



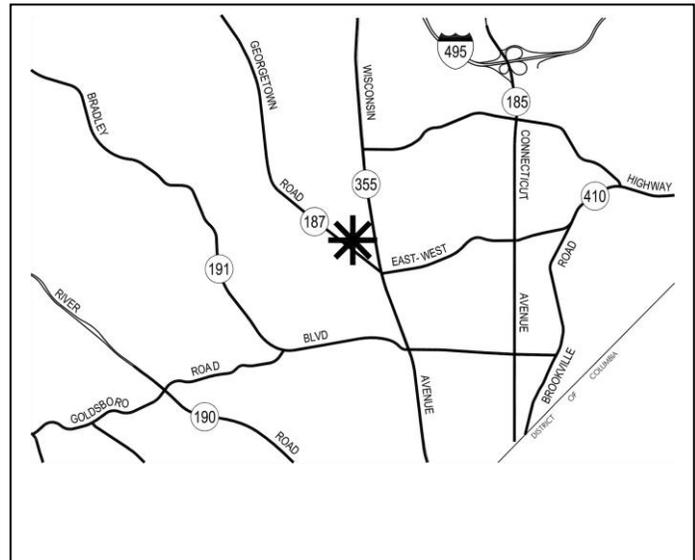
St. Elmo Apartments, Sketch Plan Amendment No. 32015004A & Preliminary Plan Amendment No. 12015020A

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Completed: 10/01/2018

Description

- Amendment to: a) increase density by 66,044 square feet, from 263,956 to 330,000 square feet, including up to 245 units of multi-family residential uses with 15 percent MPDUs and 16,000 square feet of commercial space, b) increase the height by 51 feet from 174 feet to a maximum of 225 feet, c) receive 14,863 square feet of density transfer, and d) receive up to 162,012 square feet of density from the Bethesda Overlay Zone with a payment to the PIP;
- Current use: one and two story commercial buildings and associated surface parking;
- Located on St. Elmo Avenue and Fairmont Avenue, approximately 275 feet northeast of Old Georgetown Road;
- 1.06 gross acres includes the Sending Properties, the Subject Property is 0.70 acres zoned CR 5.0 C 5.0 R 5 H-225, in the 2017 *Bethesda Downtown Sector Plan*;
- Applicant: The Lenkin Company



Summary

- Staff recommends **Approval** of the St. Elmo Sketch Plan Amendment and Preliminary Plan Amendment, with conditions.
- The Planning Board previously approved Sketch, Preliminary, and Site Plans for the construction of a 174 foot tall mixed-use building with 263,956 square feet of total development, including up to 210 units of multifamily, and up to 15,866 square feet of ground floor non-residential uses and enhancement of an existing through block connection that adjoins the adjacent apartment building.
- The amendment proposes to increase the height of the mixed-use building to 225 feet in height, increase density to 330,000 square feet including up to 245 units of residential with 15% moderately priced dwelling units, while maintaining 16,000 square feet of ground floor non-residential uses and enhancement of the through block connection.
- The project includes a density transfer of 14,863 square feet and an allocation of Bethesda Overlay Zone density of up to 162,012 square feet with a Park Impact Payment.
- The proposal includes 15% moderately priced dwelling units, minimum parking, structured parking, cool roof, and exceptional design, among other public benefits.
- The DAP reviewed the application and was split on their recommendation regarding the tower separation. Staff is recommending a minimum step-back above the base as part of site plan review.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

Sketch Plan No. 32015004A

Staff recommends approval of the St. Elmo Sketch Plan Amendment No. 32015004A, to increase density by 66,044 square feet, from 263,956 to 330,000 square feet on the Subject Property, including up to 245 units of multi-family residential uses with 15 percent MPDUs and up to 16,000 square feet of commercial, and increase the height by 51 feet from 174 feet to a maximum of 225 feet on 1.06 acres, zoned CR 5.0 C 5.0 R 5.0, H-225, in the 2017 *Bethesda Downtown Sector Plan*. The maximum density includes up to 162,012 square feet of density from the Bethesda Overlay Zone (BOZ) with a Park Impact Payment (PIP). Except as amended below, the binding elements and conditions approved under Sketch Plan 320150040 remain valid and in full effect.

1. Density

The Sketch Plan is limited to a maximum of 330,000 total square feet, including up to 245 residential units and up to 16,000 square feet of non-residential uses. The maximum number of dwelling units and use mix will be determined at Site Plan. The maximum density includes up to 162,012 square feet of density from the Bethesda Overlay Zone (BOZ) with a Park Impact Payment (PIP). The final square footage will be determined at Site Plan.

3. Density Transfer

Prior to record plat approval, the Applicant must state the gross square footage taken from any lot with reduced density in an instrument approved by the M-NCPPC Office of the General Counsel and must record the instrument in the Montgomery County land records, and add the recording reference to the record plat. The density to be transferred under this Sketch Plan is measured in gross square feet and will total approximately 14,863 square feet. Final allocation of density will be determined at the time of Site Plan. The Sending Properties will transfer and retain the following square feet of development potential base on the existing zoning:

Sending Properties (Lots 263-267) will be transferring 14,863 square feet of density and retaining 32,012 square feet of density.

4. Height

The development is limited to a maximum height of 225 feet, as measured from the building height measuring point illustrated on the Certified Site Plan.

5. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59.7.3.3.1. and this Sketch Plan is amended. 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 by providing fewer than the maximum parking spaces under the Zoning Ordinance and BOZ overlay, and providing a through block connection;
- b. Diversity of uses and activities, achieved by providing small business opportunities;
- c. Quality of Building and Site Design, achieved through exceptional design, public art, public open space, and structured parking; and
- d. Protection and Enhancement of the Natural Environment, achieved through purchase of building lot terminations, installation of a cool roof, and energy conservation and generation through incorporation of materials and systems that exceed the required minimums.

9. 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, as appropriate:

- a. Fire and Rescue access and facility details;
- b. Streetscape details including street tree locations on St. Elmo Ave & Fairmont Ave;
- c. Demonstrate how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guideline requirements;
- d. Address the SITES & LEED recommendations of the Sector Plan, specifically related to energy efficiency and building design features;
- e. Provide a revised noise analysis at time of Site Plan, or a waiver may be submitted per Section 2.2.2 of the 1983 Noise Guidelines;
- f. Provide a minimum 15-foot building setback from the curb to the building on Fairmont Avenue;
- g. Traffic Mitigation Agreement to participate in the Bethesda Transportation Demand Management District and work toward the Sector Plan 55% NADMS goal;
- h. Coordination with Bainbridge Bethesda on public use space and public art;
- i. The Applicant must maximize green cover on site, as determined at Site Plan, to meet the intent of the 35% green cover requirement for the site as described in Section 2.4.1 Urban Green (page 60) of the Master Plan and Section 2.3.2 of the associated Design Guidelines (page 63);
- j. Address Bird-Safe Design per pages 80-81 of Bethesda Downtown Sector Plan Design Guidelines;

10. Building & Site Design

Prior to the submittal of the Site Plan, the Applicant must:

Provide alternatives for building design and placement along through block connection that utilize tower step-backs for review and consideration by the Design Advisory Panel.

11. Park Impact Payment (PIP)

The Park Impact Payment (PIP) must be paid to the M-NCPPC prior to the release of the first above-grade building permit. The final amount will be determined at Site Plan.

12. Streetscape

The Applicant must install the Bethesda Streetscape Standard along the Site Frontage(s), including the undergrounding of utilities, and address potential conflicts as necessary with street tree plantings.

Preliminary Plan No. 12015020A

Staff recommends approval of Preliminary Plan No. 12015020A subject to the following conditions. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted to the M-NCPPC are required. All conditions of previous approvals remain valid and binding. In the event of a conflict between the following condition and those of previous approvals, the condition as amended shall control.

1. Approval is limited to one lot with a maximum density of 330,000 square feet of total development, consisting of up to 245 residential dwelling units, up to 16,000 square feet of non-residential uses.
3. The development is limited to the maximum height of 225 feet, as measured from the building height measuring point illustrated on the Certified Site Plan. The Certified Preliminary Plan must accurately reflect the correct building height measuring point.

If the Applicant receives approval of a Site Plan Amendment for additional density and/or height than what was approved with Site Plan No. 820170030, then the following conditions apply and supersede the previously approved conditions as enumerated:

5. The Planning Board accepts the recommendations of MCDPS – Water Resources Section in its stormwater management concept letter dated June 11, 2018, 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.
6. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated September 5, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval, with the following addition:
At the time of Site Plan, the Applicant must participate in the implementation of master planned shared roadway along the project's St. Elmo Ave frontage.
8. The Planning Board accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (MCDHCA) in its letter dated August 24, 2018, 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 MCDHCA, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
12. Before the release of any above grade building permit, the Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District (TMD) and work toward the Sector Plan goal of 55% Non-Auto Driver Mode Share.

SECTION 2: SITE DESCRIPTION

Vicinity

The subject site ("Property") is located within the Woodmont Triangle District as designated in the 2017 *Bethesda Downtown Sector Plan*. The surrounding properties are a mix of commercial, office, retail and residential uses. Directly to the east of the Property is a recently constructed 17-story multi-family residential apartment building, known as the Bainbridge Bethesda, approved for a maximum of 200 residential dwelling units and 7,700 square feet of non-residential use. The Bainbridge development provides a thru block connection that leads to a pedestrian crosswalk and connection to Public Parking Garage #11. The remaining properties to the southwest of the site towards Old Georgetown Road are zoned CR 5.0 C 5.0 R 5.0 H 175.



Figure 1: Vicinity Map

Subject Property

The Property consists of an assemblage of eight lots in a subdivision known as "Woodmont" that includes the following: Lots 644, 82 thru 86, 58, & 59, shown in red on Figure 1. The Property has a gross tract area of approximately 0.70 acres, or 30,625 square feet. In addition to the Property, this Application comprises the following sites for purposes of FAR averaging, as permitted by Section 4.5.2.B and 4.9.2.C.5 of the Zoning Ordinance: Lots 263, 264, 265, 266 and 267 on Del Ray Avenue (the Sending Properties) totaling 15,625 square feet (0.36 acres), shown in orange on Figure 1. In total, the tract area including the Sending Properties totals 1.06 acres (46,250 square feet).

The Property currently is improved with one- and two-story buildings containing commercial uses and associated surface parking, with frontage on both Fairmont Avenue and St. Elmo Avenue. The Sending Properties are currently improved with a low-rise commercial building and associated surface parking. The Property is located within 1,500 feet of the Bethesda Metro Station and falls within the Bethesda Parking Lot District (PLD). The site contains no forest, streams, wetlands, or environmental buffers. 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 historic properties on site.



Figure 2: Aerial View

Site Analysis

In total, the Application is requesting up to 330,000 square feet of density. The base zoning allows for 153,125 square feet of density, plus a density transfer from Sending Properties of 14,863 square feet, total 167,988 square feet. The Applicant is requesting an additional 162,012 square feet of BOZ density for a total 330,000 square feet of development. The use of BOZ density will require a payment to the PIP, the exact amount of which will be determined during Site Plan review. The residential density to be transferred to the Property from the Sending Properties will be subject to the FAR averaging provisions of the Zoning Ordinance (Attachment E). The Sending Properties will retain sufficient commercial density to cover the existing development, as conditioned.

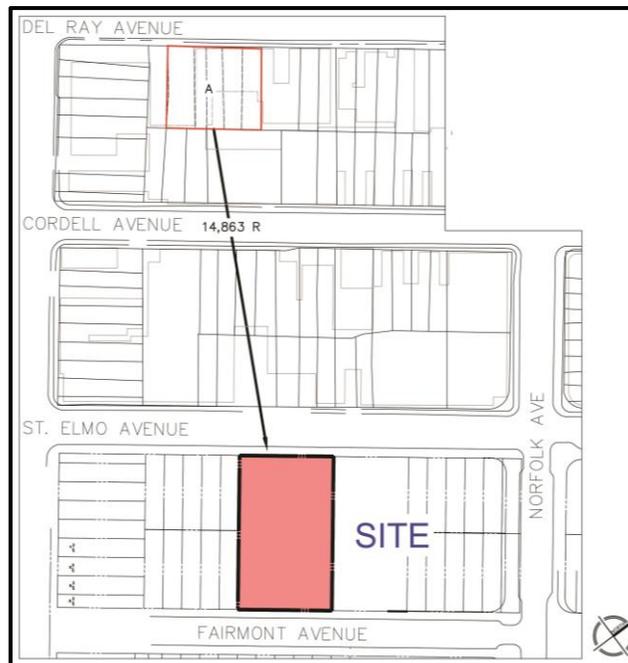


Figure 3: FAR Averaging/Sending Properties

SECTION 3: PROJECT DESCRIPTION

Previous Approvals

The Property previously received approvals from the Planning Board for Sketch Plan (320150040), Preliminary Plan (120150200), and Site Plan (820170030) to allow a mixed-use building containing up to 263,956 square feet of total development, including 256,300 square feet of residential (210 units) and up to 15,488 square feet of non-residential, with a maximum height of 174 feet. These approvals included the utilization of FAR averaging from three separate Sending Properties, however this Amendment proposes to utilize density from only one of the three original Sending Properties, and the remainder of density will be purchased from the BOZ. These plans were approved prior to the adoption of the 2017 *Bethesda Downtown Sector Plan*. The Sector Plan rezoned the Property to allow development up to 225 feet in height and contains other development incentives that the Applicant is seeking to utilize in this amendment.

The previously approved Site Plan (820170030, No. 17-031) included a condition that states any future amendment that would increase the building height based on the 2017 *Bethesda Downtown Sector Plan*, that the entire site and building design must substantially conform to the updated Sector Plan's design guidelines for building step-backs, articulation, and tower separation.

Proposal

Sketch Plan Amendment

The Applicant seeks an amendment to the binding elements and conditions of the Sketch Plan under the 2014 Zoning Ordinance to revise the following:

- a. Increase the height of the previously approved building from 174 feet to 225 feet, increase in density from 263,956 square feet to 330,000 square feet of total development. The Proposal will increase the residential units from 210 to 245 (approximately 314,000 square feet) and provide 15% Moderately Priced Dwelling Units (MPDUs). The amendment will increase non-residential uses from 15,488 square feet to 16,000 on the ground floor.
- b. Revise FAR averaging by reducing density transfer from 64,613 square feet to 14,863 square feet, and receive 162,012 square feet of BOZ density.
- c. Amend the public benefit schedule to remove the Transit Proximity Category, affordable housing from the Diversity of Uses and Activities Category, and vegetative roof from the Protection and Enhancement of the Natural Environment, which are no longer applicable due to the Bethesda Overlay Zone regulations.

Preliminary Plan Amendment

The Applicant seeks an amendment to the conditions of Preliminary Plan 120150100 under the 2017 Subdivision Ordinance to revise the following:

- a. Increase the Project's density from 263,956 square feet to 330,000 square feet of total development, allocated as follows: increase the residential units from 210 to 245 and provide 15% Moderately Priced Dwelling Units (MPDUs) and increase non-residential uses from 15,488 square feet to 16,000 square feet.

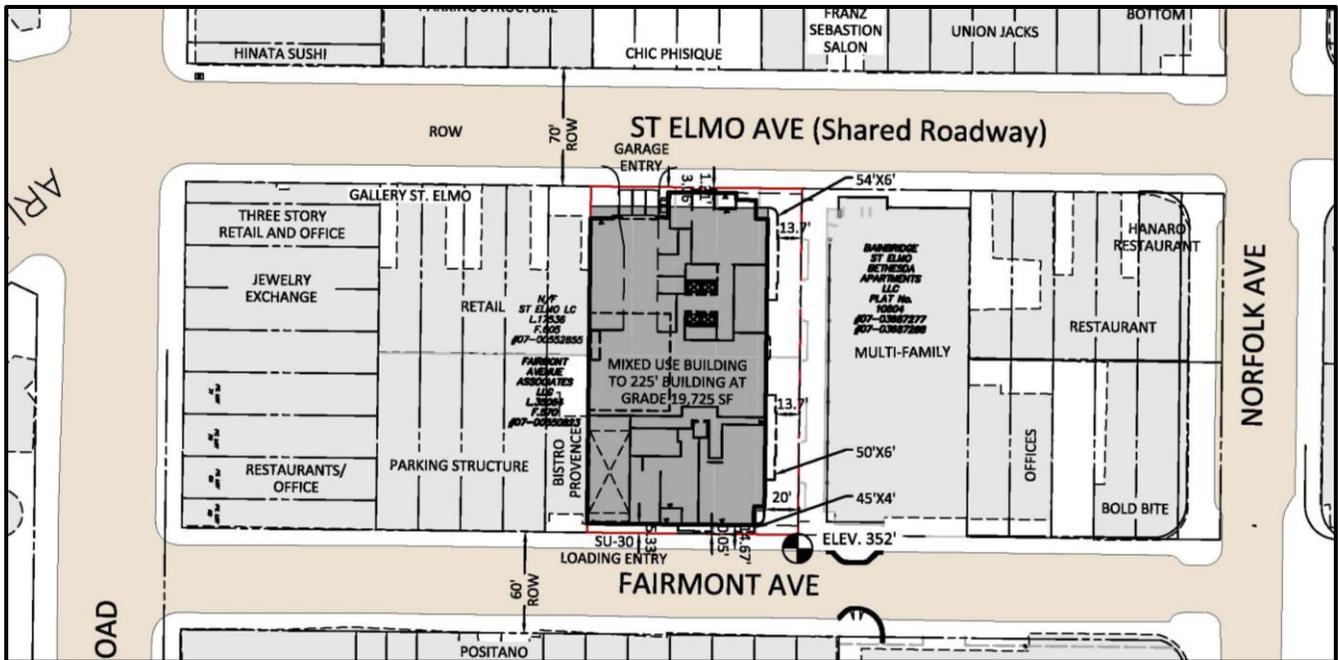


Figure 4: Proposed Sketch Plan

Building

The building will be 21 stories tall with a maximum height of 225 feet, as measured from the building height measuring point on Fairmont Avenue. Given the urban context of the Property, the massing of the Project has been arranged to maximize both street frontages. The Applicant proposes to locate the non-residential uses on the ground floor to provide a presence along Fairmont Avenue and wrap the corner into the through block connection. Residential access to the property will be gained from St. Elmo Avenue and the through block connection. The rooftop will be designed with residential amenities and a vegetative green roof.

Architecturally, the building is organized around a central mass that runs from St. Elmo Ave to Fairmont Ave. The through block connection runs along the northeasterly side of this central mass. Two enclosed minor masses with flanking open balconies cantilever into the through block connection beginning at the third story, a third mass cantilevers over the Fairmont frontage. On the southwesterly side of the central mass, two towers project toward Old Georgetown Road. The tower closest to St. Elmo will rise to the full 21 stories while the tower closest to Fairmont will rise to 20 stories. Both towers step down along the western façade towards Old Georgetown (see Figure 6) and are stepped back from the St. Elmo and Fairmont frontages. The building will utilize uniform materials such as unit masonry with accents of natural or cast stone, glazing systems, ornamental metal accents, and projecting wrap composition.

The design of the building continues to focus on step-backs as it relates to tower separation. Discussion of the Design Guidelines and recommendations by the Design Advisory Panel are found in Section 4 under Sketch Plan Findings and Analysis.



Figure 5: Massing view from Fairmont Ave, Figure 6: Massing view from Old Georgetown Rd/St. Elmo

Open Space

Under the Optional Method of Development in the CR Zone (given that the lot area for each property is under one acre and no lot has frontage on more than two existing and planned right-of-way frontages), the Applicant is not required to provide on-site public open space. However, the Project will provide approximately 5,150 square feet of public open space as a result of expanding the existing through block connection. The final amount of open space will be determined at Site Plan.

The Project proposes the expansion of the existing through block connection (currently 15 feet) built for the adjacent Bainbridge Bethesda property to the northeast (Figure 7) by 20 feet, to a total width of 35 feet. This co-location is intended to maximize the size and quality of the public space, creating a more significant public pedestrian connection as envisioned in the 2017 *Bethesda Downtown Sector Plan*. Although on two separate properties, the Applicant is working with the owners of the Bainbridge Bethesda property to design both spaces as one cohesive passageway. Final details on the public open space will be determined at the time of Site Plan.

Conceptually, the design of the expanded through block connection will utilize a combination of site-specific art, benches, lighting and hardscape in addition to retail uses located on the ground floor to activate the passageway (Figure 7). The Applicant presented the public art concept as shown below (Figure 8) to the Art Review Panel on March 21, 2017. The existing through block connection contains a series of public art in the form of four large metal panels. The Art Review Panel had recommended the Applicant notify the Panel when a landing location for the decommissioned artwork has been chosen. Site Plan 820170030 was previously conditioned, Planning Board Resolution 17-031, to present the final public art concept to the Art Review Panel prior to certification of the Site Plan.

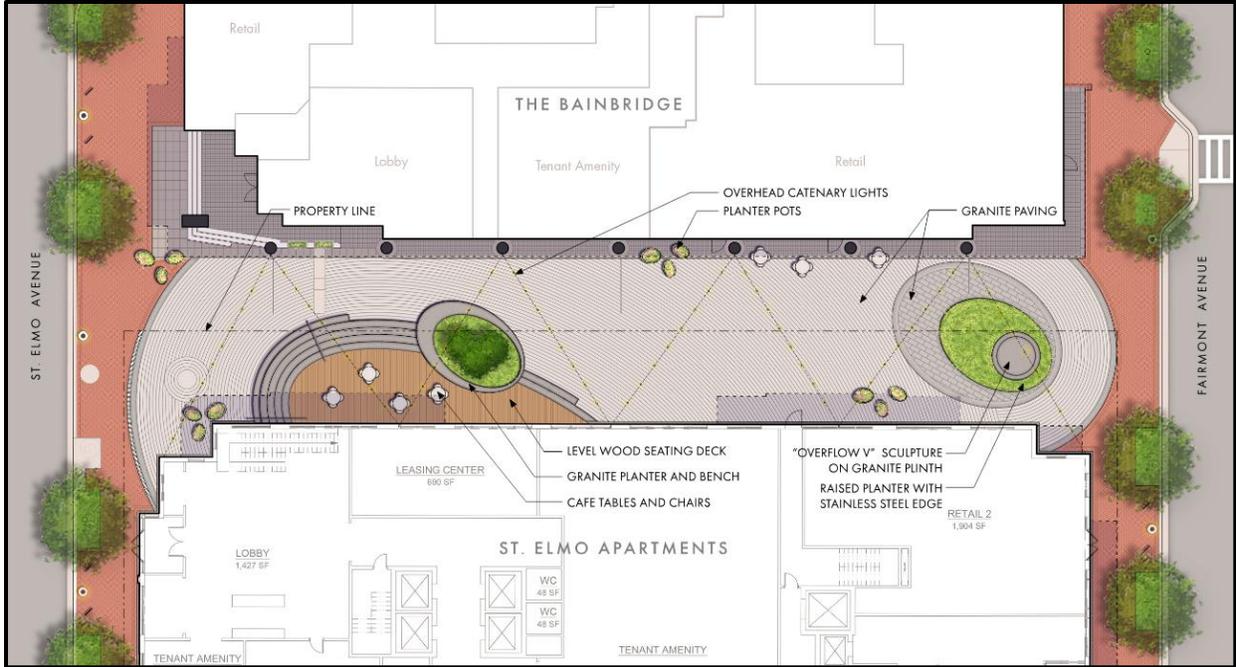


Figure 7: Illustrative Public Open Space Concept



Figure 8: Proposed Public Art

Environment

Forest Conservation

This Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law, but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(2) because the proposed activity occurs on a tract of land less than 1 acre (Sending Property site area is not applicable) that will not result in the clearing of more than a total of 20,000 square feet of existing forest, or any existing specimen tree or champion tree, and reforestation requirements would not exceed 10,000 square feet. (Attachment C)

There is one specimen tree located on the Subject Property that the Application proposes to remove, which triggers the need for a tree save plan. Forest Conservation Law under 22A-6(b) states that if an activity or development that would normally be exempt under Section 22A-5 proposes to clear a specimen (or champion) tree, approval of a tree save plan is required to review the need for tree preservation and/or mitigation. A tree save plan was reviewed and approved as part of the Certified Site Plan 820170030, which shows the planting of four, three-inch caliper trees replacement trees provided in an offset location at the corner of Battery Lane and Old Georgetown Road. The mitigation plantings are not affected by this plan amendment and will be incorporated into the new approval.

Noise

The proposed St. Elmo Apartments development provides residential units within a busy urban environment that produce adverse levels of noise impacts. As part of the previous site plan approval the Applicant coordinated with an engineer specializing in acoustics to address the associated development standards regarding noise mitigation. Phoenix Noise & Vibration, LLC conducted an analysis of transportation noise impact upon the originally proposed St. Elmo Apartments mixed-use multi-family building.

The noise analysis (St. Elmo Apartments Phase I Noise Analysis dated September 14, 2015) confirms that some of the proposed units would be subject to higher levels of noise impacts, in excess of the 1983 Noise Guidelines. However, appropriate treatments of the building shell and windows and doors could mitigate the interior noise to acceptable levels. The outdoor common space areas are not overly impacted by noise levels and do not require mitigation. The building architecture has changed since the time of the original noise analysis, therefore a revised analysis is needed at the time of Site Plan submission which addresses the current proposal, unless a waiver is submitted per Section 2.2.2 of the 1983 Noise Guidelines.

Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept on June 11, 2018 (Attachment D). According to the approval letter, the stormwater management concept meets stormwater management goals using green roof, and a partial waiver is granted due to site limitations.

Green Cover

The Sector Plan includes a number of recommendations to achieve the urban green goals. An important recommendation to this effect is the onsite 35% green coverage minimum. The green cover may include singularly or a combination of intensive green roof (6 inches or deeper) or tree canopy cover. The proposed layout of the building and narrowness of the through block connection precludes the opportunity for onsite canopy tree plantings. Therefore, the onsite 35% green cover will need to be achieved entirely through the use of intensive green roof.

The green cover exhibit submitted by the Applicant shows a net lot area of 25,625 square feet, and a resulting green coverage requirement of at least 8,969 square feet (35% of net lot area). The exhibit shows green cover on the roof, within the through block connection with planters, and through offsite tree plantings (which are not

supported by Staff for onsite green cover purposes). The parking garage is below the public connection area which allows the planters to count as green cover, as long as the areas are built to the standards listed in the 2017 *Bethesda Downtown Sector Plan*. In regard to *offsite* tree plantings, these trees are required as part of mitigation for the removal of a specimen tree under 22A-6(b) of the County Code. Forest Conservation cannot be counted towards onsite green cover, therefore the exhibit falls short of the 35% requirement. The Applicant has stated that meeting the 35% green cover has been challenging, given the portion of the site that has been dedicated to the through block connection. Staff recognizes this constraint, however notes that there are additional opportunities to provide green cover such as expanding planters and other green cover within the through block connection, and additional treatments to the roof such as interspersing green roof within paved patio areas (See Figure 9). Staff has recommended a condition to continue to work with Staff during the site plan process to meet the intent of the Sector Plan. Staff notes that any additional green cover provided reduces the need for a partial SWM waiver.



Figure 9: Green Roof example at O Street Marketplace

Circulation

Street access to the Subject Property is provided by St. Elmo Avenue and Fairmont Avenue. No additional right-of-way is needed for these streets since the master plan recommended rights-of-way were previously dedicated to public use by deed.

A driveway from St. Elmo Avenue, at the west corner of the site, will provide vehicular access to the structured below-grade parking garage (Figure 10). The number of parking spaces will be determined at Site Plan based on the number of residential dwelling units. A second driveway from Fairmont Avenue, at the south corner of the site will provide loading and service access.

Pedestrian access will be provided by sidewalks on St. Elmo Avenue and Fairmont Avenue. Bicycle access to the Property will be provided along both St. Elmo Avenue and Fairmont Avenue. Additionally, the site will build upon the existing through-block pedestrian connection established along the northeast property line by Bainbridge Bethesda. This through-block connection is approximately 200 linear feet in length and is proposed to be widened from its existing width of approximately 20 feet to approximately 35 feet.

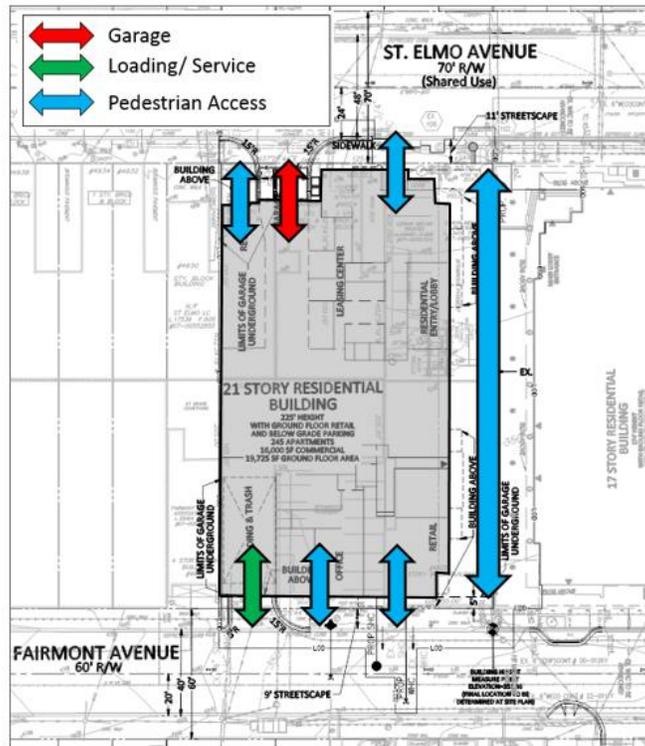


Figure 10: Access and Circulation

SECTION 4: SKETCH PLAN 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 Amendment meets the development standards of Section 59.4.5.4, as shown in the following Data Table:

Table 1: Sketch Plan Data Table

Property Information			
Subject Property			
CR 5.0 C-5.0 R-5 H-225		30,625 sf (0.70 ac)	
Prior Dedication		5,000 sf (0.11 ac)	
Site Area		25,625 sf (0.59 ac)	
Sending Property			
CR 3.0 C-3.0 R-2.75 H-110		15,625 sf (0.36 ac)	
Prior Dedication		2,500 sf (0.06 ac)	
Site Area		13,125 (0.30) sf	
Total Site Area		38,750 sf (0.89 ac)	
Total Tract Area		46,250 sf (1.06 ac)	
Section 59.4	Development Standard	Permitted/ Required	Proposed
	Residential Density (GFA/ FAR)	153,125 sf (5)	314,000 sf (10.25)
	Commercial Density (GFA/FAR)	153,125 sf (5)	16,000 sf (0.16)
	Bethesda Overlay Zone Density	n/a	162,012 sf (6.94)
	Sending Property Density	46,875 sf (3) ¹	14,863 sf
	Total FAR/GFA	n/a	330,000 sf (11.85)
	Building Height		
	CR 5.0 C-5.0 R-5 H-225	225 feet	225 feet
	Public Open Space (min)	0	5,150 sf
	Minimum Setbacks		
	Front (St. Elmo/Fairmont)	0	1.3'/5.3'
	Side (West/East)	0	0/20'

¹ 32,012 square feet of commercial density to remain at Sending Property

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 non-residential uses and square footage.

Density Transfer

Section 59-4.5.2.B.3 of the Zoning Ordinance provides that density may be averaged over two or more non-contiguous properties in the CR Zone if:

- a. *Each provision under Section 4.5.2.B.2 is satisfied, including:*
 - i. *The properties are under the same site plan or sketch plan; and, if a sketch plan is required, the density averaging must be shown on the sketch plan;*
All Sending and Receiving Properties are encompassed by this Sketch Plan Application.
 - ii. *The resulting properties are created by the same preliminary subdivision plan or satisfy a phasing plan established by an approved sketch plan;*
All Sending and Receiving Properties are included in this Application and will satisfy the phasing plan approved as part of the Sketch Plan Amendment and Preliminary Plan Amendment. The Project will be constructed in one phase.
 - iii. *The maximum total, non-residential, and residential FAR limits apply to the entire development, not to individual properties;*
The maximum non-residential and residential FAR limits apply to the entire development. FAR will exceed the mapped density on the Subject Property as allowed by the Bethesda Overlay Zone (Section 4.9.2.C.2.a) as the Project includes both FAR averaging and gross floor area from the Bethesda Overlay Zone Density. The Sending Property will not exceed non-residential or residential FAR limits.
 - iv. *The total allowed maximum density on a resulting property that is abutting or confronting a property in an Agricultural, Rural Residential, or Residential Detached zone that is vacant or improved with an agricultural or residential use, does not exceed that allowed by the property's zone; and*
This provision is not applicable, as the Property does not abut or confront a property in an Agricultural, Rural Residential, or Residential Detached zone that is vacant or improved with an agricultural or residential use.
 - v. *Public benefits are required to be provided under any phasing element of an approved sketch plan.*
The Project will be developed in one phase and will provide adequate public benefits.
- b. *The properties are within ¼ mile of each other or in a designated master-planned density transfer area;*
The Sending and Receiving Properties are located within ¼ mile of each other.
- c. *The minimum public benefit points required under Section 4.5.4.A.2 are exceeded by at least 50%;*
This provision is not applicable within the BOZ pursuant to Section 4.9.2.C.5.b.
- d. *The applicable master plan does not specifically prohibit the averaging of density between non-contiguous properties.*
The 2017 *Bethesda Downtown Sector Plan* does not prohibit the averaging of density between non-continuous properties, rather it supports the continued practice from the *Woodmont Triangle Amendment* that supports averaging between non-contiguous properties. Furthermore, the Bethesda Overlay Zone incorporated that practice into the regulatory provisions, pursuant to Section 4.9.2.C.5.a.

The Sketch Plan Amendment 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 site 37 on pages 111 and 112 of the Sector Plan. Woodmont Triangle is an eclectic, mixed-use district that balances high-rise residential development with small-scale retail and arts amenities. This district serves as an office and retail center during the day, and as a restaurant district during the evenings and weekends. Woodmont Triangle is primarily a commercial area, containing both retail and office uses. Residential uses were once limited, but since the 2006 Woodmont Triangle Amendment, additional apartments and condominiums have been developed in the district.

The predominance of low buildings on small parcels in Woodmont Triangle creates a strong contrast with the higher density residential blocks that have recently developed in the district as well as in the Metro Core. Parking lots and decks, both public and private, occupy the limited number of otherwise vacant properties. The area has little open space and few visually distinctive buildings. Lack of distinguishing characteristics among the streets creates orientation problems for visitors. Despite its lack of visual quality, the district’s diverse business activity, low-scale buildings and low-speed street pattern contribute to the area’s appeal. Due in part to its angled roadway system that creates triangles within the Triangle, this district features oddly configured and dispersed retail spaces, and difficult accessibility and visibility from major roadways. However, these conditions have allowed a more diverse and local boutique retail environment to flourish.

Specifically, the Project addresses the following goals as outlined in the Sector Plan and Woodmont Triangle District sections of the Sector Plan:

- *Incentivize expanded affordability for housing.*
The new multi-family residential apartment building will include a minimum of 15 percent Moderately Priced Dwelling Units (MPDUs) (or up to 37 units). As a result, the Project provides additional, desired affordable housing in close proximity to transit and other services.
- *Create opportunities for public spaces to balance high intensity new development.*
The Project will double the width of the existing through-block connection created by the neighboring apartment building. The Applicant has worked closely with the owners of the

adjacent apartments to create a truly dynamic and unified space that works for both pedestrians passing through and as an enhanced public and private gathering space.

- *Increase 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.*

The Project will result in significant improvements to the treatment of stormwater management on-site, as there are no known stormwater management facilities located on the Property. The Project is located within the High Performance Area and will incorporate and meet the requirements in the Sector Plan and Bethesda Overlay Zone for exceeding current energy efficient standards for buildings, as well as comply the requirements of the County's adoption of the 2015 International Green Construction Code (IGCC).

- *Continue the Constrained Long-term Parking Policy and promote incentives to reduce parking.* Given its proximity to transit, the Project will provide significantly fewer than the maximum number of parking spaces on-site. The Project proposes to provide a minimum of 220 and a maximum of 230 parking spaces on-site. This is well below the maximum number of parking spaces allowed by the Zoning Ordinance (*i.e.* 397 parking spaces).
- *Promote infill development with higher densities and building heights nearest the central core of Downtown Bethesda to accommodate future growth.*

The Property is currently improved with low-density, aging commercial office buildings. Given its location within walking distance of the Bethesda Metro Station, the project is proposing to redevelop the site with a 21-story mixed-use, transit oriented development.

- 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 lots that contain one and two story commercial structures and surface parking to build a mixed-use building that will house high density residential and allow for ground floor retail, all within 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 will accommodate all modes of transit – pedestrian, bicycle, and vehicular – in proximity to the Metro and bus service by improving the streetscape along its two 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 the Woodmont Triangle District as an eclectic, mixed-use district that balances high-rise residential development with small-scale retail and arts amenities. The Project will

provide a high-rise residential building with ground floor retail space and a through block connection enhanced with public art, in keeping with the existing and desired character of the Woodmont Triangle District.

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

The Subject Property is within the Woodmont Triangle District of the Sector Plan, which is primarily commercial with newer residential apartments and condominiums. As proposed, the mixed-use project containing high density residential and retail provides the appropriate land use, as recommended in the Sector Plan and the 2006 Woodmont Triangle Amendment.

- 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.

The Bethesda Overlay Zone (BOZ) was adopted July 18, 2017, specifically to implement the recommendations of the *Bethesda Downtown Sector Plan* as it relates to density, building heights, affordable housing, parks, and design. The BOZ set a cap of overall development (32.4 million square feet) whereby the zoning approved for most properties retains the base density but increases the heights on respective sites. An Applicant can request an allocation of density over the base density to build to the maximum height permitted by the Zone, as needed. An allocation of density from the BOZ requires a park impact payment of \$10/square foot based upon the density requested and facilitates acquisition of parkland in the downtown Bethesda area. This Application is requesting an allocation of 162,012 square feet from the BOZ initiating a Park Impact Payment, with the amount to be determined during Site Plan review to be paid at the time of building permit. The portion of density dedicated to moderately priced dwelling units is not applicable towards determining the Park Impact Payment. The amount of density allocated from the BOZ for Application is deducted from the 32.4 million cap.

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

As discussed in Finding 1.a above, the Project substantially conforms to the recommendation of the 2017 *Bethesda Downtown Sector Plan*. The Project will provide a mixed-use building with ground floor retail in an Expanded Center of Activity within the Woodmont Triangle District, increase the supply of housing to serve a variety of income levels, redevelop an underutilized property, and enhance a through block public connection as recommended in the Sector Plan.

Bethesda Downtown Design Guidelines

The previously approved Site Plan (820170030, No. 17-031) conditioned the Project in the event that a future amendment proposed to increase the building height based on the 2017 *Bethesda Downtown Sector Plan*, the entire site and building design must substantially conform to the updated Sector Plan's Design Guidelines for building step-backs, articulation, and tower separation. The design remains very similar in bulk and size to the originally approved massing. The Project is setback from both St. Elmo Avenue and Fairmont Avenue, both streets are considered Mixed Use Streets with recommended setbacks of 15-20 feet. While the Project provides the minimum 15-foot setback on St. Elmo, the setback shown on Fairmont Ave is just under 15 feet. During the review process the Applicant has noted this error and that the setback on Fairmont Avenue from the curb to the building will be 15 feet, therefore Staff

recommends a condition stating the subsequent Site Plan Amendment will show the correct setback on Fairmont Avenue.

The through block connection, which provides for connectivity between the blocks, and tower separation are major recommendations of the Design Guidelines. The intent of the Guidelines is to reduce bulk and mass and allow for increased light and air through setbacks between towers. Understanding that there would be existing conditions that could complicate the separation, a 45'-60' setback between towers is recommended. The proposed building setback from the adjacent apartment building within this area is approximately 35 feet. The Design Guidelines allows tower separation to be reduced in the context of existing adjacent development, which then requires a minimum setback of 22.5' from the side and rear property line. The proposed setback along the side with the through block connection is 20 feet, which further reduces in areas with cantilevers to approximately 14 feet. The Design Guidelines recommends alternative treatments to maximize the appearance of tower separation such as varied geometry in a building's upper floors, and façade modulation to increase the perception of separation and allow access to light and air. The proposed facade incorporates minor articulations through use of cantilevers and balconies, however these modulations further encroach into the public space rather than step-back. With the proposed cantilevers, the tower separation reduces from 35 feet to approximately 28 feet. In regards to tower step-backs, the Design Guidelines also states that balconies may encroach into the step-back if they do not significantly add to the perceived bulk and mass of the building's upper floors. While the Applicant has proposed materials that may reduce the perception of balcony mass, the design may not sufficiently allow access to light and air, as the building façade is proposed to be at its tallest throughout the through block connection.

Staff has raised these issues with the Applicant and the Design Advisory Panel. The Design Advisory Panel remains split on their recommendation after two meetings with the Applicant (See Attachment F). Some members state that while the tower separation is less than preferred, the building is well designed and should move forward. Other members state that the building is well designed architecturally but the tower separation is too minimal to provide adequate light and air and needs to be moved back to provide tower step-backs as recommended by the Design Guidelines. Given the split recommendation from the Design Advisory Panel, Staff recommends minimum conformance with the side setback of 22.5' with the inclusion of step-backs after 70 feet in height, and the project move forward with the condition that the tower step-back be revisited at time of Site Plan review, and that alternatives be provided to the Design Advisory Panel showing tower step-backs for review and consideration.

Green Cover

The Sector Plan includes a number of recommendations to achieve the urban green goals. An important recommendation to this effect is the onsite 35% green coverage minimum. The green cover may include singularly or a combination of intensive green roof (6 inches or deeper) or tree canopy cover. The proposed layout of the building and narrowness of the through block connection precludes the opportunity for onsite canopy tree plantings. Therefore, the onsite 35% green cover will need to be achieved entirely through the use of intensive green roof.

The green cover exhibit submitted by the Applicant shows a net lot area of 25,625 square feet, and a resulting green coverage requirement of at least 8,969 square feet (35% of net lot area). The exhibit shows green cover on the roof, within the through block connection with planters, and through offsite tree plantings (which are not supported by Staff for onsite green cover purposes). The parking garage is below the public connection area which allows the planters to count as green cover, as long as the areas are built to the standards listed in the 2017 *Bethesda Downtown Sector Plan*. In regard to *offsite* tree plantings, these trees are required as part of mitigation that allows the property to be exempted from

submitting a Forest Conservation Plan. Therefore, they cannot be counted towards onsite green cover, and the exhibit falls short of the 35% requirement. The Applicant has stated that meeting the 35% green cover has been challenging, given the portion of the site that has been dedicated to the through block connection. Staff recognizes this constraint, however notes that there are additional opportunities to provide green cover such as expanding planters and other green cover within the through block connection, and additional treatments to the roof such as interspersing green roof within paved patio areas. Staff has recommended a condition to continue to work with Staff during the site plan process to meet the intent of the Sector Plan. Staff notes that any additional green cover provided reduces the need for a partial SWM waiver.

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.

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

At 225 feet in height, the building will be taller than the surrounding existing buildings, as this is one of the few sites in the vicinity to redevelop under the 2017 *Bethesda Downtown Sector Plan* which allows for increased building height. The Project has worked with the adjacent residential development to expand and enhance the existing through block connection which will include public art. Additionally, the Project has been designed to step-back on the west side of the Property to lessen visual impacts of height from Old Georgetown Road.

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 and loading will be located along St. Elmo Avenue and loading access will be gained from Fairmont Avenue. The Project is located within the Parking Lot District and as such, is providing less parking than the maximum required by zoning.

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 as recommended by the Bethesda Design Guidelines. As previously mentioned, the Project includes enhancement of the through block connection and pedestrians will be able to gain access to the building from this area.

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, 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 requested at Sketch Plan to demonstrate the project’s ability to meet the requirement to provide sufficient benefit points.

Table 2: Public Benefits Calculations

Public Benefit	Incentive Density Points	
	Max Allowed	Requested
59.4.7.3C: Connectivity and Mobility		
Minimum Parking¹	20	6.5
Through-Block Connection¹	30	15
59.4.7.3D: Diversity of Uses and Activities		
Small Business Opportunities	20	10
59.4.7.3E: Quality of Building and Site Design		
Exceptional Design¹	30	15
Public Art	20	15
Public Open Space	30	20
Structured Parking	20	20
59.4.7.3F: Protection and Enhancement of the Natural Environment		
Building Lot Termination (BLT)	30	6.08
Cool Roof	15	10
Energy conservation and generation¹	25	15
TOTAL		132.58

¹Denotes Sector Plan priority

Connectivity and Mobility

Minimum Parking: The Applicant requests 6.5 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 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. Staff supports the category at this time.

Through Block Connection: The Applicant requests 15 points for providing a through block connection. Points for this incentive are based on design criteria such as open air access, width, connections to transit, parks, or public buildings, retail access, and wall glazing adjacent to the connection. Final determination based on this criteria will be made at Site Plan. Staff supports the category at this time.

Diversity of Uses and Activities

Small Business Opportunities: The Applicant requests 10 points for providing retail space for small businesses. Points for this incentive are granted when the project will be designed for small, neighborhood-oriented businesses and the Applicant records covenants that reflects restrictions. Approximately 16,000 square feet of non-residential on the ground floor is currently proposed, to be used as entirely retail or a combination of retail and office. Staff supports the category at this time.

Quality of Building and Site Design

Exceptional Design: The Applicant requests 15 points for building and/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 fulfills many recommendations of the 2017 *Bethesda Downtown Sector Plan* and Design Guidelines.

The Design Advisory Panel recommended the following during their April 4, 2018 meeting:

- Public Benefit Points: The project is on track to achieve at least the minimum 10 Exceptional Design points required in the Bethesda Overlay Zone.
- Explore how to further improve the pedestrian experience along the promenade and reduce the bulk and imposing feeling of the cantilever, balconies, and large sheer wall. While some panel members suggested tower step-backs and increased tower separation may help, others stated that these small moves may not have a large impact.

Due to the Design Guidelines conformance issues raised in Finding 2 above, Staff recommended the Applicant return to the Design Advisory Panel for clarity on the recommendations of the first meeting regarding tower step-backs along the through block connection. At a meeting held on September 26, 2018, four DAP members were present. The discussion at this meeting waivered between whether or not the Project substantially conforms with the provisions of the Design Guidelines. The panel members questioned why the building could not be moved south to allow additional space between the proposed building and adjacent existing development. Two members stated that the building as proposed does not allow sufficient light and air into the through block connection for the residents of the upper floors. Other members stated that because the building is architecturally well designed, the Project should move forward as is.

Projects within the Bethesda Overlay Zone are required to achieve a minimum of 10 Exceptional Design points. The meeting resulted in 2 members voting in favor of being on track to meet these 10 points, while 2 were in support with conditions (greater tower separation, at least 10-15 feet). Due to this split decision, Staff supports the category at this time, and has recommended a condition to require alternatives be provided to the Design Advisory Panel for review at Site Plan, which includes tower step-backs. However, Staff is recommending that the applicant consider a step-back that meets the minimum recommendation of the Design Guidelines.

Public Art: The Applicant requests 15 points for installation of public art. Points for this category are granted based on goals listed in the Implementation Guidelines and by review of the Art Review Panel. The Applicant has already met with the Art Review Panel in March of 2017 with a proposal for public art installation. Staff supports the category at this time.

Public Open Space: The Applicant requests 20 points for providing public open space. Points for this category are granted on a sliding scale, based on the percentage of the lot area and other criteria listed in the Implementation Guidelines. The Applicant has designed the through block connection to also be utilized as public space according to the Implementation Guidelines. Staff supports the category at this time.

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

Protection and Enhancement of the Natural Environment

BLTs: The Applicant requests 6.08 points for the purchase of 0.675 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: The Applicant requests 10 points for installation of a cool roof. Points for this category are granted based on installation of a cool roof on areas not covered by vegetation to reduce energy costs and decrease heat island effects. In regards to the roof design, there are competing elements proposed by the Applicant including a vegetated roof to meet Sector Plan green cover requirements, mechanical equipment, and rooftop amenities such as patio and pool area. It is undetermined at this time how much roof area could be accommodated by a cool roof to merit the points requested and as such, Staff supports the category at this time however further review will be required during Site Plan.

Energy Conservation and Generation: The Applicant requests 15 points for incorporating high efficiency building materials and mechanical systems that exceed energy efficient standards for the building type by 17.5%. For Projects located within the High-Performance Area of Downtown Bethesda, this is a required public benefit category for which the Applicant must achieve 15 points. Staff supports this 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 ANALYSIS AND FINDINGS

Compliance with Zoning Ordinance and Subdivision Regulations

The Preliminary Plan Amendment will create one lot (25,625 square feet or 0.58 acres of net lot area) to allow for a maximum density of 330,000 total square feet for up to 245 multi-family residential dwelling units. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. 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. The Application has been reviewed by other applicable County agencies, all of whom have recommended approval of the Preliminary Plan.

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.*

Staff finds the proposed lot size, width, shape and orientation are appropriate for the location of the subdivision considering the recommendations in the 2017 *Bethesda Downtown Sector Plan* and the type of development and use contemplated. The lots were reviewed under and found to be in compliance with the dimensional requirements for the CR zone as specified in the Zoning Ordinance.

2. *The Preliminary Plan substantially conforms to the Master Plan or Urban Renewal Plan.*

The Preliminary Plan Amendment substantially conforms to the recommendations of the 2017 *Bethesda Downtown Sector Plan* in both form and function as discussed in the Sketch Plan Amendment No. 32015004A findings. The proposed lot will accommodate the mixed use residential that the Sector Plan recommends for this area and the two street frontages will be improved with the Bethesda Streetscape design, and improve connectivity in the area with the enhanced through block connection.

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

Access and Circulation

Vehicular access to the Subject Property is proposed directly from both St. Elmo Avenue and Fairmont Avenue in the following configuration: garage access via a full-movement driveway on St. Elmo Avenue, at the west corner of the site, and loading access via Fairmont Avenue, at the south corner of the site. Resident vehicular parking is proposed to be contained within a structured below-grade garage, accessed off St. Elmo Avenue. Pedestrian and bicycle access to the Subject Property will be provided along both St. Elmo Avenue and Fairmont Avenue.

Transit Connectivity

The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station (located approximately 0.3 mile, or 1,700 feet to the south of the site), Metrobus, RideOn, the Bethesda Circulator and future Purple Line. Specific transit routes near the Site include:

1. RideOn Bus Routes 29, 32, 30, 34, 36, 40, 47, 70
2. WMATA Metrobus Routes J2, J3, J4, J7, and J9

Master Plan Roadways and Pedestrian/Bikeway Facilities

The following summarizes recommendations included in the 2017 *Bethesda Downtown Sector Plan* and Planning Board Draft 2018 *Bicycle Master Plan* along the property frontage:

1. St. Elmo Avenue, along the northern site frontage, as a Business District street with a minimum right-of-way width of 70'.
2. Fairmont Avenue, along the southern site frontage, as a Business District street with a minimum right-of-way width of 60 feet.

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.

Adequate Public Facilities

Transportation

A transportation study, dated May 4, 2018, was submitted to analyze the Project. The proposed development is estimated to generate 118 new morning peak-hour person trips (60 vehicle trips) and 101 new evening peak-hour person trips (54 vehicle trips) (Tables 3 and 4). Because the estimated transportation impact of the Project exceeds 50 net new vehicle trips, the Project evaluated vehicular (intersection) capacity to satisfy the Local Area Transportation Review requirement. This analysis considered the existing conditions, background conditions with bicycle improvements (bike lanes on Norfolk Avenue and Woodmont Avenue), and total future conditions with bicycle improvements. Since the total future condition is expected to exceed the congestion standard along the Old Georgetown Road corridor, the Applicant is proposing signal optimization to reduce vehicle delay to within acceptable limits.

Table 3: Project Peak Hour Trip Generation

	Vehicle Rates		Adjusted Vehicle Rates		Person Trips	
	AM	PM	AM	PM	AM	PM
Existing						
16,350 SF Office	42	20	24	12	50	25
9,100 SF Retail	9	92	5	56	11	127
Existing Subtotal	51	112	29	68	61	152
Proposed						
245 Dwelling Units	81	92	64	73	126	143
10,000 SF Office	36	13	21	8	44	17
6,000 SF Retail	6	68	4	41	9	93
Proposed Subtotal	123	173	89	122	179	253
Net New Trips	72	61	60	54	118	101

Source: Wells & Associates Transportation Study, dated May 4, 2018.

As a project that generates more than 50 net new peak hour vehicle trips but less than 250 peak hour vehicle trips, the Applicant was required to evaluate one tier of intersections within Downtown Bethesda, resulting in a total of seven intersections within two corridors, including the site access point. In accordance with the 2016-2020 Subdivision Staging Policy, these intersections were evaluated as part of larger transportation corridors within the Downtown area under the Highway Capacity Manual (HCM) 2010 methodology. The study locations and corridors are presented in Figure 11, below, and results of the HCM methodology are presented in Table 4.

The specific intersections evaluated as part of this analysis include:

- A. Norfolk Avenue Corridor
 - 1. Norfolk Avenue/ St. Elmo Avenue
 - 2. Norfolk Avenue/ Fairmont Avenue
 - 3. Norfolk Avenue/ Woodmont Avenue

- B. Old Georgetown Road (MD 187) Corridor
 - 4. Old Georgetown Road/ Fairmont Avenue
 - 5. Old Georgetown Road/ Moorland Lane
 - 6. Old Georgetown Road/ Woodmont Avenue

- C. St. Elmo Avenue/ Site Access Point

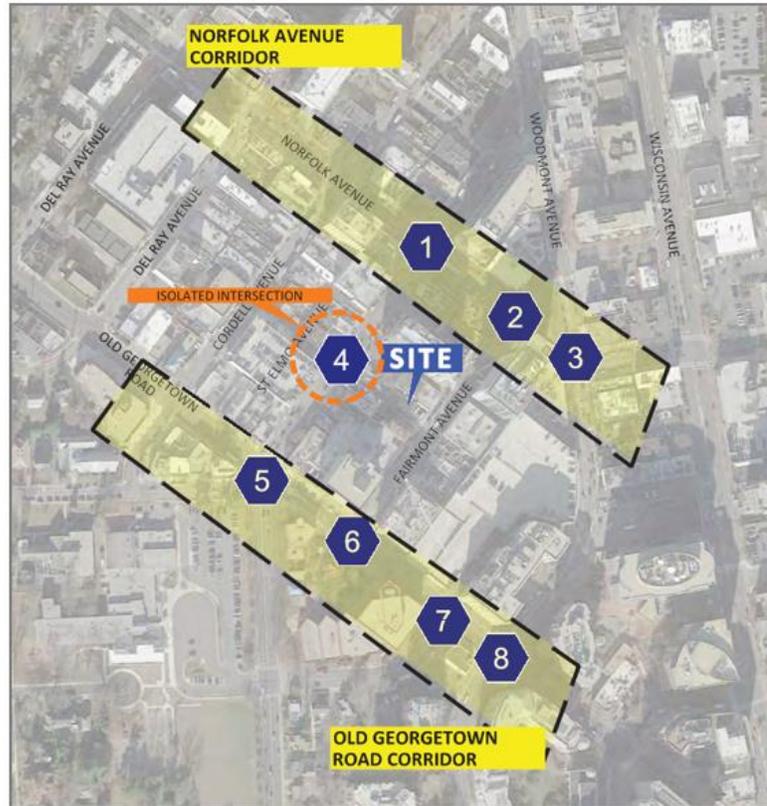


Figure 11 – Intersection Analysis Map

Table 4: Intersection Capacity Highway Capacity Manual Methodology Control Delay (seconds)

Intersection/Corridor	Delay Standard	Existing Conditions		Background Conditions w/ Existing Lanes		Background Conditions w/ Bike Improvements ¹		Future Conditions w/ Bike Improvements		Future Conditions w/ Signal Optimization ²	
		AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
Norfolk Avenue Corridor	120	14.0	16.0	17.0	23.0	14.0	20.0	14.0	21.0	14.0	21.0
Old Georgetown Road Corridor	120	48.0	83.0	87.0	126.0	96.0	129.0	98.0	132.0	102.0	117.0
St. Elmo Avenue/ Site Access	120	--	--	--	--	--	--	0.9	0.5	0.9	0.5

Source: Wells & Associates Transportation Study, dated May 4, 2018.

¹ Roadways reconfigured to reflect bicycle projects on Woodmont Avenue and Norfolk Avenue

² Signal optimization based on subject project impact and bike improvements

School Capacity

Preliminary Plan No. 120150200 for St. Elmo Apartments was approved with conditions by the Planning Board on December 10, 2015 for 210 multi-family high-rise units. School adequacy was evaluated under the FY16 Annual School Test, which was in effect at that time. The Applicant remains entitled to those 210 units until the adequate public facilities ordinance validity period expires on January 18, 2022. The proposed amendment (#12015020A) increases the number of multi-family high-rise units to 245, for a proposed net increase of 35 units. This Amendment was reviewed under the FY19 Annual School Test, approved by the Planning Board on June 21, 2018 and effective July 1, 2018. The number of students generated by the Amendment was determined by multiplying the proposed net increase, 35 dwelling units, by the applicable regional student generation rate for each school level (Table 5).

Table 5: Per Unit Student Generation Rates – Southwest Region

	Elementary School	Middle School	High School
SF Detached	0.193	0.111	0.147
SF Attached	0.191	0.094	0.124
MF Low- to Mid-Rise	0.146	0.063	0.083
MF High-Rise	0.055	0.022	0.031

This amendment is estimated to generate 1 new elementary school students, no new middle school students, and 1 new high school students.

Table 6: Student Generation Calculations

	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
	35	0.055	1.925	0.022	0.770	0.031	1.085
	35		1		0		1

Cluster Adequacy Test

The Project is located in the Bethesda-Chevy Chase High School (B-CC) Cluster. The student enrollment and capacity projections from the FY19 Annual School Test for the B-CC Cluster are noted in Table 7:

Table 7: Cluster Adequacy Test

School Level	Projected Cluster Totals, September 2023			Moratorium Enrollment Threshold	Projected Enrollment + Application Impact
	Enrollment	Program Capacity	% Utilization		
Elementary	3,690	4,043 ¹	91.3%	4,852	3,691
Middle	1,803	2,024	89.1%	2,429	1,803
High	2,463	2,407	102.3%	2,889	2,464

The Moratorium Enrollment Threshold identified in the table is the enrollment at which the 120% utilization threshold is exceeded, resulting in a cluster-wide residential development moratorium. As indicated in the last column, the projected enrollment plus the estimated impact of this amendment fall below the moratorium thresholds at all three school levels. Therefore, there is sufficient capacity at the elementary, middle and high school cluster 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. Based on the FY19 Annual School Test results, the student enrollment and capacity projections for these schools are noted in Table 8:

¹ The projected cluster elementary school capacity of 3,813 has been modified to reflect the impact of a six-classroom placeholder project at Bethesda ES and a four-classroom placeholder project at Somerset ES included by the County Council in the FY 2019 Capital Budget.

Table 8: Individual School Adequacy Test

School	Projected School Totals, September 2023				Moratorium Enrollment Thresholds		Projected Enrollment + Application Impact
	Enrollment	Program Capacity	% Utilization	Surplus/ Deficit	120% Utilization	Surplus/ Deficit	
Bethesda ES	699	698 ¹	100.1%	-1	838	808	700
Westland MS	832	1,089	76.4%	257	1,307	1,269	832

Under the individual school adequacy test, a school is deemed inadequate if the projected school utilization rate exceeds 120% and if the school seat deficit meets or exceeds 110 seats for the elementary school or 180 seats for the middle school. If a school’s projected enrollment exceeds *both* thresholds, then the school service area is placed in a residential development moratorium.

The Moratorium Enrollment Thresholds identified in the table above are the enrollments at which the 120% utilization threshold and the seat deficit threshold are exceeded. As indicated in the last column, the projected enrollment plus the estimated impact of this amendment falls below both applicable moratorium thresholds for both Bethesda ES and Westland MS. Therefore, there is sufficient anticipated school capacity to accommodate the estimated number of students generated by this amendment.

Based on the school cluster and individual school capacity analysis performed, using the FY2019 Annual School Test, there is adequate school capacity for the amount and type of development proposed by this Amendment.

Other Public Facilities

Public facilities and services are available and will be adequate to serve the development. The Subject Property is proposed to be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Subject Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, and health services are operating according to the Subdivision Staging Policy resolution currently in effect and will be adequate to serve the Subject Property. Electrical, telecommunications, and gas services are also available to serve the Subject Property.

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

The Project received approval of an exemption from Forest Conservation requirements on November 3, 2015 (42016068E). The exemption cited the need for a tree save plan which was approved with Certified Site Plan 820170030 that provided mitigation in the form of planting four offsite trees, and will not be affected by this amendment.

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

The MCDPS Stormwater Management Section approved the stormwater management concept on June 11, 2018 (Attachment D). The approval allows the stormwater management to be achieved through utilization of a green roof and a partial waiver was granted due to site limitations.

¹ The projected Bethesda ES capacity of 560 students has been modified to reflect the impact of a six-classroom placeholder project included by the County Council in the FY 2019-2024 Capital Improvements Program.

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

No other provisions apply to the Subdivision.

SECTION 6: COMMUNITY OUTREACH AND ISSUES

Applicant Outreach

The Applicant held a pre-submittal public meeting on April 4, 2018, at the Bethesda-Chevy Chase Regional Services Center, and has complied with all submittal and noticing requirements.

Correspondence

Staff has not received any correspondence as of the writing of this staff report.

CONCLUSION

As conditioned, the Sketch Plan Amendment 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 Chapter 50, Subdivision Code and is consistent with the goals and recommendations of the 2017 *Bethesda Downtown Sector Plan* and Bethesda Downtown Design Guidelines. Therefore, Staff recommends approval of the Sketch Plan Amendment and Preliminary Plan Amendment with the conditions specified at the beginning of this report.

ATTACHMENTS

- A. Sketch Plan Amendment
- B. Preliminary Plan Amendment
- C. Forest Conservation Exemption
- D. Agency Letters
 1. MCDPS – Water Resources
 2. MCDOT
 3. MCDHA
 4. SHA
- E. FAR Averaging Provisions Amendment
- F. Design Advisory Panel meeting summaries
- G. Art Review Panel meeting summary