

MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 20-018
Preliminary Plan No. 120200070
4824 Edgemoor Lane
Date of Hearing: April 2, 2020

APR 24 2020

RESOLUTION

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

WHEREAS, on November 6, 2019, Edgemoor 48, LLC c/o Acumen Companies ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 0.20 acres of land in the CR 2.5 C 0.5 R 2.5 H120 and Bethesda Overlay Zone, southwest quadrant of Edgemoor Lane and Woodmont Avenue, ("Subject Property") in the Bethesda CBD Policy Area and 2017 *Bethesda Downtown Sector Plan* ("Sector Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120200070, "4824 Edgemoor Lane" ("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 March 20, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on April 2, 2020, 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, at the hearing the Planning Board voted to approve the Application, subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120200070 to create one lot on the Subject

Property, subject to the following conditions:¹

1. Approval is limited to 1 lot for up to 77 multi-family dwelling units.
2. The Applicant must comply with the binding elements and conditions of approval for Sketch Plan No. 320200020 and any subsequent amendments.
3. As required by Chapter 22A-6(b), provide mitigation planting, consisting of two 4-inch-caliper shade trees to be planted as shown on the Tree Save Plan or as approved by Staff. The mitigation plantings must be installed prior to the issuance of the final use and occupancy permit.
4. The Applicant must submit a noise analysis at the time of Site Plan submission.
5. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated January 28, 2020, 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.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (DHCA), in its letter dated January 21, 2020, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
7. The Planning Board has reviewed and accepts the recommendations of MCDPS – Water Resources Section in its stormwater management concept letter dated February 19, 2020, 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. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

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.

8. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in that agency's letter dated January 29, 2020, 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.
9. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements associated with each plat, as required by MCDOT.
10. Consistent with MCDOT's January 29, 2020, letter, the Applicant must participate on a *pro rata* basis, in the amount of \$33,000 payable prior to the final use and occupancy permit, towards the construction of the Sector-Planned bicycle facility on their Edgemoor Lane and Woodmont Avenue frontages, as illustrated on the Certified Site Plan.
11. 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 dedications:
 - a. A dedication of the Woodmont Avenue frontage necessary to provide the Sector Plan-recommended 40-foot-wide right-of-way between the Subject Property line and right-of-way centerline.
 - b. A dedication of the Edgemoor Lane frontage necessary to provide the Sector Plan-recommended 40-foot-wide right-of-way between the Subject Property line and right-of-way centerline.
12. 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. Other limitations for site development may also be included in the conditions of the Planning Board's approval.
13. The record plat must show necessary easements.
14. Include all applicable agency letters and the Preliminary Plan Resolution on the approval or cover sheet(s) of the Certified Preliminary Plan.

15. Before clearing or grading or recording a plat for the Subject Property, the Applicant must receive Staff certification of a Planning Board-approved Site Plan.
16. If a subsequent Site Plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration, location, or right-of-way width or alignment, the Applicant must obtain approval of a Preliminary Plan amendment prior to certification of the Site Plan.
17. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of the 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.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations including the technical review standards in Section 50.4.3. The Application meets all applicable sections. The size, width, shape and orientation of the proposed lot is appropriate for the location of the subdivision taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated. As discussed in the Sketch Plan findings, and as conditioned, the Application substantially conforms to the 2017 Bethesda Downtown Sector Plan. The Application complies with the land use recommendations for the site as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. This Preliminary Plan creates one lot. Transportation access is adequate to serve the proposed development by this Preliminary Plan. Water and sewer and other utilities are available to and currently serve the Property. The Application meets the Environmental Guidelines and Forest Conservation Law.

The lot was reviewed for compliance with the dimensional requirements for the CR 2.5 C 0.5 R 2.5 H120 and Bethesda Overlay Zone, as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is

included in following table. The Application has been reviewed by other applicable county agencies, all of which have recommended approval of the plan.

Table 1: Development Standards in the CR 2.5 C 0.5 R 2.5 H120		
Standard	Required/Permitted	Proposed
Total Density (square feet/ FAR)	21,647 sf (2.5)	92,000 SF ¹ (10.62)
Residential Dwelling Units	n/a	77
Non-residential density (square feet)	n/a	0
Front setbacks	0	Must meet minimum ²
Side setbacks	0	Must meet minimum ²
Rear setbacks	0	Must meet minimum ²
Open Space	0%	0%
Site Plan Required	Yes	
MPDUs Required	Yes	Yes (Determined at Site Plan)

¹Includes a maximum allocation of Bethesda Overlay Zone density of up to 70,353 square feet. Final amount to be determined at Site Plan.

²As determined by MCDPS at the time of building permit.

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

As discussed in the concurrently filed Sketch Plan No. 320200020, the Preliminary Plan substantially conforms with the recommendations of the Sector Plan.

a. Land Use

As discussed in the Sketch Plan section of this report, the Project will provide up to 77 residential units, including a minimum of 15% MPDUs in accordance with Chapter 25A.

b. Environment

As conditioned, the Application meets the Sector Plan recommendations, the Environmental Guidelines and Forest Conservation Law. Although the Subject Application is exempt from submitting a Forest Conservation Plan, the Applicant has provided a Tree Save Plan as required by Forest Conservation Exemption No. 42020018E.

c. Transportation

The Application is consistent with the above recommendations and will provide the necessary right-of-way dedications and streetscape improvements. The 2017 *Bethesda Downtown Sector Plan* recommends the following along property frontages:

- i. Woodmont Avenue, along the eastern site frontage, as an arterial roadway with a minimum right-of-way width of 80 feet and separated bicycle lanes (CT-4);

- ii. Edgemoor Lane along the northern site frontage, as a Business District Street with a minimum right-of-way width of 80 feet and separated bicycle lanes (LB-8).

d. 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. The Project will enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and Montgomery County Department of Transportation (MCDOT) to participate in the Bethesda TMD and work toward the Sector Plan NADMS goal.

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

a. Roads and Other Transportation Facilities

Transportation access is adequate to serve the proposed development by this Preliminary Plan.

i. *Existing Facilities*

The existing development is served by a single driveway, with a curb cut on Woodmont Avenue, and an associated surface parking lot. Both the Edgemoor Lane and Woodmont Avenue frontages are improved with public sidewalks. 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.

ii. *Proposed public transportation infrastructure*

Vehicular access to the Site will be provided from Woodmont Avenue, via a consolidated garage and loading access point. The Project will construct the Bethesda streetscape on its Edgemoor Lane and Woodmont Avenue frontages and will participate in the implementation of new separated bicycle lanes on both Woodmont Avenue and Edgemoor Lane by making a financial contribution of \$33,000 to MCDOT prior to issuance of the first use & occupancy certificate. Each of these improvements will improve access, mobility, and pedestrian safety. Pedestrian access to the site will be from the established sidewalk network and will be enhanced by streetscape improvements along each of the Property frontages, consistent with the Bethesda Streetscape Standards.

b. Local Area Transportation Review (LATR)

Adequate Public Facilities

A transportation exemption statement, dated November 25, 2019, satisfied the Local Area Transportation Review for the Subject Application because the Project generates fewer than 50 net new peak hour person trips. The proposed development is estimated to generate 45 net new morning peak-hour person trips (23 vehicle trips) and 47 net new evening peak-hour person trips (24 vehicle trips) (Table 2).

Table 2: Project Peak Hour Trip Generation							
	Vehicle Rates		Adjusted Vehicle Rates		Person Trips		
Existing	AM	PM	AM	PM	AM	PM	
Office 3,034 SF	6	7	4	4	8	8	
Proposed	AM	PM	AM	PM	AM	PM	
High-Rise Apartments 77 Units	34	35	27	28	53	55	
Net New Trips	28	28	23	24	45	47	

Source: Wells & Associates Transportation Statement, dated November 25, 2019.

c. Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The property will be served by public water and sewer systems. Water and sewer and other utilities are located in Edgemoor Lane and Woodmont Avenue. Connections (one or multiple connections) off one or more of these roads adjoining the Property will service the Property, the final design of which will be finalized at Site Plan. The Application has been reviewed by MCFRS, and emergency vehicle access has been deemed adequate. The Montgomery County Fire Station No. 6 (Bethesda Fire Department) is located slightly more than ½ mile from the Property on Wisconsin Avenue. The 2nd District Police Station, serving Downtown Bethesda, is located on Rugby Avenue in the Woodmont Triangle. Electrical and telecommunications services are also available to serve the Subject Property. Local health clinics, police stations and fire stations are all operating within acceptable levels as established by the Subdivision Staging Policy.

Overview and Applicable School Test

Preliminary Plan 120200070, 4824 Edgemoor Lane, is scheduled to come before the Planning Board for review on April 2, 2020. Therefore, the FY20 Annual

School Test, approved by the Planning Board on June 20, 2019 and effective July 1, 2019 is applicable. The Application proposes development of 77 multifamily high-rise dwelling units.

Calculation of Student Generation

To calculate the number of students generated by the Project, the number of dwelling units is multiplied by the applicable regional student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low- to mid-rise multifamily unit, or high-rise multifamily unit. The Subject Property is located in the southwest region of the County and generation rates for that region are summarized in Table 3 and student generation for the Subject Project is summarized in Table 4. This Project is estimated to generate 3 new elementary school students, 1 new middle school student, and 1 new high school student.

Table 3: Per Unit Student Generation Rates – Southwest Region

	Elementary School	Middle School	High School
SF Detached	0.186	0.109	0.151
SF Attached	0.167	0.085	0.111
MF Low-Rise	0.150	0.068	0.085
MF High-Rise	0.041	0.018	0.025

With a net increase of 77 multifamily high-rise units, the Project is estimated to generate the following number of students:

Table 4: 4824 Edgemoor Lane Student Generation

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	77	0.041	3.157	0.018	1.386	0.025	1.925
TOTAL	77		3		1		1

Cluster Adequacy Test

The Project is located in the Bethesda-Chevy Chase cluster area. The student enrollment and capacity projections from the FY20 Annual School Test for the cluster are presented in Table 5:

Table 5: Bethesda-Chevy Chase Cluster area Capacity Projections

School Level	Projected Cluster Totals, September 2024			Moratorium Threshold	Estimated Application Impact
	Enrollment	Program Capacity	% Utilization		
Elementary ²	3,714	4,020	92.4%	1,111	3
Middle	1,917	2,024	94.7%	511	1
High	2,410	2,457	98.1%	538	1

The Moratorium Threshold identified in Table 5 is the number of additional projected students that would cause the projected utilization to exceed the 120% utilization threshold and therefore trigger a cluster-wide residential development moratorium. As indicated in the last column of the table, the estimated enrollment impacts of the Subject 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 Project.

Individual School Adequacy Test

The applicable elementary and middle schools for this project are Bethesda ES and Westland MS, respectively. Based on the FY20 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the Table 6:

Table 6: Individual School Adequacy

School	Projected School Totals, September 2024				Moratorium Threshold	Estimated Application Impact
	Enrollment	Program Capacity	% Utilization	Surplus/Deficit		
Bethesda ES	731	698 ³	104.7%	-33	107	3
Westland MS	899	1,089	82.6%	+190	408	1

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

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 ES and a four-classroom placeholder project at Somerset ES included by the County Council in the FY20 Capital Budget.

³ The projected Bethesda ES capacity of 560 students has been modified to reflect the impact of a six-classroom placeholder project included by the County Council in the FY2019-2024 Capital Improvements Program.

The Moratorium Enrollment Thresholds identified in Table 6 are the numbers of additional projected students that would cause the projected utilization to exceed the 120% utilization threshold and the seat deficit threshold. As indicated in the last column, the estimated enrollment impacts of the Subject Application fall below the moratorium thresholds for both Bethesda ES and Westland MS. Therefore, there is sufficient anticipated school capacity to accommodate the estimated number of students generated by this project.

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

The Project received approval of an exemption from Forest Conservation requirements on August 26, 2019 (42020018E). The exemption cited the requirement of a tree save plan to be approved with the Subject Application. The tree save plan proposes mitigation for the removal of an existing 30" specimen Black Locust street tree in the form on planting two 4" caliper canopy trees.

Noise

The Subject Property is in a busy urban environment near a Metro station, fronting an arterial roadway and is therefore subject to the Noise regulations associated with residential development. As conditioned, A noise analysis must be submitted at the time of Site Plan.

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

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services (DPS) on February 19, 2020. The Plan proposes to meet stormwater management goals via ESD to the MEP with the use of a green roof and micro-bioretenment. Due to site constraints, full stormwater management treatment cannot be provided, so a partial waiver was also conditionally granted by DPS.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 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 APR 24 2020 (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 Verma, seconded by Commissioner Cichy, with Chair Anderson and Commissioners Cichy and Verma voting in favor, and Vice Chair Fani-González and Commissioner Patterson absent at its regular meeting held on Thursday, April 16, 2020, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board