

**BEFORE THE OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR MONTGOMERY COUNTY, MARYLAND**

IN THE MATTER OF THE APPLICATION	:	
OF HOLTON ARMS SCHOOL, INC. FOR A	:	Conditional Use Application
MAJOR MODIFICATION OF SPECIAL	:	Nos. CBA-1174-E, S-2467-A
EXCEPTION FOR A PRIVATE	:	S-2503-B, S-516, & S-729
EDUCATIONAL INSTITUTION	:	

**PRE-HEARING SUBMISSION OF VIVIAN RIEFBERG
AND BRADLEY BOULEVARD CITIZENS ASSOCIATION**

EXHIBIT AA

Annual Report for Holton-Arms School 2007

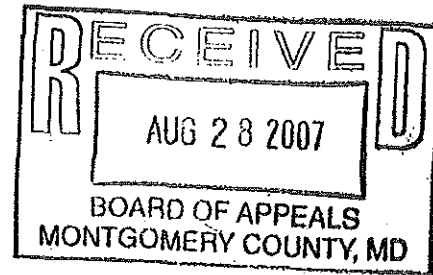
Exhibit 41(g)
OZAH Case No: CBA-1174-E



THE HOLTON-ARMS SCHOOL

CBA-1174
S-2503
WS 10-17-07

August 24, 2007



Allison I. Fultz, Chair
Montgomery County Board of Appeals
Stella B. Werner Council Office Building
100 Maryland Ave.
Rockville, Md. 20850

Re: The Holton-Arms School, Inc. – Annual Report
Case No. CBA-1174 and S-2503

Dear Ms. Fultz:

Enclosed kindly find the annual report for The Holton-Arms School, Inc., along with a copy of the Master Calendar for the preceding year.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Susanna A. Jones
Head of School

cc: Miller, Miller & Canby, Chtd.
Lerch, Early and Brewer, Chtd.
Fury, Doolan and Abell
Bradley Boulevard Citizens Association
Knopf & Brown
Burning Tree Civic Association
George Esenwein
Richard Fong
Jane Kinzie
Burning Tree Elementary School
Peoples' Counsel of Montgomery County
Linda C. Kauskay

EXHIBIT # 112



**THE HOLTON-ARMS SCHOOL
ANNUAL REPORT
HOLTON-ARMS SCHOOL**

In accordance with the Opinion of the Board of Appeals dated September 7, 2001 Holton-Arms is pleased to report the following information for the Annual Report ending September 1, 2007.

I. Current School Enrollment

- A. For the academic year ending June 30, 2007 the number of students enrolled in Holton-Arms was 651 No students were admitted outside the regular admissions process.

II. Center for the Arts academic year ending June 30, 2007

- A. Number of Center of the Arts enrollees were: Fall Semester – 317 and Spring Semester - 284
- B. Of the above numbers 189 (60%) Holton-Arms Families enrolled for the Fall Semester and 170 (60%) Holton-Arms Families enrolled for the Spring Semester.

III Day Care Program

- A. The number of children registered for the upcoming year in the day care program is 15
- B. Of that number 14 are children of Holton-Arms faculty members and 1 child is of a Landon faculty member.

IV Schedule of On-Campus Activities (Including the Use of Athletic Facilities) for the 2006-2007 School year is attached.

V Creative Summer Camp--2007

- A. First Session – 665
- B. Second Session - 665

VII. Transportation Management Reports for the School and Creative Summer are attached.

Respectfully submitted

Holton-Arms School

By: Susanna A. Jones
Susanna A. Jones
Head of School

Date: 8/24/07

**Holton–Arms School
Transportation Management Report
For: August 20, 2007**

Transportation Coordinator

Carol Ashley is the Transportation Coordinator for the school. She is responsible for coordinating the daily bus transportation which includes the following roundtrip bus routes: Friendship Heights, Prince George's County and Virginia.

Carol also coordinates field trips that are over 50 miles away from the school and charters coach and school buses for these trips.

Susana Eusse, Operations Manager, coordinates all sports and field trips that are under 50 miles from the school using Holton's school buses. Susana coordinates with other senior staff in the scheduling of after-school and non-school activities so as to avoid conflicts in site traffic at peak school arrival and departure times. She is responsible for ensuring that adequate onsite parking is available for all scheduled activities which are shown on the Master Calendar.

Carpools

The school continues to encourage, coordinate and maintain carpool lists. We survey all parents requesting information on a student's travel patterns, her interest in public transportation, private bus transportation or carpools.

For those parents interested in the carpooling option, we request permission to add their names to a consolidated database available to the entire Holton–Arms community. We maintain a carpool registry at the School's reception desk and a listing of all students, in zip code order.

This database is updated on an annual basis using the information gathered in the parent survey that is sent out before the start of the new school year.

The School's website carries transportation information.

The School's handbook currently includes a listing by zip code of all students to facilitate carpool formation.

A clause in the student contract states that compliance with the Transportation Management Plan is required.

Public Transportation

There is a waiting area and a bench in place at the bus stop with walkways to the academic buildings. Holton's website currently carries information concerning the availability of public transportation

Private Bus Transportation

Currently the school provides roundtrip bus transportation with Montgomery County Independent School Transportation Authority (MCISTA) for the following routes:

PG County (Holton bus only)
Virginia (Shared with St. Andrews and Landon Schools)
Friendship Heights (Shared with St. Andrews School)

We attempted to coordinate a Gaithersburg run but there was not enough interest for the 2007-08 School Year. We will survey at the beginning of each school year.

We include in our school literature, on the web site, and in periodic mailings to parents, information about bus service from off-site locations to the school.

The Buildings and Grounds Committee, a sub-committee of the Board of Trustees, directed staff to continue to investigate further opportunities to increase bus and carpool usage.

Vehicle Limitations

Driving privileges, predicated on parking space availability, is limited to juniors and seniors only. Also, during the first annual faculty and staff meeting, the school administration encourages faculty, staff and administrative personnel to share travel opportunities to and from school, including the school's expectation that students under age 16 residing with a faculty or staff member will travel with such faculty or staff member to and from school.

Traffic Improvements

In April 2005, the school completed the extension of the eastbound left-turn lane on River Road at the school's entrance, per State Highway Administration specifications, increasing the stacking space for vehicles seeking to enter school grounds. This improvement satisfies a condition of the BOA approvals for the school.

THE HOLTON-ARMS SCHOOL, INC.
TRANSPORTATION MANAGEMENT REPORT FOR CREATIVE SUMMER
For: September 2007

1. Bus

- A. Creative Summer provided private bus service for 103 campers first session and 117 campers second session at the following five pick-up/drop-off points in Montgomery County: Potomac Woods Plaza on 7 Locks Road, Rockville; Normandie Farms Restaurant, Potomac; Blessed Sacrament Education Center, Chevy Chase; Lord and Taylor, 45th St., Friendship Heights; and Rite-Aid Parking Lot, Westwood Shopping Center, Bethesda.
- B. Bus information is listed in the camp brochure and camp handbook. Families are strongly encouraged to use the bus transportation.
- C. The reconfiguration of the traffic patterns on campus create a smoother traffic flow onto and off of the campus resulting in less time spent in carpool lines. The average time for carpool is about 15 minutes.
- D. The number of campers that live in the 20817 zip code was approximately 41 percent (41%) in 2007 as compared to 2002 when we had 27 percent (27%).

Given their proximity to the school, we believe these families are not interested in utilizing the bus service.

2. Carpooling

Creative Summer reached its goal of one-third of campers utilizing a carpool.

- A. Carpool information is listed in the camp brochure and camp handbook. Families are strongly encouraged to carpool.

- B. The camp provided each family with a list based on respective zip code areas.
- C. Families are issued cards printed with their assigned numbers that are placed in a visible area of the passenger side dashboard of the vehicle. When a car enters the campus, a Creative Summer staff member identifies the number displayed on the card. The employee then calls ahead by walkie-talkie phone to the assembly area so that the child or children are ready to leave when the vehicle reaches the pick-up point.
- D. Each carpool driver is provided with detailed instructions regarding the drop-off and pick-up locations, times, and procedures.

3. Individual vehicle trips

- A. 42 children of 25 staff members that attended the camp resulted in their arrival and departure in a single vehicle.

4. Metro bus

- A. Approximately 4 staff members utilized public Metro bus service.
- B. The young age of the majority of our campers is the deciding factor in this type of transportation.

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**PRE-HEARING SUBMISSION OF VIVIAN RIEFBERG
AND BRADLEY BOULEVARD CITIZENS ASSOCIATION**

EXHIBIT BB

Annual Report for Holton-Arms School 2006

**ANNUAL REPORT
HOLTON-ARMS SCHOOL**

In accordance with the Opinion of the Board of Appeals dated September 7, 2001 Holton-Arms is pleased to report the following information for the Annual Report ending September 1, 2006.

I. Current School Enrollment

- A. For the academic year ending June 30, 2006 the number of students enrolled in Holton-Arms was 661. No students were admitted outside the regular admissions process.

II. Center for the Arts academic year ending June 30, 2006

- A. Number of Center of the Arts enrollees were: Fall Semester -308 and Spring Semester - 268
B. Of the above numbers 203 (66%) Holton-Arms Families enrolled for the Fall Semester and 152 (57%) Holton-Arms Families enrolled for the Spring Semester.

III Day Care Program

- A. The number of children registered for the upcoming year in the day care program Is 15
B Of that number 15 are children of Holton-Arms faculty members.

IV Schedule of On-Campus Activities (Including the Use of Athletic Facilities) for the 2005-2006 School year is attached.

V Creative Summer Camp--2006

- A. First Session - 665
B. Second Session - 665

VII. Transportation Management Reports for the School and Creative Summer are attached.

Respectfully submitted

Holton-Arms School

By: Diana Coulton Beebe
Diana Coulton Beebe
Head of School

Date: August 29, 2006

Holton–Arms School
Transportation Management Report
For: August 24, 2006

Transportation Coordinator

Carol Ashley is the Transportation Coordinator for the school. She is responsible for coordinating the daily bus transportation which includes the following roundtrip bus routes: Friendship Heights, Prince George's County and Virginia.

Carol also coordinates field trips that are over 50 miles away from the school and charters coach and school buses for these trips.

Susana Eusse, Operations Manager, coordinates all sports and field trips that are under 50 miles from the school using Holton's school buses. Susana coordinates with other senior staff in the scheduling of after-school and non-school activities so as to avoid conflicts in site traffic at peak school arrival and departure times. She is responsible for ensuring that adequate onsite parking is available for all scheduled activities which are shown on the Master Calendar.

Carpools

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For those parents interested in the carpooling option, we request permission to add their names to a consolidated database available to the entire Holton–Arms community. We maintain a carpool registry at the School's reception desk and a listing of all students, in zip code order.

This database is updated on an annual basis using the information gathered in the parent survey that is sent out before the start of the new school year.

The School's website carries transportation information.

The School's handbook currently includes a listing by zip code of all students to facilitate carpool formation.

A clause in the student contract states that compliance with the Transportation Management Plan is required.

Public Transportation

There is a waiting area and a bench in place at the bus stop with walkways to the academic buildings. Holton's website currently carries information concerning the availability of public transportation

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PG County (Holton bus only)
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We attempted to coordinate a Potomac run but there was not enough interest for the 2006-07 School Year. We will survey at the beginning of each school year.

We include in our school literature, on the web site, and in periodic mailings to parents, information about bus service from off-site locations to the school.

The Buildings and Grounds Committee, a sub-committee of the Board of Trustees, directed staff to continue to investigate further opportunities to increase bus and carpool usage.

Vehicle Limitations

Driving privileges, predicated on parking space availability, is limited to juniors and seniors only. Also, during the first annual faculty and staff meeting, the school administration encourages faculty, staff and administrative personnel to share travel opportunities to and from school, including the school's expectation that students under age 16 residing with a faculty or staff member will travel with such faculty or staff member to and from school.

Traffic Improvements

In April 2005, the school completed the extension of the eastbound left-turn lane on River Road at the school's entrance, per State Highway Administration specifications, increasing the stacking space for vehicles seeking to enter school grounds. This improvement satisfies a condition of the BOA approvals for the school.

THE HOLTON-ARMS SCHOOL, INC.
TRANSPORTATION MANAGEMENT REPORT FOR CREATIVE SUMMER
For: September 2006

1. Bus

- A. Creative Summer provided private bus service for 97 campers first session and 130 campers second session at the following five pick-up/drop-off points in Montgomery County: Potomac Woods Plaza on 7 Locks Road, Rockville; Normandie Farms Restaurant, Potomac; Blessed Sacrament Education Center, Chevy Chase; Lord and Taylor, 45th St., Friendship Heights; and Rite-Aid Parking Lot, Westwood Shopping Center, Bethesda.
- B. Bus information is listed in the camp brochure and camp handbook. Families are strongly encouraged to use the bus transportation.
- C. The reconfiguration of the traffic patterns on campus create a smoother traffic flow onto and off of the campus resulting in less time spent in carpool lines. The average time for carpool is about 15 minutes.
- D. The number of campers that live in the 20817 zip code was approximately 40 percent (40%) in 2006 as compared to 2002 when we had 27 percent (27%). Given their proximity to the school, we believe these families are not interested in utilizing the bus service.

2. Carpooling

Creative Summer reached its goal of one-third of campers utilizing a carpool.

- A. Carpool information is listed in the camp brochure and camp handbook. Families are strongly encouraged to carpool.

- B. The camp provided each family with a list based on respective zip code areas.
- C. Families are issued cards printed with their assigned numbers that are placed in a visible area of the passenger side dashboard of the vehicle. When a car enters the campus, a Creative Summer staff member identifies the number displayed on the card. The employee then calls ahead by walkie-talkie phone to the assembly area so that the child or children are ready to leave when the vehicle reaches the pick-up point.
- D. Each carpool driver is provided with detailed instructions regarding the drop-off and pick-up locations, times, and procedures.

3. Individual vehicle trips

- A. 35 children of 23 staff members that attended the camp resulted in their arrival and departure in a single vehicle.

4. Metro bus

- A. Approximately 5 staff members utilized public Metro bus service.
- B. The young age of the majority of our campers is the deciding factor in this type of transportation.

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**PRE-HEARING SUBMISSION OF VIVIAN RIEFBERG
AND BRADLEY BOULEVARD CITIZENS ASSOCIATION**

EXHIBIT CC

Resume of Joseph R. Davis

Joseph R. Davis
172 Tucker's Road, Pawleys Island, SC 29585
Telephone: 843-344-5032
jrincarolina@gmail.com

CURRICULUM VITAE/ RESUME

PROFESSIONAL PLANNING EXPERIENCE:

- **Part -Time, Independent, Land Planning Consultant**
172 Tuckers Road
Pawleys Island, SC 29585
June 1, 2015- Present
- **Community Planning Solutions, Inc.**
1037 Tanley Road, Silver Spring, Maryland 20904
And
160 Palisade Loop, Pawleys Island, SC 29585
July 12, 2007 to September 30, 2014
- **Montgomery County, Maryland**
Redevelopment Program
2424 Reddie Drive
Wheaton, Maryland 20902
April 4, 2004 – May 25, 2007
- **The Maryland-National Capital Park and Planning Commission**
8787 Georgia Avenue
Silver Spring, Maryland 20910
October 24, 1972 – March 31, 2004

CURRENT LAND PLANNING ACTIVITIES

Part-Time, Land Planning Consultant

I am primarily retired, but continue to provide my professional planning advice and services to clients, in order to assist them in resolving complex, land planning issues of community interest and/or concern. Since closing my consultant business in 2014, I have provided my services as an expert land planner and expert witness for the Maryland State Highway Administration, community associations, property owners, business owners, a non-profit organization and attorneys to resolve planning, zoning, subdivision and other development related issues. My major projects are identified as follows:

- 2021-2023: Provided professional land planning analysis and expert land planning testimony before the Mayor & City Council of Rockville, Maryland, on behalf of Montgomery County Hospice, Inc. who opposed proposed legislation

that would adversely affect their administrative headquarters operations. I also testified concerning zoning violations discovered during my analysis.

- 2018-2021: Provided professional land planning analysis and expert land planning testimony before an Administrative Hearing Examiner for adjacent property owners who were adversely affected by a conditional use application for a large child day care center for 195 children in Montgomery County, Maryland.
- 2020: Provided expert land planning analysis with findings and expert opinions through an affidavit prepared for the Community of Montgomery Village, Maryland. This affidavit was submitted for a legal matter before the Circuit Court for Montgomery County, MD involving continuation of covenants applicable to neighborhoods within the Montgomery Village Community.
- 2018-2019: Provided professional land planning analyses and expert land planning testimony before an Administrative Hearing Examiner for adjacent property owners adversely affected by a proposed expansion of an illegally operating, home occupation yoga studio conditional use application in Montgomery County, Maryland.
- 2018: Provided professional land planning analyses and expert land planning testimony before an Administrative Hearing Examiner for a community association opposed to a telecommunications tower proposed to be located in their community open space, contrary to established zoning and subdivision procedures in Montgomery County, Maryland.
- 2017: Provided professional land planning advice for a landowner adversely affected by a conditional use application for a proposed country-inn project in Montgomery County, Maryland. Project also involved registration as a lobbyist to assist my client in pending legislation before the Montgomery County Council to address country-inn special exception procedures in Montgomery County, Maryland.
- 2015: Provided professional, land planning advice and expert testimony through deposition for the Maryland State Highway Administration involving a land condemnation case for a State road project located in Aberdeen, Maryland.

PRIOR POSITIONS AND DUTIES:

Founder and President Community Planning Solutions, Inc.

July 12, 2007 to September 30, 2014

Community Planning Solutions, Inc. was a specialized planning service founded in 2007, as a Maryland corporation, devoted to helping clients solve complex planning, zoning, subdivision and development related issues. I personally assisted clients in identifying problems, analyzing various factors affecting the problems, developing and evaluating alternative solutions, and recommending effective implementation strategies.

With technical expertise and many years of professional experience as a land planner, program manager and administrator in Montgomery County, Maryland, I offered a unique perspective for solving land planning and development issues. My experience working with federal, state and local governments, working with community groups, land owners, developers and businesses provides extensive background for working with both public and private sector clients. My ability to communicate effectively with the many stakeholders involved in the development process meant that workable solutions were sought that reflected the needs of the various participants involved.

CLIENT SERVICES:

Planning:

- Advised clients on appropriate strategic planning policies and procedures to achieve long and short term planning goals and objectives for community development.
- Interpreted plans and other approved public policies affecting land development to provide meaningful guidance to clients concerning future development potential.
- Recommended strategies for implementing community, comprehensive master plans and special area studies through laws, regulations and guidelines.
- As a certified mediator, provided mediation/facilitation services to help resolve community planning and development issues.
- Qualified to testify as an expert witness with expertise in land planning by the Circuit Courts in Montgomery and Frederick Counties, Maryland; the Montgomery County Office of Administrative hearings; the Montgomery County and Frederick County Boards of Appeals; the Montgomery County Property Review Board and the Maryland State Highway Administration.

Zoning:

- Interpreted zoning ordinance provisions and developed effective strategies for implementing plan recommendations through zoning, subdivision and permit approval processes.
- Analyzed zoning issues and developed legislative solutions to bring zoning into balance with planning goals and objectives or to address particular zoning issues.
- Analyzed development proposals and rezoning applications for compliance with zoning standards and procedures.

Land Development:

- Provided in-depth analysis of development processes, procedures and requirements in light of public policy objectives and private sector need for certainty and predictability in plan approvals.
- Diagnosed, analyzed and recommended legislative and policy solutions to procedural and processing issues that may affect development projects that otherwise met public policy objectives.
- Facilitated community meetings to discuss issues affecting development projects, to place community issues into perspective and recommended creative solutions to resolve the issues early in the approval process.

- Interpreted complex requirements and procedures so that issues could be fully addressed in a timely manner, reducing project delay. Such coordinated review required working understanding of other technical areas such as traffic issues, environmental studies, appraisal reports and cost/benefit analysis.
- Coordinated the resolution of procedural and process issues with appropriate government agencies and departments to seek full and prompt resolution of issues. Such review often necessitated coordinated review and discussion of technical reports with other staff.

Economic Development:

- Advised communities in best practices for attracting targeted businesses and industries and how to structure development approval processes to achieve public economic development objectives.
- Assisted communities in the development of appropriate growth management policies and procedures to accomplish public objectives for balancing adequate public facilities and infrastructure with new community growth and development.
- Assisted communities with developing policies and procedures for promoting economic development through business recruitment/marketing to improve job growth, retail and supporting services, and the provision of affordable housing near places of employment to help assure balance in jobs, housing and commercial services for a community.
- Recommended strategies for retention of small businesses in redeveloping areas.

Director of Redevelopment for Montgomery County, Maryland Wheaton Redevelopment Program Mid-County Regional Services Center

April 4, 2004 to May 25, 2007

- Managed the day-to-day work program for the redevelopment of downtown Wheaton.
- Supervised professional level and administrative staff in their work including support for existing businesses, assisting developers with development projects, working with new business prospects, and coordinating with other County staff in the review of plans, permit applications and enterprise zone tax credits.
- Coordination with the Wheaton Urban District Advisory Committee; led the efforts of the Wheaton Redevelopment Advisory Committee; and, provided direct liaison, as an ex officio member of the Wheaton-Kensington Chamber of Commerce, to promote public involvement, including both residents and business owners/operators, and public awareness of the Redevelopment Program's goals and objectives.
- Analyzed and resolved complex planning, zoning, subdivision, development and permit review issues affecting downtown redevelopment including master plan interpretations, developing zoning legislation, developing economic development

strategies and new regulatory policies to promote redevelopment opportunities beneficial to the community and the County.

- Encouraged innovative and creative application of professional techniques/tools to identify and to resolve complex planning and management issues.
- Coordination with The Maryland-National Capital Park and Planning Commission's Department of Planning in the processing and review of master plans, project applications and presented testimony to the County Planning Board concerning planning policies and development projects important to the redevelopment of Wheaton and Montgomery County.
- Participated with other County senior management staff in efforts to encourage public utilities to streamline and expedite their review of projects in State defined enterprise zones.
- Presented quarterly updates on the Wheaton Redevelopment Program to the Montgomery County Council.
- Led the successful effort for State designation of Wheaton as an Arts & Entertainment District in order to secure special tax credits for art and entertainment businesses in the downtown.
- Managed the implementation of a \$5 million capital project for façade improvements and installation of streetscape in downtown Wheaton.
- Provided planning and development related advice and assistance to the senior level, Directors of County Service Centers including Silver Spring, Bethesda, Mid-County Area and Up-County Service Areas.

Division Chief

The Maryland-National Capital Park & Planning Commission Development Review Division

December, 1998 to March 31, 2004

- Directed the Department's regulatory work program including the professional review of detailed site plans, project plans, subdivision plans, zoning and subdivision legislation, the inspection and enforcement program (including civil citation authority).
- Coordinated staff input into area master plans being prepared by community based planners to assure better implementation of master plan recommendations during the development process.
- Provided leadership to Division consisting of 30 staff members in accomplishing goals and objectives in concert with the Department's mission and the Commission's high standards of ethical conduct. Professional staff included architects, landscape architects, planners, GIS specialists and planning technicians.
- Developed the Division's work program and the annual operating budget (\$1.8 million) for inclusion in the overall Department and Commission Budgets.
- Ensured completion of work program items by closely monitoring work output in light of well articulated work performance measures and goals for each program area.

- Led Departmental participation in interagency and inter-governmental arenas to promote and to accomplish Department, Commission and County interests.
- Maintained effective communications with the Planning Board, County Council, County Executive and Board of Appeals; as well as with federal, state and local departments and agencies; and with citizens to present recommendations or to explain procedures, processes and policies.
- Exercised diplomacy and negotiation skills to resolve complex issues and to achieve consensus among participants in the County's community development processes.
- Delegated appropriate responsibility and authority to supervisors and Division team leaders, and assured that roles are clearly defined and understood.
- Empowered employees to conduct their work in a manner that encouraged individual initiative, inter-agency cooperation and effective teamwork to accomplish the Departments defined mission and goals.
- Recruited and selected new employees in accordance with Commission rules and the needs of the Division's work program.

ORGANIZATIONAL DEVELOPMENT/LEADERSHIP RESPONSIBILITIES – THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

- 2003-2004: Member of a four-member Commission-wide Senior Leadership Team responsible for developing and recommending an internal marketing plan to encourage the enactment of a "One-Commission" philosophy for the bi-county agency and to promote greater employee understanding and commitment to the Commission's role and mission to serve the citizens of Montgomery and Prince George's Counties.
- 2002-2003: Team Leader of 23-member Commission-wide Senior Leadership Team responsible for recommending changes to the Commission's Performance Management Plan to improve the employee evaluation system including recommendations to implement pay-for-performance, introduce supervisory training to provide for more uniform employee evaluations and to promote more employee development opportunities.
- 2003: Developed and implemented a fast track "green tape approval process" for affordable housing projects to help address the need for more affordable housing in Montgomery County. Partners in the process included M-NCPPC, Montgomery County government, the Washington Suburban Sanitary Commission, Washington Gas Company and the Potomac Electric Power Company.
- 1998-1999: On temporary assignment (9 months) to the Montgomery County Department of Parks, I was the Project Manager responsible for managing the overall design and processing of the facility plan, including securing necessary capital improvements funding for the Germantown Recreational Park, located in Germantown, Maryland. The project involved processing through approval of the facility plan and approval of construction funding for immediate development of the Park facilities. The major feature of the Park included a 22 field soccer complex (with 2 indoor fields and an outdoor stadium field) developed as a private/public

partnership with the Maryland Soccer Foundation, Inc. The major private funding of over \$12 million was provided by that Foundation. Public partners included the State of Maryland, Montgomery County Government and the Maryland-National Capital Park & Planning Commission (over \$25 million). The project was successfully implemented, in accord with the approved Facility Plan, and the outdoor stadium field was home to the Washington Spirit, a professional women's soccer team, for several years.

Subdivision Supervisor
Maryland-National Capital Park & Planning Commission
Montgomery County Planning Department
Development Review Division

December, 1989 to December, 1998

- Supervised professional, technical and administrative staff in the multi-discipline review of subdivision applications, record plats and building permits.
- Established and maintained the schedules for processing applications including coordination with other governmental departments/agencies through chairmanship of the inter-agency Development Review Committee.
- Implemented area master plans by assuring that applications conformed to master plan recommendations and guidelines.
- Implemented Montgomery County growth management policies through administration of the Adequate Public Facilities Ordinance and the Annual Growth Policy as part of the subdivision approval process.
- Developed, monitored, and enforced traffic mitigation plans, road club agreements, and other agreements relating to transportation improvements and environmental protection.
- Resolved complex land development issues and conflicts through:
 - Application of laws, plans and established policies
 - Negotiations with applicants, departmental staff and staff of other public departments/agencies
 - Development and implementation of new laws, regulations and policies, including streamlined approval procedures for minor subdivision approvals.

- Coordination with other technical staff in the Review of traffic studies, environmental studies, cost/benefit analysis, appraisal reports and other types of supporting studies for applications.
- Processed and reviewed complex subdivision applications and presented recommendations to the Montgomery County Planning Board.

**Planning Coordinator, Zoning Section
Maryland-National Capital Park & Planning Commission
Montgomery County Planning Department
Development Review Division**

July, 1980 to December, 1989

- Developed and processed zoning legislation; prepared legislative reports and presented findings and recommendations to the Planning Board, County Council and Council Committees.
- Reviewed zoning applications and prepared written reports with recommendations for presentation to the Planning Board and presented expert witness testimony at public hearings held by the County's Administrative Hearing Examiner.
- Participated in the Department's master plan development process for developing new area master plans by recommending land use and zoning recommendations and guidelines designed to facilitate master plan implementation.

**The Maryland-National Capital Park & Planning Commission
Principal Planner, Senior Planner, Planner and Planning Technician
Comprehensive Rezoning Division
Prince George's County Department of Planning**

October, 1972 to July, 1980

- Project planner for updating master plans and preparing comprehensive zoning studies to implement land use recommendations.
- Presented comprehensive zoning studies to the Planning Board and the County Council.
- Assisted more senior project planners and area master planners in the collection and analysis of data and reports significant to master plan and comprehensive zoning projects.

EDUCATION

- **University of Northern Colorado**
Center for Special Advanced Programs (Washington D.C. Area Program)
Greeley, Colorado 80639
1975 to 1979: Master of Arts Degree in Social Science with an emphasis in Public Administration
- **Florida State University**
Tallahassee, Florida 32306
1968 to 1972: Bachelor of Science Degree with major in both Political Science and Geography
- **University of Maryland**
Office of Executive Programs, School of Public Affairs
College Park, Maryland 20742
2001-2002: Maryland Smart Growth Leadership Program (Certificate Awarded)

PROFESSIONAL MEMBERSHIPS

The Urban Land Institute

- Member of the Urban Land Institute from 1998 through 2014
- Member of the Advisory Board (formerly Executive Board) of the Urban Land Institute (ULI) Washington Area Council (2002 to 2012)
- Member of the ULI Advisory Board's "UrbanPlan" Committee helping high school and college students to better understand the community development process (2006 to 2014)
- Member of the ULI Advisory Board's Workforce Housing Committee (2003 to 2006)
- Member of the ULI Advisory Board's Membership Committee (2002-2003)
- Served on ULI National Technical Advisory Panels (TAP's) for Speedway Indiana (2008) and Bryn Mar, Pennsylvania (2004)
- Served on Washington Council's ULI TAP's for the Redevelopment of Landover Mall (2006) and the Bladensburg Town Center (2008)
- Served as liaison to the Washington Council's ULI TAP for Analyzing Redevelopment Opportunities for Commercial and Employment Centers in Montgomery County, Maryland (2004)

Maryland Program for Mediator Excellence (MPME)

- Certified Member from October, 2007 to September, 2014
- Completed 40 hour Basic Mediation Training in October, 2007

**BEFORE THE OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR MONTGOMERY COUNTY, MARYLAND**

IN THE MATTER OF THE APPLICATION	:	
OF HOLTON ARMS SCHOOL, INC. FOR A	:	Conditional Use Application
MAJOR MODIFICATION OF SPECIAL	:	Nos. CBA-1174-E, S-2467-A
EXCEPTION FOR A PRIVATE	:	S-2503-B, S-516, & S-729
EDUCATIONAL INSTITUTION	:	

**PRE-HEARING SUBMISSION OF VIVIAN RIEFBERG
AND BRADLEY BOULEVARD CITIZENS ASSOCIATION**

EXHIBIT DD

Joseph Davis summary of testimony

SUMMARY STATEMENT OF JOSEPH R. DAVIS
FOR HIS TESTIMONY CONCERNING
THE HOLTON-ARMS SCHOOL
SPECIAL EXCEPTION MODIFICATION
APPLICATION CBA-1174-E

Mr. Davis will provide testimony, as an expert land planner, concerning the Special Exception Modification standards and requirements applicable to Private Educational Institutions and child day care facilities, in accordance with the Pre-October 29, 2014, Montgomery County Zoning Ordinance. His testimony will include but not be limited to Division 59-A- 4, being the Board of Appeals procedures applicable to Special Exceptions; Division 59-G-1, being the authority and general conditions for deciding a Special Exception; Division 59-G-2, being the general requirements for the approval of a Special Exception, Section 59-G-2.13 containing specific special exception requirements for a child day care facility; and Section 59-G-2.19 containing specific Special Exception requirements for a Private Educational Institution. His testimony may include and address other Zoning Ordinance provisions, including applicable provisions of the current Zoning Ordinance.

Mr. Davis will opine that the subject application for a modification to the subject Private Educational Institution, at this location, does not satisfy several of the required standards for the approval of a Private Educational Institution Modification, as contained in the pre-2014 Zoning Ordinance. In addition, the subject application does not satisfy the general standards and approval procedures of the Zoning Ordinance required to enable the Board of Appeals to approve this special exception modification, including the aforementioned sections of the Pre-October 29, 2014, Zoning Ordinance.

Mr. Davis will testify concerning the inherent and non-inherent adverse effects associated with the special exception modification at the subject site, as described in Section 59-G-1.2.1; and the general conditions or requirements of Section 59-G-1.21(a). Mr. Davis will testify that The subject special exception modification application is not consistent with the goals, objectives, policies and other requirements of the 1990 Bethesda-Chevy Master Plan as required by Section 59-G-1.21(a)(3) of the pre-2014 Zoning Ordinance. In addition, he will testify that the requested increase in student enrollment, increase in after school and weekend activities including outside providers and other non-school related activities, and summer camp expansion will increase traffic congestion at key intersections within the surrounding area, and will not be in harmony with the general character of the neighborhood, considering the intensity and character of activity, traffic congestion and other nearby similar uses.

Mr. Davis will testify that the requested special exception modifications will be detrimental to the use, peaceful enjoyment and development of surrounding properties and the general neighborhood at the subject site irrespective of inherent and non-inherent adverse effects of the subject application. A major concern is the existing and future traffic congestion at the

entrance to the property at River Road (MD Rt. 190) and Royal Dominion Drive. The existing traffic congestion problems within the defined surrounding area will be exacerbated by additional traffic resulting from the significant increase in enrollment, expansion of after school and weekend activities proposed, rental of school facilities, and summer camp expansion by the modification application. Mr. Davis will testify concerning both the current Transportation Management Plan ("TMP") approved by the Board of Appeals in its opinion effective May 29, 2002, and the Applicant's new proposed TMP.

Mr. Davis will testify concerning the findings and conclusions contained in the M-NCPPC Technical Staff Report for the subject special exception modification. As part of his testimony, Mr. Davis is prepared to provide expert testimony concerning the important legislative history (ZTA 99004 and ZTA 02-01) applicable to the review of special exceptions and subsequent modifications to previously approved special exception applications. Mr. Davis will also testify concerning the applicability of the State's Sustainable Growth Planning Principles provided under Maryland law. Finally, Mr. Davis will testify concerning the differences between the requirements for adequate public facilities, as compared to the required findings related to community harmony, safety, livability, general welfare and overall "compatibility" with the surrounding neighborhood.

**BEFORE THE OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR MONTGOMERY COUNTY, MARYLAND**

IN THE MATTER OF THE APPLICATION	:	
OF HOLTON ARMS SCHOOL, INC. FOR A	:	Conditional Use Application
MAJOR MODIFICATION OF SPECIAL	:	Nos. CBA-1174-E, S-2467-A
EXCEPTION FOR A PRIVATE	:	S-2503-B, S-516, & S-729
EDUCATIONAL INSTITUTION	:	

**PRE-HEARING SUBMISSION OF VIVIAN RIEFBERG
AND BRADLEY BOULEVARD CITIZENS ASSOCIATION**

EXHIBIT EE

Ordinance No. 14-11 enacting Zoning Text Amendment No. 99004,
by the County Council for Montgomery County, Maryland,
sitting as the District Council for that portion of the Maryland-Washington
Regional District in Montgomery County, adopted November 16, 1999

Ordinance No: 14-11
Zoning Text Amendment No: 99004
Concerning: Special Exceptions
Draft No. & Date: 3 – 11/16/99
Introduced: April 6, 1999
Public Hearing: June 15, 1999; 7:30 PM
Adopted: November 16, 1999
Effective: December 6, 1999

**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: Councilmembers Krahnke and Praisner

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- establishing a definition for the term “Special Exception” and clarifying the general standard for grant of a special exception;
- establishing that a special exception has inherent and non-inherent adverse effects which must be considered by the body that decides the special exception;
- establishing a special exception standard based on the inherent and non-inherent adverse effects at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone;
- establishing that the Board of Appeals must be ~~[[guided]]~~ consistent in its special exception decisions ~~[[by]]~~ with the master plan;
- authorizing the People’s Counsel to take certain actions regarding compliance with the grant of a special exception; and
- ~~[[authorizing the Board of Appeals to review a special exception upon a transfer of land ownership, and periodically if a review period is established as a condition of the special exception grant; and]]~~
- making clarifying and conforming changes ~~[[throughout]]~~ to the provisions generally governing special exceptions.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

ARTICLE 59-A	“IN GENERAL”
DIVISION A-2	“DEFINITIONS AND INTERPRETATION”
Section 59-A-2.1	“Definitions”
ARTICLE 59-G	“SPECIAL EXCEPTIONS, VARIANCES, AND NONCONFORMING USES”

DIVISION 59-G-1	"SPECIAL EXCEPTIONS—AUTHORITY AND PROCEDURE"
Section 59-G-1.1.1	"Standard for evaluation"
Section 59-G-1.21	"General conditions"
Section 59-G-1.22	"Additional requirements"
Section 59-G-1.3	"Compliance with special exception grant"

EXPLANATION: ***Boldface** indicates a heading or a defined term.*

Underlining indicates text that is added to existing laws by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

** * * indicates existing law unaffected by the text amendment.*

OPINION

Zoning Text Amendment 99004 was introduced on April 6, 1999 to address several priority concerns raised by the Montgomery County Civic Federation in their report on the special exception process.

Zoning Text Amendment 99004 as introduced proposes to establish a standard for evaluating special exceptions that would allow the Board of Appeals to consider both the inherent and non-inherent adverse effects of a special exception on nearby properties at the subject site. Under the proposed standard, the Board of Appeals could deny a special exception based on the inherent and non-inherent adverse effects at the subject site, regardless of the adverse effects the use might have if established at any other site within the zone. To address the County Attorney ruling that a special exception runs with the land and not the person, the amendment would authorize the Board of Appeals to review a special exception on a transfer of land ownership and to establish new conditions, if the Board determines new conditions are needed to control adverse effects. The amendment would establish that the Board of Appeals must be guided in its decisions by any discussions or recommendations provided in a master plan regarding the appropriateness of a special exception at a particular location. The amendment also defines the term "special exception" and makes clarifying and conforming changes throughout.

The Montgomery County Planning Board in its report to the Council supported the approach proposed by Zoning Text Amendment No 99004 for addressing the priority concerns raised in the Montgomery County Civic Federation report and recommended approval with revisions to clarify the meaning of the terms "inherent" and "non-inherent".

The County Council held a public hearing on June 15, 1999, to receive testimony concerning the proposed Zoning Text Amendment. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation. The Committee carefully reviewed the text amendment, the public hearing record, and related Maryland Court cases at worksessions held on June 28, July 26 and September 7, 1999.

A fundamental question raised by the Committee, was whether the Council has legislative authority to change caselaw on special exceptions, and if so, as a policy matter, how should the law governing special exceptions be changed? The County Attorney advised that the broad power given the District Council is believed to be sufficient authority to regulate the basis upon which a special exception can be granted. In discussing the options for varying the standard for grant of a special exception, a majority of the Committee agreed that a special exception should be evaluated based on its "adverse effects" on nearby properties and the neighborhood, regardless of any adverse effects the use might have if established elsewhere in the zone.

The effect of revising the standard for evaluating a special exception as contained in ZTA 99004, and as recommended by a majority of the Committee, is to replace the court method of measuring adverse effects against the same use at another location, with one that measures adverse effects only at the proposed location. The Committee was advised that the use of

"inherent and non-inherent adverse impacts" generally tracks the Board of Appeal's current evaluation practice and should not present a major problem for the Board.

Key court cases have made it clear to the Committee that a County Council, in permitting a special exception use, is presumed to know the inherent effects of the particular special exception, and that unless the adverse effects at the proposed location are greater than at any other location with the same zone, inherent effects are not a basis for denying a special exception. The Committee believes that the effect of the court cases has been to shift the burden of proof in a special exception proceeding from the applicant to the community, and that the Council's original understanding of a special exception needs to be restored. The Committee supports approval of Zoning Text Amendment to clarify: (1) that the legislative intent of the Council is for a special exception to be evaluated based on its inherent and non-inherent adverse effects at the particular location proposed, irrespective of adverse effects if established elsewhere in the zone; (2) that inherent effects may exist irrespective of the physical size or scale of operations of a special exception; and (3) that adverse effects that arise from the physical size or intensity of a special exception, are not "inherent" and, may alone be a basis for denial of a special exception.

As a result of its discussions and findings, the Committee recommended that Zoning Text Amendment No. 99004 be approved with revisions to: (1) harmonize the definition of "special exception" essentially with that of Article 66B of the State Code, (2) clarify the terms "inherent" and "non-inherent", (3) require the grant of a special exception to include a specific finding of master plan consistency, and (4) clarify that a review of a special exception on a transfer of ownership may take place only upon a showing of substantial evidence that the terms and conditions of the original grant are ineffective for preventing adverse effects.

The District Council reviewed Zoning Text Amendment No. 99004 at a worksession held on November 16, 1999, and agreed with the conclusions and recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 99004 will be approved as revised.

ORDINANCE

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 ordinance:

1 **Sec. 1. Article 59-A is amended as follows:**

2 **ARTICLE 59-A. IN GENERAL.**

3 * * *

4 **DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.**

5 **59-A-2.1. Definitions.**

6 * * *

7 **Special Exception.** [[A specific use that would not be appropriate generally or without
8 restriction that may be granted based upon a finding that the use meets certain conditions
9 and standards governing special exceptions as established in the Zoning Ordinance.]] The
10 grant of a specific use that would not be appropriate generally or without restriction, which
11 must be based on a finding that certain conditions governing special exceptions as detailed
12 in Article 59-G exist, and that the use is consistent with the applicable master plan and is
13 compatible with the existing neighborhood.

14 * * *

15 **Sec. 2. Article 59-G is amended as follows:**

16 **ARTICLE 59-G. SPECIAL EXCEPTIONS, VARIANCES, AND**
17 **NONCONFORMING USES.**

18 **DIVISION 59-G-1. SPECIAL EXCEPTIONS—AUTHORITY AND PROCEDURE.**

19 * * *

20 **[[Sec. 59-G-1.1. Authority to hear and decide petitions.]]**

21 **[[59-G-1.1.1. Standard for evaluation.**

22 A special exception may not be established absent the findings required by this Article. In
23 making these findings, the Board of Appeals must take into account the inherent and non-
24 inherent adverse effects of the special exception on nearby properties and the general
25 neighborhood at the particular location proposed, irrespective of any adverse effects the
26 use might have if established elsewhere in the zone. Inherent adverse effects are the
27 physical and operational characteristics normally associated with the particular special

exception and are not alone a sufficient basis for denial of a special exception. Non-inherent adverse effects are the physical and operational characteristics beyond those normally associated with the particular special exception and include any adverse effects particular to the location. Non-inherent adverse effects alone or in conjunction with inherent adverse effects, are a sufficient basis for denial of a special exception. The fact that the specific standards for the grant of a special exception are met, is not a presumption that the special exception is compatible with nearby properties and the surrounding neighborhood at the particular location.]]

* * *

59-G-1.2. Conditions for granting.

59-G1.2.1. Standard for evaluation.

A special exception must not be granted absent the findings required by this Article. In making these findings, the Board of Appeals, Hearing Examiner, or District Council, as the case may be, must consider the inherent and non-inherent adverse effects of the use on nearby properties and the general neighborhood at the proposed location, irrespective of adverse effects the use might have if established elsewhere in the zone. Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects alone are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are physical and operational characteristics not necessarily associated with the particular use, or adverse effects created by [[the]] unusual characteristics of the site. Non-inherent adverse effects, alone or in conjunction with inherent adverse effects, are a sufficient basis to deny a special exception.

59-G-1.21. General conditions.

(a) A special exception may be granted when the [b] Board, the [h] Hearing [e] Examiner, or the [d] District [c] Council, as the case may be, finds from preponderance of the evidence of record that the proposed use:

1 (1) Is a permissible special exception in the zone.

2 (2) Complies with the standards and requirements set forth for the use in [d] Division 59-

3 G-2. The fact that a proposed use complies with all specific standards and
4 requirements to grant a special exception[[,]] does not create a presumption that the use
5 is compatible with nearby properties and, in itself, is not sufficient to require a special
6 exception to be granted.

7 (3) Will be consistent with the general plan for the physical development of the [d]

8 District, including any master plan [or portion thereof] adopted by the commission.

9 [[The Board, Hearing Examiner, or District Council, as the case may be,]] Any

10 decision to grant or deny special exception must be [[guided in its decisions by]]

11 consistent with any [[discussion or]] recommendation in [[a]] an approved and adopted
12 master plan regarding the appropriateness of a special exception at a particular location.

13 [[A special exception granted in accordance with a master plan recommendation does
14 not alter the character of an area.]] If the Planning Board or the Board's technical staff

15 in its report on a special exception concludes that granting a particular special

16 exception at a particular location would be inconsistent with the land use objectives of
17 the applicable master plan, a decision to grant the special exception must include

18 specific findings as to master plan consistency.

19 (4) Will be in harmony with the general character of the neighborhood considering

20 population density, design, scale and bulk of any proposed new structures, intensity

21 and character of activity, traffic and parking conditions, and number of similar uses.

22 (5) Will not be detrimental to the use, peaceful enjoyment, economic value, or

23 development of surrounding properties or the general neighborhood at the subject site,

24 irrespective of any adverse effects the use might have if established elsewhere in the

25 zone [; and].

(6) [w] Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

(7) [6] Will not, when evaluated in conjunction with existing and approved special exceptions in ~~[[the]]~~ any neighboring one-family residential area, increase the number, intensity, or scope of special exception uses sufficiently to affect the area adversely or alter ~~[its]~~ the predominantly residential nature of the area. Special exception uses ~~[[in accord]]~~ that are consistent with the recommendations of a master or sector plan ~~[[are deemed]]~~ do not ~~[[to]]~~ alter the nature of an area.

(8) [7] Will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

(9) [8] Will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

(i) If the special exception use requires approval of a preliminary plan of subdivision, [in accordance with chapter 50 of this Code, title "subdivision of Land,"] the adequacy of public facilities ~~[[will]]~~ must be determined by the [p] Planning [b] Board at the time of subdivision [approval] review. In that case, [the board of appeals must include such planning board approval as a condition of the grant of the special exception] subdivision approval must be included as a condition of the special exception.

[When making this finding for a special exception use that does not require planning board approval of a preliminary plan of subdivision, the board of appeals must take into account the Planning Board advice as stated in its report and recommendation in accordance with section 59-A-4.48(b)(2).]

(ii) With regard to findings relating to public roads, the [b] Board, the [h] Hearing [e] Examiner, or the [d] District [c] Council, as the case may be, [may] must further determine that the proposal will have no detrimental effect on the safety of vehicular or pedestrian traffic.

(b) Nothing [[herein is construed as relieving the]] in this Article relieves an applicant from [[he necessity of]]complying with all requirements [[for obtaining]] to obtain a building permit or any other authorization or approval required by law, nor [[is]] does the [b] Board's finding of facts regarding public facilities [[binding on]] bind any other governmental agency or department responsible for making a determination relevant to the authorization, approval or licensing of the project.

[(b)] (c)[The applicant for a special exception has the burden of proof, which includes the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the board, the hearing examiner or the district council] The applicant for a special exception has the burden of proof to show that the proposed use satisfies all applicable general and specific standards under this Article. This burden includes the burden of going forward with the evidence, and the burden of persuasion on all questions of fact.

59-G-1.22. Additional requirements.

a) The [b] Board, the [h] Hearing [e] Examiner, or the [d] District [c] Council, as the case may be, [[is [hereby] empowered to]] may add to the specific provisions [enumerated] contained in this [section] Article, any others [[that it may deem]] necessary to protect [adjacent] nearby properties[,] and the general neighborhood[, and the residents, workers and visitors herein].

b) Pursuant to guidance by the [p] Planning [b] Board, the [b] Board, the [h] Hearing [e] Examiner, or the [d] District [c] Council, as the case may be, may require a special exception to comply [compliance] with the provisions of [d] Division 59-D-3, [[title]] "Site Plan," if:

(1) The property is in a zone requiring site plan approval, [in accordance with article 59-C, title "Zoning Districts - Regulations," and article 59-D, title "Zoning Districts - Approval Procedures;"] or

(2) The property is not in a zone requiring site plan approval, but the [p] Planning [b] Board has indicated that site plan review is necessary to regulate the impact of the special exception on surrounding uses because of disparity in bulk or scale, the nature of the use, or other significant factors.

* * *

59-G-1.3. Compliance with special exceptions grant.

(a) Inspection of operations.

* * *

(b) **Complaints.** Complaints alleging failure to comply with the terms [[and/]] or conditions of a special exception grant may be filed with the [d] Department or with the Board by any person, [[the Peoples Counsel,]] or government agency. [[; moreover, the] The [d] Department may also initiate complaints [[upon]] on its own initiative.

* * *

(c) **Modification.** The Board may amend or modify the terms or conditions of a special exception [[upon]] on the request of the special exception holder, [[the Peoples Counsel,]] or the recommendation of the [d] Department, or after a show cause hearing held under subsection (e).

* * *

(d) Abandonment.

* * *

(e) **Show cause hearing for revocation of a special exception.** If, under this [[a]] Article, the Board receives a written notice from the Department [[or the Peoples Counsel]] that the terms or conditions of a special exception grant or that the terms, conditions or restrictions attached to the grant of any permit issued under [[the provisions of]] this [[a]]

Article are not being complied with, the Board, by an affirmative vote of at least 3 members, may ~~[[issue an]]~~ order ~~[[to]]~~ the special exception holder and ~~[[to]]~~ the property owner to appear before the Board at a date, time, and place specified to show cause why the special exception should not be revoked.

(1) The notice of a show cause hearing ~~[[shall]]~~ must be issued to the special exception holder, the property owner, the ~~[[d]]~~ Department, ~~[[the Peoples Counsel,]]~~ and to all parties who have submitted written complaints concerning the ~~[[subject]]~~ special exception.

* * *

(f) Hearing Examiner and District Council. For those special exceptions which are,.....

* * *

(g) Review on Transfer of Land Ownership. ~~[[A]]~~ The terms and conditions of a special exception may be reviewed by the Board, Hearing Examiner, or District Council, as the case may be, for good cause shown, upon a transfer of land ownership ~~[[and periodically if a review period is established as a condition of the special exception grant,]]~~ to determine the effectiveness of the conditions placed on the use and for new conditions to be established, if determined necessary. A review on a transfer of land ownership may take place at the request of the Department of Permitting Services, any aggrieved person, or at the initiative of the Board of Appeals, only upon a showing of substantial evidence that the terms and conditions of the original grant are ineffective for preventing adverse effects. ~~[[A special exception must be reviewed if requested by any interested party or may take place at the initiative of the Board.]]~~ Parties entitled to notice must be notified of the review and a public hearing held on reasonable notice. If, after the public hearing, it is determined that the terms and conditions of the special grant are not effective or the special exception is or will be operated in a manner previously unanticipated, new conditions may be established to address the ~~[[inherent and~~

non-inherent]] adverse effects on nearby properties and the general neighborhood.

It is the responsibility of the special exception holder to notify the Board of Appeals of any change in land ownership or change in circumstances or conditions affecting the special exception.

Sec. 3. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

Elda Dodson

Elda Dodson

Acting Clerk of the Council

**BEFORE THE OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR MONTGOMERY COUNTY, MARYLAND**

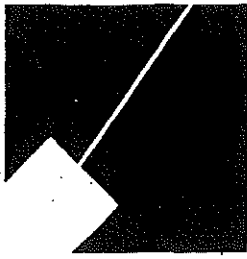
IN THE MATTER OF THE APPLICATION	:	
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EDUCATIONAL INSTITUTION	:	

**PRE-HEARING SUBMISSION OF VIVIAN RIEFBERG
AND BRADLEY BOULEVARD CITIZENS ASSOCIATION**

EXHIBIT FF

Recommendation of the M-NCPPC Technical Staff on
Zoning Text Amendment No. 99004 dated May 28, 1999

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

MCPB
Item #1
6/3/99

DATE: May 28, 1999
TO: Montgomery County Planning Board JRO
VIA: Joe Davis, Acting Chief, Development Review Division
FROM: Denis Canavan & Deane Mellander, Development Review Division
REVIEW TYPE: Zoning Text Amendment
PURPOSE: Amend the Regulations for Special Exceptions
TEXT AMENDMENT: No. 99004
REVIEW BASIS: Advisory to the County Council, Chapter 59, Zoning Ordinance
INTRODUCED BY: Councilmember Krahnke
INTRODUCED DATE: April 6, 1999

PLANNING BOARD REVIEW: June 3, 1999
PUBLIC HEARING: June 15, 1999; 7:30 p.m.

STAFF RECOMMENDATION: APPROVAL with Modifications

BACKGROUND

Text Amendment No. 99004 is a proposal to amend the regulations governing the review of special exceptions in Montgomery County. Many concerns have been raised in recent years regarding the special exception process, and the legal basis of review. These concerns have been compounded with the October 1995 Court of Special Appeals ruling in the *Mossburg* decision and the subsequent interpretation of this court decision, by some, that it places a greater burden on the citizens opposing a special exception application to prove that the use is not suitable at the location proposed, rather than the applicant to prove that the proposed use at the location is suitable. Two other issues have also been raised: (1) whether the special exception approval runs with the land or with the applicant, and (2) the relevance of area master plan recommendations and whether the area master plan can determine where special exceptions should or should not be allowed. The introduced text amendment addresses the three issues in various degrees, focusing primarily on the *Mossburg* issue.

These issues are not new. The technical staff noted that these three issues needed to be addressed initially as a part of the Comprehensive Zoning Ordinance review and they were raised by the Allied Civic Group in their report to County Council in April 1998. The County Council in 1998 requested the County Attorney to respond to these issues. A complete review has not been provided to date. These important issues are generic to all special exceptions.

Essentially, a special exception is a use that the legislative body has determined can be compatible with other uses permitted in the zone, provided certain conditions and restrictions are met. Most conflicts regarding special exceptions involve uses proposed in the residential zones.

Section 59-G-1.21 of the Zoning Ordinance is titled "General Conditions." This section should be addressed initially because it lays a legal foundation for reviewing all special exceptions. It is significant to have an understanding of these provisions and the legal interpretation of these conditions before moving forward with the more specific standards and requirements of the individual special exception provisions found in Division 59-G-2 of the Zoning Ordinance. This text amendment is intended to address these issues.

Among the various court cases, two are prominent: *Roger Shultz et al v. Robert K. Pritts et al.*, and *William H. Mossburg, Jr., et al. V. Montgomery County, Maryland et al.*

The leading court opinion related to special exceptions until recently has been *Schultz v. Pritts*. In that case Judge Davidson, writing for the Court of Appeals, defined special exceptions as follows:

"Special exception" means a grant of a specific use that would not be appropriate generally or without restriction and shall be based upon a finding that certain conditions governing special exceptions as detailed in the zoning ordinance exist, that the use conforms to the plan and is compatible with the existing neighborhood.

The *Schultz* opinion goes on to read, in part as follows:

The special exception use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid. The special exception use is a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses which the legislature has determined to be permissible absent any fact or circumstance negating the presumption. The duties given the Board are to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the plan.

Whereas, the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the

burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material. If the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan of zoning fairly debatable, the matter is one for the Board to decide. But if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of actors causing disharmony to the operations of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious, and illegal.

The Court in *Schultz* goes on to say:

We now hold that the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are fact and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. Emphasis added.

These underlined words are significant in the drafting of the introduced Amendment.

The *Mossberg* case, decided by the Court of Special Appeals, essentially reiterates the *Schultz* opinion. The technical staff does not believe that *Mossberg* case substantially altered the burden of proof earlier established by *Schultz*.

In *Mossburg*, the Court of Special Appeals noted the following:

In the absence of a provision in the zoning statute clearly requiring a stricter standard than *Schultz*, *Schultz v. Pritts* applies. As we indicate elsewhere, some adverse impact is contemplated or the use would be permitted generally without resort to the special exception process... Emphasis added

Virtually every human activity has the potential for adverse impact. Zoning recognizes this fact and, when concerned with special exceptions and conditional uses, accepts some level of such impact in light of the beneficial purposes the legislative body has determined to be inherent in the use. It regulates the level of adverse impact by prohibiting only that level that is not inherent in the use. It does that primarily, as we have said, by restricting only those uses, the impact of which is greater at a particular location than it would generally be elsewhere.

In essence, the staff concludes a special exception is a use that the legislative body has deemed suitable or appropriate in the zones allowed. However, such uses may have some adverse impacts beyond those normally be associated with permitted uses. As such, they should be accorded a higher level of review. Therefore, additional standards and requirements have been developed to attempt to address those impacts. In general, if the application meets the standards required by the Ordinance, the special exception should be granted. The standards to be met include both the specific standards found in Division 59-G-2 and the General Conditions found in 59-G-1.21 of the Zoning Ordinance.

ANALYSIS

Text amendment No. 99004 is an attempt to legislatively set a somewhat higher standard of review for special exceptions than has been established by the courts under existing legislative practice. This is generally allowable, as noted in *Mossburg*. The question is how far does the County want to go in "raising the bar," given that most of the special exceptions do serve a public purpose. Based on the extent of the legal implications, the technical staff has reviewed this text amendment proposal with our legal staff.

The staff observes that much of the controversy surrounding these issues has resulted in the multiple changes which have occurred over the decades. Previous County Councils determined that the existing special exceptions allowed in the various zones are legislatively compatible with other uses allowed in the zone. The multiple changes which have occurred over the same decades are: changing demographics, changes in lifestyles, and changes in the size and operational characteristics of many of the special exception uses. As the population has increased, and the amount of available land particularly in the down-county area has diminished, there is more opportunity for conflict between residential uses, and the allowable special exceptions. Also, many of the special exception uses have changed in size and operational characteristics over the years. Responding to the needs and desires of the public, as well as the economic forces, the providers of special exceptions have made adjustments. Hence our experience has seen changes in the very nature of Hospitals, Medical Clinics, Nursing Homes, Housing for the Elderly, Life Care Communities, Child and Adult Day Care, Private Schools, and offices in residential structures, to name a few allowed in the residential zones, and Automobile Filling Stations and Drive-in Restaurants (fast food restaurants) as examples allowed in Commercial Zones.

Issues of suitability and compatibility of such uses, and the related standards in today's market should be addressed. The staff is currently involved in this process within the comprehensive review of the Ordinance. In its initial report to the Planning Board, the staff identified 19 special exceptions categories judged to be problematic or historically controversial. Of these, 16 are allowed in the residential zones. The staff has been directed by the Council to review the special exceptions in the residential zones as a part of their revised work program.

The staff has reviewed the text amendment and offers the following analysis based on the code reference numbers of the amendment. In Section 59-A-1, the first change proposed by the

text amendment is to add a definition of a special exception to the Code. The proposed language reads as follows:

A specific use that would not be appropriate generally or without restriction that may be granted based upon a finding that the use meets certain conditions and standards governing special exceptions as established in the Zoning Ordinance.

The staff concern with the proposed language is that it is not content-neutral. It makes a value judgement in the body of the definition: the proposed use "would not be appropriate generally." A special exception has been judged appropriate by virtue of its inclusion in the zone. Staff recommends simplifying the proposed definition as follows:

A specific use that may be allowed provided a finding is made that the use meets certain conditions and standards governing special exceptions as established in Article 59-G.

In Section 59-G-1.1, the second section of the text amendment proposes to add a new paragraph under entitled "Standard for evaluation." Staff recommends that this language be relocated under Sec. 59-G-1.21, General Conditions. In the opinion of the staff, the new language is intended to provide the general parameters under which a special exception should be reviewed. It is appropriate therefore that the language be in this section.

As proposed, the language attempts to address the concerns raised by the *Mossburg* decision, and captures some of the same language in the decision. The critical portion of the proposed language reads as follows:

[the decision-maker] must take into account the inherent and non-inherent adverse effect of the special exception on nearby properties and the general neighborhood at the particular location proposed, irrespective of any adverse effects the use might have if established elsewhere in the zone.

The amendment then goes on to describe "inherent adverse effects are the physical and operational characteristics normally associated with the particular special exception,....", and "the non-inherent adverse effects ...are those beyond those normally associated with the particular special exception...". The use of the words inherent and non-inherent is vague and subjective. The words alone may need to be defined for purpose of special exceptions. Intrinsically, there are too many variations of a given special exception to accurately describe all the inherent and non-inherent effects. As an example: an automobile filling station as a special exception may have: 24 hour service; a convenience store; an eatery; a banking facility; car wash; and service bays. If it is on a corner lot, it may have access drives on both streets as compared to a right-in/right-out situation. Variations or gradations in the specific category are found with child day care centers, hospitals, housing for the elderly, nursing homes etc. Hence, the difficulty in understanding and applying the terms. The staff instead would suggest that a compatibility finding be provided instead. (no such finding is required under current law). "Compatibility" is a more common term

that is already used in the code for considering floating zone applications and site plans. The staff recommends that the paragraph be modified to read as follows (including editorial changes):

A special exception may not be granted absent the findings required by this Article. In making these findings, the Board of Appeals, Hearing Examiner, or District Council as the case may be, must take into account the adverse effects of the special exception on adjoining and confronting properties and the general neighborhood at the particular location proposed. The use must meet the standards and requirements established for the use in this Article and be found compatible with other uses in the neighborhood.

In Section 59-G-1.21, the next section of the text amendment proposes changes to the General Conditions. All special exceptions must be judged against the general conditions, in addition to the special regulations for the individual uses. In sum the general conditions require a finding that the proposed use is allowable, suitable, will not have an adverse effect on surrounding properties, and has adequate public facilities available.

With respect to the intent of the text amendment to provide the decision-maker some additional authority, the staff recommends that subparagraph (a)(2) be amended to read as follows:

Complies with the standards and requirements set forth for the use in division 59-G-2. The fact that an application for a special exception complies with all specific standards and requirements set forth herein does not create a presumption that the resulting development is compatible with surrounding land uses, and, in itself is not sufficient to require the granting of the application.

This is the essentially the same language that appears in the purpose clause of several of our floating zones. The difference is that the term "standards and requirements" is proposed here, to match the terminology in the Code for special exceptions. Floating zones have traditionally been defined as being in the nature of a special exception. The proposed language change makes it explicit that there is no longer a presumption of compatibility just because it meets the standards and requirements of the use. This would require a specific finding that the use is generally compatible with the surrounding uses.

If this language is adopted by the Council, it should be with the understanding that any compatibility findings will have to be explicitly stated by the decision-maker, as is the case with the other required findings. This will aid in avoiding the appearance of being arbitrary or capricious.

The text amendment proposes the revised subsection (a)(3) to read as follows:

Will be consistent with the general plan for the physical development of the District, including any master plan adopted by the Commission. The Board, Hearing Examiner, or District Council, as the case may be, must be guided in its decisions by any discussion or recommendation in a master plan regarding the appropriateness of a special exception at a particular location. A special exception granted in accordance with a master plan recommendation does not alter the character of an area.

The staff recommends adding a reference to sector plans as well as master plans in the text.

The introduced amendment is intended to make master plan recommendations carry more weight when a special exception is being considered. This is a grey area under the law. Traditionally, a master plan cannot override zoning. Ostensibly, if special exceptions are allowed in the recommended zone, it would be presumed that any of those uses should be appropriate anywhere in the zone if the standards are met. On the other hand, master plans in the past have made specific recommendations for certain properties as to their suitability for a special exception. For example, one of the minimum requirements of the non-resident professional office use is that it can only be allowed where recommended in the master plan. Master plan guidance has been considered as part of the findings needed for approval. To emphasize the recommendation contained within a Master Plan, the staff recommends that the Planning Board recommendation on this finding be given additional weight, and staff has provided this language: If the Planning Board finds that the use is not consistent with the relevant master or sector plan, a decision to approve the application must include a specific finding as to why the application is consistent with the master or sector plan.

An even higher standard would stipulate that if the Planning Board makes the finding that the special exception is not consistent with the Master Plan, the Board of Appeals must deny the special exception. However, this standard may require amendments to State or County law.

Also, the last sentence of the proposed language, which is existing language relocated from subparagraph (6) of the existing code, should be left where it currently is. The staff therefore recommends that subparagraph (3) be worded as follows:

Will be consistent with the general plan for the physical development of the District, including any master or sector plan adopted by the Commission. The Board, Hearing Examiner, or District Council, as the case may be, must be guided in its decisions by any discussion or recommendation in a master or sector plan regarding the appropriateness of a special exception at a particular location. If the Planning Board finds that the use is not consistent with the relevant master or sector plan, a decision to approve the application must include a specific finding as to why the application is consistent with the master or sector plan.

Under subsection (a)(6), the staff recommends adding the word illumination to modify the word glare.

Under new subsection (a)(7), staff recommends modifications to the current language for greater clarity. The existing language reads as though all special exceptions are in, or affect, one-family residential areas. This is certainly not the case, since there are many special exceptions in the commercial and industrial zones that have no direct effect on residential areas. Staff suggests that the Council consider whether or not this section should only refer to one-family residential areas, or whether it should be broadened to include any residential area, one-family or multi-family.

Under new subsection (a)(8), the intent of the proposed text amendment language is to allow the decision-maker to consider the potential impact of the proposed use on the particular site in question, even though the adverse effects might not be considerably different than if located elsewhere. In order to be consistent with the new language of 59-G-1.2.1, staff recommends that new subparagraph (8) of the proposed text amendment is modified to read as follows:

Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the general neighborhood of the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

Under new subsection (a)(9), the text amendment proposes in subparagraph (i) to change the term subdivision approval to subdivision review. Staff suggests instead that the term be subdivision consideration. We believe the original change was intended to not insert a presumption of approval of a preliminary plan by the Planning Board. However, the term "review" might imply that the Board does not have the final authority. The word consideration is more content neutral, without implying either approval or denial.

In this same section, the text amendment also proposes to delete the language referring to consideration when there is no subdivision action necessary. We assume this was done because the necessary language already appears in Sec. 59-A-4 in the Zoning Ordinance. While staff normally likes to remove redundancies, in this case we believe it better to leave this language in for the ease of the Code user.

New subparagraph 59-G-1.21(b) is existing language that has been simply recodified.

In new subparagraph 59-G-1.21(c) language is proposed to be modified to make specific reference to the general and specific requirements and standards for approval. The staff recommends that a reference to submission of evidence be included for additional clarity. The suggested changes do not change the substantive intent of the existing language. Staff recommends that the language be modified as follows:

The applicant for a special exception is responsible for submitting the necessary evidence and has the burden of proof, the burden of going forward with the evidence, and must show that the proposed use satisfies all applicable general and specific standards under this Article.

The changes proposed under Sec. 59-G-1.22, Additional Requirements, are plain language changes, which the staff supports.

A new subparagraph (g) under Sec. 59-G-1.3, Compliance with Special Exception Grant, is also proposed. This new language is intended to make it explicit that the decision-maker has the authority to review a special exception upon transfer of land ownership, and also allow the imposition of a periodic review as a condition of approval. Staff recommends that this be modified to include a possible review upon transfer of the special exception. Often there are cases where the land owner has no direct interest in the special exception, simply acting as a landlord. The actual holder of the special exception is responsible for complying with the conditions of approval, as are any successors. Also, as drafted, the language would allow any person, anywhere, to file a request to review a special exception. Staff finds this much too broad, and recommends that it be modified to read party of record. This does not preclude complaints that may be filed by any person under subparagraph (b) of this section. Rather than have a hearing scheduled on "reasonable notice," the staff recommends that the normal hearing procedure already set forth in Sec. 59-A-4.4 be followed. Staff also recommends deletion of the phrase "the inherent and non-inherent" adverse impacts for the reasons cited earlier. Staff therefore recommends that this paragraph be modified to read as follows:

Review. A special exception may be reviewed by the Board, Hearing Examiner, or District Council, as the case may be, upon a transfer of land ownership, a transfer of the holder of the special exception, and periodically if a review period is established as a condition of the special exception grant, to determine the effectiveness of the conditions placed on the use and for new conditions to be established, if determined necessary. A special exception must be reviewed if requested by any party of record, if a complaint is filed under subsection (b) above, or may take place at the initiative of the Board. Parties of record must be notified of the review and a public hearing held as set forth in Sec. 59-A-4.4. If, after the public hearing, it is determined that the terms and conditions of the special grant are not effective or the special exception is or will be operated in a manner previously unanticipated, new conditions may be established to address adverse effects on nearby properties and the general neighborhood. It is the responsibility of the special exception holder to notify the Board of Appeals of any change in land ownership or change in circumstances or conditions affecting the special exception.

The staff finds that the proposed text amendment provides authority for a broader finding requirement for special exceptions. The modifications recommended by the staff may be somewhat more limited than the text amendment proposes. However, staff believes that the modifications will be more easily administered and defended if necessary.

The text amendment by itself does not address all of the concerns raised by the citizens. There is the threshold question as to which uses are suitable in the various zones. Related to that is whether or not the current standards and requirements governing the various special exceptions are sufficient. These matters will be addressed as part of the first phase of the comprehensive Zoning Ordinance review currently under way.

Other related issues, such as having the Hearing Examiner's office hold all special exception hearings, and activation of the People's Counsel, need separate consideration as well. The public hearing notice for this text amendment is purposely broad to elicit comments on these related matters. If there is substantive testimony on these other issues, the Board may wish to recommend to the Council that the public hearing record be held open so the Board may have an opportunity to comment on that testimony.

The staff therefore recommends that text amendment No. 99004 be approved with the modifications recommended by the technical staff.

Attachments:

Introduced Text Amendment
Existing Regulations from Ch. 59
Notice of Public Hearing
Modifications Recommended by Technical Staff

**BEFORE THE OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR MONTGOMERY COUNTY, MARYLAND**

IN THE MATTER OF THE APPLICATION	:	
OF HOLTON ARMS SCHOOL, INC. FOR A	:	Conditional Use Application
MAJOR MODIFICATION OF SPECIAL	:	Nos. CBA-1174-E, S-2467-A
EXCEPTION FOR A PRIVATE	:	S-2503-B, S-516, & S-729
EDUCATIONAL INSTITUTION	:	

**PRE-HEARING SUBMISSION OF VIVIAN RIEFBERG
AND BRADLEY BOULEVARD CITIZENS ASSOCIATION**

EXHIBIT GG

Ordinance No. 14-46 enacting Zoning Text Amendment No. 02-01,
by the County Council for Montgomery County, Maryland,
sitting as the District Council for that Portion of the Maryland-Washington
Regional District within Montgomery County, Maryland

CORRECTED COPY 4/29/02

Ordinance No: 14-46

Zoning Text Amendment No: 02-01

Concerning: Private Educational
Institutions – Special Exceptions

Draft No. & Date: 2 – April 2, 2002

Introduced: January 29, 2002

Public Hearing: March 5, 2002; 7:30 PM

Adopted: April 2, 2002

Effective: April 22, 2002

**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: Councilmembers Silverman and Denis

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- allowing by special exception a Private Educational Institution to include (i) tutoring and college entrance exam preparatory courses, (ii) art education programs, (iii) artistic performances, (iv) indoor and outdoor recreation programs, or (iii) summer day camps, which may serve individuals other than students enrolled in the school;
- ~~clarifying that the Board may limit the number of participants and frequency of events for authorized programs;~~
- ~~establishing standards of compliance for programs existing before (Effective Date of ZTA);~~
- providing a ~~[[period]]~~ procedure for compliance for certain programs existing before (ZTA Effective Date); and
- making plain language changes throughout.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-G-2

**"SPECIAL EXCEPTIONS-STANDARDS AND
REQUIREMENTS"**

Section G-2.19
DIVISION 59-A-2
Section 59-A-2.1

"Educational institutions, private"
"DEFINITIONS AND INTERPRETATION"
"Definitions"

EXPLANATION: ***Boldface** indicates a heading or a defined term.*
Underlining indicates text that is added to existing laws by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

OPINION

Zoning Text Amendment No. 02-01 was introduced on January 29, 2002 to allow by special exception a Private Educational Institution to provide certain programs that may include individuals not enrolled as students in the school.

The ZTA addresses, in part, a recent opinion of the Board of Appeals that a program or use at a private school must be incidental and subordinate to the private educational institution use to be permissible under the original special exception grant. Whether a program or use is incidental and subordinate to the main use depends in part on intensity of use, level of enrollment, and participation by individuals not enrolled as students at the school. Implicitly, a program or use that is not incidental or subordinate to the main use is not permissible.

The ZTA would authorize the Board of Appeals to allow a Private Educational Institution to include (i) tutoring and college entrance exam preparatory courses, (ii) art education programs, (iii) artistic performances, (iv) indoor and outdoor recreation programs, or (iii) summer day camps, which may serve individuals other than students enrolled in the school. The Board would have to find that the activities when considered in combination with other activities of the institution would not have an adverse impact on the surrounding neighborhood due to traffic, noise, or lighting, or intensity, frequency, or duration of activities.

The Montgomery County Planning Board in its report to the Council indicated its support for the intent of the ZTA, but believes that the scope of the proposal is too broad. The Technical Staff recommended that the scope of the programs be expanded to include educational/enrichment activities. The Planning Board recommended that standards be added to limit hours of operation, intensity of use, and methods for minimizing inappropriate commercialization of school sites.

The County Council held a public hearing on March 5, 2002, to receive testimony concerning the proposed text amendment. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on March 25, 2002 to review the amendment. The Committee recommended approval of ZTA 02-01 with revisions to: (1) establish a standard other than road capacity for measuring traffic impacts; (2) clarify that the board of Appeals may limit the number of participants and frequency of events for authorized programs; (3) allow existing programs to continue if the number of participants and frequency of events are established in the original special exception; and (4) clarify that the procedure for existing special exceptions to add new programs is by modification of the original special exception.

The Committee did not believe a rationale existed to support a distinction being made between non-profit and profit-making programs or for adding criterion that would limit program activities to those that relate directly to the educational mission of the school and that have some benefit to the students enrolled in the school.

The District Council reviewed Zoning Text Amendment No. 02-01 at a worksession held on April 2, 2002, and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 02-01 will be approved as amended.

ORDINANCE

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 ordinance:

1 **Sec. 1. Division 59-A-2 is amended as follows:**

2 **DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.**

3 **59-A-2.1. Definitions.**

4 * * *

5 **Educational institution, private:** Every private school or educational or training
6 institution, however designated, which offers a program of college, professional,
7 preparatory, high school, junior high school, elementary, kindergarten, or nursery
8 school instruction, or any combination thereof, or any program of trade, technical
9 or artistic instruction, [but such term does not include any] An educational
10 institution operated by [of] the [c] County [b] Board of [e] Education is not a
11 private educational institution. A private educational institution may include: (i)
12 tutoring and college entrance exam preparatory courses. (ii) art education
13 programs. (iii) artistic performances. (iv) indoor and outdoor recreation programs.
14 or (v) summer day camps, which may serve individuals who are not enrolled as
15 students in the institution's academic program. [No] A private educational
16 institution is not a home occupation. Private educational or artistic instruction
17 conducted in [the] a home by a resident of that home is not a private educational
18 institution and is regulated [by the definition and standards of] as a [""]home
19 occupation.[""] Any [use which was granted a special exception as a] [P] private
20 [E] educational [I] institution granted a special exception before February 10, 1992
21 is [not] a [non]conforming use and may continue under the terms of the special
22 exception as originally granted.

23 * * *

24 **Sec. 2. Division 59-G-2 is amended as follows:**

25 **DIVISION 59-G. SPECIAL EXCEPTIONS—STANDARDS AND**
26 **REQUIREMENTS.**

27 * * *

59-G-2.19. Educational institutions, private.

(a) Generally. A lot, tract or parcel of land may be allowed to be used for a private educational institution [upon a finding by] if the board finds that :

(1) [That such] the private educational institutional use will not constitute a nuisance because of traffic, number of students, noise, type of physical activity, or any other element which is incompatible with the environment and character of the surrounding neighborhood; [and]

(2) [That,] except for buildings and additions [thereto] completed, or for which a building permit[s have] has been obtained [prior to the time of adoption of this section] before (date of adontion). [such] the private educational institution [use will] must be [housed] in a building[s] architecturally compatible with other buildings in the surrounding neighborhood, and, [in the event such] if the [building] private educational institution [is to] will be located on a lot, tract, or parcel of land of 2 acres or less, in either an undeveloped area or an area substantially developed with single-family homes, [that] the exterior architecture of [such] the building [will] must be [of] similar to a [residential] single-family home design, and at least comparable to any existing [residential] homes[, if any,] in the immediate neighborhood; [and]

(3) [That such use] the private educational institution will not, in and of itself or in combination with other existing uses, affect adversely or change the present character or future development of the surrounding residential community; and

(4) [That such use] the private educational institution [can and] will be developed in conformity with the following area, density, building

1 coverage, frontage, setback, access and screening requirements, where
2 specified:

3 [a.] **(A) Area, frontage and setback**—As [shall be] specified in a
4 site plan [of development] approved by the [b] Board;
5 provided, that in no event shall such standards be] but not less
6 than the area regulations for the zone in which the private
7 educational institution [is proposed to be] would be located;
8 [and]

9 [b.] **(B) Access building coverage and screening**—As [shall be]
10 specified in a site plan [of development] approved by the [b]
11 Board; [and]

12 [c.] **(C) Density**—[Such density, being] [t] The allowable number
13 of pupils per acre permitted to occupy the premises at any one
14 time as [shall be] specified by the [b] Board [upon
15 consideration of] considering the following factors:

- 16 1. Traffic patterns, including:
 - 17 a) Impact of increased traffic on residential streets;
 - 18 b) Existence of arterial highways; and
- 19 2. Noise or type of physical activity; [and]
- 20 3. Character, percentage, and density of existing
21 development and zoning [within] in the community;
22 [and]
- 23 4. Topography of the land to be used for the special
24 exception:
- 25 5. [Provided that a] [d] Density [in excess of] greater than
26 87 pupils per acre may [only] be permitted only if the
27 Board finds [upon a finding] that [a] (i) the program of

1 instruction, special characteristics of students, or other
2 circumstances justify reduced space and facility
3 requirements; [and] ([b] ii) the additional density will not
4 adversely affect adjacent properties; ([c] iii) additional
5 traffic generated by the additional density will not
6 adversely affect the surrounding streets; and ([d] iv)
7 adequate provisions for drop-off and pick-up of students
8 will be provided.

- 9 (b) If a Private Educational Institution operates or allows its facilities by lease or
10 other arrangement to be used for: (i) tutoring and college entrance exam
11 preparatory courses, (ii) art education programs, (iii) artistic performances,
12 (iv) indoor and outdoor recreation programs, or (v) summer day camps, the
13 Board must find, in addition to the other required findings for the grant of a
14 Private Educational Institution special exception, that the activities in
15 combination with other activities of the institution, will not have an adverse
16 effect on the surrounding neighborhood due to traffic, noise, lighting, or
17 parking, or the intensity, frequency, or duration of activities. In evaluating
18 traffic impacts on the community, the Board must take into consideration the
19 total cumulative number of expected car trips generated by the regular
20 academic program and the after school or summer programs, whether or not
21 the traffic exceeds the capacity of the road. A transportation management
22 plan that identifies measures for reducing demand for road capacity must be
23 approved by the Board.

24
25 The Board may limit the number of participants and frequency of events
26 authorized in this section.
27

(c) Programs Existing before April 22, 2002.

(1) If Any Private Education Institution may continue the operation of (i) tutoring and college entrance exam preparatory courses, (ii) art education programs (iii) artistic performances, (iv) indoor and outdoor recreation programs, or (v) summer day camps, until 9/1/2003. After 9/1/2003, a special exception must be obtained to operate any such programs that include non-students. If Where previously approved by the Board, a private educational institution may continue the operation of (i) tutoring and college entrance exam preparatory courses, (ii) art education programs, (iii) artistic performances, (iv) indoor and outdoor recreation programs, or (v) summer day camps, whether such programs include students or non-students of the school, if the number of participants and frequency of events for programs authorized in 59-G-2.19(h) are established in the Board's approval.

(2) Where not previously approved by the Board, such programs may continue until April 22, 2004. Before April 22, 2004, the underlying special exception must be modified to operate such programs, whether such programs include students or non-students of the school. The Board may establish a limit on the number of participants and frequency of events for authorized programs.

[(b)] (d) Siteplan.

[(c)] (e) Exemptions.

[(d)] (f) Nonconforming use[s].

[(e)] (g) Public Buildings.

1 **Sec. 3. Effective date.** This ordinance becomes effective 20 days after the
2 date of Council adoption.

3
4 This is a correct copy of Council action.

5
6
7
8 *Mary A. Edgar*

9 Mary A. Edgar, CMC

10 Clerk of the Council

**BEFORE THE OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR MONTGOMERY COUNTY, MARYLAND**

IN THE MATTER OF THE APPLICATION	:	
OF HOLTON ARMS SCHOOL, INC. FOR A	:	Conditional Use Application
MAJOR MODIFICATION OF SPECIAL	:	Nos. CBA-1174-E, S-2467-A
EXCEPTION FOR A PRIVATE	:	S-2503-B, S-516, & S-729
EDUCATIONAL INSTITUTION	:	

**PRE-HEARING SUBMISSION OF VIVIAN RIEFBERG
AND BRADLEY BOULEVARD CITIZENS ASSOCIATION**

EXHIBIT HH

1990 Bethesda-Chevy Chase Master Plan (excerpts)

Comprehensive Amendment to

Bethesda – Chevy Chase Master Plan

Approved & Adopted
April 1990

Approved And Adopted
**COMPREHENSIVE AMENDMENT TO THE
BETHESDA-CHEVY CHASE MASTER PLAN**

Approved and Adopted Master Plan for Bethesda-Chevy Chase, Planning Area 35, 1970, as amended; the Sector Plan for the Central Business District of Friendship Heights, 1974, as amended; the Sector Plan for the Bethesda Central Business District, 1976 as amended; the Approved and Adopted Westbard Sector Plan, 1982, as amended; the Master Plan for Historic Preservation, 1979, as amended; the Approved and Adopted Functional Master Plan for Conservation and Management in the Rock Creek Basin, 1980; being also an amendment to the General Plan for the Physical Development of the Maryland-Washington Regional District, as amended; and the Master Plan of Highways within Montgomery County, as amended.

Prepared By:

The Maryland-National Capital Park And Planning Commission
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, MD 20910-3760

April 1990

Master Plan Highlights

This Plan Highlights section is a summary of the key recommendations addressed in the Bethesda-Chevy Chase Master Plan and provides an opportunity for the reader to preview, in a few pages, the complete document. Throughout the body of the text, Master Plan recommendations and major points are emphasized in bold text.

Purpose and Content

The purpose of this Master Plan is to establish the policy framework that will guide the future direction of Bethesda-Chevy Chase for the next 20 years. Almost as many years have passed since the last Master Plan for the area was approved and adopted, and much change has occurred both in B-CC and in the County. These changes have been carefully considered in the recommendations of this Plan. At the same time, it is equally important to attempt to anticipate future change so that the best recommendations can be made to prepare the Planning Area for the year 2010.

The Bethesda-Chevy Chase area has many desirable characteristics which are critical to the continued stability of the area and which make B-CC one of the strongest communities in the County. These include well established residential neighborhoods, a combination of open space and wooded areas, employment and shopping opportunities, and a high level of transportation service. **A major goal of this Master Plan is to perpetuate and enhance the high quality of life to which citizens of Bethesda-Chevy Chase are accustomed.**

The boundaries of this Plan include all of the Planning Area outside of the three Sector Plan areas of the Bethesda Business District, Friendship Heights, and Westbard. Since each of these has been reviewed more recently than the remainder of Bethesda-Chevy Chase, it was important to focus on the balance of the area to establish the Master Plan frame work. There are integral links among each of the Sector Plan areas and with the larger Planning Area which have been taken into consideration in preparing this document. Since the three areas were not studied in depth, this Plan assumes that the policies and recommendations contained in the Sector Plans are valid.

This is a comprehensive Master Plan, in the tradition of master plans approved by the County Council since adoption of the *General Plan*. As a comprehensive plan, it addresses the interrelated issues of the various elements affecting our communities: natural resources and environmental values, demographic changes, community needs, employment and housing development policies, public facility needs, transportation, and land use.

The key land use policy of the Plan is a reconfirmation of the existing residential character and zoning of the Planning Area. The Master Plan recommends relatively modest changes and a moderate level of development, which are intended to assure the continuation of these strong communities. The Plan also emphasizes increased transit use as the primary way to serve increased commuter traffic. The comprehensive nature of the Plan is completed by inclusion of an

Implementation Plan setting out the zoning, legislation, capital and operating programs, and supplementary actions needed to achieve the objectives of the Plan.

The Bethesda-Chevy Chase Master Plan is designed to achieve the following goals:

1. Perpetuate and enhance the high quality of life which exists in the Bethesda-Chevy Chase Planning Area.
2. Achieve a level of future employment development that is in balance with a high quality of life and the transportation capacity of the Planning Area.
3. Provide for a balanced housing supply so that persons of varying income levels, age, backgrounds, and household characteristics may find suitable housing appropriate to their needs.
4. Protect the high quality residential communities throughout the Planning Area as well as the services and environmental qualities that enhance the area.
5. Achieve a significant shift of new travel from auto to transit and other mobility alternatives.
6. Protect the natural resources and environmental qualities of the Planning Area.
7. Contribute to a strong sense of community and help reinforce community cohesion.

Extensive background material is available in other documents prepared by the Planning Department. The Appendix to the Master Plan contains background material and key parcel maps. The major support material is contained in two documents released in February 1988. The *Trends and Conditions Report* is primarily a background document. The *Issues Report* contains an extensive discussion of land use and other issues in the Planning Area.

Development Levels

The Master Plan endorses a moderate level of development for Bethesda-Chevy Chase. A moderate level of develop-

ment is in balance with the overall transportation capacity of the Planning Area. A high level of new development was considered and rejected due to potential for excessive traffic congestion. A low level of new development was considered and rejected due to excessive restriction on the expectations of property owners. The remaining Master Plan recommendations assume the moderate level of future development.

The recommended level of development achieves most of the expectations of property owners and can be reasonably accommodated within the transportation capacity of the Planning Area. Development expectations are based in great part on existing zoning for the private sector and availability of land for the public sector. Transportation facilities are assumed to be limited to moderate improvements to the existing highway system, coupled with strong efforts to increase use of public transit and other mobility alternatives. More extensive highway improvements would be excessively disruptive to local communities.

The proposed level of development can be implemented through the following recommendations:

1. Maintain the relative level of households compared to jobs to reduce the pressures on commuting into the area.
2. Share new employment development between the Sector Plans and the Federal employment centers.
3. Locate new employment and residential development in existing centers, near Metro stations.
4. Continue to recognize the importance of biomedical and medically-oriented development in the area, but place less emphasis on large-scale office projects.
5. Support existing businesses, including those that meet community retail and service needs.
6. Support increased housing density and types in Sector Plan areas and where compatible with nearby properties.

Land Use and Zoning

Areawide Recommendations

The major goal of the Master Plan is to protect the high quality of life, the residential character, and the natural environment throughout the area. A related objective is to reconfirm the zoning for the extensive single-family detached residential areas. These goals and objectives can be achieved, in part, by balancing the level of new development with existing and potential transportation capacity. It has been necessary to review all of the land uses and zoning designations throughout the Planning Area.

This Plan recognizes that land use and community change can be affected by areawide concerns. **Thus the Plan makes the following recommendations which apply to the Planning Area at-large:**

1. Reconfirm the existing single-family land use and zoning (R-60, R-90, and R-200) as appropriate for the major portion of the Bethesda-Chevy Chase Planning Area. Recommend single-family attached (townhouse) use on some larger sites in the Planning Area.
2. Endorse the maintenance and enhancement of residential communities through a program of Green Corridors along major highways.
3. Provide guidelines for locating special exceptions that discourage concentrations of office-related special exceptions but support those related to child, elder, and health services, and other community-serving needs.
4. Encourage the continuation of the current country club uses. For country clubs, as well as private schools and institutional uses, endorse housing as the primary future alternative use if these parcels are ever redeveloped.
5. Preserve and protect sensitive environmental areas.

Community Recommendations

Several portions of the Planning Area received detailed and focused consideration because of the need to resolve the many complex issues in these areas. The major recommendations of these areas are highlighted below.

In Chevy Chase Lake, the Plan seeks to maintain a moderate scale, community-oriented, mixed use development. Major recommendations include:

1. Recommend residential land uses which protect wooded properties through cluster development, attempt to achieve housing objectives by use of transferable development rights, and establish an open space and pathway system.
2. Enhance the existing community retail center by encouraging amenities such as a public use spaces. Amenities are identified in a statement of design guidelines.

It is important to note that these recommendations are independent of any possible use of transit on the Georgetown Branch.

Along Old Georgetown Road and in the adjacent communities, the Plan seeks to retain the residential character and discourage certain types of special exception approvals. Major recommendations include:

1. Discourage approval of additional special exceptions except those that are community-serving, which includes child day care, elderly care and housing, group homes, accessory apartments, home occupations, and hospice care. This recommendation is due to the cumulative effect of existing extensive special exception activity within that area.
2. Apply design and landscaping guidelines in review of special exception petitions to maintain and encourage a quality appearance and residential character along the corridor.

In the Palisades, the Plan endorses protection of the environment, character, and cultural resources of the area. Major recommendations include:

1. Recommend downzoning a major portion of the Palisades from R-60 to R-90 to protect the environment and character of the area. This downzoning is recommended only if a text amendment to the Zoning Ordinance clarifying Non-conforming Uses is adopted.
2. Use other protection measures, such as applying the steep slope guidelines at the time of subdivision, clustering development on specific parcels, designating MacArthur Boulevard as a Maryland Scenic Route, maintaining Federal property in this area as open space, and supporting the use of Glen Echo Park as a cultural resource.
3. Enhance the Little Falls Mall by seeking amenities such as a public use space. Amenities are identified in the design guidelines for future expansion. Confirm C-1 zoning on a number of sites to continue community-serving retail and service uses.

Sector Plan and Federal Facility Recommendations

This Plan reaffirms the policies and roles of the Sector Plan areas. Each Sector Plan seeks to concentrate commercial and high density residential development in limited areas, to limit development to traffic capacity constraints, and to protect adjacent residential areas. The Master Plan does not change the land use or transportation recommendations within the Sector Plan boundaries. However, the Master Plan reviews the zoning adjacent to each Sector Plan Area and determines the appropriate land use and zoning for those areas. In almost all cases, the existing single-family zoning and other existing zoning is reconfirmed.

The Plan establishes a development framework for Federal employment centers and seeks their cooperation with those policies that limit the growth of traffic. Recommendations include:

1. Recognize the importance of biomedical and medically-oriented employment in Bethesda-Chevy Chase.

2. Consider future expansion of jobs or parking only if effective ridesharing and transit incentive programs are provided.
3. Provide stronger coordination with Federal facilities, as part of the mandatory referral process.
4. Provide careful design review of construction projects to assess the visual impact on adjacent neighborhoods.

Transportation

The Transportation Plan assumes that increasing use of transit services and somewhat limiting the construction of new highways are ways to maintain the quality of life in the Planning Area. Peak hour traffic volumes may increase at a slower rate than daily highway volumes. Growth in daily volumes is due both to regional growth in through traffic and local traffic growth associated with the moderate level of development endorsed by this Plan. In a developed area, such as Bethesda-Chevy Chase, traffic growth cannot be easily served by highway expansion without causing serious impacts on adjacent residential properties.

Additional transportation service in B-CC should be based primarily on an expanded and vigorous program of transit and other mobility services. Use of such services is necessary because of the difficulty of expanding the capacity of many B-CC highways and due to the need to accommodate increases in both through traffic and a moderate level of development in B-CC. **To improve transit and mobility services, this Plan recommends:**

1. Increase the level of feeder bus services, particularly in the eastern half of B-CC.
2. Provide park-and-ride lots for about 750 vehicles near the periphery of the Planning Area.
3. Provide comprehensive rideshare programs, serving both employment and residential centers.
4. Require new development to participate in traffic reduction programs.

5. Endorse completing an expanded system of pedestrian paths and bikeways to link residential areas with public facilities, commercial areas, and transit services.

The Master Plan amends the existing classification of highways in B-CC. The arterial classification is assigned to parts of Bradley Boulevard and Goldsboro Road, as well as all of MacArthur Boulevard.

The recommendation of this Plan is that a moderate level of highway improvements be endorsed for implementation during the life of the Plan. Such a program may allow for continued highway congestion in some locations, but such congestion may also lead to higher use of transit and other mobility services. **Moderate highway system recommendations include:**

1. Complete programmed highway improvements.
2. Endorse projects needed to ensure the safety of highway users and pedestrians.
3. Endorse redesign of intersections operating at high levels of congestion.
4. Require new development to participate in construction of improvements needed to reduce congestion levels on local area highways and intersections.
5. Endorse reduction of through traffic on secondary residential streets and, where possible, on primary streets.

The recommended development level should result in an acceptable average Level of Service on area highways. The standard of acceptable congestion for the Planning Area is to continue at the average Level of Service D/E standard. The analysis indicates the following patterns of localized congestion:

1. The eastern and northern parts of the Planning Area may be more congested than the western or southern portions of the area.
2. The north-to-south radial highways may be more congested than the east-to-west highways.

Environmental Resources

A goal of this Plan is to protect the natural resources and environmental qualities which are important to the quality of life for Bethesda-Chevy Chase. Steeply sloped and heavily wooded areas are distinctive features of the Palisades area and portions of the Chevy Chase area. Throughout B-CC, residential areas are heavily wooded. Environmental concerns within the area include loss of mature woodlands, stream quality, and highway noise.

Recommendations to protect the natural resources of B-CC include:

1. Preserve wetlands, steeply-sloping areas and, where possible, extensively wooded areas.
2. Reduce flooding problems with upgrading of storm drainage and culvert sizes and provide regional stormwater management facilities.
3. Re-establish a stream quality monitoring program and continue monitoring of old sewer lines.
4. Improve stream channels that are subject to severe erosion problems.
5. Provide noise mitigation measures for residences abutting I-495 and new residential projects along major highways.
6. Locate higher-density development near transit stations and use ridesharing programs to aid in lowering automobile-related air pollutants.
7. Design any new sewer or water lines to fully protect parkland areas.

Community Facilities and Needs

The Master Plan supports measures to help create a sense of community and to reinforce community cohesion. The Commission on the Future (1988) defined a sense of commu-

nity as "a feeling of belonging to a local area and having an interest and a stake in what happens there."

This Master Plan addresses a broad range of ways that residents and businesses view their community. The high quality of life in Bethesda-Chevy Chase derives from fine residential areas, employment and shopping opportunities, a high level of transportation service, and a combination of woodlands and open spaces throughout the area. A sense of community also occurs at a more local level, with much of the area being organized into special taxing districts, municipalities, or very active community associations. This section specifically addresses people needs, public facilities, and retail needs.

This section addresses changing public facility needs of the B-CC area, as summarized in the following recommendations:

1. Use closed schools as flexible resources to meet a variety of community needs. Also, after hours, open schools are used for recreation, civic, and educational purposes.
2. Allow communities to adopt local green spaces where they are willing to maintain such properties.

The way we meet the special needs of the elderly and for child day care also relates to our sense of a community that

cares about its residents. **Recommendations for meeting elderly and child care needs include:**

1. Support additional daytime senior centers and home improvement assistance to the elderly.
2. Support provision of both residential and employment based child care services.

The Plan supports provision of community and neighborhood retail services and encourages the renovation of community-scale shopping areas to include public use spaces, better pedestrian access, and improved design guidelines.

Historic Resources

Numerous historic resources exist in Bethesda-Chevy Chase, including several which are on the National Register of Historic Places. There are 12 sites currently on the County's *Master Plan for Historic Preservation*, 19 additional sites designated as part of the planning effort, and 9 removed from the *Locational Atlas*. Additional resources may be recommended for evaluation for potential historic designation in the future.

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Visions and Concepts

**A primary goal of this Plan is to perpetuate
and enhance the high quality of life
in the Planning
Area.**



2.1 Goals and Objectives

This section summarizes in broad terms the goals and objectives of this Master Plan. A goal is the end result, as related to the development and future character of the Bethesda-Chevy Chase Planning Area. An objective is that which must be achieved in support of the higher goal.

2.11 General Goals and Objectives

1. Perpetuate and enhance the high quality of life which exists in the Bethesda-Chevy Chase Planning Area.
 - a. Adopt a revised comprehensive Master Plan that addresses the interrelated issues of the various elements affecting Bethesda-Chevy Chase.
 - b. Include in the Master Plan land use and zoning recommendations that will provide a basis for adopting a sectional map amendment for the Planning Area.
2. Achieve a level of future employment development that is in balance with a high quality of life and the transportation capacity of the Planning Area.
 - a. Allow a moderate level of new employment development, which is in balance with the proposed moderate level of transportation improvements.
 - b. Endorse the sharing of new employment development, primarily between the Sector Plan areas and the Federal employment centers.
 - c. Endorse general policy guidelines concerning the location, type, and density of new employment development to be considered in future planning for the Sector Plan areas and Federal employment centers.
3. Provide for a balanced housing supply so that persons of varying income levels, age, backgrounds, and household characteristics may find suitable housing appropriate to their needs.
 - a. Endorse a moderate level of new housing development

and identify possible ways to achieve a greater housing supply.

- b. Recommend locations where a variety of housing types can be provided, particularly single-family attached.
- c. Retain and expand the supply of affordable housing.
- d. Endorse efforts to meet the housing needs of the elderly.

2.12 Land Use and Zoning Goals and Objectives

4. Protect the high quality residential communities throughout the Planning Area, as well as the services and environmental qualities that enhance the area.
 - a. Reconfirm the zoning for the extensive single-family detached residential areas.
 - b. Maintain and enhance residential communities along major highways and arterials.
 - c. Maintain moderate scale, community-oriented, mixed use development at various locations.
 - d. Protect the environment, character, and cultural resources throughout the Planning Area.

2.13 Transportation Goals and Objectives

5. Achieve a significant shift of new travel from auto use to transit and other mobility alternatives.
 - a. Provide an expanded and vigorous program of expanded transit and other mobility services and facilities.
 - b. Provide only moderate highway improvements, such as redesign of some intersections rather than addition of lanes to roads.
 - c. Provide improved access and safety for pedestrians and bicyclists.

Land Use and Zoning Plan

**This Plan reconfirms the single-family zoning
throughout the area and balances
the level of new development
with transportation
capacity.**



A major goal of the Master Plan is to protect the high quality of life, the existing residential character, and the natural environment throughout the area. This is achieved by reconfirming the single-family zoning throughout the Planning Area and by balancing the level of new development with existing and new transportation capacity, as discussed in subsequent sections of the Plan.

This Plan recognizes that the land use outside the major employment centers is predominantly non-commercial. While single-family housing comprises 47 percent of the land area in B-CC, 32 percent of the households are in multi-family housing. Other major land users are large stream valley and Federal parklands, country clubs, and private schools, all of which contribute to a high quality, open space environment. Some commercial and higher density housing is concentrated at several locations throughout the area. The Plan endorses the following objectives.

Areawide Land Use Objectives:

1. Maintain residential character along major highways through a Green Corridors policy.
2. Discourage concentrations of office-related special exceptions, while supporting those related to child and elder services, and other community-serving uses.
3. Support the current use of large land users, but endorse housing as the primary alternative use if they are ever redeveloped.
4. Increase housing choice by allowing townhouse development where compatibility criteria can be achieved.

Community Land Use Objectives:

1. Maintain a moderate scale, mixed use residential and commercial environment in the Chevy Chase Lake area.
2. Discourage special exception approvals along Old Georgetown Road, except those that are community-serving.

3. Protect the environment, character, and cultural resources of the Palisades area.

This Plan reaffirms the policies and roles of the Sector Plan areas. The Sector Plans are centers of mixed use jobs and high density housing in the Planning Area. Each Sector Plan seeks to concentrate commercial development in limited areas, to limit development to local traffic capacity constraints, and to protect adjacent residential areas. The Master Plan does not change the land use or transportation recommendations of the Sector Plans. However, the Master Plan reviews the zoning adjacent to each Sector Plan and determines the appropriate zoning for those areas. In almost all cases, the existing single-family zoning and other existing zoning are reconfirmed.

This Plan establishes development level policies for Federal employment centers and seeks their cooperation with those policies. Expansion of Federal employment has the same impact on local roads as private sector employment growth. A large increase in ultimate Federal job levels could have several adverse effects on the B-CC Planning Area. These may include:

1. reducing the level of development in other employment centers in B-CC, such as the Bethesda CBD (to ensure that the B-CC area would remain within a moderate level of development), and
2. increasing road congestion above acceptable levels. This may lead to a need for increased road capacity, possibly by a major highway widening to accommodate the larger volumes of highway traffic.

3.1 Areawide Land Use Guidelines

The Master Plan establishes guidelines for various land uses that are located throughout the Planning Area. These guidelines address land use issues related to major highway corridors, special exceptions, large land users such as country clubs and private schools, and conservation areas.

The land use and zoning recommendations for vacant and potentially redevelopable parcels are among the most important recommendations of this Master Plan. This Master Plan analyzes parcels of three acres or more. However, in the special study areas and in other selected locations, parcels under three acres are addressed. The Plan also addresses parcels which could redevelop. The parcel analysis is contained in subsequent sections of the Plan. Each parcel is identified and analyzed on a table in the various land use Sections 3.2, 3.3, and 3.4. Parcels adjacent to the *Friendship Heights* (Section 3.51) and *Bethesda Business District Sector Plans* (Section 3.52) are analyzed on tables in those sections. The Appendix contains maps of key parcel.

**The land use and zoning recommendations
for vacant and potentially redevelop-
able parcels are among the most
important recommendations
of this Master Plan.**

This Master Plan also considers the status of the many un-built rights-of-way throughout the Planning Area. Several larger parcels are specifically addressed in the various land use sections of the Plan. Most parcels are addressed generically as potential pathway connections (Section 4.13), as a deterrent to neighborhood cut-through traffic (Section 4.21), or as a potential adopted neighborhood green space (Section 6.12). These rights-of-way should be preserved for long-term street use, unless other public needs override the need for local access or safety.

Each parcel is evaluated in the context of the overall objectives of this comprehensive Master Plan, as well as for compatibility with the surrounding community. The rationale for each recommendation relates to both the Planning Area and compatibility with nearby properties. Determination of each parcel's compatibility should consider environmental constraints, types of use, height and bulk of structures, buffering by vegetation

or distance, effect of topography on visibility of the use, use of a major highway or arterial for access or buffering, proximity to public or quasi-public uses, proximity to community services or transit, and the comparative density of nearby properties. Nearby uses need not be exactly the same.

This Plan recommends single-family attached (townhouse) uses on some sites throughout the Planning Area. Townhouses could occur through cluster development under existing zoning, through the Transferable Development Rights (TDR) Zone, or through the Townhouse Floating Zone (R-T). (See the Appendix for an explanation of TDR's.) The locations recommended achieve Master Plan objectives and are compatible with nearby properties. In general, townhouse use is recommended in areas of medium density or on larger sites that allow for transition to single-family detached areas.

3.11 Green Corridors Policy

The Master Plan endorses a policy of maintenance and enhancement of Green Corridors along the major highways of the Planning Area. The policy is recommended to stabilize the residential character of the area along major highways. The Green Corridors policy guidelines apply to those parts of East-West Highway, Connecticut Avenue, Wisconsin Avenue, River Road, Massachusetts Avenue, and Goldsboro Road classified as Major Highways. The Old Georgetown Road corridor has its own policy, which incorporates many of the Green Corridor concepts. **Following is the Green Corridors policy for the Bethesda-Chevy Chase area:**

1. Maintain and enhance planting of vegetation along road-sides and in medians of major highway corridors. Much of the green character is already in place in Bethesda-Chevy Chase. Design guidelines include: placing a landscaped buffer between the curb and relocated sidewalks, placing trees in medians and along curbs, screening of front yard parking, and relocating utility poles to allow for optimum tree planting and sidewalks. Visibility for highway safety must also be considered. Protection and enhancement pro-

jects will require coordination between the Maryland State Highway Administration and the Montgomery County Department of Transportation, as well as local property owners, municipalities, and civic associations. (Concepts for planting along the Green Corridors are shown in Figure 6.)

2. Limit the extension of nonresidential land uses in major highway corridors outside Sector Plan and other high density zoned areas. Detailed policies for special exception uses are found in the following section and in the Plan for Old Georgetown Road. In general, the approval of nonresidential uses such as offices should be limited to avoid creating a change from a residential to a commercial character. Without this policy, individual land use changes could erode the residential character along these corridors.

3.12 Special Exceptions

The Master Plan endorses guidelines for the location of special exception land uses in residential areas. Special exception uses, as identified in the Zoning Ordinance in single-family zones, may be approved by the Board of Appeals. Special exception uses may be compatible if they meet the standards and requirements, as well as the general conditions set forth in the Zoning Ordinance. The Zoning Ordinance provides that special exceptions may be denied by the Board of Appeals where there is an excessive concentration in residential areas or where they are inconsistent with Master Plan recommendations. This Master Plan seeks to provide guidelines that will protect residential areas while also attempting to meet important social needs.

To achieve these objectives, **it is recommended that the following guidelines be used for review of special exceptions:**

1. Avoid excessive concentration of special exception and other nonresidential land uses along major highway corridors. Because sites along these corridors have better visibility for business uses, they are more vulnerable to over-

concentration. Of particular concern are office uses, which should be discouraged and are better located in areas with commercial zoning, such as the Bethesda CBD. It is also important to minimize uses that might degrade the safety and capacity of the highway by creating too many access points and conflicting turning movements.

This Master Plan seeks to provide guidelines that will protect residential areas...

2. Avoid over-concentration of commercial service or office-type special exception uses in residential communities. These include funeral parlors, horticultural nurseries, veterinary clinics, medical or dental clinics, medical or professional offices, and philanthropic organizations. The Plan does not discourage home occupations that meet Zoning Ordinance criteria. Areas which may be most vulnerable are near employment centers and along major highways.
3. Protect major highway corridors and residential communities from incompatible design of special exception uses. In the design and review of special exceptions, the following guidelines should be followed, in addition to those stated for special exception uses in the Zoning Ordinance:
 - a. Any modification or addition to an existing building to accommodate a special exception use should be compatible with the architecture of the adjoining neighborhood and should not be significantly larger than nearby structures.
 - b. Front yard parking should be avoided because of its commercial appearance; however, in situations where side or rear yard parking is not available, front yard parking should only be allowed if it can be landscaped and screened adequately.
4. Support special exception uses that contribute to the housing objectives of the Master Plan. In general, the Plan endorses meeting special population needs through provision of elderly housing and group homes that are compatible

with nearby land uses. The Plan also endorses expanding choices of housing types by provision of accessory apartments.

5. Support special exception uses that contribute to the service and health objectives of the Master Plan. The needs and objectives related to child day care and the elderly are discussed in Section 6.2. In general, the Plan endorses provision of child day care, group homes, elder day care, and nursing homes. It is important to meet health needs through hospital services and hospice centers that are appropriately sized to be compatible with surrounding neighborhoods.

3.13 Large Land Users

This Master Plan recommends the continued use, within existing zoning, of country clubs, private schools, and other institutions throughout the Planning Area.

Country clubs in the area include Burning Tree Country Club, Columbia Country Club, Chevy Chase Club, and Kenwood Country Club. It is assumed that the country club uses will continue and therefore, the existing zoning designations of these properties are appropriate. These properties are recognized as an important private open space resource, particularly in an area which is as largely developed as Bethesda-Chevy Chase. Some protection of country club open space might be achieved through a tax incentive program.

If a change in use occurs in the future, this Plan recommends that the use of the country club properties be primarily for housing. Further analysis at the time would determine the appropriate zoning, scale, and form of development. These parcels would be considered for mixed residential use with the possibility of public active or passive recreational space, affordable housing, and increased density through the use of Transferable Development Rights (TDR's), as explained in the Appendix. Each of these alternatives must be weighed against other considerations, such as adequacy of highway facilities and compatibility with nearby development. Such changes

in land use would require another amendment to the Master Plan.

This Master Plan makes specific land use and zoning recommendations for several properties. (See Table 1.) These include:

- Audubon Naturalist Society
- Stone Ridge School
- F.A.E.S. and the Knights of Columbus
- American College of Cardiology
- Landon School
- Holton Arms School

In general, existing zoning is reconfirmed. Existing zoning and the option for using TDR's is recommended for portions of Stone Ridge School, FAES, Knights of Columbus, and Landon School. Protection of a historic resource and its environmental setting is recommended for Audubon Naturalist Society and Landon School.

Residential zoning and continuation of the existing use is recommended for the National 4-H Center, the YMCA on Old Georgetown Road, Federation of American Societies for Experimental Biology, the French School, St. Jane de Chantal Church and School, and the Sidwell Friends School. These are long-term, stable uses which are viewed as community resources. In some cases, new development on these sites will also require an amendment to existing special exception conditions to protect the setting of the use and to maintain compatibility with nearby properties.

This Plan recommends that new, large-scale special exception uses are generally not appropriate for these sites. Such uses would generally change the residential character of adjacent areas. Occasionally, a school or club will construct new facilities or additions which require special exception approval. These should be reviewed on a case-by-case basis to ensure compatibility with area residences and conformance with other Plan objectives.

Table 1 (Cont'd.)

LARGE LAND USERS LAND USE AND ZONING RECOMMENDATIONS

Parcel Identification (#, Owner)		Estimated Area (Acres and/ or Sq. Ft.)	Existing Use	Zone	Recommended Use	Zone	Conditions, Constraints, Comments	Rationale
LL5	Wilson La at Merrick Rd (Landon School)	66.5 acres						
		a. 51.31 acres (Historical environ- mental setting: 11.77 acres)	Private School (Potential, 186 du)	R-90	LL5a Single- family detached (180 du potential, including 27 MPDU's)	R-90	<ul style="list-style-type: none"> - Development potential of LL5a is limited due to location of school structures and related facilities as well as to presence of stream and slopes - HPC and Planning Board have recommended inclusion of Landsdale House and environmental setting on Master Plan for Historic Preservation 	<ul style="list-style-type: none"> - Expect private school use to continue - If it occurs, development within environmental setting should preserve the vista of the Landsdale (House) from Wilson Lane - Protect environmental character of site
		b. 15.19 acres	(Potential, 65 du)		LL5b Single- family attached and detached (147 du poten- tial, in- cluding 22 MPDU's)	R-90/ TDR suitable for 8 units to the acre	<ul style="list-style-type: none"> - Size and topo of area would enable site to accommodate mixed housing types - Single-family detached units should be sited along Wilson La and along perimeter of property with R-90 zoned neighborhoods - Campus-like environment should be maintained, particularly from Wilson La - Access to be determined at subdivision - Careful traffic analysis at time of subdivision would better determine appropriate number of du's for site 	<ul style="list-style-type: none"> - Meet housing and TDR objectives - Assure compatibility with adjacent single-family residences
LL6	River Rd near Burdette Rd (Holton Arms School)	51.89 acres						
		a. 32.76 acres P569 N 777	Private School	R-200		R-200	<ul style="list-style-type: none"> - Limited development potential due to school structures and related facilities 	Expect private school use to continue
		b. 19.13 acres P755 P752	Private School, Vacant	R-90	Single- family de- tached (82 du potential, including 12 MPDU's)	R-90, suitable for cluster	<ul style="list-style-type: none"> - Only access appears to be dedicated but unbuilt Burning Tree Road - Preserve trees and slopes - Provide pedestrian pathway to local park 	<ul style="list-style-type: none"> - Conforms to existing development pattern - Enhance and protect environmental character of site

nue. Also endorse retention of a grass median and design for safe pedestrian crossing of Connecticut Avenue and Jones Bridge Road.

This Plan recognizes that while new development projects may adopt measures to avoid making traffic congestion worse, the intersection at Connecticut Avenue and Jones Bridge Road will remain congested. This Plan removes the proposal from the 1970 Master Plan to provide a grade-separated interchange at this location. Improvements to expand turn lane capacity at this intersection are proposed in the Transportation Plan.

The Master Plan does not recommend any change in land use based on potential transit service on the Georgetown Branch. A separate Master Plan Amendment addresses the Georgetown Branch. It provides generally for:

1. improved transit access to the Bethesda and Silver Spring CBD's and Metro, including a stop at Connecticut Avenue; and
2. separate bike and hiking trails along the same route.

3.3 Mid-Bethesda - Northern B-CC

3.31 Areawide Plan

This portion of the Planning Area is bounded on the north and west by the Beltway, on the south by River Road, and on the east by Little Falls Parkway, the Bethesda Central Business District, Jones Bridge Road, and includes the Uniformed Services University of the Health Sciences. Many of the land use, transportation, community, and environmental concerns are the same as those found throughout the Planning Area. The uniqueness of the Old Georgetown Road corridor, including Pooks Hill, results in this being designated as a special study area, and a more in-depth discussion will follow the areawide plan.

Land Use

This Plan recommends reconfirmation of existing zoning throughout the area, with the exception of four locations along Old Georgetown Road which are recommended to be designated to receive transferable development rights. (See Section 3.32.) This will ensure the continuation of the existing residential character and patterns so well established here.

Mid-Bethesda is a mature, stable area, predominantly zoned R-60 and R-90, with the westernmost portion being zoned R-200. This zoning pattern provides a transition to the lower densities in the adjacent Potomac Subregion Planning Area. Single-family detached homes are pervasive, except for multi-family housing of varying densities and townhouses at Pooks Hill. There is no commercially zoned land. The area is largely built out and there is little potential for redevelopment, although there are several vacant and potentially redevelopable parcels greater than three acres in size, as well as several large land users, for which recommendations are included. (See Tables 1 and 5.)

There are several special land uses in Mid-Bethesda for which recommendations are made in other major sections of this Plan. Below are considerations of these uses as they pertain to this area.

1. There are three historic resources in the area which are currently on the *Master Plan for Historic Preservation*. In addition, there are five others which have been designated and four which have been removed as part of this planning effort from the *Locational Atlas*. Refer to Chapter 7 for more detailed information.
2. There are several major Federal properties in Mid-Bethesda, including the Uniformed Services University, the Naval Medical Command, and the National Institutes of Health. The other large land users in the area include: Burning Tree and Kenwood Country Clubs, Suburban Hospital, Stone Ridge School, FAES, Knights of Columbus, American College of Cardiology, Landon School, and Holton Arms School. Any change in use on these properties, including any expansion proposals, should be reviewed in

Table 5 (Cont'd.)

MID-BETHESDA LAND USE AND ZONING RECOMMENDATIONS

Parcel Identification (#, Owner)		Estimated Area (Acres and/ or Sq. Ft.)	Existing Use	Zone	Recommended Use	Zone	Conditions, Constraints, Comments	Rationale
M 15P797	River and Burdette Rds	2.87 acres	Nursery (special exception) (4 du potential)	R-200/ TDR	Town- house (17 du potential)	R-200/ TDR, suit- able for 6 units per acre	<ul style="list-style-type: none"> - Mitigate noise in design of struc- tures and landscape - Access from Burdette Rd - Provide a landscaped berm along River Rd (noise and screening) 	<ul style="list-style-type: none"> - Meet housing goals - Reinstate residential use - Provide transit service- able housing - Retain green character and mitigate noise
M 16P436, P429, P382	Burning Tree and Darby Rds	6.0 acres	Vacant, trees (13 du potential)	R-200 and R-90	Conser- vation Area	R-200 and R-90	<ul style="list-style-type: none"> - Ability to develop parcels doubtful - Ingress/Egress easement would have to be established 	<ul style="list-style-type: none"> - Located within stream valley—100-year flood- plain for Booze Creek - No public access to parcels
M 17P160	Heathwood Ct and Burdette Rd	3.25 acres	1 house outbuild- ing, trees (4 du potential)	R-200	Single- family	R-200	<ul style="list-style-type: none"> - Preserve mature trees 	<ul style="list-style-type: none"> - Conforms to neighbor- hood development pattern
M 18P6	Bradley Blvd and Oak Forest La	7 acres	1 house, outbuildings, trees (10 du potential)	R-200	Single- family	R-200	<ul style="list-style-type: none"> - Preserve mature trees 	<ul style="list-style-type: none"> - Conforms to neighbor- hood development pattern
M 19P752	Bradley Blvd and Fernwood Rd	6.27 acres	1 house (9 du potential)	R-200	Single family	R-200	<ul style="list-style-type: none"> - Any redevelopment should preserve trees - Setback from Bradley Blvd and other noise mitigation measures - Access from Fernwood Rd 	<ul style="list-style-type: none"> - Conforms to neighbor- hood development pattern

the context of the impact it will have on the adjacent communities and also within the guidelines of the master plans for the Federal facilities. Specific land use and zoning recommendations for selected large land users are found in Section 3.13.

3. Only a relatively short segment of the Georgetown Branch is located in this area, connecting the Bethesda Business District and Westbard. The proposed use of this portion of the former rail right-of-way is discussed in Section 4.14.
4. There are several neighborhoods which abut the Bethesda Business District and Westbard. These two Sector Plan areas will not be revised as part of this Master Plan update. The existing land use recommendations are not questioned; the zoning of these transition areas is being reconfirmed. (See Section 3.5.)

Transportation

Several major highways traverse northern B-CC, including Bradley Boulevard, Old Georgetown Road, and Wisconsin Avenue. The major transportation concerns are traffic volumes and congestion, which are consistent with the remainder of the Planning Area. Growth of the Bethesda Business District and NIH as major employment centers, as well as growth in the rest of Montgomery County, has been a major traffic generator. The two employment centers have had a powerful impact on this portion of the Planning Area as commuters traverse northern B-CC to reach destinations to the south. Related transportation recommendations can be found in Chapter 4 and below.

1. To lessen the increase of traffic through the area, incentives need to be developed and measures taken to get people out of their cars and into alternative means of transportation, such as carpooling, public transit, and bicycles.
2. The Metrorail station located at NIH mainly serves the major employment centers of NIH and the Naval Medical Command. These Federal facilities should implement a program to encourage higher ridership. In addition, bike path linkages with other trails and a shuttle bus service could encourage higher use of Metro for commuters journeying to other places of employment.

3. To facilitate pedestrian movement which could further enhance use of alternative modes, develop a pathway and sidewalk network in conjunction with recommendations to provide safer highway crossings. (See Section 4.13.)

Community and Environment

To foster a sense of community in an area as large as Mid-Bethesda, certain facilities need to be located in relatively close proximity to neighborhoods so that people can have places to gather and socialize. Schools, recreation centers, local parks, and country clubs are found throughout the northern B-CC area and serve as places where people from the community can come together. Such facilities are discussed from a Planning Area perspective in Section 6.1 of this report.

3.32 Old Georgetown Road Plan

Old Georgetown Road has a character, history, and location that put it in a unique position in Bethesda-Chevy Chase. It is a major highway into the Bethesda Business District, serving as an important commuter link to this employment and retail center. It functions as an attractive gateway leading to downtown Bethesda and provides access to the surrounding communities—providing a front door to these adjacent residential areas. Old Georgetown Road also provides major access to the National Institutes of Health, an organization attracting researchers from around the world, with a projected employment of close to 20,000 people by the year 2000. An aesthetically pleasing boulevard with a residential character can create a positive image for visitors and local citizens alike.

This section of the Plan refers to the first row of properties fronting or adjoining Old Georgetown Road as well as the eight communities which are adjacent to the corridor. (See Figure 9.)

Along Old Georgetown Road, from Glenbrook Road to I-495, a significant number of special exceptions have been approved which have allowed the conversion of houses to commercial and service uses and construction of nonresidential buildings.

4.0

Transportation Plan

**The Plan assumes that increasing transit use
and limiting the construction of
new highways are ways to
maintain the quality
of life.**



The Transportation Plan assumes that increasing use of transit services and somewhat limiting the construction of new highways are necessary to maintain the quality of life in the Planning Area. In recent years, daily highway volumes have increased from 2 to 5 percent a year in Bethesda-Chevy Chase. While increases in daily volumes may well continue, growth in peak hour volumes are expected to remain more moderate. Growth in daily volumes is due to both regional growth in through traffic and local traffic growth associated with the moderate level of development endorsed by this Plan. In a developed area such as Bethesda-Chevy Chase, traffic growth cannot be easily served by highway expansion without causing serious impacts on adjacent residential properties.

Additional transportation service in B-CC should be based primarily on an expanded and vigorous program of transit and other mobility services. Use of such services is necessary because of the difficulty of expanding the capacity of many B-CC highways and due to the need to accommodate increased through traffic and the recommended level of development in B-CC. Improved transit and mobility services should include:

1. Increased level of feeder bus services, particularly in the eastern half of B-CC.
2. Provision of park-and-ride lots for about 750 vehicles. These facilities could intercept auto traffic destined to employment centers in Bethesda-Chevy Chase.
3. Provision of comprehensive rideshare programs, serving both employment and residential centers.
4. Requirement of new development to participate in traffic reduction programs.
5. Expansion of the system of pedestrian paths and bikeways to link residential areas with public facilities, commercial areas, and transit services.

The Master Plan endorses a number of changes to the classification of highways in B-CC.

The changes more closely match the classification to the function and use of each street and highway. New arterial highways include portions of Bradley Boulevard, Goldsboro Road, and MacArthur Boulevard. Other new classifications include some primary streets, principal secondary streets, and secondary streets.

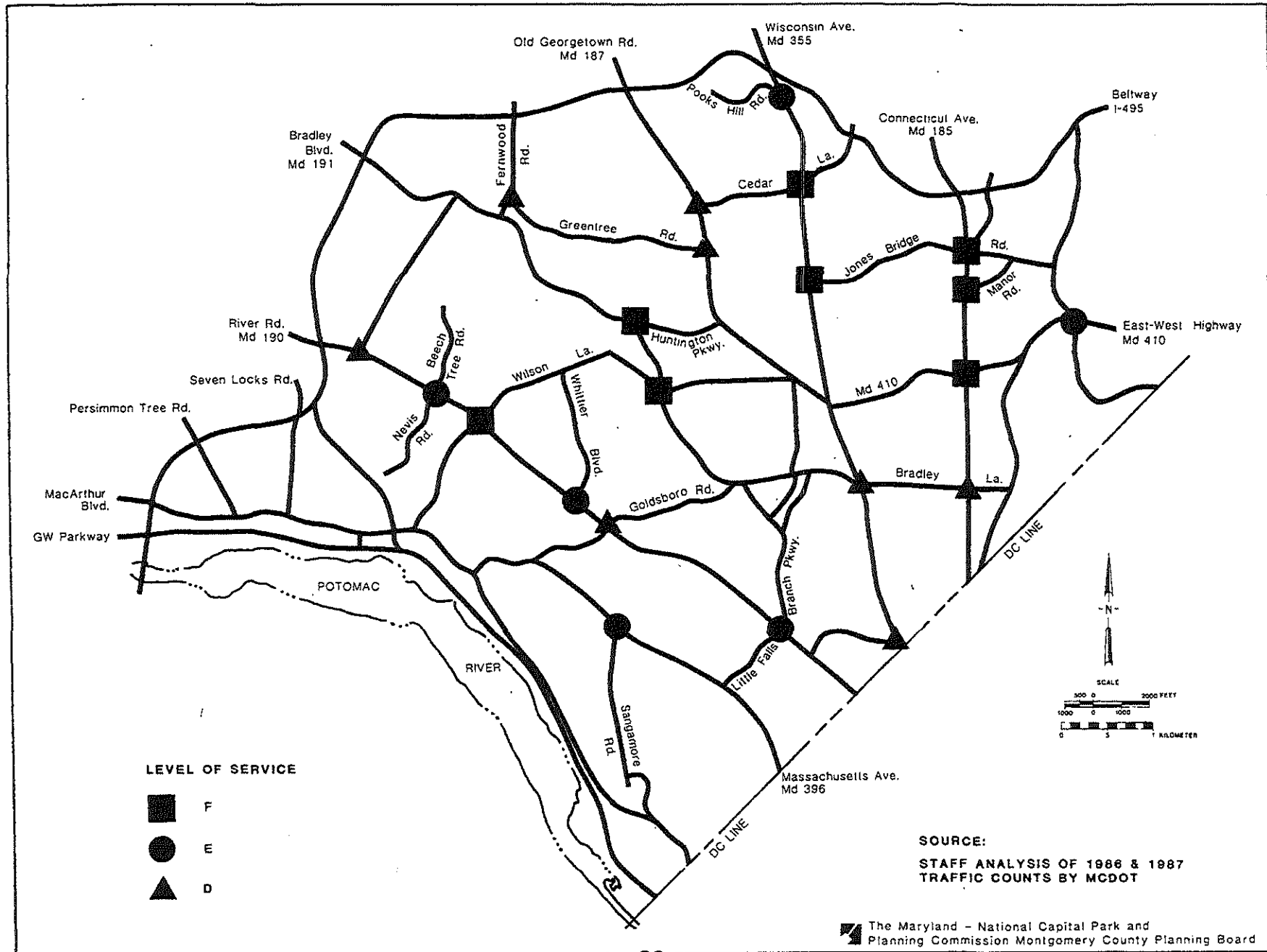
The recommendation of this Plan is that a moderate level of highway improvements be implemented during the life of the Plan. Such a program may allow for continued highway congestion in some locations, but such congestion may also lead to higher use of transit and other mobility services. The combined transit/highway program has benefits such as: better use of transit facilities, service of a moderate level of development, and prevention of loss of property due to major highway construction. A moderate highway system includes:

1. completion of currently programmed projects (see Section 4.22, "Planned Highway Projects");
2. endorsement of safety and sight distance improvements;
3. provision of intersection capacity improvements at locations which currently operate at mid-point of Level of Service E, or are likely to over the next ten years. (See Figure 11.) Improvements may include added turn lanes, lane widenings, and signal changes;
4. possible endorsement of improvements to intersections to facilitate smoother traffic flow; even if they do not always achieve a fully acceptable local Level of Service, such improvements will improve both peak and off peak operating conditions;
5. possibly requiring new development to participate in construction of improvements identified in the Plan; and
6. endorsement of reductions in through traffic on secondary residential streets and, where possible, on primary streets and major highways.

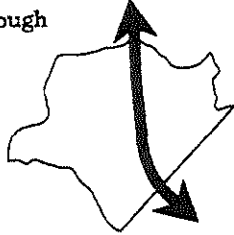
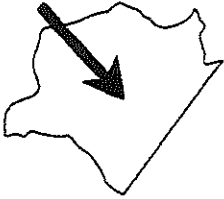
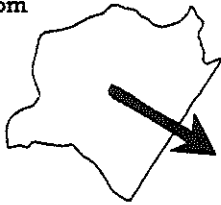
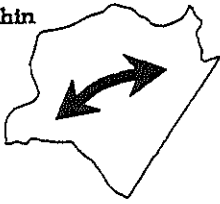
Table 10 presents an overview which identifies Master Plan strategies for improved transportation in B-CC. These strategies are among those summarized above and discussed in more detail below in the narrative of the Plan. This overview

LEVELS OF SERVICE

Figure
11



IDENTIFICATION OF MASTER PLAN STRATEGIES FOR IMPROVED TRANSPORTATION IN BETHESDA-CHEVY CHASE

Trip Orientation	Components of Travel Through, To, From, and Within Bethesda-Chevy Chase					
	Start of the Trip	Predominant Means of Travel for the Trip				End of the Trip
		Auto/Highway	Transit	Biking	Walking	
Through 	<ul style="list-style-type: none"> o Locate more housing closer to accessible transit that comes through B-CC 	<ul style="list-style-type: none"> o Change traffic signals to favor east-west traffic o Separate through traffic from locally oriented traffic o Regional ride-sharing programs 	<ul style="list-style-type: none"> o More upstream Metro station parking and feeder bus o Fare Policy changes o Upstream park-and-ride lots in non-Metro corridors o Georgetown Branch Transitway 	—	—	
To 	<ul style="list-style-type: none"> o Locate more housing closer to transit routes that come to B-CC 	<ul style="list-style-type: none"> o Moderate highway capacity improvements o Intersection improvements 	<ul style="list-style-type: none"> o Georgetown Branch Transitway o Park-and-ride lots with express bus service to B-CC o New routes from west and east o Fare Policy changes 	<ul style="list-style-type: none"> o More bike routes in main travel corridors and within B-CC; priority implementation 	—	<ul style="list-style-type: none"> o Parking availability and rates o Share-a-Ride programs for each employment center o Bike storage for B-CC workers at Metro stations
From 	<ul style="list-style-type: none"> o Share-a-Ride Program for B-CC residents o Improved sidewalks and access to transit routes 	<ul style="list-style-type: none"> o Intersection improvements o Moderate highway capacity improvements 	<ul style="list-style-type: none"> o Increase frequency of feeder bus routes to Metro o Georgetown Branch Transitway o Increased transit route coverage and direction o Park-and-ride lots 	<ul style="list-style-type: none"> o Bike paths to B-CC employment centers o Improved bike storage at Metro stations 	—	
Within 	<ul style="list-style-type: none"> o Locate housing in B-CC closer to employment centers to facilitate walking and biking o Improve sidewalks and access to transit routes 	<ul style="list-style-type: none"> o Intersection improvements o More local streets for circulation o Reduce conflicts with through traffic 	<ul style="list-style-type: none"> o Improved route density and frequency of Ride-On routes 	<ul style="list-style-type: none"> o Improve bike paths to employment centers and community facilities o Improve bike storage at employment centers 	<ul style="list-style-type: none"> o Improve pathway and sidewalk system between residential areas and employment centers and community facilities 	<ul style="list-style-type: none"> o Reduce conflicts with vehicles; more signalized crosswalks o Improved street lighting and amenities

shows that there are four basic trip orientations of people that differentiate the strategies: those of people traveling through, to, from, or just within the Bethesda-Chevy Chase area. Particular strategies should be oriented to meet the transportation needs and travel behavior of those different types of travelers. The overview is also organized by the trip path of the traveler based upon the start of their trip, the predominant means of travel, and the end of their trip.

Different strategies can be identified that affect people's travel behavior in distinctly different ways. For example, strategies for controlling parking availability and rates in the Bethesda CBD are primarily related to the end of trips by people who are coming to B-CC from outside the area and, perhaps, from within the area. Such strategies will have no effect on people traveling through the area or residents who travel from B-CC to other areas. This overview is not meant to be a complete identification of all strategies. Rather, it should be viewed as a tool which can be used to compare and interrelate the very diverse transportation strategies discussed below in this Transportation Plan.

4.1 Mobility Plan

4.11 Public Transportation

The Master Plan endorses a range of potential strategies or actions for improving public transportation and encouraging its use.

Transit improvement strategies have been typically directed at serving new demands for transit service as they occur, in an incremental manner. These include increasing bus frequencies, adding new routes, and speeding up services through express operations and priority treatments. To stimulate new, additional demand for transit service over and above levels anticipated from normal development (thereby increasing the percent of transit riders) requires strategies beyond typical service improvements. These include auto disincentive pro-

grams, transit fare reduction programs, and provision of dedicated exclusive transitways which assure speedy and reliable service.

The Master Plan endorses a range of potential strategies or actions for improving public transportation and encouraging its use.

The Bethesda-Chevy Chase area already has a rather full complement of public transit services. The Master Plan recognizes that these services will be expanded incrementally as traffic congestion, employment density, and external growth generate additional demand for transit alternatives.

A higher level of feeder bus service to Metro stations will be warranted as area residents increase commuting to nearby employment centers. Three Metrorail stations serve commuters going through the area in a northerly or southerly direction and those going to major employment areas (Friendship Heights, Bethesda, and NIH). Metro-serving parking is severely constrained and no significant additional parking is projected. Increasing ridership to and from these stations will primarily depend on improving feeder bus services. Additional development near the stations will generate more pedestrian traffic. More distant residential areas need feeder bus service or bikeways to provide access to stations where parking is tight or non-existent. The existing policy of 30-minute feeder bus frequencies is not sufficient in this situation where parking is unavailable. Since the Metro stations are located within high employment concentration areas, the feeder service connects residential areas to both Metro and the employment centers around Metro stations.

Increased attention should be paid to expediting transit traffic on the roadway system to achieve enhanced ridership levels.

With increasing traffic congestion, demand for alternative transit service will also rise. However, bus traffic will suffer the same traffic delays as autos, detracting from its competitive-

ness with auto travel. This is particularly important for routes serving commuters from outside the B-CC area who are traveling into or through the area. These routes are on the major highways which are subject to the greatest congestion impacts. Feeder services are more frequent on local/neighborhood streets. Priority treatments for transit are designed to allow transit through or around traffic congestion and to allow for more reliable and frequent transit service. These treatments may be localized improvements at intersections or dedicated lanes along congested roadways. Opportunities for improvement are limited since little space exists to expand roadways. River Road is probably the only major roadway where space currently exists to consider additional lanes exclusively for transit.

Increased attention should be paid to expediting transit traffic on the roadway system to achieve enhanced ridership levels.

The eastern portion of the Planning Area is a logical area for consideration of additional routing for both feeder and through route services. This area will receive additional moderate levels of development. The eastern area is also subject to heavy commuting from the Silver Spring area and from areas to the north such as Kensington, Wheaton, and Aspen Hill. The B-CC area has a fairly extensive network of bus routes. Future expansion of transit service may become more feasible as additional moderate levels of development occur.

4.12 Park-and-Ride Lots and Ridesharing

It is recommended that park-and-ride spaces for about 750 vehicles be provided near the boundary of the Bethesda-Chevy Chase Planning Area. The provision of parking lots and transit stops can both reduce auto use and concentrate pas-

sengers at a single convenient location. These locations can serve both carpooling and transit use. The limitation of this approach is the ability to locate acceptable parking lots to meet a variety of criteria. The lots would have to be peripheral to the Planning Area to intercept incoming traffic. Commuters are most likely to use lots where they are at greater distances from their work location. Thus, it may be concluded that lots beyond the Planning Area boundaries are more likely to be used. The use of express bus service to the District of Columbia and to the large Bethesda-Chevy Chase employment centers should be explored.

It is important to provide park-and-ride facilities to serve the Bethesda Business District, the NIH/Naval Center complex, and other employment centers in B-CC. The following locations are recommended:

1. Parcel C 29, at I-495 and Kensington Parkway (NW), in the Kensington-Wheaton Planning Area. This is a preferred location for a public lot in this area to serve local area residents. (Use about three acres for 250 spaces.)
2. Parcel M 21, on River Road west of fire station, in the Potomac Planning Area. This is a preferred location for a public facility in this area, but should be used only as quarry operations are complete and space becomes available. The area is large enough to eventually include other community serving public facilities. (Has 13.3 acres and could provide up to 500 spaces.)

Intensive efforts are needed to increase the amount of carpooling, vanpooling, and transit use to and from the B-CC area. A package of strong incentives for sharing rides, along with corresponding disincentives for driving alone, is necessary if peak traffic conditions in Bethesda-Chevy Chase are to be acceptable in the future.

It is recommended that a full-service, personalized ridesharing program be established for the entire Bethesda-Chevy Chase Planning Area. The program should be patterned after the successful Share-A-Ride program previously operated in Silver Spring. The program would serve not

only employees of the area but residents as well. The full-service program could be an expansion of the existing Bethesda program operated by the Montgomery County Department of Transportation (MCDOT). It could also be a supplementary program funded and operated by the private sector as part of development approval agreements.

It is recommended that all existing and new nonresidential building owners and employers in the Bethesda-Chevy Chase Planning Area be urged to participate in the Share-A-Ride matching service, County transit pass subsidy, and County vanpool fare subsidy programs on an ongoing basis. For those building owners and employers that provide free or below-market rate parking for employees, there should also be a requirement that they provide reserved carpool spaces convenient to the building entrances and a subsidy, equivalent to the amortized cost of building and maintaining a parking space, to each employee who chooses an alternative mode of transportation. The subsidies could be in the form of heavily discounted rail and bus transit passes for transit passengers, bike lockers and showers for bicyclists, heavily discounted vanpool fares for vanpoolers, and special monetary benefits for carpoolers. The subsidies could be issued through the building manager's office. Furthermore, developers of new office buildings in the area could be required to provide only as many parking spaces as are specified by the minimum requirements of the Zoning Ordinance, particularly in the more congested portions of the area. New local legislation would be necessary to implement such requirements.

The Master Plan recommends a policy of seeking agreements from Federal employment centers in the area to provide ridesharing/transit incentives for its employees. (See Section 3.6, Federal Employment Centers.)

4.13 Bicycle and Pedestrian Paths

This Plan endorses the expansion of pedestrian paths and bikeways to form a network linking residential neighborhoods with public facilities.

Such an expansion is an important step to reduce auto use and to provide transportation alternatives. Connections are needed with commercial and employment centers, bus and Metro stops, and community facilities such as schools, libraries, religious institutions, and recreation areas. Such linkages

This Plan endorses the expansion of pedestrian paths and bikeways to form a network linking residential neighborhoods with public facilities.

are particularly important for older residents. Wherever feasible, bus stops and other pickup locations should include covered areas. Sidewalks linking neighborhoods with facilities within a minimum one-half-mile radius should be provided in the following priority:

1. Schools and Metro stops
2. Commercial and employment centers
3. Other community facilities and services

Sidewalks should also be provided along roadways in the following priority:

1. Major highways
2. Arterials
3. Primary streets

The network of bridle and recreational foot paths should also be continued in stream valley parks and along other available linear corridors.

Public funds for sidewalk construction have been severely limited. Current budget levels allow about one-tenth of the requested sidewalk projects to be built each year, primarily those near schools and Metro stops. The Office of Planning and Project Development of the Montgomery County DOT keeps a list of projects proposed by agencies and communities. According to MCDOT, the B-CC area has a large need for sidewalks compared to other areas of the County. This Plan endorses the pro-

vision of increased financial resources to allow for expansion of pedestrian paths and bikeways.

The Plan recommends that a vigorous program be pursued to implement the Master Plan of Bikeways within the Planning Area. The proposed Countywide network of bikeways is designed to meet recreational and transportation needs. Portions of the network within the park system have been constructed and bicycle access to NIH improved, but much of the network remains to be developed. A consultant to the County DOT recently reviewed and has made recommendations to MCDOT to facilitate further implementation of the *Master Plan of Bikeways*.

The existing street system should serve as the skeleton of a bicycle network for non-recreational bike travel. Improved roadway accessibility can be achieved through simple maintenance steps and selected improvements for critical routes between Metro stations and employment centers. Where necessary, certain sidewalks can be designated as bicycle paths, if appropriate width can be provided. Use of other linear corridors and dedicated but unbuilt street rights-of-way should also be considered for bikeways.

The recreational hiker-biker trails in the linear park system should be completed. The highest priority should be trails linking neighborhoods and parks, and completion of links between existing trails. In heavily used areas, broader paths, wider curb lanes, or paved shoulders on the roadway should be used to separate high speed cyclists from pedestrians.

The Plan recommends that pedestrian safety improvements be supported and expanded along major highways and arterials. Increased traffic volumes in peak periods and increased speeds in off-peak periods cause problems for pedestrians, especially children and the elderly. Safe access to bus stops, slower traffic speeds, and a pleasant pedestrian experience are as important as smooth traffic flow. Techniques for implementation should include provision of crosswalks and pedestrian activated signals at critical crossing points. Speed

limit enforcement is also essential. Such crossings are intended to interrupt long lines of traffic, so as to provide safe pedestrian crossing during peak periods. Selected locations for safe crossing measures are identified in the Land Use section. Other locations may also be appropriate. Implementation of safe crossings involve operational issues which must be resolved with County and State transportation agencies.

4.14 Georgetown Branch

Silver Spring to Bethesda CBDs

The Georgetown Branch right-of-way is designated for light rail and trail use between Silver Spring and Bethesda by the Georgetown Branch Master Plan Amendment, 1990. The designation of transit use on the Georgetown Branch has not changed the land use and zoning recommendations of this Plan. Following the CSX Transportation, Inc., (CSX) decision to file for an abandonment of the Georgetown Branch railroad spur with the Interstate Commerce Commission, the Planning staff prepared a Master Plan Amendment to protect the right-of-way for the public interest. The *Georgetown Branch Master Plan Amendment* (November 1986) designates the right-of-way "a public right-of-way intended to be used for public purposes such as conservation, recreation, transportation, and utilities." It states that a "transit facility could be an important element of the County's long-term transportation system."

After CSX officially abandoned the right-of-way through the Interstate Commerce Commission, the Montgomery County Government purchased the Georgetown Branch pursuant to Section 8(d) of the National Trails System Act for \$10.5 million in December 1988. The November 1986 Amendment also noted that "any use of the right-of-way for a transitway between Silver Spring and Bethesda will require a future master plan amendment." The 1986 *Master Plan Amendment* refers to transit use without specifying what type of technology it would be.

The *Georgetown Branch Master Plan Amendment* (1990) des-

ignates the Silver Spring & Bethesda Trolley and the Capital Crescent Trail as suitable uses for the 4.4-mile portion of the Georgetown Branch right-of-way between Bethesda and Silver Spring. It provides guidelines and recommendations regarding the location of trolley/trail facilities to minimize potential environmental and community impacts of such a facility upon abutting neighborhoods. The Plan addresses the impacts on traffic and development and project costs. The Plan supports the findings associated with the trolley/trail alternative of the *Georgetown Branch Corridor Study*, prepared by the firms of DeLeuw Cather/Parsons Brinckerhoff for the Montgomery County Department of Transportation, with specific modifications concerning its implementation. The *Georgetown Branch Master Plan Amendment* (1990) concludes that the use of the right-of-way for a trolley/trail meets both community and Countywide transportation and recreational goals.

The public use of this right-of-way is being pursued because it is a unique opportunity to use an exclusive right-of-way to link the two major down-County business districts and the two arms of the Metro Red Line. A bikeway and trail, in combination with transit use, will be provided. The trail will provide an important opportunity to link local and regional trails which traverse the Rock Creek and Potomac basins. A bikeway could serve longer distance recreational use and local access to employment centers and community services.

Use of the route for transit would provide an alternative to driving on East-West Highway and Jones Bridge Road. It would assist those people who rely primarily on local public transit. The key to attractive, successful transit service is providing reliable, speedy service. The Georgetown Branch provides an existing travel corridor that could readily be adapted for transit use.

Bethesda CBD to the District of Columbia

The remainder of the Georgetown Branch, from Bethesda Avenue to the District of Columbia boundary, should be used primarily as a recreational trail for hiking and bicycling to be

known as the Capital Crescent Trail. Another option for this segment of the former rail right-of-way is for an excursion train use. There is the potential that other public uses could be shared with a trail. Any new use of this portion of the Georgetown Branch should be the subject of a subsequent Master Plan amendment.

**The remainder of the Georgetown Branch,
from Bethesda Avenue to the District
of Columbia boundary, should be
used primarily as a recrea-
tional trail for hiking
and bicycling...**

Montgomery County Government purchased the Georgetown Branch right-of-way pursuant to Section 8(d) of the National Trail System Act. This purchase assumed the southern segment of the right-of-way would be transferred to Maryland-National Capital Park and Planning Commission. The Parks Department would then prepare the detailed trail planning and design. Public input and review by all other agencies affected should be included in this planning and design process. Final approval for design and implementation strategies for how recreational trail use will be accomplished on the Georgetown Branch would lie with the Park and Planning Commission.

The planning for the use of this section of the Georgetown Branch should consider the many issues raised in previously adopted Master Plans, in the *Georgetown Branch Corridor Study Final Report*, and in the public hearing on the Final Draft Master Plan for Bethesda-Chevy Chase. The master plans for the area (B-CC, 1970; *Bethesda CBD*, 1976; and *Westbard*, 1982) discuss a variety of possible transit, bikeway, and roadway uses of the Georgetown Branch right-of-way. These proposals are integral to the recommendations of both the *Bethesda CBD* and the *Westbard Sector Plans*. Some changes to those recommendations may require subsequent amendments to those Sector Plans. The *Georgetown Branch*

Corridor Study Final Report considered alternatives for path, bikeway, and excursion train use. The designation of recreational uses of the Georgetown Branch right-of-way by the Parks Department should include specific guidelines and recommendations to assure minimization of the potential impact on abutting neighborhoods.

Various issues to consider for the remaining section of the Georgetown Branch are as follows.

Bethesda CBD to Westbard

1. This segment should be used for a continuous hiking/biking trail route into the Bethesda CBD.
2. Potential use of segments of the right-of-way in Westbard to improve access for industrial properties south of River Road, as stated in the *Westbard Sector Plan*, 1982. This use is important for providing efficient access to industrial properties. Alternatives to consider include: (a) the combined use for vehicles and hikers/bikers, or (b) directing hikers/bikers to the Little Falls Parkway path system around Westbard. It is important to state in this Master Plan that if the trail deviates from the Georgetown Branch right-of-way, the right-of-way will remain in public use, but it may not be considered parkland under the jurisdiction of the Park and Planning Commission.
3. Whether the trail crossing of the Georgetown Branch right-of-way at River Road should be at-grade or on a bridge.
4. Bicycle and pedestrian connector links to surrounding neighborhoods should be provided where appropriate and feasible.

This Master Plan replaces the recommendation of the 1970 *B-CC Master Plan* to create an extension of Little Falls Parkway via the Georgetown Branch to Woodmont Avenue. Such an extension of this Parkway would not be compatible with trail use of the right-of-way.

Westbard to the D.C. Line

The segment from Westbard, south of the industrial area, to the District of Columbia boundary traverses a residential area and roughly parallels the existing Little Falls Park and pathway system.

1. This segment provides the best opportunity for a continuous hiking and bicycling trail from the District of Columbia to at least Massachusetts Avenue. Such continuous trails are desirable for extended bicycling trips.
2. An alternate view is that such a continuous trail could be created in combination with the existing parallel trail in Little Falls Stream Valley Park. In either case, portions of this segment could be used to improve community bicycle or pathway access to employment, park, or community centers.
3. The Master Plan recommends that the right-of-way be considered as an alternative to use of the Little Falls Park as an alignment for the proposed interconnection of water system Project 90 in Bethesda and the Dalecarlia Filtration Plant in the District of Columbia. The project should be designed to allow for trail or other uses identified in this Master Plan. The alternative should be studied by the Washington Suburban Sanitary Commission in the context of its environmental impacts, effects on other right-of-way uses, and cost effectiveness of such a project.
4. Pedestrian and bicycle connector links to surrounding neighborhoods should be provided when appropriate and feasible.
5. A hiker/biker trail south of MacArthur Boulevard outside of the Georgetown Branch right-of-way will have to be located on Federally owned property under the jurisdiction of the National Park Service. An agreement must be reached with the Park Service regarding use of its lands and respective responsibilities for the trail's construction and management.

Excursion Train

This Plan recommends continued consideration of a historic

excursion train between the Bethesda CBD (or Westbard) and Georgetown in the District of Columbia, subject to the determination that an excursion train could be compatible with the hiker-biker trail, without excessive additional cost to the County. An excursion train deserves further consideration as a recreational use of the right-of-way. Some users of an excursion train would not be likely to use an extended bicycle route. These include non-bicyclists, the physically handicapped, and some elderly.

The Parks Department should further study this issue to determine whether excursion railroad use in the right-of-way is compatible with the hiking-biking trail and can be accommodated at reasonable cost to the County. This study (and any subsequent study regarding design issues) should address the issue of accessibility to businesses which are located south of River Road and are currently only accessible via the CSX right-of-way. If the excursion rail cannot be accommodated without negatively affecting the hiking-biking trail or would add unreasonable cost for the County, then the right-of-way should be limited to a hiking-biking trail (or other compatible activities).

4.2 Highway System Plan

A highway system plan is proposed to serve those transportation needs that cannot readily be served by transit or other mobility services. Such needs include through traffic and off peak local travel.

The Master Plan endorses completion of programmed highway improvements. State of Maryland projects are identified in a Highway Needs Inventory, the Consolidated Transportation Program, and on a list of Special State Projects. Montgomery County projects are identified in the annual Capital Improvements Program. Projects range from reconstruction of segments of I-495, to intersection improvements, to sidewalk construction.

The Master Plan modifies the highway classifications of the 1970 Master Plan. This is necessary to provide classifica-

tions that match the functions of each highway and to preserve the rights-of-way for long-term needs beyond the life of this Master Plan. These modifications include:

1. Amendments to some street classifications.
2. Retention of some classifications, to allow reservation of rights-of-way, while limiting the roadway design to a lesser pavement width.
3. Removal or modification of some specific proposals related to pavement width, intersection design, or interchanges.

4.21 Highway Improvement Policy

This Plan endorses providing moderate highway improvements based on the following Plan policies:

1. Endorse future projects needed to ensure the safety of highway users and pedestrians.

Highways with narrow lane widths or with only two lanes, as well as those with hills, curves, and blind spots, may need improvements to preclude potential accidents. Resolution of such problems may require selective roadway widening and straightening. Some intersections may have volume or geometric problems that result in high accident rates which could be resolved by reconstruction. Examples include East-West Highway and the intersection of MacArthur Boulevard at Sangamore Road.

2. Endorse redesign of intersections operating at congested levels of service (i.e., mid-point of Level of Service E), including future congested locations.

There are major intersections throughout the Planning Area that currently operate at levels of congestion which equal or exceed the current acceptable limit of the mid-point of Level of Service E. (See Figure 11.) Future growth in local and through traffic will likely increase the number of such intersections. Improvements to reduce the number of congested intersections may include the addition and lengthening of turning lanes for additional vehicle storage. In most cases such changes will improve peak traffic flow. In some cases, congestion levels are so

high that improvements will not fully achieve an acceptable Level of Service but should be made to provide some additional capacity. In other cases, roadway links are at or nearing high congestion levels.

The Master Plan identifies one location where a grade separated interchange could be built, if approved in a subsequent Master Plan. While an interchange may eliminate an unacceptable local Level of Service condition, it may lead to excess downstream traffic on already congested roadways. It is recognized that severe community impacts could result from intersection construction.

3. New development should be required to participate in transportation projects needed to reduce congestion levels on local area highways and intersections.

At the time of preliminary subdivision plan, new development must be reviewed under the Adequate Public Facilities Ordinance, including a local area review. Where intersections are projected to operate above the midpoint of Level of Service E, new development cannot be approved unless intersection improvements or traffic alleviation measures are provided to offset the effect of the additional traffic volume.

In some cases the Master Plan recommends against major intersection improvements which would cause unacceptable disruption to property in the area. In such cases, the land use and development level policies of this Master Plan should still be followed. As stated above, such new development will still be required to alleviate the effect of increased local traffic volumes caused by that development.

4. Endorse reduction of through traffic on secondary residential streets and, where possible, on primary streets, particularly during peak traffic periods.

It is the policy of the Montgomery County Department of Transportation to reduce or eliminate cut-through traffic on secondary residential streets unless such condition would increase congestion at already congested locations. Such a pol-

icy is intended to protect residential communities from increasing through traffic and traffic associated with major employment centers.

Secondary streets should function so as to serve residential areas and are not intended for use by through traffic. Protection from non-local, cut-through traffic may be achieved by communities initiating requests to the Montgomery County Department of Transportation. Local municipalities also have some jurisdiction over street operations. Protection may be in the form of speed limit enforcement, traffic circles, one-way streets, and stop signs, as well as turning and access restrictions. During non-peak periods, turning and access restrictions are less desirable as they reduce options for nearby residents to use all of the public streets. Unbuilt rights-of-way may also discourage cut-through traffic. Decisions to abandon or dispose of such rights-of-way must be weighed against needs for local access and safety.

Primary streets should function so as to collect and distribute traffic between secondary streets and the arterial and major highway system. As a result, they carry local and some non-local traffic through residential communities. Often there is no good alternative route for such traffic. To better protect residential communities, this Master Plan endorses measures aimed at controlling speeds and increasing pedestrian safety on those primary streets which are determined to carry excessive traffic during peak periods. Such measures may include a review of speed restrictions, addition of sidewalks, and various types of traffic signs, among others.

5. Lessen the rate of increase in through trips on major highways by providing alternate means of travel

Major highways should function so as to carry large volumes of traffic to destinations and from origins within B-CC. They should also provide a through route to other employment centers. Growth in traffic on major highways passing through B-CC, traffic from residential growth to the north and west, and traffic going to and from employment growth in the District of Columbia is expected to continue. The transportation

analysis shows that this will have more impact along the Connecticut Avenue Corridor than the other radial corridors in B-CC. Actions that should be taken include: (1) more Metro station parking and improved feeder bus service to stations on the Red Line, (2) transit fare policy changes that would encourage more transit use for these travelers, (3) park-and-ride lots with appropriate bus services in the non-Metrorail highway corridors, and (4) continued efforts to improve traffic signalization.

4.22 Planned Highway Projects

Figure 12 shows the projects discussed in the following section.

The Highway Needs Inventory (see Table 11) is a statewide planning document which lists highway improvements needed to serve existing and projected population and economic activity in the state. The Inventory includes projects that address safety, structural problems, and service conditions that warrant major construction or reconstruction.

The Consolidated Transportation Program (CTP) of the Maryland Department of Transportation takes projects from the Needs Inventory and places them in a construction program through a selective capital improvements planning process. The Capital Improvements Program (CIP) is the Montgomery County program for public improvement projects. The following table lists both state CTP and County CIP projects in the Bethesda-Chevy Chase area. Projects within the Sector Plan areas are not included. (See Table 12.)

4.23 Future Highway Needs

The overriding transportation strategy for the Bethesda-Chevy Chase area is to encourage the use of mass transit, carpooling, walking, and bicycling to reduce the demand for roadway facilities and to provide only moderate improvements to the roadway system. To that end, traffic movement

within the Planning Area is deemed to be more important than movement into and from the Planning Area, except for those vehicles that reinforce the above policy. This philosophy means

The highway plan recommends that roads in the Planning Area not be widened during the time frame of the Master Plan.

that greater attention should be paid to roadway improvements that are located within the Planning Area rather than those on the periphery. For many people traveling through the Planning Area, there is a mass transit option.

The highway plan recommends that roads in the Planning Area not be widened during the time frame of the Master Plan. This Plan assumes a heavy reliance on transit and trip reduction programs, particularly in those corridors where the major roads have already been widened to the maximum extent possible or desirable.

Level of Service

Intersections discussed in the following sections are analyzed with respect to an initial estimate of their future Level of Service and Critical Lane Volume during peak morning and evening hours. Although Levels of Service range from A to F, the levels associated with higher levels of congestion include:

- "D" Conditions approaching unstable flow, delays are moderate to heavy, significant signal time deficiencies are experienced for short durations during the peak traffic period.
- "E" Conditions of unstable flow, delays are significant, signal phase timing is generally insufficient, congestion exists for extended duration throughout the peak period.
- "F" Conditions are jammed, full utilization of the intersection approach is prevented due to back-ups from locations downstream.

During the life span of the Master Plan, emphasis should be on at-grade improvements at the intersection of Wisconsin Avenue and Cedar Lane and the implementation of transit and trip reduction policies to reduce highway traffic. **This Plan recommends that a possible grade-separated interchange at Wisconsin Avenue and Cedar Lane be retained as a possible long-range project.** If development or redevelopment occurs on abutting parcels, the plans should be reviewed for the purpose of reserving right-of-way for the future construction of the interchange.

The Critical Lane Volume at the Cedar Lane intersection can be reduced in the peak hours by the addition of a right-turn lane on the eastbound approach of West Cedar Lane to MD 355, the addition of a through lane on the westbound approach of Cedar Lane to MD 355, and the addition of a right-turn lane on the northbound approach of MD 355 to Cedar Lane.

A possible long-term change, beyond the life of this Master Plan, would be the addition of a lane in each direction on MD 355 from north of Cedar Lane to Jones Bridge Road. The additional lanes plus the improvements mentioned above would almost achieve acceptable levels of service. The additional lanes would reduce congestion in this area by better separation of the through traffic on MD 355 and the traffic generated by NIH and the Naval Center.

Transportation improvements in the Wisconsin Avenue corridor should also include alternative modes of travel. Not only should local development be tied to the provision and enhancement of non-auto modes of travel and the reduction of single-occupant vehicles on the road, but consideration should be given to reducing the traffic volumes generated by development in the whole corridor. Plans for expansion of employment in the Federal agencies should be closely coordinated with capacity of the transportation system.

Old Georgetown Road (MD 187)

The daily traffic volume on MD 187 has not reached the ca-

capacity of the road. Further traffic growth could result in greater congestion and motorists' use of Huntington Parkway and Bradley Boulevard as a "short cut" route around the Bethesda CBD. A transportation management district, if implemented in the Bethesda Business District, could be used to reduce the demand for additional roadway capacity on MD 187.

Bradley Boulevard (MD 191)

It is recommended that Bradley Boulevard be reclassified to an arterial road between the Capital Beltway and Goldsboro Road and retained as a two-lane road during the lifetime of the Plan. A pedestrian/bicycle path should be constructed within the existing right-of-way width of 100 feet, and the intersections at Huntington Parkway and Wilson Lane should be improved.

It is recommended that Bradley Boulevard be reclassified to an arterial road between the Capital Beltway and Goldsboro Road and retained as a two-lane road during the lifetime of the Plan.

While congestion is expected to increase, the amount of increase can be reduced if improvements are made at Huntington Parkway and Wilson Lane. These are the two most congested intersections on Bradley Boulevard outside the Bethesda CBD. Delays at these intersections could be reduced by widening the approaches to two lanes so that a lane on each approach could be used for left-turn movements.

River Road (MD 190)

The daily traffic on River Road is close to exceeding the road's capacity. The initial morning peak hour traffic forecast indicates that an annual growth rate of about 0.5 to 1 percent

can be expected in the eastbound traffic if moderate levels of development are assumed. The resultant traffic growth will adversely affect operating conditions of intersections and dictate the need for improvements. Already, there are several intersections operating at unacceptable levels of service during the peak hours and several sections of roadway operating at Level of Service E.

The intersection at Wilson Lane is operating at Level of Service F in the morning peak hour with a Critical Lane Volume of 1,820. This is considerably above the maximum of 1,525 at which local development can be approved without mitigation measures. A review of potential improvements found that only the addition of another approach lane in each direction on River Road would reduce the Critical Lane Volume to less than 1,525. Minor improvements would not result in any significant change in levels of service.

The intersection at Whittier Boulevard is operating at Level of Service F during the morning peak hour with a Critical Lane Volume of 1,558. The Critical Lane Volume could be reduced to an acceptable 1,450 by allowing traffic entering the intersection from Whittier Boulevard to turn left in both approach lanes. The traffic signal system would have to be modified to allow the movement.

The intersection at Little Falls Parkway is operating at Level of Service E in the morning peak hour with a Critical Lane Volume of 1,526. The construction of a separate right-turn lane on the northbound approach of the Parkway to River Road would reduce the Critical Lane Volume to 1,516, which is below the maximum desirable volume of 1,525. The project, however, would not significantly reduce overall congestion at the intersection.

In conclusion, some intersections along River Road are experiencing congestion on the inbound lanes during the morning peak hour. It appears that minor improvements would only provide slight relief. Increased traffic demand under any growth assumption could increase congestion at other intersections and result in a possible need to add through lanes on River Road. In conjunction with the recommended moderate

development levels, this Plan proposes construction of a commuter parking lot along River Road, in the Potomac Planning Area. Widening of River Road to six lanes may be necessary beyond the life span of this Master Plan.

Goldsboro Road (MD 614)

This Plan reclassifies Goldsboro Road from a major highway to an arterial road between MacArthur Boulevard and Massachusetts Avenue. Four lanes may be needed beyond the life span of the Master Plan. The existing pavement width is expected to be sufficient for the life span of the Master Plan and also reflects recommendations for MacArthur Boulevard.

Massachusetts Avenue (MD 396)

The capacity of Massachusetts Avenue is not expected to be exceeded between Goldsboro Road and Sangamore Road during the lifetime of the Plan. However, with the concept of de-emphasizing the potential of MacArthur Boulevard and the southern part of Goldsboro Road as major routes for through traffic, an increase in through traffic may occur on Massachusetts Avenue in the future as spillover traffic from River Road.

This Plan retains the two-lane section of Massachusetts Avenue during its lifetime, but recognizes that four lanes may be needed beyond the life span of the Master Plan.

Other Long-Term Highway Needs

Little Falls Parkway

The daily traffic volume on Little Falls Parkway does not currently exceed the road's capacity. However, if daily traffic continues to grow at the rate of 3.5 to 6 percent, the capacity could be reached by 1995.

The intersection of Little Falls Parkway and Massachusetts Avenue is operating at an acceptable Level of Service during the peak hours, but the intersection at River Road and Little Falls Parkway is operating at Level of Service E in both the

morning and evening peak hours. This means that additional traffic generated by local development could result in the need to widen Little Falls Parkway and increase intersection capacity. Such a change should only be considered in a subsequent Master Plan revision.

Wilson Lane (MD 188)

The Master Plan recommends the reconstruction of Wilson Lane as a two-lane roadway from River Road to Old Georgetown Road. Particular attention is needed to safety and public transit improvements. The improvement of Wilson Lane should include consideration of the following: (1) a continuous bicycle path from MacArthur Boulevard to downtown Bethesda; (2) the construction of waiting areas and facilities for transit passengers; (3) marked or signalized pedestrian crossing lanes at strategic locations, such as Bradley Boulevard and Old Chester Road, where there are bus stops; and (4) the erection of guard rails and anti-skid surfaces at locations, like Maiden Lane and Aberdeen Road, where there are sharp curves.

Burdette Road

This Plan recommends the reclassification of Burdette Road as a principal secondary street with the expectation that no widening will be necessary unless the purpose is to facilitate safe, local access and circulation. Burdette Road is a narrow, two-lane road with steep, vertical curves between River Road and Bradley Boulevard. In 1986, the average daily traffic volume was 3,450 vehicles between River Road and Burning Tree Road and 1,900 vehicles between the latter and Bradley Boulevard. The capacity of this road, even though it is low because of its width and topographic constraints, is not expected to be exceeded during the life span of the Master Plan.

Seven Locks Road

Seven Locks Road, north of I-495, is classified as a principal secondary street in the Potomac Subregion Master Plan. This

Plan recommends that the section of Seven Locks Road south of I-495 also be classified as a principal secondary street for consistency.

MacArthur Boulevard

This Plan reclassifies MacArthur Boulevard as an arterial road between the Capital Beltway and Sangamore Road to match its function. In addition, the road is being proposed as a scenic highway. To maintain the scenic function during the lifetime of the Master Plan, the one-lane bridge at Cabin John should be retained. The bridge has historical significance and it serves as a traffic-metering device for controlling the volume of traffic flowing through the area. To further discourage the growth of traffic in the area, the road should retain the travel lanes it now has. Two lanes should be sufficient for providing a moderate level of land service and a medium level of traffic service, and this Plan recommends against widening MacArthur Boulevard. While some day, major improvements may be needed to protect the aqueduct, the reference to the relocation of MacArthur Boulevard to a roadbed parallel to the aqueduct from Sangamore Road to the Capital Beltway is deleted from this Plan.

This Master Plan recognizes that traffic uses the Clara Barton Parkway and MacArthur Boulevard to access Wilson Lane and Goldsboro Road. This results in large volumes of peak period traffic going through the Cabin John and Glen Echo communities. This may result in local operational problems which should be reviewed by the Montgomery County Department of Transportation.

4.24 Street and Highway Plan

Classification Categories

The Street and Highway Plan shows the classification of streets and highways in a Planning Area. (See Figure 13.) In Montgomery County, each roadway generally is classified in one of five major categories: (1) Freeways, (2) Major Highways,

(3) Arterials and Business District Streets, (4) Primary Residential Streets, and (5) Secondary and Tertiary Residential Streets.

Freeways provide total traffic service and no land service. Access, number of lanes, and right-of-way width frequently vary in accordance with local conditions and long-term needs. The Capital Beltway (I-495) is classified as a freeway.

Major highways provide high level of traffic service and a low level of land service. The major highways in the Planning Area should function so as to carry large volumes of traffic to destinations and from origins within B-CC, but also provide a through route to other employment centers.

Arterials and business district streets provide a lower level of traffic service and a higher level of land service than major highways. They carry traffic between major highways and provide a high degree of access to local development.

Primary residential streets provide a lower level of traffic service and higher level of land service than arterials and business district streets. Primary streets are the local traffic collectors for vehicles traveling between higher level roads (arterials and major highways) and residential areas. As a result, they frequently carry non-local traffic through residential communities. Often there is not a good alternative primary street to serve as the preferred through route. Some of the primary streets are already part of the existing highway classification system whereas others are proposed to be added to that system. In most cases, these newly designated primary streets have already been constructed to a width of 36 feet. Where the streets are not 36 feet wide, traffic control techniques will be considered as alternatives to widening.

This Plan adds the classification of the **principal secondary street**, a classification that was used in the *Potomac Subregion Master Plan*. It is used for existing streets with substandard grades whose vertical realignment to primary standards would severely impact access to abutting properties if the acquisition of additional right-of-way was necessary.

Secondary and tertiary residential streets provide limited traffic service and high level of land service. They are not intended for use by traffic that is passing through the residential community.

Street and Highway Classifications

The proposed Street and Highway Plan for the Bethesda-Chevy Chase Planning Area is based on the 1970 Master Plan with specific changes as given below. (See Figure 13.) The highway classifications are listed on Table 14. The table shows the classification, the right-of-way width, and the number of lanes or pavement width. These changes more closely match the classification to the function and use of each street or highway. Individual sector plans must be referred to for recommendations regarding roads and streets in the Bethesda CBD, Friendship Heights CBD, and Westbard.

The streets newly designated as primaries on the proposed highway classification plan include:

Manor Rd	Connecticut Ave to Jones Bridge Rd
Whittier Blvd	River Rd to Wilson La

The proposed highway plan also recommends the following changes to the classification of some other roads and streets.

Bradley Blvd	major highway to arterial road between I-495 and Goldsboro Rd
Goldsboro Rd	major highway to arterial road between MacArthur Blvd and Massachusetts Ave
MacArthur Blvd	undesignated road to arterial road between I-495 and Sangamore Rd
Fernwood Rd	arterial road to primary residential street between I-495 and Bradley Blvd
Burdette Rd	primary residential street to principal secondary street between River Rd and Bradley Blvd

Seven Locks Rd	secondary residential street to principal secondary street between I-495 and MacArthur Blvd
Leland St	primary residential street to secondary street between the Bethesda CBD and East-West Hwy

4.3 Transportation Analysis

An issue of great concern in preparing this Plan is whether the Master Plan's end-state land use recommendations can be adequately served by the recommended transportation system of the Master Plan. The following discussion presents some of the results of the transportation analysis of the land use plan. The results are viewed from the perspective of areawide congestion levels and a generalized pattern of more localized congestion levels throughout the B-CC area.

4.31 Areawide Analysis

In order to predict future average congestion levels for the Bethesda-Chevy Chase Planning Area, an approach was used that is comparable to that of the Annual Growth Policy to set Annual Staging Ceilings. This approach involves the use of: (a) a regional transportation model, with extra detail in Bethesda-Chevy Chase and adjoining areas, (b) the establishment of a standard of an acceptable average level of congestion, and (c) a comparison of average congestion levels resulting from the proposed land use plan against the standard of acceptable congestion.

Regional Context of the Analysis

Today, as well as in the future, traffic and congestion levels in the B-CC area depend upon many things. Among them are the location, mix and intensity of local development and transportation facilities within the area. Development levels and transportation facilities in the larger region beyond the B-CC area also play a major role in the levels of traffic and congestion

within B-CC. Therefore, in order to assess future congestion levels in B-CC, techniques are needed that account for these larger, regional traffic patterns. With that in mind, staff has adapted the regional transportation modeling system being used in the Countywide Annual Growth Policy for use in the areawide analysis of the proposed land uses within the B-CC area.

That adaptation considered land use activity and master-planned transportation facilities throughout the County and the greater Washington region. To do otherwise would result in travel patterns and traffic flows which would not be representative of Bethesda-Chevy Chase's relative location in the larger region.

Standard of Acceptable Congestion

The FY 89 Annual Growth Policy (AGP) has determined that Bethesda-Chevy Chase and Bethesda CBD Policy Areas are Group V areas, which means they have full transit service. The AGP sets the policy that a Group V area has an *Average Level of Service* Standard of LOS D/E for the standard of acceptable congestion.

This transportation analysis recommends that the appropriate standard of acceptable congestion, for the time frame of the B-CC Master Plan, should continue to be a Group V area with an Average Level of Service D/E Standard. That standard should also apply to the Bethesda CBD area and is consistent with the standard used in the cordon analysis for the *Bethesda CBD Sector Plan*. The cordon analysis establishes traffic capacity based on 10 major roadway exit points from the Bethesda CBD. The standard for acceptable local intersection congestion should continue to be the midpoint of Level of Service E.

Table 15 shows the correspondence between transit availability and Average Level of Service Standards. The columns describe a spectrum of transit service availability for various types of transit such as bus based systems, fixed-guideway

Table 15

CORRESPONDENCE BETWEEN TRANSIT AVAILABILITY AND AVERAGE LEVEL OF SERVICE STANDARDS

Average Level of Service Standards	Group Classifications	Public Transport Alternatives to Automobile Travel	Transit Services Available or Programmed				
			Auto Dependent System	and/or	Bus Based Systems	and/or	Fixed Guideway Systems
			Park/Ride Access		Community and Local Bus Service	Regional Park/Ride Express Bus and High Occupancy Vehicle Priority Systems	Commuter Rail or Light Rail Metrorail
•	I	Marginal to stations or	Marginal access available bus routes outside of the area		Not Available	Not available	Marginal amount of the area is within walk access Not Available
C	II	Limited	Limited number of park/ride spaces		Limited coverage and frequency	Limited park/ride spaces or lots with local bus service	Limited park/ride access and walk access Park/ride and kiss/ride access limited to nearby stations outside of the area
C/D	III	Moderate	Moderate number of park/ride spaces, limited kiss/ride service		Moderate coverage, service limited to policy frequencies	Moderate express bus service in conjunction with a system of park/ride lots	Moderate parking or walk access with system transfers Moderate station coverage in the area with associated feeder access
D	IV	Frequent	Moderate park/ride spaces and moderate kiss/ride service		Moderate coverage, combined policy and frequent demand-based service	Priority treatment for frequent express buses, local circulation feeder services in conjunction with a system of park/ride lots	Same as Group III above More dense spacing of stations and bus routes
D/E	V	Full	Limited park/ride with full reliance on kiss/ride access		Full area coverage and a large number of routes with frequencies based on demand	Same as Group IV above	Same as Group III above Full frequency and full reliance on kiss/ride, easier walk and bicycle access
•	VI	Expanded	Expanded park/ride with reliance on kiss/ride access		Expanded bus frequencies; 100 buses in PM peak	Same as Group IV above	as Group III above Designated CBD; controlled parking; Transportation Mgmt. District

• See Text of the Recommended FY 89 AGP for Methods and Standard of Measuring Traffic.

systems and auto dependent transit systems. The rows show how the different degrees of available transit services correspond to different standards of *Average Levels of Service* for areas such as Master Plan areas.

For a better understanding of the standard of acceptable congestion, it is helpful to briefly elaborate on the measure that is being used to describe the concept — that of an average Level of Service. Level of service is an estimate of the quality of the traffic operations of a particular intersection or roadway segment. If one imagines oneself at the top of a tall building or in an aircraft looking down at many intersections or roadway segments that cover a large area, then the idea of an average Level of Service is one that represents the quality of the traffic operations throughout that whole area. Some intersections or roadway segments are less congested than the average, many are operating at the average, and some are more congested than the average. Thus, the average measure is a convenient indicator for comparing alternatives and monitoring conditions over time. For many purposes, it is still important to consider the patterns of localized congestion and Level of Service at particular locations.

Conditions might be such in the future that the Bethesda CBD could be considered an area of "expanded" transit services, and thus eligible for a Group VI standard for Average Level of Service. To meet Group VI criteria, several basic conditions beyond the currently programmed transit services would need to occur. (See Table 15.) First would be the establishment of a Transportation Management District such as the one recently implemented for the Silver Spring CBD. The second would be a significant increase in bus service with extra routings and greater frequencies on existing routes such that in total there would be more than 100 buses per hour serving the Bethesda CBD. If transit services are provided along the Georgetown Branch, they could be considered as adding to that amount of locally destined transit service. However, a transitway in and of itself would not be sufficient to classify the Bethesda CBD as a Group VI area. The next update of the Bethesda CBD Sector Plan should evaluate in more detail what

should be the appropriate Level of Service standard for that area.

Comparison of Average Congestion Level to the Standard

In this analysis, three basic development level alternatives have been analyzed. A comparison of the resulting average Level of Service estimate for each of these development level alternatives was made against the standard of Average Level of Service D/E, discussed above. This comparison shows that the first two development level alternatives, the low and moderate alternatives, would have acceptable average Level of Service conditions at the standard or somewhat less congested than the areawide standard.

The analysis for the third alternative, the high developmental level alternative, shows that it would probably have average Level of Service conditions that would be somewhat more congested than the average Level of Service standard of LOS D/E. It is possible that the high development level alternative, in combination with appropriate transportation improvements, might have an acceptable areawide congestion level.

The assessment of whether the Master Plan's land use plan can be adequately served by its transportation plan was done at a finer level of detail than just an areawide average. The remaining part of the transportation analysis considers the general pattern of changes in local congestion levels throughout different parts of the B-CC area.

4.32 Patterns of Localized Congestion

Travel demands and patterns, the capacities of transportation facilities and services, and the resulting use of those facilities are not uniform throughout the B-CC area nor will they be in the future. So, just as some parts of the roadway system in B-CC are presently more congested than others the situation will be similar in the future. Thus two basic questions arise. First, what will be the particular pattern of localized conges-

tion associated with the land use and transportation recommendations of the Master Plan? Second, will those particular localized congestion levels be acceptable?

The results of the areawide transportation analysis of the moderate growth land use/transportation alternative were examined for the expected pattern of localized congestion. Several generalizations can be made:

1. The Capital Beltway around the northern and western border of the B-CC area, an interstate freeway, will tend to operate at a more congested condition than most highways within the B-CC area. The most congested section will likely be the American Legion Bridge over the Potomac River and the section of the Beltway from River Road to the split to I-270. The least congested section is expected to be that part of the Beltway from the I-270 West Spur to Wisconsin Avenue (MD 355).
2. Within the B-CC area, the major highways are expected to be more congested than the other parts of the highway system. Most of these major highways will have LOS D and LOS E operating conditions, although some LOS F conditions might occur. The most congested sections of major highways will be: a) Connecticut Avenue north of East-West Highway, b) Old Georgetown Road between the Bethesda CBD and Huntington Parkway, c) East-West Highway from Leland Street to Brookville Road, and d) Wisconsin Avenue in the vicinity of Cedar Lane and Jones Bridge Road.
3. The eastern and northern part of the B-CC area are expected to be more congested than the western or southern portions of the area. While much of the expected congestion can be associated with the traffic going to and from the Bethesda CBD and the National Institutes of Health and the Naval Medical Command, a significant portion will be directly attributable to traffic passing entirely through B-CC. For example, a significant proportion of the estimated traffic on Connecticut Avenue, about 40 percent of the traffic just south of the Beltway, will be through traffic independent of the level of development within the area. Additional Master Plan strategies to reduce such through traf-

fic could result in less severely congested overall traffic in the northeastern part of the B-CC area.

4. The north-to-south radial highways are expected to be more congested than the east-to-west circumferential highways. Highways such as Connecticut Avenue, Wisconsin Avenue, Old Georgetown Road, River Road, and Massachusetts Avenue will tend to be more congested than east-west roads such as Wilson Lane and Goldsboro Road. While much of the traffic contributing to that congestion can be attributed to local residential and employment development within B-CC, through traffic would be expected to continue to be a major contributor to the congestion. In addition to the example already cited above for Connecticut Avenue, it is estimated that 40 to 50 percent of the traffic on River Road would be traffic passing through the B-CC area.

The eastern and northern part of the B-CC area are expected to be more congested than the western or southern portions of the area.

5. Traffic conditions around and approaching the Bethesda CBD and NIH may be more congested than the conditions within the Bethesda CBD. The results of the transportation analysis indicate somewhat greater congestion levels in areas outside the employment centers than within the employment centers. However, the analysis method has not yet been adjusted to accurately reflect the details of traffic circulation and local traffic patterns within the CBD area. This is an issue which will need to be addressed more explicitly in the preparation of the Bethesda CBD Sector Plan update.

Another aspect of the pattern of localized congestion is comparison of the effects of the high development level alternative on congestion levels, with the effect of the recommended (moderate) development level alternative. Again, some generalizations can be made based upon the results of the transporta-

tion analysis. The main expectation is that the effects would be very dispersed with marginal impacts throughout the B-CC area. However, relative to the recommended (moderate) development level alternative, the extra increment of development for the high development level alternative would tend to increase traffic more on the major highways to the north and to the west of the Bethesda CBD, and encourage greater reverse

commuting from the District of Columbia. The overall effect on congestion would probably be most noticeable along River Road. The traffic from this extra increment of development would tend in several locations to change LOS E conditions to LOS F conditions. Such changes are predicted, but with less certainty, at a few isolated locations along Old Georgetown Road or Wisconsin Avenue.

Appendix



2.0 Maps of Each Parcel Analyzed (200-Foot Scale)

The following maps show the locations of key vacant and redevelopable parcels for which recommendations have been made. They have been arranged alphabetically by the letter preceding the parcel number. All of the parcels addressed in the text are shown on the 1,000-foot scale map accompanying the Plan. Tables in the Plan give specific recommendations regarding each parcel.

As explained in Section 3.1 of the Plan, our analysis dealt primarily with parcels of three acres or more. However, in the special study areas and in other selected locations, parcels under three acres were addressed. On redevelopable parcels, the Plan does not generally recommend that existing uses be replaced.

A major goal of this Plan is to protect the natural resources and environmental qualities which are important to the quality of life for Bethesda-Chevy Chase.

Steeply sloped and heavily wooded areas are distinctive features of the Palisades and portions of the Chevy Chase area. Throughout B-CC, residential areas are heavily treed. Environmental concerns within the area include loss of mature woodlands, stream quality, and highway noise.

Objectives to protect the natural resources of B-CC include:

1. Protect wetlands, steep slopes, and wooded areas.
2. Endorse corrective measures to reduce flooding and to improve stream quality.
3. Design new projects to limit impacts of roadway traffic noise.
4. Endorse higher densities near transit stations and use of ridesharing to help reduce future levels of automobile-related air pollutants.
5. Design any new sewer or water lines to protect natural features in parklands.

The environmental resources of Bethesda-Chevy Chase are recognized in the land use recommendations of the Master Plan. The Plan identifies three areas as conservation areas. Future use of these areas should be limited due to floodplains, steep slopes, and woodlands. The Plan seeks to protect the Palisades area by a combination of zoning, scenic highway, and site design recommendations. The Plan recognizes and supports retention of much of the open space resources of B-CC, both public and private. These range from extensive parklands to large land users such as private schools and country clubs. Many individual parcels are recommended for cluster development, with guidelines to provide buffer areas and to avoid environmentally sensitive areas.

5.1 Natural Features

The Planning Area lies in the Piedmont region. The land is characterized by rolling and hilly topography. Some areas have moderately steep (15 to 25 percent grade) to extremely steep (over 25 percent) slopes. The steepest topography is concentrated in the southwestern portion of the Planning Area known as the Potomac Palisades. Glenelg or Manor silt loam soils, which are the predominant soils in this Planning Area, are subject to moderate to severe erosion during construction when they are located on steep slopes. Figure 14 locates the environmentally sensitive areas in the Planning Area.

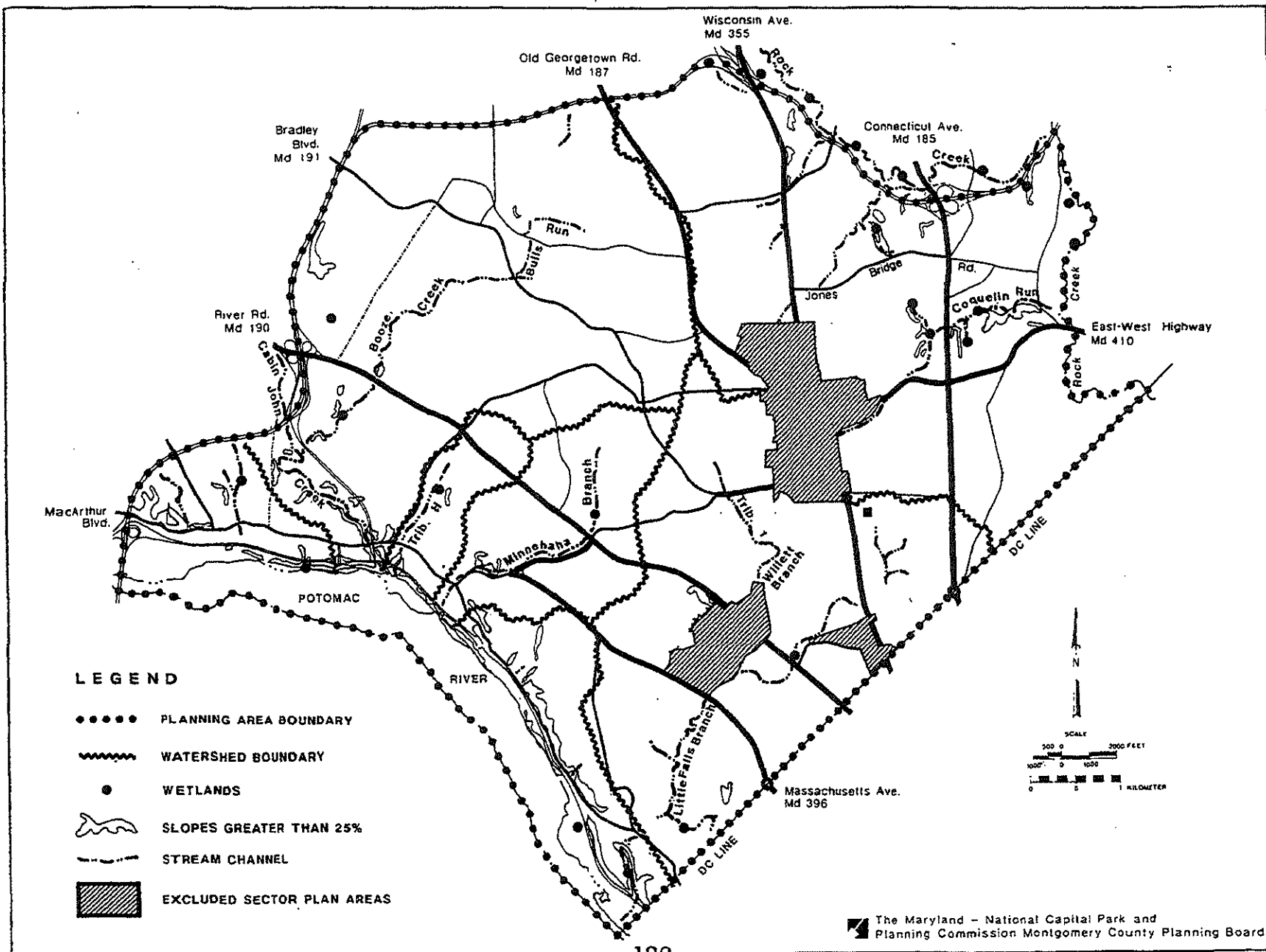
This Plan supports the preservation, wherever possible, of wetlands and steeply sloping areas (25 percent and greater slopes) that may lie outside floodplains or stream buffers as defined by existing regulations and guidelines. This recommendation will prevent extensive hillside erosion which can result in large amounts of sediment washoff into streams. Existing regulations and guidelines that provide for the preservation of some open space include State and County regulations that prohibit the construction of buildings within 25 feet of the 100-year ultimate floodplain and Planning Department's *Staff Guidelines for the Protection of Slopes and Stream Valleys*. These natural features must be defined and delineated on a site-by-site basis.

Streams, their associated floodplains, and wetlands provide essential habitats for many plant and animal communities. Wetlands can aid in flood control and in reducing water pollution to receiving streams. Scattered areas of Worsham and Glenville silt loams, which are highly erodible and poorly drained, are mostly associated with floodplains. Development on these soils is strongly discouraged.

This Plan supports the preservation of environmentally sensitive areas that are not already within parkland. The Plan identifies three conservation areas along Coquelin Run, Booze Creek, and Braeburn Parkway (Tributary H). There are also recommendations to protect the Potomac Palisades area.

ENVIRONMENTALLY SENSITIVE AREAS

Figure
14



To create such undisturbed open space systems, developable parcels should be encouraged to use a cluster or planned development option. Another alternative is to allow a cluster development with a high proportion of townhouse units under the existing single-family detached base zone (e.g., R-60, R-90) if the development provides greater environmental benefits than a standard development under the base zone. Such land use options provide the flexibility for site layout and creation of open space systems. Other areas may be protected by public ownership or private action.

Large areas of maturely forested land in the Planning Area are mainly limited to stream valleys and steeply sloping land. Preservation of such woodlands is important in retaining the character of parts of the Planning Area, such as the Potomac Palisades, as well as providing such environmental benefits as:

1. reducing land surface erosion,
2. reducing the occurrence of flooding events and minimizing the degradation of water quality,
3. moderating temperature extremes of the micro-climate, and
4. providing a source of food and cover for wildlife.

5.2 Water and Air

5.21 Water: Quantity and Quality

This Plan supports actions to correct flooding problems:

1. Continuation of County CIP projects to upgrade undersized storm drainage systems in the Planning Area.
2. Evaluation of roadways experiencing flooding due to undersized culverts and bridges; determination and implementation the best engineering solution by the Department of Transportation.
3. Prevention of new developments within the ultimate 100-year floodplain.

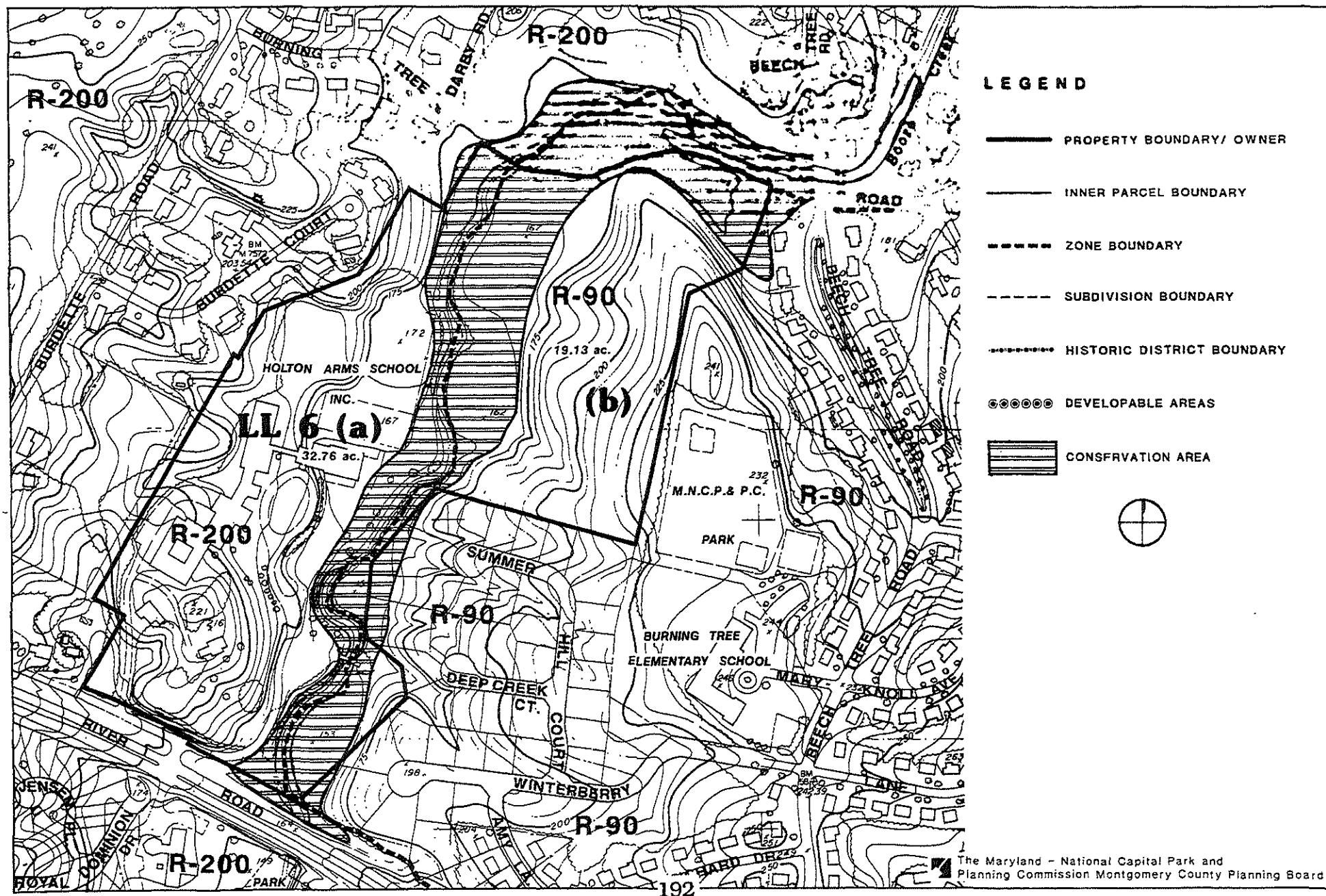
There are isolated flooding problems in each of the three major drainage areas of the Planning Area — Rock Creek, Cabin John, and Little Falls Basins. (See Figure 15.) These problems result from a high degree of impervious surfaces (e.g., roads, parking lots, rooftops, driveways) that causes rapid surface water flow during precipitation periods and from the absence of flood control impoundments to control such rapid surface runoff. Such flooding problems are further aggravated by undersized culverts and houses located too close to streams. These flooding problem areas have been identified and evaluated in two MCPB technical reports: *Rock Creek Stormwater and Water Quality Management Study*, 1977, and *Cabin John, Rock Run and Little Falls Watershed Study*, 1982. To correct some of these problems, the County has Capital Improvements Program (CIP) projects to upgrade some of the old and undersized storm drain systems in the Planning Area. **The Plan also recommends that owners of the properties in the floodplain acquire flood insurance.**

The Master Plan endorses a combination of monitoring, corrective measures, and local action to improve stream quality. The large amount of development with the absence of stormwater management controls in most of the Planning Area has resulted in the degradation of the quality of stream systems in the Planning Area. The negative impacts of urbanization on these streams include accelerated stream channel erosion, concrete or piped channels, sanitary sewer line leaks, unsightly litter, poor water quality and stream flow, and destruction or change in aquatic life to favor pollutant-tolerant biota.

This Plan supports the County's efforts to re-establish a water quality monitoring program and emphasizes the need for such a program in this Planning Area. Water quality monitoring can identify streams where water quality improvement measures need to be focused. The County operated a water quality monitoring network from about 1969 to 1980.

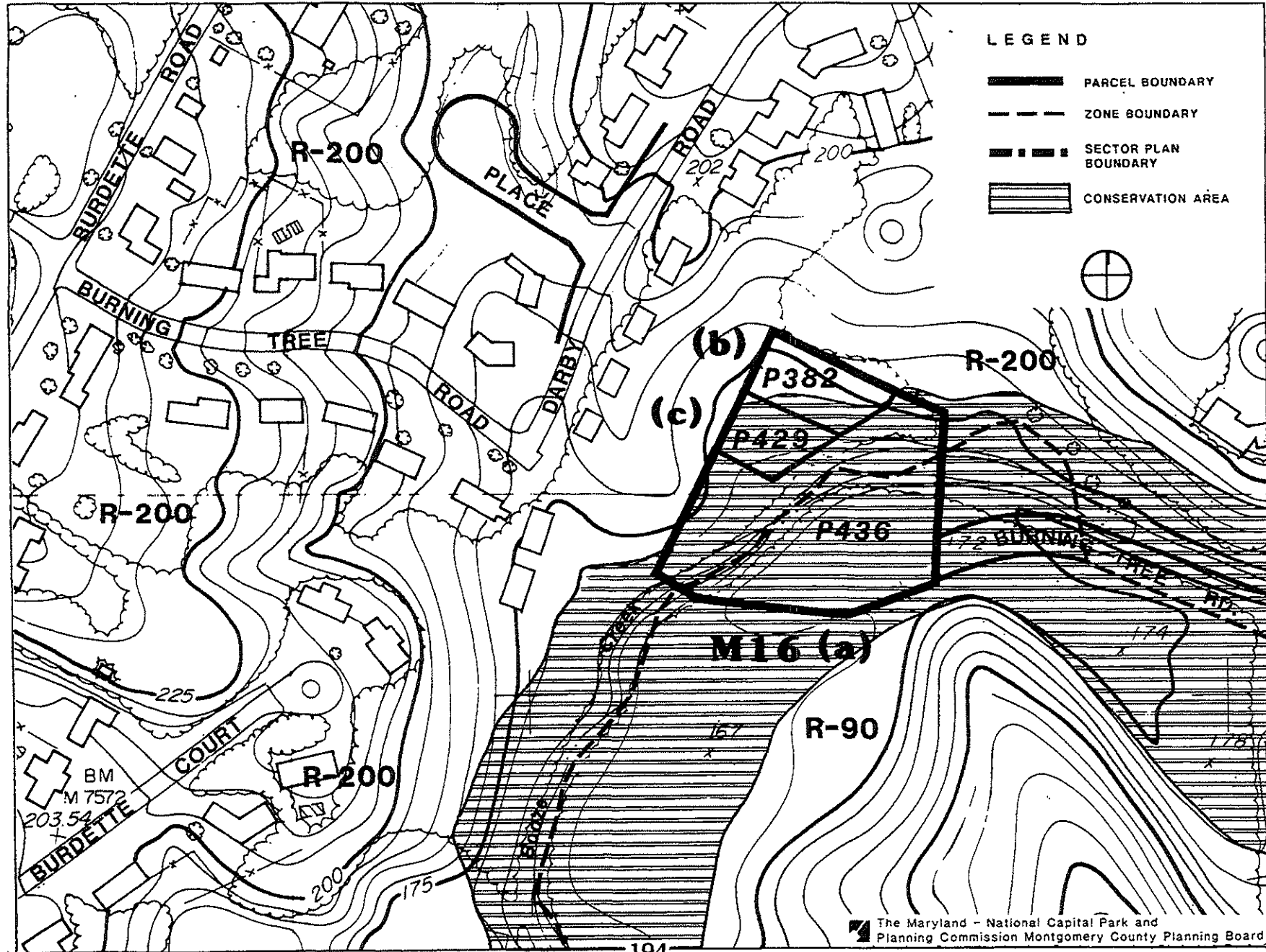
WSSC monitoring to identify and correct old leaking sewer lines should be continued and expanded to cover the entire Planning Area. WSSC has, in the past, identified and

LARGE LAND USERS

LL6

MID-BETHESDA NORTHERN B-CC PARCELS

PARCEL
M16



**BEFORE THE OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR MONTGOMERY COUNTY, MARYLAND**

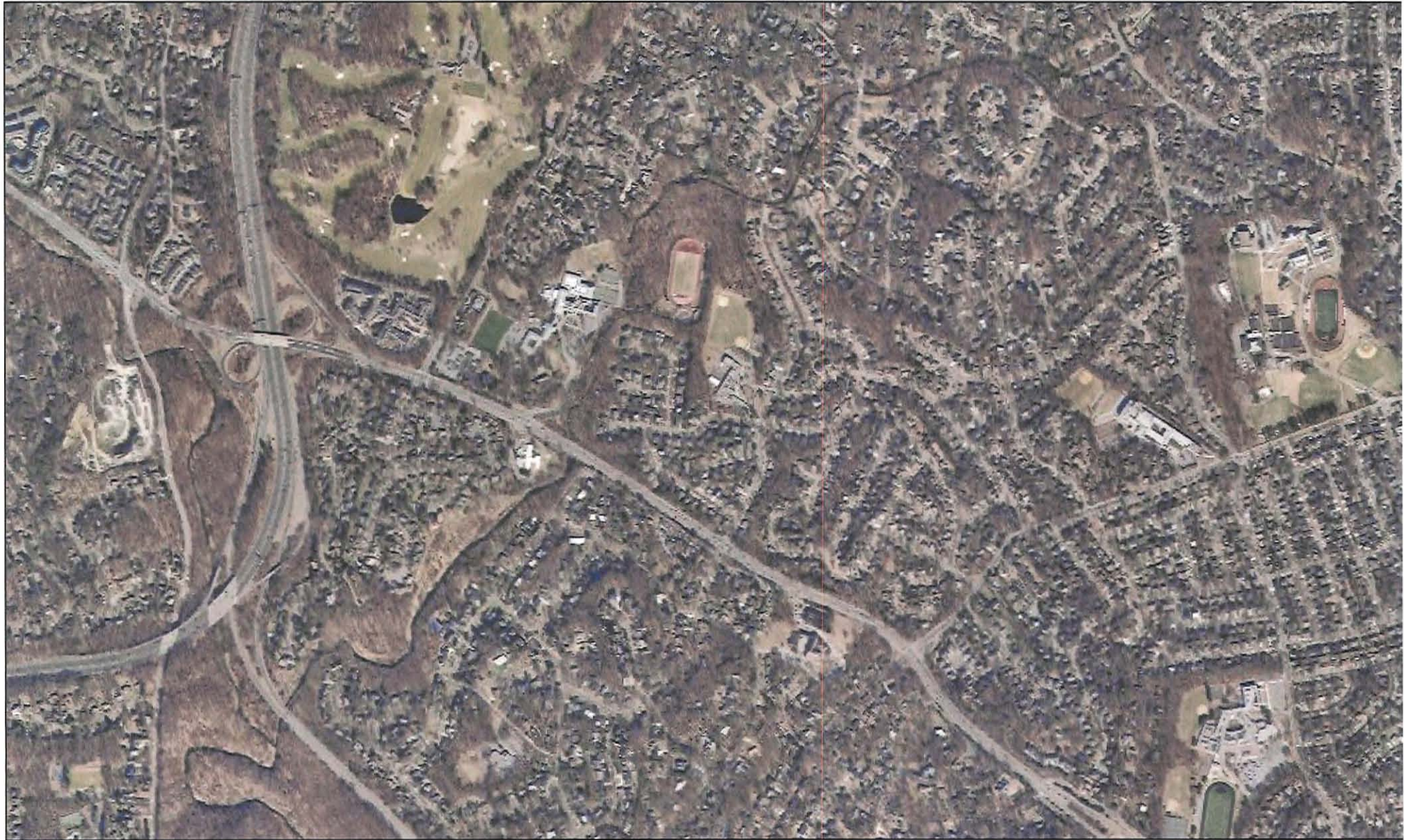
IN THE MATTER OF THE APPLICATION	:	
OF HOLTON ARMS SCHOOL, INC. FOR A	:	Conditional Use Application
MAJOR MODIFICATION OF SPECIAL	:	Nos. CBA-1174-E, S-2467-A
EXCEPTION FOR A PRIVATE	:	S-2503-B, S-516, & S-729
EDUCATIONAL INSTITUTION	:	

**PRE-HEARING SUBMISSION OF VIVIAN RIEFBERG
AND BRADLEY BOULEVARD CITIZENS ASSOCIATION**

EXHIBIT II

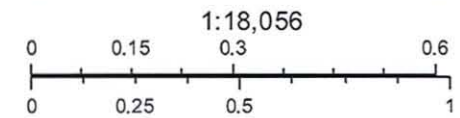
Aerial photo of neighborhood

MC Atlas Webmap



9/11/2025, 1:22:57 PM

- Red: Band_1
- Green: Band_2
- Blue: Band_3



MCG,GIS,ESRI,Pictometry
Sources: Esri, Maxar, Airbus DS, USGS, NGA, NASA, CGIAR, I
NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GS
FEMA, Intermap, and the GIS user community

montgo

**BEFORE THE OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR MONTGOMERY COUNTY, MARYLAND**

IN THE MATTER OF THE APPLICATION	:	
OF HOLTON ARMS SCHOOL, INC. FOR A	:	Conditional Use Application
MAJOR MODIFICATION OF SPECIAL	:	Nos. CBA-1174-E, S-2467-A
EXCEPTION FOR A PRIVATE	:	S-2503-B, S-516, & S-729
EDUCATIONAL INSTITUTION	:	

**PRE-HEARING SUBMISSION OF VIVIAN RIEFBERG
AND BRADLEY BOULEVARD CITIZENS ASSOCIATION**

EXHIBIT JJ

Photo (2/22/25, 5:31 p.m.)

SPECIAL EXCEPTION PENDING FOR
Private Educational
BOARD OF APPEALS HEARING
Institution
CASE NO. CBA-1174-E
TELEPHONE NO. 240-777-8800

Holton-Arms
is not seeking
to add new
entrances to
the property.



**BEFORE THE OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR MONTGOMERY COUNTY, MARYLAND**

**IN THE MATTER OF THE APPLICATION :
OF HOLTON ARMS SCHOOL, INC. FOR A : Conditional Use Application
MAJOR MODIFICATION OF SPECIAL : Nos. CBA-1174-E, S-2467-A
EXCEPTION FOR A PRIVATE : S-2503-B, S-516, & S-729
EDUCATIONAL INSTITUTION :**

**PRE-HEARING SUBMISSION OF VIVIAN RIEFBERG
AND BRADLEY BOULEVARD CITIZENS ASSOCIATION**

EXHIBIT KK

Photo (2/22/25, 5:48 p.m.)

Holton-Arms
is not seeking
to add new
entrances to
the property.



SPECIAL EXCEPTION PENDING FOR
Private Educational
BOARD OF APPEALS HEARING
Institution
CASE NO. CBA-1174-E

TELEPHONE NO. 240-777-6600

**BEFORE THE OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR MONTGOMERY COUNTY, MARYLAND**

IN THE MATTER OF THE APPLICATION	:	
OF HOLTON ARMS SCHOOL, INC. FOR A	:	Conditional Use Application
MAJOR MODIFICATION OF SPECIAL	:	Nos. CBA-1174-E, S-2467-A
EXCEPTION FOR A PRIVATE	:	S-2503-B, S-516, & S-729
EDUCATIONAL INSTITUTION	:	

**PRE-HEARING SUBMISSION OF VIVIAN RIEFBERG
AND BRADLEY BOULEVARD CITIZENS ASSOCIATION**

EXHIBIT LL (3/31/25, 5:25 p.m.)

Photo

Holton-Arms
is not seeking
to add new
entrances to
the property.



