



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

MCPB No. 19-018
 Sketch Plan No. 32017003A
 The Claiborne
 Date of Hearing: February 7, 2019

MAR 19 2019

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 November 10, 2016, the Planning Board, by Resolution MCPB No. 16-122, approved Sketch Plan No. 320170030, for construction of up to 58 dwelling units and up to 2,800 square feet of non-residential uses in the CR 3.0 C 1.0 R 2.75 H90T zone, located on the northeast corner of the Norfolk Avenue and Auburn Avenue intersection ("Subject Property"), in the Bethesda CBD Policy Area and Bethesda CBD Sector Plan area; and

WHEREAS, on October 12, 2018, 4820 Auburn Avenue, LLC ("Applicant") filed an application for approval of an amendment to the previously approved sketch plan to add additional properties to the Subject Property, modify the off-site density transfers, increase the dwelling units from 58 units to 84 units, increase the non-residential square footage from 2,800 square feet to 5,000 square feet, and bring the Application in conformance with the current zoning, CR 3.0 C 3.0 R 3.0 H110', CR 3.0 C 3.0 R 3.0 H90', and 2017 Bethesda Downtown Sector Plan ("Sector Plan"); and

WHEREAS, Applicant's application to amend the sketch plan was designated Sketch Plan No. 32017003A, The Claiborne ("Sketch Plan," "Amendment," 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 January 25, 2019, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

Approved as to
 Legal Sufficiency:

Christina Sount 2/25/19

WHEREAS, on February 7, 2019, 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, on February 7, 2019, the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Fani-Gonzalez, seconded by Commissioner Dreyfus, with a vote of [4-0]; Commissioners Anderson, Dreyfus, Fani-Gonzalez, and Patterson voting in favor with Commissioner Cichy absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan Amendment No. 32017003A The Claiborne, for construction of up to 84 dwelling units and up to 5,000 square feet of non-residential uses on the Subject Property, subject to the following binding elements and conditions which replace in their entirety the conditions of Sketch Plan 320170030:¹

A. Binding Elements. The following site development elements 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 97,000 square feet of total development on the Subject Property, including up to 36,273 square feet from the Bethesda Overlay Zone. 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

¹ For the purpose of 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.

Montgomery County Land Records. The residential density to be transferred under this Sketch Plan is measured in gross square feet and will total approximately 7,741 square feet. Final allocation of density will be determined at the time of Site Plan. The Sending Properties will transfer the following square feet of development potential based on the existing zoning:

- a. 4830 Cordell Avenue will be transferring 1,028 SF of residential density
- b. 5004 Cordell Avenue will be transferring 1,028 SF of residential density
- c. 5001 Wilson Avenue will be transferring 5,685 SF of residential density
- d. 5027 Wilson Avenue will be transferring 0 SF of residential density

3. Height

The development is limited to a maximum height of 110 feet on the CR 3.0 C 3.0 R 3.0 H110' zoned property and a maximum height of 90 feet on the CR 3.0 C 3.0 R 3.0 H90' zoned property, 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. Total points must equal at least 100 and be chosen from at least four 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. Connectivity and Mobility achieved through minimum parking and streetscape improvements;
- b. Diversity of Uses and Activities, achieved through enhanced accessibility for the disabled;
- c. Quality of Building and Site Design, achieved through architectural elevations, exceptional design, structured parking, and tower step-back; and
- d. Protection and Enhancement of the Natural Environment, achieved through building lot terminations, cool roof, energy conservation and generation, and a recycling facility plan.

5. Park Impact Payment (PIP)

At the time of Site Plan, the Applicant must identify the final amount of BOZ density being purchased and allocated to the Subject Property.

6. 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.

7. 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.

8. 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; and
- d. Coordination with adjacent property owners regarding rooftop treatment and mechanical equipment.

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 necessary 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.*

a. Development Standards

The Subject Property includes approximately 0.41 acres zoned CR 3.0 C 3.0 R 3.0 H110' and CR 3.0 C 3.0 R 3.0 H90'. The data table below demonstrates the Application's conformance to the applicable development standards of the zones.

Table 1: Project Data Table

Section 59.4	Development Standard	Permitted/ Mapped Density/ Required	Proposed
	Subject Property Tract Area (CR 3.0 C 3.0 R 3.0 H110'/ H90') Density Transfer Site Tract Area ¹ 4830 Cordell Avenue (CR 5.0 C 5.0 R 5.0 H175') 5001 Wilson Lane (CRT 2.25 C 1.5 R 0.75 H35') 5027 Wilson Lane (CRT 2.25 C 1.5 R 0.75 H35') 5004 Cordell Avenue (CRT 2.25 C 1.5 R 0.75 H35') Density Transfer Subtotal Consolidated Tract Area	n/a	17,662 sf (0.41 ac) 2,610 sf (0.06 ac) 13,552 sf (0.31 ac) 6,988 sf (0.16 ac) <u>3,133 sf (0.07 ac)</u> 26,283 sf (0.60 ac) 43,945 sf (1.01 ac)
	Subject Property Prior Dedication Subject Property Proposed Dedication Subject Property Site Area	n/a	5,972 sf (0.14 ac) 0 sf (0.00 ac) 11,690 sf (0.27 ac)
	Residential Density (GFA/ FAR) Subject Property (CR 3.0 C 3.0 R 3.0 H110'/ H90') 4830 Cordell Avenue (CR 5.0 C 5.0 R 5.0 H175') 5001 Wilson Lane (CRT 2.25 C 1.5 R 0.75 H35') 5027 Wilson Lane (CRT 2.25 C 1.5 R 0.75 H35') 5004 Cordell Avenue (CRT 2.25 C 1.5 R 0.75 H35') Residential Density Transfer Subtotal Residential Density Total	52,986 sf (3.0)	47,986 sf (2.72) 1,028 sf (0.06) 5,685 sf (0.32) 0 sf (0.00) <u>1,028 sf (0.06)</u> 7,741 sf (0.44) 55,727 sf (3.16)
	Dwelling Units, max.	n/a	84
	MPDUs, min. (percent/du)	15%/13	15%/13
	MPDU Density, exempt from PIP calculation (GFA/ FAR)	n/a	13,800 sf (0.78)
	Commercial Density, max. (GFA/ FAR) Subject Property (CR 3.0 C 3.0 R 3.0 H110'/ H90')	52,986 sf (3.0)	5,000 sf (0.28)
	Bethesda Overlay Zone Density	n/a	36,273 sf (2.05)
	Total Maximum Density (GFA/ FAR)	52,986 sf (3.0)	97,000 sf (5.49)
	Maximum Building Height CR 3.0 C 3.0 R 3.0 H110'	110 feet	110 feet

CR 3.0 C 3.0 R 3.0 H90'	90 feet	90 feet
Public Open Space, min.	0	295 sf (2.5%)
Green Cover	35%	35% (4,106 sf)
Minimum Setbacks	0	0

b. 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 lobbies on either Auburn Avenue or Norfolk Avenue and short-term bicycle parking will be provided along the public sidewalks. The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.

ii. *Parking, Queuing, and Loading*

Residential Parking for the building will be provided in a below-grade facility. Vehicular and loading access will occur via Auburn Avenue along the north side of the Property to limit impacts to Norfolk Avenue.

iii. *Open Space and Recreation*

There is no open space requirement for the Subject Property because the Site area measures less than ½ acre with two public roadway frontages, however, the Project will provide 295 square feet of open space along its frontage. The Application is in conformance with the *Recreation Guidelines*.

iv. *General Landscaping and Outdoor Lighting*

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

2. *The Sketch Plan substantially conforms to the recommendations of the Sector Plan.*

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

The Project substantially conforms to the recommendations for the Property included in the 2017 *Bethesda Downtown Sector Plan*. The recommendations increase:

1. **Parks and open spaces**, including new civic greens at Veteran's Park, Bethesda Farm Women's Cooperative Market, Capital Crescent Trail and new urban parks, pathways and gateways.
2. **Affordable housing**, including the preservation of existing market-rate affordable housing, providing a mix of housing options and the provision of Moderately Priced Dwelling Units in exchange for development incentives.
3. **Environmental innovation**, including more energy-efficient buildings, better stormwater management, improved sidewalks and bicycle routes, and other measures to enhance community health and quality of life.
4. **Economic competitiveness**, based on new development, public amenities and proximity to public transit to attract businesses and visitors from throughout the region, and foster entrepreneurship and innovation.

The Property is designated as sites 231 and 22 on page 111 of the Sector Plan. The Project specifically addresses the following Sector Plan goals:

- *Incentivize expanded affordability for housing.*

The new multi-family residential apartment building will include a minimum of 15 percent Moderately Priced Dwelling Units (MPDUs) (or up to 13 units). As a result, the Project provides additional, desired affordable housing in close proximity to transit and other services.

- *Enhance Norfolk Avenue as the Main Street for the district, building on what works well and creates the unique character in Woodmont Triangle.*

The Property is located at the northern entrance to Norfolk Avenue. Given its prominent location, the Project has been designed to facilitate the pedestrian-scale retail character envisioned for Norfolk Avenue by providing step-backs along the Norfolk Avenue façade. As a result, the building will contribute to the desired lower-heights of Norfolk Avenue.

The Applicant will participate in the implementation of the Sector Plan recommended shared street improvements along their Norfolk Avenue frontage. The precise scope and manner of participation will be determined at

the time of Certified Site Plan. The Applicant's participation is anticipated to be either through a monetary contribution, in an amount approved by MCDOT, or through implementation of a portion of the Norfolk Avenue shared street. The final determination of the Applicant's participation in the Norfolk Avenue shared street, as recommended in the Sector Plan, will be determined at the time of Certified Site Plan, in conjunction with MCDOT and the Department of Permitting Services.

- *Preserve low density, pedestrian scale character along Norfolk Avenue.*

The proposed building will be located directly on the street and will both define and activate the pedestrian environment. This design will promote a more pedestrian oriented streetscape experience by expanding the streetscape and providing façades with multiple points of entry. Parking and loading will be accommodated internally on site via a consolidated garage and loading access point on Auburn Avenue.

- *Increase environmental innovation, including more energy efficient buildings, better stormwater management, improved sidewalks and bicycle routes, and other measures to enhance community health and quality of life.*

The Project will result in significant improvements to the treatment of stormwater management on-site, as there are no known stormwater management facilities located on the Property. The Project is located within the High-Performance Area and will incorporate and meet the requirements in the Sector Plan and Bethesda Overlay Zone for exceeding current energy efficiency standards for buildings.

The Project is in general conformance with the 2017 *Bethesda Downtown Plan*.

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 Project is not subject to any development plan or schematic development plan in effect on October 29, 2014.

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

The Project design is compatible in height and scale with the existing and pending nearby development in the Woodmont Triangle District. The Project

achieves compatibility with the building heights by providing a step-back along Norfolk Avenue and stepping the southern portion of the building down, from 110 feet to 90 feet, as dictated by the zoning.

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

The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. Vehicular access and loading for the Site will be provided from Auburn Avenue while Long-term bicycle parking will be provided within the garage and short-term bicycle parking will be provided along the Property's frontage. Pedestrian access to the site will be from the established sidewalk network and will be enhanced by streetscape improvements along each of the Property frontages, consistent with the Bethesda Streetscape Standards.

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

Taking into account the considerations in Section 59-4.7.1.B, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the Planning Board finds that the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site. Final determination of public benefit point values will be determined at Site Plan(s).

Table 2: Sketch Plan Public Benefits Calculations		
Public Benefit	Incentive Density Points	
	Max Allowed	Approved in Concept
59.4.7.3C: Connectivity and Mobility		
Minimum Parking	20	12
Streetscape Improvements	30	12
59.4.7.3D: Diversity of Uses and Activities		
Enhanced accessibility for the disabled	20	3
59.4.7.3E: Quality of Building and Site Design		
Architectural Elevations	30	10
Exceptional Design	30	10
Structured Parking	20	20

Tower step-back	20	10
59.4.7.3F: Protection and Enhancement of the Natural Environment		
BLTs	30	1.9
Cool Roof	10	10
Energy Conservation and Generation	15	15
Recycling Facility Plan	10	5
TOTAL		104

Connectivity and Mobility

Minimum Parking: The Project proposes to provide 71 parking spaces; fewer than the minimum number of parking spaces (84 spaces) required under the Zoning Ordinance. Supported by the Planning Board at this time.

Streetscape Improvements: The Applicant requests 12 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 1,405 square feet. Supported by the Planning Board at this time.

Diversity of Uses and Activities

Enhanced Accessibility for the Disabled: Section 59.4.7.3.D.4. of the Zoning Ordinance permits up to 20 public benefit points for providing dwelling units with interiors that satisfy accessibility standards set forth by the American National Standards Institute (ANSI), A117.1 Residential Type A standards, The Project is providing one (1) dwelling unit that meets A117.1 or an appropriate County standard. Supported by the Planning Board at this time.

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 on the upper floors. The building will contribute to the streetscape by providing a detailed and permeable façade at the ground 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. Supported by the Planning Board at this time.

Exceptional Design: The Applicant requests 10 points for a building or site design that 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 Design Advisory Panel reviewed the project at its October 24, 2018 meeting and voted to support 10 points for exceptional design. Supported by the Planning Board at this time.

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. Supported by the Planning Board at this time.

Tower Step-back: The Applicant requests 10 points for providing a tower step-back of at least 52% of the building above the fourth floor. Applied to the building, this step-back occurs on the 110-foot tall portion of the building as a 10-foot step-back at or about a height of 40-feet; on the 90-foot tall portion of the building, as a 4-foot step-back at or about a height of 20-feet. Since the four-foot step-back does not meet the minimum criteria set forth in the Guidelines, the exact number of points will be determined at Site Plan based on the final architecture. Supported by the Planning Board at this time.

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 0.2099 BLT easements for 1.89 public benefit points. Supported by the Planning Board 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. Supported by the Planning Board at this time.

Energy Conservation and Generation: The Project is being designed to exceed the energy efficiency standards for its building type by 17.5%, 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 15 points in this public benefit category and the concept is Supported by the Planning Board at this time.

Recycling Facility Plan: The Applicant requests 5 points for providing a recycling facility plan that exceeds County requirements. The Sketch Plan includes a designated recycling material sorter, paper shredder. Supported by the Planning Board 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 shown on the latest version of Sketch Plan 32017003A, received by 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 this Resolution constitutes the written

opinion of the Board in this matter, and the date of this Resolution is MAR 19 2019
(which is the date that this Resolution is mailed to all parties of record); and

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Fani-González, with Chair Anderson and Commissioners Fani-González and Cichy voting in favor, and Vice Chair Dreyfuss and Commissioner Patterson absent at its regular meeting held on Thursday, March 7, 2019, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board