

Edgemont at Bethesda II, Sketch Plan No. 320180030 and Preliminary Plan Amendment No. 11984058A

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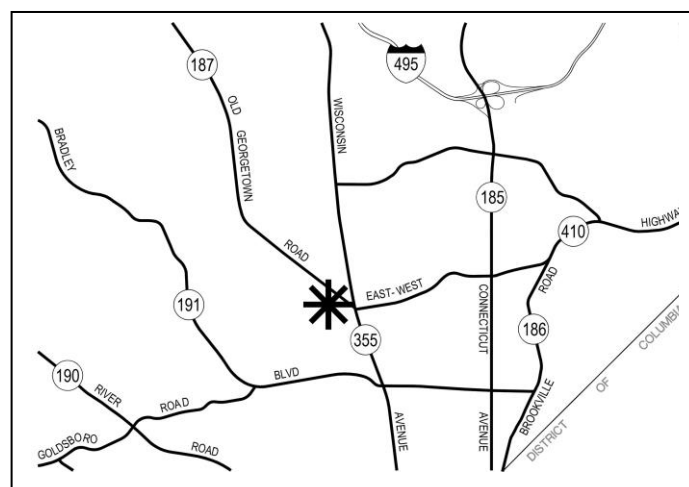
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Completed: 1/19/18

Description

- Sketch Plan: Construction of a residential project of up to 301,193 total square feet (including 115,193 existing square feet to remain) with up to 282 multifamily dwelling units (including 122 existing units to remain); project includes an allocation of Bethesda Overlay Zone density;
- Preliminary Plan Amendment: Combine 2 existing lots into 1 1.35-acre lot (site area);
- Current use(s): Multifamily building and a single-family dwelling;
- Located on Edgemoor Lane at the corner of Woodmont Avenue;
- 1.65 acres or 71,905 gross square feet of tract area zoned CR 2.25 C 0.5 R 2.5 H90 and CR 2.5 C 0.50 R 2.5 H150 in the 2017 *Bethesda Downtown Sector Plan*;
- Applicant: Equity Residential;
- Acceptance date: August 28, 2017.



Summary

- Staff recommends approval of the Sketch Plan and Preliminary Plan Amendment with conditions.
- The Project includes 4903 Edgemoor Lane, which is an existing 122-unit multi-family apartment building (Edgemont I) that will remain unchanged by these Applications and the redevelopment of the existing single-family dwelling located at 4885 Edgemoor Lane with a new multi-family residential building.
- The project includes an allocation of Bethesda Overlay Zone density of up to 138,533 square feet.
- The proposal will redevelop the site with a residential building including 15% moderately priced dwelling units, minimum parking, structured parking, exceptional design, and a vegetated roof.
- In accordance with Section 59.7.3.3.C of the Zoning Ordinance, the Sketch Plan received two Planning Board extensions postponing the hearing from November 16, 2017 to January 11, 2018 and then from January 11, 2018 through February 1, 2018.
- In accordance with Chapter 50, Subdivision Regulations, Section 50.4.1.E, the Preliminary Plan Amendment received two Planning Board extensions postponing the hearing date from December 21, 2017 to January 11, 2018 and then from January 11, 2018 through February 1, 2018.

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SECTION 1: RECOMMENDATION AND CONDITIONS

SKETCH PLAN NO. 320180030

Staff recommends approval of Sketch Plan No. 320180030, for a residential building of up to 301,193 total square feet (including 115,193 existing square feet to remain) for up to 282 dwelling units (including 122 existing units to remain), on 1.65 acres of land, zoned CR 2.25 C 0.5 R 2.5 H90 and CR 2.5 C 0.50 R 2.5 H150. The Project includes an allocation of Bethesda Overlay Zone density of up to 138,533 square feet. The following site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the conditions below:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements of the Sketch Plan are illustrative and subject to refinement at the time of Site Plan.

This approval is subject to the following conditions:

1. Density

The Sketch Plan is limited to a maximum of 301,193 square feet of total development, including the 115,193 square feet of existing residential square footage to remain, and an allocation of up to 138,533 square feet of Bethesda Overlay Zone density, on the Subject Property. The maximum number of dwelling units will be determined at Preliminary Plan.

2. Height

- a. The existing Edgemont I building, within the Subject Property, is limited to a maximum building height of 72 feet as measured from its building height measurement point illustrated on the Certified Site Plan.
- b. The CR 2.5 C 0.50 R 2.5 H150-zoned building ("Edgemont II building") is limited to a maximum building height of 150 feet as measured from its building height measurement point illustrated on the Certified Site Plan.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59.7.3.3.I. Total points must equal at least 100 and be chosen from at least four categories as required by Section 59.4.5.4.A.2. The requirements of Division 59.4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

- a. Connectivity and Mobility, achieved through minimum parking;
- b. Diversity of Uses and Activities, achieved through enhanced accessibility for the disabled;
- c. Quality of Building and Site Design, achieved through architectural elevations, exceptional design, and structured parking; and
- d. Protection of the Natural Environment, achieved through the purchase of building lot terminations, cool roof, energy conservation, and a vegetated roof.

4. Building Design

The Applicant must submit their architectural design concept to the Design Advisory Panel concurrent with submittal of the Site Plan application.

5. Open Space
The Applicant must provide a minimum of 2,957 square feet (5 percent of the Site) of public open space off-site per section 59.6.3.6.C of the Zoning Ordinance.
6. Park Impact Payment (PIP)
At the time of Site Plan, the Applicant must identify the amount of BOZ density being purchased and allocated to the Subject Property.
7. Streetscape
The Applicant must install the Bethesda Streetscape Standard along the Subject Property's right-of-way frontage, including the undergrounding of utilities.
8. Bicycle Facilities
The Applicant must coordinate with the Montgomery County Department of Transportation to participate in the implementation of master planned bicycle facilities along the Subject Property's right-of-way frontages, including:
 - a. Separated bicycle lanes on Woodmont Avenue; and
 - b. Separated bicycle lanes on Edgemoor Lane.
9. Building Lot Terminations (BLTs)
Prior to release of any building permit, the Applicant must provide proof of purchase and/or payment for the required BLTs.
10. Moderately Priced Dwelling Units (MPDUs)
The Applicant must provide on the Subject Property a minimum of 15% of the total new units as Moderately Priced Dwelling Units. The development must provide MPDUs in accordance with Chapter 25A.
11. Future Coordination for Site Plan
In addition to any other requirements for Site Plans under Chapter 59, the following must be addressed when filing a Site Plan application:
 - a. Fire and Rescue access and facility details;
 - b. Streetscape details;
 - c. Show the street trees fronting the remainder of the entire Subject Property in front of the existing Edgemont I building on Edgemoor Lane;
 - d. Provide a street tree at the northeast corner of the Subject Property, shifting the new drain pipe location southward if needed to provide additional horizontal clearance for tree pit;
 - e. Provide continuous soil panels and tree pits;
 - f. Provide details and cross sections showing appropriate soil volumes associated with the new plantings on site per the Sector Plan;
 - g. Identify and address all existing/potential utility conflicts or other site limitations with street trees to achieve the proposed streetscape plantings;
 - h. Provide appropriate notes, details and specifications for onsite soil restoration associated with new construction, and soils enhancement within the existing developed portion as needed to maximize green area coverage;
 - i. Address the Bethesda Downtown Plan recommendations and design guidelines regarding stormwater management;
 - j. Demonstrate how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guideline requirements;

- k. Address the SITES & LEED recommendations of the Sector Plan, specifically related to energy efficiency and building design features;
- l. Provide notes on the Site Plan describing the Bird-Safe design principles to be incorporated into the building architecture;
- m. Revise the noise analysis to address entire property including rooftop areas and the associated noise contours;
- n. Coordinate with MCDOT in accordance with that agency's letter, dated December 29, 2017;
- o. Provide an intensive green roof with soil depths of 8 inches or greater on the new building;
- p. Maximize the overall site Green Cover by incorporating techniques such as retrofitting a green roof on the existing building, providing additional canopy trees on site, maximizing the depth and footprint of the green roof on the newly constructed building, and enhancing or replacing the soils over the existing/proposed structured parking to meet green roof requirements; and
- q. Provide a minimum of 5,367 square feet of Green Cover on the existing lot 4 site, which is equivalent to 35% of the site area associated with portion of new development.

PRELIMINARY PLAN AMENDMENT 11984058A

Staff recommends approval of Preliminary Plan Amendment No. 11984058A subject to the following conditions:

1. Approval is limited to 1 lot for up to 301,193 total square feet (including 115,193 existing square feet to remain) and an allocation of 138,533 square feet of density from the Bethesda Overlay Zone for up to 282 dwelling units (including 122 existing units to remain).
2. The Applicant must comply with the binding elements and conditions of approval for Sketch Plan No. 320180030 and any subsequent amendments.
3. The Final Forest Conservation Plan must address the following at the time of Site Plan:
 - a. Update LOD to reflect the work associated with the required undergrounding of utilities and streetscape enhancements associated with the project, including (but not limited to) the entire Edgemoor Lane frontage. Update other plan drawings as applicable.
 - b. The variance tree mitigation plantings must be installed onsite in a manner/location that will minimize or avoid removal of existing trees and large shrubs and provide larger caliper size plantings resulting in two mitigation trees measuring 4.5-inch caliper each.
 - c. Coordinate with Staff on any necessary plan corrections or clarifications.
4. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated January 16, 2018 and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.
5. The Planning Board accepts the recommendations of MCDPS – Water Resources Section in its stormwater management concept letter dated November 13, 2017, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

6. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in their letters dated December 29, 2017, and hereby incorporate them as conditions of the Preliminary Plan approval and for the Traffic Impact Statement (TIS). The Applicant must comply with each of the recommendations as set forth in both letters, which may be amended by MCDOT, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
7. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements associated with each plat, as required by MCDOT.
8. The Applicant must dedicate all road rights-of-way to the full width mandated by the Bethesda Downtown Sector Plan or as otherwise designated on the Certified Preliminary Plan, and show on the record plat(s) the following dedications:
 - a. A dedication of the Woodmont Avenue frontage necessary to provide the Sector Plan-recommended 40-foot-wide right-of-way between the Subject Property line and right-of-way centerline.
 - b. A dedication of the Edgemoor Lane frontage necessary to provide the Sector Plan-recommended 40-foot-wide right-of-way between the Subject Property line and right-of-way centerline.
9. The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the master plan and/or to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the Preliminary Plan, "To Be Constructed By _____" are excluded from this condition.
10. Short-term public bicycle parking must be installed near the main entrance to the new residential building. Secure long term private bicycle parking must be installed within the residential building. The exact number and location of bicycle parking will be determined at the time of Site Plan.
11. The certified Preliminary Plan must contain the following note:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.
12. The record plat must show necessary easements.
13. Include all applicable agency letters and Preliminary Plan Amendment resolution on the approval or cover sheet(s) of the Certified Preliminary Plan.
14. If a subsequent site plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or location or right-of-way width or alignment, the Applicant must obtain approval of a Preliminary Plan amendment prior to certification of the Site Plan.
15. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board resolution.

SECTION 2: SITE DESCRIPTION

Site Vicinity and Analysis

Subject Property

The subject site (Subject Property or Property) consists of an assemblage of two properties located at 4885 and 4903 Edgemoor Lane, in the Arlington North District of the Bethesda Downtown area. The Property has a tract area of 1.65 acres.

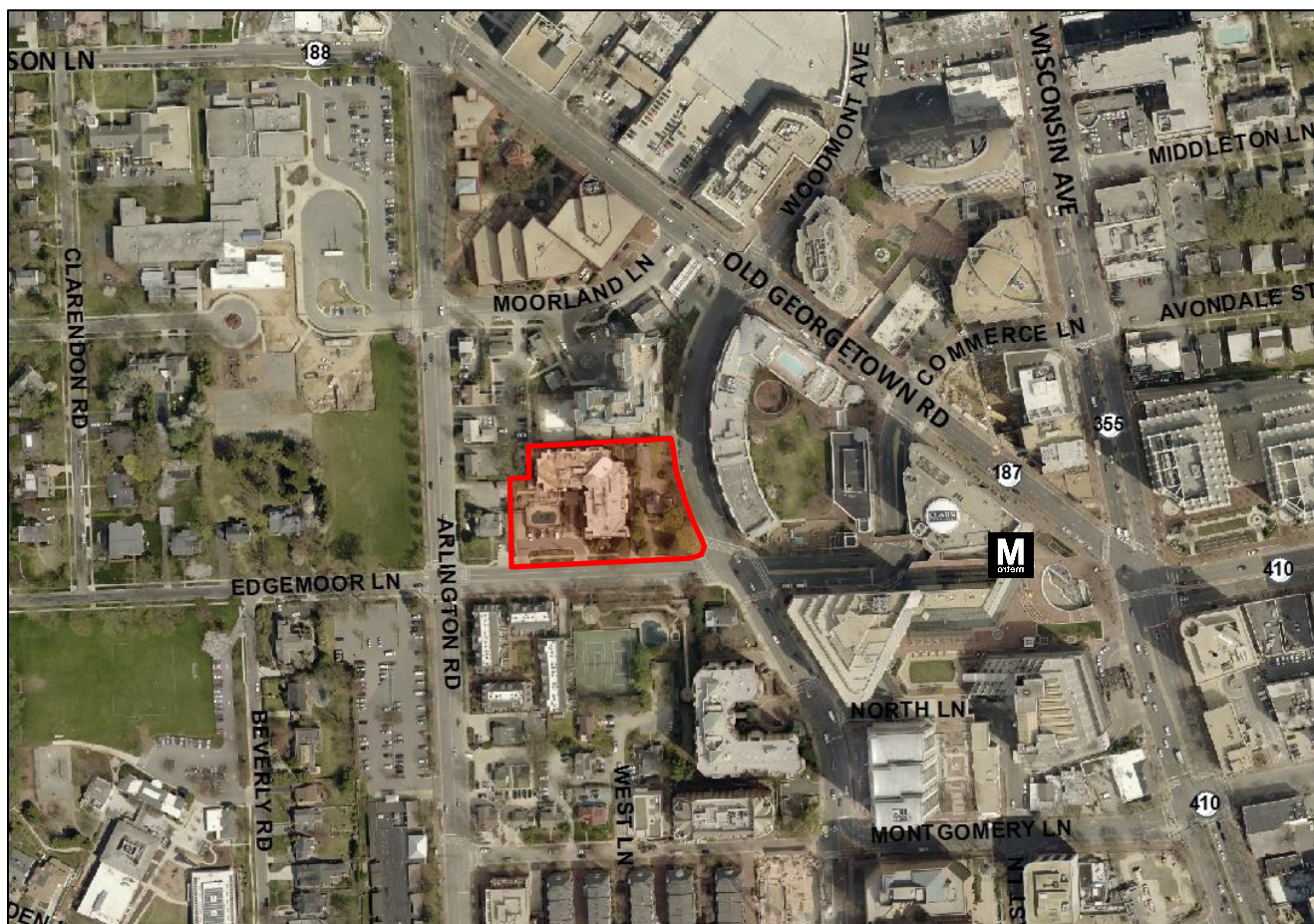


Figure 1-Aerial View

The Property is within the area encompassed by the 2017 *Bethesda Downtown Sector Plan* (Sector Plan). The Property is located within a ¼ mile of the Bethesda Metro Station and falls within the area identified for future expansion of the Bethesda Parking Lot District (PLD); however, the Site is not currently within the PLD.

Site Analysis

The Property is zoned CR 2.25 C 0.5 R 2.5 H90 and CR 2.5 C 0.50 R 2.5 H150. The Property includes 4903 Edgemoor Lane is an existing 122-unit multi-family apartment building (Edgemont I) which will remain unchanged by these Applications (Lot 15); and the redevelopment of the existing single-family dwelling located at 4885 Edgemoor Lane with a new multi-family residential building (Parts of Lots 4 and 5). Both Lot 15 and Parts of Lots 4 and 5 have frontage on Edgemoor Lane and Part of Lots 4 and 5 have frontage on Woodmont Avenue. There are no known rare, threatened, or endangered species on site; there are no 100-year floodplains, stream buffers, or wetlands on site. There are no known historic properties on site.

Surrounding Uses

The Property is surrounded by a mix of residential and non-residential uses. Confronting the Property to the south, across Edgemoor Lane, are recreational facilities (including a swimming pool and tennis courts) associated with the 13-story Chase Condominium; a single-family dwelling that is now operated as professional offices; and Villages of Bethesda townhomes. To the east, across Woodmont Avenue is the Metropolitan (a 14-story multi-family residential building) and Public Parking Garage No. 49. Abutting the Property to the north is the Christopher Condominium (a 13-story residential condominium). Single-family homes have been converted to office use to the north. Directly to the west, a single-family dwelling abuts the Property, which was recently approved for construction of a residential project of up to 257,675 total square feet with up to 235 multifamily dwelling units, per Sketch Plan No. 320180050, Zom Bethesda.

SECTION 3: PROJECT DESCRIPTION

Previous Approvals

The existing multi-family apartment building was developed under the prior TSR Zone and was part of a larger Development Plan (G-347) that covers 142,038 square feet of land both north and south of Edgemoor Lane¹. In 1984, the Planning Board approved Preliminary Plan No. 119840580 for the subdivision of 4903 Edgemoor Lane into one lot. The Planning Board subsequently approved Site Plan No. 819840320 on March 23, 1984 for the construction of 122 dwelling units at 4903 Edgemoor Lane (Edgemont I building).

Proposal

The Project proposes to redevelop the Property with up to 301,193 total square feet of residential development (including 115,193 existing square feet to remain in the existing 72-foot-tall Edgemont I building) with up to 282 multifamily dwelling units (including 122 existing units to remain in the existing Edgemont I building), in a 150-foot tall new residential building. The Project also includes 15% Moderately Priced Dwelling Units (MPDUs). The Project includes an allocation of density from the Bethesda Overlay Zone of up to 138,533 square feet. The final amount of density to be purchased from the BOZ will be determined at Site Plan, where final density for the entire Project will be approved.

¹ This Property is subject to a Sectional Map Amendment that implements a master plan approved after October 30, 2014 and the Applicant is requesting approval for development under the SMA-approved zoning. Under Zoning Ordinance Section 59.7.7.1.B.5.a.i, any development approved under those circumstances is not required to conform to the requirements of the development plan.

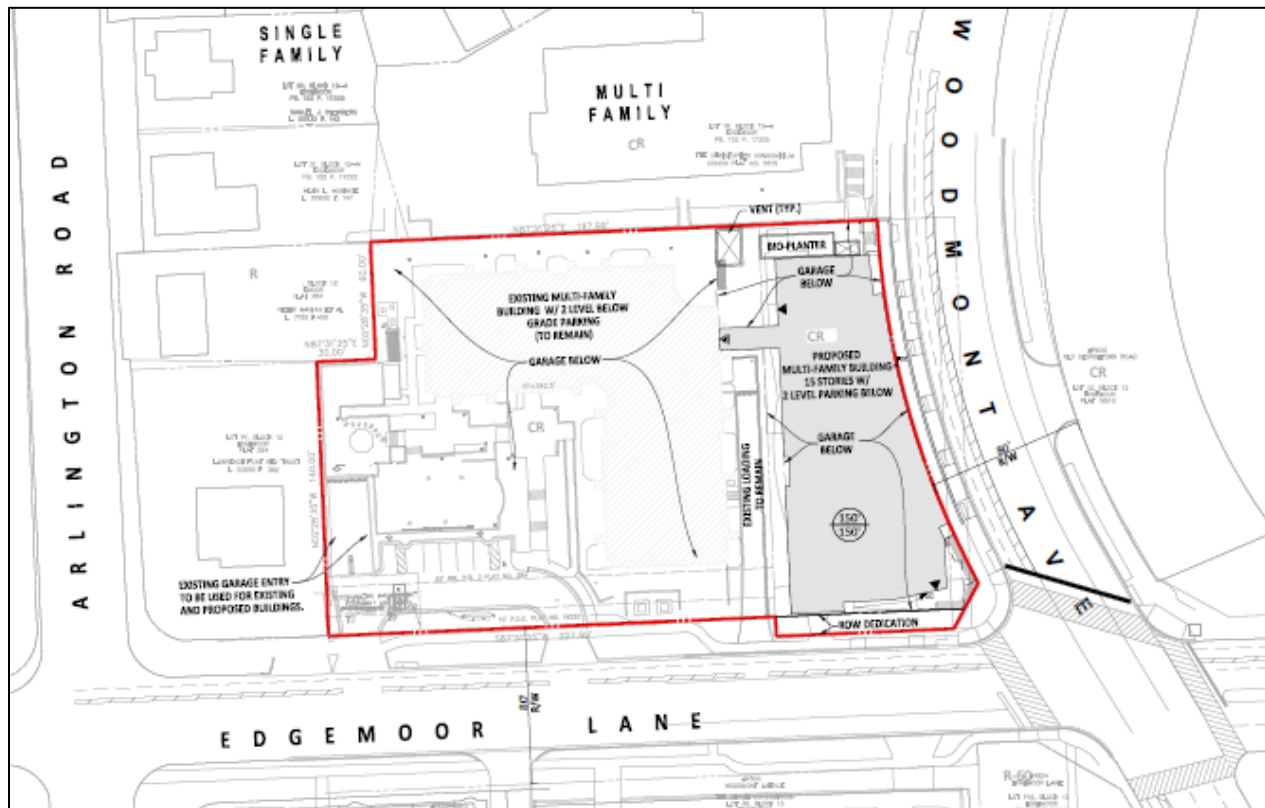


Figure 2-Proposed Sketch Plan

Buildings

The new building is located on Woodmont Avenue with its entrance at the corner with Edgemoor Lane. The new building will connect to the existing Edgemont I building via an above grade connection at the first floor, mid building, to allow residents to pass seamlessly between the existing Edgemont I building and the new building without going outside. As presented to the Design Advisory Panel on November 29, 2017 (Attachment A), the building is anticipated to activate its two frontages through the implementation of a highly articulated building and Bethesda streetscape.

The Project takes advantage of the existing Edgemont I development and garage infrastructure to avoid additional curb cuts, a key element to improving the streetscape experience on this section of Woodmont Avenue. The existing two-level below grade garage on Lot 15 will be connected underground to a new below grade garage under the new building. The new portion of the garage will provide approximately 74 new parking spaces.

From the Applicant's Statement of Justification:

The architectural composition will work with only three elements and the building's façade will appropriately repeat these elements. Throughout the façade similar elements may play different roles. Where the brick defines the base of the building with a horizontal sweep of richly detailed masonry walls with a rhythmic window pattern along Woodmont, the same brick will provide verticality and a punch window structure facing the existing building on Lot 15. The curved frame elements, and its repetition in an offset pattern, generate a random effect of light and shadows and perpetuates the curvature of the road. Glass, the last element, can be a background as the amalgam of everything or foreground as the main tower at the corner. This tower floats above the first floor and passes beyond the roof line creating the crowning of the building and at the same time an outdoor room at roof terrace. A compact indoor/outdoor rooftop amenity and mechanical penthouse pushed to the corner allows a large area to

be devoted to storm water management and a proper setback from the surrounding buildings to maximize light and air.

The façade has also been designed to incorporate balconies along the east, south and west façades to activate the development, increase the building's architectural interest and emphasize the residential character of the building. The balconies will also provide an added amenity for residents.



Figure 3- Illustrative Elevation from southeast (corner of Edgemoor Lane and Woodmont Avenue)



Figure 4- Illustrative Elevation from the east

Open Space

With a Site area of 59,130 square feet, the Applicant must provide 5% of the Site, or 2,957 square feet, as public open space. The details and precise location of the open space will be determined at the time of Site Plan.

Environment

A Natural Resource Inventory Forest Stand Delineation was approved for the west part of the project (existing lot 15 containing the existing apartment building) on September 20, 2017 under plan No. 420180230. The NRI/FSD for the east portion of the project (the property with the existing single-family house) was approved on May 17, 2017 under plan No. 420171190.

Forest Conservation

The application is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code). Although no forest exists onsite, there is an afforestation requirement of approximately 0.25 acres. The precise figure is not known at this time because the plan does not yet address the required streetscape modifications/utility work which need to occur as part of the project. Given the relatively small size of the Property, the lack of environmentally sensitive areas, and the modest amount of afforestation requirements, the afforestation will be satisfied offsite by either a fee-in-lieu payment or the use of a forest conservation bank. Furthermore, due to the proposed density of the development and the priority to provide onsite mitigation plantings for the variance trees under Section 22A-12b(3), the Subject Property is not an appropriate setting to apply landscape plantings toward forest conservation requirements.

The Project proposes to remove one tree that is subject to a Forest Conservation Variance discussed in further detail in the Preliminary Plan analysis and findings section.

Tree Save Plan

A Tree Save Plan may be required (at the Final Forest Conservation Plan stage) depending on the ultimate revised LOD. The plan would address protection of neighboring affected trees, along with careful techniques used for retrofits/soils amendments on the Subject Property.

Stormwater Management (SWM)

A Stormwater Management Concept Plan is not required at the time of Sketch Plan, but is applicable for the Preliminary Plan Amendment submission being currently reviewed. The MCDPS Stormwater Management Section approved the stormwater management concept on November 13, 2017 (Attachment B). Per the approval letter, the stormwater management concept meets stormwater management requirements via ESD to the MEP via the use of green roof and micro-bioretenention. Due to site constraints, structural treatment for the remaining volume cannot be done so a partial waiver is granted. The letter notes a proposed 3,750 square feet of eight-inch green roof and requests that the Applicant try to increase the square footage of the green roof.

Transportation

Access and Circulation

Pedestrian access to the site will be from the established sidewalk network and will be enhanced by streetscape improvements along each of the Property frontages, consistent with the Bethesda Streetscape Standards.

Vehicular access to the Combined Site will remain unchanged by the proposed Application – vehicular access to both the existing and proposed residential buildings will be provided from Edgemoor Lane, via the existing driveway along the western most property boundary of Lot 15. Loading will be accommodated via the existing loading dock located between the two buildings on Edgemoor Lane. Further, the drop-off/pick-up lane serving the residential lobby on Edgemoor Lane would also remain to serve both the existing and proposed buildings.

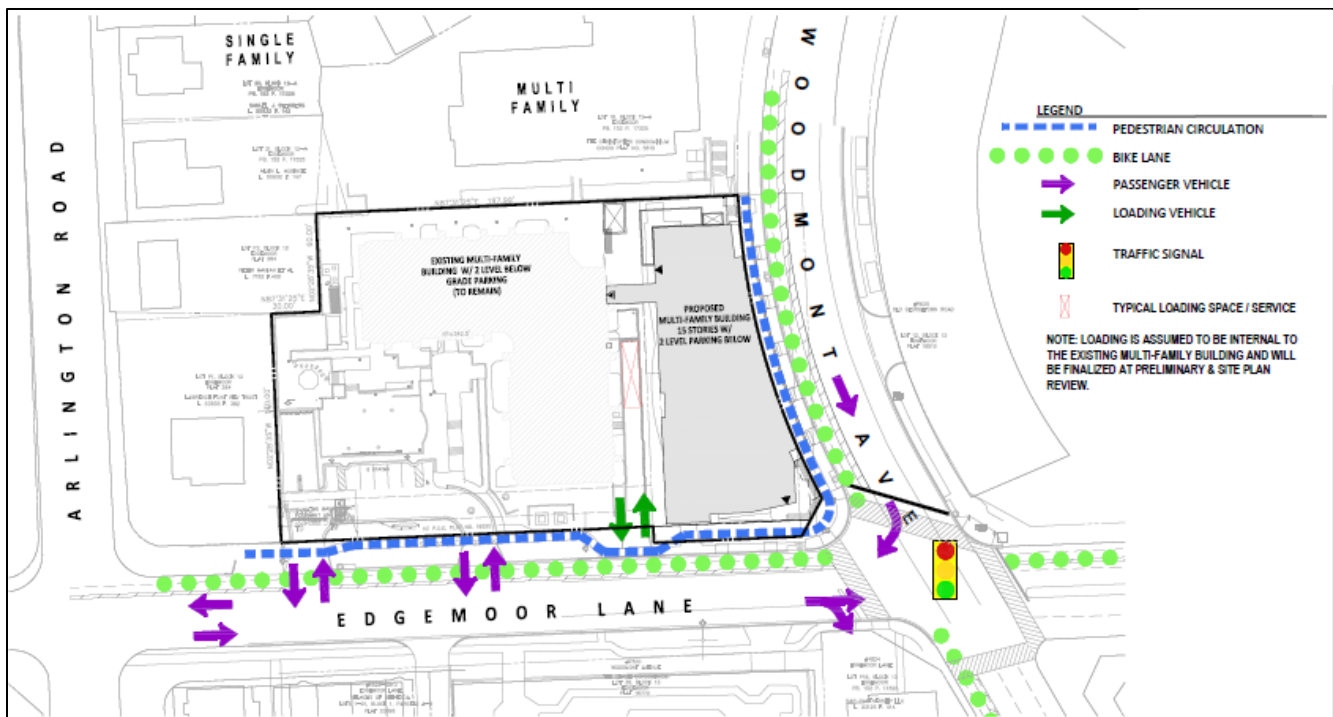


Figure 5-Pedestrian and Vehicular Circulation

Transit Connectivity

The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station (located within ¼ mile of the site), Metrobus, RideOn, the Bethesda Circulator and future Purple Line.

Community Outreach

The Applicant held a pre-submittal public meeting at the Bethesda-Chevy Chase Regional Services Center on June 14, 2017. The Applicant has complied with all submittal and noticing requirements, and Staff has not received correspondence from community groups or citizens as of the date of this report.

SECTION 4: PROJECT ANALYSIS AND FINDINGS

The purpose of a Sketch Plan is to identify general land uses, development intensity, and public benefits for the optional method of development in the CR, CRT, EOF or LSC Zones. The Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, heights and anticipated uses, the locations of open and public use spaces, the general circulation patterns for all modes of transportation, an estimated range of peak hour trips and relationships between existing or proposed adjacent buildings and rights-of-way. Details of the proposed development are determined during Preliminary and Site Plan review. Section 59.7.3.3.E of the Zoning Ordinance states: "To approve a Sketch Plan the Planning Board must find that the following elements are appropriate in concept and appropriate for further detailed review at site plan. The Sketch Plan must:"

1. *meet the objectives, general requirements, and standards of this Chapter;*

The Sketch Plan meets the development standards of Section 59.4.5.4, as shown in the following Data Table:

Sketch Plan Data Table			
Section 59.4	Development Standard	Permitted/ Required	Proposed
	Gross Tract Area per Zone		
	CR 2.5 C-0.25 R-2.5 H-90	n/a	52,918 sf (1.215 ac)
	CR 2.5 C-0.50 R-2.5 H-150		18,987 sf (0.436 ac)
	Total Gross Tract Area	n/a	71,905 sf (1.651 ac)
	Prior Dedication	n/a	11,839 sf (0.272 ac)
	Proposed Dedication	n/a	936 sf (0.021 ac)
	Net Lot Area	n/a	59,130 sf (1.357 ac)
	Residential Density (GFA/ FAR)¹		
	CR 2.5 C-0.25 R-2.5 H-90	132,295 sf/ (2.5)	115,193 sf/ (2.18) ²
	CR 2.5 C-0.50 R-2.5 H-150	47,467 sf/ (2.5)	47,467 sf (2.5)
	Residential Density Subtotal	179,762 sf/ (2.5)	162,660 sf (2.26)
	Bethesda Overlay Zone Density	n/a	138,533 sf (1.93)
	Total FAR/GFA	n/a	301,193 sf (4.19)
	Building Height		
	CR 2.5 C-0.25 R-2.5 H-90	90 feet	72 feet ³
	CR 2.5 C-0.50 R-2.5 H-150	150 feet	150 feet
	Public Open Space (min)	5%/2,957 sq. ft.	5%/2,957 sq. ft.
	Minimum Setbacks	0	0

¹No commercial density is proposed with the Subject Application.

²Square footage based off of the existing Edgemont I building.

³Height of the existing Edgemont I building.

The Application will provide the minimum required number of bicycle parking spaces within the building, which will be determined at the time of Site Plan. The final number of vehicular parking spaces will be determined at Site Plan based on the residential units and retail square footage.

The Sketch Plan conforms to the intent of the CR zone as described below:

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

The Project substantially conforms to the recommendations for the Property included in the 2017 *Bethesda Downtown Sector Plan*. Specifically, this Plan builds on the past successes of Downtown Bethesda to create a truly sustainable downtown by focusing on components that will bolster the elements most in need of enhancement. The recommendations increase:

1. **Parks and open spaces**, including new civic greens at Veteran's Park, Bethesda Farm Women's Cooperative Market, Capital Crescent Trail and new urban parks, pathways and gateways.
2. **Affordable housing**, including the preservation of existing market-rate affordable housing, providing a mix of housing options and the provision of Moderately Priced Dwelling Units in exchange for development incentives.
3. **Environmental innovation**, including more energy-efficient buildings, better stormwater management, improved sidewalks and bicycle routes, and other measures to enhance community health and quality of life.
4. **Economic competitiveness**, based on new development, public amenities and proximity to public transit to attract businesses and visitors from throughout the region, and foster entrepreneurship and innovation.

The Property is designated as sites 131 and 132 on page 145 of the Plan. The Property is located in the area of the Plan designated as the "Arlington North District," a transitional zone between the urban core and single-unit neighborhoods to the west of the Sector Plan area. Specifically, the Project addresses the following goals as outlined in the Arlington Road District section of the Plan:

- *Retain the residential scale along Arlington Road as a transition between the urban core and suburban neighborhoods.*

The Project will provide up to 282 residential dwelling units, 122 units in the existing Edgemont I building and 160 new units in the proposed Edgemont II building, with a height of 150 feet for the new building. The Property serves as a transitional site between the more intensive uses of the CBD and the smaller-scale development along Arlington Road and the residential neighborhoods beyond the CBD boundary. The proposed development will have a maximum building height of 150 feet. The taller building heights will be located along Woodmont Avenue. The existing multi-family apartment building has a height of approximately 75 feet and thus, provides a step-down in building height, as a transition to the low-rise buildings (recommended for a maximum building height of 60') along Arlington Road and the single-family neighborhoods beyond.

- *Improve access, mobility, and pedestrian safety along Arlington Road.*

Vehicular access to the combined site will remain unchanged by the proposed Application – vehicular access to both the existing and proposed residential buildings will be provided from Edgemoor Lane, via the existing driveway along the western most property boundary of Lot 15. Loading will be accommodated via the existing loading dock located between the two buildings on Edgemoor Lane. Further, the drop-off/pick-up lane serving the residential lobby on Edgemoor Lane would also remain to serve both the existing and proposed buildings. The Project will construct

the Bethesda streetscape on its two frontages and will participate in the implementation of new separated bicycle lanes on Woodmont Avenue and Edgemoor Lane. Each of these improvements will improve access, mobility, and pedestrian safety.

- *Promote redevelopment opportunities for under-utilized sites such as single-unit homes.*

The Property, prominently located at the intersection of Woodmont Avenue and Edgemoor Lane, is significantly under-developed. As such, the Project proposes to redevelop the existing single-family detached home with a 15-story, multi-family residential building that is more appropriately suited for a property located in such close proximity to the Bethesda Metro Station.

- *Limit commercial and retail uses to preserve residential urban village character.*

The Sector Plan recommends that commercial and retail uses be limited to the ground floor of buildings along Woodmont Avenue. The Project complies with this recommendation by providing a purely residential building.

- *Create a new neighborhood park adjacent to Bethesda Elementary School.*

The Sector Plan identifies a potential area for a new neighborhood park on the west side of the Bethesda Elementary School playing fields. Although the potential future park location is within the Arlington North District, it is not directly adjacent to the Subject Property and will therefore not be implemented as part of the Project. The Applicant is required to pay the Park Impact Payment, which could be directed toward this future improvement or other sites within the downtown Bethesda district.

The Project is in general conformance with the 2017 *Bethesda Downtown Plan*.

- b) *Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses.*

The Project will redevelop the existing single-family residential dwelling unit with a higher-density residential building with shared underground parking to maximize residential development in close proximity to the Metro. The Project meets the objective of this finding.

- c) *Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street.*

The Project encourages such development by proposing market-rate residential units in a variety of unit types as well as 15% MPDUs, offering housing opportunities for a range of incomes proximate to the numerous transit options of downtown Bethesda. The Project facilitates all modes of transit – pedestrian, bicycle, and vehicular – in close proximity to the Metro and bus service by improving the streetscape along its three frontages. The Project does not propose any parking between the building and the street frontages.

- d) *Allows a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.*

The Sector Plan identifies this area as a priority for residential uses and as an area of transition from the higher density downtown Bethesda core to the surrounding lower density residential neighborhoods. The Project will provide residential uses on-site as well as a height and density that is compatible with the desired character of the Arlington North District.

- e) *Integrate an appropriate balance of employment and housing opportunities.*

The Sector Plan identified several distinct districts within Downtown Bethesda to guide development compatibility. The Subject Property is within the Arlington North District, which is intended primarily for residential development along the edge of the Downtown area. As proposed, the purely residential project provides the appropriate land use, as recommended in the Sector Plan.

- f) *Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard Method limit.*

The Project will provide the required public benefits from a minimum of four categories to achieve the desired incentive density above the standard method limit. Final determination of public benefit points will be determined at the time of Site Plan.

2. *substantially conform with the recommendations of the applicable master plan;*

As discussed in Finding 1.a. above, the Project substantially conforms to recommendations of the 2017 *Bethesda Downtown Sector Plan*. The Project will increase the supply of housing to serve a variety of income levels, redevelop an under-utilized property, and provide streetscape improvements that improve the safety and character of the existing streets.

3. *satisfy any development plan or schematic development plan in effect on October 29, 2014;*

The Sketch Plan is not subject to a development plan or schematic development plan. Although a development plan was approved in the early 1980s, per Section 59.7.7.1.B.5.a.i, this Property is subject to a Sectional Map Amendment that implements a master plan approved after October 30, 2014 and is requesting approval for development under the SMA-approved zoning, and therefore any future development is not required to conform to the requirements of the development plan.

4. *achieve compatible internal and external relationships between existing and pending nearby development;*

The building design is compatible in height and scale with the existing and pending nearby development in the Arlington North District. The Project achieves compatibility with the building heights by providing a transition between the higher building heights of the downtown Bethesda core, to the east, and the lower density residential neighborhoods to the west.

5. *provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;*

The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. Vehicular access to the Combined Site will remain unchanged by the proposed Application – vehicular access to both the existing and proposed residential buildings will be provided from Edgemoor Lane, via the existing driveway along the western most property boundary of Lot 15. Loading will be

accommodated via the existing loading dock located between the two buildings on Edgemoor Lane. Further, the drop-off/pick-up lane serving the residential lobby on Edgemoor Lane would also remain to serve both the existing and proposed buildings.

Bicycle racks or lockers will be provided within the garage and short-term spaces will be provided along the Property's frontage, with final location to be determined at time of Site Plan, to facilitate bicyclist access to the Property.

Pedestrian access to the site will be from the established sidewalk network and will be enhanced by streetscape improvements along each of the Property frontages, consistent with the Bethesda Streetscape Standards.

6. *propose an outline of public benefits that supports the requested incentive density and is appropriate for the specific community;*

Taking into account the considerations in Section 59.4.7.1.B and the Public Benefit Points established with the Bethesda Overlay Zone in Section 59.4.9.2.C.4, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, Staff finds that the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site, as described below.

For the proposed development, the Zoning Ordinance requires 100 points in four categories. Although at the time of Sketch Plan review only the categories need be approved, the following table shows both the categories and points for the public benefits recommended at Sketch Plan to demonstrate the project's ability to meet the requirement to provide sufficient benefit points.

Public Benefits Calculations		
Public Benefit	Incentive Density Points	
	Max Allowed	Requested
59.4.7.3C: Connectivity and Mobility		
Minimum Parking¹	20	20
59.4.7.3D: Diversity of Uses and Activities		
Enhanced Accessibility for the Disabled	20	3.7
59.4.7.3E: Quality of Building and Site Design		
Architectural Elevations	30	20
Exceptional Design¹	30	20
Structured Parking	20	20
59.4.7.3F: Protection and Enhancement of the Natural Environment		
BLTs	30	3.8
Cool Roof	15	10
Recycling Facility Plan	10	10
Vegetated Roof	20	7.5
TOTAL		115

¹Denotes Sector Plan priority

Connectivity and Mobility

Minimum Parking: The Applicant requests 20 points for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points for providing the maximum allowable number of on-site spaces to 20 points for providing no more than the minimum numbers of spaces on site. Final determination will be made at Site Plan and Staff supports the Applicant's request.

Diversity of Uses and Activities

Enhanced Accessibility for the Disabled: The Applicant requests 3.7 points for providing at least 7% of the Project's units in accordance with ANSI A117.1 Residential Type A standards. The final percentage and number of accessible units will be determined at Site Plan. Staff supports the Applicant's request at this time.

Quality of Building and Site Design

Architectural Elevations: The Applicant requests 20 points for providing architectural elevations as part of the certified site plan showing particular elements in the façade including minimum amount of transparency on the first floor, minimal spacing between operable doors, and design priorities of the applicable master plan or implementing design guidelines. The Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, and heights. Staff supports the Applicant's request at this time with further details and refinement to be provided at the time of Site Plan.

Exceptional Design: The Applicant requests 20 points for building or site design that enhances the character of a setting. As a site receiving an allocation of Bethesda Overlay Zone density, the Project is subject to the Design Advisory Panel review, which will award points based on the quality of the design. The Applicant asserts that the Project provides innovative solutions in response to the immediate context; creates a sense of place and serves as a landmark; enhances the public realm in a distinct and original manner; introduces materials, forms, or building methods unique to the immediate vicinity or applied in a unique way; and integrates low-impact development methods into the overall design of the site and building, beyond green building or site requirements. The Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, and heights, and because this category is a priority in the Sector Plan. Based on the conceptual materials submitted with the Application, staff supports the Applicant's request at this time.

The Design Advisory Panel recommended the following during their meeting on November 29, 2017:

1. Exceptional Design Points: The design could get to the requested 20 points at Site Plan, though it is not there yet and should incorporate the following recommendations:
2. Simplify the design to quiet the whole building.
 - a. Reinforce the corners and calm down other moves. Ensure moves are integral to the building and not two-dimensional or "stuck on".
 - b. Provide one accent material and show restraint on other materials because there is so much articulation.
3. Provide more indoor/outdoor relationship from the ground floor uses to the sidewalk. Part of the Woodmont Avenue façade could be residential unit entries to activate the sidewalk in addition to the amenity spaces.
4. Adjust the proportions of the corner element at Woodmont Avenue and Edgemoor Lane and make it either taller or shorter.
5. Develop the design of the surrounding and public realm and landscape generally.
 - a. Consider a through-block connection east-west to connect to ZOM Bethesda's proposed north south connection.
 - b. Improve the pedestrian experience along Edgemoor Lane.
6. Continue to explore the off-site public art opportunities.

Additional context and discussion for the DAP's recommendations are included in the attached November 29, 2017, DAP meeting summary.

Structured Parking: The Applicant requests 20 points for providing structured parking in a below-grade parking structure. Staff supports this request at this time.

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT): The Applicant requests 3.8 points for the purchase of BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area. Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance. Staff supports the Applicant's request at this time.

Cool Roof: Roof areas not covered by green roof or mechanical equipment will incorporate a mixture of materials that will collectively meet or exceed a solar reflectance index (SRI) of 75. The Applicant is requesting 10 points and Staff supports this request at this time.

Recycling Facility Plan: The Applicant requests 10 points for providing a recycling facility plan that exceeds the minimum requirements set forth in the Zoning Ordinance. The final details of this plan will be determined at the time of Site Plan and Staff supports the Applicant's request at this time.

Vegetated Roof: The Applicant requests 7.5 points for providing vegetated roofs with a soil depth of at least eight inches and covering at least 35% of the total roof excluding space for mechanical equipment. The CR Guidelines recommend 20 points for development that provides a vegetated roof with a soil depth of at least four inches over at least 33% of the rooftop, excluding space for mechanical equipment. At the time of Site Plan, the Applicant will provide additional details on meeting the vegetated roof criteria. Staff supports the Applicant's request at this time.

7. *establish a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The Project will be built in one phase.

SECTION 5: PRELIMINARY PLAN AMENDMENT 11984058A

1. *The layout of the subdivision, including size, width, shape, orientation and diversity of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations including the technical review standards in Section 50.4.3. The Application meets all applicable sections. The size, width, shape and orientation of the proposed lot is appropriate for the location of the subdivision taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated. As discussed in the Sketch Plan findings, the Application substantially conforms to the 2017 *Bethesda Downtown Sector Plan*. The Application complies with the land use recommendations for the site as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. This Preliminary Plan Amendment creates one lot that fills the entire block. Within this block, there is adequate room to accommodate two residential high-rise structures (one new and one existing to remain). Transportation access is adequate to serve the proposed development by this Preliminary Plan Amendment. Water and sewer and other utilities are available to and

currently serve the Property. The Application meets the Environmental Guidelines and Forest Conservation Law.

The lot was reviewed for compliance with the dimensional requirements for the CR 2.25 C 0.5 R 2.5 H90 and CR 2.5 C 0.50 R 2.5 H150 zones as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in following table. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

Development Standards in the CR 2.25 C 0.5 R 2.5 H90 and CR 2.5 C 0.50 R 2.5 H150 Zone

Standard	Required/Permitted	Proposed
Total Density (square feet)	179,762	301,193 (including 115,193 existing) ¹
Residential Dwelling Units	NA	282 (including 122 existing)
Non-residential density (square feet)	425,292	0
Front setbacks	0	Must meet minimum ²
Side setbacks	0	Must meet minimum ²
Rear setbacks	0	Must meet minimum ²
Open Space	5%	5%
Site Plan Required		Yes
MPDUs Required	Yes	Yes (Determined at Site Plan)

¹Includes an allocation of Bethesda Overlay Zone density of up to 138,533 square feet.

²As determined by MCDPS at the time of building permit.

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

As discussed in the concurrently filed Sketch Plan No. 320180030, the Preliminary Plan Amendment substantially conforms with the recommendations of the Sector Plan.

a. Land Use

As discussed in the Sketch Plan section of this report, the Project will provide 282 residential units, an increase of 160 more than those existing on the Property today, including 15% MPDUs on-site.

b. Environment

As conditioned, the application meets the Sector Plan recommendations, the Environmental Guidelines and Forest Conservation Law. The Forest Conservation Plan with the conditions cited in this staff report as part of the Sketch and Preliminary Plans, respectively are acceptable. The variance approval is assumed in the Planning Board's approval of the Forest Conservation Plan.

c. Transportation

The Application is consistent with the above recommendations and will provide the necessary right-of-way dedications and streetscape improvements. The 2017 *Bethesda Downtown Sector Plan* recommends the following along property frontages:

- i. Woodmont Avenue, along the eastern site frontage, as an arterial roadway with a minimum right-of-way width of 80 feet and separated bicycle lanes (CT-4);
- ii. Edgemoor Lane along the southern site frontage, as a Business District Street with a minimum right-of-way width of 80 feet and separated bicycle lanes (LB-8).

d. Sector-Planned Transportation Demand Management

The Sector Plan encourages a Non-Auto Driver Mode Share (NADMS) of 55%, averaged between employees and residents of downtown Bethesda. In order to meet this goal, downtown Bethesda is

organized into a Transportation Demand Management District (TMD) that strives to promote travel by means other than single occupancy vehicles. As a residential project of more than 100 dwelling units within the Bethesda TMD, the development is required to enter into a Traffic Mitigation Agreement (TMAG) with the Planning Board and Montgomery County Department of Transportation (MCDOT) to participate in the Bethesda TMD.

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

a. Roads and Other Transportation Facilities

Transportation access is adequate to serve the proposed development by this Preliminary Plan Amendment.

i. *Existing Facilities*

Vehicular access to the Combined Site will remain unchanged by the proposed Application – vehicular access to both the existing and proposed residential buildings will be provided from Edgemoor Lane, via the existing driveway along the western most property boundary of Lot 15. Loading will be accommodated via the existing loading dock located between the two buildings on Edgemoor Lane. Further, the drop-off/pick-up lane serving the residential lobby on Edgemoor Lane would also remain to serve both the existing and proposed buildings.

The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station (located within ¼ mile of the site), Metrobus, RideOn, the Bethesda Circulator and future Purple Line.

ii. *Proposed public transportation infrastructure*

Pedestrian access to the site will be from the established sidewalk network and will be enhanced by streetscape improvements along each of the Property frontages, consistent with the Bethesda Streetscape Standards.

b. Local Area Transportation Review (LATR)

Adequate Public Facilities

A transportation study, dated June 30, 2017, was submitted because the proposed development is estimated to generate 83 new morning peak-hour person trips (42 vehicle trips) and 106 new evening peak-hour person trips (54 vehicle trips) (Table 1). Because the estimated transportation impact of the Project exceeds 50 net new person trips, the Applicant was required to evaluate vehicular (intersection) capacity for one tier of intersections to satisfy the Local Area Transportation Review requirement. None of the other travel modes are forecasted to generate 50 or more trips, and therefore adequacy tests for those modes were not required.

Table 1: Project Peak Hour Trip Generation

Total Proposed		Vehicle Rates		Adjusted Vehicle Rates		Person Trips	
Use	Total Units/GFA	AM	PM	AM	PM	AM	PM
High Rise Dwelling Units	175 Units	53	68	42	54	83	106
Total		53	68	42	54	83	106

Source: Wells & Associates Transportation Study, dated June 30, 2017.

Table 2: Peak Hour Trip Generation by Mode

	Person Trips	Auto Driver	Pedestrian ¹	Transit	Bike
AM	83	42	24	10	14
PM	106	54	30	12	18

¹Pedestrian trips are the sum of all transit and bicycle trips generated by the project.

Source: Wells & Associates Transportation Study, dated June 30, 2017.

In accordance with the 2016-2020 Subdivision Staging Policy, the study intersections were evaluated pursuant to the Highway Capacity Manual (HCM) methodology. That methodology allows for a more comprehensive operational analysis of congested and/or more closely spaced intersections than was possible under the previous Subdivision Staging Policy, which relied on a Critical Lane Volume methodology. The results of that study are summarized in Table 3.

Table 3: Intersection Capacity - Highway Capacity Manual Methodology

Intersection/Corridor	Delay Standard (seconds)	Existing Conditions (seconds)		Total Future Conditions (seconds)		Total Future – Arlington Road Lane Reduction (seconds)	
		AM	PM	AM	PM	AM	PM
Edgemoor Lane/ Arlington Road	120	12.6	34.2	14.4	30.5	23.1	68.4
Edgemoor Lane/ Site Driveway (west)	120	0.5	0.3	1.1	0.8	1.1	0.8
Edgemoor Lane/ Site Driveway (east)	120	0.0	0.0	0.0	0.0	0.0	0.0
Edgemoor Lane/ Site Loading	120	0.0	0.0	0.0	0.0	0.0	0.0
Edgemoor Lane/ Woodmont Avenue	120	16.2	18.2	17.1	18.6	16.9	18.6
Elm Street/ Woodmont Avenue	120	12.6	13.5	43.2	18.3	42.5	17.9
Elm Street/ Arlington Road	120	13.1	21.0	15.5	28.7	45.3	58.4

The transportation impact study concluded that all study intersections will continue to operate within acceptable limits of congestion after considering the Subject Application and the potential future lane reduction on Arlington Road, as envisioned in the Sector Plan.

c. Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The property will be served by public water and sewer systems. The application has been reviewed by MCFRS, and emergency vehicle access has been deemed adequate. Electrical and telecommunications services are also available to serve the subject property. Local health clinics, police stations and fire stations are all operating within acceptable levels as established by the Subdivision Staging Policy.

The Project will be served by Bethesda Elementary School, Westland Middle School, and Bethesda-Chevy Chase High School. Pursuant to the Schools Test for FY 2018, the elementary, middle, and high schools serving the Project have adequate capacity, as shown in the following analysis.

Calculation of Student Generation

To calculate the number of students generated by the proposed development, the number of dwelling units is multiplied by the applicable student generation rate for each school level. Dwelling units are categorized by structure type: detached house, townhouse, low- to mid-rise multifamily unit, or high-rise multifamily unit.

Per Unit Student Generation Rates

	Elementary School	Middle School	High School
SF Detached	0.204	0.111	0.150
SF Attached	0.234	0.111	0.147
MF Low- to Mid-Rise	0.212	0.084	0.112
MF High-Rise	0.072	0.029	0.038

For the proposed project, 160 multifamily high-rise units, the following number of students will be generated:

Type of Unit	Number of Units	Elementary School Generation Rates	ES Students Generated (# of Units x Gen Rate)	Middle School Generation Rates	MS Students Generated (# of Units x Gen Rate)	High School Generation Rates	HS Students Generated (# of Units x Gen Rate)
Multi Family High-Rise	160	0.072	11.52	0.029	4.64	0.038	6.08

This project is expected to generate 11 elementary school students, 4 middle school students and 6 high school students.

Cluster Adequacy Test

The project is located in the Bethesda Chevy-Chase (B-CC) High School Cluster. Based on the FY18 Annual School Test results, the student enrollment and capacity projections for the B-CC High School cluster are noted in the following table:

School Level	Projected August 2022 Enrollment	100% MCPS Program Capacity Amended FY17-22 CIP	Cluster Percent Utilization 2022-2023 School Year	120% MCPS Program Capacity Amended FY17-22 CIP	Available Student Capacity Prior to Moratorium
Elementary	3,595	3,813	94.3%	4,576	980
Middle	1,826	2,015	90.6%	2,418	591
High	2,471	2,408	102.6%	2,890	418

Under the cluster adequacy test, a school level is deemed adequate up to 120% utilization (projected enrollment/projected capacity). According to the FY18 Annual School Test, there is sufficient capacity at the elementary, middle and high school levels to accommodate the estimated number of students generated by this project.

Individual School Adequacy Test

The applicable elementary and middle schools for this project are Bethesda ES and Westland MS, respectively.

School	Projected August 2022 Enrollment	100% MCPS Program Capacity Amended FY17-22 CIP	Cluster Percent Utilization 2022-2023 School Year	120% MCPS Program Capacity Amended FY17-22 CIP	Seat Deficit Threshold Capacity (ES: 110; MS: 180)	Available Student Capacity Prior to Moratorium
Bethesda ES	641	559	114.7%	671	669	29
Westland MS	901	1,080	83.4%	1,296	1,260	394

Under the individual school adequacy test, an elementary school is deemed adequate if utilization is below 120% utilization (projected enrollment/projected capacity) or if the seat deficit is below 110 seats (projected enrollment minus projected capacity). A middle school is deemed adequate if utilization is below 120% utilization or if the seat deficit is below 180 seats. According to the FY18 Annual School Test, there is sufficient capacity at Bethesda Elementary and Westland Middle School to accommodate the estimated number of students generated by this project.

Water and sewer and other utilities are available to and currently serve the Property. Water and sewer and other utilities are located in Apple Avenue, Second Avenue and Fenwick Lane. Connections (one or multiple connections) off one or more of these roads adjoining the Property will service the Property. Montgomery County Fire Station No. 1 is located approximately $\frac{3}{4}$ mile from the Property on Georgia Avenue. An auxiliary office of the 3rd District Police Station serving the Silver Spring CBD is located within the same building.

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

The Application is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code). Although no forest exists onsite, there is an afforestation requirement of approximately 0.25 acres. Given the relatively small size of the Property, the lack of environmentally sensitive areas, and the modest amount of afforestation requirements, the afforestation will be satisfied offsite by either a fee-in-lieu payment or the use of a forest conservation bank. Furthermore, due to the proposed density of the development and the priority to provide onsite mitigation plantings for the variance trees under Section 22A-12b(3), the Subject property is not an appropriate setting to apply landscape plantings toward forest conservation requirements.

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ), requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. Unless the variance is granted, the law requires no impact to trees that measure 30 inches DBH or greater; are part of a historic site or designated with a historic structure; are designated as national, state, or county champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or to trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. The affected resources that have been identified on the current Plan include a tree with a DBH of 30 inches or greater. The Applicant uploaded the variance request on November 9, 2017, for the removals of the subject tree (Attachment C). The Applicants' request is to remove one subject tree high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law.

VARIANCE TREE PROPOSED FOR REMOVAL

Tree #	Scientific Name/ Common Name	D.B.H (inches)	Field Condition	CRZ Impacts (%)	Disposition
612	<i>Magnolia grandiflora</i> / Southern Magnolia	33	Good	100	Removal

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. In addition to the required findings outlined numerically below, Staff has determined that the Applicant has demonstrated that enforcement of the variance provision would result in an unwarranted hardship for the following reasons:

The Applicant has noted that the site is 800 feet from a Metro station. A major land use policy of County is concentrate development close to Metro stations. There are also several land use policies to maintain and increase tree cover in urban areas for environmental, livability, economic, social, design, and health reasons. However, to develop the subject property at a density appropriate for its location near a Metro station, the site will need to be cleared for the building itself, along with the staging and construction access areas. Retaining large trees is often impossible under these conditions, particularly when the tree(s) of concern are located near the center of the buildable area.

Staff has reviewed this Application and based on the existing circumstances and conditions on the Property, Staff agrees that there is an unwarranted hardship.

Variance Findings

The following determination is based on the required findings that granting of the requested variance:

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

The subject tree proposed for removal is near the center of the relatively narrow property which is located near a Metro station where density is encouraged. Preserving the tree would severely limit the redevelopment potential for the property, which is not otherwise associated with stream buffer or other environmentally sensitive areas that would typically limit development. Furthermore, as conditioned the Applicant will provide appropriate mitigation for the tree removal. Therefore, the variance request would be granted to any Applicant in a similar situation.

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

The requested variance is based on proposed development allowed under the existing zoning. The variance can be granted under this condition if the impacts are avoided or minimized when possible and that any necessary mitigation is provided. As previously discussed the removal is unavoidable, however appropriate mitigation will be provided.

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

The requested variance not a result of land or building use on a neighboring property.

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

Granting this variance request will not violate State water quality standards or cause measurable degradation in water quality. The subject area is not directly associated with any streams, wetlands or related buffers. Although the DPS approved SWM concept letter grants a partial waiver of the SWM requirements; the plan revisions necessary (per the recommended conditions of approval) to further address is the Sector Plan Green Area coverage (such as soil enhancements within existing landscape areas and/or potential retrofit of green roof areas on the existing building) will help both SWM and Master Plan goals. Additionally, the mitigation plantings will also contribute to the SWM and green coverage goals.

Mitigation for Trees Subject to the Variance

There is one subject tree proposed for removal in association with the project. Planting mitigation for the removal should be at a rate that approximates the form and function of the trees removed, at a ratio of approximately 1" DBH for every 4" DBH removed, using trees that are a minimum of 3" caliper. This means that for the 33 diameter inches of tree to be removed, the Applicant must provide mitigation of at least 8.25 inches of caliper replacements. Therefore, the mitigation requirements would be addressed by the planting of three 3" caliper trees. However, the current proposal is to unnecessarily remove an apparently healthy, established tree (measuring approximately 20" DBH and not subject to the variance), which is growing near the southeast corner of the existing building, and plant a mitigation tree in the same, otherwise unaffected location. Rather than removing sizable trees for the sake of providing replanting, Staff recommends a condition of approval to provide larger caliper size replacements for the other two plantings (resulting in two mitigation trees that are 4.5-inch caliper each).

Staff does not recommend mitigation plantings for variance trees that are not removed or overly impacted.

County Arborist Recommendation

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The Applicants' request was forwarded to the County Arborist on January 5, 2018. The County Arborist response to the variance request is anticipated to be available prior to the Planning Board hearing and will be presented at that time.

Staff Recommendation on Variance

As a result of the above findings and condition of approval related to the variance, Staff recommends the Board approve the Applicant's request for a variance from Forest Conservation Law to remove one subject tree associated with the project.

Noise

The project location is in a busy urban environment near a Metro station, fronting an arterial roadway and is therefore subject to the Noise regulations associated with residential development. A noise analysis dated December 4, 2017, was prepared by Phoenix Noise & Vibration, LLC. However, the analysis is problematic as it was designed only for the eastern portion of the site (rather than the collective property as required). Also, the analysis does not provide the standard noise contours for the existing sound levels and the 20-year projected levels.

The analysis does show that excessive noise impacts (measured at 65 dBA Ldn) affects the Subject Property, and indicates that the future projected noise levels would be slightly higher. The report concluded that interior noise levels for the affected residential units along the roadways can be mitigated to appropriate levels (less than 45 dBA Ldn) by suitable building shell construction and installation of windows designed to mitigate the sound.

A revised noise analysis is needed at the time of Site Plan submission to provide more detailed information and more fully address the entire application.

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

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on November 13, 2017. The plan proposes to meet stormwater management goals via ESD to the MEP with the use of green roof and micro-bioretenment. Due to site constraints, full stormwater management treatment cannot be provided, so a partial waiver was also granted.

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

There are no other applicable provisions specific to this Property necessary for approval of the subdivision.

CONCLUSION

As conditioned the Sketch Plan application satisfies the findings under Section 59.4.5.4 of the Zoning Ordinance and substantially conforms to the recommendations of the 2017 *Bethesda Downtown Sector Plan*. As conditioned the Preliminary Plan Amendment satisfies the findings of the Subdivision Regulations and is consistent with the goals and recommendations of the 2017 *Bethesda Downtown Sector Plan* and the *Bethesda Downtown Design Guidelines*. Therefore, Staff recommends approval of the Sketch Plan and Preliminary Plan Amendment with the conditions specified at the beginning of this report.

ATTACHMENTS

- A. Design Advisory Panel summary letter
- B. Stormwater Management Concept Letter
- C. Variance Request
- D. Sketch Plan
- E. Preliminary Plan
- F. Agency Letters