



Alta Vista Preliminary Plan 120070750



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Staff Report Date: 7-6-12

Description

Location: Located in the southeast quadrant of the intersection of Alta Vista Road and Old Georgetown Road

Zone: R-60

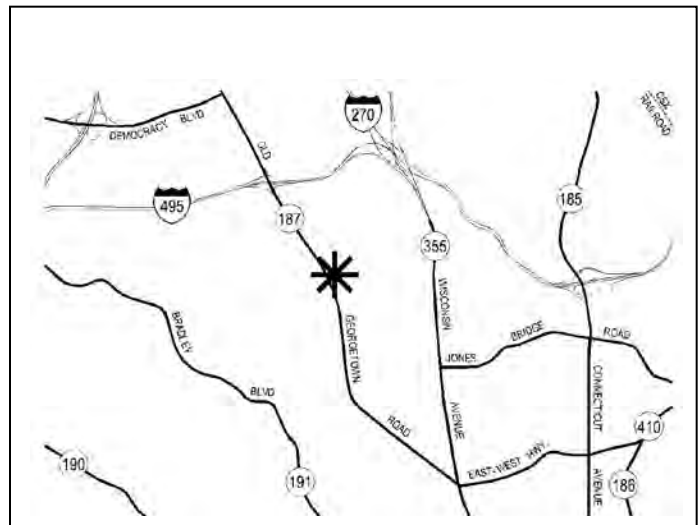
Master Plan: Bethesda/Chevy Chase

Property size: 9.87 acres

Proposal: Subdivide 9.87 acres of land into 34 residential lots and two open space and conservation parcels

Applicant: American College of Cardiology

Filing date: May 29, 2007



Summary

- **Recommendation: Approval with conditions**
- The subdivision is proposed to be developed under the optional method of development for projects that include moderately priced dwelling units (MPDUs)
- The applicant proposes the following unit mix:
 - One-family detached lots: 29
 - One-family semidetached lots: 2
 - Townhouse lots: 3
- Five MDPU's will be provided – the two semi-detached units and the three townhouses.
- The proposal is a resubdivision of two parts of previously platted lots. The resubdivision analysis that is required by the Subdivision Regulations cannot be applied because a comparison between the proposed subdivision and surrounding subdivisions cannot be made. This subdivision is proposed to be developed under the development standards of the R-60 zone optional method for developments that include MPDUs, but the surrounding neighborhood has been developed under the development standards of the R-60 zone using standard development.
- Camberley Avenue, an existing street, is proposed to be extended through the site and connected to Alta Vista Road. Staff has received correspondence from residents of the surrounding neighborhood objecting to the street connection.

RECOMMENDATION: Approval subject to the following conditions:

- 1) This Preliminary Plan is limited to 34 lots for 34 dwelling units, including 12.5% moderately priced dwelling units (MPDUs).
- 2) The applicant must comply with the conditions of approval for the final forest conservation plan, approved as part of this Preliminary Plan, subject to:
 - a. An approved Final Forest Conservation Plan which addresses the conditions of approval must be obtained prior to any clearing, grading, demolition, or construction activity within the project area.
 - b. The applicant must appropriately record the required Category I & II Conservation Easements over all areas of forest conservation and tree canopy preservation. Recordation must occur prior to any clearing, grading demolition, or construction activity within the project boundary.
 - c. The sediment and erosion control plan and stormwater management plan must be submitted with the revised Final Forest Conservation Plan to ensure consistency with the Limits of Disturbance (LOD) and the associated tree/forest preservation measures.
 - d. Provide all of the 52 mitigation tree plantings onsite and not within a right-of-way or public utility easement.
 - e. The applicant must obtain the services of a Maryland Licensed Tree Expert, to perform the required tree preservation measures and appropriately protect the saved trees.
 - f. Provide written confirmation to staff that the consent for the removal of off-site and/or jointly owned trees has been granted by the property owners. The confirmation is required prior to approval of a site plan.
 - g. Clearly show the LOD footprint within the right-of-way near tree #105.
 - h. Clarify which trees have already been removed by representing the missing trees with a stump symbol or similar, rather than a symbol representing proposed removal.
 - i. Provide original, non-black ink signatures for the plan preparer and arborist on each sheet, including sheet 1 of 3.
 - j. Adjust graphics to clarify that tree #64 will remain (the plan elements inadvertently create an apparent "x" over the tree).
- 3) Prior to approval of the certified site plan, the applicant must submit a revised noise analysis prepared by an engineer specializing in acoustics that addresses details and locations of noise mitigation techniques to appropriately attenuate noise levels for the affected dwelling units.
- 4) Prior to approval of the certified site plan, the applicant must submit to staff a certification from an engineer specialized in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. The applicant must commit to construct the units in accordance with these design specifications, with any changes that may affect acoustical performance approved by the acoustical engineer in advance of installation.
- 5) The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letters dated May 24, 2012, and June 8, 2012, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

- 6) Prior to recordation of plat(s), the applicant must satisfy the provisions for access and improvements as required by MCDOT.
- 7) The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service (MCDPS) – Water Resources Section in its stormwater management concept letter dated July 19, 2011, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Stormwater Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 8) The applicant must dedicate and show on the record plat(s) dedication of 60 feet from the centerline along the subject property frontage for Old Georgetown Road.
- 9) The applicant must dedicate and show on the record plat(s) full-width dedication of 57 feet, with a modified residential street cross-section as approved by MCDOT, for the extension of Camberley Avenue between Alta Vista Road and the current terminus of Camberley Avenue.
- 10) The applicant must show on the record plat(s) the right-of-way for Alta Vista Road, between Old Georgetown Road and Locust Avenue, along property frontage with a minimum of 25 feet from the roadway right-of-way centerline.
- 11) The applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the design standards imposed by all applicable road codes.
- 12) The applicant must construct a five-foot wide sidewalk, with handicapped ramps, along the Alta Vista Road site frontage between Old Georgetown Road and Locust Avenue. This sidewalk must be completed with the construction of residential units along Alta Vista Road.
- 13) The record plat must reflect common ingress/egress and utility easements over all shared driveways.
- 14) The record plat must reflect a public use and access easement over the walkway from Old Georgetown Road to Camberley Avenue located between proposed Lots 8-11 and 12-15.
- 15) The record plat must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
- 16) The record plat must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 (“Covenant”). The Applicant must provide verification to Staff prior to release of the final building permit that the Applicant’s recorded HOA Documents incorporate the Covenant by reference.
- 17) Prior to the issuance of any building permit, the Applicant must make school facilities payments to the Montgomery County Department of Permitting Services at the high school level.
- 18) No clearing, grading or recording of plats prior to certified site plan approval.
- 19) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, and sidewalks will be determined at site plan.
- 20) In the event that a subsequent site plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or location or right-of-way width, or alignment, the applicant must obtain approval of a Preliminary Plan amendment prior to certification of the site plan.
- 21) The final number of MPDUs as per condition 1 above will be determined at the time of site plan.
- 22) At the time of site plan application, the applicant must submit architectural elevations of the townhouse units along Old Georgetown Road to address conformance with the Master Plan.

- The elevations must provide detailed information regarding architectural features, orientation and building location.
- 23) The record plat must show necessary easements.
 - 24) The certified Preliminary Plan must contain the following note: “Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”
 - 25) Prior to certification of the preliminary plan, the applicant must revise the plan drawing by showing the correct zone on adjacent property and ensuring that all notations in the data table are correct.
 - 26) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.

SITE DESCRIPTION

The property, shown below and in Attachment A, consists of two parts of platted lots, which together are approximately 9.79 acres in area. The property is located in the southeast quadrant of the intersection of Old Georgetown Road (MD 187) and Alta Vista Road. It is located in the R-60 zone. The property is developed with the campus of the American College of Cardiology, an institutional use made up of one three-story building and an associated parking lot. None of the existing improvements is proposed to be retained after subdivision of the property. Surrounding properties to the north, east, and west are developed with one-family detached dwellings in the R-60 zone. One property to the west, just north of Alta Vista Road, is developed with a townhouse-style office park. Properties to the south include a townhouse-style office park and a WSSC water tank in the R-60 zone and two institutional uses in the R-60/TDR zone.

The property is located in the Lower Rock Creek watershed. There are no streams, floodplains, or other sensitive environmental features on the site. There are 2.37 acres of forest on the site.



PROJECT DESCRIPTION

The applicant proposes to resubdivide the two existing parts of lots into 34 residential lots. Twenty-nine lots will contain one-family detached dwellings, three lots will contain townhouses, and two lots will contain one-family semidetached units (duplexes). The two duplex units and three townhouses will be moderately priced dwelling units (MPDUs). The subdivision also creates four open-space parcels: Parcel A for forest conservation, stormwater management, and recreation; Parcel B for forest conservation; Parcel C for stormwater management and pedestrian access to the recreation area on Parcel A; and Parcel D for parking and open space for the proposed townhouse units.

The subdivision is proposed to be developed under the standards of optional method development including MPDUs. These standards allow duplexes and townhouses and allow smaller lot and yard areas, as compared to standard method development in the R-60 zone.

The subdivision will extend Camberley Avenue from its current terminus at the property boundary to Alta Vista Road. Vehicular access to all of the proposed lots will be via Camberley Avenue. Most lots will be accessed by individual driveways from Camberley Avenue, but several of the one-family detached lots and all of the duplex and townhouse lots will be accessed via shared driveways. Pedestrian access will be provided via existing and proposed sidewalks on Old Georgetown Road, Alta Vista Road, and Camberley Avenue.

Because the subdivision is proposed under the optional method standards for development that includes MPDUs, a site plan is required. A site plan application has not been filed to date.

(Attachment B – proposed plan)

ANALYSIS AND FINDINGS

Conformance to the Master Plan

The Bethesda-Chevy Chase Master Plan specifically addresses the subject property and makes a recommendation for single-family detached use. It also re-confirms the existing R-60 zone. The Master Plan states on page 35 that any proposed redevelopment along Georgetown Road must maintain a campus like setting and must not include townhouse development as that would not perpetuate a campus atmosphere. Although the proposed subdivision includes three townhouse lots, the preliminary plan is in substantial conformance with this recommendation because there is only one group of townhouses in the development, and that group only contains three dwelling units. The building is proposed to be designed to give the appearance of a one-family detached dwelling, with one front door facing Old Georgetown Road. The final details of the building design, including location, orientation and architectural features will be further evaluated at site plan to ensure compatibility and appearance of a one-family detached dwelling.

Additionally, the Master Plan recommends that residential development should occur along Alta Vista Road. The application conforms to this recommendation because the subdivision includes residential lots along the frontage of Alta Vista Road, and the access to the remainder of the lots is via Alta Vista Road to the proposed connection with the extension of Camberley Avenue.

The Master Plan also recommends the preservation of a green corridor along Old Georgetown Road. The preliminary plan is in conformance with this recommendation because the preliminary plan provides a 52-foot front setback for all of the lots fronting on Old Georgetown Road, so that existing trees will be preserved. The preservation of existing trees along the street frontage and the deep setback will ensure that the green corridor along Old Georgetown Road is preserved.

In summary, the preliminary plan is in substantial conformance with the Master Plan because the Master Plan recommends retention of the R-60 zone, the subdivision is being developed pursuant to the development standards of that zone, the preliminary plan substantially conforms to the recommendation to not include townhouses, and the green corridor along Old Georgetown Road is being preserved.

Public Facilities

Roads and Transportation Facilities

The subdivision will extend Camberley Avenue from its current terminus at the property boundary to Alta Vista Road. Vehicular access to all of the proposed lots will be via Camberley Avenue. Most lots will be accessed by individual driveways from Camberley Avenue, but several of the one-family detached lots and all of the duplex and townhouse lots will be accessed via shared driveways.

Pedestrian access will be provided via existing and proposed sidewalks on Old Georgetown Road, Alta Vista Road, and Camberley Avenue.

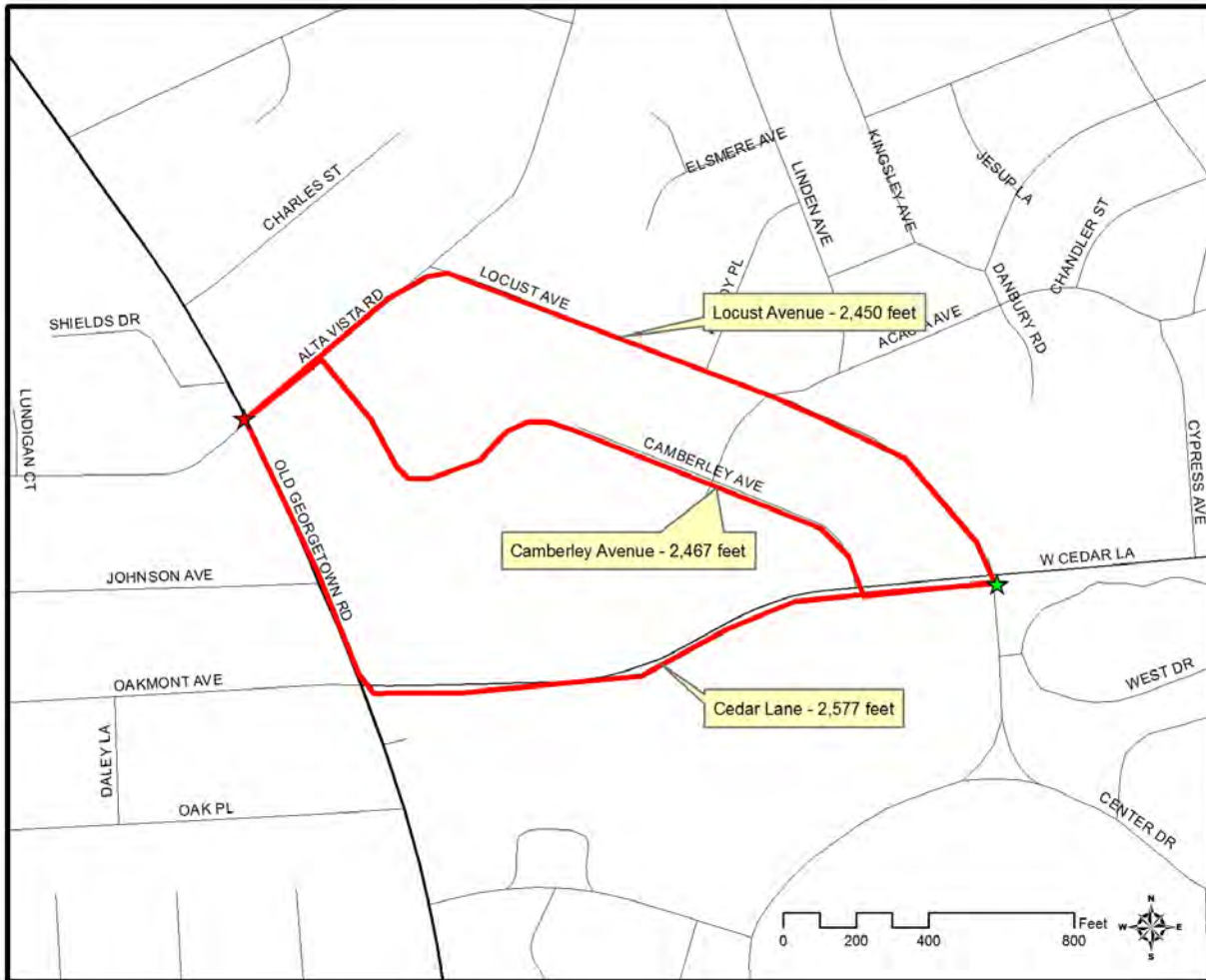
Staff has received correspondence from four residents of Camberley Avenue who are opposed to the connection of Camberley Avenue with Alta Vista Road (Attachment C). The residents are concerned that creating a through-connection between Cedar Lane and Alta Vista Road will create unacceptable safety risks to the residents of Camberley Avenue brought about by increased traffic. However, staff does not expect the extension to create unsafe traffic conditions.

As shown on the map below, the travel distance from the intersection of Cedar Lane and Locust Avenue to the intersection of Old Georgetown Road and Alta Vista Road is substantially the same via Locust Avenue as compared to the proposed extension of Camberley Avenue, and it is 110 feet longer via Cedar Lane as compared to Camberley Avenue. Moreover, Camberley Avenue will create a circuitous route with curves that will lower traffic speeds. Thus, there would be no particular advantage to travelling on the proposed extension of Camberley Avenue, and staff does not expect the road connection to induce substantial amounts of traffic.

Further, the connection of Camberley Avenue to Alta Vista Road will provide residents with an additional option for travel in the event that a street or intersection is blocked due to an emergency, heavy snow, or maintenance.

Because Camberley Avenue is not a master-planned highway, the Master Plan is silent on the issue of its extension.

Therefore, the proposed vehicular and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements, including the extension of Camberley Avenue.



A site trip generation summary for the proposed subdivision is provided in Table 1 below, which shows that the development of 34 dwelling units will generate 32 peak-hour trips during the weekday morning peak period and 38 peak-hour trips during the weekday evening peak period. Compared to the above, the existing development on the site, assuming 190 employees at the American College of Cardiology Campus, is estimated to generate 101 peak-hour trips during the weekday morning peak period and 95 peak-hour trips during the weekday evening peak period. The proposed development will, therefore, represent a reduction of 69 peak-hour trips during the morning peak period and 38 peak-hour trips during the evening peak period.

**TABLE 1
SUMMARY OF SITE TRIP GENERATION
PROPOSED ALTA VISTA DEVELOPMENT**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
Proposed: Residential – 34 single-family units	8	24	32	24	14	38
<i>Existing: Office – 190 employees</i>	<i>90</i>	<i>11</i>	<i>101</i>	<i>14</i>	<i>81</i>	<i>95</i>

Local Area Transportation Review (LATR)

As shown in Table 1, the proposed residential development will generate significantly fewer peak-hour trips during the weekday morning and evening peak periods than the existing institutional use on the property. Since the proposed development will generate more than 30 peak-hour trips, a traffic study (dated May 25, 2007) was, nevertheless, completed for the subject application.

A summary of the capacity analysis/Critical Lane Volume (CLV) analysis results for the study intersections for the weekday morning and evening peak-hours within the respective peak periods from the traffic study is presented in Table 2.

**TABLE 2
SUMMARY OF CAPACITY CALCULATIONS
PROPOSED ALTA VISTA DEVELOPMENT**

Intersection	Traffic Conditions					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Old Georgetown Rd/Beech Ave	1,373	1,304	1,444	1,366	1,444	1,366
Old Georgetown Rd/Alta Vista Rd	1,016	870	1,087	931	1,106	938
Old Georgetown Rd/W. Cedar Lane/Oakmont Ave	1,249	1,487	1,309	1,560	1,313	1,562

Source: Wells and Associates, Inc. Local Area Transportation Review; May 25, 2007.

- Notes:
1. Bethesda/Chevy Chase Policy Area Congestion Standard: 1,600 CLV
 2. The traffic study considered a total of 47 single family units on the property compared to the 34 single family units currently proposed on the property.
 3. The Old Georgetown Rd/W. Cedar Lane/Oakmont Ave intersection will be improved as part of BRAC improvements.

As shown in Table 2, under Total (Build) traffic conditions, CLV values for intersections included in the study were estimated to be below the Bethesda/Chevy Chase congestion standard of 1,600 CLV. Based on the analysis presented in the traffic study, it is concluded that the subject application will satisfy the LATR requirements of the adequate public facilities (APF) test.

Policy Area Mobility Review (PAMR)

To satisfy the PAMR requirements of the APF test, a development located within the Bethesda/Chevy Chase Policy Area is required to mitigate 25% of new peak-hour trips generated by the development. Since the proposed development will not result in any net new trips, there is no PAMR mitigation requirement, and the application, therefore, satisfies the PAMR requirements of the APF test.

Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The property is proposed to be served by public water and public sewer. The application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, and health services are operating according to the Subdivision Staging Policy and will be adequate to serve the property. The application is within the Bethesda Chevy Chase School cluster area which, is currently operating between 105-120% of capacity at the high school level, and a school facilities payment is required. Electrical, telecommunications, and gas services are also available to serve the property.

Environment

Forest Conservation

There are no streams, wetlands, or associated buffers on the subject property. There are approximately 2.37 acres of forest on-site. The forest groundcover is dominated by English Ivy, a non-native invasive species. But the forest stand is rated as high for retention due to the presence of numerous large, native trees.

The property is subject to the Chapter 22A of the Montgomery County Code, the Forest Conservation Law, and a Final Forest Conservation Plan has been submitted for approval (stamped received on May 7, 2012). Due to a number of factors related to the application, including the proposed use of the optional method of development and the zoning of the site, the project is subject to special provisions of the Forest Conservation Law [Section 22A-12.(f)(1) & 22A-12.(f)(2)(B)] which require that the forest conservation requirements must be met through on-site forest retention only. The forest conservation worksheet for the project establishes a two-acre forest conservation threshold (20% of the net tract area). The forest conservation plan proposes to retain 2.07 acres of forest, which satisfies the requirement without the use of afforestation or reforestation plantings (per the special provisions referenced above). A Category I conservation easement is proposed to protect all of the retained forest.

A Category II conservation easement is proposed along Old Georgetown Road to provide long-term protection of existing trees and the green character of the property frontage. The Category II conservation easement will uphold the Master Plan recommend green corridor policy (page 30) and the Old Georgetown Road recommendations (page 61). The proposed limits of disturbance (LOD) clears 0.30 acres of forest, and includes a number of impacts and removals of trees which are subject to a forest conservation variance as described below.

Forest Conservation Variance

Section 22A-12(b)(3) of the Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ), requires approval of a variance. An applicant for a variance must provide certain written information in support of the required findings, in accordance with Section 22A-21 of the Forest Conservation Law. Unless the variance is granted, the law requires no impact to trees that measure 30 inches diameter at breast height (DBH) or greater; are part of a historic site or designated with a historic structure; are designated as national, state, or county champion trees; or are at least 75 percent of the diameter of the current State champion tree of that species and to trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

Since the project will affect trees that are 30" DBH or larger, a variance is required. The applicant submitted a variance request on May 7, 2012 for the impacts to and removal of trees as a result of the proposed subdivision. The applicant proposes to remove 16 trees that are at least 30" DBH, and to impact, but not remove, 23 other significant or specimen trees. In total, 39 trees are that are considered high priority for retention under Section 22A-12(b)(3) of the Forest Conservation Law are proposed to be affected. In all cases where CRZ impacts are proposed to saved trees, appropriate tree preservation and/or stress reduction measures will be performed under the supervision of a licensed tree care professional. Refer to tree tables in the applicants' forest conservation variance request (Attachment D) for additional information.

Section 22A-21 of the Forest Conservation Law sets forth the findings that must be made by the Planning Board in order for a variance to be granted. In addition to the required findings outlined numerically below, staff has determined that the applicant has demonstrated that not granting the variance would result in an unwarranted hardship. Roadway dedication, building setbacks, and necessary forest retention and stormwater management requirements constrain the buildable area of the property, and the buildable area itself also contains subject trees and/or their critical root zones. Therefore, development of the property could not take place without impacts to and/or removal of trees that are high priority for retention and protection.

Staff recommends that the Planning Board make the following findings:

Approval of the variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

The impact to the off-site tree on the opposite side of Alta Vista Road is associated with utility tie-ins within the right-of-way, where such impacts are anticipated. The tree impacts and removals on the site are within the buildable area established by the setbacks and other site constraints. Development of the site in conformance with Master Plan recommendations could not take place without impacts to and/or removal of high-priority trees. Therefore, the variance request would be granted to any applicant in a similar situation.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is based on proposed development allowed under the existing zoning and the need to achieve adequate stormwater management. The variance can be granted under this condition if the impacts are avoided or minimized and that any necessary mitigation is provided. Design changes were incorporated to reduce tree disturbance and removals and mitigation is provided to reduce the effects of the impacts and removals of high-priority trees.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the proposed site design and layout on the subject property and not as a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

Granting this variance request will not violate State water quality standards or cause measurable degradation in water quality. The Department of Permitting Services (MCDPS) approved the stormwater management concept for the project on July 19, 2011. The MCDPS review and ultimate approval of the sediment and erosion control and storm water management plans will ensure that appropriate standards are met. The property is not directly associated with any steams, wetlands or related buffers. Therefore, the project will not violate State water quality standards or cause measurable degradation in water quality.

County Arborist's Recommendations

In accordance with Section 22A-21(c) of the Forest Conservation Law, the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation, prior to acting on the request. The applicants' request was forwarded to the County Arborist on May 8, 2012. The County Arborist issued a response to the variance request on May 24, 2012 and recommended that the variance be approved with the condition that mitigation is provided (Attachment E). Additionally, the County Arborist provided general recommendations on calculating mitigation plantings and providing tree preservation measures.

MITIGATION for TREES SUBJECT to the VARIANCE PROVISIONS

Generally, Staff recommends that replacement plantings for variance purposes occur at a ratio of approximately 1" DBH for every 4" DBH removed, using on-site tree plantings that are a minimum of 3" caliper. This means that for the 616 diameter inches of trees removed, the applicant will provide a minimum amount of 154 inches of caliper replacements. The 154" of caliper will be met by the on-site planting of 52, three-inch caliper trees. A condition is recommended by staff to provide all of the mitigation trees onsite and not within a right-of-way or public utility easement. While the replacement trees will not be as large as the trees lost, they will provide some immediate canopy and will help augment the canopy coverage and eventually fill in open areas of the site where the large trees have been removed. For this particular site, the proposed 52 native trees will be acceptable mitigation. No mitigation is recommended for trees impacted but retained. The specific types of native replacement trees will be determined at the final forest conservation plan stage in conjunction with the signature set review.

STAFF RECOMMENDATION on the VARIANCE

As a result of the above findings, staff recommends that the Planning Board approve the applicant's request for a variance from the Forest Conservation Law to impact (but retain) 23 subject trees and remove 16 subject trees (affecting a total of 39 subject trees) associated with the project. The variance approval is assumed into the Planning Board's approval of the Forest Conservation Plan.

Noise

According to the June 1983 *Staff Guidelines for Consideration of Transportation Noise Impacts in Land Use Planning and Development*, 65 decibels (dBA) is generally the acceptable maximum noise level applied in the down-county urban ring, freeway and major highway corridor areas, where ambient levels are such that application of a stricter guideline would be infeasible or inequitable.

The application proposes residential units located near Old Georgetown Road, which is a major highway corridor. A noise impact analysis was prepared by Phoenix Noise & Vibration, LLC for the applicant, confirming that portions of the subject property experience noise levels exceeding 65 dBA. However, the affected units will be attenuated from excessive noise by the design and appropriate installation of the building shell and windows. Some of the proposed outdoor spaces are also within noise impact zones. The applicant is proposing to install a wall along Old Georgetown Road that will reduce the noise levels to some extent. However, the impacted portions of the proposed lots along Old Georgetown Road will be the front yards, which are typically not considered to be noise sensitive areas and are not held to the 65dBA limit. Several conditions are recommended by staff to ensure that interior noise levels are appropriately mitigated.

Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept on June 8, 2012. The stormwater management concept consists of environmental site design to the maximum extent possible through the use of permeable pavement, drywells, micro-bioretenion, bio-swales, and planter boxes.

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lots were reviewed for compliance with the dimensional requirements for the R-60 zone using the optional method for projects with MPDUs, as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. Fifteen percent of the lots will contain dwelling unit types other than one-family detached units, in compliance with the 60% maximum established for such units in the Zoning Ordinance. A summary of this review is included in attached Table 1. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

The application is a resubdivision of two parts of platted lots. Typically, resubdivision of residential lots is subject to review criteria specified in Section 50-29(b)(2) of the Subdivision Regulations. The review compares the proposed lots with existing lots in the surrounding neighborhood to ensure that they are of the same character with respect to street frontage, alignment, size, shape, width, area, and suitability for residential use. However, in the case of this application, a comparison with surrounding neighborhood lots is not possible because this subdivision is proposed to be developed under the development standards of the R-60 zone optional method for developments that include MPDUs, but the surrounding neighborhood has been developed under the development standards of the R-60 zone using standard development. The optional method allows unit types, such as townhouses and duplexes, that are not permitted in the R-60 zone with standard development. In addition, the optional method allows significantly smaller lot sizes than the standard method.

Citizen Correspondence and Issues

The application predates requirements for a pre-submission community meeting. However, written notice of the plan submittal and the public hearing dates was given by the applicant and staff. As of the date of this report, five citizen letters have been received (Attachment C). Four letters were on the topic of traffic safety relating to the extension of Camberley Avenue. Those concerns are addressed above, in the roads and transportation facilities section of this report. The fifth letter is from the president of the Rock Creek Kay-Cee Club, which owns property adjacent to the site. The letter expresses concerns that the proposed dwellings adjacent to the club's parking lot will be impacted by the use of the parking lot. The letter requests that fencing and landscaping be used to buffer the parking lot from the proposed residences. As the specific location of fencing and required landscaping features is set with approval of site plan, this issue will be addressed with the subsequent site plan review.

CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the Bethesda/Chevy Chase Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

Attachments

- Attachment A – Vicinity Development Map
- Attachment B – Proposed Preliminary Plan and Forest Conservation Plan
- Attachment C – Citizen Correspondence
- Attachment D – Forest Conservation Variance Request
- Attachment E – County Arborist's Recommendation
- Attachment F – Agency Correspondence Referenced in Conditions

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Alta Vista				
Plan Number: 120070750				
Zoning: R-60				
# of Lots: 34				
# of Outlots: 0				
Dev. Type: Residential				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area				
One-family detached	4,000 sq. ft.	5,911 sq. ft.	NB	7/6/12
Townhouse	1,500 sq. ft.	3,003 sq. ft.	NB	7/6/12
Duplex	3,500 sq. ft.	5,333 sq. ft.	NB	7/6/12
Non-one-family detached dwellings	60% Maximum	15%	NB	7/6/12
Lot Frontage	25 ft.	25 ft. minimum	NB	7/6/12
Lot Frontage - MPDU	15 ft.	20 ft. minimum	NB	7/6/12
Setbacks				
Front	20 ft. Min.	Must meet minimum ¹	NB	7/6/12
Side	0 ft. Min.	Must meet minimum ¹	NB	7/6/12
Rear	0 ft. Min.	Must meet minimum ¹	NB	7/6/12
Height	40 ft. Max.	May not exceed maximum ¹	NB	7/6/12
Max Resid'l d.u. per Zoning	59	34	NB	7/6/12
MPDUs	12.5%	12.5%	NB	7/6/12
TDRs	N/a		NB	7/6/12
Site Plan Req'd?	Yes		NB	7/6/12
FINDINGS				
<i>SUBDIVISION</i>				
Lot frontage on Public Street		Yes	NB	7/6/12
Road dedication and frontage improvements		Yes	Agency letter	6/8/12
Environmental Guidelines		N/a	Staff memo	6/13/12
Forest Conservation		Yes	Staff memo	6/13/12
Master Plan Compliance		Yes	Staff memo	6/21/12
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management		Yes	Agency letter	7/19/11
Water and Sewer (WSSC)		Yes	Agency comments	7/9/07
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	7/9/07
Well and Septic		N/a	Agency letter	7/9/07
Local Area Traffic Review		Yes	Staff memo	6/1/12
Policy Area Mobility Review		Yes	Staff memo	6/1/12
Transportation Management Agreement		No	Staff memo	6/1/12
School Cluster in Moratorium?		No	NB	7/6/12
School Facilities Payment		Yes	NB	7/6/12
Fire and Rescue		Yes	Agency letter	2/7/12

¹ As determined by MCDPS at the time of site plan.

From: Alex Amdur [<mailto:alexamdur@yahoo.com>]
Sent: Sunday, June 05, 2011 3:55 PM
To: Braunstein, Neil; david.adams@montgomerycountymd.gov; greg.leck@montgomerycountymd.gov
Subject: Serious safety concerns about Altavista - ACC development, #120070750

Dear Mr. Braunstein, Adams, and Leck:

I am very concerned about serious safety issues related to the plan to extend and connect the current Camberley Avenue in Bethesda with the proposed Camberley Avenue in the Altavista - ACC development application (#120070750). This proposal does not reflect the current traffic realities in this area and will lead to major cut through traffic on the extended and connected Camberley Avenue, and a safety hazard for the residents of Camberley Avenue, including the numerous young children who live on Camberley Avenue. I am especially concerned that this plan appears to have been incorporated into the development plan at the request of the Montgomery County authorities.

As you know, Camberley Avenue is located off of Cedar Lane, between and parallel to Old Georgetown Road and Rockville Pike, just south of 495 and 270. The intersections of Cedar Lane and Old Georgetown Road, and Cedar Lane and Rockville Pike, are failing or failed intersections, and traffic going in both directions on Cedar Lane often backs up from these intersections to Camberley Avenue. Traffic is expected to significantly increase with the opening of the nearby BRAC Bethesda Navy Medical project on Rockville Pike in September: Bethesda Navy Medical projects one million visitors a year (not including staff). In addition, on Old Georgetown Road, the nearby Suburban Hospital is planning to significantly expand.

The plan to extend and connect the current Camberley Avenue with the proposed Camberley Avenue would create a new Camberley Avenue thoroughfare parallel to both Old Georgetown Road and Rockville Pike that would attract cut through traffic attempting to divert around the failed intersections on Cedar Lane. Traffic follows the path of least resistance, and the new Camberley Avenue thoroughfare would provide this path. Cut through traffic on Camberley Avenue would be a major safety hazard to the residents of this street, including the eight children under ten years old who live just on the one block of Camberley between Acacia Avenue and the proposed development. The existing Camberley Avenue is a very narrow street (only 25 feet of pavement, which would not meet current code) with parking on both sides of the street, and does not have any sidewalks. Cut through traffic on this narrow street could lead to numerous collisions, and a threat to pedestrians, including numerous young children.

As you know, the original development plan for this property did NOT include an extended and connected Camberley Avenue. The plan to extend and connect Camberley Avenue only appears to have been incorporated into the development plan at the request of Montgomery County. For example, the minutes of the July 9, 2007 Developmental Review Committee Meeting for this development note, under Countywide Planning Division - Transportation Planning, "Extend and Connect Camberley." The developers of this property have also repeatedly told meetings of the Maplewood Citizens Association that Montgomery County directed them to extend and connect Camberley Avenue in their plan.

Now that almost four years have passed since the July 2007 Developmental Review Committee Meeting, I urge you to reconsider Montgomery County's request to extend and connect Camberley Avenue in the light of the current traffic realities of 2011 and beyond. The original rationale to extend and connect Camberley Avenue needs to be weighed very carefully against the cut through traffic that this new thoroughfare would create, and the resulting safety hazards to the residents of Camberley Avenue. While I understand that Montgomery County has programs such as the Residential Access Restrictions Program to help reduce such hazards after they occur, it would be prudent to prevent such hazards from existing in the first place. If Camberley Avenue is extended and connected, Montgomery County will be creating yet another traffic problem in this County that for once, could have been avoided.

I would appreciate your perspective on this issue, including why Montgomery County requested that Camberley Avenue be extended and connected, and why this makes sense in the light of current traffic realities.

I appreciate your work for Montgomery County, and look forward to working with you on this important issue.

Sincerely,

Alexander Amdur
5303 Camberley Avenue
Bethesda, MD 20814
Home - 301-915-0698
Work - 202-863-6634

From: Simone Kulin [<mailto:sgkulin@gmail.com>]

Sent: Tuesday, June 14, 2011 9:33 AM

To: Braunstein, Neil; david.adams@montgomerycountymd.gov; greg.leck@montgomerycountymd.gov

Subject: Serious safety concerns about Altavista - ACC development, #120070750

Dear Mr. Braunstein, Adams, and Leck:

As residents of Camberley Avenue in Bethesda, we are writing to express our concerns regarding the development of the site formerly occupied by the American College of Cardiology (development application #120070750) in the Maplewood community. The site is on track to become a development of single family homes in which Camberley Avenue, now a narrow dead end street, would open up so as to provide access to the new homes. We fear that Camberley Avenue would then experience a heavy volume of cut-through traffic, endangering the many children and elderly people living on the street, and we believe that viable alternatives to opening Camberley Avenue exist.

Camberley Avenue is located just north of West Cedar Lane, between Wisconsin Avenue and Old Georgetown Road. The intersections of these roads already function well above capacity, and we anticipate the situation to worsen considerably once the BRAC project is completed and thousands of additional employees and patients will drive to and from the Bethesda Naval Medical Center. Currently, traffic backs up well along West Cedar Lane in the morning and late afternoon. We are extremely worried that if Camberley Avenue is opened, it would lend itself to cut-through traffic avoiding the intersection at Old Georgetown Road and West Cedar. Already, with BRAC partially implemented, we see many more vehicles driving up the dead end street.

Recent developments in our neighborhood have been sensitive to cut-through traffic. For example, the single family homes built on Alta Vista Street and Spruce Tree Avenue have avoided opening up Charles Street or Alta Vista Street. Similarly, the Bethesda Crest development functions with one entrance from Wisconsin Avenue, and given the flow of traffic, does not lend itself to cut-throughs. We believe that the new development on the ACC property could also avoid opening Camberley Avenue by using Alta Vista Street and Locust Avenue as access venues, or Old Georgetown Road and Alta Vista Street (as the ACC employees accessed the property for many years), or exclusively through Alta Vista Street, as the original development proposal from 2007 suggested. None of these options would encourage cut-through

traffic. We understand from the ACC that the modifications of the development plans to open up Camberley Avenue were made at the recommendations of the Montgomery County Developmental Review Committee. However, the recommendations were made in 2007, and in the meantime the traffic situation has changed dramatically, due to the BRAC project.

Camberley Avenue is a narrow street, only 25 feet wide, with no sidewalks on either sides and cars parked on the street in both directions. We have at least eight children younger than ten years old, and several only slightly older, living on the street. In addition, many children from adjacent streets come to play on Camberley and learn to ride their bicycles on this still-quiet street. Our observation is that most newly built houses in the neighborhood are bought by families with young children and we expect that they, too, would not welcome cut-through traffic. We would be more than happy to have a foot and bike path connecting the new development with the existing street, but urge you to reconsider transforming Camberley Avenue into a street that would allow drivers to bypass the intersection at West Cedar Lane and Old Georgetown Road.

Sincerely,

Simone Kulin and John Lawall
5306 Camberley Avenue
Bethesda, MD, 20814

Dear Mr. Braunstein,

As residents of Camberley Avenue in Bethesda, MD, we want to whole heartedly endorse the objections raised by Alex Amdur, as shown below in his email to you dated June 5, 2011, with respect to the unsafe conditions and consequences that would result by opening up Camberley Avenue for the planned development covered by ACC development application #120070750.

We respectfully request that the Planning Board consider our position in its deliberations and that the request to open Camberley Avenue is denied.

Thank you for your consideration.

Sincerely,
Stanley and Patricia Langfeld
5300 Camberley Avenue
Bethesda, Maryland 20814

Dear Mr. Braunstein, Mr. Adams, and Mr. Leck,

I am writing concerning the plan to open up Camberley Avenue to through traffic as part of the redevelopment plan for the Heart House at the corner of Old Georgetown Road and Alta Vista. Camberley Avenue is a small two block street beginning at West Cedar Lane and ending at the back of this property. My family and I live in the first block of Camberley off of Cedar.

As I am sure you are aware, our neighborhood is under tremendous traffic pressure as it is. When we moved here in 2000, all public buses went through the NIH campus in keeping with the residential character of the neighborhood. Once NIH closed the campus, public buses were routed down West Cedar Lane. In addition, and much more significantly, the traffic will increase considerably when Walter Reed completes its move to the Naval Medical Center in a few months. Drivers will look for ways to avoid West Cedar Lane as well as the intersections with Old Georgetown and Rockville Pike. Our street is full of children as well as some elderly neighbors and is residential in character and design.

I ask that you please consider the safety implications of this and not require that the developer make Camberley a through street. The people living in the new houses will have several other easy ways to reach their homes. Opening up the street invites safety and traffic problems that can and should be prevented.

I would appreciate hearing back from you.

Thank you.

--

Susan Jerison
5205 Camberley Avenue
Bethesda, MD 20814
sjerison@gmail.com

Rock Creek Kay Cee Club, Inc.

5417 W. CEDAR LANE • BETHESDA, MARYLAND 20814
(301) 530-0258

April 16, 2011

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

RE: Alta Vista-ACC / PPS #120070750(Revised)

Dear Sir:

On behalf of the Rock Creek Kay-Cee Club, I am writing to express my concerns with the above referenced preliminary plan of subdivision. Our property abuts the subject parcel (9111 Old Georgetown Road) at the rear. Our concerns relate to the proposed placement, orientation, and proximity of six new single family homes (lots 17 – 22) as they relate to our active commercial parking lot and grounds. The Kay-Cee Club is a very active commercial property with a well lit parking lot which accommodates approximately 70 vehicles within 6'-0" of the proposed rear property line of the subject houses.

It is our observation that as currently zoned and configured, there exists commercial properties abutting other commercial properties (common use groups). However, as proposed that relationship is altered with the introduction of residential properties immediately adjacent to existing commercial properties. We are concerned that this unnecessarily introduces an opportunity for future conflict.

It would appear that this proposed configuration is the result of an effort to maximize lot yield rather than logically developing this residential community as a continuation of and complement to the existing housing stock along Camberley Avenue, Locust Avenue, and Alta Vista Road. Should that development philosophy be adopted, the open space (parcel A, and water quality control features) could then act as a visual and acoustic buffer between these disparate use groups.

We request that development and maintenance of a buffer (as described above) between our commercial property and any new residential development be considered by MNCPPC and the developer.

Absent such reasonable consideration, we request that approval of this plan be contingent upon the installation of landscape features sufficient to mitigate conflicts between these proposed new home owners and the Kay-Cee Club as a result of the historic and ongoing commercial activity at our facility.

Such landscape features may include, but not be limited to; 8'-0" solid panel wood fence at property boundary, evergreens and other plantings to block views and dampen noise.

Sincerely,

Burt Murray, President
Rock Creek Kay-Cee Club Inc
301-946-3573
Kofc.burt@comcast.net



May 7, 2012

Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Alta Vista PFCP
MNCPPC No. 120070750
MHG Project No. 05.287.32

To Whom It May Concern:

On behalf of American College of Cardiology, the applicant of the above referenced Forest Conservation Plan, we hereby request a variance for the removal of 16 specimen trees and impact of 23 specimen trees, required by the revisions to the Maryland Forest Conservation Act, effective October 1, 2009, outlined in Senate Bill 666. In accordance with Chapter 22A-21(b) of the Montgomery County Code, the proposed removal/impact of thirty nine trees over thirty inches in diameter would satisfy the variance requirements.

1. *Describe the special conditions peculiar to the property which would cause the unwarranted hardship;*

The subject property has a total tract area of 10.05 acres along Old Georgetown Road. The property currently is developed with an office building and a significant amount of associated parking. There are 2.37 acres of forest as well as a large number of significant and specimen trees onsite. The MPDU optional method development requires the preservation of 2.00 acres of forest on-site which we are exceeding with 2.07 acres of forest saved. Per the master plan we are saving a large number of trees along the frontage of Old Georgetown Road and have provided a setback that is more than twice what is required by zoning as requested by the county. The site has been graded and designed in an effort to lessen the impacts to specimen trees and forest. This has been done by tightening proposed contours, using a modified designed tertiary street with a reduced right of way width, moving locations of houses away from trees, designing a wall that utilizes a beam system to reduce the amount of footers required, minimizing space needed for construction while maximizing root save area, mapping existing and proposed elevations to design raised sidewalks, utilizing aeration matting under areas of proposed fill wherever feasible, and redesigning stormwater management facilities including the realignment of storm drain pipes, outfalls and other utilities in an effort to reduce impacts to trees.

Because of our retention of the two forest stands, the retention of trees along Old Georgetown Road, the existing topography, and the stormwater management

requirements, our developable area is limited and is forced to the south with no practical alternative location. This requires the removal of trees along the southern property line. However, all of these trees are either in fair to poor condition, are declining or they are non-native species and therefore would not be good tree save candidates. Of the sixteen trees to be removed, nine of the trees are in fair to poor condition or are declining (including one hazard tree), and three additional trees are a non-native species (total of 5 non-native to be removed). Despite these removals our layout allows for the saving of a significant amount of trees including 31 specimen trees. An arborist has been consulted to provide all necessary stress reductions, utilizing specialized construction techniques to the 23 specimen trees to be impacted to promote their survivability. Some of these techniques include the careful removal of existing asphalt to protect underlying roots, as well as raised sidewalks with aeration matting. A detailed arborist report of these and other tree save measures is attached.

2. *Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;*

The proposed use is consistent with the zoning of the property as well as Master Plan and it is compatible with the surrounding properties. The inability to remove the subject trees would limit the development of the property. This creates a significant disadvantage for the applicant and deprives the applicant of the rights enjoyed by the neighboring and/or similar properties not subject to this approval process.

3. *Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance;*

A Stormwater Management Concept was approved for the property on July 19, 2011. Approval of this concept confirms that the goals and objectives of the current state water quality standards have been met by the proposed improvements to the site. A copy of the approval letter is attached.

4. *Provide any other information appropriate to support the request.*

As requested by Maryland National Capital Park and Planning Commission staff, the following is additional justification for the removal of trees #1 and #107. Both trees are specimen trees and are located along Old Georgetown Rd where the Master Plan has requested tree preservation to occur. Per the Master Plan, "trees should be preserved to re-green and screen along Old Georgetown Road". In describing this particular property, the Master Plan refers to the Green Corridors policy and maintaining the residential character of Old Georgetown Road. To help do this, as noted, a setback has been provided that is more than twice what is required by zoning as requested by the county. The proposed plan is saving eighteen trees within the setback area along Old Georgetown Road and is exploring the possibility of saving and transplanting four additional trees. By saving these trees, the plan is able to meet the Master Plan recommendations of maintaining a green corridor as well as provide a sufficient screen along Old Georgetown Road.

Given the urban nature of the site, a great effort has been made to maximize the trees saved. The two trees of concern, #1 and #107 are both situated on the inside edge of the setback. This puts close to half of the critical root zones of the trees outside the setback

area and into the area of development making these trees un-savable. In addition, tree #1 is in fair condition and has been noted by an arborist to have major deadwood and to be “declining quickly” and would not be a good tree save candidate even if it was not impacted at all.

Through great efforts, this plan proposes to save 2.07 acres of forest (above the forest conservation threshold requirements) as well as 31 specimen trees and the numerous additional trees within the setback along Old Georgetown Road. The Master Plan was not intending that every tree along Old Georgetown be saved, but that a residential tree lined atmosphere be maintained. The proposed plan meets these requirements with the trees being saved.

As appropriate, supplemental planting along Old Georgetown Road will be provided to enhance the tree save area. As required, all specimen trees to be removed will be mitigated. A copy of the Forest Conservation Plan, arborist evaluation report, stormwater concept plan and stormwater concept approval letter has been provided as part of this variance request.

Please contact me via email, at fjohnson@mhgpa.com, or by phone, at (301) 670-0840 should you have any additional comments or concerns.

Thank you,



Frank Johnson

Specimen Tree Variance List

<u>Trees Impacted</u>	<u>%CRZ Impacted</u>	<u>Trees Removed</u>	<u>Size/DBH</u>	<u>Condition/Detail</u>
12	26.8%	1	37.5	Fair/Declining
17	5.9%	2	43	Fair/Poor
21	20.4%	3	35	Good
22	20.2%	10	31	Fair
56	9.9%	11	34	Good
59	29.1%	60	43	Fair/Poor
65	20.2%	88	36	Good/Fair
66	9.0%	90	36	Mulberry
68	6.0%	91	33	Mulberry
76	8.3%	92	37.5	Mulberry
*78	41% (58.2%)	94	48	Mulberry - Fair
*79	17% (44%)	100	35	Fair/Poor
*80	13.4% (16.4%)	102	33	Mulberry - Fair/Poor
81	15.7%	104	57	Fair/Poor - Hazard
82	0.3%	107	46	Good
86	13.7%	124	31	Fair/Poor
89	17.6%	<u>16</u>	<u>616</u>	**
95	32.7%			
101	9.3%			
103	0.09%			
*105	27.8% (89%)			
*106	28.2% (59.2%)			
<u>128</u>	2.5%			

Totals: 23

* For these trees, additional disturbance will be occurring within the CRZ caused by the removal of pavement, construction of raised sidewalks and/or construction of wall and footers (along Old Georgetown). The pavement will be removed using methods that will minimize or prevent impacts to the underlying roots. This disturbance is shown in parentheses and is not necessarily root disturbance.

** Mitigation: $616" / 4 = 154"$ to be mitigated with native trees at a 3" minimum DBH = 52 trees



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Robert G. Hoyt
Director

May 23, 2012

Françoise Carrier, Chair
Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Alta Vista - Revised, DAIC 120070750, NRI/FSD application accepted on 6/16/2011

Dear Ms. Carrier:

The County Attorney's Office has advised that Montgomery County Code Section 22A-12(b)(3) applies to any application required under Chapter 22A submitted after October 1, 2009. Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this condition.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, is not interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the variance can be granted under this condition, as long as appropriate mitigation is provided for the resources disturbed.

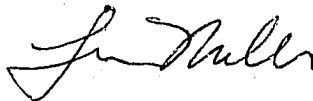
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this condition.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this condition.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In the event that revisions to the LOD are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,



Laura Miller
County Arborist

cc: Robert Hoyt, Director
Walter Wilson, Associate County Attorney
Mark Pfefferle, Chief



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

May 24, 2012

Mr. Neil Braunstein, Lead Reviewer
Area 1 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #120070750
Alta Vista -ACC

Dear Mr. Braunstein:

We have completed our review of the preliminary plan dated January 24, 2012. This plan was reviewed by the Development Review Committee at its meeting on April 11, 2011. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

Stormwater Management Concept Plan

In general, we support using the trapezoidal ditch stormwater management measure in the County rights-of-way, AS A SITE-SPECIFIC APPROVAL, conditioned on the following comments:

- Instead of providing slotted curb openings (along Camberly Avenue extended), construct curb opening inlets which incorporate paved flumes between the edge of pavement and trapezoidal ditch (MSHA Standard MD 374.68 modified for 6" curb per MSHA Standard MD 375.55-01. The inlet/shelf width, per the comment above, should be a minimum of 2' when the trapezoidal ditch is not located next to parked cars. These inlets should be sized and located to handle the one (1) year storm event runoff.
- We recommend providing a 2' minimum width shelf between the back edge of the curb and the front slope of the trapezoidal ditch. We also recommend providing a 1' minimum width shelf between the back slope of the trapezoidal ditch and the front edge of the sidewalk. These dimensions may necessitate locating standard width (10 year storm event) curb opening inlets, streetlights, and/or traffic control signage within the trapezoidal ditch.
- Coordinate the species and location of proposed street trees with respect to the side ditch and streetlights.

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov

General Plan Review and Permitting Comments

1. Show all existing planimetric and topographic details (paving, storm drainage, driveways adjacent and opposite the site, sidewalks and/or bikeways, bus stops, utilities, etc.) as well as existing rights of way and easements on the preliminary plan.
2. Dedicate right-of-way along the Old Georgetown Road (MD 187) site frontage in accordance with the master plan. Dedicate right-of-way along the Alta Vista Road site frontage as required by the Planning Board.
3. Full width dedication and construction of Camberly Avenue extended as a modified secondary residential street.

This preliminary plan is subject to County Council Resolution No. 16-809 and Executive Regulation No. 31-08AM ("Context Sensitive Roadway Design Standards"). The corresponding context design standard for a closed section secondary road, with parking on one side of the street (MC-2002.02), calls for a 60 foot wide right-of-way and 29.5 feet of paving between the curbs – which accommodates an 11.5 foot curb lane, a 10 foot inside travel lane, and an 8 foot parking lane. 2 foot maintenance strips, between the back edge of the sidewalk and the right-of-way line, are also called for on that standard.

The applicant has proposed dedicating a 57 foot wide right-of-way on Camberly Avenue extended, providing 28 feet of pavement, eliminating sidewalk on one side of the road (to accommodate proposed stormwater management facilities), and reducing the maintenance strip behind the sidewalk to 1 foot.

We do not oppose the requested reduced right-of-way dedication nor reducing the maintenance strip width to 1 foot - provided the applicant is able to implement the adjusted dimensions for the trapezoidal ditches (per page 1) and provide the CSRDS pavement width of 29.5 feet. The lawn panel (between the face of curb and the sidewalk) could be reduced to 6 feet. If those changes cannot be accommodated, it may be necessary to eliminate the proposed on-street pocket parking and/or increase the right-of-way width.

4. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
5. Grade establishments for all new public streets and/or pedestrian paths must be approved prior to submission of the record plat.
6. In accordance with Section 49-33(e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision. Sidewalks are to be provided on both sides of the proposed public streets unless the applicant is able to obtain a waiver from the appropriate government agency.

The applicants have requested approval to waive sidewalk on the north side of Camberly Avenue (extended). Such a proposal should be considered by the Department of Permitting Services, with input from the Planning Board and this Department, under Section 40-40 (b)(1)(C) of the County Code.

We support a DPS Waiver and Fee Payment for the north side sidewalk – so long as the applicant provides:

- **a continuous 5 foot wide concrete sidewalk (with handicap ramps) along Camberly Avenue (extended) between Alta Vista Road and an appropriate location at the east end of the site**
- **rear access from the lots on the north side of the site to the proposed “SWM Educational Activities Area” (an access easement will be needed across adjacent property if the layout of proposed Lot 30 remains unchanged)**
- **a natural surface path within Parcel C between Camberly Avenue extended and the proposed “SWM Educational Activities Area”**
- **the applicable fee for the cost of designing, constructing, and inspecting the missing sidewalk into the appropriate Capital Improvements Program account.**

This recommendation is in consideration of the impact of additional development runoff on the downstream public storm drain system, the cost to upgrade that system, as well as the layout of the proposed lots and Camberly Avenue extended within the subdivision.

7. Access and improvements along the Old Georgetown Road (MD 187) site frontage per the Maryland State Highway Administration. Coordinate improvements and location of the Bethesda Trolley Trail along Old Georgetown Road (MD 187) with the MSHA and Mr. Robert Elder (MCDOT/Transportation Engineering Bikeway Coordinator).
8. Prior to DPS approval of the record plat, submit a completed, executed and sealed DOT Sight Distances Evaluation certification form, for the proposed intersection of Camberly Avenue extended with Alta Vista Road, for Executive Branch review and approval.
9. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board’s approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.

The preliminary plan indicates the vehicular/garage access to Lots 1-20 will occur via three “Private Dr” facilities. It has been our experience that private streets and alleys are located on parcels owned by the Homeowners Association. The facilities for this plan appear to be located on the individual lots – with site access presumably through cross-easements. Typically, we limit the number of lots on private common driveways to 4. Revising the plan to satisfy this policy will result in the loss of lots – an action that may render this project untenable.

For that reason, we support allowing the proposed private access configuration – so long as the applicant:

- **Executes and records a reciprocal access, maintenance and liability agreement (for the applicable lots) that establishes the terms for private common access, maintenance and liability over the respective “Private Dr” facilities**
- **Ensures the recorded agreement will be binding on future successors or assigns**

- **Ensures the deed reference for the recorded agreement will be identified on the record plat**
 - **Ensures the agreement will identify how the maintenance costs will be calculated and maintained**
 - **Ensures the recorded agreement will disclose applicable fire lane/emergency vehicle access restrictions**
10. Record plat to reflect denial of access along Old Georgetown Road (MD 187).
 11. Waiver from the Montgomery County Planning Board for lot(s) on a private right of way.
 12. Revise the plan as necessary to meet the requirements of the Montgomery County Department of Permitting Services with regard to wells and/or septic systems.
 13. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
 14. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
 15. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi, Chief of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
 16. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum, Manager of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
 17. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with Brett Linkletter, Chief of the Division of Highway Services, Tree Maintenance Section at (240) 777-7651.
 18. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. Street grading, paving, curbs and gutters, sidewalks and handicap ramps, enclosed storm drainage and appurtenances, and street trees along Camberly Avenue extended (from Alta Vista Road to connect with the existing section of Camberly Avenue) in accordance with MCDOT Standard No. MC-2002.02 (modified). Typical section details to be confirmed at the permit stage based on response(s) to the right-of-way dedication and typical section comments earlier in this letter.

Mr. Neil Braunstein
Preliminary Plan No. 120070750
May 24, 2012
Page 5

- B. Construct five (5) foot wide concrete sidewalk, with handicap ramps, along the Alta Vista Road site frontage between Old Georgetown Road (MD 187) and Locust Avenue.
- C. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- D. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- E. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. David Adams, our Development Review Area Engineer for this vicinity, at david.adams@montgomerycountymd.gov or (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

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cc: Howard B Katz; Streetscape Partners
Todd D. Brown; Linowes & Blocher
Stephen E. Crum; Macris, Hendricks & Glascock
Christopher L. Kabatt; Wells & Associates
Robert Kronenberg; M-NCPPC Area 1
Cherian Eapen; MNCPPC Area 1
Scott Newill; MSHA AMD
Preliminary Plan Letters Notebook
Preliminary Plan Folder

cc-e: Rick Brush; MCDPS WRS
Dave Kuykendall; MCDPS WRS
Marie LaBaw; MCFRS
Atiq Panjshiri; MCDPS RWPR
Rob Elder; MCDOT DTE
Brett Linkletter; MCDOT DHS
Dan Sanayi; MCDOT DTEO
Bruce Mangum; MCDOT DTEO
Fred Lees; MCDOT DTEO
Kyle Liang; MCDOT DTEO
Will Haynes; MCDOT DTEO
David Adams; MCDOT DTEO



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

June 8, 2012

Mr. Neil Braunstein, Lead Reviewer
Area 1 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #120070750
Alta Vista –ACC

AMENDMENT LETTER

Dear Mr. Braunstein:

This letter is to conditionally amend comments nos. 3 and 18A in our May 24, 2012 preliminary plan review comments letter for this project with respect to the classification and improvements to Camberley Avenue extended within the limits of the proposed development.

We are in receipt of a May 30, 2012 email message from Mr. Christopher Kabatt of Wells and Associates explaining the applicant's rationale for considering Camberley Avenue be considered a tertiary residential street and requesting approval of a twenty eight (28) foot wide pavement section (to provide two–10 foot wide travel lanes and 8 foot wide pocket parking on the west/south side of the new road).

Roadway classifications fall under the purview of the Montgomery County Planning Board and their staff. We understand that M-NCPPC staff concurs with the applicant's request. If the Planning Board agrees with the applicant's request and their staff's recommendation, we support Planning Board approval for the twenty eight (28) foot wide pavement section shown on the January 24, 2012 drawing.

All other comments in our May 24th letter remain applicable.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. David Adams, our Development Review Area Engineer for this vicinity, at david.adams@montgomerycountymd.gov or (240) 777-2197.

Sincerely,

Gregory M. Leck, Manager
Development Review Team

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Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov

Mr. Neil Braunstein
Preliminary Plan No. 120070750
June 8, 2012
Page 2

cc: Howard B Katz; Streetscape Partners
Todd D. Brown; Linowes & Blocher
Stephen E. Crum; Macris, Hendricks & Glascock
Christopher L. Kabatt; Wells & Associates
Robert Kronenberg; M-NCPPC Area 1
Cherian Eapen; MNCPPC Area 1
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cc-e: Rick Brush; MCDPS WRS
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Marie LaBaw; MCFRS
Atiq Panjshiri; MCDPS RWPR
Fred Lees; MCDOT DTEO
Kyle Liang; MCDOT DTEO
Will Haynes; MCDOT DTEO
David Adams; MCDOT DTEO



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid
Director

July 19, 2011

Mr. Kenneth D. Jones
Macris, Hendricks, and Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, MD 20886-1279

Re: Stormwater Management **CONCEPT** Request
for American College of Cardiology - Alta Vista
Preliminary Plan #: 120070750
SM File #: 231422
Tract Size/Zone: 9.87 Ac./R-60
Total Concept Area: 9.87 Ac.
Lots/Block: p/o 1 & p/o 2
Watershed: Lower Rock Creek

Dear Mr. Jones:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via ESD to the MEP by the use of permeable pavement, drywells, micro-bioretenion, bio-swales, and planter boxes.

The following **items** will need to be addressed **prior to** the site plan stage:

1. Please resubmit the project to MCDPS with recommendations from the geotech for the placement of dry wells in the areas of soil borings #1 and #3 along Alta Vista Road.
2. Address the outfall of swale behind lots 19-28. The swale must be designed to be non-erosive along its entire reach to the roadway inlets.
3. Show better details of the three biofilters. This includes access for maintenance.
4. Adjust the locations of planter boxes in order to provide adequate space to walk around the side of the houses and the property lines.

This list may not be all-inclusive and may change based on available information at the time.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard R. Brush". The signature is fluid and cursive, with a large initial "R" and "B".

Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB: tla CN231422 American College of Cardiology-Alta Vista.DWK

cc: C. Conlon
SM File # 231422

ESD Acres: 9.87
STRUCTURAL Acres:
WAIVED Acres: