



## St. Elmo Apartments

### Sketch Plan Amendment No. 32015004B, Preliminary Plan Amendment No. 12015020B & Site Plan 82017003A

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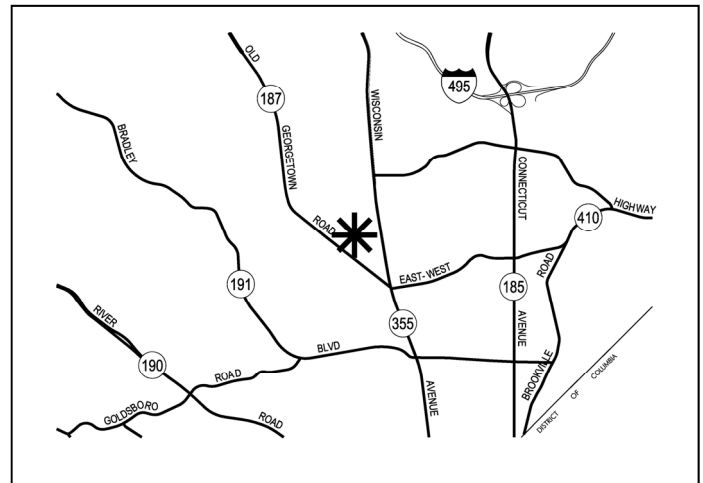
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**Completed:** 02.24.2020

## Description

- Sketch Plan Amendment and Preliminary Plan Amendment to reduce the amount of previously approved non-residential uses from 16,000 square feet to 6,000 square feet, increase the number of dwelling units from 245 to 279 units while remaining at the previously approved maximum density of 330,000 square feet and maximum height of 225 feet; and modify public benefit categories and access points.
- Site Plan Amendment to increase the building height from 174 feet to 225 feet, increase the overall FAR from 256,000 square feet to 330,000 square feet, increase the number of dwelling units from 210 to 279 units, reduce commercial square footage from 15,488 square feet to up to 6,000 square feet, modify density transfers, building footprint and streetscape, and include an allocation of 162,012 square feet of BOZ density.
- 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 including the Sending Property, 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: St Elmo Apartments, LLC;
- Acceptance date: November 20, 2019.



## Summary

- Staff recommends **Approval** of the St. Elmo Sketch Plan Amendment, Preliminary Plan Amendment, and Site Plan Amendment, with conditions.
- Prior to the adoption of the 2017 *Bethesda Downtown Sector Plan*, the Planning Board 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.
- In October of 2018, the Planning Board approved amendments to the Sketch and Preliminary Plan 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.
- These amendments further modify the Sketch and Preliminary Plan approvals to reduce the amount of non-residential square footage area and increase the number of residential units, within the existing maximum building height of 225 feet. The Site Plan amendment modifies the original approval to reflect the allowances of the modified Sketch and Preliminary Plans.
- 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 of \$1,334,885. The proposal includes 15% moderately priced dwelling units, minimum parking, structured parking, cool roof, and exceptional design, among other public benefits.

## SECTION 1: RECOMMENDATION AND CONDITIONS

### Sketch Plan No. 32015004B

Staff recommends approval of Sketch Plan No. 32015004B, for modification of Sketch Plan No. 32015004A Condition 1, regarding project density, and Condition 5, regarding public benefit points. The following conditions supersede the previous Conditions 1 and 5, while all other conditions remain in full force and effect:

1. Density

The Sketch Plan is limited to a maximum density of 330,000 square feet of total development, including up to 279 residential units and up to 6,000 square feet of non-residential uses, 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 and associated PIP will be determined at 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 and enhanced access for the disabled;
- 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.

### Preliminary Plan No. 12015020B

Staff recommends approval of Preliminary Plan No. 12015020B, for modification of Preliminary Plan No. 12015020A Conditions 1, 5, 6 and 8. The following conditions supersede the previous, while all other conditions remain in full force and effect:

1. Approval is limited to one lot with a maximum density of 330,000 square feet of total development, consisting of up to 279 residential units with 15 percent MPDUs, and up to 6,000 square feet of non-residential uses, on the Subject Property.
5. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letter dated June 11, 2018, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Site Plan approval.
6. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated February 20, 2020, and hereby incorporates them as conditions of the Preliminary Plan approval.
8. The Planning Board accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (MCDHCA) in its letter dated January 21, 2020, 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.

#### **Site Plan No. 82017003A**

Staff recommends approval of Site Plan No. 82017003A, for modification of Site Plan No. 820170030 to increase the building height from 174 feet to 225 feet, increase the overall maximum density from 256,000 square feet to 330,000 square feet, increase the number of dwelling units from 210 to 279 units, reduce the maximum commercial square footage from 15,488 square feet to up to 6,000 square feet, modify density transfers and include an allocation of 162,012 square feet of BOZ density. The development must comply with the binding elements and conditions of Sketch Plan 32015004B and Preliminary Plan 12015020B and any subsequent amendments. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions, which supersede conditions of 820170030 in their entirety.

1. Density

The Site Plan is limited to a maximum of 330,000 square feet of total development on the Subject Property, including up to 279 residential dwelling units, and 6,000 square feet of non-residential uses.

2. Density Averaging

Prior to record plat, the Applicant must record an instrument in the County Land records reflecting the density transfer for this project as required under Section 59.4.5.2.B of the Zoning Ordinance.

- a. The density to be transferred under this Site Plan is measured in gross square feet and will be from the Sending Property, comprised of Lots 263, 264, 265, 266, and 267 on Del Ray Avenue, totaling 14,863 square feet of transferred density.

3. Bethesda Overlay Zone Density & Park Impact Payment

- a. Per Section 59.4.9.2.D.4 of the Zoning Ordinance, the Applicant must have a building permit application accepted by MCDPS that includes the core and shell of the principal building within two years of the date of the Planning Board Resolution approving the Site Plan. Within two years of MCDPS accepting the building permit application, the Applicant must obtain the building permit. The deadlines may not be extended. If the Applicant fails to comply with any of the deadlines in this condition, the entire Site Plan approval is revoked.
- b. The Applicant must pay to the M-NCPPC a Park Impact Payment of \$1,334,885, prior to release of the first above-grade building permit for the allocation of 162,012 square feet of Bethesda Overlay Zone Density, not including 41,535 square feet of MPDU density exempt from the PIP calculation. In the event the final allocation of density from the BOZ is less than the approved amount, or if the amount of exempt MPDU density changes, the Applicant may apply to reduce the allocation of density from the BOZ, and/or modify the PIP through a minor site plan amendment.

4. Stormwater Management

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letter dated June 11, 2018, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Site Plan approval.

5. Right-of-Way Permitting

The Planning Board accepts the recommendations of the MCDPS – Right-of-Way Permitting Section in its memo dated January 7, 2020, and hereby incorporates them as conditions of the Site Plan approval. The

Applicant must comply with each of the recommendations as set forth in the memo, which may be amended by MCDPS – Right-of-Way Permitting Section provided that the amendments do not conflict with other conditions of the Site Plan approval.

6. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section, in its letter dated November 5, 2015, and revised January 14, 2020, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

7. Affordable Housing

- a. The development must provide 15 percent Moderately Priced Dwelling Units (MPDUs) consistent with the requirements of Chapter 25A and the applicable Sector Plan.
- b. Before issuance of the first above-grade building permit, the MPDU Agreement to Build between the Applicant and the DHCA must be executed.
- c. The Planning Board accepts the recommendations of DHCA in its letter, dated January 21, 2020, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by DHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.

8. Public Open Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 5,150 square feet of public open space on-site, as illustrated on the Certified Site Plan.
- b. The Applicant must construct streetscape improvements, including the undergrounding of utilities, along the property's frontage on St. Elmo Avenue and Fairmont Avenue, consistent with the Bethesda Streetscape Standards, except for nonstandard paving and other design elements located outside of the right-of-way as shown on the Certified Site Plan.
- c. Before the issuance of the final use and occupancy certificate for the residential development, all public open space areas and streetscape improvement areas identified on the Certified Site Plan must be completed.

9. Green Cover

- a. The Applicant must provide on-site a minimum of 27% of the site area, as illustrated on the Certified Site Plan.
- b. Any green roof installed pursuant to this condition must have a minimum soil depth of six inches.

10. Recreation Facilities

The Certified Site Plan must demonstrate conformance with the M-NCPPC Recreation Guidelines.

11. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *CR Zone Incentive Density Implementation Guidelines* for each one.

- a. Connectivity and Mobility
  - i. Minimum Parking - The Applicant must not provide more than 225 parking spaces on the Subject Property, as shown on the Certified Site Plan.
  - ii. Through-Block Connection - The Applicant must widen and improve the through-block connection between Fairmont Avenue and St. Elmo Avenue, as shown on the Certified Site Plan.

- b. Diversity of Uses and Activities
  - i. Enhanced Accessibility for the disabled – The Applicant must construct a minimum of 3 dwelling units that satisfy American National Standards Institute A117.1 Residential Type A standards or an equivalent County Standard.
- c. Quality of Building and Site Design
  - i. Exceptional Design - The Applicant must construct the building in a manner consistent with the architectural elevations included in the Certified Site Plan.
  - ii. Public Open Space - The Applicant must provide at least 5,150 square feet of public open space on the Subject Property, as illustrated on the Certified Site Plan. The public open space must be directly accessible to a street; open to the public; contain seating, trash receptacles, landscaping, and other amenities; be at least 35 feet wide; and designed so that walls of any residential floor area facing the open space have widows on at least 60 percent of the façade between three and eight feet.
  - iii. Public Art - The Applicant must provide an art piece on the Subject Property, in accordance with Condition 18, as shown on the Certified Site Plan.
  - iv. Structured Parking - The Applicant must provide a minimum of 215 (maximum of 225) parking spaces within the below grade structure on the Subject Property.
- d. Protection and Enhancement of the Environment
  - i. Building Lot Terminations (“BLT”) - The Applicant must purchase BLT easements in an amount equal to 7.5% of the incentive density floor area. One BLT must be purchased for each 31,500 square feet of gross floor area. The Applicant must purchase 0.6504 BLTs. Prior to issuance of any building permit, the Applicant must provide to Staff documentation of the purchase.
  - ii. Cool Roof - The Applicant must install a cool roof, having a minimum solar reflectance index of 75, covering a minimum of 250 square feet of roof area, as shown on the Certified Site Plan.
  - iii. Energy Conservation and Generation - The Applicant must construct the building to exceed energy efficiency standards for the building type by 17.5%, as determined by MCDPS through the methodology established by ASHRAE 90.1 (2013) Appendix G. The final energy model must be submitted to DPS with the building permit application.

## 12. Pedestrian and Bicycle Circulation

- a. The Applicant must provide on the Subject Property a minimum of 96 Bicycle parking spaces for private long-term use and six bicycle spaces for public short-term use.
- b. The private bicycle parking spaces must be installed internal to the residential building. The public bicycle spaces must be inverted-U racks or similar approved by Staff prior to certification of the Site Plan and installed in a location convenient and accessible. The specific locations of the public bicycle racks must be identified on the Certified Site Plan and must be consistent across all drawings.
- c. The Applicant must provide minimum 5-foot sidewalks along the Subject Property frontage on St. Elmo Avenue and Fairmont Avenue, as illustrated on the Certified Site Plan.

## 13. Transportation

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.

## 14. Building Height

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

15. Building Lot Terminations (BLTs)

Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment of 0.6504 BLTs to the Department of Permitting Services (DPS).

16. Building and Site Design

- a. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the Certified Site Plan, as determined by M-NCPPC Staff.
- b. The Planning Board accepts the recommendations of the Design Advisory Panel as described in their minutes, dated October 23, 2019.
- c. Any significant changes to the design must be presented to the Design Advisory Panel and approved by Staff prior to certification of the Site Plan, and certain changes to the design, as determined by Staff, may require a Site Plan Amendment.

17. Lighting

- a. Prior to issuance of any above-grade building permit, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b. All onsite down-lights must have full cut-off fixtures, or the BUG equivalent.
- c. Deflectors will be installed on all proposed fixtures to prevent excess illumination and glare.
- d. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- e. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

18. Public Art

- a. The Applicant must install public art on the Subject Property, as illustrated on the Certified Site Plan and presented to the Art Review Panel on March 21, 2017.
- b. The Certified Site Plan must state the name of the art piece and the name of the artist designing the art work, as presented to the Art Review Panel.
- c. The Certified Site Plan must contain site details that clearly indicate the overall dimensions, prescribed materials, necessary lighting fixtures, footers, and fasteners of the art piece.
- d. Prior to issuance of the final use and occupancy certificate, the Applicant must install the art piece on the Subject Property, as shown on the Certified Site Plan.
- e. Prior to Issuance of the final use and occupancy certificate, the Applicant must install signage near the art piece that identifies the title of the work, the artist's name, materials, completion date, and overall dimensions of the art piece.
- f. Prior to issuance of the final use and occupancy certificate, the Applicant must submit to the Public Art Coordinator with the Maryland – National Capital Park and Planning Commission (M-NCPPC) at least three images of the artwork installed on-site and information regarding the associated project number, title of the piece, date of completion, description of materials used, and address.
- g. Any subsequent modifications to the public art, including but not limited to the removal of the artwork, requires a Site Plan Amendment and review by the Art Review Panel.

19. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, excluding sheeting and shoring, or sediment control permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the

Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, public artwork, trash enclosures, retaining walls, fences, railings, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of the any building permit of development and will be tied to the development program.
- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

20. Development Program

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

21. Tree Save Plan

The development is subject to a tree save plan which addresses the following:

- a. The Applicant must provide a tree save plan with the Certified Site Plan substantially similar to the tree save plan approved by the Certified Site Plan for 820170030;
- b. Show the required offsite mitigation plantings located at 5015 Battery Lane or another location acceptable to Staff;
- c. Provide a minimum two years of maintenance and monitoring and replacement warranty on the offsite mitigation plantings;
- d. The Applicant is not required to place an easement or similar encumbrance on the tree planting site to satisfy this condition.

22. Noise Attenuation

- a. Prior to issuance of a building permit for any residential dwelling unit(s) to be constructed within the projected 65 dBA Ldn noise contour, the Applicant must provide Staff with certification from an engineer specializing in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b. The Applicant must provide a signed commitment to construct the units in accordance with the noise mitigation design specifications, with any changes that may affect acoustical performance approved by the engineer and Staff in advance of installation.
- c. If the plan changes in any manner that affects the validity of the noise analysis for acoustical certifications and noise attenuation features, the Applicant must conduct a new noise analysis to reflect the revised plans, and new noise attenuation features may be required.
- d. Before issuance of Use and Occupancy Certificate for residential units, the Applicant must obtain certification that the noise impacted units have been constructed in accordance with the recommendations of an engineer that specializes in acoustical treatments. The certification must be based on the testing of at least five representative residential units.

23. Certified Site Plan

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

- a. Include the forest conservation exemption letter, stormwater management concept approval letter, development program, and Sketch Plan resolution, Preliminary Plan resolution, and Site Plan resolution on the approval or cover sheet(s).
- b. Add a note stating that “Minor modifications to the limits of disturbance shown on the Site Plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”
- c. Modify the data table to reflect development standards approved by the Planning Board.
- d. Ensure consistency of all details and layout between Site and Landscape plans.
- e. Remove the curb bump-out that extends into the loading space driveway.
- f. Illustrate public benefit calculations on cover sheet of Site Plan consistent with the Staff Report and Site Plan resolution.
- g. Add notes to roofing plan identifying slopes and Solar Reflective Index for Cool Roof.
- h. Update the green cover exhibit clarifying applicable on-site green area coverage.



## 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 through block connection (Figure 3) 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.

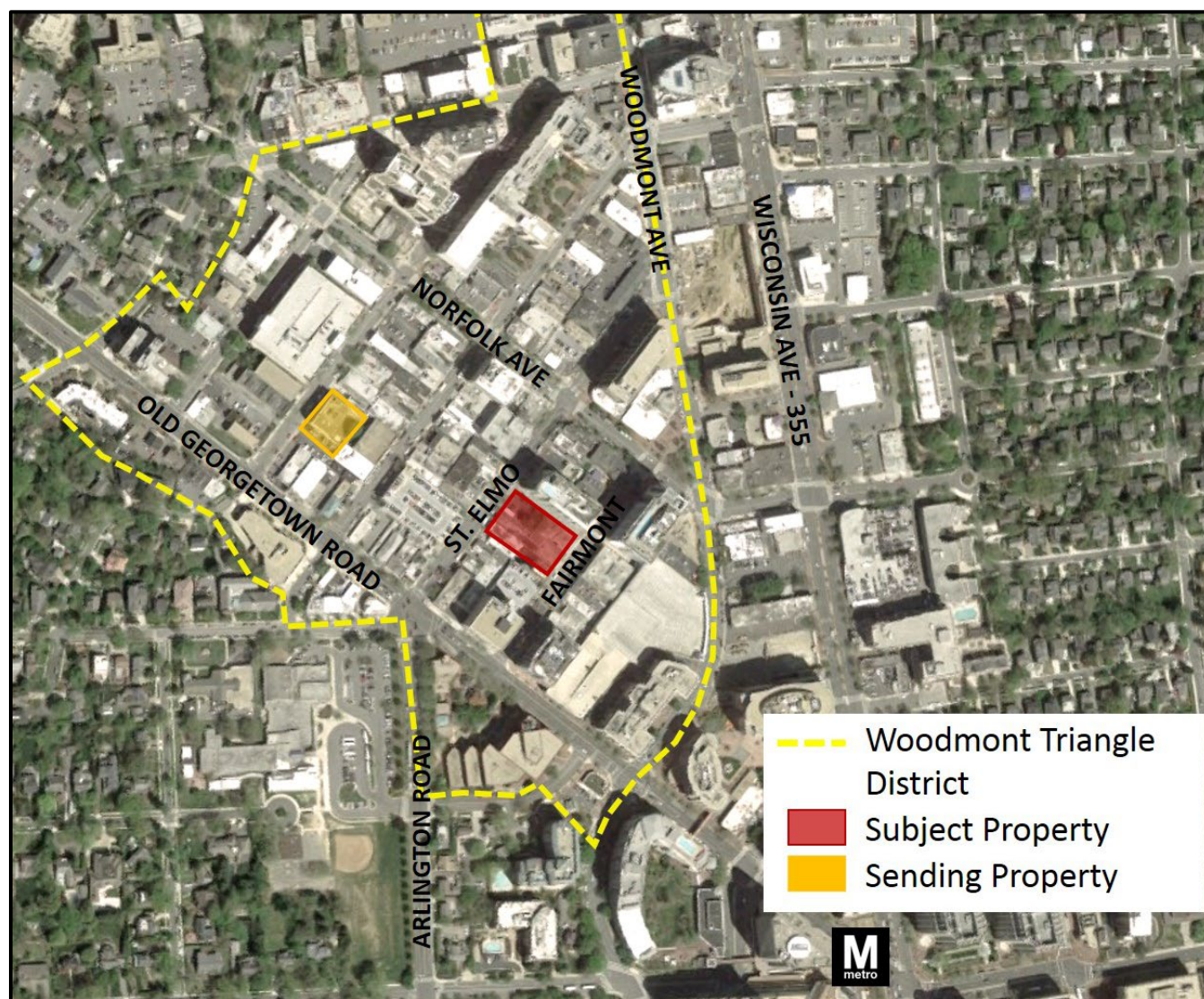


Figure 1: Vicinity Map

### *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 Property) totaling 15,625 square feet

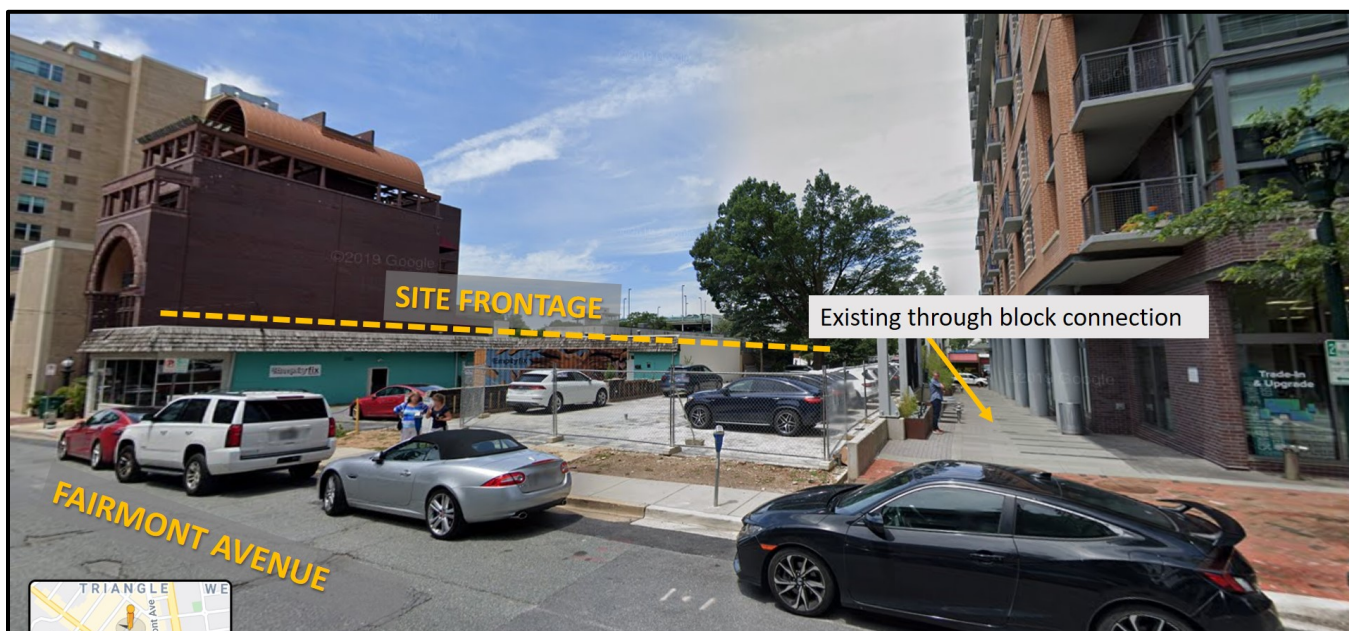


(0.36 acres), shown in orange on Figure 1. In total, the tract area including the Sending Property totals 1.06 acres (46,250 square feet).



*Figure 2: Aerial View*

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 Property is 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 3: View of Subject Property and existing through block connection from Fairmont Avenue*

#### *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 Property 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 residential density to be transferred to the Property from the Sending Property will be subject to the FAR averaging provisions of the Zoning Ordinance. The Sending Property will retain sufficient commercial density to cover the existing development, as conditioned.

## SECTION 3: PROJECT DESCRIPTION

### Previous Approvals

Prior to the adoption of the 2017 *Bethesda Downtown Sector Plan*, the Property 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.

In 2017, the Sector Plan was adopted, which subsequently rezoned the Property to allow development up to 225 feet in height among other development incentives.

In 2018, the Planning Board approved amendments to the Sketch (32015004A) and Preliminary Plan (12015020B) to allow an increase in building 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, and maintain the previously approved 16,000 square feet of ground floor non-residential uses and enhancement of the through block connection. These Amendments utilized density from only one of the three original Sending Properties, with the remainder of density, of up to 162,012 square feet, to be purchased from the BOZ.

### Proposal

The Applicant proposes to construct a mixed-use building with a development maximum of 330,000 square feet, including 279 residential units and 6,000 square feet of non-residential uses, and a maximum height of 225 feet. The Project will include underground parking and improvement of the existing through-block connection shared with the adjacent residential building, the Bainbridge, which will connect St. Elmo Ave through to the County Public Parking Garage 11. The Applicant seeks the following amendments:

#### Sketch Plan Amendment:

- Allow an increase in units from 245 to 279 (increase of 34 units) through a decrease in floor to floor heights, to allow additional floors within the existing height maximum of 225 feet.
- Reduce non-residential uses from 16,000 square feet to 6,000 square feet.
- Modify public benefit categories to add the subcategory for enhanced accessibility under Diversity of Uses and Activities.

#### Preliminary Plan Amendment:

- Increase residential units from 245 to 279 units.
- Reduce non-residential uses from 16,000 square feet to 6,000 square feet.
- Modify access points to allow through block loading condition.

#### Site Plan Amendment:

- Modify approval from 2017 to be consistent with Sketch and Preliminary Plan Amendments.
- Increase residential units from 210 to 279 units.
- Reduce non-residential uses from 15,488 square feet to 6,000 square feet.
- Increase building height from 174 feet to 225 feet.
- Utilize up to 162,012 square feet of BOZ density with a Park Impact Payment of \$1,334,885.
- Modify access points, building footprints and streetscape improvements.

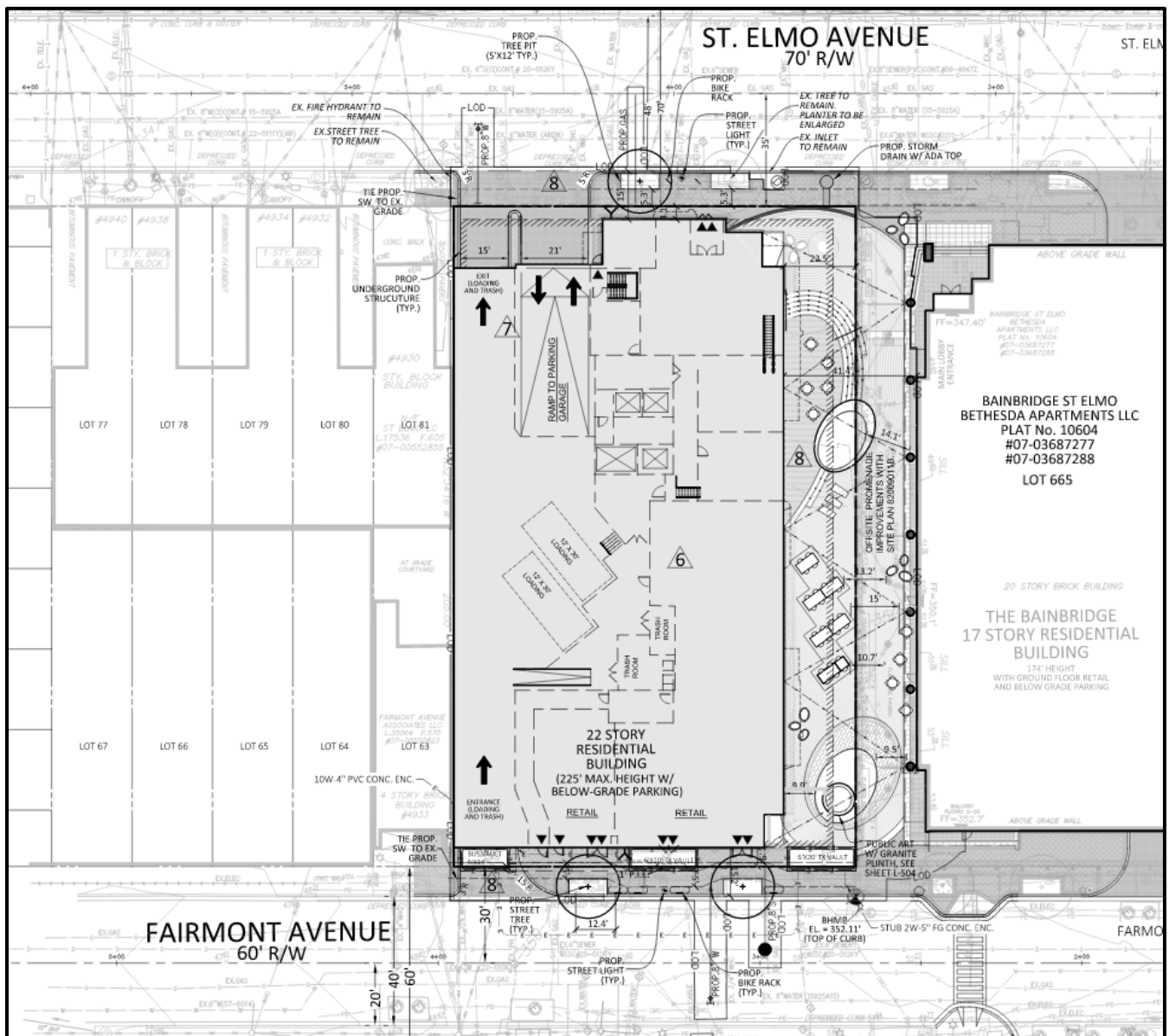


Figure 4: St. Elmo Site Plan

### Building

The building will be 22 stories tall with a maximum height of 225 feet. The design has been refined since the last Sketch Plan approval to increase tower separation from existing buildings on either side of the Site. The ground floor uses and circulation have been relocated from the St. Elmo Avenue frontage to the corner of Fairmont Avenue and the through-block connection, further activating the through-block connection. Residential access to the Project will be gained from St. Elmo Avenue and Fairmont Avenue. The building towers stepback in multiple areas, minimizing the perceived building mass and allowing for residential amenities and a vegetated green roof. The materials will consist of unit masonry with accents of natural or cast stone, glazing systems, and ornamental metal accents.

With the original Site Plan approval, the Planning Board approved an alternative measurement point than what is required by the Zoning Ordinance (Section 59.4.1.7.C.2a). The Applicant requests this Amendment to maintain that alternative measurement point at the southwest corner of the site on Fairmont Avenue. The Applicant states this alternative measuring point is consistent with the neighboring property, the Bainbridge, and allows additional mechanical space above the retail space on the ground floor.





*Figure 5: Perspective from St. Elmo*

### Open Space

While the size of the Site does not necessitate a public open space requirement, the Project will expand the width of the existing through block connection by contributing 5,150 square feet of public space. The existing connection was built by the adjacent Bainbridge Bethesda property to the east and is approximately 15 feet in width. This Project will expand the through block connection by 22.5 feet, resulting in a total of 37.5 feet in width. 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* to the County Parking Garage 11, just south of the Site.

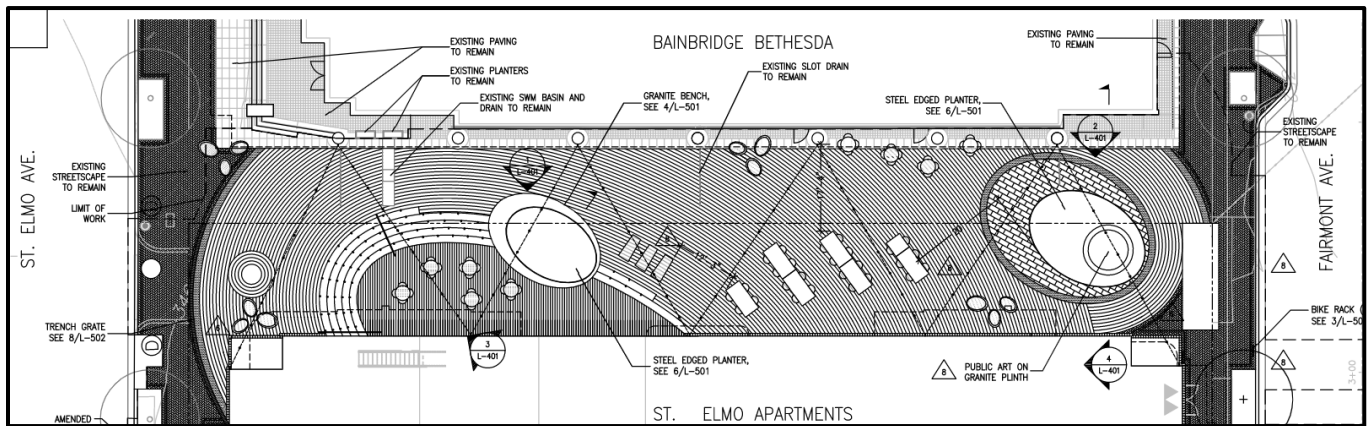


Figure 6: Proposed Through Block Connection

The Applicant coordinated with Bainbridge Bethesda on the proposed design of the expanded through block connection, which received Planning Board approval (Site Plan Amendment 82009011B), for their portion of the Property. In total, the through block connection design consists of a combination of planters, benches, lighting, hardscape, new public art, and retail uses located on the ground floor of the proposed Subject Property to activate the passageway. Per the conditions of the Bainbridge Apartments Site Plan Amendment, the Applicant will decommission the existing artwork along the Bainbridge Property. The Applicant presented the new public art concept as shown below (Figure 7) to the Art Review Panel on March 21, 2017, of the Jaume Plensa "Overflow V" Sculpture.

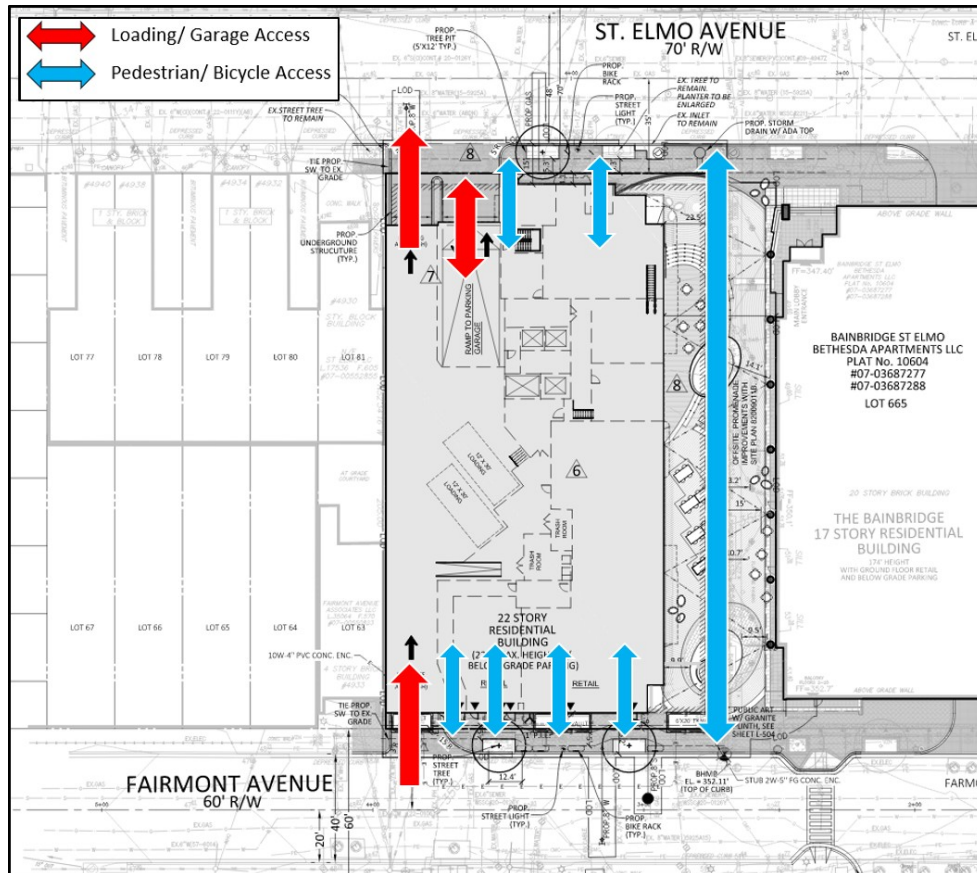


Figure 7: Public Art Sculpture by Jaume Plensa



## Circulation

The proposed amendments reconfigure the loading to allow trucks to enter from Fairmont Avenue and exit onto St. Elmo Avenue, eliminating trucks backing out into the roadway. Vehicular access to the residential parking garage remains off of St. Elmo Avenue as approved with previous approvals. Pedestrian access is available off St. Elmo Avenue, Fairmont Avenue, and the through block connection.



*Figure 8: Access and Circulation*

## Design Advisory Panel

During their October 23, 2019 meeting, the Design Advisory Panel (DAP) voted 3-0 in support of the Project's request of 15 exceptional design points.

Additional context and discussion for the DAP's recommendations are included in the October 23, 2019, DAP meeting summary (Attachment C). A full discussion of how the Project meets the exceptional design criteria is provided in the Public Benefits section of this Staff Report.

## Community Outreach

The Applicant held a pre-submittal public meeting at the Bethesda-Chevy Chase Regional Services Center on October 21, 2019. The Applicant has complied with all submittal and noticing requirements, and Staff has not received correspondence from community groups or citizens as of the date of this staff report.



## SECTION 4: SKETCH PLAN AMENDMENT 32015004A

### ANALYSIS AND FINDINGS

The Planning Board approved Sketch Plan No. 32015004A to allow a mixed use building with a maximum density of 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 a maximum height 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).

Sketch Plan Amendment 32015004A proposes to increase the number of residential units from 245 to 279 units, decrease non-residential uses from 16,000 square feet to 6,000 square feet, and modify public benefit categories to add enhanced access for the disabled as a category, which is further discussed in the analysis for Site Plan Amendment 82017003A, Finding #2 (Page 22) of this report. The data table has been updated to reflect the proposed changes.

Table 1: Sketch Plan Data Table

Property Information				
<b>Subject Property</b>				
CR 5.0 C-5.0 R-5 H-225			30,625 sf (0.70 ac)	
Prior Dedication			5,000 sf (0.11 ac)	
<b>Site Area</b>			<b>25,625 sf (0.59 ac)</b>	
<b>Sending Property</b>				
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)	
<b>Site Area</b>			<b>13,125 (0.30) sf</b>	
<b>Total Site Area</b>			<b>38,750 sf (0.89 ac)</b>	
<b>Total Tract Area</b>			<b>46,250 sf (1.06 ac)</b>	
Section 59.4	Development Standard	Permitted/ Required	Approved with Sketch Plan 32015004A	Proposed
	Residential Density (GFA/ FAR)	153,125 sf (5)	314,000 sf	324,000 sf (10.57)
	Commercial Density (GFA/FAR)	153,125 sf (5)	16,000 sf	6,000 sf (0.20)
	Bethesda Overlay Zone Density	n/a	162,012 sf	162,012 sf
	Sending Property Density	46,875 sf (3) <sup>1</sup>	14,863 sf	14,863 sf
	<b>Total FAR/GFA</b>	n/a	<b>330,000 sf</b>	<b>330,000 sf (10.77)</b>
	<b>Building Height</b>			
	CR 5.0 C-5.0 R-5 H-225	225 feet	225 feet	225 feet
	<b>Public Open Space (min)</b>	0	5,150 sf	5,150 sf
	<b>Minimum Setbacks</b>			
	Front (St. Elmo/Fairmont)	0	1.3'/5.3'	1'/5'
	Side (West/East)	0	0/20'	0/22' <sup>2</sup>

<sup>1</sup> 32,012 square feet of commercial density to remain at Sending Property

<sup>2</sup> Setback provided for through block connection from St. Elmo Avenue to Fairmont Avenue

This Amendment does not alter the intent, objectives, or requirements in the originally approved Sketch Plan and all previous findings remain in effect.

## SECTION 5: PRELIMINARY PLAN AMENDMENT 12015020B

### ANALYSIS AND FINDINGS

The Planning Board approved Preliminary Plan No. 12015020A to create 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, and up to 162,012 square feet of BOZ density.

Preliminary Plan Amendment 12015020B proposes to maintain the maximum density of 330,000 square feet of total development while increasing the number of residential units from 245 to 279 units and decreasing non-residential uses from 16,000 square feet to 6,000 square feet.

As discussed in greater detail below, the increase in residential density from 245 units to 279 units and decrease of non-residential density will not affect the previous findings for adequate public facilities made by the Planning Board.

#### *Adequate Public Facilities*

A transportation exemption statement, dated December 5, 2019, demonstrates that the Subject Amendment generates fewer trips than the original approval. As a result, the Local Area Transportation Review is satisfied without further analysis. A summary of the previously approved peak hour person trip generation and revised peak hour person trip generation is provided below.

Table 2: Peak Hour Trip Generation

Existing	Vehicle Rates		Adjusted Vehicle Rates		Person Trips	
	AM	PM	AM	PM	AM	PM
16,350 SF Office	42	20	24	12	50	25
9,100 SF Retail	9	92	5	56	11	127
<b>Existing Trips</b>	<b>51</b>	<b>112</b>	<b>29</b>	<b>68</b>	<b>61</b>	<b>152</b>
Proposed	AM	PM	AM	PM	AM	PM
279 High-Rise Apartments	91	103	72	81	141	159
6,000 SF Retail	6	68	4	41	9	93
<b>Proposed Trips</b>	<b>97</b>	<b>171</b>	<b>76</b>	<b>122</b>	<b>150</b>	<b>252</b>
<b>Net New Trips</b>	<b>46</b>	<b>59</b>	<b>47</b>	<b>54</b>	<b>89</b>	<b>100</b>
<b>Previously Approved Trips (12015020A)</b>	<b>72</b>	<b>61</b>	<b>60</b>	<b>54</b>	<b>118</b>	<b>101</b>

Source: Wells & Associates Transportation Statement, dated December 5, 2019.

#### Schools Analysis

The previous approvals analyzed and concluded there was adequate public school capacity for the previously approved 245 units. The proposed Amendment increases the number of multifamily high-rise units to 279 units for a net increase of 34 units, which has been analyzed utilizing the applicable annual school test, Fiscal Year 2020 Annual, approved by the Planning Board in June 2019 and effective July 1, 2019.

### Calculation of Student Generation

With a net of 34 new multifamily high-rise dwelling units, the proposed Preliminary Plan Amendment is estimated to generate the following number of students:

Table 3: Estimated Student Generation

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
MF High-rise	34	0.041	1.394	0.018	0.612	0.025	0.85
<b>TOTAL</b>	<b>34</b>		<b>1</b>		<b>0</b>		<b>0</b>

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

### Cluster Adequacy Testing

The Project is tested for adequacy based on the Cluster and Individual schools. The project is located in the Bethesda-Chevy Chase High School (B-CC) Cluster and the applicable individual schools are Bethesda ES and Westland MS.

Table 4: Bethesda-Chevy Chase High School (B-CC) Cluster Projections

School Level	Projected Cluster Totals, September 2024			Moratorium Threshold	Estimated Application Impact
	Enrollment	Program Capacity	% Utilization		
Elementary	3,741	4,020 <sup>1</sup>	92.4%	1,111	<b>1</b>
Middle	1,917	2,024	94.7%	511	<b>0</b>
High	2,410	2,457	98.1%	538	<b>0</b>

Table 5: Individual School Capacity Projections

School	Projected School Totals, September 2024				Moratorium Threshold	Estimated Application Impact
	Enrollment	Program Capacity	% Utilization	Surplus/ Deficit		
Bethesda ES	731	698 <sup>2</sup>	104.7%	-33	107	<b>1</b>
Westland MS	899	1,089	82.6%	+190	408	<b>0</b>

Based on the school cluster and individual school capacity analysis performed, using the FY2020 Annual School Test, there is adequate school capacity for the amount and type of development proposed by this Amendment.

### Conclusion

The Preliminary Plan Amendment does not change the previously approved project density and does not alter the intent, objectives, or requirements in the originally approved Preliminary Plan. All previous findings for 12015020B remain in effect.

<sup>1</sup> The projected cluster elementary school capacity of 3,790 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 FY2020 Capital Budget.

<sup>2</sup> 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 FY2019-2024 Capital Improvements Program.

## SECTION 6: SITE PLAN 82017003A

### ANALYSIS AND FINDINGS

1. *When reviewing an application, the approval findings apply only to the site covered by the application.*
2. *To approve a site plan, the Planning Board must find that the proposed development:*
  - a. *satisfies any previous approval that applies to the site;*

The Site Plan conforms to all bindings elements of Sketch Plan No. 320150040 and as amended by 32015004A and 32015004B, and Preliminary Plan No. 120150200 and as amended by 12015020A and 12015020B.

- b. *satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

- c. *satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

This section is not applicable as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

- d. *satisfies applicable use standards, development standards, and general requirements under this Chapter;*

- i. *Division 4.5. Commercial/Residential Zones*

#### Development Standards

The Total Tract, including the Sending Property, is approximately 1.06 acres or 46,250 gross square feet. The Subject Property is zoned CR5.0 C-5.0 R-5.0 H 225' and the Sending Property is zoned CR 3.0 C 3.0 R 2.75 H110' and are both within the Bethesda Overlay Zone. The following Data Table shows the Application's conformance to the development standards of the zone.

Table 6: Site Plan Data Table

<b>Subject Property</b>				
CR 5.0 C-5.0 R-5 H-225			30,625 sf (0.70 ac)	
Prior Dedication			5,000 sf (0.11 ac)	
<b>Site Area</b>			<b>25,625 sf (0.59 ac)</b>	
<b>Sending Property</b>				
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)	
<b>Site Area</b>			<b>13,125 (0.30) sf</b>	
<b>Total Site Area</b>			<b>38,750 sf (0.89 ac)</b>	
<b>Total Tract Area</b>			<b>46,250 sf (1.06 ac)</b>	
<b>Section 59.4</b>	<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Approved by 82017003A</b>	<b>Proposed</b>
	Residential Density (GFA/ FAR)	153,125 sf (5)	256,300 sf	324,000 sf (10.57)
	Commercial Density (GFA/FAR)	153,125 sf (5)	15,488 sf	6,000 sf (0.20)
	Bethesda Overlay Zone Density	n/a	0	162,012 sf (3.5)
	Sending Property Density	46,875 sf (3) <sup>1</sup>	79,750 sf	14,863 sf
	<b>Total FAR/GFA</b>	n/a	<b>263,956 sf</b>	<b>330,000 sf (10.77)</b>
	<b>MPDUs</b>	15%	15%	15%
	<b>Building Height</b>			
	CR 5.0 C-5.0 R-5 H-225	225 feet	174 feet	225 feet
	<b>Public Open Space (min)</b>	0	5,150 sf	5,150 sf
	<b>Minimum Setbacks</b>			
Front (St. Elmo/Fairmont)	0	0	1’/5’	
Side (West/East)	0	0	0/22’ <sup>5</sup>	
<b>Green Cover</b>	35%	n/a	27%	
<b>Parking<sup>2</sup></b>		<b>Spaces Required</b>		<b>Spaces Provided</b>
Vehicle Parking				
Residential				
Efficiency (14 market rate units); 3 MPDUS		9 minimum/ 17 maximum		--
1 Bedroom (123 market rate units); 22 MPDUS		73 minimum/ 182 maximum		--
2 Bedroom (76 market rate units); 17 MPDUS		66 minimum/ 140 maximum		--
3 Bedroom (24 market rate units); 0 MPDUs		18 minimum/ 48 maximum		--
<b>Total Residential Parking (237 market rate; 42 MPDUs)</b>		<b>165 minimum/ 386 maximum<sup>3</sup></b>		
<b>Retail, 6,000 SF</b>		<b>21 minimum/ 36 maximum</b>		--
Vehicle Parking Subtotal		186 minimum/ 422 maximum		
BOZ Overlay reduction <sup>4</sup>		(149 minimum/ 422 maximum)		
<b>Vehicle Parking Total</b>				<b>215 min/ 225 max</b>
Bicycle Parking (Long Term/ Short Term)				
Residential		(95/5) 100		(95/5) 100
Retail		(1/1) 2		(1/1) 2
<b>Bicycle Parking Total</b>		<b>(96/6) 102</b>		<b>(96/6) 102</b>
Loading Spaces		1		2

<sup>1</sup> 32,012 square feet of commercial density to remain at Sending Property.<sup>2</sup> Final number of vehicle and bicycle parking spaces to be determined at building permit based on final number of dwelling units and non-residential density. Public Benefit points are based on 225 spaces.<sup>3</sup> Minimum parking per market rate unit has been adjusted per Zoning Ordinance Section 59.6.2.3.I.5 to reflect unbundling.<sup>4</sup> Parking calculations account for 20% reduction for Bethesda Overlay Zone parking minimums in accordance with Section 59.4.9.2.C.6.<sup>5</sup> Setback provided for through block connection from St. Elmo Avenue to Fairmont Avenue

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. The Applicant is subject to a park impact payment valued at \$11.08/square foot based upon the density requested and facilitates acquisition of parkland in the downtown Bethesda area.

Based on the requested 162,012 square feet of BOZ density, reduced by 41,535 square feet of MPDU density<sup>1</sup>, the Applicant is required to pay for 120,477 square feet of BOZ density at a value of \$1,334,885. The amount of density allocated from the BOZ for the Subject Application is deducted from the 32.4 million cap.

ii. *Division 4.7. Optional Method Public Benefits*

In accordance with the Zoning Ordinance, Section 59.4.7.1., the Site Plan proposes the following public benefits to satisfy the requirements: Connectivity and Mobility, Diversity of Uses and Activities, Quality of Building and Site Design, and Protection of the Natural Environment.

Table 7: Public Benefit Points Summary

Public Benefit	Incentive Density Points		Approved
	Maximum Allowed	Requested	
59.4.7.3C: Connectivity and Mobility			
Minimum Parking*	20	5.97	7.21
Through-block Connection	30	10	10
59.4.7.3D: Diversity of Uses and Activities			
Small Business Opportunities	20	0	0
Enhanced Access for the Disabled	10	3.2	3.2
59.4.7.3E: Quality of Building and Site Design			
Exceptional Design*	30	15	15
Structured Parking	20	20	20
Public Open Space*	30	20	20
Public Art	20	15	15
59.4.7.3F: Protection and Enhancement of the Natural Environment			
Building Lot Termination (BLT)	30	5.85	5.85
Cool Roof	15	10	1
Energy Conservation and Generation*	25	15	15
Total		120.02	112.26

\* Denotes a Sector Plan priority

<sup>1</sup> Section 59.4.9.2.C.3.c.i. of the Zoning Ordinance exempts MPDU density from the Park Impact Payment.

### Connectivity and Mobility

*Minimum Parking:* The Applicant requests 5.97 points for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points for providing the maximum allowable number of on-site spaces to 20 points for providing no more than the minimum numbers of spaces on site. The Applicant provided an incorrect calculation, and when corrected based on the formula set forth in the Guidelines, the points awarded for minimum parking increases. Therefore, Staff recommends 7.21 public benefit points in this category.

$$\begin{aligned} & [((\text{Maximum Allowed Parking}) - (\text{Parking Provided})) / \\ & ((\text{Maximum Allowed Parking}) - (\text{Minimum Parking}))] * 10 \\ & (422 - 225) / (422 - 149) * 10 = 7.21 \text{ points} \end{aligned}$$

*Through-block Connection:* The Applicant requests 10 points for providing a through-block connection between St. Elmo Avenue and Fairmont Avenue, as envisioned in the Sector Plan. This Project's contribution will enhance the existing connection and provide a direct link to County Parking Garage 11. Points for this incentive are granted on criteria such as public access, minimum width, and minimum hours of operation, as determined by the Guidelines. As proposed, the through-block connection will be open between the hours of 8:00 AM and 9:00 PM, include frequent window openings at the ground floor, and be inviting to the public. While the through block connection will be approximately 22.5 feet wide, a portion of the space will be utilized as private dining area for the Project's retail space, therefore Staff cannot recommend additional points for this Project. Staff recommends 10 points for this category.

### Diversity of Uses and Activities

*Small Business Opportunity:* This category was approved with Sketch Plan Amendment 32015004A, however the Applicant is requesting 0 points at this time with the opportunity to potentially utilize the category in the future. Staff recommends 0 points in this category.

*Enhanced Accessibility for the Disabled:* The Applicant requested 3.2 points for exceeding the requirements for the Americans with Disabilities Act (ADA). The Applicant proposes to construct 3 units that satisfy the American National Standards Institute A117.1 Residential Type A standards, or a County equivalent.

$$\begin{aligned} & (\text{ANSI 117.1 Units} / \text{Total Units}) * 300 \\ & (3 / 279) * 300 = 3.2 \text{ points} \end{aligned}$$

Staff recommends 3.2 points for this category.

### Quality of Building and Site Design

*Exceptional Design:* The Applicant requested 15 points for exceptional design and the Design Advisory Panel (DAP) voted in support of the requested points at their October 23, 2019 meeting. Staff concurs with the DAP's recommendation and supports 15 points in this category.

The Project provides innovative solutions in response to the immediate context; creates a sense of place and serves as a landmark; enhances the public realm in a distinct and original manner; introduces materials, forms, or building methods unique to the immediate vicinity or applied in a unique way; provides a compact infill development on a problematic site; and

integrates low-impact development methods into the overall design of the site and building, beyond green building or site requirements.

- **Providing innovative solutions in response to the immediate context;**

The base of the building will be setback along St. Elmo Avenue and Fairmont Avenue consistent with the adjacent properties to the east and west on both frontages to create a continuous building line. The design incorporates various stepbacks as the building rises in height on all facades. The site design provides an enhanced through block connection as well as tower setback (22.5' from the Property line as recommended in the Design Guidelines) from the existing adjacent development, the Bainbridge.

- **Creating a sense of place, that serves as a landmark.**

The central mass of the building, along with projections for balconies and wings will create strong facades. The architectural embellishments and promenades will create a strong sense of place from a distance and in the immediate vicinity. The proposed public artwork within the through block connection will further embellish the public realm.

- **Enhancing the public realm in a distinct and original manner;**

The Project will improve the public streetscape on both the St. Elmo and Fairmont Avenue frontages, as well as create a distinct character along the through block connection with a landscape design that introduces hardscapes, planter design, and public artwork. The building design incorporates numerous recommendations from the Design Guidelines such as setbacks, stepbacks, tower separation and a meaningful base, middle and top design that exhibit strong beacon-like vertical massings and detailed elements.

- **Introducing materials, forms, or building methods unique to the immediate vicinity or applied in a unique way;**

The building is comprised of unit masonry with stone and cast stone accents, and large areas of architectural glazing systems, enhanced with ornamental metal detailing. The design along with wrapped around balconies and cornices will create a balance of horizontal and vertical elements which will be distinctive from the existing nearby development.

*Structured Parking:* The Applicant requests 20 points for providing all parking within a below-grade parking structure. The Applicant satisfies the requirements for 20 points because all on-site parking is provided in a below-grade garage.

*Public Open Space:* As a Site with less than 1.00 acre and two public roadway frontages, the Project is not required to provide public open space. The Applicant, however, is proposing approximately 20% of the Site, or 5,150 square feet, as public open space and requests public benefit points for so providing. Based on the formula set forth in the Commercial/ Residential and Employment Zone Incentive Density Implementation Guidelines, provided below, the Applicant is eligible for 10.2 points in this category:

$$\begin{aligned} &[(\text{Public Open Space}) / (\text{Site Area}) * 100 \\ &5,150 \text{ sf} / 25,625 \text{ sf} * 100 = 20 \text{ points} \end{aligned}$$

Staff recommends 20 points for 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. Staff supports the Applicant's request for 15 points.

Protection and Enhancement of the Natural Environment

*Building Lot Termination (BLT):* The Applicant requests 5.85 points for the purchase of BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area, exclusive of any density allocated for MPDUs. Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance:

$$(((288,465 \text{ sf}) - (15,313 \text{ sf})) * 7.5\%) / 31,500) * 9 = 5.85 \text{ points}$$

Staff supports the Applicant's request for 5.85 public benefit points.

*Cool Roof:* The Applicant requests 10 points for proposing to provide 250 square feet of cool roof that will collectively meet or exceed a solar reflectance index (SRI) of 75. There are many competing constraints on the roof of the Project including green roof, mechanical areas, and residential amenities, as well as numerous building stepbacks that would not allow an additional cool roof area. While Staff understands the constraints faced by the Applicant, the points are awarded based on the Incentive Density Implementation Guidelines and Bethesda Implementation Guidelines, which states that points are granted on a prorated basis for total roof area not covered by green roof, with a maximum of 15 points within the Bethesda Overlay Zone. Therefore, Staff recommends 1 point for this benefit.

*Energy Conservation and Generation:* The Applicant is requesting 15 points for providing a building that exceeds applicable energy efficiency standards by 17.5%. The Applicant has provided a preliminary energy/use generation model with comparisons to the average use/generation for the building type based on the Department of Energy Standards. The final model with specific methods used to achieve this reduction will be determined by MCDPS prior to the issuance of Building Permit. As conditioned, the Applicant will meet the minimum reduction standards for this category and Staff recommends 15 points for this benefit.

iii. *Division 6.1. Site Access*

Vehicular access for the Site will be provided from St. Elmo Avenue, and the loading will be configured as a through block condition, allowing trucks to enter off Fairmont Avenue and exit onto St. Elmo Avenue, eliminating trucks backing into the roadway. Long-term bicycle parking will be provided within the garage and short-term bicycle parking will be provided along the Property's frontage, as shown on the Certified Site Plan.

Pedestrian access to the Site will be from the established sidewalk network and will be enhanced by streetscape improvements along each of the Property frontages, consistent with the Bethesda Streetscape Standards. Additionally, the Project enhances an existing mid-block pedestrian connection connects St. Elmo Avenue to Fairmont Avenue and the County Parking Garage #11 to the south.

iv. *Division 6.2. Parking, Queuing, and Loading*

Parking for the residential building will be provided in a below-grade facility. Vehicular and loading access will occur via St. Elmo Avenue. Loading for the Project will occur internal to the

Site within two spaces designed for SU-30 trucks. All vehicles will enter and exit the Site via head-in/ head-out maneuvers.

v. *Division 6.3. Open Space and Recreation*

The Project is not required to provide public open space because the tract area is less than one acre and the Site has two or fewer frontages on public roadways (59.4.5.4.B.1.a), however, the Site will provide 20% of the Site as public open space. The Application is in conformance with the *Recreation Guidelines*, as demonstrated in the Recreation Facilities Data table provided with the Application (Scenario ID 9709). The Applicant is providing bicycle amenities; indoor community spaces, including a fitness room; interior courtyards with picnic seating; and rooftop amenities. Final locations and quantities of each of these amenities will be shown on the Certified Site Plan.

vi. *Division 6.4. General Landscaping and Outdoor Lighting*

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The Project will transform existing streetscape along both the St. Elmo Avenue and Fairmont Avenue frontages with new street trees, improved, wider sidewalks, street lighting, and street furniture. The on-site lighting will limit the necessary light levels to streets and sidewalks.

As shown in the Development Standards table, the Site Plan meets all general requirements and development standards of Section 4.5 of the Zoning Ordinance, the optional method public benefits provisions of Division 4.7 of the Zoning Ordinance, and the general development requirements of Article 59-6 of the Zoning Ordinance.

e. *satisfies the applicable requirements of:*

i. *Chapter 19, Erosion, Sediment Control, and Stormwater Management; and*

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.

ii. *Chapter 22A, Forest Conservation*

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 and Certified Site Plan Amendment 82017003A. This tree save plan provided mitigation in the form of planting four offsite trees, and will not be affected by this amendment.

*Noise*

In a waiver request dated December 31, 2019, the Applicant cites the abatement measures recommended in the Noise Guidelines to reduce noise to open space, which include additional setbacks, acoustical walls, earth berms, and structural barriers.

Due to the nature of this project, which includes the completion of a Sector Plan recommended publicly accessible through-block connection, additional setbacks are not feasible as the recommended measures would restrict pedestrian flow and reduce visibility. Additionally, the Applicant provides residents with open space via amenity terraces above the surface noise of

adjacent streets and each unit is equipped with internal ventilation which allows for year-round closing of windows. The Applicant is required to provide noise attenuation for any impacted residential units. With the above constraints and design alternatives in mind, Staff recommends approval of this Noise Waiver request, with a condition requiring noise attenuation for residential dwelling units.

- f. provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;*

The Project provides adequate, safe, and efficient parking and circulation patterns. The Project consolidates the garage and loading entrances on St. Elmo Avenue to limit impacts to the pedestrian environment and improves public streetscape along its two frontages. The building provides pedestrian entrances along both its St. Elmo Avenue and Fairmont Avenue façades to contribute to an active streetscape. The Project provides a safe and well-integrated building and site amenities. The Project provides a through block connection from St. Elmo through to Fairmont Avenue and County Parking Garage #11 to the south. In addition to the streetscape improvements along both frontages, and public art within the through block connection, the Project provides amenities for the residents within the building and on the rooftop.

- g. substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

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 42 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 215 and a maximum of 225 parking spaces on-site. This is well below the maximum number of parking spaces allowed by the Zoning Ordinance (*i.e.* 386 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 22-story mixed-use, transit-oriented development.

#### *Green Cover*

The Sector Plan includes several recommendations to achieve the urban green goals outlined for the Bethesda Downtown area. 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. Staff acknowledged during the review of the previous Sketch Plan amendment that the combination of a narrow site and need for the through-block connection result in an inability to meet the Sector Plan recommendation for 35% green cover.

The Project has a net site area of 25,625 square feet resulting in a green coverage requirement of 8,969 square feet (35% of net site area). The exhibit (Attachment E) shows green cover on the roof and within the through-block connection. The parking garage is below the through-block connection area which allows the onsite portions of 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*. Staff recognizes the constraints of the site and has worked with the Applicant to discuss efforts to maximize their green cover area, as previously conditioned. This collaboration, in conjunction with revised plans submitted as a part of this amendment, has resulted in the Applicant providing a green coverage area of approximately 7,026 square feet, or 27% of net site area. This reflects an increase from the previously provided 5,000 square feet (19.5%) of site area. To clarify the final green cover area provided, Staff has recommended a condition to clarify the onsite portions of the through-block planting areas prior to certification of Site Plan.

- h. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

As discussed in the Preliminary Plan No. 12015020 findings and, as amended by 12015020A and 12015020B, the development will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

- i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

The Subject Property is not located in a Rural Residential or Residential zone.

- j. on a property in all other zones, is compatible with existing, approved or pending adjacent development.*

The Project design is compatible in height and scale with the existing and pending nearby development in the Woodmont Triangle District. 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.

The Site Plan is compatible with other uses and other site plans, as well with existing and proposed adjacent development. The Project's design and scale is compatible with adjacent buildings in the Wisconsin Avenue District.

3. *To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.*

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

4. *For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

Not applicable, the Subject Property is not zoned C-1 or C-2.

## **CONCLUSION**

As conditioned, the Sketch Plan Amendment, Preliminary Plan Amendment and Site Plan applications each satisfy the findings under Section 59.4.5.4 of the Zoning Ordinance, substantially conform to the recommendations of the 2017 *Bethesda Downtown Sector Plan* and *Bethesda Downtown Design Guidelines*, and satisfy the findings of the Subdivision Regulations. Therefore, Staff recommends approval of the Sketch Plan Amendment, Preliminary Plan Amendment and Site Plan Amendment with the conditions specified at the beginning of this report.

## **ATTACHMENTS**

- A. Previous Approvals
- B. Agency Letters
- C. Design Advisory Panel Memorandum
- D. Forest Conservation Exemption Letter
- E. Green Cover Exhibit