



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

MCPB No. 20-132
Preliminary Plan No. 120210010
4702 Chevy Chase Drive
Date of Hearing: December 17, 2020

JAN 07 2021

RESOLUTION

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

WHEREAS, on August 25, 2020, Winthrop Investment Group, Inc (“Applicant”) filed an application for approval of a preliminary plan of subdivision of property that would create one lot for multi-family residential development for up to 70 units on 0.48 acres of land in the CR 1.5 C 0.25 R 1.5 H 70’ and Bethesda Overlay (BOZ) zone, located on Chevy Chase Drive approximately 130 feet east of Bradley Boulevard (“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. 120210010, 4702 Chevy Chase Drive (“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 December 7, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on December 17, 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. 120210010 to create one lot for multi-family residential development for up to 70 units on the Subject Property, subject to the following

conditions:¹

1. Approval is limited to 1 lot for up to 70 multi-family dwelling units.
2. The Applicant must comply with the binding elements and conditions of approval for Sketch Plan No. 320210010 and any subsequent amendments.
3. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in that agency's letter dated November 13, 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.
4. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements associated with each plat, as required by MCDOT.
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 dedications:
 - a. A minimum of 30 feet from the existing right-of-way centerline along the Subject Property frontage for Chevy Chase Drive in support of a master-planned 60-foot right-of-way.
 - b. A minimum of 30 feet from the existing right-of-way centerline along the Subject Property frontage for Nottingham Drive to provide the standard 60-foot right-of-way for a Secondary Residential Street.
6. 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.
7. The record plat must show necessary easements.

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. Include all applicable agency letters and the Preliminary Plan Resolution on the approval or cover sheet(s) of the Certified Preliminary Plan.
9. The Applicant must comply with the mitigation planting requirements as shown on the Approved Tree Save Plan (TSP).
 - a. Mitigation plantings must be a minimum size of 3 caliper inches totaling 21 caliper inches as shown on the Approved TSP.
 - b. Adjustments to the planting locations of trees is permitted at the time of Site Plan.
 - c. At the time of Site Plan, the Applicant must amend the TSP to show revised Limits of Disturbance to reflect offsite sidewalk extensions required by Sketch Plan 320210010 and any related impacts to offsite trees.
10. Before clearing, grading or recording a plat for the Subject Property, the Applicant must receive Staff certification of a Planning Board-approved Site Plan.
11. 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.
12. 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.
13. 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 October 28, 2020 and 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 if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
14. 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 October 12, 2020 and 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 amendment does not conflict with other conditions of Preliminary Plan approval.

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:

- 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*

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 that complies with the size, width, shape, orientation, and density of lots. 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.

Table 1: 4702 Chevy Chase Drive Preliminary Plan Data Table

Section 59.4	Development Standard	Permitted/ Required	Proposed
	Tract Area	n/a	20,725 sf (0.48 ac)
	Prior Dedication	n/a	2,455 sf (0.06 ac)
	Proposed Dedication	n/a	1,000 sf (0.02 ac)
	Site Area	n/a	17,270 sf (0.40 ac)
	Mapped Density		
	CR 1.5 C 0.25 R 1.5 H 70'		
	Residential (GFA/ FAR)	31,087 sf (1.5)	31,087 sf (1.5)
	Commercial (GFA/FAR)	5,181 sf (0.25)	0 sf (0) ²
	Total Mapped Density (GFA/FAR)	31,087 SF (1.5)	31,087 (1.5)
	Bethesda Overlay Zone Density	n/a	53,913 sf (2.6)
	Total GFA/FAR	n/a	85,000 sf (4.10)
	MPDU Density (GFA/FAR)	15%	15% ³
	Building Height, max	70 feet	70 feet
	Public Open Space (min sq.ft.)	n/a	n/a
	Minimum Setbacks (ft)¹		
	Front	0	0
	Side	0	Western: 0' Eastern: 15'

Rear	0	0
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¹ Setbacks to be finalized at the time of Site Plan

² Project proposes to utilize all mapped FAR as residential density, no commercial density proposed

³ The Project proposes condominium units and will pursue an Alternative Payment Agreement in lieu of providing MPDU units per Chapter 25A-5A(b) of County Code, to be finalized by DHCA at the time of Site Plan

The lot was reviewed for compliance with the dimensional requirements for the CR 1.5 C 0.25 R 1.5 H 70' 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. The Application has been reviewed by other applicable county agencies, all of which have recommended approval of the plan.

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

As discussed in the concurrently filed Sketch Plan No. 320200050, the Preliminary Plan substantially conforms with the recommendations of the Sector Plan.

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

The Application will be served by adequate public facilities, including transportation, schools, and public infrastructure, as described below.

a. Transportation

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

i. *Existing Facilities*

Sidewalks are present along Chevy Chase Drive. 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 Chevy Chase Drive, via a single garage access point on Chevy Chase Drive. Loading operations will occur within an enclosed loading facility on Nottingham Drive. The Project will construct the Bethesda streetscape on its Chevy Chase Drive and Nottingham Drive frontages. 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.

iii. *Transportation Adequacy*

A transportation exemption statement, dated June 1, 2020, 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 22 net new morning peak-hour person trips (19 vehicle trips) and 31 net new evening peak-hour person trips (25 vehicle trips) (Table 3).

Table 3: Project Peak Hour Trip Generation

		Vehicle Rates		Adjusted Vehicle Rates		Person Trips	
		AM	PM	AM	PM	AM	PM
Existing							
Medical-Dental Office	3,356 SF	11	13	7	8	15	17
Proposed							
Mid-Rise Multi-Family	70 Units	24	31	19	25	37	48
Net New Trips		13	18	12	17	22	31

Source: Lenhart Traffic Consulting, Inc. Transportation Statement, dated June 1, 2020.

b. Schools

Preliminary Plan No. 120210010, located at 4702 Chevy Chase Drive, will be presented to the Planning Board on December 17, 2020. Therefore, the FY21 Annual School Test, approved by the Planning Board on June 25, 2020 and effective July 1, 2020 is applicable. This Plan is proposed to develop 70 multi-family high-rise units.

Calculation of Student Generation

To calculate the number of students generated by the proposed development, 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.

Table 4: Project Generation Rates

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Student Generated
Multi-Family High Rise	70	0.041	2.870	0.018	1.260	0.025	1.750
TOTALS	70		2		1		1

With a net increase of 70 multi-family high-rise units, the Project is estimated to generate an additional two new elementary school students, one new middle school student, and one new high school student.

Cluster Adequacy Test

The project is located in the Bethesda-Chevy Chase High School Cluster. The student enrollment and capacity projections utilized the FY21 Annual School Test.

Table 5: Bethesda-Chevy Chase High School Cluster Student Enrollment and Capacity Projections

School Level	Projected Cluster Totals, September 2025			Moratorium Threshold	Estimated Application Impact
	Enrollment	Program Capacity	% Utilization		
Elementary	3,618	3,953	91.5%	1,126	2
Middle	1,860	2,040	91.2%	587	1
High	2,541	2,457	103.4%	407	1

The Moratorium Threshold identified 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. The Cluster Adequacy Test 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 the Subject Application.

Individual School Adequacy Test

The applicable elementary and middle schools for this project are Somerset ES and Westland MS, respectively. The Individual School Adequacy Test was based on the FY21 Annual School Test.

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.

The Moratorium Enrollment Thresholds identified the numbers of additional projected students that would cause the projected utilization to exceed the 120% utilization threshold and the seat deficit threshold. The Individual School Adequacy Test indicated in the estimated enrollment impacts of the Subject Application fall below the moratorium thresholds for both Somerset ES and

Westland MS. Therefore, there is sufficient anticipated school capacity to accommodate the estimated number of students generated by this Project.

Table 6: Student Enrollment and Capacity Projections

School	Projected School Totals, September 2025				Moratorium Threshold	Estimated Application Impact
	Enrollment	Program Capacity	% Utilization	Surplus/ Deficit		
Somerset ES ²	445	515	86.4%	+70	180	2
Westland MS	978	1,105	88.5%	+127	349	1

Analysis Conclusion

Based on the school cluster and individual school capacity analysis performed, using the FY2021 Annual School Test, there is adequate school capacity for the amount and type of development proposed by this Project.

Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The Subject Property is proposed to be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who 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 Property.

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

a. Environmental Guidelines

The Subject Property is located in downtown Bethesda and within the Little Falls Branch watershed which is a Use I-P watershed. The Site is not associated with any environmentally sensitive features such as forest areas, stream buffers, wetlands, 100-year floodplains, or steep slopes. The Subject Property does include one specimen tree, a 32" Red Oak, and three additional specimen trees adjacent to the Subject Property: a 51" Tulip Poplar, a 26" Black Walnut, and a 24" Black Walnut.

² The projected Somerset ES enrollment has been modified to estimate the impact of redistricting students to Westbrook ES in September 2021.

b. Forest Conservation Plan

Forest Conservation Exemption 42020147E was confirmed for the Subject Property on June 24, 2020. As such, 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 Project meets the particular requirements of the exemption because the proposed activity is conducted on a tract of land less than 1 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 not result in reforestation requirements more than 10,000 square feet. No forest or champion trees will be cleared during the project and this Application does not trigger forest planting requirements; however, specimen trees are proposed to be removed and as a result a Tree Save Plan has been submitted with this Application. The Tree Save Plan requires mitigation for the removal of four specimen trees, requiring the Applicant to plant seven 3" caliper native canopy trees (21" total mitigation planting), which may be amended as part of a future Site Plan.

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

The Preliminary Plan Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from MCDPS water resources division on October 28, 2020. The Application will meet stormwater management goals through a variety of techniques including 8" depth green roof and a structural water quality treatment facility.

3. *Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.*

Not applicable. There are no known burial sites on the Subject Property.

4. *Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.*

No other provisions apply to this Subdivision.

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 ~~_____ JAN 07 2021 _____~~ (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 Vice Chair Fani-González, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, December 17, 2020, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board