



**Grosvenor Place, Preliminary Plan No. 120150150, and Site Plan No. 820150070**

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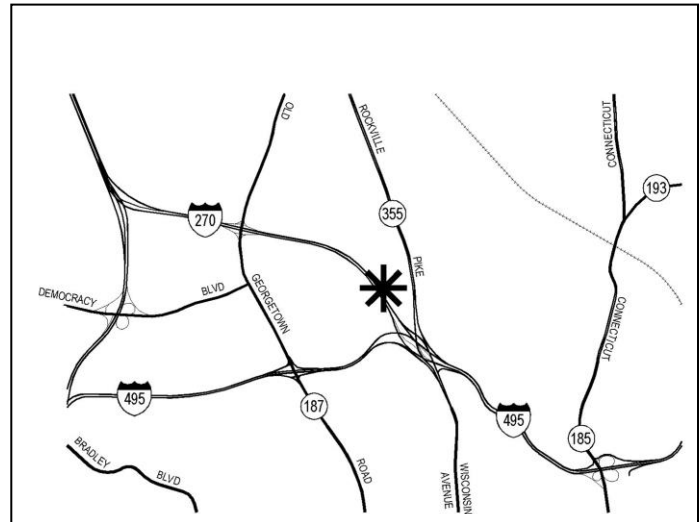
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**Completed: 6/15/15**

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**Description**

- Request to resubdivide Part of Parcel F of the Grosvenor Park Subdivision into 46 lots and associated HOA parcels, for the construction of 46 single-family attached townhouse units;
- Located in the northeast quadrant of I-270 and Grosvenor Lane;
- 4.13 acres in the R-30 Zone; in the *1992 North Bethesda/Garrett Park Master Plan*;
- Applicant: Community Three;
- Submitted: January 26, 2015.



**Summary**

- Staff recommends Approval of the Preliminary Plan and Site Plan with Conditions.
- The Preliminary Plan approval includes approval of the Preliminary Forest Conservation Plan, while the Site Plan approval includes approval of the Final Forest Conservation Plan.
- The Applicant has requested a waiver of the resubdivision analysis required by Section 50-29(b)(2). The Planning Board has the authority to grant such a waiver pursuant to Section 50-38(a)(1) of the Subdivision Regulations, provided that certain findings can be made. Staff recommends approval of the requested waiver.

## PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of Preliminary Plan 120150150 subject to the following conditions:

1. This approval is limited to 46 lots for one-family attached dwelling units, and various private road, open space, and stormwater management parcels.
2. All forest retention areas must be placed in a Category I Conservation Easement.
3. No clearing and grading of the site, or recording of plats, is permitted prior to Certified Site Plan approval and recordation of Category I Conservation Easements.
4. Prior to demolition, clearing, or grading, the Applicant must record a Category I Conservation Easement in the Montgomery County Land Records by deed. The deed must be in a form approved by the M-NCPPC Office of the General Counsel, and the Liber Folio for the easement must be referenced on the record plat.
5. The Applicant must plant a quantity and size of trees that total at least 28 caliper-inches as mitigation for variance trees removed at the same time the forest planting in the conservation easement occurs, or within one year after final stabilization, whichever occurs first. Mitigation trees must be native, canopy species, and should be a minimum of 3-inch caliper each. The amount of mitigation may be reduced from 28 to 17 inches if the Applicant demonstrates that variance trees removed are being replaced under requirements imposed by the State of Maryland (for removal of trees within the I-270 right-of-way).
6. The record plat must reflect a public use and access easement over all private streets and adjacent sidewalks.
7. The record plat must reflect all areas under Homeowners Association ownership.
8. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT), except Nos. 4 and 6, in its letter dated May 12, 2015, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations, except for Nos. 4 and 6, as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
9. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) – Water Resources Section – in its stormwater management concept letter dated May 29, 2015, and hereby incorporates them as conditions of this Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the approval.
10. The Subject Property is within the Walter Johnson High School cluster area. The Applicant must make a School Facilities Payment to MCDPS at the high school level at the single-family attached unit rates for all units for which a building permit is issued and a School Facilities Payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.
11. Final approval of the number and location of buildings, dwellings units, on-site parking, site circulation, and sidewalks will be determined at Site Plan.
12. The Certified Preliminary Plan must contain the following note:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of Site Plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for the lots.

Other limitations for site development may also be included in the conditions of the Planning Board's approval.

13. The Adequate Public Facility (APF) review for the Preliminary Plan Amendment will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.
  14. All necessary easements must be shown on the record plat.
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## **SITE PLAN RECOMMENDATIONS AND CONDITIONS**

Staff recommends approval of Site Plan 820150070, for forty-six townhouses. All site development elements shown on the Site Plan, Landscape Plan, and Lighting Plan, received electronically by May 7, 2015, are required except as modified by the following conditions:

### **Conformance with Previous Approvals**

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan 120150150 and any subsequent amendments.

### **Environment**

2. Prior to any land disturbing activities occurring on-site, a financial security agreement reviewed and approved by the M-NCPPC General Counsel Office must be obtained for the planting requirements specified on the Final Forest Conservation Plan (FFCP).
3. The development must comply with the conditions of the approved Final Forest Conservation Plan, including:
  - a) Prior to demolition, clearing, or grading, the Applicant must record a Category I Conservation Easement in the Montgomery County Land Records by deed. The deed must be in a form approved by the M-NCPPC Office of the General Counsel, and the Liber Folio for the easement must be referenced on the record plat.
  - b) The Applicant must plant a quantity and size of trees that total at least 28 caliper-inches as mitigation for variance trees removed at the same time the forest planting in the conservation easement occurs, or within one year after final stabilization, whichever occurs first. Mitigation trees must be native, canopy species, and should be a minimum of 3-inch caliper each. The amount of mitigation may be reduced from 28 to 17 inches if the Applicant demonstrates that variance trees removed are being replaced under requirements imposed by the State of Maryland (for removal of trees within the I-270 right-of-way).
4. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Additional tree save measures not specified on the FFCP may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.
5. The Sediment and Erosion Control Plan and Storm Water Management Plan must be consistent with the limits of disturbance and the associated tree/forest preservation measures of the FFCP.
6. Noise Attenuation
  - a. Prior to the issuance of any building permit, the Applicant must provide Certification to Staff from an acoustical engineer that the building shells for residential units within the projected 65 dBA Ldn noise contour are designed to attenuate projected interior noise level not to exceed 45 dBA Ldn.

- b. Prior to the issuance of building permits, the Applicant must provide to Staff a signed commitment to construct the impacted units in accord with the acoustical design specifications. Any changes to the building shell construction that may affect acoustical performance after issuance of building permit must be approved by an acoustical engineer and Staff prior to their implementation.
- c. For all residential units constructed within identified noise impact areas, the Applicant must disclose in writing to all prospective purchasers that they are located within an area impacted by current or future highway or railway noise. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures and promotional documents, including the *Illustrative Site Plan(s)* on display within any sales related office(s), as well as in Homeowner Association Documents, and by inclusion on all subdivision and site plans, and within all *Deeds of Conveyance*.

7. Stormwater Management

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services- Water Resources Section (MCDPS) in its letter dated May 29, 2015, and does hereby incorporate them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS provided that the amendments do not conflict with the other conditions of the Site Plan approval.

**Fire and Rescue**

8. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Services (MCFRS) Fire Code Enforcement Section in its letter dated May 7, 2015, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCFRS may amend if the amendments do not conflict with other conditions of Site Plan approval.

**Public Facilities and Amenities**

- 9. All sidewalks within the development must meet ADA standards.
- 10. The Applicant must provide signage on private streets to prohibit on-street parking within the Subject Property, except in designated areas to ensure that Fire and Rescue access to all units within the development will not be impacted by residential and visitor parking.
- 11. Private street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next planting season.
- 12. Prior to issuance of any use and occupancy permit, on-site amenities for the townhouses including, but not limited to, landscaping, benches, and trash receptacles must be installed.
- 13. The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to sidewalks, landscaping, and benches.

**Transportation**

14. At the centrally located open-space/amenity area, the Applicant must provide two inverted-U bike racks or equivalent approved by Staff, that conform to American Pedestrian and Bicycle Professionals Guidelines to store four bicycles.

### **MPDUs**

15. Moderately Priced Dwelling Units (MPDUs)

The Planning Board accepts the recommendations of Department of Housing and Community Affairs (DHCA) in its letter dated May 21, 2015 and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

- a. The development must provide seven (7) MPDUs in accordance with the requirements of Chapter 25A.

### **Open Space and Recreation**

16. Common Open Space Covenant

The record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 (Covenant). Prior to issuance of the 35<sup>th</sup> building permit the Applicant must provide verification to Staff that Applicant's recorded Homeowners Association Documents incorporate the Covenant by reference.

17. Recreation Facilities

- a) Before Certified Site Plan approval, the Applicant must meet the square footage requirements for all applicable recreational elements and demonstrate to Staff that each element meets the M-NCPPC Recreation Guidelines.
- b) The Applicant must provide, at a minimum, five picnic/sitting areas, and two natural areas, as shown on the Certified Site Plan.

### **Miscellaneous**

18. On-Site Lighting

- b. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential/commercial development.
- c. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting public roads and residential properties.
- d. The height of the light poles must not exceed 18 feet including the mounting base.
- e. All on-site down-light fixtures must be full cut-off fixtures.

19. Landscape Surety

Prior to issuance of the first building permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 7.3.4.K of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the initial surety amount.
- b) The cost estimate must include all applicable elements, including, but not limited to plant material, on-site lighting, retaining walls and railings, private roads and alleys, curb and gutter, sidewalks, benches, recreation and play equipment, noise walls, paths and associated improvements.
- c) The bond or surety shall be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety will be followed by inspection and release of the surety.

20. Development Program

The Applicant must construct the development in accordance with a development program that will be reviewed and approved by Staff prior to the approval of the Certified Site Plan. The development program must include the following items:

- a) Phasing for installation of on-site landscaping and lighting.
- b) Phasing of stormwater management, sediment and erosion control, and other features.
- c) Construction sequence of all significant building and Site Plan elements.

21. Certified Site Plan

The Certified Site Plan must include the following:

- a) The Final Forest Conservation Plan approval, Stormwater Management concept approval, development program, and Preliminary Plan and Site Plan Resolution.
  - b) A note stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading."
  - c) The data table must reflect development standards enumerated in the Staff Report.
  - d) Consistency of all details and layout between Site Plan and Landscape Plan.
  - e) Remove all unnecessary details
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## SECTION 1: SITE DESCRIPTION AND BACKGROUND

### SITE DESCRIPTION

#### Vicinity

The Site (outlined in red in Figure 1 below) is surrounded by a mix of housing types. Immediately to the north is another R-30 townhouse community; east of the Site are R-10 multifamily buildings; to the south is a multifamily development; and I-270 and R-90 single-family houses are to the west. Grosvenor Metro Station is to the northeast, within a half-mile of the Site.

Figure 1: Vicinity Map





### Site Analysis

The Site is identified as Part of Parcel F in the Grosvenor Park subdivision. It is approximately 4.13 acres, zoned R-30, and within the 1992 *North Bethesda/Garrett Park Master Plan*. The currently vacant site is bounded by I-270 to the west, R-30 townhouses to the North, Grosvenor Place to the east, and Grosvenor Lane to the south (Figure 2). A stream crosses the Site to the north, so part of the Property's northern end is covered by a stream buffer.

Figure 2: Site Map



### Previous Approvals

The Site represents the remainder of a recorded lot known as Parcel F, Grosvenor Park Subdivision, shown on Record Plat No. 14472, recorded in 1983 per Preliminary Plan No. 119820430. Parcel F was further subdivided subsequent to this plat into three parts of lots. One part contains the townhouse condominium, known as Grosvenor Park Townhouses, which adjoin the Site to the north. The Site was not included as part of the condominium regime and is owned separate and apart from the townhouse condominium along with the far northern part of the original recorded parcel that contains floodplain area which was also not transferred to the townhouse condominium. The Site was subsequently transferred to reflect a change in ownership.

The Preliminary Plan is required in this case to plat this currently unplatted remainder and thus allow it to be developed. Permitting the owner of an unplatted remainder to plat is consistent with the Planning Department's and Board's practice of allowing the owner of an unplatted remainder to bring their property into conformance with the subdivision regulations. In this case, at the Planning Department's

suggestion the Applicant offered to the townhouse condominium HOA to replat their part of Parcel F in connection with this Application to make it a record lot, but the HOA declined. As a result, the townhouse condominium will stay an unplatted remainder for the time being.

### Proposal

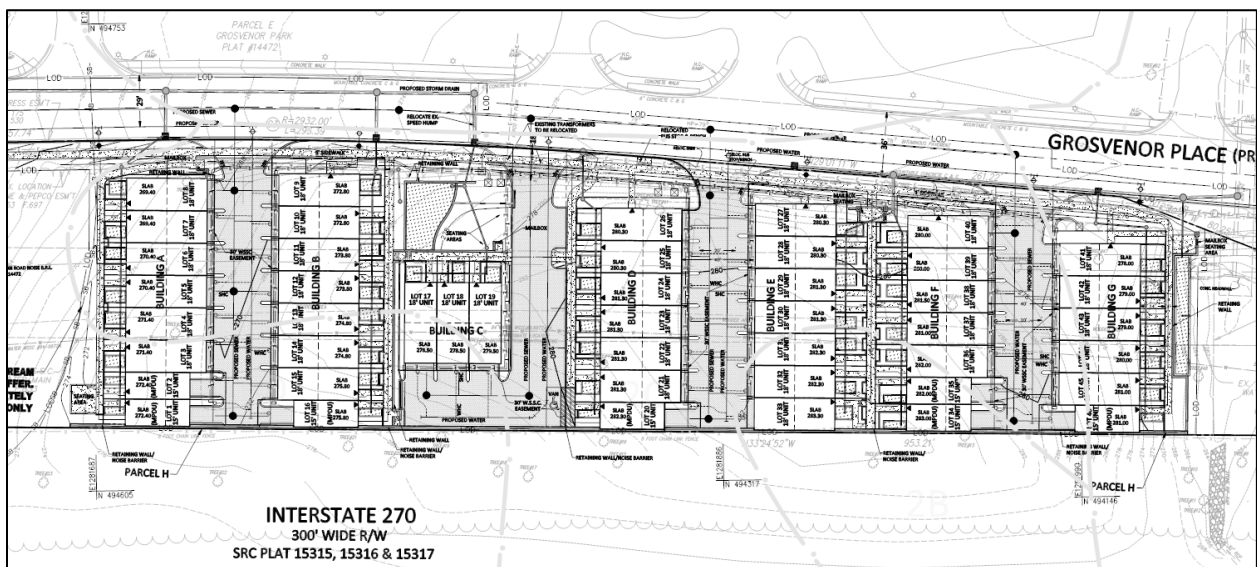
The proposed Preliminary Plan (Attachment 1) and Site Plan (Attachment 2), is to develop the Site with forty-six townhouses, including seven Moderately Priced Dwelling Units (MPDUs).

Figure 3: Overall Plan



Four vehicular and five pedestrian access points are proposed for the Property including a centrally located amenity space/gathering area. Six units face this centrally located amenity space/gathering area, and the remaining units have front doors facing either the two natural areas to the north and south, or another row of townhouse with a common lead walkway from Grosvenor Place. All units have vehicular access off alleys in the rear, or, for three units facing the common open space, from the rear along the I-270 ROW. The proposal also includes landscaping, sidewalk improvements, five picnic and seating areas, a 3,300 square-foot amenity and recreational space, approximately 2.35 acres of common open space (approximately 57 percent of the site), and five guest parking spaces. A formal request to remove the previously recorded Road Noise Building Restriction Line, located on the western side of the Site, is part of the proposal.

Figure 4: Proposed Layout



## SECTION 2: PRELIMINARY PLAN

### ANALYSIS AND FINDINGS

#### **Master Plan Recommendations and Conformance**

The proposed Grosvenor Place development is consistent with the recommendations of the Approved and Adopted *1992 North Bethesda/Garrett Park Master Plan*. The Site is located in sub-area 4 (Grosvenor Park Townhouses) of the Grosvenor Sector Plan Area. The Master Plan identifies existing features of the overall site, including a stream valley and woodlands.

The proposed development will contribute to achieving the Plan's objective of developing "Grosvenor as a transit serviceable residential district" (p.62) and providing "open space within new development" and "preserving existing tree stands to the maximum possible extent" (p.132). Approximately 57% of the site is open space, including environmentally sensitive and wooded areas, and the proposed plan includes a 3,300-square foot centrally located open space/amenity area. The provision of additional Moderately Priced Dwelling Units (MPDUs) will implement the Master Plan objective to "preserve and increase the variety of housing stock, including affordable housing" (p.33).

Finally, noise along roadways, such as I-270, is identified as a significant issue in the Plan area. The Master Plan states that "development of any undeveloped or redevelopable land adjacent to major highways should use noise-compatible land use and site design and other mitigation measures recommended in the "Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development" (p.252). The Applicant has worked closely with Staff to incorporate design features and a layout that minimizes interior and exterior noise. The Applicant's noise analysis indicated that noise walls will be required to attenuate exterior noise levels to recommended levels. These noise walls have been incorporated into the Site Plan. The Applicant proposes to construct noise walls, and that building walls abutting I-270 be constructed without windows using materials and construction techniques that will maintain interior noise levels at or below 45 dBA Ldn. With the addition of the noise walls, building materials, and the proposed construction techniques, the noise analysis indicates that the proposed development will be in compliance with the noise guidelines.

Based on the analysis above, and the conditions of this report, Staff finds that the Preliminary Plan is in substantial conformance with the Master Plan.

#### **Public Facilities**

Staff has determined that public facilities are adequate to support the proposed development.

#### Master-Planned Roadways and Bikeways

In accordance with the *1992 North Bethesda/Garrett Park Master Plan* and the *2005 Countywide Bikeways Functional Master Plan*, the master-planned designated roadways and bikeways are as follows:

1. Dwight D. Eisenhower Highway (I-270) East Spur is designated as a 6-lane divided freeway, F-1a, with a recommended 300-foot-wide right-of-way.
2. Grosvenor Lane is designated as a two-lane primary residential street, P-5, with a recommended 70-foot-wide right-of-way and a Class 3 bikeway. The *Countywide Bikeways Functional Master Plan* recommends a signed shared roadway, SR-36 for Grosvenor Lane.

Grosvenor Place is a private road with a 36-foot wide road and four-foot wide sidewalk with green panel on the east side; it is not a Master Plan designated street.

In accordance with the Montgomery County Council Resolution No. 17-952 for the *Countywide Transit Corridors Functional Master Plan* adopted in November 2013, the Montgomery County Department of Transportation (MCDOT) no longer proposes that the North Bethesda Transitway run along the east side of the I-270 East Spur. The “Rapid Transit ROW (L. 3480 F.539)” plat that “Grant(s) of Right of Way” dated 1981, expired because construction had not commenced in 15 years (by 1996).

#### Transportation Demand Management

The site is located within the North Bethesda Transportation Management District (TMD), and MCDOT initially requested a TMAG in their letter dated May 12, 2015, (comment No. 4). However, upon further review of the project information, both MCDOT and M-NCPPC concur that the Applicant is not required to enter into a Traffic Mitigation Agreement. This is because non-auto driver mode share goals pertain to traffic generated by multi-unit residential, not single-family dwelling units such as those proposed for the Grosvenor Place project.

#### Pedestrian and Bicycle Facilities

The Applicant proposes to construct a five-foot wide sidewalk with a green panel and handicapped ramps along the Grosvenor Place frontage of the development. Lead-in sidewalks from Grosvenor Place are provided to the front of each group of townhouses. The Applicant must provide two inverted-U bike racks to store four bicycles located at the common open space.

#### Public Transit Service

Transit service is available to the Site. Ride On route 6 operates along Grosvenor Place with 30-minute headways between the Montgomery Mall Transit Center and the Grosvenor Metrorail Station on weekdays only. Ride On route 46 and Metrobus route J5 operate along Rockville Pike; the bus stop is. Ride On route 46 operates with 30-minute headways between the Medical Center Metrorail Station and the Shady Grove Metrorail Station on weekdays and weekends; and Metrobus route J5 operates with 30-minute headways between the Silver Spring Metrorail Station and the Twinbrook Metrorail Station on weekday peak hours only. Transit riders can walk to the bus stops at the Grosvenor Lane/Rockville Pike intersection, approximately 1,100 feet away, via the existing sidewalks on the opposite side of Grosvenor Place and along Grosvenor Lane.

#### Traffic Signal Warrant at the Intersection of Grosvenor Lane and Grosvenor Place

MCDOT has recommended in its letter dated May 12, 2015, comment No. 6, that the Applicant should conduct a traffic signal warrant study at the intersection of Grosvenor Place and Grosvenor Lane. Staff does not support this recommendation for the following reasons:

1. The relatively small site-generated traffic (only 2.6% of the total existing vehicles per the weekday peak-hour through the intersection) will not negatively impact, or exacerbate, any existing operational conditions;
2. Another traffic signal exists approximately 530 feet to the east at the Grosvenor Lane intersection with Rockville Pike, which controls the traffic flow on Grosvenor Lane to provide adequate gaps to allow traffic from Grosvenor Place to access Grosvenor Lane;
3. The topography at this intersection is flat with good sight distance; and
4. The commuter traffic uses Grosvenor Lane as a connector between Rockville Pike and Old Georgetown Road (MD 187). This through traffic on Grosvenor Lane occurs during the weekday peak periods and may trigger the traffic signal warrants for only the 1-hour and 4-hour traffic volumes, but is not likely not trigger the 8-hour traffic volumes--interruption of continuous traffic, and delay.

Local Area Transportation Review (LATR)

The proposed 46 townhouses will generate 22 peak-hour trips during the weekday morning peak period (6:30 to 9:30 a.m.) and 38 peak-hour trips during the evening peak period (4:00 to 7:00 p.m.) The Applicant submitted a traffic study and supplemental analysis, which shows that the proposed project meets the LATR test since the Critical Lane Volume (CLV) values at the six intersections are less than the 1,800-CLV standard for the Grosvenor Metro Station Policy Area, as shown in the table below.

1. Existing: Existing traffic conditions as they exist now.
2. Background: The existing condition plus the trips generated from approved but un-built nearby developments.
3. Total: The background condition plus the site-generated trips.

<i>Analyzed Intersection</i>	<i>Weekday Peak Hour</i>	<i>Traffic Condition</i>		
		<i>Existing</i>	<i>Background</i>	<i>Total</i>
Grosvenor Place & Tuckerman Lane	Morning	642	642	645
	Evening	755	755	756
Grosvenor Place & Grosvenor Lane	Morning	490	521	535
	Evening	598	651	676
Grosvenor Lane & Rockville Pike	Morning	1,426	1,551	1,562
	Evening	1,112	1,241	1,256
Grosvenor Place & Site Access 1- North	Morning	-----	-----	225
	Evening	-----	-----	244
Grosvenor Place & Site Access 2- Middle	Morning	-----	-----	228
	Evening	-----	-----	248
Grosvenor Place & Site Access 3- South	Morning	-----	-----	232
	Evening	-----	-----	252

Transportation Policy Area Review (TPAR)

A payment of the transportation impact tax is not applicable because the proposed project is located in the Grosvenor Metro Station Policy Area.

Other Public Facilities

Other public facilities and services are available and will be adequate to serve the proposed Project. The application meets the Montgomery County Fire and Rescue Service requirements for fire and rescue vehicular access. Public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy currently in effect. Electrical and telecommunications services are also available to serve the Property. The Property is within the Walter Johnson High School cluster, which is subject to a School Facilities Payment at the high school level. Therefore, the proposed development is subject to a school facilities payment related to the Subdivision Staging Policy.

## **Environment**

Staff approved a Natural Resources Inventory/Forest Stand Delineation (No. 420140380) on November 25, 2013. The site is almost entirely forested, and contains approximately 200 linear feet of stream--a tributary of Rock Creek, which is a Use Class I stream. The southern portion of the property includes a large stormwater drainage swale that drains the adjacent portion of I-270. There is a high point near the middle of the property with drainage flowing primarily north and south from this point. The site includes 0.78 acres of 100-year floodplain, and 1.19 acres of environmental buffers (stream buffer plus 100-year floodplain). There are no known occurrences or habitats of rare, threatened, or endangered species on the property.

### Environmental Guidelines

The proposed development respects the environmental buffers. There are minor encroachments for the connection of utilities and to extend sidewalks along Grosvenor Place. The *Environmental Guidelines* state that "No buildings, structures, impervious surfaces, or activities requiring clearing and grading will be permitted in stream buffers, except for infrastructure uses, bikeways, and trails found to be necessary, unavoidable, and minimized by the Park and Planning Department environmental staff working closely with the utility or lead agency" (*Environmental Guidelines*, Section V.A.1.b). Staff finds that the minimal encroachments are for infrastructure uses that meet the criteria in the *Guidelines*. The project as proposed is therefore in compliance with the *Environmental Guidelines*.

### Preliminary Forest Conservation Plan

The Applicant has submitted a Preliminary Forest Conservation Plan (Attachment 3) and a Final Forest Conservation Plan (Attachment 4) concurrently, to accompany the Preliminary Plan and Site Plan submissions, respectively. A Preliminary Forest Conservation Plan establishes the buildable area and any Forest Conservation Easements needed to protect areas of planted and retained forest, and provides an initial assessment of Forest Conservation mitigation requirements. A variance, when needed, accompanies the Preliminary Forest Conservation Plan. For purposes of the Forest Conservation Plan, the Net Tract Area of the site is 4.10 acres, of which 3.50 acres are forested. The plan proposes clearing 1.95 acres of forest, with 1.55 acres of forest retained, which will be placed in Category I Forest Conservation Easements on the northern and southern portions of the property. The requirements of Chapter 22A permit clearing of up to 2.05 acres without incurring forest mitigation planting. The law also requires preserving high priority forest to the greatest extent possible. High priority forest includes forest within the environmental buffers. Of the 0.95 acres of forest in high priority preservation areas, this plan retains 0.89 acres, with 0.06 acres disturbed for infrastructure uses. This application is subject to 22A-12(f) of the County code which requires any site developed as a cluster or other optional method of development in a one-family residential zone to include a minimum amount of forest on site as part of meeting the total forest conservation requirement. This application does meet the requirements of 22A-12(f) on-site.

### Forest Conservation Variance

Section 22A-12(b) (3) of Montgomery County Code provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater, diameter at breast height (DBH); are part of a historic site or designated with a historic structure; are designated as national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

The Applicant submitted a variance request on April 8, 2015 to impact 6 trees that are considered high priority for retention under Section 22A-12(b) (3) of the County Code (Attachment 5). The variance seeks permission to remove three variance trees, and to impact the Critical Root Zone (CRZ) of three additional variance trees. The amount of critical root zone impact for each tree is included in the Applicant's variance request attached to this staff report.

The proposed development is in accordance with both the intent and recommendations of the Sector Plan and the R-30 zoning, both of which indicate that this property is appropriate for townhouse development. The site is constrained by its narrow configuration; its topography, which includes some significant slopes; the stream valley to the north; and the drainage area to the south. This leaves a very restricted building envelope for development. The variance trees being removed are located in or very near the only developable area on the site. Denying the variance request would impinge upon the Applicant's ability to develop the site as envisioned by the Sector Plan and zoning recommendations. For these reasons, Staff concurs that the Applicant has a sufficient unwarranted hardship to consider a variance request.

Section 22A-21 of the County Code sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determinations and findings based on the required findings that granting of the requested variance:

1. Will not confer on the applicant a special privilege that would be denied to other applicants. As noted above, the proposed design responds to the multiple site constraints and is consistent with both the zoning and Sector Plan recommendations. It is staff's opinion that granting the variance will not confer a special privilege to the Applicant.
2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.* Staff concurs that the requested variance is based on the constraints of the site and the intensity of the proposed use, rather than on conditions or circumstances which are the result of actions by the Applicant.
3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.* Staff concurs that the requested variance is a result of the proposed site design and constraints on the subject property and not as a result of land or building use on a neighboring property.
4. *Will not violate State water quality standards or cause measurable degradation in water quality.* The variance trees removed will be mitigated with the planting of new canopy trees to replace the lost water quality benefit functions of the trees being removed. These trees will be planted in the stream buffer. The variance trees being preserved will continue to provide water quality benefits as before. In addition, the Montgomery County Department of Permitting Services (MCDPS) has approved a stormwater management concept, dated May 29, 2015. Therefore, staff concurs that the project will not violate State water quality standards or cause measurable degradation in water quality.

#### *Mitigation for Trees Subject to the Variance Provisions*

Removal of the three variance trees will result in the loss of 112 caliper inches of mature trees. Planning Department policy requires replacement of variance trees at a rate of 1" replaced for every 4" removed, using replacement trees of no less than 3" caliper, to replace lost environmental functions performed by the trees removed. Based on this formula, the Applicant is required to plant 28 caliper inches of

variance mitigation trees. One of the trees is within the I-270 right-of-way. The amount of mitigation may be reduced from 28 to 17 inches if the Applicant demonstrates that variance trees removed are being replaced under requirements imposed by the State of Maryland (for removal of trees within the I-270 right-of-way).

*County Arborist's Recommendation on the Variance*

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. Staff forwarded the request to the County Arborist on May 7, 2015. On May 18, 2015, the County Arborist issued her recommendations on the variance request and recommended the variance be approved with mitigation (Attachment 6).

*Variance Recommendation*

Staff recommends that the variance be granted.

Conclusion

Staff finds that the proposed Preliminary Forest Conservation Plan meets the requirements of Chapter 22A Forest Conservation Law. Staff therefore recommends that the Planning Board approve the Preliminary Forest Conservation Plan and the associated variance, with the conditions cited at the beginning of this report.

Stormwater Management & Sediment Control

The MCDPS Stormwater Management Section issued a letter accepting the stormwater management concept for Grosvenor Place on May 29, 2015. The stormwater management concept proposes to meet required stormwater management goals via Environmentally Sensitive Design through the use of micro-bioretenment and micro-bioretenment planter boxes.

**Compliance with the Subdivision Regulations and Zoning Ordinance**

The size, shape, and width of the approved lots allow the development to meet the Master Plan goals to provide a more urban and walkable grid network of sidewalks, streets, and blocks. The lots are designed in such a way that they meet all other requirements of the Subdivision Regulations, including access, frontage, dedication for public uses, adequacy of public facilities and conformance to Master Plan recommendations.



**Table 1: Development Standards Data Table**

<b>DEVELOPMENT STANDARDS</b>		
Section 4.4.14. Residential Multi-Unit Low Density - 30 Zone (R-30)		
<b>C. R-30 Zone, Optional Method Development Standards MPDU Development</b>	<b>Required</b>	<b>Provided</b>
<b>1. Site (Section 4.4.14.C.1)</b>		
<b>Dimensions (min)</b>		
Usable area	11,761 sf	179,953 sf 4.13 ac
<b>Density (max)</b>		
Density (units/acre of usable area)	17.69 du/ac 73 du	11.14 du/ac 46 du
<b>Open Space (min)</b>		
Common open space (% of usable area)(See Section 6.3.5)	35%	57%
Tree Canopy (% of open space)(See Section 6.3.8.A)	20%	80%
Permeable Area (% of open space)(See Section 6.3.8.A)	80%	94%
<b>2. Lot (Section 4.4.14.C.2)</b>	<b>Townhouse</b>	
<b>Dimensions (min)</b>		
Lot area	800 SF	992 SF
Lot width at front building line	Determined at site plan	14'
Lot width at front lot line	14'	14'
Frontage on street or open space	Required	Provided
<b>Coverage (max)</b>		
Lots by unit type on smallest lot/type (approx.) 15' x 36' = 540 sf on 992 sf lot = 54% 18' x 45' = 810 sf on 1103 sf lot = 73%	75%	73%
<b>3. Placement (Section 4.4.14.C.3)</b>	<b>Townhouse</b>	
<b>Principal Building Setbacks (min)</b>		
Front setback from public street	10'	n/a
Front setback from private street or open space	6'	6'
Side street setback	10'	10'
Side or rear setback	Determined at site plan	0'
Rear setback, alley	4' or 20'	4' Market rate 20' MPDU's
<b>4. Height (Section 4.4.14.C.4)</b>	<b>Townhouse</b>	
<b>Height (max)</b>		
Principal building	40'	40'
Accessory structure	25'	n/a

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations, and Chapter 59, the Zoning Ordinance. Staff finds that the size, shape, width, and area of the lots are appropriate for the location of the subdivision.

Resubdivision

The Application is a resubdivision of a part of a previously platted lot. Resubdivision of residential lots are subject to review criteria specified in Section 50-29(b)(2) of the Subdivision Regulations, which requires the comparison of new lots with existing lots in a delineated neighborhood to ensure that the new lots are of the same character as the existing lots in the neighborhood with respect to street frontage, alignment, size, shape, width, area, and suitability for residential use. The Site is to be

developed under the optional method development standards of the R-30 zone for single-family attached townhouses, but the surrounding neighborhood has been developed as a townhouse condominium lot, multi-family high-rise, and garden apartment lots.

Because of these differences between the unit and lot types, a meaningful comparison between the new lots and the existing lots in the neighborhood cannot be made. Therefore, the Applicant has requested a waiver of the resubdivision analysis required by Section 50-29(b)(2). The Planning Board has the authority to grant such a waiver pursuant to Section 50-38(a)(1) of the Subdivision Regulations, provided that certain findings can be made. The section states:

*“The Board may grant a waiver from the requirements of this Chapter upon a determination that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved, and that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest.”*

The fact that the required analysis cannot be made presents a practical difficulty for the Applicant. Granting a waiver of the requirements of Section 50-29(b)(2) is the minimum waiver necessary to provide relief from the requirements. The waiver is not inconsistent with the purposes and objectives of the General Plan (as amended by the applicable master Plan) and is not adverse to the public interest because the proposal will be developed in accordance with the Zoning Ordinance (townhouse development is permitted in the R-30 Zone), and the proposed development is in Substantial Conformance with the Master Plan. Therefore, Staff recommends approval of the waiver request.

## SECTION 3: SITE PLAN ANALYSIS AND FINDINGS

### Environmental Analysis

#### Noise

Noise from I-270, which abuts the site to the west, is a significant issue for development of this property. In accordance with the requirements of the *Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development* (Montgomery County Planning Board, June 1983), staff required the Applicant to perform a noise analysis and to formulate recommendations for attenuation of noise in the development. The noise guidelines stipulate that exterior areas in the development be maintained at or below 65 dBA Ldn, and that building construction materials and methods be employed to ensure maximum interior noise levels of 45 dBA Ldn. The Applicant's noise analysis indicated that noise walls will be required to attenuate exterior noise levels to recommended levels (Attachment 7). These noise walls have been incorporated into the Site Plan. The Applicant proposes that building walls abutting I-270 be constructed without windows using materials and construction techniques that will maintain interior noise levels at or below 45 dBA Ldn. With the addition of the noise walls, building materials, and the proposed construction techniques, the noise analysis indicates that the proposed development will be in compliance with the noise guidelines, and the previously platted building restriction line will no longer be necessary.

#### Environmental Guidelines

As discussed in the Preliminary Plan portion of the Staff Report, the plan is in compliance with the *Environmental Guidelines*.

#### **Transportation**

Please see the Transportation analysis beginning on page 11 of this report.

### Site Plan Findings

1. *To approve a site plan, the Planning Board must find that the proposed development:*
  - a. *Satisfies any previous approvals that apply to the site*

The Site is the remainder of a recorded lot, Parcel F, Grosvenor Park Subdivision, Preliminary Plan No. 119820430. This site was not included as part of the condominium regime and is owned separately from the rest of the larger property. The proposed Preliminary Plan 120150150 (that accompanies this Site Plan) will replace the previous Preliminary Plan 119820430 for this part of the original recorded parcel.

- b. *satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

There is no development plan or schematic development plan on the Site.

- c. *satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

The Site's zoning was not the result of a Local Map Amendment.

- d. *satisfies applicable use standards, development standards, and general requirements under this Chapter;*

**Table 1: R30 Zone, Optional Method Development Standards**

<b>Development Standards</b>	<b>Required</b>	<b>Provided</b>
<b>Minimum Site Dimensions: Usable Area (Section 4.4.14.C.1)</b>	11,761 sq. ft.	179,953 sq. ft. (4.13 ac.)
<b>Maximum Density (Section 4.4.14.C.1)</b>	73 units (17.69 du/ac)	46 units (10.41 du/ac)
<b>Minimum Open Space: Common Open Space (Section 4.4.14.C.1)</b>	35%	57%
<b>Minimum Lot Dimensions: (Section 4.4.14.C.2)</b>		
Lot Area	800 sq. ft.	992 sq ft.
Lot Width at Front Building Line	Determined at Site Plan	14'
Lot Width at Front Lot Line	14'	14'
Frontage on Street or Open Space	Required	Provided
<b>Maximum Coverage: (Section 4.4.14.C.2)</b>	75%	73%
<b>Minimum Principal Building Setbacks (Section 4.4.14.C.3)</b>		
Front Setback from Public Street	10'	n/a
Front Setback from Private Street or Open Space	6'	6'
Side Street Setback	10'	10'
Side or Rear Setback	Determined at Site Plan	0'
Rear Setback, Alley	4' or 20'	4' (Market Rate) 20' (MPDU's)
<b>Maximum Height (Section 4.4.14.C.4)</b>	40'	40'

Development Standards	Required	Provided
<b>Parking (Section 6.2.4.B) (Section 6.2.3.1.2)</b>	Market Rate 2sp/du=72 MPDUs 1 sp/du=7	Market Rate 2sp/du=72 MPDUs 2 sp/du=14 5 Guest Spaces

- e. *satisfies the applicable requirements of:*
- i. *Chapter 19, Erosion, Sediment Control, and Stormwater Management; and*
  - ii. *Chapter 22A, Forest Conservation*

Based on the May 29, 2015 Approval letter by the Montgomery County Department of Permitting Services staff, the stormwater management concept for the site is acceptable. The concept includes the use of microbio-retention and micro-bio-retention planter boxes to achieve stormwater management goals. Therefore, the project satisfies the Chapter 19 requirements.

The Final Forest Conservation Plan submitted with the Site Plan is consistent with the Preliminary Forest Conservation Plan submitted with the Preliminary Plan. The requirements of Chapter 22A are satisfied by on-site forest retention of 1.55 acres, with the retained acreage protected in Category I Forest Conservation Easements as delineated on the Preliminary and Final Forest Conservation Plans. Variance mitigation trees, separate from the afforestation and reforestation requirements, are included on the Final Forest Conservation Plan and Landscape Plan to mitigate for the removal of three variance trees. With these provisions, Staff finds that the Site Plan is in compliance with Chapter 22A, Forest Conservation.

- f. *Provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;*

Parking

The proposed development provides two parking spaces for every townhouse, including the MPDU units, and five spaces for guest parking, which are easily accessible to all units in the development. Therefore, the proposed parking is adequate, safe and well-integrated.

Circulation Patterns

The pedestrian and vehicular circulation patterns are safe and adequate. The proposal includes sidewalks along the front and sides of the Site to allow pedestrian access throughout the development. Drive aisles provide vehicular access from one of the four entrances off of Grosvenor Place to the rear alleys and the guest parking spaces.

### Building Massing

The proposed building massing is appropriate for the area. The townhouses are similar in height and scale to the townhouses in the neighboring townhouse development to the north of the Site.

### Open Spaces and Site Amenities

Two common open space areas, one at the northern end and one at the southern end of the Site will serve as natural recreation areas for observation. The proposal includes five seating areas; one besides each of the two natural areas; two in the small 3,300-square foot recreational space area along Grosvenor Place; and one near the mailboxes. Additional recreation is available off-site at Fleming Park, which is about a half-mile walk from the Site and includes a playground, open play areas, ball fields, and tennis and basketball courts.

- g. *Substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

The proposed Grosvenor Place development is consistent with the recommendations of the Approved and Adopted *1992 North Bethesda/Garrett Park Master Plan*. The Site is located in sub-area 4 (Grosvenor Park Townhouses) of the Grosvenor Sector Plan Area. The Master Plan identifies existing features of the overall site, including a stream valley and woodlands.

The proposed development will contribute to achieving the Master Plan's objective of developing "Grosvenor as a transit serviceable residential district" (p.62) and providing "open space within new development" and "preserving existing tree stands to the maximum possible extent" (p.132). Approximately 57% of the total site will be open space, including environmentally sensitive and wooded areas, and the proposed plan includes a 3,300-square foot centrally located open space/amenity area. The provision of additional Moderately Price Dwelling Units (MPDUs) will implement the Master Plan objective to "preserve and increase the variety of housing stock, including affordable housing" (p.33).

Finally, noise along roadways, such as I-270, is identified as a significant issue in the Plan area. The Plan states that "development of any undeveloped or redevelopable land adjacent to major highways should use noise-compatible land use and site design and other mitigation measures recommended in the "Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development" (p.252). The Applicant has worked closely with Staff to incorporate design features and a layout that minimizes interior and exterior noise. The Applicant has also provided a revised noise study based on the suggested changes to demonstrate compliance with the noise guidelines.

- h. *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. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board*

*must find that proposed development will be served by adequate public services and facilities, including schools, police and fire protection, fire, a sanitary sewer, public roads, and storm drainage;*

The Planning Board's determination of adequate public facilities is part of the Preliminary Plan. There are adequate public facilities to serve the Site, as described in the Preliminary Plan section of this report.

- i. On a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

The surrounding residential neighborhood is a mix of R-10 multifamily and R-30 zoned townhouse developments. The proposed townhouse development is compatible with the character of the area.

- j. On a property in all other zones, is compatible with existing and approved or pending adjacent development.*

Not applicable.

- 2. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resources protection, and any other applicable law.*

The site plan meets the requirements of the Montgomery County Forest Conservation Law, the County's Environmental Guidelines, and the County's stormwater management requirements, as discussed on page 19 of this report.

### **Community Outreach**

The Applicant has had several meetings with the surrounding community members and incorporated their concerns into the design of the proposed development. These concerns included that the north and south ends of the Site remain undeveloped and that guest parking be provided on-site. The Applicant contacted the community and received feedback about holding the two end parcels as buffers and not parking on Grosvenor Place.

On April 27, 2015, Alan Sternstein, who represents the condominium association for Grosvenor Park located across the street from the Site, informed Staff that guest parking should be provided on-site, and expressed the Association's larger concern that developing the Site will result in the loss of the trees, that he believes serve as a sound buffer between I-270 and Grosvenor Park and other neighboring properties. Staff explained to Mr. Sternstein that the Applicant's noise analysis shows that the proposed development should not increase the noise impact on the neighboring properties. On May 7, Mr. Sternstein sent Staff an email (Attachment 8), questioning the Applicant's noise analysis because of the time of year it was done. Staff is unable to comment about the timing of when the noise analysis was done because this is not a requirement of the *Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development*.

On June 2, 2015 the Planning Board received an email from Mr. Jake Emerson (Attachment 9), who lives in the Grosvenor Park Townhouse development, immediately north of the Site, expressing the community's concerns about increased traffic and the parking of the construction vehicles that will be needed for the project. He is satisfied with the Applicant's responses to these concerns and encourages the Board to approve the proposal.

## **CONCLUSION**

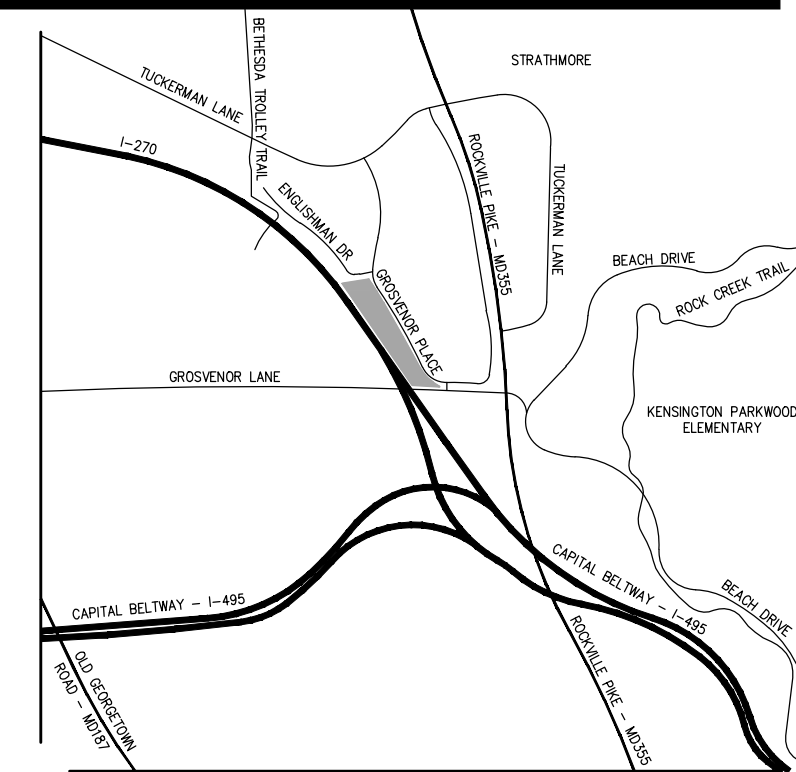
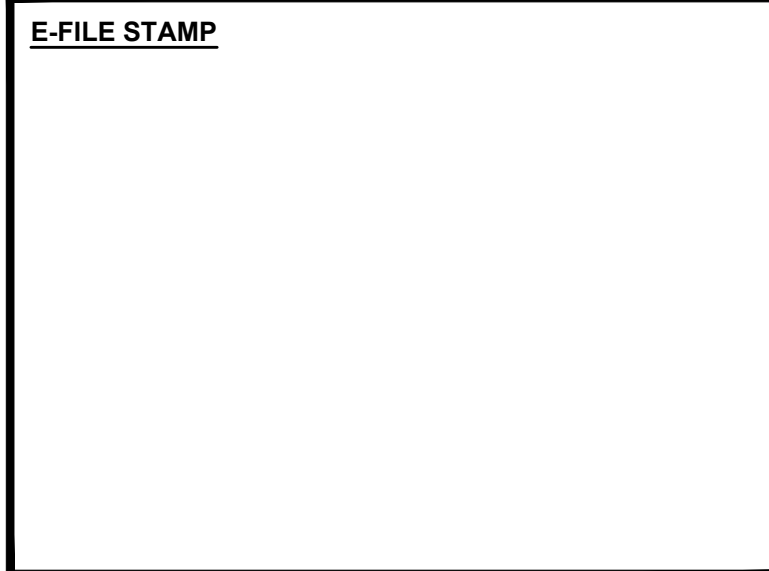
Based on the review by Staff and other relevant agencies (Attachment 10), and the analysis contained in this report, Staff finds that the proposed Preliminary Plan and Site Plan meet all the required findings and are consistent with the applicable Subdivision Code and Zoning Ordinance standards. Staff recommends approval subject to the conditions stated at the beginning of this report.

### **Attachments:**

- Attachment 1 – Preliminary Plan
- Attachment 2 – Site Plan
- Attachment 3 – Preliminary FCP
- Attachment 4 – Final FCP
- Attachment 5 – Variance Request
- Attachment 6 – County Arborist Approval Letter
- Attachment 7 – Noise Analysis
- Attachment 8 – Mr. Sternstein Email
- Attachment 9 – Mr. Emerson Email (CTRACK)
- Attachment 10 – Agency Correspondence







VICINITY MAP  
SCALE: 1" = 2000'

**VKA**  
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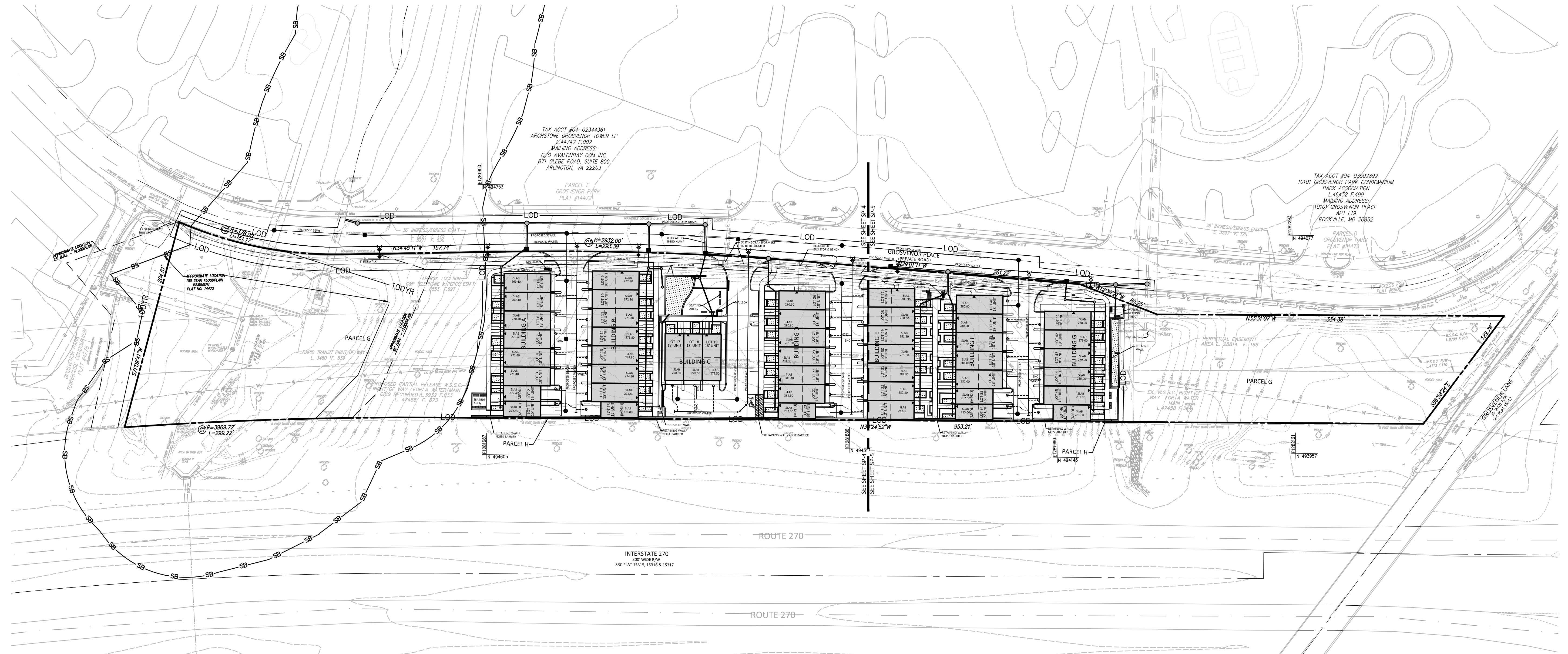
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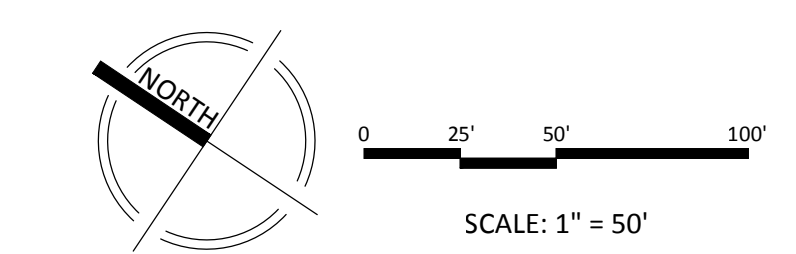
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REVISIONS	DATE
REVISED PER STAFF COMMENTS	3-17-2015
REVISED PER STAFF COMMENTS	4-7-2015
REVISED LAYOUT PER STAFF COMMENTS	5-7-2015



PLAN LEGEND	
CTV	PROPERTY LINES
E	EXISTING CABLE TELEVISION CONDUIT
X	EXISTING ELECTRICAL CONDUIT
G	EXISTING FENCE LINE
CHW	EXISTING OVERHEAD WIRES
T	EXISTING TELEPHONE CONDUIT
S	EXISTING PUBLIC UTILITIES EASEMENTS
SD	EXISTING SANITARY SEWER CONDUIT
W	EXISTING STORM DRAIN CONDUIT
W	EXISTING WATER CONDUIT
520	EXISTING ZONE LIMITS
520	PROPOSED 10' CONTOUR
524	PROPOSED 2' CONTOUR
R"W	PROPOSED WATER LINE
R"S	PROPOSED SANITARY SEWER WITH STRUCTURE
LOD	PROPOSED STORM DRAIN
LOD	PROPOSED LIMITS OF DISTURBANCE
LOD	PROPOSED STORM WATER EASEMENT
LOD	EXISTING PARKING LABEL
LOD	EXISTING SANITARY CLEANOUT
LOD	EXISTING PUBLIC UTILITIES EASEMENTS
LOD	EXISTING ELECTRICAL MANHOLE
LOD	EXISTING ELECTRICAL JUNCTION BOX
LOD	EXISTING FIRE DEPARTMENT CONNECTION
LOD	EXISTING FIRE HYDRANT
LOD	EXISTING GAS MANHOLE
BOL	EXISTING GUY POLE
LP	EXISTING LIGHT POLE
PP	EXISTING PHONE PEDESTAL
PM	EXISTING PHONE MANHOLE
UP	EXISTING UTILITY POLE
SM	EXISTING SANITARY MANHOLE
TCB	EXISTING TRAFFIC CONTROL BOX
SP	EXISTING TRAFFIC SIGNAL POLE
TR	EXISTING TREE
CTV	EXISTING CABLE TELEVISION PEDESTAL
U	EXISTING UNKNOWN UTILITY MANHOLE
WM	EXISTING WATER METER
WM	EXISTING WATER MANHOLE
WV	EXISTING WATER VALVE
BOL	EXISTING BOLLARD
SP	EXISTING SIGN POST
WP	EXISTING WOOD POST
CI	EXISTING CURB INLET
CC	EXISTING CONCRETE
CG	EXISTING CURB AND GUTTER
ST	EXISTING STORY
ST	EXISTING ELECTRICAL TRANSFORMER
ESMT	EXISTING EASEMENT
RC	EXISTING REINFORCED CONCRETE PIPE
CM	EXISTING CORRUGATED METAL PIPE
BR	EXISTING BUILDING RESTRICTION LINE
RF	EXISTING RIGHT-OF-WAY
PL	PROPOSED LIGHTS
PL	PROPOSED PARKING LABELS
FD	PROPOSED FIRE HYDRANT
DL	DOOR LOCATION
BM	BUILDING HEIGHT MEASURING POINT

**PROFESSIONAL CERTIFICATION**

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland.

Signature: JAMES LAPPING Date: JANUARY 8, 2016  
 Printed Name: James Lapping Expiration Date: \_\_\_\_\_  
 Title: Project Manager License No. 41329

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**DEVELOPER'S CERTIFICATE**

The undersigned agrees to execute all the features of the Site Plan Approval No. 820150070, including Approval Conditions, Development Program, and Certified Site Plan.

Developer's Name: Community Three Development, LLC  
 Contact Person: Mr. Grant Epstein  
 Address: 1326 H Street NE, 2nd Floor, Washington, DC 20002  
 Phone: 202.232.3068

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**GROSVENOR PLACE**

P/O PARCEL F  
(GROSVENOR PARK)  
4TH ELECTION DISTRICT  
MONTGOMERY COUNTY,  
MARYLAND  
WSSC GRID: 213NW05  
TAX MAP: HP13

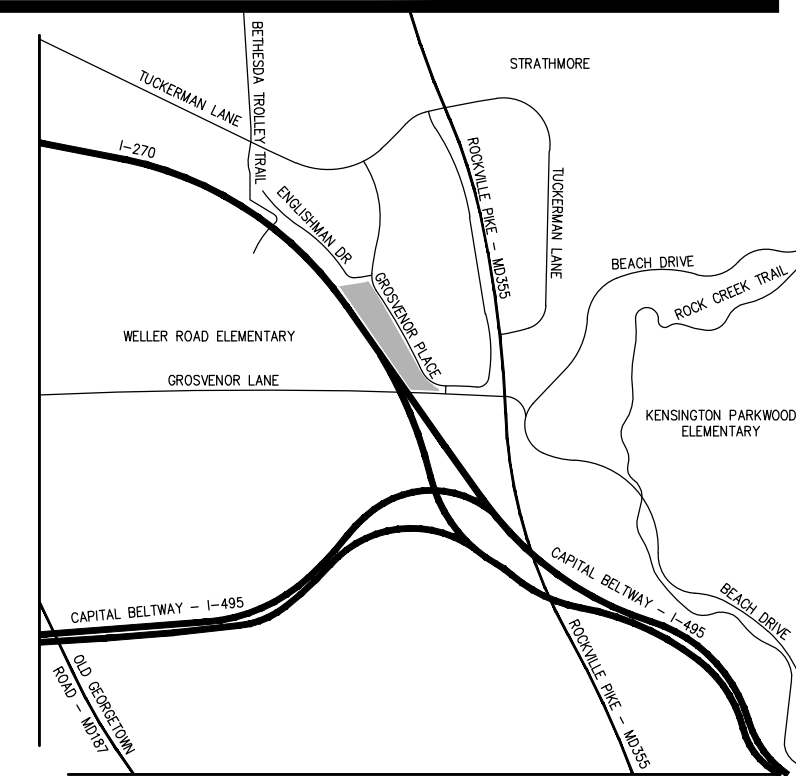
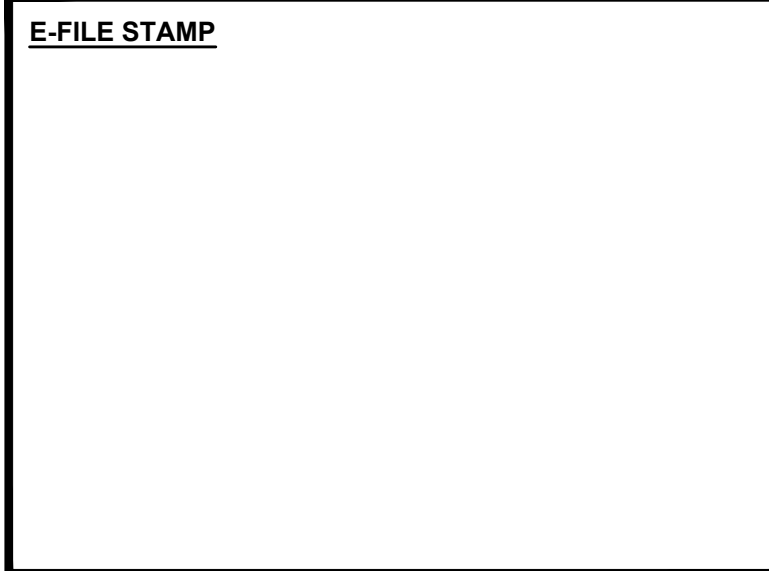
**SITE PLAN**  
# 820150070

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**COMPOSITE SITE PLAN**

DRAWN BY: SDG  
 DESIGNED BY: JP  
 DATE ISSUED: 01/08/2015

SHEET NO. SP-3



VICINITY MAP  
SCALE: 1" = 2000'



PREPARED FOR:  
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DESIGN CONSULTANTS

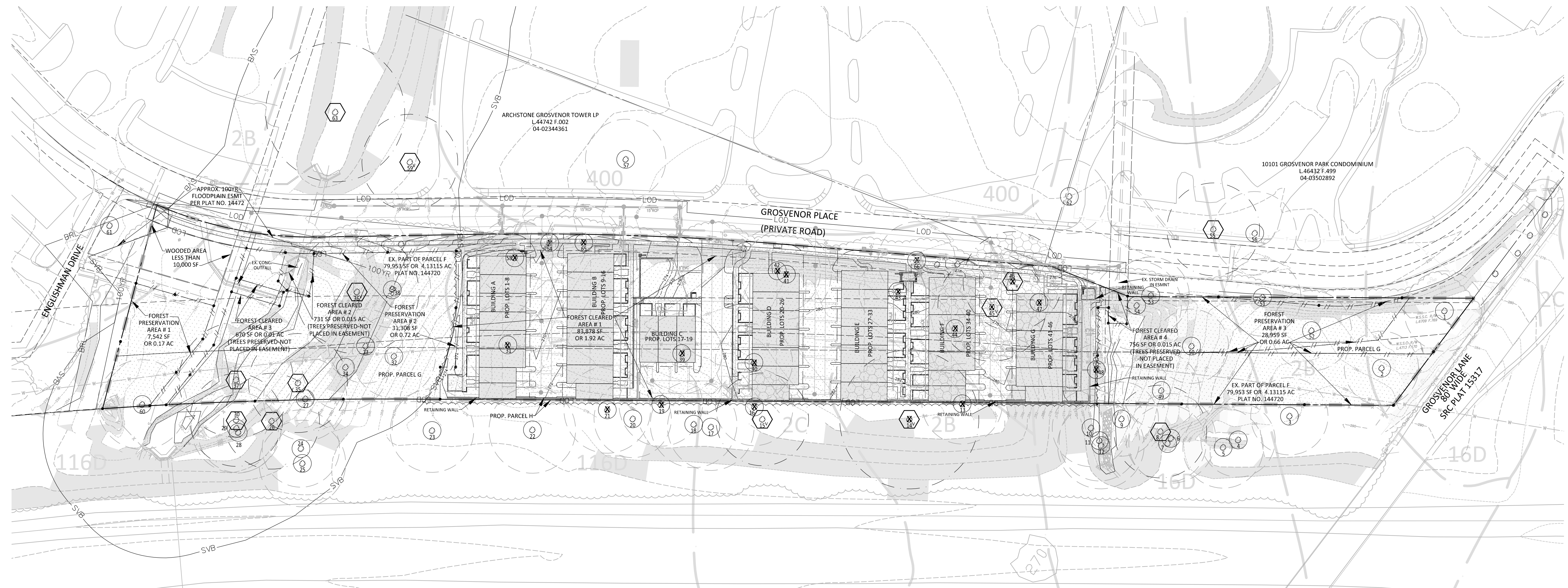
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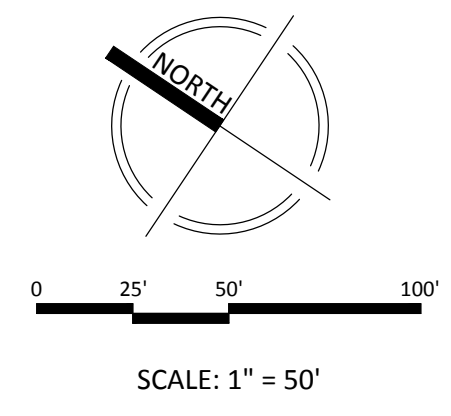
LEGEND

- SUBJECT PROPERTY
- ADJACENT PROPERTY/LOT LINES
- EX. 10' CONTOUR
- EX. 2' CONTOUR
- PROPOSED 10' CONTOUR
- PROPOSED 2' CONTOUR
- EXISTING CURB
- PROPOSED CURB
- LIMITS OF DISTURBANCE
- FEMA 100 YEAR FLOOD PLAIN
- FEMA 100 YEAR FLOODPLAIN 25' BRL
- STREAM VALLEY BUFFER

- SOILS
- SLOPES ≥ 25%
- SLOPES 15-25%
- PROPOSED CATEGORY I FOREST CONSERVATION EASEMENT & EASEMENT BOUNDARY MARKER

- EXISTING FOREST
- EXISTING TREE
- EXISTING TREE TO BE REMOVED
- EXISTING SIGNIFICANT TREE 24-29.9" DBH W/CRZ SHOWN

- EXISTING SPECIMEN TREE W/CRZ SHOWN
- EXISTING SPECIMEN TREE W/CRZ IMPACT SHOWN FOR WHICH A TREE VARIANCE REQUEST TO IMPACT OR REMOVE THE TREE HAS BEEN SUBMITTED WITH THIS PLAN



REVISIONS	DATE
REVISED PER INITIAL REVIEW COMMENTS	2/10/2015
REVISED PER DRC COMMENTS	3/7/2015
REVISED TO SHOW TREE IS SAVED	4/03/2015
REVISED PER REVIEWER COMMENTS	4/08/2015
LAYOUT REVISED PER STAFF COMMENTS	5/05/2015

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED REGISTERED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND.

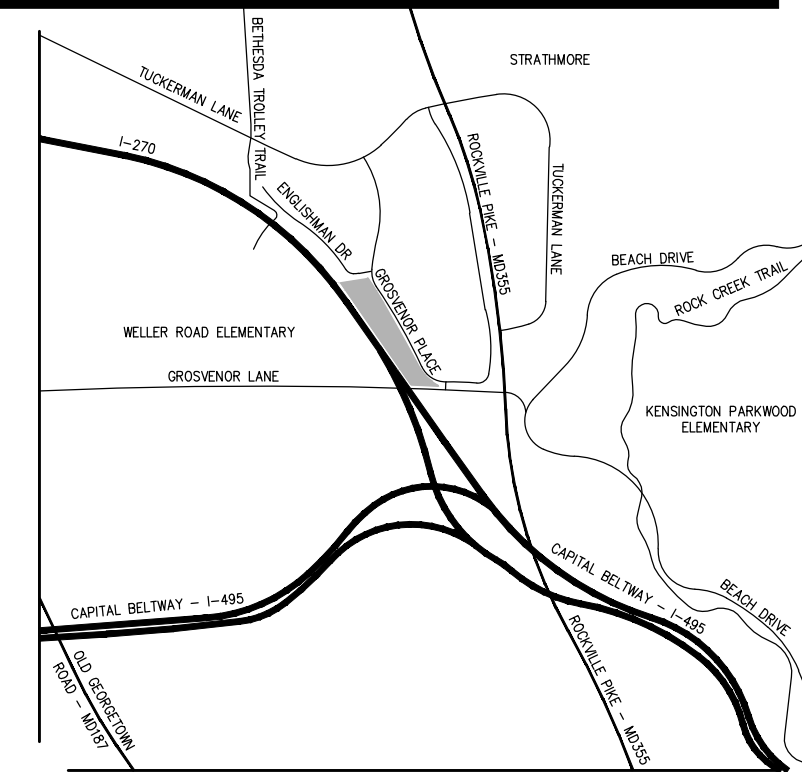
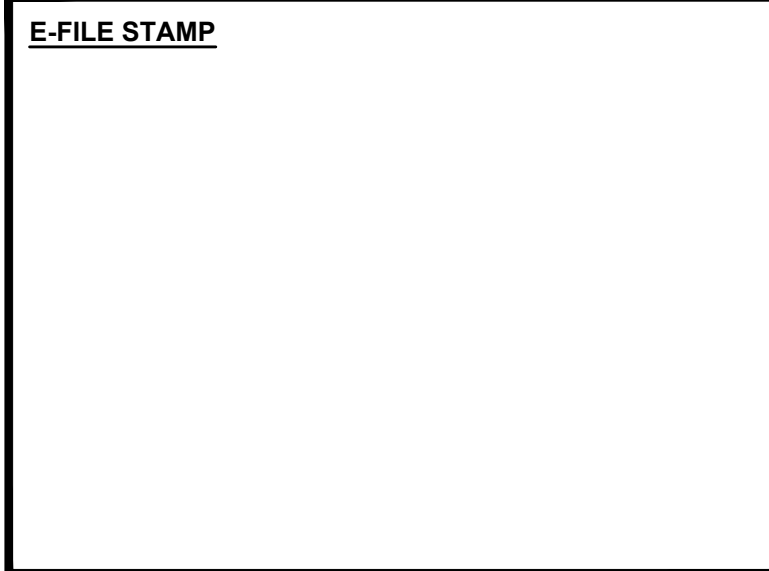
NAME: ROBERT M. COHEN, RIA  
LICENSE NUMBER: 3082  
EXPIRATION DATE: MARCH 15, 2015

**GROSVENOR PLACE**  
P/O PARCEL F  
GROSVENOR PARK  
4TH ELECTION DISTRICT  
MONTGOMERY COUNTY,  
MARYLAND  
WSSC GRID: 213NW05  
TAX MAP: HP13

COMPOSITE  
PRELIMINARY FOREST  
CONSERVATION PLAN  
120150150

DRAWN BY: NRP  
DESIGNED BY: NRP  
DATE ISSUED: 05/05/2015

SHEET NO. PFC-2



VICINITY MAP  
SCALE: 1" = 2000'



PREPARED FOR:  
**COMMUNITY THREE DEVELOPMENT, LLC**  
1326 H STREET, NW  
WASHINGTON, DC 20002  
202.232.3068  
CONTACT: MR. GRANT EPSTEIN

DESIGN CONSULTANTS

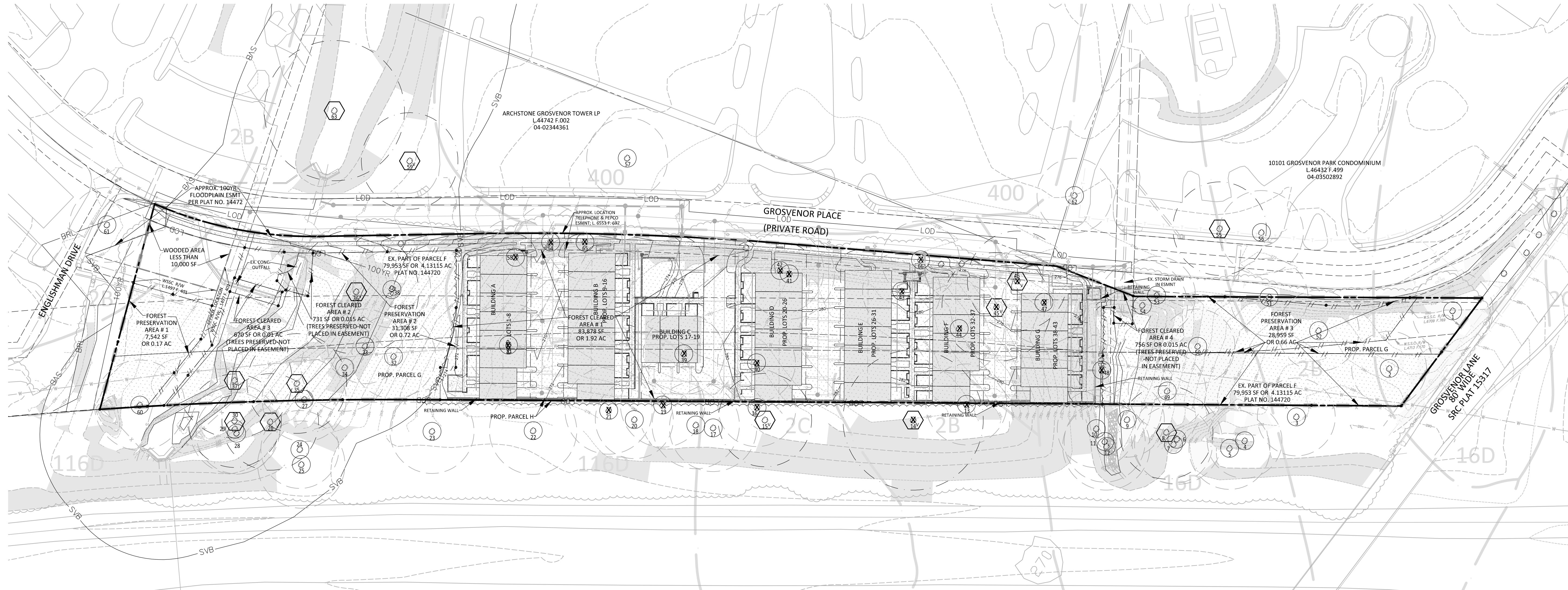
ARCHITECTS  
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SILVER SPRING, MD 20910  
301.588.4800  
CONTACT: JOHN FRANCIS TORTI

ATTORNEY  
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TRAFFIC ENGINEER  
**THE TRAFFIC GROUP, INC.**  
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CONTACT: WES GUICKERT

UTILITY ENGINEER  
**RICHTER & ASSOCIATES**  
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PLANNER/CIVIL ENGINEER & LANDSCAPE ARCHITECT  
**VIKA MARYLAND, LLC**  
20251 CENTURY BOULEVARD SUITE 400  
GERMANTOWN MD, 20874  
301.916.4100  
CONTACT: JANE PRZYGOCKI



LEGEND

- SUBJECT PROPERTY
- ADJACENT PROPERTY/LOT LINES
- EX. 10' CONTOUR
- EX. 2' CONTOUR
- PROPOSED 10' CONTOUR
- PROPOSED 2' CONTOUR
- EXISTING CURB
- PROPOSED CURB
- LIMITS OF DISTURBANCE
- FEMA 100 YEAR FLOOD PLAIN
- FEMA 100 YEAR FLOODPLAIN 25' BRL
- STREAM VALLEY BUFFER

- SOILS
- SLOPES ≥ 25%
- SLOPES 15-25%
- PROPOSED CATEGORY I FOREST CONSERVATION EASEMENT & EASEMENT BOUNDARY MARKER

- EXISTING FOREST
- EXISTING TREE
- EXISTING TREE TO BE REMOVED
- EXISTING SIGNIFICANT TREE 24-29.9" DBH W/CRZ SHOWN

- EXISTING SPECIMEN TREE W/CRZ SHOWN
- EXISTING SPECIMEN TREE FOR WHICH A TREE VARIANCE REQUEST TO IMPACT OR REMOVE THE TREE WAS SUBMITTED WITH THE PRELIMINARY FCP

FOR LOCATION OF UTILITIES CALL 8-1-1 or 1-800-257-7777 OR LOG ON TO www.call811.com or http://www.missutility.net 48 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY™



SCALE: 1" = 50'

REVISIONS	DATE
REVISED PER DRC COMMENTS	05/17/2015
REVISED PER REVIEWER COMMENTS	04/09/2015
LAYOUT REVISED PER STAFF COMMENTS	05/05/2015

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED REGISTERED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND.

NAME: ROBERT M. COHEN, RIA  
LICENSE NUMBER: 3082  
EXPIRATION DATE: MARCH 15, 2017

**GROSVENOR PLACE**

P/O PARCEL F  
GROSVENOR PARK  
4TH ELECTION DISTRICT  
MONTGOMERY COUNTY,  
MARYLAND  
WSSC GRID: 213NW05  
TAX MAP: HP13

**COMPOSITE FINAL FOREST CONSERVATION PLAN 820150070**

DRAWN BY: NRP  
DESIGNED BY: NRP  
DATE ISSUED: 05/05/2015

SHEET NO. FCP-2

**DEVELOPER'S CERTIFICATE**  
The undersigned agrees to execute all the features of the approved Final Forest Conservation Plan No. 820150070 including financial bonding, forest planting, maintenance, and all other applicable agreements.  
Developer's Name: Community Three Development, LLC  
Contact Person or Owner: Grant Epstein  
Address: 1326 H Street, NE 2nd Floor, Washington, DC 20002  
Phone: 202-232-3068  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_



April 8, 2015

Steve Findley  
Area 2 Planning Division  
Montgomery County Planning Department  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910

**Re: Forest Conservation Tree Variance Request  
Grosvenor Place  
Part of Parcel F Grosvenor Park  
Bethesda, MD  
NRI/FSD #420140380  
Preliminary Plan 120150150  
Final Forest Conservation Plan 820150070  
VIKA # VM1805C**

Dear Mr. Findley:

On behalf of our client, Community Three Development, LLC, we are submitting this Tree Variance Request to comply with the Natural Resources, Title 5, Section 5-1607 of the Maryland Code that requires the Applicant to file for a variance to impact the critical root zone (CRZ) or remove trees that either have a diameter-at-breast-height (DBH) of 30" or greater, or trees that are 75% of the diameter of the county champion for that species if a project did not receive Preliminary Forest Conservation Plan Approval prior to October 1, 2009.

NRI/FSD #420140380 for the subject property was approved November 25, 2013. This Tree Variance Request is accompanying the Preliminary Forest Conservation Plan that is being submitted with the concurrent submission of Preliminary Plan 120150150 and Site Plan 820150070 for the project. A total of six(6) specimen trees with DBH of 30" or greater will be impacted by the proposed residential development with three (3) trees identified for removal and three (3) trees specified to be preserved.

The 4.13 acre property, adjacent to the Grosvenor Park Condominium, is part of Parcel F in Grosvenor Park and is located on the west side of Grosvenor Place, adjacent to the intersection of Grosvenor Place and Grosvenor Lane. The Property is unimproved at present, zoned R-30, and is proposed for a residential development with townhouses.



## Attachment 5

Table 1 below lists the Variance specimen trees as they are identified on the Preliminary Forest Conservation Plan and provides the respective proposed impacts.

**Table 1**

Tree #	Species	Diameter (inches)	Field Condition	Disposition	CRZ Area (sf)	CRZ Impact (sf)	CRZ Impact (%)
14	Liriodendron tulipifera	45	Good	Remove	14,343	4,942	34.46
15	Liriodendron tulipifera	30	Good	Save	6,357	1,648	25.85
36	Liriodendron tulipifera	40	Fair	Save	11,333	1,428	12.60
45	Liriodendron tulipifera	35	Good	Remove	8,677	8,677	100.0
46	Quercus alba	32	Good	Remove	7,253	7,253	100.0
59	Populus deltoides	31	Good	Save	6,807	484	7.11

The Assessment below was performed by VIKA Maryland, LLC at the time of the field work for the NRI as a visual, at-grade-level inspection with no invasive, below grade, or aerial inspections performed at the time. Decay or weakness may be hidden out of sight for large trees.

### Tree # 14

**45" Tulip poplar (*Liriodendron tulipifera*):** Tree 14 is an off-site tree located in the forested buffer within the Interstate 270 right-of-way +/- 17 feet from the southwest property line.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Severe at 34.46 % as the tree is located within +/- 17 feet of the proposed retaining wall along the southwest property line.
- **Disposition:** Tree 14 is specified to be removed.

### Tree # 15

**30" Tulip poplar (*Liriodendron tulipifera*):** Tree 15 is an off-site tree located in the forested buffer within the Interstate 270 right-of-way +/- 15 feet from the southwest property line.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Moderate at 25.85% as the tree is located +/-15 feet from the proposed retaining wall along the southwest property line.
- **Disposition:** Tree 15 is specified to be preserved.

### Tree # 36

**40" Tulip poplar (*Liriodendron tulipifera*):** Tree 36 is on-site within the identified forest stand.

- **Field Condition:** Fair with a large area of rot at its base.
- **Proposed CRZ Impact:** Moderate at 12.60 % as the tree is located outside of the main limits of disturbance (LOD) for the construction of the townhomes, but its' CRZ is impacted by the LOD for the sidewalk extension in the PUE and utility connections within the road (Grosvenor Place).
- **Disposition:** Tree 36 is specified to be preserved.

## Attachment 5

### Tree # 45

**35" Tulip poplar (*Liriodendron tulipifera*):** Tree 45 is on-site within the identified forest stand.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Severe at 100% as the tree lies entirely within the limits of disturbance for the construction of the townhomes.
- **Disposition:** Tree 45 is specified to be removed.

### Tree # 46

**32" White Oak (*Quercus alba*):** Tree 46 is on-site within the identified forest stand.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Severe at 100% as the tree lies entirely within the limits of disturbance for the construction of the townhomes.
- **Disposition:** Tree 46 is specified to be removed.

### Tree # 59

**31" Eastern Cottonwood (*Populus deltoides*):** Tree 59 is off-site on the opposite side of Grosvenor Place road.

- **Field Condition:** Fair with a large area of rot at its base.
- **Proposed CRZ Impact:** Limited at 1.41 % as the tree is located outside of the main limits of disturbance (LOD) for the construction of the townhomes, but its' CRZ is slightly impacted by the LOD for utility connections within the road (Grosvenor Place).
- **Disposition:** Tree 59 is specified to be preserved.

### Justification Narrative for Tree Disturbance

The proposed Preliminary and Site Plans will facilitate the development of a new residential townhouse community and related site improvements. Several notable institutional land uses exist in close proximity to the Property, including the Grosvenor Metrorail station, Strathmore Hall, and the Georgetown Preparatory School. However, the predominant land use in the immediate area is multi-family residential and townhouses and the project thereby extends the existing townhouse residential development pattern of this area further south along Grosvenor Place.

The proposed development will provide a maximum of forty-three (43) townhouse residential units, including seven (7) Moderately Priced Dwelling Units ("MPDUs"). Based on a site area of approximately 4.13 acres, the proposed residential density will be approximately 10.4 units per acre, well below that permitted under the Zoning Ordinance. The Project will provide landscaping, sidewalk improvements along the Property's frontage, and private recreational amenities including picnic and sitting areas.

The current undeveloped site contains 4.08 acres of forest. However, 0.58 acres of that forest is within existing utility easements, and, therefore, subject to removal for the maintenance of those utilities and not under the control of the applicant. A thorough assessment of the site was completed with the Natural Resources Inventory to identify the areas of forest that are considered high priority for retention. Then, through careful design, the applicant has limited development to the center of the site, so that the forest in the most sensitive areas - slopes at the southeast end of the site, and stream buffers at the northwest end of the site can be preserved.



## Attachment 5

Therefore, the Project proposes the clearing of 1.96 acres of forest in the center of the site while preserving 1.63 acres of forest in Category I forest conservation easements on both sides of the site to protect the natural resources including approximately 0.89 acres of forested stream valley buffer. The three specimen trees being removed are located in the center of the site, but by developing that area, high priority forest is preserved elsewhere on site. All forest conservation requirements for reforestation are met by the preservation of the 1.63 acres of on-site forest.

**To grant the requested variance, the Planning Board must find that the request:**

- 1. Describes the special conditions peculiar to the property which would cause the unwarranted hardship;**
- 2. Describes how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;**
- 3. Verifies that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance; and**
- 4. Provides any other information appropriate to support the request**

We submit the following rationale in support of the request for a Forest Conservation Tree Variance:

1. The requested tree variance is necessary for implementation of this residential redevelopment project which has an approved NRI and is proceeding through the development approval process with the concurrent submission of Preliminary and Site Plans. The conditions related to this request are neither unique nor special to this project and instead are unavoidable consequences of the development process under the zoning applied through the Master Plan. Further, additional density allowed under the zoning is not being requested in order to maintain these sensitive areas.

2. The requested variance is based on plans being developed under the zoning approved through the County planning process not conditions or circumstances resulting from actions by the applicant. A total of 1.63 acres of on-site forest is being preserved. While three of the six impacted specimen trees are to be removed, three (3) are being preserved and another six (6) specimen trees, three on-site and three off-site directly adjacent to the property, are not being impacted by the development.

The six (6) variance trees are impacted by the proposed residential redevelopment for which the Preliminary and Site Plans have been submitted for approval. There are no conditions relating to land or building use, either permitted or nonconforming, on a neighboring property that have played a role in the need for this variance.

3. The concept storm water management plan incorporates environmental site design (ESD) to the maximum extent practicable (MEP), according to the latest revision to Chapter 5 of the MDE Stormwater Management Design Manual. The plan provides stormwater treatment to the MEP of the project site through a series of micro-bioretenion planter box facilities that meet State and County requirements. These facilities will treat the runoff to these facilities and overcompensate for areas not being treated. The remaining runoff is proposed to be provided by fee-in-lieu. Granting the variance will not result in any violation of State water quality standards or degradation of water quality.



## Attachment 5

Thank you for your consideration of this Tree Variance request. We believe that the supporting information provided with this letter justifies the variance to impact six (6) specimen trees, removing three (3) of them and preserving three (3) others. If you have any questions or need more information, please do not hesitate to contact us so that we may discuss this matter further.

Sincerely,  
*VIKA Maryland, LLC.*



---

Joshua C. Sloan, RLA, ASLA  
Director of Planning and Landscape Architecture

# Attachment 6



## DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett  
*County Executive*

Lisa Feldt  
*Director*

May 18, 2015

Casey Anderson, Chair  
Montgomery County Planning Board  
Maryland National Capital Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

RE: Grosvenor Place, ePlan 820150070, NRI/FSD application accepted on 8/29/2013

Dear Mr. Anderson:

All applications for a variance from the requirements of Chapter 22A of the County Code submitted after October 1, 2009 are subject to Section 22A-12(b)(3). Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this criterion.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the



## Attachment 6

variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

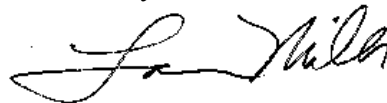
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this criterion.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In the event that minor revisions to the impacts to trees subject to variance provisions are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

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

Sincerely,



Laura Miller  
County Arborist

cc: Steve Findley, Planner Coordinator

# Attachment 7

11 June 2015



Phoenix Noise & Vibration, LLC  
5216 Chairmans Court, Suite 107  
Frederick, Maryland 21703  
301.846.4227 (phone)  
301.846.4355 (fax)  
[www.phoenixnv.com](http://www.phoenixnv.com)

## Grosvenor Place Transportation Noise Impact Study

Montgomery County, Maryland

Report #141218

For: VIKA Maryland, LLC

By: Kody Snow

## EXECUTIVE SUMMARY

Phoenix Noise & Vibration has conducted a revised analysis of transportation noise impact upon Grosvenor Place, a proposed townhome development in Montgomery County, Maryland. This analysis accounts for the site's reconfigured layout. Previously the proposed residential site consisted of 43 townhome lots and an outdoor activity area located between Buildings A and C. With the site's new configuration there will be 46 townhome lots within the property and the outdoor activity area will be located between Buildings B and D.

This study was limited to noise impact from Interstate 270, Grosvenor Place, and Grosvenor Lane, and included:

- On-site 24-hour noise level measurements.
- Computer modeling.
- Determination of future noise levels.
- Preliminary mitigation recommendations to meet Montgomery County's residential noise guidelines.

Noise impact at Grosvenor Place will vary with height and location; therefore noise levels have been presented at the ground level (5.5 feet) and upper level (25 feet). All calculated noise levels are "mitigated," accounting for the presence of existing buildings, significant structures, and surrounding topography, as well as future site buildings and topography. Structures along roadways act as noise barriers, providing protection from noise exposure and reducing the impact and extent of any potential mitigation, if any, to comply with Montgomery County's recommended noise level guidelines.

Montgomery County recommends noise levels to be maintained below 65 dBA Ldn throughout designated outdoor activity areas. It has been determined that 14 of the 46 proposed townhomes will be impacted by transportation noise levels above 65 dBA Ldn at the ground level. The proposed retaining wall and noise barriers will sufficiently reduce transportation noise levels below 65 dBA Ldn for the ground level areas between the townhome buildings. In addition to those areas between the townhome buildings, the outdoor activity area located between Buildings B and D will experience noise levels below 65 dBA Ldn due to the shielding from Interstate 270 provided by Building C.

When residential units are impacted by transportation noise levels greater than 65 dBA Ldn, Montgomery County requires further analysis of the proposed structures to determine if they are capable of maintaining indoor noise levels at the interior noise level guideline of 45 dBA Ldn. All proposed residences at Grosvenor Place will be exposed to future transportation noise levels above 65 dBA Ldn. The highest level of noise impact, 80 dBA Ldn, will be experienced by those townhomes nearest to Interstate 270. Impacted residential units will require further analysis to determine the exterior shell construction needed to reduce exterior noise levels to an interior noise level of 45 dBA Ldn. If necessary, indoor noise levels can be maintained at 45 dBA Ldn by increasing the sound transmission class (STC) ratings of the exterior building components.



# Attachment 7



## NOISE GUIDELINES

Traffic noise impact for proposed residential developments in Montgomery County is governed by Table 2-1 (reprinted in Table 1) on page 8 of the *Staff Guidelines for the Consideration of Transportation Noise Impacts In Land Use Planning and Development* (June 1983).

Accompanying this table is Map 2-1 (see Figure 1), indicating recommended outdoor noise levels not to be exceeded throughout the County.

**Table 1: Maximum Levels for Exterior Noise & Building Line<sup>1</sup> For Noise Sensitive Land Uses (Table 2-1).**

Guideline Value	Area of Application
Ldn = 55 dBA	This guideline is suggested as an appropriate goal in permanent rural areas of the County where residential zoning is for five or more acres per dwelling unit and background levels are low enough to allow maintenance of a 55 dBA Level. This guideline is consistent with Federal, State, and County goals for residential areas.
Ldn = 60 dBA	This is the basic residential noise guideline which will be applied in most areas of the County where suburban densities predominate. Maintenance of this level will protect health and substantially prevent activity interference both indoors and outdoors. Noise attenuation measures will be recommended to allow attainment of this level.
Ldn = 65 dBA	This guideline will generally be applied in the urban ring, freeway, and major highway corridor areas, where ambient levels are such that application of a stricter guideline would be infeasible or inequitable. Significant activity interference will occur outdoors and indoors if windows are partially opened, but available evidence indicates hearing is adequately protected. Noise attenuation measures will be strongly recommended to attain this level.

<sup>1</sup> Building line as used here refers to habitable structures only. It does not include garages, sheds, or recreational accessory buildings.

According to Map 2-1, Grosvenor Place is located within the 65 dBA Ldn noise zone, indicating that noise levels in outdoor activity areas throughout the site are recommended to be maintained at or below 65 dBA Ldn. Any outdoor area exposed to future transportation noise levels above 65 dBA Ldn typically requires further analysis to determine the mitigation designs necessary to comply with this recommendation.

When outdoor noise levels exceed 65 dBA Ldn, Montgomery County also requires an analysis of indoor noise levels in residential buildings. According to Sections 2.2.2 and 2.2.3 of the *Staff Guidelines*, any residential building impacted by noise levels above 65 dBA Ldn must be evaluated to certify that the building structure will be capable of maintaining indoor noise levels at 45 dBA Ldn.







# Attachment 7



## NOISE MEASUREMENTS

On November 12 – 13, 2014, Phoenix Noise & Vibration conducted an on-site noise measurement survey to determine existing transportation noise levels throughout the site created by primarily Interstate 270. Grosvenor Place and Grosvenor Lane were also included in the survey. This involved continuous noise level measurements and monitoring for one 24-hour period. Measurements were made using three Norsonic Type 118 and one Type 140 Precision Integrating Sound Level Meters. All meters were calibrated prior to the survey traceable to National Institute of Standards and Technology (NIST). Each meter meets the ANSI S1.4 standard for Type 1 sound level meters.

During the 24-hour measurement, noise levels were recorded and averaged over five minute time intervals. Noise measurements were then used to calculate the site’s 24-hour average day-night noise level (Ldn), which includes the 10 dBA penalty for noise levels measured during nighttime hours. Noise level measurements were made at the locations shown in Figure 3. Measurements were made at 5.5 feet (ground level, GL) and 25 feet (upper level, UL) above adjacent grade. Measurement results are presented in Table 1.

**Table 2: 24-hour noise measurement results.**

Measurement Location	Distance Above Grade (ft.)	Measured Noise Level (dBA Ldn)
A	5.5	69.3
	25	76.7
B	25	71.9
C	5.5	65.7

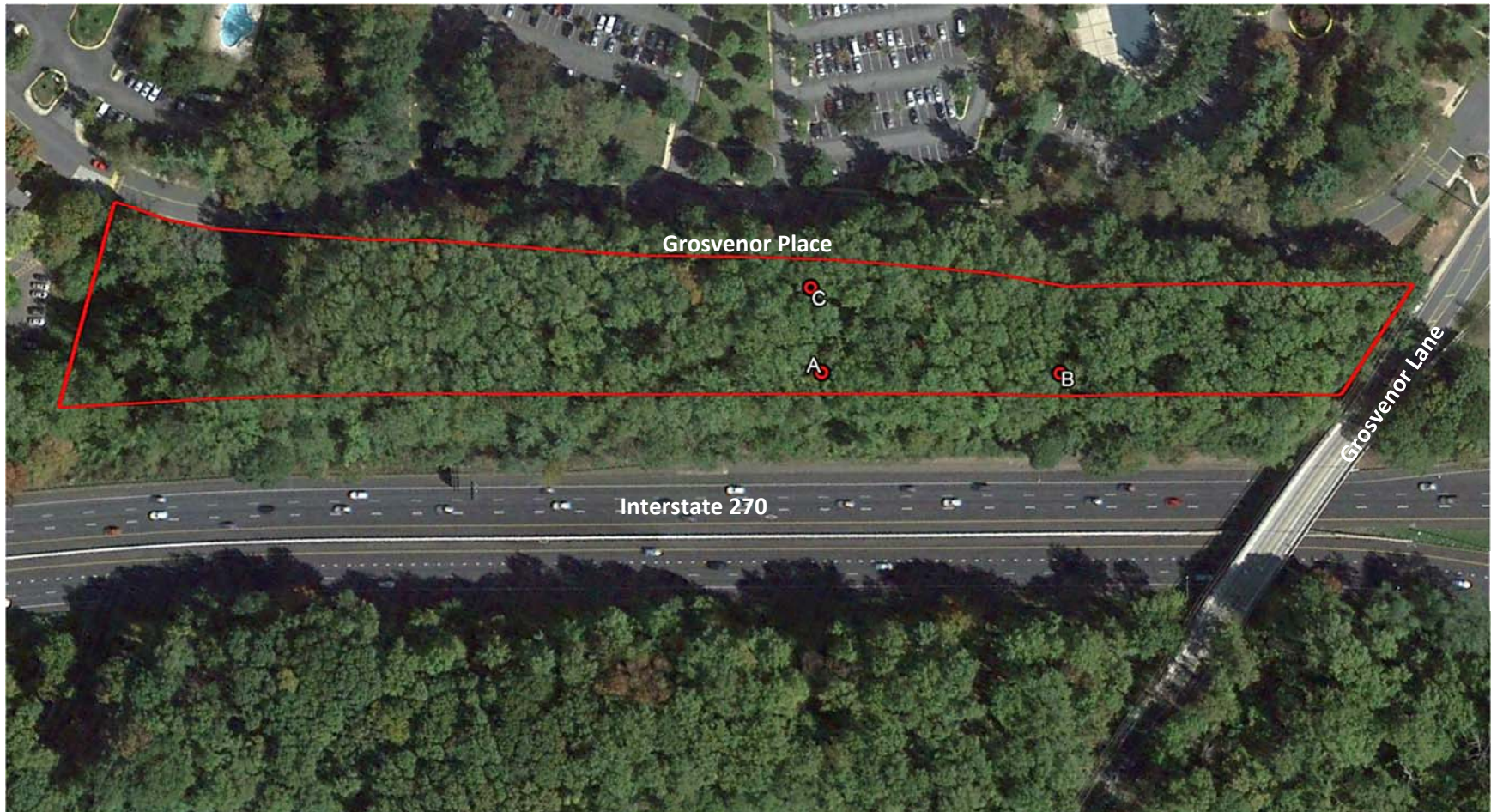
Figure 4 presents the roadway measurement results graphically, showing the noise level as measured in five minute increments throughout the survey. Figure 4 indicates the actual measured values over the 24-hour period. While the 10 dBA nighttime penalty is not shown graphically, it was included in the Ldn calculations.

From Figure 4 it is seen that the noise levels measured have the same graphical trend at the three measurement locations. This indicates that the transportation noise impact upon the site is primarily from Interstate 270, Grosvenor Place and Grosvenor Lane have little to no noise impact upon the site. Also shown is a reduction in the transportation noise levels measured at Position C (ground level), this is attributed to the site’s topography, the amount underbrush/foliage present at the time of the survey, and the distance from Interstate 270.

Note that some of the measurement locations contain isolated instances during the 24-hour measurement period at which the noise level appears inconsistent with the rest of the noise profile (i.e. peaks, spikes, or dips in the graph). These inconsistencies are typically due to extraneous occurrences unrelated to roadway noise, such as emergency sirens or temporary traffic congestion. Such short term events, while producing a relatively high or low noise level and which may have a significant impact on the five minute average, generally have an insignificant effect on the overall, 24-hour Ldn value.

# Attachment 7

Figure 3: Long-term noise measurement locations.





## COMPUTER MODELING

The existing and future sites were computer modeled using the CadnaA software program, a three-dimensional noise propagation model capable of determining the noise level impact from multiple noise sources across vertical and horizontal surfaces while accounting for factors such as topography, ground absorption, reflections, and roadway data (traffic volumes, speeds, and vehicle classifications, etc.). Noise levels can be presented either in spot locations or as noise contours of equal value throughout a defined surface area.

### Current Model

A current model was developed to simulate the existing site and its surroundings using information provided on the site's existing site plan<sup>1</sup> and data collected during the 24-hour measurement survey, inputting existing topography, roadway alignments, and buildings. Calculated roadway noise levels were compared to the corrected on-site noise measurements.

### Future Model

A future model was developed by altering the calibrated current model to include the projected roadway data, future buildings, and topography changes. Currently there are no plans to alter Grosvenor Place in the vicinity of the site; therefore the existing roadway alignments were used in the future model.

The future model calculated "mitigated" noise levels throughout the site. Mitigated noise levels are calculated in the presence of future site topography, buildings, and significant structures. Mitigated noise levels account for the effect of buildings, barriers, and other significant structures in reducing and reflecting roadway noise propagation and are more representative of the noise level actually experienced at a specific location.

### Roadway Data

Average annual weekday traffic (AAWDT) volumes, vehicle percentages, and nighttime percentages were based upon the most recent data published by the Maryland State Highway Administration (MDSHA), as shown in Table 3. To estimate the future traffic volumes a conservative 2% increase in traffic compounded annually until 2035 was assumed.<sup>2</sup> Traffic data for Grosvenor Place was based upon observations and data recorded during the noise measurement survey.

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<sup>1</sup> Provided by VIKa, Inc.

<sup>2</sup> Montgomery County typically requires that roadway noise impact studies be conducted using the projected traffic volumes 20 years from the date of the study.

# Attachment 7



Table 3: Roadway traffic data used in the computer models.

Roadway	Existing AAWDT	2035 AAWDT	Nighttime Volume %	Truck %	Posted Speed Limit (mph)
I-270 Northbound	59,757	94,231	12%	6%	55
I-270 Southbound	58,130	91,665	16%	6%	55
Grosvenor Lane	9,098	14,347	7%	4%	25
Grosvenor Place	3,057	4,634	7%	3%	25

## Future Noise Impact

Future mitigated roadway noise contours at the ground and upper level are presented on Drawings 2 and 3 of the Appendix, respectively. All of the proposed townhomes are impacted by future transportation noise levels above 65 dBA Ldn.

The muses on the front of Buildings A and G will be impacted by noise levels greater than 65 dBA Ldn at the ground level. Noise levels in all other outdoor areas will be maintained below 65 dBA Ldn, including the outdoor activity area located in front of Building C and between Buildings B and D.

Future upper level noise impact will be greatest for those townhomes nearest Interstate 270, with maximum noise impact of up to 80 dBA Ldn. The upper level noise impact will decrease as the townhomes' distance from Interstate 270 increases. Buildings B, D, E, and F townhomes furthest from Interstate 270 will experience the least amount of noise impact, 68 – 71 dBA Ldn, at the upper level.

## MITIGATION

According to Montgomery County's recommended noise level guidelines for residential development, residential sites and buildings impacted by noise levels above 65 dBA Ldn require further analysis to determine the mitigation measures necessary to maintain noise levels in outdoor activity areas and indoor living spaces at 65 and 45 dBA Ldn, respectively.

## Outdoor Mitigation

As shown on Drawing 2, it has been determined that only 14 of the 46 proposed townhomes will be impacted by noise above 65 dBA Ldn at the ground level. These areas are limited to the muses located on the front of Buildings A and G.

The designed noise barriers, in addition to the planned retaining wall will maintain noise levels below 65 dBA Ldn in the areas located between the townhome buildings. Given the adjacency of





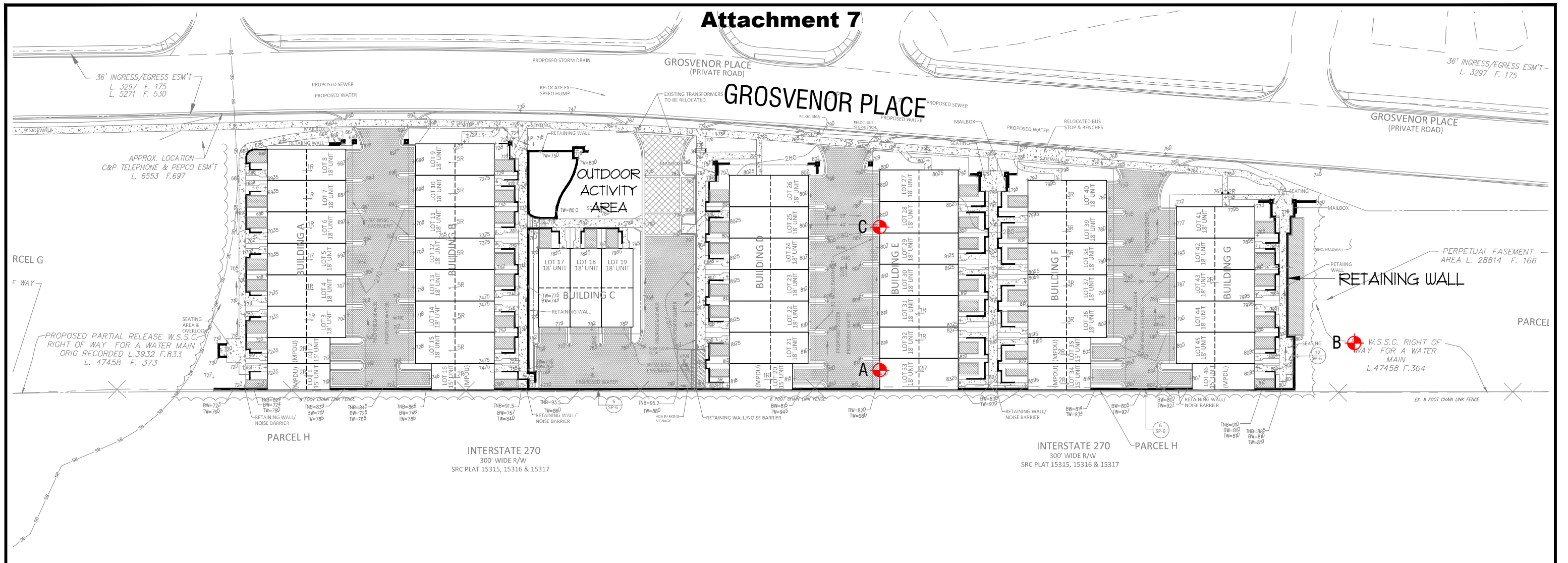


# Attachment 7



## APPENDIX: FUTURE TRANSPORTATION NOISE IMPACT

# Attachment 7



INTERSTATE 270

INTERSTATE 270

**LEGEND**

MEASUREMENT LOCATION



NORTH

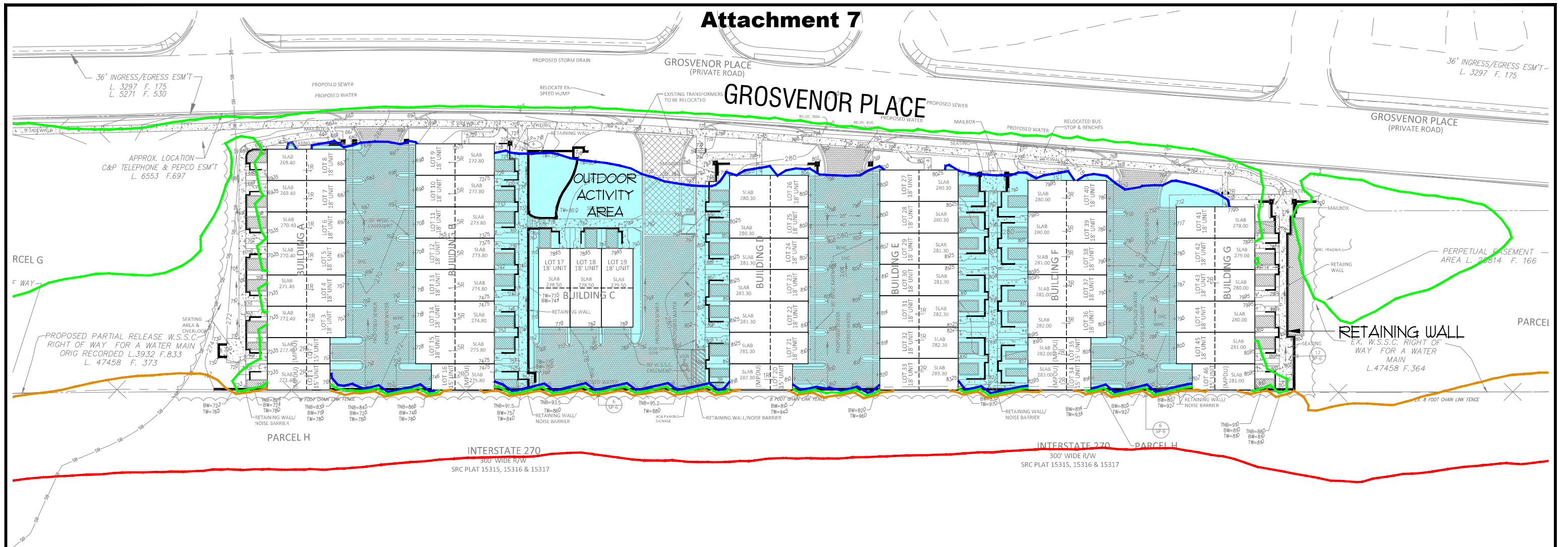


5216 Chairmans Court Suite 107  
Frederick, MD 21703  
301-846-4227

**GROSVENOR PLACE  
MEASUREMENT LOCATIONS**

DWG. No. 1	PRJ. No. VKA1401	DATE JUN-11-2015
SCALE NOT TO SCALE		DRAWN BY WCC

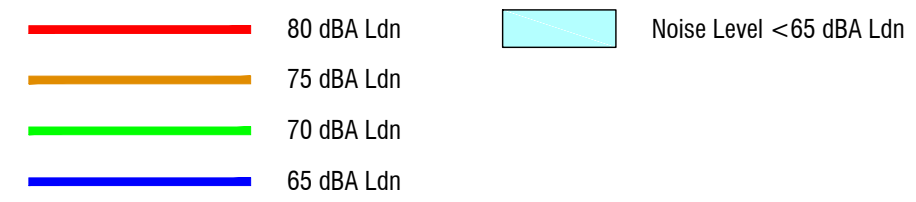
# Attachment 7



INTERSTATE 270

INTERSTATE 270

**Future Ground Level Noise Contours**



<p>5216 Chairmans Court Suite 107 Frederick, MD 21703 301-846-4227</p>			<b>GROSVENOR PLACE</b> <b>FUTURE GROUND LEVEL NOISE CONTOURS</b>	
			DWG. No. 2	PRJ. No. VKA1401
SCALE NOT TO SCALE		DRAWN BY WCC		



## Attachment 8

Sternstein email

From: Alan Sternstein <asternstein@rwlls.com>  
Sent: Thursday, May 07, 2015 10:37 AM  
To: Robins, Steven A.  
Cc: emilio@ececchi.com; Myers, Crystal; Grant Epstein (gwe@communitythree.com); Ruhlen, Christopher M.; Shireen Ambush (sambush@abarisrealty.com); Josh McFeeters (mcfeej@hotmail.com)  
Subject: RE: Community III

Steve-

One other thing that may not be clear from GPI's comments below on Community III's answers to the questions posed to it last week: the sound study that Community III performed is not really a study of the "worst case scenario," as claimed in Community III's answers. Few, if any, of the hundreds of residents in GPI and the buildings adjacent to it are out on their balconies or have their windows open during late fall, winter and early spring, including when the sound study was done and which Community III says is the worst case. The most relevant and meaningful impact will occur in late spring, summer and early fall, now, when residents are out on their balconies or have their windows open, when vegetative noise buffering is at its greatest, and when the Community III development will compromise that buffering and any future widening of I-270 (one of the most congested Maryland highway segments, according to SHA studies) will eliminate it. No sound measurements have been taken or sound studies or analyses have been conducted for this period. Indeed, so long as the physical configuration of this development continues periodically to change as it has (the "moving target" referenced below), the most accurate study and analyses may not be possible until that configuration comes to rest, so that it may then be known what noise abatement measures are appropriate.

Thanks for Community III's continued attention to these matters.

Alan

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asternstein@rwlls.com  
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Please note my new email address: asternstein@rwlls.com.

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Sternstein email

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From: Alan Sternstein  
Sent: Wednesday, May 06, 2015 5:12 PM  
To: 'Robins, Steven A.'  
Cc: emilio@ececchi.com; crystal.myers@mncppc-mc.org; Grant Epstein (gwe@communitythree.com);  
Ruhlen, Christopher M.  
Subject: RE: Community III

Thanks, Steve. I'll look forward to it.

Alan B. Sternstein, Esq.  
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(240) 762-5311 (direct)  
(301) 951-0172 (fax)  
asternstein@rwlls.com  
www.rwlls.com

Please note my new email address: [asternstein@rwlls.com](mailto:asternstein@rwlls.com).

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From: Robins, Steven A. [mailto:[sarobins@lercheearly.com](mailto:sarobins@lercheearly.com)]  
Sent: Wednesday, May 06, 2015 4:15 PM  
To: Alan Sternstein  
Cc: emilio@ececchi.com; crystal.myers@mncppc-mc.org; Grant Epstein (gwe@communitythree.com);  
Ruhlen, Christopher M.; Robins, Steven A.  
Subject: RE: Community III

## Attachment 8

Sternstein email

Alan: Thank you for your message. I spoke to Grant about your email and he is planning on contacting you to either set up a call or meeting so that the two of you can discuss your concerns and avoid any confusion or misunderstanding. It always has been Community Three's desire to keep an open line of communication and positive working relationship. We intend to continue on that path. You will hear from Grant shortly.

Thank you.

Steve

--

Steven A. Robins - Attorney  
Lerch, Early & Brewer, Chtd. ideas that work  
3 Bethesda Metro Center - Suite 460 - Bethesda, MD 20814  
Tel: (301) 657-0747 Fax: (301) 347-1778 - sarobins@lerchearly.com  
Cell: (301) 252-1904 Toll Free: (800) 264-8906  
Bio: [www.lerchearly.com/team/steven-a-robins](http://www.lerchearly.com/team/steven-a-robins)  
vcard: [www.lerchearly.com/team/steven-a-robins-vcard](http://www.lerchearly.com/team/steven-a-robins-vcard)

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Thank you. [www.lerchearly.com](http://www.lerchearly.com)  
From: Alan Sternstein [<mailto:asternstein@rwlls.com>]  
Sent: Tuesday, May 05, 2015 5:19 PM  
To: Robins, Steven A.  
Cc: [emilio@ecocchi.com](mailto:emilio@ecocchi.com); [crystal.myers@mncppc-mc.org](mailto:crystal.myers@mncppc-mc.org)  
Subject: RE: Community III

Thanks, Steve, for your responses below to my questions posed last Monday. I understand your position on the first issue. Trust me, the MTA's stance, if that is ultimately the MTA's stance, comes as a surprise, but that matter is being dealt with at this end. As to your second item, you are correct; any and all communications to or from GPI by Community III or its reps should be to or from me.

I am troubled by your third answer, which answer alludes to telephone conversations you and I had last week and an exchange of emails earlier today. It appears that regardless of the formal state of plans and drawings, the design of the Community III development has, as a de facto matter, become a moving target in material respects, even though, as you advised today, only preliminary sketches have been submitted to the County. Instead of Community III timely advising GPI of proposed material changes and seeking its input on those changes, GPI is being denied even an indirect voice at the table, until the public hearing, despite Community III's general undertaking to keep GPI timely informed. As you know, that undertaking and similar undertakings thereafter came after protests that Community III, rather than arranging its pre-submission community meeting at GPI, as it had for other similar meetings over

## Attachment 8

Sternstein email

years past, arranged to have that meeting over a mile away, the week of Thanksgiving, at an elementary school on the other side of Old Georgetown Road. Prudently, GPI thereafter agreed to conduct another pre-submission meeting on GPI's premises. For this reason, so there are no misimpressions on the timeliness of disclosures and updates to GPI, in addition to Mr. Cecchi, the President of the GPI Council of Co-Owners, I'm also copying, Crystal Myers on this email, who, as you know, is the County's lead reviewer for the project.

With regard to your fourth answer, GPI's preliminary concern is that it overlooks a very significant part of the question posed, and that is that the question was not just about tress but also about shrubbery. It may be that the tree canopy, though it will be diminished 1/3 by Community III (1/2 when the right of way to I-270 is ever constructed), is too high to affect sound transmission to GPI and the two other large, high-rise multi-unit residential buildings adjacent to it. In late spring, now, summer, and early fall, that is, for at least half the year, however, shrubbery closer to the ground along Community III's parcel blocks and substantially obscures the line of sight of GPI's mid to upper floors to any portion of I-270. To the human ear, there is a perceptible and significant difference in the highway noise heard from along the parcel by residents of GPI between seasons. That situation will be worse, when the development thins this thick and existing vegetative protection, by opening three to four clear avenues through the parcel from GPI toward I-270, which protection will be eliminated when the right of way of I-270 is ever constructed.

Although Community III's noise study was conducted last fall, with trees and shrubbery bare of leaves, there were no direct and actual measurements made from any points in GPI, including, most importantly, mid to upper floors, even though I expressly requested at the two community pre-submission meetings last fall that such measurements be conducted, so that they could be compared with measurements now, with trees and shrubbery laden with leaves, and the impact of the development on the mid to upper levels of GPI, most particularly, and the two adjacent buildings more accurately determined. As matters now stand, there are no actual measurements in the spring and summer, when, because it will substantially eliminate vegetative sound buffering, the development is most likely to impact hundreds of residents living on the mid to upper floors of the three buildings. Community III's sound study, which you advise is now final, is essentially theoretical as to impacts on GPI and not disinterested, as regards Community III. As you know, I have disclosed to you that GPI has informally contacted a sound engineer about these matters. As we've discussed, GPI's most pressing concerns are long-term, permanent noise pollution and reducing to a written and irrevocable commitment (that burdens the land itself) the developer's oral



## Attachment 8

Sternstein email

undertakings at both pre-submission meetings never to develop the north and south quarters of the property. A burden on the land restricting further development and in favor of adjacent parcels (not merely a forest conservation easement in favor of the County) I understand to be acceptable. The noise concern, however, has yet to be satisfactorily addressed.

Thanks. It has always been and continues to be GPI's desire to work with Community III timely to address these concerns.

Alan

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asternstein@rwlls.com  
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From: Robins, Steven A. [<mailto:sarobins@lercheearly.com>]  
Sent: Tuesday, May 05, 2015 3:37 PM  
To: Alan Sternstein  
Subject: RE: Community III

Alan: Here are responses to your questions.

(1) will there be a homeowners' association for Community III (I assume this is the case, and this may have been confirmed in some venue) and how (by what legal mechanism) will owners in the development be bound to support the association, including, in particular funding obligations to the MTA? In this connection, how, currently, are the parcel's obligation to join

## Attachment 8

Sternstein email

the MTA and its privilege of access to Grosvenor Place upon development legally documented? As I mentioned when we spoke, a homeowners' association will be established. As far as other questions regarding the MTA are concerned, while we continue to maintain complete transparency with all potentially affected groups, we have been asked by the MTA that communications concerning that group be routed through their legal counsel.

I'm sure you understand our limitation in this regard.

(2) Is Community III in communication with the property management for GPI, in particular the Property Manager, Assistant Property Manager and/or Zalco and how recently? We thought you requested to be the contact for GPI and therefore we have assumed you were communicating with the Property Manager and others on behalf of GPI. Please let us know if you would like for us to be in contact with the Property Manager going forward and we will do so.

(3) Do I have Community III's most current set of plans for the development, that is, as submitted to county planning? As I also mentioned to you in our conversation, the project is being refined to address Staff comments with respect to certain community open space, visitor parking and emergency access. These revisions result in somewhat smaller units with a slight increase in the unit count (3 units). We will send you copies of the revised plans once they are completed and have been submitted back to the County for final review. Once we refile, I believe we also will send out notice of the revisions to the community.

(4) You have advised that the people conducting Community III's sound studies advise that leafing on trees and other shrubbery do not affect sound transmission. The inquiries I have since made uniformly dispute that, and there is no such representation in Community III's final sound study, so just what is the basis for the view that leaves and shrubbery do not affect sound transmission? Is there some accepted authority that the developer's engineers can reference that would be relevant to changes on the development site and with respect to effects at GPI? To clarify our prior response, leaves on trees can have an effect on sound level transmission; however, due to the heights of the specific tree canopies, the amount of the noise produced by I-270, as well as the approximately 500 foot distance separating the noise source from GPI, we were informed that the leafing of the trees adjacent to I-270 has little impact on the calculated noise levels at GPI (the impact is likely to be imperceptible to the human ear). Furthermore, Community Three's noise study was completed in November where a worst case scenario is present, i.e. when perceived noise levels at GPI generally are at their highest levels. Even under this condition, the perceivable noise levels at GPI would be improved by the development. In short, the noise levels at GPI would be lower with the new permanent structures than with the existing trees, with or without foliage.

## Attachment 8

Sternstein email

Thank you for taking the time to pose the questions. I will get in touch when I have the plans.

--

Steven A. Robins - Attorney  
Lerch, Early & Brewer, Chtd. ideas that work  
3 Bethesda Metro Center - Suite 460 - Bethesda, MD 20814  
Tel: (301) 657-0747 Fax: (301) 347-1778 - sarobins@lerchearly.com  
Cell: (301) 252-1904 Toll Free: (800) 264-8906  
Bio: [www.lerchearly.com/team/steven-a-robins](http://www.lerchearly.com/team/steven-a-robins)  
Vcard: [www.lerchearly.com/team/steven-a-robins-vcard](http://www.lerchearly.com/team/steven-a-robins-vcard)

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From: Alan Sternstein [mailto:[asternstein@rwlls.com](mailto:asternstein@rwlls.com)]

Sent: Monday, April 27, 2015 12:54 PM

To: Robins, Steven A.

Cc: [emilio@ececchi.com](mailto:emilio@ececchi.com); Josh McFeeters ([mcfeej@hotmail.com](mailto:mcfeej@hotmail.com))

Subject: Community III

Good afternoon, Steve-

Some questions, on behalf of both GPI and MTA, in addition to those pending about excavation cross-sections and plans:

(1) Will there be a homeowners' association for Community III (I assume this is the case, and this may have been confirmed in some venue) and how (by what legal mechanism) will owners in the development be bound to support the association, including, in particular funding obligations to the MTA? In this connection, how, currently, are the parcel's obligation to join the MTA and its privilege of access to Grosvenor Place upon development legally documented?

(2) Is Community III in communication with the property management for GPI, in particular the Property Manager, Assistant Property Manager and/or Zalco and how recently?

(3) Do I have Community III's most current set of plans for the development, that is, as submitted to county planning?

(4) You have advised that the people conducting Community III's sound studies advise that leafing on trees and other shrubbery do not affect sound transmission. The inquiries I have since made uniformly dispute that, and there is no such representation in Community III's final sound study, so just what is the basis for the view that leaves and shrubbery do not affect sound

transmission? Is there some accepted authority that the developer's engineers can reference that would be relevant to changes on the development site and with respect to effects at GPI?

Thanks,

Alan

## Attachment 8

Sternstein email

Alan B. Sternstein, Esq.  
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Sternstein email

recommending to another party any matters addressed herein.

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Thank you.

## Attachment 9

*Via Email*

June 3, 2015

Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910  
MCP-Chair@mncpcc-mc.org

Re: Proposed Development on Grosvenor Place

Dear Members of the Planning Board,


My name is Jake Emerson and I am a resident of Grosvenor Park Townhouse Community in Rockville, MD. I am writing to express my support for Community Three Development's planned development of a residential community along Grosvenor Place

The proposed development will enhance our community and activate the highly underutilized wooded area along Grosvenor Place. The plans to extend the sidewalk on Grosvenor Place will improve the walkability and fluidity of the neighborhood. Without drastically increasing the population of the area, the planned development allows additional Montgomery County residents an opportunity to benefit from our excellent location, which includes a short walk to the Grosvenor Metrorail Station, and close proximity to Old Georgetown Road, Rockville Pike, I-270, and I-495.

Some of my neighbors have expressed concern over increased traffic caused by the addition of new residents. The addition of 40 new residents will have an immaterial impact on the flow of traffic for a community that already has 1,000+ households. I have also heard concerns regarding construction vehicles and their potential disruption of traffic flow on Grosvenor Place. Community Three has assured us that construction vehicles will not be parked on Grosvenor Place.

I am flattered Community Three Development chose our community for this project, and I am confident in its ability to develop a top-tier residential project that further enhances the already highly sought-after community of Grosvenor Park. I encourage you to approve Community Three's plans as presented.

Warm regards,



Jake Emerson  
5505 Englishman Place  
Rockville, MD 20852



Lawrence J. Hogan, Jr., *Governor*  
Boyd K. Rutherford, *Lt. Governor*

Pete K. Rahn, *Acting Secretary*  
Melinda B. Peters, *Administrator*

February 12, 2015

RE:           Montgomery County  
              MD 355  
              **Grosvenor Place**  
              **SHA Tracking No. 15APMO005XX**  
              **County No. 120150150, 820150070**  
              Traffic Impact Study  
              Mile Point 4.5

Mr. Ed Axler  
The Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Dear Mr. Axler:

Thank you for the opportunity to review the Traffic Impact Study (TIS) prepared by The Traffic Group, Inc., dated December 26, 2014, for the Grosvenor Place residential development in Montgomery County, Maryland. The State Highway Administration (SHA) review is complete and we are pleased to respond.

The review determined the major report findings and the SHA comments and conclusions as follows:

- Access to the 43 townhouses is proposed via three (3) site access driveways along Grosvenor Place (a private road).
- The study analyzed the following intersections under existing, background and future conditions:
  - MD 355 intersection with Grosvenor Lane
  - Grosvenor Place intersection with Grosvenor Lane
  - Grosvenor Place intersection with Tuckerman Lane
  - Grosvenor Place intersection with Site Accesses
- The report concludes that the study intersections will continue to operate at acceptable levels of service under future conditions.

Based on the information provided, please address the following comments in a point-by-point response:

1. The vehicle turning movement count, the pedestrian count, and the bicycle count in this report for the intersection of MD 355 (Rockville Pike) at Grosvenor Lane were all conducted on Wednesday September 24, 2014. September 24, 2014 was an early release day for Montgomery County Public Schools (MCPS) because of the Rosh Hashanah holiday. As such, the count data for that day may not reflect typical existing

## Attachment 10

traffic conditions. Furthermore, previous SHA count data at the intersection indicated significantly higher traffic volumes than the September 24, 2014 count data especially for the northbound MD 355 through traffic and the westbound Grosvenor Lane left-turn volumes. Given the MCPS holiday schedule and the previous count data, the September 24, 2014 count appears to understate existing traffic volumes at this intersection. Any major underestimation of the existing traffic volumes would have significant implications on any operational analyses (e.g., critical lane volume analyses) for this intersection. Therefore, we recommend the counts for the MD 355 intersection with Grosvenor Lane be repeated.

2. The previous CLV analysis conducted at the MD 355 intersection with Grosvenor Lane in 2011 indicated that that critical lane volume exceeded the Grosvenor policy area congestion standard of 1800 during the morning peak hour. Given these previous CLV results, we recommend HCM analysis be conducted for this intersection. The HCM analysis should be based on new count data for the reasons given in Comment 1. The HCM analysis would be especially informative given the atypical lane configuration and signal phasing at the intersection.
3. The State's fiscally unconstrained Highway Needs Inventory (HNI), the State's long-range plan, includes projects that are critical to Maryland's transportation needs. The HNI includes the 9.3-mile I-270 freeway reconstruction, to include managed lanes and interchanges, between I-495 (Capital Beltway) and I-370/Sam Eig Highway. If and when such improvements proceed, they may affect right-of-way as the current plan calls for future average I-270 right-of-way of 380 feet. From the existing I-270 centerline, 190 feet of right-of-way impinges on the proposed site plan, which calls for building to within approximately 145 feet of the centerline. We recommend revision of the site plan to account for the potential I-270 freeway reconstruction needs.

The SHA will require the submission of six (6) hard copies and one (1) electronic revised traffic impact study and point-by-point response. Please send this information to the SHA Access Management Division addressed to Mr. Steven D. Foster to the attention of Mr. Eric Waltman and reference the SHA Tracking Number on the submission. Unless specifically indicated in the SHA response of this study, the comments contained herewith do not supersede previous comments made on this development. Please keep in mind that you can view the reviewer and project status via the SHA Access Management Division's web page at <http://www.roads.maryland.gov/pages/amd.aspx>. If you have any questions regarding the enclosed traffic report comments, please contact Mr. Waltman at 410-545-5597 or via email at [ewaltman@sha.state.md.us](mailto:ewaltman@sha.state.md.us).

Sincerely,



Steven D. Foster, Chief/Development Manager  
Access Management Division

SDF/elw

cc: Ms. Samantha Biddle, SHA RIPD  
Ms. Rola Daher, SHA DSED



Mr. Ed Axler  
15APMO005XX  
Page No. 3  
February 12, 2015

## Attachment 10

Ms. Mary Deitz, SHA RIPD  
Mr. Grant Epstein, Community Three Development, LLC  
1326 H Street NE, Washington, DC 20002  
Mr. Robert French, SHA CPD  
Mr. Wes Guckert, The Traffic Group, Inc.  
Mr. Scott Holcomb, SHA DSED  
Mr. James Lapping, VIKA  
20251 Century Boulevard, Suite 8400, Germantown, MD 20874  
Mr. Greg Leck, Montgomery County Department of Transportation  
Mr. Mark McKenzie, SHA AMD  
Ms. Anyesha Mookherjee, SHA District 3  
Mr. Scott Newill, SHA AMD  
Mr. Johnson Owusu-Amoako, SHA CPD  
Mr. Steve Rochon, SHA TDSD  
Ms. Tina Saxon, SHA RIPD  
Ms. Lisa Shemer, SHA DSED  
Mr. Errol Stoute, SHA TDSD  
Mr. Eric Waltman, SHA AMD



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Diane R. Schwartz Jones  
Director

May 29, 2015

Mr. Jim Lapping  
VIKA Maryland, LLC  
20251 Century Blvd., Suite 400  
Germantown, MD 20874

Re: Stormwater Management **CONCEPT** Request  
for Grosvenor Place  
Preliminary Plan #: 120150150  
SM File #: 259895  
Tract Size/Zone: 4.13 Ac./R-30  
Total Concept Area: 2.25 Ac.  
Parcel(s): N500  
Watershed: Lower Rock Creek

Dear Mr. Lapping:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via ESD by the use of micro-bioretenion and micro-bioretenion planter boxes.

The following **items** will need to be addressed **during/prior to** the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
5. While the Record Plat (Plat No. 14472) shows an undocumented 100-year floodplain easement, a floodplain study is not required since the floodplain and the 25-foot floodplain BRL are located well within the stream valley buffer.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

# Attachment 10

Mr. Jim Lapping  
May 29, 2015  
Page 2 of 2

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,



Mark C. Etheridge, Manager  
Water Resources Section  
Division of Land Development Services

MCE: dwk CN259895 Grosvenor Place.DWK

cc: C. Conlon  
SM File # 259895

ESD Acres:	2.25
STRUCTURAL Acres:	0.00
WAIVED Acres:	0.00



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett  
County Executive

Clarence J. Snuggs  
Director

May 21, 2015

Ms. Crystal Myers  
Area 2 Division  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Grosvenor Place  
Preliminary Plan No. 120150150  
Site Plan No. 820150070

Dear Ms. Myers:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the applicant's revised plan for the above referenced Preliminary and Site Plans and recommends Approval with the following conditions:

1. All MPDUs must include three (3) bedrooms with a full bath on each bedroom level.
2. The cost of sound attenuation may not be passed on to the MPDUs.
3. An MPDU Agreement to Build must be executed between the applicant and DHCA prior to the release of any residential building permits

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa S. Schwartz", is written over a faint, larger version of the same signature.

Lisa S. Schwartz  
Senior Planning Specialist

cc: Josh Sloan, VIKA Maryland, LLC  
Steve Robins, Lerch Early & Brewer

S:\Files\FY2014\Housing\MPDU\Lisa Schwartz\Grosvenor Place DHCA Letter 5-21-2015.doc

Division of Housing

Affordable  
Housing Program  
FAX 240-777-3709

Multifamily Housing  
Programs  
FAX 240-777-3691

Landlord-Tenant Affairs  
FAX 240-777-3691

Licensing & Registration Unit  
240-777-3666  
FAX 240-777-3699

100 Maryland Avenue, 4th Floor • Rockville, Maryland 20850 • 240-777-0311 • www.montgomerycountymd.gov/dhca

# Attachment 10



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## FIRE MARSHAL COMMENTS

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**DATE:** 07-May-15  
**TO:** Josh Sloan  
VIKA, Inc  
**FROM:** Marie LaBaw  
**RE:** Grosvenor Place  
820150070

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### PLAN APPROVED

1. Review based only upon information contained on the plan submitted **07-May-15**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

**\*\*\* See Statement of Performance Based Design for more information \*\*\***



May 7, 2015

Ms. S. Marie LaBaw, PhD, PE  
Office of the Fire Marshal  
Montgomery County Fire and Rescue Services  
100 Edison Drive, 2<sup>nd</sup> Floor  
Gaithersburg, MD 20850

*Re: Grosvenor Place  
Performance Based Code Design Justification  
Preliminary Plan No. 120150150  
Site Plan No. 820150070  
VIKA #VM1805C*

Dear Marie:

On behalf of our client, Community Three Development, LLC, we are requesting review and approval via performance-based design for the Grosvenor Place project as described below.

The project is located on the south side of Grosvenor Place, in the northwest quadrant of the intersection with Grosvenor Lane. Grosvenor Place is a private road, with a speed limit of 20 miles per hour. The site is bordered by Interstate 270 to the southwest. The community will be comprised of 46 townhouse units with integrated rear-loaded garages served by private alleys. The fronts of the units face a landscaped mews with a common walkway and lead walks to the front doors. Addresses for the units will be located at both the front and rear of the units.

Access to the townhouses is provided through a main side hinge door at the front for all units. The front doors are all less than 150 feet from Grosvenor Place, which serves as the fire lane. Parking is not permitted along the entirety of Grosvenor Place. Enclosed you will find a photo of one of the existing no parking signs posted along Grosvenor Place. Architectural plans are included on the Fire Access Plan. The first, second and third floors will have fire access provided via the main front door, where the height of the third floor window sill will be no more than 27 feet above the measuring point. The measuring point is located 15 feet away from the face of the building. Access will also be provided to the rear of the fourth floor units through the alleys as shown on the plan. No parking signs will be placed along the alley fire lanes.

A partial fourth floor is provided on 39 of the 46 units. Since the fourth floor, or terrace level, will be above the 27-foot requirement, the units have been redesigned to provide compensatory measures (performance based) to ensure the occupants' life safety. Specifically, the penthouse of each unit has a reduced footprint such that a 5-foot minimum corridor is provided from alley to the front of the unit and will be visible from both the alley and the front of the unit. Furthermore, air conditioning units for the homes will be located on top of the buildings, outside the 5-foot minimum corridor. This allows fire protection personnel adequate access to the terrace level and between units via aerial apparatus access. To illustrate the access scenario outlined above we have enclosed the revised Fire Access Plan, which includes building elevations, a schematic floor plan of the terrace level and schematic rooftop perspective for your review.

Fifteen feet of clear, walkable grade is provided along the fronts and sides of all townhouses except for the sides facing the I-270 right-of-way at the ends of the alleys. These units are built against the retaining wall along that

# Attachment 10



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property line. The outer wall along the retaining wall will be built to meet the standards for a noise wall, with no openings to the outside, and therefore does not need walkable grade for firefighter access.

Adjacent to the units there will be a series of raised bio-retention planters and raised planting beds. These planters are adjacent to a five-foot wide sidewalk. The top of each planter wall will be less than 18" above the exterior grade abutting the sidewalk. It's understood that raised planting beds can be utilized operationally for access as long as they do not exceed 18 inches in height. The soil surface within the bio-retention planters will be 16 inches below the top of wall. As described, the walkable grade will be sufficient from a performance-based perspective to accommodate firefighter access and ladder deployment.

We hope that this letter and the revised Fire Access Plan are responsive to your review comments. Please contact me with any questions or if you need additional information.

Sincerely,  
VIKA Maryland, LLC



James Lapping, P.E.  
Senior Project Manager



K:\1501-2000\1805\documents\1805C\PLANNING\SITE DEVELOPMENT\Performance based Justification Letter.2015.0507.docx

**FIRE CODE ENFORCEMENT**

**Fire Department Access Review**

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors, or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.

SML 43 5/7/15

VIKA Maryland, LLC

20251 Century Boulevard, Suite 400 • Germantown, Maryland 20874 • 301.916.4100 Fax 301.916.2262  
Tysons Corner, VA • Germantown, MD • Washington, DC

[www.vika.com](http://www.vika.com)



Grosvenor Place: Speed Limit 20 miles per hour



No Parking permitted along Grosvenor Place





# Attachment 10

DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
*County Executive*

Al R. Roshdieh  
*Acting Director*

May 12, 2015

Mr. Patrick Butler, Senior Planner  
Area 2 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120150150  
Site Plan No. 820150070  
Grosvenor Place

Dear Mr. Butler:

We have completed our review of the preliminary plan dated January 8, 2015. This plan was reviewed by the Development Review Committee at its meeting on March 2, 2015. We recommend approval of the plan subject to the following comments:

1. Grosvenor Place is a privately maintained road. Therefore, MCDOT defers to the MNCP&PC for all site access and improvements along this road.
2. There is a "Rapid Transit Right-of-Way, L. 3480 F.539" shown on the Preliminary Plan. This transitway is no longer planned in the area of this subject property. Per the deed executed 01/17/66, the right-of-way was granted for a period of 15 years, after which, if construction had not begun on the transitway, the right-of-way would become null and void. Also, the approved 1992 North Bethesda/Garrett Park Master Plan does not propose a transitway through the subject property. The consultant should amend this right-of-way note on all plans accordingly.
3. The plans should clearly show the existing bus stops on Grosvenor Place and update them to be ADA compliant. At or before the permit stage, please coordinate with Ms. Stacy Coletta ([stacy.coletta@montgomerycountymd.gov](mailto:stacy.coletta@montgomerycountymd.gov)) of our Division of Transit Services to coordinate improvements to the RideOn bus facilities in the vicinity of this project. Ms. Coletta can be contacted at 240 777-5800.

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**Division of Traffic Engineering and Operations**

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878  
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080  
[trafficops@montgomerycountymd.gov](mailto:trafficops@montgomerycountymd.gov)

# Attachment 10

Grosvenor Place  
Preliminary Plan No. 1-20150150  
May 12, 2015  
Page 2

No needed

4. Prior to approval of the record plat by MCDPS, the applicant will need to enter into a Traffic Mitigation Agreement with the Planning Board and this Department. Within MCDOT, the applicant should coordinate with Ms. Sandra Brecher, Chief of the Division of Transit Services/Commuter Services Section. Ms. Brecher may be contacted at 240-777-5800.
5. A Transportation Policy Area Review (TPAR) payment is not required for this project.
6. The applicant needs to provide a traffic signal warrant analysis for the intersection of Grosvenor Place and Grosvenor Lane. We recommend this signal warrant analysis be submitted and reviewed by MCDOT as a prerequisite of Certified Site Plan approval. If the signal is found to be warranted, its design and construction must be bonded prior to approval of the record plat – with signal activation prior to issuance of the final Use & Occupancy Certificate.

Thank you for the opportunity to review this amended preliminary plan. If you have any questions or comments regarding this letter, please contact William Whelan, our Development Review Area Engineer for this project at [william.whelan@montgomerycountymd.gov](mailto:william.whelan@montgomerycountymd.gov) or (240) 777-2173.

Sincerely,

  
for Gregory M. Leck, Manager  
Development Review Team

120150150\_Grosvenor Place - MCDOT plan review ltr.docx

cc: Jane Przygocki; VIK A Maryland, LLC  
Grant Epstein; Community Three Development, LLC  
John Torti; Torti Gallas  
Steve Robins; Lerch, Early & Brewer, Chtd.  
Glenn Kreger; M-NCPPC Area 2  
Khalid Afzal; M-NCPPC Area 2  
Ed Axler; M-NCPPC Area 2  
Patrick Butler; M-NCPPC Area 2  
Catherine Conlon; M-NCPPC DARC  
Preliminary Plan folder  
Preliminary Plan letters notebook