



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

MCPB No. 19-113
Site Plan No. 820190100
4915 Auburn Avenue
Date of Hearing: September 12, 2019

NOV 19 2019

CORRECTED RESOLUTION

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

WHEREAS, on May 16, 2019, Auburn Building Associates, LP ("Applicant") filed an application for approval of a site plan for a mixed-use building of up to 190,000 square feet of total development comprised of up to 175 dwelling units (up to 177,500 square feet of residential uses), a minimum of 17.7% MPDUs, and up to 12,500 square feet of commercial uses on 0.72 acres of CR 3.0 C 3.0 R 2.75 H110 within the Bethesda Overlay Zone, located on Auburn Avenue west of Norfolk Avenue ("Subject Property"), in the 2017 *Bethesda Downtown Sector Plan* ("Sector Plan") area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820190100, ~~8000 Wisconsin~~ 4915 Auburn Avenue ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated 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 at which it heard testimony and received evidence on the Application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820190100 for a mixed-use residential building with up to 175 dwelling units (up to 177,500 square feet of residential uses), a minimum of 17.7% MPDUs, and up to 12,500 square feet of commercial uses in a building of up to 190,000 total square feet

Approved as to

Legal Sufficiency

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and 95,008 square feet of Bethesda Overlay Zone Density, on the Subject Property, subject to the following conditions:¹

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.

6. Public Benefits

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

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 –
 - i. 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.
 - ii. Before issuance of any building permit for any residential unit, the MPDU agreement to build between the Applicant and the DHCA must be executed.
 - iii. 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.
- c. Prior to Certified Site Plan, the Applicant must coordinate with MCDOT to evaluate a new mid-block pedestrian crosswalk, to ensure safe crossing between the Site and Imagination Stage, on Auburn Avenue.

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."

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 820190100, 4915 Auburn Avenue, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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

1. *The development satisfies any previous approval that applies to the site.*

The Site Plan conforms to all binding elements of Sketch Plan No. 32018017A.

2. *The development satisfies 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.

3. *The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

This section is not applicable as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

- a. Development Standards

The 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	Approved
	Gross Tract Area CR 3.0 C 3.0 R 2.75 H110 Lot 1 Lot 2 Total Site	n/a	5,851 sf (0.13 ac) 25,813 sf (0.59 ac) 31,664 sf (0.72 ac)
	Prior Dedication Proposed Dedication Site Area Lot 1 Lot 2 Total Site	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) 27,655 sf (0.63 ac)
	Residential Density (GFA/ FAR)¹ 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 Total Residential Density	16,090 sf (2.75) n/a 70,986 sf (2.75) n/a 87,076 sf (2.75)	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 177,500 sf (6.07 Total Tract FAR) (82,492 SF Mapped Density)
	MPDU Density	15%	17.7% or 29,728 sf (0.94) ² 31 Dwelling Units
	Commercial Density (GFA/ FAR)^{1,3} CR 3.0 C 3.0 R 2.75 H110 Maximum Lot 1 Square Footage Maximum Lot 2 Square Footage Total Commercial Density	17,553 sf 77,439 sf 94,992 sf (3.0)	5,000 sf (0.85 Lot 1 FAR) 10,500 sf (0.40 Lot 2 FAR) 12,500 (0.39 Total Tract FAR) (12,500 Mapped Density)
	Bethesda Overlay Zone Density	n/a	95,008 (3.0 Total Tract FAR)
	Total Maximum GFA/ FAR¹	94,992 sf (3.0)	190,000 sf (6.00 Total Tract FAR)
	Building Height (max) Maximum Lot 1 Maximum Lot 2	110 feet 110 feet	50 feet 122 feet ⁴
	Public Open Space (min)	0	2,821 sf (10%)
	Green Cover	35%	35%
	Minimum Setbacks	0	0

¹ Density must not exceed maximum approval.

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

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

⁴ 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 ¹	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	--
Total Residential Parking (144 market rate; 31 MPDUs)	129 minimum/ 238 maximum	--
Ancillary Retail 12,500 SF ²	50 minimum/ 150 maximum	0 ³
Vehicle Parking Subtotal	179 minimum/ 388 maximum	--
20% NADMS Reduction	(36 minimum/ 78 maximum)	
Vehicle Parking Total	143 minimum /310 maximum	105
Bicycle Parking (Long Term/ Short Term)		
Residential	(84/4) 88	(84/4) 88
Retail	(1/2) 3	(1/2) 3
Bicycle Parking Total	(85/6) 91	(85/6) 91
Loading Spaces	1	2

¹ 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.

² 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.

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

b. General Requirements

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. An allocation of density from the BOZ typically requires a park impact payment of \$10/square foot based upon the density requested and facilitates acquisition of parkland in the downtown Bethesda area. ~~However, the Subject Application is not required to make a Park Impact Payment because the Project is providing more than 25% MPDUs (Section~~

~~59.4.9.2.C.3.e.iii.)~~—The amount of density allocated from the BOZ for the Subject Application is deducted from the 32.4 million cap.

i. *Division 4.7. Optional Method Public Benefits*

In accordance with the Zoning Ordinance, Section 59.4.7.1., the Site Plan provides the following public benefits to satisfy the requirements for a total of 133.44~~97~~ points: Connectivity and Mobility, Diversity of Uses and Activities, Quality of Building and Site Design, and Protection of the Natural Environment.

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, the Planning Board approves 12.34~~27~~ public benefit points in this category.

$$\begin{aligned} & [((\text{Maximum Allowed Parking}) - (\text{Parking Provided})) / \\ & ((\text{Maximum Allowed Parking}) - (\text{Minimum Parking}))] * 10 \\ & (310 - 105) / (310 - 143) * 10 = 12.43~~27~~ \text{ points} \end{aligned}$$

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. The Planning Board approves 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:

$$[(\% \text{ of MPDUs Provided} - \% \text{ of MPDUs Required}) * 12] + [(\% \text{ of 2BR MPDUs}) * 2)]$$

$$(17.7\% - 15\%) * 12 = 32.4 \text{ points}$$

The Planning Board approves 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). The Planning Board concurs with the DAP's recommendation and approves 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 façade 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 an approximately 8-inch green roof, 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. The Planning Board grants the Applicant 20 points in this category.

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 it. 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:

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

The Planning Board grants 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:

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

The Planning Board grants 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. The Planning Board grants 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 the Planning Board grants 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. The Planning Board grants 1 point for this benefit.

ii. *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.

iii. *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.

iv. *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.

v. *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.

5. *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. 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 . 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.

The Planning Board 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.

6. *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.

7. *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 Sector 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 Sector 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 Sector Plan:

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

The 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 mixed-use building on Norfolk Avenue will be consistent with both existing buildings on that street.

- 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 Bethesda Overlay Zone 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*.

8. *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;*

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.

9. *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.

10. *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.

11. *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.

12. *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.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is NOV 19 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).

* * * * *

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 Vice Chair Fani-González, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, November 14, 2019, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board