

activities for the residents and patrons of the development and are planned, designed and situated to function as necessary physical and aesthetic open areas among and between individual structures and groups of structures, and whether the setbacks, yards and related walkways are located and of sufficient dimensions to provide for adequate light, air, pedestrian circulation and necessary vehicular access.

- c. Whether the vehicular circulation system, including access and off-street and loading, is designed to provide an efficient, safe and convenient transportation system.*
- d. Whether the pedestrian circulation system is located, designed and of sufficient size to conveniently handle pedestrian traffic efficiently and without congestion; the extent to which the pedestrian circulation system is separated from vehicular roadways so as to be safe, pleasing and efficient for movement of pedestrians; and whether the pedestrian circulation system provides efficient, convenient and adequate linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities.*
- e. The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs, in relation to the type of use and neighborhood.*
- f. The adequacy of provisions for construction of moderately priced dwelling units in accordance with Chapter 25A if that Chapter applies.*
- g. The staging program and schedule of development.*
- h. The adequacy of forest conservation measures proposed to meet any requirements under Chapter 22A.*
- i. The adequacy of water resource protection measures proposed to meet any requirements under Chapter 19.*

FINDINGS for Project Plan Review:

Section 59-D-2.42 of the Zoning Ordinance sets forth the findings, which must be made by the Planning Board and form the basis for the Board's consideration of approval. In accordance herewith, the staff recommends that the Planning Board make the following findings (page 59D-25 of the Code):

(a) *As conditioned, the proposal complies with all of the intents and requirements of the zone.*

DISCUSSION OF INTENT OF THE ZONE

The Montgomery County Zoning Ordinance states the purposes, which the CBD zones are designed to accomplish. The following statements analyze how the proposed Project Plan conforms to these purposes:

(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 of 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 Project Plan proposes to use the Optional Method of Development. It is in conformance with the Approved and Adopted 1994 Sector Plan for the Bethesda Central Business District and the 2006 Wisconsin Triangle Amendment to the Sector Plan approved by the County Council and adopted by the full Park and Planning Commission on March 15, 2006.

The proposed development consists of one 9-story residential condominium building containing approximately 71 dwelling units. High-density residential uses are permitted in the CBD-1 Zone. The proposed building is 90 feet in height, measured from Rugby Avenue.

Under 59-C-6.235, 60 feet is the normally permitted maximum height for development under the optional method of development, but 90 feet may be approved by the Planning Board at site plan on a finding that the development does not adversely affect surrounding properties. If the project were to exceed 90 feet, five additional findings would have to be made.

This project plan will accomplish Sector Plan and Woodmont Triangle Amendment objectives by providing more housing, MPDUs on site, a public arts studio space, and a Facility Plan for the Battery Lane Urban Park. The project upgrades the physical environment and provides the Bethesda streetscape.

(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 project plan responds to the need for a variety of housing near metro in the Bethesda CBD, provides a public arts space, a small public plaza, and a Facility Plan for the renovation of Battery Lane Urban Park. This project will also encourage pedestrian activities by providing an improved, widened sidewalk, a small public open space and improvements to a popular linear park.

(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 project begins a revitalization of Rugby Avenue East of Norfolk Avenue and contributes to the supply of residential choices in the Bethesda CBD. The 9-story residential complex provides a transition from the older mid and high-rise rental apartments and condominiums to the north along Battery Lane and the single-family homes to the west. Older high-rise apartment buildings up to 143 feet in height are located two blocks south on Cordell Avenue.

The access points to the project will not conflict with the curb cuts on the opposite side of the adjacent streets.

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

The site is located approximately 2,800 feet from the Medical Center Metro Station and approximately 2,000 feet from the Bethesda Metro Station. Bus stops for six bus routes are located at Woodmont and Rugby Avenues, and the Bethesda Circulator stops across the street. Future residents will be able to walk to the numerous places of employment and restaurant, retail, service, and arts uses within the Woodmont Triangle and along Wisconsin Avenue.

(5) "to improve pedestrian and vehicular circulation."

The project provides an improved pedestrian sidewalk, replacing a 5-foot wide concrete sidewalk and a long expanse of driveway and head-in parking with a 10-foot wide sidewalk with the Bethesda brick pavers. The driveway and loadings dock access across the sidewalk are paved with the brick pavers and level with the sidewalk as well. Street trees and utilities placed underground will make walking along this site to the park or to Norfolk Avenue a pleasant experience.

The applicant will propose improvements to the entrance to Battery Lane Urban Park and to the hiker/biker trail within the park in the Facility Plan. This important

trail links the Woodmont Triangle with residents on Battery Lane and with the National Institutes of Health. This trail is part of a continuous trail system connecting the North Bethesda Trolley Trail, Norfolk Avenue and the Capital Crescent Trail.

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

One of the main goals of the Woodmont Triangle Amendment to the 1994 Bethesda Sector Plan is to provide housing near metro for a variety of income levels. This project provides 60 market rate units and 11 MPDUs on site. Consistent with Chapter 25A, the applicant is committed to providing all 11 MPDUs within the building.

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

The project replaces a gravel parking lot and two older retail and commercial buildings with a modern residential building and public open space. This is a more desirable use of the land, adding residents who will use the businesses and services of the area, helping revitalize the Triangle, and providing pedestrian activity on the street in a part of the CBD that has been underutilized. The project plan responds to the need for more housing in the CBD, addresses smart growth policies and contributes to the variety and size of the open space network in the Woodmont Triangle.

Section 59-C-6.213 states that it is further the intent in the CBD-1 Zone:

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

The 4851 Rugby Avenue project proposes additional residential uses for the edge of the CBD at an appropriate density. The site provides a transition from rental and condominium units to the north and east and the lower density of the single-family homes to the west to the greater density of the central part of the CBD.

In addition, through providing a Functional Plan for Battery Lane Urban Park, Improvements to a vital link between the residential, commercial and scientific parts of the community will be planned and set in motion.

REQUIREMENTS OF THE CBD-1 ZONE

Section 59-C-6.23 sets forth the development standards for the CBD-1 zone. The following table summarizes the required and proposed project features:

PROJECT PLAN DATA TABLE

Development Standard	Permitted/Required	Proposed
Gross Tract Area (s.f.):	18,000*	20,258 s.f.+
Net Lot Area (s.f.):		15,835 s.f.
Gross Floor Area (s.f.): Residential		104,644 s.f.
Public arts space		1,250 s.f.
+4,423 s.f. previously dedicated;		
Density		
Floor Area Ratio	N/A	N/A
Dwelling Units (per acre)	125 d.u.	71 d.u.
71 dwelling units represents 15% MPDUs, 60 market rate and 11 MPDU units 22% bonus density based on 125 d.u./acre		
Public Use Space (% s.f.):		
On-site: 20% min.net lot	3,167 s.f.	3,195 s.f.(20.17%)
Public Amenity Space (in public r.o.w.)		1,790 s.f.
Max. Building Height (ft.) (Discussed below on page 21)	90 feet	90 feet
**Parking Required:	81	95
Residential Uses(Mkt. Rate)		
1 BR @ 1.25 sp/unit(32 x 1.25)	40	40
2 BR @ 1.50 sp/unit (28 x 1.5)	42	42
Residential Uses (MPDUs)		
1 BR @ 0.625 sp/unit (6 x 0.625)	4	4
2 BR @ 0.75 sp/unit (5 x 0.75)	4	4

*ZTA#05-08 reduced the minimum lot size for the OMD
(Attachment #7)

The Woodmont Triangle Amendment has no minimum lot size for the OMD.
(Attachment #6)

**Note: Site is within the limits of the Bethesda Parking Lot District and not required to provide any parking spaces pursuant to Section 59-E-5.2 of the Montgomery County

Zoning Ordinance. Parking credits are applicable pursuant to Section 59-E-3.3 for residential uses in the CBD and proximity to the Metro.

Height

The Applicant initially applied for 101 feet. If 101 feet were proposed, the application would not meet the zoning requirements for exceeding 90 feet under 59-C-6.235. The Applicant has agreed to seek approval for a 90-foot building. A 90-foot building would not adversely affect surrounding properties at 90 feet.

Amenities and Facilities Summary

On-Site Improvements

An on-site public open space of approximately 1,945 square feet is provided. The green space connects to the public art space and provides a south-facing open space for residents and the public alike. The 1,250 square foot arts work and exhibit studio will open onto the green space.

Off-Site Improvements

Streetscape

The public sidewalk will be improved with the Bethesda streetscape, including street trees, Washington Globe street trees, undergrounding of utilities, benches, and trash receptacles.

Facilities Plan for Battery Lane Urban Park

The applicant will provide a Facilities Plan for improvements of Battery Lane Urban Park. This Plan, representing 30% drawings, and based on a concept submitted by the applicant, proposes screening the park from adjacent parking facilities, an improved hiker/biker trail, an arts and science theme in the park furnishings, new signs, new lighting, old overhead wire and utilities placed underground, an improved entry and amended plantings. The Facilities Plan will be presented to community groups, revised, and brought before the Planning Commission for review. The Plan will include revised grading to correct drainage problems. A letter dated March 3, 2006 from David D. Freishtat, Attachment #3, describes the applicant's commitment to developing the Facility Plan.

The Rugby Avenue Right-of-Way (60 foot right-of-way.)

Rugby Avenue is a two lane commercial street with parking on both sides. The full Bethesda CBD streetscape will be provided along the extent of the property on the north side of Rugby Avenue. Utility lines will be placed underground. The sidewalk will be improved with the Bethesda paver and be a minimum of 10 feet in width, the Washington Globe will be installed at 60 feet on center, and Red Oak street trees will be planted at approximately 30 feet on center in improved tree pits. A Memorandum from Transportation Planning is Attachment #1.

(b) As conditioned, the proposal conforms to the approved and adopted Master or Sector Plan or an Urban Renewal Plan approved under Chapter 56.

Zoning, Land Use and Sector Plan Conformance:

The approved and Adopted 1994 Bethesda CBD Sector Plan recommends the CBD-1 zoning for this site. The site is included in the Woodmont Triangle Amendment Study Area and no changes were made to the zoning for the site.

Conformance with the Purpose of the Woodmont Triangle Amendment:

The Woodmont Triangle Amendment builds on the goals of the 1994 Plan and seeks to spur the development of a variety of housing in the Woodmont Triangle, promotes revitalization by having more people living, walking and working in the Triangle, promotes additional streetscape in the area and seeks to support the Arts and Entertainment District by implementing a series of art amenity features.

This project conforms to the purpose of the Amendment by providing MPDU's on site, providing a small art studio open to the public, and by contributing to the quality of the outdoor public spaces in the Woodmont Triangle through the Facility Plan for Battery Lane Urban Park and by providing additional streetscape.

c) As conditioned, 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.

Compatibility: The proposed residential project is located between apartments and condominiums on the north, single-family residences on the west, and older businesses on the east and south. The proposed 9-story building is sufficiently setback from the apartments to the north to avoid heavy shadowing. The apartment building to the north is separated from the proposed building by 125 feet of surface parking lot. The proposed project will be an improvement over the existing gravel parking lot and office buildings.

The proposed development is compatible with existing and proposed development within the surrounding area with regard to height, design of the buildings and public spaces, intensity of the development and operational characteristics.

(d) As conditioned, 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 24A, article H, is subject to a traffic mitigation agreement that meets the requirements of that article.

The project will be built in one phase.

A memorandum from Transportation Planning is attachment #1 to this report. The project will enter into a traffic mitigation agreement with the Planning Board as specified. The residential project will not severely impact the adjacent intersections. 95 parking spaces are provided within the project for 71 dwelling units. The Applicant is providing 5 more parking spaces than required. In addition, a public parking structure is located one block away, and transit services are excellent at this site. The site is within the Bethesda Parking District.

Regarding potential impacts on public schools, high-rise projects typically generate a low rate of students. Studies prepared for the Woodmont Triangle Amendment found that no additional school facilities would be required, even with an increase of 1,500 hundred housing units over the next 10-15 years.

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

The Optional Method of Development permits a more efficient and desirable product than the standard method of development.

Under the Standard Method of Development, the project could achieve approximately half the proposed dwelling units and would provide only 5 MPDUs. 11 MPDUs are provided by this project as well as streetscape, a green space and amenity improvements. Under the standard method of development, 10% public use space, a minimal amount of streetscape and no amenity space would be achieved.

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

The proposed development is providing 11 MPDU's on site, 15 percent of the total number of units, in accordance with the provision of Chapter 25A of the Montgomery County Zoning Ordinance.

g) As conditioned, the proposal satisfies any applicable requirements for forest Conservation under chapter 22A.

The Environmental Planning Division reviewed the proposed project. The Plan qualifies for an exemption for a small Property, less than 1.5 acres in size. This property is not subject to a Tree Save Plan nor is it within a Special Protection Area. Please see attachment #2.

h) As conditioned, the proposal satisfies any applicable requirements for water quality resources protection under Chapter 19.

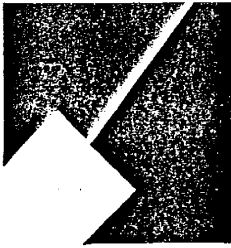
A stormwater management concept plan has been submitted for review to the Department of Permitting Services. The application proposes on-site management.

APPENDIX

1. Memorandum from Transportation Planning
2. Forest Conservation Recommendations, Environmental Planning
3. March 3, 2005 letter from David Freishtat
4. March 9, 2006 Letter from David Freishtat with list of community representatives contacted
5. Fire Marshal Comments
6. Resolution No. 06-04, M-NCPPC
7. Zoning Text Amendment No: 05-08, effective February 28, 2006

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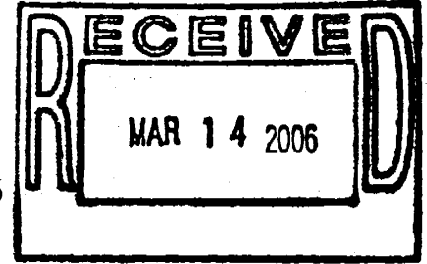
M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760



March 13, 2006

MEMORANDUM

TO: Marilyn Clemens, Planner/Coordinator
Community Based Planning

Dolores Kinney, Senior Planner
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning

FROM: Scott A. James, Planner/Coordinator *Sj*
Transportation Planning

SUBJECT: Rugby Condominium
Preliminary Plan # 1-06029 and Project Plan #9-06005
Bethesda Central Business District

This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review and approval of the subject preliminary and project plan application to construct 75 residential units in downtown Bethesda.

RECOMMENDATION

Transportation Planning staff recommends approval of the above referenced preliminary and project plans with the following conditions as part of the APF test for transportation requirements related to Local Area Transportation Review (LATR):

1. Limit the development to 75 high-rise residential units.
2. Suggest that the applicant enter into a traffic mitigation agreement to participate in the Bethesda Transportation Management Organization.

3. Provide one bike rack in front of entrance and three bicycle lockers in the proposed structured parking garage.
4. Participate with others including Park and Planning and Department of Public Works and Transportation to reconfigure the intersection of Rugby Avenue at Auburn Avenue for improved pedestrian access and safety.

DISCUSSION

Site Location, Access, Circulation, and Parking

The subject property is located at the corner of Rugby Avenue and Auburn Avenue in Bethesda, between Woodmont Avenue and Glenbrook Road in the Bethesda Central Business District (CBD). The proposed development occupies the northern side of Rugby Avenue, opposite the terminus of Auburn Avenue. The development proposes to construct up to 75 residential units within a ten-story building with direct vehicular access from Rugby Avenue. The proposed access driveway is aligned with Auburn Avenue within the Auburn Avenue/Rugby Avenue intersection. Future roadway improvements to this intersection may involve a geometric modification that will improve pedestrian access across the intersection.

Local Area Transportation Review

The proposed development of 75 residential units is anticipated to generate 23 AM peak hour trips and 23 PM peak hour trips during a regular weekday. As such, the development does not require a traffic impact study per the LATR Guidelines. However, a detailed traffic impact statement was provided to discuss the likely impact to adjacent transportation infrastructure.

The traffic impact statement concluded that no significant impact or increase in congestion is anticipated. All nearby intersections currently operate within the established Bethesda CBD Critical Lane Volume (CLV) threshold of 1,800 vehicles.

Master Plan Roadways and Bikeways

Rugby Avenue is a residential street of Bethesda's Central Business District with an ultimate right-of-way of 60 feet east of Auburn Avenue. Auburn Avenue is a Business Street of sixty feet ultimate right-of-way. As the proposed development occupies the northern side of Rugby Avenue east of its intersection with Auburn Avenue, the applicant will dedicate land to equal thirty feet, as measured from the centerline in accordance with the Bethesda CBD Sector Plan.

According to the Countywide Bikeways Functional Master Plan, an alternative shared-use path (SR - 7 & SR - 10) is proposed to access the National Institute of Health property north of the site via the Glenbrook Road alignment. No proposed or existing bicycle facilities are located within the proposed development

Pedestrian Access

The northern side of Rugby Avenue does not have a marked pedestrian crosswalk at the intersection of Auburn Avenue. There are long term plans for more efficient traffic (vehicular and pedestrian) circulation through this intersection by means of realigning the approach lanes on Auburn Avenue and shortening the north-south pedestrian crossing distance. At which time, the applicant will participate on a pro rata basis (using daily trips generated) with other parties to implement this improvement. The project proposes to tie into the existing network of pedestrian facilities within the Bethesda CBD.

SAJ:gw

mno to Clemens re Rugby Lane Condos

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FOREST CONSERVATION RECOMMENDATIONS

TO: Plan review staff, Environmental Planning Section

SUBJECT: Project Name Woodmont Triangle/Rugby Ave. Date Recd 7/15/05
NRI/FSD # 4-06002E

The above-referenced plan has been reviewed by the Environmental Planning Division to determine the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law). - A determination has been made that the plan qualifies for the following exemption:

EXEMPTION:

Small Property

- Activity occurring on a tract less than or equal to 1.5 acre in size where there is no existing forest and afforestation requirements would be less than 10,000 square feet, and no specimen or champion trees will be disturbed;
- Activity occurring on a tract less than or equal to 1 acre in size where activity will not result in the clearing of more than 30,000 square feet of existing forest, or any specimen or champion trees, and reforestation requirements would be less than 10,000 square feet.

Note: Tree Save Plan, including preservation and/or replanting of individual trees is required in lieu of a FCP where trees are impacted. Forest within any priority area on-site must be preserved.

NOTE: Per section 22A-6(b) of the Forest Conservation Law, Tree Save Plans may be substituted for Forest Conservation Plans on properties where the proposed development is exempt from Forest Conservation except that it involves clearing of specimen or champion trees.

This property is not subject to a Tree Save Plan.

This property is not within a Special Protection Area.

Signature: Candy Bunnag ^{CB}
, Environmental Planning

Date: 7/26/05

cc: Elliot Schnitzer, Hampden Lane Associates (fax: 301-657-8339)

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Post-It [®] Fax Note	7671	Date	7/26	# of pages	1
To	Elliot Schnitzer				
From	Candy Bunnag				
Co./Dept.	Hampden Lane Assoc.				
	MNCPPC				
Phone #		Phone #	301 495 4543		
Fax #	301 657 8339		Fax #		

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• Maryland only † Retired

Writer's Direct Dial Number:
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dfreishtat@srgpe.com

March 3, 2006

Mrs. Marilyn Clemens
Maryland-National Capital Park
& Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Project Plan No. 92000050; 4851 Rugby Avenue, LLC
Our File No. 109495.00003

Dear Mrs. Clemens:

The purpose of this letter is to memorialize our discussions regarding the above-referenced matter and to commit the applicant to an agreed-upon course of action.

The applicant, 4851 Rugby Avenue, LLC has filed a request with the Montgomery County Planning Board for approval of a Project Plan application to permit the construction of 71 residential units in the Woodmont Triangle portion of the Bethesda CBD.

Pursuant to our discussions, the applicant has agreed to prepare a "Facility Plan" for the Battery Lane Park, as shown on the Bethesda CBD Sector Plan and the Woodmont Triangle Amendment to that Plan. A design concept for the park shall be provided by Friday, March 10, 2006, for inclusion with our Development Plan materials.

Specifically, we have agreed that the Facility Plan will be reflective of a 30% design drawing (as noted in the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan).

The applicant, 4851 Rugby Avenue, LLC, further agrees that it will authorize its engineers to work with you and the other staff members in refining the Plan through meetings with community leaders. It is understood that there will be one such meeting with community groups and leaders. After these community meetings, our engineer will present the Concept or Facility Plan to the Montgomery County Planning Board for its approval of the Plan.

Ms. Marilyn Clemens
March 3, 2006
Page 2

Our engineers will send out the notices of the community groups meeting to the individuals and groups identified by you and other Maryland-National Capital Park & Planning Commission staff members.

The Facility Plan will show a preliminary grading plan to resolve drainage and grading issues. The other issues to be addressed by the Facility plan are a follows:

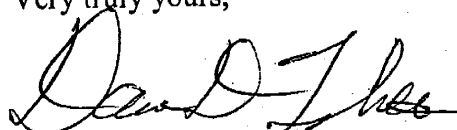
- Improve the entrance to the park from Norfolk Avenue.
- Widen the existing bicycle trail to 10 feet and improve it as necessary to reinforce its importance.
- Create a new gathering area for picnics and small performances.
- Incorporate art or an arts and science theme in the site furnishings.

It is understood that this Facility Plan is recommended by the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan.

On behalf of the applicant and the consultants who have been working hard on this project, we appreciate your and other staff members working with us and we look forward to working with you as this project moves forward.

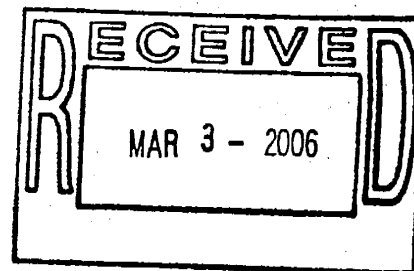
My best regards.

Very truly yours,


David D. Freishtat

DDF/grs

cc: Mr. Elliot Schnitzer
Mr. Arnold Polinger
Mr. James Alexander
Mrs. Kathleen Kulenguski
Mr. Doug Alexander
Mr. Guy Martin



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Writer's Direct Dial Number:
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dfreishtat@srgpe.com

March 9, 2006

Re: Project Plan Approval; 4851 Rugby Avenue LLC
Our File No. 109495.00003

Dear _____:

This Firm represents 4851 Ruby Avenue LLC which has applied for approval of a Project Plan for a proposed residential building at 4851 Rugby Avenue. The plans have been filed with the Park and Planning Commission. I wanted to offer to you the opportunity to meet with me and a representative of the developer to review the plans and respond to any questions you might have.

Please call me if you have any questions or wish to meet and review the plans. We appreciate your comments and input in the review process.

My best regards.

Very truly yours,

David D. Freishtat

DDF/grs

