



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item #3
4/27/03

DATE: March 21, 2003
TO: Montgomery County Planning Board
VIA: Joseph Davis, Chief, Development Review
FROM: Greg Russ, Zoning Coordinator
REVIEW TYPE: Zoning Text Amendment
PURPOSE: To amend the definition of "telephone office or communications center" to clarify that certain equipment and improvements may be located outside of the building, increase the allowable density for this use in the CBD-1 zone and allow a roof structure located on this use in the CBD-1 zone to have a total area greater than 25%.

TEXT AMENDMENT: No. 03-04
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance
INTRODUCED BY: Councilmembers Denis and Praisner
INTRODUCED DATE: February 25, 2003
PLANNING BOARD REVIEW: March 27, 2003
PUBLIC HEARING: April 8, 2003 @ 1:30 pm

STAFF RECOMMENDATION: APPROVAL with modifications

PURPOSE OF THE TEXT AMENDMENT

- amend the definition of "telephone office or communications center" to clarify that certain equipment and improvements may be located outside of the building;
- increase the allowable density for a telephone office or communications center in the CBD-1 zone to 2.3 FAR, and
- allow a roof structure on telephone office or communications center in the CBD-1 zone to have a total area greater than 25 percent but not more than a certain percent of the roof area.

BACKGROUND

Special Exception BA 2865 was granted by the Board of Appeals on September 1, 1970, to permit the two and four story additions to the then Chesapeake and Potomac Telephone Company (now named Verizon). The improvements granted at that time were constructed.

Verizon proposes to construct a two-floor, 5,400 square foot, addition to the existing Bethesda Central Telephone Switching Office located at 4533 Stanford Street (northeast quadrant of the intersection of Wisconsin Avenue and Stanford Street) to house more switching equipment for the Bethesda and Chevy Chase areas. The property is zoned CBD-1 and is 25,887 square feet in land area and includes an existing building totaling 48,475 square feet in gross floor area (1.87 in FAR). The building is four stories along the west (Wisconsin Avenue) and the northeast part of the property, next to the alley. Verizon proposes to add switching equipment to the existing building to avoid excavating the streets and sidewalks of Bethesda and Chevy Chase to locate new cabling at a new central office that would be required at a different Bethesda-Chevy Chase location.

The addition would be located on top of the existing two-story, gable roof section of the building, at the southeasterly corner next to Stanford Street and the alley (see Attachment 2). Along with the 5,400 square foot addition, Verizon proposes a 5,900 square foot roof penthouse. Overall, the additional floor area would increase the Floor Area Ratio (FAR) to 2.3, beyond the FAR maximum of 2 for the CBD-1 zone, optional method of development. The resulting structure would be 60 feet in height, excluding the penthouse. The roof penthouse is proposed to cover approximately 48% of the roof, 23% greater than that permitted by the Zoning Ordinance without additional approval by the Planning Board.

ANALYSIS

Amendment of the Definition of Telephone Office or Communication Center

The proposed amendment of the definition is as follows:

Telephone office or communications center: *A building owned and wholly occupied by a telephone or communications company regulated by the public services commission containing primarily electromechanical or electronic switching equipment, including such accessory uses as testing, assignment and repair service, operator facilities and supervisors' offices; provided, that all electromechanical or electronic switching equipment [shall be] is completely enclosed within the building.*

* * *

Verizon considers its land use more specifically as a telephone and communications company (as opposed to the general category of public utility buildings and structures) regulated by the public services commission. The building contains primarily electromechanical or electronic switching equipment, etc and all such electromechanical or electronic switching equipment is fully enclosed within the building. Condenser units are located outside of the building, on the roof while an underground diesel fuel tank is

also located outside of the south façade. In the future, there could be an electrical transformer located outside of the building, underground. As such, the definition of telephone office or communications center will be amended to clarify that electromechanical or electronic switching equipment must be completely enclosed within the building. Staff believes that this modification further clarifies the intent of the definition.

Adding Telephone Office or Communication Center as a Permitted Use in CBD-1 Zone

The proposed text amendment would add telephone office or communication center as a permitted use in the CBD-1 Zone under the optional method of development only. The subject site is the only such facility located in the CBD-1 Zone (see Attachment 4). Currently the Verizon building is categorized under “public utility buildings and structures” land use and would be permitted only under the optional method of development with approval of a special exception followed by project plan review and site plan approval. Staff believes that Planning Board review of a project plan and site plan is sufficient to ensure the appropriateness and compatibility of scale and intensity of the use with the surrounding development. As such, we believe that special exception review is not necessary. With that said, staff further believes that the proposed use could also be accommodated as a permitted use under the optional method in all CBD Zones. Because of the limited scope of the text amendment, at this time, staff cannot propose this change beyond the CBD-1 Zone.

Maximum Density and Public Use Space

As previously mentioned, the proposed text amendment would increase the maximum FAR from 2 to 2.3, for the subject property only, to house more switching equipment for the Bethesda and Chevy Chase areas. The alternative is to excavate existing streets and sidewalks of Bethesda and Chevy Chase to locate new cabling at a new central office that would be required at a different Bethesda-Chevy Chase location. No increase in the building footprint is proposed; only a filling in of floors on top of the building’s lower section to match the upper floors of the remainder of the building. With the exception of the roof penthouse, the building height of the expansion will not exceed the existing building height, thereby, respecting the established pattern of development. This modification is depicted as a footnote to Section 59-C-6.234, Maximum Density of Development, for optional method, nonresidential uses. It should be noted that because of increased densities under the optional method of development, public facilities and amenities must be provided at the time of project plan and site plan review.

Section 59-C-6.233 requires a minimum public use space in the CBD-1 Zone under the optional method of development of 20% of the net lot area. The Verizon building does not have any area suitable for public use space. The small patch of grass fronting on Stanford Street, on the south end of the site, covers underground cabling and an underground tank for diesel fuel. Staff, therefore, believes that an opportunity for providing off-site public use space should be explored by Verizon. Alternatively, the developer could consider additional amenities in lieu of strict adherence to the public use space requirement. For example, Verizon could provide a financial contribution to the County’s Housing Initiative Fund, provide or participate in other CBD Zone public improvements, etc., in lieu of on-site public use space. In any case, staff has proposed a

footnote to Section 59-C-6.233 that grants the Planning Board authorization to permit off-site public use space or other amenities in lieu of strict adherence to this requirement. The proposed footnote reads as follows:

****** *In the case of a telephone office or communications center that is existing as of (ZTA effective date), the Planning Board may authorize off-site public use space if the applicant demonstrates, to the Planning Board's satisfaction that public use space cannot be provided on the site. Additional amenities may be approved by the Planning Board, in lieu of strict adherence to the optional method public use space requirement.*

Staff supports off-site public use space only in situations where an existing building precludes the ability to provide such on-site space.

Exemption from Roof Area Coverage Requirements

The text amendment also proposes the following exemption:

DIVISION 59-B-1. EXEMPTIONS FROM HEIGHT CONTROLS.

59-B-1.1. Belfries, chimneys, etc.

* * *

No such roof structures, however, [shall] may have a total area greater than 25 percent of the roof area except that a larger area may be approved for buildings approved by the Planning Board under the optional method of development procedures in the central business district zones, and except that a roof structure on a telephone office or communications center located in the CBD-1 zone may have a total area greater than 25 percent but not more than 50 percent of the roof area; nor shall such structure be used for any purpose other than a use incidental to the main use of the building. Exempt space may not be used for retail, general and professional offices, or similar uses.

The proposed roof coverage for the Verizon project is expected to approach 48%, even though this would exceed 25% of the roof area as permitted by the Zoning Ordinance. Under the current CBD, optional method zoning provisions, the Planning Board may increase the maximum building height to allow for the penthouse height. This could only occur during the project plan and site plan review processes. Verizon, however, would prefer not to have the matter remain uncertain, pending review of the project and site plans. Staff believes that the existing review process by the Planning Board provides the appropriate avenue to address exemptions from height controls. As such, staff recommends the deletion of the request to allow a telephone office or communications center located in the CBD-1 Zone to have a total roof area coverage greater than 25% without Planning Board approval.

Master and Sector Plan Conformance

The Community-Based Planning Division reports that the proposed text amendment would not affect the goals and objectives of any master and sectors plans. The Bethesda CBD Sector Plan limits the height of structures in this area to 75 feet. The proposed additions to the Verizon

building, excluding roof penthouse structures, would not exceed the sector plan height restrictions (see Attachment 3). Rooftop structures are normally exempt from height limitations.

RECOMMENDATION

The staff recommends approval of the proposed text amendment to amend the definition of “telephone office or communications center” to clarify that certain equipment and improvements may be located outside of the building and to increase the allowable density for this use in the CBD-1 zone. Staff is not in favor of the request to allow a telephone office or communications center located in the CBD-1 Zone to have a total roof area coverage greater than 25% without Planning Board approval.

Attachment 1 depicts the proposed text amendment as modified by staff. Underlining indicates text that is added to existing laws by the original text amendment. [Single boldface brackets] indicate text that is deleted from existing law by the original text amendment. Double underlining indicates text that is added to the text amendment by amendment (staff’s changes). [[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment (staff’s changes).

GR

Attachments

1. Proposed Text Amendment 03-04 (as amended by staff)
2. Exhibits of Proposed Verizon Improvements
3. Community-Based Planning Memorandum
4. Letter from Charles R. Loehr to Councilmember Praisner