



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

MCPB No. 18-103  
 Preliminary Plan No. 12015020A  
 St. Elmo Apartments  
 Date of Hearing: October 11, 2018

DEC 19 2018

**RESOLUTION**

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

WHEREAS, on December 17, 2015, the Planning Board, by Resolution MCPB No. 15-144, approved Preliminary Plan No. 120150200, creating one lot on 1.41 acres of land in the CR 5.0 C 1.0 R 4.75 H 145T zone, located on St. Elmo Avenue and Fairmont Avenue, approximately 275 feet northwest of Old Georgetown Road (“Subject Property”), in the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan; and

WHEREAS, on May 25, 2017, by Resolution No. 18-835, the Montgomery County Council approved and adopted the 2017 *Bethesda Downtown Sector Plan* (“Sector Plan”), which rezoned the Subject Property to CR 5.0 C 5.0 R 5.0 H 225 within the Bethesda Overlay Zone; and

WHEREAS, on June 14, 2018, the Lenkin Company (“Applicant”), filed an application for approval to amend the previously approved preliminary plan to a) increase density by 66,044 square feet, from 263,956 to 330,000 square feet, including up to 245 units of multi-family residential uses with 15 percent MPDUs and 16,000 square feet of commercial space, b) receive 14,863 square feet of density transfer, and c) receive up to 162,012 square feet of density from the Bethesda Overlay Zone with a payment to the PIP; and

WHEREAS, Applicant’s application to amend the preliminary plan was designated Preliminary Plan No. 12015020A, St. Elmo Apartments (“Preliminary Plan,” “Amendment,” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated October 1, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

Approved as to  
 Legal Sufficiency

*Christina Sowa* 12/18/18

WHEREAS, on October 11, 2018, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on October 11, 2018, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Fani-González, seconded by Commissioner Patterson, with a vote of 4-0; Commissioners Anderson, Cichy, Fani-González, and Patterson voting in favor, with Commissioner Dreyfuss being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 12015020A to a) increase density by 66,044 square feet, from 263,956 to 330,000 square feet, including up to 245 units of multi-family residential uses with 15 percent MPDUs and 16,000 square feet of commercial space, b) receive 14,863 square feet of density transfer, and c) receive up to 162,012 square feet of density from the Bethesda Overlay Zone with a payment to the PIP, subject the following conditions, which supersede the corresponding conditions of the original Preliminary Plan approval, all other conditions of which remain in effect except as provided below:<sup>1</sup>

1. Approval is limited to one lot with a maximum density of 330,000 square feet of total development, consisting of up to 245 residential dwelling units with 15 percent MPDUs, and up to 16,000 square feet of non-residential uses, on the Subject Property.
3. The development is limited to the maximum height of 225 feet, as measured from the building height measuring point illustrated on the Certified Site Plan.

If the Applicant receives approval of a Site Plan Amendment for additional density and/or height above what was approved with Site Plan No. 820170030, the following conditions apply and supersede the previously approved conditions as enumerated:

5. The Planning Board accepts the recommendations of MCDPS – Water Resources Section in its stormwater management concept letter dated June 11, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

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

6. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated September 5, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval, with the following addition:  
At the time of Site Plan, the Applicant must participate in the implementation of master planned shared roadway along the project's St. Elmo Ave frontage.
8. The Planning Board accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (MCDHCA) in its letter dated August 24, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDHCA, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
12. Before the release of any above grade building permit, the Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District (TMD) and work toward the Sector Plan goal of 55% Non-Auto Driver Mode Share.

BE IT FURTHER RESOLVED that all other preliminary plan conditions of approval for this project remain valid, unchanged and in full force and effect. In the event of a conflict between these conditions and those of previous approvals, the conditions as amended shall control.

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

*Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, and all findings not specifically addressed remain in effect.*

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 Planning Board finds the lot size, width, shape and orientation are appropriate for the location of the subdivision considering the recommendations in the Sector Plan and the type of development and use contemplated. The lots

were reviewed under and found to be in compliance with the dimensional requirements for the CR zone as specified in the Zoning Ordinance.

2. *The Preliminary Plan substantially conforms to the Master Plan or Urban Renewal Plan.*

The Preliminary Plan Amendment substantially conforms to the recommendations of the Sector Plan in both form and function as discussed in the Sketch Plan Amendment No. 32015004A findings. The lot will accommodate the mixed use residential that the Sector Plan recommends for this area and the two street frontages will be improved with the Bethesda Streetscape design and improve connectivity in the area with the enhanced through block connection.

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

#### *Access and Circulation*

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

#### *Transit Connectivity*

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

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

#### *Master Plan Roadways and Pedestrian/Bikeway Facilities*

The following summarizes recommendations included in the Sector Plan and Planning Board Draft 2018 *Bicycle Master Plan* along the property frontage:

1. St. Elmo Avenue, along the northern site frontage, as a Business District street with a minimum right-of-way width of 70'.
2. Fairmont Avenue, along the southern site frontage, as a Business District street with a minimum right-of-way width of 60 feet.

#### *Sector-Planned Transportation Demand Management*

The Sector Plan encourages a Non-Auto Driver Mode Share (NADMS) of 55%, averaged between employees and residents of downtown Bethesda. In order to

meet this goal, downtown Bethesda is organized into a Transportation Demand Management District (TMD) that strives to promote travel by means other than single occupancy vehicles. As a residential project of more than 100 dwelling units within the Bethesda TMD, the development is required to enter into a Traffic Mitigation Agreement (TMAG) with the Planning Board and Montgomery County Department of Transportation (MCDOT) to participate in the Bethesda TMD.

### **Adequate Public Facilities**

#### **Transportation**

A transportation study, dated May 4, 2018, was submitted to analyze the Project. The development is estimated to generate 118 new morning peak-hour person trips (60 vehicle trips) and 101 new evening peak-hour person trips (54 vehicle trips). Because the estimated transportation impact of the Project exceeds 50 net new vehicle trips, the Project evaluated vehicular (intersection) capacity to satisfy the Local Area Transportation Review requirement. This analysis considered the existing conditions, background conditions with bicycle improvements (bike lanes on Norfolk Avenue and Woodmont Avenue), and total future conditions with bicycle improvements. Since the total future condition is expected to exceed the congestion standard along the Old Georgetown Road corridor, the Applicant is proposing signal optimization to reduce vehicle delay to within acceptable limits.

As a project that generates more than 50 net new peak hour vehicle trips but less than 250 peak hour vehicle trips, the Applicant was required to evaluate one tier of intersections within Downtown Bethesda, resulting in a total of seven intersections within two corridors, including the site access point. In accordance with the 2016-2020 Subdivision Staging Policy, these intersections were evaluated as part of larger transportation corridors within the Downtown area under the Highway Capacity Manual (HCM) 2010 methodology. The study locations and corridors are presented in Figure 11, below, and results of the HCM methodology are presented in Table 4.

The specific intersections evaluated as part of this analysis include:

#### **A. Norfolk Avenue Corridor**

1. Norfolk Avenue/ St. Elmo Avenue
2. Norfolk Avenue/ Fairmont Avenue
3. Norfolk Avenue/ Woodmont Avenue

#### **B. Old Georgetown Road (MD 187) Corridor**

4. Old Georgetown Road/ Fairmont Avenue
5. Old Georgetown Road/ Moorland Lane

6. Old Georgetown Road/ Woodmont Avenue

C. St. Elmo Avenue/ Site Access Point

School Capacity

Preliminary Plan No. 120150200 for St. Elmo Apartments was approved with conditions by the Planning Board on December 10, 2015, for 210 multi-family high-rise units. School adequacy was evaluated under the FY16 Annual School Test, which was in effect at that time. The Applicant remains entitled to those 210 units until the adequate public facilities ordinance validity period expires on January 18, 2023. This Amendment increases the number of multi-family high-rise units to 245, for a net increase of 35 units. This Amendment was reviewed under the FY19 Annual School Test, approved by the Planning Board on June 21, 2018 and effective July 1, 2018. The number of students generated by the Amendment was determined by multiplying the net increase, 35 dwelling units, by the applicable regional student generation rate for each school level.

*Table 1: Per Unit Student Generation Rates – Southwest Region*

	Elementary School	Middle School	High School
SF Detached	0.193	0.111	0.147
SF Attached	0.191	0.094	0.124
MF Low- to Mid-Rise	0.146	0.063	0.083
MF High-Rise	0.055	0.022	0.031

This amendment is estimated to generate 1 new elementary school student, no new middle school students, and 1 new high school student.

*Table 2: Student Generation Calculations*

Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
35	0.055	1.925	0.022	0.770	0.031	1.085
35		1		0		1

*Cluster Adequacy Test*

The Project is located in the Bethesda-Chevy Chase High School (B-CC) Cluster. The student enrollment and capacity projections from the FY19 Annual School Test for the B-CC Cluster are noted in Table 3:

*Table 3: Cluster Adequacy Test*

School Level	Projected Cluster Totals, September 2023			Moratorium Enrollment Threshold	Projected Enrollment + Application Impact
	Enrollment	Program Capacity	% Utilization		
Elementary	3,690	4,043 <sup>2</sup>	91.3%	4,852	3,691
Middle	1,803	2,024	89.1%	2,429	1,803
High	2,463	2,407	102.3%	2,889	2,464

The Moratorium Enrollment Threshold identified in the table is the enrollment at which the 120% utilization threshold is exceeded, resulting in a cluster-wide residential development moratorium. As indicated in the last column, the projected enrollment plus the estimated impact of this Amendment fall below the moratorium thresholds at all three school levels. Therefore, there is sufficient capacity at the elementary, middle, and high school cluster levels to accommodate the estimated number of students generated by this project.

*Individual School Adequacy Test*

The applicable elementary and middle schools for this project are Bethesda ES and Westland MS, respectively. Based on the FY19 Annual School Test results, the student enrollment and capacity projections for these schools are noted in Table 4:

*Table 4: Individual School Adequacy Test*

School	Projected School Totals, September 2023				Moratorium Enrollment Thresholds		Projected Enrollment + Application Impact
	Enrollment	Program Capacity	% Utilization	Surplus / Deficit	120% Utilization	Surplus/ Deficit	
Bethesda ES	699	698 <sup>3</sup>	100.1%	-1	838	808	700
Westland MS	832	1,089	76.4%	257	1,307	1,269	832

Under the individual school adequacy test, a school is deemed inadequate if the projected school utilization rate exceeds 120% and if the school seat deficit meets

<sup>2</sup> The projected cluster elementary school capacity of 3,813 has been modified to reflect the impact of a six-classroom placeholder project at Bethesda ES and a four-classroom placeholder project at Somerset ES included by the County Council in the FY 2019 Capital Budget.

<sup>3</sup> The projected Bethesda ES capacity of 560 students has been modified to reflect the impact of a six-classroom placeholder project included by the County Council in the FY 2019-2024 Capital Improvements Program.

or exceeds 110 seats for the elementary school or 180 seats for the middle school. If a school's projected enrollment exceeds *both* thresholds, then the school service area is placed in a residential development moratorium.

The Moratorium Enrollment Thresholds identified in the table above are the enrollments at which the 120% utilization threshold and the seat deficit threshold are exceeded. As indicated in the last column, the projected enrollment plus the estimated impact of this amendment falls below both applicable moratorium thresholds for both Bethesda ES and Westland MS. Therefore, there is sufficient anticipated school capacity to accommodate the estimated number of students generated by this amendment.

Based on the school cluster and individual school capacity analysis performed, using the FY2019 Annual School Test, there is adequate school capacity for the amount and type of development proposed by this Amendment.

#### Other Public Facilities

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

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

The Application received approval of an exemption from Forest Conservation requirements on November 3, 2015 (42016068E). The exemption cited the need for a tree save plan which was approved with Certified Site Plan 820170030 that provided mitigation in the form of planting four offsite trees and will not be affected by this amendment.

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

The MCDPS Stormwater Management Section approved the stormwater management concept on June 11, 2018. The approval allows the stormwater management to be achieved through utilization of a green roof and a partial waiver was granted due to site limitations.



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

No other provisions apply to the Subdivision.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is DEC 19 2018 (which is the date that this Resolution is mailed to all parties of record); and

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

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**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Commissioner Patterson, with Chair Anderson and Commissioners Fani-González, Cichy, and Patterson voting in favor, and Vice Chair Dreyfuss absent at its regular meeting held on Thursday, November 29, 2018, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board