



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

DEC 03 2020

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

RESOLUTION

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

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

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

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

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

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

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

MCPB No. 20-123
Preliminary Plan No. 120200220
Avondale
Page 2

conditions:¹

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

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

MCPB No. 20-123
Preliminary Plan No. 120200220
Avondale
Page 3

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

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

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

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

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

Table 1: Preliminary Plan Data Table

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

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

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

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

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

Transportation

Vehicular access to the Site will be provided by a consolidated curb cut on Avondale Street. Both garage and loading access will be accommodated via the shared driveway on the west side of the Site. The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station (located approximately 0.6 miles from the Site), Metrobus, RideOn, the Bethesda Circulator and future Purple Line. Pedestrian access to the site will be from the established sidewalk network and will be enhanced by streetscape improvements along each of the Property frontages, consistent with the Bethesda Streetscape Standards.

Master Plan Roadways and Pedestrian/Bikeway Facilities

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

Sector-Planned Transportation Demand Management

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

Transportation Adequacy

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

Table 2: Project Peak Hour Trip Generation

Total Proposed		Vehicle Rates		Policy Area Vehicle Trips		Person Trips	
Use	Total Units/GFA	AM	PM	AM	PM	AM	PM
Existing Use (Credit) 8 Multi-family Low-Rise Units		5	7	4	6	8	12
Proposed Use 60 Mid Rise Dwelling Units		21	28	17	23	34	45
Total Net New Trips		16	21	13	17	26	33

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

Schools

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

Calculation of Student Generation

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

Cluster Adequacy Test

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

Individual School Adequacy Test

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

Other Public Facilities and Services

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

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

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

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

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

MCPB No. 20-123
Preliminary Plan No. 120200220
Avondale
Page 8

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

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

No other provisions apply to this Subdivision.

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


BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is ~~DEC 03 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 Verma, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy and Verma voting in favor, and Commissioner Patterson absent at its regular meeting held on Thursday, November 12, 2020, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board



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

NOV 25 2020

MCPB No.20-122

Sketch Plan No. 320200050

Avondale

Date of Hearing: November 12, 2020

RESOLUTION

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

WHEREAS, on May 19, 2020, SJ Investment Corporation (“Applicant”) filed an application for approval of a sketch plan for up to 55,000 square feet of density for a multi-family residential development, including up to 33,121 square feet of Bethesda Overlay Zone (BOZ) density and associated Park Impact Payment (PIP) on 0.33 acres of CR 1.5 C 0.25 R 1.5 H 70’ and BOZ zoned-land, located on Avondale Street approximately 200 feet east of Wisconsin Avenue (“Subject Property”) in the Bethesda CBD Policy Area and 2017 *Bethesda Downtown Sector Plan* (“Sector Plan”) area; and

WHEREAS, Applicant’s sketch plan application was designated Sketch Plan No. 320200050, Avondale (“Sketch Plan” or “Application”); and

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

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

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

Approved as to 2425 Reedle Drive, 14th Floor, Wheaton, Maryland 20902 Phone: 301.495.4605
 Legal Sufficiency: www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc.org
 M-NCPPC Legal Department

MCPB No. 20-122
Sketch Plan No. 320200050
Avondale
Page 2

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320200050, Avondale, for construction of up to 55,000 square feet of density for a multi-family residential development, including up to 33,121 square feet of Bethesda Overlay Zone (BOZ) density and the associated Park Impact Payment (PIP) on the Subject Property, subject to the following binding elements and conditions: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 55,000 total square feet of residential development. The maximum number of dwelling units will be determined at Preliminary Plan. The maximum density includes up to 33,121 square feet of density from the Bethesda Overlay Zone (BOZ) with a Park Impact Payment (PIP). The final square footage, including BOZ density and PIP payment, will be determined at Site Plan.

2. Height

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

3. Incentive Density

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

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.

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

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

4. Park Impact Payment (PIP)

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

5. Streetscape

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

6. Green Cover

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

7. Bethesda Downtown Plan Design Guidelines

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

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

8. Building & Site Design

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

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

9. Future Coordination for Site Plan

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

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

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

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

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

Table 1: Sketch Plan Data Table

Section 59.4	Development Standard	Permitted/ Required	Proposed
	Tract Area	n/a	14,586 sf (0.33 ac)
	Prior Dedication	n/a	2,800 sf (0.06 ac)
	Proposed Dedication	n/a	560 sf (0.01 ac)
	Site Area	n/a	11,226 sf (0.26 ac)
	Mapped Density CR 1.5 C 0.25 R 1.5 H 70'		
	Residential (GFA/ FAR)	21,879 sf (1.5)	21,879 sf (1.5)
	Commercial (GFA/FAR)	3,647 sf (0.25)	0 sf (0)
	Total Mapped Density (GFA/FAR)	21,879 sf (1.5)	21,879 sf (1.5)
	Bethesda Overlay Zone Density	n/a	33,121 sf (2.27)
	Total GFA/FAR	n/a	55,000 sf (3.77)
	MPDU Density (GFA/FAR)	15%	15%
	Building Height, max	70 feet	70 feet
	Public Open Space (min sf)	0%	4%
	Minimum Setbacks (ft)¹		
	Front	0	11'
	Side	0	Western: 10' Eastern: 0'
	Rear	0	11'

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

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

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

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

The Project substantially conforms to the recommendations for the Property included in the 2017 *Bethesda Downtown Sector Plan*. Specifically, this Sector Plan builds on the past successes of Downtown Bethesda to create a truly sustainable downtown by focusing on components that will bolster the elements most in need of enhancement. The recommendations increase:

1. **Parks and open spaces**, including new civic greens at Veteran's Park, Bethesda Farm Women's Cooperative Market, Capital Crescent Trail and new urban parks, pathways and gateways. Many of these parks on the eastern edge are to be connected through the creation of the Eastern Greenway.

2. **Affordable housing**, including the preservation of existing market-rate affordable housing, providing a mix of housing options and the provision of Moderately Priced Dwelling Units in exchange for development incentives.
3. **Environmental innovation**, including more energy-efficient buildings, better stormwater management, improved sidewalks and bicycle routes, and other measures to enhance community health and quality of life.
4. **Economic competitiveness**, based on new development, public amenities and proximity to public transit to attract businesses and visitors from throughout the region, and foster entrepreneurship and innovation.

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

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

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

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

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

- *Improve the pedestrian environment with upgraded streetscapes*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Bethesda Overlay Zone (BOZ) was adopted July 18, 2017, specifically to implement the recommendations of the *Bethesda Downtown Sector Plan* as it relates to density, building heights, affordable housing, parks, and design. The BOZ set a cap of overall development (32.4 million square feet) whereby the zoning approved for most properties retains the base density but increases the heights on respective sites. An Applicant can request an allocation of density over the base density to build to the maximum height permitted by the Zone, as needed. An allocation of density from the BOZ requires a park impact payment of \$11.08/square foot based upon the density requested and facilitates acquisition of parkland in the downtown Bethesda area. This Application is requesting an allocation of 33,121 square feet from the BOZ initiating a Park Impact Payment (amount to be determined during Site Plan review) to be paid at the time of building permit. The amount of density allocated from the BOZ for Application is deducted from the 32.4 million cap.

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

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

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

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

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

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

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

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

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

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

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

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

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

Table 2: Public Benefit Calculations

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

¹Denotes Sector Plan priority

Major Public Facilities

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

Connectivity and Mobility

Minimum Parking: The Applicant requests 10 points for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points for providing the maximum allowable number of on-site spaces to 20 points for providing no more than the minimum number of spaces on-site. The Planning Board approves the category at this time.

Diversity of Uses and Activities

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

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

Quality of Building and Site Design

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

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

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

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

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

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

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

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

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT): The Applicant requests 1 point for the purchase of BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area. Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance. The Planning Board approves the category at this time.

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

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

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

The Project will be built in one phase.

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

MCPB No. 20-122
Sketch Plan No. 320200050
Avondale
Page 14

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

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

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Verma, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy and Verma voting in favor, and Commissioner Patterson absent at its regular meeting held on Thursday, November 12, 2020, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board



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

MCPB No. 21-108
Site Plan No. 820210140
The Avondale
Date of Hearing: September 30, 2021

NOV 15 2021

RESOLUTION

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

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

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820210140, The Avondale (“Site Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated September 17, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

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

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

2425 Reedie Drive, 14th Floor, Wheaton, Maryland 20902 Phone: 301.495.4605 Fax: 301.495.1320
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc.org

Approved as to
Legal Sufficiency: /s/ Emily Vaias
M-NCPPC Legal Department

MCPB No. 21-108
 Site Plan No. 820210140
The Avondale
 Page 2

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

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

1. Density
 The Site Plan is limited to a maximum of 55,000 square feet of residential development on the Subject Property, for up to 60 dwelling units, including 15% MPDUs.
2. Height
 The development is limited to a maximum height of 70 feet, as measured from the building height measuring point, illustrated on the Certified Site Plan.
3. Bethesda Overlay Zone Density
 - a. Per Section 59.4.9.2.D.4 of the Zoning Ordinance, the Applicant must have a building permit application accepted by Montgomery County Department of Permitting Services ("MCDPS") that includes the core and shell of the principal building within two years of the date of the Planning Board Resolution. Within two years of MCDPS accepting the building permit application, the Applicant must obtain the building permit. The deadlines may not be extended. If the Applicant fails to comply with any of the deadlines in this condition, the entire Site Plan approval is revoked. The Applicant must submit documentation of the building permit acceptance and issuance to Planning Staff
 - b. The Applicant must pay to the M-NCPPC a Park Impact Payment of \$322,052.50 prior to release of the first above-grade building permit for the allocation of 33,121 square feet of BOZ Density, not including 5,175 square feet of MPDU density exempt from the PIP calculation. The PIP payment has been increased per Section 59-4.9.2.C.4.b.ii for public benefit points. In the event the final allocation of density from the BOZ is less than the approved amount, or if the amount of exempt MPDU density changes, the Applicant may apply to reduce the allocation of density from the BOZ, and/or modify the PIP through a minor site plan amendment.

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. 21-108
 Site Plan No. 820210140
The Avondale
 Page 3

4. Moderately Priced Dwelling Units (MPDUs)

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

5. Public Benefits

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

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

MCPB No. 21-108
 Site Plan No. 820210140
The Avondale
 Page 4

- ii. Energy Conservation & Generation – The Applicant must construct the building to exceed energy efficiency standards for the building type by 17.5%, as determined by MCDPS through the methodology established by ASHRAE 90.1 (2013) Appendix G. The final energy model must be submitted to MCDPS with the building permit application.
- iii. Recycling Facility Plan – The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Environmental Protection (“MCDEP”), Waste Reduction and Recycling Section in its memorandum dated August 26, 2021 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the memorandum, which may be amended by the MCDEP – Waste Reduction and Recycling Section provided that the amendments do not conflict with other conditions of the Site Plan approval.

6. Recreation Facilities

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

7. Public Amenities

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

Site Plan

8. Landscaping

- a. Prior to issuance of the final residential Use and Occupancy Certificate, all on-site amenities, including, but not limited to lights, sidewalks/pedestrian pathways, hardscape, benches, trash receptacles, bicycle facilities, recreation amenities, and rooftop amenities must be installed.
- b. The Applicant must install landscaping no later than the next growing season after completion of site work.

9. Lighting

- a. Prior to Certified Site Plan approval, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO:

MCPB No. 21-108
 Site Plan No. 820210140
The Avondale
 Page 5

- June 15, 2011, or as superseded) for a development of this type. All on-site exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b. All on-site down-lights must have full cut-off or BUG-equivalent fixtures.
 - c. Deflectors must be installed on all proposed fixtures to prevent excess illumination and glare.
 - d. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by street lights within the right-of-way.
 - e. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
 - f. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.
10. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Fire Department Access and Water Supply Section in its letter dated July 20, 2021 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Site Plan approval.

Environment

11. Noise Attenuation

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

MCPB No. 21-108
Site Plan No. 820210140
The Avondale
Page 6

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

12. Green Cover

- a. The Applicant must provide a Green Cover exhibit demonstrating compliance with the Bethesda Downtown Sector Plan Green Cover requirement. The Project must provide a minimum of 35% Green Cover on the Site comprised of intensive green roof, plantings and/or planter boxes, as shown on the Certified Site Plan.
- b. Any green roof installed pursuant to this condition must have a minimum soil depth of six inches.

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

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

MCPB No. 21-108
Site Plan No. 820210140
The Avondale
Page 7

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

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

14. Transportation

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

15. Pedestrian & Bicycle Circulation

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

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

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

17. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) – Water Resources Section in its Site Development Stormwater Management Plan letter dated July 23, 2021 and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by the MCDPS – Water Resources

MCPB No. 21-108
Site Plan No. 820210140
The Avondale
Page 8

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

18. Development Program

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

19. Site Plan Surety and Maintenance Agreement

Prior to issuance of any above grade building permit not including retaining walls, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, trash enclosures, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of any building permit for development and will be tied to the development program.
- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

20. Certified Site Plan

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

- a. Include all applicable agency approval letters, development program, and the Site Plan Resolution and other applicable Resolution(s) on the cover sheets.
- b. Include the Loading Management Plan as reviewed and approved.
- c. The Certified Site Plan must contain notes describing the Bird-Safe design principles to be incorporated into the building architecture.
- d. Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services".

MCPB No. 21-108
 Site Plan No. 820210140
The Avondale
 Page 9

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

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of The Avondale, Site Plan No. 820210140, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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

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

The Site Plan conforms to all binding elements of Sketch Plan No. 320200020 and Preliminary Plan No. 120200220.

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

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

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

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

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

a. Use Standards

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

b. Development Standards

MCPB No. 21-108
 Site Plan No. 820210140
The Avondale
 Page 10

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

Data Table

Table 1: Site Plan Data Table			
Section 59.4	Development Standard	Permitted/ Required	Approved
	Tract Area CR-1.5, C-0.25, R-1.5, H-70 Previous Dedications	n/a	14,586 sf (0.26 ac) 3,360 sf
	Site Area		11,226 sf (0.26 ac)
	Residential Density (GFA/ FAR)¹ CR-1.5, C-0.25, R-1.5, H-70 Maximum Dwelling Units Maximum Square Footage	n/a 21,879 sf (1.5)	Up to 60 Dwelling Units 55,000 sf (3.77 FAR) (21,879 sf Mapped Density)
	MPDU Density	15%	15% ²
	Commercial Density (GFA/ FAR)¹ CR-1.5, C-0.25, R-1.5, H-70	3,646 sf (0.25)	0 (0.00 FAR)
	Bethesda Overlay Zone Density	n/a	33,121 sf
	Maximum Total Density GFA/ FAR¹	21,879 sf (1.50)	55,000 sf (3.77 FAR)
	Building Height (max)	70 feet	70 feet
	Public Open Space (min)	0%	4%
	Green Cover	35%	50% (5,675 sf)
	Minimum Front Setback	0	11 feet
	Minimum Side Setback (East)	0	0 feet
	Minimum Side Setback (West)	0	10 feet
	Minimum Rear Setback	0	11 feet

MCPB No. 21-108
 Site Plan No. 820210140
The Avondale
 Page 11

Section 59.6.2	Parking ³	Permitted/ Required	Approved
Vehicle Parking			
Studio (14 market rate units): 3 MPDUs		12 minimum/ 17 maximum	--
1 Bedroom (36 market rate units): 6 MPDUs		30 minimum/ 53 maximum	--
2 Bedroom (1 market rate units): 0 MPDUs		1 minimum/ 2 maximum	22 ⁵
Total (51 market rate units): 9 MPDUs		24 minimum⁴/ 72 maximum	
Vehicle Parking Total			
Bicycle Parking (Long Term/ Short Term)		(29/1) 30	(29/2) 31
Loading Spaces		1	1

¹ Density must not exceed maximum approval.

² The development must provide 15 percent Moderately Priced Dwelling Units (MPDUs)

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

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

⁵ A parking waiver for two spaces is requested with the Subject Application.

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

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

MCPB No. 21-108
 Site Plan No. 820210140
The Avondale
 Page 12

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

The Bethesda Overlay Zone (BOZ)

The Bethesda Overlay Zone (BOZ) was adopted July 18, 2017, specifically to implement the recommendations of the Bethesda Downtown Sector Plan as it relates to density, building heights, affordable housing, parks, and design. The BOZ set a cap of overall development (32.4 million square feet) whereby the zoning approved for most properties retains the base density but increases the heights on respective sites. To qualify for BOZ density per Section 59.4.9.2.C.2.ii of the Zoning Ordinance, the Application must use all gross floor area allowed by the mapped CR FAR. The Subject Property is zoned CR-1.5, C-0.25, R-1.5, H-70, which permits up to 21,879 square feet of total mapped density, which can include 21,879 square feet of residential density. Because the Application proposes to maximize the total mapped density of 21,879 square feet for residential development and incorporates an additional 33,121 square feet of Bethesda Overlay Zone density, this qualification has been met. The Applicant is subject to a PIP currently valued at \$11.41 per square foot based upon the density requested and facilitates acquisition of parkland in the downtown Bethesda area. Based on the requested 33,121 square feet of BOZ density, the Applicant is required to make a Park Impact Payment of \$318,863.86. The Applicant is increasing the PIP by 1% (\$3,188.64), for one public benefit point, to a total PIP of \$322,052.50. The amount of density allocated from the BOZ for the Subject Application is deducted from the 32.4 million cap.

Section 4.5.4.B.4 - Form Standards

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

i. Division 4.7. Optional Method Public Benefits

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

MCPB No. 21-108
 Site Plan No. 820210140
The Avondale
 Page 13

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

Table 2: Public Benefits Calculations		
Public Benefit	Incentive Density Points	
	Max Allowed	Approved
59.4.9.2.C.4.B.ii: Major Public Facilities		
Park Impact Payment	40	1
59.4.7.3C: Connectivity and Mobility		
Minimum Parking ¹	20	10
Diversity of Uses and Activities		
Enhancing Accessibility For The Disabled	20	15
59.4.7.3E: Quality of Building and Site Design		
Architectural Elevations	30	15
Exceptional Design ¹	30	20
Structured Parking	20	20
Public Open Space	30	4
59.4.7.3F: Protection and Enhancement of the Natural Environment		
BLTs	30	1
Energy Conservation & Generation ¹	25	15
Recycling Facility Plan	10	10
TOTAL		111

¹ Denotes Sector Plan priority

Major Public Facilities

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

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

MCPB No. 21-108
 Site Plan No. 820210140
The Avondale
 Page 14

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

The Planning Board approves the Applicant's request.

Connectivity and Mobility

Minimum Parking: The Applicant requests 10 points for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points for providing the maximum allowable number of on-site spaces to 20 points for providing no more than the minimum number of spaces on site. The Applicant is proposing 22 parking spaces for 60 units² (final unit count to be determined with the Certified Site Plan)³ and is therefore eligible for 10 benefit points.

$$\frac{[(\text{Maximum Allowed Parking}) - (\text{Parking Provided})]}{[(\text{Maximum Allowed Parking}) - (\text{Minimum Parking})]} * 10$$

$$(75 - 22) / (75 - 24) * 10 = (53/51) * 10 = 10 \text{ points}$$

The Planning Board approves the Applicant's request.

Diversity of Uses and Activities

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

$$\text{ANSI 117.1 Units (A)} = 3$$

$$\text{Total Units (T)} = 60$$

$$\text{Formula} = (A/T) * 300 = 15 \text{ points}$$

$$(3/60) * 300 = 15 \text{ points}$$

The Planning Board approves the Applicant's request.

Quality of Building and Site Design

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

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

MCPB No. 21-108
 Site Plan No. 820210140
The Avondale
 Page 15

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

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

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

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

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

Protection and Enhancement of the Natural Environment

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

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

MCPB No. 21-108
Site Plan No. 820210140
The Avondale
Page 16

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

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

c. General Requirements

i. *Site Access*

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

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

ii. *Parking, Queuing, and Loading*

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

MCPB No. 21-108
Site Plan No. 820210140
The Avondale
Page 17

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

Loading and Curbside Management

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

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

MCPB No. 21-108
 Site Plan No. 820210140
The Avondale
 Page 18

iii. *Open Space and Recreation*

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

iv. *General Landscaping and Outdoor Lighting*

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The Application will transform the existing streetscape along the Avondale Street frontage with new street trees, wider sidewalks, and street lighting. The on-site lighting will limit the necessary light levels to streets and sidewalks.

As shown in the Development Standards table, the Site Plan meets all general requirements and development standards of Section 59.4.5 of the Zoning Ordinance, the optional method public benefits provisions of Section 59.4.7, and the general development requirements of Section 59.6.

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

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

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

b. Chapter 22A, Forest Conservation

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

MCPB No. 21-108
 Site Plan No. 820210140
The Avondale
 Page 19

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

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

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

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

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

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

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

MCPB No. 21-108
 Site Plan No. 820210140
The Avondale
 Page 20

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

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

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

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

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

8. *The development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

As approved in the Preliminary Plan approval (MCPB No. 20-123), the development will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

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

MCPB No. 21-108
Site Plan No. 820210140
The Avondale
Page 21

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

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

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

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

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is ~~NOV 15 2021~~ (which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Verma, with Chair Anderson and Commissioners Cichy, Patterson, and Verma voting in favor of the motion, and Commissioner Rubin abstaining at its regular meeting held on Thursday, November 4, 2021, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

November 7, 2023

Mr. Elza Hisel-McCoy, Chief
Downcounty Planning
Montgomery County Planning Department
2425 Reddie Drive, 14th Floor
Wheaton, MD 20902

Re: Avondale – Preliminary Plan No. 12020022A
Validity Extension Request – Statement of Justification

Dear Mr. Hisel-McCoy:

On behalf of the Applicant, SJ Investment Corporation (“SJ Investment”), we are submitting this request for an extension of the validity period of Preliminary Plan No. 12020022A (the “Application”) pursuant to Section 50-4.2H of the Montgomery County Subdivision Ordinance (the “Subdivision Ordinance”). This Application pertains to Avondale, a multi-family residential development approved on property located on Avondale Street approximately 200 feet east of Wisconsin Avenue (“Subject Property”) in the Bethesda CBD Policy Area and 2017 Bethesda Downtown Sector Plan area.

On November 25, 2020, the Montgomery County Planning Board (the “Planning Board”) issued a Resolution approving Sketch Plan No. 320200050 permitting development of up to 55,000 square feet of density for a multi-family residential development, including up to 33,121 square feet of Bethesda Overlay Zone (BOZ) density and associated Park Impact Payment (PIP), as well as a Resolution approving Preliminary Plan No. 120200220 (the “Plan”) to create one lot for development of up to 60 multi-family residential units, of which 15% will be moderately priced dwelling units, on 0.33 acres of CR 1.5 C 0.25 R 1.5 H 70’ and BOZ zoned-land (“Project”).

The period within which the Plan must be validated is set to expire on November 25, 2023. **An extension of the Plan’s validity period by an additional 18 months from the initiation date of this Preliminary Plan Amendment is requested to provide additional time for the Applicant to complete the process of recording a final record plat for all property delineated on the approved Plan.**

Section 50-4.2.H.3.a.ii of the Subdivision Ordinance provides the grounds for extension, and states that “[t]he Board may only grant a request to extend the validity period of a preliminary plan if the Board finds that ... the occurrence of significant, unusual and unanticipated events, beyond the applicant’s control and not caused by the applicant, have substantially impaired the applicant’s ability to validate the plan, and exceptional or undue hardship (as evidenced, in part, by the efforts undertaken by the applicant to implement the terms and conditions of the plan approval in order to validate the plan) would result to the applicant if the plan were not extended.”

January 10, 2024

Page 2

The basis for this extension request stems from unforeseen and significant events/circumstances beyond the Applicant's control further discussed below. These circumstances have severely hampered the Applicant's ability to validate the Plan by the originally approved expiration date. The extension is crucial to prevent undue hardship, considering the substantial efforts undertaken by the Applicant to facilitate implementation of the terms and conditions of the Plan approval thus far.

1. COVID-19 Pandemic and Market Conditions

The approval process for the property coincided with the COVID-19 pandemic, the repercussions of which are still being felt. Furthermore, the years 2022 and 2023 witnessed considerable market volatility due to inflation and rising interest rates, affecting various aspects of infill development. These events have obviously been beyond the control of the Applicant and have resulted in the construction of the Project to be significantly more expensive than it would have been even within recent years.

2. Failed Contract with Third-Party Developer

In response to the market challenges during the pandemic, SJ Investment entered into a contract on June 13, 2022, with a third-party developer willing and able to proceed with platting and construction. However, citing market volatility and difficulties in securing adequate financing, the third-party developer informed SJ Investment on June 12, 2023, an entire year later that it ultimately could not proceed with the purchase of the property. This abrupt turn-of-events left SJ Investment with insufficient time to fulfill platting prerequisites themselves and validate the Plan through recordation of a final record plat prior to the original expiration date of November 25, 2023. The remaining prerequisites include full engineered design, permitting and bonding of substantial upgrades to Avondale Street, including road widening, a public storm drain extension, utility relocations, new sidewalks, street trees and streetlights. We anticipate the design and permitting of these upgrades will take 6-12 months to complete.

In addition to the above, the Applicant believes that the County's adoption of Zoning Text Amendment 20-02 on June 27, 2023 provides further support for a validity period extension as requested herein. ZTA 20-02 provided an extension of site plan implementation deadlines within the Bethesda Overlay Zone, providing much-needed relief to projects facing challenges due to continued inflation, rising interest rates, and restricted commercial lending. Prior to entering into a contract with a third-party developer, SJ Investment had been diligently working toward implementing the project and to that end had obtained certification of the proposed development's Site Plans on May 30, 2022. While the third-party developer did not take the project to conclusion, they did advance the project's platting and permitting process. A record plat was prepared and in fact filed by the third-party developer on April 20, 2023. The third-party developer had also begun preparation of permit drawings, which will serve to facilitate SJ Investment's formal initiation of the building permit process for the project as soon as March/April 2024.

Moreover, an 18-month extension of the Preliminary Plan validity period as requested herein

January 10, 2024

Page 3

would align with the Project's Adequate Public Facilities (APF) approval which remains valid until November 25, 2025, i.e., 60 months from the date of mailing of MCPB No. 20-123 (attached hereto as **Exhibit A**).

Given all the above, SJ Investment respectfully requests an extension, highlighting the exceptional hardship it would face without it. The company has invested substantial funds, time, and resources in obtaining entitlement approvals. SJ Investment has diligently worked towards delivering the Project as outlined in the entitlement process. Failure to extend the validity period would render these efforts futile and negate the progress made thus far.

The Applicant is submitting this request in writing prior to when the established validity period expires on November 25, 2023, as required by Section 50-4.2.H.1.b of the Subdivision Ordinance. Furthermore, per Section 50-4.2.H.1.c, the Applicant certifies that the requested extension is the minimum additional time required to finish processing the record plat for the Project.

The following materials are submitted in support of this Application:

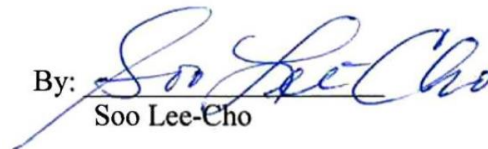
- Application Form
- Statement of Justification
- Certificate of Compliance
- Notice List
- Application Notice Letter
- Signage Information
- Original Certified Plans and Resolution
- Checklist

Thank you for your consideration of this Application. Please do not hesitate to contact me if you have any questions or require any additional information.

Sincerely yours,

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

By:



Soo Lee-Cho



**ATTACHMENT C: DRAFT AMENDED CONDITIONS FOR PRELIMINARY PLAN NO.
12020022A RESOLUTION**

1. This Preliminary Plan is limited to 1 lot for up to 60 dwelling units.
2. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of this Planning Board Resolution.
3. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated September 28, 2020 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
4. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT's requirements for access and improvements.
5. The Applicant must provide and show on the record plat a dedication of the Avondale Street frontage necessary to provide the Sector-Plan-recommended 60-foot-wide right-of-way, as measured between the Subject Property and right-of-way centerline.
6. The Applicant must receive approval from MCDOT on a Level 3 Results Transportation Demand Management Plan (Per Section 42-A-25(b)(3)) before the release of any above-grade building permit, to participate in the Bethesda Transportation Management District (TMD) and work toward the Sector Plan goal of 55% Non-Auto Driver Mode Share.
7. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) – Water Resources Section in its stormwater management concept letter dated September 21, 2020 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
8. The Planning Board has reviewed and accepts the recommendations of the MCDPS Fire Department Access and Water Supply Section in its letter dated September 30, 2020 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
9. Before clearing or grading or recording a plat for the Subject Property, the Applicant must receive Staff certification of a Planning Board-approved Site Plan. The number and location of site elements, including but not limited to buildings, on-site parking, open space, site circulation, and sidewalks, will be determined through Site Plan review and approval.
10. If an approved Site Plan or Site Plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan,

the Applicant must obtain approval of a Preliminary Plan amendment before certification of the Site Plan or Site Plan amendment.

11. Except for clearing and grading associated with building and paving demolition, there shall be no clearing or grading of the site prior to recordation of plat.
12. The record plat must show necessary easements.
13. The certified Preliminary Plan must contain the following note:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of Site Plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.
14. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
 - a) Show resolutions and approval letters on the certified set; and
 - b) Update all plan drawings to be consistent with the consolidated loading and garage access point on the west side of the Site.
15. The Preliminary Plan will remain valid for an additional two (2) years from its original initiation date (as defined in Montgomery County Code Section 50.4.2.G), or until December 25, 2025, and before the expiration date 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 filed.