

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 22-119  
Site Plan No. 820220220  
**4910-4920 Strathmore Avenue**  
Date of Hearing: December 15, 2022

JAN 05 2023

## RESOLUTION

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

WHEREAS, on March 30, 2022, SAH Homes Associates, LLC and BL Strathmore LLC, c/o EYA Development LLC (“Applicant”) filed an application for approval of a site plan for the construction of 113 dwelling units (9 detached houses and 104 townhouses), including MPDUs, and a 145-bed residential care facility, new vehicle access points, and open spaces (“Project”) on 15.35 acres of land in the CRNF-0.75, C-0.25 R-0.75 H-50’ zone, located at 4910-4920 Strathmore Avenue, Kensington, MD (“Subject Property”), in the Red Policy Area and 1992 *North Bethesda/Garrett Park Master Plan* (“Master Plan”) area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820220220, 4910-4920 Strathmore Avenue (“Site Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated December 5, 2022, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on December 15, 2022, the Planning Board held a public hearing on the Application and voted to approve the Application subject to certain conditions, by motion of Vice Chair Presley, seconded by Commissioner Branson, with a vote of 4-1; Chair Zyontz, Vice Chair Presley, Commissioners Branson and Piñero voting in favor, with Commissioner Hill voting against.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820220220 for up to 113 single family dwelling units (9 detached and 104

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Approved as to

Legal Sufficiency: /s/ Matthew T. Mills

M-NCPPC Legal Department

attached), including 15% Moderately Priced Dwelling Units (MPDUs), a 145-bed residential care facility, new private roads (Street A, Street B, and Street C), alleys, and open spaces on the Subject Property, subject to the following conditions:<sup>1</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.

### **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

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

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 who 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 its 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.
- 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 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.

**33. 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.

**34. 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.

**35. 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.

**36. 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 its 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.”

iv. “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.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 4910-4920 Strathmore Avenue Site Plan No. 820220220, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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

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

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

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

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

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

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

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

- a. Use Standards

The purpose of the Commercial/Residential Floating zones is to allow development of mixed-use centers and communities at a range of densities and heights flexible enough to respond to various settings; allow flexibility in uses for a site; and provide mixed-use development that is compatible with adjacent development. The single-family detached units and townhouses are permitted and the group living residential care facility is a limited use with use standards in the CRNF Zone. The Site Plan fulfills the general purposes of the zone.

b. Development Standards

The Subject Property includes approximately 15.35 acres zoned CRNF. The Application satisfies the applicable development standards as shown in the following data table:

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

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Approved</b>
<b>Tract Area</b>	n/a	688,801 sf. (15.81 ac.)
<b>Prior Dedication</b>	n/a	19,952 sf. (0.46 ac.)
<b>Proposed Dedication</b>	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 (Residential Care Facility)</b>	10% (19,438 sf.)	10.3% (20,000 sf.; 0.46 acres)
<b>Common Open Space (Townhouses)</b>	10% (44,000 sf.)	11.4% (50,000 sf.; 1.15 acres)
<b>MPDU requirement<sup>2</sup></b>	15%	15% (17 units)
<b>Building Height</b>	50 feet	50 feet
<b>Principal Building Setbacks</b>		
<b>From Site Boundary – Strathmore Ave.</b>	n/a <sup>3</sup>	10 ft.
<b>From Site Boundary – Side &amp; Rear</b>	n/a <sup>3</sup>	50 ft.
<b>Minimum Lot Size</b>	n/a <sup>4</sup>	672 sf.
<b>Maximum Lot Coverage</b>	n/a <sup>4</sup>	80%
<b>Front setback</b>	n/a <sup>4</sup>	0 ft.

<sup>2</sup> The MPDU requirement applies the detached homes and townhouses only.

<sup>3</sup> Established by the approved Floating Zone Plan – LMA No. H-143.

<sup>4</sup> Established by this Site Plan Application.

Side street	n/a <sup>4</sup>	0 ft.
Side	n/a <sup>4</sup>	0 ft.
Rear		

c. General Requirements

i. *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 an apartment, multi-use, or general building type within the Residential Multi-Unit, Commercial/ Residential, Employment, Industrial, and Floating zone. Further, pursuant to 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 Board finds that the Site Plan complies with all applicable requirements.

The Site Plan includes 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. Site access will be improved through a new network of private roads (Streets A, B, and C) that provide porosity, new traffic control devices including one new traffic signal at the intersection of Strathmore Avenue and 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 provided 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 additional trips from the new development are added to the network.

ii. *Parling, 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>5</sup> based on unit types, number of beds, and employees, whereas the Application proposes 290 off-street parking spaces (Table 2). 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. The Applicant will also provide ready-to-be converted spaces for electric vehicles. 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.

The waiver satisfies Section 6.2.1 which outlines the intent of site access requirements 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

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<sup>5</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.

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 Planning Board hereby grants the waiver request for two (2) additional parking spaces 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 will be provided along either one-side or both sides of the private streets which will allow for additional visitor parking for the 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, whereas the Applicant will provide 6 long-term bicycle parking spaces within the garage. Additional short-term bicycle racks will be placed adjacent to two key locations throughout the Site as shown on the certified Site Plan.

The Planning Board finds that 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 2: Summary of Parking Requirements

<b>Standard</b>	<b>Permitted/ Required</b>	<b>Approved</b>
<b>Vehicular Parking</b>		
<i>Townhouse – 1 space min. /2 max. spaces per unit x 104 units</i>	<u>Single-Family Attached</u> 104 (min.) 208 (max.)	<u>Single-Family Attached</u> 208
<i>Single-Family Detached – 1 space min/ 2 spaces max. per unit x 9 units</i>	<u>Single-Family Detached</u> 9 (min.) 18 (max.)	<u>Single-Family Detached</u> 18
<i>Residential Care Beds – 0.25 space per bed x 145 beds</i>	<u>Beds</u> 37	<u>Beds</u> 38 <sup>6</sup>
<i>Residential Care Employees – 0.5 space per employee x 50 employees</i>	<u>Employees</u> 25	<u>Employees</u> 26
	<u>Combined Total</u> 175 (min.) 288 (max.)	<u>Combined Total</u> 290 spaces
<b>Surface Parking Setbacks</b>		
Front	Behind front building line	Complies
Side Street	Behind side street bldg. line	
Side	Must accommodate landscaping	
Rear	Must accommodate landscaping	
Rear, Alley	n/a	
<b>Bicycle Parking</b>	5 spaces	6 spaces
0.10 spaces per employee x 50	(95%; long-term)	

Per Section 59.6.2.8.B, designated off-street loading is required for the 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

<sup>6</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.

surface parking lot, which is separated from the primary access points for the Site.

iii. *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 Application provides public open space associated with the residential care-facility and the townhouses.

To satisfy the public open space requirement for the residential care facility, the Project will provide 20,000 square feet (0.46 acres) across two areas along the east side of 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. The third area is along the west side of Street A at the intersection of Street C.

To satisfy the common open space requirement for the 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 and will be framed by adjacent townhouses and landscaped areas.

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 elements can support various social engagement and activity levels across a variety of physical abilities and age groups.

Per Section 59.6.3.5.B of the Zoning Ordinance, three (3) design requirements must be met for common open space. Accordingly, the Application includes a 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. 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 a 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 stream valley buffer areas, which is a permitted feature within an environmentally sensitive area under Section 59.6.3.3 of the Zoning Ordinance. The Planning Board granted the requested exception for the common open space arrangement as it meets the intent of the Ordinance when evaluated holistically with the combination of public open space.

iv. *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. Subject to conditions of approval, the landscaping and lighting satisfy all applicable requirements.

All 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.

v. *Screening*

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 a 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.

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

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

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 MCDPS determined that the Concept Plan meets applicable standards and includes environmental site design ("ESD") techniques that will filter and retain stormwater on-site through micro-bioretenion areas. Plantings approved by MCDPS will also be used in ESD's to the greatest extent practicable.

b. Chapter 22A, Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law. A Preliminary Forest Conservation Plan (PFCP No. H143) 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 net tract area covered by the PFCP is 39.46 acres, including the 15.36-acre area under the Preliminary and Site Plans.

A Final Forest Conservation Plan (FFCP) was provided with the concurrently submitted 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. 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 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 will plant 3.0 acres and apply the extra 0.16 acres of plantings as enhanced forestation for mitigation for 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 No. 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 will 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 (3) trees sustaining increased impacts is not changing from the original variance approval.

*Table 3: Protected Trees to be Newly Impacted*

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

*Table 4: Protected Trees with Increased CRZ Impacts*

Tree Number	Species	DBH Inches	% CRZ Impacts	Status and Notes
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. 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 the 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 law. 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 Board makes the following findings necessary to grant the Variance:

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

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 reasonable 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 legal 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 other applicants.

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

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The 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. *The need for the Variance is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property.*

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

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

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 the 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 (12) Protected Trees identified 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 4 inches removed using trees that are a minimum of 3 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 (3) 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.



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 outlines the factors that will form the basis for the Board's consideration: (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 Project has minimized the extent of stream buffer encroachments and includes features to provide compensation for the loss of buffer function. 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 will provide an expanded stream buffer area of 2,718 square feet near the southwest corner of the development (buffer averaging). The Project 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, all of the forestation 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's Noise Analysis shows maximum noise levels of approximately 69 dbA Ldn along the faces of the new 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. As conditioned, 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 requested 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*. The Planning Board hereby grants approval of this waiver request.

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

The Project will provide safe, efficient, and integrated on-street and structured parking to serve the land uses, will allow for adequate

circulation, 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.

### 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 Project will realign the existing access road and add two new street connections. These additions help to create a network of interconnected streets that accommodate a range of users and various physical abilities.

### 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 an 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 are 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). 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.

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.

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

The Site Plan substantially conforms 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*, as discussed below.

**a) Land Use**

*Land Use & Zoning*

The Application satisfies Master Plan 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 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 (St. Angela's Hall). 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 Application includes the retention of the Academy of the Holy Cross School alongside of the 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 new 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 Project addresses this environmental objective and others. Portions of the existing open lawn areas on the Site will 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 Local Map Amendment (LMA) No. H-143, the Property is limited to a density of 0.75 FAR or 516,658 square feet of residential uses, whereas the Site Plan will accommodate the redevelopment with 0.70 FAR or 482,000 square feet of residential uses. While 0.25 FAR of commercial use is permitted under the CRNF zone, no commercial is included with this approval.

The heights of the detached residential units, townhouses, and residential care facility are 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 Preliminary

Site brings forth residential uses that fill a significant gap in the community's existing housing stock.

### 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 Project 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 Project 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 the Holy Cross School. This improvement will provide a complete link to Rockville Pike and to an existing bus stop on Strathmore Avenue. Additionally, the new sidewalks along Street A will facilitate pedestrian movements to the south to access the Academy of the Holy Cross School.

### Open Space

The *North Bethesda/Garrett Park Master Plan* broadly recommends providing green spaces in appropriate locations. A significant element of this development is the 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 Project 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. While minimal forest will be removed and some specimen trees will be impacted, 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.

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 will minimize imperviousness by applying permeable pavers along Street C, using micro-bioretenion areas and other techniques to

assist with filtering and retaining water on-site and landscaping the redeveloped Site with native plants.

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

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

The Subject Property is located within the W-1 and S-1 water and sewer categories. The analysis for Preliminary Plan No. 120220160 confirmed that 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. Per the School Adequacy Test conducted during the Preliminary Plan, the estimated number of students generated do not exceed the adequacy ceilings identified for each school.

9. *The development is compatible with the character of the residential neighborhood in a Rural Residential or Residential zone.*

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

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

The redevelopment of the Property into residential dwellings units and a group living facility 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 new townhomes in the interior of the Site. The Application does not



include any commercial uses<sup>7</sup>, which will preserve the residential character of the neighborhood. These detached residential units also avoid front loaded driveways onto Strathmore Avenue. The layout of the townhouses establishes a compatible relationship with the abutting townhouses and creates uniformity. The existing grassed median along Strathmore Avenue will remain to provide 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 others in the area to create a congruent environment.

The Project will separate the detached and attached residential 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 natural surface trail. Significant buffering will be provided between the new uses and those to the west, south and east, further ensuring compatibility between the uses. The Project conforms with the maximum 50-foot building height to establish a compatible relationship with the nearby existing structures. 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. 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. Off-site improvements such as the widening of the existing pedestrian bridge to the west and the extension of the sidepath to the east create a continuous facility for non-automobile usage.

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 dynamic arts and cultural community that will be well connected through streets, blocks, and open spaces to surrounding neighborhoods. Strathmore Square incorporates many efficient

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<sup>7</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.

design features that are similar for the Subject Property and both developments will have improved connectivity via pathways and sidewalks. Therefore, the Planning Board finds that the Site Plan Application is compatible with existing and approved or pending adjacent development.

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

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

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 05 2023 (which is the date that this resolution is mailed to all parties of record); and

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

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Branson, seconded by Commissioner Presley, with a vote of 5-0-; Chair Zyontz, Vice Chair Presley, and Commissioners Branson, Hill, and Piñero, voting in favor of the motion, at its regular meeting held on Thursday, December 22, 2022, in Wheaton, Maryland and via video conference.

  
\_\_\_\_\_  
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