

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Administrative Subdivision Plan No. 620240130 to create two (2) lots on the Subject Property, subject to the following conditions:¹

General Approval

1. This Administrative Subdivision is limited to two (2) lots for one (1) single-family dwelling unit on each 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 September 5, 2024, 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 Maryland State Highway Administration (“SHA”) in its letter dated September 16, 2024, and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations in the letters, which may be amended by MDSHA if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.
7. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration’s requirements for access and improvements.
8. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Water Resources Section in its

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.

stormwater management concept letter dated July 12, 2024, 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.

9. 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 May 31, 2024, 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.

Environment and Noise

10. Before the issuance of the first building permit, the Applicant must provide an updated noise analysis report for confirmation by M-NCPPC Staff. The updated analysis must include an acoustical measuring point on the north side of Lot 35 and address a 20-year projection of noise impacts for the overall site.
11. Before the issuance of the first building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatments that:
 - a) The building shell for any residential dwelling units affected by exterior noise levels projected at or above 65 dBA Ldn, on Lots 35 and 36 will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
12. If any changes occur to the Administrative Subdivision Plan which affect the validity of the updated noise analysis, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the changes and new noise attenuation features may be required.
13. For all noise impacted residential dwelling units, the Applicant must disclose in writing to all prospective purchasers that those homes are impacted by transportation noise. Such notification may be accomplished by inclusion of this information and any measures to reduce the impacts in brochures and promotional documents and must be included in any noise impacted sales contracts, any illustrative site plan(s) on display within any sales related offices(s); in Homeowner Association documents; with all Deeds of Conveyance of noise impacted units; and by inclusion on all signature subdivision and site plans. A copy of this notification must be provided to the Planning Department prior to the issuance of a Use and Occupancy Certificate or final inspection, whichever is relevant, for any noise impacted residential unit.

Transportation/Existing Frontage Improvements

14. Prior to the recordation of plat(s), the Applicant must satisfy all necessary requirements of MDSHA to ensure construction of a ten-foot wide (10ft) sidepath with a six-foot-wide (6ft) buffer along the entire Property frontage on Goldsboro Road and extending slightly northward into the side of existing off-site driveway apron.

Record Plats

15. Except clearing and grading associated with the demolition of building, utility disconnections and paving, there shall be no clearing or grading of the site prior to recordation of plat(s).
16. The record plat must show necessary easements.
17. The record plat must reflect common ingress/egress and utility easements over all shared driveways.
18. The record plat must reflect the following building restriction lines as shown on the certified Administrative Subdivision Plan:
 - a) A 100-foot building restriction line (BRL) for the rear setback of Lot 36.
 - b) A variable width BRL for the north side setback of Lot 35.
19. Before issuance of each building permit the Engineer must certify to Planning Staff that the approved building permit house location conforms to approved setbacks for each lot as shown on the certified Administrative Subdivision Plan and record plat.

Notes and Labels

20. The record plat must reflect all areas under common ownership.

Certified Administrative Subdivision Plan

21. 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.*
22. Prior to submittal of the Certified Administrative Subdivision Plan, the Applicant must make the following changes:
 - a) Show resolutions and approval letters on the certified set.
 - b) Include the approved Fire and Rescue Access plan in the certified set.
 - c) Provide onsite screen plantings along the property line bordering adjacent Lot 11.

- d) Show the landscape screening plantings on the Administrative Subdivision Plan in addition to the FCP.
- d) Address phasing and other techniques to minimize potential sediment runoff associated with the retaining wall reconstruction on the south side of Lot 36. Include notes indicating that the wall will be demolished, rebuilt, and stabilized before additional disturbance for new home construction occurs (subject to DPS approval).
- e) Perform minor corrections/clarifications in coordination with M-NCPPC Planning staff.

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or 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 Administrative Subdivision Plan meets the requirements of Chapter 50, Section 6.1.C

A. The 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:

a. 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.

b. 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.

c. Any required road dedications and associated public utility easements are shown on the plat and the Applicant provides any required improvements;

No additional right-of-way is necessary as the Master Planned right-of-way (ROW) has been achieved. The Applicant will coordinate with County agencies to ensure that any necessary public utility easements are shown on the plat.

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

All requirements for adequate public facilities have been satisfied and are fully discussed below in the Findings related to Section 50.4.3.

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

As conditioned and detailed in the accompanying approved Forest Conservation Plan No. F20240640, the Application complies with the Forest Conservation Law, Chapter 22A of the County Code and the Montgomery County Planning Department's Environmental Guidelines. Further, the Stormwater Management Concept Plan was approved by MCDPS, dated July 12, 2024, and demonstrates that stormwater will be managed by the use of drywells and micro infiltration trenches. There are no other environmental requirements.

- 2. The Administrative Subdivision Plan meets the technical review requirements of Chapter 50, Section 4.3.*

- A. 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.*

- 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 Project is within an existing residential neighborhood with an established street grid. The Application does not 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 the Subdivision Code. As conditioned, the associated Lots are appropriate in size, shape, width, and orientation, taking into account the recommendations of the 1990 *Bethesda-Chevy Chase 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 space areas*

The Property was reviewed for compliance with Section 50.4.3.D, "Public Sites and Adequate open space areas" 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. As conditioned the lots will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in the following table:

R-90	Required by the Zone	Approved	
		Lot 35	Lot 36
Minimum Lot Area	9,000 square feet	15,812 square feet	29,858 square feet
Minimum Lot Width at BRL	75 feet	119 feet (min)	119 feet (min)
Minimum Lot Width at Front Lot Line	25 feet	144 feet (min)	127 feet (min)
Maximum Lot Coverage	30%*	Allowed: 20.188% 3,192 SF * Approved: 20% 3,159	Allowed: 20% 5,971.6 SF* Approved: 14% 4,170 SF
Front Setbacks, min.	30 feet or Established Building Line	52 feet* or Established Building Line	57 feet* or Established Building Line
Side Setbacks, abutting Residential, min.	8 feet min./ 25 feet total	Variable/13 feet (> 25 total)	12 feet/13 feet
Rear Setbacks, min.	25 feet	25 feet	100 feet
Maximum Building Height	35 feet	< 35 feet	< 35 feet

* Lots subject to Section 4.4.1.B, Residential Infill Compatibility.

Lot 35 - Lot area equal to or greater than 6,000 SF but less than 16,000 SF:

The max coverage is 30%, less .001% per square foot of lot area exceeding 6,000 SF

$15812 - 6000 = 9812$, $9812 \times 0.001 = 9.812\%$, $30\% - 9.812\% = 20.188\%$, $15,812sf \times 0.20188\% = 3192sf$

Lot 36 - 20% of the lot area for a Lot area equal to or greater than 16,000 SF.

** Lots to be reviewed by DPS at time of building permit for conformance to Section 4.4.1.A, Established Building Line.

B. The Administrative Subdivision Plan substantially conforms to the Master Plan.

Land Use

The Property is located in the “Mid-Bethesda” area of the 1990 Bethesda-Chevy Chase Master Plan which is described as a mature, stable area, predominantly zoned R-60 and R-90 with the westernmost portion being zoned R-200. The Master Plan reconfirmed the existing single family detached, low-density residential zoning throughout the Property’s vicinity and recommended a moderate level of development within the mature community. The Application

consists of two (2) residential lots (with a net of one additional lot) for a detached house on each lot meeting the development standards of the R-90 zone. Therefore, the Administrative Subdivision Plan substantially conforms to the land use recommendations of Master Plan through the redevelopment of a Property without creating a significant demand increase in public infrastructure and transportation needs.

Environment

The Subject Property is not specifically referenced in the *Bethesda-Chevy Chase Master Plan*; however, the Master Plan has numerous general recommendations and major goals that apply to the Project. The Master Plan has extensive language concerning the preservation of natural resources (such as wooded areas and mature trees) throughout the plan area even when located outside of a stream buffer, which among other concerns, could otherwise adversely impact the character of the community. These Master Plan goals are addressed by the Application and conditions of approval in a number of ways, including the tree save plan, and modified Building Restriction Lines (BRLs). In combination these elements will help to maintain vegetative screening and some of the existing trees from potential future impacts in addition to providing new plantings (and control invasive species).

Transportation

The *2018 Bicycle Master Plan* recommends separated bike lanes along Goldsboro Road. However, in 2018 the Council approved a preliminary design for Capital Improvement Project P501917 for a segment of Goldsboro Road between MacArthur Boulevard and River Road, which is approximately 4,000 feet west of the Site. The Capital Improvement Project consists of a sidepath along the north side of Goldsboro Road and a sidewalk along the south side, instead of separated bike lanes and sidewalks, as originally envisioned by the Master Plan. In light of the Council's decision to alter the master-planned bikeway, the Applicant will construct a matching buffered sidepath along the Site frontage with the intention of providing a consistent bicycle and pedestrian facility when the two segments meet in the future.

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

Adequate public facilities exist to support and service the Property in accordance with Section 50.4.3.J of the Subdivision Regulations. 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 (GIP)*. As demonstrated in the Applicant's traffic statement, dated January 22, 2024, the Administrative Subdivision generates fewer than 50 peak-hour person trips and is

therefore exempt from Local Area Transportation Review under the GIP without further review. Therefore, roads and transportation facilities are adequate to support the Application.

Overview and Applicable School Test

The FY25 Annual School Test, approved by the Planning Board on June 20, 2024, and effective July 1, 2024, is applicable to this Application. The project will demolish the existing single-family home and create two lots for a single-family detached unit on each lot.

School Adequacy Test

The project is served by Bradley Hills ES, Thomas W. Pyle MS and Walt Whitman HS. Based on the FY25 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

FY2025 Annual School Test Projections (2028-2029 School Year)

	Program Capacity	Enrollment	%Utilization	Surplus/ Deficit
Bradley Hills ES	686	499	72.7%	+187
Thomas W. Pyle MS	1,498	1,320	88.1%	+178
Walt Whitman HS ²	2,218	2,098	94.6%	+120

FY2025 School Test Results

School	Adequacy Status	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Bradley Hills ES	No UPP	272	325	428
Thomas W. Pyle MS	No UPP	304	478	703
Walt Whitman HS	No UPP	300	564	897

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 FY25 Annual School Test, Bradley Hills ES, Thomas W. Pyle MS and Walt Whitman HS do not require any UPP as identified in the table above.

² Projected enrollment is modified to estimate the impact of the Charles W. Woodward High School Reopening (CIP P651908) and the Northwood HS Addition/Facility Upgrades (CIP P651907), reflecting the scope of the boundary study approved by the Board of Education on March 28, 2023.

Based on the school capacity analysis performed, using the FY2025 Annual School Test, this Application does not require a Utilization Premium Payment.

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 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 Growth and Infrastructure Policy currently in effect.

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

As conditioned and discussed fully in the accompanying approved Forest Conservation Plan F20240640 resolution, the Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines.

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

The Application received approval of a Stormwater Management Concept Plan from the MCDPS, dated July 12, 2024, per Chapter 19 of the County Code. The SWM Concept Plan demonstrates that stormwater will be managed by the use of drywells and micro-infiltration trenches.

F. 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 4.3.M

There are no known burial sites on the Property, and it is not included in the Montgomery County Cemetery Inventory.

G. Any other applicable provision specific to the property and necessary for approval of the Administrative Subdivision is satisfied.

No other provisions apply to the Subdivision.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

November 22, 2024

(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 consistent with the Maryland Rules for the judicial review of administrative agency decisions.

* * * * *

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 Hedrick, seconded by Vice Chair Pedoeem, with a vote of 4-0-1; Chair Harris, Vice Chair Pedoeem, and Commissioners Hedrick, and Linden, voting in favor of the motion, Commissioner Bartley abstaining, at its regular meeting held on Thursday, November 14, 2024, in Wheaton, Maryland and via video conference.



Artie Harris, Chair
Montgomery County Planning Board