

**REVISED PROJECT PLAN CONDITIONS**  
**Project Plan #920060050**  
**The Rugby Condominium**

**SUMMARY**

The Application proposed 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 does not accept Condition #2, regarding the maximum height of 90'.

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 and 3) the maximum height approvable under the Zoning Ordinance.

**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;

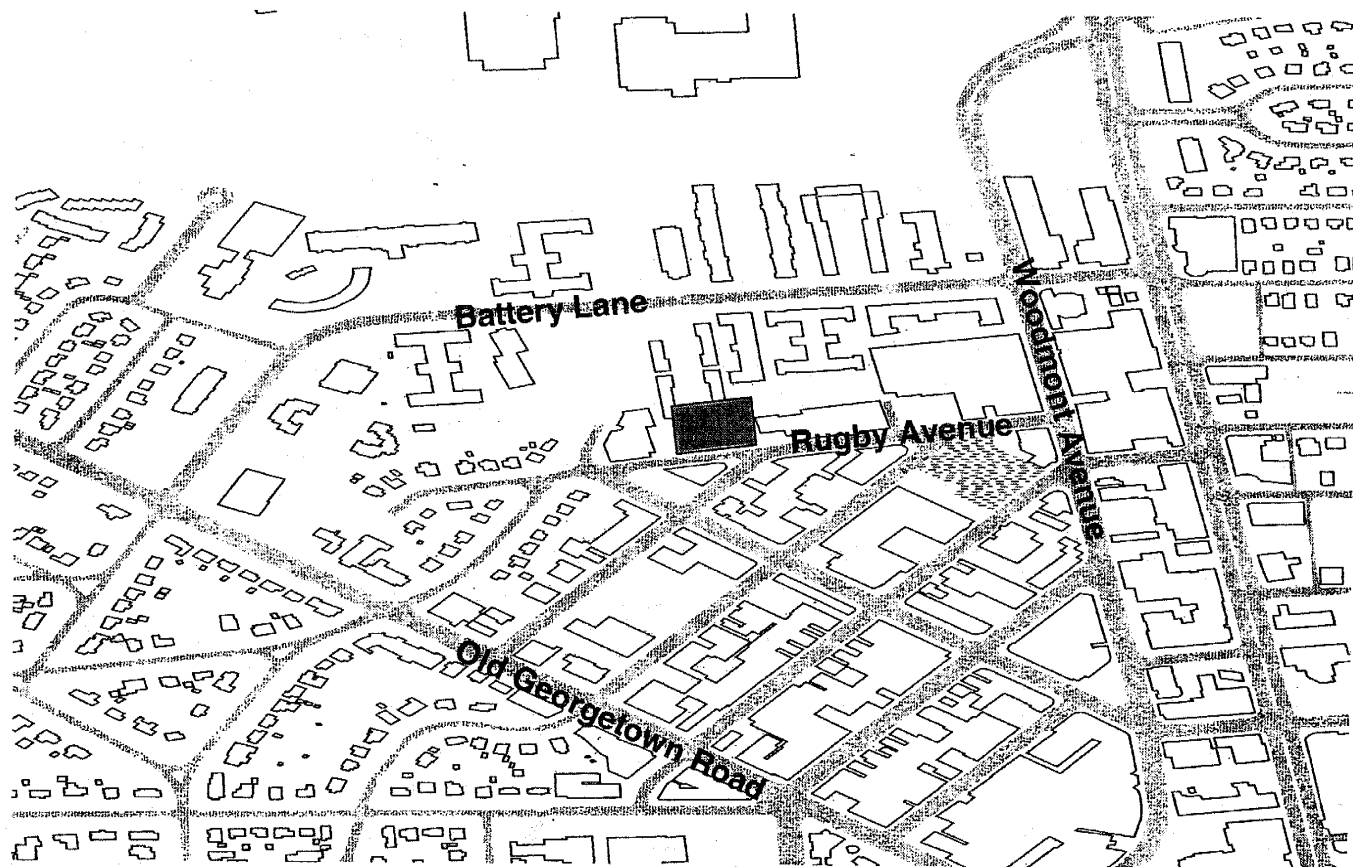
### **6. Streetscape**

- 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

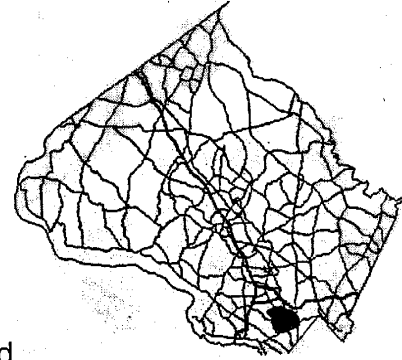
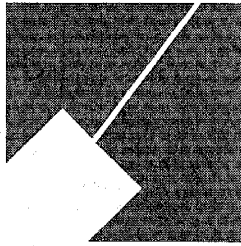
feet within the building facing onto Rugby Avenue and the public open space; the space will be dedicated to studio and exhibit space for “emerging” artists selected by a local arts panel.

- 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.~~

# RUGBY CONDOMINIUMS



PROJECT PLAN #920060050  
March 30, 2006

**MEMORANDUM**

**DATE:** March 15, 2006  
**TO:** Montgomery County Planning Board  
**VIA:** Rose Krasnow, Chief *RK*  
 Development Review Division  
 Robert Kronenberg, Acting Supervisor  
 Development Review Division *RAK*  
**FROM:** Marilyn Clemens, Planner/Coordinator *MC*  
 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.

## TABLE OF CONTENTS

	Page
<b>SUMMARY</b> .....	3
<b>STAFF RECOMMENDATIONS</b> .....	3
<b>PROJECT DESCRIPTION</b>	
Surrounding Vicinity .....	7
Site Description.....	8
Proposed Development.....	9
Illustrations.....	10-12
Facility Plan for Battery Lane Urban Park.....	14
<b>PLANNING AND REGULATORY FRAMEWORK</b> .....	15
Master Plan.....	15
Prior Approvals.....	15
Preliminary Plan.....	15
<b>BASIS FOR CONSIDERATION OF ISSUES</b> .....	15
<b>REQUIRED FINDINGS</b> .....	17
Compliance with the intents and requirements of the Zone... ..	17
Project Plan Data Table.....	20
Conformance to the approved and adopted Sector Plan... ..	22
Compatibility with the general neighborhood.....	21
Adequacy of existing or programmed public services.....	22
More desirable than the standard method of development... ..	23
Provision of moderately priced dwelling units.....	23
Requirement for forest conservation.....	23
Requirements for water quality resource protection... ..	23
<b>APPENDIX</b> .....	24
Transportation Planning Division Memorandum.... ..	25
Environmental Planning Division Memorandum.....	28
Letter from Applicant dated March 3, 2006 .....	29
Letter from Applicant dated March 9, 2006.....	31
Fire Marshal Comments.....	34
Resolution No. 06-04 M-NCPPC.....	35
ZTA No. 05-08.....	60

## **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.

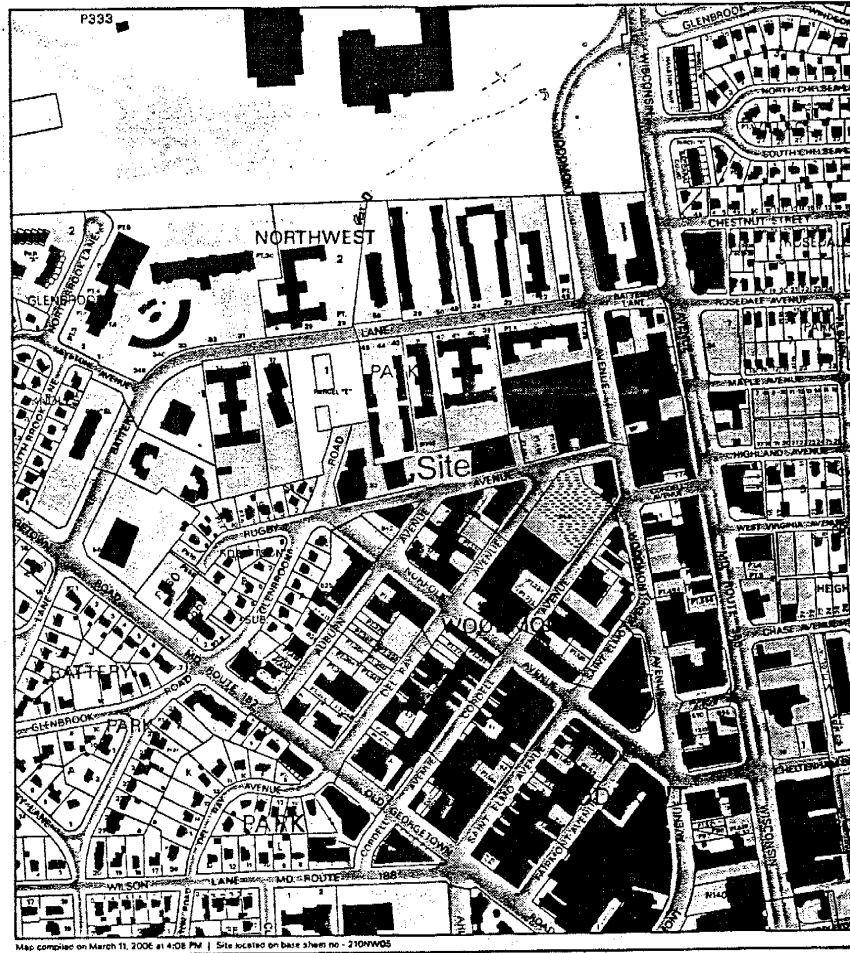
- c. In conjunction with site plan review, the operation and management of the arts space must be set forth in a complete agreement in draft form between the Bethesda Urban Partnership (BUP) and the Applicant. This agreement will be subject to Planning Board review at the time of site plan, and the final 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)**



Map compiled on March 11, 2006 at 4:08 PM | Site located on base sheet no. 210PW05

## 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.

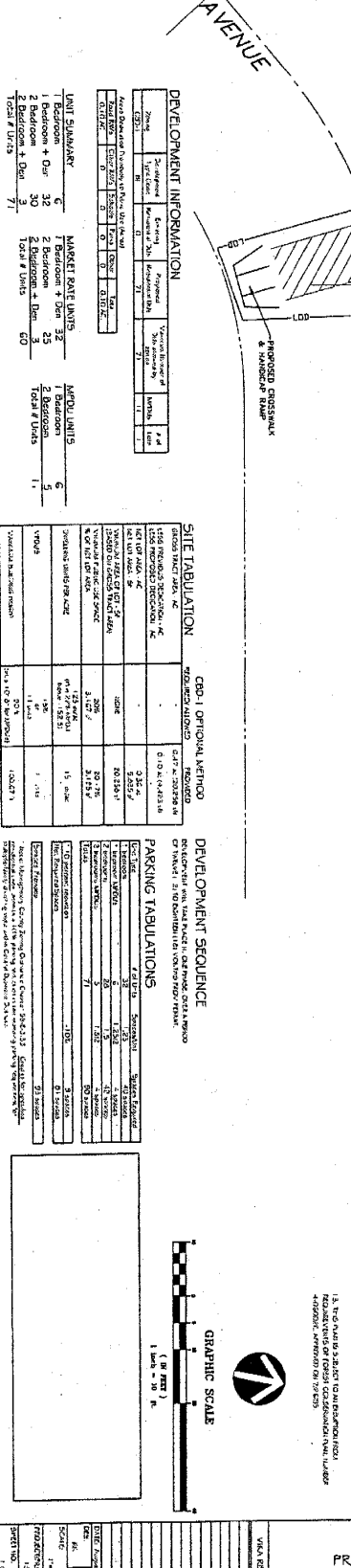


## **PROJECT DESCRIPTION: Proposal**

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	Unit	Notes
1 Bedroom + Den	32	Units	
2 Bedroom + Den	33	Units	
3 Bedroom + Den	3	Units	
<b>Total # Units</b>	<b>68</b>		

**MARKET RATE UNITS**

Unit Type	Count
1 Bedroom + Den	32
2 Bedroom + Den	33
3 Bedroom + Den	3
<b>Total # Units</b>	<b>68</b>

**MODULE UNITS**

Unit Type	Count
1 Bedroom	6
2 Bedroom	5
3 Bedroom	1
<b>Total # Units</b>	<b>12</b>

**SITE TABULATION**

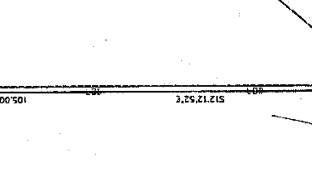
Category	Count	Area (sq ft)
100' REQUIRED SETBACK	1	10,000
150' REQUIRED SETBACK	1	15,000
100' REQUIRED SETBACK	1	10,000
150' REQUIRED SETBACK	1	15,000
<b>Total</b>	<b>4</b>	<b>50,000</b>

**DEVELOPMENT SEQUENCE**

Phase	Area (sq ft)	Volume (cu yd)
1. EXCAVATION	10,000	100,000
2. CONCRETE	15,000	150,000
3. MASONRY	10,000	100,000
4. INTERIORS	15,000	150,000
5. FINISHES	10,000	100,000
<b>Total</b>	<b>60,000</b>	<b>600,000</b>

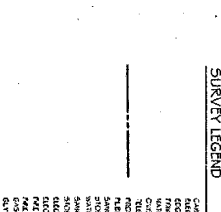
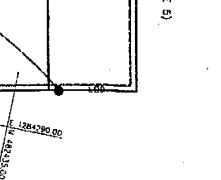
**PARKING TABULATIONS**

Level	Count	Area (sq ft)
1st Floor	32	3,200
2nd Floor	33	3,300
3rd Floor	3	300
<b>Total</b>	<b>68</b>	<b>6,800</b>

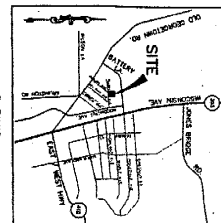


- BINDING ELEMENTS:**
1. THE TOTAL NUMBER OF UNITS SHALL BE 68 UNITS.
  2. THE TOTAL GROSS FLOOR AREA SHALL BE 680,000 SQ FT.
  3. THE TOTAL GROSS FLOOR AREA SHALL BE 680,000 SQ FT.
  4. THE TOTAL GROSS FLOOR AREA SHALL BE 680,000 SQ FT.

- GENERAL NOTES:**
1. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.
  2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.
  3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.
  4. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.



- PROJECT TEAM**
- | Role                | Name                  |
|---------------------|-----------------------|
| ARCHITECT           | THE RUGBY CONDOMINIUM |
| ENGINEER            | THE RUGBY CONDOMINIUM |
| PLANNING            | THE RUGBY CONDOMINIUM |
| LANDSCAPE ARCHITECT | THE RUGBY CONDOMINIUM |
| CONTRACTOR          | THE RUGBY CONDOMINIUM |



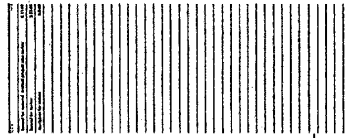
**PRELIMINARY PLAN #12060290**

**THE RUGBY CONDOMINIUM**

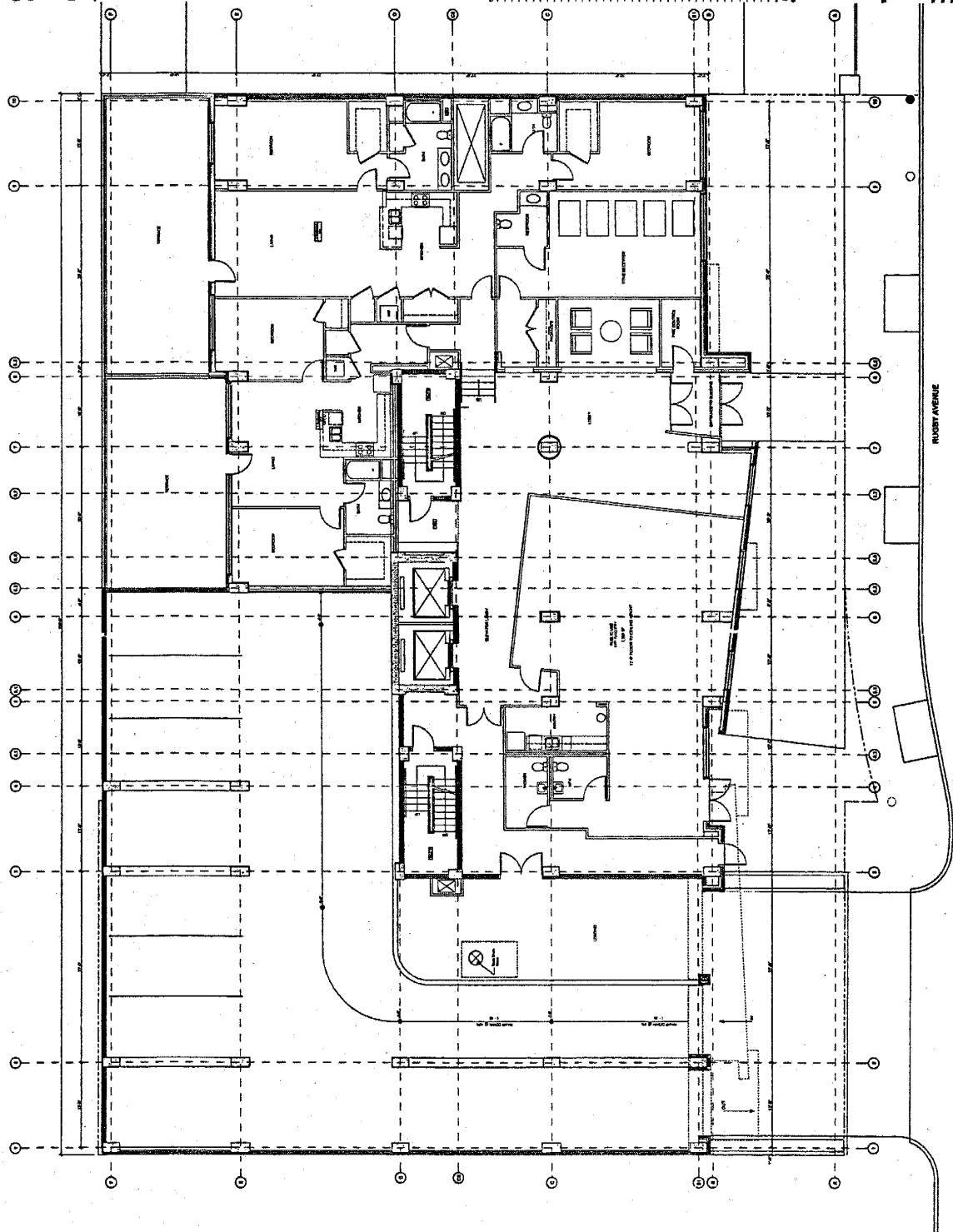
7TH ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND



Rugby Avenue  
Condominium  
4851 Rugby Avenue  
Bethesda, MD 00000



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*

*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 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 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
<b>Gross Tract Area (s.f.):</b>	18,000*	20,258 s.f.+
<b>Net Lot Area (s.f.):</b>		15,835 s.f.
<b>Gross Floor Area (s.f.):</b> Residential		104,644 s.f.
Public arts space		1,250 s.f.
+4,423 s.f. previously dedicated;		
<b>Density</b>		
<b>Floor Area Ratio</b>	N/A	N/A
<b>Dwelling Units (per acre)</b>	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		
<b>Public Use Space (% s.f.):</b>		
On-site: 20% min.net lot	3,167 s.f.	3,195 s.f.(20.17%)
<b>Public Amenity Space</b> (in public r.o.w.)		1,790 s.f.
<b>Max. Building Height (ft.)</b> (Discussed below on page 21)	90 feet	90 feet
<b>**Parking Required:</b>	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.