



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

Item #
MCPB 09-06-07

MEMORANDUM

DATE: August 23, 2007
 TO: Montgomery County Planning Board
 VIA: Rose Krasnow, Chief *RK*
 Robert A. Kronenberg, *RAK*
 Acting Supervisor
 FROM: Development Review Division
 Sandra Pereira, Senior Planner *SP*
 Development Review Division
 (301) 495-2186



REVIEW TYPE: **Limited Site Plan Amendment**
 CASE #: **8200006B**
 PROJECT NAME: Grosvenor Village Parcel F
 APPLYING FOR: Request for Parking Waiver to reduce parking by 43 spaces; revision of MPDUs number and mix; clarification of building height; addition of a rooftop swimming pool; clarification of applicable setbacks; and update of landscape plans.

REVIEW BASIS: Montgomery County Zoning Ordinance: Div. 59-D-2.6 for Minor Plan Amendments, and Div. 59-E for Off-Street Parking and Loading

ZONE: PD-25
 LOCATION: Located on Tuckerman Lane adjacent to Grosvenor Metro Station
 MASTER PLAN: North Bethesda-Garrett Park – PA30
 APPLICANT: Grosvenor Station Development II, LLC
 FILING DATE: March 14, 2007
 HEARING DATE: September 6, 2007

STAFF RECOMMENDATION: Approval of the proposed amendment to Site Plan 8200006A for a Waiver of 43 parking spaces, revision of MPDUs number and mix; clarification of building height; addition of a rooftop swimming pool; clarification of applicable setbacks; and update of landscape plans.

BACKGROUND

The Site Plan (8200006) for Grosvenor Village was presented to the Planning Board on November 18, 1999 (Planning Board Resolution dated January 18, 2000) for approval of 860 multi-family dwelling units inclusive of 110 MPDUs and 8,600 square feet of retail in the PD-25 zone. Amendment A was presented to the Planning Board on July 15, 2004 for the relocation of retail from Building 3A to Building 5, and resulting revisions to the layout of sitting areas, open space, location of the garage entrance, and service drive.

PROPOSED AMENDMENT

An amendment was filed on March 14, 2007, requesting specific changes to Parcel F of the approved site plan. The proposed amendment only applies to Parcel F, which contains Building 5, and it requests the following:

- 1) Reduction of previously approved parking by 43 spaces as part of a revised unit mix, and approval of a Request for Parking Waiver;
- 2) Revision of the Moderately Priced Dwelling Units (MPDUs) number and mix as part of a revised unit mix;
- 3) Reduction of the proposed building height to 15 stories, while approved building height remains at 18 stories (update of elevation drawings accordingly);
- 4) Addition of a rooftop swimming pool and amenity deck area;
- 5) Clarification of applicable setbacks; and
- 6) Update of landscape plans to accommodate revisions to the building finished floor elevation (FFE), and modifications to the garage intake and exhaust vents.

PUBLIC NOTICE & COMMUNITY INPUT

A notice regarding the subject site plan amendment was sent to all parties of record by the Applicant on March 23, 2007. The notice gave the interested parties 17 days to review and comment on the contents of the amended site plan. Staff has received comments from the leadership of the condominium association of Grosvenor Park III expressing concern that the parking garage façade and landscaping for the Avalon Bay Apartments in Grosvenor Village has not been completed as agreed per signature set dated May 6, 2002 for site plan 82000060.

Grosvenor Village was originally subdivided into Parcels A and B, and later Parcel B was re-subdivided into Parcels D, E, and F. All Parcels have been fully developed except for Parcel F, the subject of this Amendment. The parking garage for Avalon Bay Apartments, located along Rockville Pike in Parcel D has had a negative visual impact on the Grosvenor Park condominium and from adjacent public rights-of-way. To offset this negative visual impact and per condition number 8 of the Planning Board Opinion dated January 18, 2000 for Site Plan 8200006, the Applicant was to provide treatment of the garage façade including trellis and planting, and landscaping of the garage along Rockville Pike.

In a letter dated June 11, 2007 (Attachment D), the leadership of the condominium association of Grosvenor Park III highlighted that the work had not been completed and that the parking garage façade was an “eyesore” to Rockville Pike and to their development. Staff has addressed these concerns by requesting that the parking garage façade and landscaping for the Avalon Bay Apartments in Grosvenor Village be undertaken according to the drawings on the signature set dated May 6, 2002 for site plan 82000060 prior to approval of the current Amendment.

STAFF REVIEW AND RECOMMENDATION

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

Item 1 - Parking

This amendment proposes a reduction of the previously approved residential parking by 43 spaces (from 351 to 308). This results from a revised unit mix that has eliminated all three-bedroom units in favor of efficiencies, one- and two-bedroom units. The parking count reflects this change since each type of dwelling unit has a different parking requirement. The total number of units remains the same at 301.

The parking requirements for Grosvenor Village, as previously approved, have used a parking ratio for each dwelling unit that is not consistent with the provisions of Section 59-E-3, Number of Spaces Required for multi-family dwellings of the Montgomery County Zoning Ordinance. As a consequence, the Applicant is now submitting a Request for Parking Waiver (Attachment C) in order to apply the same parking ratios as previously approved to the parking calculations of this Amendment, which includes Building 5. Table 1 shows the proposed parking calculations for the revised unit mix of Building 5 applying the previously approved ratios. These ratios have been applied to the entirety of Grosvenor Village that is fully developed with a total of 1,240 parking spaces, 389 in excess of the minimum required per approved ratios.

Table 1 – Parking Requirements per previously approved ratios

UNIT	PARKING RATIO (previously approved)	REQUIRED PARKING SPACES
30 Efficiencies	1 space per unit	30 spaces
164 1-Bedroom	1 space per unit	164 spaces
107 2-Bedroom	1 space per unit	107 spaces
	Subtotal	301 spaces
	Less 10% reduction for proximity to Metro	30 spaces
	Plus Commercial/ Retail parking (8,600 s.f. x 5/1000 s.f. = 43 less 15% reduction for proximity to Metro = 37 spaces	37 spaces
	TOTAL	308 spaces

The proposed parking requirement would be short of 85 parking spaces when compared to the parking requirement per the provisions of the Montgomery County Zoning Ordinance. Table 2 shows the parking count for the proposed unit mix using the ratios of the Zoning Ordinance. There is a total requirement of 393 spaces versus 308 spaces required per previously approved ratios, which represents a 22 percent reduction of parking spaces.

Table 2 – Parking Requirements per Montgomery County Zoning Ordinance

UNIT	PARKING RATIO (Montgomery County Zoning Ordinance)	REQUIRED PARKING SPACES
30 Efficiencies	1 space per unit	30 spaces
164 1-Bedroom	1.25 space per unit	205 spaces
107 2-Bedroom	1.5 space per unit	161 spaces
Subtotal		396 spaces
Less 10% reduction for proximity to Metro		40 spaces
Plus Commercial/ Retail parking (8,600 s.f. x 5/1000 s.f. = 43 less 15% reduction for proximity to Metro = 37 spaces		37 spaces
TOTAL		393 spaces

Despite concerns of setting precedence, there are two main reasons to support the Request for Parking Waiver. First, the location of Building 5 is within 500 feet of the Grosvenor Metro Station entrance. This privileged location not only provides easy and convenient access to the Metro, but it also should be used as a key incentive to expand metro ridership. The Master Plan for North Bethesda/ Garrett Park recommends for the Grosvenor Sector Plan Area an increase in the supply of housing with higher densities close to the Metro Station, and an expansion of potential Metro ridership. This Amendment, by decreasing the amount of parking supplied, might provide less appeal for individual residents to own a vehicle, which in turn will encourage less reliance on the automobile. It is expected that this approach will serve as an incentive to use mass transit, which aligns with the recommendations of the Master Plan.

Second, a Parking Waiver could be supported based on the fact that to-date there has been no parking concerns expressed by the surrounding communities or current residents of Grosvenor Village, which has been fully developed (except for Parcel F) using the previously approved parking ratios. Even though Staff now recognizes that these parking ratios were incorrect, a Waiver still seems appropriate mainly due to the lack of parking concerns from the community, and the location of Building 5 within close proximity of Grosvenor Metro Station.

The remaining parking calculations reflect parking requirements for retail/ commercial uses, and the credits given to developments within a transit station development area. The proposed area for retail uses has not changed since the last Certified Site Plan. There is a total of 8,600 square feet of commercial use and parking provided at a ratio of 5 spaces per 1,000 square feet. Per Section 3.32, a 15 percent reduction in the standard parking requirements may be approved for general retail uses, provided that they are located within 1,600 feet of a Metrorail station entrance. Per Section 59-E-3.33, a 10 percent reduction in the standard parking requirements

may be approved for multiple-family dwelling units uses, provided that they are located within a transit station development area. Building 5 in Parcel F qualifies for both reductions in the required parking.

Item 2 – Moderately Price Dwelling Units (MPDUs)

The revisions to MPDUs, including number, mix and location have been agreed upon and approved by the Department of Housing and Community Affairs (DHCA). The total number of MPDUs provided in Building 5 is 42, of which 24 are provided onsite and 18 provided in the form of payment to the county pursuant to the Alternative Compliance MPDU Agreement dated June 27, 2002 and amended March 31, 2005. They were calculated in direct proportion to the revised ratio of market rate units provided in Building 5. Table 3 shows the breakdown of market rate units and MPDUs provided in Building 5. The MPDU mix now includes 2 efficiencies, 13 one-bedroom units, and 9 two-bedroom units. The location of the MPDUs has not been finalized, but they will be distributed among residential floors.

Table 3 – MPDU calculations as approved by DHCA

UNIT	Market Rate Units	MPDUs	Total
Efficiency	25	2	27
1-Bedroom	153	13	166
2-Bedroom	99	9	108
Total	277	24*	301

* Alternative Payment Agreement with DHCA for the 18 additional required MPDUs.

Item 3 – Building Height

This amendment clarifies that the proposed building height has changed to approximately 156 feet (15 stories) plus rooftop mechanical space as measured from an average elevation of finished ground surface along the front end of the building at Tuckerman Lane, estimated at elevation 272. This method of measurement is in conformance with the definition of height as provided in the Zoning Ordinance. The Applicant wants to retain the approved building height (176 feet 6 inches or 18 stories) as the maximum permitted in order to allow adjustments that may occur as result of construction. The reduction in building height did not impact the total number of units because there was a revision of the unit mix in favor of smaller units. The elevation drawings have been updated to show the new proposed building height of approximately 156 feet or 15 stories.

Item 4 – Rooftop Swimming Pool

As part of the amenity and recreation package of Building 5, this Amendment is adding a rooftop swimming pool and amenity deck area. This addition will increase the onsite supply points of recreational amenities. According to the M-NCPPC Recreation Guidelines, the total supply points provided must be within ten percent of the total demand points calculated for a given development. In Building 5, the supply points surpass the demand points in excess of ten percent for all age groups. The addition of a rooftop swimming pool and amenity deck area increases the range of amenities provided beyond the minimum required. Staff supports this addition, but requests that the Amenity & Recreation Analysis table be updated with the addition of the rooftop swimming pool, the number of multi-family dwelling units be revised to 301, and that

the onsite recreation calculations for the garden and high-rise dwelling units be combined into one table.

Item 5 – Setbacks

According to the purpose of P-D Zone Section 59-C-7.1. of the Montgomery County Code, this zone can achieve flexibility of design with greater efficiency, convenience and amenity and should be treated as a special exception zone. No provisions are defined for setbacks, which are reviewed on a case-by-case basis. In Building 5, the proposed setbacks are adequate and consistent with the original location of the building. These setbacks, as indicated on Table 4, need to be provided on the Certified Site Plan.

Table 4 – Building 5 minimum setbacks

BUILDING 5	MINIMUM SETBACK (feet)
Front (Strathmore Hall Street)	22
Side (North)	18
Rear (Tuckerman Lane)	12
Side (South)	20

Item 5 – Landscape Plan

This Amendment proposes minor changes to the landscape plan resulting from subtle architectural refinements including revisions to the building finished floor elevation (FFE), and modifications to the garage intake and exhaust vents. The proposed modifications on the landscape plan include adjustments to plants’ layout, species selection, and walkway connectivity on the north side of the building.

The layout of plants has been modified on the east side of the building as the result of a re-sizing of the garage exhaust vents, and adding entrances (doors) to the retail uses of the building. On the West side of the building, the courtyard landscape was mirrored in order to have the ADA ramp closest to the Metro. The landscape on the north side of the building has been modified mainly to accommodate revisions of the FFE and the addition of raised garage intake vents. As a consequence of re-grading, the walkways connectivity was revised. The walkway closest to the building is now divided into three main grade changes rather than the five previously approved, and connects to the sidewalk along the metro access road via stairs, as opposed to at-grade connectors previously approved. In other words, the grade change is now taken up between the two walkways rather than throughout the walkway closest to the building. This revision allows for larger and at-grade usable space for retail stores and greater universal accessibility.

The amended landscape plan adds plant species to the previously approved selection. These include crape myrtle, Oregon grape holly, Japanese Anemone, leatherwood fern, lilyturf and honeysuckle. The crape myrtle has replaced the sweet bay magnolia. Three Honey Locust trees were eliminated near the garage entrance due to close proximity to the edge of curb. These changes are acceptable and believed to add variety to the landscape plan.

This amendment did not go to DRC but was circulated to departmental staff for review and comment. Staff indicated approval of the amended items specified in the Applicant's request with the following conditions as specified in the Transportation Planning Memorandum dated August 24, 2007 (Attachment E):

1. The applicant must enhance its traffic mitigation program to offset the impact of reducing the total number of parking spaces by 43 spaces or from 351 to 308 spaces to serve the ancillary retail activities on Parcel F and the 301 apartment residents in the adjoining Building 5. The enhanced measures below are intended to clarify and formalize those previously required in the executed Site Plan Enforcement Agreement (SPEA).
 - a. Enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and the Montgomery County Department of Public Works and Transportation (DPWT) to participate in the North Bethesda Transportation Management Organization (TMO). The TMAg must be signed and executed by all parties prior to certification of the site plan.
 - b. Reserve two (2) parking spaces in the residential garage(s) for car sharing companies. Provide incentives for car sharing use to all residents and employees on the site.
2. The applicant must retain the transportation-related conditions of approval required to satisfy the APF approval for Preliminary Plan No. 11999076, unless modified by the recommendations herein.

Staff recommends **APPROVAL** of the Limited Site Plan Amendment for Grosvenor Village, Parcel F (Site Plan No. 8200006B) for modifications to the approved site plan.

ATTACHMENTS

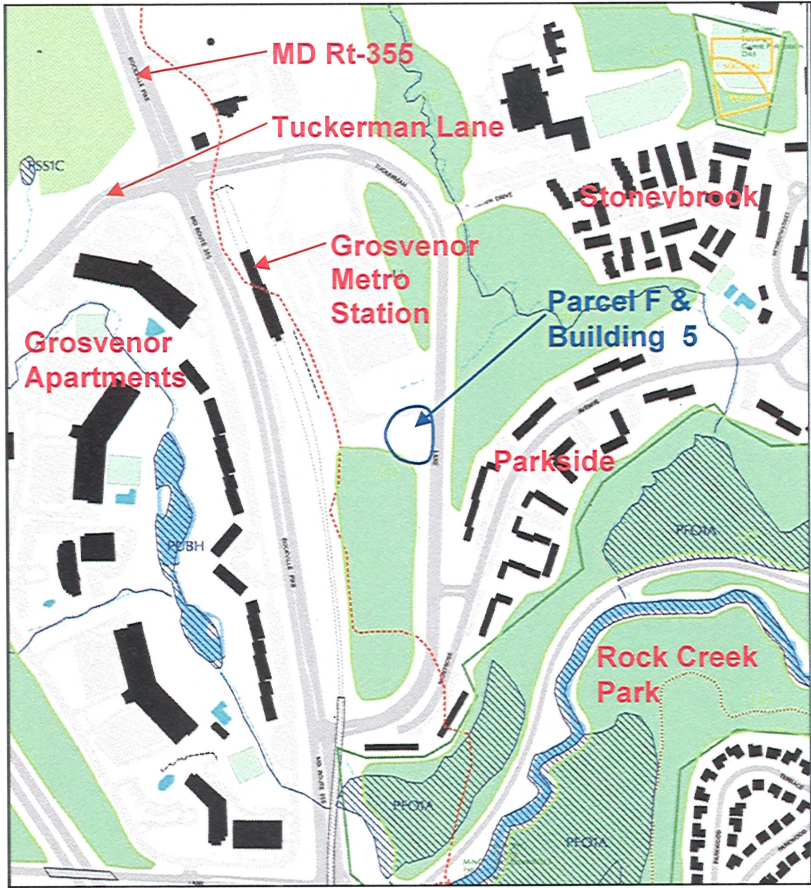
- A. Site Description and Vicinity
- B. Letter from Applicant, dated March 14, 2007
- C. Request for Parking Waiver, dated July 30, 2007
- D. Letter from the leadership of the Condominium Association of Grosvenor Park III, dated June 11, 2007
- E. Memorandum from M-NCPPC Transportation Planning, dated August 24, 2007

ATTACHMENT A

Site Description and Vicinity

The site of Grosvenor Village is located on Tuckerman Lane and Southeast of the Grosvenor Metro Station. Rockville Pike (MD Rt-355) and the WMATA Metro tracks form the western boundary of the property. Tuckerman Lane bisects the property with Parcel A to the East and Parcels B, C, D and F to the West. Parcel F, the subject of the current amendment, is bound by Grosvenor Metro Station to the north, Strathmore Hall Street to the west, Tuckerman Lane to the east, and Parcel E to the south. Parcel F with 1.12 acres has been approved for the location of Building 5 that includes 301 dwelling units and 8,600 square feet of general retail.

Across Tuckerman Lane to the southeast lies the Parkside Condominium Community, within Zone R-30. The community consists of 954 garden apartments on 69 acres. Northeast of the property, across the stream valley, lies the Stoneybrook residential development, consisting of 120 townhouse units on 16 acres on Zone RT-12.5. Across Rockville Pike to the west one finds the Grosvenor Apartments within Zone R-10. This site is a 55-acre, 5 building high-rise community, with 2139 residential units and 7000 square feet of ancillary retail space. A garden apartment complex of 214 units, the Grosvenor Park Condominiums, is also located along the western edge of the Pike.



Site Vicinity Map with Parcel F highlighted in blue

ATTORNEYS

March 14, 2007

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

RE: Grosvenor Village II, Parcel F
Amendment B to Site Plan No. 8-00006

Dear Ms. Krasnow and Mr. Kronenberg:

On behalf of the Applicant, Potomac Investment Properties, Inc., we are pleased to submit certain minor revisions to Parcel F – Building 5 of the approved Site Plan for the Grosvenor Village project in Montgomery County, Maryland. You will recall that we met with you and Rose Krasnow on February 26, 2007, to discuss the revisions highlighted below. At that meeting, you and Ms. Krasnow confirmed that these revisions to the Site Plan could be reviewed by the Planning Board as a consent item.

We have made the following revisions to Building 5 to enhance the building amenities and to accommodate a slightly revised building program:

- Reduction of approved parking by 43 spaces (from 351 to 308 spaces) as part of a revised unit mix resulting in fewer 3-bedroom units (see Sheet S-1 of the revised plans).
- Statement of expected building height of 153 feet 8 inches (15 stories). The approved height of the building remains at 176 feet 6 inches (17/18 stories) (see Sheets S-3 and A1-A6 of the revised plans).
- Updated elevations to reflect the expected building height (see Sheets A1-A6 of the revised plans).
- Addition of a rooftop swimming pool and amenity deck area (see Sheet A-7).
- Clarification of applicable setbacks (see Sheet A-8) as request by Staff.



ATTORNEYS

Along with this letter and application, we have included 5 sets of revised plans for Parcel F – Building 5 and the application fee of \$2,250. As part of this application, we will be notifying the adjoining and confronting property owners and community associations regarding the consent request.

Thank you in advance for your consideration regarding this application. Please contact us if you need any additional information.

Sincerely,

Steven A. Robins

Patrick L. O'Neil

Enclosures: As Stated

cc: Michael Gewirz
W. Clarke Ewart
Rose Krasnow
Joseph Schneider
Trini Rodriguez
Dan Pino



ATTORNEYS

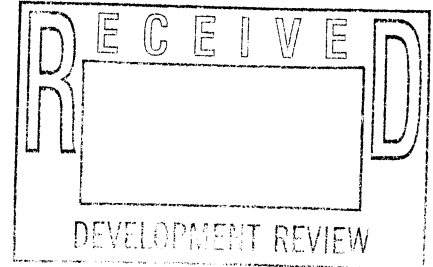
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July 30, 2007

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HAND DELIVERY

Ms. Rose Krasnow
Mr. Robert Kronenberg
Ms. Sandra Pereira
Maryland-National Capital Park & Planning Commission
Development Review Division 8787 Georgia Avenue
Silver Spring, Maryland 20910



**Re: Request for Parking Waiver
Grosvenor Village, Parcel F
Site Plan Amendment No. 82000006B**

Dear Ms. Krasnow, Mr. Kronenberg and Ms. Pereira:

Our firm represents the Applicant, Potomac Investment Properties, Inc. and its development partner, Paradigm Development Company, regarding the pending Site Plan Amendment No. 82000006B (the "Amendment") for Parcel F, Building 5 in a development better known as "Grosvenor Village." Grosvenor Village is a mixed-use project comprised of Parcels A, D, E and F on thirty acres of land off of Tuckerman Lane in North Bethesda, Maryland. Parcel A is located on the east side of Tuckerman Lane and Parcels D, E and F are located on the west side of Tuckerman Lane.¹ With the exception of Parcel F, the project is fully developed. The building was previously approved for 301 units in a configuration of one, two and three bedroom units.

As reflected in the original submission (*see* attached cover letter), the Amendment consists of minor revisions to Parcel F-Building 5 of the approved Site Plan for Grosvenor Village (the hi-rise building), immediately south of the Grosvenor Metro Station. The Amendment retains the 301 unit count; however, the mix of units is being modified to eliminate three bedroom units in favor of efficiencies, one and two bedroom units. The parking count for the building will be reduced as a result of this change in unit mix. We are resubmitting the plans based on comments received from Technical Staff at our

¹ Parcel B was resubdivided in Parcels D, E and F. Parcel D contains Buildings 1, 2 and 3, Parcel E contains Building 4 and Parcel F will contain Building 5. The Amendment relates only to Parcel F, Building 5.



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recent meeting primarily relating to the parking calculation for the building and the MPDUs in the building. As a result of our meeting with Technical Staff, we are requesting a waiver of the parking requirements pursuant to Section 59-E-4.5 of the Zoning Ordinance that will permit the Applicant to reduce the amount of parking for the building. We understand from Technical Staff that the Amendment will be treated as a Limited Site Plan Amendment.

Reduction in Parking

The Amendment seeks a reduction of the previously approved Amendment A (*See Exhibit 1*) parking count by 43 spaces (from 351 to 308 – 12.5% reduction) from the residential portion of the mixed use Building F. This reduction is based on a change in the configuration of the unit mix and the corresponding parking ratios required for the unit types as stated above. To accommodate the reduction, the Applicant is requesting a waiver of the parking requirements pursuant to Section 59-E-4.5 of the Montgomery County Zoning Ordinance. Technical Staff suggested the waiver approach in order to carry forward the parking ratio calculations that were previously approved by M-NCPPC (as contained on the Certified Site Plans dated August 23, 2000, August 22, 2004, and September 30, 2005) in relation to the parking requirements set forth in the Zoning Ordinance. With the exception of Parcel F, the Grosvenor Village is fully developed. Based on the prior approvals, Grosvenor Village provided for 1,240 parking spaces, 389 more spaces than the minimum required pursuant to the approval.

Prior to the submission of this Amendment, the project was contemplated to be a for-sale condominium which had larger units with more multi-bedroom units consistent with a for-sale product. Consequently, the unit mix dictated a residential parking count of 351 parking spaces. Market conditions have changed and the Applicant is now proceeding forward to construct a rental apartment building. The proposed apartment project responds to the current market’s demand for efficiency, one and two bedroom units and eliminates all three-bedroom units. The resulting unit mix in the Amendment is 30 efficiency units, 164 one-bedroom units and 107 two-bedroom units. Applying the approved parking ratio requirements of the previous Certified Site Plans, the new parking space total would be 308 spaces (*Exhibit 2*). If the parking ratios as contained in the Zoning Ordinance are applied, the Applicant would be required to provide 393 parking spaces (*Exhibit 3*).

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Exhibit 1 – Approved Amendment A

Total Units	301 units
Total Parking	351 spaces

Exhibit 2 – Proposed Amendment B

UNIT	PARKING RATIO	REQUIRED PARKING SPACES
30 Efficiencies	1 space per unit	30 spaces
164 1 Bedroom	1 Space per unit	164 spaces
107 2 Bedroom	1 Space per unit	107 spaces
Subtotal		301 spaces
Less 10% Reduction for proximity to Metro		30 spaces
Plus Commercial/Retail parking (8,600 s.f. x 5/1000 s.f. = 43 less 15% reduction for proximity to Metro = 37 spaces). ²		37 spaces
TOTAL		308 spaces

Exhibit 3 - Zoning Ordinance

UNIT	PARKING RATIO	REQUIRED PARKING SPACES
30 Efficiencies	1 space per unit	30 spaces
164 1 Bedroom	1.25 spaces per unit	205 spaces
107 2 Bedroom	1.5 spaces per unit	161 spaces
Subtotal		396 spaces
Less 10% Reduction for proximity to Metro		40 spaces
Plus Commercial/Retail parking (8,600 s.f. x 5/1000 s.f. = 43 less 15% reduction for proximity to Metro = 37 spaces). ³		37 spaces
TOTAL		393 spaces

² The Applicant is providing the 37 spaces for the 8,600 square feet of commercial space in the building even though these spaces already have been provided in the parking garage for Buildings 1, 2 and 3 (at the time of the original approval, the retail space was located partially in Building 3 and partially in Building 5).

³ See fn. 2.

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In summary, the rental apartment configuration requires 308 spaces per the previously approved Certified Site Plan ratios whereas the current Zoning Ordinance ratios would require 393 spaces. Thus, following Technical Staff's suggestion, the Applicant is seeking a waiver to reduce the parking requirement by 85 spaces (393 less 308 = 85 spaces, a 22% reduction).

The parking waiver is justified for a number of reasons. The Applicant and its development partner have extensive experience developing hi-rise products in close proximity to Metro stations and are certain that the parking, as proposed (and consistent with prior approvals) will fully accommodate the parking needs for the building without burdening any of the adjoining parcels or the surrounding communities. The parking demand for a rental building is far less than for a condominium project. As a result, the waiver will permit the Applicant to eliminate one level of parking from the building. Additionally, there is a clear public benefit in minimizing parking for the building, in large part because of its close proximity to the Grosvenor Metro Station. Less parking for the building will serve to encourage greater Metro usage, particularly at a location like Grosvenor where Metro ridership is strong. The County and M-NCPPC have consistently encouraged Applicants to minimize parking for projects in close proximity to Metro. This development literally is on top of a Metro site. Finally, the waiver request is in line with the parking ratios used for the existing approval and is consistent with the parking needs of a high rise apartment building. As a result, Technical Staff encouraged the Applicant to apply for the waiver so that the reduction would be clearly depicted on the Certified Site Plan.

For all of the reasons articulated in this letter, the Applicant respectfully requests that the Planning Board grant the waiver pursuant to Section 59-E-4.5 of the Zoning Ordinance to reduce the parking requirements for Parcel F-Building 5 by 85 spaces.

MPDUs

If you will recall, Lisa Schwartz from the Montgomery County Department of Housing and Community Affairs attended our most recent meeting on the Amendment. Technical Staff requested the Applicant and DHCA make sure that the number, mix (ratio of units) and location of MPDUs was satisfactory to all parties. The Applicant thereafter participated in a conference call with Ms. Schwartz and Christopher Anderson and DHCA confirmed that the number, mix and location of MPDUs were satisfactory.




ATTORNEYS

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Ms. Schwartz has sent Technical Staff an email dated June 28, 2007 confirming this understanding.

Thank you in advance for your consideration of the pending Amendment and the parking waiver request. Please contact us if you need any additional information. Otherwise, we would appreciate if this matter could be scheduled for Board review and consideration at the earliest possible opportunity.

Sincerely,



Steven A. Robins



Patrick L. O'Neil

Enclosures: As Stated

Cc: Michael Gewirz
Clark Ewart
Marie Cox
Joseph Schneider
Trini Rodriguez
Dan Pino



CONDOMINIUM III

10401 Grosvenor Place, North Bethesda, MD 20852 • 301/493-9200

VIA CERTIFIED MAIL—RETURN RECEIPT REQUESTED

Mr. Royce Hanson, Planning Board Chairman
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

June 11, 2007

Re: AVALON BAY: PARKING GARAGE FAÇADE AND LANDSCAPING

Dear Mr. Hanson:

As a member of the Board of Directors of the Condominium Association of Grosvenor Park III, located at 10401 Grosvenor Place, North Bethesda, MD 20852, I am assigned to serve as the Grosvenor Park III Representative to the Board of the Grosvenor Park Homeowners Association (hereinafter GPHOA), which is comprised of representatives from Grosvenor Park II (10500 Rockville Pike, North Bethesda, MD 20852), Grosvenor Park III (address noted, hereinabove) and Grosvenor Park IV (the Garden Apartments in the Grosvenor Park development, along Rockville Pike). In that capacity, I am currently the Vice President of the Board of the GPHOA. All of the member buildings and other buildings in our complex, which are, altogether, inhabited by more than 5000 residents have numerous locations with direct views of what we sarcastically call the "Penitentiary on Rockville Pike", better known as the parking garage for the Avalon Bay Apartments

I have been in close communication with Ms. Kristin O'Connor, of your office, who is the North Bethesda Planner. Our very recent communication commenced on May 31, 2007, when I was seeking a contact in your office to register our **extreme** dismay that Avalon Bay has not complied with any of their prior agreements with your office regarding the garage façade and landscaping of the parking garage referred to, hereinabove. Ms. O'Connor has advised me that your office is not only aware of this situation, but is **equally** disturbed by this failure of compliance. The Avalon Bay Apartments are part of a larger parcel of land known as Grosvenor Village, which has been broken up into several smaller parcels. The Avalon Bay Apartments and their associated garage have been "completed" for several years. However, the reason that I have placed the word "completed" into quotation marks is that, inasmuch as the garage façade along Rockville Pike and the landscaping therefore have **not** been completed as agreed (per the signature set), this part of the project is not in fact completed.

Our concern is about the unsightly appearance of the façade of the garage facing Rockville Pike, which we believe is **the** eyesore of Rockville Pike and of **our** beautiful development. You

certainly know what a beautiful appearance the **Metro** garage makes and how it blends into its surroundings. This was what we all expected from Avalon Bay and what Ms O'Connor has advised is included in the signature set, inter alia, trellises for plantings on the wall of the parking garage, trees to be planted along Rockville Pike, and more.

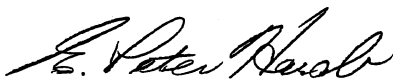
Ms. O'Connor has further advised me that we could not be contacting you at a more opportune time, because WMATA and a joint developer, original owners of the Avalon Bay parcels and current partners therein, have now filed papers to build on their additional parcels of land a high-rise building complex, currently known as Grosvenor Village, Parcel F. We trust that, inasmuch as they have not complied with their obligations involving the façade of the Avalon Bay Parking Garage and the landscaping thereof, **all** newly submitted requests and plans for building that have been or will be submitted in the future for these **additional** parcels will be denied by your office, pending Avalon Bay's compliance with the terms agreed to in the signature set and mentioned, hereinabove.

We also wish to call to your attention that we have been advised that approximately 18 months ago, Avalon Bay submitted a request to place **artwork** on the Rockville Pike side of the garage as an alternative to complying with the signature set. We are **very pleased** to note that your office denied this request and asked them to submit another plan more appropriate to the surroundings and in greater compliance with the signature set. However, we are **not happy** to further note that this matter has been allowed to ride and that there has been no follow-up on this requirement that Avalon Bay submit another plan. Because of the lack of follow-up, we continue to face a hideous eyesore directly across Rockville Pike—an eyesore that it is time to eradicate without any further delay.

Accordingly and lastly, we request that you immediately send your inspector for an official review of Avalon Bay's non-compliance with the signature set and further request that you follow up this inspection with the appropriate and necessary violation notices. We do not believe that Avalon Bay and their partners should be given any lengthy period of time to comply. They have had more than ample time—at least **several years**—to comply; and they have ignored all compliance requests up to now, including our own efforts to directly resolve these problems through the appropriate channels. If they do not comply promptly and in accordance with the time period for compliance provided in the violation notices to be issued by your office, we respectfully request that you assess all appropriate penalties and fines as provided by Montgomery County law.

Thank you for your attention to this important matter. We respectfully request that you keep us closely informed with regard to all action taken in this matter.

Sincerely yours,



E. Peter Harab, Esq.
Board Member, Grosvenor Park III Condominium Association
Grosvenor Park III Rep. to the Board of the Grosvenor Park Homeowners Association
Vice President, Grosvenor Park Homeowners Association
301-571-7557 or 908-553-6239
ephrog@grosvenorpark.net

cc: Judy Daniel, Team Leader, M-NCPPC
Kristin O'Connor, North Bethesda Planner, M-NCPPC
Nkosi Yearwood, M-NCPPC
Grosvenor Park III Condominium Association, Board of Directors
Grosvenor Park II Condominium Association, Board of Directors
Grosvenor Park IV Condominium Association, Board of Directors
Allen Atkins, Property Manager, Grosvenor Park Homeowners Association
Joshua McFeeters, President, Grosvenor Park Homeowners Association
Robert Keefe, Treasurer, Grosvenor Park Homeowners Association
Linda Aley, Onsite Manager, Grosvenor Park III
Alice Scherr, Committee Chair, Resident, Grosvenor Park III
Jim Eastman, Acting Onsite Manager, Grosvenor Park II
Roxana Rizzone, Onsite Manager, Grosvenor Park IV
Vicki Myers, Onsite Manager, Grosvenor Park I
Debbie Murray, Property Manager, 10101 Grosvenor Place
Justin Brown, Property Manager, Grosvenor Tower



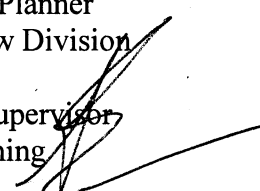
MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION


August 24, 2007

MEMORANDUM

TO: Sandra Pereira, Site Planner
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning

FROM: Ed Axler, Planner/Coordinator 
Transportation Planning

Charles S. Kines, Planner/Coordinator 
Transportation Planning

SUBJECT: Site Plan No. 82000006B
Grosvenor Village, Parcel F Amendment
Grosvenor Metro Policy Area

This memorandum is Transportation Planning staff's review of transportation-related requirements for the subject site plan amendment. The adequate public facilities (APF) review of the subject development was approved with the Preliminary Plan No. 119990760 on June 24, 1999, for 860 multi-family dwelling units (i.e., divided between 300 high-rise apartments and 560 townhouses) and 8,600 square feet of ancillary retail uses. Site Plan No. 82000006 was approved on January 18, 2000.

RECOMMENDATIONS

We recommend the following conditions as part of the transportation-related requirements for approval of this site plan amendment:

1. The applicant must enhance its traffic mitigation program to offset the impact of reducing the total number of parking spaces by 43 spaces or from 351 to 308 spaces to serve the ancillary retail activities on Parcel F and the 301 apartment residents in the adjoining Building 5. The enhanced measures below are intended to clarify and formalize those previously required in the executed Site Plan Enforcement Agreement (SPEA).
 - a. Enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and the Montgomery County Department of Public Works and Transportation (DPWT) to participate in the North Bethesda Transportation Management Organization (TMO). The TMAg must be signed and executed by all parties prior to certification of the site plan.

- b. Reserve two (2) parking spaces in the residential garage(s) for car sharing companies. Provide incentives for car sharing use to all residents and employees on the site.
2. The applicant must retain the transportation-related conditions of approval required to satisfy the APF approval for Preliminary Plan No. 11999076, unless modified by the recommendations herein.

DISCUSSION

Site Location and Vehicular Access

Grosvenor Village, Parcel F is located on the west side of Tuckerman Lane, south of the access drive to the Grosvenor Metrorail Station garage/Strathmore Park Court. The semi-circular driveway access to Parcel F is from Tuckerman Lane.

North Bethesda Transportation Management Requirements

This site is within the boundary of the North Bethesda Transportation Management District (TMD), in which multi-family development projects are required to enter into a TMAg to participate in the North Bethesda TMO. As part of the approval of Site Plan No. 82000060 on January 18, 2000, the SPEA conditioned the applicant to implement following traffic mitigation measures:

1. Pay the annual Transportation Management Fee to the North Bethesda TMO as authorized by County Council enabling legislation.
2. Cooperate with the North Bethesda TMO to assist in achieving and maintaining the 30-percent and 39-percent non-auto driver mode share goals for residents and employees respectively. Transportation mitigation measures includes the following:
 - a. Cooperate with the North Bethesda TMO in conducting the County's annual survey.
 - b. Install within the site, a transit display for transit schedules and routing information.
 - c. Appoint a transportation coordinator as the point of contact between the North Bethesda TMO, residents and tenants of the development.
 - d. Make space available to the North Bethesda TMO staff for periodic transit and alternative travel promotions.
 - e. Distribute the North Bethesda TMO "Welcome Packet" to new residents.

- f. Install 5 additional bike lockers in the residential garage for use by residents.
- g. Wire the residential buildings to provide employees with the option to telecommute from their apartment or a specified location on the site.

In addition, the applicant must reserve two spaces in its residential parking garage for car sharing and offer incentive for car sharing use to residents and employees on-site. Several car-sharing spaces are already provided at the Grosvenor Metro Station under a partnership program with WMATA. Incentives offered to Grosvenor Village residents and employees will help ensure continued support of these programs and promote reduction in the numbers of privately-owned automobiles parking on-site. Incentives could be in the form of either 50% of membership fees paid for the first two years (up to \$50/year or \$100 per participant). The program should be required to continue operating for at least 15 years or until the Planning Board determines it is no longer necessary as part of the traffic mitigation program.

EA:tc

cc: Peggy Schwartz
Sande Brecher

mmo Pereira re Grosvenor Village 82000006B.doc