



## Strathmore Square, Preliminary Plan No. 12019018A

ET

Emily Tettelbaum, Planner Coordinator, Mid-County Planning, Emily.Tettelbaum@montgomeryplanning.org, 301.495.4569

PB

Patrick Butler, Supervisor, Mid-County Planning, Patrick.Butler@montgomeryplanning.org, 301.495.4561

CS

Carrie Sanders, Chief, Mid-County Planning, Carrie.Sanders@montgomeryplanning.org, 301.495.4653

Completed: 10/02/20

### Description

Request to amend existing approval to remove the age-restriction from 400 dwelling units and approve an additional 909 dwelling units; update the parking calculations; clarify the APF Validity period; and modify a trigger deadline related to APF validity.

Location: Grosvenor-Strathmore Metro Station, 10300 Rockville Pike, North Bethesda, MD.

Master Plan: 2018 *Grosvenor-Strathmore Metro Area Minor Master Plan*.

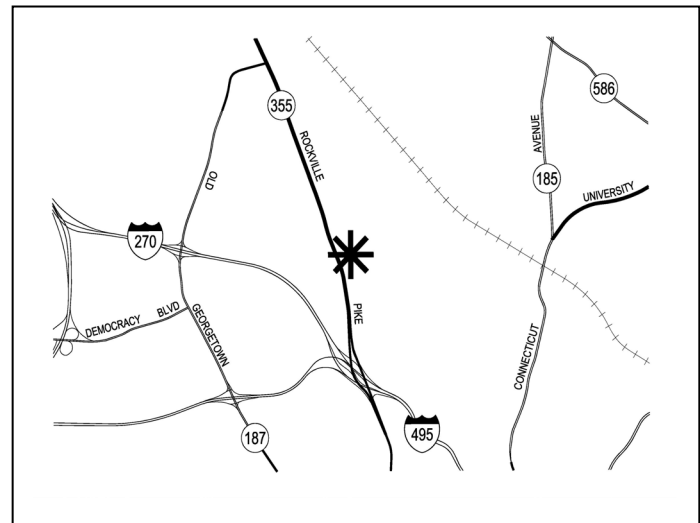
Zone: CR-3.0 C-0.5 R-2.75 H-300, and R-60.

Property Size: 14.72 acres.

Applicant: Fivesquares Development, LLC.

Application Accepted: August 17, 2020

Review Basis: Chapter 50, Subdivision Ordinance.



### Summary

- Staff recommends approval with conditions.
- Due to a development moratorium imposed by the FY 2019 School Test, the Planning Board approval for Preliminary Plan No. 120190180 (Resolution MCPB No. 19-065) was limited to 1,309 dwelling units, including 400 age-restricted units, out of the Applicant's requested 2,218 units.
- School capacity is now available under the FY 2021 School Test to remove the age-restriction from 400 previously approved dwelling units and approve 909 additional dwelling units, for a total of 2,218 dwelling units.
- Staff supports the Applicant's request for additional time to obtain building permits for the first 300 dwelling units.
- Staff has not received any correspondence about this amendment.

## SECTION 1: RECOMMENDATION AND CONDITIONS

Except as modified below, all previous conditions of approval remain in full force and effect.

### General Approval

1. This Preliminary Plan is limited to seven (7) lots and three (3) parcels for a mixed-use development with up to a maximum of 2,289,438 total square feet of development, consisting of up to 317,537 square feet of non-residential uses and up to 2,130,670 ~~1,746,451~~ square feet of residential uses for up to 2,218 dwelling units (total base density not to exceed 1,905,219 square feet) and 384,219 square feet of bonus density based on including a minimum of 15% MPDUs. Based on the FY19 Schools Test, this approval is limited to 909 dwelling units and 400 age-restricted units.

### APF and Plan Validity Periods

3. ~~If the construction of the garage begins within two years from the date of the resolution, the~~ The APF review for the Preliminary Plan will remain valid for 15 years (180 months) from the date of mailing of ~~the~~ Planning Board Resolution MCPB 19-065. ~~otherwise the APF review for the Preliminary Plan will remain valid for ten years (120 months) from the date of mailing of the Planning Board Resolution.~~ The Applicant must obtain building permits for a minimum of 300 dwelling units within ~~five~~ seven years of the ~~resolution~~ date of Planning Board Resolution MCPB 19-065. The remaining building permits must be issued prior to the expiration of the ~~10 or 15-year, as applicable,~~ APF Validity Period or the Applicant must apply for an APF extension.
  - a. ~~Schools – The Schools portion of the APF test is limited to 909 dwelling units and 400 age-restricted units. The Applicant must amend the Preliminary Plan to allow up to 2,218 total dwelling units (inclusive of age-restricted units) on the Property when school capacity is available, as determined by the applicable Schools test. Provided this occurs within the APF validity period, no other APF tests are required.~~
  - b. ~~Transportation and Other Public Facilities – The Transportation and Other Public Facilities portion of the APF test covers the full density permitted on the Property, up to 2,218 dwelling units, up to 317,537 square feet of non-residential uses and up to 1,746,451 square feet of residential uses (total base density not to exceed 1,905,219 square feet) and 384,219 square feet of bonus density based on 15% MPDUs.~~

### Certified Preliminary Plan

40. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes:

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- g. Replace the list of amendment changes on the cover sheet with the following:
  - i. Remove the age-restriction from 400 dwelling units and update the parking calculations accordingly;
  - ii. Approve an additional 909 dwelling units;
  - iii. Clarify the APF Validity period; and
  - iv. Modify a trigger deadline related to APF validity.

## SECTION 2: SITE DESCRIPTION

### Vicinity

The Property subject to this Preliminary Plan application (Property or Subject Property) is part of the Washington Metropolitan Area Transit Authority ("WMATA") Grosvenor-Strathmore Metro Station located to the east of the intersection of Rockville Pike (MD 355) and Tuckerman Lane (Figure 1). To the north of the WMATA property is the Music Center at Strathmore; to the east are Holy Cross Academy, townhouses and low-rise condominiums; to the south are low- and high-rise apartment buildings; and to the west is Rockville Pike (MD 355).

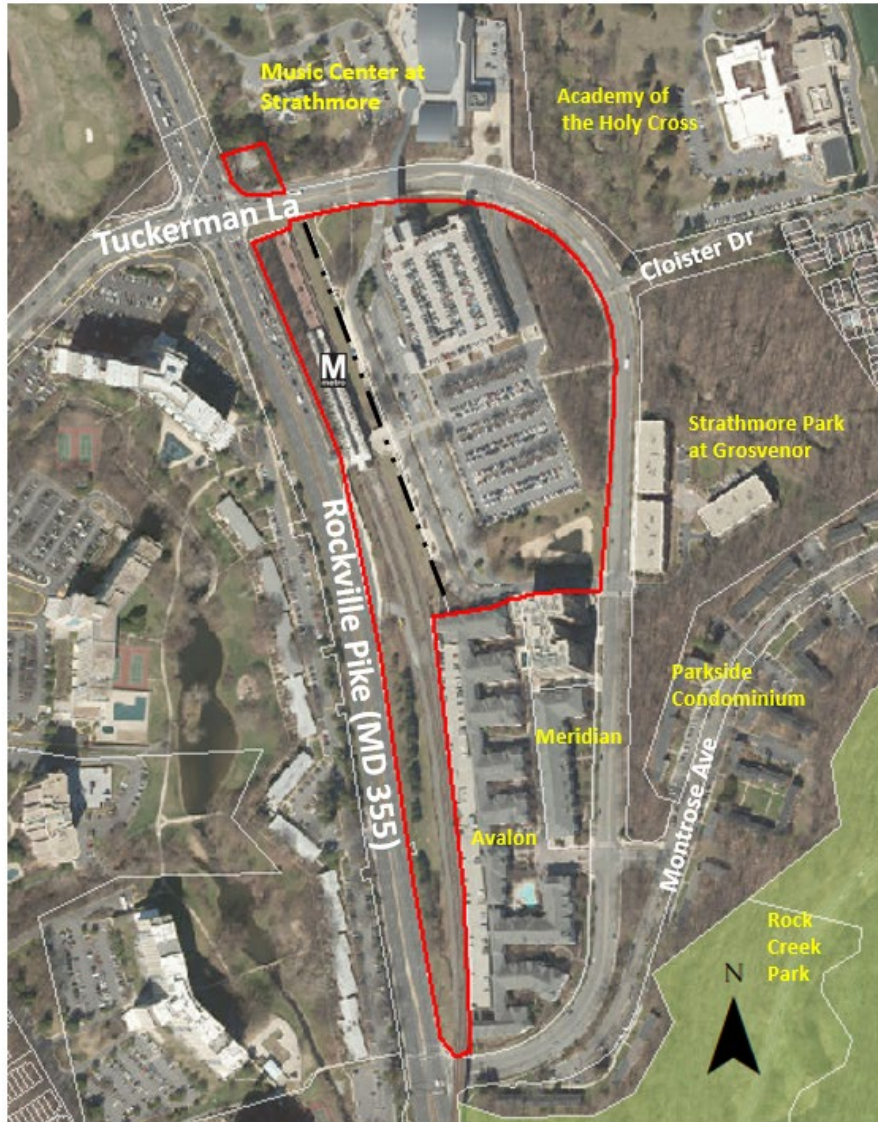


Figure 1: Vicinity Map (WMATA property outlined in red)

### Site Analysis

The Property is also known as Parcel 428 in the "Grosvenor Metro Station" subdivision (Figure 2). Parcel 428 is 14.88 acres and bisected by Tuckerman Lane. The portion of Parcel 428 south of Tuckerman Lane is 14.58 acres zoned CR-3.0, C-0.5, R-2.75, H-300'. It is improved with a six-story WMATA garage, a



surface parking lot, bus facilities, a Kiss & Ride, a covered Arts Walk, and a stormwater management pond. Approximately 2.47 acres of forest is located along its eastern side. The portion of Parcel 428 located on the north side of Tuckerman Lane is approximately 0.3 acres zoned R-60 and improved with a WMATA traction power substation (TPSS) that provides power to the rail system. Parcel C is not part of this Application but will be the subject of an associated minor subdivision application in the future, as discussed in the project description section of this report.



Figure 2: Aerial View of Subject Property (Parcel C is not part of this Application)

### SECTION 3: PROJECT DESCRIPTION

#### Prior Approvals

WMATA selected the Applicant, Fivesquares Development, as its Joint Development partner to redevelop the Property with a mixed-use project. On July 19, 2018, the Planning Board voted to approve the transmission of comments to WMATA on Mandatory Referral MR2018026 for improvements to the public infrastructure on the Property and adjacent Metro Station site, which are necessary to accommodate the proposed redevelopment. The Mandatory Referral includes an expansion of the existing parking garage to



accommodate the parking spaces that will be displaced by the removal of the surface parking lot over time, in connection with this Project. The Mandatory Referral also includes improvements to on-site circulation; reconfiguration of the Kiss & Ride spaces; enhancements to the existing public Arts Walk; construction of a covered bike station; and associated improvements to the existing storm drain and stormwater management facilities. The WMATA parking garage expansion is currently under construction and is scheduled for completion by May 2021.

The Planning Board approved Sketch Plan No. 320190010 (MCPB No. 18-121) on December 5, 2018 for a maximum of 1,905,219 square feet of total development on the Property (excluding 15% MPDUs). The Board approved Preliminary Plan No. 120190180 on June 6, 2019 for six lots and three parcels to build a mixed-use project with up to 317,537 square feet of non-residential uses and up to 1,746,451 square feet of residential uses (total base density not to exceed 1,905,219 square feet) and 384,219 square feet of bonus density based on 15% MPDUs. Based on the FY19 School Test, the Planning Board could only approve 909 dwelling units, and 400 age restricted units, instead of the 2,218 units requested by the Applicant (MCPB No. 19-065; Attachment 1). The Planning Board found all other public facilities, including transportation, to be adequate for the anticipated 2,218 units.

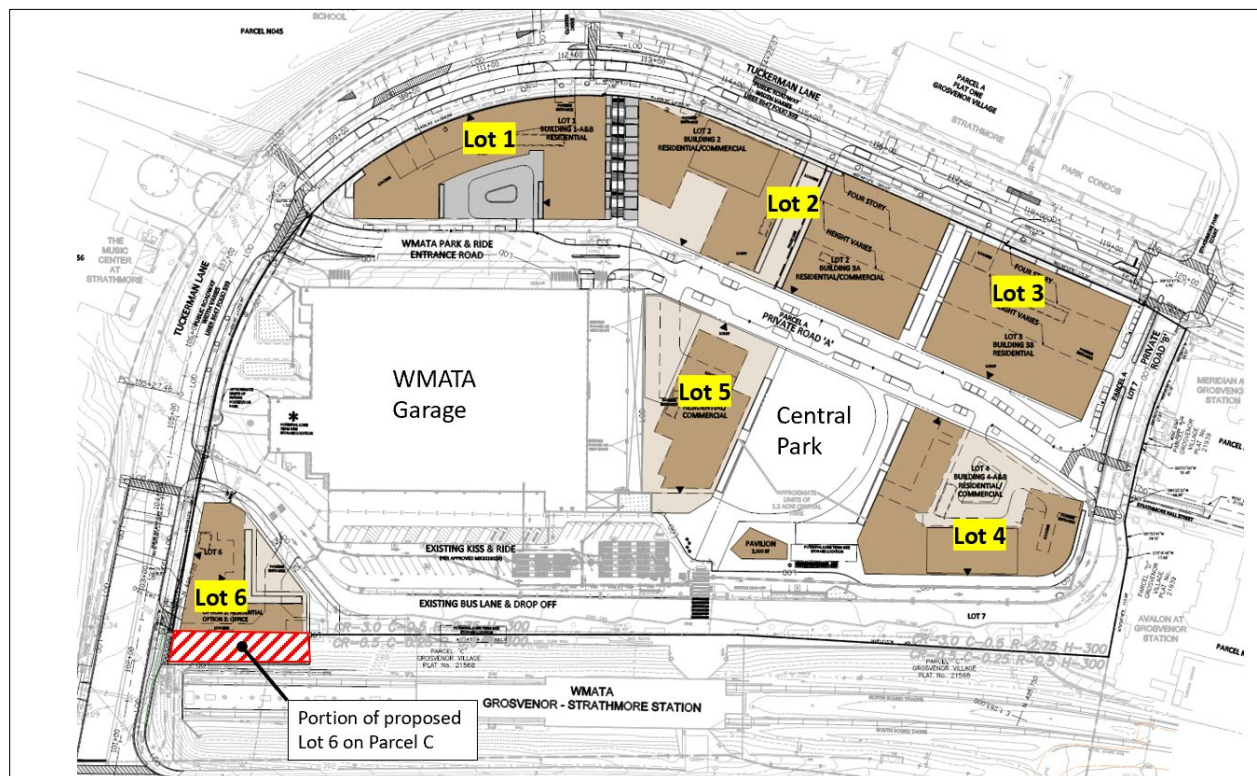


Figure 3: Preliminary Plan

## Proposal

The Applicant seeks approval of an additional 909 dwelling units and the removal of the age-restriction from the 400 previously approved age-restricted units. With these changes, the Project will include a total of 2,218 units as requested under the original Preliminary Plan application. The parking calculation has also been updated to reflect the removal of the age-restriction from 400 units.

In addition, the Applicant requests a change to the Adequate Public Facilities (APF) requirement to obtain building permits for at least 300 dwelling units within five years of the original Preliminary Plan mailing date (Condition No. 3). Instead, the Applicant requests that the five-year period commence upon the outside date estimated for completion of the WMATA garage expansion, which is May 31, 2021. The Applicant justifies this request by noting the substantial time and investment that have been made thus far in order to commence expansion of the WMATA garage, a prerequisite to building the rest of the Project. Further, the Applicant notes that the flexibility will help mitigate unanticipated issues arising from the COVID-19 pandemic.

This Amendment also includes a clarification of the APF validity period (Condition No. 3). The original condition laid out two different options for the APF validity period, 10 or 15 years, based on the commencement date of the WMATA garage expansion. Since the WMATA garage project is underway, the APF validity period for the project is 15 years and the Applicant requests an update to Condition Number 3 to reflect the APF validity period.

### **Community Outreach**

The Applicant has met all proper signage, noticing, and submittal requirements. As of the date of the staff report, Staff has not received any correspondence about this Application.

## **SECTION 4: PROJECT ANALYSIS AND FINDINGS**

All previous findings remain in full force and effect except as modified below.

1. *The layout of the subdivision, including size, width, shape, orientation and density 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 layout of the subdivision is not changed by this Amendment, but Staff recommends updates to the development standards table (Table 1) as follows:

- Remove a note that limited the number of units pursuant to the original approval.
- Add a row to the table to reflect the total density approved for the development that includes the residential density bonus for providing 15% MPDUs.
- Update the preliminary parking calculation to reflect the removal of the age restriction from 400 units. Final parking calculations will be determined at Site Plan.

**Table1: Development Standards for the CR-3.0 C-0.5 R-2.75 H-300 Zone<sup>1</sup>**

Section	Description	Required/Permitted	Approved
	<b>Tract Area</b>	n/a	635,073 sf/14.58 ac <sup>2</sup>
59-4.5.4.B.2.b	<b>Maximum Density</b>		
	Total	1,905,219 sf/ 3.0 FAR	1,905,219 sf/3.0 FAR
	Commercial	317,537 sf/ 0.5 FAR	Up to 317,537 sf/0.5 FAR
	Residential	1,746,451 sf/ 2.75 FAR	Up to 1,746,451 sf/2.75 FAR <del>*This approval is limited to 909 dwelling units and 400 age-restricted units</del>
59-4.5.2.C	<b>Bonus density for 15% MPDUs</b>	n/a	384,219 sf
	Total residential density (including bonus density)	n/a	2,130,670 sf
	Total density (including bonus density)	n/a	<u>2,289,438 sf</u>
4.5.4.B.2.b	<b>Maximum Height</b>	300 ft.	300 ft. <sup>3</sup>
4.5.4.B.1	<b>Minimum Public Open Space</b>	10%/64,084 sf	Minimum 10% (64,142 sf) to be provided; Preliminary Plan anticipates up to 15% (96,000 sf)
6.2.4.B	<b>Vehicle Parking Spaces</b>	<del>2,124</del> 2,063(min)/ <del>3,346</del> 3,330(max)	Estimated 2,065 <sup>4</sup>

<sup>1</sup>This Preliminary Plan does not approve any commercial or residential development on proposed Parcel C, which is zoned R-60.

<sup>2</sup>Does not include 6,150 sf part of existing Parcel C that is being used for land area only, or the 13,360 square foot part of Parcel 428 that contains the WMATA substation; no density is generated from Parcel C or the Part of Parcel 428 located on the opposite side of Tuckerman Lane. The total project area is 641,149 sf/14.71 ac.

<sup>3</sup>Additional height may be allowed to the extent required to provide the MPDUs under Section 59-4.5.2.C.7.

<sup>4</sup>Includes adjustments to vehicle parking requirement under Section 59-6.2.3.I.

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

The APF test conducted for Preliminary Plan No. 120190180 covered transportation, schools and other public facilities for the Project's total anticipated density, including up to 2,218 dwelling units. However, there was insufficient school capacity at the time and the Planning Board could only approve 909 standard market units under the applicable FY19 Annual School Test. The Board also approved 400 age-restricted units that were not subject to the School Test. The remainder of the requested dwelling units could not be approved since school capacity was not available.

School capacity is now available, and the Applicant is requesting approval for the remaining 909 dwelling units and the removal of the age restriction from 400 previously approved dwelling units. Since other public facilities were determined to be adequate by Preliminary Plan No. 120190180,



this Amendment only evaluates the schools portion of the APF analysis for the conversion of 400 age-restricted units to standard market units and the addition of 909 units (for a total of 1,309 units).

### Overview and Applicable School Test

Preliminary Plan Amendment #12019018A for Strathmore Square will come before the Planning Board during FY21. Therefore, the FY21 Annual School Test, approved by the Planning Board on June 25, 2020 and effective July 1, 2020 is applicable. As previously stated, this amendment is for an additional 1,309 high rise multi-family units. In summer of 2019, when the Preliminary Plan was originally approved, the Board could only approve 909 out of the Applicant's requested 2,218 units due to a school moratorium.

### Calculation of Student Generation

To calculate the number of students generated by the proposed development, the number of dwelling units is multiplied by the applicable regional student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low- to mid-rise multifamily unit, or high-rise multifamily unit. The subject property is located in the southwest region of the County.

#### *Per Unit Student Generation Rates – Southwest Region*

	Elementary School	Middle School	High School
<b>SF Detached</b>	0.186	0.109	0.151
<b>SF Attached</b>	0.167	0.085	0.111
<b>MF Low-Rise</b>	0.150	0.068	0.085
<b>MF High-Rise</b>	0.041	0.018	0.025

With a net of 1,309 multi-family high-rise units, the proposed amendment is estimated to generate the following number of students:

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
Multi Family High Rise	1,309	0.041	53.669	0.018	23.562	0.025	32.725
<b>TOTALS</b>	<b>1,309</b>		<b>53</b>		<b>23</b>		<b>32</b>

On average, this amendment is estimated to generate an additional 53 new elementary school students, 23 new middle school students, and 32 new high school students.

### Cluster Adequacy Test

The project is located in the Walter Johnson High School Cluster. The student enrollment and capacity projections from the FY21 Annual School Test for the cluster are noted in the following table:

School Level	Projected Cluster Totals, September 2025			Moratorium Threshold	Estimated Application Impact
	Enrollment	Program Capacity	% Utilization		
Elementary	4,607	4,579	100.6%	888	53
Middle	2,494	2,449	101.8%	444	23
High <sup>1</sup>	2,127	2,321	91.6%	658	32

The Moratorium Threshold identified in the table is the number of additional projected students that would cause the projected utilization to exceed the 120% utilization threshold and therefore trigger a cluster-wide residential development moratorium. As indicated in the last column, the estimated enrollment impacts 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 amendment.

#### Individual School Adequacy Test

The applicable elementary and middle schools for this project are Garrett Park ES and Tilden MS, respectively. Based on the FY21 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

School	Projected School Totals, September 2025				Moratorium Threshold	Estimated Application Impact
	Enrollment	Program Capacity	% Utilization	Surplus/ Deficit		
Garrett Park ES	783	776	100.9%	-7	149	53
Tilden MS	1,193	1,216	98.1%	+23	267	23

Under the individual school adequacy test, a school is deemed inadequate if the projected school utilization rate exceeds 120% and the school seat deficit meets or exceeds 110 seats for an elementary school or 180 seats for a 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 numbers of additional projected students that would cause the projected utilization to exceed the 120% utilization threshold and the seat deficit threshold. As indicated in the last column, the estimated enrollment impacts of this amendment fall below the moratorium thresholds for both Garrett Park ES and Tilden MS. Therefore, there is sufficient anticipated school capacity to accommodate the estimated number of students generated by this amendment.

#### School Test Conclusion

Based on the school cluster and individual school capacity analysis performed, using the FY2021 Annual School Test, there is adequate school capacity for the amount and type of development proposed by this amendment.

<sup>1</sup> The projected Walter Johnson HS enrollment has been modified to estimate the impact of redistricting students to Woodward HS in September 2025.

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

#### APF Validity

Due to the complexity of redeveloping a WMATA site and the unanticipated issues associated with the COVID pandemic, Staff supports the Applicant's request for additional time to obtain building permits for the first 300 dwelling units. Staff recommends extending this trigger for two years such that the Applicant must obtain building permits for a minimum of 300 dwelling units within seven years of the original resolution mailing date. This change is consistent with the Applicant's requested time frame and retains the original initiation date. This modification does not impact the overall 15-year APF validity period, nor does it impact any of the findings from the original preliminary plan associated with the subdivision waiver to grant the 15-year validity period.

### **SECTION 5: CONCLUSION**

With the conditions of approval specified at the beginning of this report, this Preliminary Plan Amendment application satisfies the findings of Chapter 50, the Subdivision Code, and substantially conforms to the recommendations of the *Grosvenor-Strathmore Metro Area Minor Master Plan*. Therefore, Staff recommends approval of the Preliminary Plan Amendment with conditions.

### **ATTACHMENT**

1. Resolution MCPB No. 19-065 for Preliminary Plan 120190180



# ATTACHMENT 1



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

MCPB No. 19-065  
Preliminary Plan No. 120190180  
**Strathmore Square**  
Date of Hearing: June 6, 2019

JUL 30 2019

### CORRECTED RESOLUTION

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

WHEREAS, on June 6, 2019, Fivesquares Development, LLC ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create seven lots on 14.72 acres of land in the CR-3.0, C-0.5, R-2.75, H-300 and R-60 zones, located at the Grosvenor-Strathmore Metro Station ("Subject Property"), in the Grosvenor-Strathmore Metro Area Minor Master Plan ("*Master Plan*") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120190180, Strathmore Square ("Preliminary 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 24, 2019, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on June 6, 2019, 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 June 6, 2019, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Fani-Gonzalez, seconded by Commissioner Dreyfuss, with a vote of 5-0; Commissioners Anderson, Cichy, Dreyfuss, Fani-Gonzalez, and Patterson voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120190180 to create seven lots on the Subject Property, subject to the following conditions:<sup>1</sup>

<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.

Approved as to

Legal Sufficiency:

8/8/19 Georgia Avenue, Silver Spring, Maryland 20910

M-NCPPC Legal Department  
www.montgomeryplanningboard.org

Phone: 301.495.4605 Fax: 301.495.1320

E-Mail: mcp-chair@mncppc-mc.org

General Approval

1. This Preliminary Plan is limited to seven (7) lots and three (3) parcels for a mixed-use development with up to 317,537 square feet of non-residential uses and up to 1,746,451 square feet of residential uses (total base density not to exceed 1,905,219 square feet) and 384,219 square feet of bonus density based on 15% MPDUs. Based on the FY19 Schools Test, this approval is limited to 909 dwelling units and 400 age-restricted units.
2. Parcel C, located on the north side of Tuckerman Lane, is limited to structures associated with WMATA or other publicly owned or operated entity.

APF and Plan Validity Periods

3. If the construction of the garage begins within two years from the date of the resolution, the APF review for the Preliminary Plan will remain valid for 15 years (~~150-180~~ months) from the date of mailing of the Planning Board Resolution, otherwise the APF review for the Preliminary Plan will remain valid for ten years (120 months) from the date of mailing of the Planning Board Resolution. The Applicant must obtain building permits for a minimum of 300 dwelling units within five years of the resolution mailing date. The remaining building permits must be issued prior to the expiration of the 10 or 15-year, as applicable, APF Validity Period or the Applicant must apply for an APF extension.
    - a. Schools – The Schools portion of the APF test is limited to 909 dwelling units and 400 age-restricted units. The Applicant must amend the Preliminary Plan to allow up to 2,218 total dwelling units (inclusive of age-restricted units) on the Property when school capacity is available, as determined by the applicable Schools test. Provided this occurs within the APF validity period, no other APF tests are required.
    - b. Transportation and Other Public Facilities – The Transportation and Other Public Facilities portion of the APF test covers the full density permitted on the Property, up to 2,218 dwelling units, up to 317,537 square feet of non-residential uses and up to 1,746,451 square feet of residential uses (total base density not to exceed 1,905,219 square feet) and 384,219 square feet of bonus density based on 15% MPDUs.
  4. The Preliminary Plan is valid for nine (9) years with the following phasing of plat recordation:
    - a. Phase I: Plats for at least two lots and Parcel C (north of Tuckerman Lane) must be recorded within 36 months of the initiation date (as defined in Montgomery County Code Section 50.4.2.G).
    - b. Phase 2: Plats for at least four lots (two lots in Phase I plus an additional two lots) must be recorded within 72 months of the initiation date.
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- c. Phase 3: All remaining lots and parcels must be recorded within nine years of the initiation date unless the Applicant applies for an extension of the Preliminary Plan validity period.
5. Prior to site plan approval for more than 1,600,000 square feet of total development on the Property, the Applicant must submit a traffic study, for review and approval by Planning Staff to retest the Transportation portion of the APF review.

Occupancy Provisions Age-Restricted Housing

6. Any Age-Restricted residential unit must be restricted to persons who are fifty-five (55) years of age or older, as defined by Section 59.1.4.2. of the Zoning Ordinance.
7. Prior to Certification of any Site Plan that includes age-restricted units:
  - a. The Applicant must enter into a covenant with the Planning Board reflecting the age restriction in a form approved by the M-NCPPC Office of General Counsel.
  - b. The covenant must be recorded among the Montgomery County Land Records.
  - c. The Book and Page reference must be included on the Certified Site Plan.

Outside Agencies

8. Except comment no.11, the Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated May 17, 2019 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, except comment no. 11, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
9. Before issuance of a building permit on the Subject Property for a particular phase, the Applicant must satisfy MCDOT's design requirements for access and improvements for that phase, consistent with the phasing schedule.
10. Before the issuance of a building permit for a particular phase, the Applicant must satisfy the Maryland State Highway Administration's requirements for improvements for that phase, consistent with the phasing schedule.
11. The Planning Board accepts the recommendations of the Maryland State Highway Administration ("MDSHA") in its letter dated May 29 April 11, 2019 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
12. 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 May 2, 2019 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.



13. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Fire Department Access and Water Supply Section in its letter dated March 26, 2019 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
14. The Planning Board accepts the recommendations of the Montgomery County Department of Housing and Community Affairs ("DHCA"), in its letter dated April 23, 2019 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

#### Site Plan Approval

15. With the exception of the WMATA garage expansion and associated improvements under Mandatory Referral Application No. MR2018026, the Applicant must receive Staff certification of a Planning Board-approved site plan (that may include an infrastructure site plan), before clearing, grading or issuance of any building permit. The number and location of site elements, including but not limited to buildings, dwelling units, on-site parking, site circulation, sidewalks, and bike paths will be determined through site plan review and approval.
16. If an approved site plan or site plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the Site Plan or Site Plan Amendment.
17. To satisfy the Sketch Plan condition to provide a major public facility as a public benefit, the Applicant must provide:
  - a. A minimum of 5,000 square feet of cultural/art space that is available for use by The Music Center at Strathmore or other cultural/arts focused public or non-profit organization. The space must be available for use free of charge to public agencies, with details to be determined prior to approval of a Site Plan that contains a building with the cultural/art space; and
  - b. Interim placemaking improvements, which must be completed prior to issuance of the final Use and Occupancy Certificate for the first residential building. The interim placemaking improvements must be consistent with the scale and programmatic elements shown on the Phasing Exhibit, with final location and details to be determined at the time of the first Site Plan.

#### Forest Conservation

18. The Applicant must comply with all of the conditions of the Final Forest Conservation Plan as amended.
19. Before demolition, clearing or grading on the Subject Property, the Applicant must fulfill half of the Forest Conservation mitigation requirement to obtain 3.71 acres of forest mitigation bank credit by recording a Certificate of Compliance in the

Montgomery County Land Records for 1.855 acres of forest mitigation bank credit in a Montgomery County Planning Department-approved forest mitigation bank. The remaining 1.855 acres of forest mitigation bank credits must be provided within 1 year of the issuance of the first sediment and erosion control permit associated with the second Site Plan approved for the site. The Certificates of Compliance must be in a form approved by the M-NCPPC Office of the General Counsel.

20. Prior to the release of the first Use and Occupancy permit for development on Lot 6 that involves the two (2) trees subject to the variance provision (Trees 930 and 931), mitigation must be provided for the removal of the two (2) trees that are not included in the forest clearing calculations. Mitigation must be provided in the form of planting native canopy trees totaling at least 19.25 caliper inches, with a minimum planting stock size of three (3) caliper inches. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC forest conservation inspector.
21. Limits of disturbance shown on the Sediment Control Plan must match the limits of disturbance shown on the Amended Final Forest Conservation Plan.
22. Site inspections must be performed by M-NCPPC inspectors as specified in Section 22A-00.01.10 of the Forest Conservation Regulations.

#### Noise Attenuation

23. At Site Plan, the Applicant must demonstrate that the building shell and materials used for residential units to be constructed within areas subjected to noise levels greater than 65 dBA Ldn, based on the results of the Phase I Noise Analysis dated Dec. 21, 2018, will be designed to attenuate projected noise levels to an interior level not to exceed 45 dBA Ldn, and that the recommendations of the Phase I Noise Analysis are implemented.

#### Transportation/Access

24. The Applicant must dedicate, and show on the record plat, all land necessary to accommodate eighty (80) feet from the opposite right-of-way along Tuckerman Lane.
25. The Applicant must construct/install the following transportation improvements consistent with the Phasing Exhibit, with final details and timing to be determined at Site Plan:
  - a. Sidewalks, bikeways, crosswalks, intersection improvements, and related transportation infrastructure along Tuckerman Lane (from MD 355 to Strathmore Park Court) as shown on the Preliminary Plan;
  - b. Sidewalks, bikeways, crosswalks, intersection improvements, and related transportation infrastructure along the WMATA busway as shown on the Preliminary Plan;
  - c. Leading pedestrian intervals at the signalized intersection with Strathmore Music Center;
  - d. Subject to WMATA approval, improvement of the pedestrian connection from the Metro station to the central park, including colored/textured pavement and additional pedestrian safety elements, such as flush curbs, tactile

- warning strips, flashing beacons, pedestrian activated signal, and signage. Final details will be determined at subsequent Site Plan; and
- e. Where bike lanes or shared-use paths are proposed, provide bicycle crossing markings adjacent to pedestrian crossing markings.
26. Prior to issuance of any building permit, the Applicant must enter into a Traffic Mitigation Agreement with the Planning Board and the Montgomery County Department of Transportation to participate in the North Bethesda Transportation Management District (TMD).
27. Prior to the issuance of a Use and Occupancy Certificate for the first residential building, the Applicant must construct a bicycle parking facility for a minimum of 100 long-term bicycle parking spaces for use by WMATA passengers per Mandatory Referral Application No. MR2018026.
28. Prior to the issuance of a Building Permit for more than 1,300,000 square feet of total development on the Property, the Applicant must provide a bicycle connection between the Property and the shared use path system north of The Music Center at Strathmore, with the alignment and details to be determined at site plan.
29. Prior to issuance of a Use and Occupancy Certificate for the 1,500<sup>th</sup> residential unit, the Applicant must remove the channelized right turn movement from westbound Tuckerman Lane (north) onto northbound MD355, subject to MDSHA and MCDOT review and approval.
30. Prior to the issuance of a Building Permit for more than 1,000,000 square feet of total development on the Property, the Applicant must expand the WMATA bicycle parking facility to accommodate a total of at least 200 long-term bicycle parking spaces or provide an appropriate alternative as determined by Planning Staff and WMATA based on the need at that time.
31. Prior to the issuance of a Use and Occupancy Certificate for the last building on the Property, the Applicant must construct at least 110 additional long-term bicycle parking spaces and at least 50 additional short-term bicycle parking spaces intended for use by WMATA passengers, for a total of 350 long-term spaces and 100 short-term spaces or provide an appropriate alternative as determined by Planning Staff and WMATA based on the need at that time.
32. The Applicant must provide Private Road "Parcel A," which may be built in phases, including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by either the Preliminary Plan or the subsequent Site Plan within the delineated private road area (collectively, the "Private Road"), subject to the following conditions:
- If there are no structures above or below the Private Road, the record plat must show the Private Road in a separate parcel. If there are structures above or below the Private Road, the record plat must clearly delineate the Private Road and include a metes and bounds description of the boundaries of the Private Road.
  - The terms and conditions typically required by the private road covenant must be conditioned at site plan.



- c. Before issuance of a building permit for the Private Road, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Road has been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on this Preliminary Plan or a subsequent Site Plan, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.

#### Record Plats

- 33. Record Plats may be recorded prior to Site Plan approval; however:
  - a. Replatting will be required if a subsequent Site Plan modifies a lot line; and
  - b. Prior to issuance of any building permit, the Applicant must obtain approval of a Certified Site Plan.
- 34. Plat recordation is required prior to any clearing, grading or issuance of any building permit, except for work related to the interim placemaking park.
- 35. The record plat must show necessary easements.
- 36. Prior to plat recordation for Lot 6, the Applicant must receive approval of a minor subdivision of existing Parcel C per Plat No. 21568 to adjust the lot line as shown on the Preliminary Plan.
- 37. The record plat must reflect up to a four-foot wide public infrastructure area within or adjacent to all Private Streets, with final details and location to be determined at Certified Site Plan.
- 38. Parking is permitted to be located underneath the Central Park located on Lots 4 and 5 and Parcel B. Any portion of the Central Park that contains underground parking must be recorded together with the adjoining parcel which the parking is serving. Locating parking beneath the Central Park must not result in a material change in the size, general shape, configuration and programming of the Central Park.

#### Certified Preliminary Plan

- 39. The certified Preliminary Plan must contain the following note:  
*Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval(s).*
- 40. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes:

- a. Show resolutions and Agency approval letters on the approval sheet(s).
- b. Show interim streetscape improvements along the Property's Tuckerman Lane frontage.
- c. On Sheet PP-1:
  - i. Revise footnote 2 under Density Calculation to, "Additional density allowed per Zoning Ordinance, Section 4.5.2." Delete the rest of the footnote;
  - ii. Remove note in Public Open Space table;
  - iii. In Building height note, replace "Additional 12 feet permitted" with "An additional 12 feet may be allowed under Section 59-4.5.2.C.7; and
  - iv. In Parking Calculation Summary table, delete the second sentence of Note 7.
- d. On Sheet PP1A, change the cross section for Tuckerman Lane between MD 355 North and the building on Lot 6 to show an eight (8)-foot-wide shared-use path with a five (5)-foot-wide buffer.
- e. On all applicable sheets:
  - i. Clearly identify the WMATA busway as the preferred access option for the building on Lot 6. Right-in, right-out egress onto Tuckerman Lane from Building 6 will only be allowed if WMATA denies access from the busway.
  - ii. Show that the right turn lane from westbound Tuckerman Drive onto MD 355 will remain and only the channelized right-turn movement will be removed.
  - iii. Show the alternatives for a bicycle connection between the Property and the shared use path system north of The Music Center at Strathmore and add the following note: "Final location of shared use path north of the Property to be determined at subsequent Site Plan"
- f. Work with Staff to clarify the phasing for transportation improvements not currently shown on the Phasing Exhibit, including but not limited to:
  - i. The full extent of the shared-use path, widened sidewalks, two-way separated bike lanes, crosswalks, and all intersection improvements along Tuckerman Lane;
  - ii. Improvements to the WMATA busway; and
  - iii. The intersection of Rockville Pike and Tuckerman Lane.

**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:

1. *The layout of the subdivision, including size, width, shape, orientation and density 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.*

Staff finds the lot size, width, shape and orientation are appropriate for the location of the subdivision considering the recommendations in the *Grosvenor-Strathmore Metro Area Minor Master Plan* for a walkable, transit accessible, mixed-use development. The lots comply with the dimensional requirements for the CR zone as specified in the Zoning Ordinance (Table 1).

**Table1: Development Standards for the CR-3.0 C-0.5 R-2.75 H-300 Zone<sup>1</sup>**

Section	Description	Required/Permitted	Approved
	Tract Area	n/a	635,073 sf/14.58 ac <sup>2</sup>
59-4.5.4.B.2.b	<b>Maximum Density</b>		
	Total	1,905,219 sf/ 3.0 FAR	1,905,219 sf/3.0 FAR
	Commercial	317,537 sf/ 0.5 FAR	Up to 317,537 sf/0.5 FAR
	Residential	1,746,451 sf/ 2.75 FAR	Up to 1,746,451 sf/2.75 FAR <i>*This approval is limited to 909 dwelling units and 400 age-restricted units</i>
59-4.5.2.C	<b>Bonus density for 15% MPDUs</b>	n/a	384,219 sf
	Total residential density (including bonus density)	n/a	2,130,670 sf
4.5.4.B.2.b	<b>Maximum Height</b>	300 ft.	300 ft. <sup>3</sup>
4.5.4.B.1	<b>Minimum Public Open Space</b>	10%/64,084 sf	Minimum 10% (64, 142 sf) to be provided; Preliminary Plan anticipates up to 15% (96,000 sf)
6.2.4.B	<b>Vehicle Parking Spaces</b>	2,124 (min)/ 3,346 (max)	Estimated 2,065 <sup>4</sup>

<sup>1</sup>This Preliminary Plan does not approve any commercial or residential development on proposed Parcel C, which is zoned R-60.

<sup>2</sup>Does not include 6,150 sf part of existing Parcel C that is being used for land area only, or the 13,360 square foot part of Parcel 428 that contains the WMATA substation; no density is generated from Parcel C or the Part of Parcel 428 located on the opposite side of Tuckerman Lane. The total project area is 641,149 sf/14.71 ac.

<sup>3</sup>Additional height may be allowed to the extent required to provide the MPDUs under Section 59-4.5.2.C.7.

<sup>4</sup>Includes adjustments to vehicle parking requirement under Section 59-6.2.3.I.

### Block Design

The length, width, and shape of all residential blocks are compatible with existing development patterns and land use goals for the Property. There are four primarily residential blocks that stretch along the eastern portion of the Property that abuts the Tuckerman Lane right-of-way. A stairway will provide through block access between Tuckerman Lane and the internal Private Road. The blocks are compatible with the character and scale of the Project and are a suitable length and width for pedestrian and vehicular circulation.

#### Lot Design

The lot size, width, shape, and orientation is appropriate for the location of the subdivision and the type of predominantly residential development provided by the Project. All lots will either abut Tuckerman Lane, the WMATA garage entry/exit road, or the Spine Road, will be accessible to the public and will improve internal circulation and promote connectivity within the larger Grosvenor-Strathmore community. The lots are also divided in a way that reserves a WMATA lot that is improved with the existing 6-story parking garage (and garage expansion), and existing bus drop-off/pickup area.

#### Public Sites and Adequate Open Spaces

The Applicant plans to exceed the Project's 10% Public Open Space requirement. An approximately 1.2-acre space central park will serve as the heart of the Project, functioning as a central gathering space for the broader neighborhood. The central park will be designed to provide space for informal community gathering, programmed events and activities, such as pop-up markets, performances, special events and community art. The central park will incorporate movable and fixed seating, shaded and sunny spaces, open lawn and colorful plantings, and other amenities. The adjacent buildings that frame the facade will provide an opportunity for ground floor commercial uses, and other community spaces such as arts/cultural space for Strathmore Music Center or other public or non-profit entity. Public sites and open spaces will be evaluated in detail at the time of Site Plan(s).

#### Roads

The Project will enhance connections to the neighborhood, Metro Station, and open spaces by establishing a street grid that ensures easy access for all the neighboring communities. An important component of the Project is the construction of a shared Private Road that will bisect the Property, running north-south. The Private Road will improve internal circulation and promote connectivity within the larger Grosvenor-Strathmore community. South of the WMATA garage entrance and north of the convergence with the WMATA bus/Kiss & Ride egress road, the Spine Road will be designed as a private shared street, incorporating on-street parking to provide a buffer for pedestrians and calm traffic, while introducing a raised roadway section flush with sidewalk

grade and treated with specialty paving, lighting, and plantings to maintain safe and efficient circulation.

The Applicant will widen the southern-most access point along Tuckerman Lane, located across from Strathmore Park Court. Currently, the access point is restricted to egress only. Widening the access drive will allow for two-way movement and will provide a direct vehicular and pedestrian connection between Strathmore Park Court and the Private Road to further promote connectivity.

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

The Property is located within the Approved and Adopted 2018 *Grosvenor-Strathmore Metro Area Minor Master Plan* ("Master Plan") area. The Master Plan envisions transforming the Property from a surface parking lot adjacent to Metro into a transit-oriented development with neighborhood retail for current and future residents.

Density

The development is consistent with the Master Plan's recommendations for the Commercial Residential CR-3.0, C-0.5, R-2.75, H-300' Zone. The total allowable density for the Property is 3.0 FAR (1,905,219 square feet).

The Applicant has been granted approval for the full allocation of both 0.5 FAR of commercial density and 2.75 FAR of residential density to allow flexibility to respond to market conditions, with the understanding that total base density on the Property is limited to 3.0 FAR. The commercial density includes retail, restaurant, classroom/gallery space, and a hotel (with meeting space) or an office building.

The Applicant will build 15% MPDUs, and per Section 59-4.5.2.C, the Project is entitled to a density bonus of an additional 384,219 sf of residential development. Due to the FY19 Schools Test discussed in detail in finding #3, this approval must be limited to 1309 total units (909 units and 400 age restricted units). The Applicant will amend the Preliminary Plan to request the remaining units once school capacity becomes available.

Urban Design

The Master Plan's design recommendations for the Property are to:

- Place maximum building heights towards Rockville Pike and away from adjacent neighborhoods.
- Locate buildings to frame streets and open space.
- Provide a safe and attractive environment for pedestrians through building and open space placement and design.
- Create human-scale architecture.



- Create building massing that limits shadows on the public realm and allows sky views.
- Complement public open space with private open spaces.

The Preliminary Plan achieves these recommendations. The tallest of the buildings, on Lots 4, 5 and 6, are located towards Rockville Pike, away from existing neighborhoods across Tuckerman Lane. The buildings frame the open spaces, the private road, and sidewalks. Building massing, architecture, and design of the open spaces will be further evaluated at the time of Site Plan(s).

### Mobility

The Master Plan's mobility recommendations for the Property are to:

- Improve pedestrian and bicycle connections.
- Enhance bicycle amenities at the Metro site.
- Improve stairway connection from Tuckerman Lane to the Property.
- Create two-way separated bike lanes along Tuckerman Lane.
- Install wayfinding signs.
- Create a new shared street that extends from Strathmore Park Court to Tuckerman Lane.
- Create shared parking facilities.
- Provide a full-movement, raised intersection with special paving, or comparable intersection improvements at the intersection of Tuckerman Lane and the access road to the WMATA garage to improve pedestrian and bicycle accessibility to the site and to the Music Center at Strathmore across the street.
- Enhance at-grade mid-block crossing to ramp leading to Strathmore Hall.
- Provide adequate crosswalks.

The Preliminary Plan includes various improvements for pedestrians and bicyclists. The two-way separated bike lanes on Tuckerman Lane and access through the Private Road provide improved connections for bicyclists. The addition of a bikeshare station and bicycle parking enhance access to Metro. The Preliminary Plan retains a staircase from Tuckerman Lane to continue to provide and encourage pedestrian connections from existing neighborhoods to the Metro station. The shared street and central park will provide safer, more pleasant pedestrian experiences to and from Metro.

### Environmental

The Master Plan's environmental recommendations for the Property are to:

- Incorporate native vegetation into landscaping.
- Minimize impervious cover.
- Encourage trees, plants, and other green features in open space and the public realm.
- Maintain tree cover.

- Encourage green roofs or solar panels.

The Project fulfills several of the Master Plan's environmental goals. The Project is infill development on an existing surface parking lot. The Project will also provide more than the required amount of public open space and buildings have been oriented for solar exposure. At the Site Plan stage, the Applicant should pursue additional sustainability features to enhance the development, such as landscaping with native species, green roofs, and minimizing impervious cover.

#### Parks and Open Space

The Master Plan's parks and open space recommendations for the Property are to:

- Expand the Arts Walk.
- Include public art in public realm.
- Develop a 1.25-acre civic green.
- Locate a dog park or active recreation amenity at the northern edge of the Property.
- Create a plaza at the Metro station entrance.

The Preliminary Plan shows a robust network of public and private open space. The Mandatory Referral for the WMATA garage on the Property sought improvements to the Arts Walk. The Applicant plans to incorporate the Arts into the development to capitalize on its proximity to the Music Center at Strathmore. As recommended by the Master Plan, the Applicant plans to create a vibrant 1.25-acre central park that will function as the heart of the development. Public art and the civic green will be further evaluated at the time of Site Plan(s).

The Master Plan proposes to "locate a dog park or other active recreation amenity for the community at the open space between the northern edge of the existing Metro garage and Tuckerman Lane" (page 69). The Preliminary Plan application shows a pocket/dog park in this area in addition to stormwater management. As stated during review of the Mandatory Referral and Sketch Plan, Staff will closely evaluate the design of the neighborhood green and pocket/dog park and the proportion of space dedicated to stormwater management through future phases of the development. The Applicant should ensure that the layout of the stormwater management areas will not hinder the access and usability of the open spaces as recommended within the Master Plan.

#### Community Facilities

The Master Plan does not recommend any new public facilities on the Property. However, as discussed in further detail later in this report, Garrett Park Elementary school does not currently have capacity to absorb the number of elementary students that the Project would generate per full build out of the Preliminary Plan. Therefore, this approval must be limited to 909 dwelling units and 400 age-restricted units at this time.

The Master Plan requires that “*each and every* development application should be thoroughly evaluated for a potential school site, notwithstanding any previous development approvals. It is this Plan’s direction that the Planning Department will negotiate for maximum dedication of land for a school site and that this be the top priority benefit under the review process of projects proceeding under these plans.” The Master Plan does acknowledge, however, that “it is highly unlikely that a school site will be found on the limited area likely to develop/redevelop in the Grosvenor-Strathmore Metro Area Minor Master Plan area” (p.76).

The Subject Property is approximately 14.6 acres with an existing WMATA parking garage, Kiss & Ride and bus facilities. An urban format elementary school site would require at least four to five acres of the Property and a middle or high school would require a minimum of 12-15 acres and 30 acres, respectively. As such, the Subject Property is ill-suited to providing a school site due to its size and the location of the existing WMATA facilities, and the potential to provide a significant amount of housing with direct access to a Metro station.

#### Public Benefits

The Master Plan indicates that the following public benefit categories are priorities for the Plan area:

- Dedication of land for needed school sites is the highest priority public benefit for development in North Bethesda. The Master Plan recognizes, however, that land dedication may not be feasible within the Plan area.
- Fifteen (15) % MPDUs is the highest priority public benefit for new residential development, unless the property is required to dedicate land for a school site or athletic fields that can be used by MCPS and approximate the size of a local park.
- The provision of major public facilities other than a school site, including but not limited to: land for parks and school athletic fields, a library, recreation center, County service center, public transportation or utility upgrade.

Other public benefits categories recommended in the Master Plan include:

- Quality open space.

- Quality building and site design, including but not limited to, exceptional design and public open space.
- Connectivity and mobility, including but not limited to advanced dedication, streetscape improvement, minimum parking, trip mitigation and transit access improvement.
- Protection and enhancement of the natural environment, including but not limited to, tree canopy, energy conservation and generation, and habitat preservation and restoration (p. 81).

This Application supports the top priority Master Plan public benefit goals by providing 15% MPDUs and major public facilities. Sketch Plan condition 3a states that the Applicant will provide a bikeshare facility and “other major public facility/facilities to be determined prior to the approval of the first Site Plan.” To satisfy this condition, the Applicant will provide large-scale interim placemaking improvements with the first building. In addition, the Applicant will provide a minimum of 5,000 square feet of cultural/arts space that is available for use by The Music Center at Strathmore or other cultural/arts related public agency or non-profit. As conditioned, the space must be available for use free of charge to public agencies, with details to be determined prior to approval of a Site Plan that contains a building with the cultural/art space. The approved Sketch Plan includes other recommended public benefits including additional and high quality public open space, streetscape improvements and minimum parking.

#### Staging

The Master Plan states that the full buildout of the Property is likely to occur in phases over time. The Master Plan requires that an additional traffic study to assess capacity must be submitted for any development in excess of 1.6 million square feet; this is a condition of approval of this Preliminary Plan.

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

#### **Schools**

##### Overview and Applicable School Test

The Application proposed 2,218 multifamily high-rise dwelling units, including 400 age-restricted units. However, the Planning Board can only approve 909 unrestricted units and 400 age-restricted units at this time. Any additional non-age-restricted units would exceed the moratorium threshold for Garrett Park Elementary School, and age-restricted units do not generate any students. Therefore, this analysis is based on a maximum of 909 non-age-restricted high-rise multifamily units. The applicable annual school test is the FY19 Annual School Test, approved by the Planning Board on June 21, 2018 and effective July 1, 2018.

**Calculation of Student Generation**

To calculate the number of students generated by the development, the number of dwelling units is multiplied by the applicable regional student generation rate for each school level (Table 2). Dwelling units are categorized by structure type: single-family detached, single-family attached (townhouse), low- to mid-rise multifamily unit, or high-rise multifamily unit. The Subject Property is located in the southwest region of the County.

**Table 2: Per Unit Student Generation Rates – Southwest Region**

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

With a net of 909 new multifamily high-rise dwelling units, the project is estimated to generate the following number of students, which would be the maximum allowed under the FY19 Annual School Test:

**Table 3: Student Generation**

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
<b>MF High-Rise</b>	909	0.055	49	0.022	19	0.031	28
<b>TOTAL</b>	<b>909</b>		<b>49</b>		<b>19</b>		<b>28</b>

**Cluster Service Area Status and Adequacy**

The Property is located in the Walter Johnson High School Cluster, which is conditionally open for new residential development in FY19. The student enrollment and capacity projections from the FY19 Annual School Test for the Cluster are noted in Table 4 below:



**Table 4: Cluster Area Adequacy**

School Level	Projected Cluster Totals, September 2023			Moratorium Enrollment Threshold	Projected Enrollment + Project Impact
	Enrollment	Program Capacity	% Utilization		
Elementary	4,586	4,541	101.0%	5,450	4,635
Middle	2,333	2,429	96.0%	2,915	2,352
High	2,718*	2,330	116.7%	2,797	2,746

\*The projected cluster high school enrollment of 3,118 has been modified to reflect the estimated impact of a future boundary change that will reassign students from Walter Johnson HS to a reopened Charles W. Woodward HS prior to September 2023.

The Moratorium Enrollment Threshold identified in the table above 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 project 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 909 units.

**School Service Area Status and Adequacy**

The project is located within the Tilden MS and the Garrett Park ES service areas. For FY19, the Tilden MS service area as well as the Garrett Park ES service area are open for new residential development.

Based on the FY19 Annual School Test, the student enrollment and capacity projections for these schools are noted in Table 5, with the addition of the Project's 909 units shown in the last column.

**Table 5: School Service Area Adequacy**

School	Projected School Totals, September 2023				Moratorium Thresholds		Projected Enrollment + Project Impact
	Enrollment	Program Capacity	% Utilization	Surplus/ Deficit	120% Utilization	Seat Deficit	
Garrett Park ES	883	776	113.8%	-107	932	886	932
Tilden MS	1,145	1,200	95.4%	+55	1,441	1,380	1,164

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 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, with 909 multi-family high rise units, the projected enrollment plus the estimated impact of this project falls below the moratorium thresholds for Tilden MS, and just reaches but does not exceed the moratorium threshold for Garrett Park ES. Any additional (non-age-restricted) units would push the projected enrollment beyond the moratorium threshold for Garrett Park Elementary School.

#### Conclusion

Based on the school cluster and individual school capacity analysis performed using the FY19 Annual School Test, there is adequate school capacity for a maximum of 909 non-age-restricted, high-rise units.

#### **Transportation**

Strathmore Square will greatly improve access to the Metro station and the adjacent neighborhood. Planned transportation improvements include upgraded pedestrian facilities, such as wider sidewalks, protected intersections and crossings, and a new staircase from Tuckerman Lane to the site; additional bicycle facilities, including expanded short- and long-term bicycle parking, a Capital Bikeshare station, protected bike lanes, protected crossings, and bike signals; and the creation of an internal shared street that will establish a street grid through the site to facilitate better vehicular connectivity.

#### Vehicular Access and Circulation

Vehicular access to the site is provided from three existing access points on Tuckerman Lane: Metro's Kiss & Ride entrance, a planned internal shared street (which provides access to the existing Metro garage), and at the intersection of Tuckerman Lane and Strathmore Park Court.

The lane configuration for the street entrance to the Metro garage will remain unchanged, featuring one entry lane and three exit lanes. South of the Metro garage the street width will decrease to 60 feet and transition to an internal shared street/Private Road, forming a through connection to Strathmore Hall Street. The design of the shared street/Private Road promotes greater integration of all modes and slows vehicle speeds. The street grade is curbsless and will accommodate on-street parking, landscaping, and storm water management. The Private Road is further discussed in finding no. 7. Metro's existing bus exit onto Tuckerman Lane will be converted to support two-way access for both buses and private vehicles, with one 12' entry lane and two 11' exit lanes.

To conform with the County's Vision Zero Action Plan, the Planning Board finds necessary the removal of the channelized right-turn lane from Tuckerman Lane to MD 355, north of the site. Channelized turn lanes prioritize vehicle throughput and enable vehicles to turn at faster speeds, endangering

pedestrians and bicyclists. Removing the channelized right-turn lane from Tuckerman Lane to MD 355 will slow vehicle turning movements, improve pedestrian visibility at the intersection, and reduce the crossing distance and number of stages for people walking and biking to and from Strathmore Square. Right turns will be permitted, but the free movement onto MD 355 would be removed.

Loading and parking to all buildings will be handled internally. To prioritize the character and flow of the internal shared street, loading and parking is accessed from Tuckerman Lane for Lot 1, Lot 2, and Lot 3; loading for Lot 4 and Lot 5 is accessed from the shared internal street but will be served by single-unit trucks. Loading for Lot 6 will be from the Metro access road but will be refined at a later date. Lot 1 and Lot 4 contain off-street driveways that will facilitate pick-ups, drop-offs, and package deliveries. The Applicant is using a WB-67 sized truck for a grocery store in building 3A. MCDOT is concerned about the use of this vehicle along Tuckerman Lane and trying to back into the loading area. The loading dock should be designed to allow the largest truck using the site.

#### Master Plan Roadways and Bikeways

In accordance with the 2018 *Grosvenor-Strathmore Metro Area Minor Master Plan* and the 2018 *Bicycle Master Plan*, sector-planned roadways and bikeways are listed below:

- Tuckerman Lane is classified as a Business District street (B-1), with an 80' right-of-way and two travel lanes.
- An internal shared street will connect Tuckerman Lane and the existing Metro garage to the existing Metro busway. Two-way vehicular access will be established from the site onto Tuckerman Lane at the intersection with Strathmore Park Court.
- Two-way separated bike lanes on the west side of Tuckerman Lane.
- The existing staircase from Tuckerman Lane to the Metro station will be reconstructed and will include a runnel to facilitate bike access.
- Pedestrian and bicycle improvements are planned on Tuckerman Lane at the following intersections: Metro Kiss & Ride entrance, Strathmore Hall entrance, Metro garage entrance, Strathmore Park Court, Strathmore Hall Street, and the intersection with MD-355.
- A Capital Bikeshare station at the site, adjacent to the Metro Station.
- Four hundred and fifty bicycle parking spaces are recommended at the Metro station—350 long-term and 100 short-term. The final location of the long-term bicycle facilities will be determined in coordination with WMATA at Site Plan.

The 2013 Countywide Transit Corridors Functional Master Plan proposes bus rapid transit (BRT) on MD-355 (Corridor 4), with a stop at Grosvenor-

Strathmore. Additionally, the North Bethesda Transitway (Corridor 6), providing service to Montgomery Mall and Rock Spring, may also terminate at Grosvenor-Strathmore.

#### Public Transit Service

The site is located at the Grosvenor-Strathmore Metro Station and is served by Metrorail's Red Line. The Red Line provides inbound service to NIH, Bethesda, downtown Washington, D.C., Union Station, and Silver Spring, and to Rockville and Shady Grove in the outbound direction. Metrorail service operates from 5 a.m. to 11:30 p.m. Monday-Thursday, from 5 a.m. to 1 a.m. on Friday, from 7 a.m. to 1 a.m. on Saturday, and from 8 a.m. to 11 p.m. on Sunday.

Metrobus J5 Twinbrook-Silver Spring previously served the Grosvenor-Strathmore Metro but was discontinued in June 2017. The following Ride On bus routes serve the station or operate along the site's adjacent roadways:

1. **Route 6:** Operates service from Parkside to the Montgomery Mall Transit Center, with a stop at Grosvenor-Strathmore. On weekdays, Route 6 operates service from 6:01 a.m. to 8:36 p.m., with approximately 30-minute frequencies. Service does not operate on Saturday or Sunday.
2. **Route 37:** Operates service from Potomac Community Center to Wheaton, with a stop at Grosvenor-Strathmore. On weekdays, Route 37 operates service from 6:17 a.m. to 7:55 p.m., with approximately 30-minute frequencies. Service does not operate on Saturday or Sunday.
3. **Route 46:** operates service from Montgomery College to Medical Center, with a stop at Grosvenor-Strathmore. On weekdays, Route 46 operates service from 4:59 a.m. to 1:41 a.m. On Saturday, Route 46 operates service from 5:15 a.m. to 1:08 a.m. On Sunday, Route 46 operates services from 5:11 a.m. to 12:42 a.m.
4. **Route 96:** Operates circulator service from Grosvenor-Strathmore to Rock Spring during the morning and evening peak periods (5:50-9:07 a.m. and 3:51-8:55 p.m.) and operates service from Grosvenor-Strathmore to the Montgomery Mall Transit Center during non-peak periods (9:00 a.m. to 3:40 p.m.). Service does not operate on Saturday or Sunday.
5. **Route 101 (extRa):** Operates limited stop service from Lakeforest Transit Center in Gaithersburg to Medical Center, with a stop at Grosvenor-Strathmore (located on MD-355). On weekdays, Route 101 operates service only during the morning and evening peak periods (5:30-9:30 a.m. and 3:30-7:30 p.m.), with 10-minute frequency. Service does not operate on Saturday or Sunday.

#### Pedestrian and Bicycle Facilities

The site is designed to maximize pedestrian and bicycle access both into and within the development, with dedicated sidewalks, bicycle lanes, and protected

intersections. The frontage zone from MD-355 to Building 6 is constrained due to the location of the Metro tunnel but will feature an 8' shared use path with a buffer. South of the Metro Kiss & Ride entrance the sidewalk and bicycle facilities are segregated, with wider sidewalks, landscaping, and a two-way separated bike lane (8-10') and buffer provided. The separated bike lanes will be raised 3-6 inches above the street pavement, and bike lanes will be flat across all driveways and intersections (no grade drop-off). The following intersection upgrades will improve safety and access at the site's three intersections with Tuckerman Lane:

- Curbs are extended, and radii tightened where feasible to slow the speed of turning vehicles and increase pedestrian visibility;
- Bicycle crossings are marked adjacent to pedestrian crossings;
- Leading pedestrian intervals are planned for all crosswalks.

A Capital Bikeshare station with 19 docks will be located near the central green. The pedestrian crossing from the Metro station to the site will be enhanced with colored/texturized pavement and potentially rapid flashing pedestrian beacons; the Applicant is encouraged to integrate local designs/themes to improve the aesthetics of this crossing. Sidewalks at the Kiss & Ride entrance and Metro busway exit will also be widened and improved to facilitate greater pedestrian access to the site. The existing staircase from Tuckerman Lane to the Metro site will be widened and include a runnel to facilitate access.

#### Local Area Transportation Review (LATR) Adequate Public Facilities

A transportation study, dated May 3, 2019, was submitted to analyze the full density permitted on the Property, up to 2,218 dwelling units, up to 317,537 square feet of non-residential uses and up to 1,746,451 square feet of residential uses (total base density not to exceed 1,905,219 square feet) and 384,219 square feet of bonus density based on 15% MPDUs. In the transportation study, Lot 6 is assumed to be office space, as office use generates a higher number of vehicle trips than the other development options. The development is estimated to generate 1,419 net new morning peak-hour person trips (727 vehicle trips) and 1,768 net new evening peak-hour person trips (905 vehicle trips). As the estimated transportation impact of the project exceeds 50 net new trips for the vehicular, pedestrian, and bicycle modes, the project evaluated the adequacy of each of these modes to satisfy the Local Area Transportation Review requirement. The project site is within 1,000 feet of a Metrorail station and is exempt from the transit system adequacy evaluation.

#### Vehicle Adequacy

As the project generates more than 250 net new peak hour vehicle trips, the Applicant was required to evaluate two tiers of intersections, resulting in a total of 11 intersections, including the site access points.



The Institute of Transportation Engineers' (ITE) Trip Generation rates are used to calculate the peak-hour trips generated by new development. A mix of land uses are approved at Strathmore Square: multifamily housing (high-rise), commercial office space or a hotel, grocery/supermarket, restaurant space, and multipurpose space designated Strathmore Music Center programming.

In accordance with the Planning Department's Local Area Transportation Review (LATR) Guidelines, the ITE trip generation projections for each use were adjusted based on policy-area vehicle-trip generation rates. Additional reduction factors were applied to residential trip projections based on the expectation that transit, walking, and biking mode share will increase.

The 2018 *Grosvenor-Strathmore Metro Area Minor Master Plan* established a goal of 45% non-auto driver mode share (NADMS) by 2040 for the plan area. However, based on the 2016 American Community Survey the Grosvenor Policy area has already achieved a 52% NADMS. As such, this reduction factor was applied to the residential trips generated by this development. Standard LATR mode splits were applied for office<sup>2</sup>, grocery, restaurant, and retail space. The tables below show the number of vehicle trips generated by the development in the weekday morning and evening peak hours, as well as trips distributed by mode. Non-motorized trips include pedestrian and bicyclists.

**Table 6: Peak Hour Trip Generation Rates**

Land Use	Vehicle Rates		Adjusted Vehicle Rates		Person Trips	
	AM	PM	AM	PM	AM	PM
<b>2,218 High-Rise Apartments</b>	634	763	472	567	983	1,182
<b>134,000 SF Office</b>	152	150	128	126	202	199
<b>12,500 SF Restaurant</b>	124	122	93	92	170	168
<b>12,000 SF Grocery</b>	46	160	35	120	64	219
<b>New Trips</b>	<b>956</b>	<b>1,195</b>	<b>727</b>	<b>905</b>	<b>1,419</b>	<b>1,768</b>
<i>Vehicle rates adjusted by Policy Area Adjustment Factors and non-auto driver mode share (for residential use)</i>						

<sup>2</sup> An office was used for Lot 6 in the Transportation Impact Study, as office use generates a higher number of vehicle trips than a hotel or residential use.

**Table 7: Trip Distribution by Mode**

Peak Period	Auto Driver	Auto Passenger	Pedestrian*	Transit	Bicycle	Person Trips
<b>AM</b>	727	374	318	174	144	<b>1,419</b>
<b>PM</b>	905	472	391	212	179	<b>1,768</b>
*Pedestrian trips are the sum of all transit and bicycle trips generated by the project						

**Intersection Capacity Analysis**

Under the 2016-2020 Subdivision Staging Policy, a traffic study is required if the use generates more than 50-person trips within the weekday peak hours. Eleven nearby intersections were analyzed and found to be within the applicable congestion standards (Table 8).

According to the 2016-2020 Subdivision Staging Policy, the Grosvenor Policy Area is a red policy area and the North Bethesda Policy Area is an orange policy area. As such, the Highway Capacity Manual (HCM) delay-based level of service standards was used to analyze impacts on signalized intersections. The HCM average vehicle delay standard varies by policy area. The HCM congestion standard for intersections within the Grosvenor Policy Area is 120 seconds; three intersections are located in the North Bethesda Policy Area, which has a congestion standard of 71 seconds. Based on the results of the HCM analysis, each of the study area intersections are projected to operate at satisfactory levels of service based on the total traffic conditions. The intersection of MD-355 and Strathmore Avenue, north of the site, approaches but does not exceed the congestion standard of 71 seconds.

**Table 8: HCM Analysis**

Intersection	Congestion Standard	Future Conditions	
		AM	PM
<b>MD-355/Strathmore Avenue</b>	71	41.6	68.4
<b>MD 355)/Tuckerman Lane (north)</b>	120	48.3	64.1
<b>MD 355)/Tuckerman Lane (south)</b>	120	15.0	21.0
<b>Rockville Pike (MD 355)/Grosvenor Lane</b>	120	50.9	54.6
<b>Grosvenor Lane/MD 355 Northbound Ramp</b>	71	12.8	4.0
<b>Grosvenor Lane/Beach Drive</b>	71	11.3	20.6
<b>Tuckerman Lane/Kiss &amp; Ride Entrance</b>	120	0.6	0.5
<b>Tuckerman Lane/Park &amp; Ride Entrance</b>	120	47.5	30.7
<b>Tuckerman Lane/Cloister Drive</b>	120	2.3	2.0
<b>Tuckerman Lane/Strathmore Park Court/Kiss &amp; Ride Exit</b>	120	15.9	52
<b>Tuckerman Lane/Strathmore Hall Street</b>	120	12.6	37.7
<b>Tuckerman Lane/Building Right-in/Right-out</b>	120	0.2	0.7

<b>Spine Road/Building 5 Entrance</b>	120	5.0	4.1
<b>Spine Road/Building 4 Entrance</b>	120	4.6	3.9
<b>Tuckerman Lane/Buildings 2 and 3A Driveway</b>	120	2.3	4.9
<b>Metro Kiss &amp; Ride Exit/Building 3B Driveway</b>	120	0.6	0.5

#### Pedestrian Adequacy

As the project generates more than 50 peak hour pedestrian trips, the Applicant evaluated the level of service for each pedestrian crosswalk at study intersections within 500 feet of the site and determined that each of the pedestrian crossings would operate at a level of service "C" or better in the future condition.

The Applicant must fix or fund improvements to deficient and non-compliant ADA infrastructure pedestrian infrastructure within 500 feet of the site, in accordance with the 2016-2020 Subdivision Staging Policy and supplemental guidance issued by MCDOT. Final determination of the required improvements must be made by MCDOT and/or MDSHA at the time of Site Plan(s).

#### Bicycle Adequacy

The Applicant evaluated bicycle travel in accordance with the Planning Department's "Level of Traffic Stress" (LTS) analysis, which recognizes the effect different roadways have on bicyclists' comfort. That analysis determined that upon project completion bicycle facilities within 750 feet of the site will achieve LTS "2" or better. Planned bicycle improvements, including separated bike lanes, sidepaths on Rockville Pike and Tuckerman Lane (west of Rockville Pike), and a bicycle connection from the site through Strathmore, will significantly improve the level of comfort for bicyclists.

#### **Other Public Facilities and Services**

Other public facilities and services are available and will be adequate to serve the full density of the development. The Property is served by public water and sewer service. This Application has been reviewed by the Montgomery County Department of Permitting Services Fire Department Access and Water Supply Group, which has determined that the Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by the SSP resolution currently in effect and will be adequate to serve the Property. Electrical, telecommunications, and gas services are also available to serve the Property.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

#### **A. Forest Conservation**

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

This site has several previously-approved Final Forest Conservation Plans (FFCP No. MR2000201, MR2018026, and MR2019015) that covered construction and expansion of the WMATA parking garage and related infrastructure improvements. These FFCPs cover most of the site now included in the Preliminary Plan application. The forest mitigation for these previously approved FFCPs has already been fulfilled. The new Preliminary Plan adds an additional 1.88 acres of off-site disturbance for infrastructure improvements required to serve the new development, plus 0.31 acres for the inclusion of proposed Parcel C with the Preliminary Plan application. The new additional net tract area is 2.19 acres not previously accounted for in the prior FFCP approvals, and results in an additional 0.33 acres of reforestation required.

The original Final Forest Conservation Plan for this site, No. MR2000201, designated the 1.74 acres of retained forest lying east of the parking garage and west of Tuckerman Lane as a Category I Conservation Easement. Even though the Category I Easement was never recorded in the County land records, it is still treated as a Category I Easement in the regulatory review. Subsequent to the original approval, 0.10 acres of the retained forest was removed to construct a concrete stairway up to the Metro parking lot, leaving 1.64 acres of retained forest. The Planning Board Resolution approving the amended FFCP for Mandatory Referral No. MR2018026 (Resolution MCPB No. 18-063) included a condition requiring that any future plan submission showing removal of this area must replace this forest at a 2:1 ratio, resulting in a requirement for 3.28 acres of off-site forest planting, plus an additional 0.10 acres for the forest previously removed in the area designated as easement, for a total of 3.38 acres of off-site forest planting, or 6.76 acres of existing forest preserved.

Adding the forest mitigation planting requirement for the new net tract area to the mitigation requirement for Category I Easement removal yields a combined requirement for 3.71 acres of forest planting (or 7.42 acres of forest preservation) in an approved off-site forest conservation bank.

#### **B. Forest Conservation Variance**

Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to these Protected Trees, including removal or any

disturbance within a Protected Tree's critical root zone ("CRZ"), requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise such resources must be left in an undisturbed condition.

This Application will require the removal or CRZ impact to nine Protected Trees as identified in the Staff Report. In accordance with Section 22A-21(a), the Applicant requested a Variance, and the Board agrees that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance.

The Board makes the following findings necessary to grant the Variance:

1. *Granting the Variance will not confer on the Applicant a special privilege that would be denied to other applicants.*

The Property is already developed with a large parking garage, surface parking lot, and stormwater pond. The trees being impacted are in or along the edges of the existing development, by sidewalks, access roads, and in traffic islands in the parking lot. The Master Plan envisions a high-density, mixed-use development with a significant central park and numerous urban amenities and street activation at this Metro station property. Staff has determined that the impacts to the trees subject to the variance requirement cannot be avoided if the highly urban-style development envisioned by the Master Plan and zoning is to be constructed. Therefore, Staff finds that the granting of this variance is not a special privilege that would be denied to other applicants.

2. *The need for the Variance is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The variance is not based on conditions or circumstances which are the result of actions by the Applicant, but on engineering and site constraints, and on the compact, transit-oriented development recommended by the Master Plan.

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

- The variance is not a result of land or building use on a neighboring property.



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

Seven of the nine Variance trees being removed are within the forest that is being removed. The forest is already being replaced off-site at a 2:1 ratio, providing water quality protection for water in the Potomac River and Chesapeake Bay watersheds, including replacing the water quality function of the Variance trees within the forest. Mitigation for the Variance is at a rate that approximates the form and function of the Protected Trees removed. The Board approved replacement of the two Protected Trees outside of the forest at a ratio of approximately one caliper-inch of replacement trees planted for every four inches diameter removed, using planting stock of no less than 3 inches caliper. No mitigation is required for Protected Trees impacted but retained. This project will remove 77 diameter inches of specimen trees, which will be mitigated by planting a minimum of 19.25 caliper-inches of native shade trees, using planting stock no smaller than 3 inches caliper, each. In this case, the FFCP shows the planting of 7 shade trees of 3 inches caliper, each, for a total replacement of 21 caliper inches. These mitigation trees are shown on the FFCP. It is assumed that the canopy produced by these trees will replace the canopy from the removed trees with a few years, thereby restoring the water quality functions formerly performed by the trees removed. Therefore, the project will not violate State water quality standards or cause a measurable degradation in water quality.

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

This finding is based upon the determination by the MCDPS that the Stormwater Management Concept Plan meets applicable standards. The Applicant received a stormwater concept approval from the MCDPS water resources division on May 2, 2019. The Application will meet stormwater management goals through a variety of techniques including micro bioretention planter boxes and underground structural treatment facilities.

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

Justification for the Private Road

The Applicant will provide the master-planned shared street as a private road, under Section 50-4.3.E.4, from the terminus of the existing WMATA garage entrance road, connecting directly into the existing Strathmore Hall Street, a private road constructed by the prior developer of Grosvenor Village. The Master

Plan specifically anticipates this connection to be private (page 60). The Applicant is coordinating with WMATA, Strathmore Music Center, and the Grosvenor Village community to the south for the design and construction of the Private Road. The Private Road will be maintained by the Applicant up to the existing WMATA garage entrance and directly connect to the existing portion of the road which will remain under WMATA control and operation. All portions of the Private Road will be fully accessible to the public.

The Private Road will promote safe and efficient internal circulation that is focused on all modes of transportation but promotes pedestrian circulation specifically. The Private Road will provide a vehicular connection to accommodate local traffic circulation for the lobbies of the buildings located adjacent to it and loading and service entrances will be minimized. The intersection of the Private Road and Tuckerman Lane will also be improved in accordance with the Master Plan, including pedestrian and bicycle facilities that will enhance safety and access. The design of the Private Road is intended to create a curbless, urban, pleasant, and safe pedestrian space that is buffered from vehicular and bus traffic.

The Private Road is a modification of MCDOT design standard MC-2005.02, a Business District Street with a 60-foot-wide private right-of-way with 10-foot-wide travel lanes in each direction, an 8-foot-wide "lane" on either side that will serve various uses (drop-off/layby zones at building lobbies, parallel parking spaces, landscape/stormwater management, or sidewalk), street trees, and continuing adjacent sidewalk on both sides.

The designation of the road as private is important for multiple infrastructure design reasons and to create the shared-street, pedestrian first experience envisioned by the Master Plan, including integration of stormwater management facilities, utility layout, non-standard elements such as special paving materials and non-standard road sections, entrance monuments, and greater flexibility for grading and vertical and horizontal road curves. Also, a private road maintains flexibility for the Applicant to consider constructing parking underneath.

#### Design Exception

The Planning Board approved one design exception to modify the MCDOT Standard Business District street section MC-2005.02 for Tuckerman Lane. The Planning Board approved the design exception request, with the recommendation of MCDOT, because it is consistent with recommendations in the *Grosvenor-Strathmore Metro Area Minor Master Plan*.

#### Subdivision Waiver/APF and Plan Validity

Section 50.4.3.J.5.a.iv allows for the Planning Board to make a determination of adequate public facilities for no less than 5 and no more than 10 years after the

Preliminary Plan is approved. However, Section 50.9.1 of the Subdivision Regulations permits the Planning Board to grant a waiver from the requirements of Chapter 50.

The Planning Board approved an APF Validity period dependent on the timing of the WMATA garage expansion project. If the construction of the garage begins within two years from the date of the resolution, the APF review for the Preliminary Plan will remain valid for 15 years (150 months) from the date of mailing of the Planning Board Resolution. Otherwise, the APF review for the Preliminary Plan will remain valid for ten years (120 months) from the date of mailing of the Planning Board Resolution. In addition, the Planning Board conditioned this approval on the Applicant obtaining building permits for 300 units within five years. The Planning Board made the following findings in approving the Subdivision Waiver:

1. *Due to practical difficulty or unusual circumstances of a plan, the application of a specific requirement of the Chapter is not needed to ensure the public health, safety, and general welfare;*

Development of the Property involves a complex arrangement between WMATA and the Applicant that will require a thoughtfully crafted and long-term construction schedule to address market conditions and site-specific conditions associated with operating an existing public transit operation. In order to implement development on the Property, the Applicant must first construct an extension to the existing WMATA parking garage, upgrade WMATA facilities, obtain WMATA approvals for all phases of development and deliver infrastructure improvements to prepare the Property for redevelopment. It also requires a minimum of 7 separate phases, and potentially 10 phases. Accordingly, the Applicant anticipates that it will take approximately 2 years to complete each building on the Property. As a result, the overall development could take 14+ years if the buildings are constructed expeditiously.

A waiver to allow for a 15-year APFO validity period is in the general public interest and increasing the time period of the validity period will not negatively impact the public.

2. *The intent of the requirement is still met; and*

Increasing the APFO validity period will not impact the intent of the adequate public facilities validity period requirements. The intent of the requirement - providing a realistic and manageable time frame in which to develop a project – is satisfied with this waiver.

3. *The waiver is: (a) the minimum necessary to provide relief from the requirements; and (b) consistent with the purposes and objectives of the General Plan.*

The Planning Board approved the minimum time necessary to complete the Project, assuming the expansion of the parking garage commences in a timely manner. Public/ private projects of this size, particularly due to this being a joint development with WMATA which requires unique WMATA infrastructure facilities to be initially constructed and additional WMATA approvals for all improvements and phases, typically entail many phases and require a longer validity period. The extended validity period is also consistent with the purposes and objectives of the General Plan. The longer APFO validity period will further the General Plan's objectives of concentrating density around Metro Stations and developing in areas like Grosvenor.

Preliminary Plan Validity

The Planning Board approved a Preliminary Plan validity period of nine years with the following phasing of plat recordation:

- Phase 1: Plats for at least two lots must be recorded within 36 months.
- Phase 2: Plats for at least four lots (two lots in Phase 1 plus an additional two lots) must be recorded within 72 months.
- Phase 3: All remaining lots and parcels must be recorded within nine years.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is **June 28, 2019**, (which is the date that **the original Resolution was** 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 Cichy, seconded by Vice Chair Dreyfuss, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, July 25, 2019, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board