



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 12-70
Project Plan No. 92007003A
4900 Fairmont Avenue
Date of Hearing: June 14, 2012

SEP 12 2012

RESOLUTION

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

WHEREAS, on December 21, 2007, the Planning Board, by Resolution MCPB No. 07-219¹, approved Project Plan No. 920070030 for a maximum of 154,864 gross square feet of development comprised of up to 118 residential units of which 15% are Moderately Priced Dwelling Units ("MPDUs") and approximately 5,500 square feet of first floor retail on 25,586 gross square feet (the original project plan), on approximately 1.63 gross acres of land in the CBD-2 zone, located on the south side of Fairmont Avenue at its intersection with Norfolk Avenue, approximately 65 feet west of Woodmont Avenue ("Receiving Property" or "Subject Property") in the area covered by the Woodmont Triangle Amendment to the Sector Plan for the Bethesda CBD ("Sector Plan") area; and

WHEREAS, on March 8, 2012, 4900 Fairmont Avenue Residential, LLC ("Applicant"), filed an application for approval of a Project Plan Amendment to apply density transfer under Section 59-C-6.2355 of the Zoning Ordinance from four properties as indicated below ("Sending Properties") to increase the density to a maximum of 303,793 square feet of development i) for the Receiving Property to allow for development of a 17 story building, comprised of 250,799 square feet of residential uses for up to 250 multi-family dwelling units of which 15% are MPDUs, and 7,000 square feet of non-residential uses, and ii) for the Sending Properties to retain 45,994 square feet of total allowable development; and

¹ MCPB No. 07-219 was corrected on June 7, 2011 to correct the interpretation of building height measurement to be applied.

Approved as to
Legal Sufficiency:

 8/29/12

M-NCPPC Legal Department

8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

WHEREAS, the gross tract area of the Project Plan (as hereinafter defined) is 64,235 square feet including the Receiving Property and the Sending Properties; and

WHEREAS, the Sending Properties are transferring 84,643 square feet of density to the Receiving Property as indicated on the following chart:

Description of Sending Property	Zone	Density Transferred	Density Retained
4851 Rugby Ave ² – Lots 443, 444, 447, 448, and 627	CBD-1	37,672 s.f.	18,836 s.f.
4912 Del Ray Ave – Lot 629	CBD-1	12,468 s.f.	6,234 s.f.
4909 Cordell Ave – Lot 626	CBD-1	12,468 s.f.	6,234 s.f.
7750 Woodmont Ave – Lot 9	CBD-2	22,035 s.f.	14,690 s.f.

² Site Plan No. 820070050 approved for 61 multi-family dwelling units on this property is automatically extinguished with this approval.

WHEREAS, Applicant's project plan application was designated Project Plan Amendment No. 920070030A, 4900 Fairmont Avenue ("Application" or "Project Plan"); 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 May 30, 2012, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on June 14, 2012, 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, on June 14, 2012, the Planning Board voted to approve the Application, subject to conditions, on motion of Commissioner Dreyfus, seconded by Commissioner Presley, with a vote of 4-0; Commissioners Carrier, Dreyfuss, Presley, and Wells- Harley voting in favor, and Commissioner Anderson absent from the hearing.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board APPROVES Project Plan Amendment No. 92007003A for a 17 story (174 foot) building with a maximum of 303,793 square feet of development to include up to 250,799 square feet of residential uses with a maximum of 250 multi-family dwelling units of which 15% must be MPDUs; and 7,000 square feet of non-residential uses on the Subject Property, subject to the following conditions:²

1. Development Ceiling

² 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.

The development of both the Receiving and Sending Properties is limited to a Floor Area Ratio of 4.73, which includes a maximum of 303,793 square feet of development; the Receiving Property to include 250,799 square feet of residential uses for up to 250 multi-family dwelling units of which 15% are MPDUs and 7,000 square feet of non-residential uses; the Sending Properties to retain a total of 45,994 square feet of development for 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 353 feet and 0 inches).

3. Public Use and Amenity Space

- a. The Applicant is required to provide a total of 7,481 square feet of public use space for this project. This is based on 20% of the net lot area of the receiving site and 10% of the combined net lot area of the four sending sites as follows:
 - i. 3,622 square feet of the public use space will be on-site within the "Paseo".
 - ii. 1,190 square feet will be treated as public use space but will consist of improvements to Public Parking Garage No. 11. 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.
 - iii. Final determination for the allocation of the remaining 2,926 square feet will be determined by Staff at the time of certified site plan or may be accounted for through a payment to the Amenity Fund.
- b. The Applicant shall provide a minimum of 7,932 square feet (38.5%) of the net lot area of the Receiving Property for off-site public amenity space to include streetscape improvements and undergrounding of utilities in Veteran's Park.
- c. The public use space must be accessible and open to the public.

4. Streetscape

- a. The Applicant must relocate all utilities underground as part of the streetscape improvements.
- b. The Applicant must provide the standard Bethesda Streetscape paving, lighting, and planting details along the Fairmont and Norfolk Avenue 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 ("MCDOT") 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 Montgomery County Department of Permitting Services ("MCDPS") in consultation with 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 with Section 59-C-6.2355 of the Zoning Ordinance prior to certification of the site plan (No. 820120120).
- b. The Applicant must provide verification of the density transfer from the Sending Properties through recordation of a covenant that provides for all available standard method density to remain on the Sending Properties.
- c. The standard method density must remain on the Sending Properties.
- d. The approved plans for 4851 Rugby Avenue (Project Plan No. 920070050, Preliminary Plan No. 120060290, and Site Plan No. 820070260) will become invalid when the density transfer easements are recorded.

BE IT FURTHER RESOLVED that all elements of the plans for Project Plan Amendment No. 92007003A, 4900 Fairmont Avenue, stamped received by M-NCPPC on April 19, 2012, and May 10, 2012, are required except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and having considered the entire record, all applicable elements of Section 59-D-2.42, and the relevant provisions of Section 59-D-2.43, the Planning Board FINDS, with the conditions of approval, that:

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

Intents and Purposes of the CBD Zones

The Montgomery County Zoning Ordinance, Section 59-C-6.212, states the purposes that the CBD zones are designed to accomplish. The Project Plan conforms to these purposes as follows:

- (1) "To encourage development in accordance with an adopted and approved master 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 Project Plan uses the optional method of development through the use of density transfer as recommended in the Sector Plan to increase density, height and intensity on the Receiving Property. Site plan 820120120 was reviewed and approved by the Planning Board together with this Application.

- (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."

The mixed use development will provide a variety of land uses and activities in the Woodmont Triangle. The Project Plan responds to the need for a variety of housing by including MPDUs in the proposed building. The addition of new housing types, shopping opportunities, and public open spaces as well as enhanced public facilities will meet the need and requirements for workers, shoppers and residents. This Project Plan 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. By utilizing density transferred from the Sending Properties, the owners of those properties receive market return in value while retaining some low density

non-residential development in the central business district (sometimes referred to as "CBD").

- (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 Project Plan produces a compatible and desirable relationship with adjacent and surrounding uses. 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 provides a much needed improvement to a space currently being used for trash service and provides a safer and more convenient passageway from the County garage to the public street network. The 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 development is located within 1,500 feet of the Bethesda Metrorail Station and close to many bus stops. The required streetscape improvements along Fairmont and Norfolk Avenues will create a better pedestrian experience for people to access the available transit facilities.

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

The Applicant is coordinating with MDCOT to use a portion of the Policy Area Mobility Review ("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 Project Plan improves the quality of the pedestrian environment through enhancements to the streetscape. The existing vehicular circulation patterns are largely unchanged; however the circulation patterns were 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 Project Plan provides up to 250 dwelling units and includes 15% MPDUs. These unit types will vary from studio to two bedroom units, which will serve people of various income levels.

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

The Project Plan does not involve the physical assembly of abutting, adjacent or confronting properties. However, the Project Plan does include the assembly of five sites for density purposes within the Woodmont Triangle Area, as allowed in the density transfer recommendations of the Sector Plan. The transfer of this density addresses the Sector Plan goals by encouraging redevelopment to increase the housing supply and, at the same time retaining the small scale retail uses.

Further Intentions of the CBD-2 zone

Section 59-C-6.213 (c) of the Zoning Ordinance states further intentions of the Receiving Property's CBD-2 zone where the actual development will occur:

- (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 Sector Plan 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 Project 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 provides 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.

Requirements of the CBD-2 zone

The data table below lists the development standards approved by the Planning Board and binding on the Applicant. The Planning Board finds, based on the aforementioned data table, and other evidence and testimony of record that the Application meets all of the applicable requirements of the optional method of development in the CBD-2 zone.

DATA TABLE

Development Standard	Permitted/ Required	Previous Approval 920070030	Approved by the Planning Board and Binding on the Applicant
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.)	321,175	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-C- 6.235(b)			
Building Height, Maximum (ft.)	200 ⁴	174	174
Public Use Space & Amenities §59-C- 6.233			
Public Use			
On site Public Use Space based upon the 20,584 sf receiving site	4,116 sf	4,130 sf	3,622 sf.
Off-site public use space (sf) including the improvements to the public garage based upon the 20,584 sf receiving site		NA	1,190 sf
Total public use space for the receiving site	4,116		4,812 sf
On-site public use space (sf) based upon the 33,648 sf of the sending sites	3,365 sf	N/A	2,926 sf ⁵
Total On and Off-Site Public Use Space	7,481 sf.		7,481 sf. ⁵
Off-site public amenity space (sf.)	N/A	7,630sf	7,932 sf
Total public use & amenity space (sf)		11,760 sf	15,413 sf.
Parking spaces §59-E-3.7⁶			
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 ⁷
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 7,345 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.

⁵ The public use space provided (7,481 sf – 4,555 sf [3,365 sf + 1,190 sf] = 2926 sf) and includes both the sending and receiving properties. This number represents 20 percent of the net lot area of the receiving site and 10 percent of the net lot area of the transfer properties. Final determination for the allocation of the 2,926 sf will be determined by Staff at the time of certified site plan or may be accounted for through a payment to the amenity fund.

⁶The final bedroom mix will be determined at certified site plan

⁷The site is in the parking lot district and is subject to the Parking Lot District tax if not all of the required spaces are provided on site.

According to the Zoning Ordinance (59-C-6.215(b)) a further requirement of optional method projects is the provision of additional public amenities:

“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.”

The Application is proffering the following package of public use space, amenities and public facilities:

Public Use Space

On site public use space consists of the following elements:

- The Paseo, a midblock pedestrian walkway
- Public art component
- Lighting, planting beds, seating

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

(b) The development conforms to the Sector Plan

This Application 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.

. The Project Plan achieves the Sector Plan vision of a vibrant mixed use, urban, neighborhood with small scale retail uses, housing, public amenities, the arts and pedestrian friendly streets by meeting the following goals.

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

The Project Plan includes up to 250 multi-family units of varying unit mix, with 15% MPDUs.

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

Through the use of density transfer, the Project Plan provides 7,000 square feet of new retail on the Receiving Property to expand business opportunities, while retaining existing uses on the Sending Properties..

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 mid-block pedestrian walkway, called 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 to experience visual art and notice of local events.

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 Plan 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 and from Public Parking Garage No. 11 to the public streets. The building entrance coupled with Bethesda streetscaping on Norfolk Avenue supports the goal of establishing Norfolk Avenue as a main street.

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.

With regard to the Receiving Property, the Project Plan will 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 Public Parking Garage No. 11. The public use space for the Sending Properties will be met off site in the Sector Plan area, or through a payment to the Amenity Fund.

Priority public amenities being met by this Application include streetscaping and undergrounding of utilities along the Norfolk and Fairmont Avenues and in Veterans Park.

Woodmont Triangle Sector Plan Amendment General Recommendations

Transit Oriented Development (TOD)

The Project Plan, located near the Bethesda Metro provides a new building with mixed uses 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 Plan increases the housing supply in the Woodmont area with a new high rise building of up to 250 multi-family units of varying unit mix, with 15% MPDUs to 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. The buildings in the Bethesda Metro station are developed with buildings ranging in height from 12 to 14 stories (approximately 120 to 143 feet). Existing buildings along Wisconsin Avenue are also developed at a higher density with heights varying from 14 to 17 stories (approximately 143 to 174 feet).

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 building does not step back from the street; however, a shadow study prepared by the Applicant indicated that adequate sunlight on Norfolk Avenue would occur once the project is built as approved relative to shadows that are inevitable from development at this height and density and from surrounding development. The Planning Board finds a step back building in this location would not provide much more relief as it relates to sunlight on Norfolk Avenue and agreed with the Applicant's study that the building when constructed will continue to provide adequate sunlight along this street.

Mixed Use Development – Density, FAR, Public Use Space

This Project fosters mixed use development with a new building containing residential and ground level commercial uses. The Sector Plan recommends a FAR of 5.0 for this block. The Project Plan captures a FAR of 4.73 through the use of the 22% bonus density for MPDUs and density transfer provisions. The Project Plan 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 Project Plan transfers density from four properties in the Woodmont area to the Subject Property. This transfer of density encourages the

retention of small scale retail in Woodmont and fulfills retail preservation recommendations in the Sector Plan. 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. The collective sending and receiving properties total 64,235 square feet. The sending sites transfer 84,643 square feet of density to the receiving site with this Application.

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. 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 Subject Property.

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

This Project Plan is located on Fairmont Avenue between Old Georgetown Road and Norfolk Avenue. The Paseo establishes a north-south midblock connection from the parking garage to Fairmont 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. The Paseo replaces an existing service alley and opens up a pedestrian connection from the Parking Garage No. 11 to the public street.

Provide public art, art facilities and public gathering spaces.

The Paseo features seating, landscaping, and lighting. It is also envisioned as a connecting space that improves pedestrian circulation to other public gathering spaces in Woodmont Triangle.

Specific Site Recommendations

The Subject Property is located on Block 45, which was rezoned to CBD-2 and CBD-R2 in order to encourage residential development at higher density and height. The Project Plan provides for a high density residential project on the Subject Property.

Optional Method of Development and Density Transfer

Section 59-C-6.2355 contains the 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. The Project Plan conforms to these special regulations.

- The density to be transferred under this Project Plan is measured in gross square feet and will total approximately 84,643 gross square feet.
- The Subject Property does not abut or confront a one-family residential zone.
- The development of the combined lots does not exceed the development capacity otherwise permitted on the each of the five separate properties under the optional method of development. Nor does it exceed the density limit of a 5.0 FAR recommended in the Sector Plan. The calculations shown below in the Density Transfer Table demonstrate that the standard method of development can be achieved on each of the four Sending Properties after transferring their unutilized density to the Receiving Property.

Density Transfer Table

Site	Lots	Zone	Existin g lot area	Prior Dedic ation (SF)	Gross Tract Area	R/W Dedic ation (SF)	Maximu m FAR	Total Allowable GSF optional method	Existing GSF remaining	Base GSF for Project
------	------	------	--------------------------	---------------------------------	------------------------	-------------------------------	-----------------	--	------------------------------	----------------------------

			(SF)							
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

- The public use space for this Application has been calculated on both the total square footage of the Sending Properties and the Receiving Property.

The public use space requirement is fulfilled through the 4,116 square feet being provided on the Receiving Property, the 1,190 square feet for the garage improvements and the additional 2,926 square feet required for the Sending Properties.

- The density transfer will be established, transferred, and attached by means of documents, including an easement as conditioned.

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

The Project Plan has been designed to ensure compatibility with the existing uses and the general neighborhood. The building will measure 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 Paseo will encourage pedestrian activity into and through the site. Vehicular activity is limited only to the driveways and buildings underground garage, thus, 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) *The 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.*

This Application has access to the necessary water and sewer lines. The site is located within the Bethesda Transportation Management District and this approval is conditioned upon Applicant entering into a Traffic Management Agreement with the Planning Board and MCDOT prior to release of above-grade building permits for the site. Improvements to the public parking garage assist in the function and access to the garage.

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

If the Subject Property were developed under the standard method of development, the on-site public use space requirement would be 10%, off site amenities would not be required and the maximum potential for the housing option would not be fully realized. 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 mid-block crossing connecting to the new pedestrian walkway that incorporates public use space and new public art could only be viable under the optional method of development. Furthermore, only the optional method of development allows a density transfer. 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 Sector Plan.

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

The Application provides 15% MPDUs on site, in compliance with Chapter 25A of the Montgomery County Code.

- (g) *Since the Project Plan includes more than one lot under common ownership, and is shown to transfer development density from one lot to another, 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.*

The Project Plan utilizes density transfers to preserve small scale retail uses and to increase the housing supply, neither of which could be achieved without the density transfer.

- (h) *The development satisfies any applicable requirements for forest conservation under Chapter 22A of the Montgomery County Code.*

The Project Plan is exempt from a forest conservation plan. However, if the Limits of Disturbance for this project change, then compliance with Chapter 22A will be required by the Applicant.

- (i) *The development satisfies any applicable requirements for water quality resources protection under Chapter 19 of the Montgomery County Code.*

The original project plan 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) *Any public use space or public facility or amenity to be provided off-site is consistent with the goals of the Woodmont Triangle Amendment to the Sector Plan for the Bethesda CBD and serves the public interest better than providing the public use space or public facilities and amenities on-site.*

The Applicant is providing off site public use space and amenities in the same density transfer area to implement the recommendations in the Sector Plan. This project will implement the recommendations for establishing mid-block pedestrian connections, renovation of Norfolk Avenue including special paving for sidewalks, undergrounding of utilities, lighting and street trees. These efforts will better serve the overall public interest than if limited to on-site improvements.

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 Project Plan shall remain valid as provided in Montgomery County Code § 59-D-2.7; and


BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board and that the date of this Resolution is SEP 12 2012 (which is the date that this Resolution is mailed to all parties of record); and SEP 12 2012

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Presley voting in favor of the motion, and with Commissioner Dreyfuss temporarily absent, at its regular meeting held on Thursday, September 6, 2012, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board

MR. RICHARD BRUSH, MANAGER
MCDPS-WATER RES. PLAN REVIEW
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

MS. LISA SCHWARTZ
DHCA
100 MARYLAND AVENUE
4TH FLOOR
ROCKVILLE, MD 20850

MS. SUSAN SCALA-DEMBY
MCDPS-ZONING
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

MR. CHRISTOPHER ANDERSON MPDU
MANAGER, DHCA
100 MARYLAND AVENUE
4TH FLOOR
ROCKVILLE, MD 20850

VIKA INCORPORATED
BILL LANDFAIR
20251 CENTURY BOULEVARD
SUITE 400
GERMANTOWN, MD 20874

LINOWES & BLOCHER, LLP
C. ROBERT DALRYMPLE
7200 WISCONSIN AVENUE
SUITE 800
BETHESDA, MD 20814

STAN ABRAMS
ATTORNEY FOR ABUTTING PROPERTY
OWNER
4550 MONTGOMERY AVENUE
#760N
BETHESDA, MD 20814

MR. GREG LECK
MCDOT
100 EDISON PARK DRIVE
4TH FLOOR
GIATHERSBURG, MD 20878

MR. ATIQ PANJSHIRI
MCDPS-RIGHT-OF-WAY
PERMITTING
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

MS. CHRISTINA CONTRERAS
MCDPS-LAND DEVELOPMENT
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

MR. ALAN SOUKUP
MCDDEP-WATER RESOURCE
PLANNING
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MTD 20850

PRESTON PARTNERSHIP
RICHARD KILPATRICK
SOUTH TERRACE
115 PERIMETER CENTER PLACE
SUITE 650
ATLANTA, GA 30346

LINOWES & BLOCHER, LLP
DEBRA S. BORDEN
7200 WISCONSIN AVENUE
SUITE 800
BETHESDA, MD 20814

MR. RICHARD BRUSH, MANAGER
MCDPS-SEDIMENT/STORMWATER
INSPECTION & ENFORCEMENT
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

MR. ESHAN MOTAZEDI
MCDPS-SITE PLAN ENFORCEMENT
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

MR. GENE VON GUNTEN
MCDPS-WELL & SEPTIC
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20-850

4900 FAIRMONT RESIDENTIAL, LLC
C/O THE JBG COMPANIES
BRIAN COULTER
4445 WILLARD AVENUE
SUITE 400
CHEVY CHASE, MD 20815

PARKER RODRIGUEZ
TRINI RODRIGUEZ
101 NORTH UNION STREET
SUITE 320
ALEXANDRIA, VA 22314

FXFOWLE ARCHITECTS, LLP
JOSEPH PIKIEWICZ
22 WEST 19TH STREET
NEW YORK, NY 10011