

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MAY 03 2023

MCPB No. 23-022  
Site Plan No. 82021004A  
4824 Edgemoor  
Date of Hearing: March 9, 2023

## CORRECTED 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 March 30, 2021, the Planning Board, by Resolution MCPB No. 21-027, approved Site Plan No. 820210040 for approval of a site plan for a residential project of up to 89,000 total square feet with up to 76 multifamily dwelling units, including 15% MPDUs, on 0.20 acres of land zoned CR-2.5 C-0.5 R-2.5 H-120 and Bethesda Overlay Zone, located on the southwest quadrant of Edgemoor Lane and Woodmont Avenue ("Subject Property"), in the Bethesda CBD Policy Area and 2017 *Bethesda Downtown Sector Plan* ("Sector Plan") area; and

WHEREAS, on October 19, 2022, MACAW 100,LLC / Acumen Companies ("Applicant") filed an application for approval of an amendment to the previously approved site plan to incorporate building modifications which include revised bicycle parking to reflect the requirement of 111 units, minor changes in fenestration and the inclusion of additional windows and balconies on building elevations for the additional units on the Subject Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82021004A, 4824 Edgemoor ("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 27, 2023, providing its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

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Approved as to

Legal Sufficiency: /s/ Emily Vaias

M-NCPPC Legal Department

WHEREAS, on March 9, 2023, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Pedoeem, seconded by Commissioner Hedrick, with a vote of 5-0; Chair Zyontz, Vice Chair Piñero, Commissioners Bartley, Hedrick, and Pedoeem voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82021004A for up to 89,000 total square feet with up to 111 multifamily dwelling units, including 15% MPDUs, on 0.20 acres of land zoned CR-2.5 C-0.5 R-2.5 H-120 and Bethesda Overlay Zone by adding/modifying the following conditions:<sup>1</sup>

**Modified Conditions**

1. Density

The Site Plan is limited to a maximum of 89,000 square feet of residential development on the Subject Property, for up to ~~76~~ 111 dwelling units, including 15% MPDUs. The Applicant may convert up to 65 multi-family dwelling units to short-term residential rental units, in accordance with Section 59.3.3.3.I of the Zoning Ordinance, to be invoked and revoked at their discretion without further approval by Planning Staff or the Planning Board.

3. Bethesda Overlay Zone

a. Per Section 59.4.9.2.D.4 of the Zoning Ordinance, the Applicant must have a building permit application accepted by MCDPS that includes the core and shell of the principal building within two years of the date of ~~the~~ this Planning Board Resolution. Within two years of MCDPS accepting the building permit application, the Applicant must obtain the building permit. The deadlines may not be extended. If the Applicant fails to comply with any of the deadlines in this condition, the entire Site Plan approval is revoked.

4. Moderately Priced Dwelling Units (MPDUs)

a. The development must provide a minimum of 15 percent MPDUs, or a Department of Housing and Community Affairs (DHCA)-approved equivalent, consistent with the requirements of Chapter 25A. The development must provide the required MPDUs as standard, long-term residential units or as directed by DHCA.

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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.

- b. When units are converted to short-term residential rental units, the development must meet the MPDU requirement in effect at the time of conversion for the units not identified as short-term rental.
  - c. Before issuance of any building permit for any residential unit, an MPDU agreement between the Applicant and DHCA that satisfies the requirements of Chapter 25A must be executed.
  - d. Following the conversion of any unit determined by DHCA not to meet the definition of dwelling unit in Chapter 25A, to a standard single-household dwelling unit, the development must comply with the MPDU requirement in effect at the time of conversion.
15. Pedestrian & Bicycle Circulation
- a. The Applicant must provide ~~38~~54-long-term and 4 2 short-term bicycle parking spaces.
20. Certified Site Plan
- i. Show resolutions and approval letters on the certified set
  - j. Modify the data table to reflect development standards as shown herein and as approved by the Planning Board.

### **New Conditions**

#### **21. Short-Term Residential Rental Units**

The Development must comply with the limited use standards for any short-term residential rentals per the Zoning Ordinance Section 59.3.3.3.I.2.

#### **22. Coordination on Property Address**

The Applicant must coordinate with Montgomery County Fire & Rescue and Planning Staff in order to identify an address for the Subject Property that minimizes potential conflicts with access and circulation.

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 4824 Edgemoor Site Plan No. 82021004A 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 of its Staff as presented at the hearing and/or provided in the Staff Report, which the 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:

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.

**3. To approve a Site Plan, the Planning Board must find that the proposed development:**

*a) satisfies applicable use standards, development standards, and general requirements under this Chapter;*

*i. Division 4.5 Commercial/Residential Zones*

Development Standards

The Tract is approximately 0.20 acres or 8,659 gross square feet, zoned CR-2.5 C-0.5 R-2.5 H-120' and is within Bethesda Overlay Zone. The following Data Table shows the Application's conformance to the development standards of the zone.

*Table 1: 4824 Edgemoor Lane Site Plan Data Table*

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Approved with 820210040<sup>2</sup></b>	<b>Proposed</b>
<b>Tract Area</b>	n/a	8,659 sf (0.20 ac)	8,659 sf (0.20 ac)
<b>CR 2.5 C 0.5 R 2.5 H120</b>			
<b>Site Area</b>	n/a	7,700 sf (0.18 ac)	7,700 sf (0.18 ac)
<b>Residential Density (GFA/ FAR)<sup>3</sup></b>	21,647 sf/ (2.5 ac)	89,000 sf (10.28 ac)	89,000 sf (10.28 ac)
<b>Number of Residential Units (Max)</b>	n/a	76	111

<sup>2</sup> Figures in this column based on previous density and unit numbers

<sup>3</sup> Density must not exceed maximum approval.

<b>MPDU requirement</b>	15%	15%	15%
<b>Commercial Density (GFA/FAR)</b>	4,329 (0.5)	0 (0.00 FAR)	0 (0.00 FAR)
<b>Bethesda Overlay Zone Density</b>	n/a	67,353 (7.78 Total Tract FAR)	67,353 (7.78 Total Tract FAR)
<b>Total Mapped Density (GFA/FAR)</b>	n/a	89,000 sf (10.28)	89,000 sf (10.28)
<b>Building Height (max)</b>	120 feet	119 feet	119 feet
<b>Public Open Space (min)</b>	0%	0%	0%
<b>Green Cover</b>	35%	35% (2,695 sf)	35% (2,695 sf)
<b>Minimum Setbacks (ft)</b>	0	0	0

**Parking<sup>4</sup>**

**Vehicular Parking**

<b>111 Multi-family units</b>	45 minimum/148 maximum	62/65	45
<b>Bicycle Parking (Long Term/ Short Term)</b>	54/2	38/4	54/2
<b>Loading Spaces</b>	1	1	1

The Planning Board reviews the Park Impact Payment rate each odd numbered year based on a construction cost index. This Amendment does not alter the amount of

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<sup>4</sup> Final number of vehicle and bicycle parking spaces to be determined at building permit based on final number of dwelling units. Parking calculations account for 20% Bethesda Overlay Zone parking reduction in accordance with Section 59.4.9.2.C.6.

Bethesda Overlay Zone density requested, therefore the payment of \$753,735 remains the same.

*ii. Division 59-6 General Development Standards*

*(2) Division 6.2 Parking, Queuing and Loading*

After all permitted reductions are applied, the minimum required parking spaces is 45 and the maximum is 148, for 111 multi-family residential units. The Board previously approved 65 vehicular spaces for the Site; however, the Applicant has revised the Site Plan to provide a total of 45 spaces. This meets the minimum required number of spaces for the use, as required by the Zoning Ordinance.

The Board finds that the proposed number of spaces is appropriate for two primary reasons. First, the proximity to the Bethesda Metrorail station. The entrance from the Bethesda Metro station, which is served by both Metrorail and Metrobus, is roughly 400 feet from the Site. Second, the Site is located within the area recommended for expansion of the current Bethesda Parking Lot District (PLD) by the 2017 Bethesda Downtown Sector Plan. The significance of the Parking Lot District is that there are no parking minimums for Sites within its boundaries. The rationale behind the recommended expansion of the Bethesda PLD in the Sector Plan was to include all sites within a quarter mile, or roughly a five-minute walk of existing parking garages and lots, while considering areas recommended for Commercial Residential zoning, centers of emerging activity, and the areas surrounding the Bethesda Metrorail Station (page 57 of the Sector Plan). The Sector Plan further states that the recommended expanded boundary is consistent with the original intent, which focused on the Central Business District Zones.

The Applicant will provide 54 long-term bicycle parking spaces and 2 short-term parking spaces, as required by the Zoning Ordinance.

As previously approved, the Applicant will provide an on-site loading space to allow residents to move in and out of the building. The Applicant is subject to a Loading Management Agreement, as approved by the Planning Board. A short-term vehicular parking space within the entrance of the garage will also be provided to allow queuing space for ridesharing services and unscheduled deliveries.

***Division 59-3.3.3 Accessory Residential Uses***

**(2) Use Standards**

Where Short-Term Residential Rental is allowed as a limited use, it must satisfy the following standards:

- a. ***Short-Term Residential Rental is prohibited in a Farm Tenant Dwelling or on a site that includes an Accessory Dwelling Unit.***
- b. ***The dwelling unit used as a Short-Term Rental must be the property owner's or owner-authorized resident's primary residence, regardless of dwelling unit type.***
- c. ***If the property owner or owner-authorized resident is not present in the residence, the property can be used as a Short-Term Residential Rental for a maximum of 120 days in a calendar year. If the property owner or owner-authorized resident is physically present and occupies the residence during the rental stay, there is no limitation on the number of days the property can be used as a Short-Term Residential Rental.***
- d. ***The use must be licensed under Chapter 54.***
- e. ***The maximum number of occupants is limited by Chapter 26, Section 5; however, the total number of overnight guests in the Short-Term Residential Rental who are 18 years or older is limited to six, and the total number of overnight guests over 18 years of age per bedroom is limited to two.***
- f. ***One off-street parking space must be provided for each rental contract unless the online listing indicates that vehicle parking is prohibited.***

As conditioned, the Applicant will comply with all applicable requirements and must demonstrate compliance with Zoning Ordinance Section 59-3.3.3.I.2 prior to converting any multi-family dwelling units to short-term residential rental units.

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 remains April 11, 2023 (which is the date that the original resolution was mailed to all parties of record).

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 Hedrick, seconded by Commissioner Bartley, with a vote of 3-0; Chair Zyontz, and Commissioners Bartley, and Hedrick, voting in favor of the motion, Commissioner Pedoem and Pinero were necessarily absent, at its regular meeting held on Thursday, March 23, 24 2023, in Wheaton, Maryland and via video conference.~~

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Jeffrey Zyontz, Chair  
Montgomery County Planning Board

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**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a Corrected Resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Hedrick, seconded by Commissioner Bartley, with a vote of 3-0-2; Chair Zyontz, and Commissioners Bartley, and Hedrick, voting in favor of the motion, Commissioners Pedoem and Piñero abstaining, at its regular meeting held on Thursday, April 20, 2023, in Wheaton, Maryland and via video conference.

  
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Jeffrey Zyontz, Chair  
Montgomery County Planning Board

MAY 03 2023



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4824 Edgemoor

Preliminary Plan Amendment No. 12020007A  
Site Plan Amendment 82021004A  
Corrected Resolution