



## Bethesda Mews, Site Plan, 820130030



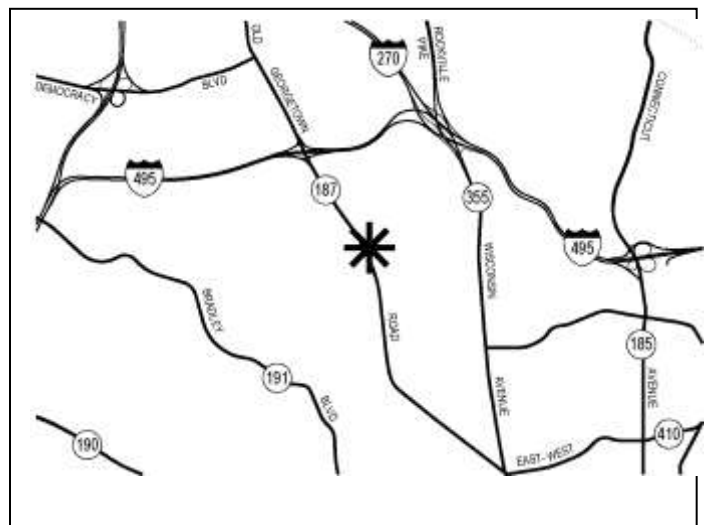
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Date of Report: 4/1/13

### Description

- 9111 Old Georgetown Road, Bethesda, Md.
- R-60 Zone: Optional Method
- Bethesda/Chevy Chase Master Plan
- 9.87 Acres
- American College of Cardiology
- 34 dwelling units, including 5 MPDUs and three forest conservation parcels on 9.87 acres of land in the R-60 zone.



### Summary

- Staff Recommendation: **Approval with conditions** of the Site Plan, and Final Forest Conservation Plan.
- The Applicant will construct an infill development under the R-60/MPDU optional method of development for (29) one family detached lots, (2) one family semidetached lots, (3) townhouse lots with (5) MPDU (located within the semi-detached and town house lots).
- A preliminary plan for this development was approved by the Planning Board at a public hearing on July 16, 2012 creating 34 lots.
- The homes will be arranged along both sides of the extension of Camberley Avenue, the Camberley Mews, Alta Vista Road, Old Georgetown Road, and two private drives. There will be a five (5) foot wide sidewalk along Camberley Avenue and Alta Vista Road, and a ten (10) foot wide shared use bike path along Old Georgetown Road. Camberley Avenue will have parallel parking along its western edge.

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## SITE DESCRIPTION

### Vicinity

The subject site is located along the eastern side of Old Georgetown Road between West Cedar Lane and Alta Vista Road. Surrounding properties to the north, east, and west are developed with one-family detached dwellings in the R-60 zone. One property to the west, just north of Alta Vista Road, is developed with a townhouse-style office park. Properties to the south include a townhouse-style office park and a WSSC water tank in the R-60 zone and two institutional uses in the R-60/TDR zone.



*Vicinity Map*

### Site Analysis

Currently the property is the campus of the American College of Cardiology, an institutional use made up of one three-story building and an associated parking lot. None of the buildings or surfaces will be retained after the redevelopment of this property.

The property is located in the Lower Rock Creek watershed and has 2.37 acres of forest with mature specimen trees (trees greater than 30" in diameter at breast height DBH) scattered throughout the site. There are no streams, floodplains, or other sensitive environmental features on the site.



*Aerial Photo (looking north)*

## **PROJECT DESCRIPTION**

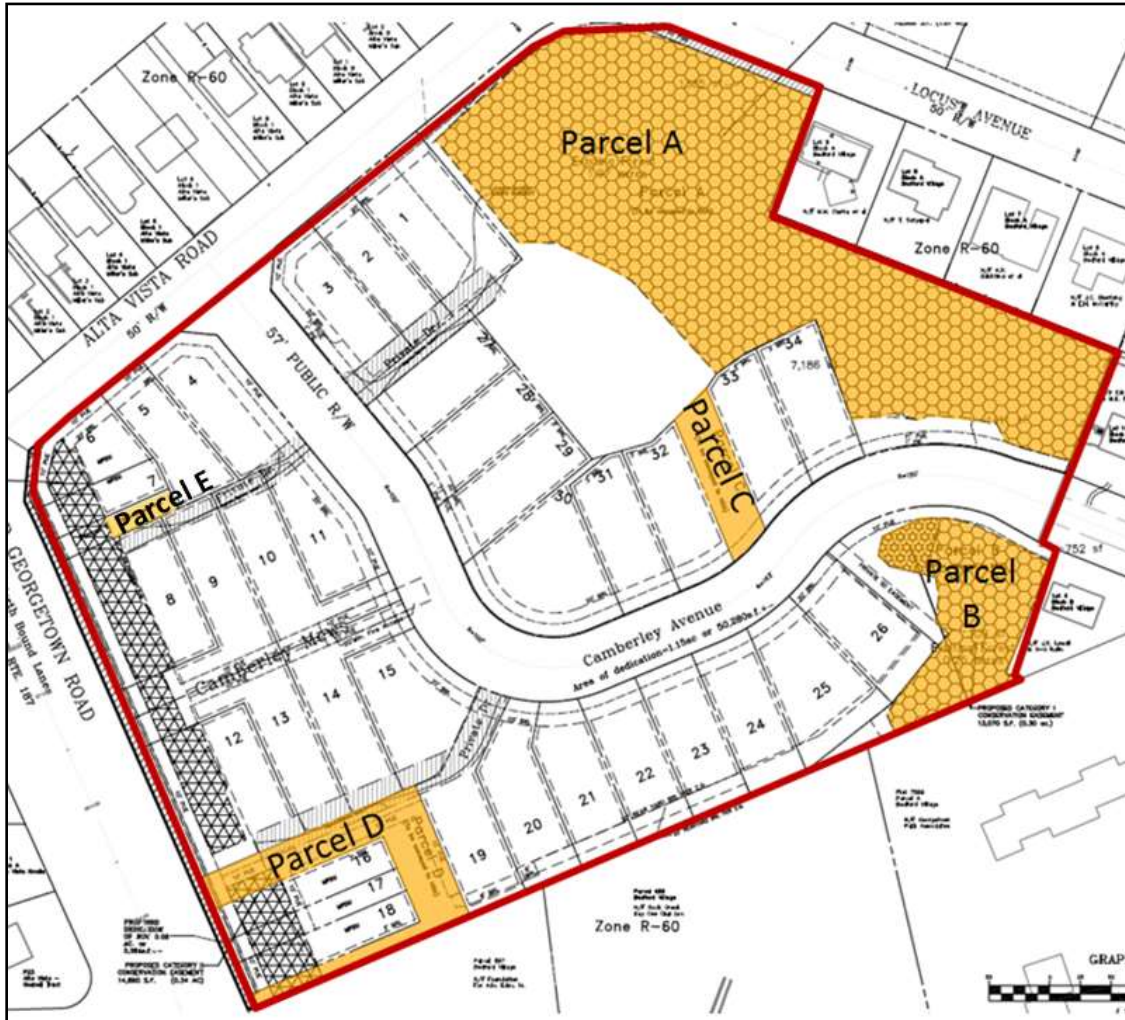
### **Previous Approvals**

On July 16, 2012 a preliminary plan (120070750) was approved by the Planning Board to create 34 lots including 12.5 percent MPDUs under the provisions of the R-60/MPDU option. These provisions allow duplexes and townhouses, and smaller lot and yard areas as compared to the standard method development in the R-60 zone.

The subdivision will extend Camberley Avenue from its current terminus to the south of the property to Alta Vista Road on the northern end of the property. Vehicular access to the proposed lots will be via Camberley Avenue with individual and shared driveways and three private drives branching from Camberley Avenue. Pedestrian access will be provided via existing and proposed sidewalks on Old Georgetown Road, Alta Vista Road, and along the western side of Camberley Avenue extended.

**Proposal**

The proposed development will create 34 lots and 5 (five) parcels. Twenty-nine (29) lots will contain one-family detached dwellings, three (3) lots will contain townhouses, and two (2) lots will contain one-family duplex. The two duplex units and three townhouses will be moderately priced dwelling units (MPDUs). The subdivision also creates open-space parcels: Parcel A, a Category I Forest Conservation Easement, and a combined stormwater management, recreation, and educational activity area; Parcel B, another smaller Category I Forest Conservation Easement area; Parcel C a pedestrian access to the recreation area on Parcel A; and Parcels D & E parking and open space for the three MPDU townhouse units and the two semidetached duplex units.



Parcel Map

Access to the Property will be via an extension of Camberley Avenue connecting to Alta Vista Road. The existing entrance on Old Georgetown Road will be closed to eliminate conflicts with through traffic and to implement the Bethesda-Chevy Chase Master Plan (Master Plan) recommendation for a green corridor along Old Georgetown Road.

The Master Plan states on page 35 that proposed development along Georgetown Road maintain a campus-like setting. To achieve this, a thirty (30) foot wide Category II Conservation Easement (FCE) will be placed on the properties fronting Old Georgetown Road. Additional plantings will augment the Category II easement.

The townhouses and duplex units are designed to look like individual large Colonial homes (see image below) consistent with the Bethesda-Chevy Chase Master Plan recommendation for single-family detached uses. The units front the conservation easement along Old Georgetown Road. To the west of the easement will be a 2 foot-tall decorative wall that separates the site from the ten (10) foot wide bike path. There will be a new bench adjacent to the existing bus stop to the west of lot seven.

The pedestrian system includes a five (5)-foot wide sidewalk along Camberley Avenue and Alta Vista Road, and a ten (10)-foot wide bike and pedestrian sidewalk along Old Georgetown Road. The Applicant has submitted a waiver for a modified tertiary street with a sidewalk on one side of the public road in order to allow for a modified tertiary street. There will be natural surface paths along Parcel C and around the combined stormwater management and educational activities area. Additionally, pedestrians will be able to walk safely along the Bethesda Mews and three internal private drives.



*MPDU Townhouse elevations along the southwestern portion of the Project Area*



MPDU: Southwest Corner Site



Plan Illustration

### Dedicated Area and Net Usable Area

The net area for the development is 8.69 acres after dedication of 0.08 acres for Old Georgetown Road, and 1.10 acres for the Camberley Avenue extension. Parcels A, B, C and D & E will be dedicated to the future homeowners association.

### Architecture & Building Layout

The Colonial style architecture, formal landscaping and street orientation of the units create a character that blends into the orientation of homes in the surrounding neighborhood. To the east and south of Camberley Avenue fourteen homes are oriented along the street. Eight homes will be centrally located along the Mews, two will face an internal private drive, the townhouses and duplex units will face old Georgetown Road, and the remaining five homes will face Alta Vista Road.

The MPDUs will be located in both the semi-detached and townhouse units fronting Old Georgetown Road and the architecture lends single-family detached homes in conformance with the Master Plan recommendations. The units will be set back 52-feet from Old Georgetown Road behind a Category II Conservation Easement 'green corridor' buffer.

Camberley Mews includes a seating area, passive recreation through a symmetrical garden with walks and a formal lawn, and provides primary access to and from Old Georgetown Road. The units fronting the Mews accentuate the public space and are accessed from a private drives via rear-loaded garages.

The Camberley Road extension curves through the site to reduce travel speeds and discourage cut-through travel from the neighboring residents.

### Landscape and Open Space

There will be three conservation easements protecting the existing forest and the green corridor along Old Georgetown Road. Tree planting augmentation to the green corridor along Old Georgetown Road will improve tree density, screening, and provide additional community aesthetics. Street trees and foundation plantings with attention to lighting will soften the landscape to provide shade, habitat, and beauty.

The open spaces along the mews and stormwater management facility will provide distinctive character and place setting. The mews flanks residential lots 8-15 and will serve as a formal entrance off Old Georgetown Road as well as a respite seating area. The mews will have a brick herringbone walkway, a stone column entry, a circular patio, and evergreen hedges. The combined stormwater management, play and education area will provide a place for integrating environmental learning components with climbing nets, a seating area, and play equipment. A meandering path will provide access to the play area and around the interpreted stormwater management facility.

Sidewalks along the perimeter of Old Georgetown Road, Alta Vista Road, and the propose Camberley Drive encourage pedestrian mobility and safety. Private easement parcels (B and C) conveyed to the homeowners association will have natural surface trails for access to the play and open space areas.

The proposed development is compatible with the adjacent development with regard to density, orientation, and circulation patterns.





*Open Space Map*

**Master Plan**

The 1990 Bethesda-Chevy Chase Master Plan designates the site as within the Old Georgetown Road Plan and recommends that single family detached housing be preserved and encouraged if redevelopment occurs. (pages 57-62) The Plan also recommends a green corridor policy along Old Georgetown Road. The proposed development supports the master plan recommendations by retaining a single family residential use and character and by maintaining and enhancing vegetation along Old Georgetown Road to maintain its green character.

**Transportation and Circulation**

This project met Adequate Public Facility (APF) requirements at the preliminary plan (120070750). As a result, no further APF analysis is required for the site plan. Was tested at preliminary plan and was approved by Planning Board. The following briefly describes other transportation elements of the project pertinent to site plan review.

### Transportation Network

The property is bounded by Old Georgetown Road (MD 187) to the west, Alta Vista Road to the north, and Locust Avenue to the east. Old Georgetown Road is owned, maintained, and access permitted by the Maryland State Highway Administration (SHA) while the remaining roads are owned and maintained by the Montgomery County Department of Transportation (MCDOT). Transit service, provided by RideOn Route 70 and Metrobus Routes J2 and J3, is available along Old Georgetown Road.

The 1990 Approved and Adopted *Bethesda/Chevy Chase Master Plan* recommends a 120-foot right-of-way for Old Georgetown Road. The subject project will dedicate its property frontage within 60' of the right-of-way center (half the ultimate right-of-way width).

To provide access to the proposed units, Camberley Avenue will be extended through the site, connecting West Cedar Lane with Alta Vista Road. This roadway will be designed in accordance with MCDOT standards as a modified tertiary roadway and will measure between 20 and 28 feet wide with a 5' wide concrete sidewalk along the south side of the road.

### Pedestrian and Bicycle Accessibility

The subject development will be served by a proposed 5' wide public sidewalk, along the south side of Camberley Avenue extended as well as an existing 10' wide bike path along the site's Old Georgetown Road frontage. The Applicant will be required by SHA and MCDOT to upgrade the existing sidewalk ramps, on Old Georgetown Road and Alta Vista Road, to comply with the Americans with Disabilities Act standards.

Planning Department staff concurs with MCDOT staff in their support for a Department of Permitting Services (DPS) waiver and fee-in-lieu payment for the sidewalk required along the north side of Camberley Avenue Extended between Alta Vista Road and current Camberley Avenue terminus. Staff recommends that MCDOT appropriate the above payment towards completing a continuous sidewalk along Alta Vista Road between Old Georgetown Road and Rockville Pike.

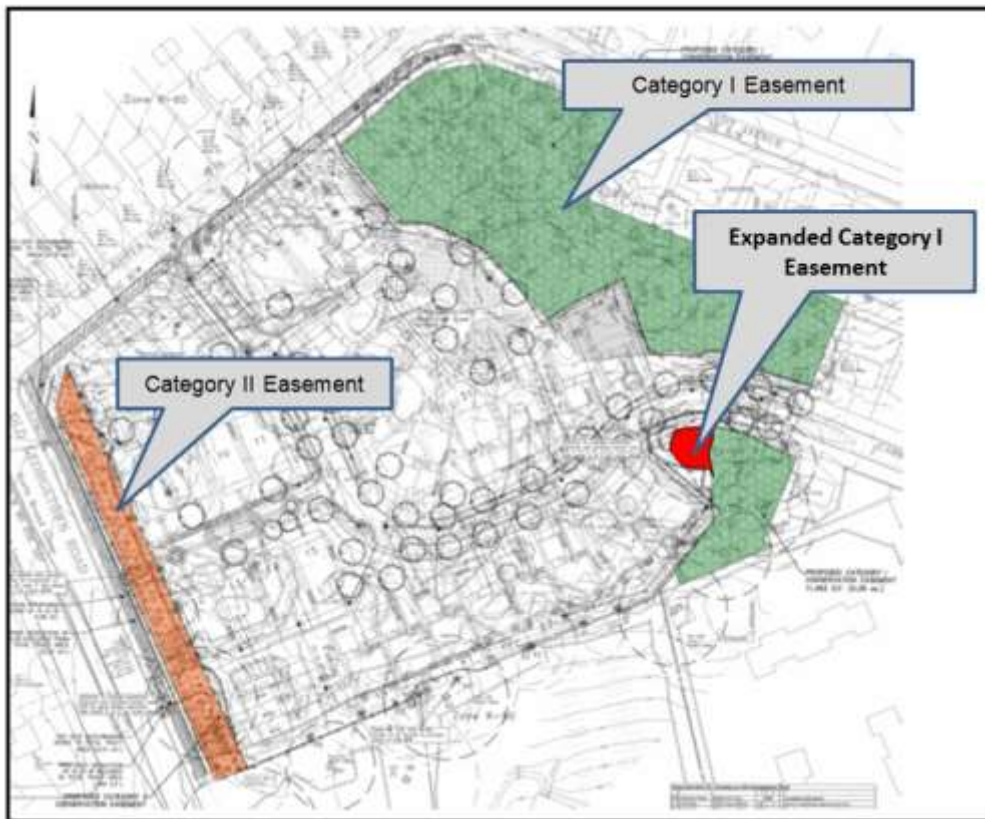
## **ENVIRONMENT**

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) # 420063160 was originally approved for the site on July 24, 2006. The associated Forest Conservation Plan (FCP) application remained incomplete and the 2006 NRI/FSD ultimately expired. A revised NRI/FSD was approved on May 4, 2012. Subsequently a Preliminary Forest Conservation Plan (PFCP) and variance request was approved by the Planning Board as part of the July 16, 2012 hearing for the associated preliminary plan of subdivision. The FCP approved by the Board included 0.30 acres of forest clearing and 2.07 acres of retention which satisfied the forest conservation requirements without the use of afforestation/ reforestation plantings.

The Final Forest Conservation Plan (FFCP) submission now reflects a number of relatively minor changes that have been proposed since the previous review (discussed below).

### Changes to Forest Conservation and Tree Save

An offsite storm drain is now included with the project. The new feature extends approximately 400' offsite and runs within the Alta Vista Road right of way. The offsite LOD expansion has increased the net tract area for the project by approximately 0.18 acres. As a result, the forest conservation requirements have also increased. Therefore the onsite Category I Easement boundary has been expanded to satisfy the forest conservation requirements. (Refer to image below). The current plan still meets the special provisions of Forest Conservation Law applicable to this project [under Section 22A-12.(f)(1) & 22A-12.(f)(2)(B)] which require that the forest conservation requirements are met through onsite forest retention only.

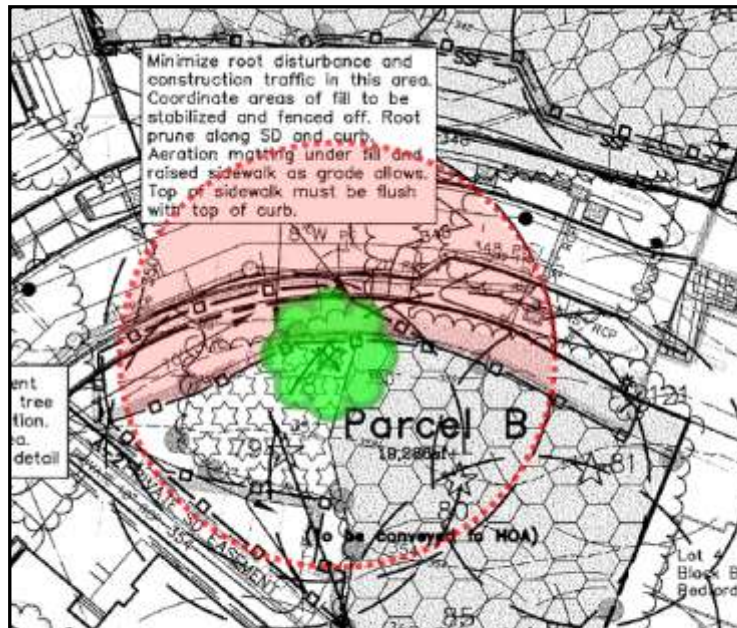


*Conservation Easements*

The easement exhibit shown above includes a Category II Conservation Easement along Old Georgetown Road to provide long-term protection of the trees and the green character. The Category II Easement is supported by previous Planning Board approvals for this project and the Master Plan recommend green corridor policy (page 30) and the Old Georgetown Road recommendations (page 61). However Staff has a recommended condition of approval to provide additional plantings within the easement area; the sizes of the plantings need to be limited to avoid overly disrupting the roots of the trees preserved within the area.

The new offsite utility work also impacts two additional trees that are subject to a forest conservation variance. Additionally, some minor adjustments of the LOD are proposed which have changed the percentage of impacts to a number of subject trees (refer to variance section of report for details).

Tree #78 is the only additional *removal* requested under the revised variance request. The tree is located onsite immediately adjacent to the proposed ROW for the Camberley Avenue extension. (Refer to image below). The tree was previously granted a variance for impacts but not removal. Careful grading/sequencing and the use of root aeration matting had been proposed to retain the tree. The Applicant is currently requesting a variance for removal of the tree and has included replacement mitigation plantings. However the intention is to preserve the tree; further evaluation and possible field adjustments may result in its preservation.



*Tree #78 is heavily impacted by the proposed Camberley Road extension*

### **Forest Conservation Variance**

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ), requires a variance. An Applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. Unless the variance is granted, the law requires no impact to trees that measure 30 inches DBH or greater; are part of a historic site or designated with a historic structure; are designated as national, state, or county champion trees; are at least 75 percent of the diameter of the current State champion tree of that

species; or to trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

Since the revised project boundary and onsite plan changes affects additional trees (and increases the impacts to certain trees) that are  $\geq 30''$  DBH, a variance is required. The Applicant submitted a variance request on March 8, 2013 for the impacts to, and removal of trees as a result of the proposed project (see Attachment C for variance request). The Applicant proposes to remove 1 additional tree that is  $\geq 30''$  DBH (tree #78), and to slightly change the impacts, but not remove, 16 other subject trees. In total, seventeen trees are that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law are proposed to be affected (beyond the previously approved variance). In all cases where CRZ impacts are proposed to save trees, appropriate tree preservation and/or stress reduction measures will be performed under the direction of a licensed tree care professional. Refer to tree tables in the Applicants' forest conservation variance request for additional information.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. In addition to the required findings outlined numerically below, staff has determined that the Applicant has demonstrated that enforcement of the variance provision would result in an unwarranted hardship for the following reasons:

The newly proposed impacts and removal are associated with necessary ROW dedication and improvements. Therefore development of the property would require the impacts and/or removals.

Staff has reviewed this application and based on the existing circumstances and conditions on the property, staff agrees that there is an unwarranted hardship.

**Variance Findings** - Staff has made the following determination based on the required findings that granting of the requested variance:

1. *Will not confer on the Applicant a special privilege that would be denied to other Applicants.*

The impact to the tree along Alta Vista Road is associated with utility tie-ins within the ROW where such impacts are anticipated. Therefore, the variance request would be granted to any Applicant in a similar situation. The potential removal of tree #78 is associated with necessary construction within the newly dedicated ROW for the Camberley Avenue extension.

2. *Is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The requested variance is based on proposed development allowed under the existing zoning and the need to achieve adequate stormwater management and roadway modifications. Staff finds the variance can be granted under this condition if the impacts are avoided or minimized

and that any necessary mitigation is provided. Design changes have been incorporated to reduce tree disturbance/removals and mitigation is provided to reduce the effects of the impacts/removals of the resources disturbed.

- 3. Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the proposed site design and layout on the subject property and not as a result of land or building use on a neighboring property.

- 4. Will not violate State water quality standards or cause measurable degradation in water quality.*

Granting this variance request will not violate State water quality standards or cause measurable degradation in water quality. The Department of Permitting Services (DPS) staff approved the stormwater management (SWM) concept for the project on July 19, 2011. The DPS review and ultimate approval of the sediment and erosion control and storm water management plans will ensure that appropriate standards are met. The property is not directly associated with any steams, wetlands or related buffers. Therefore, the project will not violate State water quality standards or cause measurable degradation in water quality.

#### Count Arborist Recommendation

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The Applicants' revised request was forwarded to the County Arborist on March 8, 2013. The County Arborist issued a response to the variance request on March 27, 2013, and recommended the variance be approved with the condition that mitigation is provided (Attachment C). Additionally, the County Arborist provided general recommendations on calculating mitigation plantings and providing tree preservation measures.

#### Mitigation for Trees Subject to the Variance

Generally, Staff recommends that replacement plantings for variance purposes occur at a ratio of approximately 1" DBH for every 4" DBH removed, using onsite tree plantings that are a minimum of 3" caliper. Since the previous plan included 616 diameter inches of trees removed, the Applicant provided a minimum amount of 154 inches of caliper replacements. The 154" of caliper were to be met by the proposed onsite planting of 52 (quantity), three-inch caliper trees. However one additional potential removal of a tree subject to the variance is proposed by the current plan. Therefore additional mitigation is proposed. The 55 three-inch native canopy trees now proposed will satisfy the mitigation requirements of all the variance tree removals.

#### Staff Recommendation on Variance

As a result of the above findings, staff recommends the Board approve the Applicant's new request for a variance from Forest Conservation Law to impact (but retain) 16 subject trees and remove one subject

tree (affecting a total of seventeen subject trees) associated with the project. The previously approved variance stands except as amended herein. The variance approval is assumed into the Planning Board’s approval of the Forest Conservation Plan.

**Development Standards**

The subject site is zoned R-60 and is being developed under the MPDU method of development. This option allows for a maximum density of 6.1 per acre and lesser setbacks and lot sizes. The data table below enumerates the development standards for this zone and indicates that the proposed development meets the requirements of the MPDU option.

*Project Data Table for the R-60/MPDU Option Zone*

<b>Development Standard</b>	<b>Permitted/Required</b>	<b>Proposed for Approval</b>
<b>Gross Tract Area (acres)</b>	n/a	9.87 acres
Dedication (Old Georgetown Road)	n/a	0.08 acres
Dedication (Camberley Avenue)	n/a	1.10 acres
<b>Net Tract Area (acres)</b>	n/a	8.69 acres
<b>Maximum % of Townhouses/Semi-detached</b>	60 <sup>1</sup>	14.7%
<b>Density (units/acre of usable area)</b> 9.79 ac. X 6.10	60 (6.10)	34 (3.45)
<b>MPDUs</b>	12.5% 5 Units	12.5% 5 Units
<b>Max. Building Height (feet)</b>	40 <sup>2</sup>	40
<b>Min. Building Setbacks (feet)</b>		
Public Street	25	20
Front	20	20
Rear (for lots abutting property not developed under R-60/MPDU)	15	15
Rear	n/a	3 (verify all units)
Side (for lots abutting property not developed under R-60/MPDU)	15	15
Side	n/a	3

<sup>1</sup> Unless a greater percentage is approved by the Planning Board for environmental and compatibility reasons.

<sup>2</sup> As measured from the individual building height measuring points on the street in front of each unit.

<b>Min. Lot Size (square feet)</b>		
Single Family Dwelling Units	4,000	5,500
Semi-Detached, MPDU	3,500	3,500
Townhouse, MPDU	1,500 (check this)	3,000 <sup>3</sup>
<b>Green Area (square feet)</b>		
Single Family Dwelling Units	2,000 sq.ft per unit	2,000 sq.ft per unit
Semi-Detached, MPDU	500 sq.ft. per MPDU	500 sq.ft. per MPDU
<b>Total</b>		314,503 sq.ft. including all green space areas
<b>Parking Spaces (per unit)</b>		
	2 (224 total)	2 parking spaces per unit 68 parking spaces on-site 13 on street parking spaces

## FINDINGS

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The development is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan.

2. *The site plan meets all the requirements of the zone in which it is located.*

The application is in compliance with the development standards of the R-60 zone using the optional method for projects with MPDUs, as specified in the Zoning Ordinance. Approximately fifteen percent of the lots will contain dwelling unit types other than one-family detached units, in compliance with the 60% maximum established for such units in the Zoning Ordinance. The lot standards for the townhouse units and semi-detached units are consistent with the MPDU development in the R-60 Zone.

The size and number of the units are designed to appear as one-family detached units facing Old Georgetown Road and are adjacent to other detached units along Old Georgetown Road and Alta Vista Road. The semi-detached units are located on the northwestern boundary of the site and the 3 townhouse units are located on the southwestern boundary of the site. These units will be compatible with the market rate units in terms of overall size, materials and architecture.

<sup>3</sup> The Planning Board may approve a smaller lot size for a townhouse pursuant to §59-C-1.625 related to lot size for townhouses. MPDUs must not be less than 3,000 square feet, however, for a lot less than 3,500 square feet each lot must provide an additional 500 square feet of green space within the subdivision.



3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

The buildings and structures are located in a safe and efficient manner and adequately address the need for conservation of open space and compatibility with adjacent uses. The building fronts provide a sense of traditional streetscape internally, along Camberley Avenue, Alta Vista Road, and Old Georgetown Road. They are well integrated with the public use spaces, the mews, sidewalks, conservation areas, and the stormwater management/learning play areas. The circulation system safely and efficiently provide for pedestrians, cyclists, and vehicles to adequately travel through and within the site.

There are two multi-purpose open space areas within the Project area. The Camberley Mews at the sites' entrance off Old Georgetown Road provides a passive recreation and walkway through a symmetrical formal garden. It will act as the focal point along Old Georgetown Road, and leads to Camberley Avenue. The second open space is the stormwater management learning and play area that will provide active recreation integrated with an environmental learning component. The space is designed as a natural environment that will nurture creative play through the interaction with plants, climbing nets, a seating area, and play equipment. A meandering path provides access to the various experiences with climbable rocks and art, a bridge, interpretive signs, and bird houses built into the structures.

The Planning Board approved Camberley Avenue for a modified tertiary road with a 57' foot right-of-way on the north end tapering down to a 50'foot ROW on the south end where it will connect with the existing 60' foot ROW at Camberley Avenue. The Board approved a waiver for sidewalks on both sides of Camberley Avenue in support of one sidewalk on the eastern edge of the road, which is represented in the site plan application.

The internal road along Camberley Avenue was designed to meander through the site to both calm traffic speeds and provide a softened road sensibility. Camberley Avenue is a tertiary street with a reduced pavement width and on-street parking. A series of private driveways and off street parking facilities complete the vehicular circulation system, which will be safe, adequate and efficient.

The Applicant is exceeding the requirements in all recreational categories as shown in the chart below. The Applicant does not need to apply credits from offsite facilities. There are two recreation facility locations provided. The first is located near the stormwater management facility and includes an open play space, seating, play equipment, climbable rocks, art work, and a pedestrian circulation system. This area provides both passive and active recreation. The second recreation area is the mews with walkways, gardens, benches, a circular flagstone patio, and two planted demonstrative bioretention swales lining each side of the Mews. The recreational areas are safe, creative, and unconventional.

<b>DEMAND POINTS</b>	<b>Tots</b>	<b>Children</b>	<b>Teens</b>	<b>Adults</b>	<b>Seniors</b>	<b>TOTALS</b>
	<i>D1</i>	<i>D2</i>	<i>D3</i>	<i>D4</i>	<i>D5</i>	
<i>SFD II per 100 units</i>	13.00	24.00	25.00	106.00	11.00	179.00
<i>SFD II per 15 units</i>	1.95	3.60	3.75	15.90	1.65	26.85
<i>SFD III per 100 units</i>	14.00	19.00	23.00	127.00	13.00	196.00
<i>SFD III per 16 units</i>	2.24	3.04	3.68	20.32	2.08	31.36
<i>TH per 100 units</i>	17.00	22.00	18.00	129.00	7.00	193.00
<i>TH per 3 units</i>	0.51	0.66	0.54	3.87	0.21	5.79
<i>Project Demand per 34 Units</i>	4.70	7.30	7.97	40.09	3.94	64.00
<b>ON SITE</b>						
<i>Tot Lot</i>	9.00	2.00	0.00	4.00	1.00	16.00
<i>Picnic/Sitting (2)</i>	2.00	2.00	3.00	10.00	4.00	21.00
<i>Natural Areas</i>	0.00	0.37	0.80	4.01	0.20	5.37
<i>Bike System</i>	0.24	0.73	1.20	6.01	0.39	8.57
<i>Pedestrian System</i>	0.47	1.46	1.59	18.04	1.77	23.34
<i>On Site Total</i>	11.71	6.56	6.59	42.06	7.36	74.27
<b>OFF SITE</b>						
<i>Maplewood-Alta Vista Park</i>						
<i>Multi-Age Playground</i>	9.00	11.00	3.00	7.00	1.00	31.00
<i>Tennis</i>	0.00	1.50	10.50	24.00	1.00	37.00
<i>Soccer, Junior</i>	2.00	15.00	15.00	30.00	2.00	64.00
<i>Softball, Junior</i>	2.00	15.00	15.00	30.00	2.00	64.00
<i>Baseball, Junior</i>	2.00	15.00	15.00	30.00	2.00	64.00
<i>Open Play Area I</i>	6.00	9.00	12.00	30.00	2.00	59.00
<i>Off Site Total</i>	21.00	66.50	70.50	151.00	10.00	319.00
<b>SUPPLY/DEMAND RATIOS</b>						
<b>On Site Ratio</b>	<b>2.49</b>	<b>0.90</b>	<b>0.83</b>	<b>1.05</b>	<b>1.87</b>	
<b>Off Site Ratio</b>	<b>4.47</b>	<b>9.11</b>	<b>8.85</b>	<b>3.77</b>	<b>2.54</b>	

*Recreation chart*

- Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The proposed single family dwellings, townhouses, and duplex units are compatible with the adjacent residential uses in terms of layout, orientation, and scale. The development will provide a buffer to the neighborhood along the eastern border by a 1.97 acre Category I Forest Conservation Easement. To the west, along Old Georgetown Road, there will be a 52-foot front setback with a green corridor protected under a Category II Forest Conservation Easement. There will also be a 2' foot low wall that provides a subtle separation between the pedestrians traversing the 10'foot wide sidewalk along Old Georgetown Road from the community.

The Site Plan proposes single family housing fronting Alta Vista Road compatible with the use and orientation of housing on the north side of Alta Vista Road. Vehicular access to these homes will be via the back of the units to avoid traffic conflicts along Alta Vista Road furthering neighborhood compatibility.

The MPDUs along Old Georgetown Road will be designed to appear as single manor homes fronting the roadway.

Lastly, several homes along the southern boundary of the Property will be oriented so the rear yards back to the adjacent/nearby parking facilities. Landscaping and fencing will be used to assure compatibility and privacy.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

As conditioned, the proposed development meets all of the requirements of the Forest Conservation Law. By protecting the existing forests, saving numerous specimen trees, and protecting the individual trees along Old Georgetown Road the proposed development meets the Law. In addition, noise mitigation devices and process will be adopted to ensure the residences along Old Georgetown Road are protected from excessive noise levels.

The stormwater management concept consists of a combination of bioswales, drywells, raingardens, porous pavements, and a bioretention area.

## **RECOMMENDATION AND CONDITIONS**

Staff recommends *Approval* of site plan 820130030, Bethesda Mews for 29 one-family detached lots, 2 one-family semidetached lots, and 3 one-family townhouse lots in the R-60 zone using the optional method of development. There will be five (5) MPDUs provided in the attached townhouses and semidetached units. All site development elements shown on the site and landscape plans stamped "Received" by the M-NCPPC on March 7, 2013 are required except as modified by the following conditions.

1. Preliminary Plan Conformance  
The proposed development must comply with the conditions of approval for preliminary plan 120070750 as listed in the Planning Board Resolution unless amended. This includes but is not limited to all references to density, rights-of-way, dedications, easements, open space covenants, transportation conditions, and DPS stormwater conditions.
2. Environmental
  - a. A revised Final Forest Conservation Plan which addresses the conditions of approval must be obtained prior to any clearing, grading, demolition, or construction activity within the project area.
  - b. Substitute the proposed 55 mitigation trees to provide only standard native trees as applicable.

- c. Revise the footer-beam details/notes to eliminate or minimize the use of root pruning for footer locations. Item 12 in the arborist letter needs clarification that the arborist must determine the field adjusted locations of the footers using an air-spade.
- d. Provide details for the category II signs and posts.
- e. Reduce the size and increase the quantities of the proposed plantings within the Category II easement area. Final quantities and locations are subject to staff approval.

3. Noise

Prior to approval off the certified site plan, the Applicant must submit a revised noise analysis prepared by an engineer specializing in acoustics that addresses details and locations of noise mitigation techniques to appropriately attenuate noise levels for the affected dwelling units.

4. Transportation

- a. The Applicant will provide a 10-foot shared use bike path along Old Georgetown Road (MD 187) partially within the dedicated right-of-way and partially within the Public Improvement Easement.
- b. The Applicant must construct a five-foot wide sidewalk, with handicap accessible ramps, along Alta Vista Road site frontage between Old Georgetown Road and Locust Avenue. This sidewalk must be completed with the construction of residential units along Alta Vista Road.
- c. All private streets to be built to structural standards of tertiary roads.
- d. The cost of the design, construction and inspection of the sidewalk on the north side of Camberley Ave to be provided to DPS at the time of permit.

5. Lighting

The Applicant must ensure that each of the following conditions is met and is reflected on the site plan:

- a. Lighting distribution must conform to IESNA standards for residential development.
- b. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- c. Illumination levels, excluding streetscape light fixtures, shall not exceed 0.5 footcandles (fc) at any property line abutting county roads or adjacent residential properties.
- d. The height of any on-site light poles shall not exceed 12 feet including the mounting base.

6. Recreation Facilities

- a. The Applicant must ensure that the proposed recreation facilities, including but not limited to seating areas, activity areas, and interpretive and play areas are constructed in conformance with the approved M-NCPPC Recreation Guidelines.
- b. The Applicant must provide ADA accessible pathways for all of the recreation facilities.
- c. The final design of the recreation facilities including the accessible paths must be shown on the certified site plan. A confirmatory letter from DPS-SWM regarding approval of the final grading and recreation facility design must be provided to Staff by the Applicant prior to approval of the certified site plan.

7. Moderately Priced Dwelling Units (MPDUs)

- a. Each MPDU will have two assigned parking spaces, designated with signage and/or pavement markings.
- b. The proposed development must provide five (5) MPDUs (15%) on-site in accordance with Chapter 25A of the Montgomery County Code.
- c. The Applicant must obtain an agreement pertaining to the construction and staging of MPDUs from the Department of Housing and Community Affairs (DHCA) prior to the issuance of any building permits.

8. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated July 19, 2011 unless amended and approved by the Montgomery County Department of Permitting Services.

9. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Street lamps and sidewalks for public and internal private streets must be installed within six months after street construction is completed. Tree planting may wait until the next growing season.
- b. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- c. The development program must provide phasing for installation of on-site landscaping and lighting, recreation facilities, sidewalks and paths, open spaces, and construction and installation of landscape and site details on land to be conveyed to the County.
- d. The development program must provide phasing of pre-construction meetings, conveyance, dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.
- e. The landscaping, seating and paving materials in Camberley Mews must be installed prior to the use and occupancy permit for the final unit constructed that parallels the Mews (units 8-15).
- f. The landscaping, recreation facilities, and pathways in the stormwater management facility must be installed prior to final use and occupancy of lot 34.

10. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Add a note to the site plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading".
- c. Modify data table to reflect development standards enumerated in the staff report.
- d. Ensure consistency off all details and layout between site plan and landscape plan.

- e. Provide a public access easement (PAE) over Camberley Mews from Camberley Avenue to Old Georgetown Road.
- f. The fences on-lot will be 4' to 6' high wood construction; the off-site fence will be vinyl at the adjoining property owner's request.

11. Connecticut Avenue Streetscape

- a. Provide streetscape along Connecticut Avenue, to include plantings within the area between the bikeway and the curb, and bus stop seating area, consistent with the Green Corridors Concepts (p 32) and Old Georgetown Road recommendations (p 58) of the *Bethesda-Chevy Chase Master Plan*, 1990. Provide a plan for M-NCPPC staff review and for review and approval by MCDOT and SHA as required.

**APPENDICES**

- A. Preliminary Plan 120070750 Resolution
- B. DPS stormwater management concept approval
- C. Montgomery County Tree Variance approval memo
- D. Department of Housing and Community Affairs approval memo



# MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 12-78  
Preliminary Plan No. 120070750  
Alta Vista - ACC  
Date of Hearing: July 16, 2012

SEP 19 2012

## RESOLUTION

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

WHEREAS, on May 29, 2012, American College of Cardiology ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create 34 residential lots and four open space and conservation parcels on 9.87 acres of land in the R-60 zone, located in the southeast quadrant of the intersection of Alta Vista Road and Old Georgetown Road ("Subject Property"), in the Bethesda Chevy/Chase Master Plan ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120070750, Alta Vista - ACC ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 6, 2012, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 16, 2012, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on July 16, 2012, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Anderson, seconded by Commissioner Presley, with a vote of 4-0; Commissioners Anderson, Carrier, Presley, and Wells-Harley voting in favor, and Commissioner Dreyfuss abstaining.

Approved as to  
Legal Sufficiency:

8787 Georgia Avenue, Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

[www.MCParkandPlanning.org](http://www.MCParkandPlanning.org) E-Mail: [mcp-chairman@mncppc.org](mailto:mcp-chairman@mncppc.org)

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 120070750 to create 34 lots and four parcels on the Subject Property, subject to the following conditions:<sup>1</sup>

- 1) This Preliminary Plan is limited to 34 lots for 34 dwelling units, including 12.5% moderately priced dwelling units (MPDUs).
- 2) The Applicant must comply with the conditions of approval for the preliminary forest conservation plan, approved as part of this Preliminary Plan, subject to:
  - a. An approved final forest conservation plan, which is consistent with the preliminary forest conservation plan and addresses the conditions of approval, must be obtained prior to any clearing, grading, demolition, or construction activity within the project area.
  - b. The Applicant must appropriately record the required Category I & II Conservation Easements over all areas of forest conservation and tree canopy preservation. Recordation must occur prior to any clearing, grading demolition, or construction activity within the project boundary.
  - c. The sediment and erosion control plan and stormwater management plan must be submitted with the final forest conservation plan to ensure consistency with the limits of disturbance (LOD) and the associated tree/forest preservation measures.
  - d. Provide all of the 52 mitigation tree plantings onsite and not within a right-of-way or public utility easement.
  - e. The Applicant must obtain the services of a Maryland Licensed Tree Expert, to perform the required tree preservation measures and appropriately protect the saved trees.
  - f. Provide written confirmation to Staff that the consent for the removal of off-site and/or jointly owned trees has been granted by the property owners of the property on which the trees are located. The confirmation is required prior to approval of a site plan.
  - g. Clearly show the LOD footprint within the right-of-way near tree #105 (as identified on the preliminary forest conservation plan).
  - h. Clarify which trees have already been removed by representing the missing trees with a stump symbol or similar, rather than a symbol representing proposed removal.
  - i. Provide original, non-black ink signatures for the plan preparer and arborist on each sheet, including sheet 1 of 3.
  - j. Adjust graphics to clarify that tree #64 (as identified on the preliminary forest conservation plan) will remain (the plan elements inadvertently create an apparent "x" over the tree).

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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.



- 3) Prior to approval of the certified site plan, the Applicant must submit a revised noise analysis prepared by an engineer specializing in acoustics that addresses details and locations of noise mitigation techniques to appropriately attenuate noise levels for the affected dwelling units.
- 4) Prior to approval of the certified site plan, the Applicant must submit to Staff a certification from an engineer specialized in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. The Applicant must commit to construct the units in accordance with these design specifications, with any changes that may affect acoustical performance approved by the acoustical engineer in advance of installation.
- 5) The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letters dated May 24, 2012, and June 8, 2012, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 6) Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
- 7) The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated July 19, 2011, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Stormwater Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 8) The Applicant must dedicate and show on the record plat(s) dedication of 60 feet from the centerline along the Subject Property frontage for Old Georgetown Road.
- 9) The Applicant must dedicate and show on the record plat(s) full-width dedication of 57 feet, with a modified residential street cross-section as approved by MCDOT, for the extension of Camberley Avenue between Alta Vista Road and the current terminus of Camberley Avenue, except where the right-of-way tapers to a minimum width of 50 feet, as shown on the Preliminary Plan.
- 10) The Applicant must show on the record plat(s) the right-of-way for Alta Vista Road, between Old Georgetown Road and Locust Avenue, along property frontage with a minimum of 25 feet from the roadway right-of-way centerline.
- 11) The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the design standards imposed by all applicable road codes.

- 12) The Applicant must construct a five-foot wide sidewalk, with handicapped ramps, along the Alta Vista Road site frontage between Old Georgetown Road and Locust Avenue. This sidewalk must be completed with the construction of residential units along Alta Vista Road.
- 13) The record plat must reflect common ingress/egress and utility easements over all shared driveways.
- 14) The record plat must reflect a public use and access easement over the walkway from Old Georgetown Road to Camberley Avenue located between Lots 8-11 and 12-15.
- 15) The record plat must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
- 16) The record plat must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). The Applicant must provide verification to Staff prior to release of the final building permit that the Applicant's recorded HOA Documents incorporate the Covenant by reference.
- 17) Prior to the issuance of any building permit, the Applicant must make school facilities payments to the Montgomery County Department of Permitting Services at the high school level.
- 18) No clearing, grading or recording of plats prior to certified site plan approval.
- 19) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, and sidewalks will be determined at site plan.
- 20) In the event that a subsequent site plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or location or right-of-way width, or alignment, the Applicant must obtain approval of a Preliminary Plan amendment prior to certification of the site plan.
- 21) The final number of MPDUs as per condition 1 above will be determined at the time of site plan.
- 22) At the time of site plan application, the Applicant must submit architectural elevations of the townhouse units along Old Georgetown Road to address conformance with the Master Plan. The elevations must provide detailed information regarding architectural features, orientation and building location.
- 23) The record plat must show necessary easements.
- 24) The certified Preliminary Plan must contain the following note: "Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of 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. Other limitations for site development may also be included in the conditions of the Planning Board's approval."

- 25) Prior to certification of the preliminary plan, the Applicant must revise the plan drawing by showing the correct zone on adjacent property and ensuring that all notations in the data table are correct.
- 26) The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.

BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

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

The Preliminary Plan is in substantial conformance with the Master Plan because the Master Plan recommends retention of the R-60 zone. The Master Plan also recommends retention of a campus-like setting that does not include a townhouse development, residential development along Alta Vista Road, and retention of a green corridor along Old Georgetown Road. The Preliminary Plan is designed to match those recommendations.

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

#### Roads and Transportation Facilities

The Application will extend Camberley Avenue from its current terminus at the Subject Property boundary to Alta Vista Road. Vehicular access to all of the approved lots will be via Camberley Avenue. Most lots will be accessed by individual driveways from Camberley Avenue, but several of the one-family detached lots and all of the duplex and townhouse lots will be accessed via shared driveways. Pedestrian access will be provided via existing and proposed sidewalks on Old Georgetown Road, Alta Vista Road, and Camberley Avenue.

Although there was citizen opposition to the connection of Camberley Avenue to Alta Vista Road by which they alleged unacceptable safety risks to the residents of Camberley Avenue by increased traffic, the Planning Board finds that the connection will not create unacceptable safety risks. Further, the street connection provides alternate travel routes, facilitates connectivity between different parts of the neighborhood, and may alleviate future street closures due to emergencies, and these benefits contribute to the adequacy of the local road network.

### Local Area Transportation Review (LATR)

Since the approved lots will generate more than 30 peak-hour trips, a traffic study was completed for the Application. As shown in the traffic study, the Application will generate significantly fewer peak-hour trips during the weekday morning and evening peak periods than the existing institutional use on the Subject Property.

Under total (post-development) traffic conditions, CLV values for intersections included in the study were estimated to be below the Bethesda/Chevy Chase congestion standard of 1,600 CLV. Based on the analysis presented, it is concluded that the Application will satisfy the LATR requirements of the adequate public facilities (APF) test.

### Policy Area Mobility Review (PAMR)

To satisfy the PAMR requirements of the APF test, a development located within the Bethesda/Chevy Chase Policy Area is required to mitigate 25% of new peak-hour trips generated by the development. Since the Preliminary Plan will not result in any net new trips, there is no PAMR mitigation requirement, and the Application, therefore, satisfies the PAMR requirements of the APF test.

### Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the Application. The Subject Property is served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Subject Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, and health services are operating according to the Subdivision Staging Policy and will be adequate to serve the Subject Property. The Application is within the Bethesda Chevy Chase School cluster area, which is currently operating between 105-120% of capacity at the high school level, and a school facilities payment is required. Electrical, telecommunications, and gas services are also available to serve the property.

- 3. The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections. The lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lots were reviewed for compliance with the dimensional requirements for the R-60 zone using the optional method for projects with MPDUs, as specified in the Zoning Ordinance. The lots will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. Fifteen percent of the lots will contain dwelling unit types other than one-family detached units, in compliance with the 60% maximum established for such units in the Zoning Ordinance. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

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

A. Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

The Application is subject to the Chapter 22A of the Montgomery County Code, the Forest Conservation Law, and a Forest Conservation Plan was included as part of the Application. Due to a number of factors related to the Application, including the use of the optional method of development and the zoning of the Subject Property, the project is subject to special provisions of the Forest Conservation Law [Section 22A-12.(f)(1) & 22A-12.(f)(2)(B)], which require that the forest conservation requirements must be met through on-site forest retention only. The forest conservation worksheet for the project establishes a two-acre forest conservation threshold (20% of the net tract area). The forest conservation plan requires retention of 2.07 acres of forest, which satisfies the requirement without the use of afforestation or reforestation plantings (per the special provisions referenced above). A Category I conservation easement will protect all of the retained forest.

A Category II conservation easement will be created along Old Georgetown Road to provide long-term protection of existing trees and the green character of the property frontage. The Category II conservation easement will uphold the Master Plan recommended green corridor policy and the Old Georgetown Road recommendations. The limits of disturbance (LOD) clears 0.30 acres of forest, and includes a number of impacts and removals of trees which are subject to a forest conservation variance.

## B. Forest Conservation Variance

Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree's critical root zone ("CRZ"), requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise such resources must be left in an undisturbed condition.

This Application will require the removal of or CRZ impact to 39 Protected Trees as identified in the Staff Report. In accordance with Section 22A-21(a), the Applicant has requested a Variance and the Board agreed that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance.

The Board made the following findings necessary to grant the Variance:

- 1. Granting the Variance will not confer on the Applicant a special privilege that would be denied to other applicants.*

The impact to the off-site tree on the opposite side of Alta Vista Road is associated with utility tie-ins within the right-of-way, where such impacts are anticipated. The tree impacts and removals on the Subject Property are within the buildable area established by the setbacks and other site constraints. Development of the Subject Property in conformance with Master Plan recommendations could not take place without impacts to and/or removal of the Protected Trees. Therefore, the Variance would be granted to any applicant in a similar situation.

- 2. The need for the Variance is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The Variance is based on development allowed under the existing zoning and the need to achieve adequate stormwater management. The Variance can be granted under this condition if the impacts are avoided or minimized and that any necessary mitigation is provided. Design changes were incorporated to reduce disturbance and removal of Protected Trees and mitigation is provided to reduce the effects of the impacts and removals.

- 3. The need for the Variance is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property.*

The Variance is a result of the site design and layout on the Subject Property and not as a result of land or building use on a neighboring property.

4. *Granting the Variance will not violate State water quality standards or cause measurable degradation in water quality.*

MCDPS approved the stormwater management concept for the project on July 19, 2011. The MCDPS review and ultimate approval of the sediment and erosion control and storm water management plans will ensure that appropriate standards are met. The Subject Property is not directly associated with any streams, wetlands or related buffers. Therefore, the Application will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for the Variance will be at a rate that approximates the form and function of the Protected Trees removed. The Board approved replacement of Protected Trees at a ratio of approximately one inch of diameter at breast height ("DBH") for every four inches DBH removed, using on-site tree plantings that are a minimum of 3" caliper. No mitigation is required for Protected Trees impacted but retained.

5. *All storm water management requirements shall be met as provided in Chapter 19, article II, title "storm water management", Sections 19-20 through 19-35.*

This finding is based upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards. The MCDPS Stormwater Management Section approved the stormwater management concept on June 8, 2012. The stormwater management concept consists of environmental site design to the maximum extent possible through the use of permeable pavement, drywells, micro-bioretenion, bio-swales, and planter boxes.

6. *Practical difficulties or unusual circumstances exist so that a waiver of the resubdivision analysis as required by of Section 50-29(b)(2) of the Subdivision Regulations is appropriate, and i) a waiver is the minimum necessary to provide relief, ii) such waiver is not inconsistent with the purposes and objectives of the General Plan, and iii) such waiver is not adverse to the public interest.*

The Application is a resubdivision of two parts of platted lots. Resubdivision of residential lots is subject to review criteria specified in Section 50-29(b)(2) of the Subdivision Regulations. The review requires the comparison

of proposed lots with existing lots in a delineated neighborhood to ensure that the new lots are of the same character with respect to street frontage, alignment, size, shape, width, area, and suitability for residential use. The Subject Property is to be developed under development standards of the R-60 zone optional method for developments that include MPDUs, but the surrounding neighborhood has been developed under development standards of the R-60 zone using standard development. The optional method allows unit types, such as townhouses and duplexes, which are not permitted in the R-60 zone with standard development. In addition, the optional method allows significantly smaller lot sizes than the standard method. Therefore, in the case of this Application, a comparison of the character of the new lots with the character of existing lots would fail based on the different development standards since there are no other optional method developments in the surrounding area.

The fact that the required analysis cannot be made presents a practical difficulty for this Application. This is an unusual circumstance because no preceding subdivisions in the neighborhood have been developed using the optional method of development. Granting a waiver of the requirements of Section 50-29(b)(2) is the minimum waiver necessary to provide relief from the requirements. The waiver is neither inconsistent with the purposes and objectives of the General Plan nor adverse to the public interest. Providing MPDUs in this area is not only in the public interest, but a high priority of the County, and the provision of MPDUs requires development under the optional method.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its initiation date (as defined in Montgomery County Code Section 50-35(h)), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is SEP 19 2012 (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 Dreyfuss, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Dreyfuss voting in favor, and Commissioner Presley absent, at its regular meeting held on Thursday, September 13, 2012, in Silver Spring, Maryland.

  
\_\_\_\_\_  
Françoise M. Carrier, Chair  
Montgomery County Planning Board

MR. RICHARD BRUSH, MANAGER  
MCDPS-WATER RES. PLAN REVIEW  
255 ROCKVILLE PIKE  
2<sup>ND</sup> FLOOR  
ROCKVILLE, MD 20850

MR. GREG LECK  
MCDOT  
100 EDISON PARK DRIVE  
4<sup>TH</sup> FLOOR  
GIATHERSBURG, MD 20878

MR. RICHARD BRUSH, MANAGER  
MCDPS-SEDIMENT/STORMWATER  
INSPECTION & ENFORCEMENT  
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MS. LISA SCHWARTZ  
DHCA  
100 MARYLAND AVENUE  
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ROCKVILLE, MD 20850

MR. ATIQ PANJSHIRI  
MCDPS-RIGHT-OF-WAY  
PERMITTING  
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ROCKVILLE, MD 20850

MR. ESHAN MOTAZEDI  
MCDPS-SITE PLAN ENFORCEMENT  
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ROCKVILLE, MD 20850

MS. SUSAN SCALA-DEMBY  
MCDPS-ZONING  
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MS. CHRISTINA CONTRERAS  
MCDPS-LAND DEVELOPMENT  
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ROCKVILLE, MD 20850

MR. GENE VON GUNTEN  
MCDPS-WELL & SEPTIC  
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MR. CHRISTOPHER ANDERSON MPDU  
MANAGER, DHCA  
100 MARYLAND AVENUE  
4<sup>TH</sup> FLOOR  
ROCKVILLE, MD 20850

MR. ALAN SOUKUP  
MCDDEP-WATER RESOURCE  
PLANNING  
255 ROCKVILLE PIKE  
2<sup>ND</sup> FLOOR  
ROCKVILLE, MD 20850

ALEX AMDUR  
5303 CAMBERLY AVENUE  
BETHESDA, MD 20814

STANLEY C LANGFELD  
53300 CAMBERLY AVENUE  
BETHESDA, MD 20814

MAPLE ROAD CITIZENS ASSOCIATION  
ALLEN MYERS  
9314 FRESNO ROAD  
BETHESDA, MD 20814

MARY KAY FLOETER  
5309 CAMVERLY AVENUE  
BETHESDA, MD 20814

CATHLEEN GATES  
9111 OLD GEORGETOWN ROAD  
BETHESDA, MD 20814

LAUREN WIRTH  
9220 WIGHTMAN ROAD  
MONTGOMERY VILLAGE, MD 20886

TODD BROWN  
7200 WISCONSIN AVENUE  
BETHESDA, MD 20814

**MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES  
WATER RESOURCES SECTION**

255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850-4153

Date: October 31, 2012

MEMO TO: Catherine Conlon, Supervisor for  
Development Review Committee, MNCPPC

FROM: William Campbell  
Senior Permitting Services Specialist  
Water Resources Section, MCDPS

SUBJECT: Stormwater Management Concept Plan/100-Year Floodplain Review  
Site Plan # 820130030, Bethesda Mews  
Project Plan #  
Preliminary Plan # , DPS File # 231422  
Subdivision Review Meeting of November 5, 2012 DPS Reviewer Kuykendall

The subject plan has been reviewed to determine if it meets the requirements of Executive Regulation 7-02AM for stormwater management and Executive Regulation 108-92 AM for a 100year floodplain. The following summarizes our findings:

**SM CONCEPT PLAN PROPOSED:**

- On-site:  CPv  WQv  Both  ESD  
 CPv < 2cfs, not required  
 On-site/Joint Use  Central (Regional): waived to  
 Existing  Concept Approved September 13, 2012  
 Waiver:  CPv  WQv  Both  ESD  
 Approved on  
 Other

**Type Proposed:**

- Infiltration  Retention  Surface Detention  Wetland  Sand Filter  
 Separator Sand Filter  Non Structural Practices  Other

**FLOODPLAIN STATUS:** 100 Year Floodplain On-Site  Yes  No  Possibly

- Provide source of the 100Year Floodplain Delineation for DPS approval:  
 Source of the 100-Year Floodplain is acceptable.  
 Submit drainage area map to determine if a floodplain study (> or equal to 30 acres) is required.  
 Dam Breach Analysis:  Approved  Under Review:  
 100-Year Floodplain study:  Approved  Under Review:

**SUBMISSION ADEQUACY COMMENTS:**

- Provide verification of Downstream notification.

**RECOMMENDATIONS:**

- Approve  as submitted  with conditions (see approval letter)  
 Incomplete; recommend not scheduling for Planning Board at this time.  
 Hold for additional information. See below  
 Comments/Recommendations: Remove all plantings from the storm water areas and add a note, Landscaping within the Storm Water Management areas will be reviewed, approved and inspected by the DPS Water Resources Section. Stormwater practices must be labeled on the Site Plan, The SWM concept submitted with the Site Plan package does not match the approved concept.



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett  
County Executive

Robert G. Hoyt  
Director

March 27, 2013

Françoise Carrier, Chair  
Montgomery County Planning Board  
Maryland National Capital Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

RE: Bethesda Mews (Alta Vista) - Revised, DAIC 120070750, NRI/FSD application for recertification accepted on 6/16/2011

Dear Ms. Carrier:

The County Attorney's Office has advised that Montgomery County Code Section 22A-12(b)(3) applies to any application required under Chapter 22A submitted after October 1, 2009. Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this criterion.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, is not interpreted as a condition or circumstance that is the result of the actions by the applicant.

Therefore, the variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

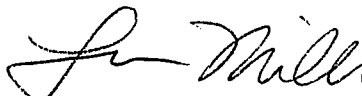
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this criterion.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In the event that revisions to the LOD are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,



Laura Miller  
County Arborist

cc: Robert Hoyt, Director  
Walter Wilson, Associate County Attorney  
Mark Pfefferle, Chief



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett  
County Executive

Richard Y. Nelson, Jr.  
Director

February 1, 2013

Ms. Tina Schneider  
Area I Division  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Bethesda Mews (aka Alta Vista)  
Site Plan No. 820130030

Dear Ms. Schneider:

The Department of Housing and Community Affairs (DHCA) has reviewed the responses of the applicant for the above Site Plan to DHCA's Development Review Committee (DRC) comments. The applicant has addressed DHCA's Development Review Committee comments. DHCA therefore recommends Approval of the Site Plan with the following condition, which has been agreed to by the applicant:

- Each MPDU will have two assigned parking spaces, designated with signage and/or pavement markings.

Sincerely,

Lisa S. Schwartz  
Senior Planning Specialist

cc: Howard Katz, Streetscape Partners, LLC  
Dave Crowe, Macris, Hendricks & Glascock, P.A.

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**Division of Housing and Code Enforcement**

Code Enforcement  
FAX 240-777-3701

Moderately Priced  
Dwelling Unit  
FAX 240-777-3709

Housing Development  
and Loan Programs  
FAX 240-777-3691

Landlord-Tenant Affairs  
FAX 240-777-3691