



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:


M-NCPPC Legal Department

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