






MCPB  
Item No.  
Date: 9.12.19

## 4915 Auburn Avenue

### Sketch Plan Amendment No. 32018017A, Preliminary Plan Amendment No. 12018021A & Site Plan 820190100

 Matthew Folden, Planner Coordinator, Area 1, [Matthew.Folden@montgomeryplanning.org](mailto:Matthew.Folden@montgomeryplanning.org), 301.495.4539

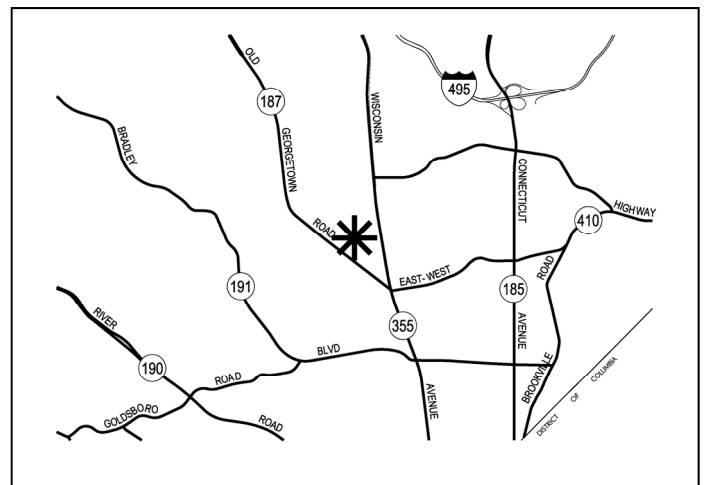
 Stephanie Dickel, Acting Supervisor, Area 1, [Stephanie.Dickel@montgomeryplanning.org](mailto:Stephanie.Dickel@montgomeryplanning.org), 301.495.4527

 Elza Hisel-McCoy, Chief, Area 1, [Elza.Hisel-McCoy@montgomeryplanning.org](mailto:Elza.Hisel-McCoy@montgomeryplanning.org), 301.495.2115

Completed: 8.30.19

## Description

- Sketch Plan Amendment & Preliminary Plan Amendment request to increase the maximum Bethesda Overlay Zone (BOZ) Density and reallocate density within the Site;
- Site Plan requests to construct a mixed-use project of up to 190,000 total square feet with up to 175 multifamily dwelling units, including 17.7% MPDUs, and up to 12,500 square feet of non-residential uses
- Site Plan includes an allocation of BOZ density of up to 95,008 square feet;
- Current use: 32,456 square feet of non-residential uses;
- Located on Auburn Avenue, west of Norfolk Avenue;
- 0.72 acres or 31,664 gross square feet of tract area zoned CR 3.0 C 3.0 R 2.75 H110 in the 2017 *Bethesda Downtown Sector Plan*;
- Applicant: Auburn Building Associates, LP;
- Acceptance date: June 6, 2019.



## Summary

- Staff recommends approval of the Sketch Plan Amendment, Preliminary Plan Amendment, and Site Plan with conditions.
- The Sketch Plan Amendment is necessary due to changes in the Zoning Ordinance related to how MPDU density is treated within the context of BOZ density. The overall Project is consistent with previous approvals.
- The Preliminary Plan amendment will allow residential dwelling units to be allocated to both lots and allow office uses.
- The Project will redevelop the site with a mixed-use building including 17.7% moderately priced dwelling units, minimum parking, structured parking, exceptional design, open space, and enhancement of the natural environment.
- The Project is comprised of two lots, both of which will accommodate the mixed-use commercial and multifamily Project. In addition, Lot 1 will provide a public open space buffer between the Site and adjacent R-60 residential zone.
- The Site Plan includes an allocation of BOZ density of up to 95,008 square feet. Section 59.4.9.2.3.c.i states a PIP payment is not required for the gross floor area allocated for MPDUs (for this project 29,728 square feet). The resulting BOZ density eligible for a PIP is thus 65,280 square feet, yielding a PIP of \$652,800 to fund park acquisition in downtown Bethesda.

## **SECTION 1: RECOMMENDATION AND CONDITIONS**

### **Sketch Plan No. 32018017A**

Staff recommends approval of Sketch Plan No. 32018017A, for modification of Sketch Plan No. 320180170 Condition 1, regarding project density. The following condition supersedes the previous Condition 1, while all other conditions remain in full force and effect:

1. Density

The Sketch Plan is limited to a maximum density of 204,728 square feet of total development, including an allocation of up to 109,736 square feet of Bethesda Overlay Zone density and approximately 29,728 square feet of MPDUs, on the Subject Property. The maximum number of dwelling units and non-residential uses will be determined at Preliminary Plan.

### **Preliminary Plan No. 12018021A**

Staff recommends approval of Preliminary Plan No. 12018021A, for modification of Preliminary Plan No. 120180210 Condition 1, regarding project density. The following condition supersedes the previous Condition 1, while all other conditions remain in full force and effect:

1. Approval is limited to two lots for up to 204,728 total square feet of development for up to 180 dwelling units and up to 12,500 total square feet of non-residential development (which may include any combination of up to 12,500 square feet of ancillary retail/ restaurant and up to 5,000 square feet of office) to be divided between the two lots as follows:
  - a. Lot 1: a total development density of up to 8,000 square feet, including: up to 5,000 square feet of non-residential development and up to 6,000 square feet of residential space comprised of up to five (5) residential dwelling units or residential amenity space; and
  - b. Lot 2: Up to 10,500 square feet of non-residential development, and up to 180 dwelling units.

### **Site Plan No. 820190100**

Staff recommends approval of Site Plan No. 820190100. The development must comply with the binding elements and conditions of approval for Sketch Plan No. 320180170 and Preliminary Plan No. 120180210, as amended. The Project density includes an allocation of up to 95,008 square feet of Bethesda Overlay Zone density. 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. Sketch Plan Conformance

The development must comply with the binding elements and conditions of approval for Sketch Plan No. 320180170 and any subsequent amendments.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120180210 and any subsequent amendments.

## Density, Height & Housing

### 3. Density

The Site Plan is limited to a maximum of 190,000 square feet of total development on the Subject Property, comprised of up to 177,500 square feet of residential uses, for up to 175 dwelling units, including 17.7% MPDUs, and up to 12,500 square feet of non-residential uses, of which up to 5,000 square feet may be office uses.

### 4. Height

The development is limited to a maximum height of 122 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan. This height includes an additional 12 feet above the mapped height of 110 feet for the provision of MPDUs.

### 5. Bethesda Overlay Zone Density

- a. Per Section 59.4.9.2.D.4 of the Zoning Ordinance, the Applicant must have a building permit application accepted by MCDPS that includes the core and shell of the principal building within two years of the date of the Planning Board Resolution. Within two years of MCDPS accepting the building permit application, the Applicant must obtain the building permit. The deadlines may not be extended. If the Applicant fails to comply with any of the deadlines in this condition, the entire Site Plan approval is revoked.
- b. In the event the final allocation of density from the BOZ is less than the approved amount, the Applicant may apply to reduce the allocation of density from the BOZ through a minor site plan amendment (Consent agenda).

### 6. 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.

- a. Connectivity between Uses, Activities, and Mobility Options
  - i. Minimum Parking – The Applicant must provide no more than 105 parking spaces for the residential use and zero (0) parking spaces for the commercial uses.
  - ii. Through-Block Connection – The Applicant must provide the through-block connection, between Norfolk Avenue and Auburn Avenue, as shown on the Certified Site Plan. The through-block connection must remain open to the public, between the hours of 8:00 AM and 9:00 PM, as illustrated on the Certified Site Plan.
- b. Diversity of Uses and Activities
  - i. Affordable Housing/MPDUs –
    - a) The development must provide a minimum of 17.7% percent MPDUs consistent with the requirements of Chapter 25A and the applicable Master Plan. The Applicant is receiving 12 feet of additional height to accommodate MPDUs.
    - b) Before issuance of any building permit for any residential unit, the MPDU agreement to build between the Applicant and the DHCA must be executed.
    - c) The Planning Board accepts the recommendations of DHCA in its letter dated August 6, 2019, and incorporates 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.

- c. **Quality Building and Site Design**
  - i. **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 Staff.
  - ii. **Structured Parking** – The Applicant must provide all parking spaces within the structured parking garage.
  - iii. **Public Open Space** – The Applicant must provide a minimum of 2,821 square feet of open space, as shown on the Certified Site Plan.
- d. **Protection and Enhancement of the Natural Environment**
  - i. **Building Lot Termination** – Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment equivalent to 0.3439 BLTs to MCDPS.
  - ii. **Cool Roof** – The Applicant must install a cool roof having a minimum solar reflectance index (SRI) of 75 on 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 17.5%, as determined by MCDPS through the methodology established by ASHRAE 90.1 (2013) Appendix G. The energy model must be submitted to DPS with the building permit application.
  - iv. **Vegetated Wall** – The Applicant must provide a vegetated wall on at least 30% of the southern building façade on Lot 1, as shown on the Certified Site Plan.

7. **Recreation Facilities**

The Applicant must provide the minimum required recreation facilities as shown on the Certified Site Plan.

8. **Maintenance of Public Amenities**

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to streetscape improvements.

**Site Plan**

9. **Landscaping**

- a. Prior to issuance of final residential Use and Occupancy Certificate, all on-site amenities, including, but not limited to: lights, sidewalks/ pedestrian pathways, hardscape, benches, trash receptacles, bicycle facilities, recreation amenities, and rooftop amenities must be installed.
- b. The Applicant must install landscaping no later than the next growing season after completion of site work.

10. **Lighting**

- a. Prior to Certified Site Plan approval, 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 on-site 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 on-site down-lights must have full cut-off fixtures.
- c. Deflectors must 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.

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 26, 2019 and amended August 13, 2019, and 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 amendment does not conflict with other conditions of Site Plan approval.

## **Environment**

### **12. Noise Attenuation**

- a. Prior to issuance of a building permit for any residential dwelling unit(s) to be constructed within the projected 65 dBA Ldn noise contour, the Applicant must provide Staff with certification from an engineer specializing in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b. The Applicant must provide a signed commitment to construct the units in accord with the noise mitigation design specifications, with any changes that may affect acoustical performance approved by the engineer and Staff in advance of installation.
- c. If the plan changes in any manner that affects the validity of the noise analysis for acoustical certifications and noise attenuation features, the Applicant must conduct a new noise analysis to reflect the revised plans, and new noise attenuation features may be required.
- d. Before issuance of Use and Occupancy permit for the noise impacted residential units, the Applicant must obtain certification that the noise impacted units have been constructed in accordance with the recommendations of an engineer that specializes in acoustical treatments. The certification must be based on the testing of at least five representative residential units.

### **13. Green Cover**

- a. The Applicant must provide a Green Cover exhibit prior to Certified Site Plan showing compliance with the Bethesda Downtown Sector Plan Green Cover requirement. The Project must provide a minimum of 35% of Green Cover on the Site comprised of intensive green roof, plantings and/or planter boxes, as shown on the Certified Site Plan.
- b. Any green roof installed pursuant to this condition must have a minimum soil depth of eight inches or Staff approved equivalent.

### **14. Tree Save Plan (TSP)**

- a. The Applicant must provide a Tree Save Plan with the Certified Site Plan.
- b. The Applicant must retain the professional services of an ISA Certified Arborist who is also a MD licensed tree expert to perform all tree stress reduction and tree protection measures.
- c. The Applicant must comply with all tree protection and tree save measures shown on the TSP. Tree save measures not specified on the TSP may be required by the M-NCPPC Forest Conservation Inspector.
- d. The Applicant must schedule the required site inspections by M-NCPPC Inspection Staff per section 22A.00.01.10 of the Forest Conservation Regulations.

## **Transportation**

### **15. Transportation**

Before the release of any above-grade building permit, the Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District (TMD) and work toward the Sector Plan goal of 55% Non-Auto Driver Mode Share.

16. Pedestrian & Bicycle Circulation

- a. The Applicant must provide 85 long-term and 6 short-term bicycle parking spaces.
- b. The long-term spaces must be in a secured, well-lit bicycle room within the garage, and the short-term spaces must be inverted-U racks (or approved equal) installed along the building's retail/restaurant frontage and in a location convenient to the main residential entrance (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.

17. Department of Permitting Services-Right-of-Way

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated July 19, 2019, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

18. Norfolk Avenue Shared Street Implementation

The Applicant must participate in the implementation of the Norfolk Avenue shared street project by contributing \$55,208 to the Montgomery County Department of Transportation (MCDOT) for future implementation prior to issuance of the first above grade building permit.

19. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) – Water Resources Section in its Stormwater Management Concept letter dated August 16, 2019 and hereby incorporates 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 MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Site Plan approval.

20. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to Certified Site Plan.

21. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, 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 Site Plan elements, including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, trash enclosures, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of any building permit for 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 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.

## 22. 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 and other applicable approval letters, development program, and Sketch Plan Amendment Resolution, Preliminary Plan Amendment resolution, and Site Plan resolution on the cover sheets;
- b. Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading;"
- c. 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;"
- d. Modify data table to reflect development standards approved by the Planning Board, including removal of all references to "exempt MPDU density;"
- e. Ensure consistency of all details and layout between Site and Landscape plans.
- f. Add a note to the Parking Calculation table that states, "In accordance with the Local Area Transportation Review Guidelines standards on ancillary retail/ restaurant, no parking may be provided for the commercial use."



## SECTION 2: SITE DESCRIPTION

### Site Vicinity and Analysis

#### *Subject Property*

The subject site (Subject Property or Property) consists of an assemblage of five existing lots, located at 4915 Auburn Avenue and 4921 Auburn Avenue in the Woodmont Triangle District of the Bethesda Downtown area. The Property has a tract area of 0.72 acres.

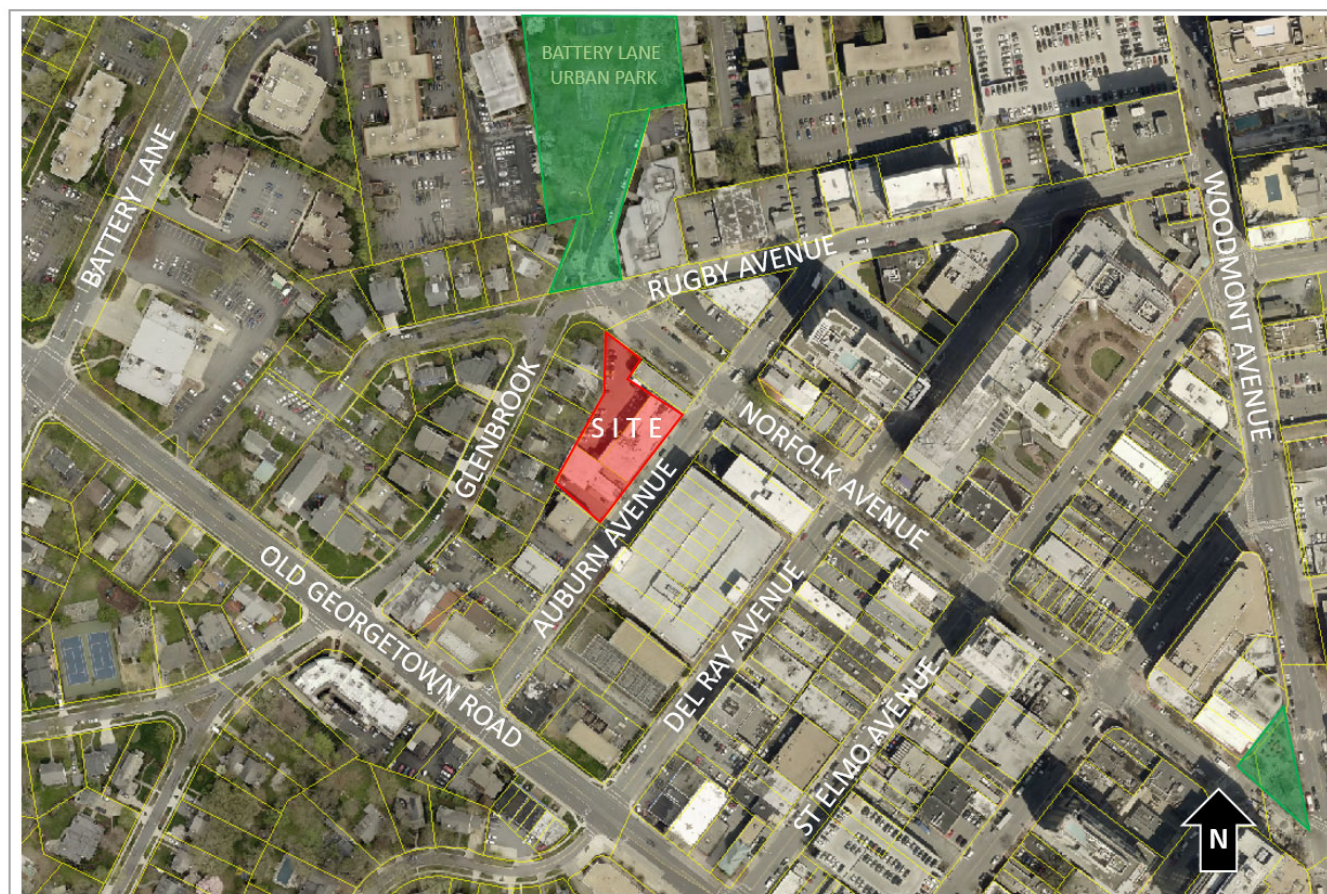


Figure 1 - Aerial View

The Property is within the area encompassed by the 2017 *Bethesda Downtown Sector Plan* (Sector Plan), the Height Incentive Area of the Bethesda Overlay Zone (BOZ), the Bethesda Parking Lot District (PLD), and is located within ½ mile of the Bethesda Metrorail Station.

#### *Site Analysis*

The Property is zoned CR 3.0 C 3.0 R 2.75 H110'. The Property is currently improved with approximately 32,456 square feet of non-residential uses within two commercial buildings, the three-story "Auburn Professional Building" at 4915 Auburn Avenue and the one-to-two-story "Huntington Learning Center" at 4921 Auburn Avenue. In addition to these buildings, the Site is encumbered with a storm drain easement along the northwest property line. There are no known rare, threatened, or endangered species on site; there are no 100-year floodplains, stream buffers, or wetlands on site. There are no known historic properties on site. There are existing mature trees on the adjacent properties, which screen the neighboring lots from the Subject Property. The critical root zones from these trees extend onto the Subject Property.



### *Surrounding Uses*

The Property is surrounded by a mix of residential and non-residential uses. Confronting the Property to the southeast, across Auburn Avenue, is Public Parking Garage #36 and the Imagination Stage, zoned CR 3.0 C 3.0 R 3.0. To the north, across Norfolk Avenue, is a commercial building zoned CR 3.0 C 3.0 R 3.0 H90. To the east, across the intersection of Norfolk Avenue and Auburn Avenue, is a commercial building zoned CR 3.0 C 3.0 R 3.0 H110; this site also has development approval under Site Plan 82017008B, "The Claiborne," for an 11-story mixed-use building with up to 84 multifamily dwelling units and up to 5,000 square feet of non-residential uses. Abutting the Property to the northwest are single family detached residential properties, zoned R-60, and to the west a single-story commercial property on Norfolk Avenue.

## **SECTION 3: PROJECT DESCRIPTION**

### **Previous Approvals**

The Planning Board approved Project Plan 920070090 on July 26, 2007 (MCPB Resolution No. 07-177), under the CBD-1 Zone and 2006 *Woodmont Triangle Sector Plan Amendment*, for a project that contained up to 126,049 square feet of mixed-use development. That project included a maximum of 60 multi-family dwelling units and up to 30,500 square feet of non-residential uses. Sketch Plan 320180170 and all subsequent amendments/applications supersede the previous Project Plan approval.

On December 13, 2018, the Planning Board approved Sketch Plan 320180170 (MCPB Resolution No. 18-125) and Preliminary Plan 120180210 (MCPB Resolution No. 18-126) for the creation of two (2) lots for up to 204,728 square feet of total development comprised of up to 180 multifamily dwelling units and up to 12,500 square feet of ancillary retail/ restaurant uses. These approvals also envisioned a BOZ density allocation of up to 80,008 square feet, which excluded all MPDU density from the allocation in accordance with Zoning Ordinance requirements in place at the time of approval.

### **Proposal**

Sketch Plan Amendment 32018017A proposes to modify the approved density to reflect changes to the MPDU provisions in the Zoning Ordinance. As amended, the Sketch Plan density is revised to increase the maximum BOZ Density allocation from 80,008 square feet to 109,736 square feet, to accommodate 29,728 square feet of previously exempt MPDU density within the Project. This change does not modify the Project density or any findings made at the time of the original approval and the final allocation of BOZ density will be made at the time of Site Plan approval.

Preliminary Plan Amendment 12018021A proposes up to 5 residential dwelling units and up to 6,000 square feet of residential amenity space and/or up to 5,000 square feet of non-residential uses on Lot 1, not to exceed a total development on Lot 1 of 8,000 square feet. The Amendment also proposes that up to 5,000 square feet of office uses, within the Project's total of 12,500 square feet of non-residential uses, be permitted within the Project. This change does not modify the overall Project density and does not result in any additional impact to the adequacy of public facilities.

The Project, as proposed through Site Plan Application 820190100, represents a refinement of the Project Density approved through the concurrent Sketch and Preliminary Plan applications, and will provide a mixed-use building with a maximum density of up to 190,000 total square feet of mixed-use development, utilizing 94,992 square feet of Mapped Density and 95,008 square feet of BOZ density, in a building up to 122 feet in height, including 17.7% MPDUs. Lot 1, measuring approximately 5,851 square feet in area, will contain the majority of the Project's open space and a new four-story building with up to 8,000 square feet of total development within a new mixed-use building comprised of the following: up to 5,000 square feet of commercial uses, up to 6,000 square feet of residential uses (up to five dwelling units and residential amenity space). Lot 2, measuring approximately 21,804

[illegible]

Proposed Lot 1 is intended to address the Site's adjacency to the existing R-60 residential by providing a smaller-scale commercial or mixed-use building and public open space buffer between the higher-density mixed use building on proposed Lot 2 and adjacent single family detached residential neighborhood to the north. This configuration is supported by Staff and helps improve the compatibility between the proposed uses on the Subject Property and adjacent residential uses.

Norfolk Avenue is currently improved with smaller-scale retail structures with a variety of storefronts. In the future, Norfolk Avenue is envisioned as a shared street that will balance all modes of transportation and allow for more flexible public space. In support of the future vision for Norfolk Avenue, the project eliminates all vehicular access from Norfolk Avenue and will participate in the implementation of the Norfolk Avenue shared street, as recommended in the Sector Plan.

### Norfolk Avenue Shared Street

In addition to the streetscape improvements required along the frontage, the Project will participate in the implementation of the Norfolk Avenue Shared Street concept, as recommended in the Sector Plan on page 53 and pages 114 - 117. As of the date of this staff report, the Applicant is continuing to work with MCDOT to determine the scope and manner of participation in the Norfolk Avenue shared street concept, which may take the form of a monetary contribution, approved by MCDOT, or implementation of a portion of the Norfolk Avenue shared street as a “pilot” to implement the Sector Plan recommendation.

Figure 3 shows the Sector Plan depiction of the Norfolk Avenue Shared Street. The Applicant’s cost estimate of \$55,208 for the pro rata portion of the shared street, as confirmed by MCDOT, is included in Attachment C.



Figure 3: Norfolk Avenue Shared Street Concept

## Open Space

As a Site with a tract area between 0.51 acres and 1.00 acres and two frontages, the Project is not required to provide public open space. The Project, however, is providing approximately 2,821 square feet (10%) of open space on the Site as part of the Project's public benefits package. This open space will serve as a transition from the adjacent single family neighborhood to the west as well as the Site's through-block connection and public gathering area.



*Figure 4 – Illustrative Site Plan*

Lot 1, adjacent to the single-family residential neighborhood, will be the majority of the Project's open space as well as a new four-story commercial or mixed-use building, measuring up to fifty feet in height. The open space will serve as the through-block pedestrian connection, from Auburn Avenue toward Battery Lane Urban Park, as envisioned in the Sector Plan. Additionally, this space will provide a physical separation and green buffer between the proposed development and the adjacent single-family neighborhood. Lot 2 will be developed with an 11-story mixed-use building, measuring up to 122 feet in height, that has been designed to promote compatibility with the neighboring single-family homes and respond to the Property's prominent location within the Bethesda CBD.

As recommended in the Sector Plan, the through block connection will provide a meaningful connection between Battery Lane Urban Park and Norfolk Avenue with the Imagination Stage and Auburn Avenue. This relationship is shown in Figure 5 and highlighted with arrows demonstrating the prevailing pedestrian movements on public sidewalks (orange) and through block connections (red).



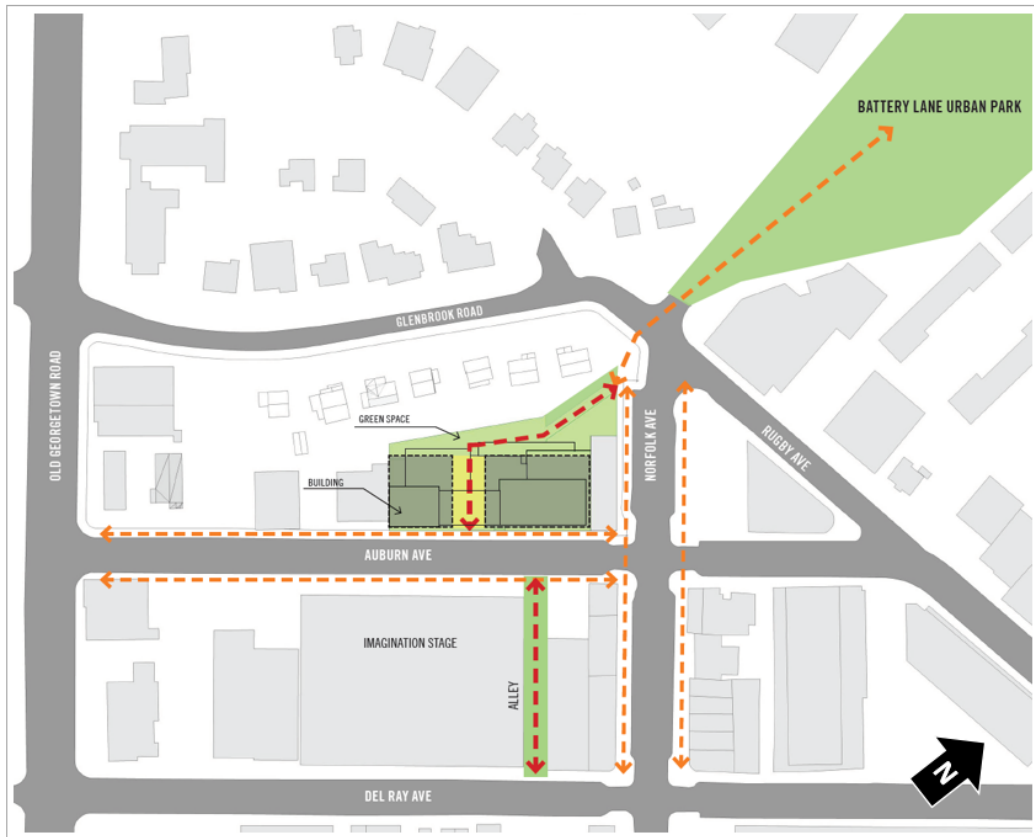


Figure 5 – Through-Block Connection and Open Space Context

### Building Height

Although the Site's mapped zone limits building height to 110 feet, the Project proposes an additional 12 feet of height, to 122 feet, as allowed with the provision of 17.7% MPDUs. This additional height is permissible because the Property is located within the "Height Incentive Area" of the BOZ (Section 59.4.9.2.E) and because Section 59.4.9.2.C.3.b of the Zoning Ordinance allows:

[i]f a project exceeds 17.5% MPDUs and is located in the Height Incentive Area as delineated in Subsection E, the height limit of the applicable zone does not apply to the extent required to provide MPDUs, ... [t]he additional height is calculated as the floor area provided for MPDUs above 15% divided by the average residential floor plate area, where each whole number and each remaining fraction allows an increase of 12 feet.

As proposed, the average residential floor plate measures approximately 16,566 square feet in area and the average MPDU size is proposed to be approximately 959 square feet, for a total of 29,728 square feet for the 31 MPDUs provided. The Project proposes to include four (4) additional MPDUs beyond the minimum required at 15%<sup>1</sup>, which amounts to approximately 3,836 square feet of gross floor area (23% of an additional floor).

### Architecture

The Project responds to the transitional nature of its location, between the higher heights of the CBD and lower-scale R-60 neighborhood, on the edge of Downtown Bethesda. The Project is divided into two buildings that will help break-down the mass of the Project and provide compatibility with the surrounding uses.

<sup>1</sup> Based on 175 dwelling units, 15% = 27 MPDUs; 17.7% = 31 MPDUs

The Auburn Avenue façade on Lot 2 reaches a height of 122 feet, as a result of the Applicant's provision of more than 17.5% MPDUs, and contributes positively to the street wall by providing an interesting building façade. As shown in Figure 6, the Auburn façade is broken down through a series of building recesses and projections. Auburn Avenue will feature the Project's only vehicular access point and southern terminus of the Project's through-block connection.



*Figure 6 - Architecture  
(Front façade, from Auburn Avenue)*



*Figure 7 - Architecture  
(Rear façade, from adjacent R-60 Zone)*



*Figure 8 - Architecture  
(Norfolk Avenue façade)*



### Design Advisory Panel

During their April 24, 2019 meeting, the Design Advisory Panel (DAP) expressed support for the Project and felt that the Project warranted 30 Exceptional Design points. The DAP recommended that the Applicant continue to consider the following points as the Project moves toward a final design:

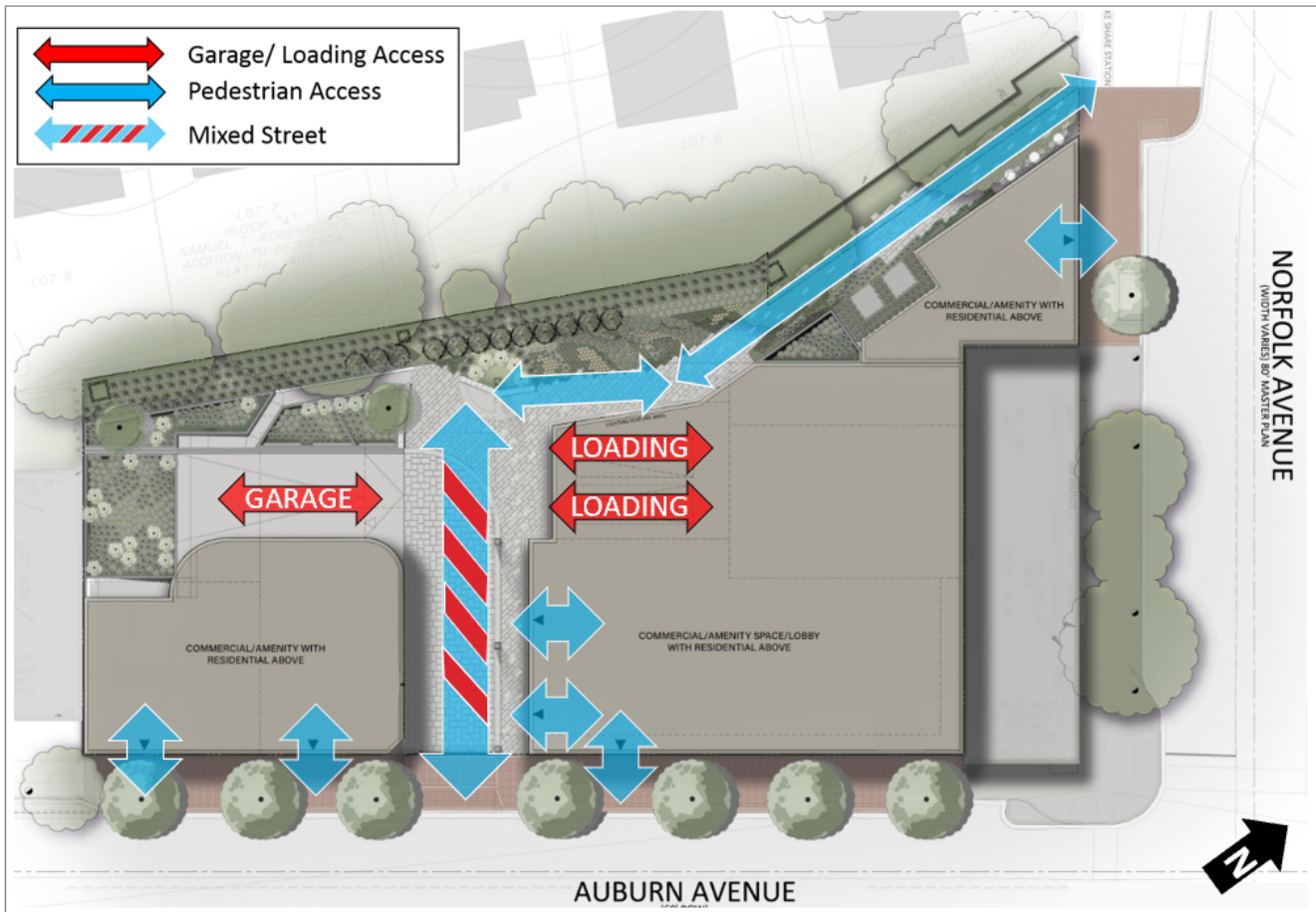
1. Consider additional treatment to the ceiling of the covered through-block connection such as lighting to make the space more inviting and exciting.
2. Ensure that the landscape treatment is cohesive.
3. Public Benefit Points: The applicant requests 20 Exceptional Design Points; however, the panel recommends 30 Exceptional Design Points.

Additional context and discussion for the DAP's recommendations are included in the attached April 24, 2019, DAP meeting summary (Attachment B). A full discussion of how the Project meets the exceptional design criteria is provided in the Public Benefits section of this Staff Report.

### Transportation

#### *Access and Circulation*

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, and a new mid-block pedestrian connection from Norfolk Avenue to Auburn Avenue via the Project's open space. Vehicular access to the Site is proposed at the mid-point of the building on Auburn Avenue. Loading and garage access will be accommodated via a shared street internal to the Site that will also accommodate the pedestrian through-block connection (Figure 9). Exclusive of any space dedicated to building support columns, the shared street will be a minimum width of seven (7) feet for the pedestrian-only portion and a minimum of 23 feet wide for the portion shared by vehicles, pedestrians, and bicyclists.



*Figure 9 - Pedestrian and Vehicular Circulation*

The through-block connection will incorporate a series of arches that are accentuated by lighting to ensure that the space will be inviting to the public (Figure 10). In addition to the lighting, the ground-floor corners of the building have been notched out to provide additional public gathering space and to visually reduce the perceived depth of the covered portion of the pass-through. As shown on the Site Plan, the mid-block connection will be lined with active ground floor uses on both sides. These ground floor spaces will be designed to provide ample transparency, to activate the pass-through, while still creating an intimate setting commensurate with the character of the residential building.



*Figure 10 – Mixed Street Perspective  
(Auburn Avenue façade)*

#### *Transit Connectivity*

The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station (located within ½ mile of the site), Metrobus, RideOn, the Bethesda Circulator and future Purple Line.

#### **Community Outreach**

The Applicant held a pre-submittal public meeting at the Bethesda-Chevy Chase Regional Services Center on April 2, 2019. The Applicant has complied with all submittal and noticing requirements, and Staff has not received correspondence from community groups or citizens as of the date of this staff report.

## **SECTION 4: SKETCH PLAN AMENDMENT 32018017A**

### **ANALYSIS AND FINDINGS**

The Planning Board approved Sketch Plan No. 320180170 for a mixed-use project of up to 204,728 total square feet of development comprised of up to 180 dwelling units, and up to 12,500 total square feet of ancillary retail/restaurant development, and included up to 80,008 square feet of density from the Bethesda Overlay Zone (BOZ). That approval was granted prior to the County Council's adoption of Ordinance 18-52, which in part eliminated a provision in the Zoning Ordinance (Section 59.4.7.3.D.6.c.iii.), which excluded MPDU density from the overall project FAR and BOZ allocation. MPDU density must now be deducted from the mapped density, thus increasing the amount of future BOZ density allocated to the Project.

Sketch Plan Amendment 32018017A proposes amending Condition No. 1 to increase the maximum allocation of BOZ density on the Subject Property. This amendment is necessary to revise the previously approved project density, 204,728 square feet, which excluded MPDU density from the overall project density and from the maximum BOZ allocation. The recent Montgomery County Council Ordinance No. 18-52, revised portions of Chapter 59, the Zoning Ordinance, pertaining to MPDU density. As amended, the Sketch Plan is consistent with the previously approved density and consistent with the Zoning Ordinance, as revised. Staff supports the proposed amendment, which does not change the previously approved project density. The Sketch Plan Amendment density is summarized in Table 1, below.

This Amendment does not alter the intent, objectives, or requirements in the originally approved Sketch Plan and all previous findings remain in effect.

**Table 1: Sketch Plan Data Table**

<b>Section 59.4</b>	<b>Development Standard</b>	<b>Permitted/ Mapped Density/ Required</b>	<b>Proposed</b>
	<b>Gross Tract Area</b> CR 3.0 C 3.0 R 2.75 H110  <div style="text-align: right;">Lot 1 Lot 2 <b>Total Site</b></div>	n/a	5,851 sf (0.13 ac) 25,813 sf (0.59 ac) <b>31,664 sf (0.72 ac)</b>
	Prior Dedication Proposed Dedication <b>Site Area</b>  <div style="text-align: right;">Lot 1 Lot 2 <b>Total Site</b></div>	n/a	3,755 sf (0.086 ac) 254 sf (0.006 ac)  5,851 sf (0.13 ac) 21,804 sf (0.50 ac) <b>27,655 sf (0.63 ac)</b>
	<b>Residential Density (GFA/ FAR)<sup>1</sup></b> CR 3.0 C 3.0 R 2.75 H110 Maximum Lot 1 Square Footage Maximum Lot 1 Dwelling Units Maximum Lot 2 Square Footage Maximum Lot 2 Dwelling Units  <b>Total Residential Density</b>	16,090 sf (2.75) n/a 70,986 sf (2.75) n/a  <b>87,076 sf (2.75)</b>	6,000 sf (1.02 Lot 1 FAR) Up to 5 Dwelling Units 192,228 sf (7.44 Lot 2 FAR) Up to 180 Dwelling Units  <b>192,228 sf (6.07 Total Tract FAR)</b> (82,492 SF Mapped Density)
	<b>MPDU Density</b>	15%	17.7%
	<b>Commercial Density (GFA/ FAR)<sup>1,3</sup></b> CR 3.0 C 3.0 R 2.75 H110 Maximum Lot 1 Square Footage Maximum Lot 2 Square Footage  <b>Total Commercial Density</b>	17,553 sf 77,439 sf  <b>94,992 sf (3.0)</b>	5,000 sf (0.85 Lot 1 FAR) 10,500 sf (0.40 Lot 2 FAR)  <b>12,500 (0.39 Total Tract FAR)</b> (12,500 Mapped Density)
	<b>Bethesda Overlay Zone Density</b>	n/a	109,736 (3.46 Total Tract FAR)
	<b>Total Maximum GFA/ FAR<sup>1</sup></b>	<b>94,992 sf (3.0)</b>	<b>204,728 sf (6.46 Total Tract FAR)</b>
	<b>Building Height (max)</b>  <div style="text-align: right;">Maximum Lot 1 Maximum Lot 2</div>	110 feet 110 feet	50 feet 122 feet <sup>4</sup>
	<b>Public Open Space (min)</b>	0	2,821 sf (10%)
	<b>Green Cover</b>	35%	35%

<sup>1</sup> Density must not exceed maximum approval (8,000 square feet on Lot 1 and 192,228 square feet on Lot 2).

<sup>2</sup> MPDU density, assumed at an average size of 959 square feet per unit for all 31 MPDUs.

<sup>3</sup> Up to 5,000 square feet of Commercial Density may serve "Office" uses.

<sup>4</sup> Lot 2 is eligible for 12 additional feet based on the provision of MPDUs above 15% (59.4.9.2.C.3.b.)

## **SECTION 5: PRELIMINARY PLAN AMENDMENT 12018021A**

### **ANALYSIS AND FINDINGS**

The amended Preliminary Plan allows the Applicant to distribute the approved density between the Lot 1 and Lot 2 with greater flexibility: Lot 1 would have a total development capacity of up to 8,000 total square feet comprised of any combination of up to 5,000 square feet of non-residential uses and up to 6,000 square feet of residential uses (including up to five (5) residential dwelling units); and Lot 2 would have up to 192,228 square feet of total development capacity comprised of any combination of up to 175 dwelling units and up to 10,500 square feet of non-residential uses. As discussed in greater detail below, up to 5,000 square feet of the non-residential uses may be office uses. The Preliminary Plan Amendment density is summarized in Table 2, below.

**Table 2: Preliminary Plan Data Table**

<b>Section 59.4</b>	<b>Development Standard</b>	<b>Permitted/ Mapped Density/ Required</b>	<b>Proposed</b>
	<b>Gross Tract Area</b> CR 3.0 C 3.0 R 2.75 H110  <div> <div>Lot 1</div> <div>Lot 2</div> <div><b>Total Site</b></div> </div>	n/a	5,851 sf (0.13 ac) 25,813 sf (0.59 ac) <b>31,664 sf (0.72 ac)</b>
	Prior Dedication Proposed Dedication <b>Site Area</b>  <div> <div>Lot 1</div> <div>Lot 2</div> <div><b>Total Site</b></div> </div>	n/a	3,755 sf (0.086 ac) 254 sf (0.006 ac)  5,851 sf (0.13 ac) 21,804 sf (0.50 ac) <b>27,655 sf (0.63 ac)</b>
	<b>Residential Density (GFA/ FAR)<sup>1</sup></b> CR 3.0 C 3.0 R 2.75 H110 Maximum Lot 1 Square Footage Maximum Lot 1 Dwelling Units Maximum Lot 2 Square Footage Maximum Lot 2 Dwelling Units  <b>Total Residential Density</b>	16,090 sf (2.75) n/a 70,986 sf (2.75) n/a  <b>87,076 sf (2.75)</b>	6,000 sf (1.02 Lot 1 FAR) Up to 5 Dwelling Units 192,228 sf (7.44 Lot 2 FAR) Up to 180 Dwelling Units  <b>192,228 sf (6.07 Total Tract FAR)</b> (82,492 SF Mapped Density)
	<b>MPDU Density</b>	15%	17.7%
	<b>Commercial Density (GFA/ FAR)<sup>1,3</sup></b> CR 3.0 C 3.0 R 2.75 H110 Maximum Lot 1 Square Footage Maximum Lot 2 Square Footage  <b>Total Commercial Density</b>	17,553 sf 77,439 sf  <b>94,992 sf (3.0)</b>	5,000 sf (0.85 Lot 1 FAR) 10,500 sf (0.40 Lot 2 FAR)  <b>12,500 (0.39 Total Tract FAR)</b> (12,500 Mapped Density)
	<b>Bethesda Overlay Zone Density</b>	n/a	109,736 (3.46 Total Tract FAR)
	<b>Total Maximum GFA/ FAR<sup>1</sup></b>	<b>94,992 sf (3.0)</b>	<b>204,728 sf (6.46 Total Tract FAR)</b>
	<b>Building Height (max)</b>  <div> <div>Maximum Lot 1</div> <div>Maximum Lot 2</div> </div>	110 feet 110 feet	50 feet 122 feet <sup>4</sup>
	<b>Public Open Space (min)</b>	0	2,821 sf (10%)
	<b>Green Cover</b>	35%	35%

<sup>1</sup> Density must not exceed maximum approval (8,000 square feet on Lot 1 and 192,228 square feet on Lot 2).

<sup>2</sup> MPDU density, assumed at an average size of 959 square feet per unit for all 31 MPDUs.

<sup>3</sup> Up to 5,000 square feet of Commercial Density may serve "Office" uses.

<sup>4</sup> Lot 2 is eligible for 12 additional feet based on the provision of MPDUs above 15% (59.4.9.2.C.3.b.)

The Applicant has requested the ability to use up to 5,000 square feet of the previously approved non-residential use as office space. A trip generation table comparing the impact of converting up to 5,000 square feet of retail uses against the previous approval is provided in Table 3. Staff finds that the conversion of up to 5,000 square feet of retail to office uses results in 36 net new morning peak hour person trips and 49 net new evening peak hour trips when compared to existing uses on the Site. Trip generation remains below 50 net new person peak hour trips, therefore, no additional transportation analysis is necessary and Staff finds that adequate public facilities exist to serve the site.



A transportation statement, dated May 1, 2019, was submitted with the Project to update the transportation statement previously approved through Preliminary Plan 12018021A. That statement demonstrates that the conversion of up to 5,000 square feet of the retail space to office uses will not negatively impact the transportation network and will remain below 50 net new person trips. As a result, the Project satisfies the Local Area Transportation Review requirement without further analysis.

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

Total Proposed		Vehicle Rates		Policy Area Vehicle Trips		Person Trips	
Use	Total Units/GFA	AM	PM	AM	PM	AM	PM
<b>Existing Use (Credit)</b>							
	28,000 SF Office	53	34	34	22	71	46
	6,250 SF Retail	6	24	4	15	9	34
	Subtotal Existing	59	58	38	37	80	80
<b>Proposed Use<sup>1</sup></b>							
	180 High Rise Dwelling Units	64	70	51	56	101	110
	5,000 SF Office	10	13	7	9	15	19
	Subtotal Proposed	74	83	58	65	116	129
<b>Total Net New Trips</b>		15	25	20	28	36	49

Source: Wells & Associates Transportation Statement, dated May 1, 2019.

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

The Preliminary Plan Amendment does not change the previously approved project density and does not alter the intent, objectives, or requirements in the originally approved Preliminary Plan. All previous findings for 120180210 remain in effect.

## SECTION 6: SITE PLAN 820190100

### ANALYSIS AND FINDINGS

1. *When reviewing an application, the approval findings apply only to the site covered by the application.*
2. *To approve a site plan, the Planning Board must find that the proposed development:*
  - a. *satisfies any previous approval that applies to the site;*

The Site Plan conforms to all bindings elements of Sketch Plan No. 320180170 and as amended by 32018017A, and Preliminary Plan No. 120180210 and as amended by 12018021A.

- b. *satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

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

- c. *satisfies under Section 7.7.1.B.5 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 section is not applicable as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

- d. *satisfies applicable use standards, development standards, and general requirements under this Chapter;*

- i. *Division 4.5. Commercial/Residential Zones*

#### Development Standards

The Tract is approximately 0.72 acres or 31,664 gross square feet, zoned CR 3.0 C 3.0 R 2.75 H110', and is within the Bethesda Overlay Zone. The following Data Table shows the Application's conformance to the development standards of the zone.

**Table 4: Site Plan Data Table**

Section 59.4	Development Standard	Permitted/ Mapped Density/ Required	Proposed
	<b>Gross Tract Area</b> CR 3.0 C 3.0 R 2.75 H110  Lot 1 Lot 2 <b>Total Site</b>	n/a	5,851 sf (0.13 ac) 25,813 sf (0.59 ac) <b>31,664 sf (0.72 ac)</b>
	Prior Dedication Proposed Dedication  <b>Site Area</b>  Lot 1 Lot 2 <b>Total Site</b>	n/a	3,755 sf (0.086 ac) 254 sf (0.006 ac)  5,851 sf (0.13 ac) 21,804 sf (0.50 ac) <b>27,655 sf (0.63 ac)</b>
	<b>Residential Density (GFA/ FAR)<sup>1</sup></b> CR 3.0 C 3.0 R 2.75 H110 Maximum Lot 1 Square Footage Maximum Lot 1 Dwelling Units Maximum Lot 2 Square Footage Maximum Lot 2 Dwelling Units  <b>Total Residential Density</b>	16,090 sf (2.75) n/a 70,986 sf (2.75) n/a  <b>87,076 sf (2.75)</b>	6,000 sf (0.102 Lot 1 FAR) Up to 5 Dwelling Units 177,500 sf (6.87 Lot 2 FAR) Up to 175 Dwelling Units  <b>177,500 sf (6.07 Total Tract FAR)</b> (82,492 SF Mapped Density)
	<b>MPDU Density</b>	15%	17.7% or 29,728 sf (0.94) <sup>2</sup> 31 Dwelling Units
	<b>Commercial Density (GFA/ FAR)<sup>1,3</sup></b> CR 3.0 C 3.0 R 2.75 H110 Maximum Lot 1 Square Footage Maximum Lot 2 Square Footage  <b>Total Commercial Density</b>	17,553 sf 77,439 sf  <b>94,992 sf (3.0)</b>	5,000 sf (0.85 Lot 1 FAR) 10,500 sf (0.40 Lot 2 FAR)  <b>12,500 (0.39 Total Tract FAR)</b> (12,500 Mapped Density)
	<b>Bethesda Overlay Zone Density</b>	n/a	95,008 (3.0 Total Tract FAR)
	<b>Total Maximum GFA/ FAR<sup>1</sup></b>	<b>94,992 sf (3.0)</b>	<b>190,000 sf (6.00 Total Tract FAR)</b>
	<b>Building Height (max)</b> Maximum Lot 1 Maximum Lot 2	110 feet 110 feet	50 feet 122 feet <sup>4</sup>
	<b>Public Open Space (min)</b>	0	2,821 sf (10%)
	<b>Green Cover</b>	35%	35%
	<b>Minimum Setbacks</b>	0	0

<sup>1</sup> Density must not exceed maximum approval.

<sup>2</sup> MPDU density, assumed at an average size of 959 square feet per unit for all 31 MPDUs.

<sup>3</sup> Up to 5,000 square feet of Commercial Density may serve "Office" uses.

<sup>4</sup> Lot 2 is eligible for 12 additional feet based on the provision of MPDUs above 15% (59.4.9.2.C.3.b.)

Table 4 (Continued): Parking

Parking <sup>1</sup>	Spaces Required	Spaces Provided
Vehicle Parking		
Residential		
Efficiency (7 market rate units); 2 MPDUS	7 minimum/ 10 maximum	--
1 Bedroom (71 market rate units); 15 MPDUS	63 minimum/ 108 maximum	--
2 Bedroom (66 market rate units); 14 MPDUS	59 minimum/ 120 maximum	--
<b>Total Residential Parking (144 market rate; 31 MPDUS)</b>	<b>129 minimum/ 238 maximum</b>	--
<b>Ancillary Retail 12,500 SF <sup>2</sup></b>	<b>40 minimum/ 150 maximum</b>	<b>0 <sup>3</sup></b>
Vehicle Parking Subtotal	169 minimum/ 388 maximum	--
20% NADMS Reduction	(34 minimum/ 78 maximum)	
<b>Vehicle Parking Total</b>	<b>135 minimum /310 maximum</b>	<b>105</b>
Bicycle Parking (Long Term/ Short Term)		
Residential	(84/4) 88	(84/4) 88
Retail	(1/2) 3	(1/2) 3
<b>Bicycle Parking Total</b>	<b>(85/6) 91</b>	<b>(85/6) 91</b>
Loading Spaces	1	2

<sup>1</sup> Final number of vehicle and bicycle parking spaces to be determined at building permit based on final number of dwelling units and non-residential density. Parking calculations account for 20% Bethesda Overlay Zone parking reduction in accordance with Section 59.4.9.2.C. 6.

<sup>2</sup> Up to 5,000 SF of the retail use may be "Office;" Parking calculation represents 12,500 sf of restaurant use, which is the highest parking generation possible under the proposal.

<sup>3</sup> In accordance with the Local Area Transportation Review Guidelines standards on ancillary retail, no parking may be provided for the commercial use.

The Bethesda Overlay Zone (BOZ) was adopted July 18, 2017, specifically to implement the recommendations of the Bethesda Downtown Sector Plan as it relates to density, building heights, affordable housing, parks, and design. The BOZ set a cap of overall development (32.4 million square feet) whereby the zoning approved for most properties retains the base density but increases the heights on respective sites. An applicant can request an allocation of density over the base density to build to the maximum height permitted by the Zone, as needed. As a project accepted before July 1, 2019 and acted upon by the Planning Board prior to December 31, 2019, the Applicant is subject to a park impact payment valued at \$10/square foot based upon the density requested and facilitates acquisition of parkland in the downtown Bethesda area.

Based on the requested 95,008 square feet of BOZ density, reduced by 29,728 square feet of MPDU density<sup>1</sup>, the Applicant is required to pay for 65,280 square feet of BOZ density at a value of \$652,800. The amount of density allocated from the BOZ for the Subject Application is deducted from the 32.4 million cap.

#### Section 4.5.4.B.4 - Form Standards

The Site Plan conforms to the intent of the form standards, including transparency, blank walls and active entrances. The Project proposes significant glass features at the ground-level for transparency as well as activating features on the ground-floor level, including street activating

<sup>1</sup> Section 59.4.9.2.C.3.c.i. of the Zoning Ordinance exempts MPDU density from the Park Impact Payment.

retail uses along Auburn Avenue and Norfolk Avenue. As conditioned, the exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the architectural drawings included in the Certified Site Plan, as determined by Staff.

ii. *Division 4.7. Optional Method Public Benefits*

In accordance with the Zoning Ordinance, Section 59.4.7.1., the Site Plan proposes the following public benefits to satisfy the requirements: Connectivity and Mobility, Diversity of Uses and Activities, Quality of Building and Site Design, and Protection of the Natural Environment.

<b>Table 5: Public Benefits Summary</b>		
<b>Public Benefit</b>	<b>Incentive Density Points</b>	
	<b>Maximum Allowed</b>	<b>Requested</b>
<b>59.4.7.3C: Connectivity and Mobility</b>		
Minimum Parking*	20	11.71
Through-block Connection	30	5
<b>59.4.7.3D: Diversity of Uses and Activities</b>		
Affordable Housing*	No Maximum	32.40
<b>59.4.7.3E: Quality of Building and Site Design</b>		
Exceptional Design*	30	30
Structured Parking	20	20
Public Open Space*	30	10.20
<b>59.4.7.3F: Protection and Enhancement of the Natural Environment</b>		
Building Lot Terminations (BLTs)	30	3.10
Cool Roof	15	5
Energy Conservation and Generation*	25	15
Vegetated Wall	10	1
<b>Total</b>		<b>133.41</b>

\* Denotes a Sector Plan priority

Connectivity and Mobility

*Minimum Parking:* The Applicant requests 20 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 20 points for providing no more than the minimum numbers of spaces on site. Based on the formula set forth in the Guidelines, provided below, Staff recommends 11.71 public benefit points in this category.

$$\frac{(((\text{Maximum Allowed Parking}) - (\text{Parking Provided})) / ((\text{Maximum Allowed Parking}) - (\text{Minimum Parking}))) * 10}{(310 - 105) / (310 - 135) * 10} = 11.71 \text{ points}$$

*Through-block Connection:* The Applicant requests 5 points for providing a through-block connection between Norfolk Avenue and Auburn Avenue, as envisioned in the Sector Plan. This connection will link the Battery Lane Urban Park, to the north, and Imagination Stage, to the south. Points for this incentive are granted on criteria such as public access, minimum width, and minimum hours of operation, as determined by the Guidelines. As proposed, the

through-block connection will have a minimum width of 10 feet, be open between the hours of 8:00 AM and 9:00 PM, include frequent window openings at the ground floor, and be inviting to the public. Staff recommends 5 points for this category.

#### Diversity of Uses and Activities

*Affordable Housing:* The Applicant requests 32.4 points for providing 17.7% Moderately Priced Dwelling Units. Based on the formula set forth in the Commercial/ Residential and Employment Zone Incentive Density Implementation Guidelines, provided below, the Applicant is eligible for 32.4 points in this category:

$$(((\% \text{ of MPDUs Provided} - \% \text{ of MPDUs Required}) * 12) + ((\% \text{ of 2BR MPDUs}) * 2))) \\ (17.7\% - 15\%) * 12 = 32.4 \text{ points}$$

Staff recommends that the Applicant be awarded 32.4 points in the Affordable Housing category.

#### Quality of Building and Site Design

*Exceptional Design:* Although the Applicant requested 20 points for exceptional design, the Design Advisory Panel (DAP) recommended that the Project be awarded the maximum number of points available in the category (30). Staff concurs with the DAP's recommendation and supports 30 points in this category.

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; provides a compact infill development on a problematic site; and integrates low-impact development methods into the overall design of the site and building, beyond green building or site requirements.

- **Providing innovative solutions in response to the immediate context;**  
The Project provides a transition between the CBD and adjacent single-family neighborhood by providing a unique, context sensitive design that responds to both the higher-density downtown and lower-scale residential neighborhood. The Project achieves this transition by providing an interesting, organic, and modular approach to the architecture. The result of this approach is a dynamic western facade that steps-down and cascades, from north to south and east to west, to a scale that is compatible with the neighborhood. Further, the approach avoids a large, blank facade, providing instead smaller volumes with outdoor terraces and greenery.
- **Creating a sense of place, that serves as a landmark.**  
The Project will serve as a landmark by virtue of its unique architecture and inviting pedestrian through-block connection. The through-block connection will strengthen the Woodmont Triangle District's pedestrian orientation and main street scale by providing a four-story mixed-use building on Norfolk Avenue.
- **Enhancing the public realm in a distinct and original manner;**  
The Project provides a continuous building facade at the street level that will define and activate the pedestrian environment. The ground level will be highly detailed and transparent and occupied by commercial uses and/or residential lobby and amenity spaces, to further activate the street. In addition to the Project's public facade along the

adjacent streets, the Site completes the connection between the public pass-through between Auburn Avenue and Del Ray Avenue (located next to Imagination Stage, and illustrated on page 115 of the Downtown Plan), and the Bethesda Trolley Trail/ Battery Lane Urban Park. The mid-block connection incorporates landscaping, lighting and specialty paving, which will draw users into the space. The building façades flanking either edge of the mid-block connection will incorporate storefront windows to provide ample transparency into the active ground floor uses, to further enliven this public space. As such, the through-block connection will continue the connective culture present in the Woodmont Triangle.

- **Introducing materials, forms, or building methods unique to the immediate vicinity or applied in a unique way;**

The building form is based on a stepped arrangement of distinct volumes, each approximately two to three stories, which dramatically step-down to the adjacent neighborhood to provide a compatible transition. The building materials will reinforce the unique massing approach in a distinctly contemporary architectural response to the site. The materials employed for the building are typical of the Woodmont Triangle neighborhood and consist primarily of clay masonry units in texture and colors that will complement and enhance its surrounding context. Specifically, two masonry colors are proposed to modulate the scale and reinforce the massing concept. The façade masonry will consist of different masonry coursing details to provide a textured façade: traditional running bond masonry and stack bond patterning. In addition to the masonry, architectural panels will be installed, using accent colors at the window and balcony openings featured on the façades. The window openings are varied, ranging from one to two stories and varied depths to provide architectural interest inside the volumetric scaling of the building.

- **Designing compact, infill development so living, working and shopping environments are more pleasurable and desirable on a problematic site; and**

The Project will redevelop the existing, aging commercial buildings with a new mixed-use, predominately residential development. The resulting Project will bring new residents into the Woodmont Triangle District and will create a vibrant building at street level.

- **Integrating low-impact development methods into the overall design of the site and building**

The Project will significantly improve the treatment of stormwater management on-site, as there are no known stormwater management facilities located on the Property and drainage flows from rooftops and parking areas directly into the storm drain system unabated. The Project will include a green roof (approximately 8 inches deep, or staff approved equivalent), spread across up to 25% of the terraced roofs, significantly reducing impervious cover and providing microclimate cooling and pollinator benefits. In addition to the proposed green roof, three micro-bioretenment facilities are proposed to treat the stormwater runoff from the remaining roof area not being treated by green roof. This green roof and micro-bioretenment planter box system more closely mimics the natural hydrological cycle, filtering and slowing down rain runoff, provides habitat for birds and insects, and reduces the heat island effect. The site at ground level will preserve the current drainage patterns, but will include a variety of plant material slowing, filtering, and infiltrating additional runoff. In combination, the planting and stormwater facility design will act as an integrated system lowering the impact of development and improving water quality



*Structured Parking:* The Applicant requests 20 points for providing all parking within a below-grade parking structure. The Applicant satisfies the requirements for 20 points because all on-site parking is provided in a below-grade garage.

*Public Open Space:* As a Site with less than 1.00 acre and two public roadway frontages, the Project is not required to provide public open space. The Applicant, however, is proposing approximately 10% of the Site, or 2,821 square feet, as public open space and requests public benefit points for so providing. Based on the formula set forth in the Commercial/ Residential and Employment Zone Incentive Density Implementation Guidelines, provided below, the Applicant is eligible for 10.2 points in this category:

$$\begin{aligned} &[(\text{Public Open Space}) / (\text{Site Area}) * 100 \\ &2,821 \text{ sf} / 27,655 \text{ sf} * 100 = 10.2 \text{ points} \end{aligned}$$

Staff recommends 10.2 points for this category.

Protection and Enhancement of the Natural Environment

*Building Lot Termination (BLT):* The Applicant requests 3.10 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, exclusive of any density allocated for MPDUs. Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance:

$$(((144,400 \text{ sf}) - (15,832 \text{ sf})) * 7.5\%) / 31,500) * 9 = 3.10 \text{ points}$$

Staff supports the Applicant's request for 3.10 public benefit points.

*Cool Roof:* Roof areas not covered by green roof or mechanical equipment will incorporate a mixture of materials that will collectively meet or exceed a solar reflectance index (SRI) of 75. Staff recommends 5 points for this benefit.

*Energy Conservation and Generation:* The Applicant is requesting 15 points for providing a building that exceeds applicable energy efficiency standards by 17.5%. The specific methods used to achieve this reduction will be determined by MCDPS prior to the issuance of Building Permit. As conditioned, the Applicant will meet the minimum reduction standards for this category and Staff recommends 15 points for this benefit.

*Vegetated Wall:* The Applicant is requesting 1 point for providing a vegetated wall on at least 30% of the southern façade of the mixed-use building on Lot 1. Staff recommends 1 point for this benefit.

iii. *Division 6.1. Site Access*

Vehicular access and loading for the Site will be provided from Auburn Avenue, via the new shared driveway/ mid-block pedestrian connection. Long-term bicycle parking will be provided within the garage and short-term bicycle parking will be provided along the Property's frontage, as shown on the Certified Site Plan.

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. Additionally, the Project provides a mid-block pedestrian

connection that will serve as the missing link between the Bethesda Trolley Trail, which provides a pedestrian/cyclist connection through Battery Lane Urban Park, and the through-block pedestrian connection between Auburn Avenue and Del Ray Avenue, adjacent to Imagination Stage.

iv. *Division 6.2. Parking, Queuing, and Loading*

Parking for the residential building will be provided in a below-grade facility. Vehicular and loading access will occur via Auburn Avenue. In accordance with the Local Area Transportation Review Guidelines on ancillary retail, no parking will be provided for the commercial use. Loading for the Project will occur internal to the Site within two spaces designed for SU-30 trucks. All vehicles will enter and exit the Site via head-in/ head-out maneuvers.

v. *Division 6.3. Open Space and Recreation*

The Project is not required to provide public open space because the tract area is less than one acre and the Site has two or fewer frontages on public roadways (59.4.5.4.B.1.a), however, the Site will provide 10% of the Site as public open space. The Application is in conformance with the *Recreation Guidelines*, as demonstrated in the Recreation Facilities Data table provided with the Application (Scenario ID 9709). The Applicant is providing bicycle amenities; indoor community spaces, including lounges and an internet café; interior courtyards; and rooftop amenities. Final locations and quantities of each of these amenities will be shown on the Certified Site Plan.

vi. *Division 6.4. 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 both 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.

As shown in the Development Standards table, the Site Plan meets all general requirements and development standards of Section 4.5 of the Zoning Ordinance, the optional method public benefits provisions of Division 4.7 of the Zoning Ordinance, and the general development requirements of Article 59-6 of the Zoning Ordinance.

e. *satisfies the applicable requirements of:*

i. *Chapter 19, Erosion, Sediment Control, and Stormwater Management; and Stormwater Concept Plan* was approved by the Montgomery County Department of Permitting Services (MCDPS) on August 16, 2019 (Attachment D). The Project proposes to meet stormwater management requirements by providing three on-site micro-bioretenement facilities which connect to an existing off-site storm drain system and 0.12 acres of green roof.

ii. *Chapter 22A, Forest Conservation.*

The Application meets the requirements of Chapter 22A of the Montgomery County Code. A Forest Conservation Exemption request, designated Plan No. 42018146E, was confirmed on March 6, 2018 (Attachment E). The Site is exempt from Article II of the Forest Conservation Law because the Project Site is less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet.

However, since two specimen trees would be severely impacted by the proposed construction, a Tree Save Plan (TSP) was submitted for review with the Site Plan application.

Staff finds that the tree protection measures, proposed for the adjacent off-site specimen and significant trees, are adequate. The TSP proposes the use of root pruning, a protective layer of 8" to 10" of wood chip mulch within the critical root zone, the use of a tree growth regulator and soil nutrient management all to lessen construction impacts to the off-site specimen and associated significant trees. As conditioned, an International Society of Arboriculture certified arborist, who is also a MD licensed tree expert, must be present during construction to ensure the health and safety of the off-site specimen trees.

- f. 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 and improves public streetscape along its two frontages. The building provides pedestrian entrances along both its Auburn Avenue and Norfolk Avenue façades to contribute to an active streetscape. The Project provides a safe and well-integrated building and site amenities. The Project presents as a high-rise building along Auburn Avenue and a mid-rise building along the lower-scale Norfolk Avenue and provides amenities for the residents of the Project internal to the building and on the rooftop.

- g. substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

The Project substantially conforms to the recommendations for the Property included in the 2017 *Bethesda Downtown Sector Plan*. Specifically, this Plan builds on the past successes of Downtown Bethesda to create a truly sustainable downtown by focusing on components that will bolster the elements most in need of enhancement. 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 site 45 on pages 111 and 113 of the Plan. The Woodmont Triangle District is an eclectic, mixed-use district that balances high-rise residential development with small-scale retail and arts amenities. This District serves as an office and retail center during the day, and as a restaurant district during the evenings and weekends. Woodmont Triangle is primarily a commercial area, containing both retail and office uses. Residential uses were once

limited, but since the 2006 Woodmont Triangle Amendment, additional apartments and condominiums have been developed in the district.

The predominance of low buildings on small parcels in The Woodmont Triangle creates a strong contrast with the higher density residential blocks that have recently developed in the district as well as in the Metro Core. Parking lots and decks, both public and private, occupy the limited number of otherwise vacant properties. The area has little open space and few visually distinctive buildings. Lack of distinguishing characteristics among the streets creates orientation problems for visitors. Despite its lack of visual quality, the district's diverse business activity, low-scale buildings and low-speed street pattern contribute to the area's appeal. Due in part to its angled roadway system that creates triangles within the Triangle, this district features oddly configured and dispersed retail spaces, and difficult accessibility and visibility from major roadways. However, these conditions have allowed a more diverse and local boutique retail environment to flourish.

This Sector Plan reaffirms the urban design approach outlined in the 2006 Woodmont Triangle Amendment and suggests further enhancements to Norfolk Avenue and a connection to Battery Lane Urban Park to activate Woodmont's urban spine. Specifically, the Project addresses the following goals as outlined in the Overarching Goals and Woodmont Triangle District sections of the Plan:

- 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. The Site design consolidates existing vehicular access points, from three existing curb cuts to one, and eliminates vehicular access to Norfolk Avenue. This design will promote a more pedestrian oriented streetscape experience. Parking and loading will be accommodated internally on-site. Further, a mid-block connection provides public access through the site, which links Auburn Avenue pedestrians to Battery Lane Urban Park. The proposed mixed-use building on Norfolk Avenue will be consistent with both existing buildings on that street and the based on the proposed mixed-use building.

- Incentivize expanded affordability for housing.

The new multi-family residential apartment building will include a minimum of 17.7 percent Moderately Priced Dwelling Units (MPDUs) (or up to 31 units). As a result, the Project provides additional, desired affordable housing in close proximity to transit and other services.

- Improve connectivity throughout the neighborhood by providing through-block pedestrian connections enhancing walkability.

The Project will provide a pedestrian connection through the site that will serve as the missing link between the Bethesda Trolley Trail, which provides a pedestrian/cyclist connection through Battery Lane Urban Park, and the through-block pedestrian connection between Auburn Avenue and Del Ray Avenue, adjacent to Imagination Stage. Additionally, the Project will participate in the implementation of the Norfolk Avenue Shared Street.

- 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 low-density retail character envisioned for Norfolk Avenue. In addition to the primary building along Auburn Avenue, the Project proposes a four-story mixed-use building directly along the Property's Norfolk Avenue frontage. This building will create an appropriate transition and will help designate the beginning of the Norfolk Avenue shared street. In addition, the Project will participate in the implementation of the Norfolk Avenue Shared Street. The new building, as well as the streetscape improvements and contribution to the future of Norfolk Avenue will activate the street and enhance the Woodmont Triangle District's connection to Battery Lane Urban Park as outlined in the goals of the Sector Plan.

- 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 existing 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 BOZ for exceeding current energy efficiency standards for buildings, comply with the requirements of the County's adoption of the 2015 International Green Construction Code (IGCC), and provide a through-block connection.

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

- h. 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. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

As discussed in the Preliminary Plan No. 120180210 findings and, as amended, the development will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

- i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

The Subject Property is not located in a Rural Residential or Residential zone.

- j. on a property in all other zones, is compatible with existing, approved or pending adjacent 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 transition between the higher building heights of the downtown Bethesda core, to the south and east, and the lower density residential neighborhoods to the north and west. The Sector Plan identifies this area as a priority for mixed-use projects and as an area of transition from the higher density downtown Bethesda core to the surrounding lower density residential neighborhoods. The Project will provide a mix of uses on-site as well as a height and density that is compatible with the desired character of the Woodmont Triangle District.

Lot 1 contributes to the Site's compatibility with adjacent uses by providing a transition between the adjacent residential community and higher-density downtown by providing a mixed-use building of no more than 50 feet in height, along Norfolk Avenue, and a public open space that improves the connection between Battery Lane Urban Park/ Norfolk Avenue and the Imagination Stage. Absent the creation of Lot 1, which is intended to address the Site's adjacency to the existing R-60 residential zoning, the Project is designed in a manner that respects the lower density residential development to the north of by pushing the height and massing toward the taller buildings of downtown Bethesda.

Lot 2 contributes to the Site's compatibility with adjacent uses by providing a mixed-use building containing residential and commercial uses up to 122 feet in height, along Auburn Avenue, and a through block connection that improves the Site's relationship with the surrounding public spaces.

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 with adjacent buildings in the Wisconsin Avenue District.

3. *To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.*

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

4. *For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

Not applicable, the Subject Property is not zoned C-1 or C-2.

## CONCLUSION

As conditioned, the Sketch Plan Amendment, Preliminary Plan Amendment and Site Plan applications each satisfy the findings under Section 59.4.5.4 of the Zoning Ordinance, substantially conform to the recommendations of the 2017 *Bethesda Downtown Sector Plan* and *Bethesda Downtown Design Guidelines*, and satisfy the findings of the Subdivision Regulations. Therefore, Staff recommends approval of the Sketch Plan Amendment, Preliminary Plan Amendment and Site Plan with the conditions specified at the beginning of this report.

**ATTACHMENTS**

- A. Previous Approvals
- B. Design Advisory Panel Memorandum
- C. Norfolk Avenue Cost Estimate
- D. Agency Letters
- E. Forest Conservation Exemption Letter