin Morgan, MCDOT DPM
Sandra Brecher, MCDOT
Beth Dennard, MCDOT

82017008A The Claiborne

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan file:

“07-SITE-82017008A-006.pdf V4” uploaded on/ dated **“12/4/2018”** and

The followings need to be addressed prior to the certification of site plan:

1. Driveway apron should not cross the frontage without adjacent property consent.
2. Need / Label Bethesda Streetscaping along the site frontages. Any deviation should be clearly specified (please provide a list) and justified for our review and approval.
3. Provide public sidewalk:
 - a. when outdoor seating café is proposed, minimum 6’ clear sidewalk is needed;
 - b. Public and private sidewalks when adjacent each other need to have the physical limits of maintenance provided or PIE/ ROW for the additional sidewalk is needed.

LINOWES
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ATTORNEYS AT LAW

January 9, 2019

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Mr. Matthew Folden
Maryland- National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: The Claiborne – Sketch Plan Amendment No. 32017003A, Preliminary Plan Amendment No. 12017025A, and Site Plan Amendment No. 82017008A (the “Applications”) – Noise Waiver Request

Dear Mr. Folden:

On behalf of 4820 Auburn, LLC (the “Applicant”), we are requesting a waiver of the Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development (June, 1983) (the “Noise Guidelines”) pursuant to Section 2.2.2 of the Guidelines. The Applicant is proposing up to 84 multi-family dwelling units and up to 5,000 square feet of non-residential uses (the “Project”) fronting on Norfolk and Auburn Avenues in the Woodmont Triangle area of downtown Bethesda. The Project will mitigate transportation noise from Norfolk and Auburn Avenues to the extent reasonably feasible, given the urban nature of the Project along what the Bethesda Downtown Sector Plan identifies as the Woodmont Triangle area’s “main street” (Norfolk Avenue).

The materials used in the construction of exterior walls and fenestration will protect the interior of the building from transportation noise. In particular, the majority of the first four stories will be clad in a thicker exterior material and have smaller windows than the tower above. With respect to noise mitigation for the Project’s exterior spaces, the impact of transportation noise on the Project’s outdoor amenity space will be lessened due to its location on the rooftop of the building. On some of the proposed outdoor balconies and terraces, residents will likely experience some level of street noise. This condition is unavoidable and common in projects of an urban nature such as this one. As such, the Applicant respectfully requests a waiver of the Noise Guidelines.

Very truly yours,

LINOWES AND BLOCHER LLP



Heather Dlhopsky



Laura M. Tallerico