



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

MCPB No. 16-122
Sketch Plan No. 320170030
The Claiborne
Date of Hearing: November 10, 2016

NOV 29 2016

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 August 1 2016, 4820 Auburn, LLC (“Applicant”), filed an application for approval of a sketch plan for construction of up to 76,000 square feet of development, including up to 73,200 square feet of residential development and up to 2,800 square feet of non-residential uses on 0.30 acres of CR 3.0: C 1.0, R 2.75, H 90T zoned-land, located at the corner of Norfolk Avenue and Auburn Avenue (“Subject Property”), using density transferred from four sending sites, in the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan (“Sector Plan”) area; and

WHEREAS, Applicant’s sketch plan application was designated Sketch Plan No. 320170030, The Claiborne (“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 28, 2016, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions (“Staff Report”); and

WHEREAS, on November 10, 2016, 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 as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320170030, The Claiborne, for a maximum of 76,000 square feet of

Approved as to
Legal Sufficiency:

M-NCPPC Legal Department

8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman’s Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

MCPB No. 16-122
 Sketch Plan No. 320170030
 The Claiborne
 Page 2

development on the Subject Property, including up to 73,200 square feet of residential density and up to 2,800 square feet of non-residential uses, subject to the following binding elements and conditions:¹

A. Binding Elements. The following site development elements shown on the Sketch Plan stamped "Received" by M-NCPPC on September 21, 2016, 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 76,000 square feet of total development on the Subject Property. The final distribution of density between residential and non-residential uses, and the maximum number of dwelling units will be determined at Preliminary Plan.

2. Density Transfer

Prior to record plat approval, the Applicant must state the gross square footage taken from any lot with reduced density in an instrument approved by the M-NCPPC Office of the General Counsel and must record the instrument in the Montgomery County Land Records. The residential density to be transferred under this Sketch Plan is measured in gross square feet and will total approximately 23,975 square feet. Final allocation of density will be determined at the time of Site Plan. The Sending Properties will transfer and retain the following square feet of development potential based on the existing zoning:

- a. 4830 Cordell Avenue will be transferring 6,221 SF of residential density and retaining 6,829 SF of density.
- b. 5004 Cordell Avenue will be transferring 2,349 SF of residential density and retaining 3,919 SF of density.
- c. 5001 Wilson Avenue will be transferring 10,164 SF of residential density and retaining 7,455 SF of density.
- d. 5027 Wilson Avenue will be transferring 5,241 SF of residential density and retaining 3,771 SF of density.

¹ For 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.

3. Height

The development is limited to a maximum height of 110 feet, as measured from the building height measuring point.

4. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59.7.3.3.I. The CR Zone requires properties taking advantage of FAR Averaging to exceed the minimum public benefit points otherwise required in Section 59.4.5.4.A.2 by 50%. Total points must equal at least 150 and be chosen from at least three² categories as required by Section 59.4.5.4.A.2. The requirements of Division 59.4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

- a. Transit Proximity, achieved through location within 2,500 feet of the Bethesda Metro Station;
- b. Connectivity and Mobility, achieved through minimum parking, streetscape improvements, and way-finding;
- c. Diversity of Uses and Activities, achieved through affordable housing;
- d. Quality of Building and Site Design, achieved through architectural elevations, exceptional design, and structured parking; and
- e. Protection and Enhancement of the Natural Environment, achieved through building lot terminations, cool roof, vegetated roof, energy conservation and generation, and a recycling facility plan.

5. Building Design

On the Norfolk Avenue façade, the Applicant must step back the building a minimum of 10 feet over at least 70 percent of the façade above the fourth floor.

6. Streetscape

- a. The Applicant must install the Bethesda streetscape standard, including undergrounding of overhead utilities, along the site frontage.
- b. The Applicant must install the Bethesda streetscape standard, exclusive of undergrounding utilities, along the northeast side of Norfolk Avenue, from the site frontage to Del Ray Avenue, and along the northwest side of Del Ray Avenue from Norfolk Avenue to the edge of the existing building at 8003 Norfolk Avenue.

7. Building Lot Terminations (BLTs)

Prior to release of any building permit, the Applicant must provide proof of purchase and/or payment for the required BLTs.

² Section 59.4.7.3.D.6.a.v. states that a project providing a minimum of 15% MPDUs is permitted to provide one less benefit category than required under Section 59.4.5.4.A.2.

8. Moderately Priced Dwelling Units (MPDUs)

The Applicant must provide a minimum of 15% of the total units as Moderately Priced Dwelling Units on the Subject Property. The development must provide MPDUs in accordance with Chapter 25A.

9. Future Coordination for Preliminary and Site Plan

In addition to any other requirements for Preliminary Plans under Chapter 50 and Site Plans under Chapter 59, the following must be addressed when filing a Preliminary or Site Plan:

- a. Fire and Rescue access and facility details;
- b. Streetscape details;
- c. Demonstration of how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guideline requirements;
- d. Architectural façade step back;
- e. Consideration of building-to-street interface to maximize activation and safety;
- f. Focus on energy efficiency in building design features;
- g. Noise analysis;
- h. Dedication along Auburn Avenue and Norfolk Avenue; and
- i. Coordination with adjacent property owners regarding rooftop treatment and mechanical equipment
- j. Traffic Mitigation Agreement

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 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 general objectives of the CR Zones, as outlined in Section 59-4.5.1.A. Specifically, the development as approved will:

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

The Application substantially conforms to the recommendations for the Subject Property included in the Sector Plan. The Subject Property is designated as Block 15, which is recommended for a FAR of 3.0 (not including the MPDU bonus density) and MPDU bonus height up to 110

feet. The Subject Property is in the area of the Woodmont Triangle closest to the Battery Lane Urban Park. The Subject Property also is within the area designated as a Density Transfer Area. The Sketch Plan furthers the following goals as outlined in the *Woodmont Triangle Amendment*:

- *Housing – Provide opportunities to increase the supply of housing to serve a variety of income levels.*

The Sketch Plan will provide approximately 58 units, including a variety of market-rate unit sizes and layouts and 15% MPDUs to facilitate the availability of new housing, in a range of types and rents, within walking distance of the Metro.

- *Small-scale Retail – Provide opportunities to retain existing businesses and expand opportunities for new businesses.*

Using density averaging, the sending properties will remain small-scale developments, while simultaneously allowing for the development of a larger mixed-use project on the Subject Property. Additionally, the Sketch Plan will provide street activating uses, such as ground-floor retail, on both Auburn Avenue and Norfolk Avenue.

- *Safe and Attractive Streets – Focus on improving the safety and character of the existing streets.*

The Sketch Plan will provide streetscape improvements along Auburn Avenue and Norfolk Avenue per the current Bethesda Streetscape Standards

- *Public Amenities – Increase flexibility in providing the public use space through optional method of development by allowing off-site and on-site fulfillment of this requirement, and by identifying a list of priority public amenities.*

The *Woodmont Triangle Amendment* lists priority public use space and amenities for the Woodmont Triangle area, including streetscape improvements. The Application will provide streetscape improvements along the Subject Property frontage as well as the remainder of the Norfolk Avenue block to Del Ray Avenue.

The Sketch Plan conforms to the Sector Plan.

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

The Sketch Plan will replace the Subject Property's existing low-density commercial development with a higher-density mixed-use building with underground parking to maximize residential development near the Metro. The Application includes ground-floor retail uses, upper level residential units, and residential amenity space. The Application meets the objective of this finding.

- 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 Application encourages such development by including market-rate residential units in a variety of unit types as well as 15% MPDUs, offering housing opportunities for a range of incomes proximate to the numerous transit options of downtown Bethesda. The non-residential uses on the ground floor will provide commercial services for the residents and surrounding neighborhood. The Sketch Plan facilitates all modes of transit – pedestrian, bicycle, and vehicular – proximate to the Metro and bus service by improving the streetscape. The Application does not propose any parking between the building and the street frontages.

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

The Sketch Plan will provide a mix of uses on-site, including new residential development and ground floor retail for small-scale business opportunities with a building height of 110 feet, as allowed in the CR-3.0, C-1.0, R-2.75, H-90T zone. The Sector Plan encourages the transfer of density to retain the smaller-scale commercial and retail developments, while simultaneously allowing for the development of larger mixed-use projects in the Woodmont Triangle area. With density averaging, the Sending Properties will remain small-scale developments, while simultaneously allowing for the development of a larger mixed-use project on the Subject Property. The height and densities included in the Application are compatible with the desired character of the Woodmont Triangle area.

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

As recommended in the Sector Plan, the Application provides new residential development through a variety of housing options with both market-rate units and MPDUs in an array of unit sizes that will support the existing retail and non-residential development in the Woodmont Triangle area. The Sketch Plan also provides new ground-floor retail to create a mixed-use development.

- 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 Sketch Plan will provide the required public benefits from a minimum of four categories to achieve the desired incentive density above the standard method limit and will exceed the minimum public benefit points by at least 50%, as required for density averaging.

In addition to meeting the general standards of the zone, the data table below demonstrates the Application's conformance to the applicable development standards.

Project Data Table				
Zone	CR	C	R	H
Subject Property	3.00	1.00	2.75	90T
4830 Cordell Avenue	5.00	1.00	5.0	145T
	CRT	C	R	H
5001 Wilson Avenue	2.25	1.5	0.75	35
5027 Wilson Avenue	2.25	1.5	0.75	35
5004 Cordell Avenue	2.25	1.5	0.75	35

DEVELOPMENT STANDARD (59.4.5.4)	PERMITTED/REQUIRED		APPROVED	
Tract Area	SF	Acres	SF	Acres
Subject Property	n/a	n/a	13,100	0.30
4830 Cordell Avenue	n/a	n/a	2,610	0.06
5001 Wilson Avenue	n/a	n/a	13,552	0.31
5027 Wilson Avenue	n/a	n/a	6,988	0.16
5004 Cordell Avenue	n/a	n/a	3,133	0.07
Total	n/a	n/a	39,383	0.90

MCPB No. 16-122
 Sketch Plan No. 320170030
 The Claiborne
 Page 8

Dedications	SF	Acres	SF	Acres
Subject Property	n/a	n/a	4,756	0.11
4830 Cordell Avenue	n/a	n/a	171	0.00
5001 Wilson Avenue	n/a	n/a	10,039	0.23
5027 Wilson Avenue	n/a	n/a	4,048	0.09
5004 Cordell Avenue	n/a	n/a	1,351	0.03
Total	n/a	n/a	20,365	0.46
Site Area	SF	Acres	SF	Acres
Subject Property	n/a	n/a	8,344	0.19
4830 Cordell Avenue	n/a	n/a	2,439	0.06
5001 Wilson Avenue	n/a	n/a	3,513	0.08
5027 Wilson Avenue	n/a	n/a	2,940	0.07
5004 Cordell Avenue	n/a	n/a	1,782	0.04
Total	n/a	n/a	19,018	0.44
Total Density (maximum)	SF	FAR	SF	FAR
Subject Property	39,300	3.0	38,825	2.96
4830 Cordell Avenue	13,050	5.0	6,221*	2.38
5001 Wilson Avenue	30,492	2.75	10,164 *	0.75 *
5027 Wilson Avenue	15,723	2.75	5,241 *	0.75 *
5004 Cordell Avenue	7,049	2.75	2,349 *	0.75 *
22% Bonus w/15% MPDUs	13,200	n/a	13,200	n/a
Total	118,814	n/a	76,000	5.8
Total Commercial Density (maximum)	SF	FAR	SF	FAR
Subject Property	13,100	1.0	2,800	0.21
4830 Cordell Avenue	n/a	n/a	n/a	n/a
5001 Wilson Avenue	n/a	n/a	n/a	n/a
5027 Wilson Avenue	n/a	n/a	n/a	n/a
5004 Cordell Avenue	n/a	n/a	n/a	n/a
Total	13,100	n/a	2,800	0.21
Total Residential Density (maximum)	SF	FAR	SF	FAR
Subject Property	36,025	2.75	36,025	2.75
4830 Cordell Avenue	13,050	5.0	6,221	2.38
5001 Wilson Avenue	10,164	0.75	10,164	0.75
5027 Wilson Avenue	5,241	0.75	5,241	0.75
5004 Cordell Avenue	2,349	0.75	2,349	0.75
22% Bonus w/15% MPDUs	13,200	n/a	13,200	n/a
Total	80,029	n/a	73,200	5.59
Height (maximum)	Feet	Feet		

MCPB No. 16-122
 Sketch Plan No. 320170030
 The Claiborne
 Page 9

Subject Property	110 ³		100	
4830 Cordell Avenue	145		As existing	
5001 Wilson Avenue	35		As existing	
5027 Wilson Avenue	35		As existing	
5004 Cordell Avenue	35		As existing	
Setbacks - All Properties (minimum)	Feet		Feet	
Street	n/a		TBD Site Plan	TBD Site Plan
Side	n/a		TBD Site Plan	TBD Site Plan
Public Open Space (minimum)	SF	Acres	SF	Acres
Subject Property	0	0	425	0

* These figures represent only the density proposed to be transferred from the "sending sites" to the Subject Property.

2. The Sketch Plan substantially conform with the recommendations of the applicable master plan.

As discussed in Finding 1.a. above, the Application substantially conforms to recommendations of the Sector Plan. The Sketch Plan will increase the supply of housing to serve a variety of income levels, provide opportunities to retain existing businesses and expand opportunities for new businesses, and provide streetscape improvements that improve the safety and character of the existing streets.

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.

As conditioned, the Sketch Plan will result in a building compatible in height and scale with the existing and pending nearby development in the Woodmont Triangle area. At the time the Site Plan is reviewed, the Applicant must provide a step-back

³ Height allowed by Sector Plan if Project provides at least 15% MPDUs. The Project meets the height requirements contained in Section 4.5.2.C Zoning Ordinance for properties zoned CR with a height designation of "T". The "T" designation permits even greater heights on the Subject Property, but the height is limited to 110 feet per the *Woodmont Triangle Amendment*.

of 10-feet over 70% of the building façade to maintain the appearance of a lower scale street wall along Norfolk Avenue and provide a continuous streetscape character for this primary pedestrian link between Veteran’s Park and Battery Lane Urban Park.

From a compatibility perspective, the tower step back is necessary to comply with the goals of the Sector Plan, maintain compatibility with the low-rise scale and main street character, and enhance pedestrian comfort. The Sector Plan clearly highlights Norfolk Avenue as the main street for the Woodmont Triangle District and states that buildings should be stepped back along this street. The step-back is especially important because Norfolk Avenue is primarily framed by one to two-story small retail structures that add visual interest and human-scaled details with fine-grained and varied storefronts. A substantial tower step back is necessary to maintain the appearance of a lower scale street wall along Norfolk Avenue and provide a continuous streetscape character for this primary pedestrian link between Veteran’s Park and Battery Lane Urban Park.

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

The Application provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. The Sketch Plan appropriately locates activating pedestrian uses along the Norfolk Avenue frontage. Vehicular access and loading will be from Auburn Avenue.

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

The Application includes public benefits that address the general incentive and density considerations required by Section 59.4.7.1.B. The public benefits:

- a. Take into consideration “the recommendations of the applicable master plan” by providing diversity of housing, opportunities to retain existing businesses and expanding opportunities for new businesses, and connectivity improvements;
- b. Meet “the CR Zone Incentive Density Implementation Guidelines” by providing the proper calculations and criteria for each public benefit;
- c. Meet “any design guidelines adopted for the applicable master plan area” by providing streetscape improvements along Auburn Avenue and Norfolk Avenue, which will create an inviting pedestrian environment that will activate the street and support the ground-floor retail included in the Sketch Plan;

- d. Are appropriate for “the size and configuration of the site” by improving the existing configuration of aging existing buildings and providing structured parking;
- e. Adequately address “the relationship of the site to adjacent properties” by designing the building at an appropriate scale for the surroundings with heights that complements the existing character of the area;
- f. Consider “the presence or lack of similar public benefits nearby” through the provision of affordable housing, environmental benefits, pedestrian connections, all of which are currently needed in this area; and
- g. Provide “enhancements beyond the elements listed in an individual public benefit that increase public access to, or enjoyment of, the benefit” which will be developed and assessed during Preliminary and Site Plan reviews.

For the Application, the zoning code requires 150 points in three categories. Although at the time of sketch plan review only the categories need be approved, the Public Benefits Data Table below shows both the categories and points for the public benefits recommended at sketch plan to demonstrate the Sketch Plan’s ability to meet the requirement to provide sufficient benefit points.

Public Benefits Calculations			
Public Benefit	Incentive Density Points		
	Max Allowed	Requested	Approved in Concept
59.4.7.3B: Transit Proximity			
¼ to ½ Mile from Transit	30	30	30
59.4.7.3C: Connectivity and Mobility			
Minimum Parking	10	5	5
Streetscape Improvements	20	20	20
Way-Finding	10	5	5
59.4.7.3D: Diversity of Uses and Activities			
Affordable Housing	No limit	38	38
59.4.7.3E: Quality of Building and Site Design			
Architectural Elevations	20	10	10
Exceptional Design	10	5	5
Structured Parking	20	20	20
59.4.7.3F: Protection and Enhancement of the Natural Environment			
BLTs	30	1.4	1.4
Cool Roof	10	10	10
Energy Conservation and Generation	15	5	5
Vegetated Roof	15	7.5	7.5
Recycling Facility Plan	10	7.5	7.5

TOTAL	164
-------	-----

Transit Proximity

The Subject Property is located within one ½ mile of the Bethesda Metro Station, which allows the development to be eligible for Level 1 transit as defined in the Zoning Ordinance. At this time, the Planning Board supports 30 points as suggested in the *2012 Commercial/Residential Zones Incentive Density Implementation Guidelines* (CR Guidelines).

Connectivity and Mobility

Minimum Parking: The Applicant requests 5 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 10 points for providing no more than the minimum numbers of spaces on site. At this time, the Planning Board supports granting 5 points.

Streetscape Improvements: The Applicant requests 20 points for proposed streetscape improvements along the remainder of Norfolk Avenue to Del Ray Avenue in addition to the required streetscape improvements along the Subject Property frontage. At this time, the Planning Board supports granting 20 points in this public benefit category.

Way-Finding: The Applicant requests 5 points for providing wayfinding signs within the Woodmont Triangle area. Such wayfinding is envisioned to help orient pedestrians and bicyclists toward transit facilities and other public amenities. At this time, the Planning Board supports granting 5 points in this public benefit category.

Diversity of Uses and Activities

Affordable Housing: The Applicant requests 38 points for providing 15% of the multi-family units as MPDUs. The incentive density points for MPDUs are calculated as a percentage of the total number of dwelling units (assuming 58 multi-family units). The Applicant's initial estimate of providing 9 MPDUs yields 38 points. Final number of MPDU units to be determined at Site Plan. At this time, the Planning Board supports the Applicant's request.

Quality of Building and Site Design

Architectural Elevations: The Applicant requests 10 points for providing a building that contains a masonry base and contemporary façade above the fourth floor. This design treatment is intended to help relate the building to the rest of the block as well as the pedestrian realm and provide a step back above this base. At this time, the Planning Board supports the Applicant's request for 10 points if the step back is substantial enough to provide the horizontal datum line above the four-story base. Further details and refinement to be provided at the time of Site Plan.

Exceptional Design: The Applicant requests 5 points for building or site design that enhances the character of a setting. Per the CR Guidelines, incentive density of 5 points is appropriate for development that meets at least four of the guideline criteria. The Applicant asserts that the Application provides innovative solutions in response to the immediate context; creates a sense of place and serves as a landmark; enhances the public realm in a distinct and original manner; introduces materials, forms, or building methods unique to the immediate vicinity or applied in a unique way; uses design solutions to make compact infill development living and shopping environments more pleasurable and desirable; and integrates low-impact development methods into the overall design of the site and building, beyond green building or site requirements. The Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, and heights. At this time, the Planning Board supports the Applicant's request with further details and refinement to be provided at the time of Site Plan.

Structured Parking: The Applicant requests 20 points for providing structured parking in a below-grade parking structure. At this time, the Planning Board supports this request.

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT): The Applicant requests 1.4 points for the purchase of BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area. Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance. At this time, the Planning Board supports 1.4 points for this.

Energy Conservation and Generation: The Applicant requests 5 points for providing a project that exceeds the energy efficiency standards for new buildings by 2.5% through high efficiency mechanical, electrical, and plumbing systems. Further refinement will be determined at the time of Site Plan, and the Planning Board supports 5 points for this benefit at this time.

Cool Roof: The Applicant requests 10 points for providing a cool roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum of SRI of 25 for slopes above 2:12, for a site less than 1 acre in size, thus achieving 10 points in this public benefit category. The final layout is determined at the time of Site Plan, and the Planning Board supports 10 points for this benefit at this time.

Vegetated Roof: The Applicant requests 7.5 points for providing vegetated roofs with a soil depth of at least 4 inches and covering at least 33% of the total roof excluding space for mechanical equipment. The CR Guidelines recommend 7.5 points for development that meets the Zoning Ordinance requirements, with

MCPB No. 16-122
 Sketch Plan No. 320170030
 The Claiborne
 Page 14

additional points granted if other criteria are met, including greater coverage, greater soil depth, plant species that provide habitat, and native plant species. At the time of Site Plan, the Applicant will provide additional details on meeting the vegetated roof criteria. At this time, the Planning Board supports the Applicant's request.

Recycling Facility Plan: The Applicant requests 7.5 points for providing a recycling facility plan. The final details of this plan will be determined at the time of Site Plan, and the Planning Board supports 7.5 points for this benefit 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 of the plans for Sketch Plan No. 320170030, The Claiborne, stamped received by M-NCPPC on September 21, 2016, are required except as modified herein; 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 29 2016 (which is the date that this Resolution is mailed to all parties of record).

MCPB No. 16-122
Sketch Plan No. 320170030
The Claiborne
Page 15

* * * * *

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 Fani-González, seconded by Commissioner Cichy, with Chair Anderson and Commissioners Fani-González and Cichy voting in favor, and Vice Chair Wells-Harley and Commissioner Dreyfuss absent at its regular meeting held on Thursday, November 17, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board



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

MCPB No. 19-018
Sketch Plan No. 32017003A
The Claiborne
Date of Hearing: February 7, 2019

MAR 19 2019

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 November 10, 2016, the Planning Board, by Resolution MCPB No. 16-122, approved Sketch Plan No. 320170030, for construction of up to 58 dwelling units and up to 2,800 square feet of non-residential uses in the CR 3.0 C 1.0 R 2.75 H90T zone, located on the northeast corner of the Norfolk Avenue and Auburn Avenue intersection ("Subject Property"), in the Bethesda CBD Policy Area and Bethesda CBD Sector Plan area; and

WHEREAS, on October 12, 2018, 4820 Auburn Avenue, LLC ("Applicant") filed an application for approval of an amendment to the previously approved sketch plan to add additional properties to the Subject Property, modify the off-site density transfers, increase the dwelling units from 58 units to 84 units, increase the non-residential square footage from 2,800 square feet to 5,000 square feet, and bring the Application in conformance with the current zoning, CR 3.0 C 3.0 R 3.0 H110', CR 3.0 C 3.0 R 3.0 H90', and 2017 Bethesda Downtown Sector Plan ("Sector Plan"); and

WHEREAS, Applicant's application to amend the sketch plan was designated Sketch Plan No. 32017003A, The Claiborne ("Sketch Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated January 25, 2019, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

Approved as to
Legal Sufficiency:

Christina Sount 2/25/19

M-NCPPC Legal Department
8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

MCPB No. 19-018
 Sketch Plan No. 32017003A
 The Claiborne
 Page 2

WHEREAS, on February 7, 2019, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on February 7, 2019, the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Fani-Gonzalez, seconded by Commissioner Dreyfus, with a vote of [4-0]; Commissioners Anderson, Dreyfus, Fani-Gonzalez, and Patterson voting in favor with Commissioner Cichy absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan Amendment No. 32017003A The Claiborne, for construction of up to 84 dwelling units and up to 5,000 square feet of non-residential uses on the Subject Property, subject to the following binding elements and conditions which replace in their entirety the conditions of Sketch Plan 320170030:¹

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 97,000 square feet of total development on the Subject Property, including up to 36,273 square feet from the Bethesda Overlay Zone. The final distribution of density between residential and non-residential uses, and the maximum number of dwelling units will be determined at Preliminary Plan.

2. Density Transfer

Prior to record plat approval, the Applicant must state the gross square footage taken from any lot with reduced density in an instrument approved by the M-NCPPC Office of the General Counsel and must record the instrument in the

¹ 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.

Montgomery County Land Records. The residential density to be transferred under this Sketch Plan is measured in gross square feet and will total approximately 7,741 square feet. Final allocation of density will be determined at the time of Site Plan. The Sending Properties will transfer the following square feet of development potential based on the existing zoning:

- a. 4830 Cordell Avenue will be transferring 1,028 SF of residential density
- b. 5004 Cordell Avenue will be transferring 1,028 SF of residential density
- c. 5001 Wilson Avenue will be transferring 5,685 SF of residential density
- d. 5027 Wilson Avenue will be transferring 0 SF of residential density

3. Height

The development is limited to a maximum height of 110 feet on the CR 3.0 C 3.0 R 3.0 H110' zoned property and a maximum height of 90 feet on the CR 3.0 C 3.0 R 3.0 H90' zoned property, as measured from the building height measuring point.

4. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59.7.3.3.I. 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. The requirements of Division 59.4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

- a. Connectivity and Mobility achieved through minimum parking and streetscape improvements;
- b. Diversity of Uses and Activities, achieved through enhanced accessibility for the disabled;
- c. Quality of Building and Site Design, achieved through architectural elevations, exceptional design, structured parking, and tower step-back; and
- d. Protection and Enhancement of the Natural Environment, achieved through building lot terminations, cool roof, energy conservation and generation, and a recycling facility plan.

5. Park Impact Payment (PIP)

At the time of Site Plan, the Applicant must identify the final amount of BOZ density being purchased and allocated to the Subject Property.

6. Building Lot Terminations (BLTs)

Prior to release of any building permit, the Applicant must provide proof of purchase and/or payment for the required BLTs.

7. Moderately Priced Dwelling Units (MPDUs)

MCPB No. 19-018
 Sketch Plan No. 32017003A
 The Claiborne
 Page 4

The Applicant must provide a minimum of 15% of the total units as Moderately Priced Dwelling Units on the Subject Property. The development must provide MPDUs in accordance with Chapter 25A.

8. Future Coordination for Preliminary and Site Plan

In addition to any other requirements for Preliminary Plans under Chapter 50 and Site Plans under Chapter 59, the following must be addressed when filing a Preliminary or Site Plan:

- a. Fire and Rescue access and facility details;
- b. Streetscape details;
- c. Demonstration of how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guideline requirements; and
- d. Coordination with adjacent property owners regarding rooftop treatment and mechanical equipment.

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.*

a. Development Standards

The Subject Property includes approximately 0.41 acres zoned CR 3.0 C 3.0 R 3.0 H110' and CR 3.0 C 3.0 R 3.0 H90'. The data table below demonstrates the Application's conformance to the applicable development standards of the zones.

Table 1: Project Data Table

Section 59.4	Development Standard	Permitted/ Mapped Density/ Required	Proposed
	Subject Property Tract Area (CR 3.0 C 3.0 R 3.0 H110'/ H90')		17,662 sf (0.41 ac)
	Density Transfer Site Tract Area ¹ 4830 Cordell Avenue (CR 5.0 C 5.0 R 5.0 H175') 5001 Wilson Lane (CRT 2.25 C 1.5 R 0.75 H35') 5027 Wilson Lane (CRT 2.25 C 1.5 R 0.75 H35') 5004 Cordell Avenue (CRT 2.25 C 1.5 R 0.75 H35')	n/a	2,610 sf (0.06 ac) 13,552 sf (0.31 ac) 6,988 sf (0.16 ac) <u>3,133 sf (0.07 ac)</u>
	Density Transfer Subtotal		26,283 sf (0.60 ac)
	Consolidated Tract Area		43,945 sf (1.01 ac)
	Subject Property Prior Dedication Subject Property Proposed Dedication	n/a	5,972 sf (0.14 ac) 0 sf (0.00 ac)
	Subject Property Site Area		11,690 sf (0.27 ac)
	Residential Density (GFA/ FAR) Subject Property (CR 3.0 C 3.0 R 3.0 H110'/ H90')	52,986 sf (3.0)	47,986 sf (2.72)
	4830 Cordell Avenue (CR 5.0 C 5.0 R 5.0 H175') 5001 Wilson Lane (CRT 2.25 C 1.5 R 0.75 H35') 5027 Wilson Lane (CRT 2.25 C 1.5 R 0.75 H35') 5004 Cordell Avenue (CRT 2.25 C 1.5 R 0.75 H35')		1,028 sf (0.06) 5,685 sf (0.32) 0 sf (0.00) <u>1,028 sf (0.06)</u>
	Residential Density Transfer Subtotal		7,741 sf (0.44)
	Residential Density Total		55,727 sf (3.16)
	Dwelling Units, max.	n/a	84
	MPDUs, min. (percent/du)	15%/13	15%/13
	MPDU Density, exempt from PIP calculation (GFA/ FAR)	n/a	13,800 sf (0.78)
	Commercial Density, max. (GFA/ FAR) Subject Property (CR 3.0 C 3.0 R 3.0 H110'/ H90')	52,986 sf (3.0)	5,000 sf (0.28)
	Bethesda Overlay Zone Density	n/a	36,273 sf (2.05)
	Total Maximum Density (GFA/ FAR)	52,986 sf (3.0)	97,000 sf (5.49)
	Maximum Building Height CR 3.0 C 3.0 R 3.0 H110'	110 feet	110 feet

CR 3.0 C 3.0 R 3.0 H90'	90 feet	90 feet
Public Open Space, min.	0	295 sf (2.5%)
Green Cover	35%	35% (4,106 sf)
Minimum Setbacks	0	0

b. General Requirements

i. *Site Access*

Vehicular access and loading will occur via a consolidated access point on Auburn Avenue. Pedestrians and bicyclists will be able to enter the Project from the residential lobbies on either Auburn Avenue or Norfolk Avenue and short-term bicycle parking will be provided along the public sidewalks. The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.

ii. *Parking, Queuing, and Loading*

Residential Parking for the building will be provided in a below-grade facility. Vehicular and loading access will occur via Auburn Avenue along the north side of the Property to limit impacts to Norfolk Avenue.

iii. *Open Space and Recreation*

There is no open space requirement for the Subject Property because the Site area measures less than ½ acre with two public roadway frontages, however, the Project will provide 295 square feet of open space along its frontage. The Application is in conformance with the *Recreation Guidelines*.

iv. *General Landscaping and Outdoor Lighting*

Landscaping and lighting, as well as other site amenities, will be provided to ensure that the Project will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The Project will transform existing streetscape along the Auburn Avenue and Norfolk Avenue frontages with new street trees, improved, wider sidewalks, street lighting, and street furniture. The on-site lighting will limit the necessary light levels to streets and sidewalks.

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

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*. The recommendations increase:

1. **Parks and open spaces**, including new civic greens at Veteran's Park, Bethesda Farm Women's Cooperative Market, Capital Crescent Trail and new urban parks, pathways and gateways.
2. **Affordable housing**, including the preservation of existing market-rate affordable housing, providing a mix of housing options and the provision of Moderately Priced Dwelling Units in exchange for development incentives.
3. **Environmental innovation**, including more energy-efficient buildings, better stormwater management, improved sidewalks and bicycle routes, and other measures to enhance community health and quality of life.
4. **Economic competitiveness**, based on new development, public amenities and proximity to public transit to attract businesses and visitors from throughout the region, and foster entrepreneurship and innovation.

The Property is designated as sites 231 and 22 on page 111 of the Sector Plan. The Project specifically addresses the following Sector Plan goals:

- *Incentivize expanded affordability for housing.*

The new multi-family residential apartment building will include a minimum of 15 percent Moderately Priced Dwelling Units (MPDUs) (or up to 13 units). As a result, the Project provides additional, desired affordable housing in close proximity to transit and other services.

- *Enhance Norfolk Avenue as the Main Street for the district, building on what works well and creates the unique character in Woodmont Triangle.*

The Property is located at the northern entrance to Norfolk Avenue. Given its prominent location, the Project has been designed to facilitate the pedestrian-scale retail character envisioned for Norfolk Avenue by providing step-backs along the Norfolk Avenue façade. As a result, the building will contribute to the desired lower-heights of Norfolk Avenue.

The Applicant will participate in the implementation of the Sector Plan recommended shared street improvements along their Norfolk Avenue frontage. The precise scope and manner of participation will be determined at

the time of Certified Site Plan. The Applicant's participation is anticipated to be either through a monetary contribution, in an amount approved by MCDOT, or through implementation of a portion of the Norfolk Avenue shared street. The final determination of the Applicant's participation in the Norfolk Avenue shared street, as recommended in the Sector Plan, will be determined at the time of Certified Site Plan, in conjunction with MCDOT and the Department of Permitting Services.

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

The proposed building will be located directly on the street and will both define and activate the pedestrian environment. This design will promote a more pedestrian oriented streetscape experience by expanding the streetscape and providing façades with multiple points of entry. Parking and loading will be accommodated internally on site via a consolidated garage and loading access point on Auburn Avenue.

- *Increase environmental innovation, including more energy efficient buildings, better stormwater management, improved sidewalks and bicycle routes, and other measures to enhance community health and quality of life.*

The Project will result in significant improvements to the treatment of stormwater management on-site, as there are no known stormwater management facilities located on the Property. The Project is located within the High-Performance Area and will incorporate and meet the requirements in the Sector Plan and Bethesda Overlay Zone for exceeding current energy efficiency standards for buildings.

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

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 Project is not subject to any development plan or schematic development plan in effect on October 29, 2014.

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

The Project design is compatible in height and scale with the existing and pending nearby development in the Woodmont Triangle District. The Project

achieves compatibility with the building heights by providing a step-back along Norfolk Avenue and stepping the southern portion of the building down, from 110 feet to 90 feet, as dictated by the zoning.

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

The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. Vehicular access and loading for the Site will be provided from Auburn Avenue while Long-term bicycle parking will be provided within the garage and short-term bicycle parking will be provided along the Property's frontage. 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.

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, 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 Planning Board finds that the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site. Final determination of public benefit point values will be determined at Site Plan(s).

Table 2: Sketch Plan Public Benefits Calculations		
Public Benefit	Incentive Density Points	
	Max Allowed	Approved in Concept
59.4.7.3C: Connectivity and Mobility		
Minimum Parking	20	12
Streetscape Improvements	30	12
59.4.7.3D: Diversity of Uses and Activities		
Enhanced accessibility for the disabled	20	3
59.4.7.3E: Quality of Building and Site Design		
Architectural Elevations	30	10
Exceptional Design	30	10
Structured Parking	20	20

Tower step-back	20	10
59.4.7.3F: Protection and Enhancement of the Natural Environment		
BLTs	30	1.9
Cool Roof	10	10
Energy Conservation and Generation	15	15
Recycling Facility Plan	10	5
TOTAL		104

Connectivity and Mobility

Minimum Parking: The Project proposes to provide 71 parking spaces; fewer than the minimum number of parking spaces (84 spaces) required under the Zoning Ordinance. Supported by the Planning Board at this time.

Streetscape Improvements: The Applicant requests 12 points for proposed off-site streetscape improvements along the remainder of Norfolk Avenue to Del Ray Avenue in addition to the required streetscape improvements along the property frontage. The off-site portion measures approximately 1,405 square feet. Supported by the Planning Board at this time.

Diversity of Uses and Activities

Enhanced Accessibility for the Disabled: Section 59.4.7.3.D.4. of the Zoning Ordinance permits up to 20 public benefit points for providing dwelling units with interiors that satisfy accessibility standards set forth by the American National Standards Institute (ANSI), A117.1 Residential Type A standards. The Project is providing one (1) dwelling unit that meets A117.1 or an appropriate County standard. Supported by the Planning Board at this time.

Quality of Building and Site Design

Architectural Elevations: The Applicant requests 10 points for providing a building that contains a masonry base and contemporary façade on the upper floors. The building will contribute to the streetscape by providing a detailed and permeable façade at the ground floor. This design treatment is intended to help relate the building to buildings on the rest of the block as well as the pedestrian realm and provide a step back above this base. Supported by the Planning Board at this time.

Exceptional Design: The Applicant requests 10 points for a building or site design that provides innovative solutions in response to the immediate context; creates a sense of place and serves as a landmark; enhances the public realm in a distinct and original manner; introduces materials, forms, or building methods unique to the immediate vicinity or applied in a unique way; uses design solutions to make compact infill development living and shopping environments more pleasurable and desirable; and integrates low-

impact development methods into the overall design of the site and building, beyond green building or site requirements. The Design Advisory Panel reviewed the project at its October 24, 2018 meeting and voted to support 10 points for exceptional design. Supported by the Planning Board at this time.

Structured Parking: The Applicant requests 20 points for structured parking for the parking that will be below grade. The Application proposes all parking spaces to be provided in a below-ground parking garage and the layout of the parking garage is depicted in the architectural plans and will be included in the Certified Site Plan. Supported by the Planning Board at this time.

Tower Step-back: The Applicant requests 10 points for providing a tower step-back of at least 52% of the building above the fourth floor. Applied to the building, this step-back occurs on the 110-foot tall portion of the building as a 10-foot step-back at or about a height of 40-feet; on the 90-foot tall portion of the building, as a 4-foot step-back at or about a height of 20-feet. Since the four-foot step-back does not meet the minimum criteria set forth in the Guidelines, the exact number of points will be determined at Site Plan based on the final architecture. Supported by the Planning Board at this time.

Protection and Enhancement of the Natural Environment

BLTs: Up to 30 points can be granted for the purchase of Building Lot Termination (BLT) easements or payment to the Agricultural Land Preservation Fund (ALPF). The Applicant proposes the purchase of 0.2099 BLT easements for 1.89 public benefit points. Supported by the Planning Board at this time.

Cool Roof: The Applicant requests 10 points for providing a cool roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum of SRI of 25 for slopes above 2:12, for a site less than 1 acre in size, thus achieving 10 points in this public benefit category. Supported by the Planning Board at this time.

Energy Conservation and Generation: The Project is being designed to exceed the energy efficiency standards for its building type by 17.5%, through such features as a highly efficient mechanical system, energy efficient lighting, and low-flow plumbing fixtures. The Applicant has provided an energy/use generation model with comparisons to the average use/generation for the building type based on the Department of Energy Standards. The Applicant requests 15 points in this public benefit category and the concept is Supported by the Planning Board at this time.

MCPB No. 19-018
Sketch Plan No. 32017003A
The Claiborne
Page 12

Recycling Facility Plan: The Applicant requests 5 points for providing a recycling facility plan that exceeds County requirements. The Sketch Plan includes a designated recycling material sorter, paper shredder. Supported by the Planning Board 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 Sketch Plan 32017003A, 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 MAR 19 2019
(which is the date that this Resolution is mailed to all parties of record); and

* * * * *

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 Fani-González, with Chair Anderson and Commissioners Fani-González and Cichy voting in favor, and Vice Chair Dreyfuss and Commissioner Patterson absent at its regular meeting held on Thursday, March 7, 2019, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board



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

MCPB No. 17-072
Preliminary Plan No. 120170250
The Claiborne
Date of Hearing: July 24, 2017 and July 27, 2017

JUL 31 2017

RESOLUTION

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

WHEREAS, on March 21, 2017, 4820 Auburn, LLC ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 0.30 acres of land in the CR 3.0: C 1.0, R 2.75, H 90T zone, located on the northeast corner of the Norfolk Avenue and Auburn Avenue intersection ("Subject Property"), in the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120170250, The Claiborne ("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 July 14, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 24, 2017, 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 continue the hearing on July 27, 2017.

WHEREAS, on July 27, 2017, the Planning Board continued the public hearing on the Application and voted to approve the Application, subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120170250 create one lot on the Subject Property, subject to the

Approved as to
Legal Sufficiency

Christina Sonnet 7/26/17
8787 Georgia Avenue, Silver Spring, Maryland 20910
MNCPPC Legal Department
www.montgomeryplanningboard.org

Phone: 301.495.4605 Fax: 301.495.1320

E-Mail: mcp-chair@mncppc-mc.org

MCPB No. 17-072
Preliminary Plan No. 120170250
The Claiborne
Page 2

following conditions:¹

1. This Preliminary Plan is limited to 1 lot for up to 58 multi-family dwelling units and up to 2,800 square feet of commercial uses.
2. Prior to record plat, the Applicant must record all necessary density transfer instruments in the Land Records of Montgomery County, as required by the subsequent site plan.
3. The Applicant must include the stormwater management concept approval letter and Preliminary Plan Resolution on the approval or cover sheet(s).
4. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated May 23, 2017, and hereby 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 provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
5. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
6. The record plat must show necessary easements.
7. Prior to submission of any plat, Site Plan No. 820170080 must be certified by MNCPPC Staff.
8. No grading of the site or recording of plats prior to certified site plan approval.
9. Final approval of the number and location of the multi-family building, dwelling units, on-site parking, site circulation, and sidewalks will be determined at site plan.
10. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated June 20, 2017, and hereby 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 provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
11. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section, in its letter dated June 9, 2017, and hereby 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 amendments do not conflict with other conditions of Preliminary Plan approval.
12. The certified Preliminary Plan must contain the following note:

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.

MCPB No. 17-072
 Preliminary Plan No. 120170250
 The Claiborne
 Page 3

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.

13. In the event that a subsequent site plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or location or right-of-way width, or alignment, the Applicant must obtain approval of a Preliminary Plan amendment.
14. The Applicant may obtain permits for below-grade excavation and sheeting and shoring prior to the recording of plats and Certified Site Plan approval. The record plat(s) and Certified Site Plan must be submitted to M-NCPPC prior to any below-grade activity occurring on site.
15. The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of this Planning Board Resolution.

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 Preliminary Plan substantially conforms to the Sector Plan.*

The Preliminary Plan Application substantially conforms to the Sector Plan. The Property is designated as Block 15, which is recommended for a FAR of 3.0 (not including the MPDU bonus density) and MPDU bonus height up to 110 feet.¹ The Property is located in the area of the Woodmont Triangle that is closest to the Battery Lane Urban Park. The Property also is within the area designated as a Density Transfer Area. Specifically, the Project furthers the following goals as outlined in the *Woodmont Triangle Amendment*:

- *Housing – Provide opportunities to increase the supply of housing to serve a variety of income levels.*

The Project will provide approximately 58 units, containing diverse housing opportunities by including a variety of market-rate unit sizes and layouts and 15% MPDUs to facilitate the availability of new housing, in a range of types and rents, within walking distance of the Metro.

- *Small-scale Retail – Provide opportunities to retain existing businesses and expand opportunities for new businesses.*

Through the use of density averaging, the Sending Properties will remain as existing small-scale developments, while simultaneously allowing for the development of a larger mixed-use project on the Property. Both the retention of small scale development and density transfer are occurring in accordance with the Sector Plan. Additionally, the Project will provide street activating uses, such as ground-floor retail on both Auburn Avenue and Norfolk Avenue.

- *Safe and Attractive Streets – Focus on improving the safety and character of the existing streets.*

The Project will provide streetscape improvements along Auburn Avenue and Norfolk Avenue per the current Bethesda Streetscape Standards

- *Public Amenities – Increase flexibility in providing the public use space through optional method of development by allowing off-site and on-site fulfillment of this requirement, and by identifying a list of priority public amenities.*

The *Woodmont Triangle Amendment* lists priority public use space and amenities for the Woodmont Triangle area, which include streetscape improvements. The Project will provide streetscape improvements along its frontage as well as the remainder of the Norfolk Avenue block to Del Ray Avenue.

The Preliminary Plan complies with the specific density recommendations for the site as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan and the Guidelines.

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

Roads and Public Transportation Facilities

Vehicular access to the Property is directly from Auburn Avenue through a consolidated garage access point and loading bay at the north corner of the site. Resident vehicular parking will be contained within a structured below-grade garage. Pedestrian and bicycle access to the Property will be provided along both Norfolk Avenue and Auburn Avenue.

The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station (located within 0.5 mile of the site), Metrobus, RideOn, the Bethesda Circulator and future Purple Line.

LATR

A traffic exemption statement was submitted on March 7, 2017. The development is estimated to generate 28 new morning peak-hour trips and 48 new evening peak-hour trips. Because of the estimated transportation impact (fewer than 50 new person trips), the Project satisfies the Local Area Transportation Review requirement without further analysis.

Other Public Facilities

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

3. *The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections. The size, width, shape, and orientation of the lot is appropriate for the location of the subdivision taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated. The Application substantially conforms to the Sector Plan. The Application complies with the specific density recommendations for the site as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. As evidenced by the Preliminary Plan, the site is sufficiently large to efficiently accommodate the mix of uses.

Under Section 59-4.5.4 of the Zoning Ordinance, the dimensional standards for the lots will be determined with approval of the subsequent site plan.

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

A. Forest Conservation

MCPB No. 17-072
 Preliminary Plan No. 120170250
 The Claiborne
 Page 6

This Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law, but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(2) because the proposed activity occurs on a tract of land less than 1 acre that will not result in the clearing of more than a total of 20,000 square feet of existing forest, or any existing specimen tree or champion tree, and reforestation requirements would not exceed 10,000 square feet. Forest in any priority area on-site must be preserved.

5. *All storm water management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

This finding is based in part upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards.

The MCDPS Stormwater Management Section approved the stormwater management concept on June 20, 2017. According to the approval letter, the stormwater management concept meets stormwater management requirements.

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 50-35(h)), 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 JUL 31 2017 (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

MCPB No. 17-072
Preliminary Plan No. 120170250
The Claiborne
Page 7

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 Fani-González, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley and Commissioners Fani-González and Cichy voting in favor of the motion, and Commissioner Dreyfuss temporarily absent, at its regular meeting held on Thursday, July 27, 2017, in Silver Spring, Maryland.



Casey Anderson, Chairman
Montgomery County Planning Board



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

MCPB No. 19-019
Preliminary Plan No. 120170025A
The Claiborne
Date of Hearing: February 7, 2019

MAR 19 2019

RESOLUTION

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

WHEREAS, on July 27, 2017, the Planning Board, by Resolution MCPB No. 17-072, approved Preliminary Plan No. 120170250, creating 1 lot on 0.30 acres of land in the CR 3.0 C 1.0 R 2.75 H90T zone, located on the northeast corner of the Norfolk Avenue and Auburn Avenue intersection ("Subject Property"), in the Bethesda CBD Policy Area and Bethesda CBD Sector Plan area; and

WHEREAS, on October 12, 2018, 4820 Auburn Avenue, LLC ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan(s) to add additional properties to the Subject Property, modify the off-site density transfers, increase the dwelling units from 58 units to 84 units, increase the non-residential square footage from 2,800 square feet to 5,000 square feet, and bring the Application in conformance with the current zoning, CR 3.0 C 3.0 R 3.0 H110', CR 3.0 C 3.0 R 3.0 H90', and 2017 Bethesda Downtown Sector Plan ("Sector Plan"); and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 120170025A, The Claiborne ("Preliminary Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated January 25, 2019, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on February 7, 2019, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on February 7, 2019, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Fani-Gonzalez,

Approved as to
Legal Sufficiency:

Christina Scott 2/25/19

6787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
M-NCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

MCPB No. 19-019
 Preliminary Plan No. 120170025A
The Claiborne
 Page 2

seconded by Commissioner Dreyfus, with a vote of [4-0]; Commissioners Anderson, Dreyfus, Fani-Gonzalez, and Patterson voting in favor, with Commissioner Cichy absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120170025A to supersede the previous approval by adopting the following conditions, which replace in their entirety the conditions of Preliminary Plan No. 120170250:¹

1. Approval is limited to one lot for up to 97,000 total square feet of development for up to 84 multi-family dwelling units, including 13,800 square feet of MPDU density not counted toward the Project's FAR, up to 5,000 total square feet of retail development and an allocation of 36,273 square feet of density from the Bethesda Overlay Zone.
2. The Applicant must comply with the binding elements and conditions of approval for Sketch Plan No. 302017003A and any subsequent amendments.
3. Prior to record plat, the Applicant must record all necessary density transfer instruments in the Land Records of Montgomery County, as required by the subsequent site plan. The Book and Page must be reflected on the record plat.
4. Include all applicable agency letters and the Preliminary Plan Resolution on the approval or cover sheet(s) of the Certified Preliminary Plan.
5. The Applicant must participate in the implementation of the Norfolk Avenue shared street, as recommended by the Sector Plan. The scope and details of participation will be determined at the time of Certified Site Plan.
6. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated November 27, 2018, and hereby 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 provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
7. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated November 30, 2018,

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.

and amended in its letter dated, January 25, 2019, and hereby 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 provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

8. Before the release of any above grade building permit, the Applicant must enter into a Traffic Mitigation Agreement (TMAG) with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District (TMD) and work toward the Sector Plan goal of 55% Non-Auto Driver Mode Share.
9. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
10. The record plat must show necessary easements.
11. Prior to submission of any plat, Site Plan No. 82017008A must be certified by MNCPPC Staff.
12. Final approval of the number and location of the multi-family dwelling units, on-site parking, site circulation, and sidewalks will be determined at Site Plan.
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. In the event that a subsequent site plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or location or right-of-way width, or alignment, the Applicant must obtain approval of a Preliminary Plan amendment.
15. The Applicant may obtain permits for demolition and below-grade excavation and sheeting and shoring prior to the recording of plats and Certified Site Plan approval. The record plat(s) and Certified Site Plan must be submitted to MNCPPC prior to any below-grade activity occurring on site.

16. 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.

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.*

The Preliminary Plan will create one lot (11,690 square feet or 0.27 acres of lot area) to allow for a maximum density of 97,000 total square feet for up to 84 multi-family residential dwelling units. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision of Land. The lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the recommendations in the Sector Plan and for the type of development or use contemplated. The lot meets all requirements established in the Subdivision of Land and the Zoning Ordinance and substantially conforms to the recommendations of the Sector Plan. Access and public facilities will be adequate to serve the lot, and the Application has been reviewed by other applicable County agencies, all of whom have recommended approval of the Preliminary Plan.

2. *The Preliminary Plan substantially conforms to the Master Plan.*
 - a) *Implement the recommendations of applicable master plans.*

The Project substantially conforms to the recommendations for the Property included in the Sector Plan.

The Property is designated as sites 231 and 22 on page 111 of the Sector Plan. The Project specifically addresses the following Sector Plan goals:

- *Incentivize expanded affordability for housing.*

The new multi-family residential apartment building will include a minimum of 15 percent Moderately Priced Dwelling Units (MPDUs) (or up to 13 units). As a result, the Project provides additional, desired affordable housing in close proximity to transit and other services.

- *Enhance Norfolk Avenue as the Main Street for the district, building on what works well and creates the unique character in Woodmont Triangle.*

The Property is located at the northern entrance to Norfolk Avenue. Given its prominent location, the Project has been designed to facilitate the pedestrian-scale retail character envisioned for Norfolk Avenue by providing step-backs along the Norfolk Avenue façade. As a result, the building will contribute to the desired lower-heights of Norfolk Avenue.

The Applicant will participate in the implementation of the Sector Plan recommended shared street improvements along their Norfolk Avenue frontage. The precise scope and manner of participation will be determined at the time of Certified Site Plan. The Applicant's participation is anticipated to be either through a monetary contribution, in an amount approved by MCDOT, or through implementation of a portion of the Norfolk Avenue shared street. The final determination of the Applicant's participation in the Norfolk Avenue shared street, as recommended in the Sector Plan, will be determined at the time of Certified Site Plan, in conjunction with MCDOT and the Department of Permitting Services.

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

The proposed building will be located directly on the street and will both define and activate the pedestrian environment. This design will promote a more pedestrian oriented streetscape experience by expanding the streetscape and providing façades with multiple points of entry. Parking and loading will be accommodated internally on site via a consolidated garage and loading access point on Auburn Avenue.

- *Increase environmental innovation, including more energy efficient buildings, better stormwater management, improved sidewalks and bicycle routes, and other measures to enhance community health and quality of life.*

The Project will result in significant improvements to the treatment of stormwater management on-site, as there are no known stormwater management facilities located on the Property. The Project is located within the High-Performance Area and will incorporate and meet the requirements in the Sector Plan and Bethesda Overlay Zone for exceeding current energy efficiency standards for buildings.

The Project is in general conformance with the Sector Plan.

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

The Project will redevelop the existing non-residential buildings with a higher-density mixed-use building.

- 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 market-rate residential units in a variety of unit types as well as 15% MPDUs, offering housing opportunities for a range of incomes proximate to the numerous transit options of downtown Bethesda. The Project facilitates all modes of transit – pedestrian, bicycle, and vehicular – in close proximity to the Metro and bus service by improving the streetscape. The Project does not propose any parking between the building and the street frontages.

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

The Sector Plan identifies this area as a priority for mixed use projects and recommends that Norfolk Avenue be improved as a main street. The Project will provide a mix of uses on-site as well as a height and density that is compatible with the desired character of the Woodmont Triangle District. As a result of the streetscape improvements and step-backs, the Project helps implement recommendations set forth in the Sector Plan.

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

The Sector Plan identified several distinct districts within Downtown Bethesda to guide development compatibility. The Subject Property is within the Woodmont Triangle District, which is envisioned to maintain its character as an eclectic mixed-use district. The Project provides the appropriate land use mix, as recommended in the Sector Plan.

- 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 four categories to achieve the desired incentive density above the standard method limit. Final determination of public benefit points will be determined at the time of Site Plan.

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

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

Transportation

One of the most dramatic recommendations of the Bethesda Downtown Sector Plan was the Norfolk Avenue shared street concept. The Subject Project is implementing a portion of the shared street, with the precise scope and manner of participation to be determined by the Montgomery County Department of Transportation prior to Certification of the Site Plan. The Applicant's participation in the shared street project was a critical element of staff's review of the Subject Application and will be the first time a development project in downtown Bethesda is contributing to the shared street project.

Vehicular access to the Subject Property is proposed directly from Auburn Avenue through a consolidated garage access point and loading bay (two separate, but adjacent entrances). Pedestrian and bicycle access to the Subject Property will be provided along both Norfolk Avenue and Auburn Avenue.

The Project includes a bicycle parking room to provide long-term bicycle storage for the residents. Bicyclists will access the room from via the lobby on Norfolk Avenue. The bicycle parking room will provide secure, private parking for 40 bikes and the proposed layout meets the design and capacity standards set by the Zoning Ordinance. The final number of automobile and bicycle parking spaces will be determined at Certified Site Plan based on the number of residential dwelling units.

Transit Connectivity

The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station (located within ½ mile of the site), Metrobus, RideOn, the Bethesda Circulator and future Purple Line.

Master Plan Roadways and Pedestrian / Bikeway Facilities

The 2017 *Bethesda Downtown Sector Plan* recommends the following along property frontages:

1. Auburn Avenue, along the northern site frontage, as a Business District Street with a minimum right-of-way width of 60 feet;
2. Norfolk Avenue, along the western site frontage, as a business district roadway with a minimum right-of-way width of 80' and as a shared street.

Sector-Planned Transportation Demand Management

The Sector Plan encourages a Non-Auto Driver Mode Share (NADMS) of 55%, averaged between employees and residents of downtown Bethesda. In order to meet this goal, downtown Bethesda is organized into a Transportation Demand

Management District (TMD) that strives to promote travel by means other than single occupancy vehicles. As a residential project of more than 100 dwelling units within the Bethesda TMD, the development is required to enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and Montgomery County Department of Transportation (MCDOT) to participate in the Bethesda TMD.

A transportation exemption statement, dated February 21, 2018, satisfied the Local Area Transportation Review for the Subject Application because the Project generates fewer than 50 net new peak hour person trips. The proposed development is estimated to generate 41 new morning peak-hour person trips (21 vehicle trips) and 47 new evening peak-hour person trips (24 vehicle trips) (Table 3).

Table 3: Project Peak Hour Trip Generation

Proposed		Vehicle Rates		Adjusted Vehicle Rates		Person Trips	
		AM	PM	AM	PM	AM	PM
High-Rise Apartments	84 Units	26	30	21	24	41	47
Ancillary Retail	5,000 SF	0	0	0	0	0	0
Net New Trips¹		26	30	21	24	41	47

¹No credit taken for existing uses to be removed

Source: Wells & Associates Transportation Statement, dated September 27, 2018.

School Adequacy

The Project was reviewed under the FY2019 Annual School Test, approved by the Planning Board on June 21, 2018, and effective July 1, 2018. Under the FY2019 Annual School Test, student generation is calculated by multiplying the number of dwelling units by the applicable regional student generation rate for each school level. For the purposes of this calculation, 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 (Table 4). The Subject Property seeks to amend an approved plan for 58 high-rise multifamily units, to 84 high-rise multifamily units, resulting in a net gain of 26 units. The Subject Property is in the Bethesda-Chevy Chase High School (B-CC) Cluster in the southwest region of the County.

Based on this analysis, the Project is estimated to generate one new elementary school student, zero new middle school students, and zero new high school students (Table 5). Sufficient school capacity exists at the elementary school,

middle school and high school cluster levels to accommodate the estimated number of students generated by the Project.

Table 4: Student Generation Rates Per Dwelling Unit – Southwest Region

	Elementary School	Middle School	High School
SF Detached	0.193	0.111	0.147
SF Attached	0.191	0.094	0.124
MF Low- to Mid-Rise	0.146	0.063	0.083
MF High-Rise	0.055	0.022	0.031

Table 5: The Claiborne Plan Amendment – Estimated Enrollment Impact

Unit Type	Net New Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
Multi-Family High Rise	26	0.055	0.022	0.031	1.430	0.572	0.806
Total Units	26				1	0	0

Cluster Adequacy Test

Student enrollment and capacity projections for the Bethesda-Chevy Chase High School (B-CC) Cluster, as established in the FY2019 Annual School Test, are summarized in Table 6. As indicated in the last column of the table, the sum of the projected future enrollment and the estimated student impact associated with the Subject Application fall below the moratorium² thresholds at all three school levels. As a result, sufficient capacity exists at the elementary, middle and high school cluster levels to accommodate the estimated number of students generated by this project.

² The moratorium enrollment threshold represents 120% enrollment utilization.

*Table 6: FY2019 Annual School Test
 Bethesda Chevy Chase High School Cluster*

School Level	Projected Cluster Totals, September 2023			Moratorium Enrollment Threshold	Projected Enrollment + Application Impact
	Enrollment	Program Capacity	% Utilization		
Elementary	3,690	4,043 ³	91.3%	4,852	3,691
Middle	1,803	2,024	89.1%	2,429	1,803
High	2,463	2,407	102.3%	2,889	2,463

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 FY2019 Annual School Test results, the student enrollment and capacity projections for these schools are noted in Table 7.

*Table 7: FY2019 Annual School Test
 Individual School Adequacy*

School	Projected School Totals, September 2023				Moratorium Enrollment Thresholds		Projected Enrollment + Application Impact
	Enrollment	Program Capacity	% Utilization	Surplus/Deficit	120% Utilization	Surplus/Deficit	
Bethesda ES	699	698 ⁴	100.1%	-1	838	808	700
Westland MS	832	1,089	76.4%	257	1,307	1,269	832

Under the individual school adequacy test, a school is deemed inadequate if the projected school utilization rate exceeds 120% and if the school seat deficit meets or exceeds 110 seats for the elementary school or 180 seats for the middle school. If a school's projected enrollment exceeds both thresholds, then the school service area is placed in a residential development moratorium.

The Moratorium Enrollment Thresholds, identified in Table 7, are the enrollments at which the 120% utilization threshold and the seat deficit

³ The projected cluster elementary school capacity of 3,813 has been modified to reflect the impact of a six-classroom placeholder project at Bethesda ES and a four-classroom placeholder project at Somerset ES included by the County Council in the FY 2019 Capital Budget.

⁴ The projected Bethesda Elementary School capacity of 560 students has been modified to reflect the impact of a six-classroom placeholder project included by the County Council in the FY 2019-2024 Capital Improvements Program.

threshold are exceeded. As indicated in the last column, the projected enrollment plus the estimated impact of this application falls below both applicable moratorium thresholds for Bethesda Elementary School and Westland Middle School. Therefore, there is sufficient anticipated school capacity to accommodate the estimated number of students generated by the Project.

Other Public Facilities

Public facilities and services are available and will be adequate to serve the proposed development. The Subject Property is proposed to be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who 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 Subject Property.

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

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

This Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law, but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(2) because the proposed activity occurs on a tract of land less than 1 acre that will not result in the clearing of more than a total of 20,000 square feet of existing forest, or any existing specimen tree or champion tree, and afforestation requirements would not exceed 10,000 square feet.

The Applicant is proposing to save one existing street tree, an 18" DBH Zelkova. As conditioned, prior to Site Plan certification, the Applicant must show the existing tree to remain accurately on the plans, as well as show and provide tree protection and details on the landscape sheets.

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 November 27, 2018 (Attachment D). According to the approval letter, the Stormwater Management Concept proposes to meet stormwater management requirements via environmental site design to the maximum extent practicable through the use of a green roof, micro-bioretenion and a partial Quality and Quantity waiver.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAR 19 2019 (which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Fani-González, with Chair Anderson and Commissioners Fani-González and Cichy voting in favor, and Vice Chair Dreyfuss and Commissioner Patterson absent at its regular meeting held on Thursday, March 7, 2019, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board



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

Agenda Date: September 7, 2017
 Agenda Item No.: Other Consent Items 1-c

MEMORANDUM

TO: Montgomery County Planning Board

FROM: Gwen Wright, Planning Director *GW*

VIA: Robert Kronenberg, Chief, Area One *RKB*
 Elza Hisel-McCoy, Supervisor, Area One
 Matthew Folden, Planner Coordinator, Area One *MF*

Re: Correction of Resolution for Site Plan No. 820170080,
 MCPB No. 17-073, The Claiborne

Attached, please find a redlined version of the Resolution for Site Plan No. 820170080, The Claiborne. The Resolution was adopted by the Planning Board at the July 27, 2017, Planning Board Hearing, and was mailed out to all parties of record on July 31, 2017. This Corrected Resolution addresses an error that occurs on page 12 of the original Resolution.

The correction is to address a typographical error on page 12 of the Resolution in the Public Benefits Calculation Table. The Resolution incorrectly states that the approval is for 7.5 public benefit points for the Recycling Facility, 5 public benefit points for the Energy Conservation and Generation Category, and 7.5 public benefit points for the Vegetated Roof; 156.4 public benefit points in total. These public benefit point values should be updated to reflect the values approved by the Planning Board and discussed elsewhere in the original resolution as follows: 10 public benefit points for the Recycling Facility, 10 public benefit points for the Energy Conservation and Generation Category, and 0 public benefit points for the Vegetated Roof; 151.4 public benefit points in total. The attached corrected Resolution states the correct approval of public benefit points. The corrected public benefit points is consistent with the public benefits stated in the staff report and established with approval of Sketch Plan 320170030 and Preliminary Plan 120170250.

cc: Christina Sorrento, Associate General Counsel



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

MCPB No. 17-073
 Site Plan No. 820170080
 The Claiborne
 Date of Hearing: July 24, 2017 and July 27, 2017

SEP 19 2017

CORRECTED RESOLUTION

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

WHEREAS, on March 21, 2017, 4820 Auburn, LLC ("Applicant"), filed an application for approval of a site plan for an 11-story, mixed-use building containing up to 76,000 square feet of total development, including up to 73,200 square feet of multi-family residential use, consisting of up to 58 dwelling units, including 15% moderately priced dwelling units ("MPDUs"), and up to 2,800 square feet of nonresidential (retail, restaurant, service, or office) uses on 0.30 acres of land in the CR 3.0: C 1.0, R 2.75, H 90T zone, located on the northeast corner of the Norfolk Avenue and Auburn Avenue intersection ("Subject Property"), in the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820170080, The Claiborne ("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 July 14, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, at the hearing the Planning Board voted to continue the hearing on July 27, 2017.

WHEREAS, on July 27, 2017, the Planning Board continued the public hearing on the Application and voted to approve the Application, subject to certain conditions, by the vote as certified below.

Approved as to
 Legal Sufficiency:

Christina Sout 8/30/17
 8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
 MNCPPC Legal Department
 www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

MCPB No. 17-073
 Site Plan No. 820170080
 The Claiborne
 Page 2

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820170080 for up to 76,000 square feet of total development including up to 73,200 square feet of residential development, for up to 58 multi-family residential units, and up to 2,800 square feet of non-residential uses on approximately 0.3 gross acres in the CR 3.0, C 1.0, R 2.75, H 90T. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.¹

1. Sketch Plan Conformance

The development must comply with the binding elements and conditions of approval for Sketch Plan No. 320170030 as listed in the MCPB Resolution No. 16-122 dated November 29, 2016.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120170250.

3. Public Open Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 425 square feet of public open space on-site.
- b. The Applicant must construct streetscape improvements, including the undergrounding of utilities, along the property's frontage on Auburn Avenue and Norfolk Avenue, consistent with the Bethesda Streetscape Standards, and as illustrated in the Certified Site Plan.
- c. Before the issuance of the final use and occupancy certificates for the residential development, all public open space areas on the Subject Property must be completed.

4. Recreation Facilities

Before Certified Site Plan approval, the Applicant must demonstrate conformance with the M-NCPPC Recreation Guidelines.

5. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *CR Zone Incentive Density Implementation Guidelines* for each one.

¹ For the purposes 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.

- a. **Transit Proximity** – The Subject Property is located within ½ mile of a Metrorail station, which allows the Application to be eligible for Level 1 transit as defined in the Zoning Ordinance.
- b. **Connectivity between Uses, Activities, and Mobility Options**
 - i. **Minimum Parking**

The Applicant must not provide more than 47 parking spaces.
 - ii. **Streetscape Improvement**

The Applicant must construct the Bethesda Streetscape, exclusive of undergrounding utilities, off-site on the north side of Norfolk Avenue between the site frontage and Del Ray Avenue, in addition to any required streetscape improvements along the Subject Property frontage.
- c. **Diversity of Uses and Activities**
 - i. **Affordable Housing/MPDUs**

The development must provide 15 percent MPDUs on-site consistent with the requirements of Chapter 25A and the applicable Master Plan. The Applicant is receiving a 22 percent density bonus for providing 15 percent MPDUs on-site.

 - a. Before issuance of any building permit for any residential unit, the MPDU agreement to build between the Applicant and the DHCA must be executed.
 - b. The Planning Board accepts the recommendations of DHCA in its letter dated June 2, 2017, and does hereby incorporate them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by DHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.
- d. **Quality Building and Site Design**
 - i. **Architectural Elevations**

Final elevation design must be shown on the Certified Site Plan. The exterior architectural elements must be substantially similar to architectural elevations shown on the Certified Site Plan, as determined by M-NCPPC Staff.
 - ii. **Exceptional Design**

The Applicant must construct the building in a manner consistent with the architectural elevations included in the Certified Site Plan, as determined by M-NCPPC staff.
 - iii. **Structured Parking**

The Applicant must provide all parking spaces within the below-grade structure on the Subject Property.
 - iv. **Tower Step-Back**

The Applicant must step back 70 percent of the building's upper floors by 10 feet behind the fourth-floor façade, as shown on the Certified Site Plan.

e. **Protection and Enhancement of the Natural Environment**

i. **Building Lot Terminations (BLTs)**

Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment equivalent to 0.15 BLTs to MCDPS.

ii. **Cool Roof**

The Applicant must install a cool roof having a minimum solar reflectance index (SRI) of 75 on slopes at or below 2:12 and a minimum SRI of 25 on slopes above 2:12. This SRI rating will cover all roof areas not covered by green roof or mechanical equipment, as shown on the Certified Site Plan.

iii. **Energy Conservation and Generation**

The Applicant must construct the building to exceed energy efficiency standards for the building type by 10%, as determined by MCDPS.

iv. **Recycling Facility Plan**

The Applicant must provide a material sorter to handle recyclable materials generated on the Subject Property. The Applicant must also provide a paper shredder, cooking oil dispenser, and special collection for scrap metal and recyclable commercial waste. The Applicant must contract with a private hauler to recycle materials collected on-site.

v. **Vegetated Roof**

The Applicant must install a vegetated roof with a soil depth of a minimum of eight (8) inches covering a minimum of 13% of the building's roof, excluding space for mechanical equipment.

6. **Transportation**

Before the release of any building permit, the Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District (TMD).

7. **Pedestrian & Bicycle Circulation**

a. The Applicant must provide a minimum of twenty-eight (28) long-term and two (2) short-term bicycle parking spaces for the residential uses and at least one (1) long-term and one (1) short-term for the non-residential use.

b. The long-term spaces must be in a secured, well-lit bicycle room in the garage, and the short-term spaces must be inverted-U racks installed along the building's retail frontage and in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the public bicycle rack(s) must be identified on the Certified Site Plan.

8. Density Averaging

- a) Before certification of the Site Plan, the Applicant must record an instrument in the County Land records reflecting the density transfer for this project as required under Section 59-4.5.2.B of the Zoning Ordinance.
 - i. The residential density to be transferred under this Site Plan is measured in gross square feet and will total approximately 23,975 square feet. The Sending Properties will transfer and retain the following square feet of development potential based on the existing zoning:
 1. 4830 Cordell Avenue will be transferring 6,221 SF of residential density and retaining 6,829 SF of density.
 2. 5004 Cordell Avenue will be transferring 2,349 SF of residential density and retaining 3,919 SF of density.
 3. 5001 Wilson Avenue will be transferring 10,164 SF of residential density and retaining 7,455 SF of density.
 4. 5027 Wilson Avenue will be transferring 5,241 SF of residential density and retaining 3,771 SF of density

9. Building Lot Terminations (BLTs)

Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment of 0.15 BLTs to the Department of Permitting Services (DPS).

10. Site Design

- a) 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 M-NCPPC Staff.

11. Landscaping

- a) Prior to issuance of final residential Use and Occupancy Certificate, all on-site amenities, including, but not limited to: streetlights, sidewalks/ pedestrian pathway, hardscape, benches, trash receptacles, bicycle facilities, recreation amenities, and public open space must be installed.
- b) The Applicant may install a modified Bethesda Streetscape (paver pattern), as shown on the Certified Site Plan.
- c) Prior to issuance of the final residential Use and Occupancy Certificate, all rooftop amenities must be installed.
- d) The Applicant must install landscaping no later than the next growing season after completion of site work.
- e) The Applicant must provide vertical and horizontal screening for rooftop mechanical equipment to be approved by Staff at certified site plan.

12. Forest Conservation & Tree Save

The development must comply with the conditions of the Forest Conservation exemption 42017006E which was confirmed on July 19, 2016.

13. Lighting

- a. Prior to issuance of any above-grade building permit, 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 onsite 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 onsite down-lights must have full cut-off fixtures.
- c. Deflectors will be installed on all proposed fixtures to prevent excess illumination and glare.
- d. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- e. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

14. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, excluding sheet and shoring, or sediment control permit, 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 at-grade Site Plan elements, including, but not limited to plant material, on-site lighting, site furniture, trash enclosures, private utilities, sidewalks, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of the any building permit of 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 for each phase of development 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.

MCPB No. 17-073
 Site Plan No. 820170080
 The Claiborne
 Page 7

- d) The bond or surety shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

15. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

16. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the stormwater management concept approval letter, development program, and Site Plan Resolution on the approval or cover sheet(s).
- b. 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."
- c. Modify data table to reflect development standards approved by the Planning Board.
- d. 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 Claiborne Site Plan No. 820170080, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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

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

The Planning Board approved Sketch Plan No. 320170030 on November 10, 2016, and Preliminary Plan No. 120170250 on July 24, 2017. The Application is consistent with the development approved under the previous sketch plan and preliminary plan applications.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

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

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

a. Development Standards

The Subject Property includes approximately 0.3 gross acres zoned CR 3.0, C 1.0, R 2.75, H 90T. The Application satisfies the applicable development standards as shown in the following data table:

Data Table

Project Data Table				
Zone	CR	C	R	H
Subject Property	3.00	1.00	2.75	90T
4830 Cordell Avenue	5.00	1.00	5.0	145T
	CRT	C	R	H
5001 Wilson Avenue	2.25	1.5	0.75	35
5027 Wilson Avenue	2.25	1.5	0.75	35
5004 Cordell Avenue	2.25	1.5	0.75	35
DEVELOPMENT STANDARD (59.4.5.4)	PERMITTED/REQUIRED		APPROVED	
Tract Area	SF	Acres	SF	Acres
Subject Property	n/a	n/a	13,100	0.30
4830 Cordell Avenue	n/a	n/a	2,610	0.06
5001 Wilson Avenue	n/a	n/a	13,552	0.31
5027 Wilson Avenue	n/a	n/a	6,988	0.16
5004 Cordell Avenue	n/a	n/a	3,133	0.07
Total	n/a	n/a	39,383	0.90
Dedications	SF	Acres	SF	Acres
Subject Property	n/a	n/a	4,756	0.11
4830 Cordell Avenue	n/a	n/a	171	0.00
5001 Wilson Avenue	n/a	n/a	10,039	0.23

MCPB No. 17-073
 Site Plan No. 820170080
 The Claiborne
 Page 9

5027 Wilson Avenue	n/a	n/a	4,048	0.09
5004 Cordell Avenue	n/a	n/a	1,351	0.03
Total	n/a	n/a	20,365	0.46
Site Area	SF	Acres	SF	Acres
Subject Property	n/a	n/a	8,344	0.19
4830 Cordell Avenue	n/a	n/a	2,439	0.06
5001 Wilson Avenue	n/a	n/a	3,513	0.08
5027 Wilson Avenue	n/a	n/a	2,940	0.07
5004 Cordell Avenue	n/a	n/a	1,782	0.04
Total	n/a	n/a	19,018	0.44

MCPB No. 17-073
 Site Plan No. 820170080
 The Claiborne
 Page 10

DEVELOPMENT STANDARD (59.4.5.4)	PERMITTED/REQUIRED		APPROVED	
	SF	FAR	SF	FAR
Total Density (maximum)				
Subject Property	39,300	3.0	38,825	2.96
4830 Cordell Avenue	13,050	5.0	6,221	2.38
5001 Wilson Avenue	30,492	2.75	10,164	0.75
5027 Wilson Avenue	15,723	2.75	5,241	0.75
5004 Cordell Avenue	7,049	2.75	2,349	0.75
22% Bonus w/15% MPDUs	13,200	n/a	13,200	n/a
Total	118,814	n/a	76,000	5.8
Total Commercial Density (maximum)	SF	FAR	SF	FAR
Subject Property	13,100	1.0	2,800	0.21
4830 Cordell Avenue	n/a	n/a	n/a	n/a
5001 Wilson Avenue	n/a	n/a	n/a	n/a
5027 Wilson Avenue	n/a	n/a	n/a	n/a
5004 Cordell Avenue	n/a	n/a	n/a	n/a
Total	13,100	n/a	2,800	0.21
Total Residential Density (maximum)	SF	FAR	SF	FAR
Subject Property	36,025	2.75	36,025	2.75
4830 Cordell Avenue	13,050	5.0	6,221	2.38
5001 Wilson Avenue	10,164	0.75	10,164	0.75
5027 Wilson Avenue	5,241	0.75	5,241	0.75
5004 Cordell Avenue	2,349	0.75	2,349	0.75
22% Bonus w/15% MPDUs	13,200	n/a	13,200	n/a
Total	80,029	n/a	73,200	5.59
Height (maximum)	Feet		Feet	
Subject Property	110 ¹		110	
4830 Cordell Avenue	145		As existing	
5001 Wilson Avenue	35		As existing	
5027 Wilson Avenue	35		As existing	
5004 Cordell Avenue	35		As existing	
Setbacks - All Properties (minimum)	Feet		Feet	
Street	n/a		0	0
Side	n/a		0	0
Public Open Space (minimum)	SF	Acres	SF	Acres
Subject Property	0	0	425	0

¹Height allowed by Sector Plan if the Project provides at least 15% MPDUs. The Project meets the height requirements contained in Section 4.5.2.C Zoning Ordinance for properties zoned CR with a height designation of "T". The "T" designation permits even greater heights on the Subject Property, but the height is limited to 110 feet per the *Woodmont Triangle Amendment*.

Parking ²	Spaces Required	Spaces Provided
Vehicle Parking	(15 minimum/ 19 maximum)	
Residential		
1 Bedroom (17 units); 3 MPDUS	(32 minimum/ 48 maximum)	
2 Bedroom (32 units); 6 MPDUS	(47 minimum/ 67 maximum)	
Total Residential (49 market rate; 9 MPDUS)		
Non-Residential		15
Restaurant (up to 2,800 SF)	(12 minimum/ 34 maximum)	32
Retail (up to 2,800 SF)	(10 minimum/ 17 maximum)	47
Total Non-Residential		
Total Vehicle Parking	(10 minimum/ 34 maximum)	0
		0
		0
	57 minimum/ 101 maximum	47³
Bicycle Parking (Long Term/ Short Term)		
Residential (49 units)	(23/1) 24	(28/2) 30
Restaurant/ Retail (2,800 SF)	(1/1) 2	(1/1) 2
Total	(24/2) 26	(29/3) 32
Loading Spaces	1	1

b. Form Standards

The Site Plan conforms to the intent of the form standards, including transparency, blank walls and active entrances. The Project provides significant glass features at the ground-level for transparency as well as activating features on the ground-floor level, including the retail entrance at the corner of Norfolk Avenue and Auburn Avenue, and residential entrance and outdoor seating along Norfolk Avenue. The northern side of the Project, along Auburn Avenue, contains the parking and loading access, while the bicycle access to the Project is provided via the residential lobby on Norfolk Avenue and short-term bicycle parking along the public sidewalks.

ii. Division 4.7 Optional Method Public Benefits

² Final number of vehicle and bicycle parking spaces to be determined at Certified Site Plan.

³ The Project can provide less than the minimum number of parking spaces because it is within the Bethesda Parking Lot District.

In accordance with the Zoning Ordinance, Section 59-4.7.1, the Site Plan provides the following public benefits to satisfy the requirements: Transit Proximity; Connectivity and Mobility; Diversity of Uses and Activities; Quality Building and Site Design; and Protection and Enhancement of the Natural Environment.

Public Benefits Calculations			
Public Benefit	Incentive Density Points		
	Max Allowed	Requested	Approved
59.4.7.3B: Transit Proximity			
¼ to ½ Mile from Transit	30	30	30
59.4.7.3C: Connectivity and Mobility			
Minimum Parking	10	5	5
Streetscape Improvements	20	20	20
Way-Finding	10	0	0
59.4.7.3D: Diversity of Uses and Activities			
Affordable Housing (MPDUs)	No limit	30	30
59.4.7.3E: Quality of Building and Site Design			
Architectural Elevations	20	10	10
Exceptional Design	10	5	5
Structured Parking	20	20	20
59.4.7.3F: Protection and Enhancement of the Natural Environment			
BLTs	30	1.4	1.4
Cool Roof	10	10	10
Energy Conservation and Generation	15	5 10	5 10
Vegetated Roof	15	7.5 0	7.5 0
Recycling Facility Plan	10	7.5 10	7.5 10
TOTAL⁴			156.4 151.4

Transit Proximity

The Property is located within ½ mile of the Bethesda Metro Station, which allows the development to be eligible for Level 1 transit as defined in the Zoning Ordinance. The Planning Board grants 30 points as suggested in the *2015 Commercial / Residential Zones Incentive Density Implementation Guidelines* (CR Guidelines).

Connectivity and Mobility

Minimum Parking: Minimum Parking: The Project proposes to provide 47 parking space, fewer than the maximum number of parking spaces (101) permitted under the Zoning Ordinance. The Applicant requests 5 points

⁴ The Application must provide a minimum of 150 public benefits points because of the density transfer proposed for the Site.

and the Planning Board grants this request. The points are calculated as follows:

$$[(101/47)/(101/57)]*10 = 12 \text{ (5 points)}$$

Streetscape Improvements: The Applicant requests 20 points for proposed off-site streetscape improvements along the remainder of Norfolk Avenue to Del Ray Avenue in addition to the required streetscape improvements along the property frontage. The off-site portion measures approximately 1,850 square feet. The Planning Board grants 20 points in this public benefit category.

$$[(1,850 \text{ SF}/8,344 \text{ SF})*100 = 22 \text{ (20 Points)}$$

Diversity of Uses and Activities

Moderately Priced Dwelling Units: Section 59-4.7.3.D.6.a.i of the Zoning Ordinance permits 12 public benefit points for every 1% of MPDUs greater than 12.5%, with any fraction of 1% increase in MPDUs entitling an applicant to an equal fraction of 12 points. The Applicant requests 30 points for providing 15% of the multi-family units as MPDUs. The incentive density points for MPDUs are calculated as a percentage of the total number of dwelling units (58 multi-family units). The Applicant will provide 9 MPDUs, which yields 30 points. The Planning Board grants the Applicant's request.

$$[(15\% - 12.5)*12 + 0*2 + 0*5] = 30 \text{ Points}$$

Quality of Building and Site Design

Architectural Elevations: The Applicant requests 10 points for providing a building that contains a masonry base and contemporary façade above the fourth floor. This design treatment is intended to help relate the building to buildings on the rest of the block as well as the pedestrian realm and provide a step back above this base. The Planning Board grants the Applicant's request for 10 points.

Exceptional Design: The Applicant requests 5 points for building or site design that enhances the character of a setting. Per the CR Guidelines, incentive density of 5 points is appropriate for development that meets at least four of the guideline criteria. The Applicant asserts that the Project provides innovative solutions in response to the immediate context; creates a sense of place and serves as a landmark; enhances the public realm in a

distinct and original manner; introduces materials, forms, or building methods unique to the immediate vicinity or applied in a unique way; uses design solutions to make compact infill development living and shopping environments more pleasurable and desirable; and integrates low-impact development methods into the overall design of the site and building, beyond green building or site requirements. The Planning Board grants the Applicant's request.

Structured Parking: The Applicant requests 20 points for structured parking for the parking that will be below grade. The Application proposes all parking spaces to be provided in a below-ground parking garage and the layout of the parking garage is depicted in the architectural plans and will be included in the Certified Site Plan. The Planning Board grants 20 points for this benefit.

$$[(0/47)*10 + (47/47)*20] = 20$$

Protection and Enhancement of the Natural Environment

BLTs: Up to 30 points can be granted for the purchase of Building Lot Termination (BLT) easements or payment to the Agricultural Land Preservation Fund (ALPF). The Applicant proposes the purchase of 0.15 BLT easements for 1.4 public benefit points. The Planning Board grants this request.

$$[(7.5\% * 62,859)/31,500] = 0.15 \text{ BLTs}$$

Energy Conservation and Generation: Up to 10 points can be granted for constructing buildings that exceed the energy-efficiency standards for the building type by 10% for new building. The Project is being designed to exceed the energy efficiency standards for its building type by 10%, through such features as a highly efficient mechanical system, energy efficient lighting, and low-flow plumbing fixtures. The Applicant has provided an energy/use generation model with comparisons to the average use/generation for the building type based on the Department of Energy Standards. The Applicant requests 10 points in this public benefit category and the Planning Board grants the Applicant's request.

Cool Roof: The Applicant requests 10 points for providing a cool roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum of SRI of 25 for slopes above 2:12, for

a site less than 1 acre in size, thus achieving 10 points in this public benefit category. The Planning Board grants 10 points for this benefit.

Vegetated Roof: The Applicant requests 7.5 points for providing vegetated roofs. The CR Guidelines recommend 7.5 points for development that meets the Zoning Ordinance requirements; with additional points granted if other criteria are met, including: greater coverage, greater soil depth, plant species that provide habitat and native plant species. The Applicant's final submission includes a vegetated roof with a soil depth of at least eight (8) inches and covering only 13% of the total roof excluding space for mechanical equipment. Since the proposed area does not meet the minimum area requirement for this category, the Planning Board does not support the Applicant's request and recommends that zero points be awarded for this category. The vegetated roof amenity will still be implemented.

Recycling Facility Plan: The Applicant requests 10 points for providing a recycling facility plan. This plan includes a designated recycling material sorter, paper shredder, cooking oil dispenser, and special treatment for scrap metal and commercial waste. The Planning Board grants 10 points for this benefit.

Way-Finding: The Applicant proposed way-finding as part of its Sketch Plan. However, the Applicant has decided to forego providing way-finding and the associated public benefit points. The Planning Board grants 0 points for way-finding.

c. General Requirements

i. *Site Access*

Vehicular access and loading will occur via a consolidated access point on Auburn Avenue. Pedestrians and bicyclists will be able to enter the Project from the residential lobby on Norfolk Avenue and short-term bicycle parking along the public sidewalks. The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.

ii. *Parking, Queuing, and Loading*

The Application's building will use an underground parking garage and loading spaces for adequate off-street parking and loading.

iii. *Open Space and Recreation*

Although the Project is not required to provide public open on-site space because the Subject Property contains less than ½ acre on two frontages, the Project includes 425 square feet of open space along the Auburn Avenue frontage. The Application will meet the Recreation Guidelines.

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 Project will transform existing streetscape along the Norfolk Avenue and Auburn Avenue frontages with new street trees, improved, wider sidewalks, street lighting, and street furniture. The on-site lighting will limit the necessary light levels to streets and sidewalks.

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 June 20, 2017. The concept plan will meet stormwater management requirements through the use of a green roof and micro-bioretenion planter boxes.

b. Chapter 22A, Forest Conservation

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

Forest Conservation Exemption #42017006E was confirmed for the Subject Property. The Application qualifies for a small property exemption under Section 22A-5(s)(2) of the Montgomery County Forest Conservation Law, since the approved activity occurs within a tract of land smaller than one acre with no forest or existing specimen trees or champion trees present, and the afforestation requirements would not exceed 10,000 square feet.

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

The Project provides adequate, safe, and efficient parking and circulation patterns. The Project consolidates the garage and loading entrances on Auburn Avenue to limit impacts to the pedestrian environment. The wide streetscapes and modified brick installation further enhance the pedestrian experience.

The Project provides a safe and well-integrated building, open spaces and site amenities. The Project incorporates a mid-rise base along both the Norfolk Avenue and Auburn Avenue frontages, before stepping back 10-feet above the fourth floor on Norfolk Avenue. This feature brings the building to a more pedestrian scale at the street level and better integrates with the surrounding retail buildings. The Project provides amenities for the residents of the Project, on the ground floor level and rooftop amenities.

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 substantially conforms to the Sector Plan. The Property is designated as Block 15, which is recommended for a FAR of 3.0 (not including the MPDU bonus density) and MPDU bonus height up to 110 feet.¹ The Property is located in the area of the Woodmont Triangle that is closest to the Battery Lane Urban Park. The Property also is within the area designated as a Density Transfer Area. Specifically, the Project furthers the following goals as outlined in the *Woodmont Triangle Amendment*:

- *Housing – Provide opportunities to increase the supply of housing to serve a variety of income levels.*

The Project will provide approximately 58 units, containing diverse housing opportunities by including a variety of market-rate unit sizes and layouts and 15% MPDUs to facilitate the availability of new housing, in a range of types and rents, within walking distance of the Metro.

- *Small-scale Retail – Provide opportunities to retain existing businesses and expand opportunities for new businesses.*

Through the use of density averaging, the Sending Properties will remain as existing small-scale developments, while simultaneously allowing for the development of a larger mixed-use project on the Property. Both the retention of small scale development and density transfer are occurring in accordance with the Sector Plan. Additionally, the Project also will provide street activating uses, such as ground-floor retail on both Auburn Avenue and Norfolk Avenue.

- *Safe and Attractive Streets – Focus on improving the safety and character of the existing streets.*

The Project will provide streetscape improvements along Auburn Avenue and Norfolk Avenue per the current Bethesda Streetscape Standards

- *Public Amenities – Increase flexibility in providing the public use space through optional method of development by allowing off-site and on-site fulfillment of this requirement, and by identifying a list of priority public amenities.*

The Sector Plan lists priority public use space and amenities for the Woodmont Triangle area, which include streetscape improvements. The Project will provide streetscape improvements along its frontage as well as the remainder of the Norfolk Avenue block to Del Ray Avenue.

The Application complies with the specific density recommendations for the site as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan and the Guidelines.

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.*

In approving Preliminary Plan 120170250, the Planning Board found that the development will be served by adequate public facilities, including 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.*

The Site Plan is compatible with other uses and other site plans, as well with existing and proposed adjacent development. The Project's design and scale is compatible the adjacent buildings in the Woodmont Triangle.

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

MCPB No. 17-073
Site Plan No. 820170080
The Claiborne
Page 17

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is SEP 19 2017 (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 the original mailing date, or, if the appeal relates to the corrected portions of this resolution, within thirty days of the date of this Corrected 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 Fani-González, seconded by Vice Chair Dreyfuss, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González and Cichy voting in favor, and Commissioner Patterson abstaining at its regular meeting held on Thursday, September 7, 2017, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board



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

MCPB No. 19-020
Site Plan No. 82017008A
The Claiborne
Date of Hearing: February 7, 2019

MAR 19 2019

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 September 19, 2017, the Planning Board, by Resolution MCPB No. 17-073, approved Site Plan No. 820170080, for construction of up to 58 dwelling units and up to 2,800 square feet of non-residential uses in the CR 3.0 C 1.0 R 2.75 H90T zone, located on the northeast corner of the Norfolk Avenue and Auburn Avenue intersection ("Subject Property"), in the Bethesda CBD Policy Area and Bethesda CBD Sector Plan area; and

WHEREAS, on October 12, 2018, 4820 Auburn Avenue, LLC ("Applicant") filed an application for approval of an amendment to the previously approved site plan to add additional properties to the Subject Property, modify the off-site density transfers, increase the dwelling units from 58 units to 84 units, increase the non-residential square footage from 2,800 square feet to 5,000 square feet, and bring the Application in conformance with the current zoning, CR 3.0 C 3.0 R 3.0 H110', CR 3.0 C 3.0 R 3.0 H90', and 2017 Bethesda Downtown Sector Plan ("Sector Plan"); and

WHEREAS, the application to amend the site plan was designated Site Plan No. 82017008A, The Claiborne ("Site Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated January 25, 2019, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on February 7, 2019, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

Approved as to
Legal Sufficiency

Christina Sount 2/26/19

3787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4609 Fax: 301.495.1320
MNCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

MCPB No. 19-020
 Site Plan No. 82017008A
 The Claiborne
 Page 2

WHEREAS, on February 7, 2019, the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Fani-Gonzalez, seconded by Commissioner Dreyfuss, with a vote of [4-0]; Commissioners Anderson, Dreyfuss, Fani-Gonzalez, and Patterson voting in favor with Commissioner Cichy absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82017008A to supersede the previous approval by adopting the following conditions, which replace in their entirety the conditions of Site Plan No. 82017008A:¹

1. Density Averaging

Before certification of the Site Plan, the Applicant must record an instrument in the County Land records reflecting the density transfer for this project as required under Section 59.4.5.2.B of the Zoning Ordinance. The residential density to be transferred under this Site Plan is measured in gross square feet and will total approximately 7,741 square feet. The Sending Properties will transfer the following square feet of development potential:

- a. 4830 Cordell Avenue will be transferring 1,028 SF of residential density
- b. 5004 Cordell Avenue will be transferring 1,028 SF of residential density
- c. 5001 Wilson Avenue will be transferring 5,685 SF of residential density
- d. 5027 Wilson Avenue will be transferring 0 SF of residential density

2. Bethesda Overlay Zone Density & Park Impact Payment

- a. Per Section 59.4.9.2.D.4 of the Zoning Ordinance, the Applicant must have a building permit application accepted by MCDPS that includes the core and shell of the principal building within two years of the date of the Planning Board Resolution approving the Site Plan. Within two years of MCDPS accepting the building permit application, the Applicant must obtain the building permit. The deadlines may not be extended. If the Applicant fails to comply with any of the deadlines in this condition, the entire Site Plan approval is revoked.
- b. The Applicant must pay to the M-NCPPC a Park Impact Payment of \$224,730, prior to release of the first above-grade building permit for the allocation of 36,273 square feet of Bethesda Overlay Zone Density, not including 13,800 square feet of MPDU density exempt from the PIP calculation. 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

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.

changes, the Applicant may apply to reduce the allocation of density from the BOZ, and/or modify the PIP through a minor amendment (Consent Agenda).

3. Public Open Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 295 square feet of public open space on-site, as illustrated on the Certified Site Plan.
- b. The Applicant must construct streetscape improvements, including the undergrounding of utilities, along the property's frontage on Auburn Avenue and Norfolk Avenue, consistent with the Bethesda Streetscape Standards, with the exception of a modified paver pattern per Site Plan Condition 15(b), as illustrated in the Certified Site Plan.
- c. The Applicant must construct off-site streetscape improvements on Norfolk Avenue and Del Ray Avenue, not including undergrounding of the existing utility pole at the corner of Norfolk Avenue and Del Ray Avenue, as shown on the Certified Site Plan.
- d. Before the issuance of the final use and occupancy certificate for the residential development, all public open space areas and streetscape improvement areas identified on the Certified Site Plan must be completed.

4. Norfolk Avenue Shared Street Implementation

The Applicant must participate in the implementation of the Norfolk Avenue shared street project by either constructing a portion along the Site frontage or contributing a maximum of \$127,000 (or other lesser amount determined by the Applicant and the Montgomery County Department of Transportation (MCDOT)) to MCDOT for future implementation.

- a. The scope and manner of the Applicant's participation must be accepted by the MCDOT and be illustrated on the Certified Site Plan.
- b. If the Applicant's participation is a financial contribution, payment must be made to MCDOT prior to issuance of the first above grade building permit;
- c. If the Applicant's participation is construction, work must be completed prior to issuance of the Final Use and Occupancy Permit.

5. Green Cover

- a. The Applicant must provide on-site a minimum of 4,106 square feet of Green Cover, equivalent to 35% of the site area, as illustrated on the Certified Site Plan.
- b. Any green roof installed pursuant to this condition must have a minimum soil depth of eight inches.

6. Recreation Facilities

The Certified Site Plan must demonstrate conformance with the M-NCPPC Recreation Guidelines.

7. Affordable Housing

- a. The development must provide onsite 15 percent Moderately Priced Dwelling Units (MPDUs) consistent with the requirements of Chapter 25A and the applicable Sector Plan.
- b. Before issuance of the first above-grade building permit, the MPDU Agreement to Build between the Applicant and the DHCA must be executed.
- c. The Planning Board accepts the recommendations of DHCA in its letter, dated December 20, 2018, and does hereby incorporate them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by DHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.

8. Department of Permitting Services-Right-of-Way

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated December 6, 2018 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

9. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section, in its letter dated June 9, 2017, and revised December 20, 2018, and hereby 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 amendments do not conflict with other conditions of Site Plan approval.

10. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *CR Zone Incentive Density Implementation Guidelines* for each one.

- a. Connectivity between Uses, Activities, and Mobility Options
 - i. Minimum Parking
The Applicant must not provide more than 71 parking spaces.
 - ii. Streetscape Improvement
The Applicant must comply with Site Plan Condition 4.
- b. Diversity of Uses and Activities
 - i. Enhanced Accessibility for the Disabled

The development must provide a minimum of one (1) dwelling unit that meets ANSI A117.1 Residential Type A standards, or an equivalent County standard.

- c. **Quality Building and Site Design**
 - i. **Architectural Elevations**
The Applicant must comply with Site Plan Condition 14.
 - ii. **Exceptional Design**
The Applicant must comply with Site Plan Condition 14.
 - iii. **Structured Parking**
The Applicant must provide all parking spaces within the below-grade structure on the Subject Property, as shown on the Certified Site Plan.
 - iv. **Tower Step-Back**
The Applicant must step back the building's upper floors, as shown on the Certified Site Plan.
- d. **Protection and Enhancement of the Natural Environment**
 - i. **Building Lot Terminations (BLTs)**
Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment equivalent to 0.2099 BLTs to MCDPS.
 - ii. **Cool Roof**
The Applicant must install a cool roof having a minimum solar reflectance index (SRI) of 75 on slopes at or below 2:12 and a minimum SRI of 25 on slopes above 2:12. This SRI rating will cover all roof areas not covered by green roof or mechanical equipment, as shown on the Certified Site Plan.
 - iii. **Energy Conservation and Generation**
The Applicant must construct the building to exceed energy efficiency standards for the building type by 17.5% through the use of a highly efficient mechanical system, energy efficient lighting, and low-flow plumbing fixtures, as determined by MCDPS.
 - iv. **Recycling Facility Plan**
The Applicant must provide a material sorter to handle recyclable materials generated on the Subject Property. The Applicant must also provide a recycling chute and sorter. The Applicant must contract with a private hauler to recycle materials collected on-site.

11. Transportation

Before the release of any above-grade building permit, the Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District (TMD) and work toward the Sector Plan goal of 55% Non-Auto Driver Mode Share.

12. Pedestrian & Bicycle Circulation

- a. The Applicant must provide a minimum of forty (40) long-term and two (2) short-term bicycle parking spaces.
- b. The long-term spaces must be in a secured, well-lit bicycle room in the garage, and the short-term spaces must be inverted-U racks installed along the building's retail frontage and in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the public bicycle rack(s) must be identified on the Certified Site Plan.

13. Building Lot Terminations (BLTs)

Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment of 0.2099 BLTs to the Department of Permitting Services (DPS).

14. Building and Site Design

- a) 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 M-NCPPC Staff.
- b) The Planning Board accepts the recommendations of the Design Advisory Panel as described in their letter, dated October 24, 2018.
- c) Any significant changes to the design must be presented to the Design Advisory Panel and approved by Staff prior to certification of the Site Plan, and certain changes to the design, as determined by Staff, may require a Site Plan Amendment.
- d) Over an area that incorporates a significant portion of the southern façade, as shown on the Certified Site Plan, the Applicant must provide and maintain a mural, or comparable visual amenity that breaks-up the mass of the façade. This visual amenity must be installed prior to the final Use and Occupancy permit and may change over time without amending the Site Plan.

15. Landscaping

- a. Prior to issuance of final residential Use and Occupancy Certificate, all on-site amenities, including, but not limited to: streetlights, sidewalks/pedestrian pathway, hardscape, benches, trash receptacles, bicycle facilities, recreation amenities, and public open space must be installed.
- b. The Applicant may install a modified Bethesda Streetscape (paver pattern), as shown on the Certified Site Plan.
- c. Prior to issuance of the final residential Use and Occupancy Certificate, all rooftop amenities must be installed.
- d. The Applicant must install landscaping no later than the next growing season after completion of site work.

- e. The Applicant must provide vertical and horizontal screening for rooftop mechanical equipment to be approved by Staff at certified site plan.

16. Forest Conservation & Tree Save

- a. The development must comply with the conditions of the Forest Conservation exemption 42019048E which was confirmed on October 12, 2018.
- b. The Applicant must label the existing street tree to remain (18" DBH Zelkova) and must show and detail tree protection on the landscape plan and detail sheet.

17. Lighting

- a. Prior to issuance of any above-grade building permit, 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 onsite 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 onsite down-lights must have full cut-off fixtures, or the BUG equivalent.
- c. Deflectors will be installed on all proposed fixtures to prevent excess illumination and glare.
- d. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- e. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

18. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, excluding sheet and shoring, or sediment control permit, 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 at-grade Site Plan elements, including, but not limited to plant material, on-site lighting, the southern façade visual amenity, site furniture, trash enclosures, private utilities, sidewalks, storm drainage facilities. The surety must be posted before issuance of the any building permit of development and will be tied to the development program.

- c. A separate cost estimate and bond must be completed for any off-site improvements associated with the off-site streetscape requirements, including Norfolk Avenue shared street project improvements.
- d. A separate cost estimate and bond must be completed for any off-site improvements associated with the Norfolk Avenue shared street project participation, as shown on the Certified Site Plan.
- e. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development 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.
- f. The bond or surety shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

19. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

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 the stormwater management concept approval letter, development program, and Site Plan Resolution on the approval or cover sheet(s).
- b. 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."
- c. Modify data table to reflect development standards approved by the Planning Board.
- d. Ensure consistency of all details and layout between Site and Landscape plans.
- e. Coordinate with Staff for modifications regarding planting, and soil detail requirements.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of The Claiborne - 82017008A, submitted via ePlans to the M-NCPPC as of the date of the Staff Report January 25, 2018, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which

MCPB No. 19-020
 Site Plan No. 82017008A
 The Claiborne
 Page 9

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 Subject Application brings the previous approval into conformance with the 2017 Bethesda Downtown Plan and fully complies with the zoning.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

The Subject Application is not subject to any 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.*

Not applicable.

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

- a. Development Standards

The Subject Property includes approximately 0.41 acres zoned CR 3.0 C 3.0 R 3.0 H110' and CR 3.0 C 3.0 R 3.0 H90'. The Application satisfies the applicable development standards as shown in the following data table:

Table 1: Site Plan Data Table

Section 59.4	Development Standard	Permitted/ Mapped Density/ Required	Approved
	Subject Property Tract Area (CR 3.0 C 3.0 R 3.0 H110'/ H90')		17,662 sf (0.41 ac)
	Density Transfer Site Tract Area ¹ 4830 Cordell Avenue (CR 5.0 C 5.0 R 5.0 H175') 5001 Wilson Lane (CRT 2.25 C 1.5 R 0.75 H35') 5027 Wilson Lane (CRT 2.25 C 1.5 R 0.75 H35') 5004 Cordell Avenue (CRT 2.25 C 1.5 R 0.75 H35')	n/a	2,610 sf (0.06 ac) 13,552 sf (0.31 ac) 6,988 sf (0.16 ac) <u>3,133 sf (0.07 ac)</u> 26,283 sf (0.60 ac)
	Density Transfer Subtotal		26,283 sf (0.60 ac)
	Consolidated Tract Area		43,945 sf (1.01 ac)
	Subject Property Prior Dedication Subject Property Proposed Dedication	n/a	5,972 sf (0.14 ac) 0 sf (0.00 ac)
	Subject Property Site Area		11,690 sf (0.27 ac)
	Residential Density (GFA/ FAR) Subject Property (CR 3.0 C 3.0 R 3.0 H110'/ H90')	52,986 sf (3.0)	47,986 sf (2.72)
	4830 Cordell Avenue (CR 5.0 C 5.0 R 5.0 H175')		1,028 sf (0.06)
	5001 Wilson Lane (CRT 2.25 C 1.5 R 0.75 H35')		5,685 sf (0.32)
	5027 Wilson Lane (CRT 2.25 C 1.5 R 0.75 H35')		0 sf (0.00)
	5004 Cordell Avenue (CRT 2.25 C 1.5 R 0.75 H35')		<u>1,028 sf (0.06)</u>
	Residential Density Transfer Subtotal		7,741 sf (0.44)
	Residential Density Total		55,727 sf (3.16)
	Dwelling Units, max.	n/a	84
	MPDUs, min. (percent/du)	15%/13	15%/13
	MPDU Density, exempt from PIP calculation (GFA/ FAR)	n/a	13,800 sf (0.78)
	Commercial Density, max. (GFA/ FAR) Subject Property (CR 3.0 C 3.0 R 3.0 H110'/ H90')	52,986 sf (3.0)	5,000 sf (0.28)
	Bethesda Overlay Zone Density	n/a	36,273 sf (2.05)
	Total Maximum Density (GFA/ FAR)	52,986 sf (3.0)	97,000 sf (5.49)
	Maximum Building Height CR 3.0 C 3.0 R 3.0 H110'	110 feet	110 feet

CR 3.0 C 3.0 R 3.0 H90'	90 feet	90 feet
Public Open Space, min.	0	295 sf (2.5%)
Green Cover	35%	35% (4,106 sf)
Minimum Setbacks	0	0

Table 1 (Continued): Parking

Parking	Spaces Required	Spaces Provided
Vehicle Parking		
Retail	(18 minimum/ 30 maximum)	0 ¹
Residential		
1 Bedroom (17 market rate units); 2 MPDUS	(19 minimum/ 24 maximum)	--
2 Bedroom (53 market rate units); 11 MPDUS	(64 minimum/ 96 maximum)	--
3 Bedroom (1 market rate units); 0 MPDUS	(1 minimum/ 2 maximum)	--
Residential Subtotal (71 market rate; 13 MPDUs)	(84 minimum/ 122 maximum)	71
Total	(102 minimum/152 maximum)	71 maximum²
Bicycle Parking (Long Term/ Short Term)		
Retail	(0/0) 0	(0/0) 0
Residential	(40/2) 42	(40/2) 42
Total	(40/2) 42	(40/2) 42
Loading Spaces	1	1

¹ No parking is provided for retail uses in accordance with the LATR provisions for ancillary retail.

² Parking below the minimum requirement is permitted because the Project is within the Bethesda Parking Lot District.

b. *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 Connectivity and Mobility; Diversity of Uses and Activities; Quality Building and Site Design; and Protection and Enhancement of the Natural Environment.

Table 2: Site Plan Public Benefits Calculations			
Public Benefit	Incentive Density Points		
	Max Allowed	Requested	Approved
59.4.7.3C: Connectivity and Mobility			
Minimum Parking	20	12	12
Streetscape Improvements	30	12	12
59.4.7.3D: Diversity of Uses and Activities			
Enhanced accessibility for the disabled	20	3	3
59.4.7.3E: Quality of Building and Site Design			
Architectural Elevations	30	10	10
Exceptional Design	30	10	10
Structured Parking	20	20	20
Tower step-back	20	10	5.2
59.4.7.3F: Protection and Enhancement of the Natural Environment			
BLTs	30	1.9	1.89
Cool Roof	10	10	10
Energy Conservation and Generation	15	15	15
Recycling Facility Plan	10	5	5
TOTAL		108	104

Connectivity and Mobility

Minimum Parking: The Project proposes to provide 71 parking spaces; fewer than the minimum number of parking spaces (84 spaces) required under the Zoning Ordinance. The Applicant requests 12 points and the Planning Board grants this request. The points are calculated as follows:

$$[(122/71)/(122/84)]*10 = 12 \text{ points}$$

Streetscape Improvements: The Applicant requests 12 points for proposed off-site streetscape improvements along the remainder of Norfolk Avenue to Del Ray Avenue in addition to the required streetscape improvements along the property frontage. The off-site portion measures approximately 1,405 square feet. The Planning Board grants 12 points in this public benefit category, which is supported by the following calculation:

$$[(1,405 \text{ SF}/11,690 \text{ SF})*100] = 12.01 \text{ (12 Points)}$$

Diversity of Uses and Activities

- i. *Enhanced Accessibility for the Disabled:*
 Section 59.4.7.3.D.4. of the Zoning Ordinance permits up to 20 public benefit points for providing dwelling units with interiors that satisfy

accessibility standards set forth by the American National Standards Institute (ANSI), A117.1 Residential Type A standards, The Project is providing one (1) dwelling unit that meets A117.1 or an appropriate County standard. The Planning Board grants this request, which is supported by the following calculation:

$$[(1/84)*300] = 3 \text{ points}$$

Quality of Building and Site Design

Architectural Elevations: The Applicant requests 10 points for providing a building that contains a masonry base and contemporary façade on the upper floors. The building will contribute to the streetscape by providing a detailed and permeable façade at the ground floor. This design treatment is intended to help relate the building to buildings on the rest of the block as well as the pedestrian realm and provide a step back above this base. The Planning Board grants the Applicant's request for 10 points.

Exceptional Design: The Applicant requests 10 points for a building or site design that provides innovative solutions in response to the immediate context; creates a sense of place and serves as a landmark; enhances the public realm in a distinct and original manner; introduces materials, forms, or building methods unique to the immediate vicinity or applied in a unique way; uses design solutions to make compact infill development living and shopping environments more pleasurable and desirable; and integrates low-impact development methods into the overall design of the site and building, beyond green building or site requirements. The Design Advisory Panel reviewed the project at its October 24, 2018 meeting and voted to support 10 points for exceptional design. The Planning Board grants the Applicant's request for 10 points for the provision of this public benefit.

Structured Parking: The Applicant requests 20 points for structured parking for the parking that will be below grade. The Application proposes all parking spaces to be provided in a below-ground parking garage and the layout of the parking garage is depicted in the architectural plans and will be included in the Certified Site Plan. The Planning Board grants 20 points for this benefit.

$$[(0/71)*10 + (71/71)*20] = 20$$

Tower Step-back: The Applicant requests 10 points for providing a tower step-back of at least 52% of the building above the fourth floor. Applied to the building, this step-back occurs on the 110-foot tall portion of the building as a 10-foot step-back at or about a height of 40-feet; on the 90-foot tall portion of

the building, as a 4-foot step-back at or about a height of 20-feet. Since the four-foot step-back does not meet the minimum criteria set forth in the Guidelines, The Planning Board grants 5.2 points for this benefit.

Protection and Enhancement of the Natural Environment

BLTs: Up to 30 points can be granted for the purchase of Building Lot Termination (BLT) easements or payment to the Agricultural Land Preservation Fund (ALPF). The Applicant proposes the purchase of 0.2099 BLT easements for 1.89 public benefit points. The Planning Board grants this request, which is supported by the following calculation:

$$[(7.5\% * 88,169)/31,500] = 0.2099 \text{ BLTs} = 1.89 \text{ points}$$

Cool Roof: The Applicant requests 10 points for providing a cool roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum of SRI of 25 for slopes above 2:12, for a site less than 1 acre in size, thus achieving 10 points in this public benefit category. The Planning Board grants 10 points for this benefit.

Energy Conservation and Generation: The Project is being designed to exceed the energy efficiency standards for its building type by 17.5%, through such features as a highly efficient mechanical system, energy efficient lighting, and low-flow plumbing fixtures. The Applicant has provided an energy/use generation model with comparisons to the average use/generation for the building type based on the Department of Energy Standards. The Applicant requests 15 points in this public benefit category and the Planning Board grants the Applicant's request.

Recycling Facility Plan: The Applicant requests 5 points for providing a recycling facility plan that exceeds County requirements. This Site Plan includes a designated recycling material sorter, paper shredder. The Planning Board grants 5 points for this benefit.

c. General Requirements

i. *Site Access*

Vehicular access and loading will occur via a consolidated access point on Auburn Avenue. Pedestrians and bicyclists will be able to enter the Project from the residential lobbies on either Auburn Avenue or Norfolk Avenue and short-term bicycle parking will be provided along the public sidewalks. The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.

ii. *Parking, Queuing, and Loading*

Residential Parking for the building will be provided in a below-grade facility. Vehicular and loading access will occur via Auburn Avenue along the north side of the Property to limit impacts to Norfolk Avenue.

iii. *Open Space and Recreation*

There is no open space requirement for the Subject Property because the Site area measures less than ½ acre two frontages, however, the Project will provide 295 square feet of open space along its frontage. The Application is in conformance with the *Recreation Guidelines*.

iv. *General Landscaping and Outdoor Lighting*

Landscaping and lighting, as well as other site amenities, will be provided to ensure that the Project will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The Project will transform existing streetscape along the Auburn Avenue and Norfolk Avenue frontages with new street trees, improved, wider sidewalks, street lighting, and street furniture. The on-site lighting will limit the necessary light levels to streets and sidewalks.

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

The MCDPS Stormwater Management Section approved the Stormwater Management Concept on November 27, 2018. According to the approval letter, the Stormwater Management Concept proposes to meet stormwater management requirements via environmental site design to the maximum extent practicable through the use of a green roof, micro-bioretenion and a partial Quality and Quantity waiver.

b. Chapter 22A, Forest Conservation

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

This Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law, but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(2) because the proposed

activity occurs on a tract of land less than 1 acre that will not result in the clearing of more than a total of 20,000 square feet of existing forest, or any existing specimen tree or champion tree, and afforestation requirements would not exceed 10,000 square feet.

The Applicant is proposing to save one existing street tree, an 18" DBH Zelkova. Prior to certification of the Site Plan, the Applicant must show this tree and tree protection measures accurately on the landscape sheets.

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

The Project provides adequate, safe, and efficient parking and circulation patterns. The Project consolidates new vehicular access to Auburn Avenue and limits impacts to the pedestrian environment and improves public streetscape along its three frontages. The Building provides an activated façade that will contribute to the vibrancy of the Woodmont Triangle District.

The Project provides a safe and well-integrated building, open spaces and site amenities. The Project presents as a 110-foot tall high-rise building along the northern side of the Project that steps-down to a height of 90-feet on the southern side. The building steps-back above the fourth floor, along the north side of the project, and above the second floor, along the south side of the project, to achieve Sector Plan design guidance for Norfolk Avenue.

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 Project substantially conforms to the recommendations for the Property included in the 2017 *Bethesda Downtown Sector Plan*. The recommendations increase:

1. **Parks and open spaces**, including new civic greens at Veteran's Park, Bethesda Farm Women's Cooperative Market, Capital Crescent Trail and new urban parks, pathways and gateways.
2. **Affordable housing**, including the preservation of existing market-rate affordable housing, providing a mix of housing options and the provision of Moderately Priced Dwelling Units in exchange for development incentives.
3. **Environmental innovation**, including more energy-efficient buildings, better stormwater management, improved sidewalks and

bicycle routes, and other measures to enhance community health and quality of life.

4. **Economic competitiveness**, based on new development, public amenities and proximity to public transit to attract businesses and visitors from throughout the region, and foster entrepreneurship and innovation.

The Subject Property is designated as sites 231 and 22 on page 111 of the Sector Plan. The Project specifically addresses the following Sector Plan goals:

- *Incentivize expanded affordability for housing.*

The new multi-family residential apartment building will include a minimum of 15 percent Moderately Priced Dwelling Units (MPDUs) (or up to 13 units). As a result, the Project provides additional, desired affordable housing in close proximity to transit and other services.

- *Enhance Norfolk Avenue as the Main Street for the district, building on what works well and creates the unique character in Woodmont Triangle.*

The Subject Property is located at the northern entrance to Norfolk Avenue. Given its prominent location, the Project has been designed to facilitate the pedestrian-scale retail character envisioned for Norfolk Avenue by providing step-backs along the Norfolk Avenue façade. As a result, the building will contribute to the desired lower-heights of Norfolk Avenue.

The Applicant will participate in the implementation of the Sector Plan recommended shared street improvements along their Norfolk Avenue frontage. The precise scope and manner of participation will be determined at the time of Certified Site Plan. The Applicant's participation is anticipated to be either through a monetary contribution, in an amount approved by MCDOT, or through implementation of a portion of the Norfolk Avenue shared street. The final determination of the Applicant's participation in the Norfolk Avenue shared street, as recommended in the Sector Plan, will be determined at the time of Certified Site Plan, in conjunction with MCDOT and the Department of Permitting Services.

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

The proposed building will be located directly on the street and will both define and activate the pedestrian environment. This design will promote a more pedestrian oriented streetscape experience by expanding the

streetscape and providing façades with multiple points of entry. Parking and loading will be accommodated internally on site via a consolidated garage and loading access point on Auburn Avenue.

- *Increase environmental innovation, including more energy efficient buildings, better stormwater management, improved sidewalks and bicycle routes, and other measures to enhance community health and quality of life.*

The Project will result in significant improvements to the treatment of stormwater management on-site, as there are no known stormwater management facilities located on the Property. The Project is located within the High-Performance Area and will incorporate and meet the requirements in the Sector Plan and Bethesda Overlay Zone for exceeding current energy efficiency standards for buildings.

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

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 evaluated with Preliminary Plan 120170025A, the Project will be served by adequate public services and facilities.

9. *The development is compatible with existing and approved or pending adjacent development.*

The Site Plan is compatible with other uses and other site plans, as well as with existing and proposed adjacent development. The Project's design and scale is compatible with adjacent buildings in the Woodmont Triangle District.

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 MAR 19 2019 (which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Fani-González, with Chair Anderson and Commissioners Fani-González and Cichy voting in favor, and Vice Chair Dreyfuss and Commissioner Patterson absent at its regular meeting held on Thursday, March 7, 2019, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board



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

MCPB No. 20-009
Site Plan No. 82017008C
The Claiborne
Date of Hearing: February 20, 2020

MAR 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 site plan applications; and

WHEREAS, on September 19, 2017, the Planning Board, by Resolution MCPB No. 17-073, approved Site Plan No. 820170080, for construction of up to 58 dwelling units and up to 2,800 square feet of non-residential uses in the CR 3.0 C 1.0 R 2.75 H90T zone, located on the northeast corner of the Norfolk Avenue and Auburn Avenue intersection ("Subject Property"), in the Bethesda CBD Policy Area and Bethesda CBD Sector Plan area; and

WHEREAS, on March 19, 2019, the Planning Board, by Resolution MCPB No. 19-020, approved Site Plan No. 82017008A, for construction of up to 84 dwelling units and up to 5,000 square feet of non-residential uses in the CR 3.0 C 3.0 R 3.0 H110 and CR 3.0 C 3.0 R 3.0 H90 zones, located on the northeast corner of the Norfolk Avenue and Auburn Avenue intersection ("Subject Property"), in the Bethesda CBD Policy Area and 2017 Bethesda Downtown Sector Plan ("Sector Plan") area; and

WHEREAS, on January 7, 2020, 4820 Auburn Avenue, LLC ("Applicant") filed an application for approval of an amendment to the previously approved site plan to remove the "on-site" requirement from Condition 7.A., "Affordable Housing;" and

WHEREAS, the application to amend the site plan was designated Site Plan No. 82017008C, The Claiborne ("Site Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated February 7, 2020, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

Approved as to
Legal Sufficiency

Christa Sork 2/25/20

Montgomery County Planning Board, 4820 Auburn Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320

www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

MCPB No. 20-009
 Site Plan No. 82017008C
The Claiborne
 Page 2

WHEREAS, on February 20, 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, on motion of Commissioner Fani-Gonzalez, seconded by Commissioner Verma, with a vote of 4-0, Commissioners Anderson, Fani-Gonzalez, Patterson and Verma voting in favor with Commissioner Cichy being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82017008C to remove the “on-site” requirement from Condition 7.A., “Affordable Housing;” as follows:

7. Affordable Housing

- a. The development must provide ~~onsite~~ 15 percent Moderately Priced Dwelling Units (MPDUs) consistent with the requirements of Chapter 25A and the applicable Sector Plan.

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

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 82017008C, submitted via ePlans to the M-NCPPC as of the date of the Staff Report are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and 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, the Planning Board FINDS, with the conditions of approval, that:

1. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, and all findings not specifically addressed remain in effect.*

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 MAR 1 2 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).

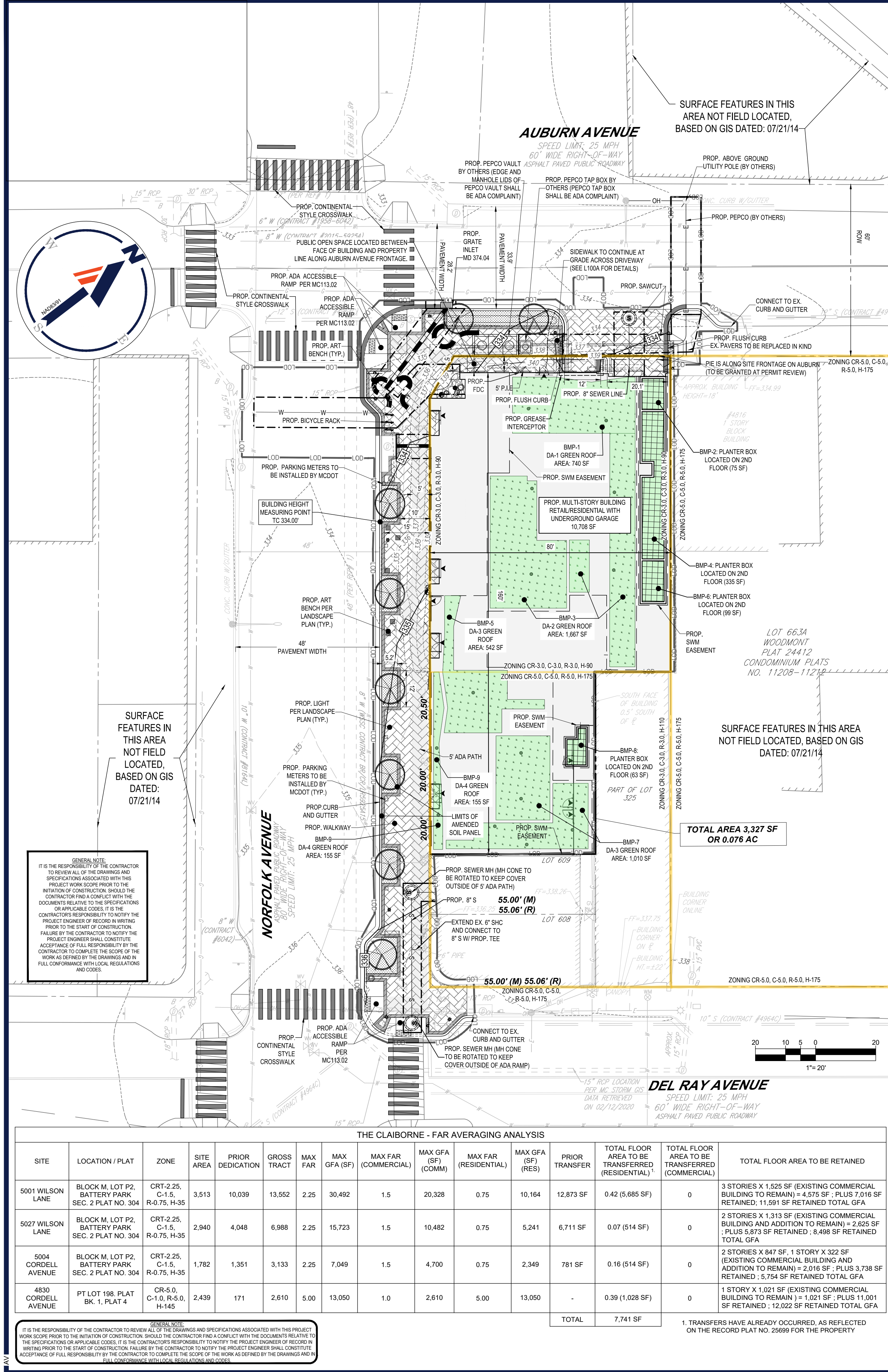
* * * * *

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, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, March 5, 2020, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

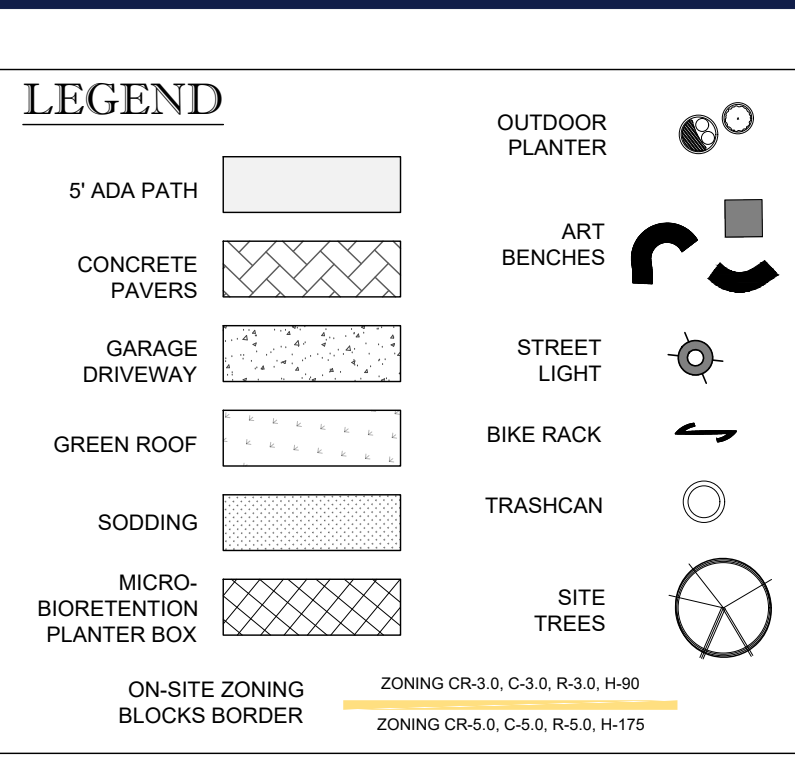


PROJECT DATA TABLE: CR-3.0, C-3.0, R-3.0, H-110&90 (SUBJECT PROPERTY)

STANDARD	ALLOWED/REQUIRED	APPROVED BY SKETCH PLAN/ PRELIMINARY PLAN	APPROVED BY SKETCH PLAN AMENDMENT/ PRELIMINARY PLAN AMENDMENT	PROPOSED BY SITE PLAN
TRACT AREA (MINIMUM)	SF AC	SF AC	SF AC	SF AC
SUBJECT PROPERTY	N/A N/A	13,100 0.30	17,662 0.41	17,662 0.41
4830 CORDELL AVENUE	N/A N/A	2,610 0.06	2,610 0.06	2,610 0.06
5001 WILSON LANE	N/A N/A	13,552 0.31	13,552 0.31	13,552 0.31
5027 WILSON LANE	N/A N/A	6,988 0.16	6,988 0.16	6,988 0.16
5004 CORDELL AVENUE	N/A N/A	3,133 0.07	3,133 0.07	3,133 0.07
TOTAL	N/A N/A	39,383 0.90	43,945 1.01	43,945 1.01
DEDICATIONS	SF AC	PRIOR DEDICATIONS (SF) (AC)	PRIOR DEDICATIONS (SF) (AC)	PRIOR DEDICATIONS (SF) (AC)
SUBJECT PROPERTY	N/A N/A	4,756 0.11	5,972 0.14	5,972 0.14
4830 CORDELL AVENUE	N/A N/A	171 0.00	171 0.00	171 0.00
5001 WILSON LANE	N/A N/A	10,039 0.23	10,039 0.23	10,039 0.23
5027 WILSON LANE	N/A N/A	4,048 0.09	4,048 0.09	4,048 0.09
5004 CORDELL AVENUE	N/A N/A	1,351 0.03	1,351 0.03	1,351 0.03
TOTAL	N/A N/A	20,365 0.46	21,581 0.49	21,581 0.49
SITE AREA	SF AC	SF AC	SF AC	SF AC
SUBJECT PROPERTY	N/A N/A	8,344 0.19	11,690 0.27	11,690 0.27
4830 CORDELL AVENUE	N/A N/A	2,439 0.06	2,439 0.06	2,439 0.06
5001 WILSON LANE	N/A N/A	3,513 0.08	3,513 0.08	3,513 0.08
5027 WILSON LANE	N/A N/A	2,940 0.07	2,940 0.07	2,940 0.07
5004 CORDELL AVENUE	N/A N/A	1,782 0.04	1,782 0.04	1,782 0.04
TOTAL	N/A N/A	19,018 0.44	22,364 0.52	22,364 0.52
HEIGHT (MAXIMUM)	FEET	FEET	FEET	FEET
SUBJECT PROPERTY	90'	110'	110/90'	110/90'
TOTAL COMMERCIAL DENSITY ALLOWED	SF FAR	SF FAR	SF FAR	SF FAR
SUBJECT	52,986 3.0	2,800 0.21	5,000 0.28	5,000 0.28
TOTAL	52,986 3.0	2,800 0.21	5,000 0.28	5,000 0.28
TOTAL RESIDENTIAL DENSITY	SF FAR	SF FAR	SF FAR	SF FAR
SUBJECT	52,986 3.0	36,025 2.75	47,986 2.72	47,986 2.72
22% BONUS WITH 15% MPOU	N/A N/A	13,200 N/A	N/A N/A	N/A N/A
4830 CORDELL AVENUE	13,050 5.0	6,221 2.38	1,028 0.39	1,028 0.39
5001 WILSON LANE	10,164 0.75	10,164 0.75	5,685 0.42	5,685 0.42
5027 WILSON LANE	N/A N/A	5,241 0.75	514 0.07	514 0.07
5004 CORDELL AVENUE	2,349 0.75	2,349 0.75	514 0.16	514 0.16
BOZ DENSITY	N/A N/A	N/A N/A	36,273 N/A	36,273 N/A
TOTAL	80,029	73,200 5.59	92,000 5.21 ³	92,000 5.21 ³
TOTAL DENSITY (MAXIMUM)	SF FAR	SF FAR	SF FAR	SF FAR
SUBJECT PROPERTY	39,300 3.0	38,825 2.96	52,986 3.0	52,986 3.0
22% BONUS WITH 15% MPOU	13,200 N/A	13,200 N/A	N/A N/A	N/A N/A
4830 CORDELL AVENUE	13,050 5.0	6,221 2.38	1,028 0.39	1,028 0.39
5001 WILSON LANE	30,492 2.25	10,164 0.75	5,685 0.42	5,685 0.42
5027 WILSON LANE	15,723 2.25	5,241 0.75	514 0.07	514 0.07
5004 CORDELL AVENUE	7,049 2.25	2,349 0.75	514 0.16	514 0.16
BOZ DENSITY	N/A N/A	N/A N/A	36,273 ¹ N/A	36,273 ¹ N/A
TOTAL	TOTAL DENSITY OF 118,814 SF IS THE SUM OF COMMERCIAL AND RESIDENTIAL DENSITY	TOTAL DENSITY IS THE SUM OF 2,800 SF OF COMMERCIAL DENSITY AND 73,200 SF OF RESIDENTIAL DENSITY. 76,000 SF, 5.80 FAR	TOTAL DENSITY IS THE SUM OF 5,000 SF OF COMMERCIAL DENSITY AND 92,000 SF OF RESIDENTIAL DENSITY. 97,000 SF, 5.49 FAR	TOTAL DENSITY IS THE SUM OF 5,000 SF OF COMMERCIAL DENSITY AND 92,000 SF OF RESIDENTIAL DENSITY. 97,000 SF, 5.49 FAR

STANDARD	ALLOWED/REQUIRED	APPROVED BY SKETCH PLAN/ PRELIMINARY PLAN	APPROVED BY SKETCH PLAN AMENDMENT/ PRELIMINARY PLAN AMENDMENT	PROPOSED BY SITE PLAN
PUBLIC OPEN SPACE	SF	SF	SF	SF
SUBJECT PROPERTY	N/A	425	295 (2.5%)	295 (2.5%)
GREEN COVER	35%	35%	35% (4,106 SF)	40.2% (4,686 SF)
MINIMUM SETBACKS	0	0	0	0
PARKING	SP	SP	SP	SP
RESIDENTIAL	1 SP/UNIT; MAX 1 SP/STUDIO 1.25 SP/BR; 1.5 SP/2BR	17 - 1 BR MARKET-RATE UNITS; 3 - 1 BR MPDUS; 32 - 2 BR MARKET-RATE UNITS; 6 - 2 BR MPDUS; TOTAL UNIT COUNT = 58 UNITS TOTAL APPROVED PARKING = 47 PARKING SPACES ²	17 - 1 BR MARKET-RATE UNITS; 2 - 1 BR MPDU; 53 - 2 BR MARKET-RATE UNITS; 11 - 2 BR MPDUS; 1 - 3 BR MARKET-RATE UNITS; TOTAL UNIT COUNT = 84 UNITS TOTAL APPROVED PARKING = 74 PARKING SPACES ²	73 PARKING SPACES ²
RESTAURANT	MIN. 4 SP/1000 SF OR PATRON USE; MAX 12 SP/1000 SF OF PATRON USE	0	0 ³	0 ³
RETAIL/SERVICE ESTABLISHMENT	MIN. 3.5 SP/1000 SF GLA; MAX 6 SP/1000 SF GLA	0	0 ³	0 ³
BICYCLE PARKING	SP	SP	SP	SP
RESIDENTIAL	MIN. 0.5 SP/UNIT; MAX 100 SP	28 LONG TERM; 2 SHORT TERM	40 LONG TERM; 2 SHORT TERM	
RESTAURANT	MIN. 1 SP/10,000 SF OF GFA (15% LONG TERM); MAX 10 SP		1 SHORT TERM	40 LONG TERM; 6 SHORT TERM
RETAIL/SERVICE ESTABLISHMENT	MIN. 1 SP/10,000 SF OF GFA; MAX 50 SP	1 LONG TERM; 1 SHORT TERM	1 SHORT TERM	
LOADING	MIN=1 SP	1	1	1
Moderately Priced Dwelling Units	N/A	NONE	NONE	NONE
SUBJECT PROPERTY	15%	15%	15% ⁴	15% ⁴

1. APPROVED UNDER PREVIOUS ZONING CR 3.0, C 1.0, R 2.75, H 90' AND PER SKETCH PLAN NO. 320170030 RESOLUTION (MCPB NO 16-122) AND PRELIMINARY PLAN NO. 120170250 RESOLUTION (MCPB NO. 17-072)
 2. BECAUSE THE PROPERTY IS LOCATED WITHIN THE BETHESDA PARK DISTRICT, PURSUANT TO SECTION 59-6.2.3.H.1.A OF THE ZONING ORDINANCE THE PROJECT MAY INCLUDE FEWER THAN THE MINIMUM NUMBER OF PARKING SPACES THAT WOULD OTHERWISE BE REQUIRED. A DETERMINATION OF THE NUMBER OF PARKING SPACES TO BE PROVIDED WILL BE MADE AT THE TIME OF CERTIFIED SITE PLAN.
 3. NO PARKING IS PROVIDED FOR RETAIL USES IN ACCORDANCE WITH THE LATER PROVISIONS FOR ANCILLARY RETAIL.
 4. TO BE PROVIDED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 25A OF THE MONTGOMERY COUNTY CODE

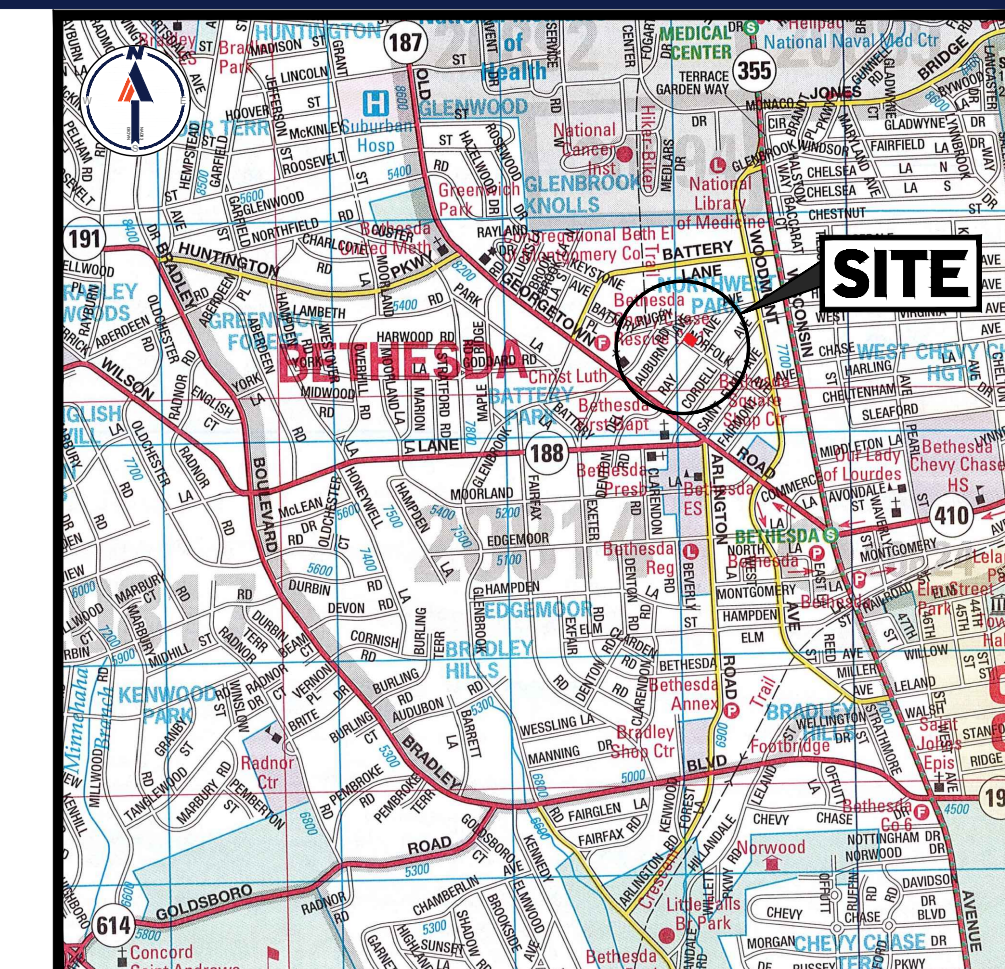


THE CLAIBORNE - GREEN COVER REQUIREMENTS

PROPERTY AREA = 11,671 SF

TYPE OF GREEN COVER	SURFACE AREA (SF)
BMP-1 GREEN ROOF	740
BMP-2 PLANTER BOX	75
BMP-3 GREEN ROOF	1,667
BMP-4 PLANTER BOX	335
BMP-5 GREEN ROOF	542
BMP-6 PLANTER BOX	99
BMP-7 GREEN ROOF	1,010
BMP-8 PLANTER BOX	63
BMP-9 GREEN ROOF	155
TOTAL	4,686

GREEN COVER REQUIREMENT = 35%
 CLAIBORNE GREEN COVER = 4,686 / 11,671 = 0.402 = 40.2%
 * PER SECTION 1.3.3 OF THE MNCPCP BETHESDA DOWNTOWN PLAN



LOCATION MAP
SCALE: 1" = 2000'

Demand, Supply & Adequacy Report

Proposed Residential Project - Units by Type and their Demand Points

Code	Housing Type	Quantity	Totals	Children	Teens	Young Adults	Adults	Seniors
H-Rise	Multiple-Family, 5 stories or more	58	5.8	4.06	1.74	42.34	32.48	14.5
Total Demand Points =		58	5.8	4.06	1.74	42.34	32.48	14.5

Existing Offsite Park Facilities and their Supply Points

Park Facility	Quantity	Totals	Children	Teens	Young Adults	Adults	Seniors
Artist Fountain	1	3	5	5	8	8	6
Blowups	1	0.29	0.41	0.26	6.35	4.87	1.45
Bowling Alley	1	3	10	15	10	8	2.5
Half-size Tennis Court	1	2	5	7	10	6	1
Tennis Court	1	0	5	7	10	6	1
Large Diamond Field (Baseball)	1	2	15	20	25	15	2
Large Rectangular Field (Soccer, Football, LAX, etc.)	1	0.58	0.41	0.17	6.35	6.5	3.63
Decorative Garden	1	5	7	6	8	8	6
Neighborhood Green	1	4	5	15	10	15	6
Urban Plaza	1	5	5	5	5	5	5
Flexible Seating	1	5	5	5	5	5	5
Pedestrian Bridge	1	5	10	12	12	12	12
Picnic Shelter	2	2	2	3	6	6	6
Through-Shoot Connection	2	6	10	10	20	16	10
Pocket Green	3	9	30	45	34	18	7.5
Pocket Table	3	3	3	4.5	9	9	9
Pocket Green	4	12	20	20	32	32	24
Urban Woodland	4	0.29	0.2	0.17	4.23	3.25	0.73
Playground (Teen-friendly)	5	45	95	15	10	28	18
Wooded	5	0.29	0.2	0.17	4.23	3.25	0.73
Pocket Plaza	8	24	40	40	64	64	48
Total Offsite Supply Points:		133.45	244.22	241.28	329.17	280.86	164.53
35% of Total Offsite Supply Points:		46.71	85.48	84.45	115.21	98.3	57.28
Max Allowed On-Campus Total Demand (P.A.):		2.69	1.42	0.61	14.82	11.37	5.08
Actual Assigned Offsite Supply Pts:		2.69	1.42	0.61	14.82	11.37	5.08

Proposed Onsite Recreation Facilities and their Supply Points

Recreation Facility	Quantity	% Bonus Points	Totals	Children	Teens	Young Adults	Adults	Seniors
Bicycle Parking Garage	1	0%	0	7	14	14	12	5
Indoor Gymnasium or Exercise Room	1	0%	0.58	0.41	0.52	12.7	9.74	5.8
Resident Lounge	1	0%	0	2	5	10	8	7
Picnic Seating	3	0%	3	3	4.5	9	9	9
Total Onsite Supply Points:			3.06	12.41	24.02	45.7	38.74	20.0

Results: Demand, Supply & Adequacy

Age Group	Total Demand Points	Offsite Supply Points	Onsite Supply Points	Total Supply Points	Adequacy
Totals	5.8	2.03	3.52	5.51	Adequate
Children	4.06	1.42	12.41	13.83	Adequate
Teens	1.74	0.61	24.02	24.63	Adequate
Young Adults	42.34	14.82	45.7	60.52	Adequate
Adults	32.48	11.37	38.74	50.11	Adequate
Seniors	14.5	5.08	26.8	31.88	Adequate

REFERENCES:

OFFSITE EXISTING FEATURES OBTAINED FROM MONTGOMERY COUNTY PLANNING DEPARTMENT GIS DATA ON 07/21/21.

DEVELOPMENT SEQUENCE:

DEVELOPMENT IS PLANNED TO TAKE PLACE IN A SINGLE PHASE WHICH WILL INCLUDE PROPOSED BUILDING AND STREETScape IMPROVEMENTS.)

NOTES:

- STORM DRAIN SHOWN FOR REFERENCE ONLY. ULTIMATE STORM DRAIN LOCATION MAY BE ADJUSTED PER TECHNICAL REVIEW. IF THE ADJUSTMENT HAS NO IMPACT ON SITE PLAN CONDITIONS A SITE PLAN AMENDMENT WILL NOT BE REQUIRED.
- ALL STREETScape PER BETHESDA STREETScape STANDARDS, AND ANY MODIFICATIONS WILL BE CLEARLY LABELED.
- 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.
- ALL PROPOSED RIGHT-OF-WAY TRAFFIC SIGNS TO BE APPROVED BY MCDOT AND ALL RIGHT-OF-WAY NON-TRAFFIC RELATED SIGNS HAVE TO BE APPROVED BY DPS.
- EXISTING ZELKOVA TREE TO BE REMOVED PER DIRECTION OF MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES.

Developer's Certificate
 The Undersigned agrees to execute all the features of the Site Plan Approval No. 820220190 including Approval Conditions, Development Program, and Certified Site Plan.
 4820 Auburn, LLC
 Developer: (c/o DBT Development Group, LLC) Kenric Walwyn
 Contact Person
 Address: 400 7th Street, SE, Washington, DC 20003
 Phone: (202) 546-2053

Signature: _____

BOHLER
 SITE CIVIL AND CONSULTING ENGINEERING
 PROGRAM MANAGEMENT
 LANDSCAPE ARCHITECTURE
 SUSTAINABLE DESIGN
 PERMITTING SERVICES
 TRANSPORTATION SERVICES

REVISIONS

REV	DATE	COMMENT	DRAWN BY	CHECKED BY

811
 Know what's below.
 Call before you dig.
 ALWAYS CALL 811
 It's fast. It's free. It's the law.

NOT APPROVED FOR CONSTRUCTION

THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENCY REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION DOCUMENT UNLESS INDICATED OTHERWISE.

PROJECT NO.: MB221004
 DRAWN BY: JAS
 DATE: 03/11/2022
 CAD ID: SITE

THE CLAIBORNE

FOR

4820 AUBURN, LLC

SITE PLAN #820220190

4820 AUBURN AVENUE
 BETHESDA, MD 20814
 MONTGOMERY COUNTY
 WSSC GRID: 210NW05
 TAX MAP #HN23

BOHLER
 16701 MELFORD BLVD., SUITE 310
 BOWIE, MARYLAND 20715
 Phone: (301) 809-4500
 Fax: (301) 809-4501
 MD@BohlerEng.com

B L FOX
 PROFESSIONAL ENGINEER
 7/5/22

SHEET TITLE:

SITE LAYOUT PLAN

SHEET NUMBER:

C-07

ORG. DATE - 03/11/2022



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Marc Elrich
County Executive

Adriana Hochberg
Acting Director

M E M O R A N D U M

August 15, 2022

TO: Grace Bogden, Planner Coordinator
Down-County Planning Division
Montgomery County Planning Department

FROM: Eileen Kao, Chief
Waste Reduction and Recycling Section
Recycling and Resource Management Division

Alan Pultyniewicz
for Eileen Kao

SUBJECT: The Claiborne - The Claiborne 82017008C / 820220190
Public Benefit Points – Updated Recycling Facility Plan

The Waste Reduction and Recycling Section of Montgomery County's Department of Environmental Protection (DEP) Recycling and Resource Management Division has reviewed the proposed updated recycling facility plan for The Claiborne, planned for construction at 4820 Auburn Avenue, Bethesda, MD 20814, that was emailed to DEP/Waste Reduction and Recycling staff on August 9, 2022.

Based upon our review of the updated proposed recycling facility plan, The Claiborne has submitted adequate justification to obtain a total of five (5) public benefit points for the recycling facility plan.

If you have any questions, please contact Alan Pultyniewicz of my team at Alan.Pultyniewicz@MontgomeryCountyMD.gov.



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

November 27, 2018

Mr. Bradford Fox, P.E.
Bohler Engineering
16701 Melford Boulevard, Suite 310
Bowie, MD 20715

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN
REVISION** Request for The Claiborne
Preliminary Plan #: 12017025A
SM File #: 282758
Tract Size/Zone: 0.27 Ac./ CR
Total Concept Area: 0.43 Ac.
Lots/Block: Parts 379, 380, 381, 637; All of
610,611, & 612
Watershed: Lower Rock Creek

Dear Mr. Fox:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via ESD to the MEP using green roof and micro-bioretenion. Due to existing shallow storm drains and other site constraints full treatment cannot be provided, so a partial waiver is hereby granted.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. **This Combined Stormwater Management Concept/Site Development Stormwater Management Plan supersedes the approved Stormwater Management Concept Letter dated June 20, 2017.**
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.



255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850 | 240-777-0311
www.montgomerycountymd.gov/permittingservices

Mr. Bradford Fox, P.E.
November 27, 2018
Page 2 of 2

6. Access for maintenance and inspection of the micro-bioretenion planter boxes must be from a community area. Also, the location of these structures may not be part of a privately-owned unit. At engineered plan stage if it is determined that the location of the planter boxes is not acceptable, they may be eliminated as stormwater management and the waiver fee adjusted accordingly*.
7. Green roof to be designed by a green roof specialist.
8. Proposed green roof area at a minimum is to be 4,110 square feet of eight-inch thickness. At plan submittal try to increase this area.

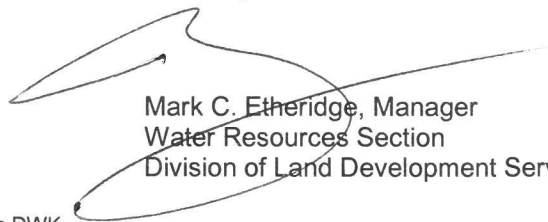
This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: me CN 282758 The Claiborne Combined Revision.DWK

cc: N. Braunstein
SM File # 282758

ESD Acres: 0.27
STRUCTURAL Acres: 0.00
WAIVED Acres: 0.16 (+ 0.27 *)

DPS-ROW CONDITIONS OF APPROVAL

820220190 The Claiborne

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan files:

“07-SITE-820220190-007.pdf V3” uploaded on/ dated **“5/25/2022”** and

The followings need to be addressed prior to the certification of site plan:

1. All ROW improvements need to be according to the approved construction drawings for permit 367869. Ensure sidewalk grades continue across driveways.
2. Reconfirm the monetary contribution amount for implementation of the Norfolk Avenue shared street project by MCDOT prior to the certification of site plan.



**Department of Permitting Services
Fire Department Access and Water Supply Comments**

DATE: 26-Aug-22
TO: Bradford Fox - bfox@bohlereng.com
Bohler Engineering
FROM: Marie LaBaw
RE: The Claiborne
820220190

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **22-Aug-22**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

***** See Statement of Performance Based Design *****



Montgomery County Department of Permitting Services
 2425 Reddie Drive, 7th Floor
 Wheaton, MD 20902
 Attention: **Dr. Marie LaBaw, P.E.**

Re: Fire Department Access Plan
 The Claiborne #820220
 4820 Auburn Avenue
 Bethesda, Montgomery County, MD
 BEPC #MB221004

FIRE CODE ENFORCEMENT ATTACHMENT C

16701 Melford Boulevard, Suite 310
 Fire Department Access Review Bowie, MD 20715
 301.809.4500

Review based only upon information contained on this plan. Do not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation

BY: SNC FM: 43 DATE: 8/26/2022

Dear Ms. LaBaw:

On behalf of 4820 Auburn, LLC, Bohler Engineering is submitting a Fire Department Access Plan for the Claiborne project under Site Plan #820220190. A Fire Department Access Plan was originally approved for the project on June 9, 2017 under Site Plan #821070080, and a revision to the Fire Department Access Plan was later approved on December 20, 2018 under Site Plan #82017008B. The previous Certified Site Plan approval (#821070080) and subsequent Amendments (82017008A, 82017008B and 82017008C) are no longer valid, and thus the applicant is required to submit an application for a new Site Plan (#820220190) for approval pursuant to Section 7.3.4 of the Montgomery County Zoning Ordinance (Chapter 59). This application does not differ in any way from the previously approved Site Plan and subsequent Amendments, and it is simply required due to the provisions of Section 59-4.9.2.D.4 related to Site Plan validity periods for projects located in the BOZ and using BOZ density. Since the previous Site Plan and Amendment approvals are no longer valid, the previously approved Fire Department Access Plan and Revision are also no longer valid; thus, the Applicant is required to file a new Fire Department Access Plan under the new Site Plan #820220190.

Per final coordination with the architect (SK+I) as part of the Approved SC/SWM (Sediment Control/Stormwater Management) Plan set from MCDPS, permit #284672 approved on May 20, 2020:

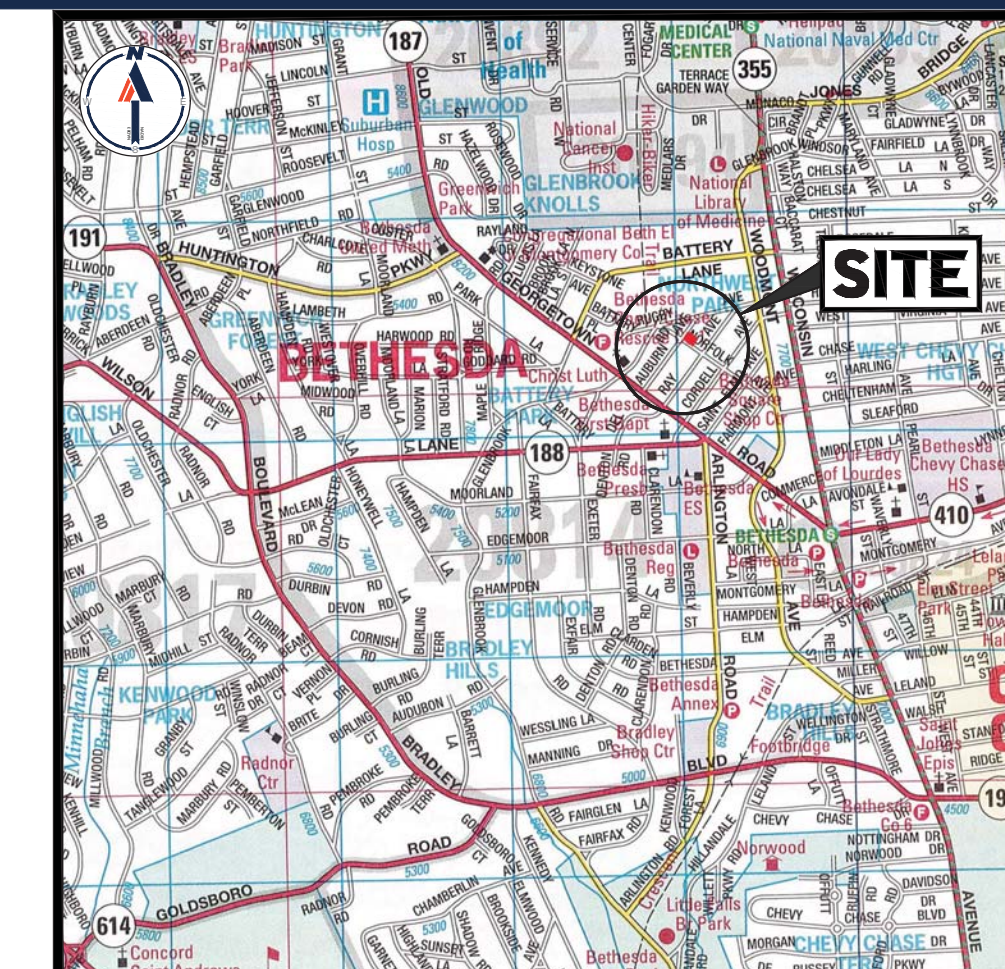
- The micro-bioretention planter boxes located on the second level courtyard are designed with a wall height of 18", consisting of 1' of ponding + 6" of freeboard.
- As demonstrated in the "Auburn Ave. Elevation" on SK+I plan A1.05, the building façade design consists of petal paneling above the garage entrance. The proposed "opening" created by the metal panel frame element is backed up by the micro-bioretention concrete wall, which effectively acts as a parapet wall with adequate structural support.
- Per the "Southeast Elevation" on SK+I plan A1.05, no windows are located along the building face at all levels on the southeast side of the building; this side consists only of brick and metal paneling.
- Similarly on the northeast side of the building, the portion of the proposed building that abuts *Part of Lot 35* has no windows proposed at all levels (only brick and metal paneling is proposed at this face per the "Northeast Elevation" on SK+I plan A1.05).
- Along the northeast side of the building that abuts *Lot 663A*, there are no windows proposed at the ground level (only brick is proposed along the ground level per the "Northeast Elevation" on SK+I plan A1.05). Windows are, however, proposed along this portion of the building face at the second level courtyard and all levels above.

Sincerely,

PROFESSIONAL CERTIFICATION
 I, BRADFORD L. FOX, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 37966, EXPIRATION DATE: 11/30/2023



Bradford Fox, P.E.



LOCATION MAP
SCALE: 1" = 2000'

BOHLER
SITE CIVIL AND CONSULTING ENGINEERING
PROGRAM MANAGEMENT
LANDSCAPE ARCHITECTURE
SUSTAINABLE DESIGN
PERMITTING SERVICES
TRANSPORTATION SERVICES

REVISIONS

REV	DATE	COMMENT	DRAWN BY	CHECKED BY

811
Know what's below.
Call before you dig.
ALWAYS CALL 811
It's fast. It's free. It's the law.

NOT APPROVED FOR CONSTRUCTION

THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENCY REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION DOCUMENT UNLESS INDICATED OTHERWISE.

PROJECT No.: MB221004
DRAWN BY: LMW
CHECKED BY: BLF
DATE: 08/16/2022
CAD ID.: FIRE

PROJECT:
THE CLAIBORNE
FOR
4820 AUBURN, LLC

SITE PLAN
#820220190
4820 AUBURN AVENUE
BETHESDA, MD 20814
MONTGOMERY COUNTY
WSSC GRID: 210NW05
TAX MAP #HN23

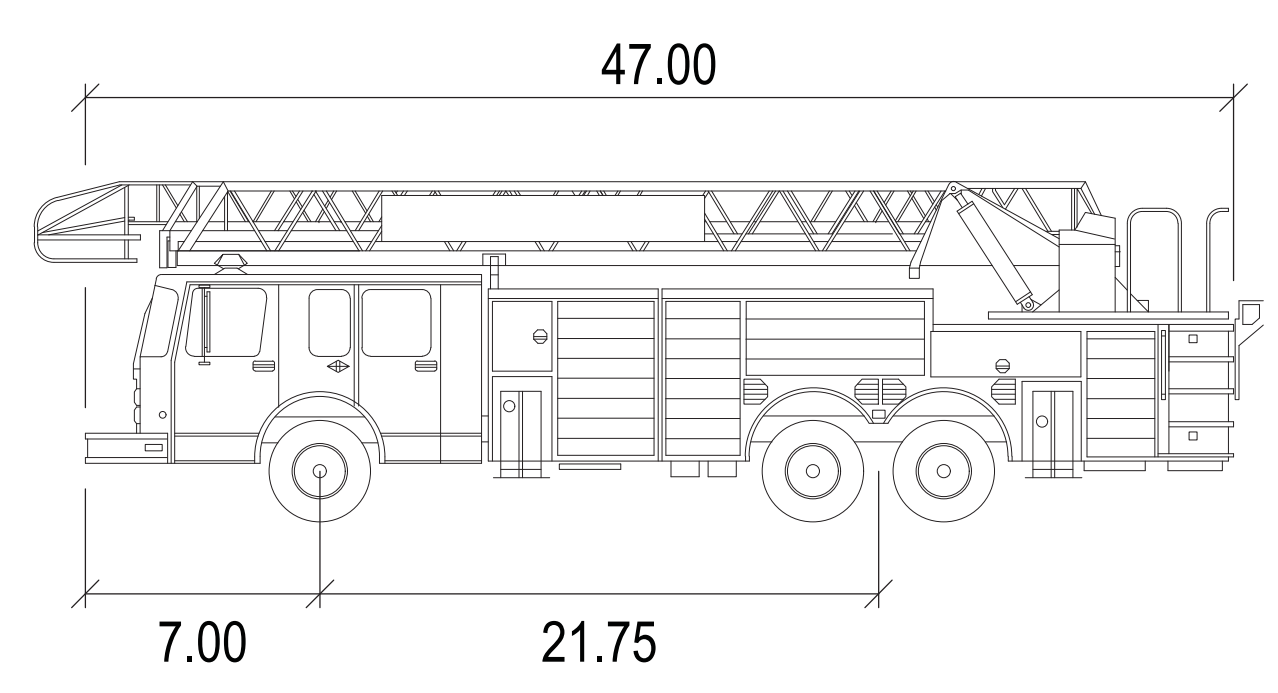
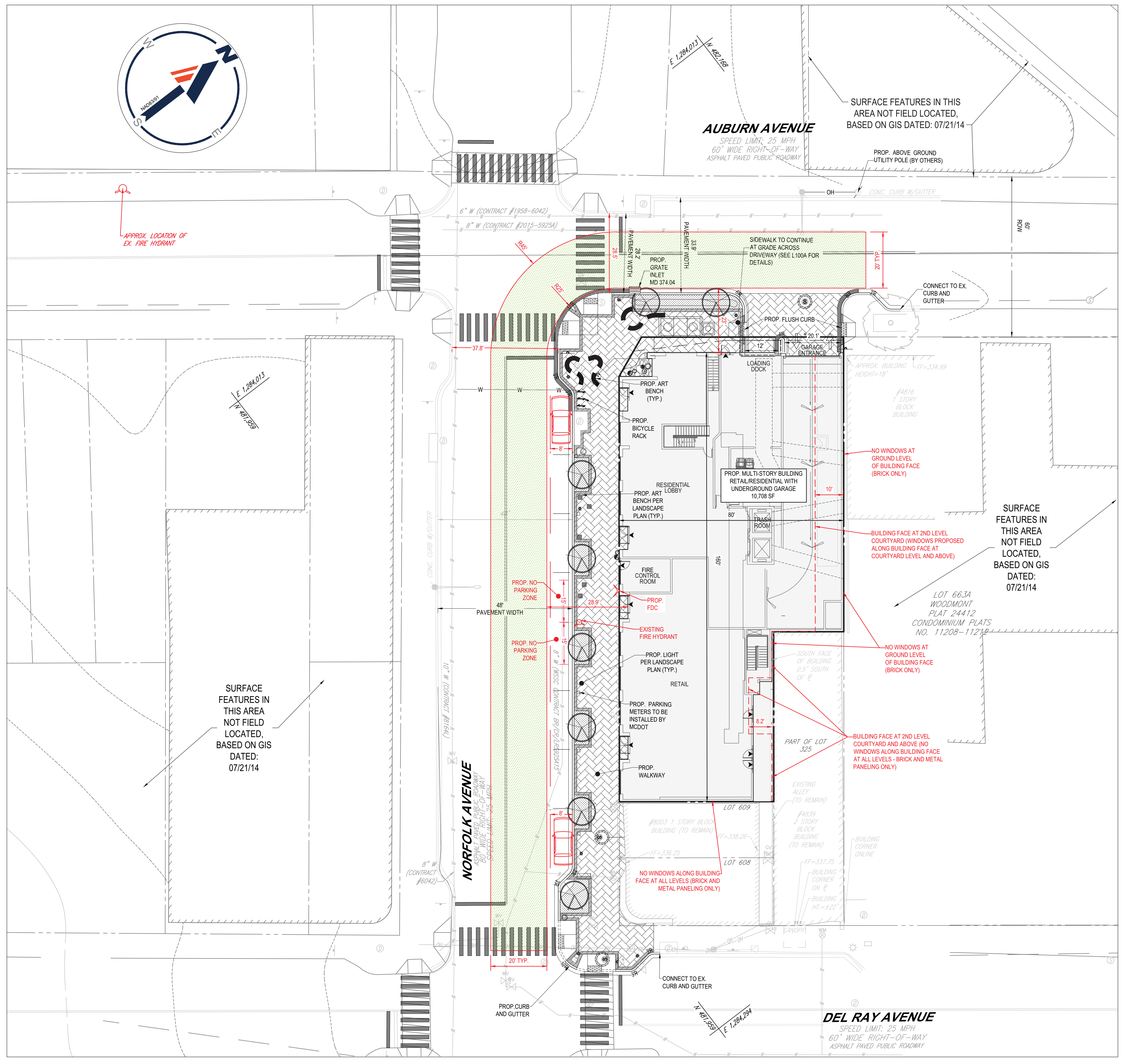
BOHLER
16701 MELFORD BLVD., SUITE 310
BOWIE, MARYLAND 20715
Phone: (301) 809-4500
Fax: (301) 809-4501
MD@BohlerEng.com

B.L. FOX
DocuSigned by:
Bradford Fox
6884D1CC1EF14A7...
8/16/2022

SHEET TITLE:
FIRE DEPARTMENT ACCESS PLAN

SHEET NUMBER:
1

ORG. DATE - 08/16/2022



PLAN REFERENCES:

- FIRE DEPARTMENT ACCESS PLAN APPROVED JUNE 9, 2017 AS PART OF CERTIFIED SITE PLAN #820170080.
- FIRE DEPARTMENT ACCESS PLAN REVISION APPROVED DECEMBER 20, 2018 FOR AN EXPANDED BUILDING FOOTPRINT.

PLAN NOTES:

- ALL SIMULATED TURNING MOVEMENTS WERE CREATED USING AUTOCAD AUTOTURN PRO.
- TRUCK DIMENSIONS OBTAINED FROM THE MONTGOMERY COUNTY FIRE MARSHAL.
- INCREASED PAVEMENT WIDTH ALLOWS FOR DECREASED CURB TURNING RADIUS AT INTERSECTION OF AUBURN AVENUE AND NORFOLK AVENUE.

LEGEND

- FIRE TRUCK PATH
- CONCRETE PAVERS
- GARAGE DRIVEWAY
- SODDING
- BUILDING FACE AT 2ND LEVEL COURTYARD AND ABOVE
- ART BENCHES
- STREET LIGHT
- BIKE RACK
- TRASHCAN
- OUTDOOR PLANTER
- SITE TREES

FIRE CODE ENFORCEMENT

Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.

BY: *SAC* PM: 43 DATE: 8/26/2022

Aug 16, 2022 H:\2022\MB221004\CADD\DRAWINGS\PLAN SET\SITE PLAN SUPPLEMENTAL DRAWINGS\FIRE DEPARTMENT ACCESS PLAN\MB221004 - FIRE - 01 - LAYOUT.07 SITE PLAN

GENERAL NOTE

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORK SCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DEFINED BY THE DRAWINGS AND ALL CORRESPONDING TECHNICAL SPECIFICATIONS AND CODES.

PROFESSIONAL CERTIFICATION

I, BRADFORD L. FOX, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 37866, EXPIRATION DATE: 11/03/2023

Bethesda Downtown Design Advisory Panel

Meeting Minutes

PROJECT: The Claiborne

DATE: April 27, 2022

Attendance:

Panel

George Dove

Rod Henderer

Brian Kelly

Damon Orobona

Qiaojue Yu

Paul Mortensen, ex officio member, Senior Urban Designer in the Director's Office

Staff

Gwen Wright, Planning Director

Robert Kronenberg, Deputy Director of Planning

Elza Hisel-McCoy, Chief of DownCounty Planning

Stephanie Dickel, DownCounty Regulatory Supervisor

Grace Bogdan, Planner III

Chuck Hines, Park Planner

Cristina Sasaki, Park Planner

Emily Balmer, DownCounty Administrative Assistant III

Applicant Team

Heather Dlhopsky, Attorney – Wire Gill LLP

Discussion Points:

Staff: The Claiborne project was originally reviewed and voted on by the DAP in October of 2018. The project went on to receive Planning Board approval for the Sketch, Preliminary and Site Plan. The Bethesda Overlay Zone requires projects utilizing BOZ density to meet certain development triggers, otherwise the Site Plan approval is revoked. In this particular case, the applicant applied and was accepted by DPS for the building permit within the 2 years of approval, however it missed the 2nd trigger which requires the building permit to be pulled from DPS within 2 years subsequent to the building permit application being accepted. Therefore, the original Site Plan approval is revoked.



The ownership has changed since the original application and the new owner wishes to resubmit another application that is the exact same design, density, unit configuration as the original approval. Given the DAP has already seen this project and design, does the Panel wish to review the same design again under the new application process?

Panel:

- If there is no change in the design from the original approval, then I don't see why we would need to review again. If I recall, the design was reviewed extensively at the time and the Applicant made all the changes we had requested.

Panel Recommendations:

The Panel voted (4 in favor, 1 abstain) to not review the Claiborne project again and to receive the same amount of design excellence points (10 points) as in the original review.

Bethesda Downtown Design Advisory Panel

FROM: Laura Shipman
Design Advisory Panel Liaison

PROJECT: The Claiborne
 Sketch and Site Plan Amendment No. 32017003A, 82017008A

DATE: October 24, 2018

*The Claiborne project was reviewed by the Bethesda Downtown Design Advisory Panel on **October 24, 2018**. The following meeting notes summarize the Panel's discussion, and recommendations regarding design excellence and the exceptional design public benefits points. The Panel's recommendations should be incorporated into the Staff Report and strongly considered by Staff prior to the certification of the Site Plan. Should you have any additional questions and/or comments please feel free to contact the Design Advisory Panel Liaison.*

Attendance:

Karl Du Puy (Panelist)
 George Dove (Panelist)
 Damon Orobona (Panelist)
 Rod Henderer (Panelist)
 Qiaojue Yu (Panelist)
 Paul Mortensen (Panelist, Senior Urban Designer in the Director's Office)

Laura Shipman (Design Advisory Panel Liaison)
 Gwen Wright (Planning Director)
 Elza Hisel-McCoy (Area 1 Regulatory Supervisor)
 Matt Folden (Lead Reviewer)

Neil Goradia (Applicant Team)
 Laura Tallerico (Applicant Team)
 Marius Radulescu (Applicant Team)
 Heather Dishopolsky (Applicant Team)
 Anthony Pizzo (Applicant Team)
 Bruno Carvalho (Applicant Team)

Alicia Delahunty (Member of the Public)
 Naomi Spinrad (Member of the Public)
 Amanda Farber (Member of the Public)

Discussion Points:

- You did not change a lot in the design, what about the corner zipper we mentioned at the last meeting?
 - *Applicant Response:* We addressed a few items looking at the comments from last time. At the corner the balconies form the relationship between the top and bottom, but we didn't want to add a tower at the corner to detract.
- I wish the zone would come all the way down. You have a real opportunity to unite the top and base and you have not done that. The entry piece could reflect the balconies that come down and is an opportunity to mark a continuous zone.
 - *Applicant Response:* Created a stack of balconies that highlight the intersection between the two base heights, you can experience this from far away.
- The form is very interesting, but you need to consider the dimensions and how to maintain the pedestrian zone on the sidewalk.
 - *Applicant Response:* The seating concept was well-received by the different agencies and DPS was focused on the clear zone. It is over 12 feet clear zone and 15 feet on Auburn. When we bulbed out at the corner there was a lot of room. There is 18 feet total sidewalk from curb to building and we are meeting the guidelines for the sidewalk zones.
- What is the intention for the retail tenant? Will there be outdoor seating and is there room?
 - *Applicant Response:* That corner we don't have a retail tenant signed up yet but probably a coffee shop type concept. There may not be outdoor seating.
- The ADA ramps are close to the corner, how do they relate to the pedestrian flow?
 - *Applicant Response:* We have a drawing that shows that they line up well.
- The disruption between lower and upper part, it looks like timid structure and heavy material of base. Are you trying to express this as an open zone or more units? The abruptness of white and black and the intermediate zone that does not seem to be part of either one.
- Let me interject, the last time we saw this it was a well-received building but we heard this comment. What is your justification for this configuration of top and bottom?
 - *Applicant Response:* We wanted to have separation between top and bottom, as if the upper portion floats over the base. And we wanted to emphasize the separation.
- If you wanted to be transparent why isn't it transparent? I am concerned with the color and the perception.

- *Applicant Response:* We would end up with elements that will be relatively solid, it is hard to bring the structure inwards far enough.
- I am comfortable with how that component works. The column cover could be different, lighter or round concrete columns. By making them dark it is almost like the base. If they were white or the color of the glass.
- At this point in my opinion this is a pretty good building. There could be a stronger reading, but again I think we are quibbling, I think it's a nice building.
- I agree, the columns could be a little less stark.
- I have other comments I'd make if I were here at the last meeting but that would be unfair to the applicant. I support a project like this I think it is appropriate for Norfolk Avenue. It is consistent with the rest of the buildings.
- I wasn't here last time either I think the building is simple and elegant. I like the seating it is playful.
- I like the base of the building I think it will fit in well with Norfolk Avenue.
- Are those benches continuous or broken? Maybe you can create a break so its easier to walk around. It will add porosity, so people can get around it. The shapes can be continuous, but they could be several benches rather than one.
 - *Applicant Response:* They are about 16-18feet, we could do that, and break up the bigger ones.
- Can we combine the curb ramps into one ramp because they are so close?
 - *Applicant Response:* No, DPS would like 2 ramps it is an ADA standard.
- I think this view justifies even more that each cube should remain clean and pristine and are separate elements floating over a traditional base and tying them together may not accomplish a great deal.
- I applaud you for the canopies. I wish more projects would do that instead of awnings.

Panel Recommendations:

The following recommendations should be incorporated into the Staff Report.

1. Explore the material in the transition zone, use a lighter material or blend columns with the glass.
2. Ensure there is sufficient clear pedestrian path on the sidewalk and consider creating breaks in the benches to allow more movement.
3. Public Benefit Points: The project was generally positively received and all of the panel members support the requested 10 exceptional design points.
4. Vote: **4** support, **1** support with conditions to meet recommendations above.

Subdivision/Complex Name: The Claiborne

MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
1401 Rockville Pike, 4th Floor, Rockville, Maryland 20852

**AMENDED AND RESTATED ALTERNATIVE
PAYMENT AGREEMENT TO BUILD MODERATELY
PRICED DWELLING UNITS**

THIS AGREEMENT is by and between 4820 AUBURN, LLC (“**Applicant**”) and MONTGOMERY COUNTY, MARYLAND (“**County**”).

RECITALS:

WHEREAS, Applicant is the owner of certain real property known as The Claiborne, with a site plan number 820220190, located at 4820 Auburn Avenue, Bethesda, 20814 in Montgomery County, Maryland which is more particularly described in **Exhibit A** attached hereto and made a part hereof (“**Property**”); and

WHEREAS, Applicant and County entered into an Alternative Payment Agreement to Build Moderately Priced Dwelling Units dated July 13, 2020 (“**Previous Agreement**”) which expired on January 13, 2021; and

WHEREAS, Site Plan 820220190 is identical to Site Plan 82017008C on which the Previous Agreement was based; and

WHEREAS, under this Agreement, the parties agree to reinstate the Previous Agreement by extending it for another 18 months; and

WHEREAS, the Applicant plans to construct 84 multi-family dwelling units on the Property, ranging in size from approximately 634 to 1,603 square feet (“**Project**”); and

WHEREAS, the provisions of Chapter 25A of the Montgomery County Code, 2014, as amended (“**Chapter 25A**” or “**Code**”), require that a percentage of the total number of dwelling units in a residential development project containing 20 or more units be moderately priced dwelling units (“**MPDUs**”); and

WHEREAS, the required percentage of MPDUs for the Project is fifteen percent (15%) which is equal to thirteen (13) units; and

WHEREAS, Section 25A-5A of the Code provides that the Director of the County’s Department of Housing and Community Affairs (“**DHCA**”) may approve an agreement that allows an applicant, instead of building some or all of the required MPDUs on-site, to pay to the Housing Initiative Fund (“**HIF**”) an alternative payment as computed under Section 25A-5A(b) upon a finding that either (A) an indivisible package of services and facilities available to all residents of the proposed subdivision would cost MPDU buyers so much that it is likely to make the MPDUs

effectively unaffordable by eligible buyers (“**Eligible Households**”); (B) regulatory development constraints at a particular site would render the building of approved density and all required MPDUs at that site infeasible; or (C) the public benefit of providing affordable housing throughout the County outweighs the value of locating MPDUs in each subdivision throughout the County; and

WHEREAS, the Director’s approval must also be based on finding that accepting the payment will further the objective of providing a broad range of housing opportunities throughout the County; and

WHEREAS, the Director has determined that the projected monthly condominium fees for the MPDUs in the Project, when added to the projected monthly mortgage payment for the purchase of the MPDUs in the Project, would not be affordable to Eligible Households; and

WHEREAS, the Director has also determined that accepting a payment from the Applicant to the HIF will provide more affordable housing units than constructing the MPDUs at the Project, which furthers the objective of providing a broad range of housing opportunities throughout the County; and

WHEREAS, the Director approves an alternative payment in the amount equal to three percent (3%) of the gross sales price of each unit in the Project, to be paid to the HIF upon the settlement of the first sale of each unit (the “**Alternative Payment**”), in accordance with Section 25A-5A(b) of the Code; and

WHEREAS, the Alternative Payment will be deposited into the HIF’s Affordable Housing Acquisition and Preservation CIP project; and

WHEREAS, the Alternative Payment will be used only as permitted under Section 25A-5A of the Code; and

WHEREAS, the parties desire to enter into this Agreement to establish the rights and obligations of the parties for the Property under Section 25A-5A of the Code; and

WHEREAS, the County is willing to issue building permits for the Project under the terms stated in this Agreement, and pursuant to the provisions of Chapter 25A, provided that the first building permit for the Project is issued within eighteen (18) months of the Effective Date (as defined below) of this Agreement.

NOW, THEREFORE, in consideration of the mutual promises, conditions and obligations hereinafter set forth, the parties agree as follows:

1. The foregoing recitals are part of this Agreement and are incorporated within.
2. The Alternative Payment may be paid by the Applicant in installments by complying with the requirements of this Section 2. Each installment must be paid at the settlement of the initial sale of each of the 84 units in the Project. The Alternative Payment must be calculated using the gross sales price of each unit sold

in the Project and then multiplied by three percent (3%). The Applicant must ensure that the Alternative Payment attributable to each unit is shown on the HUD-1 Settlement Statement for that unit and that the settlement agent is authorized to disburse the Alternative Payment as instructed by DHCA staff.

At least 7 business days prior to settlement on the initial sale of each unit in the Project, the Applicant must contact DHCA to notify DHCA staff of the impending settlement and obtain instructions for depositing the funds into the HIF. Simultaneously with the closing, the Applicant, or the settlement agent handling the closing, must send a PDF of the signed HUD-1 Settlement Sheet to DHCA. Unless notified otherwise under Section 3, below, the DHCA staff contact is Somer Cross, Somer.Cross@montgomerycountymd.gov 240-777- 3786.

3. Except as provided in Section 2, above, any notices sent pursuant to this Agreement must be delivered in writing to:

County:

Department of Housing and Community Affairs
1401 Rockville Pike, 4th Floor
Rockville, Maryland 20852
Attn: Somer Cross, Affordable Housing Section
Email: somer.cross@montgomerycountymd.gov

with a copy not to constitute notice to:

Office of the County Attorney
101 Monroe Street, 3rd Floor
Rockville, Maryland 20850

Applicant:

Kenric Walwyn
4820 Auburn, LLC
400 7th Street, SE
Washington, DC 20003

4. This Agreement is binding upon the agents, successors, heirs and assigns of the Applicant.
5. The terms of this Agreement will survive the execution and delivery of any deeds or leases for the Project and shall not merge therein.
6. If the Applicant has not obtained the first building permit for the Project within 18 months of the Effective Date of this Agreement, this Agreement shall expire and be of no further force or effect. Otherwise, this Agreement shall continue and be of full force and effect until the Applicant completes its installment payments for all

84 units in the Project as required under Section 2.

7. The Applicant agrees to abide by and comply with all applicable laws and regulations regarding the subject matter of this Agreement, whether or not such laws or regulations are herein specifically enumerated or referred to, and the Applicant agrees to sign such documents as may be required to effectuate the intent and purpose of this Agreement.
8. This Agreement may only be modified in a writing that is signed by the parties hereto or their successors or assigns.
9. This Agreement shall be of no further force or effect if the Project is developed as a rental development rather than as a for-sale development. If the Project is developed as a rental development, the Applicant must execute an MPDU Agreement to Build with DHCA.
10. The Effective Date of this Agreement is the date on which it is executed by the Director of DHCA.
11. If the Applicant violates any provisions of this Agreement, the County may avail itself of all legal and equitable remedies available to it, including but not limited to, the denial, suspension or revocation of any building or occupancy permit.

SIGNATURE PAGES FOLLOW

IN WITNESS WHEREOF, 4820 Auburn, LLC has caused these presents to be executed by Bruce W. Hurd, its authorized agent, and its corporate seal to be affixed, and does hereby appoint Bruce W. Hurd its authorized agent to acknowledge and deliver these presents, and Montgomery County, Maryland has on the day and year written below caused these presents to be signed by Aseem K. Nigam, Director of the Department of Housing and Community Affairs on behalf of the County, and does hereby appoint the said Aseem K. Nigam as its authorized agent to acknowledge and deliver these presents.

WITNESS:

By: *Bruce W. Hurd*
Name: Rachel Ward

APPLICANT:

4820 AUBURN, LLC
A Maryland Limited Liability Company
By: *[Signature]*
Name: KENRIC WALWYN
Date: MAY 18, 2022

WITNESS:

By: *Jaqueline Hawksford*
Name: Jaqueline Hawksford

MONTGOMERY COUNTY, MARYLAND

By: *Aseem Nigam*
Aseem K. Nigam, Director
Department of Housing and Community Affairs
Date: 6/7/22

Staff Review By: *S. T. Cross*

Name: Somer T. Cross
Title: Manager, Affordable Housing Programs Section
Date: 05/20/22

Approved as to Form and Legal Sufficiency
Office of County Attorney

BY: *Vickie L. Gaul*
Vickie L. Gaul, Associate County Attorney
Date: 5-20-22

EXHIBIT A

Legal Description of the Property

PART 1
LEGAL DESCRIPTION

LOT NUMBERED THREE HUNDRED AND EIGHT-ONE (311) IN THE SUBDIVISION KNOWN AS "WOODMONT", AS PER PLAT RECORDED IN PLAT BOOK 1 AT FOLIO 4 ONE OF THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND, SAVING AND EXCEPTING THAT PORTION CONVEYED TO MONTGOMERY COUNTY, MARYLAND BY DEED RECORDED IN LIBER 2691 AT FOLIO 168

PART 2
LEGAL DESCRIPTION

PARTS OF LOTS NUMBERED THREE HUNDRED SEVENTY-NINE (379) AND THREE HUNDRED EIGHTY (380) IN A SUBDIVISION KNOWN AS "WOODMONT", AS PER PLAT RECORDED IN PLAT BOOK NO. 1 PLAT 4 ONE OF THE LAND RECORDS FOR SAID MONTGOMERY COUNTY DESCRIBED AS FOLLOWS:

BEGINNING FOR THE SAME AT A POINT ON THE SOUTHEASTERLY SIDE OF AUBURN AVENUE, NORTH 37 DEGREES 23 MINUTES EAST 7.5 FEET FROM THE MOST NORTHERLY CORNER OF LOT 378 AS SHOWN ON SAID PLAT, AND RUNNING THENCE WITH THE SOUTHEASTERLY SIDE OF AUBURN AVENUE NORTH 37 DEGREES 23 MINUTES EAST 32.8 FEET, THENCE LEAVING SAID AVENUE AND CROSSING LOT 350 ALONG A LINE PARALLEL TO AND DISTANT 15.1 FEET NORTHEASTERLY FROM THE DIVIDING LINE BETWEEN LOTS 378 AND 380, SOUTH 52 DEGREES 27 MINUTES EAST 115 FEET TO THE REAR LINE OF LOT 380; THENCE WITH THE REAR LINES OF LOTS 378 AND 380 SOUTH 37 DEGREES 39 MINUTES WEST 32.8 FEET, THENCE RUNNING PARALLEL TO AND 7.5 FEET NORTHEASTERLY FROM THE DIVIDING LINE BETWEEN LOTS 378 AND 379 NORTH 52 DEGREES 27 MINUTES WEST 115 TO THE PLACE OF BEGINNING CONTAINING 3749 SQUARE FEET OF LAND ACCORDING TO PLAT OF R.W. BERRY, C.E. MARCH 29, 1942 SAVING AND EXCEPTING THAT PART OF LOTS 378 AND 380, WOODMONT SUBDIVISION, AS PER PLAT THEREOF FULLY RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN PLAT BOOK 1 AT PLAT 4, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING THE NORTHWESTERLY 17.5 FEET FRONTAGE OF LOT 378 BY A DEPTH OF 10 FEET, SAID PARCEL BEING ADJACENT, CONTIGUOUS AND PARALLEL TO AUBURN AVENUE AND BEING ALSO ADJACENT, CONTIGUOUS AND PARALLEL TO THE DIVIDING LINE BETWEEN LOTS 378 AND 380; AND ALSO THE SOUTHWESTERLY 15.1 FEET FRONTAGE OF LOT 782 BY A DEPTH OF 10 FEET SAID PARCEL BEING ADJACENT, CONTIGUOUS AND PARALLEL TO AUBURN AVENUE AND ALSO ADJACENT, CONTIGUOUS AND PARALLEL TO THE DIVIDING LINE BETWEEN LOTS 378 AND 380 AND CONTAINING A TOTAL OF 326 SQUARE FEET OF LAND MORE OR LESS AND

LOT NUMBERED SIX HUNDRED THIRTY-SEVEN (637) IN A SUBDIVISION KNOWN AS "WOODMONT" AS PER PLAT RECORDED IN PLAT BOOK 133 AT PLAT NO. 14089 ONE OF THE LANDS RECORDS OF MONTGOMERY COUNTY, MARYLAND

PART 3
LEGAL DESCRIPTION

PART OF LOTS NUMBERED THREE HUNDRED SEVENTY-NINE (379) AND THREE HUNDRED EIGHTY (380) IN SUBDIVISION KNOWN AS "WOODMONT", AS PER PLAT RECORDED IN PLAT BOOK NO. 1, PLAT 4, ONE OF THE LAND RECORDS FOR SAID MONTGOMERY COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING FOR THE SAME AT A POINT ON THE SOUTHEASTERLY SIDE OF AUBURN AVENUE WHERE SAID AVENUE IS INTERSECTED BY THE DIVIDING LINE OF LOTS 380 AND 381 AS SHOWN ON SAID PLAT, AND RUNNING THENCE WITH THE DIVIDING LINE SOUTH 52 DEGREES 27 MINUTES EAST 115 FEET, THENCE WITH PART OF THE DIVIDING LINES OF LOTS 380 AND 378, SOUTH 37 DEGREES 33 MINUTES WEST 9.90 FEET, THENCE PARALLEL WITH SAID DIVIDING LINE OF LOTS 380 AND 381 NORTH 52 DEGREES 27 MINUTE WEST 115 FEET TO INTERSECT THE SOUTHEASTERLY SIDE OF AUBURN AVENUE, THENCE WITH THE SOUTHEASTERLY SIDE OF SAID AVENUE AND THE FRONT LINE OF LOT 380 5.91 FEET TO THE PLACE OF BEGINNING CONTAINING 4131 SQUARE FEET OF LAND

SAVING AND EXCEPTING THEREFROM HOWEVER, THE PORTION CONVEYED TO MONTGOMERY COUNTY MARYLAND FOR ROAD WIDENING BY DEED DATED DECEMBER 14, 1959 RECORDED IN LIBER 2691 AT FOLIO 188 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND

PART 4
LEGAL DESCRIPTION

ALL THAT LAND IN THE THIRTEENTH DISTRICT, MONTGOMERY COUNTY, MARYLAND AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS NUMBERED SIX HUNDRED TEN (610), SIX HUNDRED ELEVEN (611) AND SIX HUNDRED TWELVE (612) IN A SUBDIVISION KNOWN AS "WOODMONT" IN PLAT THEREOF RECORDED IN PLAT BOOK 66 AT PLAT NO. 8881 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND