



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

MCPB No. 18-102  
Sketch Plan No. 32015004A  
St. Elmo Apartments  
Date of Hearing: October 11, 2018

DEC 19 2018

**RESOLUTION**

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

WHEREAS, on February 25, 2015, by Resolution MCPB No. 15-17, the Planning Board approved Sketch Plan No. 320150040, to allow a total of 309,968 square feet of development (including Sending and Subject Property), of which 263,956 square feet (up to 256,300 square feet of residential development and up to 15,488 square feet of non-residential uses) will be used to construct a mixed use project on 0.70 acres of CR 5.0 C 1.0, R 4.75, H 145T zoned land located on Fairmont Avenue and St. Elmo Avenue, approximately 275 northwest of Old Georgetown Road ("Subject Property") in the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan area; and

WHEREAS, on May 25, 2017, by Resolution No. 18-835, the Montgomery County Council approved and adopted the 2017 *Bethesda Downtown 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 sketch plan under the procedures and standard of the current Zoning Ordinance 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) increase the height by 51 feet from 174 feet to a maximum of 225 feet, c) receive 14,863 square feet of density transfer, and d) receive up to 162,012 square feet of density from the Bethesda Overlay Zone with a payment to the PIP; and

WHEREAS, the Applicant's sketch plan amendment application was designated Sketch Plan Amendment No. 32015004A; and

Approved as to  
Legal Sufficiency:

*Christina Sorrento by MTR*

MCPB No. 18-102  
Sketch Plan Amendment No. 32015004A  
St. Elmo Apartments  
Page 2

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 binding elements and conditions ("Staff Report"); and

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 conditions, on the motion of Commissioner Fani-Gonzalez, seconded by Commissioner Cichy with a vote of 4-0; Commissioners Anderson, Cichy, Fani-Gonzalez and Patterson voting in favor with Commissioner Dreyfuss being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan Amendment No. 32015004A, St. Elmo Apartments, 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) increase the height by 51 feet from 174 feet to a maximum of 225 feet, c) receive 14,863 square feet of density transfer, and d) receive up to 162,012 square feet of density from the Bethesda Overlay Zone with a payment to the Park Impact Payment, subject to the following binding elements and conditions:<sup>1</sup>

A. Binding Elements. The following site development elements are binding under Section 59-7.3.3. F of the Montgomery County Zoning Ordinance:

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

All other elements are illustrative.

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

1. Density

The Sketch Plan is limited to a maximum of 330,000 total square feet, including up to 245 residential units and up to 16,000 square feet of non-residential uses,

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

on the Subject Property. The maximum number of dwelling units and use mix will be determined at Site Plan. The maximum density includes up to 162,012 square feet of density from the Bethesda Overlay Zone (BOZ) with a Park Impact Payment (PIP). The final square footage will be determined at Site Plan.

3. Density Transfer

Prior to record plat approval, the Applicant must state the gross square footage taken from any lot with reduced density in an instrument approved by the M-NCPPC Office of the General Counsel and must record the instrument in the Montgomery County land records and add the recording reference to the record plat. The density to be transferred under this Sketch Plan is measured in gross square feet and will total approximately 14,863 square feet. Final allocation of density will be determined at the time of Site Plan. The Sending Properties will transfer and retain the following square feet of development potential base on the existing zoning:

Sending Properties (Lots 263-267) will be transferring 14,863 square feet of density and retaining 32,012 square feet of density.

4. Height

The development is limited to a maximum height of 225 feet, as measured from the building height measuring point illustrated on the Certified Site Plan.

5. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59.7.3.3.I. and this Sketch Plan is amended. Total points must equal at least 100 and be chosen from at least four categories as required by Section 59.4.5.4.A.2. The requirements of Division 59.4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

- a. Connectivity and Mobility, achieved by providing fewer than the maximum parking spaces under the Zoning Ordinance and BOZ overlay, and providing a through block connection;
- b. Diversity of uses and activities, achieved by providing small business opportunities;
- c. Quality of Building and Site Design, achieved through exceptional design, public art, public open space, and structured parking; and
- d. Protection and Enhancement of the Natural Environment, achieved through purchase of building lot terminations, installation of a cool roof, and energy conservation and generation through incorporation of materials and systems that exceed the required minimums.

**9. Future Coordination for Site Plan**

In addition to any other requirements for Site Plans under Chapter 59, the following must be addressed when filing a Site Plan, as appropriate:

- a. Fire and Rescue access and facility details;
- b. Streetscape details including street tree locations on St. Elmo Ave & Fairmont Ave;
- c. Demonstrate how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guideline requirements;
- d. Address the SITES & LEED recommendations of the Sector Plan, specifically related to energy efficiency and building design features;
- e. Provide a revised noise analysis at time of Site Plan, or a waiver may be submitted per Section 2.2.2 of the 1983 Noise Guidelines;
- f. Provide a minimum 15-foot building setback from the curb to the building on Fairmont Avenue;
- g. Traffic Mitigation Agreement to participate in the Bethesda Transportation Demand Management District and work toward the Sector Plan 55% NADMS goal;
- h. Coordination with Bainbridge Bethesda on public use space and public art;
- i. The Applicant must maximize green cover on site, as determined at Site Plan, to meet the intent of the 35% green cover requirement for the site as described in Section 2.4.1 Urban Green (page 60) of the Master Plan and Section 2.3.2 of the associated Design Guidelines (page 63);
- j. Address Bird-Safe Design per pages 80-81 of Bethesda Downtown Sector Plan Design Guidelines;

**10. Building & Site Design**

As part of the Site Plan review, the Applicant must:

Provide alternatives for building design and placement along through block connection that utilize tower step-backs for review and consideration by the Design Advisory Panel.

**11. Park Impact Payment (PIP)**

The Park Impact Payment (PIP) must be paid to the M-NCPPC prior to the release of the first above-grade building permit. The final amount will be determined at Site Plan.

**12. Streetscape**

The Applicant must install the Bethesda Streetscape Standard along the Site Frontage(s), including the undergrounding of utilities, and address potential conflicts as necessary with street tree plantings.

MCPB No. 18-102  
 Sketch Plan Amendment No. 32015004A  
 St. Elmo Apartments  
 Page 5

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

1. *Meet the objectives, general requirements, and standards of this Chapter;*

The Sketch Plan Amendment meets the development standards of Section 59.4.5.4, as shown in the following Data Table:

Property Information			
<b>Subject Property</b>			
CR 5.0 C-5.0 R-5 H-225		30,625 sf (0.70 ac)	
Prior Dedication		5,000 sf (0.11 ac)	
<b>Site Area</b>		<b>25,625 sf (0.59 ac)</b>	
<b>Sending Property</b>			
CR 3.0 C-3.0 R-2.75 H-110		15,625 sf (0.36 ac)	
Prior Dedication		2,500 sf (0.06 ac)	
<b>Site Area</b>		<b>13,125 (0.30) sf</b>	
<b>Total Site Area</b>		<b>38,750 sf (0.89 ac)</b>	
<b>Total Tract Area</b>		<b>46,250 sf (1.06 ac)</b>	
Section 59.4	Development Standard	Permitted/ Required	Approved
	Residential Density (GFA/ FAR)	153,125 sf (5)	314,000 sf (10.25)
	Commercial Density (GFA/FAR)	153,125 sf (5)	16,000 sf (0.16)
	Bethesda Overlay Zone Density	n/a	162,012 sf (6.94)
	Sending Property Density	46,875 sf (3) <sup>1</sup>	14,863 sf
	<b>Total FAR/GFA</b>	n/a	<b>330,000 sf (11.85)</b>
	<b>Building Height</b>		
	CR 5.0 C-5.0 R-5 H-225	225 feet	225 feet
	<b>Public Open Space (min)</b>	0	5,150 sf
	<b>Minimum Setbacks</b>		
	Front (St. Elmo/Fairmont)	0	1.3'/5.3'
	Side (West/East)	0	0/20'

<sup>1</sup> 32,012 square feet of commercial density to remain at Sending Property

The Application will provide the minimum required number of bicycle parking spaces within the building, which will be determined at the time of Site Plan. The final number of vehicular parking spaces will be determined at Site Plan based on the residential units and non-residential uses and square footage.

MCPB No. 18-102

Sketch Plan Amendment No. 32015004A

St. Elmo Apartments

Page 6

Density Transfer

Section 59-4.5.2.B.3 of the Zoning Ordinance provides that density may be averaged over two or more non-contiguous properties in the CR Zone if:

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

*i. The properties are under the same site plan or sketch plan; and, if a sketch plan is required, the density averaging must be shown on the sketch plan;*

All Sending and Receiving Properties are encompassed by this Sketch Plan Application.

*ii. The resulting properties are created by the same preliminary subdivision plan or satisfy a phasing plan established by an approved sketch plan;*

All Sending and Receiving Properties are included in this Application and will satisfy the phasing plan approved as part of the Sketch Plan Amendment and Preliminary Plan Amendment. The Project will be constructed in one phase.

*iii. The maximum total, non-residential, and residential FAR limits apply to the entire development, not to individual properties;*

The maximum non-residential and residential FAR limits apply to the entire development. FAR will exceed the mapped density on the Subject Property as allowed by the Bethesda Overlay Zone (Section 4.9.2.C.2.a) as the Project includes both FAR averaging and gross floor area from the Bethesda Overlay Zone Density. The Sending Property will not exceed non-residential or residential FAR limits.

*iv. The total allowed maximum density on a resulting property that is abutting or confronting a property in an Agricultural, Rural Residential, or Residential Detached zone that is vacant or improved with an agricultural or residential use, does not exceed that allowed by the property's zone; and*

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

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

The Project will be developed in one phase and will provide adequate public benefits.

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

The Sending and Receiving Properties are located within ¼ mile of each other.

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

This provision is not applicable within the BOZ pursuant to Section 4.9.2.C.5.b.

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

The 2017 *Bethesda Downtown Sector Plan* does not prohibit the averaging of density between non-continuous properties, rather it supports the continued practice from the *Woodmont Triangle Amendment* that supports averaging between non-contiguous properties. Furthermore, the Bethesda Overlay Zone incorporated that practice into the regulatory provisions, pursuant to Section 4.9.2.C.5.a.

The Sketch Plan Amendment conforms to the intent of the CR zone as described below:

- a) *Implement the recommendations of applicable master plans.*

The Project substantially conforms to the recommendations for the Property included in the 2017 *Bethesda Downtown Sector Plan*. Specifically, this Sector Plan builds on the past successes of Downtown Bethesda to create a truly sustainable downtown by focusing on components that will bolster the elements most in need of enhancement. The recommendations increase:

1. **Parks and open spaces**, including new civic greens at Veteran's Park, Bethesda Farm Women's Cooperative Market, Capital Crescent Trail and new urban parks, pathways and gateways.
2. **Affordable housing**, including the preservation of existing market-rate affordable housing, providing a mix of housing options and the provision of Moderately Priced Dwelling Units in exchange for development incentives.
3. **Environmental innovation**, including more energy-efficient buildings, better stormwater management, improved sidewalks and bicycle routes, and other measures to enhance community health and quality of life.
4. **Economic competitiveness**, based on new development, public amenities and proximity to public transit to attract businesses and visitors from throughout the region, and foster entrepreneurship and innovation.

The Property is designated as site 37 on pages 111 and 112 of the Sector Plan. Woodmont Triangle is an eclectic, mixed-use district that balances high-rise residential development with small-scale retail and arts amenities. This

district serves as an office and retail center during the day, and as a restaurant district during the evenings and weekends. Woodmont Triangle is primarily a commercial area, containing both retail and office uses. Residential uses were once limited, but since the 2006 Woodmont Triangle Amendment, additional apartments and condominiums have been developed in the district.

The predominance of low buildings on small parcels in Woodmont Triangle creates a strong contrast with the higher density residential blocks that have recently developed in the district as well as in the Metro Core. Parking lots and decks, both public and private, occupy the limited number of otherwise vacant properties. The area has little open space and few visually distinctive buildings. Lack of distinguishing characteristics among the streets creates orientation problems for visitors. Despite its lack of visual quality, the district's diverse business activity, low-scale buildings and low-speed street pattern contribute to the area's appeal. Due in part to its angled roadway system that creates triangles within the Triangle, this district features oddly configured and dispersed retail spaces, and difficult accessibility and visibility from major roadways. However, these conditions have allowed a more diverse and local boutique retail environment to flourish.

Specifically, the Project addresses the following goals as outlined in the Sector Plan and Woodmont Triangle District sections of the Sector Plan:

- *Incentivize expanded affordability for housing.*  
The new multi-family residential apartment building will include a minimum of 15 percent Moderately Priced Dwelling Units (MPDUs) (or up to 37 units). As a result, the Project provides additional, desired affordable housing in close proximity to transit and other services.
- *Create opportunities for public spaces to balance high intensity new development.*  
The Project will double the width of the existing through-block connection created by the neighboring apartment building. The Applicant has worked closely with the owners of the adjacent apartments to create a truly dynamic and unified space that works for both pedestrians passing through and as an enhanced public and private gathering space.
- *Increase environmental innovation, including more energy efficient buildings, better stormwater management, improved sidewalks and bicycle routes, and other measures to enhance community health and quality of life.*



The Project will result in significant improvements to the treatment of stormwater management on-site, as there are no known stormwater management facilities located on the Property. The Project is located within the High-Performance Area and will incorporate and meet the requirements in the Sector Plan and Bethesda Overlay Zone for exceeding current energy efficient standards for buildings, as well as comply the requirements of the County's adoption of the 2015 International Green Construction Code (IGCC).

- *Continue the Constrained Long-term Parking Policy and promote incentives to reduce parking.*  
 Given its proximity to transit, the Project will provide significantly fewer than the maximum number of parking spaces on-site. The Project proposes to provide a minimum of 220 and a maximum of 230 parking spaces on-site. This is well below the maximum number of parking spaces allowed by the Zoning Ordinance (*i.e.* 397 parking spaces).
- *Promote infill development with higher densities and building heights nearest the central core of Downtown Bethesda to accommodate future growth.*

The Property is currently improved with low-density, aging commercial office buildings. Given its location within walking distance of the Bethesda Metro Station, the project is proposing to redevelop the site with a 21-story mixed-use, transit-oriented development.

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

The Project will redevelop the existing lots that contain one and two story commercial structures and surface parking to build a mixed-use building that will house high density residential and allow for ground floor and second floor retail or a combination of retail and office, all within proximity to the Metro. The Project meets the objective of this finding.

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

The Project encourages such development by proposing market-rate residential units in a variety of unit types as well as 15% MPDUs, offering housing opportunities for a range of incomes proximate to the numerous transit options of Downtown Bethesda. The Project will accommodate all

modes of transit – pedestrian, bicycle, and vehicular – in proximity to the Metro and bus service by improving the streetscape along its two frontages. The Project does not have any parking between the building and the street frontages.

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

The Sector Plan identifies the Woodmont Triangle District as an eclectic, mixed-use district that balances high-rise residential development with small-scale retail and arts amenities. The Project will provide a high-rise residential building with ground floor and second floor retail space or a combination of retail and office space and a through block connection enhanced with public art, in keeping with the existing and desired character of the Woodmont Triangle District.

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

The Subject Property is within the Woodmont Triangle District of the Sector Plan, which is primarily commercial with newer residential apartments and condominiums. The mixed-use project containing high density residential and retail provides the appropriate land use, as recommended in the Sector Plan and the 2006 Woodmont Triangle Amendment.

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

The Project will provide the required public benefits from a minimum of four categories to achieve the desired incentive density above the standard method limit. Final determination of public benefit points will be determined at the time of Site Plan.

The Bethesda Overlay Zone (BOZ) was adopted July 18, 2017, specifically to implement the recommendations of the Sector Plan as it relates to density, building heights, affordable housing, parks, and design. The BOZ set a cap of overall development (32.4 million square feet) whereby the zoning approved for most properties retains the base density but increases the heights on respective sites. An Applicant can request an allocation of density over the base density to build to the maximum height permitted by the Zone, as needed. An allocation of density from the BOZ requires a park impact payment of \$10/square foot based upon the density requested and facilitates acquisition of parkland in the

downtown Bethesda area. This Application is requesting an allocation of 162,012 square feet from the BOZ initiating a Park Impact Payment, with the amount to be determined during Site Plan review to be paid at the time of building permit. The portion of density dedicated to moderately priced dwelling units is not applicable towards determining the Park Impact Payment. The amount of density allocated from the BOZ for Application is deducted from the 32.4 million cap.

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

As discussed in Finding 1.a above, the Project substantially conforms to the recommendation of the Sector Plan. The Project will provide a mixed-use building with ground floor and second floor retail or a combination of retail and office in an Expanded Center of Activity within the Woodmont Triangle District, increase the supply of housing to serve a variety of income levels, redevelop an underutilized property, and enhance a through block public connection as recommended in the Sector Plan.

*Bethesda Downtown Design Guidelines*

The previously approved Site Plan (820170030, No. 17-031) conditioned the Project in the event that a future amendment proposed to increase the building height based on the Sector Plan, the entire site and building design must substantially conform to the updated Sector Plan's Design Guidelines for building step-backs, articulation, and tower separation. The design remains very similar in bulk and size to the originally approved massing. The Project is setback from both St. Elmo Avenue and Fairmont Avenue, both streets are considered Mixed Use Streets with recommended setbacks of 15-20 feet. While the Project provides the minimum 15-foot setback on St. Elmo, the setback shown on Fairmont Ave is just under 15 feet. During the review process the Applicant has noted this error and that the setback on Fairmont Avenue from the curb to the building will be 15 feet, therefore the Planning Board recommends a condition stating the subsequent Site Plan Amendment will show the correct setback on Fairmont Avenue.

The through block connection, which provides for connectivity between the blocks, and tower separation are major recommendations of the Design Guidelines. The intent of the Guidelines is to reduce bulk and mass and allow for increased light and air through setbacks between towers. Understanding that there would be existing conditions that could complicate the separation, a 45'-60' setback between towers is recommended. The proposed building setback from the adjacent apartment building within this area is approximately 35 feet. The Design Guidelines allows tower separation to be reduced in the context of existing adjacent development, which then requires a minimum setback of 22.5' from the side and rear property line. The proposed setback along the side with the through block connection is 20 feet, which

further reduces in areas with cantilevers to approximately 14 feet. The Design Guidelines recommends alternative treatments to maximize the appearance of tower separation such as varied geometry in a building's upper floors, and façade modulation to increase the perception of separation and allow access to light and air. The proposed facade incorporates minor articulations through use of cantilevers and balconies, however these modulations further encroach into the public space rather than step-back. With the proposed cantilevers, the tower separation reduces from 35 feet to approximately 28 feet. In regard to tower step-backs, the Design Guidelines also states that balconies may encroach into the step-back if they do not significantly add to the perceived bulk and mass of the building's upper floors. While the Applicant has proposed materials that may reduce the perception of balcony mass, the design may not sufficiently allow access to light and air, as the building façade is proposed to be at its tallest throughout the through block connection.

These issues were raised with the Applicant and the Design Advisory Panel. The Design Advisory Panel remains split on their recommendation after two meetings with the Applicant (See Attachment F). Some members state that while the tower separation is less than preferred, the building is well designed and should move forward. Other members state that the building is well designed architecturally but the tower separation is too minimal to provide adequate light and air and needs to be moved back to provide tower step-backs as recommended by the Design Guidelines. Given the split recommendation from the Design Advisory Panel, the Planning Board recommends minimum conformance with the side setback of 22.5' with the inclusion of step-backs after 70 feet in height, and the project move forward with the condition that the tower step-back be revisited at time of Site Plan review, and that alternatives be provided to the Design Advisory Panel showing tower step-backs for review and consideration.

#### *Green Cover*

The Sector Plan includes a number of recommendations to achieve the urban green goals. An important recommendation to this effect is the onsite 35% green coverage minimum. The green cover may include singularly or a combination of intensive green roof (6 inches or deeper) or tree canopy cover. The layout of the building and narrowness of the through block connection precludes the opportunity for onsite canopy tree plantings. Therefore, the onsite 35% green cover will need to be achieved entirely through the use of intensive green roof.

The green cover exhibit submitted by the Applicant shows a net lot area of 25,625 square feet, and a resulting green coverage requirement of at least 8,969 square feet (35% of net lot area). The exhibit shows green cover on the roof, within the through block connection with planters, and through offsite tree plantings. The parking garage is below the public connection area which allows the planters to count as green cover, as long as the areas are built to the standards listed in the Sector Plan.

In regard to offsite tree plantings, these trees are required as part of mitigation that allows the property to be exempted from submitting a Forest Conservation Plan. Therefore, they cannot be counted towards onsite green cover, and the exhibit falls short of the 35% requirement. The Applicant has stated that meeting the 35% green cover has been challenging, given the portion of the site that has been dedicated to the through block connection. The Planning Board recognizes this constraint, however notes that there are additional opportunities to provide green cover such as expanding planters and other green cover within the through block connection, and additional treatments to the roof such as interspersing green roof within paved patio areas. The Planning Board has recommended a condition to continue to work with Staff during the site plan process to meet the intent of the Sector Plan. Any additional green cover provided reduces the need for a partial Stormwater Management waiver.

3. *Satisfy any development plan or schematic development plan in effect on October 29, 2014;*

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

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

At 225 feet in height, the building will be taller than the surrounding existing buildings, as this is one of the few sites in the vicinity to redevelop under the Sector Plan which allows for increased building height. The Project has worked with the adjacent residential development to expand and enhance the existing through block connection which will include public art. Additionally, the Project has been designed to step-back on the west side of the Property to lessen visual impacts of height from Old Georgetown Road.

5. *Provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading:*

The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. Vehicular access and loading will be located along St. Elmo Avenue and loading access will be gained from Fairmont Avenue. The Project is located within the Parking Lot District and as such, is providing less parking than the maximum required by zoning.

Pedestrian access to the site will be from the established sidewalk network and will be enhanced by streetscape improvements along each of the Property frontages as recommended by the Bethesda Design Guidelines. As previously mentioned, the

Project includes enhancement of the through block connection and pedestrians will be able to gain access to the building from this area.

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

Taking into account the considerations in Section 59.4.7.1.B and the Public Benefit Points established with the Bethesda Overlay Zone in Section 59.4.9.2.C.4, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site, as described below.

For the development, the Zoning Ordinance requires 100 points in four categories. Although at the time of Sketch Plan review only the categories need be approved, the following table shows both the categories and points for the public benefits requested at Sketch Plan to demonstrate the project's ability to meet the requirement to provide sufficient benefit points.

*Table 2: Public Benefits Calculations*

Public Benefit	Incentive Density Points	
	Max Allowed	Requested
<b>59.4.7.3C: Connectivity and Mobility</b>		
Minimum Parking <sup>1</sup>	20	6.5
Through-Block Connection <sup>1</sup>	30	15
<b>59.4.7.3D: Diversity of Uses and Activities</b>		
Small Business Opportunities	20	10
<b>59.4.7.3E: Quality of Building and Site Design</b>		
Exceptional Design <sup>1</sup>	30	15
Public Art	20	15
Public Open Space	30	20
Structured Parking	20	20
<b>59.4.7.3F: Protection and Enhancement of the Natural Environment</b>		
Building Lot Termination (BLT)	30	6.08
Cool Roof	15	10
Energy conservation and generation <sup>1</sup>	25	15
<b>TOTAL</b>		<b>132.58</b>

<sup>1</sup>Denotes Sector Plan priority

### Connectivity and Mobility

*Minimum Parking:* The Applicant requests 6.5 points for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points for providing maximum allowable number of on-site spaces to 20 points for providing no more than the minimum numbers of spaces on-site. Final determination will be made at Site Plan. The Planning Board supports the category at this time.

*Through Block Connection:* The Applicant requests 15 points for providing a through block connection. Points for this incentive are based on design criteria such as open-air access, width, connections to transit, parks, or public buildings, retail access, and wall glazing adjacent to the connection. Final determination based on this criterion will be made at Site Plan. The Planning Board supports the category at this time.

### Diversity of Uses and Activities

*Small Business Opportunities:* The Applicant requests 10 points for providing retail space for small businesses. Points for this incentive are granted when the project will be designed for small, neighborhood-oriented businesses and the Applicant records covenants that reflects restrictions. Approximately 16,000 square feet of non-residential on the ground floor and second floor, to be used as entirely retail or a combination of retail and office. The Planning Board supports the category at this time.

### Quality of Building and Site Design

*Exceptional Design:* The Applicant requests 15 points for building and/or site design that enhances the character of a setting. As a site receiving an allocation of Bethesda Overlay Zone density, the Project is subject to the Design Advisory Panel review, which will award points based on the quality of the design. The Applicant asserts that the Project fulfills many recommendations of the Sector Plan and Design Guidelines.

The Design Advisory Panel recommended the following during their April 4, 2018 meeting:

- Public Benefit Points: The project is on track to achieve at least the minimum 10 Exceptional Design points required in the Bethesda Overlay Zone.
- Explore how to further improve the pedestrian experience along the promenade and reduce the bulk and imposing feeling of the cantilever, balconies, and large sheer wall. While some panel members suggested tower step-backs and increased tower separation may help, others stated that these small moves may not have a large impact.

Due to the Design Guidelines conformance issues raised in Finding 2 above, Staff recommended the Applicant return to the Design Advisory Panel for clarity

on the recommendations of the first meeting regarding tower step-backs along the through block connection. At a meeting held on September 26, 2018, four DAP members were present. The discussion at this meeting wavered between whether or not the Project substantially conforms with the provisions of the Design Guidelines. The panel members questioned why the building could not be moved south to allow additional space between the building and adjacent existing development. Two members stated that the building as proposed does not allow sufficient light and air into the through block connection for the residents of the upper floors. Other members stated that because the building is architecturally well designed, the Project should move forward as is.

Projects within the Bethesda Overlay Zone are required to achieve a minimum of 10 Exceptional Design points. The meeting resulted in 2 members voting in favor of being on track to meet these 10 points, while 2 were in support with conditions (greater tower separation, at least 10-15 feet). The Planning Board is recommending that the Applicant consider a step-back that meets the minimum recommendation of the Design Guidelines. The Planning Board supports this category.

*Public Art:* The Applicant requests 15 points for installation of public art. Points for this category are granted based on goals listed in the Implementation Guidelines and by review of the Art Review Panel. The Applicant has already met with the Art Review Panel in March of 2017 with a proposal for public art installation and Condition 6 of Sketch Plan No. 320150040 has been met. The Planning Board supports the category.

*Public Open Space:* The Applicant requests 20 points for providing public open space. Points for this category are granted on a sliding scale, based on the percentage of the lot area and other criteria listed in the Implementation Guidelines. The Applicant has designed the through block connection to also be utilized as public space according to the Implementation Guidelines. The Planning Board supports the category at this time.

*Structured Parking:* The Applicant requests 20 points for providing structured parking in a below grade parking structure. The Planning Board supports the category at this time.

#### Protection and Enhancement of the Natural Environment

*BLTs:* The Applicant requests 6.08 points for the purchase of 0.675 BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area. Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance. The Planning Board supports the Applicant's request at this time.



*Cool Roof:* The Applicant requests 10 points for installation of a cool roof. Points for this category are granted based on installation of a cool roof on areas not covered by vegetation to reduce energy costs and decrease heat island effects. In regard to the roof design, there are competing elements proposed by the Applicant including a vegetated roof to meet Sector Plan green cover requirements, mechanical equipment, and rooftop amenities such as patio and pool area. It is undetermined at this time how much roof area could be accommodated by a cool roof to merit the points requested and as such, the Planning Board supports the category at this time however further review will be required during Site Plan.

*Energy Conservation and Generation:* The Applicant requests 15 points for incorporating high efficiency building materials and mechanical systems that exceed energy efficient standards for the building type by 17.5%. For Projects located within the High-Performance Area of Downtown Bethesda, this is a required public benefit category for which the Applicant must achieve 15 points. The Planning Board supports this request at this time.

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

The Project will be built in one phase.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the 2017 *Bethesda Downtown Sector Plan*, or other requirements; and

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

BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of 32015004A, received by M-NCPPC as of the date of the Staff Report October 1, 2018, are required, except as modified by the above conditions of approval; and

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

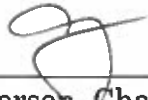
MCPB No. 18-102  
 Sketch Plan Amendment No. 32015004A  
 St. Elmo Apartments  
 Page 18

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

\* \* \* \* \*

### CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Commissioner 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.

  
 \_\_\_\_\_  
 Casey Anderson, Chair  
 Montgomery County Planning Board



**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 Sorensen* 12/18/18

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320  
MNCPPC Legal Department  
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MCPB No. 19-103  
Preliminary Plan Amendment No. 12015020A  
St. Elmo Apartments  
Page 2

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.

MCPB No. 19-103  
 Preliminary Plan Amendment No. 12015020A  
 St. Elmo Apartments  
 Page 3

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.

MCPB No. 19-103  
 Preliminary Plan Amendment No. 12015020A  
 St. Elmo Apartments  
 Page 9

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).

\* \* \* \* \*

#### 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.

  
 \_\_\_\_\_  
 Casey Anderson, Chair  
 Montgomery County Planning Board



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

MCPB No. 17-031  
Site Plan No. 820170030  
St. Elmo Apartments  
Date of Hearing: May 18, 2017

**MAY 31 2017**

**RESOLUTION**

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

WHEREAS, on January 18, 2017, 4931 Fairmont Avenue, LLC ("Applicant") filed an application for approval of a site plan for a 16-story, mixed-use building containing up to 263,956 square feet of total development, including up to 256,300 square feet of multi-family residential use, consisting of up to 210 dwelling units, including 15% moderately priced dwelling units ("MPDUs"), and up to 15,488 square feet of nonresidential (retail, restaurant, service, or office) uses on 0.7 gross acres of CR-5.0 C-1.0 R-4.75 H-145T-zoned-land, located on the southeast side of St. Elmo Avenue, 300 feet southwest of Norfolk Avenue ("Subject Property"), in the Bethesda CBD Policy Area and *Woodmont Triangle Amendment to the Bethesda CBD Sector Plan* ("Sector Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820170030, St. Elmo Apartments ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated May 5, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on May 18, 2017, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820170030 for a 16-story, mixed-use building containing up to 263,956 square feet of total development, including up to 256,300 square feet of multi-family residential

Approved as to  
Legal Sufficiency:

8787 Georgia Avenue, NCRPC Legal Department 10 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org A 28 Mail: mcp-chairman@mncppc.org

MCPB No. 17-031  
Site Plan No. 820170030  
St. Elmo Apartments  
Page 2

use, consisting of up to 210 dwelling units, including 15% moderately priced dwelling units ("MPDUs"), and up to 15,488 square feet of nonresidential (retail, restaurant, service, or office) uses, on the Subject Property, subject to the following conditions:<sup>1</sup>

1. Sketch Plan Conformance

The Applicant must comply with the binding elements and conditions of approval for Sketch Plan No. 320150040.

2. Preliminary Plan Conformance

The Applicant must comply with the conditions of approval for Preliminary Plan No. 120150200.

**Other Agencies**

3. Stormwater Management

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letter dated February 28, 2017, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Site Plan approval.

4. Right-of-Way Permitting

The Planning Board accepts the recommendations of the MCDPS – Right-of-Way Permitting Section in its memo dated March 16, 2017, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the memo, which may be amended by MCDPS – Right-of-Way Permitting Section provided that the amendments do not conflict with other conditions of the Site Plan approval.

5. MPDUs

The Planning Board accepts the recommendations of the Montgomery County Department of Housing and Community Affairs ("MCDHCA") in its letter dated March 23, 2017, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the memo, which may be amended by MCDHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.

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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.

## **Environment**

### **6. Tree Save**

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

- a. Show the required offsite mitigation plantings located at 5015 Battery Lane or another location acceptable to Staff;
- b. Provide a minimum two years of maintenance and monitoring and replacement warranty on the offsite mitigation plantings;
- c. Provide final species with correct names;
- d. Include planting notes and details;
- e. Provide clear and legible plan notes;
- f. Include notes and specifications to protect the roots of existing trees at the offsite mitigation planting location; and
- g. The Applicant is not required to place an easement or similar encumbrance on the tree planting site to satisfy this condition.

7. Prior to certification of the Site Plan, the Applicant must revise the Site Plan and Tree Save Plan to consistently and accurately show the existing street trees near the site and include a street tree exhibit. The Applicant must coordinate with Staff, MCDOT, MCDPS, and the Bethesda Urban Partnership for the final selection of street trees, with the goal of achieving conformance with the Streetscape Guidelines.

## **Public Use Space, Facilities, and Amenities**

### **8. Public Use Space, Facilities, and Amenities**

- a. The Applicant must construct Bethesda CBD streetscape standard on St. Elmo and Fairmont Avenues, including but not limited to street trees, street lighting, brick paving, and the undergrounding of utilities, along the Subject Property's frontage, as shown on the Certified Site Plan, except for nonstandard paving and other design elements located outside of the right-of-way, as shown on the Certified Site Plan.
- b. Before the issuance of the final use and occupancy certificate, all public open space areas must be completed.

### **9. Public Benefits**

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *CR Zone Incentive Density Implementation Guidelines* for each one.

- a. Transit Proximity

The Subject Property is located within  $\frac{1}{4}$  mile of a Metrorail station, which allows the Application to be eligible for Level 1 transit as defined in the Zoning Ordinance.

b. Connectivity and Mobility

i. Minimum Parking

The Applicant must not provide more than 230 parking spaces on the Subject Property, as shown on the Certified Site Plan.

ii. Through-Block Connection

The Applicant must widen and improve the through-block connection between Fairmont Avenue and St. Elmo Avenue, as shown on the Certified Site Plan.

c. Diversity of Uses and Activities

i. Affordable Housing

The Applicant must provide 15% of the dwelling units as MPDUs on the Subject Property.

ii. Small Business Opportunities

The Applicant must provide on-site retail space in the building for small, neighborhood-oriented businesses. Each retail space may not exceed 5,000 square feet in floor area. The retail spaces must be restricted for at least six years. Prior to submission of a building permit application, the Applicant must record a covenant in the County land records that reflects these restrictions.

d. Quality of Building and Site Design

i. Exceptional Design

The Applicant must construct the building in a manner consistent with the architectural elevations included in the Certified Site Plan.

ii. Public Open Space

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

iii. Public Art

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

iv. Structured Parking

The Applicant must provide all parking spaces within the below grade structure on the Subject Property.

e. Protection and Enhancement of the Environment

i. Building Lot Terminations ("BLT")

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

ii. Cool Roof

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

iii. Vegetated Roof

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

10. Public Art

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



MCPB No. 17-031  
Site Plan No. 820170030  
St. Elmo Apartments  
Page 6

**11. Maintenance of Public Amenities**

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

**Transportation and Circulation**

**12. Pedestrian and Bicycle Circulation**

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

**13. Traffic Mitigation**

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

**Housing**

**14. Moderately Priced Dwelling Units (MPDUs)**

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

**Site Plan**

**15. Building Height**

- a. The development is limited to the maximum height of 174 feet, as measured from the approved building height measuring point shown on the Certified Site Plan.

- b. In the event that a future amendment to the Application proposes to increase the building height based on the 2017 Bethesda Downton Sector Plan, the entire site and building design must substantially conform to the updated Sector Plan's design guidelines for building stepbacks, articulation, and tower separation.

16. Site Design

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

17. Landscaping

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

18. Lighting

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

19. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit or sediment and erosion control permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.k.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount;
- b. The cost estimate must include applicable Site Plan elements including, but not limited to, plant materials, on-site lighting, benches, bicycle racks, trash

- receptacles, art pieces, vegetated walls, retaining walls, railings, curbs, gutters, sidewalks, and associated improvements; and
- c. The bond or surety must be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety will be followed by inspection and release of the surety.

## **20. Development Program**

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

## **21. Certified Site Plan**

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

- a. Include the forest conservation exemption letter, stormwater management concept approval letter, development program, and Sketch Plan resolution, Preliminary Plan resolution, and Site Plan resolution on the approval or cover sheet(s).
- b. Add a note stating that "Minor modifications to the limits of disturbance shown on the Site Plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- c. Modify the data table to reflect development standards approved by the Planning Board.
- d. Ensure consistency of all details and layout between Site and Landscape plans.
- e. Remove the curb bump-out that extends into the loading space driveway, subject to approval by MCDOT.
- f. Modify the bicycle parking table to meet the Zoning Ordinance Requirements and to show the same capacities and types of parking as shown on the Site Plan drawings.
- g. Illustrate, as applicable, conformance with all public benefits.
- h. The Applicant may obtain a demolition permit prior to the approval of the Certified Site Plan and recordation of the plat, subject to approval by MCDOT and MCDPS.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of St. Elmo Apartments Site Plan No. 820170030, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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

MCPB No. 17-031  
 Site Plan No. 820170030  
 St. Elmo Apartments  
 Page 9

upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The development satisfies any previous approval that applies to the site.*

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

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

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

3. *The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

This finding is not applicable as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

- a. Development Standards

The Subject Property includes approximately 0.7 gross acres zoned CR-5.0 C-1.0 R-4.75 H-145T. The Application satisfies the applicable development standards as shown in the following data table:

**Data Table**

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

**b. Form Standards**

The Site Plan conforms to the intent of the form standards, including transparency, blank walls and active entrances. The Application provides significant glass features at the ground-level for transparency as well as activating features on the ground-floor level, including the through-block connection and along the Fairmont Avenue and St. Elmo Avenue facades.

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

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

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

ii. Division 4.7 Optional Method Public Benefits

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

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

Transit Proximity

The Subject Property is located within ¼ mile of the entrance to the Bethesda Metrorail Station, which allows the development to be eligible for

Level 1 transit as defined in the Zoning Ordinance. The full 40 points are awarded as provided in the Zoning Ordinance for CR-zoned properties that are within ¼ mile of a Metrorail station.

Connectivity and Mobility

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

The points are calculated as follows:

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

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

Diversity of Uses and Activities

*Affordable Housing:* Thirty points are awarded for providing 15% of the multi-family units as MPDUs. The incentive density points for MPDUs are calculated as a percentage of the total number of dwelling units. The Application is approved for a range of total units. The maximum number of total dwelling units is 210, which would result in 32 MPDUs. The points are calculated as follows:

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

*Small Business Opportunities:* Ten points are awarded for providing retail bays that are less than 5,000 square feet. Ten points are appropriate for developments that provide retail bays for on-site space for small, neighborhood-oriented businesses of no more than 5,000 square feet.

Quality of Building and Site Design

*Exceptional Design:* Five points are awarded for building or site design that enhances the character of a setting. Per the CR Guidelines, incentive density of 5 points is appropriate for development that meets at least four of the guideline criteria. The Application provides innovative solutions in response to the immediate context; creates a sense of place and serves as a landmark; enhances the public realm in a distinct and original manner; introduces materials, forms, or building methods unique to the immediate vicinity or applied in a unique way; uses design solutions to make compact

infill development living, working and shopping environments more pleasurable and desirable; and integrates low-impact development methods into the overall design of the site and building, beyond green building or site requirements.

*Public Open Space:* Twenty points are awarded for providing open space when no open space is required. Points for this incentive are granted on a sliding scale based on the percentage of the net lot area. The Application provides 5,336 square feet of open space for a total of 20 points. The open space will be directly accessible to a street; open to the public; contain seating, trash receptacles, landscaping, and other amenities; be at least 35 feet wide; and designed so that walls of any non-residential floor area facing the open space have windows on at least 60 percent of the façade between three and eight feet.

The points are calculated as follows:

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

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

*Structured Parking:* Twenty points are awarded for structured parking consisting of 230 below-grade spaces. This incentive is granted on a sliding scale based on the percentage of spaces provided above and below grade.

The points are calculated as follows:

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

#### Protection and Enhancement of the Natural Environment

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

The points are calculated as follows:

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



**Cool Roof:** All roof areas not covered by green roof or mechanical equipment will be covered by a cool roof having a minimum solar reflectance index of 75. Ten points are awarded.

**Vegetated Roof:** The Applicant will provide vegetated roofs with a soil depth of at least eight inches and covering at least 33% of the total roof excluding space for mechanical equipment and cool roof. Ten points are awarded.

c. General Requirements

i. *Site Access*

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

ii. *Parking, Queuing, and Loading*

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

iii. *Open Space and Recreation*

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

iv. *General Landscaping and Outdoor Lighting*

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

the public open space with new trees, improved sidewalk, and lighting.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on February 28, 2017. The Application will meet stormwater management requirements via environmental site design to the maximum extent practicable through the use of micro-bioretenention and green roof, and a partial waiver.

b. Chapter 22A, Forest Conservation

The Board finds that as conditioned the Application complies with the requirements of the Forest Conservation Law.

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

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

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

The Application has been designed to ensure that the locations of all buildings, structures, parking lots, open spaces, landscaping and site amenities will be safe and well-integrated. The Subject Property, located within the Woodmont Triangle Study Area, is within convenient walking distance to various public transit

resources, including the Bethesda and Medical Center Metro Stations, WMATA buses, Ride-on buses, the Bethesda Circulator, and public parking garages. As such, visitors to the building are expected to make use of multiple modes of transit. The driveways will ensure safe access to the Subject Property.

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

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

The scale of the building will be appropriate for the location, with heights that establish a proper relationship with surrounding existing and planned buildings, and with the larger-scale buildings in the Woodmont Triangle District. The overall massing is oriented with the tallest portion of the building in a bar that is a near the adjacent Bainbridge Apartments, another high-rise building. The building steps down to the southwest, towards the lower-rise buildings near Old Georgetown Road.

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

7. *The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

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

- **Housing – Provide opportunities to increase the supply of housing to serve a variety of income levels.**  
 The Application will provide up to 210 dwelling units, containing diverse housing opportunities by including a variety of market-rate unit sizes and layouts and 15% MPDUs to facilitate the availability of new housing, in a range of types and rents, within walking distance of the Metro.
- **Small-scale Retail – Provide opportunities to retain existing businesses and expand opportunities for new businesses.**  
 Through the use of density averaging, the sending properties will remain as existing small-scale developments, while simultaneously allowing for the development of a larger mixed-use project on the Subject Property. Additionally, the Application also will provide street activating uses, such as ground-floor retail on both St. Elmo Avenue and Fairmont Avenue. The Application will receive public benefit points in this category.
- **Safe and Attractive Streets – Focus on improving the safety and character of the existing streets.**  
 The Application will provide streetscape improvements along Fairmont Avenue and St. Elmo Avenue per the current Bethesda Streetscape Standards. The expansion of the mid-block connection will create an active and safe pedestrian environment. The pedestrian mid-block connection will provide a more efficient means of transportation for pedestrians navigating through the Woodmont Triangle area and will provide a pedestrian space that is separate from vehicular traffic.
- **Public Amenities – Increase flexibility in providing the public use space through optional method of development by allowing off-site and on-site fulfillment of this requirement, and by identifying a list of priority public amenities.**  
 The Sector Plan lists priority public use space and amenities for the Woodmont Triangle area, which include: streetscape improvements; north-south, mid-block pedestrian connections for the blocks located between Old Georgetown Road and

Norfolk Avenue; diverse urban spaces including public use space on-site; and public art. Public spaces in the Woodmont Triangle area are encouraged to support retail and an active pedestrian environment. The Application will provide a north-south public mid-block pedestrian connection to create smaller, more pedestrian-friendly blocks and a generous public use space. The pedestrian pass-through will also provide an inviting pedestrian environment that will activate the street and support the ground-floor retail included as part of the Application.

8. *The development 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.*

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

9. *The development is compatible with existing and approved or pending adjacent development.*

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

The scale of the building will be appropriate for the location, with heights that establish a proper relationship with surrounding existing and planned buildings, and with the larger-scale buildings in the Woodmont Triangle District. The overall massing is oriented with the tallest portion of the building in a bar that is a near the adjacent Bainbridge Apartments, another high-rise building. The building steps down to the southwest, towards the lower-rise buildings near Old Georgetown Road.

During review of the Application, Staff expressed concern at the narrowness of the separation between the building and the adjacent Bainbridge Bethesda development along the through-block connection, which is illustrated at 23 feet at

MCPB No. 17-031  
 Site Plan No. 820170030  
 St. Elmo Apartments  
 Page 19

its narrowest. Staff recommended to the Applicant that the building step back from the through-block connection to ensure sufficient sunlight and views to the sky. The Applicant argued that since the issue was not raised during review of the sketch plan application, upon which they had developed their Site Plan design, it was no longer timely to make that recommendation. But in discussions between the Applicant, the Planning Director, and Staff, it was agreed to allow the Site Plan design to remain as originally proposed. The Board disagrees that its approval of the sketch plan in any way places the proposed building design off limits at the time of site plan. In approving a sketch plan, the Board is only finding what was shown on the sketch plan to be appropriate for further review at site plan, at which point there is a significantly more rigorous review of the building location and design. The Board shares the Staff's concerns about the compatibility of this development with the abutting tower. The location of the tower so close to the abutting tower will limit light and air to the abutting building. However, in the absence of any objection from the abutting building, and under the specific circumstances of this case, the Board is willing to accept the building as proposed. If the Applicant redesigns the building to accommodate additional height afforded by the pending Sector Plan update, the Resolution includes a condition that requires the entire site and building design to be in substantial conformance with the updated Sector Plan's design guidelines.

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

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAY 31 2017 (which is the date that this resolution is mailed to all parties of record); and


BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Dreyfuss, seconded by Commissioner Cichy, with Chair Anderson and Commissioners Dreyfuss, Fani-González, and Cichy voting in favor, and Vice Chair Wells-Harley absent at its regular meeting held on Thursday, May 18, 2017, in Silver Spring, Maryland.

  
\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board



## DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Diane R. Schwartz Jones  
Director

June 11, 2018

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

Re: **SITE DEVELOPMENT STORMWATER  
MANAGEMENT PLAN 2<sup>nd</sup> Revision** Request  
for St. Elmo Apartments/Woodmont  
Preliminary Plan #: 120150200  
SM File #: 274635  
Tract Size/Zone: 0.59 Ac./CR5.0  
Total Concept Area: 0.82 Ac.  
Lots/Block: 58-59, 82-86, & 644  
Watershed: Lower Rock Creek

Dear Mr. Mandavia:

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

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

1. **This supersedes the approved concept letter dated February 28, 2017.**
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
6. All underground parking must drain to WSSC. Provide a copy of the mechanical plans showing garage drains going to WSSC.





Mr. Jagdish Mandavia, P.E.  
June 11, 2018  
Page 2 of 3

7. Use the latest MCDPS design standards for the stormwater management structures at the time of plan submittal.
8. Green roof must be designed by a professional with green roof experience. You have conceptually provided 4,780 square feet of 8-inch green roof. At time of plan submittal try to provide additional green roof area, along with a narrative explaining how you arrive at the final coverage.
9. Provide easement and covenant for the green roof.
10. Please submit waiver computations for review at the time of detailed plan review.
11. Provide a copy of agreement or easement to allow work on adjacent property.
12. You cannot do reduction of RCN computations when the achieved Pe is less than 1.0. Please revise the comps.

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

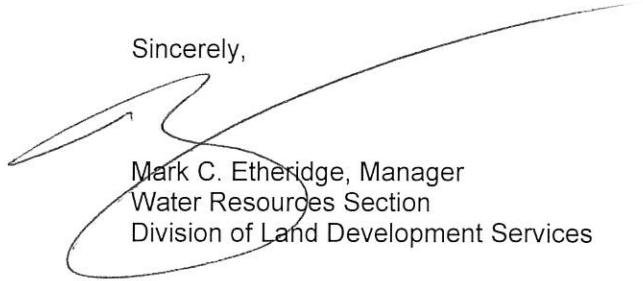
Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is required**.

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

Mr. Jagdish Mandavia, P.E.  
June 11, 2018  
Page 3 of 3

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,



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

MCE: CN274635 St Elmo Apartments 2<sup>nd</sup> Revision.DWK

cc: N. Braunstein  
SM File # 274635

ESD Acres:	0.11
STRUCTURAL Acres:	0.00
WAIVED Acres:	0.82



## DEPARTMENT OF TRANSPORTATION

Marc Elrich  
County Executive

Christopher R. Conklin  
Director

February 20, 2020

Ms. Grace Bodgan, Planner Coordinator  
Area 1 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

**REVISED**

RE: Preliminary Plan Amendment  
No. 12015020B  
St. Elmo Apartments

Dear Ms. Bodgan:

We have completed our review of the preliminary plan dated October 2019. A previous plan was reviewed by the Development Review Committee at its meeting on December 10, 2019. This project was previously reviewed and recommended for approval under MCDOT letters dated September 5, 2018, and August 11, 2018. This letter supersedes all previous letters, including the January 22, 2020 letter. This letter is amending Condition #6, which are *italized* for clarification. We recommend approval of the plan subject 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.

Design Exceptions

- Design Exception Request: "Driveway separation [as it] applies to the location of proposed entrances on St Elmo Avenue and Fairmont Avenue":

Office of the Director

101 Monroe Street, 10<sup>th</sup> Floor, Rockville, MD 20850 • 240-777-7170 • 240-777-7178 Fax  
[www.montgomerycountymd.gov/mcdot](http://www.montgomerycountymd.gov/mcdot)

[montgomerycountymd.gov/311](http://montgomerycountymd.gov/311)



301-251-4850 TTY

Ms. Grace Bogdan  
 Preliminary Plan Amendment No. 12015020B  
 February 20, 2020  
 Page 2

MCDOT Response: Due to limited site frontage on these roads, MCDOT **approves** the request to allow less than 100 feet between driveways.

Significant Plan Review Comments

1. We have reviewed the vehicle turning movement drawings dated August 7, 2018, for the garage entrance proposed on St. Elmo Avenue and the truck loading dock proposed on Fairmont Avenue.  
 Regarding the driveway for the truck loading docks proposed on Fairmont Avenue, the vehicle turning movement diagrams (for an SU-30 truck) are based on one-way entrance and exit via northbound Fairmont Avenue. **We accept the turning movements conditioned on the west side of that apron being physically channelized to limit truck entry and exit movements be limited to northbound-only operations.**
2. Submit storm drain and/or flood plain studies, with computations, for our review and approval. Analyze the capacity of the existing downstream public storm drain system and the impact of the post-development ten (10) year storm runoff on same. If the proposed subdivision drains to an existing closed section street, include spread computations in the impact analysis.
3. Prior to approval of the record plat by the Department of Permitting Services, submit a completed, executed and sealed MCDOT Sight Distances Evaluation certification form, for the existing and proposed driveway(s), for DPS review and approval.
4. Vaults should not be located in the county right-of-way. If they are, they must be ADA compliant.
5. The applicant must participate in a pro-rata basis towards the construction of a master planned separated bike lanes along their St. Elmo Street frontage. The applicant must provide an engineer's estimate for the separate bike lanes along their St. Elmo Avenue street frontage that will include contingencies and be approved by MCDOT prior to the issuance of the right-of-way permit. The cost shall include, but not be limited to, repaving, restriping, flex posts, signing and other related improvements for the separated bike lanes. The payment must be made prior to the issuance of the first Use and Occupancy permit. If the County has already completed the project, or decides not to implement the project, the applicant will continue to make the payment prior to issuance of the first use and occupancy permit. This payment will be used to fund other bicycle infrastructure improvements in the Bethesda CBD area.
6. Traffic Mitigation Agreement: Prior to issuance of any *above grade* building permits, the applicant

Ms. Grace Bogdan  
 Preliminary Plan Amendment No. 12015020B  
 February 20, 2020  
 Page 3

must execute a Traffic Mitigation Agreement (TMAg) with the Planning Board and this Department. Within MCDOT, the applicant should coordinate with Ms. Sandra Brecher, Chief, Commuter Services Section. Ms. Brecher may be contacted at 240-777-8380. The TMAg will include but not be limited to the following provisions:

- Electric Car Charging. Provide two (2) electric car charging stations, or the number required by law, whichever is greater, on site.
- Bicycle Facilities. Significant bicycle activity will likely occur at this site due to its proximity to bicycle facilities and bicycle shops. Provide bike racks/lockers in weather-protected, highly visible/active locations. Provide a secure bicycle storage area in garage for resident use (bike cage) as well as a small bicycle repair station. Consider installing a public bicycle repair stand with tools and air near the trail access.
- Real Time Information (RTI). Provide opportunity and connections of display screens providing RTI signs in residential lobby for access by building residents, employees and visitors. RTI can be incorporated into other information to be displayed for residents.

a. New TDM Provisions under Bill 36-18

In 2015, the Planning Board approved the sketch plan and preliminary plan and approved the site plan in 2017. Newly adopted Bill 36-18 includes a provision for projects with previous approvals. The execution of a TMAg was Condition 12 in the Resolution approving the preliminary plan (MCPB No. 15-144). Pending the adoption of Executive Regulations to implement the bill, a provision regarding TDM requirements for developments with existing approvals may apply to the St. Elmo Apartments project. Section 42A-32, Sec. 2. (c) states that any building or development with an existing subdivision or optional method approval when the bill takes effect (March 13, 2020) where a TMAg was a condition of that approval, may opt to be considered for re-approval of their application under the provisions of Bill 36-18, if:

- a TMAg has not been fully executed;
- the building or project approved is larger than the minimum sizes designated for each Subdivision Staging Policy Area group in Section 42A-26;

Ms. Grace Bogdan  
 Preliminary Plan Amendment No. 12015020B  
 February 20, 2020  
 Page 4

- and construction has not begun.
- b. Bikesharing and Support of Shared-Use Micro-mobility Devices. Provide space at the Project suitable for the installation of a bikeshare station. The space should be 43' x 7' in size and receive 4 to 6 hours of solar access. Should a location that meets siting criteria not be identified after review by the Applicant and MCDOT, based on demand projected to be generated by the project, the Applicant will be required to contribute \$30,000 (the "Bikesharing Contribution"). This Bikesharing Contribution, based on the cost of approximately ½ of a bikeshare station, will support bikeshare facilities and service in the Bethesda TMD. The Applicant must set aside the Bikesharing Contribution and, either directly or through its TBC, make disbursements from the Bikesharing Contribution available to residents and retail employees who elect to use a bikesharing or other shared-use micro-mobility service. The Applicant must begin making disbursements of the Bikesharing Contribution available to residents and retail employees upon issuance of the final residential U & O Certificate for the Project. The Applicant must continue making such disbursements until the Bikesharing Contribution is fully expended. Additionally, the Applicant will be required to take other actions in concert with MCDOT to promote use of bikesharing.

Standard Plan Review Comments

7. Necessary dedication for Fairmont and St. Elmo Avenues in accordance with the Master Plan.
8. Provide a minimum five (5) foot wide continuous open sidewalk (no grates) along all street frontages to comply with Americans with Disabilities Act.
9. No steps, stoops or retaining walls for the development are allowed in County right-of-way. No door swings into county ROW. Balconies are not permitted to overhang the county right-of-way.
10. All driveways, including loading areas need to be in a flush condition with the sidewalk.
11. A Public Improvements Easement is required along Fairmont Avenue in order to accommodate the required five foot wide clear width ADA compliant sidewalk. Prior to submission of the record plat, the applicant shall execute a Declaration of Public Improvements Easement document. That document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat.

Ms. Grace Bogdan  
Preliminary Plan Amendment No. 12015020B  
February 20, 2020  
Page 5

12. Construct Bethesda Central Business District streetscaping along the Elm Street and Wisconsin Avenue (MD 355) site frontages.
13. In all underground utility installations, install identification tape or other “toning” device approximately 2’ above the utility.
14. If the proposed development will alter any existing street lights, replacement of signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
15. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Kamal Hamud of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
16. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.
17. At or before the permit stage, please coordinate with Mr. Benjamin Morgan of our Division of Parking Management to coordinate the impacts on public parking facilities in the vicinity of this project. Mr. Morgan may be contacted at 240 777-8704.
18. Posting of a right-of-way permit bond is a prerequisite to DPS approval of the record plat. The right-of-way permit will include, but not necessarily be limited to, the following improvements:
  - a. Curbs and gutters, sidewalks and handicap ramps, storm drainage and appurtenances, and street trees along Fairmont and St. Elmo Avenues.
  - b. Physical channelized driveway aprons for the proposed loading access on Fairmont Avenue site frontage.
  - c. Bethesda Central Business District streetscaping along the St. Elmo and Fairmont Avenues site frontages.
  - d. Permanent monuments and property line markers, as required by Section 50-4.3(G) of the Subdivision Regulations.
  - e. Erosion and sediment control measures as required by Montgomery County Code 19-

Ms. Grace Bogdan  
Preliminary Plan Amendment No. 12015020B  
February 20, 2020  
Page 6

10(02) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.

- f. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- g. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please me for this project at (240) 777-2118 or at [rebecca.torma@montgomerycountymd.gov](mailto:rebecca.torma@montgomerycountymd.gov).

Sincerely,



Rebecca Torma, Manager  
Development Review Team  
Office of Transportation Policy

Sharepoint/transportation/director's office/development review/Rebecca/developments/bethesda/st elmo/12015020B st elmo  
apts.docx

cc: Plan letters notebook

cc-e: Steve Robins, Lerch, Early & Brewer  
Matthew Folden, M-NCPPC Area 1  
Logan Kelso, Vika  
Benjamin Morgan, MCDOT





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

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**DATE:** 05-Nov-15  
**TO:** Jagdish Mandavia - mandavia@vika.com  
VIKA, Inc  
**FROM:** Marie LaBaw  
**RE:** St Elmo Apartments  
120150200

---

**PLAN APPROVED**

1. Review based only upon information contained on the plan submitted **05-Nov-15**. 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.

**\*\*\* 9/11/2018 Amendment Approval 12015020A \*\*\***

**\*\*\* 1/14/2020 Amendment: increased number of units, modified floorplan for level of main access**

**- All retail spaces shall provide main customer access within 50 feet of compliant fire department vehicular access measured as the firefighter walks \*\*\***

**82017003A St. Elmo Apartments**

Contact: Sam Farhadi at 240 777-6333

We have reviewed site and landscape plans files:

**“07-BSITE-82017003A-004.pdf V3”** uploaded on/ dated **“12/31/2019”**,  
**“08-BLL-82017003A-L201.pdf V4”** uploaded on/ dated **“12/31/2019”** and

The followings need to be addressed prior to the certification of site plan:

1. Access points on public roads:
  - a. Provide private movement restriction signs on the site plan, where needed;
  - b. Label the curb radii for access points clearly. In CBD 6' is minimum.
  - c. Provide truck turning movement for all (especially right turn) movements and access points;
  - d. Provide pedestrian refuge islands, minimum 5' wide, where needed.
2. Provide Bethesda Streetscaping along the site frontage and label clearly. Any deviation should be clearly specified for our review and approval.
3. Provide public sidewalk:
  - a. to ADA standards (minimum five feet wide) and label it accordingly; Provide PIE if needed.
  - b. Use ADA compliant cover for manholes/ vaults within sidewalk where possible;
  - c. when outdoor seating café is proposed, minimum 6' clear sidewalk is needed;
  - d. Public and private sidewalks when adjacent each other need to have the physical limits of maintenance provided or PIE/ ROW for the additional sidewalk is needed.
4. Street light on St. Elmo Ave that is being shifted to the north closer to the street tree needs to maintain 15' offset from it.



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Marc Elrich  
*County Executive*

Aseem K. Nigam  
*Director*

January 21, 2020

Ms. Grace Bogdan  
Area 1 Division  
Montgomery County Planning Department  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: St. Elmo Apartments  
Preliminary Plan Amendment No. 12015020B and Site Plan Amendment No. 82017003A

Dear Ms. Bogdan:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced plans and recommends Approval. MPDU locations and unit mix will be determined at certified site plan.

Sincerely,

Lisa Schwartz, Manager  
Affordable Housing Programs Section

cc: Jonathan Bondi, VIKA Maryland LLC

[https://mcgov.sharepoint.com/teams/DHCA/Housing/Affordable/Shared Documents/MPDU/Developments/4824 Edgemoor/4824 Edgemoor DHCA Letter\\_1-21-2020.docx](https://mcgov.sharepoint.com/teams/DHCA/Housing/Affordable/Shared Documents/MPDU/Developments/4824 Edgemoor/4824 Edgemoor DHCA Letter_1-21-2020.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)

# Bethesda Downtown Design Advisory Panel

**FROM:** Grace Bogdan  
Planner Coordinator

**PROJECT:** St. Elmo Apartments  
Site Plan Amendment

**DATE:** October 23, 2019

*The St Elmo Site Plan was reviewed by the Bethesda Downtown Design Advisory Panel on October 23, 2019. The following meeting notes summarize the Panel's discussion, and recommendations regarding design excellence and the exceptional design public benefits points. The Panel's recommendations should be incorporated into the Staff Report and strongly considered by Staff prior to the certification of the Site Plan. Should you have any additional questions and/or comments please feel free to contact the Design Advisory Panel Liaison.*

## Attendance:

### Design Advisory Panel Members

Karl Du Puy  
George Dove  
Rod Henderer  
Paul Mortensen (Panelist, Senior Urban Designer in the Director's Office)

### Staff

Grace Bogdan (Lead Reviewer)  
Robert Kronenberg (Deputy Director of Development Review)  
Elza Hisel-McCoy (Area 1 Division Chief)  
Stephanie Marsnick-Dickel (Area 1 Acting Supervisor)  
Gwen Wright (Planning Director)

### Development Team

Liz Rodgers  
Steve Robbins  
Mitch Yentis  
Mark Dubick  
John Segreti  
Maurice Walters  
Michael Schwartz



Mark Elliot  
 Elliot Rhodeside  
 Jonathon Bondi

### Discussion Points:

- Promenade setback
  - o Appreciate the reduction of cantilever but would like the bump out to continue to ground (previous comments) it would help anchor the building
    - Response: current design allows for free passage in promenade, and 'grounding' may compromise retail visibility. Cantilever is important to the expression of the building's early modernistic architecture
  - o Were there supposed to be brackets that show support of cantilever on promenade side?
    - Response: Can provide if requested, but now more shallow than previously
  - o
- Landscape/Art
  - o What kind of trees?
    - Response: Trees remain the same as previous, honey locust and Japanese maples
- Height
  - o Prefer the top of the building more than previously with the extra floor
  - o Why is the penthouse so high? Could you change the louver type to compensate for reduced green roof? – yes
    - Response: Fully maximized with equipment and any change may result in reduced green roof.
- Façade -
  - o Appreciate the change in the elevations, particularly how the balconies have been moved and/or were removed to respond to previous concerns
- Loading
  - o Very impressed with through block loading dock
- General
  - o Appreciate how previous comments have been addressed
  - o Potential redevelopment of property to south? Project has a great presence on Old Georgetown but what happens when properties redevelop?
    - Applicant Response: Lenkin owns assemblage of properties but not the one directly south of Property

### Panel Actions:

Voted 3-0 in support of the requested 15 exceptional design points.





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

November 3, 2015

4931 Fairmont LLC  
c/o Edward Lenkin  
4922-A St. Elmo Ave.  
Bethesda, MD 20814

Re: Forest Conservation Exemption Request and Simplified NRI/FSD No. 42016068E  
Property Name: St. Elmo Apartments  
Action Taken: Confirmed and Approved on 11/3/2015

Dear Edward Lenkin:

On October 29, 2015, Development Applications and Regulatory Coordination Staff of the Montgomery County Planning Department received a forest conservation exemption request for the St. Elmo Apartments development. The Exemption being applied for is a Chapter 22A-5(s)(2) exemption for an activity on a small lot. Included with the application is a Simplified Natural Resource / Forest Stand Delineation titled "FCP Exemption Plan" which shows the existing conditions and the proposed limits of disturbance. The Simplified NRI/FSD and Exemption Request plan number is 42016068E.

A Chapter 22A-5(s)(2) Exemption Request, is for an activity on a tract of land less than 1 acre that will not result in afforestation requirements in excess of 10,000 square feet and will not result in the clearing of 20,000 square feet of forest or existing specimen or champion tree. Forest in any priority area is to be preserved.

The proposed activity is on a tract of land approximately 0.81 acres in size. The proposed activity does not trigger afforestation requirements. No forest or champion tree exists on the property or within 100 feet of the property. A specimen tree, a 38 inch dbh (diameter at 4 feet above ground) willow oak tree, exists with the project's tract area. This specimen tree is within the proposed construction disturbance.

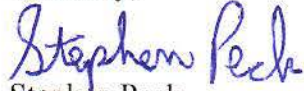
Since a specimen tree exists on the property and is within the proposed disturbed area, this exemption request cannot be confirmed without the tree save plan provision. The tree save plan provision (Chapter 22A-6(b)) applies to this project since the project would be exempt under Section 22A-5(s)(2), except that the proposed activity involves the clearing of a specimen willow oak tree. As a result, a tree save plan must be submitted and approved. This plan must mitigate for the loss of the specimen willow oak tree and the mitigation must be based on the size and character of the tree to be cleared.

**Forest Conservation Exemption Request No. 42016068E for St. Elmo Apartments is confirmed with the tree save plan provision. The Simplified NRI/FSD for the project is approved. A tree save plan must be submitted for approval at the time of preliminary plan.**



Any changes from the confirmed Forest Conservation Exemption Request and approved Simplified NRI/FSD may constitute grounds to rescind or amend any approval actions taken.

Sincerely,



Stephen Peck

Senior Planner

Development Applications and Regulatory Coordination

M-NCPPC - Montgomery County Planning Department

CC: Stephen Cook, VIKA Maryland LLC.

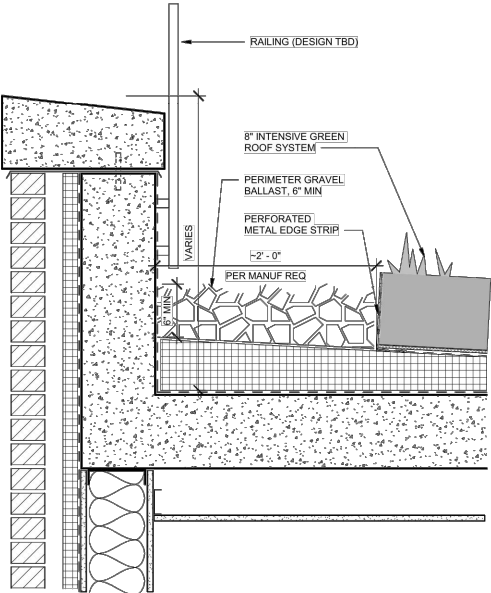
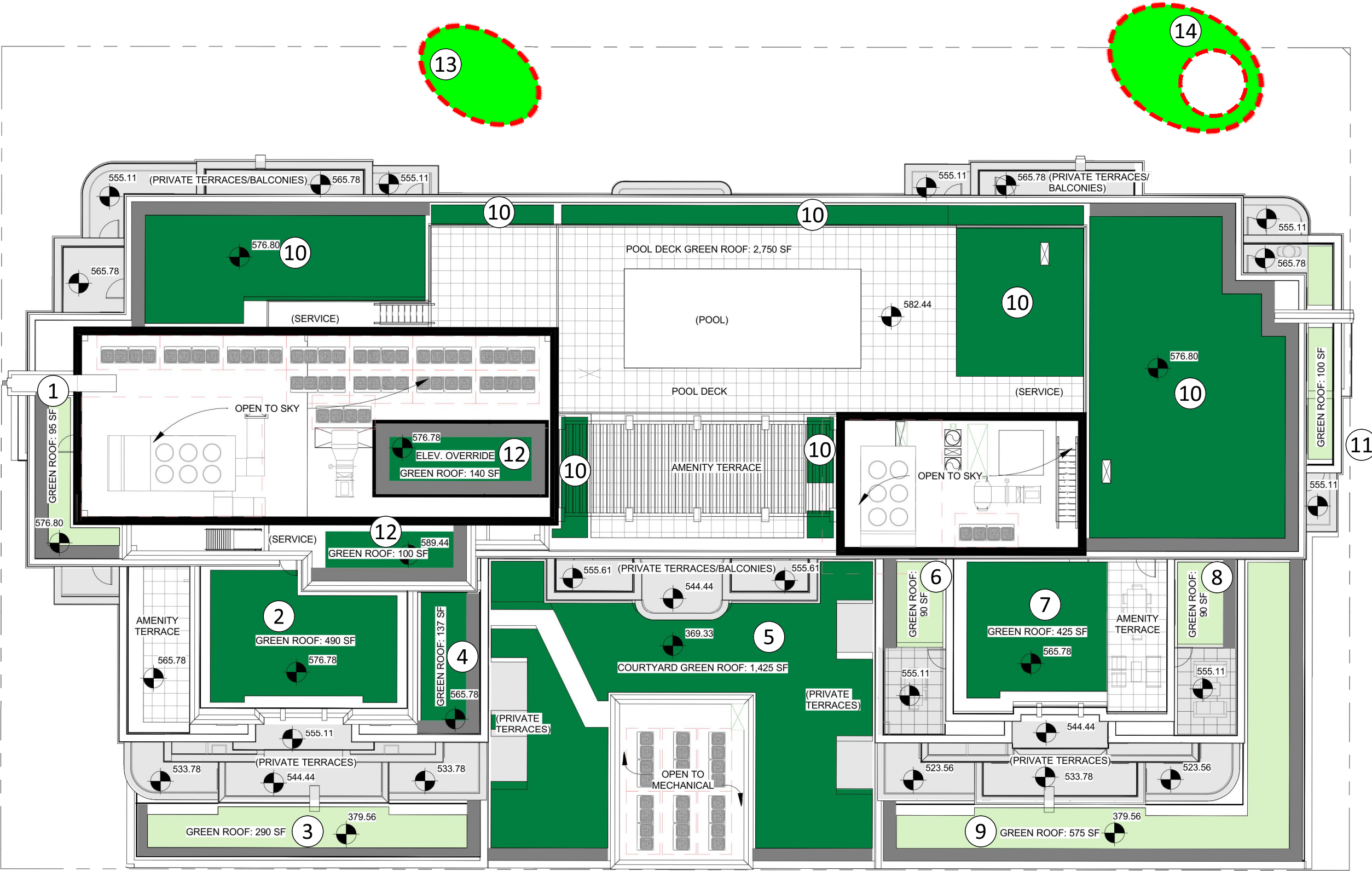
Green Spaces	
Number	Green Roof (SF) - Building
1	95
2	490
3	290
4	137
5	1,425
6	90
7	425
8	90
9	575
10	2,750
11	100
12	240
Subtotal	6,707

Green Roof (SF) - Perimeter	
Subtotal	1,100

Number	Green Roof (SF) - Through block Planters
13	200
14	253
Subtotal	453

Site Area (SF)	25,625
Bldg Roof Area (SF)	20,012

Legend



DETAIL - GREENROOF @ PARAPET

1 GREEN ROOF AREAS  
1/16" = 1'-0"