

*July 20, 2018*

**TO:** Planning Commission Members

**FROM:** Christopher Leswing, Director, Building and Planning Department

**SUBJECT:** TENTATIVE SKETCH LAND DEVELOPMENT PLAN, 9 Presidential Boulevard, Bala Cynwyd, LD# 3812, Ward 9.

### **Proposal**

The applicant, James Ettelson, on behalf of Commerce Pursuit Capital, LP, is seeking Tentative Sketch Plan approval to:

- Demolish an existing office building;
- Construct a four-story, mixed-use building containing 12,649 square feet of ground floor commercial space, 173 apartments, and two levels of structured parking;
- Provide two access driveways onto Presidential Boulevard;
- Provide a shared access point to the property at 1 Presidential Boulevard; and
- Install a multipurpose public path, pedestrianway, and related site amenities.

The proposal is illustrated on the attached plan prepared by BL Companies dated November 3, 2017, last revised July 19, 2018.

### **Background**

The Planning Commission reviewed the prior application for this property at their April 2, 2018 meeting. At that time the plan included a large retaining wall along Presidential Boulevard which bisected the required multipurpose path from the pedestrianway. The Planning Commission included a condition requiring the applicant to investigate refining the architecture to address the unique site conditions and the topography of the site including better integrating the impact of the wall in their recommendation for approval. The Planning Commission also recommended approval of the relief to disturb slopes on the property.

A conditional use hearing was held on April 16, 2018 to consider the applicant's request to provide two curb cuts onto Presidential Boulevard. After the hearing, both the Tentative Sketch Plan and the Conditional Use application were scheduled for the May 9, 2018 Building and Planning Committee meeting. Prior to that meeting the Ward Commissioner expressed concerns with the relationship of the building, the retaining wall and the relationship of both to the pedestrian way and the multipurpose path along Presidential Boulevard. To address those concerns, both staff and the Ward Commissioner met numerous times with the applicant to resolve the issues. The meetings, which took place over the course of several weeks, resulted in significant changes to the site plan as follows:

1. The proposed retail space was increased from 7,009 square feet to 12,649 square feet.
2. The retaining wall shown along the property frontage was removed.
3. The retail located along the front façade was reoriented to contain three spaces at separate elevations as follows:
  - a. A two-story retail space accessible via grade level at the north facade
  - b. A retail/lobby space at the center of the building (elevation 201)
  - c. A retail space at the south façade (elevation 204)

On June 20, 2018, the Lower Merion Township Board of Commissioners denied that Tentative Sketch Plan, Application 3796. The denial (attached) was based on the following reasons:

1. The surface parking shown on the plan extended greater than 70 feet along Presidential Boulevard which did not comply with §155-217.D.1.b.2 of the Zoning Code.
2. The verge provided measured five feet in width did not comply with §155.217.F.5.e.3.c of the Zoning Code which requires 6 feet, since a public multipurpose path is shown on the Official Map.
3. A note on the plan indicated that parking was reduced to one space per unit because 50% of the required parking is underground. However, a different note on the plan indicated that only 35% of the parking is underground. Therefore, the plan did not comply with §155-217.D.3.b of the Zoning Code.
4. The proposed building disturbed steep slopes and did not comply with §101-5.C.1 & 2 of the Natural Features Code.

Subsequently, the applicant met with staff and a few members of the Board of Commissioners to discuss how to best move forward with the project. Following that meeting, the applicant submitted the subject application which complies with the code sections noted above for which the prior plan was denied.

The attached plan was revised as follows:

1. Surface Parking Along Frontage of Presidential Boulevard: The plan has been revised to address the reason for denial by removing parking spaces along the southern and northern frontage of Presidential Boulevard. Three (3) surface parking spaces were removed along the southern frontage. The surface parking is now located between 90'-95' feet from the curb line and approximately 45' feet from the front façade of the building. A total of five (5) parking spaces were removed from the northern frontage and the parking is now located 100' from the curb line and 60' feet from the front façade of the building. The revised plan also shows screen walls and vegetation on both the north and south elevations to screen the surface parking areas. The total area of surface parking along the frontage now only includes the access driveways, which each measure twenty (20') feet, for a total of forty (40') feet along the frontage. The total parking provided was reduced by twenty (20) spaces, eight (8) surface parking spaces and twelve (12) structured parking spaces. The parking remains code compliant.
2. Landscape Verge: The plan has been revised to address the reason for denial by providing a landscape verge that measures six (6') feet in width adjacent to the proposed public, multipurpose path along Presidential Boulevard.
3. Parking Calculations: The plan has been revised to address the reason for denial by providing perspective views to demonstrate that proposed underground and below grade parking is included within the parking structure. With the construction of the parking structure the applicant is taking advantage of both a reduced parking requirement available to mixed use buildings and a density (FAR) incentive. The reduced parking requirement for mixed use buildings is based upon the amount of below grade parking, while the density (FAR) incentive is based upon the amount of underground parking. The Township Zoning Officer has determined that **below grade** is defined as anything located below the mean finished grade of the site, where as **underground** is defined as anything that is entirely below the ground. The revised plan complies with both requirements.

Below Grade Parking	Parking	Percentage of Total Required Parking
Required Parking	217	100%
Required Below Grade Parking to take advantage of reduction	110	51%
Provided Below Grade Parking	110	51%

Parking efficiencies through shared parking and screening parking from public view are goals of the City Avenue District. The applicant has submitted plans demonstrating that proposed underground and below grade parking is included within a parking structure.

Zoning Code Section 155-217.D.3.b allows mixed use buildings to utilize the Mixed-Use parking requirements in Table 6 of the Zoning Code. Table 6 calculates peak parking requirements and permits parking requirements for mixed-use occupancies to be reduced based on shared parking efficiencies. The Code states, “If a minimum of 50% of the required parking as outlined in the parking table is provided **below grade**, the required parking for nonresidential uses may be reduced by 10% and required parking for residential uses may be reduced to one space per unit.” The applicant is eligible for the parking reduction to one parking space per unit by demonstrating that 110 of the required 217 parking spaces are located below grade.

In the RCA-CAD, density is determined based upon a Floor Area Ratio (FAR) calculation. Zoning Code Section [155-E.6](#) provides a FAR increase of 0.5 when parking is provided **underground**. When required parking is split between a wrapped parking structure, an underground parking structure and surface parking, the density increase is prorated based on the percentage of the required parking in the underground parking structure and the wrapped parking structure. Of the 217 required parking spaces, the applicant is providing 72 underground spaces. By providing underground parking the prorated FAR increase is 33% of 0.5, or 0.165.

Underground Parking	Parking	Percentage of Total Required Parking
Required Parking	217	100%
Parking Provided Underground	72	33%

4. **Waiver of Natural Features Disturbance:** The applicant has submitted a request for relief from Natural Features Code Sections 101-5.C.1 & 2:

*101-5C. Conservation of sloping lands.*

*(1) The provisions of Chapter 155, Zoning, Article XXVIII, Steep Slopes, shall govern where applicable.*

*(2) In addition to the above, the following regulations shall apply:*

*(a) Any site disturbance on slopes exceeding 15% shall be minimized.*

*(b) No site disturbance shall be allowed on slopes exceeding 25%, except under the following circumstances:*

*[1] Selective logging and woodcutting shall be by specific approval of the Board of Commissioners and shall be limited to highly selective removal of trees. Maximum precautions shall be taken to avoid destruction or injury of understory brush and trees.*

*[2] Grading for a portion of a driveway accessing a single-family detached dwelling when it can be demonstrated that no other routing which avoids slopes exceeding 25% is feasible.*

The plan shows disturbance to areas of slopes that range from 15% to 25% and 25% and greater for the construction of the building and associated improvements. The applicant has stated in their request that the disturbance is de minimus and is significantly less than the relief which was previously granted for a different development proposed on this site several years ago. The applicant has also stated that the combination of pedestrianway and build to line requirements in the City Avenue District, as well as a 65’ diagonal grade change across the property have created significant constraints which shifts the building to the rear of the site and into the area of the slope.

The Township Engineer has determined that the slopes that will be impacted were all created as a result of previous development activity that occurred on the site and are therefore manmade. Staff supports the requested relief because the applicant has minimized the disturbance from past proposals and because the relief is the minimum amount necessary.

In addition to the changes identified above to address the reasons for denial the applicant also made the following changes to the plan based on previous recommendations from staff:

1. The vehicular entrance to the lower level of the structured parking on the western elevation was shifted toward the frontage.

2. The six-foot-wide landscaped area required by §155-217. D.(1)(c) has been provided adjacent to the proposed move-in/move out parking space on the southern side of the building.
3. Slope percentages were added to the plan.
4. A note has been added to the plan indicating that the required bicycle parking will be provided.
5. A note has been added to the plan indicating that the required car share parking will be provided.
6. A transformer has been shown on the plan.

### **Conditional Use**

On June 20, 2018 the Board of Commissioners approved a Conditional Use request under §155-217.D.(1)(d) to permit a second driveway access onto Presidential Boulevard. The CAD-RCA permits a second curb cut by conditional use when it facilitates a shared parking arrangement on adjacent lots. The following condition was imposed upon the application:

1. A shared use agreement documenting where and how parking will be shared with the property at 1 Presidential Boulevard shall be included with the Preliminary Plan submission, and the plans shall show where the shared access will occur.

### **Property Description & History**

The property is currently improved with an office building that contains 26,584 gross square feet that was constructed in the mid-1950s. The building varies between one and three stories in height. Surface parking is located along the property frontage and to the side of the building.



The property is accessed via two driveways from Presidential Boulevard. The rear of the property is wooded and drops sharply towards the Schuylkill Expressway (I-76) exit ramp. The office condominium at 15 Presidential Boulevard is located to the west of the parcel and 1 Presidential Boulevard, which contains office and retail uses, is located to the east of the parcel. A driveway into 1 Presidential Boulevard is located approximately six-feet from the shared property line. Office uses are also located across Presidential Boulevard at 10 Presidential Boulevard and 555 E. City Avenue.

### **City Avenue District – Regional Center Area**

This site is in the City Avenue District – Regional Center Area which was created on December 14, 2011. The intent of the district is to encourage development that combines residential, institutional, and commercial uses in close proximity, thus decreasing auto dependency, encouraging pedestrian activity, transit use, shared parking and accessways, and mitigating the effects of vehicular traffic, congestion and pollution.

### **Montgomery County Planning Commission Review**

The County review letter was not received prior to the completion of this memo. If it is received prior to the meeting, staff will provide copies. In their review of the previous application, the County indicated that they generally supported the mixed-use building but noted that modifications to the public gathering space and vehicular and pedestrian circulation on the site could improve the overall walkability and livability of the site.

### **Environmental Advisory Council (EAC)**

The EAC reviewed the plans at their March 27, 2018 meeting but did not have any comments.

## Bulk, Area & Parking Requirements

The following tables details the bulk, area, setback, and parking requirements of the proposal:

CAD-RCA Zoning Requirements-Single Use Development		Existing	Proposed
Net Lot Area (Minimum)	N/A	2.7 acres (119,354 sq. ft.)	2.7 acres (119,354 sq. ft.)
Lot Width (Minimum)	600'	352'	352'
Building Area (Maximum)	50% Single-Use 60% Mixed-Use	12% (14,650 sq. ft.)	34.69% (41,404 sq. ft.)
Build to Line	20' minimum 30' maximum	+/- 124'	20'
Side Yard (Minimum)	25' minimum (structures > 48')	30'	60'
Rear Yard (Minimum)	10'	70'	64'
Impervious Surface (Maximum)	70% maximum (mixed-use)	46.1% (55,022 sq. ft.)	64.7% (77,222 sq. ft.)
Building Height	28' minimum 200' maximum	1-3 Story Building	52'
Building Separation	NA	NA	NA
Maximum Diagonal Dimension	420'	230'	300'
Floor Area Ratio (FAR)	0.7 – 1.75 FAR (mixed-use) 1.71 required for proposal	NA	1.71 FAR
Car Share Parking	4 Car Share Spaces 1 space per 50 units	0	4
Bicycle Parking	20 Maximum of 20 Required	0	20

\*6,326 sq. ft. of additional impervious is permitted. The proposed impervious surface is 22,200 sq. ft. more than existing.

Parking Requirement			
	Code Requirement	Required	Proposed
Restaurant	-Base Requirement: 4 spaces /1,000 sq. ft.(12,649 sq. ft.) = 51 spaces -Per the Required Parking Table for Mixed-Use*= 49 spaces -Deduction for below grade parking: 14 – 10% ** = <b>44 spaces</b>	<b>217 spaces</b>	<b>231 spaces (1.3 parking ratio)</b>
Residential	-Base Requirement: 1.5 spaces per unit (173 units) = 260 spaces -Per the Required Parking Table for Mixed-Use*= 260 spaces -1 space per Unit for below grade parking**= <b>173 spaces</b>		

\*155-217.D.3 permits the required parking for new mixed-use structures within the CAD-RCA to be calculated using percentages provided in Table 6 of the Zoning Code.

\*\*155-217.D.3 permits the required parking for non-residential uses to be reduced by 10% and required parking for residential uses to be reduced to one space per unit when a minimum of 50% of the parking required by Table 6 is located below grade. 110 parking spaces are provided below grade.

	Floor Area Ratio (FAR)			
	Amenity	Initial Increase	OSTI Increase*	Total Increase
<b>Base FAR</b>		0.7	-	0.7
<b>Bonus 1</b>	Residential Primary Use	0.1	0.05	0.15
<b>Bonus 2</b>	Mixed Use	-	0.05	0.05
<b>Bonus 3</b>	Structured Parking**	0.11	0.04	0.15
<b>Bonus 4</b>	Underground Parking***	0.17	0.02	0.18
<b>Bonus 5</b>	Transit Facility Improvement	0.05	0.05	0.1
<b>Bonus 6</b>	Public Multipurpose Pathway	0.15	0.05	0.2
<b>Bonus 7</b>	OSTI	0.2		0.2
<b>Total FAR Permitted</b>		1.5	0.26	<b>1.73</b>
<b>Total FAR Proposed</b>				<b>1.71</b>

\*Zoning Code Section 155-217.E permits density increases of 0.05, to a maximum of 0.2, for each amenity provided when the applicant installs off-site traffic improvements or contributes to a City Avenue Transportation Services Area Fund held by the Township in accordance with § 155-217E(10)(a) through (c).

\*\*The initial density increase for structured parking is .18 plus .7 increase for the OSTI. The applicant has prorated the increase for providing 59% structured parking. (217 parking spaces are required, 72 are underground, the remaining 130 are considered structured. 59% of the total permitted increase of .25 is .15.

\*\*\*The initial density increase for underground parking is .5 plus .05 increase for the OSTI. The applicant has prorated the increase for providing 33% structured parking. (217 parking spaces are required, 72 are underground, the remaining 33% of the total permitted increase of .55 is .18.

## Issues

### 1. Steep Slopes

As mentioned above, the plan was revised to show the percentages of existing slopes on the property. The plan shows disturbance to areas of slopes that range from 15% to 25% and 25% and greater for the construction of the building and associated improvements. The applicant submitted a Geotechnical Investigation that was reviewed by the Township Engineer who determined that all of the slopes on the property, including those in excess of 25%, are the result of previous construction activity and are therefore manmade. Since the slopes being disturbed are not natural, staff supports the relief subject to a condition that the applicant agree to work with staff during the Preliminary Plan review phase to minimize the extent of the disturbance to the absolute minimum feasible.

### 2. Architectural Elevations/Design Standards

The project is subject to the Development Design Standards, including the Architectural Design Standards of the City Avenue District. The applicant will be required to submit architectural elevations and renderings along with a design manual with the Preliminary Plan to demonstrate full compliance.

The purpose of the Development Design Standards is to require pedestrian-oriented buildings and to require building entrances to be oriented toward the streets, sidewalks and/or public accessways. Requirements for orientation and primary entrances are intended to:

- Provide for safe, convenient, direct and accessible pedestrian access to and from public sidewalks, transit facilities and crosswalks.
- Provide safe and efficient pedestrian connections between buildings.



The applicant should also be aware that any façade of a parking structure that can be seen from a public way shall comply with the development design standards under §155-217.D.(1)(e) and §155-217.F.(5)(c).

When the Planning Commission previously reviewed this application, they had the following comments regarding the architecture. Staff encourages the applicant to consider these recommendations when preparing architectural elevations to be submitted with the Preliminary Plan:

- The palate of architectural materials be simplified.
- The architecture be refined to address the unique site.
- The structure should be made more visually interesting, beyond use of color.

### 3. Pedestrian and Bicycle Connections

A goal of the City Avenue District is to discourage the dependence on automobile use by promoting alternate modes of transportation, improving connections and links to public transit and creating safe and inviting pedestrian accessways, thereby reducing traffic congestion. To further enhance the pedestrian/cycling experience, the applicant should consider eliminating the southerly curb-cut and formalizing a shared parking arrangement with 1 Presidential Boulevard. The proposed driveway and the existing driveway at 1 Presidential Boulevard are placed extremely close together.

The applicant should also refine how the proposed public walkway and multipurpose path connect to the existing sidewalks on the adjoining properties on the Preliminary Plan.

### 4. Official Map

The Official Map, adopted by the Board of Commissioners on April 25, 2012, in accordance with Pennsylvania Municipalities Planning Code Article 4, shows the following improvements on this property:

- 1) A public, multipurpose path along a portion of Presidential Boulevard.
  - A multipurpose path is proposed along the entire frontage.
- 2) A public multipurpose path along the side property line shared with 15 Presidential Boulevard.
  - A dog park is proposed in a portion of this area.
- 3) A public multipurpose path along the ridge in the rear of the property.
  - A linear public gathering space is not proposed in this location.
- 4) A public gathering space along the side property line shared with 1 Presidential Boulevard.
  - A pool is proposed in a portion of this area.



The Official Map designates areas for both current and future public land and facilities. Under the Official Map, the municipality has one year to acquire the necessary facility after receiving notice from the developer/owner of his intentions to develop. If the municipality is not in a position to acquire the property, it can waive its right to it at any time during that one year period. If the municipality does not acquire the property within one year of the notice to develop, the Official Map is considered amended.

Staff supports the applicant's proposal to relocate the required path from the side of the property to Presidential Boulevard. Details on how these areas will be used by the future residents should be included with the Preliminary Plan. Staff notes that the Official Map may be amended by the approval of a land development application without requiring further action.

## **5. Landscape Plan**

The proposal is subject to multiple layers of landscape requirements under the code, including the minimum planting standards, greening standards, street tree requirements, and buffering requirements. The Preliminary Land Development Plan shall include a landscape plan demonstrating compliance with all applicable planting requirements.

## **6. Traffic Impact Fee**

This site is within the City Avenue Transportation Service Area (TSA) which was created to project the amount of future building in the district to determine what specific road improvements would be necessary to accommodate that development. Developments within the TSA are required to contribute an impact fee towards those road improvements. The fee for this district is \$1,544 for each additional afternoon peak hour trip generated by the new development. The fee is required to be paid to the Township prior to the issuance of a building permit.

## **7. Recreation Lands Set Aside**

The development is subject to the Dedication of Land for Recreation, Fee in Lieu ordinance, §135-50.1. This ordinance requires the applicant to either set aside 15% of the site as recreation area, or pay a fee in lieu per unit as required by Subdivision Code Section 135-50.1. The applicant should demonstrate with the Preliminary Plan how this requirement will be met.

## **8. Action**

The Planning Commission must take the following actions for this application:

- A. Provide a recommendation on the Tentative Sketch Plan.
- B. Provide a recommendation on the following relief:
  - 1. Natural Features Code Section §101-5.C.(1) and (2) to allow disturbance to slopes that are 15% and greater.