



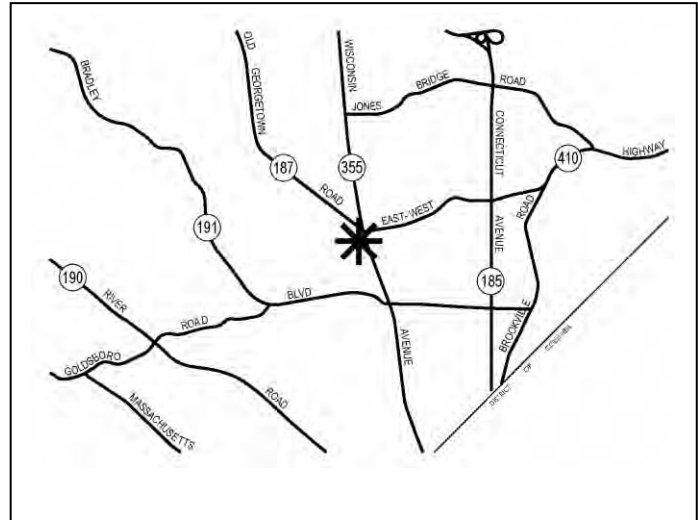
4825 Montgomery Lane LLC, Local Map Amendment, G-908

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Staff Report Date: 8/31/12

Description

- Location: 4825 Montgomery Lane, Bethesda
- Size: 6,525 square feet
- Request: Rezoning from R-60 zone to TS-R zone
- Sector Plan: Bethesda-Central Business District (CBD)
- Applicant: 4825 Montgomery Lane, LLC
- Planning Board: September 13, 2012
- Hearing Examiner: September 21, 2012
- Filing Date: October 14, 2011



Summary

- The staff recommends **approval** of Local Map Amendment (G-908)
- On February 23, 2012, the applicant requested a continuance of this Local Map Amendment as the subject application did not meet the minimum lot area requirement of the Transit Station Residential (TS-R) Zone. Subsequent to this continuance, the County Council adopted a zoning text amendment which became effective on July 30, 2012, that modified the development criteria for the TS-R and TS-M zones.
- The applicant seeks to rezone the subject site from the R-60 to the TS-R Zone as recommended in the Bethesda CBD Sector Plan. The applicant has submitted a Local Map Amendment application and associated Development Plan for four multi-family dwelling units. The proposed development is consistent with the Bethesda CBD Sector Plan.

RECOMMENDATION: Staff recommends **approval** of Local Map Amendment G 908 for the following reasons:

- 1) The proposed Local Map Amendment and the Development Plan are consistent with the purpose clause of the Transit Station Residential (TSR) Zone.
- 2) The rezoning conforms to the Bethesda CBD Sector Plan.
- 3) The requested TS-R zone is compatible with the surrounding uses.
- 4) Public facilities are adequate to serve this site.

PROJECT HISTORY

Originally, the application was scheduled to be heard by the Planning Board on February 23, 2012. Prior to the hearing, the applicant requested a continuance to resolve an issue related to minimum lot area in the requested TS-R zone. At that time, the subject site did not meet the minimum lot area of 18,000 square feet required by Section 59-C-8.41 of the Zoning Ordinance.

Subsequently, the County Council approved Zoning Text Amendment (ZTA) 12-08 and it became effective on July 30, 2012. This ZTA allows a smaller parcel (less than 18,000 square feet) to be approved for either the TS-R or TS-M Zone if the parcel is designated in an approved and adopted master or sector plan and located adjacent to or confronting another parcel either classified in or under application for either zone. The subject property is located adjacent to property along its northern property line that is recommended for the TS-R Zone in the Bethesda CBD Sector Plan. It is also located adjacent to property along its eastern property line that is classified in the TS- R Zone. The confronting property to the south and across Montgomery Lane is also classified in the TS-R Zone. The subject application now meets the requirements for the TS-R Zone for a minimum lot area of less than 18,000 square feet. A copy of ZTA 12-08 is included as Attachment A. This ZTA has not yet been incorporated into the Zoning Ordinance.

DATA SUMMARY

Current Zone and Use:	The site is zoned R-60 and developed with a one-family detached dwelling unit and detached garage.
Purposed Zone and Use:	The TS-R zone is proposed for this site. The development plan proposes a 5 story multi-family building, containing 4 residential units. Each unit will have its own two car garage at the street level.
Sector Plan Consistency:	The project complies with the recommendations contained in the Approved and Adopted Bethesda CBD Sector Plan.
Open Space:	Required: 30%; Proposed 33.6%
Public Use Space	Required: 10%; Proposed: 10.6%
Recreational Space	Required: 20%; Proposed: 23%
Building Height:	Required: None per zone ¹ Proposed: 65 ft. (to roof line), 69 ft. (to top of parapet wall) ²
Parking:	Required: 8 spaces; Proposed: 8 spaces

¹The TS-R Zone does not have height requirement, it is determined during the plan review process. However the Bethesda CBD Sector Plan recommends a 65 foot height limit in the Transit Station Residential District.

²The parapet wall is exempt from the height controls set forth in the Zoning Ordinance.

PROPOSAL

The applicant, 4825 Montgomery Lane LLC, has submitted an application for a Local Map Amendment to reclassify and redevelop property located at 4825 Montgomery Lane in Bethesda. The request is to rezone approximately 6,525 square feet of R-60 zoned land to the TS-R zone. The proposed development would consist of a 5 story multi-family building, containing 4 residential units. The entire building will consist of approximately 15,519 square feet with the proposed building totaling 65 feet in height. Parking for the units is provided in garage spaces located at street level. The proposed building will have its entrance on Montgomery Lane. Vehicular access into each for the four street level garages that serve each unit will be provided from West Lane. Public pedestrian access will be provided via sidewalks along both Montgomery and West Lanes. Private pedestrian access will be from a proposed walkway that runs along the eastern portion of the site and wraps around to the rear of the site.

DESCRIPTON OF PROPERTY

The subject site is located on the north side of Montgomery Lane at its intersection with West Lane, approximately 250 feet east of its intersection with Woodmont Avenue and approximately 300 feet west of its intersection with Arlington Road. Presently, it is developed with a one-family detached house and detached one car garage. Both structures will be razed under this application.

The property is rectangular in shape and has approximately 95 feet of frontage on Montgomery Lane and approximately 70 feet of frontage on West Lane. The site is recorded as Lot 23, Block 13A in the Edgemoor Subdivision, at Plat No. 384, Book 4. The site is relatively flat with a slight increase in grade along the front of Montgomery Lane. Finally, the site is located within in the Transit Station Residential District as described in the Bethesda CBD Sector Plan.

SURROUNDING AREA

As part of a floating zone application the neighborhood boundary or surrounding area must be properly identified so that compatibility can be properly evaluated. For this application, staff defines the surrounding area by the following boundaries: Moorland Lane on the north, Woodmont Avenue on the east, Elm Street on the south and Arlington Road on the west. This area is defined as the Transit Station Residential Development Area in the Sector Plan.

SURROUNDING AREA



The Christopher

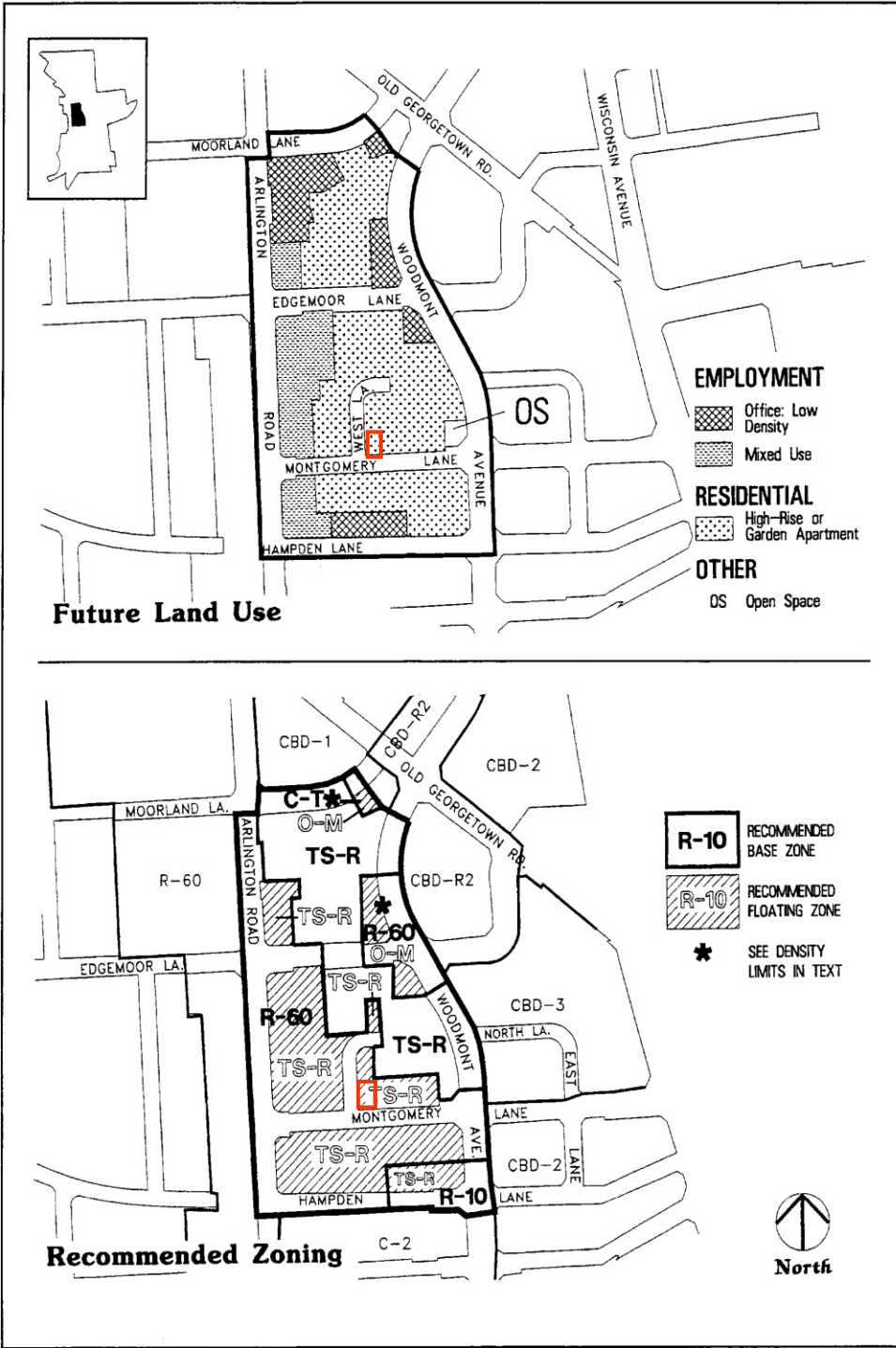
The Chase

Holladay at Edgemoor

The Edgemoor

City Homes Townhouses

TRANSIT STATION RESIDENTIAL DISTRICT



SUBJECT SITE

Immediately north of the subject site and along West Lane, the property is zoned R-60 and improved with a one-family residential house that contains a commercial office use. At the end of West Lane on its north side, the property is zoned TS-R and improved with a one family house and office use. On Woodmont Avenue, north and east of the site, is a TS-R zoned property developed with a 12 story (120 foot height) multi-family building known as The Chase. The Chase's recreation facilities are located on the south side of Edgemoor Lane between Woodmont Avenue and Arlington Road. The remaining properties on Edgemoor Lane and along Arlington Road are developed with 3 story (36 foot height) residential townhouses in the TS-R zone. On the north side of Edgemoor Lane the property is zoned TS-R and developed with the Edgemont at Bethesda a multi-family building of 90 feet. Directly north of the Edgemont at Bethesda and on Woodmont Avenue south of Moorland Lane is the Christopher a multifamily building of approximately 146 feet. Along the east side of Arlington Road between Edgemoor Lane and Moorland Lane are properties zoned R-60 or TS-R and developed with either residential or commercial uses, respectively.

East of the site, the property is developed under the TS-R zone in accordance with Local Map Amendment (LMA) G-763, as a 10 story (100 foot height) multi-family building known as the Edgemoor. Across West Lane and northwest of the site, the property known as Holladay at Edgemoor (for lots 24, 25 and 27) has been approved under the TS-R zone in accordance with Local Map Amendment G-843 for 48 multi-family units and a building height that will vary from 4 to 6 stories but does not exceed a height of 65 feet. A LMA (G-912) has been filed with the Hearing Examiner's Office for Lot 26, the property west of and directly across West Lane from the subject site. LMA G-912 seeks to rezone Lot 26 to the TS-R Zone, incorporate Lot 26 into the parcels approved under G-843 and construct a building 70 feet high for 113 multi-family units on all the affected properties. An accompanying Development Plan Amendment (DPA-12-03) was also filed with G-912 and will amend the development plan approved under G-843. The remaining properties along the northern side of Montgomery Lane are improved with one family houses that contain commercial uses. These properties are zoned TS-R but have not yet been redeveloped under that zone.

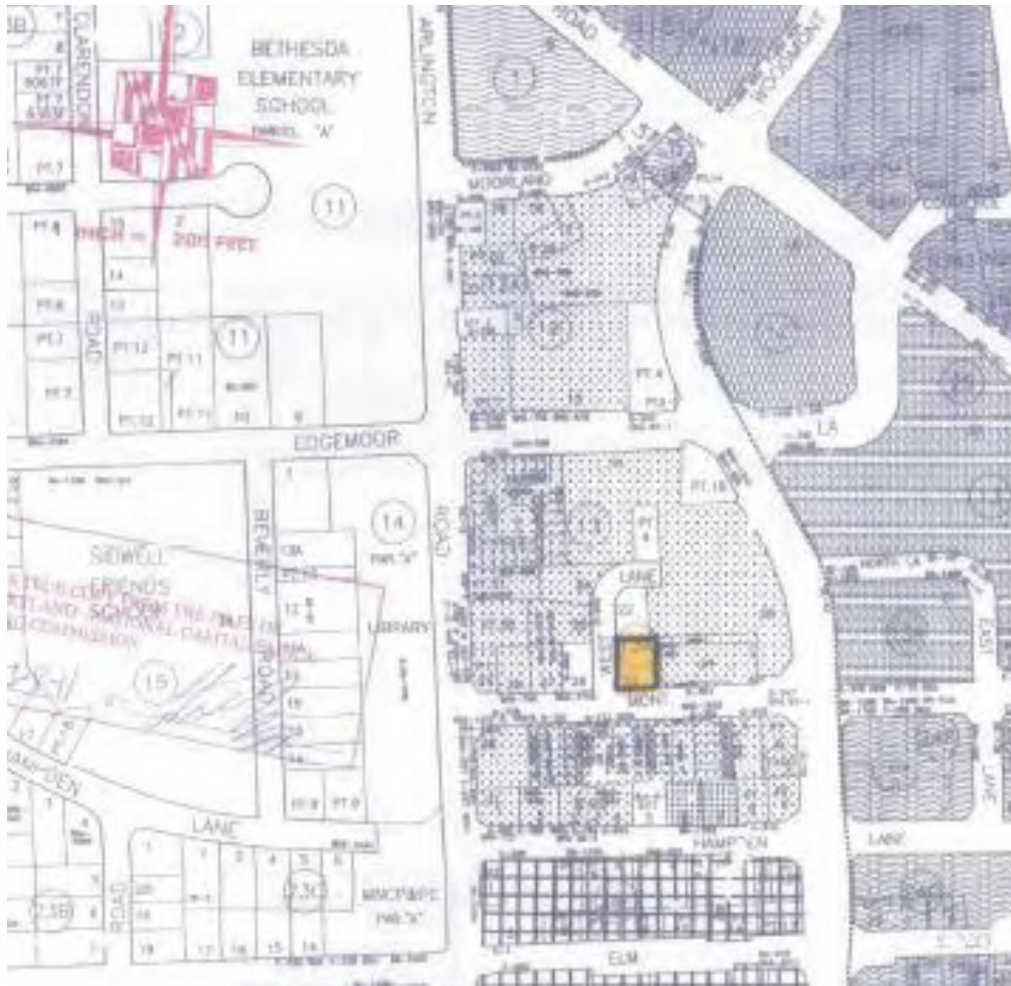
South of the site and across the Montgomery Lane, the properties are developed with 4 story townhouses under the TSR-zone in accordance with several Local Map Amendments (LMA-721, G-775 and DPA-98-1 and 98-2 and 00-2)

The remaining properties along the south side of Montgomery Lane going east towards Woodmont Avenue are improved with one family houses that contain office and apartment uses. These properties and the entire block along Woodmont Avenue and the northwest corner of Hampden Lane were classified into the TS-R zone in accordance with LMA G 819 for a multi-family building with 50 to 70 dwelling units. A DPA 12-02 has been submitted to the Hearing Examiner's Office to amend zoning case G- 819 to reduce the approved minimum number of multi-family housing units from "50 to 40 units" to "retain the maximum number of units at 70" and "to construct a minimum of 15% Moderately Priced Dwelling Units (MPDUs) on site."

Along the east side of Arlington Road between Edgemoor Lane and Hampden Lane, the properties are zoned TS-R. Some properties have been redeveloped under this zone with 3 story residential townhouses, while the remaining properties are improved with one family houses that contain commercial office uses. The remaining properties along this side of Arlington Road between Hampden Lane and Elm Street are zoned C-2 and developed with 1 and 2 story commercial uses.

The majority of properties along the north side of Hampden Lane are improved with one family houses that contain commercial uses in the TS-R zone or multi-family residential uses in the R-10 Zone. A one family house at 4917 Hampden Lane is boarded up and vacant.

The properties along the south side of Hampden Lane are zoned C-2 (General - Commercial) and are developed as a low rise strip shopping area with commercial and office uses. The properties along the north side of Elm Street are also zoned C-2 and have developed with a mix of commercial and office uses. The official zoning map is provided below for reference.



DEVELOPMENT STANDARDS

The applicant is seeking to rezone the subject site from the R-60 Zone to the TS-R zone. The existing on-site one-family house and detached garage will be razed and the applicant will construct a 5 story multi-family building that will contain 4 residential units on the property. Under Section 59-D-1.1 of the Zoning Ordinance, an application for reclassification to the TS-R Zone requires that a development plan be submitted with the rezoning application. The use of the property must be in accordance with this

development plan. The following chart shows the submitted development plan’s compliance with the TS-R Zone and the Sector Plan

Proposed Zoning : TS-R	Required	Recommended Sector Plan	Proposed
Minimum area §59-C-8.41	18,000 sq ft ¹	18,000 sq ft	6,217 sq ft
Max. Building Height §59-C-8.5	No height limit	65 feet ²	65 ft to roof line
FAR §59-C-8.42	2.5 ³ (15,542.5 sf.)	2.5	2.5 (15,519 sf.)
Building Setback from Street R-O-W	0 ft	25 ft ⁴	12ft (Montgomery Lane) 19ft (West Lane)
Setback from other lot lines	0 feet side 0 feet rear	NA	5.0 feet side 13.3 feet rear
Min. Open Space §59-C-8.43	30% (1,865 sf.)		33.6% (2,086 sf.)
(a) Min. Public Use Space	10% (622 sf) ⁵	N A	10.6% (659 sf)
(b) Min. Recreational Space Active/Passive	20% (1,244 sf) ⁵	NA	23 % (1,427 sf)
Parking §59-E	8 spaces (2 spaces/unit)	NA	8 spaces
MPDUs	NA (<20 total units)	NA	None

¹ Gross site area: 6,525 sq ft; (per record plat); proposed dedication shown on submitted development plan yields a net tract area of 6,217 sq ft... Parcels smaller than 18,000 sq ft are permitted to be reclassified to the TS-R zone if recommended in the applicable master or sector plan per Section 59-C-8.41 of the Zoning Ordinance, and are located adjacent to or confronting another parcel either classified in or under application for the TSR-Zone.

² Per Section 59-C.8.51 of the Zoning Ordinance the TSR Zone does not specify a maximum building height, but states that the building height shall be determined in the process of site plan review. The Bethesda CBD Sector Plan recommends a height of 65 feet for properties in this area.

³ The Floor Area Ratio (FAR) is calculated on the gross site area of 6,525 sq ft.

⁴ Building setback is discussed on page 16 of this staff report under Urban Design Guideline 4.

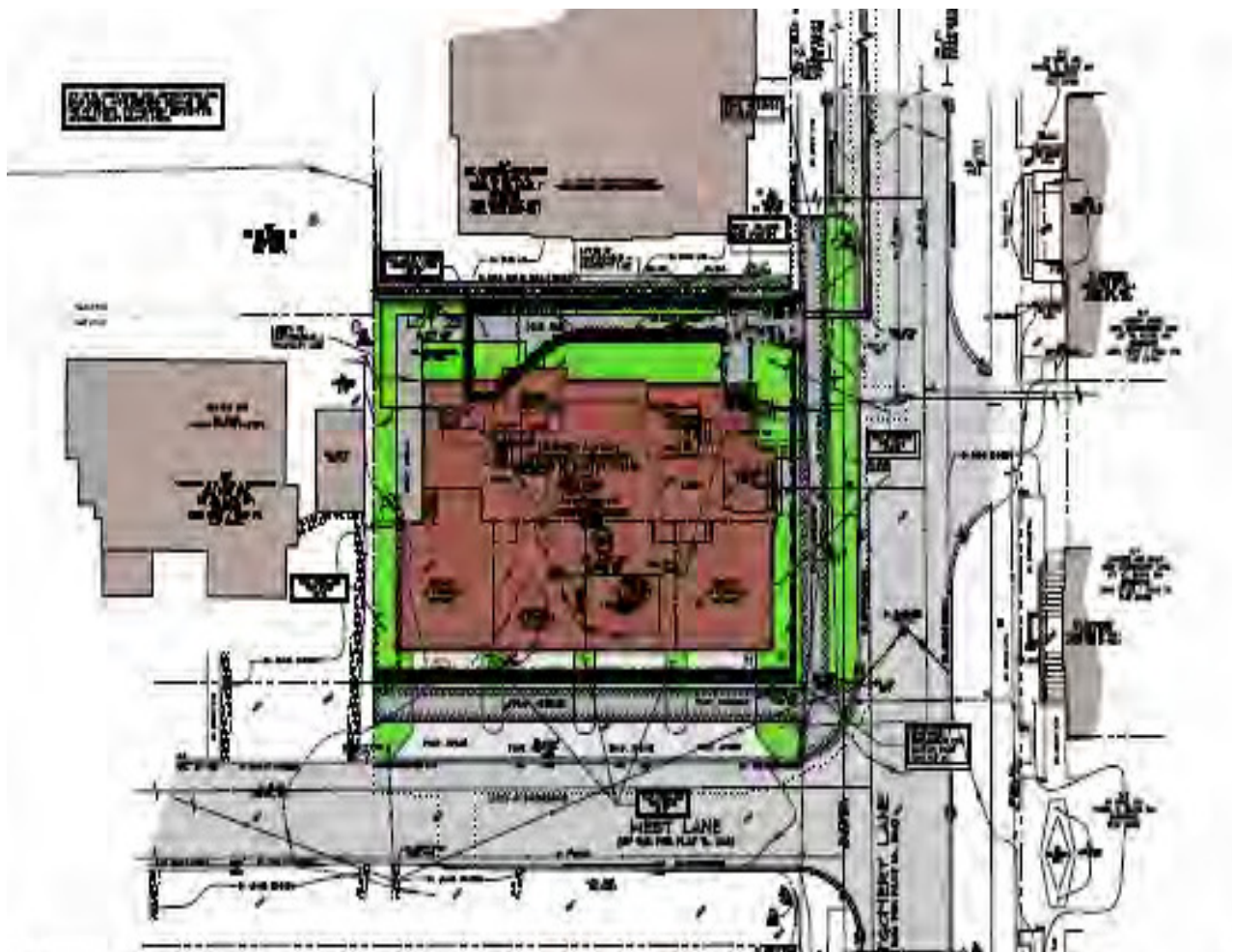
⁵ Public use space and active and passive recreational space requirements may be met by providing the required space as a percentage of the net area included in the development plan

The submitted development plan states the following, “The proposed building will be classified as a condominium/apartment building. One 3-bedroom condominium/apartment will be located on each floor. The lowest floor will serve as the garage and the main entry to the building. Eight (8) parking spaces will be provided within the garage level. The development timeline associated with this plan will occur in one stage. The project is not related to any county capital improvement program (CIP).”

Binding Elements

Although the submitted development plan did not include any binding elements for this rezoning request, staff is proposing the following binding elements be included:

1. Density: maximum number of dwelling units is 4
2. Building height will be 5 floors:
 - a maximum height to the top of the roof is 65 feet
 - a maximum height to the parapet wall is 69 feet
3. The primary pedestrian entrance to the proposed building shall be from Montgomery Lane.
4. The applicant must provide dedication of 1 foot along the property frontage on Montgomery Lane and approximately 2 ½ feet along the frontage of West Lane.



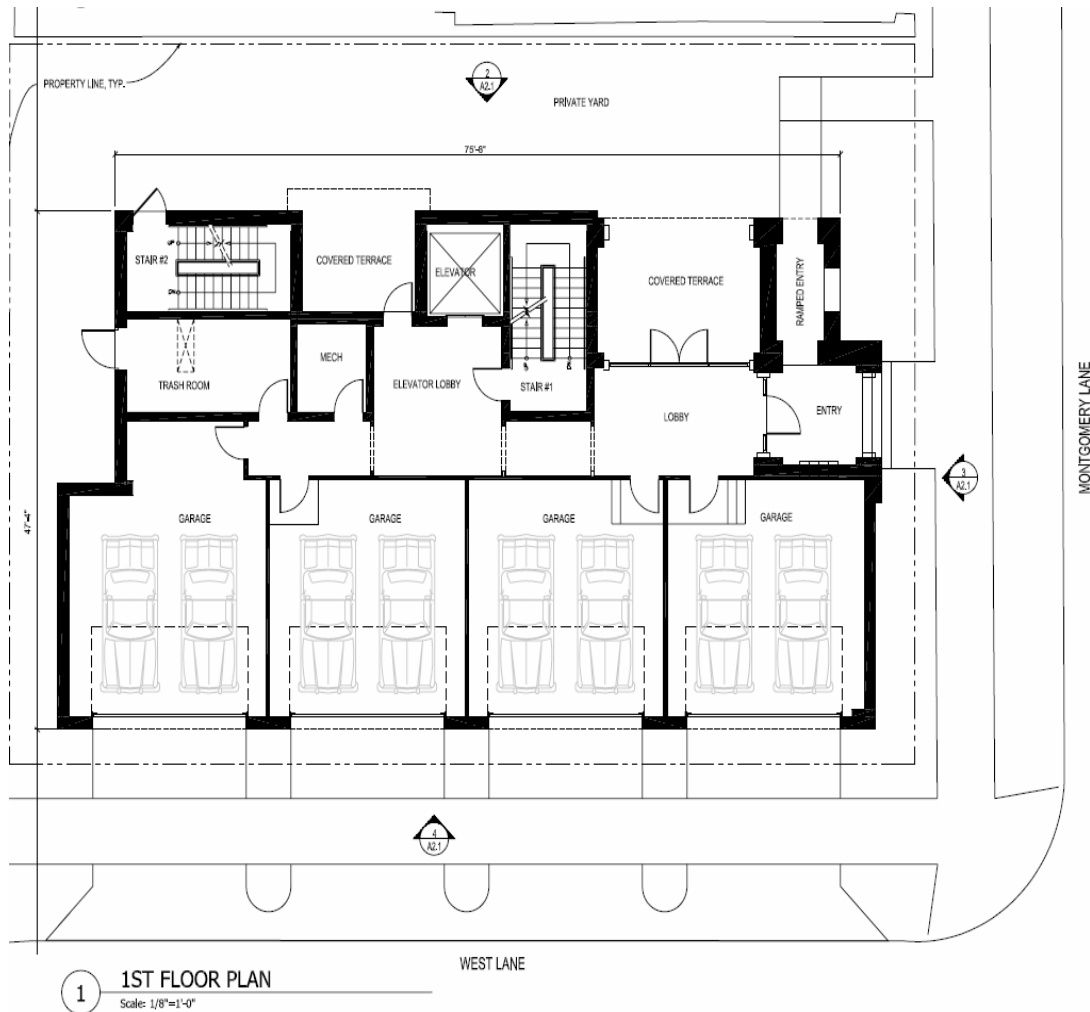
DEVELOPMENT PLAN G-908

PROPOSED ELEVATIONS



TYPICAL FLOOR PLAN





GARAGE FLOOR PLAN

ZONING HISTORY

1. 1954 - Countywide Comprehensive Zoning confirmed R-60 Zone
2. 1958 - Countywide Comprehensive Zoning confirmed R-60 Zone
3. F-736 - Adopted 8/15/72 reconfirmed R-60 Zone
4. G-20- Bethesda CBD adopted 12/6/77 reconfirmed R-60 Zone
5. G-665 - Georgetown Branch Master Plan adopted 6/26/90, reconfirmed R-60 Zone
6. G-666 - Bethesda Chevy Chase Map Plan adopted 6/26/90, reconfirmed R-60 Zone
7. G-711 - Bethesda CBD Sector Plan, adopted 10/11/94 reconfirmed R-60 zone, recommended TS-R Zone

PUBLIC FACILITIES

Water and Sewer – The subject property is located in water and sewer category W-1/S-1 and will be served by existing sewer and water mains.

Schools –The Montgomery County Public Schools (MCPS) indicates that the subject property is located within the service area of the Bethesda-Chevy Chase (B-CC) Cluster: Bethesda Elementary School, Westland Middle School, and Bethesda-Chevy Chase High School. The proposed development is expected to generate one elementary school student, one middle school student and one high school student.

A new school test for FY 2013 was accepted by the Planning Board and became effective on July 1, 2012. This new test reflects the County Council’s action on MCPS FY 2013-2018 Capital Improvements Program (CIP). Funding is now included for several elementary school additions and a new middle school in the B-CC Cluster. Based on the FY 2013 school test, the elementary and middle schools within the B-CC cluster are not in a moratorium and no school facility payment is required. At the high school level B-CC High School is projected to be over capacity by close to 500 students by 2017. A feasibility study for an addition will be conducted this year and a request for design and construction funds will be included in a future CIP. In order to avoid a development moratorium the County Council put a “placeholder” capital project in the adopted FY 2013-2018 CIP which keeps the B-CC Cluster out of moratorium in FY 2013, but requires a school facility payment at the high school level for subdivision approvals in FY 2013. Attachment B

Other Public Facilities – The Bethesda Library is approximately 300 feet west of the site at the corner of Montgomery Lane and Arlington Road. The Bethesda Police Station is located less than one half mile east of the site at the intersection of Wisconsin and Montgomery Avenues. The Bethesda Fire Station (Company 6) is located less than one-half mile south of the site at the intersection of Wisconsin Avenue and Bradley Boulevard. The Bethesda Chevy Chase Rescue Station No. 1 is located at the corner of Old Georgetown Road and Bradley Boulevard roughly over a half mile from the site.

ANALYSIS AND FINDINGS

Master Plan - The proposed development plan dated February 3, 2012 is in conformance with the 1994 Bethesda CBD Sector Plan (“Plan”). The subject site is located in the *Transit Station Residential District*. The Plan recommends that all development follows not only the recommendations and guidelines for each district, but also the general objectives and principles for the entire Sector Plan area. These include stepping down building heights from the Metro Center to adjacent areas, clearly identifying a building’s entrance in the façade design and locating the entrance at street level.

This project is consistent with the land use objective Number 2 on page 80 of the Plan that recommends *“Increase the flexibility in the TS-R Zone to allow the district to achieve a low rise, high density “urban village” pattern.”* This proposal meets the Plan’s objective as it will create in the designated Transit Station Residential District a *low-rise high density “urban village” pattern* through the use of the requested TS-R zone. (Page 80). The other land use objectives stated on page 80 are not applicable to this application as this proposal is not creating high density housing, but a lower density, low rise type housing product in the Transit Station Residential District nor it is located along Arlington Road.

“The Plan recommends a minimum of 45 dwelling units per acre everywhere except on lots facing Arlington Road, where there would not be a minimum density in order to allow townhouse development at lower densities. The Plan anticipates that some projects will incorporate higher densities, and the full 2.5 FAR densities (about 100 dwelling units per acre) would be allowed.” (Page 82).

The proposed residential building consisting of 4 dwelling units on the gross 6,525 square foot lot is equivalent to a density of 27 dwelling units per acre. This property does not face on Arlington Road and is developing at a FAR of 2.5 which is consistent with the Plan recommendations and utilizes the full FAR permitted in the TS-R zone. This is a relatively small site with a building height of 65 feet (and ultimately 69 feet to the parapet wall). The parapet wall is used to screen mechanical equipment located on the roof. The parapet wall is exempt from the height control requirements as defined by the Zoning Ordinance. The proposed building is consistent with other nearby residential uses of comparable heights less than 65 feet that have been developed with densities between 24 to 36 dwelling units per acre. The proposed height provides a transition between the taller TS-R developments abutting to the east and that of the townhouses to the west along Arlington Road and it is consistent with “*step down building heights*” illustrated on page 42 of the Plan.

The Plan also proposes “*a combination of private and public open space both within and outside the TS-R District to serve new residents. Open space within the TS-R neighborhood would be primarily developed as private recreational areas, possibly with both housing and private outdoor areas located above structured parking*”.(P 82) Additionally the Plan states, “*one possible resource for publically oriented open space within the TS-R-District is in the area in front of the new apartment structures along Montgomery Lane. Streetscape and special seating areas could be provided in the setback from the sidewalk to the face, creating an outdoor community space.*” (p 82)

The submitted development plan shows private open space along the eastern and northern lot lines of the site to serve future residents. Public open space is also shown on the development plan along the site’s frontage on Montgomery Lane to serve new residents and workers throughout the Bethesda area as envisioned by the Plan. Details of the public open space components and pedestrian enhancements such as, but not limited to, benches, bike racks, street lighting, will be addressed during site plan review. The design of the building provides the building’s main entrance along Montgomery Lane and the driveway entrances to the garage along West Lane.

The following Urban Design guidelines contained in the Sector Plan are applicable to this application.

1. *Permit projects with a minimum lot size of 18,000 square feet to encourage smaller scale projects. Projects should not leave isolated parcels.*

When the Sector Plan was adopted and approved in 1994, it recommended a minimum lot size of 18,000 square feet to encourage redevelopment of smaller projects. The Sector Plan also envisioned assembly of smaller properties to achieve the minimum lot size. In this particular case, assembly of several smaller properties has not occurred. This property is approximately 6,217 square feet (after roadway dedication) and smaller than the 18,000 square feet in the guidelines but its’ smaller size is acceptable due to approved ZTA 12-08 which now permits lots smaller than 18,000 square feet to be classified in the TS-R zone if recommended in the applicable master or sector plan and if the property is adjacent to or confronting other parcels either classified or under application for the TS-R zone. The subject property both abuts (along the eastern property line) and confronts (south of and across Montgomery Lane) other properties which are classified in the TS-R Zone. This project is consistent with the intent of the Sector Plan as it is recommended for the TS-R Zone. The only remaining property in the surrounding area that is less than 18,000 square feet abuts the northern property line on West Lane and is approximately 5,850 square feet.

2. *Encourage low-rise buildings to fill out the parcel.*

This project proposes a 5 story (65 feet) low-rise building that is significantly lower than the adjacent building to the east and as designed fully utilizes the site's dimensions. The Plan recommends a building height of no more than 65 feet which is equivalent to a 6 story residential building (page 39.) This proposal is consistent with that recommendation as it proposes a five story building that will be 65 feet to the roof line plus an additional 4 feet to the top of the parapet wall. The proposal is also consistent with the Plan guidance to "step down building heights from the Bethesda Metro Center properties to achieve desirable and compatible transitions to adjacent areas." P. 40

3. *Maintain low rise building heights which step down to three floors along Arlington Road. Heights of up to six floors are preferred near Woodmont Avenue to achieve the desired urban form.*

The recommendation for low rise buildings of three floors is not applicable as the site is not located along Arlington Road. However the site is 300 feet east of Woodmont Avenue and as proposed the height of 5 floors achieves the urban form desired in this location.

4. *Provide 25-foot building setbacks from the curb (15 feet from the Sector Plan right of-way) along Arlington Road. Setbacks in the remaining portion of the TS-R District will be decided on a case by case basis as redevelopment proceeds through the Planning Board approval process.*

This application proposes a building setback of approximately 12 feet from the curb along Montgomery Lane and a setback of 19 feet from West Lane. The Edgemoor (abutting to the east) and the City Houses Townhouses (confronting to the south) have setbacks from Montgomery Lane of approximately 15 and 25 feet, respectively. The Development Plan approved under the G-843, shows a proposed building setback of 13 feet along West Lane. Given the subject property's size, and the proposed building's design which fills out the parcel, a smaller setback fits within the urban form and low density pattern of development the Plan seeks to achieve, and the proposed building is consistent with the setbacks for other residential developments along both roadways.

5. *Design roof tops to achieve a residential image using hip roofs, gables, turrets, and other types of pitched roof lines. The varied roof line is desirable to improve character and reduce the sense of bulk.*

This project achieves the broader intent of this design guideline of projecting a "residential image" and a reduced "sense of bulk" through various design features. For this reason, the provision of a "pitched roof line" of similar design feature is not essential to achieve the intent.

First, due to the relatively small size of the lot of 6,217 (net) square feet, the building footprint itself, and the relatively low height of the building 65 feet (69 feet to the parapet wall) the issue of bulk is easily addressed through the articulated design of each façade and the creation of a base, middle and top.

The design of the building successfully communicates a "residential character" including features similar to those of the residential townhouses directly across Montgomery Lane:

- The front door is typical of residential design. It is a standard “single wide” residential scale and the design includes flanking small-scale ornamental pilasters that rise only to the height of the door itself and no further. This compares with what might be found on an institutional or commercial building, such as a bank, where a grander, larger scale of ornamental pillars is often found.
- Materials are a combination of brick and other masonry elements which define “top”, “middle” and “base” with articulated horizontal bands and corner detailing that includes quoins. This design is similar to that of the residential townhouses across the street.
- The cornice itself is articulated and finely detailed.
- Double hung windows typical of residential structures, divided symmetrically into a grid of individual panes, overlook Montgomery Lane. Similar windows but in pairs, appear on each of the other facades and also convey a residential character. These contrast with the curtain walls and bands of windows found in many commercial buildings.
 - The north and south façades each include a single small circular paned window to mark each unit/floor. This detail emphasizes the residential scale and character of the building.
 - A “screened in terrace” for each unit faces Montgomery Lane providing private semi-outdoor space for each household. Such screened in terraces are features typical of residential, rather than commercial uses.
- The west elevation which faces West Lane is designed with garage doors that are sized to fit two cars and have ornamental panels and detailing typical of that found on townhouses and one-family homes of traditional styling.

Because the building is clearly residential in not only use but character, and because the building is of modest size with facades of detailed articulation, the intent of the guidelines has been achieved. In addition, the neighborhood as it evolves is successful in its realization of “residential character” This is achieved in a variety of ways, including but not limited to, the use of pitched roofs. Some of the architecture of redevelopment along Montgomery Lane includes pitched rooflines – such as that of the townhouses across the Montgomery Lane while others do not such as that of the multifamily development at corner of Montgomery Lane and Arlington Road. In both cases, it is a combination of design features that achieves the desired outcome.

6. Locate front unit entrances along the street when residences are provided on the first floor to encourage street life.

Initially, the applicant submitted a development plan showing the entrance to the proposed building along the site’s eastern property line. After discussion with staff, the plan was revised to place the front entrance to the building on Montgomery Lane in keeping with the above cited Plan recommendation. While the residences are proposed one floor above street level, reorienting the building’s entrance on Montgomery Lane will help increase pedestrian activity on Montgomery Lane which is recommended as a pedestrian oriented “mixed street.” (pages 84 & 86 and pages 180-1). A mixed street is one with slow moving traffic and enhanced features for pedestrians and bicyclists. The idea is that such a street is designed to accommodate a true “mix” of pedestrian, bicyclists and motorized vehicles.

Montgomery Lane can serve as a mixed street and encourage street life as it provides a good direct pedestrian connection between the Bethesda Public Library on Arlington Road and the Metro Station to

the east. (page 41). The Bethesda Library serves as a “primary focal point” for Montgomery Lane. The street’s function as a route for pedestrians with limited vehicular traffic is further enhanced by the presence of the proposed building entrance located on this street as well as the absence of driveway entrances and curb cuts onto Montgomery Lane.

7. *Locate required parking either underground or in rear decks, so as not to be seen from surrounding streets.*

The development plan shows garage parking on the street level garage along West Lane. Each garage unit is a double bay and is equipped with garage doors that close to screen views of the parked vehicles. The proposal emphasizes the entrance on Montgomery Lane and places the vehicular access from West Lane. Below grade parking was explored with the applicant but was not considered due to the small lot size and inefficient circulation that would result. Additionally, the Plan’s general objective and principles states on page 40 “ *to achieve an infill character for new development by dividing large projects into several buildings which will achieve an urban form with a “fine grain” versus a coarse grain created by larger, single structures.*” The submitted development plan is consistent with the Plan’s guidance as the site is small with a relatively small building that contributes to the “fine-grain” of the neighborhood.

Transportation -The following transportation comments are provided with respect to the application. These comments are recommended to be included as part of the Planning Board recommendations for the application, while noting that they may or may not satisfy Adequate Public Facilities Ordinance APFO or other future approvals.

1. The applicant must limit future development on the site to 4 apartment/condominium units.
2. The applicant must provide necessary frontage dedication as well as roadway and sidewalk improvements along Montgomery Lane and West Lane as recommended by the Bethesda CBD Sector Plan, and consistent with the Bethesda CBD Streetscape Guidelines.
3. 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 of future approvals

Available Transit Service

The site is located approximately 1,000 feet from the entrance to the Bethesda Metro Station which is located at the northwest corner of Wisconsin Avenue (MD 355) and Montgomery Lane intersection. The area is well served by Metrobus and Ride-On routes (with Metrobus Route J4 along Woodmont Avenue and Ride-On Route 36 along Arlington Road), and the Bethesda Circulator shuttle (circulating along both Arlington Road and Woodmont Avenue).

Recommended Area Roadways and Pedestrian/Bikeway Facilities

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

1. Montgomery Lane, between Arlington Road to the west and Woodmont Avenue to the east, as a two-lane business district “mixed” street with parking on one side, and with a minimum right-of-way width of 52 feet.
2. West Lane, between Montgomery Lane and its terminus to the north, as a two-lane business district street with a minimum right-of-way width of 45 feet.

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 shown in the following table.

**TABLE 1
SUMMARY OF SITE TRIP GENERATION
PROPOSED EDGEMOOR DEVELOPMENT**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
Proposed Density – 4 Apartments/Condominiums	1	1	1	1	1	1
Existing Density – 1 Single-family Dwelling Unit	0	1	1	1	0	1
Net New Trips	1	0	1	0	1	1

As shown in Table 1, the proposed development would generate 1 net new peak-hour trip during the weekday morning and evening peak periods.

Finally, both Montgomery Lane and West Lane are under the authority of the Montgomery County Department of Transportation (MCDOT). The applicant is proposing to dedicate frontage along both roadways. At the time of future approvals, MCDOT will review in more detail, the turning radius of the intersection of Montgomery and West Lanes, and the enlargement of driveway width for each garage... Additionally, at the time of future approvals, the applicant may be required by MDCOT to obtain a waiver of truncation for the intersection and a design exception for the spacing of the first driveway to this curb return.

Local Area Transportation Review

The proposed development will not generate 30 or more peak-hour trips during the weekday morning and evening peak periods, therefore, a traffic study is not required for the subject application. With documentation of site trip generation stated in Table 1, the application 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 generate more than three peak-hour trips during the weekday morning and evening peak periods, the subject petition is not subject to the PAMR requirements of the APF test. Attachment D

Environmental – The site does not contain any environmentally sensitive features as defined by the Planning Board’s Approved Environmental Guidelines (2000). The zoning application will be subject to a tree save plan, which will be triggered at later stages in the development process. An application for a forest conservation exemption (# 42012104E) was submitted on January 20, 2012. The exemption request was confirmed on January 31, 2012, as qualifying under 22A-5(s) (2) of Forest Conservation Law. The associated tree save plan will be submitted and formally reviewed at the time of subdivision. An informal tree save plan submission shows the planting of 4” caliper trees within the right-of-way (ROW) as mitigation for the removal of a specimen tree. Since the property is exempt from forest conservation, the tree variance is not required. The proposed locations for these trees may not be acceptable due to utility conflicts and other potential concerns. However, the final locations and details will be addressed at later stages in the review process. In addition, at time of site plan submittal the applicant will have to demonstrate how appropriate noise levels for the residential use will be attained. Attachment E

Community Outreach – According to the applicant’s land use report several meetings with residents from the surrounding area were held to discuss the proposed application. Two letters were received at the Hearing Examiner’s office concerning parking issue and the possibility of a private construction agreement between the developers and 4821 Montgomery Lane (adjacent property) as part of the Planning Board approval”. Copies of these letters with applicant’s response to the parking issue are included as Attachment F.

Compliance with the TS-R zone- A floating zone requires an evaluation of the purpose clause of the zone. Section 59-C-8.2 of the Montgomery County Zoning Ordinance contains the requirements for the development of property in the TS-R zone.

Sec. 59-C-8.2. Intent, purposes and general requirements.

59-C-8.21. Intent.

The TS-R and TS-M zones are intended to be used as follows:

- (a)The TS-R and TS-M zones are intended to be used in a Transit Station Development Area as defined in section 59-A-2.1. However, the TS-R zone may also be used in an area adjacent to a Central Business District, within 1,500 feet of a metro transit station, and the TS-M zone may be also be used within a Central Business District if the property immediately adjoins another property outside a Central Business District that is eligible for classification in the TS-M zone or separated only by a public right-of-way from property outside a Central Business District that is eligible for classification in the TS-M zone.*
- (b)The TS-R zone is intended for locations where multiple-family residential development already exists or where such development is recommended by an approved and adopted master plan.*
- (c)The TS-M zone is intended for locations where substantial commercial or office uses already exist or where such uses are recommended by an approved and adopted master plan.*

(d) In order to facilitate and encourage innovative and creative design and the development of the most compatible and desirable pattern of land uses, some of the specific restrictions which regulate, in some other zoning categories, the height, bulk and arrangement of buildings and the location of the various land uses are eliminated and the requirement substituted that all development be in accordance with a plan of development meeting the requirements of this division

The site is located within the Bethesda CBD and is within 1,000 feet of the entrance to the Bethesda Metrorail station. While the site is less than the 18,000 square foot minimum area for the TS-R zone it does meet the development standards for reclassification into the TS-R zone given its location adjacent to and confronting other TS-R zoned properties as stated in Section 59-D-8.41 of the Zoning Ordinance. The Adopted and Approved Bethesda CBD Sector plan recommends the TS-R zone as a way to achieve multi-family residential development within the Transit Station Residential District. The property is in close proximity to nearby commercial or office uses in the Bethesda CBD. Properties to the west and north have been or will be developed with multi-family residential developments per the Plan recommendations. The submitted application further implements the Plan's recommendation by proposing multi-family development. By using the majority of the site and employing the flexible setback standards set forth in the TS-R zone, the applicant has produced an innovative and creative building for this site that will blend well with existing and proposed residential developments nearby in terms of height and massing. The building's entrance on Montgomery Lane produces and reinforces the "mixed street" concept of activity and pedestrian movements desired in the Plan.

Sec. 59-C-8.22. Purposes of the TS-R zone.

(a) To promote the effective use of the transit station development areas and access thereto;

(b) To provide residential uses and certain compatible non-residential uses within walking distance of the transit stations;

(c) To provide a range of densities that will afford planning choices to match the diverse characteristics of the several transit station development areas within the county; and

(d) To provide the maximum amount of freedom possible in the design of buildings and their grouping and layout within the areas classified in this zone; to stimulate the coordinated, harmonious and systematic development of the area within the zone, the area surrounding the zone and the regional district as a whole; to prevent detrimental effects to the use or development of adjacent properties or the surrounding neighborhood; to provide housing for persons of all economic levels; and to promote the health, safety, morals and welfare of the present and future inhabitants of the regional district and the county as a whole.

The application, as submitted, promotes the effective use of the Bethesda Metrorail Station by adding new residential uses within walking distance of this station. As shown on the Development Plan, this project proposes a residential density of 27 units per acre thereby offering choices to match the diverse characteristics of housing found within the Bethesda CBD. The density for the subject site, (27 du/ac) is within the range of 24 to 36 dwellings per acres approved for other low rise residential uses developed in the surrounding area. The building when constructed will conform to the Sector plan recommendations of 65 foot building height. Other nearby low-rise residential uses developed under the TS-R zone have comparable heights. The proposed building has been designed to incorporate the

flexible setbacks of the TS-R zone. With a building placed closer to the street, the creation of new public use space along Montgomery Lane, and a proposed building height comparable to the surrounding existing and proposed residential developments, this project provides a coordinated, harmonious and systematic development of this area as envisioned by the sector plan.

59-C-8.24. Location.

The TS-R and TS-M zones are permitted only in a Transit Station Development Area defined in section 59-A-2.1 and in accordance with an approved and adopted master plan or sector plan, except in areas within and adjacent to a Central Business District in accordance with Section 59-C-8.21(a).

The subject site is recommended for reclassification to the TS-R zone in the Approved and Adopted Bethesda CBD Sector plan.

Sec.-C-8.25. Public facilities and amenities.

A development must conform substantially to the facilities and amenities recommended by the approved and adopted master or sector plan, including and granting such easements or making such dedications to the public as may be shown thereon or are deemed necessary by the Planning Board to provide for safe and efficient circulation, adequate public open space and recreation, and insure compatibility of the development with the surrounding area, and assure the ability of the area to accommodate the uses proposed by the application. The provision of MPDUs does not authorize a reduction in any public facility and amenity or active or passive recreation space recommended in a master plan or sector plan.

The submitted development plan shows future roadway dedication along the site’s frontage on Montgomery Lane and along West Lane.

The Sector Plan recommends this dedication to ensure safe and efficient circulation along the public sidewalks. The Development Plan also shows dedication to public use space adjacent to the sidewalks which expands the public realm. This action will insure the ability of the development’s proposed public sidewalk to seamlessly connect to the surrounding areas existing sidewalks. It will also ensure the ability of the area to accommodate pedestrian movements from the residential use proposed by this application. This dedication also reinforces the compatibility of this development with the surrounding area by providing sidewalks and expanding the public realm with the abutting public use space. There are no MPDUs proposed by this development plan.

Sec. 59-C-8.4. Development standards

As noted on the chart under the Development Standards section of this staff report, the submitted local map amendment application meets the development standards required in the TS-R zone.

59-C-8.45. Procedures for application and approval.

(a) Application and development plan approval shall be in accordance with the provisions of division 59-D-1.

(b) Site plans shall be submitted and approved in accordance with the provisions of division 59-D-3.1

(c) Partial-cost developer participation, as may be provided in an adopted annual growth policy, is allowed in the transit station development area zone.

If approved by the District Council, the submitted local map amendment application and associated development plan will need to be approved in accordance with provisions contained in Section 59-D-1.1 of Zoning Ordinance... The TS-R zone requires a site plan to be submitted and approved by the Planning Board in accordance with the provisions of Section 59-D-3.1 of the Zoning Ordinance. The partial cost developer participation is not applicable for this rezoning application, as the applicant is not using this provision as a justification for approval of the application.

Sec. 59-C-8.5. Special requirements in the TS-R zone.

59-C-8.51. Building height limit.

The maximum height permitted for any building shall be determined in the process of site plan review. In approving height limits the planning board shall take into consideration the size of the lot or parcel, the relationship of the building or buildings to surrounding uses, the need to preserve light and air for the residents of the development and residents of surrounding properties and any other factors relevant to height of the building.

The appropriate findings for maximum height will be determined at the time of site plan review. However the submitted development, shows a proposed 5 story building with a maximum height of 65 feet to the roof line and 69 feet to the parapet wall. The parapet wall is exempt from the height controls as defined in the Zoning Ordinance. The proposed building height is consistent Sector Plan recommendations for building height to be no more than 65 feet in the Transit Station Residential District. Staff is recommending that these maximum heights be added as binding elements to the subject rezoning application and submitted development plan.

59-C-8.52. Off-street parking.

Parking shall be so located as to have a minimal impact on any adjoining residential properties.

Each unit proposed by the development plan will have two off street enclosed parking spaces accessing from West Lane, a 45-foot-wide public right-of-way. There will be minimal impact to adjoining residential properties to the south and east, or the property north and west which is approved but not constructed for a multi-family building consisting of 48 units. All of the properties situated along West Lane derive their vehicular access from this street, placing an emphasis for building entrances and frontage on Montgomery Lane and as recommended in the Plan and thereby minimizing impact to the adjacent residential properties on Montgomery Lane. . Based on the lack of through access (westbound traffic) to Woodmont Avenue and the limited amount of properties along West Lane, the placement of multiple driveways is appropriate.

59-C-8.53. Streets.

Interior streets may be private or public but private streets must have a minimum width of 20 feet for two-way traffic and 10 feet for one-way traffic and must be paved and maintained in good repair.

There are no interior streets under this development plan.

59-C-8.54. Ancillary commercial uses.

Ancillary commercial uses, as a permitted use or by special exception as set forth in section 59-C-8.3, may be permitted as follows:

(a) The amount of floor area devoted to commercial uses cannot exceed the amount or substantially alter the configuration specified for the site in the applicable master or sector plan.

(b) If the master or sector plan does not make a specific recommendation as to the amount of floor area allowed, then commercial uses are limited to the street level only.

In addition, a restaurant may be permitted on the top or penthouse floor. All commercial uses must be so located and constructed to protect tenants of the building from noise, traffic, odors and interference with privacy.

This application does not propose any ancillary commercial uses.

Development Plan Findings

59-D-1.61. Findings.

Before approving a development plan, specific findings must be made under Sect 59-D-1.61 of the Zoning Ordinance. These findings relate to consistency with the master or sector plan, compatibility with surrounding development circulation and access, preservation of natural features and perpetual maintenance of common areas. The required findings are set forth below with analysis following:

(a) The proposed development plan substantially complies with the use and density indicated by the master plan or sector plan, and does not conflict with the general plan, the county capital improvements program, or other applicable county plans and policies. However:

(1) To permit the construction of all MPDUs under Chapter 25A, including any bonus density units, on-site in zones with a maximum permitted density more than 39 dwelling units per acre or a residential FAR more than .9, a development plan may exceed:

(A) any dwelling unit per acre or FAR limit recommended in a master plan or sector plan, but must not exceed the maximum density of the zone; and

(B) any building height limit recommended in a master plan or sector plan, but must not exceed the maximum height of the zone.

The additional FAR and height allowed by this subsection is limited to the FAR and height necessary to accommodate the number of MPDUs built on site plus the number of bonus density units.

(2) To permit the construction of workforce housing units under § 59-A-6.18 and Chapter 25B on site, the District Council may permit:

(A) any residential density or residential FAR limit of the applicable zone to be exceeded to the extent required for the number of workforce housing units that are constructed, but not by more than 10 percent.

(B) any residential density or residential FAR limit recommended in a master or sector plan to be exceeded to the extent required for the number of workforce housing units that are constructed, but not to more than the maximum density and FAR of the zone, except as provided in paragraph (1); and

(C) any building height limit recommended in a master or sector plan to be exceeded to the extent required for the number of workforce housing units that are constructed, but not to more than the maximum height of the zone.

The Bethesda CBD Sector Plan recommended the TS-R zone for the subject property. The submitted development plan is in substantial compliance with the recommendations for use (residential) and is at a lower density (27 du/ac versus 45 to 100 du/ac) than indicated in the Plan. However, the development plan adheres to the 65 foot height recommendation contained in the Plan for this area. A height of 65 feet limits the unit yield per acre which is lower than the Plan recommendation without violating the Plan's height recommendations. There is no conflict with the general plan, county capital improvements program. Moreover, development of this site in close proximity to the Metro station supports the county's smart growth policies of creating housing within walking distance of Metrorail stations and offering future residents alternative transportation modes to the private automobile. The subject application is exempt from the MPDU requirement as the project proposes 4 units, significantly below the 20 unit threshold that requires MPDUs for all new residential projects. The applicant is not proposing work force housing units under this submittal.

(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.

The proposed development will comply with the purposes standards and regulations of the TS-R Zone as discussed under the Development Standards section of this report. The existing development to the east contains a 10 story multi-family building; the properties across Montgomery Lane and south of the subject site are developed with 3 story townhouse units while the property to the north and west of the site is approved for development of a multi-family building that will vary from 4 to 6 stories. Thus, the proposed building will be compatible with the existing and approved adjacent development in terms of height and use. This proposal provides open space amenities to residents of the development. The site's

location within the Bethesda CBD offers the convenience of CBD shopping choices and transportation choices via the Bethesda Metrorail station to future residents. This proposal has been designed for the maximum safety of the future residents.

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

The submitted development plan proposes pedestrian circulation along the site's property lines. Public sidewalks along the Montgomery Lane and West Lane will provide access that is efficient and adequate for internal and external pedestrian movement patterns of future residents. Internal access is provided by a walkway along the site's eastern and northern property lines. This walkway will offer future residents safe, adequate and efficient means to move around the property. The existing public sidewalk along Montgomery Lane will be upgraded to align with the existing sidewalk in front of the 10-story multi-family building to the east. Currently, there is no sidewalk along West Lane. The development plan proposes a sidewalk in this location to supply a missing link in the existing pedestrian circulation system and increase pedestrian safety in this location.

The vehicular access points along West Lane have been designed to minimize pedestrian and vehicular conflicts by clearly delineating each unit's driveway (access point) from the proposed sidewalk. This delineation will include a different paving material for the sidewalk to highlight pedestrian movements in this location. As proposed, the internal vehicular and pedestrian circulation systems are adequate and promote safe and efficient movements for pedestrians and vehicles using this site.

(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 property is exempt from the forest conservation requirements due to its small size. However at the time of future approvals, a tree save plan will need to be submitted to specify mitigation measures for the removal of the onsite 32.5" Silver Maple tree and to address any construction impacts to nearby offsite trees. A concept stormwater management plan (#239915) has been approved by the Department of Permitting Services for this site. Attachment G

(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

The applicant will be required to provide testimony or submit draft documentation at the Hearing Examiner's proceedings that sufficiently ensure ownership and perpetual maintenance of common areas.

CONCLUSION

The proposed Local Map Amendment and its associated Development Plan dated February 3, 2012 is consistent with the purpose clause and all applicable standards for the TS-R Zone and will be in accord with the land use recommendations contained in the 1994 Bethesda CBD Plan. Furthermore, the Development Plan is consistent with the findings in Section 59-D-1.61. Therefore, staff recommends approval of the TS-R Zone and the proposed Development Plan.

Attachments

Attachment A –Zoning Text Amendment 12-08

Attachment B - MCPS email

Attachment C– Interoffice memo master plan comments

Attachment D – Interoffice memo transportation comments

Attachment E– Interoffice memo environment comments

Attachment F – Community Letters

Attachment G- Memo from DPS

Ordinance No.: 17-17
Zoning Text Amendment No.: 12-08
Concerning: Transit Station Zones –
Minimum Area
Draft No. & Date: 1 – 4/12/12
Introduced: April 24, 2012
Public Hearing: June 12, 2012
Adopted: July 10, 2012
Effective: July 30, 2012

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

By: Councilmember Floreen

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- revise the conditions for reducing the minimum lot size of any development in the TSR and TSM zones.

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

DIVISION 59-C-8. "TRANSIT STATION DEVELOPMENT AREA ZONES."
Section 59-C-8.4. "Development standards."

EXPLANATION: *Boldface indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

OPINION

Zoning Text Amendment (ZTA) No. 12-08, sponsored by Councilmember Floreen, was introduced on April 24, 2012.

Currently, the minimum area required for any development in a Transit Station zone is 18,000 square feet; however, a smaller parcel may be approved for either the TS-R or TS-M zones if: (1) the parcel is designated for the TS-R or TS-M zone on an approved and adopted master plan or sector plan, (2) the parcel is located adjacent to or confronting another parcel either classified in or under application for either zone, and (3) the combined parcels are subject to a single development plan; or (4) the parcel is within a Central Business District and immediately adjoins or is separated only by a public right-of-way from property outside a Central Business District that is eligible for classification in the TS-M zone. The required minimum area does not prohibit a lot area of less than 18,000 square feet for purposes of subdivision or record plat approval.

Provision (3) requires at least 2 parcels to allow a development of less than 18,000 square feet. In the opinion of Councilmember Floreen, if the code allows 2 lots to total less than 18,000 square feet, the code should also allow a development on one lot with less than 18,000 square feet.

The Montgomery County Planning Board, in its report to the Council, recommended approval of ZTA 12-08 as submitted. Planning Staff found that there are currently 6 properties that would be affected by ZTA 12-08:

The County Council held a public hearing on June 12, 2012 to receive testimony concerning the proposed text amendment. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on June 25, 2012 to review the amendment; the Committee (3-0) recommended approval of ZTA 12-08 as introduced.

The District Council reviewed Zoning Text Amendment No. 12-08 at a worksession held on July 10, 2012 and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 12-08 will be approved as introduced.

ORDINANCE

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

1 **Sec. 1. DIVISION 59-C-8 is amended as follows:**

2 DIVISION 59-C-8. Transit Station Development Area Zones.

3 * * *

4 **Sec. 59-C-8.4. Development standards.**

	TS-R	TS-M
59-C-8.41. Minimum area.		
The minimum area required for any development (in square feet) is[[:]];:	18,000	40,000
however, a smaller parcel may be approved for either the TS-R or TS-M zones if:		
(1) the parcel is:		
(A) designated for the TS-R or TS-M zone on an approved and adopted master plan or sector plan[, (2)]; <u>and</u>		
(B) [the parcel is] located adjacent to or confronting another parcel either classified in or under application for either zone[, and (3) the combined parcels are subject to a single Development Plan, or (4)]; <u>or</u>		
(2) the parcel is within a Central Business District and immediately adjoins or <u>is</u> separated only by a public right-of-way from property outside a Central Business District that is eligible for classification in the TS-M zone. The required minimum area does not prohibit a lot area of less than 18,000 square feet for purposes of subdivision or record plat approval.		

5 * * *

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

8

9 This is a correct copy of Council action.

10

11 Linda M. Lauer

12 Linda M. Lauer, Clerk of the Council

From: Crispell, Bruce [mailto:Bruce_Crispell@mcpsmd.org]
Sent: Friday, August 03, 2012 10:35 AM
To: Reilly, Kathy
Subject: Rezoning Application G-908

Kathy,

This is sent in response to your request for an update to my previous email, of February 2, 2012, concerning rezoning application G-908.

All of the information in the February 2, 2012 email is still correct in terms of school assignments for the property, and enrollment projections for the assignment schools. However, since that email a new school test has been adopted by the Planning Board; the FY 2013 school test that took effect on July 1, 2012. The new school test reflects County Council action on the MCPS FY2013-2018 CIP. Funding is now included for several elementary school additions and a new middle school in the B-CC Cluster. Therefore, the FY 2013 school test finds no problem with elementary or middle school capacity – no school facility payment and no moratorium.

At the high school level B-CC High School is projected to be over capacity by close to 500 students by 2017. A feasibility study for an addition will be conducted this year, and a request for design and construction funds will be included in a future CIP. In order to avoid a development moratorium the County Council put a “placeholder” capital project in the adopted FY 2013-2018 CIP. This keeps the B-CC cluster out of moratorium in FY 2013, but require a school facility payment at the high school level for subdivision approvals in FY 2013.

Let me know if I can be of further assistance.

Bruce

Reilly, Kathy

From: Crispell, Bruce <Bruce_Crispell@mcpsmd.org>
Sent: Thursday, February 02, 2012 9:58 AM
To: Reilly, Kathy
Subject: RE: G-908, school adequacy
Attachments: CIP13_Ch4_BCC.pdf

Kathy,

I'm sorry, I don't recall getting that application. Here is the information you requested.

Rezoning Application G-908 at 4825 Montgomery Lane in Bethesda, Maryland would result in four multi-family housing units. It is estimated that these four multi-family housing units would generate, at most, one elementary student, one middle school student and one high school student. This property is located with the service areas of Bethesda Elementary School, Westland Middle School, and Bethesda-Chevy Chase High School.

Bethesda Elementary School is projected to exceed capacity until August 2015 when an eight classroom addition is scheduled to open. Westland Middle School is projected to exceed capacity until August 2017 when a new middle school is scheduled to open. Bethesda-Chevy Chase High School is projected to exceed capacity for all six years of the forecast period. A feasibility study for an addition at the high school is scheduled to occur this spring. A capital project for an addition will be included in a future capital improvements program. The current FY 2012 "school test" of the Subdivision Staging Policy indicates a school facility payment is required at the elementary, middle and high school levels to obtain subdivision approval in the Bethesda-Chevy Chase cluster. Attached are pages from the FY 2013–2018 Capital Improvements Program concerning the Bethesda-Chevy Chase cluster.

Bruce Crispell

Director, Division of Long-range Planning
Montgomery County Public Schools
(240) 314-4702 (office)
(240) 314-4707 (fax)

2096 Gaither Road - Suite 201
Rockville, Maryland 20850
bruce_crispell@mcpsmd.org

From: Reilly, Kathy [mailto:Kathy.Reilly@montgomeryplanning.org]
Sent: Thursday, February 02, 2012 9:04 AM
To: Crispell, Bruce
Subject: G-908, school adequacy
Importance: High

Hi Bruce,

I'm preparing a report for a rezoning application, G-908 at 4825 Montgomery Lane in Bethesda (downtown). Have reviewed my files and don't have a response from schools for adequacy. Our records show the information was sent to schools in Oct/Nov 2011. Could you provide me a quick summary as to whether this application meets school adequacy? Would like to get this information by COB Friday, Feb 3, 2012, if possible.

The applicant is proposing a 4 story multi-family building with 4 apartments, (one apartment per floor). I believe each unit is 3 bedrooms, 3 baths.

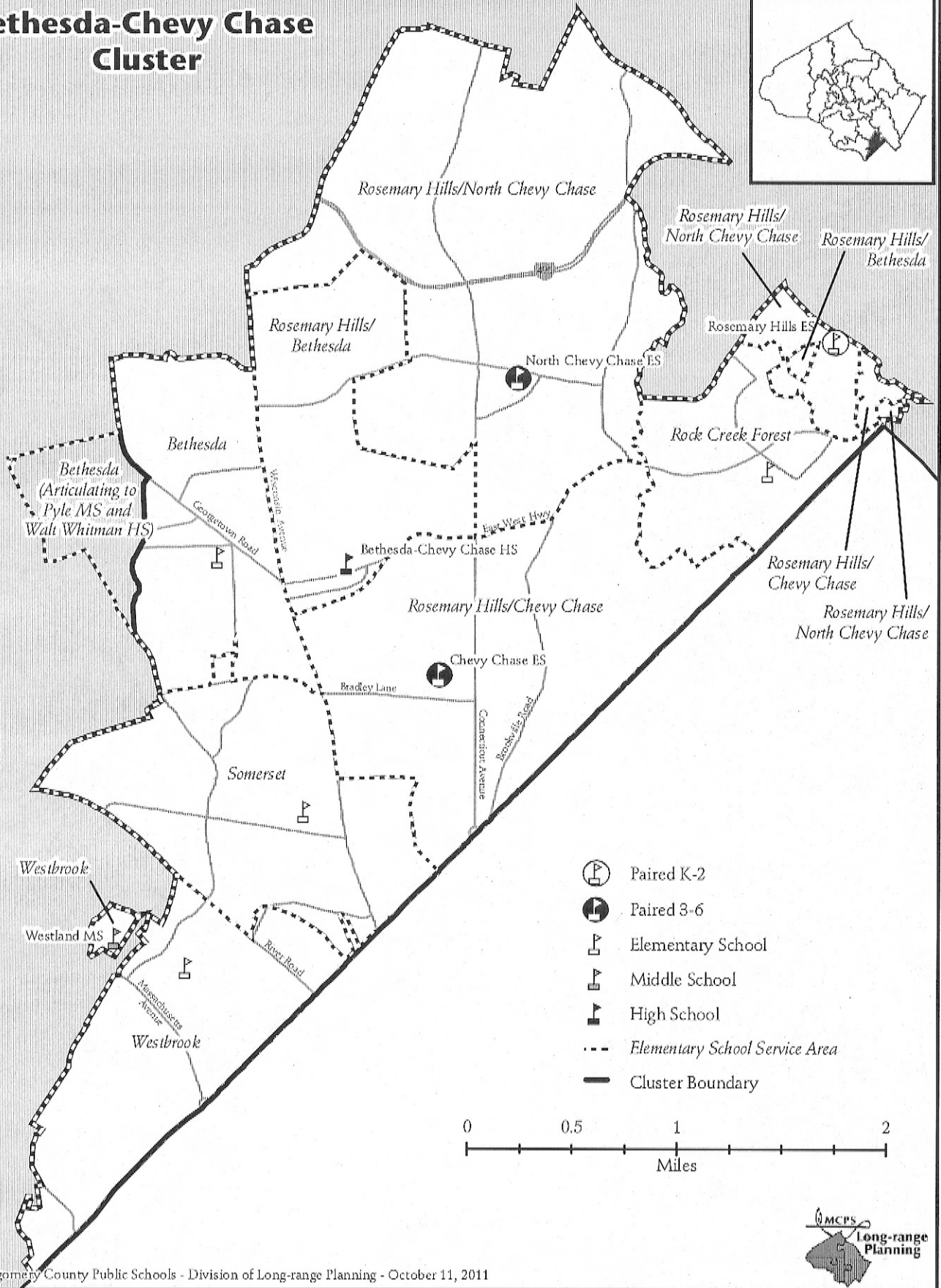
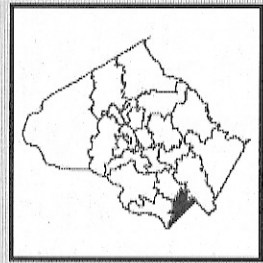
The property is currently zoned R-60, applicant is requesting TS-R which the Bethesda CBD master plan recommends.

Please call me if you have any questions or would like to discuss.

Thanks,
Kathy

Kathleen A. Reilly, AICP
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Maryland-National Capital Park and Planning Commission
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Kathy.Reilly@montgomeryplanning.org

Bethesda-Chevy Chase Cluster



CLUSTER PLANNING ISSUES

Student enrollment at all the schools in the Bethesda-Chevy Chase Cluster has increased dramatically over the past few years. To address the overutilization at the schools, capital projects were approved as part of the Amended FY 2011–2016 CIP, and several planning activities occurred over the past two years to develop long-range plans for schools in this cluster. The approved capital projects include the following:

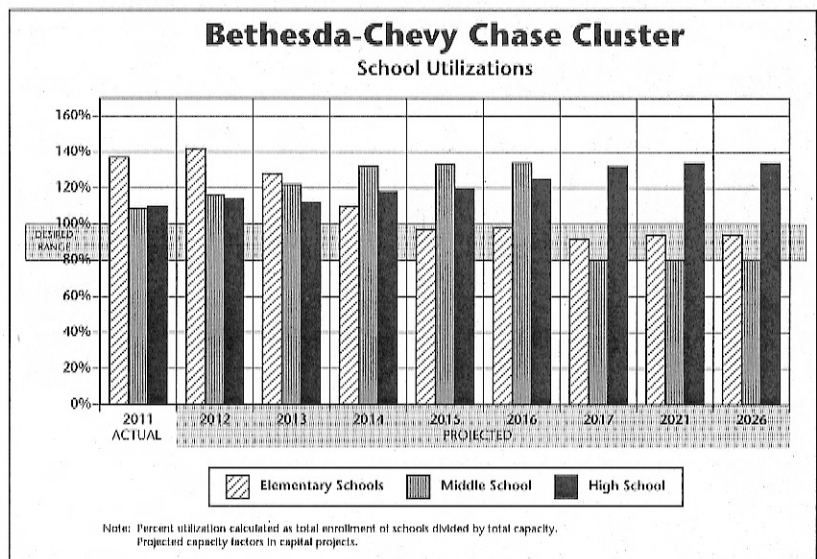
- An addition that opened at Somerset Elementary School during the 2010–2011 school year;
- An addition at Westbrook Elementary School scheduled to open in August 2013; and
- A modernization at Rock Creek Forest Elementary School (with increased capacity) is scheduled to open in January 2015.

A summary of other planning actions and activities for other Bethesda-Chevy Chase Cluster schools include the following:

- In March 2010, the Board of Education adopted a boundary change between Bethesda and Bradley Hills elementary schools to address the overutilization at Bethesda Elementary School. Beginning in August 2013, the western portion of the Bethesda Elementary School service area (that articulates to the Walt Whitman Cluster secondary schools) will be reassigned to Bradley Hills Elementary School. A classroom addition was approved at Bradley Hills Elementary School that will provide sufficient capacity for the expansion of the school's service area.
- On November 18, 2010, the Board of Education authorized a boundary study among Bethesda, Chevy Chase, North Chevy Chase, and Rosemary Hills elementary schools. The study was conducted in spring 2011 and the Report of the Boundary Advisory Committee for Bethesda, Chevy Chase, North Chevy Chase, and Rosemary Hills Elementary Schools was sent to the superintendent of schools and Board of Education members on June 3, 2011. The boundary options reviewed by the committee incorporated information that was previously developed from feasibility studies on the number of classrooms that can be added to the schools. The superintendent of schools released his recommendation on October 14, 2011. The Board of Education will take action on November 17, 2011. The recommendation is available at the following link:
http://www.montgomeryschoolsmd.org/departments/planning/pdf/BCC_SuperintendentsRecommendation10142011.pdf
- To support the boundary recommendations, three elementary school addition projects are recommended in the FY 2013–2018 CIP at Bethesda, Chevy Chase, and Rosemary Hills elementary schools. An FY 2013 appropriation for planning funds is recommended for Bethesda, North Chevy Chase, and Rosemary

Hills elementary schools to begin the architectural design for the classroom additions to be constructed by August 2015.

- A new middle school is needed in the Bethesda-Chevy Chase Cluster to address Grades 6–8 enrollment growth in the cluster and allow the Grade 6 students currently enrolled at Chevy Chase and North Chevy Chase elementary schools to be reassigned to the middle school level. In addition, the reorganization of these two elementary schools, from Grades 3–6 to Grades 3–5, will help relieve some of the projected overutilization at these schools when the new middle school opens. A feasibility study for the new middle school, to be located at the Rock Creek Hills Local Park site, was conducted in summer 2011. FY 2014 expenditures for planning funds are programmed in the FY 2013–2018 CIP to begin the architectural design for Bethesda-Chevy Chase Middle School #2 for completion in August 2017.
- In addition to middle school growth in the Bethesda-Chevy Chase Cluster, there is significant growth in the Walt Whitman Cluster middle school population. Enrollment projections for Thomas W. Pyle Middle School indicate that the school will have an enrollment of close to 1,500 students and will be more than 200 seats over capacity by the end of the six-year CIP planning period. The new Bethesda-Chevy Chase Middle School #2 will be designed for a capacity of 944 students. This capacity will enable the new school and Westland Middle School to accommodate all the projected middle school enrollment in the Bethesda-Chevy Chase Cluster, as well as provide sufficient capacity for the possible sharing of Westland Middle School with the Walt Whitman Cluster if enrollment at Thomas W. Pyle Middle School continues to increase beyond the school's capacity.



SCHOOLS

Bethesda Chevy Chase High School

Capital Project: Enrollment increases occurring at cluster elementary schools, and at Westland Middle School, are moving up to the high school level. Bethesda-Chevy Chase High School is projected to exceed capacity by over 500 students by the end of the six-year CIP planning period. An FY 2012 appropriation for facility planning funds was approved to determine the feasibility, scope, and cost of an addition at Bethesda-Chevy Chase High School. The timing for a possible addition will be determined in a future CIP.

Bethesda Chevy Chase Middle School #2 (B-CC MS #2)

Capital Project: Enrollment increases at Westland Middle School, and the plan to reassign Grade 6 students from Chevy Chase and North Chevy Chase elementary schools to the middle school level, will result in a total cluster middle school enrollment of about 1,600 students. This projected enrollment would far exceed the current capacity of Westland Middle School. A new middle school is needed in the cluster to accommodate the projected enrollment. FY 2014 expenditures are programmed for planning funds to begin the architectural design for a new school. The scheduled completion date for the new school is August 2017. In order for this project to be completed on schedule, county and state funding must be provided at levels recommended in this CIP.

Westland Middle School

Utilization: Although a six-classroom addition opened in the 2009–2010 school year to accommodate the overutilization at Westland Middle School, enrollment continues to increase beyond the capacity of the school. The opening of a new middle school in the cluster will address overutilization of Westland Middle School. Relocatable classrooms will be utilized until the new school opens.

Bethesda Elementary School

Non-capital Solution: In March 2010, the Board of Education approved the reassignment of the western portion of the Bethesda Elementary School service area (the area that articulates to Whitman Cluster secondary schools) to Bradley Hills Elementary School. This boundary change will provide partial relief to overutilization at Bethesda Elementary School when it is implemented in August 2013.

In spring 2011, a boundary study including Bethesda, Chevy Chase, North Chevy Chase, and Rosemary Hills elementary schools was conducted. The superintendent of schools released his recommendation on October 14, 2011, and Board of Education action is scheduled for November 17, 2011. The recommendation is available at the following link: http://www.montgomeryschoolsmd.org/departments/planning/pdf/BCC_SuperintendentsRecommendation10142011.pdf

Capital Project: Enrollment projections that incorporate recommended boundary changes indicate that enrollment at Bethesda Elementary School will exceed capacity by four or more classrooms throughout the six-year CIP planning period. Relocatable classrooms will be utilized until an addition is completed. An FY 2013 appropriation is recommended for planning funds to begin the architectural design for a classroom addition. The scheduled completion date for the addition is August 2015. In order for this project to be completed on schedule, county and state funding must be provided at levels recommended in this CIP.

Capital Project: An FY 2012 appropriation for Bradley Hills Elementary School is approved for construction funds to begin the construction of the addition. The scope of the addition at Bradley Hills Elementary School includes additional classrooms and an expansion of the administration suite and multipurpose room to accommodate the reassignment of students from Bethesda Elementary School. The scheduled completion date for the addition is August 2013. In order for this project to be completed on schedule, county and state funding must be provided at the levels approved in this CIP.

Chevy Chase Elementary School

Non-capital Solution: In November 2010, the Board of Education approved a plan to construct a new middle school in the Bethesda-Chevy Chase Cluster and reassign Grade 6 students from Chevy Chase and North Chevy Chase elementary schools to the middle school level when the new middle school opens in August 2017.

In spring 2011, a boundary study including Bethesda, Chevy Chase, North Chevy Chase, and Rosemary Hills elementary schools was conducted. The superintendent of schools released his recommendation on October 14, 2011 and Board of Education action is scheduled for November 17, 2011. Enrollment projections that incorporate recommended boundary changes indicate that once the Grade 6 students are reassigned to the middle school level, Chevy Chase Elementary School will be within capacity. The recommendation is available at the following link: http://www.montgomeryschoolsmd.org/departments/planning/pdf/BCC_SuperintendentsRecommendation10142011.pdf

North Chevy Chase Elementary School

Non-capital Solution: In November 2010, the Board of Education approved a plan to construct a new middle school in the Bethesda-Chevy Chase Cluster and reassign Grade 6 students from Chevy Chase and North Chevy Chase elementary schools to the middle school level when the new middle school opens in August 2017.

In spring 2011, a boundary study including Bethesda, Chevy Chase, North Chevy Chase, and Rosemary Hills elementary schools was conducted. The superintendent of schools released his recommendation on October 14, 2011 and Board of Education action is scheduled for November 17, 2011. The recommendation is available at the following link:

BETHESDA-CHEVY CHASE CLUSTER

http://www.montgomeryschoolsmd.org/departments/planning/pdf/BCC_SuperintendentsRecommendation10142011.pdf

Capital Project: Projections that incorporate recommended boundary changes indicate enrollment at North Chevy Chase Elementary School will exceed capacity by four or more classrooms throughout the six-year CIP period. The reassignment of Grade 6 students out of North Chevy Chase Elementary School will relieve some, but not all, of the projected space deficit. Relocatable classrooms will be utilized until the addition is completed. An FY 2013 appropriation is recommended for planning funds to begin the architectural design for a classroom addition. The scheduled completion date for the addition is August 2015. In order for this project to be completed on schedule, county and state funding must be provided at levels recommended in this CIP.

Capital Project: A gymnasium project is scheduled for this school. An FY 2012 appropriation was approved for construction funds to construct the gymnasium, which is scheduled for completion in August 2012.

Rock Creek Forest Elementary School

Capital Project: A modernization project is scheduled for this school with a completion date of January 2015. An FY 2012 appropriation for planning funds was approved to begin the architectural design of the modernization. In order for this project to be completed on schedule, county and state funding must be provided at the levels approved in this CIP. Because projections indicate enrollment at Rock Creek Forest Elementary School will exceed capacity throughout the six-year period, relocatable classrooms will be utilized until additional capacity can be added as part of the modernization.

Rosemary Hills Elementary School

Non-capital solution: In spring 2011, a boundary study including Bethesda, Chevy Chase, North Chevy Chase, and Rosemary Hills elementary schools was conducted. The superintendent of schools released his recommendation on October 14, 2011 and Board of Education action is scheduled for November 17, 2011. The recommendation is available at the following link: http://www.montgomeryschoolsmd.org/departments/planning/pdf/BCC_SuperintendentsRecommendation10142011.pdf

Capital Project: Enrollment projections that incorporate the recommended boundary changes indicate enrollment at Rosemary Hills Elementary School will exceed capacity by four or more classrooms throughout the six-year CIP period. Relocatable classrooms will be utilized until the addition is completed. An FY 2013 appropriation is recommended for planning funds to begin the architectural design for a classroom addition. The scheduled completion date for the addition is August 2015. In order for this project to be completed on schedule, county and state funding must be provided at levels recommended in this CIP.

Capital Project: A modernization project is scheduled for this school with a completion date of January 2021. FY 2016 expenditures are programmed for facility planning for a feasibility study to determine the scope and cost of the project. In order for this project to be completed on schedule, county and state funding must be provided at the levels recommended in this CIP.

Westbrook Elementary School

Capital Project: Projections indicate enrollment at Westbrook Elementary School will exceed capacity by four or more classrooms by the end of the six-year CIP planning period. An FY 2012 appropriation was approved for construction funds to begin construction of the classroom addition and gymnasium. The scheduled completion date for the addition and gymnasium is August 2013.

CAPITAL PROJECTS

School	Project	Project Status*	Date of Completion
Bethesda-Chevy Chase HS	Classroom addition	Proposed	TBD
Bethesda-Chevy Chase MS #2	New school	Programmed	Aug. 2017
Bethesda ES (Addition at Bradley Hills ES)	Boundary change	Approved	Aug. 2013
Bethesda ES	Classroom addition	Recommended	Aug. 2015
North Chevy Chase ES	Gymnasium	Approved	Aug. 2012
	Classroom addition	Recommended	Aug. 2015
Rock Creek Forest ES	Modernization	Approved	Jan. 2015
Rosemary Hills ES	Classroom addition	Recommended	Aug. 2015
	Modernization	Programmed	Jan. 2021
Westbrook ES	Classroom addition	Approved	Aug. 2013
	Gymnasium	Approved	Aug. 2013

*Approved—Project has an FY 2012 appropriation approved in the Amended FY 2011–2016 CIP.

Recommended—Project has an FY 2013 appropriation recommended in the FY 2013–2018 CIP.

Programmed—Project has expenditures programmed in a future year of the CIP for planning and/or construction funds.

Proposed—Project has facility planning funds approved in the Amended FY 2011–2016 CIP for a feasibility study or recommended in the FY 2013–2018 CIP.

BETHESDA-CHEVY CHASE CLUSTER

Projected Enrollment and Space Availability
Effects of the Recommended FY2013–2018 CIP and Non-CIP Actions on Space Available

Schools		Actual 11-12	Projections						2021	2026
			12-13	13-14	14-15	15-16	16-17	17-18		
Bethesda-Chevy Chase HS	Program Capacity	1665	1642	1642	1642	1642	1642	1642	1642	1642
	Enrollment	1830	1875	1843	1940	1969	2060	2162	2200	2200
	Available Space	(165)	(232)	(200)	(298)	(326)	(418)	(520)	(558)	(558)
	Comments	Facility Planning for Addition								
Bethesda-Chevy Chase MS #2	Program Capacity							944	944	944
	Enrollment							0	0	0
	Available Space							944	944	944
	Comments			Planning for new school				Opens Aug. 2017		
Westland MS	Program Capacity	1063	1063	1063	1063	1063	1063	1063	1063	1063
	Enrollment	1159	1232	1298	1401	1409	1422	1608	1600	1600
	Available Space	(96)	(170)	(236)	(338)	(346)	(360)	(545)	(537)	(537)
	Comments							See text		
Bethesda ES Grades (K-5) Grades (3-5) Paired With Rosemary Hills ES	Program Capacity	384	384	384	384	568	568	568		
	Enrollment	491	515	539	510	515	534	535		
	Available Space	(107)	(131)	(155)	(126)	53	34	33		
	Comments		Planning for Addition	Boundary		Addition opens				
Chevy Chase ES Grades (3-6) Paired With Rosemary Hills ES	Program Capacity	450	450	450	450	450	450	450		
	Enrollment	504	526	518	510	520	525	415		
	Available Space	(54)	(76)	(68)	(60)	(70)	(75)	35		
	Comments			Boundary change				See text		
North Chevy Chase ES Grades (3-6) Paired With Rosemary Hills ES	Program Capacity	220	220	220	220	358	358	358		
	Enrollment	421	443	426	430	445	445	330		
	Available Space	(201)	(223)	(206)	(210)	(87)	(87)	28		
	Comments	Mod. Complete Jan. 2012	Planning for Addition	Boundary Change		Addition opens		See text		
Rock Creek Forest ES	Program Capacity	310	310	310	745	745	745	745		
	Enrollment	578	594	615	620	689	680	673		
	Available Space	(268)	(284)	(305)	125	56	65	72		
	Comments	Planning for Modernization		@ Radnor	Mod Complete Jan. 2015	+ 2 AUT +1 PEP + PreK				
Rosemary Hills ES Grades (K-2) Paired With Bethesda ES Chevy Chase ES North Chevy Chase ES	Program Capacity	476	476	476	476	615	615	615		
	Enrollment	691	715	634	622	571	571	571		
	Available Space	(215)	(239)	(158)	(146)	44	44	44		
	Comments		Planning for Addition	Boundary Change		Addition opens -1 AUT, -PreK		Planning for Mod		
Somerset ES	Program Capacity	516	516	516	516	516	516	516		
	Enrollment	509	533	555	547	534	529	532		
	Available Space	7	(17)	(39)	(31)	(18)	(13)	(16)		
	Comments									
Westbrook ES	Program Capacity	283	283	558	558	558	558	558		
	Enrollment	411	425	434	429	434	441	445		
	Available Space	(128)	(142)	124	129	124	117	113		
	Comments	Planning for Addition		Addition Complete + Gym						
Cluster Information	HS Utilization	110%	114%	112%	118%	120%	125%	132%	134%	134%
	HS Enrollment	1830	1875	1843	1940	1969	2060	2162	2200	2200
	MS Utilization	109%	116%	122%	132%	133%	134%	80%	80%	80%
	MS Enrollment	1159	1232	1298	1401	1409	1422	1608	1600	1600
	ES Utilization	137%	142%	128%	110%	97%	98%	92%	94%	94%
	ES Enrollment	3605	3751	3721	3668	3708	3725	3501	3600	3600

BETHESDA-CHEVY CHASE CLUSTER

Demographic Characteristics of Schools

Schools	2011-2012						2010-2011		
	Total Enrollment	Two or more races %	Black or Afr. Amr. %	Asian%	Hispanic %	White %	FARMS%*	ESOL%**	Mobility Rate%***
Bethesda-Chevy Chase HS	1830	3.6%	15.4%	6.3%	16.0%	58.7%	9.3%	1.9%	7.9%
Westland MS	1159	5.7%	12.0%	4.8%	17.1%	60.1%	10.0%	4.5%	5.9%
Bethesda ES	491	6.1%	6.9%	13.0%	11.4%	62.5%	6.6%	7.1%	7.7%
Chevy Chase ES	505	5.9%	8.7%	6.1%	7.7%	71.3%	8.9%	2.3%	4.3%
North Chevy Chase ES	421	6.4%	12.8%	5.9%	13.1%	61.5%	5.6%	3.0%	3.7%
Rock Creek Forest ES	578	5.5%	15.4%	5.0%	29.2%	44.3%	22.0%	14.9%	7.8%
Rosemary Hills ES	691	6.8%	13.0%	5.1%	15.8%	58.9%	19.0%	11.6%	5.7%
Somerset ES	511	5.1%	3.7%	11.0%	7.8%	72.4%	2.7%	13.3%	10.0%
Westbrook ES	411	6.6%	1.5%	3.2%	7.1%	81.8%	2.5%	5.2%	5.0%
Elementary Cluster Total	3608	6.0%	9.3%	7.0%	13.8%	63.6%	10.5%	8.6%	6.4%
Elementary County Total	70136	4.9%	20.3%	14.3%	28.0%	32.3%	35.2%	22.0%	12.6%

*Percent of students approved for Free and Reduced-priced Meals Program (FARMS) during the 2010-2011 school year.

**Percent of English for Speakers of Other Languages (ESOL) during the 2010-2011 school year. High School students are served in regional ESOL centers.

***Mobility Rate is the number of entries plus withdrawals during the 2010-2011 school year compared to total enrollment.

Native Hawaiian/Pacific Islander and American Indian/Alaskan Native categories total less than 1% and were therefore excluded from the table.

Program Capacity and Room Use Table (School Year 2011-2012)

Schools	Grades Served	Capacity (HS @90% MS@85%)	Total Rooms	Support Rooms	Regular Secondary @25	Regular Elementary @23	CSR Grades 1-2 @17	Pre-K @20	Pre-K @40	HS @20	CSR KIND @15	KIND @22	ESOL @15	METS @15	Special Education Programs																								
															SEC LAD @15	HSM @13	ELEM LEAD @13	ELC @10	LANG @12	LFI @10	SCB @6	AAC @7	AUT @6	BRIDGE @10	DHOH @7	ED @10	EXTENSIONS @6	EDY/GT @13	PD @7	PEP @6	PEP @12	PEP @18	SLC @10	VISION (Elementary) @7	OTHER				
Bethesda-Chevy Chase HS	9-12	1665	76	71											3																								
Westland MS	6-8	1063	52	47											4																								
Bethesda ES	K-5	384	21	3	13						3						1																						
Chevy Chase ES	3-6	450	24	4	19												1																						
North Chevy Chase ES	3-6	220	15	5	9												1																						
Rock Creek Forest ES	K-5	310	23	4	3	9				5							1																					1	
Rosemary Hills ES	PreK-2	476	27	4	9			1			9						1								3														
Somerset ES	K-5	516	27	4	19						3						1																						
Westbrook ES	K-5	283	18	4	8						3						1											2											

BETHESDA-CHEVY CHASE CLUSTER

Facility Characteristics of Schools 2011–2012

Schools	Year Facility Opened	Year Reopened/ Modernized	Total Square Footage	Site Size Acres	Adjacent Park	Relocatable Classrooms	Linkages to Learning Program	Home School Model
Bethesda-Chevy Chase HS	1934	2001	308,215	16.4				
Westland MS	1951	1997	146,006	25.1		3		
Bethesda ES	1952	1999	62,557	8.42		5		Yes
Chevy Chase ES	1936	2000	70,976	3.8				Yes
North Chevy Chase ES	1953	1995	42,035	7.9		5		Yes
Rock Creek Forest ES	1950	1971	54,522	8		6		Yes
Rosemary Hills ES	1956	1988	70,541	6.1		6		Yes
Somerset ES	1949	2005	80,122	3.7				Yes
Westbrook ES	1939	1990	46,822	12.5	Yes	5		Yes



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

August 28, 2012

To: Kathy Reilly, Lead Reviewer, Area 1

From: Margaret K. Rifkin, Planner Coordinator, Area 1

Re: G -908 4825 Montgomery Lane, Re-Zoning to the TS-R Zone: Sector Plan Conformance and the Bethesda CBD Sector Plan Urban Design Guideline 5 on page 85

This memo is in addition to the memo of February 8, 2012 and describes how this proposal achieves the intent of urban design guidelines 5 on page 85 of the Bethesda CBD Sector Plan.

5. *Design roof tops to achieve a residential image using hip roofs, gables, turrets, and other types of pitched roof lines. The varied roof line is desirable to improve character and reduce the sense of bulk.*

This project achieves the broader intent of this design guideline of projecting a “residential image” and reduced “sense of bulk” through various design features. For this reason, the provision of a “pitched roof line” or similar design feature is not essential to achieve the intent.

Firstly, due to the relatively small size of the lot of 6,217 square feet and therefore of the building footprint itself, and due to the relatively low height of the building 65 feet (69 feet to the parapet wall) the issue of bulk is easily addressed through the articulated design of each façade and the creation of a base, middle and top.

The design of the building successfully communicates a “residential character” including features similar to those of the residential townhouses directly across Montgomery Lane:

- The front door is typical of residential design. It is a standard “single wide” residential scale and the design includes flanking small-scale ornamental pilasters that rise only to the height of the door itself and no further. This compares with what might be found on an institutional or commercial building, such as a bank, where a grander, larger scale of ornamental pillars is often found.
- Materials are a combination of brick and other masonry which define “top”, “middle” and “base” with articulated horizontal bands and corner detailing that includes quoins. This design is similar to that of the residential townhouses across the street.
- The cornice itself is articulated and finely detailed.
- Double hung windows typical of residential structures, divided symmetrically into a grid of individual panes, overlook Montgomery Lane. Similar windows but in pairs, appear on each of the other facades and also convey a residential character. These contrasts with the curtain walls and bands of windows found in many commercial buildings.

- The north and south façades each include a single small circular paned window to mark each unit/floor. This detail emphasizes the residential scale and character of the building.
- A “screened in terrace” for each unit faces Montgomery Lane providing private semi-outdoor space for each household. Such screened in terraces are features typical of residential, rather than commercial uses.

- The west elevation which faces West Lane is designed with garage doors that are sized to fit two cars and have ornamental panels and detailing typical of that found on townhouses and single family homes of traditional styling.

Because the building is clearly residential in not only use but character, and because the building is of modest size with facades of detailed articulation, the intent of the guidelines has been achieved.

In addition, the neighborhood itself as it evolves is successful in its realization of “residential character”. This is achieved in a variety of ways, including but not limited to, the use of pitched roofs. Some of the architecture of redevelopment along Montgomery Lane includes pitched rooflines – such as that of the townhouses across the street, and some does not: such as that of the multifamily development at Montgomery Lane and Arlington Road. In these cases, it is a combination of design features that achieves the desired outcome.



February 8, 2012

To: Kathy Reilly, Lead Reviewer, Area 1

From: Margaret K. Rifkin, Planner Coordinator, Area 1 *MKR*

Re: G-908 - 4825 Montgomery Lane Re-Zoning to the TS-R Zone: Sector Plan Conformance

The development plan dated January 17, 2012 is in conformance with the Bethesda CBD Sector Plan (1994). The subject site is located in the "Transit Station Residential District" (page 80). The Plan recommends that all development follows not only the recommendations and guidelines for that district, but the general objectives and principles for the entire Sector Plan area. These include stepping down building heights from the Metro Center to adjacent areas, clearly identifying a building's entrance in the façade design and locating the entrance at street level.

This project is consistent with the land use objectives of the sector plan as this district will have a *low-rise high density "urban village" pattern* through the use of the requested TS-R zone. (Pages 80 & 82).

"The Plan recommends a minimum of 45 dwelling units per acre everywhere except Arlington Road, where there would not be a minimum density in order to allow townhouse development at lower densities. The Plan anticipates that some projects will incorporate higher densities, and the full 2.5 FAR densities (about 100 dwelling units per acre) would be allowed." (Page 82).

The proposed residential building consisting of 4 dwelling units on the net 6,217 square foot lot is equivalent to a density of 28 dwelling units per acre. This property is developing at FAR 2.5 which is consistent with the Plan. This is a relatively small site, with a building height of 65 feet (and ultimately 69 feet to the parapet wall). The proposed height provides a transition between the taller TS-R development abutting to the east and that recommended for the lower townhouses to the west of this site along Arlington Road. The height and is consistent with "step down building heights" illustrated on page 42 of the Plan.

The Plan also proposes a combination of private and public open space both within and outside the TS-R district to serve new residents. Open space within the TS-R neighborhood would be developed with as a private recreational areas, possibly with both housing and private outdoor areas located above structured parking. (P 82) Additionally the Plan states, one possible resource for publically oriented open space within the TS-R-District is in the areas in front of the new apartment structures along Montgomery Lane. Streetscape and special seating areas could be provided in the setback from the sidewalk to the face, creating an outdoor community space. (P82)

The submitted development plan shows private open space along the eastern and northern lot lines of the site to serve future residents. Public open space is also shown on the development plan along the site's frontage on Montgomery Lane to serve new residents as envisioned by the plan.

The Sector Plan's Urban Design guidelines applicable to this application are as follows:

1. "Permit projects with a minimum lot size of 18,000 square feet to encourage smaller scale projects. Projects should not leave isolated parcels". This property is 6,217 square feet and smaller than the 18,000 square feet in the guideline. This is acceptable due to the fact that a project that is generally consistent with the intent of the Sector Plan is achievable on this site as discussed below.

2. "Encourage low rise buildings to fill out the parcel" This project proposes a 5 story building that is significantly lower than the adjacent building to the east The Sector Plan recommends a building height of no more than 65 feet which is equivalent to a 6 story residential building (page 39.) This proposal is consistent with that recommendation as it proposed a five story building that will be 65 feet to the roof line plus an additionally 4 feet to the parapet wall. The proposal is also consistent with the Plan guidance to "step down building heights from the Bethesda Metro Center properties to achieve desirable and compatible transitions to adjacent areas." P. 40

6. *Locate front unit entrances along the street when residences are provided on the first floor to encourage street life.* Initially the applicant submitted a development plan showing the entrance to the proposed building along the site's eastern property line. After discussion with staff, the plan was revised to place the front entrance to the building on Montgomery Lane in keeping with the above cited sector plan recommendation. While the residences are proposed one floor above street level, the building's entrance reoriented on Montgomery Lane will help to increase pedestrian activity on Montgomery Lane which is recommended as a pedestrian oriented "mixed street." (Pages 84 & 86 and pages 180-1). A mixed street is one with slow moving traffic and enhanced features for pedestrians and bicyclists. The idea is that such a street is designed to accommodate a true "mix" of pedestrian, bicyclists and motorized vehicles.

Montgomery Lane provides a good direct pedestrian connection between the Bethesda Public Library on Arlington Road and the Metro Station to the east. (Page 41). The Bethesda Library serves as a "primary focal point" for Montgomery Lane. The street's function as a route for pedestrians with limited traffic is further enhanced by the presence of the proposed building entrance located on this street as well as the absence of driveway entrances and curb cuts onto Montgomery Lane.

7. *Locate required parking either underground or in rear decks, so as not to be seen from surrounding streets.* The development plan shows garage parking on the street level garage along West Lane. Each garage unit is a double bay and is equipped with garage doors that close to screen views of the parked vehicles.

In addition, in the "general objectives and principles", The plan states on page 40 "to achieve an infill character for new development by dividing large projects into several buildings high which will achieve an urban form with a "fine grain" versus a coarse grain created by larger, single structures." The submitted development plan is consistent with the plan's guidance as the site is small with a relatively small building that contributes to the "fine-grain" of the neighborhood.

Finally, at the time of site plan review, more detailed design issues such as Montgomery Lane as a mixed street and primary pedestrian path with expanded pedestrian enhancements, special street pavement and varied rooflines for residential buildings can be addressed to further achieve the Sector Plan's objectives.



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

February 2, 2012

TO: Kathy Reilly

FROM: Cherian Eapen, Planner/Coordinator

SUBJECT: Rezoning Application No. G-908
4825 Montgomery Lane
4825 Montgomery Lane, LLC ("Applicant")
Northeast quadrant of Montgomery Lane and West Lane
Bethesda CBD Policy Area

This memorandum presents the Adequate Public Facilities (APF) and Plan review for the subject rezoning application G-908 for a 5-story, 4-unit apartment/condominium building replacing an existing single-family dwelling unit on the site. The 0.15 acre site is located to the northeast corner of Montgomery Lane and West Lane at 4825 Montgomery Lane in Bethesda, and is approximately 1,000 feet from the Bethesda Metro Station entrance to the northwest corner of Wisconsin Avenue (MD 355) and Montgomery Lane intersection. The area is well served by Metrobus and RideOn routes (with Metrobus Route J4 along Woodmont Avenue and RideOn Route 36 along Arlington Road), and the Bethesda Circulator shuttle (circulating along both Arlington Road and Woodmont Avenue).

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 site plan.

1. The Applicant must limit future development on the site to 4 apartment/condominium units.
2. The Applicant must provide necessary frontage dedication, corner truncation, as well as roadway and sidewalk improvements along Montgomery Lane and West Lane as recommended by the Bethesda CBD Sector Plan. These improvements must be coordinated with the frontage improvement requirements in place for the Holladay at Edgemoor Preliminary (120080050) and Site (820080030) Plan approvals and with the Montgomery County Department of Transportation.

- 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 of the site plan application.

DISCUSSION

Recommended Area Roadways and Pedestrian/Bikeway Facilities

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

- Montgomery Lane, between Arlington Road to the west and Woodmont Avenue to the east, as a two-lane business district “mixed” street with parking on one side, and with a minimum right-of-way width of 52 feet.
- West Lane, between Montgomery Lane and its terminus to the north, as a two-lane business district street with a minimum right-of-way width of 45 feet.

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 shown in Table 1. As shown in Table 1, the proposed development would generate 1 net new peak-hour trip during the weekday morning and evening peak periods.

**TABLE 1
SUMMARY OF SITE TRIP GENERATION
PROPOSED EDGEMOOR DEVELOPMENT**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
Proposed Density – 4 Apartments/Condominiums	1	1	2	1	1	1
Existing Density – 1 Single-family Dwelling Unit	0	1	1	1	0	1
Net New Trips	1	0	1	0	1	1

- Local Area Transportation Review

Since the proposed development will not generate 30 or more peak-hour trips during the weekday morning and evening peak periods, a traffic study is not required for the subject petition. With documentation of site trip generation as above, the application 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 generate more than three peak-hour trips during the weekday morning and evening peak periods, the subject petition is not subject to the PAMR requirements of the APF test.


CE/-

mmo to KR re G-908.doc



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

TO: Kathy Reilly, Area 1

FROM: Marco Fuster, Senior Planner, Area 1 

SUBJECT: Environmental Review
Plan # G-908
Plan Name: 4825 Montgomery Lane

DATE: February 1, 2012

The zoning application G-908 is not presently subject to a formal tree save plan review, which will be triggered at later stages in the development process. As stated in a January 13, 2011 e-mail from Mark Pfefferle of M-NCPPC, the proposed work would qualify for an exemption under 22A-5(s)(2) and be subject to a tree save plan. The required tree save plan would address mitigation for removal of the onsite 32.5" Silver Maple and address construction impacts to nearby offsite trees. Despite the previous written guidance from staff, an application #42011170E was filed on April 13, 2011 under exemption 22A-5(s)(1) rather than the s-2 exemption recommended by staff. The forest conservation exemption application was denied on April 29, 2011 since the exemption requested did not qualify due to the presence of a specimen tree which was proposed for removal.

A new forest conservation exemption application # 42012104E was submitted on January 20, 2012. The exemption request was confirmed as qualifying under 22A-5(s)(2) of Forest Conservation Law, on January 31, 2012. The associated tree save plan component of the plan will be submitted and formally reviewed at the time of Preliminary Plan of subdivision or at site plan, as applicable). An informal tree save plan submission shows planting of 4" caliper trees within the right-of-way (ROW) as mitigation for the specimen tree removal. The proposed locations may not be acceptable due utility conflicts and other potential concerns. However, the final locations and details will be addressed at later stages in the review process.

Ultimately, at time of the site plan the applicant will also have to demonstrate how appropriate noise levels for the residential use will be attained.

Fuster, Marco

From: Pfefferle, Mark
Sent: Thursday, January 13, 2011 9:37 AM
To: 'Jeff Robertson'
Cc: Fuster, Marco
Subject: RE: new Bethesda Project

Jeff, based on the limited information you submitted it would appear that the project would qualify for an exemption from submitting a forest conservation plan under S(2) and be subject to a tree save plan, which could include mitigation for the loss of the specimen tree.

Mark Pfefferle
Acting-Chief, Environmental Planning
Forest Conservation Program Manager
8787 Georgia Avenue
Silver Spring, MD 20910

phone 301 495-4730
fax 301 495-1303

From: Jeff Robertson [<mailto:jeff@casengineering.com>]
Sent: Wednesday, January 12, 2011 11:24 AM
To: Pfefferle, Mark
Cc: Fuster, Marco
Subject: new Bethesda Project

Mark,

Got a quick question. I'm preparing an NRI (Development Plan) for a 6500 SF lot in Bethesda and I want to make sure I have the application filled out properly.

There is no forest on-site but one specimen tree exists. It looks to me that Section 22A-5(s)(1) applies,

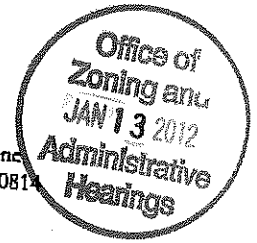
- (s) (1) an activity occurring on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet; or
(2) an activity occurring on a tract less than 1 acre that will not result in the clearing of more than a total of 30,000 square feet of existing forest, or any existing specimen or champion tree, and reforestation requirements would not exceed 10,000 square feet. Forest in any priority area on-site must be preserved; and

Would you mind confirming this so I can complete the application package ?? Thanks

Sincerely,

Jeffrey A. Robertson
Senior Project Manager

Susan Grudziecki
4821 Montgomery Lane
Bethesda, Maryland 20814



January 13, 2012

BY FACSIMILE AND FIRST-CLASS MAIL (240) 777-6665

Office of Zoning and Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, Maryland 20850

RE: G-908 R-60 TSR 6525

Dear Sirs:

I am writing about G-908 R-60 TSR 6525 on Montgomery Lane in Bethesda. I have been to your office; looked at the plans and I am greatly concerned about the parking. As noted this is a lane not a street, road or drive and is therefore very narrow. One of the condo's parking is on Montgomery Lane after the DO NOT ENTER sign.

That creates a problem unto itself and there is no parking for guests, vendors or services with this building. There is no allowance for trash pickup, mail or package delivery much less their children or cleaning services for these condos. At condos measuring 2000 or so square feet, there are legitimate concerns about parking and the lack thereof.

Very truly yours,


Susan Grudziecki

PS: I can submit photos if needed.

EXHIBIT NO. 22
APPLICATION 6908

4821 Montgomery Lane
Bethesda, MD 20814
January 31, 2012



Ms. Ellen Forbes
Office Services Coordinator
Office of Zoning and Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, Maryland 20850

Dear Ms. Forbes:

I am interested in being on the Planning Board's list for the property being developed adjacent to our building, 4821 Montgomery Lane. The Board of the Edgemoor is interested in achieving a similar negotiated construction agreement with Sandy Spring developers. To that end, on January 19, 2012, we presented Sandy Spring a copy of the negotiated construction agreement that was included in the Planning Board's approval of the Triumph property, across Montgomery Lane, 5+ years ago. We would like the Planning Board to include such an agreement as part of approval process for the Sandy Spring property. Thank you for your consideration.

Sincerely,


Jon Weintraub

EXHIBIT NO. 25
APPLICATION NO. G-908

-----Original Message-----

From: Hutt, Martin J. [mailto:mjhutt@lercheary.com]

Sent: Thursday, August 02, 2012 1:45 PM

To: Reilly, Kathy

Subject: G-908 Susan Grudziecki's January 13, 2012 letter to Hearing Examiner

<<Scan222.PDF>> August 2, 2012

Kathy:

In early February 2012, I reviewed the Hearing Examiner file and saw a letter from Susan Grudziecki to the hearing examiner raising concerns as to parking for the proposed project. On February 8, 2012 the Applicant sent the attached letter to her explaining parking garage location changes to the plan per staff comments and to address some of her concerns. To date, Ms. Grudziecki has not contacted the Applicant even though a return address and e-mail address were provided. I hope this addresses your inquiry to us.

Marty Hutt

The message is ready to be sent with the following file or link attachments:

Scan222

*4825 Montgomery Lane, LLC
4302 East West Highway
Bethesda, Maryland 20814*

February 8, 2012

Ms. Susan Grudziecki
4821 Montgomery Lane
Bethesda, MD 20814

RE: Plan G-908 R-60 TSR 6525 (4825 Montgomery Lane)

Dear Ms. Grudziecki:

We received a copy of the letter you sent to the Office of Zoning and Administrative Hearings regarding our proposed development at 4825 Montgomery Lane in Bethesda. We wanted to inform you that since you reviewed the plan, we have made changes so that there are no driveways on Montgomery Lane. This is something that we also feel is better for traffic flow, and was endorsed by MNCPPC staff.

The parking provided for our project meets all of the requirements for the zone. There are only four units, and each one has a 2-car garage. In addition, there is public parking available in the area to visitors for anyone living on Montgomery Lane. The revised plan has a service entrance around the back for deliveries, a lobby area for mail/package pick-up, and all trash will be handled by the unit owners taking the trash out of their garage and putting it on West Lane at the end of their driveway for pick-up.

Hopefully this information addresses your concerns, and please feel free to contact us directly with any other issues. You can contact me best via e-mail at mkress@sandyspringbuilders.com.

Sincerely,



Mimi Brodsky Kress
Managing Member
4825 Montgomery Lane, LLC



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

February 3, 2012

Jeffery A. Robertson
CAS Engineering
108 W. Ridgeville Boulevard, Suite 101
Mount Airy, MD 21771

Re: Stormwater Management **CONCEPT** Request
for Edgemoor
Preliminary Plan #: Pending
SM File #: 239915
Tract Size/Zone: 0.15 Ac./TS-R
Total Concept Area: 0.21 Ac.
Lots/Block: 23/13A
Watershed: Little Falls Branch

Dear Mr. Robertson:

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 green roof. A waiver of quantity is granted with the condition that a flow based filter be provided for additional treatment.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Provide easements and covenants for the proprietary filter and the green roof.
6. The green roof to be designed by a professional with green roof design experience.
7. The green roof must be 8 inches thick. Justification must be provided by a professional engineer or architect if this is not possible.

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

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is required**.

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY
www.montgomerycountymd.gov

montgomerycountymd.gov/311

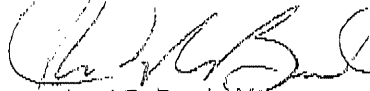


240-773-3556 TTY

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,



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

RRB: tla CN239915 Edgemoor

cc: C. Conlon
SM File # 239915

ESD Acres: 0.06
STRUCTURAL Acres: 0.0
WAIVED Acres: 0.21