



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

MCPB No. 18-102
Sketch Plan No. 32015004A
St. Elmo Apartments
Date of Hearing: October 11, 2018

DEC 19 2018

RESOLUTION

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

WHEREAS, on February 25, 2015, by Resolution MCPB No. 15-17, the Planning Board approved Sketch Plan No. 320150040, to allow a total of 309,968 square feet of development (including Sending and Subject Property), of which 263,956 square feet (up to 256,300 square feet of residential development and up to 15,488 square feet of non-residential uses) will be used to construct a mixed use project on 0.70 acres of CR 5.0 C 1.0, R 4.75, H 145T zoned land located on Fairmont Avenue and St. Elmo Avenue, approximately 275 northwest of Old Georgetown Road ("Subject Property") in the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan area; and

WHEREAS, on May 25, 2017, by Resolution No. 18-835, the Montgomery County Council approved and adopted the 2017 *Bethesda Downtown Sector Plan*, which rezoned the Subject Property to CR 5.0 C 5.0 R 5.0 H 225 within the Bethesda Overlay Zone; and

WHEREAS, on June 14, 2018, the Lenkin Company ("Applicant"), filed an application for approval to amend the previously approved sketch plan under the procedures and standard of the current Zoning Ordinance 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; and

WHEREAS, the Applicant's sketch plan amendment application was designated Sketch Plan Amendment No. 32015004A; and

Approved as to
Legal Sufficiency:

Christina Sorrento by MCM

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated October 1, 2018, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions (“Staff Report”); and

WHEREAS, on October 11, 2018, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on October 11, 2018 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Fani-Gonzalez, seconded by Commissioner Cichy with a vote of 4-0; Commissioners Anderson, Cichy, Fani-Gonzalez and Patterson voting in favor with Commissioner Dreyfuss being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan Amendment No. 32015004A, St. Elmo Apartments, 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 Park Impact Payment, subject to the following binding elements and conditions:¹

A. Binding Elements. The following site development elements are binding under Section 59-7.3.3. F of the Montgomery County Zoning Ordinance:

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 are illustrative.

B. Conditions. This approval is subject to the following conditions:

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,

¹ For the purpose of these binding elements and conditions, the term “Applicant” shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

on the Subject Property. 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.I. 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

As part of the Site Plan review, 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.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of the Zoning Ordinance, the Board finds that as conditioned the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that:

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:

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	Development Standard	Permitted/ Required	Approved
59.4			
	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 Sector 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 and second floor retail or a combination of retail and office, 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 have 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 and second floor retail space or a combination of retail and office 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. 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 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 Sector Plan. The Project will provide a mixed-use building with ground floor and second floor retail or a combination of retail and office 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 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 the Planning Board 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 regard 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.

These issues were raised 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, the Planning Board 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 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. 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 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. The Planning Board 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. The Planning Board has recommended a condition to continue to work with Staff during the site plan process to meet the intent of the Sector Plan. Any additional green cover provided reduces the need for a partial Stormwater Management 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 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 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 Parking ¹	20	6.5
Through-Block Connection ¹	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 Design ¹	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 generation ¹	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. The Planning Board 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 criterion will be made at Site Plan. The Planning Board 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 and second floor, to be used as entirely retail or a combination of retail and office. The Planning Board 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 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 wavered 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 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). The Planning Board is recommending that the Applicant consider a step-back that meets the minimum recommendation of the Design Guidelines. The Planning Board supports this category.

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 and Condition 6 of Sketch Plan No. 320150040 has been met. The Planning Board supports the category.

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. The Planning Board supports the category at this time.

Structured Parking: The Applicant requests 20 points for providing structured parking in a below grade parking structure. The Planning Board 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. The Planning Board 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 regard 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, the Planning Board 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. The Planning Board 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.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the 2017 *Bethesda Downtown Sector Plan*, or other requirements; and

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

BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of 32015004A, received by M-NCPPC as of the date of the Staff Report October 1, 2018, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is DEC 19 2018 (which is the date that this Resolution is mailed to all parties of record); and

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

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Commissioner Patterson, with Chair Anderson and Commissioners Fani-González, Cichy, and Patterson voting in favor, and Vice Chair Dreyfuss absent at its regular meeting held on Thursday, November 29, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board