

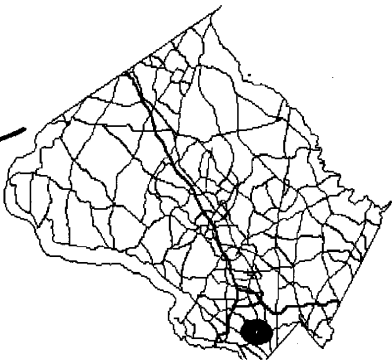


MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB #
MCPB 2-7-08

MEMORANDUM

DATE: January 25, 2008
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RAK*
Development Review Division
FROM: Robert A. Kronenberg, Supervisor *PAK*
Development Review Division
(301) 495-2187
Robert.Kronenberg@mncppc-mc.org



REVIEW TYPE: **Limited Project Plan Amendment**
CASE #: **92007002A**
PROJECT NAME: The Monty
APPLYING FOR: Amendment to increase the number of multi-family dwelling units from 133 to 200.

REVIEW BASIS: Section 59-D-2.6 of Montgomery County Zoning Ordinance for Minor Plan Amendments

ZONE: CBD-1, Woodmont Triangle Sector Plan
LOCATION: 4915 and 4917 Fairmont Avenue
4914 and 4918 St. Elmo Avenue
Property is located between St. Elmo and Fairmont Avenue to the east of Old Georgetown Road and to the west of Norfolk Avenue, in the Woodmont Triangle area of Bethesda

MASTER PLAN: Bethesda CBD 1994, Woodmont Triangle Amendment 2006.
APPLICANT: Monty LLC
FILING DATE: December 11, 2007
HEARING DATE: February 7, 2008

BACKGROUND

Project Plan

The Project Plan (920070020) for The Monty was presented to the Planning Board on May 31, 2007 (Planning Board Opinion dated September 12, 2007) for approval of a maximum of 210,188 square feet of mixed-use development, including a maximum of 133 residential units, of

which 15% will be on-site MPDUs, and a maximum of 7,700 square feet of non-residential uses on the 20,500 square foot property (the total density of the project, including the density transfer from other properties, is 237,275 square feet).

STAFF RECOMMENDATION:

Staff recommends **Approval** of the Project Plan Amendment (92007002A). The terms and conditions of all applicable prior regulatory approvals and agreements, including the approved Project Plan No. 920070020, remain in full force and effect, except for the following modifications:

1) Development Ceiling

The proposed development shall be limited to a maximum of 210,188 gross square feet of development (excludes sending parcels), including a maximum of 200 multi-family dwelling units and up to 7,700 square feet of retail space.

(Proposed condition one replaces Condition 1 of the approved project plan)

2) Moderately Priced Dwelling Units

a. The Applicant shall provide 30 MPDUs, which represent 15 percent of the total number of residential dwelling units, consistent with the requirements of Chapter 25A. The development is receiving a 22% density bonus for providing additional MPDUs on the site.

b. The Applicant shall distribute the proposed MPDUs in accordance with Chapter 25A and DHCA review.

(Proposed Condition 2 replaces condition 6 of the approved project plan)

The Applicant proposed the limited amendment to provide flexibility for more units within the approved density and height currently approved for the project, with a smaller average unit size than originally envisioned. There is no change to the overall density currently associated and approved with the project plan. Additionally, the project is a mixed use development that currently utilizes an overall floor area ratio (FAR) computation for residential units rather than dwelling units per acre and, as such, can increase the number of units if the units can physically be accommodated within the building. The number of MPDUs will increase accordingly with the increase in number of market-rate units. The Applicant will also be required to address adequate public facilities during the preliminary plan review.

The proposed amendment is consistent with the provisions of Section 59-D-2.6 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the originally approved project plan.

ATTACHMENTS

- A. Letter and Notice by the Applicant dated December 11, 2007.
- B. Project Plan Resolution dated September 12, 2007
- C. Site Vicinity and Description

ATTACHMENT A

LINOWES
AND | BLOCHER LLP
ATTORNEYS AT LAW

December 11, 2007

Anne C. Martin
301.961.5127
amartin@linowes-law.com

Mr. Robert Kronenberg
Development Review
Maryland-National Capital Park and
Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Hand Delivered

Re: Monty Project Plan; Limited Amendment No. 920070020A

Dear Mr. Kronenberg:

On behalf of Monty LLC, we submit the attached application materials for an amendment to the Project Plan approval for the above-referenced mixed-use development that is located in the Woodmont Triangle section of the Bethesda CBD (the "Project"). In accordance with Section 59-D-2.6 of the Zoning Ordinance and Section 8.E of the Development Manual, the purpose of this limited amendment is only to increase the maximum number of residential units permitted in the Project from 133 units to 200 units in order to provide flexibility for smaller unit sizes (the "Limited Amendment"). There is no change proposed to any other of the approved requirements for the Project, including the maximum density of 210,188 square feet for the building, the maximum retail area of 7,700 square feet or the requirement for 15% MPDUs in the building.

Subsequent to approval of the Limited Amendment, the Project will proceed to Site Plan and Preliminary Plan of Subdivision review wherein the final unit number and bedroom mix will be finalized and thus the trip generation, parking requirements and number of MPDUs will be reviewed and determined. Again, the Limited Amendment request is only to provide flexibility to provide more units within the approved density and height already approved for the Project, just with a smaller average unit size than originally envisioned. The minimal potential increase in vehicular trips (only .30 peak hour trips per additional unit pursuant to the LATR Guidelines) and parking spaces (the Project is within the Bethesda Parking Lot District) with the potential additional 67 units is consistent with the transit-oriented goals of the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan (the "Woodmont Triangle

Mr. Robert Kronenberg
December 11, 2007
Page 2

Amendment”) to provide housing and retail uses in this urban neighborhood proximate to two Metro stations. Further, the flexibility with the proposed Limited Amendment to raise the maximum units permitted to 200 units will create the potential for additional MPDUs (from 20 to 30) and market rate units in the Project and thus further achieve the objectives of the Woodmont Triangle Amendment to encourage opportunities for more housing in this area.

Please let us know if you have any questions or need any further information for your review of the Limited Amendment. Please let us know when you anticipate the Limited Amendment to be scheduled on the Planning Board agenda. Thank you for your continuing assistance in this matter.

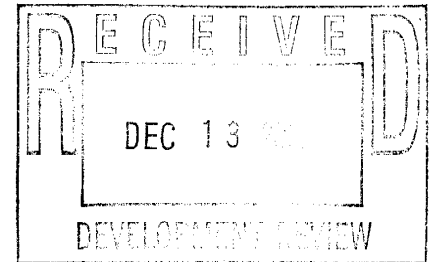
Very truly yours,

LINOWES AND BLOCHER LLP


Anne C. Martin

Attachments

cc: Mr. Robert Hillerson
Mr. David Weiss
Mr. William Landfair



December 11, 2007

Anne C. Martin
301.961.5127
amartin@linowes-law.com

**NOTICE OF APPLICATION FOR A LIMITED
AMENDMENT TO PROJECT PLAN**

PROJECT NAME: Monty LLC
M-NCPPC FILE NO: Project Plan: No. 920070020A
CURRENTLY ZONED: CBD-2
NO. PROPOSED LOTS: 1 Lot
AREA INCLUDED: Area of Property: 20,500 Square Feet; Gross Tract Area of Plan: 48,587 square feet
LOCATION: 4915 Fairmont Avenue, 4914 St. Elmo Avenue and 4918 St. Elmo Avenue; Property extends from Fairmont Avenue through to St. Elmo Avenue and is located to the west of Norfolk Avenue and east of Old Georgetown Road, Bethesda

The above-referenced Limited Project Plan Amendment Application was filed with the Montgomery County Planning Board on December 11, 2007. This notice is being sent to all adjacent property owners and appropriate civic and business associations of record with the Planning Board as required under Article 59-D of the Montgomery County Code. A copy of the Limited Amendment to Project Plan is enclosed for your information and review.

As shown on the enclosed plan in red, the Limited Amendment is for the purpose of increasing the maximum number of residential units permitted in the mixed-use building from 133 units to 200 units. This Limited Amendment is only to provide flexibility for more units within the approved density and height already approved for the project, but with a smaller average unit size than originally envisioned. There is no change proposed to any other of the approved project plan requirements for the development.

Please direct any written comments to the Maryland-National Capital Park and Planning Commission, Department of Planning-Development Review Division, at 8787 Georgia Avenue, Silver Spring, Maryland 20910. To review the complete application files, to obtain information about proposed Staff recommendations, or to offer your comments on the plans to the Staff,

please contact the Development Review Division Staff at (301) 495-4595. If you plan to comment at the hearing, the Planning Board encourages you to contact the Staff in advance.

A Staff recommendation on the Project Plan Limited Amendment application will be available 15 days before the public hearing.

Very truly yours,


Anne C. Martin

Enclosures

cc: ✓

Mr. Robert Kronenberg

ATTACHMENT B

SEP 12 2007



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

MCPB No. 07-143
Project Plan No. 920070020
Monty
Hearing Date: May 31, 2007

SEP 12 2007

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-2, the Montgomery County Planning Board ("Planning Board" or "Board") is required to review project plan applications; and

WHEREAS, on September 21, 2006, Monty LLC ("Applicant"), filed an application for Project Plan No. 920070020 for a maximum of 210,188 square foot mixed-use development, including a maximum of 133 residential units, of which 15% will be on-site MPDUs, and a maximum of 7,700 square feet of non-residential uses on the 20,500 square foot property (the total density of the project, with the density transfer properties, is 237,275 square feet); the property is located between St. Elmo Avenue and Fairmont Avenue to the east of Old Georgetown Road and to the west of Norfolk Avenue, in the Woodmont Triangle area of Bethesda, in the CBD-2 Zone ("Property" or "Subject Property"); and

WHEREAS, Applicant's project plan application was designated Project Plan No. 920070020, Monty (the "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated May 18, 2007, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on May 31, 2007, Staff presented the Application to the Planning Board at a public hearing for its review and action (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application;

APPROVED AS TO LEGAL SUFFICIENCY

 8/30/07

M-NCPPC LEGAL DEPARTMENT

WHEREAS, on May 31, 2007, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Perdue, seconded by Commission Wellington, with a vote of 3-0, Chairman Hanson and Commissioners Perdue and Wellington voting in favor, and Commissioners Bryant and Robinson absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board approved the Project Plan No. 920070020 for 210,188 square feet of development on the subject property, including 133 multi-family dwelling units, 15% of which will be MPDUs, and a maximum of 7,700 square feet of retail space, subject to the following conditions:

1. Development Ceiling

The proposed development shall be limited to a maximum of 210,188 gross square feet of development, including a maximum of 133 multi-family units and up to 7,700 square feet of retail space.

2. Building Height Mass

The height of the building shall not exceed the maximum of 174 feet, as measured from an identified point along Fairmont Avenue.

3. Density Transfer

- a. The Applicant shall provide verification of the density transfer from the sending parcels through recordation of a covenant that shall include all available standard method density to remain on the sending sites.
- b. The standard method density shall remain on the sending properties for if/when those properties redevelop under the standard method.

4. Transportation Planning

- a. The Applicant shall comply with the recommendations of the M-NCPPC Transportation Planning memo dated April 30, 2007, including future dedication along Fairmont Avenue and St. Elmo Avenue, a traffic mitigation agreement and pedestrian circulation.
- b. At the time of Preliminary Plan, the Applicant shall obtain the necessary approvals from the Montgomery County Department of Public Works and Transportation.
- c. At the time of Preliminary Plan, the Applicant shall dedicate the necessary right-of-way along Fairmont and St. Elmo Avenues.

- d. Prior to release of the building permit, the Applicant shall enter into a Traffic Mitigation Agreement with the Planning Board and Montgomery Department of Public Works and Transportation to participate in the Bethesda Transportation Management Organization.

5. Public Use Space and Streetscape Improvements

- a. The proposed development shall provide a minimum of 5,480 square feet of on-site public use space, including the area in front of the building along Fairmont and St. Elmo Avenues and within the pedestrian connection. This number represents 20 percent of the net lot area of the subject property and 10 percent of the net lot area of the transfer properties.
- b. The proposed development shall provide a minimum of 30% (10,480 square feet) of the net lot area of the cumulative properties (34,204 square feet) off-site amenities, including the streetscape improvements along the frontage of the property on Fairmont and St. Elmo Avenues to the intersection with Norfolk Avenue, a portion of the north side of Norfolk Avenue from the intersection with St. Elmo and on the east side of St. Elmo from the subject property to the intersection with Old Georgetown Road.
- c. The applicant shall provide a green roof. The green roof will also provide for stormwater management.
- d. The proposed public use space shall be easily and readily accessible to the general public and used for public enjoyment.

6. Moderately Priced Dwelling Units

- a. The Applicant shall provide 15% MPDUs of the total number of residential dwelling units in the project, consistent with the requirements of Chapter 25A. The development is receiving a 22% density bonus for providing additional MPDUs on the site. The final unit number and mix will be determined at site plan.
- b. The Applicant shall distribute the proposed MPDUs in accordance with Chapter 25A and DHCA review.

7. Public Art

The public art program shall be developed to include opportunities within the public use space as proposed that will reinforce the animation of the streetscape at the mid-block crossing, providing an active place for pedestrians and shoppers to congregate.

8. Staging of Amenity Features

- a. The proposed project shall be developed in one phase.

- b. Landscaping to be installed no later than the next growing season after completion of the proposed building and mid-block crossing.
- c. Streetscape improvements and public art to be installed prior to occupancy of the building.

9. Maintenance and Management Organization

The applicant shall become a member of and enter into an agreement with the Bethesda Urban Partnership for the purpose of maintaining public open spaces and participating in community events. If the project is subject to a condominium regime, the Condominium Association shall become a member of and enter into an agreement with Bethesda Urban Partnership within 90 days of formation.

10. Coordination for Additional Approvals

- a. The applicant shall present the public art components to the Art Review Panel for review and comment that will be available to the Planning Board prior to scheduling the Planning Board hearing for the site plan application.
- b. The applicant shall enter into a maintenance agreement for the applicable streetscape improvements subsequent to approval of site plan.
- c. The covenants for the transfer properties must be recorded subsequent to approval of the project plan.

BE IT FURTHER RESOLVED, that all site development elements shown on the Monty plans stamped by the M-NCPPC on March 15, 2007, shall be required except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, 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 § 59-D-2.43, the Montgomery County Planning Board, with the conditions of approval, FINDS:

1. Compliance with the Woodmont Triangle Sector Plan Goals

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

The project includes a maximum of 133 units, including 15% on-site MPDUs, with a unit mix of 1, 2, and 3 bedrooms. The integration of market-rate units with MPDUs provides opportunities within the housing market for a variety of income levels.

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

The project is preserving small-scale commercial uses on several properties by purchasing and transferring density to the subject property from sending parcels. These sending parcels will retain their development potential for the standard method process, allowing for smaller-scale retail to remain or expand in a limited manner. The new development includes 7,700 square feet of commercial space on the ground floor with access and frontage along Fairmont and St. Elmo Avenues as well as the mid-block connection, which will provide opportunities for visibility and access to the retailers on both streets. The amount of commercial gross floor area preserved on the sending parcels equals 27,087 square feet.

- c. *Arts and Entertainment District - Enhance the existing public arts programs in the Bethesda CBD and provide opportunities for both the visual and performing arts.*

The on-site amenities for the project will contain a public art component intended to draw the general public to the amenity space within the project. The art element includes a water feature near the northwest boundary by the mid-block pedestrian connection. The artist will integrate the piece into the landscape for a visual and emotionally calming effect.

- d. *Safe and Attractive Streets - Focus on improving the safety and character of the existing streets. Establish Norfolk Avenue as the main street in the Woodmont Triangle Study Area.*

The project will improve the safety and character of Fairmont and St. Elmo Avenues by removing old, functionally obsolete structures, providing an improved and consistent streetscape plan, and creating uses that activate the street and public spaces during day and evening hours. The retail uses that front onto the mid-block pedestrian connection and street, as well as the residential lobby, help to address CPTED (Crime Prevention Through Environmental Design) issues and provide for eyes on the space.

- e. *Public Amenities - Increase the flexibility in providing the public use space through the Optional Method of Development by allowing off-site and on-site fulfillment of this requirement, and by identifying a list of priority public amenities.*

The pedestrian linkage will connect the retail uses and public parking garages, and the streetscape will be improved on the entire eastern stretch of St. Elmo Avenue from Old Georgetown Road to the Norfolk Avenue intersection; a

portion of the north side of Norfolk Avenue; and on the west side of Fairmont Avenue in front of the property to the intersection with Norfolk Avenue. The proposed building is also providing a green roof for environmental benefit and to address stormwater management for the property. In addition to providing streetscape on the aforementioned streets and the green roof, the applicant is providing an art component as a public amenity.

2. Compliance with the Woodmont Triangle Sector Plan General Recommendations

- a. *Provide a range of housing opportunities, including new low-rise and high-rise housing, to serve a variety of income levels.*

The project will provide a 17 story high-rise building containing a maximum of 133 units, including 15% on-site MPDUs, to help fill the need for high-rise housing opportunities for a range of income levels.

- b. *Support the "step down" of building heights from the Metro station area to the edges of the Central Business District, but provide incentives for increased building heights to encourage new opportunities for housing for all income levels.*

The project is within 1600' of the metro station, and proximate to taller buildings and higher densities within the downtown core. The project provides for a height transition from the Metro Core to the Woodmont Triangle in compliance with the Woodmont Triangle Amendments (i.e., Norfolk Avenue and specifically Blocks 44 and 45 as identified in the Woodmont Triangle Amendment). The transfer of density from smaller parcels ensures a range of building sizes and scale within the Sector Plan area by retaining the smaller-scale retail and commercial spaces and providing the mixed-use development on the receiving site.

- c. *Protect the sunlight to the area's streets and spaces, particularly along Norfolk Avenue.*

The project, which is a stepped-back building, starting at the 6th floor and then again at the 15th floor, is situated north to south between St. Elmo and Fairmont Avenues. The property is approximately 100 feet southwest of Norfolk Avenue, and the project design will help retain adequate sunlight along St. Elmo, Fairmont, and Norfolk Avenues.

- d. *Provide sufficient building setbacks to adequately accommodate pedestrians and streetscape improvements.*

The project is dedicating frontage along St. Elmo and Fairmont Avenues to increase the sidewalks to 20 feet. The streets will be connected by an approximately 19-foot-wide mid-block public space allowing pedestrian passage. Also, the higher floors will be stepped back for visual interest and additional sunlight. The first step back starts at the sixth floor followed by a second step back at the 15th floor.

- e. *Review projects for compatibility with existing uses that ensure animation of the first floor space through commercial uses.*

The project will provide compatibility with existing retail uses by providing a retail frontage on St. Elmo Avenue, Fairmont Avenue and the pedestrian linkage, as well as improving the streetscape on the front of the subject property and the adjoining properties on St. Elmo Avenue with brick pavers and the Bethesda streetscape.

- f. *Provide street oriented retail, restaurants and other animating uses of building located along streets such as Norfolk Avenue and Cordell Avenue.*

The project includes 7,700 square feet of retail space on the first floor. There will be access to these areas from the mid-block connection, St. Elmo Avenue and Fairmont Avenue. The vehicular access points were separated; the garage entrance from St. Elmo Avenue and the loading entrance from Fairmont Avenue, to allow for wider retail frontage and the residential access to the building.

3. Compliance with the Woodmont Triangle Sector Plan Urban Design Guidelines

- a. *Design new buildings so that public streets and spaces retain adequate sunlight, particularly along Norfolk Avenue.*

The applicant provided a shade study as part of the revised plans for review, which demonstrate that the building location and "step-back" features minimize impact on sunlight to adjoining streets and properties.

- b. *Provide sufficient building setbacks to adequately accommodate pedestrians and streetscape improvements. Where outdoor restaurants are proposed, additional building setbacks may be required to accommodate pedestrian space and outdoor seating areas.*

The project façade on all three sides is exposed to public streets and use space, and contains building setbacks that allow for a transition from the street, thus creating a stepping affect. The commercial space on the ground

floor is proposed for retail with no outdoor use identified. The pedestrian linkage has been widened further through the review process to accommodate pedestrians and will include opportunity for seating areas. The pedestrian passage will also include specialty pavers and lighting, seating, landscaping and the public art element to make the space more inviting.

- c. *Review new projects for compatibility with existing uses and to ensure animation of the first floor space through use of retail, restaurant, or other activating uses.*

The project is compatible with the Woodmont Triangle Amendment to the Sector Plan and planned uses in the area. The proposed first floor retail space and mid-block pedestrian linkage as well as new residential units will provide economic opportunities for existing businesses in the vicinity of the project.

- d. *Provide street-oriented retail, restaurants, and other street animating uses on the first floor of buildings located along streets such as Norfolk Avenue and Cordell Avenue.*

The project will include street oriented retail and other street animating uses on the ground floor along St. Elmo and Fairmont avenues, which will be extended through the property and connected via the mid-block public use space.

4. Compliance with the Woodmont Triangle Sector Plan Public Amenities and Facilities Guidelines

- a. *Improve Norfolk Avenue as a pedestrian system that connects existing public facilities and amenities such as Battery Lane Urban Park, the Whitney Theater, the Bethesda Outdoor Stage, Imagination Stage, and Veterans Park to the Capital Crescent Trail. Renovation of Norfolk Avenue should include; utilities placed underground; Washington Globe street lights and other festive lighting; benches, bike racks, brackets for banners, and trash receptacles; street trees; outdoor seating for restaurants and cafes; public art; and special paving for sidewalks established as the standard for Bethesda.*

The property does not include frontage along Norfolk Avenue, although the applicant does propose streetscape improvements on St. Elmo and Fairmont Avenues to the intersection with Norfolk Avenue and on a portion of the north side of Norfolk Avenue. These improvements will improve the appearance and pedestrian environment to the Norfolk Avenue corridor, which serves as a major artery within the Woodmont Triangle area.

- b. *Provide the Bethesda streetscape on other streets in the study area, such as Cordell Avenue.*

In addition to the proposed streetscape improvements on the north side of Norfolk Avenue, the project proposes streetscape improvements on the east side of St. Elmo from Old Georgetown Road to the intersection with Norfolk Avenue, and in front of the property along Fairmont Avenue to Norfolk Avenue.

- c. *Establish north-south, mid-block pedestrian connections for the blocks located between Old Georgetown Road and Norfolk Avenue.*

The project will include a mid-block pedestrian link between St. Elmo and Fairmont avenues for connectivity and convenience to break up the existing long blocks, which presently deter pedestrian movement.

- d. *Establish a network of diverse urban spaces when including public use space on-site.*

The pedestrian linkage will include pavers, a water feature, landscaping, lighting, and other amenities to create a safe and visually interesting and animated space. This linkage will highlight the retail façade along the corridor, and provide more convenient access between the streets and other adjacent uses.

- e. *Blocks 44 and 45 are the blocks in the Woodmont Triangle Study Area that are closest to Metro and provide the potential for higher density redevelopment. The existing zoning on these blocks is CBD-1 and CBD-R2. In order to encourage residential redevelopment, the Sectional Map Amendment recommends changing the existing CBD-1 zoning to CBD-2, with an FAR of 5.0 for all properties in these blocks and a height limit of 143 feet or 174 feet with a 22% MPDU bonus.*

The property was classified to the CBD-2 zone and is located within this designated area of the Woodmont Triangle Study Area. It maximizes development as recommended in the Woodmont Triangle Amendment by incorporating additional building height up to 174 feet with a 22% MPDU density bonus (with 15% of the total units being on-site MPDUs). The 174 feet is equivalent to 22 percent above the permitted 143 allowed in the CBD-2 Zone due to the provision of on-site MPDUs.

5. (59-C-6.212) Intent of the Zones

- (a) *To encourage development in accordance with an adopted and approved master or sector plan . . . by permitting an increase in density, height, and*

intensity where the increase conforms to the master or sector plan . . . and the site plan . . . is approved on review by the Planning Board.

The applicant meets the goals of the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan by:

- Utilizing density transfers from within the transfer area to increase the supply of housing, including on-site MPDUs to increase choices for a variety of incomes.
- Transferring density from existing commercial properties within the transfer area to retain existing businesses.
- Providing 7,700 square feet of non-residential uses on the ground floor to provide opportunity for new businesses.
- Increasing the attractiveness of streets by demolishing numerous vacant and functionally obsolete structures, and improve streetscape with both on and off-site improvements in the vicinity.
- Providing public use space that is artistically designed with seating and a water feature, and includes a mid-block pedestrian connection providing additional storefront area to animate the space.

(b) To permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central business districts to meet the needs and requirements of works, shoppers, and residents.

The applicant proposes a 17-story, 133-unit (maximum) development to include 15% MPDUs. This allows for the applicant to achieve an increase in maximum height from 143' to 174', utilizing the 22% residential density bonus.

The project focuses on high-rise development where infrastructure, services and amenities exist. The project will address housing needs within the County and improve retail and amenities within the area. The 15% MPDUs will be located on-site in compliance with Chapter 25A. The applicant has been involved in the Woodmont Triangle Amendment process for 3 years. The project will provide greater streetscape activity and frontage by eliminating surface parking. "Step-back" features are offered on higher floors to address height differences, which is consistent with Section 59-A-2.1 of the Code.

(c) To encourage designs which produce a desirable relationship between the individual buildings in the CBD, between the buildings and the circulation system, and between the CBD and adjacent areas.

The proposed project is being submitted in compliance with recent changes to the Bethesda CBD Master Plan, which include in particular changes in this area of the CBD to encourage redevelopment efforts. It is consistent with the new Sector Plan

Amendment, and is compliant with the goals of the Plan amendments. There are similar structures in the CBD, but it appears this may be one of the initial proposals as part of the new redevelopment approach in this specific neighborhood. The proposed transfer of density from smaller properties preserves the small-scale character of those properties. The pedestrian linkage and streetscape improvements are also consistent with the Plan.

- (d) *To promote the effective use of transit facilities in the CBD and pedestrian access thereto.*

The applicant is proposing a mid-block pedestrian linkage that will improve the streetscape and connectivity between Fairmont and St. Elmo avenues, which is a goal of the Plan. The sidewalk improvements will enhance pedestrian circulation and provide more convenient access to alternative modes of transportation. The applicant is proposing a maximum of 133 units and the 197 parking spaces proposed meets the required need for the project.

- (e) *To promote improved pedestrian and vehicular circulation.*

As noted above, the applicant is proposing a mid-block pedestrian crossing as well as on and off-site public street improvements. This pedestrian access opens up more convenient access to public parking decks and other retail uses in the vicinity. The plan does not provide at this time any projected traffic flow patterns beyond ingress and egress of the underground parking area. The vehicular access points were separated; the garage entrance from St. Elmo Avenue and the loading entrance from Fairmont Avenue, to allow for wider retail frontage and the residential access to the building.

- (f) *To assist in the development of adequate residential areas for people with a range of different incomes.*

The project is providing at least 3 different dwelling unit sizes, including 15% on-site MPDUs. The unit density decreases from approximately 10-11 units on the lower floors to approximately 3-6 units on the upper floors, which reflects a similar range in marketable price.

- (g) *To encourage land assembly and the most desirable use of land in accordance with a sector plan.*

As noted in subsection (a) of this section of the ordinance, the project is proposing to meet the 5 primary goals of the amended Plan. This is further outlined in the applicant's Project Plan Submission-Tab 3.

6. (59-C-6.213) Additional Intent of certain zones

(a) *In the CBD-0.5, CBD-R1, and CBD-1 zones it is further the intent:*

- (1) *To foster and promote the orderly development of the fringes of the Central Business District of the county so that these areas will provide land uses at a density and intensity which will encourage small businesses enterprises and diverse living accommodations, while complementing the uses in the interior portions of these districts; and*
- (2) *To provide a density and intensity of development which will be compatible with adjacent land uses outside the Central Business Districts.*

This section does not apply to this project.

(b) *In the CBD-R1, CBD-R2, CBD-2 and CBD-3 zones, it is further the intent to foster and promote the orderly development of the CBDs of the county so that these areas will enhance the economic status of the county as well as providing an expanding source of employment and living opportunities for its citizens in a desirable urban environment.*

As noted above the proposed development will provide increased opportunities through a mixed-use development project to include both commercial and residential uses.

(c) *In the CBD-2 it is further the purpose:*

- (1) *To provide a density and intensity of development which will permit an appropriate transition from the cores of CBDs to the less dense peripheral areas within and adjacent to the districts.*

As noted above, the property is located toward the more developed urban core, within an area outlined in the Plan for more intense development as proposed.

- (2) *To provide an incentive for the development of residential uses to meet the needs of those employed within the CBDs and those who will be able to use the district transit facilities to travel to and from places of employment.*

The applicant proposes to provide a maximum of residential units from 1 to 3 bedrooms in size, and includes 15% on-site MPDUs, all of which will create a range in market price. It will also include 7,700 square feet of non-residential space, which will provide retail services for the residents, employees and visitors to the area. The improved streetscapes will

provide an improved pedestrian environment to access other establishments in the area or the transit facilities.

7. (59-C-6.215(b)) Methods of development and approval procedures

(a) Standard Method of development.

This section does not apply to this application.

- (b) Optional Method. Under the optional method greater densities may be permitted and there are fewer specific standards, but the developer must provide certain public facilities and amenities. The presence of these facilities and amenities is intended to make possible the creation of an environment capable of supporting the greater densities and intensities of development permitted. If residential uses are included in a development, moderately priced dwelling units must be provided in accordance with chapter 25A. The maximum dwelling unit density or residential FAR may be increased in proportion to any MPDU density bonus provided on-site. The procedure for approval of an optional method project is specified in Division 59-D-2, and the procedure for approval of this site plan is specified in Division 59-D-3.*

In order to achieve the objectives of the Woodmont Triangle Amendment, the Property must be developed pursuant to the optional method of development. The standard method of development would only yield a maximum of 3 FAR for a mixed-use development, a density yield far below that appropriate and recommended in the Woodmont Triangle Amendment for the Property given its location in the Woodmont Triangle area. The additional density with the optional method of development, including the ability to transfer density from smaller retail properties in the Woodmont Triangle Area as recommended in the Woodmont Triangle Amendment, enhances the ability and feasibility to provide more housing in this area, including housing for a variety of income levels with the on-site MPDUs.

Further, under the standard method of development, a development on the Property would yield only minimal public use space (especially since the development would not be utilizing the area or density of the Density Transfer Properties) and no amenity component. As described in detail herein, the applicant is proposing 5,480 square feet of public use space on-site and 13,780 square feet of amenity space off-site. In addition to the proposed public use space and amenity, the applicant is leaving the required 10 percent requirement for public use space on the sending parcels to allow for future development. Under the standard method of development, the applicant would only have to provide 2,050 square feet of public use space (10% of net lot area), which would not include any amenity

component on or off-site and would not include the desired pedestrian link through the block. Therefore, under the standard method of development, the project would provide 8,630 square feet less area (80% less area) of on and off-site public use area improvements, and the desired mid-block pedestrian connection, the artwork and fountain within the connection area and the off-site streetscaping would not be achieved.

The Woodmont Triangle Amendment recommended that the minimum lot area for the Optional Method of Development be reduced from 22,000 square feet to 18,000 square feet County-wide with no minimum area for those properties in the Woodmont Triangle Area. The Woodmont Triangle Amendment further recommended that smaller retail properties in the Woodmont Triangle Area transfer density to larger optional method projects to retain the character of the area while providing meaningful developments that satisfy the desired housing and amenity visions for the area. The Project qualified for the optional method of development with the change in the zoning regulations for minimum lot size, and the Project is using the Density Transfer Properties to achieve the desired density on the Property, thus the Project, by taking advantage of these recommendations (which were implemented by the County Council) further satisfies the recommendation for more optional method of development projects in the Woodmont Triangle Amendment.

As such, the optional method permits a more efficient and desirable development than that which could be accomplished by utilizing the standard method of development (in satisfaction of Section 59-D-2.12(f) of the Zoning Ordinance).

In addition to a more appropriate transit-oriented density of development provided by the Project, the public facilities and amenities provided will create the desired emphasis on the Woodmont Triangle as a vibrant urban, mixed-use neighborhood that emphasizes residential, small-scale retail, the arts, and public amenities. Under the standard method of development, only 10 percent of on-site public use space is required, the housing potential and provision of on-site MPDUs is not realized and no additional amenities for public benefit are required. By utilizing the optional method of development, the Project will provide 80% more on and off-site public use space and amenities, which includes the density and public use space area from the Density Transfer Properties. Therefore, the public will enjoy a greater portion of on-site public use space, which will include the pedestrian linkage through the block that will consist of inviting decorative pavers, artwork and a fountain area along a retail façade. This pedestrian connection is specifically recommended in the Woodmont Triangle Amendment to provide pedestrians more convenient access from the Bethesda Metro Station, the bus facilities and the public parking garages to the numerous retail and business uses in the Woodmont Triangle area. In addition to the on-site pedestrian linkage that is possible with the optional method of development, the Project will also provide off-site streetscape

enhancements on St. Elmo, Fairmont and Norfolk Avenues, including pavers, street trees, benches and receptacles that are part of the Bethesda Streetscape plan. In summary, the redevelopment of the Property using the optional method of development provides the opportunity to improve the visibility and attractiveness of the Property to provide homes, including MPDUs, a mid-block pedestrian linkage, improved streetscapes, ground-floor retail, and public amenities.

8. (59-C-6.22) Land Use

No use is allowed except as indicated in the table of uses under this section.

The residential uses proposed are all permitted uses in this zone. The non-residential portion of the development will be subject to review of the uses as requested at time of building permit for each of the provided non-residential spaces identified in the project.

9. (59-C-6.23) Development Standards

The applicant meets all of the applicable development standards for this project as demonstrated in the following data table:

PROJECT DATA TABLE FOR CBD-2 ZONE

| | <u>Zoning Ordinance Development Standards</u> | <u>Approved by Planning Board and binding on Applicant</u> |
|--|---|--|
| Gross Tract Area (sf): (Includes sending and receiving parcels) | 18,000 | 48,587 sf |
| Max. Density: | | |
| Non-Residential Density | | |
| FAR: | 0.12 | 0.12 |
| (SF) | (7,700) | (7,700) |
| Existing Non-Residential to remain | | |
| On transfer sites (sf): | | 27,087 |
| Residential Density (s.f.): | | |
| (before MPDU bonus) | | 165,974 |
| Residential Density Bonus | | 36,514 |
| Total Residential and Non-Residential Density: | | 237,275 |
| Total Density (FAR): | | <u>4.88</u> |
| (s.f.) | | (237,275 to remain and proposed) |
| Total Number of Units: | 133 | 106* |
| MPDUs (%): | 15 | 16* |

| | | |
|--|----------------------------------|---|
| (number of units) | 20 | |
| Max. Building Height (ft.): | 143-200 (subject to Footnote 11) | 174 (as measured From Fairmont Avenue)** |
| Number of Floors | Not specified | 17 |
| Min. Building Setbacks (ft.): | | |
| Front Yard (Fairmont Avenue) | -- | 11 |
| Rear yard (St. Elmo Avenue) | -- | 10 |
| Side Yard (north) | -- | 0 |
| Side Yard (south) | -- | 15 |
| Parking (number of spaces): | | |
| Residential Uses (Mkt. Rate) | | |
| 1 BR @ 1.25 sp./unit (12 x 1.25) | 15 | |
| 2 BR @ 1.50 sp./unit (79 x 1.5) | 118.5 | |
| 3 BR @ 2.00 sp./unit (22 x 2.0) | 44 | |
| Residential Uses (MPDUs) | | |
| 1 BR @ 0.625 sp./unit (2 x 0.625) | 1.25 | |
| 2 BR @ 0.75 sp./unit (18 x 0.75) | <u>13.5</u> | |
| Residential subtotal: | 192.25 | |
| 15% credit for residential in CBD | <u>(28.84)</u> | |
| Required residential parking | 163.41 | |
| Non-residential Uses: | | |
| (7,700 gsf @ 5 sp./1000) | 38.5 | |
| 15% CBD/Metro Credit | <u>(5.78)</u> | |
| Non-residential sub-total | 32.72 | |
| Total Parking Required | 196.13 | 197 |
| Public Use Space (% of net lot area): | | |
| On-Site | 20% or 5,472 sf | 5,480 sf (see chart below, includes public use space to remain on sending parcels) |
| Off-Site and Amenity Space | | 30% or 10,480 sf |
| Total On Public Use Space and Off-Site Amenity | | 45% or 30,273 sf |

- * Final unit sizes and mix to be determined at Site Plan based upon architectural and market considerations, but maximum number shall not exceed 133 units.
- ** Twenty-two percent bonus height over Zoning Ordinance as recommended in Woodmont Triangle Amendment based on the provision of 15% MPDUs on-site. The Planning Board may approve building height above 143 feet up to 200 feet per Section 59-C-6.2 of the Zoning Ordinance.

| Parcel Number | Zone | Net Lot Area | Required Min. Public Use Space (%) | Required Min. Public Use Space (Sf.) |
|--------------------------|-------|--------------|------------------------------------|--------------------------------------|
| P/o lots 54-57 and 87-90 | CBD-2 | 20,500 | 20 | 4,100 |
| P/o lot 273 | CBD-1 | 2,625 | 10 | 263 |
| P/o lot 80 | CBD-2 | 2,500 | 10 | 250 |
| P/o lot 573 and 574 | CBD-1 | 3,117 | 10 | 312 |
| P/o lot 252 | CBD-1 | 2,625 | 10 | 263 |
| P/o lot 376 and 377 | CBD-1 | 2,837 | 10 | 284 |
| Totals | | 34,204 | | 5,472 |

Following is brief overview of those standards that apply to this project and how the applicant meets them:

(§59-C-6.234(b)(3)) Floor Area (FAR) Ratio

The applicant has purchased the transfer development rights of several properties in CBD-1 and CBD-2 zones within the allowable area, thus achieving an overall base gross lot area of 48,587 square feet. As demonstrated on the Gross Tract Area Tabulation and the Project Data Table, the total FAR of the project will be 4.88.

(§59-C-6.235(b)) Building Height

The proposed building height of 174 feet is permitted pursuant to Footnote 11 to §59-C-6.235(b), which states that under the optional method of development process, the Planning Board may approve height over 143 feet, but no more than 200 feet. In order to approve height over 143 feet, the Planning Board makes the following findings:

- (1) The additional height is specifically recommended for the property in the applicable sector plan or urban renewal plan or the property is within a revitalization area designated in the applicable sector plan and is located fully or partially within 800 feet of an entrance to a metro station;*

The applicant does meet the first condition as reflected on page 24 of the Woodmont Amendment to the Sector Plan for the Bethesda CBD, which states that " blocks 44 and 45" where this property is located " recommends...a height limit of 143 feet or 174 (feet) with a 22% MPDU bonus."

- (2) *The additional height is consistent with the criteria and guidelines for the property as contained in the applicable sector plan or an urban renewal plan approved by the County Council under Chapter 56, or in the case of a site outside an urban renewal area, accomplishing the objectives of incorporating residential development with commercial development in a mixed use project in close proximity to a metro station otherwise unobtainable due to site conditions, proximity of adjacent non-residential buildings, or other physical constraints which prevent the achievement of sector plan objectives;*

A maximum building height of 174 feet is permitted in the sector plan with the use of a 22% MPDU bonus for the proposed 15% on-site MPDUs.

- (3) *The proposed development is compatible with the surrounding development, considering but not limited to the relationship of the building or buildings to the surrounding uses, the need to preserve light and air for the residents of the development and residents of surrounding properties, and any other factors relevant to the height of the building; and*

The applicant has provided a step back of the building on higher floors to open lighting into the public use, mid-block pedestrian area, and to St. Elmo and Fairmont avenues. Most of the area that will be most often shaded is a public parking deck on the opposite (north) side of St. Elmo Avenue. The applicant has provided a shade study, which demonstrates that there will be limited impacts to the light and air for the residents of the development and surrounding properties. The applicant further increased the stepping of the building and width of the pedestrian linkage since the initial submission.

- (4) *The proposed development will provide additional public facilities and amenities beyond what could otherwise have been provided if the excess height were not approved. Such facilities must be accessible to and usable by the public in accordance with the applicable sector or master plan or urban renewal plan.*

The proposed development will provide additional public facilities as outlined in the amenities package that are above those required for the standard method of development.

10. (§59-C-6.233) Public Use Space

The applicant has satisfied the requirements for public use space, based on inclusion of the following qualifying improvements:

1. A total of 10,480 square feet of on and off-site public use space and streetscape improvements consistent with the Bethesda Streetscape Plan.
2. Inclusion of off-site streetscape improvements and a green roof above and beyond the 20% required on site.
3. Additional conceptual details of seating, wider pedestrian linkage, added landscaping, public art, and water feature.

11. (59-C-6.2355) Special Regulations for Optional Method of development projects for more than (one) lot involving a density transfer.

(a) *The Planning Board may approve an optional method of development project for more than one lot in the same Density Transfer Area that are not adjacent to each other, but when combined, the lots total a minimum of 18,000 square feet, or less if recommended in a master of sector plan. The optional method of development project must comply with the project plan approval requirements of Section 59- D-2.42(g) and the following provisions:*

(i) *Density transferred is measured in terms of gross square feet of development.*

This requirement has been satisfied.

(ii) *The lot that receives a density transfer must not abut or confront a one-family residential zone.*

This requirement has been satisfied.

(iii) *The development capacity of the combined lots may be transferred among lots as shown on the project plan approved by the Planning Board; however, the development capacity of the combined lots must not exceed the total development capacity otherwise permitted on the separate lots under the optional method of development procedure or any density limit recommended in a master or sector plan.*

The applicant has submitted calculations to demonstrate that standard method development rights will remain for the existing properties and that the combined density for the optional method will not exceed what could be achieved on the properties individually.

(iv) *Public use space must be provided based on the total area of the lots included in the optional method of development project and may be*

distributed among lots as shown on the project plan approved by the Planning Board, in consideration of any master plan public use space recommendation. Public use space may be located off-site in the same density transfer area if the Planning Board finds that an off-site location implements a master or sector plan recommendation.

The on-site public use space requirements have been satisfied by providing the 20 percent of the net lot area of the subject Monty property and 10% from the transfer properties for the project, while retaining the 10 percent requirement on the sending sites to provide for future development.

- (b) *A density transfer must be established, transferred, and attached to a property only by means of documents, including an easement and appropriate releases, in a recordable form approved by the Planning Board. Any easement must:*
- (i) *limit future construction of the property that transfers the density to the amount of gross square feet of the building minus all development transferred;*
 - (ii) *indicate the amount of development, in gross square feet to be transferred;*
 - (iii) *indicate the maximum gross square feet of future development for the property that transfers the development credit, but no less than the amount that could be constructed on the property under the standard method of development; and*
 - (iv) *be recorded in the land records of Montgomery County.*

The density transfer for this Application must comply with Condition No. 3. The following sets forth the density approved by the Planning Board for the site:

| | Applicant |
|---------------------------------------|-----------|
| Total Gross Tract Area | 48,587 |
| Total Available GFA before MPDU Bonus | 173,674 |
| Less Retail GFA | 7,700 |
| Base Residential GSF | 165,974 |
| Plus 22% MPDU Bonus | 36,514 |
| Total Allowable Residential GSF | 202,488 |
| Plus Existing Non-Res GFA to Remain | 27,087 |
| Plus Proposed Retail GSF | 7,700 |
| Total Allowable GSF with Bonus | 237,275 |
| Total Allowable FAR with Bonus | 4.88 |

12. (59-D-2.42) Findings required for approval

The Planning Board can approve, or approve with modifications, an application only if it finds that the proposed development meets all of the following requirements:

(a) It would comply with all of the intents and requirements of the zone.

With the conditions of approval, the Application meets all of the intents and requirements of the CBD-2 zone.

(b) It would conform to the applicable sector plan or urban renewal plan. In the case of the inclusion of MPDUs, the Planning Board must decide which if any of the following measures subject to Chapters 59 or 50 should be approved to assure the construction of all required MPDUs on site:

(1) exceeding an applicable height limit, lower than the maximum height in the zone, that is recommended in a master plan or sector plan, or

The project complies with the 174' applicable height limit as prescribed in the sector plan amendment.

(2) exceeding an applicable residential density limit, lower than the maximum density in the zone, that is recommended in a master plan or sector plan, or

The project complies with the residential density limits per the transfer of development rights from identified properties, and total base gross square feet.

(3) locating any required public use space off-site.

The Planning Board accepts for Project Plan review the off-site public use space proposed in the Application. However, the Planning Board directed the Applicant at the Hearing to provide additional off-site amenities on Norfolk or Fairmont Avenues at site plan.

(c) Because of its location, size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.

Although the project complies with the guidelines and recommendations of the sector plan amendments, it appears that this project is one of the first proposals to utilize these recently adopted provisions, and, therefore, would not be consistent

with existing structures in the immediate neighborhood, but is compatible with the immediate neighborhood as it is providing improvements for the property and the community as a whole with the new retail façade, housing, streetscapes, and pedestrian linkage. Further, the project is consistent with the Woodmont Amendment goals and recommendations guiding redevelopment in this area of the Bethesda CBD.

- (d) *It would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under chapter 42A, article II, is subject to a traffic mitigation agreement that meets the requirements of that article.*

This proposal complies with recommendations of the sector plan to locate development and redevelopment where services currently exist. The applicant has provided a draft traffic mitigation agreement and will provide a Traffic Study.

- (e) *It would be more efficient and desirable than could be accomplished by the use of the standard method of development.*

Optional method for this project is a more efficient and desirable approach for development than could be accomplished by use of the standard method, because it will include the following; pedestrian linkage, streetscape amenities, underground parking, retail frontage, and on-site MPDUs.

- (f) *It would include moderately priced dwelling units in accordance with chapter 25A of this Code, if the requirements of that chapter apply.*

Section 25A, which applies to this development states under subsection 25A-5 (b) (3) that "in multi-family dwelling unit subdivisions, the number of efficiency and one-bedroom MPDUs each must not exceed the ratio that market-rate efficiency and one-bedroom units respectively bear to the total number of market-rate units in the subdivision."

Although the Project Plan only provides a preliminary classification of MPDUs, the applicant will provide a bedroom allocation during site plan review that complies with the ratios specified in Chapter 25A, which reflected in the current parking space numbers is 12 of 113 to 2 of 20 for one-bedroom, consistent with the ratio requirements.

Section 25A of the Code also requires that the developer enter into a written MPDU agreement approved by the Department of Housing and Community Affairs and the County Attorney at site plan, prior to approval of the certified site plan and building permit.

- (g) *When a project plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from one lot to another or transfer densities within a lot with two or more CBD zones, pursuant to the special standards of either section 59-C-6.2351 or 59-C-6.2352 (whichever is applicable), the project plan may be approved by the planning board based on the following findings:*

- (1) *The project will preserve an historic site, building, structure or area as shown on the Locational Atlas and Index of Historic Sites or the Master Plan for Historic Preservation; and/or*

This provision is not applicable to the proposed development.

- (2) *The project will implement an urban renewal plan adopted pursuant to Chapter 56 of the Montgomery County Code; and/or*

This provision is not applicable to the proposed development.

- (3) *The project will result in an overall land use configuration that is significantly superior to that which could otherwise be achieved.*

The transfer of density from the existing commercial properties will achieve the land use configuration envisioned in the Woodmont Triangle Amendment to preserve the small-scale retail and character of the area, but achieve additional residential density and associated amenities on sites that are suitable for redevelopment with a mixed-use project.

- (h) *Any applicable requirements for forest conservation under Chapter 22A.*

The project was granted an exemption per Montgomery County Code Chapter 22A, NRI/FSD #4-07003E for small property.

- (i) *Any applicable requirements for water quality resource protection under Chapter 19.*

The property is not in a special protection area. The applicant will submit a stormwater management concept approval as required with the subsequent site plan application. The application does provide that the project will be supplied with public water and sewer, and has a W/S classification of W-1 & S-1. It further provides that the property is located in the Rock Creek watershed and is classified as Use 1.

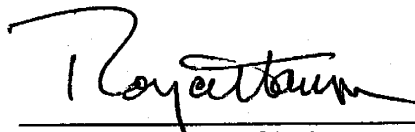
BE IT FURTHER RESOLVED, that this project plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this written opinion is SEP 12 2007 (which is the date that this opinion 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 written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court - State).

* * * * *

At its regular meeting, held on Thursday, September 6, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Robinson, seconded by Commissioner Bryant, with Commissioners Hanson, Bryant, and Robinson voting in favor, and Commissioners Cryor and Lynch abstaining, ADOPTED the above Resolution, which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Project Plan No. 920070020 – Monty.



Royce Hanson, Chairman
Montgomery County Planning Board

Site Description and Vicinity

The subject site is located between Fairmont Avenue and St. Elmo Avenue in Bethesda. The property is zoned CBD-2. The property is currently improved with one-story and two-story buildings containing commercial uses fronting both Fairmont and St. Elmo Avenues, and a paved surface parking area. The property drops in grade approximately 6' from Fairmont Avenue to St. Elmo Avenue. Some of the current structures are vacant or used for storage, with a majority of active commercial retail space located on St. Elmo Avenue. The property is adjacent to a parking structure on the west side, commercial space on the east side, and office space on the north side, across St. Elmo Avenue. A project undergoing similar redevelopment efforts is located across Fairmont Avenue on the south side.

