

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

January 31, 2024

MCPB No. 24-002

Site Plan Amendment No. 82022022A

**4910/4920 STRATHMORE**

Date of Hearing: January 18, 2024

## RESOLUTION

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

WHEREAS, on January 5, 2023, the Planning Board, by Resolution MCPB No. 22-119, approved Site Plan No. 820220220 for up to 113 single family dwelling units (9 detached and 104 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 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, on September 20, 2023, SAH Homes Associates, LLC, c/o EYA Development LLC ("Applicant") filed an application for approval of an amendment to the previously approved site plan to remove the previously approved residential care facility; add eight detached houses and four townhouses (for a total of 125 dwelling units with 17 detached houses and 108 townhouses); relocate 15 of the previously approved townhouses from the west side of the Site to the east side and make associated lot layout adjustments; and modify previously approved open spaces on the Subject Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82022022A, 4910/4920 Strathmore ("Site Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated January 5, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

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Approved as to

Legal Sufficiency: /s/ Matthew T. Mills

M-NCPPC Legal Department

WHEREAS, on January 18, 2024, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Commissioner Linden, with a vote of 4-0; Commissioners Bartley, Harris, Hedrick, and Linden voting in favor, with Commissioner Pedoeem absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82022022A to remove the previously approved residential care facility; add eight detached houses and four townhouses (for a total of 125 dwelling units with 17 detached houses and 108 townhouses); relocate 15 of the previously approved townhouses from the west side of the Site to the east side and make associated lot layout adjustments; and modify previously approved open space subject to the following conditions, which supersede all previous conditions of approval:<sup>1</sup>

### **DENSITY, HEIGHT & HOUSING**

#### 1. Density

This Site Plan is limited to a maximum of 400,000 square feet of residential development on the Subject Property for up to 17 detached houses and 108 townhouses.

#### 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 November 20, 2023 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 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 residential unit(s), the MPDU agreement to build between the Applicant and the MCDHCA must be executed.

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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.

## **OPEN SPACE, FACILITIES AND AMENITIES**

### **4. Common Open Space, Facilities, and Amenities**

- a) The Applicant must provide a minimum of 75,000 square feet of common open space on-site.
- b) Before issuance of the use and occupancy certificate, or Final Inspection, whichever is relevant, for the final dwelling unit located west of Academy Park Drive, all open spaces located west of Academy Park Drive, including the natural surface trail, must be substantially completed. All plantings west of Academy Park Drive must be installed within one growing season of the final inspection date.
- c) Before issuance of the use and occupancy certificate, or Final Inspection, whichever is relevant, for the final dwelling unit located east of Academy Park Drive, all open space amenities located east of Academy Park Drive must be substantially completed. All plantings east of Academy Park Drive must be installed within one growing season of the final inspection date.
- d) The Applicant must install all new utilities underground within the Site.

### **5. Recreation Facilities**

Before issuance of the use and occupancy certificate, or Final Inspection, whichever is relevant, for the final dwelling unit on the Site, the Applicant must provide all of the required recreation facilities as shown on the Certified Site Plan (CSP). The CSP must include an exhibit delineating location and detail of recreation facilities, where appropriate, in a manner that is clear and corresponds to the posted surety and maintenance agreement.

### **6. Maintenance of Public Amenities**

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to landscaping, seating, tables, play equipment, and trash receptacles.

## **ENVIRONMENT**

### **7. Noise Attenuation**

- a) Before issuance of the first above grade building permit for the detached dwelling units along Strathmore Avenue, the Applicant/developer/builder must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatments that the building shell for residential dwelling units affected by exterior noise levels projected at or above 65 dBA Ldn, fronting Strathmore Avenue will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b) 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.

- c) If any changes occur to the Site Plan which affect the validity of the noise analysis dated August 3, 2023, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the changes and new noise attenuation features may be required.
- d) 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. A copy of the notification must be provided to the Planning Department and DPS prior to issuance of a use and occupancy certificate or final inspection, whichever is relevant, for any noise impacted residential unit.

## **TRANSPORTATION & CIRCULATION**

### **8. 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 September 26, 2023 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.
- b) The Applicant must provide the following master planned pedestrian and bicycle facilities onsite, as shown on the Certified Site Plan:
  - i. Academy Park Drive, Chamber Street, and Dulcet Drive (both sides of the street): five-foot-wide sidewalks with five-foot-wide buffers 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 Chamber Street within the stream valley buffer.

### **9. 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 January 2, 2024, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

## **SITE PLAN**

### **10. Site Design**

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheets A-4.02 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.

### **11. Lighting**

- a) Before Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on all fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by street lights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan, except streetlights within the right-of-way.

### **12. Site Plan Surety and Maintenance Agreement**

- a) Before 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 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:
  - i. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
  - ii. The cost estimate must include applicable Site Plan elements, including, but not limited to: plant material, on-site lighting, recreational facilities, site furniture, mailbox pad sites, trash enclosures, 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 street lights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.

- iii. 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.

### 13. Development Program

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

### 14. Homeowners Association (HOA)

At the time of recording, the HOA established for the new 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.

### 15. Certified Site Plan

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

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution 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 before any site development work commencement and before 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.”

- c) Include approved Fire and Rescue Access Plan.
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.
- f) Provide a cross-section of Dulcet Drive east of Academy Park Drive.
- g) Provide an exhibit identifying all homes with high visibility side elevations.
- h) Provide one additional street tree to the east of Lot 20 and two additional street trees to the north of Lot 9.
- i) On Sheet BLL-501: remove the red bubble and change the amendment list font color from red to black, remove the legend and patterns, and include a number next to each of the proposed recreation facilities that corresponds with the numbered location(s) of each facility on the site plan.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 82022022A, 4910/4920 Strathmore, 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 provided in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site, and all findings not specifically addressed remain in effect.

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

Local Map Amendment (LMA) No. H-143, and the associated Floating Zone Plan, are applicable to this Site. Under Section 59-7.2.1.I.2, at site plan, the Planning Board may approve an amendment to a floating zone plan that does not increase density or height, add a previously disallowed use, decrease a setback, or change any binding element. The Amendment to the Floating Zone Plan does not increase density or

height, add any new use, or decrease any setbacks. The binding elements, as listed below, remain unchanged. The Planning Board approves the Floating Zone Plan amendment.

The Site Plan Amendment will satisfy all the binding elements of LMA No. H-143, as follows:

- a) Permitted uses on the Site include up to 125 single-family detached and attached dwelling units (including a minimum of 15% MPDUs) and a residential care facility (with up to 145 beds).***

The Site Plan Amendment proposes 125 detached and townhouse units with 15% MPDUs. The residential care facility has been removed from the Project.

- b) Commercial uses are not permitted on the Property, except permitted accessory uses associated with the residential care facility.***

The Project does not include any commercial uses.

- c) A natural surface trail must be provided along the western side of the Site that is subject to a public access easement.***

A natural surface trail is provided along the western side of the Site between the stream valley and the proposed houses.

- d) The Property is limited to no more than three points of vehicular access from Strathmore Avenue.***

Two access points are provided from Strathmore Avenue.

- e) The Property must be subdivided to delineate the boundary of the area subject to the rezoning at the time of Preliminary Plan.***

The Subject Preliminary Plan Amendment delineates the boundary of the area subject to the rezoning.

- f) A Phase I Noise Analysis must be submitted with the Preliminary Plan to identify noise levels that might impact interior and exterior spaces subject to the Planning Department's Noise Guidelines. The analysis must be performed by a qualified acoustical engineer. If a combined Preliminary/Site Plan is submitted, the Site Plan must include recommendations from a qualified acoustical engineer to mitigate excessive noise levels per the Noise Guidelines.***



Conditions of approval require an acoustical engineer to certify that excessive noise levels are mitigated per the Noise Guidelines.

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

**a) Development Standards**

The Subject Property includes approximately 15.81 acres zoned CRNF-0.75, C-0.25, R-0.75, H-50. The Application satisfies the applicable development standards as shown in the following data table:

*Data Table for CRNF-0.75, C-0.25, R-0.75, H-50 Zone, Standard Method, Section 59-5.3.5*

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Prior Approved Site Plan 820220220</b>	<b>Approved Site Plan 82022022A</b>
<b>Tract Area</b>		688,801 sf. (15.81 ac.)	688,801 sf. (15.81 ac.)
<b>Prior Dedication</b>	n/a	19,952 sf. (0.46 ac.)	19,952 sf. (0.46 ac.)
<b>Proposed Dedication</b>	n/a	n/a	n/a
<b>Site Area</b>	n/a	668,849 sf. (15.35 ac.)	668,849 sf. (15.35 ac.)
<b>Maximum Density of Development</b> <b>(CRNF-0.75, C-0.25, R-0.75, H-50)</b>	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.)	Residential - 0.58 FAR/ (400,000 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)	(no longer required with removal of residential care facility)
<b>Common Open Space</b>	10% of townhouse site area	11.4% (50,000 sf.; 1.15 acres)	12.3% (75,000 sf) <sup>1</sup>

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Prior Approved Site Plan 820220220</b>	<b>Approved Site Plan 82022022A</b>
<b>Minimum Lot Size</b>	Established by site plan	672 sf.	658 sf
<b>Maximum Lot Coverage</b>	Established by site plan	80%	80%
<b>MPDU requirement</b>	15%	15% (17 units)	15%
<b>Building Height</b>	Established by FZP H-143	50 feet	50 ft
<b>Accessory Structure Height</b>	25 feet	25 feet	25 ft
<b>Setbacks From Site Boundary</b>			
<b>Strathmore Ave.</b>	Established by FZP H-143	10 ft.	10 ft.
<b>Side &amp; Rear</b>		50 ft.	50 ft.
<b>Principal Building Setbacks</b>			
<i>Detached Houses</i>			
Front			10 ft.
Side	Established by Site Plan		1 ft.
Rear		n/a	5 ft.
<i>Townhouses</i>			
Front			2 ft.
Side			1 ft.
Rear			3 ft.
<sup>1</sup> Townhouse site area is 607,769 sf.			

***b) General Requirements***

***i. Site Access***

Vehicular access to the Site will occur via two access points on Strathmore Avenue. Chamber Street, formally called Street C, will be a private street with full access onto Strathmore Avenue. This street is aligned with Stillwater Avenue to the north and provides north/south circulation along the Subject Site's western boundary before connecting to Academy Park Drive at the north of the site.

Academy Park Drive, formally called Street A, is a private street and will be signalized at the intersection with Strathmore Avenue. This street provides north/south circulation within the center of the site and connects to the Academy of the Holy Cross located just to the south.

Dulcet Drive, formally called Street B, provides east/west circulation through the site, connecting Chamber Street and Academy Park Drive. Internal circulation is also facilitated via 20-foot-wide, two-way alleys accessed off the private streets.

Pedestrian and bicycle access will primarily be made via Strathmore Avenue. As described in the Transportation section of this report, pedestrian access will be improved through the implementation of a 10-foot-wide sidepath along the Site frontage. A natural surface trail located along the western boundary of the site that connects to Strathmore Avenue will also provide additional pedestrian circulation through the site. In addition, the existing bus stop will be replaced with a bus shelter located just west of the intersection of Strathmore Avenue and Academy Park Drive.

The Amended Plan provides safe and convenient vehicular, bicycle, and pedestrian circulation.

***Parking***

Parking is proposed within the front-loaded and rear-loaded garages. On-street parking is also provided within the site along each of the private roads. A total of 280 parking spaces are proposed, with 236 provided for the residential units and 44 on-street spaces provided for visitor parking. This is 30 parking spaces above the maximum number allowed in the zone. However, per Section 59.6.2.3.H.2.b., an applicant may provide more parking spaces than allowed by the maximum if all the parking spaces provided in excess of the maximum parking number allowed are made available to the public and

are not reserved. The Application meets the intent of the parking, queuing, and loading requirements to ensure that adequate parking is provided in a safe and efficient manner.

*Parking Requirements*

<b>Use</b>	<b>Minimum/Maximum</b>	<b>Proposed</b>
Townhouses 108 du	108/216	219
Single-Family Detached 17 du	17/34	17
Visitor Parking	0/0	44
<b>Total</b>	<b>125/250</b>	<b>280</b>

***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. The Amendment provides common open space in excess of the 10% requirement. The proposed common open space network includes a walking trail around the periphery of the townhouse portion of the development, a mews and two pocket parks west of Academy Park Drive, and a park/playground area east of Academy Park Drive.

As previously approved, portions of the common open space do not meet the 50-foot width requirement of Section 59-6.3.5.B. for standard method projects. However, the Planning Board granted an exception to this requirement with the previously approved Site Plan 820220220 since the common open space otherwise meets the intent of Section 59.6.3 by providing access to light, air, and green space thereby promoting recreation while preserving and engaging with natural resources. A significant amount of the common open space overlaps, or is located directly adjacent to, the Site’s stream valleys and other natural features, enhancing the experience of the Site’s active, usable areas.

The recreational analysis for this Project has been updated to account for the additional detached houses and townhouses. The Project 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.

3. ***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***

DPS approved a Revised Stormwater Management Concept on November 17, 2023. The plan proposes to meet required stormwater management goals via micro-bioretenion practices, enhanced micro-bioretenion practices, planter boxes, and a Modular Wetland System.

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

Forest Conservation Plan F20240120, approved concurrently with this Site Plan Amendment, demonstrates that the Project satisfies the applicable requirements of Chapter 22A.

4. ***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 garage and on-street parking to serve future residents and visitors. The scale of the proposed houses is consistent with existing nearby developments. The internal private road network provides a logical, cohesive circulation system for pedestrians and vehicles. Open spaces and site amenities are well located and knitted throughout the fabric of the proposed neighborhood.

5. ***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***

a) ***North Bethesda/Garrett Park Master Plan***

With the proposed changes, the Project remains in substantial conformance with the recommendations of the 1992 North Bethesda/Garrett Park Master Plan (“Master Plan” or “Plan”) despite the removal of the senior housing component.

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 nodal areas and districts. The Project satisfies these recommendations within the context of the Site by adding housing near the Grosvenor-Strathmore Metro Station, 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 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). The Amendment retains the Academy of the Holy Cross in its existing location. However, with the closure of the St. Angela's Hall retirement home, and the removal of the proposed residential care facility from the Project, this part of the recommendation can no longer be fully realized, nor can the Plan's recommendation for additional elderly housing in the area. Despite the removal of the senior housing, the overall benefit of a new, well-designed residential community in a Metro-accessible location significantly advances the overall vision of the Master Plan.

The Project continues to achieve the environmental Master Plan goals for the Site including preservation of green areas and open space for environmental protection, wildlife sanctuary, recreation, and visual relief (page 81). The Amendments reduce the amount of impervious area within the stream valley buffer while protecting and enhancing environmental features within Category I and Category II Conservation Easements.

***b) Noise Guidelines***

The Applicant's Noise Analysis shows maximum noise levels up to 68 dbA Ldn along the northern facades of the proposed single-family houses on Strathmore Avenue. The Noise Guidelines allow for a waiver of exterior noise guidelines where exterior attenuation is not feasible. Exterior noise attenuation measures may be infeasible due to economics, aesthetics, or site-related constraints of size, shape, or topography. In this case, exterior attenuation would require construction of noise walls along Strathmore Avenue, which would seal off the development

from the community and detract from the aesthetics of the development and the neighborhood. This is not warranted given the limited area where maximum exterior noise levels affect the front yard spaces and building faces of homes along the road. Additionally, there are usable outdoor spaces within the development that provide an opportunity for outdoor gathering and recreation. Therefore, the Planning Board grants a waiver of exterior noise guidelines for this development. 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.

6. ***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.***

Preliminary Plan Amendment No. 12022016A, approved concurrently with this Site Plan Amendment, demonstrates that the development will be served by adequate public services and facilities.

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

The replacement of the previously approved residential care facility with detached houses and townhouses does not impact the compatibility of the Project with existing, approved adjacent development. Compared to the residential care facility, the houses on the east side of Academy Park Drive will have reduced visual impact on existing adjacent and confronting developments.

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

January 31, 2024

(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 consistent with the Maryland Rules for the judicial review of administrative agency decisions.

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Hedrick, seconded by Commissioner Linden, with a vote of 4-0-1 Chair Harris, and Commissioners Bartley, Hedrick, and Linden, voting in favor of the motion, Vice Chair Pedoeem abstaining, at its regular meeting held on Thursday, January 25, 2024, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair  
Montgomery County Planning Board



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4910/4920 Strathmore: Preliminary  
Plan Amendment No. 12022016A, Site  
Plan Amendment No. 82022022A,  
Forest Conservation Plan No.  
F20240120