

JEROME FREIBAUM LOT 4

ADMINISTRATIVE SUBDIVISION NO.620210080

Description

Proposal to create two (2) lots for one (1) single-family detached dwelling on each lot, on 0.59 acres of R-60 property on Elgin Lane in Bethesda.

No. 620210080

Completed: 04-10-2023

MCPB

Item No. 8

April 20, 2023

2425 Reddie Drive

Floor 14

Wheaton, MD 20902

Planning Staff

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LOCATION/ADDRESS

On the north side of Elgin Lane, 155 feet east of its intersection with Pyle Road.

MASTER PLAN

1990 *Bethesda-Chevy Chase Master Plan*

ZONE

R-60

PROPERTY SIZE

0.59 acres

APPLICANT

Jerome Freibaum

ACCEPTANCE DATE

April 6, 2022

REVIEW BASIS

Chapter 50



Summary:

- Staff recommends approval of the Administrative Subdivision Plan with conditions.
- The Application proposes to subdivide one residential lot into two lots, for one single-family dwelling to be located on each lot.
- Staff received correspondence from community members opposing the application. A public hearing on the application is accordingly scheduled with the Planning Board in accordance with Section 50.6.3.B.2.
- The Planning Board previously approved three extensions to the regulatory review period for this application. These extended the review period from June 30, 2022 to April 30, 2023.

TABLE OF CONTENTS

SECTION 1: RECOMMENDATIONS AND CONDITIONS	3
ADMINISTRATIVE SUBDIVISION PLAN 620210080	3
SECTION 2: SITE DESCRIPTION	7
VICINITY.....	7
PROPERTY DESCRIPTION.....	7
SECTION 3: PROJECT DESCRIPTION.....	9
PROPOSAL	9
SECTION 4: COMMUNITY OUTREACH	10
SECTION 5: FINDINGS AND ANALYSIS.....	14
SECTION 6: CONCLUSION	19
ATTACHMENTS	19

SECTION 1: RECOMMENDATIONS AND CONDITIONS

ADMINISTRATIVE SUBDIVISION PLAN 620210080

Staff recommends approval with conditions of the Administrative Subdivision Plan to subdivide one existing residential lot to create two lots to support one single-family dwelling per lot. All site development elements shown on the latest electronic version of the Administrative Subdivision Plan No. 620210080 as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.

GENERAL APPROVAL

1. This Administrative Subdivision Plan is limited to two (2) lots for one single-family dwelling unit per lot.

ADEQUATE PUBLIC FACILITIES AND OUTSIDE AGENCIES

2. The Adequate Public Facilities (“APF”) review for the Administrative Subdivision Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

PLAN VALIDITY PERIOD

3. The Administrative Subdivision Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and prior to the expiration date of this validity period, a final record plat for all property delineated on the approved Administrative Subdivision Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

OUTSIDE AGENCIES

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated March 17, 2023, and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
6. 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 August 8, 2022 and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Water

Resources Section if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.

7. The Planning Board has reviewed and accepts the recommendations of MCDPS Fire Department Access and Water Supply Section in its letter dated March 16, 2023 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Administrative Subdivision Plan approval.

OTHER APPROVALS

8. Before approval of a record plat or any demolition, clearing or grading for the Subject Property, the Applicant must receive Staff certification of this Administrative Subdivision Plan.

ENVIRONMENT

9. Before any clearing, grading, or demolition necessary to construct the project, the Applicant must obtain Planning Department approval of the certified Tree Save Plan which addresses the following items:
 - a. Revise landscaping layout, sizes, details, notes and specifications to minimize impacts on the existing trees to be retained.
 - b. Execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for all forest planting areas, mitigation tree plantings, including variance tree mitigation plantings, and landscape plantings credited toward meeting the requirements of the FCP. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff.
 - c. Specify watering during time of drought and deadwood pruning as a minimum part of the maintenance and monitoring.
 - d. Revise applicable tree tables and plan notes to clarify that all onsite portions of the tree care/stress reduction measures are to be performed, while portions of the recommended work to occur offsite would need prior permission from the neighboring owner(s); add plan notes requiring that good faith efforts to obtain the permission(s) shall be performed in a timely manner.
 - e. Provide supplemental clarifications/information regarding the control of invasive species, subject to Staff approval.
 - f. Specify the careful removal of the dumped construction debris (such as rubble and dead sod).
 - g. Show sidewalk installation, associated Limits of Disturbance (LOD) and the subsequent landscape replacement as an inset reflecting the proposed layouts with the sidewalk and an alternate if the sidewalk is not ultimately installed (waiver granted).
 - h. Revise the tree protection fence and root pruning to be located within the LOD.
 - i. Reduce the LOD impacts to Tree 54 and/or provide specialized construction techniques to minimize the overall construction impacts.

- j. Coordinate with Staff regarding clarifications/corrections of the overall plan, notes, and tables.
10. 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.
 11. The Applicant must comply with all tree protection and tree save measures shown on the approved Tree-Save Plan. Tree-save measures not specified on the Tree-Save Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.

TRANSPORTATION

Existing Frontage Improvements

12. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
 - a. All land necessary to accommodate 25 feet from the existing pavement centerline along the Subject Property frontage for Fallwind Lane.
13. Before recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDPS for construction of a six-foot-wide sidewalk with a six-foot-wide buffer along the property frontage on Elgin Lane.
14. Before recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDPS for construction of a six-foot-wide sidewalk with a six-foot-wide buffer along the property frontage on Fallwind Lane.

RECORD PLATS

15. There shall be no clearing or grading of the site before recordation of plat(s).
16. The record plat must reflect the following building restriction lines as shown on the Administrative Subdivision Plan:
 - b. Lot 101:
 - i. Front setback: Twenty-five (25) feet;
 - ii. Side setbacks: Eight (8) feet and ten (10) feet; for a sum of eighteen (18) feet;
 - iii. Rear setback: Variable width, Twenty-five (25) feet minimum.
 - c. Lot 102:
 - i. Front setback: Twenty-five (25) feet;
 - ii. Side setbacks: Eight (8) feet and twelve (12) feet; for a sum of twenty (20) feet;
 - iii. Rear setback: Variable width; Twenty (20) feet minimum.

Schools

17. Before issuance of each building permit for a residential dwelling unit, the Applicant must obtain an assessment from Montgomery County Department of Permitting Services (MCDPS) for Utilization Premium Payments (UPPs) consistent with the Growth and Infrastructure Policy, as follows:

- a. 1.00 of a Tier 1 elementary school UPP per unit;
- b. No middle school UPP required; and
- c. No high school UPP required.

CERTIFIED ADMINISTRATIVE SUBDIVISION PLAN

- 18. The Applicant must include all applicable agency approval letters including the stormwater management concept approval letter, the approved Fire and Recess Access plan and Administrative Subdivision Plan Resolution on the Certified Administrative Subdivision Plan.
- 19. The certified Administrative Subdivision Plan must contain the following notes:
 - a. *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 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). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
 - b. *The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. The Applicant, along with their representatives, must attend the pre-construction meeting with the M-NCPPC inspector. A copy of the approved Certified Administrative Subdivision Plan is required to be on-site at all times.*

SECTION 2: SITE DESCRIPTION

VICINITY

The Subject Property (“Site, Project, or Property”) is located at 6535 Elgin Lane in Bethesda, approximately 155 feet east of its intersection with Pyle Road. The vicinity is developed with single-family detached dwellings in the R-60 and R-200 zones. The Site is within the Palisades subsection of the 1990 *Bethesda-Chevy Chase Master Plan* (“Master Plan”). The Property is located within the Potomac Direct watershed, which is a Use Class I-P¹ watershed.

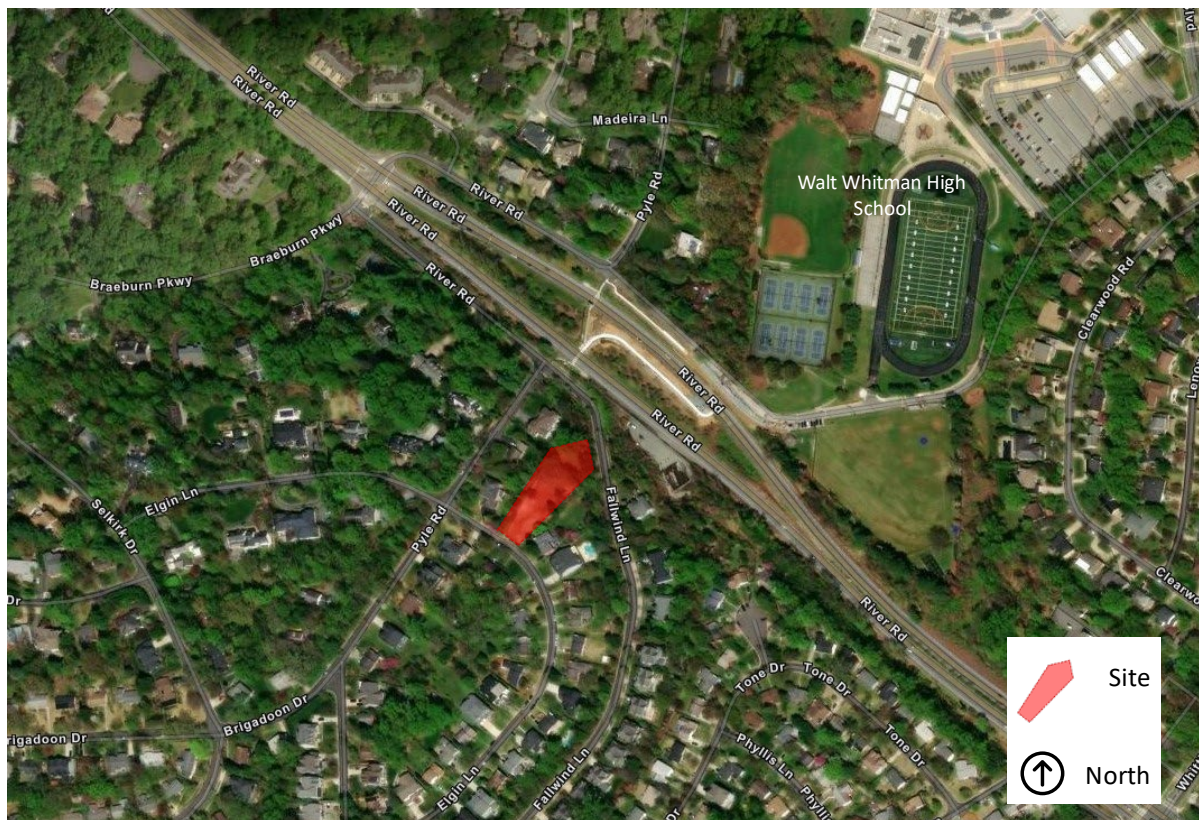


Figure 1 – Vicinity Map

PROPERTY DESCRIPTION

The Property is known as Lot 4, Block E, as recorded in Plat 4268 dated August 1955, and is located on the north side of Elgin Lane, approximately 155 east of its intersection with Pyle Road. It consists of approximately 25,532 square feet (0.59 acres) in the R-60 zone. The Property has frontage on Elgin

¹ Use I-P:

WATER CONTACT RECREATION & PROTECTION OF AQUATIC LIFE, AND PUBLIC WATER SUPPLY

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, industrial water supply, and use as a public water supply.

Lane and Fallwind Lane and is one of the larger lots between the roadways as visible in Figure 1 and Figure 2.

The Property is developed with a single-family dwelling on its south side, fronting on Elgin Lane. This house was recently constructed to replace the previously existing one that was damaged by fire and demolished. The remainder of the Property includes open lawn, trees and landscape plantings, and privacy fencing around its periphery. There are several additional large trees located nearby. There are no streams, wetlands, or associated buffers on or near the Property.



Figure 2 – Subject Property

SECTION 3: PROJECT DESCRIPTION

PROPOSAL

This Administrative Subdivision Plan proposes to subdivide the existing 0.59-acre lot into two lots as shown in Figure 3. Lot 101 will have an area of 15,492 square feet and include the existing single-family dwelling and other existing site elements on the south side of the Site. Lot 102 will have an area of 10,040 square feet to support the future development of a new single-family detached dwelling on the north side of the Site. This lot configuration is shown in Figure 3.



Figure 3 - Administrative Subdivision Plan

TRANSPORTATION

Access to Lot 101 will continue to be provided by the existing driveway on Elgin Lane. Access to Lot 102 will be from a new 20-foot-wide driveway on Fallwind Lane. The driveway apron width for Lot 102 is larger than typical in order to meet access requirements for the Fire Department.

The Project generates fewer than three peak hour person trips and is considered to have a de minimis impact on the transportation network. As a result, the Application is not subject to further analysis for the Local Area Transportation Review (LATR).

Six-foot-wide sidewalks with six-foot wide buffers are proposed on both street frontages in accordance with the 2021 *Complete Street Design Guide*. Based on the Project's de minimis impact and the Applicant's inclusion of sidewalks along the Site's two frontages, vehicle and pedestrian access for the administrative subdivision will be adequate.

ENVIRONMENT

The Project is situated in a suburban setting and generally consists of an existing house with a lawn area and several trees of various sizes occurring throughout the property, along with existing landscape plantings. There are a number of specimen and significant trees located along the rear of the property boundaries (near Fallwind Lane). There are no steep slopes, highly erodible soils, streams, wetlands, or associated buffers on or near the Property. As previously mentioned, the Project is located within the Potomac Direct watershed, which is a Use Class I-P watershed.

SECTION 4: COMMUNITY OUTREACH

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. Sign posting occurred with the submission of the Application in 2021, with signs remaining posted throughout the review process. A notice of the Application was sent to all required parties by the Applicant April 21, 2022. The notice gave the interested parties 15 days to review and comment on the contents of the Application.

Staff received correspondence with objections to the proposed subdivision early in the review process from nearby residents and a homeowner's association. Staff and concerned parties communicated in April and May of 2022 and again in March and April of 2023. Written correspondence is included in Attachment D. A summary of key concerns received, and staff responses are as follows:

LOSS OF TREE CANOPY

Concerns were expressed that the Proposal will result in the loss of tree canopy from the Site.

The Tree Save Plan shows a total of thirteen large canopy trees (those measuring 24-inches in diameter or greater) impacted by the Proposal. Five were previously removed with the reconstruction of the dwelling on Lot 101 and two are proposed for removal with the development of Lot 102. The remaining six are to be retained, protected during construction and their condition monitored for three years after work is completed. These trees are illustrated in Figure 4 below.

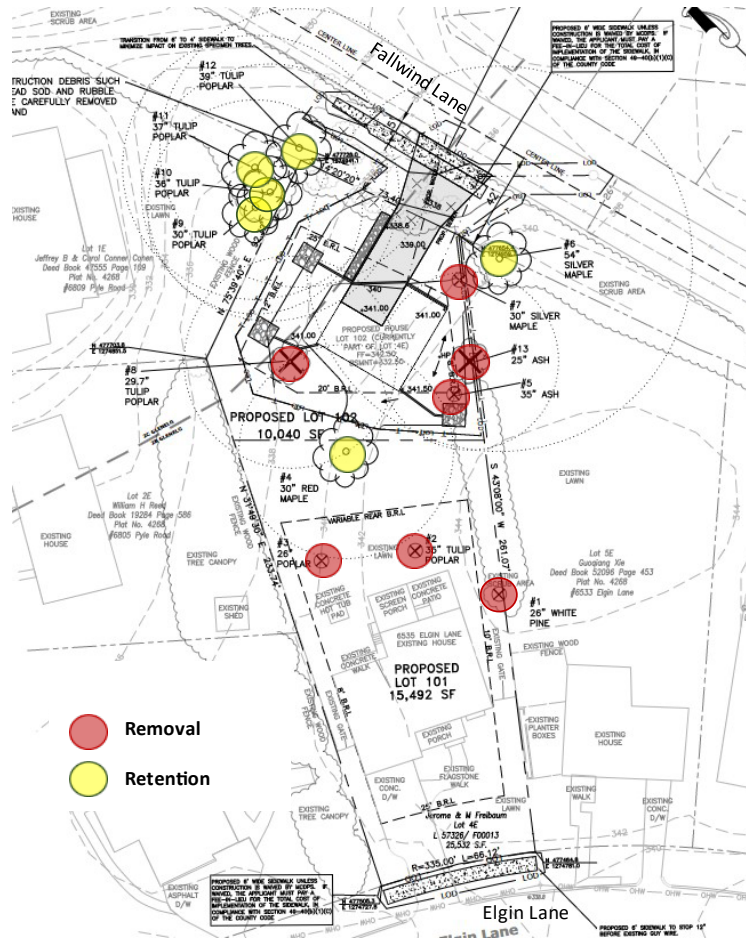


Figure 4 – Tree-Save Plan – Removals and Retention

In accounting for these impacts, the Tree Save Plan includes planting of six, five-inch caliper canopy trees. This is one greater than is required to conform with mitigation requirements for the Proposal’s tree removals. In addition to meeting this requirement, four ornamental trees and 27 evergreen trees will be provided. Planting locations are concentrated on the periphery of Lot 102, with one new tree proposed next to Elgin Lane on Lot 101. Most proposed plantings are purposefully sited outside the building restriction line, where future development is not permitted. The planting layout is also serves as visual screening between Lot 102 and abutting properties. This is shown in Figure 5.



Figure 5 – Tree-Save Plan – Mitigation and Planting Plan

STORMWATER MANAGEMENT

Concerns were expressed that the Proposal could lead to stormwater runoff onto neighboring properties.

Consistent with the County requirement to manage stormwater onsite using environmental site design to the maximum extent practicable, the Proposal includes a series of drywells to capture and infiltrate stormwater runoff from the proposed impervious areas on Lot 102. The stormwater management system design has been reviewed and approved by the Department of Permitting Services Water Resources Section in its stormwater management concept letter dated August 8, 2022.

QUALITY OF LIFE IMPACTS

Concerns were expressed that the proposed subdivision and future development of a new single-family dwelling on Lot 102 would have a negative impact on neighbors' privacy and enjoyment of their properties.

The Proposal responded to these concerns by shrinking the buildable area of Lot 102 and providing visual screening around its periphery. Lot 102 includes a side setback that is two-feet wider than required, making for a smaller developable area than could be requested. The building envelope for a new dwelling is limited to the center of the lot, essentially as far from abutting properties as can be achieved. Proposed evergreen and ornamental plantings are sized approximately seven feet in height at installation, and arranged as supplemental screening to existing vegetation and privacy fencing. The quantity of plantings proposed is more than is required with the Tree Save Plan. These measures are beyond those needed to meet the minimum Administrative Subdivision Plan requirements applicable to the Site.

FALLWIND LANE DRIVEWAY

The Merrimack Park Homeowners Association, comprised of Fallwind Lane property owners, noted opposition to the Proposal's inclusion of a new driveway connection to Fallwind Lane because it will disturb an existing vegetated buffer between properties on Elgin and Fallwind Lanes.

The Merrimack subdivision was developed in the 1990s and included Fallwind Lane and the 12 townhouses and 13 single-family homes that are located on the east side of the roadway. Landscape plantings on the west side of the roadway were planted in its public right-of-way at that time of development. With Lot 102, this Proposal creates the only property with frontage and a driveway on the west side of the roadway. The development of a new dwelling on Lot 102 would require the removal of existing vegetation in its frontage area. Staff reviewed the prior Planning Board approvals associated with the Fallwind Lane neighborhood and found no restrictions that would preclude proposed Lot 102 to have driveway access to this roadway.

Additionally, as is noted in this report, the driveway for Lot 102 is designed to conform to site access requirements of the Department of Transportation and for Fire Department. The design was reviewed and approved by both agencies as part of the review of this application.

SECTION 5: FINDINGS AND ANALYSIS

APPLICABILITY, SECTION 50.6.1 OF THE SUBDIVISION ORDINANCE

The Application meets the criteria for the Administrative Subdivision process per Section 50.6.1.C as demonstrated below:

C. Subdivision for creation of certain residential lots. Up to 3 lots for detached houses may be created in any residential or rural residential zone under these procedures if:

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-60 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;

No right-of-way dedication is necessary for Elgin Lane as the master planned roadway width has already been achieved. As conditioned, the Applicant will dedicate right-of-way on Fallwind Lane to comply with the minimum right-of-way requirements for a tertiary street in accordance with Chapter 49-32(d)(5). There are no public utility easements associated with the Application.

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

Adequate public facilities exist to support and service the Property in accordance with Section 50.4.3.J of the Subdivision Regulations.

Transportation

The Property is located in the Bethesda-Chevy Chase Policy Area, which is categorized as an Orange Policy Area under the 2020–2024 *Growth and Infrastructure Policy*. The Project generates fewer than three net new peak hour person trips and is therefore considered to have a de minimis impact on the transportation network. Therefore, the Application is exempt from further analysis under the Local Area Transportation Review per the 2020-2024 *Growth and Infrastructure Policy*. Therefore, roads and transportation facilities are determined to be adequate to support the Application.

Schools

The project is served by Bannockburn Elementary School, Thomas W. Pyle Middle School and Walt Whitman High School. The student enrollment and capacity projections for these schools from the FY23 Annual School Test are noted in Table 1. The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school’s adequacy status and ceilings, as determined in the Annual School Test. Under the FY23 Annual School Test, development projects approved within Bannockburn Elementary School service area require a Tier 1 UPP. Therefore, this Application is subject to a Tier 1 Elementary School UPP and No Middle School UPP or High School UPP.

School	Projected School Totals, 2026				Adequacy Status	Adequacy Ceilings		
	Program Capacity	Enrollment	% Utilization	Surplus/ Deficit		Tier 1	Tier 2	Tier 3
Bannockburn ES	364	455	125.0%	-91	Tier 1 UPP		11	37
Thomas W. Pyle MS	1,502	1,512	100.7%	-10	No UPP	116	291	516
Walt Whitman HS	2,262	2,239	99.0%	+23	No UPP	203	476	815

Table 1 - Applicable FY2023 School Adequacy

Other Public Services

The Property is served by public water and sewer and is classified in the W-1 and S-1 categories. Public water and sewer mains currently serve the Property, which 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 Project is subject to Chapter 22A of the County Code and a Forest Conservation Exemption 42018202E was confirmed under Section 22A-5(s)(2) for the Subject Property on October 18, 2018. The exemption covers an activity occurring on a tract 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 reforestation requirements would not exceed 10,000 square feet. Forest in any priority area must also be preserved under the terms of the exemption. The Subject Property meets the criteria for the exemption; there is no forest on or near the site, however, since specimen trees are removed by the Project, the Tree Save Plan provisions under 22A-6(b) are in effect, and a Tree Save Plan has been prepared along with proposed mitigation plantings. The Property is 25,532 square feet (0.59 acres), with an additional off-site disturbance area of approximately 2,943 square feet shown in the right-of-way for a total net tract area of approximately 28,475 square feet or 0.65 acres. This amount is well under the 43,560 square foot (1 acre) limit allowed under 22A-5(s)(2).

The Application received approval of a Stormwater Management Concept Plan from the Department of Permitting Services Water Resources Section in its approval letter dated August 8, 2022, per Chapter 19 of the County Code. The SWM Concept Plan demonstrates that stormwater will be managed through Environmental Site Design measures such as drywells. There are no additional environmental protection requirements to be met.

FINDINGS REQUIRED BY SECTION 50.6.3.C, INCLUDING TECHNICAL REVIEW CRITERIA OF SECTION 50.4.3 OF THE SUBDIVISION ORDINANCE

- 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 proposed lot has been reviewed for compliance with Chapter 50, the Subdivision Regulations. The layout of the two-lot subdivision, including its size, width, shape, orientation, and density of lots is appropriate given its location within an existing residential neighborhood. The two-lot subdivision allows for retention of an existing home on Lot 101 and potential for development of a new single-family dwelling on Lot 102.

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

The block design is existing and appropriate for the proposed development and use. The proposed Administrative Subdivision is limited to the splitting of one existing residential lot into two residential lots. Each lot includes frontage along public rights-of-way. This proposal does not change the existing, established block design and is consistent with the existing residential uses in the neighborhood.

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

The Administrative Subdivision will replace an existing through lot with two single frontage lots. The two new lots are designed to support one single-family dwelling each. The two new lots each front on public rights-of-way.

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

i. Master Planned Sites

The 1990 *Bethesda-Chevy Chase Master Plan* does not include specific recommendations for the subject Site.

ii. Local Recreation

The proposed subdivision does not include the dedication of land for public recreation purposes.

iii. **Transportation and Utilities**

The proposal is determined to have a *de minimis* impact on the local transportation system. As conditioned, the Applicant will dedicate right-of-way on Fallwind Lane to comply with the minimum right-of-way requirements for a tertiary street in accordance with Chapter 49-32(d)(5). In accordance with 2021 *Complete Streets Design Guide*, sidewalks will be provided along both frontages.

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

The Proposal meets all applicable sections of the Subdivision Regulations. The proposed single-family residential use, as well as the size, width, shape, and orientation of the two lots conform to the requirements of the R-60 Zone.

	Required/Permitted	Proposed Lot 101	Proposed Lot 102
Lot Area (sf)	6,000	15,492	10,040
Lot width at front building line (ft)	60	71	88
Lot width at front lot line (ft)	25	66	73
Density (units/acre)	7.26	2.78	4.38
Lot coverage (max)	35%	20%	12%
Front setback (ft)	25	25	25
Side setback (ft)	8	8 & 10	8 & 12
Sum of side setbacks (ft)	18	18	20
Rear setback (ft)	20	Variable, Min. 25	Variable, Min. 20
Building height	35	Less than 35	Less than 35

Table 2 – R-60 Zone Standard Development Standards

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

The 1990 *Bethesda-Chevy Chase Master Plan* does not include specific land use, environmental, or transportation recommendations for the subject Site. However, it includes general recommendations for preserving the character of existing neighborhoods and for the protection and restoration of tree canopy in the Palisades area that apply to the Proposal.

a) **Land Use**

The Proposal conforms with the Master Plan recommendation for preserving the character of existing neighborhoods as it creates one new lot for one new single-family dwelling in an established neighborhood of single-family dwellings.

b) **Environment**

The Application includes a Tree Save Plan that shows impacts to existing trees on the Site as a result of the proposal and provides for replacement tree plantings on both proposed lots. As conditioned the impacts will be minimized and mitigation trees are proposed in addition to other supplemental

onsite native landscape plantings. Furthermore, a more restrictive building restriction line (BRL) is imposed on each of the lots to help ensure the that plantings are not disturbed by future construction activities.

c) *Transportation*

The Master Plan does not include transportation recommendations for the Site. The Proposal is considered to have a de minimis impact on the transportation network given its limited scope.

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

a) *Roads and other Transportation Facilities*

- i. ***Existing Facilities***
- ii. ***Proposed public transportation infrastructure***
- iii. ***Proposed private transportation infrastructure***

b) *Local Area Transportation Review (LATR)*

c) *Schools*

d) *Other Public Facilities and Services*

Public facilities, including transportation, schools, utilities, and services, such as electric, telecommunications, police stations, firehouses and health services are adequate to serve the proposed two-lot subdivision. The adequacy of public facilities to service the subdivision is discussed in detail under Finding 4 for Section 50.6.1 above.

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

A Forest Conservation Exemption 42018202E, was confirmed under section 22A-5(s)(2) on October 18, 2018, for the Subject Property. As conditioned, the Exemption and associated Tree Save Plan complies with the requirements of the Forest Conservation Law.

All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied. The proposed subdivision received Stormwater Management Concept Approval from the Department of Permitting Services dated August 8, 2022.

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

This provision is not applicable to this Property.

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

No other provisions apply to the proposed subdivision.

SECTION 6: CONCLUSION

The Administrative Subdivision meets the requirements of Section 50.6.3.C and the technical requirements of Section 50.4.3 of the Subdivision Regulations, and the applicable requirements of Section 50.6.1.C. The lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the *1990 Bethesda-Chevy Chase Master Plan*. Access and public facilities will be adequate to serve the proposed lots, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

ATTACHMENTS

Attachment A: Administrative Subdivision Plan

Attachment B: Agency Letters

Attachment C: Forest Conservation Exemption

Attachment D: Community Correspondence