

**4910-4920 STRATHMORE AVENUE  
PRELIMINARY PLAN NO. 120220160 AND  
SITE PLAN NO. 820220220**



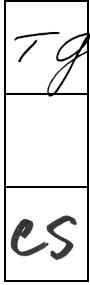
### Description

Request to consolidate and subdivide an existing lot (Parcel A) and a portion of an adjacent lot (Parcel B) into 114 buildable lots and create associated parcels. The Project includes up to 113 dwelling units (9 single family detached houses and 104 townhouses), including 15% MPDUs, a 145-bed residential care facility, new vehicular access points, open space, and a Final Forest Conservation Plan with a modified variance request to remove and impact specimen trees.

No. 120220160  
No. 820220220  
Completed: 12-5-2022

MCPB  
Item No.  
12-15-2022

Montgomery County  
Planning Board  
2425 Reedie Drive, Floor 14  
Wheaton, MD 20902



Tamika Graham, Planner III, Midcounty Planning, Tamika.Graham@montgomeryplanning.org, (301) 495-4551

Matthew Folden, Supervisor, Midcounty Planning, Matthew.Folden@montgomeryplanning.org, (301) 495-4539

Carrie Sanders, Chief, Midcounty Planning, Carrie.Sanders@montgomeryplanning.org, (301) 495-4653



## Summary:

- On December 16, 2021, the Planning Board recommended approval of Local Map Amendment (LMA) No. H-143 to rezone the 15.35-acre Site from the R-60 zone to the CRNF- 0.75, C-0.25 R-0.75 H-50' zone. LMA No. H-143 was subsequently approved by the Hearing Examiner on April 6, 2022, and by the Council County on June 21, 2022.
- The Applications received a 30-day administrative extension through 11/24/22 and a second extension through 12/31/22.
- Staff recommends approval of Preliminary Plan No. 120220160 to consolidate an existing lot (Parcel A) and a portion of an adjacent lot (Parcel B) for its subdivision into 114 buildable lots and creation of twenty (20) parcels for private roads and open spaces.
- Staff recommends approval of Site Plan No. 820220220 for up to 113 dwelling units (9 detached houses and 104 townhouses), including MPDUs, and a 145-bed residential care facility, new vehicle access points, and open space on the Site.
- The Applicant requests an exception from Sec. 50.4.3.B.1.b for a townhouse block design without 2 tiers of lots.
- The Applicant requests a waiver from Sec. 59.6.2.4.B to exceed the maximum baseline parking by two (2) vehicle spaces.
- The Applicant requests an exception from Sec. 59.6.3.5.B.2 for a minimum width of common open space less than 50 feet.
- The Applicant requests a waiver from the 65 dBA Ldn standard for the Strathmore Avenue dwelling units and the multi-generational park per the provisions of Section 2.2.2 of the Noise Guidelines.
- The Final Forest Conservation Plan includes a modified tree variance request to remove and impact specimen trees. The Property has 4.06 acres of forest, of which 0.48 acres will be cleared, 3.58 acres will be retained, and 3.00 acres planted and protected within Conservation Easements.
- Staff received correspondence about traffic and impacts to the surrounding neighborhoods and lighting and landscaping.

### LOCATION/ADDRESS

4910-4920 Strathmore Avenue, Kensington, MD

### MASTER PLAN

1992 North Bethesda/Garrett Park Master Plan

### ZONE

CRNF-0.75, C-0.25 R-0.75 H-50'

### PROPERTY SIZE

15.35 acres

### APPLICANTS

SAH Homes Associates, LLC and BL Strathmore LLC, c/o EYA Development LLC

### ACCEPTANCE DATE

July 19, 2022

### REVIEW BASIS

Chapter 22A, Forest Conservation Law  
Chapter 50, Subdivision Regulations  
Chapter 59, Zoning Ordinance

## TABLE OF CONTENTS

SECTION 1: RECOMMENDATIONS AND CONDITIONS .....	3
PRELIMINARY PLAN 120220160 .....	3
SITE PLAN 820220220 .....	9
SECTION 2: SITE DESCRIPTION .....	18
SECTION 3: PROJECT DESCRIPTION .....	21
PREVIOUS APPROVALS .....	21
PROPOSAL .....	23
SECTION 4: PRELIMINARY PLAN 1120220160 FINDINGS AND ANALYSIS .....	33
SECTION 5: SITE PLAN 820220220 FINDINGS AND ANALYSIS .....	49
SECTION 6: COMMUNITY OUTREACH .....	62
SECTION 7: CONCLUSION .....	64
ATTACHMENTS .....	64

## SECTION 1: RECOMMENDATIONS AND CONDITIONS

### PRELIMINARY PLAN 120220160

Staff recommends approval with conditions of the Preliminary Plan, including block design waiver, to consolidate an existing lot (Parcel A) and a portion of an adjacent lot (Parcel B) for their resubdivision into 114 buildable lots and the creation of twenty (20) parcels for roads and open spaces. All site development elements shown on the latest electronic version of the Preliminary Plan No. 120220160 as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.

#### GENERAL APPROVAL

1. This Preliminary Plan is limited to 482,000 square feet of residential uses across 113 buildable lots for up to nine (9) single family detached dwelling units and 104 townhouses, and one (1) buildable lot for a 145-bed residential care facility, including commercial accessory uses<sup>1</sup> associated with the residential care facility, and a total of 15 open space parcels and five (5) private road and alley parcels.

#### ADEQUATE PUBLIC FACILITIES AND OUTSIDE AGENCIES

2. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

#### PLAN VALIDITY PERIOD

3. The Preliminary Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and prior to the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

#### OUTSIDE AGENCIES

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated December 5, 2022 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations set forth in the letter, which may be

---

<sup>1</sup> Principal commercial uses are prohibited.

amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

5. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration (“MDSHA”) in its letter dated November 28, 2022, 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.
6. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration’s requirements for access and improvements.
7. 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 letter dated December 2, 2022 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.
8. 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 September 9, 2022 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.
9. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (“DHCA”), in its letter dated September 20, 2022, 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.

#### OTHER APPROVALS

10. The Applicant must comply with the conditions of County Council Resolution No. 19-1308 approving Local Map Amendment No. H-143, as may be amended.

#### FUTURE SITE PLAN APPROVAL REQUIRED

11. Before clearing or grading, except that associated with removal of the existing building on the property, or recording a plat for the Subject Property, the Applicant must receive Staff certification of a Planning Board-approved site plan. 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.
12. If an approved site plan or site plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities 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.

## TRANSPORTATION

### Existing Frontage Improvements

13. Prior to the issuance of the first above grade building permit, the Applicant must satisfy all necessary requirements of MDSHA (i.e. apply for the roadway improvement permit, obtain agency design approval, and post the bond for the project cost) to ensure construction of a ten-foot wide sidepath along the Property frontage on Strathmore Avenue.

### Off-Site Improvements

14. Prior to the issuance of the first above grade building permit, the Applicant must ensure future construction of the following off-site improvement(s) by satisfying MDSHA requirements to construct a 10-foot wide sidepath on the south side of Strathmore Avenue that extends approximately 1,050 feet to the east of the Subject Property to the existing bus pad at the intersection with Flanders Avenue and 30 feet to the west between the off-site trail and the western Site boundary. In the event that MCDOT is unable to obtain the right-of-way required for the eastern off-site sidepath extension within 12 months of MCDOT's acceptance of the design, the Applicant must make a payment to MCDOT towards the construction of a pedestrian or bicycle improvement in the Red policy area equal to the cost of the sidepath's design, permit, construction and relocation of utilities, if any (excluding any costs associated with right-of-way acquisition). The payment will be inflated based on the Federal Highway Administration's National Highway Construction Cost Index from the mailing date of the Planning Board resolution to the date of application for the first above-grade building permit or right-of-way permit (whichever comes first).
15. Prior to the issuance of the final Use and Occupancy certificate, the Applicant must install a new traffic signal at the Center Site Driveway with Strathmore Avenue.

## LATR

16. If, at the time the Applicant submits for permits to construct one of the required LATR Off-Site Improvements, the improvement is no longer necessary or desirable, because: i) it has been constructed or is under construction by another applicant or as part of a capital improvement project by a government agency, or, ii) the applicable master plan has changed and no longer requires or suggests the improvement, or iii) the necessary right-of-way has not been obtained, the Applicant can propose an alternative LATR Off-Site Improvement from the priority list of improvements provided in the subject Staff Report that is of similar value, and this alternative improvement, if reviewed and approved by Staff, can be substituted and shown on a revised Certified Site Plan.
17. Prior to first above grade building permit, the Applicant must receive SHA access permits for the following modal deficiencies in accordance with the 2020–2024 Growth and

Infrastructure Policy. All improvements must be constructed before issuance of the final Use and Occupancy permit or above grade building permit, whichever comes last.

a) Pedestrian System Adequacy Mitigation

- i. Upgrade the existing curb ramp to meet ADA design standards at the Strathmore Avenue and the Center Site Driveway (north-south crossing), North side.
- ii. Install a new protected pedestrian crossing and high visibility crosswalk, associated with the new traffic signal, at the Center Site Driveway with Strathmore Avenue (north-south crossing) for approximately 35 feet in length.
- iii. Remove the existing sidewalk and narrow bridge, approximately 30 feet in length on Strathmore Avenue (south side) between western site boundary and trail to Tuckerman Lane, within the existing right-of-way, and replace with a ten-foot-wide sidepath.
- iv. Construct a ten-foot-wide sidepath with a six-foot-wide landscaped street buffer along Strathmore Avenue (south side) for approximately 340 feet in length, from east of the eastern Site boundary to the Holy Cross Church and School driveway.
- v. Construct a ten-foot-wide sidepath with a six-foot-wide landscaped street buffer along Strathmore Avenue (south side) for approximately 750 feet in length, from the Holy Cross Church and School driveway to the existing sidewalk on east side of Flanders Avenue.
- vi. For the portion with deficient right-of-way (ROW) along Strathmore Avenue, MCDOT will work with the Applicant and MDSHA to acquire the necessary ROW. The Applicant will be required to design, permit, and construct the necessary 10-foot-wide bicycle facility (unless MCDOT determines it cannot be constructed and will then become a 6-foot-wide sidewalk) or provide a fee-in-lieu payment for its design, permit and construction. In the event that MCDOT is unable to obtain the right-of-way required for the eastern off-site sidepath extension within 12 months of MCDOT's acceptance of the design, the Applicant must make a payment to MCDOT towards the construction of a pedestrian or bicycle improvement in the Red policy area equal to the cost of the sidepath's design, permit, construction and relocation of utilities, if any (excluding any costs associated with right-of-way acquisition). The payment will be inflated based on the Federal Highway Administration's National Highway Construction Cost Index from the mailing date of the Planning Board resolution to the date of application for the first above-grade building permit or right-of-way permit (whichever comes first).
- vii. Install five (5) new streetlights along the south side of Strathmore Avenue from the eastern Site boundary to the eastern LATR study area boundary.



## Private Roads

18. The Applicant must provide Private Roads and alleys identified as Street A, Street B, and Street C, including any sidewalks, bikeways, storm drainage facilities, street trees, streetlights, 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 Roads”), subject to the following conditions:
- a) If there are no structures above or below the Private Roads, the record plat must show the Private Roads in a separate parcel. If there are structures above or below the Private Roads, the record plat must clearly delineate the Private Roads and include a metes and bounds description of the boundaries of the Private Roads.
  - b) The Private Roads 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 Roads.
    - 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 Roads and all improvements located within the Private Roads, in good condition and repair for safe use and operation of the Private Roads. 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 Roads). 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 Roads are not publicly maintained and to provide contact information to handle complaints, concerns or questions regarding the Private Roads.
  - c) Before issuance of the first above grade 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 Roads have 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, 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

19. There shall be no clearing or grading of the site prior to recordation of plat(s), with the exception of clearing and grading associated with the removal of the existing building on the subject property.

## Easements

20. The record plat must show necessary easements.
21. The record plat must reflect common ingress/egress and utility easements over all shared driveways.

## Notes and Labels

22. The record plat must reflect all areas under common ownership.
23. The record plat must reference the Common Open Space Covenant recorded among the Montgomery County Land Records at Book 28045 Page 578 ("Covenant").

## DEVELOPMENTS WITH MPDU'S

24. The final number for 15% of MPDUs as required will be determined at the time of site plan approval.

## CERTIFIED PRELIMINARY PLAN

25. The certified Preliminary Plan must contain the following notes:
  - a) *Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
26. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
  - a) Show resolutions and approval letters on the certified set.

## SITE PLAN 820220220

Staff recommends approval of standard method Site Plan No. 820220220, for the construction of up to 113 single family dwelling units, including MPDUs, and a 145-bed residential care facility, noise waiver, parking waiver, new access points, open space, and an exception for width of common open space on the Site. The development must comply with the binding elements of the Local Map Amendment No. H-143 and the Certified Floating Zone Plan, and the Declaration of Covenants as listed in the Montgomery County Council Resolution No. 19-1308, all as may be amended. All site development elements shown on the latest electronic version of the Site Plan, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.<sup>2</sup>

### DENSITY, HEIGHT & HOUSING

#### 1. Density

This Site Plan is limited to a maximum of 482,000 square feet of total development on the Subject Property, for up to 9 single-family detached houses and 104 townhouses, and 145 beds within a 138,000 square foot residential-care facility, permitted as a limited use.

#### 2. Height

The development is limited to a maximum height of 50 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

#### 3. Moderately Priced Dwelling Units (MPDUs)

- a) The Planning Board has reviewed and accepts the recommendations of Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated September 20, 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 DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.
- b) The townhouse portion of the development must provide fifteen (15) percent MPDUs or MCDHCA-approved equivalent consistent with the requirements of Chapter 25A and the applicable Master Plan.
- c) Before issuance of any building permit for any of the single family attached or detached residential unit(s), the MPDU agreement to build between the Applicant and the MCDHCA must be executed.

---

<sup>2</sup> For the purposes of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor (s) in interest to the terms of this approval.

## OPEN SPACE, FACILITIES, AND AMENITIES

### 4. Public Open Spaces

The Applicant must provide a minimum of 20,000 square feet of public open space (10.3% of Site area) on-site and all amenities within the Property, as shown on the Certified Site Plan.

- a) The public open space area that overlaps with the natural surface trail that traverses the rear of the townhouse units to the south of the Site, must be substantially completed prior to the building permit associated with the 78<sup>th</sup> dwelling unit (75% completion of the single-family and townhouse portion).
- b) Prior to the issuance of the use and occupancy certificate associated with the residential care facility, the terraced multi-generational open space with all amenities located at the intersection of Street A and Street C must be substantially completed.
- c) Prior to the issuance of the use and occupancy certificate associated with the residential care facility, the smaller open space area and all amenities located at the intersection of Street A and Strathmore Avenue must be substantially completed.

### 5. Common Open Spaces

The Applicant must provide a minimum of 50,000 square feet of common open space (11.4% of Site area) on-site, as shown on the Certified Site Plan.

- a) The common open space areas identified as two (2) pocket greens located to the east of Street C must be substantially completed prior to the building permit associated with the 78<sup>th</sup> dwelling unit (75% completion of the single-family and townhouse portion).
- b) The common open space area that abuts the natural surface trail that traverses the rear of the townhouse units to the south and west of the Site, must be substantially completed prior to the building permit associated with the 78<sup>th</sup> dwelling unit (75% completion of the single-family and townhouse portion).

### 6. Amenities and Facilities

- a) The green areas and amenities illustrated on the Site Plan at the intersection of Street C and Street B (southeast corner) and the intersection of Street A and Street B (southwest corner) must be substantially completed at the time of adjacent townhouse unit construction.
- b) The Applicant must install all new utilities underground within the Site.
- c) The Applicant must provide the applicable landscape buffer plantings between the sidewalk and streets and in the alleys within the Site, as shown on the certified Landscape Sheets L0201 and L0202 within the first growing season after the issuance of the use and occupancy for the residential care facility or with the construction of the adjacent townhouse units.

7. Recreation Facilities

- a) The Applicant must provide the minimum required recreation facilities associated with the townhouses, as shown on the Certified Site Plan, prior to the issuance of the building permit for the 103<sup>rd</sup> townhouse unit.
- b) The Applicant must provide the minimum required recreation facilities associated with the residential care facility, as shown on the Certified Site Plan, prior to the issuance of the use and occupancy permit.

8. Maintenance of Public Amenities

The Applicant and ultimately the future HOA is responsible for maintaining all publicly accessible amenities including, but not limited to public art in the terraced garden, seating, tables, equipment, and trash receptacles.

## ENVIRONMENT

### Forest Conservation

- 9. 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.
- 10. Prior to certified Final Forest Conservation Plan (FFCP), the Applicant must correct the worksheet to reflect removal of the deduction for the public utility easement, and any resulting adjustment to the forest planting requirement. Any additional afforestation requirement resulting from this deduction may be met by a fee-in-lieu or off-site banking.
- 11. Prior to certified FFCP, the Applicant must correct the labeling for the areas of forest clearing shown on the plans.
- 12. Prior to certified FFCP, the Applicant must add a table to the plans showing numbers of trees by species to be planted to fulfill both the afforestation/reforestation planting requirement and the variance mitigation tree requirement.
- 13. 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.
- 14. Prior to the start of any clearing or grading not associated with the demolition of the existing building on the property, or new construction for this development Application, whichever comes first, the Applicant must record the Category I and II Conservation Easements over all areas of forest retention, forest planting and environmental buffers as specified on the approved Final Forest Conservation Plan. The Category I or II Conservation Easements must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed.
- 15. Prior to the start of any clearing or grading not associated with the demolition of the existing building on the property, or new construction for this development Application, whichever comes first, 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 3.00 acres of new forest planting and for the mitigation trees and maintenance, including

invasive species management controls, credited toward meeting the requirements of the FCP.

16. Prior to the initial planting acceptance inspection by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install permanent conservation easement signage along the perimeter of the conservation easements as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
17. Prior to the initial planting acceptance inspection by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the permanent conservation easement fencing along the perimeter of the conservation easements as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
18. Prior to the start of any clearing or grading not associated with the demolition of the existing building on the property, or new construction for this development Application, whichever comes first, the Applicant must execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for all forest planting areas, mitigation tree plantings, including variance tree mitigation plantings, and landscape plantings credited toward meeting the requirements of the FCP. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff. All proposed measures should be chosen with consideration of the proximity to the on-site stream and wetlands and the sensitive nature of this watershed. The use of herbicides should be avoided where possible.
19. The Applicant must install the Afforestation/Reforestation plantings for Planting Areas outside of the limits of disturbance (“LOD”) as shown on the approved FCP, within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff. The warranty period for these plantings will commence upon M-NCPPC inspector’s approval and acceptance.
20. The Applicant must install the Afforestation/Reforestation plantings for Planting Areas inside the LOD, as shown on the approved FCP, in the first planting season following stabilization of the applicable disturbed area. The warranty period for these plantings will commence upon M-NCPPC inspector’s approval and acceptance.
21. The Applicant must plant the variance tree mitigation plantings on the Subject Property with a minimum size of 3 caliper inches totaling 114.95 caliper inches as shown on the approved FCP. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
22. The Applicant must install the mitigation tree plantings, as shown on the approved FCP, in the first planting season following stabilization of the applicable disturbed area or completion of the nearest associated building or open space area, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
23. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the certified Final Forest Conservation Plan.

## Noise Attenuation

24. Prior to the issuance of the first above grade building permit for the single-family units along Strathmore Avenue, the Applicant/developer/builder must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatments that:
  - a) The building shell for residential dwelling units affected by exterior noise levels projected at or above 65 dBA Ldn, fronting Strathmore Avenue will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
25. 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 the Department of Permitting Services that the noise-impacted units have been constructed in accordance with the recommendations of the certified acoustical engineer's recommendations in the noise study.
26. If any changes occur to the Site Plan which affect the validity of the noise analysis dated May 5, 2022, 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.
27. 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.
28. For all noise-impacted single-family residential dwelling units, the Applicant/developer/builder must disclose in writing to all prospective purchasers that those homes are impacted by transportation noise. Such notification must be included in any noise impacted sales contracts, and in Homeowner Association documents.

## TRANSPORTATION & CIRCULATION

29. Transportation
  - 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 July 11, 2022 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) Prior to the issuance of any above grade building permit for the residential care facility, the Applicant must obtain approval of a Project-based Transportation Demand Management Plan (TDM) from the Montgomery County Department of Transportation (MCDOT) for the residential care facility portion of the project.

Before issuance of the first above grade 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.

### 30. Pedestrian & Bicycle Circulation

- a) The Applicant must provide 6 long-term and 14 short-term bicycle parking spaces, as shown on the certified Site Plan.
- b) The long-term spaces must be in a secured, well-lit parking area, and the short-term spaces must be inverted-U racks (or approved equal) installed in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- c) The Applicant must provide the following pedestrian and bicycle facilities on site, as shown on the Certified Plan:
  - i. Streets A through C (both sides of each street): five-foot-wide sidewalks with five-foot-wide buffer from traffic.
  - ii. Site frontage on Strathmore Avenue (south side): ten-foot-wide sidepath with six-foot-wide buffer from traffic.
  - iii. Natural Surface Trail shown west and south of Street C within the stream valley buffer.

### 31. Fire and Rescue

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 September 9, 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 Site Plan approval.

## SITE PLAN

### 32. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheets A-2.00 through A-4.05 of the submitted architectural drawings, as determined by M-NCPPC Staff.
- b) The exterior architectural character, proportion, materials, and articulation of the MPDUs must be substantially similar to the exterior architectural character, proportion, materials, and articulation of the market-rate units.



### 33. Lighting

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).

- a) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- b) Deflectors will be installed on all existing and proposed fixtures to prevent excess illumination and glare.
- c) 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.
- d) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

### 34. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, whichever comes first, 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, outdoor recreational facilities, site furniture, monument signage, playground equipment, water feature installation, mailbox pad sites, trash enclosures, art sculpture, dog waste station, clock tower, retaining walls, fences, railings, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and streetlights. 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.

### 35. 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.

36. Homeowners Association (HOA)

At the time of recording, the HOA established for the townhomes and single-family homes must include language in the Declaration of Covenants, Conditions, and Restrictions regarding the prohibition of driveway parking that extends into the private street or sidewalk. A provision shall include the prohibition of the HOA's removal of this restriction.

37. 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, Site Plan resolution, and other applicable resolutions on the approval or cover sheet(s).
- b) Add the following notes:
  - i. "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
  - ii. "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
  - iii. "The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur prior to any site development work commencement and prior to any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan along with any subsequent amendments is required to be on-site at all times." "Commercial uses are prohibited except for those accessory uses associated with the residential care facility."
- c) Include Fire and Rescue Access plan in the Certified Site Plan.
- d) Ensure the data table reflects the development standards approved by the Planning Board.
- e) Include notes for approval of all waivers granted by the Planning Board.
- f) Ensure consistency of all details and layout between Site and Landscape plans.
- g) Update the architectural drawing A-4.05 to show high-visibility rear elevation for all front-loaded townhomes (Lot Nos. 3 through 31) with a more substantial presence along the public trail. These materials must be clearly identified and separately labeled materials, with Staff approval.
- h) Update the architectural drawing A-2.00 to show a weathervane or small spire at the top of each tower to create a prominent top for these tower elements, with Staff approval.
- i) Revise the Recreation Exhibit to reflect the approved elements.

- j) Revise the Landscape/ Hardscape Plan to address comments in ePlans, including the following:
  - i. Include landscaping for townhouse sticks including Lot No. 1-9 and Lot No. 30-38.
  - ii. Insert L0307 into the plan set and update this landscaping drawing to show a maximum dimension of four feet for the rear fences along the trail and six feet for privacy fence between the units.
  - iii. Add end unit and alley landscaping.
  - iv. Include a table clearly demonstrating the provision of tree canopy and permeable area related to public and common open spaces. Tree canopy size must be calculated at 20 years of growth, as defined by the Planning Board's Trees Technical Manual, as amended.
  - v. Include foundational plantings for the residential care facility.
  - vi. Add details of the soft water element.
- k) Add a Site Plan note that states that driveway parking that extends into the private street or sidewalk is prohibited for front loaded townhouses along Street C.
- l) Revise the Lighting Plan to show the lighting level throughout the Site.
- m) Add the trash enclosure to the Site Detail Sheet illustrating that the materials will be consistent with the architecture and color of the principal building.
- n) Include the Project's phasing plan.

## SECTION 2: SITE DESCRIPTION

The Site is located at 4910-4920 Strathmore Avenue (MD 547), which is approximately 1,500 feet east of Rockville Pike (MD 355) and is adjacent to both the Strathmore Music Hall and the Academy of the Holy Cross and Church, as shown in Figure 1. Directly to the west of the Site is a stream valley and the Symphony Park townhouse development, which includes an open space that visually links the Property to Rockville Pike.



*Figure 1: Vicinity Map*

The Site was formerly improved with Sisters of The Holy Cross, Inc. St Angela's Hall (4910 Strathmore Avenue; Parcel N875, Parcel A, Garrett Park-Holy Cross Convent, as shown on Plat No. 9347) and the Academy of The Holy Cross, Inc. (4920 Strathmore Avenue; Parcel No. N045, Parcel B, Garrett Park Academy of the Holy Cross, as shown on Plat No. 20824). The Site ("Subject Property"), as outlined in the dashed line in Figure 2 below, comprises approximately 15.35 acres (668,849 square feet).

The Site is located near established residential neighborhoods and associated amenities, such as the Garrett Park Elementary School, Garrett Park Estates Local Park, Druid Drive Neighborhood Park, and Garrett Park – Waverly Park. The Site is within 0.6 miles of the Grosvenor-Strathmore Metro Station and a short distance from the Rock Creek Park Hiker-Biker Trail to the south.

The surrounding neighborhood is primarily defined by the community of single-family detached dwelling units that confront the Property to the north, across Strathmore Avenue, the single-family

attached neighborhood, to the west, and the institutional uses abutting the Property to the south and east.

Although the Subject Property is not listed as a historic site, there are properties in the surrounding area listed in the National Register of Historic Places, including the Strathmore Hall Arts Center to the southwest of the Site and the Garrett Park Subdivision approximately 1,000 feet to the east of the Site.



*Figure 2: Subject Property (outlined in bold dashed line)*



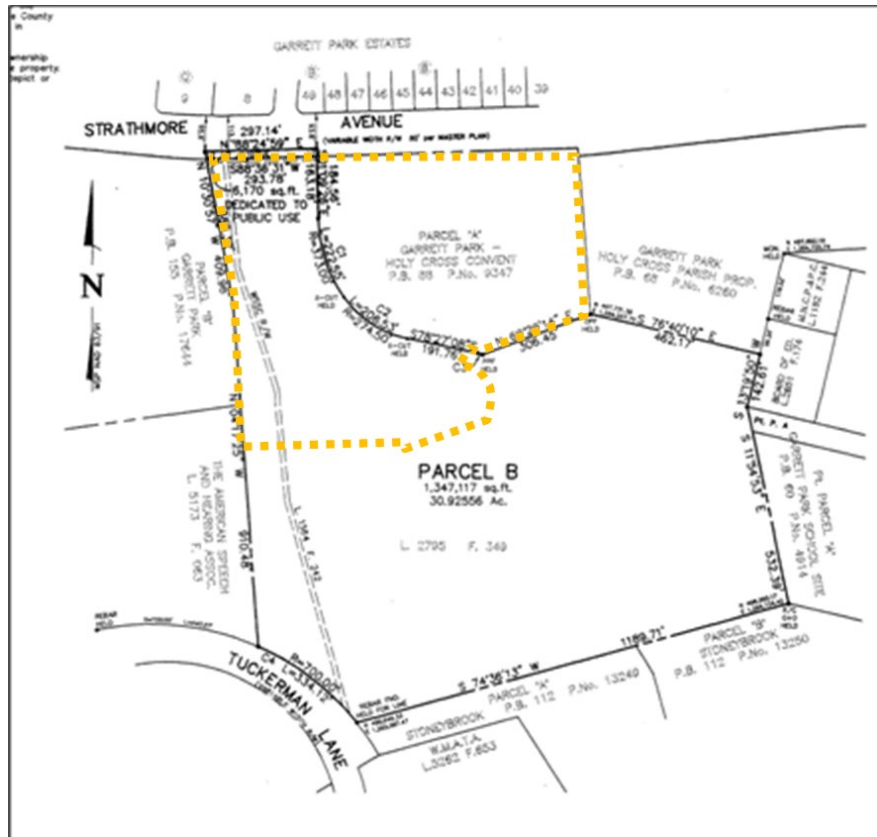


Figure 3: Plat 20824 (Parcels A and B)

Parcel A and a portion of Parcel B were the subject to the preceding rezoning Application (LMA No. H-143). Parcel A is improved with the former St. Angela's Hall (approximately 38,000 square feet) with two driveway entrances on Strathmore Avenue, surface parking, outdoor amenity spaces, pedestrian paths, and open lawn areas. The building and driveways for the existing St. Angela's Hall are located on the high point of the site and slope down to a nearby tributary of Rock Creek and associated wetlands along the western, southern, and eastern sides of the Site. The portion of Parcel B is improved with a driveway and two athletic fields associated with the Academy of the Holy Cross, sloped lawns, and a stream along the western border of the Site.

The Subject Property, including the Site of the Preliminary and Site Plan Applications, has several environmental resources that impact the Application and is discussed in subsequent report sections.

## SECTION 3: PROJECT DESCRIPTION

### PREVIOUS APPROVALS

#### NATURAL RESOURCE INVENTORY/FOREST STAND DELINEATION NO. 420211410

A Natural Resources Inventory/Forest Stand Delineation (No. 420211410) was approved on July 27, 2021. A tributary of Rock Creek runs along the western boundary of the Property. The stream valley also contains areas of wetlands and 100-year floodplain, as well as some hydraulically-adjacent steep slopes. There are approximately 11.49 acres of environmental buffers and 4.06 acres of forest onsite. The Property also contains a number of specimen trees.

#### LOCAL MAP AMENDMENT NO. H-143

The Applicant's Local Map Amendment (LMA) submission was recommended by the Planning Board for transmittal to the County's Office of Zoning and Administrative Hearings on December 16, 2021, and the Hearing Examiner issued a report recommending approval<sup>3</sup> on April 6, 2022 to the County Council. The County Council, acting as the District Council, held a hearing and oral arguments on May 10, 2022, and subsequently on June 21, 2022, and approved the rezoning of the Property from R-60 (Residential Detached) to CRNF-0.75 C-0.25 R-0.75 H-50', (Commercial Residential Neighborhood-Floating) as opined in County Council Resolution No. 19-1308 with the following language:

The classification of the Property "is hereby approved subject to the specifications and requirements of the revised Floating Zone Plan (Exhibit 88), provided that the Applicant files an executed Declaration of Covenants reflecting the binding elements in the land records and submits to the Hearing Examiner for certification a true copy of the Floating Zone Plan approved by the District Council within 10 days of approval, in accordance with §59.7.2.1.H.1.a. and b. of the Zoning Ordinance."

The rezoning envisioned future development on the Site that would relocate the existing entry drive, replace the religious institution use on Parcel A with a 145-bed residential care facility and locate up to 10 detached and 115 attached townhouse units on the area currently occupied by athletic fields and landscaped lawns, for a total of 125 dwelling units (including a minimum of 15% MPDUs). The Floating Zone Plan proposed that the western portion of the Site would be developed with the single-family residential uses and the eastern portion will contain the residential care facility. A future Site Plan must comply with the Certified Floating Zone Plan.

---

<sup>3</sup> Approval subject to the specifications and requirements of the Floating Zone Plan (Exhibit 88(a)), provided that the Applicant files an executed Declaration of Covenants reflecting the binding elements in the land records and submits to the Hearing Examiner for certification a true copy of the Floating Zone Plan approved by the District Council within 10 days of approval, in accordance with §§59.7.2.1.H.1.a. and b. of the Zoning Ordinance.



#### MINOR SUBDIVISION & PLAT NO. 220210830

A binding element of the Local Map Amendment states that the Property must be subdivided to formally delineate the boundary of the area subject to the rezoning at the time of Preliminary Plan. The Property Owner, the Academy of the Holy Cross, filed a Minor Subdivision Plan (“Type D – Subdivision to Reflect Ownership”) and Record Plat No. 220210830 pursuant to Section 50.7.1.D.

The approximately 7.72-acre portion of Parcel B closest to Strathmore Avenue is being sold by the Academy of the Holy Cross to the Applicants - SAH Homes Associates, LLC and BL Strathmore LLC, c/o EYA Development LLC. The remaining 23.2 acres of Parcel B will be retained by the Academy for the continued operation of the school.

## PROPOSAL

The Project proposes the removal and replacement of the former St. Angela's Hall use on Parcel A with the construction of a 145-bed residential care facility for seniors. The facility will have 24-hour residential care; however, no staff will reside on-site.

The Project also proposes construction of up to 9 detached houses and 104 townhouse units on the area currently occupied by athletic fields and lawn, for a total of 113 dwelling units (including a minimum of 15% Moderately Priced Dwelling Units (MPDUs)).

A new private street network will serve the new development. No commercial uses are permitted on the Site except accessory uses associated with the residential care facility, per the LMA No. H-143 and certified Floating Zone Plan.



*Figure 4: Rendering Site Plan*

## SUBDIVISION

The Preliminary Plan proposes to consolidate an existing lot (Parcel A) and a portion of an adjacent lot (Parcel B) for its subdivision into 114 buildable lots and creation of twenty (20) parcels will be apportioned for private roads and alleys and open space.

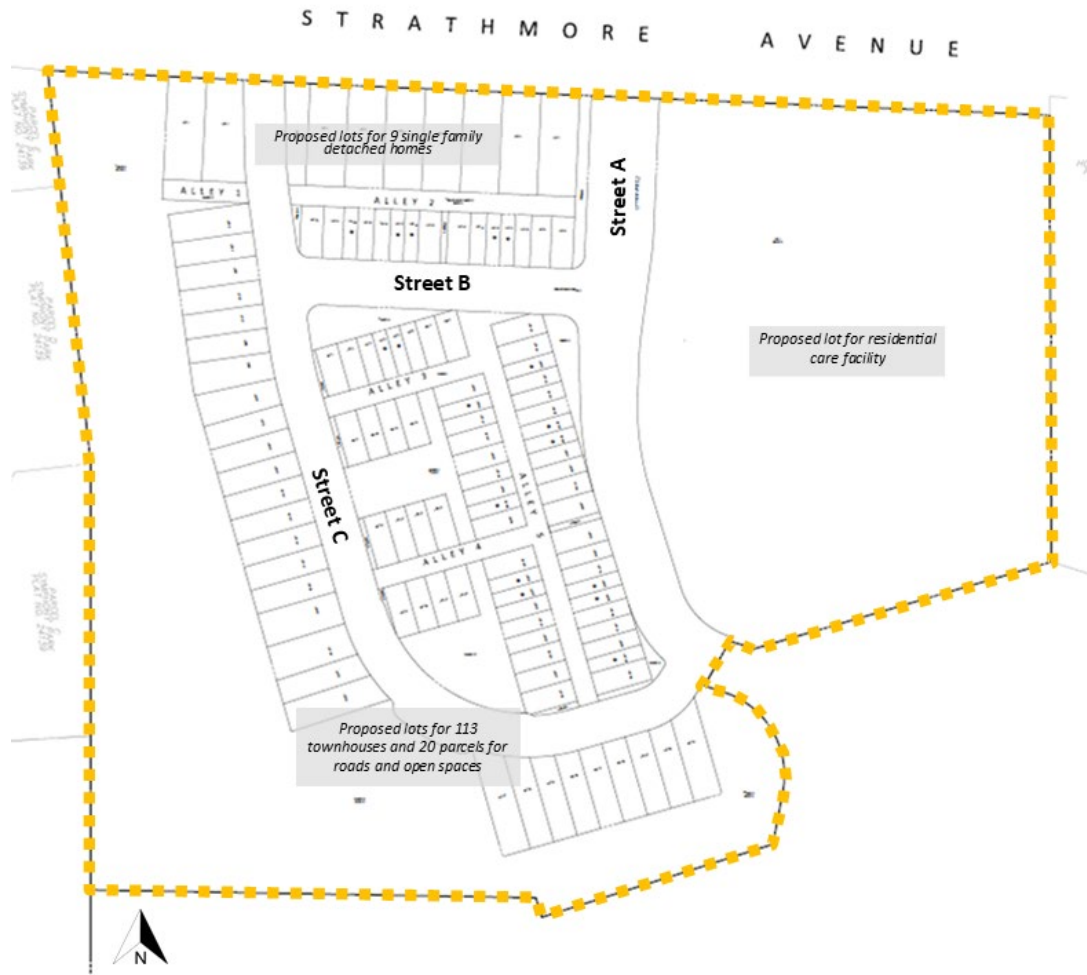


Figure 5: Proposed Subdivision Plan (Subject Property outlined in bold dashed line)

## ARCHITECTURE

As shown in Figure 6, the proposed single-family units are designed to complement neighborhoods within the Project vicinity while offering a modern interpretation of the classic brownstone. The scale and massing of these homes will be complementary to the adjacent community while still responding to the modern design influences prevalent in the market today. Each market-rate home will have an optional rooftop terrace and loft level.



Figure 6: Architectural Elevations for the Proposed Single-Family Homes – Single Family Detached (Top) and Townhouses (bottom)

The three-story residential care facility will take advantage of the significant grade in the eastern portion of the Property, which slopes down from a high point along Strathmore Avenue to the stream valley to the south, by constructing structured parking for this building into the hill. This building presents itself as two stories from Strathmore Avenue and three stores from the main entry road interior to the Site due to topography. The architectural style of this building is traditional and includes arched details, dormer elements, and a peaked roof incorporated into all sides. The building facades are comprised of a mix of brick, stone, cement board panels, and composite trim.



Figure 7: Architectural Elevations for the Proposed Residential Care Facility



The Site includes high-visibility end units that face rights-of-ways and open spaces, which will feature windows, trim and other detailing used on the front of the units. These additional design features will avoid the appearance of blank walls. Although several alleys are exposed to the public realm, landscaping, fencing, or a combination of both, will be provided to screen them from view.

## OPEN SPACE

Section 59-5.3.5.D.2.a, “Commercial/Residential Floating Zones General Requirements,” of the Montgomery County Zoning Ordinance requires that the Project provide 10% of the Site area as common open space for the townhouses and 10% of the Site Area as public open space for the residential care facility. The nine (9) proposed single-family detached homes are not subject to this requirement. The Applications provide a combined total of 11% of the Site area or 70,000 square feet of public open space and common open space spread across the Site, as shown in Figure 8 below. These spaces will be amenitized to appeal to a wide range of residents.

### Public Open Space

To satisfy the public open space requirement for the proposed residential care facility, the Applicants propose 20,000 square feet (0.46 acres) across two areas along the east side of proposed Street A at the intersection of Strathmore Avenue and at the intersection of Street C with terraced seating. The location to the east of Street A is the main gathering space for the community. With a focus on wellness and accessibility, this gathering space takes advantage of its visible location, easy access, and green backdrop. The third area is along the west side of Street A at the intersection of Street C. While the open spaces proposed on Street A are internal to the Site and intended to be accessible and visible, they are adjacent to the road that serves as the main spine through the community and to the Academy of the Holy Cross where significant amounts of traffic will traverse.

### Common Open Space

To satisfy the common open space requirement for the proposed townhouses, the Project is providing 50,000 square feet (1.15 acres) that stretches along two locations. The first area is along the rear of the townhouse units to the south and west of the Site. This area includes a section of the common open space that is located in between the townhouse units to the south and west of Street C which takes advantage of stormwater facilities that are intended to function as rain gardens and incorporates them as landscape amenities of the space. The second area of common open space is identified as the two (2) pocket greens to the west of Street A will be exposed to less vehicular traffic and will be framed by adjacent townhouses and landscaped areas to help buffer the adjacent residences from activities occurring within the center of the gathering space. The landscape areas will offer seasonal interest and soften the space's edges while providing defined areas for people to sit.

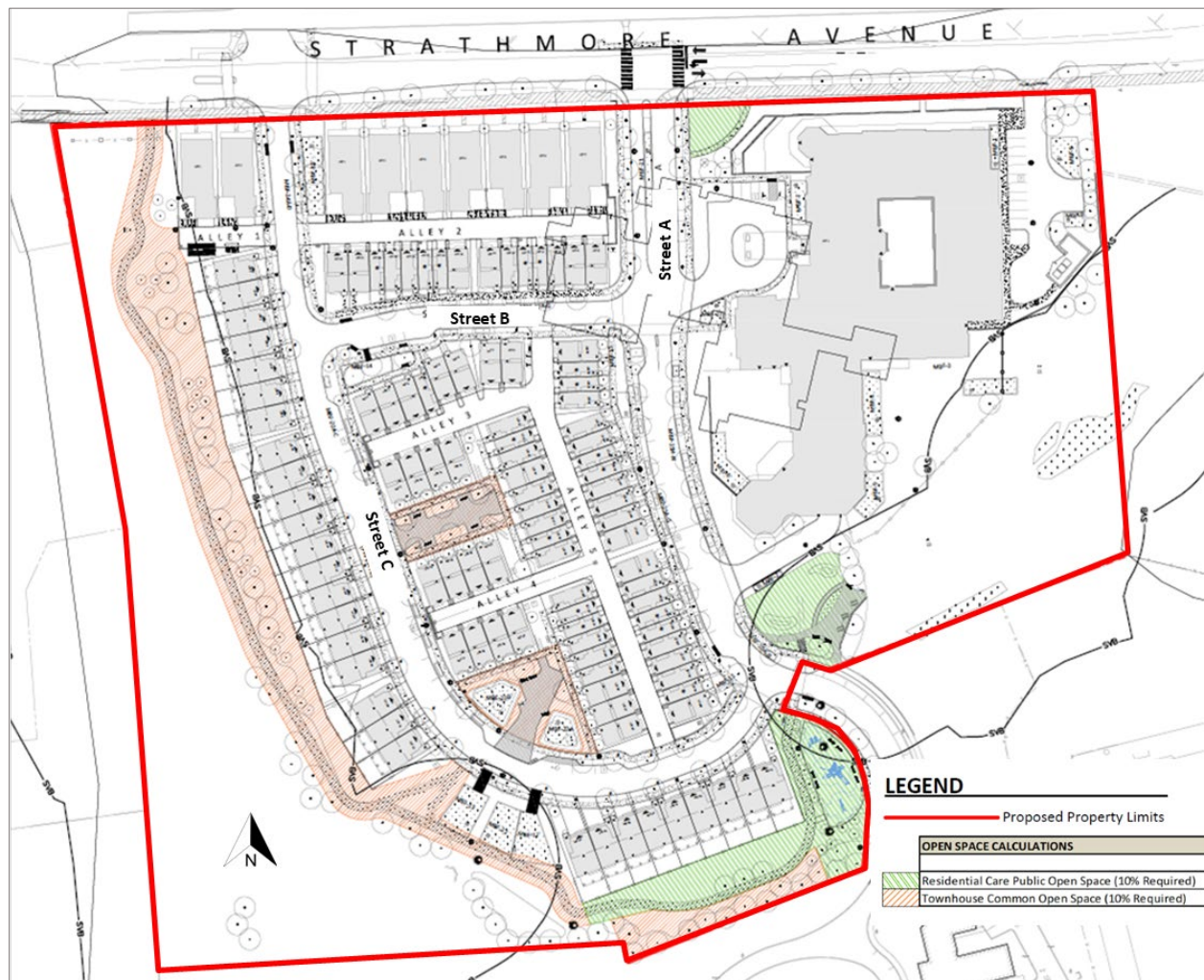


Figure 8: Proposed Open Spaces for the Site

## RECREATION

In addition to the open space requirements, the Site Plan is subject to the M-NCPPC 2017 *Recreation Guidelines for Private Residential Development*. Recreation is proposed to be satisfied across four broad categories: Passive Outdoor Recreation, Child Play Areas, Urban Formal Spaces, and Recreation Elements, as shown in Figure 9 below.

The terraced garden area takes advantage of the sloping terrain and includes hardscaping, landscaping, a sculpture, a bicycle support station, and a fountain to add visual interest. The location of this green space is intended to encourage inter-generational activity from residents of the residential care facility and the surrounding residences. The Proposal also includes recreation equipment that is designed to accommodate recreational activity for children with a range of physical abilities and challenges. Four (4) picnic tables are proposed which have an ADA accessible design to accommodate a wheelchair. The forest conservation area includes a natural surface trail that traverses the rear of the townhouse units to the south and west of the Site. The trail will remain in private ownership with a public access easement.

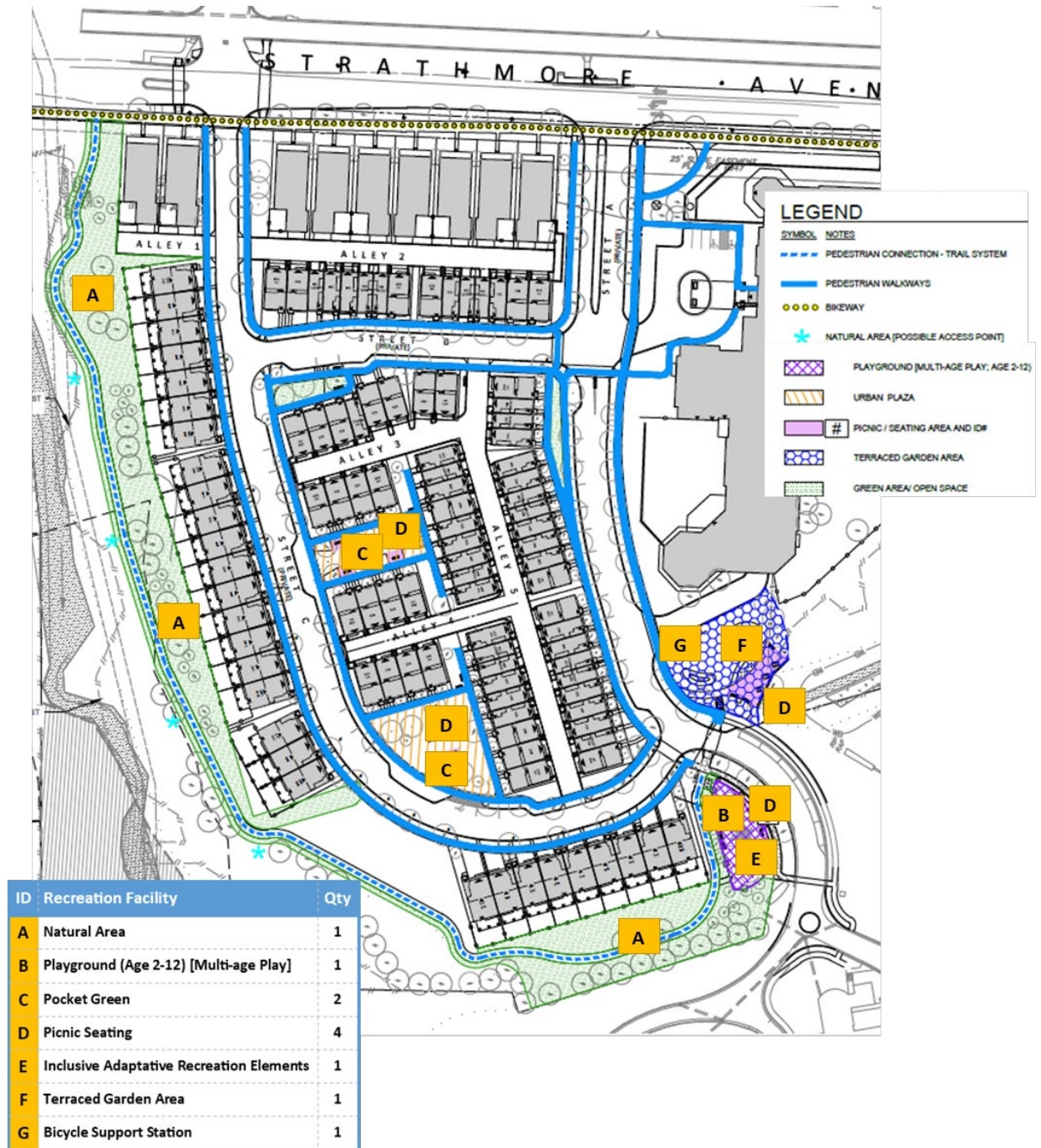


Figure 9: Proposed Recreation Facilities



## TRANSPORTATION

### *Vehicular Access and Circulation*

The Project will reconfigure the Site's access points by replacing the three existing Strathmore Avenue access points with three new access points: one on the western side of the Site, Street C, aligned with Stillwater Avenue, one in the middle of the Site (Street A), and a service-only entrance along the eastern edge of the Site, serving the residential care facility. Private Streets A and C will be connected internally to the Site by Private Street B. The Strathmore Avenue and Private Street A intersection will be improved with the installation of a new traffic signal and a 150-foot-long westbound left turn lane. The construction of the turn lane requires a maximum of three (3) feet from the existing vegetated median and will accommodate stacking for up to 6 vehicles.

Pedestrian access to the Site will be from the established sidewalk network to the west of the Site along Strathmore Avenue (MD 547), which will be extended by streetscape improvements along the Property frontage, consistent with recommended streetscape standards within the *Complete Streets Design Guide*. Pedestrian access will be provided from the north via an existing crosswalk along the western leg of the Strathmore Avenue and Stillwater Avenue intersection. Internally within the Site, five to six-foot wide sidewalks with tree-lined street buffers are provided along both sides of each private street.

### *Parking*

The Project proposes a combined total of 290 vehicle parking spaces, including a requested waiver<sup>4</sup> to exceed the baseline maximum parking quantity by two (2) parking spaces. Each townhome and detached single family residence will be built to accommodate a two-car garage. A total of 32 on-street spaces along the private internal roads are proposed to be dedicated towards visitor parking for the residential townhouses and detached component of the Project. A dedicated loading zone is provided to the rear of the residential care facility. The Project will provide six (6) long-term bicycle parking spaces within residential care facility parking garage.

---

<sup>4</sup> The requested parking waiver is discussed in more detail under the Site Plan Findings section of the report.

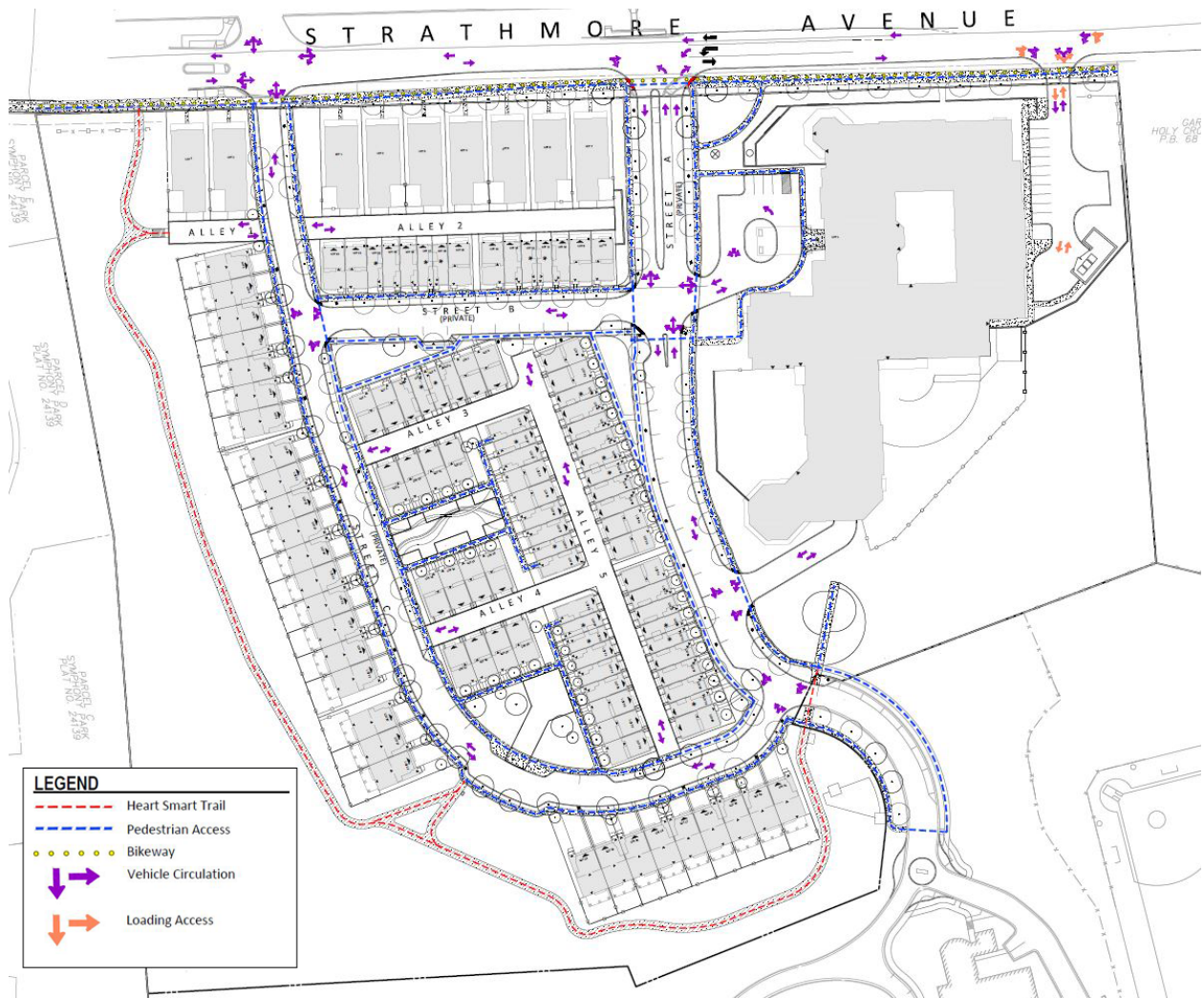


Figure 10: Proposed Circulation Plan

### Non-Motorized Facilities

As shown in Figure 11, the Application proposes to construct the master planned 10-foot-wide sidepath with a 6-foot-wide green panel along the Property's frontage, extending the existing sidepath from the west of the Property.

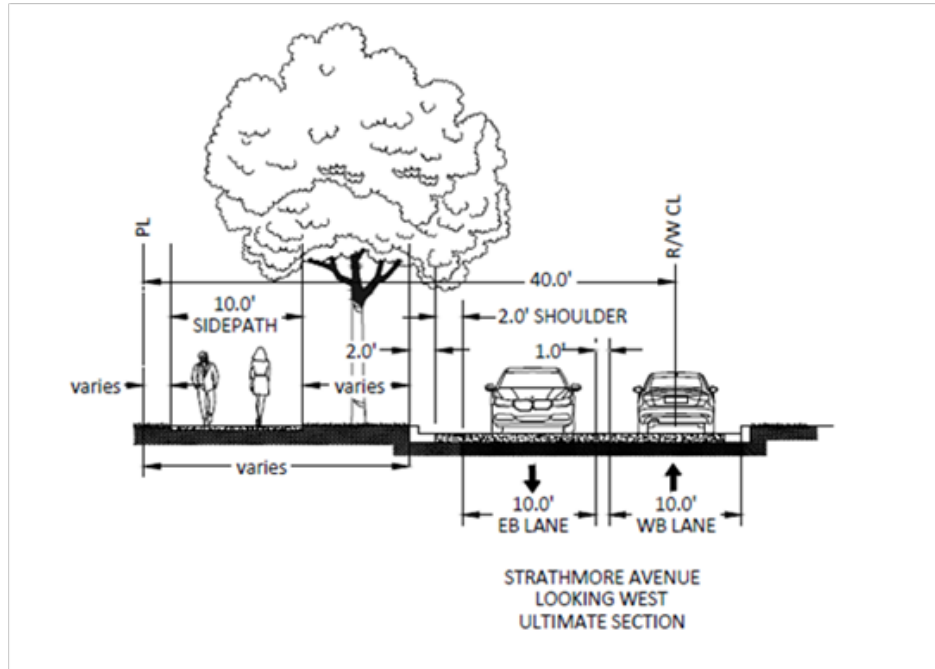


Figure 11: Proposed Strathmore Avenue Road Cross Section

### Off-site Improvements

The Proposal includes off-street improvements, as required by the Local Area Transportation Review (LATR). These improvements include a protected pedestrian crossing, a crosswalk to correspond with a signal across Strathmore Avenue, a widened pedestrian bridge to the west of the Site that ties into the existing shared use path that fronts the Symphony Park townhouse development (within the public-right-of-way), new curb ramps to the north of the Site, an extended 10-foot-wide sidepath with a 6-foot-wide-green buffer to the east of the Site<sup>5</sup>, and streetlighting to the east of the Site. While not required by the LATR, the Application also proposes a traffic signal at the Site's new main entrance on Strathmore Avenue. Additional details are provided in the Preliminary Plan findings section.

## ENVIRONMENT

The Project conforms to the Environmental Guidelines and meets all the necessary requirements for forest mitigation through various conditions of approval.

### Environmental Guidelines

The Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) No. 420211410 was approved for the Subject Property by Staff on July 27, 2021, of which there are several environmental resources that impact the Site and Subject Property. The Property is within the Rock Creek watershed and streams run along the eastern, southern, and western edges of the Property where three (3) non-tidal wetlands

<sup>5</sup> This requires additional right-of-way to be obtained for the proposed off-site sidepath.

are present. Rock Creek is a State Use Class I stream in this area and is not within a Special Protection Area. After being piped under the driveway, the tributary from Parcel A runs into the western stream, which continues to the south. The NRI/FSD illustrates that more than 10 acres of the 35+ acres that make up the Subject Property is encumbered by stream valley buffer. A portion of this stream is within a FEMA 100-year floodplain. There is 4.06 acres of forest on the Site, with 152 significant and specimen trees on-site and within 100 feet. There is 0.64 acres of forest and 46 significant and specimen trees on the Subject Property. There is one soil type (16D) classified as highly erodible, along with areas of steep slopes (15% to 25%) with erodible soil, and steep slopes greater than 25%. There are no observed or known rare, threatened, or endangered species, nor historic resources on the Property.

The Applicant proposes minor encroachments into the stream valley buffer for a natural surface trail. The trail will traverse the primary open space area behind residential units on the western side of the Property. Along this trail, numerous plantings are proposed within Category I and II Conservation Easements. A second area of Category I and II Conservation Easements is proposed along the southeastern tributary.

Other encroachments into the stream valley buffer include some stormwater management features, a small portion of Street C for fire access that is permeable pavement, and townhouse rear yards and fencing. Per the Environmental Guidelines these encroachments may be permitted if other approaches are implemented to replace lost buffer functions, which is further explained below in the Findings section.

#### *Final Forest Conservation Plan*

A Preliminary Forest Conservation Plan (PFCP No. H-143) was approved with Local Map Amendment (LMA) No. H-143 on May 19, 2022. The PFCP included a variance approval to remove twelve (12) trees and to impact, but retain, an additional three (3) trees covered by the variance provision of Section 22A-12(b)(3) of the Forest Conservation Law. The PFCP covers the entire property that was subject to the LMA, including the 15.36-acre area under this Site Plan and the remaining property that is being retained by the Holy Cross Academy. The net tract area covered by the PFCP is 39.46 acres.

A Final Forest Conservation Plan (FFCP) was submitted with the Preliminary and Site Plans.–The FFCP also covers the entire property under the PFCP. The Net Tract Area for the FFCP, including off-site disturbance related to the development, is 39.60 acres. Consistent with the NRI/FSD and PFCP, the FFCP shows 4.06 acres of existing forest cover and 0.48 acres of forest to be cleared or counted as cleared to construct the proposed development. The Applicant is retaining 3.58 acres of forest.

A total of 2.84 acres is required for new plantings to meet reforestation and afforestation requirements. The Applicant proposes to plant 3.0 acres and apply the extra 0.16 acres of plantings as enhanced forestation for mitigation for proposed stream buffer encroachments. A Category I Conservation Easement will be recorded over 1.75 acres of forest plantings. A Category II Conservation

Easement will be recorded over the remaining 1.25 acres of forest plantings. The FFCP includes an amended variance request for increased Critical Root Zone (CRZ) impacts to three trees, and new CRZ impacts to one tree.

#### SECTION 4: PRELIMINARY PLAN 1120220160 FINDINGS AND ANALYSIS

- 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.***

- a) The Lot(s) and Use comply with the basic requirements of Chapter 59***

The Preliminary Plan would create 114 buildable lots for residential uses and 20 parcels for open space and private roads. The Preliminary Plan meets the dimensional requirements for the CRNF zone as specified in the Zoning Ordinance and as shown in Table 1 below, in relation to maximum density, height, and minimum open space. Additionally, the Application must provide the minimum required amount of parking spaces associated with the proposed uses. The final number, configuration, and location of parking spaces will be approved with the concurrent Site Plan based on the number of residential dwelling units and beds with the residential care facility. Further discussion on parking is provided in the subsequent report section.

Related to block design, Section 50.4.3.B.1.a. of the Zoning Code states that: The length of a residential block must be compatible with existing development patterns and the land use goals for the area of the subdivision. The maximum length of a block is 1,600 feet. The longest block proposed, Street C, is less than 1,000 feet; therefore, the Plan complies. Further, per Section 50.4.3.B.1.b., “Blocks must be designed with sufficient width to provide 2 tiers of lots. The Board may approve exceptions to block width design for blocks adjacent to heavy traffic ways, railroads, streams, drainage courses, or for land uses where it is appropriate to establish blocks with 1 tier of lots”. The Application shows one tier of lots along the western and southern edges of the development. The Preliminary Plan Application includes a request for an exception from the Planning Board based on the environmental constraints of the stream valley buffer which is supported by Planning Staff.

Overall, both the block and lot designs are appropriate for the development and uses therein.

*Table 1: Preliminary and Site Plan Data Table for CRNF Zone, Standard Method*

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Proposed</b>
<b>Tract Area</b>		688,801 sf. (15.81 ac.)
Prior Dedication	n/a	19,952 sf. (0.46 ac.)
Proposed Dedication	n/a	n/a
<b>Site Area</b>	n/a	668,849 sf. (15.35 ac.)
<b>Maximum Density of Development</b> (CRNF-0.75, C-0.25, R-0.75, H-50)	Residential - 0.75 FAR/ (516,658 sf.) Commercial - 0.25 FAR (172,219 sf.)	Residential - 0.70 FAR/ (482,000 sf.) Commercial - 0 FAR (0 sf.)
<b>Public Open Space</b> (Residential Care Facility)	10% (19,438 sf.)	10.3% (20,000 sf.; 0.46 acres)
<b>Common Open Space</b> (Townhouses)	10% (44,000 sf.)	11.4% (50,000 sf.; 1.15 acres)
<b>MPDU requirement<sup>6</sup></b>	15%	15% (17 units)
<b>Building Height</b>	50 feet	50 feet
<b>Accessory Structure Height</b>	25 feet	25 feet
<b>Principal Building Setbacks</b>		
From Site Boundary – Strathmore Ave.	n/a <sup>7</sup>	10 ft.
From Site Boundary – Side & Rear	n/a <sup>3</sup>	50 ft.
Minimum Lot Size	n/a <sup>8</sup>	672 sf.
Maximum Lot Coverage	n/a <sup>4</sup>	80%
Front setback	n/a <sup>4</sup>	0 ft.
Side street	n/a <sup>4</sup>	0 ft.
Side	n/a <sup>4</sup>	0 ft.
Rear	n/a <sup>4</sup>	0 ft.

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

The Preliminary Plan substantially conforms to the recommendations within the *1992 North Bethesda/Garrett Park Master Plan* (“Master Plan”), as discussed below.

### **a) Land Use**

#### *Land Use & Zoning*

The LMA Staff Report and Council County Resolution No. 19-1308 confirmed that the proposed land uses are consistent with the goals of the CRNF Zoning District and Master Plan. The Master Plan puts forth sweeping recommendations for the Plan Area which include concentrating future development at Metrorail stops, new transit stations, and areas best served by transportation infrastructure, with more emphasis on housing; reducing block sizes in the vicinity of Metro areas; making pedestrian improvements, particularly near transit nodes; and providing a landmark quality and sense of place for

<sup>6</sup> The MPDU requirement applies the single family detached homes and townhouses only.

<sup>7</sup> Established by the approved Floating Zone Plan – LMA No. H-143.

<sup>8</sup> Established by this Site Plan Application.

nodal areas and districts. The Application satisfies these recommendations within the context of the Site by adding development near transit, improving transportation infrastructure for non-automobile modes, providing walkable blocks within the development, and using design best practices and construction materials to create a high-quality recognizable place that fits within the larger neighborhood.

The Subject Property is not contained within a particular Master Plan Sub-Area and outside of sub-areas, the Master Plan identifies parcels and groups of parcels that are undeveloped or under-developed and have the greatest potential for redevelopment. The Master Plan includes recommendations specific to the Property which is listed as Parcel No. 14 (pages 80-81). The Plan identifies the 35+ acre tract for the Academy of the Holy Cross which includes the school buildings, athletic fields, and a former group home for retired nuns. Citing the students' use of nearby transit, the Plan "supports the continued existence of the Academy and the retirement home at this location and recommends that the existing R-60 zoning be confirmed" (Page 81).

Following the Plan's recommendation, the Proposal includes the retention of the Holy Cross School alongside of the proposed redevelopment. However, with the closure of the St. Angela's Hall retirement home, this part of the recommendation can no longer be fully realized. To meet the new realities while also respecting the Plan's vision to capitalize on housing with adjacency to a transit node, the proposed housing includes townhouses and detached single-family units and elderly housing through a residential care facility.

The Master Plan also emphasizes other objectives for the Subject Property: "preserving green areas and institutional open space for environmental protection, wildlife sanctuary, recreation, and visual relief" (page 81). The Application seeks to address this environmental objective and others. Portions of the existing open lawn areas on the Site are proposed to be protected through Category I and Category II Conservation Easements with native plantings that can provide water quality protection, wildlife habitat, and visual relief from the surrounding development.

#### Density & Building Height

Per the approved LMA, the Property is limited to a density of 0.75 FAR or 516,658 square feet of residential uses, whereas the Proposal encompasses 0.70 FAR or 482,000 square feet of residential uses. While 0.25 FAR of commercial use is permitted, no commercial is proposed.

The proposed height of the detached and townhouse residential units and residential care facility is within the 50-foot height limit established by the LMA and certified Floating Zone



Plan and will not exceed the existing heights of any existing structure on the Subject Property or those on the Academy of Holy Cross property.

### Housing

The Master Plan recommends the provision of adult day-care facilities; the location of elderly housing and elderly support services along bus routes; the provision of affordable elderly housing through the special exception process; and support for the consideration of land in public ownership for affordable elderly housing. With the closure of St. Angela's Hall retirement home and the need for elderly housing identified in the Master Plan, the subdivision Application seeks to bring forth residential uses that fill a significant gap in the community's existing housing stock. The proposed development will deliver a multi-generational community, where families and students at the adjacent schools, and seniors can interact and benefit from proximity. Further, the Application will address the Moderately Priced Dwelling Units requirements of Chapter 25A of the County Code by providing 15% of MPDUs.

### Urban Form

The Master Plan emphasizes the design of existing and new streetscapes to encourage pedestrian usage, particularly along corridors that are within walking distance to transit and to address the lack of buffering adjacent to travel lanes for enhanced safety and comfort. Therefore, the Master Plan recommends the addition of street trees to create an appropriate buffer and the widening of sidewalks, and where necessary, additional special design treatment. The Proposal includes upgrading the Strathmore Avenue frontage through the construction of the master-planned 10-foot-wide shared use path with a 6-foot-wide green buffer which will improve the pedestrian realm to reach various surrounding destinations, including Holy Cross School and the Garrett Park Middle School. New private internal streets will include on-street parking and street trees between the curb and sidewalk.

### Community Facilities

The Master Plan recommends that safe pedestrian access is provided to all school facilities. The Proposal includes a shared use path that will be extended off-site and will assist in providing a walkable/bikeable facility that connects to abutting properties, including Holy Cross School. This improvement will provide a complete link to Rockville Pike and to an existing bus stop on Strathmore Avenue. Additionally, the proposed sidewalks along Street A will facilitate pedestrian movements to the south to access the Academy of the Holy Cross School.

### Open Space

While the *North Bethesda/Garrett Park Master Plan* broadly recommends providing green spaces in appropriate locations, there are no specific open space recommendations for the Subject Property. A significant element of this development is the various public open space and common open space spread across the Site to create gathering options, as well as flexible open lawns for passive and active recreation for future residents and the greater communities. These spaces are designed in nodes along the primary access through the Property to be highly visible and accessible via pathways and crosswalks. These open spaces will be connected by an internal network of sidewalks and a natural surface trail as well as sidewalks external to the Property that connect to surrounding neighborhood uses. A natural surface trail along the western portion of the site creates a pedestrian connection from Strathmore Avenue to the larger neighborhood along the stream valley. This connectivity with green spaces is consistent with the Plan's vision.

### **b) Environment**

The *North Bethesda/Garrett Park Master Plan* makes environmental recommendations to restore environmental functions in the Plan area as it undergoes redevelopment (Pages 4 and 247):

- Protect the woodlands through land use recommendation and development guidelines,
- Create a system of greenways,
- Adopt a "green corridors" policy for North Bethesda roadways,
- Focus development at transit stations to improve air quality, and
- Address existing stormwater management problems, particularly at the time of new development.

The Application meets the recommendations of the *North Bethesda/Garrett Park Master Plan* as well as the intent of the Forest Conservation law, and the Environmental Guidelines. The proposed subdivision contemplates broad environmental sustainability improvements, including preserving natural resources, improving water and air quality, and reducing carbon emissions.

As shown on the Forest Conservation Plan, the Project follows the environmental regulations and guidelines for the protection of existing natural resources on the Site. To preserve and enhance natural resources and their associated functions, the Project will create new housing and new roadways that avoid impact to natural resource areas. While minimal forest is proposed for removal and some specimen trees are proposed for impacts, the Project will provide appropriate tree mitigation and satisfy afforestation and reforestation requirements. As a result, areas that are currently lawn will have some new tree cover.

To advance the vision for greenways and green corridors, an interconnected system of sidewalks, a ten-foot-wide-sidepath, and natural surface trail are proposed. Where feasible, these important site elements will be connected to existing infrastructure for broader mobility beyond the Site. Given the Site's close proximity to bus and rail service, this proposed system for pedestrians and bicyclists will make alternative modes of transportation safer, more convenient, and contribute to broader air quality improvements. Additionally, the Project follows the *Environmental Guidelines* as it relates to minor encroachments that are permitted into a stream valley buffer under unique circumstances for the construction of the natural surface trail and stormwater management.

To address stormwater management and to protect and improve water quality, the Project proposes to minimize imperviousness by applying permeable pavers along proposed Street C, and by using micro-bioretenment areas, planter boxes, and a Modular Wetland System to assist with filtering and retaining water on-site and landscaping the redeveloped Site with native plants. As shown on the Site Plan, the development will integrate structural soil cells into the design to further support the trees with sufficient soil volume where the landscape panels are narrow.

Overall, the Application is consistent with the *North Bethesda/Garrett Park Master Plan* and other applicable county plans and policies.

### **c) *Transportation***

#### **Roads**

The Master Plan's transportation objectives include providing a safe, attractive, and efficient transportation system to serve the recommended land use patterns, meet the mobility needs of the elderly and mobility-challenged, and provide a bicycle and pedestrian network as part of the transportation system (page 33). The Proposal will realign the existing access road (Street C) and add two new street connections (Street A and Street B). These additions help to create a network of interconnected streets that accommodate a range of users and various physical abilities. In accordance with the Applicant's justification for private roads per Section 50.4.3.E.4.a of the Zoning Ordinance, Streets A, B, and C are proposed to be private, as these streets are intended to only accommodate local circulation within the Project and the adjacent Academy of the Holy Cross, and do not provide transportation capacity for the general public. Additionally, these streets could not effectively function as public roads constructed to public standards because of approved modifications related to lane widths and green panels. Additionally, vehicular access and circulation via a new internal road system meet the requirements of Chapter 49, Streets and Roads, and the Countywide Bicycle Master Plan.

This development will provide diverse housing options and create a cohesive community that contributes to the greater area's pedestrian, bicycle, and vehicular circulation by extending Stillwater Avenue into the development and providing additional street access to the Academy of the Holy Cross.

### Transportation

The Master Plan recommends that future development be focused on Metrorail (Metro) stops, new transit stations, and areas best served by transportation infrastructure, with more emphasis on housing. The Plan also encourages the location of elderly housing and elderly support services along designated bus routes or near Metrorail (page 244). The Project is located within close proximity to the Grosvenor-Strathmore Metrorail Station and there is existing bus route service and stops along the Site's Strathmore Avenue frontage, including a location at the entrance of the vacant St. Angela's Hall. New internal shortcuts to the Metro Station were evaluated by the Applicant but found infeasible due to ownership issues and environmental constraints. Therefore, the Project will provide sidewalks and buffered sidepath infrastructure for pedestrian, bicyclists, and other micro-mobility modes to safely access public transit services primarily by exiting the Site at Strathmore Avenue and then traversing Rockville Pike.

### Transit

The Master Plan makes broad recommendations to encourage transit use, including major expansions to the public transportation system (page 2). Other recommendations include increasing the frequency of Metrorail and MARC service and increasing bus services throughout the area. The immediate area is well served by transit and the Subject Property is serviced by Ride On, with existing bus stops located along the Property's frontage with Strathmore Avenue. The Property is also approximately 1/3-mile walking and bicycling distance of the Grosvenor-Strathmore Metrorail station. The nearest public transit routes are as follows:

- Ride On route 5 operates along Strathmore Avenue, providing service between the Silver Spring CBD, Rockville, the Pike District, Wheaton, Potomac, and the Twinbrook, White Flint, Grosvenor-Strathmore, and Silver Spring Metrorail stations.
- Ride On route 37 operates along Strathmore Avenue, providing service to the Silver Spring CBD, Rockville, the Pike District, Wheaton, Potomac, and the Grosvenor-Strathmore and Wheaton Metrorail stations.

Additionally, according to the 2013 *Countywide Transit Corridors Functional Master Plan*, the Rockville Pike (MD 355) and North Bethesda Transitway Bus Rapid Transit projects each have a station planned at the Grosvenor-Strathmore Metrorail station.

The redevelopment proposes enhancements to existing sidewalks, bicycle facilities, and pedestrian lighting along Strathmore Avenue that will support increased access to nearby existing transit service.

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

**a) *Roads and other Transportation Facilities***

**i. *Master-Planned Roadways and Bikeways***

As summarized in the preceding section, the Applications will adequately address master-planned improvements for Strathmore Avenue. In accordance with the 1992 *North Bethesda/Garrett Park Master Plan*, Strathmore Avenue (MD 547) is designated as an Arterial, A-272, with a planned 80-foot right-of-way and a separated bikeway. According to the 2018 *Bicycle Master Plan*, a ten-foot sidepath is designated along the southern frontage between Rockville Pike (MD 355) and Kenilworth Avenue. A sidepath along one side of the corridor is consistent with the Neighborhood Connector standards identified within the *Complete Streets Design Guide*. No sidewalk currently exists along the Strathmore Avenue property frontage and along approximately 1,068-feet of Strathmore Avenue to the east, past the Flanders Avenue intersection. The Application proposes to construct the master planned 10-foot-wide sidepath with a minimum 6-foot-wide green panel, extending the existing sidepath from the west of the Property up to the eastern property line.

**ii. *Pedestrian and Bicycle Facilities***

The Application also includes the provision of a natural surface trail, that is sensitive to the on-site environmental features and provides a connection from the Property to the paths leading to Metro to the west. This natural surface trail improvement exceeds the requirements in the Bicycle Master Plan. All pedestrian and bicycle facilities will be designed in accordance with MDOT SHA standards and the 2018 Bicycle Master Plan, where applicable.

**b) *Local Area Transportation Review (LATR)***

The approved Local Map Amendment application was previously reviewed under the 2016-2020 Subdivision Staging Policy (SSP) because it was filed before January 1, 2021, when Montgomery Council Resolution 19-655, the 2020-2024 *Growth and Infrastructure Policy*, went into effect. At the time of the review of the Local Map Amendment, the Subject Property was previously located within the North Bethesda orange policy area, as determined under the 2016-2020 *Subdivision Staging Policy*. A revised traffic study was required to satisfy pedestrian, bicycle, and transit adequacy analyses due to these Preliminary Plan and Site Plan requests exceeding 50-peak hour person trips, as referenced in Table 2. As a result, the revised traffic study as part of this Preliminary Plan was reviewed under the 2020-2024

Growth and Infrastructure Policy due to the traffic scoping application having been accepted in April of 2022 and reviewed within the Grosvenor red policy area.

*Table 2: Site-Generated Peak-Hour Person Trips*

Land Uses	Square Feet, Units, or Beds <sup>9</sup>	Site-Generated Peak-Hour Person Trips	
		Morning	Evening
Former Use			
Assisted Living	38,000 sf.	12	15
Total Existing Person Trips		22	28
Proposed Land Uses under this application			
Townhomes	115 Units	45	56
Detached Single Family Residential	10 Units	10	9
Assisted Living <sup>10</sup>	150 Beds	24	32
Proposed Subtotal Vehicular Trips		79	97
Proposed Subtotal Person Trips		127	154
Net Increase in Peak-Hour Person Trips		+105	+126

*(Source: Applicant's LATR Review prepared by Gorove Slade)*

#### *Pedestrian, Bicycle, and Bus Transit Adequacy Tests*

In March of 2022, the Planning Board updated the 2022 LATR to provide guidance on establishing the maximum costs of improvements an applicant is required to construct or fund to address deficiencies identified in the review of Pedestrian System Adequacy, Bicycle System Adequacy, and Bus Transit System Adequacy. Section VIII of the 2022 LATR includes a methodology by which the extent of development determines the maximum cost of mitigation projects.

$$LATR \text{ Proportionality Guide} = \left( \frac{\text{Extent of Development}}{\text{Extent of Development}} \right) \times \left( \frac{LATR \text{ Proportionality Guide Rate}}{LATR \text{ Proportionality Guide Rate}} \right) \times \left( \frac{LATR \text{ Proportionality Guide Adjustment Factor}}{LATR \text{ Proportionality Guide Adjustment Factor}} \right)$$

*(Source - Page 54 of the 2022 LATR)*

For the Subject Preliminary and Site Plans, the maximum cost of construction for mitigation projects is capped at \$1,315,890<sup>11</sup>. After evaluating the adequacy of each of the required transportation modes,

<sup>9</sup> The final proposed unit count for townhomes and single-family detached, and number of beds for the residential care facility are lower than what was analyzed.

<sup>10</sup> The proposed residential trip generation was calculated using ITE Land Use Code 254 (Assisted Living) for the residential care facility.

<sup>11</sup> Per the LATR Guidelines, the project's land use categories are Townhomes (Single Family Attached), Single Family (Detached) Homes, and Assisted Living Facility with a proportionality guide rate of \$16,506 per townhome; \$20,173 per single family home; and \$3,668 per assisted living bed, respectively. Based on the project's location and policy area, the proportionality adjustment factor is 50 percent.

the Applicant identified a comprehensive list of deficiencies, by which a prioritized list of mitigation improvements was submitted to staff for review. In compliance with the 2022 LATR, the final list of prioritized projects which could be feasibly constructed, within the proportionality guidance, was finalized by the reviewing agencies and is now conditioned for approval of the Preliminary Plan. The final list of projects is included in Table 3 and a map of the project locations is provided on Figure 12 below.

*Table 3: 4910-4920 Strathmore Avenue LATR Mitigation Project List*

Map ID	Project Description	Project Location	Project Cost
1	Strathmore Avenue - 30' west Sidepath Connection (Remove existing sidewalk and replace with widened 10-ft-wide sidepath)	South Side of Strathmore Avenue between western property boundary to existing sidepath to the west	\$360,376.80
2	Strathmore Ave/Stillwater Ave: ADA-Compliant Curb Ramps and Continental Crosswalk	North leg crosswalk and curb ramps (3) on the north side of Strathmore Ave.	\$34,440.00
3	Strathmore Ave/Center Driveway: ADA-Compliant Curb Ramp and Continental Crosswalk	East leg crosswalk and receiving curb ramp on the north side of Strathmore Ave.	\$27,182.40
4	East Sidepath Connection with 10' sidepath with 6' buffer	South Side of Strathmore Avenue between eastern property boundary to existing sidewalk east of Flanders Avenue for 1,050 feet	\$722,534.40
5	Five (5) Streetlights to the East	South Side of Strathmore Avenue between eastern property boundary to existing sidewalk east of Flanders Avenue	\$163,388.00
		<b>Total</b>	
		<b>Total Off-site Improvements</b>	\$1,308,333.60
		Proportionality Guide	\$ 1,315,890.00
		Proposed Mitigation Payment	\$7,556.40

*(Source: Page 40 of the Applicant's 2022 LATR & Technical Attachments prepared by Gorove Slade)*



As conditioned, all mitigation projects must be constructed before issuance of the final Use and Occupancy permit or above grade building permit, whichever comes last.



Figure 12: Proposed LATR Mitigation Improvements

As document in the LATR, the projects identified to address pedestrian system deficiencies in Table 4 either exceed the required Proportionality Guide and/or currently present challenges with implementation that range from timing/coordination with other improvements or lack of right-of-way. However, the Department's position is that future conditions may render these projects feasible as an alternative to those improvements identified for implementation in the above Table 3. As conditioned, modifications to conditioned improvements may be warranted. Situations may arise in which an Applicant proposes to replace a conditioned improvement for another improvement on the list of mitigation projects identified in the Staff Report. In these instances, the replacement project

must be of similar cost to the conditioned project, as estimated in the Staff Report and adjusted for inflation.

*Table 4: 4910-4920 Strathmore Avenue LATR Mitigation - Alternative Project List*

Map ID	Project Location	Project Description
2	Strathmore Avenue (south side), crossing of Holy Cross Academy driveway	Add marked crossing
4	Strathmore Avenue (north side), eastern study area boundary to bus stop across from Holy Cross Academy driveway	Add 5 to 8 ft. sidewalk with 5 to <8 ft. buffer
5	Strathmore Avenue (north side), bus stop across from Holy Cross Academy to Stillwater Avenue	Add 5 to 8 ft. sidewalk with 5 to <8 ft. buffer
7	Stillwater Avenue with Strathmore Avenue (north side, east-west crossing)	Add marked crosswalk
8	Strathmore Avenue (north side), Stillwater Avenue to western study area boundary	Add 5 to 8 ft. sidewalk with 5 to <8 ft. buffer
9	Strathmore Avenue & Stillwater Avenue (north-south crossing), NW corner	Bring existing curb ramps to compliance
10	Strathmore Avenue & Stillwater Avenue (east-west crossing), NE corner	Add curb ramp with DWS
12	Strathmore Avenue & Holy Cross Academy Driveway (north-south crossing)	Bring existing curb ramps to compliance
13	Strathmore Avenue & Holy Cross Academy Driveway (east-west crossing), SE corner	Add curb ramp with DWS
17	Strathmore Avenue at Symphony Park Drive EB bus stop (Stop ID 26222)	Add Real-Time Information Display (RTI)
18	Strathmore Avenue at Jolly Way WB bus stop (Stop ID 26256)	Add Real-Time Information Display (RTI)

*(Source: Page 40 of the Applicant's 2022 LATR prepared by Gorove Slade)*

### *Vision Zero Statement*

The purpose of the Vision Zero Statement is to assess and propose solutions to the High Injury Network and safety issues, review traffic speeds, and describe in detail the provision of safe site access. The Application was required to analyze existing traffic safety conditions within 750 feet of the Site frontages, which includes a review of the High Injury Network, review of historical crash data within the last five (5) years, and analysis of traffic speeds along two (2) segments within the TIS boundary. As illustrated in Figure 13, segments of roadway along Strathmore Avenue, Jolly Way, Orleans Way, Stillwater Avenue, Bangor Drive, Aurora Drive, Symphony Park Drive, and Strathmore Access Avenue were included as part of the Vision Zero analysis. Roadways within the study area are not classified as a High Injury Network roadway segment within 750 feet of the Site frontages.



Figure 13: Crash Data near Subject Property (Source: Applicant's 2022 LATR)

The Applicant reviewed the crash history within 750 feet of the Site frontages and determined that 13 crashes were recorded between 2015 and 2020. Of the 13 crashes, none involved bicycles or pedestrians. There were four (4) total crashes resulting in minor/possible injuries, however none were fatal or were classified as serious crashes.

In coordination with Planning staff the Applicant identified two (2) locations for speed studies within the TIS boundary: 1) Northbound Stillwater Avenue between Bangor Drive and Aurora Drive and 2) Southbound Stillwater Avenue between Bangor Drive and Aurora Drive.

The posted speed limits on Stillwater Avenue within the study area is 25 miles per hour (MPH). The 85<sup>th</sup> percentile speeds for each segment were calculated based on the recorded observations. All measured actual 85<sup>th</sup> percentile speeds were above the posted speed limits, with an average of 28 MPH speeds measured for northbound vehicular traffic and an average of 31 MPH speeds measured southbound vehicular traffic.

### *Traffic Mitigation Requirements*

As a Project within the North Bethesda Transportation Management District (TMD) that is greater than 40,000 square feet of gross floor area, the Applicant is required to develop a Level 3 Results Transportation Demand Management (TDM) Plan with the Planning Board and MCDOT to participate in the North Bethesda TMD. However, per the approval of MCDOT, the Applicant may proceed with filing a Level 1 Basic TDM Plan due to the residential care facility generating relatively few peak hour vehicle trips.

#### **c) Other Public Facilities and Services**

The Subject Property is located within the W-1 and S-1 water and sewer categories and is served by a 12-inch water line along Strathmore Avenue and a 15-inch sewer line running north-south through the Property. Therefore, there are adequate water and sewerage facilities to serve the Project. Dry utilities (electric, gas, and communications) will be provided via a public utility easement connected to Strathmore Avenue and running along the central drive, alleys, and behind the proposed front-load townhouses. Additionally, the Project will be serviced by adequate police, fire, and health services.

##### **i. Schools**

The proposed 104 townhouses and 9 single family detached units within the Preliminary Plan are subject to the FY2023 Annual School Test that was effective July 1, 2022<sup>12</sup>. The Project is served by Garrett Park Elementary School, Tilden Middle School and Walter Johnson High School. Based on the FY23 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

*Table 5: Applicable FY2023 School Adequacy*

<b>School</b>	<b>Projected School Totals, 2026</b>				<b>Adequacy Status</b>	<b>Adequacy Ceilings</b>		
	<b>Program Capacity</b>	<b>Enrollment</b>	<b>% Utilization</b>	<b>Surplus/ Deficit</b>		<b>Tier 1</b>	<b>Tier 2</b>	<b>Tier 3</b>
Garrett Park ES	777	722	92.9%	+55	No UPP	140	211	327
Tilden MS	1,216	973	80.0%	+243	No UPP	369	487	669
Walter Johnson HS <sup>13</sup>	2,321	2,121	91.4%	+200	No UPP	380	665	1,013

<sup>12</sup> Dwelling units subject to the Annual Schools Test are categorized by structure type: single family detached, single family attached (townhouse), low-rise multifamily unit, or high-rise multifamily unit.

<sup>13</sup> Projected enrollment reflects the estimated impact of CIP P651908, which will reassign students between the Downcounty Consortium, Walter Johnson High School and Woodward High School in 2026.

The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school's adequacy status and ceilings, as determined in the Annual School Test. Under the FY23 Annual School Test, Garrett Park Elementary, Tilden Middle School and Walter Johnson High School do not require any UPP as identified in Table 5. If the project is estimated to generate more students than the identified ceilings, then additional UPPs or partial payments at multiple tiers may still be required.

#### *Calculation of Student Enrollment Impacts*

To calculate the number of students generated by the proposed plan, the number of dwelling units is multiplied by the applicable School Impact Area student generation rate for each school level. With a net of 104 townhouses and 9 single family detached units that are not age-restricted, the proposed Project is estimated to generate the following number of students based on the Subject Property's location within an Infill Impact Area:

*Table 6: Estimated Student Enrollment Impacts*

<b>Type of Unit</b>	<b>Net Number of Units</b>	<b>ES Generation Rates</b>	<b>ES Students Generated</b>	<b>MS Generation Rates</b>	<b>MS Students Generated</b>	<b>HS Generation Rates</b>	<b>HS Students Generated</b>
SF Detached	104	0.195	20.280	0.096	9.984	0.139	14.456
SF Attached	9	0.166	1.494	0.091	0.819	0.116	1.044
MF Low-rise	0	0.059	0.000	0.023	0.000	0.032	0.000
MF High-rise	0	0.034	0.000	0.015	0.000	0.016	0.000
<b>TOTALS</b>	<b>113</b>		<b>21</b>		<b>10</b>		<b>15</b>

As shown in Table 6, on average, this Project is estimated to generate 21 elementary school students, 10 middle school students and 15 high school students. The estimated number of students generated do not exceed the adequacy ceilings identified for each school. Therefore, no additional UPPs are required, and neither are partial payments across multiple UPP tiers.

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

##### **a) Forest Conservation Plan/Exemption**

The Preliminary Forest Conservation Plan, including a variance for disturbance of trees designated as high priority for retention, was approved with the application for Local Map Amendment No. H-143. The Site Plan being approved concurrently with the Preliminary Plan includes a Final Forest Conservation Plan (FFCP) and contains an amended variance request. The FFCP findings are included in the Site Plan findings later in this report.



***b) Variance Findings***

The approved LMA Application No. H-143 included a variance request to remove and impact trees in order to accommodate the redevelopment. The Site Plan Application includes a revised variance request. The following determinations are summarized in the subsequent Site Plan Findings and Analysis report section.

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

The Stormwater Management Section of the Montgomery County Department of Permitting Services (MCDPS) issued a letter accepting the stormwater management concept dated December 2, 2022. The Application includes environmental site design (“ESD”) techniques that will filter and retain stormwater on-site through micro-bioretenment practices, planter boxes, and a Modular Wetland System. Plantings approved by MCDPS will also be used in ESD’s to the greatest extent practicable.

***6. Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M.***

Not applicable to this Property as there are no known burial sites nor is there a burial site identified in the County Cemetery Inventory.

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

The Application must comply with the binding conditions and certified Floating Zone Plan that were part of LMA-143.

## SECTION 5: SITE PLAN 820220220 FINDINGS AND ANALYSIS

In accordance with Section 7.3.4.E. of Chapter 59, the Montgomery County Zoning Ordinance, the following Necessary Findings must be satisfied:

- 1. When reviewing an application, the approval findings apply only to the site covered by the application.**

The findings herein apply only to the Subject Property.

- 2. To approve a Site Plan, the Planning Board must find that the proposed development:**

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

The application meets all of the binding elements of Local Map Amendment No. H-143 (Council Resolution 19-1308) including the certified Floating Zone Plan.

- b) satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;**

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.

- c) satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;**

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.

- d) satisfies applicable use standards, development standards, and general requirements under this Chapter;**

- i. CRNF Zone**

The proposed residential uses are allowed in the CRNF Zone and the Site Plan fulfills the general purposes of the zone. Please refer to the Preliminary/Site Plan data table in the above Report Section.

- ii. Division 59-6 General Development Standards**

- (1) Division 6.1 Site Access**



Per Section 59.6.1.1 of the Zoning Ordinance, the intent of site access requirements is to ensure safe adequate, and efficient vehicular, bicycle, and pedestrian circulation within and between lots on the same block face and to reduce traffic congestion. The requirement applies to a proposed apartment, multi-use, or general building type within the Residential Multi-Unit, Commercial/ Residential, Employment, Industrial, and Floating zone. Further, Section 6.1.3. for general access requirements, any development must: 1) allow a vehicle, pedestrian, or bicycle to enter and exit the property to and from a street or an abutting site safely; 2) limit vehicle access across a primary pedestrian, bicycle, or transit route wherever feasible; 3) allow a vehicle to enter and exit any on-site parking area in a forward motion; and 4) allow a vehicle to access any pad site from within the site. The Plan complies.

The Site Plan illustrates a combination of roads, sidewalks, bikeways, and natural surface trails that allow access at a number of ingress and egress points into the Site for safe, adequate, and efficient circulation. Internal circulation is also facilitated via 20-foot-wide, two-way alleys. As proposed, site access will be improved through a new network of private roads that provide porosity, new traffic control devices including one new traffic signal at intersection of Strathmore Avenue and proposed Street A, and new non-motorized infrastructure that will connect the new neighborhood to existing public transit options nearby. Traffic congestion will be reduced as a result of the third access point proposed within the Site, the realignment of Stillwater Avenue and an additional turning lane on Strathmore Avenue. The Applicant's analysis of traffic with the additional access point demonstrates that the majority of study intersections operate well below the congestion standard even after the proposed additional trips are added to the network.

## ***(2) Division 6.2 Parking, Queuing and Loading***

Per Section 59.6.2.4.B of the Zoning Ordinance, the Subject Application must provide a minimum of 175 and maximum of 288 vehicular parking spaces<sup>14</sup> based on unit types, number of beds, and employees, whereas the Application proposes 290 off-street parking spaces (Table 7). A total of 16 spaces of the required 62 spaces for the residential care facility are located in surface parking spaces and the remainder are located within the structured parking garage. In accordance with Section 59.6.2.10 of the Zoning Code, the deciding body may waive any requirement of Division 6.2, except the required parking in a Parking Lot District under Section 6.2.3.H.1, if the alternative design satisfies Section 6.2.1. The Applicant requests a waiver from the Planning Board to exceed the maximum total number of off-site parking spaces associated with the residential care facility, as shown in the table below. These two (2) additional spaces are located within the structured garage, will help absorb the visitor demand, and are considered to have a de minimis impact.

---

<sup>14</sup> Per Section 59.6.2.4, projects in a Parking Lot District or Reduced Parking Area (defined as "A designated area defined by a property's zoning and location, including any property not in a Parking Lot District, and 1) in a CR, CRT, LSC, EOF, or equivalent Floating zone, or 2) in a CRN, NR, GR, or equivalent Floating zone that is within 1 mile of a transit station or stop, as defined by Transit Proximity") are subject to parking minimums and maximums. Because the Property is zoned CRNF it is subject to these minimums and maximums.

The waiver satisfies Section 6.2.1 which outlines the intent of site access requirements is to ensure safe and convenient vehicular, bicycle, and pedestrian circulation within and between lots on the same block face and to reduce traffic congestion. Additionally, per Section 59.6.2.3.H.2.b., in a Reduced Parking Area, an Applicant may provide more parking spaces than allowed by the maximum if all of the parking spaces provided in excess of the maximum number allowed are made available to the public and are not reserved, or if a parking waiver under Section 6.2.10 is approved. The Application proposes to make the two additional spaces available to the general public using the garage and will not be reserved.

Staff supports the waiver request associated with the residential care facility given the remainder of the Site complies with the maximum amount of vehicular parking and respects the availability of existing transit and new planned bicycling infrastructure.

Also, an additional 32 on-street parking spaces are proposed along either one-side or both sides of the private streets which will allow for additional visitor parking for proposed residential units and will aid in traffic calming to make the neighborhood more pedestrian-friendly and walkable.

Additionally, 5 long-term bicycle parking spaces are required, which will be met by the Applicant's proposal to provide 6 bicycle parking spaces within the garage. Additional racks will be placed adjacent to two key locations throughout the Site as shown on the Site Plan.

The Application meets the intent of the vehicle and bicycle parking, queuing, and loading requirements to ensure that adequate parking is provided in a safe and efficient manner.

*Table 7: Parking Requirements for the Proposal*

<b>Standard</b>	<b>Permitted/ Required</b>	<b>Proposed</b>
<b>Vehicular Parking</b>		
(104) Townhouse – 1 space min. /2 max. spaces per unit	<u>Single-Family Attached</u> 104 (min.) 208 (max.)	<u>Single-Family Attached</u> 208
(9) Single-Family Detached – 1 space min/ 2 spaces max. per unit	<u>Single-Family Detached</u> 9 (min.) 18 (max.)	<u>Single-Family Detached</u> 18
(145) Residential Care Beds – 0.25 space per bed	<u>Beds</u> 37 (min./max.)	<u>Beds</u> 38 <sup>15</sup>
(50) Residential Care Employees – 0.5 space per employee	<u>Employees</u> 25 (min./max.)	<u>Employees</u> 26
	<u>Combined Total</u>	<u>Combined Total</u>

<sup>15</sup> Of the 64 parking spaces designed to the residential care facility, only 48 will be located within the parking garage, which is under the 50-space threshold for one (1) car sharing space requirement for a parking facility per Section 59.6.2.3.D.1 and for motorcycle/scooter parking per Section 59.6.23.3.C of the Zoning Ordinance.

	175 (min.) 288 (max.)	290 spaces
<b>Surface Parking Setbacks</b> Front Side Street Side Rear Rear, Alley	Behind front building line Behind side street bldg. line Must accommodate landscaping Must accommodate landscaping n/a	Complies
<b>Bicycle Parking</b> 0.10 spaces per employee x 50	5 spaces (95%; long-term)	6 spaces

Per Section 59.6.2.8.B, designated off-street loading is required for the proposed group living residential care facility because it exceeds the threshold of 25,000 square feet gross floor area. Necessary loading and trash collection for the building will occur in the Site's eastern surface parking lot, which is separated from the primary access points for the Site.

### **(3) Division 6.3 Open Space and Recreation**

Per Section 59.6.3.1 of the Zoning Code, open space must provide adequate light, air, circulation, and recreation and encourages preservation and enhancement of natural resources, including improvement of water and air quality. As required, the Applicant is providing public open space associated with the residential care-facility and the townhouses.

Section 59.6.3.9.C of the Zoning Ordinance requires that any development of a property with more than 19 residential units offer recreational facilities in accordance with *M-NCPPC's Recreation Guidelines*. The Site Plan will provide a natural area, playground, two pocket greens, picnic seating, inclusive adaptive recreation, a terraced garden area, and a bicycle support station. These selected elements can support various social engagement and activity levels across a variety of physical abilities and age groups.

*Table 8: Proposed Onsite Recreation Facilities & Adequacy Results*

### Proposed Onsite Recreation Facilities and their Supply Points

Recreation Facility	Quantity	% Bonus Points	Tots	Children	Teens	Young Adults	Adults	Seniors
Natural Area	1	0%	0.80	1.30	1.98	5.76	8.25	0.64
Playground (Age 2-12) [Multi-age Play]	1	0%	9	11	3	2	4	2
Pocket Green	2	0%	6	10	10	16	16	12
Picnic/Seating	4	0%	4	4	6	12	12	12
Inclusive Adaptive Recreation Elements	1	0%	4	6	6	9	9	9
Terraced Garden Area	1	0%	2	2	2	2	2	2
Bicycle Support Station	1	0%	0	0	3	3	3	3
<b>Total Onsite Supply Points=</b>			<b>25.80</b>	<b>34.30</b>	<b>31.98</b>	<b>49.76</b>	<b>54.25</b>	<b>40.64</b>

### Results: Demand, Supply & Adequacy

Age Group	Total Demand Points	Offsite Supply Points	Onsite Supply Points	Total Supply Points	Adequacy
Tots	15.91	5.57	25.80	31.37	Adequate
Children	26.03	9.11	34.30	43.41	Adequate
Teens	19.79	6.93	31.98	38.91	Adequate
Young Adults	57.55	19.74	49.76	69.50	Adequate
Adults	82.49	23.32	54.25	77.57	Adequate
Seniors	12.70	4.45	40.64	45.09	Adequate

Per Section 59.6.3.5.B of the Zoning Ordinance, three (3) design requirements must be met for common open space. Accordingly, the Applicant is proposing common open space area that is centrally located to the development – along the periphery of the townhomes west and south of Street C and within the two pocket greens in the heart of the central cluster of townhouses. The minimum width for any required common open space is 50 feet unless the deciding body grants an exception for items such as a trail easement, a mid-block crossing, or a linear park, by finding that its purpose meets the intent of Division 6.3 of Chapter 59 of the Zoning Ordinance. As shown on the Site Plan, some sections of the common open space are variable between approximately 15 feet in width to up to 40 feet and linked by a series of sidewalks and paths. In some short segments, the narrowest portions adjoin green areas categorized as public open space; therefore, the functional width is much wider. Section 59.6.3.5.B.1. indicates that common open space may also be placed in a location taking advantage of an important adjacent natural feature or open space. The natural surface trail within the common open space area provides proximity to an existing natural area for recreation and respite. These open spaces must meet the intent of Section 59.6.3., “Open Space and Recreation,” by providing access to light, air, and green space thereby promoting recreation while preserving and engaging with natural resources. Further, given the site constraints, the common open space overlaps the proposed stream valley buffer areas, which is a permitted feature within an environmentally sensitive area under Section 59.6.3.3 of the Zoning Ordinance. Staff supports the requested waiver for the proposed common open space arrangement as it meets the intent of the Ordinance when evaluated holistically with the combination of public open space.

#### **(4) Division 6.4 General Landscaping and Outdoor lighting**

Division 6.4 of Chapter 59 of the Zoning Code provides minimum standards for quantity, size, location, and installation of general landscaping and outdoor lighting on private property. These standards intend to preserve property values, strengthen the character of communities, and improve water and air quality. With conditions of approval for plan revisions, the proposed landscaping and lighting satisfy all applicable requirements.

All proposed trees and plant materials meet the minimum required caliper and height at the time of planting, and some of the site landscaping elements contribute to stormwater management measures (where approved by MCDPS).

The Site Plan includes required outdoor lighting on private property, within the road's rights-of-ways, and within the surface parking areas via pole-mounted fixtures. While the interior of the Site includes pedestrian scale lighting, no lighting improvements are proposed to provide direct lighting to non-automobile uses along Strathmore Avenue. As conditioned, the Applicant must revise the lighting plan to demonstrate compliance with the lighting levels at the property line and for safe travel.

#### ***(5) Division 6.5 Screening Requirements***

Per Section 59.6.5.2.C.2., within the Commercial/Residential zoning districts, any use in a townhouse, apartment, multi-use, or general building type must provide screening as defined under Section 6.5.3 if the subject lot abuts property in an Agricultural, Rural Residential, or Residential zone that is vacant or improved with an agricultural or residential use. Further, per Section 59.6.5.3.A, screening is required along a lot line shared with an abutting property that is vacant or improved with an agricultural or residential use.

The Subject Property abuts properties to the west and east that are located within the residential R-90 zone. However, the western side of the Project that proposes townhouses abuts a property to the west that contains townhouses. Per the table in Section 59.6.5.2.C.2., townhouses that abut townhouses do not require additional screening. The eastern side of the Project proposes a general building type with a non-industrial use (residential care facility), which abuts a property to the east with institutional uses, not residential use. In this instance, additional screening is not required. Therefore, the Site Plan complies with the zoning ordinance with regard to screening beyond the standard landscaping requirements.

#### ***e) Satisfies the applicable requirements of:***

##### ***i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and***

The Stormwater Management Section of the Montgomery County Department of Permitting Services (MCDPS) issued a letter accepting the stormwater management concept dated December 2, 2022. The Application includes environmental site design ("ESD") techniques that will filter and retain stormwater on-site through micro-bioretenement areas. Plantings approved by MCDPS will also be used in ESD's to the greatest extent practicable.

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

A Preliminary Forest Conservation Plan (PFCP No. H143) was approved with Local Map Amendment (LMA) H143 on May 19, 2022. The PFCP included a variance approval to remove twelve (12) trees and to impact, but retain, an additional three (3) trees covered by the variance provision of Section 22A-12(b)(3) of the Forest Conservation Law. The PFCP covers the entire property that was subject to the LMA, including the 15.36-acre area under this Site Plan and the remaining property that is being retained by the Holy Cross Academy. The net tract area covered by the PFCP is 39.46 acres.

A Final Forest Conservation Plan (FFCP) was submitted with the Preliminary and Site Plans. The FFCP also covers the entire property under the PFCP. The Net Tract Area for the FFCP, including off-site disturbance related to the development, is 39.60 acres. Consistent with the NRI/FSD and PFCP, the FFCP shows 4.06 acres of existing forest cover and 0.48 acres of forest to be cleared or counted as cleared to construct the proposed development. The Applicant is retaining 3.58 acres of forest. All retained forest is protected within Category I easements.

A total of 2.84 acres is required for new plantings to meet reforestation and afforestation requirements. The Applicant proposes to plant 3.0 acres and apply the extra 0.16 acres of plantings as enhanced forestation for mitigation for proposed stream buffer encroachments. A Category I Conservation Easement will be recorded over 1.75 acres of forest plantings. A Category II Conservation Easement will be recorded over the remaining 1.25 acres of forest plantings.

Forest Conservation Variance

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection (“Protected Trees”). Any impact to these trees, including removal of the subject tree or disturbance within the 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. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

Variance Request – Approval of PFCP H-143 included a variance approval to remove twelve (12) Protected Trees, and to impact the CRZ, but save, an additional three (3) trees. The Applicant submitted an amended variance request in a letter dated May 19, 2022. The amended variance proposes to increase the CRZ disturbance to three (3) trees from the amount permitted under the original variance approval, and a new request to disturb the CRZ of, but save, one (1) tree not included in the original variance request. The amended variance also reduces the previously approved impacts



to the CRZ of two trees, but no new approval is required for reducing impacts. The status of the three trees sustaining increased impacts is not changing from the original variance approval.

*Table 9: Protected Trees to be Newly Impacted*

<b>Tree Number</b>	<b>Species</b>	<b>DBH Inches</b>	<b>% CRZ Impacts</b>	<b>Status and Notes</b>
199	Red Maple ( <i>Acer rubrum</i> )	39"	3%	Save.

*Table 10: Protected Trees with Increased CRZ Impacts*

<b>Tree Number</b>	<b>Species</b>	<b>DBH Inches</b>	<b>% CRZ Impacts</b>	<b>Status and Notes</b>
141	American sycamore ( <i>Platanus occidentalis</i> )	40.5"	28%	Previously approved for 21% CRZ impact. Request permission to remove but try to save.
142	Tuliptree ( <i>Liriodendron tulipifera</i> )	37.5"	32%	Previously approved for 23% CRZ impact. Request permission to remove but try to save.
149	Silver maple ( <i>Acer saccharinum</i> )	53"	15%	Previously approved for 13% CRZ impact. Tree to be saved.

#### Unwarranted Hardship

Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant reasonable and significant use of its property. In this case, the Subject Property is constrained by the stream valleys on its eastern and western sides. Retention of the existing school and its access further limits development. The unwarranted hardship is caused by the necessary layout of the proposed development on the Subject Property, which is dictated by the existing site conditions, development standards of the zone, Montgomery County agency requirements, and requirements associated with Master Plan objectives. Trees number No. 141 and No. 142 are impacted by grading required to tie into the adjacent lot and by grading required to construct the natural surface trail. These impacts have been minimized to the extent feasible. Tree No. 149 is impacted by required and necessary utility connections and frontage improvements. Tree No. 199 is impacted by required sidewalk improvements. The inability to impact these trees would prevent completion of infrastructure and amenities required to serve this project. Therefore, there is a sufficient unwarranted hardship to justify a variance request because approval of the project is contingent on the provision of infrastructure and amenities required by the Planning Department and other County agencies. Denying the variance would therefore deny the Applicant a reasonable and significant use of the Property.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. The following determinations in the review of the variance request and the proposed Forest Conservation Plan is as follows:

#### Variance Findings

The following determination has been made based on the required findings that granting of the requested variance:

**1. *Will not confer on the applicant a special privilege that would be denied to other applicants.***

Granting the variance will not confer a special privilege on the Applicant as the removal and disturbance to the specified trees are due to the development of the Property, location of the trees and necessary site design requirements. Granting a variance to allow disturbance within the Site to meet the development requirements of the Planning Department and various County agencies is not unique to this Applicant. With the data presented, it is concluded that the granting of this variance is not a special privilege that would be denied to other applicants.

**2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.***

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions, development standards of the zone, and necessary design requirements of this Application, including street frontage improvements.

**3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.***

The requested variance is a result of the existing conditions and the proposed site design and layout of the Subject Property, and not as a result of land or building use on a neighboring property.

**4. *Will not violate State water quality standards or cause measurable degradation in water quality.***

The variance will not violate State water quality standards or cause measurable degradation in water quality. The original variance approval granted under PFCP No. H-143 required mitigation tree plantings for Protected Trees being removed. The two trees in the amended variance submitted with this FFCP were already approved for removal and included in the requirement to provide mitigation trees for trees removed. The mitigation trees will replace water quality functions that may be lost by

the removed trees. Therefore, the Application will not violate State water quality standards or cause measurable degradation in water quality.

#### Mitigation for Trees Subject to the Variance Provision

There are twelve Protected Trees proposed for removal in the original and amended variance request, resulting in a total of 459.8 inches of DBH being removed. The Applicant proposes mitigation at a rate that approximates the form and function of the trees removed. These trees will be replaced at a ratio of approximately 1-inch caliper for every four inches removed using trees that are a minimum of three caliper inches in size. This results in a total mitigation of 114.95 inches with the installation of 39 3-inch caliper overstory trees native to the Piedmont Region of Maryland on the Property outside of any rights-of-way and outside of any utility easements. Although these trees will not be as large as the trees lost, they will be planted on the Subject Property and provide some immediate benefit, ultimately replacing the canopy lost by the removal of these trees. There is some disturbance within the CRZ of three trees; however, they will receive adequate tree protection measures, their roots will regenerate, and the functions they currently provide will continue. Therefore, no mitigation is recommended for trees that are impacted but retained. As conditioned, the mitigation trees will be protected as part of a 5-year maintenance and management agreement. The planting locations of the 39 variance mitigation trees are shown on the FFCP.

#### Variance Recommendation

Staff recommends approval of the variance request.

#### Environmental Guidelines

The Montgomery County Planning Department's *Environmental Guidelines* recommend that buildings, structures, impervious surfaces, or activities requiring clearing and grading not be placed in stream buffers. Section V.A.1.(e) of the *Guidelines* states that small amounts of stream buffer modifications maybe be permitted on a case-by-case basis "so long as the modification is consistent with a comprehensive approach to protecting areas that are critical to preserving or enhancing streams, wetlands and their ecosystems." This section goes on to outline the factors that will form the basis for staff recommendations: (1) Reasonable alternatives for avoidance of the buffer are not available; (2) Encroachment into the buffer has been minimized; (3) Existing sensitive areas have been avoided; (4) the proposed use is consistent with the preferred use of the buffer; and (5) The plan design provides compensation for the loss of buffer function. The *Guidelines* note that, "In reviewing buffer compensation proposals, staff will consider such options as buffer averaging, enhanced forestation, bioengineering practices, and other environmentally beneficial techniques."

The Property covered by the Site Plan includes significant stream buffer areas on its eastern and western boundaries. The Property is also constrained by topography and by the existing road that provides access to the Holy Cross Academy. Various requirements for pedestrian, bicycle and auto

circulation, stormwater management, utilities, and amenities to serve the development introduce grading and impervious elements that further constrain the site. Some of these requirements push the development envelope into the edges of the stream buffer on the western boundary and create small encroachments into the stream buffer to the east.

The Applicant has worked with Planning Staff to minimize the extent of stream buffer encroachments and has included features to provide compensation for the loss of buffer function as outlined in a document (“4910/4920 Strathmore Avenue SVB Statement”) submitted to the Planning Department on August 23, 2022 and found in the application exhibits. Remaining stream buffer encroachments include small pervious areas totaling approximately 5,000 square feet (0.11 acres). To replace lost stream buffer functions in these areas, the Applicant is providing an expanded stream buffer area of 2,718 square feet near the southwest corner of the development (buffer averaging). The Applicant is also providing 3 acres of afforestation, which is 0.16 acres (6,970 square feet) more than the 2.84 acres of afforestation and reforestation required under the Forest Conservation Law (enhanced forestation). The total amount of mitigation provided to compensate for lost stream buffer function is approximately 9,678 square feet, or 0.22 acres. Mitigation is therefore being provided at a ratio of 2:1.

In addition to the stream buffer mitigation being provided, Staff notes that all of the forestation provided is within what are currently unforested areas within and adjacent to the stream buffers on the site. The creation of forested stream buffers should significantly improve existing stream buffer function. Additional forested areas within stream buffers on the land being retained by the Academy of the Holy Cross are being placed into conservation easements as retained forest on the FFCP. In total, over 6.5 acres of conservation easements are being established within and adjacent to stream buffers on the combined 4910-4920 Strathmore Avenue/Holy Cross Academy properties.

Based on the mitigation provided for lost stream buffer function, the submitted Application is in conformance with the *Environmental Guidelines*.

#### Noise Guidelines

The Applicant submitted a Noise Analysis dated May 5, 2022, with the Site Plan submission. The Project proposes residential units to be built along Strathmore Avenue. The noise analysis shows maximum noise levels of approximately 69 dbA Ldn along the faces of the proposed single-family houses fronting Strathmore Avenue, and 68 dbA Ldn along the northern face of the residential care building. Indoor spaces must be reduced to 45 dBA and architectural materials will be used to achieve this requirement. Certification of design and construction is required during the permitting process.

Most of the exterior open spaces on the Property will not be subjected to traffic noise impacts above 65 dbA Ldn. The exception is the open space area at the intersection of Strathmore Avenue and Street A. There is a desire to make this a publicly visible open space area. Noise attenuation features would be in conflict with visibility and negatively affect the aesthetics of the open space design. Therefore, the Applicant is requesting a waiver of the requirements of the Noise Guidelines under Section 2.2.2(2)

of the *Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development*. Staff supports the approval of this waiver request.

#### STORMWATER MANAGEMENT

To accommodate the new residential development, the Applicant propose to implement micro-bioretenion features to the maximum extent practicable to meet the current stormwater requirements. Due to the topography and location of the two streams around the Site, new stormwater management facilities will be placed at low points to capture and filter roadway runoff.

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

As previously outlined, the Project will provide safe, efficient, and integrated on-street and structured parking to serve the proposed land uses, will construct the required open spaces and recreational amenities, and will utilize the Site's existing grading to reduce the bulk of the building from the street view.

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

As previously summarized in prior sections, both Applications substantially conform with the major recommendations of the 1992 *North Bethesda/Garrett Park Master Plan* and other county-wide policy documents such as the *Countywide Bicycle Master Plan*.

- h) will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.;***

As stated in the Preliminary Plan analysis, the Project will be served by adequate public facilities (APF), including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

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

The Subject Property is not located in a Rural Residential or Residential zone.

- j) on a property in all other zones, is compatible with existing, approved or pending adjacent development.***

The proposed redevelopment of the Property into residential and group living facilities is in substantial conformance with the recommendations of the 1992 *North Bethesda/Garrett Park Master Plan* as well as compatible with the adjacent and confronting uses and pending developments.

The Subject Property is close to institutional and residential uses primarily zoned R-60, including the Holy Cross Church and School to the east, the Academy of the Holy Cross to the south, and Symphony Park and Garrett Park residences to the west and north. Consistent with the approved Floating Zone Plan, the Site Plan provides compatibility with the existing neighboring properties and roads. The Project includes single-family detached residences along Strathmore Avenue to reflect the confronting single-family uses and locates the proposed townhouse units to the interior of the Site. The Application does not include any commercial uses<sup>16</sup>, which will preserve the residential character of the neighborhood. The detached residential units also avoid front loaded driveways onto Strathmore Avenue. The proposed layout of the townhouses establishes a compatible relationship with the abutting townhouses and create uniformity. The existing grassed median along Strathmore Avenue will remain to provide a buffer from the new development as well as maintain the status quo of the streetscape that existing residents enjoy. Additionally, while introducing some contemporary themes, the architecture of the new buildings fronting on Strathmore Avenue use building materials similar to the area to create a congruent environment.

The Project will separate the single-family detached and townhouse units on the west of the Site from the residential care facility on the east of the Site by Street A. The residential uses to the south will be separated from the Academy of the Holy Cross with landscaping and the proposed natural surface trail. Significant buffering will be provided between the proposed uses and those to the west, south and east, further ensuring compatibility between the uses. The Project conforms with the maximum 50 feet building height to establish a compatible relationship with the nearby existing structures. As previously noted, the residential care facility also takes advantage of the Subject Property's gently sloping grade to reduce bulk and massing from Strathmore Avenue and is compatible with the long-standing institutional uses to the south and east (shown in Figure 1 – Vicinity Map and Figure 2 - Subject Property). Additionally, the surface parking spaces for the residential care facility are set back notably from the Strathmore Avenue right-of-way, partially hidden, and located behind the building front line as required. Compatibility with existing abutting land uses is also achieved via multi-modal connections between abutting parcels with shared Strathmore Avenue frontage. The widening of the existing pedestrian bridge to the west and the off-site extension of the sidepath to the east will create a continuous facility for pedestrian use.

The Project is compatible with approved adjacent development and pending developments. Nearby pending development includes the Strathmore Square Redevelopment to the southwest of the Subject Property. The Strathmore Square Development is located directly adjacent to the Grosvenor-Strathmore Metro Station and is bordered on the north and east by Tuckerman Lane, just east of the intersection of Tuckerman Lane and Rockville Pike. Strathmore Square will be redeveloped as a predominately residential, mixed-use center and is envisioned to be a transit-oriented, walkable, and

---

<sup>16</sup> The approved Floating Zone Plan includes a binding element that ensures that no principal commercial uses will be developed on the Property, except permitted accessory uses associated with the residential care facility.



dynamic arts and cultural community that will be well connected through streets, blocks, and open spaces to surrounding neighborhoods. This development incorporates many efficient design features that are proposed for the Subject Property and both developments will be connected via pathways and sidewalks that tie into Cloister Avenue to the south. Therefore, for the reasons outlined, the Site Plan Application is compatible with existing and approved or pending adjacent development.

## SECTION 6: COMMUNITY OUTREACH

The Applicant advertised and held the required pre-submission public meeting for the surrounding community on April 19, 2022. This meeting was conducted in a virtual format, as permitted by the Planning Department's COVID-19 procedures. The Applicant provided notice for the pre-submission community meeting in accordance with the requirements set forth in the Administrative Procedures for Development Review and the Zoning Ordinance. A total of 36 members of the community and interested stakeholders were in attendance.

Concerns and questions raised during the pre-application meeting mirror those raised during the prior rezoning application and are summarized below:

- Connection to Tuckerman Lane
  - *Response:* During the Local Map Amendment process, the creation of a new entrance on Cloister Drive to provide vehicular access south of the Academy of the Holy Cross was examined by the Applicant and is infeasible due to the stream valley, topography, existing forest cover, and projected traffic counts on Tuckerman Lane. Agency Staff concurred with this conclusion. Please refer to the LMA No. H-143 Forest Conservation Plan Staff Report for a detailed summary of the environmental resources and constraints. Please refer to Attachment B of the LMA No. H-143 Staff Report for a point-by-point response to this question.
- Traffic Analysis
  - *Response:* The traffic analysis was completed in accordance with the 2020-2024 Growth and Infrastructure Policy (GIP) and was reviewed under the Grosvenor Policy Area. This Policy area does not require a motor vehicle adequacy test; therefore, the updated traffic study submitted with the Preliminary Plan does not have new conclusions about the traffic analysis related to motor vehicles. Please refer to Attachment B of the LMA No. H-143 Staff Report for an extensive 6-page point-by-point response to traffic study questions from the community and how it fits within the new GIP.
- Traffic Signal along Strathmore Avenue
  - *Response:* The Project will provide traffic mitigation measures such as the realignment of the access road with Stillwater Avenue, a left-bound turn lane, and a traffic signal

on Strathmore Avenue at the main entrance. Within the traffic analysis, these measures demonstrate a significant reduction in existing traffic delays.

- Pedestrian Connectivity
  - *Response:* As required by the GIP to address non-motorized deficiencies, the LATR associated with the Preliminary Plan addresses sidepaths, crosswalks, and ADA requirements to reach transit services and abutting properties.
- Reduction of Density
  - *Response:* The Project is Standard Method and not requesting incentive density. Per the certified Floating Zone Plan No. H-143, the Site is permitted to have 0.75 residential FAR (516,658 sf.), whereas 0.70 residential FAR is proposed (482,000 sf.). While 0.25 FAR of commercial use is permitted, no commercial is proposed.
- Parking
  - *Response:* The Plan will provide the minimum number of parking spaces required by the Zoning Ordinance, while creating the provision for overflow guest parking that is not excessive or out of character for the area.

Planning Staff previously provided a robust appendix in the LMA No. H-143 Staff Report addressing the above noted concerns.

Following the scheduled meeting, presentation materials were made available by email request and the Preliminary Plan and Site Plan Applications on the Planning Department's website. During the review of the Project, Staff received four (4) letters of public correspondence as of the date of this Staff Report including concerns about an increase in traffic and additional delays along Strathmore Avenue. The Project will provide traffic mitigation measures such as the realignment of the access road with Stillwater Avenue, a left-bound turn lane, and a traffic signal on Strathmore Avenue at the main entrance. Within the traffic analysis, these measures demonstrate a significant reduction in existing traffic delays. Staff also had a meeting per the request of the adjacent Holy Cross Church and representatives from the Town of Garrett Park regarding the potential off-site sidepath improvement, building scale, lighting and landscaping concerns. Details of the future off-site sidepath were outlined as provided in this report herein. The lighting and landscaping plans were revised to provide adequate lighting levels at the shared property lines and additional landscaping was added.

## SECTION 7: CONCLUSION

As conditioned, Preliminary and Site Plan Applications each satisfy the findings under Sections 59.7.3.3 and 7.3.4 and the applicable standards of the Zoning Ordinance and Chapter 22A, Forest Conservation Law, substantially conform to the recommendations of the 1992 *North Bethesda/Garrett Park Master Plan* and satisfy the findings of the Subdivision Regulations. Therefore, Staff recommends approval of the Preliminary Plan and Site Plan with the conditions specified at the beginning of this report.

---

## ATTACHMENTS

*Attachment A: Preliminary Plan*

*Attachment B: Site Plan*

*Attachment C: Final Forest Conservation Plan*

*Attachment D: Prior Approvals*

*Attachment E: Agency Letters*

*Attachment F: Community Correspondence*