



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

MCPB No. 20-009
 Site Plan No. 82017008C
 The Claiborne
 Date of Hearing: February 20, 2020

MAR 12 2020

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 September 19, 2017, the Planning Board, by Resolution MCPB No. 17-073, approved Site Plan No. 820170080, for construction of up to 58 dwelling units and up to 2,800 square feet of non-residential uses in the CR 3.0 C 1.0 R 2.75 H90T zone, located on the northeast corner of the Norfolk Avenue and Auburn Avenue intersection ("Subject Property"), in the Bethesda CBD Policy Area and Bethesda CBD Sector Plan area; and

WHEREAS, on March 19, 2019, the Planning Board, by Resolution MCPB No. 19-020, approved Site Plan No. 82017008A, for construction of up to 84 dwelling units and up to 5,000 square feet of non-residential uses in the CR 3.0 C 3.0 R 3.0 H110 and CR 3.0 C 3.0 R 3.0 H90 zones, located on the northeast corner of the Norfolk Avenue and Auburn Avenue intersection ("Subject Property"), in the Bethesda CBD Policy Area and 2017 Bethesda Downtown Sector Plan ("Sector Plan") area; and

WHEREAS, on January 7, 2020, 4820 Auburn Avenue, LLC ("Applicant") filed an application for approval of an amendment to the previously approved site plan to remove the "on-site" requirement from Condition 7.A., "Affordable Housing;" and

WHEREAS, the application to amend the site plan was designated Site Plan No. 82017008C, The Claiborne ("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 February 7, 2020, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

Approved as to
 Legal Sufficiency

Christa Sork 2/25/20

WHEREAS, on February 20, 2020, 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

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Fani-Gonzalez, seconded by Commissioner Verma, with a vote of 4-0, Commissioners Anderson, Fani-Gonzalez, Patterson and Verma voting in favor with Commissioner Cichy being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82017008C to remove the “on-site” requirement from Condition 7.A., “Affordable Housing;” as follows:

7. Affordable Housing

- a. The development must provide ~~onsite~~ 15 percent Moderately Priced Dwelling Units (MPDUs) consistent with the requirements of Chapter 25A and the applicable Sector Plan.

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 82017008C, 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:

1. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, 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 MAR 1 2 2020 (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).

* * * * *

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 Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, March 5, 2020, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board