



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

MCPB No. 19-112  
Preliminary Plan No. 12018021A  
4915 Auburn Avenue  
Date of Hearing: September 12, 2019

SEP 20 2019

**RESOLUTION**

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

WHEREAS, on December 13, 2018, the Planning Board, by Resolution MCPB No. 18-126, approved Preliminary Plan No. 120180210, creating 2 lots on 0.72 acres of land in the CR 3.0 C 3.0 R 2.75 H110 zone, located on Auburn Avenue west of Norfolk Avenue ("Subject Property"), in the Bethesda CBD Policy Area and Bethesda Downtown Sector Plan area; and

WHEREAS, on June 4, 2019, Auburn Building Associates, LP ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan to permit up to 5 residential dwelling units on Lot 1 and up to 5,000 square feet of office uses within the 12,500 square feet of non-residential uses; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12018021A, 4915 Auburn Avenue ("Preliminary 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 August 30, 2019, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on September 12, 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 September 12, 2019, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 12018021A with the following condition, which

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Approved as to  
Legal Sufficiency: *Christina Soud* 9/5/19  
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MNCPPC Legal Department  
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supersedes the previous Condition 1, while all other conditions remain in full force and effect.<sup>1</sup>

1. Approval is limited to two lots for up to 204,728 total square feet of development for up to 180 dwelling units 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.

BE IT FURTHER RESOLVED that all other preliminary plan conditions of approval for this project remain valid, unchanged and in full force and effect.

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

1. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, and all findings not specifically addressed remain in effect.*
2. *Public facilities will be adequate to support and service the area of the subdivision.*

The Amendment allows the Applicant to distribute the approved density between Lot 1 and Lot 2 with greater flexibility: Lot 1 would have a total development capacity of up to 4,000 total square feet comprised of any combination of up to 4,000 square feet of non-residential uses and up to 4,000 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. Up to 5,000 square feet of the non-residential uses may be office uses.

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

The Applicant has requested the ability to use up to 5,000 square feet of the previously approved non-residential use as office space. The Planning Board 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 the Planning Board finds that adequate public facilities exist to serve the site.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is SEP 20 2019 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Vice Chair Fani-González, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, September 12, 2019, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board