



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

NOV 25 2020

MCPB No. 20-123
Preliminary Plan No. 120200220
Avondale
Date of Hearing: November 12, 2020

RESOLUTION

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

WHEREAS, on May 19, 2020, SJ Investment Corporation ("Applicant") applied for approval of a preliminary plan of subdivision of property that would create one lot for multi-family residential development of up to 60 units on 0.33 acres of land in the CR 1.5 C 0.25 R 1.5 H 70' and BOZ zoned-land, located on Avondale Street approximately 200 feet east of Wisconsin Avenue ("Subject Property") in the Bethesda CBD Policy Area and 2017 *Bethesda Downtown Sector Plan* ("Sector Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120200220, Avondale ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated October 30, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on November 12, 2020, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing the Planning Board voted to approve the Application, subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120200220 to create one lot for multi-family residential development of up to 60 units on the Subject Property, subject to the following

conditions:¹

1. This Preliminary Plan is limited to 1 lot for up to 60 dwelling units.
2. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of this Planning Board Resolution.
3. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated September 28, 2020 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
4. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT's requirements for access and improvements.
5. The Applicant must provide and show on the record plat a dedication of the Avondale Street frontage necessary to provide the Sector-Plan-recommended 60-foot-wide right-of-way, as measured between the Subject Property and right-of-way centerline.
6. The Applicant must receive approval from MCDOT on a Level 3 Results Transportation Demand Management Plan (Per Section 42-A-25(b)(3) of the Montgomery County Code) before the release of any above-grade building permit, to participate in the Bethesda Transportation Management District (TMD) and work toward the Sector Plan goal of 55% Non-Auto Driver Mode Share.
7. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) – Water Resources Section in its stormwater management concept letter dated September 21, 2020 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

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.

8. The Planning Board has reviewed and accepts the recommendations of the MCDPS Fire Department Access and Water Supply Section in its letter dated September 30, 2020 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 Preliminary Plan approval.
9. Before clearing or grading or recording a plat for the Subject Property, the Applicant must receive Staff certification of a Planning Board-approved Site Plan. The number and location of site elements, including but not limited to buildings, on-site parking, open space, site circulation, and sidewalks, will be determined through Site Plan review and approval.
10. If an approved Site Plan or Site Plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the Site Plan or Site Plan amendment.
11. Except for clearing and grading associated with building and paving demolition, there shall be no clearing or grading of the site prior to plat recordation.
12. The record plat must show necessary easements.
13. The certified Preliminary Plan must contain the following note:
Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of Site Plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.
14. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
 - a. Show resolutions and approval letters on the certified set; and
 - b. Update all plan drawings to be consistent with the consolidated loading and garage access point on the west side of the Site.

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 layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

This Preliminary Plan creates one lot of appropriate size, width, shape, orientation, and density for the proposed multi-family development use. Transportation access is adequate to serve the proposed development through this Preliminary Plan. Water and sewer and other utilities are available to and currently serve the Property. The Application meets the Environmental Guidelines and Forest Conservation Law.

The lot was reviewed for compliance with the dimensional requirements of the CR 1.5 C 0.25 R 1.5 H 70' and Bethesda Overlay Zone, as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone as shown in the Data Table below. The Application has been reviewed by other applicable County agencies, all of which have recommended approval of the Plan.

Table 1: Preliminary Plan Data Table

Section 59.4	Development Standard	Permitted/ Required	Proposed
	Tract Area	n/a	14,586 sf (0.33 ac)
	Prior Dedication	n/a	2,800 sf (0.06 ac)
	Proposed Dedication	n/a	560 sf (0.01 ac)
	Site Area	n/a	11,226 sf (0.26 ac)
	Mapped Density		
	CR 1.5 C 0.25 R 1.5 H 70'		
	Residential (GFA/ FAR)	21,879 sf (1.5)	21,879 sf (1.5)
	Commercial (GFA/FAR)	3,647 sf (0.25)	0 sf (0)
	Total Mapped Density (GFA/FAR)	21,879 sf (1.5)	21,879 sf (1.5)
	Bethesda Overlay Zone Density	n/a	33,121 sf (2.27)
	Total GFA/FAR	n/a	55,000 sf (3.77)

2. *The Preliminary Plan substantially conforms to the Master Plan.*

As discussed in the concurrent Sketch Plan No. 320200070 findings, and as conditioned, the Application substantially conforms to the 2017 *Bethesda Downtown Sector Plan*. The Application complies with the land use recommendations for the Site as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan.

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

The Application will be served by adequate public facilities, including transportation, schools, and public infrastructure, as described below.

Transportation

Vehicular access to the Site will be provided by a consolidated curb cut on Avondale Street. Both garage and loading access will be accommodated via the shared driveway on the west side of the Site. The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station (located approximately 0.6 miles from the Site), Metrobus, RideOn, the Bethesda Circulator and future Purple Line. 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.

Master Plan Roadways and Pedestrian/Bikeway Facilities

The 2017 *Bethesda Downtown Sector Plan* designates Avondale Street as a residential roadway and recommends a minimum public right-of-way of 60-feet. The Applicant is fulfilling the master plan recommendation by dedicating a minimum of five feet of right-of-way to achieve a minimum 30-foot-wide right-of-way between the property and right-of-way centerline.

Sector-Planned Transportation Demand Management

The Sector Plan encourages a Non-Auto Driver Mode Share (NADMS) of 55 percent, averaged between employees and residents of Downtown Bethesda. In order to meet this goal, Downtown Bethesda is organized into a Transportation Management District (TMD) that strives to promote travel by means other than single occupancy vehicles. As a project consisting of more than 40,000 square feet in a 2016 – 2020 Subdivision Staging Policy Red Policy Area, the Applicant the must receive approval from MCDOT on a Level 3 Results Transportation Demand Management Plan (Per Section 42-A-25(b)(3) of the Montgomery County Code) before the release of any above-grade building permit, to participate in the Bethesda Transportation Management District (TMD) and work toward the Sector Plan goal of 55% Non-Auto Driver Mode Share.

Transportation Adequacy

A transportation statement, dated March 5, 2020, was submitted with the Project, indicating that the proposed development will generate 26 net new morning peak-hour person trips and 33 net new evening peak-hour person trips when compared to the trips generated by the existing eight multi-family residential units (Table 2). Because the estimated transportation impact of the Project is less than 50 net new person trips, the Project satisfies the Local Area Transportation Review requirement without further analysis.

Table 2: 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
Existing Use (Credit) 8 Multi-family Low-Rise Units		5	7	4	6	8	12
Proposed Use 60 Mid Rise Dwelling Units		21	28	17	23	34	45
Total Net New Trips		16	21	13	17	26	33

Source: Wells & Associates Transportation Statement, dated March 5, 2020.

Schools

The Application proposes 60 new multi-family high-rise units. As a project that will be reviewed by the Planning Board on November 19, 2020, the Application is subject to the FY21 Annual School Test, approved by the Planning Board on June 25, 2020 and effective July 1, 2020.

Calculation of Student Generation

To calculate the number of students generated by the proposed development, the number of proposed dwelling units is multiplied by the applicable regional student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low-to mid-rise multifamily unit, or high-rise multifamily unit. The Subject Property is located in the southwest region of the County. The Application, which proposes a net increase of 60 multi-family high-rise units, is estimated to generate two elementary school students, 1 middle school student and 1 high school student.

Cluster Adequacy Test

The Project is located in the Bethesda-Chevy Chase High School Cluster. The student enrollment and capacity projections were based on the FY21 Annual School Test for the Cluster. The capacity projections found the estimated enrollment impacts of this application fall below the moratorium thresholds at all three school levels. Therefore, there is sufficient capacity at the elementary, middle and high school cluster levels to accommodate the estimated number of students generated by this project.

Individual School Adequacy Test

The applicable elementary and middle schools for this project are Bethesda Elementary School and Westland Middle School, respectively. Based on the FY21 Annual School Test results, the student enrollment and capacity projections for these schools fall below the moratorium thresholds for both Bethesda ES and Westland MS. Therefore, there is sufficient anticipated school capacity to accommodate the estimated number of students generated by this Project. Based on the school cluster and individual school capacity analysis performed, using the FY2021 Annual School Test, there is adequate school capacity for the amount and type of development proposed by the Subject Application.

Other Public Facilities and Services

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

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

This Application is subject to the Chapter 22A Forest Conservation Law but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(2). Forest Conservation Exemption 42021038E was confirmed for this Property on September 23, 2020, finding the Project meets the particular requirements of the exemption because the proposed activity will be conducted on a tract less than 1 acre that will not result in the clearing of more than a total of 20,000 square feet of existing forest. However, since the proposed activity necessitates the removal of three specimen trees, a tree save plan was submitted as part of the Preliminary Plan application which identifies three specimen Willow Oak trees for removal. The Applicant has proposed replacement street tree plantings which will be finalized at Site Plan, as conditioned.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

The MCDPS Stormwater Management Section approved the stormwater management concept on September 21, 2020. The approval allows stormwater management to be achieved through utilization of a green roof and micro

bioretention planters with a waiver for quantity not able to be treated through environmental site design or structural measures.

6. *Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.*

No other provisions apply to this Subdivision.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is NOV 25 2020 (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 Verma, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy and Verma voting in favor, and Commissioner Patterson absent at its regular meeting held on Thursday, November 12, 2020, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board