



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

MCPB No. 19-035  
Site Plan No. 82006017H  
**North Bethesda Market I**  
Hearing Date: March 21, 2019

**MAY 01 2019**

**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, under Section 59-7.7.1.B.3., the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014, including the zoning then in effect; and

WHEREAS, on September 28, 2006, the Planning Board approved Site Plan 820060170 by Resolution No. 06-18 for up to 440 multi-family dwelling units, including 15% MPDUs, and up to 223,000 square feet of commercial development on 5.91 gross acres in the TS-M zone; and

WHEREAS, on May 25, 2007, the Planning Board approved Site Plan No. 82006017A by Resolution No. 07-64 for the realignment of Executive Boulevard; inclusion of Rockwall I & II buildings in shared parking analysis; decrease in dwelling units and associated changes; increase in floors in Building B with no change in height; adjustments to the service lane and loading dock; and minor site and architectural clarifications and design adjustments; and

WHEREAS, on September 18, 2008, the Planning Director approved Site Plan No. 82006017B for minor modifications to paving, landscaping, drainage, seating, artwork, water feature, lighting, and amenity designs and details; and

WHEREAS on September 24, 2009, the Planning Director approved Site Plan No. 82006017C for minor modifications to rights-of-way, architectural elevations, paving, landscaping, drainage, seating, lighting, and amenity designs and details; and

Approved as to  
Legal Sufficiency

WHEREAS, on March 3, 2011, the Planning Director approved Site Plan No. 82006017D for minor modifications to rights-of-way, architectural elevations, paving, landscaping, drainage, seating, lighting, and amenity designs and details; and

WHEREAS, on September 19, 2011, the Planning Board approved Site Plan No. 82006017E by Resolution No. 11-66 for replacement of second-floor retail space with 14 dwelling units; adjustments to residential amenity space, public use space, and café seating areas; architectural modifications to reflect change of use; update of data table to reflect changes; and minor landscape and site detail changes; and

WHEREAS, on April 30, 2014, the Applicant withdrew Site Plan No. 82006017F for certain matters regarding café seating and shared use of rights-of-way along Executive Boulevard. The issues were resolved with Planning Department Staff without having to pursue this site plan amendment; and

WHEREAS, on July 22, 2015, the Applicant withdrew Site Plan No. 82006017G for amendment to parking requirements and to include additional bicycle storage. The Applicant no longer wished to pursue this amendment; and

WHEREAS, on December 20, 2018, SPUS8 NoBe LP/CBRE Global Investors (“Applicant”), filed a site plan amendment application designated Site Plan No. 82006017H (“Amendment”) for approval of the following modifications:

**1. Convert 14,259 square feet of commercial space into 13 multi-family units.**

The second floor of the high-rise building (Building A) currently contains 14,259 square feet of commercial space. Due to problems with leasing this second-floor retail space on the Property, the Applicant seeks to convert this space into a total of thirteen (13) multi-family units comprising ten (10) two-bedroom residential units with lofts, and three (3) one-bedroom units;

**2. Convert the existing 2,022 square feet of leasing office into additional common amenity space for residents.**

The second floor of the mid-rise building (Building C) currently contains 2,022 square feet of leasing office. The Applicant seeks to convert this space into additional common amenity space for residents. The Applicant is considering redesigning this space for various uses including small conference spaces, a yoga studio, a package concierge system and viable amenity uses that fit with the demographic of the Property;

**3. Relocate the exiting leasing office from Building C to Building A.**

The second floor of the mid-rise building (Building C) currently contains

- 2,022 square feet of leasing office. The Applicant seeks to relocate the existing leasing office to the lobby of the high-rise building (Building A), which is a more central location on the Property and would allow Staff to better manage residents and guests; and
- 4. **Installation of movable furniture at the exterior common plaza space.**

The Applicant is seeking flexibility to allow for installation of movable furniture at the exterior common plaza space located between Building A and Building B. The proposed types of plaza furniture are shown on Attachment 1.

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 March 11, 2019, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on March 21, 2019, Staff presented the Amendment to the Planning Board as a consent item for its review and action, at which time the Planning Board voted to approve the Amendment subject to certain conditions, on motion of Commissioner Fani-Gonzalez, seconded by Commissioner Cichy, with a vote of 4-0; Commissioners Anderson, Cichy, Fani-Gonzalez and Patterson voting in favor, with Commissioner Dreyfuss being absent.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 82006017H, subject to the following conditions:

1. The Planning Board accepts the recommendations of the Montgomery County Department of Housing and Community Affairs ("DHCA"), in its letter dated February 14, 2019, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Site Plan approval.
2. The Applicant may alternate the location and type of outdoor furniture within the plaza area, as long as the furniture does not create any safety or circulation issues, and that the location and type of furniture does not conflict with any other conditions of approval. Locating outdoor furniture in other areas of the project may be subject to Planning Staff and the Department of Permitting Services review and approval.

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

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of North Bethesda Market I, Site Plan Amendment No. 82006017H, submitted via ePlans to the M-NCPPC as of the date of the Staff Report March 11, 2019, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference, the Montgomery County Planning Board FINDS, with the conditions of approval, that this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, as revised by previous amendments, and that all findings remain in effect; and

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 Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this written resolution is MAY 01 2019 (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 written opinion, 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 Cichy, seconded by Vice Chair Dreyfuss, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González and Cichy voting in favor, and Commissioner Patterson absent at its regular meeting held on Thursday, April 25, 2019, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board