



St. Elmo Apartments: Site Plan 820170030

NB Neil Braunstein, Planner Coordinator, Area 1, Neil.Braunstein@montgomeryplanning.org, 301.495.4532

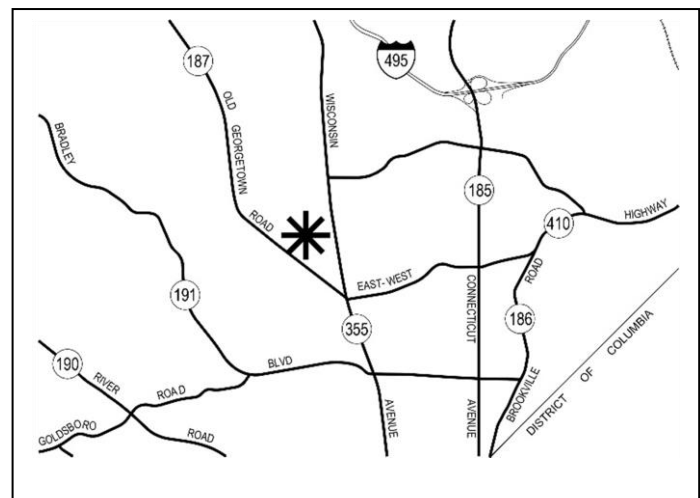
CM Elza Hisel-McCoy, Supervisor, Area 1, Elza.Hisel-McCoy@montgomeryplanning.org, 301.495.2115

PK Robert Kronenberg, Chief, Area 1, Robert.Kronenberg@montgomeryplanning.org, 301.495.2187

Description

Staff Report Date: 5/5/2017

- Up to 263,956 square feet total development consisting of up to 256,300 square feet of multi-family residential uses, consisting of up to 210 dwelling units, including 15% MPDUs, and up to 15,488 square feet of non-residential uses in a 16-story mixed-use building
- Located on the southeast side of St. Elmo Avenue, 300 feet southwest of Norfolk Avenue in the Bethesda CBD
- 0.7 gross acres zoned CR-5.0 C-1.0 R-4.75 H-145 T
- Woodmont Triangle Amendment to the Bethesda CBD Sector Plan* area;
- Application accepted January 18, 2017
- Applicant: 4931 Fairmont Avenue, LLC



Summary

- Staff recommendation: Approval of the site plan with conditions.**
- Building setbacks and tower separation were raised as an issue of concern during review of the application.
- The staff recommendation includes a condition of approval to require future site plan amendments to be in compliance with the pending Bethesda Downtown Sector Plan design guidelines.

SECTION 1: RECOMMENDATION AND CONDITIONS

Site Plan No. 820170030

Staff recommends approval of Site Plan No. 820170030, St. Elmo Apartments, for a total of up to 263,956 square feet of development, including up to 256,300 square feet of multi-family residential uses, consisting of up to 210 dwelling units, including 15% moderately priced dwelling units (MPDUs), and up to 15,488 square feet of non-residential (retail, restaurant, office, or service) uses on approximately 0.7 gross acres in the CR-5.0 C-1.0 R-4.75 H-145T zone. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions¹:

1. Sketch Plan Conformance
The Applicant must comply with the binding elements and conditions of approval for Sketch Plan No. 320150040.
2. Preliminary Plan Conformance
The Applicant must comply with the conditions of approval for Preliminary Plan No. 120150200.

Other Agencies

3. Stormwater Management
The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letter dated February 28, 2017, 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 may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Site Plan approval.
4. Right-of-Way Permitting
The Planning Board accepts the recommendations of the MCDPS – Right-of-Way Permitting Section in its memo dated March 16, 2017, 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 memo, which may be amended by MCDPS – Right-of-Way Permitting Section provided that the amendments do not conflict with other conditions of the Site Plan approval.
5. MPDUs
The Planning Board accepts the recommendations of the Montgomery County Department of Housing and Community Affairs ("MCDHCA") in its letter dated March 23, 2017, 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 memo, which may be amended by MCDHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.

Environment

6. Tree Save
Prior to certification of the Site Plan, the Applicant must submit a revised tree save plan, for review and approval by Staff, which addresses the following:

¹ For the purposes of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor (s) in interest to the terms of this approval.

- a. Show the required offsite mitigation plantings located at 5015 Battery Lane;
 - b. Provide a minimum two years of maintenance and monitoring and replacement warranty on the offsite mitigation plantings;
 - c. Provide final species with correct names;
 - d. Include planting notes and details;
 - e. Provide clear and legible plan notes; and
 - f. Include notes and specifications to protect the roots of existing trees at the offsite mitigation planting location.
7. Prior to certification of the Site Plan, the Applicant must revise the Site Plan and Tree Save Plan to consistently and accurately show the existing street trees near the site and include a street tree exhibit. The Applicant must coordinate with Staff, MCDOT, MCDPS, and the Bethesda Urban Partnership for the final selection of street trees, with the goal of achieving conformance with the Streetscape Guidelines.

Public Use Space, Facilities, and Amenities

8. Public Use Space, Facilities, and Amenities
- a. The Applicant must construct Bethesda CBD streetscape standard on St. Elmo and Fairmont Avenues, including but not limited to street trees, street lighting, brick paving, and the undergrounding of utilities, along the Subject Property's frontage, as shown on the Certified Site Plan.
 - b. Before the issuance of the final use and occupancy certificate, all public open space areas must be completed.
9. Public Benefits
- The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *CR Zone Incentive Density Implementation Guidelines* for each one.
- a. Transit Proximity
The Subject Property is located within ¼ mile of a Metrorail station, which allows the Application to be eligible for Level 1 transit as defined in the Zoning Ordinance.
 - b. Connectivity and Mobility
 - i. Minimum Parking
The Applicant must not provide more than 230 parking spaces on the Subject Property, as shown on the Certified Site Plan.
 - ii. Through-Block Connection
The Applicant must widen and improve the through-block connection between Fairmont Avenue and St. Elmo Avenue, as shown on the Certified Site Plan.
 - c. Diversity of Uses and Activities
 - i. Affordable Housing
The Applicant must provide 15% of the dwelling units as MPDUs on the Subject Property.
 - ii. Small Business Opportunities
The Applicant must allocate the retail space in the building to small businesses. Each retail space may not exceed 5,000 square feet in floor area. The retail spaces must be restricted for at least six years. Prior to submission of a building permit application, the Applicant must record a covenant in the County land records that reflects these restrictions.

- d. Quality of Building and Site Design
 - i. Exceptional Design

The Applicant must construct the building in a manner consistent with the architectural elevations included in the Certified Site Plan.
 - ii. Public Open Space

The Applicant must provide at least 5,336 square feet of public open space on the Subject Property, as illustrated on the Certified Site Plan. The public open space must be directly accessible to a street; open to the public; contain seating, trash receptacles, landscaping, and other amenities; be at least 35 feet wide; and designed so that walls of any residential floor area facing the open space have windows on at least 60 percent of the façade between three and eight feet.
 - iii. Public Art

The Applicant must provide an art piece on the Subject Property, in accordance with Condition 10, as shown on the Certified Site Plan.
 - iv. Structured Parking

The Applicant must provide 230 parking spaces within the below grade structure on the Subject Property.
- e. Protection and Enhancement of the Environment
 - i. Building Lot Terminations (“BLT”)

The Applicant must purchase BLT easements in an amount equal to 7.5% of the incentive density floor area. One BLT must be purchased for each 31,500 square feet of gross floor area. The Applicant must purchase 0.66 BLTs. Prior to issuance of any building permit, the Applicant must provide to Staff documentation of the purchase.
 - ii. Cool Roof

The Applicant must install a cool roof, having a minimum solar reflectance index of 75, covering all roof areas not covered by green roof or mechanical equipment, as shown on the Certified Site Plan.
 - iii. Vegetated Roof

The Applicant must install a vegetated roof with a soil depth of a minimum of eight inches covering a minimum of 33% of the building’s roof, excluding space for mechanical equipment and cool roof, as shown on the Certified Site Plan.

10. Public Art

- a. The Applicant must provide public art on the Subject Property, commensurate with the design concept and representative artwork that was presented to the Art Review Panel on March 21, 2017.
- b. Prior to certification of the Site Plan, the Applicant must present the final public art concept to the Art Review Panel for review and to Staff for review and approval.
- c. The Certified Site Plan must state the name of the art piece and the name of the artist designing the art work, as presented to the Art Review Panel.
- d. The Certified Site Plan must contain site details that clearly indicate the overall dimensions, prescribed materials, necessary lighting fixtures, footers, and fasteners of the art piece.
- e. Prior to issuance of the final use and occupancy certificate, the Applicant must install the art piece on the Subject Property, as shown on the Certified Site Plan.
- f. Prior to Issuance of the final use and occupancy certificate, the Applicant must install signage near the art piece that identifies the title of the work, the artist’s name, materials, completion date, and overall dimensions of the art piece.
- g. Prior to issuance of the final use and occupancy certificate, the Applicant must submit to the Public Art Coordinator with the Maryland – National Capital Park and Planning Commission (M-NCPPC) at

least three images of the artwork installed on-site and information regarding the associated project number, title of the piece, date of completion, description of materials used, and address.

11. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to, pedestrian pathways, landscaping, hardscape, and public open space and appurtenances.

Transportation and Circulation

12. Pedestrian and Bicycle Circulation

- a. The Applicant must provide on the Subject Property a minimum of 96 bicycle parking spaces for private long-term use and seven bicycle parking spaces for public short-term use.
- b. The private bicycle parking spaces must be installed internal to the residential building. The public bicycle spaces must be inverted-U racks or similar approved by Staff prior to certification of the Site Plan and installed in a location convenient and accessible. The specific locations of the public bicycle racks must be identified on the Certified Site Plan and must be consistent across all drawings.
- c. The Applicant must provide minimum 5-foot wide sidewalks along the Subject Property frontage on St. Elmo Avenue and Fairmont Avenue, as illustrated on the Certified Site Plan.

13. Traffic Mitigation

The Applicant must enter into a Traffic Mitigation Agreement (“TMAg”) with the Planning Board and the Montgomery County Department of Transportation (“MCDOT”) to participate in the Bethesda Transportation Management District (“TMD”). The Applicant must execute the TMAg before the release of any above grade building permit for the development.

Housing

14. Moderately Priced Dwelling Units (MPDUs)

- a. The Applicant must provide a minimum of 15% MPDUs within the project on the Subject Property in accordance with the letter from MCDHCA dated March 23, 2017.
- b. Prior to the release of any building permit, exclusive of the sheeting and shoring permit, the Applicant must execute the MPDU agreement to build.

Site Plan

15. Building Height

- a. The development is limited to the maximum height of 174 feet, as measured from the approved building height measuring point shown on the Certified Site Plan.
- b. In the event that a future amendment to the Application proposes to increase the building height based on the 2017 Bethesda Downtown Sector Plan, the entire site and building design must substantially conform to the updated Sector Plan’s design guidelines for building setbacks, articulation, and tower separation.

16. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the Certified Site Plan, as determined by Staff.

17. Landscaping

- a. Before issuance of the final use and occupancy certificate for this Site Plan, all on-site amenities including, but not limited to, streetlights, sidewalks/pedestrian pathways, streetscape and related improvements, hardscape, bicycle facilities, and public open space amenities must be installed.
- b. The Applicant must install the landscaping no later than the first growing season after completion of construction and site work.

18. Lighting

- a. Before approval of the Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the Illuminating Engineering Society of North America (IESNA) recommendations in effect on the date of this resolution for a development of this type.
- b. All down-lighting fixtures must be full cutoff.
- c. Deflectors must be installed on all up-lighting fixtures to prevent excess illumination and glare.
- d. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

19. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit or sediment and erosion control 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 59.7.3.4.k.4 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 surety amount;
- b. The cost estimate must include applicable Site Plan elements including, but not limited to, plant materials, on-site lighting, benches, bicycle racks, trash receptacles, art pieces, vegetated walls, retaining walls, railings, curbs, gutters, sidewalks, and associated improvements; and
- c. The bond or surety must 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 table that will be reviewed and approved prior to the approval of the Certified Site Plan.

21. Certified Site Plan

Before approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the forest conservation exemption letter, stormwater management concept approval letter, development program, and Sketch Plan resolution, Preliminary Plan resolution, and Site Plan resolution on the approval or cover sheet(s).
- b. Add a note stating that "Minor modifications to the limits of disturbance shown on the Site Plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- c. Modify the data table to reflect development standards approved by the Planning Board.
- d. Ensure consistency of all details and layout between Site and Landscape plans.
- e. Remove the curb bump-out that extends into the loading space driveway.

- f. Modify the bicycle parking table to meet the Zoning Ordinance Requirements and to show the same capacities and types of parking as shown on the Site Plan drawings.
- g. Illustrate, as applicable, conformance with all public benefits.

SECTION 2: SITE DESCRIPTION

Site Vicinity

The subject property is located on the southeast side of St. Elmo Avenue, 300 feet southwest of Norfolk Avenue, in the Woodmont Triangle area of the Bethesda CBD. The subject property is surrounded by a mix of commercial, office, retail, and residential uses. The remaining properties within the block bounded by Fairmont Avenue, St. Elmo Avenue, Norfolk Avenue, and Old Georgetown Road, are zoned CR-5.0, C-1.0, R-4.75, H-145T and CR-5.25, C-5.25, R-4.75, H-145T. Directly to the east of the property is a recently constructed 17-story multi-family residential apartment building, known as the Bainbridge Bethesda (formerly The Monty), approved for a maximum of 200 residential dwelling units and 7,700 square feet of non-residential use. The site is within walking distance of the Bethesda and Medical Center Metrorail stations, as well as the future Purple Line and Capital Crescent Trail.



Vicinity Map

Site Analysis

The subject property consists of an assemblage of properties in a subdivision known as "Woodmont" that includes the following: Lots 644 and Parcels P58, P82, P83, P84, P85, P86. The property has a gross tract area of approximately 0.70 acres, or 30,625 square feet. In addition to the property, this application includes the following sites for purposes of FAR averaging, as permitted by Section 4.5.2.B of the Zoning Ordinance: Lots 263, 264, 265, 266 and 267 on Del Ray Avenue (the Del Ray Avenue Sending Properties); Lots 77, 78, and 79 on St. Elmo Avenue (the St. Elmo Sending Properties); and Lots 244 and 245 on Cordell Avenue (the Cordell Sending Properties) (collectively, the Sending Properties). These additional properties are included with this application, for purposes of FAR averaging, for a total gross tract area included in the application of 1.41 acres.

The Property currently is improved with one- and two-story buildings containing commercial uses and associated surface parking, with frontage on both Fairmont Avenue and St. Elmo Avenue. The Sending Properties are currently improved with various low-rise commercial uses and/or associated surface parking. The site contains no forest, streams, wetlands, or environmental buffers. There are no known rare, threatened, or endangered species on site; there are no 100-year floodplains, stream buffers, or wetlands on site. There is one specimen tree located on the site. There are no historic properties on site. The site is served by public water and public sewer.

SECTION 3: PROJECT DESCRIPTION

Previous Approvals

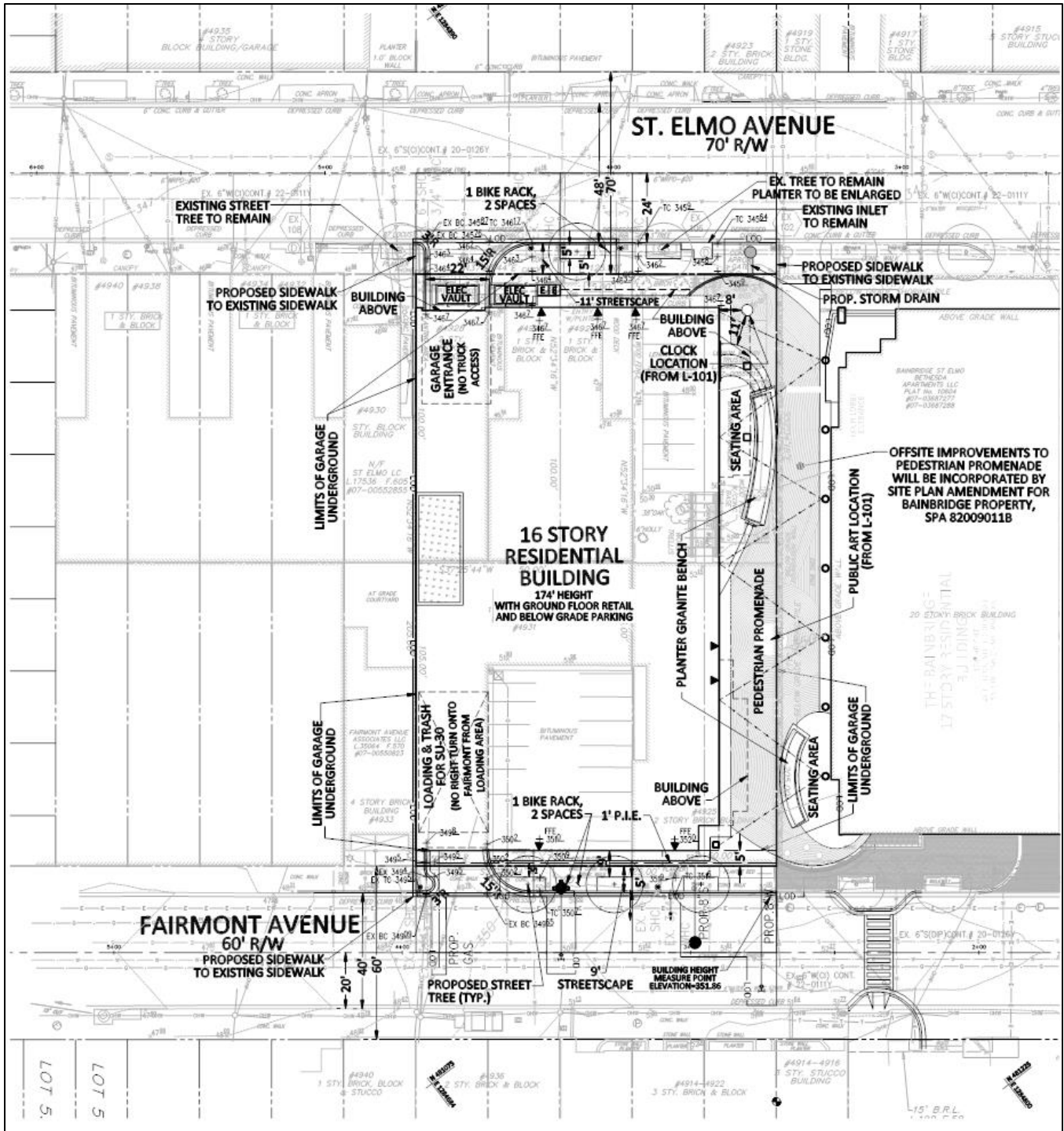
On February 19, 2015, the Planning Board approved Sketch Plan 320150040 (MCPB 15-17) for a maximum total density of 263,956 square feet, including up to 256,300 square feet of multi-family residential development and up to 15,488 square feet of non-residential development including up to 10,000 square feet of office uses and up to 6,000 square feet of retail uses, with a maximum building height of 174 feet. The approval included a density transfer from three sites, which transferred 79,750 square feet of residential floor area to the subject property and 15,137 square feet of non-residential floor area from the subject property to the sending sites, resulting in a net transfer of 64,613 square feet of floor area to the subject property.

On December 10, 2015, the Planning Board approved Preliminary Plan 120150200 (MCPB 15-144), which created one 25,625-square-foot lot for the uses noted above. The adequate public facilities (APF) approval for the preliminary plan was approved for the mix of uses or noted above, or any other combination of non-residential uses that will not generate more than the same number of vehicular trips.

Proposal

Uses and Densities

The applicant proposes to construct a 16-story mixed-use development, containing up to 210 dwelling units (up to 256,300 square feet), including 15% moderately priced dwelling units (MPDUs), and up to 15,488 square feet of non-residential development, which will consist of any combination of non-residential uses that will not generate more than the approved number of vehicular trips, and up to 174 feet in height. The project is being developed under the optional method of development, with the use of bonus density MPDUs and FAR averaging. The project is being developed at a maximum floor area ratio (FAR) of 8.62, which includes the 22% residential density bonus afforded by the provision of the 15% MPDUs, as allowed in CR zones with a "T" designation.



Site Plan

Buildings

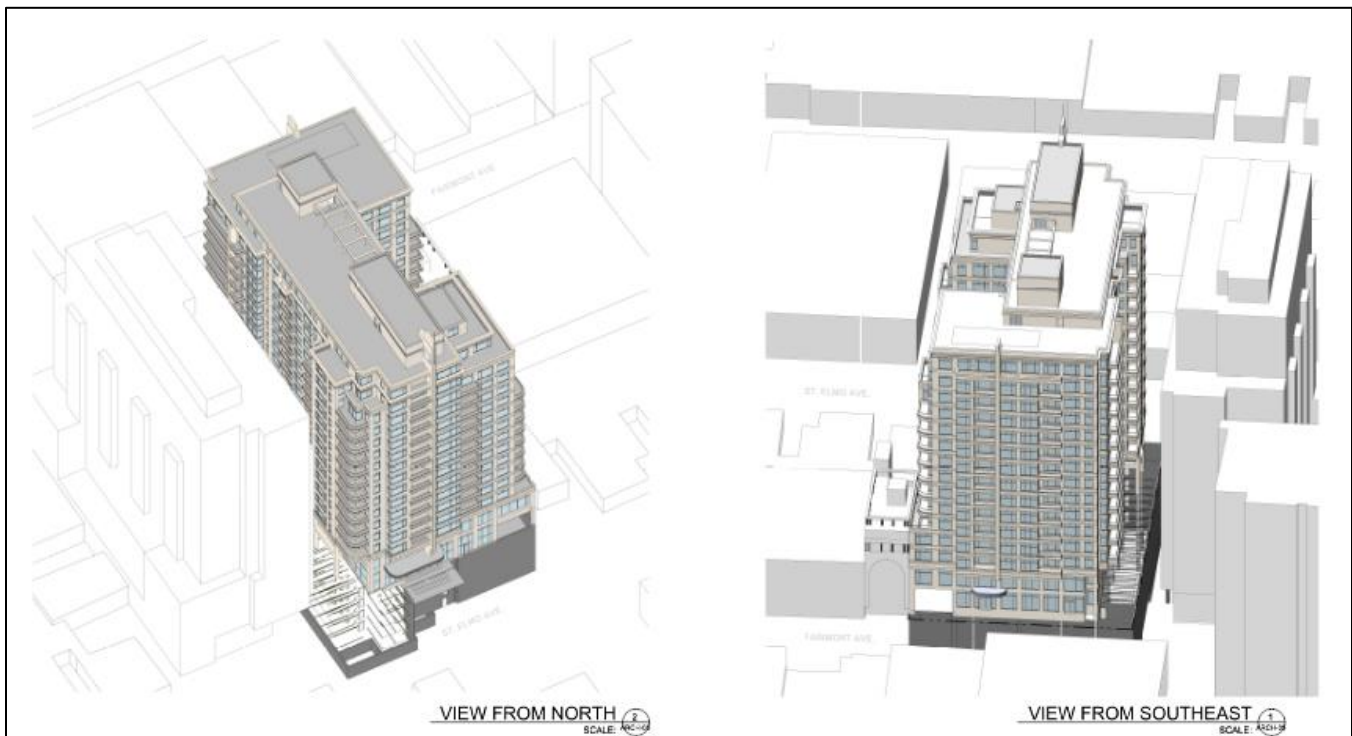
The art deco style building has been designed to respond to the pedestrian- and transit-oriented nature of the Woodmont Triangle area. The building base has been set back from both St. Elmo Avenue and Fairmont Avenue, consistent with adjacent properties. The project continues the building line established by the Bainbridge Bethesda building on St. Elmo Avenue and by the adjacent townhouse on Fairmont Avenue, in order to create a continuous building line along these frontages.

At the pedestrian level, the façades are primarily glass, in order to provide transparency into the ground floor uses to actively engage the street.

The massing of the building has been arranged to maximize both street frontages. The building has articulated massing to modulate the overall height and mass of the structure. While this articulation is distinct in form, it has been designed to complement the architectural massing of the adjacent Bainbridge building. The project's projections and recesses emphasize the building's verticality, increasing its street presence and architectural interest. These plane changes offer opportunities for corner windows and balconies, which is an added amenity for residents. Balconies are utilized along all frontages to activate the development and emphasize the residential character of the building. According to the applicant, these balconies, along with belt courses and articulations, weave horizontal accents into the overall verticality, to create an "intricate and eloquent plaid."

From the 12th floor to the 15th floor, each level steps back along the Old Georgetown Road exposure more than the level immediately below for a tiered approach. This is enhanced by the projections and setbacks on the St. Elmo Avenue façade. A vertical accent fin will provide additional articulation and visual interest.

During review of the application, staff expressed concern at the narrowness of the separation between the proposed building and the adjacent Bainbridge Bethesda development along the through-block connection, which is illustrated at 23 feet at its narrowest. Staff recommended that the proposed building step back from the through-block connection to ensure sufficient sunlight and views to the sky. The applicant argued that since the issue was not raised during review of the sketch plan application, upon which they had developed their site plan design, it was no longer timely to make that recommendation. In discussions between the applicant, the Planning Director, and staff, it was agreed to allow the site plan design to remain as proposed. However, if the applicant redesigns the building to accommodate additional height afforded by the pending Sector Plan update, the staff recommendation for this site plan includes a condition that requires the entire site and building design to be in substantial conformance with the updated sector plan's design guidelines.



Illustrative Building Massing

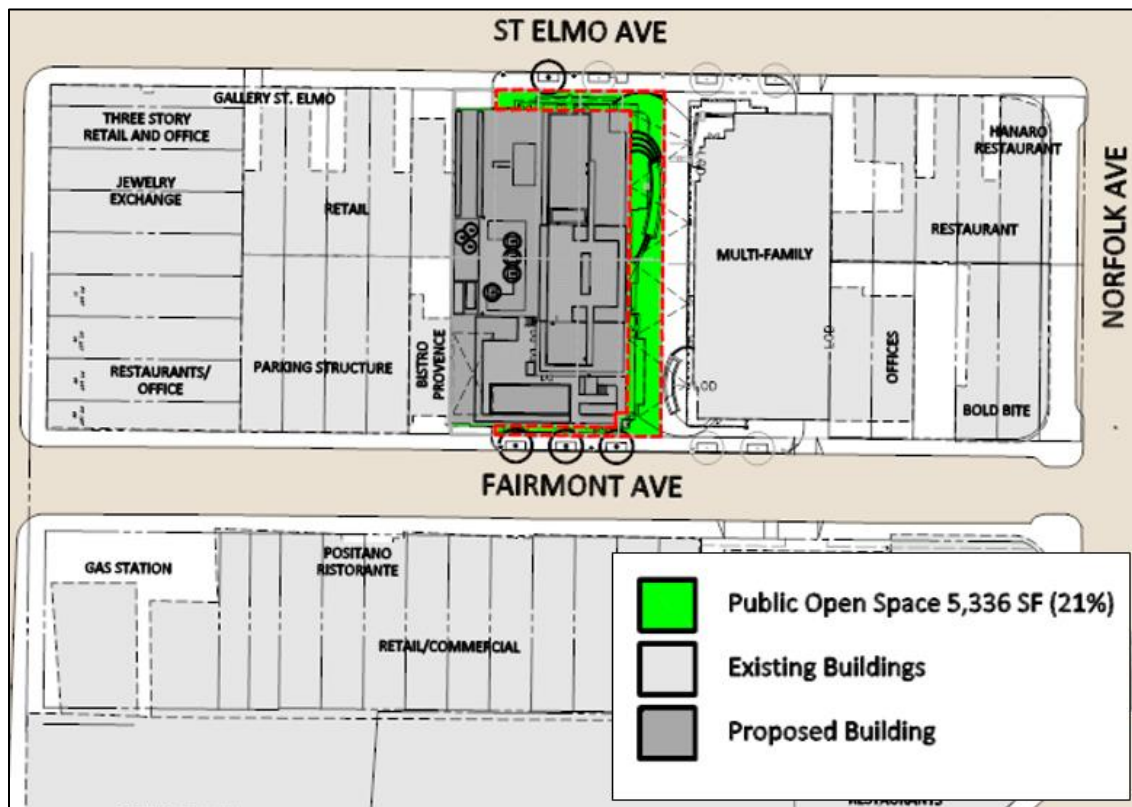


Illustrative Building Rendering

Open Space

Under the optional method of development in the CR Zone (given that the lot area for the property is under one acre and does not have frontage on more than two existing and planned right-of-way frontages), the applicant is not required to provide on-site public open space. However, the project will provide approximately 21% of the total net lot area as public open space (5,336 square feet).

As its public open space, the project proposes the expansion of the mid-block connection built for the adjacent Bainbridge Bethesda property to the northeast (Site Plan 820090110). This co-location is intended to maximize the size and quality of the public space, creating a more significant mid-block pedestrian connection as envisioned in the Sector Plan. Although the open space will be on two separate properties, the applicant is working with the owners of the Bainbridge Bethesda property to design both spaces as one cohesive passageway.



Open Space Plan

Public Art

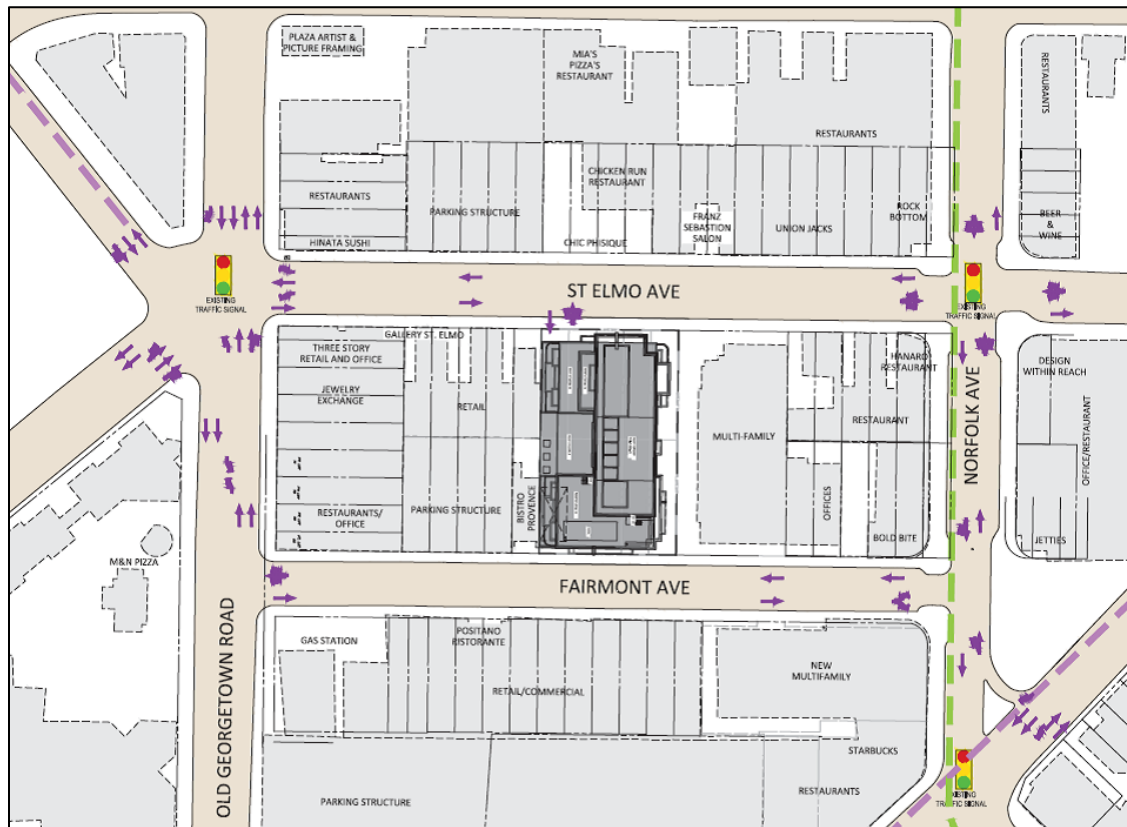
The project includes an art piece in the public open space between the proposed building and the adjacent Bainbridge Bethesda building. This location provides visibility from the length of Fairmont Avenue and St. Elmo Avenue and from the pedestrian walkway. The applicant has not selected the specific piece yet, but it will be selected from one of three artists whose work was presented to the Art Review Panel on April 12, 2017: Tony Cragg, Ursula van Rydingsvard, and Jaume Plensa. The applicant is required to make a final selection and present it to the Art Review Panel before the site plan is certified.

Circulation

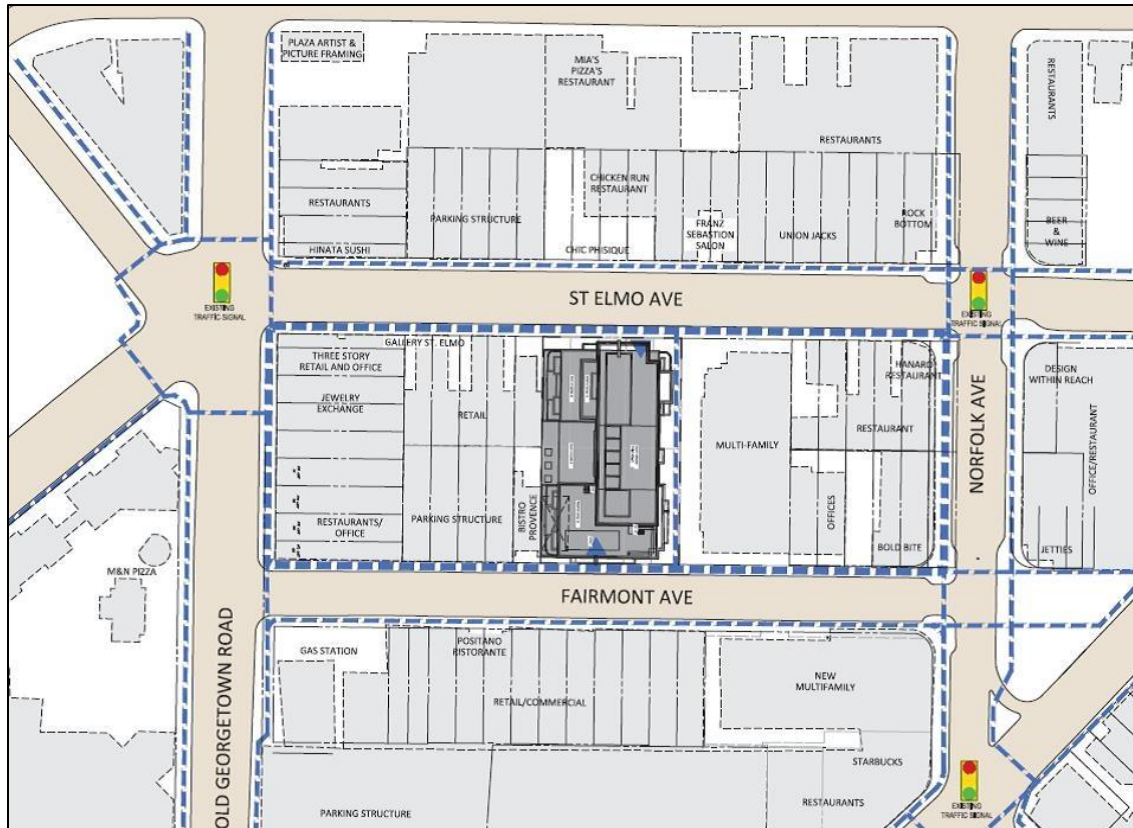
Street access to the subject property is provided by St. Elmo Avenue and Fairmont Avenue. A driveway from St. Elmo Avenue, at the west corner of the site, will provide vehicular access to the structured below-grade parking

garage containing 230 parking spaces. A second driveway from Fairmont Avenue, at the south corner of the site will provide loading access.

Pedestrian access will be provided by sidewalks on St. Elmo Avenue and Fairmont Avenue. Bicycle access to the property will be provided along both St. Elmo Avenue and Fairmont Avenue. Additionally, the site will build upon the existing through-block pedestrian connection established along the northeast property line, by Bainbridge Bethesda. This through-block connection is approximately 200 linear feet in length and is proposed to be widened from its existing width of approximately 20 feet to approximately 40 feet.



Vehicular Circulation



Pedestrian Circulation

FAR Averaging

The project is being developed with the use of FAR Averaging (density transfer) from several sending properties in the Woodmont Triangle area. The density transfer was approved with approval of the sketch plan and preliminary plan applications in 2015. The density transfer will send 79,750 square feet of residential floor area from the sending sites to the subject property. In addition, 15,137 square feet of commercial floor area will be sent from the subject property to one of the sending properties. The sending sites will retain sufficient density to be developed under the standard method of development, including existing buildings on those properties. A recorded instrument for each sending property will limit the properties to this amount of development. Any attempt to develop the sending properties at a density higher than standard method would trigger a sketch plan amendment, and this would alert staff to the fact that the densities are limited to standard method. The combination of the recorded instruments and the sketch plan amendment process will ensure that an application is not processed for an inappropriate increase in density.

Environment

Noise

The proposed development provides residential units within a busy urban environment that may produce adverse levels of noise impacts. To address the associated development standards regarding noise mitigation, the applicant coordinated with an engineer specializing in acoustics. Phoenix Noise & Vibration, LLC, conducted an analysis of transportation noise impact upon the multi-family dwellings (*St. Elmo Apartments Phase I Noise Analysis*, September 14, 2015).

The noise analysis confirms that some of the proposed dwelling units would be subject to levels of noise in excess of the noise guidelines. However, appropriate treatments of the building shell, windows, and doors could mitigate the interior noise to acceptable levels. The outdoor common space areas are not overly impacted by

noise levels and do not require mitigation. The previously approved preliminary plan application includes conditions of approval to ensure that appropriate mitigation is provided.

Landscape/Street Trees

The Sector Plan provides recommendations (on pages 194-195) for specific street tree species within the CBD. Honey locusts - *Gleditsia tiacanthos inermis* 'Shademaster' are recommended for Fairmont Ave, and Sophora japonica are recommended for St. Elmo Avenue. The Sector Plan also states that it is important to try to achieve a consistent species for visual unity. However, the Bethesda Urban Partnership (BUP) has expressed multiple concerns over the use of Sophora trees, noting the relatively large ultimate size of the tree, which creates conflicts in some of the more constrained settings. Also, concerns were expressed for the "mess" that is seasonally dropped from the trees as flower petals and seed pods have reportedly been tracked in to businesses.

The existing street trees along St. Elmo Avenue appear to have a mix of species, including some of the Sector-Plan-recommended Sophora trees (in addition to other species). The application does not consistently and accurately reflect the existing street trees near the site. Therefore, staff is recommending a condition of approval that the applicant prepare a street tree exhibit and coordinate with Planning Department staff, MCDOT, MCDPS and BUP for the final selection of street trees, with the goal to achieve visual unity of the streetscape plantings.

The project will provide streetscape improvements along Fairmont Avenue and will maintain the streetscape improvements recently implemented along the Property's frontage on St. Elmo Avenue, consistent with the current Bethesda Streetscape Standards.

Community Outreach

The applicant has complied with all submittal and noticing requirements. As of the date of this staff report, staff has not received any correspondence on the application.

SECTION 4: SITE PLAN ANALYSIS AND FINDINGS

1. *When reviewing an application, the approval findings apply only to the site covered by the application.*

2. *To approve a site plan, the Planning Board must find that the proposed development:*

a. satisfies any previous approval that applies to the site;

The Planning Board approved Sketch Plan 320150040 on February 19, 2015, and Preliminary Plan 120150200 on December 10, 2015. This site plan application is consistent with the development approved under the previous sketch plan and preliminary plan applications.

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;

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

- 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;*

This section is not applicable as the subject property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

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

i. *Division 4.5. Commercial/Residential Zones*

Development Standards

The project covers approximately 0.7 gross acres zoned CR-5.0 C-1.0 R-4.75 H-145T. The following table, Table 1, shows the application's conformance to the development standards of the zone.

Table 1 - Site Plan Project Data Table				
Section	Development Standard	Permitted/ Required	Approved in Sketch Plan and Preliminary Plan	Proposed in Site Plan
59 – 4	Gross Tract Area (sf)	n/a	30,625	30,625
	Dedications	n/a	5,000	5,000
	Net Lot Area	n/a	25,625	25,625
4.5.4.B.2.b	Density CR-5.0 C-1.0 R-4.75, H-145T			
	Commercial FAR/GFA	1.0/30,625	0.51/15,488	0.51/15,488
	Residential FAR/GFA	4.75/145,469	8.37/256,300	8.37/256,300 ²
	TOTAL FAR/GFA	5.0/153,125	8.62/263,956	8.62/263,956
4.5.4.B.2.b	Building Height (feet) CR-5.0 C-1.0, R-4.75, H-145T	174 ³	174	174
4.5.4.B.3	Minimum Setback (feet)			
	From R.O.W.	0	0	0
	Rear	0	0	0
	Side	0	0	0
4.5.4.B.1	Open Space Public Open Space (%/sq. ft.)	0/0	20/5,150	20.8/5,336
6.2	Parking spaces, minimum-maximum	166-358	230	230

² The residential density (and, consequently, total density) exceeds the permitted amount because 79,750 square feet of residential density was transferred to the subject property through FAR averaging with approval of the Sketch Plan 320150040 and Preliminary Plan 120150200 and because the application receives a 22% density bonus for provision of 15% MPDUs.

³ Height allowed by Sector Plan if the project provides at least 15% MPDUs. The project meets the height requirements contained in Section 4.5.2.C of the Zoning Ordinance for properties zoned CR with a height designation of "T." The "T" designation permits even greater heights on the subject property, but the height is limited to 174 feet per the Sector Plan.

Form Standards

The site plan conforms to the intent of the form standards, including transparency, blank walls and active entrances. The project proposes significant glass features at the ground-level for transparency as well as activating features on the ground-floor level, including the through-block connection and along the Fairmont Avenue and St. Elmo Avenue facades. From the 12th floor to the 15th floor, each level of the building steps back along the Old Georgetown Road exposure more than the level immediately below for a tiered approach. This is enhanced by the projections and setbacks on the St. Elmo Avenue façade. A vertical accent fin will provide additional articulation and visual interest.

ii. Division 4.7 Optional Method Public Benefits

In accordance with the Zoning Ordinance, Section 59-4.7.1, the site plan application provides the following public benefits categories to satisfy the requirements: Transit Proximity, Connectivity and Mobility, Diversity of Uses and Activities, Quality of Building and Site Design, and Protection and Enhancement of the Natural Environment.

Table 2 - Site Plan Public Benefits Calculations			
Public Benefit	Incentive Density Points		
	Approved in Concept Under Sketch Plan	Requested	Recommended
4.7.3.B: Transit Proximity	40	40	40
4.7.3.C: Connectivity and Mobility			
Minimum Parking	7	7	7
Through Block Connection	10	10	10
4.7.3.D: Diversity of Uses and Activities			
Affordable Housing	30	30	30
Small Business Opportunity	10	10	10
4.7.3.E: Quality of Building and Site Design			
Exceptional Design	5	5	5
Public Open Space	20	20	20
Public Art	12	12	12
Structured Parking	20	20	20
4.7.3.F: Protection and Enhancement of the Natural Environment			
Building Lot Termination (BLT)	6	6	6
Cool Roof	10	10	10
Vegetated Roof	10	10	10
TOTAL	180	180	180

Transit Proximity

The subject property is located within ¼ mile of the entrance to the Bethesda Metrorail Station, which allows the development to be eligible for Level 1 transit as defined in the Zoning

Ordinance. Staff recommends the full 40 points as provided in the Zoning Ordinance for CR-zoned properties that are within ¼ mile of a Metrorail station.

Connectivity and Mobility

Minimum Parking: The application proposes fewer than the maximum number of allowed parking spaces. The maximum number of allowed spaces is 358, but the application will provide 230 spaces.

The points are calculated as follows:

$$[(358/230)/(358/166)]*10 = 7.2$$

Through Block Connection: The applicant requests 10 points for providing a safe and attractive pedestrian connection between streets. Per the CR Guidelines, 10 points are appropriate for connections that are open-air, at least 15 feet wide, and open to the public at least between 8:00 a.m. and 9:00 p.m. Staff recommends 10 points.

Diversity of Uses and Activities

Affordable Housing: The applicant requests 30 points for providing 15% of the multi-family units as MPDUs. The incentive density points for MPDUs are calculated as a percentage of the total number of dwelling units. The application requests approval of a range of total units. The maximum number of total dwelling units is 210, which would result in 32 MPDUs. The points are calculated as follows:

$$(15-12.5)*12+0*2+0*5 = 30$$

Small Business Opportunities: The Applicant requests 10 points for providing retail bays that are less than 5,000 square feet. Ten points are appropriate for developments that provide retail bays for on-site space for small, neighborhood-oriented businesses of no more than 5,000 square feet. Staff supports 10 points for this benefit.

Quality of Building and Site Design

Exceptional Design: The applicant requests five points for building or site design that enhances the character of a setting. Per the CR Guidelines, incentive density of 5 points is appropriate for development that meets at least four of the guideline criteria. The project provides innovative solutions in response to the immediate context; creates a sense of place and serves as a landmark; enhances the public realm in a distinct and original manner; introduces materials, forms, or building methods unique to the immediate vicinity or applied in a unique way; uses design solutions to make compact infill development living, working and shopping environments more pleasurable and desirable; and integrates low-impact development methods into the overall design of the site and building, beyond green building or site requirements. Staff recommends five points.

Public Open Space: The applicant requests 20 points for providing open space when no open space is required. Points for this incentive are granted on a sliding scale based on the percentage of the net lot area. The application proposes 5,336 square feet of open space for a total of 20 points. The open space will be directly accessible to a street; open to the public; contain seating, trash receptacles, landscaping, and other amenities; be at least 35 feet wide;

and designed so that walls of any residential floor area facing the open space have windows on at least 60 percent of the façade between three and eight feet.

The points are calculated as follows:

$$(5,336/25,625)*100 = 20$$

Public Art: Rather than commissioning a specific work of art for the application, the applicant will select an artwork from one of three artists whose work was presented to the Art Review Panel on April 12, 2017. The applicant requests 12 points for installing public art on-site. The artwork will meet at least 7 of the 8 goals outlined in the CR Guidelines. Staff recommends 12 points.

Structured Parking: The applicant requests 20 points for structured parking consisting of 230 below-grade spaces. This incentive is granted on a sliding scale based on the percentage of spaces provided above and below grade.

The points are calculated as follows:

$$[(0/230)*10] + [(230/230)]*20 = 20$$

Protection and Enhancement of the Natural Environment

Building Lot Termination: The applicant must purchase BLT easements in an amount equal to 7.5% of the incentive density floor area. One BLT must be purchased for each 31,500 square feet of gross floor area. With these parameters, the applicant must purchase 0.66 BLTs, for six points.

The points are calculated as follows:

$$((279,218*7.5\%)/ 31,500)*9 = 6$$

Cool Roof: All roof areas not covered by green roof or mechanical equipment will be covered by a cool roof having a minimum solar reflectance index of 75. Staff recommends ten points.

Vegetated Roof: The applicant will provide vegetated roofs with a soil depth of at least eight inches and covering at least 33% of the total roof excluding space for mechanical equipment and cool roof. Staff recommends 10 points.

iii. Division 6.1. Site Access

A driveway is proposed to be on the St. Elmo Avenue frontage to provide access to the parking garage, and another driveway will be located on the Fairmont Avenue frontage to provide access to loading. These driveways will provide well-integrated access from St. Elmo Avenue and Fairmont Avenue to the subject property.

iv. Division 6.2. Parking, Queuing, and Loading

The project's proposed building will use an underground parking garage and loading spaces for adequate off-street parking and loading.

v. Division 6.3. Open Space and Recreation

Although the project is not required to provide public open space, it will provide 5,336 square feet (20.8% of the net lot area) of public open space on the subject property. The public open space will be combined and coordinated with the open space on the adjacent property (Bainbridge Bethesda) in order to provide a single cohesive space, which will serve as a pedestrian walkway through the block. Recreational amenities will be provided within the building for residents. The application meets the Recreation Guidelines.

vi. Division 6.4. General Landscaping and Outdoor Lighting

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by residents, employees, and visitors. The application will transform existing streetscape along the frontages on St. Elmo Avenue and Fairmont Avenue and the public open space with new trees, improved sidewalk, and lighting.

vii. Division 4.1. Rules for All Zones

Section 4.1.7.C.2.a. states that building height is measured from the level of the curb opposite the middle of the front of the building. However, the section also states that, in the case of a through lot with two frontages, the Planning Board may approve an alternative building height measurement location, which must be at the curb grade anywhere along on of the two frontages. The Planning Board's approval must be in consideration of compatibility and the height variation on the site.

The applicant is requesting approval of an alternative building measurement location at the curb grade along the frontage of Fairmont Avenue, at the property line closest to Norfolk Avenue (instead of at the center of the building). The requested building measurement location is only 1.4 feet higher in elevation than the otherwise-required location at the center of the building, resulting in a negligible increase in building height. The less-than-two-foot increase in building height will not have a noticeable effect on the building's compatibility with its surroundings. Staff recommends approval of the alternative building height measurement location.

As shown in the Development Standards table, the site plan application meets all of the general requirements and development standards of Section 4.5 of the Zoning Ordinance, the optional method public benefits provisions of Division 4.7 of the Zoning Ordinance, and the general development requirements of Article 59-6 of the Zoning Ordinance.

e. satisfies the applicable requirements of:

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

The MCDPS Stormwater Management Section approved the stormwater management concept on February 28, 2017. According to the approval letter, the stormwater management concept meets stormwater management requirements via environmental site design to the maximum extent practicable through the use of micro-bioretenion and green roof, and a partial waiver.

ii. *Chapter 22A, Forest Conservation.*

Forest Conservation Exemption #42016068E was confirmed for the subject property on November 3, 2015. The application qualifies for a small property exemption under Section 22A-5(s)(2) of the Montgomery County Forest Conservation Law, since the proposed activity occurs within a tract of land smaller than one acre with no forest or existing specimen trees or champion trees present, and the afforestation requirements would not exceed 10,000 square feet.

However, there is one specimen tree located on the subject property that the application proposes to remove. The removal of the specimen tree triggers the tree save plan provision of the Forest Conservation Law under 22A-6(b). The tree save plan requirements must be based on the size and character of the trees to be cleared. Consistent with condition number 6, the mitigation planting of four, three-inch caliper trees must occur onsite or within the Bethesda CBD. The applicant has tentatively obtained permission for the use of a suitable offsite location that is within the CBD. The staff recommendation includes several conditions of approval to ensure that the plantings are appropriately installed and maintained for a reasonable period of time.

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

The site plan application has been designed to ensure that the locations of all buildings, structures, parking lots, open spaces, landscaping and site amenities will be safe and well-integrated. The subject property, located within the Woodmont Triangle Study Area, is within convenient walking distance to various public transit resources, including the Bethesda and Medical Center Metro Stations, WMATA buses, Ride-on buses, the Bethesda Circulator, and public parking garages. As such, visitors to the building are expected to make use of multiple modes of transit. The proposed driveways will ensure safe access to the subject property.

The application will improve pedestrian circulation on St. Elmo Avenue and Fairmont Avenue and contribute to the emerging pedestrian network in the Woodmont Triangle by providing new streetscape and an improved pedestrian walkway through the block. Both street frontages will be activated by street-level retail.

With respect to resident amenities, the application creates opportunities for courtyard and patio space on the third floor and on the 16th floor. The 16th floor amenities include a party room, a roof deck, and a swimming pool.

The scale of the building will be appropriate for the location, with heights that establish a proper relationship with surrounding existing and planned buildings, and with the larger-scale buildings in the Woodmont Triangle District. The overall massing is oriented with the tallest portion of the building in a bar that is near the adjacent Bainbridge Apartments, another high-rise building. The building steps down to the southwest, towards the lower-rise buildings near Old Georgetown Road. The staff recommendation includes a condition of approval that requires the applicant to further reduce the mass of the building by creating step-backs in the building facades that face the two street frontages.

During review of the application, staff expressed concern at the narrowness of the separation between the proposed building and the adjacent Bainbridge Bethesda development along the through-block connection, which is illustrated at 23 feet at its narrowest. Staff recommended to the applicant that the proposed building step back from the through-block connection to ensure sufficient sunlight and views to the sky. The applicant argued that since the issue was not raised during review of the sketch plan application, upon which they had developed their site plan design, it was no longer timely to make that recommendation. In discussions between the applicant, the Planning Director, and staff, it was agreed to allow the site plan design to remain as proposed. However, if the applicant redesigns the building to accommodate additional height afforded by the pending Sector Plan update, the staff recommendation for this site plan includes a condition that requires the entire site and building design to be in substantial conformance with the updated sector plan's design guidelines.

- 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 application substantially conforms to the recommendations for the subject property included in the *Woodmont Triangle* Amendment to the *Bethesda CBD Sector Plan*. The subject property is designated as Block 44, which is recommended for a FAR of 5.0 (not including the MPDU bonus density) and MPDU bonus height up to 174 feet.⁴ The subject property is located in the area of the Woodmont Triangle that is closest to the Bethesda Metro Station. It is recognized in the Sector Plan that properties in Block 44 are suitable for higher density because of the proximity to transit. The subject property also is within the area designated as a Density Transfer Area. Specifically, the Project furthers the following goals as outlined in the Sector Plan:

- *Housing – Provide opportunities to increase the supply of housing to serve a variety of income levels.*
The application will provide up to 210 dwelling units, containing diverse housing opportunities by including a variety of market-rate unit sizes and layouts and 15% MPDUs to facilitate the availability of new housing, in a range of types and rents, within walking distance of the Metro.
- *Small-scale Retail – Provide opportunities to retain existing businesses and expand opportunities for new businesses.*
Through the use of density averaging, the sending properties will remain as existing small-scale developments, while simultaneously allowing for the development of a larger mixed-use project on the subject property. Additionally, the application also will provide street activating uses, such as ground-floor retail on both St. Elmo Avenue and Fairmont Avenue. The application is seeking public benefit points in this category.
- *Safe and Attractive Streets – Focus on improving the safety and character of the existing streets.*
The application will provide streetscape improvements along Fairmont Avenue and St. Elmo Avenue per the current Bethesda Streetscape Standards. The expansion of the mid-block connection will create an active and safe pedestrian environment. The pedestrian mid-block connection will provide a more efficient means of transportation for pedestrians navigating

⁴ Per Section 4.5.2.C of the Zoning Ordinance, the Project meets the height requirements contained for properties zoned CR with a height designation of "T". The "T" designation permits greater heights on the Subject Property, but the Woodmont Triangle Amendment limits the height for Block 44 to 174 feet, which the Project is consistent with.

through the Woodmont Triangle area and will provide a pedestrian space that is separate from vehicular traffic.

- *Public Amenities – Increase flexibility in providing the public use space through optional method of development by allowing off-site and on-site fulfillment of this requirement, and by identifying a list of priority public amenities.*

The Sector Plan lists priority public use space and amenities for the Woodmont Triangle area, which include: streetscape improvements; north-south, mid-block pedestrian connections for the blocks located between Old Georgetown Road and Norfolk Avenue; diverse urban spaces including public use space on-site; and public art. Public spaces in the Woodmont Triangle area are encouraged to support retail and an active pedestrian environment. The application will provide a north-south public mid-block pedestrian connection to create smaller, more pedestrian-friendly blocks and a generous public use space. The pedestrian pass-through will also provide an inviting pedestrian environment that will activate the street and support the ground-floor retail included as part of the Project.

- 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 the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

In approving Preliminary Plan 120150200 on December 10, 2015, the Planning Board found that the proposed development will be served by adequate public facilities, including police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

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

The subject property is not located in a Rural Residential or Residential zone.

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

The application will provide a mix of uses on-site, including a significant amount of new residential development and ground floor retail for small-scale business opportunities with a building height of 174 feet, as allowed in the CR-5.0, C-1.0, R-4.75, H-145T zone. The Sector Plan encourages the transfer of density to retain the smaller-scale commercial and retail developments, while simultaneously allowing for the development of larger mixed-use projects in the Woodmont Triangle area. Through the use of density averaging, the sending properties will remain as existing small-scale developments, while simultaneously allowing for the development of a larger mixed-use project on the subject property. The height and densities proposed by the application are compatible with the desired character of the Woodmont Triangle area.

The scale of the building will be appropriate for the location, with heights that establish a proper relationship with surrounding existing and planned buildings, and with the larger-scale buildings in the Woodmont Triangle District. The overall massing is oriented with the tallest portion of the

building in a bar that is a near the adjacent Bainbridge Apartments, another high-rise building. The building steps down to the southwest, towards the lower-rise buildings near Old Georgetown Road. The staff recommendation includes a condition of approval that requires the applicant to further reduce the mass of the building by creating step-backs in the building facades that face the two street frontages.

During review of the application, staff expressed concern at the narrowness of the separation between the proposed building and the adjacent Bainbridge Bethesda development along the through-block connection, which is illustrated at 23 feet at its narrowest. Staff recommended to the applicant that the proposed building step back from the through-block connection to ensure sufficient sunlight and views to the sky. The applicant argued that since the issue was not raised during review of the sketch plan application, upon which they had developed their site plan design, it was no longer timely to make that recommendation. In discussions between the applicant, the Planning Director, and staff, it was agreed to allow the site plan design to remain as proposed. However, if the applicant redesigns the building to accommodate additional height afforded by the pending Sector Plan update, the staff recommendation for this site plan includes a condition that requires the entire site and building design to be in substantial conformance with the updated sector plan's design guidelines.

CONCLUSION

The project complies with the general requirements and development standards of Section 4.5, the optional method public benefits provisions of Division 4.7, and the general development requirements of Article 59-6 of the Zoning Ordinance. The project substantially conforms with the goals and recommendations of the *Woodmont Triangle Amendment to the Bethesda CBD Sector Plan*. Therefore, staff recommends approval of Site Plan No. 820170030 with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Site Plan

Attachment B: Resolutions Approving Sketch Plan 320150040 and Preliminary Plan 120150200

Attachment C: Agency Correspondence Referenced in the conditions

FAIRMONT AVENUE PROPERTY

BRICK CEMENT	185.0000
LESS C TRANSFER TO SENDING PROPERTY	15.1375
TOTAL RESIDENTIAL DENSITY	210.0862

PARKING REQUIREMENTS IN BETHESDA PARKING LOT DISTRICT

TOTAL SPACES	104	331	259
*NOTE: PREFERRED MAJOR OR FILLER TOTALS COME AS TWO SPACES EACH AND PUBLIC COMMENTS ARE CALCULATED FROM THE 228 ON 210 SPACES. MINOR OTHER RESULTS BY THE LOW OF THE			

ARTICLE 67-612-221(1)(b)(ii)-CCL, Petition of a Petitioner

On	136.6	142.9	216.9	108.6	140.8
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THE CASHING CO.,
CITE INSIGHT
CHIEF FINANCER

CONCLUSIONS

[illegible]

PROJ (2019) 2:26

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MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

FEB 25 2015

MCPB No. 15-17
Sketch Plan No. 320150040
St. Elmo Apartments
Date of Hearing: February 19, 2015

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review sketch plan applications; and

WHEREAS, on October 29, 2014, 4931 Fairmont LLC ("Applicant"), filed an application for approval of a sketch plan covering a 1.41 acre tract composed of two properties zoned CR 5.0: C 1.0, R 4.75, H 145T and two properties zoned CR 3.0: C 1.0, R 2.75, 90T, including a total of 309,968 square feet of development (the "Site"¹), of which 263,956 square feet (up to 256,300 square feet of residential development and up to 15,488 square feet of non-residential uses) will be used to construct a mixed use project on 0.70 acres of CR 5.0: C 1.0, R 4.75, H 145T zoned-land, located on St. Elmo Avenue and Fairmont Avenue, approximately 275 feet northeast of Old Georgetown Road ("Subject Property") in the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320150040, St. Elmo Apartments ("Sketch Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated February 6, 2015, setting forth its analysis of and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on February 19, 2015, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

¹ The Planning Department Staff report refers to the 1.41 acre area covered by this Sketch Plan as the "Tract."

Approved as to
Legal Sufficiency:

 2/20/15

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain binding elements and conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board approves Sketch Plan No. 320150040, St. Elmo Apartments, for a maximum of 309,968 square feet of development, including up to 256,300 square feet of residential density and up to 61,500 square feet of non-residential uses, subject to the following binding elements and conditions:²

A. Binding Elements. The following site development elements shown on the Sketch Plan stamped "Received" by M-NCPPC on January 2, 2015, are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

1. Density

The Sketch Plan is limited to a maximum of 263,956 square feet of total development on the Subject Property, including up to 256,300 square feet of residential development and up to 15,488 square feet of non-residential uses. The maximum number and distribution of residential dwelling units and non-residential uses will be determined at Site Plan.

2. Site Plan

Development of any property within the Site must receive site plan approval, including a review of all applicable public benefit point calculations.

3. FAR Averaging

Prior to record plat approval, the Applicant must state the gross square footage taken from any lot with reduced residential, commercial, or total density in an instrument approved by the M-NCPPC Office of the General Counsel and must record the instrument in the Montgomery County land records. Final allocation of density will be determined at the time of Site Plan. The properties within the Site

² For the purpose of these binding elements and conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

will transfer the following square feet of development potential based on the existing zoning:

- a. St. Elmo Properties (Lots 77-79) will be transferring 36,000 square feet of residential density to the Subject Property.
- b. Del Ray Properties (Lots 263-267) will be transferring 31,250 square feet of residential density to the Subject Property and receiving 16,387 square feet of commercial density from the Cordell and Subject Properties, resulting in a net transfer of 14,863 square feet of total density off of the Del Ray Properties.
- c. Cordell Properties (Lots 244 & 245) will be transferring 12,500 square feet of residential density to the Subject Property and 1,250 square feet of commercial density to the Del Ray Properties, resulting in a net transfer of 13,750 square feet of total density off of the Cordell Properties.
- d. The Subject Property will be transferring 15,137 square feet of commercial density to the Del Ray Properties and receiving 79,750 square feet of residential density from the St. Elmo, Del Ray, and Cordell Properties, resulting in a net transfer of 64,613 square feet of total density onto the Subject Property.

4. Height

The development is limited to a maximum height of 174 feet.

5. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59-7.3.3.I. The CR Zone requires properties taking advantage of FAR Averaging to exceed the minimum public benefit points otherwise required in Section 4.5.4.A.2 by 50%. Total points must equal at least 150 and be chosen from at least four categories as required by Section 59-4.5.4.A.2. The requirements of Division 59-4.7.1 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

- a. Transit Proximity, achieved through location within 1,500 feet of the Bethesda Metro Station;
- b. Connectivity and Mobility, achieved through minimum parking and through-block connection;
- c. Diversity of Uses and Activities, achieved through affordable housing and small business opportunity;
- d. Quality of Building and Site Design, achieved through exceptional design, public art, public open space and structured parking; and

- e. Protection and Enhancement of the Natural Environment, achieved through building lot terminations, cool roof, and a vegetated roof.

6. Public Art

The Applicant must provide public art on-site, integrated into the overall site design. The public art components must be commensurate with the size of the public use space in which the art will be located.

- a. The Applicant must present final public art concepts to the Public Arts Trust Steering Committee for review and comment that will be available to the Planning Board prior to scheduling the Planning Board hearing for the site plan application.
- b. Final detail and design of the public art must be determined by Certified Site Plan.

7. Building Lot Terminations (BLTs)

Prior to release of any building permit, the Applicant must provide proof of purchase and/or payment for the required BLTs.

8. Moderately Priced Dwelling Units (MPDUs)

The Applicant must provide a minimum of 15% of the total units as Moderately Priced Dwelling Units on the Subject Property. The development must provide MPDUs in accordance with Chapter 25A.

9. Future Coordination for Preliminary and Site Plan

In addition to any other requirements for Preliminary Plans under Chapter 50 and Site Plans under Chapter 59, the following must be addressed when filing a Preliminary or Site Plan:

- a. Fire and Rescue access and facility details;
- b. Streetscape details;
- c. Demonstration of how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guideline requirements;
- d. Implementation of transportation improvements;
- e. Consideration of building-to-street interface to maximize activation and safety;
- f. Focus on energy efficiency in building design features;
- g. Noise analysis;
- h. Dedication along St. Elmo Avenue and Fairmont Avenue;
- i. Traffic Mitigation Agreement; and
- j. Coordination with Bainbridge Bethesda on public use space and public art.

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of § 59-7.3.3.E, the Planning Board finds that as conditioned herein the elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan. Specifically, the Planning Board FINDS the Sketch Plan:

1. *meets the objectives, general requirements, and standards of Division 59-4.5;*

The Sketch Plan meets the objectives of Section 59-4.5.1.A quoted below; specifically, the development as approved will:

- a. *"Implement the policy recommendations of applicable master plan";*

The Sketch Plan substantially conforms to the recommendations for the Subject Property included in the Sector Plan. The Subject Property is designated as Block 44, which is recommended for a FAR of 5.0 (not including the MPDU bonus density) and MPDU bonus height up to 174 feet. The Subject Property is located in the area of the Woodmont Triangle that is closest to the Bethesda Metro Station. The Sector Plan recognizes that properties in Block 44 are suitable for higher density because of the proximity to transit. The Subject Property also is within the area designated as a Density Transfer Area.

Specifically, the Sketch Plan furthers the following goals as outlined in the Sector Plan:

- *Housing – Provide opportunities to increase the supply of housing to serve a variety of income levels.*

The Sketch Plan will accommodate approximately 210 dwelling units on the Subject Property, including a variety of market-rate unit sizes and layouts and 15% MPDUs, which will facilitate the availability of new, diverse housing within walking distance of the Metro.

- *Small-scale Retail – Provide opportunities to retain existing businesses and expand opportunities for new businesses.*

Through the use of density averaging, the St. Elmo, Cordell, and Del Ray properties will remain as small-scale developments while simultaneously allowing for the development of a larger mixed-use project on the Subject Property. Additionally, the Sketch Plan will provide street activating uses, such as ground-floor retail on both St. Elmo Avenue and Fairmont Avenue.

- *Safe and Attractive Streets – Focus on improving the safety and character of the existing streets.*

The Sketch Plan will provide streetscape improvements along Fairmont Avenue and St. Elmo Avenue per the current Bethesda Streetscape Standards. The expansion of the mid-block connection will create an active and safe pedestrian environment. The pedestrian mid-block connection will provide a more efficient means of transportation for pedestrians navigating the Woodmont Triangle area and will provide a pedestrian space that is separate from vehicular traffic.

- *Public Amenities – Increase flexibility in providing the public use space through optional method of development by allowing off-site and on-site fulfillment of this requirement, and by identifying a list of priority public amenities.*

The Sector Plan lists priority public use space and amenities for the Woodmont Triangle area, including streetscape improvements; north-south, mid-block pedestrian connections for the blocks located between Old Georgetown Road and Norfolk Avenue; diverse urban spaces including public use space on-site; and public art. Public spaces in the Woodmont Triangle area are encouraged to support retail and an active pedestrian environment. The Sketch Plan includes a north-south public mid-block pedestrian connection to create smaller, more pedestrian-friendly blocks and a generous public use space. The pedestrian pass-through will also provide an inviting pedestrian environment that will activate the street and support the ground-floor retail included as part of the Sketch Plan.

- b. *“Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses.”*

The Sketch Plan will redevelop the existing low-density commercial site and associated surface parking on the Subject Property with a higher-density mixed-use development with underground parking to maximize residential development in close proximity to the Metro. The Sketch Plan includes ground-floor retail/office uses, upper level residential units, public open space and residential amenity space. The Sketch Plan meets the objective of this finding.

- c. *"Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street."*

The Sketch Plan encourages such development by proposing market-rate residential units in a variety of unit types as well as 15% MPDUs, offering housing opportunities for a range of incomes proximate to the numerous transit options of downtown Bethesda. The non-residential uses (retail and/or office) on the ground floor provide commercial services for the residents and surrounding neighborhood. The Sketch Plan facilitates all modes of transit – pedestrian, bicycle, and vehicular – proximate to the Metro and bus service by improving the streetscape and providing a mid-block connection between St. Elmo Avenue and Fairmont Avenue. The Sketch Plan proposes separated access points for vehicular parking and loading access. The Sketch Plan does not propose any parking between the building on the Subject Property and the street frontages.

- d. *"Allows a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhood."*

The Sketch Plan provides a mix of uses on the Subject Property, including a significant amount of new residential development and ground floor retail for small-scale business opportunities with a building height of 174 feet, as allowed in the CR-5.0, C-1.0, R-4.75, H-145T zone. The Sector Plan encourages the transfer of density to retain the smaller-scale commercial and retail developments, while simultaneously allowing for the development of larger mixed-use projects in the Woodmont Triangle area. Through the use of density averaging, the St. Elmo, Cordell, and Del Ray properties will remain as small-scale developments, while simultaneously allowing for the development of a larger mixed-use project on the Subject Property. The height and densities provided by the Sketch Plan are compatible with the desired character of the Woodmont Triangle area.

- e. *"Integrate an appropriate balance of employment and housing opportunities."*

As recommended in the Sector Plan, the Sketch Plan provides a substantial amount of new residential development through a variety of housing options with both market-rate units and MPDUs in an array of unit sizes that will support the existing retail and non-residential development in the Woodmont Triangle area. The Sketch Plan also provides new ground-floor retail, as well as office uses on the ground level and second floor to create a mixed-use development.

- f. *"Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit."*

The Sketch Plan provides the required public benefits from a minimum of four categories to achieve the desired incentive density above the standard method limit and exceeds the minimum public benefit points by at least 50%, as required for density averaging.

The Sketch Plan meets the requirements of Section 59-4.5.2.B for FAR Averaging. The Sketch Plan calls for FAR averaging over more than two non-contiguous properties in the CR zone. Section 59-4.5.2.B.3 provides that density may be averaged over two or more such properties if:

- a. *Each provision of Section 4.5.2.B.2 is satisfied, including:*

- i. *The properties are under the same site plan or sketch plan; and, if a sketch plan is required, the density averaging must be shown on the sketch plan;*
All sending and receiving properties are encompassed by this Sketch Plan Application.
- ii. *The resulting properties are created by the same preliminary subdivision plan or satisfy a phasing plan established by an approved sketch plan;*
All sending and receiving properties are included in this Application and will satisfy the phasing plan approved as part of the Sketch Plan. The sending and receiving properties also will be referenced in the forthcoming Preliminary Plan application. Construction under this Sketch Plan will occur in one phase.
- iii. *The maximum total, nonresidential, and residential FAR limits apply to the entire development, not to individual properties;*
As shown on the Sketch Plan Data Summary Table, the density of development on the combined lots does not exceed the total density permitted on separate lots. The entire development, all properties within the Site, is limited to a total FAR of 5.04, with a maximum non-residential FAR of 1.0 and residential FAR of 4.17, determined by the final mix and density bonus approved at Site Plan.
- iv. *The total allowed maximum density on a resulting property that is abutting or confronting a property in an Agricultural, Rural Residential, or Residential Detached zone that is vacant or improved with an*

agricultural or residential use, does not exceed that allowed by the property's zone; and

This provision is not applicable, as the Subject Property does not abut or confront a property in an Agricultural, Rural Residential, or Residential Detached zone that is vacant or improved with an agricultural or residential use.

- v. *Public benefits are required to be provided under any phasing element of an approved sketch plan.*

The Sketch Plan includes development in one phase and will provide adequate public benefits.

- b. *The properties are within ¼ mile of each other or in a designated master-planned density transfer area;*

The sending and receiving properties are located within ¼ mile of each other. Additionally, the sending and receiving properties are all located within the Density Transfer Area of the Sector Plan.

- c. *The minimum public benefit points required under Section 4.5.4.A.2 are exceeded by at least 50%; and*

The Application includes public benefit points that exceed those otherwise required by at least 50%.

- d. *The applicable master plan does not specifically prohibit the averaging of density between non-contiguous properties.*

The Sector Plan specifically encourages the averaging of density between non-contiguous properties, within the Woodmont Triangle area. The CR Zone incorporates this goal, and the Sketch Plan conforms to the intent of the CR zone, as described below.

The Sketch Plan meets the development standards of Section 59-4.5.4, as shown in the following Project Data Table, and public benefits are provided as described in Finding 6.

Project Data Table				
Zone	CR	C	R	H
Subject Property	5.00	1.00	4.75	145T
St. Elmo Properties	5.00	1.00	4.75	145T
Del Ray Properties	3.00	1.00	2.75	90T
Cordell Properties	3.00	1.00	2.75	90T

DEVELOPMENT STANDARD (59-4.5.4)		PERMITTED/REQUIRED		APPROVED	
Tract Area	SF	Acres	SF	Acres	
Subject Property	n/a		30,625	0.7	
St. Elmo Properties	n/a		9,000	0.21	
Del Ray Properties	n/a		15,625	0.36	
Cordell Properties	n/a		6,250	0.14	
Total	n/a		61,500	1.41	
Dedications	SF	Acres	SF	Acres	
Subject Property	n/a		5,000	0.11	
St. Elmo Properties	n/a		1,500	0.03	
Del Ray Properties	n/a		2,500	0.06	
Cordell Properties	n/a		1,000	0.02	
Total	n/a		10,000	0.22	
Site Area	SF	Acres	SF	Acres	
Subject Property	n/a		25,625	0.59	
St. Elmo Properties	n/a		7,500	0.17	
Del Ray Properties	n/a		13,125	0.3	
Cordell Properties	n/a		5,250	0.12	
Total	n/a		51,500	1.18	
Height (maximum)	Feet		Feet		
Subject Property	174 ³		174		
St. Elmo Properties	145		As existing		
Del Ray Properties	90		As existing		
Cordell Properties	90		As existing		
Total Density (maximum)	SF	FAR	SF	FAR	
Subject Property	153,125	5.00	217,738	7.11	
St. Elmo Properties	45,000	5.00	9,000	1.00	
Del Ray Properties	46,875	3.00	32,012	2.05	
Cordell Properties	18,750	3.00	5,000	0.80	
22% Bonus w/15% MPDUs	54,643	1.78	46,218	1.51	
Total	318,393	5.18	309,968	5.04	
Total Commercial Density (maximum)	SF	FAR	SF	FAR	
Subject Property	30,625	1.00	15,488	0.51	
St. Elmo Properties	9,000	1.00	9,000 ⁴	1.00	
Del Ray Properties	15,625	1.00	32,012 ⁵	2.05	
Cordell Properties	6,250	1.00	5,000 ⁶	0.80	
Total	61,500	1.00	61,500	1.00	
Total Residential Density (maximum)	SF	FAR	SF	FAR	
Subject Property	145,469	4.75	210,082	6.86	

³ Height allowed by Sector Plan if project provides at least 15% MPDUs. The Sketch Plan meets the height requirements contained in Section 4.5.2.C of the Zoning Ordinance for properties zoned CR with a height designation of "T." The "T" designation permits even greater heights on the Subject Property, but the height is limited to 174 feet per the Sector Plan.

⁴ Total density remaining on St. Elmo Properties

⁵ Total density remaining on Del Ray Properties

⁶ Total density remaining on Cordell Properties

St. Elmo Properties	42,750	4.75	0	0.00
Del Ray Properties	42,969	2.75	0	0.00
Cordell Properties	17,188	2.75	0	0.00
22% Bonus w/15% MPDUs	54,643	1.78	46,218	1.51
Total	303,019	4.93	256,300	4.17
Setbacks - All Properties (minimum)	Feet		Feet	
Street	0		0	
Side	0		0	
Public Open Space (minimum)	SF	Acres	SF	Acres
Subject Property	0	0	5,150	0.12
St. Elmo Properties	0	0	0	0.00
Del Ray Properties	0	0	0	0.00
Cordell Properties	0	0	0	0.00
Total	0	0	5,150	0.12
Parking	Minimum	Maximum	Approved	
Subject Property	164	356	230	

The Application will provide the minimum required number of bicycle parking spaces for residents, visitors, and commuter shower/change facilities within the building, which will be determined at the time of Site Plan. The number of vehicular parking spaces will be determined at Site Plan based on the number of residential dwelling units.

2. *substantially conform with the recommendations of the applicable master plan;*

As discussed above, the Sketch Plan substantially conforms to recommendations of the Sector Plan. The Sketch Plan will increase the supply of housing to serve a variety of income levels, provide opportunities to retain existing businesses and expand opportunities for new businesses, provide connectivity improvements that improve the safety and character of the existing streets, and provide public open space.

3. *satisfy the binding elements of any applicable development plan or schematic development plan in effect on October 29, 2014;*

The Sketch Plan is not subject to a development plan or schematic development plan.

4. *achieve compatible internal and external relationships between existing and pending nearby development;*

The building is compatible in height and scale with the existing and pending nearby development in the Woodmont Triangle area. The Sketch Plan achieves compatibility with the building heights and the street edge already established by

the recently constructed Bainbridge Bethesda development directly adjacent to the Subject Property.

5. *provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;*

The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. The Sketch Plan appropriately locates activating pedestrian uses along the St. Elmo Avenue and Fairmont Avenue frontages. The lobby, leasing office and a retail space is located along St. Elmo Avenue and additional retail/office spaces are located on Fairmont Avenue. Vehicular access will be from St. Elmo Avenue and loading is off Fairmont Avenue. In addition, the Sketch Plan will provide a mid-block connection that will offer an inviting pedestrian environment.

6. *propose an outline of public benefits that supports the requested incentive density and is appropriate for the specific community;*

The Application includes public benefits that address the general incentive and density considerations required by Section 59-4.7.1.B. The public benefits:

- a. Take into consideration "the recommendations of the applicable master plan" by providing the diversity of housing, providing opportunities to retain existing businesses and expanding opportunities for new businesses, connectivity improvements, and providing the public open space;
- b. Meet "the CR Zone Incentive Density Implementation Guidelines" by providing the proper calculations and criteria for each public benefit;
- c. Meet "any design guidelines adopted for the applicable master plan area" by providing streetscape improvements along Fairmont Avenue and St. Elmo Avenue and providing a mid-block connection, as recommended by the Sector Plan, which will create an inviting pedestrian environment that will activate the street and support the ground-floor retail included as part of the Sketch Plan;
- d. Are appropriate for "the size and configuration of the site" by improving the existing configuration of the surface parking lot and aging existing buildings and providing structured parking to allow for public open space close to transit;
- e. Adequately address "the relationship of the site to adjacent properties" by designing the building at an appropriate scale for the surroundings with heights and creating areas of open space that complements the existing character of the area;
- f. Consider "the presence or lack of similar public benefits nearby" through the provision of affordable housing, environmental benefits, public open space, pedestrian connections, all of which are currently needed in this area; and

- g. Provide "enhancements beyond the elements listed in an individual public benefit that increase public access to, or enjoyment of, the benefit" which will be developed and assessed during Preliminary and Site Plan reviews.

Public Benefits Calculations			
Public Benefit	Incentive Density Points		
	Max Allowed	Requested	Approved at Sketch Plan
59-4.7.3.B: Transit Proximity	50	40	40
59-4.7.3.C: Connectivity and Mobility			
Minimum Parking	10	7	7
Through-Block Connection	20	10	10
59-4.7.3.D: Diversity of Uses and Activities			
Affordable Housing	No limit	30	30
Small Business Opportunities	20	10	10
59-4.7.3.E: Quality of Building and Site Design			
Exceptional Design	10	5	5
Public Open Space	20	20	20
Public Art	15	12	12
Structured Parking	20	20	20
59-4.7.3.F: Protection and Enhancement of the Natural Environment			
BLTs	30	6	6
Cool Roof	10	10	10
Vegetated Roof	15	10	10
TOTAL		180	180

Transit Proximity

The Subject Property is located within 1,500 feet of the Bethesda Metro Station, which allows the development to be eligible for Level 1 transit as defined in the Zoning Ordinance. The Planning Board supports 40 points as suggested in the *2012 Commercial/Residential Zones Incentive Density Implementation Guidelines* ("CR Guidelines").

Connectivity and Mobility

Minimum Parking: The Applicant requests 7 points for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points for providing the maximum allowable number of on-site spaces to 10 points for providing no more than the minimum numbers of spaces on site. The maximum allowable number of on-site spaces is 356, and the Applicant is proposing to provide 230 parking spaces. Based on the initial

calculation, the Planning Board supports granting 7 points with final parking counts to be determined at Site Plan.

Through-Block Connection: The Applicant requests 10 points for providing a safe and attractive pedestrian connection between streets. Per the CR Guidelines, 10 points are appropriate for connections that are open-air, at least 15 feet wide, and open to the public at least between 8:00 a.m. and 9:00 p.m. The Planning Board supports 10 points. Final detailed plan of circulation and site layout will be approved at Site Plan.

Diversity of Uses and Activities

Affordable Housing: The Applicant requests 30 points for providing 15% of the multi-family units as MPDUs. The incentive density points for MPDUs are calculated as a percentage of the total number of dwelling units (assuming 210 multi-family units). The Applicant's initial estimate of providing 32 MPDUs yields 30 points. Final number of MPDU units to be determined at Site Plan. The Planning Board supports the Applicant's request.

Small Business Opportunities: The Applicant requests 10 points for providing retail bays of less than 5,000 square feet. Incentive density of 10 points is appropriate for developments that provide retail bays for on-site space for small, neighborhood-oriented businesses of no more than 5,000 square feet. The Planning Board supports 10 points for this benefit.

Quality of Building and Site Design

Exceptional Design: The Applicant requests 5 points for building or site design that enhances the character of a setting. Per the CR Guidelines, incentive density of 5 points is appropriate for development that meets at least four of the guideline criteria. The Sketch Plan provides innovative solutions in response to the immediate context; creates a sense of place and serves as a landmark; enhances the public realm in a distinct and original manner; introduces materials, forms, or building methods unique to the immediate vicinity or applied in a unique way; uses design solutions to make compact infill development living, working and shopping environments more pleasurable and desirable; and integrates low-impact development methods into the overall design of the site and building, beyond green building or site requirements. The Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, and heights. The Planning Board supports the Applicant's request at this time, with further details and refinement to be provided at the time of Site Plan.

Public Open Space: The Applicant requests 20 points for open space (no open space is required). Points for this incentive are granted on a sliding scale based on the percentage of the net lot area. The conceptual layout yields 5,150 square feet of open space will be provided for a total of 20 points. The open space will contain

seating, trash receptacles, landscaping, and other amenities and will be: directly accessible to a street; open to the public; designed so that the loading or parking facilities are screened or faced with active uses;; at least 35 feet wide; designed so that walls of any residential floor area facing the open space have windows on at least 60 percent of the façade between three and eight feet; and designed so that any dwelling unit facing the open space will have access to the open space. The Planning Board supports 20 points for this benefit.

Public Art: The Applicant requests 12 points for installing public art on-site. The public art concept will be developed during the Preliminary and Site Plan process and will be presented to the Public Arts Trust Steering Committee. The Applicant asserts that the artwork will meet at least 7 of the 8 goals outlined in the CR Guidelines, and the final points will be determined at the time of Site Plan. The Planning Board supports the Applicant's request at this time.

Structured Parking: The Applicant requests 20 points for structured parking for the parking that will be below grade. The Application proposes all parking spaces to be provided in a below-ground parking garage with final parking counts to be determined at Site Plan. The Planning Board supports 20 points for this benefit.

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT): The Applicant requests 6 points for the purchase of BLT easements to be purchased or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area. Points are granted by the calculation of BLTs as provided in Section 59-4.7.3.F of the Zoning Ordinance. The Planning Board supports 6 points for this benefit at this time.

Cool Roof: The Application proposes to provide a cool roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum of SRI of 25 for slopes above 2:12, for a site less than 1 acre in size, thus achieving 10 points in this public benefit category. The final layout is determined at the time of Site Plan and the Planning Board supports 10 points for this benefit at this time.

Vegetated Roof: The Applicant requests 10 points for providing vegetated roofs with a soil depth of at least 4 inches and covering at least 33% of the total roof excluding space for mechanical equipment. The CR Guidelines recommend 7.5 points for development that meets the Zoning Ordinance requirements; with additional points granted if other criteria are met, including: greater coverage, greater soil depth, plant species that provide habitat and native plant species. At the time of Site Plan, the Applicant will provide additional details on meeting the vegetated roof criteria. The Planning Board supports the Applicant's request at this time.

7. *establishes a feasible and appropriate phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The project will be built in one phase.

BE IT FURTHER RESOLVED that at the time of site plan, the Planning Board may approve changes to this Sketch Plan under certain circumstances. If the Applicant proposes to change a condition of approval or binding element, or agrees to a change proposed by another party, the proposed change must satisfy the requirements for approval of a sketch plan and site plan, including Section 59-4.5, Section 59-7.3, and the Sector Plan. If Staff proposes to change a condition of approval or binding element, however, the Board may approve the change if necessary to ensure conformance with Section 59-4.5, Section 59-7.3, or the Sector Plan. In other words, for the Board to approve an Applicant-proposed change of a binding element, it must find consistency with applicable standards; for the Board to approve a modification to a Staff-proposed binding element that the Applicant has not agreed to, the Board must find that the proposed change is necessary to meet the site plan approval standards, including conformance with zoning and Sector Plan requirements.

Alternatively, based on detailed review of a site plan, the Board may find that any element of the approved Sketch Plan, including a binding element, does not meet the requirements of the zone, the Sector Plan, or other findings necessary to approve a site plan, and deny the site plan application.

The Board's review of sketch plans is governed by Section 59-C-7.3.3.E, which provides that "to approve a sketch plan" the Board must find that certain elements of the plan are "appropriate in concept and appropriate for further detailed review at site plan." Because the Board's approval of a sketch plan is in concept only and subject to further detailed review at site plan, it necessarily follows that the Board may find, based on detailed review of a site plan, that any element of a sketch plan does not meet the requirements of the zone, master plan, or other requirements for site plan approval. The Board does not have the authority at the time of sketch plan to predetermine that any element of the Sketch Plan will satisfy all applicable requirements for site plan approval. As a practical matter it would be unwise for it to do so, due to the limited detail contained in a sketch plan and the sketch plan's unlimited validity period. If the Board were unable to require changes to binding elements at the time of site plan to ensure compliance with all code and master plan requirements, the Board might have decided to approve fewer elements of this Sketch Plan as binding.

Although the Board does not have the authority to provide complete certainty about the conditions of approval or binding elements of a sketch plan, this does not mean that the Board should or will require changes to an approved sketch plan without good reason. To do so would be inefficient and unfair to Applicants and community

members whose expectations about the future shape of development will be formed by what the Board approves in a sketch plan; and

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that all elements of the plans for Sketch Plan No. 320150040, St. Elmo Apartments, stamped received by M-NCPPC on January 2, 2015, are required except as modified herein; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is FEB 25 2015 (which is the date that this Resolution is mailed to all parties of record).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Commissioner Fani-González, with Chair Anderson and Commissioners Dreyfuss, Presley and Fani-González voting in favor, and Vice Chair Wells-Harley absent, at its regular meeting held on Thursday, February 19, 2015, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 15-144
Preliminary Plan No. 120150200
St. Elmo Apartments
Date of Hearing: December 10, 2015

DEC 17 2015

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on May 13, 2015, 4931 Fairmont, LLC ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 1.41 acres of land in the CR 5.0 C 1.0 R 4.75 H 145T zone, located on St. Elmo Avenue and Fairmont Avenue, approximately 275 feet northeast of Old Georgetown Road ("Subject Property"), in the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120150200, St. Elmo Apartments ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated November 25, 2015, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on December 10, 2015, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing the Planning Board voted to approve the Application, subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120150200 to create one lot on the Subject Property, subject to the following conditions:¹

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

Approved as to
Legal Sufficiency:

Christina Sosa

11/23/15

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
M-NCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

1. Approval is limited to one lot with a maximum density of 263,956 square feet of total development, consisting of up to 210 residential dwelling units, up to 10,000 square feet of office and up to 6,000 square feet of retail or another combination of non-residential uses which generate no more than the same number of vehicular trips and not to exceed 15,488 total square feet of non-residential uses. The development must include 15% Moderately Priced Dwelling Units (MPDUs).
2. The Applicant must comply with the binding elements and conditions of approval for Sketch Plan No. 320150040 and any subsequent amendments.
3. The development is limited to the maximum height of 174 feet, as measured from the approved building height measuring point for the building, in accordance with Section 59-4.1.7.C.2, and the final location to be determined at Site Plan. The Certified Preliminary Plan must accurately reflect the correct building height measuring point.
4. At the time of Site Plan, the Applicant must submit a tree save plan that provides mitigation for the removal of the one onsite specimen tree. The mitigation plantings must be provided either onsite and/or elsewhere within the Bethesda CBD. The mitigation plantings shall consist of four, three inch caliper trees; the final species and locations of which will be determined as part of the Site Plan.
5. The Planning Board accepts the recommendations of MCDPS – Water Resources Section in its stormwater management concept letter dated June 12, 2015, and hereby incorporates them as conditions of the 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 Preliminary Plan approval.
6. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated August 11, 2015, and hereby incorporates them as conditions of the Preliminary Plan approval, except for Condition #4, Garage Entrance Width, as follows:
 - a. The Applicant must construct the garage entrance located on St. Elmo Avenue to a minimum of 22 feet in width configured as one 12-foot wide inbound lane and one 10-foot wide outbound lane.
 - b. The Applicant must comply with all other recommendations 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.
7. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements, except as modified by Condition No. 6 above, which are associated with each plat, as required by MCDOT.

8. The Planning Board accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (MCDHCA) in its letter dated October 8, 2015, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDHCA, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
9. The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the Sector Plan and/or to the design standards imposed by all applicable road codes, including as modified by MCDOT.
10. Prior to recordation of the plat(s) the Applicant must satisfy MCDPS requirements to ensure the construction of a minimum 6-foot wide sidewalk along the Subject Property frontages on St. Elmo Avenue and Fairmont Avenue.
11. The Applicant must provide public bicycle parking for short-term use either near the main residential entrance to the multi-family building or in the open space promenade. Secure, private bicycle parking for long-term use must be installed internal to the multi-family building, for residents' use. The exact number and location of bicycle parking will be determined at the time of Site Plan.
12. Prior to issuance of the first building permit, the Applicant must execute a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District (TMD).
13. 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 approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.
14. The record plat must show necessary easements.
15. The final number of MPDUs as per condition #1 above will be determined at the time of Site Plan(s) approval.
16. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of this Planning Board Resolution.

17. Prior to issuance of a building permit, the Applicant must provide Staff with certification from an engineer specializing in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
18. After construction is complete, and prior to issuance of final residential occupancy permits, the Applicant must provide staff with a certification from an engineer specializing in acoustics confirming that the dwelling units were constructed in accord with the approved specifications for noise attenuation.
19. No clearing, grading, or demolition of the site, or recording of plats prior to Certified Site Plan approval. This condition does not prohibit the Applicant from demolishing the buildings on the site prior to Certified Site Plan in order to address safety concerns.
20. Final approval of the location of the building, dwelling units, on-site parking, site circulation, and sidewalks will be determined at Site Plan.
21. Include the stormwater management concept approval letter, other agency recommendation letters, and the Preliminary Plan Resolution on the approval or cover sheet(s) of the Certified Preliminary Plan.
22. In the event that a subsequent site plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or location or right-of-way width or alignment, the Applicant must obtain approval of a Preliminary Plan amendment prior to certification of the Site Plan.

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Sector Plan.*

The Application substantially conforms to the recommendations for the Subject Property included in the *Woodmont Triangle Amendment* to the *Bethesda CBD Sector Plan*. The Subject Property is designated as Block 44, which is recommended for a FAR of 5.0 (not including the MPDU bonus density) and MPDU bonus height up to 174 feet.² The Subject Property is located in the area

² Per Section 4.5.2.C of the Zoning Ordinance, the Application meets the height requirements contained for properties zoned CR with a height designation of "T". The "T" designation permits properties within a designated central business district mapped at a height of up to 145 feet to increase the height above the number following the H on the zoning map by up to 1.5 times if greater if the additional height is

of the Woodmont Triangle that is closest to the Bethesda Metro Station. It is recognized in the Sector Plan that properties in Block 44 are suitable for higher density because of the proximity to transit. The Subject Property also is within the area designated as a Density Transfer Area. Specifically, the Application furthers the following goals as outlined in the *Woodmont Triangle Amendment*:

- *Housing – Provide opportunities to increase the supply of housing to serve a variety of income levels.*

The Application will provide approximately 210 units, containing diverse housing opportunities by including a variety of market-rate unit sizes and layouts and 15% MPDUs to facilitate the availability of new housing, in a range of types and rents, within walking distance of the Metro.

- *Small-scale Retail – Provide opportunities to retain existing businesses and expand opportunities for new businesses.*

Through the use of density averaging, the Sending Properties will remain as existing small-scale developments, while simultaneously allowing for the development of a larger mixed-use project on the Subject Property. Additionally, the Application also will provide street activating uses, such as ground-floor retail on both St. Elmo Avenue and Fairmont Avenue.

- *Safe and Attractive Streets – Focus on improving the safety and character of the existing streets.*

The Application will provide streetscape improvements along Fairmont Avenue and St. Elmo Avenue per the current Bethesda Streetscape Standards. The expansion of the mid-block connection will create an active and safe pedestrian environment. The pedestrian mid-block connection will provide a more efficient means of transportation for pedestrians navigating through the Woodmont Triangle area and will provide a pedestrian space that is separate from vehicular traffic.

- *Public Amenities – Increase flexibility in providing the public use space through optional method of development by allowing off-site and on-site fulfillment of this requirement, and by identifying a list of priority public amenities.*

specifically recommended for the provision of MPDUs above 12.5% in an applicable master plan. The Woodmont Triangle Amendment limits the height for Block 44 to 174 feet with a 22 percent MPDU bonus, which the Application is consistent with.

The *Woodmont Triangle Amendment* lists priority public use space and amenities for the Woodmont Triangle area, which includes: streetscape improvements; north-south, mid-block pedestrian connections for the blocks located between Old Georgetown Road and Norfolk Avenue; diverse urban spaces including public use space on-site; and public art. Public spaces in the Woodmont Triangle area are encouraged to support retail and an active pedestrian environment. The Application will provide a north-south public mid-block pedestrian connection to create smaller, more pedestrian-friendly blocks and a generous public use space. The pedestrian pass-through will also provide an inviting pedestrian environment that will activate the street and support the ground-floor retail included as part of the Application.

The Application is in general conformance with the *Woodmont Triangle Amendment*.

2. *Public facilities will be adequate to support and service the area of the approved subdivision.*

Roads and Public Transportation Facilities

Vehicular access to the Subject Property is from both St. Elmo Avenue and Fairmont Avenue in the following configuration: garage access via a full-movement driveway on St. Elmo Avenue, at the west corner of the site, and loading access via Fairmont Avenue, at the south corner of the site. Resident vehicular parking will be contained within a structured below-grade garage, accessed off St. Elmo Avenue. Pedestrian and bicycle access to the Subject Property will be provided along both St. Elmo Avenue and Fairmont Avenue.

The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station (located approximately 0.3 mile, or 1,700 feet to the south of the site³), Metrobus, RideOn, the Bethesda Circulator and future Purple Line.

As a mixed-use project within the Bethesda Transportation Management District (TMD), the development is required to enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and Montgomery County Department of Transportation (MCDOT) to participate in the Bethesda TMD. The specific criteria requiring a TMAg are as follows: 25 or more employees or more than 100 dwelling units. Since the Application exceeds the criteria, a TMAg is required.

³ The pedestrian route between this site and the Metrorail station is approximately 1,700 linear feet. It should be noted that this distance differs from the 1,500-foot distance recognized for public benefit points for transit proximity due to the manner in which these distances are measured.

LATR/TPAR

A traffic study (dated April 9, 2015) was submitted for the Application per the *LATR/TPAR Guidelines* since the development was estimated to generate more than 30 peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. A site trip generation summary for the development, provided in the Staff Report, shows that the Application will generate 51 new peak-hour trips during the weekday morning peak period and 45 new peak-hour trips during the weekday evening peak period.

A summary of the capacity analysis/Critical Lane Volume (CLV) analysis for the weekday morning and evening peak-hour periods, presented in the Staff Report, shows that the total (Build) condition will remain within the policy area congestion standard of 1,800 CLV. Based on the analysis presented in the traffic study, the Application will satisfy the LATR requirements of the APF test.

Since the development is within the Bethesda CBD Policy Area, the Application is exempt from both the roadway and transit tests set forth in the 2012-2016 *Subdivision Staging Policy*. As a result, the development is not required to pay the transportation impact tax to satisfy the TPAR requirement.

Other Public Facilities

Public facilities and services are available and will be adequate to serve the development. The Subject Property will be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Subject Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, schools, and health services are operating according to the *Subdivision Staging Policy* resolution currently in effect and will be adequate to serve the Subject Property. Electrical, telecommunications, and gas services are also available to serve the Subject Property.

3. *The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections. The size, width, shape, and orientation of the lot is appropriate for the location of the subdivision taking into account the

recommendations included in the Sector Plan, and for the type of development or use contemplated. The Application substantially conforms to the *Woodmont Triangle Amendment* to the *Bethesda CBD Sector Plan*. The Application complies with the specific density recommendations for the site as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. As evidenced by the Preliminary Plan, the site is sufficiently large to efficiently accommodate the mix of uses.

Under Section 59-4.5.4 of the Zoning Ordinance, the dimensional standards for the lots will be determined with approval of the subsequent site plan.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

A. Forest Conservation

This Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law, but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(2) because the proposed activity occurs on a tract of land less than 1 acre that will not result in the clearing of more than a total of 20,000 square feet of existing forest, or any existing specimen tree or champion tree, and reforestation requirements would not exceed 10,000 square feet. Forest in any priority area on-site must be preserved.

However, the removal of a specimen tree triggers the tree save plan provision of the Forest Conservation Law under 22A-6(b), which states an activity or development that would be exempt under Section 22A-5, except that the proposed activity involves clearing of a specimen or champion tree, requires the approval of a tree save plan, which may require tree preservation of mitigation for loss of individual trees. The tree save plan must provide mitigation for the one specimen tree that will be cleared. The mitigation planting of four three inch caliper trees must occur onsite or within the Bethesda CBD.

5. *All stormwater management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

This finding is based in part upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards.

The MCDPS Stormwater Management Section approved the stormwater management concept on June 12, 2015. According to the approval letter, the

stormwater management concept meets stormwater management requirements via a green roof and micro-bioretenction/planter boxes.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its initiation date (as defined in Montgomery County Code Section 50-35(h)), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

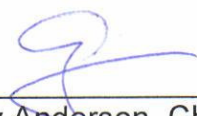
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is DEC 17 2015 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Commissioner Presley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Presley and Fani-González voting in favor, and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, December 10, 2015, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board



Attachment C

DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

February 28, 2017

Mr. William Robinson, P.E.
VIKA Maryland, LLC
20251 Century Boulevard, Suite 400
Germantown, MD 20874

Re: **SITE DEVELOPMENT STORMWATER
MANAGEMENT PLAN Revision** Request for
St. Elmo Apartments/Woodmont
Preliminary Plan #: 120150200
SM File #: 274635
Tract Size/Zone: 0.59 Ac./CR5.0
Total Concept Area: 0.65 Ac.
Lots/Block: 58, 82-86, & 644
Watershed: Lower Rock Creek

Dear Mr. Robinson:

Based on a review by the Department of Permitting Services Review Staff, the Site Development Stormwater Management Plan for the above mentioned site is **acceptable**. The plan proposes to meet required stormwater management goals via ESD to the MEP by the use of green roof and a micro-bioretenention. Due to site limitations and existing shallow storm drain additional structural treatment cannot be provided so a partial waiver is granted.

The following **items** will need to be addressed **during** the final stormwater management design plan stage:

1. **This supersedes the approved concept letter dated June 12, 2015.**
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. 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.
6. A minimum Pe of 1-inch is provided conceptually and must be achieved in the detailed plan submittal.
7. All underground parking must drain to WSSC. Provide a copy of the mechanical plans showing garage drains going to WSSC.

8. Green roof must be designed by a professional with green roof experience. You have conceptually provided 5,656 square feet of 8-inch green roof. At time of plan submittal try to provide additional green roof area, along with a narrative explaining how you arrive at the final coverage.
9. Provide a copy of the mechanical plans showing the schematics of the roof drains to the micro-bioretenention structure.
10. Provide easement and covenant for all stormwater management structures.
11. Use the latest MCDPS design standards for the stormwater management structures at the time of plan submittal.
12. Please submit waiver computations for review at the time of detailed plan review.

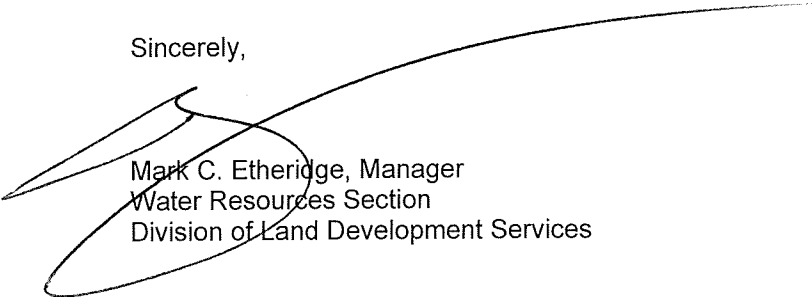
This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is required**.

This letter must appear on the final stormwater management design 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: CN274635 St Elmo Apartments Revision.DWK

cc: C. Conlon
SM File # 274635

ESD Acres:	0.65
STRUCTURAL Acres:	0.00
WAIVED Acres:	0.65

820170030 St Elmo Apartments

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan file:

“07-SITE-820170030-004.pdf V3” uploaded on/ dated **“3/14/2017”**.

The followings need to be specified (in the form of a note or label) on the above site plan prior to its certification:

1. All proposed public streetscaping along the site frontages conform to Bethesda streetscape guidelines.
2. A five (5) feet public ADA compliant sidewalk is provided on site frontages.
3. No right turn movement is permitted into or out of the loading space on Fairmont Ave.
4. An “indicator” on site frontages to distinguish public from private sidewalk.
5. Conformance to condition 5 of MCDOT preliminary plan approval letter dated August 11, 2015.



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Clarence J. Snuggs
Director

March 23, 2017

Mr. Neil Braunstein
Area 1 Division
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, Maryland 20910

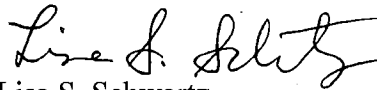
Re: St. Elmo Apartments
Site Plan No. 820170030

Dear Mr. Braunstein:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced plan and recommends Approval, with the following condition:

- If the proposed MPDU and market rate bedroom distribution changes at certified site plan, DHCA will need to review and approve the bedroom mix at that time.

Sincerely,


Lisa S. Schwartz
Senior Planning Specialist

cc: Steve Cook, VIK A Maryland, LLC

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Division of Housing

Affordable Housing Common Ownership Communities Landlord-Tenant Affairs Multifamily Housing

1401 Rockville Pike, 4th Floor • Rockville, Maryland 20852 • 240-777-0311 • 240-777-3691 FAX • www.montgomerycountymd.gov/dhca

montgomerycountymd.gov/311



240-773-3556 TTY