







**Solera Reserve Kensington: Preliminary Plan No. 120180220 and Site Plan No. 820180180**

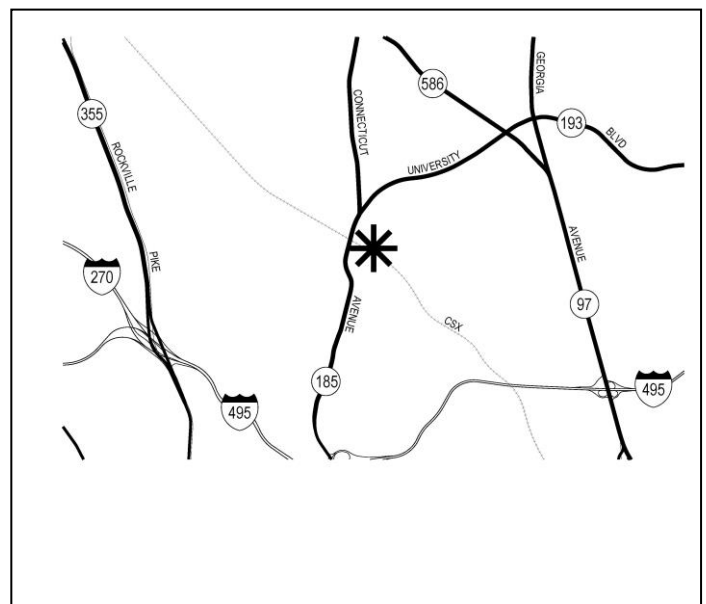
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**Completed: 12/10/18**

**Description**

Request to create one lot and redevelop the property with a maximum of 138,855 square feet of development, with up to 1,000 square feet of commercial uses, up to 137,855 square feet of residential uses (including 12,662 sf of MPDU bonus density based on 15% MPDUs) for 63 Independent Living units and 79 Residential Care beds, residential amenities, and structured parking.

Location: Southwest corner of the intersection of Metropolitan Avenue and St. Paul Street, Kensington  
 Master Plan: 2012 *Kensington Sector Plan*, 10500 & 10520  
 St. Paul Street designated Historic in Kensington Master Plan Historic District.  
 Zone: CRT-1.5 C-1.5 R-1.5 H-60.  
 Property Size: 1.93 acres.  
 Acceptance Date: June 26, 2018.  
 Applicant: SM Kensington Senior Living RE, LLC.  
 Review Basis: Chapter 50, Chapter 59, Chapter 22A.



**Summary**

- Staff recommends approval of Preliminary Plan No. 120180220 and Site Plan No. 820180180 with conditions.
- On May 3, 2018, the Planning Board approved Sketch Plan No. 320180080 for a mixed-use project with up to 126,193.5 square feet (without MPDU bonus density) of development.
- Proposed redevelopment of the site under the Optional Method of Development with Independent Living Facility for Seniors/Residential Care Facility.
- A minimum of 15% of the Independent Living units will be Moderately Priced Dwelling Units (MPDUs).
- The Site Plan approval includes approval of the Final Forest Conservation Plan.
- The proposal will retain two existing historic buildings located within the Kensington Master Plan Historic District, and adaptively reuse them to provide for up to 1,000 square feet of retail/service use.
- The Historic Preservation Commission (HPC) supports the proposed redevelopment.

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### ATTACHMENTS

1. Preliminary Plan
2. Site Plan
3. Landscape Plan
4. Correspondence from Town of Kensington
5. Community Correspondence
6. MCDPS Water Resources Section Letter
7. MCDPS Fire Department Access and Water Supply Section letter
8. DHCA Letter
9. MCDOT Letter
10. Final Forest Conservation Plan
11. Forest Conservation Variance
12. Historic Preservation Commission Letter

## SECTION 1: RECOMMENDATIONS AND CONDITIONS

### Preliminary Plan No. 120180220

Staff recommends approval of Preliminary Plan No. 120180220, including the Preliminary Forest Conservation Plan. 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 conditions:

#### General Approval

1. Density  
This Preliminary Plan is limited to one lot for a maximum of 138,855 square feet of development including up to 1,000 square feet of commercial uses and up to 137,855 square feet of residential uses (including 12,662 sf of MPDU bonus density based on 15% MPDUs) for 63 Independent Living units and 79 Residential Care beds.
2. Sketch Plan Conformance  
The Applicant must comply with the conditions of the Planning Board's approval for Sketch Plan No. 320180080.

#### Adequate Public Facilities and Outside Agencies

3. Adequate Public Facilities  
The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty (61) months from the date of mailing of this Planning Board Resolution.
4. Outside Agencies
  - a) Except for Condition #5, the Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated July 16, 2018 and incorporates them as conditions of the Preliminary Plan approval. Except for Condition #5, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
  - b) Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration's (MDSHA) requirements for access and improvements to Metropolitan Avenue.
  - c) 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 October 29, 2018, and 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 if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
  - d) The Planning Board accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (DHCA), in its letter dated November 1, 2018, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

- e) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated December 7, 2018 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

5. Site Plan Approval

- a) Before clearing or grading the Subject Property, the Applicant must receive Staff certification of Site Plan No. 820180180. The number and location of site elements including but not limited to buildings, dwelling units, on-site parking, site circulation, and sidewalks is determined through site plan review and approval.
- b) If an approved site plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the site plan amendment.

**Environment**

6. Forest Conservation

- a) The Applicant must comply with Final Forest Conservation Plan 820180180.
- b) Prior to Certified Site Plan, the Applicant must revise the Preliminary Forest Conservation Plan to revise calculations that include mitigations for Tree #01 and show mitigation plantings for the removal of Tree #02.

**Transportation**

7. Frontage Improvements

- a) The Applicant must provide a dedication of thirty-five (35) feet from the existing pavement centerline along the Subject Property frontage on Metropolitan Avenue and show this dedication on the record plat.
- b) The Applicant must construct an eight (8)-foot-wide sidepath along the Property's Metropolitan Avenue frontage.

**Record Plats and Certified Preliminary Plan**

8. Record Plats

- a) There shall be no clearing or grading of the site prior to recordation of plat(s).
- b) The record plat must show necessary easements.
- c) The record plat must reflect all areas under common ownership.

9. Certified Preliminary Plan

Before approval of the Certified Preliminary Plan, the following revisions must be made subject to Staff review and approval:

- a) Include all applicable agency approval letters and the Preliminary Plan Resolution on the approval sheet(s).
- b) Show the location of a public improvement easement over the portion of public parking along St Paul Street that is located on the Property.
- c) Include 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.*

## Site Plan No. 820180180

Staff recommends approval of Site Plan 820180180. The Applicant must comply with the binding elements and conditions of approval for Sketch Plan 320180080 as listed in the MCPB Resolution No. 18-031 dated May 3, 2018, and Preliminary Plan No. 120180220. 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 conditions.<sup>1</sup>

### Density, Height & Housing

1. Density

The Site Plan is limited to a maximum of 138,855 square feet of development on the Subject Property including up to 1,000 square feet of commercial uses and up to 137,855 square feet of residential uses (including 12,662 sf of MPDU bonus density based on 15% MPDUs) for 63 Independent Living units and 79 Residential Care beds.

2. Height

The development is limited to a maximum height of 60 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

### Open Space, Facilities and Amenities

3. Public Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 3,600 square feet of Public Open Space (5.2% of net lot area) on-site.
- b) All landscaping must be installed within one growing season of the issuance of the Final Use and Occupancy Certificate.
- c) Before issuance of the Final Use and Occupancy Certificate for the residential building:
  - i. The Applicant must construct the streetscape improvements shown on the Certified Site Plan, including the undergrounding of utilities, along the Property's Metropolitan Avenue frontage on; and
  - ii. All Public Open Spaces on the Subject Property must be completed.
- d) Prior to Building Permit, the Applicant must make a contribution to the Bikeshare Program, subject to review and approval by MCDOT.

4. 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 to the Marc Rail Station.
- b) Connectivity between Uses, Activities, and Mobility Options
  - i. Minimum Parking – The Applicant may not construct more than 78 off street parking spaces.
- c) Diversity of Uses and Activities

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<sup>1</sup> 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.

- i. Affordable Housing/MPDUs –
      - a. The development must provide a minimum of 15 percent MPDUs, or a Department of Housing and Community Affairs (DHCA) approved equivalent, consistent with the requirements of Chapter 25A.
      - b. Before issuance of any building permit for any residential unit, an MPDU agreement between the Applicant and DHCA that satisfies the requirements of Chapter 25A must be executed.
    - ii. Enhanced Accessibility for the Disabled –
      - The Applicant must construct at least two dwelling units that satisfy American National Standards Institute A117.1 Residential Type A standards or an equivalent County standard.
  - d) Quality Building and Site Design
    - Structured Parking – The Applicant must provide all 78 off street parking spaces within a below-grade structure.
  - e) Building Reuse
    - Before issuance of any building permit, the Applicant must submit documentation to M-NCPPC Staff showing compliance with the Retained Building criteria in Section 59-4.7.3.G.
- 5. Recreation Facilities
  - Prior to the Final Use and Occupancy Certificate for the residential building, the Applicant must provide the recreation facilities as shown on the Certified Site Plan.
- 6. Maintenance of Public Amenities
  - The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to, the public plaza, seating and landscaping in the Public Open Space.

## Environment

- 7. Forest Conservation
  - a) The Applicant must comply with Final Forest Conservation Plan No. 820180180.
  - b) Prior to the start of any clearing, grading, or demolition occurring on the Subject Property, the Applicant must pay the fee-in-lieu to satisfy the .30 acres of afforestation required.
  - c) Prior to the release of the first Use and Occupancy Certificate, the Applicant must provide mitigation for the removal of one (1) tree subject to the variance provision by planting native canopy trees totaling thirteen (13) caliper inches, with a minimum planting stock size of three (3) caliper inches. The trees must be planted on the Subject Property, outside any rights-of-way, or utility easements, including stormwater management easements. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC forest conservation inspector.
  - d) The limits of disturbance (“LOD”) on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
  - e) The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree protection measures not specified on the approved Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.
  - f) The Final Sediment Control Plan must be consistent with the final limits of disturbance shown on the approved Final Forest Conservation Plan.

- g) Prior to Certified Site Plan, the Applicant must revise the Final Forest Conservation Plan to revise calculations that include mitigations for Tree #01 and show mitigation plantings for the removal of Tree #02.

8. Noise Attenuation

- a) If the plan changes in any manner that affects the validity of the noise analysis dated May 22, 2018, for acoustical certifications and noise attenuation features, the Applicant must conduct a new noise analysis to reflect the revised plans, and new noise attenuation features may be required.
- b) Before issuance of any Use and Occupancy Certificate for any residential unit, the Applicant must construct the noise barrier along the Property's southern lot line and certify that the noise impacted units have been constructed in accordance with the certification of an engineer that specializes in acoustical treatments.

9. Historic Preservation

The Planning Board accepts the recommendations of the Historic Preservation Commission (HPC) in its letter dated December 7, 2018 and incorporates them as conditions of Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter.

## **Transportation & Circulation**

10. Pedestrian & Bicycle Circulation

- a) The Applicant must provide sixteen (16) long-term and four (4) short-term bicycle parking spaces.
- b) The long-term spaces must be in a secured, well-lit bicycle room adjacent to the covered parking area, and the short-term spaces must be inverted-U racks (or approved equal) installed in well-lit area adjacent to the commercial space (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- c) Before issuance of the Final Use and Occupancy Certificate, the Applicant must provide an eight (8)-foot-wide sidepath with and a seven (7)-foot wide green panel along the Property's Metropolitan Avenue frontage.

## **Site Plan**

11. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations in the Certified Site Plan.

12. Lighting

- a) Prior to 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 latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off fixtures.

- c) Deflectors will be installed on all fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting public roads and residentially developed properties.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

13. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, 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 the noise wall, plant material and soil medium, on-site lighting, indoor and outdoor recreational facilities, site furniture, trash enclosures, retaining walls, fences, railings, private sidewalks, private utilities, paths and associated improvements of development. The surety must be posted before issuance of the any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

14. 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.

15. 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 stormwater management concept approval letter, development program, and Site Plan resolution and other applicable resolutions on the approval or cover sheet(s).
- b) Add the following notes to the Site Plan:
  - i. "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
  - ii. "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."
  - iii. "The final footprint of the connector and details within the Historic District may be modified by the Historic Preservation Commission at the Historic Area Work Permit (HAWP) stage."

- iv. “The MPDUs may be provided at an alternative location consistent with Chapter 25A and DHCA approval. The Applicant does not need to file a Site Plan Amendment to reflect the alternative location unless providing MPDUS at an alternative location changes any physical characteristics of the Certified Site Plan.”
- c) Modify data table to reflect development standards approved by the Planning Board.
- d) Modify the public benefit table to reflect public benefit points approved by the Planning Board.
- e) Include the following:
  - i. Renderings most recently reviewed by the HPC;
  - ii. Location and details of the outdoor furniture;
  - iii. A sheet showing that each recreation facility satisfies the M-NCPPC Recreation Guidelines; and
  - iv. The number of bicycle parking spaces provided.
- f) Show a public improvement easement over the portion of public parking along St Paul Street that is located on the Property.



## SECTION 2: VICINITY AND SITE DESCRIPTION

### Site Vicinity

The Property (Subject Property or Property – outlined in red in Figure 1 below), is approximately 1.93 acres and is located at the southwest corner of the intersection of Metropolitan Avenue and St. Paul Street, Kensington. The Property is bordered by Metropolitan Avenue to the north, Connecticut Avenue to the west, St. Paul Street to the east and the CSX railroad tracks to the south. The Property is also approximately 300 feet from the MARC Train Kensington Station to the east.

The neighborhood surrounding the Property is predominately mixed-use with CRT and R-60 zoned properties to the north, south, east and west of the Property and CRN zoned properties to the north of Metropolitan Avenue. The Property is within the commercial center of Kensington, but outside the “Town Center” with business ranging from small retail stores to Kaiser-Permanente and Safeway. Portions of the subject property are located within the Kensington Master Plan Historic District (shown on the map below); any alterations within this area are subject to review and approval by the Historic Preservation Commission (HPC) under County Code Section 24A. Recreational facilities near the Property include St. Paul Park to the north, Warner Circle Park and Flinn Park to the south. The Property is also within close proximity to various civic and instructional uses including the Kensington Town Office and Noyes Children’s Library to the south.

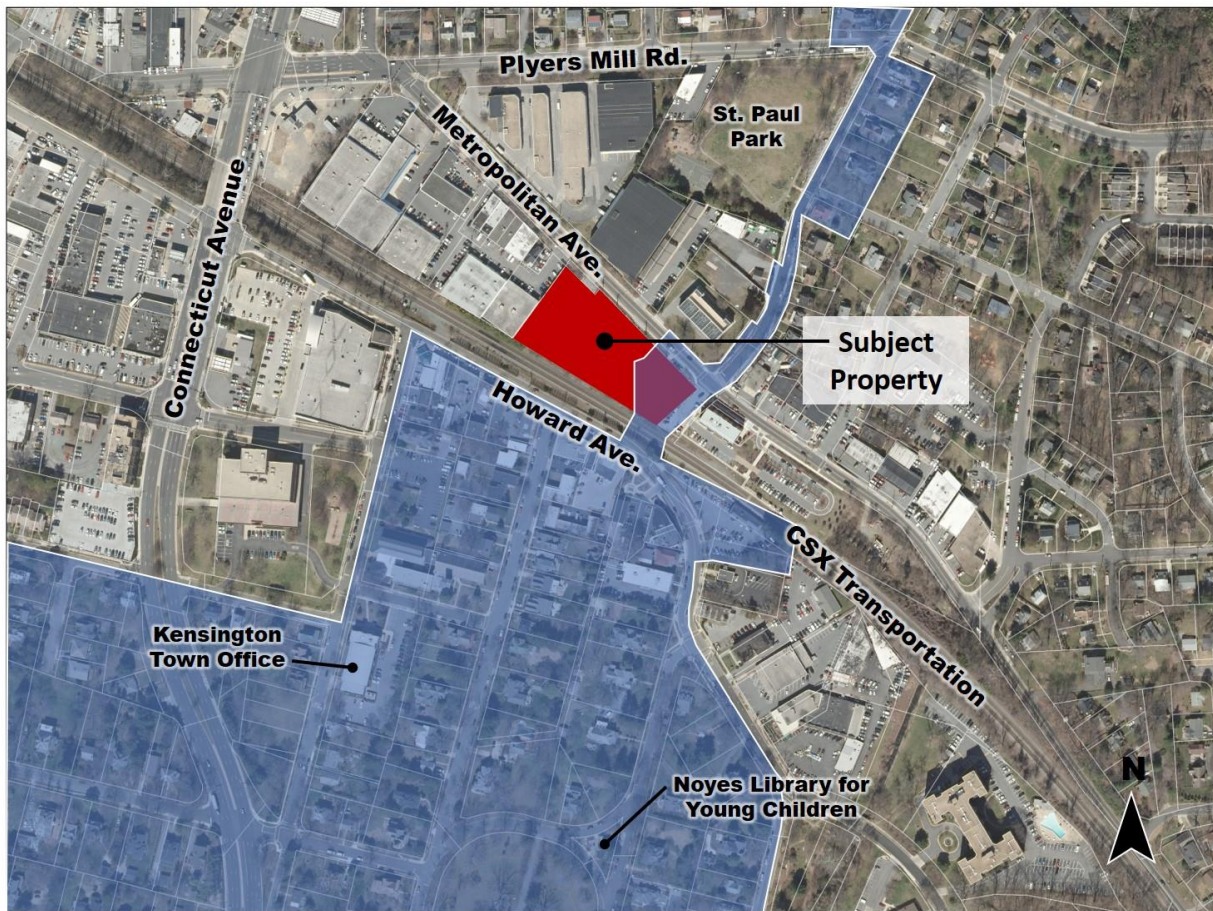


Figure 1: Vicinity Map with Property shown in red and historic district boundary shown in blue



## Site Description

The Property (Figure 2 below) is currently occupied by the dormant Mizell Lumber & Hardware Company and the operational Bergman's Dry-Cleaning Facility. It is improved with several single-story buildings and associated surface parking, including two historic buildings (Figure 3) located along St. Paul Street which are located within the Kensington Historic District. The Property lies within the Lower Rock Creek watershed and contains no forest, streams, wetlands, floodplains, or any associated environmental buffers. There are no rare, threatened, or endangered species on-site. The current buildings on the Property are served by public water and sewer. The Property is within the 2012 *Kensington Sector Plan* (Sector Plan) and is zoned CRT 1.5, C1.5, R1.5, H60.

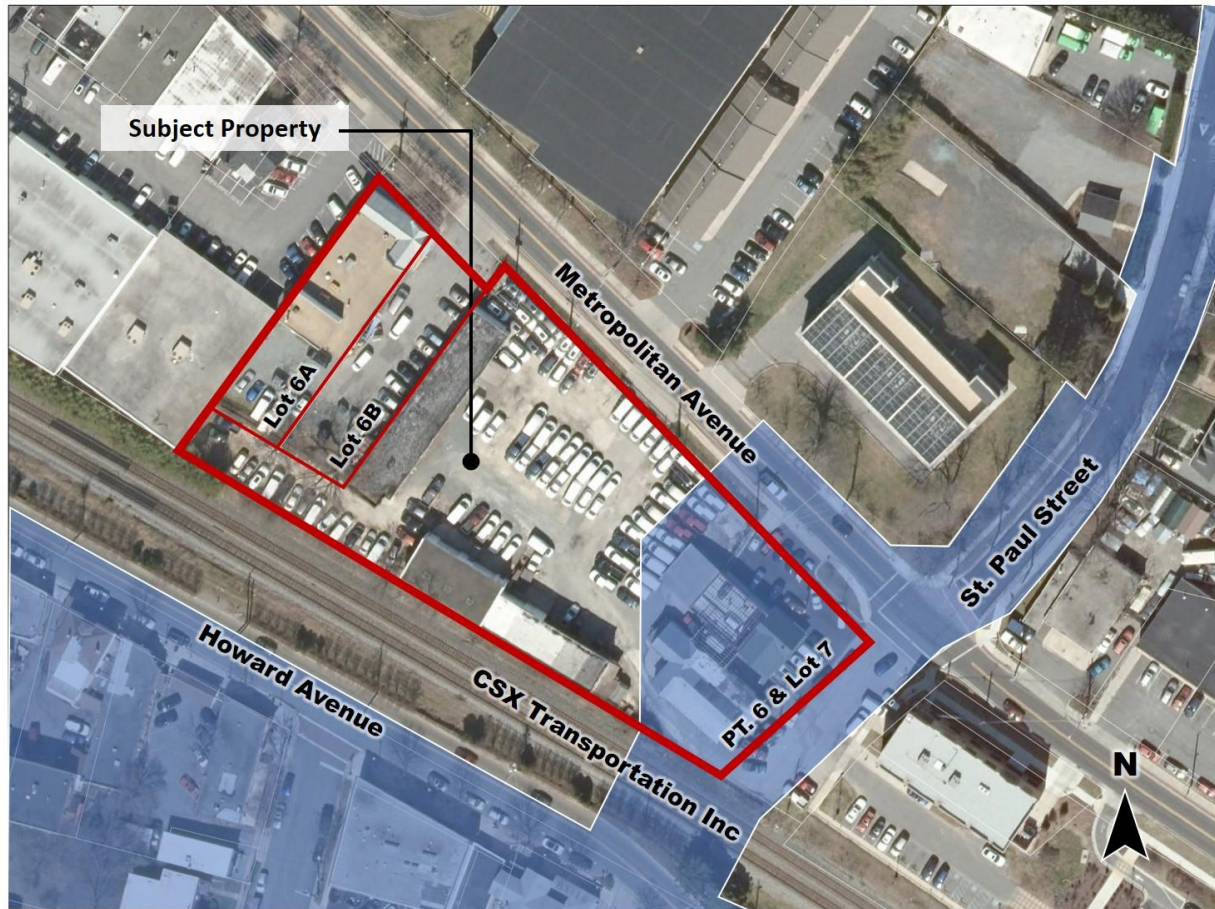


Figure 2: Aerial view with Property outlined in red and historic district boundary shown in blue

The historic properties are located at 10500 and 10520 St. Paul Street in the Kensington Master Plan Historic District. Both structures are categorized as Primary Resources in the Kensington Historic District. The southernmost building (10500 St. Paul Street) is a Folk Victorian commercial structure, and the second historic structure (10520 St. Paul Street), located to the north of the first building, is an early 20th-century roadside commercial building, oriented for its high visibility at the corner of St. Paul Street and Metropolitan Avenue. This structure dates to the mid-1930s, though an earlier commercial structure was in this location by 1924. That structure was connected to the property at 10500 via a breezeway and weigh station that largely conforms to the footprint of the existing connector. The earlier building was demolished by 1936 when the existing gas station appears on the Sanborn maps.



By 1924, the two buildings were combined with a connecting addition that allow them to operate and function as a single building. Both buildings also have later additions to the rear; these additions are located within the historic district, but are not considered to contribute to the historical or architectural character of these buildings or the larger district. The remainder of the site functions as an industrial storage yard. An historic gas station sign remains on the site adjacent to the Metropolitan Avenue frontage and is considered a contributing element to the historic district.



*Figure 3: St. Paul Street with the two existing historic buildings to be retained (looking west)*

## SECTION 3: PROJECT DESCRIPTION

### Previous Approvals

On May 3, 2018, the Planning Board approved Sketch Plan No. 320180080 for construction of up to 126,193.5 square feet of a mixed-use project including a senior housing building of up to 123,193.5 square feet of residential development and up to 3,000 square feet of non-residential uses. The Sketch Plan was approved subject to blinding elements and conditions including:

- *Maximum density of 126,193.5 square feet of development;*<sup>2</sup>
- *Maximum height of 60 feet;*
- *General location and extent of public open space;*
- *5% of the site dedicated for Open Space;*
- *General location of the vehicular access points;*
- *Public benefits schedule;*
- *15% MPDUs;*
- *Respect the character of the existing historic structures; and*
- *Adaptive reuse of the two historic structures.*

### Proposal

The Applicant proposes to redevelop the Property with a maximum of 138,855 square feet of residential and non-residential uses with the layout shown on Figure 4 below and Attachments 1 and 2. The proposed development will include:

- Demolition of the existing buildings on the Property with the exception of the historic portions of the designated historic buildings;
- Up to 137,855 square feet within a residential building for senior adults including:
  - Independent Living: 63 of the units will be allocated to independent living units. The independent living units will primarily be located on the 4th and 5th floors. The independent living apartments will be a mix of one- and two-bedroom units and will provide complete cooking facilities. The Project will provide a minimum of 15% of the independent living units as MPDUs.
  - Assisted Living: 43 of the units/beds will be allocated to assisted living units. They will be provided on the 2nd and 3rd floors of the proposed building. The assisted living component of the Project will have private suites but will not have cooking facilities and are not considered to be dwelling units.
  - Memory Care: 29 memory care units, with 36 beds, will be allocated for memory care. The memory care will be located on the 3rd floor, in a separate memory care wing. For the safety and security of the memory care residents, the memory care wing will be secured and is accessed by a separate elevator designated for the sole use of memory care residents, employees, and their visitors and guests. Similar to the assisted living units, the memory care units are not considered to be dwelling units.

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<sup>2</sup> Not including the MPDU bonus density allowed for providing 15% of the independent dwelling units as MPDUs

- Retention and adaptive reuse of the two historic buildings to provide up to 1,000 square feet of street-activated retail/service use as follows:
  - Coffee Shop: The historic building located closest to the corner of St. Paul Street/Metropolitan Avenue (10520 St. Paul Street) intersection is envisioned as a coffee shop. The building will have direct interior access from the senior living facility and will also be open to the general public with entrances from the street.
  - Spa/Salon: The historic building located closer to the railway tracks (10500 St. Paul Street) is currently programmed as a Spa and Salon including a fitness center and rehabilitation gym. This would be a residential amenity intended for the exclusive use by building residents with access directly from inside the senior living facility.
  - The Applicant is also proposing an enclosed connector from the main building to the historic buildings to provide access for residents with protection from the natural elements during inclement weather. The Applicant states that the proposed interior connector is necessary to ensure all residents can access all the amenities such as the fitness center, rehabilitation gym, spa, and the coffee shop.
- Provision of 5% Public Open Space in the form of a small plaza/courtyard with outdoor seating area at the northeast corner of the Property, at the intersection of Metropolitan Avenue and St. Paul Street;
- Outdoor amenity space in the form of a large outdoor courtyard for residents along the Property's southern boundary with the CSX railroad tracks.

#### Parking, Circulation and Streetscape Improvements

- A total of 78 structured parking spaces that will be located below grade and accessed via a driveway from Metropolitan Avenue with the required drive aisles, and loading/delivery areas. There are also surface parking spaces proposed along Metropolitan Avenue and St. Paul Street;
- Sixteen (16) long term bicycle parking spaces (below grade) and four (4) short-term bicycle parking spaces by the small plaza/outdoor courtyard;
- Vehicular access for the residential garage and drop-off/pick-up loop from Metropolitan Avenue;
- Loading and servicing through a loading dock located along the garage access ramp;
- Dedication of up to sixteen (16) feet along Metropolitan Avenue for a right-of-way width of 35 feet from the centerline; and
- An eight (8)-foot wide sidepath with a seven (7)-foot-wide buffer along Metropolitan Avenue and a seven (7)-foot sidewalk along St. Paul Street.



Figure 4: Illustrative Site Plan

#### Site Design and Architecture

The proposed building is designed in a u-shape around an outdoor courtyard that is accessed from the central common areas on the ground floor. Some of the independent living units on the ground floor will have direct access to the courtyard. The courtyard will be landscaped and will include a walking path, a water feature, multiple trellises, outdoor seating opportunities and shade. The Project includes a porte cochere along Metropolitan Avenue that allows for resident pick-up and drop-off under a cantilevered portion of the residential building.

The building is designed and programmed to actively engage the pedestrian environment along Metropolitan Avenue. The Metropolitan Avenue building facade includes windows, window patterns and glazing. The Project incorporates streetscape improvements to further enhance the pedestrian experience. Common residential amenities and facilities are located to provide views of internal activity from the street. Pedestrians will also have a view of the signature restaurant, private dining room and exhibition kitchen. Large planters will be located along the building façade to make the building more welcoming and attractive to pedestrians.

The Applicant worked collaboratively with Planning and Historic Preservation Staff to improve the architecture of the proposed building. The Applicant provides the following description of the architecture of the residential building (Statement of Justification, page 6):

*The building is designed in a restrained residential but contemporary style. The building design will draw on the details and materials of the established character of Kensington (which includes numerous examples of Victorian & Classical Architecture from the late 1800's), while simultaneously responding to its location just outside the commercial Town Center. The façade will incorporate brick (the dominant building material in the Town) and traditional residential*







*Figure 6: Rendering of the Project from the intersection of Metropolitan Avenue and Saint Paul Street (facing west)*

A connector, discussed in further detail in the Historic Preservation section of the report, provides residents with an interior connection between the proposed building and the historic structures and anchors part of the Public Open Space. The connector has been designed to have a more contemporary, open appearance to complement the historic structures, while also being distinguishable from them.

#### Historic Preservation

The Historic Preservation Commission (HPC) reviewed the Project at three Preliminary Consultations on September 5th, October 10th, and October 24th, 2018. The HPC and Staff have given the Applicant direction on the size, mass, scale, and height of the new addition, including determinations of appropriateness on hardscape alterations, proposed materials, and other issues.

The proposal for the two historic buildings focuses on the repair and retention of the historic fabric, including retention of windows and doors, and clapboard replacement as needed (Figure 6). Where features are too deteriorated to be repaired, the Applicant proposes to replace them in-kind. As plans are refined, detailed elevation drawings that note specific items that will be repaired or replaced will be required for the final Historic Area Work Permit (HAWP).

The design of the new residential building takes cues from the industrial related history of Kensington as a turn-of-the-century, Victorian railroad suburb. The design reduces the massing at the corner within the historic district, and has largely reconfigured the fenestration patterns and material palette to better reflect a traditional design vocabulary that does not overwhelm the historic buildings, but can also be a bridge to the new construction that will span the remainder of the block.



*Figure 7: Rendering of rehabilitated historic structures*



*Figure 8: Rendering of hyphen connecting the new building with the historic structures*

The HPC was very supportive of the design and its impact on the surrounding district. The Applicant has chosen a material palette that consists of traditional masonry elements including brick, metal, and precast concrete, mixed with modern materials such as rainscreen metal panels and veneers. The design has been modified so that these modern materials, save for the large panes of glass in the hyphen, are located outside of the historic district boundaries. The Application has also been revised to remove the sound wall from the historic district boundaries.

The design of the hyphen/connector has been refined through multiple design iterations with HP staff

and the HPC (Figure 8). The hyphen will connect to 10520 St. Paul Street to the south in much the same way that the existing hyphen does. The entire connector has been set back considerably from Metropolitan Avenue, creating a larger hardscape/courtyard area that allows for an enhanced pedestrian setting and plaza within the environmental setting. The proposed hyphen uses metal panels and picture windows with interspaced muntins and is generally compatible with the historic buildings. Final material and design details will be reviewed at the HAWP stage.

#### Noise Mitigation

An approximately twelve (12) to fourteen (14) foot noise barrier will be constructed along the Property's southern lot line to minimize sound impacts of the adjacent railroad tracks. The sound wall has been engineered to absorb sound, so as not to reflect sound back toward Howard Avenue and to prevent sound from penetrating the courtyard. Existing and proposed landscape plantings on the inside and outside of the wall will further minimize acoustical impacts of the adjacent CSX tracks. The plantings currently located just outside of the Property boundary to the south will help screen the wall from view of Howard Avenue.



## SECTION 4: COMMUNITY CORRESPONDENCE

The Applicant has met all proper signage, noticing, and submission meeting requirements. The Applicant sent individual notice letters to neighboring residents, schools and businesses, on June 29, 2018. On May 3, 2018, the Applicant held the required pre-submission meeting at the Kensington Town Hall, which was attended by 36 citizens including the Mayor of Kensington.

### Town of Kensington

The Mayor of the Town of Kensington (Town) transmitted four letters to Staff regarding the proposed Project (Attachment 4). Two letters, dated July 18, 2018 and October 15, 2018, indicate the Town's continued support of the Project.

In a letter dated November 7, 2018, the Mayor states that the Town and the Applicant have agreed in principle on the concept for continued public use of St. Paul Street in conjunction with the proposed Project and the existing uses on the east side of the street. This agreement in principle recognizes that the Town will continue to have jurisdiction and control of St. Paul Street, including its public parking, and will continue to maintain and regulate this right-of-way. It also takes existing easements and agreements into account. The letter includes a sketch of the St. Paul Street Improvements.

The fourth letter, dated November 13, 2018, addresses the bike share station recommendation discussed in the MCDOT letter. The letter explains the Town's opposition to the MCDOT recommendation for a bikeshare station on the Property given the demographic of the future residential occupants and because the proposed streetscape improvements along Metropolitan Avenue will be more beneficial to the future residents and the overall community. Staff concurs with the Applicant and the Town that a bikeshare station is not appropriate at this location given the demographic of the future residents of the building, the amount of bike parking provided in association with this Project, and the relatively small area that comprises the public open space. However, Staff recommends that the Applicant make a contribution towards the bikeshare program, to be reviewed and approved by MCDOT.

### Other Correspondence

To date Staff received two pieces of correspondence from the community shown in Attachment 5 which include:

- A letter of support from the Capital View Park Civic Association (CVPCA) Board stating that –
  - The Applicant has listened to the community's wishes;
  - The Applicant is maintaining the historic character of the site and surrounding area;
  - The proposed design is in keeping with the unique and moderately scaled architecture along Metropolitan Avenue; and
  - The proposed development will improve pedestrian safety.
- A resident requested that the County conduct an independent traffic study to account for traffic from deliveries and services for the proposed facility.
  - *Staff response:* Under the 2016-2020 Subdivision Staging Policy, a traffic study is not required for the Project because the number of weekday peak hour morning and evening person trips is fewer than the standard of 50 or more trips. In addition, Transportation Planning, MCDOT, and SHA Staff reviewed the proposal, and all agencies

have recommended approval. The County does not conduct independent traffic studies for proposed developments.

## SECTION 5: PRELIMINARY PLAN ANALYSIS AND FINDINGS

Under Section 50.4.2.D, the Planning Board must make the following findings to approve a Preliminary Plan:

1. *The layout of the subdivision, including size, width, shape, orientation and diversity of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The size, width, shape, and orientation of the proposed lot will be appropriate for the location. The Preliminary Plan will accommodate development on the Property at an appropriate and efficient location. The proposed lot was reviewed for compliance with the dimensional requirements for the CRT Zone as specified in the Zoning Ordinance. The proposed lot will meet all the dimensional requirements for open space, lot, density, height, placement, form, building type and public benefits in the zone and accommodate the proposed use as set out in Table 1 below.

<b>Table 1 – Development Standards for the CRT-1.5, C-1.5, R-1.5, H-60</b>		
<b>Section 4.5.4. Optional Method of Development</b>		
	Required/Allowed	Proposed
Gross Tract Area	n/a	1.93 ac. (84,129 sf)
Dedication (Total)	n/a	0.34 ac. (14,835 sf)
<i>Previous</i>	n/a	<i>0.25 ac. (11,089 sf)</i>
<i>Proposed</i>	n/a	<i>0.09 ac. (3,746 sf)</i>
Net Lot Area	n/a	1.59 ac. (69,294 sf)
<b>Open Space (min.)</b>		
Public Open Space (min.)	5% (3,465 sf)	5.2% (3600 sf.)
<b>Density and Height (max.)</b>		
Base Density	1.5 FAR (126,193.50 sf.)	1.5 FAR (126,193 sf)
Commercial Density	1.5 FAR (126,193.50 sf.)	0.01 FAR (1,000 sf)
Residential Density	1.5 FAR (126,193.50 sf.)	1.64 FAR (137,855 sf) <sup>1</sup>
Independent Living Units	n/a	63 units (74,762 sf)
<i>Base Density</i>	<i>n/a</i>	<i>53 units (62,100 sf)</i>
<i>Bonus Density</i>	<i>13,662 sf<sup>1</sup></i>	<i>10 units (12,662sf)<sup>2</sup></i>
Residential Care Beds	n/a	79 beds (63,093 sf)
Total Density (including MPDU bonus density)	n/a	1.65 FAR (138,855 sf)
Height	60'	60'
<b>MPDUs (min.)</b>		
Independent Living Units	12.5% (8 units)	15% (10 units/12,662 sf)
<b>Setbacks</b>		
Street	Established at Site Plan	3 ft
Side		24 ft
Rear		14 ft

<sup>1</sup> A 22% bonus density is allowed for providing 15% of the independent living units as MPDUs under Section 59-4.5.2.C.1.a.

<sup>2</sup> A 20% density bonus is proposed

2. *The Preliminary Plan substantially conforms to the Master Plan.*

As described below, the Preliminary Plan substantially conforms to the applicable recommendations/requirements of the 2012 *Kensington Sector Plan*.

The Property is located within the 2012 *Kensington Sector Plan*. The Sector Plan's vision is *"To promote a mixed-use Town Center with pedestrian-friendly connections to the vibrant neighborhoods that define Kensington"* (page 1).

The Sector Plan's *"broad goal is to reinvigorate the Town Center while preserving Kensington's scale and historic character"* (page 1).

The Property is identified in the *CS-1, CS-2 Konterra and Metropolitan Avenue South* area, which is within the *Crafts/Services District* of the Sector Plan. The *Crafts/Services District* includes West Howard Antiques District and service industrial activities on the south side of Metropolitan Avenue.

Within the *Crafts/Services District* the Sector Plan *"... proposes to preserve the character of this district. Aesthetic and environmental improvements should enhance the area's look and function without compromising its eclectic nature. The portion of this district on the south side of Metropolitan Avenue is recommended for the CRT Zone, with total maximum FARs of 1.5"*. (page 34).

The proposed development introduces residential uses with ancillary retail near the Kensington MARC Station, with pedestrian and streetscape improvements that help to both promote and reinvigorate the Town Center. The proposal has gone through multiple reviews with Planning Staff, HPC Staff, the Town of Kensington and the HPC, and as result, the proposed buildings and public spaces will provide significant aesthetic and environmental improvements that will enhance the area's look and function while echoing the materials and architectural vocabulary of the Historic District.

Within the *CS-1, CS-2 Konterra and Metropolitan Avenue South* area, the Sector Plan recommends:

- Preserving existing retail and service industrial uses in this area
- The opportunity to introduce some residential uses while maintaining the existing nonresidential uses in place.
- A height of 60 feet to accommodate additional density in a mixed-use development with public benefits, such as quality design, streetscape, open space, or public parking, and create a mixed-use, pedestrian-centered realm on both sides of Metropolitan Avenue.
- The remainder of the area which includes the Subject Property is recommended for CRT 1.5: C 1.5, R 1.5, H 60.

This Application, as conditioned, is consistent with the recommended zone and height requirements for the area as envisioned by the Sector Plan. The mixed-use Project provides residential possibilities with 15% MPDUs and up to 1,000 square feet of non-residential uses. The Project is also consistent with the recommendation of revitalization to this area, while

providing an appropriate mix of public benefits, high quality design that has been carefully considered in the context of the Historic District, enhanced streetscape and pedestrian realm along Metropolitan Avenue, thoughtfully designed public open space at and near the intersection of Metropolitan Avenue and St. Paul Street.

3. *Public Facilities will be adequate to support and service the area of the subdivision*

Transportation

*Vehicular Access*

Vehicular access for the residential development's garage and drop-off/pick-up loop is from Metropolitan Avenue. The commercial space in the historic structures will be accessed from St. Paul Street.

*Sector/Master-Planned Roadways and Bikeways*

The master-planned transportation facilities are designated below in accordance with the 2012 *Kensington Sector Plan* and the 2018 *Bicycle Master Plan*.

Metropolitan Avenue (MD-192) is designated as a Business District Street, B-4, with a recommended 70-foot right-of-way. The existing right-of-way varies between 40 and 56 feet along the Property frontage. To fulfill the required dedication, the Applicant must dedicate a total of 35 feet from Metropolitan Avenue's centerline. The 2018 *Bicycle Master Plan* does not recommend bicycle facilities along this segment of Metropolitan Avenue.

According to the Town of Kensington, St. Paul Street is a public right-of-way that is under the jurisdiction and control of the Town, although there does not appear to be a definitive record of dedication for the road. The Town and the Applicant have come to a preliminary agreement that allows the Town to maintain jurisdiction and control of St. Paul Street, including the public parking, while also recognizing existing easements and agreements. A portion of the public parking along St. Paul Street is located on the Property, and the Applicant will grant a public improvement easement on this area.

The *Kensington Sector Plan* recommends a new pedestrian/bicycle connection (LB-6) over the CSX rail right-of-way and The Bikeways Master Plan recommends an off-street trail crossing the CSX right-of-way between St. Paul Street and Howard Avenue. However, Staff finds that a CIP project would be a more appropriate mechanism to construct this connection given the cost and complexity required of such a project.

Pedestrian Facilities

Metropolitan Avenue currently has five (5)-foot-wide sidewalks, a two (2) to three (3)-foot-wide ornamental brick buffer, and a minimal green panel. The Applicant is proposing an eight (8)-foot-wide asphalt sidepath with a seven (7)-foot-wide green panel along the Metropolitan Avenue frontage. The Applicant is proposing a seven (7)-foot-wide sidewalk along St. Paul Street.

Public Transit Service

The site is adjacent to the Kensington MARC Station. In addition to MARC service, the nearest public transit routes are as follows:

- Ride On Route 4 operates along Howard Avenue, Kent Street, and Stoneybrook Drive between the Kensington (i.e., Knowles Avenue & Amory Avenue) and Shady Grove Metrorail Stations with half-hour headways on weekdays only.
- Ride On Route 5 operates along Metropolitan Avenue between the Twinbrook Metrorail Station and the Shady Grove Metrorail Station with half-hour headways on weekdays and weekends.
- Ride On Route 33 operates along Howard Avenue and Kensington Parkway between the Glenmont Metrorail Station and the NIH/Medical Center Metrorail Station with half-hour headways on weekdays only.

The nearest bus stops are located at the Metropolitan Avenue/St. Paul Street intersection, the Howard Avenue/Fawcett Street intersection, and the Kent Street/Stoneybrook Drive intersection. Connecticut Avenue (MD 185) is located approximately 1,300-feet to the west, where the following two bus routes operate:

- Ride On route 34 operates along Cedar Lane to Connecticut Avenue to University Boulevard between Aspen Hill (i.e., Grand Road & Bel Pre Road) and the Friendship Heights Metrorail Station with half-hour headways on weekdays and weekends.
- Metrobus route L8 operates along Connecticut Avenue between the Aspen Hill (i.e., Grand Road & Bel Pre Road) and the Friendship Heights Metrorail Station with half-hour headways on weekdays and weekends.

#### Local Area Transportation Review (LATR)

Per the 2016 Subdivision Staging Policy, *“if use and occupancy certificates for 75% of the originally approved development were issued more than 12 years before the LATR study scope request, the [traffic statement] study must be based on the increased number of peak-hour trips rather than the total number of peak-hour trips.”* Mizell Lumber & Hardware operated on the site since 1931, exceeding the 12-year threshold for use and occupancy. Therefore, the traffic statement was based only on the increased number of peak-hour trips by the senior housing rather than the total number of peak-hour trips that includes the reduced square footage of general retail space from 8,059 to 3,000.

Under the 2016-2020 Subdivision Staging Policy, a traffic study is not required because the number of weekday peak hour morning and evening person trips is fewer than the standard of 50 or more trips. In addition, the number of transit, pedestrian, and bike trips is fewer than the 50-trip standard. Therefore, the LATR test is satisfied and a traffic study is not required.

#### School Capacity

This Preliminary Plan is subject to the FY19 Annual School Test. However, the Annual School Test does not apply to this Property because the proposed use does not generate any children/students.

#### Other Public Facilities and Services

The Property is proposed to be served by public water and sewer. This Application has been reviewed by the Montgomery County Department of Permitting Services Fire Department Access and Water Supply Comments, which has determined that the Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by 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 Property.

4. *All Forest Conservation Law, Chapter 22A requirements are satisfied*

Environmental Guidelines

Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD #420180750) on November 20, 2017. The site lies in the Lower Rock Creek watershed and contains no forest, streams, wetlands, or floodplains, or any associated buffers.

Forest Conservation

The Property is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code) and the Applicant has submitted a Forest Conservation Plan (Attachment 10) in conjunction with the Preliminary Plan and Site Plan. There is no forest onsite but a 0.30-acre afforestation requirement, which will be met by fee-in-lieu payment.

Forest Conservation Variance

Section 22A-12(b) (3) of the Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal or disturbance within the tree's critical root zone (CRZ), requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires a variance to impact trees that: measure 30 inches or greater diameter at breast height (DBH); are part of a historic site or designated with a historic structure; are designated as national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

The Applicant submitted a variance request to remove one tree and to impact, but not remove, one tree that are considered high priority for retention under Section 22A-12 (b) (3) of the County Forest Conservation Law.

Unwarranted Hardship for Variance Tree Impacts

Per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state will result in unwarranted hardship. The requested variance is necessary due to the need to demolish the existing house, construct a public road, and the infill nature of this development. The site is constrained by existing development on all sides, which limits flexibility in grading.

Table 4- Variance Trees				
ID	Species	Size	Condition	Impacts
<b>Removal</b>				
#02	Silver maple	51"	Fair	Within the footprint of the proposed building.
<b>Impacts</b>				
#03	Red maple	44"	Good	Impacts from sidewalk and roadway construction. Across Metropolitan Avenue.

*Variance Findings*

Based on the review of the variance request and the proposed Preliminary Forest Conservation Plan, Staff makes the following findings:

- 1) *Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting this variance will not confer a special privilege on the Applicant as disturbance of the specified trees is a result of the need to design the development around the existing historic buildings. The Applicant will also not be able to construct the underground parking without being able to disturb the existing trees.

- 2) *The need for the variance is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances that are the result of actions by the Applicant. The variance is necessary due to the constraints of the existing historic buildings and the need to build underground parking. The impact to the trees is the minimum disturbance necessary to build the proposed senior living facility, with associated infrastructure.

- 3) *The need for the variance is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the location of trees and the proposed development and not a result of land or building use on a neighboring property.

- 4) *Granting the variance will not violate State water quality standards or cause measurable degradation in water quality.*

The Applicant will plant four (4) three (3)-inch caliper native shade trees to replace the form and function of the variance tree proposed for removal. In addition, the site will be developed in accordance with the Maryland Department of the Environment criteria for stormwater management.



*Mitigation for Trees Subject to the Variance Provisions*

The Applicant is requesting a variance to remove one tree. The one (1) tree (listed in the removal table above) will be mitigated at a rate of one (1)-inch caliper per four (4)-inches DBH removed, using a minimum three (3)-inch caliper native shade tree. The Applicant will plant four (4) three (3)-inch caliper trees which must be shown on the Final Forest Conservation Plan prior to Certified Site Plan.

*County Arborist's Recommendation of the Variance*

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection. The County Arborist has not made any recommendations on the variance request as of the time of staff report posting.

*Variance Recommendation*

Staff recommends that the variance be granted.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

The Applicant received approval of their stormwater management concept from the Montgomery County Department of Permitting Services, Water Resources Section on October 29, 2018. The concept plan proposes to meet the required stormwater management goals via twelve (12) on-site micro-bioretenion planters and two surface micro-bioretenion facilities that are intended to treat the public right-of-way. A waiver is being requested because the entire required volume cannot be treated in on-site ESD or structural measures.

6. *Any other applicable provision specific to the property and necessary for approval of the subdivision is satisfied.*

Noise

The Property is impacted by two types of transportation noise types – train and mixed automotive traffic (cars and trucks). The Property is located on the north side of the CSX Transportation railroad tracks, which are heavily used for both passenger and freight trains, and on the south side of Metropolitan Avenue. The Montgomery County “Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development” is used to review traffic noise impacts on residential developments. In this area of the County, the Guidelines recommend a maximum value of 65 dBA Ldn for exterior recreation areas and 45 dBA Ldn for indoor residential spaces.

The Applicant submitted a noise study, analyzing existing noise impacts from current traffic and future traffic volumes. The Property is impacted by transportation noise and requires mitigation to meet interior and exterior noise levels (Figure 9).

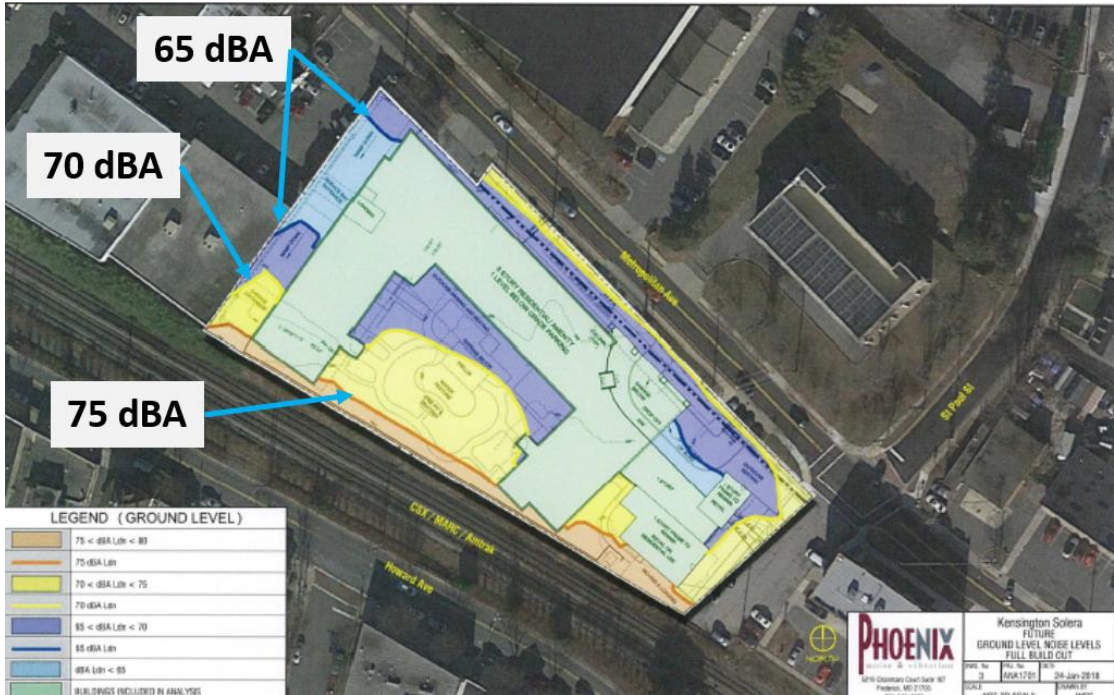


Figure 9: Future Unmitigated ground level noise

The Applicant has proposed an absorptive noise barrier, ranging from twelve (12) to fourteen (14) feet in height, to mitigate exterior noise in the outdoor recreation area. With this noise barrier, the exterior noise levels are reduced from 75 dBA Ldn to below 65 dBA Ldn in the outdoor recreation area (Figure 10).

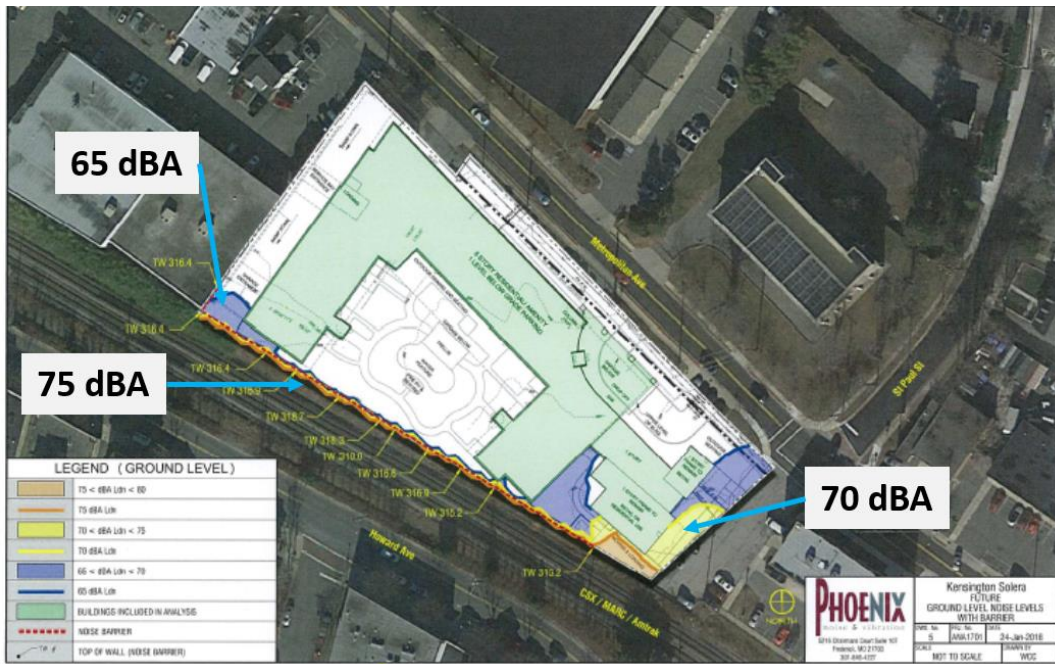


Figure 10: Future mitigated ground level noise

The proposed noise barrier does not mitigate the noise impacts from Metropolitan Avenue. Therefore, the entire north, east, and south elevations, as well as a majority of the upper level west and courtyard elevations will be exposed to future transportation noise levels above 65 dBA Ldn. Upgraded windows (operating and fixed) and doors which meet specific STC rating requirements must be installed for most residential units, whereas a typical residential window/door can be used for a small portion of the residential units on the west and courtyard elevations. When using the minimum STC rated windows/doors specified for each unit, along with the planned exterior wall construction, interior noise levels in all residential units will be below 45 dBA Ldn.

## SECTION 6: SITE PLAN ANALYSIS AND FINDINGS

Under Section 59-7.3.4.E.2, the Planning Board must find that the proposed development:

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

The proposed development satisfies the conditions of Sketch Plan No. 320180080.

- 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;*

Not applicable; there was not an applicable 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;*

The 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;*

### 1. Use Standards

Independent Living for Seniors and Residential Care Facilities (Over 16 Persons) are allowed as limited uses in the CRT Zone, and Retail/Service Establishments (up to 50,000 square feet) are permitted uses in the Zone.

Residential Care Facilities do not have any applicable limited use standards. Under Section 3.3.1.C.2.a, the limited use standards for an Independent Living Facility for Seniors are as follows:

- i. *The facility must meet all applicable Federal, State, and County licensure, certificate, and regulatory requirements.*

Other Federal, State, or County agencies will enforce this standard.

- ii. *Resident staff necessary for the operation of the facility are allowed to live on-site.*

The Applicant has not proposed that resident staff live onsite.

- iii. *Occupancy of a dwelling unit is restricted to the following:*

- a) *a senior adult, as defined in Section 1.4.2, Defined Terms;*
- b) *other members of the household of a senior adult, regardless of age;*
- c) *a resident care-giver, if needed to assist a senior resident; or*
- d) *a person authorized to occupy housing provided under any federal or state program that is specifically designed and operated to assist seniors as defined in that program.*

e) *If imposing age restrictions that would limit occupancy otherwise allowed by this Subsection, the facility must only impose age restrictions that satisfy at least one type of exemption for housing for older persons from the familial status requirements of the federal "Fair Housing Act," Title VIII of the Civil Rights Act of 1968, as amended, or the state Fair Housing Act, Subtitle 7 of Title 20 of the Annotated Code of Maryland, State Government Article, as amended.*

The occupancy will be restricted accordingly by the Applicant.

**2. Development Standards**

Table 1 demonstrates that the proposed development satisfied the development standards of the zone.

**3. Public Benefits**

An optional method project of the proposed size in the CRT Zone typically requires 50 public benefits points in three different benefit categories. However, because the Project is providing a minimum of 15% MPDUs, one less benefit category is required. As demonstrated in Table 5, the Project will provide 68 public benefit points in five (5) different categories.

<b>Table 5: Public Benefits</b>			
<b>Section #</b>	<b>Benefit Categories</b>	<b>Max Points Allowed</b>	<b>Points Proposed</b>
59-4.7.3B: Transit Proximity			
B1	Transit Proximity	40	5
59-4.7.3C: Connectivity and Mobility			
C.2	Minimum Parking	10	8
59-4.7.3D: Diversity of Uses and Activities			
D.4	Enhanced Accessibility for the Disabled	20	4
D.6	Moderately Priced Dwelling Units	n/a	30
59-4.7.3E: Quality Building and Site Design			
E.6	Structured Parking	20	20
59-4.7.3G: Building Reuse			
G.1	Building Reuse	100	1
	<b>Total</b>		<b>68</b>

Transit Proximity

The Property confronts the Kensington MARC Train station, a Level 3 transit facility, across St. Paul Street. The Zoning Ordinance indicates that five (5) points can be awarded for a Property that confronts a Level 3 Transit Facility.

Connectivity and Mobility

*Minimum Parking:* The Applicant is requesting points for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale up to a maximum of ten (10) points for providing no more than the minimum number of required parking spaces on-site. The minimum required number of on-site spaces is 74, the maximum number of spaces allowed is 110, and the Applicant is proposing 78 parking spaces. The Applicant is requesting eight (8) points in this subcategory as allowed using the calculation below from the Commercial/Residential and Employment Zones Incentive Density Implementation Guidelines (CR Guidelines).

$$[110 \text{ (maximum allowed spaces)} - 78 \text{ (proposed spaces)}] / [110 \text{ (maximum allowed spaces)} - 74 \text{ (minimum spaces required)}] * 10$$

Diversity of Uses and Activities

*Enhanced Accessibility for Seniors or the Disabled:* The Applicant requests four (4) points for providing 1.4% (2 out of 135) units that will meet American National Standards Institute (ANSI) A117.1 Residential Type A standards or an equivalent County standard. Four (4) points are allowed using the calculation below from the CR Guidelines:

$$(2 \text{ (ANSI units)}) / 135 \text{ (total units)} * 300$$

*Moderately Priced Dwelling Units:* The Applicant is requesting 30 points for providing 15% of the independent living units (10 out of 63) as MPDUs. Twelve points are granted for every one (1) point of MPDUs greater than 12.5%.

Quality Building and Site Design

*Structured Parking:* The Applicant is requesting twenty (20) points for providing all 78 on-site parking spaces in a below-grade structured parking garage. The points are calculated per the following equation:

$$78 \text{ (Below-grade spaces)} / 78 \text{ (Total spaces)} * 20$$

Building Re-Use

The Applicant requests one (1) point for the adaptive re-use of 808 square feet within the two historic structures located along St. Paul Street per the following formula in the CR Guidelines:

$$[808 \text{ (retained gross floor area)} / 42,064 \text{ (incentive density gross floor area)}] * 50$$

**4. General Requirements**

Division 6.1 Site Access

A 36-foot-wide curb cut from Metropolitan Avenue provides access to a 26-foot-wide driveway that leads to the garage of the proposed senior living facility and to the loading/service bay on the northwest corner of the building. Pedestrians and bicyclists can use the proposed eight-foot sidepath along the Property’s Metropolitan Avenue frontage to access the front door of the building, or the sidewalk along St. Paul Street to access the proposed retail space.



Division 6.2 Parking and Loading

<b>Table 6: Parking Requirements</b>			
	<b>Minimum Spaces Required</b>	<b>Maximum Spaces Allowed</b>	<b>Spaces Provided</b>
<b>Vehicle Parking (Reduced Parking Area)</b>			
Retail <i>1000 sf</i>	3.5	6	
Independent Living (market) <i>53 units</i>	26.5	53	
Independent Living (MPDU) <i>10 units</i>	2.5	10	
Residential Care Facility <i>79 beds</i>	40.75	40.75	
<b>Total Vehicle Spaces</b>	<b>74</b>	<b>110</b>	<b>78</b>
<b>Bicycle Parking</b>			
Independent Living	16 spaces (95% long term)	n/a	
Retail	1 space (15% long term)	n/a	
<b>Total Bicycle Spaces</b>	<b>17</b>	<b>n/a</b>	<b>16 long-term 4 short-term</b>
<b>Loading Spaces</b>			
Over 50 dwelling units	1	n/a	1

Division 6.3 Open Space and Recreation

A 1.93-acre property with two right-of-way frontages in the CRT Zone requires 5% Public Open Space. The Project will provide a minimum of 5% public open space (or 3,711 square feet) in a contiguous area location along the Property's frontages on Metropolitan Avenue and St. Paul Street, centered around the proposed coffee shop. The area includes space for pedestrian circulation, landscaping, seating, and shade. Pursuant to Sections 6.3.6.A.3 and 6.3.6.B.2, a portion of the public open space area will be devoted to outdoor café seating.

Tables 7 and Table 8 demonstrate compliance with the Recreation Guidelines.

**Table 7: Proposed Onsite Recreation Facilities**

Recreation Facility	Quantity	% Bonus Points	Tots	Children	Teens	Young Adults	Adults	Seniors
Pedestrian Connection - Trail System	1	10.00%	0.69	0.97	0.31	7.59	5.82	1.73
Bicycle Parking Garage	1	0%	0	7	14	14	12	5
Yoga Room	1	0%	0	2	4	9	9	9
Indoor Fitness Room	1	0%	0	0.44	0.19	11.5	7.06	2.36
Resident Lounge	1	0%	0	2	5	10	8	7
Interior Courtyard, Garden or Lawn	1	0%	2	3	4	7	7	5
Urban Plaza	1	10.00%	4.4	6.6	6.6	19.8	16.5	6.6
Picnic/Seating	4	0%	4	4	6	12	12	12
<b>Total Onsite Supply Points=</b>			<b>11.09</b>	<b>26.01</b>	<b>40.1</b>	<b>90.89</b>	<b>77.38</b>	<b>48.69</b>

**Table 8: Recreation Demand, Supply and Adequacy**

Age Group	Total Demand Points	Offsite Supply Points	Onsite Supply Points	Total Supply Points	Adequacy
<b>Tots</b>	<b>6.3</b>	<b>2.21</b>	<b>11.09</b>	<b>13.3</b>	<b>Adequate</b>
<b>Children</b>	<b>4.41</b>	<b>1.54</b>	<b>26.01</b>	<b>27.55</b>	<b>Adequate</b>
<b>Teens</b>	<b>1.89</b>	<b>0.66</b>	<b>40.1</b>	<b>40.76</b>	<b>Adequate</b>
<b>Young Adults</b>	<b>45.99</b>	<b>16.1</b>	<b>90.89</b>	<b>106.99</b>	<b>Adequate</b>
<b>Adults</b>	<b>35.28</b>	<b>12.35</b>	<b>77.38</b>	<b>89.73</b>	<b>Adequate</b>
<b>Seniors</b>	<b>15.75</b>	<b>5.51</b>	<b>48.69</b>	<b>54.2</b>	<b>Adequate</b>

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 and visitors. The Project provides street trees and planting beds and appropriate outdoor lighting to illuminate streets and sidewalks.

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

As described in the Preliminary Plan findings, the Application satisfies the applicable requirements of Chapter 19 and Chapter 22A.

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

Parking, circulation, building massing, opens spaces, and site amenities will be safe and well-integrated into the proposed development.

Parking and Circulation

Access to the Property will be from Metropolitan Avenue or St. Paul Street and on-site circulation is limited to vehicles accessing the loading dock or the garage from Metropolitan Avenue. The majority



of parking will be located in a below-grade structure that is completely integrated with the residential building. A limited number of parking spaces will be available along St. Paul Street to accommodate the proposed retail space. Short-term bicycle parking is proposed near the retail space and long-term bicycle parking is proposed in the underground parking garage.

#### Building Massing

The proposed building has been pulled up to Metropolitan Avenue, with community uses on the ground level to activate and enliven the streetscape, while enhancing the pedestrian environment. The street facing building façades contain recesses and projections that help break down the scale of the building through both vertical and horizontal breaks providing visual interest along Metropolitan Avenue and St. Paul Street.

#### Open Spaces and Site Amenities

The Project's public plaza creates a gathering place in a highly visible central location at the corner of Metropolitan Avenue and St. Paul Street, in close proximity to the Kensington MARC station. The plaza will include seating, landscaping, and signage associated with the historic buildings. Private amenities for the residents of the senior living facility include an interior courtyard and rooms inside the building for exercise and community activities.

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

As discussed in the Preliminary Plan section of the report, the proposed Project substantially conforms with the recommendations of the *Kensington Sector Plan* and the associated design guidelines.

- h. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that 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;*

As described in the Preliminary Plan section of this report, the Project will be served by adequate public services and facilities.

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

Not applicable; the Property is not 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 Property is compatible with existing adjacent development. The Project adheres to the height and density of the Property's zone and with the recommendations contained in the Sector Plan. The Project will contribute to the diversity of housing opportunities and uses in Kensington's commercial

core, and will encourage a pedestrian-friendly Town Center, as envisioned in the Sector Plan. The building's architecture and design provides an appropriate scale that complements the existing and permitted density/heights of the surrounding properties. Additionally, through adaptive reuse, the Applicant intends to maintain and revitalize the historic resources on the Property, thereby contributing to the preservation of the unique and historic character of Kensington.

## **SECTION 7: CONCLUSION**

The Applications meet all requirements established in the Subdivision Regulations and the Zoning Ordinance. Access and public facilities will be adequate to serve the proposed lot, the use conforms with the Master Plan and the general requirements of Chapter 59, and the Applications have been reviewed by other applicable county agencies, all of whom have recommended approval of the applications (Attachments 6, 7, 8, 9 Agency letters). Staff recommends approval of Preliminary Plan No. 120180220 and Site Plan No. 820180180, with the conditions listed at the beginning of the Staff Report.













# ATTACHMENT 4

Mayor Tracey Furman

Council Member Darin Bartram  
Council Member Bridget Hill-Zayat



Council Member Conor Crimmins  
Council Member Duane Rollins

July 18, 2018

Ms. Emily Tettelbaum  
Montgomery County Planning Department  
8787 Georgia Avenue  
Silver Spring, MD 20910

**Re: Solera Reserve Kensington Senior Living Development Project  
10540 Metropolitan Avenue**

Dear Ms. Tettelbaum:

Please accept this letter on behalf of the Kensington Town Council in support of the Preliminary and Site Plan applications for Solera Reserve Kensington. The Town has been working with McCaffery Interests over the last two years on a design concept that encompasses the ambiance of the community while meeting our expectations set forth within the 2012 Kensington Sector Plan.

The project's design team met with the Town Council for a Courtesy Review on May 14, 2018 where the proposed redevelopment project received positive support from the Council. The project also received a positive recommendation from our Development Review Board and continues to be well received throughout the community.

Overall, the Town believes that the Solera Reserve Kensington project is well fitted for our community and we commend McCaffery Interests on their responsiveness to our concerns during this entire process. We will remain engaged as this project continues to navigate through the approval process.

Sincerely,

  
Tracey Furman  
Mayor

Cc: Kensington Town Council  
Juan Cameron, McCaffery Interests  
Carrie Sanders, Area 2 Chief

**Mayor Tracey Furman**

**Council Member Darin Bartram  
Council Member Bridget Hill-Zayat**



**Council Member Conor Crimmins  
Council Member Duane Rollins**

October 15, 2018

Mr. Casey Anderson, Chair  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring MD 20910

**Re: Solera Reserve Kensington  
10540 Metropolitan Avenue**

Dear Mr. Anderson:

The Development Team for the proposed Solera Reserve Kensington project presented the revised design plans to the Town at our October 8, 2018 Council Meeting. The Council and I were very pleased with the revised plans and the continued effort by Solera to incorporate feedback from various groups throughout the community. We also want to acknowledge the collaborative work between the Historic Preservation Commission and McCaffery Interests in restoring the two historic structures and the design connecting the old with the new. In addition, the entire group representing the Solera project has been a pleasure to work with during this process and we commend them for their ability to find solutions to our concerns.

As we have expressed to you and the Planning Commission previously, the Solera Reserve Kensington project is well fitted for our community with respect to the 2012 Kensington and Vicinity Sector Plan, and we are looking forward to seeing this project take shape in early 2019.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracey Furman".

Tracey Furman  
Mayor

Cc: Kensington Town Council  
Juan Cameron, McCaffery Interests  
Emily Tettelbaum, Montgomery County Planning

**Town of Kensington 3710 Mitchell Street Kensington, MD 20895  
Phone 301.949.2424 Fax 301.949.4925  
www.tok.md.gov**

**Mayor Tracey Furman**

**Council Member Darin Bartram  
Council Member Bridget Hill-Zayat**



**Council Member Conor Crimmins  
Council Member Duane Rollins**

November 7, 2018

Ms. Rhoda Hersson-Ringskog, Senior Planner  
Ms. Emily Tettlebaum, Senior Planner  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

RE: Solera Senior Living Facility, Kensington;  
Preliminary Plan No. 120180220; Site Plan No. 820180180 (the "Project")

Dear Ms. Hersson-Ringskog and Ms. Tettlebaum:

This letter is written on behalf of the Mayor and Council of the Town of Kensington and was approved during a public meeting on November 5, 2018. The Town has worked closely and cooperatively with the Applicant and other interested parties on the above-referenced Project and the issues relating to the maintenance and operation of St. Paul Street and its associated parking.

St. Paul Street is a public right-of-way that is under the jurisdiction and control of the Town and intersects with the entrance to a parking lot that is the subject of a License Agreement between the Town and the County, and an Easement Agreement between Montgomery County, Konterra Limited Partnership and the Town of Kensington. I am pleased to report that the Town and the Applicant have agreed in principle on the concept for continued public use of St. Paul Street in conjunction with the proposed Project and the existing uses on the east side of the street. This agreement in principle, which is reflected in the attached St. Paul Street Improvements sketch, recognizes that the Town will continue to have jurisdiction and control of St. Paul Street, including its public parking, and will continue to maintain and regulate this right-of-way. It also takes existing easements and agreements into account.

Further documentation to memorialize our mutual understanding will follow, in parallel with implementation of the Project. We will continue to work closely to develop the appropriate documentation.

The Town strongly supports this Project, as expressed in our previous letters. We believe the Project will be an asset to the Town, the community, and the County. We look forward to its grand opening.

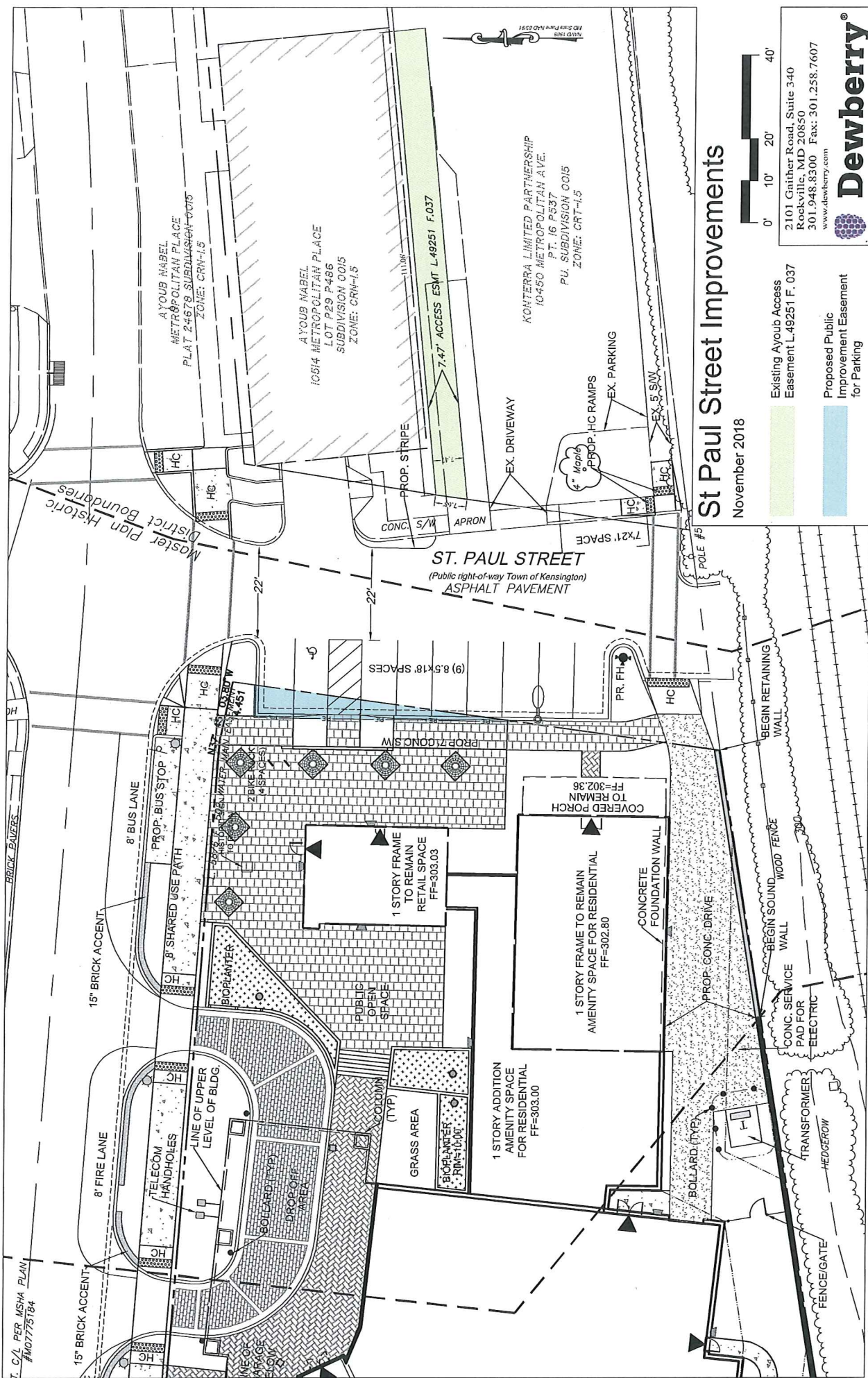
Please let me know if we can provide any additional information. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracey Furman", is written over a horizontal line. The signature is fluid and cursive.

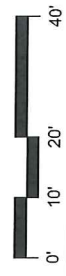
Tracey Furman, Mayor





# St Paul Street Improvements

November 2018



- Existing Ayoub Access Easement L.49251 F. 037
- Proposed Public Improvement Easement for Parking

2101 Cather Road, Suite 340  
 Rockville, MD 20850  
 301.948.8300 Fax: 301.258.7607  
 www.dewberry.com

T.C/L PER MSHA PLAN #M0775184

BRICK BARRIERS

Master Plan Historic District Boundaries

15" BRICK ACCENT

8" FIRE LANE

TELECOM HANDHOLES

LINE OF UPPER LEVEL OF BLDG.

BOLLARD (TYP.)

DROPOFF AREA

GRASS AREA

BIOPLANTER

1 STORY ADDITION AMENITY SPACE FOR RESIDENTIAL FF=303.00

1 STORY FRAME TO REMAIN AMENITY SPACE FOR RESIDENTIAL FF=302.80

CONCRETE FOUNDATION WALL

PROP. CONC. DRIVE

BOLLARD (TYP.)

CONC. SERVICE PAD FOR ELECTRIC

BEGIN SOUND WALL

WOOD FENCE

BEGIN RETAINING WALL

PR. FH

POLE #5

EX. 5' SW

EX. PARKING

4' PEOPLE PROP. HC RAMPS

APRON

7'x21' SPACE

CONC. M/S

7'-4"

11'10"

7'-47' ACCESS ESMT L.49251 F.037

EX. DRIVEWAY

KONTERRA LIMITED PARTNERSHIP 10450 METROPOLITAN AVE. PT. 16 P.537 P.U. SUBDIVISION 0015 ZONE: CRT-1.5

AYCUB NABEL 10614 METROPOLITAN PLACE LOT P29 P.486 SUBDIVISION 0015 ZONE: CRN-1.5

AYCUB NABEL METROPOLITAN PLACE PLAT. 24678 SUBDIVISION 0015 ZONE: CRN-1.5

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**Mayor Tracey Furman**

**Council Member Darin Bartram  
Council Member Bridget Hill-Zayat**



**Council Member Conor Crimmins  
Council Member Duane Rollins**

November 13, 2018

Ms. Emily Tettlebaum, Senior Planner  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

**Re: Solera Reserve Kensington  
10540 Metropolitan Avenue**

Dear Ms. Tettlebaum:

The Applicant for the Solera Reserve Kensington project, 10540 Metropolitan Avenue, contacted the Town with regards to MCDOT requiring a Bikeshare Station on the site of the proposed development project. In discussing the requirement with the Town Council at our November 5<sup>th</sup> Council Meeting, we determined that this is not an appropriate requirement of the Applicant, as the use of the facility will house seniors, many of whom are physically challenged or will be receiving memory care. In addition, the Applicant has indicated to the Town that they intend to install bicycle storage spaces on site (16 long-term spaces and 1 short-term space) for senior residents or visitors to the property, which we feel is sufficient for their needs.

Moreover, the Applicant has discussed with us their desire to improve pedestrian safety along Metropolitan Avenue in order to enhance the walkability to and from their facility. We believe these improvements toward pedestrian safety and walkability at this location will provide a greater benefit to the residents of Solera Reserve Kensington and the Kensington community.

While we are appreciative that MCDOT is proactively looking for travel solutions within our community, we do not believe that the requirement for a BikeShare Station at Solera Reserve Kensington is appropriate considering the intended use.

**Town of Kensington 3710 Mitchell Street Kensington, MD 20895  
Phone 301.949.2424 Fax 301.949.4925  
[www.tok.md.gov](http://www.tok.md.gov)**



Sincerely,



Tracey Furman  
Mayor

Cc: Rhoda Hersso-Ringsk, Montgomery Planning  
Kensington Town Council  
Juan Cameron, McCaffery Interests, Inc  
William Kominers, Lerch, Early & Brewer

# ATTACHMENT 5



October 19, 2018

Mr. Casey Anderson, Chair  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Solera Reserve Kensington, 10540 Metropolitan Avenue

Dear Mr. Anderson,

The Capitol View Park Civic Association (CVPCA) Board is in support of the Solera Reserve Kensington project. The project development team has listened to the community's wishes to maintain the historic character of the site and surrounding neighborhoods, and as such has presented a design that is in keeping with the unique and moderately scaled architecture that exists along Metropolitan Avenue.

Additionally, we support the project development team's efforts to improve pedestrian safety in the immediate vicinity of their site through enhanced walkability and traffic calming. Their efforts are commendable as they have recognized the serious need for these measures, understanding their impacts to the project's occupants and visitors, and have taken steps to address these concerns. It is the CVPCA's sincere hope that the Planning Commission will regard these efforts as a new standard that will be carried down Metropolitan Ave/Capitol View Ave as Montgomery County progresses towards its Vision Zero goals.

Sincerely,

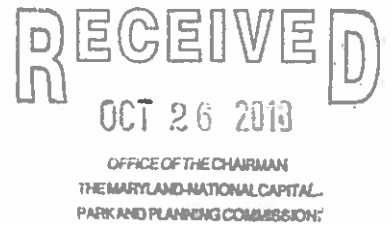
A handwritten signature in black ink, appearing to read "Andrea Hidalgo". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

Andrea Hidalgo, Vice President  
Capitol View Park Civic Association

Cc: CVPCA Board  
Juan Cameron, McCaffrey Interests

October 22, 2018

Mr. Casey Anderson, Chair  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910



Re: Solera Reserve Kensington, 10540 Metropolitan Avenue

Dear Mr. Anderson,

I live on Capitol View Avenue, and I would like to request that a traffic study be completed for the Solera Project, particularly as it will affect traffic on Capitol View Avenue.

Our neighborhood association has declined the traffic study based on information provided by Solera, but I think it would be prudent to have an actual and official independent study by Montgomery County.

I understand that residents of the nursing home may not be driving as much, but I would like to learn about the increase in traffic based on deliveries and services for this size and type of facility.

My neighbors and I would be grateful to get this factual information.

Thank you very much.

A handwritten signature in cursive script that reads "Cynthia L. Eicher".

Cynthia Eicher  
10012 Capitol View  
Silver Spring, MD 20910

# ATTACHMENT 6



## DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Diane R. Schwartz Jones  
Director

October 29, 2018

Ms. Amanda Stamper, PE  
Dewberry Engineers Inc.  
2101 Gaither Road, Suite 340  
Rockville, MD 20850

Re: **COMBINED STORMWATER MANAGEMENT  
CONCEPT/SITE DEVELOPMENT  
STORMWATER MANAGEMENT PLAN**  
Request for Solera/Reserve – Kensington  
10540 Metropolitan Avenue (MD 192)  
Preliminary Plan #: 120180220  
Site Plan #: 820180180  
SM File #: 283896  
Tract Size: 73,043 sq. ft./1.68 ac.  
Zone: CRT-1.5, C-1.5, R-1.5, H-60  
Total Concept Area: 69,294 sq. ft./1.59 ac.  
Lots/Block: Lots 6A, 6B, & 7 and Part of 6  
To be subdivided into one lot with MSHA road  
dedication  
Type of Development: Redevelopment  
Watershed: Lower Rock Creek

Dear Ms. Stamper:

Based on a review by the Department of Permitting Services Review Staff, the Combined Stormwater Management Concept/Site Development Stormwater Management Plan for the above-mentioned site is **acceptable**. The plan proposes to meet required on-site stormwater management goals via 12 on-site micro-bioretenion planters and two surface micro-bioretenion facilities that are intended to treat the public ROW. A waiver is being requested because the entire required volume cannot be treated in on-site ESD or structural measures.

The following items need to be addressed during the Engineered Sediment Control/Stormwater Management (SWM) plan stage:

1. A detailed review of the SWM computations will occur at the time of detailed plan review.
2. An Engineered Sediment Control plan must be submitted for this development.
3. All filtration media for manufactured best management practices must consist of MDE approved material.
4. All measures must be designed in accordance with the latest DPS guidance documents.
5. The final engineering submission must include supporting mechanical drawings demonstrating coordination, collection and conveyance of roof drainage to ESD measures.
6. Landscaping shown on the approved Landscape Plan as part of the approved concept plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Engineered Sediment Control/Storm Water Management plans by DPS, Water Resources Section.
7. This approval is dependent on adequate capacity in the downstream public storm drain systems. If at the time of final engineering adequacy cannot be demonstrated, the applicant may be required to revise the concept to demonstrate on-site 10-year control.

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

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



# ATTACHMENT 7



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## Department of Permitting Services Fire Department Access and Water Supply Comments

---

**DATE:** 07-Dec-18  
**TO:** Kevin Mack - kmack@dewberry.com  
Dewberry  
**FROM:** Marie LaBaw  
**RE:** Solera Reserve Kensington  
820180180 120180220

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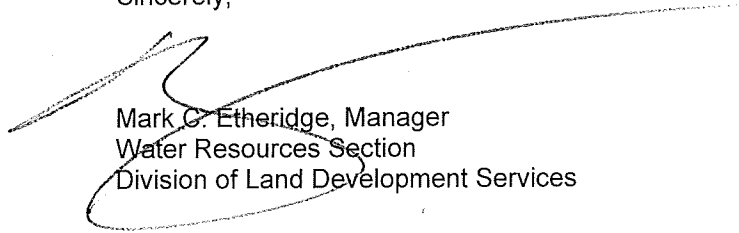
### PLAN APPROVED

1. Review based only upon information contained on the plan submitted **07-Dec-18**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

Ms. Amanda Stamper, PE  
October 29, 2018  
Page 3 of 3

If you have any questions regarding these actions, please feel free to contact Mary Fertig at 240-777-6202 or at [mary.fertig@montgomerycountymd.gov](mailto:mary.fertig@montgomerycountymd.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark C. Etheridge', is written over the typed name and title.

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

MCE: mmf

cc: N. Braunstein  
SM File # 283896

ESD Property: Required/Provided: 7560 cf/5891 cf  
ESD ROW: Required/Provided: 1936 cf/608 cf  
PE for Property: Target 1.8"/Proposed 1.4"  
PE for ROW: Target 1.8"/Proposed 0.57"  
STRUCTURAL n/a  
WAIVED: Quantity and Quality

# ATTACHMENT 8



## DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett  
County Executive

Clarence J. Snuggs  
Director

November 1, 2018

Rhoda Hersson-Ringskog  
Emily Tettelbaum  
Area 2 Division  
Montgomery County Planning Department  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Solera Reserve Kensington  
Preliminary Plan No. 120180220  
Site Plan No. 820180180

Dear Ms. Hersson-Ringskog and Ms. Tettelbaum:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced plans and recommends Approval. DHCA and the applicant are exploring the possibility of an alternative location agreement, due to the high service fees of the senior independent living rental units, but have not reached an agreement yet.

Sincerely,

Lisa S. Schwartz  
Senior Planning Specialist

cc: Paul Nicholas, The Dewberry Companies, Inc.

S:\Files\recurring\Housing\MPDU\Developments\Solera Reserve\Solera Reserve Kensington DHCA Letter\_11-1-2018.docx

### 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](http://www.montgomerycountymd.gov/dhca)



# ATTACHMENT 9



## DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
*County Executive*

Al R. Roshdiah  
*Director*

July 16, 2018

Ms. Rhonda Hersson-Ringskog, Senior Planner  
Area 2 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan Letter  
Preliminary Plan No. 120180220  
Solera Reserve Kensington

Dear Ms. Ringskog:

We have completed our review of the Preliminary Plan dated May 16, 2018 on e-plans. This plan will be reviewed by the Development Review Committee at its meeting on January 17, 2018. We recommend approval for the plan based to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. This letter and all other correspondence from this department should be included in the package.

1. St. Paul Street is maintained by the Town of Kensington. We defer to them for any improvements along St. Paul Street.
2. We defer to Maryland State Highway MDSHA for any improvements along Metropolitan Avenue (MD-192)
3. The Storm Drain shall be approved by the Town of Kensington.
4. Please coordinate with Ms. NikKia Carver of our Division of Transit Services to coordinate improvements/relocation to the RideOn bus facilities in the vicinity of this project. Ms. Carver may be contacted at 240 777-5836.

### Office of the Director

---

101 Monroe Street 10<sup>th</sup> Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX

[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

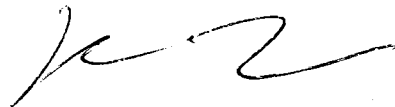
*Located one block west of the Rockville Metro Station*

5. We recommend the Planning Board to condition the following during the approval of the Preliminary Plan:

CSS recommends that the Applicant coordinate with MCDOT's Commuter Services section regarding a bikeshare station to be located on the project. A bikeshare station at this location would help connect employees of the project, residents and visitors to transit services in the area. A bikeshare station at the Project would also connect employees, residents and visitors to several recently installed bikeshare stations in Wheaton (approximately 1 mile away). The Applicant should show a proposed location for a 15-dock station, which requires a concrete pad 43' by 7' in size. The Applicant will be required to contribute 50% of the capital costs for a 15-dock station. Contact Sande Brecher, Chief Commuter Services Section, at (240) 777-8383 to coordinate further.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Deepak Somarajan, our Development Review Team for this project at [deepak.somarajan@montgomerycountymd.gov](mailto:deepak.somarajan@montgomerycountymd.gov) or (240) 777-2194.

Sincerely,



Rebecca Torma, Acting Manager  
Development Review Team  
Office of Transportation Policy

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cc: Travis Westmoreland SM Kensington Senior Living RE  
Paul Nicholas Dewberry  
Preliminary Plan letters notebook

cc-e: Ed Axler M-NCPPC Area 2  
Atiq Panjshiri MCDPS RWPR  
Sam Farhadi MCDPS RWPR  
Marie LaBaw MCDPS FRS  
Kwesi Woodroffe MDSHA District 3  
NikKia Carver MCDOT DTS  
Sandra Brecher MCDOT OTP  
Beth Dennard MCDOT OTP  
Deepak Somarajan MCDOT OTP







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Rockville, MD 20850 | www.dewberry.com

October 11, 2018

Mr. Mark Pfefferlie  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Solera|Reserve Kensington PP#120180220 and SP#821080180

## Variance Request for Tree Removal

Dear Mr. Pfefferlie:

As required by the State Forest Conservation Act, the Applicant, SM Kensington Senior Living RE, LLC, hereby requests a variance for the removal of one (1) specimen tree (30" diameter of greater) on the property located at 10500 St. Paul Street and 10540 Metropolitan Avenue, in the Town of Kensington, Maryland (the "Property") in connection with the Solera|Reserve Kensington Project, and impacts to the critical root zone of (1) specimen tree (30" diameter of greater) on the property located across Metropolitan Avenue from the site. The Applicant, SM Kensington Senior Living RE, LLC, proposes to redevelop the Property under the Optional Method of Development with a senior living facility, and to adaptively re-use the existing historic buildings for retail/service use and/or residential amenities.

The Property is located in the commercial center of Kensington, in the southwest quadrant of the intersection of Metropolitan Avenue and St. Paul Street. The CSX Railroad tracks run along the Property's southern boundary and the Property is located within 300 feet of the MARC Train Station serving the Town of Kensington.

The Property has a total tract area (gross) of approximately 84,129 square feet (or 1.93 acres), which includes land previously dedicated, and proposed to be dedicated, for right-of-way. Subsequent to Preliminary Plan approval and related dedications, the Property will have a lot area (net) of 68,997 square feet (or 1.59 acres).

The Property is improved with several single-story buildings and associated surface parking. The two buildings on the east side of the Property, along St. Paul Street, are located within the Kensington Historic District and listed as historic structures. The site, including the historic buildings, were used until recently for the Mizell Lumber & Hardware Company and Bergman's Dry Cleaners. The existing buildings on the Property will be demolished (with the exception of the historic portions of the designated historic buildings) to accommodate the redevelopment of the Property with a five-story senior living facility, including up to 135 units (or up to 142 beds). The Applicant is planning to adapt and re-use the historic buildings (to the extent structurally feasible) for residential amenities and/or up to 3,000 square feet of street-activating retail/service use (the "Project").

Mr. Mark Pfefferlie  
Solera|Reserve Kensington  
PP#120180220 and SP#821080180  
October 11, 2018

The Project is consistent with the goals and recommendations of the *2012 Approved and Adopted Kensington Sector Plan*. The Sector Plan's vision for Kensington is to "promote a mixed-use Town Center with pedestrian friendly connections to the vibrant neighborhoods that define Kensington." The proposed Project furthers many of the specific goals of the Sector Plan and will contribute to the creation of an active, pedestrian-oriented Town Center.

As shown on the Forest Conservation Plan, Tree #2, a Silver Maple (*Acer sacharinum*), has a 51" diameter at breast height. It is located at the southwest quadrant of the Property, which contained the Dry Cleaners. The tree is located on a steep slope between a parking lot and retaining wall against the parcel to the south. In order to preserve this tree, there would be a great loss of buildable area on the site. In addition, the type of tree and health of the tree do not make it a good candidate for preservation. Additionally, Tree #4, a Red Maple (*Acer rubrum*), has a 44" diameter at breast height, and is located across Metropolitan Avenue from this site. While the critical root zone of this tree is shown on the Forest Conservation Plan as a simple circle 66' in radius, it is highly unlikely that there are existing roots extending into or across the existing Metropolitan Avenue. Additionally, it is noted that a variance is required for disturbance to any trees 1" or greater in caliper which are located within the Historic District. There is only one 4" caliper tree located within or adjacent to the site and the proposed limits of disturbance within the Historic District limits. This tree is located adjacent to the commuter parking lot across St Paul Street from the site, approximately 8 feet from the limits of disturbance required for the installation of a new accessible curb ramp.

The following describes the above requested variance in further detail and provides additional justification, in accordance with Section 22A-21(b) *Variance Provisions* of the Montgomery County Forest Conservation Ordinance.

**Requirements for Justification of Variance:**

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

**Justification of Variance:**

1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship;

Justification: Avoidance of the above mentioned specimen tree #2 (Acer Saccharinum), located approximately 85 feet from the western property line and 40 feet from the southern property line would severely limit the developable area of the Property. The critical root zone of this tree extends over one-fourth (1/4) of the site. The site is zoned CRT 1.5, C 1.5, R 1.5, H-60' which would allow 126,193 square feet of development. The Property's zone allows for a maximum height of 60 feet. This site is further encumbered by two historic buildings. The applicant has agreed to try to save and revitalize these existing buildings located on the eastern side of the property. The proposed underground parking below the building would not be feasible on this site due to the location of the tree and the necessary grading for the site, if the tree were required to be retained. In addition, to avoid disturbing the trees, the building would need to be decreased to approximately half of the density allowed by the Property's zone and recommended in the Master Plan for the site. Tree #4, (Acer rubrum), is located on the property across Metropolitan Avenue from this site. While the critical root zone of this tree is shown on the Forest Conservation Plan as a simple circle 66' in radius, it is highly unlikely that there are existing roots extending into or across the existing Metropolitan Avenue. Metropolitan Avenue was initially constructed at the beginning of the 20th century and has had multiple utility trenches and road improvements constructed within the right of way, as recently as 2003 with the SHA improvements to the street section and sidewalk installation. The proposed road improvements to widen Metropolitan Avenue are required as part of the Master Plan, and are limited to the west side of the street in the vicinity of this tree. Therefore, the proposed work will not adversely impact this tree.

2. Describe how enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;

Justification: By not granting variance approval to the applicant, redevelopment of this property would not be viable. The limitations to the developable and disturbable area, when restricted by the tree's critical root zone and the historic buildings, would significantly impair the economic viability of redevelopment of this Property. It would also deprive the Applicant of opportunities reasonably enjoyed by others with similarly situated properties in the CRT zone in close proximity to transit. Any redevelopment of the Property consistent with the approved CRT zoning and the County's goals as expressed through the Master Plan would require similar levels of disturbance. Within the critical root zone of this tree, there is a parking lot, a concrete block storage facility and retaining wall. In order to preserve this tree, this

existing retaining wall and existing paving would have to remain as well. Between the historic buildings that would need to remain and the water easement at the front of the site the buildable area would be limited to approximately one third (1/3<sup>rd</sup>) of the Property.

3. Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance;

Justification: The removal and potential CRZ impacts to these trees will not violate the State water quality standards, nor will a measurable degradation in water quality occur. The proposed development will provide an increase in pervious area over the existing conditions, thus reducing runoff. In addition, for the runoff that now occurs, stormwater requirements will be provided utilizing current practices and standards -- Environmental Site Design to the Maximum Extent Practicable. Currently the stormwater on this site is not being managed or treated at all. Thus, the development of this property with the removal of this tree will improve the water quality for this site. Stormwater management will be provided through use of micro-bio-retention planter boxes to treat the rooftop of the new five-story building and surface micro-bioretenion facilities to treat the rear courtyard area. The garage below the building does not extend through the courtyard. Thus the proposed trees within the courtyard will not be planted in shallow planters. Instead, they will have full soil depth below to extend their roots so that they can grow and provide full canopies.

4. Provide any other information appropriate to support the request.

Justification: The specimen tree #2 is located in a narrow swath of grass that is approximately 1,000 square feet. This is the only pervious area located on the Property and this tree is one of two located on the entire Property. The tree is a volunteer that has grown up due to neglect of this area. The tree is not in good health – the canopy is not full, branches have died back, and the tree has grown into the adjacent retaining wall to the point that the wall is being dislocated due to the tree. Silver maples are notorious for weak wood and branches that will fall due to wind or snow. This tree is not providing such benefits to the Property as to outweigh the potential of the new development which includes more than 35 proposed trees, as well as putting back into productive use a site that is vacant today. The impacts to the CRZ of both tree #4 and to the 4” tree across St Paul Street will be negligible and will not adversely impact these trees.

In conformance with Section 22A-21(d) of the Code, the Variance will not confer a special privilege on the Applicant that would be denied to others. Rather, as discussed above, the Variance will prevent the deprivation of rights to the Applicant that have been enjoyed by others similarly situated. The requested



Mr. Mark Pfefferlie  
Solera|Reserve Kensington  
PP#120180220 and SP#821080180  
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variance is based on plans being developed under 1) the approved zoning, and 2) County's goals as expressed through the recently approved Master Plan, not conditions or circumstances resulting from actions by the Applicant. There are no conditions relating to land or building use, either permitted or non-conforming, on a neighboring property that have played a role in the need for this variance.

Thank you for your consideration of this Tree Variance Request. We believe that the supporting information provided with this letter clearly demonstrate that the grant of the Variance pursuant to Section 22A-21(b) of the Code is appropriate in this case. If you have any questions or need more information, please do not hesitate to contact us so that we may discuss this matter further. We appreciate your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Mack", written in a cursive style.

Kevin Mack, RLA  
Associate  
Dewberry

# ATTACHMENT 12



## HISTORIC PRESERVATION COMMISSION

Marc Elrich  
County Executive

William Kirwan  
Chairman

December 7, 2018

Mr. Casey Anderson  
Chair, Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

**RE: Solera Kensington, Preliminary Plan No. 120180220 and Site Plan No. 820180180**

Dear Mr. Anderson and Members of the Planning Board:

The Historic Preservation Commission (HPC) reviewed the proposed Solera Kensington Preliminary and Site Plan project at three (3) HPC Preliminary Consultations this year on September 5<sup>th</sup>, October 10<sup>th</sup>, and October 24<sup>th</sup>. As you know this project is located partially within the boundaries of the Kensington Master Plan Historic District and includes two historic buildings dating from the early-twentieth century on St. Paul Street.

At our hearings the HPC gave the applicants direction and suggestions regarding the size, mass, scale, height and overall architectural and historical compatibility of the new proposed Senior Living Center and the proposed rehabilitation of the historic commercial buildings.

The HPC is supportive of this project. The applicants were responsive to Commission feedback at each meeting and worked through multiple iterations of their design. Our comments focused on the scale, massing, and materiality of the southeast façade of the proposed building confronting the historic resources, the one-story connecting link to the historic resources, and avoiding any detrimental impact the link may have upon existing character defining features of the historic resources. The proposal is much improved at this point in the process and we expect further refinements to the design when we see them back before the HPC. The applicants understand that a final Historic Area Work Permit (HAWP) is required before they can proceed to permitting and construction.





## HISTORIC PRESERVATION COMMISSION

**Marc Elrich**  
*County Executive*

**William Kirwan**  
*Chairman*

A major construction project such as this has the potential to be disruptive to the character of a historic district. We are pleased to see that this proposal will not only preserve and protect the historic buildings, but will create new and vibrant spaces within Kensington for the enjoyment of current and future residents.

The HPC supports this proposal and recommends that the Planning Board approve the project.

Very Sincerely,

William Kirwan  
Chair, Historic Preservation Commission

cc. HPC Members  
Town of Kensington

