

# **Montgomery County Planning Board**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

April 30, 2025

MCPB No. 25-042 Preliminary  
Plan No. 120250040 PLD Lot 25  
Redevelopment Date of Hearing:  
March 27, 2025

## **RESOLUTION**

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

WHEREAS, on October 2, 2024, Monument Realty (“Applicant”) filed an application for approval of a preliminary plan of subdivision of property that would create two lots for a mixed-use development, public parking garage, abandonment of an alley (2,900 square feet) and public parkland dedication, on 1.88 acres of CR-3.0, C-2.0, R-2.75, H-70, CRT-0.5, C-0.25, R-0.5, H-70 and Bethesda Overlay Zone (BOZ) zoned-land, located 130 feet east of Wisconsin Avenue on the block bounded by Maple Avenue, Tilbury Street, Highland Avenue, and a public alley (“Subject Property” or “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.120250040, PLD Lot 25 Redevelopment (“Preliminary Plan” or “Application”); and

WHEREAS, the Application was submitted for concurrent review and approval with Mandatory Referral No. MR2025005, Site Plan No. 820250030, and Forest Conservation Plan No. F20250110; 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 March 17, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on March 27, 2025, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of **5-0**; Chair Harris and Vice Chair Pedoeem, and Commissioners Bartley, Hedrick, Linden, voting in favor.

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Approved as to  
Legal Sufficiency: /s/ Allison Myers  
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120250040 to create two lots for a mixed-use development, public parking garage, abandonment of an alley (2,900 square feet), and public parkland dedication on the Subject Property, subject to the following conditions:<sup>1</sup>

#### GENERAL APPROVAL

1. This Preliminary Plan is limited to: one (1) lot for up to 235 dwelling units including up to 227 multifamily dwelling units and up to 7,891 square feet of nonresidential uses for up to eight (8) live/work dwelling units<sup>2</sup>; and, one (1) lot for dedication as public parkland. This approval also includes the abandonment of 2,900 square feet of the east-west alley that bisects the Property which will be incorporated into both of the recorded lots (one of which will be conveyed to M-NCPPC pursuant to Condition No. 20 below).

#### ADEQUATE PUBLIC FACILITIES

2. The Adequate Public Facilities (“APF”) review for the Preliminary 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 Preliminary Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before the expiration date 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 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 4, 2025, and incorporates them as conditions of the Preliminary 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 Preliminary Plan approval.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.

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<sup>1</sup> 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.

<sup>2</sup> If Zoning Text Amendment ZTA 05-04 is adopted by the Montgomery County Council sitting as the District Council (the “County Council”), the live/work units may be converted to multifamily units and shown on the Certified Preliminary Plan, with appropriate and corresponding changes, without the need for a Preliminary Plan Amendment.

6. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration (“MDOT SHA”) in its letter dated January 8, 2025, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MDOT SHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
7. Before the issuance of access permits, the Applicant must satisfy the MDOT SHA’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 stormwater management concept letter dated January 10, 2025, and incorporates them as conditions of the Preliminary 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 Preliminary 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 January 4, 2025, 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 Preliminary Plan approval.

## OTHER APPROVALS

10. Before approval of a record plat or any demolition, clearing or grading for the Subject Property, the Applicant must receive Staff certification of any subsequent Site Plan(s) associated with this Preliminary Plan. The number and location of site elements including but not limited to buildings, dwelling units, on-site parking, site circulation and sidewalks is determined through site plan review and approval.
11. If an approved site plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the site plan amendment.

## TRANSPORTATION

### Frontage Improvements on Existing Roads

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 thirty (30) feet from the existing pavement centerline along the Subject Property frontage for Maple Avenue.

- b) All land necessary to accommodate thirty (30) feet from the existing pavement centerline along the Subject Property frontage for Tilbury Street.
  - c) All land necessary to accommodate thirty (30) feet from the existing pavement centerline along the Subject Property frontage for Highland Avenue.
13. Before the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDPS to ensure construction of a minimum six-foot-wide (6 ft) sidewalk with a minimum six-foot-wide (6 ft) street buffer and along the Property frontage on Maple Avenue.
14. Before the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDPS to ensure construction of a ten-foot-wide (10 ft) sidewalk with a variable street buffer (minimum of 12 feet wide) along the Property frontage on Tilbury Street.
15. Before the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDPS to ensure construction of a minimum eight-foot-wide (8 ft) sidewalk with a minimum five-and-a-half-foot-wide (5 ½ ft) street buffer along the Property frontage on Highland Avenue.

#### Off-Site Improvements/LATR

16. Before the release of any above ground building permit, the following off-site improvements must be permitted and bonded (to ensure construction) pursuant to MCDOT and/or MDOT SHA requirements:
- a) Construct ADA curb ramps on northeast and southeast corners of the intersection of West Virginia Avenue and Tilbury Street.
  - b) Reconstruct the ADA curb ramp at the southwest corner of the intersection of Rosedale Avenue and Tilbury Street.
  - c) Construct a five-foot-wide (5 ft) sidewalk and two-foot-wide (2 ft) street buffer along the east side of Tilbury Street between West Virginia Avenue and Highland Avenue.
  - d) Construct a five-foot-wide (5 ft) sidewalk and two-foot-wide (2 ft) street buffer along the east side of Tilbury Street between Highland Avenue and Maple Avenue.
  - e) Install high visibility crosswalks on the north and east legs of the intersection of West Virginia Avenue and Tilbury Street.
  - f) Install a bus shelter for the southbound direction on Wisconsin Avenue for stop #2000152.
  - g) Replace streetlight #772421-647757 located on the west side of Wisconsin Avenue just south of Battery Lane.

- h) Replace streetlight #23507 located on the west side of Wisconsin Avenue midblock between Maple Avenue and Highland Avenue.
17. If, at the time the Applicant submits for permits to construct one of the required LATR Off-Site Improvements in Condition 16, the improvement is no longer necessary or desirable, because: i) it has been constructed or is under construction by another applicant or as part of a capital improvement project by a government agency, or, ii) the applicable master plan has changed and no longer requires or suggests the improvement, the Applicant can propose an alternative LATR Off-Site Improvement from the priority list of improvements provided in the subject Staff Report that is of similar value, and this alternative improvement, if reviewed and approved by Planning Staff, can be substituted and shown on a revised Certified Preliminary Plan.

## RECORD PLATS

18. The record plat must show necessary easements.
19. The record plat must reflect all areas under common ownership.

## OTHER DEDICATIONS

### Parks

20. The Applicant must dedicate to Montgomery County the approximately 14,995 square foot lot identified as “New Greenway Parcel” on the Certified Preliminary Plan for use as public parkland (“Eastern Greenway Lot”) to be managed by Montgomery Parks under the 1972 Agreement between the County and the M-NCPPC as per the 2017 *Bethesda Downtown Sector Plan* and as required by the General Development Agreement with the County. The land must be dedicated to Montgomery County through notation on the plat and by a deed of dedication approved by the M-NCPPC’s Office of General Counsel and the Montgomery County Office of the County Attorney as to form and substance. The deed of dedication must be executed and delivered to Montgomery Parks before the recordation of the plat. Montgomery Parks will hold the deed of dedication in escrow until all other relevant conditions of approval and any conditions of the Park Construction Permit have been completed at which time Montgomery Parks will formally accept the dedication and record the deed. At the time of formal acceptance of the dedication, the land to be dedicated must be free of any trash and unnatural debris.
21. Any activity or work on existing parkland or the land to be dedicated for parkland requires an approved Park Construction Permit and is subject to the full Park Construction Permit process as directed by Montgomery Parks staff, including, but not limited to, construction of the Eastern Greenway Lot. The Applicant must not grant any new easements over the parkland (New Greenway Parcel as identified on Certified Preliminary but referred to herein as the Eastern Greenway Lot) without permission from Parks Staff and must extinguish any unneeded easements prior to dedication.

## CERTIFIED PRELIMINARY PLAN

22. 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 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.*

23. 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) Provide Illuminance Test as required by the 2025 *Local Area Transportation Review Guidelines* for review.

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 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 proposed block design remains unchanged from the existing conditions. The layout of the proposed subdivision is appropriate size, width, and shape for the proposed multifamily building and public park. The 2017 *Bethesda Downtown Sector Plan* recommended that the eastern portion of the blocks between Wisconsin Avenue and Tilbury Street become a linear park, referred to as the Eastern Greenway. The proposed subdivision will create two lots within the existing block, with the lot facing Tilbury Street to be 14,995 square feet in size for dedication to Montgomery Parks for the Sector Planned Eastern Greenway. The proposed lot to the west will be 40,731 square feet, for the development of a mixed-use building that will provide structured public parking as a replacement for the existing public parking spaces contained in PLD Lots 25 and 44.

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

Section 50-4.3.E.2.f.iii of the Montgomery County Subdivision Regulations indicates that corner lots at an intersection must be truncated by straight lines joining points 25 feet

back from the theoretical property line intersection in each quadrant, which would require a 25-foot truncation at two corners of the Site: Highland Avenue and Tilbury Street and Maple Avenue and Tilbury Street. Historically, Planning and MCDOT have not required full truncations in urban settings to accommodate building placement as long as sight distance and traffic functions are not impeded. The Preliminary Plan proposes 10-foot truncations at the intersections of Highland Avenue and Tilbury Street, and Maple Avenue and Tilbury Street. In accordance with the Design Guidelines, the Project accommodates a build-to-line of 25 feet on Wisconsin Avenue, and 14.5 feet on Highland Avenue. Given that this portion of the Property will be dedicated as public parkland for the future Eastern Greenway, a 25-foot truncation is not needed for adequate sight distance.

Sight Distance evaluations were submitted for review by MCDOT, which approved the proposed distances with the reduced truncation. The Planning Board approves the Applicant's request for reduced truncations in accordance with Section 50-4.3.E.2.f.iii of the Montgomery County Subdivision Regulations.

***c) The Preliminary Plan provides for required public sites and adequate open areas***

***i. Master Planned Sites***

The 2017 *Bethesda Downtown Sector Plan* recommends the formation of a linear greenway along the western side of Tilbury Street from Maple Avenue down to Cheltenham Drive linking Cheltenham Park, Chase Avenue Urban Park, and a proposed new park on Maple Avenue which is currently County Parking Lot #25. This Eastern Greenway is envisioned to provide additional open space to the area and buffer the higher-density development along Wisconsin Avenue from the East Bethesda neighborhood. As stated above, the Preliminary Plan will dedicate 14,995 square feet to Montgomery Parks for the Sector Planned Eastern Greenway.

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

The proposed lots and use will comply with the basic requirements of Chapter 59. The proposed mixed-use building is permitted in the CR and CRT zones and as further discussed in the resolution approving the accompanying Site Plan No. 820250030, the project meets the zoning requirements of Chapter 59.

***2. The Preliminary Plan substantially conforms to the Master Plan.***

The Project substantially conforms to the recommendations for the Property included in the 2017 *Bethesda Downtown Sector Plan*. Specifically, this Sector Plan builds on the past successes of Downtown Bethesda to create a truly sustainable downtown by focusing on components that will bolster the elements most in need of enhancement. The major recommendations of the Sector Plan are as follows:

1. Parks and open spaces, including new civic greens at Veteran's Park, Bethesda Farm Women's Cooperative Market, Capital Crescent Trail and new urban parks,

pathways and gateways. Many of these parks on the eastern edge are to be connected through the creation of the Eastern Greenway.

2. Affordable housing, including the preservation of existing market-rate affordable housing, providing a mix of housing options and the provision of Moderately Priced Dwelling Units in exchange for development incentives.
3. Environmental innovation, including more energy-efficient buildings, better stormwater management, improved sidewalks and bicycle routes, and other measures to enhance community health and quality of life.
4. Economic competitiveness, based on new development, public amenities and proximity to public transit to attract businesses and visitors from throughout the region, and foster entrepreneurship and innovation.

The Property is within the Eastern Greenway District designated as sites 206 and 207 on page 134 of the Sector Plan. The Eastern Greenway District is split into two sections, north and south of East West Highway. The Property is in the northern district which is characterized by low-density, primarily residential development, green open spaces and paved parking lots which provides a transitional area between the commercial structures of the Central Business District (CBD) along the Wisconsin Avenue Corridor and the single-unit houses of East Bethesda. The Project addresses the following goals as outlined in the Overarching Goals and the Eastern Greenway District sections of the Sector Plan:

- *Ensure the stability of the land uses in the transitional area to preserve East Bethesda and the Town of Chevy Chase as single unit residential neighborhoods*

The Project will provide a sizeable redevelopment of an underutilized surface parking lot and deliver a portion of the Sector Planned Eastern Greenway public park as a transition to the residential neighborhood of East Bethesda. As proposed, the Project will construct an 83-foot-tall building on the block with a 93-foot setback on Tilbury Street for the Eastern Greenway which will be dedicated as a public park.

- *Make the best use of land near the Bethesda Metrorail Station and future Purple Line station by promoting redevelopment of underutilized properties and private surface parking lots.*

The Project will transform an underutilized surface public parking lot into a mixed-use building with important public facilities such as increased levels of affordable housing, the dedication and construction of public parkland, and integration of replacement public parking spaces within the structured parking for the residential building.

- *Provide a compatible transition between higher-density development along Wisconsin Avenue and the East Bethesda and Town of Chevy Chase*

The development will cover the majority of the eastern portion of the block with long facades along Highland and Maple Avenues. The Project will decrease in building height from 83 feet to 35 feet towards Maple Avenue where single family residential



homes exist on the northern side of the street, per the Residential Compatibility standards of the Zoning Ordinance. The conceptual architectural approach provides many opportunities to break down the massing along the longer side streets. Importantly, the proposed 93-foot-wide Eastern Greenway along Tilbury Street provides a critical dimension of relief as the block transitions to East Bethesda.

- *Provide a green connector and a transition along the eastern edge of the Sector Plan area.*

The 2017 *Bethesda Downtown Sector Plan* recommends the formation of a linear greenway along the western side of Tilbury Street from Maple Avenue down to Cheltenham Drive linking Cheltenham Park, Chase Avenue Urban Park, and a proposed new park on Maple Avenue which is currently County Parking Lot #25. This Eastern Greenway is envisioned to provide additional open space to the area and buffer the higher-density development along Wisconsin Avenue from the East Bethesda neighborhood. The Project will dedicate land to the Parks Department for the future Eastern Greenway. The Sector Plan and Design Guidelines describe how development adjacent to the Eastern Greenway should be oriented towards the open space and the type of uses on the ground floor should activate the space through placement of ground floor retail and/or residential unit entryways. To enhance compatibility with the adjacent residential neighborhood, the Sector Plan calls for the Eastern Greenway to be at least as wide as the amount of building height proposed. In this case, the building will be 83 feet in height and the proposed Greenway will be 93 feet in width, in conformance with the Sector Plan recommendations.

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

**a) *Roads and other Transportation Facilities***

**i. *Existing Facilities***

The Project is bounded by three existing public roads.

Maple Avenue is a two-lane undivided Downtown Street with an existing 45-foot-wide right-of-way and a planned right-of-way of 60 feet. Sidewalk is provided on both sides of the street with a small buffer between the roadway and sidewalk.

Tilbury Street is a two-lane undivided Neighborhood Connector with an existing 40-foot-wide right-of-way and a planned right-of-way of 60 feet. A sidewalk with no street buffer is provided on the east side of the street. There is no sidewalk on the west side of the street.

Highland Avenue is a two-lane undivided Downtown Street with an existing 40-foot-wide right-of-way and a planned right-of-way of 60 feet. Sidewalk is provided on both sides of the street with a small buffer between the roadway and sidewalk.

ii. ***Proposed public transportation infrastructure***

An additional 7.5 feet will be dedicated on Maple Avenue along the Property frontage. A six-foot-wide (6 ft) sidewalk and six-foot-wide (6 ft) street buffer will be constructed along the frontage.

An additional 10 feet will be dedicated on Tilbury Street along the Property frontage. A 10-foot-wide curvilinear sidewalk with a variable street buffer with a minimum width of 12 feet will be constructed along the frontage and will connect to the Greenway.

An additional 10 feet will be dedicated on Highland Avenue along the Property frontage. An eight-foot-wide (8 ft) sidewalk and five-and-a-half-foot (5 ½ ft) street buffer will be constructed along the frontage.

All curb ramps at the intersections of Maple Avenue / Tilbury Street and Highland Avenue / Tilbury Street will also be reconstructed to meet current ADA standards. As part of the Local Area Transportation Review discussed in Finding 3.b, the Applicant will reconstruct curb ramps in the vicinity to meet ADA standards, install a high visibility crosswalk at West Virginia Avenue and Tilbury Street, replace two streetlights, and construct a bus shelter on Wisconsin Avenue.

***b) Local Area Transportation Review (LATR)***

***Travel Mode Adequacy Test***

As a proposed development with 235 units, the Project is estimated to generate 92 net new peak hour vehicle trips in the morning and 92 net new peak hour vehicle trips in the evening. As a result of the estimated transportation impact, the Project submitted a Transportation Impact Study (TIS) with the Preliminary to satisfy the Local Area Transportation Review (LATR) based on the 2024-2028 *Growth and Infrastructure Policy*.

*Table 1: Lot 25 Estimated Vehicle Trip Generation*

		ITE Trip Generation Vehicle Rates		Adjusted Vehicle Rates Bethesda CBD Policy Area	
		AM	PM	AM	PM
Proposed	235 Residential Units <sup>3</sup>	92	92	73	73

Source: Local Area Transportation Review study by Wells and Associates dated 1/17/2025, amended by staff

<sup>3</sup> For LATR review, live/work units are evaluated like other dwelling units.

The 2024-2028 *Growth and Infrastructure Policy* requires evaluation of all transportation modes, including: auto-driver, transit, walking and biking. Mode-specific adequacy tests are required for any project estimated to generate 30 or more net new peak hour vehicle trips. However, projects within Red Policy Areas (such as the Subject Site) are not required to evaluate motor vehicle adequacy. The adequacy tests for transit, pedestrians, and bicyclists are still required.

***Pedestrian, Bicycle, and Bus Transit Adequacy Tests***

- Transit system adequacy was evaluated by inventorying bus stops located within 1,000 feet of the Property. Where shelters and associated amenities are not provided, the Applicant must install the standard amenities in coordination with MCDOT.

There are seven (7) bus stops within the study area, none of which have shelters. Based on discussions with MCDOT staff, the southbound bus stop located near the intersection of Wisconsin Avenue and Battery Lane, the northbound stop at Wisconsin Avenue and Highland Avenue, and the northbound stop at Wisconsin Avenue and Chestnut Street were identified as locations where adding a bus shelter would be feasible.

- Pedestrian system adequacy was evaluated within 400 feet of the Property. Mitigation will be required to achieve a Pedestrian Level of Comfort (PLOC) greater than 2 (Somewhat Comfortable), and/or deficiencies identified for streetlamps within the scoped boundary. The Pedestrian system adequacy also requires mitigation for ADA deficiencies identified within 200 feet of the Property and Illuminance (Street Lighting) within 400 feet of the Property.

The study demonstrates that there are uncomfortable and undesirable ratings along segments of Rosedale Avenue, West Virginia Avenue, Cordell Avenue, and Tilbury Street.

Additionally, the study found that ten (10) ramps did not meet current ADA standards.

Under the 2025 *Local Area Transportation Review Guidelines*, the Street Lighting Adequacy Test was replaced by an updated Illuminance test. However, guidance for performing the test was not available until early February. Therefore, the Project has deferred the undertaking of this test until the Certified Preliminary Plan stage to have adequate time needed to comply and complete the test. However, during the streetlight inventory process, two (2) lights were identified as not working and needing replacement.

- Bicycle system adequacy was evaluated by analyzing bikeways within 400 feet of the Property. Mitigation will be required to achieve a Level of Traffic Stress 2 (LTS-2) or lower, consistent with the Bicycle Master Plan.

Sections of Battery Lane and Cordell Avenue west of Wisconsin Avenue as well as Woodmont Avenue and Wisconsin Avenue have high levels of stress.

Under Section 4 of 2025 *Local Area Transportation Review Guidelines* (LATR Proportionality Guide), the maximum cost of mitigation improvements the Applicant is required to construct or fund for a project that generates 849 average weekday trips is not to exceed \$649,485 (see calculation below) based on the Proportionality Guide Rate.

$$\begin{aligned} \text{LATR Proportionality Guide} &= (\text{Net New Daily Motor Vehicle Trips}) * (\text{LATR} \\ &\quad \text{Proportionality Guide Rate}) \\ \$649,485 &= (849 * \$765) \end{aligned}$$

For the Subject Preliminary Plan, the cost of construction and/or mitigation payments for mitigation projects is not to exceed \$649,485. After evaluating the adequacy of each of the required transportation modes, the Applicant identified a comprehensive list of deficiencies, by which a prioritized list of mitigation improvements was submitted to Staff for review. In compliance with the 2025 *LATR Guidelines*, the final list of eight prioritized projects was finalized by the reviewing agencies and are now conditioned for approval of the Preliminary Plan. The list of projects is included in Table 2 below and the alternative projects are in Table 3 further below.

*Table 2: Lot 25 LATR Mitigation Project List*

Map ID	Project Location	Project Description	Construct/ Mitigation Payment	Project Cost
R-1	West Virginia Avenue & Tilbury Street	Construct ADA curb ramps at West Virginia Avenue and Tilbury Street (east leg of intersection)	Construct	\$65,254
R-4	Rosedale Avenue & Tilbury Street	Reconstruct ADA curb ramp at the southwest corner of Rosedale Avenue and Tilbury Street	Construct	\$22,848

Map ID	Project Location	Project Description	Construct/ Mitigation Payment	Project Cost
P-2	Tilbury Street (East Side) West Virginia Avenue to Highland Avenue	Reconstruct sidewalk for a 5 foot width and add a 2 foot buffer to increase to PLOC from a 3 to a 2.	Construct	\$192,823
P-3	Tilbury Street (East Side) Highland Avenue to Maple Avenue	Reconstruct sidewalk for a 5 foot width and add a 2 foot buffer to increase to PLOC from a 3 to a 2.	Construct	\$166,190
P-6	West Virginia Avenue & Tilbury Street (North and East Legs)	Construct high visibility crosswalks consisting of 24 inch wide pavement marking lines 10 feet long (North and East legs on intersection)	Construct	\$25,722
BS-1	Wisconsin Avenue and Battery Lane Southbound stop along Wisconsin Avenue	BT-1: Construct a bus shelter for stop #2000152 Wisconsin Avenue SB at Battery Lane	Construct	\$95,477
ST-1	West side of Wisconsin Avenue just south of Battery Lane	Replace Street Light # 772421-647757	Construct	\$23,320
ST-2	West side of Wisconsin Avenue, midblock between Maple Avenue and Highland Avenue	Replace Street Light #23507	Construct	\$23,320
Construction Subtotal				\$614,954
Mitigation Payment Subtotal				\$0
MPDU Credit <sup>1</sup>				\$0
Adjusted Mitigation Payment Subtotal				\$614,954
<b>Total</b>				<b>\$614,954</b>
Proportionality Guide				\$649,485

<sup>1</sup> Consistent with Section TA4 of the 2024-2028 *Growth and Infrastructure Policy*, any mitigation payment will be reduced proportionally based on the share of the project's LATR Proportionality Guide that is generated by MPDUs.

*Table 3: Lot 25 LATR Mitigation Alternative Projects*

Map ID	Project Location	Project Description	Construct/ Mitigation Payment	Project Cost
BT-2	Wisconsin Avenue and Chestnut Street Northbound stop along Wisconsin Avenue	Construct a bus shelter for stop #2000164 Wisconsin Avenue NB at Chestnut Street	Construct	\$110,494
BT-3	Wisconsin Avenue and Highland Avenue Northbound stop along Wisconsin Avenue	Construct a bus shelter for stop #2000148 Wisconsin Avenue NB at Highland Avenue	Construct	\$115,563
P-1	East side of Tilbury Street from Chase Avenue to West Virginia Avenue	Redesign sidewalk for a 5-foot width and add a 2 foot buffer to increase the PLOC from a 3 to a 2	Construct	\$222,009
P-4	East side of Tilbury Street from Maple Avenue to Rosedale Avenue	Redesign sidewalk for a 5-foot width and add a 2 foot buffer to increase the PLOC from a 3 to a 2	Construct	\$236,616
P-5	East side of Tilbury Street from Rosedale Avenue to Chestnut Street	Redesign sidewalk for a 5-foot width and add a 2 foot buffer to increase the PLOC from a 3 to a 2	Construct	\$355,713
P-9	Rosedale Avenue and Tilbury Street	Construct high visibility crosswalks consisting of 24 inch wide pavement marking lines 10 feet long at all legs of the listed intersections	Construct	\$39,993
P-10	Chestnut Street and Tilbury Street	Construct high visibility crosswalks consisting of 24 inch wide pavement marking lines 10 feet long at all legs of the listed intersections	Construct	\$36,878

As conditioned, all off-site mitigation projects must be permitted and bonded for construction before the issuance of the first above grade building permit or right-of-way permit (whichever comes first). Montgomery County Planning, MCDOT, and MDOT SHA staff reviewed the LATR Study and approved the mitigation project list. Therefore, the Applicant has satisfied the requirements of the LATR, and the public transportation facilities are adequate for the Site.

**c) Schools**

The proposed project is located within the Bethesda CBD Policy Area, which is categorized as an Infill Impact Area by the *2024-2028 Growth and Infrastructure Policy*. As shown in Table 4, the Project is estimated to generate 9 elementary school (ES) students, 3 middle school (MS) students, and 4 high school (HS) students during an average year throughout its life.

*Table 4: Student Enrollment Impact Estimate (reflects Updated FY2025 Student Generation Rates)*

Type of Unit	Net Number of Units	Infill ES Student Generation Rate	ES Student Estimate	Infill MS Student Generation Rate	MS Student Estimate	Infill HS Student Generation Rate	HS Student Estimate
SF Detached	0	0.206	0.000	0.103	0.000	0.156	0.000
SF Attached	0	0.176	0.000	0.095	0.000	0.133	0.000
MF Low-rise	0	0.073	0.000	0.033	0.000	0.049	0.000
MF High-rise	235	0.041	9.635	0.017	3.995	0.019	4.465
<b>TOTALS</b>	<b>235</b>		<b>9</b>		<b>3</b>		<b>4</b>

The Application is subject to the FY2025 Annual School Test, approved by the Planning Board on December 19, 2024, and effective since January 1, 2025. The Project is served by Bethesda Elementary School, Westland Middle School, and Bethesda-Chevy Chase High School. The student enrollment and capacity projections of these schools in the Updated FY2025 Annual School Test, which evaluates the 2028-2029 school year, are noted in Table 5.

*Table 5: Updated FY2025 Annual School Test Projections (2028-2029 School Year)*

	Program Capacity	Enrollment	% Utilization	Seat Surplus or Deficit
Bethesda ES	561	590	105.2%	-29
Westland MS	1,064	865	81.3%	+199
Bethesda-Chevy Chase HS <sup>4</sup>	2,475	2,341	94.6%	+134

<sup>4</sup> 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.

Under the Updated FY2025 Annual School Test results, Bethesda Elementary School, Westland Middle School, and Bethesda-Chevy Chase High School are not placed in Utilization Premium Payment (UPP) tiers, as shown in Table 6. In addition, the estimated number of students generated (see Table 4) does not exceed the adequacy ceilings identified in Table 6. Therefore, adequate schools exist to accommodate the Project.

*Table 6: Updated FY2025 Annual School Test Results*

	Adequacy Status	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Bethesda ES	No UPP	45	84	168
Westland MS	No UPP	319	412	572
Bethesda-Chevy Chase HS	No UPP	294	629	1,001

***d) Other Public Facilities and 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 Project.

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.

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

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 as further discussed in the findings for Forest Conservation Plan F20250110, which are included in a separately approved resolution and are incorporated herein.

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

DPS approved a Stormwater Management Concept on January 10, 2025. The plan proposes to meet required stormwater management goals via the use of green roof, micro-bioretenion practices, and a partial waiver due to site constraints, meeting the requirements of Chapter 19.

***6. 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.***



Not applicable to this Property because the Applicant has no accrual or constructive notice that a burial site is on the Property or in the Cemetery Inventory.

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

This approval also includes the abandonment of an existing 10-foot-wide east-west alley. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 49 Section 68, Abandonment of previously unused rights-of-way. As stated in the Code, "If any right-of-way, except a right-of-way located entirely in a municipality which has independent zoning and subdivision authority, has not been in public use, one or more abutting property owners may petition the Planning Board to abandon the right-of-way. The petition must take the form of a preliminary plan for the subdivision of land and must state the reason for the proposed abandonment and show any proposed relocation or realignment of the right-of-way, where applicable."

***Section 46-68(c)***

***(c) The Planning Board must solicit the comments of each notice recipient, and then promptly determine whether:***

***(1) the right-of-way previously was improved or used for the purposes for which it was intended or dedicated; and***

***(2) the right-of-way is necessary for anticipated public use.***

The subject portion of right-of-way is a 10-foot-wide paper alley located within the existing surface parking lot. The entire Site has been a public surface parking lot for decades and curb cuts on either end were never constructed nor was any portion of an alley constructed. The Project has also received approval letters from MCDOT and MDOT SHA. Therefore, the right-of-way is not necessary for anticipated public use.

***49-68(e) If the Planning Board finds that the right-of-way is not necessary for anticipated future public use or that an alternative alignment or location will not adversely affect the public interest, the Board may authorize the right-of-way to be abandoned by incorporating the abandoned land into an amended plat of subdivision. The amended subdivision plat must require the dedication of any land needed for rights-of-way, easements, and other public uses.***

As stated above, the right-of-way is not necessary for anticipated future public use, therefore the abandoned area can be incorporated into the amended plat of subdivision and no further dedication of land is necessary.

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

April 30, 2025

(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 5-0; Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, Hedrick, and Linden, voting in favor of the motion, at its regular meeting held on Thursday, April 24, 2025, in Wheaton, Maryland and via video conference.



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Artie L. Harris, Chair  
Montgomery County Planning Board