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MCPB

Item No.:

Hearing Date: 6 /14/12

4900 Fairmont Avenue, Project Plan Amendment and Site Plan Review, 920070030A, 820120120



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Description

Report Date: 5/30/12

Location: 4900 Fairmont Avenue, in the southwest quadrant of the intersection of Norfolk and Fairmont Avenues

Zone: CBD-2

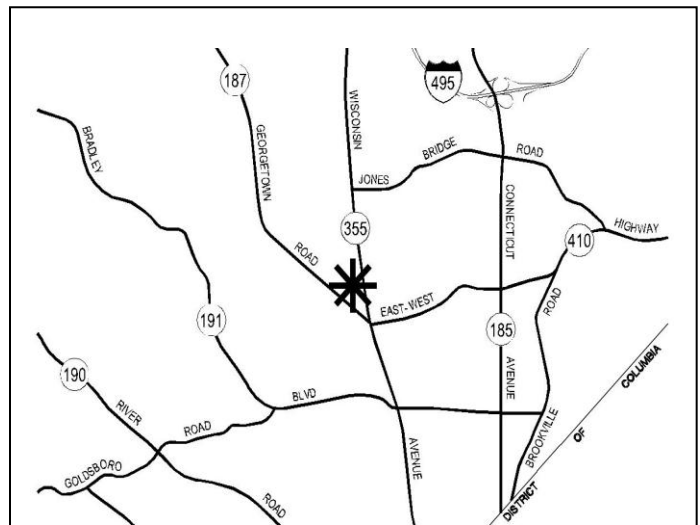
Master Plan: Woodmont Triangle Amendment to the Sector Plan for the Bethesda CBD

Property size: 20,584 square feet

Request: Application to amend a previously approved project plan and a new site plan, by transferring density totaling 84,643 square feet of development from four different properties to the site; total development on site will be 303,793 square feet, including 7,000 square feet of non-residential uses and up to 250 dwelling units including 15% Moderately Priced Dwelling Units

Applicant: 4900 Fairmont Avenue Residential, LLC

Filing Date: March 8, 2012



Summary

Staff Recommendation: Approval with Conditions: The Project Plan (#920070030A) for 4900 Fairmont Avenue is an amendment to increase the number of dwelling units from 118 to 250 and the non-residential uses from 5,500 to 7,000 square feet. To account for the increase the amendment seeks to transfer density from other sites within the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan. The amount of density transferred from the sending sites, consisting of four properties within the Woodmont Triangle Amendment, to this site (the receiving site) will be approximately 84,643 square feet.

A site plan (#820120120) which was submitted and reviewed concurrently with the project plan amendment is also recommended for approval with conditions. Adequate public facilities are being reviewed with the site plan application.

The application proposes a 17-story building at the corner of Norfolk and Woodmont Avenues and a continuation of the pedestrian connection from the County parking garage to Norfolk Avenue to provide for a stronger mid-block passage and safer connection from the garage.

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SECTION 1: CONTEXT & PROPOSAL

SITE DESCRIPTION

Vicinity

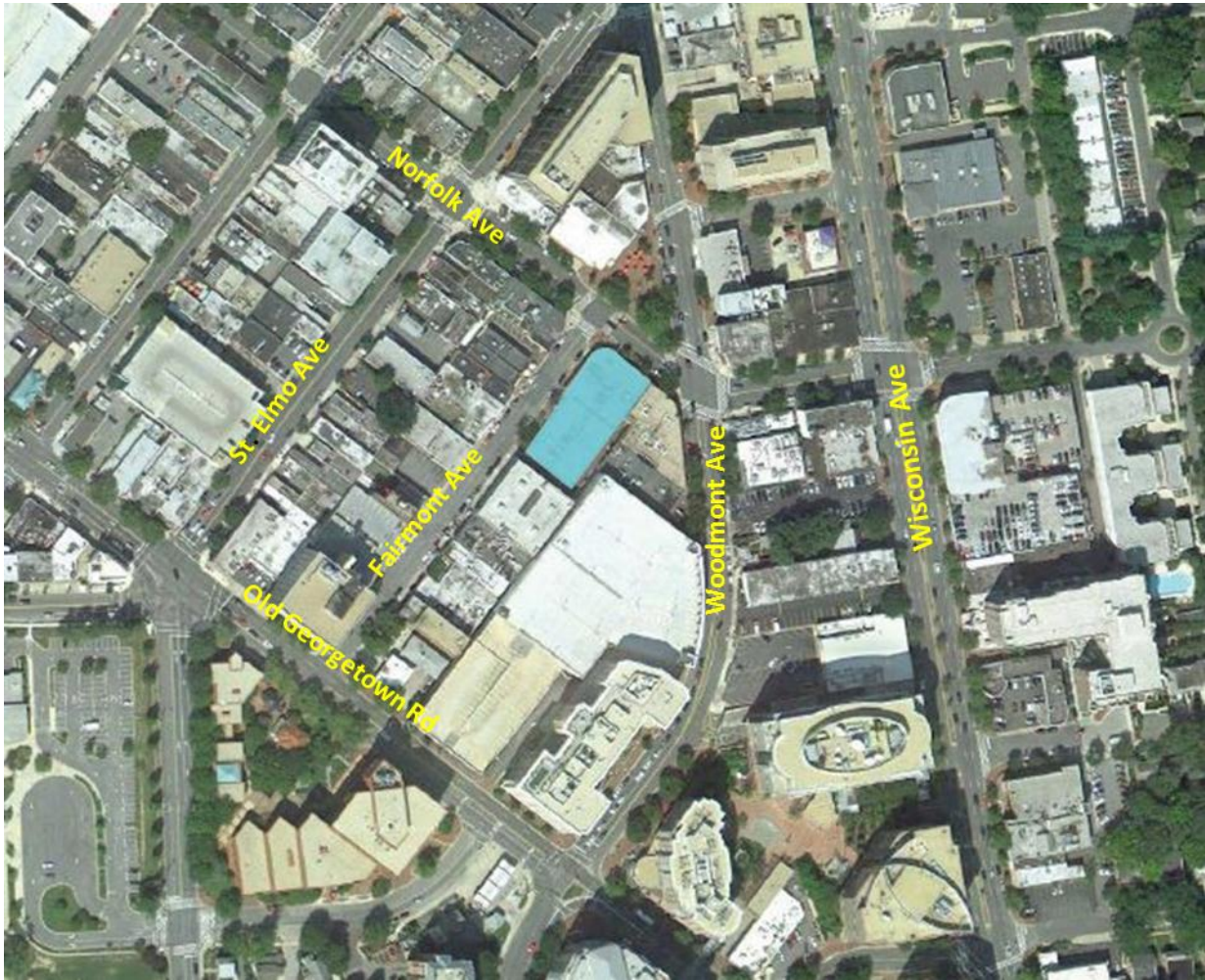
The subject property site is located on the south side of Fairmont Avenue at its intersection with Norfolk Avenue, approximately 65 feet west of Woodmont Avenue. Fairmont Avenue is a two way street extending between Norfolk Avenue and Old Georgetown Road. This site is located within the southern quadrant of the Woodmont Triangle Amendment to the Sector Plan for the Bethesda CBD, (hereafter referenced as the Woodmont Triangle Amendment). It is within 1,500 feet of the Bethesda Metro Station. Abutting and confronting uses include an office building, retail, restaurants and a public parking garage. Veterans Parks is directly across Norfolk Avenue and north of the site.



Vicinity Map

Site Analysis

The subject property (receiving site) consists of Parcel 657 with a gross tract area of 25,586 square feet; previous dedications for street right-of-ways have resulted in a net tract area of 20,584 square feet. The site is zoned Central Business District-2 (CBD-2). It is relatively flat and rectangular in shape, with 85 feet of frontage on Norfolk Avenue and 200 feet of frontage on Fairmont Avenue. Currently, the site is developed with a one story building fronting on both Norfolk and Fairmont Avenues and containing various retail/commercial uses. Ingress to these uses occurs along both streets.



Aerial View

In addition to the site proposed for development, the application includes the density from 4 additional properties within the Woodmont Triangle Amendment area that comprise approximately 33,648 square feet of land. The density will be transferred to the subject property. The total gross tract area of the

properties that are sending the density and the property receiving the density (i.e., the site to be developed under this application) is 64, 235 square feet.¹

An L-shaped alley that runs along the southern lot line on Fairmont Avenue separates the subject site from the adjacent three story commercial office building. The alley then runs along the eastern side of the lot which abuts Montgomery County Public Parking Garage No. 11 and commercial buildings that front on Woodmont Avenue. The alley provides access to the rear of the site, and is used by the property owner and adjacent property owners for trash removal and other ancillary uses of these businesses and by garage users walking to and from the parking garage. There are striped pedestrian crossings at Fairmont and Norfolk Avenues and at Norfolk and Woodmont Avenues.

PROJECT DESCRIPTION

Previous Approvals

Project Plan

Project Plan #920070030 was approved by the Planning Board on May 17, 2007. The approved development consisted of a 16 story building limited to a maximum of 154,864 square feet of development including 5,500 square feet of retail, a maximum of 118 residential units including 18 Moderately Priced Dwelling units (MPDUs) and 168 parking spaces. The maximum height for the approved building was 174 feet with a Floor Area Ratio (FAR) of 4.79. The on-site public use space included 4,130 square feet in front of the building along both Fairmont and Norfolk Avenues and a plaza area at the intersection of both streets. Off-site amenities included streetscaping improvements along the frontage of the property on Fairmont and Norfolk Avenues and along the north side of Norfolk Avenue and improvements to Veterans Park. A copy of the Planning Board's approved resolution is attached as Appendix A.

On June 7, 2011, the Planning Board approved a revision to previously approved Condition Number 1 regarding building height. A copy of this corrected resolution is also included in Appendix A.

The Planning Board approved an extension of time for the validity of the approved project plan on July 30, 2009. The Planning Board approved a second request for an extension of time for the approved project plan on January 13, 2011. Under the second extension a site plan would need to be accepted by July 20, 2012 and approved by January 20, 2013.

¹ The 33,648 square feet of land is based on the existing lot area of the four sending sites. The 64, 235 square feet is based on the gross tract for the sending and receiving sites which includes the existing lot area plus all previous right-of-way dedications.

Proposal

The applicant is seeking to amend the approved project plan #920070030 for this site. An accompanying Site Plan (#820120120) has also been submitted and reviewed concurrently with the amended project plan. The applicant is requesting approval of this site plan. This project plan amendment will redevelop the site with a mixed use transit oriented project to include up to 250 multi-family residential units, including 15% MPDUs and 7,000 square feet of non-residential uses, and employ the density transfer provisions to transfer a maximum of 84,643 square feet of development to the receiving site. A more detailed analysis of the transfer density provisions of Section 59-C-6.2355 of the Zoning Ordinance and this proposal's conformance to the Zoning Ordinance is found on page 33 of this staff report.



SURROUNDING AREA & DENSITY TRANSFER SITES

The Woodmont Triangle Amendment states that properties located within the Woodmont Triangle Density Transfer area are allowed to transfer densities to other properties within this transfer area. The subject property (receiving site), which is located within the transfer area, is receiving density from the following properties:

- 37,672 square feet of density from 4851 Rugby Avenue, in the CBD-1- Zone (Lots 443, 444, 627, 447, 448)¹
- 12,468 square feet of density from 4912 Del Ray Avenue, in the CBD-1- Zone (Lots 629)
- 12,468 square feet of density from 4909 Cordell Avenue, (in the CBD-1- Zone (lot 626)
- 22,035 square feet of density from 7750 Woodmont Avenue in the CBD-2 zone (Lot 9)

In addition to the density transfers, changes to the project plan amendment include the addition of the “Paseo”, a pedestrian walkway connecting the existing sidewalk from Fairmont Avenue to Public Parking Garage No. 11, owned by Montgomery County, at the rear of the site. The Paseo is approximately 2,664 square feet and will vary in width from 18 to 23 feet. It will incorporate a public art component designed by a local artist and will include space for seating and plantings. This walkway will serve as a pedestrian link for the site and the surrounding properties and will provide an attractive and safer entry to Public Parking Garage No. 11.

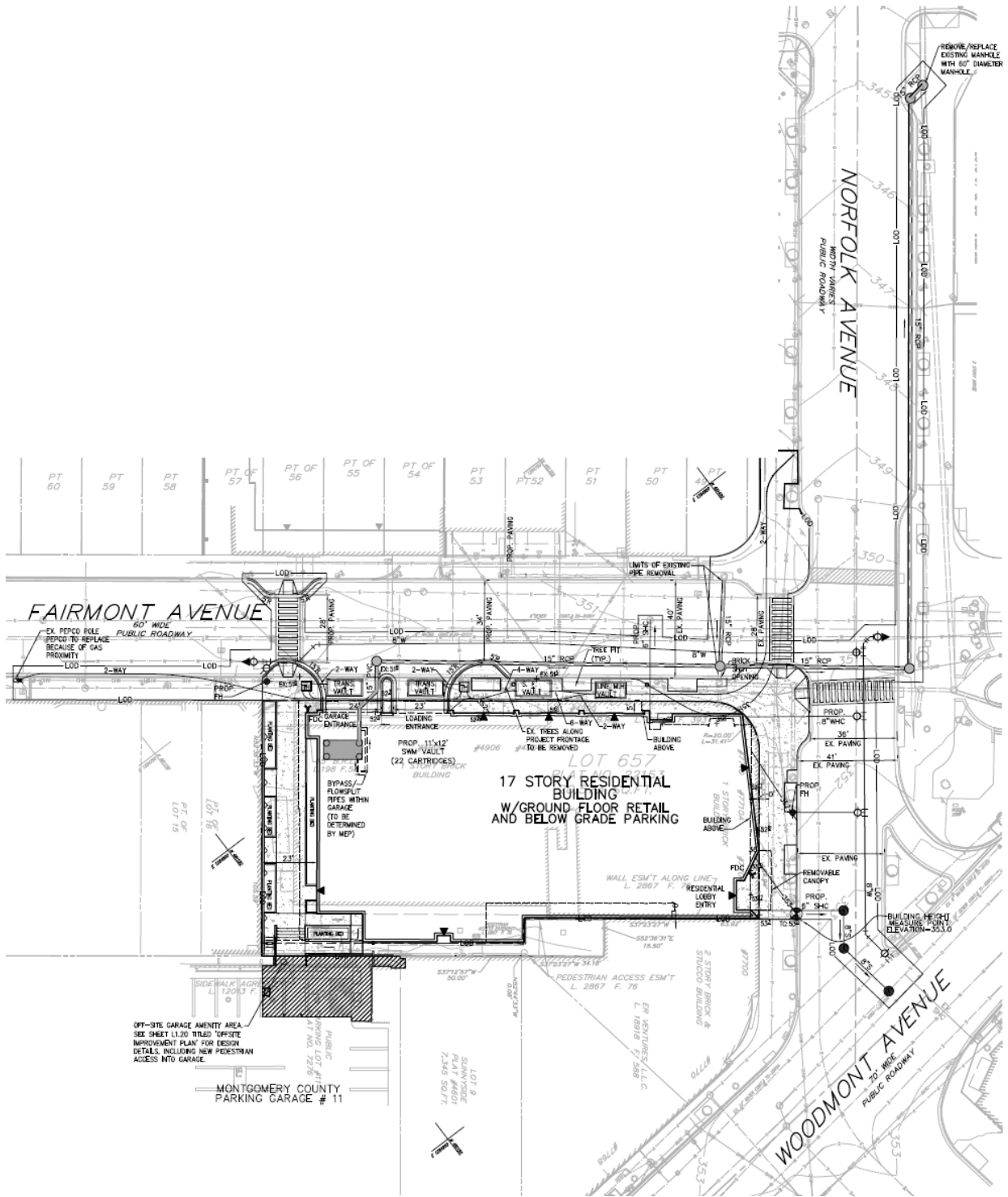
The applicant is also proposing the following improvements to Public Parking Garage No. 11:

- Relocate the existing pedestrian entrance for the garage to the terminus of the Paseo;
- Add overhead lighting to the pedestrian garage entrance;
- Redesign garage’s existing pedestrian alley entrance to be fully ADA compliant with fewer steps and a new ramp; and
- Restripe several parking spaces and relocating payment machines.

Access to the proposed building will be from curb cuts on Fairmont Avenue to an underground parking garage that will serve the residents and the building’s loading dock.

A Preliminary Plan of subdivision is not required as the site was platted in 2001 by minor subdivision. Because the site was subdivided prior to the project plan approval, adequacy for public facilities, i.e., schools was not tested. The adequacy of public facilities for schools will be tested during site plan review.

¹ The Rugby site is an approved optional method development project (#820070050) for 61 multi-family dwelling units. The approval of this application will extinguish the previous approval of the Rugby site and it will remain as a standard method site with approximately 18,836 square feet available for development.



Proposed Project Plan

Land Use

The proposal provides a total of 303,793 square feet of total gross floor area for 7,000 square feet of non-residential uses and up to 250 multi-family dwelling units, including 15% of these dwelling units as

MPDUs; or 38 units. The final bedroom mix and number of required parking spaces will be determined with the certified site plan. The project will be served by an underground parking garage of up to 170 parking spaces.

Common Elements of Project Plan and Site Plan

The following discussion on design, public use space, public amenities and facilities, circulation and phasing apply to both the project plan amendment and the site plan.

Design

The proposed building is a high rise with a rectangular floor plate that rises to form a tall block. The building creates a street wall along the southwest side of Norfolk Avenue and also along Fairmont Avenue. This street wall extends in a single vertical plane to the top of the building. Each floor is visible in the design. Windows and balconies form a pattern on each face. This building front is distinguished by an architectural feature that looks like a large box frame. It is similar in concept to the box frame that sits atop the front of the Silver Spring Civic Center. In both cases, the box frame is approximately 30 feet deep and extends an additional 20 feet above the building's roof line (permitted by regulations as a parapet). The top of this frame creates an open cover over part of the pool terrace that overlooks Veterans Park. At the base of the building, the frame floats one story above Norfolk Avenue. Just below the bottom edge of the box frame, the street level floor is slightly recessed. Some residential units will have balconies. The building's rooftop deck will offer residents an outdoor pool and other recreational features such as changing rooms, and an amenity terrace. These amenities are exempt from the height requirement of the building. The entrance to the residential portion of the building will be on Norfolk Avenue. Entrances to the proposed commercial uses will be from Norfolk and Fairmont Avenues. Curb cuts for vehicular access to the building are located on Fairmont Avenue and provide access to the residential parking and the building's service and loading areas.



Illustrative Building Rendering Facing Fairmont Avenue

A pedestrian walkway, the Paseo, links the existing public parking garage to Fairmont Avenue between the proposed building and the existing building to the south. The Paseo will be defined to the south by the existing office building with its windows opening onto the space and to the north by the edge of the proposed building. This walkway is part of the public realm and includes many design features that enhance the space. One edge of the proposed building will be activated by eye level window box displays with balconies and windows of the buildings' residential units on upper levels. Along the other side of the Paseo there is a row of colorful artistically paint-spattered pillars that enliven the space. The walkway will contain overhead lines of festival lighting to frame the space. Plant materials further enhance the space.



Illustrative Building Rendering facing Norfolk Avenue

Public Use Space and Public Amenities

The applicant is providing a total of 12,735 feet or 62% of both on and off-site for public use and amenity space. The total on-site public use space is based on the net lot area of the site. The on-site public use space will consist of a pedestrian walkway, the Paseo. This walkway replaces an existing L shaped alley between the southern edge of the existing building, the adjacent office building (to the south) on Fairmont Avenue and the abutting public parking garage and commercial uses along Woodmont Avenue. Enhancements within the Paseo include seating opportunities, planting beds, window boxes, lighting and an art component. The window boxes will display community events and notices, art work, and advertisements for neighboring businesses. The art component will contain several artistically paint splatted columns approximately 17 feet in height, placed along the southern edge of this walkway, to enliven this space. The walkway will contain overhead lines of festival lighting to frame the space. Plant materials further enhance the space. These design elements have been

included in the project and site plan to create an inviting entry to the Paseo and an American with Disabilities Act (ADA) accessible entrance to the parking garage.

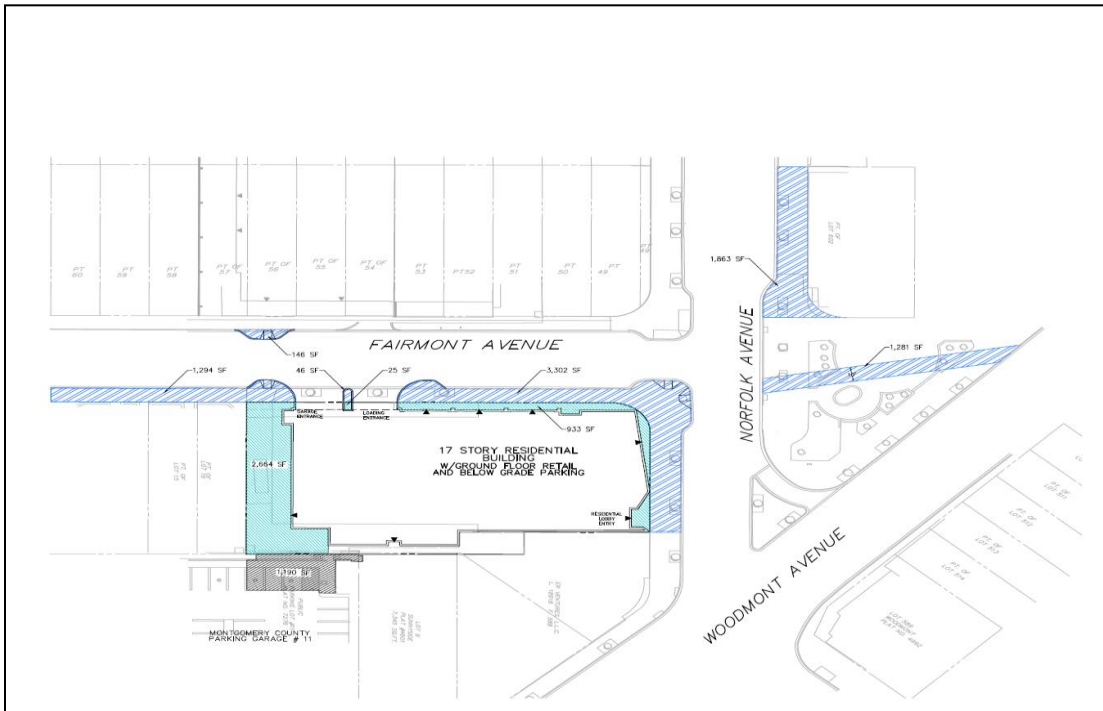


Illustrative of Paseo view from Fairmont Avenue

Public Use Space and Amenities and Facilities

Off-site amenity and facility space consists of the following elements:

- Bethesda streetscape along Fairmont Avenue
- Bethesda streetscape along Norfolk Avenue (in front the site and along the north side of Norfolk Avenue)
- Improvements to Public Parking Garage No. 11
- Mid-block pedestrian crosswalk on Fairmont Avenue connecting to the Paseo
- On site and off site utility undergrounding including a section of Veterans Park

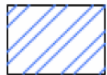


Public Use and Amenity Space

LEGEND



ON SITE PUBLIC USE SPACE



OFF SITE PUBLIC AMENITY AREA



OFF SITE PUBLIC GARAGE AMENITY AREA

NET LOT AREA FOR PUBLIC USE SPACE CALCULATION = 20,584 SF

Vehicular and Pedestrian Circulation

The property will be served by an underground parking garage containing up to 170 parking spaces. This garage will have its vehicular entrance from Fairmont Avenue with two curb cuts. One curb cut will serve the building's residential units while the other curb cut will serve as building's loading and delivery entrance. Bicyclist access is provided along Norfolk Avenue, a north-south public right-of-way.

Pedestrians will access the development from the sidewalks along Norfolk and Fairmont Avenues and as well as through the proposed Paseo. The Paseo will create a mid-block north south connection for pedestrians between the existing public parking garage and other properties in Woodmont and to the Bethesda CBD. The Paseo aligns with the pedestrian connection on the north side of Fairmont Avenue at the Bainbridge Bethesda site, (formerly the Monty) providing a mid-block connection from the public parking garage to St. Elmo Avenue.

Phasing

The project is intended to be developed in one phase. Development of the onsite amenities will occur concurrently with the occupancy of the residential units, subject to the possible deferral of landscaping to the appropriate planting season.

SECTION 2: PROJECT ANALYSIS

PROJECT ANALYSIS

The original project plan was approved and found to be in conformance with the Woodmont Triangle Amendment. The modifications under this application include transfer of density transfer and additional housing to further the goals and objectives of the Woodmont Triangle Amendment.

Sector Plan

The vision for the Woodmont Triangle Amendment is a vibrant mixed use, urban, neighborhood with small scale retail uses, housing public amenities, the arts and pedestrian friendly streets serving this area. To achieve this vision, the Sector Plan sets forth the following goals. The Plan language is shown in *Italics font* and the staff response immediately follows in regular font.

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

The amendment proposes a residential building of up to 250 multi-family units, with 15% MPDUs. The inclusion of MPDUs will offer a range of housing for individuals of different income levels and fulfills an objective of additional housing within the Woodmont Triangle Area.

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

The project plan amendment proposes to increase the amount of small scale retail on site from 5,500 square feet to 7,000 square feet. This new square footage will offer new space for potential businesses.

This amendment takes advantage of the sector plan's provisions allowing for the transfer of density within the Woodmont Triangle area. The existing sending sites are improved with either a two story office buildings consisting of retail uses on the ground level and office uses above or the sites are improved as a surface parking lots. The proposed transfer of density helps preserve existing retail businesses, by allowing them to capture income from the sale of their unutilized density to other properties that will then be able to incorporate this density into new taller, mixed use buildings that include housing options.

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 Paseo with its' artistically paint spattered columns and eye level window boxes of changing messages and contents, provides an opportunity for residents, visitors and workers moving through the Woodmont area to experience visual art and local events. When, this project was presented to the Art Review Panel on April 10, 2012, it was favorably received and supported.

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 amendment addresses the safety and character of existing streets, by enlarging the curb bump outs at the crosswalks in order to increase pedestrian safety. A crosswalk linking the mid-block connections improves pedestrian safety throughout the study area. The addition of Bethesda streetscaping along Norfolk Avenue will further reinforce Norfolk Avenue as the main street in the Woodmont Triangle Study area.

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 applicant is proposing to meet approximately 17.6 % of its 20% requirement for onsite public use space through the creation of a pedestrian walkway between this site and the surrounding uses. The remaining 2.4% of public use space requirement will be fulfilled through improvements to the public parking garage No. 11. Under Section 59-C-6.233 of the Zoning Ordinance, public use space can be provided in part or entirely off-site in the same CBD if approved under Section 59-D-2 of the Zoning Ordinance. This provision is applicable to optional method projects, subject to project plan review under Division 59-D-2. Priority public amenities under this proposal include streetscaping and

undergrounding of utilities along the Norfolk and Fairmont Avenues and in Veterans Park. The Woodmont Triangle Amendment identifies a list of priority public amenities which are discussed under the Urban Design Guidelines of this report.

Woodmont Triangle Amendment General Recommendations

Transit Oriented Development (TOD)

The site is approximately 1,500 feet from the Bethesda Metro rail station. The project proposes a new building with mixed uses, and is in close proximity to shopping, employment and cultural activities and enhances pedestrian connections, all of which are criteria for a successful TOD project.

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

This project increases the housing supply in the Woodmont area by proposing a new high rise building of up to 250 multi-family units, with 15% of these units developed as MPDUs. This will provide a range of housing for a variety of income levels.

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

This project provides a transition in building heights from the Bethesda Metro station area to the Woodmont area. It provides greater density and an acceptable building height on Block 45 as recommended in the Woodmont Triangle Amendment and fulfills the recommendations to increase the housing supply. The parapet, frame and rooftop amenities are exempt from the traditional definition of building height. The architecture provides an urban character within the Woodmont Triangle visually engaging the public.

Protect the sunlight to the area's main street, Norfolk Avenue by approving development that steps back from Norfolk Avenue particularly on the southwest side of the street.

Although the proposed building does not step back from the street a shadow study was provided that indicates adequate sunlight on Norfolk Avenue and minimal impacts on Veterans Park.

Mixed Use Development – Density, FAR, Public Use Space

This proposal fosters mixed use development by proposing a new building containing residential and ground level non-residential uses. The Woodmont Triangle Amendment recommends an FAR of 5.0 for this block. This proposal captures a FAR of 4.73 through the use of the 22% bonus density for MPDUs and density transfer provisions from sites within the Woodmont Triangle. The proposal also provides new on site public use space and contributes to public use space and amenities in the Woodmont area.

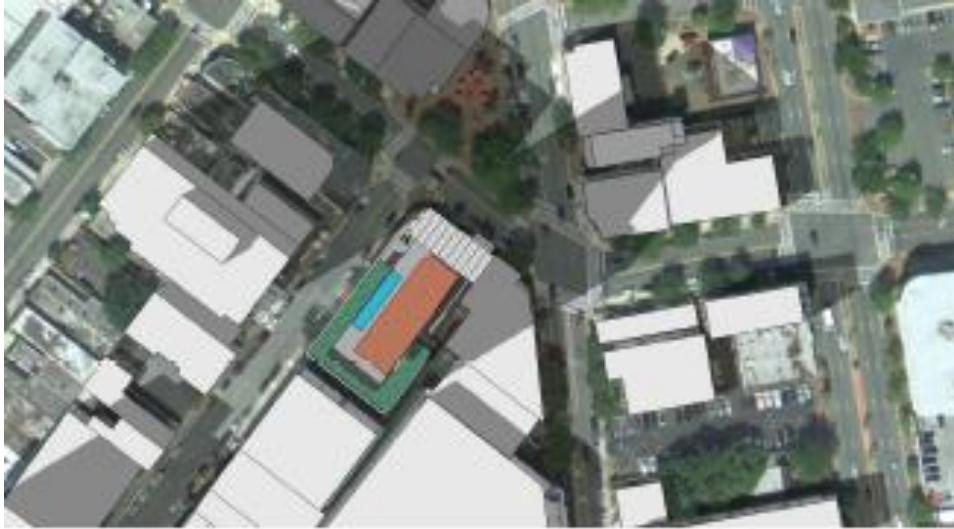
Retail Preservation – lot size, density transfer

The submitted project transfers density from four properties in the Woodmont area to the subject site. This transfer of density encourages the retention of small scale retail in Woodmont and fulfills retail preservation recommendations in Woodmont Triangle Amendment. The subject property (receiving site), at approximately 20,584 square feet is above the minimum lot size of the standard 18,000 square feet, even though the minimum lot size may be less than 18,000 square feet for existing lots in the Woodmont Triangle Amendment.

Woodmont Triangle Amendment Urban Design Guidelines

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

The proposed building is sited along the south side of Norfolk Avenue and across from Veterans Park. The applicant conducted a shadow study to determine if shadowing from natural sunlight would create adverse conditions for nearby public spaces. The study which looked at both a spring and fall scenario indicated that while shadows would be cast on the park, adequate sunlight would still be adequate. This project fulfills the vision and goals set forth in the Woodmont Triangle Amendment of more housing, mixed use, taller buildings, density transfer, better pedestrian circulation, and more public amenities. The benefits and amenities provided by this project outweigh the decrease in sunlight for limited periods during the year.



Shadow Study Fall 3 p.m.

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

This project is compatible with the existing and approved planned uses in the surrounding Woodmont Triangle Amendment. The proposed mixed use building will contain first floor retail uses while the upper levels will contain new housing. The Bainbridge Bethesda (formerly the Monty) is an approved mixed use building located across Fairmont Avenue and west of the site. The proposal will mirror the Bainbridge in terms of first floor non-residential uses that will activate the street. The pedestrian connection provided with this amendment, facilities a safer connection from the public garage through the mid-block connection to St. Elmo Avenue.

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

There are no required setbacks in the CBD-2 zone. However the proposed building has been placed on the site to adequately accommodate pedestrian movements and streetscape improvements. The building holds the property line to create an urban setting while encouraging activating uses on the street level. The Paseo provides not only a safer pedestrian connection from the surrounding streets to the public parking garage, but also accommodates a building setback from the adjoining Brown property, (located at 4916 through 4922 Fairmont Avenue parcels) on the southwestern boundary. This allows for pedestrian circulation and continued operations of the adjoining building.

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 proposes approximately 7,000 square feet of street oriented retail along Norfolk and Fairmont Avenues. It is anticipated that these future retail uses will generate street activity beyond the normal 9 a.m. to 5 p.m. work weekday hours.

Maintain the established building line along Norfolk Avenue.

The proposed building will maintain the established building line along Norfolk Avenue that activates the street through new residential and retail/restaurant uses.

Woodmont Triangle Sector Plan Public Amenities and Facilities

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 Veteran Parks 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, special paving for sidewalks established as the standard for Bethesda (the Bethesda paver)

A number of off-site improvements associated with this project contribute to the character of Norfolk Avenue, including the implementation of the Bethesda Streetscape standards such as pavers, benches, street lights and street trees and the undergrounding of utilities along the property frontage. Utilities are also being provided underground in the adjacent Veterans Park to enhance the public realm within the Woodmont Triangle area.

Provide the Bethesda Streetscape on other streets in the study area, such as Cordell Avenue.

The Bethesda streetscape will be constructed along both frontages (Norfolk Avenue and Fairmont Avenue) of the property. This streetscape will also be constructed on the south side of Fairmont Avenue in front to adjacent property and across and along Norfolk Avenue, northwest of the site.

Establish a north-south mid-block pedestrian connection for the blocks located between Old Georgetown Road and Norfolk Avenue.

This project is located on Fairmont Avenue between Old Georgetown Road and Norfolk Avenue. The Paseo is a mid-block connection that establishes a north-south midblock connection from the parking garage to St. Elmo Avenue.

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

The Paseo will provide residents, workers and visitors new onsite public use space that is presently absent on the site. It will offer a safe and visually interesting and animated public use space, and will add to the existing and established urban spaces in Woodmont.

Provide public art, art facilities and public gathering spaces.

The Paseo will feature public art by a local artist and a new public gathering space that features seating, landscaping, and lighting. It is also envisioned as a connecting space that improves pedestrian circulation and facilitates movement to other public gathering spaces in Woodmont.

Zoning and Density

The subject site is zoned CBD-2 as recommended in the Woodmont Triangle Amendment. This amendment will be implemented under the optional method of development. Under the optional method, a maximum floor area ratio (FAR) of 3.0 is permitted for non-residential uses a total FAR of 5.0 for mixed use development. The sector plan amendment recommends a FAR of 5.0 for this block and this development is proposing a FAR of 4.73, including the density transfer sites. This proposal meets the zoning and density goals of the Woodmont Triangle Amendment.

Specific Site Recommendations

Blocks 44 and 45 are the blocks in the Woodmont Triangle Study area that are closest to the Bethesda Metro Station 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 development, this amendment recommends changing the CBD-1 properties to CBD-2 with an FAR of 5.0 for all properties in this block and a height limit of 143 feet or 174 feet with a 22 percent MPDU bonus.

The subject site is located on Block 45. The proposal seeks to develop this property to a 4.73 FAR through the use of density transfers from other Woodmont properties and by achieving a 22% density bonus for including 15% MPDUs in this high density residential project.

Transportation

The current site, developed with 14,186 square feet of restaurant and retail uses, is already subdivided. The following analysis reflects findings and conditions related to transportation issues associated with the redevelopment of this property.

The site is in the parking lot district and the underground parking garage accessed from Fairmont Avenue will provide parking for a portion of the residential units. Additional parking for residents and non-residential uses on the site will be provided in nearby parking garages and along adjacent streets. A loading entrance/dock will be provided on Fairmont Avenue adjacent to and north of the proposed parking garage driveway.

Pedestrian access to the residential lobby is provided from Norfolk Avenue. Pedestrian access to retail uses is provided along both Norfolk Avenue and Fairmont Avenue. The development provides a pedestrian walkway, connecting along the southern property line between Woodmont Avenue and Fairmont Avenue leading to the County Public Parking Garage No. 11. This pedestrian path will connect to the pedestrian path proposed on the Bainbridge Bethesda development west of site and across Fairmont Avenue. The Bainbridge path will connect Fairmont Avenue to St. Elmo Avenue.

Master Plan Roadways and Pedestrian/Bikeway Facilities

The July 1994 Approved and Adopted *Bethesda CBD Sector Plan* has the following recommended transportation facilities:

1. Norfolk Avenue, as a two-lane business street with the minimum right-of-way width of 80 feet between Rugby Avenue and Wisconsin Avenue.
2. Fairmont Avenue, as a two-lane business street with the minimum right-of-way width of 60 feet between Old Georgetown Road and Norfolk Avenue.
3. Woodmont Avenue, as a two-lane arterial (A-68) with a minimum right-of-way width of 80 feet for its entire length.

The 2005 Approved and Adopted *Countywide Bikeways Functional Master Plan* recommends bikeway facilities along Norfolk Avenue (Countywide signed shared roadway SR-11, between Rugby Avenue and Woodmont Avenue) and Woodmont Avenue (Countywide shared-use path SP-62 to the north of Battery Lane and Countywide bike lanes BL-6 to the south of Battery Lane).

Adequate Public Facilities Review (APFO)

Because this is a recorded lot, no preliminary plan is required, and thus the required APF findings will take place at site plan approval according to Chapter 8 of the Zoning Ordinance. Site plan approval is the appropriate venue to evaluate transportation, schools and public facilities.

A traffic study (dated April 11, 2012) was submitted by the consultant for the Applicant for the subject application per the *LATR/PAMR Guidelines* since the proposed development was estimated to generate 30 or more peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. The traffic study determined traffic-related impacts of the proposed development on nearby roadway intersections during weekday morning and evening peak periods.

Trip Generation

The peak-hour trip generation estimate for the proposed 4900 Fairmont Avenue development was based on trip generation rates included in the *LATR/PAMR Guidelines*. A site trip generation summary is provided in Table 1, which shows that the development, after discounting for the use currently on the site, would generate 71 peak-hour trips during weekday morning peak period and 56 peak-hour trips during the weekday evening peak period.

**TABLE 1
SUMMARY OF SITE TRIP GENERATION
PROPOSED 4900 FAIRMONT AVENUE DEVELOPMENT**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
A. Existing Density 14,186 SF Retail (A1)	5	4	9	19	18	37
B. Proposed Density 250 High-Rise DU's	15	60	75	50	25	75
7,000 SF Retail	3	2	5	9	9	18
Total Trips (B1)	18	62	80	59	34	93
C. Net "New" Trips Net Trips (C1 = B1 – A1)	13	58	71	40	16	56

Source: Wells and Associates, Inc. LATR/PAMR Traffic Study. April 11, 2012.

Local Area Transportation Review

A summary of the capacity analysis/Critical Lane Volume (CLV) analysis results for the study intersections for the weekday morning and evening peak-hours within the respective peak periods from the traffic study is presented in Table 2.

As shown in Table 2, under Total (Build) traffic conditions, CLV values for intersections included in the study were estimated to be below the respective policy area congestion standards (1,600 CLV for the Bethesda-Chevy Chase Policy Area and 1,800 CLV for the Bethesda CBD Policy Area). Based on the analysis presented in the traffic study, it is concluded that the subject application will satisfy the LATR requirements of the APF test.

TABLE 2
SUMMARY OF CAPACITY CALCULATIONS
PROPOSED 4900 FAIRMONT AVENUE DEVELOPMENT

Intersection	Traffic Conditions					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Norfolk Ave/St. Elmo Ave	531	705	558	775	558	775
Norfolk Ave/Woodmont Ave	273	346	287	367	326	406
Norfolk Ave/Woodmont Ave	711	688	798	736	829	751
Old Georgetown Rd/St. Elmo Ave/ Wilson Ln/Arlington Rd	1,052	1,097	1,118	1,142	1,119	1,146
Old Georgetown Rd/Fairmont Ave	777	730	835	770	866	798
Old Georgetown Rd/Woodmont Ave	911	1,036	926	1,137	936	1,142
Woodmont Ave/Site Driveway	--	--	--	--	145	209

Source: Wells and Associates, Inc. LATR/PAMR Traffic Study. April 11, 2012.
Note: Bethesda CBD Policy Area Congestion Standard: 1,800 CLV

Policy Area Mobility Review (PAMR)

To satisfy the PAMR requirements of the APF test, and per the policy in place that offer a PAMR trip credit for CBD developments, a development located within the Bethesda CBD Policy Area is required to mitigate 25 percent of “new” peak-hour trips generated by the development using Countywide trip generation rates, and is then offered a credit on the PAMR trip mitigation requirement equivalent to any reduction in peak-hour trips achieved by the development as a result of its location within the CBD.

As shown in Table 3, using Countywide trip generation rates, the density proposed on the site with credit for existing density on the site would generate 76 “new” peak-hour trips during the weekday morning peak period and 63 “new” peak-hour trips during the weekday evening peak period (Line C1). With the requirement to mitigate 25% of the “new” peak-hour trips, the PAMR mitigation requirement for the development are 19 peak-hour trips during the weekday morning peak period 16 peak-hour trips during the weekday evening peak period (Line D1).

Using the Bethesda CBD trip generation rates, as shown in Table 3, the density proposed on the site with credit for existing density on the site would generate 71 “new” peak-hour trips during the weekday morning peak period and 56 “new” peak-hour trips during the weekday evening peak period (Line G1).

The PAMR CBD trip credit, which is the difference in “new” trips between the Countywide and CBD trip generation for the density proposed on the site, is 5 peak-hour trips during the weekday morning peak period and 7 peak-hour trips during the weekday evening peak period (Line H1). With the above credits, it is seen that the PAMR mitigation requirement is partially mitigated during both the morning peak-hour (19 trip PAMR mitigation requirement vs. 5 trip CBD PAMR credit, for a mitigation requirement of 14 peak-hour trips) and evening peak-hour (16 trip PAMR mitigation requirement vs. 7 trip CBD PAMR credit, for a mitigation requirement of 9 peak-hour trips) (Line I1). The Applicant is required to mitigate the higher of the above trip mitigation numbers, which are 14 peak-hour trips.

The Applicant is proposing to satisfy the PAMR mitigation requirements of the APF test by paying \$163,800.00 to MCDOT (to mitigate 14 net “new” weekday site-generated peak-hour trips at \$11,700.00 per peak-hour trip). The PAMR payment may be used by MCDOT for the construction of a mid-block pedestrian crossing across Fairmont Avenue to connect the on-site pedestrian path to the pedestrian path on the Bainbridge Bethesda site (with a curb extension on the north side of Fairmont Avenue to reduce the crosswalk width) and for bikeshare stations within the Bethesda-Chevy Chase Policy Area.

**TABLE 3
PAMR MITIGATION REQUIREMENT CALCULATION
PROPOSED 4900 FAIRMONT AVENUE DEVELOPMENT**

	Morning Peak-Hour	Evening Peak-Hour
Site Trip Generation – (Countywide Rates)		
A. Existing Density		
14,186 SF Retail	25	101
“Pass-by” Trips (35%)	9	35
“New” Trips (65%) (A1)	16	66
B. Proposed Density		
250 High-Rise DU’s	84	97
7,000 SF Retail	12	49
“Pass-by” Trips (35%)	4	17
Net “New” Trips (65%)	8	32
“New” Trips (B1)	92	129
C. Net “New” Trips (C1 = B1 – A1)	76	63
D. PAMR Mitigation Requirement (D1 = C1 x 0.25)	19	16
Site Trip Generation – (CBD Rates)		
E. Existing Density		
14,186 SF Retail (E1)	9	37
F. Proposed Density		
250 High-Rise DU’s	75	75
7,000 SF Retail	5	18
Total Trips (F1)	80	93
G. Net “New” Trips (G1 = F1 – E1)	71	56
H. Trip Credit for CBD Location (H1 = C1 – G1)	5	7
I. Adjusted PAMR Mitigation Requirement (I1 = H1 – D1) [PAMR: Excess/Pass = +ve; Deficit/Fail = -ve]	-14 (Fail PAMR)	-9 (Fail PAMR)

Schools

Under the previously approved project plan, Adequate Public Facilities for the 118 multi-family residential units were not evaluated and specifically not tested for schools.

Since all three school levels in the Bethesda Chevy-Chase (BCC) cluster (elementary, middle and high school) are currently operating above capacity, this development will trigger a school facility payment for elementary, middle and high school levels at the time of issuance of building permit.

Other Public Facilities

Other public facilities and services such as police stations, firehouses, water and sewer service, utilities and health services are available and will be adequate to serve the proposed development. The application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles.

Environment

Forest Conservation

A small property forest conservation exemption was previously granted for the project under 22A-5.(s)(2) of the Forest Conservation Law, which covers activity conducted on a tract less than 1 acre. The project as proposed includes work being done off-site such as undergrounding utilities and other modifications. For forest conservation purposes, the net tract area is defined by the property size plus the offsite limits of disturbance (LOD). The LOD for all the associated off-site work must be included within the net tract area of the project because the work shown on the submitted drawings to date is at the upper limits of net tract area allowed under the exemption which was granted. Furthermore, not all of the off-site work is currently shown on the plans, staff has some concerns as to whether the proposed work will meet the requirements of the existing exemption. Therefore, conditions are recommended to ensure the requirements are satisfactorily met.

Noise

The proposal includes residential units located near a busy urban environment. Noise levels for affected units will be attenuated by the design and appropriate installation of the building shell and windows. Several conditions are recommended to ensure the noise levels are appropriately mitigated.

Stormwater Management

A stormwater management concept plan (#228074) for sediment and erosion control and water quality treatment was approved for this site on September 28, 2006. Since its original approval, state stormwater management regulations have changed. On October 3, 2011, the Department of Permitting Services issued an administrative waiver for this site based on these changes to state regulations. Nonetheless, DPS reviewed the submitted plans and on April 18, 2012 via email determined that the administrative waiver granted in October 2011, remains valid for this proposal.

Development Standards

The subject site, (the receiving property) is zoned CBD-2, which is governed by the development standards in Section 59-C-6.233 of the Montgomery County Zoning Ordinance. As shown in the data table below, the requirements of the zone are met by the subject project plan. With respect to the on-site public use space, Section 59-C-6.233 (b) the Zoning Ordinance, states “that the public use space requirement may be provided in part or entirely off-site in the CBD if approved under Division 59-D-2.” This project has been reviewed under Sect 59-D-2 and the off-site public use space is acceptable in meeting this requirement. The sending sites associated with the density transfer will be limited to the standard method of development.

The proposed building will be approximately 174 feet in height as measured from 352 ‘ 0 “elevation on Norfolk Avenue. An architectural feature that resembles a large box frame is located above the roof line on the building’s front along Norfolk Avenue. This box frame is approximately 30 feet deep and extends an additional 25 feet in height above the building’s roof slab. Underneath this frame is a large screen wall made of perforated bronze metal paneling approximately 20 feet 8 inches height. This panel is needed to screen the cooling tower and other mechanical equipment on the roof. By DPS calculations, the proposed building height is measured from the flat roof slab and will be approximately 174 feet. Exempted from DPS height controls are such items as architectural features, mechanical appurtenances, water towers, air conditioning units or similar roof structures. Both the box frame and screening panel add another 25 feet in height to this building, which is below the 200 feet height limit permitted in the CBD-2 Zone by the Ordinance. The Woodmont Triangle Amendment recommends a building height of 174 feet, which the proposed building satisfies. The previous building was approved for a height of 174 feet. The additional structures above the roof slab will make this building appear to be 199 feet in height. However, the Planning Board approved project plan (#920070020) and site plan (#820090110) for Bainbridge Bethesda for a height of 174 feet however, a parapet wall, mechanical structures and architectural features extended above the 174 height to a total height of approximately 196 feet. The proposed building height as measured by DPS is consistent with the height recommendations pursuant to the zoning ordinance and the Woodmont Triangle Amendment. Finally, this amendment is located within the Parking Lot District, parking spaces are not required to be provided but parking calculations have been provided to indicate the difference between the required number of spaces and the tax to be paid by the applicant.

Project Data Table for 4900 Fairmont Avenue CBD-2 Zone

Development Standard	Permitted/ Required	Previous Approval 920070030	Proposed for Approval
Existing Tract Area (sf.)	18,000	20,584	20,584 ¹
Properties to transfer density (sf)		NA	33,648 ²
Proposed Dedications (sf.)	NA	NA	10,003
Gross Tract Area (sf.)		25,586	64,235 ³
Density §59-C-6.234			
Maximum Density (FAR)	5	4.79	4.73
Maximum Density total (sf.)	5.0	154,864	303,793
Maximum Density, non-residential (sf.) Retail		5,500	7,000
Maximum Dwelling Units, total	200	118	250
Proposed MPDU (%)	12.5	15	15
Minimum MPDUs (du)	25	18	38
Building Height §59-6.235(b)			
Building Height, Maximum (ft.)	200 ⁴	174	174
Public Use Space & Amenities §59-6.233			
On site Public Use Space (% of net lot area)	20	20	17.6
On site public use space (sf)		4,130 sf	3,622 sf
Off-site public use space (%)		NA	5.7%
Off-site public use space (sf)		NA	1,190 sf
Off-site public amenity space (%)	10%	37%	38.5%
Off-site public amenity space (sf)		7,630sf	7,932 sf
Total public use & amenity space (%)		57%	61.9%
Total public use & amenity space (sf)	30%	11,760 sf	12,744 sf
Parking spaces §59-E-3.7⁵			
Studio (units) (14 units)	1.0 sp/unit		14
Studio (mpdus) (3 units)	0.5		2
1- Bedrm (155 units)	1.25 sp/unit		194
1- Bedrm (mpdus) (28 units)	0.625 sp		18
2 bedrm (43 units)	1.5 sp		65
2 bedroom (mpdus) (7 units)	0.75 sp		6
Total required			299 spaces
Less 15% metro proximity			45 spaces
			254 spaces
Retail restaurant (60% retail) 7,000 sf			105 spaces
Less 15% metro proximity			16
Retail/restaurant required I			89
Total parking required			343 spaces ⁶
Total parking provided			170

¹The receiving site is approximately 20, 584 square feet.

²Properties to transfer density includes existing lot area of sending sites: 1) Rugby Avenue lots 443, 444, 627, 447 and 448 for 15, 835 sq ft, 2) Del Ray Avenue Lot 629 for 5,234 sq ft, 3) Del Ray/Cordell Ave Lot 625 for 5,234 sq ft, and 4) Woodmont Avenue Lot 9 for 7,435 sq ft.

³Gross tract area included all existing lots plus prior dedication of right-of-way square footage for all sending and receiving properties.

⁴The Zoning Ordinance permits a height up to 200 feet in the CBD-2 zone. The Woodmont Triangle Amendment recommends a height of 143 feet and if a projects includes a 22% MPDU density bonus in Block 45, the height can be increased from 143 feet to 174 feet.

⁵The final bedroom mix will be determined at certified site plan

⁶The site is in the parking lot district and is subject to the PLD tax if not all of the required spaces are provided on site.

Mandatory Referral

The applicant is proposing to renovate approximately 1,190 square feet of the parking garage. These renovations will include relocating the entrance door to the garage, new steps, a ramp and lighting, relocating a payment machine and restriping a few parking spaces.

A mandatory referral is not required. However, if a mandatory referral were required for the improvements to the garage, the application would be consistent with the recommendations contained in the Woodmont Triangle Amendment, consistent with the intent and the requirements of the CBD-2 zone, will be compatible with surrounding neighborhood based on size, scale, height, of the building, provides open space and pedestrian circulation systems that are safe adequate and efficient. Thus, the proposed improvements for the Parking Garage No. 11 would satisfy the review of mandatory referral.

Community Concerns

The applicant held a pre-application meeting with on January 19, 2012 with the community prior to the submission of this application package. Concerns focused on impacts on the adjacent office building, the Brown building located at 4916 through 4922 Fairmont Avenue from the proposed building, use of the proposed Paseo by vagrants, loss of sunlight to nearby residential building roof top pool, garage entrances and loading spaces on Fairmont Avenue Staff also received a letter from the property owners of the Brown Building, with concerns to keep the existing sidewalk access open across the rear of their property and to ensure that the proposed building does not block sunlight into the windows on the north side of their building. The applicant has addressed the property owners' concerns and entered into a separate agreement to that effect. A copy of this letter is included in Appendix C.

Staff also had discussions with properties in the neighborhood regarding the impact to vehicular operations on Fairmont Avenue for the increased number of residents. The operations were evaluated with the Montgomery County Department of Permitting Services, the Montgomery Department of Transportation and Transportation Planning Staff. The operations and vehicular circulation provides for optimal movements into and out of the site taking into account the adjoining properties along Norfolk Avenue and Fairmont Avenue.

SECTION 3: PROJECT PLAN AMDNEDMENT REVIEW

PROJECT PLAN FINDINGS

All of the considerations of Section 59-D-2.43 of the Montgomery County Zoning Ordinance have been addressed by staff in reaching its conclusions and recommendations. A copy of Section 59-D-2.43 are found in Appendix B. As the following Findings demonstrate, the subject project plan amendment adequately addresses each of these considerations, as conditioned by the Staff Recommendation.

Section 59-D-2.42 of the Zoning Ordinance establishes the findings that must be made by the Planning Board and in concert with the considerations enumerated above to form the basis for the Board's consideration of approval. To that end, the following findings support the amendment to the Project Plan:

(a) As conditioned, the proposal complies with all of the intents and requirements of the zone.

Intents and Purposes of the CBD Zones sect 59-C-6.212

The Montgomery County Zoning Ordinance states the purposes which the CBD zones are designed to accomplish. The following statements analyze how the proposed Project Plan amendment conforms to these purposes:

(1) "To encourage development in accordance with an adopted and approved master or sector plan, or an urban renewal plan approved under Chapter 56 by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan or urban renewal plan and the site plan or combined urban renewal project plan is approved on review by the Planning Board."

The amendment proposes to use the optional method of development through the use of increased density, density transfer, height and intensity on the subject site. The proposed development is a transit oriented mixed-use building utilizing the density transfers provisions recommended in the sector plan. The proposed residential and non-residential uses are

permitted in the CBD-2 Zone. This proposal is in conformance with the Woodmont Triangle Amendment Sector Plan recommendations.

The amendment meets the land use and zoning recommendation contained in the Sector Plan by creating more opportunities for housing in the Woodmont Triangle within close proximity to the Bethesda Metro Station; strengthening the pedestrian circulation patterns through upgrades to sidewalks and the new mid-block connection to Fairmont Avenue; providing visual art opportunities for visitors, employees and residents of the area; upgrading off site public use space and creating new on-site public use space.

(2) "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 workers, shoppers and residents."

This requirement is satisfied as the proposed mixed use development will provide a variety of land uses and activities in the Woodmont Triangle. The amendment responds to the need for a variety of housing by including Moderately Priced Dwelling Units in the proposed building. The addition of new housing types, shopping opportunities, public open spaces as well as enhanced public facilities will meet the need and requirements for future workers, shoppers and residents. This project, developed under the optional method, encourages active urban streets by improving the quality of the pedestrian environment within the improved streetscapes and placing ground floor retail uses on both street frontages.

(3) "To 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."

The amendment will produce a compatible and desirable relationship with adjacent and surrounding uses. The building's design, scale and façade treatments ensure that the development will complement the surrounding area. The building's design establishes a focal point at this prominent location in the Woodmont Triangle. By incorporating the Paseo into the site's design, it becomes a destination spot in the area. It also provides a much needed improvement to a space currently being used for trash service. Additionally, the proposed walkway aids the pedestrian circulation system by adding a much needed connection to the Woodmont area and the adjacent Bethesda Metro Core.

(4) "To promote the effective use of transit facilities in the central business district and pedestrian access thereto."

The proposed development is located within 1,500 feet of the Bethesda Metrorail Station and to nearby bus stops. This proximity to transit facilities and to shopping, dining and cultural activities should help future residents of this development alleviate the need for an automobile. The streetscape improvements along Fairmont and Norfolk Avenues will create a better pedestrian experience for people in the Woodmont Triangle and those connecting to the Bethesda metro CBD.

(5) "To improve pedestrian and vehicular circulation."

The applicant is coordinating with MDCOT to use a portion of the PAMR money for construction of a mid-block crosswalk on Fairmont Avenue along with a curb extension on the north side of Fairmont Avenue to facilitate a safer pedestrian linkage. The Paseo provides a more prominent and safer access from the garage to Fairmont Avenue and beyond with wider walkways, lighting, art and landscaping.

This amendment improves the quality of the pedestrian environment through enhancements to the streetscape such as street trees and lights, and special paving for sidewalks, as recommended in the Sector Plan. Bicycle spaces will be provided for residents using bicycles for both transportation and recreational purposes. Finally, while the existing vehicular circulation patterns are largely unchanged, they have been analyzed to minimize any impacts of increased traffic to pedestrians and cyclists.

(6) "To assist in the development of adequate residential areas for people with a range of different incomes."

The amendment proposes 250 dwelling units and includes 15% MPDUs. These unit types will vary from studio to two bedroom units. This range of units will allow people of various income levels to live and work in the Woodmont Triangle Area.

(7) "To encourage land assembly and most desirable use of land in accordance with a sector plan."

The amendment does not involve the assembly of abutting, adjacent or confronting properties. However, the project does include the assembly of four sites within the Woodmont Triangle Area, as allowed in the density transfer recommendations of the Woodmont Triangle Amendment. The transfer of this density addresses the Sector Plan goals, by encouraging redevelopment of sites to increase the housing supply and retaining the small scale retail uses.

Compliance with CBD-2 Zone Additional Intent

Section 59-C-6.213(c) of the Zoning Ordinance states that it is further the intent that the CBD-2 Zone:

- (1) *“To 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 area within and adjacent to the districts; and*
- (2) *To provide an incentive for the development of residential uses to meet the needs of those employed with 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 Woodmont Triangle Amendment specifically states that “Blocks 44 and 45 are the closest to the Bethesda Metrorail station and provide the potential for higher density redevelopment”. The subject property is located on Block 45. The plan provides a density and intensity of development that complements the nearby Bethesda CBD core, yet will not overwhelm the blocks north of the site between Saint Elmo Avenue and Glenbrook Road which are proposed for less dense development in the sector plan.

This development proposes up to 250 new residences and 7,000 square feet of non-residential space within 1,500 feet of the Bethesda Metro station. It will allow current employees in the adjacent CBD as well as future residents and employees in the Woodmont Triangle area to use transit facilities to travel to and from their employment.

Transfer Density

59-C-6.2355 Special regulations for Optional Method of development projects for more than one lot involving a density transfer. *This section includes special regulations for optional method of development projects involving more than one lot located within a Density Transfer Area designated in a master or sector plan.*

(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 or 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.

The density to be transferred under this project plan amendment has been measured in gross square feet and will total approximately 84,643 gross square feet.

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

The subject site does not abut or confront a one-family residential zone.

(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 development of the combined lots does not exceed the development capacity otherwise permitted on the each of the four separate lots under the optional method of development. Nor does it exceed the density limit of 5.0 FAR recommended in the Woodmont Triangle Amendment. The calculations below demonstrate that the standard method of development can be achieved on each of the four sending properties after transferring their unutilized density to the subject receiving site.

Density Transfer Table

Site	Lots	Zone	Existing lot area (SF)	Prior Dedication (SF)	Gross Tract Area	R/W Dedication (SF)	Maximum FAR	Total Allowable GSF optional method	Existing GSF remaining	Base GSF for Project
Sending										
Rugby Ave	443, 444, 627, 447, 448	CBD-1	15,835	3,001	18,836	0	3.0	56,508	18,836	37,672
Del Ray Ave	629	CBD-1	5,234	1,000	6,234		3.0	18,702	6,234	12,468
Del Ray/Cordell Ave	626	CBD-1	5,234	1,000	6,234		3.0	18,702	6,234	12,468
Woodmont Ave	9	CBD-2	7,345	0	7,345		5.0	36,725	14,690	22,035

Subtotal			33,648	5,001	38,649			130,637	45,994	84,643
Receiving										
Fairmont Ave	657	CBD-2	20,584	5,002	25,586	0	5.0	127,930	0	127,930
Grand Total			54,232	10,003	64,235	0		258,567	45,994	212,573

(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 net lot area of the receiving site is 20,584 square feet, with a 20% onsite requirement for public use space. The applicant is proposing on site public use space of approximately 3,662, square feet or 17.6%. The deficit (2.4%) will be satisfied by providing approximately 1,190 square feet or (5.78%) of off –site public use space through improvements to Public Parking Garage No. 11. These improvements satisfy the public use space requirement as set forth in Section 59-C- 6.2355 of the Zoning Ordinance as also implement the recommendations set forth in the Woodmont Triangle Amendment.

(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 transfer of density will be satisfied by recording an easement and a density transfer deed in the Montgomery County Land Records in accordance with the Section 59-C-6.235(b) of the Zoning Ordinance. The easement will limit future construction of the property that transfers the development credit to the standard method. The easement will indicate the amount of development credit in gross

square feet, and to “indicate the maximum gross square feet of future development for the sending property and the remaining density for the sending properties. Since the property is a recorded parcel a new record plat is not required. The recorded easement will be noted on the project plan amendment and the certified site plan.

(b) *The proposal conforms to the approved and adopted Master or Sector Plan or an Urban Renewal Plan approved under Chapter 56.*

The minimum required on-site public use space for this project is 20 percent of the net lot area. As conditioned, the proposal conforms to the approved and adopted Woodmont Triangle Amendment Sector Plan to the Bethesda CBD Master Plan.

The Woodmont Triangle Amendment is organized around several goals that the Project satisfies, including:

- Preservation of small scale retail uses
- Development of a wide range of housing,
- Creation of more public amenities and facilities
- Increased the opportunities to experience visual and performing arts
- Creation of pedestrian friendly streets with a circulation pattern that encourages walking, cycling, and the use of mass transit.

This amendment will contribute to the vision of the Woodmont Triangle Amendment by producing a mixed use urban neighborhood with small scale retail uses, new housing stock, public amenities and public art within close proximity to existing mass transit facilities. It is an infill development that utilizes the density transfer provisions and MPDU density bonus to achieve its robust development potential. To achieve the goals of the Woodmont Triangle Amendment, the project’s design emphasizes a sleek tall mixed use building with ground floor retail uses and residential uses on the upper levels. The building’s residential component increases the housing supply in Woodmont. Ground floor retail reinforces the small scale retail experience the Woodmont Triangle Amendment seeks to preserve. The Paseo converts an underutilized and nondescript alley into an inviting public use space that allows residents workers and visitors to experience public art installations. The enhanced streetscaping produces streets that are safer and pedestrian friendly. These streets weave together a circulation pattern that fosters non-vehicular movement. Finally, the proposed building at the southwest corner of Norfolk and Fairmont Avenues creates a strong visual presence of redevelopment that emphasizes the overarching vision for a vibrant mixed use urban neighborhood.

(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.

The Project has been designed to ensure compatibility with the existing uses and the general neighborhood. The proposed development is in accordance with the Sector Plan and the requirements of the Zone regarding use, height and public use space. The proposed building will measure approximately 174 feet in height, similar to other approved projects in the Woodmont Triangle, including the Bainbridge Bethesda across Fairmont Avenue. This mixed-use project offers improved and enlarged sidewalks along Fairmont and Norfolk Avenues. The proposed walkway will consist of 3,622 square feet of on-site public use space that will encourage pedestrian activity into and through the site. Because vehicular activity is limited only to the buildings underground garage, pedestrian and vehicular conflicts are minimized. The scale, design and orientation of the proposed building are appropriate relative to the adjacent properties and provide an architectural design that adds presence to the Woodmont Triangle.

(d) As conditioned, the proposal 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.

The Project has access to the necessary water and sewer lines. The site is located within the Bethesda Transportation Management District and the applicant will need to enter into a Traffic Management Agreement (TMAg) with The Planning Board and MCDOT to mitigate trips and participate in this transportation district. The TMAg must be executed prior to release of building permits for the site. Improvements to the public parking garage assist in the function and access to the garage.

(e) The proposal will be more efficient and desirable than could be accomplished by the use of the standard method of development.

Under the standard method of development, on-site public use space requirement would be 10%, off site amenities are not required and the maximum potential for the housing option would not be fully realized. Under the Optional Method of Development, the housing option can be realized, and on site and off site amenities and facilities are provided. The goals of the sector plan, increasing the housing supply, providing public amenities, retaining small scale businesses through the density transfer provisions and public art could not be realized under the standard method of development.

The proposed mid-block crossing connecting to the new pedestrian walkway incorporating public use space and new public art could only be viable under the optional method of development. The difference between the permitted density (standard vs. optional method) is 2.0 FAR. Furthermore, only the optional method of development allows a density transfer to encourage retention of existing retail properties and increased density on a particular site. The optional method of development will allow a greater density than allowed under the standard method of development in a more efficient and desirable form of infill development as recommended in the Woodmont Triangle Amendment than the standard method of development allows.

(f) The proposal will include moderately priced dwelling units in accordance with Chapter 25A of this Code, if the requirements of that chapter apply.

The proposed development provides 15% MPDUs on site, in compliance with Chapter 25A of the Montgomery County Code. While the maximum number of units is proposed at 250 dwellings, the final bedroom mix will be established at the time of certified site plan. The applicant will execute an agreement to build with the Montgomery County Department of Housing and Community Affairs prior to building permit issuance, which will address all provisions for the construction and timing of the MPDUs.

(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 on 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*
- 2) The project will implement an urban renewal plan adopted pursuant to Chapter 56 of the Montgomery County Code; and/or*
- (3) The project will result in an overall land use configuration that is significantly superior in meeting the goals of the applicable master or sector plan and the zone than what could be achieved without the proposed transfer.*

This project implemented under the optional method of the CBD-2 Zone will result in a land use configuration that is significantly superior in meeting the Woodmont Triangle Amendment goals of density transfers to preserve small scale retail uses and to increase the housing supply. These goals could not be achieved without the proposed density transfer.

(h) *As conditioned, the proposal satisfies any applicable requirements for forest conservation under Chapter 22A.*

The property is exempt from a forest conservation plan. However, if the Limits of Disturbance (LOD) for this project change, then compliance with Chapter 22A is required.

(i) *As conditioned, the proposal satisfies any applicable requirements for water quality resources protection under Chapter 19.*

The proposal was granted approval of a Stormwater management concept plan (#228074) on September 28, 2006. That approval was reconfirmed by DPS via email on April 18, 2012. .

(j) When the Planning Board allows any public use space, or public facilities and amenities to be provided off-site, the Planning Board must find that the space or improvement:

- (1) is consistent with the goals of the applicable master or sector plan; and
- (2) serves the public interest better than providing the public use space or public facilities and amenities on-site.

The applicant proposes to provide off site public use space and amenities in the same density transfer area if it implements recommendations contained in the Woodmont Triangle Amendment. This project will implement the recommendations for establishing mid-block pedestrian connections, renovation of Norfolk Avenue, to include special paving for sidewalks, undergrounding of utilities; lighting and street trees. These efforts will serve the overall public interest that if these improvements were limited to on-site.

RECOMMENDATION AND CONDITIONS

Project Plan

Staff recommends **Approval** of Project Plan Amendment 92007003A for a maximum of 303,793 square feet including up to 250 multi-family dwelling units, with 15% MPDUs and 7,000 square feet of non-residential.

1. Development Ceiling

The development is limited to a Floor Area Ratio of 4.73, which includes a maximum of 303,793 square feet of development, to include 296,793 square feet of residential uses for a maximum of up to 250 multi-family dwelling units and 7,000 square feet of non-residential uses.

2. Building Height and Mass

The development is limited to 174 feet in height from the measuring point on Norfolk Avenue (elevation 352 feet and 0 inches).

3. Public Use Space

- a. The applicant must provide a minimum of 17.6% (3,622 square feet) of the net lot area of the receiving site, for on-site public use space including the pedestrian walkway, Paseo” between the buildings edge and the southern lot line on Fairmont Avenue and connecting to Montgomery County Public Parking Garage No. 11 located at 7730 Woodmont Avenue.
 - b. Park to the eastern boundary of Pt of Lot 602 and the undergrounding of utilities in Veteran Park.
 - c. The public use space must be easily and readily accessible to the general public and available for public enjoyment.
4. Streetscape
 - a. The applicant must relocate all utilities underground as part of the proposed streetscape improvements.
 - b. The applicant must provide the standard Bethesda Streetscape paving, lighting, and planting details along the Fairmont and Norfolk Avenues frontages and along the frontages of 4916 through 4922 Fairmont Avenue unless amended or modified during certified site plan review.
5. Staging
The project must be developed in one phase. The applicant must install the landscaping no later than the next growing season after completion of any open space.
6. Public Art
The public art component consisting of vertical columns designed by William Cochran must be incorporated in the development within the onsite pedestrian walkway known as the” Paseo”.
7. Coordination for Additional Approvals Required Prior to Certification of the Site Plan
 - a. The applicant must execute a Memorandum of Understanding with the Montgomery County Department of Transportation for the improvements and enhancement to Public Parking Garage No. 11. Located at 7730 Woodmont Avenue in the Bethesda Parking District. These improvements include, but are not limited to, relocating the entrance door to the garage, adding new steps, a ramp and lighting, relocating a payment machine and restriping parking spaces.
 - b. The applicant must obtain approval from MCDOT and MCDPS in consultation with MNCPPC staff for the final design and extent of any and all non-standard improvements within the rights-of-way.
8. Transfer Density
 - a. The applicant must record easements in the County Land records for the density transfer for this project in conformance to Section 59-C-6.2355 of the Zoning Ordinance.
 - b. The applicant must 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.
 - c. The standard method density must remain on the sending properties.

SECTION 4: SITE PLAN REVIEW

SITE PLAN 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 site plan is consistent with project plan amendment 920070030A, as conditioned by this staff report.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The site plan meets the requirements of the CBD-2 Zone and fulfills the specific purposes of the zone by providing incentives for development and allowing a variety of land uses and activities to meet the needs of workers, shoppers and residents. The plan also promotes effective use of transit facilities for employees and residents and improves pedestrian circulation. The data table on page 32 indicates that the site plan meets all of the development standards of the zone.

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 will define the southwest corner of Fairmont and Norfolk Avenues. The Woodmont Triangle Amendment envisioned this corner with prominent structures and a more visible identity. The building location on the property provides ease of access to the adjoining and surrounding sidewalks in the Woodmont area.

The onsite public use space creates a new inviting public space within the Woodmont Area and links the public garage to Fairmont Avenue which will help activate both the retail uses and the sidewalk along the property. Streetscape improvements on Fairmont and Norfolk Avenues further enhance the pedestrian environment. The undergrounding of utilities within Veterans Park further enhances the public realm. The recreation facilities for the residential portion of the proposed take advantage of nearby public parks and other amenities found in this area. The open spaces and landscaping adequately and efficiently address the needs of the proposed use and the fulfill recommendations of the Woodmont Triangle Amendment while providing a safe environment.

Pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the surrounding area. The vehicular circulation is designed to minimize pedestrian and bicycle conflicts. The emphasis on pedestrian and bicycle circulation on the site coupled with the recommendations contained in the Woodmont Triangle Amendment are an efficient and adequate means to provide a safe atmosphere for pedestrians, cyclists, and vehicles. The locations of the buildings and structures are adequate and efficient and do not pose any safety concerns on the site.

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

The proposed structure and uses expand residential and non-residential uses along Fairmont Avenue and are compatible with the existing and proposed adjacent and confronting development. This mixed use project has been designed to ensure compatibility with the existing uses and the general neighborhood. The proposed development is in accordance with the Woodmont Triangle Amendment and the requirements of the CBD-2 Zone regarding uses, height, and public use space. The project upgrades the sidewalks along Fairmont and Norfolk Avenue with enhanced streetscaping including lighting and special paving treatments. The design of the Paseo connects the properties on both sides of Fairmont Avenue to reinforce the vision of a compatible and interrelated Woodmont Triangle area. The scale, design and orientation of the proposed building are appropriate relative to the adjacent properties and add architectural character to the area.

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 proposed development is exempt from the forest conservation requirements. DPS has reviewed the submitted site plan and determined that the administrative waiver granted in October 2011 remains valid.

Site Plan Recommendation and Conditions

Staff recommends **Approval** of Site Plan 820120120. All site development elements shown on the site and landscape plans stamped "Received" by the M-NCPPC on April 19, 2012 and May 14, 2012, are required except as modified by the following conditions.

Plan Conformance

1. Project Plan Conformance

The development must comply with the conditions of approval for Project Plan (9--2007003A).

Density and Housing

2. Density

The development is limited to a Floor Area Ratio of 4.73, which includes a maximum of 303,793 square feet of development to include 296,793 square feet of residential uses up to a maximum of 250 multi-family dwelling units and 7,000 square feet of non-residential uses.

3. Moderately Priced Dwelling Units (MPDUs)

- a. The applicant must provide a minimum of 15% MPDUs for the total number of residential units consistent with the requirements of Chapter 25A of the Montgomery County Code. The applicant is receiving a 22% density bonus for providing MPDU's on the site.
- b. The applicant must execute a MPDU agreement with the Montgomery County Department of Housing and Community Affairs, prior to building permit issuance which shall address all provisions for the construction of MPDUs.

Adequate Public Facilities

4. Transportation

- a. The applicant must limit development on the site associated with the subject application to 250 high-rise residential units and 7,000 SF of non-residential uses.
- b. The applicant must show on the project and site plans the following rights-of-way along property frontage consistent with the 1994 Approved and Adopted Bethesda *CBD Sector Plan*:
 - i. Norfolk Avenue – minimum of 40 feet from the roadway right-of-way centerline or 80 feet from the opposite roadway right-of-way line.
 - ii. Fairmont Avenue – minimum of 30 feet from the roadway right-of-way centerline or 60 feet from the roadway right-of-way line.
 - iii. Prior to the release of any building permit for the proposed development, the Applicant, must pay \$163,800.00 to Montgomery County Department of Transportation (MCDOT) to satisfy the Policy Area Mobility Review (PAMR) requirement of the APF test (to mitigate 14 net “new” weekday site-generated peak-hour trips at \$11,700 per peak-hour trip). The PAMR payment may be used by MCDOT for the construction of a mid-block pedestrian crossing to connect the on-site pedestrian path to the pedestrian path on the Bainbridge Bethesda site, with a curb extension on the north side of Fairmont Avenue to reduce the crosswalk width as well as bikeshare stations within the Bethesda-Chevy Chase Policy Area.
- c. The applicant must enter into a Traffic Mitigation Agreement (“TMAg”) with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District (TMD) and must execute the TMAg prior to the release of any building permit for development on the site. The TMAg must include trip mitigation measures recommended by MCDOT.
- d. The handicapped ramps and crosswalks at the Norfolk Avenue/Fairmont Avenue intersection must be upgraded to a width of 10 feet.

- e. The applicant must reduce the inbound right-turn radius for the residential garage driveway to 20 feet, to slow vehicles turning right into the garage and to improve pedestrian/bicyclist safety.
- f. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter May 22, 2012 (“Agency Letter”), and does hereby incorporate them as conditions of the Project Plan approval. Therefore, the applicant must comply with each of the recommendations, except as noted above, as set forth in the Agency Letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Site Plan approval.

5. Schools

- a. Prior to issuance of any building permit, the applicant must make school facilities payments to the Montgomery County Department of Permitting Services at the elementary, middle, and high school level.
- b. The Adequate Public Facilities (APF) review, exclusive of the schools test, for this development will remain valid for 85 months for the date of mailing of the Planning Board Resolutions for the Site Plan.

Environment

6. Forest Conservation

- a. The applicant must show all applicable offsite work within the Limits of Disturbance LOD and provide Staff with a square foot measurement of the net tract area (property size + the offsite LOD).
- b. Revise note 12 on the Site Plan and related notes on the Project Plan to reference the current net tract area and clarify whether or not the work still conforms to the exemption which was previously granted.
- c. If the net tract area exceeds one acre than a new exemption (or forest conservation plan if applicable) the applicant must submit and obtain staff approval prior to approval of the certified site plan.

7. Noise

- a. Provide the M-NCPPC staff with a certification from an engineer specialized in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn prior to building permit. The builder commits to construct the units in accord with these design specifications, with any changes that may affect acoustical performance approved by the acoustical engineer in advance of installation.
- b. After construction is complete, and prior to use and occupancy, the builder must provide M-NCPPC staff a certification from an engineer specialized in acoustics confirming that interior noise levels do not exceed 45 dBA Ldn.

8. LEED Certification

- a. 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 use and occupancy certificate, 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 the final use and

occupancy certificate the Applicant must provide to staff a written report for public record purposes only 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. Submission of this report constitutes compliance with this condition.

9. Stormwater Management

The development is subject to the Stormwater Management Concept Plan (#228074) waiver granted in April 2012 unless amended and approved by the Montgomery County Department of Permitting Service.

Public Use, Amenities and Facilities

10. Public Use and Amenity Space

- a. The applicant shall provide a minimum of 3, 622 square feet (17.6%) of the net lot of the area for on-site public use and amenity space.
- b. The applicant shall provide a minimum of 1,190 square feet (5.78%) of the net lot area of the site for offsite space to fulfill the remaining public use space requirement of 20%. This off site public use space will consist of improvements to County Public Parking Garage No. 11 as specified in the Memorandum of Understanding between Montgomery County and the applicant. These improvements include, but are not limited to, relocating the entrance door to the garage, adding new steps, a ramp and lighting, relocating a payment machine and restriping parking spaces.
- c. The applicant shall provide a minimum of 7,932 square feet (38.5%) of the net lot area for off-site public use space to fulfill the 10% requirement set forth in the CBD-2 Zone for optional method development.
- d. The public use space must be accessible and open to the public.

11. Memorandum of Understanding

The applicant must execute a Memorandum of Understanding (MOU) with the Montgomery County Parking Authority for improvements to County Public Parking Garage No. 11.

Site Planning and Design

12. Recreation Facilities

The applicant must provide the following onsite recreation facilities for residents, swimming pool, changing rooms, amenity terrace and pedestrian walkway, "the Paseo," is in conformance with the approved M-NCPPC Recreation Guidelines.

13. Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for commercial development.
- b. All onsite down- light fixtures must be full cut-off fixtures.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent properties.
- d. The height of on-site the light poles shall not exceed-17 feet including the mounting base.

14. Public Art

- a. Provide for and install the public art concept designed by artist William Cochran as presented to the Planning Department's Art Review Panel on April 10, 2012 and illustrated in the Certified Site Plan.
- b. Any significant changes to the concept presented on April 10, 2012 must be presented to the Planning Department's Art Review Panel and approved by t staff before Certified Site Plan.
- c. Significant changes to the concept, as determined by staff, proposed after Certified Site Plan will require a Site Plan Amendment.

Surety, Phasing and Compliance

15. Surety

The applicant must provide a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. The amount of surety must include plant material, art, on-site lighting, recreational facilities, site furniture, and entrance piers within the relevant phase of development. Surety to be posted prior to issuance of first building permit, exclusive of the sheeting and shoring permit, and must be tied to the development program.
- b. Provide a cost estimate of the materials and facilities, which, upon staff approval, will establish the initial surety amount.
- c. Provide a screening/landscape amenities agreement that outlines the responsibilities of the applicant and incorporates the cost estimate. Agreement to be issued prior to issuance of the first building permit, exclusive of the sheeting and shoring permit.
- d. Completion of the plantings to be followed by inspection and surety reduction. Inspection approval starts the 1 year maintenance period and surety release occurs at the expiration of the one year maintenance period. Bond/surety shall be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety and will be followed by inspection and reduction of the surety.

16. Development Program

- a. The applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:
 - i. Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
 - ii. On-site amenities and landscaping including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities must be installed prior to release of any final use and occupancy permit.
 - iii. The development program must provide phasing for installation of on-site landscaping and lighting.
 - iv. The Paseo a mid-block connection and pedestrian walkway, including landscape, public art and seating areas must be completed prior to issuance of the final use and occupancy permit.
 - v. The improvements to Montgomery County Public Parking Garage No. 11 must be completed prior to issuance of the final use and occupancy permit.
 - vi. The development program must provide phasing of stormwater management, sediment and erosion control, trip mitigation.

17. 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. Ensure consistency off all details and layout between site plan and landscape plan.
- b. Provide final details for proposed art work.
- c. The final bedroom mix shall be determined at certified site plan.

APPENDICES

Appendix A Previous Resolutions

Appendix B Required Project Plan Findings Sect 59-D-2.43

Appendix C Letter from Community

Appendix D Agency Correspondence Referenced in Conditions



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

MCPB No. 07-219
Project Plan No. 920070030
Project Name: 4900 Fairmont
Date of Hearing: May 17, 2007

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

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

WHEREAS, on August 29, 2006, Fairmont Development LLC ("Applicant"), filed an application for approval of Project Plan No. 920070030 for a maximum of 154,864 gross square feet of new development, including a maximum of 118 market rate residential units; of which 15% are MPDUs; and approximately 5,500 square feet of first floor retail on 25,586 gross square feet ("Project Plan"), on approximately 1.63 acres of CBD-2-zoned land, located on the southwestern corner of the intersection of Norfolk and Fairmont Avenues, in the Woodmont Triangle area of Bethesda ("Property" or "Subject Property"); and

WHEREAS, Applicant's Project Plan application was designated Project Plan No. 920070030, 4900 Fairmont (the "Application"); and

WHEREAS, Planning Board Staff ("Staff") issued a memorandum to the Planning Board, dated April 25, 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 Staff and the staffs of other governmental agencies, on May 17, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

APPROVED AS TO LEGAL SUFFICIENCY

5/16/07
MONTGOMERY COUNTY PLANNING BOARD LEGAL DEPARTMENT

¹ 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.

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

WHEREAS, on May 17, 2007, the Planning Board approved the Application subject to conditions, on motion of Commissioner Bryant; seconded by Commissioner Robinson; with a vote of 4-1, Commissioners Bryant, Hanson, Perdue and Robinson voting in favor and Commissioner Wellington voting against.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Project Plan No. 920070030 for a maximum of 154,864 gross square feet of new development, including a maximum of 118 market rate residential units; of which 15% are MPDUs; and approximately 5,500 square feet of first floor retail on 25,586 gross square feet, on approximately 1.63 gross acres in the CBD-2 zone, subject to the following conditions:

1. Development Ceiling

The proposed development shall be limited to a maximum of 154,864 gross square feet of development, including a maximum of 118 residential units and approximately 5,500 square feet of retail space.

2. Building Height Mass

The height of the building shall not exceed the maximum of 174 feet, including a parapet, mechanical equipment, safety railings or design features, as measured from an identified point along Norfolk Avenue that is equal to 351 feet above sea level. The final height of the building will be determined at the time of site plan.

3. Moderately Priced Dwelling Units (MPDUs)

- a. The Applicant shall provide 18 MPDUs, which represents 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.

4. Transportation Improvements

- a. The Applicant shall comply with the recommendations of the M-NCPPC Transportation Planning memo dated April 25, 2007, including future dedication along Fairmont Avenue and Norfolk 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 Norfolk Avenues.
- d. Prior to release of the building permit, the Applicant shall enter into a Traffic Mitigation Agreement with the Planning Board and Montgomery County Department of Public Works and Transportation to participate in the Bethesda Transportation Management Organization.

5. Public Use Space

- a. The proposed development shall provide a minimum of 20% (4,130 square feet) of on-site public use space, including the area in front of the building along Fairmont and Norfolk Avenues and the plaza area at the intersection of both streets.
- b. The proposed development shall provide a minimum of 37% (7,630 square feet) of off-site amenities, including the streetscape improvements along the frontage of the property on Fairmont and Norfolk avenues, along the north side of Norfolk Avenue from Veteran's Park to the eastern boundary of Pt. of Lot 602 and improvements to Veteran's Park.
- c. The proposed public use space shall be easily and readily accessible to the general public and used for public enjoyment.

6. Site Design

The Applicant shall provide safe and adequate access in the rear of the subject property, presently providing egress from Garage 11 and the adjacent properties fronting Woodmont Avenue.

7. Streetscape

- a. The Applicant shall provide the full streetscape improvements along Norfolk and Fairmont Avenues, along the frontage of the subject property, in accordance with the Bethesda Streetscape Plan (1992) as amended. The improvements include providing utilities underground.

- b. Off-site streetscape improvements shall be provided along Fairmont Avenue, south of the subject site, and improvements to the north side of Norfolk Avenue from Veteran's Park to the eastern boundary of Part of Lot 602.

8. Public Art

A public art component shall be incorporated into the development to include opportunities within the public use space that will reinforce both the architecture of the building and the gateway feature of the Woodmont Triangle, providing a place for pedestrians and shoppers to congregate.

9. Staging of Amenity Features

- a. The 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 public plaza.
- c. Development of the on-site amenities shall occur concurrently with the occupancy of the residential units and retail space, and all on-site and off-site improvements will be completed concurrently with the occupancy of the units. A detailed development program will be developed at Site Plan to establish the timing and completion of the site features and amenities.

10. Maintenance and Management Organizations

Initially, the Applicant, and subsequently, within 90 days of formation, the Condominium Association 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.

11. Coordination for Additional Approvals Required with Site Plan

- 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.

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 by 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 will provide up to 118 new residential dwellings units in the CBD, including 15% MPDUs (18) on site. The unit mix presently includes one and two-bedroom units for both the market rate and MPDU units. The unit mix may be further refined during the site plan process.

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

The project incorporates the optional method for mixed-use development to include approximately 5,500 square feet of retail space having frontage on both Norfolk and Fairmont avenues, thus providing opportunities for new businesses to locate in the Woodmont Triangle.

- 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 spaces within the project. The Applicant has selected an artist that will work closely with the design team to determine the appropriate type and form of art at this location. The Applicant has presented the design of the building and plaza area to the art panel for guidance and feedback on the suggested elements and will be required to go back to the public arts panel prior to site plan.

- 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 establishes Norfolk Avenue as the “main street” in the Woodmont Triangle Study Area, as recommended in the Woodmont Triangle Amendment. Through architecture and appropriate organization of the building, the entrances to the building, the location of retail, access and loading, and the location of amenities, the project is oriented to achieve the “main street” goal for Norfolk Avenue.

- 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.

In addition to satisfying the on-site public use space requirements for an optional method project through the provision of on-site amenities, the project will provide off-site public amenities intended to provide greater connectivity for other areas in the CBD where sidewalk and streetscape improvements have not been constructed to the standards of the Sector Plan and Bethesda Streetscape Plan. Streetscape improvements are provided on portions of Fairmont and Norfolk Avenue as well as improvements to the adjacent Veteran's Park.

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 help fill the need for high-rise housing opportunities for a range of income levels. Blocks 44 and 45 have been identified in the Sector Plan as the most appropriate location for high-rise housing in the Woodmont Triangle. This proposal incorporates a 174-foot-tall building utilizing a density bonus for additional MPDUs on the site, which the Board decided does not need to be approved by the ARC committee prior to Site Plan.

- b. *Public surface parking lots in the Sector Plan area should be considered for optional method housing projects and projects with significant permanent affordable housing, as is being done in other areas such as Lot 31 and in Silver Spring.*

This general recommendation is not applicable to the Property or the project.

- c. *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 provides for an appropriate transition from the Metro Core to the Woodmont Triangle, also creating the precedent intended by the Woodmont Triangle Amendment to provide for greater density in building height at the appropriate locations within the Woodmont Triangle (*i.e.*, Norfolk Avenue and specifically Blocks 44 and 45 as identified in the Woodmont Triangle Amendment), thus allowing for the creation of new housing opportunities.

- d. *Protect the sunlight to the area's main street, Norfolk Avenue, by approving development that steps back from Norfolk Avenue, particularly on the southwest side of the street.*

The Applicant provided shade studies indicating the shadowing effect of natural sunlight from the proposed buildings onto nearby properties and public spaces. The Planning Board finds that the building design intends to minimize the shadowing effects on the Southwest side of the street, specifically with respect to Norfolk Avenue and Veteran's Park

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 shade studies indicating the shadowing effect of natural sunlight from the proposed building. The studies indicate the proposed buildings will create the most adverse conditions, in terms of shading, for nearby properties or public spaces on December 21 between 10 am and 2 pm. The Applicants' building design intends to minimize the shadowing effect on Veteran's Park and Norfolk Avenue during the optimal times of year where the park and street will be extremely active.

- 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 contains building setbacks that allow for an appropriate transition from the street, thus creating a stepping affect. The Applicant has indicated that a certain amount of private seating area will be reserved along the street level retail to provide for restaurant seating and other spaces to enhance the experience and the street level activity along the project frontage. The building also steps back from the adjacent commercial properties to the south.

- 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 existing and planned uses in the area. The proposed first floor restaurant or residential use satisfies this requirement and

the addition of high-density residential housing will provide economic opportunities for existing businesses in the vicinity of the project. The orientation of the building has been carefully sited to open up the intersection providing more activity and compatibility with Veterans Park for events and daily use.

- 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, restaurants and other street animating uses on the first floor along Norfolk Avenue and Fairmont Avenue.

- e. *Maintain the established building line along Norfolk Avenue.*

The project utilizes the corner and adjacent park setting to expand upon the public use space created along Norfolk Avenue at this intersection. This effort reduces the building line of Norfolk Avenue, but is similar in its approach to animate the intersection at the pedestrian level.

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 Applicant has indicated that all of the elements listed above will be included within the public use improvements proposed for the site.

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

The Planning Board finds sidewalk and streetscape enhancements that link the project to other areas within the Woodmont Triangle are appropriate and necessary off-site amenities.

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

There are no opportunities for mid-block crossings at the project site, however, the proposed off-site improvements will enhance the pedestrian connection from Norfolk Avenue and Fairmont Avenue to Veterans Park and Woodmont Avenue.

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

The on-site amenity space being provided with this project will provide some opportunity for the public to gather in front of the retail businesses facing Norfolk Avenue creating a larger animated space to accompany the adjacent Veterans Park. Through connectivity of these two public places with attractive streetscape improvements, the proposed amenity plaza for this project will be a compatible public improvement for this area.

- 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 is located within this designated area within the Woodmont Triangle Study Area, and the project does maximize development as recommended in the Woodmont Triangle Amendment by incorporating additional building height up to 174 feet and a 22% MPDU density bonus (with 15% of the total units being on-site MPDU's).

5. (59-C-6.212) Compliance with CBD-2 Zone Intent

- 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 proposed project is generally consistent with the goals and recommendations established in the Woodmont Triangle Amendment, with respect to increased height, density, retail presence and public use 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 workers, shoppers, and residents.*

This objective is satisfied, as the proposed mixed-use development, incorporating approximately 5,500 square feet of retail, and will provide a variety of opportunities for workers, shoppers and residents of the CBD.

- 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 on the fringe of the metro core and in an area designated for high-rise residential in the sector plan. While no buildings of the same scale currently exist on the same block, the proposal is consistent with future development goals for the area. In this regard, there is a relationship between the proposed structure and other buildings in the CBD.

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

The proposed pedestrian enhancements will allow for better connection to the transit facilities in the CBD, primarily through better linkage to the Metro Core. The Bethesda 8, a shuttle within the Bethesda CBD, is readily available to residents, visitors and patrons of the project. Garage 11 is also adjacent to the Subject Property, providing opportunities for off-site parking for residential and retail patrons.

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

The proposed project does not include significant changes to pedestrian or vehicular circulation patterns in the area. The existing pedestrian network will be enhanced with the proposed on-site and off-site streetscape improvements, and will further compliment future improvements associated with projects in the Woodmont area. Additionally, the egress from Garage 11 to the proposed plaza at Norfolk Avenue provides for safe and adequate pedestrian circulation from the current conditions.

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

The proposed project does include residential development for a range of income levels.

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

The proposed project does not involve land assembly through the purchase of development rights from adjacent properties. Land assembly at this site does not seem to be necessary as there is adequate space on-site to construct the proposed development including parking and amenities. The proposed use is consistent with the Woodmont Triangle Amendment.

6. (59-C-6.213) Compliance with CBD-2 Zone Additional Intent

- a. *It 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.*

The proposed project does satisfy this objective, as it will allow for continued economic development and investment in the Woodmont Triangle and provide economic benefit to the County and its residents.

- b. *In the CBD-2 it is further the purpose:*

- (1) *In the CBD-2 Zone, it is further the purpose 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.*

The density for the property proposed with the project is appropriate, and in keeping with the goals and objectives of the CBD Zone generally and the Woodmont Triangle Amendment specifically.

- (2) *In the CBD-2 Zone, it is further the purpose 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 proposed project will allow for persons to move to the CBD and to be closer to transit facilities and places of employment. The increase in

housing stock will help promote the overall utilization of the Bethesda CBD.

7. (59-C-6.215(b)) Optional Method of Development

Under the optional method greater densities may be permitted and there are fewer specific standards, but certain public facilities and amenities must be provided by the developer. 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 Planning Board finds the project provides the appropriate tradeoff of additional density in turn for the supply of greater public spaces and amenities to support the urban environment of the Bethesda CBD. The project will provide a total of approximately 57% of their net lot area toward on-site and off-site public use space and amenities. In addition, through the provision of affordable housing on-site, additional public policies are satisfied through the development of this project. The optional method of development provides a more efficient and desirable development than what could be accomplished under the standard method of development by providing an increased density, greater public use space and amenities and additional affordable housing in the CBD.

8. (59-C-6.22) Land Use

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 development standards are provided on pages 14-15 of this resolution.

10. (a) The proposed development complies with all of the intents and requirements of the CBD-2 zone.

As indicated in the Data Table below, the proposed development satisfies the intent and requirements of the CBD-2 zone.

The Board finds, based on the Data Table below and other evidence and testimony of record, that the Application meets all of the applicable requirements of the CBD-2 zone. The following Data Table sets forth the development standards approved by the Planning Board and binding on the Applicant.

DATA TABLE	Development Standards Approved by the Board and Binding on the Applicant
Gross Tract Area:	25,586 sf
Net Site Area (after dedication)	20,584 sf
Max. Density:	
Base Non-Residential Density	
FAR:	0.21
(SF)	(5,500)
Base Residential Density (FAR):	4.79
(s.f.)	(122,430)
Residential Density (FAR):	4.911
(s.f.)	(122,930)
Residential Density Bonus (FAR):	1.05
(sf.)	(26,934)
Total with Density Bonus (FAR):	6.05
(22% density bonus for MPDUs)	(154,864)
MPDUs (%):	15.25
(number of units)	18
Max. Building Height (ft.):	174 (as measured From Norfolk Avenue)
Number of Floors	16
Min. Building Setbacks (ft.):	
Front Yard (Norfolk Avenue)	20
Rear yard (southern boundary)	0
Side Yard Fairmont Avenue)	5
Side Yard (eastern boundary)	10
Parking (number of spaces)*:	
Residential Uses (Mkt. Rate)	
1 BR @ 1.25 sp./unit (64 x 1.25)	80
2 BR @ 1.50 sp./unit (36 x 1.50)	54
Residential Uses (MPDUs)	
1 BR @ 0.625 sp./unit (11 x 0.625)	7
2 BR @ 0.75 sp./unit (7 x 0.75)	5
Residential subtotal:	146
15% credit for residential in CBD	(22)
Required residential parking	124

Retail Uses: (5,500 gsf @ 5 sp./1000 w/3,300 sf of patron use)	83
15% credit for CBD/Metro	12
Required retail parking	70
Total Parking Required	195
Total Parking Provided	168
Public Use Space (% of net lot area):	
On-Site	20% or 4,190 sf
Off-Site	37% or 7,630 sf
Total On and Off-Site Public Use Space	57% or 11,820 sf

*Note: The Board finds that the site is located within the limits of the Parking Lot District and, therefore, is not required to satisfy the normal Zoning Ordinance requirement for such a development, of 195 parking spaces on site.

(b) The proposed development conforms to the Woodmont Sector Plan approved under Chapter 56.

As indicated in the previous sections, the proposed development is generally consistent with the Woodmont Triangle Amendment, with respect to density, height and public use space.

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

The proposed use of the Property is compatible with both existing and proposed development in the neighborhood. The proposed building height is consistent with development goals in the Woodmont Triangle Amendment. Massing of the building has been designed to be sensitive to the adjacent properties.

(d) The proposed development does 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.

The Applicant has included a Transportation Review in the Application for the proposed development. The conclusion of the report indicates that no new improvements to the transportation network are warranted as a result of the proposed development.

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

The Planning Board finds that the goals and objectives of the Zoning District and Woodmont Triangle Amendment can be best achieved by utilizing the Optional Method to develop the Property, and that the proposed development is more efficient and desirable than could be accomplished by the use of the standard method of development

- (f) The proposed development includes moderately priced dwelling units in accordance with Chapter 25A of this Code.**

The project will provide up to 118 new residential dwellings units in the CBD, including 15% MPDUs (18) on site. The unit mix will include a number of different types of bedrooms for both the market rate and MPDUs. The unit mix may be further refined during the Site Plan process.

- (g) The proposed development satisfies any applicable requirements for forest conservation under Chapter 22A.**

Due to the size of the Property, the Project qualifies for a Small Property Exemption (4-07002E) from the Forest Conservation requirements. Activity occurring on a tract of land less than or equal to an acre where activity will not result in the clearing of more than 30,000 square feet of exempted forest or any specimen or champion trees, and reforestation requirement would be less than 10,000 square feet. However, a Tree Save Plan will be required where trees are impacted at the time of Preliminary Plan review, in-lieu-of a Forest Conservation Plan.

- (h) The proposed development satisfies any applicable requirements for water quality resources protection under Chapter 19.**

The Applicant has indicated that a conceptual Stormwater Management Plan has been submitted to the Montgomery County Department of Permitting Services, which will be reviewed and approved at the time of Preliminary Plan review.

BE IT FURTHER RESOLVED that all elements of the plans for Project Plan No. 920070030, 4900 Fairmont stamped received by M-NCPPC on May 2, 2007 are required except as modified herein; and

BE IT FURTHER RESOLVED that this Project Plan 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 DEC 21 2007 (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 December 20, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Commissioner Cryor, seconded by Commissioner Lynch, with Chairman Hanson, and Commissioners Cryor and Lynch present and voting in favor. This Resolution constitutes the final decision of the Planning Board, and memorializes the Board's findings of fact and conclusions of law for Project Plan No. 920070030, 4900 Fairmont.



Royce Hanson, Chairman
Montgomery County Planning Board



Notice of Corrected Resolution
Montgomery County Planning Board

JUN 7 2011

Name of Plan: 4900 Fairmont **Plan Number:** 920070030 **MCPB Resolution Number:** 07-219

Approved Use: A maximum of 154,864 gross square feet of new development, including a maximum of 118 market rate residential units; of which 15% are MPDUs; and approximately 5,500 square feet of first floor retail on 25,586 gross square feet.

This is to inform you that the Planning Board adopted a corrected resolution for the above-referenced Project Plan on May 19, 2011. The corrected resolution was requested by staff to change the wording of Condition #2 because the condition reflected a misinterpretation of the discussion regarding building height that occurred at the Planning Board hearing. The corrected condition reads as follows:

2. Building Height Mass

~~The height of the building shall not exceed the maximum of 174 feet, including a parapet, mechanical equipment, safety railings or design features, as measured from an identified point along Norfolk Avenue that is equal to 351 feet above sea level. The final height of the building will be determined at the time of site plan.~~

The height of the building must not exceed the maximum of 174 feet, as measured from an identified building height measurement point indicated on the site plan. The final determination of compatibility for all architectural features not included in building height measurement, above 174 feet will be made during site plan review.

As a party of record for the previous resolution, you are receiving this notice in lieu of getting another copy of the entire 16-page resolution. You can obtain a complete copy of the corrected resolution in the Plan Intake Section at 8787 Georgia Avenue, Silver Spring, MD 20910 between 9:00 a.m. and 3:30 p.m., or view it on the Planning Department website at <http://www.daicsearch.org/imageENABLE/search.asp?Keyword=920070030>.

Thank you for your interest in Montgomery County's future development.



FILE COPY.

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

August 4, 2009

Michael Schwartzman
Fairmont Development, LLC
7910 Woodmont Avenue
Suite 350
Bethesda, MD 20814

RE: Request for an extension of the validity period for PROJECT PLAN 920070030, 4900 FAIRMONT.

This is to confirm that the Montgomery County Planning Board considered your request for an extension of the mandatory 24-month validity period of the above-mentioned project plan at its regularly scheduled meeting of July 30, 2009. At that time, the Planning Board voted 4-0 in favor of an 18-month extension as a consent agenda item.

A site plan application must be accepted by Planning Board staff by January 20, 2011, and a site plan must be approved by the Planning Board by July 20, 2011. Please contact me at 301-495-4597 if you have any questions concerning this Planning Board action.

Sincerely,

Joshua Sloan
Development Review Division

cc: C. Robert Dalrymple



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

January 13, 2011

Michael Schwartzman
Fairmont Development, LLC
7910 Woodmont Ave
Suite 350
Bethesda, MD 20814

RE: Request for an extension of the validity period for PROJECT PLAN 920070030,
4900 FAIRMONT.

This is to confirm that the Montgomery County Planning Board considered your request for an extension of the mandatory 24-month validity period of the above-mentioned project plan at its regularly scheduled meeting of January 13, 2011. At that time, the Planning Board voted 5-0 to grant up to 18 additional months from January 20, 2011 for the Planning Board staff to accept a site plan.

A site plan must be accepted by the Planning Board staff by July 20, 2012 and a site plan must be approved by the Planning Board by January 20, 2013. Please contact me at 301-495-4597 if you have any questions concerning this Planning Board action.

Sincerely,

Joshua Sloan
Coordinator
Area 2 Team

cc: C. Robert Dalrymple

APPENDIX B Basis of Considerations

According to Section 59-D-2.43 of the Montgomery County Ordinance, in reaching its determination on a project plan the Planning Board must consider the following:

- (a) The nature of the proposed site and development, including its size and shape, and the proposed size, shape, height, arrangement and design of structures, and its consistency with an urban renewal plan approved under chapter 56.*
- (b) Whether the open spaces, including developed open space, would serve as convenient areas for recreation, relaxation and social activities for the residents and patrons of the development and are planned, designed and situated to function as necessary physical and aesthetic open areas among and between individuals structures and groups of structures, and whether the setbacks, yards and related walkways are located and of sufficient dimensions to provide for adequate light, air, pedestrian circulation and necessary vehicular access.*
- (c) Whether the vehicular circulation system, including access and off-street parking and loading, is designed to provide an efficient, safe and convenient transportation system.*
- (d) Whether the pedestrian circulation system is located, designed and of sufficient size to conveniently handle pedestrian traffic efficiently and without congestion; the extent to which the pedestrian circulation system is separated from vehicular roadways so as to be safe, pleasing and efficient for movement of pedestrians; and whether the pedestrian circulation system provides efficient, convenient and adequate linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities.*
- (e) The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs, in relation to the type of use and neighborhood.*
- (f) The adequacy of provisions for construction of moderately priced dwelling units in accordance with chapter 25a if that chapter applies.*
- (g) The staging program and schedule of development.*
- (h) The adequacy of forest conservation measures proposed to meet any requirements under chapter 22a.*
- (i) The adequacy of water resource protection measures proposed to meet any requirements under chapter 19.*
- (j) Payment of a fee acceptable to the Planning Board may satisfy all or some of the requirements for any public use space, or public facilities and amenities under the requirements established elsewhere in this Section.*

APPENDIX C

Letter from Community

REAL ESTATE BROKERS
PROPERTY MANAGEMENT

THOMAS P. BROWN MANAGEMENT
INCORPORATED
REAL ESTATE
4922 FAIRMONT AVENUE
SUITE 290
BETHESDA, MARYLAND 20814

TELEPHONE
(301) 271-1100
FACSIMILE
(301) 271-1100

January 24, 2012

BY FAX & CERTIFIED MAIL

Mr. Robert Kronenberg, R.L.A.
Area 1 Supervisor
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, MD 20901

Re: Project Plan No. 920070030
4900 Fairmont Avenue
Bethesda, MD 20814

Dear Mr. Kronenberg:

Thomas P. Brown, III (Procy LLC), James C. Brown (Caitnormat LLC) and I (Trimont LLC) own the property immediately adjoining southern boundary of the above-referenced property. Our property, known as 4916 through 4922 Fairmont Avenue (lots 13, 14, 15 and 16) consists of a land area of 10,460 square feet improved by a three-story retail and office building with a gross floor area of 30,000 square feet. The north side of our building, which is 104.66 feet deep, is built to the property line. It has twelve large windows on that side.

The purpose of this letter is to express our concern about the 4900 Fairmont project in two initial respects: the need to maintain a separation between the north side of our building and the new building at 4900 Fairmont so as not to block our windows and need to keep the existing sidewalk across the entire rear of our building open.

We attended the pre-submittal meeting on the project plan amendment and site plan on January 19, 2012. In their presentation at the meeting, the developer, JBG/Ross, stated that their new building will be set back 18 feet from the southern property line (the northern side of our building), and that this 18 foot wide area, which they call a paco, will be improved only by paving, landscaping and lighting, and will serve as pedestrian-only walkway connecting Fairmont Avenue to a to be relocated rear access door to County Parking Garage #11. The JBG/Ross representatives further stated that the existing sidewalk behind our building, which runs behind all of the other building on the east side of the 4900 block of Fairmont Avenue all the way to Old Georgetown Road, will not be blocked off in any manner.

Subject to learning further details from JBG/Ross, we are in favor of the plan they have presented, in general, as it appears to address the two initial concerns we have.

Mr. Robert Kronenberg, R.L.A.
January 24, 2012
Page two

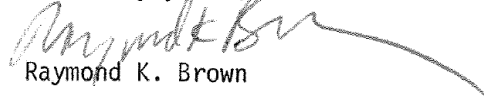
Our building has no parking garage. Most of our tenants, who come to work in private vehicles, park in Garage #11 and access the garage either by means of the existing separation between 4922 Fairmont and 4900 Fairmont or via the sidewalk across the rear of our building. The rear lobby of our building opens onto the rear sidewalk and roughly 80% of our tenants exit the building through the rear lobby door and then turn left or right onto the rear sidewalk in order to reach one of the two existing rear doors to Garage #11. This rear door in our building also serves as a very vital means of egress from our building, in addition to the front lobby doors in the event of an emergency. Therefore, we would vigorously oppose any effort to close the rear sidewalk.

The proposed paco maintains the existing light (windows) and air to the north side of our building as well as continuing side access to the parking garage for our tenants.

We appreciate your taking the time to review this letter and request that our foregoing concerns be noted at the Planning Department as the 4900 Fairmont Avenue plan is being evaluated.

Thank you.

Sincerely yours,



Raymond K. Brown

CC: Mr. Joshua Sloan



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

May 21, 2012

Arthur Holmes, Jr.
Director

Mr. Cherian Eapen, Planner/Coordinator
Area 1 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: Traffic Impact Study Review
Project Plan No. 92007003A
Site Plan No. 120120120
4900 Fairmont Avenue

CORRECTED LETTER

Dear Mr. Eapen:

We have completed our review of the April 11, 2012 amended Traffic Impact Study (TIS) by Wells & Associates, Inc. This TIS report was prepared to reflect the applicant's proposal to replace the currently approved – but unbuilt – (118 DUs and 5,500 square feet of retail space), with a total of up to 250 residential rental dwelling units and 7,000 square feet of retail space. The site is located on the southwest corner of the Fairmont/Norfolk intersection.

This letter is to correct several mistakes in our May 18, 2012 letter. Please accept our apology.

Local Area Transportation Review (LATR)

The consultant calculations indicate that all critical intersections will have acceptable Total Traffic CLVs below the Metro Station Policy Area standard. We accept this conclusion.

Policy Area Mobility Review (PAMR)

Bethesda PAMR standards call for mitigation of 25% of new trips. The consultant calculates that PAMR mitigation requires that 14 trip mitigation credits at \$11,700 per trip or a total of \$163,800 to MCDOT.

In our project plan review comments letter, we recommended that 4900 Fairmont Avenue install curb bump-outs and a mid-block pedestrian crossing as recommended in the Woodmont Triangle Sector Plan. We also recommend consideration of having the applicant pay for installation of a bike share station in the nearby Veterans' Park. We support allowing a credit for PAMR mitigation for the construction costs of implementing these improvements.

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov

montgomerycountymd.gov/311



240-773-3556 TTY

Mr. Cherian Eapen
Project Plan No. 92007003A, 4900 Fairmont Avenue
May 21, 2012
Page 2 of 2

Pedestrian and Bicycle Impact Statement analysis (PIS)


We accept the consultant's conclusion that a safe and efficient network is provided for pedestrians in the vicinity of this project and that all crosswalks have sufficient DON'T WALK time for pedestrians to cross at a 3.5 feet per second pace. We note the PIS does not inventory or evaluate bicycle facilities in the surrounding area.

SUMMARY

1. 4900 Fairmont passes the CLV test for LATR easily given the 1,800 CBD congestion standard.
2. The consultant proposes that 4900 Fairmont's PAMR review can be made by paying the \$11,700 fee for each of the 14 net new, non-pass-by trips for a total of \$163,800. In our project plan review comments letter, we recommended that 4900 Fairmont Avenue install curb bump-outs and a mid-block pedestrian crossing as recommended in the Woodmont Triangle Sector Plan. We also recommend consideration of having the applicant pay for installation of a bike share station in the nearby Veterans' Park. We support allowing a credit for PAMR mitigation for the construction costs of implementing these improvements.

Thank you for the opportunity to review this report. If you have any questions or comments regarding this letter, please contact Mr. David Adams, our Development Review Area Engineer for this vicinity, at david.adams@montgomerycountymd.gov or at 240-777-2197.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

M:\sub\DCA\TIS letter\92007003A, 4900 Fairmont Ave, 052112 CORRECTED.doc

CC: Brian Coulter; The JBG Companies
Bob Dalrymple; Linowes & Blocher, LLP
Christopher L. Kabatt; Wells & Associates, Inc.
Robert Kronenberg; M-NCPPC Area 1
Kathleen Reilly; M-NCPPC Area 1

cc-e: Atiq Panjshiri; MCDPS RWPR
Sam Farhadi; MCDPS RWPR
Gary Erenrich; MCDOT DO
Sandra Brecher; MCDOT DTS
Beth Dennard; MCDOT DTS
Robert Elder; MCDOT DTE
Fred Lees; MCDOT DTEO
William Haynes; MCDOT DTE
Bruce Mangum; DOT DTEO
David Adams; MCDOT DTEO



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Richard Y. Nelson, Jr.
Director

April 23, 2012

C. Robert Dalrymple
Debra S. Borden
Linowes and Blocher LLP
7200 Wisconsin Avenue, Suite 800
Bethesda, MD 20814

RE: 4900 Fairmont Avenue
Project Plan Amendment #92007003A and Site Plan # 820120120

Dear Mr. Dalrymple and Ms. Borden:

The Department of Housing and Community Affairs (DHCA) has received and reviewed your letter of April 19, 2012 and the revised plans for the above applications responding to DHCA's comments at the DRC meeting on April 9, 2012. The responses you have provided are acceptable to DHCA. There are currently no three-bedroom units proposed in the project; however, please note that the DHCA Director has determined that multi-family projects with three-bedroom units need to include a proportional number of three-bedroom MPDUs.

Please let me know if you need anything further.

Sincerely,

A handwritten signature in black ink that reads "Lisa S. Schwartz".

Lisa S. Schwartz
Senior Planning Specialist

cc: Kathy Reilly, Area 1 Division, Montgomery County Planning Department
Christopher J. Anderson, Manager, Single Family Housing Programs, DHCA

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Division of Housing

Moderately Priced
Dwelling Unit
FAX 240-777-3709

Housing Development
& Loan Programs
FAX 240-777-3691

Landlord-Tenant Affairs
FAX 240-777-3691

Licensing & Registration Unit
240-777-3666
FAX 240-777-3699

100 Maryland Avenue, 4th Floor • Rockville, Maryland 20850 • 240-777-3600 • www.montgomerycountymd.gov/dhca



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MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

FROM: Molline Smith,
Art Review Panel Coordinator

RE: Fairmont Avenue
SITE PLAN # 820120120

DATE: April 23, 2012

The Art Review Panel has generated the following comments/notes based on our discussion of the public use space requirement for Site Plan at the April 10, 2012 committee meeting. These comments/notes should be incorporated into your review and considered prior to the certification of the Site Plan. Should you have any additional questions and/or comments please feel to use the contact information provided below.

Lead Reviewer: Kathy Reilly, Planning Board date May 31, 2012.

Opportunities (plus)

- Connections to the Public Parking Garage.
- Potential continuous mid-block connection. Introduction to the space with the art piece, pavement patterns, road bump-outs, and crosswalk.
- Handicap accessible.
- Art piece establishes a sense of place and brings meaning to a simple pedestrian pathway. The space is creatively active with color, lighting and texture.
- Art panels successfully move people through the space.
- Creative hanging light fixtures will add value, scale and help to balance the horizontal plane to the vertical plane.

Constraints (minus)

- Location of the existing building and existing uses. White façade of the building will not be painted.
- More details on the landscape design. The plant material and alignment of the pathway will need to be reconfigured to be more responsive to the overall concept.
- Pedestrian safety (especially at night) should be thoroughly examined.
- No relevance to the local history... but not necessarily a bad thing.