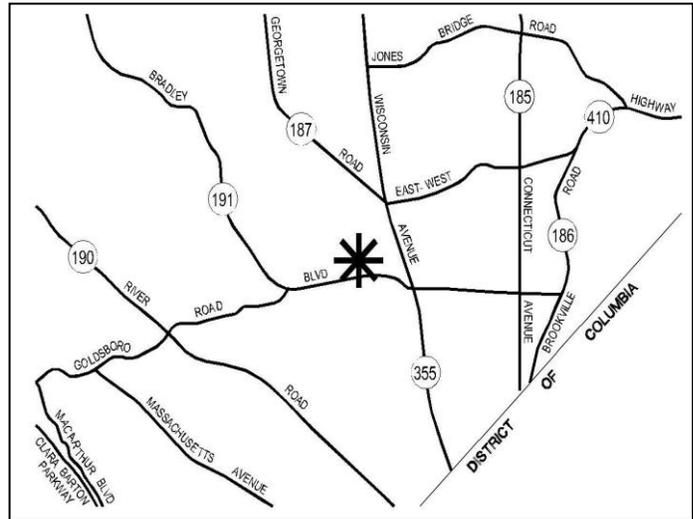


Development Plan Amendment (DPA) 11-4 Arlington Road Post Office - Bethesda

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description

Applicant: Keating Project Development, Inc.
 Prop. Address: 7001 Arlington Road, Bethesda
 Zone: PD-44
 Master Plan: Bethesda CBD Sector Plan
 Filing Date: August 30, 2011



summary

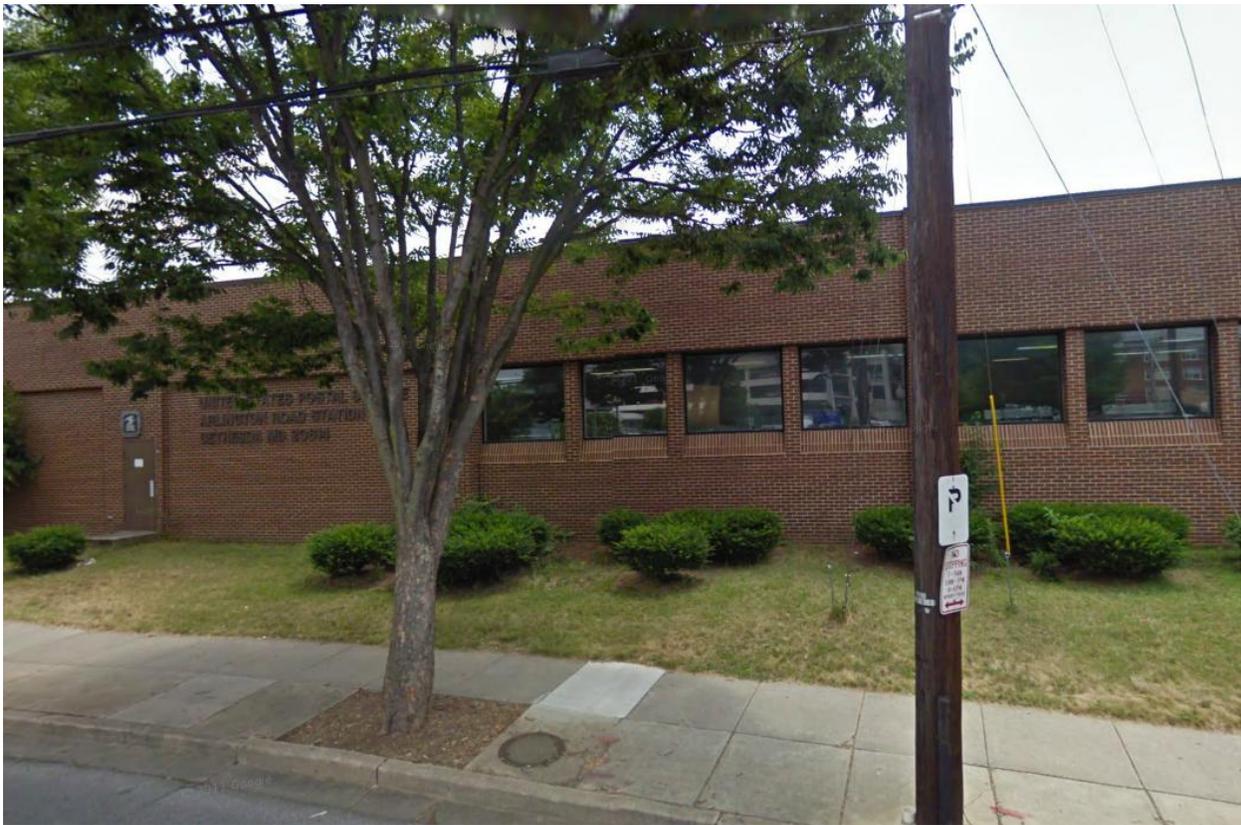
The applicant, Keating Project Development, Inc., seeks an amendment to an approved 2008 development plan. The proposed amendment will reduce the amount of commercial space on the site from 30,000 square feet to 7,000 square feet and increase the number of dwelling units from 105 to 145. The amendment does not change the previously approved building volume and massing or site layout (including building height and scale, setbacks, open space, and access points). The reduction in commercial space is largely necessitated because USPS, an originally proposed tenant, continues to consolidate facilities across the country and no longer wishes to keep this facility in Montgomery County. Despite the reduction in commercial space, the applicant still proposes to provide street-lining retail along Arlington Road to help further activate the roadway. However, removing the originally approved USPS workroom causes a 23,000 square foot decrease in commercial space. Other notable changes to the plan include increasing MPDUs from 12.5 percent to 15 percent, reducing parking from 287 to 215 spaces, and removing an entire level of below-grade parking.

The core issues on amendment, other than typical rezoning issues such as traffic and school impacts from proposed changes, are whether increasing the dwelling units from 105 to 145 continues to meet master plan consistency, whether site vehicular access is appropriate given the proposed programming of the site, and whether the site's connection to the Capital Crescent Trail should be publicly accessible.

Staff recommends approval of the Development Plan Amendment and an expedited hearing process that forgoes a Hearing Examiner proceeding. However, if the Board decides that any of the above issues warrant more attention, the Board can recommend an evidentiary hearing before the Hearing Examiner. If the Development Plan Amendment is approved by the Council, the application will continue to require preliminary and site plan review.

Subject Property and Surrounding Area

The subject property consists of approximately 2.7 acres located at 7001 Arlington Road, Bethesda, between Bethesda Avenue and Bradley Boulevard. The site is roughly a parallelogram in shape, with about 277 feet of street frontage on Arlington Road, and approximate depths of 487 feet along its northern property line and 423 feet along its southern property line. The majority of the site is impervious, and is currently developed with a United States Postal Service (USPS) facility, which includes a large surface parking lot and one entrance driveway along Arlington Road. The elevation rises about ten feet from the southwest corner of the site to the northeast corner. Vegetation is limited to a small lawn area with ornamental trees on the west side of the building, and several areas on the north and east sides of the parking lot with scrub vegetation. The site has no forest, streams, wetlands or specimen and significant trees.



The surrounding area, outlined below, consists of an area roughly bounded by Hampden Lane to the North, Woodmont Avenue and the Sacks residential neighborhood to the east, Bradley Boulevard to the south, and Fairfax Road/Clarendon Road to the west.

The surrounding area is predominantly commercial in nature, containing a mix of uses. To the north and south, the subject property abuts commercial properties in the C-2 Zone such as a tire store and an auto dealership to the north, and an office and retail complex with multiple buildings and parking garage to

the south. Farther north are additional retail and mixed use developments along Bethesda Avenue and Elm Street.

To the east, the subject property abuts the Capital Crescent Trail, a 90-foot wide public right-of-way containing a paved walking and biking trail. In the vicinity of the subject site, the Trail consists of a 10-foot wide asphalt path and a three-foot wide stone-edge path, as well as a landscaped seating area with benches and a water fountain that serves as a trailhead for the Bethesda Central Business District (CBD). On the east side of the Trail is a community of one-family detached homes known as the Sacks neighborhood, which is classified under the R-60 Zone. Roughly 600 feet east of the subject site is the boundary of the Bethesda CBD, and the Bethesda Metro Station is approximately 1,800 feet from the site.

To the west of the site, across Arlington Road, is the Bradley Shopping Center, which is zoned C-2 and contains a variety of retail establishments including a hardware store, a variety store, a drug store and a delicatessen. Diagonally to the northwest is the Euro Motorcars car dealership, and beyond it to the north is additional retail. Farther west, along Clarendon Road, is a row of multifamily and other residential uses.

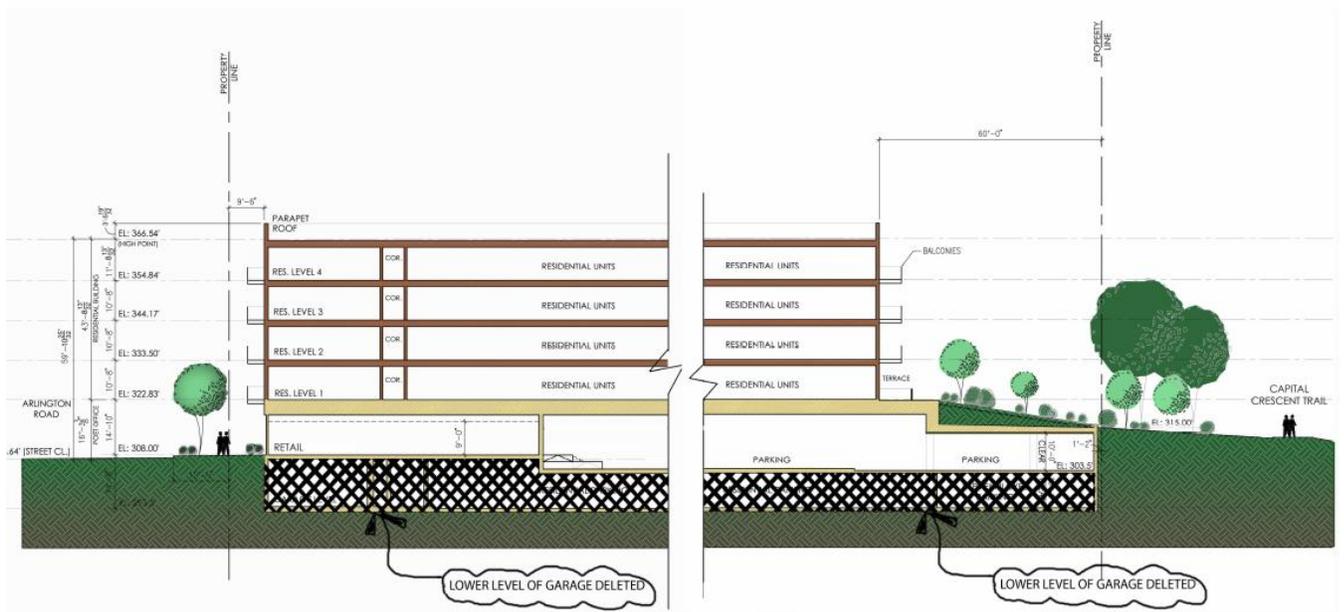


Background and Current Proposal

This application has a rather extensive history. The initial application, known as G-861, was filed in November 2006. After multiple hearings and substantial public testimony, including a remand procedure, the Council ultimately approved the PD-44 Zone on the property in November 2008 for 105 dwelling units and 30,000 square feet of commercial space. The 30,000 square feet of commercial space on the site was comprised entirely of USPS uses: a 7,000 square foot retail store along Arlington Road and a 23,000 square foot workroom. However, due to the continuing consolidation policies of USPS, having a post office facility integrated into the mixed use development on the subject property is no longer feasible. Additionally, the economy and housing market have changed considerably since 2006 when the application was filed. According to the applicant, amendments to the approved plan are necessary to respond to the external factors of market change and the USPS consolidation strategy. The applicant is now proposing the following changes to the approved 2008 plan:

- A reduction in commercial space from 30,000 square feet to 7,000 square feet, due to the removal of the 23,000 square foot USPS workroom
- An increase in residential units from 105 to 145, using bonus density provisions of §59-C-7.14(c)
- An increase in MPDUs from 12.5 percent to 15 percent
- A reduction in parking spaces from 287 to 215
- A reduction in gross floor area of the project from 195,000 to 172,000 (again, due to the removal of the 23,000 square foot USPS workroom)

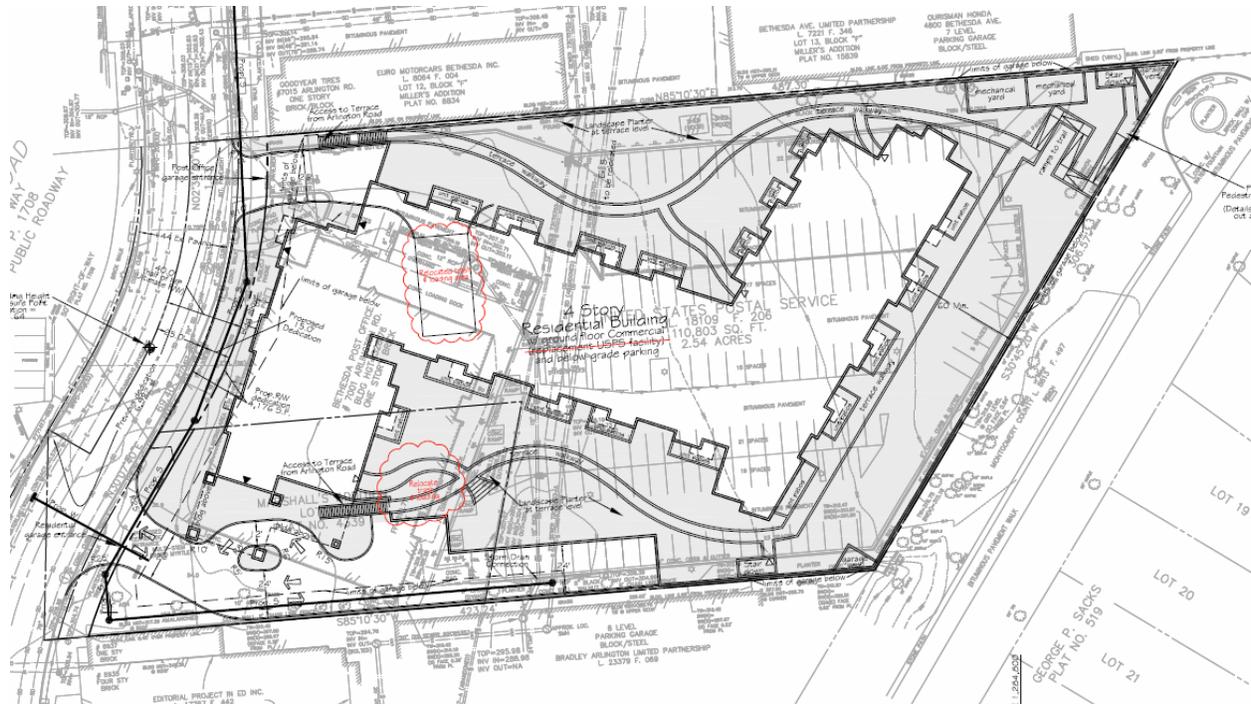
Incorporating the above changes, the applicant now proposes a five-story, mixed use development consisting of multifamily residential and street-lining retail in a single building along Arlington Road. The residential component will have a maximum of 145 multifamily dwelling units, including 15 percent MPDUs. The maximum building height along Arlington Road will be 59.9 feet. The front façade of the building faces the Arlington Road streetscape, which will be enhanced during site plan review to provide a wide, pedestrian-friendly urban sidewalk at the subject property. The ground floor will contain 7,000 square feet of retail space at the front façade of the building, with a parking structure comprising the remaining ground level. Due to the grade of the site, the retail along Arlington is at-grade, while the parking structure transitions to below-grade behind the retail storefronts. Therefore, parking and loading activities are provided below-grade, behind the retail storefronts and under the residential units, so associated trips and activity levels will have minimal impacts to pedestrians along Arlington road, trail users, or nearby residents of the Sacks neighborhood. The exterior wall of the parking structure will extend nearly to the rear property line adjoining the Capital Crescent Trail but will be almost fully underground. The originally approved lower level of the parking structure will be removed. The visible floors of the building will be set back 60 feet from the Capital Crescent Trail, creating a significant area for landscaped open space bordering this heavily trafficked portion of the path.



The ground-level will serve as a platform for the four-story residential portion of the building. The residential portion of the building will cover a roughly Z-shaped area of the parking facility roof, with two short wings parallel to Arlington Road and the Capital Crescent Trail, and a longer wing connected on the diagonal. The rest of the parking facility roof will be covered by landscaped terraces to comply with the PD Zone requirement that 50 percent of the site be occupied by green area. The terraces will be common space for building residents and will be accessible from the first floor of the residential portion of the building. The main entrance to the residential building will be at ground level, at the southern corner of the building's Arlington Road façade.

The walls of the four residential stories are specified to be 60 feet from the rear property line, not including patios or terraces. The 60-foot rear buffer is comprised of amenities consisting of patios, walkways and landscaped terraces gradually sloping to the Capital Crescent Trail. The elevation from the trail to the base of the residential building is approximately eight feet above the Capital Crescent Trail. As shown during the 2008 hearings, the proposed building will have no shadow impact on the Capital Crescent Trail, even during the time of the longest shadow at the winter solstice. If the amendment to the development plan is approved, the landscaped rear yard of the 60-foot buffer will be carefully articulated during site plan review to be a visually appealing amenity for users of the Capital Crescent Trail.

The plan view of the proposal is shown below, followed by a chart illustrating similarities and differences between the 2008 approved plan and current amendment. Finally, the original development plan's nine textual binding elements are reproduced in redlined format with all amendments shown.



	2008 Development Plan (G-861)	Current DPA (DPA 11-4)
Building Height	5 stories along Arlington 4 stories along trail	5 Stories along Arlington 4 stories along trail
Total Square Footage	195,000	172,000
Residential Units	105	145
Non-residential Square Footage	30,000	7,000
MPDUs	12.5 percent	15 percent
Traffic Counts	273am/359pm	49am/62pm
Parking	287 spaces	215 spaces
Driveways/Loading	2 (one at existing drive for Post Office/Retail and one for residential)	2 (one at existing drive for loading and one for residential and retail)
Setback from Trail	60 feet	60 feet

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GENERAL NOTES:

1. PROPERTY IS L.1 & 109, F. 206. SEE ID PLAT IN THIS SET FOR LEGAL DESCRIPTION.
2. THE HORIZONTAL DATUM IS BASED ON NAD83. THE VERTICAL DATUM IS BASED ON W.S.S.C BENCHMARK NO. 28, A BONNET BOLT ON FIRE HYDRANT, WITH AN ELEVATION OF 310.31. THE BENCH MARK IS SHOWN ON THE W.S.S.C PLAN, CONTRACT NO. 73 CT 5703-A, PAGE 6 OF 27.
3. THE SUBJECT PROPERTY IS LOCATED IN ZONE "X" (AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) MAP NO. 24031C0455D, FOR MONTGOMERY COUNTY, MARYLAND, SEPTEMBER 29, 2006.
4. THE PROPERTY IS COMPRISED OF N826, P828 AND P795 ON TAX MAP HN122; WITH RESPECTIVE TAX ACCOUNT NUMBERS OF 00435988, 00435955 AND 00435990, AND IS CURRENTLY ZONED ~~G-1 (COMMERCIAL) ACCORDING TO TAX ACCOUNT RECORDS PD-44 IN CONFORMANCE WITH THE APPROVAL OF LMA NUMBER G-861.~~
5. BOUNDARY SURVEY WAS PREPARED BY VIKI, INC. DATED SEPTEMBER, 2006.
6. THIS SITE IS LOCATED IN THE LITTLE FALLS BRANCH WATERSHED AND IS CLASSIFIED AS USE 1.
7. THE PROJECT IS PROPOSED TO BE SERVED BY PUBLIC WATER AND SEWER SYSTEMS AND IS CURRENTLY IN WATER AND SEWER SERVICE CATEGORIES W-1 & S-1, RESPECTIVELY.
8. THE NUMBER OF PRIVATE PARKING SPACES WILL BE SET AT SITE PLAN, SUBJECT TO FINAL BEDROOM MIX, UNIT COUNT AND TOTAL FAR, AND WILL COMPLY WITH MONTGOMERY COUNTY PARKING REQUIREMENTS. ~~THE SITE IS LOCATED WITHIN THE BETHESDA PARKING LOT DISTRICT, AND IS THEREFORE NOT REQUIRED TO PROVIDE ON SITE, THE MINIMUM NUMBER OF SPACES REQUIRED BY ZONING.~~
9. THE BUILDING LOCATION AND FOOTPRINT SHOWN ON THE DEVELOPMENT PLAN ARE APPROXIMATE. THE EXACT BUILDING LOCATION AND FOOTPRINT WILL BE DETERMINED AS PART OF SITE PLAN REVIEW AND APPROVAL.
10. THE APPLICANT WILL SUBMIT A FINAL LANDSCAPE PLAN FOR THE SITE AND ADJACENT AREA ALONG THE CAPITAL CRESCENT TRAIL WITH THE SITE PLAN SUBMISSION, AND WILL OBTAIN THE APPROVAL OF THE FINAL LANDSCAPE PLAN AS PART OF THE SITE PLAN APPROVAL BY THE MONTGOMERY COUNTY PLANNING BOARD.
11. THE FORM OF OWNERSHIP OF THE PROJECT HAS NOT YET BEEN DETERMINED. AS PART OF SITE PLAN REVIEW AND APPROVAL, DOCUMENTATION WILL BE SUBMITTED THAT CONFIRMS THAT THE PROPERTY OWNERSHIP WILL BE RESPONSIBLE FOR THE PERPETUAL MAINTENANCE OF LANDSCAPING AREAS ON THE PROPERTY AS SHOWN ON THE DEVELOPMENT PLAN.

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On page 134, the Sector Plan specifically recommends an option for the development of the subject property under the PD-44 Zone with 105 dwelling units and 40,000 square feet of commercial space.

The original development plan was approved with numbers very similar to those in the Sector Plan (105 dwelling units and 30,000 square feet of commercial space). The current proposal shifts these numbers to increase dwelling units and decrease commercial square footage using the provisions of §59-D-1.61(a)(1)(A) and §59-C-7.14(c). This proposal maintains the bounds set by the 2008 approved development plan in terms of building height, form, and site configuration. Therefore, this shift not only increases both the market rate and moderately priced dwelling units in the neighborhood, but does so with little change to the design that has already been approved. It also maintains a commercial component oriented toward Arlington Road.

Therefore, the intent of the Sector Plan continues to be served by this new proposal even with the increase in dwelling units and the decrease in commercial square footage. This proposal continues to meet the intent of the Plan by adding housing to the CBD in a way that fits into the existing community, provides a transition from the one-family neighborhood to the commercial area of Arlington Road, and provides street-oriented commercial that helps maintain the Arlington Road District as a community retail and service business area. The increase in dwelling units does not affect the size, the height, or the form of the approved building in the original development plan and therefore the proposal continues to fit the neighborhood. The increase in dwelling units will also contribute to the Sector Plan objective of providing a variety of housing types within the CBD. The increase in number of dwelling units will result in additional moderately priced dwelling units, which furthers the objectives of the Sector Plan.

§59-D-1.61(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.

In 2008, the Council established that the proposal complies with the purposes and standards of the PD-44 Zone, provides for the maximum safety, convenience, and amenity of residents, and is compatible with adjacent development. However, before allowing the amendment to the approved development plan, it must be verified that the proposal (with more residential units and less commercial space) still meets the requirements of the PD-44 Zone.

The Purpose Clause of the PD Zone

The purpose clause for the PD Zone contains a number of goals and objectives, all of which are satisfied by this application. Findings as to each paragraph of the purpose clause are set forth below.

First paragraph: Master Plan implementation. The first paragraph of the purpose clause establishes consistency with the master plan as an important factor in applying the zone. As discussed under §59-D-1.61(a) above, the proposed development will be in substantial compliance with the use and density recommended in the Sector Plan. The proposal also substantially complies with the general character of development recommended in the Sector Plan, for the reasons stated below.

The Sector Plan's guidance recommends that if the site is redeveloped for housing, an appropriate zone is PD-44 allowing up to 105 dwelling units and 40,000 square feet of commercial space. Further, the Plan states that building heights should be "four stories stepping down to three stories along the east side of the site to ensure compatibility with the Sacks single-family neighborhood." Sector Plan at 134,

137. The building proposed here will depart from this recommendation, as it has more dwelling units and less commercial space, and will effectively have five stories along Arlington Road (four stories of multifamily housing atop the retail space and parking facility, with a maximum height of 59.9 feet) and four stories along the Capital Crescent Trail (four stories of multi-family housing starting roughly eight feet above the grade of the trail). However, the proposed building, with the residential component set back 60 feet from the property line, will have lesser impacts on the Capital Crescent Trail and the Sacks neighborhood than a lower building set closer to the property line.

The Sector Plan's urban design guidelines calls for street-fronting, neighborhood-serving retail uses along Arlington Road and improved pedestrian circulation. The development proposed here will clearly accomplish these goals for the subject site.

The Sector Plan recommends access from the subject site to the Capital Crescent Trail. During the 2008 hearings on the matter, the issue of whether the trail connection should be restricted to site residents or open to the general public was widely debated. In 2008, the Council was persuaded that the Sector Plan sought access for site residents only. This issue will be further reexamined in the section dealing with site circulation below.

The Sector Plan recommended a mixed use redevelopment of the subject site with neighborhood-serving retail and multifamily development, a pedestrian-oriented streetscape, a building height and setback that will be compatible with the Capital Crescent Trail and the Sacks neighborhood, access to the trail, a new access point at the southwest corner of the site, and attractive landscaping along the trail. The development proposed here will be consistent with these recommendations, and will also provide funding for a mid-block traffic light recommended in the Plan. Departure from exact, specific language in the Sector Plan does not undermine the project's substantial compliance with Plan's essential elements.

Second paragraph: social and community interaction, distinctive visual character, balanced mixture of uses. The proposed development will encourage social and community interaction by creating a large, common terrace area where building residents will have an opportunity to come together. The development plan also provides for access from the site to the Capital Crescent Trail and the many amenities of downtown Bethesda, which will provide opportunities for site residents to interact with other community members taking part in downtown activities or using the trail. Street-lining retail, second-story terraces, and the applicant's commitment to carefully designed landscaping at the rear of the property along the trail will give the building a distinctive visual character, and the mix of uses will add to the diverse blend of residential, commercial, private and public uses in Bethesda.

Third paragraph: broad range of housing types. This development will increase the stock of multifamily housing available in downtown Bethesda and create a new housing option in the Arlington Road District. The project will also provide 15 percent MDPUs.

Fourth and fifth paragraphs: trees, grading and open space. The subject site is virtually bereft of trees and other vegetation. The proposed Development Plan will create a sizeable green buffer along a very urban stretch of the Capital Crescent Trail. The project will also provide a large, outdoor terrace at the second floor level that will be a significant green amenity for building residents. The language encouraging open space that benefits the community at large applies more readily to large sites, where significant open spaces may be available as quasi-public areas, than to a small, infill site such as the one at issue here, where shared public space is less practical. In this case, the large, second-floor terrace will be a visual amenity for people on the upper floors of nearby office buildings, expanding the green

space in their view considerably, and the 60-foot landscaped area on the ground will be a visual amenity for trail users. These features are sufficient to satisfy this element of the purpose clause.

Sixth paragraph: pedestrian networks. This aspect of the PD purpose clause applies more readily to a large site with multiple buildings. Nonetheless, the Development Plan here provides pedestrian and vehicular linkages from Arlington Road to the main residential entrance, as well as pathways linking the residences to the large, landscaped terrace, Arlington Road and the Capital Crescent Trail. All of this, as well as the site's location in downtown Bethesda near numerous shops, restaurants, and other activities accessible within a short walk, will encourage pedestrian activity throughout the neighborhood. The development plan will further encourage pedestrian activity by improving the sidewalk along the Arlington Road frontage by providing street-lining retail uses and installing a traffic light that will give pedestrians crossing Arlington Road a better sense of security.

Seventh paragraph: scale. The PD Zone encourages, but does not require, development on a large scale.

Eighth paragraph, first part: safety, convenience and amenity. The proposed development will provide a high degree of safety, convenience and amenity for site residents with a convenient downtown location and on-site amenities. It will provide convenience and amenities for area residents generally by greatly improving pedestrian and vehicular access along Arlington Road and by replacing a view of a large surface parking lot from the Capital Crescent Trail.

Eighth paragraph, second part: compatibility. The proposed development will be compatible with the surrounding area. The combination of multifamily residential and retail is recommended in the Sector Plan for this site. Further, as noted in the Plan, multifamily residential at this location will provide a proper transition between the one-family residential homes of the Sacks neighborhood and the surrounding commercial uses along Arlington Road. Although residential use will not be in a separate building (a sketch on page 136 of the Plan shows three separate buildings on the site: two residential and one commercial), it will still serve as a buffer because all commercial activity on site will be consolidated on Arlington Road, the furthest portion of the site from the Sacks neighborhood. Only the residential activity should be visible from the Sacks neighborhood.

The visual appearance of the subject site will be greatly improved. The density and resulting activity levels will be compatible with the mix of urban land uses in the surrounding area. The site design will also make the building and density compatible with the trail and nearby homes. With a 60-foot setback for the residential stories, the proposed building will be a compatible addition to this section of the Trail. The site design will provide sunlight between two large, existing structures that sit on opposite sides of the subject property adjoining the trail and will provide a green buffer with space for extensive plantings. The building height will be similar to adjacent and nearby buildings, and the rear setback will prevent the building from looming over trail uses. With the proposed traffic light, the proposed development will not be incompatible due to adverse traffic impacts, but rather will bring improvements to traffic flow along Arlington Road near the subject property.

Ninth paragraph: three findings. The purpose clause states that the PD Zone "is in the nature of a special exception," and shall be approved or disapproved based on three findings:

- (1) the application is or is not proper for the comprehensive and systematic development of the county;
- (2) the application is or is not capable of accomplishing the purposes of this zone; and

- (3) the application is or is not in substantial compliance with the duly approved and adopted general plan and master plans.

Based on the reasoning preciously stated, the proposal is appropriate for the comprehensive and systematic development of the County and in substantial compliance with the Sector Plan, and will accomplish the purposes of the PD-44 Zone.

2. The Standards and Regulations of the PD Zone

§59-C-7.121, Master Plan Density. Pursuant to Code §59-C-7.121, “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 subject property is recommended in the Sector Plan for residential development at a density of up to 44 units per acre, so this requirement is satisfied.

§59-C-7.122, Minimum Area. Code §59-C-7.122 specifies several criteria, any one of which may be satisfied to qualify land for reclassification to the PD Zone. The subject application satisfies the first of these criteria, which states the following:

The property must contain sufficient gross area to construct 50 or more dwelling units under the density category to be granted. The subject property contains sufficient gross area to permit the construction of 145 dwelling units.

§59-C-7.131, Residential Uses. All types of residential uses are permitted, but parameters are established for the unit mix. A PD-44 development with less than 200 units may, as proposed here, consist of 100 percent multifamily units.

§59-C-7.132, Commercial Uses. Commercial uses indicated on the applicable master plan are permitted in the PD Zone. Here, the Sector Plan recommends neighborhood-serving commercial uses on this site along with residential uses.

§59-C-7.133, Other Uses. No uses are proposed other than the retail and residential use.

§59-C-7.14, Density of Residential Development. The Zoning Ordinance provides the following direction for the District Council in considering a request for the PD Zone (§ 59-C-7.14(b)):

The District Council must determine whether the density category applied for is appropriate, taking into consideration and being guided by the general plan, the area master or sector plan, the capital improvements program, the purposes of the planned development zone, the requirement to provide [MPDUs], and such other information as may be relevant. [...]

The Zoning Ordinance classifies the density category applied for, PD-44, as a high-density planned development zone, which may be appropriate in an urban area. It is, moreover, the density recommended for the subject site in the Sector Plan. For reasons discussed above with regard to compatibility, the PD-44 category is appropriate for this site. The Development Plan proposes a maximum density of 53.68 dwelling units per acre, which accounts for a 22 percent density bonus if 15 percent MPDUs are provided (the applicant here will be providing 15 percent MPDUs).

§59-C-7.15, Compatibility. This section requires that a proposed development be compatible internally and with adjacent uses. It also establishes minimum parameters for setbacks and building height that are designed to promote compatibility. As discussed above, the proposed development will be

compatible with existing development in the surrounding area. The specific setback and building height provisions are discussed below. Section §59-C-7.15(b) reads as follows:

(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 detached 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.

Section 59-C-7.15(b) does not apply to the subject site because by its terms, it is intended “to assist in accomplishing compatibility for sites that are not within, or in close proximity to a central business district” (emphasis added). The subject property is in close proximity to the Bethesda CBD, as it sits within 600 feet of the CBD boundary. The language of Section 59-C-7.15(b) applies to all potential applications of the PD Zone anywhere in the County. Viewed in the context of the County as a whole, a site that is a few hundred feet from a CBD can readily be considered “in close proximity”. This language is intended to distinguish areas that are close to a CBD, where residents should expect commercial uses nearby, from areas with no CBD in sight, where residents may expect a higher degree of privacy and quietness in a residential setting. Accordingly, Section 59-C-7.15(b) does not apply to the subject site.

§59-C-7.16, Green Area. The PD-44 Zone requires a minimum of 50 percent green area. The Development Plan depicts a green area satisfying this requirement consisting of the second-story terrace, the sidewalk along Arlington Road, and the buffer area along the Capital Crescent Trail. The second-floor terrace qualifies as green area even though it sits on the roof of the building’s parking facility. The Zoning Ordinance defines “green area” as follows:

An area of land associated with and located on the same tract of land as a major building or group of buildings, or a prescribed portion of the land area encompassed by a development plan, diagrammatic plan or site plan, to which it provides light and air, or scenic, recreational or similar amenities. This space must generally be available for entry and use by the occupants of the building or area involved, but may include a limited proportion of space so located and treated as to enhance the amenity of the development by providing landscaping features or screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Green area may include but is not limited to lawns, decorative plantings, sidewalks and walkways, active and passive recreational areas including children's playgrounds, public plazas, fountains, swimming pools, wooded areas, and watercourses. Green area does not include parking lots or vehicular surfaces, accessory buildings other than swimming pools, or areas of open space so located, small, or circumscribed by buildings, parking or drainage areas as to have no substantial value for the purposes stated in this paragraph.

Although the definition begins with “[a]n area of land,” it goes on to cite examples of what is and is not included in green area, and does not explicitly exclude rooftop terraces. In this case, the landscaped terrace provides benefits to site residents as well as neighboring areas, and should be considered within the scope of the “green area” definition. This interpretation is consistent with past cases.¹

§59-C-7.17, Dedication of Land for Public Use. This section requires that land necessary for public streets, parks, schools, and other public uses must be dedicated to public use, with such dedications shown on all required development plans and site plans. The Development Plan shows the sole dedication, consisting of additional right-of-way along Arlington Road.

§59-C-7.18, Parking Facilities. Off-street parking must be provided in accordance with the requirements of Article 59-E of the Zoning Ordinance. Here, the required parking count is 195 spaces (160 spaces for the residential use; 35 spaces for the retail use). The amended Development Plan will provide up to 215 spaces total, more than required by ordinance. However, the site is located within the Bethesda Parking Lot District (PLD) and the applicant may elect to provide a reduced amount of parking on the site by the PLD tax. Final parking calculations will be evaluated during site plan.

§59-D-1.61(c) That the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient.

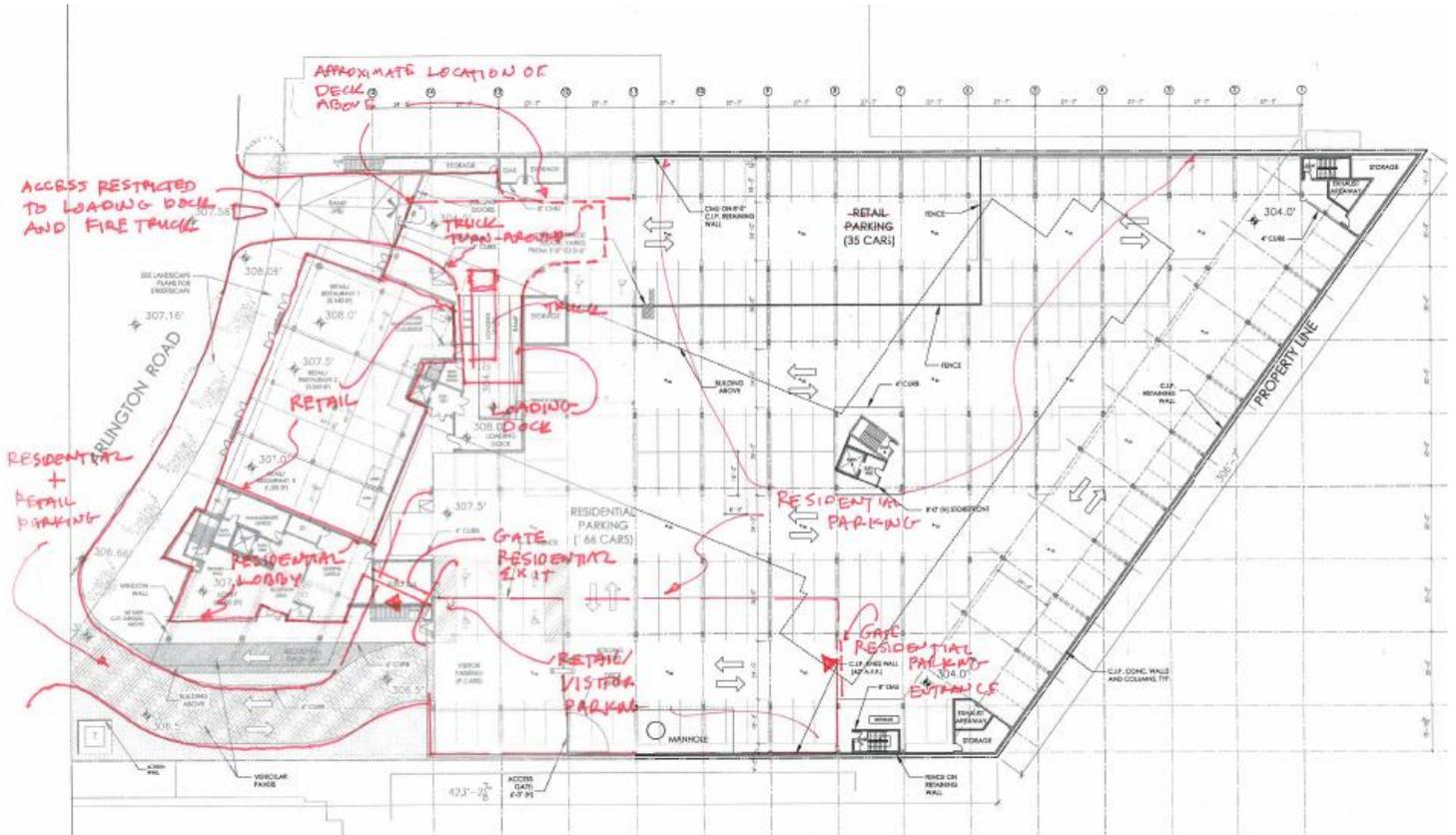
The approved development plan for the site with a 30,000 SF Post Office and 105 multi-family dwelling units was estimated to generate 273 peak-hour trips during the weekday morning peak-period and 359 peak-hour trips during the evening peak period. The approved development plan also included two driveways to the site, a southern driveway (across from the northern Bradley Boulevard Shopping Center driveway, at a new signal) for residents and postal employees and a northern driveway (at the existing driveway location) for postal customers and postal service vehicles.

The proposed DPA substantially reduces the commercial/retail area proposed on the site, which will result in minimal commercial/retail peak-hour trips to and from the site during weekday peak periods (five total trips during the morning peak-hour and 18 total trips during the evening peak-hour). In addition, the 145 multi-family dwelling units proposed on the site are estimated to generate 44 total peak-hour trips in the morning and evening peak-periods. Trip generation associated with the uses proposed under the DPA therefore represents approximately an 82 percent reduction in peak-hour trips during the morning and evening peak periods.

Thus, in consideration of the significant reduction in site-generated peak-hour trips resulting from the reduction in commercial/retail density on the site from 30,000 square feet to 7,000 square feet, change in the on-site commercial use from a neighborhood serving USPS post office to local-serving retail, and the Sector Plan recommendations to “provide vehicular access to Arlington Road from the south-west corner of the site”, the applicant will limit primary access to the site to a single driveway across from the northern Bradley Boulevard Shopping Center driveway. The applicant agreed to limit primary access to the site via the northern driveway after consultation with planning staff.

¹ In DPA 06-1, a development plan amendment (DPA 06-1) was approved that provided nearly half the green area on the penthouse level (2007).

Truck loading and unloading will be provided in a driveway off Arlington Road to the northwest corner of the site to serve the needs of both the commercial and residential use(s) on the site. Staff will give the loading area significant review at the time of subdivision and site plan. Staff supports the continued existence of the northern driveway based on a finding that the driveway will be solely used for the intended purpose of truck loading and unloading in areas designated, will be designed and signed as such (including curb-cuts), and will not be used or blocked by any other vehicles (other than emergency vehicles).



The Sector Plan recommends pedestrian and bicycle access from the site connecting to the Capital Crescent Trail. The Sector Plan's suggested layout for the site shows an arrow from the site to the trail, pointing only in one direction. As suggested by the applicant, the Sector Plan likely would have shown a two-way arrow if the plan proposed public access from the trail to the subject site. Further, the applicant has concern that public access through the site could present security and liability concerns, and is inefficient due to grade elevation changes. Lastly, the applicant argues that allowing public access from the trail to the site will deflect pedestrians from traversing Arlington Road near the subject property, where activation will be encouraged with street-lining retail. In 2008, the Council was persuaded that the Plan intended the trail access from the site be private.

Though a determination was made in 2008 that the Sector Plan recommended access to the Capital Crescent Trail for site residents only, given the preponderance of bicycle users within the Bethesda CBD and the need for a desirable mid-block connection from Arlington Road to the Capital Crescent Trail and

to Woodmont Avenue, it is recommended that the applicant (and the Planning Board) reconsider public pedestrian and bicycle access through the site between Arlington Road and Capital Crescent Trail.

It should be noted that since the Development Plan was approved, the Lot 31/31A development across from the site (on the east side of the trail; on the southwest corner of Woodmont Avenue and Bethesda Avenue) was approved with a trail connection between the Capital Crescent Trail and Woodmont Avenue along the southern boundary of that development. The recommended on-site public trail, along the northern boundary of the subject site, could then become a natural extension of the trail between Woodmont Avenue and the Capital Crescent Trail to Arlington Road, and will provide a direct, viable, and attractive transportation and recreational route for area residents to the Capital Crescent Trail and other amenities in the area. If public access is recommended by the Board, the grade elevation difference and security issues will be further evaluated in detail at the time of site plan.

§59-D-1.61(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.

The proposed development will minimize grading and take advantage of natural site topography by placing the rear portion of the building parking structure below grade. The subject property is virtually clear of trees and other natural features. A preliminary forest conservation plan was submitted with the amendment. Although the preliminary forest conservation plan does not meet all requirements of Chapter 22A, such as planting credits and planting details, these requirements will be addressed during site plan review.

§59-D-1.61(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 or quasi-public purposes are adequate and sufficient.

No documents have been provided at the rezoning level because the form of ownership for the project has not been determined. The development plan states that documentation will be submitted as part of site plan review that shows ownership and assures perpetual maintenance of common areas.

Conclusion

Staff does not anticipate that allowing additional dwelling units or the reduction of commercial space on the site will have any substantive impact on the development objectives for the neighborhood. The application is consistent with the Bethesda Central Business District Sector Plan. The amendment does not alter the compatibility of the project with surrounding development or compliance with the purposes of the PD-44 Zone. The proposed development plan amendment is consistent with the findings made by the District Council at the time of the 2008 development plan approval and still satisfies all applicable standards with the proposed amendments. Unless there is public opposition or the Planning Board decides that elements of the application warrant more discussion, staff does not recommend that the Hearing Examiner conduct a public hearing on the proposed development plan amendment.

Attachments

1. Planning Area 1 Interoffice Environmental Analysis
2. Planning Area 1 Interoffice Master Plan Analysis
3. Planning Area 1 Interoffice Transportation Analysis
4. Email from MCPS Regarding School Impacts

TO: Damon Orobona, Senior Planner, Area 1
VIA: Robert Kronenberg, Supervisor, Area 1
FROM: Tina Schneider, Senior Environmental Planner, Area 1
DATE: November 18, 2011
SUBJECT: Preliminary Plan – 7001 Arlington Road
BOARD Date: December 15, 2011

A preliminary Forest Conservation Plan for 7001 Arlington Road was requested as part of the requirement for site plan review. On November 17th we received a preliminary FCP dated October 2006. The plan has been reviewed to provide general guidance for the Final Forest Conservation Plan requirements and other regulations that may apply.

- The forest conservation planting requirement is 0.39 acres. The proposed onsite tree planting credit shows overlapping canopy credit. Double credit is not acceptable.
- The FCP with proposed onsite tree plantings does not show planting beds and soil depth. In addition, it appears that the tree plantings along the north side of the building will not receive enough sunlight to grow to maturity. Staff recommends all afforestation requirements be met offsite to ensure long-term survivability.
- MNCPPC transportation staff estimated that the average daily traffic along south Arlington Road will be approximately 16,300 vehicles per day. Areas within 300 feet of an arterial road with an ADT of 5,000- 20,000 vehicles may require attenuation. A noise analysis to identify and mitigate potential noise impacts is needed.
- An application, payment, and a revised Forest Conservation Plan is required for approval.

From: Rifkin, Margaret
Sent: Tuesday, November 22, 2011 5:54 PM
To: Orobona, Damon
Subject: DPA 11-4 Keating

To: Damon Orobona

From: Margaret K. Rifkin

Re: DPA 11-4

Keating Project Development, Inc. request amendment to the binding elements, to increase the multi-family units and reduce the commercial area.

The amendment substantially complies with the Bethesda CBD Sector Plan.

The Sector Plan has as one of its an overarching objectives, the infusion of significant increases in housing in the downtown to include a variety of housing options including moderately priced dwelling units. The Sector Plan also has the objective of preserving and enhancing the Arlington Road District as a community retail and service business area. As part of that effort, the Sector Plan placed this site in a commercial zone that could also be rezoned to accommodate residential development. The Plan says that such residential use would be a transition from commercial uses on Arlington Road and would help to maintain the viability of the neighborhood. The Sector Plan even specifically recommends one option for the development of this site as having *“105 dwelling units and 40,000 square feet of commercial.”*

The original development plan was approved with numbers that match those in the Sector Plan. This proposal then shifts those numbers to increase dwelling units and decrease commercial square footage. This proposal maintains the bounds set by the approved Development Plan in terms of building height, form, and site configuration. Therefore, this shift not only increases both the market rate and moderately priced dwelling units in this neighborhood, *it does so with little change to the design that has already been approved.* It also maintains a commercial component oriented toward Arlington Road.

Therefore, the intent of the sector plan continues to be served by this new proposal even with the increase in dwelling units by 40% and the decrease in commercial square footage. This proposal continues to meet the intent of the plan by adding housing to the CBD in a way that fits into the existing community, provides a transition from the single family neighborhood to the commercial area of Arlington Road, and provides street oriented commercial that helps maintain the Arlington Road District as a community retail and service business area. The increase in dwelling units does not affect the size, the height or the form of the approved plan, and fits into the neighborhood. The increase in dwelling units will also contribute to the Sector Plan objective of providing a variety of housing types within the CBD. The increase in number of dwelling units will result in additional moderately priced dwelling units which furthers the objectives of the Sector Plan.

At the time of the more detailed Site Plan review, additional objectives and guidelines in the Sector Plan should be addressed.

To be attached

MEMORANDUM

December 1, 2011

TO: Damon Orobona, Zoning Analyst
Area 1 Team

FROM: Cherian Eapen, Planner/Coordinator
Transportation Planning – Area 1

SUBJECT: DPA No. 11-4 (Previously, Rezoning Application No. G-861)
7001 Arlington Road
Keating Project Development, Inc. (“Applicant”)
Southeast quadrant of Arlington Road and Bethesda Avenue; west side of Capital
Crescent Trail
Bethesda CBD Policy Area

This memorandum presents the Adequate Public Facilities (APF) and Plan review for the subject Development Plan Amendment (DPA) to Development Plan G-861 to increase the number of multi-family dwelling units on the site from 105 to 145 and to reduce the commercial/retail area on the site from 30,000 SF of United State Post Office (USPS) space to 7,000 SF of commercial/retail space.

The 2.45 acre site called “7001 Arlington Road” is located between Arlington Road to the west, Capital Crescent Trail to the east, Bethesda Avenue to the north, and Bradley Boulevard (MD 191) to the south. The site is currently developed with the Bethesda Post Office, with access to Arlington Road via a single driveway to the northwest corner of the site. The Bradley Boulevard Shopping Center is across from the site.

The DPA, as recommended in the *Bethesda CBD Sector Plan*, proposes a site access driveway to the southwest corner of the site, across from the northern Bradley Boulevard Shopping Center driveway. Residential and commercial/retail traffic associated with the development is proposed to utilize this driveway for ingress and egress. The Applicant, in addition, is proposing a limited site access driveway to the northwest corner of the site, which will be exclusively used for truck loading/unloading associated with the use(s) proposed on the site.

RECOMMENDATIONS

The following transportation planning comments are recommended to be part of the Planning Board recommendations for the subject application, while noting that these comments may or may not satisfy APF or other Plan requirements at the time of subdivision.

1. The Applicant must limit future development on the site to 145 multi-family dwelling units and 7,000 square-feet of retail space.
2. The Applicant must satisfy Local Area Transportation Review (LATR) and Policy Area Mobility Review (PAMR) requirements of the APF test required under the regulatory requirements in effect at the time of the filing the subdivision application.
3. The Applicant must consider granting an easement to the Montgomery County Department of Transportation (DOT) to install a future bike-share station on the site.

DISCUSSION

Recommended Area Roadways and Pedestrian/Bikeway Facilities

The July 1994 Approved and Adopted *Bethesda CBD Sector Plan* recommends the following nearby transportation facilities:

1. Arlington Road, between Old Georgetown Road (MD 187) to the north and Kenwood Forest Lane to the south, as a four-lane arterial (A-82) with a minimum right-of-way width of 80 feet.
2. Capital Crescent Trail, a park trail that follows an abandoned railroad right-of-way between Georgetown, in the District of Columbia, and Silver Spring. The trail borders the proposed development to the east.

Adequate Public Facilities Review

- Trip Generation

The peak-hour trip generation estimate for the proposed development based on trip generation rates included in the *LATR/PAMR Guidelines* is provided in Table 1. As shown in Table 1, the proposed development would generate 49 peak-hour trips during weekday morning peak period and 62 peak-hour trips during the weekday evening peak period.

TABLE 1
SUMMARY OF SITE TRIP GENERATION
PROPOSED 7001 ARLINGTON ROAD DEVELOPMENT

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
Retail (7,000 SF)	2	3	5	9	9	18
Multi-family dwelling units (145 units)	9	35	44	29	15	44
Total Trips	11	38	49	38	24	62
<i>Existing Trips (18,600 SF USPS Post Office)</i>	<i>60</i>	<i>46</i>	<i>106</i>	<i>54</i>	<i>87</i>	<i>141</i>

- Local Area Transportation Review

Though the proposed development will generate 30 or more peak-hour trips during the weekday morning and evening peak periods, a traffic study is not required for the purposes of APF review for the subject application since the proposed development, as summarized in Table 1, will generate less than 50% of trips generated by the existing 18,600 SF USPS Post Office on the site (106 peak-hour trips in the morning and 141 peak-hour trips in the evening for, as observed).

With documentation of site trip generation as above, the DPA satisfies the LATR requirements of the APF test.

- Policy Area Mobility Review

To satisfy the PAMR requirements of the APF test, a development located within the Bethesda CBD Policy Area is required to mitigate 25% of “new” peak-hour trips generated by the development. However, since the proposed development will not result in any net “new” trips, the application satisfies the PAMR requirements of the APF test.

Sector Plan Recommendations on Site Access

The Approved Development Plan for the site with a 30,000 SF Post Office and 105 multi-family dwelling units was estimated to generate 273 peak-hour trips during the weekday morning peak-period and 359 peak-hour trips during the evening peak period. The Approved Plan also included two driveways to the site, a southern driveway (across from the northern Bradley Boulevard Shopping Center driveway, at a new signal) for residents and Postal employees and a northern driveway (at the existing Post Office driveway location) for Postal customers and Postal service vehicles.

The proposed DPA substantially reduces the commercial/retail area proposed on the site, which would result in minimal commercial/retail peak-hour trips to and from the site during weekday peak periods (5 total trips during the morning peak-hour and 18 total trips during the evening peak-hour). In addition, the 145 multi-family dwelling units proposed on the site is estimated to generate 44 total peak-hour trips in the morning and evening peak-periods. Trip generation associated with the uses proposed under the DPA therefore represents approximately an 82 percent reduction in peak-hour trips during the morning and evening peak periods compared to the density approved under the Development Plan.

Thus, in consideration of the significant reduction in site-generated peak-hour trips resulting from the reduction in commercial/retail density on the site from 30,000 SF to 7,000 SF, change in on-site commercial use from a neighborhood serving USPS Post Office to a local-serving retail, and the Sector Plan recommendations to “provide vehicular access to Arlington Road from the south-west corner of the

site”, the Applicant will limit primary access to site to a single driveway across from the northern Bradley Boulevard Shopping Center driveway.

Truck loading and unloading will be provided via a driveway off Arlington Road to the northwest corner of the site to serve the loading needs of the commercial and residential use(s) on the site. Staff will give the loading area significant review at the time of subdivision and/or site plan. Staff supports this driveway for truck loading/unloading only based on the finding that the driveway will only be used for the intended purpose of truck loading/unloading in areas designated, will be designed/signed as such (including the curb-cuts), and will not be used/blocked by any other vehicles (other than emergency vehicles/trucks).

Sector Plan Recommendation on Access to Capital Crescent Trail

Though a determination was made as part of the Approved Development Plan for the site that the Sector Plan recommended “pedestrian and bicycle access to the Capital Crescent Trail on the east” is for site residents only, given the preponderance of bicycle users within the Bethesda CBD and the need for a desirable mid-block connection from Arlington Road to the Capital Crescent Trail and to Woodmont Avenue, it is recommended that the Applicant (and the Planning Board) reconsider the above finding/binding element and provide a public pedestrian and bicycle access through the site between Arlington Road and Capital Crescent Trail.

It is noted that since the Development Plan was approved, the Lot 31/31A development across from the site (on the east side of the trail; to the southwest corner of Woodmont Avenue and Bethesda Avenue) was approved with a trail connection between Capital Crescent Trail and Woodmont Avenue along the southern boundary of that development. The recommended on-site public trail, along the northern boundary of the subject site, could then become a natural extension of the trail between Woodmont Avenue and Capital Crescent Trail to Arlington Road, and will provide a direct, viable, and attractive transportation/recreational route for area residents to the Capital Crescent Trail and other amenities in the area.

CE/-

From: Crispell, Bruce [mailto:Bruce_Crispell@mcpsmd.org]
Sent: Tuesday, November 29, 2011 5:23 PM
To: Orobona, Damon
Subject: RE: DPA 11-4 Arlington Road Post Office Site

Mr. Orobona,

I understand an amendment to DPA 11-4, at 7001 Arlington Road in Bethesda, Maryland, has increased the number of multifamily units planned from 105 to 145. This number of units will generate approximately 6 elementary school students, 6 middle school students, and 5 high school students. This property is assigned to Bethesda Elementary School, Westland Middle School, and Bethesda-Chevy Chase High School. In the Board of Education's recently adopted FY 2013–2018 Capital Improvements Program (CIP) Request, an addition is requested for Bethesda Elementary School and a new middle school is requested in the cluster. These capital projects will enable Bethesda Elementary School and Westland Middle School to operate within capacity in the future. In addition, a feasibility study for an addition at Bethesda-Chevy Chase High School will be conducted this year, and a request for design and construction funds for an addition could be included in a future CIP. An addition at that high school would enable this school to operate within capacity in the future. I am attaching the relevant pages from the new FY 2013- 2018 CIP for your review.

The current FY 2012 Subdivision Staging Policy School Test finds elementary, middle and high school enrollments to be over 105% of capacity, but less than 120% of capacity in the Bethesda-Chevy Chase Cluster. This means there is a school facility payment required at all three levels to obtain subdivision approval.

Bruce Crispell

Director, Division of Long-range Planning
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