

Washington Episcopal Day School: Preliminary Plan 120150160, Site Plan 820150080

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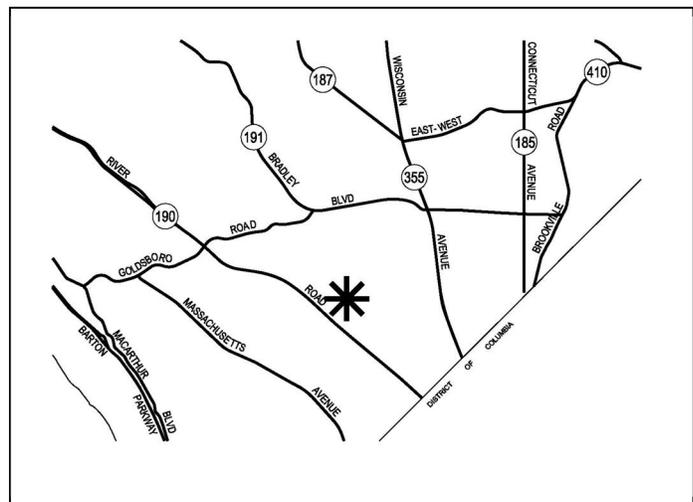
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Description

Completed: 09.16.16

- Application: Preliminary Plan for a subdivision to create two lots; Site Plan for an age-restricted multifamily residential building with up to 121 dwelling units on Lot 2, and improvements on Lot 1 specified in G-873.
- Location: Northwest quadrant of the River Road/ Little Falls Parkway intersection.
- Current use: Private Educational Institution (nursery -8th grade) and associated adjacent surface parking lot.
- Zone: PD-28; H 97'
- Master Plan: *1982 Westbard Sector Plan*
- Property size: 11.21 acres
- Applicant: Sheridan Development, LLC;
- Applications Acceptance Date: May 22, 2015
- Review Basis: Chapter 50 and Chapter 59, Montgomery County Code



Summary

- Staff recommends approval of the Preliminary Plan and Site Plan with conditions.
- Because this application is based on a previous application that was submitted before October 30, 2014, it is eligible to be processed under the PD-28 zone in the previous version of the Zoning Ordinance. The PD-28 zoning also allows the application to be reviewed under the 1982 Westbard Sector Plan.
- The District Council previously approved a Development Plan on April 29, 2008.
- The Planning Board granted Site Plan review extensions for this site on September 3, 2015, December 10, 2015, and June 2, 2016. Based on a May 2015 acceptance date, the original Planning Board Hearing was anticipated to occur on or about September 17, 2015.
- The Site Plan will implement Phase 1 of the G-873 Development Plan.

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SECTION 1: EXECUTIVE SUMMARY

Site

The 11.2 acre site is located in the Westbard community and is currently developed with the Washington Episcopal Day School and associated surface parking lots. The Kenwood neighborhood is located directly to the north and west of the site. To the south, along River Road, is a mix of low-density commercial and higher density multi-family residential.

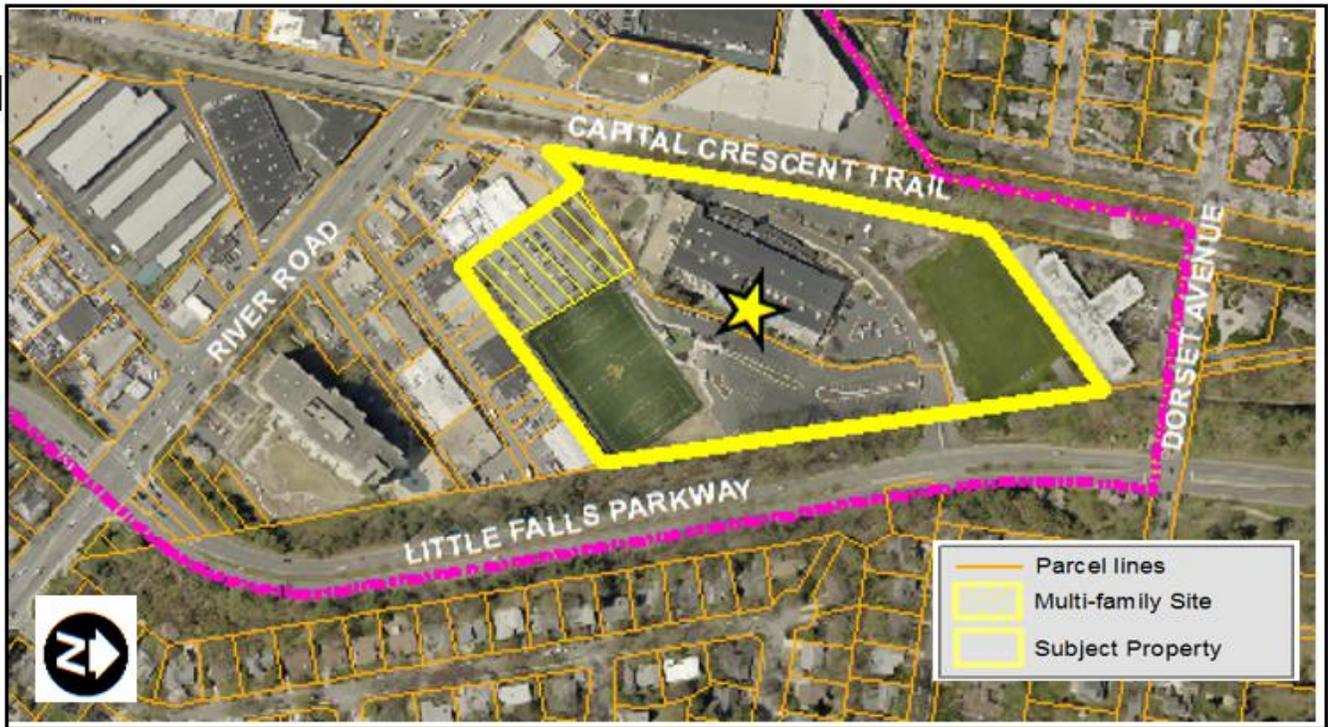


Figure 1- Site Aerial

Background

Initial approval of the Project began in April 2008 with Local Map Amendment (LMA)/ Development Plan G-873, which rezoned the property from R-30 and C-O to PD-28. The current application includes both a Preliminary Plan and Site Plan with Binding Elements from Development Plan G-873. The Preliminary Plan subdivides the Property into two lots: Lot 1 for the existing Washington Episcopal Day School and Lot 2 for a new age-restricted multi-family building and evaluates the transportation adequate public facilities for a maximum enrollment of up to 600 students.

The Site Plan addresses both lots, consistent with G-873, but is intended primarily for the proposed new age-restricted multi-family development on Lot 2 and associated Phase 1 improvements on Lot 1, as required by the Binding Elements of G-873. Phase 2 improvements include a potential future expansion of the Washington Episcopal School on proposed Lot 1. Phase 2 will be based on the School's capital program will require future Site Plan Amendments. The proposed Phase 1 and subsequent Phase 2 development staging was anticipated by G-873, which included a Binding Elements, #10, related to phased development.



*Figure 2 - Age-Restricted Multi-family Building Perspective (Lot 2)
from Landy Lane*

The entire 11-acre Subject Property is owned by the Washington Episcopal School while Sheridan Development is the contract purchaser of proposed Lot 2 and potential developer of the age-restricted multi-family building. Under the Washington Episcopal School's authority, Sheridan Development is the Applicant for the Subject Project.

Master Plan

Since 2008, the District Council has approved a new master plan for the Westbard community, the 2016 Westbard Sector Plan, that covers this site. However, since this application was initiated in May 2015, it was reviewed for sector plan conformance under the 1982 Sector Plan. Future applications, excluding Phase 2 and amendments to the subject application, will be reviewed under the 2016 Sector Plan.

Community Outreach

The Citizen's Coordinating Committee for Friendship Heights (CCCFH) represents the neighborhoods surrounding the Subject Property. The CCCFH was very involved with this project when the District Council reviewed the Local Map Amendment and has continued their involvement with the current Application. Staff met with representatives of the CCCFH three times since the Subject Application was accepted. Those meetings were held on June 2, 2015, upon acceptance of this project, on June 17, 2015, prior to the Development Review Committee meeting, and again on April 7, 2016, prior to the Applicant seeking the third and final Site Plan validity extension. Each of those meetings focused on the Project's consistency with the Development Plan and the Community's interest in a traffic signal at Landy Lane/ River Road, among other issues. In addition to these meetings, Staff has had numerous conversations with legal counsel for the CCCFH.

Community Concerns/ Outstanding Issues

Local Map Amendment (LMA)/ Development Plan G-873 set forth Binding Elements under which the Site could be developed as an expanded Washington Episcopal School campus and an age-restricted multi-family development. Those Binding Elements, along with the Zoning Ordinance and Subdivision Regulations, provide the basis for review of this Project. The manner in which the G-873 Binding Elements are written is somewhat ambiguous and that ambiguity has caused disagreement between the Applicant team and CCCFH. Disagreement between these two parties has resulted in a few outstanding issues that are expected to be discussed before the Planning Board during the Public Hearing. Those issues are briefly summarized below and described in more detail throughout this report:

Cut-Through Traffic/ Landy Lane Gates

Access to the Site and circulation, both within the Site and in the immediate vicinity, has been a point of contention since the Project was reviewed as a Development Plan by the District Council. At the core of this issue, the community believes that the School should maintain two separate access points, one on Landy Lane and one on Little Falls Parkway, in order to provide adequate Site access, on-site circulation, and to discourage school-generated trips from being diverted into adjacent neighborhoods. The Applicant, on the other hand, believes that a gated perimeter is necessary to bolster campus security and improve student safety. In response to these viewpoints, and based on Binding Element #8.c. that specifically excludes traffic related to school operations and that internal queueing on the campus, Staff supports a scenario in which the School prohibits access via Landy Lane with one exception: the Landy Lane gates should remain open during the morning and evening peak-periods associated with the School use. After careful consideration of this issue, Planning Staff has recommended a condition that the gates be open during the morning and evening peak periods associated with student drop-off and pick-up.

Traffic Signal at River Road/ Landy Lane

The Applicant prepared and submitted a signal warrant analysis to the Maryland State Highway Administration (MSHA) as part of the Subject Application, in accordance with Binding Element #5.f. of G-873. MSHA deliberated for several months before determining that a traffic signal is not warranted under the existing condition. MSHA indicated that the agency would be willing to consider installing a traffic signal at this location when existing conditions meet warrants for a signal. Staff notes that the signal warrants are anticipated to be met in the future condition when the School is at full enrollment and during the periods when the Landy Lane gates are open. CCCFH has continued to advocate for the traffic signal, however, MSHA's decision on the traffic signal stands until the signal warrants are met under existing conditions. Since MSHA has final authority of traffic control devices, including traffic signals, on River Road, Planning Staff has recommended a condition that the School conduct a signal warrant analysis as part of its Phase 2 application and contribute to its installation, if warranted at that time. Staff recognizes the importance placed on the Landy Lane traffic signal by the community, however, intersection signalization is solely the purview of MSHA and is predicated on meeting specific engineering criteria under the existing conditions.

Safe, Adequate, and Efficient Site Access and Circulation

Site Plan review criteria requires that the Planning Board find the proposed site access and circulation to be safe, adequate, and efficient. The CCCFH contends that this finding cannot be made if 1) the Landy Lane gates are closed to School operations, and 2) there is no traffic signal at the intersection of Landy Lane/ River Road. After careful consideration of this issue, Planning Staff has recommended a condition that the gates be open during the morning and evening peak periods associated with student drop-off and pick-up. Planning Staff defers to MSHA on the issue of the traffic light, though Staff recognizes the importance of this light to the community and has recommended that the School submit a new signal warrant analysis to MSHA with the future Site Plan amendment for the School expansion. As discussed on this page and the Site Plan findings section, staff finds the circulation is safe, adequate, and efficient.

Staff Recommendation

Staff recommends approval of the Subject Application with the conditions enumerated in this report.

SECTION 2: RECOMMENDATION AND CONDITIONS

Preliminary Plan No. 120150160

Staff recommends approval of Preliminary Plan No. 120150160 for two lots for a maximum of 121 age-restricted multi-family dwelling units, including 12.5% Moderately Priced Dwelling Units (MPDUs) on-site, and a private educational institution student enrollment (nursery – 8th grade) of up to 600, subject to the following conditions:

1. This Preliminary Plan is limited to two lots for a maximum of 121 age-restricted multi-family dwelling units, including 12.5% Moderately Priced Dwelling Units (MPDUs), and a private educational institution (grades nursery – 8th grade) with up to 600 students and 110 staff.
2. The proposed development must comply with the Binding Elements of the Development Plan G-873, approved by the District Council on April 29, 2008, and any subsequent amendments.
3. The overall Final Forest Conservation Plan must conform with the Preliminary Forest Conservation Plan associated with Development Plan G-873.
4. The Applicant must comply with the following conditions of the Preliminary Forest Conservation Plan, unless modified by the Final Forest Conservation Plan:
 - a) The variance mitigation plan for subject removals under phase 1 must be planted as part of the Phase 1 work. However, the planting may occur within the Phase 2 footprint.
 - b) The prorated FCP credit associated with Phase 1 must be implemented as part of Phase 1, consisting of new landscape plantings and/or protection of forest area to be recorded.
5. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated August 30, 2016, and does hereby incorporate them as conditions of the Preliminary Plan 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.
6. The Planning Board accepts the recommendations of the Maryland State Highway Administration (MSHA) in their letters dated April 13, 2016 and August 26, 2016, and does hereby incorporate them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MSHA, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
7. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services – Fire Department Access and Water Supply Section, in its letter dated August 16, 2016, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.
8. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT and MSHA.
9. The Applicant must dedicate and construct the extension of Landy Lane to applicable Montgomery County Secondary Street (Modified to include a reduced width (50') right-of-way and sidewalk on only one side)

structural standards and must construct all sidewalks, both on and off the Subject Property, to applicable ADA standards.

10. Prior to recordation of the plat(s), The Washington Episcopal Day School must enter into a binding agreement with the Planning Board to perform in perpetuity a Transportation Management Plan. This Plan must demonstrate compliance with the G-873 Binding Elements and must include annual reporting in the fall of each year to summarize current and projected enrollment for the year, transportation benefits offered to staff and students, on-site queuing trends, and any transportation issues observed on-site in the previous 12 months. Should the Planning Board find, after a public hearing that the Applicant is not in compliance with the TMP, the Planning Board may modify the conditions of Site Plan approval, including the permitted enrollment.
11. The Planning Board accepts the recommendations of MCDPS – Water Resources Section in its stormwater management concept letter dated September 8, 2016, and hereby incorporates those recommendations as conditions of the Preliminary Plan 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.
12. The Applicant must dedicate and show on the record plat(s) approximately 15,391 square feet on Landy Lane, as shown on the Certified Preliminary Plan, to support a right-of-way of 50-feet.
13. The record plat must show necessary easements, including shared access.
14. Prior to submission of any plat, Site Plan No. 820150080 must be certified by Staff.
15. No demolition, clearing or grading of the site, or recording of plats.
16. Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, and sidewalks will be determined at site plan.
17. Prior to Certification of the Preliminary Plan, the Applicant must revise the Preliminary Plan drawing to reflect the following:
 - a) General Note #11 must be revised to reflect improvements on Lot 1 as part of Phase 1, as per Binding Element #10.A.
 - b) 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.
 - c) Include the all approval letters referenced in the Preliminary Plan conditions and Preliminary Plan Resolution on the approval or cover sheet(s).
18. Prior to the first Use and Occupancy Certificate for Lot 2, the Applicant must provide a minimum 5-foot wide sidewalk along the Subject Property’s frontage on Landy Lane, between River Road and the Subject Property and the extension of Landy Lane, as shown on the Site Plan.
19. The Applicant must satisfy the Adequate Public Facilities Transportation Policy Area Review (TPAR) test by

making a Mitigation Payment equal to 50% of the applicable transportation impact tax to the Montgomery County Department of Permitting Services (“MCPDS”). The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

20. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of this Planning Board Resolution.

Site Plan No.820150080

Staff recommends approval of Site Plan No. 820150080, Washington Episcopal School, for a total of up to 121 age-restricted multi-family dwelling units (including a minimum of 12.5% MPDUs on-site) and the existing Washington Episcopal Day School with an enrollment of up to 392 students. Student enrollment beyond 392 students will be the subject of a future Site Plan amendment. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions:

Conformance with Prior Approvals

1. Development Plan Conformance

The Applicant must comply with Local Map Amendment/ Development Plan G-873, dated April 29, 2008, including all Binding Elements as illustrated on the Certified Site Plan.

2. Preliminary Plan Conformance

The Applicant must comply with the conditions of approval for Preliminary Plan No. 120150160 and any amendments.

Environment

3. Forest Conservation

- a. The Applicant must obtain approval of a Final Forest Conservation Plan (FFCP) for development of Phase 1 prior to Certified Site Plan.
- b. The FFCP must show the demolition and afforestation of the abandoned batting cage area on northeast portion of proposed Lot 1. The work must be completed as part of Phase 1 prior to final Use and Occupancy Certificate for the Multifamily building.

4. Noise Attenuation on Lot 2:

- a. Prior to issuance of any building permit, the Applicant must provide Staff with certification from an engineer specializing in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b. The Applicant must provide a signed commitment to construct the building in accord with these design specifications, with any changes that may affect acoustical performance approved by the engineer and Staff in advance of installation.
- c. After construction is complete, and prior to issuance of final residential occupancy permits, the Applicant must provide Staff with a certification from an engineer specializing in acoustics confirming that the dwelling units were constructed in accord with the approved specifications for noise attenuation.
- d. If the plan changes in any manner that affects the validity of the noise analysis for acoustical certifications and noise attenuation features, the Applicant must conduct a new noise analysis to reflect the revised plans, and new noise attenuation features may be required.

Public Space, Facilities, and Amenities

5. Public Space, Facilities, and Amenities

- a. The Applicant must construct the streetscape improvements along the property's Lot 2 frontage on the extension of Landy Lane as illustrated on the Certified Site Plan.
- b. Prior to the issuance of Final Use and Occupancy certificates for any residential units, all public open space areas on Lot 2 must be completed.

- c. Prior to the first Use and Occupancy Certificate associated with Lot 2, the Applicant must execute a shared use agreement between the school and age-restricted multi-family residential building in accordance with Binding Element #7.A. of G-873. The shared use of school facilities may be separated such that residents of the age-restricted multi-family building have access to the shared facilities only during non-school hours, holidays, and weekends in response to concerns about school safety.
 - i. The Agreement must demonstrate how residents of the age-restricted multi-family building will be provided access to the site (i.e. provided a key fob or other device) and must show where signs designating the amenities for shared use will be posted.
 - ii. The agreement must include an easement, granted to the residents of the age-restricted multi-family building, that covers all internal school drive aisles, playing fields, and other areas of the School campus designated on the Development Plan; effective when not actively programmed by School, and
 - iii. The agreement must include specific details and posting locations of physical signs on the property to denote shared use
- d. Prior to issuance of any residential Use and Occupancy Certificate for the Site Plan, all on-site amenities including, but not limited to, streetlights, sidewalks/pedestrian pathways, hardscape, benches, trash receptacles, bicycle facilities, and green area amenities within the phase must be installed.

6. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities on the Subject Property including, but not limited to pedestrian pathways, landscaping, hardscape, and green area.

Parks

7. M-NCPPC Department of Parks

The Planning Board accepts the recommendations of the Montgomery County Department of Parks in its letter dated September 19, 2016, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by the Montgomery County Department of Parks provided that the amendments do not conflict with other conditions of the Site Plan approval.

Transportation and Circulation

- 8. Prior to the first Use and Occupancy Certificate associated with Lot 2, the Applicant must construct the extension of Landy Lane to applicable Montgomery County Secondary Street (Modified to include a reduced width (50') right-of-way and sidewalk on only one side) structural standards and must construct all sidewalks, both on and off the Subject Property, to applicable ADA standards. Before the release of bond or surety, the Applicant must provide DPS Z&SPE Staff with certification from a licensed civil engineer that all streets and sidewalks have been built to the above standards.
- 9. The Applicant must submit to the Maryland State Highway Administration (MSHA) a signal warrant analysis for the intersection of Landy Lane/ River Road as part of a future Site Plan amendment for School expansion. If MSHA determines that a signal is warranted at that time, the Applicant will construct and install the traffic signal in accordance with MSHA specifications.
- 10. The School campus gates along the Landy Lane frontage must be open to school-generated traffic for a minimum period of 30-minutes during both the morning and afternoon pick-up/ drop-off periods. The

specific time period during which the gates must be open may be designated by the School based on pick-up/ drop-off procedures, but cannot be implemented in a manner that circumvents this condition of approval.

11. Parking

The Applicant must provide parking in accordance with the Zoning Ordinance requirements in effect on to October 30, 2014. Specifically, the Applicant must provide no more than 168 parking spaces within a parking garage under the multi-family building for the age-restricted multi-family housing building. The specific design of the parking facility must be identified on the Certified Site Plan.

12. Bicycle Parking

- a. The Applicant must provide bicycle parking spaces in the following configuration with specific location(s) identified on the Certified Site Plan:
 - i. Lot 1: 41 spaces for long-term private (employee) use and three (3) bicycle parking spaces for short-term public use. Short term public bicycle parking must be installed near the main entrance to the School building.
 - ii. Lot 2: 29 spaces for long-term private use and six (6) bicycle parking spaces for short-term public use. Short term public bicycle parking must be installed near the main entrance to the age-restricted multi-family building.

Density and Housing

13. Moderately Priced Dwelling Units

- a. The Planning Board accepts the Moderately Priced Dwelling Unit recommendations of MCDHCA in its letter dated April 18, 2016, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDHCA may amend if the amendments do not conflict with other conditions of the Site Plan approval.

14. Occupancy Provisions

- a. The age of the residents of the project is restricted in under Section 59-G-2.35 (b)(1) through (6) of the Zoning Ordinance as amended.

Site Plan

15. Building Height

The maximum height for the age-restricted multi-family building is 97 feet, as measured from the building height measuring point located on Landy Lane, as shown on the Certified Site Plan.

16. Site Design

The exterior architectural character, proportion, materials, and articulation for Lot 2 must be substantially similar to the schematic elevations shown on the architectural drawings included in the Certified Site Plan, as determined by Staff.

17. Lighting

- a. Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in

accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).

- b. Deflectors must be installed on all proposed up-lighting fixtures to prevent excess illumination and glare.
- c. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- d. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

18. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit and Sediment Control Permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include 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. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, site furniture, mailbox pad sites, retaining walls, fences, railings, paths and associated improvements within the relevant phase of development. The surety must be posted before issuance of the any building permit within each relevant phase of development and will be tied to the development program.
- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by inspection and potential reduction of the surety.
- d. The bond or surety for each block/phase shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific CSP sheets depicting the limits of each block/phase.

19. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

20. Certified Site Plan

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

- a. Include the final forest conservation approval letter, stormwater management concept approval letter, development program, and Preliminary Plan resolution and Site Plan resolutions on the approval or cover sheet(s).
- b. Add a note to the Site Plan stating that “M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”
- c. Add a note stating that “Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”
- d. Modify data table to reflect development standards approved by the Planning Board.
- e. Ensure consistency of all details and layout between Site and Landscape plans.

SECTION 3: SITE DESCRIPTION

Site Vicinity

The Subject Property is bounded to the north by a 70-unit multi-family residential building (Kenwood House: 5100 Dorset Avenue), to the south by commercial uses, to the east by Little Falls Parkway, and to the west by the Capital Crescent Trail. The neighborhood surrounding the Subject Property includes multi-family, single-family detached residential uses, commercial uses, and retail uses. The Capital Crescent Trail is a regional bicycle facility, connecting Silver Spring and Georgetown in the District of Columbia. Along the site frontage, the trail is improved as a shared-use path. The northern leg of the Willett Branch stream, a tributary to Little Falls, is piped beneath the Subject Property.



Figure 3-Vicinity Map

Site Analysis

The Subject Property consists of approximately 11.2 acres of land zoned PD-28 and is currently owned and operated by the Washington Episcopal Day School. The Site is comprised of two parcels. The northern and western portions of the property comprise the 5.9-acre Unit 1 in the River Road Land Condominium, while the southern and eastern portions of the property comprise the 5.3-acre Parcel A in the Little Falls Office Park.

The Subject Property is improved with the Washington Episcopal Day School, along the north and west sides of the property, and a small surface parking lot along the southeast corner of the site. The entire site is subject to the Development Plan, Preliminary Plan, Site Plan, and Forest Conservation Plan.

Access to the Site is provided from Little Falls Parkway and River Road via Landy Lane. There are no designated historic properties or features on the Site, however, the 2016 Westbard Sector Plan acknowledged that there may be an archeological site on the Property. Since the archeological site may be subject to additional state and federal regulation, it is not included as part of the analysis for the Subject Application. Due to the PD zoning on the site, all afforestation requirements must be met onsite.

SECTION 4: PROJECT DESCRIPTION

Previous Approvals

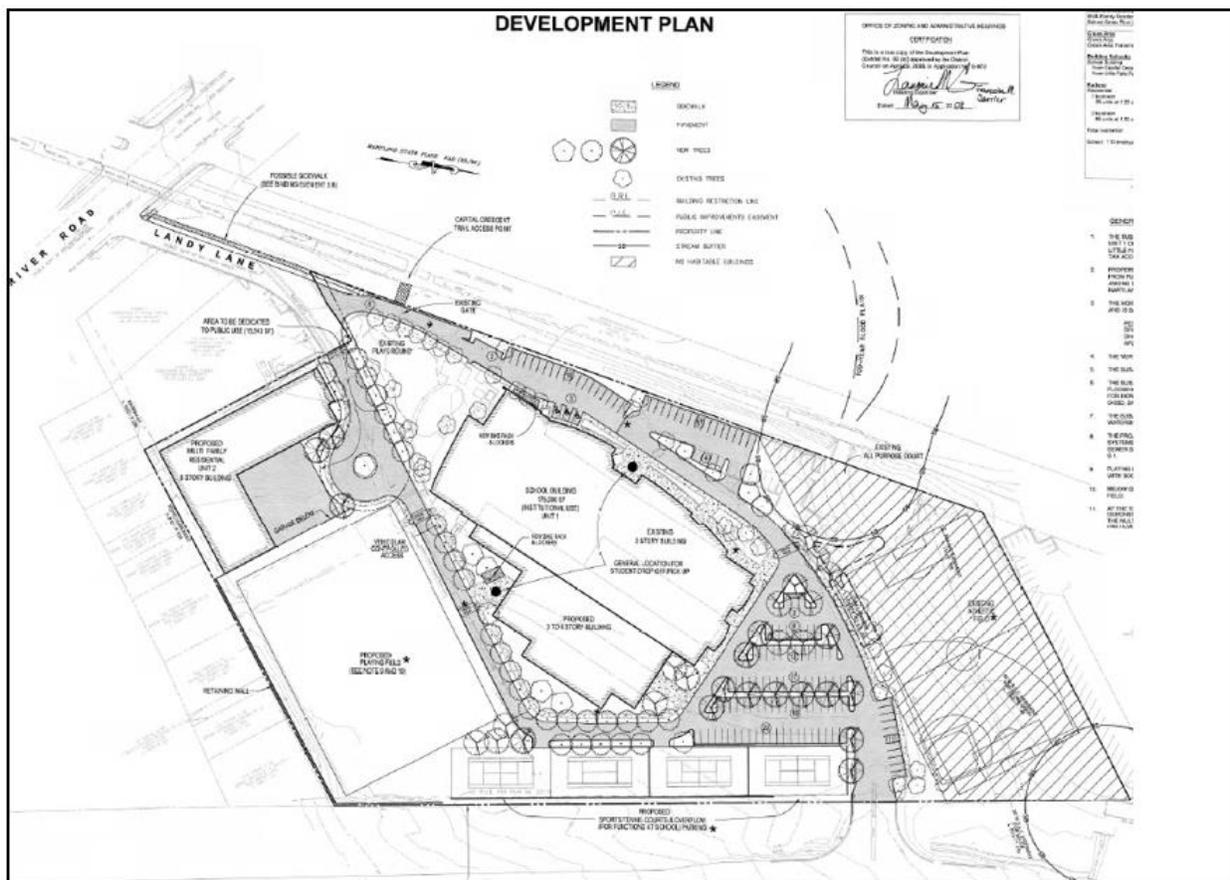


Figure 4- Approved Development Plan G-873

On April 29, 2008, the District Council approved Local Map Amendment/ Development Plan G-873 rezoning the Site from R-30 and C-O to PD-28, with Binding Elements. The Local Map Amendment allowed up to 121 age-restricted dwelling units and up to 175,000 square feet of private educational institutional use ("School"). The dwelling units would be contained within a single age-restricted multi-family high rise building measuring up to 97 feet tall. The project was approved to occur in two phases to allow flexibility for the age-restricted multi-family building and potential future School expansion to move forward separately, with Phase 1 adding the age-restricted multi-family building and Phase 2 adding the School expansion.

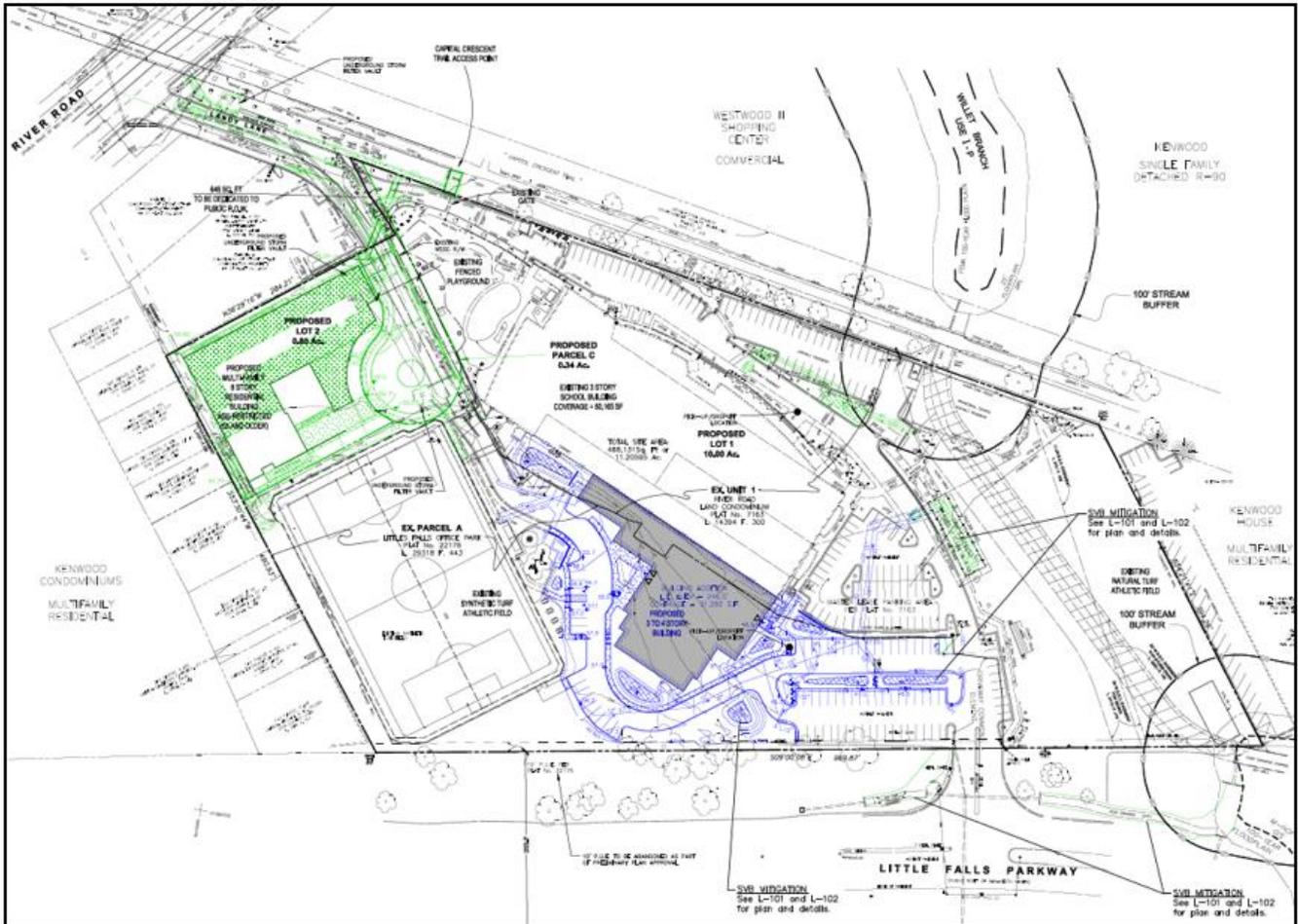


Figure 5- Phasing Diagram

The approved Local Map Amendment/ Development Plan included Binding Elements, which provided additional parameters and limitations for the development.

Local Map Amendment/ Development PlanG-873 Binding Elements

DEVELOPMENT STANDARDS	PERMITTED/REQUIRED	PROPOSED
1. LAND USE		
A. Residential	No restrictions.	Independent seniors (at least one resident in each unit will be over the age of 55).
B. Non-residential	No restrictions.	Private Educational Institution for grades nursery through eighth grade.
C. Other		In the area cross-hatched thusly  , no buildings other than accessory buildings and structures, such as storage sheds, gazebos, restrooms and bleachers shall be constructed, and the existing athletic field will be retained.
D. Parking	No restrictions.	Parking for all uses shall be on-site.
2. DENSITY		
A. Residential	353 DU's (per Sector Plan, including MPDU's)	Not more than 121 dwelling units, including MPDU's.
B. Non-residential	No limitation by Zoning Ordinance (180,000 SF office space by Sector Plan)	175,000 SF Institutional (PEI)
3. BUILDING HEIGHT		
A. Residential	No restrictions.	Eight (8) stories not to exceed 97 feet.
B. Non-Residential	No restrictions.	Proposed addition will be not more than four (4) stories not to exceed 55 feet.
C. Accessory Structures	No restrictions.	Any accessory building including bleachers, shall not exceed 15 feet in height.
4. BUILDING AND PARKING SETBACKS	See Section 59-C-7.15	Building, parking, playing fields and other amenity locations will be as shown on the Development Plan with minor adjustments permitted.

Local Map Amendment/ Development PlanG-873 Binding Elements

DEVELOPMENT STANDARDS	PERMITTED/REQUIRED	PROPOSED
5. ACCESS	No restrictions	A. A cul-de-sac at the terminus of Landy Lane will be dedicated to public use.
		B. Along Landy Lane, from River Road to the School campus, subject to issuance of necessary permits from Montgomery County, Maryland, Applicant will install a sidewalk.
		C. Sidewalk to be installed by Applicant extending to the Little Falls Parkway right-of-way line.
		D. Other sidewalks to be installed as shown on the Development Plan.
		E. Truck deliveries will be limited solely to the River Road/Landy Lane ingress/egress
		F. Promptly upon approval of the requested rezoning, Applicant will request the State Highway Administration to install a traffic signal at the intersection of River Road and Landy Lane. Applicant will coordinate with the Citizens Coordinating Committee on Friendship Heights, Inc. ("CCCFH") and other interested parties to support the request for the traffic signal. Applicant will contribute to the cost of installation of the traffic signal in accordance with the terms of an agreement between Applicant and CCCFH.
6. COMMUNITY FACILITIES	None required	Applicant will contribute to a facility supporting the Capital Crescent Trail, the nature and extent of the contribution to be determined in cooperation with the Department of Parks and the Coalition for the Capital Crescent Trail at site plan.

Local Map Amendment/ Development PlanG-873 Binding Elements

DEVELOPMENT STANDARDS	PERMITTED/REQUIRED	PROPOSED
7. USE FACILITIES	Required in a planned development	<p>A. Facilities designated on the Development Plan with an * (i.e., Playing Field, Sport/Tennis Courts, Athletic Field, and interior vehicular and pedestrian ways for walking, jogging or running) will be available for use by residents of the multi-family building along with students, faculty and administration of Washington Episcopal Day School (WES) under a shared use agreement between WES and the owner of the multi-family building. Use of these facilities will be supplemented by programmatic activities intended to integrate the residential and institutional uses (e.g., sporting events, recitals, lectures, charitable events such as school auctions, etc)</p>
		<p>B. Community use of school facilities for other than residents of multi-family building to be arranged with WES.</p>
8. CIRCULATION	No restrictions	<p>A. No traffic entering the subject property will queue or stack up onto public streets.</p>
		<p>B. General locations for student drop-off/pick-up shown by ●</p>
		<p>C. Gates or other control measures shall be employed with the goal of preventing, to the extent possible, the School's property being used for cut-through traffic (other than for school operations or school functions) between Landy Lane/River Road and Little Falls Parkway.</p>

Local Map Amendment/ Development PlanG-873 Binding Elements

DEVELOPMENT STANDARDS	PERMITTED/REQUIRED	PROPOSED
9. GREEN AREA	50%	Green area shall not be less than 54% of lot area.
10. PHASING	No restrictions	A. Phase I will be development of the multi-family residential building, extension of Landy Lane, installation of sidewalks and creation of two drop-off/pick-up points as shown on the Development Plan.
		B. Phase II, to occur at one or more unspecified times in the future, includes improvements to the School as shown on the Development Plan.
		C. Simultaneous with construction of the multi-family residential building, existing office buildings on the subject property will be demolished, the underlying land and will be stabilized with grass and the area may be used for recreational purposes either as a lawn or improved as an athletic field (including the potential of an underground parking garage).

Proposal

Subdivision

The Project will create two lots. Lot 1 will be the School campus and Lot 2 will be age-restricted multi-family building. The subdivision also includes dedication for the extension of Landy Lane, depicted as "Parcel C" on the Preliminary Plan¹.

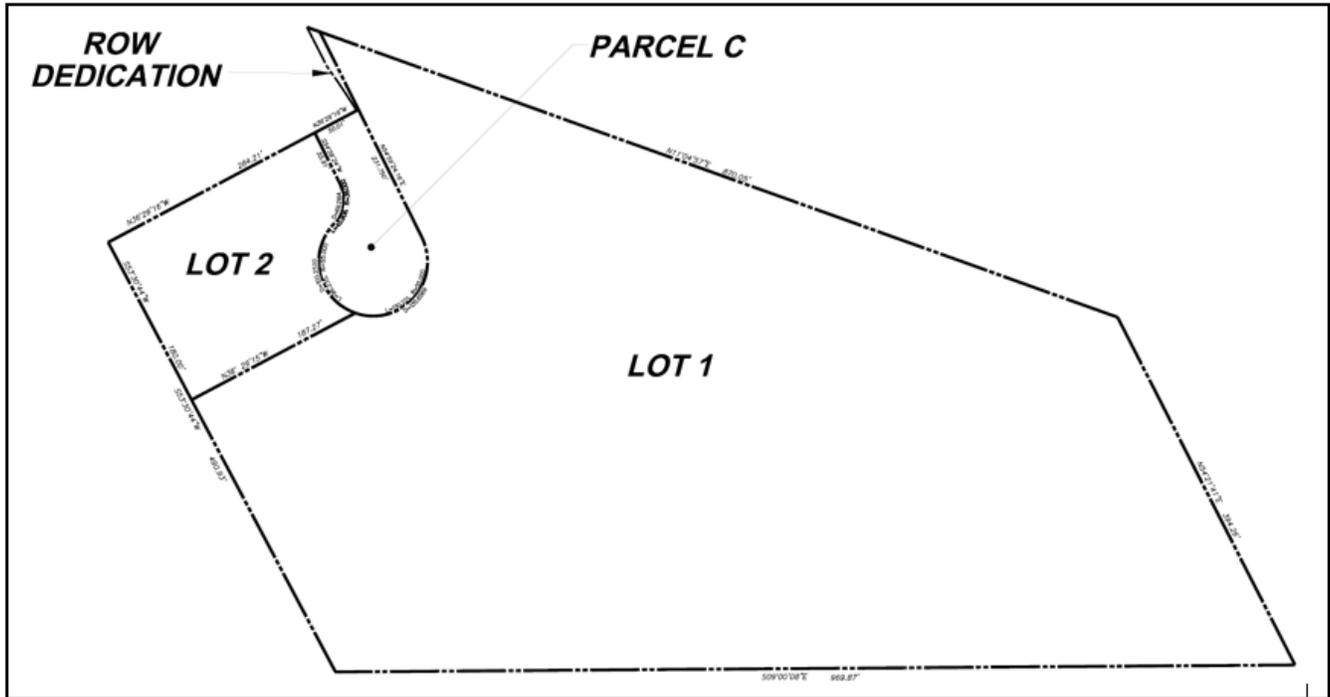


Figure 6- Proposed Phasing and Lotting Diagram

Site Plan

In order to demonstrate compliance with the Development Plan, the Phase 1 Site Plan covers the entire Site. This Site Plan reflects existing conditions with specific improvements, as described in the Development Plan, on the School campus (Lot 1) in addition to the proposed age-restricted multi-family building on Lot 2.

¹ Recent interagency coordination on the designation of private roads determined that the proposed extension of Landy Lane should be implemented as a public roadway. Although the roadway is depicted on the most recent plan submittal as a private street within "Parcel C," the plans will be revised prior to certification of the Preliminary Plan to show Landy Lane as a public street within dedicated right-of-way.

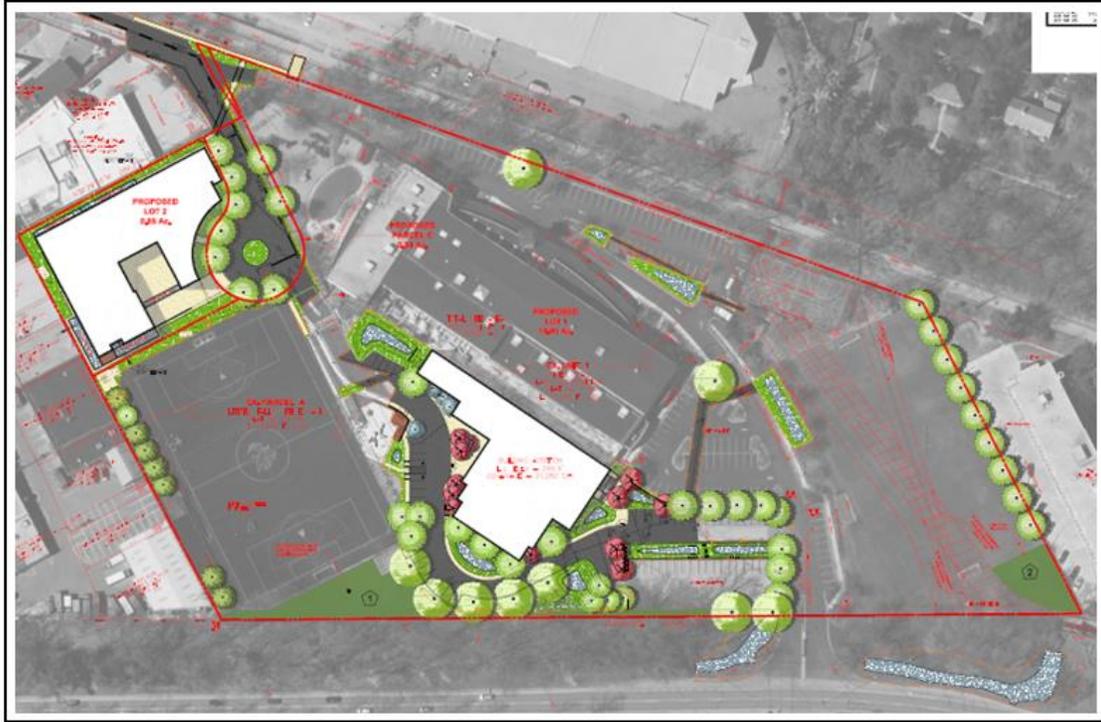


Figure 7- Illustrative Site Plan

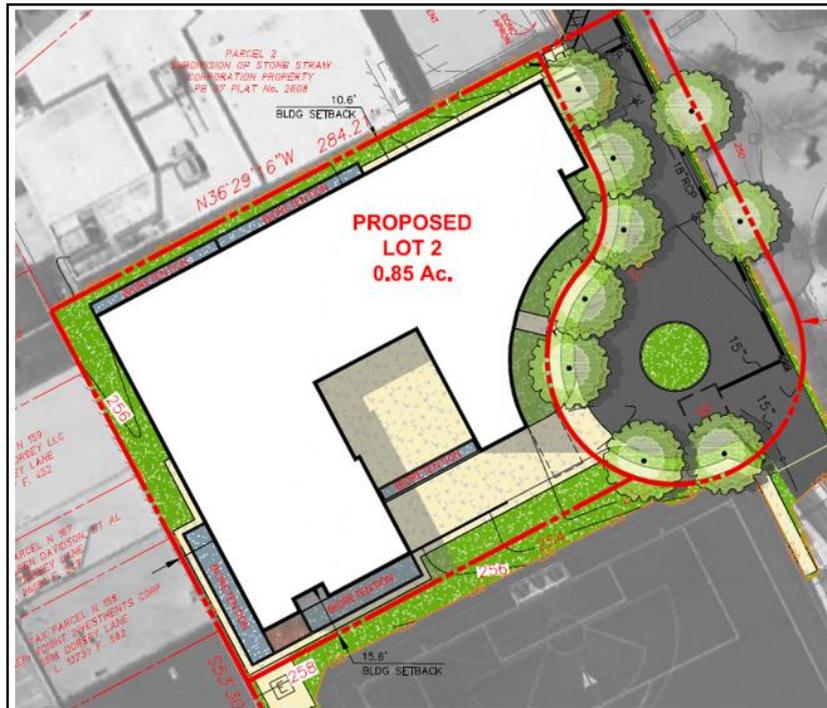


Figure 8- Site Plan Enlargement²: Age-Restricted Multi-family (Lot 2)

² The Site Plan includes the entire 11.2 acre Site; the age-restricted multi-family portion of the Site is enlarged in Figure 8 for clarity purposes only.

Uses and Density

Phase 1 includes the proposed 121-dwelling unit age-restricted multi-family building and incorporates extension of Landy Lane, from its current terminus, to a new cul-de-sac, as well as miscellaneous improvements on Lot 1, as shown on the Development Plan and conditioned in Binding Element #10.A, "Phasing." Phase 2, which will be reviewed under one or more future Site Plan amendments, will expand the school enrollment to a maximum of 600 students and will permit physical expansion of the School building up to the ultimate square footage of up to 175,000 square feet, as per Local Map Amendment/ Development Plan G-873.

Building Design

The age-restricted multi-family residential building will have eight floors, up to 97-feet in height, and contain units ranging from one to three bedrooms, including 12.5% MPDUs on-site. The age-restricted multi-family building's use of masonry, fiber cement, metal panel, and glazing are layered to highlight the façade at points of interest for the existing community and pedestrians. Strong corner components identify the building from River Road and a roundabout entry from the proposed Landy Lane cul-de-sac creates a sense of arrival for residents and guests. The single-story amenity area at the main entry relates the building back to the pedestrian scale, while creating a gathering area to promote socialization and activity among residents and their guests.

Parking for the age-restricted multi-family residential building will be provided in a below-grade facility, the entrance of which will be located off the Landy Lane entry court. The loading dock will be located on the northwest corner of the building to facilitate truck turning movements before the proposed Landy Lane cul-de-sac.



*Figure 9- Age-Restricted Multi-family Building Elevation (Lot 2)
Northwest façade from Landy Lane*



*Figure 10- Age-Restricted Multi-family Building Elevation (Lot 2)
Northeast façade from Washington Episcopal School Playing Field*



*Figure 11- Age-Restricted Multi-family Building Elevation (Lot 2)
Southeast façade from Dorsey Lane*



*Figure 12- Age-Restricted Multi-family Building Elevation (Lot 2)
Southwest façade from River Road*

Landscaping and Lighting

Landscaping and lighting, as well as other site amenities, will be provided to ensure that landscaping, lighting, and site amenities will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The proposed on-site lighting will limit the necessary light levels to streets and sidewalks. Lighting incorporates partial cut-off light fixtures to prevent light spillover to adjacent areas.

Green Area and Amenities

The Project will provide 56% (or approximately 272,636 square feet) of the gross area as Green Space. The Green Area includes playfields, pedestrian areas, a future tennis/ sport court, and other amenities on the School campus.

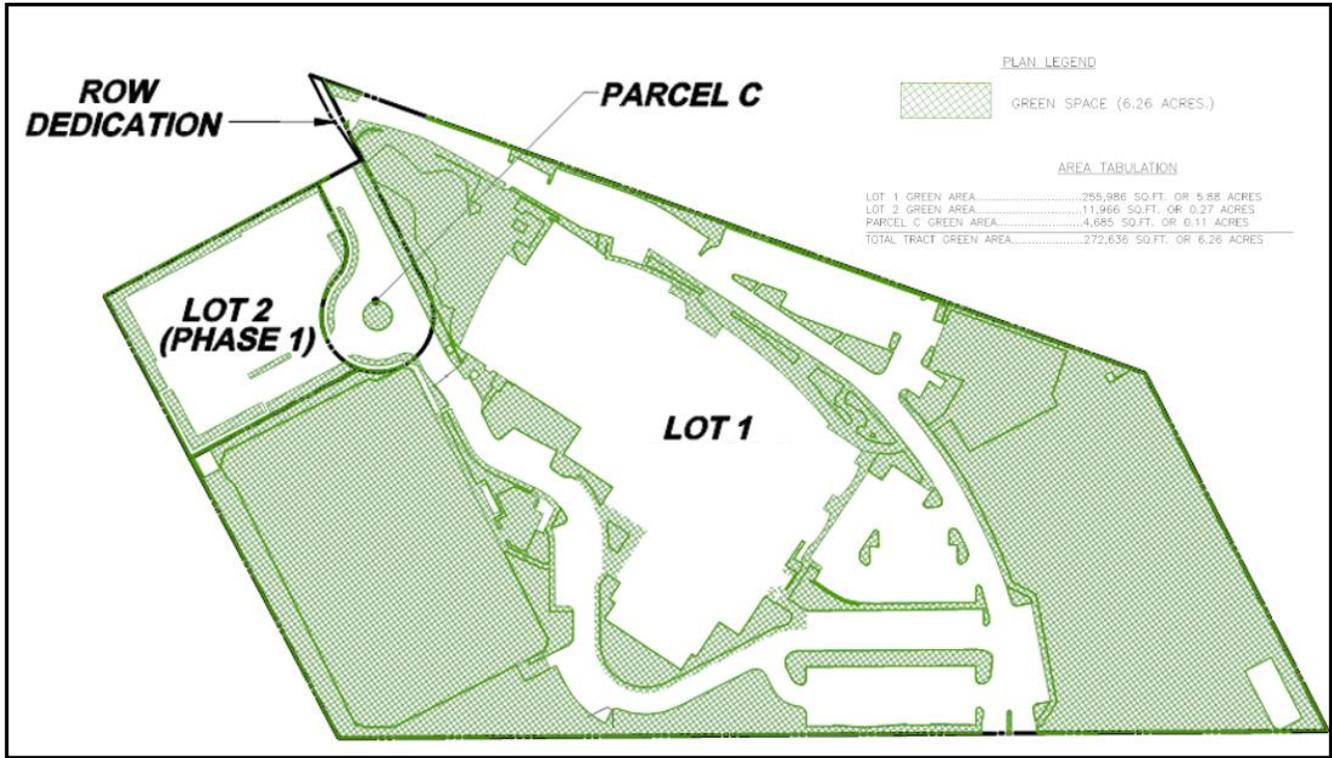


Figure 13- proposed Green Area Diagram

The Development Plan and PD Zone mandate that the uses contained within Planned Developments have a high degree of symbiosis such that one use contributes to the success of the other. Binding Element 7.A., "Use Facilities," states that specific facilities designated on the Development Plan will be available for use by residents of the age-restricted multi-family building along with students, faculty, and administration of the Washington Episcopal School under a shared use agreement. With the exception of the tennis courts, all shared use facilities are expected to be delivered in the first phase of development. The future tennis courts remain a Binding Element of the Development Plan and are expected to be completed with Phase 2.

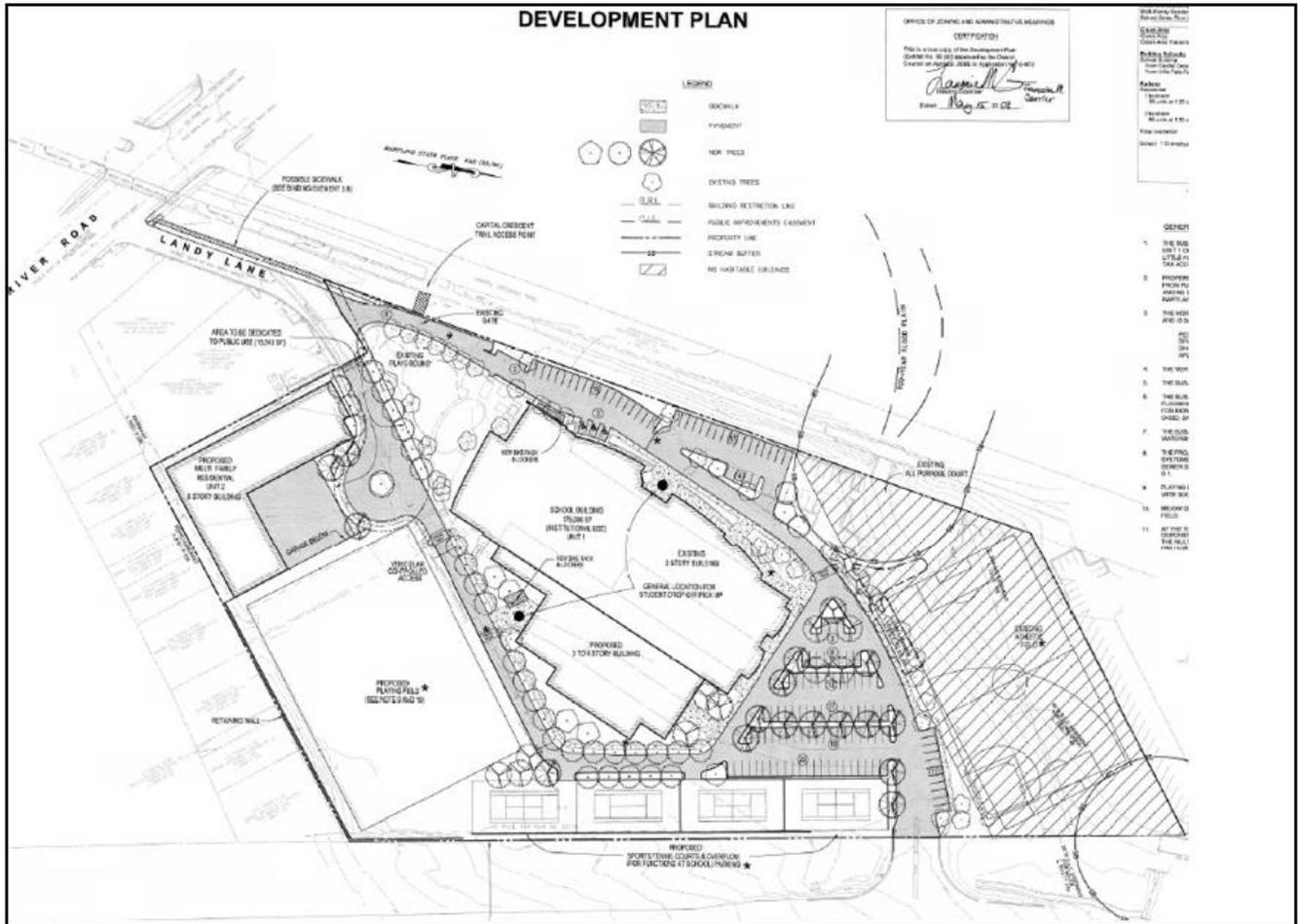


Figure 14- Approved Development Plan G-873

At the time the Planning Board considered Local Map Amendment G-873, the application proposed as a park amenity eight vehicular parking spaces near the trailhead to the Capital Crescent Trail. Although these parking spaces were endorsed by the Planning Board, the District Council decided against making the parking spaces a requirement in light of citizen testimony against the addition of a car-centric amenity to a pedestrian and bicycle trail. As a result, Binding Element 6, “Community Facilities,” requires the Applicant to contribute to a facility supporting the Capital Crescent Trail, the nature and extent of which was deferred to the time of Site Plan review. In response to this Binding Element, the Applicant developed a cost estimate equal to the construction of the original eight parking spaces, \$70,000, and offered that amount to the Parks Department in the form of a financial contribution in support of a park amenity to the Capital Crescent Trail. Park Department Staff accepted the construction cost estimate and recommends that the Board accept the financial contribution as a means of satisfying this Binding Element.

Access and Circulation

Access to the Site and circulation, both within the Site and in the immediate vicinity, has been a point of contention since the Project was reviewed as a Development Plan by the District Council. At the core of this issue, the CCCFH believes that the School should maintain two separate access points, one on Landy Lane and one on Little Falls Parkway, in order to provide adequate on-site circulation and discourage school-generated trips from being diverted into adjacent neighborhoods. The Applicant, on the other hand, believes that a gated perimeter is necessary to bolster campus security and improve student safety. The Site access and internal circulation exhibit

presented by the Applicant at the time of the Local Map Amendment/ Development Plan, referred to as Exhibit 33(e) of the Hearing Examiner’s Report, is provided below (Figure 15).

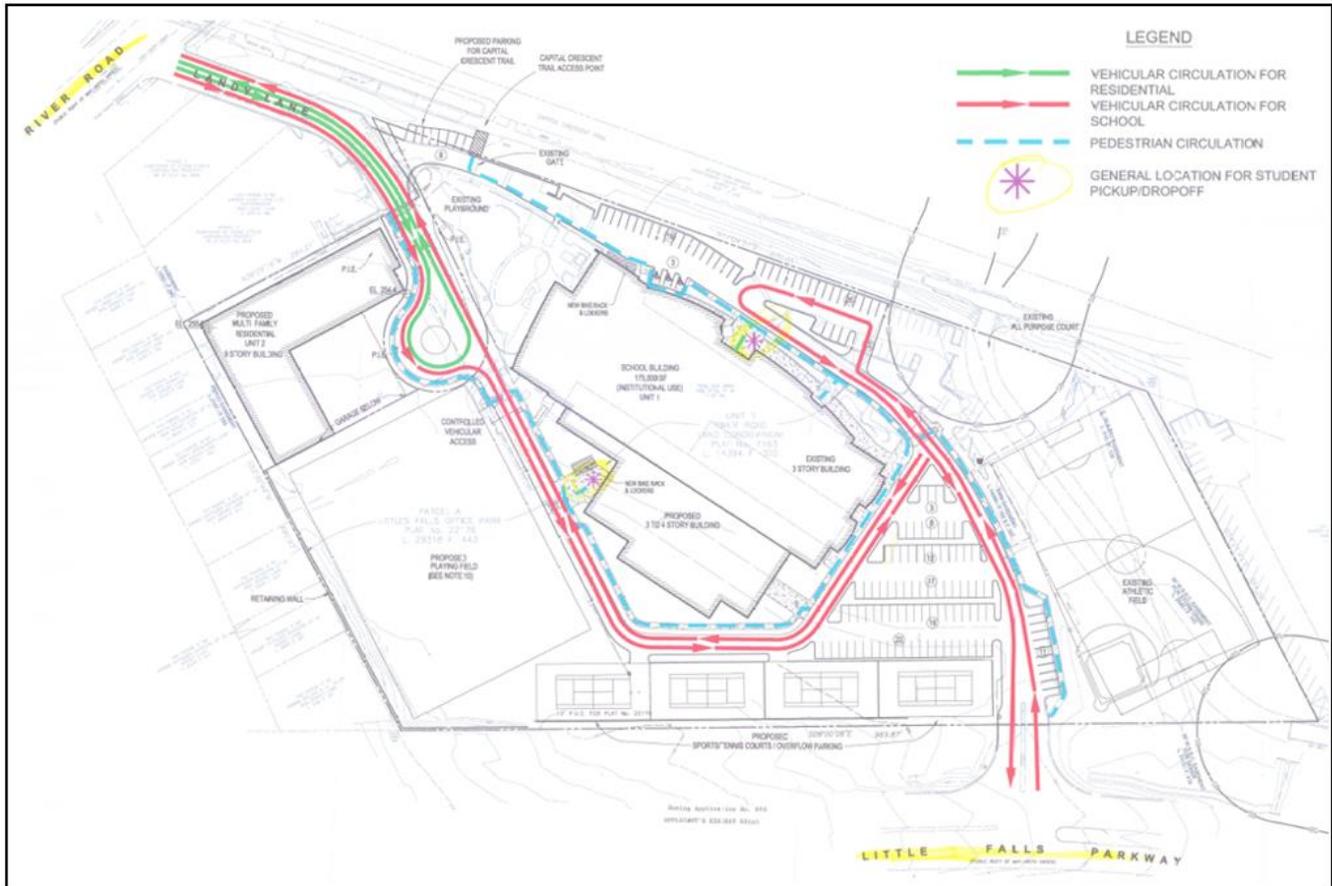
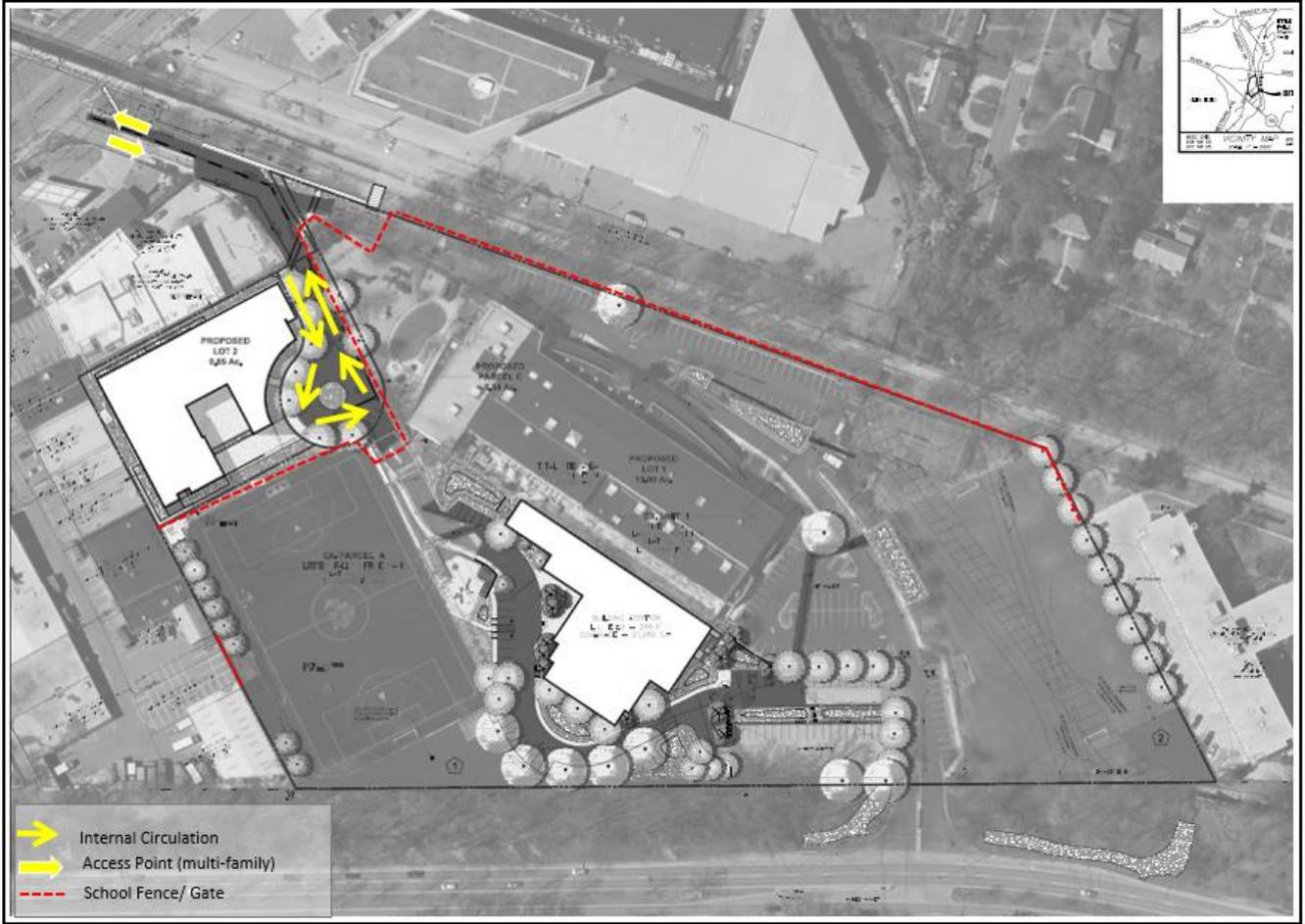


Figure 15- G-873 Circulation Exhibit (Exhibit 33(e))

Phase 1 of the project includes an extension of Landy Lane that will bridge the full distance between the existing public terminus of Landy Lane and the shared lot line between proposed Lots 1 and 2. This extension is proposed as a public secondary residential street within a reduced width 50-foot wide right-of-way and is intended to provide the Washington Episcopal Day School (proposed Lot 1) access to River Road (MD 190) via Landy Lane.

The vehicular entrance to the age-restricted multi-family building’s underground garage is off of the extension of Landy Lane. The primary vehicular entrance to the School is via Little Falls Parkway, though secondary access and loading activities are anticipated to use Landy Lane as well. Pedestrian and bicycle access is provided primarily from the Site’s Landy Lane frontage, however, the access control gates³ on the School’s Landy Lane entrance complicates access for those who wish to access the site from River Road (i.e. pedestrians, bicyclists, and transit users).

³ Access control gates are first discussed on page 2 of the M-NCPPC Staff Transportation Planning Memorandum, dated 12/7/2007, for LMA G-873. That memorandum identified the need for access controls to limit cut-through traffic with the form and type of access control to be determined at the time of preliminary and site plan. The Hearing Examiner concurred with this recommendation and recommended that access control measures be used to limit non-school cut-through traffic.



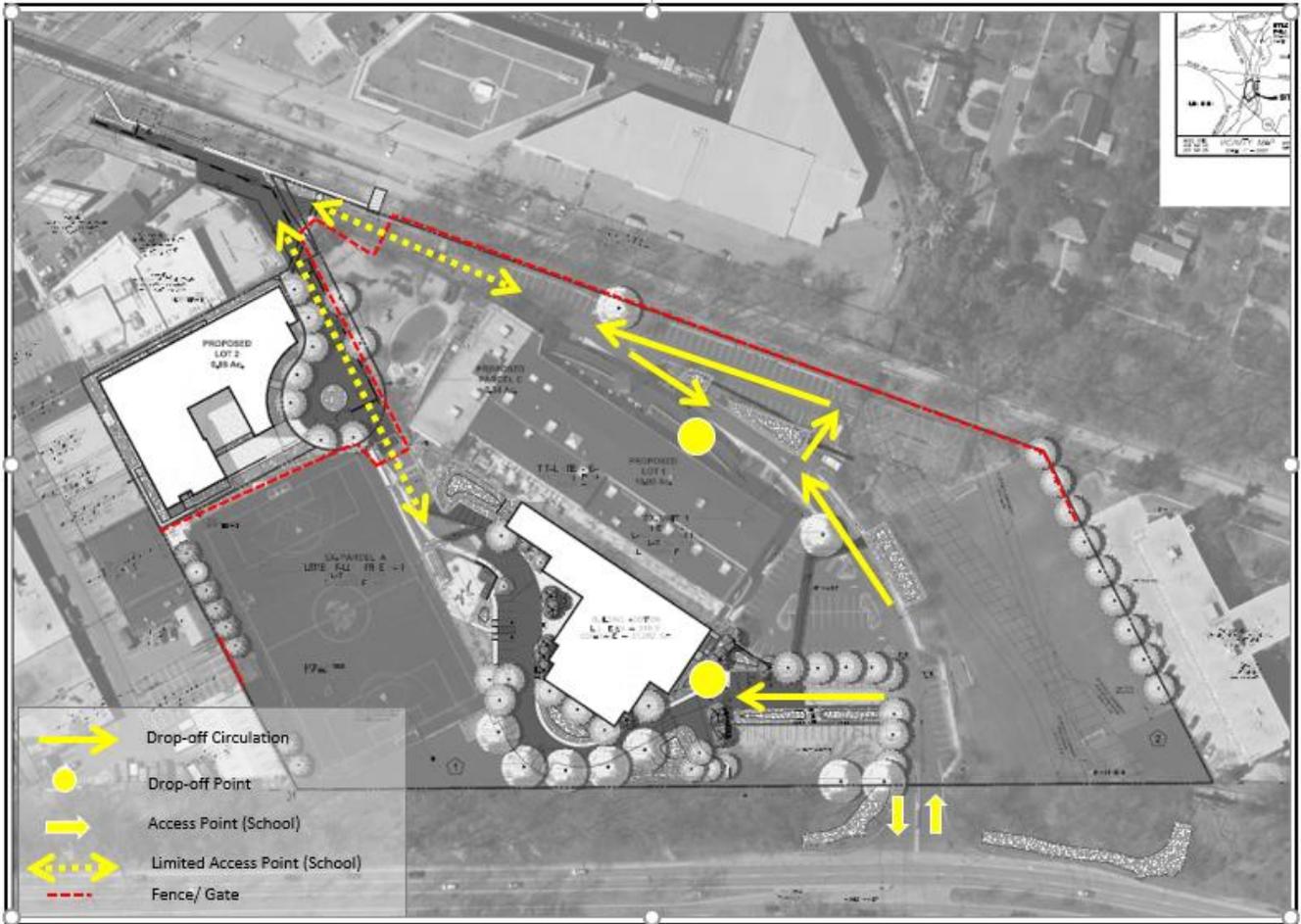


Figure 17- Proposed School Circulation Exhibit
Showing School Access, as conditioned

Issues

1. Cut-Through Traffic/ Landy Lane Gates

- a. Binding Element #8.c. permits the Applicant to use gates or other control measures to limit non-school traffic through the School campus.
- b. In response to Binding Element #8.c., the School has installed and operated gates along its Landy Lane frontage for several years. The School maintains that the gates, which prohibit both vehicular and pedestrian access to the Site, are necessary to bolster student safety.
- c. CCCFH believes that the gates contribute to school-related cut-through traffic in adjacent neighborhoods, specifically on Dorset Avenue, and request that the gates be opened to permit school-related traffic to enter the Site.
- d. The issue of Site access was discussed at length during the Local Map Amendment and a circulation exhibit was presented to the Hearing Examiner and District Council that specifically showed School operations using both the Landy Lane and Little Falls Parkway access points.
- e. After careful consideration of this issue, Planning Staff has recommended a condition that the gates be open during the morning and evening peak periods associated with student drop-off and pick-up. Staff notes that Binding Element 8.c. specifically excludes traffic related to school operations and that internal queueing on the campus will mitigate non-school related cut-through traffic during the limited periods the gates are open. Additionally, Binding Element 8.A., "Circulation," prohibits site generated traffic from queuing or stacking-up onto public streets.

Staff recognizes the School's desire to maintain a safe and secure campus environment for the well-being of the children enrolled at the institution, however, the intent of the Binding Elements is to provide, among other elements, a safe, adequate, and efficient transportation network. In seeking a compromise to these two viewpoints, Staff recommends that the Landy Lane gates be open during the morning and evening School peak-periods. Staff notes that the campus does not have a secure perimeter in its existing condition, as there is neither gate access nor fencing along the nearly 1,000 linear feet of Little Falls Parkway frontage. Furthermore, no additional gates or fencing is proposed under the subject application to further bolster security.

2. Traffic Signal at River Road/ Landy Lane

- a. Binding Element #5.f. requires that Applicant seek approval and contribute to the cost of installation of a traffic signal in this location if one is permitted by the Maryland State Highway Administration (MSHA)
- b. In response to Binding Element #5.f., the Applicant submitted a signal warrant analysis to the MSHA, which evaluated the traffic signal warrant analysis and deliberated for several months before determining that a traffic signal is not warranted under the existing condition at this time. MSHA indicated that the agency would be willing to consider installing a traffic signal at this location when existing conditions meet warrants for a signal. Staff notes that the signal warrants are anticipated to be met in the future condition when the School is at full enrollment and the Landy Lane gates are open.
- c. CCCFH continued to advocate for the traffic signal, however, MSHA's decision on the traffic signal stands until the signal warrants are met under existing conditions.
- d. Since MSHA has final authority of traffic control devices, including traffic signals, on River Road, Planning Staff has recommended a condition that the School conduct a signal warrant analysis as part of its Phase 2 application and contribute to its installation, if warranted at that time.

Staff recognizes the importance placed on the Landy Lane traffic signal by the community, however, intersection signalization is solely the purview of MSHA and is predicated on meeting specific engineering criteria under the existing conditions.

3. Safe, Adequate, and Efficient Site Access and Circulation

- a. Site Plan approval requires that the Planning Board find the proposed access and circulation to be safe, adequate, and efficient.
- b. The CCCFH contends that this finding cannot be made if 1) the Landy Lane gates are closed to School operations, and 2) there is no traffic signal at the intersection of Landy Lane/ River Road.
- c. After careful consideration of this issue, Planning Staff has recommended a condition that the gates be open during the morning and evening peak periods associated with student drop-off and pick-up. Planning Staff defers to MSHA on the issue of the traffic light, though Staff recognizes the importance of this light to the community and has recommended that the School submit a new signal warrant analysis to MSHA with the future Site Plan amendment for the School expansion.

As discussed, circulation is safe, adequate, and efficient.

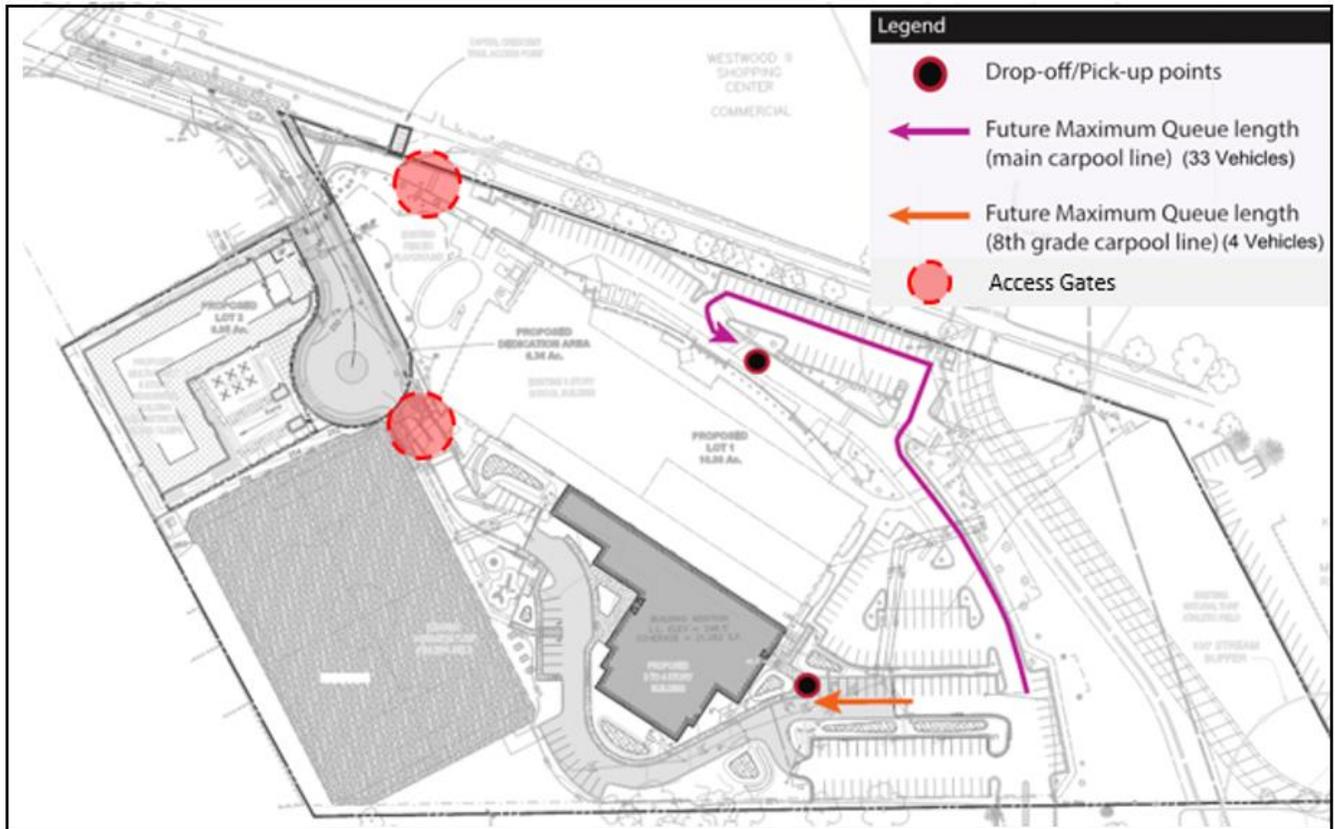


Figure 18- Proposed Queing Diagram

Citizen Correspondence and Issues

The Applicant conducted pre-filing community meetings on January 16, 2014, September 30, 2014, and March 3, 2015. The Applicant conducted a subsequent community meeting to discuss specific elements of the project (i.e. site access and circulation) on May 5, 2016. The Applicant has complied with all submittal and noticing requirements. Staff has had numerous meetings and phone conversations with community stakeholders to discuss concerns about this project.

Sector Plan Conformance

The Applications substantially conform to the 1982 Westbard Sector Plan and the subsequent 2008 Local Map Amendment G-873. The Applications comply with the specific density recommendations for the Site as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan and Local Map Amendment.

2016 Westbard Sector Plan

The 2016 update to the 1982 Westbard Sector Plan was approved during the time the Subject Application was under review. Although the Project is entirely subject to the 1982 Sector Plan due to its status as a PD-28 property and because of its associated Development Plan, Staff is providing relevant recommendations from the recently adopted 2016 Sector Plan as context for the current future vision of Westbard.

The 2016 *Westbard Sector Plan* is a refinement of the 1982 Sector Plan and focuses on encouraging mixed-use development in the center with a goal of transforming the core from an auto-oriented development into a walkable, mixed-use community. The Site specific recommendations include:

- Commercial Residential zoning of CRT 4.75, C 0.75, R 4.75, H 100 is recommended to ensure that, when the site redevelops as a senior housing facility, the density approved in the Binding Elements of LMA G-873 will be in conformance with the zone. To obtain the maximum density allowed under the zoning, the residential component of any redevelopment on this site must be limited to 121 dwelling units, including MPDUs for independent seniors (at least one person per unit age 55 or older). The building is limited to a height of eight stories or 97 feet.
- If no senior housing is proposed for this site, limit the zoned density and height to CRT 2.0, C 0.25, R 1.75, H 75.
- Urban Design, Parks, Trails and Open Spaces Recommendations: Create a network of new and re-aligned streets that better serves the traffic patterns in this area as well as on the adjacent River Road. The 2016 Westbard Sector Plan recommends a new road extending Landy Lane from River Road to Little Falls Parkway at the Washington Episcopal School. This road extension is contingent upon the redevelopment of the School site, but will necessarily require the cooperation and coordination with this Site.
- The District Council also acknowledged the significance of the Binding Elements if the Property is redeveloped under the CRT zone. The rezoning to the CRT zone will eliminate the requirement for strict compliance with the Binding Elements, but they should none-the-less be considered. The Planning Board was given discretion as to the applicability of any of the Binding Elements at the time of redevelopment (under the CRT zone).

SECTION 5: PRELIMINARY PLAN

Analysis and Findings

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The proposed lot size, width, shape, and orientation are appropriate for the location of the subdivision taking into account the recommendations in the Sector Plan. Access and public facilities will be adequate to serve the proposed lots, and the Application has been reviewed by other applicable County agencies, all of which have recommended approval of the Preliminary Plan. Staff recommends approval with conditions outlined in this report.

1982 Westbard Sector Plan

For the Site, the Sector Plan specifically recommends use of PD-28 zoning to support a mixture of office and multi-family dwelling units of up to eight stories in height. The Sector Plan recommended that the uses on the Site be limited to no more than 353 dwelling units, of which 12.5% be moderately priced dwelling units, and up to 180,000 square feet of office. The Preliminary Plan meets these recommendations by limiting future development to a single eight-story building, consisting of up to 121 age-restricted multi-family dwelling units, and a School campus of up to 175,000 square feet of private educational institution use. The location of the proposed age-restricted multi-family building on the Site and the School (as opposed to office) use were both points of discussion during the Local Map Amendment/ Development Plan and were determined to be in substantial conformance by the District Council.

At the time LMA G-873 was reviewed by M-NCPPC Planning Staff, Staff noted that the proposed rezoning was not compliant with one element of the 1982 Plan, that about one-third of the total vehicular trips generated by the planned development would use the Little Falls Parkway access; and the remaining two-thirds would use the River Road/ Landy Lane access. Given the age of the 1982 Sector Plan, more weight should be placed on the Plan's general recommendations than on very specific recommendations. The Project is in substantial conformance with the Sector Plan and defers further discussion of vehicular trip generation and distribution to the Local Area Transportation Review portion of this staff report.

Compliance with Prior Approvals

The Applications comply with all applicable Binding Elements of Local Map Amendment/ Development Plan G-873.

Transportation

Access to the Project is provided by Little Falls Parkway and River Road via Landy Lane in the following configuration: Little Falls Parkway is intended to serve as the primary access point for the Washington Episcopal Day School while Landy Lane is intended to provide a secondary access point⁴ to the School and primary access for the proposed age-restricted multi-family building. Landy Lane will also provide primary site access for any truck loading/ deliveries associated with the School because Little Falls Parkway does not permit truck traffic. Pedestrian and bicycle access to the property will be maintained on Landy Lane and along the Landy Lane property frontage sidewalk. There are currently no pedestrian facilities on Little Falls Parkway and none are proposed in the foreseeable future because there are no activating land uses along the Parkway and other viable routes, such as

⁴ Landy Lane has long been envisioned as a secondary access point for the School while Little Falls Parkway was intended to be the primary access point. This is first discussed on page 4 the M-NCPPC Staff Report, dated 12/21/2007, for LMA G-873. Page 5 of the report also stated that future access and circulation must include both Little Falls Parkway and Landy Lane as points of ingress and egress.

the Capital Crescent Trail, provide better pedestrian accommodation than would be possible along Little Falls Parkway.

Vehicular access to the parking garage, located within the age-restricted multi-family building on Lot 2, is proposed directly off of Landy Lane, approximately 500-feet north of River Road. It is anticipated that all traffic associated with the age-restricted multi-family building will come and go via the Landy Lane access point due to the presence of access controls (gates) on Landy Lane between the proposed age-restricted multi-family building Lot 2 and School Lot 1. The School will be accessed primarily from Little Falls Parkway, though some access and all loading activities will take place on Landy Lane due to existing truck restrictions on Little Falls Parkway. Loading vehicle access to the School campus will be coordinated by the School's facility staff, who will schedule deliveries and ensure access to the Site at appropriate times.

Internal pedestrian and bicycle circulation will be accommodated by the frontage sidewalk on Landy Lane and an internal sidewalk network shown on the plan. Since Little Falls Parkway does not have any pedestrian accommodation along its length, has high vehicular speed, and has no activating land use, Staff is not requesting pedestrian improvements along the Little Falls Parkway frontage.

Landy Lane

The Applicant proposes to construct an extension of Landy Lane to the east of the existing School playground and along the western edge of the proposed Lot 2. Representatives from the School requested that the roadway extension be constructed and maintained as a private roadway in order to limit impacts to the School's adjacent playground, which is adjacent to the roadway alignment. This request was also made in light of a recommendation included in the 2016 *Westbard Sector Plan*, that Landy Lane extended be realigned to project northward to Little Falls Parkway from the existing fork west of the existing School playground (not adjacent to proposed Lot 2). Any future improvement between the Site's Landy Lane frontage and Little Falls Parkway, including dedication, is contingent upon redevelopment of the School site.

Although staff from both the Planning Department and Department of Transportation initially supported the Applicant's request that the new street be private due to site-specific circumstances (i.e. the bifurcated alignment of Landy Lane), Planning staff and MCDOT were able to refine the approach with a solution that addresses the School's concern and permits the roadway to be implemented as a public street. Under this solution, the road extension will be constructed as a secondary residential street within a reduced 50-foot wide public right-of-way. Constructed in this manner, the street will measure 26-feet wide with a 5-foot wide sidewalk on the east side of the roadway (along the frontage of Lot 2). Staff is recommending that the Board only require a sidewalk on one side of the street in order to minimize impacts to the existing school playground (to which there is no access from Landy Lane). As a result of this refined solution, the Applicant will revise the Preliminary Plan drawing, prior to certification, to eliminate "Parcel C" and show the proposed street extension as a public road. Given the provisions described above, implementation of this roadway substantially conforms with the Development Plan.

Transit and Pedestrian Facilities

Transit within the immediate area includes the Montgomery County Ride On Route 23 and WMATA Metrobus T2 Route on River Road. The nearest bus stops to the site are located at the intersection of Landy Lane and River Road. Staff notes that the southbound bus stop (opposite the Site on River Road) is improved with a bus shelter, while the northbound bus stop (on the Subject Property side of River Road) is improved only with a bus stop sign post and concrete pad. In the existing condition, an uncontrolled marked mid-block crosswalk exists at the intersection of Landy Lane and River Road to cross five lanes of vehicular traffic. This crosswalk is directly under the Capital Crescent Trail bridge, which provides a secondary means of crossing River Road. Staff notes that the pavement condition within the crosswalk area is poor and in need of maintenance (both resurfacing and restriping), however, this condition is not along the project frontage and is currently the subject of an on-going

MSHA capital improvement project (#MO0815177) that will be resurfaced in Fall 2016. In addition to the bus service described above, the Site is within a mile and a half of the Friendship Heights Metrorail Redline Station.

Master Plan Roadways and Pedestrian/Bikeway Facilities

The following summarizes recommendations included in the 1982 *Westbard Sector Plan* and the 2005 *Countywide Bikeways Functional Master Plan*:

1. Little Falls Parkway: A four-lane Park roadway within M-NCPPC parkland. The road facility is owned by the Parks Department while MCDOT manages operations of the roadway.
2. River Road (M-2; MD 190): A six-lane major highway with a minimum master planned right-of-way of 128-feet. River Road is designated as a dual bikeway (DB-2) between the District of Columbia and Seneca Road (MD 112).
3. Landy Lane: A variable-width unclassified roadway within a recommended master plan right-of-way of 60'-70'.
4. Capital Crescent Trail (SP-6): A regional shared use path, located along the west Site frontage, that connects Georgetown in the District of Columbia with the Metropolitan Branch Trail at the Silver Spring Transit Center.

Adequate Public Facilities

A traffic study (dated March 28, 2016) was submitted for the Subject Application per the *Local Area Transportation Review (LATR)/Transportation Policy Area Review (TPAR) Guidelines* since the proposed development was estimated to generate more 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.

A site trip generation summary for the proposed development, provided in Table 1, shows that the Project will generate 776 peak-hour trips during the weekday morning peak period, 449 peak-hour trips during the weekday School evening peak period, and 103 trips during the adjacent street peak period.⁵ The Traffic Impact Study evaluated 398 “new” students, beyond the 202 “existing” students currently enrolled at the School, to account for a total future enrollment of up to 600 students. Although Staff recommends limiting enrollment to a total of 392 students with this Application, the Applicant has requested that the Adequate Public Facilities finding remain at the 600 students studied as part of the traffic impact study as the School anticipates future campus improvements that will permit the full 600 student enrollment within the limits set forth by the Binding Elements.

A summary of the capacity analysis/critical lane volume (CLV) analysis for the weekday morning and evening peak-hour periods at nearby study area intersections, presented in Table 2, shows that at full site buildout (121 age-restricted dwelling units and 600 students), congestion at the intersection will remain within the policy area congestion standard of 1,600 CLV. Based on the analysis presented in the traffic study, the Subject Application satisfies the LATR requirements of the APF test.

As a proposed development within the Bethesda Chevy Chase Policy Area, the Project is determined to be “inadequate” under both the Transportation Policy Area Review (TPAR) transit and roadway tests of the 2012-2016 *Subdivision Staging Policy*. As a result, the Applicant must make a TPAR mitigation payment equal to 50% of the applicable development transportation impact tax to the Montgomery County Department of Permitting Services at the time of building permit.

⁵ Since schools typically dismiss before the typical peak period for commuter traffic on the adjacent public streets, typical practice is to evaluate the peak School afternoon traffic and commuter peak traffic as two separate time periods (i.e. the majority of school traffic dissipates quickly after dismissal and does not typically impact the evening commute).

**Table 1: Proposed Washington Episcopal Day School Project
Peak Hour Trip Generation**

Trip Generation	Morning Peak Hour			School Evening Peak Hour			Evening Peak Hour		
	In	Out	Total	In	Out	Total	In	Out	Total
Proposed									
121 Senior multi-family dwelling units	8	16	24	16	14	30	16	14	30
398 New Students (Private School)	439	313	752	181	238	419	30	43	73
Total Proposed	447	329	776	197	252	449	46	57	103

Source: Symmetra Design Traffic Impact Study, dated March 2016.

**Table 2: Proposed Washington Episcopal Day School Project
Summary of Capacity Calculations**

Intersection	Traffic Conditions					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
River Road/ Springfield Drive	1020	1026	1021	1027	1080	1035
River Road/ Ridgefield Road/ Brookeside Drive	1093	1027	1094	1030	1142	1034
River Road/ Landy Lane	918	921	919	922	979	952
River Road/ Little Falls Parkway	1256	1566	1260	1569	1370	1588
River Road/ Greenway Drive/ Willard Avenue	967	1070	967	1073	991	1076
Little Falls Parkway/ Massachusetts Avenue	1080	958	1084	960	1160	969
Little Falls Parkway/ Site Access Point	564	453	564	454	918	512
Little Falls Parkway/ Dorset Avenue	586	720	586	721	721	731
Wisconsin Avenue/ Dorset Avenue	949	781	949	781	989	785
Little Falls Parkway/ Hillendale Road	499	623	439	627	696	650

Source: Symmetra Design Traffic Impact Study, dated March 2016.

Traffic Signal

The Applicant’s traffic consultant submitted a signal warrant analysis that demonstrated the Landy Lane/ River Road intersection met the warrants for a traffic signal in the future condition if the School’s Landy Lane gates remain open during the peak school pick-up and drop-off periods⁶. After reviewing the signal warrant analysis, the Maryland State Highway Administration (MSHA) issued an August 26, 2016 letter denying the Applicant’s request for a traffic signal because the warrants were not met as an existing condition. The August 26th letter indicated that the intersection can be reevaluated for a traffic signal in the future and approved for construction once existing traffic volumes are met. Staff notes that the potential future traffic signal at this location was a major point of discussion during the recent *2016 Westbard Sector Plan* project and recommends that the Applicant submit a signal warrant analysis as part of its Phase 2 application.

Other Public Facilities

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

⁶ Warrant #2, “Four hour vehicular volume, and Warrant #3 “Peak hour vehicular volume”

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, schools, and health services are operating according to the *Subdivision Staging Policy* resolution currently in effect and will be adequate to serve the Property. Electrical, telecommunications, and gas services are also available to serve the Property.

Compliance with Zoning Ordinance and Subdivision Regulations

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections. The size, width, shape, and orientation of the proposed lots 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 Application substantially conforms to the 1982 Westbard Sector Plan and subsequent Local Map Amendment G-873. The Application complies with the specific density recommendations for the site as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. As evidenced by the Preliminary Plan, the proposed lots are sufficiently large to efficiently accommodate the proposed mix of uses.

Environment

Natural Resources Inventory/Forest Stand Delineation

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) # 420140640 for the Site was approved on January 29, 2014. The Site contains environmentally sensitive features which include a stream valley buffer (SVB), a number of specimen trees and approximately 0.10 acres of forest. There are no known occurrences of rare threatened or endangered species associated with the property.

The Site is located within the Little Falls watershed, a Use I-P watershed⁷, and the Willett Branch (a tributary to Little Falls) flows through the Subject Property. The stream enters the property at the northernmost tip where it passes through an underground culvert. The culvert extends under the length of a multipurpose grass turf field and reemerges past the southwest side of the field, near the Capital Crescent Trail. Since the stream daylight at either side of the of the School property the associated SVB arches well into the Subject Property, along the ends of the grass field. Portion of the downstream SVB area contains existing parking areas, associated drive aisles and a multipurpose asphalt play/sports surface.

⁷ Use I-P:

WATER CONTACT RECREATION, PROTECTION OF AQUATIC LIFE, AND PUBLIC WATER SUPPLY

Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply; industrial water supply; and public water supply.

FOREST CONSERVATION and ENVIRONMENTAL GUIDELINES

The entire Application (including both the multifamily site and the school grounds) is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code). The proposed development, which is located within a PD zone, triggers the special provision of Forest Conservation Law section 22A-12(f)(2)(D)&(C) which requires that the afforestation requirements be met onsite. Furthermore, the special provisions also require that no existing forest onsite be cleared (since existing forest is less than the minimum required retention, all existing forest must be retained).

At the time of the DPA review the associated preliminary forest conservation plan showed the protection of the 0.10 acre onsite forest, and meeting the afforestation requirements by generally restoring the SVB with afforestation plantings/category I easement areas and also providing new landscape plantings of native canopy trees. The applicant is bound to the general layout of the DPA and the associated means of forest conservation credit. However, the currently submitted FCP explores alternate means of providing credit that include a less restoration of the SVB area but provides other environmental enhancements such as SWM over and above the DPS requirements. Since the application must be in substantial conformance with the DPA and the associated preliminary forest conservation plan, there are conditions of approval to ensure compliance. Although some modifications may be necessary at the time the Phase 2 school expansion is reviewed, Staff believes the requirements are achievable and a number of condition of approval are included to ensure the requirements are satisfied.

As conditioned, the Preliminary Forest Conservation Plan (PFCP) and the FFCP for Phase 1 meet all requirements. Future site plans associated with Phase 2 development will include Final Forest Conservation Plan(s) for each subsequent phase of development.

FOREST CONSERVATION VARIANCE

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

The Project triggers the variance requirements because of proposed removal/impacts to trees which measure 30 inches DBH or greater. The Applicant submitted a variance request for the impacts to subject trees (see Attachment C for variance request). The Applicants' request is to remove three subject trees and to impact, but retain, nine subject trees, affecting a total of twelve trees that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. However, as discussed further below Staff is

recommending only partial approval of the variance request.

Table 3: VARIANCE TREES AS PROPOSED FOR REMOVAL

Tree #	Species	D.B.H (inches)	Tree Condition	% CRZ Impact	Comments	Reason for Removal
41	<i>Liriodendron tulipifera</i>	49	Fair	32.7	Poor form, pressed around overhead wires	Microbioretention, grading, storm drain, curb/gutter/asphalt resurfacing for parking aisle, concrete sidewalk
42	<i>Liriodendron tulipifera</i>	36.5	Fair/Poor	86.4	English ivy on trunk, thin canopy on west side	Building addition, concrete sidewalk, curb/gutter/asphalt pavement for access aisle
47	<i>Prunus 'Kwanzan'</i>	30.5	Fair/Poor	78.4	Heart rot, dieback, epicormic growth	Building construction, utilities, entrance drive

Note: Staff is recommending approval only of the variance associated with Phase I Development and recommends denial of all removal and impacts for Phase II work at this time.

Table 4: VARIANCE TREES AS PROPOSED FOR RETENTION

Tree #	Species	D.B.H (inches)	Tree Condition	% CRZ impact	Comments	Reason for disturbance
17	<i>Fraxinus pensylvanica</i>	31	Fair	23.3	Dieback in crown	Regenerative stormwater conveyance channel for stream valley buffer mitigation
19	<i>Liriodendron tulipifera</i>	49	Fair	12.6	Some broken limbs and dead branches	Curb/gutter/asphalt resurfacing for parking lot, microbioretention; regenerative stormwater conveyance channel for stream valley buffer mitigation
20	<i>Quercus alba</i>	39	Fair	14.0	Some dead branches	Curb/gutter/asphalt pavement for parking lot and access drive, grading, pipe inlet
21	<i>Quercus rubra</i>	40	Fair	42.1	Some broken limbs	Curb/gutter/asphalt pavement for access drive, grading, microbioretention
22	<i>Quercus rubra</i>	38	Fair	42.7	Poison ivy on trunk	Curb/gutter/asphalt pavement for access drive, grading, microbioretention, swale, storm drain
24	<i>Liriodendron tulipifera</i>	37	Fair	26.4	Some broken limbs, has a 15" twin	Curb/gutter/pavement for access drive, grading, swale
25	<i>Quercus rubra</i>	33	Fair	16.1	Poison ivy, some dead limbs	Curb/gutter/asphalt pavement for access drive, grading
26	<i>Quercus rubra</i>	41.5	Fair	46.5	Root zone impacted by installation of shed and new paving	Curb/gutter/asphalt pavement for access drive, grading, concrete sidewalk, microbioretention, storm drain
28	<i>Quercus rubra</i>	38.5	Good	39.2	-	Curb/gutter/asphalt pavement for access drive and parking lot, grading, concrete sidewalk, microbioretention, storm drain

Note: Staff is recommending approval only of the variance associated with Phase I Development and recommends denial of all removal and impacts for Phase II work at this time.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning

Board or Planning Director, as appropriate, in order for a variance to be granted. In addition to the required findings outlined numerically below, Staff has determined that the Applicant has demonstrated that enforcement of the variance provision would result in an unwarranted hardship for the following reason:

Since the main access to the Site off of Landy Lane has a subject tree (#47) with an associated critical root zone that traverses the entire access entrance, any significant or even minor redevelopment activity on the property (such as sidewalk installation) would require impacts and/or removal of the subject tree.

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

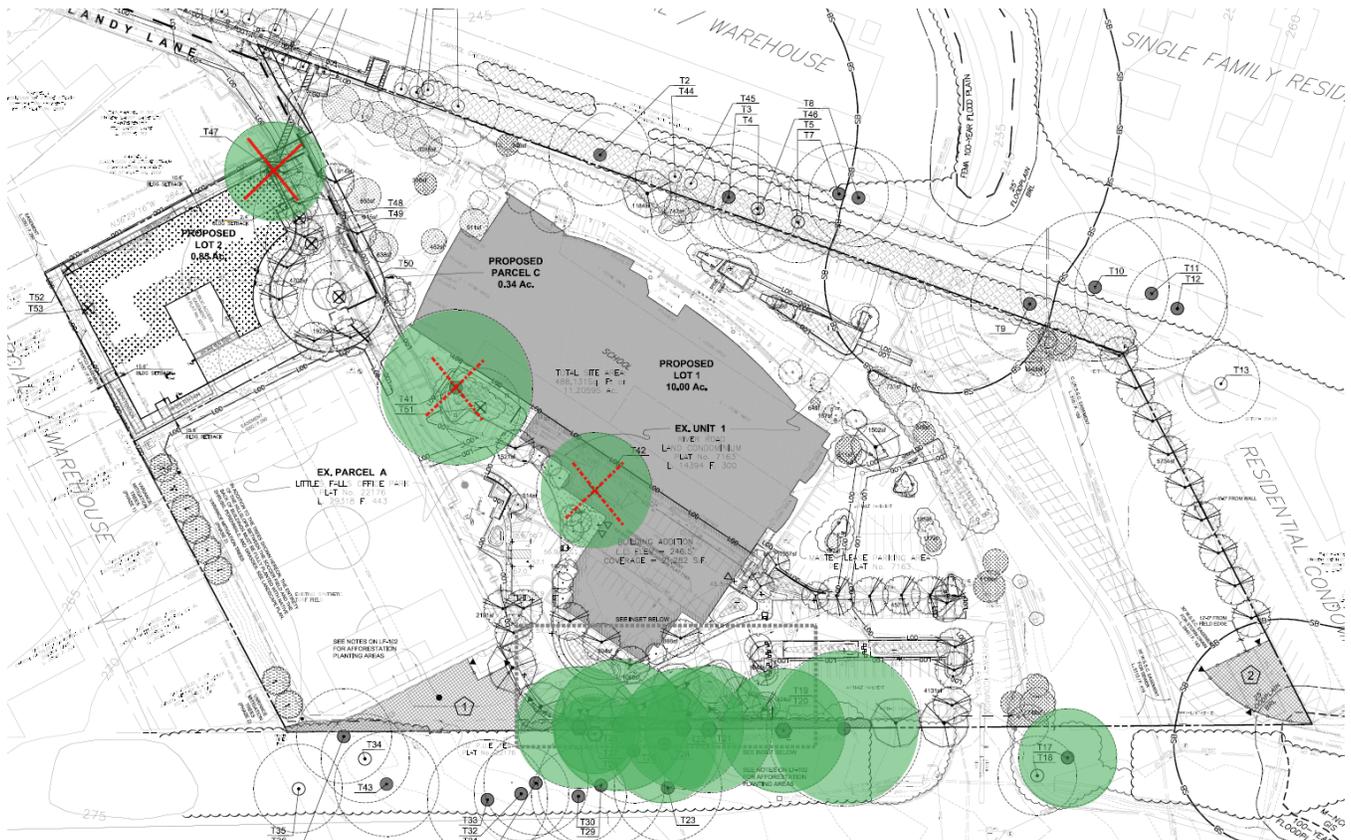


Figure 19 - Variance Trees as requested for removals/impacts.

Variance Findings

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

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

As conditioned, the impacts for Phase 1 are avoided/minimized to the greatest extent possible and are generally associated with necessary modifications to the Site access extending from the existing ROW. Therefore, the variance request would be granted to any Applicant in a similar situation. However, Staff

has insufficient information at this time to make this finding for impacts associated with Phase 2 development on Lot 1 (i.e. the School campus).

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

As conditioned per the Staff recommendations, the requested variance is largely based on proposed development allowed under the existing zoning and the need to achieve adequate site access. With the recommended conditions of approval Staff finds the variance can be granted under this condition if the impacts are avoided or minimized (as conditioned) and that any necessary mitigation is provided.

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

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

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

The Department of Permitting Services (DPS) review and approval of the sediment and erosion control and storm water management plans will help ensure that appropriate standards are met. Additionally, the Project triggers Park Permit requirements that will include the demolition of existing concrete swales (located near the Site entrance at Little Falls Parkway) and replacement with regenerative conveyance channels. Therefore, as conditioned the Project will not violate State water quality standards or cause measurable degradation in water quality.

COUNTY ARBORIST'S RECOMMENDATIONS

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The Applicants' request was forwarded to the County Arborist on August 30, 2016. The County Arborist issued a response to the variance request on September 2, 2016 and recommended that the variance cannot be granted as requested, as it would provide a special privilege to the applicant that would be denied to other applicants. Furthermore, the County Arborist cited inconsistencies and other concerns with the variance request and associated tree save component of the plans. Additionally, the applicant failed to address why alternative designs with fewer tree impacts were not considered.

MITIGATION for TREES SUBJECT to the VARIANCE PROVISIONS

As conditioned, there is presently only one subject tree proposed for removal in association with the Phase 1 development (rather than the three overall removals requested by the Applicant). Planting mitigation for the removals should be at a rate that approximates the form and function of the trees removed, at a ratio of approximately 1 inch DBH for every 4 inches DBH removed, using trees that are a minimum of 3-inch caliper. This means that for the 30.5 diameter inches of tree to be removed (the DBH of tree #47) the Applicant must provide mitigation of at least 7.625 inches of caliper replacements. Therefore, the mitigation requirements will be satisfied by the proposed planting of two 4" caliper trees, totaling 8 caliper inches. The Applicant proposes to plant the two mitigation trees on the School portion of the property with Phase 1.

STAFF RECOMMENDATION ON VARIANCE

As a result of the above findings and considerations Staff is recommending approval only of the variance associated with Phase 1 Development and recommends denial of all removals and impacts for Phase 2 at this time; more comprehensive Phase 2 plans, at the time the School expansion is reviewed, will be needed to make

findings that such removals/impacts are warranted. Although the application as submitted cannot be supported for Phase 2, Staff find the variance request for Phase 1 to be sufficient for the subject application. The only variance request items recommended for approval at this time are the removal of tree 47 and the minor impacts shown to tree 41 (which has a CRZ extending near the cul-de-sac in Phase 1); refer to image below:

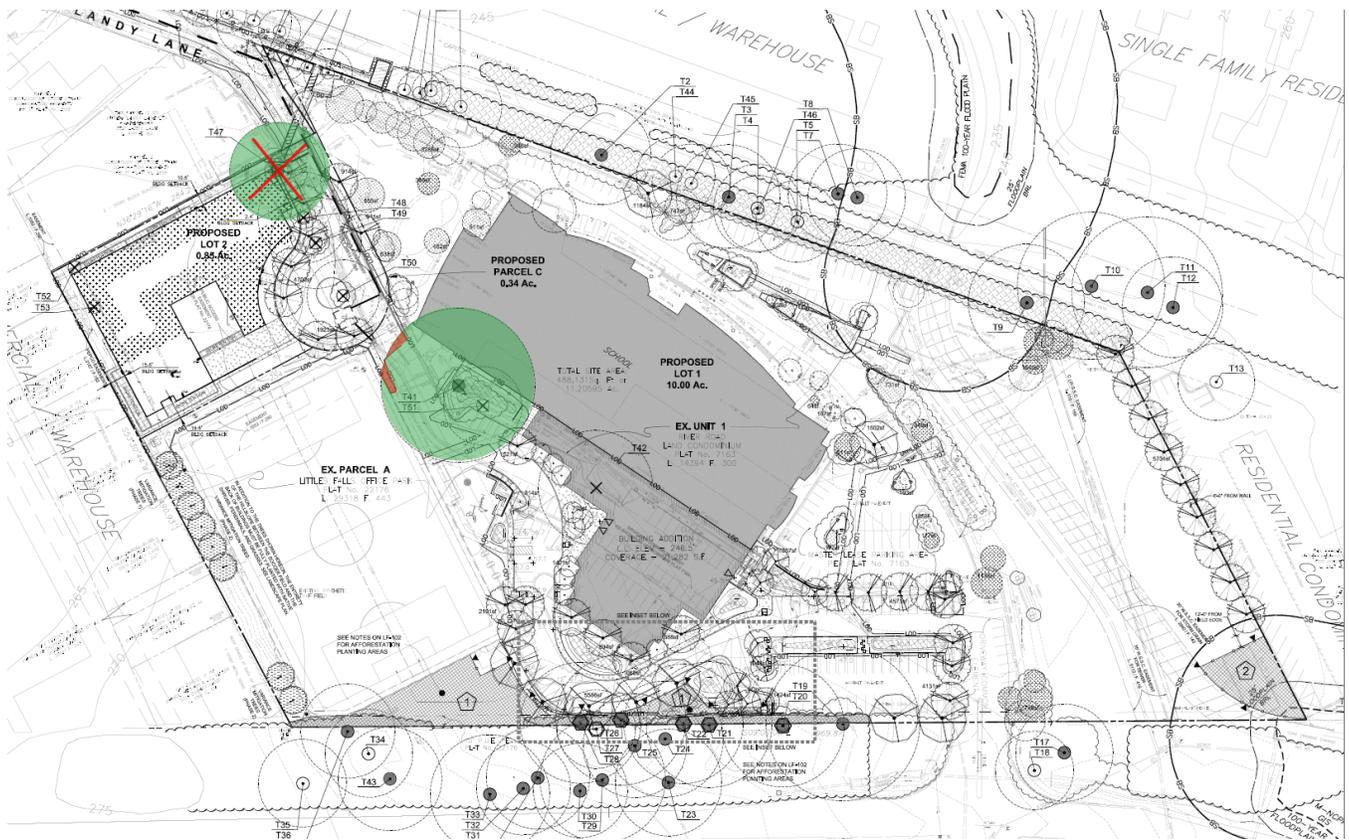


Figure 20 - Variance trees supported by Staff removal of one tree and minor impacts to a second tree (both associated with phase 1).

Storm Water Management

A Storm Water Management (SWM) concept for the Site was approved by DPS on September 8, 2016 (See Attachment B). The plan proposes to meet required storm water management goals with the use of green roof, micro-bioretion structures/planter boxes and a rain garden. The remaining volume will be treated by three structural filtration practices.

Noise

The Project proposes residential units near an arterial roadway, subjecting the Project to the noise regulations associated with residential development. Therefore, a noise analysis dated October 6, 2015, was prepared by Polysonics Acoustics and Technology Consulting.

The study concludes that the Site is sheltered by existing buildings and no excessive existing & future projected transportation noise levels (measuring 65 dBA Ldn or above) affect the Subject Property relative to any areas of common open space. However, there are minor noise impacts to the residential units although the impacts can be readily mitigated to appropriate levels (less than 45 dBA Ldn) by suitable building shell construction. Standard conditions of approval are recommended to ensure the appropriate interior noise mitigation is achieved.

SECTION 6: SITE PLAN

FINDINGS

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

As conditioned, the proposed Site Plan conforms to all of the Binding Elements of the approved Development Plan G-873 as shown in the following table. The uses, densities, heights and setbacks conform to those contained on the Development Plan.

Table 5: Binding Element Conformance

Development Plan G873 Binding Elements			
Development Standards	Permitted/ Required	G873 Approval	Status
1. Land Use			
a. Residential	No restrictions.	Independent Seniors (at least one resident in each unit will be over the age of 55).	Met
b. Non-residential	No restrictions.	Private Educational Institution for grades nursery through eighth grade.	Met
c. Other		In the cross-hatched areas denoted on the Development Plan, no buildings other than accessory buildings and structures such as storage sheds, gazebos, restrooms and bleachers shall be constructed, and the existing athletic field will be retained.	Met
d. Parking	No restrictions.	Parking for all uses shall be on-site.	Met
2. Density			
a. Residential	353 DUs (per Sector Plan, including MPDUs)	Not more than 121 dwelling units, including MPDUs.	Met
b. Non-residential	180,000 SF Office (per Sector Plan)	175,000 SF Institutional (PEI)	Met
3. Building Height			
a. Residential	No restrictions.	Eight (8) stories not to exceed 97 feet.	Met
b. Non-residential	No restrictions.	Proposed addition will be not more than four (4) stories not to exceed 55 feet.	Not Proposed in Phase 1
c. Accessory Structures	No restrictions.	Any accessory building including bleachers, shall not exceed 15 feet in height.	Not Proposed in Phase 1
4. Building and Parking Setbacks			
	See Section 59-C-7.15	Building, parking, playing fields and other amenity locations will be as shown on the Development Plan with minor adjustments permitted.	Met, as conditioned (see below)

G873 Binding Elements (Continued)			
Development Standards	Permitted/ Required	G873 Approval	Status
5. Access	No restrictions.	a. A cul-de-sac at the terminus of Landy Lane will be dedicated to public use.	Met
		b. Along Landy Lane, from River Road to the School campus, subject to issuance of necessary permits from Montgomery County, Applicant will install a sidewalk.	Met
		c. Sidewalk to be installed by Applicant extending to the Little Falls Parkway right-of-way line.	Met
		d. Other sidewalks to be installed as shown on the Development Plan.	Met
		e. Truck deliveries will be limited solely to the River Road/ Landy Lane ingress/ egress.	Met
		f. Promptly, upon approval of the requested rezoning, Applicant will request the State Highway Administration to install a traffic signal at the intersection of River Road and Landy Lane. Applicant will coordinate with the Citizens Coordinating Committee on Friendship Heights, Inc. and other interested parties to support the request for a traffic signal. Applicant will contribute to the cost of installation of the traffic signal in accordance with the terms of an agreement between Applicant and CCCFH.	Met, as conditioned (see below)
6. Community Facilities	None required.	Applicant will contribute to a facility supporting the Capital Crescent Trail, the nature and extent of the contribution to be determined in cooperation with the Department of Parks and the Coalition for the Capital Crescent Trail at site plan.	Met, as conditioned (see below)

G873 Binding Elements (Continued)			
Development Standards	Permitted/ Required	G873 Approval	Status
7. Use Facilities	Required in a planned development.	a. Facilities designated on the Development Plan with an “*” will be available for use by residents of the multi-family building along with students, faculty, and administration of Washington Episcopal Day School (WES) under a shared use agreement between WES and the owner of the multi-family building. Use of these facilities will be supplemented by programmatic activities intended to integrate the residential and institutional uses.	Met, as conditioned (see below)
		g. Community use of School facilities for other than residents of multi-family building to be arranged with WES.	Met
8. Circulation	No restrictions.	a. No traffic entering the Subject Property will queue or stack up onto public streets.	Met, as conditioned (see below)
		b. General locations for student drop-off/pick-up designated on the Development Plan.	Met
		c. Gates or other control measures shall be employed with the goal of preventing, to the extent possible, the School’s property being used for cut-through traffic (other than for School operations or School functions) between Landy Lane/ River Road and Little Falls Parkway.	Met, as conditioned (see below)
8. Green Area	50%	Green Area shall not be less than 54% of lot area.	Met

G873 Binding Elements (Continued)			
Development Standards	Permitted/ Required	G873 Approval	Status
10. Phasing	No restrictions.	a. Phase 1 will be development of the multi-family residential building, extension of Landy Lane, installation of sidewalks and creation of two drop-off/pick-up points, as shown on the Development Plan.	Met
		b. Phase 2, to occur at one or more unspecified times in the future, includes improvements to the School as shown on the Development Plan.	Met
		c. Simultaneous with construction of the multi-family residential building, existing office buildings on the Subject Property will be demolished, the underlying land will be stabilized with grass and the area may be used for recreational purposes either as a lawn of improved as an athletic field (including the potential of an underground garage).	Met

The following provides additional information on Binding Elements noted “Met as conditioned” in the table, above.

A. Binding Element #5.f., “Access,” The Landy Lane/ River Road traffic signal:

Promptly, upon approval of the requested rezoning, Applicant will request the State Highway Administration to install a traffic signal at the intersection of River Road and Landy Lane. Applicant will coordinate with the Citizens Coordinating Committee on Friendship Heights, Inc. and other interested parties to support the request for a traffic signal. Applicant will contribute to the cost of installation of the traffic signal in accordance with the terms of an agreement between Applicant and CCCFH.

The Applicant prepared and submitted a signal warrant analysis, dated March 28, 2016, to the Maryland State Highway Administration (MSHA). That signal warrant analysis indicated that, with the School’s Landy Lane gates open, a traffic signal was warranted under two of the evaluation criteria: Warrant #2, “Four hour vehicular volume, and Warrant #3 “Peak hour vehicular volume.” The Maryland State Highway Administration Office of Traffic and Safety issued a letter, dated August 26, 2016, denying installation of a signal at this location because the signal warrants were not met under the “existing” condition. The MSHA letter further notes that the agency is:

open to revisiting this issue in the future [as] new development and changing traffic patterns may change the results of future traffic signal warrant studies... SHA will continue to monitor the situation and perform additional engineering studies as needed to determine the appropriate traffic control devices.

Staff understands the importance of this traffic signal to the surrounding community and has recommended conditions that the Applicant continue to work with MSHA to implement the traffic signal. If MSHA has not approved a signal by the time the Project's Phase 2 Site Plan Amendments are reviewed, the Applicant must submit a new signal warrant analysis to MSHA for review. If MSHA determines that future development on this Site generates sufficient traffic to warrant a signal and approves its installation, the Applicant must participate in the cost of installation in accordance with the terms of an agreement between Applicant and CCCFH. Staff also recommends that the Planning Board send a letter supporting a traffic signal in this location to the MSHA Office of Traffic Safety.

As conditioned, the Application satisfies the requirements of Binding Element #5.f.

- B. Binding Element #7.a., "Use Facilities" Shared Use Facilities between the School and Multi-family development:

Facilities designated on the Development Plan with an "" will be available for use by residents of the multi-family building along with students, faculty, and administration of Washington Episcopal Day School (WES) under a shared use agreement between WES and the owner of the multi-family building. Use of these facilities will be supplemented by programmatic activities intended to integrate the residential and institutional uses.*

A major tenet of both the Planned Development Zone and Local Map Amendment (LMA)/ Development Plan G-873 is the symbiotic relationship between the expanded Washington Episcopal School and age-restricted multi-family development. In order to reinforce the relationship between the two uses, the Development Plan designated several amenities on the School campus for shared use with the age-restricted multi-family building. Staff notes that shared use of the School's amenities has always been envisioned to occur at separate times (i.e. students and residents would not use the facilities together) and with deference given to the School's program.

As conditioned, shared use must be formalized through a binding agreement and easement on proposed Lot 1 to ensure the safety of the students as well as the enjoyment of the amenities by the age-restricted multi-family residents. The shared use agreement must include a provision for age-restricted multi-family residents to access the campus, defined periods of use for age-restricted multi-family residents, and on-site signing/ marking of shared use areas, among other elements.

As conditioned, the Application satisfies the requirements of Binding Element #7.a.

- C. Binding Element #8.a., "Circulation," Internal queuing:

No traffic entering the Subject Property will queue or stack up onto public streets.

The Application modifies the circulation plan submitted with Local Map Amendment/ Development Plan G-873 by eliminating open access to the School campus via the Site's Landy Lane frontage. As a result of the Applicant's proposed modification, the School's on-site queuing capacity is significantly diminished and can only accommodate a maximum of 392 students before queuing spills over onto adjacent public streets.

As conditioned, future School enrollment must be limited to 392 students under this Preliminary Plan, rather than the 600 students sought through the Subject Application, based on the on-site queuing

capacity demonstrated by the Applicant. The Planning Board may find adequate on-site queuing space for the full 600 students as part of a subsequent analysis associated with a future Site Plan Amendment for Phase 2. Although enrollment is limited to 392 students with this Application, the Applicant has requested that the Adequate Public Facilities finding remain at the 600 students studied as part of the traffic impact study as the School anticipates future campus improvements that will permit the full 600 student enrollment within the limits set forth by the Binding Elements.

As conditioned, the Application satisfies the requirements of Binding Element #8.a.

D. Binding Element #8.c., "Circulation," Access controls:

Gates or other control measures shall be employed with the goal of preventing, to the extent possible, the School's property being used for cut-through traffic (other than for School operations or School functions) between Landy Lane/ River Road and Little Falls Parkway.

The Development Plan shows access controls along the School's Landy Lane frontage and includes gates as a measure that can be used in the future to limit non-school cut-through traffic. The Subject Application shows the existing access control gates, which were added since approval of the Development Plan, and proposes that the gates continue to be closed at all times.

The School has an understandable desire to maintain a secure campus. However, Staff notes that the campus today does not have fencing along its nearly 1,000 linear foot Little Falls Parkway frontage or security on its Little Falls Parkway entrance. Furthermore, the Binding Elements of the Development Plan, Council Resolution, and Hearing Examiner report all exclude school-generated traffic from the cut-through traffic the access controls are designed to discourage. Peak-period operations at school sites, such as on-site queuing in internal travel lanes, does not induce cut-through traffic unrelated to the School use; most cut-through traffic is expected during periods of low travel demand for school trips (e.g. mid-day, evenings, weekends, etc.) when the gates should be closed to manage non-school related cut-through traffic.

As conditioned, the School must open its Landy Lane frontage gates for a minimum period of 30-minutes during both the morning and afternoon pick-up/ drop-off periods (the School peak) to facilitate Site access and circulation consistent with that proposed in the Development Plan. The specific time period of which may be designated by the School based on pick-up/ drop-off procedures, but cannot be implemented in a manner intended to circumvent this condition of approval.

As conditioned, the Application satisfies the requirements of Binding Element #8.c.

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.*

The Property is subject to the PD-28 zoning standards. The planned unit development zones have fewer specific requirements and restrictions than other zones and permit more flexibility of design and use, subject to a binding plan proposed by the Applicant and approved by the District Council as part of the granting of the zoning category. The purpose of the Planned Development (PD) zones, as described in Section 59-C-7.11 of the Zoning Ordinance in effect on October 30, 2014, is to permit unified development consistent with densities proposed by master plans. It is intended that this zone provide a means of regulating development which can achieve flexibility of design, the integration of mutually compatible

uses, and optimum land planning with greater efficiency, convenience, and amenity than the procedures and regulation under which it is permitted as a right under conventional zoning categories.

The proposed Site Plan meets the purposes of the PD-28 Zone by providing two mutually compatible land uses in the Washington Episcopal Day School and construction of up to 121 age-restricted dwelling units. The variety of housing types will include one, two, and three-bedroom age-restricted multi-family units in a single building of eight stories, not to exceed 97-feet in height. This is the first phase of development and will be followed at an indeterminate point in the future with a School expansion of approximately 21,282 square feet.

The following data table indicates the proposed development's compliance with the applicable standards of the Zoning Ordinance. The Site Plan meets all of the development standards of the PD-28 Zone. There is no applicable Urban Renewable Plan for this area.

Table 6- Project Data Table for the PD-28 Zone, Development Standards

Development Standards	Permitted/ Required	Provided
<u>Lot Area</u>		
Total Tract	n/a	488,150 SF or 11.21 AC
Public Dedication (Landy Lane)	n/a	15,391 SF or 0.35 AC
Lot 1 Net Area	n/a	435,547 SF or 10.00 AC
Lot 2 Net Area	n/a	37,192 SF or 0.85 AC
Net Lot Area (Total, PD-28)	n/a	472,759 SF or 10.85 AC
<u>Density</u>		
Maximum Residential Density (DU/ Acre, Lots 1 & 2)	11.16	11.16
Maximum Number of Dwelling Units	121	121
Lot 2 Gross Floor Area	170,000 SF	170,000 SF
<u>MPDUs</u>		
Total Number of MPDUs	--	16
MPDU Percentage of Total	12.5%	12.5%
<u>Green Area</u>		
Lot 1 Green Area	--	255,985 SF or 5.88 AC
Lot 2 Green Area	--	11,966 SF or 0.27 AC
Total Tract Green Area	263,216 SF or 6.04 AC	267,951 SF or 6.15 AC
Green Area Percentage of Net Tract Area	54%	56.6%
<u>Building Height</u>		
Lot 1 Maximum Number of Floors	4	--
Lot 1 Maximum Height	55'	--
Lot 2 Maximum Number of Floors	8	8
Lot 2 Maximum Height	97'	97'
<u>Building Setbacks</u>		
Landy Lane frontage	1.4'	1.4'
Rear	15.2	15.2'
Side	10.0'	10.0'
<u>Parking*</u>		
Lot 1 Bicycle (Long Term/ Short Term)	44 (41/3)	44 (41/3)
Lot 2 Bicycle	35 (29/6)	35 (29/6)
Lot 1	137 (not including overflow)	206
Lot 2	173	168
Site Vehicle Parking Total	310	374

*The Application was reviewed under the Parking Requirements associated with the Zoning Ordinance in effect October 30, 2014.

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

a. Locations of buildings and structures

The locations of the buildings and structures are adequate, safe and efficient and consistent with the approved Preliminary Plan and Development Plan. The proposed age-restricted multi-family building is arranged along a new street extension and in close proximity to both a major highway (River Road) and a regionally important pedestrian/ bicycle connection, the Capital Crescent Trail, each of which allows for

safe and efficient pedestrian circulation within the project. Additionally, the existing School building will be enhanced as a result of the Phase 1 improvements, including more efficient student pick-up/ drop-off points completed since the G-873 approval.

b. Green Area/ Shared Use Amenities (Open Space)

The locations of proposed shared use amenities and green areas are adequate, safe, and efficient and include sidewalks, athletic amenities, and playing fields that will provide passive and active spaces for sitting, relaxing, strolling, and social engagement in accordance with the Development Plan and as conditioned in the shared use agreement.

c. Landscaping and Lighting

Landscaping and lighting, as well as other site amenities, will be provided to ensure that landscaping, lighting, and site amenities will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The proposed on-site lighting will limit the necessary light levels to streets and sidewalks. Lighting incorporates partial cut-off light fixtures to prevent light spillover to adjacent areas.

d. Recreation Facilities

The recreation guidelines are not applicable to either the age-restricted multi-family housing or the private educational institution, however, the Site's Green Area will contribute to both active and passive recreation for both the School campus and residents of the age-restricted multi-family building.

e. Pedestrian and Vehicular Circulation Systems

The Applicant proposes access to the Project via Little Falls Parkway and River Road via Landy Lane in the following configuration: Little Falls Parkway is intended to serve as the primary access point for the Washington Episcopal Day School while Landy Lane is intended to provide a secondary access point⁸ to the School and primary access for the proposed age-restricted multi-family building. Landy Lane will also provide primary site access for any truck loading/ deliveries associated with the School because Little Falls Parkway does not permit truck traffic. Pedestrian and bicycle access to the property will be maintained on Landy Lane and along the Landy Lane property frontage sidewalk.

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

The architecture of the proposed age-restricted multi-family building complies with the Development Plan and offers a high quality of finish as it will be visible from many locations within the Westbard Sector Plan area. The age-restricted building height complies with the Development Plan requirements and responds to the surrounding neighborhoods. No other development is proposed in the area at this time, though expansion of the School building is anticipated at an indeterminate point in the future. Although cut-through traffic has been an issue for the Site and surrounding communities, compatibility is met with existing adjacent development based on the condition that the Landy Lane gates remain open during student pick-up/ drop-off times to minimize the potential for neighborhood cut-through traffic.

⁸ Landy Lane has long been envisioned as a secondary access point for the School while Little Falls Parkway was intended to be the primary access point. This is first discussed on page 4 the M-NCPPC Staff Report, dated 12/21/2007, for LMA G-873. Page 5 of the report also stated that future access and circulation must include both Little Falls Parkway and Landy Lane as points of ingress and egress.

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

a. Forest Conservation

As conditioned the plan is in compliance with the M-NCPPC's Environmental Guidelines and Forest Conservation Law. Staff recommends that the Planning Board approve the Preliminary Forest Conservation Plan for the entire Site. The Final Forest Conservation Plan for Phase 1 as part of Site Plan with the conditions cited in this Staff Report and consider the Final Forest Conservation Plan that impacts the Phase 2 development when the future Site Plan Amendment is reviewed.

b. Stormwater Management

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services (DPS) on September 8, 2016.

ATTACHMENTS

- A. Local Map Amendment/ Development Plan Resolution
- B. Agency Letters
- C. Forest Conservation Variance Request