



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

JUN 30 2014

MCPB No. 14-45
Site Plan No. 82009011A
Bainbridge Bethesda (formerly, The Monty)
Date of Hearing: June 26, 2014

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on August 7, 2009 the Planning Board, by Resolution MCPB No. 09-77, approved Site Plan No. 820090110, for a mixed-use, 17 story multi-family apartment building with a maximum of 200 residential units, including 30 MPDUs (15%) and up to 7,700 square feet of non-residential uses on 1.12 acres of CBD-2 zoned-land, located at 4918 St. Elmo Avenue ("Subject Property"), in the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan ("Master Plan") area; and

WHEREAS, on May 6, 2014, Bainbridge St. Elmo Bethesda, ("Applicant"), filed a site plan amendment to amend Condition No. 10.a. of the Site Plan No. 820090110 resolution to change the timing of the streetscape improvements; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82009011A, Bainbridge Bethesda ("Site Plan," "Amendment" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated June 13, 2014 setting forth its analysis of, and recommendation for, approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on June 26, 2014 the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

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

Approved as to
Legal Sufficiency:

Christina Sonnet 6/18/14

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4606 Fax: 301.495.1320

M-NCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board APPROVES Site Plan No.82009011A to modify the timing of the streetscape improvements with the following conditions: ¹

10. Development Program

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

- a. All streetscape improvements to St. Elmo Avenue, Fairmont Avenue, and Norfolk Avenue, excluding installation of the streetlight fixtures, as illustrated on the Certified Site Plan, must be completed prior to issuance of any residential Use and Occupancy Certificate for floors 10 through 17.
- b. Streetlights along St. Elmo Avenue, Fairmont Avenue, and Norfolk Avenue, as illustrated on the Certified Site Plan, must be installed within six (6) months of issuance of the project's final residential Use and Occupancy Permit.

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

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

The change in the timing of the streetscape improvements does not alter the intent, objectives, or requirements in the originally approved site plan, and all findings not specifically addressed above remain in effect.

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

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

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

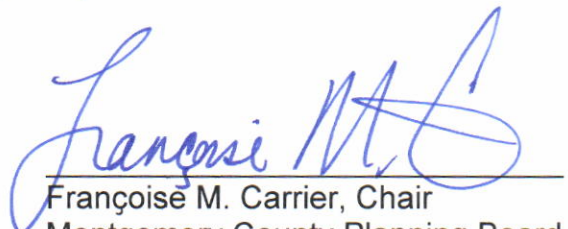
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUN 30 2014 (which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Anderson, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion at its regular meeting held on Thursday, June 26, 2014, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board