


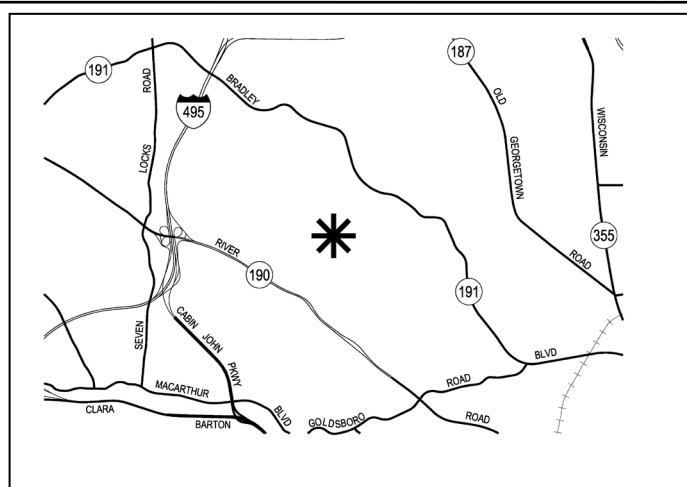
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**Completed:12.4.20**

- Request to create two lots for one single-family detached dwelling unit on each lot.
- Location: southeast corner of the intersection of Burning Tree Road and Meadowlark Lane.
- Zone: R-90
- Master Plan: 1990 *Bethesda – Chevy Chase Master Plan*
- Property size: 0.88 acres
- Applicant: Maryland Congressional Homes, LLC.
- Acceptance Date: September 24, 2020



- Staff recommends approval of the administrative subdivision with conditions.
- Per Section 50.6.1.C of the Subdivision Ordinance, subdivisions for the creation of up to three lots for residential detached dwelling unit are permitted to be reviewed administratively, however, the Planning Director deferred consideration of the application to the Planning Board, per Section 50.6.3.B.1 of the Subdivision Ordinance, due to neighborhood opposition to the Subject Application.
- The Subject Property was denied a variance by the Board of Appeals, designated Case No. A-6661, in an Opinion, dated August 14, 2020.
- Staff received letters from neighbors, some of which expressed conditional support of the Application while others raised concerns about stormwater management, tree impacts, and compatibility with the surrounding neighborhood. Letters received prior to the date of this Staff Report are addressed in the Report.

## RECOMMENDATION AND CONDITIONS

### Administrative Subdivision Plan No. 620210030

Staff recommends approval of Administrative Subdivision Plan No. 620210030 with the following conditions.

1. This Administrative Subdivision is limited to two lots for one single-family dwelling unit on each lot.
2. The Adequate Public Facility (APF) review for the Administrative Subdivision will remain valid for sixty (60) months from the date of mailing of the Planning Board resolution.
3. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated November 16, 2020, and hereby incorporates them as conditions of the Administrative Subdivision 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 Administrative Subdivision Plan approval.
4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) – Water Resources Section in its stormwater management concept letter dated December 2, 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 may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of Administrative Subdivision Plan approval.
5. The record plat must show necessary easements.
6. Prior to recordation of the plat(s) the Applicant must demolish portions of the existing detached dwelling unit on proposed Lot B to meet the R-90 zone side and rear-yard setbacks.
7. Prior to recordation of the plat(s) the Applicant must satisfy MCDPS requirements to ensure the construction of a 5-foot wide sidewalk along the Property frontages on Meadowlark Lane and Burning Tree Road, unless construction is waived by MCDPS.
8. The development must comply with the Final Tree Save Plan as shown on the Certified Administrative Subdivision Plan.
  - a. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations;
  - b. The Applicant must comply with all tree protection and tree save measures shown on the Final Tree Save Plan; Tree save measures not specified on the Plan may be required by the M-NCPPC Forest Conservation Inspection Staff;
  - c. The Applicant must provide mitigation planting for the removal of one specimen tree in the form of three Maryland native canopy tree plantings of at least 3" in caliper with planting locations to be finalized by the MNCPPC Inspector onsite during the pre-planting meeting; and
  - d. The mitigation plantings associated with each lot, as shown on the Final Tree Save Plan, must be installed within the first planting season after receiving a Final Inspection, from MCDPS, for the respective lot(s).
9. Prior to certification of the Administrative Subdivision Plan, the Applicant must make the following changes:
  - a. Show resolutions and approval letters on the certified plan;
  - b. Modify the data table to reflect development standards approved by the Planning Board; and
  - c. Include the following note: *"Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, onsite parking, site circulation, and sidewalks shown on the Administrative Subdivision Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s) 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 approval."*

## SECTION 1 – SITE DESCRIPTION

### Subject Property

The subject site (Subject Property, Property, or Project) is located at 8516 Meadowlark Lane in Bethesda and is described in the Montgomery County Land Records as Lot 4, Block Q of the “Section 2 Bradley Hills Grove” subdivision, as recorded by Plat No. 2677 in 1950. The Subject Property is located on the southeast corner of the intersection of Burning Tree Road and Meadowlark Lane. The Property consists of 38,634 square feet (0.88 acres), zoned R-90 and is within the 1990 *Bethesda – Chevy Chase Master Plan*. Lots adjacent to the Site are zoned R-90 while those confronting the Site, across Burning Tree Road, are zoned R-200.

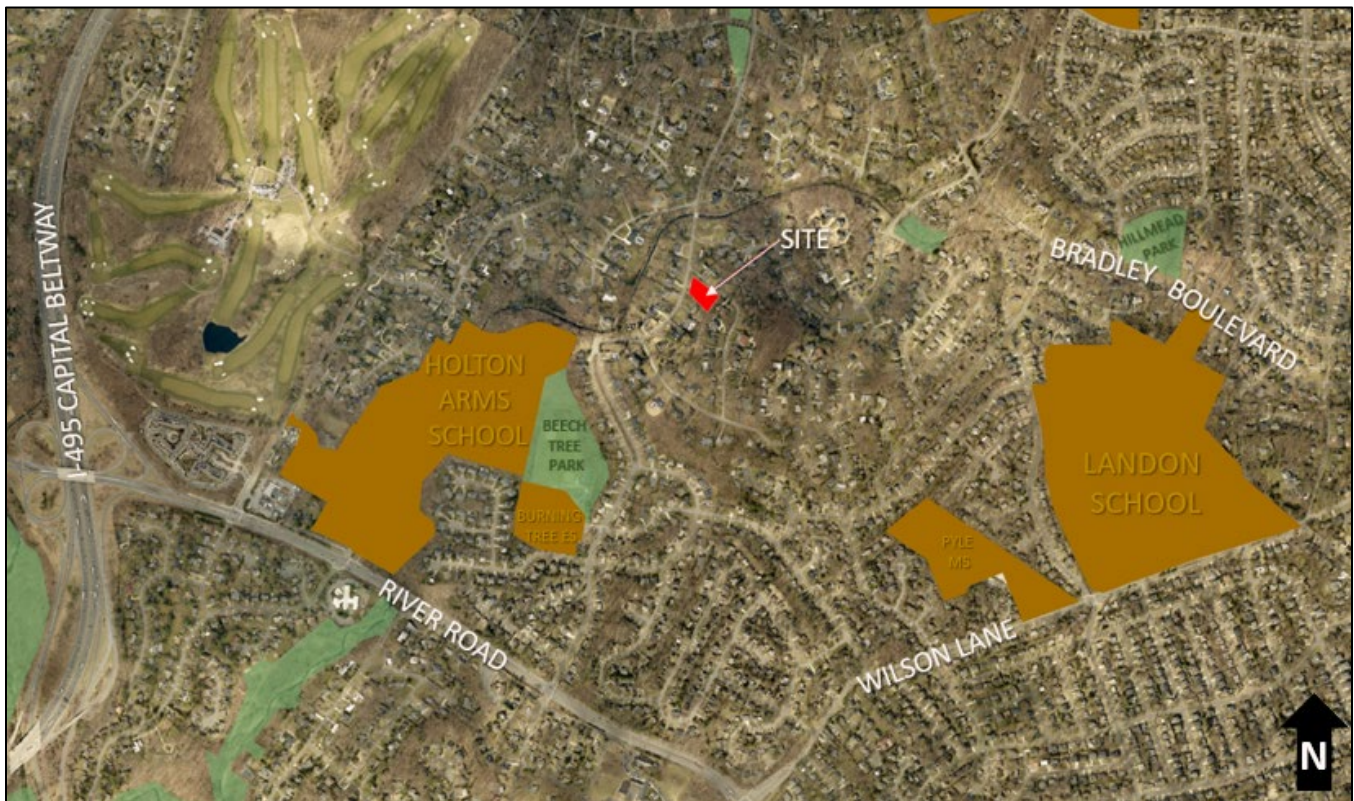


Figure 1 – Vicinity Map

### Vicinity

The Project is located in west Bethesda, generally bounded by River Road and Wilson Lane to the south, Bradley Boulevard to the northeast, and Interstate 495 to the west. The vicinity is developed as a single-family detached neighborhood with a variety of lot shapes. Lot sizes within the immediate vicinity vary between 24,243 square feet – 35,059 square feet, with the exception of the Subject Property, which is comprised of 38,634 square feet. Several educational institutions are within the area, including Thomas Pyle Middle School and the Landon School to the southeast, and Burning Tree Elementary School to the southwest.

### Site Analysis

As depicted in Figure 2, the Property is currently developed with a detached dwelling unit and driveway with access from both Burning Tree Road and Meadowlark Lane. The Property lies within the Cabin John Creek Watershed and does not contain any forested areas. Aside from a small area of isolated steep slopes of 25% on the eastern edge of the Site, there are no other environmental features on or adjacent to the Property. There are no rare, threatened, or endangered species within the boundaries of the proposed Project.





Figure 2 – Vicinity Aerial Map



Figure 3 – Subject Property Aerial View





*Figure 4 – View of Property from Burning Tree Road*



*Figure 5 – View of Property from Meadowlark Lane*



## SECTION 2 –PROPOSAL

### Proposal

The Applicant proposes to demolish portions of the existing single-family dwelling at 8516 Meadowlark Lane, to meet minimum setback requirements set forth for the R-90 zone, and subdivide the 0.88 acre parcel into two lots: Lot A, containing a new detached dwelling unit on approximately 12,286 square feet of land (0.28 acres) with direct access and frontage onto Meadowlark Lane, and Lot B, containing the existing detached dwelling unit (less portions to be removed to meet minimum setback requirements) on approximately 26,348 square feet of land (0.60 acres) with direct access on Burning Tree Road. The proposed lot configuration demonstrates that a single-family detached dwelling unit can be accommodated on both proposed lots, however these building footprints are illustrative as final design and location will be determined at the time of building permit. The Property is required to provide frontage sidewalks in accordance with Section 49-33(e) of the County Code, unless construction is waived by the Department of Permitting Services.

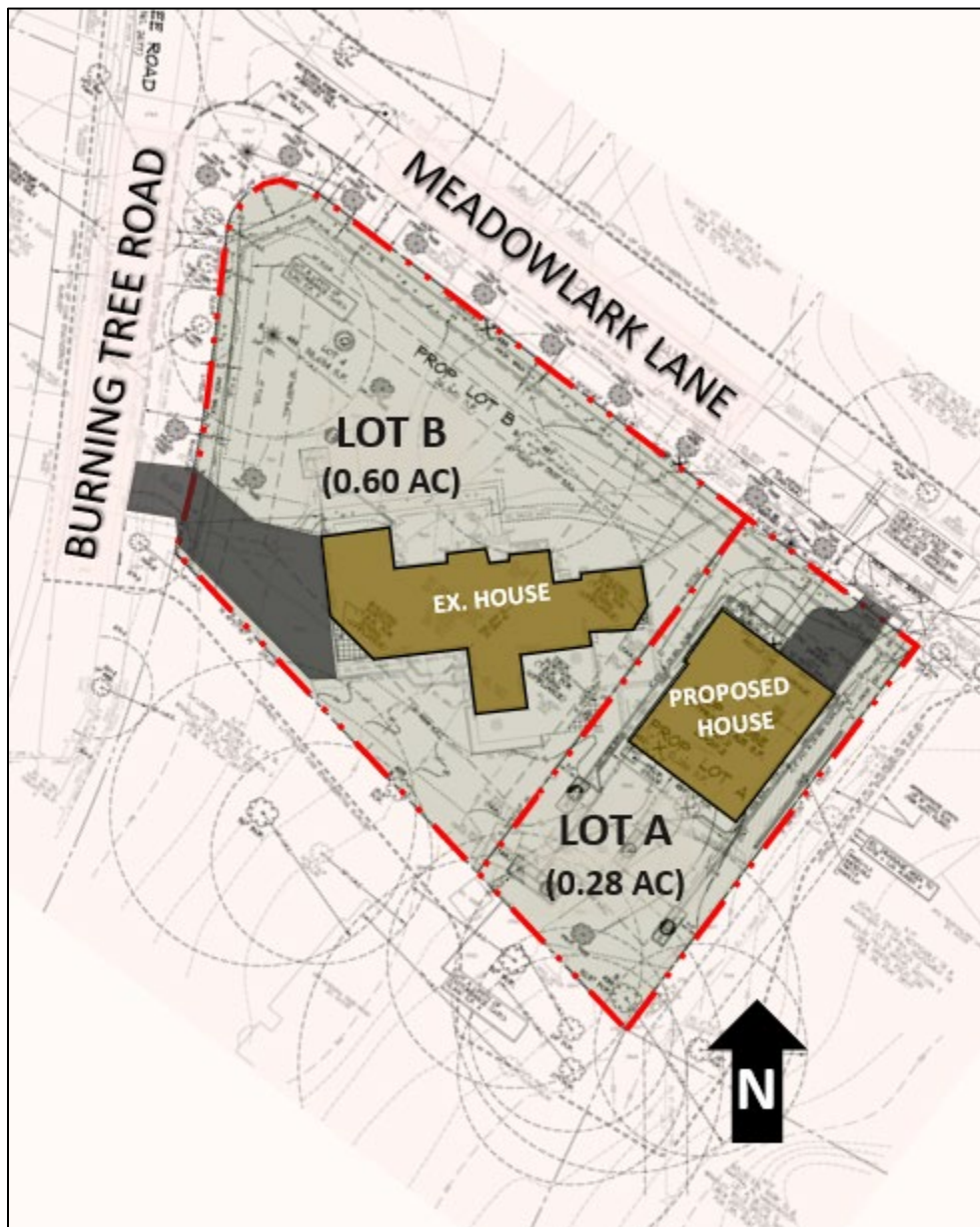


Figure 6— Proposed Administrative Subdivision Lotting Diagram with Illustrative Building Footprints

### Lot Design

The existing lots in the vicinity of the Subject Property are improved with residential detached dwellings and individual driveways. Although most lots are regularly shaped, including all of the lots along Meadowlark Lane, some lots are oriented around *cul-de-sacs* and are irregularly shaped. The Applicant proposes two lots that are regularly shaped and consistent with the development standards of the R-90 zone.

### Partial Demolition of Existing Dwelling

In order to achieve the development standards of the R-90 zone, the Applicant will demolish portions of the existing detached dwelling unit on proposed Lot B. This demolition is necessary to meet R-90 zone setbacks and, based on the existing lot configuration, is necessary to subdivide into the two lots sought by the Applicant.

As a point of reference, the Applicant previously submitted a petition to the Board of Appeals, through Variance No. A-6661 (Attachment A), for a variance from the side and rear setbacks for the existing dwelling on proposed Lot B. This variance would have permitted the existing dwelling to remain intact on proposed Lot B, however, the Board of Appeals denied that request because the Subject Property is not exceptional or extraordinary in terms of its size, shape, or topography when viewed against other properties on Block Q and because the future subdivision (the Subject Application) would negate any argument that the existing detached dwelling unit comports with the established development pattern. As a result, the Applicant proposes demolition of a portion of the existing detached dwelling unit to meet setback requirements and Staff supports this partial demolition to meet the setback requirements.

The portions of the existing detached dwelling unit to be demolished include the southwestern portion of the garage, the southeastern corner of the existing deck<sup>1</sup>, and the southeastern corner of the eastern most part of the detached dwelling unit. The anticipated limits of the demolition are shown in Figure 7, below. The final limits of the demolition will be determined at the time of building permit to meet the minimum setbacks and structural requirements.

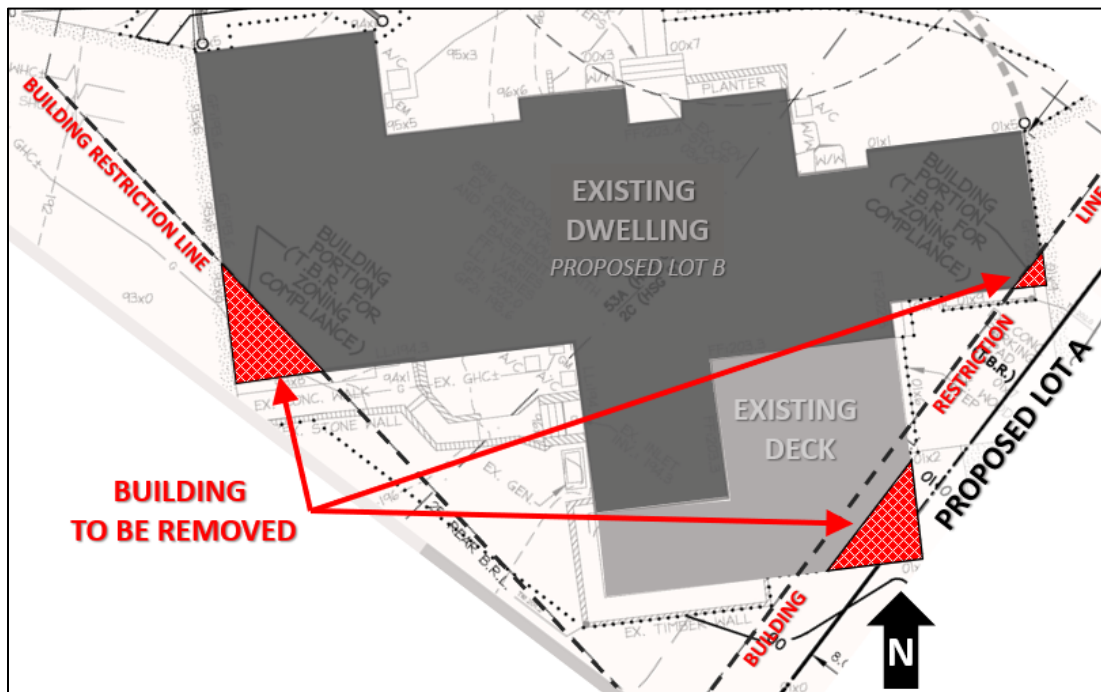


Figure 7 – Partial Demolition of Existing Dwelling on proposed Lot B

<sup>1</sup> In accordance with Section 59.4.1.7.B.5, unenclosed decks may project a maximum of 3 feet into the side yard setback.

### Environmental

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved for the Subject Property on July 20, 2020 (Attachment B). The Subject Property is located within the Cabin John Creek watershed, a Use I-P watershed<sup>1</sup>. The Property contains mature trees specimen trees which measure 30-inches or greater in diameter-at-breast height (DBH). The Site lies on a corner lot at the intersection of Meadowlark Lane and Burning Tree Road, with most trees growing on the east and south western edges of the Property providing canopy cover and buffering the Site from neighboring residential homes. Soils on the Property includes 2C Glenelg-Silt Loam, which is classified as prime farmland soil, and 53A Codorus Silt Loam. Although neither soil type is hydric or highly erodible, a small area of steep slopes occurs on the eastern edge of the Property with the 53A soil, adjacent to mature trees onsite and within the lot. The majority of the Property slopes with a northwest aspect towards Burning Tree Road. There are no forest, streams, wetlands, floodplains or associated buffers onsite nor within the 100-foot study area of the Property. Additionally, there are no cultural or historic features on the Site or rare, threatened, or endangered species.

This Application is subject to Chapter 22A Forest Conservation Law but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(2), the small property exemption. The Application meets the particular requirements of the exemption because the proposed activity is conducted on a tract of land less than one acre that will not result in the clearing of more than a total of 20,000 square feet of existing forest or champion trees, and does not result in reforestation requirements of more than 10,000 square feet. A specimen tree is proposed to be removed, therefore, the Applicant submitted a Tree Save Plan concurrently with the Subject Application to be exempt from Article II of the Forest Conservation Law.

Per the Forest Conservation Exemption Approval Letter, the Tree Save Plan must show tree save measures and mitigation for removal of any specimen trees. This Application proposes removal of one specimen tree, T-492 a 30.5" Red Oak. Tree 490, a 32.5" Tulip Poplar will also be impacted by proposed work, but tree protection in the form of root pruning, super silt fencing, and tree protection fencing is proposed. Similar protection is also proposed for other significant trees onsite. Mitigation for the removal of T-492 is proposed to occur in the form of the planting of three trees onsite, two on proposed lot B and one on proposed lot A. In addition to this, nine street trees are proposed along Meadowlark Lane, and two street trees are proposed along Burning Tree Road. These proposed street tree plantings will serve to bolster the mature canopy coverage along each road, which is a stated emphasis of the 1990 *Bethesda – Chevy Chase Master Plan* and compensate for the loss of smaller trees along the Property. Staff supports the plantings proposed in this plan and recommends that the proposed three onsite mitigation trees be native canopy trees of at least 3" caliper in line with the species currently found within the neighborhood.

### Stormwater Management

Per Section 50.6.2.C.3 of the Subdivision Code, Administrative Subdivisions are required to satisfy any stormwater management requirements prior to recordation of plat. However, given concerns from neighboring properties about drainage, the Applicant has already received Stormwater Management Concept approval for the proposed Subdivision, dated December 2, 2020. The SWM Concept Plan demonstrates that onsite stormwater will be managed through environmental site design and all stormwater runoff generated by the additional lot must be directed to and conveyed within the existing public right-of-way. In accordance with the SWM Concept approval letter, there will be no direct runoff onto adjacent residential lots.

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<sup>1</sup> WATER CONTACT RECREATION, PROTECTION OF AQUATIC LIFE. Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply; and industrial water supply.



#### Access and Circulation

Access to the proposed lots will be via separate driveways. Lot A will be accessed from a new driveway on Meadowlark Lane, located approximately 50 feet east of the existing driveway (to be removed), and Lot B will be accessed directly from Burning Tree Road via an existing driveway. Although there are no existing sidewalks in the immediate vicinity, the Project proposes a new 5-foot wide sidewalk along both Site frontages.

The Project generates fewer than three (3) peak hour trips and is considered to have a *de minimis* impact on the transportation network. As a result, the Application is not subject to the Local Area Transportation Review (LATR). Based on the Project's *de minimis* impact and provision of new sidewalks along the Meadowlark Lane and Burning Tree Road frontages, vehicle and pedestrian access for the administrative subdivision will be adequate.

### **SECTION 3 – CITIZEN CORRESPONDENCE AND ISSUES**

A pre-submittal community meeting is not required for an Administrative Subdivision Plan. However, applicants must post signs on the development site and provide written public notice. A notice of the Application was sent to all required parties by the Applicant on August 21, 2020. The notice gave the interested parties 15 days to review and comment on the contents of the Application. Since this Application is being considered by the Planning Board, Staff continued to collect correspondence until the posting of this staff report (Attachment D) and a summary of those concerns is provided below:

#### **Covenant to limit future development**

Neighbors who sent written testimony expressing conditional support for the Subject Application did so on the condition that proposed Lot B, which will continue to exceed the minimum lot size required by the R-90 zone, be prohibited from further resubdivision into additional lots. The letter writers indicated that they would accept a covenant restriction on Lot B to ensure this limitation would run with the land in perpetuity. The letter writers also stated that the Applicant has expressed interest into entering into such a restriction.

*Staff response: The type of covenant restriction requested by the neighbors is not an agreement to which the Planning Board would be a party and would, in fact, be a private agreement between the future owners of proposed Lot B and an unspecified number of adjoining and confronting property owners. Furthermore, a future resubdivision of proposed Lot B is not being considered at this time by either the Applicant or the Planning Board. Any potential future resubdivision of proposed Lot B would require a subdivision application and would be subject to the Subdivision Regulations set forth in Chapter 50 of the County Code at the time of a potential future subdivision application. For these reasons, the requested covenant restriction for proposed Lot B is not required as a condition of approval. The Applicant, however, may enter into such an agreement with the surrounding property owners if they choose to do so.*

#### **Stormwater Management**

Correspondence received in opposition to the Subject Application stated concerns about existing stormwater runoff from the Subject Property into the surrounding community. The letter writer shared a video of existing stormwater runoff from the Site and described previous and current stormwater runoff issues on his properties at 8500 Burning Tree Road and 8501 Burning Tree Road. The letter writer further stated that he believed the proposed detached dwelling unit on Lot A would create significant stormwater runoff issues on adjacent properties.

*Staff response: Planning Department Staff coordinated with the Department of Permitting Services Water Resources Section staff, who confirmed that runoff generated by the additional lot will be directed to, and conveyed within, the existing public right-of-way. There will be no direct runoff onto adjacent residential lots. The Administrative Subdivision received SWM Concept approval from the Department of Permitting Services in a letter, Dated December 2, 2020.*

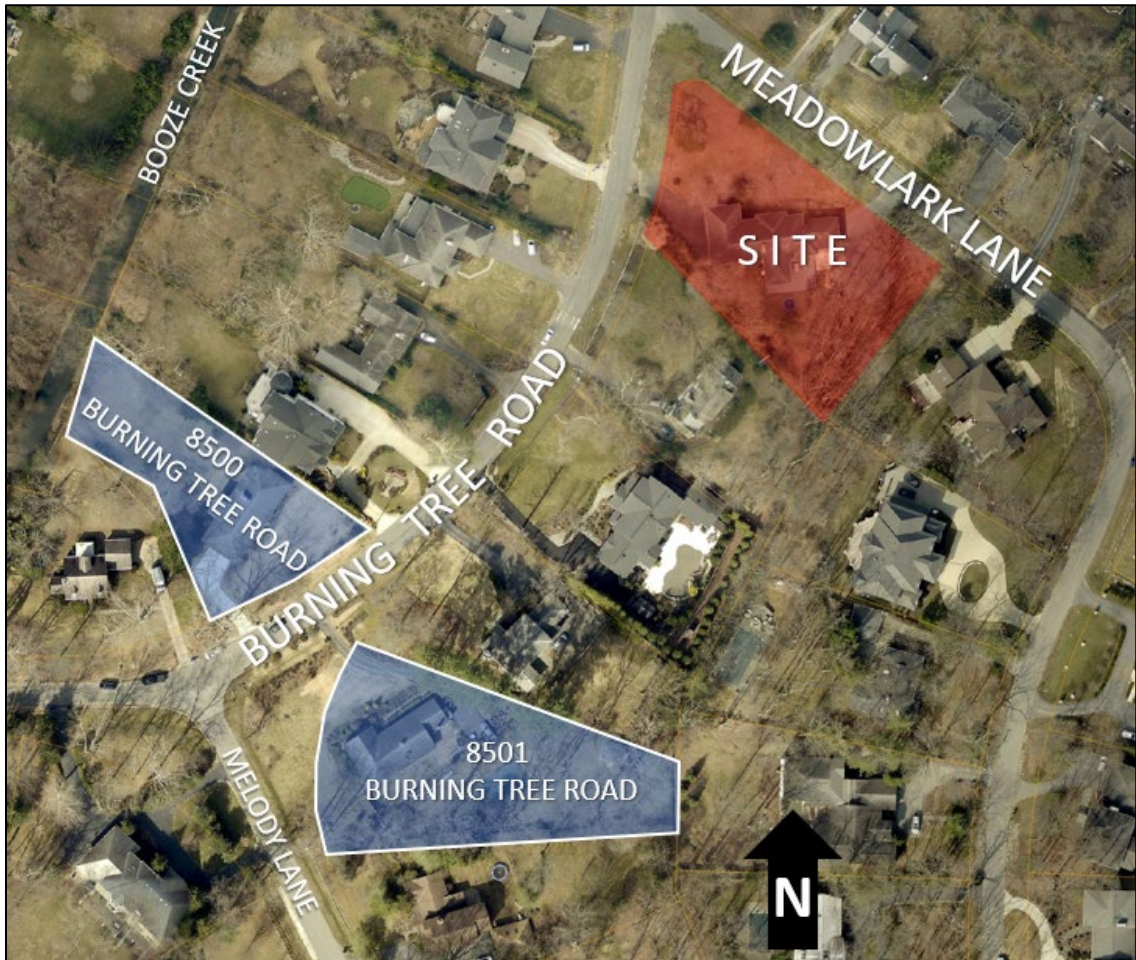


Figure 8 – Stormwater Management Concerns





Figure 9 – Stormwater Management Concerns<sup>1</sup>  
(Existing Site Driveway on Burning Tree Road, looking southwest along Burning Tree Road)

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<sup>1</sup> Figure 9 is a still image from video testimony submitted by an area resident via email on November 24<sup>th</sup>. The Corresponding email is included in its entirety in Attachment D.

### **Tree Removals**

Correspondence received in opposition to the Subject Application stated concerns about the proposed removal of four trees, one of which is a specimen-sized 30.5" Red Oak, to accommodate a new detached dwelling unit on proposed Lot A. The letter writer stated that the removal of these trees was inconsistent with the Master Plan and should be reviewed within that context in addition to the technical review by the Planning Department.

*Staff response: In accordance with standard practice, Staff reviewed the Application through both the technical review criteria set forth in Chapter 22A, the Forest Conservation Law, and the 1990 Bethesda – Chevy Chase Master Plan. Based on that review, the Applicant satisfied Chapter 22A through application for and approval of a Forest Conservation Exemption under Section 22A-5(s)(2), the small property exemption, which is granted to an Application which proposes activity on a tract of land less than one acre in size that will also not result in the clearing of more than 20,000 square feet of forest or champion trees and would not result in a reforestation requirement of more than 10,000 square feet; the Subject Property contains no forest or champion trees. Due to the proposed removal of one specimen Red Oak, the tree save provision of the Forest Conservation Law is required. The submitted plan shows measures proposed by the Applicant to minimize impacts to the existing mature trees present onsite and proposed to remain. These measures will be reviewed by an MNCPPC Forest Conservation Inspector prior to the start of construction activities onsite.*

*Additionally, the submitted Tree Save Plan proposes the planting of three mitigation trees onsite as well as 11 street trees along Burning Tree Road and Meadowlark Lane. The 1990 Bethesda – Chevy Chase Master Plan states that a major goal is to "protect the natural resources and environmental qualities" of the area; the proposed tree plantings will provide added canopy coverage and bolster the maturing wooded area with a younger tree stock to provide further environmental benefits into the future. As a result of these measures, Staff concluded that the Subject Application satisfies both the Forest Conservation requirements and Master Plan recommendations necessary for approval.*

### **Neighborhood Compatibility**

Correspondence received in opposition to the Subject Application stated concerns that the proposed Lot A and associated new dwelling unit would be inconsistent with the character of the surrounding neighborhood because the home is too large and the yard too small.

*Staff response: The lots were reviewed for compliance with the dimensional requirements for the R-90 zone, as specified in the Zoning Ordinance, and Staff determined that the lots will meet requirements for area, frontage, and width, and can reasonably accommodate one single-family detached dwelling on each lot. Although the building footprint is illustrative at the time of the Administrative Subdivision Plan and will be determined during the building permit process, Staff also evaluated the subdivision through the Residential Infill Compatibility requirement, as set forth in Section 59.4.4.1.B of the Zoning Ordinance, and determined that the lot to building ratio on both proposed Lot A and proposed Lot B will not exceed the maximum limit. The Residential Infill Compatibility requirement relies on a formula based on the proposed lot size: Lot coverage on proposed Lot A is a maximum of 30% less .001% per square foot of lot area exceeding 6,000 square feet, but less than 16,000 square feet; Lot coverage of proposed Lot B is a maximum of 20%.*



- *As proposed, the illustrative dwelling on proposed Lot A is shown as approximately 2,825 square feet. Based on this footprint size, the future lot coverage of proposed Lot A (12,286 square feet) would be 22.9%. This lot coverage number is below the maximum lot coverage, defined through Section 59.4.4.1.B of the Zoning Ordinance. Specifically applied to the Subject Application, this formula results in a maximum lot coverage of 23% on proposed Lot A. The final building size will be determined at the time of Building Permit.*
- *As proposed, the existing dwelling on proposed Lot B (after considering the partial demolition necessary to plat the Subject Application) will be 3,892 square feet. Based on this footprint size, the future lot coverage of proposed Lot B (26,348 square feet) would be 14.7%. Since the Applicant is still finalizing demolition permits, the Subject Application requests flexibility for up to 15.2% lot coverage. In either case, this lot coverage number is below the maximum lot coverage, 20%, set forth for residential lots greater than or equal to 16,000 square feet. The final building size will be determined at the time of Demolition/ Building Permit, as applicable.*

## SECTION 4 – ANALYSIS AND FINDINGS, CHAPTER 50

### Applicability, Section 6.1.C

**1. The lots are approved for the standard method of development;**

The lots were submitted and are approved for standard method development in the R-90 zone.

**2. Written approval for any proposed well and septic area is received from the Department of Permitting Services, Well and Septic Section before approval of the plat;**

The lots will not be served by wells or septic areas, as the Property is served by public water and sewer service and is designated in the W-1 and S-1 categories.

**3. Any required road dedications and associated public utility easements are shown on the plat and the applicant provides any required improvements;**

Meadowlark Lane provides direct access to fewer than 75 residential units and does not directly connect to other neighborhood uses, such as schools or libraries. As a result, Meadowlark Lane meets the criteria for a Tertiary Residential Street with a 50-foot minimum right-of-way. Burning Tree Road provides access to more than 75 dwelling units and connects to Bradley Boulevard, therefore, Planning Staff, in coordination with MCDOT staff, determined it to be a Secondary Residential Street with a minimum 60-foot wide right-of-way. During review of the Project, Staff determined that no further dedication is required to achieve the functional rights-of-way for either of these streets. As conditioned, the Applicant will ensure that any necessary public utility easements are shown on the plat.

**4. The requirements for adequate public facilities under Section 4.3.J are satisfied before approval of the plat; and**

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

#### Local Area Transportation Review (LATR)

The Project generates fewer than three (3) peak hour trips and is considered to have a *de minimis* impact on the transportation network. As a result, the Application is not subject to the Local Area Transportation Review (LATR). Based on the Project's *de minimis* impact and provision of new sidewalks on the Burning Tree Road and Meadowlark Lane frontages vehicle and pedestrian access for the administrative subdivision will be adequate.

#### School Adequacy

The Property is served by Burning Tree Elementary School, Thomas W. Pyle Middle School, and Walt Whitman High School. With a net increase of one new single-family-detached dwelling unit, the application falls within the *de minimis* (three units or less) exemption. Therefore, the Project is not subject to the Annual Schools Test for its estimated impact on school enrollment.

#### Other Public Facilities and Services

The Property is currently served by public water and sewer, classified in the S-1 and W-1 categories, and will be adequate to serve the proposed subdivision. Dry utilities including electricity, gas, and telephone are also available to the Property. Other utilities, public facilities and services, such as electric,



telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy Resolution currently in effect.

**5. Forest conservation, stormwater management, and environmental protection requirements are satisfied before approval of the plat.**

The Application received an exemption from Forest Conservation requirements on July 20, 2020. The exemption cited the requirement of a Tree Save Plan (TSP) to be approved with the Subject Application. The TSP proposes mitigation for the removal of one existing 30.5" Red Oak through the planting of three canopy trees onsite; the TSP additionally proposes 11 street trees along Burning Tree Road and Meadowlark Lane to bolster canopy coverage, which is a particular focus within the 1990 *Bethesda-Chevy Chase Master Plan* area, following the loss of smaller trees along the street. As conditioned, the Application complies with the requirements of the Forest Conservation Law.

The Application has received approval of a Stormwater Management Concept from the Department of Permitting Services, in a letter dated December 2, 2020, that demonstrates the requirements of Chapter 19 for Stormwater Management have been met. There no additional environmental protection requirements to be met.

**Technical Review, Section 4.3**

*1. The layout of the subdivision, including size, width, shape, orientation and diversity 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*

*a. The block design is appropriate for the development or use contemplated*

The length, width, and shape of the block are consistent with Section 50.4.3.B of the Subdivision Code. The proposed subdivision is within an existing residential neighborhood with an established street grid. The Application is not proposing to create any new residential blocks.

*b. The lot design is appropriate for the development or use contemplated*

The Administrative Subdivision Plan meets all applicable sections of Chapter 50, the Subdivision Code. Proposed Lots A and B are appropriate in size, shape, width, and orientation, taking into account the recommendations of the Master Plan, the existing lot pattern of surrounding properties, and the building type (single-family detached dwelling units) contemplated for the Property.

*c. The Administrative Subdivision Plan provides for required public sites and adequate open areas*

The Site was reviewed for compliance with Section 50.4.3.D, "Public Sites and Adequate Public Facilities," of the Subdivision Code. There are no Master Plan recommendations for public facilities or local recreation requirements for the Subject Property.

*d. The Lot(s) and Use comply with the basic requirements of Chapter 59*

The lots were reviewed for compliance with the dimensional requirements for the R-90 zone as specified in the Zoning Ordinance. The lots will meet all the dimensional requirements for area, frontage, and width, and can reasonably accommodate two single-family detached dwellings on each lot. A summary of this review is included in Table 1.

*Table 1 – Development Standards in the R-90 Zone*

<b>Standard</b>	<b>Required/Permitted</b>	<b>Proposed Lot A</b>	<b>Proposed Lot B</b>
Minimum lot size <sup>1</sup>	9,000 SF	12,286 SF	26,348 SF
Front setbacks	30 ft. (min.)	Must meet minimum	
Side setbacks	8 ft. (min.), 25 ft. (total)	Must meet minimum	
Rear setbacks	25 ft. (min.)	Must meet minimum	
Lot Width at Front BRL	75'	Must meet minimum	
Lot Coverage <sup>2</sup>			
<b>Lots ≥ 6,000 SF &lt; 16,000 SF</b>	30% less .001% per square foot of lot area exceeding 6,000 sf <sup>2</sup>	30% less .001% per square foot of lot area exceeding 6,000 sf	20% of the lot area
<b>Lots ≥ 16,000 SF</b>	20% of the lot area		
Building Height	35 ft max	Must not exceed maximum	
Site Plan Required	No	No	

<sup>1</sup> The proposed lots will exceed the minimum requirement for the R-90 zone, lot size may be adjusted during final record plat review.

<sup>2</sup> Residential Infill Compatibility requirement, as set forth in Section 59.4.4.1.B.

2. *The Administrative Subdivision Plan substantially conforms to the Master Plan or Urban Renewal Plan*

The Property is located in the “Mid-Bethesda – Northern B-CC” area of the 1990 *Bethesda – Chevy Chase Master Plan*, which is described as a mature, stable area, predominantly zoned R-60, R-90 and R-200 in the westernmost portion of the Mid-Bethesda – Northern B-CC area. The Master Plan reconfirmed the existing zoning throughout this area. The Application proposes two residential lots for a detached dwelling unit on each lot that satisfy the development standards of the R-90 zone, therefore the Administrative Subdivision Plan substantially conforms to the Master Plan.

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

As discussed in findings 6.1.c.4 above, public facilities will be adequate to support and service the area of the subdivision.

4. *All Forest Conservation Law, Chapter 22A requirements are satisfied*

a. Environmental Guidelines

Aside from a small area of isolated steep slopes of 25% on the eastern edge of the Site, there are no other environmentally sensitive features on or adjacent to the Property such as forest, stream buffers, wetlands, or flood plains. There are no rare, threatened, or endangered species within the boundaries of the proposed Project.

b. Forest Conservation

This Application is subject to Chapter 22A of the Forest Conservation Law but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(2), the small property exemption. Forest Conservation Exemption 42020236E was confirmed for the Subject Property on July 20, 2020. The Project meets the particular requirements of the exemption because the proposed activity occurs on a tract of land less than one acre that will not result in the clearing of more than a total of 20,000

square feet of existing forest, or any existing specimen or champion tree, and will not result in reforestation requirements more than 10,000 square feet.

With the approval of this exemption, the Application is subject to the Tree Save Provision due to the removal of a specimen tree under Forest Conservation Law section 22A-6(b). The removal of the one specimen tree, a 30.5" diameter at breast height (DBH) Red Oak, will be mitigated with the planting of three native, canopy trees, as conditioned.

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

As discussed in findings 6.1.c.4 above, as conditioned, the Application received approval of a Stormwater Management Concept Plan from the Department of Permitting Services, on December 2, 2020, per Chapter 19 of the County Code. The SWM Concept Plan demonstrates that onsite stormwater will be managed through environmental site design and all stormwater runoff generated by the additional lot must be directed to and conveyed within the existing public right-of-way. In accordance with the SWM Concept approval letter, there will be no direct runoff onto adjacent residential lots.

## **SECTION 5 – CONCLUSION**

The Administrative Subdivision Plan meets the technical requirements of Section 50.4.3 of the Subdivision Code, and the applicable requirements of Section 50.6.1.C. The lots meet all requirements established in the Subdivision Code and the Zoning Ordinance and substantially conform to the recommendations of the 1990 *Bethesda – Chevy Chase Master Plan*. Therefore, Staff recommends approval of this Administrative Subdivision Plan.

### **Attachments**

Attachment A – Variance Request A-6661

Attachment B – Forest Conservation

Attachment C – Agency Letters

Attachment D – Correspondence