



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

MCPB No. 19-097

Bethesda Overlay Zone Park Impact Payment Rate Adjustment

Date of Hearing: June 27, 2019

JUL 25 2019

RESOLUTION

WHEREAS, Pursuant to the recommendations of the approved and adopted 2017 Bethesda Downtown Sector Plan, Section 59.4.9.2. of the Zoning Ordinance establishes the Bethesda Overlay Zone (BOZ); and

WHEREAS, Section 59.4.9.2.C.2 establishes the ability of applicants to purchase density from the BOZ subject to a Park Impact Payment (PIP) at an initial rate of \$10 per square foot of approved BOZ density; and

WHEREAS, Section 59.4.9.2.C.2.b.ii.B requires the Planning Board to adjust this payment rate on July 1 of each odd-numbered year by the annual average increase or decrease in a published construction cost index for the two most recent calendar years; and

WHEREAS, following review and analysis of available construction cost indices Staff issued a memorandum to the Planning Board, dated June 17, 2019, setting forth its analysis and recommendation for approval of a method which averages the change in construction costs as measured by the Engineering-News Record's Baltimore Construction Cost Index for the two most recent calendar years, and procedures to implement the rate increase ("Staff Report"); and

WHEREAS, on June 27, 2019, the Planning Board held a public hearing on the Staff analysis and recommendation, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the proposed rate change and implementation; and

WHEREAS, at the hearing, the Planning Board voted to approve the method and new PIP rate as set forth in the Staff Report with a modified implementation schedule in accordance with the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to Section 59.4.9.2.C.2.b.ii.B, the Planning Board approves the following:

1. Effective July 1, 2019, the PIP rate is \$11.08 per square foot of BOZ density.
2. Site Plan applications that have been accepted as complete by the Planning

Approved as to
Legal Sufficiency:

- Department prior to July 1, 2019, and that receive Planning Board approval by December 31, 2019, will be assessed the original PIP rate of \$10 per square foot of BOZ density;
3. Site Plan applications accepted between July 1, 2019, and June 30, 2021, will be assessed the new PIP rate;
 4. Except as provided above, henceforth the new PIP rate will become effective for subject Site Plan applications acted on by the Planning Board on or after July 1 of each odd-numbered year;
 5. Site Plan Amendments requesting additional BOZ density will be assessed the prevailing PIP rate for only the marginal requested density, subject to the schedule described above.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, that the changes to the PIP rate and its implementation satisfy Section 59.4.9.2.C.2.b.ii.B.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Planning Board in this matter, and the date of this Resolution is JUL 25 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 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 Fani-González, seconded by Commissioner Cichy, with Chair Anderson and Commissioners Fani-González, Cichy, and Patterson voting in favor, and Vice Chair Dreyfuss absent at its regular meeting held on Thursday, July 11, 2019, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board