

# **Montgomery County Planning Board**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**APR 01 2022**

MCPB No. 22-032

Site Plan No. 820220070

**Strathmore Square**

Date of Hearing: March 17, 2022

## **RESOLUTION**

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

WHEREAS, on November 17, 2021, Fivesquares Development, LLC (“Applicant”) filed an application for approval of a site plan for up to 322,569 square feet of development, including up to 9,000 square feet of commercial development and up to 313,569 square feet of residential density for 220 dwelling units; amend the conditions and binding elements of Sketch Plan 320190010 to modify the public benefit schedule and clarify site design and future coordination conditions; and amend Sketch Plan 320190010 findings to increase the building height from 100 ft to 105 ft for Buildings 3A and 3B (while maintaining the required step-back along Tuckerman Lane) and clarify maximum height allowed for all buildings, on 14.71 acres of CR-3.0, C-0.5, R-2.75, H-300 zoned-land, located at Grosvenor-Strathmore Metro Station (“Subject Property”), in the *Grosvenor-Strathmore Metro Area Minor Master Plan* (“Master Plan”) area; and

WHEREAS the site plan application for the Subject Property was designated Site Plan No. 820220070, Strathmore Square (“Site Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated March 7, 2022, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on March 17, 2022, the Planning Board held a public hearing and voted to approve the Application subject to conditions, on the motion of Commissioner Rubin, seconded by Commissioner Cichy, with a vote of 4-0; Chair Anderson,

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Approved as to

Legal Sufficiency: /s/ Emily Vaias

M-NCPPC Legal Department

Commissioners Cichy, Rubin, and Verma voting in favor, with Commissioner Patterson being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820220070 for up to 322,569 square feet of development, including up to 9,000 square feet of commercial development and up to 313,569 square feet of residential density for 220 dwelling units; amend the conditions and binding elements of Sketch Plan 320190010 to modify the public benefit schedule and clarify site design and future coordination conditions; and amend Sketch Plan 320190010 findings to increase the building height from 100 feet to 105 feet for Buildings 3A and 3B (while maintaining the required step-back along Tuckerman Lane) and clarify maximum height allowed for all buildings, on the Subject Property, subject to the conditions below.<sup>1</sup>

### **Sketch Plan 320190010 Condition Modifications**

In accordance with Section 59.7.3.3.I., Site Plan 820220070 will amend the following conditions and binding elements of Sketch Plan 320190010:

#### **3. Incentive Density**

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59.7.3.3.I. Total points must equal at least 100 and be chosen from at least four categories as required by Section 59.4.5.4.A.2. The requirements of Division 59.4.7.1 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points and phasing will be established at Site Plan approval.

- a) Major Public Facility achieved through a WMATA bicycle station with a minimum of 100 bicycle parking spaces, and a minimum of 5,000 square feet of cultural/art space (in one or more buildings) that is available for part time, occasional use by the Music Center at Strathmore or other cultural/arts focused public or non-profit organization. The space must be available for part time, occasional 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;

\* \* \*

#### **4. Building and Site Design**

\* \* \*

- c) Refine the overall placemaking plan with Staff's approval as the project continues to develop.

\* \* \*

#### **7. Future Coordination for Preliminary Plan(s) and Site Plan(s)**

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

In addition to any other requirements for Preliminary Plans under Chapter 50 and Site Plans under Chapter 59, the following must be addressed when filing a Preliminary Plan or Site Plan:

\* \* \*

- f) Location of bike sharing station(s), micro-mobility corral, or MCDOT approved equivalent;

BE IT FURTHER RESOLVED that all other Sketch Plan 320190010 conditions of approval and binding elements for this project remain valid, unchanged and in full force and effect.

### **Site Plan 820220070 Conditions of Approval**

#### **Density & Height**

##### **1. Density**

The Site Plan is limited to a maximum of 322,569 square feet of total development on the Subject Property, including up to 9,000 square feet of restaurant and/or retail/service establishment uses and up to 313,569 square feet of residential uses for up to 220 dwelling units (including 15% MPDUs).

##### **2. Height**

The development is limited to a maximum height of 105 feet, as measured from the building height measuring point(s), as illustrated on the Certified Site Plan.

#### **Open Space, Facilities and Amenities**

##### **3. Public Open Space**

- a) The Applicant must provide a minimum of 57,500 square feet of public open space (or at least 9% of the site area) on-site.
- b) Before the issuance of the final use and occupancy certificate for the residential development, all public open space areas on the Subject Property must be substantially completed.
- c) Within one growing season after the issuance of the final use and occupancy certificate for the residential development, all landscaping must be installed.
- d) Within six months after the issuance of the final use and occupancy certificate for the residential development, the Applicant must install an outdoor visual amenity in the approximate location identified on the landscape plan. The Applicant may change the outdoor visual amenity without a site plan amendment.

##### **4. Public Benefits**

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

- a) Major Public Facilities – Before issuance of a Use and Occupancy Certificate for the first residential building, the Applicant must construct a bicycle parking facility with a minimum of 100 long-term bicycle parking spaces for use by WMATA passengers.
- b) Transit Proximity – For the Property location adjacent to the Grosvenor-Strathmore Metro Station, a Level 1 transit facility.
- c) Connectivity between Uses, Activities, and Mobility Options
  - i. Wayfinding – The Applicant must coordinate with WMATA, as necessary, to establish a way-finding circulation system. The Way-Finding Plan may include, but is not limited to internal and external signage, banners, lighting, and design elements that efficiently direct patrons through the Property. A conceptual Way-Finding Plan will be incorporated into the Certified Site Plan, and the final Way-Finding Plan must be approved by M-NCPPC Staff before issuance of any building permit. The Way-Finding Plan must include the internal circulation to nearby amenities such as the Mansion and Music Center at Strathmore, transit facilities, Rock Creek Park, and the locally provided open spaces and services. The locations of the signage shall be free of all obstructions and clearly visible from the directed routes.
- d) Diversity of Uses and Activities
  - i. MPDUs
    - a. The development must provide 15 percent MPDUs, or MCDHCA - approved equivalent, consistent with the requirements of Chapter 25A and the applicable Master Plan.
    - b. Before issuance of any building permit for any residential unit, the MPDU agreement to build between the Applicant and the DHCA must be executed.
    - c. The Planning Board has reviewed and accepts the recommendations of DHCA in its letter dated February 4, 2022 and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by DHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.
- e) Quality Building and Site Design
  - i. Exceptional Design
  - ii. Tower step back
- f) Protection and Enhancement of the Natural Environment

- i. Building Lot Terminations (BLTs) – Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment for 0.6680 BLTs (based on total square footage formula) to the MCDPS and M-NCPPC staff.

5. Recreation Facilities

- a) Before Certified Site Plan approval, the Applicant must meet the square footage requirements for all of the applicable recreational elements and demonstrate to M-NCPPC Staff that each element meets M-NCPPC Recreation Guidelines.
- a) Prior to issuance of the final use and occupancy certificate for the residential development, the Applicant must provide the minimum required recreation facilities as shown on the Certified Site Plan.

6. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to site furniture, landscaping, outdoor art, sidewalks and paths.

**Environment**

7. Forest Conservation & Tree Save

- a) Prior to Certified Site Plan, the Applicant must amend the note on Sheet 3 of the FFCP to read that the forest mitigation will be provided by recording Certificates of Compliance in the Montgomery County Land Records for the required forest mitigation bank credits in a Montgomery County Planning Department-approved forest mitigation bank in the Rock Creek Watershed. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval, if forest mitigation bank credits are not available for purchase within the Rock Creek watershed or by making a fee-in-lieu payment if mitigation credits are not available at any bank. The Applicant must remove the reference to the fee-in-lieu rate, as the rate applied will be whatever the established rate is at the time of the fee-in-lieu payment.
- b) The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- c) The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
- d) Prior to any demolition, clearing, grading or construction for this development Application, whichever comes first, the Applicant must satisfy half of the reforestation requirement for a total of 3.71 acres of mitigation

credit by recording a Certificate of Compliance in the Montgomery County Land Records for 1.855 acres of forest mitigation bank credits in a Montgomery County Planning Department-approved forest mitigation bank in the Rock Creek Watershed. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval, if forest mitigation bank credits are not available for purchase within the Rock Creek watershed or by making a fee-in-lieu payment if mitigation credits are not available at any 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 Overall Project. The Certificates of Compliance must be in a form approved by the M-NCPPC Office of the General Counsel.

- e) Prior to the release of the first Use and Occupancy permit for development on Lot 6 (Building 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 were 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.
  - f) Prior to the release of the first Use and Occupancy permit for development on Lot 6 (Building 6) that involves the two (2) trees subject to the variance provision (Trees 930 and 931), the Applicant must submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the mitigation trees and maintenance credited toward meeting the requirements of the FCP.
  - g) Prior to the release of the first Use and Occupancy permit for development on Lot 6 (Building 6) that involves the two (2) trees subject to the variance provision (Trees 930 and 931), the Applicant must execute a five-year Maintenance and Management Agreement ("MMA") in a form approved by the M-NCPPC Office of General Counsel. The MMA is required for all mitigation tree plantings, including variance tree mitigation plantings credited toward meeting the requirements of the FCP.
  - h) The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
8. Noise Attenuation
- a) Prior to the issuance of the first building permit, the Applicant/developer/builder must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatments that the building

shell for residential dwelling units affected by exterior noise levels projected at or above 65 dBA Ldn along the building faces fronting Tuckerman Lane will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.

- b) Before the final inspection for any residential unit fronting Tuckerman Lane, the Applicant /developer/builder must certify to M-NCPPC Staff that the noise impacted units will be constructed in accordance with the recommendations in the noise analysis.
- c) If any changes occur to the Site Plan which affect the validity of the noise analysis dated December 7, 2018, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the changes and new noise attenuation features may be required.
- d) Before issuance of any Use and Occupancy Certificate or Final Inspection, whichever is relevant, for any of the noise impacted units, a Professional Engineer must certify to the Planning Department and Department of Permitting Services that the noise impacted units have been constructed in accordance with the certification of an engineer that specializes in acoustical treatments.
- e) All noise impacted units must be clearly identified on the Certified Site Plan.

9. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept plan and site development stormwater management plan letter dated March 1, 2022 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

**Transportation & Circulation**

10. Outside Agencies

- a) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated December 23, 2021 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.
- b) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire

Department Access and Water Supply Section in its letter dated February 1, 2022, and hereby 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 amendments do not conflict with other conditions of Preliminary Plan or Site Plan approval.

**11. Pedestrian & Bicycle Circulation**

- a) The Applicant must provide 96 long-term and 6 short-term bicycle parking spaces.
- b) The long-term spaces must be in a secured, well-lit bicycle room in a parking garage, and the short-term spaces must be inverted-U racks (or approved equal) installed along Private Road A (weather protected preferred).
- c) The Applicant must provide one bicycle repair station.

**12. Private Roads**

The Applicant must provide Private Roads "A" and "B," 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 Site Plan within the delineated private road area (collectively, the "Private Road"), subject to the following conditions:

- a) The record plat must clearly delineate the Private Road and include a metes and bounds description of the boundaries of the Private Road.
- b) The Private Road must be subjected by reference on the plat to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338, and the terms and conditions as required by the Montgomery County Code with regard to private roads set forth at § 50-4.3.E et seq. The Covenant includes, but is not limited to the following requirements/conditions:
  - i. The Applicant, at its expense, shall design, construct and maintain the Private Road.
  - ii. The Applicant, at its sole cost and expense, shall properly and continually maintain (including ordinary and capital maintenance and removal of snow, ice, litter, and other obstructions and hazards as soon as conditions reasonably allow), repair, and replace any portion of the Private Road and all improvements located within the Private Road, in good condition and repair for safe use and operation of the Private Road. The Applicant must maintain a commercially reasonable budget (operating and capital, as applicable) to address both short-term and long-term maintenance, and reserves for capital repairs. The Applicant must provide certification of the reserves to the Planning Board or its Staff every two (2) years (or every five (5) years in the event there are no below-ground parking structures in the Private

Road). The reserves must be adequate to cover the costs of needed repairs.

- iii. The Applicant must post and retain signage to notify the public that the Private Road is not publicly maintained and to provide contact information to handle complaints, concerns or questions regarding the Private Road.
- iv. Before issuance of the first building permit, 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 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.

## **Site Plan**

### **13. Site Design**

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheets SP-A504, SP-A505, SP-A506, SP-A508, SP-A509, and SP-A510 of the submitted architectural drawings, as determined by M-NCPPC Staff.

### **14. Lighting**

- a) Prior to certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on proposed fixtures to prevent excess illumination and glare.

- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f) On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

**15. Site Plan Surety and Maintenance Agreement**

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

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, open space amenities, site furniture, trash enclosures, retaining walls, fences, railings, private roads and sidewalks, private utilities, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

**16. Development Program**

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

**17. Certified Site Plan**

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

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution and other applicable resolutions on the approval or cover sheet(s).

- b) Add a note to the Site Plan stating that “M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”
- c) Fire and Rescue Access plan should be included in the Certified Site Plan.
- d) Add a note stating that “Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”
- e) Modify data table to reflect development standards approved by the Planning Board.
- f) Ensure consistency of all details and layout between Site and Landscape plans.
- g) Add public benefit chart and remove Recreation Tables from cover sheet.
- h) Show limits of Site Plan area on cover sheet.
- i) Submit the artistic treatment and screening strategy for the three transformers along Private Road B for Staff’s review with final approval granted from the utility provider.
- j) Remove the “Natural Area” from the Recreation Facility calculation on Sheet SP-19 and substitute another facility, if necessary, to achieve the required number of supply points.
- k) Update the public open space sheet SP-14 to show 57,500 square feet of public open space for Phase 1, consistent with the cover sheet.
- l) Show motorcycle/scooter, car share, and spaces for charging electric vehicles, as required by Section 59-6.2.3., on the cover sheet and garage parking sheets.
- m) Include a photometric plan that demonstrates on-site illumination is 0.5 footcandles or less at the lot line, excluding street lights within the right-of-way, as required by Section 59-6.4.4.D.
- n) The cover sheet and all relevant drawings must show the maximum building height at 105 feet. Remove references to additional MPDU height from all sheets.
- o) Correct references on the site plan from public use space to public open space.
- p) Finalize design of intersection of Private Road A and Private Road B in coordination with Planning and DPS Staff.
- q) Identify the specific locations of the long and short-term bicycle parking and the bicycle repair station. Add a note indicating that the location for a micro-

mobility corral, or MCDOT approved equivalent, will be determined in connection with the TMAg.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Strathmore Square Site Plan No. 820220070, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and/or 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 development satisfies any previous approval that applies to the site.***

The Site Plan satisfies Sketch Plan No. 320190010, as amended with Site Plan 820220070 in accordance with Section 59.7.3.3.I., and Preliminary Plan No. 120190180, as previously amended and as amended concurrently with this Site Plan Application.

The Sketch Plan Amendment does not substantially modify the development approved through Sketch Plan No. 320190010. The Amendment does not alter the substance or intent of prior findings and all prior findings of approval remain in full force and effect except as modified below.

***1. The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.***

The Sketch Plan conforms to the intent of the CR Zone as described below. The CR Zone will:

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

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 and Building Height**

The Master Plan allows building heights up to 300 feet and includes specifications about how building height should be distributed around the Property. The Master Plan allows two signature buildings with heights of 300 feet, one building at 220 feet, and limits other buildings on the site to 160 feet (p. 45). Additionally, the Master Plan calls for a 200-foot-wide transition zone on Tuckerman Lane, across from the Strathmore

Park Condominiums. Within the transition zone, the building height along Tuckerman Lane across from the Strathmore Park Condominiums is limited to four stories within 40 feet of the property line, with a gradual step back to 85 feet. Buildings 3A and 3B (both 105 feet, measured from Private Road A) are in the Transition Zone. Buildings 3A and 3B conform with the Transition Zone Diagram shown in Figure 20 on page 45 of the Master Plan.

In accordance with Section 59-4.5.2.C.7, if an application includes more than 12.5% MPDUs, the height limit of the applicable zone and master plan do not apply to the extent required to provide the MPDUs.<sup>2</sup> Therefore, the height of each of the buildings may exceed the Master Plan recommended height described in the previous paragraph (and shown on the Sketch Plan diagram) because the Project provides 15% MPDUs. Buildings may also exceed the 300-foot height limit of the zone. Additional height allowed pursuant to Section 59-4.5.2.C.7 will be calculated with the Site Plan for each building.

6. *The Sketch Plan proposes an outline of public benefits that supports the requested incentive density and is appropriate for the specific community.*

For a development of this size in the CR Zone, the Zoning Ordinance requires 100 points in at least four categories. Although at the time of Sketch Plan review, only the categories need to be approved, the following table shows both the categories and points for public benefits requested at Sketch Plan to demonstrate the Project's ability to meet the requirement to provide sufficient public benefit points. The final calculations and benefit points earned will be further refined and ultimately determined at subsequent Site Plan(s). Table 2 shows the Applicant's public benefits in the following six categories: Major Public Facilities, Transit Proximity, Connectivity and Mobility, Diversity of Uses and Activities, Quality of Building and Site Design, and Protection and Enhancement of the Natural Environment. The Planning Board approves the public benefits at this time, with a more detailed review and the final number of points to be determined at Site Plan(s).

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<sup>2</sup> The additional height is calculated as the floor area provided for MPDUs above 12.5% divided by the average residential floor plate area, where each whole number and each remaining fraction allows an increase of 12 feet.

**Sketch Plan 320190010 Public Benefits**

Public Benefit	Incentive Density Points		
	Max Allowed	Total Requested	Approved in Concept
59.4.7.3.A: Major Public Facility			
WMATA Bicycle Station	70	10	10
Cultural/Art Space, 5000 sf		0	3
59.4.7.3.B: Transit Proximity			
Full Site adjacent to Level 1 Transit Station	50	50	50
59.4.7.3.C: Connectivity and Mobility			
Minimum Parking	10	9	9
Wayfinding	10	5	5
59.4.7.3.D: Diversity of Uses and Activities			
Affordable housing- 15% MPDUs	n/a	30	30
59.4.7.3.E: Quality of Building and Site Design			
Public Open Space	20	8	8
Public Art	15	7	7
Structured Parking	20	10	10
59.4.7.3.F: Protection and Enhancement of the Natural Environment			
Building Lot Termination (BLTs)	30	30	30
Total		159	162

**Major Public Facility**

WMATA Bicycle Station

With the Phase 1 Site Plan, the Applicant will construct a 100-space commuter bicycle station, comprising approximately 1,308 sf, at the WMATA Metro station. This station is envisioned for expansion with future phases of the development. The WMATA bicycle station fulfills a requirement of the Master Plan (p. 55). The Planning Board approves 10 points in concept, with the final number of points to be determined at Site Plan.

Cultural/Art Space

Per Preliminary Plan Condition No. 17a, the Applicant must provide 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. Final points will be determined at subsequent Site Plan, but the

Planning Board approves 3 points at this time based on the formula in the *Commercial/Residential and Employment Zones Incentive Density Implementation Guidelines*.

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

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

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

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

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

**a. Development Standards**

The Subject Property includes approximately 14.71 acres of CR-3.0, C-0.5, R-2.75, H-300 zoned land. The Application satisfies the applicable development standards as shown in the following data table:

**Data Table**

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Proposed- Overall Project<sup>4</sup></b>	<b>Approved Phase 1</b>	<b>Density Available for Future Phases</b>
<b>Tract Area</b>	n/a	635,073 SF (14.58 acres)	<b>635,073 SF (14.58 acres)</b>	n/a
Proposed Dedication	n/a	387 SF	<b>387 SF<sup>1</sup></b>	n/a
Plus area of WMATA Parcel C for Building 6 <sup>2</sup>	n/a	6,150 SF	<b>6,150 SF<sup>3</sup></b>	n/a
<b>Site Area</b>	n/a	640,836 sf	<b>640,836 sf</b>	n/a
<b>Density (max)</b>				
Mapped Residential	1,746,451 SF/ 2.75 FAR	1,746,451 SF/ 2.75 FAR	<b>313,569 SF</b>	1,432,882 SF
Mapped Commercial	317,537 SF/ 0.5 FAR	317,537 SF/ 0.5 FAR	<b>9,000 SF</b>	308,537 SF
Total Mapped Density	1,905,219 SF/ 3 FAR <sup>5</sup>	1,905,219 SF/ 3 FAR <sup>5</sup>	<b>322,569 SF</b>	1,582,650 SF <sup>5</sup>
MPDU requirement (min)	15%	15%	<b>15%</b>	n/a
MPDU Bonus Density	n/a	384,219 sf <sup>6</sup>	<b>n/a</b>	384,219 SF <sup>6</sup>
Total Residential Density (Including MPDU bonus)	n/a	2,130,670 sf	<b>313,569 SF</b>	1,817,101 SF
Total Density (Including MPDU bonus)	n/a	2,289,438 sf	<b>322,569 SF</b>	1,966,869 SF

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Proposed- Overall Project<sup>4</sup></b>	<b>Approved Phase 1</b>	<b>Density Available for Future Phases</b>
Dwelling Units	2,218	2,218	<b>220</b>	1,998
<b>Building Height, max average</b>	300 ft <sup>7</sup>	300 ft	<b>105 ft <sup>8</sup></b>	n/a
<b>Public Open Space (min)</b>	64,084 SF (10%)	64,084 SF (10%)	<b>57,500 SF <sup>9</sup></b>	n/a
<b>Minimum Setbacks</b>	0	0	0	n/a

<sup>1</sup> Dedication will occur with a future phase but is included for purposes of calculating overall site area.

<sup>2</sup> Approved by Preliminary Plan No. 120190180 for a future phase that will require a minor subdivision for a lot line adjustment. No density is generated by this area.

<sup>3</sup> The minor subdivision will occur with a future phase but is included here for purposes of calculating overall Site Area.

<sup>4</sup> Density approved by Preliminary Plan No. 120190180, as amended. Sketch Plan 320190010 will need to be amended in the future to achieve the maximum density allowed by the Preliminary Plan (see Density section below).

<sup>5</sup> Preliminary Plan No.120190180, as amended, allows flexibility to achieve the maximum mapped density such that approved commercial or residential density is allowed up to the maximum mapped density limit. To achieve a total density of 2,289,438 which includes the maximum MPDU bonus density, the maximum commercial density would be limited to 158,768 square feet.

<sup>6</sup> Based on construction of 1,746,451 square feet of residential (mapped) density; must be used within the current limits of Preliminary Plan 12019018B, as amended.

<sup>7</sup> Per Sketch Plan No. 320190010 condition #2, building height and step-backs within the "Transition Zone" along Tuckerman Lane must conform with Figure 20 in the *Grosvenor-Strathmore Metro Area Minor Master Plan*.

<sup>8</sup> Buildings 3A and 3B are within the transition zone and conform with Figure 20 in the *Grosvenor-Strathmore Metro Area Minor Master Plan*.

<sup>9</sup> Remaining open space will be provided in future phases.

## Density

The maximum residential and total density calculation for Sketch Plan 320190010 excluded the gross floor area for 15% MPDUs (261,967 square feet) in accordance with the Zoning Ordinance requirements at the time of approval. Zoning Text Amendment (ZTA) No. 18-06, adopted by the Montgomery County Council on October 9, 2018, revised the MPDU density bonus standards for the CR Zone, and eliminated the exemption for MPDU floor area that applied to Sketch Plan 320190010. Preliminary Plan 120190180 reflects the approved density in conformance with the current Zoning

Ordinance, as modified by ZTA No. 18-06, allowing up to 2,130,670 square feet of residential density (which includes the MPDU floor area and 384,219 square feet of bonus MPDU density for providing 15% MPDUs) and up to 2,289,438 square feet of total density.

**b. Public Benefits**

For optional method projects of this size in the CR Zone, the Zoning Ordinance requires a minimum of 100 points in four categories. This Phase 1 Site Plan includes 110.62 public benefit points in six categories, as detailed below. Since the Applicant is providing a significant amount of the total required public benefits during the first phase of development, fewer points are expected for each subsequent phase.

**Site Plan 820220070 Public Benefits**

<b>Public Benefit</b>	<b>Total Points Possible</b>	<b>Proposed for Overall Project<sup>1</sup></b>	<b>Approved for Phase 1A</b>
<b>Major Public Facilities</b>	<b>70</b>		
WMATA Bike Station		10 <sup>2</sup>	10
5,000 sf (min) of cultural/art Space		3	0
<b>Transit Proximity</b>	<b>50</b>	<b>50</b>	<b>50</b>
<b>Connectivity and Mobility</b>			
<b>Minimum Parking</b>	<b>10</b>	<b>9</b>	<b>0</b>
<b>Wayfinding</b>	<b>10</b>	<b>5</b>	<b>5</b>
<b>Diversity of Uses</b>			
Affordable Housing	N/A	32	32
<b>Quality Building and Site Design</b>			
Public Open Space	20	8	0
Exceptional Design	10	5	5
Public Art	15	7	0
Structured Parking	20	10	0
Tower Step-Back	10	3	3
<b>Protection and Enhancement of the Natural Environment</b>			
<b>Building Lot Termination</b>	<b>30</b>	<b>30</b>	<b>6.01</b>
<b>Total Points</b>		<b>172</b>	<b>111.01</b>
<sup>1</sup> Includes all public benefit categories required by Sketch Plan 320190010, as amended with this Site Plan.			
<sup>2</sup> Additional points may be granted in the future depending on the size of future expansions.			

## **Major Public Facilities**

### WMATA Bicycle Station

With the Phase 1 Site Plan, the Applicant will construct a 100-space commuter bicycle station, comprising approximately 1,308 sf, at the WMATA Metro station. This station is envisioned for expansion with future phases of the development. The WMATA bicycle station fulfills a requirement of the *Grosvenor-Strathmore Minor Master Plan Amendment* (p. 55).

Planning Board practice in the past was to approve 5 public benefit points for bike share stations. Based on information from MCDOT, a 19-dock bikeshare station is 318 square feet, or 636 square feet including additional access space. As such, given that the 100-space bike station is over two times the size of the largest bikeshare station, the Planning Board approves 10 points for the WMATA bike station.

### Cultural/Art Space

Per Preliminary Plan Condition No. 17a, the Applicant must provide a minimum of 5,000 square feet of cultural/art space (in one or more buildings) 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 part time, occasional 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. Final points will be determined at that time.

## **Transit Proximity**

The Property is located adjacent to the Grosvenor-Strathmore Metro Station, a Level 1 transit facility. As such, the Planning Board approves 50 points.

## **Connectivity and Mobility**

### Minimum parking

In a future phase, the Applicant will seek points for providing fewer than the maximum allowed number of parking spaces.

### Wayfinding

Wayfinding will be provided throughout the Overall Property through a series of signs and maps that indicate the locations of nearby amenities, such as the Arts Walk, the Mansion and Music Center at Strathmore, transit facilities, Rock Creek Park, and the locally-provided open spaces and services. As illustrated on the landscape plans, Phase 1 will include signage in the Central Park and public spaces that will help orient pedestrians and cyclists to these destinations. The Planning Board approves 5 points.

## **Diversity of Uses and Activities**

### Affordable Housing

The Overall Project is required to provide a minimum of 15% MPDUs. Accordingly, pursuant to Section 4.9.2.C.3 of the Zoning Ordinance, the Applicant is entitled to 32 public benefit points for providing more than 15% MPDUs (calculated at 12 points per each percentage above 12.5%:  $2.5\% \times 12 = 32$  points).

### Public Open Space

The Applicant is providing a significant benefit by providing the entire 1.2-acre Central Park in the Phase 1 Site Plan, rather than across multiple phases as initially envisioned. However, points for public open space will be granted in subsequent phases when the Project provides more open space than required by the Zoning Ordinance.

### Exceptional Design

The Phase 1 Site Plan provides exceptional architectural design. It provides a context sensitive design that complements the surrounding residential neighborhoods and is reflective of the Property's transit-oriented location. The Project satisfies four of the criteria required for granting exceptional density points:

- *Providing innovative solutions in response to the immediate context;*

The buildings have been designed to be compatible with, and display particular sensitivity to, the surrounding residential development. The massing of the buildings respects the existing development across Tuckerman Lane by placing the lower-scale portion of the buildings strategically along Tuckerman Lane with generous step-backs as the building height increases towards the Spine Road.

The architectural languages of both buildings take inspiration from the natural shapes and forms of Rock Creek Park and have large balconies and terraces that activate the facades. By separating the massing above the Shared Street into two buildings, an urban plaza is established between the buildings with opportunities for outdoor seating and gathering associated with the adjacent retail, restaurant, or arts space on the ground level. The plaza also allows views from the Park between the buildings to the courtyard, and the adjacent Rock Creek Park beyond.

- *Creating a sense of place, that serves as a landmark;*

The Applicant describes the Project as a "green stop on the Red Line," with the buildings and adjacent Central Park establishing the center of the Strathmore Square development in the first phase and creating a link between the adjacent natural environment of Rock Creek Park with a more urban and livelier environment within the development.

The design of the two new residential buildings is inspired by the blending of culture and nature at Strathmore Square. The buildings' transparent ground

level facing the new park invites the lively streetscape and park activity inside. Above, the materials and massing of the buildings' facades are inspired by Rock Creek Park: Building 3B's chiseled, vertical forms evoke the ravines nearby; and Building 3A's sculpted and inflected balconies conjure the layered topography of the surrounding landscape. The materiality of these forms is earthy and textured and supports lush plantings at the abundant terraces and balconies on all sides.

- *Enhancing the public realm in a distinct and original manner;*  
The Central Park will form the center piece of Phase 1, and the Overall Project. The Park will function as a green respite and gathering space for residents, workers, and visitors to Strathmore Square, as well as for the broader neighborhood. In addition to daily community use of the Park, programmed events will activate the Park, including pop-up markets, performances, special events and public art. The Central Park will be designed to prioritize sustainability and resilience, as a core value of the broader Strathmore Square development. Softscape is maximized, with hardscape materials focused along building edges and street conditions as necessary, prioritizing the health and wellness benefits associated with access to green space, as well as reducing urban heat island. Diverse native plantings are emphasized throughout the Park and Shared Street, complemented by carefully selected adapted species that prioritize habitat value and climate resiliency. Plant communities are targeted to the water and soil conditions on site, with the intent to minimize the use of irrigation.
- *Designing compact, infill development so living, working and shopping environments are more pleasurable and desirable on a problematic site; and*  
The Project is envisioned to be an exemplary transit-oriented, walkable and dynamic community that will be well connected through streets, blocks, and open spaces to surrounding neighborhoods. It will integrate the arts (given its proximity to the Music Center at Strathmore), residences, affordable housing, beautiful open spaces, and vibrant places with neighborhood amenities. Well-designed place-making that features arts, culture, a generous open space, and beautifully designed buildings will transform the current asphalt parking lot into a walkable and distinctive community in Montgomery County and enhance the larger neighborhood.

#### Public Art

In future phases, consistent with the approved Sketch Plan, the Applicant will seek points for installing public art reviewed by the Art Review Panel.

#### Structured Parking

In future phases, consistent with the approved Sketch Plan, the Applicant will seek points for placing parking in an above-or below-grade parking garage.

### Tower Step-back

A key feature of the Phase 1 building design is the series of tiered volumes that setback as they raise in height from Tuckerman Lane to the Private Road A. This step-back is recommended in the Master Plan and will provide a compatible transition to the confronting condo building. Per the *CR Incentive Density Guidelines*, up to 10 points are available for stepping back a building's upper floors by a minimum of six feet behind the first-floor façade, with the step-back beginning at a height not greater than 72 feet. Points are required to be pro-rated per building in a multi-building project, but additional points are also appropriate for providing deeper setbacks, a setback at a lower level, and/or integration of setbacks with reduced floor plate sizes on upper stories. Although Phase 1 represents one out of six total buildings in the Overall Project, the Phase 1 building design significantly exceeds the setback requirements, by providing an initial step-back of approximately 40 feet at a point 50 feet in height. Accordingly, the Planning Board approves 3 points from this category.

### **Protection and Enhancement of the Natural Environment**

#### Building Lot Terminations (BLTs)

The Applicant will purchase Building Lot Termination easements or make an equivalent payment to the Agricultural Land Preservation Fund, in an amount equal to 7.5 percent of the incentive density floor area. Based on the density in this Site Plan (up to 322,569 square feet), the Applicant will be required to purchase 0.6680 BLTs, based on the following calculation:

- (Phase 1 Density- Standard Method Density )\*0.75)/31,500
- 322,569 square feet proposed – (42,019 square feet base density) = 280,550 square feet of incentive density
- 280,550 square feet x 0.075 = 21041.25/31,500 = 0.6680 BLTs

Since one BLT is equivalent to nine public benefit points, the Planning Board approves 6.01 points for this category.

### **c. General Requirements**

#### **i. Site Access**

Consistent with the approved Preliminary Plan, vehicular access to the Site is provided from three existing access points on Tuckerman Lane: Metro's Kiss and Ride entrance, the planned internal shared street (identified as "Private Road A"), and at the intersection of Tuckerman Lane and Strathmore Park Court. The lane configuration for the street entrance to the Metro garage from Private Road A 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, forming a through connection to Strathmore Hall Street.

**ii. *Parking and Loading***

The Application satisfies the parking and loading requirement as demonstrated in the table below.

<b>Parking and Loading</b>		
<b>Type of Parking</b>	<b>Required/Allowed</b>	<b>Approved for Phase 1</b>
<b>Vehicle</b>		
Residential	176 <sup>1</sup> min/318 max	197
Retail/Restaurant <sup>2</sup>	24 min/72 max	55
<b>Total</b>	<b>200 min/390 max</b>	<b>252</b>
Motorcycle spaces	2% (5)	5
Electric vehicle ready	1 per 100 vehicle spaces (2)	2
Car-share	2	2
Bicycle	96 long-term, 6 short-term	96 long-term, 6 short-term
Loading	1	2
<p><sup>1</sup> Pursuant to Section 59-6.2.3.I.7, the baseline parking minimum may be reduced by the Non-Auto Driver Mode Share (NADMS) percentage goal recommended in the applicable master plan, up to a maximum reduction of 20%. The Master Plan has a NADMS goal of 41%.</p> <p><sup>2</sup> Parking requirement based on 9,000 SF restaurant 60% patron area.</p>		

**iii. *Open Space and Recreation***

Phase 1 provides a significant amount of the Overall Project's required Public Open Space, including the 1.2-acre Central Park that will serve as the heart of the new neighborhood. The Central Park will replace a large portion of the existing surface parking lot and will function as a green respite and gathering space for residents, workers, and visitors to Strathmore Square and the broader neighborhood. Programmed events will activate the Park, including pop-up markets, performances, special events and public art. In addition, a temporary multi-use space will be incorporated to the south of the Central Park, in a portion of the future Building 4 Lot. The Central Park will feature accessible pathways, benches, trash/recycling receptacles, bike racks, and lighting. Diverse native plantings are emphasized throughout the Park and Shared Street and plant communities are targeted to the water and soil conditions on site, with the intent to minimize the use of irrigation. The Park is designed in

anticipation of future modifications at the edges where future buildings will be constructed.

The Application includes an analysis of on and off-site recreational facilities, Scenario ID 19769, demonstrating conformance with the Recreation Guidelines. The Site Plan provides a variety of facilities including dog cleaning stations, an indoor fitness room, a large open grass lawn area, resident lounges, interior courtyards, a multi-purpose lobby area, a rooftop amenity, a community kitchen and an urban plaza.

**iv. *General Landscaping and Outdoor Lighting***

Landscaping and lighting, as well as other site amenities, will enhance the internal private roads and public open spaces. The facilities will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The landscape design both connects the development to the neighborhood while providing clear transitions from public spaces to private areas. The on-site lighting will limit the necessary light levels to streets and sidewalks, providing safe lighting at a pedestrian scale.

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

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

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on March 1, 2022. The plan will meet stormwater management requirements through the use of micro-bioretenention facilities and green roof. Structural facilities (Bayfilters) will be used for volume not able to be treated with Environmental Site Design measures for Lot 3 (Buildings 3A and 3B).

**b. Chapter 22A, Forest Conservation**

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

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) for this site was approved by M-NCPPC staff on November 20, 1998 (NRI/FSD No. 419990610). The site contains no streams or stream buffers, wetlands or wetland buffers, 100-year floodplains, hydraulically adjacent steep slopes, or known occurrences of rare, threatened, or endangered species. The plan is in conformance with the Montgomery County Planning Department's Environmental Guidelines.

This site has several previously approved Final Forest Conservation Plans. These plans are associated with Mandatory Referrals for the construction of the WMATA garage and subsequent garage expansion and site improvements. They cover the entirety of the property, including the area that will be developed by the Applicant.

The Forest Conservation Mitigation requirements created by the Mandatory Referral actions have already been fulfilled. The Applicant's development results in additional Forest Conservation requirements which are addressed by the Final Forest Conservation Plan that is a part of this Site Plan application.

The Preliminary Forest Conservation Plan for this development (No. 120190180) established the preliminary forest mitigation requirements for the new development, and included the variance request, review and approval for disturbance to variance trees. The Preliminary Plan added 1.88 acres of off-site disturbance for infrastructure improvements required to serve the new development, plus 0.31 acres for the inclusion of Parcel C with the Preliminary Plan application. These items add 2.19 acres to the net tract area that were not previously accounted for in the prior FFCP approvals, and they result in an additional 0.33 acres of reforestation required.

The original FFCP 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 from Tuckerman Lane, leaving 1.64 acres of retained forest. The Planning Board Resolution approved 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 tract area to the mitigation requirement for the 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.

Condition 19 in the Resolution approving Preliminary Plan 120191080 (Resolution MCPB No. 19-065) required that, "Before demolition, clearing or grading on the Subject Property, the Applicant must fulfill half of the Forest Conservation mitigation requirements 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.”

The FFCP submitted with this Site Plan carries forward the requirements of the PFCP and a subsequent PFCP Amendment (12019018A), including the forest mitigation requirement of 3.71 acres.

Due to the recent decision by the Maryland State Attorney General that forest conservation bank credit can only be granted for planted forest, there is currently very little capacity in Montgomery County forest conservation banks to provide the forest banking credits required. Therefore, the condition of approval will be amended in this FFCP approval to permit the Applicant to fulfill their forest mitigation requirements through payment of a fee-in-lieu if no forest banking credits are available.

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law.

### **c) Noise Analysis**

A Phase I Noise Analysis was prepared by Phoenix Noise and Vibration for the Property due to its location along Rockville Pike (MD Route 355), Tuckerman Lane, and adjacent to the Grosvenor-Strathmore Metro tracks and station, and the results were provided in a report dated December 7, 2018 (Attachment E). A noise analysis is necessary to determine the projected interior and exterior noise levels requiring mitigation for residential units and outdoor recreational areas. The Montgomery County “Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development” stipulate a 65 dBA Ldn maximum noise level for outdoor recreation areas and 45 dBA Ldn for indoor areas in this area of Montgomery County.

The submitted Site Plan covers Phase I of the envisioned development and includes construction of Buildings 3A and 3B on the southeast portion of the site, as well as construction of the Central Park. The results of the analysis for this portion of the Property indicate that future unmitigated traffic noise levels right at 65 dBA Ldn will occur at the east building faces of the two buildings at and near ground level along Tuckerman Lane. The noise analysis also states that the Central Park will not be impacted by noise levels above 65 dBA Ldn.

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

Phase 1 provides safe and well-integrated parking and circulation patterns. Vehicular and bicycle parking is incorporated into the garage structure at the base of Buildings 3A and 3B. Long-term bicycle parking spaces are provided in a secure bicycle room and short-term spaces are provided adjacent to Private Road A and the Central Park. The internal private street network will provide circulation for private vehicles, pickup/drop-off, deliveries, as well as other short-term parking needs. Vehicular access to Buildings 3A and 3B is provided on Private Road B, preventing the addition of new private vehicular access points onto adjacent public rights-of-way.

The design of the shared street promotes greater integration of all modes and slows vehicle speeds. Private Road A will feature a curbless design, accommodating on-street parking, street trees, and storm water management, in accordance with guidance established by the *Grosvenor-Strathmore Metro Area Minor Master Plan* and the *Complete Streets Design Guide*.

Metro's existing bus exit onto Tuckerman Lane (identified as "Private Road B") will be converted to support two-way access for both buses and private vehicles, with one 12-foot westbound entry lane and two eastbound exit lanes measuring 12 to 13-feet. The loading dock is located on Private Road B adjacent to the private vehicular access into the parking garage. A separate loading dock which would service Building 3A from Tuckerman Lane will be built, consistent with the loading access approved in the Preliminary Plan. The two loading docks meet the requirements set forth in Section 59.6.2.8.B.

Building massing is designed to be compatible with, and display particular sensitivity to, the surrounding residential development. The massing of the buildings respects the existing development across Tuckerman Lane by placing the lower-scale portion of the buildings strategically along Tuckerman Lane with generous step-backs as the building height increases towards the Spine Road.

Open space and site amenities are generous and well-integrated into the Site Plan area. As the primary open space, the Central Park will function as a green respite and gathering space for residents, workers, and visitors to Strathmore Square and the broader neighborhood. The Central Park will feature accessible pathways, benches, trash/recycling receptacles, bike racks, and lighting.

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

The 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. The Phase 1 Site Plan is a significant first step in the transformation envisioned in the Master Plan.

### **Urban Design and Building Height**

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

- Place maximum building heights towards Rockville Pike and away from adjacent neighborhoods.
- Buildings in the transition zone (confronting the existing condo building on Tuckerman Lane) should step back to provide an appropriate transition.
- 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 Site Plan achieves these recommendations. The tallest portion of the buildings are located along Private Road A, away from the neighborhoods across Tuckerman Lane. The buildings are located with the Master Plan designated "Transition Zone," and they are consistent with the step back recommendation in the Master Plan (Figure 19), ensuring a gradual transition from the lower condominium buildings across the street. The building height along Tuckerman Lane is limited to four stories tall while the building steps back for a depth of 120 feet for a maximum height of 85 feet above the four-story base, as measured from Tuckerman Lane (Figure 20). The buildings frame the internal private roads and sidewalks, and the space between the two buildings masses allows views from the Park between the buildings to the courtyard and to adjacent Rock Creek Park.

The pedestrian environment along Tuckerman Lane will be enlivened by ground level residential units with individual unit entries and patios. Along Private Road A, the buildings feature a highly transparent ground level facing the Central Park that will activate the streetscape and encourage activity in the park. The large balconies and terraces will help further activate the building facades.

### **Mobility**

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

- Improve pedestrian and bicycle connections.
- Enhance bicycle amenities at the Metro site.
- Install wayfinding signs.
- Create a new shared street that extends from Strathmore Park Court to Tuckerman Lane.

- Provide adequate crosswalks.

The Phase 1 Site Plan includes various improvements for pedestrians and bicyclists including the construction of the majority of the shared street. Access through the Project's internal private roads provide improved connections for pedestrians and bicyclists, particularly for Metro access from adjacent neighborhoods. The addition of the covered bicycle parking station adjacent to the Metro will enhance access to Metro. 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 Application fulfills several of the Master Plan's environmental goals. Green roofs will reduce stormwater runoff and also will act as an insulator, reducing energy usage for heating and cooling. Furthermore, large amounts of planted areas are planned for the two main residential courtyards and well as smaller terraces and balconies. The large overhanging terraces on building 3A and the inset balconies on 3B create natural shading for the glazing which improve energy efficiency and daylighting. The landscape design will maximize native plantings, featuring a large meadow and lush plantings in the Central Park and along the private roads. Impervious cover is minimized by putting the entire garage footprint underground or below the courtyards.

### **Parks and Open Space**

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

- Include public art in public realm.
- Develop a 1.25-acre civic green.
- Create a plaza at the Metro station entrance.

The Site Plan includes a robust network of public and private open space including a 1.2-acre Central Park and a plaza in close proximity to the Metro station entrance. The Site Plan incorporates art into the development to capitalize on its proximity to the Music Center at Strathmore.

### **Community Facilities**

The Master Plan does not recommend any new public facilities on the Property, however it 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 a major public facility (the covered WMATA bicycle parking station). In addition, Phase 1 provides exceptional design.

### **Master Planned Roadways**

*Tuckerman Lane:* Tuckerman Lane is classified as an 80-foot two-lane Business Street, B-1, with an existing public right-of-way between 81-feet to 83-feet. The existing section has two (2) travel lanes, with five-foot bicycle lanes and on-street parking along both sides, as well as existing median pedestrian refuge islands. The Applicant proposes to maintain the existing rights-of-way, with the implementation of previously approved complete streets elements illustrated in the Preliminary Plan as part of future construction phases.

As envisioned by the Minor Master Plan and the Bicycle Master Plan, two-way separated bicycle lanes are planned for Tuckerman Lane in a future phase of development, which are consistent with Town Center Street standards within the *Complete Streets Design Guide*. Along the Applicant's public frontage, five-foot bicycle lanes are currently present in between the existing travel lanes and on-street parking spaces on both sides of the street. Implementation of the parking-protected, curbside separated bicycle lanes will occur during future buildout of Buildings 1A, 1B, and 2, as stipulated in the Preliminary and Sketch plan phasing requirements.

Private Road A 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 alternating curbside flexible zone that will serve various uses including drop-off/layby zones at building lobbies, on-street parking, landscape/stormwater management, street trees, and continuing adjacent sidewalk on both sides. The curbside zones will be designed through the use of chicanes, intended to further reduce the speed of passing vehicles.

Along Private Road B, the Applicant proposes twelve-foot travel lanes, a five-foot sidewalk, bio-retention facilities with tree plantings and heavy screening around utility boxes. Upon westbound approach to the Private Road A intersection, the sidewalk meanders to navigate the grade change to meet ADA requirements. The circulation of Ride On and Metrobus travel will be preserved with the retention of two eastbound travel lanes.

All portions of the private streets will be fully accessible to the public. The private connections will promote safe and efficient internal circulation focused on all modes of transportation with additional care towards the promotion of pedestrian circulation to and from the Metrorail station. The private streets will provide vehicular connectivity to accommodate local traffic circulation for the lobbies of the buildings located adjacent to it and loading and service entrances will be minimized.

***8. The development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.***

The approval of Preliminary Plan No. 120190180, as amended and accompanying this Application, established that the development will be served by adequate public services and facilities. The Adequate Public Facilities test conducted for Preliminary Plan No. 120190180, as amended, covered transportation, schools and other public facilities for the Project's total anticipated density, including up to 2,218 dwelling units.

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

The predominately residential development will complement the existing adjacent development. The Phase 1 buildings will provide a compatible transition between the Property and the residential condominiums confronting the Property on Tuckerman Lane. The height and massing of Phase 1 is also compatible with the Grosvenor Village to the south.

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

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

BE IT FURTHER RESOLVED that this Resolution constitutes the written approval of the Board in this matter, and the date of this Resolution is APR 01 2022 (which is the date that this resolution is mailed to all parties of record); and

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

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Rubin, seconded by Vice Chair Verma, with Chair Anderson and Vice Chair Verma, and Commissioners Cichy and Rubin voting in favor of the motion, and Commissioner Patterson absent at its regular meeting held on Thursday, March 31, 2022, in Wheaton, Maryland.



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Casey Anderson, Chair  
Montgomery County Planning Board

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