



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

MCPB No. 17-030  
Site Plan No. 82009011B  
Bainbridge Bethesda  
Date of Hearing: May 18, 2017

**MAY 31 2017**

**RESOLUTION**

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on July 2, 2009, the Planning Board, by Resolution MCPB No. 09-77, approved Site Plan No. 820090110, for a 17-story, mixed-use building containing up to 200 multi-family dwelling units, including 15% MPDUs, and up to 7,700 square feet of non-residential uses on 1.12 gross acres of CBD-2-zoned-land, located between Fairmont and St. Elmo Avenues, 150 feet south of Norfolk Avenue ("Subject Property"), in the Bethesda CBD Policy Area and *Woodmont Triangle Amendment to the Bethesda CBD Sector Plan* ("Sector Plan") area; and

WHEREAS, on June 26, 2014, the Planning Board approved an amendment to the Site Plan No. 82009011A (MCPB No. 14-45) to modify a condition regarding the timing of streetscape improvements on the Subject Property; and

WHEREAS, on January 18, 2017, 4931 Fairmont Avenue, LLC ("Applicant") filed an application for approval of an amendment to the previously approved site plans to modify a condition related to public art on the Subject Property; and

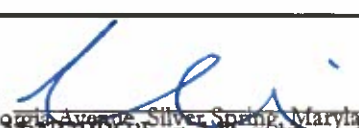
WHEREAS, the application to amend the site plan was designated Site Plan No. 82009011B, Bainbridge Bethesda ("Site Plan," "Amendment," or "Application"); and

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 May 5, 2017, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on May 18, 2017, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

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Approved as to  
Legal Sufficiency:

  
8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320  
MNCPPC Legal Department  
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82009011B for a 17-story, mixed-use building containing up to 200 multi-family dwelling units, including 15% MPDUs, and up to 7,700 square feet of non-residential uses by modifying the following condition:<sup>1</sup>

8. Public Art

- a. Provide for and install the public art concept designed by artist Dan Steinhilber, as presented to the Planning Department's Art Review Panel on May 15, 2009, and illustrated in the Certified Site Plan.
- b. Any significant changes to the concept presented on May 15, 2009, must be presented to the Art Review Panel and approved by Development Review staff before Certified Site Plan.
- c. Significant changes to the concept, as determined by Development Review staff, proposed after Certified Site Plan will require a Site Plan Amendment.
- d. The Applicant may, in coordination with the redevelopment of the adjacent St. Elmo Apartments (Site Plan 820170030), decommission the public art in accordance with procedures established by the Art Review Panel. The Applicant may remove the installed public art no sooner than the first building permit for Site Plan 820170030.

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 all site development elements shown on the latest electronic version of Bainbridge Bethesda Site Plan No. 82009011B, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, 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 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:

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<sup>1</sup> 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.

1. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan as revised by previous amendments, and all findings not specifically addressed 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 § 59-7.3.4.H; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAY 31 2017 (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).

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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 Dreyfuss, seconded by Commissioner Cichy, with Chair Anderson and Commissioners Dreyfuss, Fani-González, and Cichy voting in favor, and Vice Chair Wells-Harley absent at its regular meeting held on Thursday, May 18, 2017, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board