

*(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.*

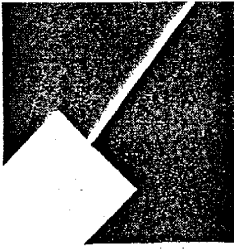
A stormwater management concept plan has been submitted for review to the Department of Permitting Services. The application proposes on-site management.

## 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

CBP/mc/rugbyonmarch.doc

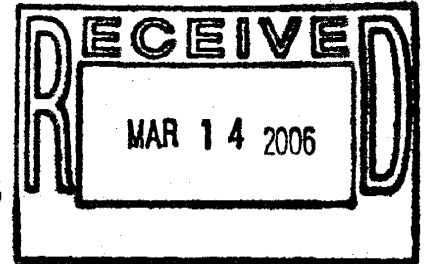
M-NCPPC



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 <sup>CB</sup> Date: 7/26/05  
Environmental Planning

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

ftpexemption.doc r01/03

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

# SHULMAN ROGERS GANDAL PORDY & ECKER, P.A.

Lawrence A. Shulman  
Donald R. Rogers  
Karl L. Ecker†  
David A. Pordy\*  
David D. Freishtat  
Martin P. Schaffer  
Christopher C. Roberts  
Edward M. Hanson, Jr.  
David M. Kochanski  
James M. Kefauver†  
Robert B. Canter  
Daniel S. Krakower  
Kevin P. Kennedy  
Nancy P. Regelin  
Samuel M. Spiritos\*  
Martin Levine  
Worthington H. Talcott, Jr.\*  
Fred S. Sommer  
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Jeremy W. Schulman  
William F. Askinazi  
Matthew M. Moore\*  
Jeannie Eun Cho  
Debra S. Friedman\*  
Eric J. von Vorys  
Gary I. Horowitz  
Heather L. Howard\*  
Stephen A. Metz

Hong Suk "Paul" Chung  
Patrick J. Howley  
Carmen J. Morgan\*  
Kristin E. Draper\*  
Heather L. Spumier\*  
André L. Brady  
Melissa G. Bernstein  
Patricia Teck  
Jacob A. Ginsberg  
John D. Sadler  
Marc E. Pasckoff  
Erin J. Ashbarry  
Alexis H. Peters\*  
Meredith S. Abrams  
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Deborah L. Moran  
Scott D. Field

*Special Counsel*  
Philip R. Hochberg\*  
*Maryland and D.C. except as noted:*  
\* Virginia also ° D.C. only  
• Maryland only † Retired

Writer's Direct Dial Number:  
301-230-5206  
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:

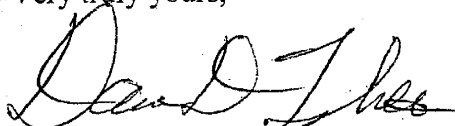
- Improve the entrance to the park from Norfolk Avenue.
- Widen the existing bicycle trail to 10 feet and improve it as necessary to reinforce its importance.
- Create a new gathering area for picnics and small performances.
- Incorporate art or an arts and science theme in the site furnishings.

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.

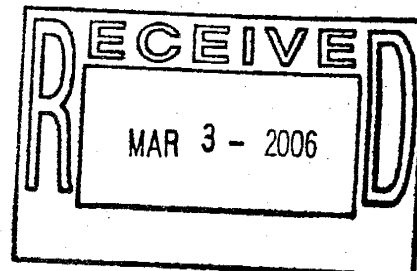
Very truly yours,



David D. Freishtat

DDF/grs

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



**SHULMAN  
ROGERS  
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° Maryland only    † Retired

Writer's Direct Dial Number:  
301-230-5206  
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.

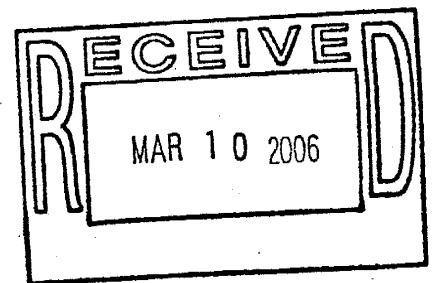
Please call me if you have any questions or wish to meet and review the plans. We appreciate your comments and input in the review process.

My best regards.

Very truly yours,

David D. Freishtat

DDF/grs



On March 9, 2006, the attached letter was mailed to the following addressees:

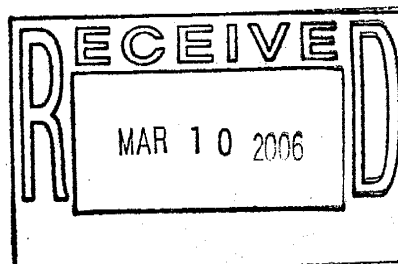
Mr. John M. Conroy  
7901 Norfolk Avenue  
Bethesda, Maryland 20814

Ms. Deborah Sneed  
West Montgomery County Citizens Advisory Board  
Bethesda-Chevy Chase Services Center  
4805 Edgemoor Lane  
Bethesda, Maryland 20854

Mr. Stephen N. Sawicki  
Edgewood Glenwood Citizens Association  
8213 Maple Ridge Road  
Bethesda, Maryland 20814

Mr. Paul Ravitz  
8009 Glenbrook Road  
Bethesda, Maryland 20814

Mr. James Quigley  
Ms. Carmy Stillman  
Battery Lane Residents Association  
4890 Battery Lane, Apt. 419  
Bethesda, Maryland 20814





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## FIRE MARSHAL COMMENTS

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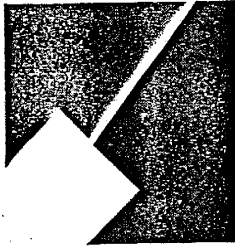
**DATE:** 2-6-06  
**TO:** PLANNING BOARD, MONTGOMERY COUNTY  
**VIA:**  
**FROM:** CAPTAIN JOHN FEISSNER 240.777.2436  
**RE:** APPROVAL OF ~ *RUGBY CONDOMINIUM 1-20060290 & #920060050(FORMERLY 9-06005)*

---

### 1. PLAN APPROVED.

- a. Review based only upon information contained on the plan submitted 2-6-06. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
- b. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

Note: Fire hydrants are required to be within 100 feet of building sprinkler standpipe system.



THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, [www.mncppc.org](http://www.mncppc.org)

March 1, 2006

**MEMORANDUM**

**TO:** The Maryland-National Capital Park and Planning Commission

**VIA:** John A. Carter, Chief *JAC*  
Community-Based Planning Division

**FROM:** Marilyn Clemens, Planner Coordinator (301.495.4572) *MC*  
Community-Based Planning Division

**SUBJECT:** Adoption of the Woodmont Triangle Amendment to the 1994 Sector Plan for the Bethesda Central Business District (CBD)

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**RECOMMENDATION:**

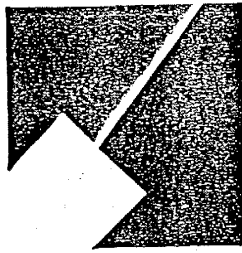
Approve Resolution No. 06-04 for Adoption

**DISCUSSION**

The Full Commission Resolution No. 06-04 to adopt the Woodmont Triangle Amendment to the 1994 Sector Plan for the Bethesda CBD is attached for your review and approval. The District Council Resolution No. 15-1317 dated January 31, 2006 is also attached for your information.

The Woodmont Triangle Amendment to the 1994 Sector Plan for the Bethesda CBD was approved unanimously by the District Council on January 31, 2006. This Amendment is an example of planning at the neighborhood scale. It includes significant opportunities to increase housing for a variety of income levels, improve retail, and provide amenities in the Bethesda CBD.

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  
301-495-4500, [www.mncppc.org](http://www.mncppc.org)

**M-NCPPC No. 06-04**  
**MCPB No. 06-02**

**RESOLUTION**

WHEREAS, The Maryland-National Capital Park and Planning Commission, by virtue of Article 28 of the Annotated Code of Maryland, is authorized and empowered, from time to time, to make and adopt, amend, extend and add to the General Plan for the Physical Development of the Maryland-Washington Regional District; and

WHEREAS, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, pursuant to said law, held a duly advertised public hearing on May 20, 2004, on the Public Hearing (Preliminary) Draft of the Woodmont Triangle Amendment to the Sector Plan for the Bethesda Central Business District (CBD), being also an amendment to the Approved and Adopted Bethesda-Chevy Chase Master Plan, 1990 as amended; the Master Plan of Bikeways, 2005, as amended; the General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District in Montgomery and Prince George's Counties, as amended; and the Master Plan of Highways within Montgomery County, as amended; and

WHEREAS, the Montgomery County Planning Board, after said public hearing and due deliberation and consideration, on December 22, 2004, approved the Planning Board (Final) Draft of the proposed Woodmont Triangle Amendment to the Sector Plan for the Bethesda Central Business District, and recommended that it be approved by the District Council and forwarded it to the County Executive for recommendation and analysis; and

WHEREAS, the Montgomery County Executive reviewed and made recommendations on the Planning Board (Final) Draft of the Woodmont Triangle Amendment to the Sector Plan for the Bethesda Central Business District and forwarded those recommendations with a fiscal analysis to the District Council on February 23, 2005; and

WHEREAS, the Montgomery County Council, sitting as the District Council for the portion of the Maryland-Washington Regional District lying within Montgomery County, held a public hearing on May 10, 2005 and July 12, 2005, wherein testimony was received concerning the Planning Board (Final) Draft of the Woodmont Triangle Amendment to the Sector Plan for the Bethesda Central Business District; and

WHEREAS, the District Council, on January 31, 2006, approved the Planning Board (Final) Draft of the Woodmont Triangle Amendment to the Sector Plan for the Bethesda Central Business District subject to the modifications and revisions set forth in Resolution No. 15-1317; and

Resolution No.: 15-1316  
Introduced: January 31, 2006  
Adopted: January 31, 2006

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

---

By: District Council

---

**SUBJECT:** Approval of Planning Board Draft Woodmont Triangle Amendment to the Bethesda CBD Sector Plan

1. On December 22, 2004, the Montgomery County Planning Board transmitted to the County Executive and the County Council the Planning Board Draft Woodmont Triangle Amendment to the Bethesda CBD Sector Plan.
2. The Planning Board Draft Woodmont Triangle Amendment to the Bethesda CBD Sector Plan amends the approved and adopted 1980 Master Plan of Bikeways; The General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District in Montgomery and Prince George's Counties; The Countywide Park Trails Plan; and The Master Plan of Highways within Montgomery County.
3. On February 23, 2005, the County Executive transmitted to the County Council his fiscal analysis of the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan.
4. On May 10, 2005 and July 12, 2005, the County Council held a public hearing regarding the Planning Board Draft Woodmont Triangle Amendment to the Bethesda CBD Sector Plan. The Sector Plan was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.
5. On September 15, September 26, October 10, October 24, and October 31, 2005 the Planning, Housing, and Economic Development Committee held worksessions to review the issues raised in connection with the Planning Board Draft Woodmont Triangle Amendment to the Bethesda CBD Sector Plan.
6. On November 22, 2005, the County Council reviewed the Planning Board Draft Woodmont Triangle Amendment to the Bethesda CBD Sector Plan and the recommendations of the Planning, Housing, and Economic Development Committee.

Action

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

The Planning Board Draft Woodmont Triangle Amendment to the Bethesda CBD Sector Plan, dated December 2004, is approved with revisions. Council revisions to the Planning Board Draft Woodmont Triangle Amendment to the Bethesda CBD Sector Plan are identified below. Deletions to the text of the Plan are indicated by [brackets], additions by underscoring.

Page 1: Under Purpose of the Amendment, revise paragraph as follows:

In October 2003, the Montgomery County Council requested that the M-NCPPC examine the potential for a limited amendment to the [existing Sector Plan for the Bethesda Central Business District, dated July 1994] 1994 Approved and Adopted Sector Plan for the Bethesda Central Business District. The [primary] purpose of this amendment was to [increase opportunities for housing to serve a variety of income levels and to improve the retail environment in the Woodmont Triangle area] reconsider how redevelopment could both provide more opportunities for housing close to the Metro station and retain the qualities and ambience of the small-scale retail that distinguishes the study area from other parts of the Bethesda CBD.

Page 1: Under Summary of Community Outreach revise first two sentences of the first paragraph as follows:

An [unique] outreach program was developed to address the issues in the Woodmont Triangle Study Area. The M-NCPPC with the Conflict Resolution Center of Montgomery County held five[,] public workshops and several focus group meetings.

Page 2: Revise first paragraph as follows:

Separate meetings with individuals, government agencies and civic associations were also held to augment the discussions in the workshops. [The use of e] Electronic media, phone messages and written announcements were used to notify individuals of the date and location of the workshops.

Page 2: Delete the section entitled "Relationship to the 1994 Sector Plan" and replace with the following:

BACKGROUND – THE 1994 SECTOR PLAN

The 1994 Sector Plan had four objectives for the Woodmont Triangle District:

- Preserve the predominantly low-density and low-scale character of the district.
- Provide additional housing particularly in the north end of the district.



- Support a diverse specialty retail community serving retail and restaurant environment, including sidewalk cafes and dispersed parking.
- Improve the pedestrian environment with up-graded streetscape including street trees and green open spaces.

The 1994 Sector Plan recommended the use of CBD zones to further the goals of the plan. Development in the CBD zones may occur under two options: the standard method and the optional method. The standard method requires the development to comply with a specific set of standards and density compatible with the standards. The optional method does not have as many specific standards and allows higher densities if certain public facilities and amenities are provided. The CBD zones permit an increase in density, height and intensity where such increases conform to the sector plan.

The design concept for the 1994 Bethesda CBD Sector Plan encourages the greatest height at the Metro and a "step down" in height away from the CBD Core. To ensure that the desired heights would be achieved, the Sector Plan recommended lower floor area ratios (FAR) and capped building heights to lower than the maximum allowed in the zone to address scale, shading, and compatibility with the existing neighborhood character. The Sector Plan further directed future development with a series of Urban Design Guidelines and priority public improvements.

After the Sector Plan was approved and the District Council granted the Sectional Map Amendment implementing the zoning recommendations of the Plan, development in the Bethesda CBD proceeded in conformance with the Sector Plan. While portions of Bethesda CBD redeveloped as recommended, the Woodmont Triangle District did not realize the vision of the 1994 Plan. Although the Sector Plan envisioned an increase in housing in the Woodmont Triangle District, the building height and density limits inhibited redevelopment. Retail and housing did not expand in this area, and some businesses began to relocate to the newly developed areas in south Bethesda, leading some to believe that the area was beginning to decline.

Since 1994, market forces, lack of redevelopment and the need for more housing, especially housing for all income levels, indicated that reconsideration of objectives in the sector plan was warranted. The Woodmont Triangle area appeared to be an appropriate area to address the County's housing needs and provide incentives to encourage revitalization and redevelopment.

Page 2: Following new section entitled Background – The 1994 Sector Plan, add a new section as follows:

### CHANGES TO DEVELOPMENT POTENTIAL

As a result of zoning, height and floor area ratio changes proposed in this plan and changes in law and regulation that have occurred since the adoption of the 1994 Sector Plan, the estimated residential development increases and the estimated commercial development decreases as indicated below.

Changes to Development Potential

<u>1994 Sector Plan</u>		<u>2005 Amendment</u>		<u>Difference</u>	
<u>Commercial Development SF</u>	<u>Residential Development</u>	<u>Commercial Development SF</u>	<u>Residential Development</u>	<u>Commercial Development SF</u>	<u>Residential Development</u>
<u>2,957,900 SF</u>	<u>3,400 DUs</u>	<u>2,661,710 SF</u>	<u>5,012 DUs</u>	<u>-296,190 SF</u>	<u>+1612 DUs</u>
<u>11,350 Jobs</u>		<u>10,491 Jobs</u>		<u>-859 jobs</u>	

Recommendations to monitor the actual development on an ongoing basis are contained in the Implementation chapter of this plan.

Page 2: Replace Woodmont Triangle Study Area Boundary with the following:

**STUDY AREA BOUNDARY**

This Amendment analyzed an area larger than the Woodmont Triangle District described in the Sector Plan in order to evaluate more comprehensively the effect the recommended changes might have on the surrounding districts. The study area includes the entire Woodmont Triangle District, as defined in the 1994 Approved and Adopted Sector Plan, the west side of the Wisconsin Avenue North District, the east side of the Old Georgetown Road Corridor District, and the entire Battery Lane District.

The study area is bounded on the north by the National Institutes of Health (NIH), on the east by Wisconsin Avenue, on the southeast by Woodmont Avenue, and on the southwest by Old Georgetown Road.

Page 3: Delete first paragraph and rename chapter as follows

**[SUMMARY OF THE AMENDMENT] VISION AND GOALS**

[This section of the amendment provides a summary of the Vision, Challenges, and Actions necessary to implement the objectives of this amendment.]

Page 3: Under Vision, revise as follows:

[The Woodmont Triangle will be] This Amendment envisions the Woodmont Triangle Study Area as a vibrant [and] urban, mixed-use neighborhood [emphasizing] that emphasizes residential, small-scale retail, [and] the arts and public amenities. One-of-a kind, small-scale specialty retail stores, art galleries, studio space and people strolling on pedestrian-friendly local streets characterize this neighborhood.

Page 3: Under Challenges rename and revise section as follows:

### [CHALLENGES] GOALS

The [challenges to be met in order to meet the vision] goals of this amendment include the following:

- [Encourage] Housing – Provide opportunities to increase the supply of housing to serve a variety of income levels.
- Small-Scale Retail – Provide opportunities to retain existing businesses and expand opportunities for new businesses.
- [Enhance the] Arts and Entertainment District – Enhance the existing public arts programs in the Bethesda CBD and provide opportunities for both the visual and performing arts.
- [Create Great] Safe and Attractive Streets – Focus on improving the safety and character of the existing streets. Establish Norfolk Avenue as the main street in the Woodmont Triangle Study Area.
- [Provide] Public Amenities – Increase the flexibility in providing the public use space through the Optional Method of Development by allowing off-site and on-site fulfillment of this requirement, and by identifying a list of priority public [spaces] amenities.

Page 7: Delete section entitled Summary of Recommended Actions and replace with the following:

### HIGHLIGHTS

#### This Amendment to the Sector Plan:

- Reduces the amount of future commercial development and increases the amount of residential development.
- Allows an increase in residential FAR (floor area ratio) to encourage housing.
- Encourages retention of small-scale retail.
- Removes the 1994 Sector Plan height limits to encourage redevelopment, but retains the step down principles from the core and along Norfolk Avenue to preserve solar access.
- Encourages the location of first floor retail.
- Recommends improvements to enhance Norfolk Avenue as the “main street” for the Woodmont Triangle District.

- Recommends improving Battery Lane Urban Park for all users and to provide a better connection between the Woodmont Triangle Study Area, NIH and the North Bethesda Trolley Trail.
- Recommends limited zoning changes to encourage housing.
- Recommends a text amendment to the CBD Zones that lowers the minimum lot size necessary to apply for the Optional Method of Development and provides a transfer of density option.

Page 8: Replace first paragraph with the following:

[This section of the amendment describes the limited changes to the general provisions of the existing Sector Plan for the Bethesda Central Business District.]

This Amendment recommends zoning changes, higher floor area ratios (FAR) and greater building height than were recommended in the 1994 Sector Plan. The 1994 Sector Plan capped heights and FAR below that allowed in the respective CBD zones. The Plan specifically restricted some of the CBD-1 zoned properties to 50 feet in height and CBD-R2 zoned properties to a height of 90 to 110 feet in order to preserve the existing low-density and low-scale character. This Amendment encourages redevelopment to provide housing opportunities along with retention of small-scale retail by eliminating the caps set in the 1994 Plan. The Amendment recommends using the standards of the existing zones to determine building height. Mixed-use projects with moderately priced units (MPDUs) on-site can achieve the greater height and density allowed in the respective zones as specified in this Amendment, but at an FAR no greater than the maximum allowed in the Zoning Ordinance. The Amendment continues to recommend that buildings "step down" from the Metro station to the edges of the Central Business District except where noted in the specific Block recommendations. The Amendment proposes priority public use space and amenities, emphasizing improvements along Norfolk Avenue, to more fully realize the vision of the 1994 Sector Plan.

In addition to removing the caps of the 1994 Sector Plan, this Amendment recommends that two provisions be added to the CBD zones to encourage redevelopment and yet retain small-scale retail. The first reduces the minimum lot size requirement for the optional method; the second allows transfer of density between CBD zoned properties within the Woodmont Triangle Study Area. The transfer of density provides development flexibility whereby existing retail businesses wishing to remain could transfer unused density to parcels within the density transfer area as described in this Amendment. Both these provisions would be added to the CBD zones through a Zoning Ordinance Text Amendment, which is more fully described in the Implementation Section.

Page 8: Under Housing revise paragraph as follows:

[This amendment proposes to encourage the retention of existing housing and the construction of new housing to serve a variety of income levels in the Woodmont Triangle Study Area. This amendment also supports the Land Use and Urban Design Objectives of the existing Sector

Plan.] In the ten years since the Sector Plan was approved, the cost of housing in the Bethesda CBD has increased significantly. Although many new dwelling units are becoming available, the diversity and supply of housing are not sufficient to serve a variety of income levels.

- Provide a range of housing opportunities, including new low-rise and high-rise housing, to serve a variety of income levels.
- Public surface parking lots in the Sector Plan area should be considered for optional method housing projects and projects with significant permanent affordable housing, as is being done in other areas such as Lot 31 and in Silver Spring.

Page 8: Delete section entitled Revitalization through Improvements to Public Streets and Spaces.

Page 9: Replace entire section under the heading "Building Height Limits" with the following:

The guidelines for building heights in the 1994 Sector Plan were designed to protect the residential neighborhoods at the edge of the CBD and to concentrate building height near the Metro station. These goals can still be achieved while changing some of the height limits in the study area.

- Support the "step down" of building heights from the Metro station area to the edges of the Central Business District, but provide incentives for increased building heights to encourage new opportunities for housing for all income levels. Specific height recommendations are discussed in the section entitled "Recommendations by Block Within the Study Area".
- Protect the sunlight to the area's main street, Norfolk Avenue, by approving development that steps back from Norfolk Avenue, particularly on the southwest side of the street.
- Limit the height along Old Georgetown Road north of St. Elmo Avenue to 50 feet, extending 60 feet back from Old Georgetown Road to maintain compatibility with existing development.

Page 10: Under Opportunities for Residential Development revise section as follows:

#### **[OPPORTUNITIES FOR RESIDENTIAL] MIXED-USE DEVELOPMENT**

[The Optional Method of Development is a tool to encourage housing and to provide public facilities and amenities. In exchange, the developer could provide additional residential density and height. Providing moderately priced dwelling units on-site is a priority for all projects that use the Optional Method of Development.] The 1994 Sector Plan capped heights within the CBD-1 Zone to 50 feet and limited FAR to the limits proscribed under the Standard Method of the CBD zones. This resulted in few development applications under the Optional Method of Development. This Amendment removes the height caps and recommends higher FARs to encourage use of the Optional Method to create more opportunities for residential development and also provide desired public facilities and amenities. The Woodmont Triangle Study Area is a desirable location for future residential development. Housing for a variety of incomes is

equally important. Building MPDUs within the study area is a priority for all projects developing under the Optional Method of Development.

- **Density** – [The p] Properties [in the Woodmont Triangle Study Area will be provided the opportunity to] may develop to the density [specified] permitted in the CBD-1, CBD-2 and CBD-R2 Zones. [With this amendment,] CBD-1 mixed-use projects can achieve a floor area ratio (FAR) of [three] 3.0[,] and those in the CBD-2 and CBD-R2 Zones can achieve a FAR of [five] 5.0. [The existing Sector Plan limited the density in the Woodmont Triangle Study Area.]
- **FAR** – [Building MPDUs on-site is a priority for all projects developing under the Optional Method of Development.] In order to encourage residential development, the recommended increase in density up to the maximum allowed would be for residential development. All CBD zoned parcels within the [Woodmont Triangle S] study [A] area will be limited to a [floor area ratio] FAR of [one] 1.0 for non-residential development. [Any increase in density up to the maximum allowed must be residential.]
- **Public Use Space** – The public use space and amenity priorities [in the Woodmont Triangle] include improvements to the [public] streetscape, [improvements to] Battery Lane Urban Park; and support for the Arts and Entertainment District through providing public art and private arts facilities. Optional Method of Development projects may provide [their] required public use space [requirement] off-site [in the Woodmont Triangle], if needed to accommodate MPDUs. [moderately priced dwelling units are provided] on-site. This Amendment recommends a text amendment that allows public use space to be provided off-site in the same density transfer area if the Planning Board finds that an off-site location implements a sector plan recommendation. If public use space is located on-site, it should contribute to establishing a variety of public spaces in the area. All developments should avoid extensive setbacks of retail from [public] the streets. Public spaces should support retail and an active pedestrian environment.

### RETAIL PRESERVATION

The existing commercial enterprises in the study area provide needed goods and services. Some of the businesses are one-of-a-kind retail shops and restaurants, which contribute to the unique urban flavor of the study area. This Amendment encourages the retention of this retail, as did the 1994 Plan, but recommends some additional mechanisms to allow for redevelopment. Reduction in minimum lot size and density transfers are intended to foster new small-scale retail in character with the existing retail environment in the Woodmont Triangle Study Area.

- **Lot Sizes** – Minimum lot sizes of 22,000 square feet were required for optional method of development in the CBD zones to be sure that significant amenity and public use space could be provided on-site. Achieving these minimums in the study area would require assemblage of multiple parcels given the small size of most properties. Requiring larger projects is contrary to the Plan's goal of encouraging small retail. Moreover, the Plan's recommendation for off-site public amenities means that a threshold minimum lot size for optional method development is unnecessary in Woodmont Triangle Study Area.

- Density Transfer - In order to encourage retention of existing small-scale retail, there needs to be incentives to encourage businesses to remain. Density transfer between properties is one way to achieve that goal. This Amendment designates an area, shown on page , within the study area that would be appropriate for this transfer. Owners of small commercial properties that wish to remain can offer unrealized density to other properties to amass enough square footage or FAR to develop a mixed-use project. This density transfer would be permitted through a proposed text amendment; see the Implementation Section.

Page 11: Revise Proposed Building Heights map per Council revisions.

Page 12: Prior to section entitle "Public Amenities and Facilities", insert the section on page 21 entitled "Urban Design Guidelines".

Page 12: Under Public Amenities and Facilities, revise section as follows:

#### **PUBLIC AMENITIES and FACILITIES**

In the Woodmont Triangle Study Area, there is a [great] need for revitalization [of the public spaces, including the rights-of-way]. Businesses have seen their clientele decline over the last several years due to the popularity of Bethesda Row, with its pleasant streetscape environment, new buildings, and attractive assortment of uses. The Woodmont Triangle needs improved lighting for public safety, attractive streets and sidewalks, and incentives to expand uses and hours of operation. In addition to new housing, upgraded public facilities help promote revitalization.

#### **Improvements to Public Streets and Spaces**

This Amendment recommends public and private improvements to the public streets and spaces within the study area. The improvements will enhance pedestrian safety and access to transit. Improving the pedestrian and bicycle connections between the NIH, the Battery Lane District, the adjacent neighborhoods and the Metro Stations is a primary objective. Either on-site or off-site improvements would be required in the Optional Method of Development according to a list of public use spaces and amenities.

#### **Public Amenities and Public Use Space**

The Woodmont Triangle Study Area is an important part of the Bethesda Arts and Entertainment District. Within the study area, there are currently over 20 art galleries, music stores, and dance and music schools. This Amendment supports the continued use of the Optional Method to provide public art, art facilities, and public gathering spaces.

The existing provisions of the Optional Method of Development require a minimum of 20 percent of the net lot area of each parcel be devoted to public use space on-site. [As permitted in the Optional Method of Development, existing projects in the Bethesda CBD achieved double

the density of the Standard Method of Development and provided a combination of on-site and off-site public use space and amenities equal to 40 to 60 percent of their net lot area.] Public use space may be provided off-site in the same density transfer area if the Planning Board finds that an off-site location implements Plan recommendations or if needed to accommodate MPDUs. Off-site amenities include streetscape in the public right-of-way, improvement to parks, and other public facilities. Public use spaces and amenities approved through the Optional Method of Development will be located to serve the revitalization and improve the vitality of the entire district. To facilitate the development of amenities and public use space appropriate to the Woodmont Triangle Area, this Plan recommends the creation of an amenity fund, addressed in more detail in the Public and Private Funding section.

Public use spaces and amenities approved through the Optional Method of Development will be located to serve the revitalization and improve the vitality of the entire district.

The following list represents the priority amenities and facilities for the Woodmont Triangle Study Area. [Each p] Projects should incorporate items from this list as a first priority. This list is not intended to be inclusive of all the facilities and amenities that may be considered. Sufficient amenities and facilities must be provided in each project to serve the additional density and building height proposed in this Amendment. The amenities and facilities [to be approved] in each project [must] should contribute to the [creation of an outstanding] function or appearance of the mixed-use urban neighborhood [in the Bethesda CBD. The combination of existing amenities and facilities with the following list will create a strong network of active public spaces].

### PRIORITIES

- Improve Norfolk Avenue [Urban Spine – A linear system that includes the Capital Crescent Trail and] as a pedestrian system that connects [the] existing public facilities and amenities, [including] such as Battery Lane Urban Park, the Whitney Theater, the Bethesda Outdoor Stage, [the] Imagination Stage, and Veterans Park to the Capital Crescent Trail. Renovation of [the] Norfolk Avenue [Urban Spine] should include[s]:
  - [Underground u] Utilities placed underground
  - Washington Globe street lights and other festive lighting
  - Benches, bike racks, brackets for banners, and trash receptacles
  - Street trees
  - Outdoor seating for restaurants and cafes
  - Public art
  - Special paving for sidewalks established as the standard for Bethesda (the Bethesda paver).
- [Streetscape Improvements – ]Provide the Bethesda streetscape [improvements] on other streets in the study area, such as Cordell Avenue [in the Woodmont Triangle Study Area].
- Battery Lane Urban Park [Improvements – Improve Battery Lane Urban Park as the major green space and public park in the Woodmont Triangle.] A future facility plan should be completed by a developer, in coordination with the M-NCPPC's Park Development



Division, in exchange for additional density under the Optional Method of Development, or as part of a CIP project. This facility plan will be the guiding document for all future development and improvements within the park including other potential developer funded projects. [Objectives of the facility plan may include the following:

- Improve the entrance to the park from Norfolk Avenue using public right-of-way or potential acquisition to increase the visibility and promote safe use of the park
  - Widen the existing bicycle trail through the park to 10 feet and improve it as necessary to reinforce its importance in linking the Bethesda Trolley Trail and Capital Crescent Trail
  - Create a new gathering area for picnics and small performances through potential expansion of the park
  - Incorporate art or an arts and science theme into the site furnishings]
- [Intersection Improvements – Provide intersection improvements to] Improve the intersection of Rugby Avenue [and] Norfolk Avenue [to improve the] for a better pedestrian and bicycle connection to Battery Lane Urban Park
  - [NIH Gateway Park – Improve the NIH green space or Gateway Park located between Wisconsin and Woodmont Avenues as off-site open space]
  - [Pedestrian Connections – ]Establish north-south, mid-block pedestrian connections for the blocks located between Old Georgetown Road and Norfolk Avenue
  - [New Urban Streets – Provide new north-south urban streets between Battery Lane and Rugby Avenue for improved pedestrian and vehicular circulation]
  - [Other Public Facilities and Amenities – ]Establish a network of diverse urban spaces when including public use space on-site.

[In addition, the Woodmont Triangle area is an important part of the Bethesda CBD Arts and Entertainment District. Within the Study Area, there are currently over 20 art galleries, music stores, and dance and music schools. This amendment supports the continued use of the Optional Method of Development to provide public art, art facilities, and public gathering spaces. These other public facilities and amenities could be managed by a non-profit organization. The arts-related space needs include the following:]

- Provide public art, private art facilities, and public gathering spaces. The arts-related space could include the following:
  - Arts incubator space – A[n older,] stand-alone building or portion of a building open to the public [and preferably located on Norfolk Avenue,] to provide studio space for emerging visual and performing artists.
  - Exhibit, teaching and lecture space – [Spaces] Flexible space within existing or new buildings [that could provide flexible space] for a variety of functions.
  - Space for the arts, such as dance studios, a black box theater, and live/work space for artists [– Large spaces for the Arts and Entertainment District] that could be leased at