

Page 245:

Add the following paragraph after the first paragraph under the title 10.1 Zoning:

Development in the CBD zones may occur under two options: the Standard Method and the Optional Method. The standard method requires the development to comply with a specific set of standards and density compatible with the standards. The Optional Method does not have as many specific standards and allows higher densities if certain public facilities and amenities are provided. The CBD zones are designed to encourage development with an approved master or sector plan by permitting an increase in density, height and intensity where such increases conform to the master or sector plan.

General

All figures and tables included in the Plan are to be revised where appropriate to reflect District Council changes to the Planning Board Draft Woodmont Triangle Amendment to the Bethesda CBD Sector Plan and to reflect actions taken on related zoning text amendments or other legislation prior to the final printing of the approved Master Plan. Maps should be revised where necessary to conform to Council actions. The text is to be revised as necessary to achieve clarity and consistency, to update factual information, and to convey the actions of the District Council. All identifying references pertain to the Planning Board Draft Woodmont Triangle Amendment to the Bethesda CBD Sector Plan.

The Park and Planning Department should complete additional analysis to facilitate the creation of an amenity fund. Issues that should be addressed prior to the Council's consideration of the Sectional Map Amendment include the following:

- How the fund would operate.
- Whether any changes in legislation or regulation are needed to create the fund.
- A method to calculate the amount of the developer contribution to the fund.
- Whether a non-profit organization can administer the fund and, if so, what procedures and standards must be established for County oversight of the fund's operation.

BCP

This resolution leaved unchanged the existing zoning and height recommendations in the Battery Lane District. The Maryland National Capital Park and Planning Commission (M-NCPPC) should prepare a new Sector Plan amendment focused on this District that addresses the advantages and disadvantages of increased residential densities in this area, appropriate zoning, heights, and connections to the Woodmont Triangle and public amenities, the impact of the proposed increase in the number of jobs at NIH and the National Navy Medical Center, and the impact of any change in zoning on the existing supply of affordable housing. The Sector Plan Amendment may recommend confirming existing zoning or a change in zoning. Any proposed increases in density should occur through the use of transferable development rights. As M-NCPPC is working on the Amendment, the Department of Housing and Community Affairs (DHCA) should review existing programs to assist displaced tenants and provide incentives to property owners who provide low-cost rental housing to determine what new programs or changes to existing programs are needed.

This is a correct copy of Council action.

Linda M. Lauer

Linda M. Lauer, Clerk of the Council

REVISED PROJECT PLAN CONDITIONS
Project Plan #920060050
The Rugby Condominium

SUMMARY

The Application proposed 104,644 gross square feet of residential development, consisting of approximately 71 multi-family dwelling units and including 11 moderately priced dwelling units (MPDUs). A density bonus of 22% is achieved through the provision of more MPDUs (15% vs. 12.5%). Approximately 1,250 square feet will be provided as an artists' work, exhibit and teaching space open to the public on a scheduled basis. The Applicant also filed Preliminary Plan Application #120060290, which is being processed concurrently with the Project Plan and will be heard by the Planning Board on the same day. The amenities and facilities proposed include a small south-facing green area in front of the building, the public art studio space adjoining the outdoor public space, and streetscape in front of the property. The applicant will also provide a functional master plan for renovation of the Battery Lane Urban Park, a priority amenity called for in the Woodmont Triangle Amendment. Staff recommends approval of the Project Plan with the conditions listed in the Recommendation section below. The Applicant does not accept Condition #2, regarding the maximum height of 90'.

The Applicant has offered to meet with the individuals and organizations listed in attachment #4. However, the Applicant has informed staff that the individuals contacted have not been interested in meeting.

The issues addressed during review include: 1) the appropriate public use space and amenity contributions for this small residential project to make to the Woodmont Triangle area in exchange for the Optional Method density, ~~and~~ 2) the level of detail the applicant should provide for the Park Facility Plan and 3) the maximum height approvable under the Zoning Ordinance.

STAFF RECOMMENDATION

The staff recommends **Approval** of Project Plan 920060050 with the following conditions:

1. Development Ceiling

The proposed development shall be limited to 71 multi-family units.

2. Building Height/Mass

The height of the proposed building shall not exceed 90 feet as measured from the center line of Rugby Avenue, consistent with the Zoning Ordinance.

3. Transportation Improvements

- a. Enter into a traffic mitigation agreement to participate in the Bethesda Transportation Management District. Execute the Agreement prior to release of any building permits;
- b. Show the Norfolk Avenue leg of the intersection with Rugby Avenue on the site plan;
- c. Provide a level sidewalk across the driveways along Rugby Avenue;
- d. Provide one bike rack at the main entrance to the condominium and 3 bike lockers in the parking garage;
- e. Participate with other development projects and the County, including Park and Planning and DPWT, in funding the reconfiguration of the intersection of Rugby Avenue at Auburn Avenue for improved pedestrian access and safety. Applicant's participation shall expire 5 years after site plan approval. Relocation of the crosswalk, inclusive of handicap access ramps, will need coordination with local transit services.

4. Moderately Priced Dwelling Units (MPDUs)

The Applicant shall provide 11 MPDUs (~~15% of the total number of units~~) on-site, consistent with the requirements of Chapter 25A. ~~The development is receiving a 22 percent density bonus for providing additional MPDU's.~~

5. Public Use Space

The Applicant shall provide 3,195 square feet (20.17% of the net site area) for on-site public use space.

- a. A minimum of 1,250 square feet of this space shall be developed as artists' work and exhibit space, open to the public on a regular schedule;
- b. The proposed on-site public use space must be easily and readily accessible to the general public;
- c. The exterior public use space shall be provided with a variety of seating, ornamental plantings and a paved gathering area adjacent to the entrance to the art space;

6. Streetscape

- a. The Applicant shall provide the full Bethesda streetscape along the property frontage on Rugby Avenue; streetscape improvements shall be in accordance with the 1992 Bethesda CBD Streetscape Technical Manual as

amended. The streetscape includes the Bethesda paver, the Washington Globe street lamp, trash receptacles, bike racks and street trees;

- b. Applicant shall underground all utilities along the property's frontage on Rugby Avenue.

7. Facility Plan for Battery Lane Urban Park

- a. The Facility Plan shall represent a 30% construction document (as determined by Parks staff) for the park and shall include the following:
 - 1. A preliminary grading plan, including concept stormwater management approval from DPS, to resolve existing drainage and grading problems in the Park;
 - 2. Proposed improvements to the Norfolk/Rugby Park entrance;
 - 3. Improvements and widening of the existing bicycle trail to 10 feet;
 - 4. A new gathering area for picnics and small performances;
 - 5. An art or an arts and science theme incorporated into the proposed park and trail furnishings;
 - 6. A detailed cost estimate for construction.
- b. Applicant shall work with Parks staff to refine the Plan; provide written notice to community groups of at least one community meeting to present and discuss Plan, and shall refine and present the Plan to the Planning Board for approval ~~at site plan~~ prior to issuance of building permit.

8. Staging of Amenity Features

- a. The proposed project shall be developed in one phase;
- b. Landscaping is to be installed no later than the next growing season after completion of the buildings and public plaza;
- c. The arts space is to be completed prior to occupancy of the ~~first~~ 25th residential ~~units~~ unit;
- d. All streetscape improvements shall be installed prior to occupancy of the building;

9. Maintenance and Management Organization

Initially, the Applicant, and subsequently, within ninety days of formation, the Condominium Association shall ~~become a member and~~ enter into an agreement with the Bethesda Urban Partnership for the purpose of maintaining off-site public open spaces.

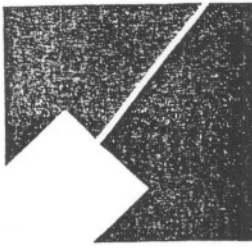
10. The Art Work and Exhibit Space

- a. Applicant shall provide an art space of approximately 1,250 square

feet within the building facing onto Rugby Avenue and the public open space; the space will be dedicated to studio and exhibit space for "emerging" artists selected by a local arts panel.

- b. The selection of the artists, their length of tenure in the arts space, required exhibits, hours of public operation, and rules of participation in the program shall be determined prior to site plan review but shall not delay the Applicant's approvals; composition of the selection panel will be determined by members of the Board of the Bethesda Arts and Entertainment District, the Montgomery County Arts and Humanities Council, and Park and Planning staff prior to site plan review.
- c. In conjunction with site plan review, the operation and management of the arts space must be set forth in a complete agreement in draft form between the Bethesda Urban Partnership (BUP) and the Applicant. This agreement will be subject to Planning Board review at the time of site plan, and the final signed agreement will be incorporated into the documents governing the condominium association for the project. **The Bethesda Urban Partnership (BUP) will manage the arts space.**

~~BUP may charge a nominal fee to the artists for supplemental insurance on the arts space not covered by the condominium association.~~



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

MCPB
Item #10
March 30, 2006

MEMORANDUM

DATE: March 15, 2006
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RK*
 Development Review Division
 Robert Kronenberg, Acting Supervisor
 Development Review Division *RAK*
FROM: Marilyn Clemens, Planner/Coordinator *MC*
 Community Based Planning
 (301) 495-4572

REVIEW TYPE: Project Plan Review
APPLYING FOR: Approval of 71 multi-family dwelling units,
 including 11 MPDUs on .47 gross acres

PROJECT NAME: The Rugby Condominium
CASE #: 920060050
REVIEW BASIS: Sec. 59-D-2, M.C. Zoning Ordinance
ZONE: CBD-1
LOCATION: North side of Rugby Avenue at the intersection of Auburn
 and Rugby Avenues; 300 feet east of Norfolk Avenue.
MASTER PLAN: 1994 Sector Plan for the Bethesda CBD
APPLICANT: 4851 Rugby Avenue, LLC
FILING DATE: August 29, 2005
HEARING DATE: March 30, 2006



Attached is the staff report for the proposed Rugby Condominium Project Plan. The Planning Board public hearing for this application is scheduled for March 30, 2006. A draft Planning board report for the Project Plan will be available on March 17, 2006. The Staff recommends **Approval** with conditions as described in the staff report.

TABLE OF CONTENTS

	Page
SUMMARY	3
STAFF RECOMMENDATIONS	3
PROJECT DESCRIPTION	
Surrounding Vicinity	7
Site Description.....	8
Proposed Development.....	9
Illustrations.....	10-12
Facility Plan for Battery Lane Urban Park.....	14
PLANNING AND REGULATORY FRAMEWORK	15
Master Plan.....	15
Prior Approvals.....	15
Preliminary Plan.....	15
BASIS FOR CONSIDERATION OF ISSUES	15
REQUIRED FINDINGS	17
Compliance with the intents and requirements of the Zone... ..	17
Project Plan Data Table.....	20
Conformance to the approved and adopted Sector Plan... ..	22
Compatibility with the general neighborhood.....	21
Adequacy of existing or programmed public services.....	22
More desirable than the standard method of development... ..	23
Provision of moderately priced dwelling units.....	23
Requirement for forest conservation.....	23
Requirements for water quality resource protection... ..	23
APPENDIX	24
Transportation Planning Division Memorandum.... ..	25
Environmental Planning Division Memorandum.....	28
Letter from Applicant dated March 3, 2006	29
Letter from Applicant dated March 9, 2006.....	31
Fire Marshal Comments.....	34
Resolution No. 06-04 M-NCPPC.....	35
ZTA No. 05-08.....	60

SUMMARY

The Application proposes 104,644 gross square feet of residential development, consisting of approximately 71 multi-family dwelling units and including 11 moderately priced dwelling units (MPDUs). A density bonus of 22% is achieved through the provision of more MPDUs (15% vs. 12.5%). Approximately 1,250 square feet will be provided as an artists' work, exhibit and teaching space open to the public on a scheduled basis. The Applicant also filed Preliminary Plan Application #120060290, which is being processed concurrently with the Project Plan and will be heard by the Planning Board on the same day. The amenities and facilities proposed include a small south-facing green area in front of the building, the public art studio space adjoining the outdoor public space, and streetscape in front of the property. The applicant will also provide a functional master plan for renovation of the Battery Lane Urban Park, a priority amenity called for in the Woodmont Triangle Amendment. Staff recommends approval of the Project Plan with the conditions listed in the Recommendation section below.

The Applicant has offered to meet with the individuals and organizations listed in attachment #4. However, the Applicant has informed staff that the individuals contacted have not been interested in meeting.

The issues addressed during review include: 1) the appropriate public use space and amenity contributions for this small residential project to make to the Woodmont Triangle area in exchange for the Optional Method density and 2) the level of detail the applicant should provide for the Park Facility Plan.

STAFF RECOMMENDATION

The staff recommends **Approval** of Project Plan 920060050 with the following conditions:

1. Development Ceiling

The proposed development shall be limited to 71 multi-family units.

2. Building Height/Mass

The height of the proposed building shall not exceed 90 feet as measured from the center line of Rugby Avenue, consistent with the Zoning Ordinance..

3. Transportation Improvements

- a. Enter into a traffic mitigation agreement to participate in the Bethesda Transportation Management District. Execute the Agreement prior to release of any building permits;
- b. Show the Norfolk Avenue leg of the intersection with Rugby Avenue on the site plan;

- c. Provide a level sidewalk across the driveways along Rugby Avenue;
- d. Provide one bike rack at the main entrance to the condominium and 3 bike lockers in the parking garage;
- e. Participate with other development projects and the County, including Park and Planning and DPWT, in funding the reconfiguration of the intersection of Rugby Avenue at Auburn Avenue for improved pedestrian access and safety. Applicant's participation shall expire 5 years after site plan approval. Relocation of the crosswalk, inclusive of handicap access ramps, will need coordination with local transit services.

4. Moderately Priced Dwelling Units (MPDUs)

The Applicant shall provide 11 MPDUs (15% of the total number of units) on-site, consistent with the requirements of Chapter 25A. The development is receiving a 22 percent density bonus for providing additional MPDU's.

5. Public Use Space

The Applicant shall provide 3,195 square feet (20.17% of the net site area) for on-site public use space.

- a. A minimum of 1,250 square feet of this space shall be developed as artists' work and exhibit space, open to the public on a regular schedule;
- b. The proposed on-site public use space must be easily and readily accessible to the general public;
- c. The exterior public use space shall be provided with a variety of seating, ornamental plantings and a paved gathering area adjacent to the entrance to the art space;

6. Streetscape

- a. The Applicant shall provide the full Bethesda streetscape along the property frontage on Rugby Avenue; streetscape improvements shall be in accordance with the 1992 Bethesda CBD Streetscape Technical Manual as amended. The streetscape includes the Bethesda paver, the Washington Globe street lamp, trash receptacles, bike racks and street trees;
- b. Applicant shall underground all utilities along the property's frontage on Rugby Avenue.

7. Facility Plan for Battery Lane Urban Park

- a. The Facility Plan shall represent a 30% construction document (as determined by Parks staff) for the park and shall include the following:
 1. A preliminary grading plan, including concept stormwater management approval from DPS, to resolve existing drainage and grading problems in the Park;
 2. Proposed improvements to the Norfolk/Rugby Park entrance;
 3. Improvements and widening of the existing bicycle trail to 10 feet;
 4. A new gathering area for picnics and small performances;
 5. An art or an arts and science theme incorporated into the proposed park and trail furnishings;
 6. A detailed cost estimate for construction.
- b. Applicant shall work with Parks staff to refine the Plan; provide written notice to community groups of at least one community meeting to present and discuss Plan, and shall refine and present the Plan to the Planning Board for approval at site plan.

8. Staging of Amenity Features

- a. The proposed project shall be developed in one phase;
- b. Landscaping is to be installed no later than the next growing season after completion of the buildings and public plaza;
- c. The arts space is to be completed prior to occupancy of the first residential units;
- d. All streetscape improvements shall be installed prior to occupancy of the building;

9. Maintenance and Management Organization

Initially, the Applicant, and subsequently, within ninety days of formation, the Condominium Association shall become a member and enter into an agreement with the Bethesda Urban Partnership for the purpose of maintaining off-site public open spaces.

10. The Art Work and Exhibit Space

- a. Applicant shall provide an art space of approximately 1,250 square feet within the building facing onto Rugby Avenue and the public open space; the space will be dedicated to studio and exhibit space for "emerging" artists selected by a local arts panel.
- b. The selection of the artists, their length of tenure in the arts space, required exhibits, hours of public operation, and rules of participation in

the program shall be determined prior to site plan review but shall not delay the Applicant's approvals; composition of the selection panel will be determined by members of the Board of the Bethesda Arts and Entertainment District, the Montgomery County Arts and Humanities Council, and Park and Planning staff prior to site plan review.

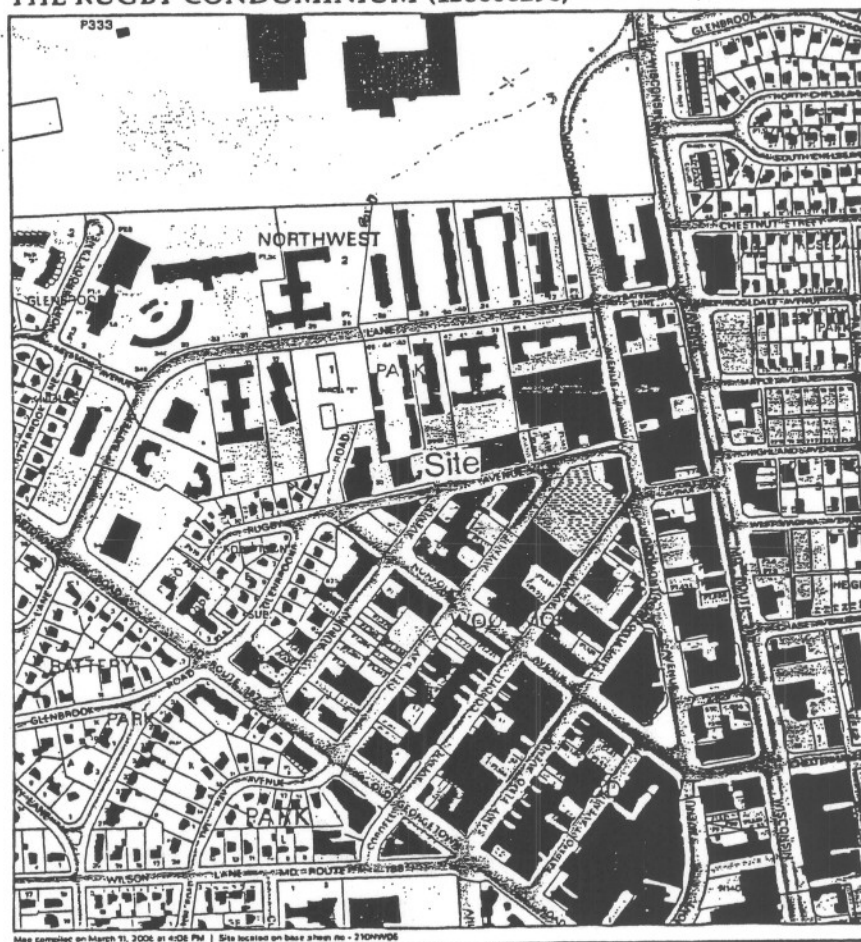
- c. In conjunction with site plan review, the operation and management of the arts space must be set forth in a complete agreement in draft form between the Bethesda Urban Partnership (BUP) and the Applicant. This agreement will be subject to Planning Board review at the time of site plan, and the final signed agreement will be incorporated into the documents governing the condominium association for the project. The Bethesda Urban Partnership (BUP) will manage the arts space; BUP may charge a nominal fee to the artists for supplemental insurance on the arts space not covered by the condominium association.

PROJECT DESCRIPTION: Surrounding Vicinity

The proposed development is located on the north side of Rugby Avenue between Norfolk Avenue on the west and Woodmont Avenue on the East. Multi-family rental apartment fronting on Battery Lane are located to the north in the R-10 zone. A paved parking lot for the apartments extends to the north edge of the site. The proposed development is in the CBD-1 zone as are the properties immediately to its west, east and south. A 8-story office building is located to the east, a Duron Paint and a variety of older low-rise office and retail buildings are to the south, and a plumbing company occupies a converted single family home to the west. Battery Lane Urban Park is located 350 feet to the west of the site at the intersection of Norfolk and Rugby Avenues.

The site is within the study area of the recently approved Woodmont Triangle Amendment and the "Woodmont Triangle District" of the 1994 Bethesda CBD Sector Plan.

THE RUGBY CONDOMINIUM (120060290)



PROJECT DESCRIPTION: Site Description

The 4851 Rugby Avenue site is on the north side of Rugby Avenue. The property is comprised of parts of Lots 443, 444, 447, 448 and 627, Northwest Park, totaling 15,835 net square feet. Approximately 4,423 square feet were previously dedicated for roadways, amounting to a gross tract area of 20,258 square feet.

The site currently consists of a gravel parking lot with approximately 18 parking spaces, a two-story, 5,200 square foot retail and office building and a 3-story, 5,600 square foot office building. Retail tenants on the ground floor of the 2-story building are Just Cakes and Just Lobsters. Several small arts related businesses are on the south side of Rugby Avenue and on Auburn Avenue, such as Jerry's Music, the Washington School of Photography, the Little City Art Studio and the Gallery Neptune.

Overhead utility wires exist along both sides of Rugby Avenue. There are two utility poles in front of the property, which carry Pepco, Comcast and Verizon cables. The nearest intersections of Rugby with Auburn and Del Ray are not signalized.

The topography on the property is flat with approximately a two foot of drop from northwest to the southeast side of the site. There are no existing trees or other vegetation on the site.



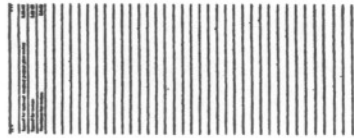
PROJECT DESCRIPTION: Proposal

The Applicant, 4851 Rugby Avenue, LLC, proposed a 101-foot condominium building with the 15% percent MPDU's built on site. However, staff could not make the necessary findings to recommend approval of that height. The Applicant has now agreed to propose a 90-foot building with 71 total units and 11 MPDU's. A 1,250 square foot arts work and exhibit space on the first floor will have a separate entrance onto the front plaza. This art studio space is open to the public on a scheduled basis. The frontage of the site will be developed in a small green space with a gathering area near the interior arts space.

The 9-story masonry and steel building features an angled, stepped south-facing front façade with glass and metal balcony screen rails. The north-facing units also have balconies, and the rear first floor units have terraces. Entrances to the parking garage and the loading dock occupy the west side of the site frontage. A paved walk to the art studio space, green space and the main entrance to the condominiums occupy the remainder of the 150-foot frontage on Rugby Avenue. The building will have an indoor fitness center, and a picnic area will be provided on the roof.

This will be the first residential building on Rugby Avenue east of Norfolk Avenue. The other buildings in this area are a mix of older office, retail and commercial buildings dating from the 50's and 60's.

Rugby Avenue
Condominium
4851 Rugby Avenue
Bethesda, MD 00000

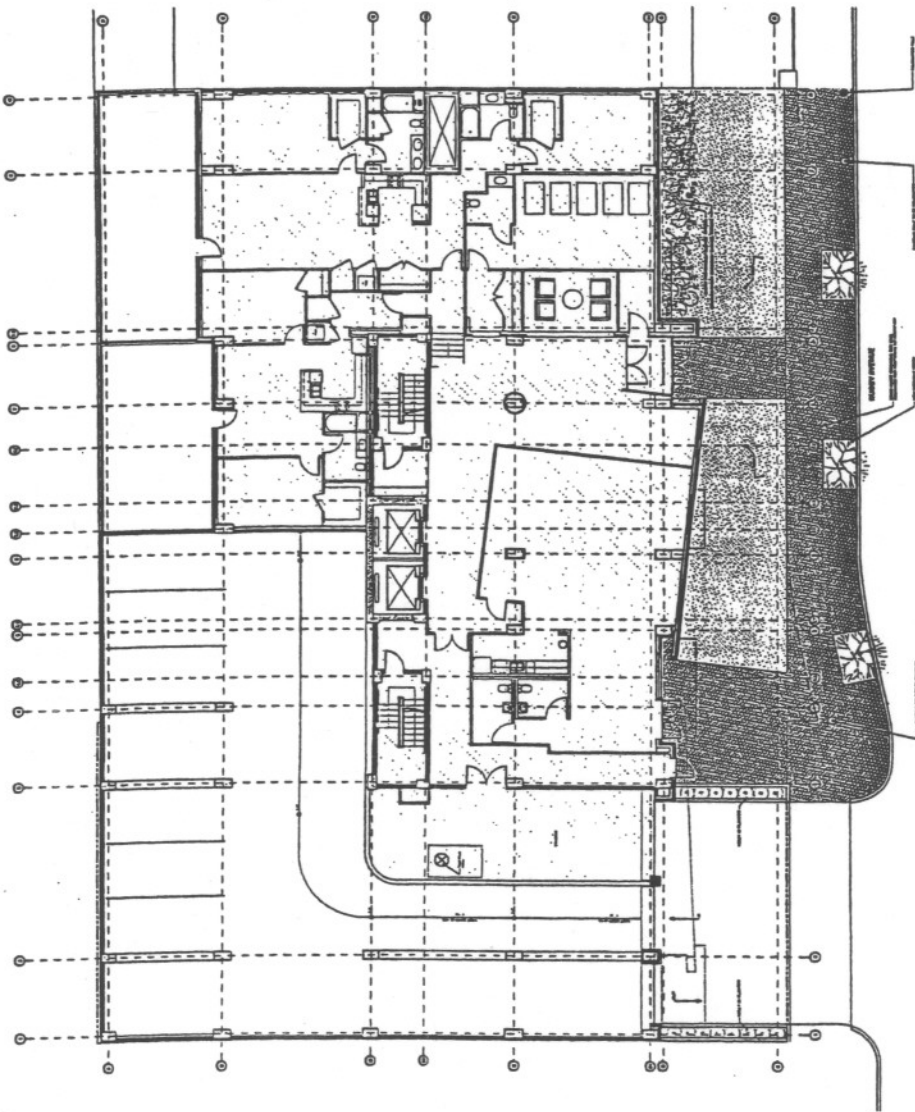


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Bethesda, MD 20814
301.222.1111



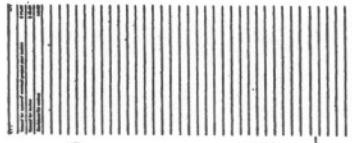
CONCEPTUAL LANDSCAPE
PLAN AND DETAILS

SP1.1



1/8" = 1'-0"

Rugby Avenue
Condominium
4851 Rugby Avenue
Baltimore, MD 21208

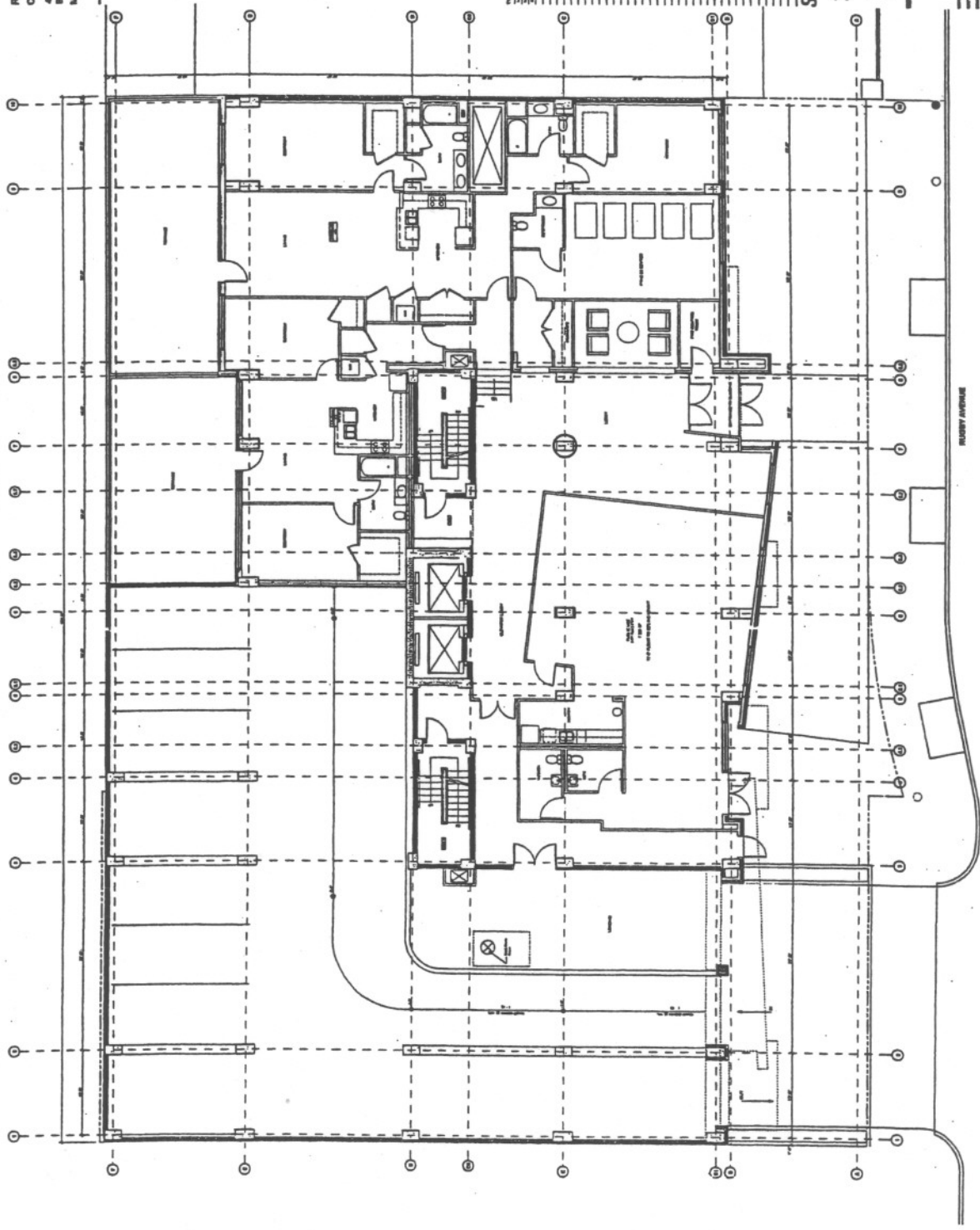


STUDIOS
ARCHITECTURE
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Ground Floor Plan

A1.1



Site Design

The architecture of the residential building is of a straightforward modern style, and the building fills the one-half acre site. The south facing units will have great solar exposure and a view out over the Triangle while the north facing units will have the advantage of shading in the summer and a greener view.

Public Use Space and Amenities

1. Exterior Public Use Space

Staff and the applicant agreed to keep the small public use space in front of the building as simple and versatile as possible to serve as both a gathering area outside the art studio and a sunny sitting area. This outdoor space constitutes approximately 60% of the applicant's public use space requirement. When art is on display in the studio or art tours are in progress, the outdoor space can be a pleasant place to meet or stop on the way to the next exhibit.

2. Interior Public Use Space

The Art Studio

The art studio space represents approximately 40% of the applicant's on-site public use space requirement.

The Woodmont Triangle Amendment to the 1994 Sector Plan for the Bethesda CBD contains a list of prioritized amenities desired by the greater Woodmont community. An "arts incubator", a space where "emerging" artists who do not have their own studios can work and exhibit, was on the list of amenities. Arts incubators come in many sizes and shapes with a variety of management structures. Some have publicly sponsored and supported space and in others, the artists pay rent. The art space in this project is small and will accommodate approximately 3-4 artists, depending on their medium of expression.

Members of the Bethesda Arts and Entertainment District and the Arts and Humanities Council now prefer to call these public art spaces "work and exhibit" or "studio" space, because in most situations, an "arts incubator" is a much larger space. As with the previously approved art space in the 8400 Wisconsin project, members of the Arts and Entertainment District Board will select the artists for a specific time frame. The studio space will be manned by the artists and the Bethesda Urban Partnership and will be open to the public at regular scheduled hours and during Bethesda art festivals.

FACILITY PLAN FOR BATTERY LANE URBAN PARK

The Applicant will provide a Facility Plan for Battery Lane Urban Park as part of the amenity package for the optional method density. Renovations to Battery Lane Urban Park are on the list of priority amenities in the recently approved Woodmont Triangle Amendment to the 1994 Sector Plan for the Bethesda Central Business District (CBD). The Applicant will work closely with Park and Planning staff to develop the Plan concept, present it to the community, make revisions and present the Plan to the Planning Board for review prior to or at the time of site plan review. Parks staff has participated in meetings with the Applicant. While a concept for renovations to the park has been submitted, Parks staff has not yet reviewed it. The Facility Plan process will begin with alternative design concepts for the park.

A Facility Plan is a specific document with construction drawings at a 30% level of completion. The Applicant acknowledges the responsibility to accomplish the Facility Plan in a letter dated March 3, 2006, (Attachment #3).

Pedestrian and Vehicular Access

The site is conveniently located for residents to walk to the Medical Center Metro Station, approximately 2,800 feet away, or to a bus at Woodmont and Rugby Avenues. The Bethesda trolley stops across Rugby Avenue from the site. The many shops, restaurants and services in the Woodmont Triangle are all within walking distance.

Rugby Avenue has a continuous sidewalk on the north side of Rugby Avenue from Battery Lane Urban Park past the site to Woodmont Avenue on the east. The applicant will improve the frontage of the site with the Bethesda streetscape and will underground the utilities in front of the site.

The 3-floor parking garage in the building will adequately serve the needs of the residents. It will include bicycle and motorcycle parking.

PLANNING AND REGULATORY FRAMEWORK:

Master Plan

The Project Plan is in conformance with the 1994 Sector Plan for the Bethesda Central Business District, which encouraged housing in the north end of the Woodmont Triangle District, and the 2006 Woodmont Triangle Amendment to the 1994 Sector Plan. On March 15, 2006, the full Maryland-National Capital Park and Planning Commission adopted Resolution No. 06-04 approving the final version of the Woodmont Triangle Amendment. (Attachment #6).

The Woodmont Triangle Amendment does not specifically discuss the project site and retained its CBD-1 zoning. The Amendment encourages the development of housing and providing MPDU's on site. The District Council incorporated a table into the Woodmont Triangle Amendment that shows the maximum height a development could achieve with 15% MPDU's for each zone. In the CBD-1 zone, the maximum height is listed as 110 feet (Attachment #7, page 16). The Applicant assumed that the findings the Planning Board must make under article 59-C-6.2351 of the Zoning Ordinance for exceeding the maximum height allowed no longer pertained. This is discussed under the conformance with the zone section of this staff report.

The application meets one of the amenity goals of the Woodmont Triangle Amendment by providing a Facility Plan for Battery Lane Urban Park and also provides a small amount of streetscape.

Prior Approvals

The proposed development is zoned CBD-1. The property is comprised of parts of Lots 443, 444, 447, 448 and 627, Northwest Park.

Preliminary Plan

A Preliminary Plan of subdivision (1-20060290) is being reviewed concurrently with the Project Plan.

BASIS FOR CONSIDERATION OF ISSUES

Per Sec. 59-D-2.43, in making its decision on an application for an Optional Method project plan, the Planning Board must consider:

- a. *The nature of the proposed site and development, including its size and shape, and the proposed size, shape, height, arrangement and design of structures, and its consistency with an urban renewal plan approved under chapter 56.*
- b. *Whether the open spaces, including developed open space, would serve as convenient areas for recreation, relaxation and social*

activities for the residents and patrons of the development and are planned, designed and situated to function as necessary physical and aesthetic open areas among and between individual structures and groups of structures, and whether the setbacks, yards and related walkways are located and of sufficient dimensions to provide for adequate light, air, pedestrian circulation and necessary vehicular access.

- c. Whether the vehicular circulation system, including access and off-street and loading, is designed to provide an efficient, safe and convenient transportation system.*
- d. Whether the pedestrian circulation system is located, designed and of sufficient size to conveniently handle pedestrian traffic efficiently and without congestion; the extent to which the pedestrian circulation system is separated from vehicular roadways so as to be safe, pleasing and efficient for movement of pedestrians; and whether the pedestrian circulation system provides efficient, convenient and adequate linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities.*
- e. The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs, in relation to the type of use and neighborhood.*
- f. The adequacy of provisions for construction of moderately priced dwelling units in accordance with Chapter 25A if that Chapter applies.*
- g. The staging program and schedule of development.*
- h. The adequacy of forest conservation measures proposed to meet any requirements under Chapter 22A.*
- i. The adequacy of water resource protection measures proposed to meet any requirements under Chapter 19.*

FINDINGS for Project Plan Review:

Section 59-D-2.42 of the Zoning Ordinance sets forth the findings, which must be made by the Planning Board and form the basis for the Board's consideration of approval. In accordance herewith, the staff recommends that the Planning Board make the following findings (page 59D-25 of the Code):

(a) *As conditioned, the proposal complies with all of the intents and requirements of the zone.*

DISCUSSION OF INTENT OF THE ZONE

The Montgomery County Zoning Ordinance states the purposes, which the CBD zones are designed to accomplish. The following statements analyze how the proposed Project Plan conforms to these purposes:

(1) *"to encourage development in accordance with an adopted and approved master or sector plan, or an urban renewal plan approved under chapter 56 by permitting an increase in density, height, and intensity where the increase conforms to the master of sector plan or urban renewal plan and the site plan or combined urban renewal project plan is approved on review by the Planning Board."*

The Project Plan proposes to use the Optional Method of Development. It is in conformance with the Approved and Adopted 1994 Sector Plan for the Bethesda Central Business District and the 2006 Wisconsin Triangle Amendment to the Sector Plan approved by the County Council and adopted by the full Park and Planning Commission on March 15, 2006.

The proposed development consists of one 9-story residential condominium building containing approximately 71 dwelling units. High-density residential uses are permitted in the CBD-1 Zone. The proposed building is 90 feet in height, measured from Rugby Avenue.

Under 59-C-6.235, 60 feet is the normally permitted maximum height for development under the optional method of development, but 90 feet may be approved by the Planning Board at site plan on a finding that the development does not adversely affect surrounding properties. If the project were to exceed 90 feet, five additional findings would have to be made.

This project plan will accomplish Sector Plan and Woodmont Triangle Amendment objectives by providing more housing, MPDUs on site, a public arts studio space, and a Facility Plan for the Battery Lane Urban Park. The project upgrades the physical environment and provides the Bethesda streetscape.

(2) "to permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central business districts to meet the needs and requirements of workers, shoppers and residents."

The project plan responds to the need for a variety of housing near metro in the Bethesda CBD, provides a public arts space, a small public plaza, and a Facility Plan for the renovation of Battery Lane Urban Park. This project will also encourage pedestrian activities by providing an improved, widened sidewalk, a small public open space and improvements to a popular linear park.

(3) "to encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system and between the central business district and adjacent areas."

The proposed project begins a revitalization of Rugby Avenue East of Norfolk Avenue and contributes to the supply of residential choices in the Bethesda CBD. The 9-story residential complex provides a transition from the older mid and high-rise rental apartments and condominiums to the north along Battery Lane and the single-family homes to the west. Older high-rise apartment buildings up to 143 feet in height are located two blocks south on Cordell Avenue.

The access points to the project will not conflict with the curb cuts on the opposite side of the adjacent streets.

(4) "to promote the effective use of transit facilities in the central business district and pedestrian access thereto."

The site is located approximately 2,800 feet from the Medical Center Metro Station and approximately 2,000 feet from the Bethesda Metro Station. Bus stops for six bus routes are located at Woodmont and Rugby Avenues, and the Bethesda Circulator stops across the street. Future residents will be able to walk to the numerous places of employment and restaurant, retail, service, and arts uses within the Woodmont Triangle and along Wisconsin Avenue.

(5) "to improve pedestrian and vehicular circulation."

The project provides an improved pedestrian sidewalk, replacing a 5-foot wide concrete sidewalk and a long expanse of driveway and head-in parking with a 10-foot wide sidewalk with the Bethesda brick pavers. The driveway and loadings dock access across the sidewalk are paved with the brick pavers and level with the sidewalk as well. Street trees and utilities placed underground will make walking along this site to the park or to Norfolk Avenue a pleasant experience.

The applicant will propose improvements to the entrance to Battery Lane Urban Park and to the hiker/biker trail within the park in the Facility Plan. This important

trail links the Woodmont Triangle with residents on Battery Lane and with the National Institutes of Health. This trail is part of a continuous trail system connecting the North Bethesda Trolley Trail, Norfolk Avenue and the Capital Crescent Trail.

(6) "to assist in the development of adequate residential areas for people with a range of different incomes."

One of the main goals of the Woodmont Triangle Amendment to the 1994 Bethesda Sector Plan is to provide housing near metro for a variety of income levels. This project provides 60 market rate units and 11 MPDUs on site. Consistent with Chapter 25A, the applicant is committed to providing all 11 MPDUs within the building.

(7) "to encourage land assembly and the most desirable use of land in accordance with a sector plan."

The project replaces a gravel parking lot and two older retail and commercial buildings with a modern residential building and public open space. This is a more desirable use of the land, adding residents who will use the businesses and services of the area, helping revitalize the Triangle, and providing pedestrian activity on the street in a part of the CBD that has been underutilized. The project plan responds to the need for more housing in the CBD, addresses smart growth policies and contributes to the variety and size of the open space network in the Woodmont Triangle.

Section 59-C-6.213 states that it is further the intent in the CBD-1 Zone:

- (1) "to foster and promote the orderly development of the fringes of the Central Business Districts of the county so that these areas will provide land uses at a density and intensity which will encourage small business enterprises and diverse living accommodations, while complementing the uses in the interior portions of these districts; and
- (2) "to provide a density and intensity of development which will be compatible with adjacent land uses outside the Central Business Districts."

The 4851 Rugby Avenue project proposes additional residential uses for the edge of the CBD at an appropriate density. The site provides a transition from rental and condominium units to the north and east and the lower density of the single-family homes to the west to the greater density of the central part of the CBD.

In addition, through providing a Functional Plan for Battery Lane Urban Park, Improvements to a vital link between the residential, commercial and scientific parts of the community will be planned and set in motion.

REQUIREMENTS OF THE CBD-1 ZONE

Section 59-C-6.23 sets forth the development standards for the CBD-1 zone. The following table summarizes the required and proposed project features:

PROJECT PLAN DATA TABLE

Development Standard	Permitted/Required	Proposed
Gross Tract Area (s.f.):	18,000*	20,258 s.f.+
Net Lot Area (s.f.):		15,835 s.f.
Gross Floor Area (s.f.):	Residential	104,644 s.f.
	Public arts space	1,250 s.f.
+4,423 s.f. previously dedicated;		
Density		
Floor Area Ratio	N/A	N/A
Dwelling Units (per acre)	125 d.u.	71 d.u.
71 dwelling units represents 15% MPDUs, 60 market rate and 11 MPDU units 22% bonus density based on 125 d.u./acre		
Public Use Space (% s.f.):		
On-site: 20% min.net lot	3,167 s.f.	3,195 s.f.(20.17%)
Public Amenity Space (in public r.o.w.)		1,790 s.f.
Max. Building Height (ft.) (Discussed below on page 21)	90 feet	90 feet
**Parking Required:	81	95
Residential Uses(Mkt. Rate)		
1 BR @ 1.25 sp/unit(32 x 1.25)	40	40
2 BR @ 1.50 sp/unit (28 x 1.5)	42	42
Residential Uses (MPDUs)		
1 BR @ 0.625 sp/unit (6 x 0.625)	4	4
2 BR @ 0.75 sp/unit (5 x 0.75)	4	4

*ZTA#05-08 reduced the minimum lot size for the OMD (Attachment #7)

The Woodmont Triangle Amendment has no minimum lot size for the OMD. (Attachment #6)

**Note: Site is within the limits of the Bethesda Parking Lot District and not required to provide any parking spaces pursuant to Section 59-E-5.2 of the Montgomery County

Zoning Ordinance. Parking credits are applicable pursuant to Section 59-E-3.3 for residential uses in the CBD and proximity to the Metro.

Height

The Applicant initially applied for 101 feet. If 101 feet were proposed, the application would not meet the zoning requirements for exceeding 90 feet under 59-C-6.235. The Applicant has agreed to seek approval for a 90-foot building. A 90-foot building would not adversely affect surrounding properties at 90 feet.

Amenities and Facilities Summary

On-Site Improvements

An on-site public open space of approximately 1,945 square feet is provided. The green space connects to the public art space and provides a south-facing open space for residents and the public alike. The 1,250 square foot arts work and exhibit studio will open onto the green space.

Off-Site Improvements

Streetscape

The public sidewalk will be improved with the Bethesda streetscape, including street trees, Washington Globe street trees, undergrounding of utilities, benches, and trash receptacles.

Facilities Plan for Battery Lane Urban Park

The applicant will provide a Facilities Plan for improvements of Battery Lane Urban Park. This Plan, representing 30% drawings, and based on a concept submitted by the applicant, proposes screening the park from adjacent parking facilities, an improved hiker/biker trail, an arts and science theme in the park furnishings, new signs, new lighting, old overhead wire and utilities placed underground, an improved entry and amended plantings. The Facilities Plan will be presented to community groups, revised, and brought before the Planning Commission for review. The Plan will include revised grading to correct drainage problems. A letter dated March 3, 2006 from David D. Freishtat, Attachment #3, describes the applicant's commitment to developing the Facility Plan.

The Rugby Avenue Right-of-Way (60 foot right-of-way.)

Rugby Avenue is a two lane commercial street with parking on both sides. The full Bethesda CBD streetscape will be provided along the extent of the property on the north side of Rugby Avenue. Utility lines will be placed underground. The sidewalk will be improved with the Bethesda paver and be a minimum of 10 feet in width, the Washington Globe will be installed at 60 feet on center, and Red Oak street trees will be planted at approximately 30 feet on center in improved tree pits. A Memorandum from Transportation Planning is Attachment #1.

(b) As conditioned, the proposal conforms to the approved and adopted Master or Sector Plan or an Urban Renewal Plan approved under Chapter 56.

Zoning, Land Use and Sector Plan Conformance:

The approved and Adopted 1994 Bethesda CBD Sector Plan recommends the CBD-1 zoning for this site. The site is included in the Woodmont Triangle Amendment Study Area and no changes were made to the zoning for the site.

Conformance with the Purpose of the Woodmont Triangle Amendment:

The Woodmont Triangle Amendment builds on the goals of the 1994 Plan and seeks to spur the development of a variety of housing in the Woodmont Triangle, promotes revitalization by having more people living, walking and working in the Triangle, promotes additional streetscape in the area and seeks to support the Arts and Entertainment District by implementing a series of art amenity features.

This project conforms to the purpose of the Amendment by providing MPDU's on site, providing a small art studio open to the public, and by contributing to the quality of the outdoor public spaces in the Woodmont Triangle through the Facility Plan for Battery Lane Urban Park and by providing additional streetscape.

c) As conditioned, because of its location, size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.

Compatibility: The proposed residential project is located between apartments and condominiums on the north, single-family residences on the west, and older businesses on the east and south. The proposed 9-story building is sufficiently setback from the apartments to the north to avoid heavy shadowing. The apartment building to the north is separated from the proposed building by 125 feet of surface parking lot. The proposed project will be an improvement over the existing gravel parking lot and office buildings.

The proposed development is compatible with existing and proposed development within the surrounding area with regard to height, design of the buildings and public spaces, intensity of the development and operational characteristics.

(d) As conditioned, the proposal would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under chapter 24A, article H, is subject to a traffic mitigation agreement that meets the requirements of that article.

The project will be built in one phase.

A memorandum from Transportation Planning is attachment #1 to this report. The project will enter into a traffic mitigation agreement with the Planning Board as specified. The residential project will not severely impact the adjacent intersections. 95 parking spaces are provided within the project for 71 dwelling units. The Applicant is providing 5 more parking spaces than required. In addition, a public parking structure is located one block away, and transit services are excellent at this site. The site is within the Bethesda Parking District.

Regarding potential impacts on public schools, high-rise projects typically generate a low rate of students. Studies prepared for the Woodmont Triangle Amendment found that no additional school facilities would be required, even with an increase of 1,500 hundred housing units over the next 10-15 years.

e) The proposal will be more efficient and desirable than could be accomplished by the use of the standard method of development.

The Optional Method of Development permits a more efficient and desirable product than the standard method of development.

Under the Standard Method of Development, the project could achieve approximately half the proposed dwelling units and would provide only 5 MPDUs. 11 MPDUs are provided by this project as well as streetscape, a green space and amenity improvements. Under the standard method of development, 10% public use space, a minimal amount of streetscape and no amenity space would be achieved.

f) The proposal will include moderately priced dwelling units in accordance with Chapter 25A of the Code, if the requirements of that chapter apply.

The proposed development is providing 11 MPDU's on site, 15 percent of the total number of units, in accordance with the provision of Chapter 25A of the Montgomery County Zoning Ordinance.

g) As conditioned, the proposal satisfies any applicable requirements for forest Conservation under chapter 22A.

The Environmental Planning Division reviewed the proposed project. The Plan qualifies for an exemption for a small Property, less than 1.5 acres in size. This property is not subject to a Tree Save Plan nor is it within a Special Protection Area. Please see attachment #2.

h) As conditioned, the proposal satisfies any applicable requirements for water quality resources protection under Chapter 19.

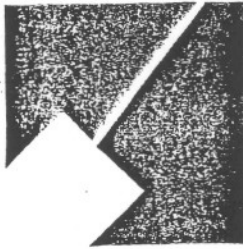
A stormwater management concept plan has been submitted for review to the Department of Permitting Services. The application proposes on-site management.

APPENDIX

1. Memorandum from Transportation Planning
2. Forest Conservation Recommendations, Environmental Planning
3. March 3, 2005 letter from David Freishtat
4. March 9, 2006 Letter from David Freishtat with list of community representatives contacted
5. Fire Marshal Comments
6. Resolution No. 06-04, M-NCPPC
7. Zoning Text Amendment No: 05-08, effective February 28, 2006

CBP/mc/rugbyonmarch.doc

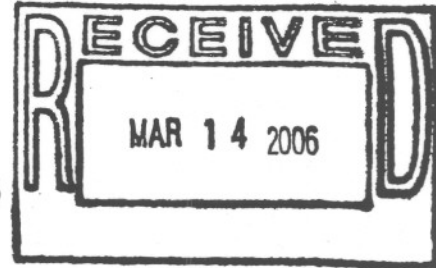
M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760



March 13, 2006

MEMORANDUM

TO: Marilyn Clemens, Planner/Coordinator
Community Based Planning

Dolores Kinney, Senior Planner
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning

FROM: Scott A. James, Planner/Coordinator *Saj*
Transportation Planning

SUBJECT: Rugby Condominium
Preliminary Plan # 1-06029 and Project Plan #9-06005
Bethesda Central Business District

This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review and approval of the subject preliminary and project plan application to construct 75 residential units in downtown Bethesda.

RECOMMENDATION

Transportation Planning staff recommends approval of the above referenced preliminary and project plans with the following conditions as part of the APF test for transportation requirements related to Local Area Transportation Review (LATR):

1. Limit the development to 75 high-rise residential units.
2. Suggest that the applicant enter into a traffic mitigation agreement to participate in the Bethesda Transportation Management Organization.

3. Provide one bike rack in front of entrance and three bicycle lockers in the proposed structured parking garage.
4. Participate with others including Park and Planning and Department of Public Works and Transportation to reconfigure the intersection of Rugby Avenue at Auburn Avenue for improved pedestrian access and safety.

DISCUSSION

Site Location, Access, Circulation, and Parking

The subject property is located at the corner of Rugby Avenue and Auburn Avenue in Bethesda, between Woodmont Avenue and Glenbrook Road in the Bethesda Central Business District (CBD). The proposed development occupies the northern side of Rugby Avenue, opposite the terminus of Auburn Avenue. The development proposes to construct up to 75 residential units within a ten-story building with direct vehicular access from Rugby Avenue. The proposed access driveway is aligned with Auburn Avenue within the Auburn Avenue/Rugby Avenue intersection. Future roadway improvements to this intersection may involve a geometric modification that will improve pedestrian access across the intersection.

Local Area Transportation Review

The proposed development of 75 residential units is anticipated to generate 23 AM peak hour trips and 23 PM peak hour trips during a regular weekday. As such, the development does not require a traffic impact study per the LATR Guidelines. However, a detailed traffic impact statement was provided to discuss the likely impact to adjacent transportation infrastructure.

The traffic impact statement concluded that no significant impact or increase in congestion is anticipated. All nearby intersections currently operate within the established Bethesda CBD Critical Lane Volume (CLV) threshold of 1,800 vehicles.

Master Plan Roadways and Bikeways

Rugby Avenue is a residential street of Bethesda's Central Business District with an ultimate right-of-way of 60 feet east of Auburn Avenue. Auburn Avenue is a Business Street of sixty feet ultimate right-of-way. As the proposed development occupies the northern side of Rugby Avenue east of its intersection with Auburn Avenue, the applicant will dedicate land to equal thirty feet, as measured from the centerline in accordance with the Bethesda CBD Sector Plan.

According to the Countywide Bikeways Functional Master Plan, an alternative shared-use path (SR - 7 & SR - 10) is proposed to access the National Institute of Health property north of the site via the Glenbrook Road alignment. No proposed or existing bicycle facilities are located within the proposed development.

Pedestrian Access

The northern side of Rugby Avenue does not have a marked pedestrian crosswalk at the intersection of Auburn Avenue. There are long term plans for more efficient traffic (vehicular and pedestrian) circulation through this intersection by means of realigning the approach lanes on Auburn Avenue and shortening the north-south pedestrian crossing distance. At which time, the applicant will participate on a pro rata basis (using daily trips generated) with other parties to implement this improvement. The project proposes to tie into the existing network of pedestrian facilities within the Bethesda CBD.

SAJ:gw

mno to Clemens re Rugby Lane Condos

**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FOREST CONSERVATION RECOMMENDATIONS**

TO: Plan review staff, Environmental Planning Section

SUBJECT: Project Name Woodmont Triangle/Rugby Ave. Date Recd 7/15/05
NRI/FSD # 4-06002E

The above-referenced plan has been reviewed by the Environmental Planning Division to determine the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law). A determination has been made that the plan qualifies for the following exemption:

EXEMPTION:

Small Property

Activity occurring on a tract less than or equal to 1.5 acre in size where there is no existing forest and afforestation requirements would be less than 10,000 square feet, and no specimen or champion trees will be disturbed;

Activity occurring on a tract less than or equal to 1 acre in size where activity will not result in the clearing of more than 30,000 square feet of existing forest, or any specimen or champion trees, and reforestation requirements would be less than 10,000 square feet.

Note: Tree Save Plan, including preservation and/or replanting of individual trees is required in lieu of a FCP where trees are impacted. Forest within any priority area on-site must be preserved.

NOTE: Per section 22A-5(b) of the Forest Conservation Law, Tree Save Plans may be substituted for Forest Conservation Plans on properties where the proposed development is exempt from Forest Conservation except that it involves clearing of specimen or champion trees.

This property is not subject to a Tree Save Plan.

This property is not within a Special Protection Area.

Signature: Candy Bunnag ^{CB}
Environmental Planning

Date: 7/26/05

cc: Elliot Schnitzer, Hampden Lane Associates (fax: 301-657-8339)

fcpxemption.doc r01/03

Post-It® Fax Note	7671	Date	7/26	# of pages	1
To	Elliot Schnitzer	From	Candy Bunnag		
Co./Dept.	Hampden Lane Assoc.	Co.	MDNCPDC		
Phone #		Phone #	301 495 4543		
Fax #	301 657 8339	Fax #			

SHULMAN ROGERS GANDAL PORDY & ECKER, P.A.

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Daniel S. Krakower
Kevin P. Kennedy
Nancy P. Regelin
Samuel M. Spiritos*
Martin Levine
Worthington H. Talcott, Jr.*
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Timothy Dugan*
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William F. Askinazi
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Carmen J. Morgan*
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Philip R. Hochberg*
Maryland and D.C. except as noted:
* Virginia also * D.C. only
* Maryland only † Retired

Writer's Direct Dial Number:
301-230-5206
dfreishtat@srgpe.com

March 3, 2006

Mrs. Marilyn Clemens
Maryland-National Capital Park
& Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Project Plan No. 92000050; 4851 Rugby Avenue, LLC
Our File No. 109495.00003

Dear Mrs. Clemens:

The purpose of this letter is to memorialize our discussions regarding the above-referenced matter and to commit the applicant to an agreed-upon course of action.

The applicant, 4851 Rugby Avenue, LLC has filed a request with the Montgomery County Planning Board for approval of a Project Plan application to permit the construction of 71 residential units in the Woodmont Triangle portion of the Bethesda CBD.

Pursuant to our discussions, the applicant has agreed to prepare a "Facility Plan" for the Battery Lane Park, as shown on the Bethesda CBD Sector Plan and the Woodmont Triangle Amendment to that Plan. A design concept for the park shall be provided by Friday, March 10, 2006, for inclusion with our Development Plan materials.

Specifically, we have agreed that the Facility Plan will be reflective of a 30% design drawing (as noted in the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan).

The applicant, 4851 Rugby Avenue, LLC, further agrees that it will authorize its engineers to work with you and the other staff members in refining the Plan through meetings with community leaders. It is understood that there will be one such meeting with community groups and leaders. After these community meetings, our engineer will present the Concept or Facility Plan to the Montgomery County Planning Board for its approval of the Plan.

Ms. Marilyn Clemens
March 3, 2006
Page 2

Our engineers will send out the notices of the community groups meeting to the individuals and groups identified by you and other Maryland-National Capital Park & Planning Commission staff members.

The Facility Plan will show a preliminary grading plan to resolve drainage and grading issues. The other issues to be addressed by the Facility plan are a follows:

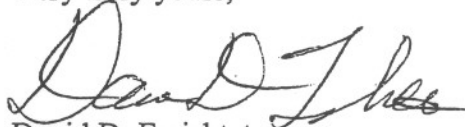
- Improve the entrance to the park from Norfolk Avenue.
- Widen the existing bicycle trail to 10 feet and improve it as necessary to reinforce its importance.
- Create a new gathering area for picnics and small performances.
- Incorporate art or an arts and science theme in the site furnishings.

It is understood that this Facility Plan is recommended by the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan.

On behalf of the applicant and the consultants who have been working hard on this project, we appreciate your and other staff members working with us and we look forward to working with you as this project moves forward.

My best regards.

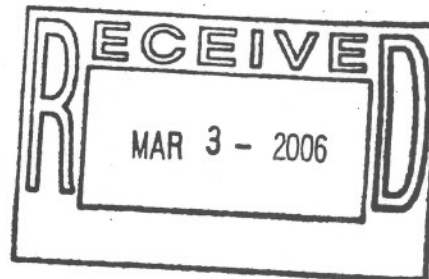
Very truly yours,



David D. Freishtat

DDF/grs

cc: Mr. Elliot Schnitzer
Mr. Arnold Polinger
Mr. James Alexander
Mrs. Kathleen Kulenguski
Mr. Doug Alexander
Mr. Guy Martin



SHULMAN ROGERS GANDAL PORDY & ECKER, P.A.

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* Maryland only † Retired

Writer's Direct Dial Number:
301-230-5206
dfreishtat@srgpe.com

March 9, 2006

Re: Project Plan Approval; 4851 Rugby Avenue LLC
Our File No. 109495.00003

Dear _____:

This Firm represents 4851 Ruby Avenue LLC which has applied for approval of a Project Plan for a proposed residential building at 4851 Rugby Avenue. The plans have been filed with the Park and Planning Commission. I wanted to offer to you the opportunity to meet with me and a representative of the developer to review the plans and respond to any questions you might have.

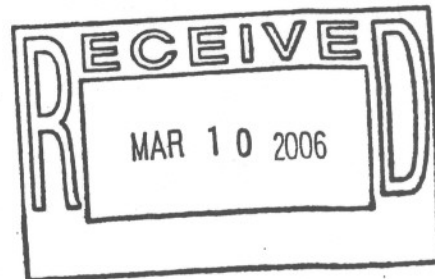
Please call me if you have any questions or wish to meet and review the plans. We appreciate your comments and input in the review process.

My best regards.

Very truly yours,

David D. Freishtat

DDF/grs



On March 9, 2006, the attached letter was mailed to the following addressees:

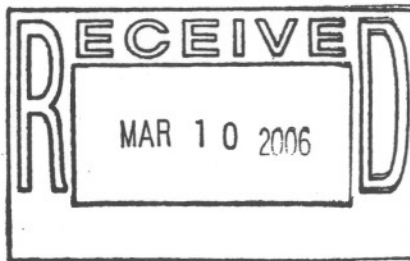
Mr. John M. Conroy
7901 Norfolk Avenue
Bethesda, Maryland 20814

Ms. Deborah Sneed
West Montgomery County Citizens Advisory Board
Bethesda-Chevy Chase Services Center
4805 Edgemoor Lane
Bethesda, Maryland 20854

Mr. Stephen N. Sawicki
Edgewood Glenwood Citizens Association
8213 Maple Ridge Road
Bethesda, Maryland 20814

Mr. Paul Ravitz
8009 Glenbrook Road
Bethesda, Maryland 20814

Mr. James Quigley
Ms. Carmy Stillman
Battery Lane Residents Association
4890 Battery Lane, Apt. 419
Bethesda, Maryland 20814





FIRE MARSHAL COMMENTS

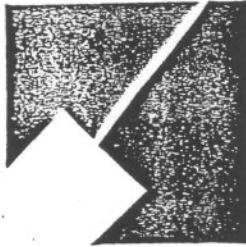
DATE: 2-6-06
TO: PLANNING BOARD, MONTGOMERY COUNTY
VIA:
FROM: CAPTAIN JOHN FEISSNER 240.777.2436
RE: APPROVAL OF ~ *RUGBY CONDOMINIUM 1-20060290 & #920060050(FORMERLY 9-06005)*

1. PLAN APPROVED.

- a. Review based only upon information contained on the plan submitted 2-6-06. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
- b. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

Note: Fire hydrants are required to be within 100 feet of building sprinkler standpipe system.

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

March 1, 2006

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission

VIA: John A. Carter, Chief *JAC*
Community-Based Planning Division

FROM: Marilyn Clemens, Planner Coordinator (301.495.4572) *MC*
Community-Based Planning Division

SUBJECT: Adoption of the Woodmont Triangle Amendment to the 1994 Sector Plan
for the Bethesda Central Business District (CBD)

RECOMMENDATION:

Approve Resolution No. 06-04 for Adoption

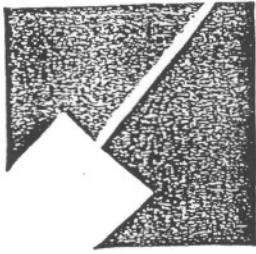
DISCUSSION

The Full Commission Resolution No. 06-04 to adopt the Woodmont Triangle Amendment to the 1994 Sector Plan for the Bethesda CBD is attached for your review and approval. The District Council Resolution No. 15-1317 dated January 31, 2006 is also attached for your information.

The Woodmont Triangle Amendment to the 1994 Sector Plan for the Bethesda CBD was approved unanimously by the District Council on January 31, 2006. This Amendment is an example of planning at the neighborhood scale. It includes significant opportunities to increase housing for a variety of income levels, improve retail, and provide amenities in the Bethesda CBD.

JAC:ha: j:\2006 staff reports\team 2\M-NCPPC woodmont resolution
Attachments

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

M-NCPPC No. 06-04
MCPB No. 06-02

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission, by virtue of Article 28 of the Annotated Code of Maryland, is authorized and empowered, from time to time, to make and adopt, amend, extend and add to the General Plan for the Physical Development of the Maryland-Washington Regional District; and

WHEREAS, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, pursuant to said law, held a duly advertised public hearing on May 20, 2004, on the Public Hearing (Preliminary) Draft of the Woodmont Triangle Amendment to the Sector Plan for the Bethesda Central Business District (CBD), being also an amendment to the Approved and Adopted Bethesda-Chevy Chase Master Plan; 1990 as amended; the Master Plan of Bikeways, 2005, as amended; the General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District in Montgomery and Prince George's Counties, as amended; and the Master Plan of Highways within Montgomery County, as amended; and

WHEREAS, the Montgomery County Planning Board, after said public hearing and due deliberation and consideration, on December 22, 2004, approved the Planning Board (Final) Draft of the proposed Woodmont Triangle Amendment to the Sector Plan for the Bethesda Central Business District, and recommended that it be approved by the District Council and forwarded it to the County Executive for recommendation and analysis; and

WHEREAS, the Montgomery County Executive reviewed and made recommendations on the Planning Board (Final) Draft of the Woodmont Triangle Amendment to the Sector Plan for the Bethesda Central Business District and forwarded those recommendations with a fiscal analysis to the District Council on February 23, 2005; and

WHEREAS, the Montgomery County Council, sitting as the District Council for the portion of the Maryland-Washington Regional District lying within Montgomery County, held a public hearing on May 10, 2005 and July 12, 2005, wherein testimony was received concerning the Planning Board (Final) Draft of the Woodmont Triangle Amendment to the Sector Plan for the Bethesda Central Business District; and

WHEREAS, the District Council, on January 31, 2006, approved the Planning Board (Final) Draft of the Woodmont Triangle Amendment to the Sector Plan for the Bethesda Central Business District subject to the modifications and revisions set forth in Resolution No. 15-1317; and

Resolution No.: 15-1316
Introduced: January 31, 2006
Adopted: January 31, 2006

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND**

By: District Council

SUBJECT: Approval of Planning Board Draft Woodmont Triangle Amendment to the Bethesda CBD Sector Plan

1. On December 22, 2004, the Montgomery County Planning Board transmitted to the County Executive and the County Council the Planning Board Draft Woodmont Triangle Amendment to the Bethesda CBD Sector Plan.
2. The Planning Board Draft Woodmont Triangle Amendment to the Bethesda CBD Sector Plan amends the approved and adopted 1980 Master Plan of Bikeways; The General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District in Montgomery and Prince George's Counties; The Countywide Park Trails Plan; and The Master Plan of Highways within Montgomery County.
3. On February 23, 2005, the County Executive transmitted to the County Council his fiscal analysis of the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan.
4. On May 10, 2005 and July 12, 2005, the County Council held a public hearing regarding the Planning Board Draft Woodmont Triangle Amendment to the Bethesda CBD Sector Plan. The Sector Plan was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.
5. On September 15, September 26, October 10, October 24, and October 31, 2005 the Planning, Housing, and Economic Development Committee held worksessions to review the issues raised in connection with the Planning Board Draft Woodmont Triangle Amendment to the Bethesda CBD Sector Plan.
6. On November 22, 2005, the County Council reviewed the Planning Board Draft Woodmont Triangle Amendment to the Bethesda CBD Sector Plan and the recommendations of the Planning, Housing, and Economic Development Committee.

Action

The County Council for Montgomery County, Maryland sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following resolution:

The Planning Board Draft Woodmont Triangle Amendment to the Bethesda CBD Sector Plan, dated December 2004, is approved with revisions. Council revisions to the Planning Board Draft Woodmont Triangle Amendment to the Bethesda CBD Sector Plan are identified below. Deletions to the text of the Plan are indicated by [brackets], additions by underscoring.

Page 1: Under Purpose of the Amendment, revise paragraph as follows:

In October 2003, the Montgomery County Council requested that the M-NCPPC examine the potential for a limited amendment to the [existing Sector Plan for the Bethesda Central Business District, dated July 1994] 1994 Approved and Adopted Sector Plan for the Bethesda Central Business District. The [primary] purpose of this amendment was to [increase opportunities for housing to serve a variety of income levels and to improve the retail environment in the Woodmont Triangle area]. reconsider how redevelopment could both provide more opportunities for housing close to the Metro station and retain the qualities and ambience of the small-scale retail that distinguishes the study area from other parts of the Bethesda CBD.

Page 1: Under Summary of Community Outreach revise first two sentences of the first paragraph as follows:

An [unique] outreach program was developed to address the issues in the Woodmont Triangle Study Area. The M-NCPPC with the Conflict Resolution Center of Montgomery County held five[,] public workshops and several focus group meetings.

Page 2: Revise first paragraph as follows:

Separate meetings with individuals, government agencies and civic associations were also held to augment the discussions in the workshops. [The use of e] Electronic media, phone messages and written announcements were used to notify individuals of the date and location of the workshops.

Page 2: Delete the section entitled "Relationship to the 1994 Sector Plan" and replace with the following:

BACKGROUND – THE 1994 SECTOR PLAN

The 1994 Sector Plan had four objectives for the Woodmont Triangle District:

- Preserve the predominantly low-density and low-scale character of the district.
- Provide additional housing particularly in the north end of the district.

- Support a diverse specialty retail community serving retail and restaurant environment, including sidewalk cafes and dispersed parking.
- Improve the pedestrian environment with up-graded streetscape including street trees and green open spaces.

The 1994 Sector Plan recommended the use of CBD zones to further the goals of the plan. Development in the CBD zones may occur under two options: the standard method and the optional method. The standard method requires the development to comply with a specific set of standards and density compatible with the standards. The optional method does not have as many specific standards and allows higher densities if certain public facilities and amenities are provided. The CBD zones permit an increase in density, height and intensity where such increases conform to the sector plan.

The design concept for the 1994 Bethesda CBD Sector Plan encourages the greatest height at the Metro and a "step down" in height away from the CBD Core. To ensure that the desired heights would be achieved, the Sector Plan recommended lower floor area ratios (FAR) and capped building heights to lower than the maximum allowed in the zone to address scale, shading, and compatibility with the existing neighborhood character. The Sector Plan further directed future development with a series of Urban Design Guidelines and priority public improvements.

After the Sector Plan was approved and the District Council granted the Sectional Map Amendment implementing the zoning recommendations of the Plan, development in the Bethesda CBD proceeded in conformance with the Sector Plan. While portions of Bethesda CBD redeveloped as recommended, the Woodmont Triangle District did not realize the vision of the 1994 Plan. Although the Sector Plan envisioned an increase in housing in the Woodmont Triangle District, the building height and density limits inhibited redevelopment. Retail and housing did not expand in this area, and some businesses began to relocate to the newly developed areas in south Bethesda, leading some to believe that the area was beginning to decline.

Since 1994, market forces, lack of redevelopment and the need for more housing, especially housing for all income levels, indicated that reconsideration of objectives in the sector plan was warranted. The Woodmont Triangle area appeared to be an appropriate area to address the County's housing needs and provide incentives to encourage revitalization and redevelopment.

Page 2: Following new section entitled Background – The 1994 Sector Plan, add a new section as follows:

CHANGES TO DEVELOPMENT POTENTIAL

As a result of zoning, height and floor area ratio changes proposed in this plan and changes in law and regulation that have occurred since the adoption of the 1994 Sector Plan, the estimated residential development increases and the estimated commercial development decreases as indicated below.

Changes to Development Potential

<u>1994 Sector Plan</u>		<u>2005 Amendment</u>		<u>Difference</u>	
<u>Commercial Development SF</u>	<u>Residential Development</u>	<u>Commercial Development SF</u>	<u>Residential Development</u>	<u>Commercial Development SF</u>	<u>Residential Development</u>
<u>2,957,900 SF</u>	<u>3,400 DUs</u>	<u>2,661,710 SF</u>	<u>5,012 DUs</u>	<u>-296,190 SF</u>	<u>+1612 DUs</u>
<u>11,350 Jobs</u>		<u>10,491 Jobs</u>		<u>-859 jobs</u>	

Recommendations to monitor the actual development on an ongoing basis are contained in the Implementation chapter of this plan.

Page 2: Replace Woodmont Triangle Study Area Boundary with the following:

STUDY AREA BOUNDARY

This Amendment analyzed an area larger than the Woodmont Triangle District described in the Sector Plan in order to evaluate more comprehensively the effect the recommended changes might have on the surrounding districts. The study area includes the entire Woodmont Triangle District, as defined in the 1994 Approved and Adopted Sector Plan, the west side of the Wisconsin Avenue North District, the east side of the Old Georgetown Road Corridor District, and the entire Battery Lane District.

The study area is bounded on the north by the National Institutes of Health (NIH), on the east by Wisconsin Avenue, on the southeast by Woodmont Avenue, and on the southwest by Old Georgetown Road.

Page 3: Delete first paragraph and rename chapter as follows

[SUMMARY OF THE AMENDMENT] VISION AND GOALS

[This section of the amendment provides a summary of the Vision, Challenges, and Actions necessary to implement the objectives of this amendment.]

Page 3: Under Vision, revise as follows:

[The Woodmont Triangle will be] This Amendment envisions the Woodmont Triangle Study Area as a vibrant [and] urban, mixed-use neighborhood [emphasizing] that emphasizes residential, small-scale retail, [and] the arts and public amenities. One-of-a kind, small-scale specialty retail stores, art galleries, studio space and people strolling on pedestrian-friendly local streets characterize this neighborhood.

Page 3: Under Challenges rename and revise section as follows:

[CHALLENGES] GOALS

The [challenges to be met in order to meet the vision] goals of this amendment include the following:

- [Encourage] Housing – Provide opportunities to increase the supply of housing to serve a variety of income levels.
- Small-Scale Retail – Provide opportunities to retain existing businesses and expand opportunities for new businesses.
- [Enhance the] Arts and Entertainment District – Enhance the existing public arts programs in the Bethesda CBD and provide opportunities for both the visual and performing arts.
- [Create Great] Safe and Attractive Streets – Focus on improving the safety and character of the existing streets. Establish Norfolk Avenue as the main street in the Woodmont Triangle Study Area.
- [Provide] Public Amenities – Increase the flexibility in providing the public use space through the Optional Method of Development by allowing off-site and on-site fulfillment of this requirement, and by identifying a list of priority public [spaces] amenities.

Page 7: Delete section entitled Summary of Recommended Actions and replace with the following:

HIGHLIGHTS

This Amendment to the Sector Plan:

- Reduces the amount of future commercial development and increases the amount of residential development.
- Allows an increase in residential FAR (floor area ratio) to encourage housing.
- Encourages retention of small-scale retail.
- Removes the 1994 Sector Plan height limits to encourage redevelopment; but retains the step down principles from the core and along Norfolk Avenue to preserve solar access.
- Encourages the location of first floor retail.
- Recommends improvements to enhance Norfolk Avenue as the “main street” for the Woodmont Triangle District.

- Recommends improving Battery Lane Urban Park for all users and to provide a better connection between the Woodmont Triangle Study Area, NIH and the North Bethesda Trolley Trail.
- Recommends limited zoning changes to encourage housing.
- Recommends a text amendment to the CBD Zones that lowers the minimum lot size necessary to apply for the Optional Method of Development and provides a transfer of density option.

Page 8: Replace first paragraph with the following:

[This section of the amendment describes the limited changes to the general provisions of the existing Sector Plan for the Bethesda Central Business District.]

This Amendment recommends zoning changes, higher floor area ratios (FAR) and greater building height than were recommended in the 1994 Sector Plan. The 1994 Sector Plan capped heights and FAR below that allowed in the respective CBD zones. The Plan specifically restricted some of the CBD-1 zoned properties to 50 feet in height and CBD-R2 zoned properties to a height of 90 to 110 feet in order to preserve the existing low-density and low-scale character. This Amendment encourages redevelopment to provide housing opportunities along with retention of small-scale retail by eliminating the caps set in the 1994 Plan. The Amendment recommends using the standards of the existing zones to determine building height. Mixed-use projects with moderately priced units (MPDUs) on-site can achieve the greater height and density allowed in the respective zones as specified in this Amendment, but at an FAR no greater than the maximum allowed in the Zoning Ordinance. The Amendment continues to recommend that buildings "step down" from the Metro station to the edges of the Central Business District except where noted in the specific Block recommendations. The Amendment proposes priority public use space and amenities, emphasizing improvements along Norfolk Avenue, to more fully realize the vision of the 1994 Sector Plan.

In addition to removing the caps of the 1994 Sector Plan, this Amendment recommends that two provisions be added to the CBD zones to encourage redevelopment and yet retain small-scale retail. The first reduces the minimum lot size requirement for the optional method; the second allows transfer of density between CBD zoned properties within the Woodmont Triangle Study Area. The transfer of density provides development flexibility whereby existing retail businesses wishing to remain could transfer unused density to parcels within the density transfer area as described in this Amendment. Both these provisions would be added to the CBD zones through a Zoning Ordinance Text Amendment, which is more fully described in the Implementation Section.

Page 8: Under Housing revise paragraph as follows:

[This amendment proposes to encourage the retention of existing housing and the construction of new housing to serve a variety of income levels in the Woodmont Triangle Study Area. This amendment also supports the Land Use and Urban Design Objectives of the existing Sector

Plan.] In the ten years since the Sector Plan was approved, the cost of housing in the Bethesda CBD has increased significantly. Although many new dwelling units are becoming available, the diversity and supply of housing are not sufficient to serve a variety of income levels.

- Provide a range of housing opportunities, including new low-rise and high-rise housing, to serve a variety of income levels.
- Public surface parking lots in the Sector Plan area should be considered for optional method housing projects and projects with significant permanent affordable housing, as is being done in other areas such as Lot 3I and in Silver Spring.

Page 8: Delete section entitled Revitalization through Improvements to Public Streets and Spaces.

Page 9: Replace entire section under the heading "Building Height Limits" with the following:

The guidelines for building heights in the 1994 Sector Plan were designed to protect the residential neighborhoods at the edge of the CBD and to concentrate building height near the Metro station. These goals can still be achieved while changing some of the height limits in the study area.

- Support the "step down" of building heights from the Metro station area to the edges of the Central Business District, but provide incentives for increased building heights to encourage new opportunities for housing for all income levels. Specific height recommendations are discussed in the section entitled "Recommendations by Block Within the Study Area".
- Protect the sunlight to the area's main street, Norfolk Avenue, by approving development that steps back from Norfolk Avenue, particularly on the southwest side of the street.
- Limit the height along Old Georgetown Road north of St. Elmo Avenue to 50 feet, extending 60 feet back from Old Georgetown Road to maintain compatibility with existing development.

Page 10: Under Opportunities for Residential Development revise section as follows:

[OPPORTUNITIES FOR RESIDENTIAL] MIXED-USE DEVELOPMENT

[The Optional Method of Development is a tool to encourage housing and to provide public facilities and amenities. In exchange, the developer could provide additional residential density and height. Providing moderately priced dwelling units on-site is a priority for all projects that use the Optional Method of Development.] The 1994 Sector Plan capped heights within the CBD-1-Zone to 50 feet and limited FAR to the limits proscribed under the Standard Method of the CBD zones. This resulted in few development applications under the Optional Method of Development. This Amendment removes the height caps and recommends higher FARs to encourage use of the Optional Method to create more opportunities for residential development and also provide desired public facilities and amenities. The Woodmont Triangle Study Area is a desirable location for future residential development. Housing for a variety of incomes is

equally important. Building MPDUs within the study area is a priority for all projects developing under the Optional Method of Development.

- **Density** – [The p] Properties [in the Woodmont Triangle Study Area will be provided the opportunity to] may develop to the density [specified] permitted in the CBD-1, CBD-2 and CBD-R2 Zones. [With this amendment,] CBD-1 mixed-use projects can achieve a floor area ratio (FAR) of [three] 3.0[,] and those in the CBD-2 and CBD-R2 Zones can achieve a FAR of [five] 5.0. [The existing Sector Plan limited the density in the Woodmont Triangle Study Area.]
- **FAR** – [Building MPDUs on-site is a priority for all projects developing under the Optional Method of Development.] In order to encourage residential development, the recommended increase in density up to the maximum allowed would be for residential development. All CBD zoned parcels within the [Woodmont Triangle S] study [A] area will be limited to a [floor area ratio] FAR of [one] 1.0 for non-residential development. [Any increase in density up to the maximum allowed must be residential.]
- **Public Use Space** – The public use space and amenity priorities [in the Woodmont Triangle] include improvements to the [public] streetscape, [improvements to] Battery Lane Urban Park; and support for the Arts and Entertainment District through providing public art and private arts facilities. Optional Method of Development projects may provide [their] required public use space [requirement] off-site [in the Woodmont Triangle], if needed to accommodate MPDUs [moderately priced dwelling units are provided] on-site. This Amendment recommends a text amendment that allows public use space to be provided off-site in the same density transfer area if the Planning Board finds that an off-site location implements a sector plan recommendation. If public use space is located on-site, it should contribute to establishing a variety of public spaces in the area. All developments should avoid extensive setbacks of retail from [public] the streets. Public spaces should support retail and an active pedestrian environment.

RETAIL PRESERVATION

The existing commercial enterprises in the study area provide needed goods and services. Some of the businesses are one-of-a-kind retail shops and restaurants, which contribute to the unique, urban flavor of the study area. This Amendment encourages the retention of this retail, as did the 1994 Plan, but recommends some additional mechanisms to allow for redevelopment. Reduction in minimum lot size and density transfers are intended to foster new small-scale retail in character with the existing retail environment in the Woodmont Triangle Study Area.

- **Lot Sizes** – Minimum lot sizes of 22,000 square feet were required for optional method of development in the CBD zones to be sure that significant amenity and public use space could be provided on-site. Achieving these minimums in the study area would require assemblage of multiple parcels given the small size of most properties. Requiring larger projects is contrary to the Plan's goal of encouraging small retail. Moreover, the Plan's recommendation for off-site public amenities means that a threshold minimum lot size for optional method development is unnecessary in Woodmont Triangle Study Area.

- Density Transfer –In order to encourage retention of existing small-scale retail, there needs to be incentives to encourage businesses to remain. Density transfer between properties is one way to achieve that goal. This Amendment designates an area, shown on page , within the study area that would be appropriate for this transfer. Owners of small commercial properties that wish to remain can offer unrealized density to other properties to amass enough square footage or FAR to develop a mixed-use project. This density transfer would be permitted through a proposed text amendment; see the Implementation Section.

Page 11: Revise Proposed Building Heights map per Council revisions.

Page 12: Prior to section entitle “Public Amenities and Facilities”, insert the section on page 21 entitled “Urban Design Guidelines”.

Page 12: Under Public Amenities and Facilities, revise section as follows:

PUBLIC AMENITIES and FACILITIES

In the Woodmont Triangle Study Area, there is a [great] need for revitalization [of the public spaces, including the rights-of-way]. Businesses have seen their clientele decline over the last several years due to the popularity of Bethesda Row, with its pleasant streetscape environment, new buildings, and attractive assortment of uses. The Woodmont Triangle needs improved lighting for public safety, attractive streets and sidewalks, and incentives to expand uses and hours of operation. In addition to new housing, upgraded public facilities help promote revitalization.

Improvements to Public Streets and Spaces

This Amendment recommends public and private improvements to the public streets and spaces within the study area. The improvements will enhance pedestrian safety and access to transit. Improving the pedestrian and bicycle connections between the NIH, the Battery Lane District, the adjacent neighborhoods and the Metro Stations is a primary objective. Either on-site or off-site improvements would be required in the Optional Method of Development according to a list of public use spaces and amenities.

Public Amenities and Public Use Space

The Woodmont Triangle Study Area is an important part of the Bethesda Arts and Entertainment District. Within the study area, there are currently over 20 art galleries, music stores, and dance and music schools. This Amendment supports the continued use of the Optional Method to provide public art, art facilities, and public gathering spaces.

The existing provisions of the Optional Method of Development require a minimum of 20 percent of the net lot area of each parcel be devoted to public use space on-site. [As permitted in the Optional Method of Development, existing projects in the Bethesda CBD achieved double

the density of the Standard Method of Development and provided a combination of on-site and off-site public use space and amenities equal to 40 to 60 percent of their net lot area.] Public use space may be provided off-site in the same density transfer area if the Planning Board finds that an off-site location implements Plan recommendations or if needed to accommodate MPDUs. Off-site amenities include streetscape in the public right-of way, improvement to parks, and other public facilities. Public use spaces and amenities approved through the Optional Method of Development will be located to serve the revitalization and improve the vitality of the entire district. To facilitate the development of amenities and public use space appropriate to the Woodmont Triangle Area, this Plan recommends the creation of an amenity fund, addressed in more detail in the Public and Private Funding section.

Public use spaces and amenities approved through the Optional Method of Development will be located to serve the revitalization and improve the vitality of the entire district.

The following list represents the priority amenities and facilities for the Woodmont Triangle Study Area. [Each p] Projects should incorporate items from this list as a first priority. This list is not intended to be inclusive of all the facilities and amenities that may be considered. Sufficient amenities and facilities must be provided in each project to serve the additional density and building height proposed in this Amendment. The amenities and facilities [to be approved] in each project [must] should contribute to the [creation of an outstanding] function or appearance of the mixed-use urban neighborhood [in the Bethesda CBD. The combination of existing amenities and facilities with the following list will create a strong network of active public spaces].

PRIORITIES

- Improve Norfolk Avenue [Urban Spine – A linear system that includes the Capital Crescent Trail and] as a pedestrian system that connects [the] existing public facilities and amenities, [including] such as Battery Lane Urban Park, the Whitney Theater, the Bethesda Outdoor Stage, [the] Imagination Stage, and Veterans Park to the Capital Crescent Trail. Renovation of [the] Norfolk Avenue [Urban Spine] should include[s]:
 - [Underground u] Utilities placed underground
 - Washington Globe street lights and other festive lighting
 - Benches, bike racks, brackets for banners, and trash receptacles
 - Street trees
 - Outdoor seating for restaurants and cafes
 - Public art
 - Special paving for sidewalks established as the standard for Bethesda (the Bethesda paver).
- [Streetscape Improvements –]Provide the Bethesda streetscape [improvements] on other streets in the study area, such as Cordell Avenue [in the Woodmont Triangle Study Area].
- Battery Lane Urban Park [Improvements – Improve Battery Lane Urban Park as the major green space and public park in the Woodmont Triangle.] A future facility plan should be completed by a developer, in coordination with the M-NCPPC's Park Development

Division, in exchange for additional density under the Optional Method of Development, or as part of a CIP project. This facility plan will be the guiding document for all future development and improvements within the park including other potential developer funded projects. [Objectives of the facility plan may include the following:

- Improve the entrance to the park from Norfolk Avenue using public right-of-way or potential acquisition to increase the visibility and promote safe use of the park
 - Widen the existing bicycle trail through the park to 10 feet and improve it as necessary to reinforce its importance in linking the Bethesda Trolley Trail and Capital Crescent Trail
 - Create a new gathering area for picnics and small performances through potential expansion of the park
 - Incorporate art or an arts and science theme into the site furnishings]
- [Intersection Improvements – Provide intersection improvements to] Improve the intersection of Rugby Avenue[/] and Norfolk Avenue [to improve the] for a better pedestrian and bicycle connection to Battery Lane Urban Park
 - [NIH Gateway Park – Improve the NIH green space or Gateway Park located between Wisconsin and Woodmont Avenues as off-site open space]
 - [Pedestrian Connections –]Establish north-south, mid-block pedestrian connections for the blocks located between Old Georgetown Road and Norfolk Avenue
 - [New Urban Streets – Provide new north-south urban streets between Battery Lane and Rugby Avenue for improved pedestrian and vehicular circulation]
 - [Other Public Facilities and Amenities –]Establish a network of diverse urban spaces when including public use space on-site.

[In addition, the Woodmont Triangle area is an important part of the Bethesda CBD Arts and Entertainment District. Within the Study Area, there are currently over 20 art galleries, music stores, and dance and music schools. This amendment supports the continued use of the Optional Method of Development to provide public art, art facilities, and public gathering spaces. These other public facilities and amenities could be managed by a non-profit organization. The arts-related space needs include the following:]

- Provide public art, private art facilities, and public gathering spaces. The arts-related space could include the following:
 - Arts incubator space – A[n older,] stand-alone building or portion of a building open to the public [and preferably located on Norfolk Avenue,] to provide studio space for emerging visual and performing artists.
 - Exhibit, teaching and lecture space – [Spaces] Flexible space within existing or new buildings [that could provide flexible space] for a variety of functions.
 - Space for the arts, such as dance studios, a black box theater, and live/work space for artists [– Large spaces for the Arts and Entertainment District] that could be leased at

moderate rates to non-profit arts organizations. [Live/work spaces could be provided as part of the affordable housing program.]
[Indoor youth recreation facility – Flexible space to provide a variety of social and recreational programs open to the public.]

Through the combination of new housing, improved public facilities and the development of an arts theme, the Plan will not only foster [the] revitalization [process proposed] for the Woodmont Triangle, but will also capitalize[s] on its close relationship to the Metro [to achieve Master Plan goals].

Page 13: Revise Public Amenities and Facilities map to match revisions to text.

Page 15: Delete section entitled “Green Building Technology”.

Page 16: After Concept for Norfolk Avenue and Battery Lane Urban Park, insert the following section and an illustration entitled Concept for the Woodmont Triangle Study Area:

The following concept diagram shows Norfolk Avenue as the study area’s “Main Street” linking its two primary public spaces, Veterans Park and the Battery Lane Urban Park. This urban spine will be lined with restaurants, retail and other animating uses. Washington Globe streetlights, shade trees, benches, and an arts theme will contribute to a significantly improved pedestrian environment. The proposed Norfolk bikeway will connect the North Bethesda Trolley Trail to the Capital Crescent Trail.

This plan recommends improving the intersections and sidewalk areas for pedestrians. A bikeway will be provided along Norfolk Avenue. These recommendations are intended to encourage retail revitalization, and create an attractive main street. The improvements will be accomplished through the Capital Improvements Program and the Optional Method of Development.

The illustration at the right shows the proposed plan and section for Norfolk Avenue and includes street trees, street lights, a bikeway, narrowed intersections, crosswalks, and brick sidewalks. The buildings are oriented to the street and stepped back to provide solar access.

Page 17: Replace text of Individual District Recommendations chapter with the following and add a map identifying block numbers:

RECOMMENDATIONS BY BLOCK WITHIN THE STUDY AREA

This Amendment recommends zoning changes, FAR and building height changes in the Woodmont Triangle Study Area, including all of the Woodmont Triangle District and portions of the Wisconsin Avenue North Corridor and the Old Georgetown Road Corridor Districts. The 1994 Sector Plan restricted some of the CBD-1 properties to 50 feet in height and limited CBD-R2 Properties to a height of 90 to 110 feet. In order to encourage redevelopment and provide housing opportunities, properties within the study area may develop to heights permitted in the respective zones, except for properties along Old Georgetown Road, north of St Elmo Avenue

where the height limit will remain 50 feet, extending 60 feet back from Old Georgetown Road. This Plan recommends limiting non-residential FAR to 1.0. Mixed-use projects with MPDUs on-site may achieve a greater height and density of the respective zone as specified in this Amendment, but no greater than the maximum in the Zoning Ordinance. Building height may also be adjusted to accommodate workforce housing if pending legislation is adopted, but again, no greater than the maximum allowed in the zone.

Woodmont Triangle Study Area Block Map



Block 8

The existing zoning in Block 8 is CBD-1. This plan does not recommend any zoning changes to this block.

Block 9

This block is zoned CBD-1 and includes several existing buildings. Existing development meets or exceeds the standards of the CBD-1 zone. Future development should be mixed-use with retail on the first floor. This Amendment confirms the CBD-1 zone and allows a FAR to 3.0 with residential development. The Amendment limits height in Block 9 to 90 feet or 110 feet with a 22% MPDU bonus. Parcel 646, The American Inn property is situated between two taller buildings. To achieve comparable heights, height may be increased on this property up to 118 feet. This property may reach 143 feet if the MPDU bonus is provided.

Block 10

This block is zoned CBD-1 and CBD-R2. While mixed use is encouraged, development should be primarily residential. To encourage residential development, this Amendment increases the FAR from 2.0 to 3.0 on CBD-1 properties, while retaining the FAR on the CBD-R2 at 5.0. Heights are limited on CBD-1 properties to 90 feet or 110 feet with 22% MPDU bonus and limited on CBD-R2 properties to 143 feet or 174 feet with 22% MPDU bonus. The Plank, Inc. and Troiano properties are situated south of an existing building of 135 feet and north of a CBD-R2 property which has a height limit of 143 feet (or more if MPDUs are provided). To achieve comparable building heights, this Amendment retains the CBD-1 zoning on these properties, but increases the height limit to 118 feet or up to 143 feet with a 22% MPDU bonus density. This Amendment supports a hotel as a use in the CBD-R2 portion of this block.

Block 11

Block 11 is located between Wisconsin Avenue, Woodmont Avenue and Norfolk Avenue, and is across the street from the CBD Core and within two blocks of the Metro station. There is no residential development in this block. This is an appropriate location for housing. To encourage residential redevelopment, this Amendment retains the existing CBD-1 zoning but increases the FAR to 3.0. Heights are limited to 118 feet or 143 feet with 22% MPDU bonus density.

Block 12

This block is the closest to Bethesda Metro and offers sufficient area for development of a primarily residential mixed-use project. This Amendment rezones the properties from CBD-1 to CBD-R2 in order to encourage residential re-development. One property, Parcel 647, is already developed above full density. This rezoning would allow this property to either remain as an office building or develop as housing. FAR is limited to 5.0 and heights are limited to 143 feet or 174 feet with 22% MPDU bonus density.

Blocks 13-15

Blocks 13-15 are located between Woodmont and Norfolk Avenues. Block 13 has a number of small-scale restaurants and retail uses. The property owners could use the provisions of the density transfer option. This Amendment recommends that Blocks 13, 14, and 15 retain the existing CBD-1, CBD-R1 and CBD-R2 zones. FAR is limited to 3.0 for CBD-1 properties, 3.0 for CBD-R1 properties, and 5.0 for CBD-R2 properties. Height is limited to 90 feet or 110 feet with MPDU bonus in CBD-1 properties, 143 feet with or without MPDU bonus in CBD-R1 properties, and 143 feet or 174 feet with MPDU bonus in CBD-R2 properties.

Blocks 16, 17, 17.1, and 18:

This Amendment leaves unchanged the current zoning and height limits in the Battery Lane District. In the future, M-NCPPC will prepare a new sector plan amendment to address options to retain or increase housing in the Battery Lane District while maintaining a stock of affordable housing.

Block 19

Properties along Rugby Avenue, Glenbrook Road and Old Georgetown Road at the western corner of the Study Area are currently zoned R-60. This Plan recommends PD-44 zoning provided that issues of compatibility with existing single-family homes can be addressed. This would allow the near-term redevelopment of an existing church property and possible longer-term redevelopment of the single-family detached homes, some of which have recently been renovated. At the time of rezoning, any application should be reviewed to determine compatibility with existing single-family homes, both north and south of Old Georgetown Road. In addition, the rezoning should not be allowed to result in multi-family development surrounding or isolating a limited number of single-family homes.

Blocks 20-23

Block 20 contains an office building with associated parking, zoned CBD-1, and single-family homes, zoned R-60. Lots facing Norfolk Avenue are zoned CBD-1 and are a mix of mid and low-rise retail and office. The portions of Blocks 21-23 between Norfolk Avenue and the edge of the Old Georgetown Road Corridor are zoned CBD-1. These areas are appropriate for residential mixed-use development. This Amendment confirms the CBD-1 zoning, but allows a FAR-3.0 to encourage residential development. Height is limited to 50-90 feet or 50-110 feet including a 22% MPDU bonus.

Blocks 44 and 45

Blocks 44 and 45 are the blocks in the Woodmont Triangle Study area that are closest to Metro and provides the potential for higher density redevelopment. The existing zoning on these blocks is CBD-1 and CBD-R2. Block 45 contains Garage 11, a public parking garage, and an approved mixed-use development located within the CBD-R2 zone. There are parcels in Block 45, zoned CBD-1, that could redevelop and may be able to use the transfer of density option. In order to encourage residential redevelopment, this Amendment recommends changing the CBD-1 properties to CBD-2 and retaining the existing zoning on the CBD-R2 property. The Amendment recommends a FAR of 5.0 for all properties in these blocks and a height limit of 143 feet or 174 with 22% MPDU bonus.

RECOMMENDED ZONING BY BLOCK				
Block	Zoning	FAR	Height in Feet with <u>12.5% MPDUs</u>	MPDU Bonus Height in Feet (up to <u>22%</u> greater than otherwise allowed but not greater than indicated below)
<u>8</u>	<u>CBD-1</u>	<u>3.0</u>	<u>90</u>	<u>110</u>
<u>9</u>	<u>CBD-1</u>	<u>3.0</u>	<u>90¹</u>	<u>110¹</u>
<u>10</u>	<u>CBD-1</u>	<u>3.0</u>	<u>90²</u>	<u>110²</u>
	<u>CBD-R2</u>	<u>5.0</u>	<u>143</u>	<u>174</u>
<u>11</u>	<u>CBD-1</u>	<u>3.0</u>	<u>118</u>	<u>143</u>
<u>12</u>	<u>CBD-R2</u>	<u>5.0</u>	<u>143</u>	<u>174</u>
<u>13³</u>	<u>CBD-R2</u>	<u>5.0</u>	<u>143</u>	<u>174</u>
<u>14³</u>	<u>CBD-R2</u>	<u>5.0</u>	<u>143</u>	<u>174</u>
<u>15</u>	<u>CBD-1</u>	<u>3.0</u>	<u>90</u>	<u>110</u>
	<u>CBD-R1</u>	<u>3.0</u>	<u>118</u>	<u>143</u>
	<u>CBD-R2</u>	<u>5.0</u>	<u>143</u>	<u>174</u>
<u>20, 21, 22, 23</u>	<u>CBD-1</u>	<u>3.0</u>	<u>50-90</u>	<u>50-110</u>
<u>44</u>	<u>CBD-2</u>	<u>5.0</u>	<u>143</u>	<u>174</u>
<u>45</u>	<u>CBD-R2</u>	<u>5.0</u>	<u>143</u>	<u>174</u>
	<u>CBD-2</u>	<u>5.0</u>	<u>143</u>	<u>174</u>

¹The height on Parcel 646 may be increased up to 118 feet with 12.5% MPDUs or 143 feet with 22% MPDU bonus.

²The height limit on the Plank, Inc. and Troiano properties is 118 feet with 12.5% MPDUs or 143 feet, with 22% MPDU bonus.

³Small portions along Norfolk Avenue of Blocks 13 and 14 are zoned CBD-1 and have FAR limits of 3.0, height limits of 90 feet or 110 feet with 22% MPDU bonus.

Page 19: Revise maps per Council revisions.

Page 23: Revise first paragraph with the following:

To implement the recommendations of this Amendment, actions need to be taken by a variety of governmental bodies. This section provides strategies relating to zoning, the Capital Improvements Program and public and private funding. [The implementation section of this limited amendment identifies the proposed zoning amendments to the CBD zones and multi-family zones, and recommendations for the public and private funding.]

Page 23: Add new section prior to Proposed Zoning section

MONITORING JOBS AND HOUSING

As part of each of the Planning Board's biennial Final Draft Growth Policy reports, the Planning Board must prepare an update of development activity in the Bethesda Central Business District.

The update must include a review of approved development plans as well as development completed during the reporting period. Each report must also indicate if the approved or completed development in that area has exceeded the projections in the most recent master plan, and if so, must indicate if the change is significant enough to impact public facilities and whether any change in staging or zoning is required to address the unanticipated increases in development potential.

Page 23: Replace Proposed Zoning section with the following:

- Implement zoning changes recommended in this Amendment through the Sectional Map Amendment process (SMA).
- Confirm zoning for the remainder of the study area.

Page 24: Revise maps per Council revisions.

Page 25: Revise section entitled "Amendments to the Zoning Ordinance" as follows:

TEXT AMENDMENTS TO THE ZONING ORDINANCE

This limited Amendment to the existing Sector Plan supports modifications to the CBD Zones [and Multi-family Zones] to increase the opportunities for housing, support retail revitalization, and improve the character of the [Woodmont Triangle Study Area] streets. [These modifications are part of a review of the CBD Zones. These changes are not necessary to implement the recommendations in this limited Sector Plan Amendment.] The final list of modifications should be part of a series of comprehensive amendments to the CBD Zones[. The modifications could include] including the following:

- Minimum Lot Size – The minimum lot size [of] is being reduced from 22,000 square feet [could be reduced] to [at least] 18,000 square feet in CBD Zones county-wide [for use of the Optional Method of Development to encourage additional housing development within the housing resource area indicated in this Amendment]. For the Woodmont Triangle, this Amendment recommends there be no minimum lot size for Optional Method of Development to encourage smaller development projects. The Planning Board must make a finding that a property can meet all requirements of the Optional Method of Development, including providing public amenities and public use space on or off-site.
- Transfer of Density – The transfer of density is presently permitted throughout the overlay zones in the Silver Spring Central Business District[.]; [and t] This transfer of density could be expanded to the CBD Zones within the study area. This provision would provide more flexibility to preserve existing retail businesses by transferring density to parcels within the [housing resource area of the Woodmont Triangle] Density Transfer Area as [indicated] delineated in this Amendment.

The County Council recently approved the following text amendments to the Zoning Ordinance.

- **Public Use Space** – A recently approved amendment to the Zoning Ordinance allows an increase in the flexibility in providing off-site public use space to meet the MPDU requirements in the [CBD Zones] Zoning Ordinance. The Optional Method of Development requirement for public [use space and] amenities could be met on-site or off-site [including streetscape improvements in the public rights-of-way, and park enhancements in the Woodmont Triangle Study Area]. Public use space may also be provided off-site in the same density transfer area if the Planning Board finds that an off-site location implements the Plan recommendations. [The public use space should provide an outstanding environment capable of supporting and enhancing housing development.] The transfer of public use space to off-site areas provides the opportunity to create meaningful public spaces including indoor [community centers] amenities open to the public. Developers are encouraged to combine properties to provide more significant and useful public use space than could be provided individually. [Transfer of public use space must occur within the housing resource area of the Woodmont Triangle.]
- **[Coverage in Multi-family Zones** – A recently established Zoning Text Amendment will also modify the requirements for coverage and green space in the multi-family zones. These modifications will encourage the retention of existing housing and the construction of additional multi-family housing in the Woodmont Triangle Study Area to serve a variety of income levels.]

Page 26: Revise Public and Private Funding section as follows:

[The Plan recommends that Norfolk Avenue be designed as the “main street” of the Woodmont Triangle Study Area. Funds to create a major bikeway and enhance the streetscape along Norfolk Avenue are needed to improve Norfolk Avenue.] Funds will be needed to enhance the streetscape on Norfolk Avenue, designated as the “Main Street” for the study area. Funds are also necessary for [I] improving pedestrian safety and the character of the remaining streets in the Woodmont Triangle [should also be provided. In addition, funds to improve] improving Battery Lane Urban Park [are needed]. The source of funds for these improvements include the following:

- **Capital Improvements Program** – The present Capital Improvements Program provides limited funds for the construction of streetscape improvements [and a bikeway along Norfolk Avenue. Norfolk Avenue will be a linear urban space with restaurants, public art, and significant streetscape. The bikeway will provide an important link between the existing Capital Crescent Trail and the Bethesda Trolley Trail.] Additional funding is needed to realize the recommendations of this Amendment.
- **Private Funding** – The streetscape in the Woodmont Triangle Study Area could be improved in accordance with the Bethesda Streetscape Guidelines [T] through a combination of the Optional Method of Development requirements and the Capital Improvements Program, the streetscape in the Woodmont Triangle could be improved in accordance with the Bethesda streetscape guidelines. Placing utilities underground will

also be included.]. Battery Lane Urban Park could also be substantially improved through combined funding sources. Projects developing under the Optional Method of Development will be encouraged to include public art and private art facilities as part of the required amenities, to support the Bethesda Arts and Entertainment District, and to strengthen the links between existing arts facilities in the Woodmont Triangle and the rest of the CBD. [Projects should be encouraged to provide parking in their structures during the evenings and weekends to support retail and restaurants in the Woodmont Triangle.]

- Amenity Fund – An amenity fund should be established, the donation to which is a lawful alternative to the amenity requirement associated with standard and optional method development projects. Although physical improvements are preferred, the Planning Board has approved the use of amenity funds as an alternative to satisfy the requirements for public use space and amenities [and facilities] in the Optional Method of Development. Donations to an amenity fund for the construction, purchase, management and maintenance of space for the arts and streetscape are [encouraged] permitted in this Woodmont Triangle Amendment either as part of the Optional Method of Development or as private donations. [Any donations intended to meet the requirements for amenities and facilities in the Optional Method of Development should be tied to the completion of a specific amenity and phased with the construction of the development.] If amenity project funds are approved as part of the review of an Optional Method of Development, the Planning Board should control the use of the funds but may designate a non-profit entity to assist the Board. The Planning Board should not approve any amenity project that could require ongoing County funding unless it obtains County Council approval of the project.

Page 27: Delete section entitled Norfolk Avenue Spine.

Page 27: Add the following section after Woodmont Triangle Action Group:

TEXT CHANGES TO THE 1994 APPROVED AND ADOPTED BETHESDA CENTRAL BUSINESS DISTRICT SECTOR PLAN

In addition to the changes described above, the following text, maps and illustrations replace or add language in the other sections of the 1994 Approved Sector Plan for the Bethesda Central Business District.

Page 5: Add the following at the end of the second paragraph entitled: Woodmont Triangle District, Old Georgetown Road Corridor and the Wisconsin North and South Corridors:

Additional FAR may be achieved on properties located in certain blocks under Optional Method of Development if moderately priced housing is located on-site.

Page 30: Add the following section "c" to Section 3:

c. Development in specific locations under the Optional Method of Development may achieve higher FARs and building heights if moderately priced dwelling units are provided on-site and public use space is provided in conformance with the Sector Plan priorities.

Page 39:

Amend Figure 3.2 Building Height Limits

Page 54:

Amend Figure 4.3 Zoning Plan

Page 88:

Amend Figure 4.17 Old Georgetown Road Corridor

Pages 94-102:

Section entitled 4.5 The Woodmont Triangle District is replaced by this Amendment.

Page 105:

Remove reference to 122 feet in the first paragraph and replace with 143'.

Page 197:

Strike the last sentence on item E.1.

Page 215:

Add the following language under Recommendations, Item 1. Expansion of Battery Lane Urban Park:

A future facility plan should be completed by a developer, in coordination with the Park Development Division, in exchange for additional density under the Optional Method of Development or as part of a CIP project. This facility plan will be the guiding document for all future development and improvements within the park including other potential developer funded projects. Objectives of the facility plan may include the following:

- Improve the entrance to the park from Norfolk Avenue using public right-of-way or potential acquisition to increase the visibility and promote safe use of the park
- Widen the existing bicycle trail through the park to 10 feet and improve it as necessary to reinforce its importance in linking the Bethesda Trolley Trail and Capital Crescent Trail
- Create a new gathering area for picnics and small performances through potential expansion of the park
- Incorporate art or an arts and science theme into the site furnishings

Page 245:

Add the following paragraph after the first paragraph under the title 10.1 Zoning:

Development in the CBD zones may occur under two options: the Standard Method and the Optional Method. The standard method requires the development to comply with a specific set of standards and density compatible with the standards. The Optional Method does not have as many specific standards and allows higher densities if certain public facilities and amenities are provided. The CBD zones are designed to encourage development with an approved master or sector plan by permitting an increase in density, height and intensity where such increases conform to the master or sector plan.

General

All figures and tables included in the Plan are to be revised where appropriate to reflect District Council changes to the Planning Board Draft Woodmont Triangle Amendment to the Bethesda CBD Sector Plan and to reflect actions taken on related zoning text amendments or other legislation prior to the final printing of the approved Master Plan. Maps should be revised where necessary to conform to Council actions. The text is to be revised as necessary to achieve clarity and consistency, to update factual information, and to convey the actions of the District Council. All identifying references pertain to the Planning Board Draft Woodmont Triangle Amendment to the Bethesda CBD Sector Plan.

The Park and Planning Department should complete additional analysis to facilitate the creation of an amenity fund. Issues that should be addressed prior to the Council's consideration of the Sectional Map Amendment include the following:

- How the fund would operate.
- Whether any changes in legislation or regulation are needed to create the fund.
- A method to calculate the amount of the developer contribution to the fund.
- Whether a non-profit organization can administer the fund and, if so, what procedures and standards must be established for County oversight of the fund's operation.

This resolution leaved unchanged the existing zoning and height recommendations in the Battery Lane District. The Maryland National Capital Park and Planning Commission (M-NCPPC) should prepare a new Sector Plan amendment focused on this District that addresses the advantages and disadvantages of increased residential densities in this area, appropriate zoning, heights, and connections to the Woodmont Triangle and public amenities, the impact of the proposed increase in the number of jobs at NIH and the National Navy Medical Center, and the impact of any change in zoning on the existing supply of affordable housing. The Sector Plan Amendment may recommend confirming existing zoning or a change in zoning. Any proposed increases in density should occur through the use of transferable development rights. As M-NCPPC is working on the Amendment, the Department of Housing and Community Affairs (DHCA) should review existing programs to assist displaced tenants and provide incentives to property owners who provide low-cost rental housing to determine what new programs or changes to existing programs are needed.

This is a correct copy of Council action.

Linda M. Lauer
Linda M. Lauer, Clerk of the Council

Ordinance No: 15-60
Zoning Text Amendment No: 05-08
Concerning: Minimum Lot Area & Transfer
Of Density in CBD Zones
Draft No. & Date: 3 - 11/01/05
Introduced: May 26, 2005
Public Hearing: July 12, 2005; 7:30 p.m.
Adopted: January 31, 2006
Effective: February 20, 2006

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND

By: District Council at the request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- reducing the minimum lot area requirement in the CBD Zones under the optional method of development to 18,000 square feet; ~~[[and]]~~
- allowing a minimum lot area less than 18,000 square feet, under certain circumstances,
- permitting transfer of density ~~[[in Housing Resource Areas]] within a Density Transfer Area~~ as designated in the relevant master or sector plan; and,
- generally amending provisions pertaining to a density transfer.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-6
Section 59-C-6.23

"CENTRAL BUSINESS DISTRICT ZONES"
"Development standards"

EXPLANATION: *Boldface indicates a heading or a defined term.*

Underlining indicates text that is added to existing laws by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

**** indicates existing law unaffected by the text amendment.*

OPINION

Zoning Text Amendment (ZTA) No. 05-08 was introduced on May 26, 2005 for the purpose of reducing the minimum lot area requirement in the CBD Zones under the optional method of development to 18,000 square feet; allowing a minimum lot area less than 18,000 square feet, under certain circumstances; permitting transfer of density within a Density Transfer Area as designated in the relevant master or sector plan; and generally amending provisions pertaining to a density transfer.

The Montgomery County Planning Board in its report to the Council recommended that Zoning Text Amendment 05-08 be approved, with revisions.

The County Council held a public hearing on July 12, 2005 to receive testimony concerning the proposal. ZTA 05-08 was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held worksessions on September 26 and October 24, 2005 to review the amendment. After careful review of all materials of record, the Committee recommended that ZTA 05-08 be approved with the following revisions:

- Allow an optional method project of less than 18,000 square feet when recommended in a master or sector plan. It was agreed that the sector plan objective of preserving the existing small-scale retail buildings could be best achieved by not requiring any minimum lot size for an optional method project in the Woodmont Triangle. Under the Committee recommendation, all of the development standards now in place, including public use and amenity space, would still apply to an optional method project of less than 18,000 square feet.
- Change 'Housing Resource Area' to "Density Transfer Area" and eliminate any specific requirement that density transferred must be used for housing. The density transfer concept was determined to have broader policy objectives than increasing housing resources.
- Clarify that a density transfer is measured in terms of gross square feet of development. The ZTA used the terms "density transfer", "development credit", and "transferable development credit" interchangeably, without any clear indication how the development capacity to be transferred was to be measured.
- Allow density to be transferred among the combined lots as approved by the Planning Board; however, the development capacity of the combined lots must not exceed the total development capacity otherwise permitted on the separate lots under the optional method of development procedure or any density limit recommendation in a master or sector plan.

- Allow public use space to be distributed among lots as approved by the Planning Board, or located off-site in the same Density Transfer Area to implement a master or sector plan recommendation. Under current CBD standards, public use space may be provided off-site only in connection with MPDU development.
- Requires that at least the amount of development that could be achieved under the standard method of development be retained for future development. This measure ensures that lots participating in the transfer of density program retain some capacity for future development.

In reaching its recommendations, the Committee reviewed an explanation provided by the Planning Board of how a density transfer would work in practice and the regulations for enforcement, monitoring, and record keeping for a density transfer. The Committee also reviewed the role of the Department of Permitting Services in the density transfer program.

The District Council reviewed Zoning Text Amendment No. 05-08 at worksessions held on November 22, 2005 and January 31, 2006, and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 05-08 will be approved as amended.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 Sec. 1. DIVISION 59-C-6 is amended as follows:

2 DIVISION 59-C-6. CENTRAL BUSINESS DISTRICT ZONES.

3 * * *

4 59-C-6.23. Development standards.

5 The development standards applicable to the standard and optional methods of
 6 development, indicated by the letters "S" and "O" in each of the zones are set forth
 7 in this section.⁸

	CBD-0.5		CBD-R1		CBD-1		CBD-2		CBD-3		CBD-R2	
	S	O	S	O	S	O	S	O	S	O	S	O
59-C-6.231. Minimum Area of Lot (in thousands of square feet):		[22] 18*		[22] 18*		[22] 18*		[22] 18*		[22] 18*		[22] 18*
* * *												

9
 10 * The minimum lot area for an optional method project may be less than
 11 18,000 square feet, when recommended in a master or sector plan. The
 12 minimum lot area [[may be a single lot or]] may consist of more than one lot
 13 under the density transfer provisions of Section 59-C-6.2355.

14 * * *

15 59-C-6.2355. [[Density Transfer Provisions for properties in an Housing
 16 Resource Area that use the Optional Method of Development Procedure]]
 17 Special regulations for Optional Method of development projects for more
 18 than lot involving a density transfer.

19 This section includes special [[standards]] regulations for optional method of
 20 development projects involving more than one lot located [[in a Housing Resource
 21 Area as]] within a Density Transfer Area designated in [[the applicable]] a master
 22 or sector plan.

23 (a) The Planning Board may approve an optional method of development
24 project for more than one lot in the same [[Housing Resource Area]]
25 Density Transfer Area that are not adjacent to each other, but when
26 combined, the lots total a minimum of 18,000 square feet, or less if
27 recommended in a master of sector plan. The optional method of
28 development project must comply with the project plan approval
29 requirements of Section 59-D-2.42(g) and the following [[additional
30 requirements]] provisions:

31 [(i) The property to which a development credit is transferred must
32 not abut or confront a one-family residential zone.

33 (ii) Density transferred to any lot smaller than 18,000 square feet
34 must be used to provide for housing development and ancillary
35 retail and arts uses. Density on the smaller lot must be
36 measured in accordance with the maximum density provisions
37 of the optional method of development.

38 (iii) The density of development for the combined lots must not
39 exceed the total density otherwise permitted on the separate
40 lots. Public use space and amenities must be provided based on
41 the total area of the lots included in the optional method of
42 development project.]]

43 (i) Density transferred is measured in terms of gross square feet of
44 development.

45 (ii) The lot that receives a density transfer must not abut or confront
46 a one-family residential zone.

47 (iii) The development capacity of the combined lots may be
48 transferred among lots as shown on the project plan approved
49 by the Planning Board; however, the development capacity of

50 the combined lots must not exceed the total development
51 capacity otherwise permitted on the separate lots under the
52 optional method of development procedure or any density limit
53 recommendation in a master or sector plan.

54 (iv) Public use space must be provided based on the total area of the
55 lots included in the optional method of development project and
56 may be distributed among lots as shown on the project plan
57 approved by the Planning Board, in consideration of any master
58 plan public use space recommendation. Public use space may
59 be located off-site in the same density transfer area if the
60 Planning Board finds that an off-site location implements a
61 master or sector plan recommendation.

62 (b) A [[transferable development credit]] density transfer must be
63 established, transferred, and attached to a property only by means of
64 documents, including an easement and appropriate releases, in a
65 recordable form approved by the Planning Board. Any easement
66 must:

67 (i) limit future construction of the property that transfers the
68 [[development credit]] density to the amount of gross square
69 feet of the building minus all development [[credits]]

70 transferred:

71 (ii) indicate the amount of development [[credit]], in gross square
72 feet to be transferred;

73 (iii) indicate the maximum gross square feet of future development
74 for the property that transfers the development credit, but no
75 less than the amount that could be constructed on the property
76 under the standard method of development; and

77 (iii) be recorded in the land records of Montgomery County.

78

79 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the
80 date of Council adoption.

81

82

83 This is a correct copy of Council action.

84

85

Linda M. Lauer

86 Linda M. Lauer, Clerk of the Council

BLOCK MAP



XA218-CROWTHER-BLOCK-MAP-REV11.dwg

**SHULMAN
ROGERS
GANDAL
PORDY &
ECKER, P.A.**

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* Virginia also * D.C. only
* Maryland only

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*Received 7/7/06
1:30 pm*

July 5, 2006

Mr. Derick P. Berlage, Chairman
Montgomery County Planning Board
The Maryland-National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Project Plan 920060050; The Rugby Condominium
Our File No. 109495.00003

Dear Chairman Berlage and Members of the Planning Board:

The applicant has prepared a summary (attached) of the memorandum that was submitted to the Planning Board prior to the June 22, 2006 hearing, which has been continued to July 20, 2006. I hope that you find this summary of assistance in understanding the intent of the County Council in adopting the Woodmont Triangle Amendment to the Bethesda Sector Plan.

My best regards.

Very truly yours,



David D. Freishtat

DDF/grs

cc: Members of the Planning Board
Mr. John Carter
Tariq el-Baba, Esquire
Mr. Arnold Polinger
Mr. Elliot Schnitzer

RUGBY AVENUE SUMMARY OF COUNCIL INTENT MATERIAL

I. **The Woodmont Triangle Amendment to the Bethesda CBD Sector Plan allows a height of 110 feet for this project.**

The project is located in Block 15 of the Woodmont Triangle Planning area. District Council Resolution No. 15-1316, dated January 31, 2006 (see Appendix 2 of the Planning Staff Report dated June 8, 2006, hereafter referred to as "Appendix 2"), at page 14 states:

"Blocks 13-15

Blocks 13-15 are located between Woodmont and Norfolk Avenues. Block 13 has a number of small-scale restaurants and retail uses. The property owners could use the provisions of the density transfer option. This Amendment recommends that Blocks 13, 14, and 15 retain the existing CBD-1, CBD-R1 and CBD-R2 zones. FAR is limited to 3.0 for CBD-1 properties, 3.0 for CBD-R1 properties, and 5.0 for CBD-R2 properties. **Height is limited to 90 feet or 110 feet with MPDU bonus in CBD-1 properties**, 143 feet with or without MPDU bonus in CBD-R1 properties and 143 feet or 174 feet with MPDU bonus in CBD-R2 properties." (emphasis added).

In addition, the chart on page 16 of Appendix 2 (shown as Attachment A to this memo) shows a height limit for CBD-1 properties in Block 15 of 110 feet with "MPDU Bonus Height".

It is clear from these references that the Woodmont Triangle Amendment intends to allow heights up to 110 feet, with MPDU bonus, in this block.

II. **The legislative history shows that the District Council intended the phrase "maximum height allowed in the zone" to mean 143 feet in the CBD-1 zone.**

The Staff Report points to language providing that the additional height (i.e. from 90 to 110 feet) must be "lower than the maximum height in the zone." There are many references in the Summary of Legislative History, previously provided by Applicant's counsel (hereafter referred to as "SLH"), that show that when the District Council referred to the "maximum height allowed" in the CBD-1 zone, it meant the maximum amount ever achievable in the zone, namely 143 feet. The Report indicates that since, under some circumstances, 143 feet can be achieved in the CBD-1 zone, this is the maximum height allowed in the zone. In the following section (page 42 of the SLH), Staff is concerned that the maximum height of the zone (i.e. 143 in CBD-1) is actually too high and therefore recommends limiting the height, with MPDU bonus, to only 110 feet, not the full 143 feet allowed in the zone:

“One of the sources of confusion about the Plan's recommendations is that language in the Plan recommends that "parcels in the CBD-1, CBD-2 and CBD-R2 zones could be permitted to develop to the maximum height allowed in the zone, if MPDUs are included on site, in accord with the urban design guidelines" (page 9). The chart, however, limits buildings to heights less than the maximum allowed in the Zoning Ordinance. As shown in the attached information summarizing Zoning Ordinance height limits in the CBD zones, **heights in the CBD-1 zone can increase to 143 feet and heights in the CBD-R2 and CBD-2 zones can increase to 200 feet under certain circumstances** described in the Zoning Ordinance (see © 33 to 34). To achieve these additional heights, they must be recommended in the Sector Plan or needed to accommodate on-site MPDUs. Since the Sector Plan does not present alternative heights for projects with MPDUs and the chart and text appear to provide contradictory recommendations, the Plan's intent is unclear. (emphasis added).

“Committee Discussion: The Committee discussed height in the Woodmont Triangle District at length and ultimately **concurred with Staff that revised height limits are appropriate**. The Committee also agreed that allowing development to the full amount allowed by the special provisions in the Zoning Ordinance would be too great. The Committee concurred with Staff's recommendation to amend the Plan to indicate that an additional 22% height could be allowed if the property owner opts to use the 22% MPDU bonus density and includes 15% MPDUs in the development. **This results in an increased height for CBD-1 properties to 110 feet (as opposed to 60-90 feet)** and 174 feet for CBD-2 and CBD-R2 properties (as opposed to 143 feet), but only if this height is necessary to accommodate MPDUs.” (emphasis added).

On page 40, “[PHED] Committee Recommendation: Revise height chart to clarify height limits with and without MPDUs. If the Council adopts the workforce housing legislation and zoning text amendment as proposed, these heights may be increased to accommodate workforce housing, but **no more than allowed by the zone (143 feet for CBD-1 and 200 feet for CBD-2 or CBD-R2)**.” (emphasis added).

The footnote on page 43: “If the council adopts the workforce housing legislation... but **no more than allowed by the zone (143 feet for CBD-1 and 200 feet for CBD-2 or CBD-R2)**.” (emphasis added).

III. **Staff's interpretation would lead to the MPDU bonus height of the Woodmont Triangle Amendment essentially becoming a meaningless**

provision, despite all the time and effort that went into passing this legislation.

The Staff's interpretation of the Woodmont Triangle Amendment is that, despite the clear language providing for 110-foot heights (with MPDU bonus) in CBD-1 zone, the height is actually limited to 90 feet by section 59C-6.235 of the Zoning Ordinance, unless the 5 provisions of Section 59-C-6.2351 are met. Since Section 59-C-6.2351 is a narrow provision requiring a project "using the optional method of development involving more than one lot" (which is the case in this Application by the way), many optional method developments would not qualify. Curiously then, single lot optional method projects would not qualify. It is hard to imagine that the District Council, after so much effort and so much concern about MPDUs in the CBD, would pass a law that allowed only multi-lot developments to qualify for the 110-foot height limit (CBD-1 zone). This would pretty much render the MPDU bonus height provision much ado about nothing. It is the Applicant's position that this could not be the intent of the District Council in enacting the Woodmont Triangle Amendment.

IV. Conclusion

For these reasons, the Applicant urges the Planning Board to find that the Woodmont Triangle Amendment provides for heights in excess of 90 feet (specifically 110 feet in Block 15) for optional method projects providing 15% bonus MPDUs.

ATTACHMENT A – RECOMMENDED ZONING BY BLOCK

Resolution No.: 15-1316

RECOMMENDED ZONING BY BLOCK				
Block	Zoning	FAR	Height in Feet with 12.5% MPDUs	MPDU Bonus Height in Feet (up to 22% greater than otherwise allowed but not greater than indicated below)
8	CBD-1	3.0	90	110
9	CBD-1	3.0	90 ¹	110 ¹
	CBD-1	3.0	90 ²	110 ²
10	CBD-R2	5.0	143	174
11	CBD-1	3.0	118	143
12	CBD-R2	5.0	143	174
13 ³	CBD-R2	5.0	143	174
14 ³	CBD-R2	5.0	143	174
	CBD-1	3.0	90	110
	CBD-R1	3.0	118	143
15	CBD-R2	5.0	143	174
20, 21, 22, 23	CBD-1	3.0	50-90	50-110
44	CBD-2	5.0	143	174
	CBD-R2	5.0	143	174
45	CBD-2	5.0	143	174

¹The height on Parcel 646 may be increased up to 118 feet with 12.5% MPDUs or 143 feet with 22% MPDU bonus.

²The height limit on the Plank, Inc. and Troiano properties is 118 feet with 12.5% MPDUs or 143 feet, with 22% MPDU bonus.

³Small portions along Norfolk Avenue of Blocks 13 and 14 are zoned CBD-1 and have FAR limits of 3.0 height limits of 90 feet or 110 feet with 22% MPDU bonus.



June 26, 2006

Ms. Marilyn Clemens, MLA
 Montgomery County Park and Planning
 8787 Georgia Avenue
 Silver Spring, MD 20910

Subject: Public Use/Amenity Space for the Arts

Dear Ms. Clemens:

This is a summary of useful information we have derived from several months of working with the Patrinely Group on the 8400 Wisconsin Avenue Artist Work Space. We are pleased to note that a final agreement with them should be ready for signature by the end of the month.

Our research of similar Artist Work Space venues in the DC area showed the following:

- ◆ *Work Space average size is 375 sq ft.*
- ◆ *Common area has bathroom*
- ◆ *Average rent is \$9 – \$12/sq ft..*
- ◆ *Average lease is 2 years.*
- ◆ *Access for artists is 24/7*
- ◆ *Requirement to have "open" studio hours and community involvement*
- ◆ *Gallery component averages 6 shows per year*

The challenge from the beginning was to meet the Montgomery County Council's instructions to make sure that all projects provided a sustainable operating budget for the future.

To cover our budgeted expenses of insurance, utilities, supplies, maintenance and repairs, we determined that the 2,000 sq ft Bethesda Artist Work Space required the following:

- ◆ *Work space average 370 sq ft*
- ◆ *Rent \$12/sq ft*
- ◆ *Lease 2 years*
- ◆ *Shared common area 345 sq ft with public access restroom and some closets in the hallway*
- ◆ *4 Artist Work Spaces, no gallery*

The Bethesda Arts & Entertainment District is managed by the Bethesda Urban Partnership, Inc.

To balance the projected budget, we had to convert the gallery space to a fourth artist work space rental. This leads us to the conclusion that the size of the space is a determining factor in generating a sustainable operating budget.

In summary, because of the Council's concerns, we have made ongoing operating budget planning an essential part in the early stages for any project we participate in for Public Use Space/Amenity Space.

We look forward to working on future projects that Park & Planning staff may identify as appropriate or that are designated as contributors to the Amenity Fund.

If you need additional information, please don't hesitate to call me.

Sincerely,



Carol Trawick
Chair
Arts and Entertainment District Board

The Bethesda Arts & Entertainment District is managed by the Bethesda Urban Partnership, Inc.

7700 Old Georgetown Road, Bethesda, Maryland 20814
301/215-6660 phone ■ 301/2155-6664 fax ■ www.bethesda.org



Development Review Division
 Montgomery County Department of Park and Planning

CHECKLIST Site Plan / Project Plan Review

Plan # 920060058 Name: The Rugby Condominium
 Zone: CBD-1 Tract Area: _____ Proposed Use: Residential
 Number of Units: 71 Square Footage: 104,644
 Development Method: Optional Other: _____

Referral Comments:

M-NCPPC

	Staff	Date
Transportation	<u>SJ</u>	<u>3/13/06</u>
Environmental	<u>CB</u>	<u>7/15/05</u>
Community Planning	<u>no</u>	<u>3/30/06</u>
Historic Planning	<u>no</u>	_____
Park Planning	<u>DD</u>	<u>2/6/06</u>
Research/Housing	<u>SS</u>	<u>3/30/06</u>

Other Agencies

	Staff	Date
SHA	<u>md</u>	_____
DPS (SWM)	<u>AB</u>	<u>10/7/05</u>
DPS (Traffic)	<u>AK</u>	_____
Public School	<u>no</u>	_____
Utility	<u>SF</u>	<u>2/6/06</u>
Fire & Rescue	<u>OF</u>	<u>2/6/06</u>
DPW & T	<u>SF</u>	<u>3/9/06</u>

Development Standards / Requirements

- Zoning Requirements
- MPDU Calculation
- Building Restriction Lines
- Development Data Table
- TDR Calculation
- Building Height
- Recreation Calculation
- Timing/Phasing Conditions
- Master Plan Conformance

Prior Approvals

- Project Development Plan
- Preliminary Plan
- Prior Site Plan Approvals
- Record Plat

Community Input

- Civic Association Better Home Residents, Edgewood, Glenwood
- Individuals John Conroy, Paul Pivitz Civic Assoc.

Supervisor Review

MM 7/10/06
SK 7/10/06

Chief Review