



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

MCPB
1/3/08
Item #

MEMORANDUM – Local Map Amendment

DATE: December 21, 2007

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief, Development Review Division *RK*
Ralph Wilson, Acting Zoning Supervisor *RW*

FROM: Carlton W. Gilbert, Planner Coordinator *CW*
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SUBJECT: **Local Map Amendment No. G-873:** Washington Episcopal Day School, applicant, - reclassification of 11.2 acres of land from the R-30 and C-O Zones to the PD-28 Zone for the development of a multi-family building consisting of 121 age-restricted units and expansion of the existing school facility, located at 5523 Landy Lane and 5600 Little Falls Parkway, in Bethesda MD

Master Plan: 1982 Approved and Adopted Westbard Sector Plan

PUBLIC HEARING: January 3, 2008

STAFF RECOMMENDATION:

APPROVAL of Local Map Amendment No G-873 and the accompanying Development Plan for the following reasons:

1. The application complies with the purpose clause of the Planned Development Zone (59-C-7.11),
2. The development plan is compatible with existing and proposed uses in the surrounding area, and
3. The rezoning conforms to the recommendations of the 1982 Westbard Sector Plan.

SUMMARY OF APPLICATION

Site Size and Location	Site size is 11.2 acres. The site is located at 5523 Landy Lane and 5600 Little Falls Parkway.
Current Zone and Use	The site is zoned R-30 and C-O. The site is developed with the Washington Episcopal School, adjacent office/warehouse buildings, and a surface parking lot.
Proposed Zone and Use:	The PD-28 Zone is proposed for the site. The development proposal is to construct multi-family (age-restricted) housing consisting of 121 units, and expand the private educational institution for a total of 175,000 square feet.
PD-28 Zone Density	Maximum density allowed under the zone is 28 units per acre.
Green Space	57 percent of the net lot area
Parking Spaces	337 spaces are provided (200 residential spaces and 137 school spaces)
Master Plan Consistency	The project complies with the recommendations of the Approved and Adopted 1982 Westbard Sector Plan.

I. INTRODUCTION

The applicant, Washington Episcopal Day School (WES), has submitted an application for a Local Map Amendment for the reclassification and redevelopment of the property located at 5523 Landy Lane and 5600 Little Falls Parkway in Bethesda, Maryland. The request is to rezone 11.2 acres of land from the R-30 and C-O zones to the PD-28 Zone. The applicant proposes to continue to operate a private educational institution on the property, construct an expansion of that facility, and redevelop a portion of the property with multi-family housing consisting of 121 units for independent senior housing. The 1982 Approved and Adopted Westbard Sector Plan recommends the PD-28 Zone for the subject property. The proposed development requires District Council approval of a Local Map Amendment and a Development Plan.

II. BACKGROUND

A. Description of Property

The subject property is comprised of Unit 1, River Road Land Condominium and Parcel A, Little Falls Office Park. The property is irregularly shaped with a total area of 11.2 acres. The site has approximately 960 feet of frontage along Little Falls Parkway. Access is provided from Little Falls Parkway and from River Road via Landy Lane, which terminates at the property. The property is approximately 390 feet deep along its northern property line and approximately 860 feet deep along its western property line. The western property line runs along and adjacent to the Capital Crescent Trail. The property is developed with an existing two-story school building, four adjacent office/warehouse buildings varying from one to three stories in height, a surface parking lot, a playground, an all-purpose court and an athletic field. The grass athletic field provides the only significant open space on the property. There are no areas of forest or large trees on the property. The topography generally slopes downward from the southeast corner to the northwest corner of the site.

B. Surrounding Area

Staff defines the surrounding area to be generally bounded by Dorset Avenue to the north, Little Falls Park Stream Valley to the east; River Road to the south; and Kennedy Drive to the west. The property is located along the northern edge of the Westbard Sector Plan. The neighborhood is characterized by a mixture of office, light industrial, retail, institutional, and high-rise and mid-rise multi-family residential buildings. Adjoining the property to the north is a mid-rise multi-family building in the R-10 zone. Farther to the north and northwest are single-family detached homes zoned R-90 in the Kenwood Community. Across Little Falls Parkway is a single-family community zoned R-60. Adjoining the property to the south are several parcels located in the I-1 zone consisting of one-story structures that are light industrial in character. Farther to the south along River Road is a high-rise multi-family building known as the Kenwood Condominium. Adjacent to the site to the west is the Capital Crescent Trail, which is a paved walking/bicycle trail providing an important link to the Bethesda CBD.

C. Intended Use and Approval Procedures

The use of the property must be in accordance with the development plan submitted in conjunction with the rezoning application. The applicant proposes to retain the existing school building located in the center of the property and add a 4-story education building to the existing footprint for a total of 175,000 gross square feet. The expansion of the school will allow an increase in enrollment from 300 to 600 students. Additionally, the applicant proposes an eight-story multi-family building with a maximum of 121 units including 12.5 percent Moderately Priced Dwelling Units (MPDUs). The proposed residential building will be located in the southeastern corner of the property, adjacent to the area of light industrial uses. The residential building would provide housing for age

restricted independent living. Parking for the residents will be provided in a below grade parking garage. According to the development plan, a total of 200 parking spaces will be provided in the parking garage. A total of 137 surface parking spaces will be provided for the school. Other improvements include eight parking spaces which would be constructed along Landy Lane for the benefit of users of the adjacent Capital Crescent Trail.

The residents of the multi-family building, along with the students, faculty, and administration of WES, will have access to the proposed playing field, tennis courts, athletic field, and sidewalks around the school. These amenities will be shared through an agreement with WES and the owner of the multi-family building. Additional programmed activities such as sporting events, recitals, lectures, and charitable events will also be open to the residents of the building.

As shown on the circulation plan, the primary vehicular access for the residential building will be from River Road via Landy Lane. Although the primary vehicular circulation for the school will be from Little Falls Parkway, the applicant is also proposing limited access from River Road/Landy Lane in order to provide an additional location for a student pick-up/drop-off area.

Final design of the development will be reviewed by the Montgomery County Planning Board at the time of subdivision and site plan review. The applicant must submit a site plan in accordance with Section 59-D-3 of the Zoning Ordinance before any development of the site may take place.

A summary of the **binding elements** that are identified on the development plan include the following:

1. Land uses are limited to:

- a Private educational institution,
- a Multi-family residential building with units that must be occupied by at least one resident 55 years of age or older, and
- School related recreational areas and facilities on designated areas of the property.
- School age children are not allowed to live in the residential building.

2. Development density must not exceed:

- School -- 175,000 SF total gross floor area.
- 4 stories or 55 feet in height.

- Residential -- 121 dwelling units.
 - 8 stories or 97 feet in height.
3. Access and circulation must include:
- Use of both Landy Lane and Little Falls Parkway for both ingress and egress.
 - Pick-up and drop-off points on both sides of the school building to balance traffic.
 - Restriction against any vehicles entering queuing on a public street in order to obtain entrance to the property.
 - Facilities are designated for shared use by the school and residents of the multi-family building by symbols and text of binding element on Development Plan.
4. Public benefits must include:
- Construction of and access to eight (8) parking spaces for users of Capital Crescent Trail.
 - Extension and construction of cul-de-sac for Landy Lane.

III. Zoning History

The property was placed in the R-30 and C-O Zones with the enactment of the 1954 comprehensive zoning of the area. The Westbard Sector Plan, adopted in 1982, recommended designating the property PD-28.

Local Map Amendment: None prior to this proposal.

IV. Public Facilities

The subject application will be adequately served by public facilities.

1. Water and Sewer: The subject property is located in water and sewer category W-1/S-1, and will be served by the existing water and sewer mains within the public streets and WSSC rights of ways adjacent to the property.

2. Schools: The subject property is proposed to be developed as an age-restricted community. In that case, there would be no impact on public school enrollment. However, if the project is not age-restricted then the comments provided by the Montgomery County Schools apply. (See Attached Letter)
2. Other Public Facilities: The Bethesda Company 6 Fire Station is located approximately one mile north of the subject property at the corner of Bradley Boulevard and Wisconsin Avenue. The Bethesda Police Station is also located near the property, at Montgomery Avenue near the intersection with Waverly Street.

The adequacy of public facilities will be reviewed again at Subdivision.

V. ANALYSIS

A. Master Plan Recommendation

The Community-Based Planning staff recommends approval of this rezoning request based on the information submitted as part of the application and the conformance of the project with the recommendations of the Westbard Sector Plan.

Master Plan Compliance

This application is consistent with the land use and zoning recommendations of the *1982 Approved and Adopted Westbard Sector Plan*. In many respects, the proposal is less intensive than could be achieved if the entire site were developed under the PD-28 zone. Retention of the school as the major land use effectively reduces the residential development potential. The proposal provides 121 dwelling units on the site, below the Sector Plan's recommended maximum of 353 units. The multi-family building conforms to the Plan's eight (8) story height limit recommendation, although it is located at the southern end of the site instead of at the middle of the site as envisioned in the Plan. The site retains the access from both River Road/Landy Lane and Little Falls Parkway but manages the vehicular through traffic using controlled access points.

Recommendations

Staff finds that the proposed development plan is in keeping with the intent of the Westbard Sector Plan. However, there are several issues that need careful consideration at the subdivision and site plan review stage:

- Restriction on vehicular access through the property and require that the controlled access point(s) function during peak traffic times.
- On-site signage to direct the school/residential vehicular traffic.
- A sidewalk around the school to include the play area.

- A crosswalk from the multi-family residential building across the internal driveway to connect the residents to the Capital Crescent Trail. This crosswalk, along with the additional sidewalk (see recommendation #3), will provide full pedestrian movement throughout the site.
- The tennis court located closest to the Little Falls entrance to remain open at all times and be available to the residents. No overflow event parking should occur on this court.
- Requiring the Capital Crescent Trail parking surface to be semi-permeable (i.e. "grasscrete").

Capital Crescent Trail

Park Planning staff recommends construction by the applicant of a small public parking lot for the adjacent Capital Crescent Trail as part of the approval of the rezoning application.

As previously noted, the subject property is located adjacent to the very popular and heavily used Capital Crescent Trail. The schools' students and various classes appear to regularly use the trail as well. Public use parking opportunities, however, are very limited along the trail in this area due to surrounding commercial and residential private properties. Staff believes that an opportunity exists for some limited public trail parking, just off of Landy Lane and adjacent to the Trail, on properties owned by the applicant and Montgomery County. The parking opportunities have been discussed with the applicant and it has been determined that approximately 8 spaces can be accommodated as located on the development plan.

RECOMMENDATION

Park Planning and Stewardship Division recommends that the following be added to the development plan as a binding element:

- Applicant to construct, at its expense, a paved parking area for eight (8) cars to be used by the general public for Capital Crescent Trail access. Parking spaces to always remain accessible to the public and should be located approximately as set forth on the applicant's December, 2007 plans. Applicant to secure all necessary permits, including a park permit, prior to construction of the parking lot.

B. Transportation

The following information is Transportation Planning staff's Adequate Public Facilities (APF) review of the application.

RECOMMENDATIONS

Based on our review of the submitted traffic analysis and development plan, Transportation Planning staff recommends the following condition as part of the APF test for transportation requirements related to approval of this zoning application.

1. Total development under this zoning application is limited to a maximum of 121 units and the student enrollment of the Washington Episcopal Day School up to 600.
2. The applicant must satisfy the Policy Area Mobility Review (PAMR) test by mitigating 30% of the new site-generated vehicular trips at the time of the preliminary plan.
3. The applicant must revise the development plan to provide for a controlled access at the northern end of the service road to discourage cut-through traffic between Landy Lane and Little Falls Parkway and to provide a lead-in sidewalk from Little Falls Parkway to the school parking lot

Site Access and Vehicular/Pedestrian Circulation

Access to the site is provided from Little Falls Parkway and Landy Lane, off River Road. River Road (MD 190) is classified as a major highway with 128 feet of right of way. Little Falls Parkway is a park road with no specific Right of Way requirement, and Landy Lane is functioning as a secondary/tertiary roadway with a varied right-of-way width ranging from 37 to 50 feet along the site's frontage. The development plan includes construction of a cul-de-sac in front of the proposed multi-family residential building, and an access-controlled service road connecting Landy Lane and Little Falls Parkway. The concern has been raised for potential cut through traffic between River Road and Little Falls Parkway through Landy Lane. We are proposing that the applicant provide for an access control on Landy Lane to limit the possibility of cut through traffic. The form and type of access control will be determined at the time of preliminary and site plan. Staff finds that the access point and the vehicle circulation system shown on the development plan are safe, adequate, and efficient.

The development plan includes lead-in sidewalks from Landy Lane and a pedestrian path connecting the site and Little Falls Parkway. The development plan also includes a Capital Crescent Trail access point and proposed parking for the Capital Crescent Trail. Staff finds the pedestrian circulation system to be safe and adequate with the construction of the sidewalk and a pedestrian path inside the property proffered by the applicant.

Local Area Transportation Review (LATR)

A traffic analysis for the rezoning was prepared to determine the impact of the residential development and school expansion as proposed. Staff agrees with the conclusion of the study that development of the subject site with the proposed roadway network will not have an adverse impact on the surrounding roadways.

Four local intersections were identified as critical intersections to be affected by the development of the subject site and were examined in the traffic analysis to determine whether they meet the applicable congestion standard of 1,600 Critical Lane Volume (CLV) for the Bethesda – Chevy Chase Policy Area. There is no approved but unbuilt development in the study area: thus, the existing and background traffic conditions are the same. The total future traffic was assigned to the critical intersections to determine the total future CLVs. The result of CLV calculation is summarized in Table I.

TABLE 1

Intersection Capacity Analysis with CLV Under Various Development Schemes During the Peak Hour						
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Massachusetts Av./ Little Falls Pkwy	1204	980	1204	980	1207	980
River Rd./Little Falls Pkwy	1494	1573	1494	1573	1520	1595
Dorset Av./Little Falls Pkwy	690	692	690	692	700	693
Hillandale Rd./Little Falls Pkwy	701	654	701	654	710	656

As shown in the above table, all existing intersections analyzed are currently operating at acceptable CLVs (CLV standard is 1,600) during both the morning and evening peak

hours and these acceptable traffic conditions are projected to be maintained under the total development conditions.

Policy Area Mobility Review (PAMR)

The subject site is located in the Bethesda – Chevy Chase Policy Area, where partial mitigation is required to pass the PAMR test. The required mitigation for the Bethesda – Chevy Chase Policy Area is 30% of the new site-generated vehicular trips. The new site-generated AM peak hour trips are 282. It is recommended that the applicant satisfy the PAMR test by mitigating 30% (85 trips) of the new site generated 282 trips at the time of preliminary plan.

Staff concludes that the proposed residential development and school expansion under the requested rezoning of the site coupled with construction of the roadway and pedestrian paths as shown on the development plan will not have an adverse impact on the surrounding roadway network.

C. Environmental

As noted in the attached memorandum, Countywide Environmental Planning staff has recommended approval of this rezoning application and the preliminary forest conservation plan.

This site is located in a highly urban area that was developed before the Forest Conservation Law or Environmental Guidelines were adopted. With this rezoning request the site must now come into compliance with both the law and the guidelines.

Furthermore, development plans must make specific findings for Section 59-D-1.61 of the Zoning Ordinance. The required finding for environmental issues states,

“That by its design, by minimizing grading and by other means, the proposed development would tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the site. Any applicable requirements for forest conservation under Chapter 22A and for water resource protection under Chapter 19 must also be satisfied. The District Council may require more detailed findings on these matters by the Planning Board at the time of site plan approval as provided in division 59-D-3.”

Grading is minimized where vegetation exists in one area on site. The area is on the eastern edge of the site, adjacent to M-NCPPC parkland, where one significant tree and six specimen trees straddle the property line. The critical root zones of these trees continue ten feet into the subject property until the roots reach an existing paved parking lot. Tennis courts are proposed over the existing paving and will step down in elevation to avoid grading into the critical root zones of the existing trees.

Another natural feature on the site is a stream and associated stream valley buffer running along the northern side of the site from east to west. In the past, this stream was filled in to create a ball field. Since the ball field does not cover the entire stream valley buffer, there are areas on both the east and west side of the buffer where afforestation (0.66 acres) is proposed to fulfill forest conservation requirements. Planting in these areas will extend portions of existing forest on both sides. Some impervious surface will be removed in order to do this.

The proposed plan fulfills Forest Conservation requirements entirely on site. Every opportunity is used on site to plant canopy tree cover for forest conservation credit. Native trees will be planted to provide this credit.

Environmental Guidelines

The subject site is not located within a Special Protection Area or Primary Management Area. There are no steep slopes or wetlands. A stream crosses underneath the northern portion of the property and its buffer extends into the site on the east and west sides. If the stream's watershed is 30 acres or more, a floodplain must be delineated at the Preliminary Plan stage of approval.

Forest Conservation – Chapter 22A

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) has been submitted and approved. A Preliminary Forest Conservation Plan has been submitted that meets the requirements of the Forest Conservation Law. This plan will be refined and the final Forest Conservation Plan approved during subsequent review processes.

1.58 acres of afforestation are required to meet the Forest Conservation Law. This will be provided through on-site forest planting (0.66 acres) and canopy credit (1.68 acres). Soil erosion is not expected to be problematic for this development either during construction or as a result of development.

The applicant must submit a Final Forest Conservation Plan at time of site plan submission. This plan must demonstrate full compliance with the requirements of Forest Conservation Law Section 22A-12. A detailed Tree Save Plan shall be prepared by an ISA certified arborist as part of the FCP.

Stormwater Management

A Stormwater Management Concept Plan has been submitted to DPS, but has not yet been approved.

Water Quality

The site of this rezoning request lies within the Little Falls Watershed, which is in poor condition and is "one of the county's most urban and altered stream systems," according to the *Countywide Stream Protection Strategy* (CSPS). Urban watersheds, like Little Falls, are often characterized by higher percentages of impervious area, fewer

acres controlled by storm water management facilities, and many miles of piped headwater streams.

There are isolated flooding problems in the Little Falls Basin. This results "from a high degree of impervious surfaces... that causes rapid surface water flow during precipitation periods and from the absence of flood control impoundments to control such rapid surface runoff. Such flooding problems are further aggravated by undersized culverts and houses located too close to streams" (Bethesda-Chevy Chase MP, 1990). Consequently, the use of innovative stormwater management techniques will be beneficial to the protection of water and forest resources in the Little Falls Basin.

Green Building

Staff encourages the use of sustainable building design in all private and public projects. Green building techniques should be fully explored during the site plan approval process.

D. Purpose of the PD-Zone: A floating zone requires an evaluation for compliance with the purposes of the zone. Section 59-C-7 of the Montgomery County Zoning Ordinance contains the requirements for development of property in the Planned Development (PD) Zone.

Section 59-C-7.11. Purpose

a. To Implement the General Plan and Area Master Plan.

The application is in substantial compliance with the development plan and area master plan. The Approved and Adopted 1982 Westbard Sector Plan recommends the PD-28 Zone and a building height of 8 stories for new residential buildings. The application implements these recommendations.

b. That the project be so designed and constructed as to facilitate and encourage a maximum of social and community interaction and activity among those who live and work within an area and to encourage the creation of a distinctive visual character and identity for each development. It is intended that development in this zone produce a balanced and coordinated mixture of residential and convenience commercial uses, as well as other commercial and industrial uses shown on the area master plan, and related public and private facilities.

Staff finds that the project satisfies the purpose of encouraging a maximum of social and community integration among those who live and work within the area. The development plan emphasizes the importance of creating a safe and secure setting for the school while also recognizing the need to fully integrate the residents of the multi-family building with the school. As proposed, the residents will be allowed to enjoy the open space provided by the adjacent athletic fields and tennis courts. The shared-use facilities identified on the development plan

will be available for use by residents along with students, faculty and administration of the school. Additionally, the use of these facilities will be enhanced by activities (i.e., sporting events, recitals, lectures, charitable events, etc.) to integrate the residential and institutional uses, thus encouraging social and community interaction and activity. The proposed development plan will provide walkway connections to the facilities and has established a loop road providing vehicular and pedestrian access throughout the property. Improved access to the adjacent Capital Crescent will also contribute to social and community interaction and activity in the surrounding area.

c. To provide and encourage a broad range of housing types, comprising owner and rental occupancy units, and one-family, multiple-family and other structural types. Promote development designed and constructed to facilitate and encourage a maximum of social and community interaction and activity among those who live and work within an area and to encourage the creation of a distinctive visual character and identity for each development.

Staff finds that the inclusion of the proposed multi-family project (age-restricted) at this location introduces a desirable housing type into the Westbard community. It is unknown at this time whether the units will be owner occupied or rental apartments. The proposed residential development will provide a variety of bedroom units, at a variety of sizes.

d. To preserve and take the greatest possible aesthetic advantage of trees and in order to do so, minimize the amount of grading necessary for construction of a development.

The proposed development plan will have slightly over 57% open space and green area. The residential building and parking facilities are constructed in areas previously occupied by buildings, driveways, and parking areas, thereby reducing the amount of grading required. Currently, there is a substantial amount of imperviousness on the property, including existing surface parking and office/warehouse buildings, that are proposed to be demolished and replaced with a new athletic field, tennis courts, and improved circulation.

e. To encourage and provide for open space ...conveniently located with respect to points of residential and commercial concentration so as to function for the general benefit of the community and public at large for places of relaxation, recreation and social activity and furthermore, open space should be so situated as part of the plan and design of each development as to achieve physical and aesthetic integration of the uses and activities within each development.

The proposal will include a substantial amount of open space as provided by the school athletic fields. The development plan also provides open space in the form of landscaping within the setbacks and yards surrounding buildings,

sidewalks, drive aisles, and parking areas. As noted above, residents of the multi-family building will have access to this open space.

f. To encourage and provide for development of comprehensive, pedestrian circulation networks, separate from roadways, which constitute a system of linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities to minimize reliance on the automobile.

The development plan includes a system of existing and proposed landscaped sidewalks along the interior loop road and drive aisles. The concern has been raised regarding potential cut-through traffic between River Road and Little Falls Parkway through Landy Lane. Staff is proposing that the applicant provide access control on Landy Lane to limit the possibility of cut-through traffic. Staff finds that the access point and the vehicle circulation system shown on the development plan are adequate. Additionally, staff finds the pedestrian circulation system as proposed to be safe, adequate, and efficient.

g. To encourage development on a large enough scale to achieve purposes of the zone.

The proposed development plan includes an assemblage of two parcels to allow for a comprehensive development of residential and non-residential uses at a scale that achieves the purpose of the zone. The proposal also provides amenities and facilities for the residents.

h. To achieve a maximum of safety, convenience and amenity for residents of each development and the residents of neighboring areas, and, furthermore, to assure compatibility and coordination of each development with existing and proposed surrounding land uses.

The proposal is designed and planned to maximize safe connections between the residential building, the school and the neighboring area. Currently, Landy Lane terminates at the subject property. Vehicular access to the residential building is enhanced with the construction of a cul-de-sac, which improves access and safety for users of this roadway. The applicant is proposing an additional student pick-up/drop-off point which lessens traffic entering the subject property from Little Falls Parkway.

i. Approval or disapproval shall be upon findings that the application is or is not proper for the comprehensive and systematic development of the county, is or is not capable of accomplishing the purpose of the zone and is or is not in substantial compliance with the general plan and master plan.

Staff believes that the proposal should be approved as appropriate for the development of the County and in keeping with the purpose of the zone and in

substantial compliance with the general plan and master plan. By developing under the PD zone, the development plan is able to achieve the goals and objectives of the Sector Plan.

59-C-7.12 Where Applicable

Master Plan. No land can be classified in the planned development zone unless such land is within an area for which there is an existing, duly adopted master plan which shows such land for a density of 2 dwelling units per acre or higher.

The sector plan confirms the R-30 and C-O zones as the base zone and for the site recommends PD-28 zoning as an appropriate development density of the site (28 units per acre).

Minimum area. No land can be classified in the planned development zone unless the district council finds that the proposed development meets at least one of the following criteria:

- (a) That it contains sufficient gross area to construct 50 or more dwelling units under the density category to be granted;
- (b) That it would be logical extension of an existing planned development;
- (c) That it would result in the preservation of an historic structure or site (as indicated on the current historic sites identification map or as recommended by the planning board as being of historic value and worthy of preservation);
- (d) That the accompanying development plan would result in the development of a community redevelopment area;
- (e) That the site is recommended for the PD zone in an approved and adopted master plan or sector plan and so uniquely situated that assembly of a minimum gross area to accommodate at least 50 dwelling units is unlikely or undesirable and the development of less than 50 dwelling units is in the public interest.

The proposed development contains sufficient area to allow for 121 dwelling units, including 12.5 percent MPDUs. The Sector Plan recommends redevelopment of the property with a mixture of office and multi-family residential uses at a density compatible with the surrounding area.

59-C-7.13 – Uses Permitted

59-C-7.131 – Residential

The proposed multi-family building is a permitted residential use and is in accordance with the provisions of the PD-28 zone applicable to projects with fewer than 200 units and 4-stories in height.

59-C-7.132 – Commercial

According to the applicant, commercial uses are not proposed as part of the development plan.

59-C-7.133 – Other Uses

The school is classified as a private educational institution and as such is a nonresidential, noncommercial use which may be permitted at the discretion of the District Council on a finding that it is compatible with the planned development and satisfies the requirements of Section 59-C-7.15. Staff believes that the school is an appropriate nonresidential/noncommercial use at this location.

59-C-7.14 – Density of Residential Development

The maximum permitted residential density of the property is 313 dwelling units. The proposed development plan contains a maximum of 121 dwelling units, which does not exceed the maximum density allowed in the to the PD-28 density provisions of the zoning ordinance.

59-C-7.15 Compatibility.

(a) All uses must achieve the purposes set forth in section 59-C-7.11 and be compatible with the other uses proposed for the planned development and with other uses existing or proposed adjacent to or in the vicinity of the area covered by the proposed planned development

(b) In order to assist in accomplishing compatibility for sites that are not within, or in close proximity to a central business district or transit station development area, the following requirements apply where a planned development zone adjoins land for which the area master plan recommends a one-family zone:

- (1) No building other than a one-family detached residence can be constructed within 100 feet of such adjoining land; and
- (2) No building can be constructed to a height greater than its distance from such adjoining land.

A waiver of the requirement of paragraph (b)(1), may be permitted if:

- (1) The property is within or in close proximity to a central business district or transit station development area and reduced setbacks are recommended by the master or sector plan, and the Planning Board finds that the reduced

- setbacks are compatible with existing or proposed development in the adjoining or confronting one-family detached zones; or
- (2) The property is within or in close proximity to a historic district and the Planning Board reuse, or redevelopment of a designated historic district and the immediately adjoining property will not be adversely affected by the waiver.
 - (3) The maximum building height under this waiver must not exceed 50 feet.

Compliance with these requirements does not, by itself, create a presumption of compatibility.

Staff finds that the project satisfies the purpose set out in Section 59-C-7.11. The proposed development is consistent with the goals and objectives of the approved Westbard Sector Plan. Furthermore, no building is proposed to be constructed within 100 feet of adjoining land for which the master plan recommends a one-family detached zone.

Staff believes that the proposed development of the site ensures compatibility with adjacent development and increases the housing diversity. The eight-story multi-family building will be located along the southern edge of the site immediately adjacent to light-industrial uses. These uses are generally one and two-stories in height and oriented away from the property. These industrial uses maintain little or no setback from the rear (common) property line. By contrast, the multi-family building will maintain 10-foot and 15-foot setbacks from the property line. The “L-shape” of the building will enable residents to take advantage of views of the adjoining school campus, including the new athletic field, as well as the nearby park and trail facilities. The building finish and design details will be consistent throughout including along the south and east sides adjoining the industrial uses.

The proposed school addition will have a maximum height of four stories and a minimum setback of approximately 100 feet from the closest property line. While the architecture of the addition has not been finalized, it is anticipated that it will maintain a design similar to that of the existing school building. The type of construction, building materials, roof line, and other architectural details are anticipated to complement that of the existing building. The view of the addition from adjoining properties, including from the Capital Crescent Trail and Little Falls Stream Valley Park, will be mitigated by the existing school building, topography, mature trees along the property line, proposed landscaping, and other school facilities existing and proposed.

59-C-7.16. Green Area

Green area must be provided in amounts not less than the following schedule:

<u>Density Category</u>	<u>Green Area (Percent of Gross Area)</u>
High	
PD-28	50
PD-35	50
PD-44	50

The proposal includes green area on the site, including the athletic fields, and meets the 50 percent minimum green area required for the PD-28 zone.

59-C-7.17. Dedication of land for public use.

Such land as may be required for public streets, parks, schools and other public uses must be dedicated in accordance with the County subdivision regulations, General Plan, Master Plan and identified on the development plan.

The applicant is proposing to dedicate additional right-of-way along the site's frontage with Landy Lane in part to accommodate the proposed cul-de-sac.

59-C-7.18. Parking Facilities

Off-street parking must be provided in accordance with the requirements of article 59-E.

A minimum required total of 173 parking spaces are provided in the underground parking garage levels. Parking spaces in accordance with Section 59-E are required as follows:

Residential:

35 1-bedroom @ 1.25 sp/unit = 44 spaces
 86 2-bedroom @ 1.5 = 129 spaces
 = 173 spaces required

Non-Residential Uses:

Private School
 110 employees @ 1 sp/empl = 110 spaces required

Total spaces required: = 283 spaces

Total spaces proposed: = 337 spaces

59-C-7.19. Procedure for application and approval

(a) Application and development plan must be in accordance with division 59-D-1.

- (b) Site plan must be submitted and approved in accordance with 59-D-3.

The application includes a development plan and a site plan that will be reviewed in accordance with Section 59-D and 59-D-3.

59-D-1.6 – Approval by District Council

59-D-1.61 – Findings

Before approving an application for classification in any of these zones, the District Council must consider whether the application, including the development plan, fulfills the purposes and requirements set forth in article 59-C for the zone. In doing so, the district council must make the following specific findings in addition to any other findings which may be necessary and appropriate to the evaluation of the proposed reclassification:

- (a) That the zone applied for is in substantial compliance with the use and density indicated by the Master Plan or Sector Plan, and that it does not conflict with the general plan, the county capital improvements program or other applicable county plans and policies;

Staff finds that the PD-28 zone is in compliance with the use and density recommendation of the Sector Plan for this area.

- (b) That the proposed development would comply with the purposes, standards and regulations of the zone as set forth in article 59-C, would provide for the maximum safety, convenience, and amenity of the residents of the development and would be compatible with adjacent development.

Staff finds that the proposed development complies with the purposes, standards and regulations of the PD-28 zone as set forth in article 59-C. The development plan maintains an appropriate scale, both in terms of activity and layout, to achieve compatibility with the surrounding mix of multi-family, institutional, commercial, and single-family uses.

- (c) That the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient;

The internal vehicular and pedestrian circulation for the project has been designed to provide clear drive aisles, sidewalks, and drop-off and pick-up areas. Staff finds that circulation plan to be safe, adequate, and efficient.

- (d) That by its design, by minimizing grading and by other means, the proposed development would tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the site. Any applicable requirements for forest conservation under Chapter 22A and for water resource protection under Chapter 19 also must be satisfied. The district council may require more detailed findings on these matters by the planning board at the time of site plan approval as provided in division 59-D-3;

Staff finds that a stormwater management concept plan for the redevelopment of the site has been submitted to DPS, but has not yet been approved. The applicant has submitted a letter stating that they are confident that the stormwater management concept plan will be approved substantially as submitted. (See Attached Letter). Staff finds that the proposed plan fulfills forest conservation requirements entirely on site.

- (e) That any documents showing the ownership and method of assuring perpetual maintenance of any areas intended to be used for recreational or other common of quasi-public purposes are adequate and sufficient.

At this time, the form of ownership (whether rental or sale) for the residential project has not been determined. The applicant must provide appropriate assurances of maintenance of common areas as required by law prior to any conveyance of building units.

E. Development Standards

The design of the development will be finalized and reviewed by the Montgomery County Planning Board at the time of subdivision and Site Plan Review. The Development Standards for the PD-28 zone are tabled below:

<i>Development Standard</i>	<i>Permitted/Required</i>	<i>Proposed</i>
Minimum Tract Area	No specification	11.2 acres
Maximum Density /total yield	28 units per acre (313 units)	121 units

Green Area	50%	57% (approx.)
Building Height	No maximum	8 stories 97 feet (max.)
Parking	283 spaces required	337 spaces proposed

F. Community Concerns – To date, staff has not received any letters of opposition to the proposal. The applicant has met several times with community representatives. Staff understands that the following concerns have been expressed by residents in the area:

- The height and location of the residential project.
- The nature of the connection through the site from River Road to Little River Parkway.
- The traffic generated from the multi-family project.
- The lack of binding elements for the proposal and its integration with the surrounding community (i.e., elderly high-rise, bike paths, trails, sidewalks).

G. Conclusion - The application conforms with the Sector Plan recommendations for zoning, land use and density, and is compatible with the surrounding areas. Staff believes that the requested PD-28 zone meets the intent of the 1982 Approved and Adopted Westbard Sector Plan. Staff recommends approval of the application and development plan that accompanies this application.

LIST OF ATTACHMENTS

1. Location Map
2. Surrounding Area Map
3. Development Plan
4. Circulation Plan
5. Landscape Plan
6. Community-Based Planning Memo
7. Transportation Planning Memo
8. Environmental Planning Memo
9. MCPS Letter
10. Stormwater Compliance Letter from Applicant

WASHINGTON EPISCOPAL DAY SCHOOL (G-873)



Map compiled on September 13, 2007 at 9:46 AM | Site located on base sheet no - 208NW05 | Date of Orthophotos: April 2006 - Used with permission from Montgomery County Government

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MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue - Silver Spring, Maryland 20910-3700

Key Map

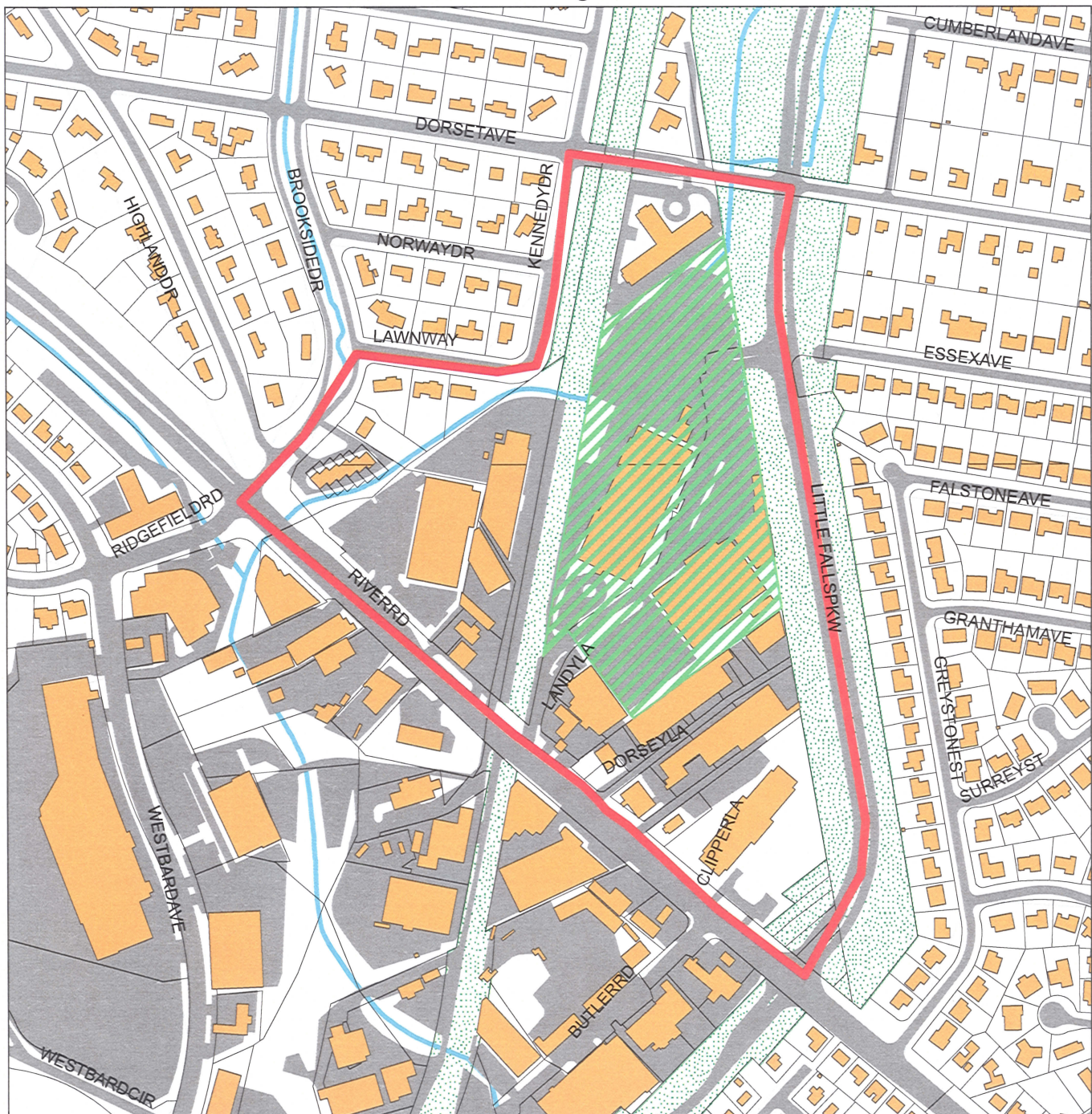


Research & Technology Center

0 200

1 inch = 200 feet
1 : 2400

Surrounding Area



LEGEND

- | | | | |
|---|------------------|---|------------------|
|  | G-873 Site |  | Paved Area |
|  | Surrounding Area |  | Lake and Pond |
|  | Building |  | Stream and River |

NOTICE:

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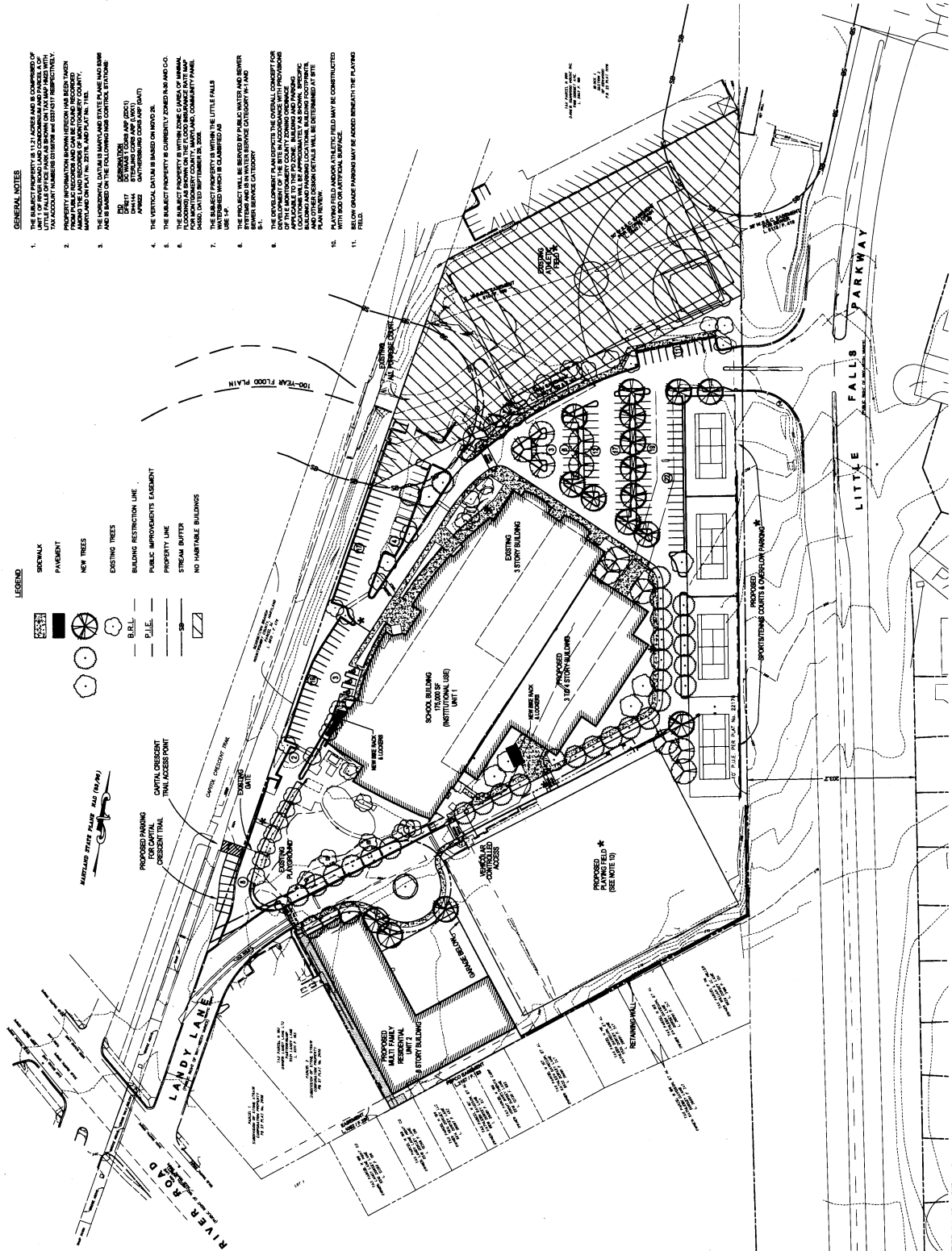
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1" = 400'
Address: 5523 Landy Lane/
5600 Little Falls Pkwy

Key Map
NTS

DEVELOPMENT PLAN

[illegible]

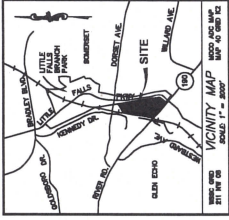
DEVELOPMENT PLAN BIDDING LEAVES			PERMITTING/CONSTRUCTION		PROPOSED	
1. LAND USE						
A. Residential	No restrictions	No restrictions	Residential	Residential	Residential	Residential
2. ZONING						
A. Zone	No restrictions	No restrictions	Single-Family Residential	Single-Family Residential	Single-Family Residential	Single-Family Residential
3. DENSITY						
A. Maximum	100 units per acre	100 units per acre	100 units per acre	100 units per acre	100 units per acre	100 units per acre
B. Minimum	10 units per acre	10 units per acre	10 units per acre	10 units per acre	10 units per acre	10 units per acre
4. BUILDING TYPE						
A. Single-Family	No restrictions	No restrictions	Single-Family	Single-Family	Single-Family	Single-Family
B. Multi-Family	No restrictions	No restrictions	Multi-Family	Multi-Family	Multi-Family	Multi-Family
5. ACCESS						
A. Access	No restrictions	No restrictions	Access	Access	Access	Access
6. CONSTRUCTION						
A. Construction	No restrictions	No restrictions	Construction	Construction	Construction	Construction
7. FINANCIAL						
A. Financial	No restrictions	No restrictions	Financial	Financial	Financial	Financial
8. CONCLUSION						
A. Conclusion	No restrictions	No restrictions	Conclusion	Conclusion	Conclusion	Conclusion

WASHINGTON EPISCOPAL DAY SCHOOL, INC.
#5600 LITTLE FALLS PARKWAY

7TH ELECTION DISTRICT

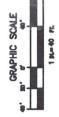
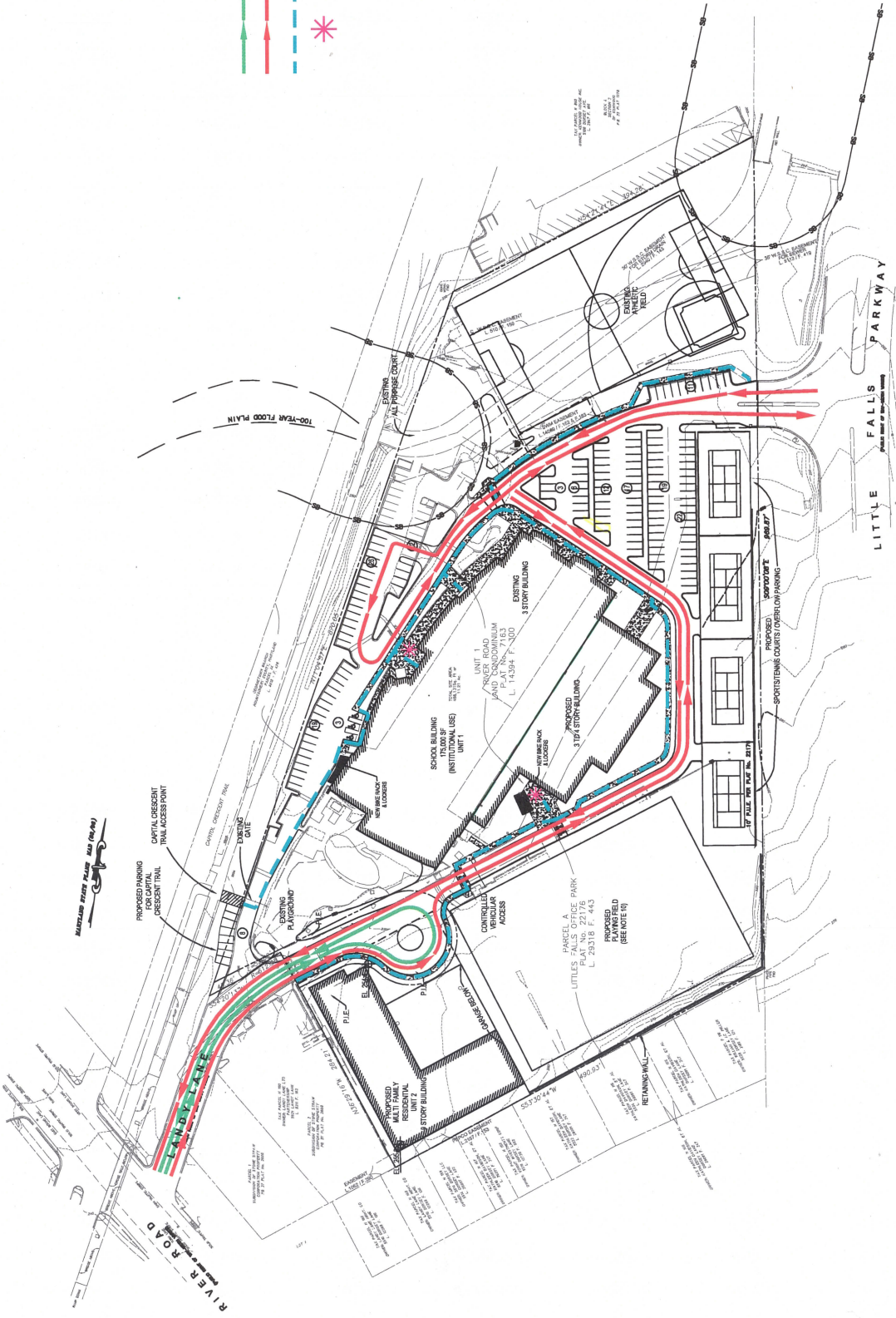
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WASHINGTON EPISCOPAL DAY SCHOOL CIRCULATION PLAN



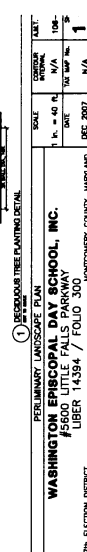
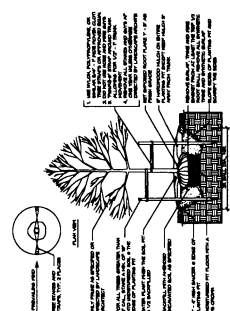
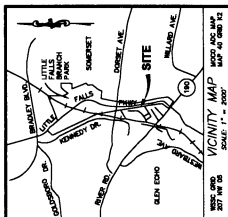
LEGEND

- VEHICULAR CIRCULATION FOR RESIDENTIAL
- VEHICULAR CIRCULATION FOR SCHOOL
- PEDESTRIAN CIRCULATION
- GENERAL LOCATION FOR STUDENT PICKUP/DROPOFF



DATE	REVISION	BY	CHK	APP
10/1/2017	1	AMT	AMT	AMT
10/1/2017	2	AMT	AMT	AMT
10/1/2017	3	AMT	AMT	AMT
10/1/2017	4	AMT	AMT	AMT
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10/1/2017	100	AMT	AMT	AMT

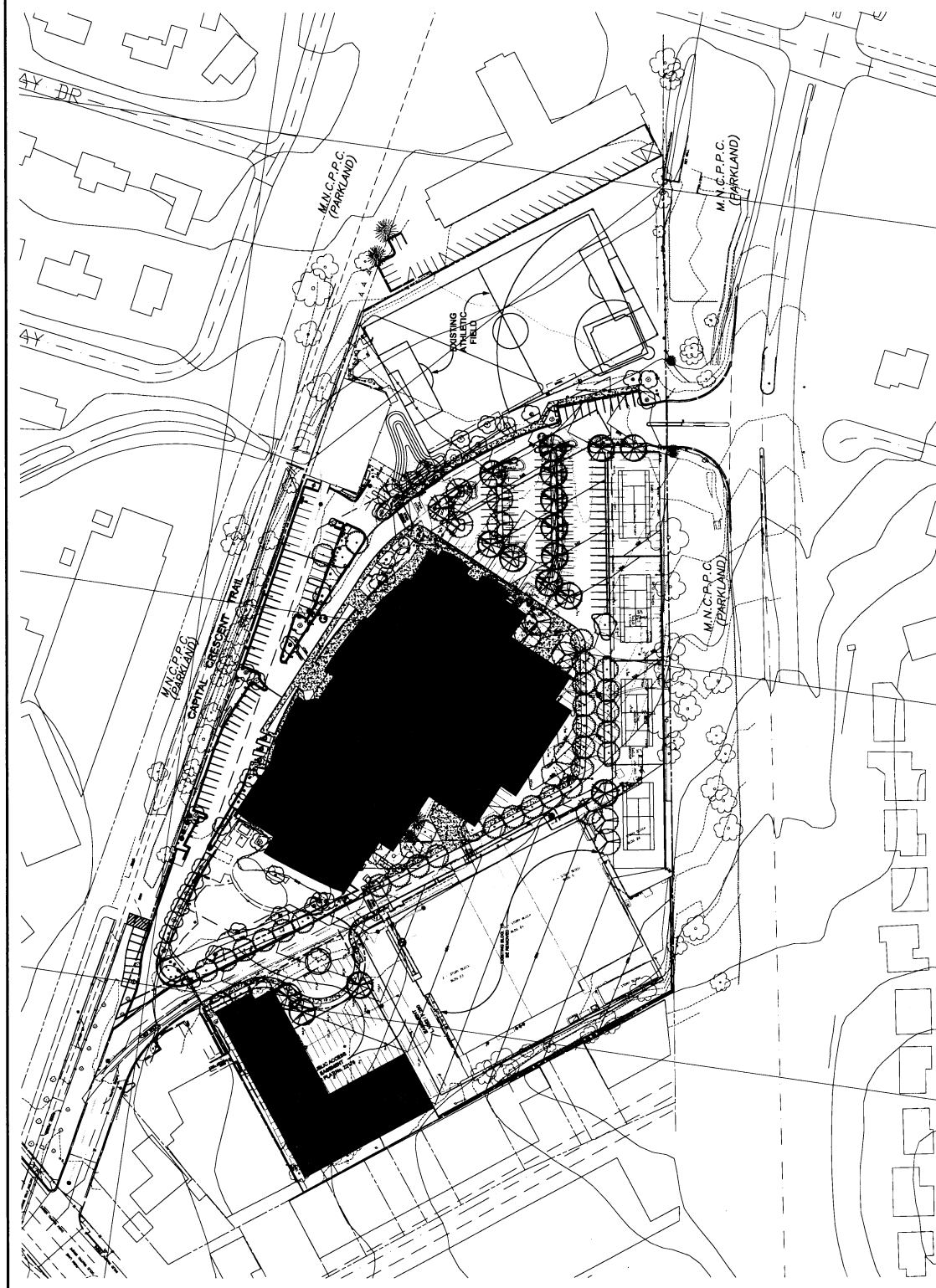




CERTIFICATION

CERTIFY THAT I AM A FULLY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, AND THAT THESE DOCUMENTS WERE PREPARED UNDER MY SUPERVISION AND IN COMPLIANCE WITH THE FOREST CONSERVATION LAW REQUIREMENTS.

FREDDY J. DREANO



PLANT SCHEDULE

Q17	BOTANICAL/COMMON	COUNT
7	<i>Fagus grandifolia</i> / American Beech	8 & 8
33	<i>Nyssa sylvatica</i> / Black Gum	8 & 8
11	<i>Quercus coccinea</i> / Scarlet Oak	8 & 8
3	<i>Quercus palustris</i> / Pin Oak	8 & 8
16	<i>Quercus rubra</i> / Red Oak	8 & 8
41	Ex. Sycam. trees	





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

December 10, 2007

MEMORANDUM

TO: Carlton Gilbert, Development Review Division
VIA: Judy Daniel, Team Leader, Bethesda-Chevy Chase Team
FROM: Kristin O'Connor, Community-Based Planning Division *ko*
SUBJECT: G-873-Washington Episcopal School
ZONE: R-30/C-O to PD-28 Zone
MASTER PLAN: 1982 Westbard Sector Plan

This rezoning request conforms to the *1982 Approved and Adopted Westbard Sector Plan*. The planned development zone is recommend for the site in the Plan, and the proposed development plan meets the development standards of the PD-28 Zone.

Background

The 11.21 acre site (known as Analysis Area B in the Sector Plan on page 37) was the old regional headquarters for the Marriott Corporation until they moved their headquarters to North Bethesda. The site, containing offices, warehouse storage, parking lots and tennis courts, was leased for a few years until it was sold to the Washington Episcopal Day School. The school has direct primary access off Little Falls Parkway and a secondary access to River Road via Landy Lane (p.36). The adjacent uses include: single family residential, multifamily residential, light industrial, commercial, and the Little Falls Parkway and trail.

The Plan recommends a PD-28 Zone to allow for mixed uses. The Plan recommends the site be developed with a mixture of office and multi-family residential uses with a small internally oriented retail commercial uses. It calls for residential structures to range from four to eight stories and be located toward the middle of the area. The Plan further recommends that the site be limited to 353 DUs (including 12.5 percent for MPDUs) and 180,000 square feet of office, including up to 10,000 square feet of convenience retail. The Plan also supports no direct vehicular access through the site from Little Falls to River Road except for emergency vehicles.

The Plan

This proposal is for 121 dwelling units (including MPDUs) on a portion of the site of the existing private educational institution. In addition to the 8-story multi-family building, the Washington Episcopal Day School (WES) proposes to add a 3 to 4 story educational building to their existing footprint for a total of 175,000 gross square feet.

The residential building is to be housing for independent seniors. This requires at least one resident in each unit to be over the age of 55. Two hundred parking spaces are proposed for the residential building and 157 spaces for the school. The residents of the multi-family building, along with the students, faculty, and administration of WES, will have access to the playing field, tennis courts, athletic field, and sidewalks around the school. These amenities will be shared through an agreement with WES and the owner of the multi-family building. Additional programmed activities such as sporting events, recitals, lectures, charitable events will also be open to the residents of the building. WES also plans to provide an access point to the Capital Crescent Trail from the Landy Lane entrance and eight (8) parking spaces for trail users.

Community Concerns

The applicant has met several times with the community. The following are the concerns from the residents in the area:

- The height and location of the residential project.
- The nature of the vehicular connection through the site from River Road to Little River Parkway.
- The traffic generated from the multi-family project.
- The lack of binding elements for the proposal and its integration with the surrounding community (i.e., elderly high-rise, bike paths, trails, sidewalks).

Master Plan Compliance

This site plan conforms to the *1982 Approved and Adopted Westbard Sector Plan* as the project has requested the Plan's recommended planned development zoning (PD-28) and has requested to re-develop within the development standards of the zone. In many ways it is substantially less intensive to the community than what the Plan recommends, as the school is less a intensive use than redevelopment of the entire site. The multi-family building also conforms to the eight (8) story height limit in the Plan, although it is located closer to the existing high-rise residential structure (Kenwood) than the Plan envisioned. In addition, the proposal provides 121 dwelling units on the site, below the Plan's recommended maximum of 353 units. The site retains the access from both River Road/Landy Lane and Little Falls Parkway but manages the vehicular through traffic using controlled access points.

It should be noted that the proposal is not in compliance with one Plan recommendation that "about one-third of the total vehicular trips estimated to be generated by the

planned development would use the Little Falls Parkway access; and the remaining two-thirds of the trips would use the River Road/Landy Lane access” (p. 40). While this is an issue of concern, we believe that it is an operational issue that does not warrant not supporting the rezoning. The transportation planners are recommending an alternate method to address the congestion concerns that are at the root of this Plan recommendation. And that recommendation can be more logically addressed at time of site plan review rather than a rezoning.

They propose that the applicant will have to demonstrate that no traffic entering the subject property will queue or stack up onto any public street. The applicants have agreed to provide a queuing analysis at the time of site plan to demonstrate compliance with this requirement. Community-Based Planning staff support that recommendation.

Compatibility

The property to the north of the site is the Kendwood House, a mid-rise residential complex in the R-10 zone. On the south side, are commercial and industrial buildings in the I-1 zone. To the east of the property is the old B&O Railroad/Capital Crescent Trail and to the west is County-owned parkland and the Little Falls Parkway. The mixed use project will be bounded by a mix of residential, commercial, and industrial development.

Recommendations

Staff finds that the proposed development plan is in keeping with the intent of the Westbard Sector Plan. Community-Based Planning recommends the following:

1. Support restricted vehicular access through the property and require that the controlled access point(s) function during peak traffic times.
2. Provide onsite signage to direct the school/residential vehicular traffic.
3. Extend the proposed sidewalk around the school to include the play area.
4. Provide a crosswalk from the multi-family residential building across the internal driveway to connect the residents to the Capital Crescent Trail. This crosswalk, along with the additional sidewalk (see recommendation #3), will provide full pedestrian movement throughout the site.
5. Require the tennis court closest to the Little Falls entrance to remain open at all times and be available to the residents. No overflow event parking should occur on this court.
6. Require the Capital Crescent Trail parking surface to be semi-permeable (i.e. “grasscrete”).

Attachments



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

December 7, 2007

MEMORANDUM

TO: Carlton Gilbert, Planner/Coordinator
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning

FROM: Ki H. Kim, Planner/Coordinator
Transportation Planning

SUBJECT: Zoning Application No. G-873
Washington Episcopal Day School
Bethesda

This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject zoning application. The application includes an expansion of the Washington Episcopal Day School from 300-student enrollment to 600-student enrollment and an Independent Senior Living apartment with 121 units. The site is located at 5600 Little Falls Parkway, between River Road and Dorset Avenue, in the Bethesda – Chevy Chase the North Potomac Policy Area.

RECOMMENDATION

Based on our review of the submitted traffic analysis and development plan, Transportation Planning staff recommends the following condition as part of the APF test for transportation requirements related to approval of this zoning application.

1. Total development under this zoning application is limited to a maximum of 121 units of the independent senior living apartments and the student enrollment of the Washington Episcopal Day School up to 600.
2. The applicant must satisfy the Policy Area Mobility Review (PAMR) test by mitigating 30% of the new site-generated vehicular trips at the time of the preliminary plan.

3. The applicant must revise the development plan to provide for a controlled access at the northern end of service road to discourage cut-through traffic between Landy Lane and Little Falls Parkway and to provide a lead-in sidewalk from Little Falls Parkway to the school parking lot.

DISCUSSION

Site Access and Vehicular/Pedestrian Circulation

Access to the site is provided from Little Falls Parkway and Landy Lane, off River Road. River Road (MD 190) is classified as a major highway with the 128 feet of right of way. Little Falls Parkway is a park road with no specific Right of Way requirement, and Landy Lane is functioning as a secondary/tertiary roadway with a varied right-of-way width ranging from 37 to 50 feet along the site's frontage. The development plan includes construction of a cul-de-sac in front of the proposed multi-family residential building labeled unit 2. and an access-controlled service road connecting Landy Lane and Little Falls Parkway. The concern has been raised for a potential cut through traffic between River Road and Little Falls Parkway through Landy lane. We are proposing that the applicant provide for an access control on Landy lane to limit the possibility of cut through traffic. The form and type of access control will be determined at the time of preliminary and site plan. Staff finds that the access point and the vehicle circulation system shown on the development plan are adequate.

The development plan includes lead-in sidewalks from Landy Lane and a pedestrian path connecting the site and Little Falls Parkway. The development plan also includes Capital Crescent Trail access point and the proposed parking for Capital Crescent Trail. Staff finds the pedestrian circulation system to be safe and adequate with the construction of the sidewalk and a pedestrian path inside the property proffered by the applicant.

Local Area Transportation Review (LATR)

A traffic analysis for rezoning was prepared to determine the impact of the residential development and school expansion as proposed under the requested zone. Staff agrees with the conclusion of the study that development of the subject site with the proposed roadway network will not have an adverse impact on the surrounding roadways.

Four local intersections were identified as critical intersections to be affected by the development of the subject site and were examined in the traffic analysis to determine whether they meet the applicable congestion standard of 1,600 Critical Lane Volume (CLV) for the Bethesda – Chevy Chase Policy Area. There is no approved but unbuilt development in the study area; thus, the existing and background traffic conditions are the same. The total future traffic was assigned to the critical intersections to determine the total future CLVs. The result of CLV calculation is summarized in Table I.

TABLE 1

Intersection Capacity Analysis with CLV Under Various Development Schemes During the Peak Hour						
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Massachusetts Av./ Little Falls Pkwy	1204	980	1204	980	1207	980
River Rd./Little Falls Pkwy	1494	1573	1494	1573	1520	1595
Dorset Av./Little Falls Pkwy	690	692	690	692	700	693
Hillandale Rd./Little Falls Pkwy	701	654	701	654	710	656

As shown in the above table, all existing intersections analyzed are currently operating at acceptable CLVs (CLV standard is 1,600) during both the morning and evening peak hours and these acceptable traffic conditions are projected to be maintained under the total development conditions.

Policy Area Mobility Review (PAMR)

The subject site is located in the Bethesda – Chevy Chase Policy Area, where the partial mitigation is required to pass the PAMR test. The required mitigation for the Bethesda – Chevy Chase Policy Area is 30% of the new site-generated vehicular trips. The new site-generated AM peak hour trips are 282. It is recommended that the applicant must satisfy the PAMR test by mitigating 30% (85 trips) of the new site generated 282 trips at the time of preliminary plan.

CONCLUSION

Staff concludes that the proposed residential development and school expansion under the requested zoning at the site with construction of the roadway and pedestrian path as shown on the schematic development plan will not have an adverse impact on the surrounding roadway network.

KK:tc






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

MEMORANDUM

Date: December 6, 2007

To: Carlton Gilbert, Development Review

Via: Jorge A. Valladares, P.E., Countywide Planning Division, Environmental 

From: Jeff Farrington, Environmental Planning 
Marion Clark, Environmental Planning 

Subject: Zoning Application No. G-873
Washington Episcopal School

Recommendation: **Approval of the Preliminary Forest Conservation Plan**
Approval of the zoning request

Discussion

This site is located in a highly urban area that was developed before the Forest Conservation Law or Environmental Guidelines were adopted. With this rezoning request the site must now come into compliance with both the law and the guidelines.

Furthermore, development plans must make specific findings for Section 59-D-1.61 of the Zoning Ordinance. The required finding for environmental issues states,

"That by its design, by minimizing grading and by other means, the proposed development would tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the site. Any applicable requirements for forest conservation under Chapter 22A and for water resource protection under Chapter 19 must also be satisfied. The District Council may require more detailed findings on these matters by the Planning Board at the time of site plan approval as provided in division 59-D-3."

Grading is minimized where vegetation exists in one area on site. The area is on the eastern edge of the site, adjacent to M-NCPPC parkland, where one significant tree and six specimen trees straddle the property line. The critical root zones of these trees continue ten feet into the subject property until the roots reach an existing paved parking lot. Tennis courts are proposed over the existing paving and will step down in elevation to avoid grading into the critical root

zones of the existing trees.

Another natural feature on the site is a stream and associated stream valley buffer running along the northern side of the site from east to west. In the past, this stream was filled in to create a ball field. Since the ball field does not cover the entire stream valley buffer, there are areas on both the east and west side of the buffer where afforestation (0.66 acres) is proposed to fulfill forest conservation requirements. Planting in these areas will extend portions of existing forest on both sides. Some impervious surface will be removed in order to do this.

The proposed plan fulfills Forest Conservation requirements entirely on site. Every opportunity is used on site to plant canopy tree cover for forest conservation credit. Native trees will be planted to provide this credit.

Environmental Guidelines

The subject site is not located within a Special Protection Area or Primary Management Area. There are no steep slopes or wetlands. A stream crosses underneath the northern portion of the property and its buffer extends into the site on the east and west sides. If the stream's watershed is 30 acres or more, a floodplain must be delineated at the Preliminary Plan stage of approval.

Forest Conservation – Chapter 22A

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) has been submitted and approved. A Preliminary Forest Conservation Plan has been submitted that meets the requirements of the Forest Conservation Law. This plan will be refined and the final Forest Conservation Plan approved during subsequent review processes.

1.58 acres of afforestation are required to meet the Forest Conservation Law. This will be provided through on-site forest planting (0.66 acres) and canopy credit (1.68 acres). Soil erosion is not expected to be problematic for this development either during construction or as a result of development.

The applicant must submit a Final Forest Conservation Plan at time of site plan submission. This plan must demonstrate full compliance with the requirements of Forest Conservation Law Section 22A-12. A detailed Tree Save Plan shall be prepared by an ISA certified arborist as part of the FCP.

Stormwater Management

A Stormwater Management Concept Plan has been submitted to DPS, but has not been approved. An approved Stormwater Management Concept Plan is required at the time of Preliminary Plan approval.

Water Quality

The site of this rezoning request lies within the Little Falls Watershed, which is in poor condition and is "one of the county's most urban and altered stream systems," according to the

Countywide Stream Protection Strategy (CSPS). Urban watersheds, like Little Falls, are often characterized by higher percentages of impervious area, fewer acres controlled by storm water management facilities, and many miles of piped headwater streams.

There are isolated flooding problems in the Little Falls Basin. This results “from a high degree of impervious surfaces... that causes rapid surface water flow during precipitation periods and from the absence of flood control impoundments to control such rapid surface runoff. Such flooding problems are further aggravated by undersized culverts and houses located too close to streams” (Bethesda-Chevy Chase MP, 1990). Consequently, the use of innovative stormwater management techniques will be beneficial to the protection of water and forest resources in the Little Falls Basin.

Green Building

Staff encourages the use of sustainable building design in all private and public projects. Green building techniques should be fully explored during the site plan approval process.



MONTGOMERY COUNTY PUBLIC SCHOOLS
MARYLAND

www.montgomeryschoolsmd.org

December 10, 2007

Mr. Carlton Gilbert
Development Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Dear Mr. Gilbert:

This is in response to Zoning Application No. G-873. This proposed rezoning is at the current location of the "Washington Episcopal Day School," at 5523 Landy Lane, Bethesda, Maryland. I understand that this project may be developed as an age-restricted community. In that case there would be no impact on public school enrollments. However, if the project is not age-restricted then the following comments apply.

This rezoning would result in 121 multi-family dwelling units in an eight-story building. Based on average yield factors derived from the Maryland National Capital Park and Planning Commission 2005 Census Update Survey, the impact of this project is estimated to be approximately five (5) elementary, five (5) middle, and four (4) high school students. This property is located within the Somerset Elementary School attendance area, Westland Middle School attendance area, and Bethesda-Chevy Chase High School attendance area.

Enrollment at Somerset Elementary School is currently within capacity and is projected to remain within capacity in the future. Enrollment at Westland Middle School currently exceeds capacity but an addition is scheduled to open in August 2008, resulting in space available beginning in 2008. However, by 2013 this school is projected to begin exceeding capacity again. Enrollment at Bethesda-Chevy Chase High School currently exceeds capacity. An addition is scheduled to open in August 2009 at the school. Even with this addition, enrollment is projected to exceed capacity through 2012. In 2013 enrollment is just under capacity at this school. See enclosed pages from the Montgomery County Public Schools FY2009 Capital Budget and FY 2009-2014 Capital Improvements Program.

For your information, the current school test in the FY 2008 Growth Policy finds Bethesda-Chevy Chase Cluster elementary enrollment exceeds 105% of available capacity. This results in a school facility payment being required for subdivision approvals during FY 2008. The cluster middle school and high school utilization levels are below 105%, so there is no school facility payment required at these levels.

Sincerely,

Bruce H. Crispell, Director
Division of Long-range Planning

BHC:bc

Enclosures

Copy to: Mr. Bowers, Mr. Lavorgna, Ms. Turpin

Division of Long-range Planning

2096 Gaither Road, Suite 201 ♦ Rockville, Maryland 20850 ♦ 240-314-4700 ♦ Fax 240-314-4707



A. Morton Thomas and Associates, Inc.
Consulting Engineers



December 18, 2007

Mr. Carlton Gilbert
Development Review Deivision
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Zoning Application No. G-873
Application of Washington Episcopal Day School, Inc.

Dear Carlton:

Per your phone message earlier today to Jody Kline, I understand that you are requesting information with respect to compliance with Chapter 19 of the Montgomery County Code which sets forth the regulation implementing the County's storm water management program.

Chapter 19 is applicable to "all applications for approval of preliminary plans, storm water management plans and sediment control permits, the issuance of building permits for new construction, financial security requirements, easements, agreements and maintenance requirements for on-site storm water management controls, best management practices design criteria, and waivers." The Code only requires the Planning Board to approve a storm water management concept prior to a preliminary plan of subdivision or site plan, and, lacking a requirement for those, prior to an application for a sediment control permit. The code does not include such a requirement for a zoning application.

Notwithstanding the code requirements, the technical staff has requested an approval of a storm water management concept from Department of Permitting Services so there can be some confidence that the development plan can move forward without significant changes due to storm water management requirements.

A storm water management concept plan which indicates how the development will comply with the provisions of the storm water management regulations was submitted to Department of Permitting Services for review and approval. While we are confident that the storm water management concept will be approved substantially as submitted, it does not appear that an approval letter on the concept plan will be issued in time for the staff report.

The options for the location and types of storm water facilities at this site are limited. The existing school building, much of the parking and the recreation facilities are to remain, restricting the available areas for implementing storm water facilities. In addition, the topography and location of the existing outfalls further restrict the locations for SWM facilities. While the approved storm water concept may differ in subtle ways (and we expect our pending plan to be accepted), the buildings, parking, fields, circulation and improvements shown on the Development Plan will not change in any substantial way.

December 18, 2007
Carlton Gilbert
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In summary, the zoning application as filed does comply with Chapter 19 of the Montgomery County Code as currently written, and, in my professional opinion, as the applicant moves forward with the preliminary plan of subdivision and site plan, they will meet the requirements of the storm water management regulation without substantive changes to the development plan.

Please call me if you need any additional information relating to this Zoning Application No. G-873.

Sincerely

A. MORTON THOMAS AND ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'Max Kantzer', with a stylized, flowing script.

Max Kantzer, P.E.

Mk

Enclosures

Cc: Jody Kline
Page Lansdale
Greg Fernebok
Bill Landfair

____A. MORTON THOMAS and Associates, Inc.