




**Edgemoor, Preliminary Plan 120130120, Site Plan 820130150**

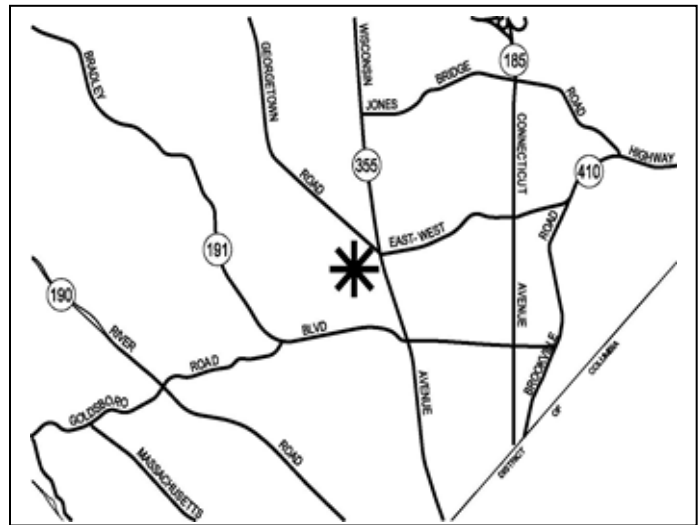
 Kathleen A. Reilly, AICP, Planner Coordinator, Area 1, kathy.reilly@montgomeryplanning.org, (301) 495-4614

 Robert Kronenberg, Acting Chief, Area 1, robert.kronenberg@montgomeryplanning.org, (301) 495-2187

Staff Report Date: 6/28/13

**Description**

- Request: Approval of preliminary and site plans
- Size: 6,525 square feet
- Zone: Transit Station–Residential (TS-R)
- Located: 4825 Montgomery Lane
- Bethesda CBD Sector Plan
- Preliminary Plan Submitted: February 14, 2013
- Site Plan Submitted: February 14, 2013
- Applicant: 4825 Montgomery Lane, LLC



**Summary**

- **Staff recommendation: Approval of the preliminary plan and site plan with conditions:**
- On December 4, 2102, the County Council approved Local Map Amendment (G-908) to reclassify the property located at 4825 Montgomery Lane in Bethesda from the R-60 Zone (one family residential) to the TS-R Zone.
- On February 14, 2013, the applicant submitted two separate applications for a preliminary plan (120130120) and for a site plan (82013015) on this property. This staff report analyzes both applications and recommends approval of each application with required development conditions.

## PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of Preliminary Plan (120130120) subject to the following conditions:

- 1) This Preliminary Plan is limited to one lot containing four multi-family units.
- 2) 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 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. Other limitations for site development may also be included in the conditions of the Planning Board's approval.
- 3) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its storm water management concept letter dated February 3, 2013, and hereby incorporates them as conditions of this approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 4) The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated June 10, 2013, and hereby incorporates them as conditions of this approval. 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.
- 5) The Applicant must show on the final record plat the following right-of-way dedications consistent with the 1994 Approved and Adopted *Bethesda CBD Sector Plan* and the Subdivision Regulation requirements:
  - a. Montgomery Lane: Dedicate an area 1.0 foot wide along the Site frontage to provide a distance of 26 feet between the property line and right-of-way centerline, and
  - b. West Lane: Dedicate an area 2.5 feet wide along the Site frontage to provide a distance of 25 feet between the property line and right-of-way centerline.
- 6) Prior to recordation of a plat, the Applicant must satisfy MCDOT requirements for access and improvements.
- 7) 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.
- 8) The applicant must comply with the binding elements of County Council Resolution No. 17-626 approving Local Map Amendment G-908.
- 9) The Property is within the Bethesda-Chevy Chase School Cluster area. The Applicant must make a School Facilities Payment to MCDPS at the high school level at the applicable unit rate for which any building permit is issued for a new residential unit. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.
- 10) The record plat must show all necessary easements.
- 11) The record plat must reflect common ingress/egress and utility easements over all shared driveways.
- 12) The record plat must reflect all areas under Homeowners Association ownership.
- 13) No clearing, grading, or recording of plats is permitted prior to certified site plan (820130150) approval.

## **SITE PLAN RECOMMENDATIONS AND CONDITIONS**

Staff recommends approval of Site Plan (820130150), Edgemoor for one multi-family building and a maximum of four multi-family units on 6,525 square feet. All site development elements shown on the site plan stamped "Received" by the M-NCPPC on May 23, 2013 and on the landscape plan stamped "Received" by the M-NCPPC on June 5, 2013 are required except as modified by the following conditions.

### **Conformance with Previous Approvals**

1. Development Plan Conformance  
The Applicant must comply with binding elements of County Council Resolution No. 17-626 approving Local Map Amendment G-908.
2. Preliminary Plan Conformance  
The Applicant must comply with conditions of approval for Preliminary Plan No 120130120, as listed in the Planning Board Resolution, unless amended.

### **Environment**

3. LEED Certification  
The Applicant must achieve a LEED (Leadership in Energy and Environmental Design) Certified Rating Certification at a minimum. The Applicant must make good faith efforts to achieve a LEED Silver rating. Before the issuance of any use and occupancy certificate, the Applicant must inform M-NCPPC staff of the LEED Certification Level for which they are applying. If this level is less than a Silver rating, before the issuance of the final use and occupancy certificate the Applicant must provide to staff a written report for public record purposes only from the Applicant's LEED consultant analyzing the feasibility of achieving a LEED-Silver rating, to include an affidavit from a LEED-Accredited Professional identifying the minimum additional improvements required to achieve the LEED Silver rating, including their associated extra cost. Submission of this report constitutes compliance with this condition.
4. Stormwater Management  
The development is subject to Stormwater Management Concept approval conditions dated February 3, 2013 unless amended and approved by Montgomery County Department of Permitting Services (MCDPS).

### **Site Plan**

5. Landscape  
Prior to submission of a certified site plan and subject to review and approval by staff, the Applicant must submit a revised landscape plan to include foundation plantings and ground cover along the building's eastern façade and additional plantings in the planting strip adjacent to the retaining wall along the eastern lot line.

6. Surety

Prior to issuance of the first building permit, the Applicant must provide a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. The Applicant must provide a cost estimate of the materials and facilities, which, upon staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety must include plant material and on-site lighting within the relevant phase of development.
- c. Prior to issuance of a building permit, the Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the applicant and incorporates the cost estimate.
- d. The bond/surety must be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

7. Development Program

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

- a. Off-site frontage improvements, including sidewalks, street trees, and lighting, must be installed prior to issuance of the final use and occupancy permit. Street tree planting may wait until the next growing season.
- b. On-site amenities including, but not limited to, sidewalks, retaining walls, and trash receptacles must be installed prior to release of the final use and occupancy permit.
- c. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the final sediment control plan, and M-NCPPC inspection and approval of all tree areas.
- d. The development program must provide phasing for installation of on-site landscaping and lighting.
- e. The development program must provide phasing of dedications, storm water management, sediment and erosion control, and other features.
- f. The Applicant must complete all frontage and internal access improvements as shown on the Site Plan prior to receiving an occupancy permit.

8. Certified Site Plan

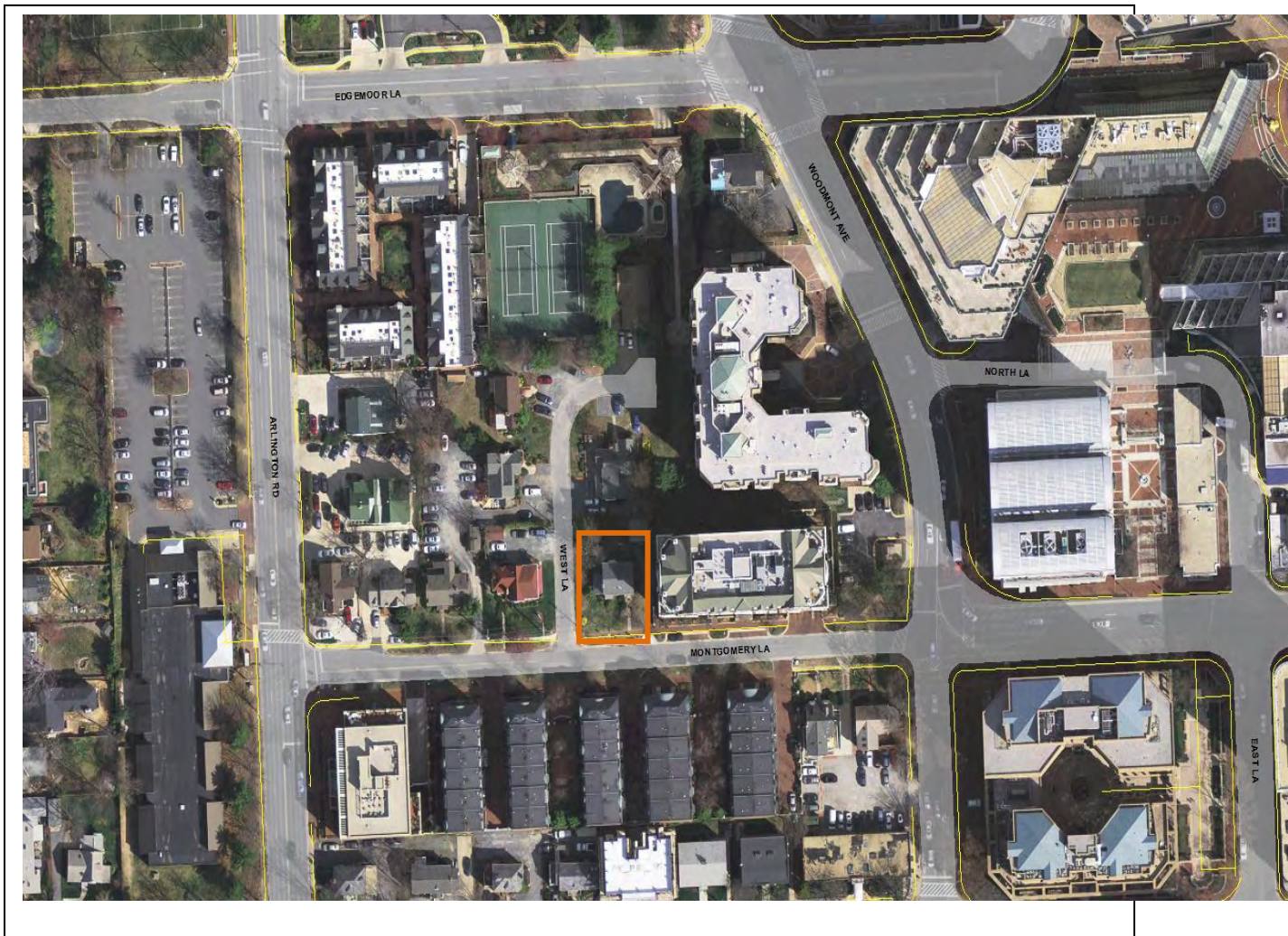
Prior to approval of the Certified Site Plan, the following revision must be made and/or information provided subject to Staff review and approval:

- a. Revise plans to include street light fixture along West Lane in the northwest quadrant of the site as acceptable to MCDOT.

**SITE DESCRIPTION**

The subject property is located on the north side of Montgomery Lane at its intersection with West Lane. It is located mid-block on Montgomery Lane approximately 250 feet east of its intersection with Woodmont Avenue and approximately 300 feet west of its intersection with Arlington Road in the Bethesda Central Business District (CBD). The property is rectangular in shape with frontage on both Montgomery and West Lanes of 95 feet and 70 feet, respectively. The site is developed with a one family dwelling unit and detached one car garage which will be removed to accommodate the proposed development.

The property is located in an urban setting within the Willett Branch watershed which is a tributary to Little Falls Branch Stream, a Use I watershed. The site is not otherwise associated with any environmentally sensitive features such as forest areas, stream buffers, wetlands, 100 year floodplains or steep slopes.



Vicinity Map of Site (Site highlighted in orange)

## **PROJECT DESCRIPTION**

### **Previous Approvals**

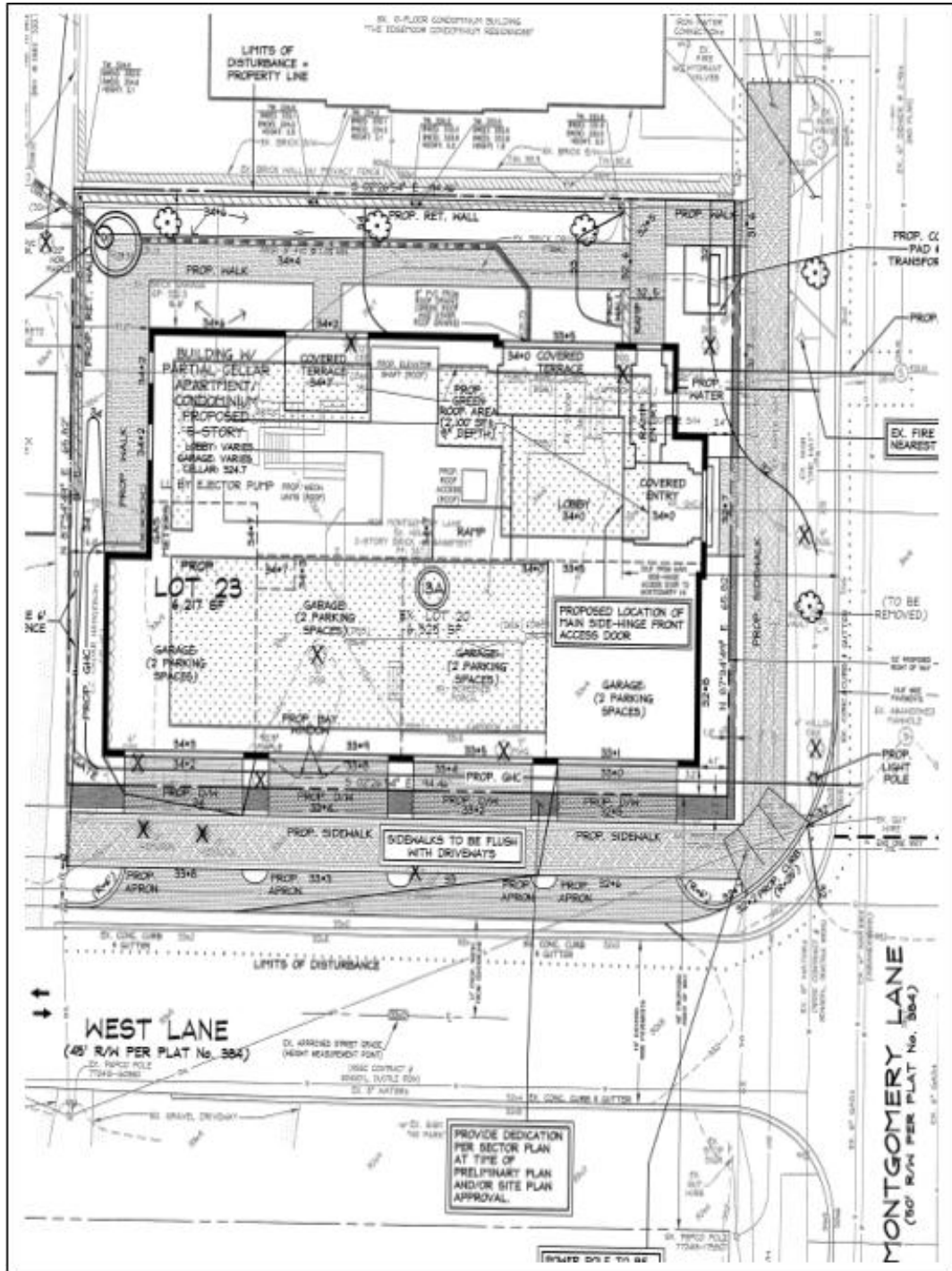
Local Map Amendment G-908 was approved by the County Council on December 4, 2012, changing the site's zoning from R-60 to the TS-R Zone. Approval of the local map amendment included approval of a Development Plan (DP), which contained illustrative and binding elements. These binding elements are listed below and their compliance is addressed later in this report.

1. Density: Maximum number of dwelling units is 4.
2. Building Height will be 5 floors.
  - A maximum height to the top of the roof is 65 feet.
  - A maximum height to the top of the parapet wall is 69 feet.
3. The primary pedestrian entrance to the proposed building shall be from Montgomery Lane.
4. The applicant must provide dedication along the property's frontage on Montgomery Lane and along the property's frontage on West Lane.
5. Vehicular access to the property will be from West Lane.

### **Proposal**

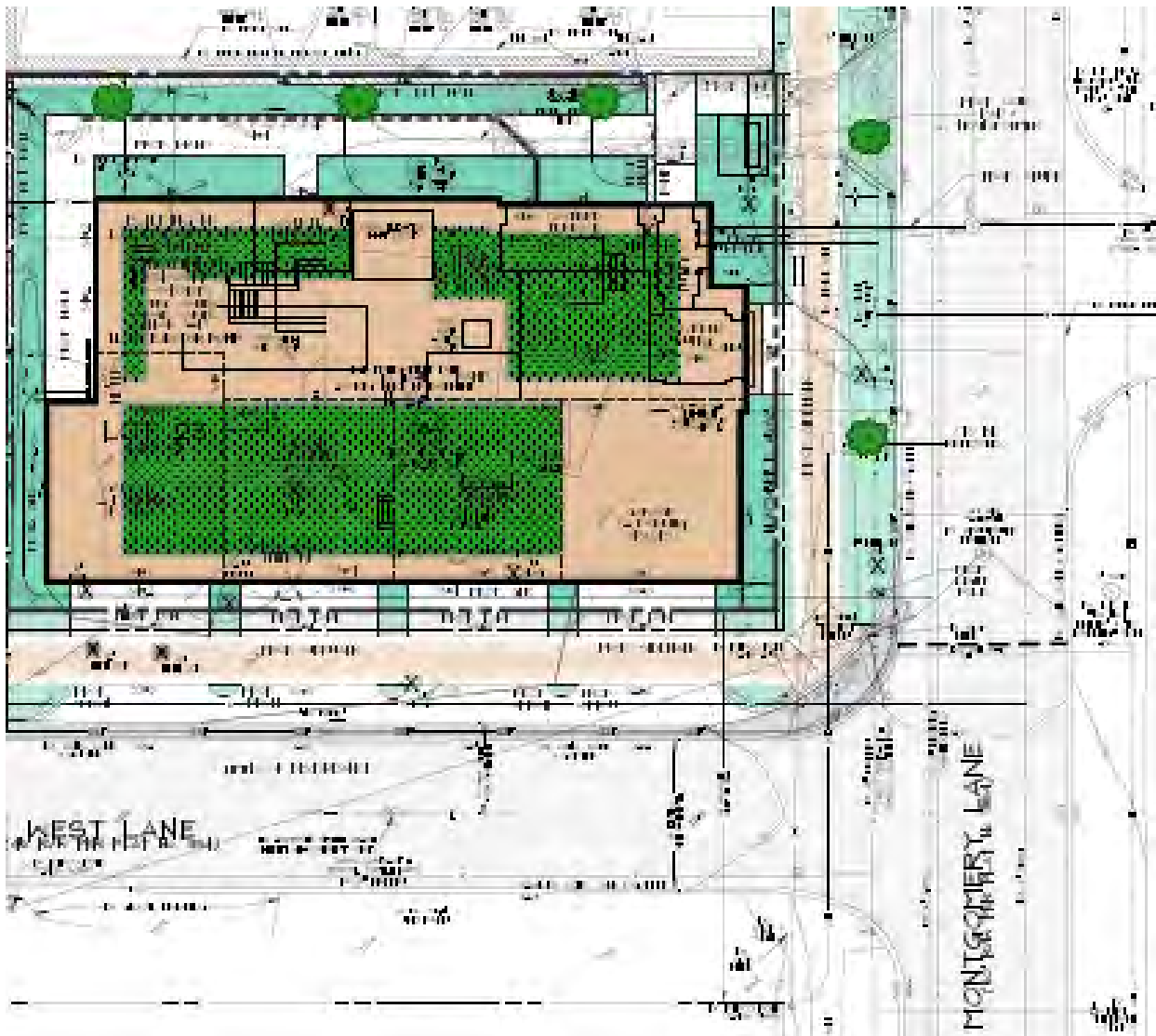
Under the submitted Preliminary Plan, the applicant proposes to rerecord an existing lot (Lot 23, Block A in the Edgemoor subdivision) to reflect additional right-of-way dedication needed along both Montgomery and West Lanes per the Sector Plan recommendations. The required full truncation at the intersection of Montgomery and West Lanes is not needed. Staff from M-NCPPC and MCDOT have reviewed this preliminary plan and determined that truncation of this intersection is not warranted due to the low volumes of traffic on both roadways. Thus, no truncation is proposed for this intersection under this application.





Proposed Preliminary Plan

Under the submitted Site Plan, the applicant proposes to construct one building that will be 65 feet in height to the top of the roof. The building will contain a maximum of 4 multi-family units and each unit will comprise an entire floor of the building. The main entrance to this building is on Montgomery Lane with a secondary entrance to the building within the enclosed courtyard area further east on Montgomery Lane. Off street parking for each unit is provided via a two car garage located on the street level of the proposed building. Access to the garage is from West Lane. Private open space is located within an enclosed courtyard area along the eastern portion of the site as well as on the balconies of each unit. Public open space is provided by the enhanced improvements along both Montgomery and West Lanes.



Proposed Site Plan





from the Metro Center to adjacent areas, identifying a building's entrance in the façade design and locating the entrance at street level.

This preliminary plan is consistent with land use objective Number 2 on page 80 of the Plan which recommends *"Increase the flexibility in the TS-R Zone to allow the district to achieve a low rise, high density "urban village" pattern."* The Plan's objective has been met as the site was rezoned to the TS-R zone (Page 80). Other land use objectives stated on page 80 are not applicable as the proposed preliminary plan is not creating high density housing, but a lower density low rise housing product in the Transit Station Residential District and the property is not located along Arlington Road.

*"The Plan recommends a minimum of 45 dwelling units per acre everywhere except on lots facing Arlington Road, where there would not be a minimum density in order to allow townhouse development at lower densities. The Plan anticipates that some projects will incorporate higher densities, and the full 2.5 FAR densities (about 100 dwelling units per acre) would be allowed." (Page 82).*

The proposed multi-family residential building for four dwelling units on 6,525 square foot lot is equivalent to a density of 27 dwelling units per acre. This site does not face on Arlington Road. The property will be developed at a FAR of 2.5, which is consistent with the Plan recommendations, and which utilizes the full FAR permitted in the TS-R zone.

The site is relatively small with a building height of 65 feet (ultimately 69 feet to the parapet wall). The Zoning Ordinance exempts parapet walls from the height control requirements. The proposed building is consistent with other nearby residential uses of comparable heights less than 65 feet that have been developed with densities between 24 to 36 dwelling units per acre. The building's height (of 65 feet) provides a transition between the taller TS-R developments abutting to the east and the townhouses to the west along Arlington Road. Moreover, this height is consistent with *"step down building heights"* shown on page 42 of the Plan.

The Plan also proposes *"a combination of private and public open space both within and outside the TS-R District to serve new residents. Open space within the TS-R neighborhood would be primarily developed as private recreational areas, possibly with both housing and private outdoor areas located above structured parking".(P 82)* Additionally the Plan states, *"one possible resource for publically oriented open space within the TS-R-District is in the area in front of the new apartment structures along Montgomery Lane. Streetscape and special seating areas could be provided in the setback from the sidewalk to the face, creating an outdoor community space."* (p 82)

The preliminary plan provides private open space along the eastern lot line of the site to serve future residents. This space will consist of an enclosed courtyard, with a walkway and landscaping. Additionally, each unit will also have balconies that will serve as private open space for future owners. Public open space is also provided along the site's frontage on Montgomery Lane and West Lane to serve new residents and workers throughout the Bethesda area as envisioned by the Plan. This public open space components and pedestrian enhancements include new or upgraded sidewalks, street lighting, and a modified Bethesda streetscape.

The following Urban Design guidelines contained in the Sector Plan are applicable to this application.

1. *Permit projects with a minimum lot size of 18,000 square feet to encourage smaller scale projects. Projects should not leave isolated parcels.*

Under Sect. 59-C-8.41 (1) (A) and (B) of the Zoning Ordinance a property of less than 18,000 square feet is permitted in the TS-R zone, if is “recommended in the applicable master or sector plan and if the property is adjacent to or confronting other parcels either classified or under application for the TS-R zone.” The subject property of 6, 525 square feet (gross) meets both of these criteria. Furthermore, this parcel size encourages a smaller scale development for the site and does not create an isolated parcel among the other nearby TS-R zoned properties.

2. *Encourage low-rise buildings to fill out the parcel.*

This preliminary plan proposes a five story (65 feet) low-rise building that is significantly lower than the adjacent building to the east. The proposed building has been designed to fully utilize the site’s dimensions. The Plan recommends a building height of no more than 65 feet which is equivalent to a six story residential building (page 39.) This preliminary plan is consistent with that recommendation as the building will be five stories with a height of 65 feet to the roof line plus an additional four feet to the top of the parapet wall. The parapet wall is exempt from the height control requirements of the Zoning Ordinance. The preliminary plan is also consistent with the Plan guidance to “step down building heights from the Bethesda Metro Center properties to achieve desirable and compatible transitions to adjacent areas.” P. 40

3. *Maintain low rise building heights which step down to three floors along Arlington Road. Heights of up to six floors are preferred near Woodmont Avenue to achieve the desired urban form.*

Since the property is not located along Arlington Road, the recommendation for low rise buildings of three floors is not applicable. However, the site is 300 feet east of Woodmont Avenue and as shown on the preliminary plan the height of 5 floors achieves the urban form desired in this location and near Woodmont Avenue.

4. *Provide 25-foot building setbacks from the curb (15 feet from the Sector Plan right of-way) along Arlington Road. Setbacks in the remaining portion of the TS-R District will be decided on a case by case basis as redevelopment proceeds through the Planning Board approval process.*

This property is not located on Arlington Road and the 25 foot building setback is not applicable. The preliminary plan shows a building setback of approximately 19 feet from the curb along both Montgomery and West Lanes. The Edgemoor (abutting to the east) and the City Houses Townhouses (confronting to the south) have setbacks from Montgomery Lane of approximately 15 and 25 feet, respectively. The proposed building setbacks fits within the urban form and low density pattern of development the Plan seeks to achieve as the lot is “filled out” by the building design and the lot’s small size. As shown on the submitted preliminary plan the proposed building setback is consistent with setbacks for other residential developments along Montgomery Lane.

5. *Design roof tops to achieve a residential image using hip roofs, gables, turrets, and other types of pitched roof lines. The varied roof line is desirable to improve character and reduce the sense of bulk.*

The proposed development achieves the broader intent of this design guideline through the building's "residential image" and a reduced "sense of bulk" through various design features. The design features proposed with this application address the master plan compatibility objectives and are incorporated into the site plan review. Thus, the provision of a "pitched roof line" or a similar design feature is not essential to achieve the intent. The reduced sense of bulk has been addressed through the articulated design of each façade and the creation of a base, middle and top. The building's design communicates a "residential character" including features similar to those of the residential townhouses directly across Montgomery Lane as discussed in the following bullets:

- Proposed building materials are a combination of brick and other masonry elements which define "top", "middle" and "base" with articulated horizontal bands and corner detailing that includes quoins. This design is similar to the townhouses across the Montgomery Lane from the site.
- The front door is of a residential design. It is a standard "single wide" residential scale and its design includes flanking of small-scale ornamental pilasters that rise only to the height of the door.
- The cornice is articulated and detailed.
- A residential character is conveyed through the use of windows that are divided symmetrically into a grid of individual panes, on façade facing Montgomery Lane. There are a similar style of windows on the building's other facade that also reinforces the residential character of this structure.
- A small circular paned window marks each floor on the structures south façade fronting on Montgomery Lane. This is another design feature that emphasizes this structure as a residential building.
- Each unit has a balcony fronting on Montgomery Lane that provides private outdoor space.
- The west elevation which faces West Lane is designed with double garage doors (to fit two cars) that contain ornamental panels and detailing often found on one-family homes and townhouses of traditional style.

The intent of this guideline has been met through the building's design which is residential in character, coupled with its limited height and its façade treatments with detailed articulation. As the surrounding neighborhood develops, its residential character will be achieved through the use of design details such as pitched roofs. For example, the townhouses across Montgomery Lane have pitched rooflines, while multi-family building at corner of Montgomery Lane and Arlington Road does not. In both developments, the combination of design features achieves the desired outcome.

*6. Locate front unit entrances along the street when residences are provided on the first floor to encourage street life.*

The front entrance to the building will be on Montgomery Lane in keeping with the previously cited Plan recommendation. The Plan also recommends that Montgomery Lane be a pedestrian oriented "mixed street." (pages 84 & 86 and pages 180-1). A mixed street is one with slow moving traffic and enhanced features for pedestrians and bicyclists. This concept is that such a street is designed to accommodate a true "mix" of pedestrian, bicyclists and motorized vehicles. Montgomery Lane will encourage street life and provide a direct pedestrian connection between the Bethesda Public Library on

Arlington Road and the Metro Station to the east. (page 41). The Bethesda Library serves as a “primary focal point” along Montgomery Lane. The building’s entrance on Montgomery Lane will assist in increasing pedestrian activity along the street and the absence of driveway entrances and curb cuts onto Montgomery Lane will reinforce this street as a pedestrian route.



Building Entrance on Montgomery Lane

Underground parking was explored by the applicant at the time of the rezoning application but was not considered due to the small lot size and inefficient circulation that would result. The preliminary plan shows garage parking on the street level garage along West Lane. Each garage unit is a double bay and is equipped with garage doors that close to screen views of the parked vehicles.



Garage Entrances on West Lane

Finally, one of the Plan's general objective and principles stated on page 40 is *"to achieve an infill character for new development by dividing large projects into several buildings which will achieve an urban form with a "fine grain" versus a coarse grain created by larger, single structures."* The preliminary plan is consistent with the Plan's guidance as the property is deemed an infill development given the small lot size. However, the small lot size coupled with the proposed small residential building will contribute to the "fine-grain" of the neighborhood by providing a compact, yet detailed structure instead of a larger single structure that overwhelms the site and surrounding area.

### **Public Facilities**

#### **Roads and Transportation Facilities**

The Preliminary Plan will satisfy the Adequate Public Facilities requirements through dedicating right-of-way along Montgomery and West Lanes, limiting the maximum number of units on site and completing frontage and internal access improvements to the site.



Currently, the site has two vehicular access points: one from Montgomery Lane and one from West Lane. As proposed by this preliminary plan, the vehicular access to the site will be limited to only West Lane and will be provided via four private driveway aprons that connect to the four private two-car garages on the street level of the proposed building. As shown on the preliminary plan a public sidewalk will be constructed along the site's frontage on West Lane, where none presently exists and the existing sidewalk along Montgomery Lane will be improved. These actions will result in a continuous sidewalk system around the entire site. Additionally, sidewalks will be provided on site internally to facilitate service access to the rear of the property.

The site is located approximately 1,000 feet from the entrance to the Bethesda Metro Station which is located at the southwest corner of the intersection of Wisconsin Avenue (MD 355) and Old Georgetown Road (MD 187). This area is well served by Metrobus and Ride-On routes (with Metrobus Route J4 along Woodmont Avenue and Ride-On Route 36 along Arlington Road), and the Bethesda Circulator shuttle (circulating along both Arlington Road and Woodmont Avenue).

#### Recommended Area Roadways and Pedestrian/Bikeway Facilities

The July 1994 Approved and Adopted *Bethesda CBD Sector Plan* recommends the following nearby transportation facilities:

1. Montgomery Lane, between Arlington Road to the west and Woodmont Avenue to the east, as a two-lane business district "mixed" street with parking on one side, and with a minimum right-of-way width of 52 feet. This street is designated as a "Biker Friendly Area" in the *Bethesda CBD Plan*, and is not recommended for specific bicycle facility improvements. Furthermore, the *2005 Countywide Bikeway Functional Master Plan* does not identify any future bicycle facilities along Montgomery Lane.
2. West Lane, between Montgomery Lane and its terminus to the north, as a two-lane business district street with a minimum right-of-way width of 48 feet. West Lane is not identified for future bicycle improvements in either the *Bethesda CBD Plan* or *2005 Countywide Bikeway Functional Master Plan*.

Under this preliminary plan, the applicant will dedicate an area of 308 square feet of right-of-way. This dedication will consist of: a 1.0 foot wide area along the site's frontage on Montgomery Lane, and a 2.5 foot wide area along the site's frontage on West Lane. This proposed dedication will widen the Montgomery Lane and West Lane public rights-of-way to 52 feet and 48 feet, respectively.

#### Truncation

Section 50-26(c) (3) of the Subdivision Regulations requires that the property lines of corner lots be truncated 25 feet from the intersection. This provides additional right-of-way area at intersections and ensures that adequate sight distance is available and creates space for traffic channelization. The regulation also allows the Planning Board to specify a greater or lesser truncation depending on the specific sight distance and channelization needs at the intersections adjacent to the Subject Property. Under this application, no truncation is proposed at the intersection of Montgomery and West Lanes.

A full truncation at this intersection would negatively impact the design of the development and the relationship of the building to the public street. The Montgomery County Department of Transportation has expressed no objection to approval of the Preliminary Plan without full truncation as a full truncation at this intersection is not necessary because of the low volume of traffic on each roadway. Staff concurs with this recommendation and further recommends that the Planning Board not require the full truncation at the intersection of Montgomery and West Lanes. Appendix B contains the MCDOT memorandum.

Adequate Public Facilities (APF) Review

- Local Area Transportation Review (LATR)

A traffic statement, dated August 2, 2011, was submitted by the Applicant per the LATR/TPAR Guidelines since the proposed development is estimated to generate less than 30 peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. The Table 1 below summarizes that statement and shows the number of peak-hour trips generated by the proposed use during the weekday peak periods. Based on this analysis, the subject application satisfies the LATR requirements of the APF test.

**TABLE 1  
SUMMARY OF SITE TRIP GENERATION  
PROPOSED EDGEMOOR DEVELOPMENT**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
Proposed Density – 4 Apartments/Condominiums	1	1	2	1	1	2
Existing Density – 1 Single-family Dwelling Unit	0	1	1	1	0	1
<b>Net New Trips</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>

As shown in Table 1, the proposed development would generate 1 net new peak-hour trip during the weekday morning and evening peak periods.

- Transportation Policy Area Review (TPAR)

The proposed development is exempt from both the roadway and transit tests set forth in the 2012-2016 Subdivision Staging Policy because it is located within the Bethesda Central Business District (CBD) Policy Area. As a result of this exemption, the Applicant is not required to pay transportation impact tax to satisfy the TPAR requirement. As shown on the preliminary plan, the vehicle and pedestrian access for the proposed development will be adequate with the proposed public improvements.

## Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The property is proposed to be 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 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 resolution currently in effect and will be adequate to serve the property. The subject property is within the Bethesda Chevy Chase 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.

## Environment

There are a number of trees onsite ranging in sizes from 5" to 32.5" diameter at breast height (DBH). A forest conservation exemption application (#42012104E) was submitted for the project on January 20, 2012. The exemption request was confirmed as qualifying under 22A-5(s) (2) of Forest Conservation Law, on January 31, 2012. The exemption was confirmed with a condition that a tree save plan be submitted at the preliminary plan stage. Furthermore, staff had also requested a minimum of three 1.5"- 2" caliper sized native trees to be planted on the site as mitigation for the loss of the onsite 32.5" Silver Maple tree proposed for removal by the plan.

An offsite 22" Norway maple (an invasive species) is located near the Northeast corner of the subject property. The tree would be considerably impacted by the proposed construction activity on the subject property. The applicant has reported that permission for removal of the offsite tree has been granted and that coordination for removal of the tree will occur. Since the trees affected by the project are generally proposed for removal and the requested quantity of three native tree replacements are being provided onsite, the formal Tree Save Plan was not ultimately required.

## Noise

Staff reviewed a May 31, 2013 Phase I Noise Analysis report prepared by Phoenix Noise and Vibration, LLC which concluded the following:

*Future roadway noise levels thorough the site... will be below 65 dBA Ldn. Furthermore, the proposed five-story condominium building will not be exposed to future roadway noise levels above 65 bDA LDn.*

*The site requires no further analysis or additional mitigation to comply with Montgomery County's noise regulation for residential development. Noise levels in any future outdoor recreation areas planned for the site, including the private covered terraces facing Montgomery Lane, will be below 65 dBA Ldn without further mitigation, while typical standard building construction will be capable of maintaining indoor noise levels at or below 45dBA Ldn for all residential units.*

Staff concurs with the findings of the noise analysis; therefore no conditions regarding noise mitigation are required or recommended.

## Stormwater Management

The project has a Stormwater Management Concept Plan approved on February 3, 2012 by the Department of Permitting Services (DPS). The approved concept proposes to meet required stormwater management goals by the use of a green roof and a waiver of quantity, on condition that a flow based filter be provided for additional treatment. Appendix C contains the DPS memo.

## **Compliance with the Subdivision Regulations and Zoning Ordinance**

The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the recommendations included in the applicable master plan and for the type of development or use contemplated. The property is recorded as Lot 23, Block 13A in the Edgemoor Subdivision. The site fronts on two public rights-of-ways. According to the Bethesda CBD Sector Plan dedication is needed along both roadways as follows along Montgomery Lane approximately 1.0 feet of dedication is needed and along West Lane approximately 2.5 feet of dedication is needed. Although the site was subdivided, the applicant was required to submit a preliminary plan to meet the dedication requirements recommended in the Plan. This lot is being rerecorded to reflect the dedication needed and as shown on the Preliminary Plan meets the Plan recommendations

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, of the Subdivision Regulations. The lot was reviewed for compliance with the TS-R Zone dimensional requirements as specified in the Zoning Ordinance. A summary of this review is included in Table 2 discussed under the Site Plan text findings of this report. . The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

## **Community Correspondence**

To date no correspondence has been received from the community or its residents regarding these applications.

## **Site Plan**

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 Application complies with all applicable binding elements of County Council Resolution No. 17-626 approving Local Map Amendment G-908 which rezoned the property from the R-60 zone to the TS-R zone. The following binding elements were included as part of the Hearing Examiner's approval of the development plan:

1. Density: Maximum number of dwelling units is 4.
2. Building Height will be 5 floors.
  - A maximum height to the top of the roof is 65 feet.
  - A maximum height to the top of the parapet wall is 69 feet.

3. The primary pedestrian entrance to the proposed building shall be from Montgomery Lane.
4. The applicant must provide dedication along the property's frontage on Montgomery Lane and along the property's frontage on West Lane.
5. Vehicular access to the property will be from West Lane.

*Binding Elements Discussion*

The Data Table 2 on page 19 of this report states only 4 units are proposed for this multi-family building. The maximum height will be 69 feet to the top of the parapet wall. To the top of the roof, the building will be 65 feet. The building as designed will have its primary entrance for pedestrians on Montgomery Lane. The site plan shows dedication along both Montgomery and West Lanes of 1.0 feet and 2.5 feet respectively. West Lane will serve as the vehicular access point to this property as all proposed garage units are located along West Lane. As submitted, the Site Plan conforms to all non-illustrative elements of the approved Development Plan.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

As submitted, the site plan conforms to the requirements of the TS-R Zone as specified in Table 2.

**Table 2  
Data Table for TS-R Zone**

<b>PLAN DATA</b>	<b>Zoning Ordinance Development Standard</b>	<b>Proposed for Approval by the Site Plan</b>
Minimum Tract Area	18,000 sf	6,525 sf <sup>1</sup>
Building Height	n/a	65 ft <sup>2</sup>
Number of Units	n/a	4 <sup>3</sup>
Density of Development		
Floor Area Ratio	2.5	2.5
Maximum Residential Dwelling Units per Zoning	150	27
Building Setbacks		
West Lane	n/a	19 ft
Montgomery Lane	n/a	19 ft
Open Space		
Minimum Public Use Space	10% (622 sf)	10% (630 sf)
Minimum active/passive recreation	20%(1,244 sf)	21% (1,344 sf)
Total minimum open space	30%(1,866 sf)	31% (1,974 sf)
Parking	8 spaces	8 spaces
MPDUs	n/a	n/a

<sup>1</sup>Under Section 59-C-8.41(1) (A) and (B) of the Zoning Ordinance a property less than 18,000 square feet is permitted

<sup>2</sup>Per Bethesda CBD Sector Plan recommended height limit is 65 feet; final building height, as determined by MCDPS at the time of site plan.

<sup>3</sup> Limited to four dwelling units by a binding element of the Development Plan G-908.

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

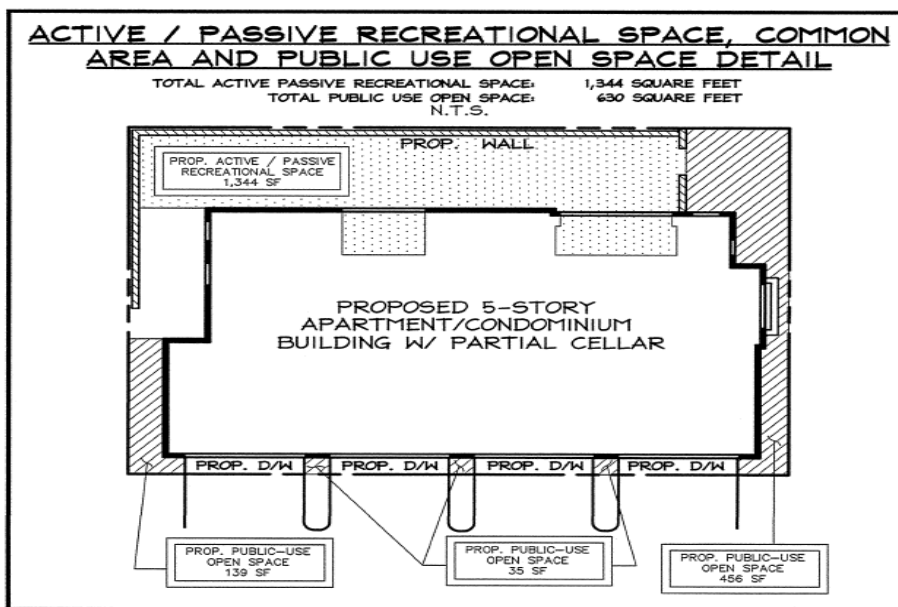
***Building***

The building's main entrance will be on Montgomery Lane in keeping with the Plan's recommendation of building entrances on this street to activate it with pedestrian activity. This entrance also provides easy access to the existing network of sidewalks in the surrounding neighborhood. The footprint of the building is designed to fully utilize the lot's small size. LEED (Leadership in Energy and Environmental Design) will be incorporated into the design of both the building and site. The building's location provides ease of access to the Bethesda Metro Station approximately 1,000 feet east of the Site on Wisconsin Avenue. The location of the building is adequate, safe and efficient, while fulfilling the Plans' recommendation for a pedestrian oriented mixed street.



### Open Space

The open space area is safe, adequate, and efficient. It consists of an enclosed courtyard along the development's eastern lot line, which serves as the active passive recreation space for the project. The courtyard contains a brick walkway that provides access from Montgomery Lane to the building's courtyard entrance as well as around the building and serves as a secondary access point for residents and deliveries. Landscaping and lighting are provided in the courtyard not so much as to cause glare on the adjacent properties. Public open space is provided by the new lighting, brick sidewalks and enhanced landscaping along both Montgomery and West Lanes. The open space is adequate and efficiently provides a safe and comfortable environment for future residents.



Open Space for Edgemoor Project

### Landscaping

The landscape plan creates a safe and efficient pedestrian experience along Montgomery Lane with street trees, shrubs and new lighting. Additionally, a trellis is proposed on the West Lane building façade that outlines each garage door. This trellis will be landscaped with vines and flowering shrubs and provide shade and vegetation to a defined architectural façade. It will also add an element of interest to residents and pedestrians in the neighborhood. In addition, landscaping efficiently screens the transformer and concrete pad in the front yard. The courtyard, its walkway and trees define the open space and create an identity for this small space. As conditioned, the landscaping proposed for the courtyard will provide additional foundation plantings, such as shrubs and ground cover, along the building's foundation (eastern façade) and between the retaining wall and walkway along the eastern property line. These

additional plant materials will soften views of the building's base and the retaining wall and create a more pleasant experience for project's future residents and visitors to the site.

#### *Recreation Facilities*

Under the 1992 M-NCPPC Recreational Guidelines, this project is exempt from the requirements to provide recreational facilities because it contains fewer than 25 single family dwelling units. However, there are several M-NCPPC facilities located nearby that offer recreational opportunities to future residents. These facilities include: Caroline Freeland Urban Park located at the intersection of Hamden Lane and Arlington Road less than 0.25 mile from the site; the Capital Crescent Trail beginning at corner of Bethesda and Woodmont Avenues roughly less than a ½ mile from the site; and the Elm Street Urban Park located on Elm Street, east of Wisconsin Avenue roughly 0.75 mile from the site. Appendix D contains a map of these facilities.

#### *Pedestrian and Vehicular Circulation*

Pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the surrounding area. Safety is enhanced by the provision of a new sidewalk on West Lane where none exists now. With these recommended site plan improvements, there will be minimal impacts to pedestrian circulation. The vehicular circulation into the site has been design to safely channel traffic from West Lane into each private garage entrance. Additionally, Montgomery Lane is a one-way street (westbound) from its intersection with Woodmont Avenue to West Lane. This traffic restriction will ensure that the development does not create traffic impacts in the surrounding neighborhood and provides an efficient, adequate and safe atmosphere for pedestrians and vehicles.

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

The submitted site plan is compatible with adjacent development in the surrounding area. The majority of the surrounding properties are zoned TS-R and have been develop with multi-family buildings or townhouses. The prosed structure has been designed to ensure compatibility with these existing structures through the use of comparable building heights and an architectural design that complements the confronting townhouses on Montgomery Lane and does not overwhelm the site or surrounding properties with its bulk or scale.

- 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.*

The development is exempt from the requirements of Chapter 22A regarding the Forest Conservation Law. The MCDPS Stormwater Management Section approved the stormwater management concept on February 3, 2013.

**Attachments**

Appendix A – Council Resolution #17-626

Appendix B – MCDOT memo

Appendix C – DPS memo

Appendix D -Map of Nearby Recreational Facilities

Resolution No.: 17-626  
Introduced: December 4, 2012  
Adopted: December 4, 2012

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
IN MONTGOMERY COUNTY, MARYLAND**

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By: District Council

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**SUBJECT:** APPLICATION NO. G-908 FOR AMENDMENT TO THE ZONING ORDINANCE MAP, Martin J. Hutt, Esquire, and Steven A. Robins, Esquire, Attorneys for the Applicant, 4825 Montgomery Lane, LLC; OPINION AND RESOLUTION ON APPLICATION; Tax Account No. 07-00488086

**OPINION**

Application No. G-908, filed on October 14, 2011, requests reclassification of approximately 0.15 acres (6,525 square feet gross tract) of land in Bethesda from the R-60 Zone (Single-Family, Detached) to the TS-R Zone (Transit Station-Residential). The subject site is described as Lot 20, Block 13A in the Edgemoor Subdivision of Bethesda. The property is located at 4825 Montgomery Lane, on the east side of West Lane and the north side of Montgomery Lane, approximately half way between Arlington Road and Woodmont Avenue. The property is owned by Applicant, 4825 Montgomery Lane, LLC.

The site will be developed with a five-story, multi-family building, containing 4 residential units and 8 parking spaces. There will be approximately 15,519 square feet of residential floor area. Because there will be fewer than 20 dwelling units, Section 25A-5(a) of the Montgomery County Code does not require any moderately priced dwelling units (MPDUs), and none are planned for this project. Parking will be provided in a street-level garage which will accommodate eight vehicles. The proposed development will be subject to preliminary plan and site plan approval by the Planning Board.

The application for rezoning was reviewed by the Technical Staff of the Maryland-National Capital Park and Planning Commission, and in an amended report dated August 31, 2012, Staff recommended approval of the application. Exhibit 37. The Montgomery County Planning Board considered the application on September 13, 2012, and by a vote of 4 to 0, recommended approval, with additional textual binding elements to which the Applicant has agreed. The Board's recommendation is contained in a letter to the Hearing Examiner dated September 19, 2012. Exhibit 42.

This application is supported by the City Homes of Edgemoor Homeowner's Association Inc. (CHEHA), which is composed of 29 privately owned residences located nearby on Montgomery Lane. See September 7, 2012, letter of Richard Lawch, President, Board of Directors of CHEHA. Exhibit 41. It is also supported by the Council of Unit Owners of the Edgemoor Condominium (CUOEC), as reported by Jon Weintraub, their Community Liaison. Exhibit 40. Mr. Weintraub did, however, express some concern about the adequacy of parking for the building.

The sole opposition comes from one neighbor, Susan Grudziecki, who wrote (Exhibit 22) and testified (Tr. 112-124) regarding her concerns about the adequacy of the proposed parking. Ms. Grudziecki's concern is that there will not be enough parking to accommodate visitors, contractors and delivery people; however, she conceded at the hearing that the amount of parking being provided is not a basis for denial of this application, given the applicable regulations. Tr. 123-124.

The hearing in this case was initially scheduled for March 12, 2012, but it was postponed twice at the Applicant's request (Exhibits 27, 29, 30 and 32). Subsequently, the Council adopted a zoning text amendment (ZTA 12-08), effective July 30, 2012, which eliminated a requirement for the TS-R Zone that parcels under 18,000 square feet had to have a single Development Plan in combination with an adjacent or confronting parcel in the TS-R Zone.

A public hearing in this case was thereafter noticed for September 21, 2012 (Exhibit 33), and it proceeded as scheduled. Five witnesses were called by the Applicant, and the only opposition testimony was given by Ms. Grudziecki. The record was held open until October 1, 2012, to allow the Applicant the opportunity to file a revised development plan in accordance with the recommendations of the Planning Board. The revised Development Plan was timely filed as Exhibit 60(a), and the record closed as scheduled on October 1, 2012.

The Hearing Examiner recommended approval on grounds that the proposed development satisfies the purpose and standards of the TS-R Zone; meets the requirements set forth in Section 59-D-1.61 of the Zoning Ordinance; will be compatible with development in the surrounding area; is consistent with the Bethesda CBD Sector Plan; and will be in the public interest.

To avoid unnecessary detail in this Resolution, the Hearing Examiner's Report and Recommendation, dated November 7, 2012, is incorporated herein by reference. Based on its review of the entire record, the District Council finds that the application does meet the standards required for approval of the requested rezoning for the reasons set forth by the Hearing Examiner.

The subject site is described as Lot 20, Block 13A in the September 27, 1928 Re-Subdivision Plat of Edgemoor in Bethesda (Exhibit 8).<sup>1</sup> It is within the Transit Station Residential District, as shown in the Bethesda CBD Sector Plan, approved July 1994. According

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<sup>1</sup> Technical Staff incorrectly lists the property as Lot 23 (Exhibit 37, p. 3); however, the rezoning application (Exhibit 2); the certified metes and bounds (Exhibit 6); the Subdivision Plat (Exhibit 8); and the State tax records all list the property as Lot 20.

to Technical Staff, the site is relatively flat, with a slight increase in grade along the front of Montgomery Lane. Exhibit 37, p. 3. It is rectangular in shape, with approximately 70 feet of frontage on Montgomery Lane and 95 feet of frontage on West Lane. It is developed with a two-story, single-family house with a detached one car garage. Exhibit 23(b), p. 1. Both structures will be razed under this application.

The gross tract area of the property is 6,525 square feet (including the land that is proposed for dedication), and the proposed net tract area is 6,217 square feet. As shown on the NRI/FSD<sup>2</sup> (Exhibit 12), which was approved by Technical Staff on March 9, 2011, the property is not located within a Special Protection Area or a Primary Management Area, and does not contain any forest, streams, steep slopes, buffers or flood plains. Applicant's engineer, Curt Schreffler, testified that there is one 32-inch, silver maple tree currently on the site. It meets the definition of a specimen tree, but it is in poor condition. Tr. 43-45. Technical Staff also confirms in its report that "The site does not contain any environmentally sensitive features as defined by the Planning Board's Approved Environmental Guidelines (2000)." Exhibit 37, p. 20.

The surrounding area must be identified in a floating zone case so that compatibility can be evaluated properly. The "surrounding area" is defined less rigidly in connection with a floating zone application than in evaluating a Euclidean zone application. In general, the definition of the surrounding area takes into account those areas that would be most directly affected by the proposed development. In the present case, Technical Staff recommends (Exhibit 37, p. 3) designating the surrounding area boundaries as:

Moorland Lane on the north, Woodmont Avenue on the east, Elm Street on the south and Arlington Road on the west. This area is defined as the Transit Station Residential Development Area in the Sector Plan.

The Hearing Examiner accepted this definition, as does the District Council.

Technical Staff describes the surrounding area very extensively in their report (Exhibit 37, pp. 6-7), and their complete description is quoted in footnote 5 of the Hearing Examiner's report. The critical fact about the Surrounding Area is that it is in the part of the Bethesda CBD Sector Plan recommended for the TS-R Zone, and the subject site is surrounded by uses in the R-60 and TS-R Zones (with just a smattering of R-10 zoned property to the southeast). The Central Business District of Bethesda is a half block to the east of the site, and commercial properties in the C-2 Zone are located just south of the Transit Station Residential District. One half block to the west of the site is Arlington Road, and across Arlington Road are properties in the R-60 Zone.

Immediately north of the subject site is property in the R-60 Zone which contains a single-family house being used as a commercial office. Immediately east of the subject site is the 10-story multi-family building known as the Edgemoor, which is in the TS-R Zone. Immediately northwest of the subject site, across West Lane, is the property known as Holladay at Edgemoor, which has been approved under the TS-R Zone in accordance with Local Map Amendment G-843 for 48 multi-family units and a building height that will vary from 4 to 6

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<sup>2</sup> The term "NRI/FSD" stands for "Natural Resource Inventory / Forest Stand Delineation."



stories. An application (LMA G-912) to rezone the property across West Lane (Lot 26), directly to the west of the subject site, was filed in conjunction with development previously authorized under LMA G-843, but the applicant has withdrawn the application for technical reasons, and plans to re-file, incorporating Lot 26 into the parcels approved under G-843. The plan in G-912 was to construct a 70-foot building in the TS-R Zone for 113 multi-family units on all the affected properties. Confronting the subject site, across Montgomery Lane to the south, is the City Homes Townhouse development, which includes four-story townhouses in the TS-R Zone.

The zoning and area planning history of the subject site was set forth in the Technical Staff report (Exhibit 37, p. 13):

1. 1954 - Countywide Comprehensive Zoning confirmed R-60 Zone
2. 1958 - Countywide Comprehensive Zoning confirmed R-60 Zone
3. F-736 - Adopted 8/15/72 reconfirmed R-60 Zone
4. G-20 - Bethesda CBD adopted 12/6/77 reconfirmed R-60 Zone
5. G-665 - Georgetown Branch Master Plan adopted 6/26/90, reconfirmed R-60 Zone
6. G-666 - Bethesda Chevy Chase Map Plan adopted 6/26/90, reconfirmed R-60 Zone
7. G-711 - Bethesda CBD Sector Plan, adopted 10/11/94 reconfirmed R-60 zone, recommended TS-R Zone

The Applicant seeks to reclassify the subject site to the TS-R Zone with the intent of building a transit-oriented project near a metro station. According to Applicant's managing member, Mimi Kress, Applicant's vision for the subject property is construction of a "high end" project of luxury condominiums, which will fit in well with the other projects in the neighborhood and is desirable within the market. Tr. 14. Applicant's architect, George Myers, initially explored a townhouse concept because there are townhouses as well as apartment buildings in the area, but he concluded that the proposed structure was the best type of building in the TS-R zone. Tr. 52-53.

The building will be five stories, with the first level being the garage and with four individual units above. Each unit will be approximately 2600 net square feet, and each will have a two car garage at grade level, yielding a total of eight parking spaces. Vehicular access into each of the four street-level garages will be provided from West Lane, but the primary pedestrian entrance and the entry lobby will be on Montgomery Lane. Tr. 14-15.

According to Applicant's architect, the building was designed with the primary rooms (*i.e.*, bedrooms, kitchen, living and dining rooms) facing Montgomery and West Lanes so that the front elevations would have "lots of glazing" and would look good since they are facing the public view. The stairs, elevators, trash room and trash chute are located on the two back sides (north and east). The building is designed primarily in a more traditional, residential style because that is typical of the neighborhood. It will have double-hung windows; a porch on the corner; and covered porches, which is a very residential feature, typical of a lot of older, smaller apartment buildings. The building will be articulated with a base, a middle and a top, which is a traditional way of detailing a residential building. Tr. 54-59. It will also have a green roof to aid in stormwater management. Tr. 119-120.

In Mr. Myers' expert opinion, the building will fit well in the neighborhood and will be compatible in terms of scale and massing with the adjoining Edgemoor, which is taller at 10 stories, and the City Home Townhouses, across Montgomery Lane, which is one story shorter. Tr. 56-57. Applicant will provide an enhanced streetscape along both West Lane and Montgomery Lane. A sidewalk for West Lane will be provided as part of this project, and there will also be street trees, special pavers and lighting. Tr. 72-73.

Technical Staff agreed that "The design of the building successfully communicates a "residential character" including features similar to those of the residential townhouses directly across Montgomery Lane." Exhibit 37, p. 16. Staff added that, ". . . the applicant has produced an innovative and creative building for this site that will blend well with existing and proposed residential developments nearby in terms of height and massing." Exhibit 37, p. 21. The Planning Board also found "that the rezoning application is consistent with the Sector Plan for the Bethesda Central Business District (CBD). The application will comply with the purposes, standards and regulations of the TS-R zone and the development as reflected on the Development Plan and further refined by the binding elements will be compatible with the surrounding area." Exhibit 42, p. 1.

The Hearing Examiner found that Applicant's development concept and vision for the project constitute a well-conceived plan for the development of the subject site, in accordance with the standards set forth in the Zoning Ordinance and the objectives of the applicable Sector Plan. Based on this record, the District Council agrees.

Pursuant to Code § 59-D-1.1, development in the TS-R Zone is permitted only in accordance with a development plan that is approved by the District Council when the property is reclassified to the TS-R Zone. The Development Plan, and the Land Use Plan that constitutes one of its primary parts, are binding on the Applicant except where particular elements are identified as illustrative or conceptual. Illustrative elements may be changed during site plan review by the Planning Board, but the binding elements cannot be changed without a separate application to the District Council for a development plan amendment.

The land use plan for the present zoning application, Exhibit 60(a), is titled "Development Plan (Land Use Plan)." The textual binding elements are printed on the development plan, and they are as follows:

TEXTUAL BINDING ELEMENTS:

1. Density: maximum number of dwelling units is 4.
2. Building height will be 5 floors:
  - a maximum height to the top of the roof is 65 feet.
  - a maximum height to the top of the parapet wall is 69 feet.
3. The primary pedestrian entrance to the proposed building shall be from Montgomery Lane.
4. The Applicant must provide dedication along the property's frontage on Montgomery Lane and along the property's frontage on West Lane.
5. Vehicular access to the property will be from West Lane.

The project will be developed in one phase, and will provide 10.6 percent public use space (659 square feet) and 23 percent active or passive recreation space (1,427 square feet), with final areas to be determined at site plan.

Applicant is proposing to dedicate one foot along Montgomery Lane and two and a half feet along West Lane, but the exact final width of West Lane and the total areas to be dedicated will be determined during the subdivision and site plan process.

Section 59-D-1.61 of the Zoning Ordinance requires the District Council, before it approves any application for re-zoning to the TS-R Zone, to consider whether the application, including the development plan, fulfils the “purposes and requirements” set forth in Code Section 59-C for the new zone. In making this determination, Zoning Ordinance §59-D-1.61 expressly requires the District Council to make five specific findings, and Maryland law requires that zoning power be exercised in the public interest.

§59-D-1.61(a): Consistency with Sector Plan and other County Policies.

The first required finding is consistency with the use and density requirements of the Sector Plan and with other County plans and policies. The subject site is located within the Transit Station Residential District of the Bethesda CBD Sector Plan, approved and adopted in 1994. Technical Staff provided a very thorough discussion of the Sector Plan’s application to this case in their report (Exhibit 37, pp. 14-18). Staff’s conclusion is that “The proposed development is consistent with the Bethesda CBD Sector Plan.” Exhibit 37, p. 1. The Planning Board agreed, stating, “The Planning Board finds that the rezoning application is consistent with the Sector Plan for the Bethesda Central Business District (CBD).” Exhibit 42, p. 1. The Board added (Exhibit 42, p. 2),

The Planning Board recognizes the importance of the rezoning as it sets forth the land use and zoning recommendations contained in the Sector plan for the surrounding community. This rezoning is part of the Sector Plan’s broad vision to provide an urban village in the Bethesda CBD that creates attractive land uses, encourages social interaction and promotes community identity.

As discussed by Staff, Sector Plan objectives include stepping down building heights from the Metro Center to adjacent areas, clearly identifying a building’s entrance in the façade design, locating the entrance at street level and applying the TS-R Zone flexibly so as “. . . to allow the district to achieve a low rise, high density ‘urban village’ pattern.” Sector Plan, p. 80. This project is consistent with those goals. Exhibit 37, p. 14.

Although the proposed building fails to achieve the density of at least 45 dwelling units per acre recommended in the Sector Plan, Technical Staff found the density of 27 dwelling units per acre proposed here to be acceptable because the building will be “consistent with other nearby residential uses of comparable heights less than 65 feet that have been developed with densities between 24 to 36 dwelling units per acre.” Exhibit 37, p. 15. Staff also noted that the proposed height provides a transition between the taller TS-R developments abutting to the east and that of the townhouses to the west along Arlington Road, and it is consistent with “*step*

*down building heights*” illustrated on page 42 of the Plan. The proposed floor area ratio (FAR) of 2.5 is consistent with the Sector Plan recommendations and utilizes the full FAR permitted in the TS-R zone.

Staff also found that the private and public open space to be provided on the site appears to be consistent with the Sector Plan, and those features will be addressed at Site Plan review.

In discussing the Urban Design Guidelines contained in the Sector Plan, Staff observed that the TS-R Zone’s restriction on lot sizes to a minimum of 18,000 square feet had been relaxed by Zoning Text Amendment (ZTA) 12-08, which permits smaller lots, such as the subject site, to be more easily classified in the TS-R Zone. The project is consistent with the goals of the other design guidelines, which encourage low-rise buildings, setbacks consistent with the urban form, projection of a residential image through architectural design, encouraging street life by placing the entrances on the street side, and locating parking so that it is less visible from the street.

Finally, Staff noted that the project will be consistent with the Sector Plan’s guidance in that the small building will contribute to the “fine-grain” of the neighborhood. Exhibit 37, p. 18. The Hearing Examiner agreed with Technical Staff and the Planning Board, and found that this project is in substantial compliance with the zoning, land use, density and design recommendations of the Bethesda CBD Sector Plan. The District Council concurs and so finds.

Moreover, The Development Plan specifies that “This project is not related to any County Capital Improvement Program (CIP).” Exhibit 60(a). The Hearing Examiner found, and the District Council agrees, that the proposed development is consistent with the General Plan and does not impact the County’s Capital Improvements Program.

Under the County’s Adequate Public Facilities Ordinance (APFO, Code §50-35(k)), the Planning Board has the responsibility, when it reviews a preliminary plan of subdivision, to assess whether the following public facilities will be adequate to support a proposed development: transportation, schools, water and sewage facilities, and police, fire and health services. The Planning Board’s application of the APFO is limited by parameters that the County Council sets in its Growth Policy.<sup>3</sup> While the ultimate test under the APFO is carried out at subdivision review, evidence concerning adequacy of public facilities is relevant to the District Council’s determination in a rezoning case as to whether the reclassification would serve the public interest.

The Planning Board considers the programmed services to be adequate for facilities such as police stations, firehouses, and health clinics unless there is evidence that a local area problem will be generated. There is no such evidence in this case. On the contrary, the evidence is that both police and fire stations are nearby. Tr. 90 and Exhibit 37, p. 14. The remaining three public facilities – transportation, schools and water and sewer service – were discussed at length in the Hearing Examiner’s report. For the reasons stated therein and summarized below, the District

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<sup>3</sup> In 2010, the Council changed the name of the Growth Policy to the Subdivision Staging Policy, but both Zoning Ordinance §59-H- 2.4(f) and APFO Code §50-35(k)) still refer to the Council’s Growth Policy.

Council finds that the proposed development will not unduly burden the County's public facilities.

### 1. Transportation

Montgomery Lane is one lane westbound between Woodmont Avenue and West Lane, and two lanes of traffic (eastbound and westbound) between West Lane and Arlington Road. There is no parking allowed on Montgomery Lane east of Arlington Road up to the subject site. Just east of the site frontage, there are two parallel spaces on the north side and curbside parking on the south side, amounting to a total of six to seven spaces. There is a two-hour posted time limit on the spaces. No parking is allowed along West Lane. Tr. 104-105

Applicant's transportation planner, Craig Hedberg, and Technical Staff agreed regarding impacts on transportation facilities from this project. There is an existing one-family unit on site which would be replaced by the four proposed condominium units. The trip generation comparison indicates that there would be one additional peak hour trip beyond what is currently generated by the single unit on the site. That is well within that 30-trip criteria, below which a full traffic study is not required under Local Area Transportation Review (LATR) regulations. The site will also generate fewer than three peak-hour trips, and therefore no Policy Area Mobility Review (PAMR) restrictions come into effect. Tr. 106-107.

In Mr. Hedberg's professional opinion as a transportation planner, the proposed rezoning will not adversely impact the surrounding area from the standpoint of traffic and traffic conditions. These are very low volume streets because West Lane itself is a cul-de-sac. With only westbound traffic allowed on Montgomery Lane up to West Lane, there is not going to be traffic heading towards the CBD on Montgomery Lane. Mr. Hedberg also opined that the transportation-related public facilities are adequate to accommodate this rezoning application. "They'll virtually be an imperceptible impact on the traffic situation in conjunction with this redevelopment." Tr. 107-108.

Technical Staff reached the same conclusions as Mr. Hedberg regarding LATR and PAMR (Exhibit 37, pp. 18-20). Staff also noted Applicant is proposing to dedicate frontage along both Montgomery and West Lanes, and that at the time of future approvals, other transportation issues will be reviewed in more detail.

The District Council concludes that there is sufficient evidence at this stage that transportation facilities will be adequate for this project.

### 2. School Capacity:

The subject property is located in the Bethesda-Chevy Chase (B-CC) Cluster, which consists of Bethesda Elementary School, Westland Middle School, and Bethesda-Chevy Chase High School. Technical Staff reports that the proposed development is expected to generate one elementary school student, one middle school student and one high school student. Exhibit 37, p. 14. Bruce H. Crispell, Director of the Division of Long-Range Planning, Montgomery County Public Schools (MCPS), stated in an e-mail to Technical Staff dated August 3, 2012 (Attachment

B to Exhibit 37) that a new school test for FY 2013 was accepted by the Planning Board and became effective on July 1, 2012. This new test reflects the County Council's action on MCPS's FY 2013-2018 Capital Improvements Program (CIP). Funding is now included for several elementary school additions and a new middle school in the B-CC Cluster.

According to Mr. Crispell, based on the FY 2013 school test, the elementary and middle schools within the B-CC cluster are not in a moratorium and no school facility payment is required. At the high school level, B-CC High School is projected to be over capacity by close to 500 students by 2017. A feasibility study for an addition will be conducted this year and a request for design and construction funds will be included in a future CIP. In order to avoid a development moratorium, the County Council put a "placeholder" capital project in the adopted FY 2013-2018 CIP which keeps the B-CC Cluster out of moratorium in FY 2013, but requires a school facility payment at the high school level for subdivision approvals in FY 2013.

Given this record, the District Council finds that Applicant has demonstrated a reasonable probability that available school facilities will be adequate to serve the proposed development.

### 3. Water Service, Sewer Service:

Technical Staff reports that the subject site is served by existing sewer and water mains, and is currently in Water Service Category W-1 and Sewer Service Category S-1. Ex. 37, p. 13.

Applicant's civil engineer, Curt Schreffler, testified that public utilities are available immediately in front of and adjacent to the site, with the exception of the storm drain extension, which Applicant will add to serve the site. Tr. 40.

The Hearing Examiner found that, although more detail will be produced at subdivision, Applicant has sufficiently demonstrated the adequacy of public facilities at the rezoning stage. Based on this record, the District Council agrees and so finds.

§59-D-1.61(b): purposes, standards and regulations of the zone; safety, convenience and amenity of residents; and compatibility with adjacent development.

The second required finding is:

*That the proposed development would comply with the purposes, standards, and regulations of the zone as set forth in article 59-C, would provide for the maximum safety, convenience, and amenity of the residents of the development and would be compatible with adjacent development.*

The requirements for the TS-R Zone are found in Code §59-C-8. The TS-R Zone is a "floating zone," intended generally to be used in Transit Station Development Areas. Section 59-C-8.21(b) specifies that the TS-R Zone is intended for locations where multiple-family residential development already exists or where such development is recommended by an approved and adopted master. That is the case here.

In accordance with Zoning Ordinance §59-C-8.21(d), the District Council finds the development plan to be consistent with the requirements of the Zoning Ordinance. Based on the ample evidence in the record, the District Council also finds, as did Technical Staff and the Planning Board, that the proposed development satisfies the purposes of the TS-R Zone, as set forth in Code §59-C-8.22. The proposed development will promote the effective use of the Bethesda Metrorail Station by adding new residential uses within walking distance of this station. This project proposes a residential density of 27 units per acre, thereby offering choices to match the diverse characteristics of housing found within the Bethesda CBD. The density for the subject site, (27 dwelling units per acre) is within the range of 24 to 36 dwellings per acre approved for other low-rise residential uses developed in the surrounding area. The building when constructed will conform to the Sector Plan recommendation of a 65 foot building height, and other nearby low-rise residential uses developed under the TS-R zone have comparable heights. The proposed building has been designed to incorporate the flexible setbacks of the TS-R zone. With a building placed closer to the street, the creation of new public use space along Montgomery Lane, and a proposed building height comparable to the surrounding existing and proposed residential developments, this project provides a coordinated, harmonious and systematic development of this area as envisioned by the Sector Plan.

Zoning Ordinance §59-C-8.24 provides that the TS-R Zone is “permitted only in a Transit Station Development Area defined in section 59-A-2.1 and in accordance with an approved and adopted master plan or sector plan . . . [with exceptions not relevant here].” The subject site is within a Transit Station Development Area as defined in Section 59-A-2.1 and is in accord with the Sector Plan.

Zoning Ordinance §59-C-8.25 requires that a proposed development in the TS-R Zone conform to “the facilities and amenities” of the Sector Plan, include any required easements, provide for safe and efficient circulation and adequate open and recreation space, and insure compatibility with the surrounding area, as well as the ability of the area to accommodate the intended use. The requirements mentioned in this provision are duplicated by the specific findings required of the Council, and they will be discussed below in connection with the other specific findings.

Zoning Ordinance §59-C-8.3 specifies the uses permitted in the TS-R Zone. The use proposed for this project (multi-family residential) is permitted in the TS-R Zone.

The remaining requirements of the TS-R Zone are spelled out in Code Section 59-C-8.4, which prescribes development standards. Those standards are set forth in the Hearing Examiner’s report. The proposed development meets those standards, and the District Council finds that Applicant’s development plans are in accordance with all of the purposes, standards and regulations of the TS-R Zone, as set forth in Article 59-C of the Code.

The next part of “Finding (b)” required by Section 59-D-1.61 is a determination that the proposed development would provide the “maximum safety, convenience, and amenity of the residents.” As stated by Technical Staff (Exhibit 37, pp. 25-26),

. . . This proposal provides open space amenities to residents of the development. The site's location within the Bethesda CBD offers the convenience of CBD shopping choices and transportation choices via the Bethesda Metrorail station to future residents. This proposal has been designed for the maximum safety of the future residents.

The District Council finds that Applicant has provided the maximum in safety, convenience and amenities for the future residents of this development.

The final required determination under "Finding (b)" is that the proposed development be compatible with adjacent development. Applicant's land planner, Bill Landfair, opined that the proposed building would be compatible with adjacent developments (Tr. 84-85), and Technical Staff observed that ". . . the proposed building will be compatible with the existing and approved adjacent development in terms of height and use." Exhibit 37, p. 25. There is no contrary evidence. Based on this record, the District Council finds Applicant's Development Plan to be compatible with adjacent development.

§59-D-1.61(c): safe, adequate & efficient internal vehicular and pedestrian circulation systems.

The third required finding is "[t]hat the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient."

Technical Staff found that the proposed internal vehicular and pedestrian circulation systems and points of external access will be safe, adequate, and efficient (Exhibit 37, p. 26):

The submitted development plan proposes pedestrian circulation along the site's property lines. Public sidewalks along the Montgomery Lane and West Lane will provide access that is efficient and adequate for internal and external pedestrian movement patterns of future residents. Internal access is provided by a walkway along the site's eastern and northern property lines. This walkway will offer future residents safe, adequate and efficient means to move around the property. The existing public sidewalk along Montgomery Lane will be upgraded to align with the existing sidewalk in front of the 10-story multi-family building to the east. Currently, there is no sidewalk along West Lane. The development plan proposes a sidewalk in this location to supply a missing link in the existing pedestrian circulation system and increase pedestrian safety in this location.

The vehicular access points along West Lane have been designed to minimize pedestrian and vehicular conflicts by clearly delineating each unit's driveway (access point) from the proposed sidewalk. This delineation will include a different paving material for the sidewalk to highlight pedestrian movements in this location. As proposed, the internal vehicular and pedestrian circulation systems are adequate and promote safe and efficient movements for pedestrians and vehicles using this site.

Based on the entire record, the District Council finds that external access and internal circulation will be safe, adequate and efficient for both vehicular and pedestrian traffic.



§59-D-1.61(d): preventing erosion, preserving vegetation, forest conservation and water resources.

As previously mentioned, the site is not located in a Special Protection Area or Primary Management Area, and does not contain any forest, streams, steep slopes, buffers or flood plains. There is one 32-inch, silver maple specimen tree currently on the site, but it is in poor condition. There are no other environmental issues. In the expert opinion of Applicant's civil engineer, there will be no adverse impact on the surrounding area from the standpoint of stormwater runoff drainage, stormwater management or sediment control. A stormwater management concept plan has been approved by the Department of Permitting Services for this site (Exhibit 47), and stormwater management will be reviewed at subdivision. Moreover, the entire site will be stabilized and landscaped, and new streetscaping and street trees will be added in the public right-of-way. Because the site is so small and already developed, there is no natural vegetation that can be preserved. Tr. 46.

Technical Staff confirms in its report that "The site does not contain any environmentally sensitive features as defined by the Planning Board's Approved Environmental Guidelines (2000)." Exhibit 37, p. 20. Staff also noted that the property is exempt from the forest conservation requirements due to its small size, but at the time of future approvals, a tree save plan will be needed to specify mitigation measures for the removal of the maple tree and to address any construction impacts to nearby offsite trees. Exhibit 37, p. 26.

In sum, the District Council finds that Applicant has demonstrated the environmental controls required by "Finding (d)."

§59-D-1.61(e): common area maintenance.

The fifth required finding is "[t]hat any documents showing the ownership and method of assuring perpetual maintenance of any areas intended to be used for recreational or other common or quasi-public purposes are adequate and sufficient."

As described in the Hearing Examiner's report, Applicant, 4825 Montgomery Lane, LLC, has demonstrated its ownership of the subject site. It has also submitted an "Outline for the Perpetual Maintenance Obligations of Common Area and Quasi-Public Use Space for the 4825 Montgomery Lane Condominium Association," which gives assurances of perpetual maintenance in all areas intended to be used for recreational or other common or quasi-public purposes. Exhibit 5(a).

The District Council finds that Applicant has sufficiently demonstrated both ownership of the property and its commitment to perpetual maintenance of all recreational and other common or quasi-public areas.

The Public Interest

The Applicant must show that the proposed reclassification is sufficiently in the public interest to justify its approval. As stated in the Maryland Land Use Article, Code Ann. § 21-101(a)(4)(i) (2012),

*(i) planning, zoning, or subdivision control powers in the regional district [must be exercised to:]*

*(1) guide and accomplish a coordinated, comprehensive, adjusted, and systematic development of the regional district;*

*(2) coordinate and adjust the development of the regional district with public and private development of other parts of the State and of the District of Columbia; and*

*(3) protect and promote the public health, safety, and welfare.<sup>4</sup>*

When evaluating the public interest, the District Council normally considers Master or Sector Plan conformity, the recommendations of the Planning Board and Technical Staff, any adverse impact on public facilities or the environment and public benefits such as provision of housing near a Metro station.

As outlined above, Applicant's proposal is consistent with the recommendations, goals and objectives of the 1994 Bethesda CBD Sector Plan. The Planning Board and its Technical Staff supported the proposed rezoning. Exhibits 37 and 42. The evidence indicates that transportation, schools and water and sewer services would not be adversely affected by the proposed development. The proposed project will bring an attractive residential development within walking distance of a Metro Station, and will provide streetscape improvements. The only opposition to this project comes from a neighbor concerned about the adequacy of parking, and it is uncontroverted in the record that Applicant will provide all the required parking spaces. The project has been supported by other neighbors. See Exhibits 40 and 41.

For the reasons discussed above, the District Council concludes that the proposed development would be in the public interest.

## **Conclusion**

Based on the foregoing analysis and the Hearing Examiner's report, which is incorporated herein, and after a thorough review of the entire record, the District Council concludes that the proposed development satisfies the intent, purpose and standards of the TS-R Zone; that it meets the requirements set forth in Section 59-D-1.61 of the Zoning Ordinance; that the application proposes a project that would be compatible with development in the surrounding area; and that the requested reclassification to the TS-R Zone has been shown to be in the public interest. For these reasons and because approval of the instant zoning application will aid in the accomplishment of a coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District, the application will be approved in the manner set forth below.

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<sup>4</sup> Effective October 1, 2012, the Regional District Act, Article 28, Md. Code Ann., was re-codified, without a change in substance, into a new "Land Use Article." Section § 21-101(a)(4)(i) of the Land Use Article contains the rough equivalent of the previous language in Article 28, Md. Code Ann., § 7-110.

**ACTION**

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, Maryland approves the following resolution:

Zoning Application No. G-908, requesting reclassification from the R-60 Zone to the TS-R Zone of approximately 6,525 square feet of land described as Lot 20, Block 13A in the Edgemoor Subdivision of Bethesda, and located at 4825 Montgomery Lane, in the 7<sup>th</sup> Election District, is hereby **approved** in the amount requested and subject to the specifications and requirements of the revised Development Plan, Exhibit 60(a), provided that the Applicant submits to the Hearing Examiner for certification a reproducible original and three copies of the Development Plan approved by the District Council within 10 days of approval, in accordance with §59-D-1.64 of the Zoning Ordinance.

This is a correct copy of Council action.



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Linda M. Lauer, Clerk of the Council



## DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

June 10, 2013

Arthur Holmes, Jr.  
Director

Ms. Kathleen A. Reilly, AICP, Planner Coordinator  
Area 1 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120130120  
Edgemoor (4825 Montgomery Lane)

*Kathy*  
Dear Ms. Reilly:

We have completed our review of the amended preliminary plan dated May 21, 2013. An earlier version of this plan was reviewed by the Development Review Committee (DRC) at its meeting on April 8, 2013. We recommend approval of the plan subject to the following comments:

- All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.
1. Necessary dedication for future widening of Montgomery and West Lanes to achieve fifty two (52) foot rights-of-way on both roads as mixed streets.
  2. Waiver from the Planning Board to delete the standard right-of-way truncation at the intersection of Montgomery and West Lanes. As noted in our comments at the DRC meeting, we do not object to this proposal for this specific location – considering the site location and the two low volume/low speed streets that are the focus of this request.
  3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
  4. Coordinate with the consultant for the site at 4831 West Lane for improvements to West Lane which will result in a twenty (20) foot wide pavement width along that roadway (where there will be no on-street parking). This applicant will need to implement their pavement widening and eastern curbline with that coordinated plan.

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**Division of Traffic Engineering and Operations**

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878  
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080  
trafficops@montgomerycountymd.gov

5. The amended Storm Drain Capacity and Impact Analyses propose to connect a private 8" PVC storm drain pipe from the northeast corner of the site with an existing County-maintained 15" RCP (located within a twenty one (21) foot storm drain easement on the adjacent property). In principal, we do not object to this connection: the storm drain study demonstrates sufficient capacity to accommodate the additional runoff from the site. However, per our Storm Drain Criteria, 6" is the maximum size for a PVC private connection to the public storm drain system.

Also, we were unable to find information in our records to confirm the existence of that system. At the permit stage, the applicant's Storm Drain plan will need to provide sufficient details to verify the location of that system and the proposed connection.

6. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
7. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
8. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
9. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
10. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
11. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with Brett Linkletter, Chief of the Division of Highway Services, Tree Maintenance Section at (240) 777-7651.



Ms. Kathleen Reilly, AICP  
Preliminary Plan No. 120130120  
June 10, 2013  
Page 3

12. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
  - A. Across the West Lane site frontage, pavement modifications (if necessary) to achieve a twenty (20) foot wide street per comment no. 4, construct new concrete curb and gutter, five (5) foot minimum width sidewalk per the Bethesda CBD Streetscaping Guidelines.
  - B. Across the Montgomery Lane site frontage, construct six (6) foot wide sidewalk per the Bethesda CBD Streetscaping Guidelines. Provide handicap ramp(s) in accordance with the Americans with Disabilities Act.
  - C. Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
  - D. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
  - E. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
  - F. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. David Adams, our Development Review Area Engineer for this project at [david.adams@montgomerycountymd.gov](mailto:david.adams@montgomerycountymd.gov) or (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager  
Development Review Team

Ms. Kathleen Reilly, AICP  
Preliminary Plan No. 120130120  
June 10, 2013  
Page 4

cc: Mimi Brodsky-Kress; 4825 Montgomery Lane, LLC  
Curt Schreffler; CAS Engineering, Inc.  
Jeffrey A. Robertson; CAS Engineering, Inc.  
Brent D. Allgood; CAS Engineering, Inc.  
Steven A. Robins; Lerch, Early & Brewer  
Craig Hedberg; Integrated Transportation Solutions, Inc.  
Robert Kronenberg; M-NCPPC Area 1  
Matthew Folden; M-NCPPC Area 1  
Erin Grayson; M-NCPPC Area 1  
Catherine Conlon; M-NCPPC DARC  
Dave Dabney; Bethesda Urban Partnership  
Bill Landfair; VIKA, Inc.  
Preliminary Plan folder  
Preliminary Plan letters notebook

cc-e: Atiq Panjshiri; MCDPS RWPR  
Sam Farhadi; MCDPS RWPR  
Henry Emery; MCDPS RWPR  
Kyle Hanley; MCDOT DHS  
Brett Linkletter; MCDOT DHS  
Dan Sanayi; MCDOT DTEO  
Bruce Mangum; MCDOT DTEO  
Fred Lees; MCDOT DTEO  
Kyle Liang; MCDOT DTEO  
David Adams; MCDOT DTEO



**MONTGOMERY COUNTY, MARYLAND**  
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION  
 DEPARTMENT OF PERMITTING SERVICES

**SIGHT DISTANCE EVALUATION**

Facility/Subdivision Name: EDGEWOOD Preliminary Plan Number: 1-20130120

Street Name: DRIVEWAYS ALONG WEST LANE FOR PROPOSED CONDOMINIUM BUILDING Master Plan Road Classification: TERTIARY

Posted Speed Limit: N/A (ASSUMED 25 MPH) mph

Street/Driveway #1 (MOST NORTHERN D/W) Street/Driveway #2 (2ND MOST NORTHERN D/W)

Sight Distance (feet) OK?  
 Right 119+/- (TO BEND IN WEST) \_\_\_\_\_  
 Left 104+/- (TO INTERSECTION) \_\_\_\_\_

Sight Distance (feet) OK?  
 Right 140+/- (TO BEND IN WEST) \_\_\_\_\_  
 Left 83+/- (TO INTERSECTION) \_\_\_\_\_

Comments: RIGHT - VISIBLE UNTIL BEND IN WEST LANE

Comments: RIGHT - VISIBLE UNTIL BEND IN WEST LANE

LEFT - INTERSECTION OF MONTGOMERY LN. & WEST LANE

LEFT - INTERSECTION OF MONTGOMERY LN. & WEST LANE

**GUIDELINES**

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*
Tertiary - 25 mph	150'
Secondary - 30	200'
Business - 30	200'
Primary - 35	250'
Arterial - 40	325'
(45)	400'
Major - 50	475'
(55)	550'

\*Source: AASHTO

Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

**ENGINEER/ SURVEYOR CERTIFICATE**

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

*Curta Schreffler* 5/6/13  
 Signature Date

19568  
 PLS/P.E. MD Reg. No.



<b>Montgomery County Review:</b>	
<input checked="" type="checkbox"/>	Approved
<input type="checkbox"/>	Disapproved:
By:	<u><i>gml</i></u>
Date:	<u>6/10/13</u>





## DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Diane R. Schwartz Jones  
Director

February 3, 2012

Jeffery A. Robertson  
CAS Engineering  
108 W. Ridgeville Boulevard, Suite 101  
Mount Airy, MD 21771

Re: Stormwater Management **CONCEPT** Request  
for Edgemoor  
Preliminary Plan #: Pending  
SM File #: 239915  
Tract Size/Zone: 0.15 Ac./TS-R  
Total Concept Area: 0.21 Ac.  
Lots/Block: 23/13A  
Watershed: Little Falls Branch

Dear Mr. Robertson:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via ESD to the MEP by the use of green roof. A waiver of quantity is granted with the condition that a flow based filter be provided for additional treatment.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Provide easements and covenants for the proprietary filter and the green roof.
6. The green roof to be designed by a professional with green roof design experience.
7. The green roof must be 8 inches thick. Justification must be provided by a professional engineer or architect if this is not possible.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is required**.

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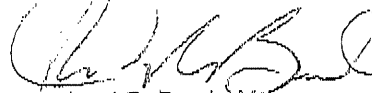
255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY  
www.montgomerycountymd.gov



This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,



Richard R. Brush, Manager  
Water Resources Section  
Division of Land Development Services

RRB: tla CN239915 Edgemoor

cc: C. Conlon  
SM File # 239915

ESD Acres: 0.06  
STRUCTURAL Acres: 0.0  
WAIVED Acres: 0.21

# Recreational Facilities

