



**MCPB**  
**Item #**  
**11/09/06**

**MEMORANDUM:**

**DATE:** October 25, 2006  
**TO:** Montgomery County Planning Board  
**VIA:** Rose Krasnow, Chief, Development Review Division *RK*  
**FROM:** Dan Janousek, Development Review Division *DJ*  
(301) 495-4564

**SUBJECT:** **Local Map Amendment No. G-843:** *Holladay Corporation*, 4903 Montgomery Lane and 4831 and 4833 West Lane, Bethesda, requests reclassification of 28,537 square feet of land from the R-60 Zone to the TS-R Zone for approximately 71,343 square feet of residential space for up to 50 total residential units, of which 12.5 percent will be MPDUs provided on site.

**FILING DATE:** November 3, 2005  
**PUBLIC HEARING:** May 1, 2006

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**I. RECOMMENDATION**

**APPROVAL, of Local Map Amendment No. G-843 and the Development Plan for the following reasons:**

1. The proposed zoning and land use is in substantial compliance with the land use and density recommended by the Bethesda CBD Sector Plan. It does not conflict with the General Plan, the county capital improvements program, or other applicable county plans and policies.
2. The Development Plan fulfills the purposes and requirements of Article 59-C for the TS-R Zone.
3. The subject proposal will be compatible with adjacent properties.
4. The reclassification is in the public interest

## **II. SUMMARY**

### **1. Previous Planning Board Recommendation from April 20, 2006**

Previously, technical staff recommended denial because the proposal did not provide the minimum 25-foot right of way dedication from the centerline of West Lane. In their unanimous decision to deny the proposal on April 20, 2006, the Planning Board agreed with staff on the right of way issue and raised other issues with the proposal, such as the short sideyard setback, and the general configuration of the project. The applicant has addressed the issues raised by the Planning Board, Technical Staff and the adjacent property owners and submitted a revised application for review.

### **2. Adjacent Property Owners (once in opposition, now supporting the proposal)**

The applicant has met with both the adjoining property owners to the west, and those to the north, both of whom were in opposition to the proposal and provided testimony at the April 20, 2006 Planning Board Meeting. As for the property owners to the north (Villages of Bethesda (VOB)), they worked many hours with the applicant to devise additional binding elements to be placed on the Development Plan. The applicant has incorporated these binding elements into the revised Development Plan.

The applicant has also met with the property owners to the west of the subject property who were in opposition to the proposal. The applicant maintains that these property owners should now be satisfied with the proposal since the applicant has moved the building back from the western property line, and incorporated more windows and green walls. It should be noted that the property owner to the west of the subject property is seeking a development plan amendment to enlarge a currently approved proposal for a residential condominium.

### **3. Response to Planning Board, Adjacent Property Owners, and Technical Staff**

The applicant has submitted a revised proposal that incorporates several changes made in direct response to the comments of the Planning Board, the Maryland-National Capital Park and Planning Commission ("M-NCPPC") Staff and surrounding property owners during the Applicant's civic outreach efforts.

Most importantly, the applicant increased the setback along the west property line to 6 feet with more windows than proposed before. There is also more green wall coverage to hide the blank portions of the west walls. The applicant has revised the development plan by providing the staff recommended right-of-way of 50 feet for West Lane.

As stated by the applicant, they intend to incorporate significant green components into the design of the building, making it the first such building in the downtown Bethesda CBD. The environmental components, which the applicant is considering, include the following:

- *Seedum roof on the six story building*
- *Energy Star appliances*
- *Green Interior finishes options package, which would afford purchasers the option of selecting green building products for cabinets, floors, plumbing fixtures within the units*
- *Use of local and regional suppliers for masonry and concrete materials*
- *Use of building materials containing recycled content: steel, gypsum wall board*
- *Site location is in close proximity to multiple means of public transportation*
- *Additional bicycle parking provided for residents in the parking garage*

Other changes made to the proposal include the following:

- *Provided additional landscaping between the proposed building and the property to the west and increased the number of windows on the western facade of the building.*
- *Articulated the western facade with green screens that will fill in with climbing plants over time.*
- *Incorporated more traditional architectural elements into the building design.*
- *Pulled the north facade of the six-story component of the building back six feet at the sixth floor.*
- *Located balconies at the corners to reduce the mass of the building.*
- *Consolidated the penthouse units on the four-story component of the building in order to reduce overall mass rather than provide for separate units or a continuous bar.*
- *Subdivided windows into smaller units with more vertical proportionality and reduced horizontal mullion patterns. This detail provides a "punched opening" feel between the larger bays and balconies.*
- *Rendered the 6 story portion of the building that engages the 4 story wing with a frame and glass vocabulary to give the appearance of an addition to an earlier structure. This helps make the transition between the two wings of the building.*
- *Added private open space to 5th floor terraces in response to massing changes at the sixth floor.*
- *Removed four individual raised bay windows on the roof of the six-story building component.*
- *Enhanced landscaping along the northern terrace to provide increased buffer to the Villages of Bethesda.*
- *Good relationships to the street with continuous building line*

#### **4. Summary Conclusion (based on analysis contained in this revised report)**

The request for reclassification to the TS-R Zone is in compliance with the land use, zoning and transportation recommendations of the Bethesda CBD Sector Plan. The reclassification will comply with the purpose clauses of the TS-R Zone (59-C-8.21 & 59-C-8.22) and all other requirements of the zone. The reclassification will be compatible with the surrounding uses and provide the recommended right of way for West Lane with the recommended streetscape improvements. Therefore, staff is recommending that the subject application for the TS-R Zone be APPROVED, with the binding elements proposed by the applicant on the development plan.

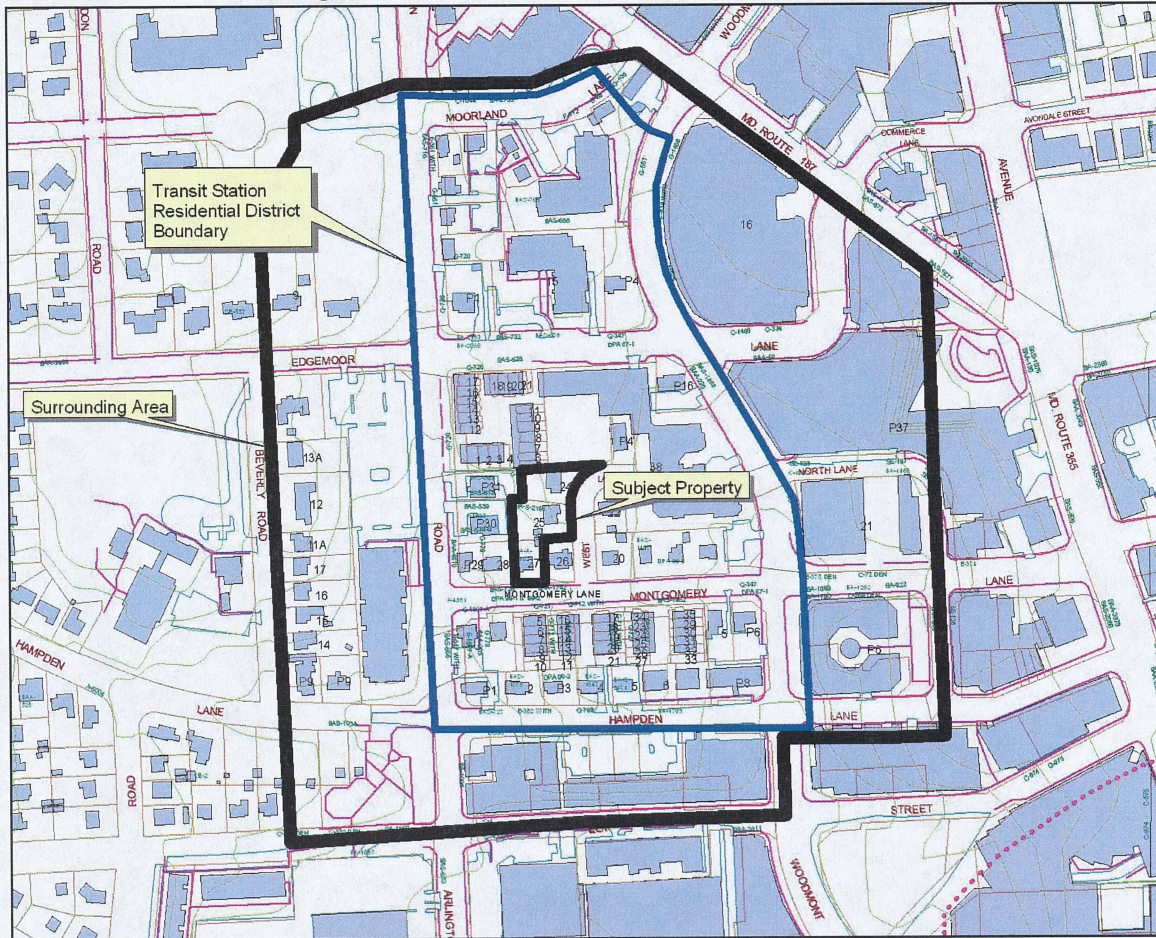


## DESCRIPTION

### Property Location

The subject property is within the Transit Station Residential District as described in the *Bethesda CBD Sector Plan, Approved and Adopted July 1994* (The "Sector Plan"). The property is within 1000 feet of the Bethesda Metro station.

**Figure 1. Location and Surrounding Area**



The surrounding area accounts for property that will be most directly affected by the proposal and any special study areas that may be defined by the applicable sector or master plan. Accordingly, this area includes the Transit Station Residential District and a portion of the Metro Core District defined in the Sector Plan. Technical staff defines the surrounding area as roughly between Moorland Lane to the north, East Lane to the east, Elm Street to the South and Beverly Road to the west.

### Property Description

The subject proposal seeks to combine three R-60 properties, Lots 24, 25 and 27, Block 13, (the property) in the Edgemoor subdivision, and to re-zone the property to the TS-R Zone. It is bounded by Montgomery Lane to the south and West Lane to the

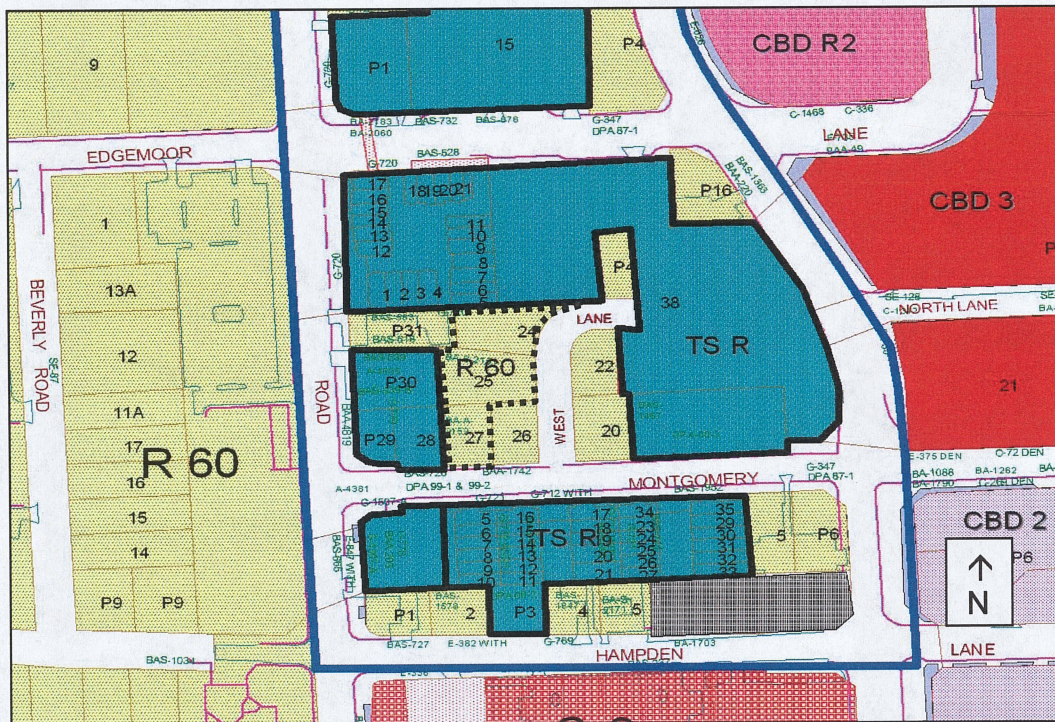






720). Lot 26 adjoins the subject property but *is not* part of the application. To the east, the single-family structure on Lot 22 located across West Lane from the subject property contains a commercial use. Lot 20 contains a single-family structure that is inhabited.

**Figure 2. Subject Property (Zoning)**



On the western edge of the property, the County has approved a TS-R rezoning request for the Edgemoor at Arlington (LMA G-779). This development will replace three single-family structures with a mixed-use building. Two of the existing three houses, 7411 and 7415 Arlington Road, are currently devoted to commercial uses, while 4905 Montgomery Lane is dedicated to single-family use. The approved design for the property provides 12 dwelling units, 9,100 square feet of ground floor office space (which may become four additional dwelling units upon review of the preliminary plan) and an underground garage that provides 38 parking spaces. Access to the garage is provided off of Montgomery Lane along the eastern property line, immediately adjacent to the Property. This 34,900 square foot building will be 33 feet in height along Arlington Road for a depth of 10 feet from the facade, and then will increase to 46 feet at the penthouse level.

To the east, beyond Lots 20 and 22, is the recently developed Edgemoor Condominiums, which stand 100 feet high in the TS-R Zone. The footprint of the Edgemoor Condominiums is approximately 175 feet long by 75 feet wide. The building shown on the illustrative site plan for this application is approximately 195 feet long, and a total width of 123 feet that is broken up into two building components of 45 feet and 78 feet wide each. Other important structures in the vicinity include the Chase apartment building, a 120-foot high structure that sits approximately 40 feet north of the Edgemoor Condominiums in the TS-R Zone. Farther to the east in the CBD Zone across Woodmont Avenue, are several buildings that vary in height from 100 feet to 220 feet in



height, such as the Newlands modern high-rise office building (Attachment 3). To the south, across Montgomery Lane are the City Homes townhouses that are approximately 50 feet high, faced with red brick. The City Homes townhouses (27 dwelling units per acre) were approved at a density lower than the density recommended in the Sector Plan (minimum 45 dwelling units per acre). To the southwest and across Montgomery Lane is the Edgemoor at Arlington (LMA G-778), which is a 36,700 square foot building, 46-feet high, with 11 dwelling units, also approved at a lower density than recommended in the Sector Plan. These units were constrained by the 65-foot building height limitation along Arlington Road set forth in the Sector Plan.

**Figure 3. Aerial View (from west) of Subject Property Location & Adjacent Properties**





Figure 4. Aerial Photo (from the north)



To the north are the 22 townhouses of the *Villages of Bethesda* (LMA G-720). These three-story townhouses are developed at an approximate height of 50 feet at the roofline (above). South of the subject property along the south side of Hampden Lane are additional low-rise, retail/commercial buildings in the C-2 Zone. Land on the north side of Hampden Lane is occupied by single-family lots recently approved for TS-R residential development (LMA G-842), and low-rise multi-family buildings. To the west, along Arlington Road is a park at the southwest corner of Arlington Road and Hampden Lane, the Bethesda library, and townhouses. Further to the west in the surrounding area is the Edgemoor neighborhood of single-family detached homes in the R-60 Zone.

## INTENDED USE AND APPROVAL PROCEDURES

### 1. Development Program

The applicant proposes to construct a high-rise, multi-family residential building. The applicant's plans are largely conceptual at this point, with few elements specified as binding. Accordingly, the physical descriptions provided in this report should be considered illustrative. The applicant's evidence and testimony established that if the reclassification is granted, key elements such as height, setbacks and architectural style will be determined during the Planning Board's site plan review process. As a consequence, the only descriptive elements the District Council should rely on in considering this application are the following:

#### Binding Elements

Gross Tract Area:	28,537 square feet
Net lot area:	22,769 sq. ft.



**Binding Elements (continued)**

Floor area ratio:	(FAR up to 2.5)
Number of dwelling units:	Maximum 50 units (48 proposed)
MPDUs:	12.5%; on site
Public Use Space:	Not less than 10% of net lot area, or 2,364 sq. ft.
Active/Passive Recreation Space:	Not less than 21% of net lot area or, 4,875 sq. ft.
Building height:	Not greater than 65 feet
Buffering:	Evergreen trees provided along the northwestern property line to serve as landscape buffer
Materials:	Any exposed terrace or retaining wall along the western property line will be improved with similar materials as the materials used for the facade of the building.
Setbacks:	The building will be set back from the northern property line a minimum of 20 feet exclusive of bay windows and other building projections.
Fenestration:	The western façade of the building will have a minimum window coverage of 20 percent.
Screening:	The western façade of the building will include green screens.
Parking:	Garage & Entrance: The garage door to the below grade parking will be provided underneath, or within the building.
Agreements:	The applicant will enter into a pre-construction agreement with the Villages of Bethesda Property Owners Association prior to the commencement of construction which shall include, but not be limited to underpinning provisions, crane swing provisions and an agreement to conduct pre and post construction evaluations of the garage and foundations of the Villages of Bethesda.

The applicant requests approval for the TS-R Zone. A site plan or site plans consistent with an approved development plan must be submitted and approved in accordance with the provisions of Section 59-D-3 pursuant to Section 59-D-1.8.

While the Local Map Amendment Application proposes a maximum of 50 dwelling units, this report assumes that the proposed development will create a total of 48 dwelling units.

The area proposed for rezoning in this case combines the three lots (which is the gross tract area the applicant proposes to use to calculate permitted density) is 28,537 square feet, or .66 acres. This is the area proposed for re-zoning. The net lot area is 22,769 sq. ft. The applicant proposes a 71,343 square foot multi-family residential building with 48 residential units. With this acreage, a 48-unit building would represent about 74 dwelling units per acre. The project would include at least the minimum number of moderately priced dwelling units ("MPDUs") required under county law (12.5 percent). The Applicant has committed to constructing the MPDUs on site.

Right-of-way dedications will be provided as shown on the development plan. Existing improvements will be demolished to make way for the proposal.

The proposed development would satisfy the zoning ordinance requirements by designating 10 percent of the net area of the site to public use space, (2,364 square feet) and 20 percent of the net area to active and passive recreation space (4,875 square feet). The latter would likely be provided on the ground outside the building. The applicant maintains that they will provide "enhanced streetscape and landscaped areas along the Montgomery Lane and West Lane frontages of the building, including a garden mews" that follows the edge of the Property out to West Lane. This will provide meaningful public use space. A rear garden, common outdoor and patio areas, and an interior community space and fitness room will provide additional active and passive recreational space for residents.

The proposed building is arranged in two major sections. The building will hold 48 dwelling units on six floors as shown in the application's floor plans. The proposed building will be 40 feet in height along Montgomery Lane, and will then step up to 65 feet at the six-story portion of the building as is recommended in the Sector Plan on page 39. The eastern facade of the 40-foot high component will read as townhouses. While the proposal yields 48 total dwelling units, the development plan includes a binding element that proposes a maximum of 50 dwelling units, including the location of all moderately priced dwelling units on site. The preliminary mix of units is one, two and three-bedroom units.

The applicant maintains that because of its 'L' shape, the Property requires a design that efficiently utilizes the entirety of the site area, while respecting neighboring land uses. The proposed building will consist of both a four-story component and a six-story component. The four-story component will be situated on that portion of the Property facing Montgomery Lane. The Applicant, in response to concerns expressed by the adjacent property owner to the west, has set back the entire portion of this face of the building six feet from the western property line. This setback will allow for landscaping between the two properties.

The adjacent property owner expressed issue with respect to the original design, in that the building was located on top of the property line, thus precluding any landscaping and significantly restricting the amount of windows. Now, approximately 25 percent of the western facade of the building will have windows, as compared to 15 percent previously proposed. In addition, green screens will be added to the western facade, thereby providing a vertical landscaping element. The western façade of the



subject proposal will be located 35 feet from the adjacent property owner's proposed residential building pursuant to LMA G-779.

The larger six-story component of the subject proposal will occupy the widest portion of the Property and is designed to reach a height consistent with the recommendations of the Sector Plan. A private penthouse structure of approximately ten feet in height will provide the two owners of the fourth floor units with access to private rooftop terraces. The southern facing fifth floor unit will also have access to a private roof top terrace in this area.

The building will provide a total of 78 parking spaces to be located on two levels of below grade parking. Vehicular access to the parking garage will be located on West Lane. The residential building will feature one centralized lobby located at approximately the mid-point of the building. The applicant proposes streetscapes consistent with the recommendations of the Sector Plan along the entire property frontage of Montgomery Lane and West Lane.

The proposed building will utilize similar masonry materials as the surrounding buildings. The masonry details reinforce a traditional facade division of base, middle and top. The building massing has been designed to give it a low residential scale along Montgomery Lane. The applicant maintains that the design at this southern end of the building, including the townhouse styled facade, conforms to the existing scale of the City Homes townhouses and Edgemoor at Arlington buildings, completing the low-rise, high-density "urban village" pattern along Montgomery Lane in accord with the Sector Plan's objectives. To this end, the width of that portion of the building fronting Montgomery Lane is comparable to the widths of the City Homes across the street.

The applicant proposes a six-story wing that also uses masonry details to reinforce the traditional base, middle, and top facade divisions. The northern facade is set back six feet at the sixth floor to provide relief to the neighboring properties to the north. This setback is continued along a portion of the southern facade of the sixth floor. Recessed corner balconies are provided at the corners of the six story building on floors 1-5. The sixth floor units will have larger running balconies created by the setback at the sixth floor. The applicant maintains that this provides dramatic views of the Bethesda skyline, forms the interior spaces and reduces the mass of the building at the corners.

The eastern facade of the building has been revised to respect the curve along West Lane to provide a desired urban edge as well as visual interest when the building is viewed from Montgomery Lane. The proposal includes large areas of glass at the corners, integrated with the corner balconies, and projected bay windows with smaller punched opening windows between to balance the composition. The design provides for additional active and public recreational outdoor spaces, including common patio areas and a garden mews that runs along the edge of the Property facing West Lane.

## 2. Zoning History

### a. Comprehensive Zoning

- 1) 1954 Regional District Zoning: R-60 Zone enacted and mapped.
- 2) 1958 County-wide Comprehensive Zoning: R-60 Zone re-confirmed
- 3) SMA G-20: R-60 Zone Confirmed; Adopted 10/10/1978
- 4) SMA G-711: R-60 Zone Confirmed; Adopted 10/11/1994

### b. Special Exceptions

- 1) S - 2151 Private Educational Institution;
- 2) June 28, 1995S - 2152 Private Educational Institution; June 28, 1995

## 3. Public Facilities

The following is a summary of the public facilities proposed with this application:

### a. Water and Sewer Service

- 1) The subject property will be served by public water and sewer systems, and is currently in Water Service Category W-1 and Sewer Service Category S-1.

### b. Transportation Road Capacity

The applicant is proposing voluntary property dedication for Montgomery Lane in order to construct street improvements and provide right-of-way for public facilities. These public facilities must include streetscape amenities that will be consistent with the recommendations of the Sector Plan.

- 1) Montgomery Lane: The Sector Plan classifies Montgomery Lane as a business district street with a recommended right-of-way of 52 feet in width with 2 lanes and parking on one side (see pages 172, *Street and Highway Plan* & page 181 "*Mixed Streets*" guidelines). The applicant proposes a 52-foot right-of-way, which will satisfy the staff recommendation and Master Plan recommendation for Montgomery Lane. Montgomery Lane currently consists of two through lanes, but between West Lane and Woodmont Avenue, it is a one-way street (westward direction only). The development plan shows a pedestrian circulation network and sidewalk along Montgomery Lane.
- 2) West Lane: Although the Sector Plan does not provide specific recommendations for the right-of-way for West Lane as it does for other roads in the *Street and Highway Plan* on page 172, the Sector Plan provides general recommendation on page 175 that all streets, *other than those listed in Table 5.3*, "are Business District Streets." In absence of

specific direction from the sector plan, Technical staff asked the applicant to provide enough property dedication (2.5 feet) for a 50-foot right-of-way for West Lane in order to provide a streetscape that is consistent with downtown Bethesda. The applicant now proposes a 50-foot right-of-way, which will satisfy the staff recommendation for West Lane. Currently, West Lane serves the single-family dwellings and special exception commercial uses along its frontage. West Lane is in poor condition and it is only 18 feet wide, but the proposal will allow for a 22-foot wide paved road.

c. Schools

The Montgomery County Public Schools finds school capacity adequate in the Bethesda, Chevy Chase cluster, utilizing the current Growth Policy schools test (attached). The development is expected to generate four (4) elementary, three (2) middle school and three (3) high school students.

## **5. Preliminary Forest Conservation Plan and Stormwater Management**

**Concept Plan** (*See Attached memorandum from Environmental Planning Division staff.*)

The applicant has submitted the required concept Forest Conservation Plan. Technical staff has not identified any major issues with their plan. A Stormwater Management Concept Plan has not yet been approved by DPS. Technical staff has not identified any major Stormwater management issues that will affect the proposal. The applicant will be required to submit a Stormwater Management Concept Plan to address channel protection, water quality and recharge at the time of Preliminary Plan. In addition, green technology is recommended by technical staff to be incorporated into this proposal.

## **6. Public Participation**

The applicant has included adjacent property owners in discussions and revised the development plan, as described in this report, to reflect the comments and desires provided by the community.

## **ANALYSIS**

The subject Development Plan will be compatible with the surrounding existing and approved developments of adjacent multi-family residences. It satisfies the requirements of the Montgomery County Code, and specifically those Sections of the Code in the Zoning Ordinance Division 59-C-8. "Transit Station Development Area Zones". The proposed Development Plan conforms to the Sector Plan's land use, density, zoning and urban design objectives, including the streetscape recommendations on West Lane, and it will result in a residential building that is



consistent with the land use recommendations of the Sector Plan. The 1994 Bethesda CBD Sector Plan recommends and encourages a wide variety of housing types and neighborhoods with an adequate supply of affordable housing units (page 3). Several properties, including the subject property, are specifically referenced in the Sector Plan as having "redevelopment potential" (see graphic on page 24). The Sector Plan encourages affordable housing on the properties, and the Development Plan provides housing with an affordable component. The development plan will initiate a dedication of private property for the development of Montgomery Lane and West Lane. The application is therefore, in the public interest.

## **1. Compatibility**

Technical staff believes that the proposed development, including the building and proposed building heights, will be compatible with the surrounding land uses. The application preserves light and air for existing and future development. It provides publicly oriented open space (see Sector Plan page 82) and the building height along Montgomery Lane is compatible with the existing townhouses across Montgomery Lane and adjacent development such as the townhouses to the north.

The proposed building is arranged in two major sections. The building will hold 48 dwelling units on six floors as shown in the application's floor plans. The proposed building will be 40 feet in height along Montgomery Lane, and will then step up to 65 feet at the six-story portion of the building. This does not conflict with the recommended heights for this area in the Sector Plan on page 39. The eastern facade of the 40-foot high component will read as townhouses. While the proposal yields 48 total dwelling units, the development plan includes a binding element that proposes a maximum of 50 dwelling units, including the location of all moderately priced dwelling units on the site. The preliminary mix of units is one, two and three-bedroom units. Along Montgomery Lane, the building will be 4 stories in height and will contain townhouses with one fifth-story penthouse. The townhouse units will have ground level entrances on the east side of the building.

The second major building component will be 65 feet in height. This portion of the building will have a "mechanical penthouse" placed on the rooftop. The building height proposed is at the upper limit of the "Building Height Limits" recommendation of the Sector Plan (page 39). In the TS-R Zone, the maximum height permitted for any building is ultimately determined during the process of site plan review by the Planning Board. In this case, the applicant offers to limit the building to a height up to 65 feet.

The Board must include three main factors when determining appropriate building heights pursuant to Section 59-C-8.5, and any "other factors relevant to height of the building." These factors are the preservation of light and air, the relationship of the building to other surrounding uses, and the size of the lot or parcel (the property). These factors are the basis for determining whether or not the proposed building is compatible with the surrounding uses.



The main compatibility consideration is with the townhouses to the north of the subject property, while other compatibility considerations should be given to the remaining adjacent development. Shading studies indicate that the adjacent development will only be minimally affected by the proposal (Attachment 4). Light and air will reach the adjacent development. Although the height of the proposed building is higher than that of the townhouses to the north (approximately 50 feet), and higher than the existing adjacent single-family dwellings, the building height proposed by the applicant is consistent with the height limits set forth in the Sector Plan. The proposal will provide sufficient distance between the proposed building and adjacent development.

a. Adjacent and Nearby Properties

- 1) To the north are the 22 townhouses of the *Villages of Bethesda* (G-720). These three-story townhouses are developed at an approximate height of 50 feet at the roofline. The Lot 5 townhouse, which is part of Villages of Bethesda, is the most affected townhouse because it is built on the property line adjacent to the subject property. During site plan development, the applicant addressed some compatibility issues with representatives of the townhouses by revising the Development Plan's open space patio area and by committing to add more windows and new architectural features on the north side of the building. The adjacent property owners were concerned about the removal of trees on the subject property and the interference with light and air that the proposed building might create. The applicant provided a building shadow study. The shading study shows that the placement and arrangement of the building components will allow light and air between the proposed building and existing buildings. The outdoor patio area will be landscaped and will provide amenities for the residents of the proposed building. Other compatibility issues, such as the setback of the building and the proximity of future rooftop components, have moved the applicant to design an improved building façade.
- 2) The owners of three adjacent properties to the west of the subject property at 7415 and 7411 Arlington Road, and 4905 Montgomery Lane, are the subject of an approved, yet undeveloped plan (G-779). In staff's opinion, the subject Development Plan will not negatively affect these adjacent properties. The subject proposal is for a condominium building to be built six-feet from the western property line. In staff's opinion, while the development plan will be very close to existing adjacent buildings, the improved development plan will not interfere with use of the adjacent property and will not interfere with the coordinated, harmonious and systematic development of the area within proposed zones.
- 3) The owners of 4828 West Lane (Lot 22), located at the east of the subject property and separated by West Lane, are concerned about the garage entrance and loading dock that would be accessed from West Lane. They recommend moving this entrance to Montgomery Lane. Technical staff

considered this issue and originally recommended to the applicant that the vehicle entrance be moved to Montgomery Lane or a more central location on West Lane. Staff's main concerns were the conflicts that might occur between traffic entering the garage and traffic using the street, since West Lane is in poor condition and it is only 18 feet wide. The applicant now proposes a 50-foot wide right-of-way. A 50-foot wide right-of-way is sufficient in order to accommodate the proposed entrance location on West lane and sufficient to provide adequate streetscape and travel lanes (see analysis of the development plan).

- 4) The owners of 4828 West Lane are also concerned about parking on West Lane and the building setback on West lane. On-street parking on West Lane is not proposed with this application. Regarding the concern about the building setback, the applicant is not bound by any setback requirements of the Zone. The building envelope proposed by the applicant will be consistent with nearby urban development with the full 50-foot right-of-way proposed by the applicant.

Further, the owners of 4828 West Lane believe that the proposed east building façade is not broken up enough and includes projections that they believe will not be compatible. Technical staff has the responsibility to review and recommend changes to specific building features at site plan, which are not binding to the applicant at the time of zoning. The applicant does propose binding elements that would regulate the façade of the building. The proposed development plan, as revised, including the building and proposed building heights, will be compatible with the surrounding land uses.

## **2. Sector Plan Recommendations for Land Use & Density and Zoning Ordinance Requirements**

The proposal includes a residential building that is consistent with the land use recommendations of the Sector Plan. The preferred land use for the area, as specified in the Sector Plan (Page 82), is a "low-rise, high-density "Urban Village". The Sector Plan recommends minimum residential density of 45 units per acre for residential development in the Transit Station Residential District (Pages 56; 80-86), of which the subject property is part. This land is recommended for the TS-R zone (page 81). As a first step, the Development Plan satisfies the "Development standards" for the TS-R Zone pursuant to Section 59-C-8.4, including the 18,000 square foot minimum area requirement of 59-C-8.41, the "Density of Development" requirements of 59-C-8.42, and the "Open Space" requirements of 59-C-8.43. The maximum permitted density in the TS-R Zone is 150 dwelling units per acre. The applicant proposes a density of 74 units per acre. The Zoning Ordinance allows residential density up to 2.5 FAR in the TS-R Zone with additional density allowed exclusively for the provision of MPDUs in accordance with Chapter 25A and pursuant to Sections 59-C-8.42 and pursuant to Section 59-D-1.61. The applicant does not seek additional density. The residential density proposed is 2.5 FAR.



### 3. Requirements of the TS-R Zone

The zoning requirements of the transit station zones are found in Division 59-C-8 of the Zoning Ordinance. The relevant provisions are evaluated in the following paragraphs.

#### **Section 59-C-8.2. Intent, Purposes and General Requirements**

**59-C-8.21. Intent.** *The TS-R and TS-M zones are intended to be used as follows:*

- a. *Both the TS-R and TS-M zones are intended to be used in transit station development areas as defined in section 59-A-2.1, and the TS-R zone may also be used in areas adjacent to central business districts, within 1,500 feet of a metro transit station.*
- b. *The TS-R zone is intended for locations where multiple-family residential development already exists or where such development is recommended by an approved and adopted master plan.*
- c. *The TS-M zone is intended for locations where substantial commercial or office uses already exist or where such uses are recommended by an approved and adopted master plan.*
- d. *In order to facilitate and encourage innovative and creative design and the development of the most compatible and desirable pattern of land uses, some of the specific restrictions which regulate, in some other zoning categories, the height, bulk and arrangement of buildings and the location of the various land uses are eliminated and the requirement substituted that all development be in accordance with a plan of development meeting the requirements of this division.*

**Analysis:** The proposed zone and Development Plan proposal meet the intent of the TS-R zone. The subject properties are specifically recommended for the TS-R Zone in the Sector Plan (Page 81). The property is within 1,000 feet of the Bethesda Metro rail station and is near a substantial amount of existing residential development that includes a mix of townhouses and apartments. Commercial and office development exists in the Central Business District, east of the subject property.

#### **Section 59-C-8.22 Purpose of the TS-R Zone**

- a) *To promote the effective use of the transit station development areas and access thereto;*
- b) *To provide residential uses and certain compatible non-residential uses within walking distance of the transit stations;*
- c) *To provide a range of densities that will afford planning choices to match the diverse characteristics of the several transit station development areas within the county; and*
- d) *To provide the maximum amount of freedom possible in the design of buildings and their grouping and layout within the areas classified in this zone; to stimulate the coordinated, harmonious and systematic development of the area within the zone, the area surrounding the zone and the regional district as a whole; to*

*prevent detrimental effects to the use or development of adjacent properties or the surrounding neighborhood; to provide housing for persons of all economic levels; and to promote the health, safety, morals and welfare of the present and future inhabitants of the regional district and the county as a whole.*

**Analysis:** The density and residential land use in the Development Plan is consistent with the recommendations of the Sector Plan and will stimulate the coordinated, harmonious and systematic development of the area within the proposed zone, the area surrounding the proposed zone and the regional district as a whole. The development is transit-oriented and it will promote walking and general health for future residents because it is near the Central Business District of Bethesda and within 1000 feet of the Bethesda Metro transit station. The building will incorporate architectural design features and building elements to enhance its compatibility with the existing buildings in the surrounding neighborhood.

**Section 59-C-8.24. Location** - *These zones are permitted only in the transit station development areas described in section 59-A-2.1 and in accordance with an approved and adopted master plan or sector plan, except in areas adjacent to central business districts as set forth in section 59-C-8.21(a).*

**Analysis:** The proposed Development is located within 1000 feet of the nearest Metro station. The Sector Plan specifically recommends the TS-R Zone for this property and for adjacent properties.

**Section 59-C-8.25. Public Facilities and Amenities** - *A development must conform substantially to the facilities and amenities recommended by the approved and adopted master or sector plan, including and granting such easements or making such dedications to the public as may be shown thereon or are deemed necessary by the Planning Board to provide for safe and efficient circulation, adequate public open space and recreation, and insure compatibility of the development with the surrounding area, and assure the ability of the area to accommodate the uses proposed by the application*

**Analysis:** The application and Development Plan is in the public interest because it substantially conforms to the recommendations in the Sector Plan for dedications for public streets. The applicant is dedicating land to the County for the right of way of West Lane, wherein streetscape improvements are proposed. A proper building setback is proposed.

The applicant is dedicating land for Montgomery Lane, which is needed to establish a full public right-of-way of 52 feet. The dedication will facilitate the establishment of new public facilities and sidewalks to promote safe and efficient circulation. The dedication will allow streetscape sidewalks recommended in the Sector Plan to be developed (Page 187) in order to provide for the "greening" of Bethesda and to encourage walking and assure the ability of the area to accommodate the uses proposed in the application.



**Section 59-C-8.3. Land Uses** - No use is allowed except as indicated in the use table:

**Analysis:** The proposed residential dwellings are permitted in the TS-R Zone.

**Section 59-C-8.4. Development Standards** - The proposal will satisfy the development standards and regulations of the TS-R Zone as outlined in the table below and on the subject development plan. Public use space and active and passive recreational space requirements may be met by providing the required space as a percentage of the net area included within the development plan.

**Analysis:** The development plans include the required percentage of open space to be provided on multiple terraces, courtyards, sidewalks and small open spaces.

Table 4. TS-R Zone Development Standards

	Required	Requested for Approval
<b>59-C-8.41. Minimum Area</b> Minimum area required for any development	18,000 sq. ft.	28,537 sq. ft. Gross Tract
<b>59-C-8.42. Density of Development</b> a) Floor Area Ratio (Residential) b) Dwelling units per acre (gross tract area)	2.50 150	2.50 74
<b>59-C-8.43. Open Space</b> (a) Minimum percentage of net area devoted to <b>public use space:</b>	10% (2,277 sq. ft.)	>10% (2,364 sq. ft.)
(b) Minimum percentage of net area devoted to active and passive recreational purposes:	20% (4,554 sq. ft.)	21% (4,875 sq. ft.)

\*Pursuant to 59-D-1.6.

**59-C-5.82. Off-Street Parking - Parking shall be located as to have a minimal impact**

**Analysis:** A 78 space parking facility will be located under the building. The parking garage is on the property and will not impact adjoining properties. Access to parking is located along West Lane and will have a minimal impact on the area. A 24-foot wide driveway will be required to provide safe and adequate access to the parking garage.

**4. Adequacy of the Development Plans**

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**Section 59-D-1.61. Approval by the District Council -** Before approving an application for classification in any of these zones, the district council must consider whether the application, including the development plan, fulfills the purposes and requirements set forth in article 59-C for the zone. In so doing, the district council must make the following specific findings, in addition to any other findings that may be necessary and appropriate to the evaluation of the proposed reclassification:

a. *That the zone applied for is in substantial compliance with the use and density indicated by the master plan or sector plan, and that it does not conflict with the general plan, the county capital improvements program or other applicable county plans and policies.*

**Analysis:** There is no conflict with General Plan. The Development Plan application is in substantial compliance with the use and density recommendation in the Sector Plan. The application includes the provision of moderately priced dwelling units on site and conforms to the County Council's policy of providing a range of housing opportunities in Metro station areas as described in the document Housing Montgomery. The applicant is dedicating property for Montgomery Lane to meet the specific Sector Plan recommendation of 52 feet of right-of-way (Page 82). The applicant will enhance the streets with streetscape amenities consistent with the urban streetscape in the Transit Station Residential District specified in the Sector plan in downtown Bethesda.

Technical Staff is of the opinion that West Lane, even though it dead ends, is a downtown street with connection to Montgomery Lane and therefore it should be held to a similar streetscape standard as other streets in downtown Bethesda. Staff recommended a right-of-way of 50 feet for West Lane. The applicant has provided a right of way dedication that is 25 feet from the centerline of West Lane for a 50 foot-wide West Lane right of way. This cross section width is sufficient to include tree panels, sidewalks and adequate travel lanes.

To staff's knowledge, there is no direct conflict between the application and the current County's capital improvements program, because West



**Lane is not currently scheduled for a County DPWT Facility Planning Study or CIP improvement project.**

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

**Analysis:** The application and proposed Development Plan satisfy the purposes and standards of the TS-R Zone as set forth in Section 59-C of the Zoning Ordinance. The development will be compatible with the adjacent developments. The location of the buildings and public use space will provide new pedestrian connections, amenities, and circulation for maximum convenience of the residents.

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

**Analysis:** All parking is to be located within the building. Primary and service vehicular access to the property is from West Lane. All entrances are located along West Lane in such a way that they will provide for the safe and adequate movement of pedestrians and vehicular traffic. The applicant will provide sidewalks and crosswalks for pedestrian safety.

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

**Analysis:** The topography is such that it slopes upward from the southwest to the northeast side of the property. Proposed stormwater management is to be located in an underground structural filtering device and will be reviewed during preliminary plan approval. The applicant at site plan will meet the County forest conservation requirements.

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

**Since this is a proposed condominium. Draft association documents have not been included in the application (to provide for the future maintenance of all areas of the project).**

## 5. Transportation

### a. Public Facilities

**Analysis:** The development plan conforms with the recommended right-of-way for Montgomery Lane in the Sector Plan, which is 52 feet (Page 82). In terms of Montgomery Lane, it is in compliance with the Sector Plan's objective to ensure a pedestrian-friendly environment (Pages 198-99). The Development Plan will provide sufficient road right-of-way for sidewalks, street trees and other "Level Four" streetscape amenities as specified in the Streetscape Plan (Pages 262-63).

The development plan will provide sufficient right-of-way for West Lane (50 feet).

## 6. Environment

### a. Forest Conservation

**Analysis:** The applicant provided a preliminary forest conservation plan that is acceptable to technical staff. There are no existing forested areas on the property.

### b. Stormwater

**Analysis:** A Stormwater Management Concept Plan for the Development Plan has not been approved by DPS. The applicant will be required to submit a Stormwater Management Concept Plan at the time of Preliminary Plan, which is required to consolidate the properties. There are no known stormwater management access or location issues.

## 7. Schools

**Analysis:** The development is expected to generate four (4) elementary, two(2) middle school and three (3) high school students. The Montgomery County Public Schools finds school capacity adequate in the Bethesda, Chevy Chase cluster, utilizing the current Growth Policy schools test.

## CONCLUSION

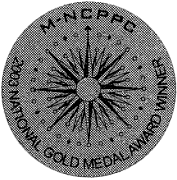
The proposed local map amendment and Development Plan (G-843) is in substantial compliance with the land use and zoning recommendations of the Bethesda CBD Sector Plan; is in compliance with the purposes, standards and regulations of the TS-R Zone; and it will be compatible with the surrounding uses. The plan satisfies all of the stated general regulations, development standards and specific requirements of the Zone. The reclassification is in the public interest because it does provide sufficient



dedication of right-of-way for Montgomery Lane and West Lane. Therefore, staff is recommending APPROVAL of the subject application for the TS-R Zone.

**Attachments:**

- A.** Transportation Division Technical Staff Report  
Environmental Division Technical Staff Report  
Community Base Planning Division Technical Staff Report
  
- B.** Relevant Information
  - 1. Development Plan
  - 2. Landscape Plan and Elevations
  - 3. Context Plan



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
Montgomery County Department of Park and Planning

October 25, 2006

TO: Dan Janousek, Senior Planner  
Community Based Planning

FROM: Shahriar Etemadi, Supervisor  
Transportation Planning

SUBJECT: West Lane Condominium (G-843)  
Proposal for Rezoning from R-60 to TSR  
Bethesda Central Business District

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This is a supplemental memorandum to our April 5, 2006 memorandum for this proposed rezoning application.

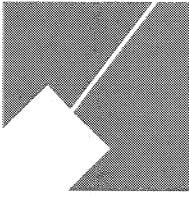
Transportation Planning staff recommends approval of this application with all conditions stated in our April 5, 2006. That memorandum is attached.

The applicant in their revised plan had met the condition of providing an additional 2.5 feet of right-of-way along West Lane to equal 25 feet of dedication as measured from the centerline. This condition was not met at the time of previous planning review for this application and as the result; the Planning Board denied the application.

As stated above, we recommend approval of this application upon meeting all the condition of our April 5, 2006 memorandum.



M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**


THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION


8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, [www.mncppc.org](http://www.mncppc.org)

**MEMORANDUM**

DATE: October 18, 2006

TO: Dan Janousek, Development Review Division

VIA: Mary Dolan, Countywide Planning Division, Environmental 

FROM: Marion Clark, Countywide Planning Division, Environmental 

SUBJECT: Zoning Application No. G-843  
West Lane Edgemoor

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**Recommendation: approval**

**Discussion**

The subject site is located in the highly urbanized area of the Bethesda CBD. The existing site consists of three lots developed separately as single-family homes. The homes are surrounded by small yards with scattered trees and landscaping. A group of trees located on the northwest corner of the center lot includes two significant sized trees (25" Pin Oak, 24" Oak) and approximately seven other moderately sized trees, all in good condition. An existing parking lot was developed on the subject site that impacted approximately 45% of the critical root zone of the 25" Pin Oak and approximately 20% of the critical root zone of the 24" Oak. All of these trees are within approximately twenty feet of the western property line and form a full canopied, healthy cluster.

The community of Villages of Bethesda, a townhouse development to the immediate north and west, places great aesthetic value on the group of trees, since they form a visual focal point when viewed inside the townhouses and when walking through the development. Furthermore, the community feels the proposed development will block light that is vital to their health. The community asks that a detailed landscape plan be submitted at site plan approval stage which shows landscaping that provides a visual screen, a source of cover and food for wildlife (such as birds) and a pleasant view.

The applicant has met with the community and addressed their concerns about the trees and shade from the building. A new plan was created that works with building configuration and site plan arrangement to provide greater light and air. The applicant also agreed to produce a landscape plan designed to ameliorate the loss of the existing tree canopy with flowering trees and shrubs.

The trees are valuable additions to an area that is increasingly developed with greater amounts of imperviousness. In urban areas with high percentages of imperviousness, trees serve to reduce temperatures with shade, thereby decreasing the urban "heat-island" effect created when automobile emissions and heat mix. Also, a healthy tree stores about 13 pounds of carbon annually-or 2.6 tons per acre per year helping to mitigate global warming.

Although the trees are environmentally valuable, saving the trees may be difficult due to the existing conditions and a previously approved development plan on the lot abutting the west property line. This plan shows an underground parking garage adjacent to the property line where the trees stand. If built, the trees would lose close to 50% of the critical root zone which, if combined with existing loss and any additional loss from this development plan, would make it difficult if not impossible to preserve them. Although the trees are of substantial environmental and visual value, they should be considered an unavoidable loss and the proposed development plan approved, given the stress of an urban environment, the existing conditions, construction activities, and the previously approved development plan for the adjacent lot. The application is exempt from the requirements of the Forest Conservation Act, Chapter 22A of the County Code.

### **Zoning Ordinance**

Development Plans must meet specific findings of Section 59-D-1.61 of the Zoning Ordinance. The required finding for environmental issues states,

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

This site was previously cleared and leveled during construction of the single-family residences and there is no natural vegetation except several significant sized trees remaining from the landscape associated with the residences. The critical root zones of these trees have already been compromised by a parking lot developed next to the trees. It would be difficult to develop this combination of parcels without the loss of these trees. Loss of other natural features such as sunlight and ventilation will result from the proposal, however the applicant has minimized these losses through redesign of the building. This application fulfills the requirements of the Forest Conservation Law Chapter 22A.

### **Green Building – *This is the only environmental section that changed with the new submission.***

High performance building features are included as a part of the application. Although these features are not offered as a binding element, the applicant intends to incorporate green components into the design of the building. The components the applicant is considering include the following:

- Sedum roof on the six story building.



- Energy Star appliances
- Offer a green interior finishes options package that would afford purchasers the option of selecting green building products for cabinets, floors, plumbing fixtures within the units.
- Use of local and regional suppliers for masonry and concrete materials.
- Use of building materials containing recycled content: steel, gypsum wallboard.
- Additional bicycle parking provided for residents in the parking garage.

In addition, the Applicant plans to provide green screens on the western facade, thereby providing a vertical landscaping element.

The green building techniques offered by the applicant have a United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) equivalency of approximately 4 points. These points would potentially be given for green (sedum) roof, building materials containing recycled content, use of local and regional materials and providing bicycle parking facilities for residents. In order to qualify for indoor air quality LEED points, low emitting materials (for green interior finishes) would need to be used as a standard for the building and not offered as a choice.

The applicant could, during future design development phases, investigate capturing additional LEED points by concentrating on water efficient landscaping, water use reduction, using energy systems that optimize energy performance and enhancing commissioning of those systems, providing storage and collection of recyclables, increasing ventilation, controlling systems for thermal comfort, and suggesting innovative techniques with sustainable results.

**Forest Conservation – Chapter 22A**

This application has an approved Natural Resource Inventory/Forest Stand Delineation (#4-06024E) and an exemption from providing a Forest Conservation Plan. This exemption was issued because the activity is occurring on a tract less than or equal to one acre in size where activity will not result in the clearing of more than 30,000 square feet of existing forest, or any specimen or champion trees, and reforestation requirements would be less than 10,000 square feet. A Tree Save Plan is not required, because there are no specimen trees on site.

**Stormwater management- Chapter 19**

The Department of Permitting Services (DPS) has not approved a Stormwater Management Concept Plan for this project. An approved Stormwater Management Concept Plan is required at the time of Preliminary Plan approval. The Environmental staff believes use of innovative stormwater management techniques, such as a green roof, would be beneficial to the protection of natural resources and should be considered.

**Environmental Guidelines**

This site is located in a highly urban area that was developed before the Environmental Guidelines were adopted. It is not located within a Special Protection Area or Primary Management Area. This site has no steep slopes, or erodible soils. There are no wetlands or streams.

**Water Quality**


The subject is located in the Willett Branch subwatershed of the Little Falls watershed. The *Countywide Stream Protection Strategy* (CSPS) assesses this tributary as having poor overall conditions. The subwatershed is designated an Urban Watershed Management Area where the CSPS recommends supporting cost-effective stormwater quality controls on redevelopment sites, such as the subject site.




October 23, 2006

**MEMORANDUM**

**TO:** Dan Janousek, Zoning Analyst  
Development Review Division

**VIA:** Judy Daniel, Team Leader, Bethesda-Chevy Chase Team   
Community-Based Planning Division

**FROM:** Marilyn Clemens, Urban Designer, Planning/Coordinator   
Bethesda Team, Community-Based Planning Division

**SUBJECT:** G-843, TSR Zone, Bethesda Central Business District

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**RECOMMENDATION**

Community-Based Planning staff recommends approval of the application.

**MASTER PLAN COMPLIANCE**

The site is located in the TSR area of the Bethesda Central Business District (CBD) within 1,000 feet of the Bethesda Metro Station. The property is comprised of older single-family home structures used for office uses. The development proposal is for 48 multi-family units in a mid-rise structure. The 1994 Sector Plan for the Bethesda CBD calls for high-density low-rise housing for this area and a height limit of 65 feet. The G-843 proposal is in conformance with the Sector Plan.

Since the previous presentation to the Planning Board, the Applicant has agreed to dedicate 25 feet from the center line of West Lane as required by the 1994 Sector Plan and has agreed to develop that right-of-way with landscaping at the building, five feet of sidewalk, and a landscape strip with street trees.

**DESIGN AND COMPATIBILITY**

The Applicant has also improved the design relationship and compatibility with the properties to the west and the northwest with additional setback and a landscape treatment satisfactory to the neighbors that also serves as an attractive amenity for the future residents of the project.

If the zoning case is approved, the Applicant will provide additional landscape and lighting details, including the Bethesda streetscape for West and Montgomery Lanes, in a site plan submittal.

MC:tv: G:/Clemens/G-843memo













**TREES:**

**BRECKEN'S BROWN BEAUTY MAGNOLIA -**  
*Magnolia grandiflora* Breckens Brown Beauty  
 : White fragrant flowers in spring and summer  
 : Brown-hued leaves  
 : Winter hardy  
 Growth  
 Height: 20 to 30 feet  
 Spread: 15 to 25 feet  
 Slopes: Orange, green, reddish  
 Rate: Moderate growth rate



**FLOWERING VINES:**

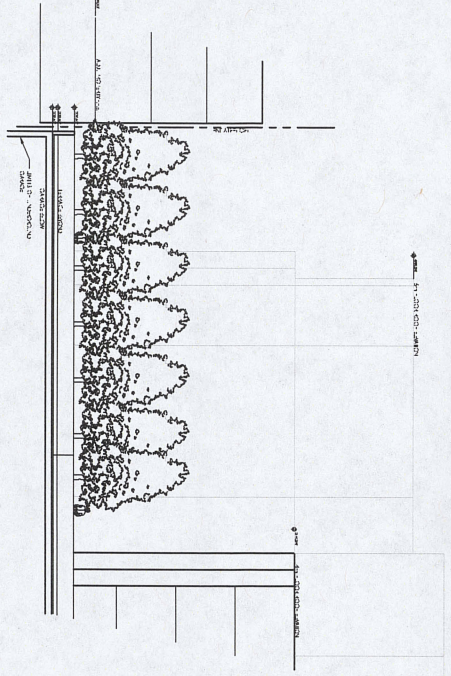
**CLEMATIS - Clematis ornandii**  
 (above)  
 : Scented, white flowers in early spring  
 : Evergreen - glossy green  
**HONERIQUE - Lonicera x hybridii**  
 (at right)  
 : Large, tubular, fragrant flowers in clusters  
 : Summer flowering, pink with orange-yellow throat  
 : Evergreen - dark green



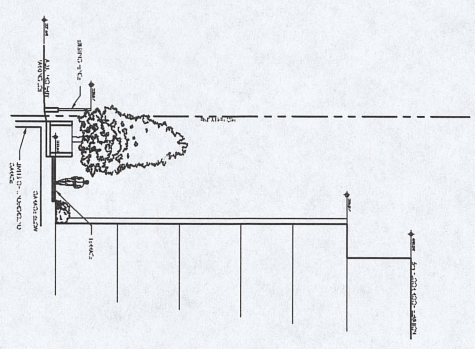
**GREEN SCREEN:**



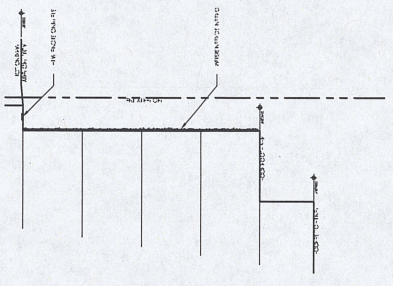
Jadeb box-lins - facade greening system  
 : Green facades are appealing, ecologically sustainable and useful.  
 : Covering with vegetation is a natural shield against looting rain and ultraviolet radiation.  
 : The space between the facade and the greenery has a temperature-regulating effect.



1 TERRACE ELEVATION  
 1/2" = 1'-0" Scale: 1:10



2 TERRACE SECTION  
 1/2" = 1'-0" Scale: 1:10



1 TERRACE ELEVATION  
 1/2" = 1'-0" Scale: 1:10

**SEUDO39**  
 Landscape Architecture, P.A.  
 3415 Seward Ave. #4100  
 Atlanta, GA 30310  
 404.524.9600  
 1318 Vermont Ave. NW  
 Washington, DC 20005

**HOLLADAY AT EDMOOR**  
 BETHESDA, MARYLAND

THE HOLLADAY CORPORATION

CONCEPT SITE PLAN

DESIGN BY  
 OAKMAN  
 VEG  
 H. O. S. F.  
 CHOLEY  
 CR  
 SCALE  
 AS NOTED

PROJECT NO. 20201  
 DATE 11.22.20

**L2.01**



Context Plan  
G-843

