



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

MCPB Item # _____
9/20/07

MEMORANDUM

DATE: September 7, 2007

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Catherine Conlon, Subdivision Supervisor *CC*
Robert Kronenberg, Acting Site Plan Supervisor *RAK*
Development Review Division

FROM: Dolores Kinney (301-495-1321) *DK*
Joshua C. Sloan (301-495-4597) *JCS*
Development Review Division

REVIEW TYPE: Preliminary Plan Review
Site Plan Review

APPLYING FOR: Resubdivision to create two lots for a retail/residential mixed-use development with a maximum density of 2.59 floor area ratio including a maximum of 250 multi-family dwelling units, of which a minimum of 12.5% of the units will be moderately priced dwelling units and up to 35 of the units will be dedicated to workforce housing.

PROJECT NAME: Lot 31 & Lot 31A Bethesda

CASE #: 120070690 & 820070180

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations
Section 59-C-8.45(b), Montgomery County Zoning Ordinance

ZONE: Transit Station – Mixed (TS-M)

LOCATION: Southeast and southwest quadrants of the intersection of Woodmont Avenue and Bethesda Avenue (ADC Montgomery County Map #36-A12)

MASTER PLAN: Bethesda CBD Sector Plan

APPLICANT: Lot 31 Associates, LLC

ENGINEER: Rogers Consulting

ATTORNEY: Linowes & Blocker

FILING DATE: March 27, 2007

HEARING DATE: September 20, 2007

RECOMMENDATION: Approval of Preliminary and Site Plans with conditions.

TABLE OF CONTENTS

STAFF RECOMMENDATIONS	3
Preliminary Plan	3
Site Plan	4
PROJECT DESCRIPTION	7
Site Description	7
Proposal Description	9
Site Design, Public Use Space, & Amenities	10
Building Design	10
Public Use Space & Amenities	11
PLANNING & REGULATORY FRAMEWORK	13
Previous Approvals	13
Sector Plan	16
Preliminary Plan	18
Site Plan	19
ANALYSIS & FINDINGS	21
Preliminary Plan	21
Site Plan	29
APPENDICES	38

Substitute pages 3-6 of the staff report in full:

STAFF RECOMMENDATIONS

STAFF RECOMMENDATION: Approval of Preliminary Plan 120070690 (*Appendix A*), pursuant to Chapter 50 of the Montgomery County Subdivision Regulations, and subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 250 multi-family dwelling units including 35 workforce housing units with a minimum of 12.5% moderately priced dwelling units (MPDUs), and 40,000 square feet of commercial retail with an underground parking garage containing no more than 1,480 spaces with no more than 342 private spaces.
- 2) The Applicant must comply with the specifications and requirements of the approved development plan for Zoning Application No. G-850.
- 3) The Applicant must comply with the conditions of approval for the preliminary forest conservation plan. The Applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits, as applicable.
- 4) No clearing, grading or recordation of plats prior to certification of the Site Plan.
- 5) Final approval of the final number and location of buildings, on-site parking, site circulation, sidewalks, and bikepaths will be determined by the Site Plan.
- 6) Site Plan #820070180 must be approved by the Board and signed by the Development Review Staff prior to the approval of the record plat.
- 7) The applicant must satisfy Local Area Transportation Review (LATR) by providing the following operational improvements:
 - a. Construct a left-turn lane on the eastbound Bethesda Avenue approach at its intersection with Woodmont Avenue.
 - b. Provide for an exclusive left turn and a shared through/right turn lane on westbound Elm Street at its intersection with Woodmont Avenue, if required by the Montgomery County Department of Public Works and Transportation (DPWT).
 - c. Prohibit left-turns from the parking garage onto Bethesda Avenue and from Bethesda Avenue into the parking garage.
- 8) The applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and DPWT to participate in the Bethesda Transportation Management Organization (TMO). The TMAg must be signed and executed by all parties prior to certification of the site plan.
- 9) The applicant must comply with all the conditions of approval set by the DPWT in their August 6, 2007 letter (*Appendix B*) and their August 10, 2007 amendment letter (*Appendix C*) to MNCPPC unless otherwise amended by DPWT.
- 10) Prior to Certified Site Plan approval, the Applicant must provide a vehicular, pedestrian, and bicycle circulation plan for the construction phase to MNCPPC for review. This traffic control plan is subject to final approval by DPWT.
- 11) The record plat must reflect dedication of right-of-way for Bethesda Avenue and relocated Woodmont Avenue as shown on the preliminary plan. The right-of-way for relocated Woodmont Avenue will be dedicated by deed instrument prior to recordation of the record plat (which deed instrument shall reserve from the dedication the area beneath the road structure that will be occupied by the private/public garage). The subsequent

- record plat must reference the dedication by liber/folio reference to the recorded deed instrument. Abandonment of existing Woodmont Avenue right-of-way, per Council Resolution 15-1584, shall be finalized with the recordation of the record plat.
- 12) The Applicant must construct all road improvements within the rights-of-way shown on the approved preliminary plan to the full width and design standards shown on the Certified Site Plan and approved by DPWT and Montgomery County Department of Permitting Services (MCDPS).
 - 13) Final number of dwelling units and MPDU's as per condition #1 above to be determined by agreement with DHCA prior to issuance of any building permits.
 - 14) The record plat must reflect a public use and access easement over all private streets, trails and bikepaths, and adjacent parallel sidewalks.
 - 15) Record plat to depict the abandonment of the right-of-way for existing Woodmont Avenue located on the property.
 - 16) The Applicant must comply with the conditions of approval of the MCDPS stormwater management approval dated October 13, 2006 (*Appendix D*).
 - 17) The Applicant must make the following agreed improvements to the Capital Crescent Trail located adjacent to the Subject Property:
 - 18) Landscaping along the trail per site plan.
 - 19) Bicycle parking racks to be provided and located per site plan.
 - 20) Adequate trail signage to be provided at Bethesda Avenue and at the intersection with the access trail from the bike drop-off.
 - 21) The Applicant must provide a bicycle drop off along Woodmont Avenue, with a Public Improvement Easement (PIE) to allow maintenance of the drop-off facility and a paved access trail per the site plan within a Public Access and Use Easement along the southern boundary of the Property, from the drop off to the Capital Crescent trail. Final location and design of these facilities to be determined at Site Plan. Location and design of the intersection of the access trail with the Capital Crescent Trail per site plan.
 - 22) The record plat must reflect the location of the P.I.E. for the bicycle drop-off area, and the Public Access/Use Easement for the southern path connection with a notation that recordation of the two easements will occur prior to release of the first building permit.
 - 23) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
 - 24) Other necessary easements must be shown on the record plat.

SITE PLAN RECOMMENDATION: Approval of Site Plan 820070180 for a retail/residential mixed-use development with a maximum density of 2.59 floor area ratio including a maximum of 250 multi-family dwelling units, of which a minimum of 12.5% of the units will be moderately priced dwelling units and up to 35 of the units will be dedicated to workforce housing. All site development elements as shown on the site and landscape plans stamped by the M-NCPPC on August 3, 2007 shall be required except as modified by the following conditions:

1. Development Plan Conformance
The proposed development must comply with all of the non-illustrative elements of the Binding Elements outlined in the Opinion for Zoning Application Number G-850, dated October 10, 2006 (*Appendix C*).

2. Preliminary Plan Conformance
The proposed development must comply with the conditions of approval for Preliminary Plan 120070690 as listed above.
3. Art Review
The Applicant will submit designs of the bicycle drop-off shelter, public artworks, and related landscaping, lighting, and site amenities to the Art Review Panel for review prior to approval of the Certified Site Plan. Minor modifications to site plan elements involving the public art may be incorporated into the Certified Site Plan.
4. Lighting
Deflectors must be installed on all fixtures along the eastern property line between the subject property and the adjacent property that cause potential glare or excess illumination on said adjacent property.
5. Maintenance Responsibility
The Applicant is responsible for maintaining all on-site public use space and all on-site public recreation facilities and amenities until the Condominium Association assumes responsibility or an alternative arrangement is reached with the Bethesda Urban Partnership.
6. Environmental
 - a. The proposed development must comply with the conditions of the final forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s). The Final Forest Conservation Plan must be revised to reflect the requirements found in Section 109.B of the Forest Conservation Regulations (COMCOR 18-01AM). This includes:
 - i. A method of meeting this plan's planting requirements
 - ii. If off-site reforestation/afforestation is chosen, a reforestation/afforestation plan with a full planting, location, and maintenance plan must be included as part of the submission.
 - iii. All financial security must be submitted to M-NCPPC prior to record plat submission.
 - b. Compliance with MNCPPC noise compatibility guidelines:
 - i. At time of building permit, an acoustical engineer must certify through building shell analysis that interior noise levels will not exceed 45 DBA L_{DN} .
 - ii. The builder must construct the buildings in accord with these acoustical recommendations, with any changes affecting acoustical performance approved by the acoustical engineer, with copy to MNCPPC staff.
 - iii. The certification and builder acceptance letter must be provided to MNCPPC Environmental Planning staff before building permits are issued.
7. Stormwater Management
The Applicant must comply with the conditions of approval of the MCDPS stormwater management approval dated October 13, 2006 (*Appendix D*).

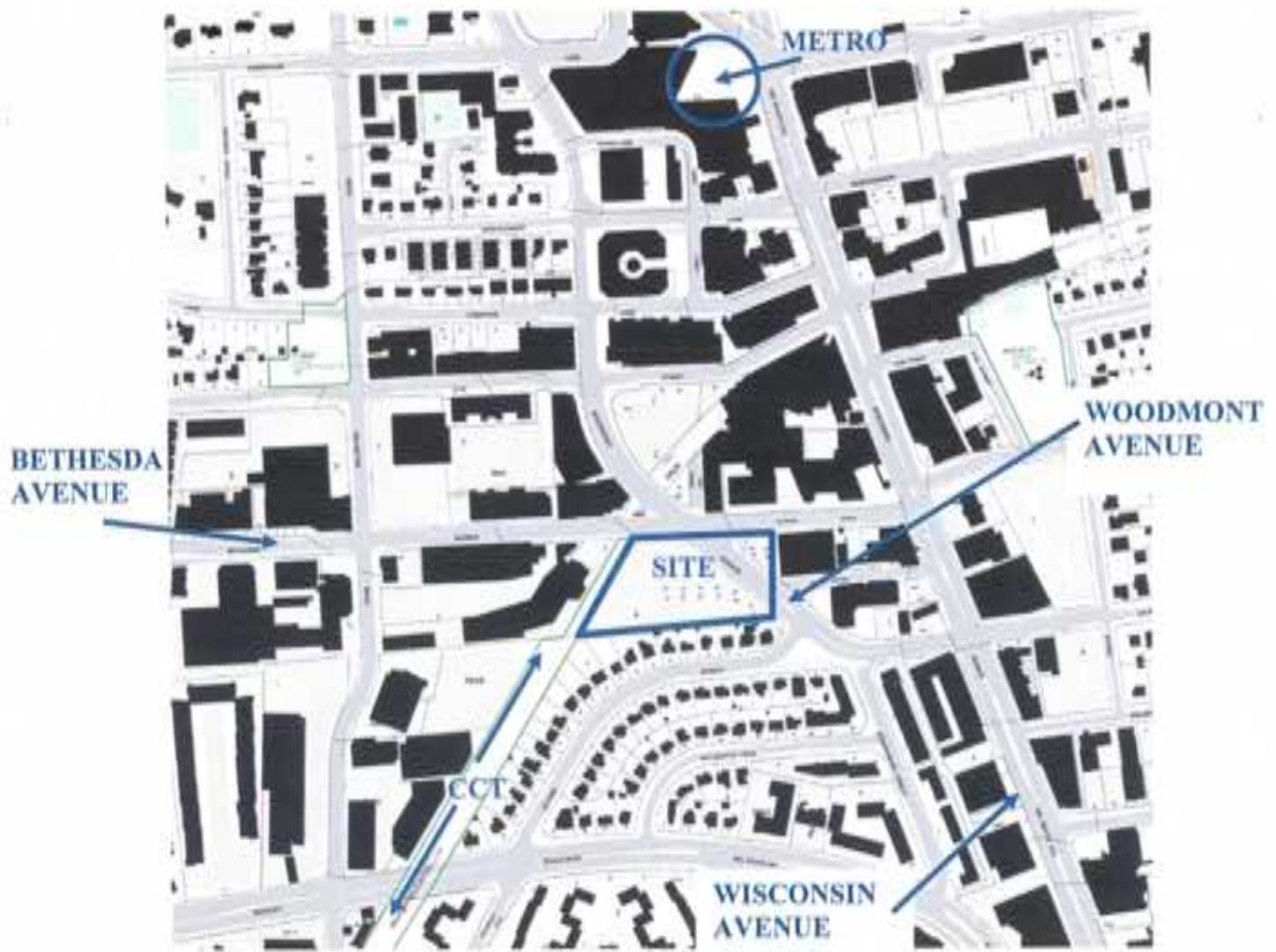
8. Maintenance and Liability Agreement
A Maintenance and Liability Agreement must be recorded for all private seating areas, canopies, and other private encumbrances and/or uses within future public rights-of-way at Certified Site Plan.
9. MPDU/Workforce Housing
The Applicant must finalize an agreement pertaining to the construction and staging of MPDUs and Workforce Housing Units from DHCA prior to issuance of any building permits.
10. Development Program
The Applicant must construct the proposed development in accordance with the Development Program. A Development Program will be reviewed and approved by M-NCPPC staff prior to approval of a Certified Site Plan. The Development Program will include a phasing schedule for the following items:
 - a. Streetscapes and landscaping associated with each pedestrian area will be completed as construction is completed, but no later than the next growing season.
 - b. On-site lighting.
 - c. Pedestrian seating areas associated with each area will be completed as construction is completed.
 - d. Capital Crescent Trail renovation to be completed prior to issuance of use-and-occupancy permits.
 - e. Artwork at the bicycle drop-off and public garage entrances.
 - f. Phasing of dedications, easements, site amenities, trip mitigation or other features.
11. Certified Site Plan
Prior to approval of the certified site plan, the following revisions must be included and/or information provided, subject to staff review and approval:
 - a. Development program, inspection schedule, and Site Plan Resolution.
 - b. Revised site plan data table, recreation calculations, and photometric data.
 - c. Trail improvement construction and amenity details.
 - d. Art program elements.

PROJECT DESCRIPTION

SITE DESCRIPTION

The subject property is currently owned by Montgomery County and was the subject of a competitive proposal solicitation process for a joint public/private redevelopment project with a large underground public parking garage and private mixed-use development of the air rights.

The subject property consists of parts of recorded lots 18-24 and lots 138 and 139 of Miller's Addition in Bethesda. The gross tract area of the property, including a previous dedication along Bethesda Avenue of 0.23 acres (10,081 square feet), is 3.30 acres (143,819 square feet). The net tract area of the property is 3.07 acres (133,738 square feet) after abandonment and dedication of the realigned Woodmont Avenue. The site straddles Woodmont Avenue and will be separated by the associated right-of-way.



Vicinity map of subject site.

The property is zoned TS-M, a designation obtained through Zoning Application G-850. Prior to rezoning, the subject property was split between the R-60 and CBD-1 zones and is located in the southwest and southeast quadrants of the intersection of Woodmont Avenue and Bethesda Avenue. The subject site is currently developed with surface parking and is owned by the Montgomery County Department of Public Works and Transportation. The subject property is within the Bethesda Parking Lot District, the Bethesda Transportation Management District, the Bethesda Urban District, and the Bethesda Arts and Entertainment District. Each of these designations has impacted the development of the site in terms of non-vehicular transportation accommodations, expected maintenance requirements, and the provision of public amenities. There are no historic structures or sites on the property.

The surrounding properties are a mix of residential and commercial uses within various zones. More specifically, retail, office, and restaurant uses occupy the confronting properties to the north (across Bethesda Avenue), which are zoned C-2 west of Woodmont Avenue and CBD-2 east of Woodmont Avenue. To the east of the subject site is a 143-foot tall apartment building, the Seasons, zoned CBD-1. The Sacks Subdivision, zoned R-60, is located south of the subject property and consists entirely of one-family detached residential units. The residents directly adjacent to the subject property have worked with the developer to create adequate buffers and pedestrian connections to the on-site walkways and amenities. Directly west of the site is a car dealership, which is zoned C-2. There is a small amount of CBD-R2-zoned land adjacent to the subject property along the eastern boundary.



Aerial view of subject site and existing building looking north.

The subject site contains no wetlands, streams, stream valley buffers or floodplains; soils are classified as Urban Land (400). In fact, except for a few trees along the southern property line, there are very few environmental features on site. A natural resources inventory/forest stand delineation analysis (NRI/FSD) was completed and approved and a Final Forest Conservation Plan has been reviewed by Environmental Planning Staff. Topographically the high point of the site is in the southeast corner. From this point Woodmont Avenue slopes down about ten feet as it proceeds north and the grade along the southern property boundary slopes down about 16 feet. The low point of the site is in the northwest corner.

PROPOSAL DESCRIPTION

The Preliminary Plan application proposes to resubdivide existing lots 18-24 and lots 138 and 139 of Miller's Addition and create two lots, viz. Lot 31 and Lot 31A. These lots will be separated by the Woodmont Avenue right-of-way. All necessary dedications and easements are indicated on the Preliminary and Site Plans and will be recorded with the final Plat. The total proposed development on site is limited to a floor area ratio (FAR) of 2.59 by the approved development plan. This FAR is split between multi-family residential units and retail space; residential units are limited to a maximum of 250, of which a minimum of 12.5% must be MPDUs and up to 35 must be workforce housing units. The project requires the abandonment (which was approved on August 1, 2006 in Resolution 15-1584), realignment, and rededication of Woodmont Avenue to the location shown on the Preliminary and Site Plans. The Site Plan further details the layout and development delineated by the Preliminary Plan. Specifically, site details, landscaping, lighting, and hardscapes are fully specified.



Illustrative

A Mandatory Referral to construct a five-level below-grade parking garage was approved by the Planning Board on June 28, 2006 (#06806-DPWT-1). This approval included the ingress and egress points to the garage established on Woodmont Avenue and Bethesda Avenue.

SITE DESIGN, PUBLIC USE SPACE, & AMENITIES

Building Design

Although not completed, the initial architectural studies indicate that the building will be primarily glass and brick with awnings and pedestrian-level detailing, reflecting the character of much of this area. As indicated, a mandatory referral to construct an underground parking facility for approximately 1138 public parking spaces and 342 private parking spaces has been approved. Above this parking garage, approximately 40,000 square feet of the ground floor and mezzanine level will be retail space, which opens up to the sidewalks on Bethesda Avenue and Woodmont Avenue. Three dedicated public elevator lobbies provide access to and from the below-grade parking lot directly to the sidewalks. Each of these elevator lobbies will incorporate artwork created in conjunction with the bicycle drop-off discussed below. Access to residential lobbies on each side of Woodmont Avenue is also provided from the sidewalks. Along the southern edge of the Lot 31 building (west side of Woodmont) the ground-level residential units have access to a courtyard or pedestrian walkways at grade.

The massing of the proposed buildings is primarily defined by a gentle concave curve along the Bethesda Avenue frontage that will create larger gathering spaces on both sides of Woodmont Avenue. This continuation of the design motif from one side of Woodmont to the other will create a visual terminus to Bethesda Row and unify the sense of enclosure and pedestrian orientation begun by the surrounding development. The interior of the western building is further carved out to create a large courtyard for residents and visitors.

Like the density and many of the proposed setbacks, the maximum building heights were established by the binding elements of the Development Plan. East of Woodmont Avenue, the building height must not exceed 90 feet as measured from the building height measuring point on Woodmont Avenue delineated on the Site Plan. Further, this building must step down to a maximum height of 65 feet at the intersection of Bethesda Avenue and Woodmont Avenue. West of Woodmont Avenue, the building height must not exceed 54 feet as measured from the building height measuring point delineated on the Site Plan. In this case, the residential units along the southern edge must have a maximum building height of 14 feet, as measured from the same point. (The seemingly low height limit of 14 feet is due to the on-site slopes and relationship of the building to the measuring point at the high point of the site.)

The Applicant intends to design and construct the project to LEED certification standards.

Public Use Space & Amenities

Due to a number of factors, this project is especially significant for local and visiting pedestrians and bicyclists. First and foremost, the Capital Crescent Trail passes along the western property line. In addition, this site will basically provide the terminus for a main axis of the commercial district in this area of Bethesda.



Illustrative Plan

The following excerpt from the submission document describes the exterior spaces:

With both of the above grade structures effectively being designed as a "four sided building", the Project has many site features and distinct urban experiences for pedestrians, bicyclists, residents and neighbors. As noted above, the two above grade buildings on the north side form a gentle curve that redefines the intersection of Woodmont and Bethesda Avenue into distinct gathering points. At both the west and east buildings, the Applicant has developed triangular shaped active/passive space with wide pedestrian flow areas, primary retail entrances, and enhanced the area with more intimate gathering areas for the public.

On the west building the grade falls from east to west. To level the grade at the retail entrances along the north façade, a landscaped triangle area has been created. The space is bisected at intervals that integrate the architectural piers of the building using the Bethesda brick pavers. The small grade difference is maintained with a concrete/stone capped seat wall. Within the bisected path metal benches are installed to provide intimate seating. Outside of the public right-of-way, the active/passive space will continue uninterrupted by providing paving within the area that is to

be brick, light in color, in a running bond pattern that responds to the gentle curve of the building. The active/passive space will have tables and chairs serving the Project's retail tenants (including potentially a food/beverage provider). Retail doors are shown along the front façade, ultimately determined by the tenant's demised premises. Given the proximity of the area to the public right-of-way, the lighting of the plaza will use, in part, the Washington Globe fixture, consistent with current Bethesda CBD specifications. Landscaping in the planters are low plants, predominantly seasonal plantings. The planting beds will have splashes of seasonal color to provide year round interest.

It is the intent to mirror the design described above on the plaza of the east building. In this building the grade also falls east to west. A retaining wall takes the grade change so there are no steps in the paving on this side. Tables and chairs to serve the Project retailers (including potentially a food/beverage tenant) will accentuate the space along the building frontage. The landscaping, hardscape and lighting will be the similar to the west building.

The public space within the right-of-way along Bethesda Avenue is designed with the Bethesda CBD Streetscape material standards. The area includes the Bethesda brick pavers; Streetscape specified trees and Washington Globe fixtures. The Site Plan does indicate that a paver pattern radiates from the building edge into the public area. These bisecting pavers are actually the Bethesda brick pavers, but handpicked darker variations to "punch" the radiating pattern out into the sidewalk. The sidewalk areas of the southeast, southwest and northeast corners of Bethesda and Woodmont Avenue will have increased sidewalk areas from the proposed "neck down" of the intersections. This will provide additional pedestrian and bicycle crossing safety at Bethesda Avenue and Woodmont Avenue.

The Woodmont Avenue sidewalk is predominantly within the new right-of-way to be dedicated. For the most part, the design for Woodmont Avenue will replicate the paving patterns that exist on the 7200 block of Woodmont, the Federal Realty Bethesda Row portion. This paving includes a combination of the Bethesda brick and concrete paving. It is desired to have the similar ability for table and chair seating should the successful pattern of Bethesda Row north of Bethesda Avenue and Woodmont Avenue emerge through tenancy for the Project frontage along Woodmont Avenue. Alternatively, the Bethesda Streetscape standard benches will be installed. Bethesda CBD Streetscape specified trees and Washington Globe lights will be placed along the Woodmont Avenue sidewalk.

The Applicant also proposes an extension of the Woodmont Avenue median south of the Property. This median extension will prohibit a left hand turn onto Leland Avenue from northbound Woodmont, a significant safety improvement to the residents living in the Sack's neighborhood.

Space between the east building and the adjacent Seasons building is approximately 18' feet wide. Applicant and the owner of The Seasons building have agreed to improve and upgrade this opening with a pedestrian path. The path will have small shrubs at the northern and southern edge. The path will be the Bethesda brick. Lighting will be provided between the buildings to provide safety. Given the limited width the lights will be attached to the Applicant's building.

Along the southern edge of the west building are many Site features, including:

- *Bicycle Drop Off:* This feature provides bicyclists coming to use the trail by automobile the opportunity to dismount the bicycle, in a pull off area at the southern edge of the Project along Woodmont Avenue, prior to parking the vehicle.
- *Landscape Path to Capital Crescent Trail:* The Property has a significant landscaped public area and pathway along the southern side of the West building.

- *Sacks Neighborhood Fence:* The Applicant has agreed with the Sacks neighborhood to install a fence between the properties and provide, if desired by the individual homeowners, gated entrances from the Sack's properties that border the Applicant's property to the path.
- *Courtyard Plaza:* The Courtyard Plaza along the southern buffer of the Property is a public plaza to be enjoyed by both the condominium residents and the public. The Plaza provides the pedestrian walking along the southern path a "teaser" to enter. At the top of the Courtyard along the southern side of the path there is a natural stone wall that has scuppers within the wall. Water exits from the scuppers into the top water pool. The change in path material to *Ipe* wood evokes the feeling of crossing a bridge. The water reappears on the northern edge of the path. There is almost a 9-foot grade change from the pathway down to the base of the courtyard. The water cascades down a series of steps into a deep pool at the base. Pedestrians can walk along each side of this cascading waterfall. An accessible path is located along the western edge of the courtyard. In the main Courtyard Plaza the water forms into an oblong, infinity style shallow pool. The edge of the infinity pool is also similar stacked looking stone to the top water feature, tying the two together. Benches are around the courtyard. Tables and chairs will also be placed within the Courtyard plaza.

The Applicant also intends to improve the experience along the portion of the Capital Crescent trail adjacent to the Property.

PLANNING & REGULATORY FRAMEWORK

PREVIOUS APPROVALS

The subject proposal has received three previous approvals: a mandatory referral approval for the public parking garage, the abandonment approval for Woodmont Avenue, and reclassification of 3.3 acres of County-owned land from R-60 and CBD-1 Zones to TS-M zone concurrent with an approved Development Plan.

The mandatory referral (06806-DPWT-1) approving the construction of the public parking garage was approved by the Planning Board on June 22, 2006 (*Appendix E*). The Planning Board based its judgment on the following Staff recommendations:

1. The disposition of public property at Lot 31 and Lot 31A and the location and use of the proposed joint public-private mixed use redevelopment project is appropriate.
2. Continue to develop more detailed information regarding garage access point(s), capacity, design, and operation for review by the Planning Board concurrently with the preliminary plan application for the joint public-private development. Further analysis must demonstrate how needs for both pedestrian and vehicular demands are accommodated.
3. Continue to review and develop more detailed information regarding the ultimate location, operation, and alignment of the relocated Woodmont Avenue between Bethesda Avenue and Leland Street.
4. Continue to communicate with all concerned parties, including adjacent property owners, residents, and recreational users of the Capital Crescent Trail, regarding the proposed design and operation of Woodmont Avenue and Bethesda Avenue along the frontage of Lot 31/31A.

The Preliminary Plan Analysis and Findings detail many of the Applicant's efforts to continue this dialogue with agencies and the community as they have finalized the details of their proposal.

The Abandonment of Woodmont Avenue was approved by the County Council (Resolution 15-1584, recorded at Liber 32879, Folio 464) on August 1, 2006 with the final act of abandonment to be completed at the time of subdivision. The Preliminary and Site Plans indicate the new area of right-of-way dedication. The realigned road will facilitate improvements at the intersection of Woodmont Avenue and Bethesda Avenue. This relocation is critical to improve the overall safety of the intersection of Woodmont and Bethesda Avenues and to provide for a better utilization of the Property for both the public and private development components. To accomplish this critical relocation, it was necessary to have abandoned the entirety of Woodmont Avenue south of Bethesda Avenue and through the Property, with the new right-of-way dedicated through this remaining entitlement process and pursuant to the Bethesda CBD Sector Plan. The street will be closed during the construction of the below grade garage and will be reconstructed with the re-alignment as part of the development.

The County Council approved the reclassification of approximately 3.3 acres of County-owned land from R-60 and CBD-1 Zones to the TS-M Zone (Resolution 15-1632) on October 10, 2006 (*Appendix F*). Concurrent with this approval was the approval of Development Plan G-850, which contained twenty binding elements:

1. Maximum FAR (floor area ratio) of 2.59 as reflected on the development plan.
2. Maximum of 250 dwelling units (final number of units and mix to be determined at Site Plan).
3. Maximum of 342 private parking spaces (total number of parking spaces based on unit mix to be determined at Site Plan).
4. Building setback from south property line, west of realigned Woodmont Avenue, to be 50 feet.
5. Building setback from east property line, west of realigned Woodmont Avenue, shall be 5 feet for the entire building line. Beginning at and above the second floor the building shall be setback from the east property line as shown on the plan entitled "Building Setback Plan at and Above Second Floor Adjacent to Seasons Building" entered into the public hearing record for this zoning application as Exhibit 56 and which plan is also shown on the face of the development plan.
6. The mechanical penthouse on the rooftop of the building located west of Woodmont Avenue will: (1) be setback 40 feet from the shared property line with the adjacent Seasons Apartments to the east ("Seasons"); (2) not have any primary vertical components of any cooling towers located closer than 75 feet from the shared property line with the Seasons (by example, pipes along the rooftop that are ancillary to a cooling tower would be allowed); and (3) have a maximum height of 14 feet above the roofline.
7. Measured from the measuring points shown on the development plan (identified on development plan as elevation 334.9 feet above sea level – the "Measuring Points"), maximum building heights (not including mechanical penthouse) are as follows:
 - a. East of Woodmont Avenue: Building height not to exceed 90 feet as measured from the Measuring Points (elevation 424.9 feet above sea level), with step down

- to building height not to exceed 65 feet as measured from the Measuring Points (elevation 399.9 above sea level) at intersection of Bethesda Avenue and Woodmont Avenue.
- b. West of Woodmont Avenue: Building height not to exceed 54 feet as measured from the Measuring Points (elevation 388 feet above sea level) for building west of Woodmont Avenue, with maximum building height of 14 feet as measured from the Measuring Points (elevation 348 above sea level) between 50 and 60 feet setback along southern property line (for town home style condominium units adjacent to single family Sack's neighborhood to south).
8. Provision on-site of 12.5% MPDU's per County law and provision of up to 35 workforce housing units per DHCA Agreement, to be finally reflected at Site Plan.
 9. Minimum 35% open space (active and passive recreational space/public use space), with final area to be determined at Site Plan.
 10. Developer to construct realignment of Woodmont Avenue and improvements to Woodmont Avenue/Bethesda Avenue intersection per the Development Plan and future DPWT approvals, with final design and operation of the intersection for pedestrians, bicyclists and vehicles to be determined at Site Plan.
 11. Loading docks serving buildings shall be enclosed within building area.
 12. All residential units will be multi-family condominium units.
 13. Dwelling units along the southern building edge of the building west of realigned Woodmont Avenue shall be town home-style condominium units.
 14. The underground public garage shall exhaust through the roof of the on-site buildings west of Woodmont Avenue (and away from the adjacent residential uses), this also being known as the existing Lot 31 property, and there shall be no exhaust from the underground public garage through any buildings (through the roof or otherwise) east of Woodmont Avenue, this also being known as the existing Lot 31A property.
 15. A bicycle and pedestrian connection from Woodmont Avenue to the Capital Crescent Trail shall be provided along the southern property line within the 50-foot setback area, and the final design and operations of the bike drop off area adjacent to Woodmont Avenue to be finalized with DPWT and M-NCPPC at Site Plan.
 16. At time of Site Plan review, Applicant to provide hardscape/landscape in setback area along eastern property line. With the cooperation and authorization of the adjacent property owner to the east, coordinated hardscape/landscape amenities within the setback area located on the adjacent property to the east will be included as part of the amenity package for the redevelopment of Lot 31/Lot 31A by the Applicant.
 17. Detailed information regarding the ultimate location, operation and alignment of Woodmont Avenue between Bethesda Avenue and Leland Street shall be provided for DPWT and M-NCPPC review and approval at time of preliminary plan and Site Plan. New right-of-way for realigned Woodmont Avenue shall be established with DPWT at the time of preliminary plan and reflected on the record plat.
 18. LATR study for the subject project to be provided by Applicant at time of preliminary plan reflecting approved public garage access points. The Applicant will further analyze capacity, design and operations of the local road network.
 19. The Applicant will request DPWT approval of a right-in/right-out limitation on ingress and egress to the public garage access along Bethesda Avenue.

20. Documentation of agreement between Applicant and DPWT allowing for private access beneath Woodmont Avenue to be provided at time of Site Plan, including documentation of future ownership of the public and private property.

SECTOR PLAN

Community Based Planning has reviewed the proposal and has outlined the following objectives and guidelines for subject site; their full memorandum is attached (*Appendix G*). The Sector Plan places these lots in the Arlington Road District (page 132-34). The stated objectives for this area are:

1. Preserve and enhance the Arlington Road District as a community-oriented retail and service business area.
2. Concentrate redevelopment along Bethesda Avenue, with special focus at the intersection of Bethesda Avenue and Arlington Road as the center of the district.
3. Continue the “main street” shopping character along Bethesda Avenue, consistent with recent development.
4. Protect the surrounding residential areas from commercial intrusions by directing growth away from the edges and by providing lower densities, appropriate uses, and landscaped buffers at the residential edges.
5. Improve traffic circulation, pedestrian safety, amenities, and convenience.
6. Provide additional housing, and reduce the potential for additional employment away from the Metro Core.

The Sector Plan recommendations for the Lot 31 sites are very specific. The major elements that are to be a part of development when it occurs include:

1. Creating a staging area for users of the Capital Crescent Trail on a portion of the development site.
2. Provide a combination of mixed-income housing and parking on the site.
3. Parking should include below-grade and some surface parking.
4. Include ground floor retail along Bethesda Avenue.
5. The site is appropriate for the TS-M Zone, and height compatible with the adjacent neighborhood would yield about 100 housing units.

The Urban Design Guidelines for Lot 31 include the following specific elements:

1. Continue the Main Street character in developing retail frontage along Bethesda Avenue and a portion of Woodmont Avenue.
2. Limit heights to 3 to 5 floors and vary roof lines for visual interest. The greatest height and bulk should be located primarily on Bethesda Avenue. The buildings should step down to a lower height and be no closer than 50 feet from the property line of the houses in the Sacks neighborhood. The building design should express a residential character that is compatible with the neighborhood.
3. Provide landscape screen along the southern edge of the site as a buffer with the adjacent houses.

4. Ensure pedestrian and bicycle access to the Capital Crescent Trail and provide a Class 1 Bikeway along Bethesda Avenue, in accordance with the Bicycle Network Plan.

SECTOR PLAN AREA

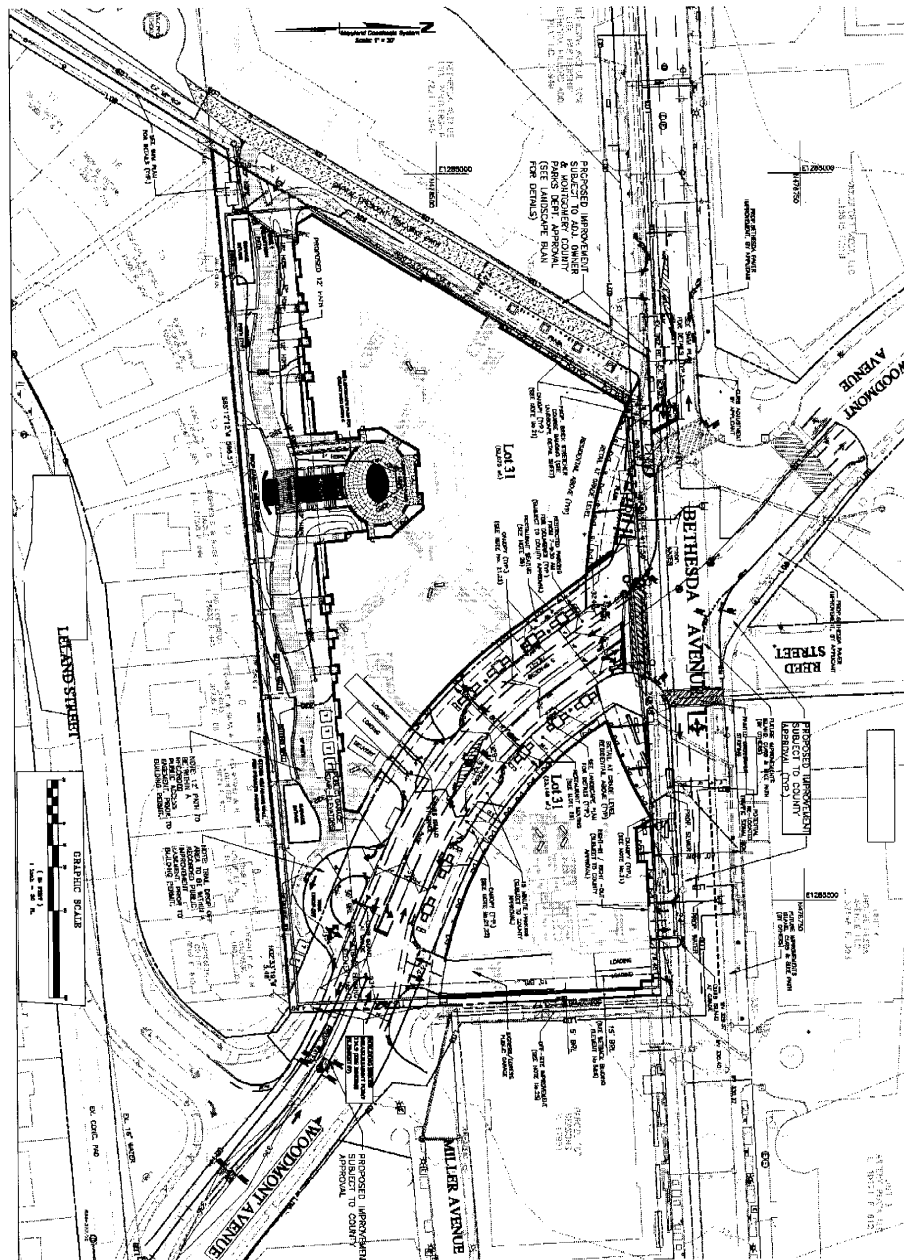
FIGURE 2.3



Bethesda CBD

PRELIMINARY PLAN

This is a preliminary plan application to create two (2) lots for 250 multi-family dwelling units including up to 35 workforce housing units with a minimum of 12.5% MPDUs, and no more than 40,000 square feet of commercial retail with an underground parking garage containing 1,480 spaces with no more than 342 private spaces. This preliminary plan is being reviewed concurrently with Site Plan #820070180. Access to the site will be directly from Woodmont and Bethesda Avenues.



Preliminary Plan

The preliminary plan of subdivision must conform to Chapter 50 of the Montgomery County Code, Subdivision Regulations. Approval of any preliminary plan by the Planning Board is subject to certain findings. Those findings must determine adequacy of access, public facilities, necessary public improvements, compliance with requirements of the zone, lot design, public sites and open space or green space, and environmentally sensitive area protection.

The subject preliminary plan combines parts of lots and ultimately creates two separate lots. Such reconfiguration of lots in this manner, under certain circumstances, is subject to evaluation of criteria pursuant to Section 50-29(b)(2) of the Subdivision Regulations, "Resubdivision". Section 50-29(b)(2), however, only applies to residential lots. Since the proposed development is mixed use, the criteria evaluated under Section 50-29(b)(2) are not applicable.

Last, it is important to note that, although the underground garage crosses the Woodmont Avenue right-of-way and, therefore, two lot lines, this is allowed by the Subdivision Regulations pursuant to section 50-20(b)(4):

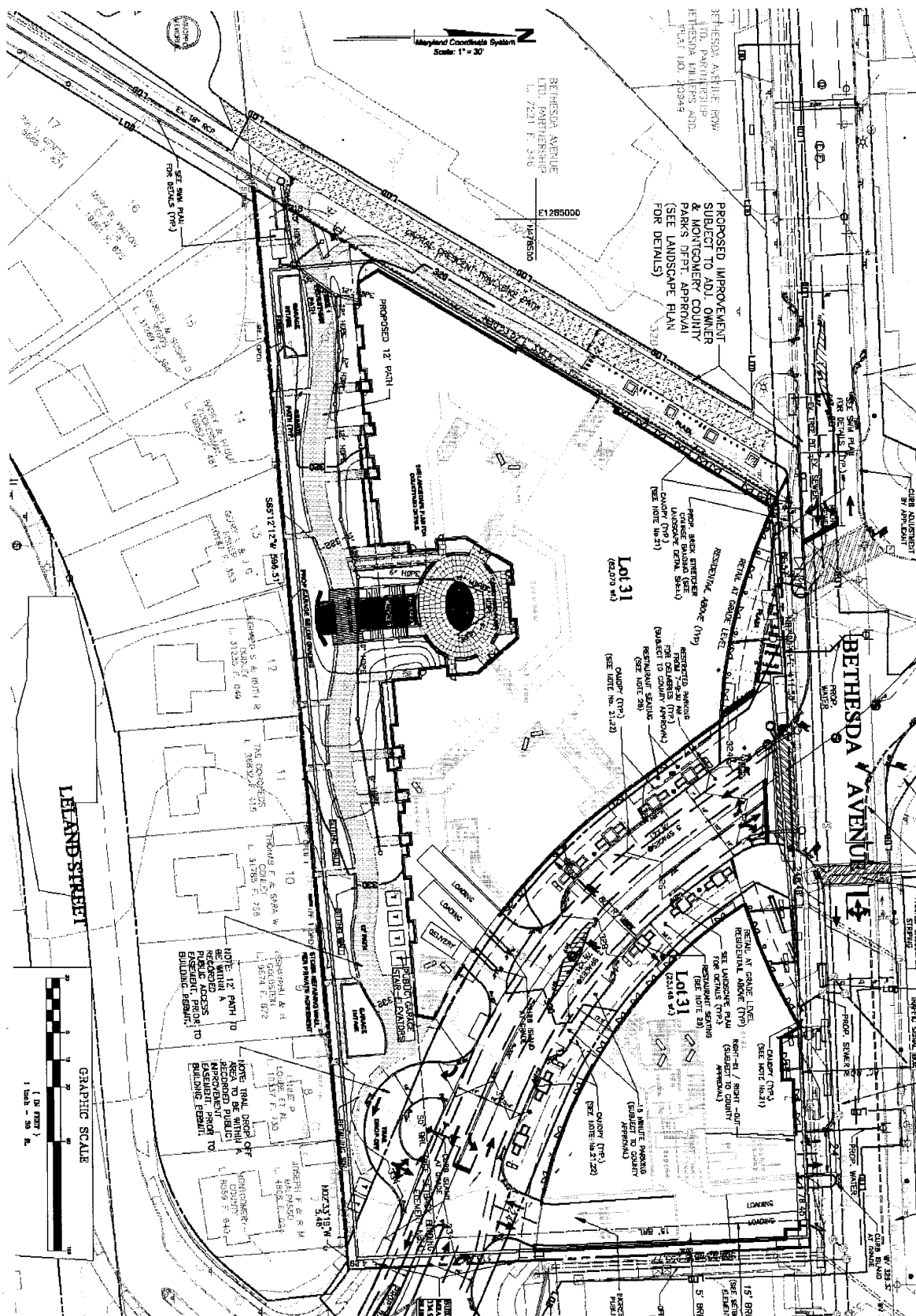
A building permit must not be approved for the construction of a dwelling or other structure, except a dwelling or structure for agricultural use, which is located on more than one lot, which crosses a lot line, which is located on the unplatted remainder of a resubdivided lot, or which is located on an outlot, except a building permit:

For an underground parking facility that crosses the vertical plane of any lot line, as projected below grade, or extends into a public right-of-way if that extension is approved by the appropriate public agency [in this case, DPWT].

SITE PLAN

According to Section 59-C-8.45(b) of the Zoning Ordinance, all proposals in the Transit-Station Mixed Zone (TS-M) require a site plan to be submitted and approved in accordance with the provisions of Division 59-D-3. Division 59-D-3 fully details the requirements, contents, certifications, findings, effects and validity of the development proposal. The necessary findings are described in the following section.

According to Section 59-D-3.4(d), "The Planning Board must not approve the proposed site plan if it finds that the proposed development would not achieve a maximum of compatibility, safety, efficiency and attractiveness. The fact that a proposed site plan may comply with all applicable development standards or other specific requirements of the applicable zone does not, by itself, create a presumption that the proposed site plan is, in fact, compatible with surrounding land uses and, in itself, is not sufficient to require the Planning Board to approve the proposed site plan."



ANALYSIS AND FINDINGS

PRELIMINARY PLAN

Master Plan Compliance

The proposed preliminary plan is subject to the 1994 Sector Plan for the Bethesda Central Business District and Rezoning Application G-850. The rezoning case rezoned the property from the R-60 and CBD-1 zones to the TS-M zone, but maintained the overall goals of the Bethesda CBD Master Plan by preserving the community retail and service business area, providing housing, and ultimately improving traffic circulation, and pedestrian safety. The preliminary plan proposes redevelopment for multi-family residential with MPDUs in the heart of the CBD, in accordance with the master plan goals.

Transportation

The analysis of transportation issues related to this preliminary plan indicates that vehicular, pedestrian, and bicycle circulation will be safe and adequate with the proposed improvements. The rights-of-way that will be dedicated for Bethesda Avenue and relocated Woodmont Avenue as shown on the preliminary plan will fully satisfy the Sector Plan recommendations, and access from the development to these roadways will be safe and adequate. The Local Area Transportation Review (LATR) indicates that all studied intersections will operate within the applicable congestion standard. Traffic operations at nearby intersections were also studied, and the results indicate that queuing at the majority of studied intersections will be improved with the roadway improvements included in the subject application. The plan also makes significant improvements to pedestrian and bicycle circulation, and provides the public parking anticipated in the Sector Plan. The following sections from the Transportation Planning Memorandum (*Appendix H*) describe the transportation improvements proposed with the subject plan.

Site Location, Access, Circulation, and Parking

The subject property is located in downtown Bethesda at the intersection of Bethesda Avenue and Woodmont Avenue. The property is bounded by Bethesda Avenue to the north, Capital Crescent Trail to the west and traversed by Woodmont Avenue on the eastern portion of the site. Vehicular access to the proposed parking garage is via driveways located on Woodmont Avenue and Bethesda Avenue. Directly south of the site is Leland Street, with a residential development of single-family homes.

Woodmont Avenue was dedicated as a public street with connection to Wisconsin Avenue (MD 355) at two points, north and south of the Bethesda Central Business District. Woodmont Avenue operates as an alternative route for southbound traffic through Bethesda. Northbound traffic along Woodmont Avenue is redirected east and west at the intersection of Hampden Lane in downtown Bethesda. South of the project site, limited turning movements from southbound Woodmont Avenue onto Leland Street are in place to reduce the volume of

peak-hour traffic through the residential neighborhood. According to current traffic volume counts, the majority of the traffic along Woodmont Avenue is from the north, with a considerable amount (nearly 40% of the daily approach volume) turning right onto westbound Bethesda Avenue.

The current surface parking lots that are the subject of this proposed development, including a parking garage, are heavily used for long-term and midday to early evening hour parking. Local restaurants and service retail draw a high volume of clientele on late evenings and weekends when area parking and roadways are carrying a heavy volume of pedestrian, bicycle and vehicular traffic. There is currently a substantial demand for weekend recreational use of the surface parking lot as a loading/unloading area for users of the Capital Crescent Trail to access downtown DC and the interim Georgetown Branch Trail into Silver Spring.

The access points to the proposed garage are from Woodmont Avenue and Bethesda Avenue. The entrance located on the east side of Woodmont Avenue provides for full movements while right-turns-in and right-turns-out are only provided from the Bethesda Avenue entrance/exit. The Woodmont Avenue garage entrance would be located approximately 300 feet south of Bethesda Avenue and approximately 50 feet north of Miller Avenue on the eastern side. The applicant proposes to extend the raised centerline median along Woodmont Avenue to limit Miller Avenue and Leland Avenue to right-in/right-out only turning movements. The garage entrance along Bethesda Avenue would be located approximately 160 feet east of Woodmont Avenue with restricted right-turns-in and right-turns-out.

The alignment of Woodmont Avenue shall be relocated to the west as part of this development. The right-of-way for the current alignment was abandoned by the County (DPWT Docket No. AB-684) and right-of-way for a new alignment will be dedicated back to the County as part of the redevelopment proposal. The westward alignment will match the current 80-foot right-of-way for Woodmont Avenue and perform the same function of vehicular and pedestrian access to Leland Street and Bethesda Avenue across the property. The structured parking garage will pass beneath the relocated Woodmont Avenue alignment to allow for continuous circulation through all levels of the garage. DPWT and the applicant will enact an agreement to allow for private access beneath the public right-of-way.

Local Area Transportation Review

According to the *Local Area Transportation Review (LATR) Guidelines*, the applicant was required to submit a traffic study to analyze the impact of this proposed private-public development. For the private component, the number of peak-hour trips included the trips generated by the residential apartments and commercial retail space. In addition, the total number of peak-hour trips included the public component that is anticipated for the number of motorists parking in the public garage. The scope of the traffic study was sized to reflect the entirety of this private-public development that was proposed as one project and reflective in the nature of its design. Such design features included garage access points serving the parking needs for all public and private purposes. The study has consolidated the estimated traffic volumes by both the private and public components of this development into a single traffic

study. All the proposed development on the site is estimated to generate 590 and 1,166 peak - hour trips during the weekday morning and evening peak periods, respectively.

Table 1 (Attachment No. 2 in the appended memo) gives the calculated Critical Lane Volumes (CLV) at studied intersections in the existing, background, and total future traffic conditions. The conclusion of the submitted traffic study indicates that, for total future traffic conditions including the selected design alternative, all studied intersections will operate within the congestion standard of 1,800 CLV for the Bethesda Central Business District Policy Area.

Traffic Operation Analysis in Vicinity of the Site

In response to concerns raised DPWT and Transportation Planning Staff, the consultant performed an operational analysis using a traffic simulation program called SYNCHRO. The analysis included the current and future traffic conditions for the proposed geometric changes (i.e., such as reduced lane widths, lengths or turning restrictions). The traffic simulation analysis findings were based on the composite result of the increased number of public parking spaces, the private mixed-use developments and pedestrian/bicycle circulation improvements.

The simulation of traffic operation included 8 intersections and 10 other existing and proposed driveways along Wisconsin Avenue, Arlington Road, Woodmont Avenue and Bethesda Avenue. Table 2 below summarizes the result of this analysis with left-turn lanes at eastbound Bethesda Avenue and westbound Elm Street along Woodmont Avenue for the worst-use weekday evening peak hour. The values in the table represent the approach lane with the longest average queue length.

Table No. 2: Traffic Simulation Results with Improvements for the weekday worst-case evening peak hour scenario:

	<u>Woodmont Avenue and Elm Street</u>			
	Northbound	Southbound	Eastbound	Westbound
Average Length of Queued Vehicles	61	155	100	118
Distance for the Next Upstream Intersection	301	194	68	552
% of Time the upstream Intersection is Blocked	0%	19%	31%	0%
	<u>Woodmont Avenue and Bethesda Avenue</u>			
	Northbound	Southbound	Eastbound	Westbound
Average Length of Queued Vehicles	89	248	56	57
Distance for the Next Upstream Intersection	130	301	47	57
% of Time the upstream Intersection is Blocked	3%	9%	53%	65%
	<u>Woodmont Avenue and Miller Avenue</u>			
	Northbound	Southbound	Eastbound	Westbound
Average Length of Queued Vehicles	----	----	----	21
Distance for the Next Upstream Intersection	----	----	----	268
% of Time the upstream Intersection is Blocked	----	----	----	0%

	Woodmont Avenue and Leland Street			
	Northbound	Southbound	Eastbound	Westbound
Average Length of Queued Vehicles	31	----	1	----
Distance for the Next Upstream Intersection	894	----	14	----
% of Time the upstream Intersection is Blocked	0%	----	0%	----
	Woodmont Avenue and Wisconsin Avenue			
	Northbound	Southbound	Eastbound	Westbound
Average Length of Queued Vehicles	231	203	78	135
Distance for the Next Upstream Intersection	802	254	306	330
% of Time the upstream Intersection is Blocked	0%	4%	0%	0%
	Wisconsin Avenue and Bethesda Avenue/Willow Lane			
	Northbound	Southbound	Eastbound	Westbound
Average Length of Queued Vehicles	117	387	71	----
Distance for the Next Upstream Intersection	254	418	94	----
% of Time the upstream Intersection is Blocked	5%	32%	67%	----
	Bethesda Avenue and Arlington Road			
	Northbound	Southbound	Eastbound	Westbound
Average Length of Queued Vehicles	384	236	112	88
Distance for the Next Upstream Intersection	834	316	228	42
% Time that the Upstream Intersection is Blocked	18%	8%	20%	41%

With the left-turn lanes on eastbound Bethesda Avenue and westbound Elm Street at their intersections with Woodmont Avenue, “the percentage of the time the upstream intersection was blocked” decreased on all but three of the 90 intersection approach lanes.

Sector-Planned Transportation Demand Management

The site is located in the Bethesda Transportation Management District (TMD). The applicant must enter into a Traffic Mitigation Agreement (TMAG) with the Planning Board and DPWT to participate in the Bethesda Transportation Management Organization (TMO) to assist in achieving the 37% non-auto-driver mode share goal for employees working in the Bethesda Central Business District.

Available Transit Service

Three bus routes operate along the nearby roadways as follows:

1. The Bethesda Circulator or the red “Bethesda 8 Trolley” (i.e., Ride-On route 92) operates on Woodmont Avenue north of Bethesda Avenue and on Bethesda Avenue west of Woodmont Avenue.
2. Ride-On route 36 operates along Arlington Road.
3. Ride-On route 42 operates along Wisconsin Avenue.

In addition, the subject site is located approximately one third of a mile away from the Bethesda Metrorail Station. At this Metrorail Station, transit users may ride on the Metrorail System, 7 Ride-On routes, and 5 Metrobus routes.

Sector-Planned Roadways and Functional Master-Planned Bikeways

In accordance with the *Bethesda CBD Sector Plan* and the *Countywide Bikeways Functional Master Plan*, roadways and bikeways are designated as follows:

1. Wisconsin Avenue (MD 355) is classified as a major highway, M-6, with a minimum recommended 114-foot right-of-way width near the site.
2. Bradley Boulevard (MD 191) is classified as a major highway, M-3, with a minimum recommended 120-foot right-of-way width and a dual bikeway, DB-4, a shared use path and signed shared roadways from Persimmon Tree Road to Wisconsin Avenue (MD 355).
3. Woodmont Avenue is an arterial, A-68, with a minimum recommended 80-foot right-of-way width and bicycle lanes, BL-6 from Battery Lane south to Strathmore Street.
4. Arlington Road is classified an arterial, A-82, with a minimum recommended 80-foot right-of-way width.
5. Leland Street is classified an arterial, A-20, with a minimum recommended 80-foot right-of-way width.
6. Bethesda Avenue, Elm Street, and Hampden Lane are classified as business district streets with a minimum recommended 60-foot rights-of-way width and a signed shared roadway, SR-9, along Bethesda Avenue.
7. Montgomery Lane is classified as business district streets with minimum recommended 52-foot rights-of-way width west of Woodmont Avenue and minimum recommended 80-foot rights-of-way width east of Woodmont Avenue.
8. Wellington Drive and Strathmore Street are classified as residential streets with minimum recommended 60-foot rights-of-way width.

The Capital Crescent Trail borders the western edge of the project site. The Trail is one of the most popular and extensive recreational and commuter trails in the DC Metropolitan region. It provides off-road trail access to downtown DC and Bethesda. Continuing northwest of the project site, the interim Georgetown Branch Trail offers connection across Montgomery County to Stewart Avenue in the Lyttonsville Industrial Area. Future plans continue the Georgetown Branch Trail into and through downtown Silver Spring as part of the Purple Line Transitway. The trail connects to the planned Metropolitan Branch Trail at the Silver Spring Transit Center.

The applicant proposes to provide an auxiliary access to the Capital Crescent Trail along the south side of the subject site from a loading/unloading area for cyclists along southbound Woodmont Avenue at the southeast corner of the site. This area would serve recreational users who arrive in private vehicles, but are unwilling or unable to park inside the parking garage with their bicycles mounted on their vehicles. In theory, cyclists would unload the bicycles at the semi-circular vehicular drop-off area and then park in the public parking garage.

Sector Plan Guidance on Parking and Circulation Improvements

The *Bethesda Central Business District Sector Plan* discusses a need for additional parking, with specific mention of structured parking on the Lot 31 site. The proposed

redevelopment of Lot 31 is suggested to include ground-floor retail along Bethesda Avenue and a portion of Woodmont Avenue, with adequate separation from the adjacent residential neighborhood to the south.

The *Sector Plan* also calls for several improvements at the intersection of Woodmont Avenue and Bethesda Avenue, oriented towards improved access and safety for pedestrian and recreational bicyclists. It recommends that all improvements to the operations and geometry of Bethesda Avenue and Woodmont Avenue should reduce pavement widths and provide for pedestrian signal phases with adequate crossing times for all intersection approaches.

Pedestrian and Bicyclist Access and Circulation

The intersection of Woodmont Avenue and Bethesda Avenue carry a high number of bicyclists and pedestrians. The current configuration of this intersection requires long-distance crosswalking of both streets. As a result, many pedestrians choose to cross against the traffic signal and not in striped crosswalks ("jaywalking"). This confuses drivers as they proceed through this intersection. Compounding the situation are the bicyclists and runners/joggers continuing through the intersection along the Capital Crescent Trail/Georgetown Branch-Purple Line alignment and not complying with the pedestrian signal indications or staying within the designated crosswalks.

In their letter dated August 10, 2007 (attached), DPWT discusses their concerns regarding the vehicular traffic and pedestrian crossings at this intersection. Staff position is that trade-offs between vehicle and pedestrian/bicycle movements are essential to maintain a vibrant downtown activity. DPWT suggests that the Woodmont Avenue crosswalks be located adjacent and parallel to Bethesda Avenue. The same suggestion is also made for relocating the Bethesda Avenue crosswalks adjacent and parallel to Woodmont Avenue. DPWT's suggested design is summarized (and underlined) below along with staff recommended alternatives to improve pedestrian/bicycle circulation:

1. The crosswalks across the northern Woodmont Avenue shifted to the south: This would approximately double the pedestrian crossing distance across the northern Woodmont Avenue width. As a result, the minimum pedestrian signal timing required in the *Manual on Uniform Traffic Control Devices* (MUTCD) and corresponding green time for Bethesda Avenue must be increased. Staff supports the layout as shown on plan dated August 1, 2007.
2. The crosswalk across the western Bethesda Avenue shifted to the east: This crosswalk would be relocated further away from the Capital Crescent Trail connection along the south side of Bethesda Avenue. This additional distance could discourage some bicyclists from using the crosswalk and jay-"biking" across Bethesda Avenue. Staff's alternative for this crosswalk should be:
 - a) A wider crosswalk to accommodate both pedestrians and Capital Crescent Trail bicyclists.
 - b) A better alignment with the Capital Crescent Trail connection on the south side of Bethesda Avenue shifting the southern leg of the crosswalk closer to the Capital Crescent Trail.

- c) Pedestrians and bicyclists must be accommodated along the sidewalk on the southwest side on Bethesda Avenue that narrows down at the point between the northwest corner of Lot 31 and the Bethesda Avenue curb.
3. The crosswalk across the eastern Bethesda Avenue shifted to the west: Staff recommends that the handicapped ramp on the north side of this crosswalk be located in conjunction with the Woodmont East Phase II plans.
4. Finally, the crosswalks should preferably be perpendicular across the paved vehicular travelways.

Coordination with the Adjacent Development and DPWT for the Area's Roadway/Intersection Transportation Improvement

The applicant is coordinating the area's roadway/intersection design with adjacent development on the north side of Bethesda Avenue (currently called "Woodmont East"). DPWT has initiated improvements to the Woodmont Avenue/Bethesda Avenue intersection for better pedestrian access and more efficient traffic signal timing. Some of these improvements include enlarging the curbside landing areas for pedestrians as well as modifying the alignment of Woodmont Avenue for shorter crosswalk lengths. These proposed pedestrian improvements could likely result in compromises that would reduce intersection capacity for vehicles.

One such compromise is an eight-foot-wide left-turn lane on the southbound Woodmont Avenue that is not typically recommended by the Association of American State Highway and Transportation Officials (AASHTO). In a few circumstances, eight-foot-wide left turn lanes have been considered where the speed is relatively low, such examples are the one on Fenton Street between Bonifant Street and Thayer Avenue and at the intersection of Georgia Avenue and Spring Street. The adjacent travel lanes are at least 11 feet wide on Woodmont Avenue. The eight-foot-wide left-turn lane is supported by DPWT as a trade off to provide right-of-way for a *sector-planned* on-road bikeway along Bethesda Avenue.

The proposed terminus for the Purple Line is recommended to occupy the property on the other side of Bethesda Avenue from Lot 31; its successful design will include provision for continued access through the site for the Capital Crescent Trail/Georgetown Branch Trail connection and public open space.

Environmental

The Subject Property does not contain streams, environmental buffers, wetlands or floodplains.

Forest Conservation

The property does not contain any forest. A planting requirement of 0.71 acres will be met by a combination of landscaping credit and either off-site planting or by payment of fee-in-lieu. As such, the plan meets all applicable requirements of the county Forest Conservation Law.

Tree Save

The adjacent properties contain several trees which will be impacted by the proposed development. To address tree save issues, the Applicant is entering into a Construction Management Plan and Agreement with the adjacent property owners which defines the developer's responsibilities to protect or replace the trees on adjacent properties. This is a private agreement and not subject to the Planning Board's authority.

Noise

A noise analysis was conducted along Bethesda and Woodmont Avenues which showed noise levels that exceeded the maximum levels. The maximum indoor noise level is 45 dBA Ldn and the maximum outdoor noise level is 65 dBA Ldn. In an effort to bring the noise to acceptable levels, an outdoor to indoor noise analysis will be made prior to issuance of building permits. At that time, if needed, noise mitigation will be implemented.

Air Quality

Air quality is potentially an issue due to emissions from idling vehicles generated from traffic associated with the proposed development. The proposed parking structure may create air quality issues due to the potential of increased traffic idling while queuing to enter the garage. The Montgomery County Air Quality Protection Strategy of 2003 concludes that low vehicle speeds cause vehicles to disperse fumes which negatively impacts air quality. The Applicant proposes operational measures which will facilitate improved traffic flow.

Stormwater Management

On October 13, 2006, the MCDPS Stormwater Management Section approved the stormwater management concept for the project which includes topsoiling prior to permanent vegetation stabilization, stormwater management computations, engineered sediment control plan and provision of green roof.

Conformance to the Subdivision Regulations and Zoning Ordinance

Staff's review of Preliminary Plan #120070690, Lot 31, indicates that the plan conforms to the 1994 Sector Plan for the Bethesda Central Business District. The proposed preliminary plan is consistent with the sector plan goals to encourage redevelopment and housing in the central business district.

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. Access and public facilities will be adequate to support the proposed lots and uses. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lots were reviewed and comply with the requirements for the TS-M zone as specified in the Zoning Ordinance. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

Community Outreach

The Applicant met 30 days prior to this Site Plan submittal with the individual representatives of each of the adjoining properties and has held a community wide meeting. Included in their submission is an Affidavit of Community Meeting held on March 15, 2007 at the Bethesda Services Center, a copy of the notice of the meeting, and the list of those receiving notice. Also included are the handwritten attendance list, typed attendance list, and minutes of the dialogue between the Applicant and individuals present at the meeting. Since the start of the Project the following additional public meetings have been held:

- Informal Pre-Preliminary filing Community Meetings -- September 26, 2005 and November 14, 2005
- Community Forum – April 26, 2006
- Community Forum – March 15, 2007

The Applicant has also been in contact with the Town Of Chevy Chase, which has particular concerns about traffic congestion caused by increased parking and density. The letter detailing their concerns is attached (*Appendix J*).

Conclusion

Staff concludes that Preliminary Plan #120070690, Lot 31, conforms to the land use objectives of the 1994 Sector Plan for the Bethesda Central Business District and meets all requirements of the Subdivision Regulations. As such, Staff recommends approval of the preliminary plan, subject to the conditions specified above.

SITE PLAN FINDINGS

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.*

On October 10, 2006 the County Council for Montgomery County, Maryland sitting as the District Council for that Portion of the Maryland Washington Regional District in Montgomery County, approved by an 9-0 vote the Resolution # 15-1632 for Amendment to the Zoning Ordinance for reclassification of the 3.3 acres of County-owned land in downtown Bethesda from the R-60 and CBD-1 Zones to the TS-M (Transit Station-Mixed). The District Council concurrently approved the Development Plan, including several “binding elements” to the Development Plan proffered by the

Applicant. The Site Plan addresses and conforms to the Binding Elements as noted below.

1. *Maximum FAR (floor area ratio) of 2.59 as reflected on the development plan.* The maximum FAR of 2.59 (372,500 FAR-square feet) is not exceeded in the Site Plan submission.
2. *Maximum of 250 dwelling units (final number of units and mix to be determined at Site Plan).* The Applicant proposes no more than 250 dwelling units, with the actual total number and unit types to be determined at the time of Certified Site Plan to allow Applicant to be responsive to market conditions. See Chart below for current proposed total count proposed mix.

Lot 31 Associates – Current Residential Unit Count		
Floor	West Building	East Building
Cellar	11	0
Mezz 1	10	0
Mezz 2	15	0
2 nd Floor	26	13
3 rd floor	32	14
4 th floor	32	14
5 th floor	23	14
6 th floor	0	12
7 th floor	0	10
8 th floor	0	10
9 th floor	0	10
Total	146	97
Total	243	

Lot 31 Associates current proposed residential unit mix is as follows:

Lot 31 Associates Unit Mix	
Type	Current Mix
Efficiency	7
One Bedroom	18
One Bedroom/Den	118
Two Bedroom	29
Two Bedroom/Den	68
Three Bedroom/Den	3

3. *Maximum of 342 private parking spaces (total number of parking spaces based on unit mix to be determined at Site Plan).* The Applicant is within the maximum 342 private parking spaces based on the unit count above and again the parking will be

definitively identified within this limit at the time of Certified Site Plan, based upon the actual unit number and mix and market conditions.

4. *Building setback from south property line, west of realigned Woodmont Avenue, to be 50 feet. The setback from south property line is 50 feet.*
5. *Building setback from east property line, west of realigned Woodmont Avenue, shall be 5 feet for the entire building line. Beginning at and above the second floor the building shall be setback from the east property line as shown on the plan entitled "Building Setback Plan at and Above Second Floor Adjacent to Seasons Building" entered into the public hearing record for this zoning application as Exhibit 56 and which plan is also shown on the face of the development plan. [Exhibit 56 shows that, beginning on the second floor and above, the setback expands on the eastern side (i.e. adjacent to the Seasons building) to 10 feet for a distance of 27 feet along the eastern property line and then to 15 feet for the remainder of the eastern property line. The Site Plan conforms to the setbacks noted above.*
6. *The mechanical penthouse on the rooftop of the building located west of Woodmont Avenue will: (1) be setback 40 feet from the shared property line with the adjacent Seasons Apartments to the east ("Seasons"); (2) not have any primary vertical components of any cooling towers located closer than 75 feet from the shared property line with the Seasons (by example, pipes along the rooftop that are ancillary to a cooling tower would be allowed); and (3) have a maximum height of 14 feet above the roofline. The Site Plan conforms to this binding element.*
7. *Measured from the measuring points shown on the development plan (identified on development plan as elevation 334.9 feet above sea level – the "Measuring Points"), maximum building heights (not including mechanical penthouse) are as follows:*
 - a. *East of Woodmont Avenue: Building height not to exceed 90 feet as measured from the Measuring Points (elevation 424.9 feet above sea level), with step down to building height not to exceed 65 feet as measured from the Measuring Points (elevation 399.9 above sea level) at intersection of Bethesda Avenue and Woodmont Avenue.*
 - b. *West of Woodmont Avenue: Building height not to exceed 54 feet as measured from the Measuring Points (elevation 388 feet above sea level) for building west of Woodmont Avenue, with maximum building height of 14 feet as measured from the Measuring Points (elevation 348 above sea level) between 50 and 60 feet setback along southern property line (for town home style condominium units adjacent to single family Sack's neighborhood to south).*
The Measuring Points and building elevations conform to binding element #7.
8. *Provision on-site of 12.5% MPDU's per County law and provision of up to 35 workforce housing units per DHCA Agreement, to be finally reflected at Site Plan. Per DHCA Agreement signed December 4, 2006 the Applicant has provided up to 35 work force housing units and 12.5% MPDU's. The Architectural plans included with this submission graphically (but illustratively) locate the workforce housing and*

MPDU units. Working with DHCA, the final location, demising walls and sizing and type of the units and the details (including number of MPDU's at 12.5% of the finally determined unit count) will be reflected on the Certified Site Plan.

9. *Minimum 35% open space (active and passive recreational space/public use space), with final area to be determined at Site Plan.* Per the attached Site Plan submission the Applicant has achieved over 35% active and passive/public space. The Applicant has provided both active and passive recreational and public use space both on and off-site. The Applicant has provided an active front plaza on both the west and east buildings at the corner of Woodmont and Bethesda Avenues. The public and private active/passive areas are planned to have restaurant/café seating (ultimately determined by tenants). The area also has two seat walls and metal benches for seating within both the private and public designated space of the plazas. The Applicant also proposes improvements to the Capital Crescent Trail adjacent to the Property, both for bicyclists and pedestrians. A secondary pedestrian path will be installed for pedestrians and those using the Elevators from the public parking garage. Some retail activity may be installed along the pedestrian portion of the sidewalk, ultimately determined by the tenants. Bicycle racks are also being proposed at the northwest corner of the Trail, immediately south of Bethesda Avenue trailhead for the safe "parking" of bicycles. Along the southern edge of the west building the Applicant proposes a path extension from the bicycle drop off to the Capital Crescent Trail that will be inviting and pleasant for visitors and residents of the Property and neighborhood. The large Courtyard Plaza allows residents, visitors and the public to enjoy a pleasant south-facing courtyard filled with a water feature and tables and chairs. Additionally, the Applicant is constructing curb bump-outs along the southeast, southwest and northeast curbs to "neck down" the intersection of Woodmont and Bethesda Avenues. Moving the corners closer to each other will significantly reduce the pedestrian crossing distance of this critical intersection.
10. *Developer to construct realignment of Woodmont Avenue and improvements to Woodmont Avenue/Bethesda Avenue intersection per the Development Plan and future DPWT approvals, with final design and operation of the intersection for pedestrians, bicyclists and vehicles to be determined at Site Plan.* The plan has the proposed realignment of Woodmont Avenue. Woodmont Avenue will be an 80' right of way with both street and sidewalk area. The Applicant has indicated parallel parking on Woodmont, and proposes hour restrictions for parking after 9:30 am weekdays and Saturdays and for only 15 minute parking in front of the residential entrances on both the west and east side of Woodmont Avenue (all subject to DPWT approvals). Per the Site Plan, the Applicant will "bump out" the sidewalks at the intersection of Bethesda Avenue and Woodmont Avenue to increase pedestrian safety. The County has already performed the improvements outlined in the plan for the northwest corner. The Applicant will complete the increase in sidewalk area at the northeast, southwest and southeast corners of the intersection. The Applicant will also stripe the crosswalks (subject to DPWT approvals). The Mandatory Referral submission established the location of the garage entrances that addresses both pedestrian and automobile safety. The Capital Crescent Trail has improvements as

noted previously to provide safety to both pedestrian and bicycle users of the Trail. The Applicant is also proposing to extend the median along Woodmont Avenue south of the Property. This extension will prohibit a left turn onto Leland Avenue from northbound Woodmont, a significant safety improvement to the residents living in the Sack's neighborhood.

11. *Loading docks serving buildings shall be enclosed within building area.* The Site Plan provides the locations of the loading docks. Both loading docks shall have enclosed loading areas.
12. *All residential units will be multi-family condominium units.* The Chart included in binding element # 2 provides the proposed unit mix (which again will be finally determined at the time of Certified Site Plan). The structure of the residential portion of the project will be condominium.
13. *Dwelling units along the southern building edge of the building west of realigned Woodmont Avenue shall be town home-style condominium units.* The elevation of the west building units facing the south incorporates a town home condominium style. Many of the units along the southern exposure have entrances to units from the path.
14. *The underground public garage shall exhaust through the roof of the on-site buildings west of Woodmont Avenue (and away from the adjacent residential uses), this also being known as the existing Lot 31 property, and there shall be no exhaust from the underground public garage through any buildings (through the roof or otherwise) east of Woodmont Avenue, this also being known as the existing Lot 31A property.* The enclosed roof plans indicate that the location of the public garage exhaust is through the roof of the west building.
15. *A bicycle and pedestrian connection from Woodmont Avenue to the Capital Crescent Trail shall be provided along the southern property line within the 50-foot setback area, and the final design and operations of the bike drop off area adjacent to Woodmont Avenue to be finalized with DPWT and M-NCPPC at Site Plan.* The Site Plan illustrates the proposed bike drop off area and the sidewalk connection between the drop off and the Capital Crescent Trail.
16. *At time of Site Plan review, Applicant to provide hardscape/landscape in setback area along eastern property line. With the cooperation and authorization of the adjacent property owner to the east, coordinated hardscape/landscape amenities within the setback area located on the adjacent property to the east will be included as part of the amenity package for the redevelopment of Lot 31/Lot 31A by the Applicant.* The Site Plan has the proposed hardscape/landscape that is agreed to between the adjacent property owner and Lot 31 Associates. The setback area will have small planting strips along the western side of the southern edge and at the northwest edge. The remainder of the setback area will be hardscape with the Bethesda brick pavers to provide a pedestrian path. There is also lighting proposed for the area for security of the path.

17. *Detailed information regarding the ultimate location, operation and alignment of Woodmont Avenue between Bethesda Avenue and Leland Street shall be provided for DPWT and M-NCPPC review and approval at time of preliminary plan and Site Plan. New right-of-way for realigned Woodmont Avenue shall be established with DPWT at the time of preliminary plan and reflected on the record plat.* The Site Plan provides the proposed location, operation and alignment of Woodmont Avenue between Bethesda Avenue and Leland Street. Additional information will be included on the Preliminary Plan of Subdivision being submitted concurrently with this Site Plan and the Record Plat.
18. *LATR study for the subject project to be provided by Applicant at time of preliminary plan reflecting approved public garage access points. The Applicant will further analyze capacity, design and operations of the local road network. The Applicant will include with the Preliminary Plan the updated LATR study by Wells & Associates with scoping as defined by M-NCPPC staff. In addition to the APFO analysis utilizing the typical LATR study for the private development component of the Project, additional safety and operational information studies relating to the public garage are being provided for the benefit of DPWT and M-NCPPC.*
19. *The Applicant will request DPWT approval of a right-in/right-out limitation on ingress and egress to the public garage access along Bethesda Avenue. The Site Plan indicates a right-in and right-out only limitation on ingress and egress to the parking garage on Bethesda Avenue.*
20. *Documentation of agreement between Applicant and DPWT allowing for private access beneath Woodmont Avenue to be provided at time of Site Plan, including documentation of future ownership of the public and private property. DPWT, M-NCPPC and the Applicant have agreed in concept that the site will be two lots separated by the newly dedicated right-of-way of Woodmont Avenue, with the garage beneath Woodmont Avenue reserved and exempted from the public dedication. This is further described with the Preliminary Plan submission.*
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.*

If amended in accordance with recommended conditions, the Site Plan meets all of the requirements of the TS-M zone as demonstrated in the following project Data Table.

PROJECT DATA TABLE FOR TS-M ZONE

<u>Development Standard</u>	<u>Permitted/ Required</u>	<u>Approved as a Binding Element</u>	<u>Proposed for Approval</u>
Minimum Area (square feet)	40,000	143,819	143,819
Floor Area Ration (FAR)	3.0	2.59 ¹	2.59
Dwelling Units	n/a	250	250
MPDU's	12.5%	12.5% (27 units) ²	12.5% (27 units)
Workforce Housing	n/a	up to 35 units	35 units
Building Height (feet)	n/a	90/65 & 54/14 ³	90/65 & 54/14
Open Space (% of net lot area)			
Public Use	10	not specified	10% minimum
Recreational Space	25	not specified	25% minimum
Total Open Space	35	35	48.3% minimum
Building Setbacks (feet)			
South Property Line	n/a	50	50
East Property Line	n/a	5/10/15/40/75 ⁴	5/10/15/40/75
West Property Line	n/a	not specified	0
North Property Line	n/a	not specified	0
Parking			
Public Spaces	n/a	1,150 ⁵	1,150
Private Spaces (max)	none ⁶	342	342
Total (max)	n/a	1,492	1,492

¹ For purposes of FAR calculation, parking, parking aisles and loading areas are not included.

² MPDUs are calculated on the basis of market rate units – workforce housing units have been subtracted: (250-35) x 12.5% = 27.

³ See Binding Element #7 of the Development Plan.

⁴ 5 feet minimum, 10 feet/15 feet at and above the second floor as shown on the Building Setback Plan, 40 feet to the mechanical penthouse, and 75 feet to the cooling towers. See the development plan setback exhibit for exact layout.

⁵ County will determine final count and mix.

⁶ The proposed development is within the Bethesda Parking District and is not required to provide any parking on site.

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

Locations of buildings and structures

The buildings are located according to the binding elements of the Development Plan. In addition, they are massed and detailed to provide adequate, safe, and efficient pedestrian and vehicular access, visibility to public spaces, and various types of enclosures and pedestrian environments. They are designed such that they complement the existing context, while distinguishing themselves by their interesting concave frontage along Bethesda Avenue and their integral artworks and open spaces.

Open Spaces

The TS-M Zone requires both public use space and recreation space. The open spaces provided around the buildings provide a continuous street frontage that ties this project into the existing retail and residential context. The internal spaces and the enhancements of the adjacent trail will provide more than adequate space to encourage pedestrians and bicyclists to use the trails and sidewalks rather than their vehicles. The courtyards and plazas provide distinct and various areas for relaxation, people-watching, and gathering. These spaces are all sufficiently efficient and safe for the numerous pedestrians and bicyclists that frequent this part of Bethesda.

Landscaping and Lighting

The landscaping and lighting is adequate, safe, and efficient to provide for safe use of the site, access around the site, and visual interest and beauty for passers-by, shoppers, and residents. All of the requirements of the binding elements have been met regarding necessary landscaping, and the lighting conforms to the Sector Plan.

Recreation Facilities

The recreation facilities provided are adequate, safe, and efficient as the following table demonstrates. As indicated in the detailed list of proposed recreation facilities, a significant portion of the public use space and recreation space required by the TS-M Zone contributes to the on-site supply of recreation facilities.

Demand Points		D1	D2	D3	D4	D5
		Tots	Children	Teens	Adults	Seniors
Housing Type	Number of Units	0 to 4	5 to 11	12 to 17	18 to 64	65+
Hi-Rise (5 or more)	250	10.00	10.00	10.00	192.50	115.00
Total		10.00	10.00	10.00	192.50	115.00

On-Site Supply Values

		D1 Tots	D2 Children	D3 Teens 12 to	D4 Adults 18 to	D5 Seniors
	Quantity Provided	0 to 4	5 to 11	17	64	65+
Recreation Facility						
Picnic/Sitting	21	21.00	21.00	31.50	105.00	42.00
Bike System	1	0.50	1.00	1.50	28.88	11.50
Pedestrian System	1	1.00	2.00	2.00	86.63	51.75
Indoor Community Space	1	1.00	1.50	3.00	57.75	46.00
Indoor Exercise Room	1	1.00	1.00	3.00	57.75	46.00
Indoor Fitness Facility	1	0.00	1.00	1.00	38.50	17.25
Total		24.50	27.50	42.00	374.50	214.50

Off-Site Supply Values

		D1 Tots	D2 Children	D3 Teens 12 to	D4 Adults 18 to	D5 Seniors
	Quantity Provided	0 to 4	5 to 11	17	64	65+
Recreation Facility						
Bike System	1	0.50	1.00	1.50	28.88	11.50
Pedestrian System	1	1.00	2.00	2.00	86.63	51.75
	total:	1.50	3.00	3.50	115.50	63.25
	35%:	0.53	1.05	1.23	40.43	22.14
	35% of total:	13.19	14.81	22.62	201.65	115.50
	allowed off-site supply:	0.53	1.05	1.23	40.43	22.14

Adequacy of Recreation Facilities

		D1 Tots	D2 Children	D3 Teens 12 to	D4 Adults 18 to	D5 Seniors
		0 to 4	5 to 11	17	64	65+
	Supply:	25.03	28.55	43.23	414.93	236.64
	Demand:	10.00	10.00	10.00	192.50	115.00
	% of Total Demand:	250.25	285.50	432.25	215.55	205.77
	90% Demand:	9.00	9.00	9.00	173.25	103.50
	Difference must be 0 or greater:	16.03	19.55	34.23	241.68	133.14

Pedestrian and Vehicular Circulation Systems

The proposed development is providing numerous pedestrian, bicycle, and vehicular improvements and new resources that are more than adequate, safe and efficient. Many of these have been discussed in the staff report and we only need to highlight the major features. First, of course, is the realignment of Woodmont Avenue, which will provide much safer and more efficient vehicular circulation as well as better

sight distances and shorter crosswalks for pedestrians. Second, are the Capital Crescent Trail improvements, including widening and more bicycle racks. Third, is the new pedestrian link between the trail and the new bicycle drop-off on Woodmont Avenue. Fourth, the bicycle drop-off, which allows bicyclists to pull off of Woodmont Avenue into a small turn-around that will allow them to remove their bikes from their vehicles, temporarily lock them up, and then find a parking space before they return to retrieve them. Last, all of the streets will be upgraded to the Sector Plan standards.

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

The proposed structure is compatible with other uses in and around the subject site and with the adjacent development patterns and scale. The proposed use of retail and residential spaces complement the surrounding uses by providing a center of employment, entertainment, and housing within an existing retail and residential urban context.

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.*

As conditioned, the Final Forest Conservation Plan is acceptable and all applicable environmental guidelines have been met.

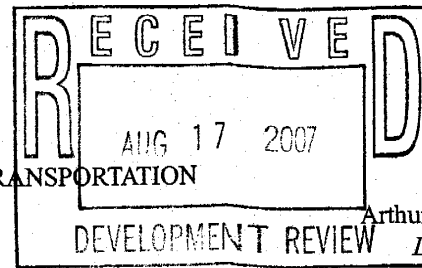
The Stormwater Management Concept has been approved and consists of on-site water quality control via green roofs, flow based 'StormFilters', and a MCDPS approved hydrodynamic structure. Onsite recharge is not required since this is redevelopment. Channel protection volume is waived due to the lack of suitable outfalls (shallowness of existing storm drain systems).

APPENDICES

Appendix A: Preliminary Plan	Page 39
Appendix B: DPWT Comment Letter	Page 40
Appendix C: DPWT Amendment Letter	Page 46
Appendix D: DPWT Stormwater Management Concept Approval	Page 49
Appendix E: Mandatory Referral Memo	Page 51
Appendix F: Rezoning Opinion	Page 69
Appendix G: Community Based Planning Memo	Page 91
Appendix H: Transportation Planning Memo	Page 95
Appendix I: Environmental Planning Memo	Page 115
Appendix J: Town of Chevy Chase Letter	Page 118



DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION



August 6, 2007

Isiah Leggett
County Executive

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

RE: Preliminary Plan No. 1-20070690
Lot 31/Lot 31A - Bethesda

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated August 2007. The original version of this plan was reviewed by the Development Review Committee at its meeting on May 29, 2007. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Full width dedication for the relocation of Woodmont Avenue, between Bethesda and Miller Avenues, in accordance with the master plan. Per General Note no. 27 on this plan, this dedication will be made by a separately recorded deed prior to platting of the property, will be in accordance with the Montgomery County Council's abandonment resolution no. 15-1584, and will be referenced on the record plat.
2. Grant necessary slope easements. Slope easements are to be determined by study or set at the building restriction line.
3. Grade establishment for relocated Woodmont Avenue must be approved prior to submission of the record plat.
4. A Public Improvements Easement (PIE) will be necessary along a portion of Woodmont Avenue, in order to accommodate the construction, maintenance, and enforcement in the area of the proposed bicycle drop-off located beyond the public right-of-way. The PIE is to be granted in a Declaration of Public Improvements Easement document. That document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat. The PIE will need to extend a minimum of two (2) feet beyond the limits of the paved area.

Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240-777-6000 • 240-777-6013 TTY • 240-777-6030 FAX
www.montgomerycountymd.gov

5. Applicants to grant public access easements along the twelve (12) foot wide path (running along the southern property line between the Capital Crescent Trail and relocated Woodmont Avenue). We also recommend the applicants grant a similar public access easement for the eastern pedestrian link (between Woodmont and Bethesda Avenues, in the space between the eastern building line and The Seasons building). If those easements are not granted on the record plat for this property, they will need to be established by separate deed(s) and recorded in the Land Records of Montgomery County prior to issuance of the building permit.
6. Size storm drain easement(s) prior to record plat. No fences will be allowed within the storm drain easement(s) without a revocable permit from the Department of Permitting Services and a recorded Maintenance and Liability Agreement.
7. We accept and recommend Planning Board approval of the applicants' August 1, 2007 letter requesting approval of design exceptions to the Montgomery County Code (Subdivision Ordinance) and DPWT road design standards, policies and procedures for the proposed work within the Woodmont and Bethesda Avenues rights-of-way.
8. Prior to approval of the record plat by the Department of Permitting Services, submit a revised, executed and sealed DPWT Sight Distances Evaluation certification form, for the proposed driveways on Woodmont Avenue, for our review and approval. Please reconcile the difference for the northern driveway: the distance indicated in the August 1, 2007 letter indicates approximately 260 feet of visibility while the executed form indicates at least 325 feet of visibility. Please also confirm the distances indicated on the form for the southern entrance/bicycle dropoff area.

For this review, all of the proposed driveways provide sufficient sight distances for a business district roadway.
9. The garage driveway on Bethesda Avenue is proposed to be limited to right in, right out movements. Prior to approval of the construction drawings, the applicants will need to work with the Department of Permitting Services to explore the feasibility of providing physical channelization measure(s) to reinforce the operational restrictions. The garage driveway on Woodmont Avenue will operate as a full movement entrance and exit.
10. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site.
11. Truck loading space requirements to be determined in accordance with the Executive Branch's "Off-Street Loading Space" policy. Deliveries to the truck loading spaces to be limited to off-peak travel hours by separate agreement.
12. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans With Disabilities Act.

13. For any parking facility containing more than fifty (50) parking spaces, the applicant needs to furnish bicycle parking facilities as required Section 59 E-2.3 of the Montgomery County Code. Accordingly, the applicant should provide either bike lockers or inverted "U" type bike racks.
14. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
15. The applicants will need to request a separate approval from DPWT Parking Operations for the proposed uses of the parking bays and dropoff areas delineated along Woodmont Avenue.
16. The applicants will need to request separate approvals from the Department of Permitting Services for the proposed café seating and canopies. Revocable permits, along with Maintenance and Liability Agreements, will be required. Provide at least a five (5) foot wide unobstructed pedestrian path within the public right-of-way.
17. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
18. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Engineering and Studies Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.

The Sign and Marking plan will need to delineate the proposed crosswalks, proposed lane use, and applicable transitions.

19. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Traffic Systems Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
20. Trees in the County rights of way - species and spacing to be in accordance with the applicable DPWT standards. A tree planting permit is required from the Maryland Department of Natural Resources, State Forester's Office [(301) 854-6060], to plant trees within the public right of way.
21. Provide improvements with the Capital Crescent Trail right-of-way as required by M-NCPPC Parks.

22. Public Improvements Agreement (PIA) will be an acceptable method of ensuring construction of the required public improvements within the County right of way. The PIA details will be determined at the record plat stage. The PIA will include, but not necessarily be limited to, the following improvements (delineated in more detail on the August 2007 Preliminary and Site Plans, as well as the June 2007 supplemental "Woodmont and Bethesda Avenue[s] Composite Plan"):
- A. Provide streetscaping improvements along Woodmont and Bethesda Avenue site frontages in accordance with the Bethesda CBD Streetscaping Guidelines. Minor adjustments between the streetscape guidelines and the right-of-way construction plans may be necessary at the permit stage to address constructability and operational needs.
 - B. Along Woodmont Avenue between Bethesda and Miller Avenues, construct:
 - full width street grading, paving, curbs and gutters, sidewalks and handicap ramps, storm drainage and appurtenances, and street trees. The pavement width will be thirty eight (38) feet between the curbs, not including the pocket parking spaces.
 - curb extension on the northeast corner of the intersection with Bethesda Avenue
 - bicycle dropoff/unloading area on the west side of Woodmont Avenue
 - reconstruct the curb return on the northwest corner of the intersection with Miller Avenue to create the "right lane must turn right" entrance into this site's parking garage
 - reconstruct the curb return on the northwest side of the intersection with Leland Street, as agreed with the representatives of the adjacent Sacks community (prior to closing Woodmont Avenue for construction)
 - reconstruct the median on Woodmont Avenue to restrict turning movements on Leland Street to be right in, right out only and close the median break at Leland Street (in conjunction with the reopening of Woodmont Avenue).
 - C. Along Bethesda Avenue west of Woodmont Avenue, construct:
 - reconstruct the northwest curb return at the Woodmont Avenue intersection and extend the southern curb return past the driveway to the adjacent property
 - the pavement width will be thirty three (33) feet between the curbs; mill and overlay the existing pavement within the limits of work
 - the southwestern sidewalk shelf will be sixteen (16) wide

Ms. Catherine Conlon
Preliminary Plan No. 1-20070690
August 6, 2007
Page 5

Along Bethesda Avenue east of Woodmont Avenue, construct:

- reconstruct the southeastern curbline to provide a twenty four (24) foot wide pavement section between the curbs and a 16.4 foot wide sidewalk shelf; mill and overlay may be necessary
 - provide physical channelization at the garage entrance/exit for this site, if feasible
- D. Additional offsite road improvements proposed in the Traffic Impact Study, if required by the Planning Board.
- E. Enclosed storm drainage and/or engineered channel (in accordance with the DPWT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
- F. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- G. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- H. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- R. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at greg.leck@montgomerycountymd.gov or (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager
Development Review Group
Traffic Engineering and Operations Section

Ms. Catherine Conlon
Preliminary Plan No. 1-20070690
August 6, 2007
Page 6

Enclosure

cc: Douglas Firstenberg; Lot 31 Associates, LLC
Jane Galbraith Mahaffie; Stonebridge Associates, Inc.
Josh Dix; PN Hoffman, Inc.
C. Robert Dalrymple; Linowes & Blocher, LLP
Frank G. Bossong, IV; Rodgers Consulting
Kim McCary; Rodgers Consulting
Martin Wells; Wells & Associates, LLC
Christopher L. Kabatt; Wells & Associates, LLC
Dolores Kinney; M-NCPPC Development Review
Joshua Sloan; M-NCPPC Development Review
Shahriar Etemadi; M-NCPPC Transportation Planning
Chuck Kines; M-NCPPC Transportation Planning
Marian Elsessor; M-NCPPC Parks
Joseph Y. Cheung; DPS Right-Of-Way Permitting & Plan Review
Sarah Navid; DPS Right-Of-Way Permitting & Plan Review
Henry Emery; DPS Right-Of-Way Permitting & Plan Review
Al R. Roshdieh; DPWT Director's Office
Rick Siebert; DPWT Parking Operations
Jeffrey Riese; DPWT Parking Operations
Emil Wolanin; DPWT Traffic Engineering & Operations
Fred Lees; DPWT Traffic Engineering & Operations
Bruce Mangum; DPWT Traffic Engineering & Operations
Sam Farhadi; DPWT Traffic Engineering & Operations
David Adams; DPWT Traffic Engineering & Operations
Gail Tait Nouri; DPWT Capital Development
C. Robert Simpson; DPWT Director's Office



DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

August 10, 2007

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

RE: Preliminary Plan No. 1-20070690
Lot 31/Lot 31A – Bethesda

Amendment Letter
Regarding Crosswalks

Dear Ms. Conlon:

This letter is to amend our August 6, 2007 letter to clarify DPWT's position on the location and alignment of the two of the crosswalks proposed on the June 2007 "Woodmont & Bethesda Avenue Composite Plan." The crosswalks in question are located on the northern leg of Woodmont Avenue and the eastern leg of Bethesda Avenue.

All other comments in the August 6, 2007 letter remain in effect.

The proposed crosswalk locations and alignments do not provide an acceptable balance of safety for pedestrians and motorists, nor will they be conducive to efficient operations and traffic control considering the needs of all users of the intersection. This position was reached after considering the complex mix of vehicle, pedestrian, and bicyclist movements through this intersection, intersection geometry, continuity of walking paths, traffic signal operations, projected volumes, and the proximity of the existing and future driveways to the intersection. The currently proposed crosswalk locations, while they attempted to minimize crossing distances and facilitate movement along the Capital Crescent Trail, place pedestrians and bicyclists, who will legally cross those legs with a walk indication, too far away from the intersection. Doing so leads to potentially unsafe conflicts with turning vehicles in that vehicles making a legal turn on green cannot see a pedestrian until after they have completed the turn and begin to accelerate, then are expected to yield to a pedestrian legally in the crosswalk. It also creates a situation where turning vehicles will be "trapped" between the intersection and the crosswalk. This latter effect is a common occurrence at this intersection on those legs where the signal and crosswalk controls tend to appear to motorists that they are not part of the intersection proper, rather a separate set of controls. Moving the crosswalks further from the intersection will further compound this existing problem.

Division of Operations

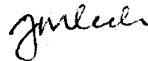
Ms. Catherine Conlon
Preliminary Plan No. 1-20070690
August 10, 2007
Page 2

The plan must be revised to locate the crosswalks for pedestrians and bicyclists closer to the intersection. The crosswalk across the northern leg of Woodmont Avenue should be adjacent and parallel to Bethesda Avenue. Similarly, the crosswalk on the eastern leg of Bethesda Avenue should be located adjacent and parallel to Woodmont Avenue. The change on Bethesda Avenue will also allow for better operations at the driveway for the pending Woodmont East project. These adjustments may also necessitate relocation of proposed and existing wheelchair ramps.

We acknowledge that these adjustments will lengthen the roadway crossing distances for pedestrians and bicyclists but this change will significantly improve overall safety and operations. We have confirmed that the pedestrian clearance intervals can be accommodated in the signal timing.

Thank you for the opportunity to clarify this point. If you have any questions or comments regarding this letter, please contact me at greg.leck@montgomerycountymd.gov or (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager
Development Review Group
Traffic Engineering and Operations Section

m:/subd/gml/1-2070690, Lot 31-Lot 31A - Bethesda, amended xwalks ltr

cc: Douglas Firstenberg; Lot 31 Associates, LLC
Jane Galbraith Mahaffie; Stonebridge Associates, Inc.
Josh Dix; PN Hoffman, Inc.
C. Robert Dalrymple; Linowes & Blocher, LLP
Frank G. Bossong, IV; Rodgers Consulting
Kim McCary; Rodgers Consulting
Martin Wells; Wells & Associates, LLC
Christopher L. Kabatt; Wells & Associates, LLC
Dolores Kinney; M-NCPPC Development Review
Joshua Sloan; M-NCPPC Development Review
Shahriar Etemadi; M-NCPPC Transportation Planning
Chuck Kines; M-NCPPC Transportation Planning
Marian Elsassor; M-NCPPC Parks
Joseph Y. Cheung; DPS Right-Of-Way Permitting & Plan Review
Sarah Navid; DPS Right-Of-Way Permitting & Plan Review
Henry Emery; DPS Right-Of-Way Permitting & Plan Review
Al R. Roshdieh; DPWT Director's Office

Ms. Catherine Conlon
Preliminary Plan No. 1-20070690
August 10, 2007
Page 3

Rick Siebert; DPWT Parking Operations
Jeffrey Riese; DPWT Parking Operations
Emil Wolanin; DPWT Traffic Engineering & Operations
Fred Lees; DPWT Traffic Engineering & Operations
Bruce Mangum; DPWT Traffic Engineering & Operations
Carl Starkey; DPWT Traffic Engineering & Operations
Kyle Liang; DPWT Traffic Engineering & Operations
Sam Farhadi; DPWT Traffic Engineering & Operations
David Adams; DPWT Traffic Engineering & Operations
Gail Tait Nouri; DPWT Capital Development
Aruna Miller; DPWT Capital Development
C. Robert Simpson; DPWT Director's Office

Appendix D: DPWT Stormwater Management Concept Approval



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

October 13, 2006

Robert C. Hubbard
Director

Ms. Pamela Shank
Rogers Consulting, Inc.
19847 Century Boulevard, Suite 200
Germantown, MD 20874

Re: Stormwater Management **CONCEPT** Request
for Lot 31 Miller's Addition
Preliminary Plan #: Pending
SM File #: 224333
Tract Size/Zone: 3.07 Ac./TS-M
Total Concept Area: 3.07
Lots/Block: Pt of 18-24 and 138, 139
Watershed: Little Falls Branch

Dear Ms. Shank:

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 on-site water quality control via green roofs, flow based 'StormFilters', and a MCDPS approved hydrodynamic structure. Onsite recharge is not required since this is redevelopment. Channel protection volume is waived due to the lack of suitable outfalls (shallowness of existing storm drain systems).

The following items 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. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Provide additional green roof if possible.
6. All stormwater management structures not in the County right-of-way must have easements.
7. Provide access for maintenance to all structures (this may include aprons or depressed/mountable curbs).
8. No landscaping, retaining walls, art, etc., may be placed within the stormwater management easements.



255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850-4166 • 240/777-6300, 240/777-6256 TTY

P. 2

240-777-6339

NOISIAID 'AED ONRT SD

06 17 06 01:11P

49

9. Provide copies of the mechanical drawings for the buildings to verify that all roof and surface drains go to the stormwater structures and that all covered garage drains go to the WSSC system.
10. Coordinate with professional green roof designers and installers.
11. Show stormwater management structures and easements on the preliminary and site plans.


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 CN224333 Lot 31.DWK

cc: C. Conlon
S. Federline
SM File # 224333

QN - Waived; Acres: 3.07
QI - Onsite; Acres: 3.07
Recharge is not provided

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.mnrcppc.org

MCPB
Item No. 22
6-22-06

June 8, 2006

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Rick Hawthorne, Chief *DKH*
Transportation Planning Division

John Carter, Chief *JC*
Community-Based Planning Division

FROM: Daniel K. Hardy, Supervisor *DKH*
Transportation Planning
Countywide Planning Division

SUBJECT: **Mandatory Referral No. 06806-DPWT-1: Redevelopment of surface public parking Lots 31 and 31A located at the intersection of Bethesda Avenue and Woodmont Avenue in Bethesda, Maryland.**

RECOMMENDATION: Transmit the following comments to the Montgomery County Department of Public Works and Transportation (DPWT):

1. The disposition of public property at Lot 31 and Lot 31A and the location and use of the proposed joint public-private mixed-use redevelopment project is appropriate.
2. Continue to develop more detailed information regarding garage access point(s) capacity, design and operation for review by the Planning Board concurrently with the preliminary plan application for the joint public-private development. Further analysis must demonstrate how needs for both pedestrian and vehicular demands are accommodated.
3. Continue to review and develop more detailed information regarding the ultimate location, operation and alignment of the relocated Woodmont Avenue between Bethesda Avenue and Leland Street.

4. Continue to communicate with all concerned parties, including adjacent property owners, residents, and recreational users of the Capital Crescent Trail regarding the proposed design and operation of Woodmont Avenue and Bethesda Avenue along the frontage of Lot 31/31A.

DISCUSSION

The Montgomery County Department of Public Works and Transportation (DPWT) has submitted the referenced mandatory referral as part of a joint public/private development for Parking Lots 31 and 31A in the Bethesda Central Business District (CBD). The site location is shown in Exhibit 1.

The mandatory referral request is related to an application for rezoning (Case No. G-850) and the abandonment of a portion of Woodmont Avenue (DPWT Docket No. AB 684). Exhibit 2 provides a concept plan for the overall public-private joint development project.

This mandatory referral submission is required for public review of those components of the public-private joint development project covered by Section 7-112 of the Regional District Act. Specifically, the mandatory referral submission for the public parking garage for Lot 31/31A is designed to address three components of the public-private joint development proposal:

- The disposition of public Lots 31 and 31A,
- The location and change of use for the publicly owned property, and
- The character, and extent of buildings, public roadways, and structures.

The private sector component of the proposed development project is also proceeding through the development approvals process, with a pending rezoning case to be followed by preliminary plan and site plan submissions.

Additional details regarding the mandatory referral submission are provided in the DPWT transmittal letter in Attachment A. Staff finds that, as described in Attachment A, the public and private components of the proposed development are well integrated and coordinated. The public garage is designed to accommodate public parking demand, most of which is independent of the private component, in a structure designed to achieve both public and private component objectives. The continued integration of both public and private components is being addressed by a public component review in conjunction with the private approval process.

Staff therefore finds that this mandatory referral public hearing can adequately address the disposition of public property at Lots 31 and 31A, the change of use for the current public parking lots, and the location of the parking garage. Comments on the character, and extent of the public garage may need refinement at such time as the County provides more developed information on the traffic study and analysis, the ultimate geometric configuration of the surrounding roadways, the access to the recreational trail and overall integration into the development of this section of downtown Bethesda. The County has agreed to bring additional information when developed to the Planning Board for review and comment, as indicated in Attachment B.

From the perspective of addressing the property disposition, location and change of use, staff finds the April 20, 2006 mandatory referral submission to be complete. From the perspective of addressing character, and extent of parking structures, the April 20, 2006 mandatory referral submission will be supplemented by additional information to satisfy (LATR). Staff continue to coordinate with both private and public sector applicants regarding LATR details, particularly concerning intersection design, traffic controls and operational efficiency, as well as the proposed designs for the garage points of access. The completeness of the remaining submission materials will be confirmed pending any requirements placed on the site by the County Council during the rezoning process.

Property Disposition

Staff finds that the disposition of property for Lot 31 and Lot 31A is appropriate as the transfer of property is an element supporting the joint use of the property to achieve both residential development and transportation objectives in the 1994 Sector Plan. The Planning Board approved a similar development at the Galaxy site in south Silver Spring. For the Galaxy site, the developer converted Lot 13, a surface lot owned by the County, into a public parking garage under a privately owned, mixed-use development.

Woodmont Avenue Realignment

The application submission for the mandatory referral indicates that the realignment of Woodmont Avenue is part of the application. Staff finds that for the Woodmont Avenue realignment, the change of use and location are addressed through the abandonment process (case #AB 684, being reviewed concurrently). Under Section 7-112 of the Regional District Act, mandatory referrals include relocation and abandonment cases.

The staff recommendation on AB 684 specifies that the recommendation for abandonment is contingent upon subsequent Planning Board preliminary plan approval for the private sector development and plat recordation. Therefore, the remainder of this memorandum addresses the public parking garage.

Garage Description

The applicant proposes to construct a multi-story underground parking garage of approximately 1,480 spaces, some 340 of which will be reserved for private use by tenants of the residential units within the mixed-use development. The precise number of spaces will be determined during final design of the facility. The garage will be located entirely below ground on five levels of structured parking. The applicant proposes to include features within the garage to allow for simplified access for patrons and to encourage the use of the garage by cyclists and other recreational users of the nearby Capital Crescent Trail.

Access and Circulation

Access to the garage is proposed from two points: one along Woodmont Avenue and one along Bethesda Avenue. Both entrances would be located towards the eastern portion of the site, with full movements at both locations. The design includes provision of a bicycle loading/unloading zone on Woodmont Avenue towards the southern portion of the site, with access to the Capital Crescent Trail via a connecting walkway.

The Woodmont Avenue garage entrance is proposed to be located approximately 300 feet south of Bethesda Avenue and approximately 50 feet north of Miller Avenue. The private portion of the joint public-private development application proposes to extend the existing Woodmont Avenue median south of the site by approximately 50 feet to restrict both Miller Avenue and Leland Avenue to right-in, right-out movements along Woodmont Avenue.

The garage entry and exit points include four inbound and three outbound gates, designed to accommodate an estimated 1,150 vehicles during the busiest hour of the day. The traffic flow is expected to be distributed roughly evenly between the two garage access points and between entering and exiting traffic. To the south and east of their common intersection, Woodmont Avenue currently has a peak hour volume of approximately 900 vehicles per hour, and Bethesda Avenue currently has a peak hour volume of approximately 530 vehicles per hour.

For comparison purposes, Garage 60 (Wayne-Ellsworth) in Silver Spring, opened in autumn 2004, has a total of 1,690 spaces and two points of access (a full-movement access onto Wayne Avenue and an entrance-only from the Ellsworth Avenue alley). East of Georgia Avenue, Wayne Avenue currently has a peak hour volume of approximately 1,200 vehicles per hour.

Staff notes that concerns have been expressed regarding the traffic operations associated with the garage points of access and egress to Woodmont and Bethesda Avenues. Based on material submitted to date, staff concludes that the garage access points can be designed to operate effectively. As described in the subsequent section on LATR, however, staff cannot yet make a definitive finding to address concerns regarding operations, as several operational elements regarding intersection geometric design and traffic control have not yet been definitively proposed.

For all development accessing County roads, the operational elements, including traffic control and sight distance, are typically under the purview of DPWT. Staff recommends that DPWT continue outreach to parties of interest during detailed design studies and return to the Planning Board for review and comment on access and circulation details developed as part of those studies.

Local Area Transportation Review

According to the LATR Guidelines, the applicant is required to submit an LATR study detailing the estimated number of peak hour trips generated by the proposed development. As this is a mixed-use development, the number of trips accorded includes both those trips assigned to the residential and commercial elements, as well as anticipated patrons of the public parking garage¹. Staff devised the scope of study to address the entirety of the development proposal as one project, reflective of the nature of its design. Given that both proposed driveways will serve all aspects of the development (residents, employees and patrons of the retail space and recreational users of the trail), staff elected to consolidate the estimated traffic volumes into one study.

To date, the applicant has not yet satisfactorily addressed staff questions and comments regarding the estimated traffic impact and analysis of the public garage components of the LATR study. Staff will continue to work with the applicant as the review of the submitted study continues.

Transportation Planning Staff has specific outstanding concerns relating to the:

- Precise number of peak hour trips associated with the public parking component of the garage,
- Geometric configuration of Woodmont and Bethesda Avenues in the vicinity of the proposed garage entrance,
- Ultimate geometric and operational design for the intersection of Woodmont Avenue at Bethesda Avenue, in particular with respect to pedestrian access
- Proposed access and operation for patrons of the recreational trail, especially with respect to turning movements along Woodmont Avenue, and
- Provision/elimination of on street parking in the vicinity of the site, with its related impact upon roadway access and operations.

The preliminary conclusions of the LATR study submitted indicate that for total future traffic conditions, and including several design alternatives, the list of studied intersections, including the garage access points, will have calculated Critical Lane Volumes (CLV) of less than the Bethesda Central Business District (CBD) Policy Area congestion standard of 1,800 CLV. It is likely that upon resolution of the outstanding staff concerns noted above, the calculated CLV for the studied intersections will not exceed the 1,800 CLV threshold. This is staff's anticipation due to the variation in trip generation estimates being too low to mathematically cause the CLV volumes at any of the study area intersections to exceed the standard. Furthermore, the final plans for the ultimate roadway geometry of Bethesda and Woodmont Avenues remain under the purview of the APF Ordinance to be applied at the time of preliminary plan review and approval.

¹ The applicant has presented the new public parking garage as a means to meet parking demand from existing, approved, or pending development within the Bethesda CBD. Therefore, all of the trips assigned to the public parking garage were 'redirected' from adjacent and surrounding developments with identified on-site parking shortages. No "new" trips were assigned to the public parking garage.

Master Plan Consistency

The mandatory referral process requires an examination of the use, location, extent, grade, and character of any proposed change in public use or construction of public structures. Staff finds that the **use and location** of the proposed mixed-use development including the public parking garage is consistent with the 1994 Bethesda CBD Sector Plan.

The 1994 Sector Plan implementation chapter includes an estimate that a total of 700 public parking spaces might be provided on the Lot 31 site. This estimate is based more on an assessment of structural feasibility than on a site-specific analysis of demand, as the same chapter indicates a need for DPWT to acquire additional CBD properties to provide 500 public parking spaces at unspecified locations.

Staff finds that the **extent** of parking proposed on the Lot 31/31A site can be arguably considered consistent with the literal descriptions available in the Sector Plan, but that additional investigation regarding the implications of garage size need to be considered, as described below.

Concerns Regarding Extent of the Proposed Garage

The garage is proposed to contain approximately 1,160 public parking spaces, more than envisioned in the 1994 Sector Plan, as described above. The concerns regarding the number of public spaces can be summarized in four types:

Urban Design

Will the size of the parking garage adversely affect the urban design of the neighborhood? In this case, the entire garage will be below grade, so no urban design issues are associated with the size of the garage.

Traffic Congestion

Will the size of the parking garage adversely affect traffic congestion? From the perspective of Local Area Transportation Review, staff finds that the proposed number of 1,160 public parking spaces at this site will not cause intersections in the traffic impact study area to exceed the 1,800 CLV standard of the Bethesda CBD Policy Area. Further information is needed, however, to evaluate potential traffic control measures at the proposed garage entrances and at the intersection of Bethesda and Woodmont Avenues.

Mode Share Goals

Will the size of the parking garage adversely affect achievement of the broader public transportation goals of the Bethesda CBD? The 1994 Sector Plan recommends managing the extent of total long-term parking capacity in the CBD as one of the measures to limit traffic congestion. The Sector Plan's 37% non-auto driver mode share (NADMS) goal for CBD employees is integrated with the management of long-term parking spaces.

The Sector Plan contains a staging plan that manages the phasing of development with public facilities. The Plan recommends a Stage I NADMS goal of 32%, midway between the 27% observed in the early 1990s and the 37% end-state goal. Achievement of the Stage I NADMS goal was one of the six criteria examined by the Planning Board when it voted to move from Stage I to Stage II during April 2004. The NADMS is reported in the Bethesda Transportation Solutions (BTS) biennial reports. During the 2002 and 2003 surveys, the observed NADMS was 34%, and the 2004 survey showed an NADMS of 35%, indicating continued progress from the Stage I goal of 32% toward the Sector Plan goal of 37%.

DPWT has estimated that a demand exists for 1,349 public parking spaces at Lot 31/31A based upon a survey done by KPMG consultants in 2000, adjusted for subsequent approved or pending developments in the area; including Bethesda Row, Woodmont West, Woodmont East, the Jennings Parcel, the Greenberg Development site, and the Reed Street site. This demand also reflects the 279 spaces currently existing at Lot 31/31A.

Staff finds that parking demand for a substantial public investment should also consider needs beyond currently envisioned development projects. The 1994 Sector Plan envisioned that approximately 28,750 total parking spaces would be appropriate to accommodate envisioned development. During winter 2004, BTS conducted a comprehensive survey of public and private parking spaces and determined that there were approximately 23,164 total spaces available for long-term commercial parking in the CBD.

Staff is unaware of any significant changes to the private parking inventory constructed during the past two years. The Arlington East property will be providing 224 parking spaces for commercial use in their private garage structure. The May 2006 Bethesda CBD pipeline of approved but unbuilt commercial properties contains only 6,000 square feet of office space, so no further substantial changes to the private parking inventory are foreseen.

The comparison of alternative parking capacity estimates is complicated by two factors:

- Some references (including the BTS report) explicitly describe reservation of spaces for long-term use only, while the references to long-term parking demand in other references (such as the 1994 Sector Plan) are only implicit. The BTS parking inventory identified 4,376 total spaces explicitly reserved for short-term use. The Sector Plan recommends providing an adequate parking supply for retail and service business customers, but does not provide quantitative guidance regarding adequacy.
- The use of informal parking spaces was not included in the Sector Plan evaluation of parking needs. The BTS parking inventory identified 1,920 informal spaces (residences converted to businesses, alleys, backyards, driveways, etc.) that were included in the total estimate of 23,164 long-term CBD spaces.
- Parking spaces reserved exclusively for residential uses in the CBD are not reflected in either the Sector Plan or BTS evaluations (other than those that are incorporated in the BTS inventory of informal spaces made available for commercial use).

Staff finds that the appropriate comparison for CBD parking management is the 23,164 long-term spaces identified in the BTS parking inventory to the 27,850 spaces recommended in the Sector Plan and implicitly assumed to reflect long-term parking demand. The 1,160 public spaces (of which some may be limited to short-term use only) therefore would not exceed the Sector Plan recommended parking totals.

Feasibility and Affordability

Will the size of the parking garage be feasible and affordable? Like most commodities, as parking garages increase in size, they generally become more cost-effective on a per-unit basis from both capital and operating cost perspectives, when the cost of real estate is factored into the equation. The DPWT Request for Proposals reflected the County's position regarding feasibility and affordability by requiring all applicants to commit to providing at least 1,150 public parking spaces. Situating a public garage under a mixed-use private development enables the public sector to leverage the land value to make efficient use of developable properties in a CBD setting.

Prior Planning Board Actions

The Planning Board viewed the Lot 31 Redevelopment Proposal Pre-Preliminary Plan (#720060150) as a discussion item on January 19, 2006. At the time of the Planning Board presentation, the applicant provided conceptual diagrams and illustrations in support of the project proposal. Staff made no comment at that time and the Planning Board provided no guidance to the applicant.

Public Outreach

The joint public-private development proposal is the result of an open competition by Montgomery County government for the opportunity to develop this project. Public meetings were held as part of the selection process at the Bethesda Services Center. The public process also included meetings with adjacent property owners.

Environmental Impacts

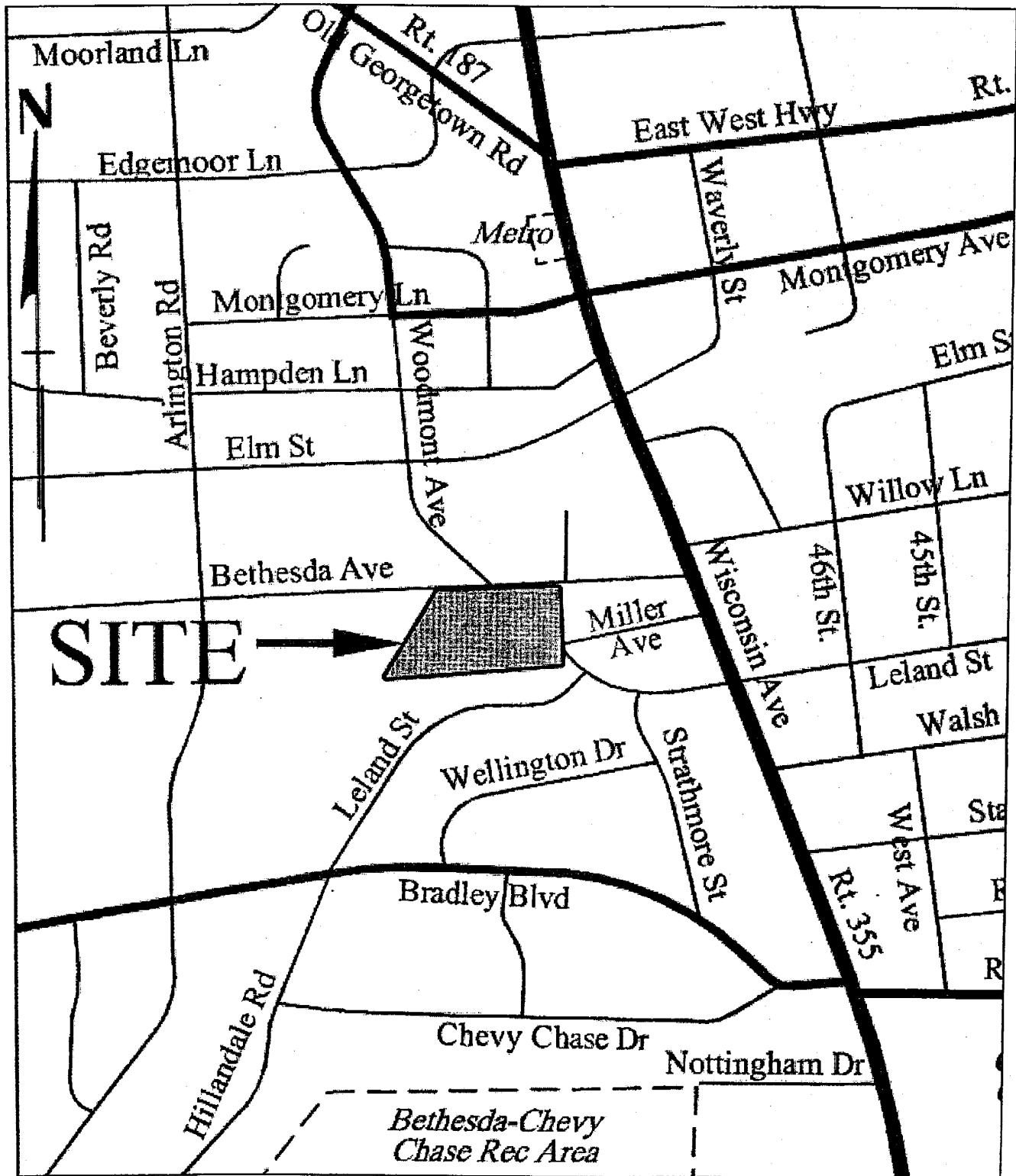
This site is located in a highly urban area that was developed before the Planning Board's Environmental Guidelines were adopted. It is not located within a Special Protection Area or Primary Management Area. This site has no steep slopes, or erodible soils. There are no wetlands or stream buffers on site.

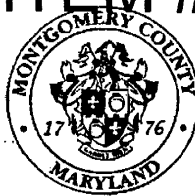
Further development of traffic circulation plans should consider the air quality impacts attributable to vehicular queuing. Additional environmental concerns for the joint public-private development include the preparation of a traffic noise impact analysis, a final Forest Conservation Plan, and a Tree Save plan, all to be included in the preliminary plan submission.

DKH:gw
Attachments

mno to MCPB re Lot 31 06806-DPWT-1

Exhibit 1. Lot 31/31A Site Location





DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

April 20, 2006

Mr. Derick Berlage, Chair
Montgomery County Planning Board
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Mandatory Referral Submission – Disposition of interests in land under
Parking Lots 31 and 31A; construction of new Public Parking Garage 31;
and realignment of portion of Woodmont Avenue

Dear Mr. Berlage:

I am pleased to submit to you plans for i) disposition of surface parking lots 31 and 31A in the Bethesda Parking Lot District, ii) a new public parking garage 31 to be located below grade (the "Proposed Public Parking Garage"); and iii) realignment of Woodmont Avenue between Bethesda Avenue and Miller Avenue. This submission is being made pursuant to Section 7-112 of Article 28 of the Annotated Code of Maryland.

The subject property for this mandatory referral application consists of Lots 31 and 31A (both currently serving as surface public parking lots), located south of Bethesda Avenue and east and west of existing Woodmont Avenue, and also includes the public right-of-way of Woodmont Avenue that separates Lots 31 and 31A, all as shown on Attachment 1 (the "Property"). The Proposed Public Parking Garage will be constructed below grade over the entire Property and will be owned by the County and will be a part of the Bethesda Parking Lot District ("PLD"). It is currently contemplated that the Proposed Public Parking Garage will utilize a pay on foot system and will be open to the public in substantially the same manner as other PLD parking facilities.

Lots 31 and 31A are being disposed of as part of a joint public/private redevelopment of the Property. The public project will include a new Public Parking Garage 31. Additionally while the realignment of a portion of Woodmont Avenue through the project is included in this mandatory referral submission, it will be constructed as part of the private redevelopment along with an above-grade private mixed use residential and commercial project that will include a high level of affordable and workforce housing and abundant on- and off-site public use space and amenities (the "Private Mixed Use Project"). The private purchaser of the surface lots and development rights and the developer of the Private Mixed Use Project is Lot 31 Associates LLC



Office of the Director

Derick Berlage, Chairman
 April 20, 2006
 Page 2 of 7

(the "Private Developer") comprised of affiliates of Stonebridge Associates and PN Hoffman.

As further discussed below and as shown on the concept plan attached hereto, the Proposed Public Parking Garage will have approximately 1,138 public parking spaces (the exact number will be determined through final design of the facility), with two points of vehicular access to Bethesda Avenue and Woodmont Avenue. Stairways and elevators at multiple locations will be strategically located to provide easy pedestrian access to and from the garage. Vehicular access to the parking areas will utilize a single control point, with adequate available stacking distances within the garage to ensure no queuing of cars into the public streets.

The Private Mixed-Use Project will be comprised of street level retail, residential dwellings in two buildings, including provision of moderately priced dwelling units (MPDU) on-site in accordance with Chapter 25A of the County Code, and 35 additional "affordable" dwelling units targeted as "workforce housing." The integrated access and coordination of the Private Mixed-Use Project with the Proposed Public Parking Garage will ensure an attractive development of the air rights, a strong relationship of the vehicular and pedestrian means of ingress and egress to existing roadways and the Capital Crescent Trail adjacent to the Property, and a development program in conformance with the recommendations of the Approved and Adopted Bethesda Central Business District Sector Plan (the "Sector Plan"). The proposed Private Mixed-Use Project is the subject of a pending zoning application, Zoning Application No. G-850, requesting TS-M (transit station, mixed-use) zoning of the Property. Because of the relationship between the Proposed Public Parking Garage, the realignment of Woodmont Avenue, and the Private Mixed-Use Project, we are making this mandatory referral submission at this time to allow the Montgomery County Planning Board to consider the mandatory referral concurrent with the Planning Board's review and recommendation of the TS-M zoning application for the Property. While the processes for the mandatory referral application and the application to apply the TS-M zone are separate and quite different, the concurrent presentation of the two projects allows a complete understanding of treatment of the entire site and for each to be considered in the context of the other.

Realignment of Woodmont Avenue

As part of the design process for the Proposed Public Parking Garage, it has been determined that Woodmont Avenue, south of Bethesda Avenue, should be aligned slightly to the west. While the realignment of the portion of Woodmont Avenue between Bethesda Avenue and Miller Avenue is part of this mandatory referral submission, the actual treatment, streetscaping and construction of the realigned portion of Woodmont Avenue will be performed by the Private Developer and will be included in the development application for the Private Mixed Use Project.

Realignment of the road will accomplish two significant public policy objectives: 1) realigning Woodmont Avenue will create a vastly improved intersection at Bethesda Avenue with far better pedestrian and vehicular circulation and safety; and 2) the relocation of the road will permit two points of ingress and egress for the Proposed Public Parking Garage, one on Bethesda Avenue and one on Woodmont Avenue, at points located away from the intersection of

Woodmont Avenue and Bethesda Avenue. These points of ingress and egress will allow optimal efficiency and operation of the Proposed Public Parking Garage and will be located as far away from the intersection as possible to further enhance public safety and improve operational functioning of the Proposed Public Parking Garage.

A petition for temporary road closure and abandonment to facilitate the proposed realignment of Woodmont Avenue and the resulting disposition and reuse of the existing right-of-way has been filed with the Montgomery County Executive and has been designated Abandonment Case No. AB684. A new 80-foot public right-of-way for realigned Woodmont Avenue will be created by Montgomery County prior to the conveyance of the Property to the Private Developer and the commencement of construction on the Property. The Private Developer will construct the realigned roadway in full conformance with County road standards and the streetscape requirements established in the Sector Plan. The formal abandonment of the existing Woodmont Avenue will occur at the time of final subdivision approval, after the new right-of-way is established by appropriate legal document(s).

The Proposed Public Parking Garage

The Proposed Public Parking Garage will provide up to 1,138 public parking spaces. This will be contained in a four and a half level, below-grade parking structure, with a point of ingress/egress on the east side of realigned Woodmont Avenue away from the intersection of Bethesda Avenue and a separate means of ingress/egress on the south side of Bethesda Avenue, also away from the intersection.

Two separate means of ingress/egress to the Proposed Public Parking Garage are critical from an operational standpoint for a garage of this size and magnitude. Through the realignment of Woodmont Avenue, these points of ingress/egress are able to be organized in a manner that permits a single control point serving the two points of ingress/egress with stacking lanes in excess of 90 feet to protect against the possibility of any queuing of vehicles out to the public roads or in conflict with pedestrians crossing the garage driveways at the surface level.

The parking garage structure will contain approximately 340 additional spaces which will be paid for and owned by the Private Developer for purposes of satisfying parking demands as part of the residential development component of the Private Mixed-Use Project. These spaces will be constructed pursuant to the same design standards as the public parking garage. The County is expected to grant an easement for use of its public parking drive aisles and driveways for access to the private spaces.

The layout of the parking garage is extremely efficient in terms of construction and in allowing vehicles to circulate and easily find parking, and the design is also very safe for pedestrians circulating to and from their cars to the elevators and stairwells serving the garage. There will be six (6) elevators and stairwell areas serving the Proposed Public Parking Garage, allowing motorists to exit by foot from the garage at safe locations along Bethesda Avenue and Woodmont Avenue and to thereafter conveniently access destinations within this portion of the

Bethesda CBD. Because it is anticipated that the Proposed Public Parking Garage will be heavily used by motorists bringing bicycles to utilize the adjacent Capital Crescent Trail, four (4) of the elevators are oversized to comfortably allow the transport of bicycles from the Proposed Public Parking Garage to the trail systems that exist and that are proposed to accentuate the use of the Capital Crescent Trail. It is also important to note that a surface level bicycle drop off area across from the Woodmont Avenue garage entrance (on the western side of Woodmont Avenue) is being provided with the Private Mixed-Use Project to allow motorists to also drop bicycles off before entering the garage. This drop-off area will connect to the Capital Crescent Trail through a trail and public amenity space along the southern side of the Property, while also providing direct pedestrian and bicycle linkage to the streetscape along Woodmont and Bethesda Avenues and the rest of the CBD. With this drop-off also located away from the intersection of Bethesda and Woodmont Avenue, DPWT views this as an extremely important design consideration for the overall Joint Redevelopment Project.

To minimize any potential negative impacts of the Proposed Public Parking Garage on the surrounding community, easements will be granted to the County and the exhaust shafts that provide good air quality within the garage will extend through the garage and vent at the rooftop levels of the Private Mixed-Use Project buildings. The Proposed Public Parking Garage driveways will be improved at street level in accordance with the streetscape standards for the Bethesda CBD as set forth in the Sector Plan, with appropriate paving to distinguish pedestrian crossings of the driveways.

Because the Proposed Public Parking Garage extends beneath the future realigned Woodmont Avenue, the structural makeup of the parking garage has been the subject of significant attention. The realigned road, to be contained within a volumetric easement that will be created for the new 80-foot public right-of-way, is essentially designed as a bridge structure. Appropriate assurances are being put in place to require inspections of the structural supports by trained and experienced inspectors and to provide mechanisms for repairs and routine maintenance to protect the integrity of both the garage structure and the road structure.

Sector Plan Compliance

The Sector Plan specifically recommends the redevelopment of Lot 31 with a public private joint development project including an underground public parking structure and an above-ground mixed-use development. While the Sector Plan did not specifically envision the inclusion of Lot 31A and the public right-of-way in this redevelopment, the inclusion is necessary to achieve the construction of the public parking garage to the size determined by DPWT and to eliminate a small remaining surface lot with limited urban development options. The joinder of these public properties, Lots 31 and 31A and Woodmont Avenue, allow for a more optimal urban planning approach to these properties. The disposition of the parking lots, the resulting Proposed Public Parking Garage and the realigned Woodmont Avenue (which itself addresses the Sector Plan recommended need to improve the pedestrian and vehicular circulation at the intersection of Bethesda and Woodmont Avenue) and the Private Mixed-Use Project, are

not only consistent with, but also exceed the public policy objectives, goals and recommendations of the Sector Plan.

Transportation Review

To ensure that the Proposed Public Parking Garage will operate efficiently, a transportation analysis has been prepared which reviews future anticipated traffic impacts to the local road network. This analysis utilizes two review methodologies: 1) the typical local area transportation review utilizing the critical lane volume ("CLV") methodologies set forth in the LATR Guidelines adopted by the County for traffic evaluations pursuant to the County's Adequate Public Facilities Ordinance; and 2) modeling the proposed impacts using a computer software program known as SYNCHRO-SIM Traffic Analysis. The CLV methodology essentially measures the levels of service of nearby intersections with existing traffic, background traffic for projects approved but not yet built and the proposed traffic that will be generated by the Proposed Public Parking Garage. The SYNCHRO-SIM traffic model is a computer generated simulation designed to demonstrate how the local links, points of ingress/egress and intersections will operate from a delay and efficiency standpoint based upon existing and projected future conditions with the addition of the Proposed Public Parking Garage.

It is important to note that the traffic anticipated to be generated by the Proposed Public Parking Garage is largely already accounted for through traffic analyses conducted by the existing or approved but un-built private development projects in the area that will rely upon public parking rather than on-site private parking and through existing demand that already occurs in this area but is underserved by the current supply of public parking in this area. The traffic analyses have attempted to make reasonable redistributions of traffic based upon vehicles utilizing the new parking garage, while also factoring in the existing traffic patterns in the area. As is further explained in the transportation analysis submitted with this mandatory review application, the LATR analysis utilizing the CLV methodology shows that all intersections studied in the vicinity of the proposed parking garage operate at acceptable levels of service as defined by the County's Adequate Public Facilities Ordinance. Additionally, the SYNCHRO-SIM traffic modeling reveals that the Proposed Public Parking Garage will function adequately, efficiently, and safely at points of ingress and egress to Woodmont Avenue and Bethesda Avenue.

Other

The Proposed Public Parking Garage will be paid for by the County, subject to appropriation of funds by the Montgomery County Council. Parking Lots 31 and 31A will be sold, and the Proposed Public Parking Garage will be developed pursuant to the terms of a general development agreement between the County and the Private Developer. The general development agreement will also provide for a significant commitment to affordable housing to include statutory MPDU requirements, workforce housing units and monetary contribution to provide affordable housing. The ownership relationship of the Proposed Public Parking Garage and the Private Mixed-Use Project will be through a condominium regime. The Private Mixed-

Use Project will be required to incorporate the realignment of Woodmont Avenue and the design, structure, access and all other physical and operational components of the Proposed Public Parking Garage.

The Proposed Public Parking Garage will be constructed as the first phase of the joint development. The build-out of the Joint Development Project will be a continuous, single phase process, and the Proposed Public Parking Garage will be opened to the public at such time that the County determines it to be safe, code-compliant and protected from ongoing construction activities with the remainder of the Joint Development Project. Woodmont Avenue will be closed for a period of approximately twenty-one (21) months to permit the garage structure and relocated Woodmont Avenue to be constructed. It is anticipated that construction will commence in mid-2008, with realigned Woodmont Avenue reopened to traffic in spring 2010 and the garage open to public use several months later.

There will be no impacts to public parkland or land owned by M-NCPPC, with only existing public surface parking and the referenced section of Woodmont Avenue south of Bethesda Avenue being disturbed. It is however anticipated that users of the Capital Crescent Hiker/Biker Trail will use the Proposed Public Parking Garage and as described above, the design of the facility takes that fact into consideration, by providing certain bicycle friendly features. The Proposed Public Parking Garage will be sub-surface and will not be LEED Certified.

In accordance with Section III of the Mandatory Referral Guidelines, and in addition to this written narrative (1), DPWT has provided the following in support of this mandatory referral submission (or explains below why submission requirements are inapplicable):

1. General Location Map, and Certified Vicinity Zoning Map Plan and Site and Surrounding Area Plan (Section III(2));
2. Mandatory Referral Site Plan (Section III(3));
3. Utilities and Right-of-Way Map (Section III(4));
4. Pedestrian and Vehicular Circulation Plan (Section III(5));
5. NRI/FSD (Section III(6));
6. Letter from DPS regarding Water Quality Plan/SPA requirements (Section III(7)) — is not required since the Property is not within a designated Special Protection Area;
7. Preliminary Forest Conservation Plan (Section III(8));
8. Topographic Map — Included in General Location Map and Mandatory Referral Site Plan and Utilities Plan (Section III(9));
9. Preliminary Stormwater Management Concept Plan (Section III(10));
10. Landscape and Lighting Plan (Section III(11)) — will be included in Site Plan for the Private Mixed-Use Project;
11. Overall Concept Development Plan (including Private Mixed-Use Project) (Section III(12));

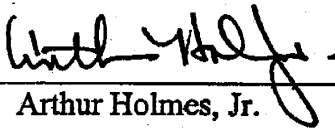
12. Statement of Compliance with County Noise Ordinance (Section III(13)) — the Proposed Public Parking Garage will comply with Section 31B of the Montgomery County Code and the Park and Planning Noise Guidelines;
13. Architectural Schematics for Levels B1-B5 of Proposed Public Parking Garage (14 pages) (Section III(14));
14. Traffic Impact Statement (containing a traffic study for the Proposed Public Parking Garage and Preliminary Traffic Control Plans for construction, and also, for informational purposes only, a traffic study for the Private Mixed-Use Project) (Section III(15));
15. Garage Circulation Review Report (Section III(5) – Parking Circulation); and
16. Exhibits for Closure/Abandonment of Woodmont Avenue (For Reference).

The Proposed Public Parking Garage is entirely underground, therefore, with the exception of the driveways at the surface level, there is little to review from an above-grade architectural standpoint relevant to this mandatory referral review process. As indicated above, the portions of the Proposed Public Parking Garage at the surface level, i.e., the driveways, will be designed in accordance with the Sector Plan streetscape requirements. While significant details relating to the Proposed Public Parking Garage are being provided, to assist in the review of this mandatory referral application in proper context, considerable additional information relating to the Private Mixed-Use Project is also being provided for informational purposes only and where provided is indicated to be part of the Private Mixed-Use Project.

There has been significant public input into this process already. The Private Developer has conducted several public meetings relative to the Joint Redevelopment Project. There is also an additional public forum scheduled for April 24, 2006, where the Proposed Public Parking Garage will be presented by the County concurrent with a presentation and discussion of the Private Mixed-Use Project by the Private Developers (and the proposed abandonment/closure and realignment of Woodmont Avenue).

We appreciate your consideration and hope that the Planning Board will find the Proposed Public Parking Garage, as currently designed, to be satisfactory and consistent with relevant land use and planning considerations. We look forward to presenting this to the Montgomery County Planning Board.

DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

By: 
Arthur Holmes, Jr.
Director

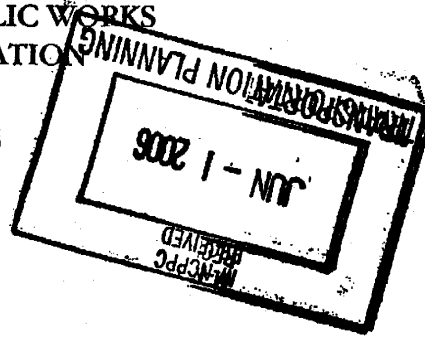


DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

May 25, 2006



Mr. Daniel Hardy
Transportation Planning Supervisor
Montgomery County Department of Park and Planning
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760


Re: Mandatory Referral Application for Lot 31/31A Public Garage and Realignment
of Woodmont Avenue

Dear Mr. Hardy:

I am writing to you in connection with the County's Mandatory Referral submission made on April 20, 2006, for the redevelopment of Lots 31 and 31A with a new below-grade public parking garage and the realignment of a portion of Woodmont Avenue. I understand that you would like more information on the traffic impacts associated with the public parking garage and the realigned Woodmont Avenue. Comments on the location, character, and extent of the public garage may need refinement at such time as the County provides more developed information on the traffic study and analysis. Traffic studies are underway. When the analysis of traffic impacts is better developed, I would be happy to present this information to the Planning Board for it to review and to receive any comments it has relating to off-site traffic impacts from the public parking garage.

I hope this addresses your concerns. Please feel free to call me at 240-777-6008 if you have any questions.

Sincerely,


Al R. Roshdieh
Chief

cc: Arthur Holmes, Jr., Director, DPWT



Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240/777-6000, TTY 240/777-6013, FAX 240/777-6030

Appendix F: Rezoning Opinion

RECEIVED

OCT 10 2006

**OFFICE OF ZONING AND
ADMINISTRATIVE HEARINGS
COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
IN MONTGOMERY COUNTY**

Resolution No.: 15-1632Introduced: October 10, 2006Adopted: October 10, 2006

By: County Council

**SUBJECT: APPLICATION NO. G-850 FOR AMENDMENT TO THE ZONING ORDINANCE
MAP, C. Robert Dalrymple, Esquire and Ann C. Martin, Esquire, Attorneys for Applicant,
Lot 31 Associates, LLC. OPINION AND RESOLUTION ON APPLICATION**

Tax Account No. 07-00430190.

OPINION

Application No. G-850, filed on March 7, 2006 by Lot 31 Associates, LLC, requests reclassification of approximately 3.3 acres of County-owned land in downtown Bethesda from the R-60 and CBD-1 Zones to the TS-M Zone (Transit Station-Mixed). Applicant seeks to rezone lots 138, 139 and parts of lots 18 through 24, Block B of the Miller's Addition Subdivision, a site which is located on both the southwest and southeast quadrants of the intersection of Bethesda and Woodmont Avenues. The portion west of Woodmont Avenue is currently occupied by Parking Lot 31, and it is in the Arlington Road District of the 1994 Bethesda CBD Sector Plan. The portion east of Woodmont Avenue is currently occupied by Parking Lot 31-A, and it is in the Wisconsin South Corridor of the Sector Plan. The site will be developed with an underground garage containing approximately 1138 public and 342 private spaces (i.e., totaling 1480 parking spaces), and a mixed-use residential/retail project above. The two buildings will have up to 250 dwelling units and 40,000 square feet of retail floor space.

Applicant, Lot 31 Associates, is the developer selected by the County in a competitive solicitation for proposals to develop the subject property. The County entered into an agreement with Applicant to

Page 2

Resolution No.: 15-1632

have Lot 31 Associates, LLC, serve as the County's agent for purpose of applying for and obtaining zoning and development approvals.

In addition to the subject rezoning application, this project is dependent upon two other administrative processes, a "mandatory referral" to the Montgomery County Planning Board for approval of the proposed public parking garage (#06806-DPWT-1), and an "abandonment" of a portion of Woodmont Avenue (#AB 684), which will allow that thoroughfare to be realigned to accommodate the development. The Planning Board approved the mandatory referral on June 28, 2006, and the Council conditionally approved the Abandonment Petition on August 1, 2006, in Council Resolution 15-1584.

The building planned for Lot 31 (i.e., west of Woodmont) would be three to five stories tall, with retail space on the first floor and on two mezzanine levels above the first floor. The building planned for Lot 31A (i.e., east of Woodmont) would be six to nine stories tall (up to 90 feet) and would also have retail space on the first floor and on two mezzanine levels above the first floor. The buildings would house 12.5% moderately priced dwelling units (MPDUs), and up to 35 "workforce housing units" (WFDUs). Because this development called for a height above the 75 feet recommended in the Sector Plan for this CBD area, Zoning Ordinance §59-D-1.61(a) required review by an Alternative Review Committee (ARC) to determine whether the inclusion of MPDUs made the additional height necessary, for the project to be financially feasible. The ARC reviewed the matter, and on June 12, 2006, issued a finding that the additional height was needed to make the project financially feasible.

The application for rezoning was reviewed by the Technical Staff of the Maryland-National Capital Park and Planning Commission (M-NCPPC), and in a report dated June 7, 2006, Staff recommended approval of the application. The Montgomery County Planning Board (Planning Board), considered the application on June 22, 2006 and, by a vote of 5 to 0, also recommended approval, as stated in a memorandum dated June 23, 2006.

Page 3

Resolution No.: 15-1632

The proposed development was strongly supported by the Coalition for the Capital Crescent Trail, the Sacks Neighborhood Association and Federal Realty Investment Trust, which has significant interest in the nearby Bethesda Row. A public hearing was noticed for June 27, 2006, and it proceeded as scheduled. In addition to Applicant's seven witnesses, two County officials, William Siebert III, Chief of the Parking Operations Section, Division of Operations, Department of Public Works and Transportation (DPW&T), and Elizabeth Bradford Davison, Director of the Department of Housing and Community Affairs (DHCA), appeared at the public hearing and testified in support of the project. Martin Klauber, the People's Counsel, participated in the hearing, and stated his support for the proposal. There was no opposition testimony at the hearing; however, a representative of the Ourisman Honda dealership which is adjacent to Parking Lot 30, testified to express the concern of that business that it be given adequate space to off-load its cars. In addition, an attorney for the Seasons, LLC, which owns a building adjacent to Parking Lot 31A, appeared and represented that his client, which had opposed the project, had reached an agreement with the Applicant, reflected in the final binding elements, and it no longer opposed the development.

The hearing in this case concluded on June 27, 2006, and the Hearing Examiner recommended approval on grounds that the proposed development satisfies the intent, purpose and standards of the TS-M Zone; that it meets the requirements set forth in Section 59-D-1.61 of the Zoning Ordinance; that the application proposes a project that would be compatible with development in the surrounding area; and that the requested reclassification to the TS-M Zone has been shown to be in the public interest.

To avoid unnecessary detail in this Resolution, the Hearing Examiner's Report and Recommendation, dated September 7, 2006, is incorporated herein by reference. Based on its review of the entire record, the District Council finds that the application does meet the standards required for approval of the requested rezoning for the reasons set forth by the Hearing Examiner.

The subject property is comprised of two tracts currently being used as public parking lots (Parking Lots 31 and 31A), with 279 surface parking spaces, and the portion of Woodmont Avenue between them.

Page 4

Resolution No.: 15-1632

Parking Lot 31, which is west of Woodmont Avenue, is located adjacent to, and north of the Sacks Subdivision, with the Capital Crescent Trail to the west, Woodmont Avenue to the east and Bethesda Avenue to the north. It consists of recorded lots 138 and 139, and parts of lots 18, 19, 20, 21, 22, 23 and 24. Parking Lot 31A, which is east of Woodmont Avenue, is located adjacent to, and west of, the Seasons high-rise apartment building. It consists of parts of lots 18 and 19, and is bordered on the north by Bethesda Avenue and on the south and west by Woodmont Avenue.

The property is approximately 1,500 feet south of the Bethesda Metro Station. The combined property is trapezoidal in shape, and the gross tract area, including dedicated public right-of-way, is approximately 3.3 acres (143,819 square feet). The net lot area (contemplating the abandonment of existing Woodmont Avenue right-of-way and re-establishment of the relocated Woodmont Avenue right-of-way by grant of easement) is approximately 3.07 acres (133,738 square feet).

The property is zoned R-60 (Residential, one-family) to the west of Woodmont Avenue, and CBD-1 (Central Business District-1) to the east of Woodmont Avenue. There are no historic structures or sites situated on the property, and the site contains no wetlands, streams, stream valley buffers, or one-hundred year floodplains. Site soils are considered suitable for development.

The surrounding area must be identified in a floating zone case so that compatibility can be evaluated properly. The "surrounding area" is defined less rigidly in connection with a floating zone application than in evaluating a Euclidean zone application. In general, the definition of the surrounding area takes into account those areas that would be most directly affected by the proposed development. Technical Staff recommends describing the "surrounding area" as bounded by Elm Street to the north; Arlington Road to the west; and Bradley Boulevard, Strathmore Avenue, Woodmont Avenue, Leland Street and Wisconsin Avenue to the south and east, including properties on Miller Avenue. The District Council accepts this definition of the "surrounding area."

Land use in the surrounding area is mixed, and there are several zoning classifications, including C-2 and CBD-1. The Sacks Subdivision, located south of the subject property, is comprised of single-family detached residential units in the R-60 Zone. A three-story automotive retail building (Ourisman Honda), on C-2 zoned land, is located to the west of the subject site, just across the Capital Crescent Trail. A three-story retail building, a one-story retail building and a restaurant in the C-2 Zone, as well as an 8-story office building with a restaurant in the CBD-1 Zone, are located to the north of the property, across Bethesda Avenue. A 15-story residential apartment and retail building (the "Seasons") is located to the east of the subject property. It is 143 feet tall and is set back 13 feet from the eastern property line. This building is closer to the proposed buildings than any others in the surrounding area. Other nearby land uses include high-rise residential buildings, townhouses, condominiums, and retail and office uses.

Technical Staff recounted the zoning history of the area. The R-60 Zone was enacted and mapped, including Lot 31, in the 1954 Regional District Zoning. The R-60 Zone was subsequently confirmed and reconfirmed in the 1958 County-wide Comprehensive Zoning; SMA F-736, adopted August 15, 1972; SMA G-20, adopted December 6, 1977; SMA G-665, adopted June 26, 1990; SMA G-666, adopted June 26, 1990; and SMA G-711, adopted October 11, 1994. Parking Lot 31A's reclassification to the CBD-1 Zone dates back to SMA G-20, adopted on December 6, 1977, and it was confirmed in SMA G-666, adopted on June 26, 1990; and in SMA G-711, adopted on October 11, 1994.

The components of the proposed project, as described by Technical Staff, are:

- **Residential Building Located West of Woodmont Avenue** - This building is located on the west side of Woodmont Avenue. It will be from three to five stories tall stepping up towards Bethesda Avenue from the southern portion of the property line. A service area for this building is located along the west side of Woodmont Avenue. Retail space will be on the first floor of this building and in two mezzanine levels above the first floor. The retail space will be located along a portion of the Capital Crescent Trail with direct access to Bethesda Avenue and Woodmont Avenue. The main entrance lobby for the residential portion of this building will be located on Bethesda Avenue.
- **Residential Building Located East of Woodmont Avenue** - This building is located on the east side of Woodmont Avenue. It will range from six to nine stories tall (90 feet), stepping

up from Woodmont Avenue to the east towards the existing adjacent 15-story residential building (the Seasons). The service area is located along Bethesda Avenue adjacent to the Seasons high-rise residential building. Retail space will also be on the first floor of this building and in two mezzanine levels above the first floor. The retail space will have direct access from Bethesda Avenue and Woodmont Avenue. The main entrance lobby for this residential building will also be located on Bethesda Avenue.

- **Public and Private Parking Garage** - Each building has access to the same underground, 342-space private parking garage associated with the private residential and retail space. The project also includes a 1,138-space public parking garage (County Parking Lot District). The combined public and private parking garage is located below grade under both buildings and Woodmont Avenue. Access to the combined garage is located along the east side of Woodmont Avenue and along Bethesda Avenue near the Seasons high-rise residential building.
- **Re-Alignment of Woodmont Avenue** - The Development Plan includes a re-alignment of Woodmont Avenue. This street will be closed during the construction of the below grade garage. Woodmont Avenue will be reconstructed with a small realignment.
- **Improvements to the Intersection of Woodmont Avenue and Bethesda Avenue** - The applicant proposes to neck-down two quadrants of the intersection of Bethesda. These proposed improvements coincide with current improvements by the Department of Public Works and Transportation (DPWT) to improve the intersection of Woodmont Avenue and Bethesda Avenue. These combined improvements are intended to improve pedestrian and bicycle safety, and circulation at the intersection of Woodmont Avenue and Bethesda Avenue. These improvements were recommended in the 1994 Bethesda CBD Sector Plan.
- **Streetscape, Public Use Space, and Active and Passive Recreation Space** - The applicant proposes street level retail and streetscape amenities to enhance the pedestrian experience along Bethesda Avenue and Woodmont Avenue.

The proposal is intended to be compatible with adjacent development and provide a transition from the Central Business District to the adjacent, single-family-detached neighborhood to the south. In addition, Bethesda Row would be improved by:

- Providing street-level retail and streetscape;
- Adding public seating (in non-restaurant areas) for those strolling or biking and wanting to rest and "people watch;"
- Constructing a "bike depot" at the southern intersection of the Trail and Bethesda Avenue;

Page 7

Resolution No.: 15-1632

- Establishing an on-site vehicular drop-off for bicycle and pedestrian access to the Trail on the west side of Woodmont Avenue, away from the main intersection; and
- Activating links to the [Crescent] Trail not only with appealing landscape architecture but also with two-story townhouse-style condominium lining the southern and western edges of the site and fronting on the Trail connection.

Pursuant to Zoning Ordinance §59-D-1.1, development in the TS-M Zone is permitted only in accordance with a development plan that is approved by the District Council when the property is reclassified to the TS-M Zone. The Development Plan and the Land Use Plan that constitutes one of its primary parts are binding on the Applicant except where particular elements are identified as illustrative or conceptual. Illustrative elements may be changed during site plan review by the Planning Board, but the binding elements cannot be changed without a separate application to the District Council for a development plan amendment.

The binding elements, which are printed on the Development Plan (Exhibit 66(a)), are as follows:

1. Maximum FAR [floor area ratio] of 2.59 as reflected on development plan.
2. Maximum of 250 total dwelling units (final number of units and unit mix to be determined at site plan).
3. Maximum of 342 private parking spaces (total number of parking spaces based on unit mix to be determined at site plan).
4. Building setback from south property line, west of realigned Woodmont Avenue, to be 50 feet.
5. Building setback from east property line, east of realigned Woodmont Avenue, shall be 5 feet for the entire building line. Beginning at and above the second floor the building shall be setback from the east property line as shown on the plan entitled "Building Setback Plan At and Above Second Floor Adjacent to Seasons Building" entered into the public hearing record for this zoning application as Exhibit No 56 and which plan is also shown on the face of the development plan. [Exhibit 56 shows that, beginning on the second floor and above, the setback expands on the eastern side (i.e., adjacent to the Seasons building) to 10 feet for a distance of 27 feet along the eastern property line, and then to 15 feet for the remainder of the eastern property line.]
6. The mechanical penthouse on the rooftop of the building located east of Woodmont Avenue will:
 - (1) be setback 40 feet from the shared property line with the adjacent Seasons Apartments to the east ("Seasons");

- (2) not have any primary vertical components of any cooling towers located closer than 75 feet from the shared property line with the Seasons (by example, pipes along the rooftop that are ancillary to a cooling tower would be allowed); and
- (3) have a maximum height of 14 feet above the roofline.
7. Measured from the measuring points shown on the development plan (identified on development plan as elevation 334.9 feet above sea level – the “Measuring Points”), maximum building heights (not including mechanical penthouse) are as follows:
- East of Woodmont Avenue: Building height not to exceed 90 feet as measured from the Measuring Points (elevation 424.9 feet above sea level), with step down to building height not to exceed 65 feet as measured from the Measuring Points (elevation 399.9 feet above sea level) at intersection of Bethesda Avenue and Woodmont Avenue.
 - West of Woodmont Avenue: Building height not to exceed 54 feet as measured from the Measuring Points (elevation 388 feet above sea level) for building west of Woodmont Avenue, with maximum building height of 14 feet as measured from the Measuring Points (elevation 348 feet above sea level) between 50 and 60 feet setback along southern property line (for town home style condominium units adjacent to single family Sack’s neighborhood to south).
8. Provision on-site of 12.5% MPDUs per County law and provision of up to 35 workforce housing units per DHCA Agreement, to be finally reflected at site plan.
9. Minimum 35% open space (active and passive recreational space/public use space), with final area to be determined at site plan.
10. Developer to construct realignment of Woodmont Avenue and improvements to Woodmont Avenue/Bethesda Avenue intersection per the Development Plan and future DPWT approvals, with final design and operation of the intersection for pedestrians, bicyclists and vehicles to be determined at site plan.
11. Loading docks serving buildings shall be enclosed within building area.
12. All residential units will be multi-family condominium units.
13. Dwelling units along the southern building edge of the building west of realigned Woodmont Avenue shall be townhome style condominium units.
14. The underground public garage shall exhaust through the roof of the on-site buildings west of Woodmont Avenue (and away from adjacent residential uses), this also being known as the existing Lot 31 property, and there shall be no exhaust from the underground public garage through any buildings (through the roof or otherwise) east of Woodmont Avenue, this also being known as the existing Lot 31A property.
15. A bicycle and pedestrian connection from Woodmont Avenue to the Capital Crescent Trail shall be provided along the southern property line within the 50-foot setback area, and the

final design and operations of the bike drop off area adjacent to Woodmont Avenue to be finalized with DPWT and M-NCPPC at site plan.

16. At time of site plan review, Applicant to provide appropriate hardscape/landscape in setback area along eastern property line. With the cooperation and authorization of the adjacent property owner to the east, coordinated hardscape/landscape amenities within the setback area located on the adjacent property to the east will be included as part of the amenity package for the redevelopment of Lot 31/31A by the Applicant.
17. Detailed information regarding the ultimate location, operation, and alignment of Woodmont Avenue between Bethesda Avenue and Leland Street shall be provided for DPWT and M-NCPPC review and approval at time of preliminary plan and site plan. New right-of-way for realigned Woodmont Avenue shall be established with DPWT at the time of preliminary plan and reflected on the record plat.
18. LATR study for the subject project to be provided by Applicant at time of preliminary plan reflecting approved public garage access points. The Applicant will further analyze capacity, design and operations of local road network.
19. The Applicant will request DPWT approval of a right-in/right-out limitation on ingress and egress to the public garage access along Bethesda Avenue.
20. Documentation of agreement between Applicant and DPWT allowing for private access beneath Woodmont Avenue to be provided at time of site plan, including documentation of future ownership of the public and private property.

Section 59-D-1.61 of the Zoning Ordinance requires the District Council, before it approves any application for re-zoning to the TS-M Zone, to consider whether the application, including the development plan, fulfils the "purposes and requirements" set forth in Code Section 59-C for the new zone. In making this determination, Zoning Ordinance §59-D-1.61 expressly requires the District Council to make five specific findings, and Maryland law requires that zoning power be exercised in the public interest.

§59-D-1.61(a): Consistency with Master Plan and other County Policies.

The first required finding is consistency with County plans and policies. The subject site is located within the area analyzed by the *Bethesda Central Business District (CBD) Sector Plan*, approved and adopted in July, 1994. More specifically, Lot 31 is within the Arlington Road District and Lot 31A is in the Wisconsin South Corridor. This distinction accounts for the different zoning recommendations contained in the Sector Plan with regard to the subject site. Lot 31 is recommended for the TS-M Zone that

Page 10

Resolution No.: 15-1632

is sought by Applicant, but Lot 31A is recommended for its current CBD-1 classification, with its use anticipated as public parking. *Sector Plan, p. 125, Figure 4.34.*

Nevertheless, it is evident that the Sector Plan did not envision that the Lot 31A portion of the subject site would be combined with Lot 31 as a single development project, with the Public Parking Garage expanding beneath the entire site. Both the ARC and the Planning Board recommended approval of the additional height requested for the Lot 31A building, and the zoning recommendation has been superceded by the language of Zoning Ordinance §59-C-8.21(a), which permits the TS-M Zone within the CBD when an adjacent lot, or one separated only by a public right-of-way, is eligible for classification to the TS-M Zone. That is precisely the case here.

As such, the Sector Plan should be interpreted to give effect to its underlying intent for the area, and not strictly in accordance with its height recommendation or its CBD-1 recommendation for Lot 31A. A master plan is only a guide where, as here, the Zoning Ordinance does not make it mandatory. See *Richmarr Holly Hills, Inc. v. American PCS, L.P.*, 117 Md. App. 607, 635-636, 701 A.2d 879, 893, n.22 (1997). In this case, the additional 15 feet of height sought by Applicant for the Lot 31A building (i.e., permitting it to be 90 feet high) will actually make it more compatible with the adjacent Seasons building, which exceeds 140 feet in height, and with the confronting Artery building, which is almost as high. Reclassification of the entire site to a single zone, the TS-M Zone, is permitted by the current Zoning Ordinance and is reasonable in this instance.

The District Council finds that Applicant's proposal is fully consistent with the recommendations and urban design guidelines specified for Lot 31, and though not consistent with the zoning and height recommendations for Lot 31A, those recommendations have been superceded by subsequent development in the area and recent changes in the Zoning Ordinance. The District Council finds that the proposed development is consistent with the goals and objectives of the Bethesda CBD Sector Plan, and is thus in substantial compliance with the Sector Plan.

Another County policy which must be considered is the Adequate Public Facilities Ordinance ("APFO," Code §50-35(k)). While the ultimate test under the APFO is carried out at subdivision review, evidence concerning adequacy of public facilities is also relevant to the District Council's determination in a rezoning case. Under the 2003-05 AGP Policy Element (p.14), which remained unchanged in FY 2006, "[t]he Planning Board and staff must consider the programmed services to be adequate for facilities such as police stations, firehouses, and health clinics unless there is evidence that a local area problem will be generated." There is no such evidence in this case. We therefore turn to the remaining three public facilities, transportation, schools and water and sewer service.

1. Transportation

Under the 2003-05 AGP Policy Element, subdivision applications are subject to Local Area Transportation Review ("LATR") requirements. LATR generally involves a traffic study intended to evaluate whether a proposed development would result in unacceptable congestion during the peak hour of the morning and evening peak periods. Congestion is defined by the County in terms of "critical lane volume" (CLV) above specified limits. The CLV standard specified for the relevant intersections is 1800.

It is clear from the LATR traffic study in this case that the proposed project and the garage will meet current County CLV standards; however, the "Synchro/Sim" traffic analysis (the third part of the LATR traffic study) demonstrates that "The programmed and planned pedestrian/bicycle improvements would result in longer motorist delays and vehicle queues," and that there is a "trade-off between (1) pedestrian and bicycle safety and convenience and (2) vehicle delays and queues." Exhibit 38(g), p. 66. Various traffic mitigation measures are being considered, including restricted turning movements, additional turn lanes, changes in traffic signal timing, and revising the proposed "neck downs" of the traffic lanes. Technical Staff Report, Exhibit 43, p. 17. The District Council finds that these issues cannot be resolved at the rezoning stage of this development, and that the planners will have to resolve these trade-offs at subdivision and site plan review.

Page 12

Resolution No.: 15-1632

The District Council finds that Applicant's proposal complies with the LATR standards and other transportation requirements. Based on the evidence of record, the District Council finds that transportation facilities will be adequate for this project.

2. School Capacity:

This property is located within the Bethesda Elementary School, Westland Middle School and Bethesda-Chevy Chase High School service areas. Bruce H. Crispell, Director of the Division of Long-range Planning, Montgomery County Public School's (MCPS), estimated that the impact of this project would be approximately twenty (20) elementary, ten (10) middle and eleven (11) high school students. Attachment 4 to Exhibit 43. According to Mr. Crispell and Technical Staff, the current Growth Policy schools test finds capacity adequate in the Bethesda/Chevy Chase cluster. The District Council concludes that the increased demand projected from the subject development is within the capacity of MCPS.

3. Water and Sewer Service:

Under the FY 2003-05 AGP Policy Element, p.14, "applications must be considered adequately served by water and sewerage if the subdivision is located in an area in which water and sewer service is presently available (i.e., Category I). The subject site is served by public water and sewer systems, and is currently in Water Service Category W-1 and Sewer Service Category S-1. As stated by Technical Staff, "The public facilities are adequate to serve the proposed development . . ." Exhibit 43, p. 6. The District Council so finds.

In sum, based on this record, the District Council finds that the requested rezoning does not conflict with "applicable County plans and policies."

§59-D-1.61(b): purposes, standards and regulations of the zone; safety, convenience and amenity of residents; and compatibility with adjacent development.

The second required finding is:

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

The requirements for the TS-M Zone are found in Code §59-C-8. The TS-M Zone is a "floating zone," intended to be used in transit station development areas and within the CBD when an adjacent lot, or one separated only by a public right-of-way, is eligible for classification to the TS-M Zone. Section 59-C-8.21(c) also specifies that the TS-M Zone is intended for locations where substantial commercial or office uses already exist or where such uses are recommended by an approved and adopted master plan. That is the case here.

Section 59-C-8.21(d) provides:

In order to facilitate and encourage innovative and creative design and the development of the most compatible and desirable pattern of land uses, some of the specific restrictions which regulate, in some other zoning categories, the height, bulk and arrangement of buildings and the location of the various land uses are eliminated and the requirement substituted that all development be in accordance with a plan of development meeting the requirements of this division.

The District Council finds that Applicant's development plan is consistent with the requirements of the Zoning Ordinance.

The purposes of the TS-M Zone are set forth in Code §59-C-8.23:

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

Page 14

Resolution No.: 15-1632

The proposed development meets the first purpose by providing for a public parking garage and connectivity to the Bethesda Metro Station, which is only 1500 feet away, and to the other transit facilities located in this district that will help optimize the use of transit for the residents and visitors to this portion of Bethesda. The development would fulfill the second purpose by the inclusion of mixed income and mixed height of residential uses, and by the creation of the street retail and an improved pedestrian circulation environment.

The main street retail that is proposed here, completing Bethesda Row, will accomplish the third purpose of providing for incidental shopping needs of transit facility riders. The fourth purpose is to minimize the necessity of the automobile. Mixed-use developments such as the subject one require less reliance on the automobile for services and amenities. Easy access to the Bethesda Metro will also help meet that purpose.

The fifth purpose is to obtain amenities not available in conventional zoning. Conventional zoning does not allow the flexibility that is required to provide the amenities that are being proposed here, such as the enhancements to the Capital Crescent Trail, the additional landscaping, the bicycle drop-off for the users of the trail, and streetscape amenities. The proposed development would satisfy the final purpose of preventing detrimental affects upon the adjacent properties by providing a transition from the more intensely developed portions of Bethesda to the less intensely developed areas to the south, such as the Sacks neighborhood.

The proposed development will put 250 residential units within easy walking distance of a Metro station, and will include MPDUs as well as workforce housing. It will provide 40,000 square feet of retail space and improvements to the sidewalks and crosswalks to encourage walking and the use of the transit by future employees and residents. Streetscape, bikeway improvements and adjacent retail space will reduce the dependence on the automobile in the area. Based on the ample evidence in the record, the District

Page 15

Resolution No. 15-1632

Council finds, as did the Hearing Examiner, Technical Staff and the Planning Board, that the proposed development satisfies the purposes of the TS-M Zone.

Zoning Ordinance §59-C-8.23 specifies the uses permitted in the TS-M Zone. All of the uses proposed for the Mixed-Use Project (residential and retail) are permitted in the TS-M zone.

Zoning Ordinance §59-C-8.24 provides that the TS-M Zone is "permitted only in a Transit Station Development Area defined in section 59-A-2.1 and in accordance with an approved and adopted master plan or sector plan, except in areas within and adjacent to a Central Business District in accordance with Section 59-C-8.21(a)." Lot 31 is within a Transit Station Development Area as defined in Section 59-A-2.1, while Lot 31A is within the Central Business District, and is permitted pursuant to Section 59-C-8.21(a), as described above.

Zoning Ordinance §59-C-8.25 requires that a proposed development in the TS-M Zone conform to "the facilities and amenities" of the Sector Plan, include any required easements, provide for safe and efficient circulation and adequate open and recreation space, and insure compatibility with the surrounding area, as well as the ability of the area to accommodate the intended use.

The proposed development would provide a realignment of Woodmont Avenue to permit optimal use of Lot 31A and to improve pedestrian circulation. It also will provide a bicycle drop-off area, connected to the Capital Crescent Trail by a new bike path and sidewalk, a variety of streetscape improvements and a total of at least 35% open space, including a minimum of 10% public use space and 25% active and passive recreational space. The realignment of Woodmont would result in dedication of the new right-of-way to the County, once its precise contours have been established.

In addition to meeting the purposes and intent of the TS-M Zone, a development must meet all the applicable development standards set forth in Code Section 59-C-8.4. The District Council finds that Applicant's development plans are in accordance with all of the standards and regulations of the TS-M Zone, as set forth in Article 59-C of the Code.

Page 16

Resolution No.: 15-1632

The next part of "Finding (b)" required by Section 59-D-1.61 is a determination that the proposed development would provide the "maximum safety, convenience, and amenity of the residents." This issue has been discussed above in conjunction with the requirements for the TS-M Zone. The District Council finds that Applicant has provided the maximum in safety, convenience and amenities for the future residents of this development.

The final required determination under "Finding (b)" is that the proposed development be compatible with adjacent development. Because there is a mix of uses completely surrounding the subject property, Applicant decided to make this project a "four sided building," which attempts to face each use in its appropriate way for the purpose of compatibility. The bike drop-off, which is to the south and east of the property, links to the Capital Crescent Trail and provides the needed buffer to help protect the single-family homes to the south. The south and west corner of the site employs a townhouse style construction intended to bring the massing down to a more human scale, more compatible with the single-family homes in the Sacks community immediately to the south. These two-story townhouse style condominiums also turn towards the Capital Crescent Trail to make that a more pleasant experience for those utilizing the trail.

There is also a courtyard in the center of the building to break up the townhouse row along that south perimeter, and to open it up light and air. The bicycle drop-off area, which is at the southeastern corner of the site, links to the bicycle trail that is in front of the townhouses. On the east side of Woodmont, new setbacks from the Seasons building were agreed to in order to make the buildings more compatible. The 90 foot tall building, which is proposed, with a step down to 65 feet on the western side, would be more compatible with the existing structures to the east and north, and with the building planned for Lot 31 across Woodmont Avenue. Applicant's efforts were to vary the view of each side of the proposed buildings to be compatible with surroundings, and yet relate to each other.

Technical Staff and the Hearing Examiner found the proposed development to be compatible with the surrounding development. Staff noted that the Lot 31 building will be limited to three to five stories

Page 17

Resolution No.: 15-1632

(65 feet maximum), and that the town-house style multi-family units are located along the southern property line adjacent to the existing single-family dwelling units. In addition, a setback of 50 feet will be provided, and a large green space extending into the project will be provided adjacent to the existing development. These features all help to make the development compatible with the nearby residences.

As to the Lot 31A building, Technical Staff noted that its planned 90 foot height would be compatible with the adjacent high-rise residential building (the Seasons), which is approximately 143 feet in height. Moreover, the step down from 90 feet for the east side of the proposed Lot 31A building to 65 feet on the Woodmont Avenue side of the building will make it compatible with the Lot 31 building to be located west of Woodmont Avenue. The increased setbacks for the Lot 31A building from its neighbor to the east, as specified in the Binding Elements, will also increase compatibility by allowing more space between the two buildings and avoiding a "canyon effect."

For all these reasons, the District Council finds Applicant's Development Plan to be compatible with adjacent development.

§59-D-1.61(c): safe, adequate and efficient internal vehicular and pedestrian circulation systems.

The third required finding is "[t]hat the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient." As discussed above, the balance between vehicular and pedestrian circulation systems for this project is a work in progress which will not be completed until the final alignment and configuration of Woodmont Avenue is decided upon at subdivision and site plan. Reaching the correct balance is critical to the public interest, but it is not something that can be decided at the rezoning stage. Transportation Planning Staff made it clear in its report (Exhibit 43, Attachment 1, pp. 4-6) that it continues to review the matter and the possibility of various traffic mitigation measures.

Applicant's transportation expert, Martin Wells, testified (Tr. 188-218) that the access points to the proposed project will, in fact, be safe, adequate and efficient. The proposed driveway entries to the garage

Page 18

Resolution No.: 15-1632

are located as far as practicable from the Woodmont-Bethesda intersection. With regard to safety of that intersection, Mr. Wells opined that the geometric changes that are proposed will make existing conditions safer by reducing the pedestrian crossing distances and by reducing the steep crossing angle at the Woodmont-Bethesda intersection to make it more like an ordinary intersection.

Mr. Wells also testified that the internal design of the garage is adequate and efficient, in that the single point of revenue control has an advantage for "way-finding" and directional signage. There will be adequate stacking and queuing capacity inside the garage, and the placement of the garage driveways, and the modifications to Woodmont Avenue at Leland Street and Miller Avenue, will minimize any adverse traffic impacts on the surrounding community.

Based on the entire record, the District Council finds that external access and internal circulation will be safe, adequate and efficient for both vehicular and pedestrian traffic.

§59-D-1.61(d): preventing erosion, preserving vegetation, forest conservation and water resources

No environmental issues were raised in this case. The site is not located in a Special Protection Area or Primary Management Area. It has no steep slopes or erodible soils, and there are no wetlands or streams on the site. One-half acre of afforestation will be needed to meet the requirements of the Forest Conservation Law. Technical Staff indicates that a combination of street trees in the public right-of-way and additional landscaping in the setback area from the existing neighborhood will meet the requirement.

An approved stormwater management plan is required at the time of the approval of the Preliminary Plan. Currently there are no storm water management facilities on either Lot 31 or 31A. Applicant proposes to provide a hydrodynamic facility along Woodmont Avenue, and within the first level of the garage there will be two storm filter facilities that will use a cartridge filtration system to clean the water and discharge it back into the receiving or existing storm drain lines.

Applicant is requesting a waiver of channel protection volume controls based on the fact that the project will actually reduce the amount of imperviousness. The existing site is approximately 95 to 100

Page 19

Resolution No.: 15-1632

percent impervious right now. Applicant plans to reduce that by about 30 percent, to a level of approximately 70 percent imperviousness. This reduction in imperviousness will reduce the flow off the property to less than exists today, and the water quality facilities will produce cleaner water runoff.

According to Applicant's engineer, sediment control takes care of itself on this type of project since a large hole is being created which will hold the sediment. There will also be some perimeter measures around the edge, to protect the rights-of-way and the Sacks subdivision. There will be very little grading because the builders will be creating a hole for the garage and developing up from the garage to the residential component.

In sum, the District Council finds that Applicant has demonstrated the environmental controls required by "Finding (d)."

§59-D-1.61(e); common area maintenance.

The fifth required finding is "[t]hat any documents showing the ownership and method of assuring perpetual maintenance of any areas intended to be used for recreational or other common or quasi-public purposes are adequate and sufficient."

Applicant, Lot 31 Associates, is the developer selected by the County in a competitive solicitation for proposals to develop the subject property, which is owned by the County. The County entered into an agreement with Applicant to have Lot 31 Associates serve as the County's agent for purpose of applying for and obtaining zoning and development approvals. That agreement is in the record as Exhibit 4.

Applicant's commitment to perpetual maintenance of all recreational and other common or quasi-public areas is established by General Note 19 on the Development Plan (Exhibit 66(a)); by Applicant's Statement in Support of the Application (Exhibit 15, Part V, p. 17), by the testimony of Douglas Firstenberg (Tr. 105-106), a representative of Lot 31 Associates, and by the July 5, 2006 letter to the Hearing Examiner from Applicant's attorney (Exhibit 62(b)). General Note 19 provides that "Land intended for public use but to remain in private ownership will be maintained in perpetuity for public use

pursuant to agreement with the County." The Applicant's Statement, the Firstenberg testimony and the attorney's letter indicate that maintenance of the recreational and other common or quasi-public areas will be managed by a combination of the County, which is responsible for the public garage, rights-of-way and sidewalks, and the condominium entity which will be created as part of the overall land-and-building condominium structure. Condominium documents will specifically set forth perpetual maintenance requirements, and the County and the condominium entity may contract with the "Bethesda Urban Partnership" to physically conduct this maintenance.

The District Council finds that Applicant has sufficiently demonstrated both ownership of the property and its commitment to perpetual maintenance of all recreational and other common or quasi-public areas.

The Public Interest

The applicant must show that the proposed reclassification is sufficiently in the public interest to justify its approval. The State Zoning Enabling Act applicable to Montgomery County requires that all zoning power must be exercised:

... with the purposes of guiding and accomplishing a coordinated, comprehensive, adjusted, and systematic development of the regional district, . . . and [for] the protection and promotion of the health, safety, morals, comfort, and welfare of the inhabitants of the regional district. [Regional District Act, Maryland-National Capital Park and Planning Commission Article (Art. 28), Md. Code Ann., § 7-110].

When evaluating the public interest, the District Council normally considers master plan conformity, the recommendations of the Planning Board and Technical Staff, and any adverse impact on public facilities. As outlined above, Applicant's proposal is fully consistent with the recommendations and urban design guidelines specified for Lot 31, and though not consistent with the zoning and height recommendations for Lot 31A, those recommendations should not be dispositive in this case. The District

Page 21

Resolution No.: 15-1632

Council finds that the proposed development is consistent with the goals and objectives of the Bethesda CBD Sector Plan, and is thus in substantial compliance with the Sector Plan.

As already mentioned, the Hearing Examiner, the Planning Board and the Technical Staff all recommended approval of the proposed rezoning. The impact on public facilities was also discussed above. The evidence indicates that, in general, transportation, schools and water and sewer services would not be adversely affected by the proposed development. However, there is a caveat – vehicular traffic will likely be slowed at the crucial intersection of Bethesda and Woodmont Avenue because of the efforts to make it more pedestrian friendly, and it will clearly be slowed during two years of construction because Woodmont Avenue south of Bethesda Avenue will be closed to vehicular traffic.

These are very important public interest concerns, but they cannot be resolved as part of this rezoning application. The proper balance between pedestrian and vehicular traffic, will have to be resolved at subdivision and site plan. In any event, the record demonstrates that Technical Staff, the Planning Board and DPW&T are all acutely aware of the problem and will be working on it. We do know that the project will bring approximately 1138 new public parking spaces to an area that sorely needs them, and will provide additional retail space and affordable housing to the downtown Bethesda area, all of which is in the public interest.

There has been much public support for, and virtually no opposition to, this project, as reflected in input from public interest groups and government officials. The District Council concludes that the proposed development would be in the public interest.

Based on the foregoing analysis and the Hearing Examiner's report, which is incorporated herein, and after a thorough review of the entire record, the District Council concludes that the proposed development satisfies the intent, purpose and standards of the TS-M Zone; that it meets the requirements set forth in Section 59-D-1.61 of the Zoning Ordinance; that the application proposes a project that would be compatible with development in the surrounding area; and that the requested reclassification to the TS-

Page 22

Resolution No.: 15-1632


M Zone has been shown to be in the public interest. For these reasons and because approval of the instant zoning application will aid in the accomplishment of a coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District, the application will be approved in the manner set forth below.

ACTION

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, Maryland approves the following resolution:

Zoning Application No. G-850, requesting reclassification from the R-60 and CBD-1 Zones to the TS-M Zone of approximately 3.3 acres of County-owned land on the southwest and southeast quadrants of the intersection of Bethesda and Woodmont Avenues (Lots 138, 139 and parts of Lots 18 - 24, Block B of the Miller's Addition Subdivision) in Bethesda, in the 7th Election District, be *approved* in the amount requested and subject to the specifications and requirements of the final Development Plan, Exhibit 66(a), provided that the Applicant submits to the Hearing Examiner for certification a reproducible original and three copies of the Development Plan approved by the District Council within 10 days of approval, in accordance with §59-D-1.64 of the Zoning Ordinance. The reproducible original and copies of the Development Plan should be corrected by removing any reference to the incorrect Tax Account No. 07-00430361. The correct Tax Account No. 07-00430190 should remain on the Development Plan.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council




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

August 3, 2007

MEMORANDUM

TO: Josh Sloan, Development Review Division

FROM: Judy Daniel, Team Leader, Bethesda-Chevy Chase Team 

SUBJECT: Site Plan for Lot 31/31A Woodmont Ave. at Bethesda Ave.

ZONE: Transit Station – Mixed-Use

MASTER PLAN: 1994 Bethesda CBD Sector Plan

RECOMMENDATION

The Community Based Planning staff recommends approval of this site plan based on the information submitted, and its relationship to the recommendations of the Bethesda CBD Sector Plan.

BACKGROUND

These properties are located on the opposing corners of Woodmont Avenue and Bethesda Avenue. The County Council granted them a rezoning to the TS-M Zone in October 2006 (G- 850). Lot 31 was recommended for the TS-M Zone in the Sector Plan, but Lot 31A was anticipated to remain in the CBD-1 Zone. Their combined development was not anticipated in the Sector Plan.

MASTER PLAN GUIDANCE

The Sector Plan places these sites in the Arlington Road District (page 132-34). The stated objectives for this area are:

1. Preserve and enhance the Arlington Road District as a community retail and service business area.

2. Concentrate redevelopment along Bethesda Avenue, with special focus at the intersection of Bethesda Avenue and Arlington Road as the center of the district.
3. Continue the "main street" shopping character along Bethesda Avenue, consistent with recent development.
4. Protect the surrounding residential areas from commercial intrusions by directing growth away from the edges and by providing lower densities, appropriate uses, and landscaped buffers at the residential edges.
5. Improve traffic circulation, pedestrian safety, amenities, and convenience.
6. Provide additional housing, and reduce the potential for additional employment away from the Metro Core.

The Sector Plan recommendations for the Lot 31 sites are very specific. The major elements that are to be a part of development when it occurs include:

1. Creating a staging area for users of the Capital Crescent Trail on a portion of the development site.
2. Provide a combination of mixed-income housing and parking on the site.
3. Parking should include below-grade and some surface parking.
4. Include ground floor retail along Bethesda Avenue.
5. The site is appropriate for the TS-M Zone, and height compatible with the adjacent neighborhood would yield about 100 housing units.

The Urban Design Guidelines for Lot 31 include the following specific elements:

1. Continue the Main Street character in developing retail frontage along Bethesda Avenue and a portion of Woodmont Avenue.
2. Limit heights to 3 to 5 floors and vary roof lines for visual interest. The greatest height and bulk should be located primarily on Bethesda Avenue. The buildings should step down to a lower height and be no closer than 50 feet from the property line of the houses in the Sacks neighborhood. The building design should express a residential character that is compatible with the neighborhood.
3. Provide landscape screen along the southern edge of the site as a buffer with the adjacent houses.
4. Ensure pedestrian and bicycle access to the Capital Crescent Trail and provide a Class 1 Bikeway along Bethesda Avenue, in accordance with the Bicycle Network Plan.

MASTER PLAN COMPLIANCE

The rezoning to the TSM-Zone resulted in modifications to the Sector Plan recommendations, particularly regarding the zoning for Lot 31A, and its resulting height, and the number of resulting dwelling units. The height discussion for Lot

31A primarily related to the ability of the MPDU requirements to supercede Master Plan recommendations. The Council resolution (15-1632, page 10/11) states:

"It is evident that the Sector Plan did not envision that the Lot 31A portion of the subject site would be combined with Lot 31 as a single development project, with the Public Parking Garage extending beneath the entire site. Both the ARC and the Planning Board recommended approval of the additional height requested for the Lot 31A building, and the zoning recommendation has been superceded by the language in the Zoning Ordinance at 59-C-8.21(a), which permits the TS-M Zone within the CBD when an adjacent lot, or one separated only by a public right-of-way, is eligible for classification to the TS-M Zone. That is the case here.

"As such the Sector Plan should be interpreted to give effect to its underlying intent for the area, and not strictly in accordance with its height recommendation or its CBD-1 recommendation for Lot 31A. A master plan is only a guide where, as here, the Zoning Ordinance does not make it mandatory....In this case, the additional 15 feet of height sought by Applicant for the Lot 31A building (permitting it to be 90 feet high) will actually make it more compatible with the adjacent Seasons building, which exceeds 140 feet in height, and with the confronting Artery building, which is almost as high. Reclassification of the entire site to a single zone, the TS-M Zone, is permitted by the Zoning Ordinance and is reasonable in this instance.

"The District Council finds that the Applicant's proposal is fully consistent with the recommendations and urban design guidelines specified for Lot 31, and though not consistent with the zoning and height recommendations for Lot 31A, those recommendations have been superceded by subsequent development in the area and recent changes in the Zoning Ordinance. The District Council finds that the proposed development is consistent with the goals and objectives of the Bethesda CBD Sector Plan, and thus in substantial compliance with the Sector Plan."

Given this decision by the Council, supported by the recommendation of the Planning Board in the rezoning case, the resulting development is in substantial compliance with the Sector Plan. Regarding the Sector Plan objectives the proposed development will:

- Preserve and enhance the Arlington Road District as a community retail and service business area,
- Concentrate redevelopment along Bethesda Avenue,
- Continue the "main street" shopping character along Bethesda Avenue, consistent with recent development,
- Protect the surrounding residential areas from commercial intrusions by directing growth away from the edges and by providing lower densities, appropriate uses, and landscaped buffers at the residential edges,

- When complete, improve traffic circulation, pedestrian safety, amenities, and convenience, and will
- Provide additional housing, and reduce the potential for additional employment away from the Metro Core.

Regarding the major elements of the development, it will:

- Create a staging area for users of the Capital Crescent Trail,
- Provide mixed-income housing and parking on the site,
- Include below-grade and surface parking, and
- Include ground floor retail along Bethesda Avenue.

The project is providing MPDUs at the required 12.5% level, plus workforce housing units. These units are of varied sizes and are located on most floors of both buildings, achieving objectives of fully integrated mixed-income housing.

Regarding the Urban Design Guidelines for Lot 31 in the Sector Plan, the development will:

- Continue the Main Street character in developing retail frontage along Bethesda Avenue and a portion of Woodmont Avenue,
- Provide heights consistent with the rezoning to TS-M, and have a building design that is compatible with the bordering neighborhood,
- Provide landscape screening along the southern edge of the site as a buffer with the adjacent houses,
- Ensure pedestrian and bicycle access to the Capital Crescent Trail, and
- Provide a Class 1 Bikeway along Bethesda Avenue, in accordance with the Bicycle Network Plan.

CONCLUSION

The proposed development is in substantial and sufficient compliance with the Bethesda CBD Sector Plan as written, and as interpreted in the rezoning to the TS-M Zone. When completed the development will provide a strong southern anchor to the Woodmont Avenue section of the Bethesda CBD.



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

August 21, 2007

MEMORANDUM

TO: Dolores Kinney, Planner
Joshua Sloan, Site Plan Reviewer
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning

FROM: Ed Axler, Planner/Coordinator EA
Transportation Planning
Countywide Planning Division

SUBJECT: Lot 31/Lot 31A
Preliminary Plan No. 120070690 and Site Plan No. 820070180
Bethesda Central Business District Policy Area

This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review of the subject preliminary plan and site plan for a joint public-private mixed-use development and parking garage on the existing public surface Parking Lots 31 and 31A in downtown Bethesda.

The Local Map Amendment No. G-850 was approved for rezoning from the R-60 and CBD-1 zones to the TS-M zone. Mandatory Referral No. 06806-DPWT-1 was reviewed by the Planning Board for the public parking garage at Lot 31 & Lot 31A. The Planning Board's public hearing was held on June 22, 2006, for both actions.

The project is proposed as a mixed-use development, with 250 residential high-rise condominiums and 40,000 square feet of general retail use atop a public parking garage. Beneath the buildings, the applicant proposes to construct a multi-story underground parking garage of approximately 1,480 spaces that includes 342 spaces reserved for private use by tenants of the residential units within the mixed-use development. The garage will be located entirely below ground on five levels of structured parking. The applicant proposes to include features within the garage to allow for simplified access for patrons and to encourage the use of the garage by cyclists and other recreational users of the nearby Capital Crescent Trail. The design includes provision of a bicycle loading/unloading zone on the west side of Woodmont Avenue, with access to the Capital Crescent Trail along the southern boundary of the site.

RECOMMENDATIONS

We recommend the following conditions as part of the APF test for transportation requirements related to the approval of the subject preliminary plan and site plan:

1. The development is limited to a maximum of 250 high-rise apartments, 40,000 square feet of general retail use, and a parking garage for a maximum of 1,480 spaces that includes up to 342 private spaces.
2. The applicant must satisfy Local Area Transportation Review (LATR) by providing the following operational improvements:
 - a. Construct a left-turn lane on the eastbound Bethesda Avenue approach at its intersection with Woodmont Avenue.
 - b. Provide for an exclusive left turn lane and a shared through/right turn lane on westbound Elm Street at its intersection with Woodmont Avenue, if required by the Montgomery County Department of Public Works and Transportation (DPWT).
 - c. Prohibit left-turns from the parking garage onto Bethesda Avenue.
3. The applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and DPWT to participate in the Bethesda Transportation Management Organization (TMO). The TMAg must be signed and executed by all parties prior to certification of the site plan.
4. The applicant must comply with all the conditions of approval set by DPWT in their August 6, 2007 letter (Attachment No. 1) to MNCPPC unless otherwise amended by DPWT.
5. Prior to certified site plan, the applicant must provide a pedestrian and bicycle circulation plan for the construction phase.

DISCUSSION

Site Location, Access, Circulation, and Parking

The subject property is located in downtown Bethesda at the intersection of Bethesda Avenue and Woodmont Avenue. The property is bounded by Bethesda Avenue to the north, Capital Crescent Trail to the west and traversed by Woodmont Avenue on the eastern portion of the site. Vehicular access to the proposed parking garage is via driveways located on Woodmont Avenue and Bethesda Avenue. Directly south of the site is Leland Street, a residential development of single-family homes.

Woodmont Avenue was dedicated as a public street with connection to Wisconsin Avenue (MD 355) at two points, north and south of the Bethesda Central Business District. Woodmont Avenue operates as an alternative route for southbound traffic through Bethesda. Northbound traffic along Woodmont Avenue is redirected east and west at the intersection of Hampden Lane in downtown Bethesda. South of the project site, limited turning movements from southbound Woodmont Avenue onto Leland Street are in place to reduce the volume of peak-hour traffic through the residential neighborhood. According to current traffic volume counts, the majority of the traffic along Woodmont Avenue is from the north, with a considerable amount (nearly 40% of the daily approach volume) turning right onto westbound Bethesda Avenue.

The current surface parking lots that are the subject of this proposed developments, including a parking garage, are heavily used for long-term and midday to early evening hours parking. Local restaurants and service retailers draw high volume of clientele on late evenings and weekends when area parking and roadways are carrying a heavy volume of pedestrian, bicycle and vehicular traffic. There is currently a substantial demand for weekend recreational use of the surface parking lot as a loading/unloading area for users of the Capital Crescent Trail to access downtown DC and the interim Georgetown Branch Trail into Silver Spring.

The access points to the proposed garage are from Woodmont Avenue and Bethesda Avenue. The entrance located on the east side of Woodmont Avenue provides for full movements while right-turns-in and right-turns-out are only provided from Bethesda Avenue entrance/exit. The Woodmont Avenue garage entrance would be located approximately 300 feet south of Bethesda Avenue and approximately 50 feet north of Miller Avenue on the eastern side. The applicant proposes to extend the raised centerline median along Woodmont Avenue to limit Miller Avenue and Leland Avenue to right-in/right-out only turning movements. The garage entrance along Bethesda Avenue would be located approximately 160 feet east of Woodmont Avenue with restricted right-turns-in and right-turns-out.

The alignment of Woodmont Avenue shall be relocated to the west as part of this development. The right-of-way for the current alignment was abandoned by the County (DPWT Docket No. AB-684) and right-of-way for a new alignment would be dedicated back to the County as part of the redevelopment proposal. The westward alignment would match the current 80-foot right-of-way for Woodmont Avenue and perform the same function of vehicular and pedestrian access to Leland Street and Bethesda Avenue across the property. The structured parking garage would pass beneath the relocated Woodmont Avenue alignment to allow for continuous circulation through all levels of the garage. DPWT and the applicant will enact an agreement to allow for private access beneath the public right-of-way.

Local Area Transportation Review

According to the *Local Area Transportation Review (LATR) Guidelines*, the applicant was required to submit a traffic study to analyze the impact of this proposed private-public development. For the private component, the number of peak-hour trips included the trips generated by the residential apartments and commercial retail space. In addition, the total number of peak-hour trips included the public component that is anticipated for the number of motorists parking in the public garage. The scope of the traffic study was sized to reflect the entirety of this private-public development that was proposed as one project and reflective in the nature of its design. Such design features included garage access points serving the parking needs for all public and private purposes. The study has consolidated the estimated traffic volumes by both the private and public components of this development into a single traffic study. All the proposed development on the site is estimated to generate 590 and 1,166 peak-hour trips during the weekday morning and evening peak periods, respectively.

Table 1 (Attachment No. 2) gives the calculated Critical Lane Volumes (CLV) at studied intersections in the existing, background, and total future traffic conditions. The conclusion of the submitted traffic study indicates that, for total future traffic condition including the selected design alternative, all studied intersections will operate within the congestion standard of 1,800 CLV for the Bethesda Central Business District Policy Area.

Traffic Operation Analysis in Vicinity of the Site

In response to concerns raised by residents, DPWT and the Planning staff, the consultant performed an operational analysis using a traffic simulation program called SYNCHRO. The analysis included the current and future traffic conditions for the proposed geometric changes (i.e., such as reduced lane widths, lengths or turning restrictions). The traffic simulation analysis findings were based on the composite result of the increased number of public parking spaces, the private mixed-use developments and pedestrian/bicycle circulation improvements.

The simulation of traffic operation included 8 intersections and 10 other existing and proposed driveways along Wisconsin Avenue, Arlington Road, Woodmont Avenue and Bethesda Avenue. Table 2 below summarizes the result of this analysis with left-turn lanes at eastbound Bethesda Avenue and westbound Elm Street along Woodmont Avenue for the worst-use weekday evening peak hour. The values in the table represent the approach lane with the longest average queue length.

Table No. 2: Traffic Simulation Results with Improvements for the weekday worst-case evening peak hour scenario:

	Woodmont Avenue and Elm Street			
	Northbound	Southbound	Eastbound	Westbound
Average Length of Queued Vehicles	61	155	100	118
Distance for the Next Upstream Intersection	301	194	68	552
% of Time the upstream Intersection is Blocked	0%	19%	31%	0%
	Woodmont Avenue and Bethesda Avenue			
	Northbound	Southbound	Eastbound	Westbound
Average Length of Queued Vehicles	89	248	56	57
Distance for the Next Upstream Intersection	130	301	47	57
% of Time the upstream Intersection is Blocked	3%	9%	53%	65%
	Woodmont Avenue and Miller Avenue			
	Northbound	Southbound	Eastbound	Westbound
Average Length of Queued Vehicles	----	----	----	21
Distance for the Next Upstream Intersection	----	----	----	268
% of Time the upstream Intersection is Blocked	----	----	----	0%
	Woodmont Avenue and Leland Street			
	Northbound	Southbound	Eastbound	Westbound
Average Length of Queued Vehicles	31	----	1	----
Distance for the Next Upstream Intersection	894	----	14	----
% of Time the upstream Intersection is Blocked	0%	----	0%	----
	Woodmont Avenue and Wisconsin Avenue			
	Northbound	Southbound	Eastbound	Westbound
Average Length of Queued Vehicles	231	203	78	135
Distance for the Next Upstream Intersection	802	254	306	330
% of Time the upstream Intersection is Blocked	0%	4%	0%	0%
	Wisconsin Avenue and Bethesda Avenue/Willow Lane			
	Northbound	Southbound	Eastbound	Westbound
Average Length of Queued Vehicles	117	387	71	----
Distance for the Next Upstream Intersection	254	418	94	----
% of Time the upstream Intersection is Blocked	5%	32%	67%	----
	Bethesda Avenue and Arlington Road			
	Northbound	Southbound	Eastbound	Westbound
Average Length of Queued Vehicles	384	236	112	88
Distance for the Next Upstream Intersection	834	316	228	42
% Time that the Upstream Intersection is Blocked	18%	8%	20%	41%

With the left-turn lanes on eastbound Bethesda Avenue and westbound Elm Street at their intersections with Woodmont Avenue, “the percentage of the time the upstream intersection was blocked” decreased on all but three of the 90 intersections approach lanes.

Sector-Planned Transportation Demand Management

The site is located in the Bethesda Transportation Management District (TMD). The applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and DPWT to participate in the Bethesda Transportation Management Organization (TMO) to assist in achieving the 37% non-auto-driver mode share goal for employees working in Bethesda Central Business District.

Available Transit Service

Three bus routes operate along the nearby roadways as follows:

1. The Bethesda Circulator or the red “Bethesda 8 Trolley” (i.e., Ride-On route 92) operates on Woodmont Avenue north of Bethesda Avenue and on Bethesda Avenue west of Woodmont Avenue.
2. Ride-On route 36 operates along Arlington Road.
3. Ride-On route 42 operates along Wisconsin Avenue.

In addition, the subject site is located approximately one third of a mile away from the Bethesda Metrorail Station. At this Metrorail Station, transit users may ride on the Metrorail System, 7 Ride-On routes, and 5 Metrobus routes.

Sector-Planned Roadways and Functional Master-Planned Bikeways

In accordance with the *Bethesda CBD Sector Plan* and the *Countywide Bikeways Functional Master Plan*, roadways and bikeways are designated as follows:

1. Wisconsin Avenue (MD 355) is classified as a major highway, M-6, with a minimum recommended 114-foot right-of-way width near the site.
2. Bradley Boulevard (MD 191) is classified as a major highway, M-3, with a minimum recommended 120-foot right-of-way width and a dual bikeway, DB-4, a shared use path and signed shared roadways from Persimmon Tree Road to Wisconsin Avenue (MD 355).
3. Woodmont Avenue is an arterial, A-68, with a minimum recommended 80-foot right-of-way width and bicycle lanes, BL-6 from Battery Lane south to Strathmore Street.
4. Arlington Road is classified an arterial, A-82, with a minimum recommended 80-foot right-of-way width.

5. Leland Street is classified an arterial, A-20, with a minimum recommended 80-foot right-of-way width.
6. Bethesda Avenue, Elm Street, and Hampden Lane are classified as business district streets with a minimum recommended 60-foot rights-of-way width and a signed shared roadway, SR-9, along Bethesda Avenue.
7. Montgomery Lane is classified as business district streets with minimum recommended 52-foot rights-of-way width west of Woodmont Avenue and minimum recommended 80-foot rights-of-way width east of Woodmont Avenue.
8. Wellington Drive and Strathmore Street are classified as residential streets with minimum recommended 60-foot rights-of-way width.

The Capital Crescent Trail borders the western edge of the project site. The Trail is one of the most popular and extensive recreational and commuter trails in the DC Metropolitan region. It provides off-road trail access to downtown DC and Bethesda. Continuing northwest of the project site, the interim Georgetown Branch Trail offers connection across Montgomery County to Stewart Avenue in the Lyttonsville Industrial Area. Future plan continue the Georgetown Branch Trail into and through downtown Silver Spring as part of the Purple Line Transitway. The trail connects to the planned Metropolitan Branch Trail at the Silver Spring Transit Center.

The applicant proposes to provide an auxiliary access to the Capital Crescent Trail along south side of the subject site from a loading/unloading area for cyclists along southbound Woodmont Avenue at the southeast corner of the site. This area would serve recreational users who arrive in private vehicles, but are unwilling or unable to park inside the parking garage with their bicycles mounted on their vehicles. In theory, cyclists would unload the bicycles at the semi-circular vehicular drop-off area and then park in the public parking garage.

Sector Plan Guidance on Parking and Circulation Improvements

The *Bethesda Central Business District Sector Plan* discusses a need for additional parking, with specific mention of structured parking on the Lot 31 site. The proposed redevelopment of Lot 31 is suggested to include ground-floor retail along Bethesda Avenue and a portion of Woodmont Avenue, with adequate separation from the adjacent residential neighborhood to the south.

The *Sector Plan* also calls for several improvements at the intersection of Woodmont Avenue and Bethesda Avenue, oriented towards improved access and safety for pedestrian and recreational bicyclists. It recommends that all improvements to the operations and geometry of Bethesda Avenue and Woodmont Avenue should reduce pavement widths and provide for pedestrian signal phases with adequate crossing times for all intersection approaches.

Pedestrian and Bicyclist Access and Circulation

The intersection of Woodmont Avenue and Bethesda Avenue carry a high number of bicyclist and pedestrians. The current configuration of this intersection requires long-distance crosswalking of both streets. As a result, many pedestrians choose to cross against the traffic signal and not in striped crosswalks ("jaywalking"). This confuses the drivers' as they proceed through this intersection. Compounding the situation are the bicyclists and runners/joggers continuing through the intersection along the Capital Crescent Trail/Georgetown Branch-Purple Line alignment and not complying with the pedestrian signal indications or staying within the designated crosswalks.

DPWT in their letter dated August 10, 2007 (attached) discussed their concerns regarding the vehicular traffic and pedestrian crossings at this intersection. Staff position is that trade-offs between vehicle and pedestrian/bicycle movements are essential to maintain a vibrant downtown activity. DPWT suggests that Woodmont Avenue crosswalks to be located adjacent and parallel to Bethesda Avenue. The same suggestion is also made for Bethesda Avenue crosswalks relocating adjacent and parallel to Woodmont Avenue. DPWT's suggested design is summarized below with staff recommended alternatives to improve pedestrian/bicycle circulation:

1. The crosswalks across the northern Woodmont Avenue shifted to the south: This would approximately double the pedestrian crossing distance across the northern Woodmont Avenue width. As a result, the minimum pedestrian signal timing required in the *Manual on Uniform Traffic Control Devices* (MUTCD) and corresponding green time for Bethesda Avenue must be increased.

Staff supports as shown on plan dated August 1, 2007.

2. The crosswalk across the western Bethesda Avenue shifted to the east: This crosswalk would be relocated further away from the Capital Crescent Trail connection along the south side of Bethesda Avenue. This additional distance could discourage some bicyclists from using the crosswalk and jay-"bike" across Bethesda Avenue.

Staff's alternative for this crosswalk should be:

- a) A wider crosswalk to accommodate both pedestrians and Capital Crescent Trail bicyclists.
- b) A better alignment with the Capital Crescent Trail connection on the south side of Bethesda Avenue shifting southern leg of the crosswalk closer to Capital Crescent Trail.
- c) Pedestrians and bicyclists must be accommodated along the sidewalk on the southwest side on Bethesda Avenue that narrows down at the point between the northwest corner of Lot 31 and Bethesda Avenue curb.

3. The crosswalk across the eastern Bethesda Avenue shifted to the west:

Staff recommends that the handicapped ramp on the north side of this crosswalk be located in conjunction with the Woodmont East Phase II plans.

4. Finally, the crosswalks should preferably be perpendicular across the paved vehicular travelways.

Coordination with the adjacent development and DPWT for the area's roadway/intersection Transportation Improvement

The applicant is coordinating the area's roadway/intersection design with adjacent development on the north side of Bethesda Avenue (currently called "Woodmont East"). DPWT has initiated improvements to the Woodmont Avenue/Bethesda Avenue intersection for better pedestrian access and more efficient traffic signal timing. Some of these improvements include enlarging the curbside landing areas for pedestrians as well as modifying the alignment of Woodmont Avenue for shorter crosswalk lengths. These proposed pedestrian improvements could likely result in compromises that would reduce intersection capacity for vehicles.

One such compromise is an eight-foot-wide left-turn lane on the southbound Woodmont Avenue that is not typically recommended by the Association of American State Highway and Transportation Officials (AASHTO). In a few circumstances, eight-foot-wide left turn lanes have been considered where the speed is relatively low, such examples are the one on Fenton Street between Bonifant Street and Thayer Avenue and at the intersection of Georgia Avenue and Spring Street. The adjacent travel lanes are at least 11 foot wide on Woodmont Avenue. The eight-foot-wide left-turn lane is supported by DPWT as a trade off to provide right-of-way for a *sector-planned* on-road bikeway along Bethesda Avenue.

The proposed terminus for the Purple Line is recommended to occupy the property on the other side of Bethesda Avenue from Lot 31; its successful design will include provision for continued access through the site for the Capital Crescent Trail/Georgetown Branch Trail connection and public open space.

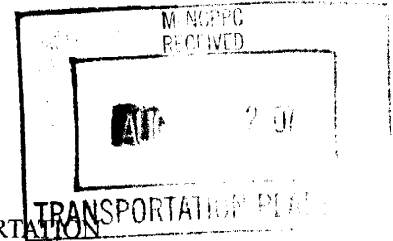
EA:tc

Attachments

cc: Tom Autrey
Larry Cole
Judy Daniel
Bob Dalrymple
Chris Kabbatt
Chuck Kines

mno to Kinney Sloan Lot 31-31a 120070690 & 820070180.doc

Attachment 1



DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

August 6, 2007

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

RE: Preliminary Plan No. 1-20070690
Lot 31/Lot 31A - Bethesda

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated August 2007. The original version of this plan was reviewed by the Development Review Committee at its meeting on May 29, 2007. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Full width dedication for the relocation of Woodmont Avenue, between Bethesda and Miller Avenues, in accordance with the master plan. Per General Note no. 27 on this plan, this dedication will be made by a separately recorded deed prior to platting of the property, will be in accordance with the Montgomery County Council's abandonment resolution no. 15-1584, and will be referenced on the record plat.
2. Grant necessary slope easements. Slope easements are to be determined by study or set at the building restriction line.
3. Grade establishment for relocated Woodmont Avenue must be approved prior to submission of the record plat.
4. A Public Improvements Easement (PIE) will be necessary along a portion of Woodmont Avenue, in order to accommodate the construction, maintenance, and enforcement in the area of the proposed bicycle drop-off located beyond the public right-of-way. The PIE is to be granted in a Declaration of Public Improvements Easement document. That document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat. The PIE will need to extend a minimum of two (2) feet beyond the limits of the paved area.

Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240-777-6000 • 240-777-6013 TTY • 240-777-6030 FAX
www.montgomerycountymd.gov

5. Applicants to grant public access easements along the twelve (12) foot wide path (running along the southern property line between the Capital Crescent Trail and relocated Woodmont Avenue). We also recommend the applicants grant a similar public access easement for the eastern pedestrian link (between Woodmont and Bethesda Avenues, in the space between the eastern building line and The Seasons building). If those easements are not granted on the record plat for this property, they will need to be established by separate deed(s) and recorded in the Land Records of Montgomery County prior to issuance of the building permit.
 6. Size storm drain easement(s) prior to record plat. No fences will be allowed within the storm drain easement(s) without a revocable permit from the Department of Permitting Services and a recorded Maintenance and Liability Agreement.
 7. We accept and recommend Planning Board approval of the applicants' August 1, 2007 letter requesting approval of design exceptions to the Montgomery County Code (Subdivision Ordinance) and DPWT road design standards, policies and procedures for the proposed work within the Woodmont and Bethesda Avenues rights-of-way.
 8. Prior to approval of the record plat by the Department of Permitting Services, submit a revised, executed and sealed DPWT Sight Distances Evaluation certification form, for the proposed driveways on Woodmont Avenue, for our review and approval. Please reconcile the difference for the northern driveway: the distance indicated in the August 1, 2007 letter indicates approximately 260 feet of visibility while the executed form indicates at least 325 feet of visibility. Please also confirm the distances indicated on the form for the southern entrance/bicycle dropoff area.
- For this review, all of the proposed driveways provide sufficient sight distances for a business district roadway.

9. The garage driveway on Bethesda Avenue is proposed to be limited to right in, right out movements. Prior to approval of the construction drawings, the applicants will need to work with the Department of Permitting Services to explore the feasibility of providing physical channelization measure(s) to reinforce the operational restrictions. The garage driveway on Woodmont Avenue will operate as a full movement entrance and exit.
10. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site.
11. Truck loading space requirements to be determined in accordance with the Executive Branch's "Off-Street Loading Space" policy. Deliveries to the truck loading spaces to be limited to off-peak travel hours by separate agreement.
12. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans With Disabilities Act.

13. For any parking facility containing more than fifty (50) parking spaces, the applicant needs to furnish bicycle parking facilities as required Section 59 E-2.3 of the Montgomery County Code. Accordingly, the applicant should provide either bike lockers or inverted "U" type bike racks.
14. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
15. The applicants will need to request a separate approval from DPWT Parking Operations for the proposed uses of the parking bays and dropoff areas delineated along Woodmont Avenue.
16. The applicants will need to request separate approvals from the Department of Permitting Services for the proposed café seating and canopies. Revocable permits, along with Maintenance and Liability Agreements, will be required. Provide at least a five (5) foot wide unobstructed pedestrian path within the public right-of-way.
17. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
18. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Engineering and Studies Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.

The Sign and Marking plan will need to delineate the proposed crosswalks, proposed lane use, and applicable transitions.

19. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Traffic Systems Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
20. Trees in the County rights of way - species and spacing to be in accordance with the applicable DPWT standards. A tree planting permit is required from the Maryland Department of Natural Resources, State Forester's Office [(301) 854-6060], to plant trees within the public right of way.
21. Provide improvements with the Capital Crescent Trail right-of-way as required by M-NCPPC Parks.

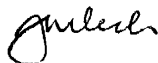
22. Public Improvements Agreement (PIA) will be an acceptable method of ensuring construction of the required public improvements within the County right of way. The PIA details will be determined at the record plat stage. The PIA will include, but not necessarily be limited to, the following improvements (delineated in more detail on the August 2007 Preliminary and Site Plans, as well as the June 2007 supplemental "Woodmont and Bethesda Avenue[s] Composite Plan"):
- A. Provide streetscaping improvements along Woodmont and Bethesda Avenue site frontages in accordance with the Bethesda CBD Streetscaping Guidelines. Minor adjustments between the streetscape guidelines and the right-of-way construction plans may be necessary at the permit stage to address constructability and operational needs.
- B. Along Woodmont Avenue between Bethesda and Miller Avenues, construct:
- full width street grading, paving, curbs and gutters, sidewalks and handicap ramps, storm drainage and appurtenances, and street trees. The pavement width will be thirty eight (38) feet between the curbs, not including the pocket parking spaces.
 - curb extension on the northeast corner of the intersection with Bethesda Avenue
 - bicycle dropoff/unloading area on the west side of Woodmont Avenue
 - reconstruct the curb return on the northwest corner of the intersection with Miller Avenue to create the "right lane must turn right" entrance into this site's parking garage
 - reconstruct the curb return on the northwest side of the intersection with Leland Street, as agreed with the representatives of the adjacent Sacks community (prior to closing Woodmont Avenue for construction)
 - reconstruct the median on Woodmont Avenue to restrict turning movements on Leland Street to be right in, right out only and close the median break at Leland Street (in conjunction with the reopening of Woodmont Avenue).
- C. Along Bethesda Avenue west of Woodmont Avenue, construct:
- reconstruct the northwest curb return at the Woodmont Avenue intersection and extend the southern curb return past the driveway to the adjacent property
 - the pavement width will be thirty three (33) feet between the curbs; mill and overlay the existing pavement within the limits of work
 - the southwestern sidewalk shelf will be sixteen (16) wide

Along Bethesda Avenue east of Woodmont Avenue, construct:

- reconstruct the southeastern curbline to provide a twenty four (24) foot wide pavement section between the curbs and a 16.4 foot wide sidewalk shelf; mill and overlay may be necessary
 - provide physical channelization at the garage entrance/exit for this site, if feasible
- D. Additional offsite road improvements proposed in the Traffic Impact Study, if required by the Planning Board.
- E. Enclosed storm drainage and/or engineered channel (in accordance with the DPWT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
- F. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- G. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- H. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- R. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at greg.leck@montgomerycountymd.gov or (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager
Development Review Group
Traffic Engineering and Operations Section

Ms. Catherine Conlon
Preliminary Plan No. 1-20070690
August 6, 2007
Page 6

Enclosure

cc: Douglas Firstenberg; Lot 31 Associates, LLC
Jane Galbraith Mahaffie; Stonebridge Associates, Inc.
Josh Dix; PN Hoffman, Inc.
C. Robert Dalrymple; Linowes & Blocher, LLP
Frank G. Bossong, IV; Rodgers Consulting
Kim McCary; Rodgers Consulting
Martin Wells; Wells & Associates, LLC
Christopher L. Kabatt; Wells & Associates, LLC
Dolores Kinney; M-NCPPC Development Review
Joshua Sloan; M-NCPPC Development Review
Shahriar Etemadi; M-NCPPC Transportation Planning
Chuck Kines; M-NCPPC Transportation Planning
Marian Elsessor; M-NCPPC Parks
Joseph Y. Cheung; DPS Right-Of-Way Permitting & Plan Review
Sarah Navid; DPS Right-Of-Way Permitting & Plan Review
Henry Emery; DPS Right-Of-Way Permitting & Plan Review
Al R. Roshdieh; DPWT Director's Office
Rick Siebert; DPWT Parking Operations
Jeffrey Riese; DPWT Parking Operations
Emil Wolanin; DPWT Traffic Engineering & Operations
Fred Lees; DPWT Traffic Engineering & Operations
Bruce Mangum; DPWT Traffic Engineering & Operations
Sam Farhadi; DPWT Traffic Engineering & Operations
David Adams; DPWT Traffic Engineering & Operations
Gail Tait Nouri; DPWT Capital Development
C. Robert Simpson; DPWT Director's Office

Attachment No. 2:

Table No. 1: Calculated CLVs at the Studied Intersections

Intersection	Weekday Peak Hour	Traffic Condition		
		Existing	Background	Total Future
Woodmont Avenue & Bethesda Avenue	Morning	578	602	623 ²
	Evening	732	829	783 ²
Wisconsin Avenue & Bethesda Avenue	Morning	781	865	938
	Evening	931	1,082	1,233
Wisconsin Avenue & Leland Street	Morning	860	913	1,006
	Evening	973	1,061	1,272
Bradley Boulevard & Leland Street/ Hillandale Road	Morning	628	652	654
	Evening	860	892	771 ¹
Arlington Road & Bradley Boulevard	Morning	932	1,043	1,103
	Evening	1,092	1,216	1,092 ¹
Arlington Road & Bethesda Avenue	Morning	933	1,048	1,088
	Evening	1,040	1,133	1,133 ³
Arlington Road & Elm Street	Morning	683	761	774 ¹
	Evening	856	942	939 ¹
Arlington Road & Montgomery Lane	Morning	450	512	519
	Evening	649	689	706
Woodmont Avenue & Montgomery Lane	Morning	419	419 ³	419 ³
	Evening	434	436	436 ³
Wisconsin Avenue & Montgomery Lane	Morning	931	966	984
	Evening	980	1,117	1,142
Wisconsin Avenue & Elm Street	Morning	783	939	957
	Evening	984	1,090	1,155
Woodmont Avenue & Hampden Lane	Morning	497	536	540
	Evening	673	720	742
Woodmont Avenue & Elm Street	Morning	557	600	599 ²
	Evening	730	799	761 ^{1,2}
Woodmont Avenue & Bradley Boulevard	Morning	1,243	1,380	1,435
	Evening	1,348	1,539	1,683

Table No. 1: (Continued): Calculated CLV at Studied Intersections

Intersection	Weekday Peak Hour	Traffic Condition		
		Existing	Background	Future Total
Woodmont Avenue & Miller Avenue	Morning	253	257	438
	Evening	343	349	517
Woodmont Avenue & Existing Lot 31 Access	Morning	267	271	Surface Lot Closed
	Evening	441	446	
Woodmont Avenue & Lot 31 Garage Access	Morning	Garage Not Opened		482
	Evening			728
Bethesda Avenue & Lot 31 Garage Access	Morning	349	360	458
	Evening	278	368	479

Footnotes:

- ¹ The CLV in the total future traffic condition is lower than the CLV in the background traffic condition because as part of this preliminary plan, the Woodmont Avenue median would be closed at Leland Street and Miller Avenue resulting in the following:
 - a) Restricting through and left-turning movements at these intersections with Woodmont Avenue and
 - b) Diverting traffic through and left-turning movements onto other streets.
- ² The CLV analysis includes the proposed left-turn lanes from eastbound Bethesda Avenue and from westbound Elm Street at the intersections with Woodmont Avenue.
- ³ This CLV is the same because the additional traffic generated by the background developments or the site's proposed land uses do not travel through this intersection on any critical approach lane.

Attachment 3



DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

August 10, 2007

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

RE: Preliminary Plan No. 1-20070690
Lot 31/Lot 31A – Bethesda

Amendment Letter
Regarding Crosswalks

Dear Ms. Conlon:

This letter is to amend our August 6, 2007 letter to clarify DPWT's position on the location and alignment of the two of the crosswalks proposed on the June 2007 "Woodmont & Bethesda Avenue Composite Plan." The crosswalks in question are located on the northern leg of Woodmont Avenue and the eastern leg of Bethesda Avenue.

All other comments in the August 6, 2007 letter remain in effect.

The proposed crosswalk locations and alignments do not provide an acceptable balance of safety for pedestrians and motorists, nor will they be conducive to efficient operations and traffic control considering the needs of all users of the intersection. This position was reached after considering the complex mix of vehicle, pedestrian, and bicyclist movements through this intersection, intersection geometry, continuity of walking paths, traffic signal operations, projected volumes, and the proximity of the existing and future driveways to the intersection. The currently proposed crosswalk locations, while they attempted to minimize crossing distances and facilitate movement along the Capital Crescent Trail, place pedestrians and bicyclists, who will legally cross those legs with a walk indication, too far away from the intersection. Doing so leads to potentially unsafe conflicts with turning vehicles in that vehicles making a legal turn on green cannot see a pedestrian until after they have completed the turn and begin to accelerate, then are expected to yield to a pedestrian legally in the crosswalk. It also creates a situation where turning vehicles will be "trapped" between the intersection and the crosswalk. This latter effect is a common occurrence at this intersection on those legs where the signal and crosswalk controls tend to appear to motorists that they are not part of the intersection proper, rather a separate set of controls. Moving the crosswalks further from the intersection will further compound this existing problem.

Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240-777-6000 • 240-777-6013 TTY • 240-777-6030 FAX

www.montgomerycountymd.gov

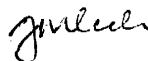
Ms. Catherine Conlon
Preliminary Plan No. 1-20070690
August 10, 2007
Page 2

The plan must be revised to locate the crosswalks for pedestrians and bicyclists closer to the intersection. The crosswalk across the northern leg of Woodmont Avenue should be adjacent and parallel to Bethesda Avenue. Similarly, the crosswalk on the eastern leg of Bethesda Avenue should be located adjacent and parallel to Woodmont Avenue. The change on Bethesda Avenue will also allow for better operations at the driveway for the pending Woodmont East project. These adjustments may also necessitate relocation of proposed and existing wheelchair ramps.

We acknowledge that these adjustments will lengthen the roadway crossing distances for pedestrians and bicyclists but this change will significantly improve overall safety and operations. We have confirmed that the pedestrian clearance intervals can be accommodated in the signal timing.

Thank you for the opportunity to clarify this point. If you have any questions or comments regarding this letter, please contact me at greg.leck@montgomerycountymd.gov or (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager
Development Review Group
Traffic Engineering and Operations Section

m:/subd/gml/1-2070690, Lot 31-Lot 31A - Bethesda, amended xwalks ltr

cc: Douglas Firstenberg; Lot 31 Associates, LLC
Jane Galbraith Mahaffie; Stonebridge Associates, Inc.
Josh Dix; PN Hoffman, Inc.
C. Robert Dalrymple; Linowes & Blocher, LLP
Frank G. Bossong, IV; Rodgers Consulting
Kim McCary; Rodgers Consulting
Martin Wells; Wells & Associates, LLC
Christopher L. Kabatt; Wells & Associates, LLC
Dolores Kinney; M-NCPPC Development Review
Joshua Sloan; M-NCPPC Development Review
Shahriar Etemadi; M-NCPPC Transportation Planning
Chuck Kines; M-NCPPC Transportation Planning
Marian Elsessor; M-NCPPC Parks
Joseph Y. Cheung; DPS Right-Of-Way Permitting & Plan Review
Sarah Navid; DPS Right-Of-Way Permitting & Plan Review
Henry Emery; DPS Right-Of-Way Permitting & Plan Review
Al R. Roshdieh; DPWT Director's Office

Ms. Catherine Conlon
Preliminary Plan No. 1-20070690
August 10, 2007
Page 3

Rick Siebert; DPWT Parking Operations
Jeffrey Riese; DPWT Parking Operations
Emil Wolanin; DPWT Traffic Engineering & Operations
Fred Lees; DPWT Traffic Engineering & Operations
Bruce Mangum; DPWT Traffic Engineering & Operations
Carl Starkey; DPWT Traffic Engineering & Operations
Kyle Liang; DPWT Traffic Engineering & Operations
Sam Farhadi; DPWT Traffic Engineering & Operations
David Adams; DPWT Traffic Engineering & Operations
Gail Tait Nouri; DPWT Capital Development
Aruna Miller; DPWT Capital Development
C. Robert Simpson; DPWT Director's Office



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

MEMORANDUM

TO: Joshua Sloan, Development Review
Delores Kinney, Development Review

VIA: Stephen Federline, Supervisor, Environmental Planning

FROM: Amy Lindsey, Environmental Planning

DATE: August 24, 2007

SUBJECT: Site Plan 820070110
Preliminary Plan 120070690
Lot 31

RECOMMENDATION:

Environmental Planning staff recommends approval of the preliminary and site plan subject to the following conditions:

1. The proposed development shall comply with the conditions of the final forest conservation plan. The applicant shall satisfy all conditions prior to recording of plat(s):
 - a. The Final Forest Conservation Plan must be revised to reflect the requirements found in Section 109.B of the Forest Conservation Regulations (COMCOR 18-01AM). This includes:
 - i. A method of meeting this plan's planting requirements
 - ii. If off-site reforestation/afforestation is chosen, a reforestation/afforestation plan with full planting plan, location and maintenance plan must be included as part of the submission.
 - iii. All financial security must be submitted to M-NCPPC prior to record plat submission.
2. Compliance with MNCPPC noise compatibility guidelines:
 - a. At time of building permit, an acoustical engineer must certify through building shell analysis that that interior noise levels will not exceed 45 DBA L_{DN}.
 - b. The builder must construct the buildings in accord with these acoustical recommendations, with any changes affecting acoustical performance approved by the acoustical engineer, with copy to MNCPPC staff.
 - c. The certification and builder acceptance letter must be provided to MNCPPC Environmental Planning staff before building permits are approved.

BACKGROUND

The 3.07-acre property is located in Montgomery County at the intersection of Bethesda Avenue and Woodmont Avenue in the Bethesda Central Business District. This property is currently developed with two surface parking lots, bisected by Woodmont Avenue. This plan proposes removing the parking lots and constructed a mixed-use development with structured parking. Surrounding and confronting uses are a mix of residential and commercial uses. The site is bordered by the Capital Crescent Trail on the west. An NRI/FSD was approved by staff on 11/17/2005. The property is within the Little Falls watershed: a Use I watershed.

DISCUSSION

The site is subject to the Forest Conservation Law and a Final Forest Conservation Plan has been submitted. The Planning Board's responsibility is to determine if the environmental guidelines and forest conservation requirements are satisfied.

Environmental Guidelines

The applicant submitted a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) to M-NCPPC for review and approval. Environmental Planning staff approved NRI/FSD 4-06087 on November 17, 2005. The site does not include any streams, wetlands, or floodplains.

Forest Conservation

The applicant submitted a final forest conservation plan with the preliminary plan of subdivision. There is no forest on the property and a planting requirement of 0.71 acres. The planting requirement will be met by a combination of landscaping credit and either off-site or by payment of fee-in-lieu.

Tree Save

There are a number of trees on adjacent residential property that will be negatively affected by the proposed development. The applicant has entered into a Construction Management Plan and Agreement with the adjacent property owners. This agreement details the responsibilities of the developer towards the property owners as far as tree removal, protection, and replacement are concerned. This is a private agreement and not subject to Planning Board approval but staff believes that it adequately addresses tree save issues.

Noise

A noise analysis was performed by Polysonics, detailed in a report dated 8/13/2007. Noise measurements were made along both Bethesda and Woodmont Avenue, which

showed levels as high as 67 dBA Ldn. An outdoor to indoor noise analysis will be made when building arrangement can be modeled.

Air Quality

At the time of mandatory referral, Environmental Planning staff expressed concerns about air quality issues. While Montgomery County does not currently have an air quality ordinance, the Montgomery County Air Quality Protection Strategy was developed in 2003. Under "Strategy 5: Reduce Emissions from Mobile Sources", this document says "...low vehicle speeds increase both NOx and VOC emissions of today's vehicles on current road systems." The proposed parking structure may contribute to air quality issues due to the potential of increased traffic idling while queuing to enter the garage.

The applicant has minimized queuing by making operational improvements including constructing a left turn lane on eastbound Bethesda Avenue at Woodmont Avenue. Also, the applicant may be responsible for restriping a left-turn lane on westbound Elm Street at Woodmont Avenue, if required by the Montgomery County Department of Public Works and Transportation (DPWT). Transportation modeling shows a significant decrease in queuing with these improvements.

Appendix J: Town of Chevy Chase Letter

STEIN, SPERLING, BENNETT, DE JONG, DRISCOLL & GREENFEIG, P.C.

FRED A. BALKIN*
MILLARD S. BENNETT*
ALEXIA KENT BOURGERIE*
DAVID S. DE JONG*
JOLIE S. DEUTSCHMAN*
DAVID C. DRISCOLL, JR.*
STUART S. GREENFEIG*
ANN G. JAKABCIN*
JEFFREY M. SCHWABER*
DARCY A. SHOOP*
DONALD N. SPERLING*
PAUL T. STEIN*

MD., DC., VA., FL.*
MD., DC., VA., NY.*
MD., DC., PA., NJ.*
MD., DC., VA.*
MD., DC., NY.*
MD., VA., NC.*
MD., DC.*
MD. ONLY*

ATTORNEYS AT LAW
25 WEST MIDDLE LANE
ROCKVILLE, MARYLAND 20850-2204

www.steinsperling.com

TELEPHONE (301) 340-2020

WRITER'S DIRECT DIAL:
(301) 838-3319

WRITER'S DIRECT FAX:
(301) 354-8319

WRITER'S E-MAIL ADDRESS:
rbolt@steinsperling.com

RONALD M. BOLT*
CHRISTA A. CHILDERS*
E. ANDREW COLE*
JAMES W. DAWSON, JR.*
BRIAN R. DELLA ROCCA*
FRANK W. DUNHAM, III*
JEFFREY FENSTER*
ROBERT J. GARAGIOLA*
MELIHA PÉREZ HALPERN*
MONICA G. HARMS*
JONATHAN F. LIEBERMAN*
IVONNE C. LINDLEY*
MARY CRAINE LOMBARDO*
DARLA J. MCCLURE*
DEANNA L. PETERS*
DIEGO J. ROJAS*
DAVID A. ROSEN*
KAREN N. SHAPIRO*

OF COUNSEL:
KEVIN P. FAY*
ALAN S. KERXTON*
SUE ANN MAHAFFEY*
BETH McINTOSH IRVING*
DAVID R. PODOLSKY*
WILLIAM J. SCOTT*

August 23, 2007

OUR FILE NUMBER
2051758.5

Via Federal Express and Electronic Mail

Mr. Joshua Sloan
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Bethesda Lot 31/31A, Pre-preliminary Plan No. 7-20060150
Preliminary Plan No. 1-20070690
Site Plan No. 8-20070180

Dear Mr. Sloan:

I am writing on behalf of the Town of Chevy Chase, an incorporated municipality (the "Town"). As you are aware, the referenced matter is scheduled for a hearing by the Planning Board on September 6, 2007, having been advanced from a previously scheduled hearing date of September 20, 2007. You informed the Town that comments would need to be submitted to you by August 24, 2007 for inclusion in the Staff Report. The Town requests that the following comments be included in the Staff Report.

The Town has retained Patton, Harris, Rust and Associates ("PHRA") to review the traffic impacts of the proposed project and to review the traffic study compiled by Wells and Associates, LLC ("Wells") on behalf of the developer, Lot 31 Associates, LLC. As more fully described in PHRA's report to the Town, a copy of which is enclosed, the Town has serious concerns about (1) the trip generation rates used to predict traffic impacts, which appear to be based primarily on the private aspect of the development, (2) the proposed reduction of Woodmont Avenue from four lanes to two, (3) the absence of any analysis of the congestion that would occur during construction, which is of particular concern in light of the proposed extended closure of Woodmont Avenue, and (4) the access and circulation of garage traffic.

Mr. Joshua Sloan
August 23, 2007
Page 2

1. Although Wells undertook a study of the traffic impact that would result from this project, it appears inadequate traffic generation rates may have been applied. Focusing on the private aspect of the development, it appears that Wells' study measures traffic from the garage based on the proposed 279 private parking spaces rather than the total 1,480 private and public parking spaces that are proposed. PHRA describes this potential shortcoming in greater detail in the attached summary.

2. The Town finds that Wells' report does not adequately study what traffic congestion would result from the reduction of Woodmont Avenue from four lanes to two. The study relies on the Critical Lane Volume method to determine the adequacy of the intersection capacity. This analysis, however, does not demonstrate what queue lengths and lane delays would result at nearby intersections. The Town's engineers recommend that such impact be assessed in connection with a traffic simulation. Although we understand that Wells prepared a traffic simulation, PHRA's request to see this information was declined. Notably, the traffic study prepared by Wells indicates that the "Synchro and SimTraffic models demonstrate [that] the existing lane configuration at the Woodmont Avenue/Bethesda Avenue intersection accommodates existing traffic volumes" and "demonstrates the trade-off between: (1) pedestrian and bicyclist safety and convenience and (2) vehicle delays and queues," but the Town's engineers have been declined access to the information that purportedly supports these conclusions. (Wells Traffic Study, p. 78).

Wells' study concludes that the "**planned pedestrian/bicycle improvements would result in longer motorists delays and vehicle queues.**" (Wells Traffic Study, p. 78) (emphasis added). Although the Town generally supports improving pedestrian access, it is also important that the narrowing of Woodmont Avenue not create gridlock forcing traffic onto nearby residential streets. Options for retaining Woodmont Avenue's four lanes should be considered and the impact on nearby intersections should be more thoroughly studied. The traffic simulation studies should be made available.

3. The absence of any analysis to date of the congestion that would occur during construction raises concern. Although we understand that traffic flow issues during construction are normally addressed at a later stage of the process, we think some analysis is warranted now because of the potential impact on traffic posed by this project. Woodmont Avenue operates as a major roadway and any temporary closure, and certainly a two-year closure as we understand has been proposed, is sure to have serious impacts on traffic. Residents of the Town and other nearby areas commonly use Woodmont Avenue and nearby roads for access to essential services. Reviewing these issues now would allow the Town more time to conduct its own planning. Options for lessening the potential burden on traffic during construction should be considered now. Other construction options may be less disruptive to traffic than a complete closure of Woodmont Avenue.

4. It appears the access and circulation of garage traffic has not been adequately studied. The restriction of left turns at the proposed Bethesda Avenue entrance and the limited southbound left turn storage on Woodmont Avenue adjacent to the Bethesda Avenue signal may create additional congestion. To confirm that gridlock would not result, the proposed traffic patterns should be more thoroughly studied. We understand from the Town's engineers that although the CLV methodology applied by Wells provides an assessment of the spare capacity in traffic lanes, it does not address traffic operation.

The Town appreciates the opportunity to submit comments to you for inclusion in the Staff Report. Please let me know if you have any questions concerning the foregoing and PHRA's report or would like more information about the issues identified by the Town.

STEIN, SPERLING, BENNETT, DE JONG, DRISCOLL & GREENFEIG, P.C.

Mr. Joshua Sloan
August 23, 2007
Page 3

As you are aware, the Town requested an extension of time by our letter dated August 14, 2007 to Mr. Hanson, a copy of which is enclosed. If our request for additional time is granted, please let me know so we can plan accordingly and prepare an additional submission. We hope the Planning Board will agree that a more thorough study with open access to all available information would only benefit all parties involved.

Very truly yours,



Ronald M. Bolt
Assistant Town Attorney

Enclosures (2)
RMB:tnk

cc: Mr. Royce Hanson
Mr. Emil Wolanin
Mr. Ed Axler
C. Robert Dalrymple, Esq.
Ms. Jane Galbraith Mahaffie
Linna Barnes, Mayor of the Town of Chevy Chase
Town of Chevy Chase Council
Mr. Douglas R. Kennedy

L:\CLIENTS\CHEVY CHASE\ChevyChase\31-31A Plan\359-ltr JS.doc