



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

MCPB No. 21-108

Site Plan No. 820210140

The Avondale

Date of Hearing: September 30, 2021

**NOV 15 2021**

**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 June 2, 2021, SJ Investment Corporation ("Applicant") filed an application for approval of a site plan to construct a 70-foot tall, 55,000-square foot multifamily development, comprised of 60 multifamily dwelling units to include 15% Moderately Priced Dwelling Units ("MPDUs") and underground parking, including up to 33,121 square feet of Bethesda Overlay Zone ("BOZ") density and associated Park Impact Payment ("PIP") and a parking waiver request to reduce onsite parking from 24 to 22 spaces, on 0.26 acres of CR-1.5, C-0.25, R-1.5, H-70 zoned-land, located at the southeast quadrant of the intersection of Avondale Street and Wisconsin Avenue ("Subject Property"), in the Bethesda CBD Policy Area and the 2017 Bethesda Downtown Sector Plan area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820210140, The Avondale ("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 September 17, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on September 30, 2021 the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

WHEREAS, on September 30, 2021 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Cichy, seconded by

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Approved as to

Legal Sufficiency: /s/ Emily Vaias

M-NCPPC Legal Department

Commissioner Verma, with a vote of 4-0; Chair Anderson, Commissioners Cichy, Patterson and Verma voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820210140 to construct a 70-foot tall, 55,000-square foot multifamily development, comprised of up to 60 multifamily dwelling units to include 15% MPDUs and underground parking, including up to 33,121 square feet of BOZ density and associated PIP, and a parking waiver request to reduce onsite parking from 24 to 22 spaces, on the Subject Property, subject to the following conditions:<sup>1</sup>

1. Density

The Site Plan is limited to a maximum of 55,000 square feet of residential development on the Subject Property, for up to 60 dwelling units, including 15% MPDUs.

2. Height

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

3. 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 Montgomery County Department of Permitting Services ("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. The Applicant must submit documentation of the building permit acceptance and issuance to Planning Staff
- b. The Applicant must pay to the M-NCPPC a Park Impact Payment of \$322,052.50 prior to release of the first above-grade building permit for the allocation of 33,121 square feet of BOZ Density, not including 5,175 square feet of MPDU density exempt from the PIP calculation. The PIP payment has been increased per Section 59-4.9.2.C.4.b.ii for public benefit points. In the event the final allocation of density from the BOZ is less than the approved amount, or if the amount of exempt MPDU density changes, the Applicant may apply to reduce the allocation of density from the BOZ, and/or modify the PIP through a minor site plan amendment.

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

4. Moderately Priced Dwelling Units (MPDUs)

- a. The development must provide a minimum of 15 percent MPDUs, or a Department of Housing and Community Affairs ("DHCA") approved equivalent, consistent with the requirements of Chapter 25A.
- b. The Planning Board has reviewed and accepts the recommendations of DHCA in its letter dated July 26, 2021 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 DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

5. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the Commercial/Residential and Employment Zones Incentive Density Implementation Guidelines for each one.

- a. Major Public Facilities
  - i. Park Impact Payment (PIP) – the Applicant must increase the Project's PIP, \$318,863.86, by 1%, (\$3,188.64) to a total PIP of \$322,052.50, for one public benefit point. The final PIP payment will be determined in accordance with Site Plan Condition 3.b.
- b. Connectivity between Uses, Activities, and Mobility Options
  - i. Minimum Parking – The Applicant must provide no more than 22 parking spaces.
- c. Quality Building and Site Design
  - i. Architectural Elevations – 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. Exceptional Design – The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the Certified Site Plan, as determined by Staff.
  - iii. Structured Parking – The Applicant must provide all parking spaces within the structured parking garage.
  - iv. Public Open Space - The Applicant must show 450 square feet as public open space 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 0.1136 BLTs to MCDPS.

- ii. Energy Conservation & 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 final energy model must be submitted to MCDPS with the building permit application.
- iii. Recycling Facility Plan – The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Environmental Protection (“MCDEP”), Waste Reduction and Recycling Section in its memorandum dated August 26, 2021 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the memorandum, which may be amended by the MCDEP – Waste Reduction and Recycling Section provided that the amendments do not conflict with other conditions of the Site Plan approval.

6. Recreation Facilities

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

7. Public Amenities

- a. Prior to the issuance of the final Use and Occupancy Certificate, the Applicant must construct the streetscape improvements, including the undergrounding of utilities, along the Property’s frontage on Avondale Street consistent with the 2020 Bethesda Downtown Streetscape Standards.
- b. The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to streetscape improvements.

**Site Plan**

8. Landscaping

- a. Prior to issuance of the 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.

9. 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 or BUG-equivalent fixtures.
  - c. Deflectors must be installed on all proposed fixtures to prevent excess illumination and glare.
  - d. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by street lights within the right-of-way.
  - e. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
  - f. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.
10. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Fire Department Access and Water Supply Section in its letter dated July 20, 2021 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**

### **11. Noise Attenuation**

- a. Prior to Certification of the Site Plan, the location and details for any required noise mitigation techniques must be approved by Staff. Current noise levels must be attenuated to no more than 65 dBA Ldn for ground level areas of common and individual outdoor activity.
- b. Prior to the issuance of the first building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatments that:
  - i. The installation of the noise mitigation techniques to attenuate the current noise levels to no more than 65 dBA Ldn for the exterior ground level living spaces are adequate.
  - ii. The building shell for residential dwelling units affected by exterior noise levels projected at or above 65 dBA Ldn will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- c. Before the final inspection, the Applicant must certify to M-NCPPC Staff that the noise impacted units have been constructed in accordance with the certification of the engineer that specializes in acoustical treatments.

- d. If any changes occur to the Site Plan which affect the validity of the noise analysis dated April 8, 2021, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the changes and new noise attenuation features may be required.
- e. Before issuance of any Use and Occupancy Certificate for any of the noise impacted units, a Professional Engineer must certify to the Planning Department and DPS that the noise impacted units have been constructed in accordance with the certification of an engineer that specializes in acoustical treatments.

**12. Green Cover**

- a. The Applicant must provide a Green Cover exhibit demonstrating compliance with the Bethesda Downtown Sector Plan Green Cover requirement. The Project must provide a minimum of 35% 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 six inches.

**13. Tree Save Plan (TSP) - As required by the confirmed Forest Conservation Exemption, the Applicant must provide a Tree Save Plan with this Application.**

- a. As required by Chapter 22A-6(b), the Tree Save Plan must show mitigation planting consisting of native canopy trees to be planted as shown on the TSP or as approved by Staff. The mitigation plantings must be installed prior to the issuance of final use and occupancy permit.
- b. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- c. The Applicant must comply with all tree protection and tree save measures shown on the approved Tree Save Plan. Tree save measures not specified on the plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
- d. Prior to any demolition, clearing, grading or construction for this development Application, the Applicant must submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the mitigation trees and maintenance, including invasive species management controls, credited toward meeting the requirements of the Tree Save Plan and Forest Conservation Exemption.
- e. Prior to any demolition, clearing, grading or construction for this development Application, the Applicant must submit a five-year Maintenance and Management Agreement ("MMA") in a form approved by the M-NCPPC Office of General Counsel. The MMA is required for all forest planting areas, mitigation tree plantings, including variance tree mitigation plantings, and



landscape plantings credited toward meeting the requirements of the Tree Save Plan. The MMA includes invasive species management control measures.

- f. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.

**14. Transportation**

Before the release of any above-grade building permit, the Applicant must coordinate with and gain approval from MCDOT on a Level 3 Results Transportation Demand Management (TDM) Plan to participate in the Bethesda Transportation Management District (TMD) and work towards the Sector Plan goal of 55 percent Non-Auto Driver Mode Share (NADMS).

**15. Pedestrian & Bicycle Circulation**

- a. The Applicant must provide a minimum of 29 long-term and 1 short-term bicycle parking spaces.
- b. The long-term spaces must be in a secured, well-lit bicycle room within the parking garage, and the short-term spaces must be inverted-U racks (or approved equal) installed along the building’s 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. The Applicant must provide 6-foot wide sidewalks with 6-foot planting/furnishing panels along Avondale Street, as illustrated on the Certified Site Plan.

**16. Department of Permitting Services-Right-of-Way**

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memorandum dated July 8, 2021 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the memorandum, which may be amended by the DPS-ROW Section provided that the amendments do not conflict with other conditions of the Site Plan approval.

**17. Stormwater Management**

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) – Water Resources Section in its Site Development Stormwater Management Plan letter dated July 23, 2021 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 the MCDPS – Water Resources

Section provided that the amendments do not conflict with other conditions of the Site Plan approval.

18. 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.

19. Site Plan Surety and Maintenance Agreement

Prior to issuance of any above grade building permit not including retaining walls, 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.

20. 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 all applicable agency approval letters, development program, and the Site Plan Resolution and other applicable Resolution(s) on the cover sheets.
- b. Include the Loading Management Plan as reviewed and approved.
- c. The Certified Site Plan must contain notes describing the Bird-Safe design principles to be incorporated into the building architecture.
- d. 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".



- e. Ensure consistency of all details and layout between Site and Landscape plans.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of The Avondale, Site Plan No. 820210140, 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 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. 320200020 and Preliminary Plan No. 120200220.

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. Use Standards

The Application proposes multi-family residential units which are permitted in the CR Zone.

- b. Development Standards

The Subject Property includes approximately 0.26 acres zoned CR-1.5, C-0.25, R-1.5, H-70 and is within the Bethesda Overlay Zone. The Application satisfies the applicable development standards as shown in the following data table:

**Data Table**

Table 1: Site Plan Data Table			
Section 59.4	Development Standard	Permitted/ Required	Approved
	<b>Tract Area</b> CR-1.5, C-0.25, R-1.5, H-70 Previous Dedications	n/a	<b>14,586 sf (0.26 ac)</b> <b>3,360 sf</b>
	<b>Site Area</b>		<b>11,226 sf (0.26 ac)</b>
	<b>Residential Density (GFA/ FAR)<sup>1</sup></b> CR-1.5, C-0.25, R-1.5, H-70 Maximum Dwelling Units Maximum Square Footage	n/a 21,879 sf (1.5)	Up to 60 Dwelling Units 55,000 sf (3.77 FAR) (21,879 sf Mapped Density)
	<b>MPDU Density</b>	15%	15% <sup>2</sup>
	<b>Commercial Density (GFA/ FAR)<sup>1</sup></b> CR-1.5, C-0.25, R-1.5, H-70	3,646 sf (0.25)	0 (0.00 FAR)
	<b>Bethesda Overlay Zone Density</b>	n/a	33,121 sf
	<b>Maximum Total Density GFA/ FAR<sup>1</sup></b>	21,879 sf (1.50)	55,000 sf (3.77 FAR)
	<b>Building Height (max)</b>	70 feet	70 feet
	<b>Public Open Space (min)</b>	0%	4%
	<b>Green Cover</b>	35%	50% (5,675 sf)
	<b>Minimum Front Setback</b>	0	11 feet
	<b>Minimum Side Setback (East)</b>	0	0 feet
	<b>Minimum Side Setback (West)</b>	0	10 feet
	<b>Minimum Rear Setback</b>	0	11 feet

Section 59.6.2	Parking <sup>3</sup>	Permitted/ Required	Approved
<b>Vehicle Parking</b>			
Studio (14 market rate units): 3 MPDUs		12 minimum/ 17 maximum	--
1 Bedroom (36 market rate units): 6 MPDUs		30 minimum/ 53 maximum	--
2 Bedroom (1 market rate units): 0 MPDUs		1 minimum/ 2 maximum	22 <sup>5</sup>
Total (51 market rate units): 9 MPDUs		<b>24 minimum<sup>4</sup>/ 72 maximum</b>	
<b>Vehicle Parking Total</b>			
Bicycle Parking (Long Term/ Short Term)		(29/1) 30	(29/2) 31
Loading Spaces		1	1

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

<sup>2</sup> The development must provide 15 percent Moderately Priced Dwelling Units (MPDUs)

<sup>3</sup> Final number of vehicle and bicycle parking spaces to be determined at building permit based on final number of dwelling units.

<sup>4</sup> Parking calculations account for 20% Bethesda Overlay Zone parking reduction in accordance with Section 59.4.9.2.C.6. MPDUs are adjusted in accordance with 59.6.2.3.1.2.b.

<sup>5</sup> A parking waiver for two spaces is requested with the Subject Application.

*Pursuant to Section 59.6.2.10, the deciding body may waive any requirement of Division 6.2, except the required parking in a Parking Lot District under Section 59.6.2.3.H.1, if the alternative design satisfies Section 59.6.2.1. Any request for a waiver of the vehicle parking space requirement under Section 59.6.2.4.B. requires application notice under Section 59.7.5.2.D.*

The Applicant seeks a waiver for two (2) off-street vehicle parking spaces. The minimum required number of parking spaces on-site to support the 60 multifamily dwelling units is 24 and the Applicant is requesting to provide 22. Section 59.6.2.1 explains, "The intent of the vehicle and bicycle parking, queuing, and loading requirements is to ensure that adequate parking is provided in a safe and efficient manner." The requested waiver of roughly 6 percent meets this intent. The expected parking demand on-site for the proposed residential units on the Site will be significantly lower than the minimum capacity required by the Zoning Ordinance due to the proximity of imminent and existing rapid transit in the vicinity of the Site: the Bethesda Purple Line station, the existing Bethesda Red Line Metro Station, and several existing bus lines. The 22 parking spaces will provide adequate parking in a safe and efficient

manner. The Applicant has complied with all noticing requirements for the parking waiver and the Applicant satisfies the necessary findings for a parking waiver.

**The Bethesda Overlay Zone (BOZ)**

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. To qualify for BOZ density per Section 59.4.9.2.C.2.ii of the Zoning Ordinance, the Application must use all gross floor area allowed by the mapped CR FAR. The Subject Property is zoned CR-1.5, C-0.25, R-1.5, H-70, which permits up to 21,879 square feet of total mapped density, which can include 21,879 square feet of residential density. Because the Application proposes to maximize the total mapped density of 21,879 square feet for residential development and incorporates an additional 33,121 square feet of Bethesda Overlay Zone density, this qualification has been met. The Applicant is subject to a PIP currently valued at \$11.41 per square foot based upon the density requested and facilitates acquisition of parkland in the downtown Bethesda area. Based on the requested 33,121 square feet of BOZ density, the Applicant is required to make a Park Impact Payment of \$318,863.86. The Applicant is increasing the PIP by 1% (\$3,188.64), for one public benefit point, to a total PIP of \$322,052.50. The amount of density allocated from the BOZ for the Subject Application is deducted from the 32.4 million cap.

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

The Site Plan conforms to the intent of the form standards, including transparency, blank walls and active entrances. The Application proposes significant glass features at the ground-level for transparency as well as activating features on the ground-floor level, including a residential lobby along Avondale Street. As conditioned, the exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the architectural drawings included in the Certified Site Plan, as determined by Staff.

*i. Division 4.7. Optional Method Public Benefits*

In accordance with the Zoning Ordinance, Section 59.4.7.1., the Site Plan proposes the following public benefits to satisfy the requirements:

Major Public Facilities, Connectivity and Mobility, Diversity of Uses and Activities, Quality of Building and Site Design, and Protection of the Natural Environment.

Table 2: Public Benefits Calculations		
Public Benefit	Incentive Density Points	
	Max Allowed	Approved
<b>59.4.9.2.C.4.B.ii: Major Public Facilities</b>		
Park Impact Payment	40	1
<b>59.4.7.3C: Connectivity and Mobility</b>		
Minimum Parking <sup>1</sup>	20	10
<b>Diversity of Uses and Activities</b>		
Enhancing 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	20
Structured Parking	20	20
Public Open Space	30	4
<b>59.4.7.3F: Protection and Enhancement of the Natural Environment</b>		
BLTs	30	1
Energy Conservation & Generation <sup>1</sup>	25	15
Recycling Facility Plan	10	10
<b>TOTAL</b>		<b>111</b>

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

#### Major Public Facilities

*Park Impact Payment:* The Applicant requests 1 point for increasing the required PIP by 1% in accordance with Section 59.4.9.2.C.4.B.ii. Based on the Application's requested BOZ density allocation of 33,121 square feet and associated PIP valued at \$11.41 per square foot, the resulting PIP is \$318,863.86. The additional PIP for public benefit points, \$3,188.64, exceeds the required payment by 1% and is therefore eligible for 1 public benefit point. As a result of the 1% increase in Park Impact Payment, the total PIP will be \$322,052.50.

$$33,121 \text{ SF BOZ Density} * \$11.41 \text{ per SF} = \$318,863.86 \text{ PIP Payment}$$

\$318,863.86 Base PIP Payment \* 0.01 = \$3,188.64 Major Public  
Facilities PIP Payment  
\$318,863.86 Base PIP + \$3,188.64 Major Public Facilities PIP =  
\$322,052.50 Total PIP  
1% increase in PIP Payment = 1 Public Benefit Point

The Planning Board approves the Applicant's request.

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 Applicant is proposing 22 parking spaces for 60 units<sup>2</sup> (final unit count to be determined with the Certified Site Plan)<sup>3</sup> and is therefore eligible for 10 benefit points.

$$\begin{aligned} & [((\text{Maximum Allowed Parking}) - (\text{Parking Provided})) / \\ & ((\text{Maximum Allowed Parking}) - (\text{Minimum Parking}))] * 10 \\ & (75 - 22) / (75 - 24) * 10 = (53/51) * 10 = 10 \text{ points} \end{aligned}$$

The Planning Board approves the Applicant's request.

Diversity of Uses and Activities

*Enhanced Accessibility for the Disabled:* The Applicant requests 15 points for constructing three dwelling units with interiors that satisfy American National Standards Institute A117.1 Residential Type A standards or an equivalent County standard.

$$\begin{aligned} \text{ANSI 117.1 Units (A)} &= 3 \\ \text{Total Units (T)} &= 60 \\ \text{Formula} &= (A/T) * 300 = 15 \text{ points} \\ (3/60) * 300 &= 15 \text{ points} \end{aligned}$$

The Planning Board approves the Applicant's request.

Quality of Building and Site Design

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<sup>2</sup> 60 multifamily dwelling units comprised of: 20 studio units, 48 one-bedroom units and 1 two-bedroom units. Parking calculations require a minimum of 24 parking spaces and a maximum of 75 parking spaces.

<sup>3</sup> For the purposes of the Public Benefit Point calculations, Staff evaluated 65 on-site parking spaces would be provided with the Project.



*Architectural Elevations:* The Applicant requests 15 points for its location in a Sector Plan area and adhering to architectural elevations, included in the certified site plan, showing particular elements in the façade including signage, awnings and lighting, and design priorities of the applicable Sector Plan or implementing design guidelines. The Planning Board approves the Applicant's request.

*Exceptional Design:* The Applicant requested 20 points for exceptional design and that request was endorsed by the Design Advisory Panel during its March 24, 2021 meeting. As a site receiving an allocation of Bethesda Overlay Zone density, the Application is required to achieve at least 10 exceptional design points, as determined by the Design Advisory Panel. The Planning Board approves the Applicant's request.

*Structured Parking:* The Applicant requested 20 points structured parking as 100% of the Application's parking spaces to be provided in below grade parking garages. The Planning Board approves the Applicant's request.

*Public Open Space:* The Applicant requests 4 points for 450 square feet of on-site public open space with this Application. The Planning Board approves the Applicant's request.

Public Open Space Required (R) = 0 square feet  
Public Open Space Provided (P) – 450 square feet  
Net Lot Area (N) = 11,226 square feet  
Formula:  $(P/N) * 100 = 4$

Protection and Enhancement of the Natural Environment

*Building Lot Termination (BLT):* The Applicant requests 1 point for the purchase of BLT Points to be granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance. The Planning Board approves the Applicant's request.

Incentive Density = 47,707 SF  
7.5% of Incentive Density = 3,578 SF  
Equivalent Payment =  $3,578 \text{ SF} / 31,500 \text{ SF} = 0.1136 \text{ BLT}$   
 $0.11 \text{ BLT} * 9 \text{ Points Per BLT} = 1.02 \text{ points}$   
= 1 point

*Energy Conservation and Generation:* The Applicant request 15 points for exceeding energy-efficient standards for the building type by 17.5%. The Planning Board approves the Applicant's request.

*Recycling Facility Plan:* The Applicant requests 10 points for providing a recycling facility plan that exceeds the minimum requirements set forth in the Zoning Ordinance. The Applicant is reaching an agreement with the Montgomery County Department of Environmental Protection (MCDEP) Waste Reduction and Recycling Section. The Applicant proposes to provide dedicated recycling containers within the adjoining public streetscape, the provision of a commercial paper shredder and a cooking oil container in the trash/recycling room of the development. The Planning Board approves the Applicant's request for public benefit points based on MCDEP's approval memorandum.

c. General Requirements

i. *Site Access*

Pedestrian access to the Site will be from the established sidewalk network and will be enhanced by streetscape improvements along the Property's frontage on Avondale Street, consistent with the Bethesda Streetscape Standards.

Vehicular access to the Site will occur via a consolidated curb cut on Avondale Street on the western side of the Site. The consolidated curb cut on Avondale Street limits interruption of the pedestrian and bicycle routes and aligns with the County's Vision Zero policy. Furthermore, the design of the driveway is such that the grade ramps up to the sidewalk grade, so that the sidewalk grade is continuous across the Property frontage, thereby reminding motorists to watch for pedestrians crossing. This has the added benefit of minimizing interruption to pedestrian flow.

ii. *Parking, Queuing, and Loading*

Vehicular access to the Site will occur via a consolidated curb cut on Avondale Street on the western side of the Site. The consolidated curb cut, providing access to the designated loading area and the below-grade parking garage on Avondale Street limits interruption of the pedestrian realm and aligns with the County's Vision Zero policy. The Applicant proposes 22 off-street parking

spaces within the garage and is receiving a parking waiver as part of this Application.

**Loading and Curbside Management**

As a multi-unit residential development with more than 50 units, the Application proposes one (1) an on-site loading facility. As described previously, the loading space is accessed from the consolidated curb cut along the western side of the Site. The loading space is designed to accommodate SU-30 vehicles and will be used for deliveries, trash collection and by residents moving in and out of the building. The Applicant will be subject to a loading management plan that minimizes disruptions to Avondale Street during peak travel periods. Key elements of the loading management plan include the following:

1. The management company will oversee loading and deliveries. The management company will make staff available on-demand Monday through Friday between 7AM and 8 PM to assist with loading operations. Outside of that time period, residents will need to electronically reserve time through the management company software for access to the loading space. Contact information for the management company for the project will be made available to all carriers and residents.
2. Adequate signage will be provided such that the loading area is readily identifiable to carriers. The management company will monitor inbound and outbound truck maneuvers and will ensure that trucks accessing the loading area do not block vehicular, bike, or pedestrian traffic along Avondale Street except during those times when a truck is actively entering or exiting the loading dock.
3. Trash collection move ins/outs, and routine deliveries will occur outside peak travel periods on Monday-Friday, 9:30 AM to 4:00 PM.
4. Carriers will be given a fob that provides access to the loading corridor only within the building to avoid loading from Avondale Street.
5. The management company will direct residents to utilize the loading area for deliveries and ride sharing pick-ups and drop-offs.

iii. *Open Space and Recreation*

The Site includes 14,586 square feet within the CR Zone; therefore, no on-site public space is required, however the Applicant proposes 450 square feet of public open space, which will be located adjacent to the public right-of-way along the Site's primary frontage. The Application proposes 60 multifamily dwelling units. Section 59-6.3.9 of the Zoning Ordinance requires that any building containing 20 or more dwelling units must offer recreational facilities in accordance with M-NCPPC's Recreation Guidelines. The Application proposes to meet the facility requirements by providing an array of recreational facilities.

iv. *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 Application will transform the existing streetscape along the Avondale Street frontage with new street trees, wider sidewalks, and street lighting. 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 59.4.5 of the Zoning Ordinance, the optional method public benefits provisions of Section 59.4.7, and the general development requirements of Section 59.6.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on July 23, 2021. The plan will meet stormwater management requirements via Environmental Site Design to the Maximum Extent Practicable ("ESD to the MEP") via the use of green roof and micro bioretention.

b. Chapter 22A, Forest Conservation

The Board finds that as conditioned the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

The Application meets the requirements of Chapter 22A of the Montgomery County Code. A Forest Conservation Exemption request, designated Plan No. 42020173E, was confirmed on September 23, 2021. The Site is exempt from Article II of the Forest Conservation Law because the Site is less than 1 acre and the approved development will not result in the clearing of more than a total of 20,000 square feet of existing forest and will not result in reforestation requirements of more than 10,000 square feet.

As the development proposes the removal of three (3) specimen trees, this Application is subject to the Tree Save Provision under Forest Conservation Law Section 22A-6(b). The Applicant has provided a Tree Save Plan which shows mitigation for this removal in the form of four (4) canopy trees. As conditioned, this Application satisfies all requirements of Chapter 22A, Forest Conservation.

6. *The development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.*

This Application provides adequate, safe, and efficient parking and circulation patterns. Vehicular access to the Site will occur via Avondale Street through a consolidated access point on the western side of the Site. The Application will be further regulated through the use of a loading management plan to limit disruptions caused by loading operations. The building's main pedestrian entrance is central to the building and is accessed from Avondale Street.

7. *The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

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

The 2017 *Bethesda Downtown Plan Design Guidelines* delineate this Property within the 'Expanded Center of Activity,' along the east side of the Wisconsin Corridor. The *Sector Plan* recommends 'increased building heights appropriate to surrounding context,' within the expanded centers of activity as noted by the Plan (Guidelines, p. 70) and then recommended rezoning the subject Property to its current CR-1.5, C-0.25, R-1-5, H-70 zoning classification 'to provide flexible development opportunities near the core of Downtown Bethesda and still maintain compatibility with it surrounding neighborhood (Guidelines, p. 100).

The Preliminary Plan No. 120200220 approved the consolidation of the lots and the design of the building will provide a development ideal for the transitional area providing more housing opportunities near the Bethesda Metro Station.

The building satisfies the vision outlined in the Plan through adding to the mix of housing options in close proximity to employment, retail offerings and existing and contemplated recreation opportunities of Downtown Bethesda. Sustainable design is an integral theme of the Plan and focuses on additional density in walkable, transit-oriented areas such as the location of this Property. This Application proposes greater density through the increased height that was recommended by the Plan and implemented by rezoning.

This Project seeks to meet or exceed multiple recommendations of the Plan. These recommendations include a green roof on more than 35% of the rooftop (Plan, p 15,16 and 90), incorporating environmental site design strategies such as stormwater planters and green roof (Plan, p. 62) and enhancing the area's affordable housing in proximity to the transit station (Plan, p. 25, 32 and 97).

The Project is also located within the High-Performance Area of Downtown Bethesda. Per the recommendations of the Plan, an optional method project in the High-Performance Area should be approved only if it achieves the maximum amount of public benefit points allowed for constructing buildings that exceed energy-efficiency standards for the building type (Plan, p. 66). The building will exceed energy-efficiency standards for the building type by 17.5%.

Finally, the development pattern is consistent with the recommended 'Illustrative Potential Development,' (as illustrated in Figure 8) in the Plan for the subject Property. The setback will initiate a development pattern envisioned by the Plan for Avondale Street and enhance a pedestrian friendly environment by defining the sidewalk and adding more activity to the street.

8. *The development 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 approved in the Preliminary Plan approval (MCPB No. 20-123), 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. *The development is compatible with existing and approved or pending adjacent development.*



This Application will achieve harmony with its site, neighborhood context and location within the urban core through proportion and architectural character. The scale and massing are characteristic of a transitional area development between a very high-density area to the south and a lower density area to the north. This Application responds to the existing neighborhood context and the architecture is articulated with setback and offsets in the massing to reduce the scale of the building along the street. The Application incorporates frontage improvements as outlined in the Bethesda Downtown Plan Design Guidelines and the street level facades enhance the public realm.

Avondale is the first redevelopment to come forward on the block and, therefore, the first development to realize the vision set forth in the Plan for the south side of Avondale.

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 15 2021 (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 Commissioner Cichy, seconded by Commissioner Verma, with Chair Anderson and Commissioners Cichy, Patterson, and Verma voting in favor of the motion, and Commissioner Rubin abstaining at its regular meeting held on Thursday, November 4, 2021, in Wheaton, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board