

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APR 11 2023

MCPB No. 23-021
Preliminary Plan Amendment No. 12020007A
4824 Edgemoor
Date of Hearing: March 9, 2023

RESOLUTION

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

WHEREAS, on May 21, 2020, the Planning Board, by Resolution MCPB No. 20-018, approved Preliminary Plan No. 120200070, creating one lot on 0.20 acres of land in the CR-2.5 C-0.5 R-2.5 H-120 and Bethesda Overlay zone, located on the southwest quadrant of the intersection of Edgemoor Lane and Woodmont Avenue (“Subject Property”), in the Bethesda CBD Policy Area and 2017 *Bethesda Downtown Sector Plan* (“Sector Plan”) area; and

WHEREAS, on October 19, 2022, MACAW 100,LLC / Acumen Companies (“Applicant”) filed an application for approval of an amendment to the previously approved preliminary plan(s) to increase the proposed number of units from up to 76 units to up to 111 units, with the option to convert up to 65 units to short-term residential rentals, revise automobile and bicycle parking, and incorporate minor changes in building fenestration, façade, balconies, and windows on the Subject Property; and

WHEREAS, Applicant’s application to amend the preliminary plan was designated Preliminary Plan Amendment No. 12020007A, 4824 Edgemoor (“Preliminary Plan,” “Amendment,” 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 February 27, 2023, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on March 9, 2023, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of

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Approved as to
Legal Sufficiency: /s/ Emily Vaias
M-NCPPC Legal Department

Commissioner Hedrick, seconded by Vice Chair Piñero, with a vote of 5-0; Chair Zyontz, Vice Chair Piñero, Commissioners Bartley, Hedrick, and Pedoeem voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan Amendment No. 12020007A for creation one lot on 0.20 acres of land in the CR-2.5 C-0.5 R-2.5 H-120 and Bethesda Overlay zone for up to up to 111 units, with the option to convert up to 65 units to short term residential rentals on the Subject Property by adding/modifying the following conditions:¹

Modified Conditions

1. This Preliminary Plan is limited to one lot for up to ~~77~~ **111** multi-family dwelling units.

6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (DHCA), in its letter dated ~~January 21, 2020~~ **February 27, 2023**, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

New Conditions

18. Certified Preliminary Plan:

Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:

- a) Show resolutions and approval letters on the certified set
- b) Modify the data table to reflect development standards as shown herein and as approved by the Planning Board.

BE IT FURTHER RESOLVED that all other preliminary plan conditions of approval for this project remain valid, unchanged, and in full force and effect.

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 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.

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, and all findings not specifically addressed remain in effect.

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 original Application was reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations including the technical review standards in Section 50.4.3. The current Application maintains compliance with all applicable sections. The size, width, shape, and orientation of the proposed lot is unchanged and remains appropriate for the location of the subdivision taking into account the recommendations included in the applicable master plan and for the type of development/use proposed. 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. Transportation access remains adequate to serve the proposed development. Water and sewer and other utilities remain available to and currently serve the Property. The Application continues to meet the Environmental Guidelines and Forest Conservation Law.

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

b) Local Area Transportation Review (LATR)

The Applicant provided an updated transportation exemption statement to reflect the proposed increase in units and the potential to convert 65 of the units to short-term residential units (Wells & Associates, January 31, 2023). For transportation review purposes, all units are assumed to be multi-family residential, as the 2022 LATR Guidelines requires trip estimation rates based on the latest version of the Institute of Transportation Engineers Trip Generation Manual. The 11th edition of the ITE Trip Generation Manual does not distinguish between multi-family units and short-term residential units.

The Project is estimated to generate 41 net new peak-hour person trips in the morning and 47 in the evening, as compared to the office use that previously occupied the Site. The Project is not estimated to generate 50 or net new person trips; therefore, a transportation impact study is not required, and the LATR is satisfied with an exemption statement. This finding is summarized in the table below.

Table 1: Trip Generation Estimates for 111 Multifamily Residential Units

	ITE Trip		Adjusted Vehicle Rates		Person Trips	
	AM	PM	AM	PM	AM	PM
Existing						
3,034 SF Office	5	7	3	4	6	8
Proposed						
111 Multi-family units	30	36	24	28	47	55
	Net New				41	47

Source: *Transportation Exemption Statement Wells & Associates, dated January 31, 2023*

a) Other Public Facilities and Services

Overview and Applicable School Test

As the Application was heard by the Planning Board on March 9, 2023, the FY23 Annual School Test, approved by the Planning Board on June 16, 2022 and effective July 1, 2022, is applicable to this Application. The original Preliminary Plan tested 77 units. This plan proposes an additional 34 multi-family high-rise units for a total of 111 multifamily high-rise units.

School Adequacy Test

The project is served by Bethesda ES, Westland MS and Bethesda-Chevy Chase HS. Based on the FY23 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 2. Applicable FY2023 School Adequacy.

School	Projected School Totals, 2026				Adequacy Status	Adequacy Ceilings		
	Program Capacity	Enrollment	% Utilization	Surplus/ Deficit		Tier 1	Tier 2	Tier 3
Bethesda ES	560	594	106.1%	-34	No UPP	51	78	162
Westland MS	1,105	782	70.8%	+323	No UPP	449	544	710
Bethesda-Chevy Chase HS	2,457	2,356	95.9%	+101	No UPP	281	593	961

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, Bethesda ES, Westland MS and Bethesda-Chevy Chase HS do not require any UPP as identified in Table 2. If the project is estimated to generate more students than the identified ceilings, then additional UPPs or partial payments at multiple tiers may still be required.

Calculation of Student Enrollment Impacts

To calculate the number of students generated by the proposed plan, the number of dwelling units is multiplied by the applicable School Impact Area student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low-rise multifamily unit, or high-rise multifamily unit.

With a net of 34 multifamily high-rise units that are not age-restricted, the proposed project is estimated to generate the following number of students based on the subject property's location within an Infill Impact Area:

Table 3. Estimated Student Enrollment Impacts.

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
SF Detached	0	0.195	0.000	0.096	0.000	0.139	0.000
SF Attached	0	0.166	0.000	0.091	0.000	0.116	0.000
MF Low-rise	0	0.059	0.000	0.023	0.000	0.032	0.000
MF High-rise	34	0.034	1.156	0.015	0.510	0.016	0.544
TOTALS	34		1		0		0

As shown in Table 3, on average, this project is estimated to generate 1 elementary school student, 0 middle school students and 0 high school students. The estimated

number of students generated do not exceed the adequacy ceilings identified for each school in Table 2. Therefore, no additional UPPs are required, and neither are partial payments across multiple UPP tiers.

Analysis Conclusion and Condition of Approval

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

No UPP condition required.

Montgomery County may modify the per unit UPP rates prior to payment of any required UPPs. The Applicant must pay the above UPPs to the Montgomery County Department of Finance based on the rates in effect at the time of payment.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is APR 11 2023 (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).

* * * * *

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 Commissioner Bartley, with a vote of 3-0; Chair Zyontz, and Commissioners Bartley, and Hedrick, voting in favor of the motion, Commissioner Pedoeem and Pinero were necessarily absent, at its regular meeting held on Thursday, March 24, 2023, in Wheaton, Maryland and via video conference.



Jeffrey Zyontz, Chair
Montgomery County Planning Board