

# ITEM #21

- Locating the exhaust and intake for the underground parking garage away from the existing and proposed residences
- Aligning the proposed retail with the existing retail along Bethesda Avenue
- Screening the loading dock and access driveway
- Reviewing the operational characteristics of the driveway access along Bethesda Avenue and considering a right-in and right-out for vehicles to minimize conflicts with the adjacent garage
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- Improving the design of the setback area from the adjacent residential high-rise to accommodate safe pedestrian circulation

## REQUIREMENTS OF THE TS-M ZONE

The requirements of the TS-M Zone are found in Division 59-C-8 of the Zoning Ordinance. The relevant provisions are evaluated in the following paragraphs.

### 8.2 *Intent, Purposes and General Requirements.*

**59-C-8.21. Intent.** *The TS-R and TS-M zones are intended to be used as follows:*

- Both the TS-R and TS-M zones are intended to be used in transit station development areas as defined in section 59-A-2.1, and the TS-R zone may also be used in areas adjacent to central business districts, within 1,500 feet of a metro transit station.*
- The TS-R zone is intended for locations where multiple-family residential development already exists or where such development is recommended by an approved and adopted master plan.*
- The TS-M zone is intended for locations where substantial commercial or office uses already exist or where such uses are recommended by an approved and adopted master plan.*
- In order to facilitate and encourage innovative and creative design and the development of the most compatible and desirable pattern of land uses, some of the specific restrictions which regulate, in some other zoning categories, the height, bulk and arrangement of buildings and the location of the various land uses are eliminated and the requirement substituted that all development be in accordance with a plan of development meeting the requirements of this division.*

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The proposed development located west of Woodmont Avenue is in the area recommended for the TS-M Zone in the Sector Plan for the Bethesda CBD. A recent Text Amendment allows the development located east of Woodmont Avenue in the CBD-1 Zone to be included in the TS-M Zone. The proposed development is primarily residential with ground floor retail space. The Development Plan includes improvements to the Capital Crescent Trail, setbacks from the adjacent single-family detached neighborhood, significant streetscape features, public use space, and active and passive recreation space. The uses, pattern and design will establish a compatible and desirable relationship with adjacent development.

## **59-C-8.23. Purposes of the TS-M zone.**

- a. *To promote the optimum use of the transit facilities by assuring the orderly development of land in transit station development areas and access, both vehicular and pedestrian, to metro stations;*
- b. *To provide for the needs of the workers and residents of transit station development areas;*
- c. *To provide for the incidental shopping needs of the transit facility riders at metro stations having parking facilities for large numbers of riders;*
- d. *To minimize the necessity for automobile transportation by providing, in largely residential transit station areas, the retail commercial uses and professional services that contribute to the self-sufficiency of the community;*
- e. *To obtain amenities for the residents and workers in transit station areas not ordinarily obtainable in conventional zoning classifications; and*
- f. *To prevent detrimental effects to the use or development of adjacent properties of the neighborhood and to promote the health, safety, morals and welfare of the present and future inhabitants of the district and the county as a whole.*

The application proposes a high-density residential development within 1,500 feet of the Bethesda Metro Station. The Development Plan includes improvements to the sidewalks and crosswalks to encourage walking and the use of the transit by future employees and residents of the proposed building. Streetscape, bikeway improvements, and adjacent retail space will reduce the dependence on the automobile in the area.

## **59-C-8.24. Location.**

*These zones are permitted only in the transit station development areas described in section 59-A-2.1 and in accordance with an approved and adopted master plan or sector plan.*

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The proposed TS-M Zone is located in the area designated as a transit station area in Approved and Adopted Sector Plan for the Bethesda CBD. A recent Text Amendment allows the TS-M Zone to be included in a designated CBD area.

## **59-C-8.25. Public facilities and amenities.**

*A development must conform substantially to the facilities and amenities recommended by the approved and adopted master or sector plan, including and granting such easements or making such dedications to the public as may be shown thereon or are deemed necessary by the Planning Board to provide for safe and efficient circulation, adequate public open space and recreation, and insure compatibility of the development with the surrounding area, and assure the ability of the area to accommodate the uses proposed by the application. The provision of MPDUs does not authorize a reduction in any public facility and amenity or active or passive recreation space recommended in a master plan or sector plan.*

*(Ord. No. 12-65, § 1; Ord. No. 13-55, § 1; Ord. No. 15-35, § 2.)*

The application conforms to the recommendations for amenities and facilities in the Sector Plan for the Bethesda CBD. The setback along the southern property line adjacent to the existing single-family detached neighborhood, and the streetscape features with adjacent retail conform to the recommendations in the Sector Plan. The project also includes the required public use space and active and passive recreation space. The required number of MPDUs and additional affordable housing are provided on-site.

## **Sec. 59-C-8.4. Development Standards.**

The proposal will satisfy the development standards and regulations of the TS-M Zone as outlined in the following table and on the Development Plan.

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## Comparison of Development Standards of the TS-M Zone

Items	Required/Allowed	Proposed
Lot Area	40,000 SF Minimum	133,738 SF Net Lot*** 143,819 SF Gross Area
Floor Area Ratio	3.0 FAR	2.59 FAR
Land Uses		
- Residential Total	NA	332,500 SF (250 DUs, Max.)
- MPDUs on-site	12.5%	12.5% (32 Max.)
- Work force housing	NA	35
- Retail	NA	40,000 SF Max.
- Total	431,457 SF Max.	372,500 SF Max.
Building Height	NA	65' Max. East of Woodmont  90' Max. West of Woodmont*
Open Space:		
- Public Use Space	10% (13,378 SF)	10% (13,378 SF Min.)
- Active and Passive Recreation	25% (33,435 SF)	25% (33,435 SF Min.)
- Total	35% (46,813 SF)	35% (46,813 SF Min.)
Parking Spaces:		
- Private Parking	342 spaces	342 spaces
- Public Parking	NA	1138 spaces **

Note: \*75 feet recommended in the Sector Plan, 90 feet allowed with additional, affordable housing

\*\*Public parking spaces included in the Mandatory Referral

\*\*\*Net lot without Woodmont Avenue is 105,166± square feet, and the public use space is 10 percent (10,517 square feet) and the active and passive recreation space is 25 percent (26,292 square feet) minimum

## Building Height and the Findings of the Alternative Review Committee

A maximum building height of 90 feet is proposed for the building located east of Woodmont Avenue. The Master Plan includes a guideline to limit building height in this area to 75 feet. The Alternative Review Committee unanimously recommended that the Planning Board accept the applicant's request for the additional 15 feet of building height in accordance with the provisions of the Zoning Ordinance. The Zoning Ordinance allows an increase in building height in proportion to the amount of bonus for providing Moderately Priced Dwelling Units (MPDUs). The applicant will provide the required 32 (12.5 percent) MPDUs, 35 (14 percent) work force housing units, and a contribution to the Housing Fund to support the MPDU Program.

The applicant meets the requirement for building height of 3 to 5 stories for the building located west of Woodmont Avenue.

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## **Division 59-D-1. Development Plan.**

*The development plan is required for the requested TS-M Zone, and it was submitted as a part of the application for the reclassification of land into the zone, and the approval of the application includes the approval of the plan (Article 59-D of the Zoning Ordinance).*

*Development in the TS-M Zone is permitted only in accordance with a plan approved by the district council at the time the land is classified to the TS-M zone, as provided by article 59-C, "Zoning Districts; Regulations," and Section D-1-7.*

*In order to assist in achieving the flexibility of the design needed for the implementation of the purposes of these zones, the applicant is required to submit a development plan as a part of the application for reclassification. A site plan that is consistent with the approved development plan must subsequently be approved in accordance with the requirements of division 59-D-3 prior to the issuance of any building permit.*

A Development Plan has been provided as required in the TS-M Zone.

## **Sec. 59-D-1.2. Development Plan General Requirements.**

*In order to assist in achieving the flexibility of the design needed for the implementation of the purposes of these zones, the applicant is required to submit a development plan as a part of the application for reclassification. A site plan that is consistent with the approved development plan must subsequently be approved in accordance with the requirements of division 59-D-3 prior to the issuance of any building permit. A copy of the development plan must be submitted to the Planning Board; the applicant may be required to submit additional copies for review by other government agencies and the public. The district council may not grant reclassification to any of these zones until it has received the Planning Board's recommendation on the Development Plan. The development plan must satisfy the stated purposes of the applicable zone. The fact that a development plan complies with all of the stated general regulations, development standards, or other specific requirements of the zone does not, by itself, create a presumption that the proposed development would be desirable and is not sufficient to require the approval of the development plan or the granting of the application.*

The proposed Development Plan satisfies the stated purposes of the TS-M Zone, and all of the other general and specific requirements of the Zone are satisfied. The Development Plan includes a series of binding elements that describe the proposed height of the buildings, density, proposed uses, and the active and passive open space (see attachment).

## **Sec. 59-D-1.3. Contents of Development Plan.**

*The development plan must clearly indicate how the proposed development meets the standards and purposes of the applicable zone.*

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The subject Development Plan satisfies the requirements of the TS-M Zone. The Development Plan clearly delineates the binding elements of the application necessary to meet the standards and purposes of the TS-M Zone.

## **Section 59-D-1.61. Required Findings**

There are five specific findings related to the approval of a development plan found in Section 59-D-1.61 of the Zoning Ordinance. These findings relate to compliance with the Master Plan, consistency with requirements of the zone, compatibility with surrounding development, circulation and access, preservation of natural features, and perpetual maintenance of common areas. The required findings are as follows:

- a. *The zone applied for substantially complies with the use and density indicated by the master plan or sector plan, and does not conflict with the general plan, the county capital improvements program, or other applicable county plans and policies. However, to permit the construction of all MPDUs required under Chapter 25A, including any bonus density units, on-site, a development plan may exceed, in proportion to the MPDUs to be built on site, including any bonus density units, any applicable residential density or building height limit established in a master plan or sector plan if a majority of an Alternative Review Committee composed of the Director of the Department of Housing and Community Affairs, the Executive Director of the Housing Opportunities Commission, and the Director of Park and Planning, or their respective designees, find that a development that includes all required MPDUs on site, including any bonus density units, would not be financially feasible within the constraints of any applicable density or height limit. If the Committee finds that the development would not be financially feasible, the Planning Board must recommend to the District Council which if any of the following measures authorized by Chapter 59 or Chapter 50 should be approved to assure the construction of all required MPDUs on site:*
  - (1) *exceeding an applicable height limit, lower than the maximum height in the zone, that was recommended in a master plan or sector plan,*
  - (2) *exceeding an applicable residential density limit, lower than the maximum density in the zone, that was recommended in a master plan or sector plan, or*
  - 3) *locating any required public use space off-site.*

The proposed application meets the requirements for building height established in the Sector Plan and Zoning Ordinance. It also meets the requirements for residential density (maximum 3.0 FAR) and the recommendations for public space off-site including public streetscape and improvements to the crosswalks identified in the Sector Plan.

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- b. *That the proposed development would comply with the purposes, standards, and regulations of the zone as set forth in article 59-C, would provide for the maximum safety, convenience, and amenity of the residents of the development and would be compatible with adjacent development.*

The proposed development complies with the purposes, standards and regulations of the TS-M Zone (see description of the Development Standards). The proposed development is compatible with the adjacent development (see previous discussion of Compatibility).

- c. *That the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient.*

The Summary of Development and the Transportation Section describe the elements of the vehicular and pedestrian circulation system. A key feature of this application includes the improvements to the intersection of Woodmont Avenue and Bethesda Avenue for pedestrians and bicyclists. Increasing access to the Capital Crescent Trail is also included in the application.

- d. *That by its design, by minimizing grading and by other means, the proposed development would tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the site. Any applicable requirements for forest conservation under Chapter 22A and for water resource protection under Chapter 19 also must be satisfied. The district council may require more detailed findings on these matters by the planning board at the time of site plan approval as provided in division 59-D-3.*

The applicant proposes to preserve trees along the southern property line and to augment the landscaping to improve the setback area.

- e. *That any documents showing the ownership and method of assuring perpetual maintenance of any areas intended to be used for recreational or other common or quasi-public purposes are adequate and sufficient.*

The applicant will be responsible for all improvements on-site. The proposed development is also located within the Bethesda Urban Maintenance District that is responsible for maintenance of features in the public right-of-way.

## **TRANSPORTATION**

The Transportation Planning section recommends approval of the Local Map Amendment and the Development Plan (see attachment). The transportation analysis for this project includes the number of trips assigned to the residential units, the retail space, and the public parking garage.

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## **Local Area Transportation Review**

The preliminary conclusions of the LATR study appropriate to a Zoning Case indicate that for total future traffic conditions, including several design alternatives, the list of studied intersections will have the calculated Critical Lane Volumes (CLV) of less than the Bethesda CBD Policy Area congestion standard of 1,800 CLV. The final plans for the ultimate roadway geometry at this location remain under the purview of the APF Ordinance to be applied at the time of the review of the Preliminary Plan.

## **Traffic Operations**

The proposed development will increase the congestion at all the intersections. Substantial queuing could also impede access to the existing and adjacent properties and driveways. The staff finds that there are several mitigation measures that are available to address the concerns. Restricted turning movements, additional turn lanes, changes in traffic signal timing, and revising the proposed "neck downs" will be considered during the review of the Preliminary Plan to address the need to improve traffic operations.

## **Master Plan Roadways and Bikeways**

The proposed Development Plan provides for the recommended right-of-way of 80 feet for Woodmont Avenue, and 60 feet for Bethesda Avenue. The Development Plan also includes the abandonment and realignment of a portion of Woodmont Avenue. A Mandatory Referral for the abandonment is included as a separate report.

The applicant also proposes to provide additional access to the Capital Crescent Trail from a new drop-off area located along Woodmont Avenue. Cyclists will be able to unload bicycles at the drop-off and park in the garage. A trail connection will be provided to connect the drop-off area to the Capital Crescent Trail.

## **Pedestrian Access**

The intersection of Woodmont Avenue and Bethesda Avenue experiences a high volume of pedestrian and bicycle crossings. In coordination with the DPWT, this project will enlarge the curbside landing areas and modify the alignment of Woodmont Avenue to reduce the length of the existing crosswalks. This design results in reduced capacity for vehicles. Staff will continue to work with the DPWT and the applicant during the review of the Preliminary Plan and Site Plan to improve the function of this intersection for pedestrians, bicycles and vehicles.

## **ENVIRONMENT**

The site is not located in a Special Protection Area or Primary Management Area. This site has no steep slopes, or erodible soils. There are no wetlands or streams on the site.



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## **Forest Conservation**

One-half acre is required to meet the requirements of the Forest Conservation Law. This can be accomplished off-site or on-site through tree cover. A combination of street trees in the public right-of-way and additional landscaping in the setback area from the existing neighborhood will meet the requirement.

## **Stormwater Management**

The site is located in the Willet Branch subwatershed of the Little Falls watershed. The Countywide Stream Protection Strategy (CSPS) assesses this tributary as having overall poor conditions. The CSPS recommends supporting cost-effective stormwater quality controls on this redevelopment site. An approved stormwater management plan is required at the time of the approval of the Preliminary Plan.

## **Green Buildings**

Green building techniques should be fully explored during the Site Plan approval process. New County Policy may require buildings over 10,000 square feet to meet Energy Design Standards. This includes a life-cycle-cost analysis of alternative systems and components, and written certification of compliance to energy standards.

## **SUBDIVISION**

An approval of an abandonment of a portion of Woodmont Avenue is required to allow a relocation of this street. After the approval of the abandonment, the project will include two sites that will be incorporated into a Preliminary Plan.

## **COMMUNITY OUTREACH**

This residential and retail application is a joint development project with a public parking garage. The Montgomery County Government held an open competition for the opportunity to develop this project. Public meetings were held as part of the selection process at the Bethesda Services Center. Meetings were held with the adjacent property owners of the single-family detached units and the owners of the adjacent high-rise multi-family building.

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## CONCLUSION

The staff recommends approval of the TS-M Zone and the Development Plan as proposed in this application. The application complies with the provisions of the TS-M Zone. The application including the Development Plan conforms to the guidelines in the Sector Plan for the Bethesda CBD. If the project is approved, the following items should be addressed during the review of the Preliminary Plan and Site Plan:

- Locating the exhaust and intake for the underground parking garage away from the existing and proposed residences
- Aligning the proposed retail with the existing retail along Bethesda Avenue
- Screening the loading dock and access driveway
- Reviewing the operational characteristics of the driveway access along Bethesda Avenue and considering a right-in and right-out for vehicles to minimize conflicts with the adjacent garage
- Increasing the setback for all the residential floors from the existing and adjacent residential high-rise building to 15 feet
- Improving the design of the setback area from the adjacent residential high-rise to accommodate safe pedestrian circulation
- Including a LATR study with detailed information regarding garage access points, capacity, design, and operation for review
- Providing detailed information regarding the ultimate location, operation, and alignment of Woodmont Avenue between Bethesda Avenue and Leland Street
- Providing documentation of the agreement between the applicant and DPWT to allow for private access beneath Woodmont Avenue
- Finalizing the design and operation of the intersection of Woodmont Avenue and Bethesda Avenue for pedestrians, bicyclists, and vehicles
- Providing documentation of ownership of the public and private property

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### Attachments:

1. Memo from Transportation Planning, dated June 8, 2006
2. Memo from Environmental Planning, dated June 1, 2006
3. Notes from Alternative Review Committee Meeting, dated June 2, 2006
4. Letter from MCPS, dated April 5, 2006
5. Letter from DPWT, dated May 1, 2006
6. Binding Elements of the Development Plan
7. TS-M Zone – Rezoning Application and Development Plan
8. Certified Vicinity Map and Zoning Plan
9. Existing Utilities Plan
10. Floor Plans
11. Site Sections Exhibit
12. Conceptual Elevations
13. Detail Sections Exhibit
14. Letters