



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

**Staff Report: Site Plan 820090110, The Monty**

**ITEM #:** \_\_\_\_\_

**MCPB HEARING DATE:** July 2, 2009

**REPORT DATE:** June 22, 2009

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief  
Robert Kronenberg, Supervisor *PAK*  
Development Review Division

**FROM:** Elza Hisel-McCoy, Assoc. AIA, LEED-AP *EM*  
Coordinator  
Development Review Division  
301.495.2115  
elza.hisel-mccoy@mncppc-mc.org

**APPLICATION DESCRIPTION:**

Mixed-use 17-story multi-family apartment building with a maximum of 200 units, including 30 MPDUs (15 percent), and up to 7,700 square feet of ground-floor retail, with a through-block pedestrian connection and public art, on 1.12 acres of CBD-2-zoned land in Bethesda's Woodmont Triangle; located on Fairmont Avenue, 150 south of Norfolk Avenue; Woodmont Triangle Sector Plan Amendment to the Bethesda CBD Sector Plan

**APPLICANT:** Monty, LLC

**FILING DATE:** January 23, 2009

**RECOMMENDATION:** Approval with conditions

**EXECUTIVE SUMMARY:**

The Monty is an attractive urban infill redevelopment project in the Woodmont Triangle. The project provides a Sector-Planned through-block pedestrian promenade that features a singular public artwork and retail entrances that will activate the space.

---

**TABLE OF CONTENTS**

---

<b>SITE DESCRIPTION</b>	<b>3</b>
Vicinity	3
Site Analysis	3
<b>PROJECT DESCRIPTION</b>	<b>6</b>
Previous Approvals	6
Proposal	6
<b>PROJECT ANALYSIS</b>	<b>13</b>
Master Plan	13
Transportation & Circulation	13
Development Standards	13
Community Outreach	15
<b>FINDINGS</b>	<b>15</b>
<b>RECOMMENDATION &amp; CONDITIONS</b>	<b>17</b>
<b>APPENDICES</b>	<b>20</b>

---

---

**ILLUSTRATIONS & TABLES**

---

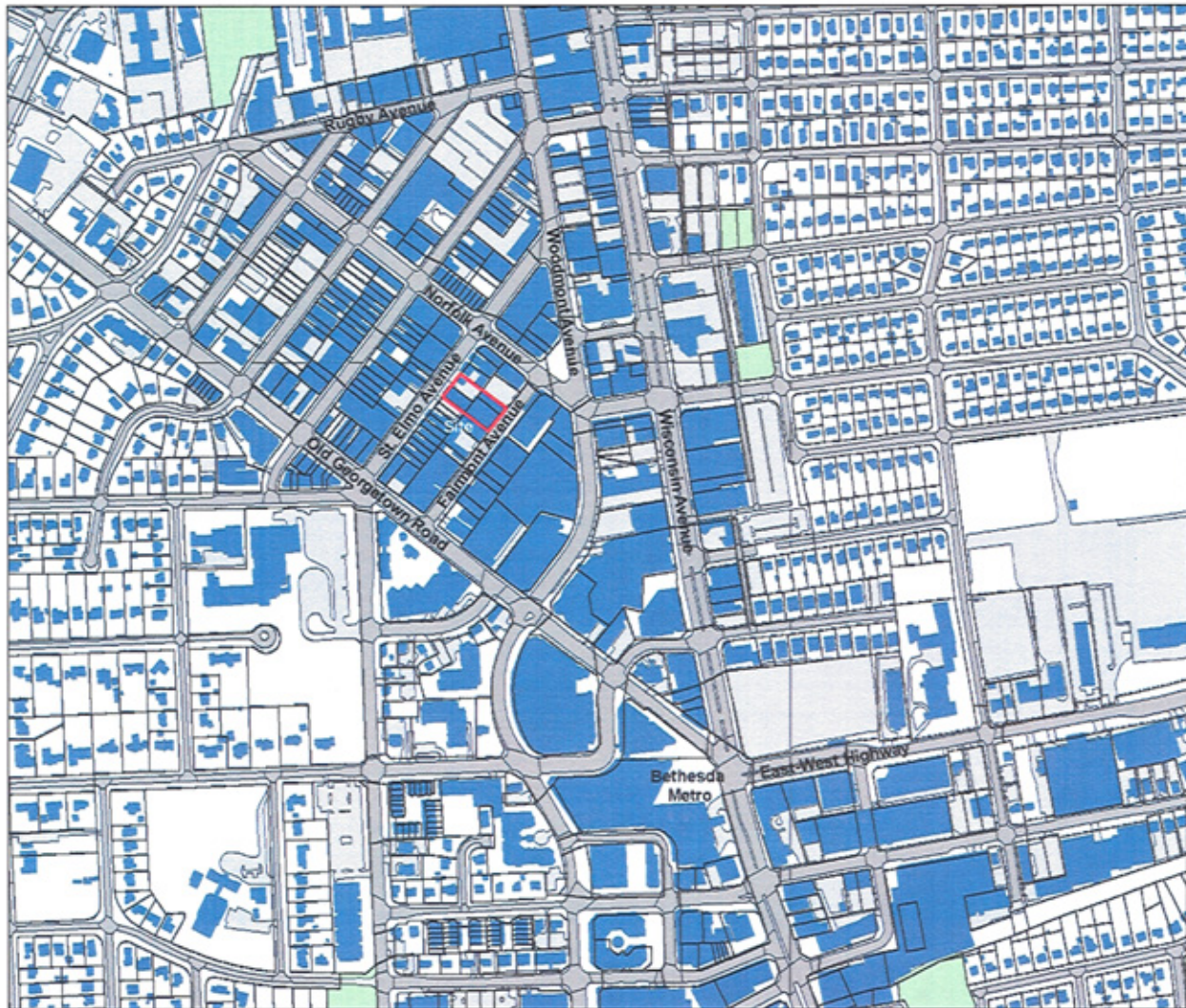
<i>Vicinity Map</i>	3
<i>Aerial Photograph</i>	4
<i>Birdseye Photograph</i>	5
<i>Illustrative Site Plan</i>	6
<i>Overall Art Concept</i>	7
<i>Process Illustration</i>	7
<i>Art Panel Detail Views</i>	8-9
<i>Off-Site Amenity Plan</i>	10
<i>Street View of Pedestrian Promenade</i>	10
<i>St. Elmo Avenue Elevation</i>	11
<i>Fairmont Avenue Elevation</i>	12
<i>Project Data Table</i>	15

---

## SITE DESCRIPTION

### Vicinity

The subject site is located in the heart of the Woodmont Triangle section of the Bethesda CBD, on the block bound by Norfolk Avenue to the north, Fairmont Avenue to the east, Old Georgetown Road to the south, and St. Elmo Avenue to the west. The surrounding blocks accommodate, in mostly low-rise buildings, a mix of retail, restaurant, commercial and residential uses, as well as civic features like Veterans Plaza, Battery Lane Park, and the Imagination Stage. The site is a short walk to the Bethesda Metro station and Bethesda Row, and is convenient to the Capital Crescent Trail.



*Vicinity Map*

### Site Analysis

The subject site is currently occupied by several one- and two-story commercial/retail buildings and a surface parking lot and is currently served by public water and sewer.



*Aerial Photo*



*Birdseye Photo*

## PROJECT DESCRIPTION

### Previous Approvals

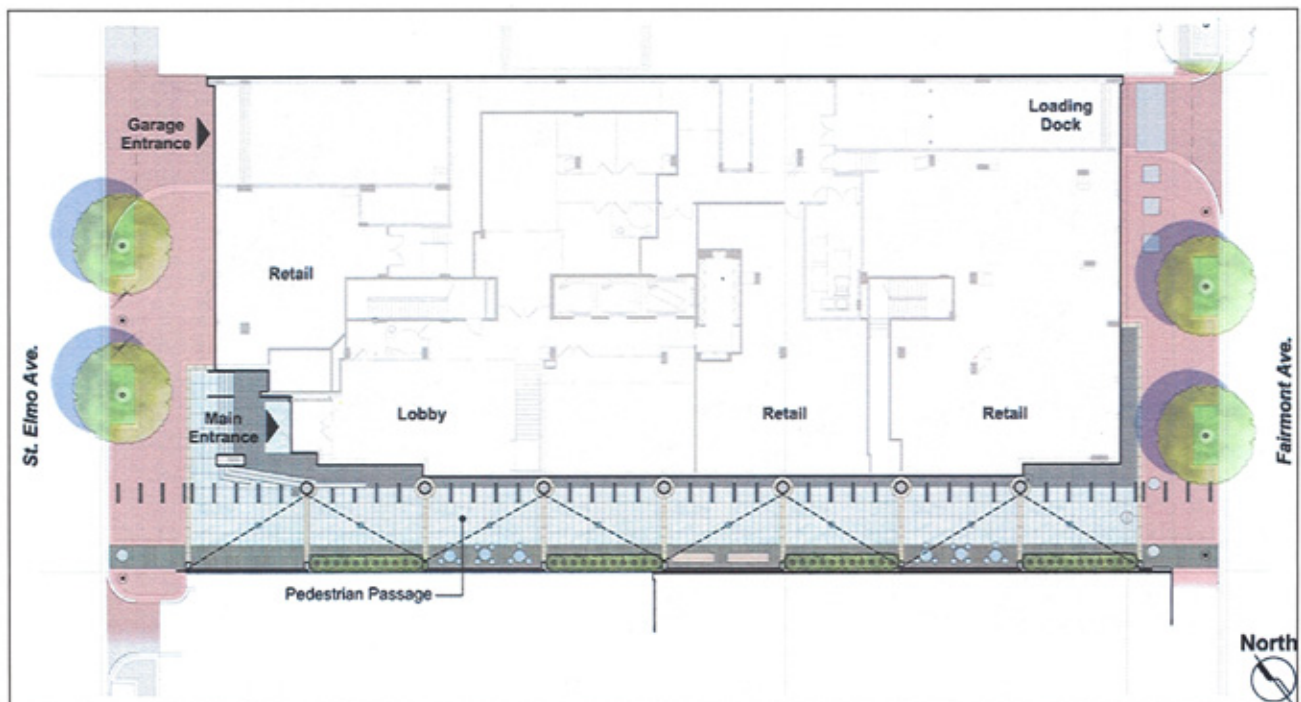
On May 31, 2007, the Planning Board approved Project Plan 920070020, for a maximum 210,188-sf. mixed used development, with up to 133 dwelling units (including 15% MPDUs) and 7,700 sf. of “non-residential” uses. This original Project Plan included a number of density transfer sites throughout the Woodmont Triangle. On February 7, 2008, the Board voted to approve a Project Plan Amendment, 92007002A, to increase the number of units from 133 to 200.

On March 12, 2009, the Board approved Preliminary Plan 120090060 for the creation of one 24,500-sf. lot for a mixed use building with up to 210,188 gross sf., including 202,488 sf. of residential development in a maximum of 200 dwelling units (with 15% MPDUs) and 7,700 sf. of retail.

### Proposal

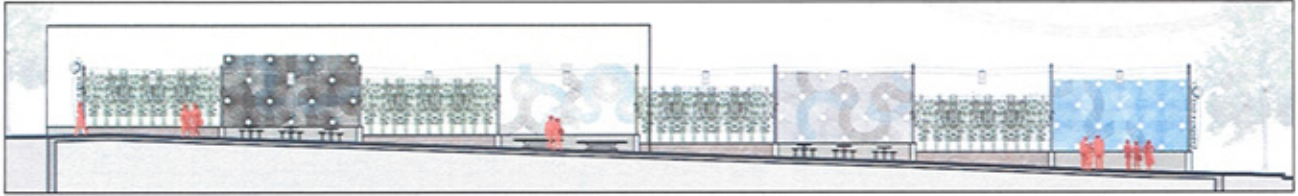
The development proposes a total of 210, 188 sf. of mixed-use development, with 200 dwelling units (including 15% MPDUs) over 7,700 sf. of ground floor retail. The building would stand a maximum of 17 stories, or 174’, and have face directly onto both Fairmont and St. Elmo Avenues. The project provides a maximum of 211 parking spaces in a garage under the building.

The plan includes 5,480 sf. of on-site public use space, including, as recommended in the Sector Plan, a through-block pedestrian promenade along the south side of the building, providing access to residential and retail entrances. Vehicular access to underground parking will be from St. Elmo Avenue, while loading will be accommodated off Fairmont Avenue.



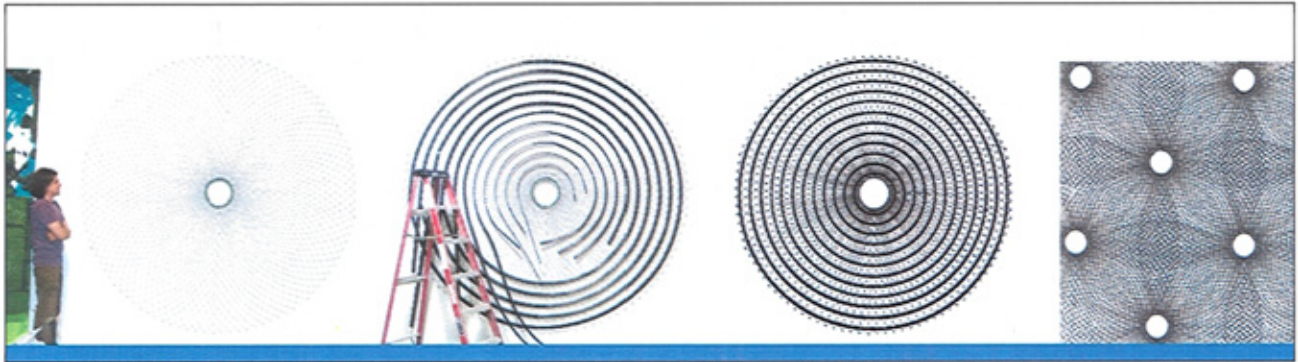
*Illustrative Plan*

The pedestrian passage features an art concept designed to provide an animated experience as a person moves through the space. Developed by artist Dan Steinhilber and landscape architects Parker Rodriguez, the concept features a series of panels created from chain link fencing material transformed into a metal mesh with a great texture and visual interest.



*Overall art concept (in miniature)*

By shaping the chain link material in circular patterns, then overlaying several layers of chain link, the design creates a *moiré* (watery or wavelike) effect that as you walk down the passageway appears to move and change pattern. The artist then composes the material into four separate approximately 12 foot by 23 foot panels of interlinked circles. This forms the background for all four panels.

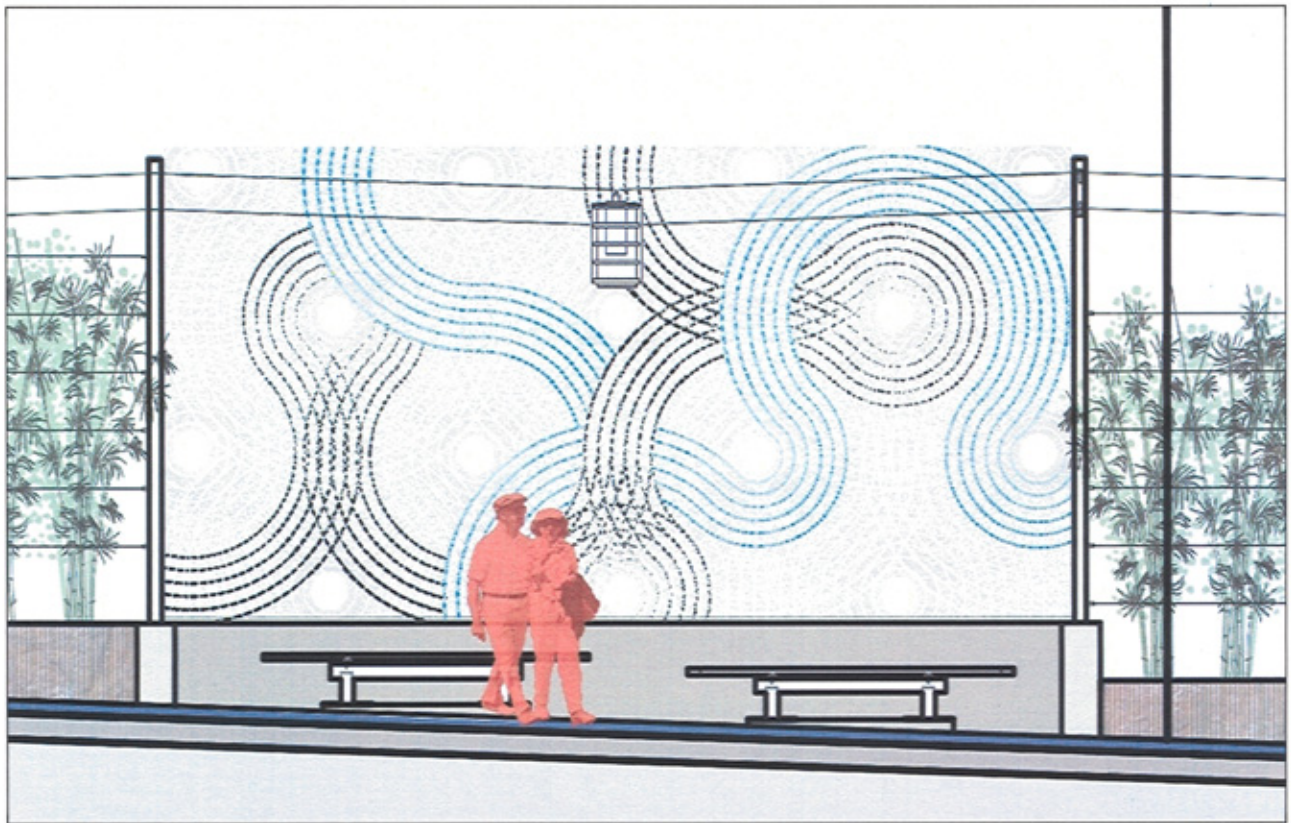
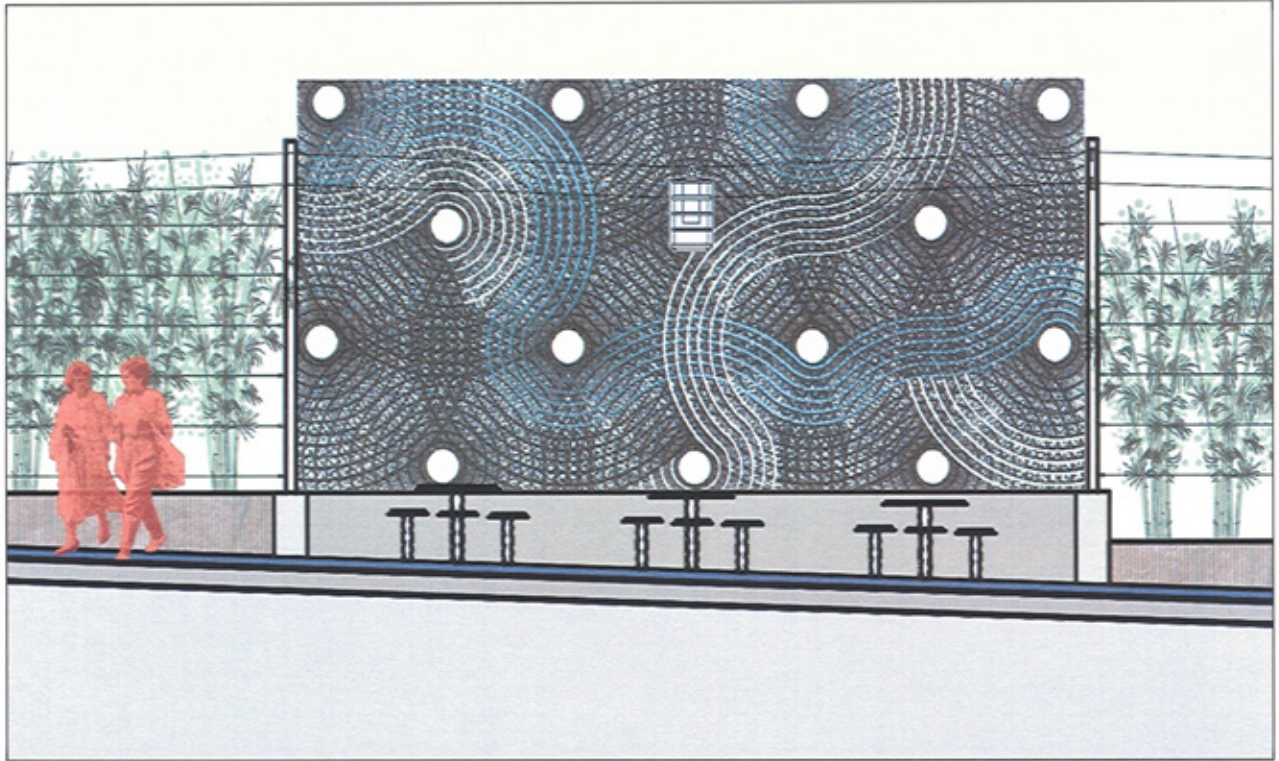


*Process illustration*

Woven into this fabric of galvanized steel is vinyl webbing in colors of blue, white, black, and steel (see detailed views on the following pages). The interlocking ribbons of color form a sensuous, undulating, wave of color, different on each panel, but weaving the four panels together into a single art piece.

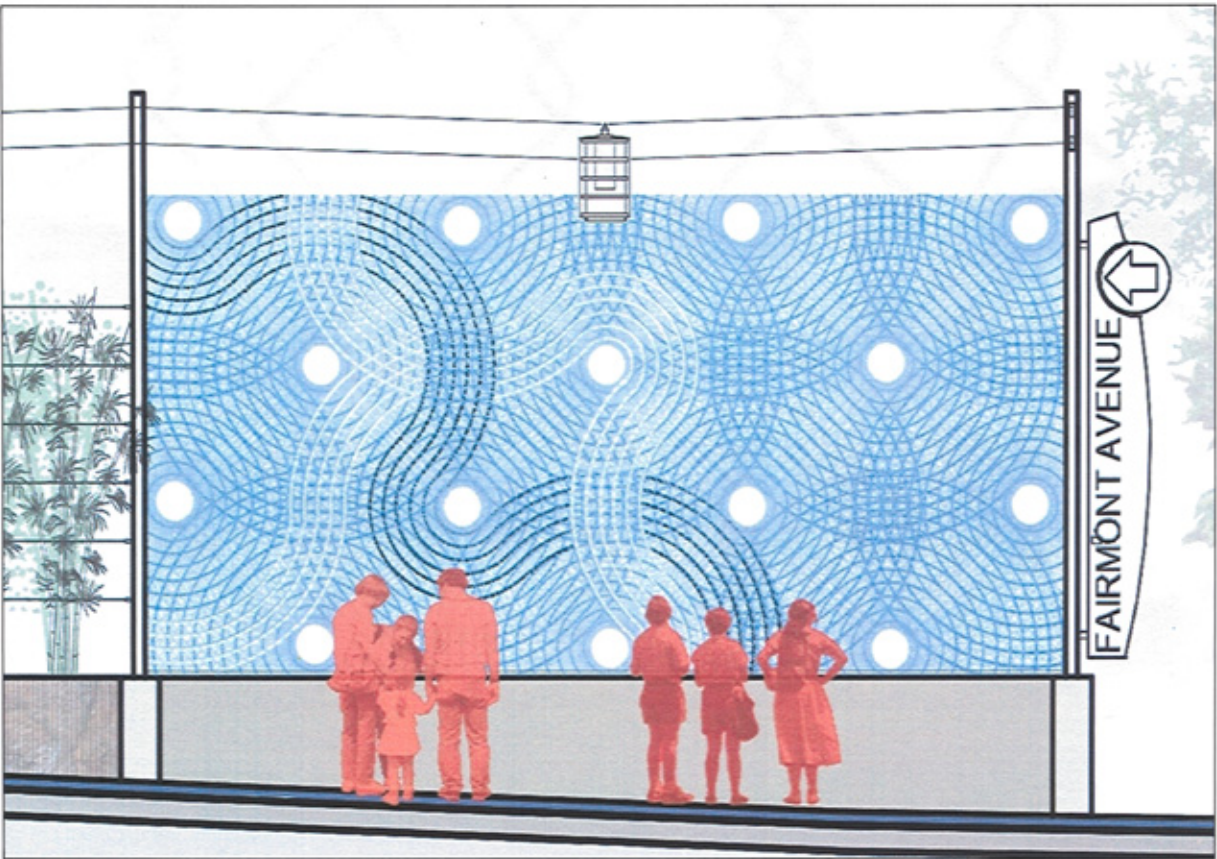
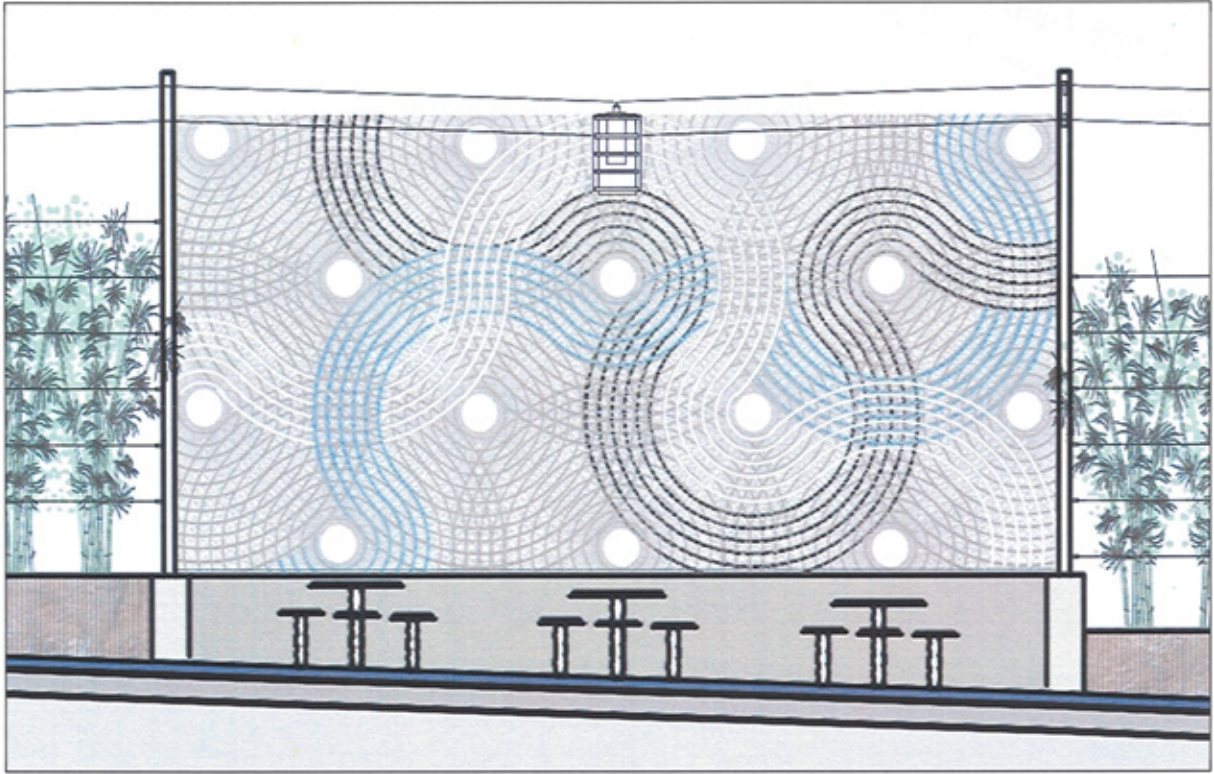
Separating the four art panels are four green panels of living bamboo secured on trellises, forming an engaging counterpoint to the manmade metal mesh panels.

The passageway is lined with contemporary street furniture for the public to stop, rest, and enjoy the artwork. Overhead a string of catenary ornamental lights will form a procession of festive glittering lights illuminating the passageway and leading the visitor from street to urban plaza and back to the street. The illumination of the artwork panels will add another level of colorful enchantment and patterns during evening hours.



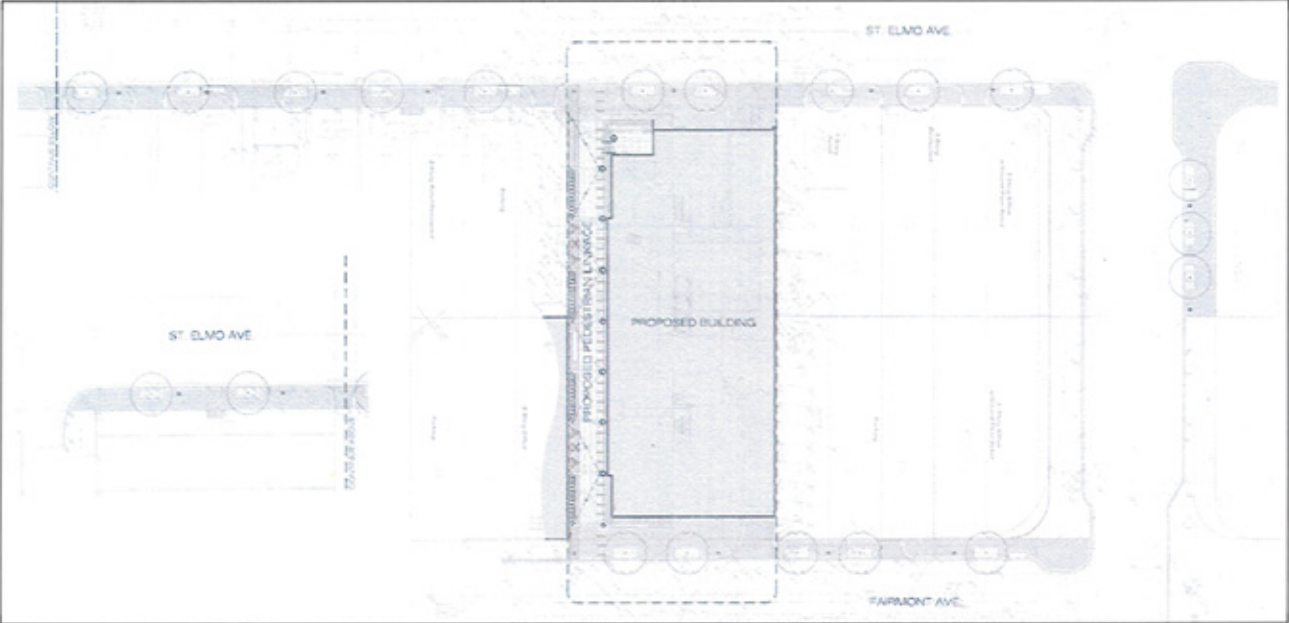
*Art panel detail views*





*Art panel detail views*

In addition to the on-site public use space, the project is providing off-site 10,480 sf. of streetscape improvements. These improvements will complete the Bethesda Streetscape on the south side of St. Elmo Avenue and significantly extend it along the north side of Fairmont Avenue and the east side of Norfolk Avenue.



*Off-site amenity plan*

The proposed building is articulated with a 5-story base with the tower ascending above, to 17 stories. The primary material is masonry, with larger glass and concrete accent elements.



*St. Elmo Avenue building and passageway entrance*



*St. Elmo Avenue elevation*



*Fairmont Avenue elevation*

## **PROJECT ANALYSIS**

### **Master Plan**

The Woodmont Triangle Amendment to the Bethesda CBD Sector Plan recommends that properties within the Woodmont Triangle:

- provide opportunities to increase the supply of housing to serve a variety of income levels
- retain existing retail and provide opportunities to expand and create new small-scale retail businesses
- improve the safety and character of existing streets
- utilize density transfer to encourage retention of small-scale retail businesses
- establish north-south, mid-block pedestrian connections

The sector plan provides specific recommendations for Block 44 of the Woodmont Triangle Study Area, which is the block on which the subject property is located. Because this block is among the closest to the Bethesda Metrorail station, the plan acknowledges that it has the potential for higher density development. The sector plan further recommends that the then-existing CBD-1 and CBD-R2 zoning be changed to CBD-2, which was accomplished with a sectional map amendment.

The proposed development substantially conforms to the recommendations adopted in the sector plan in that it will provide 200 new residential units in the study area, 15% of which will be moderately-priced dwelling units (MPDUs), thereby increasing the housing supply. The project is being developed under the optional method with the use of density transfer. The density transfer will increase the development intensity on the subject property, in accordance with the sector plan, while reducing the development potential on five properties elsewhere in the study area. The reduction in development potential on the five off-site properties encourages the retention of existing small-scale retail businesses, as recommended in the sector plan. The plan proposes up to 7,700 square feet of ground-floor retail space – more than currently exists on the site – thereby providing a new opportunity for small-scale retail in the sector plan area. The Applicant proposes to install standard Bethesda CBD streetscape, including pavers, street trees, lighting, and the undergrounding of utility lines, on Fairmont Avenue and St. Elmo Avenue, thereby improving the safety and character of those streets. Finally, the plan includes a mid-block pedestrian connection between Fairmont Avenue and St. Elmo Avenue, as recommended in the sector plan.

### **Transportation and Circulation**

A local area transportation review (LATR) and a policy area mobility review (PAMR) were completed as part of the preliminary plan review and all requirements were satisfied without additional improvements. The Policy Area Mobility Review (PAMR), also conducted at preliminary plan, indicated that only two trips need to be mitigated. The Applicant will provide payment in lieu.

### **Development Standards**

The subject site is zoned CBD-2. The purpose of this Zone is to provide increased height and density in the areas surrounding the urban core. The development standards are minimal within the CBD-2 Zone to encourage flexibility through the Optional Method of Development, with final details determined during this Site Plan review.

The purposes of the CB-2 Zone include:

- encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system and between the central business district and adjacent areas;
- promote the effective use of transit facilities in the central business district and pedestrian access thereto as well as an improved pedestrian and vehicular circulation;
- assist in the development of adequate residential areas for people with a range of different incomes;
- encourage land assembly and the most desirable use of land in accordance with a sector plan;
- provide a density and intensity of development which will permit an appropriate transition from the cores of central business districts to the less dense peripheral areas within and adjacent to the districts; and
- provide an incentive for the development of residential uses to meet the needs of those employed within the central business districts and those who will be able to use the district transit facilities to travel to and from places of employment.

The proposed development meets the purpose and requirements of the zone as detailed in the Findings section of this report.

The following data table indicates the proposed development's compliance with the Zoning Ordinance.

*Project Data Table for the CBD-2 Zone*

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Per Approved Amended Project Plan 92007002A</b>	<b>Per Approved Preliminary Plan 120090060</b>	<b>Proposed for Approval</b>
<b>Min. Lot Area (of density receiving site) (sf.)</b>	18,000	48,587 (includes 24,500 density-receiving site and 24,087 density-sending sites)	24,500 (receiving site only)	24,500 (receiving site only)
<b>Min. Public Use Space (sf.)</b>	5,472	5,480		5,480
<b>Min. Off-site Amenity (sf.)</b>		10,480		10,480
<b>Max. Density (sf.)</b>	210,188	210,188	210,188	210,188
<b>Max. Non-Residential Density (sf.)</b>	n/a	7,700	7,700	7,700
<b>Max. Dwelling Units</b>	n/a	200	200	200
<b>Min. MPDUs (% of total)</b>	15	15	15	15
<b>Max. Building Height (ft.)</b>	200	174 (Sector Plan)		174
<b>Max. Building Height (stories)</b>	n/a	17		17
<b>Min. Building Setbacks (ft.) (ground floor/bldg. above)</b>				
<b>Fairmont Avenue</b>	n/a	11		10/4
<b>St. Elmo Avenue</b>	n/a	10		10/3
<b>North side</b>	n/a	0		0
<b>South side</b>	n/a	15		18/14
<b>Max. Parking Spaces</b>	243	243		211

**COMMUNITY OUTREACH**

The Applicant has met all proper signage, noticing, and submission meeting requirements. Staff has not received correspondence on this matter.

**FINDINGS**

- 1. The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The proposal conforms to the approved amended Project Plan 92007002A with respect to overall site layout, public space, and building height and massing.

2. *The site plan meets all the requirements of the Zone.*

The Site Plan meets all of the requirements of the Central Business District 2 (CBD-2) zone as demonstrated in the project Data Table on page 15. The height, density, and setbacks contained in the Zoning and approved Project Plan are retained with this Site Plan application.

As discussed in the Project and Preliminary Plan staff reports, this project includes density transferred from other lots in within the Woodmont Triangle Sector Plan area. In accordance with the CBD zones and the Sector Plan, this transfer leaves on the sending parcels 27,087 square feet of standard-method development potential.

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

The location of the proposed building well defines the public realm. The building frontages along Fairmont and St. Elmo Avenues maintain the street edge, while the building sets back on the south side to enclose a spacious mid-block pedestrian promenade. This promenade is defined opposite the building by an alternating series of metal and living bamboo panels. These provide visual interest as well as opportunities for passersby to meet, greet, and eat. The design of the promenade has been reviewed for safety with Montgomery County Police CPTED (Crime Prevention Through Environmental Design) experts, and the final proposed design incorporates those recommendations. The building height, as defined by the building code, meets the maximum allowed height. Above that height are changing rooms for the rooftop pool and the screen for the HVAC equipment. The Applicant has coordinated with the Department of Permitting services and received confirmation that, since the pool changing rooms are required by health code to be proximate to the pool itself, the pool room does not count towards the height of the building. There is also proposed an 18-foot mechanical penthouse to screen and protect the rooftop equipment. This penthouse, for service use only, will be seen from the street only obliquely and will be more attractive than the nakedness of the equipment itself. The locations of the buildings and structures are adequate, safe, and efficient.

The proposal's primary open space, the pedestrian promenade, will serve not only as a convenient means of mid-block access between Fairmont and St. Elmo Avenues, but more importantly as a destination in its own right. The design accomplishes this by providing a generous dimension, 18 feet, flanked by retail entrances on one side and an alluring public art installation combined with landscaping and seating areas on the other. Combined with the "festival" catenary lighting, this main open space promises to be a major draw for the surrounding blocks, and is amply adequate, safe, and efficient.

The recreation facilities for the project combine interior private amenities with extensive exterior public amenities. Future residents will be able to avail themselves of a swimming pool, fitness facilities, and meeting/lounge areas, or venture outside on the sidewalks and



bike paths of Bethesda to nearby parks, including Battery Lane Park down the street. These recreation facilities are convenient, adequate, safe, and efficient.

Pedestrian access to the site, both to the pedestrian promenade and residential and retail entrances, is provided by sidewalks finished per the Bethesda Streetscape Standard. As recommended at Project Plan the Applicant has split the vehicular access between Fairmont and St. Elmo Avenues, reducing obstruction of pedestrian activity. Vehicular access to the private underground parking will be from St. Elmo Avenue, while loading will be performed off Fairmont Avenue, taking advantage of this through-block design. Both the pedestrian and vehicular access are more than adequate, safe, and efficient.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The proposed 17-story mixed-use apartment building is compatible with and complimentary to the existing and planned redeveloped parcels in the Woodmont Triangle, in building height and massing, and more importantly in how it knits together two streets through the mid-block pedestrian promenade. But the design of this project is also compatible with the adjacent lower-density existing development, providing architectural expression of a lower “base” with unique articulation, building entrances, and retail opportunities.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The site does not contain any streams, wetlands, floodplains, or other environmentally sensitive features, and there are no environmental buffers on the site. Environmental guidelines for protection of environmentally sensitive areas, therefore, are not applicable to this plan. The application is exempt from Forest Conservation Law requirements.

The MCDPS Stormwater Management Section approved the stormwater management concept on August 6, 2008. The stormwater management concept includes water quality control via green roof technology and a structural filter. Onsite recharge is not required because this is a redevelopment project. Channel protection is not required because the one-year post-development peak discharge is less than 2 cubic feet per second.

## **RECOMMENDATION AND CONDITIONS**

Staff recommends approval of site plan 820090110, The Monty, for a mixed-use 17-story multi-family apartment building with a maximum of 200 units, including 30 MPDUs (15 percent), and 7,700 square feet of ground-floor retail, with a through-block pedestrian connection and public art, on 1.12 acres. All site development elements shown on the site and landscape plans stamped “Received” by the M-NCPPC on Friday, May 1, 2009, are required except as modified by the following conditions:

1. Project Plan Conformance

The proposed development must comply with the conditions of approval for amended Project Plan 92007002A as listed in the Planning Board resolution dated March 20, 2008.

2. Preliminary Plan Conformance

The proposed development must comply with the conditions of approval for Preliminary Plan 120090060 as listed in the Planning Board Resolution dated March 30, 2009, unless amended.

3. Maintenance of Public Amenities

The Applicant is responsible for maintaining all on-site publicly accessible amenities including, but not limited to, paving, landscape, public art, and exterior lighting, unless otherwise coordinated with another party.

4. Transportation

- a. The Applicant must satisfy the Policy Area Mobility Review (PAMR) test by paying a total of \$22,000 to the Montgomery County Department of Transportation (MCDOT) for transportation-related improvements in Bethesda CBD prior to release of any building permit. The payment of \$11,000 per PAMR trip was proposed by the Applicant as an alternative to installing an information kiosk that was proposed at preliminary plan review.
- b. The Applicant must provide two bike racks near the main entrance and eight bike lockers in the garage near the elevator in a well-lit area. Final location to be determined at Certified Site Plan.

5. LEED Certification

The Applicant must achieve a LEED (Leadership in Energy and Environmental Design) Certified Rating Certification at a minimum. The Applicant must make good faith efforts to achieve a LEED Silver rating. Before the issuance of any building permit, the Applicant must inform M-NCPPC staff of the LEED Certification Level for which they are applying. If this level is less than a Silver rating, before the issuance of any building permit the Applicant must provide to staff a written report from the Applicant's LEED consultant analyzing the feasibility of achieving a LEED-Silver rating, to include an affidavit from a LEED-Accredited Professional identifying the minimum additional improvements required to achieve the LEED Silver rating, including their associated extra cost.

6. Site Design

- a. The Applicant must relocate the two benches shown in the center bay of the pedestrian promenade to the end bay at St. Elmo Street.
- b. The Applicant must provide an electrical outlet immediately adjacent to the center bay of the pedestrian promenade.
- c. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet A04-A06 of the submitted architectural drawings, as determined by M-NCPPC Development Review and Urban Design staff.

7. Public Use and Amenity Space

- a. The Applicant must provide a minimum of 5,480 square feet as on-site public use space.
- b. The on-site public use space must be easily and readily accessible to the general public and available for public enjoyment.
- c. Provide for off-site public amenity a minimum of 10,480 square feet of streetscape improvements along St. Elmo Avenue, Fairmont Avenue, and Norfolk Avenue, including, but not limited to, pavers, street trees, street lights, and undergrounding of utility lines, as illustrated in the Certified Site Plan.

8. Public Art

- a. Provide for and install the public art concept designed by artist Dan Steinhilber, as presented to the Planning Department's Art Review Panel on May 15, 2009, and illustrated in the Certified Site Plan.
- b. Any significant changes to the concept presented on May 15, 2009, must be presented to the Art Review Panel and approved by Development Review staff before Certified Site Plan.
- c. Significant changes to the concept, as determined by Development Review staff, proposed after Certified Site Plan will require a Site Plan Amendment.

9. Lighting

- a. All onsite light fixtures must be full cut-off fixtures.
- b. Deflectors shall be installed on all fixtures causing potential glare or excess illumination.

10. Development Program

The Applicant must construct the proposed development in accordance with Development Program. A Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the Certified Site Plan. The Development Program shall include a phasing schedule as follows:

- a. All streetscape improvements to St. Elmo Avenue, Fairmont Avenue, and Norfolk Avenue, as illustrated on the Certified Site Plan, must be completed before issuance of the project's first use and occupancy permit.
- b. On-site public use space, including the associated public art installation, paving, seating, lighting, and landscaping, must be completed before issuance of the project's first use and occupancy permit.
- c. All on-site landscaping, lighting, and recreation facilities must be completed within six months of the issuance of the project's first use and occupancy permit.
- d. Specify phasing of pre-construction meetings, dedications, sediment/erosion control, or other features must be specified by Certified Site Plan.

11. Certified Site Plan

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

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.

- b. Modify data table to reflect development standards enumerated in the staff report.
- c. Ensure consistency off all details and layout between site plan and landscape plan.
- d. Provide final details for construction and installation of public art concept.

## **APPENDICES**

- A. Project Plan Resolutions
- B. Preliminary Plan Resolution
- C. DPS memo regarding building height
- D. Agency Letters

A. Project Plan Resolutions

APR 25 2008



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

Agenda Date: July 19, 2007  
Agenda Item No. 1

April 3, 2008

**MEMORANDUM**

**TO:** Montgomery County Planning Board

**FROM:** Rollin Stanley, Planning Director *RS*

**VIA:** Rose Krasnow, Chief *RK*  
Robert Kronenberg, Supervisor *RAK*  
Development Review Division

**Re:** Correction to Project Plan No. 920070020  
Resolution No. MCPB No. 07-143  
The Monty

---

Attached please find a redlined version of the resolution for Project Plan No. 920070020 (The Monty), which corrects certain errors as set forth more fully below. The resolution was signed by the Chairman and mailed out to all parties of record on September 12, 2007.

First, on Page One, in the second whereas clause, there should be a correction of the filing date from September 21, 2006 to **August 3, 2006**. The September 21, 2006 date was an updated filing to include an additional transfer of property;

Second, on Page 4 of the resolution, there should be a correction of the date of the Monty plans stamped by M-NCPPC to include the March 15, 2007 and **May 14, 2007** plans. The May 14th supplemental plans included revisions to the project plan sheet and public use space and amenity sheet that were added in advance of the continued hearing on May 31st.

Third, on Page 13, in the last paragraph, a correction needs to be made to the off-site amenity space provided with this application. The 13,780 square feet of off-site amenity space stated in the paragraph needs to be corrected to indicate **10,480 square feet** of off-site amenity space. This is consistent with the plans approved by the Board and the rest of the approvals in the Resolution.

Fourth, on Page 14, in the first paragraph, there should be a correction of the 8,630 square feet less area (80% less area) to **13,910 square feet less area (85% less area)** that the project would have provided under the standard method of development. This number represents the total square feet of improvements under the optional method of development (15,960 sf), less the 2,050 square feet that would have been required under the standard method. The 80% in the last paragraph of that page should also be updated to 85%.

Fifth, on Page 15, **Deletion of the 0.12 FAR and 7,700 sf** as a maximum density in the column for "Zoning Ordinance Development Standards" since this is not the maximum permitted, nor a required amount per the CBD-2 zone.

Sixth, on Page 16, correction of the "45% or 30,273sf" in the "Approved by Planning Board and Binding on the Applicant" column to **"46% or 15,960 sf"**. Although the green roof area was subtracted as instructed by the Board, it appears the area was subtracted from the incorrect total number. Similar to the deletion requested above, the correction to the previous "total" number was included in our written submission at the hearing on May 31st. Further the 15,960 sf total public use space and amenity area is consistent with the plans submitted and presented to the Board.

Seventh, on Page 19 (In No. One of Section 10), the total on and off-site public use space and streetscape improvements stated as 10,480 square feet needs to be corrected to indicate **15,960 square feet**.

Finally, on Page 22 (In Section (d)), the second sentence needs to reflect that the applicant **has provided** a Traffic Study.

Staff is requesting that the Planning Board approve the corrections to the resolution so that replacement pages may be inserted and mailed out to all parties of record to reflect changes to pages 1, 4, 13, 14, 15, 16, 19 and 22. There are no changes to the conditions of approval.

CC: Debra Daniel, Associate General Counsel



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

Agenda Date: July 19, 2007  
Agenda Item No. 1

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

**CORRECTED 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~~ August 3, 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;

*ORC 4/4/08*

Approved for legal sufficiency  
M-NCPPC Office of General Counsel



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 and May 14, 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 6<sup>th</sup> floor and then again at the 15<sup>th</sup> 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 15<sup>th</sup> 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 ~~43,780~~ 10,480 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~~ 13,910 square feet less area (~~80~~ 85% 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)	<del>(7,700)</del>	(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): (s.f.)		 4.88 (237,275 to remain and proposed)

Total Number of Units:	133	133*
MPDUs (%):	15	15*
(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		45-46% or 30,273 15,960 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
<b>Totals</b>		<b>34,204</b>		<b>5,472</b>

*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~~ 15,960 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

**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 ~~has provide~~ provided 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.

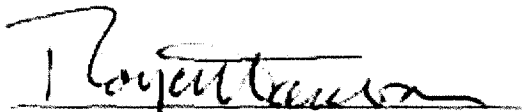
BE IT FURTHER RESOLVED, that this project plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this written opinion is APR 25 2008 (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, April 10, 2008, 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 Cryor, with Commissioners Hanson, Cryor, and Robinson voting in favor, and Commissioner Bryant 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, The Monty.

  
Royce Hanson, Chairman  
Montgomery County Planning Board



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

**MCPB No. 08-33**  
**Project Plan Amendment No. 92007002A**  
**Project Name: The Monty**  
**Hearing Date: February 7, 2008**

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION<sup>1</sup>**

WHEREAS, pursuant to Montgomery County Code Division 59-D-2.6, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved project plans; and

WHEREAS, on December 11, 2007, Monty LLC ("Applicant"), filed a project plan amendment application designated Project Plan Amendment No. 92007002A, The Monty (the "Amendment") for approval of the following modification:

- 1 To increase the number of multi-family dwelling units from 133 to 200.

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated January 25, 2008, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on February 7, 2008, Staff presented the Amendment to the Planning Board at a public hearing on the Amendment (the "Hearing") where the Planning Board heard testimony and received evidence submitted for the record on the Amendment; and

WHEREAS, on February 7, 2008, the Planning Board voted to approve the Amendment subject to conditions on the motion of Commissioner Bryant, seconded by Commissioner Robinson, with a vote of 4-0, Commissioners Bryant, Cryor, Hanson, and Robinson voting in favor.

**APPROVED AS TO LEGAL SUFFICIENCY**

*[Signature]*  
MONTGOMERY COUNTY PLANNING BOARD DEPARTMENT

<sup>1</sup> This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion. **DATE** 3/6/08



NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board hereby APPROVES the Amendment, 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 (excludes sending parcels), including a maximum of 200 multi-family dwelling units and up to 7,700 square feet of retail space.  
*(This Condition replaces Condition #1 of the September 12, 2007 Resolution approving this 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.  
*(This Condition replaces Condition #6 of the September 12, 2007 Resolution approving this plan)*
- 3) All previous findings are unaffected and previous conditions remain in full force and effect.

BE IT FURTHER RESOLVED, that the Planning Board adopts the Staff's recommendation and analysis set forth in the Staff Report and FINDS that the Amendment is consistent with the provisions of § 59-D-2.6 of the Zoning Ordinance and that the Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in connection with the originally approved project plan; and

BE IT FURTHER RESOLVED that all elements of the plan as shown on The Monty drawings stamped by M-NCPPC on December 11, 2007, shall be required, except as modified by the above conditions of approval; and

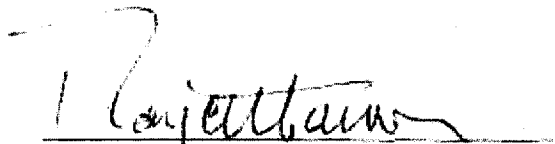
BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Amendment shall remain valid as provided in Montgomery County Code § 59-D-2.7; and

BE IT FURTHER RESOLVED, that the date of this Resolution is MAR 20 2008 (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).

At its regular meeting, held on Thursday, March 13, 2008, 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, Robinson, and Bryant voting in favor, and Commissioner Cryor absent, 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 Amendment No. 92007002A, The Monty.

  
\_\_\_\_\_  
Royce Hanson, Chairman  
Montgomery County Planning Board

**B. Preliminary Plan Resolution**



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

**MAR 30 2009**

**MCPB No. 09-27**  
**Preliminary Plan No. 120090060**  
**Monty**  
**Date of Hearing: March 12, 2009**

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION<sup>1</sup>**

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on September 9, 2008, Monty, LLC ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 24,500 square feet of land located on the northwest side of Fairmont Avenue, 150 feet southwest of Norfolk Avenue ("Property" or "Subject Property"), in the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan area ("Sector Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120090060, Monty ("Preliminary Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated February 27, 2009, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on March 12, 2009, the Planning Board held a public hearing on the Application (the "Hearing"); and

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

<sup>1</sup> This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to  
Legal Sufficiency:

8787 Georgia Avenue, Suite 200, Silver Spring, Maryland 20910  
MNCPPC Legal Department

www.MCParkandPlanning.org

Chairman's Office: 301.495.4605 Fax: 301.495.1320

E-Mail: [mcp-chairman@mncppc.org](mailto:mcp-chairman@mncppc.org)

WHEREAS, on March 12, 2009, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Alfandre; seconded by Commissioner Robinson; with a vote of 4-0, Commissioners Alfandre, Cryor, Hanson, and Robinson voting in favor; Commissioner Presley absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120090060 to create one lot on 24,500 square feet of land located on the northwest side of Fairmont Avenue, 150 feet southwest of Norfolk Avenue ("Property" or "Subject Property"), in the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan area ("Sector Plan"), subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to one lot for a mixed-use building with up to 210,188 square feet of floor area, consisting of up to 7,700 square feet of retail floor area and up to 202,488 square feet of residential floor area. The residential floor area may comprise no more than 200 dwelling units, of which 15% must be moderately priced dwelling units (MPDUs).
- 2) The final number of MPDUs as per condition #1 above will be determined at the time of site plan.
- 3) The final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, and sidewalks will be determined at site plan.
- 4) The Applicant must comply with the conditions of Project Plan No. 920070020 and Project Plan Amendment No. 92007002A.
- 5) The record plat(s) must reflect liber/folio references for all density transfer easements utilized by the development.
- 6) The record plat must reflect a public use and access easement over all public use spaces.
- 7) The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management approval dated August 6, 2008. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 8) The Applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated January 22, 2009. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 9) The certified Preliminary Plan must include a note stating that a WB-40 vehicle (40-foot wheelbase) is the largest vehicle that can be accommodated by the loading area on Fairmont Avenue.
- 10) The Applicant must obtain all required approvals and provide any required guarantees for the provision of access and improvements as required by MCDOT prior to recordation of plat(s).

- 11) The Applicant must satisfy the Policy Area Mobility Review (PAMR) test by installing or funding the installation of an off-site information kiosk as a non-automobile transportation improvement within the Bethesda Central Business District Policy Area. The location of the kiosk must be coordinated with Bethesda Transportation Solutions and approved by the MCDOT prior to approval of the site plan. Prior to approval of the record plat, the Applicant must install the kiosk or execute a payment schedule, bond, or another acceptable financial instrument with the appropriate government agency.
- 12) The Applicant must provide inverted-U bike racks and bike lockers. The number of bike racks and lockers and their ultimate location will be determined at site plan.
- 13) Before any building permit can be issued, the Applicant must make the applicable school facilities payment to the MCDPS.
- 14) No clearing, grading or recording of plats shall occur prior to certified site plan approval.
- 15) The record plat must show necessary easements.
- 16) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board Resolution.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

*1. The Preliminary Plan substantially conforms to the Sector Plan.*

The Woodmont Triangle Amendment to the Bethesda CBD Sector Plan recommends that properties within the Woodmont Triangle:

- provide opportunities to increase the supply of housing to serve a variety of income levels
- retain existing retail and provide opportunities to expand and create new small-scale retail businesses
- improve the safety and character of existing streets
- utilize density transfer to encourage retention of small-scale retail businesses
- establish north-south, mid-block pedestrian connections

The Sector Plan provides specific recommendations for Block 44 of the Woodmont Triangle Study Area, which is the block on which the Subject Property is located. Because this block is among the closest to the Bethesda Metrorail station, the Sector Plan acknowledges that it has the potential for higher density development. The Sector Plan further recommends that the then-existing CBD-1

and CBD-R2 zoning be changed to CBD-2, which was accomplished with a sectional map amendment.

The proposed subdivision substantially conforms to the recommendations adopted in the Sector Plan in that it will provide 200 new residential units in the study area, 15% of which will be moderately-priced dwelling units (MPDUs), thereby increasing the housing supply. The project is being developed under the optional method with the use of density transfer. The density transfer will increase the development intensity on the Subject Property, in accordance with the Sector Plan, while reducing the development potential on five properties elsewhere in the study area. The reduction in development potential on the five off-site properties encourages the retention of existing small-scale retail businesses, as recommended in the Sector Plan. The Preliminary Plan proposes 7,700 square feet of ground-floor retail space, thereby providing a new opportunity for small-scale retail in the Sector Plan area. The Applicant proposes to install standard Bethesda CBD streetscape, including pavers, street trees, and lighting, on Fairmont Avenue and St. Elmo Avenue, thereby improving the safety and character of those streets. Finally, the Preliminary Plan includes a mid-block pedestrian connection between Fairmont Avenue and St. Elmo Avenue, as recommended in the Sector Plan.

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

### Roads and Transportation Facilities

#### *Sector-Planned Transportation Demand Management*

The Subject Property is located in the Bethesda Transportation Management District (TMD). The goal of the Transportation Management District is to achieve a 37% non-automobile-driver mode share for employees working in Bethesda CBD. With less than 25 employees, the Applicant is not required to enter into a Traffic Mitigation Agreement with the Planning Board and MCDOT to participate in the Bethesda TMD.

#### *Local Area Transportation Review*

In accordance with the Local Area Transportation Review and Policy Area Mobility Review Guidelines, a traffic study was submitted to satisfy Local Area Transportation Review (LATR) because the proposed land uses generate 30 or more peak-hour trips within the weekday morning and evening peak periods. The traffic study shows the calculated Critical Lane Volume (CLV) values at analyzed intersections for existing, background (trips generated from approved

but un-built developments) and total traffic conditions. All of the CLV values are less than the 1,800 congestion standard for the Bethesda CBD Policy Area at all the analyzed intersections in all traffic conditions and, thus, LATR requirements are satisfied.

### *Policy Area Mobility Review*

Under the current Growth Policy, the Policy Area Mobility Review (PAMR) test requires the Applicant to mitigate 30% of the net new peak-hour trips generated by the proposed land uses within the weekday morning and evening peak periods. A site located in proximity to a Metrorail Station, such as the Bethesda CBD, has an inherent PAMR trip reduction credit because transit service is much better than in other parts of the County. The resultant trip reduction is the difference between the vehicular peak-hour trips calculated using the higher county-wide trip-generation rates and the trips calculated using the lower Bethesda CBD rates. The traffic study depicts how the vehicular trip reduction contributes towards meeting the PAMR requirements.

All but two new peak-hour trips within the weekday morning peak period can be satisfied for PAMR because the project is located in the Bethesda CBD Policy Area near a Metrorail Station. As indicated in Condition 11, the Applicant's traffic engineer proposed to install or fund the installation of an off-site information kiosk in the CBD as an off-site non-automobile improvement to mitigate the remaining two trips. The traffic engineer is working with Bethesda Transportation Solutions, MCDOT, and MNCPPC Staff to find an appropriate location for the information kiosk within the Bethesda CBD Policy Area and establish an acceptable installation plan prior to certification of the site plan.

Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed improvements.

### Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The Property will be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service which has determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses and health services, are operating according to the Growth Policy resolution currently in effect and will be adequate to serve the Property. The Application is not within a school moratorium area, but a school facilities payment must be made prior to issuance of building permits on the lot.



Electrical, gas, and telecommunications services are also available to serve the Property.

- 3. The size, width, shape, and orientation of the proposed lot is appropriate for the location of the subdivision.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lot was reviewed for compliance with the dimensional requirements for the CBD-2 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. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan.

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

There is no forest on the site, and the Application is exempt from Forest Conservation Law requirements.

- 5. The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

The MCDPS Stormwater Management Section approved the stormwater management concept on August 6, 2008. The stormwater management concept includes water quality control via green roof technology and a structural filter. Onsite recharge is not required because this is a redevelopment project. Channel protection is not required because the one-year post-development peak discharge is less than 2 cubic feet per second.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) 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 among the Montgomery County Land Records or a request for an extension must be filed; and


BE IT FURTHER RESOLVED, that the date of this Resolution is Mar 30 2009 (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 Presley, seconded by Commissioner Robinson, with Commissioners Hanson, Robinson, Cryor, and Presley present and voting in favor of the motion, and Commissioner Alfandre absent, at its regular meeting held on Thursday, March 26, 2009, in Silver Spring, Maryland.



Royce Hanson, Chairman  
Montgomery County Planning Board

C. DPS memo regarding building height

**LINOWES**  
**AND BLOCHER LLP**  
ATTORNEYS AT LAW

January 21, 2009

**C. Robert Dalrymple**  
301.961.5208  
bdalrymple@linowes-law.com  
**Heather Dlhopsky**  
301.961.5270  
hdlhopolsky@linowes-law.com

**VIA EMAIL AND HAND DELIVERY**

Mr. Elza Hisel-McCoy  
M-NCPPC, Development Review Division  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: The Monty, Bethesda, Site Plan Application No. 820090110 (the "Project") –  
Confirmation of Zoning Ordinance Interpretations

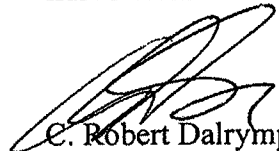
Dear Mr. Hisel-McCoy:

On behalf of Monty, LLC (the "Applicant") and pursuant to our meeting on December 18, 2008, we have enclosed a copy of a letter counter-signed by the Montgomery County Department of Permitting Services ("DPS") that confirms certain provisions of the Zoning Ordinance relative to rooftop coverage, structure, and measurement of building height for the above-referenced Project. While we had advised M-NCPPC Staff of these DPS interpretations at the December 18<sup>th</sup> meeting, Staff had requested that we seek the enclosed written confirmation from DPS.

Upon review, please contact us with any questions.

Very truly yours,

**LINOWES AND BLOCHER LLP**

  
C. Robert Dalrymple

  
Heather Dlhopsky

Enclosure

cc: Mr. Thomas Keady  
Mr. Robert Hillerson  
Mr. David Weiss

L&B 1113515v1/11439.0001

**LINOWES**  
**AND BLOCHER LLP**  
ATTORNEYS AT LAW

RECEIVED

DEC 30 2008

Department of  
Permitting Services

December 29, 2008

**C. Robert Dalrymple**  
301.961.5208  
bdalrymple@linowes-law.com  
**Heather Dlhopsky**  
301.961.5270  
hdlhopsky@linowes-law.com

**VIA EMAIL AND HAND DELIVERY**

Mr. David K. Niblock  
Montgomery County Department of Permitting Services  
255 Rockville Pike, Second Floor  
Rockville, Maryland 20850

Re: The Monty, Bethesda (the "Project") – Confirmation of Zoning Ordinance Interpretations

Dear Mr. Niblock:

On behalf of Monty, LLC (the "Applicant"), the purpose of this letter is to confirm your verbal clarifications of certain provisions of the Zoning Ordinance relative to rooftop coverage, structure, and measurement of building height. The Project is located between Fairmont Avenue and St. Elmo Avenue, east of Old Georgetown Road and west of Norfolk Avenue in the Woodmont Triangle area of the Bethesda Central Business District ("CBD"). The Montgomery County Planning Board approved Project Plan No. 92007002A (the "Project Plan") for the Monty on March 13, 2008, and the Project currently has pending preliminary plan and site plan applications.

The Project proposes that a swimming pool will be located on the rooftop of the building as an amenity for residents. You have opined that the swimming pool does not count towards the rooftop building coverage limitations established by Section 59-B-1.1 of the Montgomery County Zoning Ordinance (the "Zoning Ordinance"). You have similarly opined that the swimming pool and the bathhouse facilities will not count towards building height pursuant to Section 59-B-1.1 as they are incidental to the main use of the building. As we have described, the location of the bathhouses on the rooftop is necessary for protecting the health of residents and guests utilizing the rooftop swimming pool.

While we have advised M-NCPPC Staff of these DPS interpretations, Staff has requested that we seek written confirmation from DPS. Accordingly, the Applicant kindly requests that DPS sign as indicated below and return the enclosed copy of this letter, confirming that the above interpretations are correct.

Thank you for your cooperation. Please contact us with any questions.

L&B 1102057v2/11439.0001

Mr. David K. Niblock  
December 29, 2008  
Page 2

Very truly yours,

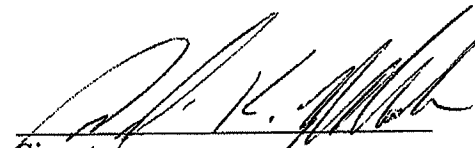
**LINOWES AND BLOCHER LLP**

*e. Robert Dalrymple, H D*

C. Robert Dalrymple

*Heather Dlhopsky*

Heather Dlhopsky

  
Signature

David K. Niblock  
Printed Name

01/08/2009  
Date

cc: Mr. Elza Hisel-McCoy, M-NCPPC  
Mr. Thomas Keady  
Mr. Robert Hillerson  
Mr. David Weiss

D. Agency Letters



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

June 12, 2009

RECEIVED

JUN 15 2009

**MEMORANDUM**

**DEVELOPMENT REVIEW**

TO: Elza Hisel-McCoy, Site Planner  
Development Review Division

VIA: Shahriar Etemadi, Supervisor  
Transportation Planning *[Signature]*

FROM: Ed Axler, Planner/Coordinator *EA*  
Transportation Planning

SUBJECT: Site Plan No. 820090110  
Monty  
Bethesda Central Business District Policy Area

---

This memorandum is Transportation Planning staff Adequate Public Facilities (APF) review of the subject site plan to replace the existing commercial uses with an apartment building with ground-floor retail space. The APF test was approved for the subject mixed-use development by the Planning Board on March 12, 2009, at its public hearing for Preliminary Plan No. 120090060.

**RECOMMENDATIONS**

We recommend the following conditions as part of the APF test for transportation requirements related to approval of the subject site plan:

1. The Applicant must limit the site plan to a maximum of 200 high-rise apartment units and 7,700 square feet of ground-floor retail space.
2. The Applicant must satisfy the Policy Area Mobility Review (PAMR) test by paying a total of \$22,000 to the Montgomery County Department of Transportation (MCDOT) for transportation-related improvements in Bethesda CBD prior to release of any building permit. The payment of \$11,000 per PAMR trip was proposed as an alternative to installing an information kiosk that was proposed at preliminary plan review.
3. The Applicant must provide 2 bike racks near the main entrance and 8 bike lockers in the garage near the elevator in a well-lit area. The ultimate location of bike racks and lockers must be approved by Transportation Planning staff at certification of the site plan.



## **DISCUSSION**

### Site Location and Vehicular Site Access Points

The subject site is located between St. Elmo Avenue and Fairmont Avenue, approximately 150 feet southwest of Norfolk Avenue. The vehicular access point into the underground parking garage is from St. Elmo Avenue. The loading dock is from Fairmont Avenue.

### Sector-Planned Transportation Demand Management

The site is located in the Bethesda Transportation Management District (TMD). With less than 25 employees, the Applicant is not required to enter into a Traffic Mitigation Agreement with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District (TMD) to assist in achieving the non-auto-driver mode share goal in Bethesda CBD.

### Public Transit Availability

The site is located within a walking distance of approximately 1,500 feet from the Bethesda Metrorail Station. Bus service is not available along St. Elmo Avenue or Fairmont Avenue. However, Ride-On routes 29, 30, 32, 34, 47, 70, and 92 operate along nearby Old Georgetown Road (MD 187), and Ride-On route 42 operates along nearby Woodmont Avenue.

### Sector-Planned Roadways and Bikeways

In accordance with the *Bethesda Central Business District Sector Plan*, the sector-planned roadways and bikeways are classified as follows:

1. Fairmont Avenue is designated as a business district street with a recommended 60-foot right-of-way and a designated biker friendly area.
2. St. Elmo Avenue is designated as a business district street with a recommended 70-foot right-of-way and a designated biker friendly area.

### Pedestrian Facilities

Pedestrian facilities would not be adversely impacted by the proposed mixed-use development. The existing sidewalk along the property frontage of St. Elmo Avenue and Fairmont Avenue are proposed to be improved. A “pedestrian linkage” is proposed along southwest property line to provide a midblock connection between St. Elmo Avenue and Fairmont Avenue.

### Adequate Public Facilities Review

The APF test was approved at the Planning Board’s public hearing for Preliminary Plan No. 120090060 that included the following:

1. Local Area Transportation Review (LATR): A traffic study was submitted to analyze the net increase of peak-hour trips generated by the site's redevelopment as follows:

- a. 45 more peak-hour trips during the weekday morning peak period (6:30 to 9:30 a.m.)
- b. 41 more peak-hour trips during the evening peak period (4:00 to 7:00 p.m.)

A traffic study was required to analyze six nearby intersections. The Critical Lane Volume (CLV) values at these intersections were less than the 1,800 congestion standard for the Bethesda CBD Policy Area and, thus, LATR was satisfied.

2. Policy Area Mobility Review (PAMR): Under the current *Growth Policy's* PAMR test, the applicant must mitigate 30% of the net new peak-hour trips generated by the proposed land uses within the weekday morning and evening peak periods. The number of PAMR trips was reduced to two when applying the PAMR trip reduction credit for the site's location in proximity the Bethesda Metrorail Station with extensive transit service. As discussed in Recommendation No. 3, the Applicant proposes to pay \$11,000 per trip for a total of \$22,000 to satisfy PAMR.

EA:tc

CC: Bill Barron  
Neil Braunstein  
Bob Dalrymple -Heather Dlhapoisky  
Chris Kabatt  
Bill Landfair

mmo to Hisel-McCoy re Monty 820090110.doc



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

**MEMORANDUM**

TO: Elza Hisel-McCoy, Planner Coordinator, Development Review Division

VIA: Mark Pfefferle, Acting Chief, Environmental Planning Division *MP*

FROM: Lori Shirley, Planner Coordinator, Environmental Planning Division *LS*

DATE: June 15, 2009

SUBJECT: Site Plan No. 820090110 – Monty, Bethesda

---

Environmental Planning staff has reviewed the above referenced site plan and recommends approval.

**BACKGROUND**

The site is located on the east side of St. Elmo Avenue and the west side of Fairmont Avenue. The overall site contains 0.56 acres, and is zoned CBD-2, in Bethesda. There are several existing buildings on-site including one and two stories in height with surface parking lots.

The proposal is to redevelop the site and construct a new seventeen-story high rise building for mixed uses to include retail and residential space within walking distance of the Bethesda Metro Station.

**Environmental Guidelines**

This site is located in the Lower Rock Creek watershed, designated as Use I waters. There are no streams, wetlands, floodplain or sensitive features on-site including forest or significant and specimen trees.

**Forest Conservation**

The site is exempt from submitting a forest conservation plan under section 22A-5(s) of the County code. Forest Conservation Plan exemption 42007003E was confirmed on August 3, 2006. Therefore, no tree save plan is associated with this plan for there is no large or specimen trees on this site or adjoining the subject site.

**RECOMMENDATION**

Environmental Planning staff recommends **approval** of Site Plan No. 820090110.

MP:LS



---

---

## FIRE MARSHAL COMMENTS

---

---

**DATE:** 15-Jan-09  
**TO:** Bill Landfair  
VIKA, Inc  
**FROM:** Marie LaBaw  
**RE:** Monty  
120090060 920070020 820090110

---

### PLAN APPROVED

1. Review based only upon information contained on the plan submitted **15-Jan-09** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.



Isiah Leggett  
County Executive

DEPARTMENT OF PERMITTING SERVICES  
ZONING

Carla Reid  
Director

Project Name: Monty  
Preliminary Plan #:  
Site Plan # 820090110  
Applicant: Monty, LLC  
Engineer: Vika, Incorporated  
Zone: CBD-2  
Number of Lots (Acres): 1 Lot (0.47 acres)  
Zoning Reviewer: Mark Beall

Development Standards on Submitted Plan(s):

Standard	Required	Proposed
Front:		11' (St. Elmo Avenue) & ? Bldg Above
Rear:		11' (Fairmont Avenue) & 5' to Bldg Above
Sides:		0.5'(Left) & 19'(right) & 14' Bldg Above
Height:	200'	174'
Building Coverage:		
FAR	4.88	4.88

- Plan(s) meets zoning requirements.
- Plan(s) meets zoning requirements, but see comments below.
- Plan(s) do not meet zoning requirements. See comments below.

Comments:

Is there a minimum setback for the "Bldg Above" along St. Elmo Avenue? Be sure there is room for error in the development standards. Be sure all site amenity details are on the plans for field inspections during the construction of the project.

**\*\*Note-**When applying for a building permit please identify both the BRL approved on the certified site plan and the dimensions from the structure to the property lines on all four sides.

Mark Beall: (240) 777-6298 or Laura Bradshaw: (240)777-6296  
255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850-4166.

**MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES  
WATER RESOURCES SECTION**

255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850-4153

Date: March 2, 2009

**MEMO TO:** Robert Kronenberg, Acting Supervisor  
Development Review Committee, MNCPPC

**FROM:** William Campbell  
Water Resources Section, MCDPS

**SUBJECT:** Stormwater Management Concept Plan/100-Year Floodplain Review  
Site Plan # 820090110, Monty  
Project Plan #  
Preliminary Plan # , DPS File # 234110  
Subdivision Review Meeting of

The subject plan has been reviewed to determine if it meets the requirements of Executive Regulation 7-02AM for stormwater management and Executive Regulation 108-92 AM for a 100-year floodplain. The following summarizes our findings:

**SM CONCEPT PLAN PROPOSED:**

- On-site:**  CPv  WQv  Both  
 **CPv** < 2cfs, not required  
 On-site/Joint Use  Central (Regional): waived to  
 Existing  Concept Approved August 6, 2008  
 **Waiver:**  CPv  WQv  Both  
 Approved on  
 **Other**

**Type Proposed:**

- Infiltration  Retention  Surface Detention  Wetland  Sand Filter  
 Separator Sand Filter  Non Structural Practices  Other

**FLOODPLAIN STATUS:** 100 Year Floodplain On-Site  Yes  No  Possibly

- Provide source of the 100-Year Floodplain Delineation for DPS approval:  
 Source of the 100-Year Floodplain is acceptable.  
 Submit drainage area map to determine if a floodplain study (> or equal to 30 acres) is required.  
 Dam Breach Analysis:  Approved  Under Review:  
 100-Year Floodplain study:  Approved  Under Review:

**SUBMISSION ADEQUACY COMMENTS:**

- Provide verification of Downstream notification.

**RECOMMENDATIONS:**

- Approve  as submitted  with conditions (see approval letter)  
 Incomplete; recommend not scheduling for Planning Board at this time.  
 Hold for additional information. See below  
 Comments/Recommendations: The Landscape Plan must be reviewed and approved by the Department of Permitting Services as part of the Sediment Control/Storm Water plan for the Storm Water easement area. Nothing may be placed on top of the Storm Water management structure that cannot be easily moved by one person. Nothing may be anchored into the structure or be placed to interfere with routine maintenance.

cc: Steve Federline, Environmental Planning Division, MNCPPC

bll DRC site plan.03/01