



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

**NOV 25 2020**

MCPB No.20-122

Sketch Plan No. 320200050

**Avondale**

Date of Hearing: November 12, 2020

**RESOLUTION**

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

WHEREAS, on May 19, 2020, SJ Investment Corporation (“Applicant”) filed an application for approval of a sketch plan for up to 55,000 square feet of density for a multi-family residential development, including up to 33,121 square feet of Bethesda Overlay Zone (BOZ) density and associated Park Impact Payment (PIP) on 0.33 acres of 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 sketch plan application was designated Sketch Plan No. 320200050, Avondale (“Sketch 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 binding elements and 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 binding elements and conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320200050, Avondale, for construction of up to 55,000 square feet of density for a multi-family residential development, including up to 33,121 square feet of Bethesda Overlay Zone (BOZ) density and the associated Park Impact Payment (PIP) on the Subject Property, subject to the following binding elements and conditions:<sup>1</sup>

A. Binding Elements. The following site development elements are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

1. Density

The Sketch Plan is limited to a maximum of 55,000 total square feet of residential development. The maximum number of dwelling units will be determined at Preliminary Plan. The maximum density includes up to 33,121 square feet of density from the Bethesda Overlay Zone (BOZ) with a Park Impact Payment (PIP). The final square footage, including BOZ density and PIP payment, will be determined at Site Plan.

2. Height

The development is limited to a maximum height of 70 feet, as measured from the building height measuring point to be illustrated on the Certified Site Plan.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59.7.3.3.I. and this Sketch Plan is amended. The Applicant has chosen to show potential public benefit points from five categories as described below, however at the time of Site Plan total points must equal at least 100 and be chosen from at least four categories as required by Section 59.4.5.4.A.2 of the Zoning Ordinance. The requirements of Division 59.4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be

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

fulfilled for each public benefit. Final points will be established at Site Plan approval.

- a. Major Public Facilities, achieved through providing a 1% increase of the required Park Impact Payment (PIP);
- b. Diversity of uses and activities, achieved by providing enhanced accessibility for the disabled;
- c. Connectivity and Mobility, achieved by providing fewer than the maximum number of parking spaces under the Zoning Ordinance and BOZ;
- d. Quality of Building and Site Design, achieved through architectural elevations, exceptional design, structured parking, and public open space; and
- e. Protection and Enhancement of the Natural Environment, achieved through building lot terminations, energy conservation and generation, and a recycling facility plan.

4. Park Impact Payment (PIP)

The Park Impact Payment (PIP) must be paid to the M-NCPPC prior to the release of the first above-grade building permit. The final amount will be determined at Site Plan.

5. Streetscape

The Applicant must install the Bethesda Streetscape Standard along the Site Frontage, including the undergrounding of utilities.

6. Green Cover

- a. The Applicant must provide on-site a minimum of 3,926 square feet of Green Cover (35% of Site area).
- b. Prior to certification of the Site Plan, the Applicant must provide a Green Cover exhibit demonstrating compliance with this requirement.
- c. Any green roof installed pursuant to this condition must have a minimum soil depth of six inches.

7. Bethesda Downtown Plan Design Guidelines

At the time of Site Plan, the Applicant must demonstrate the following:

- a. Comments have been addressed from the Design Advisory Panel as specified in their July 22, 2020 meeting minutes; and
- b. Project conformance with the *Bethesda Downtown Plan Design Guidelines* in regard to street typology, parks and open space, site design, building form, creative placemaking, and any site-specific guidelines.

8. Building & Site Design

Prior to the submittal of the Site Plan, the Applicant must:

1. Further refine the design of the consolidated entrance for loading/trash and the parking garage to reduce conflicts between pedestrians and motorists; and
2. If public open space is provided for the purposes of public benefit points, further refine the proposed design to ensure it is open and welcoming to the public.

9. Future Coordination for Site Plan

In addition to any other requirements for Site Plans under Chapter 59, the following must be addressed when filing a Site Plan:

3. Address the SITES & LEED recommendations of the Sector Plan, specifically related to energy efficiency and building design features;
4. Address Bird-Safe Design per the *Bethesda Downtown Sector Plan Design Guidelines*;
5. Provide a noise analysis or a waiver per Section 2.2.2 of the 1983 Noise Guidelines;
6. Streetscape details including replacement street tree locations on Avondale Street;
7. Provide a loading management plan to minimize queuing on Avondale Street and other potential impacts to the adjacent transportation network; and
8. Request a parking waiver per Section 59.6.2.10 of the Zoning Ordinance to provide fewer than the required minimum number of vehicle parking spaces.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of the Zoning Ordinance, the Board finds that as conditioned the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that:

1. *The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.*

The Sketch Plan meets the development standards of Section 59.4.5.4, as shown in the following Data Table:

Table 1: Sketch Plan Data Table

Section 59.4	Development Standard	Permitted/ Required	Proposed
	<b>Tract Area</b>	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)
	<b>Site Area</b>	n/a	<b>11,226 sf (0.26 ac)</b>
	<b>Mapped Density</b> 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)
	<b>Total Mapped Density (GFA/FAR)</b>	<b>21,879 sf (1.5)</b>	<b>21,879 sf (1.5)</b>
	<b>Bethesda Overlay Zone Density</b>	n/a	<b>33,121 sf (2.27)</b>
	<b>Total GFA/FAR</b>	n/a	<b>55,000 sf (3.77)</b>
	<b>MPDU Density (GFA/FAR)</b>	15%	15%
	<b>Building Height, max</b>	70 feet	70 feet
	<b>Public Open Space (min sf)</b>	0%	4%
	<b>Minimum Setbacks (ft)<sup>1</sup></b>		
	Front	0	11'
	Side	0	Western: 10' Eastern: 0'
	Rear	0	11'

<sup>1</sup> Final setback dimensions will be determined at Site Plan in accordance with Section 59.4.5.4.B.3. of the Zoning Ordinance and recommendations from the Bethesda Design Advisory Panel.

The final number of vehicular parking spaces will be determined at Site Plan based on the total number of residential units.

The Sketch Plan conforms to the intent of the CR zone as described below:

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

The Project substantially conforms to the recommendations for the Property included in the 2017 *Bethesda Downtown Sector Plan*. 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. Many of these parks on the eastern edge are to be connected through the creation of the Eastern Greenway.

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 79 on page 99 of the Sector Plan. The Property is located in the Wisconsin Avenue Corridor District, which is the main artery through the center of downtown Bethesda. It is characterized by high density commercial buildings with ground floor retail. The Sector Plan focuses density and redevelopment opportunity along the Wisconsin Avenue Corridor due to the proximity to transit and employment areas. This Property was rezoned to allow flexible development opportunities near the core of downtown Bethesda while maintaining compatibility with its surrounding neighborhood. Specifically, the Project addresses the following goals as outlined in the Overarching Goals and the Wisconsin Avenue Corridor District sections of the Sector Plan:

- *Encourage high-performance buildings and sites nearest the established centers*

The Applicant proposes to build the Project to exceed the energy efficiency standard for the building type by 17.5%.

- *Develop compact nodes that place the highest intensity in those centers, provide distinctive infill buildings and step down to lower densities and heights near the edges*

The Proposal will provide an infill development just off the Wisconsin Avenue Corridor that responds to the surrounding neighborhood at a height that is appropriate for the Avondale Street. The building will be a maximum of 70 feet in height per the zoning standards.

- *Improve the pedestrian environment with upgraded streetscapes*

The Applicant proposes to improve the existing right-of-way by dedicating the necessary amount for the master planned width of 60 feet and install the Bethesda Streetscape along the frontage to enhance the public realm and pedestrian environment.

- *Encourage mixed-income/affordable housing near transit stations*

The Proposal will redevelop a Property currently developed as multi-family residential buildings for a new residential building of up to 60 units with 15% MPDUs. The Property is located just one block from the Bethesda Metro Station and Ride-On bus stops along Wisconsin Avenue.

- b. *Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses.*

The Project will redevelop two existing multi-family residential buildings into one residential building for up to 60 units within one block of the Bethesda Metro Station and the core commercial area of downtown Bethesda.

- c. *Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street.*

The Project encourages such development by proposing a new residential building for up to 60 units, of which 15% will be moderately priced dwelling units, and the Applicant proposes to provide a several units with enhanced accessibility for the disabled. The housing will be within walking distance of the nearby Bethesda Metro Station, RideOn, future Purple Line, and several retail and commercial properties. The building will provide underground parking and an improved streetscape along Avondale Street.

- d. *Allows a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.*

The Applicant proposes a building height of 70 feet and an increased setback from Avondale Street to achieve a compatible relationship with

the existing development while setting the tone for future redevelopment of the street, as envisioned by the Sector Plan. The massing of the proposed building will be further refined at the time of Site Plan based on comments received from the Design Advisory Panel. The conceptual massing will achieve the Design Guidelines' intent of a distinct base, middle, and top, through modulation and articulation. Final setback dimensions will be determined at Site Plan in accordance with Section 59.4.5.4.B.3. of the Zoning Ordinance.

- e. Integrate an appropriate balance of employment and housing opportunities.*

The Project will increase the availability of residential units in the core of downtown Bethesda at a density that is compatible with the existing character of Avondale Street. The new building will provide up to 60 residential units with 15% MPDUs.

- f. Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard Method limit.*

The Project will provide the required public benefits from a minimum of 4 categories to achieve the desired incentive density above the standard method limit, however the Applicant proposes 100 points from 5 categories to provide flexibility of design at the time of Site Plan. Final determination of public benefit points will be determined at the time of Site Plan.

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 requires a park impact payment of \$11.08/square foot based upon the density requested and facilitates acquisition of parkland in the downtown Bethesda area. This Application is requesting an allocation of 33,121 square feet from the BOZ initiating a Park Impact Payment (amount to be determined during Site Plan review) to be paid at the time of building permit. The amount of density allocated from the BOZ for Application is deducted from the 32.4 million cap.

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

As discussed in Finding 1.a above, the Project substantially conforms to the recommendation of the 2017 *Bethesda Downtown Sector Plan*. The type of development proposed by the Project will locate high density residential with affordable housing near public transit, commercial and employment centers, and other public facilities as recommended in the Sector Plan.

The Sector Plan includes a number of recommendations to achieve the urban green goals. An important recommendation to this effect is the onsite 35% green coverage minimum. The green cover may include singularly or a combination of intensive green roof (6 inches or deeper), tree canopy cover, or bioretention planters. The Application consists of a Site Area of 11,226 square feet which results in a green cover requirement of at least 3,926 square feet. Currently, this Application's Green Cover Exhibit shows a proposed 6" depth green roof and stormwater planters to fulfill this requirement. The green cover provided by the proposed green roof and planters provides 4,603 square feet of green cover, with the final design to be confirmed at the Site Plan stage of the Application.

3. *The Sketch Plan satisfies, under Section 7.7.1.B.5 of the Zoning Ordinance, the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

The Sketch Plan is not subject to a development plan or schematic development plan.

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

Avondale Street is currently comprised of two-story multi-family residential buildings and two garden apartment buildings. The Applicant proposes to redevelop two of the multi-family residential buildings into a 70' residential building for up to 60 units. The Applicant proposes to increase the front setback of the building from Avondale Street to achieve a similar setback from the existing dwellings on the street to achieve compatible external relationships between the existing development on the street. The final setback dimension will be established at Site Plan.

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

As proposed, circulation, parking, and loading is safe, adequate and efficient. Pedestrian access to the site will be from the established sidewalk network and will be enhanced by streetscape improvements along the Avondale Street Property frontage, consistent with the Bethesda Streetscape Standards. The Applicant will be dedicating an additional five feet from the centerline to meet the master-planned minimum width of 60 feet. In conformance with the Bethesda Downtown Streetscape Guidelines, the Project proposes a six-foot tree lawn panel and an eight-foot pedestrian travel way that will tie into the existing four-foot sidewalk on either side of the Site along the Avondale Street frontage.

Vehicular access to the Site is on the west side of the building. Loading and garage access will be accommodated via a consolidated curb cut to reduce conflicts with pedestrians and motorists. The access configuration will be further refined at the time of Site Plan.

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

Taking into account the considerations in Section 59.4.7.1.B and the Public Benefit Points established with the Bethesda Overlay Zone in Section 59.4.9.2.C.4, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site, as described below.

For the proposed development, the Zoning Ordinance requires 100 points in 4 categories, however the Applicant proposes 100 points from 5 categories to provide flexibility of design at the time of Site Plan. Although at the time of Sketch Plan review only the categories need be approved, the following table shows both the categories and points for the public benefits requested at Sketch Plan to demonstrate the project's ability to meet the requirement to provide sufficient benefit points.

*Table 2: Public Benefit Calculations*

Public Benefit	Incentive Density Points	
	Max Allowed	Requested
<b>59.4.7.3A: Major Public Facilities</b>		
PIP Payment increase	40	1
<b>59.4.7.3C: Connectivity and Mobility</b>		
Minimum Parking <sup>1</sup>	20	10
<b>59.4.7.3D: Diversity of Uses and Activities</b>		
Enhanced Accessibility for the Disabled	20	15
<b>59.4.7.3E: Quality of Building and Site Design</b>		
Architectural Elevations	30	15
Exceptional Design <sup>1</sup>	30	15
Structured Parking	20	20
Public Open Space	30	4
<b>59.4.7.3F: Protection and Enhancement of the Natural Environment</b>		
Building Lot Terminations	30	1
Energy Conservation and Generation <sup>1</sup>	25	15
Recycling Facility Plan	10	10
<b>TOTAL</b>		<b>106</b>

<sup>1</sup>Denotes Sector Plan priority

Major Public Facilities

*PIP Payment Increase:* The Applicant requests 1 point for increasing the required Park Impact Payment by 1%, per Section 59.4.9.2.C.4.B.ii of the Zoning Ordinance. The Planning Board approves the category at this time and further review of the increase in payment will be reviewed at the time of Site Plan.

Connectivity and Mobility

*Minimum Parking:* The Applicant requests 10 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 number of spaces on-site. The Planning Board approves the category at this time.

Diversity of Uses and Activities

*Enhanced Accessibility for the Disabled:* The Applicant requests 15 points for constructing dwelling units with interiors that satisfy the American National Standards Institute (ANSI). Points for this incentive are granted on a sliding scale calculated on the percentage of complying units. Final determination of

complying units will be made at Site Plan. The Planning Board approves the category at this time.

Quality of Building and Site Design

*Architectural Elevations:* The Applicant requests 15 points for providing architectural elevations as part of the Certified Site Plan showing particular elements of the design such as minimum amounts of transparency, maximum separation between doors, and other design priorities of the applicable Sector Plan and implementing design guidelines. The Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, and heights. The Planning Board approves the category at this time with further details and refinement to be provided at the time of Site Plan.

*Exceptional Design:* The Applicant requests 15 points for building and/or site design that enhances the character of a setting. As a site receiving an allocation of Bethesda Overlay Zone density, the Project is subject to the Design Advisory Panel review, which will award points based on the quality of the design. The Applicant asserts that the Project fulfills many recommendations of the *Bethesda Downtown Sector Plan* and Design Guidelines.

The Applicant proposes a design that uniquely responds to the scale and character of the existing context while anticipating the relationship to future redevelopment of the street. By providing an increased building setback, the relationship of the massing is proportionate to the scale of the existing right-of-way and residential dwellings. The massing proposes a recessed base that meets the intent of the Design Guidelines through articulation and material and two distinctive towers above.

During their July 22, 2020 meeting, the Design Advisory Panel unanimously voted in support of the Project being on track to receive the minimum 10 design excellence points and recommended the following:

- Further develop Option 3 with the larger build-to-line and provide further detail on the relationship and treatment between base and upper floors as to how the massing is expressed.

The Planning Board approves the category at this time with further review at the time of Site Plan.

*Structured Parking:* The Applicant requests 20 points for providing structured parking in a below grade parking structure. The Planning Board approves the category at this time.

*Public Open Space:* The Applicant requests 4 points for providing public open space in excess of the Zoning Ordinance requirements. Points for this category are granted on a sliding scale, based on the percentage of the lot area and other criteria listed in the Implementation Guidelines. The Applicant conceptually proposes 450 square feet of public open space adjacent to the right-of-way along Avondale Street. The Planning Board approves the category at this time and has conditioned the project to further refine the design to ensure it is open and welcoming to the public.

Protection and Enhancement of the Natural Environment

*Building Lot Termination (BLT):* The Applicant requests 1 point 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. Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance. The Planning Board approves the category at this time.

*Energy Conservation and Generation:* The Applicant is requesting 15 points for providing a building that exceeds applicable energy efficiency standards by 17.5%. The Planning Board approves the category at this time.

*Recycling Facility Plan:* The Applicant requests 10 points for providing a recycling facility plan that exceeds the applicable regulations at the time of Site Plan. Points are granted for plans that satisfy Montgomery County Executive Regulation 15-04AM and/or Montgomery County Executive Regulation 18-04. Additional points may be granted for recycling plans that exceed the applicable regulations and for facilities that are integrated into building and site design and are readily accessible and easy to find without being visually disruptive. The Planning Board approves the category at this time.

- 7. The Sketch Plan establishes a feasible and appropriate phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The Project will be built in one phase.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the Sector Plan, or other requirements; and

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

BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of 320200050, Avondale, received by M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is NOV 25 2020 (which is the date that this Resolution is mailed to all parties of record); and

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**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner 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.

  
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Casey Anderson, Chair  
Montgomery County Planning Board