

Monty
Silver Spring, Maryland



**Staff Report
for the review of**

**Project Plan 920070020
Utilizing the Optional Method of Development**

Monty

**Monty, LLC
SK&I, Architects
Parker Rodriguez, Inc., Landscape Architect
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**Prepared for
The Montgomery County Planning Board
May 31, 2007**



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item #
MCPB 5-31-07

MEMORANDUM

DATE: May 18, 2007
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RK*
Robert Kronenberg, Acting *RKB*
Supervisor
Development Review Division

FROM: Kristin B. Aleshire, Project Manager
ARRO Consulting, Inc.

PROJECT NAME: **Monty**

CASE NUMBER: 920070020

REVIEW TYPE: Project Plan

ZONE: CBD-2

APPLYING FOR: Approval of a 210,188 square foot mixed-use development, including a maximum of 133 residential units, of which (15%) 20 will be on-site MPDUs, and a maximum of 7,700 square feet of non-residential uses on the 20,500 square foot property. The total density, including the density transfer properties, is 237,275 square feet.

LOCATION: 4915 and 4917 Fairmont Avenue
4914 and 4918 St. Elmo Avenue
Property is located between St. Elmo and Fairmont Avenue to the east of Old Georgetown Road and to the west of Norfolk Avenue, in the Woodmont Triangle area of Bethesda

MASTER PLAN: Bethesda CBD 1994, Woodmont Triangle Amendment 2006

REVIEW BASIS: Div. 59-D-2 of the Montgomery County Zoning Ordinance requires submission of a Project Plan as part of the application for use of the Optional Method of Development for a CBD zoned property.

APPLICANT: Monty LLC

FILING DATE: September 21, 2006

HEARING DATE: May 31, 2007



Attached is the staff report for the proposed Monty Project Plan. The Planning Board public hearing for this application is scheduled for May 31, 2007. An extension was granted by the Planning Board on May 7, 2007. The Staff recommends approval, subject to conditions outlined in the staff report.

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SUMMARY

Proposal

The applicant proposes to redevelop the subject property, using density from transfer properties, with a 17-story residential building with underground parking and enhanced ground floor retail uses. The building will consist of 210,188 square feet of building area, including 7,700 square feet of ground floor retail. The residential component will contain up to 133 dwelling units, 15% of which will be MPDUs. The applicant is utilizing the 22% height bonus to construct a building 174 feet tall to accommodate the 15% on-site MPDUs and the bonus residential density.

Approximately 197 parking spaces for the residential units and retail uses will be provided in a four-story below-grade garage structure.

Public Use Space and Amenity

Approximately 5,480 square feet, or 20% of the net lot area of the subject property, is to be on-site public use area. The applicant is transferring 10 percent of the public use space from the sending parcels to the subject site and retaining the remaining 10 percent on the sending parcels. This will allow future development under the standard method to occur on the sending properties with the usual 10% public use space. Amenities, such as a mid-block pedestrian connection, landscaping, fountain, public art, benches, and special lighting, are proposed within the public use area to accommodate public activities and to enhance the streetscape in the Woodmont Triangle area. The development will also provide off-site amenities including streetscape improvements along Fairmont, Norfolk and St. Elmo Avenues.

Issues

Primary issues addressed during review include pedestrian connectivity through the public use and amenity areas on site, amount of proposed public use space, priority location of streetscape improvements, vehicular access to the garage, timing of public art and landscaping, density transfer of FAR and required public use space from transfer properties. This is the first property utilizing the transfer of density in the Woodmont Triangle.

Community Outreach

For over 3 years, the applicant was involved with the Woodmont Triangle Sector Plan Amendment process to redevelop the property for over 3 years. The applicant provided Park and Planning Staff the plans for the proposed mixed-use project to be incorporated into the Amendment exhibits to demonstrate the scale of the building and the potential pedestrian linkage. The applicant participated in five (5) community workshops conducted as part of the community outreach process for the Amendment and held a community meeting to review the project and respond to questions on June 21, 2006.

Public Art Review

The applicant has identified a local artist, and will be taking plans for a fountain and art component before the Art Review Panel. The artwork will be located on the northwestern corner of the site.

STAFF RECOMMENDATION

The staff recommends **Approval** of the Project Plan 920070020 for 210,188 square feet of development on the subject property, including 133 multi-family dwelling units, 15% (20) of which will be MPDUs, and a maximum of 7,700 square feet of retail space, subject to the following conditions:

1. Development Ceiling

The proposed development shall be limited to a maximum of 210,188 gross square feet of development, including a maximum of 133 multi-family units and up to 7,700 square feet of retail space.

2. Building Height Mass

- a. The height of the building shall not exceed the maximum of 174 feet, as measured from an identified point along St. Elmo Avenue.
- b. Permit roof coverage to increase from the allowed 25 % to 35% to provide for additional roof structure(s).

3. Density Transfer

- a. The Applicant shall provide verification of the density transfer from the sending parcels through recordation of a covenant that shall include all available standard method density to remain on the sending sites.
- b. The standard method density shall remain on the sending properties for if/when those properties redevelop under the standard method.

4. Transportation Planning

- a. The Applicant shall comply with the recommendations of the M-NCPPC Transportation Planning memo dated April 30, 2007, including future dedication along Fairmont Avenue and St. Elmo Avenue, a traffic mitigation agreement and pedestrian circulation.
- b. At the time of Preliminary Plan, the Applicant shall obtain the necessary approvals from the Montgomery County Department of Public Works and Transportation.
- c. At the time of Preliminary Plan, the Applicant shall dedicate the necessary right-of-way along Fairmont and Norfolk Avenues.
- d. Prior to release of the building permit, the Applicant shall enter into a Traffic Mitigation Agreement with the Planning Board and Montgomery Department of Public Works and Transportation to participate in the Bethesda Transportation Management Organization.

4. Public Use Space and Streetscape Improvements

- a. The proposed development shall provide a minimum of 5,480 square feet of on-site public use space, including the area in front of the building along Fairmont and St. Elmo Avenues and within the pedestrian connection. This number represents 20 percent of the net lot area of the subject property and 10 percent of the net lot area of the transfer properties.
- b. The proposed development shall provide a minimum of 30% (10,480 square feet) of the net lot area of the cumulative properties (34,204 square feet) off-site amenities, including the streetscape improvements along the frontage of the property on Fairmont and St. Elmo Avenues to the intersection with Norfolk Avenue, a portion of the north side of Norfolk Avenue from the intersection with St. Elmo and on the east side of St. Elmo from the subject property to the intersection with Old Georgetown Road.
- c. The applicant shall provide approximately 6,600 square feet of green roof and receive 50 percent credit (approximately 3,300 square feet) as an off-site amenity. The green roof will also provide for stormwater management.
- d. The proposed public use space shall be easily and readily accessible to the general public and used for public enjoyment.

5. Moderately Priced Dwelling Units

- a. The Applicant shall provide 20 MPDUs, which represent 15 percent of the total number of residential dwelling units, consistent with the requirements of Chapter 25A. The development is receiving a 22% density bonus for providing additional MPDUs on the site.
- b. The Applicant shall distribute the proposed MPDUs in accordance with Chapter 25A and DHCA review.

6. Public Art

The public art program shall be developed to include opportunities within the public use space as proposed that will reinforce the animation of the streetscape at the mid-block crossing, providing an active place for pedestrians and shoppers to congregate.

7. Staging of Amenity Features

- a. The proposed project shall be developed in one phase.
- b. Landscaping to be installed no later than the next growing season after completion of the proposed building and mid-block crossing.
- c. Streetscape improvements and public art to be installed prior to occupancy of the building.

8. Maintenance and Management Organization

Initially, the applicant, and subsequently, within ninety days of formation, the Condominium Association shall become a member of and enter into an agreement with the Bethesda Urban Partnership for the purpose of maintaining public open spaces and participating in community events.

9. Coordination for Additional Approvals Required Prior to Site Plan Approvals

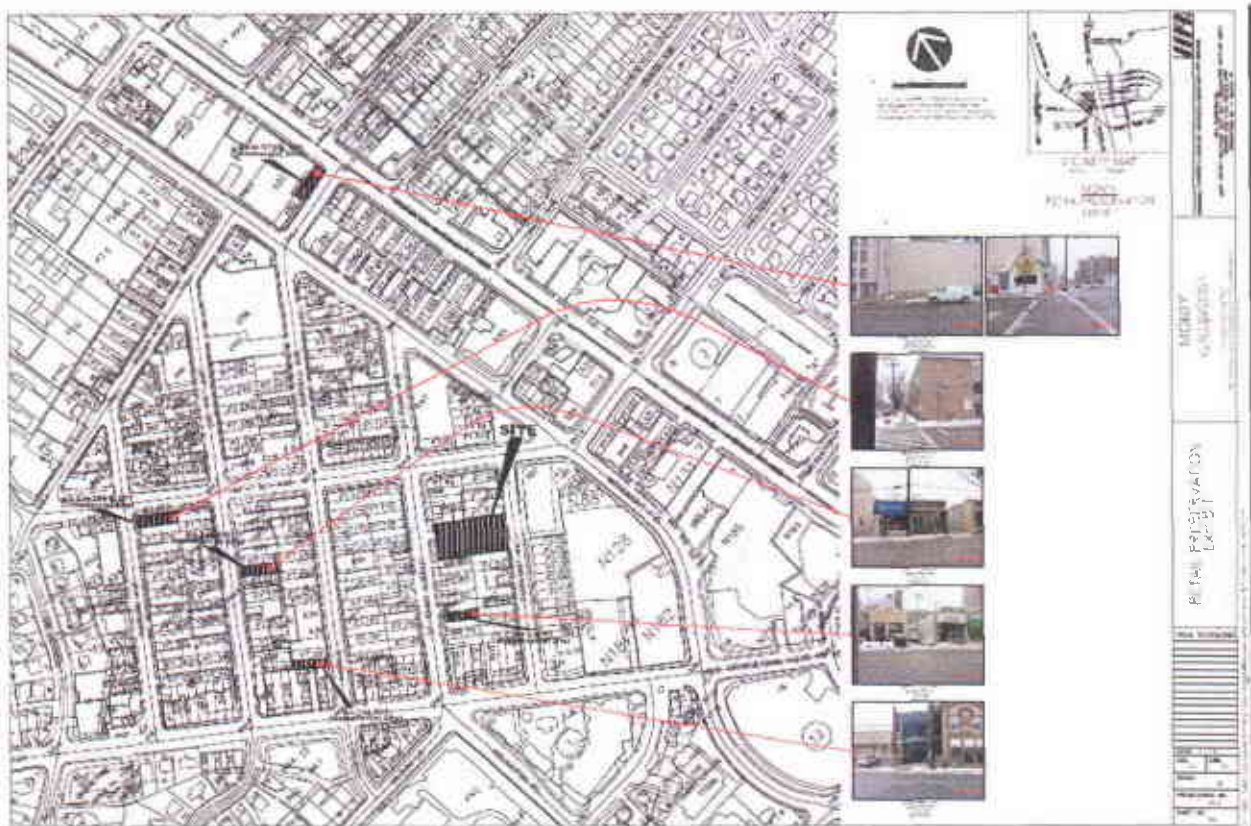
- a. The applicant shall present the public art components to the Art Review Panel for review and comment that will be available to the Planning Board prior to scheduling the Planning Board hearing for the site plan application.
- b. The applicant shall enter into a maintenance agreement for the applicable streetscape improvements.
- c. The covenants for the transfer properties must be recorded subsequent to approval of the site plan.

PROJECT DESCRIPTION: Surrounding Area

The property is located between St. Elmo Avenue and Fairmont Avenue to the east of Old Georgetown Road and to the west of Norfolk Avenue, in the Woodmont Triangle section of the Bethesda CBD. It consists of 20,500 square feet of land identified as 4915 Fairmont Avenue, 4917 Fairmont Avenue, 4914 St. Elmo Avenue, and 4918 St. Elmo Avenue. The property is zoned CBD-2 consistent with the recommendation in the 2006 Woodmont Triangle Amendment to the approved and adopted 1994 Bethesda Central Business District Sector Plan.

Pursuant to the Woodmont Triangle Amendment, the project will incorporate density from other properties in the Woodmont Triangle Density Transfer Area identified in the Woodmont Triangle Amendment in accordance with the provisions of Section 59-C-6.2355 of the Zoning Ordinance. The project will utilize the following densities:

- 13,700 square feet of density from 8020 Norfolk Avenue in the CBD-1 Zone
- 9,000 square feet of density from 4932 St. Elmo Avenue in the CBD-2 Zone
- 6,250 square feet of density from 4916 Del Ray Avenue in the CBD-1 Zone
- 6,250 square feet of density from 4939 Cordell Avenue in the CBD-1 Zone
- 15,974 square feet of density from 8100 Wisconsin Avenue in the CBD-1 Zone

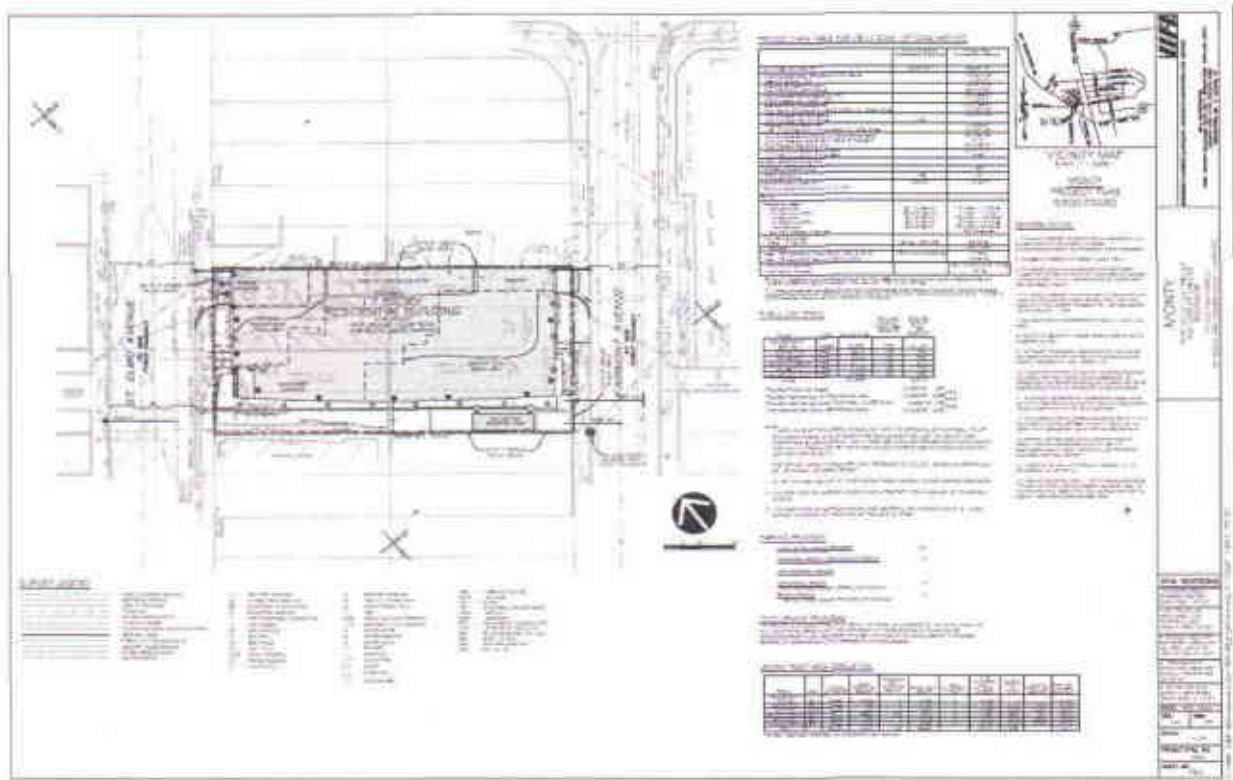


PROJECT DESCRIPTION: Site Description

The subject site or receiving parcel is located at 4915 Fairmont Avenue, 4917 Fairmont Avenue, 4914 St. Elmo Avenue, and 4918 St. Elmo Avenue. The property is zoned CBD-2. The property is currently improved with one-story and two-story buildings containing commercial uses fronting both Fairmont and St. Elmo Avenues, and a paved surface parking area. The property drops in grade approximately 6' from Fairmont Avenue to St. Elmo Avenue. Some of the current structures are vacant or used for storage, with a majority of active commercial retail space located on St. Elmo Avenue. The property is adjacent to a parking structure on the west side, commercial space on the east side, and office space on the north side, across St. Elmo Avenue. A project undergoing similar redevelopment efforts is located across Fairmont Avenue on the south side.

PROJECT DESCRIPTION: Proposed Development

Consistent with the Woodmont Triangle Amendment, the applicant proposes to redevelop the property with a 17-story residential building with underground parking and enhanced ground floor retail uses. The applicant is in the CDB-2 Zone and proposes to take advantage of the full development potential available under the optional method of development.



The project is designed to be a transit-oriented development with convenient access to the Metro station; bus facilities, pedestrian network and bikeways, and the project will provide the required parking on-site. The access to the parking garage and the front door of the residential building

will be on the northern side of the Property, facing St. Elmo Avenue with the loading area on Fairmont Avenue. There will be retail facades on St. Elmo Avenue, Fairmont Avenue, and along the pedestrian linkage so that there will be no “back door” to the project.

The project will utilize the Woodmont Triangle Amendment recommendations to transfer density from five other smaller commercial properties within the Woodmont Triangle area to maximize the housing potential and amenities that can be provided by the project while maintaining the smaller scale of other properties in the Woodmont Triangle that are not likely to redevelop or utilize the optional method of development. The total density of the project with the smaller density transfer areas as proposed by the applicant is 237,275 square feet, or 4.88 FAR.

Building Design

The building on the subject property will consist of 214,411 square feet of building area, including 7,700 square feet of ground floor retail. The residential component will contain up to 133 dwelling units, 15% of which will be MPDUs. The applicant is utilizing the 22% height bonus to construct a 174-foot-tall building, in order to accommodate the 15% on-site MPDUs and the transferred density. The applicant is also requesting a waiver of 10 percent to the provision for roof structure area, which would increase the coverage area from 25 percent to 35 percent. The additional roof structure area will include a recreation party room, in addition to the necessary elevator, stair and mechanical equipment area typically situated on the rooftop. The applicant states that the 10 percent increase in roof coverage will be negligible with respect to the views of the building from the street and adjacent buildings, and the location of the recreation space should improve the overall appearance of the roof structures. Approximately 197 parking spaces for the residential units and retail uses will be provided in a four-story below-grade

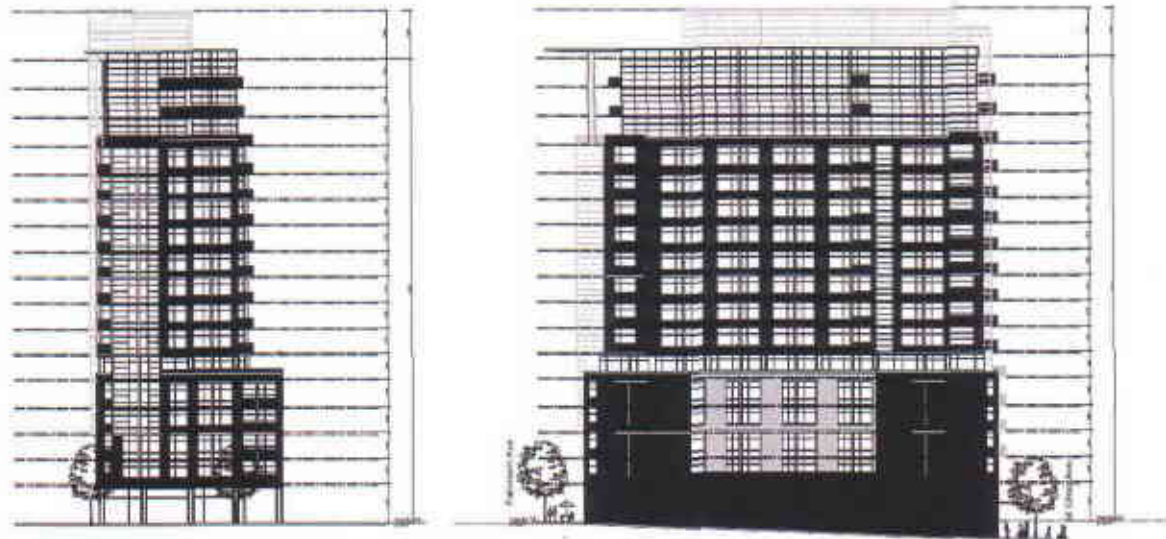
garage structure. The building will have frontage on both Fairmont and St. Elmo Avenues, with the main residential entrance along St. Elmo Avenue. Access to the commercial areas is provided from both streets, including at the proposed mid-block pedestrian linkage.



The project will improve the streetscape on-site along the property frontage on both Fairmont and St. Elmo Avenues, as well as off-site on St. Elmo Avenue within the vicinity of the project. The pedestrian linkage

through the project will provide pedestrian connectivity and consist of pavers, a water feature, and plantings, lighting and seating areas to create an inviting environment for patrons of the retail area.

NOTE: elevations are for illustrative purposes only



Conceptual Fairmont Ave
Elevation

Conceptual Northwest
Elevation

CONCEPTUAL ELEVATIONS

MONTY

BETHESDA, MD

MONTY, LLC

SK&I

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Public Use Space and Amenities

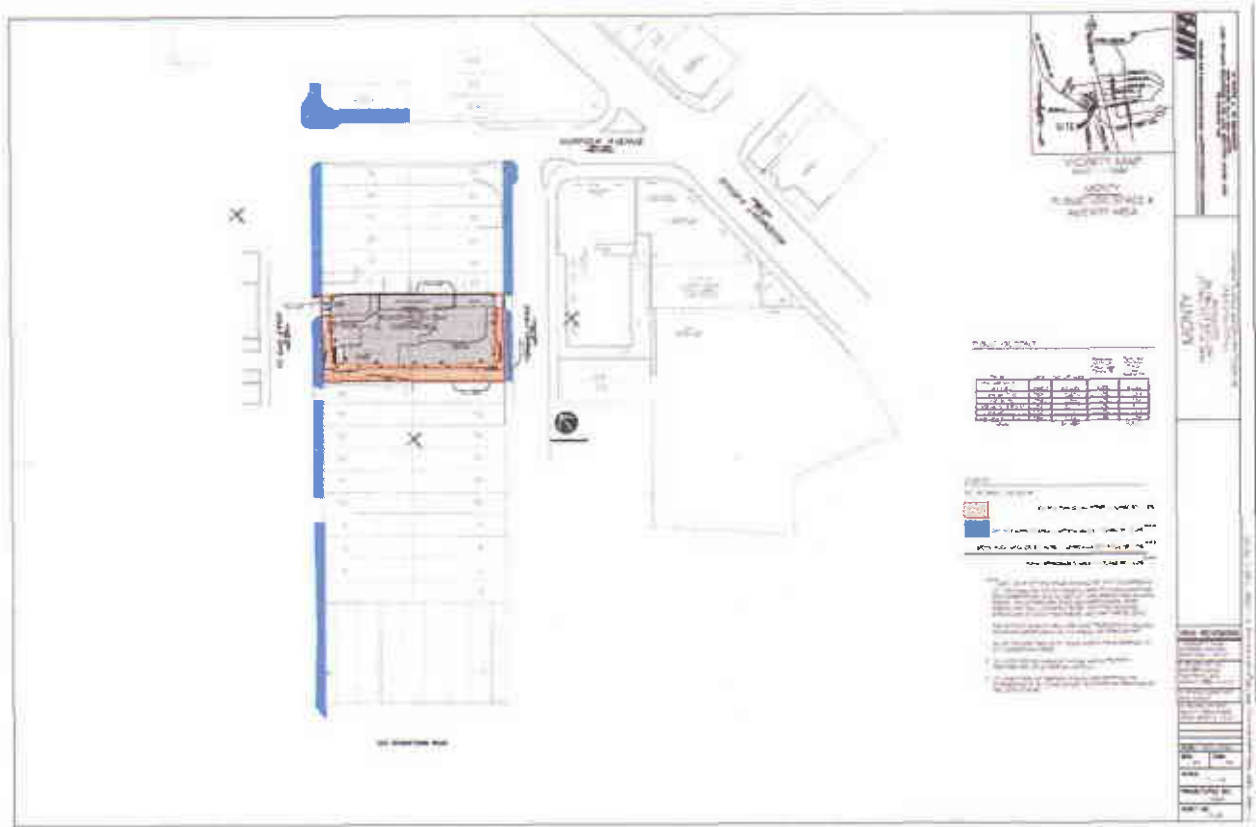
The applicant is providing a total of 10,680 (5,480 on-site) square feet of on and off-site public use space. The total public use space provided is based on the net lot area of the site, which includes the sending parcels. The on-site public use space consists of a mid-block crossing connecting Fairmont and St. Elmo Avenues on the west side of the building, consisting of seating, special pavers and lighting and amenity landscaping. The water feature is also along the wall of the connection. Additional public use space is provided along both of the building frontages connected by the mid-block crossing and the entire length of streetscape improvements on the east side of St. Elmo Avenue. In addition to the streetscape improvements along the east side of St. Elmo Avenue, the applicant is proposing to provide the Bethesda Streetscape from the property boundary to the Norfolk Avenue intersection on the west side of Fairmont Avenue and a portion of the north side of Fairmont Avenue. Amenities within this space include a fountain with a public art component, accent planting and lighting, seating, decorative pavers and

landscape improvements, retail façade, receptacles, and possible outdoor seating area consistent with the Bethesda Streetscape Plan. The proposed green roof area has been included, as part of the overall amenity package, but it will provide an environmental urban amenity and stormwater management.

Off-site improvements include streetscape improvements along both sides of St. Elmo Avenue to the intersection of Norfolk Avenue, which will improve the appearance and pedestrian environment on the connection to the Norfolk Avenue corridor and major arteries within the Woodmont Triangle area. Off-site improvements are comprised of pavers, streetlights, and street trees in conformance with the Bethesda Streetscape Standards, which also includes providing utilities underground. The total off-site improvements equate to 5,200 square feet or 30 percent of the net lot area of all of the parcels involved with this application.



Perspective from St. Elmo Avenue



Public Use Space Exhibit

(Orange represents on-site public use space and blue represents off-site streetscape improvements)

Pedestrian and Vehicular Access

The 197 spaces are being provided in a 4 level below-grade garage to satisfy the parking requirements for the proposed 133 units and 7,700 square feet of retail space. The site is within the Bethesda Parking District, which would allow the applicant to reduce the number of spaces provided, however, the applicant has not chosen to do so. The plans show access into the parking area via access from St. Elmo Avenue. Access for service is located in a separate entrance on Fairmont Avenue. Access to and from the parking area for the building is provided on St. Elmo Avenue given its connectivity to other



major thoroughfares within the district. Separating the two vehicular access points allows for fewer impacts on a narrow site and additional retail frontage on the two streets.

The sidewalk improvements and streetscaping will improve the current pedestrian circulation and provide more convenient access to the Bethesda Metro Station and bus facilities, as well as to the free Bethesda Circulator route to access the Metro Station and other downtown Bethesda destinations. The pedestrian access also opens up more convenient access to nearby public parking decks. The applicant's proposed Traffic Mitigation Agreement will assist with educating tenants and residents about the alternative modes of transportation available and the services of Bethesda Transportation Solutions.



Perspectives indicating entrance to lobby and mid-block pedestrian connection

PLANNING AND REGULATORY FRAMEWORK

The site contains 20,500 square feet of property on 8 lots identified as Lot 54- 4915 Fairmont Avenue; Lots 55, 56, 57- 4917 Fairmont Avenue; Lots 89, 90- 4914 St. Elmo Avenue; and Lots 87, 88- 4918 St. Elmo Avenue. The properties presently consist of one and two story commercial structures, some of which are vacant, and a paved parking area. The applicant proposes using a transfer of density from the following properties in development of this property: 8020 Norfolk Avenue, 4932 St. Elmo Avenue, 4916 Del Ray Avenue, 4939 Cordell Avenue, and 8100 Wisconsin Avenue.

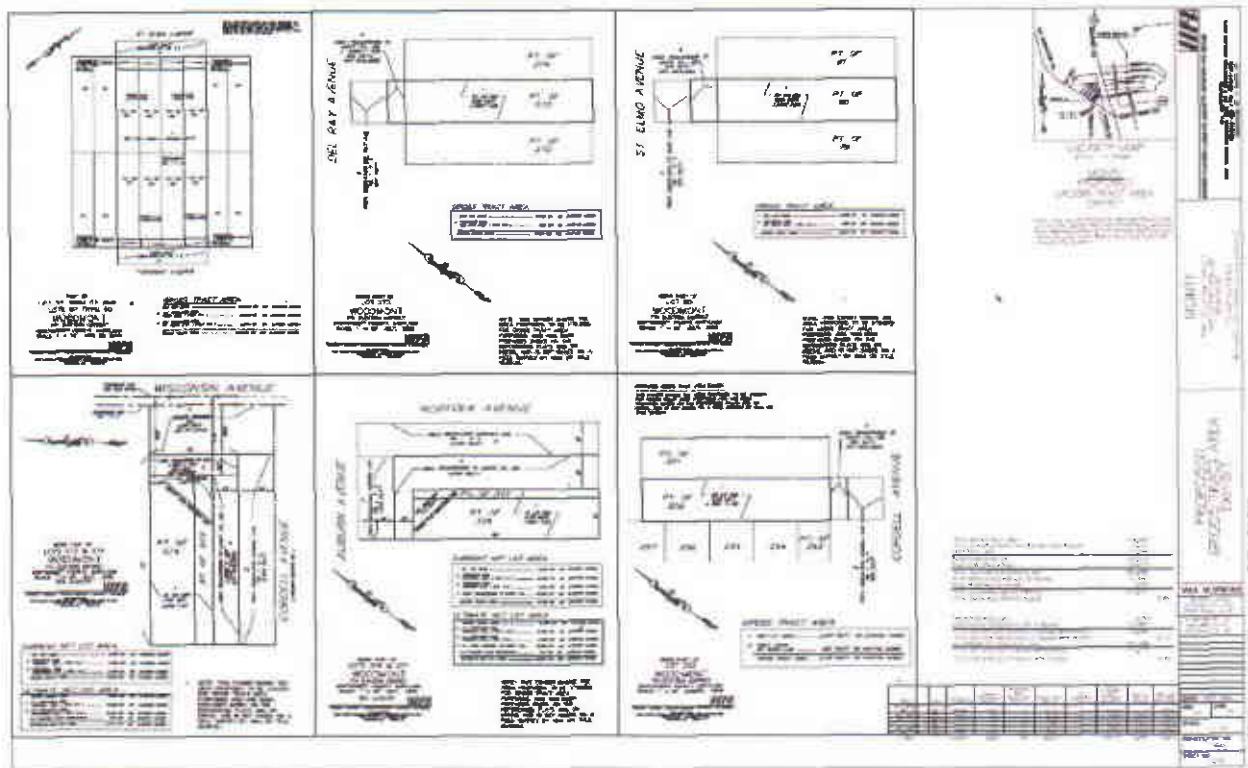
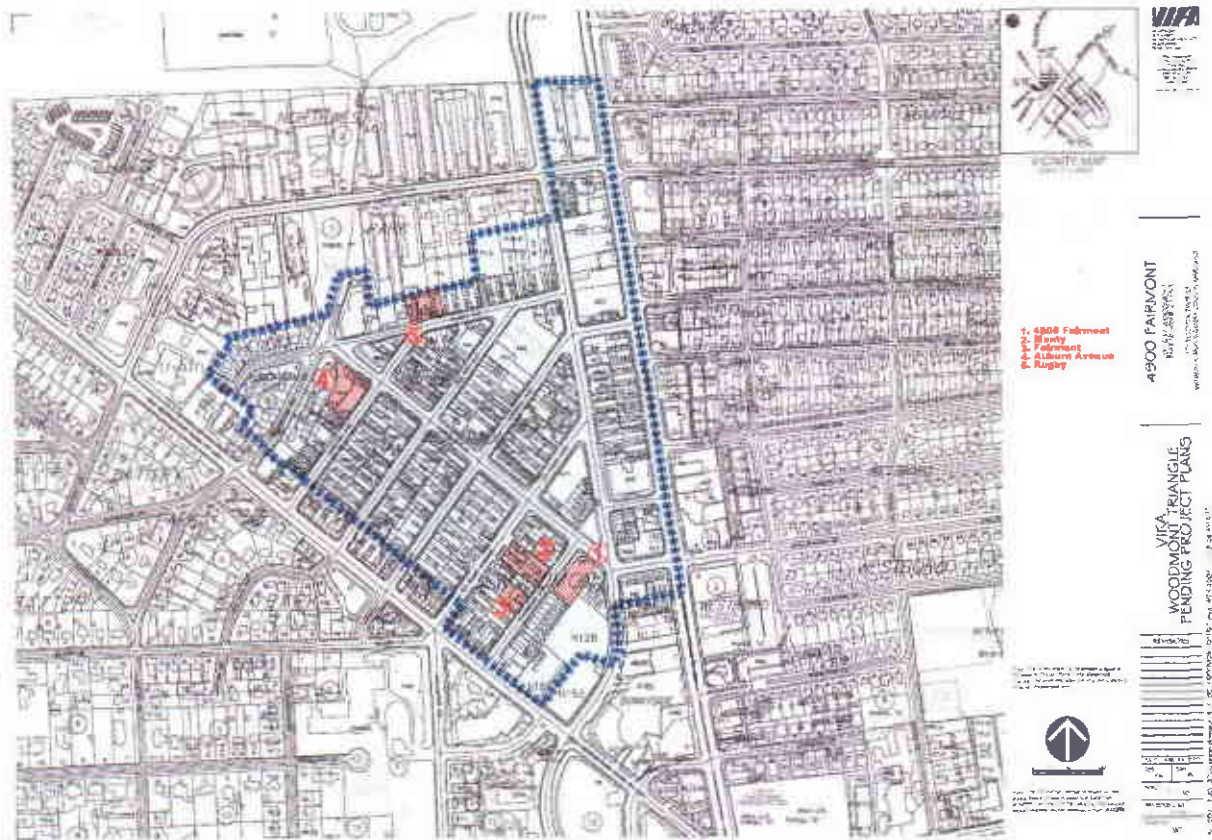


Exhibit indicating the lots/parcels involved with the overall plan

Master Plan

The Project Plan is in conformance with Woodmont Triangle Sector Plan Amendment (2006) to the Bethesda CBD Sector Plan (1994).



Prior Approvals

There are no prior approvals associated with this property.

Preliminary or Site Plan

A Preliminary and Site Plan will be submitted by the applicant for review and approval subsequent to approval of this Project Plan by the Planning Board.

BASIS FOR CONSIDERATION OF ISSUES

Per Section 59-D-2.43, in making its decision on an application for the optional method project plan, the Planning Board must consider:

- (a) The nature of the proposed site and development, including its size and shape, and the proposed size, shape, height, arrangement and design of structures, and its consistency with an urban renewal plan approved under Chapter 56.
- (b) Whether the open spaces, including developed open space, would serve as convenient areas for recreation, relaxation and social activities for the residents and patrons of the development and are planned, designed and situated to function as necessary physical and aesthetic open areas among and between individuals structures and groups of structures, and whether the setbacks, yards and related walkways are located and of sufficient dimensions to provide for adequate light, air, pedestrian circulation and necessary vehicular access.
- (c) Whether the vehicular circulation system, including access and off-street and loading, is designed to provide an efficient, safe and convenient transportation system.
- (d) Whether the pedestrian circulation system is located, designed and of sufficient size to conveniently handle pedestrian traffic efficiently and without congestion; the extent to which the pedestrian circulation system is separated from vehicular roadways so as to be safe, pleasing and efficient for movement of pedestrians; and whether the pedestrian circulation system provides efficient, convenient and adequate linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities.
- (e) The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs, in relation to the type of use and neighborhood.
- (f) The adequacy of provisions for construction of moderately priced dwelling units in accordance with Chapter 25A if that Chapter applies.
- (g) The staging program and schedule of development.
- (h) The adequacy of forest conservation measures proposed to meet any requirements under Chapter 22A.
- (i) The adequacy of water resource protection measures proposed to meet any requirements under Chapter 19.

FINDINGS for Project Plan Review:

The following sections of the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan and the Zoning Ordinance establish findings for compliance, which must be made by the Planning Board. These findings form the basis for the Board's consideration of approval. In accordance herewith, the staff makes the following findings:

Woodmont Triangle Sector Plan Compliance

For the purposes of this report, section headings will be shown in **bold**, verbiage from Plan sections will be shown in *italics*, and comments will be in plain text.

1. Compliance with the Woodmont Triangle Sector Plan Goals

- a. *Housing – Provide opportunities to increase the supply of housing to serve a variety of income levels.*

The project includes a maximum of 133 units, including 15% (20) on-site MPDUs, with a unit mix of 1, 2, and 3 bedrooms. The integration of market-rate units with MPDUs provides opportunities within the housing market for a variety of income levels.

- b. *Small-Scale Retail – Provide opportunities to retain existing businesses and expand opportunities for new businesses.*

The project is preserving small-scale commercial uses on several properties by purchasing and transferring density to the subject property from sending parcels. These sending parcels will retain their development potential for the standard method process, allowing for smaller-scale retail to remain or expand in a limited manner. The new development includes 7,700 square feet of commercial space on the ground floor with access and frontage along Fairmont and St. Elmo Avenues as well as the mid-block connection, which will provide opportunities for visibility and access to the retailers on both streets. The amount of commercial gross floor area preserved on the sending parcels equals 27,087 square feet.

- c. *Arts and Entertainment District – Enhance the existing public arts programs in the Bethesda CBD and provide opportunities for both the visual and performing arts.*

The on-site amenities for the project will contain a public art component intended to draw the general public to the amenity space within the project. The art element includes a water feature near the northwest boundary by the mid-block pedestrian connection. The artist will integrate the piece into the landscape for a visual and emotionally calming effect.

- d. *Safe and Attractive Streets – Focus on improving the safety and character of the existing streets. Establish Norfolk Avenue as the main street in the Woodmont Triangle Study Area.*

The project will improve the safety and character of Fairmont and St. Elmo Avenues by removing old, functionally obsolete structures, providing an improved and consistent streetscape plan, and creating uses that activate the street and public spaces during day and evening hours. The retail uses that front onto the mid-block pedestrian connection and street, as well as the residential lobby, help to address CPTED (Crime Prevention Through Environmental Design) issues and provide for eyes on the space.

- e. *Public Amenities – Increase the flexibility in providing the public use space through the Optional Method of Development by allowing off-site and on-site fulfillment of this requirement, and by identifying a list of priority public amenities.*

The pedestrian linkage will connect the retail uses and public parking garages, and the streetscape will be improved on the entire stretch of St. Elmo Avenue from Old Georgetown Road to the Norfolk Avenue intersection; a portion of the north side of Norfolk Avenue; and on the west side of Fairmont Avenue in front of the property to the intersection with Norfolk Avenue. The proposed building is also providing a green roof for environmental benefit and to address stormwater management for the property. In addition to providing streetscape on the aforementioned streets and the partial green roof, the applicant is providing an art component as a public amenity.

2. Compliance with the Woodmont Triangle Sector Plan General Recommendations

- a. *Provide a range of housing opportunities, including new low-rise and high-rise housing, to serve a variety of income levels.*

The project will provide a 17 story high-rise building containing a maximum of 133 units, including 15% on-site MPDUs, to help fill the need for high-rise housing opportunities for a range of income levels.

- b. *Support the “step down” of building heights from the Metro station area to the edges of the Central Business District, but provide incentives for increased building heights to encourage new opportunities for housing for all income levels.*

The project is within 1600' of the metro station, and proximate to taller buildings and higher densities within the downtown core. The project provides for a height transition from the Metro Core to the Woodmont Triangle in compliance with the Woodmont Triangle Amendments (*i.e.*, Norfolk Avenue and specifically Blocks 44 and 45 as identified in the Woodmont Triangle Amendment). The transfer of density from smaller parcels ensures a range of building sizes and scale within the Sector Plan area by retaining the smaller-scale retail and commercial spaces and providing the mixed-use development on the receiving site.

- c. *Protect the sunlight to the area's streets and spaces, particularly along Norfolk Avenue.*

The project, which is a stepped-back building, starting at the 6th floor and then again at the 15th floor, is situated north to south between St. Elmo and Fairmont Avenues. The property is approximately 100 feet southwest of Norfolk Avenue, and the project design will help retain adequate sunlight along St. Elmo, Fairmont, and Norfolk avenues.

- d. *Provide sufficient building setbacks to adequately accommodate pedestrians and streetscape improvements.*

The project is dedicating frontage along St. Elmo and Fairmont avenues to increase the sidewalks to 20 feet. The streets will be connected by an approximately 19-foot-wide mid-block public space allowing pedestrian passage. Also, the higher floors will be stepped back for visual interest and additional sunlight. The first step back starts at the sixth floor followed by a second step back at the 15th floor.

- e. *Review projects for compatibility with existing uses that ensure animation of the first floor space through commercial uses.*

The project will provide compatibility with existing retail uses by providing a retail frontage on St. Elmo Avenue, Fairmont Avenue and the pedestrian linkage, as well as improving the streetscape on the front of the subject property and the adjoining properties on St. Elmo Avenue with brick pavers and the Bethesda streetscape.

- f. *Provide street oriented retail, restaurants and other animating uses of building located along streets such as Norfolk Avenue and Cordell Avenue.*

The project includes 7,700 square feet of retail space on the first floor. There will be access to these areas from the mid-block connection, St. Elmo Avenue and Fairmont Avenue. The vehicular access points were separated; the garage entrance from St. Elmo Avenue and the loading entrance from Fairmont Avenue, to allow for wider retail frontage and the residential access to the building.

3. Compliance with the Woodmont Triangle Sector Plan Urban Design Guidelines

- a. *Design new buildings so that public streets and spaces retain adequate sunlight, particularly along Norfolk Avenue.*

The applicant provided a shade study as part of the revised plans for review, which demonstrate that the building location and "step-back" features minimize impact on sunlight to adjoining streets and properties.

- b. *Provide sufficient building setbacks to adequately accommodate pedestrians and streetscape improvements. Where outdoor restaurants are proposed, additional building setbacks may be required to accommodate pedestrian space and outdoor seating areas.*

The project façade on all three sides is exposed to public streets and use space, and contains building setbacks that allow for a transition from the street, thus creating a stepping affect. The commercial space on the ground floor is proposed for retail with no outdoor use identified. The pedestrian linkage has been widened further through the review process to accommodate pedestrians and will include opportunity for seating areas. The pedestrian passage will also include specialty pavers and lighting, seating, landscaping and the public art element to make the space more inviting.

- c. *Review new projects for compatibility with existing uses and to ensure animation of the first floor space through use of retail, restaurant, or other activating uses.*

The project is compatible with the Woodmont Triangle Amendment to the Sector Plan and planned uses in the area. The proposed first floor retail space and mid-block pedestrian linkage as well as new residential units will provide economic opportunities for existing businesses in the vicinity of the project.

- d. *Provide street-oriented retail, restaurants, and other street animating uses on the first floor of buildings located along streets such as Norfolk Avenue and Cordell Avenue.*

The project will include street oriented retail and other street animating uses on the ground floor along St. Elmo and Fairmont avenues, which will be extended through the property and connected via the mid-block public use space.

4. Compliance with the Woodmont Triangle Sector Plan Public Amenities and Facilities Guidelines

- a. *Improve Norfolk Avenue as a pedestrian system that connects existing public facilities and amenities such as Battery Lane Urban Park, the Whitney Theater, the Bethesda Outdoor Stage, Imagination Stage, and Veterans Park to the Capital Crescent Trail. Renovation of Norfolk Avenue should include; utilities placed underground; Washington Globe street lights and other festive lighting; benches, bike racks, brackets for banners, and trash receptacles; street trees; outdoor seating for restaurants and cafes; public art; and special paving for sidewalks established as the standard for Bethesda.*

The property does not include frontage along Norfolk Avenue, although the applicant does propose streetscape improvements on St. Elmo and Fairmont Avenues to the intersection with Norfolk Avenue and on a portion of the north side of Norfolk Avenue. These improvements will improve the appearance and pedestrian

environment to the Norfolk Avenue corridor, which serves as a major artery within the Woodmont Triangle area.

- b. *Provide the Bethesda streetscape on other streets in the study area, such as Cordell Avenue.*

In addition to the proposed streetscape improvements on the north side of Norfolk Avenue, the project proposes streetscape improvements on the east side of St. Elmo from Old Georgetown Road to the intersection with Norfolk Avenue, and in front of the property along Fairmont Avenue to Norfolk Avenue.

- c. *Establish north-south, mid-block pedestrian connections for the blocks located between Old Georgetown Road and Norfolk Avenue.*

The project will include a mid-block pedestrian link between St. Elmo and Fairmont avenues for connectivity and convenience to break up the existing long blocks, which presently deter pedestrian movement.

- d. *Establish a network of diverse urban spaces when including public use space on-site.*

The pedestrian linkage will include pavers, a water feature, landscaping, lighting, and other amenities to create a safe and visually interesting and animated space. This linkage will highlight the retail façade along the corridor, and provide more convenient access between the streets and other adjacent uses.

- e. *Blocks 44 and 45 are the blocks in the Woodmont Triangle Study Area that are closest to Metro and provide the potential for higher density redevelopment. The existing zoning on these blocks is CBD-1 and CBD-R2. In order to encourage residential redevelopment, the Sectional Map Amendment recommends changing the existing CBD-1 zoning to CBD-2, with an FAR of 5.0 for all properties in these blocks and a height limit of 143 feet or 174 feet with a 22% MPDU bonus.*

The property was classified to the CBD-2 zone and is located within this designated area of the Woodmont Triangle Study Area. It maximizes development as recommended in the Woodmont Triangle Amendment by incorporating additional building height up to 174 feet with a 22% MPDU density bonus (with 15% of the total units being on-site MPDUs). The 174 feet is equivalent to 22 percent above the permitted 143 allowed in the CBD-2 Zone due to the provision of on-site MPDUs.

Zoning Ordinance Compliance

For the purposes of this report, section headings will be shown in **bold**, verbiage from ordinance sections will be shown in *italics*, and comments will be in plain text.

Section 59-C

1. (59-C-6.212) Intent of the Zones

- (a) *To encourage development in accordance with an adopted and approved master or sector plan . . . by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan . . . and the site plan . . . is approved on review by the Planning Board.*

The applicant proposes to meet the goals of the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan by:

- Utilizing density transfers from within the transfer area to increase the supply of housing, including on-site MPDUs to increase choices for a variety of incomes.
 - Transferring density from existing commercial properties within the transfer area to retain existing businesses.
 - Providing 7,700 square feet of non-residential uses on the ground floor to provide opportunity for new businesses.
 - Increasing the attractiveness of streets by demolishing numerous vacant and functionally obsolete structures, and improve streetscape with both on and off-site improvements in the vicinity.
 - Providing public use space that is artistically designed with seating and a water feature, and includes a mid-block pedestrian connection providing additional storefront area to animate the space.
- (b) *To permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central business districts to meet the needs and requirements of works, shoppers, and residents.*

The applicant proposes a 17-story, 133-unit (maximum) development to include 15% MPDUs. This allows for the applicant to achieve an increase in maximum height from 143' to 174', utilizing the 22% residential density bonus.

The project focuses on high-rise development where infrastructure, services and amenities exist. The project will address housing needs within the County and improve retail and amenities within the area. The 15% MPDUs will be located on-site in compliance with Chapter 25A. The applicant has been involved in the Woodmont Triangle Amendment process for 3 years. The project will provide greater streetscape activity and frontage by

eliminating surface parking. "Step-back" features are offered on higher floors to address height differences, which is consistent with Section 59-A-2.1 of the Code.

- (c) *To encourage designs which produce a desirable relationship between the individual buildings in the CBD, between the buildings and the circulation system, and between the CBD and adjacent areas.*

The proposed project is being submitted in compliance with recent changes to the Bethesda CBD Master Plan, which include in particular changes in this area of the CBD to encourage redevelopment efforts. It is consistent with the new Sector Plan Amendment, and is compliant with the goals of the Plan amendments. There are similar structures in the CBD, but it appears this may be one of the initial proposals as part of the new redevelopment approach in this specific neighborhood. The proposed transfer of density from smaller properties preserves the small-scale character of those properties. The pedestrian linkage and streetscape improvements are also consistent with the Plan.

- (d) *To promote the effective use of transit facilities in the CBD and pedestrian access thereto.*

The applicant is proposing a mid-block pedestrian linkage that will improve the streetscape and connectivity between Fairmont and St. Elmo avenues, which is a goal of the Plan. The sidewalk improvements will enhance pedestrian circulation and provide more convenient access to alternative modes of transportation. The applicant is proposing a maximum of 133 units and the 197 parking spaces proposed meets the required need for the project.

- (e) *To promote improved pedestrian and vehicular circulation.*

As noted above, the applicant is proposing a mid-block pedestrian crossing as well as on and off-site public street improvements. This pedestrian access opens up more convenient access to public parking decks and other retail uses in the vicinity. The plan does not provide at this time any projected traffic flow patterns beyond ingress and egress of the underground parking area. The vehicular access points were separated; the garage entrance from St. Elmo Avenue and the loading entrance from Fairmont Avenue, to allow for wider retail frontage and the residential access to the building.

- (f) *To assist in the development of adequate residential areas for people with a range of different incomes.*

The project is providing at least 3 different dwelling unit sizes, including 15% on-site MPDUs. The unit density decreases from approximately 10-11 units on the lower floors to approximately 3-6 units on the upper floors, which reflects a similar range in marketable price.

- (g) *To encourage land assembly and the most desirable use of land in accordance with a sector plan.*

As noted in subsection (a) of this section of the ordinance, the project is proposing to meet the 5 primary goals of the amended Plan. This is further outlined in the applicant's Project Plan Submission-Tab 3.

2. (59-C-6.213) Additional Intent of certain zones

- (a) *In the CBD-0.5, CBD-R1, and CBD-1 zones it is further the intent:*

This section does not apply to this project.

- (b) *In the CBD-R1, CBD-R2, CBD-2 and CBD-3 zones, it is further the intent to foster and promote the orderly development of the CBDs of the county so that these areas will enhance the economic status of the county as well as providing an expanding source of employment and living opportunities for its citizens in a desirable urban environment.*

As noted above the proposed development will provide increased opportunities through a mixed-use development project to include both commercial and residential uses.

- (c) *In the CBD-2 it is further the purpose:*

- (1) *In the CBD-2 Zone, it is further the purpose to provide a density and intensity of development which will permit an appropriate transition from the cores of CBDs to the less dense peripheral areas within and adjacent to the districts.*

As noted above, the property is located toward the more developed urban core, within an area outlined in the Plan for more intense development as proposed.

- (2) *In the CBD-2 Zone, it is further the purpose to provide an incentive for the development of residential uses to meet the needs of those employed within the CBDs and those who will be able to use the district transit facilities to travel to and from places of employment.*

The applicant proposes to provide a maximum of residential units from 1 to 3 bedrooms in size, and includes 15% MPDUs, all of which will create a range in market price. It will also include 7,700 square feet of non-residential space, which will provide retail services for the residents, employees and visitors to the area. The improved streetscapes will provide an improved pedestrian environment to access other establishments in the area or the transit facilities.

3. (59-C-6.215(b)) Methods of development and approval procedures

(a) *Standard Method of development.*

This section does not apply to this application.

(b) *Optional Method. Under the optional method greater densities may be permitted and there are fewer specific standards, but the developer must provide certain public facilities and amenities. The presence of these facilities and amenities is intended to make possible the creation of an environment capable of supporting the greater densities and intensities of development permitted. If residential uses are included in a development, moderately priced dwelling units must be provided in accordance with chapter 25A. The maximum dwelling unit density or residential FAR may be increased in proportion to any MPDU density bonus provided on-site. The procedure for approval of an optional method project is specified in Division 59-D-2, and the procedure for approval of this site plan is specified in Division 59-D-3.*

The applicant is proposing to use the optional method, and comments regarding Division 59-D-2 and Chapter 25A are addressed elsewhere in this report.

The applicant has submitted the following justification for the development of the site using the optional method. Compliance with public use space and amenity requirements are discussed in later sections of this report.

In order to achieve the objectives of the Woodmont Triangle Amendment, the Property must be developed pursuant to the optional method of development. The standard method of development would only yield a maximum of 3 FAR for a mixed-use development, a density yield far below that appropriate and recommended in the Woodmont Triangle Amendment for the Property given its location in the Woodmont Triangle area. The additional density with the optional method of development, including the ability to transfer density from smaller retail properties in the Woodmont Triangle Area as recommended in the Woodmont Triangle Amendment, enhances the ability and feasibility to provide more housing in this area, including housing for a variety of income levels with the on-site MPDUs.

Further, under the standard method of development, a development on the Property would yield only minimal public use space (especially since the development would not be utilizing the area or density of the Density Transfer Properties) and no amenity component. As described in detail herein, the applicant is proposing 5,480 square feet of public use space on-site and 13,780 square feet of amenity space off-site, of which 3,300 square feet is credited toward a partial green roof, for a total of 19,260 square feet (56 percent of the total net lot area) of improved area to benefit the public. In addition to the proposed public use space and amenity, the applicant is leaving the required 10 percent requirement for public use space on the sending parcels to allow for future development. Under the standard method of development, the applicant would only have to provide 2,050 square feet of

public use space (10% of net lot area), which would not include any amenity component on or off-site and would not include the desired pedestrian link through the block. Therefore, under the standard method of development, the project would provide 8,630 square feet less area (80% less area) of on and off-site public use area improvements, and the desired mid-block pedestrian connection, the artwork and fountain within the connection area and the off-site streetscaping would not be achieved.

The Woodmont Triangle Amendment recommended that the minimum lot area for the Optional Method of Development be reduced from 22,000 square feet to 18,000 square feet County-wide with no minimum area for those properties in the Woodmont Triangle Area. The Woodmont Triangle Amendment further recommended that smaller retail properties in the Woodmont Triangle Area transfer density to larger optional method projects to retain the character of the area while providing meaningful developments that satisfy the desired housing and amenity visions for the area. The Project qualified for the optional method of development with the change in the zoning regulations for minimum lot size, and the Project is using the Density Transfer Properties to achieve the desired density on the Property, thus the Project, by taking advantage of these recommendations (which were implemented by the County Council) further satisfies the recommendation for more optional method of development projects in the Woodmont Triangle Amendment.

As such, the optional method permits a more efficient and desirable development than that which could be accomplished by utilizing the standard method of development (in satisfaction of Section 59-D-2.12(f) of the Zoning Ordinance).

In addition to a more appropriate transit-oriented density of development provided by the Project, the public facilities and amenities provided will create the desired emphasis on the Woodmont Triangle as a vibrant urban, mixed-use neighborhood that emphasizes residential, small-scale retail, the arts, and public amenities. Under the standard method of development, only 10 percent of on-site public use space is required, the housing potential and provision of on-site MPDUs is not realized, and no additional amenities for public benefit are required. By utilizing the optional method of development, the Project will provide 80% more on and off-site public use space and amenities, which includes the density and public use space area from the Density Transfer Properties. Therefore, the public will enjoy a greater portion of on-site public use space, which will include the pedestrian linkage through the block that will consist of inviting decorative pavers, artwork and a fountain area along a retail façade. This pedestrian connection is specifically recommended in the Woodmont Triangle Amendment to provide pedestrians more convenient access from the Bethesda Metro Station, the bus facilities and the public parking garages to the numerous retail and business uses in the Woodmont Triangle area. In addition to the on-site pedestrian linkage that is possible with the optional method of development, the Project will also provide off-site streetscape enhancements on St. Elmo, Fairmont and Norfolk Avenues, including pavers, street trees, benches and receptacles that are part of the Bethesda Streetscape plan. In summary, the redevelopment of the Property using the optional method of development provides the opportunity to improve the visibility

and attractiveness of the Property to provide homes, including MPDUs, a mid-block pedestrian linkage, improved streetscapes, ground-floor retail, and public amenities.

4. (59-C-6.22) Land Use

No use is allowed except as indicated in the table of uses under this section.

The residential uses proposed are all permitted uses in this zone. The non-residential portion of the development will be subject to review of the uses as requested at time of building permit for each of the provided non-residential spaces identified in the project.

5. (59-C-6.23) Development Standards

The development standards applicable to the standard and optional methods of development, indicated in each zone, as specified in this section.

PROJECT DATA TABLE FOR CBD-2 ZONE

	<u>Zoning Ordinance Development Standards</u>	<u>Proposed for Approval</u>
Gross Tract Area (sf): (Includes sending and receiving parcels)	18,000	48,587 sf
Max. Density:		
Non-Residential Density		
FAR:	0.12	0.12
(SF)	(7,700)	(7,700)
Existing Non-Residential to remain On transfer sites (sf):		27,087
Residential Density (s.f.): (before MPDU bonus)		173,674
Residential Density Bonus		36,514
Total Residential and Non-Residential Density: *		237,275
Residential Density (FAR):		4.88
Total Density (FAR): (s.f.)	<u>5.0</u> (242,935)	<u>4.88</u> (237,275 to remain and proposed)
Total Number of Units:	133	133
MPDUs (%):	15	15
(number of units)	20	20
Max. Building Height (ft.):	143-200 (subject to Footnote 11)	174 (as measured From Fairmont Avenue)

	<u>Zoning Ordinance Development Standards</u>	<u>Proposed for Approval</u>
Number of Floors	Not specified	17
Min. Building Setbacks (ft.):		
Front Yard (Fairmont Avenue)	--	11
Rear yard (St. Elmo Avenue)	--	10
Side Yard (north)	--	0
Side Yard (south)	--	15
Parking (number of spaces):		
Residential Uses (Mkt. Rate)		
1 BR @ 1.25 sp./unit (12 x 1.25)	15	
2 BR @ 1.50 sp./unit (79 x 1.5)	118.5	
3 BR @ 2.00 sp./unit (22 x 2.0)	44	
Residential Uses (MPDUs)		
1 BR @ 0.625 sp./unit (2 x 0.625)	1.25	
2 BR @ 0.75 sp./unit (18 x 0.75)	13.5	
Residential subtotal:	192.25	
15% credit for residential in CBD	<u>(28.84)</u>	
Required residential parking	163.41	
Non-residential Uses:		
(7,700 gsf @ 5 sp./1000)	38.5	
15% CBD/Metro Credit	<u>(5.78)</u>	
Non-residential sub-total	32.72	
Total Parking Required	196.13	197
Public Use Space (% of net lot area):		
On-Site	20% or 5,472 sf	5,480 sf (see chart on page 28, includes public use space to remain on sending parcels)
Off-Site and Amenity Space		30% or 10,480 sf
Green roof at 50% credit		9% or 3,300
Total On Public Use Space and Off-Site Amenity		56% or 33,573 sf

Parcel Number	Zone	Net Lot Area	Required Public Use (%)	Min. Public Use Space (Sf.)
P/o lots 54-57 and 87-90	CBD-2	20,500	20	4,100
P/o lot 273	CBD-1	2,625	10	263
P/o lot 80	CBD-2	2,500	10	250
P/o lot 573 and 574	CBD-1	3,117	10	312
P/o lot 252	CBD-1	2,625	10	263
P/o lot 376 and 377	CBD-1	2,837	10	284
Totals		34,204		5,472

Following is brief overview of those standards that apply to this project and how the applicant proposes to meet them:

(§59-C-6.234(b)(3)) Floor Area (FAR) Ratio

The applicant has purchased the transfer development rights of several properties in CBD-1 and CBD-2 zones within the allowable area, thus achieving an overall base gross lot area of 48,587 square feet. As demonstrated on the Gross Tract Area Tabulation and the Project Data Table, the total FAR of the project will be 4.88.

(§59-C-6.235(b)) Building Height

The proposed building height of 174 feet is permitted pursuant to Footnote 11 to §59-C-6.235(b), which states that under the optional method of development process, the Planning Board may approve height over 143 feet, but no more than 200 feet. In order to approve height over 143 feet, the Planning Board must find that:

- (1) The additional height is specifically recommended for the property in the applicable sector plan or urban renewal plan or the property is within a revitalization area designated in the applicable sector plan and is located fully or partially within 800 feet of an entrance to a metro station;*

This condition provides that the applicant meet one or the other or both conditions as presented.

The applicant does meet the first condition as reflected on page 24 of the Woodmont Amendment to the Sector Plan for the Bethesda CBD, which states that “ blocks 44 and 45” where this property is located “ recommends...a height limit of 143 feet or 174 (feet) with a 22% MPDU bonus.”

The applicant does not meet the second condition as this property is located more than 800’ from the Bethesda metro station entrance.

- (2) The additional height is consistent with the criteria and guidelines for the property as contained in the applicable sector plan or an urban renewal plan approved by the County Council under Chapter 56, or in the case of a site outside an urban renewal area, accomplishing the objectives of incorporating residential development with commercial development in a mixed use project in close proximity to a metro station otherwise unobtainable due to site conditions, proximity of adjacent non-residential buildings, or other physical constraints which prevent the achievement of sector plan objectives;*

The applicant has satisfied this requirement subject to Board consideration of previously stated issues. A maximum building height of 174 feet is permitted in the sector plan with the use of a 22% MPDU bonus for the proposed 15% on-site MPDUs.

(3) The proposed development is compatible with the surrounding development, considering but not limited to the relationship of the building or buildings to the surrounding uses, the need to preserve light and air for the residents of the development and residents of surrounding properties, and any other factors relevant to the height of the building; and

The applicant has provided a step back of the building on higher floors to open lighting into the public use, mid-block pedestrian area, and to St. Elmo and Fairmont avenues. Most of the area that will be most often shaded is a public parking deck on the opposite (north) side of St. Elmo Avenue. The applicant has provided a shade study, which demonstrates that there will be limited impacts to the light and air for the residents of the development and surrounding properties. The applicant further increased the stepping of the building and width of the pedestrian linkage since the initial submission.

(4) The proposed development will provide additional public facilities and amenities beyond what could otherwise have been provided if the excess height were not approved. Such facilities must be accessible to and usable by the public in accordance with the applicable sector or master plan or urban renewal plan.

The proposed development will provide additional public facilities as outlined in the amenities package that are above those required for the standard method of development.

It should be noted for clarity in this report that the above conditions are specifically “and” in nature, which would therefore suggest that all four must be met in order to receive consideration by the Board for a height greater than 143 feet.

(§59-C-6.233) Public Use Space

The applicant has indicated that they satisfy the requirements for public use space, based on inclusion of the following qualifying improvements:

1. A total of 10,480 square feet of on and off-site public use space and streetscape improvements consistent with the Bethesda Streetscape Plan.
2. Inclusion of off-site streetscape improvements and a green roof above and beyond the 20% required on site.
3. Additional conceptual details of seating, wider pedestrian linkage, added landscaping, public art, and water feature.

6. (59-C-6.2355) Special Regulations for Optional Method of development projects for more than (one) lot involving a density transfer.

(a) The Planning Board may approve an optional method of development project for more than one lot in the same Density Transfer Area that are not adjacent to each other, but when combined, the lots total a minimum of 18,000 square feet, or less if recommended in a master of sector plan. The optional method of development project must comply with the project plan approval requirements of Section 59- D- 2.42(g) and the following provisions:

(i) Density transferred is measured in terms of gross square feet of development.

This requirement has been satisfied.

(ii) The lot that receives a density transfer must not abut or confront a one- family residential zone.

This requirement has been satisfied.

(iii) The development capacity of the combined lots may be transferred among lots as shown on the project plan approved by the Planning Board; however, the development capacity of the combined lots must not exceed the total development capacity otherwise permitted on the separate lots under the optional method of development procedure or any density limit recommended in a master or sector plan.

The applicant has submitted calculations to demonstrate that standard method development rights will remain for the existing properties and that the combined density for the optional method will not exceed what could be achieved on the properties individually.

(iv) Public use space must be provided based on the total area of the lots included in the optional method of development project and may be distributed among lots as shown on the project plan approved by the Planning Board, in consideration of any master plan public use space recommendation. Public use space may be located off-site in the same density transfer area if the Planning Board finds that an off-site location implements a master or sector plan recommendation.

The on-site public use space requirements have been satisfied by providing the 20 percent of the total net lot area of all of the parcels involved, while retaining the 10 percent requirement on the sending sites to provide for future development.

- (b) *A density transfer must be established, transferred, and attached to a property only by means of documents, including an easement and appropriate releases, in a recordable form approved by the Planning Board. Any easement must:*
- (i) *limit future construction of the property that transfers the density to the amount of gross square feet of the building minus all development transferred;*
 - (ii) *indicate the amount of development, in gross square feet to be transferred;*
 - (iii) *indicate the maximum gross square feet of future development for the property that transfers the development credit, but no less than the amount that could be constructed on the property under the standard method of development; and*
 - (iv) *be recorded in the land records of Montgomery County.*

Following is an exhibit of the density allowed for the site:

	<u>Applicant</u>
Total Gross Tract Area	48,587
Total Available GFA before MPDU Bonus	173,674
<u>Less Retail GFA</u>	<u>7,700</u>
Base Residential GSF	165,974
<u>Plus 22% MPDU Bonus</u>	<u>36,514</u>
Total Allowable Residential GSF	202,488
Plus Existing Non-Res GFA to Remain	27,087
<u>Plus Proposed Retail GSF</u>	<u>7,700</u>
Total Allowable GSF with Bonus	237,275
Total Allowable FAR with Bonus	4.88

7. (59-D-2.42) Findings required for approval

The Planning Board can approve, or approve with modifications, an application only if it finds that the proposed development meets all of the following requirements:

- (a) *It would comply with all of the intents and requirements of the zone.*

The project meets all of the zoning requirements subject to resolution of the following items:

1. Acceptance by the Board of the 174' height as proposed, which does not count the roof accessory structure(s) in the proposed height calculations. The structure on the roof surface, which includes the mechanical equipment, party room and green roof area is indicated on the architectural plans as 18 feet tall.
2. Provision by the applicant of a statement of any development rights that will remain with the transfer properties, and correction of the amount of FAR to remain to be

consistent with the requirements of leaving the maximum amount under the standard method of development for each density transfer property.

3. Resolution by the Board that the 10% public use space transferred and met on-site and the 10% public use space to remain with the transfer properties in adequate in meeting the requirements of the ordinance.
4. Confirmation that the ratio of the number of single bedroom MPDUs provided meets the requirements of Chapter 25A.

(b) *It would conform to the applicable sector plan or urban renewal plan. In the case of the inclusion of MPDUs, the Planning Board must decide which if any of the following measures subject to Chapters 59 or 50 should be approved to assure the construction of all required MPDUs on site:*

(1) *exceeding an applicable height limit, lower than the maximum height in the zone, that is recommended in a master plan or sector plan, or*

The project complies with the 174' applicable height limit as prescribed in the sector plan amendment.

(2) *exceeding an applicable residential density limit, lower than the maximum density in the zone, that is recommended in a master plan or sector plan, or*

The project complies with the residential density limits per the transfer of development rights from identified properties, and total base gross square feet, subject to resolution of denial issue number 1.

(3) *locating any required public use space off-site.*

The project complies with the provision of public use space by providing the on-site and off-site public use space and streetscape improvements as indicated in the report.

(c) *Because of its location, size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.*

As noted previously in this report, although it complies with the guidelines and recommendations of the sector plan amendments, it appears that this project is one of the first proposals to utilize these recently adopted provisions, and therefore would not be consistent with existing structures in the immediate neighborhood, but is compatible with the immediate neighborhood as it is providing improvements for the property and the community as a whole with the new retail façade, housing, streetscapes, and pedestrian linkage. Further, the project is consistent with the Woodmont Amendment goals and recommendations guiding redevelopment in this area of the Bethesda CBD.

- (d) *It would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under chapter 42A, article II, is subject to a traffic mitigation agreement that meets the requirements of that article.*

As noted by the applicant, this proposal complies with recommendations of the sector plan to locate development and redevelopment where services currently exist. The applicant has provided a draft traffic mitigation agreement and will provide a Traffic Study.

- (e) *It would be more efficient and desirable than could be accomplished by the use of the standard method of development.*

The applicant has provided information as it pertains to all design standards criteria supporting the argument for the optional method being a more efficient and desirable approach for development than could be accomplished by use of the standard method, which includes; pedestrian linkage, streetscape amenities, underground parking, retail frontage, and on-site MPDUs.

- (f) *It would include moderately priced dwelling units in accordance with chapter 25A of this Code, if the requirements of that chapter apply.*

Section 25A, which applies to this development states under subsection 25A-5 (b) (3) that "in multi-family dwelling unit subdivisions, the number of efficiency and one-bedroom MPDUs each must not exceed the ratio that market-rate efficiency and one-bedroom units respectively bear to the total number of market-rate units in the subdivision."

Although the Project Plan only provides a preliminary classification of MPDUs, the applicant will provide a bedroom allocation during site plan review that complies with the ratios specified in Chapter 25A, which reflected in the current parking space numbers is 12 of 113 to 2 of 20 for one-bedroom, consistent with the ratio requirements.

Section 25A of the Code also requires that the developer enter into a written MPDU agreement approved by the Department of Housing and Community Affairs and the County Attorney at site plan, prior to approval of the certified site plan and building permit..

- (g) *When a project plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from one lot to another or transfer densities within a lot with two or more CBD zones, pursuant to the special standards of either section 59-C-6.2351 or 59-C-6.2352 (whichever is applicable), the project plan may be approved by the planning board based on the following findings:*

- (1) *The project will preserve an historic site, building, structure or area as shown on the Locational Atlas and Index of Historic Sites or the Master Plan for Historic Preservation; and/or*

This provision is not applicable to the proposed development.

- (2) *The project will implement an urban renewal plan adopted pursuant to Chapter 56 of the Montgomery County Code; and/or*

This provision is not applicable to the proposed development.

- (3) *The project will result in an overall land use configuration that is significantly superior to that which could otherwise be achieved.*

The transfer of density from the existing commercial properties will achieve the land use configuration envisioned in the Woodmont Triangle Amendment to preserve the small-scale retail and character of the area, but achieve additional residential density and associated amenities on sites that are suitable for redevelopment with a mixed-use project.

- (h) *Any applicable requirements for forest conservation under Chapter 22A.*

The "Project Plan" exhibit general note 13 states that the project was granted an exemption per Montgomery County Code Chapter 22A, NRI/FSD #4-07003E for small property.

- (i) *Any applicable requirements for water quality resource protection under Chapter 19.*

As stated previously, there is no reference in the application specifically addressing this issue. The application does provide that the project will be supplied with public water and sewer, and has a W/S classification of W-1 & S-1. It further provides that the property is located in the Rock Creek watershed and is classified as Use 1.

ATTACHMENTS

- A. Memoranda from other agencies
- B. Project Plan Checklist

ATTACHMENT A



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

April 30, 2007

MEMORANDUM

TO: Kriston Aleshire, Planner
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning

FROM: Ed Axler, Planner/Coordinator *EA*
Transportation Planning

SUBJECT: Monty
Project Plan No. 920070020
Bethesda Central Business District

This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review and approval of the subject project plan application to construct apartments with ground-floor retail uses in downtown Bethesda.

RECOMMENDATIONS

We recommend the following conditions as part of the APF test for transportation requirements related to the subject project plan:

1. The project plan application must limit the subject site's redevelopment to a maximum of 133 high-rise apartments and up to 7,700 square feet of ground-floor retail use.
2. The applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and the Montgomery County Department of Public Works and Transportation (DPWT), to participate in the Bethesda Transportation Management Organization. The TMAg shall be executed prior to release of any building permits.
3. The applicant must provide up to 20 bicycle parking spaces that include -- inverted-U bike racks in front of the entrances to the ground-floor retail uses and bike lockers in the parking garage within 50 feet of the elevators. The Transportation Planning staff

will determine the number and ultimate location of the bicycle facilities prior to approval of signature set.

DISCUSSION

Site Location, Access, and Parking

The subject site is located between Fairmont Avenue and St. Elmo Avenue, approximately midway between Old Georgetown Road and Norfolk Avenue. Vehicular access for the residents and retail customers is proposed from Fairmont Avenue. The service vehicles access is proposed from a loading dock off St. Elmo Avenue.

Available Transit Service

Bethesda Metrorail station is located 1,500 feet to the south of the subject site. Although no transit service is available along Fairmont Avenue and St. Elmo Avenue, Ride-On routes 29, 42, 47, and 70, Metrobus routes J-2, J-3, J-7, and J-9, all operate along nearby Woodmont Avenue.

Pedestrian Facilities

Sidewalks exist along Fairmont Avenue and St. Elmo Avenue. The existing intersections have marked crosswalks and pedestrian signal heads at studied signalized intersections. The traffic signal timing at these intersections is set so that a pedestrian can cross the intersection at 3.0 feet per second.

Master-Planned Roadways

In accordance with the *Bethesda CBD Sector Plan*, Fairmont Avenue and St. Elmo Avenue are designated as business district streets; both are business district with different right-of-way with a recommended 60-foot and 70-foot right-of-way, respectively.

Sector-Planned Transportation Demand Management

The site is located in the Bethesda Transportation Management District. The applicant must enter into a Traffic Mitigation Agreement with the Planning Board and DPWT to participate in the Transportation Management Organization (TMO); this will assist in achieving the 37% non-auto-driver mode share goal for employees in the CBD as described in Recommendation No. 2.

Local Area Transportation Review (LATR)

The proposed mixed-use development would generate the following peak-hour trips within the weekday morning peak period (6:30 to 9:30 a.m.) and the weekday evening peak period (4:00 to 7:00 p.m.):

Type of Land Use	Number of Units or Square Feet	Weekday Peak Hour	
		Morning	Evening
Proposed Ground-Floor Retail Uses	7,700 sq. ft.	5	20
Proposed High-Rise Apartments	133 units	40	40
Subtotal of Proposed Land Uses- Peak-Hour Trips		45	60
Existing Retail/Restaurant Uses	9,668 sq. ft.	- 6	-25
Existing General Office Use	6,200 sq. ft.	- 9	- 9
Existing Miscellaneous Services	3,625 sq. ft.	- 5	- 5
Subtotal of Existing Land Uses- Peak-Hour Trips		-20	-39
Net Increase in Peak-Hour Trips		+25	+21

A traffic study is required to satisfy LATR at the time of preliminary plan review because the proposed mixed-use development generates 30 or more total peak-hour trips during the weekday morning and evening peak hours. A traffic study was submitted and is now under review for adequacy and completeness. If determined to be adequate and complete, it will be sent to DPWT and the Maryland State Highway Administration (SHA) for their review. The traffic study shows that the Critical Lane Volume (CLV) values at the analyzed intersections are all less than the 1,800 congestion standard for the Bethesda CBD Policy Area. It is noteworthy that a traffic study is not required at the time of project planning. However, the study was submitted to evaluate the potential impact of the proposed development. A more detail analysis of LATR will be offered at the time of preliminary plan review when a traffic study is required.

EA:tc

cc: Marilyn Clemens
Chris Kabatt
Chuck Kines
Anne Martin

mmo to Aleshire re Monty 920070020

**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FOREST CONSERVATION RECOMMENDATIONS**

TO: Inspector Staff, Development Review Division

SUBJECT: Project Name Monty Date Recd 8/3/06 NRI/FSD # 4-07003E

The above-referenced plan has been reviewed by the Environmental Planning Division to determine the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law). A determination has been made that the plan qualifies for the following exemption:

EXEMPTION:

Small Property

Activity occurring on a tract less than or equal to 1 acre in size where activity will not result in the clearing of more than 30,000 square feet of existing forest, or any specimen or champion trees, and reforestation requirements would be less than 10,000 square feet.

This property is not within a Special Protection Area*.

* Properties within a Special Protection Area (SPA) may be required to submit a Preliminary Water Quality Plan. Contact Leo Galanko at MCDPS for information regarding the requirements (240-777-6242).

Signature: 
Josh Penn, Environmental Planning

Date: 8/3/06

cc: Ian Duke, VIKI for the applicant (301-916-2262)

**DHCA Comments for 3/5/07 DRC
Monty – 920070020**

- The location of the MPDUs needs to be shown on the site plan (see Site Plan Guidelines, below).
- The number of one- and two/three-bedroom MPDUs must be shown on the plan and must comply with Chapter 25A-5(b)(3) (below – see chart also). Currently, too many one-bedroom MPDU units are proposed in proportion to 2 bedroom units (4 one-bedroom to 12 two-bedroom). The chart below shows the correct proportion of one- to two-bedroom MPDUs, given the ratio of market-rate units.

Site Plan Guidelines for MPDU Projects:

- (17) Clearly identify MPDUs on all site plan applications and signature set drawings.
- (18) Clearly state on the record plat that the site provides MPDUs, the location of which are shown on the site plan.

Chapter 25A-5:

(b) Any applicant, in order to obtain a building permit, must submit to the Department of Permitting Services, with the application for a permit, a written MPDU agreement approved by the Director and the County Attorney. Each agreement must require that:

- (1) a specific number of MPDUs must be constructed on an approved time schedule;
- (2) in single-family dwelling unit subdivisions, each MPDU must have 3 or more bedrooms; and
- (3) *in multi-family dwelling unit subdivisions, the number of efficiency and one- bedroom MPDUs each must not exceed the ratio that market-rate efficiency and one-bedroom units respectively bear to the total number of market-rate units in the subdivision. (see below:)*

Monty

Total units	106
Market Rate Units	90
MPDUs	16

Bedroom Sizes

	<u>Market</u>	<u>%</u>	<u>MPDUs</u>
0	0	n/a	
1	6	7%	1
2+	84	93%	15

ATTACHMENT B



**Development Review Division
Montgomery County Department of Park and Planning**

CHECKLIST Site Plan / Project Plan Review

Plan # 920070020 Name: MONTY
 Zone: CBD142 Tract Area: 237,275 Proposed Use: MIXED-USE
 Number of Units: 133 Square Footage: 210,188
 Development Method: OPTIONAL Other: N/A

Referral Comments:

M-NCPPC

	Staff	Date
Transportation	<u>SE</u>	<u>4.30.07</u>
Environmental	<u>JP</u>	<u>8.3.06</u>
Community Planning	<u>J</u>	
Historic Planning	<u>N/A</u>	
Park Planning	<u>N/A</u>	
Research/Housing	<u>DL</u>	<u>3/5/07</u>

Other Agencies

	Staff	Date
SHA	<u>NK</u>	
DPS (SWM)	<u>DK</u>	<u>3.5.07</u>
DPS (Traffic)	<u>SN</u>	<u>3.5.07</u>
Public School	<u>N/A</u>	
Utility	<u>N/A</u>	
Fire & Rescue	<u>JP</u>	<u>3.5.07</u>
DPW & T	<u>N/A</u>	

Development Standards / Requirements

- Zoning Requirements
- Development Data Table
- Recreation Calculation
- MPDU Calculation
- TDR Calculation
- Timing/Phasing Conditions
- Building Restriction Lines
- Building Height
- Master Plan Conformance

Prior Approvals

- Development Plan
- Record Plat
- Preliminary Plan
- Prior Site Plan Approvals

Community Input

- Civic Association _____
- Individuals _____

Supervisor Review PAW 5.16.07
 Chief Review _____