

St. Elmo Apartments: Preliminary Plan No. 120150200

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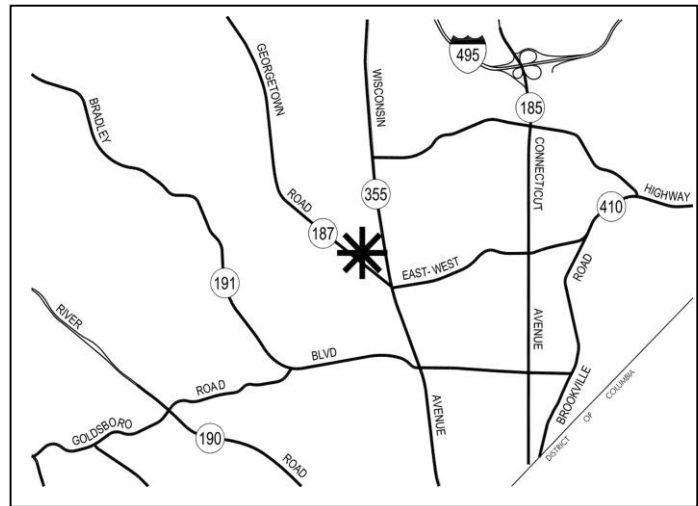
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Description

- One lot for construction of a mixed-use project with up to 263,956 square feet of total development for up to 210 units and up to 15,488 square feet of non-residential uses, project includes a density transfer;
- Current use: one and two story commercial buildings and associated surface parking;
- Located on St. Elmo Avenue and Fairmont Avenue, approximately 275 feet northeast of Old Georgetown Road;
- 1.41 gross acres includes the Sending Properties, the Subject Property is 0.7 acres, zoned CR 5.0: C 1.0, R 4.75, H 145T in the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan;
- Applicant: 4931 Fairmont, LLC;
- Filing date: May 13, 2015.

Completed: 11/25/2015



Summary

- The Planning Board previously approved Sketch Plan 320150040 for this project on February 25, 2015.
- The Subject Property is located within the Woodmont Triangle, and the Preliminary Plan includes a transfer of density of 64,613 square feet of floor area from three sending properties to the development site.
- The Application was filed on May 13, 2015, and is being reviewed under the Zoning Ordinance in effect as of October 30, 2014.
- Staff recommends approval of the St. Elmo Apartments Preliminary Plan with conditions.

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SECTION 1: RECOMMENDATION AND CONDITIONS

Staff recommends approval of Preliminary Plan No. 120150200 subject to the following conditions:

- 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.
- 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.

SECTION 2: SITE DESCRIPTION

Subject Property

The subject site (Subject Property or 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 this Preliminary Plan application of 1.41 acres (Attachment A).

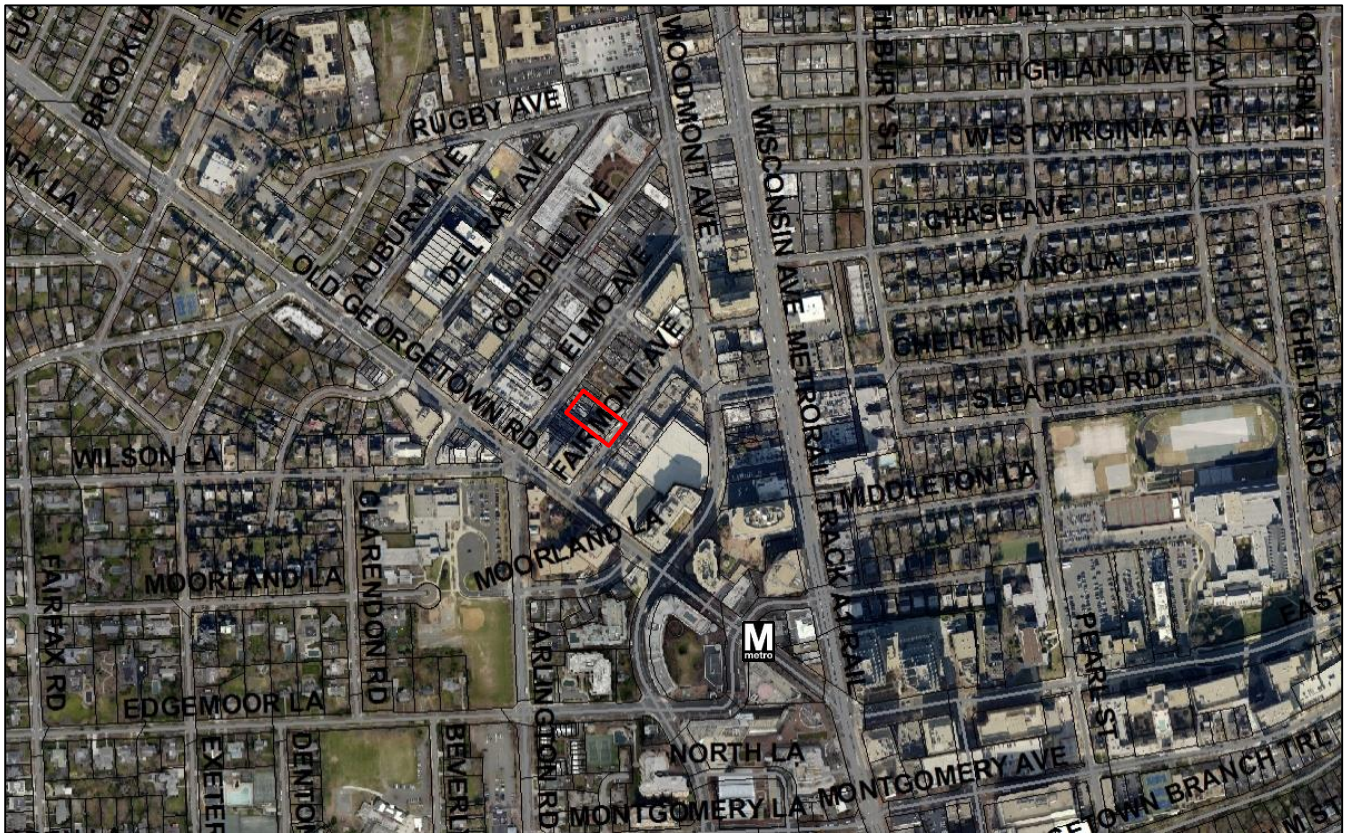


Figure 1-Aerial View

The Subject Property is located in the Woodmont Triangle area of the Bethesda Central Business District (CBD), between Fairmont Avenue and St. Elmo Avenue, east of Old Georgetown Road and west of Norfolk Avenue. The Property is within the area encompassed by the *Woodmont Triangle Amendment to the Bethesda CBD Sector Plan* (the Woodmont Triangle Amendment or Sector Plan Amendment). The Property is located within 1,500 feet of the Bethesda Metro Station and falls within the Bethesda Parking Lot District (PLD).

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.

Surrounding Uses

The 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.

SECTION 3: PROJECT DESCRIPTION

Previous Approvals

The Planning Board approved Sketch Plan No. 3201500400 by Resolution dated February 25, 2015 (Attachment B). The Sketch Plan established several binding elements and conditions:

1. Maximum total density 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 and a maximum height of 174 feet.
2. Approximate location of lots and public dedications;
3. General location and extent of public use space;
4. General location of vehicular access points; and
5. Public benefit schedule.



Figure 2- Approved Sketch Plan

Proposal

Subdivision

The Applicant proposes to combine one lot and seven parts of lots to create one 30,625-square-foot lot, transfer development rights from three nearby, but not adjacent, Sending Properties and 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 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, as determined during site plan review, and not to exceed 15,488 total square feet of non-residential uses. The proposed development is expected to be built in one phase.

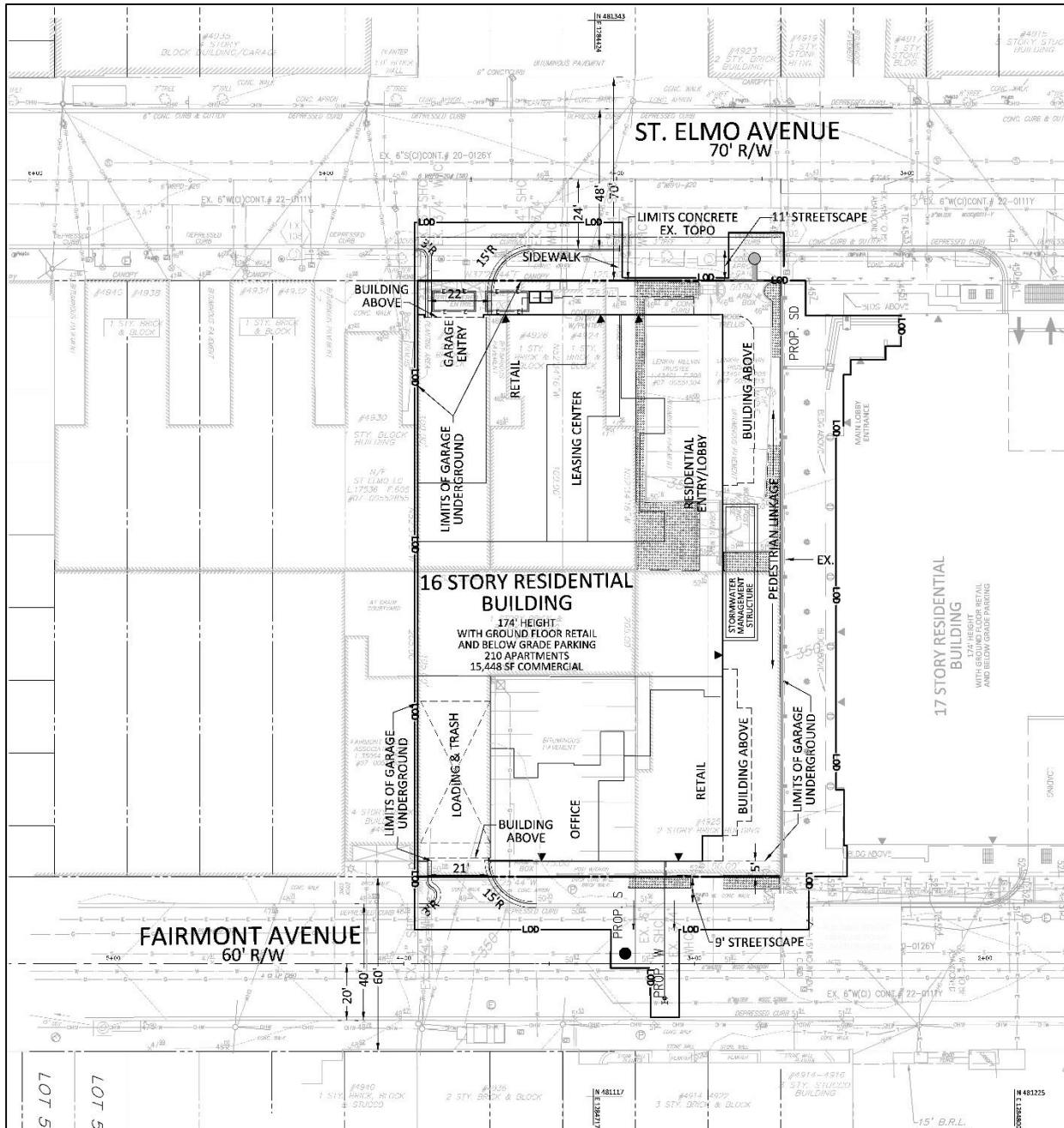


Figure 3-Preliminary Plan

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 split between office and retail uses, 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 floor area ratio (FAR) of 7.11, which includes the 22% residential density bonus afforded by the provision of the 15% MPDUs. The Sending Properties that are sending development rights to the Subject Property will retain sufficient development rights to be developed with standard method projects. Collectively, these properties will retain the right to develop up to 46,012 square feet of gross floor area (Attachment C).

The Sending Properties are developed with existing buildings, which are within the allowed density that will be retained on each property. A recorded instrument for each sending property limits 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 instrument and the sketch plan amendment process will ensure that an application is not processed for an inappropriate increase in density.

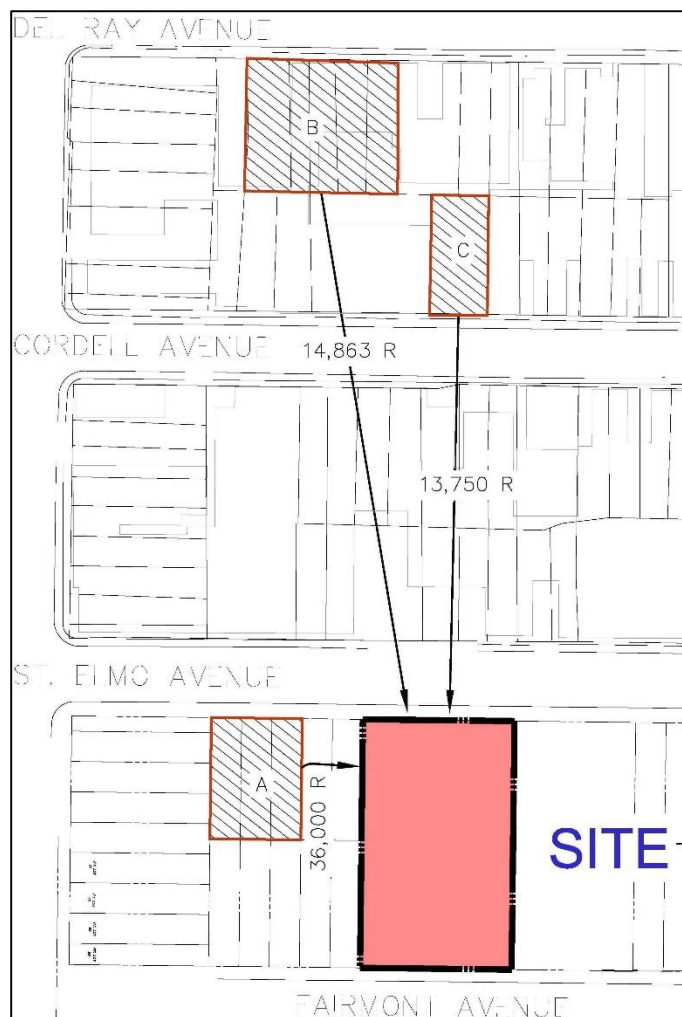


Figure 4-FAR Averaging/Sending Sites

Buildings

The Property is located in the northern portion of the Bethesda CBD in the Woodmont Triangle area. The Project will provide residential, retail and office uses, along with public open space and significant public benefits, all within walking distance of the Bethesda Metro Station.

The Project has been designed to respond to the pedestrian/ transit oriented and urban nature of the Property and the Woodmont Triangle area. The building 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 also continues the building line established by the adjacent townhouse on Fairmont Avenue, in order to create a continuous building line along these frontages. 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, as determined during Site Plan review.

Open Space

Under the Optional Method of Development in the CR Zone (given that the lot area for each property is under one acre and no lot has 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 a minimum of 10% of the total Tract area as public open space (at least 5,150 square feet), to be determined at Site Plan.

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. 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 Woodmont Triangle Amendment. Although on two separate properties, the Applicant is working with the owners of the Bainbridge Bethesda property to design both spaces as one cohesive passageway. Final details on the public open space will be determined at the time of Site Plan.

Circulation

Street access to the Subject Property is provided by St. Elmo Avenue and Fairmont Avenue. A condition of the approved Sketch Plan requires that any necessary right-of-way for these streets be dedicated at the time of preliminary plan approval; no additional right-of-way is needed for these streets since the master plan recommended rights-of-way were previously dedicated to public use by deed.

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 approximately 231 parking spaces (Figure 4). Although MCDOT's letter requested that the garage entrance measure a minimum of 24 feet in width, the Applicant has demonstrated that two-way vehicular operation can be accommodated within a 22-foot wide entryway configured as one 10-foot wide outbound lane and one 12-foot wide inbound lane. Both M-NCPPC Staff and MCDOT Staff agree that the 22-foot wide garage entrance from St. Elmo Avenue does not conflict with the anticipated vehicular operation. The number of parking spaces will be determined at Site Plan based on the number of residential dwelling units. 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 (Figure 5). 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.

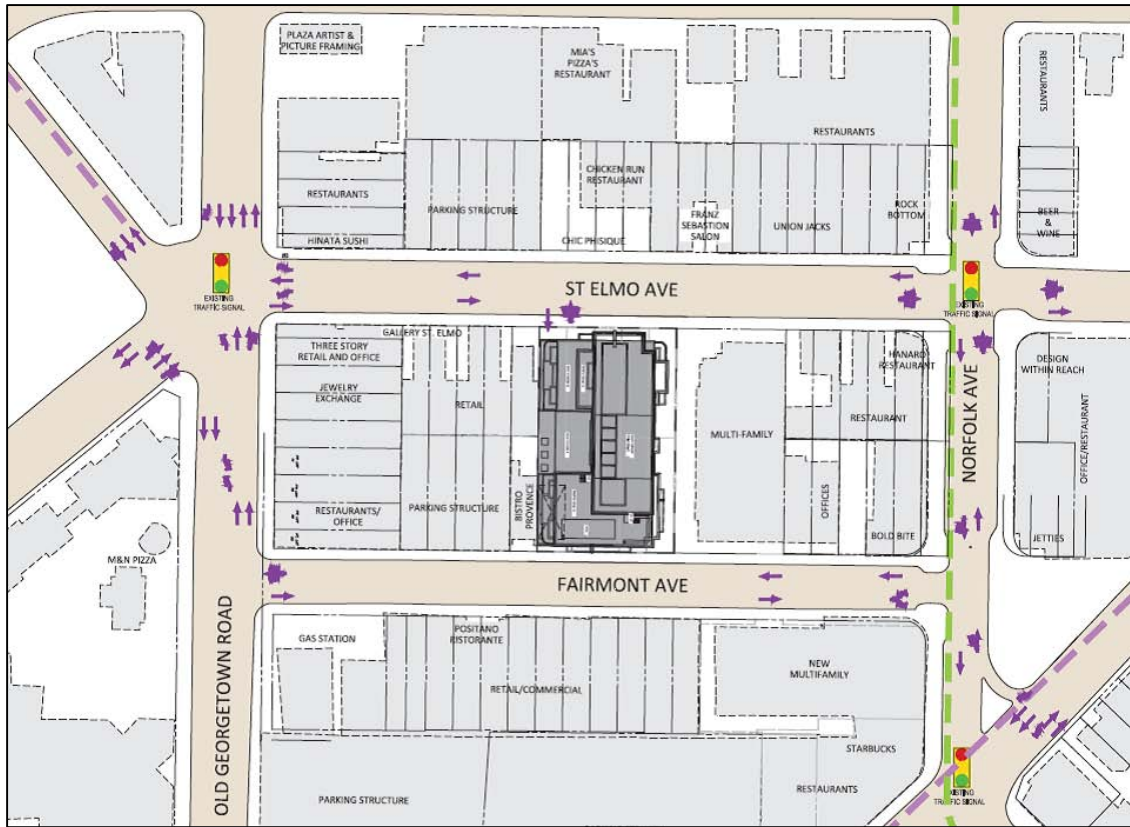


Figure 5-Vehicular Circulation

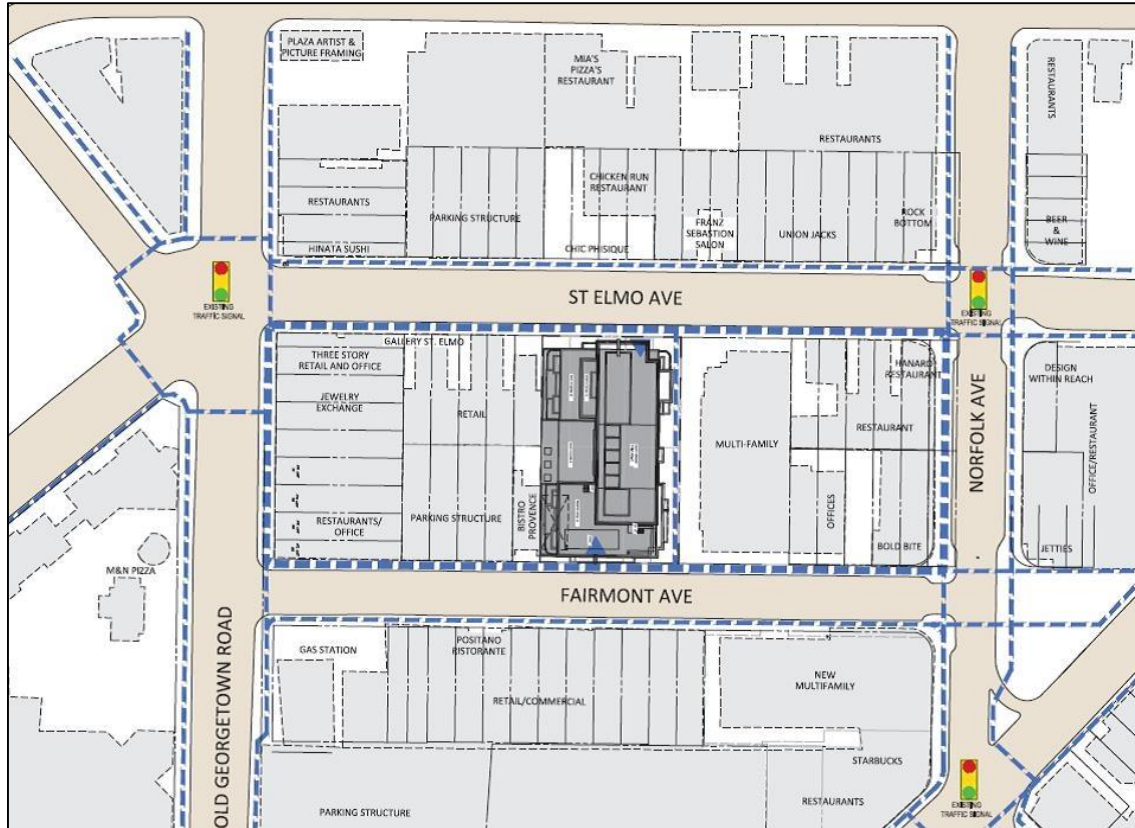


Figure 6-Pedestrian Circulation

Community Outreach

On April 6, 2015, the Applicant held a pre-submittal public meeting at the Bethesda Elementary School. The Applicant has complied with all submittal and noticing requirements, and Staff has not received correspondence from community groups or citizens as of the date of this report.

SECTION 4: PRELIMINARY PLAN ANALYSIS AND FINDINGS

Sector Plan Conformance

The Application substantially conforms to the recommendations for the Subject Property included in the 2006 *Woodmont Triangle Amendment to the 1994 Bethesda CBD Sector Plan*. The Subject Property is located on Block 44, which is recommended for a density of 5.0 FAR (not including the MPDU bonus density) and MPDU bonus height up to 174 feet.¹ 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 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.*

¹ 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 greater if the additional height is 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 to the 1994 Bethesda CBD Sector Plan*.

Transportation

Access and Circulation

Vehicular access to the Subject Property is proposed directly 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 is proposed to 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.

Transit Connectivity

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 site²), Metrobus, RideOn, the Bethesda Circulator and future Purple Line. Specific transit routes near the Site include:

1. RideOn Bus Routes 29, 32, 30, 34, 36, 40, 47, 70
2. WMATA Metrobus Routes J2, J3, J4, J7, and J9

Master Plan Roadways and Pedestrian/Bikeway Facilities

The following summarizes recommendations included in the *1994 Bethesda CBD Sector Plan* and *2005 Countywide Bikeways Functional Master Plan* along the property frontage:

1. Fairmont Avenue, along the southern site frontage, as a Biker Friendly Area and Mixed Street with a minimum right-of-way width of 60 feet. Mixed Streets are described in the Sector Plan as streets that accommodate higher levels of pedestrian activity.
2. St. Elmo Avenue, along the northern site frontage, as a Business District street with a minimum right-of-way width of 70'.

Sector-Planned Transportation Demand Management

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.

² 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.

Adequate Public Facilities

A traffic study (dated April 9, 2015) was submitted for the Application per the *LATR/TPAR Guidelines* since the proposed 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 proposed development, provided in Table 1, 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 Table 2, 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.

Transportation Policy Area Review (TPAR)

Since the proposed 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 proposed development is not required to pay the transportation impact tax to satisfy the TPAR requirement.

TABLE 1: SUMMARY OF SITE TRIP GENERATION - PROPOSED ST ELMO APARTMENTS PROJECT

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
Existing (Credit)						
16,350 SF Office	21	4	25	6	19	25
9,100 SF Retail	3	3	6	12	12	24
Total Credit	24	7	31	18	31	49
Proposed						
210 High Rise Dwelling Units	13	50	63	42	21	63
10,000 SF Office	13	2	15	4	11	15
6,000 SF Retail	2	2	4	8	8	16
Total Proposed	28	54	82	54	40	94
Total Net New Peak Hour Trips	4	47	51	36	9	45

Source: Wells + Associates, Inc. traffic study dated April 9, 2015.

TABLE 2: SUMMARY OF CAPACITY CALCULATIONS - PROPOSED ST ELMO APARTMENTS PROJECT

Intersection	Traffic Conditions					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Norfolk Ave/ St. Elmo Ave	510	631	511	663	522	696
Old Georgetown Rd/ St. Elmo Ave/ Wilson Ln/ Arlington Rd	1063	1081	1067	1264	1074	1268
St. Elmo Ave/ Site Driveway	-	-	-	-	429	471

Source: Wells + Associates, Inc. traffic study dated April 9, 2015.

Other Public Facilities

Public facilities and services are available and will be adequate to serve the proposed development. The Subject Property is proposed to 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 Property. Electrical, telecommunications, and gas services are also available to serve the Subject Property.

Compliance with Zoning Ordinance and Subdivision Regulations

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application meets all applicable sections. The size, width, shape, and orientation of the proposed lot are 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 lot was reviewed for compliance with the dimensional requirements for the CR Zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is shown in Table 3, below. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan.

Table 3: Preliminary Plan Data Table

PLAN DATA	Permitted/Required	Proposed for Approval by the Preliminary Plan
Tract (square feet)	n/a	30,625
Dedications (square feet)	n/a	5,000
Site (square feet)	n/a	25,625
Setbacks		
From Property Line (Minimum Feet)	0	0
Maximum Total Density (square feet)	263,956	263,956
MPDUs	12.5% Min.	15% Min.
Open Space (% / square feet)	0%	20% / 5,150
Site Plan Required		Yes

Environment

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. (Attachment D)

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), 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 or mitigation for loss of individual trees. The plan requirements must be based on the size and character of the trees to be cleared. 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. A condition of approval is recommend by Staff to address the mitigation requirements at the time of Site Plan.

Noise

The proposed St. Elmo Apartments development provides residential units within a busy urban environment that may produces 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 proposed St. Elmo Apartments mixed-use multifamily building (St. Elmo Apartments Phase I Noise Analysis dated September 14, 2015).

The noise analysis confirms that some of the proposed units would be subject to higher levels of noise impacts, in excess of the noise guidelines. However, appropriate treatments of the building shell and 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. Conditions of approvals are included to ensure that further analysis and appropriate mitigation are provided prior to certain stages of the development process.

Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept on June 12, 2015 (Attachment E). According to the approval letter, the stormwater management concept meets stormwater management requirements via green roof and a micro-bioretenion/planter box.

CONCLUSION

The Application satisfies the findings of the Subdivision Regulations and substantially conforms to the recommendations of the *Woodmont Triangle Amendment to the 1994 Bethesda CBD Sector Plan* area. Access and public facilities will be adequate to serve the proposed lot, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Staff recommends approval of the Preliminary Plan No. 120150200 with the conditions specified at the beginning of this report.

ATTACHMENTS

- A. Preliminary Plan
- B. Sketch Plan Resolution
- C. FAR Averaging
- D. FCP Exemption Letter
- E. Stormwater Concept Approval letter
- F. Agency Approval Letters