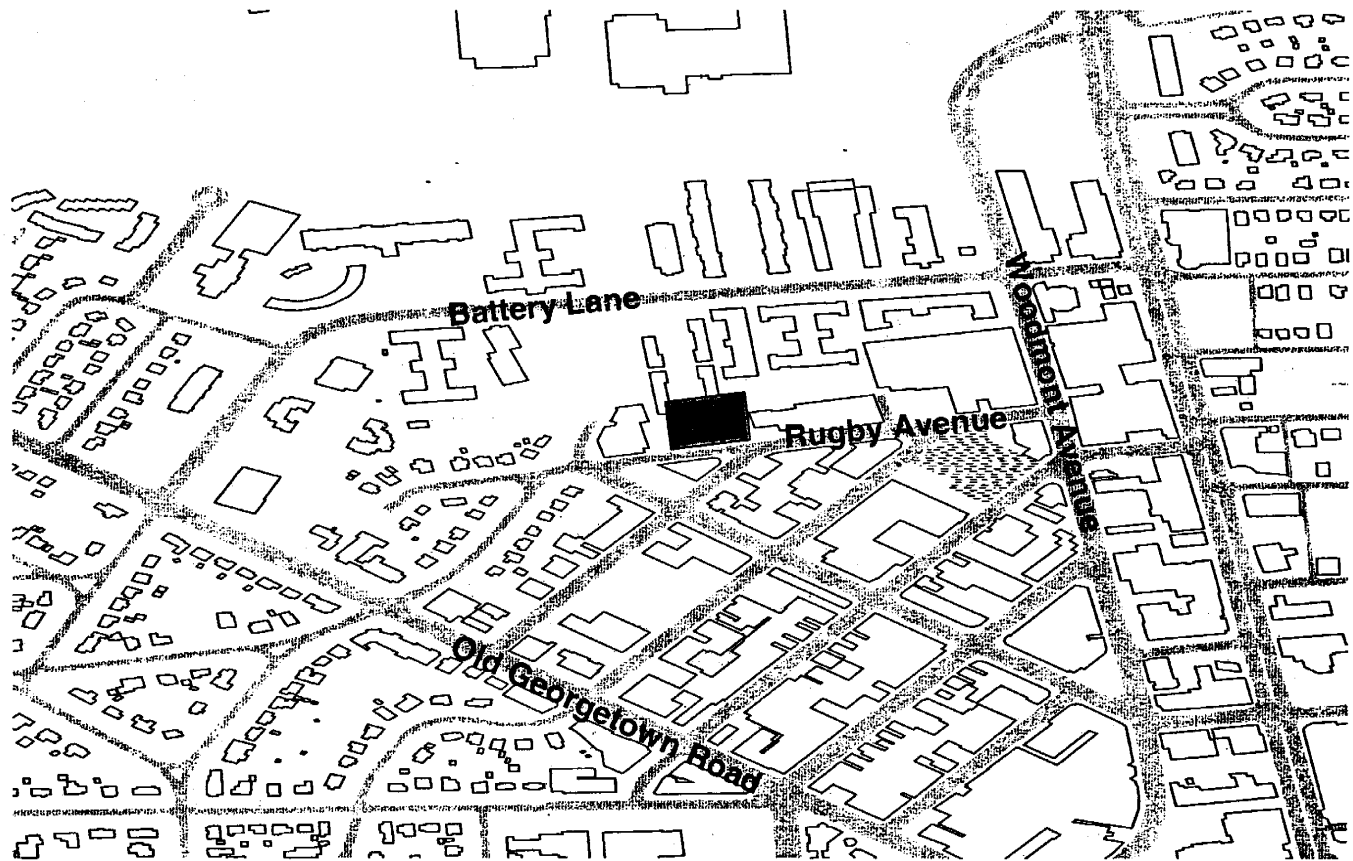
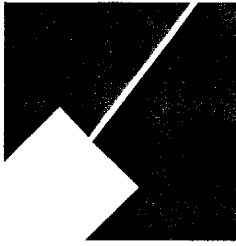


RUGBY CONDOMINIUMS



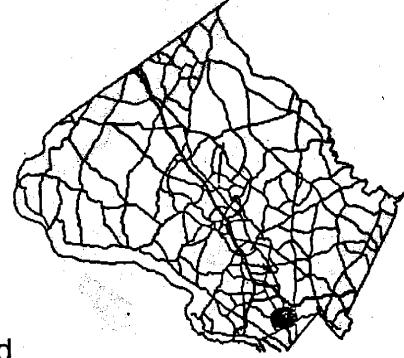
PROJECT PLAN #920060050
March 30, 2006



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

MCPB
Item # 9
March 30, 2006



MEMORANDUM

DATE: March 15, 2006
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RLK*
 Development Review Division
 Robert Kronenberg, Acting Supervisor
 Development Review Division *RAK*
FROM: Marilyn Clemens, Planner/Coordinator
 Community Based Planning
 (301) 495-4572

REVIEW TYPE: Project Plan Review
APPLYING FOR: Approval of 71 multi-family dwelling units,
 including 11 MPDUs on .47 gross acres

PROJECT NAME: The Rugby Condominium
CASE #: 920060050
REVIEW BASIS: Sec. 59-D-2, M.C. Zoning Ordinance
ZONE: CBD-1
LOCATION: North side of Rugby Avenue at the intersection of Auburn
 and Rugby Avenues; 300 feet east of Norfolk Avenue.
MASTER PLAN: 1994 Sector Plan for the Bethesda CBD
APPLICANT: 4851 Rugby Avenue, LLC
FILING DATE: August 29, 2005
HEARING DATE: March 30, 2006

Attached is the staff report for the proposed Rugby Condominium Project Plan. The Planning Board public hearing for this application is scheduled for March 30, 2006. A draft Planning board report for the Project Plan will be available on March 17, 2006. The Staff recommends **Approval** with conditions as described in the staff report.

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SUMMARY

The Application proposes 104,644 gross square feet of residential development, consisting of approximately 71 multi-family dwelling units and including 11 moderately priced dwelling units (MPDUs). A density bonus of 22% is achieved through the provision of more MPDUs (15% vs. 12.5%). Approximately 1,250 square feet will be provided as an artists' work, exhibit and teaching space open to the public on a scheduled basis. The Applicant also filed Preliminary Plan Application #120060290, which is being processed concurrently with the Project Plan and will be heard by the Planning Board on the same day. The amenities and facilities proposed include a small south-facing green area in front of the building, the public art studio space adjoining the outdoor public space, and streetscape in front of the property. The applicant will also provide a functional master plan for renovation of the Battery Lane Urban Park, a priority amenity called for in the Woodmont Triangle Amendment. Staff recommends approval of the Project Plan with the conditions listed in the Recommendation section below.

The Applicant has offered to meet with the individuals and organizations listed in attachment #4. However, the Applicant has informed staff that the individuals contacted have not been interested in meeting.

The issues addressed during review include: 1) the appropriate public use space and amenity contributions for this small residential project to make to the Woodmont Triangle area in exchange for the Optional Method density and 2) the level of detail the applicant should provide for the Park Facility Plan.

STAFF RECOMMENDATION

The staff recommends **Approval** of Project Plan 920060050 with the following conditions:

1. Development Ceiling

The proposed development shall be limited to 71 multi-family units.

2. Building Height/Mass

The height of the proposed building shall not exceed 90 feet as measured from the center line of Rugby Avenue, consistent with the Zoning Ordinance..

3. Transportation Improvements

- a. Enter into a traffic mitigation agreement to participate in the Bethesda Transportation Management District. Execute the Agreement prior to release of any building permits;
- b. Show the Norfolk Avenue leg of the intersection with Rugby Avenue on the site plan;

- c. Provide a level sidewalk across the driveways along Rugby Avenue;
- d. Provide one bike rack at the main entrance to the condominium and 3 bike lockers in the parking garage;
- e. Participate with other development projects and the County, including Park and Planning and DPWT, in funding the reconfiguration of the intersection of Rugby Avenue at Auburn Avenue for improved pedestrian access and safety. Applicant's participation shall expire 5 years after site plan approval. Relocation of the crosswalk, inclusive of handicap access ramps, will need coordination with local transit services.

4. Moderately Priced Dwelling Units (MPDUs)

The Applicant shall provide 11 MPDUs (15% of the total number of units) on-site, consistent with the requirements of Chapter 25A. The development is receiving a 22 percent density bonus for providing additional MPDU's.

5. Public Use Space

The Applicant shall provide 3,195 square feet (20.17% of the net site area) for on-site public use space.

- a. A minimum of 1,250 square feet of this space shall be developed as artists' work and exhibit space, open to the public on a regular schedule;
- b. The proposed on-site public use space must be easily and readily accessible to the general public;
- c. The exterior public use space shall be provided with a variety of seating, ornamental plantings and a paved gathering area adjacent to the entrance to the art space;

6. Streetscape

- a. The Applicant shall provide the full Bethesda streetscape along the property frontage on Rugby Avenue; streetscape improvements shall be in accordance with the 1992 Bethesda CBD Streetscape Technical Manual as amended. The streetscape includes the Bethesda paver, the Washington Globe street lamp, trash receptacles, bike racks and street trees;
- b. Applicant shall underground all utilities along the property's frontage on Rugby Avenue.

7. Facility Plan for Battery Lane Urban Park

- a. The Facility Plan shall represent a 30% construction document (as determined by Parks staff) for the park and shall include the following:
 1. A preliminary grading plan, including concept stormwater management approval from DPS, to resolve existing drainage and grading problems in the Park;
 2. Proposed improvements to the Norfolk/Rugby Park entrance;
 3. Improvements and widening of the existing bicycle trail to 10 feet;
 4. A new gathering area for picnics and small performances;
 5. An art or an arts and science theme incorporated into the proposed park and trail furnishings;
 6. A detailed cost estimate for construction.
- b. Applicant shall work with Parks staff to refine the Plan; provide written notice to community groups of at least one community meeting to present and discuss Plan, and shall refine and present the Plan to the Planning Board for approval at site plan.

8. Staging of Amenity Features

- a. The proposed project shall be developed in one phase;
- b. Landscaping is to be installed no later than the next growing season after completion of the buildings and public plaza;
- c. The arts space is to be completed prior to occupancy of the first residential units;
- d. All streetscape improvements shall be installed prior to occupancy of the building;

9. Maintenance and Management Organization

Initially, the Applicant, and subsequently, within ninety days of formation, the Condominium Association shall become a member and enter into an agreement with the Bethesda Urban Partnership for the purpose of maintaining off-site public open spaces.

10. The Art Work and Exhibit Space

- a. Applicant shall provide an art space of approximately 1,250 square feet within the building facing onto Rugby Avenue and the public open space; the space will be dedicated to studio and exhibit space for "emerging" artists selected by a local arts panel.
- b. The selection of the artists, their length of tenure in the arts space, required exhibits, hours of public operation, and rules of participation in

the program shall be determined prior to site plan review but shall not delay the Applicant's approvals; composition of the selection panel will be determined by members of the Board of the Bethesda Arts and Entertainment District, the Montgomery County Arts and Humanities Council, and Park and Planning staff prior to site plan review.

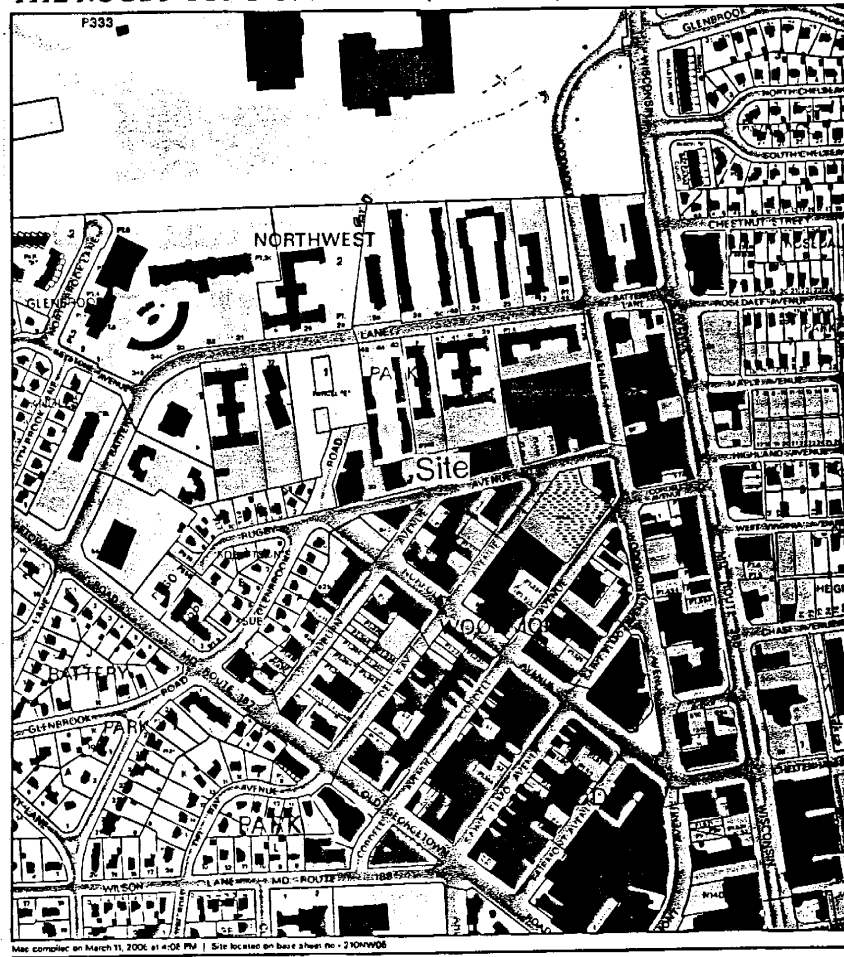
- c. In conjunction with site plan review, the operation and management of the arts space must be set forth in a complete agreement in draft form between the Bethesda Urban Partnership (BUP) and the Applicant. This agreement will be subject to Planning Board review at the time of site plan, and the final signed agreement will be incorporated into the documents governing the condominium association for the project. The Bethesda Urban Partnership (BUP) will manage the arts space; BUP may charge a nominal fee to the artists for supplemental insurance on the arts space not covered by the condominium association.

PROJECT DESCRIPTION: Surrounding Vicinity

The proposed development is located on the north side of Rugby Avenue between Norfolk Avenue on the west and Woodmont Avenue on the East. Multi-family rental apartment fronting on Battery Lane are located to the north in the R-10 zone. A paved parking lot for the apartments extends to the north edge of the site. The proposed development is in the CBD-1 zone as are the properties immediately to its west, east and south. A 8-story office building is located to the east, a Duron Paint and a variety of older low-rise office and retail buildings are to the south, and a plumbing company occupies a converted single family home to the west. Battery Lane Urban Park is located 350 feet to the west of the site at the intersection of Norfolk and Rugby Avenues.

The site is within the study area of the recently approved Woodmont Triangle Amendment and the "Woodmont Triangle District" of the 1994 Bethesda CBD Sector Plan.

THE RUGBY CONDOMINIUM (120060290)



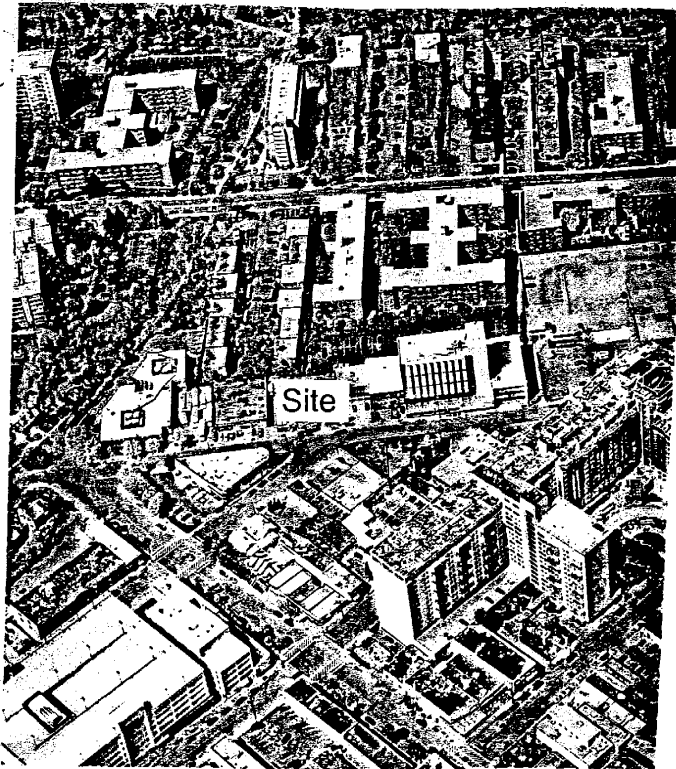
PROJECT DESCRIPTION: Site Description

The 4851 Rugby Avenue site is on the north side of Rugby Avenue. The property is comprised of parts of Lots 443, 444, 447, 448 and 627, Northwest Park, totaling 15,835 net square feet. Approximately 4,423 square feet were previously dedicated for roadways, amounting to a gross tract area of 20,258 square feet.

The site currently consists of a gravel parking lot with approximately 18 parking spaces, a two-story, 5,200 square foot retail and office building and a 3-story, 5,600 square foot office building. Retail tenants on the ground floor of the 2-story building are Just Cakes and Just Lobsters. Several small arts related businesses are on the south side of Rugby Avenue and on Auburn Avenue, such as Jerry's Music, the Washington School of Photography, the Little City Art Studio and the Gallery Neptune.

Overhead utility wires exist along both sides of Rugby Avenue. There are two utility poles in front of the property, which carry Pepco, Comcast and Verizon cables. The nearest intersections of Rugby with Auburn and Del Ray are not signalized.

The topography on the property is flat with approximately a two foot of drop from northwest to the southeast side of the site. There are no existing trees or other vegetation on the site.

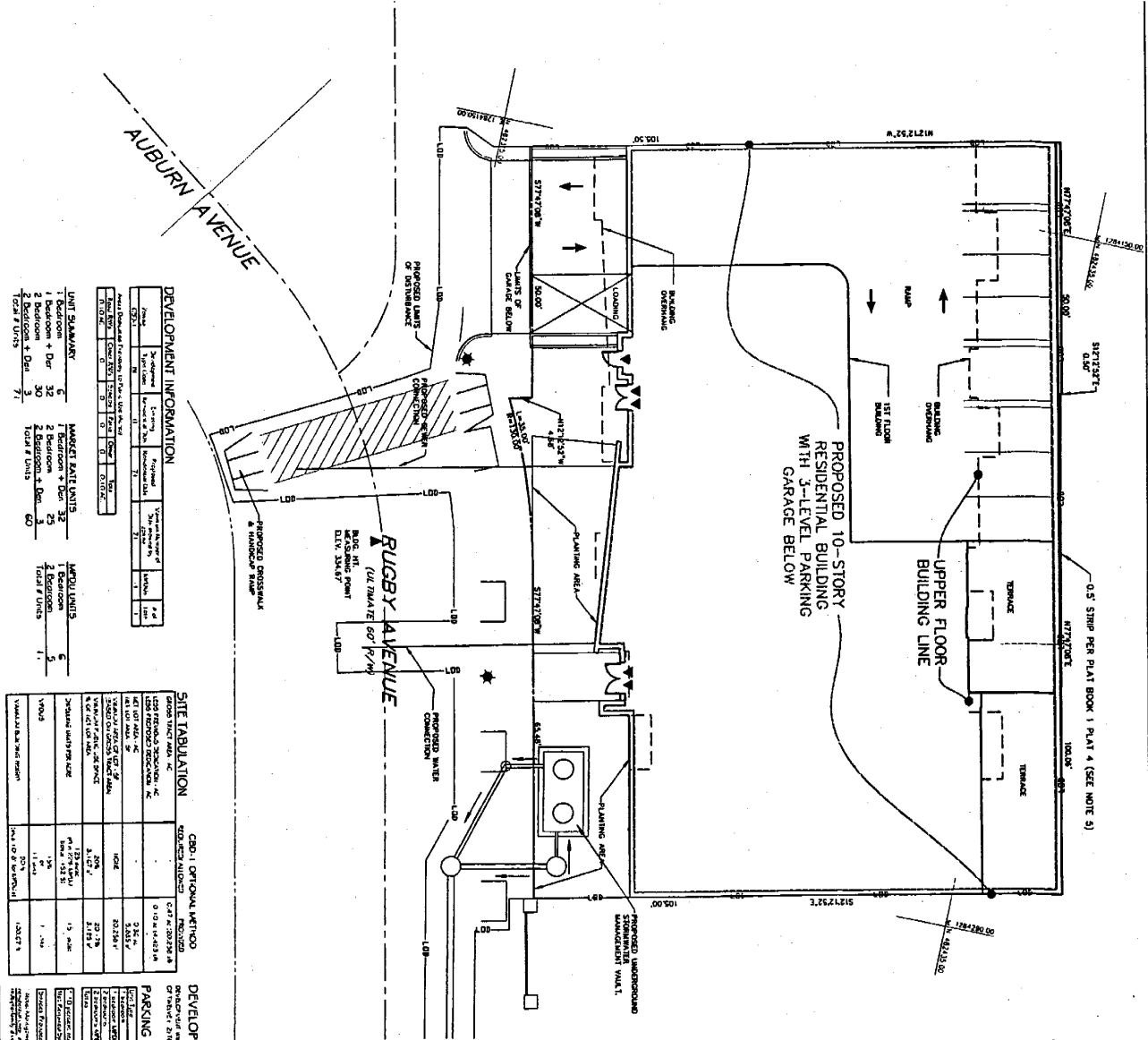


PROJECT DESCRIPTION: Proposal

The Applicant, 4851 Rugby Avenue, LLC, proposed a 101-foot condominium building with the 15% percent MPDU's built on site. However, staff could not make the necessary findings to recommend approval of that height. The Applicant has now agreed to propose a 90-foot building with 71 total units and 11 MPDU's. A 1,250 square foot arts work and exhibit space on the first floor will have a separate entrance onto the front plaza. This art studio space is open to the public on a scheduled basis. The frontage of the site will be developed in a small green space with a gathering area near the interior arts space.

The 9-story masonry and steel building features an angled, stepped south-facing front façade with glass and metal balcony screen rails. The north-facing units also have balconies, and the rear first floor units have terraces. Entrances to the parking garage and the loading dock occupy the west side of the site frontage. A paved walk to the art studio space, green space and the main entrance to the condominiums occupy the remainder of the 150-foot frontage on Rugby Avenue. The building will have an indoor fitness center, and a picnic area will be provided on the roof.

This will be the first residential building on Rugby Avenue east of Norfolk Avenue. The other buildings in this area are a mix of older office, retail and commercial buildings dating from the 50's and 60's.



DEVELOPMENT INFORMATION

Item	Quantity	Notes
1 Bedroom + Den	5	
2 Bedroom + Den	30	
2 Bedroom + Den	3	
Total # Units	38	

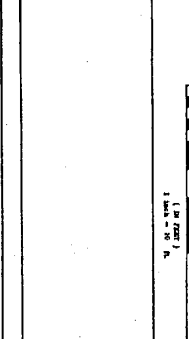
Item	Quantity	Notes
1 Bedroom + Den	5	
2 Bedroom + Den	25	
2 Bedroom + Den	3	
Total # Units	33	

SITE TABULATION

Item	Area (sq ft)	Notes
Lot Area	15,835	
Building Footprint	10,000	
Parking Area	5,835	
Total Area	15,835	

DEVELOPMENT SOURCE

Item	Value	Notes
Lot Area	15,835	
Building Footprint	10,000	
Parking Area	5,835	
Total Area	15,835	



GENERAL NOTES:

- THE DEVELOPER HAS OBTAINED ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND THE STATE OF MARYLAND.
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PROJECT TEAM

ARCHITECT: [Firm Name]

ENGINEER: [Firm Name]

PLANNING: [Firm Name]

LANDSCAPE ARCHITECT: [Firm Name]

CONTRACTOR: [Firm Name]

DATE: [Date]

SCALE: [Scale]

THE RUGBY CONDOMINIUM

17th ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

PRELIMINARY PLAN # 120060290

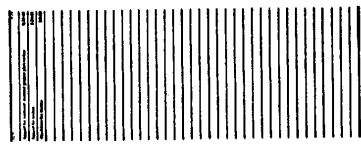
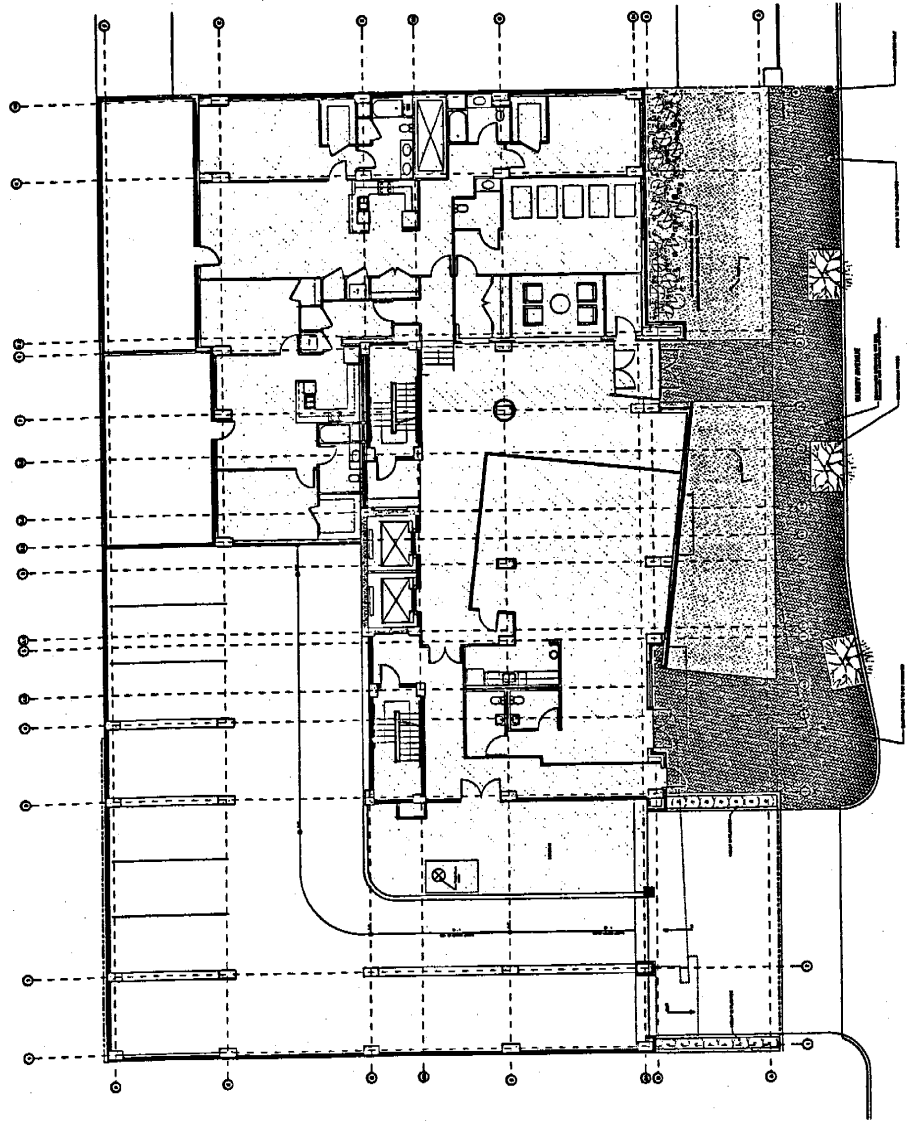
PRELIMINARY PLAN

THE RUGBY CONDOMINIUM

GENERAL NOTES:

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Rugby Avenue
Condominium
4551 Rugby Avenue
Bethesda, MD 20814



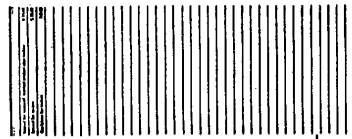
STUDIOS
architects



Conceptual Landscape
Plan and Details

SP1.1

Rugby Avenue
Condominium
481 Rugby Avenue
Bethesda
MD 00000

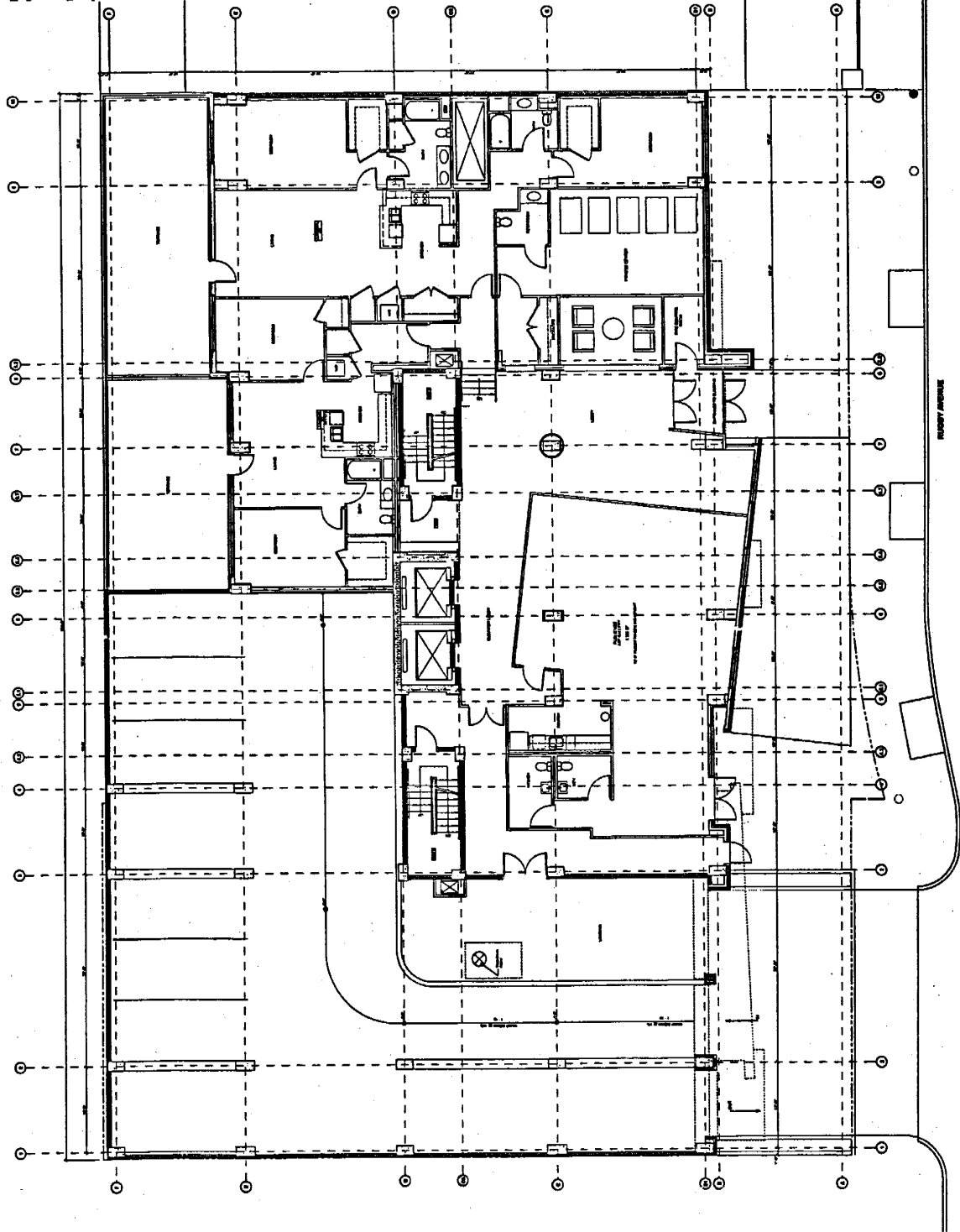


STUDIOS
ARCHITECTS
10000 RIVERCHASE DRIVE
BETHESDA, MD 20814



Ground Floor Plan

A1.1



Site Design

The architecture of the residential building is of a straightforward modern style, and the building fills the one-half acre site. The south facing units will have great solar exposure and a view out over the Triangle while the north facing units will have the advantage of shading in the summer and a greener view.

Public Use Space and Amenities

1. Exterior Public Use Space

Staff and the applicant agreed to keep the small public use space in front of the building as simple and versatile as possible to serve as both a gathering area outside the art studio and a sunny sitting area. This outdoor space constitutes approximately 60% of the applicant's public use space requirement. When art is on display in the studio or art tours are in progress, the outdoor space can be a pleasant place to meet or stop on the way to the next exhibit.

2. Interior Public Use Space

The Art Studio

The art studio space represents approximately 40% of the applicant's on-site public use space requirement.

The Woodmont Triangle Amendment to the 1994 Sector Plan for the Bethesda CBD contains a list of prioritized amenities desired by the greater Woodmont community. An "arts incubator", a space where "emerging" artists who do not have their own studios can work and exhibit, was on the list of amenities. Arts incubators come in many sizes and shapes with a variety of management structures. Some have publicly sponsored and supported space and in others, the artists pay rent. The art space in this project is small and will accommodate approximately 3-4 artists, depending on their medium of expression.

Members of the Bethesda Arts and Entertainment District and the Arts and Humanities Council now prefer to call these public art spaces "work and exhibit" or "studio" space, because in most situations, an "arts incubator" is a much larger space. As with the previously approved art space in the 8400 Wisconsin project, members of the Arts and Entertainment District Board will select the artists for a specific time frame. The studio space will be manned by the artists and the Bethesda Urban Partnership and will be open to the public at regular scheduled hours and during Bethesda art festivals.

FACILITY PLAN FOR BATTERY LANE URBAN PARK

The Applicant will provide a Facility Plan for Battery Lane Urban Park as part of the amenity package for the optional method density. Renovations to Battery Lane Urban Park are on the list of priority amenities in the recently approved Woodmont Triangle Amendment to the 1994 Sector Plan for the Bethesda Central Business District (CBD). The Applicant will work closely with Park and Planning staff to develop the Plan concept, present it to the community, make revisions and present the Plan to the Planning Board for review prior to or at the time of site plan review. Parks staff has participated in meetings with the Applicant. While a concept for renovations to the park has been submitted, Parks staff has not yet reviewed it. The Facility Plan process will begin with alternative design concepts for the park.

A Facility Plan is a specific document with construction drawings at a 30% level of completion. The Applicant acknowledges the responsibility to accomplish the Facility Plan in a letter dated March 3, 2006, (Attachment #3).

Pedestrian and Vehicular Access

The site is conveniently located for residents to walk to the Medical Center Metro Station, approximately 2,800 feet away, or to a bus at Woodmont and Rugby Avenues. The Bethesda trolley stops across Rugby Avenue from the site. The many shops, restaurants and services in the Woodmont Triangle are all within walking distance.

Rugby Avenue has a continuous sidewalk on the north side of Rugby Avenue from Battery Lane Urban Park past the site to Woodmont Avenue on the east. The applicant will improve the frontage of the site with the Bethesda streetscape and will underground the utilities in front of the site.

The 3-floor parking garage in the building will adequately serve the needs of the residents. It will include bicycle and motorcycle parking.

PLANNING AND REGULATORY FRAMEWORK:

Master Plan

The Project Plan is in conformance with the 1994 Sector Plan for the Bethesda Central Business District, which encouraged housing in the north end of the Woodmont Triangle District, and the 2006 Woodmont Triangle Amendment to the 1994 Sector Plan. On March 15, 2006, the full Maryland-National Capital Park and Planning Commission adopted Resolution No. 06-04 approving the final version of the Woodmont Triangle Amendment. (Attachment #6).

The Woodmont Triangle Amendment does not specifically discuss the project site and retained its CBD-1 zoning. The Amendment encourages the development of housing and providing MPDU's on site. The District Council incorporated a table into the Woodmont Triangle Amendment that shows the maximum height a development could achieve with 15% MPDU's for each zone. In the CBD-1 zone, the maximum height is listed as 110 feet (Attachment #7, page 16). The Applicant assumed that the findings the Planning Board must make under article 59-C-6.2351 of the Zoning Ordinance for exceeding the maximum height allowed no longer pertained. This is discussed under the conformance with the zone section of this staff report.

The application meets one of the amenity goals of the Woodmont Triangle Amendment by providing a Facility Plan for Battery Lane Urban Park and also provides a small amount of streetscape.

Prior Approvals

The proposed development is zoned CBD-1. The property is comprised of parts of Lots 443, 444, 447, 448 and 627, Northwest Park.

Preliminary Plan

A Preliminary Plan of subdivision (1-20060290) is being reviewed concurrently with the Project Plan.

BASIS FOR CONSIDERATION OF ISSUES

Per Sec. 59-D-2.43, in making its decision on an application for an Optional Method project plan, the Planning Board must consider:

- a. *The nature of the proposed site and development, including its size and shape, and the proposed size, shape, height, arrangement and design of structures, and its consistency with an urban renewal plan approved under chapter 56.*
- b. *Whether the open spaces, including developed open space, would serve as convenient areas for recreation, relaxation and social*