



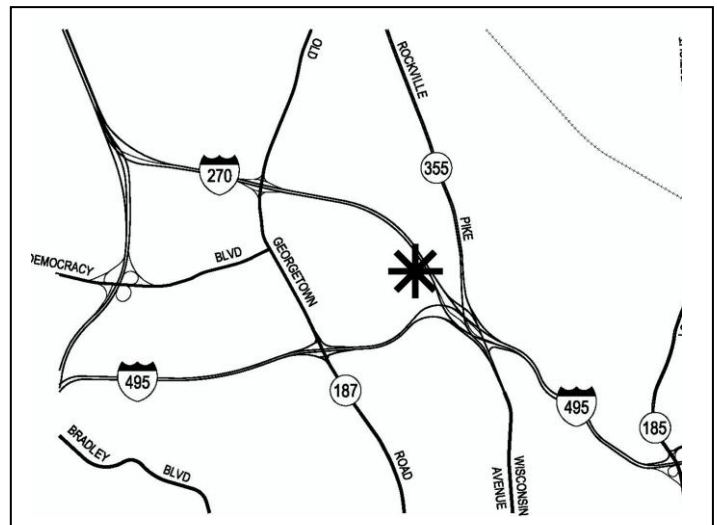
Grosvenor/Wild Acres Preliminary Plan No. 120130110, Site Plan No. 820130130

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Description

Staff Report Date: 12/30/13

- Request to subdivide the Subject Property into 155 lots (2 one-family detached lots for existing uses, 10 one-family detached lots, and 143 one-family attached lots) with 31,931 square feet of approved Special Exception/Philanthropic use to remain, and dedicate approximately 11.35 acres to the Montgomery County Legacy Open Space program;
- Located on the south side of Grosvenor Lane and west of I-270;
- Approximately 35.4 acres in the R-90 Zone, in the 1992 *North Bethesda Garrett Park Master Plan* area;
- Applicant: 5400 Grosvenor LLC;
- Filing Date: January 23, 2013.



Summary

- Staff recommends approval of the Preliminary and Site Plans with conditions.
- If approved, the proposed lots will be served by an internal network of private streets. Per Section 50-29(a)(2); the Planning Board will need to find the private streets to have attained the status of public streets.
- Per Section 59-C-1.621, the Planning Board can approve up to 100% townhomes in a MPDU development upon a finding that the proposed development is more desirable from an environmental perspective than development adhering to the 50% townhomes allowed by right in the zone.
- The Site Plan will establish the building locations, landscaping, lighting, recreation, and common open space requirements. The decision of the Final Forest Conservation Plan and associated Tree Variance is assumed as part of the Site Plan.

PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of Preliminary Plan No. 120130110 subject to the following conditions:

1. Approval is limited to 143 one-family attached lots, 12 one-family detached lots, and associated Homeowners Association (“HOA”) and stormwater management parcels for a total of 155 lots (including two lots for the existing uses), of which a minimum of 15% of 153 lots (24) must be moderately priced dwelling units (“MPDUs”). The existing 31,931 square feet of philanthropic office uses under Special Exception No. S-257 will be retained on one of the one-family detached lots.
2. The Applicant must dedicate, and the record plat must reflect, the Master Plan recommended 70-foot right-of-way for Grosvenor Lane (70 feet from opposite right-of-way line along the Subject Property frontage).
3. The Applicant must dedicate, and the record plat must reflect, the Master Plan recommended 60-foot right-of-way for Fleming Avenue (60 feet from the opposite right-of-way line along the Subject Property frontage).
4. Prior to issuance of the 50th Use and Occupancy Certificate, the Applicant must improve Fleming Avenue to secondary residential street standards with parking on the east side and include the following improvements between Grosvenor Lane and M-NCPPC’s Fleming Local Park:
 - a. A vehicular and pedestrian access point for the Subject Property from Fleming Avenue;
 - b. A 10-foot wide North Bethesda Trail (a master-planned shared-use path) on the east side of Fleming Avenue, which must be extended off site along Fleming Avenue approximately 42 feet to the south of Fleming Local Park, with the necessary handicapped ramp/ADA accommodations;
 - c. A minimum 6 foot wide green panel and street trees along the east side of Fleming Avenue;
 - d. Street lighting, if needed, to satisfy the American Association of State Highway and Transportation Officials (“AASHTO”) lighting recommendations; and
 - e. Any other improvements required by applicable agencies.
 - f. If the Applicant is unable to obtain off-site dedication or a Public Improvement Easement along Fleming Avenue (between the northern property line of Applicant’s property and Grosvenor Lane) from the adjacent property owner, then the Applicant shall only construct the ten (10)-foot shared use path, as shown on the Certified Site Plan, and install street lighting across the Property’s frontage at this time. Completion of the remaining improvements to Fleming Avenue along the Property’s frontage (including pavement widening, curb and gutter, enclosed storm drainage and appurtenances, and street trees) will be addressed in a recorded covenant prior to the Montgomery County Department of Permitting Services (MCDPS) approval of the record plat whereby the Applicant agrees to pay a pro-rata share for the future construction or reconstruction of Fleming Avenue, whether built as a Montgomery County project or by a private developer under permit. The deed reference for this covenant must be provided on the record plat.
5. Prior to issuance of a building permit, the Applicant must make the required transportation impact tax payment of \$340,891.50 to the Montgomery County Department of Permitting Services (“DPS”) in order to satisfy the Transportation Policy Area Review (“TPAR”) test.
6. Prior to issuance of the first Use and Occupancy Certificate, the Applicant must coordinate with the Montgomery County Department of Transportation (“MCDOT”) and the Maryland State Highway Administration (“SHA”) on the feasibility of providing improvements to reduce the

existing excessive queuing at the intersections of Cheshire Drive/Grosvenor Lane-Wildwood Shopping Center and Cheshire Drive/Old Georgetown Road in order to satisfy the Local Area Transportation Review (“LATR”) test. If an implementable and feasible solution is possible, the Applicant shall be responsible to make a payment equal to the Applicant’s pro_rata share of the cost based on the impact of the traffic from the project on these intersections as determined by MCDOT and/or SHA.

7. The Applicant must provide, and the record plat must reflect, a 20-foot-wide ingress/egress easement to the internal private road for use of the adjoining Anne Grosvenor property to the north, as shown on the Preliminary Plan.
8. The Applicant must provide handicapped ramps at Grosvenor Lane/new private street intersection, Fleming Avenue/new private street intersection, Fleming Avenue/Lone Oak Drive (across Fleming into the Park), and any internal intersections at the time the internal roads and sidewalks are constructed.
9. All sidewalks and bike paths along Grosvenor Lane and Fleming Avenue must be ADA compliant.
10. The private street network must be located within its own parcel (Parcel A), separate from the development, and the record plat must reflect a public use and access easement over the private streets and adjacent parallel sidewalks.
11. The Applicant must convey to M-NCPPC, in fee simple, 11.35 acres of land adjacent to existing Fleming Local Park as shown on the Preliminary Plan. The exact boundaries of the conveyance must be shown on the record plat.
12. Maintenance access easements to Park dedication areas must be provided and approved by M-NCPPC Parks staff. The final location of these easements must be shown on the Certified Preliminary and Site Plans, and must be shown on the record plat.
13. All forest in the environmental setting around the historic resource must be placed in a Category I Conservation Easement as approved on the Final Forest Conservation Plan. All Category I Conservation Easements onsite must be recorded in the land records prior to the start of clearing and grading, and must be shown on the record plat(s).
14. The Planning Board has accepted the recommendations of the MCDOT in its letter dated December 13, 2013, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
15. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
16. The Planning Board has accepted the recommendations of the DPS stormwater management concept approval letter dated December 6, 2013, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by DPS provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
17. The Subject Property is located in the Walter Johnson High School Cluster. The Applicant must make a School Facilities Payment to DPS at the middle school and high school levels. The Applicant will be required to pay at the “single-family detached” and “single-family attached” unit rate for all units for which a building permit is issued and a School Facilities Payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code and is determined by DPS.
18. The Applicant must comply with the Final Forest Conservation Plan as approved with Site Plan No. 820130130.

19. Prior to approval of the Certified Site Plan, no clearing and grading of the site or recording of plats can occur, except for demolition of the existing office structure.
20. In the event that a subsequent Site Plan approval substantially modifies the subdivision shown on the Preliminary Plan with respect to lot configuration or right-of-way location, width, or alignment (except the modifications required by these conditions), the Applicant must obtain approval of a Preliminary Plan amendment prior to certification of the Site Plan.
21. The Certified Preliminary Plan must contain the following note: "Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of Site Plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for this lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
22. All necessary easements must be shown on the Record Plat.
23. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

SITE PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of a total of 155 lots including 143 one-family attached units and 12 one-family detached dwelling units including two lots for existing structures/uses (one for the existing 31,931 square feet of office uses built as a special exception, one for an existing structure to be used as a one-family detached unit), on approximately 35.4 gross acres in the R-90 Zone. All site development elements as shown on the plans stamped by the M-NCPPC on November 25, 2013 are required except as modified by the following conditions:

1. Preliminary Plan Conformance
The development must comply with the conditions of approval for Preliminary Plan 120130110.
2. Building Height
 - a. The maximum height for the ten (10) one-family detached dwelling units along Fleming Avenue shall comply with the standard height restrictions of the R-90 Zone per Section 59-C-1.327.
 - b. The maximum height for the 143 one-family attached units is 40 feet, per Section 59-C-1-626.
3. Transportation
The Applicant must provide a total of eight bike parking spaces (2 four-bike inverted-U bike racks), or equivalent approved by Staff that conforms to American Pedestrian and Bicycle Professionals guidelines. The Applicant shall install the bike racks near the main entrances to the existing office building and mansion house used as office space, prior to Certificate of Use and Occupancy.
4. Environment
 - a. The Applicant must obtain approval of a Final Forest Conservation Plan prior to Certified Site Plan approval that incorporates the following items:
 - i. Revise the Invasive Species Management Plan to include all Category I Conservation Easement forest on-site including a stand of bamboo along the northwestern property boundary and to provide supplemental planting in the Invasive Species Management Plan to accelerate the closure of the forest canopy openings if required by the Forest Conservation Inspector.
 - ii. Plant a minimum of 49 three-inch caliper sized, native trees on-site as mitigation for the removal of specimen trees. The number, species, and location of plantings must be identified on the Final Forest Conservation Plan and must be planted in areas with adequate soil volume, not within 10-feet of stormwater/Environmental Site Design Facilities and not within or overlapping public utility easements or other easements.
 - iii. Provide the limits of disturbance (LOD) approved by a structural engineer for the installation of the proposed noise wall.
 - iv. Provide a report from an ISA certified arborist or a Maryland Licensed Tree Expert that provides the necessary methods and details to appropriately protect the trees including the trees requested to be removed for variance purposes within the vicinity of the proposed noise wall as depicted on the Final Forest Conservation Plan.
 - v. Provide all the tree protection and tree save measures on the Final Forest

Conservation Plan. In addition, tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.

- vi. Reduce the LOD for the installation of the proposed water main in the southern portion of the Subject Property to include only the removal of forest within the WSSC easement. If the LOD cannot be minimized to the limits of the WSSC easement, the Applicant must replant the disturbed areas outside the WSSC easement with forest plantings to be approved by Staff.
 - vii. Revise the placement of the proposed forest conservation signage to follow the boundaries and clearly mark each corner of the Category I Conservation Easement area.
- b. Prior to issuance of the first building permit, the Applicant must provide certification to Staff from an engineer that specializes in acoustical treatment that:
- i. The locations and design of the noise mitigation techniques including the proposed noise wall are adequate to attenuate noise from the Subject Property to areas of homes and areas of common outdoor activity consistent with the recommendations of the Applicant's noise consultant's report dated may 14, 2013..
 - ii. The building shell for residential dwelling units to be constructed within the projected 65 dBA Ldn noise contour is designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- c. The Applicant must convey to M-NCPPC, in fee simple, 11.35 acres of land adjacent to existing Fleming Local Park as shown on the Site Plan. The exact boundaries of the conveyance must be shown on the record plat.
- d. Final tree protection measures and reductions to the Limit of Disturbance (LOD) must be approved in the field by M-NCPPC Parks staff prior to sediment and erosion control permit. Applicant must maintain the parkland edge for 3 years in direct consultation with a designated M-NCPPC Parks arborist. This will include necessary pruning, removal of dead, dying or hazardous limbs and trees and replanting of large stock native trees under the direction of the Department of Parks' arborist to maintain a healthy, intact and continuous forest edge.

5. Moderately Priced Dwelling Units (MPDUs)

- a. The development must provide a minimum of 15 percent MPDUs in accordance with an Agreement-to-Build with the Department of Housing and Community Affairs ("DHCA").
- b. The MPDU Agreement-to-Build must be executed prior to the release of any building permits.

6. Recreation Facilities

The Applicant must provide at least the following recreation facilities as shown on the Certified Site Plan, conforming to the 1992 M-NCPPC Recreation Guidelines:

- a. Four Picnic/Sitting areas;
- b. Open Play Area of a minimum of 10,000 square feet;
- c. Bike System;
- d. Pedestrian System;
- e. Nature Trails; and
- f. Natural Areas.

7. Off-site Recreational Amenities

The Applicant must provide the following amenities at Fleming Local Park. The Applicant must file necessary plans and permit applications for the park improvements for M-NCPPC review and approval prior to the issuance of the first building permit and must construct the following improvements prior to the issuance of the 50th Use and Occupancy Certificate:

- a. Within the land to be conveyed as part of Fleming Local Park, provide a natural surface trail loop with direct access to both the development and the existing Fleming Local Park. Exact trail alignment must be coordinated with the M-NCPPC Parks Department and the trail must be constructed to Park Standards and Specifications and adequately signed and marked.
- b. Provide ten benches in new parkland locations, as determined by M-NCPPC Parks, at the northern edge of the Fleming Local Park and along the proposed natural surface trail. Benches must be constructed to Park standards and specifications.
- c. Install large-stock native landscape materials consisting of a variety of overstory trees and understory plants suitable to soils and hydrologic conditions along the northern boundary of Fleming Local Park to provide the maximum tree canopy buffer possible between the Park and the development. Plantings must include a minimum of 36 balled and burlapped native trees of 3-5" caliper, and must be maintained by the Applicant for 3 years.
- d. Fill the depression in the right field outfield area of the softball field and grade and seed all outfield areas as needed and agreed to by MNCPPC Parks.
- e. Repair and upgrade the existing lighting for the tennis and basketball courts as needed to meet current Park's standards.
- f. Provide appropriate fencing per Park's standards and specifications behind the down slope side of the existing basketball court, involving a length of 225 linear feet.
- g. Provide an ADA-compliant hard-surface trail connection from the Subject Property to the improved area of Fleming Local Park, as shown on the Site Plan.
- h. The Applicant shall construct all amenities to the Park's standards and specifications.

8. Maintenance

Maintenance of all on-site common open space is the responsibility of the Applicant and subsequent owner(s). This includes maintenance of paving, plantings, lighting, benches, fountains, and artwork.

9. Architecture

The final exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the architectural drawings and plans submitted on December 14, 2012 unless modified by Staff approval.

10. Financial Security and Agreement

Prior to issuance of the first building permit, the Applicant must provide a performance bond(s) or other form of financial surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety shall include plant material, on-site lighting, recreational facilities, exterior site furniture, and entrance piers within the relevant phase of development.
- c. Prior to issuance of the first building permit, the Applicant must enter into a Site Plan Surety

& Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.

- d. The bond or surety must be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

11. Development Program

The Applicant must construct the development in accordance with a development program that will be reviewed and approved by Staff prior to the approval of the Certified Site Plan. The development program must include the following items in the phasing schedule:

- a. Demolition of existing buildings may commence prior to approval of the Certified Site Plan.
- b. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and Staff inspection and approval of all applicable environmental protection devices.
- c. For the purposes of these conditions, a building includes all abutting one-family attached units within one "stick".
- d. Street lamps and sidewalks adjacent to each building must be installed prior to release of any Use and Occupancy certificate for the respective building. Street tree planting may wait until the next growing season.
- e. On-site amenities including, but not limited to, recreation amenities and public use space amenities adjacent to each building, must be installed prior to release of any Use and Occupancy certificate for the respective building.
- f. Phasing for installation of on-site landscaping and lighting.
- g. Phasing of dedications, stormwater management, sediment and erosion control, afforestation, and other features, as applicable.

12. Certified Site Plan

Prior to approval of the Certified Site Plan, the Applicant must make the following revisions and/or provide information subject to Staff review and approval:

- a. Include the Final Forest Conservation Plan approval, stormwater management concept approval, development program, inspection schedule, and Planning Board Resolution approving this Site Plan on the cover sheet.
- b. Remove unnecessary sheets as identified by Staff.
- c. Provide additional landscaped buffering along the property line of any one-family attached dwelling adjacent to the Anne R. Grosvenor, Trustee property to the north at the intersection of Fleming Avenue and Grosvenor Lane. Illumination levels for all lighting fixtures on the one-family attached units located adjacent to the Anne R. Grosvenor, Trustee property to the north must not exceed 0.1 footcandles at the property line. All lighting fixtures abutting the adjacent residential property must have full cut-off shades to minimize potential glare or excess illumination. Revise the Landscape Plan subject to Staff review and approval at the time of Certified Site Plan.
- d. Provide additional landscaped buffering in the area located immediately north of Fleming Local Park and on the east side of Fleming Avenue.
- e. Provide structural details for the installation of the proposed noise wall on the Landscape Plan.
- f. Make corrections and clarifications to details, calculations, recreation facilities, labeling,

- data tables, and schedules as needed and directed by Staff.
 - g. Ensure consistency of all details and layout between architecture, site, and landscape plans.
 - h. Revised architectural drawings for the one-family detached units
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SECTION 1: CONTEXT AND PROPOSAL

SITE DESCRIPTION

The Subject Property (Property) consists of approximately 35.4 acres, and is known as Parcels P65 and P71. The Renewable Natural Resources Center Land Condominium Phase I and the Glascock Condominium are located on a portion of the Subject Property. The Property is located at the northwest intersection of Interstates I-495 and I-270. To the north of the Subject Property is the Grosvenor Woods subdivision. Fleming Local Park and the North Bethesda Grove subdivision are west of the Property. The Property is within one mile of the Grosvenor Metro Station.



Vicinity Map

The Property currently contains two office buildings (associated with the condominium plats referenced above) and a number of structures that were originally a part of Gilbert Grosvenor's Wild Acres Estate, is located in the R-90 Zone, and is within the 1992 *North Bethesda/Garrett Park Master Plan*. In addition to the office buildings, the Property contains the following:

- A three-story mansion house approximately 8,000 square feet in size that is currently used as the national headquarters for the Society of American Foresters (SAF);
- A 1½-story garage approximately 1,300 square feet in size; and

- A 1½-story caretaker’s house approximately 1,000 square feet in size.

The property also contains Special Exception Case Nos. S-257 and S-257A, which had anticipated the development of 300,000 square feet of office space; however only two new structures have been constructed to date: 5410 Grosvenor Lane, a 2-story office building containing 22,540 square feet, and 5430 Grosvenor Lane, a 2-story office building containing 22,560 square feet. Two surface parking lots with 53 spaces and the other with 76 spaces serve these office buildings. The Property is served by an internal road circulation system that has one point of access from Grosvenor Lane. The site is currently served by public water and sewer. There are historic properties and features on site as described under Previous Approvals on page 12.



Site View

The Property is located in the Lower Rock Creek Watershed. There are no known rare, threatened, or endangered species on site. The existing buildings and structures on the site are surrounded by 22.10 acres of forest, a perennial stream, an intermittent stream, and a wetland as depicted on the Natural resource Inventory/Forest Stand Delineation (NRI/FSD)#420130150 approved on October 5, 2012. An environmental buffer encompasses the intermittent stream, perennial stream, and steep slopes within the southern portion of the site.

PROJECT DESCRIPTION

Previous Approvals

On November 21, 1973, the Board of Appeals (BOA) granted a Special Exception (S-257) to the Renewable Natural Resource Foundation (RNRF) and RNRF Title Holding Corporation for a charitable or philanthropic institution use. This case was subsequently modified by a series of amended opinions and resolutions, including Case No. S-257-A. The Special Exception permitted the Property to be developed with 300,000 square feet of office space in three phases over twenty years: 102,000 gross square feet

built in the first five years; 181,000 square feet constructed in the next five years; and the balance to be provided in a third phase in the following ten years. The BOA required, among other things, that it approve site plans for the first two phases prior to any construction, review the Special Exception prior to the commencement of the second phase, permit the third phase as a separate special exception, and restrict access to the Property by Grosvenor Lane only. On March 8, 1974, the BOA permitted the remodeling of the existing mansion house and garage for the Wild Acres (Grosvenor Mansion) as office space for RNRf and its member societies.

On October 1, 1980, the Planning Board approved a Site Plan for the first and second phases of office space development, floor plans and elevations for the first office building, and a staging plan that permitted the construction of 107,500 square feet of office space in the first phase and 175,500 square feet of office space in the second phase, in addition to the 7,500 square feet of office space contained in the existing mansion house and garage. On May 21, 1990 the Planning Board modified the Site Plan by reducing the size of an approved office building in the first phase by 22,500 square feet and transferring that amount to the second phase. As a result, the Special Exception phasing was altered to 85,000 square feet of total office space in the first phase and 198,000 square feet of additional office space in the second phase. After considering traffic conditions, the Planning Board allowed RNRf to proceed with the Special Exception's second phase on July 17, 1991. Only a small portion of the office space approved through the Special Exception has been completed to date.

On July 18, 2013, the BOA granted an administrative modification of the Special Exception to reduce the Special Exception area from 35.4 acres to 10.11 acres; maintaining the Phase I Land Condominium Unit and Glascock Condominium for 5410 Grosvenor Lane; razing the 22,560 square foot office building at 5430 Grosvenor Lane; various improvements and minor modifications to the layout of parking spaces, and transferring the Special Exception to the SAF (Attachment A).

Legacy Open Space Area

On January 24, 2008, the Planning Board designated a portion of the Property with high quality forest adjacent to Fleming Local Park and Interstates I-495 and I-270 as a Legacy Open Space (LOS) Natural Resource site (Attachment B). The Planning Board recommended dedication of the LOS area through the development review process when the property is redeveloped and subdivided. Therefore, the Applicant is proposing to dedicate approximately 11.35 acres of the Property to Montgomery County's Legacy Open Space program as part of this Application.

Historic Resource and Environmental Setting

On March 31, 2009, the County Council adopted Resolution No. 16-915 (Attachment C), which designated the mansion house, garage, and caretaker's house as one historic resource with an 8.9-acre environmental setting around the historic resource. Additionally, the County Council forbade the Historic Preservation Commission (HPC) from requiring a historic area work permit to complete the development approved in the Special Exception within the environmental setting.

Background

Initial Submittal – Access and Lot Layout Issues

The Applicant initially submitted a plan for review that only provided one point of access from Grosvenor Lane. Later that plan was revised to provide a secondary access for emergency purposes only from Grosvenor Lane which impacted the environmental setting of the historic resource and existing forest within the environmental setting, and required a tree variance for removal of multiple specimen trees. Staff had several other concerns with the Applicant's initial lot layout and proposed access points.

Nearby neighbors also had many issues with the initial submittal, but for the most part were against having a second access on Fleming Avenue. Staff requested the revised layout (submitted November 25, 2013) for the following reasons:

1. By not providing a true secondary access, the Applicant's proposal would result in an overlength cul-de-sac approximately 1000 feet in length, well over the code established 500 foot maximum length. The Planning Board may approve a cul-de-sac longer than 500 feet if the Planning Board finds that, "because of property shape, size, topography, large lot size, or improved street alignment, the Board approves a greater length." The previous layout does not meet any of the requirements to justify the overlength cul-de-sac. The property is quite large with ample frontage on two separate public streets, and does not possess any constraints from the size, shape, or topography of the lot. Furthermore, an overlength cul-de-sac does not result in an improved street alignment compared to Staff's preferred alternative alignment with secondary access to Fleming Avenue. There is plenty of space onsite to provide the required secondary connection and based on the constraints of the site (environmental setting of the historic resource and the LOS designated area to be dedicated to M-NCPPC), it is logical to have the internal road network connect from Grosvenor Lane to Fleming Avenue.
2. The Applicant's initial submittal would have left one point of access for all 155 lots and the 31,931 square feet of office uses onsite. A secondary access was proposed for emergency access only and at the neighborhood's request, this secondary access was proposed to connect from Grosvenor Lane and cut through the environmental setting of the historic resource impacting a significant number of trees. Two points of access are necessary to support the number of units proposed. Typically, two tertiary residential streets or one secondary residential street would be required to serve 155 lots including the retained office space, per the County Road Code. A secondary residential street can serve up to 200 one-family detached units or up to an equivalent of 267 one-family attached units. If the Planning Board were to limit this development to one point of access, the Applicant would need to widen the primary access from 24 to 26 feet in order to adequately satisfy the Road Code standard for a secondary residential street. There is sufficient size and frontage to accommodate a secondary access from the site that preserves the environmental setting of the historic resource and the trees that would require a variance for removal. The initial submittal did not meet the requirements for granting a variance for tree removal. The historic environmental setting and the trees within that setting should be preserved and that area should not be used to provide the required secondary access. Historic Preservation Staff has indicated they would prefer the secondary access to be provided outside of the environmental setting, but will accept the location if the Planning Board decides that is the preferred location when weighing the competing factors of this proposal. There is sufficient frontage on Fleming Avenue to accommodate a secondary access that limits impacts to the environmental setting, does not require a tree variance for the removal of those trees within the environmental setting, and provides sufficient access for both residents and emergency vehicles to the Property.
3. The Master Plan includes recommendations to use historic and natural features as landmarks to give a sense of place and unique identity to each district, and to add local streets to create a more interconnected local street network. The initial submittal was in conflict with the Master Plan recommendations cited above by allowing the secondary access to be located through the environmental setting of the historic resource. That location would diminish both historic and natural features as landmarks. Furthermore, by allowing the secondary access to be for

emergency use only, the Master Plan recommendation to create a more interconnected local street network is also not achieved. Again, the Planning Board would be approving an overlength cul-de-sac when a logical point of secondary access is available on Fleming Avenue. Providing a secondary access point on Fleming Avenue satisfies both Master Plan recommendations cited above.

4. With the initial submittal the Applicant proposed to provide the dedication required along Fleming Avenue, but at the neighborhood's request, was not providing the standard frontage and road improvements, as the neighborhood does not want Fleming Avenue widened or improved. The Applicant should provide the standard frontage improvements that would typically be required of any project Per Section 50-24(b). The proposed development has frontage on both Grosvenor Lane and Fleming Avenue, and standard frontage and road improvements should be required along both. If the Planning Board decides that Fleming Avenue need not be improved, as requested by the neighbors, the Planning Board would have to grant a 50-38 waiver of Section 50-24(b), and make a finding that, "practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved, and that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest." A waiver should not be supported in this case because Fleming Avenue is a substandard street. Fleming Avenue is currently about 20-feet-wide and local residents park their cars along the west side of the street. This leaves very little space for cars and emergency vehicles to pass. A waiver of construction would also leave the County with the burden of future improvement of the road or require a covenant for future construction of the road on the new lots.
5. Originally, the Applicant did not propose to have any units fronting on Fleming Avenue, and instead was proposing to have the backs of 18 one-family attached units face Fleming Avenue with an approximate 40-foot landscaped buffer between the structures and the eastern edge of the pavement on Fleming Avenue. The previous layout with no units fronting on Fleming Avenue and the backs of one-family attached units facing Fleming Avenue is not compatible with the surrounding neighborhood. The one-family detached dwelling units on the west side of Fleming Avenue should not face the backs of townhomes across the street. Furthermore, that layout with one usable access from Grosvenor Lane with townhomes oriented away from the adjacent neighborhood would result in an isolated, standalone development that does not attempt to integrate with the existing neighborhood. Converting the one-family attached proposed on Fleming Avenue to one-family detached dwellings, and having those units face Fleming Avenue greatly improves the design of the proposed plan in terms of compatibility as discussed in more detail below in the Master Plan section of this report.
6. The dwellings on the Subject Property are proposed to meet the 40-foot maximum building height of the zone, which the Zoning Code also allows for certain rooftop features and pitches to exceed the maximum height. The existing neighborhood is comprised of much smaller and shorter World War II era single-family detached housing. By allowing the development to build to maximum heights and have rooftop features, such as grills and decks, the backs of the proposed dwellings will be highly visible to the nearby residents on the west side of Fleming Avenue. In this case, the maximum height for the ten (10) one-family detached dwelling units along Fleming Avenue should comply with the standard height restrictions of the R-90 Zone per Section 59-C-1.327

The Applicant's initial lot design and layout would function as a standalone development, isolated and inward facing from the surrounding community. The initial submittal did not meet the minimum requirements and recommendations of the Subdivision Regulations, Zoning Code, and Master Plan. The redesign including a true secondary access from Fleming Avenue, necessary frontage and road improvements on Fleming Avenue, and one-family detached units with restricted building heights that front on Fleming Avenue would result in a development that better meets the applicable standards and regulations and does not require waivers of frontage improvements and overlength cul-de-sac and their associated findings, and is more compatible and integrated into the surrounding neighborhood.

Proposed Project

The Applicant proposes to redevelop the Property pursuant to the Optional Method of Development regulations of the R-90 Zone for projects containing MPDUs per Section 59-C-1.621 of the Zoning Ordinance (see below). The proposed development of 143 new one-family attached units, 10 new one-family detached units would occur outside of the reduced Special Exception, the historic environmental setting, and the area delineated as dedicated LOS on approximately 12.5 acres (see the shaded area in the image below). It will include 23 Moderately Priced Dwelling Units (MPDUs), 2 existing one-family detached units/structures (the mansion and caretakers house), and will retain 31,931 square feet of Special Exception uses and associated structures. As previously noted, the Applicant received approval from the Board of Appeals modifying the Special Exception to reduce the area of the Property subject to the Special Exception from 35.4 acres to 10.11 acres (see purple outline in image below).

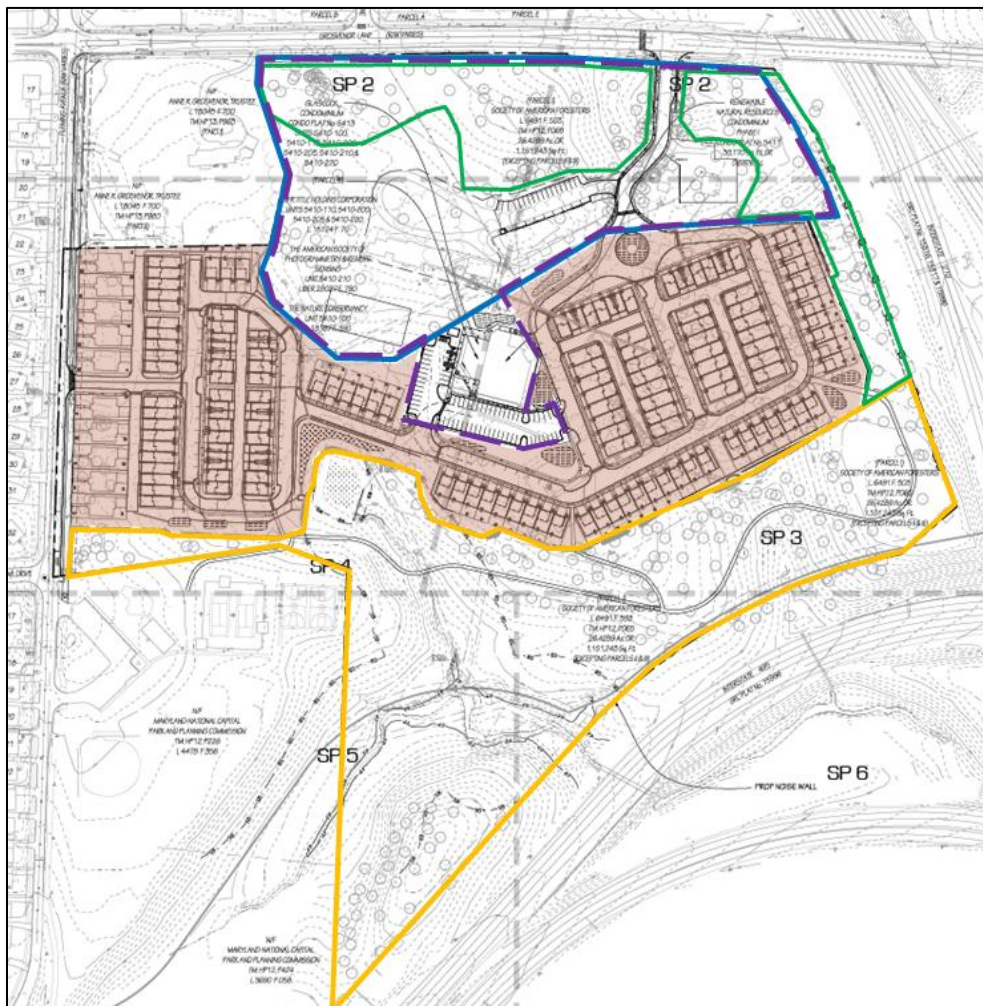
Although the proposed development is residential, the mansion and one of the office buildings associated with the existing Special Exception uses on the Property will remain and are proposed to be situated in a way that establishes a compatible relationship with the surrounding uses. SAF will continue to occupy the mansion house and use it as its regional headquarters. The 15 parking spaces along the existing driveway serving the mansion will remain, and an additional 11 parking spaces will be added for the Special Exception uses. One of the existing surface parking lots for the two office structures will be relocated and modified with 69 spaces to serve the 5410 Grosvenor Lane, which will remain on the Property. The total number of existing parking spaces will be reduced from 144 existing spaces to 95 spaces (69 spaces for the special exception office and 26 spaces for the mansion) shown on the proposed Preliminary and Site Plans.

According to Section 59-C-1.621 of the Zoning Ordinance, the maximum percentage of one-family attached units allowed in a subdivision in the R-90 Zone under this Optional Method of Development is 50%, but the Planning Board can approve up to 100% townhomes upon a finding that the proposed development is more desirable from an environmental perspective than would be development adhering to the 50% limit.

The R-90 Zone does not have a standard for the maximum amount of attached units allowed in a row. The proposed development does not exceed 10 one-family attached units in a row. The Applicant seeks approval of approximately 92.25% townhomes (143 one-family attached units, 23 of which will be MPDUs) and approximately 7.75% one-family detached units (10 new and 2 existing units). The Applicant believes the proposed development is more desirable from an environmental perspective because it allows the Property to develop while minimizing the impacts of the proposed development on the historic setting (see blue outline in image below) and the dedicated Legacy Open Space area (see orange outline in image below).

The Applicant proposes to dedicate approximately 11.35 acres of the Property to Montgomery County's Legacy Open Space program, preserving a significant portion of the Property's existing green area and forest offering opportunities for active and passive recreation. Another 4.5 acres of forest will be protected onsite with Category I Conservation Easements (see green outline in image below). The Applicant is proposing to provide trails through the Legacy Open Space, and to provide connectivity from the Subject Property to Fleming Local Park. Other on-site recreation amenities include four picnic and sitting areas, a 10,000 square foot open play area, a bike path connection along Fleming Avenue, a network of connecting sidewalks and paths, and natural open space areas.

The proposed development will be served by a network of local private streets with two points of primary access; one from Grosvenor Lane; and one from Fleming Avenue. The Applicant proposes to improve the existing entryway off Grosvenor Lane and create a second access to the internal road network from Fleming Avenue and improve Fleming Avenue to secondary residential standards with 30 feet of pavement from curb to curb, two travel lanes (one in each direction) with parking on the east side of Fleming Avenue.



Applicant's Proposed Layout (Attachment D)

Community Outreach

The Applicant has met all proper signage, noticing, and submittal requirements. The Applicant held a pre-submittal meeting on November 19, 2012 at the St. Luke's Episcopal Church in North Bethesda. The Applicant sent a notice to all adjacent and confronting owners and Grosvenor Community and Citizen Associations on November 7, 2012, inviting them to attend a public meeting to review and discuss proposed plans. A copy of the notice, the sign-in sheet and the meeting minutes have been supplied for the File of Record. The Applicant and Staff (separately) have met multiple times with the neighborhood community members to discuss and take into account their questions and concerns regarding the proposed development, and Staff has ensured that the neighborhood community members were made aware of any changes to the proposed development and review schedule. Staff has received correspondence on this matter and summarized the concerns of the various community members and groups below, and the full letters and emails are attached to this report (Attachment E).

Staff has been in contact with the Grosvenor family who still owns the adjacent property at the intersection of Fleming Avenue and Grosvenor Lane. They are concerned with any development and units proposed close to their property. They have requested additional landscaping and attention to lighting with regard to minimizing impacts on their property. The Applicant is honoring this request, and Staff has incorporated conditions (additional landscaping and limitations on lighting) in the Site Plan to reduce any impacts to this property.

Staff has also been in contact with Norman Knopf (Attachment P) and representatives from the Fleming Park Community Association and the Wildwood Manor Citizens Association, who are not opposed to development on the Subject Property, but are opposed to the Applicant's proposal for the following reasons:

Density: Mr. Knopf and the neighborhood residents believe the project exceeds the density permitted by the Zoning Code Section 59-C-1.622, which permits a density of 4.39 one-family attached units per acre on the gross tract area of a property. Mr. Knopf believes that the density, 4.39 one-family attached units per acre, should be calculated in one of two ways:

1. Density should only be calculated on the land outside of the area approved for the Special Exception uses. $(35 \text{ acres} - 10 \text{ acres})(4.39 \text{ d.u.'s/acre}) = 110 \text{ d.u.'s}$
2. Density should be reduced by the amount of square footage approved/retained for the Special Exception uses. First you would convert the approved square footage to an equivalent dwelling units/acre. In this case Section 59-G-2.21 (a)(2)1(v) provides for an FAR of 0.25 for non-profit office use. Thus, approximately 3 acres is required to account for the density of 32,000 square feet of non-profit office uses. $(4 \text{ d.u.'s/acre})(32,000\text{sf}) = 128,000$ square feet or approximately 3 acres. $3 \text{ acres} \times 4.39 \text{ d.u.'s/acre} = 14 \text{ units}$. $155 - 14 = 141 \text{ d.u.'s}$

Inconsistency with Legacy Open Space Designation and other environmental harm: Mr. Knopf and the neighborhood residents believe that the proposed development, proposed streets, and parking spaces to service those units unnecessarily encroach into the area designated by the Planning Board as Legacy Open Space just north of Fleming Park. They believe the encroachment is inconsistent with the purpose to preserve the Legacy Open Space and that it changes the character of Fleming Park from one containing a forested, shaded buffer along the playground, tennis courts, etc. and results in the destruction of most of the buffer including numerous specimen and significant trees.

Compatibility: Mr. Knopf stated that the community feels that the project is not compatible with the

surrounding neighborhood. They believe the location of the one-family detached units proposed will destroy many large trees and that the Applicant should do more to locate or construct the proposed homes and lots in a way to save as many trees as possible. They feel larger lot sizes and side yards should be explored as options to save these trees. Mr. Knopf also states that a layout including single-family attached units should be explored again to determine if that unit type and/or alternative layout might provide more compatibility with the existing neighborhood and save more of the specimen trees. Mr. Knopf and the neighborhood residents are also very concerned and opposed to the 40' building height requested by the Applicant.

Improving Fleming Avenue: The community prefers Fleming Avenue to remain as a substandard road. The community's position is that Fleming is a safe street in its current condition. They prefer to use the west side of Fleming Avenue for parking, and the only change welcomed would be the extension of the Bethesda Trolley Trail shared use path on the east side of Fleming Avenue. The community is opposed to having any homes from the proposed development front on Fleming Avenue if it requires removal of any trees in close proximity to Fleming Avenue, and they are very opposed to any improvement or widening of Fleming Avenue or a secondary access from the proposed development on to Fleming Avenue due to safety concerns. The community feels that cars should not cross the 10' shared use path and cut through traffic and traffic from the proposed development would be detrimental to pedestrian safety in the immediate area.

Insufficient Amenities: The community is opposed to the proposed development using the existing Fleming Park towards their park amenity requirements. They believe the park is already overcrowded and that children and grandchildren from the proposed development will exacerbate the situation.

Parking: The community is concerned that there is insufficient parking for the one-family detached units along Fleming Avenue and that guests will choose the most convenient and closest parking area outside of the proposed development which is along Fleming Avenue. They feel there is too little parking overall to support the proposed development.

Historic Site Impact: The community is concerned that the location and density of the proposed development will have negative effects on the historic site and that the view shed from the mansion will be a one-family attached unit development, office building and parking lots, rather than a treed/open space setting. The community feels that too many trees are being removed to accommodate the development and that more should be done to preserve trees onsite.

Staff's response to some of the community's concerns is as follows:

- Density in the R-90 Optional Method is calculated as units per acre, which, for Preliminary Plan purposes, is calculated as number of lots per acre. In this case, the entire parcel of 35.4 acres is subject to subdivision. Two of the lots will contain the Special Exception (mansion and associated structures, and the carriage house (to be retained as a one-family detached dwelling). There is no density limit imposed on non-residential uses. The 0.25 FAR imposed on the Special Exception will apply to that lot only. The Special Exception has been reviewed and deemed appropriate by the Hearing Examiner and the Board of Appeals. The Zoning Ordinance looks at Special Exceptions and the associated square footage in relation to traffic impacts and compatibility with the surrounding uses. The Special Exception uses onsite (in this case 31,931 square feet of philanthropic use) does not count toward the overall density of the Subject Property. However, the buildings associated with the Special Exception use must be located on

one lot, which is deducted from the total number of lots permitted on the Property. In this case, the lot that will include the mansion and the office building will be approximately 11.1 acres in size, which has been deemed large enough to support the uses approved by the Special Exception. Therefore, the Special Exception uses on site do not count against the residential density onsite, except that they must be located on a recorded lot.

- The Department of Parks has met with the neighborhood residents and worked with the Applicant on the LOS designation and, as discussed further below, has accepted the Applicant's proposed LOS boundaries.
- The proposed one-family detached homes along Fleming Avenue are compatible with the existing one-family detached houses on the west side of Fleming Avenue and the neighborhood. The proposed layout with one-family detached units is much more compatible with the surrounding neighborhood than the initial layout with the backs of 18 one-family attached units facing the surrounding neighborhood on Fleming Avenue. The building heights and associated rooftop structures should be limited to the standard 35' maximum building height to the roof ridgeline or 30' to the mid-point of the roof as allowed in the R-90 Zone per Section 59-C-1.327.
- Fleming Local Park is a public park open to the public, including the residents of the proposed development. The proposed development conforms to the Recreational Guidelines by providing seating/picnic areas, a 10,000 square-foot open play area, a bike and pedestrian path network, natural trails, benches for passive recreation, and natural areas on site. The Applicant has also agreed to fund off-site improvements in Fleming Local Park in addition to the recreation amenities onsite.
- The parking requirement has been met as shown in Section 3 of the report. The Applicant is required to provide 367 spaces and is providing 392 spaces. Each unit will also have a garage and/or driveway for parking. The proposed parking is sufficient to support the development.
- Placing the environmental setting area around the historic resource in a Category I Conservation Easement protects the view shed of the historic site and also helps retain additional forest onsite, a primary concern of the local community. Staff has conditioned the Applicant to preserve any existing forest in the environmental setting in a Category I Conservation Easement.
- Staff disagrees with the community opposition that improving Fleming Avenue will be detrimental to pedestrian safety. There will be safe, adequate, and efficient movement of both pedestrians and vehicles with the Staff recommended improvements to Fleming Avenue.

SECTION 2: PRELIMINARY PLAN

MASTER PLAN CONFORMANCE

The Approved and Adopted (1992) *North Bethesda Garrett Park Master Plan* identifies the Property as a key vacant or redevelopable parcel (No. 19). Applicable sections are included in Attachment F. The Master Plan notes that the Property is part of the original 100-acre “family estate of the late Dr. Gilbert H. Grosvenor, former president of the National Geographic Society. The estate remained intact until the purchase of 40 acres by the State Highway Administration for the I-495/I-270 interchange; the balance went to the Pooks Hill Marriott, Grosvenor Mews townhouses, and the Renewable Natural Resources Foundation, which conveyed a portion to M-NCPPC for Fleming Park” (page 83). The Master Plan acknowledges the approval of a special exception of up to 300,000 square feet of development for the Renewable Natural Resources Foundation and the Society of American Foresters.

The Master Plan confirmed the existing R-90 Zone for property, and stated that it “supports the planned expansion of the Renewable Natural Resources Foundation and the Society of American Foresters as a special exception approved by the Board of Appeals in the existing R-90 Zone” (page 83). The Plan does not talk about the redevelopment of the rest of the Property. As proposed, this development will achieve several Master Plan land use and environment objectives, including the following:

- Encourage a land use pattern that provides opportunities for housing and employment.
- Preserve and increase the variety of housing stock, including affordable housing.
- Preserve and expand green areas and greenways, including institutional open space, for environmental protection, wildlife sanctuary, recreation and visual relief.
- Preserve existing woodland and encourage reforestation throughout the Planning Area (pages 33-34).

The proposal includes new residential development and retains the existing non-residential development on the Property that was deemed to be consistent with the Master Plan through previous approvals by the Planning Board and Board of Appeals. The residential component will increase the variety of housing stock including 15 percent Moderately Priced Dwelling Units (MDPUs). Approximately 20 acres of the site will be preserved and enhanced as historic and Legacy Open Space areas, which aide environmental protection, recreation, and visual relief. The proposal also achieves the preservation of existing woodland including reforestation and non-native species clearing in certain areas. And it provides significant vehicular, pedestrian, bicycle, and parks and recreation improvements, all consistent with the goals and objectives of the Master Plan.

Street Network

Grosvenor Lane (P-5) is classified in the Master Plan as a primary residential street with a minimum right-of-way of 70 feet with two travel lanes. The proposed Preliminary Plan shows 61 feet and 78 feet as the existing rights-of-way along Grosvenor Lane. Within the 61-foot segment of Grosvenor Lane, the Applicant will dedicate an additional four feet of right-of-way to establish 35 feet from the centerline. Fleming Avenue is not classified in the Master Plan but the Applicant is proposing to improve Fleming Avenue as a secondary residential street with 30 feet of pavement and with two travel lanes (one in each direction) and parking on the east side. The Master Plan has no specific roadway recommendations for the Renewable Foundation property onsite.

Urban Design

The Master Plan does not provide specific urban design guidance for the Property. However, two of the seven urban design objectives are applicable to the proposed development:

- Use historic and natural features as landmarks to give a sense of place and unique identity to each district.
- Add local streets to create a more interconnected local street network and reduce the size of blocks in high intensity areas (p.109).

Staff believes the proposed development meets the objectives of the Master Plan, will better protect the Wild Acres historic setting, and will provide an interconnected street and pedestrian network.

Green Corridors

Grosvenor Lane is identified as a Green Corridor in the Master Plan. The intent of Green Corridors is “to strengthen community identity by creating attractive transportation corridors,” and to address “the visual effects of roadways and abutting properties” (p.250).

The Green Corridor recommendations and design guidelines include:

- Maintain and enhance planting of vegetation along roadsides and in medians of major highway corridors.
- Place a landscape buffer between the curb and relocated sidewalks, place trees in medians and along curbs, screen front yard parking, and relocate utility poles to allow for optimum tree planting and sidewalks. Visibility for highway safety must also be considered.

The proposed development will implement the Green Corridor recommendation since it will preserve the environmental setting, will not impact the existing forest along Grosvenor Lane, and will remove invasive species which will improve the quality of the forest along Grosvenor Lane.

Pedestrian Network

The Master Plan made no specific pedestrian recommendations for the Property. The proposed pedestrian network of sidewalks will link different sides of the development and the existing sidewalks on both sides of Grosvenor Lane and sidewalks along Fleming Avenue.

Bikeway Network

The Countywide Bikeways Functional Master Plan (2005) identifies Fleming Avenue, from Rossmore Drive to the entrance of Fleming Park, as a proposed Signed Shared Roadway/On-Road (Class III) bikeway. This segment of Fleming Avenue is part of the North Bethesda Trolley Trail (SP-41), which connects Bethesda to Rockville. The North Bethesda Garrett Park Master Plan also identified this segment of Fleming Avenue as a proposed Class III bikeway.

Part of the shared use path (Bethesda Trolley Trail) exists along the east side of Fleming Avenue. Staff recommends that this segment connect to the Fleming Local Park, which is immediately southwest of the proposed development. Grosvenor Lane (SR-36) is recommended in the Bikeways Master Plan as a signed shared roadway/on-road (Class III) and is also recommended in the North Bethesda Garrett Park Master Plan.

Environment

The Master Plan's main environmental objective is to "protect and enhance the environmental resources of North Bethesda-Garrett Park" (p.247). The Plan also makes specific recommendations for tree preservation, green corridors and noise including the following:

- Protect woodlands, green space, steep slopes and wetlands through land use recommendations and development regulations.
- Retain mature trees as buffers in new residential development to create visual separation from major roads.
- Retain the maximum number of specimen trees on site where they occur.
- Provide noise attenuation wall when the I-270 spurs are widened at locations where existing residences will be subjected to high noise levels (p.247).

The proposed development will implement the applicable environmental recommendations of the Master Plan. Through the Legacy Open Space designation and Category I Easements, approximately 15.85 acres of the property will be retained as forest, which includes existing forest within the 8.9 acre Wild Acres historic setting. Although some specimen trees are proposed for removal, the Applicant has applied for a variance, and will preserve specimen trees outside of the area of dedication to Parks and the historic environmental setting.

Noise

The Master Plan states that noise from the Capital Beltway (I-495) and I-270 is intrusive because of large traffic volumes on both roadways. The Plan states that "any undeveloped or redevelopable land adjacent to major highways should use noise-compatible land use and site design and other mitigation measures recommended in the "Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development" (p 252).

The Applicant has submitted a noise study with this application. Staff is recommending a noise wall along I-270, but not along I-495 as discussed in detail in the environmental section of this report.

FLEMING LOCAL PARK

The Property is located adjacent to Fleming Local Park, which contains a softball field, tennis courts, basketball courts, playground and parking for these facilities. Given the proximity of the proposed development to the Park, Parks staff concluded that many of the new residents will use the Park facilities. Several of the existing park facilities are in need of improvement, and the park lacks some amenities most desired by County residents. For example, there is no trail in the park and yet trails are the most popular amenity. Other needed improvements include seating areas, landscaped buffers, better lighting at the courts, fencing at the downhill edge of the basketball court, and regrading the edge of the ballfield outfield. The proposed project will provide many of these improvements as required by the Staff recommended conditions of approval.

LEGACY OPEN SPACE PROGRAM

In January 2008, the Planning Board placed eleven acres of the Property (known at that time as Natural Renewal Foundation) into the M-NCPPC's Legacy Open Space (LOS) program. The recommended LOS area is shown in the image below. The site met the criteria for three of the six Legacy Open Space categories, including protection of environmentally sensitive natural resources. Reasons for the designation included a mature oak-hickory forest, the abundance of specimen trees, the rarity of this

type of forest in the Planning area, the forest buffer between the park and the highway, and the forest's role in providing a continuous buffer for the historic setting of the Gilbert Grosvenor mansion.

The Applicant proposes to dedicate 11.35 acres as an extension of existing Fleming Local Park. This dedication is largely consistent with the LOS Master Plan designation. Staff determined a narrow area of LOS designated forest parallel to Interstate 270 to be more appropriate for conservation easement as opposed to park dedication due to maintenance and policing issues if the Department of Parks owned such a narrow corridor fronting one-family attached units and the Interstate system. Therefore, that area will be retained on private property and will be preserved and maintained in a Category I Conservation Easement.



Legacy Open Space Area

The Department of Parks supports the proposed natural surface trail through the LOS Forest with connections to the development and to Fleming Local Park as well as an ADA-compliant hard-surface trail connection from the proposed development to the improved area of Fleming Local Park.

The Legacy Open Space Master Plan does not mandate acquisition of all properties deemed suitable to be in the LOS Program. Rather, the LOS Master Plan recommends various forms of protection including full or partial acquisition, fee-simple purchase, purchase of easements or dedication and other preservation depending upon the specific circumstances of each property in conjunction with

development of the property. Zoning, special protection area status, clustering, designated conservation easements and dedications are among the tools that do not require acquisition.

The proposed layout slightly encroaches into the designated LOS Area north of Fleming Local Park. The forest in this area is of lower quality than the rest of the LOS Area. However, trees and understory in this area currently provide an appropriate transition to the current use at the edge of the park. Parks has accepted the 11.35 acres as an extension of existing Fleming Local Park.

The proposed limit of disturbance (LOD) is generally parallel to the Planning Board approved Legacy Open Space boundary for a linear distance of 1000 feet which will likely have some impacts to the forest to be retained. Creation of new edge or disturbance of mature edges causes a regression in the forest from a mature to a pioneer condition. This is a response to increased light, and wind, greater daily temperature fluctuations and changed soil moisture resulting in an overall drier plant community. Edges increase the proportion of shade-intolerant species in the interior. Evidence from numerous studies show detrimental effects of a newly created forested edge extend into the forest interior. Edges typically harbor undesirable, exotic species including multiflora rose, honeysuckle, Asian tear-thumb, and porcelainberry. Stresses also affect animal communities. Another concern is potential hazardous trees (i.e., trees at risk of falling) resulting from one-family attached units constructed within the target zone of mature overstory trees slated for retention and park-dedication.

In this case, twenty-one specimen trees are proposed for removal within Legacy Open Space Forest with potential impacts to thirty-two additional specimen trees, as a result of grading impacts to the Critical Root Zone of trees as well as townhomes located within the target range of potentially hazardous trees. Further reductions to tree impacts along the newly created forested edge on the parcel planned for Park dedication is strongly encouraged to better ensure long term health and survival of the proposed park dedication area.

Department of Parks LOS Staff has reviewed the proposed development and finds the development to be generally consistent with the area approved as LOS in 2008. Based on the analysis above and the conditions in this report, staff finds the proposed development to be in substantial conformance with the 1992 Approved and Adopted *North Bethesda/Garrett Park Master Plan*.

PUBLIC FACILITIES

Required Vehicular Site Access Points

Typically, two tertiary residential streets or one secondary residential street would be required to serve 155 lots including the retained office space, per the County Road Code. A secondary residential street can serve up to 200 one-family detached units or up to an equivalent of 267 one-family attached units. If the Planning Board were to limit this development to one point of access, the Applicant would need to widen the primary access from 24 to 26 feet in order to adequately satisfy the Road Code standard for a secondary residential street. This would be contrary to the Historic Preservation goal of keeping any access points from Grosvenor Lane minimal in width to reduce the impact to the environmental setting of the historic resource. Therefore, the proposed development includes a second residential access from Fleming Avenue to satisfy the requirements of the County Road Code and Fire and Rescue Services.

Master-Planned Roadway and Bikeways

In accordance with the 1992 *North Bethesda/Garrett Park Master Plan* and the 2005 *Countywide Bikeways Functional Master Plan*, Grosvenor Lane is designated as a two-lane primary residential street,

P-5, with a recommended 70-foot right-of-way. A signed shared roadway, SR-36, is recommended in the *Countywide Bikeways Functional Master Plan* while a Class 3 bikeway is recommended in the *North Bethesda/Garrett Park Master Plan*.

Fleming Avenue is not listed in the *North Bethesda/Garrett Park Master Plan*, but is a public secondary residential street requiring a 60-foot right-of-way. The existing right-of-way is only 30 to 46 feet along different segments of this road. Dedication along the Property frontage is needed to provide adequate access for Fire & Rescue vehicles and upgrade the cross-section to the County Road Code standards. A shared use path, SP-41, the North Bethesda Trail, is recommended in the *Countywide Bikeways Functional Master Plan* while a Class 3 bikeway is recommended in the *North Bethesda/Garrett Park Master Plan*.

The Applicant will dedicate the needed right-of-way along both roadways.

Transportation Demand Management

The Applicant is not required to participate in the North Bethesda Transportation Management District (TMD) because the site is located outside the TMD's boundary.

Public Transit Service

Ride-On Route 6 operates along Grosvenor Lane between the Grosvenor Metrorail Station and Westfield Montgomery Mall, with 30-minute headways on weekdays. Bus stops are located on both sides of Grosvenor Lane at the existing entrance driveway and the intersection with Fleming Avenue. Transit service is not available along Fleming Avenue.

Pedestrian and Bicycle Facilities

Currently, a 5-foot wide sidewalk with a 6-foot wide green panel exists along the Grosvenor Lane frontage, while Fleming Avenue has no sidewalks along the property frontage. The Applicant proposes to construct a 10-foot wide shared use path along the east side of Fleming Avenue and continue to the south approximately 42 feet off site to connect it to the Fleming Local Park entrance.

The Applicant proposes eight bike parking spaces near the main entrances of the office building and mansion house (used as office space) that will remain.

Local Area Transportation Review

A traffic study was required to satisfy the LATR test because the proposed office/residential development generates 30 or more total peak-hour trips within the weekday morning and evening peak periods. The proposed development would generate the following number of peak-hour trips during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.):

Line No.	Land Use	Units or Square Feet	Peak-Hour Trips	
			Morning	Evening
1	One-Family Attached Units	143	71	104
2	Single-Family Detached Units	10	9	11
3=1+2	Subtotal for Residential Units	153	80	115
4	Existing Office Space in the Mansion House	8,086	3*	3*
5	Other Existing Office Space	Existing	45,100	19*
6		Proposed to Be Removed	-22,560	9
7=5-6		Proposed to be Retained	22,540	10
8=4+7	Total Retained Office Space	30,626	13	10
9=3+8	Total Peak-Hour Trips		93	125
10=3-6	Net Increase in New Peak-Hour Trips		71	107

* The driveway counts were collected to derive trip-generation data, and calculate the number of peak-hour trips generated by the office space in the mansion house and other existing buildings based on the specific trip generation rates.

The approved 300,000 square feet of philanthropic office use would generate 124 peak-hour trips during the weekday morning peak period and 97 peak-hour trips during the evening peak period. The proposed uses will generate a total of 93 AM and 125 PM peak-hour trips; 36 fewer trips in the AM and 23 more trips in the PM peak-hour, respectively. Thus, the proposed development is expected to result in a total reduction of 13 peak hour trips compared to the approved Special Exception uses.

The table below shows the calculated Critical Lane Volume (CLV) values at the analyzed intersections for the following traffic conditions:

1. Existing: Existing traffic condition as they exist now.
2. Background: The existing condition plus the trips generated from approved but un-built nearby developments.
3. Total: The background condition plus the site-generated trips based on proposed land uses.

<i>Analyzed Intersection</i>	<i>CLV Standard Policy Area</i>	<i>Weekday Peak Hour</i>	<i>Traffic Condition</i>		
			<i>Existing</i>	<i>Background</i>	<i>Total</i>
Grosvenor Lane & Cheshire Drive	1,550 North Bethesda	Morning	616	625	652
		Evening	572	578	590
Grosvenor Lane & Fleming Avenue	1,550 North Bethesda	Morning	544	544	571
		Evening	469	469	500
Grosvenor Lane & Site Driveway	1,550 North Bethesda	Morning	467	467	529
		Evening	446	446	546
Old Georgetown Road (MD 187) & Cheshire Drive	1,550 North Bethesda	Morning	1,057	1,117	1,131
		Evening	1,425	1,501	1,529
Old Georgetown Road & I-495 Westbound Ramp	1,550 North Bethesda	Morning	1,175	1,262	1,263
		Evening	942	1,006	1,011
Old Georgetown Road & Manor Oak Way	1,550 North Bethesda	Morning	1,239	1,296	1,301
		Evening	923	985	990
Rockville Pike (MD 355) & Grosvenor Lane	1,800 Grosvenor	Morning	1,183	1,233	1,252
		Evening	1,160	1,170	1,196

As shown in the table above, the CLV values at all seven analyzed intersections are less than the applicable congestion standard for each intersection. Thus, the LATR test is satisfied.

Queuing Issue at Two intersections

The two nearby intersections of Old Georgetown Road with Democracy Boulevard/Wildwood Shopping Center Driveway and Cheshire Drive do not exceed their CLV congestion standard, but an operational problem exists at the closely-spaced intersections along Cheshire Drive at Old Georgetown Road and at Grosvenor Lane-Wildwood Shopping Center Driveway. Limited storage for the westbound Cheshire Drive traffic between Old Georgetown Road and Grosvenor Lane-Wildwood Shopping Center Driveway causes backups during peak hours. The proposed development has a relatively small impact on these intersections by increasing the traffic impact by 2% to 4%.

This existing operational problem can be addressed by: increasing a side-street green time to Cheshire Drive at Old Georgetown Road; constructing a third westbound lane on Cheshire Drive between Old Georgetown Road and Grosvenor Lane-Wildwood Shopping Center; or installing a new traffic signal at the Cheshire Drive-Grosvenor Lane-Wildwood Shopping Center intersection. If approved by MCDOT, the Applicant will be responsible on a pro-rata cost basis to fund its implementation. Otherwise, as stated in the “LATR and TPAR Guidelines”:

Payment Instead of Construction

“Where an applicant has made a good faith effort to implement an acceptable improvement and where the Board finds that a desirable improvement cannot feasibly be implemented by the applicant but that it can be implemented by a public agency within six years after the subdivision is approved, the County Council has authorized the Planning Board to accept payment to the County of a fee commensurate with the cost of the required improvement.”

Both the MCDOT staff and Planning Staff expect an improvement to be implemented by a public agency within the next six years. Therefore, with a payment to MCDOT and/or SHA equal to the pro-rata share of the cost the LATR test is satisfied.

Transportation Policy Area Review

Under the 2012-2016 Subdivision Staging Policy, the Transportation Policy Area Review (TPAR) test requires a payment of the transportation impact tax equaling 25% of the development impact tax. Thus, the TPAR payment will be as follows:

Row No.	Type of Development	Number of Units or Square Feet	DPS's Impact Tax per Unit Type or Commercial Use	Cost
1	One-Family Attached Units	143	\$11,050*	\$1,580,150
2	One-Family Detached Units	10	\$13,506*	\$135,060
3-1+2	Subtotal	153	n/s	\$1,715,210
4	Office Space	22,500	\$12.30*	\$276,750
5=3-4	Net DPS Impact Tax			\$1,438,460
6=5*25 %	TPAR equals 25% of DPS Impact Tax			\$359,615

*Impact tax rates effective July 1, 2013.

Therefore, with the payment above, the TPAR test is satisfied.

Other Public Facilities and Services

The proposed development will be served by public water and sewer systems. The Montgomery County Fire and Rescue Service has reviewed the application and has determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services including police stations, firehouses and health care are currently operating in accordance with the Subdivision Staging Policy and will continue to be sufficient following the construction of the project. Electric, gas and telecommunications services will also be available and adequate. The project is located in the Walter Johnson Cluster, which requires a School Facilities Payment at the middle school and high school levels. DPS will determine the amount and timing of the payment.

Based on the analysis and conditions above, Staff finds that Adequate Public Facilities exist to serve the proposed development.

ENVIRONMENT

Environmental Guidelines

The Property currently includes a developed central core with two houses, a barn and silo, two three-story office buildings, four parking lots, and a stormwater management facility. The remaining portions of the site surrounding the developed central core contain 22.10 acres of forest, a perennial stream, an intermittent stream and a wetland as depicted on the NRI/FSD (#420130150) approved on October 5, 2012. An environmental buffer encompasses the intermittent stream, perennial stream, and steep slopes within the southern portion of the site.

The Property drains to the Lower Rock Creek watershed and is designated as Class I-P Waters¹ by the State of Maryland. There is a 100-year floodplain along the perennial stream in the southern portion of the site. This Property is not within Special Protection Area and does not contain rare, threatened, or endangered species.

Forest Conservation Plan

This Property is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code), and a Final Forest Conservation Plan (FFCP) has been submitted for Planning Board approval (Attachment G). The FFCP proposes the removal of 8.41 acres of forest, which is less than the 11.92 acres of clearing that is permitted without mitigation. Therefore, no new planting is required for the proposed project.

The Applicant is proposing 92.25% one-family attached units in an R-90 Zone, under the Optional Method of Development that requires adherence to Section 22A-12(f)(2)(B) of the Forest Conservation Law and a finding from the Planning Board that the proposed development is more desirable from an environmental perspective than a development that would adhere to the 50% limit on one-family attached dwelling units, semi-detached dwelling units or townhouses (see discussion in Section 3). As required by Section 22A-12(f)(2)(B), the Applicant is proposing to retain the 20% conservation threshold (7.21 acres) of the net tract area in forest on-site. The Applicant is also proposing to dedicate 11.35 acres to M-NCPPC as part of the Legacy Open Space (LOS) program and to retain the majority of the 8.9 acre environmental setting designated as part of the historic designation of the Grosvenor Mansion. The Applicant proposes to impact 0.03 acres of forest within the Environmental Setting to widen the existing entrance off Grosvenor Lane. The Applicant also proposes to place 4.05 acres of retained forest along the northern and eastern boundaries of the property in a Category I Conservation Easement.

Staff is requiring the Applicant to provide a revised Invasive Species Management Plan to include all Category I Conservation Easement forest on-site and a significant stand of bamboo along the northwestern property boundary. It is Staff's opinion that only performing invasive species management adjacent to Grosvenor Lane and the on-site wetland area, as proposed by the Applicant, will not adequately control and/or remove the invasive species problem on-site. As stated in the Natural Resource Inventory/Forest Stand Delineation (#420130150) submitted by the Applicant and Staff's observations of the forest communities on-site, significant invasive species were noted in the understory of all the forest stands on-site. If methods of removal are not conducted throughout at least the Category I Conservation Easement forest on-site, it is Staff's opinion the invasive species will continue to spread throughout all the remaining forests on-site and will eventually out-compete the native understory species and ultimately diminishing the value of the native forest. Due to the extensive nature of the invasive species within the forest, supplemental planting must be included in the invasive management plan to accelerate the closure of forest canopy openings. Therefore, Staff would require that the Applicant provide invasive species management throughout all Category I Conservation Easement forests on-site to preserve the remaining forest in the best quality possible and to provide supplemental planting in areas where forest canopy is lost.

¹ Use I-P - Waters that are suitable for: water contact sports; play and leisure time activities where the human body may come in contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply, industrial water supply, and public water supply.

The Applicant does not support Staff's opinion that invasive species management should be required within all the Category I Conservation Easement forests on-site, and has submitted a justification statement supporting their position (Attachment H).

The Applicant states, With regard to the area protected by easement, a Category I conservation easement also does not create an affirmative obligation to provide invasive species management. Under the most relevant provision of the standard Category I conservation easement, “[n]oxious weeds (limited to weeds defined as “noxious” under Maryland State or Montgomery County laws or regulations and “exotic or invasive plants” in the Montgomery County Trees Technical Manual) may be removed as required by law or according to an approved management plan[.]” (Paragraph No. 3, pg. 3 of standard Category I Conservation Easement). The use of “may,” as opposed to “must” connotes discretion that an owner who wishes to remove invasives and would otherwise be prohibited by the terms of the easement from doing so may exercise. Thus, the landowner subject to the conservation easement can remove invasive species, but is not required to do so. Moreover, the Category I easement is being placed on this LOS area at the request of staff and their agreement to do so should not be used as a reason for requiring Invasive species management. EYA strongly recognizes the importance of protecting valuable forested land and supports preserving the subject Property’s Legacy Open Space areas, whether through dedication to the County, or by subjecting certain areas to a Category I conservation easement. Invasive species management, however, is not compulsory under the law and would in our judgment be unreasonable, constituting an excessive exaction.

Although not compulsory under the law, it is Staff's opinion that without some invasive species management, the integrity of the forest and biological community in its present condition under which it was protected and used to meet the forest retention threshold under the Forest Conservation Law will eventually decline and degrade; thereby, defeating the propose for which it was protected. In addition, the environmental resource objective of the North Bethesda Garrett Park Master Plan is to protect and enhance the environmental resources (as stated above). It is Staff's recommendation that invasive species management be required to protect and enhance the forest on-site.

In order to minimize the amount of forest clearing within the Stream Valley Buffer and the proposed Legacy Open Space designation area, Staff is recommending that the Applicant reduce the LOD for the installation of the proposed water main in the southern portion of the site to include only the removal of forest within the WSSC easement. If the LOD cannot be minimized to the limits of the WSSC easement, Staff is recommending that the Applicant replant the disturbed areas outside the WSSC easement with forest plantings. This will accelerate the re-establishment of the forest and help to minimize the establishment of invasives within the open forest canopy. By minimizing the disturbance of forest and/or restoring the forest canopy, the Applicant is proposing a project that is more desirable from an environmental perspective.

As stated above, the Applicant is proposing to dedicate 11.35 acres of forested land to the Department of Parks, is preserving the 8.9 acres of the environmental setting of the historic resource, and is preserving 4.05 acres of forest. Additionally, the plan proposes approximately 12.36 percent building coverage, which is less than half the 30 percent maximum allowed by the Zone.

Based on the analysis above, Staff finds the proposed development to be more desirable from an environmental perspective as opposed to standard method development, and recommends approval of up to 92.25% one-family attached units.

Forest Conservation Variance

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

The Applicant submitted a variance request on November 25, 2013 for the impacts and removal of specimen trees on-site as depicted on the attached FFCP and Tree Variance Exhibit. The Applicant is requesting a variance to remove 131 specimen trees that are 30 inches diameter at breast height (DBH), part of a historic site, or 75% or more of the diameter of the current state champion tree of that species. In addition, the Applicant is proposing to impact, but not remove, the critical root zones of 64 specimen trees that are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law. The proposed impacted and removed specimen trees are listed in Attachment H.

Unwarranted Hardship Basis

Per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant reasonable and significant use of its property. In this case, the unwarranted hardship is caused by the limited developable area on-site. The amount of developable area on-site is limited since the northern portion of the site contains a protected environmental setting associated with the historic Grosvenor Mansion and the southern portion of the site is proposed to be dedicated to the LOS program. All of these factors constrains the site and directly influences the layout of the lots, houses, parking, roads, and placement of stormwater management facilities. In order to avoid impacts to specimen trees within the developable area on-site, a significant reduction of lots would be required. In addition, noise mitigation measures are necessary to reduce the noise impacts associated with I-270. Any residential development of this property would require a noise mitigation, such as a noise wall, to be installed along the forested eastern boundary of the site, which would further impact specimen size trees. Therefore, Staff concurs that the Applicant has a sufficient unwarranted hardship to justify a variance request.

The proposed development achieves many of the North Bethesda/Garrett Park Master Plan's general recommendations for providing infill residential development, accessibility to existing transit infrastructure, protecting the historic resource and safeguarding mature forest. The Applicant has limited the developable area to the central portion of the site, which would necessitate the removal and/impacts to 190 specimen trees. These trees will be impacted or removed in order for the Applicant to develop the Property as proposed in this application. The majority of these trees will be removed as part of the 8.23 acres forest clearing in the central portion of the site and the 0.03 acres of forest clearing to widen the existing entrance from Grosvenor Lane.

Although the plans show disturbance to the CRZ of trees in the vicinity of the noise wall, the Applicant will take extraordinary tree save measures to minimize impacts to CRZs and avoid any tree removal during the installation of the noise wall. The Applicant is proposing to provide root protection matting and other tree protection measures as directed by an arborist to minimize disturbance to CRZ and avoid tree removal to trees #86, #87, #89-91, #128, #129, #134-140, #155, #161, #162, #183-185, #187-190, #192, and #1227-1229. These trees are listed as removed to request a variance; however, the Applicant proposes to use all tree protection measure possible during construction to avoid removing these trees for the installation of the noise wall. Also, aside from the footers of the noise wall, the Applicant is proposing to install the noise wall with the bottom of wall to resting on ground surface and not extending below grade. Staff is requiring that the Applicant provide an arborist report with the revised FFCP to detail the tree protection measures, for the trees listed above, that will be implemented in the field to protect these trees and will be specific to the noise wall detail and associated LOD that is required prior to certified site plan.

Although the FCP depicts disturbance to the CRZs (in some instances greater than 30%) of specimen trees #1301, #1302, #1303, #1304, and #1306 on the west side of Fleming Avenue, the work within the LOD will consist of pavement mill and overlay only. The Applicant will ensure tree protection measures are implemented in the field to protect these trees and avoid removal.

In addition to implementing tree protection measures to protect specimen trees on-site, the Applicant was able to decrease the limits of disturbance west of Fleming Avenue and north of Fleming Park. This decrease in the limits of disturbance enabled a reduction in CRZ impacts/eliminated the impacts to the CRZ of specimen trees #300, #304, #305 and #310, retained additional forest, and increased the wooded buffer between the project area and Fleming Park just east of Fleming Avenue.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determinations in the review of the variance request and the proposed forest conservation plan:

Variance Findings - Staff has made the following determination based on the required findings that granting of the requested variance:

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

Granting the variance will not confer a special privilege on the Applicant. The centralized locations and distribution of the existing specimen trees would require their removal for redevelopment of the site. Due to the unique constraints of the property caused by the historic designation of the environmental setting within the northern portion of the site and the LOS dedication in the southern portion of the site, the Applicant has a limited amount of developable area on-site. In addition, any residential development of the site would require the installation of a mitigation device such as a noise wall to reduce the noise impacts from Interstate 270. Installation of the noise wall will require impacts and removal of specimen trees along the eastern boundary of the site.

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

The requested variance is based on the layout of the existing buildings on the site, the constraints of the historic designation in the northern portion of the site and the LOS designation in the southern portion

of the site as well as the environmental conditions that warrant the protection of the stream valley buffer on-site rather than on conditions or circumstances which are the result of actions by the Applicant.

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

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

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

Because the specimen trees proposed for removal will be mitigated with new tree plantings, any water quality benefits that would be lost by removing the specimen trees will ultimately be replaced by the planting of the proposed mitigation trees. In addition, with the exception of the installation of the proposed water main and sanitary sewer, the majority of the specimen trees to be removed are not located within the environmental buffer and all of the specimen trees are not within a Special Protection Area. The Applicant is proposing a comprehensively designed and integrated stormwater management system using Environmental Site Design (ESD) practices. Therefore, staff concurs that the project will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provisions – The Applicant proposes to impact the critical root zones of 64 specimen trees and to remove a total of 131 specimen trees. A total of 42 trees are located outside the limits of the forest for a total of 605 inches DBH that must be mitigated for. The Applicant is proposing to plant 51 native canopy trees that are a minimum of 3” caliper in size on-site as mitigation for the specimen tree removal. This mitigation follows the Staff’s recommendation that replacement should occur at a ratio of approximately 1” caliper for every 4” DBH removed.

While the number of mitigation plantings follows Staff’s recommendation for specimen tree replacement, the locations of the plantings as submitted by the Applicant do not provide adequate soil volumes for the tree plantings to achieve the canopy size and function of the specimen trees they are replacing. Staff is conditioning the approval of the FFCP to provide a revised FFCP prior to Certified Site Plan that provides adequate specimen tree mitigation to replace the form and function of the specimen trees being removed from the site. The proposed plan depicts several open lawn areas in the environmental setting of the historic mansion and north of the LOS designation areas that would provide large adequate planting locations for the mitigation trees to reach the size and form of the specimen trees they are replacing. Staff will review the revised mitigation proposal to ensure mitigation trees are planted in the appropriate locations on-site within areas of adequate soil volume, that are not within the within 10-feet of stormwater/ESD facilities, and not located within or overlapping the PUE and other easements on-site.

County Arborist’s Recommendation on the Variance - In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist on November 7, 2013 and November 25, 2013 (Attachment I). On December 20, 2013, the County Arborist issued her recommendations on the variance request and recommended the variance be approved with mitigation (Attachment J).

Variance Recommendation - Staff recommends that the variance request be granted.

Stormwater Management

DPS issued a letter accepting the Stormwater Management Concept for the Grosvenor site on September 9, 2013 and an email excepting the redesign of the site plan on November 14, 2013. DPS issued a letter accepting the revised Stormwater Management Concept for the Grosvenor site on December 6, 2013. The stormwater management concept proposes to meet required stormwater management goals via ESD to the maximum extent practicable (MEP) with the use of porous pavement/pavers, micro-bioretenion, drywells, and a submerged gravel wetland. Additional treatment is required and is provided by the use of two structural sand filters.

Noise

The Applicant prepared a Phase I Noise Analysis, dated May 14, 2013 (Attachment K), for the proposed development to assess the current and projected 2032 outdoor noise levels. A noise analysis is necessary to determine the projected interior and exterior noise levels requiring mitigation for residential units and outdoor recreational areas within the Subject Site since the site is bordered by Interstate 270 to the east and Interstate 495 to the southeast. The Montgomery County *Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development* (Staff Guidelines) stipulate a 65 dBA Ldn maximum noise level for outdoor recreation areas and 45 dBA Ldn for indoor areas.

The noise analysis for this Property indicates that future unmitigated traffic noise levels slightly above 70 dBA Ldn and 65 dBA Ldn will impact the backyards of 40 of the proposed one-family attached unit lots closest to I-270 and I-495. All other one-family attached lots will not be exposed to noise levels above 65 dBA Ldn due to the distance from the roadways and/or the noise reduction provided by the one-family attached units closest to I-270 and I-495. To maintain noise levels below 65 dBA Ldn in the backyards closest to I-270, a noise barrier at least 23-foot tall along the site's eastern property lines will be required. The Applicant is proposing the installation of a noise wall as a barrier along the eastern property boundary. However, the Applicant has not provided a specific detail, approved by a structural engineer, of the dimensions of this wall and how it will be constructed on-site. According to Staff guidelines, *Acoustic fences, walls or barriers can be highly effective in attenuating high levels of noise. To be effective, they must break the LOS (line of sight) and be solid and continuous without gaps at ground level or at joints in the structure.* Staff is requiring that the Applicant provide certification, prior to Certified Site Plan approval, from an engineer that specializes in acoustical treatment that the location and design of the noise mitigation techniques including the proposed noise wall is adequate to attenuate current and/or proposed noise levels to no more than 65 dBA Ldn for the outdoor backyards and areas of common activity.

In order to maintain the noise levels below 65 dBA Ldn in the backyards of the one-family attached units closest to I-495, a noise barrier along the site's property line (comparable to the proposed noise barrier along I-270) will be necessary. However, the noise analysis does not recommend a noise barrier along the southeastern portion of the site closest to I-495 since the amount of noise reduction provided to these backyards will not offset the environmental impacts to the LOS forest dedication area. Since the noise levels in the backyards closest to I-495 are projected to be slightly above 65 dBA (compared to 70 dBA Ldn in the backyards closest to I-270), a noise barrier will only reduce 1-3 dBA, which is barely perceptible by the human ear.

Consistent with the noise guidelines, dwelling units that are impacted by traffic noise levels over 65 dBA Ldn should have interior noise no greater than 45 dBA Ldn. Most residential units meet the interior noise level through current construction methods, but, on occasion, additional acoustical noise mitigation is necessary. The additional mitigation typically includes special materials and additional construction measures of the building shell to attenuate exterior noise levels to acceptable levels inside the dwelling units. Noise measured at 25 feet above grade (to measure the noise of the upper levels of the one-family attached units) indicates impact above 65 dBA Ldn for 65 of the 143 one-family attached units. Therefore, prior to the issuance of the first building permit, the Applicant must submit certification from an engineer that specializes in acoustical treatment that the building shell for the residential dwelling units will attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.

Conclusion

Based on the analysis above and conditions in this report, Staff finds the proposed plan to be in compliance with M-NCPPC's *Environmental Guidelines* and recommends that the Planning Board approve the FFCP with the conditions cited in this Staff Report. The variance approval is assumed in the Planning Board's approval of the FFCP.

COMPLIANCE WITH THE SUBDIVISION REGULATIONS

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the recommendations in the North Bethesda/Garrett Park Master Plan, and for the type of development or use contemplated. The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the Master Plan, provided the Planning Board grants greater than 50% townhomes and approves a smaller lot size for the MPDU lots as allowed for in Section 59-C-1.625(a)(3) when approving the Site Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan (Attachment L).

Lot Frontage on a Private Street

Section 50-29(a)(2) of the Subdivision Regulations requires that all lots shall abut on a street or road which has been dedicated to public use or which has acquired the status of a public road. 143 lots will front onto a private street, while ten lots will front on Fleming Avenue. Therefore, if the Planning Board approves the Preliminary Plan, it must also find that the proposed private streets have acquired the status of public roads. As reflected in other similar cases approved by the Board, this finding must be based upon the proposed road being fully accessible to the public; accessible to fire and rescue vehicles, as needed; and designed to the minimum public road standards, except for right-of-way and pavement widths.

In the case of this subdivision, the proposed internal streets, which provide frontage to 144 of the 155 lots meet the minimum standards necessary to make the finding that they have the status of a public road. The private roads will be constructed to the minimum public road structural standards, will have a 20-foot pavement width with (no on-street parking) adequate turning radii at intersections where needed for emergency access, an appropriate paving cross-section elsewhere for private vehicles, and an appropriate circulation and turnaround pattern. The private roads will be placed within an easement that ensures they remain fully accessible to the public.

Conclusion

Staff recommends approval of the Preliminary Plan based on the conditions and analysis contained in this report.

SECTION 3: SITE PLAN REVIEW

ENVIRONMENT & MASTER PLAN

These subsections are covered by Section 2: Preliminary Plan Review, of this report.

ANALYSIS AND FINDINGS – Sec 59 D 3.4 (c)

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The Site Plan is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Property is zoned R-90. The purposes of the R-90 Zone include: encourage social and community interaction and activity; provide a broad range of housing types; preserve and take the greatest possible aesthetic advantage of trees; provide for open space for the general benefit of the community; encourage pedestrian circulation networks; and assure compatibility and coordination of each development with existing and proposed surrounding land uses and allows the proposed use, with provisions stated below.

The Applicant proposes a total of 155 lots including two lots for existing structures, 153 new dwelling units (143 one-family attached units and 10 one-family detached units), with 23 of the one-family attached units as MPDUs, under the Optional Method of Development in the R-90 Zone for projects including Moderate Priced Dwelling Units (MPDUs) pursuant to Section 59-C-1.6 of the Zoning Ordinance. One-family attached units are a permitted use under the R-90 Zone Optional Method, but the maximum percentage allowed in a subdivision is 50 percent. The balance must be one-family detached units. However, per 59-C-1-621, the Planning Board may approve up to 100 percent of the total number of units as one-family attached units, upon the finding that: (1) *a proposed development is more desirable from an environmental perspective than development that would result from adherence to these percentage limits; or (2) limits on development at that site would not allow the applicant to achieve MPDUs under Chapter 25A on-site. Any increase above the standard percentage allowed must achieve not less than the same level of compatibility with adjacent existing and approved development as would exist if the development were constructed using the standard percentage of that type of dwelling unit.*

The Applicant is requesting 92.25% of the total number of the units as one-family attached units. If the Property were to be developed using the standard method, the impacts to the environmental features on the Property would arguably be much greater, as one-family detached lots are larger, take up more space, and require more land area to accommodate that

type of development. Given the constraints on this site (LOS designated area, historic environmental setting, and large stands of forest and tree cover), Staff believes there is merit to providing more than the typical minimum number of one-family attached units on this site.

Staff finds that proposed percentage of 92.25% one-family attached units is more desirable from an environmental perspective than development that would result from adherence to the standard 50% limit, as discussed in more detail in Section 2 on pages 31-32 of this report. The 10 one-family detached units along and facing Fleming Avenue with the recommended standard height restrictions of the R-90 Zone per Section 59-C-1.327 will be compatible with the existing neighborhood.

The following data table indicates the proposed development’s compliance with the applicable standards of the Zoning Ordinance. The Site Plan meets all of the development standards of the zone, except for the minimum lot size for the MPDU lots. With respect to green space, the proposed development provides 906,048 square feet (20.79 acres) of green area, primarily through the Legacy Open Space and preserved environmental setting around the historic resource, thereby allowing a greater amount of permeable surface and open space.

Project Data Table for the R-90 Zone, Development Standards for Development including MPDUs

Development Standard (59-C-1.62)	Permitted/Required	Proposed
59-C-1-622. Density of Development		
Maximum number of dwelling units per acre of usable area, 59-C-1.628(a)	155 DUs (4.39DU x 35.4 acres usable area)	155 DUs (including 2 existing lots)
59-C-1-623. Minimum Building Setbacks (feet)		
From a Public Street (Fleming Avenue)	25 feet	25 feet
Corner lot (if the adjoining lot on one of the streets either does not front on that street or is in a nonresidential zone)	15 feet	15 feet
59-C-1-624. Yard requirements (feet)		
For a side or rear yard that abuts a lot that is not developed under the provisions of this section 59-C-1.6, the setback must be at least equal to that required for the abutting lot, provided that no rear yard is less than	20 feet	32 feet
59-C-1-625. Minimum Lot Area and Width		
One-family detached dwelling unit	5,000 square feet	5,000 square feet

Townhouse, unless a smaller lot size is approved by the planning board ¹	1,500 square feet	864 square feet
Minimum lot width for a one-family detached dwelling unit at an existing or proposed street line (in feet)	25 feet	25 feet
59-C-1-626. Maximum Building Height (feet)		
Main Building	40 feet	40 feet ²
Accessory Building	25 feet	25 feet
59-C-1-627. Minimum Green Area (% of lot)		
Must be provided for each townhouse or one-family attached dwelling unit erected in the subdivision, at the rate, in square feet per unit, of	2000 square feet X 155 units = 310,000 sq. ft.	906,048 sq. ft. (Including Historic setting and Legacy Open Space)

59-E-3.7. Parking Requirements:

Residential Parking				
Unit Type	No.	Unit Mix	Parking Required	Parking Ratio/Unit
MPDU one-family attached	23	0.15	46	2 Spaces/Unit
Market rate one-family attached	120	0.78	240	2 Spaces/Unit
Market rate one-family detached	10	0.07	20	2 Spaces/Unit
Total	153		306 parking spaces	
Non-Residential Parking Requirements				
Use	GSF		Parking Required	Parking Ratio/Unit
Office	22,540		60.86	2.7 Spaces/1,000 sq. ft.
Total			61 parking spaces	
Total Parking Requirement: 367 parking spaces (306 + 61)				

Proposed Parking:

Residential Parking Provided within Garages				
Units	No.	Unit Mix	Parking Provided	Parking Ratio/Unit
MPDU one-family attached	23	0.15	23	1 Spaces/Unit

¹ The Planning Board may approve a smaller lot size for a townhouse in accordance with the site plan criteria of Section 59-D-3.4 taking into account the following factors: the size of the unit, the number of units in a group, the proximity of several groups of units to each other or an area of significant size at one location that will be maintained as common open space or public park land, the topography or other natural features of the site, or such other factors as the planning board deems appropriate and specifies in its approval. Staff recommends approval of the reduced lot size as discussed in detail on page 41.

² For one-family attached only. For one-family detached units along Fleming Avenue, staff recommends the maximum height to be per the maximum building height per Section 59-C-1.327 (35 feet to the ridgeline or 30 feet to the midpoint of the roof).

Market rate one-family attached	120	0.78	240	2 Spaces/Unit
Market rare one-family detached	10	0.07	20	2 Spaces/Unit
Total	153		283 parking spaces	
Residential On-Street Parking Provided			40 parking spaces	
Total Residential Parking Provided			323 parking spaces	
Non-Residential Parking Provided			69 parking spaces ³	
Total Parking Provided			392 parking spaces	

Section 59-C-1.32. Maximum Coverage Requirements:

	Permitted/Required	Proposed
Maximum percentage of net lot area that may be covered by buildings, including accessory buildings	30% maximum	12.36%

Section 25A-MPDUs:

Required	Proposed
12.5% minimum	15% of total new units 23 units

59-C-1-628. Additional Requirements

(a) Useable Area

The gross tract area of the Property is 35.43 acres. Under Section 59-C-1.628(a) of the Zoning Ordinance, the usable area upon which the density of development is calculated is determined by deducting the following from the gross area of the tract: (1) all land indicated on the master plan of highways as a right-of-way with a width of 100 feet or more; and (2) all ultimate 100-year floodplain areas which, in the opinion of the planning board, would constitute an excessively high percentage of the total area of the tract. As shown on Applicant's submitted plans, no portions of the Property are either indicated on the master plan of highways as a right-of-way with a width of 100 feet or more or located within the 100-year floodplain. Therefore, the useable area of the Property is 35.43 acres.

Gross Tract Area = 35.43 acres

Master Plan right-of-way with width of 100 feet or more = 0

Ultimate 100-year flood plain area = 0

Useable Area = 35.43 acres

(b) Townhouse frontage

As shown on Applicant's submitted plans, each townhouse fronts on a private street as permitted by Section 59-C-1.628(b) of the Zoning Ordinance.

(c) Common open space

The site plan includes a description of the procedures and methods to be followed for assuring the common use and adequate maintenance of common open space included in this development. The Project's common open space will be owned and maintained by the HOA, the documents for which will assure the common use and adequate maintenance of common open space included in the plan.

³ Residents and visitors can also utilize the 69 non-residential parking spaces after office hours and on weekends.

(d) Dedicated land

Land dedicated to public use for school and park sites may be included in the calculation of density, provided that the development of the remaining land can be accomplished in compliance with the purposes of this section. The Applicant will dedicate 11.35 acres of the Property to M-NCPPC as Legacy Open Space. The Applicant's submitted plans establish that the remaining portion of the Property complies with all applicable purposes, standards, and requirements of the Optional Method of Development including MPDUs in the R-90 Zone as shown in the Development Standards table above.

(e) Development in different zones

Not applicable, the entire site is zoned R-90.

(f) Preservation of trees

The proposed Preliminary Plan and Site Plan show the location and extent of all the trees as well as methods for preservation of those trees selected to remain. Applicant's Forest Conservation Plan and tree variance request show the location and extent of all trees as well as methods for preservation of those trees selected to remain (Attachments G and I).

Minimum Lot Area Justification for lots less than 1,500 square feet:

Pursuant to Section 59-C-1-625, the development standards for the Optional Method of Development including MPDUs, the Applicant requests that the Planning Board authorize 62 townhouse lots with net lot areas less than 1,500 square feet in two general areas in the Project:

1) 16 lots in two rows of eight at the traffic circle south of the Grosvenor Lane entrance (identified on the submitted plans as Block B, Lots 1 through 8 and Block C, Lots 1 through 8). These smaller one-family attached lots prevent encroachments in the Property's historic environmental setting near the traffic circle south of the Grosvenor Lane entrance; and

2) 46 one-family attached lots near the Legacy Open Space area, north of Fleming Park in 4 rows of varying lengths (Block E, Lots 2 through 9, which constitute 8 of 10 lots in this row; Block E, Lots 12, 13, 14, 17, 18, and 19, which constitute 6 of 10 lots in this row; Block F, Lots 1 through 17, which constitute all 16 lots in this row; and Block F, Lots 18 through 32, which constitute all 16 lots in this row).

The smaller lots in this general area create a greater buffer between the proposed project's one-family attached units and the Legacy Open Space area north of Fleming Park. They permit a block design that discourages cut-through traffic to and from the proposed Fleming Avenue connection.

The locations of all of these smaller lots are appropriate, allow for safe and efficient circulation through the site, and ensure compatibility with existing development and open space. Overall, the Planning Board's authorization of smaller one-family attached lots under the development standards for the Optional Method of Development including MPDUs would facilitate open space preservation and protect the integrity of the historic resource, while ensuring an appropriate amount of in-fill residential development, with much needed MPDUs, near existing public transportation and employment centers.

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a. Locations of buildings and structures

The one-family attached units shown on the site plan are clustered to provide ease of access while maximizing the preservation of open space. Additionally, the Master Plan recommends that new residential development take place in areas with existing transit and proposes that “future development be focused at Metrorail (Metro) stops, new transit stations, and areas best served by transportation infrastructure, with more emphasis on housing” (Page 2). The property is within one-mile of the Grosvenor Metro Station.

The proposed 10 one-family detached units will front on Fleming Avenue and be rear-loaded units (driveways from internal alley). Staff is recommending that the one-family detached units comply with the standard height restrictions of the R-90 Zone per Section 59-C-1.327. Locating the one-family detached units along Fleming Avenue provides compatibility with the existing neighborhood and the character of the existing homes along Fleming Avenue.

b. Open Spaces

The plan proposes approximately 12.36 percent building coverage, which is under the 30 percent maximum allowed by the zone. This allows for the preservation of more area for open space, forest land and recreational areas. The Applicant is proposing to dedicate 11.35 acres of the Property to Montgomery County’s Legacy Open Space program as part of the Application. This will preserve a significant portion of the Property’s existing green area and forest, protecting the integrity of the historic resource, buffering the proposed one-family attached units from the surrounding highways, and providing opportunities for active and passive recreation.

In addition to the 11.35 acres dedicated to Legacy open Space, the plan provides preservation of the historic setting and environmental features along Grosvenor Lane and “preserve existing woodland”, per the Master Plan (Page 34). “A major goal . . . is to protect the natural resources and environmental qualities which are important to the residents of North Bethesda-Garrett Park. Environmental concerns within the planning area include loss of mature woodlands, degradation of stream systems, air pollution and roadway noise.” (Page 247) The dedication of Legacy Open Space, forest preserved in the environmental setting around the historic resource through a Category 1 Conservation Easement, as discussed in the Environmental Section of the staff report, and the utilization of state-of-the-art stormwater management, will allow the proposed development to substantially conform to the Master Plan’s recommendations.

c. Landscaping and Lighting

The landscaping shown on the site plan facilitates a residential feel that is harmonious with the historic resource. The Applicant has agreed to provide additional landscaped buffering along the property line of any one-family attached units and one-family detached units adjacent to the Anne R. Grosvenor, Trustee property to the north at the intersection of Fleming Avenue and Grosvenor Lane. Illumination levels for all lighting fixtures on all the units located adjacent to the Anne R. Grosvenor, Trustee property to the north will not exceed 0.1 footcandles at the property line. Deflectors shall be installed on all fixtures causing potential glare or excess illumination abutting the adjacent residential property. Additionally, the Applicant will provide landscaped buffering in the area located immediately north of Fleming Local Park and on the

east side of Fleming Avenue as recommended by Parks staff. The Applicant will revise the Landscape Plan subject to Staff review and approval at the time of Certified Site Plan. All site lighting will provide adequate, safe, and efficient site illumination.

d. Recreation Facilities

The Applicant is providing picnic/sitting areas, a 10,000 square foot open play area, a bike and pedestrian path network, nature trails, and natural areas on-site (On-site Recreation Amenities Plan, Attachment M). In addition to the on-site amenities, the Applicant will be providing new, and improving existing amenities in Fleming Local Park. All publicly owned recreation facilities within approximately one-mile from the site boundary, and which are open to the public, may be counted towards the recreational amenities. Fleming Local Park is a public park open to the public, including the residents of the proposed development. Given the proximity of the proposed development to the Park, Parks staff concluded that many of the new residents will use the facilities there. Fleming Local Park offers residents open play areas, multipurpose courts, tennis courts, and a softball field. Several of the existing park facilities are in need of improvement, and the park lacks some amenities most desired by County residents. For example, there is no trail in the park and yet trails are the most popular amenity in our park system. Other needed improvements include seating areas, landscaped buffers, better lighting at the courts, fencing at the downhill edge of the basketball court, and regrading the edge of the ballfield outfield. Due to the close proximity of this park to this site, the Applicant has agreed to off-site improvements/amenities at Fleming Local Park as the residents from this development will most likely utilize Fleming Local Park's amenities as well.

e. Pedestrian and Vehicular Circulation Systems

The Applicant proposes vehicular access to the site off Grosvenor Lane and Fleming Avenue. The Project includes the improvement and extension of the entryway off Grosvenor Lane to support access for vehicles and pedestrians entering and exiting the Property and improve Fleming Avenue to a secondary residential street. The dwelling units are served by an internal grid network of private streets. The private street system is adequate to serve the lots for emergency vehicles, the installation of public utilities, and the accessibility for other public services. A bike path along Fleming Avenue is proposed as part of the development as well as a network of connecting sidewalks and paths. Additionally, this will create a more interconnected local street network and improve the pedestrian friendliness of new and existing streets, particularly within walking distance of transit nodes, as recommended in the Master Plan. (Page 109)

4. *Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development.*

The buildings shown on Site Plan are compatible with the existing uses and development. The majority of the one-family attached units are located away from the historic resource and integrate well with the environmental setting and the existing Special Exception use on site. The Site Plan reflects the demolition of the 5430 Grosvenor Lane office building, the renovation of the existing garage, the removal of one surface parking lot and the preservation of open space surrounding the existing mansion house.

The rear-loaded residential units proposed along Fleming Avenue will front on Fleming Avenue and should comply with the standard height restrictions of the R-90 Zone per Section 59-C-1.327

(see Facade Plans, Attachment N). Locating the one-family detached units along Fleming Avenue provides compatibility with the existing neighborhood and will protect the character of the existing homes along Fleming Avenue. This arrangement of residential homes facing across the street provides a community identity.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable laws.*
 - a. The applicant has provided an approved NRI/FSD and Preliminary Forest Conservation Plan under Chapter 22A of the Montgomery County Code. The Preliminary Forest Conservation Plan is in compliance with M-NCPPC's Environmental Guidelines. Staff recommends that the Planning Board approve the Final Forest Conservation Plan with the conditions cited in this Staff Report. Staff is requesting that the Planning Board approve the variance request.
 - b. The Department of Permitting Services issued a letter accepting the Stormwater Management Concept for the Grosvenor site on December 6, 2013.

APPENDICES

- A. Special Exception Resolution
- B. LOS Designation
- C. Historic Resource Resolution
- D. Preliminary Plan and Site Plan
- E. Community Correspondence
- F. Applicable Master Plan Sections
- G. Forest Conservation Plan submitted for PB approval
- H. Applicant's Statement-Invasive Species Removal
- I. Applicant's Variance Request
- J. Letter from County Arborist
- K. Specimen Tree Removal and Impact List
- L. Phase I Noise Analysis
- M. Agency Letters
- N. Recreation Amenities Plan (on-site)
- O. Conceptual Façade Plans
- P. Correspondence from Norman Knopf
- Q. Applicant Justification Letters/Correspondence