



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Items # 9, 10
MCPB 06/05/03

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MEMORANDUM

DATE: May 21, 2003
TO: Montgomery County Planning Board
VIA: Joe R. Davis, Chief
Development Review Division
FROM: Michael Ma, Supervisor *ma*
(301) 495-4523



REVIEW TYPE: **Project Plan + Site Plan**
CASE NUMBER: **9-03001+ 8-03027**
PROJECT NAME: **Verizon Bethesda**
APPLYING FOR: 59,296 square feet of Telephone Office and Communications Center, including a 10,821-square-foot addition
REVIEW BASIS: Divisions 59-D-2 and D-3, Montgomery County Zoning Ordinance
ZONE: CBD-1
LOCATION: Northeast quadrant of the intersection of Wisconsin Avenue and Stanford Street
MASTER PLAN: Bethesda – Chevy Chase & Vicinity
APPLICANT: Verizon Maryland, Inc.
FILING DATE: March 24, 2003
HEARING DATE: June 5, 2003

BACKGROUND

Verizon Maryland currently owns and operates a switching equipment building on the subject site. To accommodate the growing service demands of the Bethesda-Chevy Chase area, Verizon proposes to expand the existing building to house additional switching and mechanical equipment. On April 22, 2003, the County Council approved and adopted Zoning Text Amendment 03-04 (Ordinance No. 15-03) to (1) allow the subject use (telephone office or communications center) as a permitted use in the CBD-1 zone under the optional development method, (2) increase the maximum FAR for this particular use from 2.0 to 2.3, and (3) to allow alternative measures for meeting the 20-percent on-site public use area requirement (a copy of the ordinance is attached). The project plan and site plan applications for this proposal are being reviewed concurrently.

STAFF RECOMMENDATION:

Project Plan 9-03001 and Site Plan 8-03027: Approval of 59,296 square feet of telephone switching center space, including a 10,821-square-foot expansion, on 25,887 square feet, and a building height of 73.83 feet, with the following conditions:

1. Bethesda Streetscape

The applicant shall provide streetscape along the following three streets in accordance with the Bethesda Streetscape Plan, including brick paving, street trees, benches, and streetlights:

- a. Wisconsin Avenue between Stanford Street and Walsh Street, approximately 280 feet in length;
- b. Stanford Street between Wisconsin Avenue and the east end of the public alley, approximately 80 feet in length;
- c. Walsh Street between Wisconsin Avenue and the east end of public alley, approximately 140 feet in length.

2. Overhead Utility Line

The existing overhead utility line along the Wisconsin Avenue frontage shall be relocated underground by the applicant as part of the streetscape improvements.

3. Public Amenity

- a. The front yard on Stanford Street shall be improved to include, but not limited to, the following items:
 - (i) Remove the existing link fence and metal posts.
 - (ii) Replace the existing concrete lead walk between the building entrance and the property line with Bethesda Streetscape brick paving.
 - (iii) Remove the existing sidewalk and stepping stones between the lead walk and the alley, and provide planting materials to screen the dumpster area.
 - (iv) Revise the landscape design to enhance the visual quality of the space.
- b. The applicant shall work with M-NCPPC staff to provide recreational facilities at one of the M-NCPPC parks in the local area. The recreation facilities shall be completed prior to occupancy of the proposed expansion.

4. Street Truncation

Prior to occupancy of the proposed expansion, the Applicant shall convey at no cost to the State Highway Administration a 10-foot right-of-way truncation at the corner of Wisconsin Avenue and Stanford Street.

Additional Conditions for Site Plan 8-03027:

1. Submit a Site Plan Enforcement Agreement and Development Program for review and approval prior to approval of the signature set as follows:
Development Program to include a phasing schedule as follows:
 - a. Landscaping, required streetscape, and other off-site amenities shall be completed as construction of the proposed addition is completed.
 - b. Clearing and grading to correspond to the construction phasing to minimize soil erosion.
2. Prior to signature set approval of the site/landscape plans, the following revisions shall be made and/or information provided, subject to staff approval:
 - a. Revised development standard table on the plan.
 - b. The inspection schedule.
 - c. Revisions to the site and landscape plans to address other site plan conditions.
3. No clearing or grading prior to M-NCPPC approval of signature set of plans.

OUTSTANDING ISSUES PERTINENT TO PROJECT PLAN/SITE PLAN REVIEW

Bethesda Streetscape

The subject site is located in the Bethesda CBD. It has street frontages on Wisconsin Avenue, Stanford Street, and Walsh Street. Streetscape improvements, including special brick paving, street trees, streetlights, and benches, in accordance with the Bethesda Streetscape Plan are required for all the development within the Bethesda CBD, whether it uses the standard or optional development method.

Applicant Position

The plan proposes to replace the existing concrete sidewalk along the Wisconsin Avenue frontage with a 5-foot-wide brick sidewalk. It also provides additional landscaping and three benches along the frontage. The plan, however, provides no streetscape improvements along Stanford Street and Walsh Street.

Staff Recommendation

The Plan uses the optional development method and achieves a higher FAR (2.3) than that permitted for other CBD-1 zoned development (2.0) under the optional method. The plan should provide streetscape in accordance with the Bethesda Streetscape Plan along all three street frontages. As part of the streetscape improvement, the existing overhead power line along Wisconsin Avenue should be relocated underground.

Public Use Space and Amenities

The proposal, which uses the optional development method in the CBD-1 zone, is required to provide 20 percent of the site (3,214 square feet) as public use space to accommodate on-site public amenities. Zoning Text Amendment 03-04 (Ordinance No. 15-03) modified this public use space requirement with a footnote that provides: *"In the case of an expansion of a telephone office communications center that exists on April 22, 2003, if the applicant demonstrates to the Planning Board's satisfaction that public use space cannot be provided on-site, the Planning Board may authorize off site public use space or improvements to existing public uses space."*

The proposed development is also required to provide an appropriate level of amenity features, on-site and/or off-site, for its increase in square footage to 2.3 FAR.

Applicant Position

The plan provides 588 square feet of public use space (3.66 % of the site) along the Wisconsin Avenue frontage. New landscaping and three benches are proposed within this area. Although the site has an open space area, approximately 1,650 square feet, between the building and Stanford Street, the applicant does not want to use this area for public use space. The applicant proposes to provide park facility improvements to one of the M-NCPPC parks in the local area to satisfy the public use space requirement.

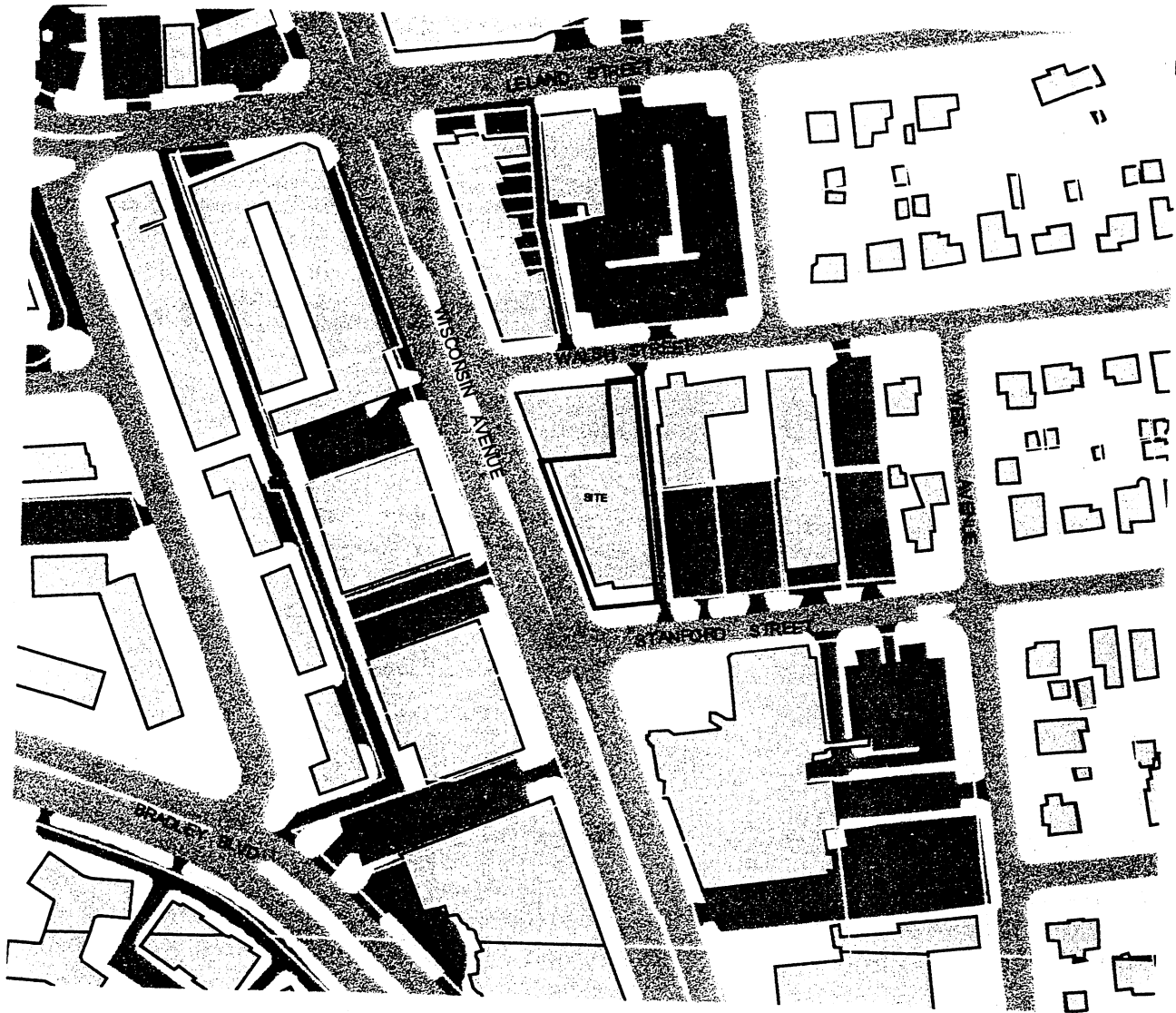
Staff Recommendation

The applicant has not yet provided any specific information about the off-site amenity and its location. They need to work with the M-NCPPC staff to identify appropriate facilities and location. In addition, the applicant should provide streetscape along Wisconsin Avenue and Walsh Street beyond the site's frontage to complete the streetscape improvement on this block. The on-site open space area on Stanford Street should also be improved to provide a visually attractive frontage and to enhance the pedestrian environment along the street.

PROJECT DESCRIPTION: Site Vicinity

The 0.59-acre site is located on the northeast quadrant of the intersection of Wisconsin Avenue (MD 355) and Stanford Street in the Bethesda central business district. It is zoned CBD-1. The L-shaped property is bounded by a public alley on the east and an existing six-story office/retail building on the northwest. It also has frontage on Walsh Street.

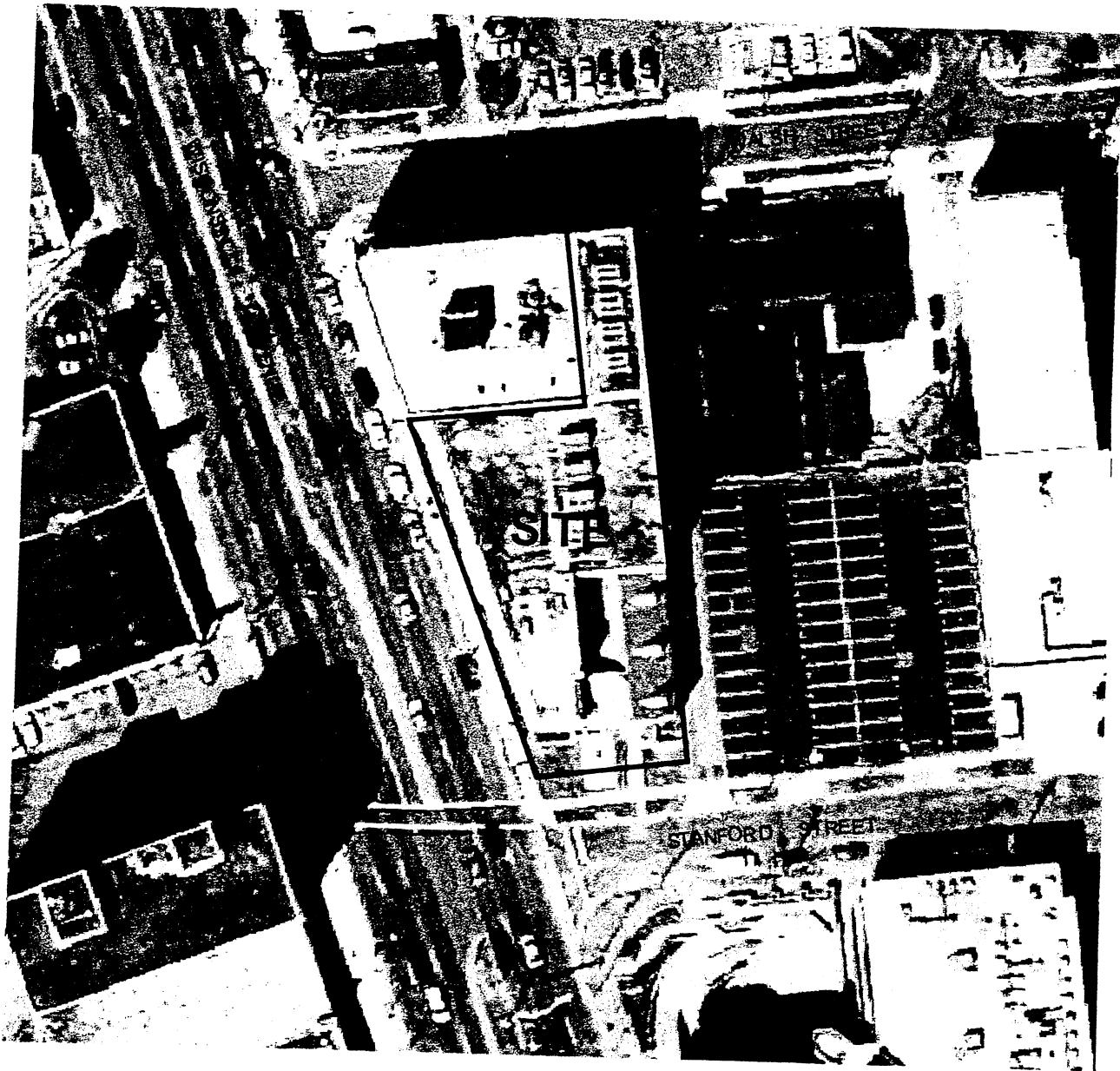
All of the surrounding developments are CBD-1 zoned commercial uses with street-level retail except for the one located to the northeast of the site, which is zoned R-60 and houses the Writer's Center.

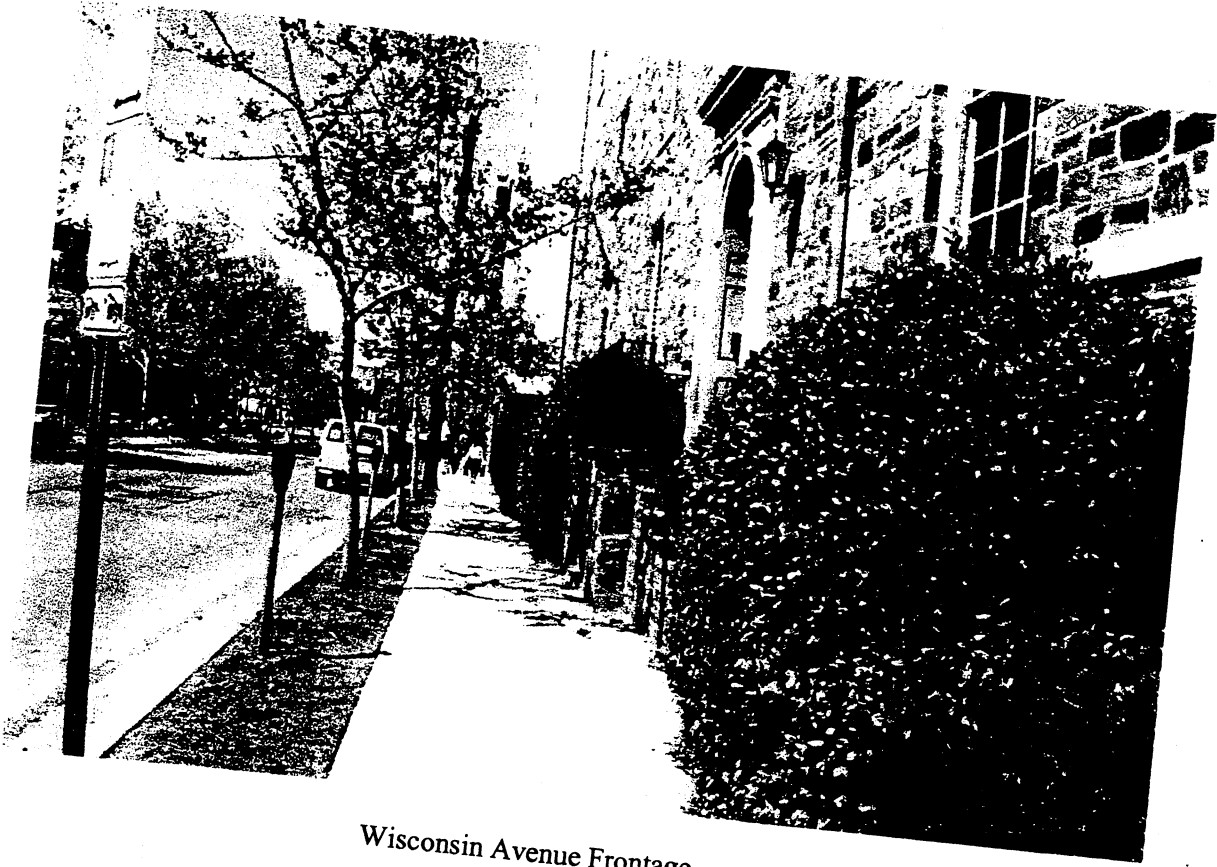


PROJECT DESCRIPTION: Site Description

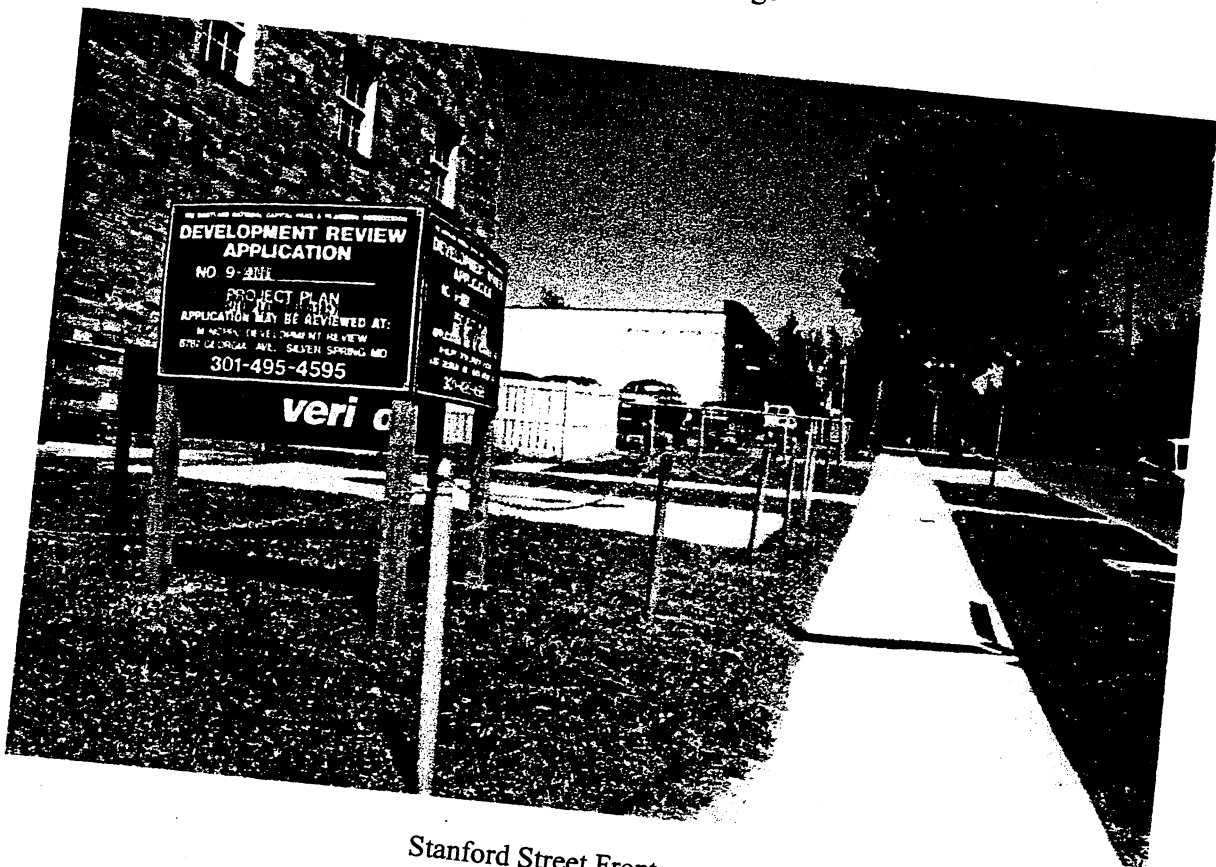
The site is developed with a four-story, 48,475-square-foot building, which is set back about 5 feet from Wisconsin Avenue and about 26 feet from Stanford Street. There is a building entrances located on both the Wisconsin Avenue and Stanford Street sides of the building. There are shrubs along the building frontage on Wisconsin Avenue.

The yard along Stanford Street is enclosed with a link fence. Under the grass area in the southeastern corner of the site is the underground cable leading into the building. A concrete pad in the middle of the yard covers an underground diesel fuel tank. A dumpster area is located near the southeaster corner of the building.





Wisconsin Avenue Frontage



Stanford Street Frontage

PROJECT DESCRIPTION: Proposal

The plan consists of an existing four-story, 48,475-square-foot telephone equipment building and a two-story, 10,821-square-foot expansion. The proposed expansion includes adding 5,416 square feet (two levels) of switching equipment space on top of the existing two-story portion of the building and 5,405 square feet of penthouse space on the roof to house equipment that supports the interior switching equipment, such as HVAC, power switches, and a back-up diesel generator. The total gross floor area will be 59,296 square feet, or 2.3 FAR. The building height, including the roof top mechanical space, will be 73.83 feet. The expansion will not increase the number of employees, which is 5, or visitors.

Building Façade-The facades of the addition will match that of the existing building in materials and design. The existing light-colored metal mansard roof, which encloses the fourth floor, will be replaced with a new metal mansard roof in dark gray or black. The same roof will be extended to enclose the proposed addition. A new metal mansard roof is proposed to screen the penthouse.



existing building at Wisconsin and Stanford



proposed building with a two-story addition



Stanford Street Looking West – existing



proposed building

Public Amenity- The plan provides 588 square feet of public use space (3.66 % of the site) along the Wisconsin Avenue frontage. New landscaping and three benches are proposed within this area. The plan also proposes to provide park facility improvements to one of the M-NCPPC parks in the local area to satisfy the public use space requirement.

DISTRICT ZONE
EXISTING BUILDING

EXISTING BUILDING

EXISTING BUILDING

HASH STREET

DISTRICT ZONE
EXISTING BUILDING

DISTRICT ZONE

EXISTING BUILDING

Existing four-story building

EXISTING BUILDING

STANBORD STREET

ANALYSIS:

Conformance to Master Plan

The Verizon building is in the "Wisconsin South Corridor" area, as described by the 1994 Sector Plan for the Bethesda Central Business District. Most of the area is zoned CBD-1, and optional method projects are usually reserved for mixed-use proposals containing a residential component. The major land uses are office and retail with the retail on Wisconsin Avenue being primarily located in street-fronting stores oriented to the pedestrian. The design of the public spaces, sidewalks and landscaping is important to the image of the southern gateway into the CBD.

Verizon has made a valid case for expanding its facilities on site rather than relocating to a larger site and, by a recent zoning text amendment, is released from providing the full 20% public use space on site as is required for Optional Method Development. They have not yet identified any off-site amenities to meet the public use area requirement. They are also required to provide an appropriate level of amenity features for their increase in square footage to 2.3 FAR.

Staff has asked Verizon to underground utilities on Wisconsin Avenue and provide the Bethesda CBD Streetscape on Wisconsin Avenue, Stanford Street and Walsh Street. Where they cannot provide trees because of extensive underground utilities, such as may be the case at the Stanford Street edge, brick paved sidewalks, streetlights and benches will be required. On Wisconsin Avenue in particular, improvements to the existing pedestrian area in and behind the public right-of-way are important.

Verizon can meet its 20% public use space requirement in part by improving the open space adjacent to their Wisconsin Avenue frontage with benches, paving and plantings. In addition, they could provide a visually attractive frontage on Stanford Street although they have not yet provided a satisfactory plan. Staff understands their hesitation to invite the public into this space because of the facilities below grade and just inside the building at this corner. However, it is a very public corner open to public view and access. Every attempt should be made to provide a few shade trees and an attractive edge for the many residents, shoppers and motorists who pass by.

Building Height

The maximum building height allowed for a CBD-1 zoned development under the optional development method is 60 feet. Section 59-C-6.235 of the Zoning Ordinance provides that the building height may be increased to 90 feet if approved by the Planning Board in the process of site plan approval as not adversely affecting surrounding properties. The height of the proposed building, including the rooftop mechanical space, is 73.83 feet. The rooftop mechanical space is set back more than 15 feet from the edge of the building. The building, with the proposed addition, is still compatible with the surrounding development in terms of building height and mass, and will not adversely affecting surrounding properties. Staff supports the increased building height.

Environmental Planning

The proposed development is exempt from forest conservation requirements as modification of existing developed property with no forest cleared and no subdivision.

Transportation

Local Area Transportation Review

The proposed application requests approval to build an addition to the existing buildings to accommodate switching and mechanical equipment. This addition will not generate additional trips and therefore does not need to be tested for adequacy of public facilities related to transportation.

Policy Area Review/Staging Ceiling Analysis

The site is located within the Bethesda CBD Policy area, which has a remaining capacity of 850 jobs and 414 housing units as of April 30, 2003.

Conformance to Development Standards

The following table demonstrates the conformance of the Project Plan and Site Plan with the development standards under the optional method of development in the CBD-1 zone.

PROJECT DATA TABLE

Development Standard	Permitted/ Required	Proposed
Lot Area (sq. ft.):	22,000	25,887
Previous Road Dedication		<u>9,815</u>
Net Lot Area		16,072
Floor Area Ratio (FAR):	2.3	2.3
Gross Floor Area (sq. ft.):		
Existing		48,475
Proposed expansion		<u>10,821</u>
Total	59,540	59,296
Public Use Area		
Public Use Space (%)	20	3.66 ¹
(s.f.)	3,214	588
Building Height (ft.):	60	73.83 ²
Parking		0 ³

- 1 Section 59-C-6.233.of the Zoning Ordinance provides in the case of an expansion of a telephone office communications center that exists on April 22, 2003, if the applicant demonstrates to the Planning Board's satisfaction that public use space cannot be provided on-site, the Planning Board may authorize off site public use space or improvements to existing public use space.
- 2 Section 59-C-6.235.of the Zoning Ordinance provides that the building height may be increased to 90 feet if approved by the Planning Board in the process of site plan approval as not adversely affecting surrounding properties.
- 3 The subject property is located in the Bethesda Parking District and is not required to provide off-street parking.

FINDINGS

Project Plan Review:

- (a) *The proposal complies with all of the intents and requirements of the zone.*

The intent of the CBD zones (Section 59-C-6.212 of the Zoning Ordinance)

- (1) *"To encourage development in accordance with an adopted and approved master or sector plan, or an urban renewal plan approved under Chapter 56 by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan or urban renewal plan and the site plan or combined urban renewal project plan is approved on review by the Planning Board."*

The proposed development uses the optional method of development, which permits an increase in density, as recommended by the Bethesda Central Business District (CBD) Sector Plan. When amended by the proposed conditions, the proposed Plan will be in substantial conformance with the Sector Plan as described in the Master Plan Conformance section above.

- (2) *To permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central business districts to meet the needs and requirements of workers, shoppers and residents."*

The proposed addition to the existing telephone switching equipment building will increase the capacity of the switching center to accommodate the growing service demands of the Bethesda-Chevy Chase area. The proposed development reflects the service needs of the office, residential, and retail market in this area.

- (3) *To encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system and between the central business district and adjacent areas."*

The proposed expansion will add two floors to the two-story portion of the existing four-story building. The building will remain compatible with the surrounding commercial development in building footprint, height, and mass. Since the proposed expansion will not add any roads or generate any additional traffic, the relationship between the building and the circulation system will remain functional as it is today.

- (4) *"To promote the effective use of transit facilities in the central business district and pedestrian access thereto."*

The subject development is a telephone switching center which has only five employees. It supports other uses and activities in the CBD area. It promotes the use of transit facilities indirectly through providing telecommunications services to the residents and workers in the area.

- (5) *"To promote improved pedestrian and vehicular circulation."*

The recommended conditions require the applicant to provide standard Bethesda streetscape along the site's street frontages, including special brick paving, street trees, streetlights,

benches and other amenities. These improvements will greatly enhance the pedestrian environment in the area and facilitate pedestrian circulation among various uses in the CBD areas.

- (6) *"To assist in the development of adequate residential areas for people with a range of different incomes."*

The proposed expansion will help address the growing needs of telecommunications services of all residents in the Bethesda-Chevy Chase area.

- (7) *To encourage land assembly and the most desirable use of land in accordance with a sector plan."*

Providing additional service capacity on the existing site eliminates the need of building a new switching facility at another location, which may be developed for other higher uses.

Additional intent of the CBD-1 Zone (Section 59-C-6.213(a) of the Zoning Ordinance)

- (1) *To foster and promote the orderly development of the fringes of the Central Business Districts of the county so that these areas will provide land uses at a density and intensity which will encourage small business enterprises and diverse living accommodations, while complementing the uses in the interior portions of these districts; and*

The proposed expansion will help address the growing needs of telecommunications services of all residents and small businesses in the Bethesda-Chevy Chase area.

- (2) *To provide a density and intensity of development which will be compatible with adjacent land uses outside the Central Business Districts.*

The maximum density allowed for a CBD-1 zoned commercial development under the optional development method is 2.0 FAR and the maximum building height is 60 feet. Although the subject building, with the proposed expansion, exceeds these standards, which is permitted under a recent zoning text amendment, it is still compatible with the surrounding development in terms of building mass and intensity of the use.

- (b) *The proposal conforms to the approved and adopted Master or Sector Plan or an Urban Renewal Plan approved under Chapter 56.*

The proposed development conforms to the approved Bethesda CBD Sector Plan as discussed in the Master Plan Conformance section above.

- (c) *Because of its location, size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.*

The subject development is a telephone switching center which has only five employees. It is four stories in height, which is compatible with surrounding commercial buildings. The operation of the switching center will support other and not be detrimental to existing or potential development in the general neighborhood.

- (d) *The proposal would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under chapter 42A, article II, is subject to a traffic mitigation agreement that meets the requirements of that article.*

The proposed expansion will add space to accommodate additional switching and mechanical equipment and require no additional employees. Therefore, it will not generate additional trips and does not need to be tested for adequacy of public facilities related to transportation.

- (e) *The proposal will be more efficient and desirable than could be accomplished by the use of the standard method of development.*

Providing additional service capacity on the existing site eliminates the need of building a new switching facility at another location which may be used for other purposes.

- (f) *The proposal will include moderately priced dwelling units in accordance with chapter 25A of this Code, if the requirements of that chapter apply.*

Not applicable.

- (g) *When a project plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from one lot to another or transfer densities within a lot with two or more CBD zones, pursuant to the special standards of either section 59-C-6.2351 or 59-C-6.2352 (whichever is applicable), the project plan may be approved by the Planning Board based on the following findings:*

- (1) *The project will preserve an historic site, building, structure or area as shown on the Locational Atlas and Index of Historic Sites or the Master Plan for Historic Preservation; and/or*
- (2) *The project will implement an urban renewal plan adopted pursuant to Chapter 56 of the Montgomery County Code; and/or*
- (3) *The project will result in an overall land use configuration that is significantly superior to that which could otherwise be achieved.*

Not applicable.

- (h) *The proposal satisfies any applicable requirements for forest conservation under Chapter 22A.*

The proposed development is exempt from forest conservation requirements as modification of existing developed property with no forest cleared and no subdivision.

- (i) *As conditioned, the proposal satisfies any applicable requirements for water quality resource protection under Chapter 19.*

Not applicable.

Site Plan Review:

1. *The site plan is consistent with an approved development plan or a project plan for the optional method of development, if required.*

The site plan, if amended in accordance with the recommended conditions, conforms to Project Plan 9-03001 in land use, development program, site layout and provisions of public amenities.

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

Project Data Table above demonstrates that the site plan, if amended in accordance with the recommended conditions, meets all of the requirements of the CBD-1 zone under the optional development method.

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

- a. *Location of Buildings*

The existing building is set back approximately 5 feet from Wisconsin Avenue and approximately 26 feet from Stanford Street. The building setbacks are similar to that of other buildings along the same streets. The proposed expansion will be built on top of the two-story portion of the existing building and will not change the building footprint and location.

- b. *Open Spaces*

The areas between the existing building and property lines will remain as open space. The plan, if amended in accordance with the recommended conditions, will provide additional landscaping and other amenity features within the open space to enhance the visual quality of the space.

- c. *Landscaping and Lighting*

The landscaping plan proposes new landscaping and benches along the Wisconsin Avenue frontage and supplemental shrubs in the southeaster corner of the site and around the main building entrance. The plan needs to be revised in accordance with the recommended conditions to provide standard Bethesda streetscape along all three streets and within the building setback areas to enhance pedestrian environment and visual quality of the public use areas.

The plan shows existing building mounted downlights on the building's exterior walls and no new lighting fixtures.

- d. *Vehicular and Pedestrian Circulation*

The subject site is bounded by three streets (Wisconsin Avenue, Stanford Street, and Walsh Street) and a public alley. The main vehicular access to the building is via the public alley. Pedestrian access to the building is through public sidewalks and two building entrances on Wisconsin Avenue and Stanford Street. The proposed expansion will not alter the existing vehicular and pedestrian circulation patterns. The plan, if amended in accordance with recommended conditions, will improve streetscape on all three streets and enhance pedestrian experience through this area.

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

The proposed expansion will add two floors to the two-story portion of the existing four-story building. The building will remain compatible with the surrounding commercial development in building footprint, height, and mass. The subject development is a telephone switching center which has only five employees. The operation of the switching center will support and not be detrimental to existing and proposed adjacent development.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The proposed development is exempt from forest conservation requirements as modification of existing developed property with no forest cleared and no subdivision.

ATTACHMENT

- A. Zoning Text Amendment 03-04 (Ordinance No. 15-03).

Ordinance No: 15-03
Zoning Text Amendment No: 03-04
Concerning: Telephone office or communications center - CBD-1 zone
Draft No. & Date: 2 - 4/22/03
Introduced: February 25, 2003
Public Hearing: April 8, 2003; 1:30 PM
Adopted: April 22, 2003
Effective: April 22, 2003

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

By: Councilmembers Denis and Praisner

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- amending the definition of "telephone office or communications center" to clarify that certain equipment and improvements may be located outside of the building;
- increasing the allowable density for a telephone office or communications center in the CBD-1 zone to 2.3 FAR, and
- [[allowing a roof structure on telephone office or communications center in the CBD-1 zone to have a total area greater than 25 percent but not more than a certain percent of the roof area]].
- allowing off-site public use space or improvements to existing public use space to be provided, under certain circumstances.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

- | | |
|--------------------|---|
| DIVISION 59-A-2 | "DEFINITIONS AND INTERPRETATION" |
| Section 59-A-2.1 | "Definitions" |
| DIVISION 59-C-6 | "CENTRAL BUSINESS DISTRICT ZONES" |
| Section 59-C-6.22 | "Land uses" |
| Section 59-C-6.23 | "Development Standards" |
| Section 59-C-6.233 | "Minimum Public Use Space (percent of net lot area)" |
| Section 59-C-6.234 | "Maximum Density of Development, Optional Method, Nonresidential" |
| DIVISION 59-B-1 | "EXEMPTIONS FROM HEIGHT CONTROLS" |
| Section 59-B-1.1 | "Belfries, chimneys, etc." |

*EXPLANATION: **Boldface** indicates a heading or a defined term.
Underlining indicates text that is added to existing laws
by the original text amendment.
[Single boldface brackets] indicate text that is deleted from
existing law by the original text amendment.
Double underlining indicates text that is added to the text
amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted
from the text amendment by amendment.
* * * indicates existing law unaffected by the text amendment.*

OPINION

Zoning Text Amendment (ZTA) No. 03-04 was introduced on February 25, 2003. As introduced, ZTA 03-04 would: (1) amend the definition of "telephone office or communications center" to clarify that certain equipment and improvements may be located outside of the building; (2) increase the allowable density for a telephone office or communications center in the CBD-1 zone to 2.3 FAR; and (3) allow a roof structure on telephone office or communications center in the CBD-1 zone to have a total area greater than 25 percent but not more than a certain percent of the roof area.

The Montgomery County Planning Board in its report to the Council recommended that ZTA 03-04 be approved with a revision to clarify that the existing optional method process is an appropriate avenue for exemptions from height and roof area controls to be addressed.

The worksession on ZTA 03-04 was held on April 3, 2003, which was before the April 8, 2003 before the public hearing. After a careful review of the ZTA, the Committee recommended, pending any new issues being raised at the public hearing, that ZTA 03-04 be approved with a revision to allow an applicant under the CBD-1 optional method procedure, to provide off-site public use space, or improvements to existing public use space, as an alternative to providing public use space on-site. It was recognized by the Committee that in the case of a building not constructed under the optional method procedure that occupies most of the site, to provide the public use space on site would be difficult.

The County Council held a public hearing on April 8, 2003 to receive testimony concerning the proposed text amendment. No issue not discussed by the Committee at its April 3, 2003 worksession was raised at the public hearing.

The District Council reviewed Zoning Text Amendment No. 03-04 at a meeting held on April 22, 2003, and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 03-04 will be approved as amended.

ORDINANCE

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

Sec. 1. Division 59-A-2 is amended as follows:

DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.

59-A-2.1. Definitions.

* * *

Telephone office or communications center: A building owned and wholly occupied by a telephone or communications company regulated by the public services commission containing primarily electromechanical or electronic switching equipment, including such accessory uses as testing, assignment and repair service, operator facilities and supervisors' offices; provided, that all electromechanical or electronic switching equipment [shall be] is completely enclosed within the building.

* * *

Sec. 2. Division 59-C-6 is amended as follows:

DIVISION 59-C-6. CENTRAL BUSINESS DISTRICT ZONES.

* * *

59-C.6.22. Land uses.

No use is allowed except as indicated in the following table:

* * *

	CBD-0.5		CBD-R1		CBD-1		CBD-2		CBD-3		CBD-R2	
	S	O	S	O	S	O	S	O	S	O	S	O
(c) Transportation, communication and utilities.												
* * *												
<u>Telephone office or communications center</u>						P						

59-C-6.23. Development standards.

The development standards applicable to the standard and optional methods of development, indicated by the letters "S" and "O" in each of the zones are set forth in this section.

	CBD-0.5		CBD-R1		CBD-1		CBD-2		CBD-3		CBD-R2	
	S ⁹	O	S ⁹	O	S ⁹	O	S ⁹	O	S ⁹	O	S ⁹	O
* * *												
59-C-6.233. Minimum Public Use Space (percent of net lot area)	10	20	10	20 ¹⁶	10	20 ^{**}	10	20	10	20	10	20
* * *												
59-C-6.234. Maximum Density of Development.												
* * *												
(b) Optional method of development (see section 59-C-6.215(b)):												
* * *												
(2) Nonresidential, including transient lodging (FAR):		1				2*		4		6		

24

25

26 * In the case of a telephone office or communications center that [is existing
 27 as of] exists on April 22, 2003, a maximum density of 2.3 FAR is
 28 permitted.

29 ** In the case of an expansion of a telephone office communications center that
 30 exists on April 22, 2003, if the applicant demonstrates to the Planning
 31 Board's satisfaction that public use space cannot be provided on-site, the
 32 Planning Board may authorize off site public use space or improvements to
 33 existing public use space.

34

35 **Sec. 3. Division 59-B-1 is amended as follows:**
 36 **DIVISION 59-B-1. EXEMPTIONS FROM HEIGHT CONTROLS.**

37 **59-B-1.1. Belfries, chimneys, etc.**

38 * * *

39 No such roof structures, however, [shall] may have a total area greater than 25
 40 percent of the roof area except that a larger area may be approved for buildings

41 approved by the Planning Board under the optional method of development
42 procedures in the central business district zones~~[[, and except that a roof structure~~
43 on a telephone office or communications center located in the CBD-1 zone may
44 have a total area greater than 25 percent but not more than 50 percent of the roof
45 area;]] ~~[[nor shall such]].~~ A roof structure must not be used for any purpose other
46 than a use incidental to the main use of the building. Exempt space may not be
47 used for retail, general and professional offices, or similar uses.
48

49 **Sec. 3. Effective date.** This ordinance becomes effective immediately upon
50 Council adoption.

51

52 This is a correct copy of Council action.

53

54

55



57 Mary A. Edgar, CMC

58 Clerk of the Council

