



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

November 14, 2003

MEMORANDUM

TO: Malcolm Shaneman, Supervisor
Mary Beth O'Quinn, Site Planner
Development Review Division

VIA: Ronald C. Welke, Supervisor
Transportation Planning 

FROM: Ed Axler, Coordinator/Planner 
Transportation Planning

SUBJECT: Preliminary Plan No. 1-04016
Site Plan No. 8-04005
Gables Rothbury Square
Montgomery Village/Airpark Policy Area

This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject preliminary plan and site plan under the Special Ceiling Allocation for Affordable Housing Facilities since the site is located in a policy area that is in moratorium for residential development.

RECOMMENDATIONS

Transportation Planning staff recommends the following conditions as part of the APF test for transportation requirements related to this preliminary plan and site plan and in accordance with the approved Development Plan Amendment No. 02-2:

1. Limit the preliminary plan and site plan to 203 garden apartments.
2. Satisfy the APF test that includes:
 - a. Policy Area Transportation Review: In the staging ceiling for residential development in the Montgomery Village/Airpark Policy Area, the remaining capacity is negative 5,321 housing units as of September 30, 2003. Since the Montgomery Village/Airpark Policy Area is in a moratorium, the applicant proposes to satisfy

Policy Area Transportation Review under the “Special Ceiling Allocation for Affordable Housing Facilities” under Section TP3 of the *FY 04 Annual Growth Policy* (AGP). (Refer to the attached appropriate pages from the AGP.)

- b. Local Area Transportation Review (LATR): A traffic study (to analyze the traffic impact at nearby intersections) is required because the proposed land use generates 50 or more peak-hour trips during the weekday morning (6:30 a.m. to 9:30 a.m.) and evening (4:00 p.m. to 7:00 p.m.) peak periods. A residential development of 203 garden apartments generates 84 peak-hour trips during the weekday morning peak period and 97 peak-hour trips during the weekday evening peak period.

Based on the results of the traffic study, off-site intersection improvements would not be required because the calculated critical lane volume (CLV) values at the nearby intersections are less than the congestion standard (a CLV of 1,500) for the Montgomery Village/Airpark Policy Area.

- c. Twenty percent of the 203 apartment units are to be rented to households below 50 percent of the area median income in accordance with Section TP3, “Special Ceiling Allocation for Affordable Housing Facilities” of the *FY 04 AGP* and certified by the Housing Opportunities Commission.
3. Dedicate two-to-five feet of right-of-way for 35 feet from the centerline of Rothbury Drive as a primary residential street, P-20.
 4. As shown on the plans, provide the following:
 - a. A pedestrian connection to the Montgomery Village Foundation’s pathway within the stream valley along the northern edge of property.
 - b. A five-foot lead-in sidewalk from Rothbury Drive.
 5. Provide bike racks for bicycles in front of each building and a bicycle storage room.
 6. Install; a traffic signal at the intersection of Goshen Road and Rothbury Drive / Green Run Way if found to be warranted by the Montgomery County Department of Public Works and Transportation (DPWT) in their review of the submitted traffic signal warrant study.

DISCUSSION

Site Location and Vehicular Access

The site is located on the north side of Rothbury Drive between Arrowhead Road and Goshen Road. Goshen Crossing Shopping Center is along the eastern property line. The vehicular site access is proposed as a monumental access point from Rothbury Drive.

Pedestrian Facilities

The proposed preliminary plan and site plan will not adversely affect the existing pedestrian access, and would add another segment to the pathway system within the stream valley. Sidewalks provide pedestrian connections between Rothbury Drive and the site at the vehicular site access point, directly to the three buildings fronting along Rothbury Drive, and between the two buildings east of the site vehicular access point. A pedestrian path connects the apartment site to the north property line where Montgomery Village Foundation has a pathway within the stream valley

Prior Regulatory Actions

The prior regulatory actions were as follows:

1. The *Gaithersburg Vicinity Master Plan* designated the site for a future elementary school in the North Village Section in Montgomery Village Town Sector, Part of Area III-F.
2. The Montgomery County Public Schools determined that the site was no longer needed as a potential school site and relinquished its future claim to the property in 1996.
3. The Planning Board recommended approval of the Development Plan Amendment (DPA) and Supplemental Plan for 203 of the proposed 230 apartment units at its public hearing on October 17, 2002.
4. The Hearing Examiner held in public hearings in November 2002. As a result of the hearings, the DPA and Supplemental Plan were remanded back to the Planning Board to amend on-site parking and other issues.
5. The Planning Board recommended approval of the remanded DPA and Supplemental Plan at its public hearing on February 27, 2003.
6. The Hearing Examiner held a supplemental hearing on April 16, 2003, and recommended denial of the amended DPA and Supplemental Plan. The recommendation was based on non-compliance with the master-planned use and density and compatibility with adjacent land uses.
7. The District Council adopted DPA No. 02-2 and the Supplemental Plan on July 1, 2003.
8. The Housing Opportunities Commission, at its October 1, 2003 meeting, certified Gables Rothbury Square as affordable housing in their Resolution 03-108 (attached).

Master Plan Roadways

In accordance with the approved and adopted *Gaithersburg Vicinity Master Plan*, the master plan designations are as follows:

1. Rothbury Drive is designated as a primary residential road, P-20, with a 70-foot right-of-way with an existing sidewalk.
2. Arrowhead Road is designated as a primary road, P-19, with a 70-foot right-of-way.
3. Goshen Road is designated as major highway, M-25, with a 120-foot right-of-way.

Transportation Project

A nearby transportation project is DPWTs Facility Planning Project No. 509337, Goshen Road South, to widen Goshen Road from two lanes to four or six lanes. The project's concept design was completed in September 2003, and the preliminary engineering work is projected to be finished in August 2004. If the recommendation from the facility-planning project is to widen Goshen Road, County Council then must fund its design and construction.

Traffic Signal Warrant Study at the Intersection Goshen Road and Rothbuty Drive / Green Run Way

A traffic signal warrant study was prepared and submitted to Transportation Planning staff on November 14, 2003. The warrant study analyzed the four-way intersection of Goshen Road and Rothburg Drive / Green Run Way where:

1. The Major Street is Goshen Road that forms the north and south leg. Goshen Road is currently a two-lane undivided major highway with a posted speed limit of 35 miles per hour. The north leg has two approach lanes that are a combination through and left-turn lane and a separate right-turn lane. The south leg has one approach lane that is a combination right-turn, through, and left-turn lane.
2. Minor Streets are:
 - a. Rothbury Drive forms the west leg and is a two-lane undivided primary residential street with a stop sign at Goshen Road. The two approach lanes are a combination through and left-turn lane and a separate right-turn lane.
 - b. Green Run Way forms the east leg and is a two-lane undivided secondary residential street with a stop sign at Goshen Road. The one approach lane is a combination right-turn, through, and left-turn lane.

The traffic signal warrant analysis was based on the existing traffic volumes collected in October 2003 between 7:00 a.m. and 9:00 p.m. combined with the projected traffic generated by the proposed 203 garden apartments. According to the *Manual on Uniform Traffic Control Devices*, five of the eight warrants were not applicable, given the current geometric and operational characteristics --- for example there is no established school crossing or closely-spaced coordinated signal system. The other three warrants were analyzed and one warrant may be satisfied. The results were close to satisfying eight individual hours for the combination of Warrant No. 1, Eight-Hour Vehicular Volume, criteria for:

1. The minimum vehicular volume on the major and minor streets.

2. The interruption of continuous traffic on the major street for motorists on the minor street.

Other factors, i.e., right-turn volume from Rothbury Drive, accident experience at the intersection, may suggest that a traffic signal is warranted at the intersection.

DPWT is reviewing the traffic signal warrant study. If DPWT does not find that a traffic signal is warranted, the applicant shall contribute \$75,000 to the Montgomery Village Foundation or Patton Ridge Homes to be used for evaluation and improvement of off-site parking conditions in Patton Ridge.

Congestion Levels at Nearby Intersections

For the subject preliminary plan, the selected study area in the traffic study reflects the criteria within the *Local Area Transportation Review Guidelines* that was approved and adopted on July 2002. The previous traffic study for the Development Plan Amendment No. 02-2 was prepared before July 2002, and was updated to satisfy LATR for the preliminary plan. Based on the results of the traffic study prepared for the preliminary plan, the calculated CLV values at nearby intersections are as shown below:

Intersection	Peak Hour	Traffic Condition		
		Existing	Background	Total
Montgomery Village Avenue and Arrowhead Road / Shadow Oak Drive	Morning	770	774	810
	Evening	968	973	1,013
Arrowhead Road and Rothbury Drive	Morning	361	361	409
	Evening	612	612	668
Rothbury Drive and Site Entrance/Spur Hill Drive	Morning	192	192	245
	Evening	382	382	464
Goshen Road and Rothbury Drive / Green Run Way	Morning	775	778	790
	Evening	806	810	832

All calculated CLV values are less than the congestion standard of 1,500 CLV for the Montgomery Village/Airpark Policy Area.

Policy Area Transportation Review/Staging Ceiling Condition

Based on the *FY 04 AGP* staging ceiling capacity, there is no capacity available for additional housing units (negative 5,321 as of September 30, 2003) in the Montgomery Village/Airpark Policy Area. The 203 housing units created can satisfy Policy Area Transportation Review at preliminary plan review under the *FY 04 AGP*'s Special Ceiling Allocation for Affordable Housing Facilities.

EA:kcw

Attachments

cc: Ed Papazian
Emil Wolanin

AGENDA ITEM # 2E
July 8, 2003

Action

MEMORANDUM

July 3, 2003

TO: County Council

FROM: ^{Go} Glenn Orlin, Deputy Council Staff Director

SUBJECT: **Action--Ceiling Element for FY 2004 Annual Growth Policy (AGP)**

Attached is a resolution that reflects the Council's decisions in its June 24, 2003 worksession. In summary, the Council approves of the Planning Board's recommendations in its Final Draft Ceiling Element, with two exceptions:

- The Council would reduce the recommended increase in the jobs ceiling for the White Flint Policy Area by 1,040 jobs, due to the de-programming of construction funds for the Nebel Street Extended project. (The Planning Board made this recommendation subsequent to its release of the Final Draft.)
- The Council would reduce 600 units of housing ceiling in the Bethesda-Chevy Chase Policy Area and increase the jobs ceiling in that area by 450 jobs. (In this area 600 units of housing has the same traffic impact as 450 jobs.) This would have the effect of eliminating a -301 jobs ceiling deficit in this area, and provide enough ceiling for a small amount of commercial development in the queue.

Resolution No:

Introduced:

Adopted:

July 8, 2003

July 8, 2003

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: County Council

SUBJECT: ~~FY 2003 Annual Growth Policy Ceiling Element~~ FY 2004 Annual Growth Policy – Ceiling Element

Background

1. County Code Section 33A-15 requires that no later than November 1 of each odd-numbered year, the County Council must adopt an Annual Growth Policy (AGP) Policy Element to be effective until November 1 of the next odd-numbered year, to provide policy guidance to the agencies of government and the general public on matters concerning land use development, growth management and related environmental, economic and social issues.
2. ~~On May 15, 2002, in accordance with the requirements of Section 33A-15, the County Executive transmitted to the County Council his comments and recommendations on the FY 2003 Annual Growth Policy Ceiling Element based on the Final Draft FY 2003 Annual Growth Policy submitted by the Planning Board on May 2, 2002. The Final Draft Annual Growth Policy Ceiling Element as submitted by the Planning Board contained supporting and explanatory materials and a set of recommended growth capacity ceilings for each policy area within the County. On May 15, 2003~~ 2002, in accordance with the requirements of Section 33A-15, the County Executive transmitted to the County Council his comments and recommendations on the FY 2004 Annual Growth Policy Ceiling Element based on the Final Draft FY 2004 Annual Growth Policy submitted by the Planning Board on May 2, 2003. The Final Draft Annual Growth Policy Ceiling Element as submitted by the Planning Board contained supporting and explanatory materials and a set of recommended growth capacity ceilings for each policy area within the County.
3. ~~On June 4, 2002, June 3, 2003,~~ the County Council held a public hearing on the ~~FY 2003 Annual Growth Policy Ceiling Element~~ FY 2004 Annual Growth Policy Ceiling Element.
4. ~~On June 11, 2002~~ June 16, 2003, the Council's Planning, Housing, and Economic Development Committee conducted a worksession on the recommended Ceiling Element.
5. ~~On June 25, 2002~~ June 24, 2003, the Council conducted a worksession on the Ceiling Element, at which careful consideration was given to the public hearing testimony, updated information, recommended revisions and comments of the County Executive and Planning Board, and the comments and concerns of other interested parties.

For new nonresidential development, attain 30 percent mass transit use and auto occupancy rates of 1.3 persons per vehicle during the peak periods, or attain any combination of employee mode choice that results in at least 50% non-drivers during the peak periods.

Progress towards achieving these goals should be measured annually by using scientific and statistically valid survey techniques.

To achieve these goals it will be necessary to require developers of new development in Silver Spring to enter into traffic mitigation agreements and the employers and certain owners to submit transportation mitigation plans under Chapter 42A of the County Code.


Each Annual Growth Policy must reflect the Annual Report of the Silver Spring Transportation Management District, which must include a report of the status of critical signalized intersections (as defined in the report of October 5, 1987). The Annual Growth Policy must include a projection of future traffic conditions based on intersection improvements in the proposed CIP and full achievement of the Transportation Management District goals. The Council will take this information into account in the decisions on the Growth Policy and the CIP.

In accordance with the amendment to the Silver Spring Sector Plan, subdivision applications for nonresidential standard method projects throughout the CBD may be approved for development or additions of not more than 5,000 square feet of gross floor area. However, if, for a particular use the addition of five peak hour trips yields a floor area greater than 5,000 square feet, that additional area may be approved for that particular use.

In keeping with recommendations contained in the North Bethesda/Garrett Park Master Plan, the Bethesda Central Business District Sector Plan, and the Friendship Heights Sector Plan, the Council established transportation management districts in a portion of North Bethesda and Potomac and in Bethesda and Friendship Heights. In these districts, certain developers must enter into traffic mitigation agreements with the Planning Board and the Department of Public Works and Transportation to join the transportation management organization, pay its annual fee, and make their best efforts to meet the traffic mitigation goal established for that district.

In the North Bethesda Transportation Management District, the goal is 39 percent non-driver mode share for residents of multifamily housing in the peak hour. In the Bethesda Transportation Management District, the goal is 37 percent non-driver mode share for workers and residents of multifamily housing. In the Friendship Heights Transportation Management District, the goal is 39 percent non-driver mode share for workers.

TP3 Special Ceiling Allocation for Affordable Housing Facilities



The County's policy of balancing growth in each policy area with the supply of public facilities may have the effect of undermining other important County policies for the provision of a balanced and adequate housing supply, with emphasis on the availability of affordable housing for low and moderate income families. This part provides a limited exception to policy area transportation review requirements to ensure that these policies are not undermined. The Planning Board may approve subdivision applications for affordable housing in any policy area with insufficient remaining capacity, according to the following guidelines:

TP3.1 An affordable housing development is a housing development which is either owned by the Housing Opportunities Commission or by a partnership in which HOC is the general partner; or a privately-owned housing development in which 20% of the units are occupied by

households at or below 50% of the area median income, adjusted for family size, or 40% of the units are occupied by households at or below 60% of the area median income, adjusted for family size. Such a development must be certified by HOC as affordable housing, and the owner of that development must agree with HOC to maintain the occupancy requirements for at least 15 years. These requirements include the provision of any MPDUs.

TP3.2 Except as provided in **TP3.3**, in a policy area with insufficient remaining capacity, the Planning Board may approve in each fiscal year not more than:

- 125 units for projects owned or controlled by HOC;
- 300 units for privately owned affordable housing developments; or
- an aggregate of 300 units in a policy area with both HOC owned and controlled developments and privately owned affordable housing developments.

TP3.3 The Planning Board must not approve additional housing units under this allocation in a policy area:

- that has been in a moratorium for new housing subdivision approvals for more than 5 consecutive years and the remaining capacity for the policy area is at least 1000 housing units in deficit; and
- if the Planning Board has cumulatively approved 500 housing units in that policy area under this special ceiling allocation.

Subject to the housing unit cap under **TP3.2**, approvals under this special ceiling allocation may resume if the deficit in remaining capacity in the policy area has been reduced under 1000 housing units, but only to the extent that transportation capacity has increased due to a programmed transportation improvement that is either under construction or funded for construction in the fiscal year for which the special ceiling allocation is requested from the Planning Board.

If the subdivision moratorium is eliminated in a policy area subject to **TP3.3** and is later reinstated, the calculation of the number of cumulative housing units approved under **TP3** starts at zero.

TP3.4 Any development approved under **TP3** must meet all zoning requirements and all other subdivision requirements, including standards for local area transportation review.

TP3.5 Development approved under **TP3** must be added to the pipeline.

TP3.6 Each recommended annual growth policy ceiling element must contain a list of all pending or approved development under **TP3**.

TP4 Ceiling Flexibility for Developer Participation Projects

Staging Ceiling Flexibility allows the Planning Board, after considering the recommendation of the County Executive, to approve a preliminary plan application, which exceeds the staging ceiling. In



Real Estate Development Division
3930 Knowles Avenue, 1st Floor
Kensington, Maryland 20895-2484
(301) 929-6714
(301) 929-8523 FAX

October 13, 2003

Mark Viani, Esquire
Linowes and Blocker LLP
7200 Wisconsin Avenue
Suite 800
Bethesda, Maryland 20814

Re: Gables Rothbury Square

Dear Mark,

I am pleased to enclose herewith a certified copy of a Resolution of the Housing Opportunities Commission (HOC) adopted on October 1, 2003 that certifies the proposed rental residential development of Gables Rothbury Squares as affordable housing.

In accordance with the requirements of Montgomery County's Annual Growth Policy, our counsel, Kenneth Tecler, Esquire, is preparing a Regulatory Agreement which will be forwarded to you for execution by the Sponsor of the development. By copy of this letter and copy of the Resolution, we are notifying the Department of Park and Planning of this action taken by HOC.

We look forward to a timely, successful development of Gables Rothbury Square.

Sincerely,

Harold L. Kramer
Assistant Director, Real Estate Division

cc: Charles Loehr, Director, Department of Park and Planning, with Resolution
Mary Beth O'Quinn, Department of Park and Planning, with Resolution
Ken Tecler, Esquire, with Resolution
Peter Engel



viani101303

RESOLUTION: 03-108

**RE: Certification of Gables
Rothbury Square as
Affordable Housing Under
Annual Growth Policy**

WHEREAS, under Montgomery County's Annual Growth Policy (the "AGP"), new housing developments may be built in areas of the County closed to further residential development if they provide a designated proportion of affordable housing units; and

WHEREAS, "affordable housing" is defined as housing wherein 20% of the units are affordable to families earning 50% or less of the area median income or 40% of the units affordable to families with incomes of 60% or less of the area median, in each case adjusted for family size; and

WHEREAS, to qualify for the Special Ceiling Allocation, the proposed development must be certified by the Housing Opportunities Commission as meeting one of the foregoing income restriction requirements; and

WHEREAS, Gables Residential Services, Inc. (the "Developer") has applied to the Commission for such certification for Gables Rothbury Square (the "Development"), located on Rothbury Drive in Montgomery Village; and

WHEREAS, of the 203 rental units in the Development, 41 of them would be restricted in occupancy to families earning 50% or less of the area median income, adjusted for family size, with projected rents on lease-up not to exceed:

1BR: \$816 2BR: \$979 3BR: \$1,131

(all rents inclusive of utilities and utility allowances); and

WHEREAS, the foregoing rents may be increased or decreased depending on the area median incomes, as published by HUD, in effect at time of lease-up; and

WHEREAS, the foregoing income restrictions would be enforced by a recorded regulatory agreement for a period of fifteen (15) years, as required by the AGP.

NOW, THEREFORE, BE IT RESOLVED, that the Housing Opportunities Commission finds that the Development meets the requirements of the Annual Growth Policy for certification as "affordable housing."

BE IT FURTHER RESOLVED that the Commission certifies Gables Rothbury Square to the Montgomery County Planning Board and the County Council as "affordable housing" and therefore eligible for approval under the Special Ceiling Allocation requirements of the Annual Growth Policy.

The foregoing resolution was adopted upon a motion by Commissioner Bennett and seconded by Commissioner Galloway. Affirmative votes were cast by Commissioners Thompson, Piñero, Cohen, Nelson, Bennett and Galloway. Commissioner Kator was necessarily absent and did not participate in the vote.

I HEREBY CERTIFY that the foregoing resolution was adopted by the Housing Opportunities Commission at a regular meeting conducted on Wednesday, October 1, 2003.

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Dana R. Miller
Special Assistant to the Commission

Item # 11



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

M E M O R A N D U M

DATE: November 14, 2003
TO: Montgomery County Planning Board
FROM: A. Malcolm Shaneman
Development Review Division
(301) 495-4587
SUBJECT: Informational Maps for Subdivision Items on the
Planning Board's Agenda for November 20, 2003.

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Attached are copies of plan drawings for Item #06, #07, #09, #11 and #15. These subdivision items are scheduled for Planning Board consideration on November 20, 2003. The items are further identified as follows:

Agenda Item #06 -Preliminary Plan 1-97033A
Hardings Subdivision

Agenda Item #07 -Preliminary Plan 1-03057A
Cider Barrel Property

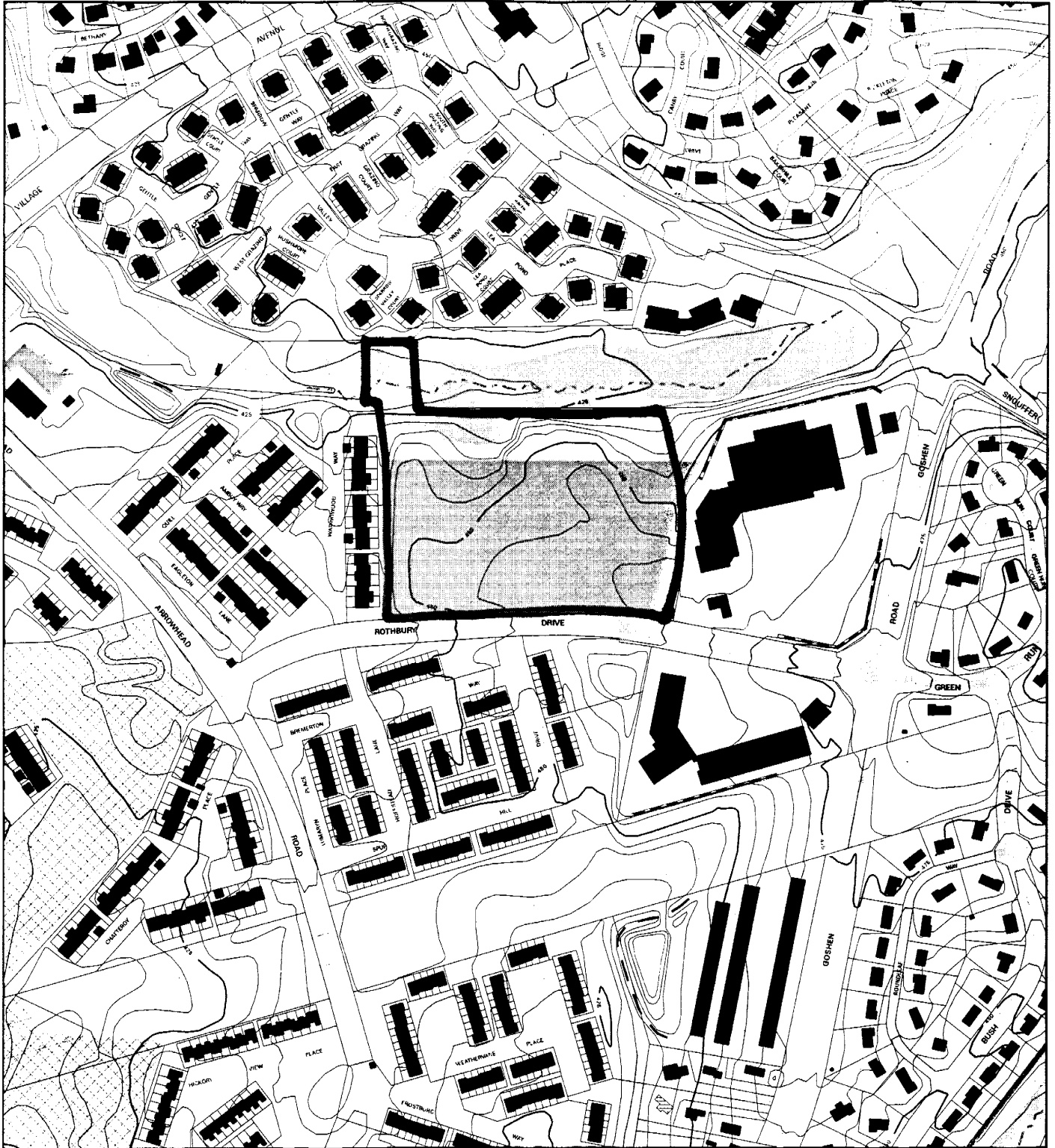
Agenda Item #09 -Preliminary Plan 1-03086
Potomac Country Corner

Agenda Item #11 -Preliminary Plan 1-04016
Gables Rothbury Square

Agenda Item #15 -Preliminary Plan 1-04024
Glenbrook Knoll

Attachment

GABLES ROTHBURY SQUARE (1-04016)



Map compiled on November 14, 2003 at 10:11 AM | Site located on base sheet no - 227NW09

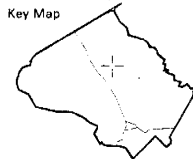
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Key Map



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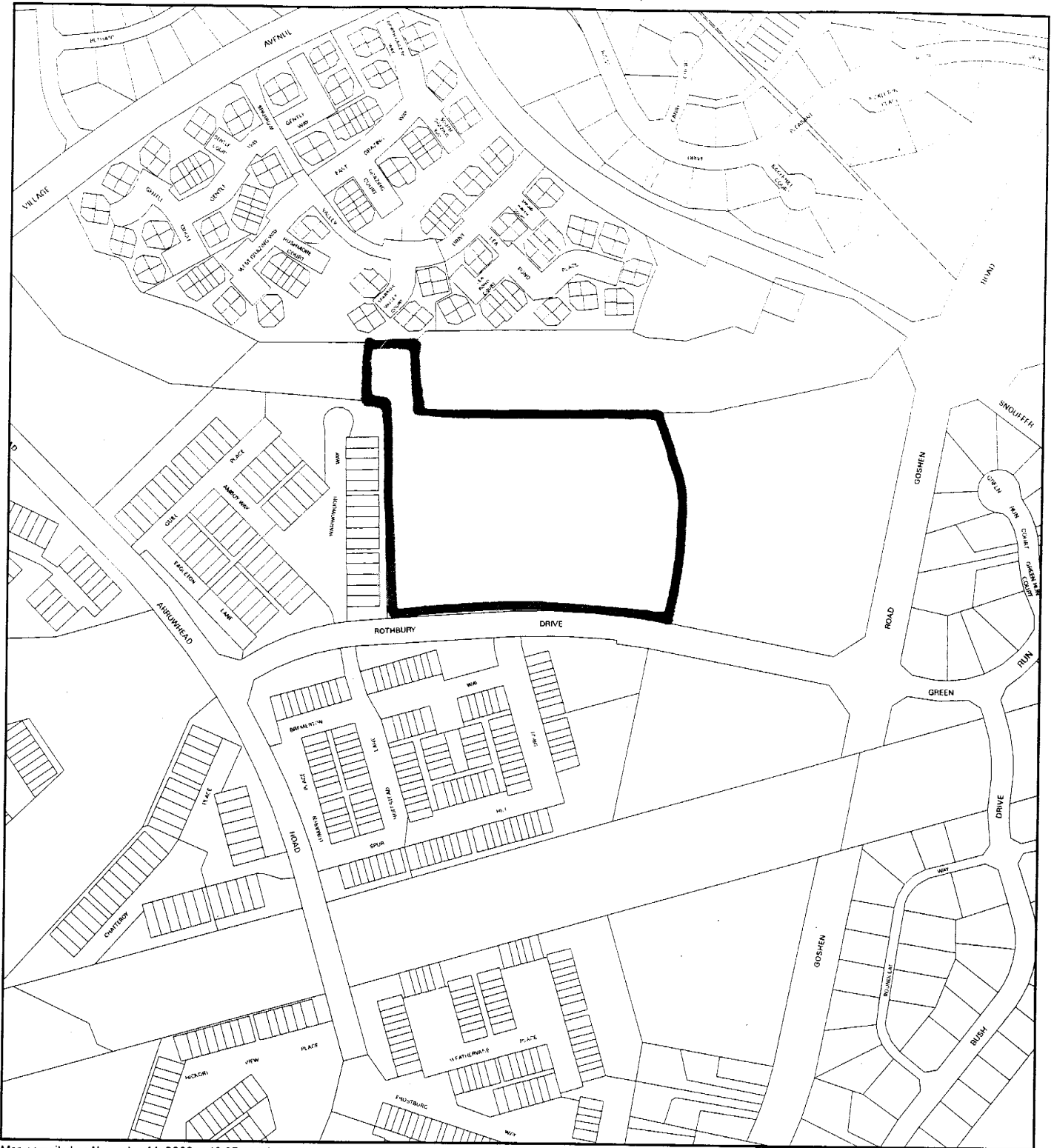


Research & Technology Center



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GABLES ROTHBURY SQUARE (1-04016)



Map compiled on November 14, 2003 at 10:07 AM | Site located on base sheet no - 227NW09

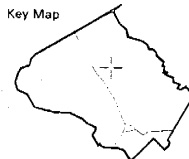
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