



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item #
MCPB 12-14-06

MEMORANDUM

DATE: November 30, 2006
 TO: Montgomery County Planning Board
 VIA: Rose Krasnow, Chief *RK*
 Michael Ma, Supervisor *Ma*
 Development Review Division
 FROM: Linda Komes, RLA, AICP *LK*
 (301) 650-2860
 REVIEW TYPE: **Site Plan Review**
 CASE #: **820070010**
 PROJECT NAME: Air Rights Hotel
 APPLYING FOR: Approval of 132,421 sf of hotel space
 and 4,600 sf of existing retail, and 364,100 sf of existing office space on 2.71(net lot) acres
 REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance
 ZONE: CBD-2
 LOCATION: East side of Waverly Street, approx. 300 feet east of Wisconsin Avenue (MD 355).
 MASTER PLAN: Bethesda CBD Sector Plan
 APPLICANT: Bethesda Hotel Associates/Donohoe Hospitality Services LLC
 FILING DATE: July 6, 2006
 HEARING DATE: December 14, 2006



SUMMARY

The applicant proposes to construct a 216-room hotel, consisting of approximately 132,421 square feet, on a portion of the 3.28-acre (gross lot area) Air Rights property located on Waverly Avenue in the Bethesda Central Business District. The new hotel will replace a portion of an existing above-grade parking structure. In addition, the site will retain 4,600 sf of existing retail and 364,100 sf of existing office space.

STAFF RECOMMENDATION: Approval of Site Plan 820070010 for 132,421 square feet of new hotel use, 4,600 square feet of existing retail and 364,100 square feet of existing office space for a total of 501,121 square feet on a 143,238 gross square foot lot. All site development elements as shown on the Air Rights Center Hotel site and landscape plans stamped by the M-NCPPC on 11/15/06 shall be required except as modified by the following conditions:

1. Project Plan Conformance
 The proposed development shall comply with the conditions of approval for Project Plan 9-00001A as listed in the Planning Board opinion dated February 6, 2006, except as modified by the subject site plan.

2. Building Height

The height of the hotel shall be a maximum of 116 feet tall as approved on Project Plan 9-00001A. The measuring point used to measure the height of the hotel building is located in the northwest corner of the lot at the terrace level of 353.0 as approved on 9-00001A and as shown on the site plan.

3. Architecture

The building shall be constructed in substantial conformance with the architectural elevations dated November 15, 2006. The south elevation facing Elm Street Park shall be built in conformance with the elevation dated November 28, 2006 which is included in Appendix C.

4. Transportation Division Memo

The applicant shall comply with the following conditions of approval from M-NCPPC-Transportation Planning in the memorandum dated November 30, 2006:

- a. As it applies to the Waverly street frontage along Parcel E, the applicant shall provide a 35-foot right-of-way from the center line of Waverly Street.
- b. As it applies to the Waverly Street frontage along Parcel D, the applicant shall provide an area east of the existing right-of-way line for a depth of 15 feet as a Public Improvement Easement. Prior to temporary obstruction or closures of the sidewalk, the applicant must receive approval from the Department of Permitting Services.
- c. The applicant shall provide 40 feet from centerline, along the frontage of the property, for Montgomery Avenue right-of-way dedication.
- d. The applicant shall improve the drainage problem at the southern terminus of Pearl Street after approval from MCDPWT and prior to issuance of a use and occupancy permit.
- e. The applicant shall provide a sidewalk, at least 15 feet wide along the frontage of the property on Waverly Street, except along that portion of the sidewalk adjacent to the lay-by where the sidewalk will narrow to a minimum width of nine feet.
- f. The applicant shall provide a bicycle and pedestrian connection which meets the Americans Disabilities Act (ADA) between the terminus of Pearl Street and the Interim Georgetown Branch Trail. The drawings for the pedestrian ramp/stairs shall be certified by a structural engineer and the construction details for the structure shall be reviewed and approved by M-NCPPC, MCDPWT, and shall be permitted by DPS. The material used in the construction of the structure should be appropriate for its possible interim nature given the possible future implementation of the Bi-County Transitway (aka "the purple line"). The structure shall be in place and available for use prior to occupancy of the hotel. In the event that MCDPWT has not obtained the necessary access easement to enable the structure to be completed prior to occupancy of the hotel, then prior to occupancy, the Applicant shall contribute adequate funds to the appropriate Bikeway CIP, or as otherwise agreed to by MCDPWT, to cover the cost of the construction of the ramp and stabilization of the retaining wall behind the ramp. The ramp/stairway structure will be maintained by DPWT.
- g. The applicant shall enter into a Traffic Mitigation Agreement (TMAg) to participate in the Bethesda Transportation Management Organization. The TMAg will be fully executed and signed prior to the issuance of any building permit for the new hotel.
- h. The applicant shall provide at-grade crossings of the two driveways from Waverly Street and Montgomery Lane.
- i. The applicant shall provide two bike lockers in the garage, or a secured bicycle cage the approx. size of one parking space, and one bike rack convenient to the building entrance.

5. Final Plat

Prior to the issuance of any building permit, a Final Plat shall be recorded in the land records of Montgomery County that clearly illustrates the following information:

- a. The Applicant shall secure a perpetual access easement to the County from the property owner for the portion of land between existing Elm Street Park and the Georgetown Branch Interim Trail.

- b. The additional right-of-way provided adjacent to Parcel E should be “rounded” to parallel the curb line of the street.
- c. The Waverly Street frontage along Parcel E, the applicant shall provide a 35-foot right-of-way from the center line of Waverly Street and subject the land immediately to the east of the dedicated right-of-way for a width of five feet to an easement for future dedication; provided however, that if the future Sector Plan recommended right-of-way for Waverly Street to be reduced to 70 feet or less, the easement for future dedication shall be extinguished.
- d. A 15 foot-wide Public Improvement Easement shall be provided along the Parcel D Waverly Street frontage
- e. The applicant shall provide 40 feet from centerline, along the frontage of the property, for Montgomery Avenue right-of-way dedication.

6. Public Art

Prior to submission of the certified site plan, the Applicant shall present a fully developed and detailed program for the public art component to the Art Review Panel for approval, and shall revise the site plan drawings to incorporate the approved public art.

7. Elm Street Park

The Applicant shall renovate the portion of existing Elm Street Park south of the Elm Street road right-of-way in substantial conformance with pages L-4 and L-5 of the site plan. The plans for the park renovation involve the realignment of one of the park paths along the main desire line, correction of poor drainage, establishment of a planted wetland area in the low area near the existing artwork, removal of vertical timber walls around existing seating areas, repaving all existing paths in that portion of the park, installation of new seating areas with new benches, picnic tables (18 new "Bethesda-type" benches and approximately 15 new picnic tables), landscape planting, replacement of three existing lights with updated, more efficient fixtures, cleaning of the existing public art piece, and reseeding of all turf areas as needed. All park improvements to be approved by M-NCPPC park staff.

The Applicant shall obtain a Park Permit for construction prior to commencing any work in the park. Minor modifications may be made to elements within the park as a result of the park permit process, which will not necessitate a revision to the certified site plan. All improvements within the park shall be substantially complete prior to occupancy of the hotel or as approved by staff from the Park Development Division. Improvements to the park shall be inspected and accepted by M-NCPPC Park Development Division staff.

8. Certified Site Plan

Prior to certified site plan approval of site and landscape/lighting plans the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Replace the Development Data Table on the plans with the one in this report.
- b. Provide adequate spot elevations in the plaza, and along the new walkways in Elm Street Park to ensure ADA accessibility and positive drainage. Provide spot elevations at the top and bottom of all walls and steps and ramps.
- c. A note shall be added to all the plans which states: “All construction to be staged from Waverly Street” unless otherwise agreed to by other adjacent parties”.
- d. A construction detail shall be added to the plans which demonstrates that an asphalt overlay of 1-1/2-2” in depth with paving fabric shall be added to the existing asphalt trails in the portion of Elm Street Park south of the promenade.
- e. A tree preservation plan with sufficient details to ensure the protection of the existing trees in Elm St. Park throughout the park renovation shall be approved by the Department of Parks Arborist.
- f. The streetscape details for Waverly Street shall be revised to demonstrate that the large vault covers in the sidewalk will be designed to accommodate the Bethesda Streetscape paver surface.

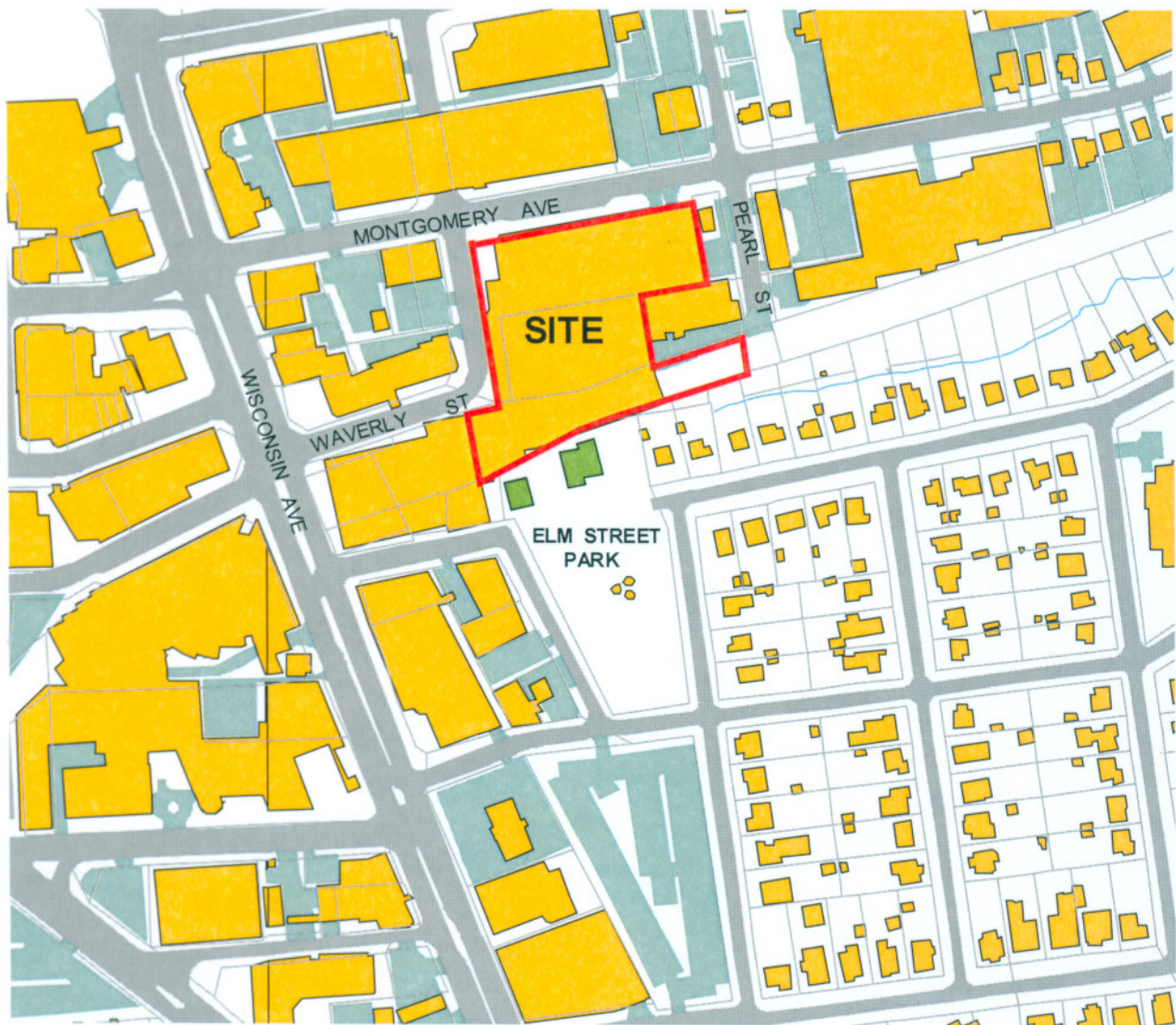
- g. A program for the cleaning and refurbishing of the existing sculpture in Elm Street Park shall be provided for review and approval. The program shall be developed with advice from an experienced art conservator and with the artist's representatives.
 - h. The genus and species for the "shade tolerant planting" and all proposed planting alongside of the Georgetown Branch Interim Trail shall be specified.
 - i. The spacing for all shrubs and groundcovers shall be added to the plant list.
 - j. Additional details shall be provided on the plans that specify the color and pattern of the new concrete paving in the seating nodes and under the benches in the park.
 - k. Samples of the stone proposed to be used in the stone garden in the Air Rights Center Tunnel shall be provided to staff for review and approval. Information regarding depth of stone, quantities and coverage shall be provided.
 - l. Include on the building elevations the proposed location for all building mounted signage and add constructions details for the signage to the plan.
 - m. Add details for the required bike rack and lockers and indicate their location on the plan.
9. Pearl Street Connection
 The applicant shall provide a bicycle and pedestrian connection which meets the Americans Disabilities Act (ADA) between the terminus of Pearl Street and the Interim Georgetown Branch Trail. The drawings for the pedestrian ramp/stairs shall be certified by a structural engineer and the construction details for the structure shall be reviewed and approved by M-NCPPC, MCDPWT, and shall be permitted by DPS. The material used in the construction of the structure should be appropriate for its possible interim nature given the possible future implementation of the Bi-County Transitway (aka "the purple line"). The structure shall be in place and available for use prior to occupancy of the hotel. In the event that MCDPWT has not obtained the necessary access easement to enable the structure to be completed prior to occupancy of the hotel, then prior to occupancy, the Applicant shall contribute adequate funds to the appropriate Bikeway CIP, or as otherwise agreed to by MCDPWT, to cover the cost of the construction of the ramp and stabilization of the retaining wall behind the ramp. The ramp/stairway structure will be maintained by DPWT.
10. Maintenance Agreement
 Prior to certified site plan approval, the Applicant shall enter into an Agreement with the Bethesda Urban Partnership for maintenance of public use areas including the specially paved area within the lay by on Waverly Street.
11. Garage Access
 Parking garage access shall be accommodated from Montgomery Avenue during construction, with two lanes available during each rush hour.
12. Stormwater Management
 The proposed development is subject to Stormwater Management Concept approval conditions dated October 28, 2005 [Appendix B], unless amended and approved by DPS.
13. Development Program
 Applicant shall construct the proposed development in accordance with the Development Program. A Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of certified site plan. The Development Program shall include a phasing schedule as follows:
- a. Streetscape improvements including paving, lighting, street furniture and tree planting for Waverly Street and all on-site and off-site public open space areas including Elm Street Park, the Pearl Street ramp and stairway connection, and improvements in the Georgetown Branch Interim Trail shall be fully completed prior to release of the use and occupancy permit for the hotel.
 - b. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
 - c. Phasing of dedications, trip mitigation or other features.
 - d. The Plaza (and associated pedestrian access walkways) including all paving, planting, lighting, site furnishings and public art shall be completed prior to release of the use and occupancy permit for the hotel.

14. Demolition, Clearing and Grading

No demolition, clearing, or grading, prior to M-NCPPC approval of certified site plan of plans, except for demolition of that portion of the existing parking garage necessary to accommodate the proposed hotel footprint.

PROJECT DESCRIPTION: Site Vicinity

The subject site is located within the Bethesda Central Business District, on the west side of Waverly Street, approximately 350 feet east of its intersection with Wisconsin Avenue (MD 355). A Residence Inn Hotel, zoned CBD-2, is located directly across Waverly Avenue to the west. Montgomery Avenue forms the northern property line of the site. Two multi-story public parking garages are located across from the property on Montgomery Avenue. Several small commercial properties zoned CBD-2, are located between the subject property and Pearl St. Directly south of the site is Elm St. Park and several single-family detached homes. The park is developed with a multi-age play area, a paddleball court, a promenade, and a large informal green space with walkways, benches and picnic tables, public art and a gazebo. Southeast of the site is the Town of Chevy Chase. The Bethesda Metro station is located just north and west of the site.



PROJECT DESCRIPTION: Site Description

The subject property is part of an existing 2.71-acre development known as the Air Rights Center. The Center consists of three office buildings ranging in height from approximately 114 to 149 feet, a six level, above-ground parking structure, a two-story building connecting the parking structure and the office tower to the east, and a one-story connection located between the west and east towers which includes an above-grade enclosed walkway referred to as “the link”. A portion of the link cantilevers over the public sidewalk on Waverly St. Honey Locust trees in tree pits are planted along Waverly Street and Montgomery Avenue.

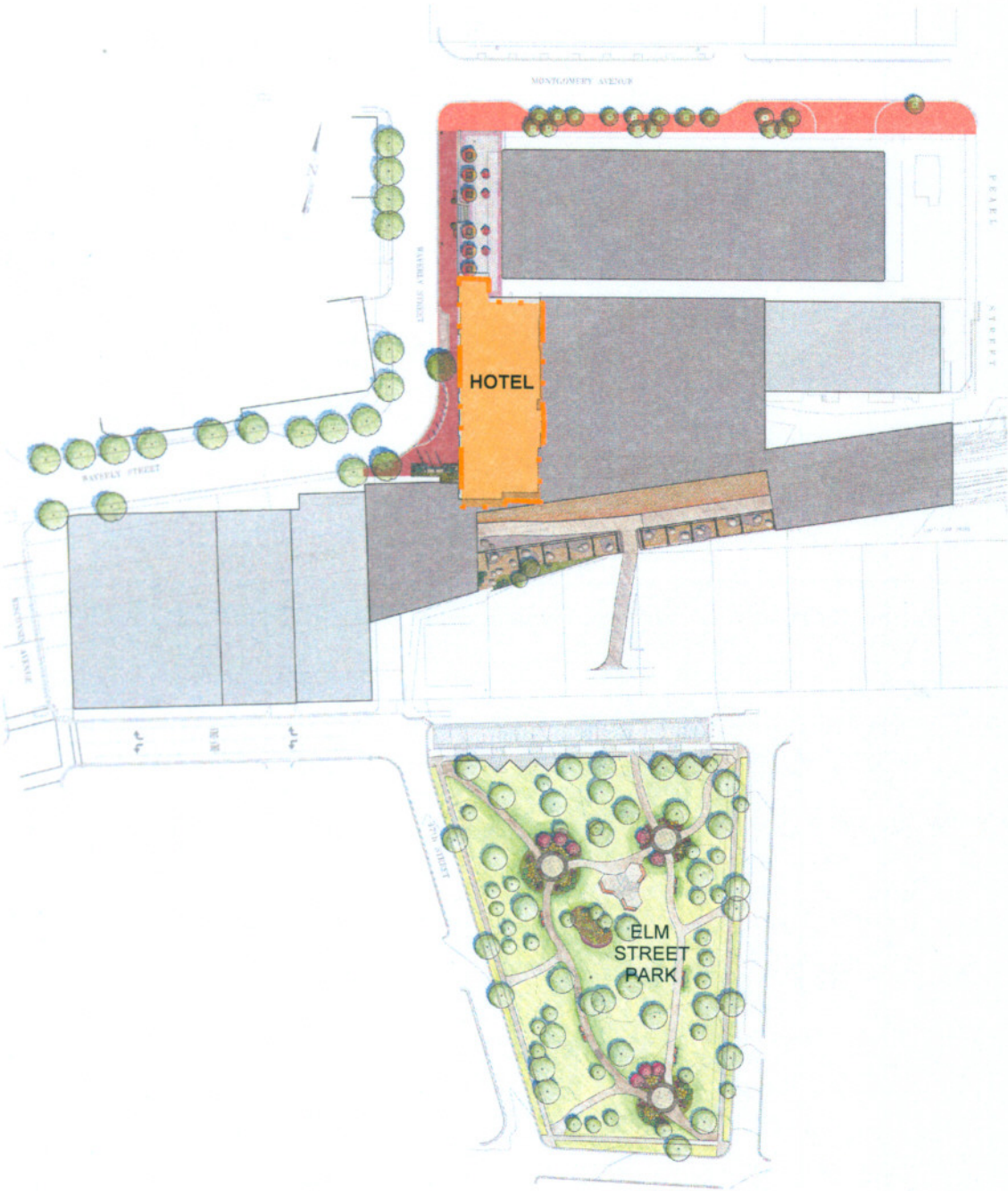
There are two unusual physical features that distinguish this property. The first is Waverly Street. Waverly Street is a one block long public street that runs between Wisconsin Avenue and Montgomery Avenue. The street includes a distinctive right-angle curve. The subject site is located prominently at the center of the curve. The second unusual feature of this site is the basis for its name-the Air Rights Center. The six-story above grade parking lot is built over the top of an easement that currently contains the interim Georgetown Branch Trail and may eventually be the alignment of the Bi-County Transitway.

The property slopes moderately from the north to the south and from the west to the east. The site is totally impervious and there is no existing significant vegetation on the property. The property was developed prior to the adoption of stormwater management regulations.



PROJECT DESCRIPTION: Proposal

The Applicant requests approval of 132,421 square feet of new hotel use (approximately 216 rooms), 4,600 square feet of existing retail and 364,100 square feet of existing office space for a total of 501,121 square feet on 2.71 acres. To physically accommodate the footprint of the new hotel, a portion of the existing parking garage and retail space will be demolished and the new hotel will be constructed in its place. The overall number of parking spaces will be reduced from the existing 585 to 500 parking spaces. Because of the site's proximity to Metro and its location within a parking district, there is no minimum parking requirement.



Building Design

Consistent with the Project Plan, the Air Rights Center Hotel will be a 13 story, 216-room hotel with a prominent exposure on Waverly Street visible from Wisconsin Avenue. In an effort to make the building more compatible with the residential character of the area southeast of downtown Bethesda, the hotel will step down at the south façade from 116 feet to 98 feet and then to 89.25 feet. The project will include a total of 132,421 gross square feet, plus 10,134 square feet below grade cellar space.

The hotel façade will feature a combination of punched windows and curtain wall, and will emphasize the vertical proportions with pilasters. There will be a two-story, pre-cast concrete and granite base that will anchor the building to the streetscape. The building massing will emphasize a traditional building composition of base, middle, and top. A two story horizontal glass top will turn vertically downward to create an inverted “L” of glazing visible from the intersection of Wisconsin Avenue and Waverly Street, and will draw the visitor towards the entry. The mechanical equipment and penthouse areas will be screened from all sides of the hotel with materials consistent with the hotel architecture. There will be a removable canopy/ porte cochere at the main entrance to the hotel on Waverly Street. Hotel signage will be designed to be most visible from the west and north elevations out of deference to the residential area to the south.

HILTON GARDEN INN

Bethesda, MD



November 7, 2006

BBG BBGM
BRUNNEN BERK GORDON ARCHITECTS
PREMIER LEEY CORPORA OF ONE INTERIORS

WEST ELEVATION

The existing internal pedestrian corridor at the plaza level (commonly referred to as “the link”), will be replaced with a new pedestrian concourse with meeting rooms available to hotel guests as well as people in the surrounding office areas. A new pedestrian walkway will be provided between the new two-story open space lobby of the hotel and the existing retail areas of the adjacent Air Rights complex, maintaining the current function of “the Link”. In order to encourage the use of and to help activate the new public plaza, a glass door with direct access to the plaza has been provided from “the Link”.

The existing eight-foot-wide sidewalk along Waverly Street will be greatly improved. In order to accommodate the footprint of the new hotel, a portion of the existing building and parking garage will be removed, including the portion that currently cantilevers over the public sidewalk. The new sidewalk will be open to the sky and will vary in width from 7 to 15 feet and will be improved using the Bethesda Streetscape Standard. One of the two existing garage entrances on Waverly Street will be eliminated, and a small "pocket park" will be provided at the curve along Waverly Street. The existing monumental stair at the plaza level, just north of the hotel, will be removed and the existing plaza area will be expanded. A new exterior stair will be constructed and will incorporate a Public Art element. The Public Art will enhance the pedestrian experience along the street and within the stair itself. The plaza will be further improved with the addition of new trees in planters, benches, and 'café-style' table & chair settings.

Vehicular access to the parking garage will be provided via an existing entrance off of Waverly Street and Montgomery Avenue.

On and Off Site Amenities

This Optional Method project contains a significant package of amenities that were approved as part of the Project Plan approval. The on site amenities include the enhancement of an existing plaza located at the corner of Waverly Street and Montgomery Avenue, the completion of the Bethesda Streetscape along the Waverly Street frontage, whitewashing the walls and surfaces within the Air Rights Tunnel which houses the Georgetown Branch Interim Trail, the installation of a landscape rock garden along the edges of the tunnel, pavement restoration for a portion of the trail on the east side of the tunnel, and public art.

-Public Art

The public art piece is created by artist Kenneth vonRoenn and is designed integrally with a new set of exterior stairs providing access from Waverly Street to the public plaza, "the link", hotel mezzanine and the parking garage. The art piece is entitled "Suspended Animation" and is composed of aluminum tubes held in place with stainless steel cables to which pieces of laminated dichroic glass are attached. This structural method creates a light, floating appearance. When light strikes the glass from changing angles, different colors are cast and reflected. The artist's goal is to provide a strong visual presence for the sculpture that will attract attention from the street and create a strong identity for the stair tower and the building. The piece will likely hang over the public right-of-way at a safe distance above the sidewalk.

The Applicant presented their art program to the Art Review Panel on November 3, 2006. The Panel was supportive of the proposal and recommended approval of the concept. The Panel also suggested some revisions to the proposal and requested that the Applicant present a more detailed and developed art program for the panel's review prior to signature approval.

-The Air Rights Tunnel

The Air Rights Tunnel, which runs under a portion of the existing parking garage, houses the Georgetown Branch Interim Trail and is a well-used connection between Silver Spring and Georgetown. The Applicant will make relatively modest improvements to the tunnel to make it feel more inviting. These improvements include whitewashing the walls and surfaces to cover the existing graffiti and brighten the tunnel, adding an interesting "stone garden" on the south side of the tunnel utilizing boulders, gravel and stone and shade tolerant planting, and repaving a short unpaved segment of the existing trail.

The off site amenities includes the provision of a much needed ramp and set of stairs providing public access to the Georgetown Branch Interim Trail from the terminus of Pearl Street, and the partial renovation of the southern portion of Elm Street Park.

-The Pearl Street Connection

The Pearl Street right-of-way terminates at a privately owned strip of land approximately 25 feet wide that separates the public right-of-way from the Georgetown Branch Interim trail corridor. The grade of the street is approximately eight feet above the grade of trail below. During approval of the Project Plan, a need to establish a formal pedestrian connection to the trail from the end of Pearl Street was identified. The Planning Board required the Applicant to construct a ramp and/or a set of stairs to provide the needed access, provided the County could acquire the necessary perpetual access easement. The County is now in the process of acquiring the easement from the property owner. Because the corridor might also be the future alignment of the Bi-County Transit way, the Planning Board Condition included language acknowledging that the ramp might be interim in nature and should be constructed of materials that would not inhibit future implementation of the transitway.

The Applicant has designed a ramp and a set of stairs using pressure-treated wood. A dilapidated retaining wall exists at the terminus of Pearl Street and a small stream runs parallel to the trail at the base of the wall. To address drainage and structural concerns the applicant's plans include a series of gabion walls backfilled with stone. The plans are currently under review by DPWT. Several conditions have been included in the Recommendation Section of this report requiring that more complete construction details be submitted for review, that the design be certified by a structural engineer, and regarding permitting and timing of construction.

-Elm Street Park

The Applicant is required to renovate the portion of existing Elm Street Park south of the Elm Street right-of-way. The plans for the park involve the realignment of one of the park paths along the main desire line, correction of poor drainage, removal of vertical timber walls around existing seating areas, repaving all existing paths in that portion of the park, installation of new seating areas with new benches, picnic tables, and landscape planting, the replacement of three existing lights with updated, more efficient fixtures, cleaning of the existing public art piece, and reseeding of all turf areas as needed.

The most recent plans propose 18 new "Bethesda-type" benches and approximately 12 new picnic tables. A park permit will be necessary to complete the park renovations. The plans may be modified slightly during the park permit process to incorporate the comments of maintenance staff, park managers, arborists, etc. These minor changes should not precipitate a formal revision of the site plan. A condition has been included which requires that all the renovation be substantially complete prior to occupancy of the hotel or as acceptable to Park Development Division staff.

PROJECT DESCRIPTION: Prior Approvals

On February 23, 1978, the Planning Board approved a Project Plan, 77-2, with 28 conditions, for the existing 12-story office building located on the subject site. Among the approved public amenities was a pedestrian bridge that was to be built to connect the office building with public parking garage No. 47 located on the north side of Montgomery Avenue. The parking garage was subsequently designed and constructed so that the pedestrian bridge connection could be made.

On April 13, 1978, the Planning Board approved a site plan for the subject site, 8-78012, with 9 conditions. A condition requiring the construction of the pedestrian bridge was included in the Recommendation and was approved again by the Planning Board.

The bridge was never built. In September of 1986, the applicant was contacted. A Violation and Plan of Compliance Hearing was held on March 24, 1988. At the hearing the Planning Board found the applicant in violation of the approved project plan and approved the applicant's plan of compliance. The plan

required the applicant to upgrade the streetscapes on Elm Street, Montgomery Avenue and Waverly Street in lieu of construction of the pedestrian bridge. The applicant was required to submit final streetscape plans for staff approval. The plans were never submitted and the streetscapes were not improved. Sometime later, the property was sold to Lowe Enterprises Mid-Atlantic, Inc. who submitted a Project Plan, 9-00001, and during the review of which, the previous violation was rediscovered. On January 4, 2001, a site plan was approved for the subject property. Lowe Enterprises completed the street upgrades except for that portion of Waverly Street that will be implemented as part of the subject site plan.

The 2.7-acre property is now owned by Bethesda ARC LLC, an affiliate of TIAA-CREF (Teachers Insurance and Annuity Association, College Retirement Equities Fund). Bethesda ARC and The Donohoe Companies formed a Joint Venture, known as Bethesda Hotel Associates LLC, to develop the .25-ac. hotel parcel, Parcel E. On April 28, 2005 the Planning Board approved Project Plan amendment 9-00001A with conditions, approving the development of the 216-room hotel.

On July 6, 2006, Bethesda Hotel Associates LLC, filed the subject site plan application.

PROJECT DESCRIPTION: Community Outreach

The community has remained involved in the development of the property since Project Plan, 9-00001 was submitted in July of 1999. Representatives from the Donohoe Companies met with community representatives on July 5, 2006 at a pre-submission meeting. (See attached meeting minutes in Appendix C).

PROJECT DESCRIPTION: Conformance to Development Standards

PROJECT DATA TABLE (CBD-2, Optional Method)

Development Standard	Existing Development	Required/Permitted by Zoning Ordinance	Approved with Project Plan 9-00001A	Proposed for Approval
Gross Tract Area (sf.):	143,174	18,000	143,174	143,174
-Prop. Waverly St. ded.	3,538			1509*
-1978 Montgomery Ave. ded.	5,550			5,550
-1910 Montgomery Ave. ded	9,750			9,750
-1910 Waverly Ave. ded.	5,504			5,504
-Railroad St. ded.	914			914
Net Lot Area (sf):	117,258 (2.71ac.)			120,011 (2.75ac.)*
Gross Floor Area (sf.):				
- Office	364,100		364,100	364,100
- Retail	13,200		4,600**	4,600**
- Hotel			132,421	132,421
- Dwelling Units	0		0	0
Total FAR square footage			501,121	501,121
Floor Area Ratio (FAR)		4.0	3.5	3.5
Cellar space				10,134
Total square footage incl. cellar space***				511,255
Minimum Public Use Space (%/sf):				
-On-Site		20%/23,452	27%/31,789	28.6%/ 34,370
-Off-Site			105,818	104,287
Total Open Space			137,598	138,657
Maximum Building Height:		143	116****	116'
-Ex. North Building	142			
-Ex. West Building	149			
Building Setbacks (ft.):				
-From Waverly Street		NA	0	0
Total Parking for Air Rights Center	1,112	817****	1,024	1,024
* In addition 2,029 sf will be placed in a Public Improvement Easement (PIE), increasing the net lot area from previous approvals.				
** Approximately 8,600 square feet of existing retail space will be eliminated				
*** Per Section 59-A-2.1 of the Zoning Ordinance, cellar space does not count towards the FAR.				
**** The Master Plan recommended a maximum height of 90 feet. The Planning Board approved a height up to 116' with 9-00001A.				
***** The site is located within a Parking District, therefore there is no minimum parking required; however, 817 parking spaces would be required for this development if located outside a parking district.				

ANALYSIS: Conformance to Master Plan

The site is located in the Bethesda Central Business District Sector Plan area, near the edge abutting Elm Street Park and residences in the Town of Chevy Chase. Although the Zoning Ordinance allows a maximum height of 143 feet, due to the site's proximity to residential uses, a maximum height of 90 feet was recommended for this site on page 39 of the 1994 Sector Plan. At the time of project plan review, the Planning Board approved the proposed maximum height of 116 feet. The nearby residents wrote in support of this height because the Project Plan located the hotel building further away from the neighborhood.

The recommended land use for the site is mixed-use. The 1994 Sector Plan recommended a small residential building on the parking deck of the existing Air Rights. Although the proposal does not include a residential component, a business hotel and additional first floor retail will provide complementary uses for the Metro Core Area.

FINDINGS: For Site Plan Review

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

When revised by the preceding conditions included in the Recommendation section of this report, the Site Plan will be in conformance with the approved Project Plan, 9-00001A, approved by the Planning Board on 4/28/05. Following is a brief discussion describing how the proposal satisfies the conditions of approval identified verbatim in italics and the response thereto in regular type:

1. *Building Height*

The height of the hotel shall be 116 feet, stepping down to 90 feet in conformance with Project Plan submission sheet number S-7 dated 12/30/04.

The height of the hotel is proposed at a maximum of 116 feet as measured from the terrace located in the northwest corner of the site as approved with the Project Plan. The hotel steps down to a height of 89.25 feet.

2. *Pearl Street Bike Connection*

In the event that Montgomery County Department of Public Works secures an easement from the adjacent property owner from the end of the Pearl Street right-of-way to create a bike path connection to the Georgetown Branch Interim Trail in order to implement Stage Two Transportation Improvements in Bethesda, this applicant shall build the bikepath connection. The Applicant shall build a connecting staircase and/or a bike ramp type of structure per DPWT approvals. Consideration shall be given to the type of building materials to be used that would reflect the possible interim nature of the bike ramp given possible future implementation of the Bi-County Transitway (aka "the Purple Line").

At the time of this writing, MCDPWT is in the process of obtaining an easement from the property owner. The applicant has submitted plans and details for a connecting staircase and bike ramp to MCDPWT for their review and approval. Because the ramp may need to be reconfigured and/or relocated in the future to accommodate the Bi-County Transitway, the structure is proposed to be constructed using pressure-treated wood.

A condition has been included in the Recommendation Section of this reports that requires that the drawings be certified by a structural engineer and that the construction details for the structure be reviewed and approved by MCDPWT and permitted by DPS. The structure shall be in place and available for use prior to occupancy of the hotel. In the event that MCDPWT has not obtained the necessary access easement to enable the structure to be completed prior to occupancy of the hotel, then prior to occupancy, the Applicant shall contribute adequate funds to the appropriate Bikeway CIP, or as otherwise agreed to by MCDPWT, to cover the cost of the construction of the ramp and stabilization of the retaining wall behind the ramp. The ramp/stairway structure will be maintained by DPWT.

3. On and Off Site Amenities

The developer shall provide the following amenities with the approval of this project:

On Site Public Use Space

- *Create a public plaza at the corner of Montgomery Avenue and Waverly Street*
- *Public Art at the Stair Tower along Waverly Avenue – façade or other treatment to the stair tower linking the lower garage floors to Waverly Street and the Link above.*
- *Install the following improvements to the Georgetown Branch Interim Trail:*
 - o *Whitewash the interior walls and surfaces within the tunnel*
 - o *Landscape with stone pattern along trail*
 - o *Pavement restoration along the eastern edge of the trail*

Off Site Public Amenity Features

- *Streetscape improvements to Waverly Street right-of-way adjacent to the site. Streetscape improvements to conform to the Bethesda Streetscape Guidelines.*
- *Dedicate without cost to the County a public easement to provide access between the interim Crescent Trail and Elm Street Park.*
- *Pursuant to an agreement with MCDPWT, construct the Pearl Street Bike Connection - see above.*
- *Renovate Elm Street Park, between Elm Street and Willow Lane, to include the features as shown in the Concept Plan II dated August 29, 2000 as follows:*
 - o *Remove old paths and upright wooden post walls;*
 - o *Regrade to prevent drainage problems as necessary;*
 - o *Install new paths;*
 - o *Install new benches, tables and chairs as determined by M-NCPPC to be necessary;*
 - o *Install landscaping, reseed; and follow tree preservation practices as required by M-NCPPC parks;*
 - o *Relocate any existing lighting fixtures that utilize existing wiring;*
 - o *All plans for improvements to conform to M-NCPPC Parks standards.*

The Applicant is providing all of the above as required in the approval of the Project Plan. Several conditions have been included in the Recommendation Section of this report which require that additional details be added to the certified site plan and require that the amenities be completed prior to the occupancy of the hotel.

4. Waverly Street Dedication

Developer to dedicate by minor amendment to a record plat, the necessary right of way for Waverly Street to create a full width dedication of 70 feet, with 35 feet from centerline provided by this project.

An amended record plat for additional dedication along Waverly Street has been submitted and is under review.

5. Maintenance of Public Use Spaces and Amenity Areas

Applicant to enter into an agreement with the Bethesda Urban Partnership to provide ongoing maintenance for Public Use Spaces and Amenity Areas to be executed with the Site Plan Approval.

A Condition has been included in the Recommendation Section of this report that requires that an agreement be executed prior to certified site plan approval.

6. Transportation Planning Issues

The following conditions are part of the APF test for transportation requirements related to Local Area Transportation Review (LATR).

- a. *The proposed development shall provide a 35 foot right-of-way from the center line of Waverly Street and subject the land immediately east of the dedicated right-of-way for a width of 5 feet to an easement for future dedication; provided however, that if the Sector Plan recommended right-of-way for Waverly Street is ever reduced to 70 feet or less, the easement for future dedication shall be extinguished.*
- b. *The Applicant has previously dedicated 40 feet from centerline, along the frontage of the property, for Montgomery Avenue right-of-way dedication.*
- c. *As it pertains to Applicant's property, coordinate with M.C. Department of Public Works and Transportation to improve drainage problems at the southern terminus of Pearl Street.*
- d. *Provide a sidewalk at least 15 feet wide along the frontage of the property on Waverly Street and Montgomery Avenue.*
- e. *Provide bicycle and pedestrian connection ramps and/or stairs between Pearl Street and the Capital Crescent Trail/Georgetown Branch Trail on the south side of the property.*

The Site Plan is in substantial conformance with the conditions above with the exception of Condition 6d. The sidewalk along Waverly Street varies in width from eight feet to fifteen feet. At the westernmost edge where the new sidewalk will meet the existing condition the sidewalk will be eight feet wide. It is not possible to increase the width of the walk in this area because the sidewalk alignment parallels the road and both are constrained by the facades of the existing buildings and the curving alignment of Waverly Street.

The sidewalk is approximately nine feet wide at the hotel entrance. A small layby/dropoff area is proposed reducing the area available for the sidewalk. To mitigate this situation, the plans propose to use a depressed curb and extend the Bethesda streetscape into the layby area/drop off area. The vehicular/pedestrian zones will be safely separated from one another with decorative bollards. In addition, no parking signs will be posted in the layby/dropoff area.

Acknowledging that the minimum 15 foot-wide sidewalk width required by the Project Plan approval is not possible without demolishing the existing building and realigning the existing street, staff finds this treatment to be acceptable.

For a more indepth discussion of Transportation Issues please refer to the Transportation Planning Division memo (See Etemadi to Komes, dated 11/30/06) in Appendix B of this report.

7. M-NCPPC Elm Street Park – Site Plan Issues

In conjunction with the Elm Street Park improvements, the future site plan shall include the following:

- a. *Applicant to renovate the interior path network and sitting areas between Willow Lane and the Elm Street Promenade at Elm Street Urban Park, in accordance with the concept design by Parker Rodriguez, Inc. dated August 29, 2000 and attached hereto. Work to include 1) removal of the old paths and sitting areas, including the wooden post walls that surround the sitting areas, 2) re-grade (adding fill if necessary) the site to prevent water accumulation in the park, 3) install new paving along re-aligned trails and in sitting areas, and 4) install new benches, tables and chairs as determined by M-NCPPC staff to provide adequate seating and recreation in the park. The retaining wall that separates the Elm Street Promenade from the open space park area should be left in place except where necessary to connect the new paths to the promenade.*
- b. *Applicant to provide landscaping for the renovated park area to include 1) tree and shrub plantings around the new sitting areas, 2) re-seeding of the park area, and 3) additional trees and shrubs to compliment the trail and park improvements. Number of plantings, plant species and planting locations to be acceptable to M-NCPPC staff. Applicant to establish a tree preservation program acceptable to M-NCPPC staff to protect existing trees from damage during renovation.*
- c. *Applicant to re-locate any existing lighting features and wiring in the park as is necessary to accommodate the renovations.*
- d. *Applicant to provide engineering and design plans acceptable to M-NCPPC staff for park site grading, construction of improvements, and necessary stormwater management. Improvements to be constructed to park standards and specifications.*

The submitted plans are in substantial conformance with the conditions above. Several conditions have been included in the Recommendation Section of the report that requires that more specific details be provided at the time of certified site plan approval. A condition has also been added that requires that a Park Permit be obtained and that all of the park improvements be completed prior to occupancy of the hotel.

8. Issues to review with the Site Plan

In conjunction with the future site plan submittal; the Applicant shall address the following:

- a. *All plans to note "All construction to be staged from Waverly Street" unless otherwise agreed to by other adjacent parties;*
- b. *Final open space design and development, i.e. the Plaza at Waverly and Montgomery, to include plant material;*
- c. *Final plans for the Pearl Street connection to be approved with the site plan and to be reviewed simultaneously with DPWT;*
- d. *Parking garage access shall be accommodated from Montgomery Avenue during construction, with two lanes available during each rush hour.*
- e. *The Applicant will evaluate the retaining wall and other areas adjacent to the Georgetown Branch Interim Trail at Pearl Street to determine if there is any stabilization or other maintenance required and shall make any necessary repairs;*
- f. *Relocate the lay-by or drop off on Waverly Street so as to allow for adequate space for entry to the hotel, drop off/pick up and pedestrian movements with minimal conflict and maximum accommodation for each function.*

The issues listed above were carefully reviewed as part of the subject Site Plan. Appropriate notes will be added to the plans and to the Development Program to ensure that 8 a and c are addressed at the appropriate time. The layby/dropoff at the hotel entrance on Waverly Street was reduced in size and shifted to increase the sidewalk width.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

As amended by the Conditions in the Recommendation Section of this report, the Site Plan will meet all of the requirements of the CBD-2 zone as demonstrated in the project Data Table above.

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

- a. Buildings

Consistent with the Project Plan, the Air Rights Center Hotel will be a 13 story, 216 room hotel with a prominent exposure on Waverly Street, visible from Wisconsin Avenue. In an effort to make the building more compatible with the residential character of the area southeast of downtown Bethesda, the hotel will step down at the south façade, first to 98 feet and then to 89.25 feet. The project will include a total of 132,421 gross square feet plus 10,134 square feet below grade cellar space.

The hotel façade will feature a combination of punched windows and curtain wall, and will emphasize the vertical proportions with pilasters. There will be a two story pre-cast concrete and granite base which will anchor the building to the streetscape, and the building massing will emphasize a traditional building composition of base, middle, and top. A two story horizontal glass top will turn vertically downward to create an inverted "L" of glazing visible from the intersection of Wisconsin Avenue and Waverly Street, and will draw the visitor towards the entry. The mechanical equipment and penthouse areas will be screened from all sides of the hotel with materials consistent with the hotel architecture. There will be a removable canopy/ porte cochere at the main entrance to the hotel on Waverly Street. Hotel signage will be designed to be most visible from the west and north elevations and away from the residential area to the south.

The existing pedestrian link at the plaza level will be replaced with a new pedestrian concourse with meeting rooms available to hotel guests as well as people in the surrounding office areas. A connection will be made between the new two-story open space lobby of the hotel and the existing retail areas of the adjacent Air Rights complex, while maintaining the current function of “the Link”. In order to encourage the use of and to help activate the new public plaza, a glass door with direct access to the plaza has been provided from “the Link”.

b. Open Space

The plan proposes approximately 29% (34, 370 sf) of the site will be in on site public use space, exceeding the 20% minimum requirement. The open space is located primarily on the terrace in a plaza along Waverly Street, in a narrow strip paralleling Montgomery Avenue, and in the tunnel under the existing parking garage in an easement with Montgomery County which accommodates the Georgetown Branch Interim Trail. In addition, approximately 104, 287 sf of off-site public use space will be improved, located predominantly in Elm Street Park and at the end of Pearl Street.

c. Landscaping and Lighting

The proposed landscape for the Air Rights Center Project, as amended by the conditions above, is designed to provide an engaging and pedestrian friendly urban experience and is adequate, safe and efficient. It places special emphasis on human scale and ease of access appropriate to the urban fabric of the Bethesda Central Business District. An important feature of the plan is the removal of the cantilever over the public sidewalk on Waverly Street. The cantilever created a very uncomfortable and oppressive pedestrian space and its removal will greatly improve the appearance of the street and enhance the pedestrian experience. In addition to the removal of the cantilever the proposal includes a significant public art piece along Waverly Street and includes the renovation of the southern portion of existing Elm Street Park.

As part of the renovation of the park, an existing inefficient and circuitous path will be realigned basically following the alignment of a well worn people’s choice path, and three circular seating nodes with special pavement and landscape planting will be created. The existing dated and rotting vertical timber walls that enclose seating areas throughout the park will be removed. All of the existing asphalt paths in the southern portion of the park will be overlaid with 1-1/2”-2” of asphalt, a new garden area with water loving plants will be created in a low lying wet area in the park, 18 new “Bethesda Style” benches will be added, and 10-15 new picnic tables will be provided. In addition the three existing and very outdated light poles will be replaced with newer, more efficient and attractive pedestrian-scale fixtures.

A tree preservation plan has been prepared and is under review by the park arborist to ensure that the mature specimen trees throughout the park will be protected throughout construction.

d. Recreation

There are no recreation requirements for non-residential uses.

e. Vehicular and Pedestrian Circulation

As amended by the preceding conditions, vehicular and pedestrian circulation will be adequate, safe and efficient. This plan encourages the development of active urban streets and improves the

quality of the pedestrian environment by providing enhancement of the streetscape as envisioned by the master plan and by significantly improving the path network in existing Elm Street Park. An important amenity being provided by this project is the pedestrian connection at the terminus of Pearl Street. By providing this important connection to the Georgetown Branch Interim Trail, area residents will be able to safely access the trail and gain access to Elm Street Park.

4. *Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development.*

The proposed hotel is compatible in height, mass, and building materials with other uses and other Site Plans and with existing and proposed adjacent development. The building has been located on the western edge of the site as far removed from the residential neighborhood as possible. The building has also been designed to step down in height on the southern end closest to the town of Chevy Chase.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The site plan is exempt from the Forest Conservation Law per #4-01079E as a modification to an existing property where no more than 5,000 sf of forest will be cleared; no forest is cleared within a stream buffer or on property subject to a SPA WQP requirements; and no new subdivision is required. (See memo Federline to Komes attached in Appendix B).

The proposed stormwater management concept consists of a waiver of on-site water quality control due to existing site constraints and the reduction of surface parking. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0cfs. Recharge is not required since this is redevelopment. The Stormwater Concept Plan was approved by DPS on October 25, 2005.

APPENDICES

- A. Previous Approvals
- B. Memorandums from Agencies
- C. Correspondence from the Applicant
- D. Correspondence from the Community
- E. Site Plan Checklist

APPENDIX A

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

Date Mailed: FEB - 6 2006
Public Hearing Date: April 28, 2005
Action: Approval with conditions
Motion of Commissioner Wellington,
seconded by Commissioner Bryant,
with a vote of 5 to 0;
Chairman Berlage and Commissioners
Bryant, Perdue, Wellington, and
Robinson voting in favor.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Project Plan Review No.: 9-00001A
Project: Air Rights Hotel

The date of this written opinion is FEB - 6 2006 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal in Circuit Court within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions (Rule 7-203, Maryland Rules).

I. INTRODUCTION

On April 28, 2005, Donohoe Companies, Inc. ("Applicant") submitted a Project Plan Application designated as Project Plan No. 9-00001A ("Project Plan") for approval of the addition of 132,421 square feet of new hotel space ("Hotel Project") to a site that contains 4,600 square feet of existing retail and 364,100 square feet of office for a total of 501,121 square feet of commercial development on 143,174 square feet of CBD-2 zoned land ("Subject Property") in the Bethesda Central Business District ("CBD"). The proposed development includes a number of significant amenities and facilities on- and off-site including streetscape improvements, plaza improvements, improvements to the interim Capital Crescent Trail, a bike path link from Pearl Street to the interim Capital Crescent Trail; and renovation of the Elm Street Park.

II. THE SUBJECT PROPERTY

The Property is a component of the overall Air Rights Center complex. In addition to the North Building and the parking garage, the Air Rights Center complex includes the following elements that will remain:

Existing conditions of the site are as follows:

A twelve (12) story, 142-foot high, commercial building located at the southeast corner of Waverly Street and Montgomery Avenue (Part of Parcel C, Block 5, with an address of 4550 Montgomery Avenue), known as the North Building.

A six (6) level parking structure located immediately to the south of the North Building.

A ten (10) story, 114-foot high, commercial office building located east of the West Building with frontage on Waverly Street and Elm Street, also with an address of 7315 Wisconsin Avenue, known as the East Building.

A two-story connection, including street-level retail stores, located between the parking structure and the East Building.

A thirteen (13) story, 149-foot high, commercial office building located in the southeast corner of Wisconsin Avenue and Waverly Street, with an address of 7315 Wisconsin Avenue, known as the West Building.

A one-story connection located between the West Building and the East Building - an above-grade enclosed walkway referred to as "the Link." That portion of the Link located on the Property is situated parallel to Waverly Street and projects over or cantilevers the Waverly Street sidewalk for a distance of approximately five feet with 8 feet of headroom.

The existing Montgomery Avenue streetscape consists of a sidewalk made of Bethesda Streetscape that varies from 5 to 15 feet wide, with a vehicular drop-off. Honey Locust trees of approximately 12 inch caliper are planted along the street at 40-foot centers. The trees are placed within open planters, with a variety of shrubs and groundcovers. The existing Waverly Street streetscape consists of a sidewalk ranging in width from five feet wide near Wisconsin Avenue to 15 feet near Montgomery Avenue. In connection with the earlier project plan and site plan approvals, the former owner improved a portion of the Waverly Street sidewalk from Wisconsin Avenue East, for a distance of approximately 300 feet toward the Subject Property and along the East Building frontage on Montgomery Avenue.

The site slopes moderately from the north to the south and from the west to the east. The height of the proposed Hotel Project is measured from the terrace of the North Building at the corner of Waverly Street and Montgomery Avenue in accordance with the Zoning Ordinance.

III. SURROUNDING ZONING AND LAND USE

The Air Rights Center complex, including the proposed Air Rights Center Hotel Project, is located within the CBD-2 Zone. The Air Rights complex is surrounded by the CBD-2 Zone to the north, east, and west and the R-60 Zone to the south. The surrounding zoning and land uses are as follows:

North - Across Montgomery Avenue north of the North Building is County Parking Garage No. 47, located within the CBD-2 Zone.

East - Immediately to the east of the North Building is a two-story framed house, which is a Chinese grocery and carry-out. Immediately to the east of the parking structure is a two-story brick commercial building. These sites are located with the CBD-2 Zone.

West - The thirteen (13) story Residence Inn, with a height of approximately 124 feet, is located immediately west of the Property and is located within the CBD-2 Zone. The East and West Buildings are located to the west of the Property. Further west of the West Building, across Wisconsin Avenue, is a four-story office building known as 7272 Wisconsin Avenue. It contains street level theatres and retail and is located within the CBD-2 Zone.

South - The Town of Chevy Chase, which is located within the R-60 Zone, abuts the Subject Property to the southeast. The majority of the parking structure, as well as the two-story retail space connection located on the Subject Property and situated between the parking structure and the East Building, abuts the M-NCPPC Elm Street Park for a distance of approximately 280 feet. The remaining 52 feet of the parking structure abuts Lot 6, which is improved with a single-family dwelling.

IV. THE HOTEL PROJECT

The Air Rights Center Hotel Project proposes a 13-story, 216 room hotel, with approximately 2,400 square feet of meeting space. The Hotel Project will include a total of 132,421 square feet of gross floor area, plus 10,530 square feet of below grade space. In addition, 8,600 square feet of the 13,200 square feet of existing retail space will be eliminated, leaving only 4,600 square feet.

The Applicant requested approval of an amendment to Project Plan No. 9-00001, for the "Air Rights Center Hotel Project" or the "Hotel Project" pursuant to the optional method of development.

The Hotel Project will be developed within a portion of the existing parking structure that will be removed. The parking structure is part of the Air Rights Center complex on Waverly Street, at the 90 degree juncture between Wisconsin Avenue and Montgomery Avenue. The hotel entrance will be located at the bend along Waverly Street and will be covered under a porte cochere. The hotel entrance is designed to be viewed from Wisconsin Avenue. The front doors to the hotel will access Waverly Avenue with lobby space and restaurants overlooking the street. Meeting rooms, pool and exercise facilities will be located on the east side of the building, adjacent to the parking garages. The meeting and conference rooms (accessible from the Link) will be available to the commercial office tenants of the Air Rights Center as well as to the hotel patrons. Existing retail space will be reduced from 13,200 square feet to 4,600 square feet.

The Hotel will include one below grade level to be used for administrative and housekeeping operations, including the laundry facility. The ground floor will contain the reception area, luggage room, dining room and front office. Floors two and three will also contain hotel rooms across the front portion of the building. The remaining floors of the hotel, floors four through thirteen, will be devoted exclusively to hotel rooms.

The entry to the parking garage will remain on Waverly Avenue. Vehicular access to additional parking will be provided through the existing North Building driveway located on Montgomery Avenue, near Pearl Street. All of the loading operations for the hotel will occur below grade, with trucks utilizing the Montgomery Avenue vehicle entrance to access the basement of the hotel.

In keeping with the objective of orienting and integrating the hotel project to the CBD, no vehicular access to the south is provided. Pedestrian access to the Hotel Project, in addition to the primary entrance from Waverly Street, will be provided from the western side of the terrace of the North Building via the Link and from the West and East Buildings via the Link. The existing pedestrian connection from Waverly Street to the M-NCPPC Elm Street Park will remain open.

V. PRIOR APPROVALS

The Subject Property was previously approved for a 182 unit residential building, pursuant to Project Plan No. 9-00001, approved on December 2, 1999, and Site Plan No. 8-01008, approved on January 4, 2001. This Project Plan approval will supercede those earlier approvals.

VI. ARCHITECTURAL DESIGN

The Air Rights Center Hotel Project was designed with sensitivity to the Property's location on the perimeter of the Bethesda CBD. The Subject Property is bordered on the north by the intensity of the Bethesda CBD and the southern boundary of the site is

adjacent to the Town of Chevy Chase, the immediately adjacent single-family detached homes, and the M-NCPPC Elm Street Park. One of the challenges of the architectural design was to develop a structure that would serve as a transitional use between these very disparate uses. In response to the recommendations of the Town of Chevy Chase, the building is concentrated along the western portion of the Subject Property, as far away as possible from the single family homes. The building height of 116 feet allows all of the permissible density to be concentrated in this area of the site. As suggested by the Town of Chevy Chase, the building steps down from the maximum height of 116 feet to 88.3 feet to provide a visual transition.

The architectural approach for the Hotel Project implements traditional building massing of base, middle and top. Two interlocking "L" shaped masses help to compose and contain the façade. One anchors the mass at the base and side with strong horizontality, while the other, in glass, expresses a light verticality.

A three-story base anchors the design in integral color concrete and granite pilaster base. It maintains the urban street wall and steps back to the vertically oriented body of the building. A two-story horizontal blue glass top is capped by a thin metal brow, which wraps the corner as the massing steps down toward the adjacent neighborhood and park. Thin metal piers create a strong rhythm along the top and turn down the main façade to create a glass inverted "L". As a "terminus" to an axial approach, this glass vertical bay is emphasized. A linear pedestrian drop off canopy then brings visitors to the main entry of the hotel. A series of thin light sconces at the entry tie together with the thin columns at the top.

The main body of the building is arranged in vertical E.I.F.S. piers. The light color helps to brighten this narrow street. Wide windows bring daylight to the interior while vertical mullions help to convey a residential quality. The same fenestration is wrapped around the sides and back of the building, carving into the parking structure. The Elm Street park side elevation steps down along a series of horizontal bands to bring the scale down to relate to a more residential area. This façade mass is also broken up by two vertically recessed bays on each side of the elevator core. A similar metal brow or cornice wraps this core as a feature on this elevation.

VII. PUBLIC USE AND AMENITY SPACE

The public use and amenity space provided by the Air Rights Center Hotel Project involves the renovation of a portion of the interim Capital Crescent Trail located on the Subject Property along the southern boundary (paint walls, repair trail, create attractive edging to trail using stone pattern and landscaping); the plaza at Montgomery Avenue and Waverly Street; landscaping south of the parking structure and the interim Capital Crescent Trail; and landscaping land located south of the interim Capital Crescent Trail adjacent to the residential properties along Elm Street. In addition, the Applicant proposes providing

an access easement over the Subject Property from the Elm Street Park to the Capital Crescent Trail, to provide an unobstructed means of access to the trail.

Two significant components of the public use package are the planned bike path connection from the Pearl Street right of way to the interim Capital Crescent Trail and the renovation of Elm Street Park. This Applicant's participation in the bike path connection resolves a long stated community desire and Sector Plan requirement for bike connections to the interim Capital Crescent trail. The Applicant has approached Montgomery County Department of Public Works and Transportation ("DPWT") and an adjacent landowner in order to facilitate this project. The Air Rights Center Hotel Project will construct the bike ramp and pedestrian stair to make the connection, when the land is available to them via an easement from the adjacent landowner.

The renovation of Elm Street Park was a concept that initiated with the earlier Project Plan. The improvements will follow a concept sketch that shows realigned pathways, grading improvements, replacement of older sitting areas with new, and some landscaping additions. The existing trees and gazebo structures would largely be preserved and enhanced with the new design. The existing cut-through path would be replaced with a paved path that accentuates the garden design and eliminates a muddy path that has been worn-in by resident use.

The streetscape improvements will involve renovating the public and onsite streetscape immediately adjacent to the Subject Property along Waverly Street. These will be improved in accordance with the Bethesda CBD Sector Plan recommendations with brick paving at sidewalks, streets, lights and site furnishings. The Waverly street sidewalk will be both widened and relieved of the cantilevered building mass that currently inhibits existing headroom. A new sidewalk of up to 15 feet in width will be created, open to the sky.

VII. VEHICULAR AND PEDESTRIAN CIRCULATION SYSTEM

Vehicular access to the Air Rights Hotel Project will not change from the existing vehicular patterns for vehicles entering the parking structure. The entrance to the parking structure will continue in its current location on Waverly and Montgomery Avenues. Given the nature of the hotel, the anticipated trip generation rates are minimal, and are less than the previously approved residential uses. As indicated in the traffic statement included in the Appendix, the hotel is expected to generate only 43 peak AM trips and 27 peak PM trips.

As previously described, the pedestrian way along Waverly Street will be improved in accordance with the recommended Sector Plan standards. The most important part of the Waverly Street streetscape improvements is the elimination of the cantilevered portion of the existing building that contains the Link. This improvement will open the sidewalk up

to the sky and eliminate the current, ill-designed condition. Pedestrian visibility and safety will be greatly improved where the Waverly Street sidewalk crosses the garage entrance.

The Link will be relocated further to the east in order to continue to connect the commercial components of the Air Rights Center complex and provide an interior connection from these buildings to the hotel lobby.

The existing pedestrian access way, located between the East Building and the two-story connection, which provides a connection from the Town of Chevy Chase directly to the CBD, will continue to remain open.

VIII. PARKING

The Subject Property is located within the Bethesda Parking District and as a result, no parking spaces are required to be provided on-site. Currently there are approximately 500 parking spaces located on the Subject Property that serve the existing commercial uses. These uses will share utilization of the garage with the new hotel. It is expected that few guests will drive to the hotel and more will arrive via transit or taxi. The mixed-use nature of the Subject Property enables all of the parking spaces used for the commercial office tenants to be available to the hotel guests after normal business hours and on weekends.

IX. PRELIMINARY FOREST CONSERVATION PLAN

On-site landscaping and planting will meet the Forest Conservation Plan requirement, as required.

X. STAFF RECOMMENDATION

A. Compliance With The 1994 Sector Plan:

Staff supported the Hotel Project and its proposed amenity package, with the exception of its height, and recommended approval of the Air Rights Hotel project plan with a reduction in the proposed height from 116 feet to 90 feet.

B. Height

The proposed hotel is 26 feet over the height recommended by the 1994 Sector Plan for the Bethesda CBD ("Sector Plan"). The site is located at the edge of the Metro Core District, between older existing buildings of 149 feet (Air Rights office building on Wisconsin Avenue to the west) and 124 feet (Marriott Courtyard Hotel to the northwest) and Elm Street Park. Although the site is zoned CBD-2, the specific maximum height of 90

feet is recommended for this site on page 39 of the Sector Plan. Stepping down in height from the core of the CBD to the surrounding single-family residential communities is a basic tenet of the 1994 Plan.

Since 1994, there have been exceptions to the heights recommended by the Sector Plan. All of the exceptions are residential projects, some approved by the Planning Board and others approved by the County Council. The recently approved Zoning Text Amendment No. 04-13 allows an exception to the Sector Plan height recommendations for residential projects providing MPDUs on site. The Air Rights Hotel, together with the existing office buildings, would be devoted to commercial uses.

C. Land Use

The recommended land use for the site is mixed-use. The Sector Plan recommended a small residential building on the parking deck of the Air Rights building. On page 61, it stated further that this development "should have a maximum height of 90 feet, stepping down to 60 feet toward Pearl Street."

The Planning Board approved an Air Rights project in 2001 for 11,200 square feet of office, 364,100 square feet of retail, and 186 multi-family dwellings. The current owners of the Air Rights complex concluded the previously approved plan was not financially viable and have submitted this amendment. Because there is no longer a residential component, the project is not strictly speaking a mixed-use project. However, the 216-room business hotel and additional first floor retail will provide complementary uses for the Metro Core Area.

D. Site Access, Circulation and Pedestrian Facilities

The access point to the site will remain at the existing location from Waverly Street where traffic from all directions could safely and easily access the garage located underneath the hotel.

Waverly Street and Montgomery Avenue will be provided with adequate and safe pedestrian walkways that are connected to a comprehensive network of pedestrian facilities throughout the CBD area. The Waverly Street streetscape improvements proposed as part of this project will eliminate the cantilevered portion of the existing building to provide a better pedestrian link. This improvement will open the sidewalk up to the sky, creating a more pleasant walking experience. It also provides for more visibility and safety at the garage entrance on Waverly Street.

The Applicant will provide a bicycle and pedestrian connection (ADA ramps and stairs) between Pearl Street and the Capital Crescent Trail/Georgetown Branch Trail on the south side of the property. This connection will improve access to the trail and will

enable students of Bethesda-Chevy Chase High School who live in the neighborhoods to the south to use the trail to reach their school.

E. Public Art

The Applicant had a preliminary meeting with the Art Review Panel and has been encouraged to include an art component in the building façade along Waverly Street.

F. Capital Crescent Trail

The Applicant has agreed to provide an important connection from Pearl Street south to the interim Capital Crescent Trail. This connection is listed in the Sector Plan on page 252 under "Recommended Transportation Facilities. Route I from Woodmont Avenue to Maryland Avenue/Pearl Street." This connection will effectively connect the North Bethesda trolley trail via Norfolk Avenue in the Woodmont Triangle to the Capital Crescent Trail. The Applicant will provide the most important link in this system across a steep slope and an easement from an adjacent property owner. The Applicant will also make improvements to the surface of the trail and the walls of the tunnel, providing much needed upgrades to this popular hiker/biker trail.

G. Conclusion

Staff recommended approval of the Project Plan subject to conditions of approval, including a condition requiring the Applicant to reduce the height of the hotel to 90 feet.

XI. PLANNING BOARD HEARING

On April 28, 2005, the proposed Project Plan for the Hotel Project was brought before the Planning Board for a public hearing in accordance with the requirements of Art. 28, Md. Ann. Code ("Regional District Act"), Chapter 59 of the Montgomery County Code ("Zoning Ordinance") and the Planning Board's Rules of Procedure. At the public hearing, the Planning Board heard testimony on the Project Plan from Staff, the Applicant who was represented by legal counsel and two citizens of the Town of Chevy Chase, including the Vice Mayor, in support of the project. During the hearing, the Planning Board received evidence submitted in the record on the Project Plan, including the Staff Report setting forth Staff's findings that the proposed development does conform to the findings of the Zoning Ordinance for project plan approval.

Staff introduced the site and surrounding area and described the Hotel Project to the Board. Staff recommended approval of the Project Plan and noted that the only outstanding issue related to the height of the Hotel Project. Staff's recommendation included a condition requiring the Applicant to reduce the height of the project to 90 feet in accordance with the Sector Plan recommendations. Applicant's proposal was for 116 feet.

The Applicant, through its legal counsel, testified that it was in agreement with all of Staff's recommended conditions of approval except for the condition reducing the height of the Hotel Project. The Applicant argued that the Sector Plan requirement for a height of 90 feet related to compatibility and that the Hotel Project was compatible with the surrounding uses based on the design of the project. The Applicant stressed that the project is designed to be located further away from the residential neighborhood to lessen the impact on the neighborhood and increase compatibility. However, the Applicant noted that locating the project further from the residential community necessitated a higher structure. In support of its position, the Applicant cited to a letter in the record in support of its project from the Town of Chevy Chase. The Applicant also pointed out that the Hotel Project would not be out of character with the existing buildings in the area. In particular, the Applicant noted that the nearby Residence Inn building is already at the same rooftop elevation as the proposed height of the Hotel Project.

The Planning Board also heard testimony from two speakers who were both in support of the Hotel Project and, in particular, of the proposed height of the Applicant's project. One speaker also expressed a concern about the possibility that the staging of the project might interfere with people coming to and from her nearby building. The Applicant responded to her concern by pointing out that there is a condition of approval, which requires all construction to be staged from Waverly Street, unless otherwise agreed to by other adjacent parties.

In response to questions from the Planning Board, Staff stated that the Sector Plan recommendation serves as a guideline to the Board when making a determination based on height, and that sometimes the Board looks to the Sector Plan chart and sometimes to the surrounding conditions to make a decision on how to apply the Sector Plan recommendations. When asked the basis for the Sector Plan limitation on height at 90 feet for the Subject Property, Staff replied that there was not a specific evaluation of the Subject Property at the time of adoption of the Sector Plan. Staff maintained, however, that in their view, building the project at 90 feet and having the building encroach on the neighboring park and residential neighborhood was more compatible than building the project at a higher height.

Commissioners Perdue and Wellington disagreed with Staff's position regarding the height of the proposed building. They stated that the main issue with respect to the height of the building is the compatibility of the development with the adjacent properties and communities. Some considerations outlined by Commissioner Wellington included 1) how far away the proposed building is from adjacent communities; 2) what kind of impact does the added height have to adjacent communities; and 3) whether the height steps down to the recommended Sector Plan height.

XII. FINDINGS

Section 59-D-2.42 of the Zoning Ordinance establishes the findings that must be made by the Planning Board and forms the basis for the Board's consideration of approval. In accordance herewith, the Planning Board makes the following findings:

FINDING: (a) As conditioned, the proposal complies with all of the intents and requirements of the zone as illustrated in the following information and Project Data Table:

Zoning	CBD-2	
Gross Lot Area	121,456 sf or 2.7882 Acres	
Waverly dedication:	<u>4,198 sf or 0.096 Acres</u>	
Net Lot Area:	117,258 sf or 2.6919 Acres	
Lot Area for FAR calculations:	121,456 SF or 2.7882 Acres (current plat) 5,550 SF (1978 dedication along Montgomery Avenue) 9,750 SF (1910 Montgomery Avenue dedication) 5,504 SF (1910 Waverly Street dedication) <u>914 SF (Railroad Street dedication)</u>	
	143,174 SF total with previous dedications	
Available FAR:	Optional Method: 4.0 143,174 SF x 4.0 FAR = 572,696 SF	
Existing Development	364,100 SF Existing Office at North <u>13,200 SF Existing Retail at East Building</u> 377,300 SF Existing	
Proposed Hotel:	132,421 sf	
Building Height:	143' Allowable per CBD-2 88'-4" to 118' Proposed	
Public Use Space: (Net tract area)	Required 20% or 23,452 sf	Proposed 27.1% or 31,780 sf
Parking:	Required: None, Parking District Proposed: None, Parking District (Existing garage spaces will be shared with hotel.) The site is located within the Bethesda Parking District and therefore is not required to meet the parking requirements contained in Section 59-E of the Zoning Ordinance. Approximately 500 parking spaces existing on-site will be retained.	

PROJECT DATA TABLE

	Zoning Ordinance Development Standard	Existing Development	Dev. Standard Approved by Planning Board and binding on Applicant	Total Approved Development
Minimum Gross Tract Area (sq. ft.)	22,000	143,174	-	143,174
Gross Floor Area (GFA) (sq. ft.)				
Office	-	364,100	0	364,100
Retail (general)	-	13,200	4,600*	4,600
Hotel	-	-	132,421	132,421
Total		377,300	137,021	501,121 (3.50 FAR)
Floor Area Ration (FAR)	4.0	2.64	-	3.50
Building Height (ft.)	143**	130	88'-4" to 116'***	90' to 116'
Public Use Space (sq. ft.)				
On-Site (20% minimum gross lot area)	23,452	-	31,780 (27.1%)	31,780
Off-Site	-	-	105,818	105,818
Total			137,598(113.3%)	137,598

- * Approximately 8,600 sq. ft. of existing retail space will be eliminated
- ** Recommended/Allowed by the approved Sector Plan
- *** Proposed hotel height varies from 88'-4" to 116'

FINDING (b) As conditioned, the proposal conforms to the approved and adopted Master or Sector Plan or an Urban Renewal Plan approved under Chapter 56.

The proposed project offers many positive features that will help meet the objectives of the Sector Plan for the Bethesda CBD. The analyses below group the recommendations, principles and guidelines by major topics and assess the Project Plan conformance with each set.

A. GOALS OF THE SECTOR PLAN

Downtown

Realize the vision of Bethesda as a diverse and lively downtown for Bethesda-Chevy Chase. Continue well-designed redevelopment within the Metro Core and reinforce the physical character and varied activities of districts radiating out from the Core so that each district has a distinct identity yet is linked into a coherent whole.

The Air Rights Center Hotel Project will help ensure the vitality of downtown Bethesda by introducing a new hotel to the Metro Core, within walking distance of the many activities in

downtown Bethesda. The hotel will have a limited kitchen, serving breakfast and possibly a light dinner. Thus, guests of the hotel, seeking lunch or dinner, may frequent the many nearby restaurants in the active Metro Core in the day and evening, as well as on weekends. Similarly, guests of the hotel will provide additional patronage to the retail opportunities throughout Bethesda. The Hotel Project will also improve the aesthetics of the CBD by adding a well-designed building over the existing "barrack-like" parking structure.

Urban Form

Encourage infill development that complements the underlying physical form of Bethesda. Create a high-quality built and pedestrian environment, including a network of pathways and open spaces. Enhance Bethesda's commercial and residential districts with improvements appropriate to the character of each.

The project defines infill development, with the Hotel Project to be constructed within an existing parking structure. The public space requirement improves the existing conditions of the Capital Crescent Trail and the M-NCPPC Elm Street Park. The Applicant will also renovate the existing streetscape on Waverly Street in front of the Property, which will contribute to the overall pathway network within the Metro Core.

The Hotel Project enhances both the commercial district in which it is located and the adjacent residential district. Placing the hotel on a portion of the existing garage will integrate the existing commercial buildings of the Air Rights Center complex into a cohesive project, thus improving its commercial character. At the same time, the final design respects the views from the Town of Chevy Chase in order to ensure a compatible design.

Housing and Neighborhoods

Encourage and maintain a wide range of housing types and neighborhoods in and around Bethesda for people of all incomes, ages, lifestyles and physical capabilities, in keeping with County goals. Provide an adequate supply of housing, including affordable units, to reinforce Bethesda as a place to live as well as work. Protect adjacent neighborhoods from commercial intrusion, undue traffic, and environmental degradation.

The Project proposes a hotel on the Property because of its proximity to the existing office uses. Both the Applicant and the Town of Chevy Chase residents believe that the hotel is a more appropriate use for this site and will not intrude on the adjacent residential neighborhood, as would a residential project.

Employment

Provide opportunities for additional jobs in this major down-County employment center in keeping with County policy to concentrate growth in the urban ring near Metro stations and to increase the County's revenue base.

The Air Rights Center Hotel Project will add approximately eight managerial level jobs and 51 service level jobs to the County's employment base. The location of the hotel within walking distance of the metro station and bus station makes it particularly attractive for those service level employees who rely on public transportation to commute to work. The Air Rights Hotel Project will increase the County's revenue base, by adding a 216 room hotel to an existing parking structure, which will result in a significant increase in property taxes.

Community Character

Enhance Bethesda as an appealing environment for working, shopping, and entertainment. Strengthen its attraction as a destination for visitors while ensuring that residents find a sense of community. Reinforce a unique sense of place through the themes of Bethesda as a "garden" and a "cultural district."

The addition of a new hotel in the heart of Bethesda responds directly to this goal by strengthening Bethesda's "attraction as a destination for visitors." This hotel will be oriented toward the business traveler, and likely will be patronized by tourists as well. The addition of a new hotel in Bethesda will ensure that more people, many of whom may otherwise stay at an entirely different location, will spend time in Bethesda and take advantage of the vibrant community, with its full array of retail and restaurant opportunities.

Circulation

Provide a safe and functional transportation system to serve the current and recommended land uses. Achieve a significant shift of travel from drive-alone auto use to transit, carpooling, and other alternatives. Enhance the pleasure, safety, and convenience of walking and bicycling.

An important component of the Air Rights structure is the improvement of the streetscape along the Waverly Street frontage of the hotel to meet the Bethesda streetscape standard. This will help unify this area of the Bethesda CBD with the other portions of the Metro Core.

The hotel is located within 600 feet of the Metro Station and the Bethesda bus terminal and will be accessible to public transportation systems and will decrease the number of single occupancy vehicles. The improvement of the sidewalks along Waverly Street, as well as the improvement to the Capital Crescent Trail, will enhance the pleasure, safety and convenience of walking and bicycling.

B. PLANNING AND DESIGN OBJECTIVES

Land Use Objectives

Employment Growth

Concentrate high-density office development in the Metro Core and allow lower density in full development along with housing in other districts.

Support new commerce development that enhances the Character of Bethesda by providing desired public benefits and high-quality development.

Coordinate new growth with public facilities, so as not to burden nearby residential areas. Public facility plans and impacts of growth are addressed throughout the Plan.

The hotel is located in the Metro Core and is comparable in scale to the buildings immediately surrounding it. While not an office use, the hotel's location in the Metro Core is most appropriate.

The Air Rights Hotel Project will meet and exceed the Optional Method Public Use and Amenity requirement. The focal part of the public use and amenity package is the improvements to the Capital Crescent Trail, which given the popularity of the trail, will provide a far-reaching benefit. The building will be well designed and will greatly improve the aesthetics of the Property.

The hotel use generates considerably less impact on public facilities than either residential or office use. Not only are the trip generation rates lower, but also the hotel will have no impact on the school system and very little, if any, impact on the park system, including the adjacent Elm Street Park.

Retail

Approve zoning recommendations and land use guidelines that support the continued vitality of retail in Bethesda. Such tools can influence the location of retail as development opportunities arise.

Promote improved accessibility to retail shops and awareness of the character of retail districts.

The Air Rights Hotel will contribute to retail uses in Bethesda by increasing the number of people who will shop and eat there. The hotel's enhancement of the existing streetscape along Waverly Street and the addition of an attractive building that can be viewed from Wisconsin Avenue will attract potential shoppers to this area of the Metro Core and help bolster the sales of the existing retail uses in the Air Rights complex.

Urban Design Objectives

Provide street-activating uses, such as retail stores with storefront display windows or building entrances. Activating uses help promote a safe, interesting, and lively environment.

Enhance the pedestrian environment to provide a visually diverse and stimulating experience, maximize social interaction, and encourage walking. Special attention should be given to the design of streetscapes to help maintain human scale, achieve good street definition, and enhance the visual character.

Extend the network of open spaces to serve the needs of an expanding population for a diverse range of activities in spaces that are safe, visible and perceived as public.

Improve compatibility with existing uses through urban design concepts and guidelines that address form, shadows and skyline, building heights, scale, massing, and setbacks. In general, new development should respect established patterns of development.

Allow a diversity of architectural styles that achieve good building proportions, reduce the sense of bulk, and maintain human scale. Clearly identify the building entrance in the facade design and locate it at street level.

Achieve compatibility with nearby residential areas through techniques such as stepped down heights, articulated building walls and facade treatments, and other architectural means designed to minimize building bulk and shadow impacts, and create a gradual transition.

Expand the existing network of open spaces so that it responds to existing pedestrian movements, and if possible, connect new open spaces to the existing network.

Emphasize the pedestrian environment along streets. Design buildings to provide visual interest and human scale at the street level, adjacent to sidewalks. Architectural facades should incorporate interesting details, store-front display windows, and front entrances to enliven and activate the sidewalks.

Use upgraded streetscape elements such as special pavers, lighting, tightly spaced trees, and other features to enhance significant pedestrian pathways, visually define distinct districts, and improve the overall attractiveness of the CBD.

The Air Rights Hotel Project will provide an opportunity to improve the existing streetscape along Waverly Street. The improvements to the Waverly Street streetscape eliminate the existing projection over the sidewalk and will add landscaping, pavers and lights as recommended in the Bethesda CBD Sector Plan. The two-story hotel lobby will be visible from the street and will make the street an inviting pedestrian experience.

Each of the proposed Public Use and Amenity Facilities proposed expand the quality of the pedestrian environment.

The Hotel Project is specifically designed to respect the Property's location along the perimeter of the CBD. The design of the building, its massing, height, scale and setbacks have been carefully designed to be concentrated along the western portion of the Property in response to concerns raised by the Town of Chevy Chase. The hotel structure is compatible with the other adjacent buildings within the CBD and is the greatest distance possible from

the Town of Chevy Chase. The Hotel Project construction is concentrated on Waverly Street and will not result in the shadowing of any portion of the Town.

The architectural style and design of the Air Rights Center Hotel Project will further ensure its compatibility with the adjacent Town of Chevy Chase. At the request of the residential community, several changes to the design of the hotel were made in order to ensure the hotel's compatibility with the Town. While some of those changes shifted the design of the hotel from a more residential design to a more office-like design, the Applicant nonetheless incorporated these requested changes in the final design of the hotel. These changes include stepping down the building height, making the south façade compatible to residential view, providing semi-reflective glass, eliminating balconies and prohibiting signage on the east and south facades.

C. LAND USE AND ZONING PLAN

On the parking deck of the second Air Rights Building, the Plan recommends a small residential building, if compatibility with the adjacent single-family area is maintained. The Sector Plan further provides that the development should have a maximum height of 90 feet, stepping down to 60 feet toward Pearl Street on that portion of the parking structure above the Capital Crescent Trail. The building height should include the existing parking structure. There should be no development on that portion of the deck that abuts the single-family detached houses along Elm Street.

The Sector Plan's recommendation for residential use on the Property was an effort to designate as many sites as possible for residential use in hopes of increasing the availability of housing within the Bethesda CBD. Since the adoption of the Sector Plan in 1994, more than 1,400 residential units have been approved within the CBD, which has aided in achieving this goal.

A critical provision of the Sector Plan's recommendation for the Property is the phrase, which emphasizes that compatibility with the adjacent single-family area, be maintained. The adjacent residents recognize that the development of the Property as a hotel will have minimal impact on their neighborhood, perhaps less than a residential use. The hotel is located approximately 114 feet further away from the residences than the previously approved residential use. Unlike the residential building, the hotel will have no outdoor terraces or balconies and a limited number of operable windows, eliminating any concerns about noise or intrusions of privacy.

In terms of the height of the proposed hotel, the underlying CBD Zone permits a maximum height of 143 feet while the Sector Plan recommends a height of 90 feet for the Property, with a step down to 60 feet toward Pearl Street. In order to maximize the compatibility of the proposed hotel, the entire building is concentrated on a 10,879 square foot footprint adjacent to Waverly Street, with no portion of the structure oriented toward Pearl Street or the adjacent neighborhoods. The building will be set back considerably further (65 feet versus 5 feet) from the neighborhood park than was the previously approved in the multifamily housing proposal.

The Sector Plan's recommendation for a maximum height of 90 feet was intended to ensure the compatibility of the project with the adjacent Town of Chevy Chase. In this case, the Town has clearly indicated that the proposed project better achieves the objective of ensuring compatibility with the Town, even with a height greater than that recommended. Thus, the Planning Board finds that the proposed height for the project is appropriate and conforms to the requirements of the Sector Plan.

D. TRANSPORTATION PLAN

Increase the use of non-auto driver travel for commuting.

Improve pedestrian and bicycle conditions.

Ensure that all parking facilities next to single-family neighborhoods are designed to be compatible with adjacent residences.

The development of the Air Rights Hotel within 600 feet of the Metro Station and bus terminal is in keeping with sound transportation policies and helps to ensure an increase in the use of non-auto driver travel for commuting. It is envisioned that many business travelers with meetings in the District of Columbia will stay at the hotel given its proximity to the Metro Station. A commute to the District would involve only a very short walk to the Metro and a 15-minute ride downtown on the Red Line.

The requirement that the Applicant upgrade Waverly Street, improve the Capital Crescent Trail and provide an access easement from the Elm Street Park to the Trail is consistent with the Sector Plan's goal of improving pedestrian and bicycle conditions. Finally, the parking facility that will serve the hotel will be accessible from the existing garage access point on Waverly, and therefore will be completely separated from the adjacent residential community.

E. STREETScape PLAN

Reinforce the identity of the districts by developing distinguishing streetscapes for each one while creating a unified image for the entire CBD.

Provide for the "greening" of Bethesda by planting street trees along all streets, using a variety of species to achieve horticultural diversity.

Encourage walking by creating an attractive pedestrian environment and improving pedestrian access.

The Hotel Project Plan will rehabilitate the existing sidewalk areas along Waverly Street in accordance with the standards of the Bethesda CBD Sector Plan, which, in turn, will improve the streetscape environment. These improvements will not only encourage walking by creating an attractive pedestrian environment but will also help unify this portion of the CBD with the more recently improved areas to the west.

The project is consistent with the general recommendations of the Bethesda Central Business District Sector Plan, approved and adopted July 1994, and furthers the goals and objectives of the Sector Plan.

F. HEIGHT

Although the Bethesda CBD Sector Plan recommends a maximum height of 90 feet for development within the Bethesda CBD, the Planning Board finds that allowing the Air Rights Center Hotel Project to build at a height of 116 feet is compatible with the surrounding area and in conformance with the goals and requirements of the Sector Plan. The Planning Board found that the extended height and narrower building design was more compatible than a shorter and bulkier building because a shorter, bulkier building would intrude more upon the neighboring residential area as well as upon the nearby Elm Street Park. In addition, the Planning Board found that the step down of the southern façade of the building from a maximum height of 116 feet to a height of 88.3 feet mitigates a canyon effect for the people in the surrounding areas and eliminates a wall-type affect for the Elm Street Park, thereby helping to address the recommendations of the Sector Plan by integrating the step down in building height as recommended in the Sector Plan in conjunction with a building design that is compatible with the adjacent residential neighborhood. Thus, the Planning Board finds that the proposed height of the building is appropriate and in conformance with the goals and recommendations of the Sector Plan.

FINDING: (c) As conditioned, because of its location size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.

The Air Rights Center Hotel Project will successfully integrate the existing North, East and West Buildings and the parking structure that comprise the overall Air Rights Center Complex. From a visual standpoint, the Air Rights Center Hotel Project represents the missing piece in the original development plan for the Air Rights Center complex. The development within the existing parking structure will help conceal an otherwise unattractive parking structure and provide a visually pleasing, well-designed building.

A testament to the Hotel Project's compatibility with the surrounding neighborhood is the Town of Chevy Chase's support for the project. Not only is it the Town's position that the hotel use is much preferred over the previously approved residential use, the Town also believes the design changes are beneficial. The hotel structure is concentrated as far as possible from the single-family homes located within the Town to the south and east of the Property. Several different design options were proposed, including some that reduced the overall height of the building but resulted in the density being spread out to a larger footprint that extended to the east. The community was clear that they much preferred the proposed design and location that provides for a maximum height of 116 feet.

In response to comments raised by various Town residents, the Applicant made further design changes to ensure the compatibility of the hotel with the surrounding neighborhood. Perhaps the most important change is the stepping down of the southern façade, from a maximum height of 116 feet to a height of 88.3 feet, which provides an important visual transition. In response to the recommendations of the residents of the Town of Chevy Chase, the southern portion of the building is designed to have two "step downs" from its maximum height. The maximum height of the building will be 116 feet and then the building will step down to a height of 98 feet for a distance of 13 feet and then to a height of 88.3 feet.

Other changes include the window treatment along the southern façade of the building, use of semi-reflective spandrel (non-vision) glass, elimination of balconies, and a prohibition on signage on the east and south elevations. The hotel design is effectively self-contained, with no outdoor balconies, and windows that open only a limited amount (four inches).

From an operational standpoint, the hotel will be compatible with the neighborhood and will have less impact on the neighborhood than would the previously approved residential use or an office use. All of the operations associated with the hotel will be clearly separated from the residential area. Loading will occur on the below grade parking structure, which is accessed via the driveway entrance on Montgomery Avenue, near Pearl Street. These design features help segregate the use from the lesser intensive single-family neighborhood.

In terms of size, the Hotel Project involves an additional 132,421 square feet of development, resulting in an overall density for the Property of 3.50 FAR, significantly lower than the 4.0 FAR permitted by the Zoning Ordinance. The size and height of the building are in context with adjacent buildings. The height steps down to 88.3 feet along the southern boundary as requested by the residents of the Town of Chevy Chase.

The new construction will be setback a minimum of 15 feet from Waverly Street. The redevelopment of the Property will also include removal of the existing portions of the link that currently project into the sidewalk area along Waverly Street. These changes will create a pleasant pedestrian environment on Waverly Street.

The new thirteen-story hotel will enhance the Air Rights Center complex and unify the massing of the existing buildings along Waverly Street by concentrating the height and mass of the building in the western corner of the Property, adjacent to the more intensive uses and as far away as possible from the existing single family homes located within the Town of Chevy Chase.

FINDING: (d) As conditioned, the proposal would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under Chapter 42A, Article II, is subject to a traffic mitigation agreement that meets the requirements of that article.

The Hotel Project will not overburden existing public services. The hotel use and the lesser amount of retail generate less trips than the previously approved residential use. Whereas the residential use generated 55 AM peak hour trips and 55 PM peak hour trips, the traffic statement prepared as part of the Project Plan Amendment indicates that the hotel will generate only 43 AM peak hour trips and 27 peak hour PM trips. The Hotel's close proximity to the Bethesda Metro Station helps promote the use of public transportation, and it is anticipated that many guests will rely on the metro to commute to meetings in the District of Columbia.

1. Local Area Transportation Review

The proposed development is for a 216-room hotel on the site. A traffic statement was submitted to compare the traffic impact of the previously approved development proposal and the current proposal. The site was approved for a 182 unit high-rise apartment complex at this location on January 4, 2001. At the time a traffic study was submitted evaluating the impact of 182 high-rise apartments, it was determined that all intersections were operating within the congestion standard of 1,800 Critical Lane Volume for Bethesda Central Business District.

The Applicant submitted a traffic statement on December 4, 2004, to provide Transportation Planning staff with a comparison between the traffic that would have been generated and distributed by 182 high-rise apartments and the 216 room hotel that would replace about 8,044 square feet of existing retail use. The result of the study indicates that the total trips generated by the hotel will be less than what would have been generated under the previously approved plan. The proposed hotel will generate a total of 12 and 28 less trips during the weekday morning and evening peak hours respectively. In addition, most travelers staying in the hotel are expected to take advantage of the metro station that is only 600 feet away from the proposed site.

Staff also evaluated the directional distribution of traffic for the two different development proposals. Our evaluation indicates that the traffic pattern for a high rise apartment complex and a hotel should be the same because they both function as producers of trips during the morning peak hours, therefore the directional distribution of traffic must be the same. Based on the directional distribution of traffic, staff concluded the assignment of traffic to area intersections will also be the same and, therefore, the traffic patterns are the same. These evaluations suggest that the proposed hotel will have less impact on the area transportation system than a 182 high-rise apartment building.

2. Road Classifications

Waverly Street is classified as a Business District Street with a recommended 80-foot right of way. This Applicant is required to provide 35 feet of right-of-way from the centerline of Waverly Street. Staff allowed a five-foot reduction to the required right-of way at this location for several reasons:

1. Waverly Street has a 90-degree angled curve in front of the property and therefore, the safe speed at this location could not be more than 15 miles per hour. The speed is one of the criteria for classification of a roadway and 15 miles per hour speed is well below a traffic speed allowed for a road, say an arterial that allows for more than 35 miles per hour speed.
2. All the street amenities, such as wide sidewalks and the tree panels that are required in front of the property to create a safe, efficient, and desirable walking experience, are provided within the reduced dedicated right-of-way.
3. If the Applicant were required to provide a full 40-foot right of way from the centerline, the underground garage and the surrounding structures would have been negatively impacted in an effort to meet the minimum requirements of building a hotel on this site.
4. There is no plan in the future to widen the road at this location.

Montgomery Avenue is classified as a Business District Street with a recommended 80-foot right-of-way. The Applicant would provide a half section of the required right-of-way, sidewalks, and other amenities.

Pearl Street is classified as a Business District with a recommended 85-foot right-of-way. No dedications are required with this plan approval.

Wisconsin Avenue is classified as a Major Highway with recommended right-of-way varying from 104 feet to 120 feet through out the Central Business District (CBD) area.

3. Water and Sewer Capacity

The site is classified as W-1 and S-1, establishing capacity for the proposed project.

Based on the above stated facts and analysis hereby expressly adopted by the Planning Board, the Planning Board finds that the proposed hotel development, as conditioned, will not overburden existing public services nor those programmed for availability concurrently with each stage of construction.

FINDING (e) The proposal will be more efficient and desirable than could be accomplished by the use of the standard method of development.

The development of the Air Rights Center Hotel Project is only possible as an optional method development project. The existing office development of the property exceeds the 2.0 FAR maximum permitted in accordance with the standard method of development in the CBD-2 Zone.

The optional method of development allows for 4.0 FAR. The proposed addition of the hotel results in an overall density for the property of 3.50 FAR, below the allowable 4.0 FAR.

An important benefit of the optional method of development is the increased public use space, which will be provided. The Air Rights Center Hotel Project provides an opportunity to improve the public space surrounding the Property. The public use improvements, which are provided as a result of the optional method of development, are as follows:

Net Lot Area	117,258 SF
Public Use Space Required (20%)	23,452 SF
Public Use Space Provided On-Site:	
Crescent Trail Improvements	4,731 SF
Landscaped Screening Strip	2,383 SF
Crescent Trail Full Section Improvements	12,368 SF
Crescent Trail Tunnel Pointing	2,688 SF
Plaza Renovation	9,610 SF
On-Site Total:	31,780 SF
Public Amenity Space Off-Site:	
Waverly St. Dedication/Improvements	4,198 SF
Montgomery Avenue Improvements	6,536 SF
Waverly Street Seating Area	1,340 SF
Elm Street Park	93,000 SF
Pearl Street Connection	774 SF
Off-Site Total:	105,848 SF
Total Provided:	137,628 SF
<u>Public Use Easement Area Tabulation</u>	
Public Access Easement Between Crescent Trail and Elm Street Park	250 SF
<u>Public Use Dedication Tabulation</u>	
15 Foot Waverly St. Public Dedication	4,198 SF

FINDING: (f) *The proposal will include moderately priced dwelling units in accordance with Chapter 25A of this Code, if the requirements of that chapter apply.*

This section does not apply to the Project Plan Amendment; the commercial project provides no housing.

FINDING: (g) *When a Project Plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from on lot to another or transfer densities, within a lot with two or more CBD zones, pursuant to the special standards of either section 59-C 6.2351 or 59-C 6.2352 (whichever is applicable), the Project Plan may be approved by the Planning Board based on the following findings:*

- (1) *The project will preserve an historic site, building, structure or area as shown on the Locational Atlas and Index of Historic Sites or the Master Plan for Historic Preservation; and/or*
- (2) *The project will implement an urban renewal plan adopted pursuant to Chapter 56 of the Montgomery County Code; and/or*
- (3) *The project will result in an overall land use configuration that is significantly superior to that which could otherwise be achieved.*

This section does not apply to the subject Project Plan Amendment.

FINDING: (h) *As conditioned, the proposal satisfies any applicable requirements for forest conservation under Chapter 22A.*

This Project is exempt under the forest conservation law as set forth in Environmental Planning Division's Memorandum dated 12/23/04.

FINDING: (i) *As conditioned, the proposal satisfies any applicable requirements for water quality resources protection under Chapter 19.*

With the condition below, requiring Applicant to submit confirmation from MCDPS of an extension of the conditional waiver of stormwater management controls currently applicable to the Subject Property set forth in MCDPS Memorandum dated October 12, 2000, the Project Plan satisfies all applicable requirements for water quality resources protection under Chapter 19.

XIII. PLANNING BOARD ACTION AND CONDITIONS

The Montgomery County Planning Board APPROVES Project Plan No. 9-00001A, which consists of 132,421 sf of new hotel use with 4,600 sf of existing retail use, 364,100 sf of existing office use for a total of 501,121 sf of commercial development on 143,174 sf. All

site elements of the Air Rights Hotel Project Plan Amendment 9-00001A, as shown on sheets S-1, S-2, S-3, S-4, and S-7 dated 12/30/04 and sheets S-5 and S-6 dated 3/31/05, shall be required except as modified by the following conditions:

1. Building Height

The height of the hotel shall be 116 feet, stepping down to 90 feet in conformance with Project Plan Submission Sheet Number S-7 dated 12/30/04.

2. Pearl Street Bike Connection

In the event that Montgomery County Department of Public Works secures an easement from the adjacent property owner from the end of the Pearl Street right-of-way to create a bike path connection to the interim Capital Crescent Trail in order to implement Stage Two Transportation Improvements in Bethesda, this Applicant shall build the bikepath connection. The Applicant shall build a connecting staircase and/or a bike ramp type of structure per DPWT approvals. Consideration shall be given to the type of building materials to be used that would reflect the possible interim nature of the bike ramp given possible future implementation of the Bi-County Transitway (aka "the Purple Line").

3. On and Off Site Amenities

Applicant shall provide the following amenities:

On Site Public Use Space

- Create a public plaza at the corner of Montgomery Avenue and Waverly Street
- Public Art at the Stair Tower along Waverly Avenue – façade or other treatment to the stair tower linking the lower garage floors to Waverly Street and the Link above.
- Install the following improvements to the interim Capital Crescent Trail:
 - o Whitewash the interior walls and surfaces within the tunnel
 - o Landscape with stone pattern along trail
 - o Pavement restoration along the eastern edge of the trail

Off Site Public Amenity Features

- Streetscape improvements to Waverly Street right-of-way adjacent to the site. Streetscape improvements to conform to the Bethesda Streetscape Guidelines.
- Dedicate without cost to the County a public easement to provide access between the interim Crescent Trail and Elm Street Park.
- Pursuant to an agreement with MCDPWT, construct the Pearl Street Bike Connection.

- Renovate Elm Street Park, between Elm Street and Willow Lane, to include the features as shown in the Concept Plan II dated August 29, 2000 as follows:
 - o Remove old paths and upright wooden post walls;
 - o Regrade to prevent drainage problems as necessary;
 - o Install new paths;
 - o Install new benches, tables and chairs as determined by M-NCPPC to be necessary;
 - o Install landscaping, reseed; and follow tree preservation practices as required by M-NCPPC parks;
 - o Relocate any existing lighting fixtures that utilize existing wiring;
 - o All plans for improvements to conform to M-NCPPC Parks standards.

4. Waverly Street Dedication

Applicant to dedicate, by minor amendment to a record plat, the necessary right of way for Waverly Street to create a full width dedication of 70 feet, with 35 feet from centerline provided by this project.

5. Maintenance of Public Use Spaces and Amenity Areas

Applicant to enter into an agreement with the Bethesda Urban Partnership to provide ongoing maintenance for Public Use Spaces and Amenity Areas to be executed with the Site Plan Approval.

6. Transportation Planning Issues

The following conditions are part of the APF test for transportation requirements related to Local Area Transportation Review (LATR).

- a. The proposed development shall provide a 35 foot right-of-way from the center line of Waverly Street and subject the land immediately east of the dedicated right-of-way for a width of 5 feet to an easement for future dedication; provided however, that if the Sector Plan recommended right-of-way for Waverly Street is ever reduced to 70 feet or less, the easement for future dedication shall be extinguished.
- b. The Applicant has previously dedicated 40 feet from centerline, along the frontage of the property, for Montgomery Avenue right-of-way dedication.

- c. As it pertains to Applicant's property, coordinate with Montgomery County Department of Public Works and Transportation to improve drainage problems at the southern terminus of Pearl Street.
- d. Provide a sidewalk at least 15 feet wide along the frontage of the property on Waverly Street and Montgomery Avenue.
- e. Provide bicycle and pedestrian connection ramps and/or stairs between Pearl Street and the Capital Crescent Trail/Georgetown Branch Trail on the south side of the property.

7. M-NCPPC Elm Street Park - Site Plan Issues

In conjunction with the Elm Street Park improvements, the site plan for this project shall include the following:

- a. Applicant to renovate the interior path network and sitting areas between Willow Lane and the Elm Street Promenade at Elm Street Urban Park, in accordance with the concept design by Parker Rodriguez, Inc., dated August 29, 2000. Work to include 1) removal of the old paths and sitting areas, including the wooden post walls that surround the sitting areas, 2) re-grade (adding fill if necessary) the site to prevent water accumulation in the park, 3) install new paving along re-aligned trails and in sitting areas, and 4) install new benches, tables and chairs as determined by M-NCPPC staff to provide adequate seating and recreation in the park. The retaining wall that separates the Elm Street Promenade from the open space park area should be left in place except where necessary to connect the new paths to the promenade.
- b. Applicant to provide landscaping for the renovated park area to include 1) tree and shrub plantings around the new sitting areas, 2) re-seeding of the park area, and 3) additional trees and shrubs to compliment the trail and park improvements. Number of plantings, plant species and planting locations to be acceptable to M-NCPPC staff. Applicant to establish a tree preservation program acceptable to M-NCPPC staff to protect existing trees from damage during renovation.
- c. Applicant to re-locate any existing lighting features and wiring in the park as is necessary to accommodate the renovations.
- d. Applicant to provide engineering and design plans acceptable to M-NCPPC staff for park site grading, construction of improvements, and necessary stormwater management. Improvements to be constructed to park standards and specifications.

8. Issues to review with the Site Plan

In conjunction with this project's site plan submittal, the Applicant shall address the following:

- a. All plans to note "All construction to be staged from Waverly Street" unless otherwise agreed to by other adjacent parties;
- b. Final open space design and development, i.e. the Plaza at Waverly and Montgomery, to include plant material;
- c. Final plans for the Pearl Street connection to be approved with the site plan and to be reviewed simultaneously with DPWT;
- d. Parking garage access shall be accommodated from Montgomery Avenue during construction, with two lanes available during each rush hour.
- e. Applicant will evaluate the retaining wall and other areas adjacent to the interim Capital Crescent Trail at Pearl Street to determine if there is any stabilization or other maintenance required and shall make any necessary repairs;
- f. Relocate the lay-by or drop off on Waverly Street so as to allow for adequate space for entry to the hotel, drop off/pick up and pedestrian movements with minimal conflict and maximum accommodation for each function.

9. Water Quality Resources

At the time of site plan application, Applicant shall submit confirmation from MCDPS of an extension of the conditional waiver of stormwater management controls currently applicable to the Subject Property set forth in MCDPS Memorandum dated October 12, 2000.

In accordance with Montgomery County Code § 59-D-2.7, this project plan will remain valid for 24 months from the Initiation Date, as defined in § 59-D-2.7(a), provided that a complete site plan application is filed within 18 months of the Initiation Date.

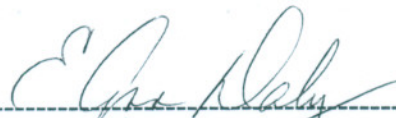
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[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

MONTGOMERY COUNTY LEGAL SUPERVISOR
DVD 1/20/06
MONTGOMERY COUNTY LEGAL DEPARTMENT

CERTIFICATION OF BOARD ADOPTION OF OPINION

At its regular meeting, held on **Thursday, January 26, 2006**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent **ADOPTED** the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Project Plan 9-00001A, Air Rights Hotel**. Vice Chair Perdue was temporarily absent.



Certification As To Vote of Adoption
E, Ann Daly, Technical Writer

APPENDIX B



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MEMORANDUM

November 29, 2006

TO: Linda Komes, Park Development Division, Department of Parks
Michael Ma, Site Plan Supervisor, Development Review Division

FROM: Doug Powell, Plan Review Coordinator, Park Planning and Resource
Analysis Unit, Department of Parks

SUBJECT: Air Rights Hotel Project, Site Plan #820070010

Park Planning and Resource Analysis staff requests the following **CONDITIONS OF APPROVAL** for the above said project:

Applicant to renovate the portion of existing Elm Street Park south of the Elm Street road right-of-way. Renovations to be substantially as set forth in the Site Plan (primarily on pages L-4 and L-5) with modifications as agreed between Applicant and M-NCPPC staff. The plans for the park renovations involve the realignment of one of the park paths along the main desire line, correction of poor drainage, establishment of a planted wetland area in the low area near the existing artwork, removal of vertical timber walls around existing seating areas, repaving all existing paths in that portion of the park, installation of new seating areas with new benches, picnic tables (18 new "Bethesda-type" benches and approximately 15 new picnic tables), and landscape planting, the replacement of three existing lights with updated, more efficient fixtures, cleaning of the existing public art piece, and reseeding of all turf areas as needed. All park improvements to be approved by M-NCPPC park staff.

The Applicant shall obtain a Park Permit for construction prior to commencing any work in the park. The plans may be modified slightly during the park permit process to incorporate the comments of maintenance staff, park managers, arborists, etc. These minor changes should not precipitate a formal revision of the site plan. All the renovation to be substantially complete prior to occupancy of the hotel or as acceptable to Park Development Division staff.

A construction detail shall be added to the plans that demonstrate an asphalt overlay of 1-1/2-2" in depth with paving fabric shall be added to the existing asphalt trails in the portion of Elm Street Park south of the promenade.

A tree preservation plan with sufficient details to ensure the protection of the existing trees in Elm St. Park throughout the park renovation shall be approved by the Department of Parks Arborist.

A program for the cleaning and refurbishing of the existing sculpture in Elm Street Park shall be provided for review and approval. The program shall be developed with advice from an experienced art conservator and with the artist's representatives.

Additional details shall be provided on the plans that specify the color and pattern of the new concrete paving in the seating nodes and under the benches in the park.



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

November 17, 2006

MEMORANDUM

TO: Linda Komes
Development Review Division

VIA: Judy Daniel, Team Leader *JD*
Bethesda-Chevy Chase/North Bethesda Team
Community-Based Planning Division

FROM: Marilyn Clemens, Urban Designer *MC*
Bethesda-Chevy Chase/North Bethesda Team
Community-Based Planning Division

SUBJECT: Air Rights Hotel/Hilton Garden Inn
Bethesda, Site Plan #8-20070010

RECOMMENDATION: Approval

Community-Based Planning recommends approval of the above project and its proposed amenity package with one condition:

The landscape and lighting plans need to be corrected to conform to the Bethesda Streetscape Plan. The Bethesda Lantern pole should be of the height and dimensions designated in the Plan. Any additional lamps and trees should be aligned with the existing trees and poles on the opposite side of the street.

CONFORMANCE WITH THE 1994 SECTOR PLAN:

Height

The proposed hotel is in the CBD-2 zone but is located on the edge of the CBD. For this reason, a maximum height of 90 feet was recommended for this site on page 39 of the 1994 Sector Plan. At the time of project plan review, the Planning Board approved the proposed maximum height of 116 feet. The nearby residents wrote in support of this height because it allowed the bulk of the proposed building to be pushed further away from the neighborhood.

Since 1994, there have been exceptions to the heights recommended by the 1994 Plan. All of the exceptions are residential projects and none of them are on the edge of the CBD. This is the first commercial project to be approved over the height limit recommended in the Plan.

Elm Street Park

Elm Street Park is one of Bethesda's five small urban parks that provide a transition between single-family residences and the CBD. The 2-acre park is a place to relax for office workers during the week and a community play-area on weekends. The applicant has worked closely with the Town of Chevy Chase to provide improvements to the park that will benefit office workers and neighbors alike.

MC:tv: G/Clemens/airrsiteplanreview



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

November 16, 2006

MEMORANDUM

TO: Linda Komes, Development Review Division

FROM: Marilyn Clemens, Coordinator Art Review Panel
Community Based Planning Division

SUBJECT: Art Proposed for the Air Rights Hotel,
Bethesda, Maryland

Two art panelists, Angela Adams and Ralph Bennett, were present. They approved the proposed art, suggested revisions, and asked to see the piece again prior to approval of the final signature set.

Artist Kenneth vonRoennn proposed a sculpture for the stairwell of the existing building facing Waverly Street. The stairwell joins the office building and the proposed hotel. His goals were to provide a strong visual presence for the sculpture that would attract attention from the street; to create a strong identity for the stair tower and the building such as a marquee; and to provide a light, open, and decorative color element over the sidewalk and from within the stairway. The piece will likely hang over the public right-of-way at a safe distance above the sidewalk.

The sculpture would be composed of aluminum tubes held in place with stainless steel cables to which are attached pieces of laminate dichroic glass. When light strikes the glass from changing angles, different colors are cast and reflected.

Mr. Bennett felt the glass sculpture was "trivialized" by the architecture and that the stairway dominated the piece. Ms. Adams and others thought the artist should design the piece and the stair so that they would read as a whole and that the whole wall behind the sculpture should reflect the piece. The applicant felt the budget would not permit enlargement of the piece, but the architects could re-examine the stairway. The development team stated they were mid-point in design and would work more on the stairway to achieve a better dialogue between the piece and the stair tower.

MC:tv: G:\Clemens\airrightsart.doc




THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Planning Department, Montgomery County, Maryland
8787 Georgia Avenue, Silver Spring, Maryland 20910

MEMORANDUM

TO: Linda Komes, Development Review

FROM: Stephen Federline, Environmental Planning 

DATE: September 20, 2006

SUBJECT: Site Plan #820070010 – Air Rights Building - Bethesda

RECOMMENDATION

The Environmental Planning staff has reviewed the preliminary plan referenced above. Staff recommends **approval of this site plan without conditions.**

BACKGROUND

Forest Conservation

This site is exempt from the Forest Conservation Law per #4-01079E as a “Modification to an Existing Property”, where no more than 5,000 square feet of forest will be cleared; no forest is cleared within a stream buffer or on property subject to SPA WQP requirements; and no new subdivision is required. See attached approval letter dated 12/23/04. There is no forest on this property.

Environmental Buffers

The site does not include any streams, wetlands, or floodplains and there are no environmental buffers on the property.

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ATTACHMENT: Forest Conservation Exemption Letter dated 12/23/04

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION FOREST CONSERVATION RECOMMENDATIONS

TO: Plan enforcement staff, Development Review Division

SUBJECT: Project Name Air Rights Building Date Recd 12/8/04
NRI/FSD # 4-01079E (recertification)

The above-referenced plan has been reviewed by the Environmental Planning Division to determine the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law). A determination has been made that the plan qualifies for the following exemption:

EXEMPTION:

Modification of Existing Developed Property – no more than a total of 5,000 square feet of forest will be cleared; no forest clearing within a stream buffer or on property subject to SPA WQP requirements; and does not require new subdivision plan.

NOTE: Per section 22A-6(b) of the Forest Conservation Law, Tree Save Plans may be substituted for Forest Conservation Plans on properties where the proposed development is exempt from Forest Conservation except that it involves clearing of specimen or champion trees.

This property is not subject to a Tree Save Plan.

This property is not within a Special Protection Area.

NOTE: The original forest conservation exemption was granted in 2000 under the single lot category. The single lot category can no longer be applied to non-residential lots.

Signature: Candy Bunnag
 , Environmental Planning

Date: 12/23/04

Cc: Lauren Wirth, MHG (fax: 301-948-0693)

fcpxemption.doc r01/03

Post-it® Fax Note	7671	Date	12/23	# of pages	1
To	Lauren Wirth	From	Candy Bunnag		
Co./Dept.	MHG	Co.	MNCPPC		
Phone #		Phone #	301 495 4573		
Fax #	301 948 0693	Fax #			

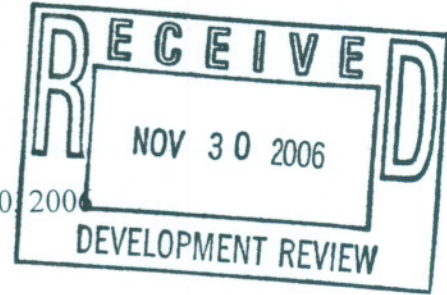
M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760



November 30, 2006

MEMORANDUM

TO: Linda Komes, Project Manager
Development Review Division

FROM: Shahriar Etemadi, Supervisor
Transportation Planning

SUBJECT: Site plan 8-20070010, Air Right Hotel Project, Bethesda Central Business District

This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review of the subject application.

RECOMMENDATION

Transportation planning staff recommends the following conditions as part of APF test for transportation requirements related to Local Area Transportation Review (LATR).

1. The applicant shall provide a 35-foot right-of-way from the center line of Waverly Street.
2. The applicant shall provide 40 feet from centerline, along the frontage of the property, for Montgomery Avenue right-of-way dedication.
3. The applicant shall improve drainage problem at the southern terminus of Pearl Street after approval from the Department of Public Works and Transportation prior to issuance of use and occupancy permit.
4. The applicant shall provide a minimum of 15 feet sidewalk along the frontage of the property on Waverly Street, except along that portion of the sidewalk adjacent to the lay-by where the sidewalk will narrow to a minimum of nine feet.
5. The applicant shall provide a bicycle and pedestrian connection which meets the Americans Disabilities Act (ADA) between the terminus of Pearl Street and the Interim Georgetown Branch Trail. The drawings for the pedestrian ramp/stairs shall be certified by a structural engineer and the construction details for the structure shall be reviewed

and approved by M-NCPPC, MCDPWT, and shall be permitted by DPS. The material used in the construction of the structure should be appropriate for its possible interim nature given the possible future implementation of the Bi-County Transitway (aka "the purple line"). The structure shall be in place and available for use prior to occupancy of the hotel. In the event that MCDPWT has not obtained the necessary access easement to enable the structure to be completed prior to occupancy of the hotel, then prior to occupancy, the Applicant shall contribute adequate funds to the appropriate Bikeway CIP, or as otherwise agreed to by MCDPWT, to cover the cost of the construction of the ramp and stabilization of the retaining wall behind the ramp. The ramp/stairway structure will be maintained by DPWT.

6. The applicant shall enter into a Traffic Mitigation Agreement (TMAg) to participate in the Bethesda Transportation Management Organization. The TMAg will be fully executed and signed prior to the release of any building permit for new construction of the hotel.
7. The applicant shall provide at-grade crossing of the two driveways from Waverly Street and Montgomery Lane.
8. The applicant shall provide two bike lockers in the garage and one bike rack near the main entrance.

Local Area Transportation Review

The proposed development is for a 216-room hotel on the site. A traffic statement was submitted at the time of Project and Preliminary plan submission to compare the traffic impact of previously approved development proposal and the current proposal. The site was approved for a 182 high-rise apartment complex at this location on January 4, 2001. At that time a traffic study was submitted and the impact of 182 high-rise apartments was evaluated and determined that all intersections were operating within the congestion standard of 1,800 Critical Lane Volume for Bethesda Central Business District.

The applicant submitted a traffic statement on December 4, 2004, to provide Transportation Planning staff with a comparison between the traffic that would have been generated and distributed by 182 high-rise apartments and the 216 room hotel that would replace about 8,044 square feet of existing retail use. The result of the study indicates that the total trips generated by the hotel will be less than what would have been under the previously approved plan. The following table shows the trip generation comparison for the two proposed developments.

USE	AM Peak			PM Peak		
	IN	OUT	TOTAL	IN	OUT	TOTAL
182 High-Rise Apartments	11	44	55	37	18	55
216 Room Hotel	29	19	48	26	22	48
80,044 square-foot Retail to be removed	(3)	(2)	(5)	(10)	(11)	(21)
Net reduction in trips	26	17	43	16	11	27

As shown in the table above, the proposed hotel will generate a total of 12 and 28 less trips during the weekday morning and evening peak hours respectively. In addition, most travelers staying in the hotel are expected to take advantage of the metro station that is only 600 feet away from the proposed site.

Staff also evaluated the directional distribution of traffic for the two different development proposals. Our evaluation indicates that the traffic pattern for a high rise apartment complex and a hotel should be the same because they both function as producers of trips during the morning peak hours, therefore the directional distribution of traffic must be the same. Based on the directional distribution of traffic, staff concluded the assignment of traffic to area intersections will also be the same and therefore, the traffic patterns are the same. These evaluations suggest that the proposed hotel will have less impact on the area transportation system than a 182 high-rise apartment building.

Based on the above stated facts, it is staff's conclusion that the proposed hotel development will pass the Local Area transportation Review test.

Road Classifications

Waverly Street is classified as a Business District Street with a recommended 80-foot right of way in the 1994 Approved and Adopted Bethesda CBD Sector Plan. However, this recommendation was erroneously based on the recommendation of the 1976 Bethesda CBD Sector Plan and inadvertently ignored a subsequent amendment to the Sector Plan. More specifically, the 1976 Sector Plan was amended in 1978 by Resolution (MCPB No. 78-11 and MNCPPC No. 78-4) to reduce the Waverly Street right-of-way to 50 feet. Based on this, Staff determines that a 70 right-of-way is more than sufficient for Waverly Street. Accordingly, we have accepted the applicant's dedication of 35 feet of right-of-way from the Centerline of Waverly Street. Other justifications for accepting reduced right of way for Waverley Street are stated below:

1. Waverley Street has a 90-degree angled curve in front of the property and therefore, the safe speed at this location could not be more than 15 miles per hour. The vehicular speed is one of the criteria for classification of a Roadway. In this case, 15 miles per hour is well below minimum 35 miles per hour speed for an arterial.
2. All the street amenities such as wide sidewalks and tree panels required in front of the property for a safe, efficient, and desirable walking experience is provided within the dedicated right-of-way.

3. If the applicant were required to provide a full 40-foot right of way from the centerline, it would have negatively impacted the underground garage and the surrounding structures in order to meet the minimum requirements of building a hotel on this site.
4. There is no plan in the future to widen the road at this location.

Montgomery Avenue is classified as a Business District Street with a recommended 80-foot right-of-way. The applicant would provide half section of the required right-of-way, sidewalks, and other amenities.

Pearl Street is classified as a Business District with a recommended 85-foot right-of-way.

Wisconsin Avenue is classified as a Major Highway with recommended right-of-way varying from 104 feet to 120 feet through out the Central Business District (CBD) area.

Site Access, Circulation and Pedestrian Facilities

The access point to the site will remain at the existing location from Waverley Street where traffic from all directions could safely and easily access the garage under the hotel.

Waverley Street and Montgomery Avenue will be provided with adequate, and safe pedestrian walkways that are connected to a comprehensive network of pedestrian facilities throughout the CBD area. The Waverley street streetscape improvements proposed, as part of this project will eliminate the cantilevered portion of the existing building that provides for better pedestrian link. This improvement will open the sidewalk up to the sky and therefore, provides a more pleasant walking experience. It also provides for more visibility and safety at the garage entrance on Waverley Street.

Applicant will provide a bicycle and pedestrian connection (ADA ramps and stairs) between Pearl Street and the Capital Crescent Trail/Georgetown Branch Trail on the south side of the property. This connection will improve access to the trail, as well as facilitating the access for students of Bethesda-Chevy Chase High School who live in the neighborhoods to the south to use the trail for reaching their school.

SE:ba



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

MEMORANDUM

November 27, 2006

TO: Linda Komes, Development Review Division - MNCPPC

FROM: Sarah R. Navid *Sarah R. Navid*
Right-of-Way Permitting and Plan Review Section

SUBJECT: Site Plan Review #820070010 Air Rights Hotel

We have reviewed the site plan and recommend approval with the following comments/conditions:

Waverly Street

- The layby section detail is acceptable. The applicant will be responsible for posting "No Parking Any Time" signs to prohibit parking in this area. This restriction allows for stopping and standing/loading activity. A letter from the Bethesda Urban Partnership (BUP) will be required indicating that they will maintain the layby area.
- The additional right-of-way provided adjacent to Parcel E should be "rounded" to parallel the curb line of the street.
- The hotel entrance canopy will require a Maintenance and Liability Agreement.
- Any existing raised structures in the right-of-way such as planters, walls etc. and any new public art will require a Maintenance and Liability Agreement.
- DPWT has confirmed that they will accept a Public Improvement Easement rather than right-of-way for the street frontage adjacent to Parcel D above the existing parking garage. However, the standard Declaration of Public Improvements Easement must be modified so that temporary obstructions, such as sidewalk cafes, or closures of the sidewalk will require approval from DPS.

Georgetown Branch Interim Trail (future Capital Crescent Trail)

- The property description (metes and bounds) has been provided to DPWT for the strip between Pearl Street and the trail. DPWT will acquire the property.
- The applicant will provide for a pedestrian/bicycle connection between Pearl Street and

Page 2 – Air Rights Hotel

the trail once the property is acquired. If this does not happen prior to building occupancy, the applicant will arrange to contribute the monetary cost of the ramp to the appropriate Bikeway CIP or as otherwise agreed with DPWT. The ramp/stairway structure will be coordinated with DPWT (Gail Tait-Nouri, Bikeway Coordinator) and reviewed and approved as a building permit by DPS if constructed by the applicant. The plan will need to be stamped by a structural engineer. The ramp/stairway structure will be maintained by DPWT.

- A perpetual access easement will be provided between the trail and the Elm Street Park.
- The trail improvements plan should include paving the existing gravel portion of the trail eastward to the building overhang. The plan will require final concept sign-off by DPWT (Gail Tait-Nouri) and will be reviewed and approved as a right of way permit by DPS.

Please let me know if you have any questions regarding these comments.

airrightshotel.doc

cc: Patricia Harris - Holland and Knight
Greg Leck - DPWT
Gail Tait-Nouri - DPWT



Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

September 25, 2006

Ms. Catherine Conlon
Supervisor, Development Review
Subdivision Division
Maryland National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Re: Montgomery County
Air Rights Hotel
File #: 8-20070010
MD 410A - General


Dear Ms. Conlon:

The State Highway Administration (SHA) appreciates the opportunity to review the site plan application for the proposed Air Rights Hotel development. We offer the following comment:

- Proposed access to this site is from County-maintained roads and is subject to the permit process and requirements of the Montgomery County Department of Public Works and Transportation.

If you have any questions, please contact Raymond Burns at 410-545-5592 or by using our toll free number in Maryland only at 1-800-876-4742.

Very truly yours,


for Steven D. Foster, Chief
Engineering Access Permits Division

SDF/rbb/jab

- cc: Mr. Steven Van Dorpe / Bethesda Hotel Associates / 2101 Wisconsin Avenue, NW, Washington, DC 20007
Mr. Paul Newman / Macris, Hendricks & Glascock, PA / 9220 Wightman Road, Suite 120, Montgomery Village, MD 20886
Ms. Linda Komes / M-NCPPC
Mr. Sam Farhadi / Montgomery County DPW&T
Mr. Jeff Wentz *sent via e-mail*
Ms. Kate Mazzara *sent via e-mail*
Mr. Ted Beeghly *sent via e-mail*
Mr. Augustine Rebish *sent via e-mail*

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech; 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · www.marylandroads.com





DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

October 28, 2005

Robert C. Hubbard
Director

Mr. Scott D. Roser
Macris, Hendricks & Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, MD 20886

Re: Stormwater Management **CONCEPT** Request
for Air Rights Hotel
SM File #: 221583
Tract Size/Zone: 2.6919 Ac./CBD-2
Total Concept Area: 0.385 Ac.
Block: 5
Parcel(s): C
Watershed: Lower Rock Creek

Dear Mr. Roser:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of a waiver of on-site water quality control due to existing site constraints and due to the reduction of surface parking. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs. Recharge is not required since this is redevelopment.

The following **conditions** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. An engineered sediment control plan must be submitted for this development.
3. All new drains for covered parking are to go to WSSC. Provide copy of mechanical drawings to verify this condition.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable



Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm CN Air Rights Hotel.DWK

cc: C. Conlon
S. Federline
SM File # 221583

QN - Onsite; Acres: 0.385
QL - Waived; Acres: 0.385
Recharge is not provided



FIRE MARSHAL COMMENTS

DATE: 11-14-06
TO: PLANNING BOARD, MONTGOMERY COUNTY
VIA:
FROM: JOHN FEISSNER 240 777 2436
RE: AIR RIGHTS HOTEL #820070010

1. **PLAN APPROVED.**

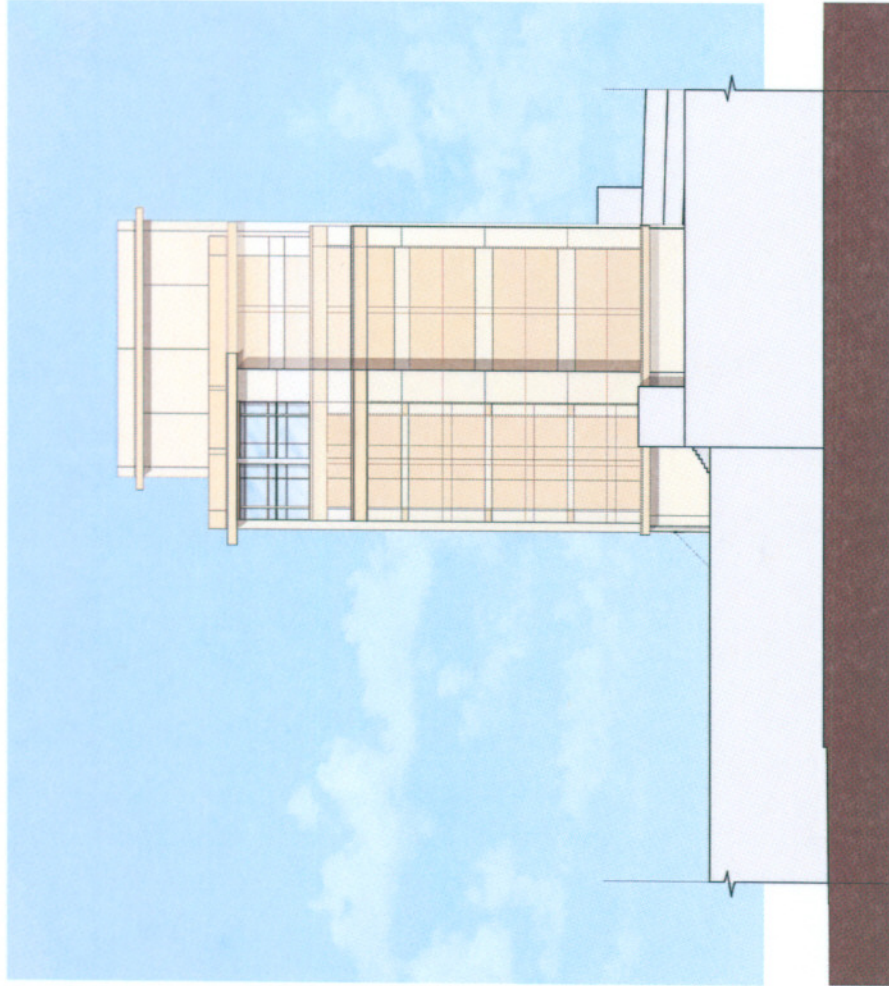
- a. Review based only upon information contained on the plan submitted 11-14-06. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
- b. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

cc: Department of Permitting Services

APPENDIX C

HILTON GARDEN INN

Bethesda, MD



November 28, 2006

SOUTH ELEVATION

This document and the design and/or drawings incorporated herein are the intellectual property of Brennan Beer Gorman Architects, PLLC. No part of this document may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written consent of Brennan Beer Gorman Architects, PLLC. All rights reserved. © Brennan Beer Gorman Architects, PLLC.

BBG+BBGM

BRENNAN BEER GORMAN ARCHITECTS
BRENNAN BEER GORMAN WORK INTERIORS
BRENNAN BEER GORMAN INTERIORS

**Air Rights Hotel
Pre-Submission Meeting Minutes**

Meeting: The Donohoe Company Air Rights Hotel – Site Plan Pre-Submission Meeting
Date: July 5, 2006 – 7:00 P.M.
Place: Air Rights Center – North Tower – Lobby No. 2
Attendees: See Attached Sign-in Sheet
Representatives of the Applicant: Mr. Steve Van Dorpe and Mr. Chris Bruch from The Donohoe Company; Trini Rodriguez from Parker Rodriguez, Landscape Architects; Gordon Lindberg, from BBGM Architects; and Patricia Harris from Holland & Knight, Land Use Counsel

The meeting commenced at 7:20 P.M. with Pat Harris introducing the representatives of the Applicant and providing an overview of the property and the Project Plan approval for the Project. Ms. Harris explained that the property is part of the overall Air Rights property; is currently improved with an above grade parking structure; and that the Montgomery County Planning Board approved the Project Plan for the property allowing for a 216 room hotel, with a maximum height of 116 feet, stepping down to 88.4 feet. Ms. Harris further explained that during the Project Plan process, The Donohoe Company worked very closely with the Town of Chevy Chase and the design, which concentrates the building along Waverly Avenue as opposed to locating it closer to the Town residents, was a direct result of comments made by the Town. Ms. Harris identified the various public use space improvements and off-site amenities.

Mr. Chris Bruch explained in greater detail the layout and design of the proposed project. Trini Rodriguez then in greater detail the various public use space improvements and the proposed improvements to the Elm Street Park.

Questions and or comments by the attendees and the responses from the Applicant were as follows:

1. Graffiti - An issue was raised about the continuous graffiti within the tunnel portion of the Capital Crescent Trail. Ms. Rodriguez noted that painting over the graffiti as quickly as possible is one of the most effective deterrents. Representatives from the Town of Chevy Chase town discussed adding cameras to the tunnel area and the representative from the Bethesda Urban Partnership suggested adding a fence along the wall of the tunnel.
2. Connection to Pearl Street -- The Applicant indicated that the Pearl Street connection will be provided if the County secures the necessary easement.
3. Density -- The Applicant explained that the proposed project represents 3.5 FAR and that pursuant to the Zoning Ordinance, a maximum of 4.0 FAR is permitted if the project is all commercial or 5.0 for a mixed use project, with a minimum of 2.0 FAR of residential uses.

4. Meetings -- Representatives of the Town of Chevy Chase indicated their interest in attending any meetings with M-NNCPC Staff. The Applicant agreed to inform the Town representative of such meetings.
5. Trees in Elm Street Park -- Trini Rodriguez described the condition of several of the trees in the Elm Street Park. It was agreed that the Applicant's arborist would confer with the Town's arborist. Recognizing the potential for conflict among Town residents regarding which, if any of the trees should be removed, the representatives of the Applicant noted that the Applicant would not get into a debate with the Town regarding which trees should be eliminated and which ones should be retained.
6. Benches and Picnic Tables -- The Applicant indicated that it was open as to the type of materials used for the benches and the picnic tables and would welcome the Town's suggestion. The Applicant and the residents agreed that the picnic tables should be moveable, but substantial enough to discourage mischievous relocations of the tables.
7. Park lights -- The Applicant noted that it was responsible for repairing and/or replacing existing lights but not for adding new lights to Elm Street Park.
8. Construction period for park improvements -- The Applicant noted that it will take approximately two months to complete the Park improvements.
9. Tot Lot -- The Applicant stated that it was not responsible for making any improvements to the tot lot portion of the Park. One resident noted that the Town should suggest that Park and Planning update the play equipment at the Elm Street park tot lot at the same time the Elm Street Park is renovated.
10. Electronic Plans -- The Town of Chevy Chase representatives suggested that the plans and submissions be provided to the Town in electronic format, in order that plans may be posted on the Town web site. The Applicant agreed with this.
11. Noise and Light Pollution -- One of the residents noted that the Town is very sensitive to issues of light pollution and noise pollution. The Applicant identified the changes that were made to the design of the building to address the issues of noise and light and added that the Applicant would continue to pay special attention to these issues.

The meeting concluded with the residents noting how responsive the Applicant has been since the commencement of the project to the various issues raised by the residents.

The meeting adjourned at approximately 9:20 P.M.

Air Rights Hotel - Site Plan
 Pre-Submission Meeting
 Wednesday July 5, 2006; 7:00 p.m.

Please sign in:

<u>Name:</u>	<u>Address:</u>	<u>Telephone Number:</u>
1. Lance Hoffman	Fanny Chen House	
2. JEFF BURTON	BUP	(301) 215-6660 x23
3. Tom Feuguer	Bethesda	301-547-1000
4. BOB EISINGER		301 208 6700
5. Mier Wolf	7622 Lynn Dr. Ch Ch	301-654-2254
6. David Selzman	4407 Elm, Ch Ch	301-654-5588
7.		
8. Dodon Ingram	4411 Elm St.	301-657-
9.		
10. GORDON LINDBERG	1313 Gm Arched	202-449-6149 3327
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		
24.		
25.		
26.		

June 22, 2006

Re: Community Open House - Air Rights Hotel

Dear Property Owner:

As you may be aware, The Donohoe Company received Project Plan approval in the Spring of 2005 (Project Plan No. 9-00001A) to construct a 216-room hotel on a portion of the Air Rights property on Waverly Avenue in the Bethesda Central Business District. The hotel would replace a portion of the existing above-grade parking structure. The Donohoe Company is now preparing its Site Plan application package. In this regard, we invite you to a Community Open House to learn about the project; review renderings, model and plans; and meet the architect, development team and hotel manager.

The presentation will be held on July 5, 2006 from 7:00 p.m. to 9:00 p.m. at the Air Rights Center – North Tower – Lobby # 2 in the Jones Lang LaSalle Management Office, in Bethesda, Maryland.

We look forward to meeting with you.

Very truly yours,

HOLLAND & KNIGHT LLP



Patricia A. Harris

June 22, 2006

Re: Community Open House - Air Rights Hotel

Dear Civic Association Representative:

As you may be aware, The Donohoe Company received Project Plan approval in the Spring of 2005 (Project Plan No. 9-00001A) to construct a 216-room hotel on a portion of the Air Rights property on Waverly Avenue in the Bethesda Central Business District. The hotel would replace a portion of the existing above-grade parking structure. The Donohoe Company is now preparing its Site Plan application package. In this regard, we invite you to a Community Open House to learn about the project; review renderings, model and plans; and meet the architect, development team and hotel manager.

The presentation will be held on July 5, 2006 from 7:00 p.m. to 9:00 p.m. at the Air Rights Center – North Tower – Lobby # 2 in the Jones Lang LaSalle Management Office, in Bethesda, Maryland.

We look forward to meeting with you.

Very truly yours,

HOLLAND & KNIGHT LLP



Patricia A. Harris

AFFIDAVIT

I, PATRICIA A. HARRIS, on behalf of THE DONOHOE COMPANY, the developer of the proposed Air Rights Hotel ("Applicant"), being duly sworn depose and say:

1. In preparation for the filing of the Site Plan Application, Applicant held a pre-submission meeting on July 5, 2006, at 7:00 p.m. at the Air Rights Center – North Tower – Lobby No. 2;
2. Invitees included all adjacent property owners and civic associations within a one-mile radius as set forth on Exhibit "A";
3. Representatives of the Applicant included Mr. Chris Bruch and Mr. Steve Van Dorpe of The Donohoe Company; Trini Rodriguez of Parker Rodriguez, Landscape Architects; Gordon Lindberg of BBGM Architects; and Patricia Harris, Holland & Knight LLP, Land Use Counsel.



Patricia A. Harris

STATE OF MARYLAND

COUNTY OF MONTGOMERY, to wit:

I hereby certify that on July 6, 2006, before the undersigned officer, a notary public in and for the State of Maryland, personally appeared PATRICIA A. HARRIS, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

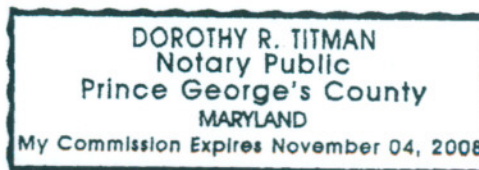


Dorothy R. Titman

Notary Public

My commission expires:

3884756_v1



Donohoe Development Co.
092791-00001
Adjacent and Confronting Owners
June 22, 2006

Block L, Lot 6
James L. Roy
4511 Elm Street
Chevy Chase, MD 20815-6052

Block L, Lot 7, P492
Joanne L Rood
4509 Elm Street
Chevy Chase, MD 20815-6052

Block L, Lot 8
David R. & Parviz H Steeds
4507 Elm Street
Chevy Chase, MD 20815-6052

Block L, Par. "A", P356
Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Block 2, Lot 1, Lot 2
McDonalds Corporation
c/o McDonalds Bethesda
4400 Leland Street
Chevy Chase, MD 20815-6014

Block 2, Lot 3
Golden Arch Realty Corp.
c/o McDonalds Bethesda
4400 Leland Street
Chevy Chase, MD 20815-6014

Block 2, Lot 5 ("Lots 6.7 &8")
Block 3, Pt.1, Pt.2, Pt. 13
Montgomery County
EOB 101 Monroe St.
Rockville, MD 20850

Block 4, Lot P10, pt. Lot 11
4630 Montgomery Avenue LLC
c/o The Gold Star Group
7501 Wisconsin Ave.- Ste 1360
Bethesda, MD 20814-6559

Block 4, Lot 13
LOF Bethesda, LP
c/o Marriott International, Inc.
1 Marriott Dr. # 5293801
Washington, DC 20058-00001

Block 5, Lot 14
RT 4540 Montgomery LLC
c/o Promark Real Estate Serv.
16620 Frederick Ave.- Ste. 325
Gaithersburg, MD 20877

Block 5, Par. "B"
CMC-Pearl LC
7300 Pearl Street
Bethesda, MD 20814

P493
Meadow Lo Corporation
16220 S. Frederick Ave. #325
Gaithersburg, MD 20877-4000

P479
Meadow Lo Corporation
c/o Mr. Roger W. Eisinger, Jr.
16220 S. Frederick Ave. #110
Gaithersburg, MD 20877-4000

~~P541, P537, Bl. 5, Pt. Par "C" (x2)~~
~~Block L, P1~~
~~Bethesda ARC LLC~~
~~c/o Spaulding & Slye Colliers~~
~~55 Hayden Ave., Suite 2100~~
~~Lexington, MA 02421-7996~~

List of Civic/Homeowners Associations

City Commons of Bethesda
Property Manager, Allied Realty
7605 Arlington Road, Suite 100
Bethesda, MD 20814

Riviera of Chevy Chase Condo.
Mike Maloney, CFM Management
Services
5250 Cherokee Ave., Ste. 100
Alexandria, VA 22312

Riviera of Chevy Chase Condo.
Mitch Duvall, President
4242 East-West Highway #715
Chevy Chase, MD 20815

Kenwood Forest Condo II
Wayne McCreedy, Armstrong Mgmt.
Services
3959 Fender Drive, Suite 205
Fairfax, VA 22030

Kenwood Forest Condo. II
Property Manager
6658 A Hillandale Road
Chevy Chase, MD 20815

Bradley House Condo. Assn.
Robin DeSilva, President
4800 Chevy Chase Drive Chevy
Chase, MD 20815

Camelot Mews Homeowners Assn.
B. Barracato, Bethesda Mgmt. Co.
7979 Old Georgetown Rd., # 670
Bethesda, MD 20814

Chevy Chase West Neighborhood
Assn.
Bill Lewis, Vice President
4825 DeRussey Pkwy.
Chevy Chase, MD 20815

Elm Street-Oakridge-Lynn Civic Assn.
Roger Mitchell, President
4501 Elm Street
Chevy Chase, MD 20815

Hamlet Citizens Assn. of Chevy
Chase
Ann Davis, president
3600 Cardiff Rd.
Chevy Chase, MD 20815

Camelot Mews Homeowners Assn.
Sue Polis, Board of Directors
8336 Northbrook Lane
Bethesda, MD 20814

Eight One Zero One (8101)
Katie Wyrsh, Property Manager
8101 Connecticut Avenue
Chevy Chase, MD 20815

Whitehall Condominium Association
Michael Tardif, Board President
8315 North Brook Lane, # 1202
Bethesda, MD 20814

Whitehall Condominium Association
Michael Modesitt, Management Office
4977 Battery Lane
Bethesda, MD 20814

City Homes of Edgemoor HOA
David O'Bryon, President
4838 Montgomery Lane
Bethesda, MD 20814

City Homes of Edgemoor HOA
Hank Jacob, Allied Realty, Inc. -
Property Mgmt.
7605 Arlington Road, Suite 100
Bethesda, MD 20814

Forty Seven Twenty CC Drive Condo
Ann Fink, Paul Associates Mgmt. Co.
6935 Wisconsin Ave., #400
Bethesda, MD 20815

Edgewood/Glenwood Citizens Assn.
Steve Sawicki, President
8213 Maple Ridge Road
Bethesda, MD 20814

Chevy Chase Hills Civic Assn.
John Steele, President
8416 Lynwood Place
Chevy Chase, MD 20815

Drummond Citizens Assn.
P.O. Box 70921
Chevy Chase, MD 20815

Forty Seven Twenty CC Dr. Condo
Barbara McCall, President
4720 Chevy Chase Dr., #502
Chevy Chase, MD 20815

Forty Seven Twenty CC Condo
Assn. Joseph Fitzgerald
4720 Chevy Chase Dr., Unit 402
Chevy Chase, MD 20815

Christopher Condominium
Raphael Minsky, President
44808 Moorland Lane
Bethesda, MD 20814

Chevy Chase Park Condo. Assn.
Julie Andrews, President
4824 Chevy Chase Drive, Apt. 202
Chevy Chase, MD 20815

Chevy Chase Park Condo. Assn.
Bob Elks, SCS Management - Prop
Manager
P.O. Box 221350
Chantilly, VA 20153

Kenwood Citizens Assn.
Alexander Bastos, President
5105 Dorset Ave
Chevy Chase, MD 20815

Edgemoor Citizens Assn.
Len Simon, President
P.O. Box 30459
Bethesda, MD 20814

Citz. Cord. Committee on Friendship
Hgts
Eric Sanne
5203 Westport Road
Bethesda, MD 20815

Chevy Chase Village
David Podolsky, City Attorney
25 West Middle Land
Rockville, MD 20850

Chevy Chase Village
Geoffrey Biddle, Town Manager
5906 Connecticut Avenue
Chevy Chase, MD 20815

Section 3 of Village of Chevy Chase
Chase
P.O. Box 15070
Chevy Chase, MD 20825

East Bethesda Citizens Assn.
Andy O'Hare, President
Box 41020
Bethesda, MD 20824

East Edgemoor Property Owners
Lawrence Funt, President
4905 Edgemoor Lane
Bethesda, MD 20814

Battery Park Citizens Assn.
Malcolm Rivkin, Zoning and Land Use Committee
7801 Fairfax Road
Bethesda, MD 20814

Greater Bethesda-Chevy Chase Coal.
Mier Wolf, President
7522 Lynn St.
Chevy Chase, MD 20815

Barrett and Audubon *Ad Hoc*
John Wetmore, President 5305
Bradley Boulevard Bethesda, MD 20814

Silver Spring Chamber of Commerce
Jane Redicker, Executive Director
8601 Georgia Ave., # 203
Silver Spring, MD 20910

Section 5 of Village of Chevy Chase
Francis L. Higgins, Town Manager
P.O. Box 15140
Chevy Chase, MD 20815

Battery Park Citizens Assn.
Alfred Levitt, Legal Counsel
8035 Park Lane
Bethesda, MD 20814

Citz. Cord. Committee on
Friendship Heights
Ronald Tripp, President
5330 Sherrill Ave
Chevy Chase, MD 20815

Battery Lane Tenants
John Murgolo, c/o Alden Management Corp.
7900 Wisconsin Ave., Suite 403
Bethesda, MD 20814

Sacks Neighborhood Assn.
Miriam Israel, President
4828 Leland Street
Chevy Chase, MD 20815

Somerset Citizens Assn.
Virginia Mitz
5522 Uppingham Street
Chevy Chase, MD 20815

Bethesda Coalition
Dennis Wood, President
4109 Woodbine Street
Chevy Chase, MD 20815

Battery Park Citizens Assn.
Steven Lee
7809 Fairfax Road
Bethesda, MD 20814

Edgemoor Citizens Association
Sheppard Sheinkman
5119 Wessling Lane
Bethesda, MD 20814

Chevy Chase Village, Section III
City Manager
P.O. Box 15070
Chevy Chase, MD 20815

Battery Park Citizens Assn.
Jeremy Simon,
8013 Park Lane
Bethesda, MD 20814

Citizens for a Better Montgomery
George Sauer
8307 Post Oak Road
Potomac, MD 20854

Montgomery County Civic Federation
Dan Wilhelm, President
904 Cannon Rd
Colesville, MD 20904

Town of Chevy Chase – Section IV
Todd Hoffman, Town Manager
4301 Willow Lane
Chevy Chase, MD 20815

Village of Drummond
Michael Cicero
4612 Drummond Ave.
Chevy Chase, MD 20815

Wilson Lane Safety Coalition
George Nolfi, Chairman
4903 Edgemoor Lane, Apt. 603
Bethesda, MD 20814

South Bradley Hills Neighborhood
Al Beer, President
5412 Burling Road
Bethesda, MD 20814

TROT
Timothy McGrath, President P.O.
Box 190
Dickerson, MD 20842

Spanish Speaking People of
Montgomery
Pedro Porro, President
5729 Bradley Boulevard
Bethesda, MD 20814

Montgomery Cty. Taxpayers League
Marvin Weinman, President
P.O. Box 826
Rockville, MD 20848

Montgomery Preservation, Inc.
Wayne Goldstein, President
3009 Jennings Road
Kensington, MD 20895

Sierra Club - Montgomery Cty. Group
Jim Fary, Chair
2836 Blue Spruce Lane
Silver Spring, MD 20906

Chevy Chase West Neighborhood Assn.
Enid Miles
28 Maryland Ave
Gaithersburg, MD 20877

Audubon Naturalist Society
Milmo Delores
8940 Jones Mill Road
Chevy Chase, MD 20815

Montgomery County Civic Federation
Donna Savage Vice President District 18
18804 McComas Court
Kensington, MD 20895

Washington Metro Area Transit
Authority
600 Fifth Street, NW
Washington, DC 20001

Washington Area Bicyclist Assn. -
WABA
Eric Gilliland
1803 Connecticut Ave, NW - 3rd Fl
Washington, DC 20009

24081_v1

824081_v1



Bethesda Urban Partnership, Inc.
7700 Old Georgetown Road
Bethesda, MD 20814-6126

(301) 215-6660
(301) 215-8664 Fax
www.bethesda.org



September 26, 2006

The Donohoe Companies, Inc.
2101 Wisconsin Avenue, NW
Washington, DC 20007
Attn: Steve Van Dorpe

Re: Maintenance Fees—Air Rights Center Hotel

Dear Mr. Van Dorpe:

I am writing to you on behalf of the Bethesda Urban Partnership ("BUP") to confirm the fees that BUP will assess for the maintenance of the on-site public use space improvements that the Bethesda Hotel Associates LLC c/o the Donohoe Companies ("BHA") will be providing in connection with the redevelopment of the Air Rights Center property.

In exchange for the payment of annual fees assessed at BUP's standard rates per square foot, BUP will assume responsibility for maintaining on-site public right-of-way streetscape improvements associated with the Hilton Garden Inn Air Rights Project, upon completion. This will include the lay-by area on Waverly Street, but will not include the bollards associated with the lay-by which will be the responsibility of BHA. BUP understands that although BHA will be providing additional off-site improvements to the Elm Street Park in connection with this redevelopment effort, the Park will continue to be maintained by M-NCPPC. Also the Capital Crescent Trail improvements, including the bike ramp on Pearl Street, will be maintained by DPW&T. As such, any fees assessed by BUP will not include charges associated with the maintenance of Elm Street Park or the Capital Crescent Trail improvements.

We look forward to working with you in the future. Please feel free to contact me should you have any questions.

Sincerely,

Jeff Burtois

cc: Ms. Linda Komes
Patricia A. Harris, Esq.

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K:\OMD\Hilton Letter.doc



BRENNAN BEER GORMAN ARCHITECTS
BRENNAN BEER GORMAN MONK INTERIORS

Hilton Garden Inn – “Green Initiatives” Bethesda, MD

Environmental Design elements:

- **Urban Redevelopment** – Increased localized density to conform to existing or desired density goals by utilizing a site that is located within an existing minimum development density of 60,000 s.f. per acre
- **Alternate Transportation** – Building is located within ½ mile of a commuter rail, light rail, or subway station or ¼ mile of 2 or more bus lines
- **Stormwater Management** – During construction, there will be no net increase in the rate and quantity of stormwater run-off from existing to developed conditions
- **Local/Regional Materials** – When possible building materials manufactured regionally within a radius of 500 miles were used thereby reducing the environmental impacts resulting from their transportation and supporting the local economy
- **Parking** – No additional parking has been added to the site
- **Public and Amenity space** – A public use space easement has been proposed for the portion of the Waverly Street streetscape. This improvements will include a pocket park, to be located at the “elbow” of Waverly Street.
- **Planned improvements to the Crescent Trail** – A significant component of the public use package are the planned improvements to the portion of the Capital Crescent Trail located along the southern boundary of the Property. A series of upgrades are proposed for this component of the trail as well as the adjacent Elm Street Park.

APPENDIX D

Sacks Neighborhood Council
Chevy Chase, Maryland 20815-6207
September 22, 2006

Montgomery County
Department of Park and Planning
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RECEIVED
1280
SEP 26 2006

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Ladies and Gentlemen:

Subject: Sacks Neighborhood Council Comments on Site Plan for Air Right Hotel
File #820070010

Qualifications to Comment

The Sacks Neighborhood Council (SNC) is an organization representing homeowners who live in the Sacks Neighborhood of Chevy Chase, Maryland. The Sacks Neighborhood is located in the Bradley Boulevard District within the Bethesda CBD Sector Plan Area immediately adjacent to, and southwest of, the Bethesda CBD area. The Neighborhood includes single-family houses on both sides of Leland Street (between Woodmont Avenue and Bradley Boulevard) and Wellington Street (between Strathmore and Bradley Blvd.), and some homes that front onto Bradley Boulevard (between Arlington Road and Strathmore).

Sacks homeowners—including government affairs specialists, finance experts and economists, real estate professionals, lawyers, environmental consultants, local educators, active and retired public service officers—have always been very active in monitoring and addressing issues which affect the quality of life in the areas surrounding the Sacks Neighborhood. We have paid particular attention to development projects affecting traffic patterns through our streets and other urban planning initiatives within 1 mile which have the potential to affect where we live, work and play.

In 2005, homeowners came together in the Sacks Neighborhood Council to explore, develop and act on opportunities of common interest, and, in particular, to explore the potential for a sale of homes in the neighborhood to a developer. It is very clear to us that our neighborhood is now encircled by higher density development on every edge, as at least a dozen construction projects are in different stages of planning (or approval) in downtown Bethesda-Chevy Chase. Our once quiet, family-oriented lifestyle has been slowly overtaken by construction, increased traffic, crime and other issues that come with urban development and which will not likely abate in the near future.

While we pursue the objective of removing our neighborhood as an obstacle to *Smart Growth* in Bethesda-Chevy Chase, we remain committed to reviewing, critically analyzing and supporting development in this area that maintains a quality lifestyle for our residents, while we still reside here.

For these many reasons, SNC is well qualified to provide comments on any planning initiative near our neighborhood. We thank you for the opportunity to comment on the Site Plan for Air Right Hotel File #820070010, hereafter referred to as the Air Rights Hotel Plan.

Specific Comments & Recommendations

The Air Rights Hotel Plan is impressive and as thorough as an architectural plan can be. However, as with most site plans of this size and complexity, it is what is not said on this architectural drawing, that defines what the architects and developers propose to do to address environmental and neighborhood concerns, traffic and other issues.

Indeed, the magnitude of the project and its timeline, which can not be defined from the information provided, raise two issues important to SNC: increased traffic through our neighborhood; and, management and coordination of all construction projects in Bethesda-Chevy Chase to minimize disruption of the neighborhoods affected

First, the scale of the construction which will be required to develop this site into a functional hotel will undoubtedly disrupt traffic patterns on Wisconsin Ave and related arterial and residential streets, for a significant amount of time. Leland Street in our neighborhood is already a *cut through thoroughfare*, as determined by a recent traffic study done in conjunction with the Lots 31 & 31A development project. That study determined that Leland Street carries more than 5,000 cars per day during peak times. SNC is already very concerned that traffic through our streets will be significantly adversely affected, i.e., increased by the Lots 31 and 31A project. Now, if the timing of the Air Rights Hotel project is simultaneous with construction on Lots 31 and 31A, homeowners in Sacks Neighborhood can expect traffic problems to be magnified.

Recommendations SNC recommends that a County Transportation Official should take responsibility for coordination among these and future projects which may disrupt traffic patterns simultaneously, in order to address neighborhood concerns on an on-going basis.

Second, in the next few years, we have been advised that there will be many construction projects going on at approximately the same time, within four (4) blocks of the Sacks Neighborhood. Construction of this Air Rights Hotel will add to the chaos already expected: Lots 31 & 31A construction will begin; Thyme Square site will be developed by FRIT and JBG; Arlington East – Construction of the *Old Giant* site is already under way; the USPS Site (Post Office on Arlington Road) is expected to begin; and, the Triumph Development's condominium project at Montgomery & Elm Sts will begin.

All this construction will add a level of unparalleled disruption to our quality of life in the Sacks Neighborhood.

Recommendation

SNC strongly requests that Montgomery County Park and Planning Officials establish a Bethesda-Chevy Chase (B-CC) Community Liaison to work with Sacks and other communities that will be affected by all this construction. That Liaison would continue to keep us informed about project developments (planned and *unintended* events), listen to our comments about problems that may arise, and notify the County when immediate action is necessary to reduce the impact of a particular event due to unexpected construction fall-out.

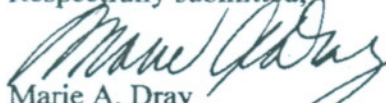
Conclusions

SNC members are confident that you, as managers of our planning welfare, will act appropriately to keep us informed and protected from the adverse impacts of *Smart Growth* to the extent you can. At the same time, we will follow avidly the progress on the Air Rights Hotel Plans, as well as those of other projects nearby and we will continue to comment, when appropriate, on the impact of these developments on our homes, families and lifestyles.

We cannot refrain from one final caution: without significant coordination of development projects in Bethesda-Chevy Chase, County officials could turn this once-thriving model of urban renewal into another model -- *what not to do in urban planning and development!*

We look forward to public hearings at which we will be able to determine the details of this Air Rights Hotel project.

Respectfully submitted,



Marie A. Dray
President, Sacks Neighborhood Council
And
Homeowner
Leland St.
Chevy Chase, Maryland

Tel: 301-656-0255

APPENDIX E



CHECKLIST Site Plan / Project Plan Review

Plan # 820070010 Name: Air Rights Center Hotel

Zone: CBB2 Tract Area: 2.71 ac. Proposed Use: Hotel

Number of Units: 216-rooms Square Footage: 132,421 sf hotel, 4,000sf

Development Method: Optional Other: _____
retail,
364,100sf
office

Referral Comments:

M-NCPPC

	Staff	Date
Transportation	<u>SE</u>	<u>11/21/06</u>
Environmental	<u>SF</u>	
Community Planning	<u>MC</u>	<u>11/17/06</u>
Historic Planning	<u>-</u>	
Park Planning	<u>DP</u>	
Research/Housing	<u>-</u>	

Other Agencies

	Staff	Date
SHA	<u>-</u>	
DPS (SWM)		
DPS (Traffic)	<u>SN</u>	<u>11/27/06</u>
Public School	<u>-</u>	
Utility	<u>-</u>	
Fire & Rescue	<u>JF</u>	<u>11/14/06</u>
DPW & T	<u>-</u>	

Development Standards / Requirements

- Zoning Requirements
- MPDU Calculation
- Building Restriction Lines
- Development Data Table
- TDR Calculation
- Building Height
- Recreation Calculation
- Timing/Phasing Conditions
- Master Plan Conformance

Prior Approvals

- Development Plan
- Preliminary Plan
- Prior Site Plan Approvals
- Record Plat
- Project Plan

Community Input

- Civic Association meeting minutes in Appendix D
- Individuals _____

Supervisor Review

Chief Review

PK

11/30/06