



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

Consent Item #
MCPB 11-15-07

MEMORANDUM

DATE: November 1, 2007

TO: Montgomery County Planning
Board

VIA: Rose Krasnow, Chief *RKX*
 Development Review Division

Robert Kronenberg, Site Plan
 Supervisor *RKX*
 Development Review Division

FROM: Michele Oaks, Planner *(M)*
 Coordinator
 Development Review Division
 (301) 495-4573



REVIEW TYPE: Site Plan Review
CASE #: 820080020
PROJECT NAME: 6110 Oberlin Avenue

APPLYING FOR: Renovation and addition to an existing detached residential structure for office and residential use; a waiver of one parking space to install six (6) tandem parking spaces

REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance

ZONE: C-T Zone

LOCATION: On Oberlin Avenue approximately 100 feet west of the intersection with MacArthur Boulevard

MASTER PLAN: Bethesda-Chevy Chase

APPLICANT: 6110 Oberlin LLC
FILING DATE: July 26, 2007
HEARING DATE: November 15, 2007

PUBLIC NOTICE:

A notice and copy of the proposed plan was sent to all parties of record by the Applicant on July 31, 2007. The Applicant has supplied the file of record with a copy of the Notice of Application.

Signage required by the Montgomery County Planning Board was posted on or about August 1, 2007, within ten (10) feet of the property line facing Oberlin Avenue. The Applicant has supplied the file of record with an Affidavit of Posting and photo documentation.

A community presentation was provided by the Applicants at the regularly scheduled Glen Echo Town Council Meeting on June 11, 2007. A notification was sent to the adjoining and confronting property owners and the Civic Association list on May 31, 2007. A copy of the notice and the sign-in sheet from the public meeting has been supplied for the file of record.

STAFF RECOMMENDATION:

Approval of Site Plan No. 82008020, which proposes to renovate the existing residential structure and construct a rear addition (306.33 sq. ft footprint) to provide an office and residential use for the 4,862 sq. ft. property. The approval also includes a parking waiver of one (1) space from the required seven (7) to maintain green area on the property greater than the minimum C-T requirement. All site development elements as shown on the site, landscape and sediment control/tree protection plans revised October 15, 2007 will be required except as modified by the following conditions:

1. Development Plan Conformance

The proposed development must comply with the binding elements, shown below, listed in Local Map amendment G-859 and the associated Schematic Development Plan (Appendices E and F).

- a. Green Area will be 25% or 1,215.5 square feet of the site.
- b. Provision of tree protection measures for the 36" specimen sycamore tree located on the western edge of the Property as depicted on Ex. 39(b), will be implemented at Site Plan.
- c. The use will be limited to 2,660 square feet of office use with a garden apartment of a special exception use.
- d. The building will consist of a reuse of the existing structure with an expansion.

2. Development Program

The Applicant must construct the proposed development in accordance with a Development Program. The Development Program must be reviewed and approved by M-NCPPC staff prior to approval of the Certified Site Plan.

- a. The landscaping and lighting plans will be implemented in their entirety within six (6) months of receiving the use and occupancy permit for the altered structure.

- a. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
- b. Tree preservation methods and phasing shall correspond to the approved tree save plan.
- c. Phasing of dedications, sediment/erosion control, and other features.

3. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of the Certified Site Plan.

4. Tree Save Plan

The proposed development shall comply with the conditions of the approved Tree Save Plan prior to any demolition, clearing, or grading on the subject property in accordance with the memorandum from Environmental Planning dated October 26, 2007.

5. Landscape and Lighting

- a. The Applicant will consider replacement plants for the proposed Vinca Minor, Pennisetum, and Viburnum Plicatum plantings on the landscape plan.
- b. The Applicant will submit an updated photometric lighting study, which will provide documentation that the system has been designed based on the provisions outlined in the Illuminating Engineering Society (IES) recommended practices RP 33-99 Lighting for Exterior Environments, and ANSI/IESNA 501-2006 Installing Exterior Lighting Fixtures.
- c. The lighting design will not exceed an illumination of 0.5 footcandles beyond the property lines.

6. Signage

- a. The proposed sign to be installed on the site will be designed in accordance with the Department of Permitting Services Signage Requirements and will be reviewed and approved by the Sign Review Board prior to installation.
- b. The construction details of the proposed, free-standing sign to be installed along Oberlin Drive will be provided on the Certified Site Plan.

7. Certified Site Plan

Prior to approval of the Certified Site Plan, the following revisions must be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule, site plan index, and site plan resolution.
- b. Development standards table consistent with 'Project Data Table' in staff report.
- c. Details of the proposed 5' high fence to be constructed along the eastern property line.
- d. Construction details for the entry steps and landing.
- e. Construction details for the rear, handicapped ramp.

- f. M-NCPPC inspectors must inspect tree-save areas and protection devices prior to clearing and grading.
- g. A delineation of the Limits of Disturbance will be shown on the Sediment Control/Tree Protection and Site Plans.
- h. A revised Photometric Plan.

PROJECT DESCRIPTION: Site Vicinity

The site is located on the north side of Oberlin Avenue, a horseshoe-shaped street, approximately 100 feet west of MacArthur Boulevard. North of the subject property is the Master Plan and National Register Historic District of Glen Echo Park, a surviving regional example of an early 20th century amusement park. The site is abutted by properties classified under the C-T zone. These properties are residential structures converted into office uses.

Northeast of the site is the historic Irish Inn at Glen Echo, a c.1930 tavern, zoned C-1. The Town of Glen Echo owns two wooded lots, zoned R-60, west of the subject property. Across the Clara Barton Parkway is federal parkland, which is associated with the C&O Canal National Historic Park.



PROJECT DESCRIPTION: Site Description

The subject property consists of two recorded lots (Lots 5 & 6) with a combined area of approximately 4,862 square feet. A 1-1/2 story, frame Victorian bungalow with a two-story, octagonal oriel window and front porch with turned porch posts is situated in the southeast corner of Lot 5. The existing dwelling is sited perpendicular to Oberlin Avenue and 14'6" from the front property line. A two-story Colonial Revival brick dwelling, utilized as an architect's office, is located 11'11" to the east of the subject building. The subject property's side yard contains overgrown vegetation including boxwoods and two specimen sycamore trees and the remains of a deteriorated low, dry-stacked stone wall along the front property line. In addition, a dry-stacked retaining wall, 5' in height, capped with a 6' high fence, defines the rear property line.



PROJECT DESCRIPTION: Proposal

The applicant is bound by the following elements in accordance with the Schematic Development Plan:

1. Construct a new, 1-1/2 story rear addition with cupola onto the existing 1-1/2 story frame Victorian bungalow. The new addition will increase the footprint of the building by 306.33 sq. ft. and the lot coverage by 6%.
2. Change the use of the current residential dwelling by renovating the interior spaces. The first floor will be renovated into offices, while the second level will be converted into a one-bedroom apartment.
3. Provide tree save measures for the 36" sycamore tree on the western property line as approved by M-NCPPC's Environmental Planning staff.

Additionally, as part of the proposed site plan and without conflict with the Schematic Development Plan, the applicant is proposing to:

4. Remove a 40" specimen sycamore tree located close to the dwelling's western elevation for the proposed new construction.
5. Install a landscape design as per plan dated 6/08/07.
6. Install six (6) tandem parking spaces, one handicapped accessible, in the current side yard, west of the building. The parking lot will be paved in asphalt.
7. Construct handicapped accessible ramps and walkways on the site for accessibility to architectural office.
8. Install post, wall-mounted, and accent lighting fixtures as per Lighting Plan dated 6/30/06.
9. Install a free-standing sign on the subject property illustrating the name of the architectural office to be housed in the future renovated building.

(See drawing of proposed Site Plan on next page)

CONFORMANCE TO DEVELOPMENT STANDARDS

As shown in the following data table, the proposed development meets both the requirements of the C-T zone and the Binding Elements of Zoning Amendment G-859.

PROJECT DATA TABLE (C-T Zone)

Development Standard	Permitted/ Required	Approved with Binding Elements	Proposed for Approval
Min Tract Area (square feet)	N/A	Not specified	4,862
Per 59-C-4.303: Lot < 12,000 sq.ft:			
Maximum Building Height (feet) ¹	24	Not specified	24
Maximum Building Coverage (%)	30	Not specified	30
Frontage (feet)			72.62
Building Setbacks (feet)			
Building Setback – Front(min)	10	Not specified	14
Building Setback – Side (min) ²	15	Not specified	RF 2.04 RR .88 LF 38.5 LR 28.67
Building Setback – Rear	15	Not specified	15
Parking Setbacks (feet)			
Parking Setback – Side	8	Not specified	8
Parking Setback - Rear	4	Not specified	4
Floor Area (FAR)	not exceed 0.5	Not specified	0.5
Minimum Green Area (%)	10	25	25
Parking Spaces (spaces/unit)	7	Not specified	6 (waiver) ³

¹ Height measured from Oberlin Drive.

² Per 59-C-4.305(b)(3), for an existing building, the setback may be less than 15 feet.

³ Applicant received recommendation of approval from Planning Board for a waiver of one (1) parking space on the Property pursuant to Section 59-E-4.5 of the Zoning Ordinance. See Zoning Case G-859.

PRIOR APPROVALS

Zoning/Development Plan

The District Council approved the rezoning of the subject property from the R-60 zone to the C-T zone with “Optional Method” by Local Map Amendment G-859 and subsequent Council Resolution (No. 16-083) on June 12, 2007. The Optional Method requires the applicant to draft an associated Schematic Development Plan (SDP). The approved SDP for this project established several binding elements which the Applicant is legally bound in a Declaration of Covenants filed in the County land records. These binding elements cannot be changed without approval of the District Council through a Schematic Development Plan Amendment. The binding elements for this property are:

- Green Area will be 25% or 1,215.5 square feet of the site.
- Provision of tree protection measures for the 36” specimen sycamore tree located on the western edge of the Property as depicted on Ex. 39(b), will be implemented at Site Plan.
- The use will be limited to 2,660 square feet of office use with a garden apartment of a special exception use.
- The building will consist of a reuse of the existing structure with an expansion.

ANALYSIS: Site Plan

Conformance to Master Plan

The subject property is located in the Palisades/Western Bethesda-Chevy Chase section of the Bethesda-Chevy Chase Master Plan. This section of the Master Plan is bounded on the north by River Road, on the south by the Potomac River, on the east by the District of Columbia and on the West by I-495. The predominant residential zoning is R-60 with areas of R-200, R-T, and R-30. C-1 and C-T zoning make up the community retail centers.

The proposed development is in conformance with the land-use recommendation outlined in this adopted Master Plan. The subject site and its adjacent residential neighbors have been identified as existing R-60 uses which, due to their close proximity to an existing restaurant use, may be suitable for a rezoning to C-T, to provide an option for a future commercial use.

Local Area Transportation Review

The proposed development is located on Oberlin Avenue, currently an open-section, unstriped road defined as a Secondary Residential Street in the Bethesda-Chevy Chase Master Plan. The Montgomery County Road Codes specify that a Secondary Residential Street requires a 60 foot ROW. However, the Master Plan language encourages this and the other neighboring residential lots to maintain the existing

streetscape patterns and character of the neighborhood. The existing ROW for this lot is 30 feet. Any additional takings of land for ROW would require demolition of the existing dwelling, as the current dwelling is sited only 14'6" from the existing front property line. No new recorded plat is required for this project; therefore, the ROW for the subject property is being retained at thirty (30) feet. There are no proposed changes to this road as part of this development plan aside from inserting a curb cut for the new tandem parking lot.

FINDINGS: For Site Plan Review

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 proposed development is consistent with the approved Schematic Development Plan and Zoning Application G-859:

- a. The proposed development meets the required development standards of the Schematic Development Plan as demonstrated in the Data Table on Page 7.
 - b. The proposed development meets the green area requirement of 25% or 1,215.5 square feet of the site.
 - c. The proposed tree protection measures for the 36" specimen sycamore tree located on the western edge of the property are being implemented as part of a Tree Save Plan.
 - d. The use is being limited to 2,660 square feet of office use and a one-bedroom apartment located on the second floor.
 - e. The proposal for alteration of an existing structure for office and residential use, while retaining its residential character, meets the goals of the development plan.
 - f. All items in the subject proposal are in conformance with the binding elements of the Schematic Development Plan.
2. *The Site Plan meets all the requirements of the zone in which it is located.*

The Site Plan meets all the requirements of the C-T Zone, as demonstrated in the project Data Table. The only differences between the requirements of the Approved Schematic Development Plan and the subject Site Plan are an increase in green area and a decrease in parking spaces. Both development standards comply with the requirements of the Zoning Ordinance.

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

There are no proposed new buildings for the site. The only change to the buildings or structures on the site is an addition onto the existing residential dwelling.

A request has been submitted by the Applicant and approved by PEPCO for the construction of new, entry stairs within the Public Utility Easement (PUE). PEPCO notates in a letter dated February 27, 2007, that the Applicant has agreed to a contingency to remove part or all of the steps in the easement in the event PEPCO needs to perform maintenance on their systems.

b. Open Spaces

The proposed open space on the subject property is being generated as the result of the parking waiver. The parking waiver enables the applicant to provide a 15% excess of the required 10% green space requirement in this zone, and to save a specimen tree on the site from removal.

c. Landscaping and Lighting

The proposed landscaping on the site consists of a mix of evergreen and deciduous shrubs, deciduous and ornamental trees, groundcover, plants and vines. The informal design of this landscaping plan is consistent with the adjacent properties. A couple of the proposed shrubs, plants and vines have been identified on the Key Invasive Plants List published by the Parks Department. The Parks Department encourages the utilization of non-invasive species within the County to preserve its existing plant material. As such, the Applicant should consider utilizing alternative plant materials for the Vinca Minor, Viburnum Plicatum and Pennistum plantings.

The lighting plan is a simple system of a single-lamp post to be located along the western property line, wall mounted sconces and floodlights, mini accent lights to illuminate a free-standing signpost, and recessed lights on exterior stairs to illuminate treads. This design provides a safe, adequate and efficient lighting treatment for the site.

d. Recreation Facilities – Not applicable in this zone, as this is an existing, detached, residential dwelling being converted into an office / residential use.

e. Pedestrian and Vehicular Circulation Systems

The proposed vehicular access point to the site is provided from Oberlin Avenue, which is the only option given the site topography and its setting, being located in the middle of the block, with lots flanking it on either side and abutting it in the rear. The curb-cut off Oberlin Avenue will provide

access directly to the six tandem parking spaces on the property. To achieve construction access to the site, a stabilized construction entrance will be installed in the approximate location of the new, parking spaces. The specifications for this construction entrance include French drains, geotextile fabrics and crushed aggregate.

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

The proposed site plan design is compatible with the adjacent properties, and is significantly buffered from the adjacent historic district due to the vacant, heavily-wooded lots west of the property currently owned by the Town of Glen Echo. The subject site contains the last, two, remaining lots to convert from a residential-use into a commercial/office use. The adjacent property to the east is a two-story, Colonial Revival brick dwelling, zoned C-T, converted into an architect's office. Adjacent to the architectural office is the Historic Glen Echo Inn surrounded by a large asphalt parking lot. A 1-1/2 story frame gable-end Bungalow, zoned C-T, is located behind the subject property and is currently utilized as a law office. This property also utilizes tandem parking for its parking needs.

The main objective when reviewing proposed site plan changes that do not include the construction of new buildings is to ensure that the new additions onto a site are compatible with the existing site conditions and development patterns and thus minimize adverse impacts to the neighborhood. Compatibility is determined through an evaluation of the proposal in terms of massing, scale, proportion, height and materials within the existing streetscape.

The Applicant is proposing to retain the site's existing pattern of open space. This is being achieved by constructing the addition within the established building envelope. The front and side yard setbacks are remaining close to their original measurements, thus a significant amount of the western side of the lot, where currently the property is overgrown with vegetation, is being retained as unbuildable for structures. This retains the visual site lines and the open space between the buildings - a character defining -feature in this community's landscape and thus, its development pattern.

The new addition with cupola will be greater in height than the existing 1-1/2 story dwelling. Yet, the height of the new building will not exceed the height of the adjacent buildings, due to the differentiation in topography and the existing height of the adjacent structures. Additionally, the architect has designed the addition to be compatible with the house's Victorian Bungalow style, utilizing similar architectural detailing and proportions. Furthermore, the addition joins the original massing with the use of a classic architectural massing vocabulary – the cross gable. This juncture allows the majority of the addition's roofline to remain

at the same height as the existing massing's ridge, thus, breaking up the visual "bulk" of the proposed addition as viewed from the public right-of-ways. As a result, this new construction will not have any negative impact on the Oberlin Avenue streetscape pattern.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation. Chapter 19 regarding water resource protection, and any other applicable law.*

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) plan, dated November 15, 2006, was submitted for the subject property. It has identified that forest is not present on the site and therefore, is exempt from submitting a Forest Conservation Plan.

The site currently contains two, specimen sycamore trees, measuring 36" and 40" in diameter. The current proposed development plan will require the removal of the 40" sycamore tree, as it is located in the future footprint of the new addition. As per Section 22A-6(b) of the Montgomery County Code, a Tree Save Plan was required to be submitted at the time of Site Plan. The Tree Save Plan for this site was developed by a certified arborist and outlines protection measures for the 36" sycamore tree located along the western property line. This plan will be approved by the Environmental Planning staff prior to clearing or tree removal on the site. The tree save plan for the 36" sycamore tree includes root pruning, aeration of the critical root zone, treatment of the tree with growth hormones, and the installation of a stabilized construction entrance with a geotextile fabric base to protect the roots during construction.

The proposed development plan has also been reviewed by the Department of Permitting Services, Water Resources Section. The Water Resources Section utilizes the Executive Regulation 7-02AM for Stormwater Management and Executive Regulation 108-92 AM for 100 year Floodplain to make their evaluations. The Water Resources Section staff has determined that a Stormwater Management Concept Plan is not required for this project, since it has been identified that the property's lot size is less than 5000 square feet, the project does not entail disturbing or excavating greater than 100 cubic yards of earth, and the work does not require a sediment control permit.

APPENDICES

- A. February 27, 2007 Letter from Pepco, Re: PUE
- B. March 1, 2007 Planning Board Recommendation on Local Map Amendment and Development Plan No. G-859
- C. May 4, 2007 Letter from Richard Leggin, Re: DPS Stormwater Management Waiver
- D. June 12, 2007 Opinion for Zoning Application G-859, Resolution No. 16-183
- E. July 5, 2007, Declaration of Covenants, Liber 34574 Folio 020
- F. August 1, 2007 Letter from Lew Bloch, Certified Arborist, Re: Tree Save Plan
- G. September 28, 2007 Memorandum from State Highway Administration
- H. October 26, 2007 Memorandum from Environmental Planning



Distribution Engineering, Maryland Division
201 West Gude Drive
Rockville, Maryland 20850
Telephone: 301-670-8700
Fax: 301-670-8718

February 27, 2007

Mr. Richard A. Leggin
6110 Oberlin, L.L.C.
C/O 6112 Oberlin Avenue
Glen Echo, MD 20812

Re: Partial Step Riser in a Public Utility Easement
LOTS 5 AND 6, BLOCK 6
NATIONAL CHATAUQUA OF GLEN ECHO
6110 Oberlin, L.L.C.
6110 Oberlin Avenue
Glen Echo, MD 20812

Mr. Richard A. Leggin:

We have reviewed your request for a step riser in the area of the subject public utility easement. PEPCO has no objection to the step riser as, with the understanding that the step riser will be installed as close as reasonably possible to the structure of the recorded Lot. This contingency will allow PEPCO crews to remove part of or the entire step riser in the surrounding easement in the event of new construction and/or the need to perform maintenance of our electric system in close proximity to the step riser. It would be 6110 Oberlin, LLC and their respective successors and assigns responsibility to restore the step riser and the affected area to its original condition.

Prior to installing the step riser it is 6110 Oberlin, LLC responsibility to contact Miss Utility at 1-800-257-7777 to request location of all underground utilities within the area. This is a free service and the request is normally handled within a few days.

If you have any questions regarding this situation, please don't hesitate to call me on (301) 548 - 4305.

Sincerely,

Engineering Supervisor



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

OFFICE OF THE CHAIRMAN

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

March 1, 2007

TO: The County Council for Montgomery County, Maryland, sitting as the District Council for the Maryland-Washington Regional District in Montgomery County, Maryland

FROM: Montgomery County Planning Board

SUBJECTS: Planning Board Recommendation on Local Map Amendment AND Development Plan No. G-859

BOARD RECOMMENDATION

The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed Local Map Amendment G-859 at the regular meeting on March 1, 2007. After reviewing the staff report, the application, and the development plan, and after hearing testimony, by a vote of 5-to-0, the Board recommended that the Local Map Amendment for the C-T Zone, including the development plan, be APPROVED.

The Planning Board supports this local map amendment request because the development plan shows a transitional use that will be compatible with the surrounding developments. The application does not conflict with the Bethesda-Chevy Chase Master Plan (1990) and it will implement the master plan zoning recommendation. The Board is also pleased that the existing structure will be retained. Therefore, it is in the public interest. The Board supports the parking waiver for one parking space because there is adequate on-street parking available for the use.

CERTIFICATION

This is to certify that the attached report is a true and correct copy of the technical staff report and the foregoing is the recommendation adopted by the Montgomery

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County Council for Montgomery County, Maryland

March 1, 2007

Case No. G-859

County Planning Board of The Maryland-National Capital Park and Planning Commission at its regular meeting held in Silver Spring, Maryland on Thursday, March 1, 2007, on a motion of Commissioner Bryant to recommend approval to the District Council, seconded by Commissioner Perdue, and with Commissioners Robinson and Wellington, and Chairman Hanson voting in favor of the motion, the Planning Board recommends that the local map amendment application be APPROVED for the following reasons:

1. The request for reclassification will be compatible with the surrounding land uses.
2. The request for reclassification to the C-T Zone is in the public interest.

Sincerely,



Royce Hanson
Chairman

DB: DRJ

ENCL.

CC:

Martin Klauber, Office of the Peoples Counsel
Françoise Carrier, Office of Zoning and Administrative Hearings
Richard Leggin Architects
Anne Martin, Partner, Linowes and Blocher LLP

Richard Leggin Architects

Appendix C

6112 Oberlin Avenue Glen Echo MD 20812
Tel 301-320-0107 Fax 301-320-0109
RLArchs@aol.com

May 4, 2007

Richard R. Brush, Manager
Department of Permitting Services
Montgomery County, Maryland
255 Rockville Pike, 2nd Floor
Rockville, MD 20850-4166

Dear Mr. Brush:

Several weeks ago, you and I reviewed site plans for a small project we are undertaking in Glen Echo. Per our discussion, this letter is to confirm our understanding that the project will not require a Stormwater Management Concept Plan due to the limited scope of the work and the small size of the lot.

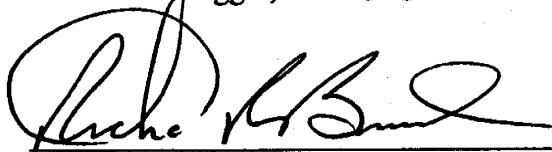
The project is located at 6110 Oberlin Avenue, Glen Echo, Maryland, Lots 5 and 6, Block 6, in the National Chatauqua of Glen Echo. An Existing Conditions plan and Site Plan showing proposed addition to house are enclosed.

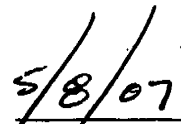
The project includes a small addition and renovation of an existing house, which is proposed for use as office and an apartment. The proposed footprint of the building addition is approximately 262 square feet. The existing footprint is 1152 square feet. Parking for six cars adjacent to the house is proposed.

The lot size is 4862 square feet. Because the lot is less than 5000 square feet, and there will be less than 100 cubic yards of disturbed or excavated earth, it is our understanding that a Stormwater Management Concept Plan will not be required for this project. Please confirm your agreement with this by signing in the space indicated below.

Thanks very much for your assistance in this matter.


Richard A. Leggin, AIA


Richard R. Brush


Date

Resolution No.: 16-183
Introduced: June 12, 2007
Adopted: June 12, 2007

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

By: County Council

SUBJECT: APPLICATION NO. G-859 FOR AMENDMENT TO THE ZONING ORDINANCE MAP,
Anne Martin, Esquire, Attorney for 6110 Oberlin, L.L.C., Applicant, OPINION AND
RESOLUTION ON APPLICATION

Tax Account No. 00511558

OPINION

Application No. G-859, filed on November 17, 2006 by Applicant 6110 Oberlin, L.L.C., requests reclassification from the R-60 Zone to the C-T Zone of 4,862 square feet of land located at 6110 Oberlin Avenue in Glen Echo, Maryland, on property known as Lots 5 and 6, Block 6, National Chatauqua of Glen Echo, in the 7th Election District. The application was submitted under the Optional Method authorized by Code §59-H-2.5, which permits binding limitations with respect to land use, density and development standards or staging.

The Hearing Examiner recommended approval of the application on the basis that the C-T Zone at the proposed location would satisfy the requirements of the purpose clause; that the proposed reclassification and development would be compatible with existing and planned land uses in the surrounding area; and that the proposed reclassification bears sufficient relationship to the public interest to justify its approval. The Montgomery County Planning Board ("Planning Board") and its Technical Staff provided similar recommendations. The District Council agrees with the Hearing Examiner's conclusions and incorporates herein the Hearing Examiner's Report and Recommendation dated May 11, 2007.

The subject property consists of two parcels with a combined area of approximately 4,862 square feet. The site is located on the north side of Oberlin Avenue, immediately south of Glen Echo Park and just west of MacArthur Boulevard. The site is almost square, with approximately 73 feet of

frontage along Oberlin Avenue. It is relatively flat and contains no forest, streams or wetlands. The property is developed with a one and a half story brick house. Vegetation consists of a few scattered trees and shrubs, as well as tall bamboo in the northeast corner of the property. There are two specimen trees: a 40" sycamore that would be removed in connection with the proposed redevelopment, and a 36" sycamore near the western boundary that the Applicant plans to preserve.

To the north and east the subject site abuts properties that are classified under the C-T Zone. Both of these properties are developed with office uses located in formerly residential structures that retain an exterior residential appearance. The Applicant has had a long association with these properties, having served as the architect in charge of remodeling both of them when they were converted to office use. The Applicant currently leases the property to the east for his office. If the present rezoning request is approved, the Applicant plans to move his office into the renovated building.

Diagonally northeast of the subject site is the Irish Inn at Glen Echo, a restaurant operating in a building that has been devoted to restaurant use for many years. The property is classified under the C-1 Zone. The portion of the Irish Inn site facing the subject property and the other two C-T properties is the rear of the restaurant, including its trash dumpster.

Immediately west of the subject site are two lots owned by the Town of Glen Echo, which are currently vacant and wooded. They are classified under the R-60 Zone and recommended in the applicable master plan for use as a park or for single-family detached homes. Farther north and west is Glen Echo Park. To the south, the subject property abuts federally-owned parkland that is part of the C&O Canal National Historic Park and the Clara Barton Parkway.

The surrounding area for this application has been designated as the area bounded generally by Glen Echo Park to the north, MacArthur Boulevard to the east, federally-owned parkland maintained by the National Park Services to the south, and Clara Barton Parkway to the west. The surrounding area contains the mix of uses already described: Glen Echo Park, the Irish Inn, two offices in residential-style buildings, the subject property and vacant land owned by the Town of Glen Echo and the federal government.

The subject property was classified under the R-60 Zone by the 1954 Zoning Ordinance. That zoning was reaffirmed by Sectional Map Amendment in 1974 (SMA F-937) and 1990 (SMA G-666).

The Applicant proposes to extensively renovate the existing structure and build a small, architecturally compatible addition onto the back, while maintaining the building's exterior residential appearance. The building would then be used for combined office and residential purposes, with office use on the ground floor and cellar level, and a residential apartment on the second floor. The front yard would be retained in grass, with stacked parking along the west side of the building, similar to the stacked parking arrangements used for the two adjacent C-T properties. Preservation of the existing structure is assured, because the C-T Zone prohibits the construction of a new building unless the site has a minimum street frontage of 100 feet, which the subject property lacks. See Code § 59-C-4.302(1).

Pursuant to Code § 59-H-2.52, the Applicant in this case has chosen to follow the "optional method" of application. The optional method requires submission of a schematic development plan that specifies which elements of the plan are illustrative and which are binding, i.e. elements to which the Applicant consents to be legally bound. Those elements designated by the Applicant as binding must be set forth in a Declaration of Covenants to be filed in the county land records if the rezoning is approved. Illustrative elements of the SDP may be changed during site plan review, but the binding elements cannot be changed without a separate application to the District Council for a development plan amendment.

The Applicant in the present case has proposed four binding elements, which limit development of the site to reuse of the existing structure, with an addition, and limit the future uses to 2,660 square feet of office space with a garden apartment, or a special exception. Any traffic, parking or other adverse impacts of a special exception use would be evaluated by the Board of Appeals before approval of the special exception. The binding elements also set a minimum green area of 25 percent, considerably higher than the 10 percent minimum in the zone, and commit the Applicant to providing tree save measures for the 36" Sycamore on the western property line.¹

¹ The text identifies a 36-foot Sycamore, but the graphics correctly identify the tree by its 36-inch diameter.

As shown in the Development Standards Table on page 11, the size of the addition planned for this site is limited in two ways. For re-use of an existing building, the C-T Zone requires that any addition be compatible with neighboring residential and commercial uses, and limits its size to a maximum gross floor area increase of 40 percent. See Code § 59-C-4.302(c). Based on an existing gross floor area of 1,761 square feet, this would limit the addition in this case to 2,465 square feet. However, Section 59-C-4.304 imposes a Floor Area Ratio limit of 0.5, which further restricts the addition to its proposed size of 2,431 square feet. The two-story addition would be attached to the left rear corner of the building. Its footprint would measure approximately 33 feet along the rear of the building, with a depth of 4.5 feet, and approximately 21 feet along the left side of the building, with a depth of 7 feet. As depicted in the submitted exhibits, the addition would be architecturally compatible with the existing structure. Given that compatibility of any addition with neighboring uses is a requirement of the zone, the Planning Board would have authority to examine this issue again at site plan review.

The Applicant proposes to provide six on-site parking spaces, stacked in three rows of two. This is a similar arrangement to the parking provided for the two adjacent C-T office uses, and is considered acceptable by the Planning Board and its Technical Staff. The six spaces, including one van-accessible handicapped space, fall one space short of the seven spaces required under the Zoning Ordinance. The Planning Board has the authority under Section 59-E-4.5 of the Zoning Ordinance to waive the requirement for seven spaces during site plan review, and has indicated its support for the waiver request. See Ex. 33. As noted by Technical Staff and Mr. Perrine, permitting six spaces instead of seven would allow the Applicant to retain a larger green area on site, and ample on-street parking is available due to the large amount of undeveloped land on the block.

As shown on page 11 of the Hearing Examiner's Report and Recommendation, the proposed development would be consistent with applicable development standards for the C-T Zone.

The District Council turns next to the purpose clause of the C-T Zone, and concludes that the proposed rezoning would satisfy its provisions. The purpose of the C-T Zone is to provide sites for low-intensity commercial buildings which, singly or in groups, will provide an appropriate transition between one-family residential areas and high-intensity commercial development. The purpose clause

specifies, among other things, that the C-T Zone may be applied in areas designated for the C-T Zone on adopted and approved master or sector plans. The subject site was recommended for development under the C-T Zone in the *Bethesda-Chevy Chase Master Plan, Approved and Adopted 1990*, thus satisfying the purpose clause for the C-T Zone.

An application for a floating zone reclassification must be evaluated for compatibility with existing and planned uses in the surrounding area. The requirements of the C-T Zone and the binding elements of the Schematic Development Plan combine to ensure that with the proposed reclassification, the existing structure on the subject site would be remodeled and enlarged slightly, but would retain its residential scale and character, contributing to the stability of land uses in the area. Only two adjacent properties are developed, and both house buildings that are similar in character and use to the redevelopment proposed for the subject site: office uses located in residential-type structures. All three properties would have similar uses, styles and settings. They would also have similar stacked parking arrangements, and the possible use of on-street parking for the subject property would have no discernible impact on neighboring uses, given the ample space available.

The remainder of the block to the west is undeveloped and lightly forested. The only other developed site in the immediate vicinity is occupied by The Irish Inn, which can only benefit from the renovation and productive reuse of the subject site. Nearby Glen Echo Park is unlikely to be affected by the proposed rezoning and redevelopment, and the same can be said of the residential neighborhoods on the far side of MacArthur Boulevard. The District Council agrees with Technical Staff's conclusion that "the result of the rezoning will be improvements to a single-family residence and the stabilization of land use and neighborhood character." See Staff Report at 8.

The District Council further determines that the proposed reclassification bears sufficient relationship to the public interest to justify its approval. The District Council agrees with the findings made by the Hearing Examiner, the Planning Board and Technical Staff that the proposed development would comply with the Master Plan. The Master Plan recommends the subject property as appropriate for reclassification to the C-T Zone, and specifically calls for retention of the existing residential scale and character of the building, which would be preserved under binding elements of the submitted Schematic

Development Plan. The subject property is the last in a group of three properties that were recommended for individual redevelopment under the C-T Zone, and its redevelopment would complete the renovation of this small enclave as anticipated in the Master Plan.

The evidence indicates that the proposed rezoning and development would be adequately supported by and would have no adverse effect on local roadways, public utilities and the public schools.


For these reasons and because to grant the instant zoning application would aid in the accomplishment of a coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District, the application will be granted in the manner set forth below.

ACTION

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

Zoning Application No. G-859, requesting reclassification from the R-60 Zone to the C-T Zone of 4,862 square feet of land located at 6110 Oberlin Avenue in Glen Echo, Maryland, on property known as Lots 5 and 6, Block 6, National Chatauqua of Glen Echo, in the 7th Election District, is hereby approved in the amount requested, subject to the specifications and requirements of the final schematic development plan, Exhibit 39(b); provided that, within 10 days of receipt of the District Council's approval resolution, the Applicant must submit to the Hearing Examiner for certification a reproducible original and three copies of the approved schematic development plan, in accordance with §59-D-1.64.

This is a correct copy of Council action.


Linda M. Lauer, Clerk of the Council

34574 020

Appendix E

DECLARATION OF COVENANTS

This Declaration of Covenants, made this 5th day of July 2007, by 6110 Oberlin, L.L.C. ("Owner") of certain real property in the County of Montgomery, State of Maryland, which is more particularly described on the legal description attached hereto and made part hereof as Exhibit "A" (hereinafter referred to as the "Property").

FILED
LORETTA E. KNIGHT
CLERK'S OFFICE
MONTGOMERY CO. MD.

2007 JUL 13 A 11:22

WITNESSETH

WHEREAS, on October 23, 2006, the Owner filed Zoning Application G-859, requesting the reclassification of the Property from the R-60 Zone to the C-T Zone, in accordance with the optional method of application for local map amendments provided for in Section 59-H-2.5 of the Zoning Ordinance of Montgomery County, Maryland, being Chapter 59 of the Montgomery County Code, 2004, as amended ("Zoning Ordinance"); and

WHEREAS, pursuant to the optional method of application for local map amendments, the Owner submitted a Schematic Development Plan ("SDP") [Ex. 39(b)] as part of the rezoning application for purpose of restricting the development standards and use of the Property to less than the maximum permitted in the requested zone; and

WHEREAS, Zoning Application G-859 was granted by the Montgomery County Council, sitting as the District Council ("Council") on June 12, 2007, and the SDP [Ex. 39(b)] was approved; and

WHEREAS, Section 59-H-2.54 of the Zoning Ordinance requires the submission and filing in the Land Records of Montgomery County, Maryland, a covenant reflecting in specific language any restricted development standards, development program, or limitation on uses as contained in the approved SDP.

IMP FD SURE	20.00
RECORDING FEE	20.00
TOTAL	40.00
Section Rpt #	75517
Personal Blk #	3322
July 13 2007	11:26 am

NOW, THEREFORE, in consideration of the foregoing and in compliance with Section 59-H-2.54 of the Zoning Ordinance, the Owner on behalf of themselves, and their representatives, successors or assigns, hereby declare, covenant and agree, that so long as the Property remains in the C-T Zone, that the Property (and all its parts or subparts) shall be transferred, sold conveyed and occupied subject to the conditions, covenants and restrictions set forth:

1. So long as the Property is zoned C-T, no development, construction or use will be started, erected or maintained on the Property, that does not conform to the binding elements of the SDP [Ex. 39(b)], amended as may be authorized by law, ordinance or regulation. Further, SDP contains the following binding restrictions and limitations by which the Owner shall be bound, all other elements will be governed by the provisions of County Code:

Requested Development Control	Permitted/Required	Binding Elements
Green Area	10% 486.2 sq. ft.	25% 1215.5 sq. ft.
Measures to be implemented at Site Plan		Provision of tree protection measures for the 36' specimen sycamore tree located on the western edge of the Property as depicted on Ex. 39(b).
Uses		The use will be limited to 2,660 square feet of office use with a garden apartment or a special exception use
Building		The building will consist of a reuse of the existing structure with an expansion

2. These Covenants will be recorded among the Land Records of Montgomery County, Maryland, immediately following the grant of the C-T Zone for the Property. Further, these Covenants shall run with the land and shall be binding on all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns, and shall ensure to the benefit of each owner thereof and to Montgomery County, so long as the Property is zoned C-T, and shall remain in effect until such time as the Property is rezoned or the restrictions on development are removed or are amended by action of the Council or other governmental body having jurisdiction or are declared invalid by any court of competent jurisdiction. These Covenants shall not take effect until the Property is rezoned to the C-T Zone, and the Council approves the SDP [Ex. No. 39(b)].

3. The binding elements contained in this Declaration of Covenants and in the SDP shall be enforceable by the Council pursuant to Section 59-H-2.53 (i) of the Zoning Ordinance.

4. This Declaration of Covenants may be amended by the Owner, their successors or assigns, to conform to any modification made by the Council in the binding elements contained in the SDP.

IN WITNESS WHEREOF, the Owner have set their hands and seals on the day and year written below.

WITNESS:

6110 Oberlin L.L.C.:

Kelly Dorch

Richard A. Leggin (SEAL)

By: Richard Leggin

34574 022

STATE OF MARYLAND

COUNTY OF MONTGOMERY, to wit

I HEREBY CERTIFY that on the 5th day of July, 2007, before the subscriber, a Notary Public in and for the aforesaid County and State, personally appeared Richard Leggin, personally well known to me (or satisfactorily proved) to be the person whose name is subscribed to the within instrument and did acknowledge the foregoing Declaration to be her act.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal.



William H. Johnson

Notary Public

My commission expires: 7-1-08

I HEREBY CERTIFY that I am an attorney duly admitted to practice before the Court of Appeals of Maryland and that the foregoing instrument was prepared under my supervision.

Anne C. Martin
Anne C. Martin

L&B 698515v3/08304.0004



Lew Bloch
Bloch Consulting Group

Appendix F

August 1, 2007

Mr. Richard A. Leggin, AIA
6112 Oberlin Avenue
Glen Echo, MD. 20812

RE: Tree-Save Plan at 6110 Oberlin Avenue

As you requested, I met with you on July 30, 2007 at your office at the above address and at 6110 Oberlin Avenue where you are proposing construction. The purpose of this meeting was to ascertain the impact of the construction activities to a 36-inch diameter sycamore tree along the western property line, and to propose tree-save specifications to reduce the stress to this tree.

As we discussed, there is going to be a large amount of stress to the root system of this tree because of the new parking area and related construction. I estimate that approximately 40% of the Critical Root Zone of this tree will be damaged or destroyed. This is over the limit of tolerable root loss to a tree such as this which could result in tree death or complete tree failure. This risk will remain for many years after the construction is completed.

Enclosed are my tree-save specifications that should be attached to your tree-save plan that you submit for approval. If followed, these steps will help to increase the odds of saving the tree.

I certify that the statements made in this report to be true and correct to the best of my knowledge. The opinions expressed are my personal, unbiased professional opinions and conclusions, and I have no present or prospective interest in the vegetation that is the subject of this report. I have no personal interest or biases with respect to the parties involved, and have based my report on the situation as I have seen it.

My compensation is not contingent on the reporting, the attainment of a stipulated result, or the occurrence of a subsequent event.

My opinions and conclusions were developed, and this report prepared in conformity with standard arboricultural practices, and my expertise and experience as a consulting arborist.

I further certify that I made a personal inspection of the property, and no one provided any significant professional assistance to this report.


As an arborist, I am a tree specialist and use my knowledge, education, training and experience to examine trees, recommend measures to enhance their beauty and health, and attempt to reduce the risk of living near trees. As the client, you may choose to accept or disregard these recommendations, or seek additional advice.

An arborist cannot detect every condition that could possibly lead to a tree or limb failure. Trees are living organisms that may fail in many ways we do not fully understand. Conditions are often hidden within the trees and below the ground. As arborists, we cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Sometimes trees may appear "healthy," but may be structurally unsound. Likewise, remedial treatment, like any medicine, cannot be guaranteed.

Furthermore, certain trees are borderline cases as to whether they should remain or be removed. Also conditions change, and a tree may need further monitoring in the future to determine its health and structure. Of course the only really safe option is removal.

Trees can be managed, but they cannot be controlled, and to live near a tree is to accept some degree of risk. The only way to eliminate all risks is to remove all trees.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Lew Bloch', with a long horizontal flourish extending to the right.

Lew Bloch, Registered Consulting Arborist



Lew Bloch
Bloch Consulting Group

TREE-SAVE SPECIFICATIONS

FOR 36-INCH DIAMETER SYCAMORE TREE

This tree is in fair condition and will suffer additional stress as approximately 40% of its Critical Root Zone will be damaged or destroyed. If this tree is to remain, the following procedures will help to alleviate the stress.

- Before any construction is started, root prune the tree only at the L.O.D. where roots will actually be cut, leaving the roots that will be filled over even though they are inside of the L.O.D.
- Prior to any construction aerate as much of the Critical Root Zone as possible, including on the neighboring property if permission is granted. This to be done by drilling 2-inch diameter holes, approximately 24-inches apart and approximately 15-18-inches deep. The holes should be filled with a mixture of 50% humus and 50% perlite, or approved equals.
- Place temporary fencing according to MNCPPC at the L.O.D. before any construction is started and place approved signage on the fence to prohibit any storage or stockpiling in the area. Fence is to be maintained until all construction is finished.
- Remove grass, weeds and undergrowth beneath the tree for at least a 10-foot radius and mulch this area with 3-4-inches of hardwood bark mulch. Do not allow any mulch against the tree trunk or over the root flare.
- Treat the tree with a growth hormone such as Cambistat according to manufacturer's directions.
- Irrigate the tree when necessary.
- All tree procedures will be done under the direction of an International Society of Arboriculture certified arborist.


Lew Bloch, Registered Consulting Arborist





Martin O'Malley, Governor |
Anthony G. Brown, Lt. Governor

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

September 28, 2007

Ms. Catherine Conlon
Supervisor, Development Review
Subdivision Division
Maryland National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Re: Montgomery County
6110 Oberlin Avenue
File #: 820080020
MD 614 - General

Dear Ms. Conlon:

The State Highway Administration (SHA) appreciates the opportunity to review the site plan application for the 6110 Oberlin Avenue development in Glen Echo, Maryland. SHA has no comments or objections to the materials provided.

If you have any questions or require additional information, please contact John Borkowski at 410-545-5595 or by using our toll free number in Maryland only at 1-800-876-4742.

Sincerely,

for

Steven D. Foster, Chief
Engineering Access Permits Division

SDF/rbb/jab

- cc: Mr. Richard Leggin / 6110 Oberlin LLC / 6112 Oberlin Avenue, Glen Echo, MD 20812
- Mr. Charles Grimsley / Landmark Engineering, Inc. / 6110 Executive Boulevard, Suite 110, Rockville, MD 20852
- Mr. Richard Weaver / M-NCPPC
- Mr. Shahriar Etemadi / M-NCPPC
- Mr. Sam Farhadi / Montgomery County DPW&T
- Mr. Jeff Wentz *sent via e-mail*
- Ms. Kate Mazzara *sent via e-mail*

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · www.marylandroads.com



MEMORANDUM

TO: Michele Oaks, Development Review

VIA: Stephen Federline, Supervisor, Environmental Planning

FROM: Amy Lindsey, Environmental Planning

DATE: October 26, 2007

SUBJECT: Site Plan 820080020
6110 Oberlin Avenue

RECOMMENDATION: Approval subject to the following conditions:

1. The proposed development shall comply with the tree save plan, dated 10/26/07 prior to any demolition, clearing, or grading on the subject property.

BACKGROUND

The 0.11-acre property is located on Oberlin Avenue near Glen Echo, in the Bethesda/Chevy Chase Master Plan area. The property was the subject of Zoning Case G-859, which rezoned the property from R-60 to C-T and is currently developed with one residence. This plan proposes to maintain the existing structure and build an addition, changing the use from residential to mixed use office and residential. There is no forest onsite but two specimen trees present. No streams or wetlands are onsite, nor any environmental buffer. Environmental Planning staff approved a Forest Conservation Exemption (4-07280E) on 07/19/2007. The property is within the Cabin John Creek watershed; a Use 1/1P watershed.

Environmental Guidelines

The site does not include any streams, wetlands, or floodplains and there is no environmental buffer on the property.

Forest Conservation

There is no forest on-site and this property is exempt from submitting a Forest Conservation Plan. As per Section 22A-6(b), a Tree Save Plan was required to be submitted at time of Site Plan.

Tree Save

The applicant has submitted a Tree Save Plan, prepared and signed by an ISA-certified arborist that shows large and specimen trees, as well as smaller trees on the subject and adjacent properties. There are two specimen trees onsite (40" DBH Sycamore, 36" DBH Sycamore) and this plan proposes to retain one of these trees. The proposed parking area will be built to minimize root disturbance, using raised paving with root aeration matting where possible.