



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

MCPB No. 18-080
Preliminary Plan No. 120180140
ZOM Bethesda
Date of Hearing: July 19, 2018

SEP 25 2018

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on March 16, 2018, ZMA Development, LLC ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create one (1) lot on 1.30 acres of land in the CR 2.25 C 0.5 R 2.25 H60; CR 2.0 C 0.25 R 2.0 H60; and CR 1.0 C 0.25 R 1.0 H60 zone, located on the east side of Arlington Road, between Moorland Lane and Edgemoor Lane ("Subject Property"), in the 2017 *Bethesda Downtown Sector Plan* ("Sector Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120180140, ZOM Bethesda ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated June 29, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 19, 2018, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on July 19, 2018, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Fani-Gonzalez, seconded by Commissioner Patterson, with a vote of 4-0; Commissioners Anderson, Cichy, Fani-Gonzalez, and Patterson voting in favor, and Commission Dreyfus absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120180140 to create one (1) lot on the Subject Property, subject to

Approved as to
Legal Sufficiency:

the following conditions:¹

1. This Preliminary Plan is limited to 1 lot for up to 230 multi-family dwelling units and an allocation of 168,233 square feet of density from the Bethesda Overlay Zone.
2. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letters dated May 16, 2018 and July 5, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
3. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
4. The Planning Board accepts the recommendations of the Maryland State Highway Administration (“MSHA”) in its letter dated April 25, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
5. The Applicant must dedicate all road rights-of-way to the full width mandated by the Bethesda Downtown Sector Plan or as otherwise designated on the Certified Preliminary Plan, and show on the record plat(s) the following:
 - a. A dedication of the Arlington Road frontage necessary to provide the Sector Plan-recommended 40-foot-wide right-of-way between the Subject Property line and right-of-way centerline, except as modified to a width of 34-feet between the Subject Property line and right-of-way centerline to permit stoops and residential entrances along the southern building façade, as illustrated on the Certified Preliminary Plan.
 - b. Where right-of-way dedication is reduced to 34-feet, between the Subject Property and right-of-way centerline, the plat shall reflect a six-foot wide public improvement easement (PIE) and a Maintenance and Liability Agreement, or other instrument as determined by Montgomery County, for the entire area that would otherwise be dedicated as public right-of-way. The PIE and Maintenance and Liability Agreement must be approved or executed by Montgomery County, as appropriate.
 - c. The record plat must show necessary easements.
6. Prior to recordation of any plat, Site Plan No. 820180120 must be certified by M-NCPPC Staff.

¹ For the purpose of these conditions, the term “Applicant” shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

7. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated May 30, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
8. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section, in its letter dated May 29, 2018, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.
9. The Certified Preliminary Plan must contain the following note:
Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.
10. After certification of the Final Forest Conservation Plan and payment of the forest conservation fee in-lieu, and prior to certification of the Site Plan and recordation of the Plat, the Applicant may obtain permits for demolition, below-grade excavation, and sheeting and shoring. The record plat(s) and Certified Site Plan must be submitted to M-NCPPC prior to any below-grade activity occurring on site.
11. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of this Planning Board Resolution.

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The lot size, width, shape and orientation are appropriate for the location of the subdivision considering the recommendations in the 2017 *Bethesda Downtown Sector Plan* and the type of development and use contemplated. The lots were reviewed under and found to comply with the dimensional requirements for the CR zone as specified in the Zoning Ordinance.

2. *The Preliminary Plan substantially conforms to the Master Plan.*

The Preliminary Plan substantially conforms to the 2017 *Bethesda Downtown Sector Plan*. The Subject Property is designated as sites 128, 129, and 130 on page 145 of the Sector Plan. The Subject Property is located in the area of the Sector Plan designated as the "Arlington North District," a transitional zone between the urban core and single-unit neighborhoods to the west of the Sector Plan area. The Application addresses the following goals as outlined in the Arlington Road District section of the Sector Plan:

- *Retain the residential scale along Arlington Road as a transition between the urban core and suburban neighborhoods.*

The Application provides up to 230 multi-family residential dwelling units in a building of no more than 60 feet in height. The building serves as a transition from the taller Christopher Condominium building (approximately 145-feet in height) and Edgemont building (approximately 85-feet in height), to the east, to the lower-scale two-to-three story residential neighborhoods west of Arlington Road.

- *Improve access, mobility, and pedestrian safety along Arlington Road.*

The Preliminary Plan consolidates existing vehicular access points to a single point on Moorland Lane, thus eliminating vehicular access entirely from this block of Arlington Road. The Application provides the Bethesda streetscape on its three frontages and will participate in the implementation of new separated bicycle lanes on Arlington Road and Edgemoor Lane. Each of these improvements improves access, mobility, and pedestrian safety along Arlington Road.

- *Promote redevelopment opportunities for under-utilized sites such as single-unit homes.*

The Application proposes the redevelopment of eight existing single-family homes that currently serve both residential and non-residential uses. Given the Subject Property's proximity to the Metro station and the downtown Bethesda core, these structures are under-utilized. A mid-rise residential building will take better advantage of the Subject Property's

proximity to Metro and the Bethesda core and will provide a gradual height transition from the core to the adjacent neighborhoods.

- *Limit commercial and retail uses to preserve residential urban village character.*

The Sector Plan recommends that commercial and retail uses be limited to the ground floor of buildings along Woodmont Avenue. The Application complies with this recommendation by providing a purely residential building.

- *Create a new neighborhood park adjacent to Bethesda Elementary School.*

The Sector Plan identifies a potential area for a new neighborhood park on the west side of the Bethesda Elementary School playing fields. Although the potential future park location is within the Arlington North District, it is not near the Subject Property and will therefore not be implemented as part of the Project. Since the Application is not able to meet its open space requirement on-site, the Applicant will comply with the off-site open space requirements set forth in Section 59.6.3.6.C of the Zoning Ordinance as described in the Staff Report.

The Preliminary Plan substantially conforms to the 2017 *Bethesda Downtown Sector Plan*. The Preliminary Plan complies with the specific density recommendations for the Subject Property as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. The Subject Property is not subject to an Urban Renewal Plan.

3. *Public facilities will be adequate to support and service the area of the subdivision.*

Vehicular access to the Subject Property is directly from Moorland Lane through a consolidated garage access point and loading bay (two separate, but adjacent entrances) at the northeast corner of the site. Pedestrian and bicycle access to the Subject Property is provided along both Moorland Lane and Edgemoor Lane, though pedestrian and bicycle access is prioritized along the Edgemoor Lane frontage through the provision of a Metro station lobby and bicycle parking room.

The Application includes a bicycle parking room, accessed from Edgemoor Lane, for long-term residential bicycle storage. The bicycle parking room will provide secure, private parking for 107 bikes and the proposed layout meets the design and capacity standards set by the Zoning Ordinance. The final number of

automobile and bicycle parking spaces will be determined at Certified Site Plan based on the number of residential dwelling units.

Transit Connectivity

The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station (located within ¼ mile of the site), Metrobus, RideOn, the Bethesda Circulator and future Purple Line.

Master Plan Roadways and Pedestrian / Bikeway Facilities

The 2017 *Bethesda Downtown Sector Plan* recommends the following along property frontages:

1. Moorland Lane, along the northern site frontage, as a Business District Street with a minimum right-of-way width of 70 feet;
2. Arlington Road, along the western site frontage, as an arterial roadway (A-82) with a minimum right-of-way width of 80' and separated bicycle lanes (LB-2); and
3. Edgemoor Lane along the southern site frontage, as a Business District Street with a minimum right-of-way width of 80 feet and separated bicycle lanes (LB-8).

Given the Subject Property's constrained depth, the Arlington Road dedication on the southern portion of the Subject Property will be reduced to 34-feet between the Subject Property and right-of-way centerline to accommodate residential unit entrances and stoops. This accommodation responds to a unique set of circumstances and will have a positive impact of the pedestrian circulation along the street. The area will be encumbered with a public improvement easement (PIE) and Maintenance and Liability Agreement, or other appropriate instrument, measuring a maximum depth of six-feet, and covering an area of approximately 828 square feet. No negative impacts to the public right-of-way will result from the reduced width dedication; all elements of the master plan recommended streetscape (travel lanes, planting area, sidewalk, etc.) will be implemented within the public right-of-way.

Sector-Planned Transportation Demand Management

The Sector Plan encourages a Non-Auto Driver Mode Share (NADMS) of 55%, averaged between employees and residents of downtown Bethesda. In order to meet this goal, downtown Bethesda is organized into a Transportation Demand Management District (TMD) that strives to promote travel by means other than single occupancy vehicles. As a residential project of more than 100 dwelling units within the Bethesda TMD, the Applicant is required to enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and Montgomery County Department of Transportation (MCDOT) to participate in the Bethesda TMD.

Adequate Public Facilities

A transportation study, dated February 21, 2018, was submitted to analyze the Application. The development is estimated to generate 130 new morning peak-hour person trips (66 vehicle trips) and 159 new evening peak-hour person trips (81 vehicle trips). As a project that generates more than 50 net new peak hour vehicle trips but less than 250 peak hour vehicle trips, the Applicant was required to evaluate one tier of intersections within Downtown Bethesda. The results of the evaluation are included in the Staff Report.

Although the County Department of Transportation has deferred implementation of the master planned separated bicycle lanes on Arlington Road, Staff required the Applicant to evaluate an alternative scenario in which the separated bicycle lanes were implemented on Arlington Road via a road diet. The findings of that analysis indicate that each of the study area intersections will continue to operate within acceptable limits of congestion following completion of the project under either the existing Arlington Road configuration or potential future road diet scenario.

School Capacity

The Application was reviewed under the FY19 Annual School Test, approved by the Planning Board on June 21, 2018 and effective July 1, 2018. The number of students generated by the Application was determined by multiplying the proposed number of dwelling units, a maximum of 235 multi-family dwelling units, by the applicable regional student generation rate for each school level.

Per Unit Student Generation Rates – Southwest Region

	Elementary School	Middle School	High School
SF Detached	0.193	0.111	0.147
SF Attached	0.191	0.094	0.124
MF Low- to Mid-Rise	0.146	0.063	0.083
MF High-Rise	0.055	0.022	0.031

The Application includes 235 multifamily high-rise dwelling units on a property with eight existing single family detached units serving commercial uses. With a net of 235 new multifamily high-rise residential units, the Application is estimated to generate 12 new elementary school students, 5 new middle school students, and 7 new high school students.

Student Generation Calculations

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
MF High-rise	235	0.055	12.925	0.022	5.170	0.031	7.285
TOTAL	235		12		5		7

Cluster Adequacy Test

The Subject Property is located in the Bethesda-Chevy Chase High School (B-CC) Cluster. The student enrollment and capacity projections from the FY19 Annual School Test for the B-CC Cluster are noted below.

Cluster Adequacy Test

School Level	Projected Cluster Totals, September 2023			Moratorium Enrollment Threshold	Projected Enrollment + Application Impact
	Enrollment	Program Capacity	% Utilization		
Elementary	3,690	4,043 ²	91.3%	4,852	3,702
Middle	1,803	2,024	89.1%	2,429	1,808
High	2,463	2,407	102.3%	2,889	2,470

The Moratorium Enrollment Threshold identified in the table is the enrollment at which the 120% utilization threshold is exceeded, resulting in a cluster-wide residential development moratorium. As indicated in the last column, the projected enrollment, plus the estimated impact of this Application, fall below the moratorium thresholds at all three school levels. Therefore, there is sufficient capacity at the elementary, middle and high school cluster levels to accommodate the estimated number of students generated by this Application.

Individual School Adequacy Test

The applicable elementary and middle schools for this Application are Bethesda Elementary School and Westland Middle School. Based on the FY19 Annual School Test results, the student enrollment and capacity projections for these schools are noted below:

² The projected cluster elementary school capacity of 3,813 has been modified to reflect the impact of a six-classroom placeholder project at Bethesda Elementary School and a four-classroom placeholder project at Somerset Elementary School included by the County Council in the FY 2019 Capital Budget.

Table 7: Individual School Adequacy Test

School	Projected School Totals, September 2023			Moratorium Enrollment Thresholds		Projected Enrollment + Application Impact	
	Enrollment	Program Capacity	% Utilization	Seat Deficit	120% Utilization		Seat Deficit
Bethesda ES	699	698 ³	100.1%	-1	838	808	711
Westland MS	832	1,089	76.4%	257	1,307	1,269	837

Under the individual school adequacy test, a school is deemed inadequate if the projected school utilization rate exceeds 120% and if the school seat deficit meets or exceeds 110 seats for the elementary school or 180 seats for the middle school. If a school’s projected enrollment exceeds *both* thresholds, then the school service area is placed in a residential development moratorium.

The Moratorium Enrollment Thresholds identified in the table above are the enrollments at which the 120% utilization threshold and the seat deficit threshold are exceeded. As indicated in the last column, the projected enrollment, plus the estimated impact of this Application, falls below both applicable moratorium thresholds for both Bethesda Elementary School and Westland Middle School. Therefore, there is sufficient anticipated school capacity to accommodate the estimated number of students generated by this Application.

Based on the school cluster and individual school capacity analysis performed, using the FY2019 Annual School Test, there is adequate school capacity for the amount and type of development proposed by this Application.

Other Public Facilities

Public facilities and services are available and will be adequate to serve the proposed development. The Subject Property will be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service, which has determined that the Subject Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as electrical, telecommunications, gas, police stations, firehouses, and health services are operating according to the *Subdivision Staging Policy* resolution currently in effect and will be adequate to serve the Subject Property.

³ The projected Bethesda Elementary School capacity of 560 students has been modified to reflect the impact of a six-classroom placeholder project included by the County Council in the FY 2019-2024 Capital Improvements Program.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

A Natural Resource Inventory Forest Stand Delineation (NRI/FSD) was approved for the project on April 9, 2018. The NRI/FSD, designated 420181450, identifies the existing man-made and natural features associated with the Subject Property, such as the buildings, associated parking, the street trees and landscape elements. The on-site setting includes two significant trees and one specimen tree⁴ ranging in size from 25 to 28-inch diameter. The site topography is gently sloping from north to south. There are no rare, threatened, or endangered species, no trees measuring 30-inch DBH or greater, no stream/buffers, steep slopes or known historical or cultural resources on site. The site is located within the Little Falls Watershed, a use I-P watershed.

Forest Conservation

There is no forest on-site or adjacent to the Subject Property; however, there is an afforestation requirement of 0.24 acres. The afforestation requirements must be addressed off-site, either by a fee-in-lieu payment or certificate of compliance for an off-site bank. As conditioned, all afforestation requirements will be met off-site.

Forest Conservation Variance

The Application is not subject to a forest conservation variance as it does not impact any trees that measure 30 inches DBH or greater; are part of a historic site or designated with a historic structure; are designated as national, state, or county champion trees; are at least 75 percent of the diameter of the current state champion tree of that species; or impact any trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

Tree Save Plan

Sketch Plan 320180050, ZOM Bethesda, includes condition of approval 11.d. to provide a tree-save plan addressing any impacts to neighboring trees. However, the Subject Project does not acknowledge neighboring trees located on the adjacent Edgemont at Bethesda property. The adjacent Edgemont site, subject to Sketch Plan 320180030 and Preliminary Plan 11984058A, has its own set of Planning Board conditions (Condition 11.p), that require the applicant to maximize overall site Green Cover, a part of which may be met by existing canopy trees.

⁴ Tree #3 is a 28-inch Holly and measures 75% or more (85%) than of the size of the current County champion and is therefore a specimen tree. It is not subject to the forest conservation variance because it does not meet any of the qualifying attributes for a variance tree, such as measuring 30-inch diameter or 75% or more of the size of the current State champion.

The Edgemont applicant is actively exploring ways to satisfy this condition, but the likely removal of the existing Edgemont canopy trees by the ZOM Bethesda project would undermine the green coverage accounting for the Edgemont project. Therefore, the Final Forest Conservation Plan, approved as part of Site Plan 820180120, includes conditions of approval that the revised tree save plans be prepared by an International Society of Arboriculture certified arborist who is also a Maryland Licensed Tree Care Expert and that the Applicant should provide suitable mitigation (subject to Staff approval) for affected trees which cannot be appropriately retained on the Edgemont property.

The Application also proposes retaining four existing street trees along the northeast edge of the Subject Property along the entryway of the Christopher Condominiums. However, it is unlikely that these trees will survive the construction. As conditioned in the Final Forest Conservation Plan, the Applicant will prepare a revised Tree Save Plan for Staff approval that will identify suitable mitigation for trees that cannot be retained.

5. All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.

The Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services (MCDPS) on May 30, 2018. The Preliminary Plan meets stormwater management requirements with an extensive (8-inch depth) green roof over 14,437 square feet of the site and a waiver of quantity and quality control for remaining requirements based on site limitations.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for thirty-six (36) months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G, and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is SEP 25 2018 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of

this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Patterson, with Commissioners Fani-González, Cichy, and Patterson voting in favor, and Chair Anderson and Vice Chair Dreyfuss absent at its regular meeting held on Thursday, September 20, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board