



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

Staff Report: Project Plan 91992004B, 4 Bethesda Metro Center

ITEM #: _____

MCPB HEARING

DATE: June 12, 2008

REPORT DATE: May 28, 2008

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief
Robert Kronenberg, Supervisor
Development Review Division

FROM: Joshua Sloan, Coordinator
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**APPLICATION
DESCRIPTION:**

Addition of 246,084 square feet of gross floor area for office and retail space in the CBD-3 Zone; located on the southwest quadrant of the intersection of Old Georgetown Road and Wisconsin Avenue; in the Bethesda Central Business District Sector Plan.

APPLICANT: Bethesda Metro Center Holdings, LLC

FILING DATE: July 7, 2007

RECOMMENDATION: Approval with conditions

**EXECUTIVE
SUMMARY:**

The proposed development would amend the existing project plan to replace the existing 3-story food court building at the Bethesda Metro Center with a 16-story office building with ground-level retail. The Sector Plan offers varied and contradictory recommendations regarding the development of the Metro Core Area of Bethesda but a focus on the basic "garden" and "cultural district" themes allows for a unifying concept to emerge. Analysis of the Sector Plan recommendations and the calculation of available density on this site lead to the conclusion that the proposed development conforms to the Sector Plan and meets the standards of the Zoning Ordinance. This conformance is achieved by focusing the design of the project on specific lines of thought within the Sector Plan and requiring the provision of significant new amenities that will help maximize the potential of the site for the benefit of downtown Bethesda and the region.

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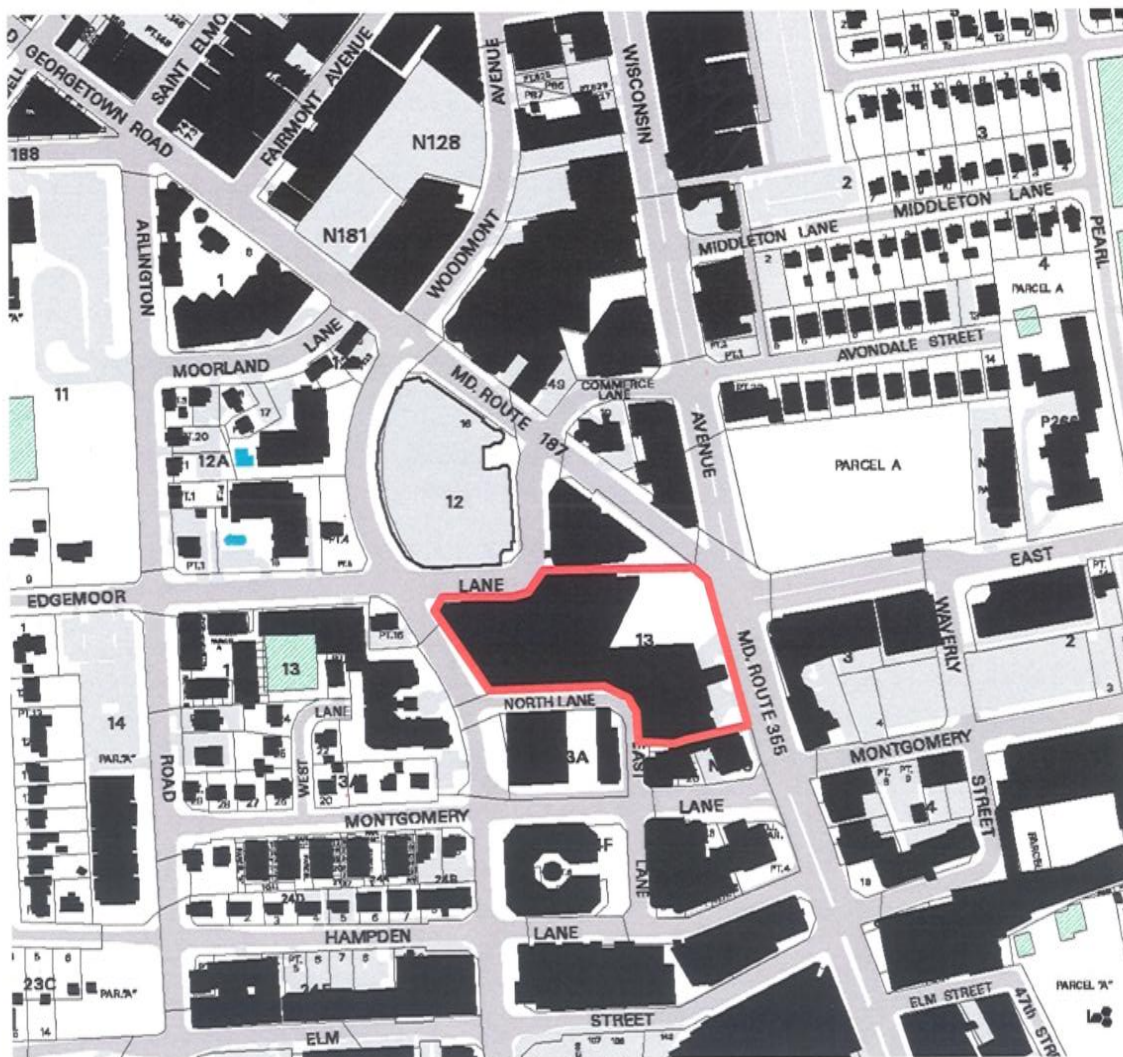
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SITE DESCRIPTION

Vicinity

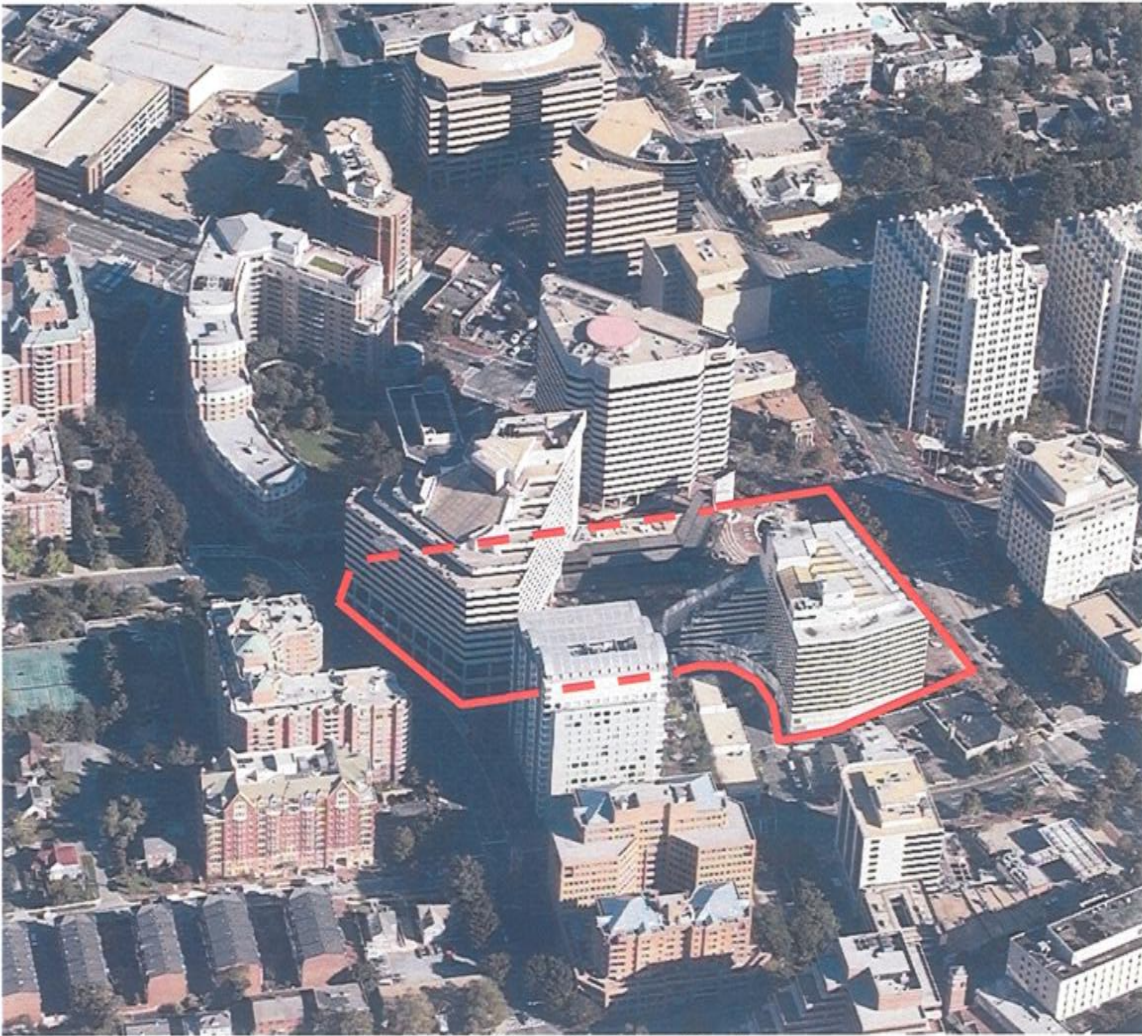
The subject property is located on Wisconsin Avenue at the western terminus of East West Highway and the eastern terminus of Old Georgetown Road. It is directly above the Bethesda Metro Station and Metro Bus facilities, as well as a below-grade parking garage. The site is surrounded by office and retail/service uses in the heart of a primarily commercial area of Downtown Bethesda. The Clark Building is directly north; the Lorenz Building and Post Office Building are directly south as well as some smaller commercial establishments. The Chevy Chase Building sits diagonally across the intersection of Wisconsin Avenue and Old Georgetown Road. The site is within walking distance of several residential condominiums as well as one-family detached dwelling units and a variety of transit options and commercial establishments.



Vicinity Map

Site Analysis

The subject property is currently improved with one office building, a hotel, and restaurant uses. The smaller portion of the office building is the original “food court” – an almost opaque brown glass building with little aesthetic or functional value – with an enclosed arcade and rising three stories above the plaza. The site provides direct access to the Metro subway and bus facilities via steps and an escalator. The key feature of the site, however, is the large public plaza, which opens up to Wisconsin Avenue and provides access via a large set of steps to Montgomery Lane through the Lorenz property. This underutilized space contains a large grass area, plantings, artwork, and seating. Although originally intended to be surrounded by retail and restaurant uses, only a couple of restaurants face the plaza and those are used primarily by the surrounding office workers. The Discovery Trail enters the site from the north and south but direct access through the site is blocked by the current Food Court leaving this cultural amenity underutilized due to lack of way-finding signage and markers. “Beacon I”, the yellow-painted aluminum sculpture by Mary Ann Mears, is a significant Bethesda icon and must be maintained on site.



Aerial Photo Looking North

PROJECT DESCRIPTION

Previous Approvals

Project Plan 919810050 (CBD 81-5) was approved on September 2, 1981 for a 231,164 square foot, 400-room hotel and 400,110 square feet of office and retail uses on 3.59 net acres.¹ The approved FAR for the project was 4.04, based on the net tract area.² The commercial uses were found to be a permitted use in the CBD-3 Zone and the hotel use was subsequently approved by the Board of Appeals as a special exception use. The development standards as set forth in the Opinion are:

Original Project Plan Data Table Approved by the Planning Board on 9/2/81

CBD-1 Zone	Permitted or Required	Provided
59-C-6.31		
Minimum Area of Lot (sq.ft.)	22,000	156,241
59-C-6.233		
Minimum Amenity Space (sq.ft.)	31,248	80,000
Gross Floor Area (sq.ft)	757,446 (net)	631,274
59-C-6.234 (b)		
Maximum density of development (FAR). The Planning Board may permit not more than the maximum density, but in no case more than the density recommended in the Sector Plan.	6	-
Density Recommended by Sector Plan (FAR)	* ³	4.04
59-C-6.234 (b)		
Maximum building height (ft.) (normally)	143	-
If approved by the Planning Board as not adversely affecting the surrounding properties (ft.)	200	195

Proposal

The amended project plan proposes demolition of the existing 37,116 square foot "food court" building, which is currently primarily office space. The site would then be redeveloped with a 16-story office building with first floor cultural, restaurant, and retail uses. The proposed development would also renovate the existing plaza and Metro bus facilities.

¹ An amendment (919810070 (CBD-81-7)) was approved on November 18, 1981 for minor changes that did not materially affect the design or development standards of the project. The current plan numbers are based on these original project plans, but were given new numbers and approved conversion of retail space to office uses.

² This application was approved before the 1989 zoning text amendment that added dedicated area to the measurement of gross tract area.

³ The asterix references the following note in the Opinion: "A specific density for this parcel is not recommended in the Sector Plan. Instead, the Plan recommends an average FAR of 4 over the entire CBD-3 zoned area."

Land Use

The proposed development would provide 246,084 square feet of additional gross floor area for office and retail/restaurant uses bringing the total density of the subject site to 4.65 FAR.⁴ The retail and restaurant uses are proposed on the first floor in addition to a lobby used by office employees. At least one restaurant would be located on the southeast corner of the building with an entrance and café seating directly visible from the Metro staircase and Wisconsin Avenue. Further retail and cultural amenities would front along the façades facing Wisconsin Avenue, the pedestrian sidewalks between the subject property and the Clark Building, and the internal frontages formed by the arcade discussed below. The upper 15 floors would be developed with Class A office space.

Architecture

The footprint of the proposed building is roughly similar to the existing food court footprint (including the covered arcade), but curved along the interior corner. And, due to the arcade running from the northwest corner of the plaza to the pedestrian bridge that leads across Edgemoor Lane, there are several points of access between the plaza, the building, and the adjacent sidewalks.



Illustrative Rendering: Façade Concept 1

⁴ The allowed density in the CBD-3 Zone is 6 FAR for non-residential uses on individual lots. The Sector Plan recommends that properties within the Metro Center be allowed to develop according to the optional method of development but caps density for the “area” at an FAR of 4. This requirement is met, as discussed further in the “Zoning and Density” section of the Sector Plan analysis.

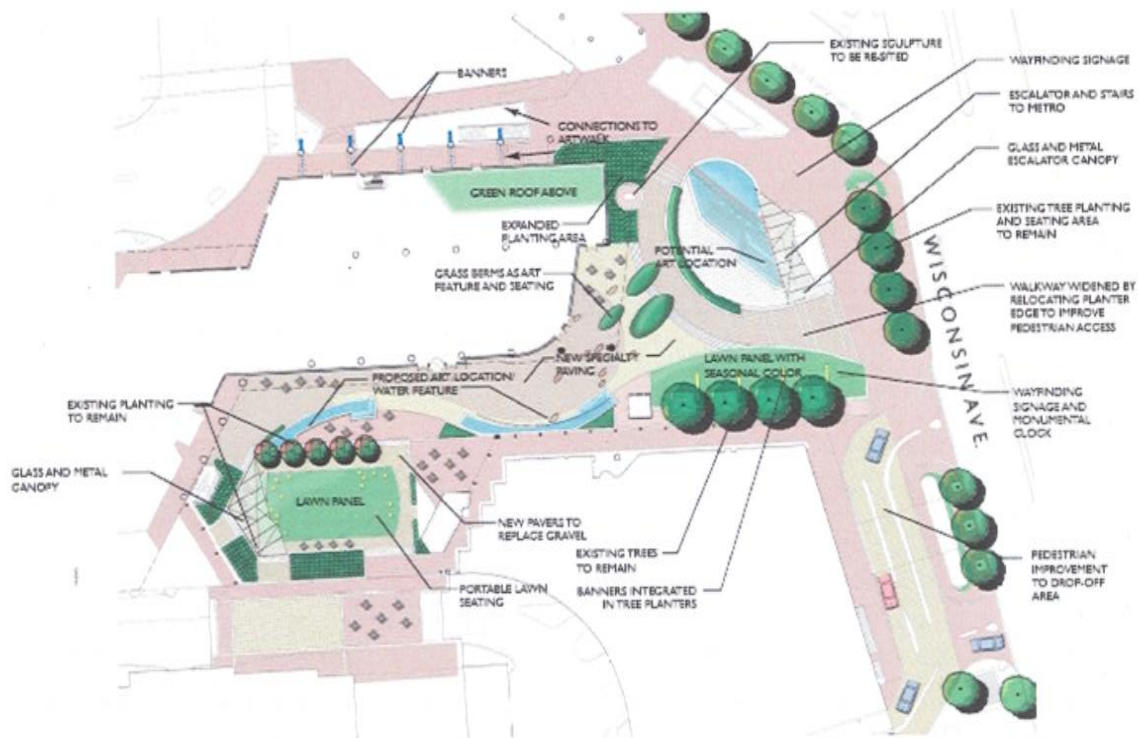
The area of the ground floor footprint is maintained for three stories and then extends over the arcade to 3 Bethesda Metro Center to the west and over a portion of the plaza to the southeast. At the fifth floor, a large section from the glass-sheathed façade facing the Clark Building is cut away and a green roof is created to maintain sunlight and views for most of the area of the Clark Building that overlaps the proposed building. Currently, there are two façade designs being contemplated; one or the other will be chosen during the site plan review process to ensure that the design concept is fully integrated with the plaza design. One option is an angular façade that, in addition to the green-roof cut-out, would have a façade that actually slopes back to maintain a greater amount of direct sunlight on the Clark Building, while the adjacent angle – closer to the street - slopes outward slightly to provide a sculptural and dynamic effect. An alternative to this angular design is a design with a curved façade that is also being examined and would allow the designers to better incorporate a lighting scheme that would add drama to the building at night. The detailed specifications of the building façade and of all public amenities and their integration into the landscape and architecture will be detailed with the site plan submission.



Illustrative Rendering: Façade Concept 2

Public Use Space & Amenities

The entire Metro Center block has been designed and constructed around a public plaza. Although originally intended to be located directly adjacent to Wisconsin Avenue, with two interior courtyards, the plaza has become an internal space with pedestrian access from both Wisconsin Avenue and Montgomery Lane. It is imperative that the total amount of public use space remain and that the area be enhanced and enlivened. The proposed development contains 58,980 square feet of on-site public use space and 34,000 square feet of on-site public amenity space as well as 9,070 square feet of off-site public amenity space.⁵ The original project plan was approved with 80,000 square feet of “amenity space”, which was not broken into on/off-site areas in the data table. Thus, the proposal includes a net increase in public use and amenity space improvements of 22,050 square feet – in addition to the open arcade – with little change to plaza level public use space calculations.



Illustrative Landscape Plan

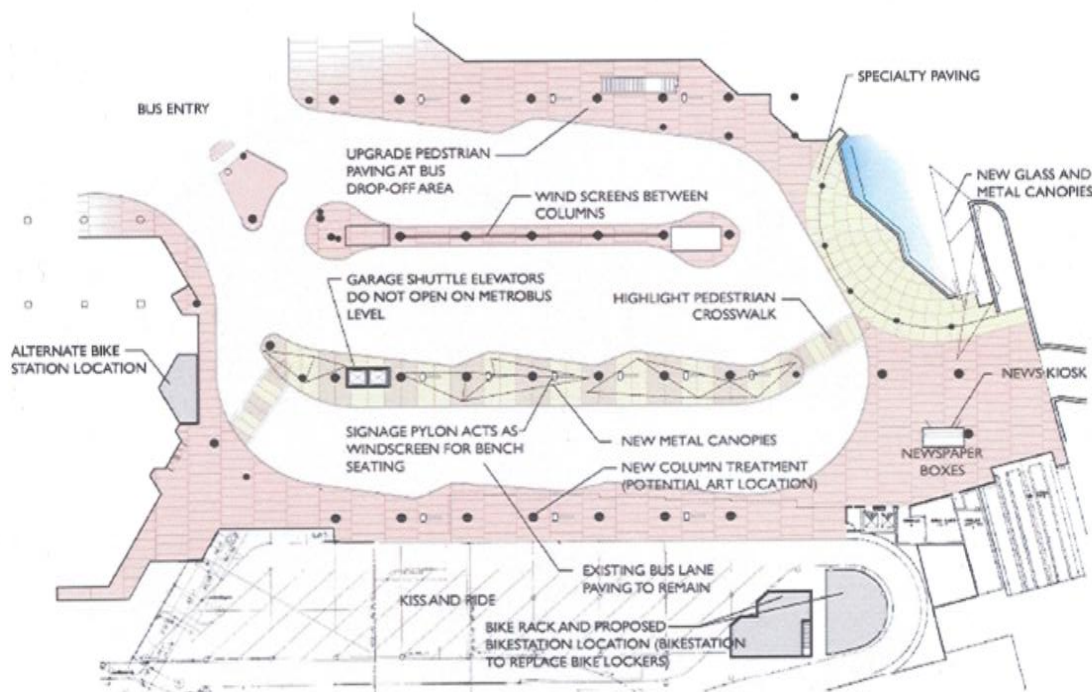
To enliven and make use of this large plaza, the Applicant is proposing a number of physical improvements as well as a program of activities to attract local residents and employees during the day and on weekends and evenings. The physical improvements to the plaza include new art, water features, landscaping, lighting, paving, seating, and a covered performance stage for outdoor events. The existing lawn panel (aka the skating rink) would be retained for casual sitting, relaxing, and informal play but would also act as a site for gathering to watch movies, concerts, or other events – the aforementioned stage being located at the western end of the lawn.

⁵ This equals a total of 67% of the net lot area. The on-site public use space (20% required) totals 39% of the net lot area.

Other sitting areas would offer movable furniture, benches, and sitting walls. The proposed water feature is an expansive, undulating form with art work and fountains to create sound and interest. The existing sculpture would be moved to a more prominent position in front of the northern section of the building façade facing Wisconsin Avenue. This is more visible from the street and will be incorporated into a walking tour of public art in Downtown Bethesda.

Two areas of the existing site present especially difficult problems regarding activation and usefulness: the northwest corner of the plaza and the sidewalk skirting the northern façade of the Food Court. To fulfill the need to create a direct and continuous connection for the Discovery Trail and to directly confront the problem of these two dead spaces, a roughly 30-foot by 30-foot arcade will run through the building at grade with the plaza. This arcade provides a pedestrian connection through the site, enlivens the dead-end spaces around the Food Court, and adds ground floor frontage for retail and cultural amenities. In particular, this will become the focal point of the evolving way-finding and interpretive program being developed along with several other projects in downtown Bethesda. This will include markers, signage, and descriptions of the trails and sites within Bethesda and their connections to other areas of the County. Such signage is proposed at two locations on the current plan and will be developed and coordinated during the site plan amendment review.

With respect to programmed events for the plaza, the Applicant has submitted ideas that include free movies, art and book fairs, lunchtime concerts, and kiosks and vendors. The Applicant will need to work with Staff and groups such as the Bethesda Urban Partnership to finalize an event schedule and agreement to ensure that the program is provided and enforceable.



Bus Facility Enhancements

A final consideration of the project plan amendment is the renovation and improvement of the pedestrian experience in the Metro bus facility. The Applicant has worked with WMATA to develop a plan to enhance the lighting, signage, and spatial experience for Metro patrons. To this end, the proposed development would create a system of hanging ceilings of angular architectural forms above the pedestrian areas of the bus facility as well as over the escalators and stairs that rise up to Wisconsin Avenue. These ceilings will be lower and better lit than the existing garage ceilings and, along with the proposed wind screens, will provide a better sense of enclosure and comfort. The lighting will be more natural and improved seating and signage will be provided to give riders information and help direct them upon arrival. The paving will be colored to differentiate the pedestrian and vehicular areas, and new bicycle facilities and consolidated newspaper boxes will be provided. Finally, the Applicant proposes to install artwork within the bus facility to provide interest and beauty in this rather desolate space.

Vehicular and Pedestrian Circulation

There are no proposed changes to the vehicular circulation patterns but, as discussed above, the pedestrian connections and choices will be greatly enhanced. There will also be a greater number of bicycle facilities and amenities and the qualitative pedestrian experience will be augmented by the numerous improvements to the bus facility, plaza, and streetscapes. One important note, related to the activation of the plaza, is that there will not be any direct access to the proposed office building from the Metro. Instead, Metro riders will exit the station onto Wisconsin Avenue and walk through the plaza to the office. The parking garage below the station, however, will continue to have access to the office building via elevators.

PLANNING AND REGULATORY FRAMEWORK

Sector Plan

The Bethesda Central Business District Sector Plan (Sector Plan) was approved and adopted in 1994. The Staff review of any project plan requires that the proposal conform to the Sector Plan. As no plan can meet every recommendation of a sector plan, various specific goals are weighed against the entirety of the plan's objectives. As the "Notice to Readers" (page VII) of the Sector Plan reminds us:

"Area master plans are intended to provide a benchmark point of reference with regard to public policy. Together with relevant County-wide functional master plans, they should be referred to by public officials and private individuals when decisions are made.... It should be noted that master plan guidelines are not intended to be specifically binding on subsequent action, except in certain circumstances where an ordinance or regulation requires a specifically defined linkage to be established."

"Master plans generally look ahead to a time horizon of about 20 years from the date of adoption, although it is intended that they be updated and revised about every ten years. It is recognized that the original circumstances at the time of plan adoption will change over time, and that the specifics of a master plan may become less relevant as time goes on."

Although many cultural, economic, and demographic circumstances have changed since 1994 – not to mention the contemporary focus of our Annual Growth Policy on sustainability and design – the overall goals of the Sector Plan remain the guiding principles for the review of any Project Plan. In particular, the Sector Plan has six goals for the CBD in general and several recommendations specific to this site and the area. The general goals, from Section 1.2 on pages 3-4, are:

- *Downtown*
Realize the vision of Bethesda as a diverse and lively downtown for Bethesda-Chevy Chase. Continue well-designed redevelopment within the Metro Core and reinforce the physical character and varied activities of districts radiating out from the Core so that each district has a distinct identity yet is linked into a coherent whole.
- *Urban Form*
Encourage infill development that complements the underlying physical form of Bethesda. Create a high-quality built and pedestrian environment, including a network of pathways and open spaces. Enhance Bethesda's commercial and residential districts with improvements appropriate to the character of each.
- *Housing and Neighborhoods*
Encourage and maintain a wide range of housing types and neighborhoods in and around Bethesda for people of all incomes, ages, lifestyles, and physical capabilities, in keeping with County goals. Provide an adequate supply of housing, including affordable units, to reinforce Bethesda as a place to live as well as work. Protect adjacent neighborhoods from commercial intrusion, undue traffic, and environmental degradation.
- *Employment*
Provide opportunities for additional jobs in this major down-County employment center, in keeping with County policy to concentrate growth in the urban ring near Metro stations and to increase the County's revenue base.
- *Community Character*
Enhance Bethesda as an appealing environment for working, shopping, and entertainment. Strengthen its attraction as a destination for visitors while ensuring that residents find a sense of community. Reinforce a unique sense of place through the themes of Bethesda as a "garden" and a "cultural district".
- *Circulation*
Provide a safe and functional transportation system to serve the current and recommended land uses. Achieve a significant shift of travel from drive-alone auto use to transit, carpooling, and other alternatives. Enhance the pleasure, safety, and convenience of walking and bicycling.

Project plan

As noted earlier, certain aspects of the Sector Plan are not simply guidelines but “linked” to the Zoning Ordinance. In optional method projects in the CBD zones, density is one of those linked

development standards. Those standards and the following considerations are the basis of the Findings and Recommendation.

The subject project plan amendment was filed on April 19, 2007 and accepted for review on July 30, 2007. According to Section 59-D-2.11 of the Zoning Ordinance,

“in order to ensure that the [proposed] development [in the cbd, rmx, and tomx zones] will include the public facilities, amenities and other design features that will create an environment capable of supporting the greater densities and intensities permitted by the optional method of development, the developer is required to submit a project plan as a part of the application for the use of the optional method; and a site plan must be approved in accordance with the requirements of Division 59-D-3 prior to the issuance of any building permit. The project plan shall be such as would result in the satisfaction of the stated purposes of the zone applied for, and the fact that a project complies with all of the stated general regulations, development standards or other specific requirements of the zone shall not, by itself, be deemed to create a presumption that the proposed development would be desirable and shall not be sufficient to require the approval of the project plan or granting of the application.”

In reaching its determination on a project plan the planning board must consider the following:

- (a) The nature of the proposed site and development, including its size and shape, and the proposed size, shape, height, arrangement and design of structures, and its consistency with an urban renewal plan approved under chapter 56.
- (b) Whether the open spaces, including developed open space, would serve as convenient areas for recreation, relaxation and social activities for the residents and patrons of the development and are planned, designed and situated to function as necessary physical and aesthetic open areas among and between individuals structures and groups of structures, and whether the setbacks, yards and related walkways are located and of sufficient dimensions to provide for adequate light, air, pedestrian circulation and necessary vehicular access.
- (c) Whether the vehicular circulation system, including access and off-street parking and loading, is designed to provide an efficient, safe and convenient transportation system.
- (d) Whether the pedestrian circulation system is located, designed and of sufficient size to conveniently handle pedestrian traffic efficiently and without congestion; the extent to which the pedestrian circulation system is separated from vehicular roadways so as to be safe, pleasing and efficient for movement of pedestrians; and whether the pedestrian circulation system provides efficient, convenient and adequate linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities.
- (e) The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs, in relation to the type of use and neighborhood.
- (f) The adequacy of provisions for construction of moderately priced dwelling units in accordance with chapter 25a if that chapter applies.

- (g) The staging program and schedule of development.
- (h) The adequacy of forest conservation measures proposed to meet any requirements under chapter 22a.
- (i) The adequacy of water resource protection measures proposed to meet any requirements under chapter 19.

As the Analysis and Findings Sections demonstrate, the subject project plan amendment adequately addresses each of these considerations, as conditioned by the Staff Recommendation.

PROJECT ANALYSIS

Sector Plan⁶

The Bethesda CBD Sector Plan has numerous and, at times, contradictory recommendations. While no plan can meet all of the recommended guidelines this plan meets a majority of the recommendations and the intent of all of the overall goals of the Sector Plan. In the past, an emphasis on certain recommendations for projects in this vicinity, has led to the continuing lackluster performance of the site. But by focusing the emphasis back on the goals regarding the creation of “garden” and “cultural” districts, the potential of this site can be realized.

Downtown Environment

Downtown Bethesda is envisioned as a place with diversity and liveliness generated by redevelopment and the establishment of varied activities radiating from the Core. The proposed amendment provides several features that address this goal:

- The landscape and architecture are well-designed, complementary, and integrated conceptually;
- The physical character of plaza is reinforced at the appropriate scale with proportional massing and the creation of an edge;
- Programmed amenities generate activity at hours that are otherwise “dead” times in a predominantly office environment;
- The building and plaza will become a landmark focal point; and
- The redevelopment will fulfill the directive to “approve optional method projects that provide or contribute to public benefits such as cultural facilities, open spaces, or other public gathering places identified in the plan”.⁷

The proposal thus fulfills a greater objective of activating and utilizing open space in downtown while developing on an existing footprint. Although the “Existing and Proposed Community Facilities Map”⁸ does not include this plaza as an open space or park facility it is, in fact, one of the only large open spaces in the Metro Core that can provide outdoor festivals, movies, fairs,

⁶ Appendix A is a summary of the pertinent sections of the Sector Plan’s maps and text.

⁷ Bethesda CBD Sector Plan, page 29.

⁸ Ibid, Figure 8.1, page 216.

and concerts without closing a street. Further, it is directly above a Metro Station that can bring people to these events.

The Sector Plan identifies particular themes for the development downtown, namely, Bethesda as a “garden” and a “cultural district”. To this end, the Applicant’s design proposes a “greening” of the site through green roofs, more plantings, and LEED-Silver certification. The cultural attributes include more prominent staging of existing artwork and the inclusion of other art pieces. Also, the Discovery Trail will be centered on site with a “Discover Bethesda” interpretive wall in a sheltered arcade. These amenities go far in enhancing the cultural character of the area by integrating several recommended objectives of the Sector Plan:

- The Plaza renovation and proposed building will enhance the visual environment;
- The building itself will provide a distinct form in a rather bland context;
- The artistic and cultural amenities will provide a sense of destination; and
- The site design will add to the County’s goals of more sustainable development.

In sum, the proposed development is supported by the Sector Plan’s goals for increasing the type and amount of open spaces and variety of amenities. In fact, the Sector Plan encourages “support [of] optional method amenities that strengthen the cultural resources of Bethesda, both historic and arts-related and that may well serve as anchor activity centers”.⁹ When exploring incentives to encourage provisions of such facilities and amenities, an analysis of two determinants of urban form for which the Ordinance has specific standards is required: height and density, which are discussed below.

Urban Form

In general, the Sector Plan encourages infill development that will create a high-quality built environment and a network of paths and open spaces. Although not shown as a community facility, the “Open Space Concept” plan¹⁰ defines the large amount of open space on and around the existing Food Court footprint, which will be enhanced and better connected to surrounding pathways by this proposal. This site is further specified as a primary focal point on the “Views and Focal Points” plan¹¹ and a primary destination on the “Pathways and Places” plan.¹² At this time, the site does not meet the aesthetic standards of a “focal point” and is certainly only a “place” for the office workers in the area. To the extent it is a destination, it is only so because of the Metro. The overly large block has been consolidated over the years and requires internal connections for pedestrians to get from place to place and from one street to another. As other areas have shown, the action of urban areas occurs on the streets – this block has only a taste of street life along Montgomery Lane and will require innovative solutions to become a Place in-and-of itself. The proposal meets the objectives of the Sector Plan’s “Focal Points” and “Places” concept plans in several ways:

⁹ Ibid, page 36.

¹⁰ Ibid, Figure 3.5, page 45.

¹¹ Ibid, Figure 3.3, page 41.

¹² Ibid, Figure 3.7, page 48.

- The proposed building and renovated plaza will “respond to views and vistas within the CBD [by continuing to develop] focal points and landmarks that improve the orientation and strengthen the perception of existing centers”,¹³
- The existing urban form will be strengthened by “improving and reinforcing the districts and transitional areas, open space and gathering places, landmarks and focal points”,¹⁴
- The proposed design will create a sculptural form and roof line and add to the diversity of architectural styles;
- The plaza renovation will encourage more use by adding interactive features and amenities that emphasize the heritage of Bethesda through art and garden elements;
- The new pedestrian connections and choices will allow for easier use by more people and increase access to the Metro station;
- The proposed design will activate the plaza with additional retail and restaurant space; and
- The cultural and artistic amenities will allow for the development of a meaningful “Discovery Trail” and art walk that is being coordinated with several other projects in Bethesda.

These factors will create a context that will begin providing a sense of place at this “Major Destination”. The plaza, in particular, lacks a pedestrian scale because of its lack of definition – the space tends to bleed through and around buildings because the current Food Court is too low to hold the edge of the space. Proper scale can be created by defining an active edge to this space and can become more pedestrian-oriented through interesting design and detailing below the third floor façade. This proposal can engage the plaza in a way that the existing building does not; as the Sector Plan states: “Open Spaces in an urban setting are defined by building edges: the taller the building edge within recommended limits, the stronger the sense of visual containment. Good spatial definition is important to achieving a comfortable sense of human scale and proportion”.¹⁵ The new connections make the ground plane less of an obstacle and more open to use from pedestrians travelling from the northwest corner into the plaza and down the “cascade of steps” or vice-versa.

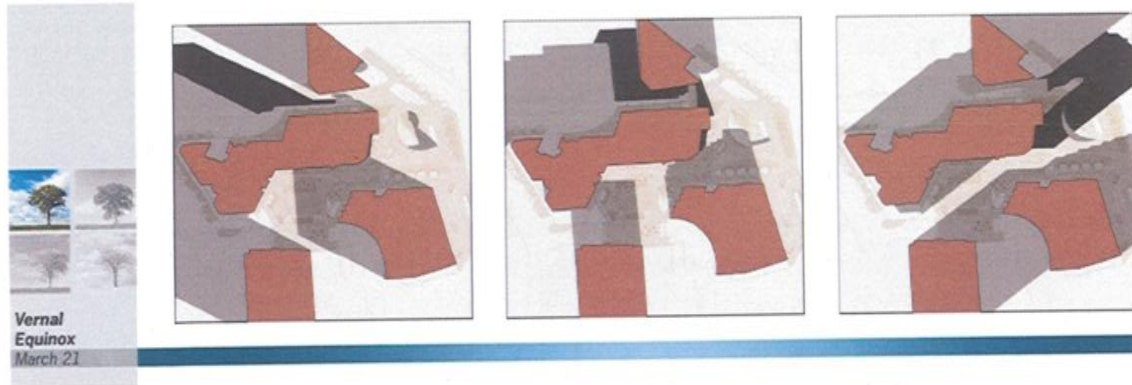
With regard to height and its context, numerous Sector Plan citations speak to anticipated infill development with higher-density employment uses and taller buildings at the center of the Metro Core area. The shade and massing relationships associated with this proposal are typical in an urban environment. In this case, it is important to note that the shade is cast to the north of the Plaza and not on the open space itself; further, much of the shade is cast by existing buildings to the south and west of the proposed addition. But when looking at the issue of Sector Plan conformance for buildings above the heights recommended in a Sector Plan, there is greater attention to the details of the façade and building articulation and proposed amenities to ensure that larger goals are being met and that the context is not visually or environmentally compromised. The Applicant afforded particular attention to the massing of the proposed building in order to minimize the shade cast on the building to the north. And the numerous amenities and fulfillment of other recommendations of the Sector Plan, such as the realization of

¹³ Ibid, page 40.

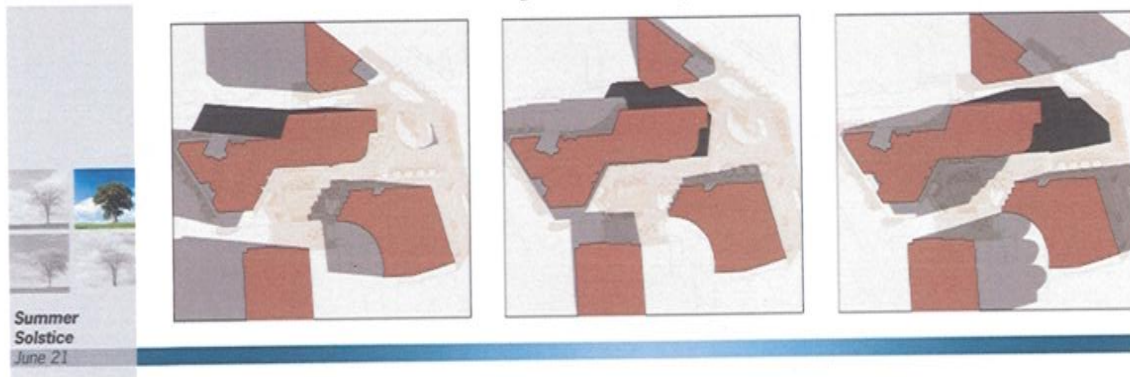
¹⁴ Ibid, page 36.

¹⁵ Ibid, page 47.

the Discovery Trail and renovation of transportation facilities, were incorporated into the overall proposal. For this site, like other projects in the area, the options to place density near transit opportunities and provide height in order to obtain recommended public amenities meet general conformance criteria as well as newer regional goals, such as WMATA's transit-oriented development program, and the County's new Annual Growth Policy concentration on sustainability, infill development, and good design.



Shadow Study – Vernal Equinox¹⁶

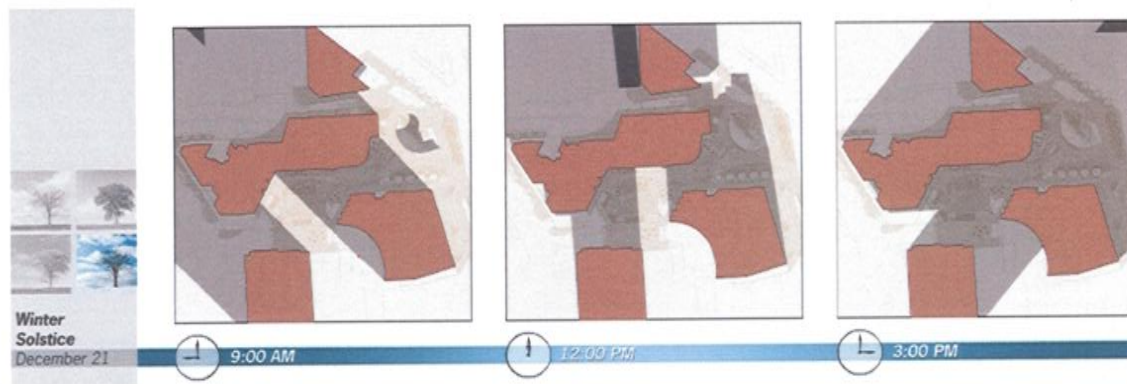


Shadow Study – Summer Solstice

¹⁶ Studies shown at 9:00 am, Noon, 3:00 pm; impact of proposed building in dark gray.



Shadow Study – Autumnal Equinox



Shadow Study – Winter Solstice

Employment, Redevelopment Potential, & Land Use

Virtually all of the references to density within the Core area of the Metro Center refer to increased employment and infill development. The specific objectives of the Metro Core area, as outlined in the Sector Plan,¹⁷ are worth providing in full:

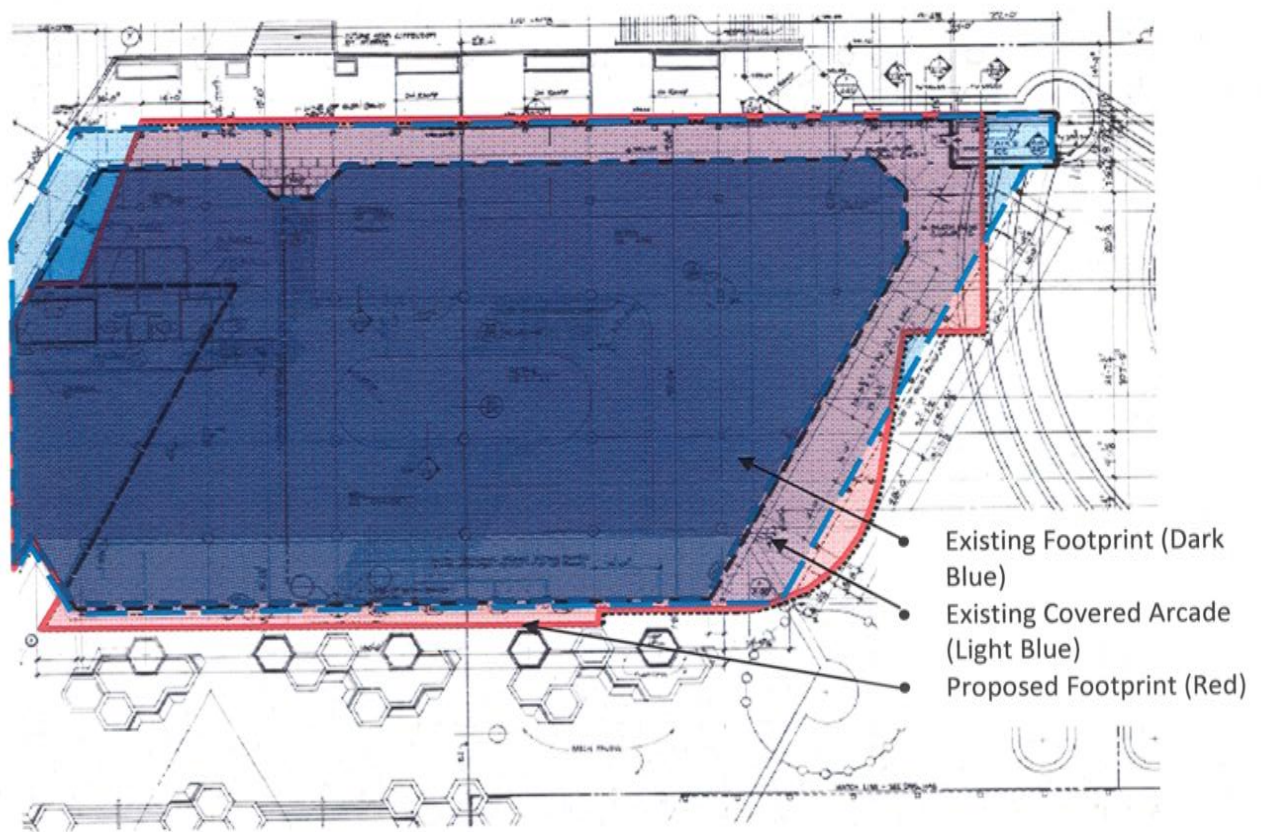
- Strengthen the Metro Core as the center of Bethesda, with greatest emphasis on and around the Metro Center and plaza.
- Increase the choices and activities in the Metro Core associated with retail, restaurants, cultural programming, open space, and pathways.
- Develop a compact core that places the highest intensity in the center, provides distinctive infill buildings, and steps down to lower densities and heights near the edge of the district.
- Emphasize employment near Metro transit to complete Metro Core development.

Like other sites that have been redeveloped in downtown Bethesda, e.g., the Lot 31 project, the subject site is not indicated as one with “Redevelopment Potential” on the map of the same name on Page 24 of the Sector Plan. According to the Sector Plan, this map was created based on

¹⁷ Bethesda CBD Sector Plan, page 58.

assumptions regarding 14 year-old business prospects and the 1976 zoning plan and, therefore, has little to do with the current environment. Further, the owner of the site, WMATA, has not only approved the submission of this Application, they have also published a task force report that concludes “that WMATA’s transit station areas represent unmatched development opportunities that have the ability to take advantage of responsible transit-oriented development principles”.¹⁸ The proposed amendment takes advantage of such land-use and metro-area employment opportunities in many ways:

- The proposal creates jobs near high-density residential areas and directly above various modes of public transportation,
- The design concept provides no net increase in parking, thus lowering the parking-to-employees ratio, which promotes a pedestrian and street-activating environment,
- The design is infill but redevelops above an existing building footprint rather than on open space, and
- The proposed use fulfills the dual objectives to “encourage primarily office development in the Metro Core to maximize the number of jobs created”¹⁹ and “focus the highest densities within the Metro Core District to achieve a tightly configured center”.²⁰



Comparison of Existing and Proposed Footprints

¹⁸ Report of the Joint Development Task Force to the Washington Metropolitan Area Transit Authority, May 2007, page 5.

¹⁹ Bethesda CBD Sector Plan, page 27.

²⁰ Ibid, page 40.

The Sector Plan's "Future Land Use" plan²¹ recommends retail and service only on this portion of the site surrounded by office and hotel uses. The objective of providing retail and service at this location, of course, is to activate the space by attracting shoppers and restaurant patrons. This proposal can offer ground level retail and service that fulfills the recommendation of the "Future Land Use" plan while adding office space above. This will ensure that the building will also fulfill the more prevalent recommendation to add employment in the Core. Diversity of uses is nothing without the concentration of people to make use of those uses.

Zoning and Density

The subject site is zoned CBD-3, as recommended in the Sector Plan. This makes sense in light of the description of the CBD-3 Zone as the core area of urban centers with the highest density. The CBD-1 and CBD-2 Zones, on the other hand, are used as transition zones or urban centers for smaller areas where such high density is not appropriate. The CBD-3 Zone allows up to 200 dwelling units per acre for residential projects, up to a floor area ratio (FAR) of 6 for non-residential projects, or up to an FAR of 8 for mixed-use projects but "in no case more than the density recommended by the sector plan". In most cases this recommended density is set for individual lots, in this case it is set for a more ambiguous area. Traditionally this area has been defined as the net lot areas of all properties within the borders created by Woodmont Avenue, Montgomery Lane, Wisconsin Avenue, Old Georgetown Road, and Edgemoor Lane.

The exact text from the Sector Plan that sets the recommendation is found in the section on the Metro Core District that discusses a larger area including the "Hot Shoppes" site [Clark Building], the Miller Property on Elm Street, and "a number of smaller sites":

"In the block containing the Metro Center, individual properties should be permitted to develop under the CBD-3 optional method, provided that the overall density of the area retains an average of 4 FAR, including streets, open space, and public facilities."²²

This sentence has been the subject of months of debate regarding the subject amendment. This is due, in large part, to the fact that the calculation of FAR was changed by a zoning text amendment in 1989 and this is the first development application on this site since the 1989 text amendment. The text amendment involved two changes to the Zoning Ordinance. First, it added and defined the term "gross tract area" as "the total area or parcel of land including any existing or proposed streets, highways, or other land required for public use that is attributable to the lot or parcel dedicated by the owner or a predecessor in title." Second, it defined FAR, in pertinent part, as "a figure which expresses the total gross floor area as a multiple of the gross tract area of the lot." Prior to this amendment, instead of "gross tract area of the lot," it merely read "area of the lot."

²¹ Ibid, Figure 4.5, page 59.

²² It is interesting to note, given the inconsistencies between the Sector Plan language and the language in the Zoning Ordinance, that the term "block" in the Sector Plan sentence, does not follow the Zoning Ordinance definition. The Zoning Ordinance defines "block" as that area abutting one street and between two others. As used in the Sector Plan sentence, "block" indicates those properties that should be included in the calculation of FAR, yet because "because it is interrupted by streets, namely, North Lane and East Lane, it does not meet the definition in the Zoning Ordinance

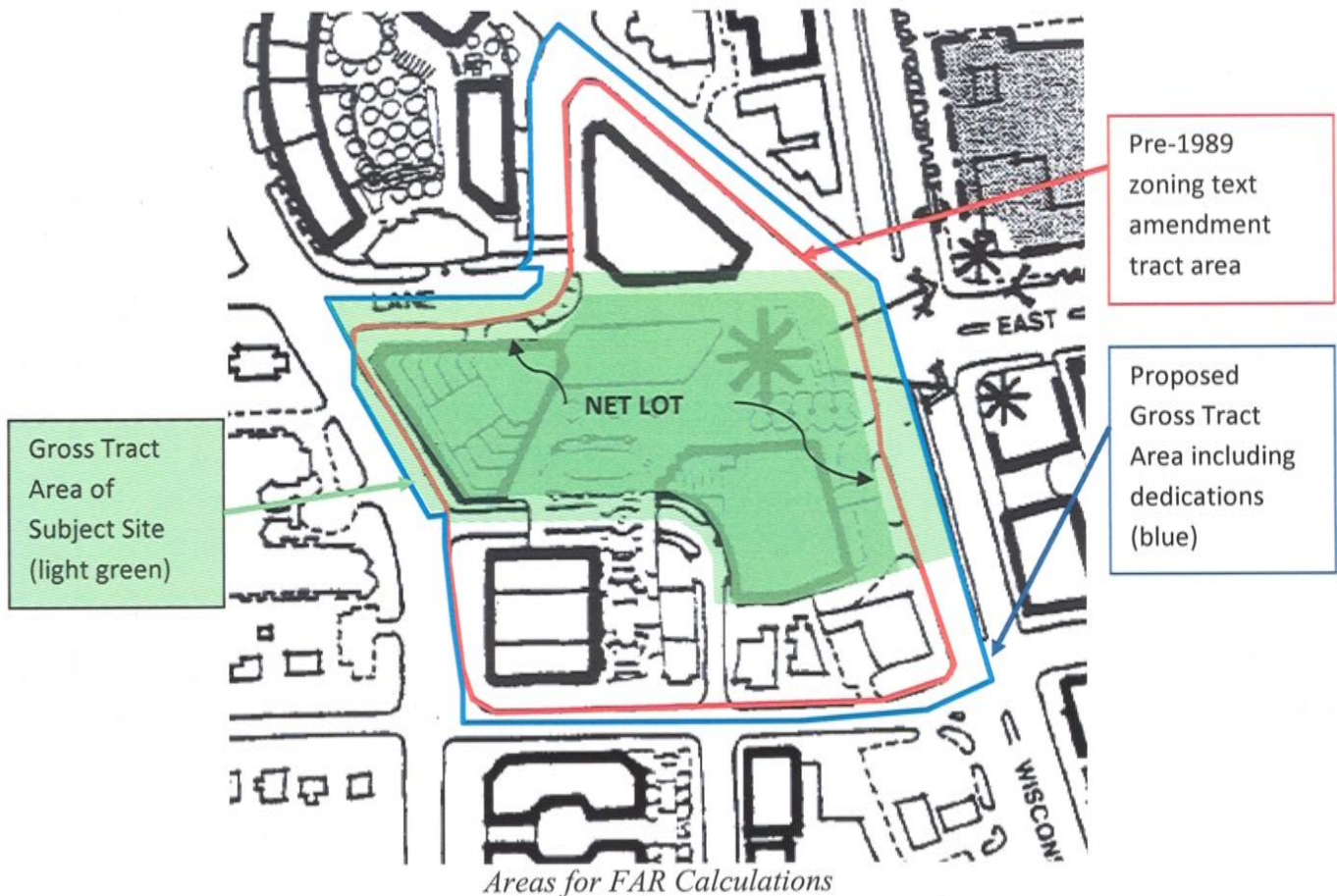
These changes to the Zoning Ordinance expanded the area upon which FAR could be calculated in this case by including “land required for public use that is attributable to the lot or parcel dedicated by the owner or predecessor in title.” In other words, based on the Sector Plan language above that states “the overall density of the area retains an average of 4 FAR” (hereinafter “Sector Plan Area”), this area now includes this additional land. By including in the calculation of FAR the land dedicated for public use that is attributable to the parcel or lot, the proposed project can achieve an overall density of 4.0 FAR in the Sector Plan Area.

Based on the previous method of calculating FAR and opposing interpretations of case law, the Applicant and a group opposed to the project plan amendment disagree about 1) whether certain areas may be considered “attributable to the lot,” 2) whether certain areas have been “dedicated,” and 3) whether these certain areas should, or should not be, used in determining the FAR for this project. The specific areas of contention are portions of Wisconsin Avenue and Old Georgetown Road, which abut the Sector Plan Area. Based on the language of the Zoning Ordinance and the Planning Board’s past practice interpreting these provisions, as well as the language in the Sector Plan, Staff finds that the properties included in the Sector Plan Area²³ are encircled by Woodmont Avenue, Edgemoor Lane, Old Georgetown Road, Wisconsin Avenue, and Montgomery Lane, while the gross tract area for the Sector Plan Area includes these properties and certain dedications as shown on the figure on page 29 and calculated in the Project Data Table on page 28.²⁴

As shown in the illustration below, the Applicant’s proposed gross tract area for the properties, which result in an FAR of 4.0 for the area, meets the development standards of the Zoning Ordinance.

²³ The FAR recommendation for the Sector Plan Area is based on the 1976 Sector Plan and tied to an illustration that shows a “block” stretching across both Old Georgetown and Wisconsin Avenue including within it numerous interior streets, open spaces, and other amenities. (Long Range Illustrative Site Plan, p. 86 of the 1976 Bethesda Central Business District Sector Plan.) In this context the FAR recommendation for the Sector Plan Area makes sense—that area, as shown by the illustration, should develop according to the optional method as long as the Bethesda Core Area (which encompasses a larger, predominantly CBD-2 area containing the higher density, CBD-3 Metro Center properties) maintains a 4.0 FAR with a large amount of open space and amenities. This would allow a tight concentration of density in the Sector Plan Area zoned CBD-3 (around the area of the metro) while maintaining the overall lower 4.0 FAR density of a CBD-2-zoned area around Sector Plan Area with numerous open spaces and pedestrian connections. (See Appendix B)

²⁴ Staff’s conclusion also reflects the fact that the District Council, which adopted both the 1989 text amendment and the 1994 Sector Plan, is charged with knowing and understanding the effect of the text amendment on the allowed density in the Sector Plan Area.



Block & Site Recommendations

The existing problems with respect to the lack of active uses at the Metro Center were anticipated and discussed in the Sector Plan as were the compounding of these problems if the (then) proposed Lorenz [Newland's] building was built according to the application, which it was. As originally conceived, building height, shadow, and activation of uses were to be addressed very differently, but the site, as it exists today, is a much different space with a number of issues to reconcile as well as potential to take advantage of. The only real advice to future developers of the Metro Center is on page 61: "Additional improvements to the existing Metro Center could help achieve a greater focus of activities, a better sense of community, and a more attractive open space". The proposed development will begin to address these issues by drawing on the "garden" and "cultural district" themes:

- There is currently poor visibility into the plaza and many pathways are cut-off or directed around buildings rather than into the plaza, which will be addressed by the new footprint and manipulation of the space and building,
- Seating and amenities to make the space more comfortable and usable will be provided, including benches, way-finding and interpretive features, water features, and activation of the Plaza as a Wi-Fi hotspot,
- Barriers to pedestrian circulation will be removed and new connections will open-up,
- Existing art work will be better situated and new art work will be integrated into the landscape and structures,

- A restaurant serving breakfast through dinner will activate the space from morning to night, and
- Plantings, paving upgrades, color, and a program of cultural activities will create an “outdoor room” for downtown.

Because there are no retail establishments to “form a continuous line of retail uses”, the proposed development is a beginning that may encourage other first floor occupants around the plaza to consider reverting (or providing) additional retail services. In that event, the space will only become more attractive and will provide an alternative to the “shopping district” along Woodmont Avenue that will focus the community on the cultural facilities of Bethesda.

Transportation

Transportation Planning Staff has made a preliminary review of Adequate Public Facilities for the proposed development. Further analysis and findings will be made at the time of the review of the preliminary plan amendment. At this time the following summary is provided.

Site Location and Vehicular Access Points

The proposed commercial redevelopment is located on Lot 37, Block 13 that is surrounded by Wisconsin Avenue, Old Georgetown Road, Edgemoor Lane, Woodmont Avenue, North Lane, East Lane, and Montgomery Lane. The vehicular access points to the existing underground parking garage are from Wisconsin Avenue and North Lane.

Pedestrian Circulation

The proposed commercial redevelopment has five pedestrian access points on north, east, and south sides of the building from the plaza level.

Sector-Planned Roadways and 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 115-foot right-of-way width along the site’s frontage.
2. Old Georgetown Road (MD 187) is classified as a major highway, M-4, with a minimum recommended 80-foot right-of-way width.
3. Edgemoor Lane is classified as a business district street with a minimum recommended 80-foot right-of-way width and a *Sector-Planned* Route H, Class 2 bikeway (or bike lanes) between the Bethesda Metrorail Station and Arlington Road. Signed shared roadway, SR-8, is identified on the *Countywide Bikeways Functional Master Plan* along this segment of Edgemoor Lane.
4. Woodmont Avenue is classified as an arterial, A-68, with a minimum recommended 80-foot right-of-way width and a *Sector-Planned* Route C1, Class 1 bikeway between the North Lane and Montgomery Lane. Bike lanes, BL-6, is identified on the *Countywide Bikeways Functional Master Plan* along Woodmont Avenue between Battery lane and Bethesda Avenue.
5. North Lane is classified as a business district street with a minimum recommended 50-foot right-of-way width.

6. East Lane is classified as a business district street with a minimum recommended 50-foot right-of-way width and a *Sector-Planned* Route C, Class 2 bikeway (or bike lanes) and Biker Friendly Area between the Bethesda Metrorail Station entrance and Montgomery Lane.
7. Montgomery Lane as a business district street with a minimum recommended 70-foot right-of-way width.

Available Transit Service

The site is located above the Bethesda Metrorail Station. The following bus routes operate along the adjacent roadways as well as connecting to the Bethesda Metrorail Station:

1. Old Georgetown Road: Ride-On route 42 and Metrobus routes J-2 and J-3.
2. Edgemoor Lane: Ride-On routes 29, 30, 32, and 70 and Metrobus route J-4.
3. Woodmont Avenue: Ride-On route 34 & Metrobus routes J-4, J-8, and J-9.
4. North Lane: None.
5. East Lane: Metrobus routes J-2 and J-3.
6. Montgomery Lane: Ride-On route 33 and Metrobus routes J-2 and J-3.

Local Area Transportation Review

Table 1 shows the number of peak-hour trips generated by the proposed commercial redevelopment within the weekday morning (6:30 to 9:30 a.m.) and the evening (4:00 to 7:00 p.m.) peak periods.

Table 1: New Site-Generated Vehicular Trips

Land Use	Square Feet	Peak-Hour Trips	
		Morning	Evening
Proposed General Office Use	272,130	408	408
Proposed Retail Use	11,070	7	29
Total of Site-Generated Trips		415	437
Existing Retail/Food Court	18,000	- 12	-47
Existing Office Use	19,119	- 29	- 29
Total of Existing Trips		-41	-76
Net Increase in Trips		374	361

In accordance with the *Local Area Transportation Review Guidelines*, a traffic study was submitted to satisfy Local Area Transportation Review (LATR) because the proposed commercial redevelopment generates 30 or more peak-hour trips within the weekday morning and evening peak periods. Based on the results of this traffic study, Table 2 shows the calculated Critical Lane Volume (CLV) values at studied intersections in the each traffic conditions.

Only the CLV values for Wisconsin Avenue and Old Georgetown Road/East-West Highway exceed the 1,800 congestion standard for the Bethesda CBD Policy Area within the weekday evening peak hour. With the proposed intersection improvement described in Recommendation No. 2, the CLV value in the total improved traffic condition still exceeds the 1,800 congestion standard. However, LATR is satisfied because the CLV reduction from the total improved traffic

condition to the total traffic condition is at least 150% of the impact attributable to the traffic generated by the proposed commercial redevelopment as shown in Table 3.

Table 2: Calculated Critical Lane Volumes at Studied Intersections

Intersection	Weekday Peak Hour	Traffic Condition			
		Existing	Background	Total	Improved
1. Wisconsin Avenue & Norfolk Avenue/Cheltenham Drive	Morning	895	903	933	
	Evening	827	838	883	-----
2. Wisconsin Avenue & Commerce Lane/Avondale Street	Morning	518	526	555	-----
	Evening	659	670	716	-----
3. Wisconsin Avenue & Old Georgetown Road – East-West Highway	Morning	1,454	1,470	1,566	1,566
	Evening	1,745	1,880 ²⁶	1,919 ²⁷	1,828 ²⁸
4. Wisconsin Avenue & Montgomery Lane/Avenue	Morning	1,051	1,129	1,156	-----
	Evening	1,191	1,261	1,400	-----
5. Wisconsin Avenue & Waverly Street/Elm Street	Morning	764	805	808	-----
	Evening	887	937	942	-----
6. Wisconsin Avenue & Elm Street	Morning	645	655	672	-----
	Evening	737	756	771	-----
7. Montgomery Avenue & Waverly Street	Morning	838	871	971	-----
	Evening	880	956	1,061	-----
8. East-West Highway & Waverly Street	Morning	697	778	808	-----
	Evening	1,089	1,154	1,220	-----
9. Old Georgetown Road & Commerce Lane/ Edgemoor Lane	Morning	501	541	564	-----
	Evening	683	775	791	-----
10. Old Georgetown	Morning	879	990	1,041	-----

²⁶ Exceeds the 1,800 congestion standard.

²⁷ Exceeds the 1,800 congestion standard.

²⁸ Exceeds the 1,800 congestion standard but satisfies LATR by reducing the CLV by at least 150% of the impact attributable to the traffic generated by the proposed commercial redevelopment.

Road & Woodmont Avenue	Evening	867	939	953	-----
11. Woodmont Avenue & Edgemoor Lane	Morning	751	817	886	-----
	Evening	672	715	734	-----
12. Woodmont Avenue & North Lane	Morning	546	612	668	-----
	Evening	622	665	758	-----
13. Woodmont Avenue & Hampden Lane	Morning	503	503	503	-----
	Evening	654	654	654	-----
14. Arlington Road & Edgemoor Lane	Morning	621	621	621	-----
	Evening	862	862	862	-----
15. Arlington Road & Montgomery Lane	Morning	405	405	405	-----
	Evening	656	656	656	-----
16. Montgomery Lane & East Lane	Morning	446	511	529	-----
	Evening	649	692	785	-----

Table 3: Site Generated Peak Hour Trips Mitigation

Traffic Condition	Analysis Include:	CLV Value
Total	Site Traffic	1,919
Background	No Site Traffic	1,880
CLV Increase Attributable to the Proposed Redevelopment		39
Total	Site Traffic	1,919
Total Improved	Site Traffic & Improvement	1,828
CLV Reduction Attributable to the Improvement		91
Percentage of the CLV Reduction to the CLV Increase		233%
Minimum Percentage Required in the <i>FY07-09 Growth Policy</i>		150%

At the three approaches to the intersection of Wisconsin Avenue and Old Georgetown Road/East-West Highway, a queuing analysis was required because the intersection's CLV values within the evening peak period exceeded the 1,800 standard in a CBD Policy Area. The submitted traffic study included the observed existing maximum queue of vehicles upstream from the intersection's approaches during the weekday peak hours. The existing queues were compared with the projected queuing when adding the traffic attributed to the proposed commercial redevelopment. The resultant average queue length on each approach did not exceed more than 80% of the distance to the adjacent signalized intersection (located at least 300 feet upstream from this intersection), thus satisfying the LATR queuing requirement.

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 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.

Policy Area Mobility Review

Under the new *FY 2007-2009 Growth Policy*, the applicant of a development located within the PAMR's Bethesda/Chevy Chase Policy Area must mitigate 30% of the new peak-hour trips generated by their proposed development. The required number of new peak-hour trips to be mitigated is 112 trips. This is calculated by multiplying 30% by 374 peak-hour trips (i.e., the higher morning peak hour number on Table 1 above). The 112 new peak-hour trips may be mitigated by a combination of the following methods:

1. Enter into a Traffic Mitigation Agreement to implement a Trip Reduction Program that is monitored and operated for 15 years to mitigate a minimum of 30 peak-hour trips. A draft Agreement must be submitted for the Montgomery County Planning Department and DPWT staff review prior to preliminary plan amendment submittal and executed prior to certification of the site plan amendment.
2. Provide non-automobile transportation facilities off-site such as bus benches with pads and information kiosks.
3. Build or widen a *Sector-Planned* roadway segment in the Bethesda CBD Sector Plan area.
4. Buy a full-sized hybrid-electric Ride-On bus and operate it for 12 years.
5. Fund relevant publicly programmed improvements that cannot be implemented prior to the projected issuance of building permits.

Environment

The entire proposed development is built over a bus facility and parking garage; there are no existing environmental features on site. There are numerous environmental issues, however that this project should and does address. Given the extraordinary amount of non-porous surfaces, planting beds and containers should be maximized to absorb rainfall. In addition, these planting areas should contain a variety of plantings, some of which should grow to a large size to increase the amount of overall biomass within Downtown Bethesda. This will provide, to some extent, environmental comfort, shade, beauty, and carbon sequestration.

The Applicant proposes to retain one lawn panel, add another, and add several larger planting areas. Further, the Applicant proposes to construct the building to meet the Leadership in Energy and Environmental Design (LEED) Silver Standards. This entails creating a building with lower than typical environmental impacts regarding material use, energy consumption, heat-island effect, and stormwater run-off among other factors. Staff will continue to work with the Applicant through the preliminary and site plan amendment reviews to minimize the environmental impacts, while maximizing the environmental benefits of renovating the site in a sustainable manner.

Development Standards

The subject project plan amendment is zoned CBD-3, which is governed by the development standards in Section 59-C-6.23 of the Montgomery County Zoning Ordinance. First, here is a minimum lot size of 18,000 square feet for optional method projects, which this project plan

amendment satisfies. Second, there is no maximum building coverage for optional method projects, but there is a requirement for the provision of a minimum of 20% of the net lot area to be devoted to public use space, which this project plan amendment also satisfies. Third, the maximum FAR for optional method projects in the CBD-3 Zone that do not provide any residential uses is 6.0 FAR; the project plan amendment provides an FAR of 4.77. Fourth, as discussed in the Sector Plan analysis, this project has a further restriction on development limiting the FAR of the area containing the Metro Center Block to 4.00 and this amendment complies with this limit. Finally, the last development standard for a CBD-3 optional method project is building height, which normally limits height to 143 feet but may be increased to 200 feet under Section 59-C-6.235(b) of the Montgomery County Zoning Ordinance “[if] approved by the Planning Board in the process of site plan ... as not adversely affecting surrounding properties”. In other words, during project plan review, a recommendation of approval for a proposed height is set as a maximum and a final determination is made during site plan review in accordance with this section. Also as discussed in the Sector Plan analysis, the height limit of 200 feet is appropriate for this most densely-zoned area of the Bethesda CBD and does not adversely affect the surrounding properties in any detrimental way given the urban context.

As the data table shows, all of the requirements of the zone are met by the subject project plan amendment, but, because of the unusual terminology in the Sector Plan, the FAR for the Sector Plan Area is exceeded by 10,713 square feet. One condition of approval for the subject amendment is to decrease the gross floor area by this amount. Because this project is within the Bethesda Parking Lot District, parking spaces are not required to be provided but parking calculations have been made on the submitted project plan.

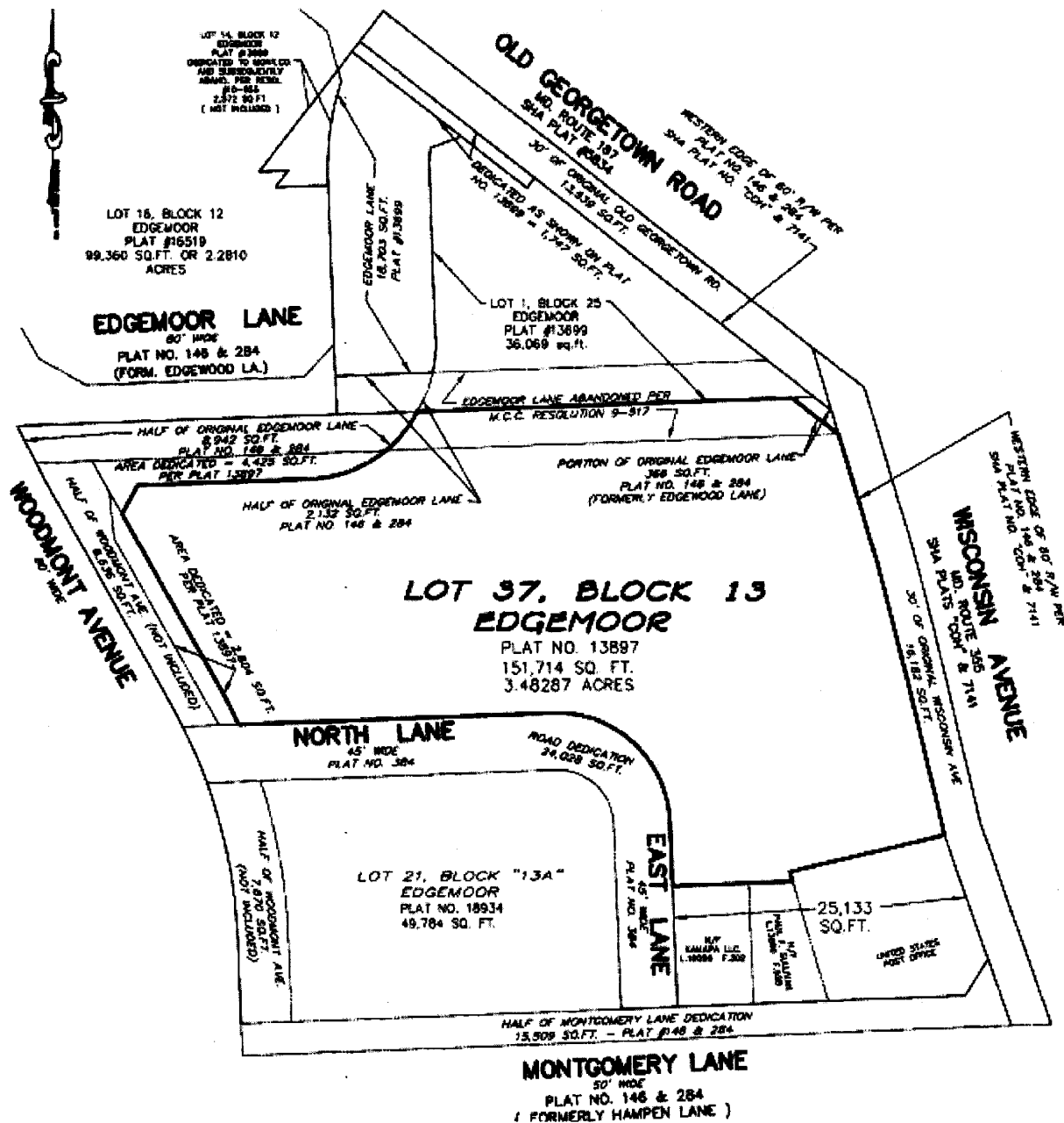
Project Data Table for the CBD-3 Zone

Development Standard	Permitted/ Required	Approved Project Plan 919920040/ Site Plan 81988045	Approved Project Plan 91992004A	Proposed for Approval
Building Height (feet)	143/200 ²⁹	195	195	200
Building Setbacks for Proposed Addition (feet)				
East Property Line	n/a	n/a	n/a	130
North Property Line	n/a	n/a	n/a	12
West Property Line	n/a	n/a	n/a	0
South Property Line	n/a	n/a	n/a	107
Tract Area for Lot (minimum square feet)				
Net Tract Area	n/a	156,174 ³⁰	156,174	151,714
Dedications	n/a	n/a	n/a	37,569
Gross Tract Area	18,000	n/a	n/a	189,283
Tract Area for Sector Plan Area (square feet)				
Net Tract Area	n/a	n/a	n/a	262,700 ³¹
Dedications	n/a	n/a	n/a	108,377
Gross Tract area	n/a	n/a	n/a	371,077
Gross Floor Area (maximum square feet)				
For Site (GTA of site * 6)	1,135,689	632,774	632,774	878,858
For Sector Plan Area (GTA of block *4)	1,484,308	1,248,937	1,248,937	1,495,021
Floor Area Ratio (FAR) (maximum gross floor area/gross tract area)				
For Site	6.00	4.05	4.05	4.65
For Sector Plan Area	4.00	4.36	4.36	4.03
Public Use Space (minimum % of net lot area)				
On-Site Public Use Space	20	n/a	n/a	38.61
Total Amenity Space	n/a	n/a	n/a	28.39
Total Public Use & Amenity Space	20	50.26	50.26	67

²⁹ Normally 143 feet, if approved by the Planning Board ... as not adversely affecting surrounding properties, height may be increased to 200 feet. (Sec.59-C-6.235(b))

³⁰ Although the definition of FAR did not allow dedications to be included in the calculation prior to the zoning text amendment in 1989, this figure does seem to include an area roughly the size of a dedication of land for Edgemoor Lane per plat 13897.

³¹ This is based on the following square-foot areas: 36,069 - Clark property; 151,714 - Bethesda Metro Center; 49,784 - Newlands property; 25,133 - Post Office/Weitzman/Nagel/County properties. In calculations for density on the Site Plan Area, both North Lane and East Lane were included in the calculations of FAR resulting in a "net" tract area of 286,728 square feet (although this varies in different documents).



Areas for calculation of net and gross tracts for the subject site and the Sector Plan Area.

FINDINGS

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

(a) *As conditioned, the proposal complies with all of the intents and requirements of the zone.*

Intents and Purposes Of The CBD Zones

The Montgomery County Zoning Ordinance states the purposes which the CBD zones are designed to accomplish. The following statements analyze how the proposed Project Plan conforms to these purposes:

- (1) *"To encourage development in accordance with an adopted and approved master or sector plan, or an urban renewal plan approved under Chapter 56 by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan or urban renewal plan and the site plan or combined urban renewal project plan is approved on review by the Planning Board."*

With respect to density, page 61 of the Sector Plan recommends that *individual* CBD-3 properties be allowed to develop under the optional method of development, which allows up to a 6 FAR for nonresidential projects (including transient lodging, i.e., hotels). The proposed development is requesting a 4.65 FAR for nonresidential uses – well below the allowed 6 FAR maximum. This is because a second recommendation of the Sector Plan is that individual properties may develop to their full individual density provided that the "overall density of the area retains an average of 4 FAR, including streets, open space, and public facilities."³²

To calculate the FAR of the individual property is straightforward – the gross floor area is divided by the gross tract area as defined by the Zoning Ordinance. To calculate the FAR of the Sector Plan Area, the FAR is calculated as if those properties were one entity and the sum of the gross building area of each property is divided by the gross tract area of each property en masse, resulting in an FAR of 4.00. Thus, as conditioned, the development standards of the CBD-3 Zone are met by the proposed application.

Building heights recommendations are illustrated on Figure 3.2 of the Sector Plan, on page 39. In this figure,, the subject property is primarily within the area limiting building height to a 143-foot/12 story maximum. For this project amendment, the Applicant is requesting a height of 200 feet, which is permitted under Section 59-6.235(b) of the Zoning Ordinance, if the Planning Board finds that the building will not adversely affect the surrounding properties. In fact, recent Planning Board approvals have allowed projects to the south and west of the site to develop to the same height as the subject project plan amendment (above their recommended heights in the Sector Plan.³³ As these approvals illustrate, there is a recognition that the Sector Plan recommendations for infill development and greatest height and employment density at the Metro Core support the proposed height of 200 feet at this location.

³² This is not a "guideline", per se, as are many of the recommendations in sector plans, because the Zoning Ordinance explicitly states that the allowed density in the CBD Zones may not be "more than the density recommended by the sector plan" (Section 59-6.234(b)).

³³ Namely, the Newlands Building was built to 200 feet and 3 Bethesda Metro Center was built to 195 feet.

The Sector Plan contains a number of recommendations vis-à-vis the type and intensity of development in the Metro Core District. The Sector Plan recommends that the Metro Core be the “center” of the CBD, with the nexus on and around the Metro Center and plaza. Although much of the attention and focus in the CBD has shifted to Bethesda Row, the objectives of the Sector Plan – as carried out by the proposed development – will help refocus use on the Metro Core. These include an increase in the number of retail, restaurants, culture, and open space activities for residents and employees; a higher intensity of development through infill; and an emphasis on “employment near Metro transit”. Thus, the intensity of allowed development should be maximized at this location, as long as the nature of that development is balanced with the Sector Plan recommendations for quality of design and public amenities.

- (2) *“To permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central business districts to meet the needs and requirements of workers, shoppers and residents.”*

The Sector Plan specifically states, “The land use recommendations for the Metro Core District emphasize employment land uses”.³⁴ The applicability of this recommendation is reinforced by the numerous recent plans for residential development in the CBD, which need employment opportunities to balance the land uses in the area. According to the Metro Core District Map on page 59, however, the Sector Plan envisions employment in this section to be more retail and service-oriented. The current Application will provide retail and service oriented uses to a greater extent than currently exists and these will be visible and accessible from a greater number of pedestrian access points. Especially in light of the large number of residential and retail proposals in the vicinity that have recently been approved by the Planning Board, this intensity and diversity of land use conforms to the Sector Plan recommendations: both the general goals of the Sector Plan and the specific objectives of the Metro Core area advocate approval of optional method projects that provide employment opportunities near both transit stations and residential density.

- (3) *“To encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system and between the central business district and adjacent areas.”*

The proposed development will have no impact on the arrangement of existing streets and sidewalks but significant changes to the existing building footprint will provide more options and better access for pedestrians. The changes above grade, however, dramatically affect the skyline and building relationships on and around the block. The design changes to the circulation systems will also change the quality of the experience for the better. Pedestrians will now be able to access the plaza from the bridge over Edgemoor Lane (and vice-versa) and views into the plaza will be created or enhanced at the northern corner of the site as well as from Wisconsin Avenue. The relationship of the

³⁴ Bethesda CBD Sector Plan, page 58.

proposed building to the existing circulation system will only enhance the use of this section of the Discovery Trail and the Metro Station by employees, residents, shoppers, and visitors. Due to the layout of doors, sidewalks, elevators, and the arcade, circulation will be directed in and around the plaza to access this and adjacent buildings and streets.

One concern voiced by adjacent property owners is the proximity of the proposed building to the Clark Building immediately north. This relationship, though, is not unlike many instances in the CBD and is ameliorated in some important ways including the “cut-out” for the green roof on the fifth floor and the minimal overlap between the two buildings.³⁵ In other words, although the space between the buildings is approximately 29 feet at the closest point at the northwest corner, this space is much wider towards the east and even more so above the fifth floor. In most cases in the CBD, adjacent buildings with windows are required to be at least 15 feet setback from each other; this proposal exceeds that standard in order to minimize the impacts on available sunlight and existing views

(4) “To promote the effective use of transit facilities in the central business district and pedestrian access thereto.”

The proposed development sits atop Metrorail and bus facilities that provide transit opportunities to travel to and from the site throughout the DC Metropolitan area. In fact, it is a short Metro ride to transportation hubs that can take downtown Bethesda residents and employees throughout the world. It is a local and regional imperative that infill development be provided at such sites as an alternative to suburban sprawl. As conditioned, the location and accessibility of the proposed development to the local transit system is an excellent realization of the Sector Plan transit and sustainability goals, for example the provision of jobs within walking distance of the Metro and high-density residential areas.

An important aspect of the public amenities provided by the Applicant is the Metro Station and Bus Facility improvements. These include upgrades to the paving, lighting, signage, weather buffering, and ambiance of the drop-off area and escalators to the station. Although, the specific design and implementation of these upgrades will need to be refined by the Applicant through the development review process in consultation with Staff and WMATA, the concept is important and will enhance the functionality and aesthetic quality of the on-site transit facilities.

(5) “To improve pedestrian and vehicular circulation.”

As envisioned, there will be no changes to vehicular circulation in and around the site. The pedestrian environment, however, provides numerous enhancements to help realize the potential of the plaza and Discovery Trail. With respect to the Discovery Trail, the Sector Plan recommends locating new open space to tie into the existing ‘Discovery Trail’ network and to expand the pedestrian connections. The plan creates an interesting

³⁵ Less than one-half of the south façade of the Clark Building is within 25 feet of the proposed building above the fourth floor ceiling.

new center for the Discovery Trail in the proposed arcade, which also provides better circulation flow into the plaza. New way-finding signs will also be placed on site to increase knowledge of the trail and area cultural sites/programs.

(6) *"To assist in the development of adequate residential areas for people with a range of different incomes."*

The proposed development contains no residential uses.

(7) *"To encourage land assembly and most desirable use of land in accordance with a sector plan."*

The proposed development is located on one existing lot.

Further Intent of the CBD-3 Zone

Section 59-C-6.213(b) of the Zoning Ordinance states:

"In the CBD-R-1, CBD-R2, CBD-2 and CBD-3 zones it is further the intent to foster and promote the orderly development of the Central Business Districts of the county so that these areas will enhance the economic status of the county as well as providing an expanding source of employment and living opportunities for its citizens in a desirable urban environment."

As an economic engine, Downtown Bethesda provides parking fee income and sales tax revenue through its immensely successful Bethesda Row and the surrounding streets. To complement this revenue stream, and provide more stable resources to the County, a strong residential and business presence is required to provide other forms of budget income. While most recent development in the area has concentrated on retail, restaurant, service, and residential uses, a demand for high-quality office space has not been adequately addressed in several years. The proposed development would help balance the land uses in the CBD and help minimize cyclical fluctuations in tax revenue by broadening the property tax base. A further aspect of the proposed development that should be considered is its impact on required infrastructure and public services. Because this is infill development on an existing improved lot, new infrastructure requirements are minimal. Also, unlike the expanding residential uses in the CBD, office uses tend to require fewer fire and rescue and police services. Thus, while providing an expanding source of employment for residents, the proposed development does so at an opportune site for minimizing strains on County resources.

Requirements of the CBD-3 Zone

The table on page 27 of the staff report demonstrates the conformance of the project plan with the development standards under the optional method of development. Among other standards, the proposed development meets the area, public use space, building height, and density requirements of the zone.

According to the Zoning Ordinance (59-C-6.215(b)) a further requirement of optional method projects is the provision of additional public amenities:

“Under the optional method greater densities may be permitted and there are fewer specific standards, but certain public facilities and amenities must be provided by the developer. The presence of these facilities and amenities is intended to make possible the creation of an environment capable of supporting the greater densities and intensities of development permitted.”

To this end, the proposed development is proffering the following package of amenities and public facilities:

Amenities and Facilities Summary

On-Site Public Use Space Improvements

- Relocation of existing art and new art within plaza.
- Arcaded expansion of Discovery Trail and interpretive facility.
- Wi-Fi hotspot.
- New plaza paving and plantings.
- Way-finding signage.
- Additional and improved seating.
- New water features.
- LEED Silver building.
- Programmed events, such as movies, concerts, and book fairs, within the plaza.

On and Off-Site Amenity Improvements to Hotel Drop-Off, Bus Station & Streetscape

- Better paving and pedestrian orientation of hotel drop-off area.
- Escalator/stair canopy from Bus/Metro Station.
- Paving coloration to differentiate bus and pedestrian circulation.
- New furniture and signage.
- New bike racks and a bike station.
- Consolidated newspaper boxes.
- New lighting and canopy ceilings.
- Possible artwork.

- (b) *The proposal conforms to the approved and adopted Master or Sector Plan or an Urban Renewal Plan approved under Chapter 56.*

Zoning and Land Use

The subject property is zoned CBD-3, which is recommended by the Sector Plan. All proposed uses are allowed in the CBD-3 Zone and the proposed commercial development is in keeping with the general guidelines to provide employment uses in the Metro Core District. Specifically, the Sector Plan recommends retail and service uses on the plaza, and the project proposes a floor of retail and restaurant use. Of course, the past problems with second floor retail (and lack of complementary uses within adjacent buildings) seem to make this alternative less promising on the upper stories. Because of numerous recommendations for increased office employment density in downtown Bethesda – both in the general goals and the Metro Core objectives outlined in the Sector Plan - the proposed offices are appropriate for the subject site.

Sector Plan Conformance

The Approved and Adopted Bethesda CBD Sector Plan is organized around several goals that the Project satisfies:

- Establishment of a vibrant and diverse downtown,
- Development by infill that complements the existing urban fabric,
- Development of a wide range of housing (n/a),
- Creation of employment opportunities,
- Creation of an appealing environment for working, shopping, and entertainment.
- Creation of a circulation patterns that encourage walking, cycling, and the use of mass transit.

The proposed development will help enhance the existing vibrancy and diversity of downtown and help expand the area that is currently enjoying such activity along Woodmont Avenue. This will be due to the increased foot traffic through the plaza and from the Metro Station as well as the increased number of activities in the plaza for residents, shoppers, and visitors. The infill development complements the existing urban fabric with regard to use and function.

While the proposed development does not offer new housing, it does help create a more diverse workforce and employment base in the area and will create a more appealing pedestrian environment in and around the plaza. Due to its location and the circulation system established by the placement of the arcade, doors, and elevators in relation to the surrounding sidewalks, trails, and transit centers, the proposed development will encourage employees and residents to walk, bike, or take transit to the site.

In accordance with the Sector Plan vision for the most intense density and highest buildings being located at the center of the Metro Core area, the proposed development is maximizing both density and height. Although below the density limit allowed in the CBD-3 zone, the project conforms to the recommended density of development of a 4 FAR for the area containing the Metro Center block, as discussed in detail in the Sector Plan Analysis section above. And in keeping with the urban context and similar building relationships throughout the CBD, the height and density are compatible with adjacent buildings and uses. As required by the zone, certain facilities and public amenities are provided to ensure that the area can support this intensity of development.

- (c) *Because of its location, size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.*

The location is optimal for as much intensity of use and density as are found to be compatible with the context, i.e., given the recommendations for the most density being located at the center of the Metro Core, the proposed development must be designed so as not to adversely affect adjacent buildings and uses. To this end, the architecture has been designed to contrast with the surrounding building types thereby providing interest and diversity, while being sensitive to the impacts on light and air to the Clark building and pedestrian spaces to the

north. Currently, the plaza has an overwhelming sense of scale and no visual edge to the north or east, which the proposed building ameliorates by increasing the sense of enclosure in keeping with the typical uses that will occur in the space. Outdoor rooms are like interior rooms and need walls to provide a psychological sense of security and comfort. As the Sector Plan says:

“Open spaces in an urban setting are defined by building edges: the taller the building edge within recommended limits, the stronger the sense of visual containment. Good spatial definition is important to achieving a comfortable sense of human scale and proportion.”

And because the footprint of the proposed building is virtually identical to the existing building's footprint, the proposal maintains the existing amount of open space, while it better defines that space and provides an edge to the Plaza. The enclosure provided by a taller building creates a better sense of scale for the plaza and will make it more amenable to a variety of activities. The activation of uses visible from the street and new, well-designed connections through the space will provide a variety of benefits to the neighborhood, such as providing a space for enjoying music, movies, and fairs and providing better signage and green space.

The operational characteristics will not change for loading, service vehicles, or auto and transit users, but will put more people in the plaza and on the sidewalks around the site. This will only enhance the viability of nearby retail, restaurant, and service-oriented businesses.

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

A draft traffic management agreement has been submitted by the Applicant and will be finalized during the preliminary plan amendment review process. Other public facilities exist on site and no expansion or renovation of these services will be required to be completed by the County. Further, requirements for public safety and fire will be minimally impacted due to the nature of the land use and the fact that on-site security will be used by the Applicant. As the traffic study has shown, the project does exceed the critical lane volumes at two intersections, but these will be addressed through the Local Area Transportation Review and the Policy Area Mobility Review to mitigate trips and make improvements as necessary at the time of review of the preliminary plan amendment.

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

A standard method project would only allow a 3 FAR for nonresidential projects on this site. Further, the requirement for public amenities would be removed and the public use space requirement would be reduced by one-half. Because infill development and density at transit hubs is a core value of smart growth and given the number and quality of public amenities

being proffered, the optional method of development is much more desirable and more efficient for this particular site.

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

The proposed development does require MPDUs because it does not provide any residential uses.

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

The proposed development is located on one existing lot and does not propose any open space or density transfers.

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

The project is exempt from the requirements of the forest conservation law.

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

The project is exempt from Chapter 19 water quality resources protection requirements.

RECOMMENDATION AND CONDITIONS

Approval of project plan 920070070 subject to the following conditions:

1. Development Ceiling

The proposed development is limited to an additional 235,371 square feet of gross floor area.

2. Building Height and Mass

The proposed development is limited to the building footprint as delineated in the project plan drawings submitted to MNCPPC dated January 17, 2008 unless modified at site plan review and to 200 feet in height as determined by the Department of Permitting Services approved building height measurement point.

3. TRANSPORTATION

- a. At the time of preliminary plan amendment, the Applicant must satisfy Local Area Transportation Review (LATR) by reconfiguring the right-turn lane on

westbound East-West Highway (MD 410) at its intersection with Wisconsin Avenue (MD 355) and Old Georgetown Road (MD 187) to provide for a combined right-turn and through lane. The Applicant must provide the associated changes to the curbs, signs, traffic signal installation, and pavement markings as required by the Maryland State Highway Administration (SHA) and the Montgomery County Department of Public Works and Transportation (DPWT). The Applicant must complete the proposed improvement and open it to traffic prior to release of any use and occupancy permit. If the improvement is not required to be completed by SHA at the time of building permit, the Applicant must provide funding for this improvement in a SHA "Intersection Capacity Improvements" project under its "Safety, Congestion Relief, Highway and Bridge Preservation Program" so it can be implemented when the increased traffic warrant its implementation.

- b. At the time of preliminary plan amendment, the Applicant must provide a draft Traffic Mitigation Agreement with the Planning Board and DPWT to satisfy the traffic mitigation requirements for the *Bethesda Central Business District (CBD) Sector Plan* by participating in the Bethesda Transportation Management Organization (TMO) in perpetuity. The Agreement must be signed and *executed by all parties prior to certification of the site plan*. A Trip Reduction Program may also satisfy a portion of the Policy Area Mobility Review (PAMR) by mitigating for 15 years a minimum of 30 new peak-hour trips within the weekday morning (6:30 to 9:30 a.m.) and evening (4:00 to 7:00 p.m.) Peak periods that are generated by the proposed commercial redevelopment. The draft Trip Reduction Program must identify the measures to reduce peak-hour vehicular trips and include them in the Traffic Mitigation Agreement. The measures must be feasible and agreed upon by Transportation Planning and DPWT.
- c. At the time of preliminary plan amendment, the Applicant must dedicate additional right-of-way for truncation at the corner of Wisconsin Avenue and Old Georgetown Road.
- d. At the time of preliminary plan amendment, the Applicant must dedicate and additional 2.5 more feet of right-of-way for the required 25 feet from the centerlines of North Lane and East Lane.
- e. The Applicant must provide the following pedestrian and transit improvements for the bus circulation, bus bay, and the Kiss-and-Ride areas at preliminary plan amendment:
 - i. Confirm and show on the plan the fact that no elevator access/egress is being proposed in the middle median on the bus circulation level.
 - ii. Show on the plan the crosswalk and handicapped ramps across Edgemoor Lane at the access points of the bus bays and the parking garage. Show on the plan clear delineation for pedestrians and motorists at these two adjacent access points.
 - iii. Ensure that the improvements in the bus circulation/bay areas and the Kiss-and-Ride area are consistent with WMATA's Station Site and Access Planning Manual, March 2007.
- f. The applicant must provide details for the following pedestrian and transit improvements at site plan amendment:

- i. Enhance lighting for the Kiss-and-Ride area to be consistent with the standards for these facilities, such as those outlined in Planning and Urban Design Standards, American Planning Association, 2006 (page 474) or in the Roadway Lighting Design Guide of the Association of American State Highway and Transportation Organization's (AASHTO).
- ii. Revitalize the bus bay area to be a pedestrian friendly environment and to enhance the area's aesthetics so that transit users feel safe and comfortable.
- iii. For the improvements above, continue to work with the Montgomery County Planning Department, DPWT, Division of Transit Services (Ride-On), WMATA, and the Bethesda Urban Partnership regarding all improvements to the bus circulation level.
- g. The Applicant should relocate the proposed bike racks in the redesigned plaza to be in a more visible and prominent area, and the alternate bike station should be on the Metrobus level near Edgemoor Lane. These identified new locations must be approved by Transportation Planning staff at the time of site plan amendment.

4. Public Use Space

- a. The Applicant must provide a minimum of 39% of the net lot area for on-site public use space and a minimum of 28% of the net lot area for on and off-site public amenity space. The final design and details will be determined during site plan review.
- b. The proposed public use space must be easily and readily accessible to the general public and available for public enjoyment.
- c. The Applicant must provide new plantings, water features, artwork, paving, and other features in general conformance with the illustrative landscape plan depicted in the staff report.
- d. The Applicant must present the plaza design and public artwork to the art review panel for comment prior to approval of the site plan amendment.

5. Staging of Amenity Features

- a. The proposed development will be completed in one phase. A detailed development program will be required prior to approval of the certified site plan.
- b. The Applicant must complete the on-site plaza improvements prior to issuance of use-and-occupancy permits unless modified by the site plan development program.
- c. The Applicant must install the landscaping no later than the next growing season after completion of the building and plaza.

6. Maintenance and Event Management Organization

Prior to issuance of use-and-occupancy permits, the Applicant will create and implement a program management schedule for events to be held at the on-site plaza and a maintenance plan for all on-site public use space unless an alternative arrangement is made with the Bethesda Urban Partnership (BUP) or another entity.

7. Coordination for Additional Approvals Required Prior to Preliminary Plan and Site Plan Approval

- a. The Applicant must obtain written approval from the Montgomery County Department of Transportation (DPT) and the BUP for the final design and extent of any and all streetscape improvements within the rights-of-way.
- b. The Applicant must obtain written approval of WMATA for all improvements to the bus facility.
- c. The Applicant must present preliminary and final public art and amenity concepts to the Art Review Panel prior to approval of the site plan amendment.

APPENDICES

Numerous legal filings and supporting documentation have been placed into the public and administrative record. These are available upon request for review at the M-NCPPC offices at 8787 Georgia Avenue in Silver Spring, Maryland.

Appendix A: Sector Plan Conformance – Citations & Maps

Appendix B: Excerpt from the 1976 Bethesda CBD Sector Plan

Appendix C: Public Correspondence Received

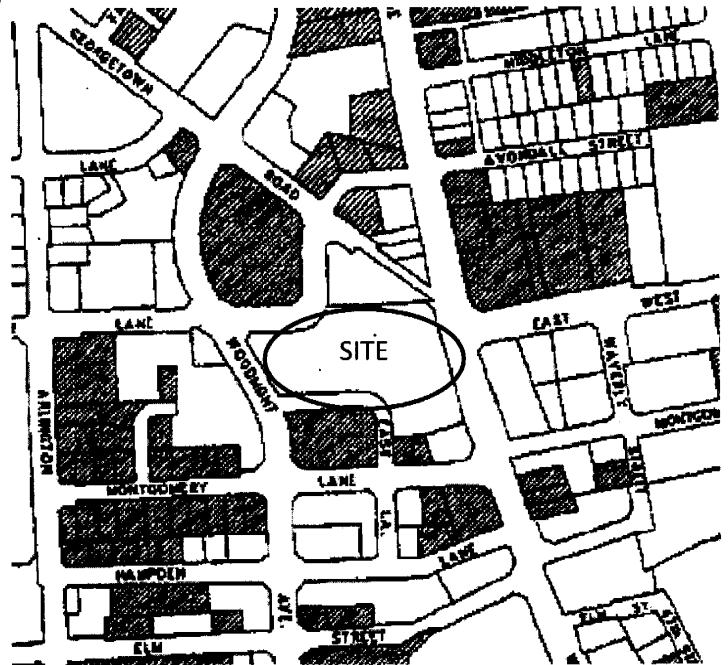
APPENDIX A

4 Bethesda Metro Center and Conformance with the Bethesda CBD Sector Plan

1. Maps

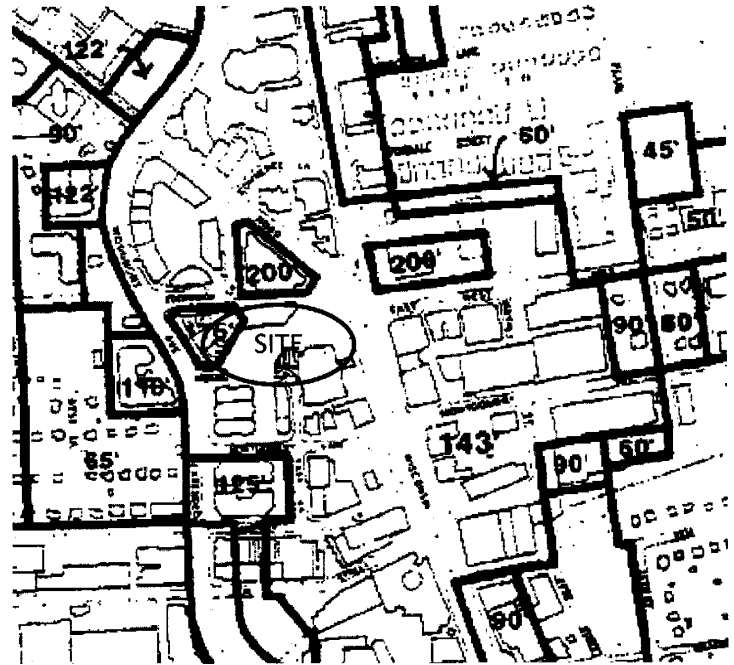
a. Redevelopment Potential, Figure 2.5, Page 24

- Site is not indicated as having redevelopment potential.
- Map is based on 1976 Sector Plan's recommended zoning. (page 23)
- "The criteria for determining redevelopment potential reflect both the technical standards of the zone and assumptions concerning decisions by property owners". (page 23)



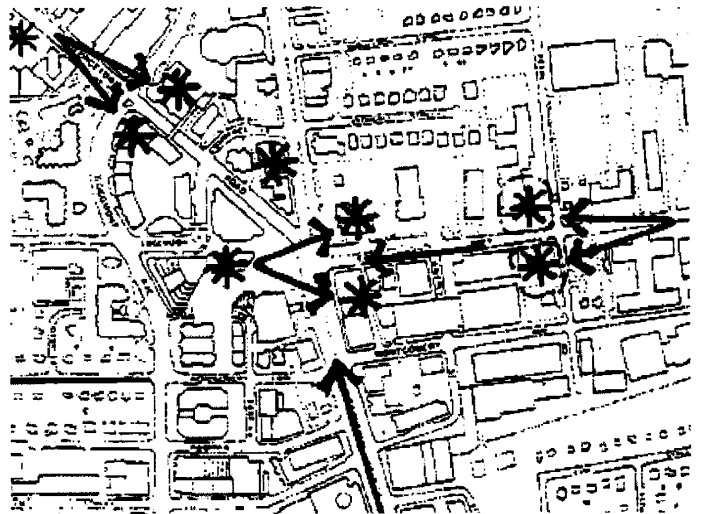
b. Building Height Limits, Figure 3.2, Page 39

- Footprint of existing Food Court is within 143' limit.
- Adjacent buildings are limited to 200', 175', and 143'.
- A staff report, dated August 29, 1988, for an amendment to Bethesda Metro Center (819880450) recommended the approval of a plan with 195' indicating that a 200' height was earlier, "Approved by the Planning Board as not adversely affecting surrounding properties."
- Newland's Building is 200' from Montgomery Avenue (scaled from Pictometry).
- Original Newland's approval stated that, "Since the Lorenz [Newland's] Building has been designed to continue the 'cornice' line set by Bethesda Metro Center, which measured its 140' from a higher point on Woodmont Avenue, the staff believes that this variation is acceptable under the guidance of the Sector Plan". Both Buildings have since been built basically to the maximum allowed by the development standards.
- Development standard: 200' maximum height, "If approved by the Planning Board in the process of site plan ... as not adversely affecting surrounding properties."
- The map is generally contradicted by other statements in the Sector Plan, such as "The major center has developed at [the Metro Center] where the Metro station and the tallest buildings are found". (page 37)



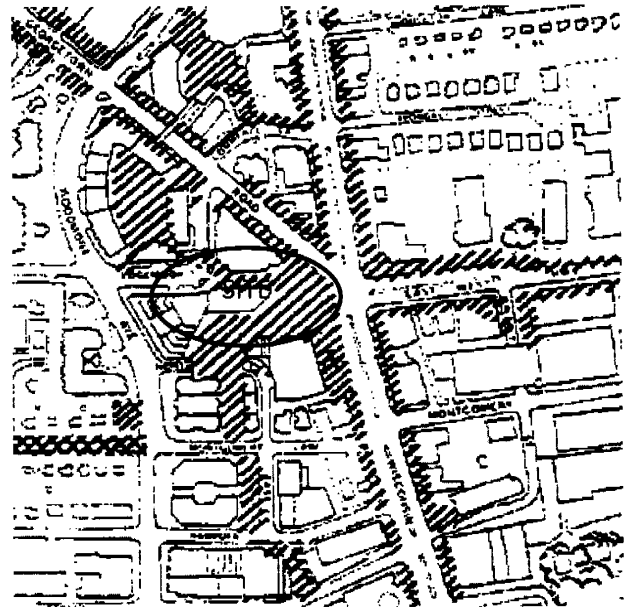
c. Views and Focal Points, Figure 3.3, Page 41

- Food Court building is indicated as a Primary Focal Point with views towards and away from plaza area.
- “Strengthen the existing urban form by improving and reinforcing the districts and transitional areas, open space and gathering places, landmarks and focal points”. (page 36)
- “Design new buildings that respond to views and vistas within the CBD to create focal points and landmarks that improve the orientation and strengthen the perception of existing centers”. (page 40)



d. Open Space Concept, Figure 3.5, Page 45

- Urban open space is indicated around entire footprint of the Food Court building and the existing plaza between the Metro Center buildings.
- Food Court building is not indicated as part of the open space plan nor as part of the plaza.
- Plan preserves open space in a virtually identical area.
- “Open spaces in an urban setting are defined by building edges: the taller the building edge within recommended limits, the stronger the sense of visual containment. Good spatial definition is important to achieving a comfortable sense of human scale and proportion”. (page 47)



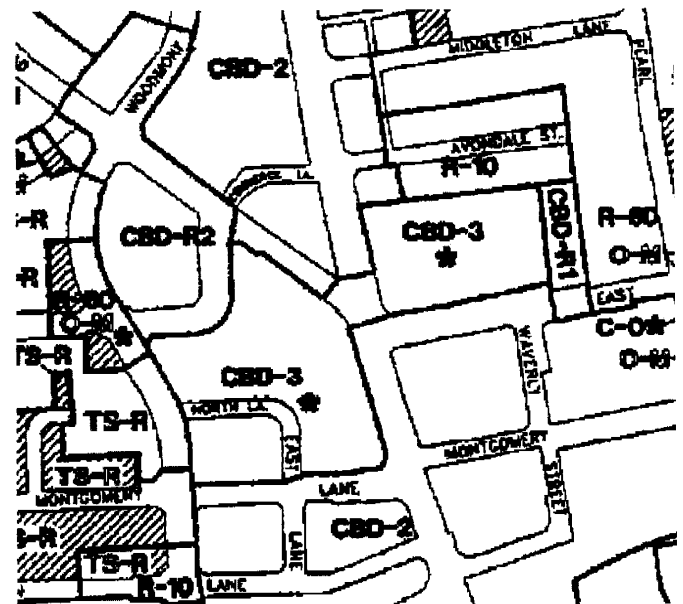
e. Pathways and Places, Figure 3.7, Page 48

- Site is indicated as the Major Destination in the CBD with the Discovery Trail running through the site and Primary Pedestrian and Vehicular routes surrounding the site.
- The Discovery Trail currently has no signage or indication of its existence.
- The surrounding sidewalks to the east, north, and west have little retail or service activation – this is an office-oriented place.



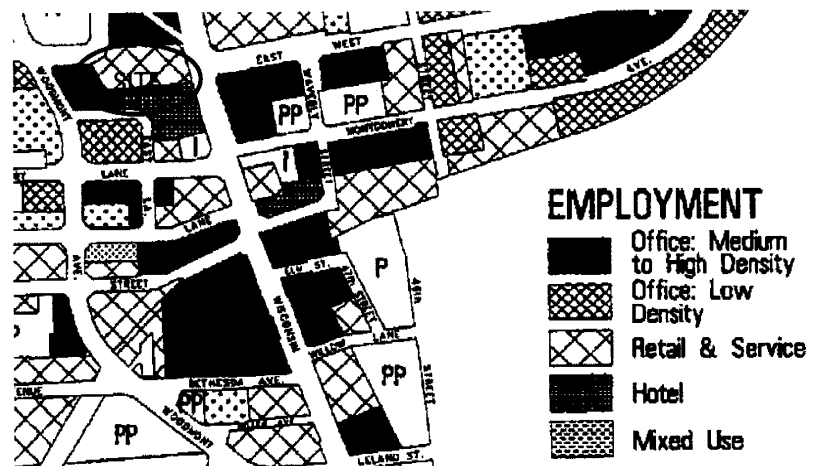
f. Zoning Plan, Figure 4.3, Page 54

- Site is recommended CBD-3, with density limits.
- “In the block containing the Metro Center, individual properties should be permitted to develop under the CBD-3 optional method, provided that the overall density of the area retains an average of 4 FAR, including streets, open space, and public facilities.” (page 61)
- “The Metro Core District should be ‘infill’ in nature.... Reinforce Metro Center as the focus of urban activity. Maintain a compact development with the tallest buildings concentrated in the center.” (page 61)



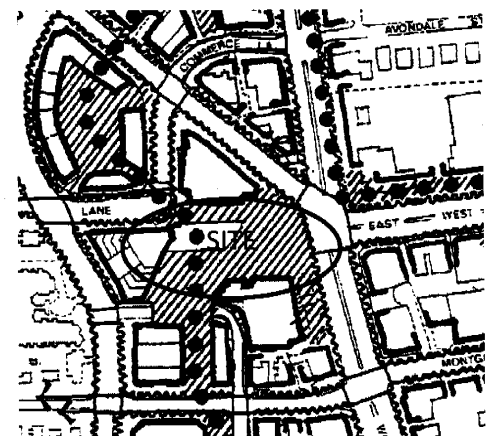
g. Metro Core District: Future Land Use, Figure 4.5, Page 59

- Area covering Food Court footprint and surrounding sidewalks is indicated as “Retail & Service”. No “Open Space” is indicated on map, although it is listed in the key. The map actually connects the “Office: Medium to High Density” area to the “Hotel” area.
- “The land use recommendations for the Metro Core District emphasize employment land uses.” (page 58)
- “Locate additional stores within the inner plaza areas that have good street visibility or connect with other retail space to form a continuous line of retail uses to help animate the plaza.” (page 63)
- The “Retail and Service” category is characterized as including, “retail or service businesses on the ground floor of a building with less than 2 FAR up to three floors.” (page 55)



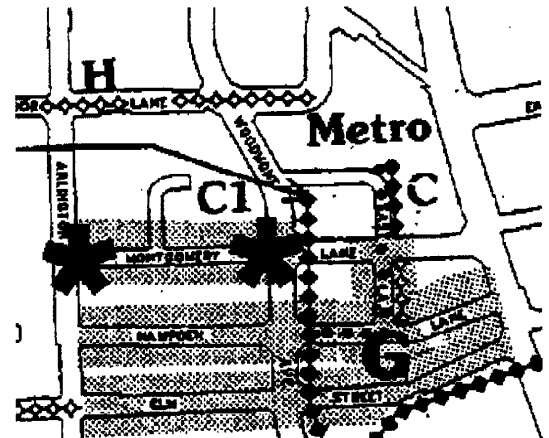
h. Metro Core District: Urban Design Guidelines, Figure 4.7, Page 62

- Site is indicated as primarily open space with well defined building lines, but the Food Court does not seem to be considered a definitive building edge. Neither is it within the symbolized open space. The discovery trail moves directly through the Food Court – maybe an interesting idea for the building: an art walk/arcade through the first floor! (See attached sketch.) Primary Pedestrian Paths surround the property.
- The proposal maintains open space, office building footprints, and creates a space-making edge with the old Food Court footprint; the Discovery Trail will be enhanced, signed, and enlivened; the plaza will become greener, more colorful, and more useful/productive with an active amenities program; the sidewalks will be enhanced as will the bus terminal.



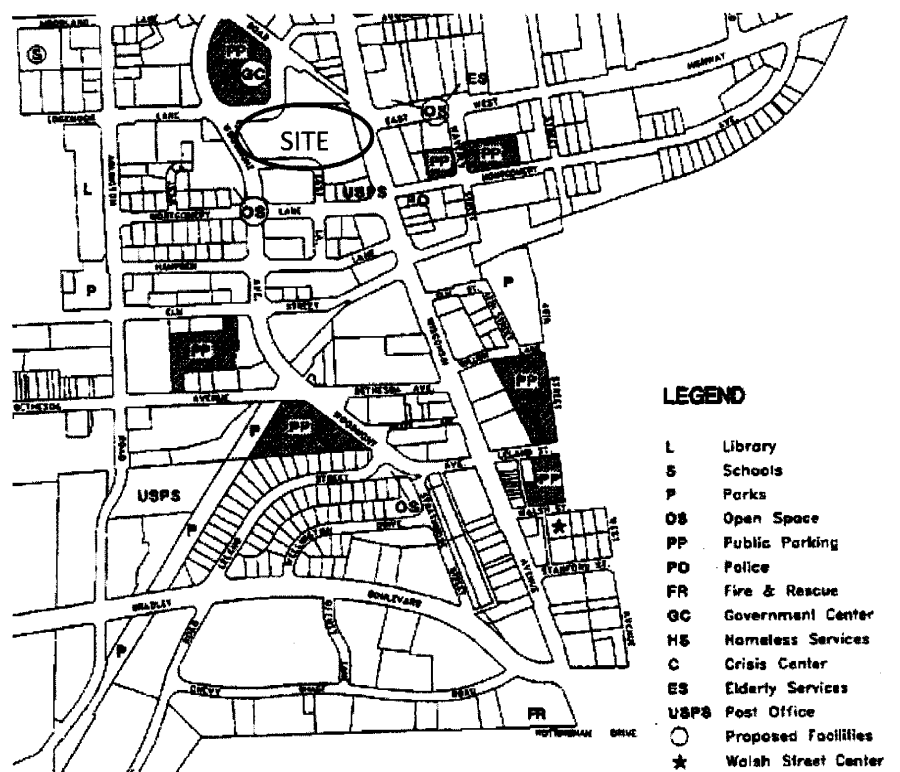
i. Bicycle Network Plan, Figure 5.5, Page 158

- Site maintains Class 2 bike route and pedestrian route to Metro on Edgemoor Lane.
- East Lane will be maintained as a “Biker Friendly Area”.



j. Existing and Proposed Community Facilities Map, Figure 8.1, Page 216

- Site is not indicated as “Open Space”, “Park”, or any other type of community facility.



2. General Sector Plan Goals (pages 3-4)

a. Downtown

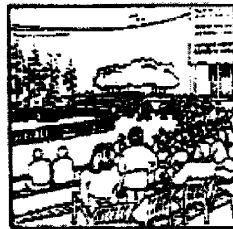
Realize the vision of Bethesda as a diverse and lively downtown for Bethesda-Chevy Chase. Continue well-designed redevelopment within the Metro Core and reinforce the physical character and varied activities of districts radiating out from the Core so that each district has a distinct identity yet is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

- “Approve optional method projects that provide or contribute to public benefits such as cultural facilities, open spaces, or other public gathering places identified in the plan.” (page 29)

b. Urban Form

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

- “Encourage new development and redevelopment that follows the guidelines for urban form, open space, streets, and pathways.” (page 28)
- “Achieve an infill character for new development by dividing large projects into several buildings, which will achieve an urban form with a “fine grain” versus a “course grain” created by larger single structures.” (page 40)
- “Treat rooftops as sculptural elements that contribute to the visual interest of the skyline.” (page 40)
- “Allow a diversity of architectural styles that achieve good building proportions, reduce the sense of bulk, and maintain human scale. Clearly identify the building entrance in the façade design and locate it a street level.” (page 40)
- “Locate open space in a manner that achieves easy access and good visibility from the street so that open space is perceived as public.” (page 47)



A. GENERAL OBJECTIVES

1. Strengthen the existing urban form by improving and reinforcing the districts and transitional areas, open spaces and gathering places, landmarks and focal points.



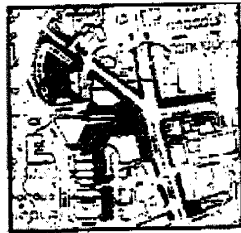
2. Reinforce Bethesda's sense of community by encouraging attractive environments that refer to Bethesda's cultural heritage and emphasize the more recent design themes of Bethesda as a “garden” and a “cultural district.” Encourage use of local building materials, such as the Bethesda stone.



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



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



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



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

- “Design buildings to avoid undesirable environmental impacts on adjacent open spaces and other properties.” (page 47)
- “Locate street level, activating uses such as storefront retail, restaurants, or office building entrances next to existing and future open spaces to encourage use.” (page 47)

c. Housing and Neighborhoods

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

- “Create opportunities to build a sense of neighborhood through providing community facilities and public meeting spaces in new development, where people can gather.” (page 31)

d. Employment

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

- “There are numerous benefits to continuing employment growth in Bethesda. Jobs with Metro access will be available to a wider pool of employees, making efficient use of a multi-billion dollar transit system, while decreasing traffic congestion and air pollution from drive-alone commuters.” (page 27)
- “Encourage street oriented retail where it would extend the existing retail environment, particularly along the Wisconsin Avenue Corridor. Retail space is not supported in parts of buildings with low visibility and is not needed in all new projects.” (page 32)
- “Locate retail directory maps for each district at key locations, such as the Metro station, public garages, and other gathering spaces.” (page 33)

e. Community Character

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

- “Support optional method amenities that strengthen the cultural resources of Bethesda, both historic and arts-related and that may well serve as anchor activity centers.” (Page 36)
- “Explore a range of other incentives to encourage the provision of cultural facilities and activities. For example, a review of the zoning ordinance requirements for optional method amenities may yield creative new possibilities to encourage cultural features.” (page 36)

f. Circulation

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

3. Metro Core Recommendations

OBJECTIVES

1. Strengthen the Metro Core as the center of Bethesda, with greatest emphasis on and around the Metro Center and plaza.
2. Increase the choices and activities in the Metro Core associated with retail, restaurants, cultural programming, open space, and pathways.
3. Develop a compact core that places the highest intensity in the center, provides distinctive infill buildings, and steps down to lower densities and heights near the edge of the district.
4. Emphasize employment near Metro transit to complete Metro Core development.

a. Land Use

- “Concentrate high-density office development in the Metro Core and allow lower-density infill development along with housing in other districts.” (page 27)
- “Encourage primarily office development in the Metro Core to maximize the number of jobs created.” (page 27)
- “Focus the highest densities within the Metro Core District to achieve a tightly configured center....” (page 40)
- “The Metro Core District should be ‘infill’ in nature and all development should follow the general Sector Plan urban design objectives and principles....” (page 61)

b. Urban Design

- “Step down building heights from the Bethesda Metro Center properties to achieve desirable and compatible transitions to adjacent areas.” (page 40)
- “The Metro Core District, consistent with adopted planning principles, has the tallest buildings. Building heights step down from the 200-foot Clark Building to the surrounding 143-foot heights allowed in the CBD-2 Zone.” (page 57)

4. Block & Site Recommendations

- a. Locate additional stores within the inner plaza areas that have good street visibility or connect with other retail space to form a continuous line of retail uses to help animate the plaza areas.
 - b. Remove existing physical barriers to pedestrian circulation and retail visibility, especially within the inner plaza. Increase outdoor seating.
 - c. Improve visibility of the existing food court by modifying building entrances, facade treatments, and lighting in a manner compatible with the surrounding buildings.
 - d. Improve the overall attractiveness of the Main Plaza by retrofitting the existing sculpture at the Metro escalator, "Rainbow Forest," to achieve a more colorful and kinetic piece.
 - e. Add more greenery and seasonal flowers to the area around the Metro fountain and seating areas on the main plaza in a manner that does not restrict visibility to retail areas or the food court.
- a. "The Plan recommends that conversion of poorly located retail space in the interior of Metro Center 3, to office uses be considered in exchange for various recommended improvements. Additional improvements to the existing Metro Center could help achieve a greater focus of activities, a better sense of community, and a more attractive open space." (page 61)

APPENDIX B

CORE AREA PLAN

The Core Area (see Figure 13) extends from Cheltenham Drive on the north to Bethesda Avenue/Willow Lane on the south; it is bounded on the west by Woodmont Avenue and extends to the east CBD boundary. The Core includes the METRO Center, which is recommended for CBD-3 zoning, and also embraces all of the area proposed for CBD-2 zoning. The need to expand business space has become characteristic of the growing economy in Bethesda, as well as that of other suburban business centers. How to accommodate this growth efficiently, gracefully, and with concern for human values is the challenge which the urban design element of this Sector Plan proposes to resolve.

The urban design plan for the Bethesda Core Area places great emphasis on the sensitive design of building elements and the linkages between them, the open space around buildings, and the network of pedestrian facilities which provides access to the various elements within the Core. In essence, the design plan relates users and activities to one another within the urban setting which surrounds them.

- METRO Center

The METRO Center, an area of approximately 5.95 acres, is bounded by Woodmont Avenue, Montgomery Lane, Wisconsin Avenue, and Edgemoor Lane relocated. The CBD-3 zoning recommended for the METRO Center encourages highest densities at the point of greatest accessibility. The surface area to be acquired by WMATA for the transit station site is approximately 2.76 acres in size and extends south from the present line of Edgemoor Lane to North Lane and the post office and between Wisconsin Avenue and a line slightly to the east of the proposed Woodmont Avenue extension. The remainder of the Core Area is indicated for the lesser intensity allowed under the CBD-2 Zone.

Montgomery County owns a portion of the property in the METRO Center. It is one of the major objectives of the County Council to encourage and to attempt to achieve coordinated intensive development of that strategic space, with public or private uses in any combination. The County Government has indicated willingness to cooperate in an effort to secure land that will result in attractive and profitable development for that area.

The illustrative urban design scheme depicted for the CBD-3 area in this Sector Plan (see Figure 14) will achieve a reasonably compact development, yet will provide for a generous amount of public amenity open space (approximately 55 percent). The illustrative urban design scheme produces a floor area ratio (FAR) of about 3.6. When considering the area as a whole, this is a logical average density, whether publicly or privately developed. In the absence of complete assembly by the County, individual properties should be permitted to develop under the CBD-3 Optional Development Method, provided that the overall density of the area is kept to an average FAR 4, including streets, open space, and public facilities.

Adequate open space in urban areas is a crucial factor in facilitating the interrelationships of people to people, people to natural environment, and people to man-made environment. These relationships should be accomplished with grace, dignity, and a minimum of stress.

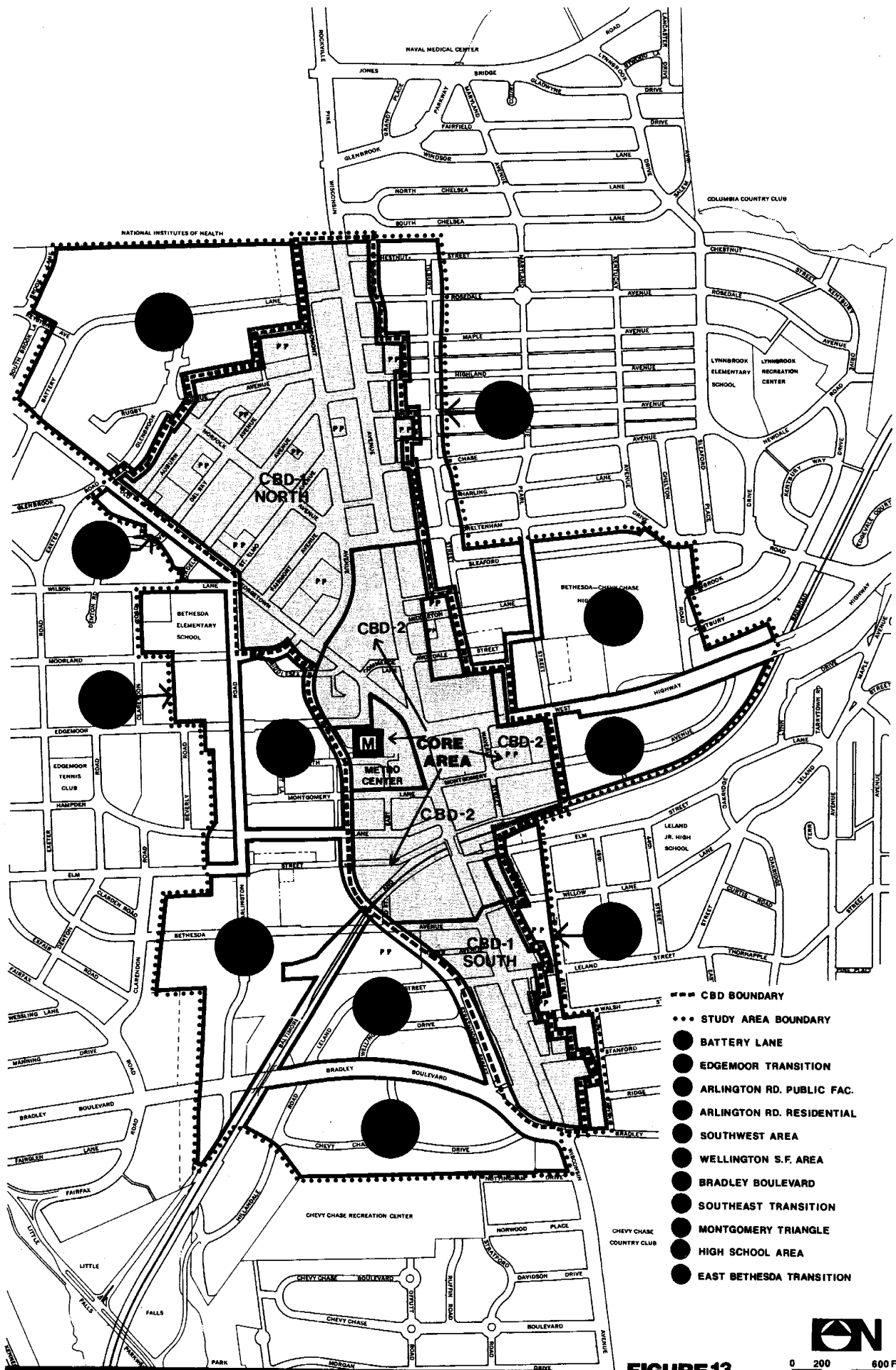
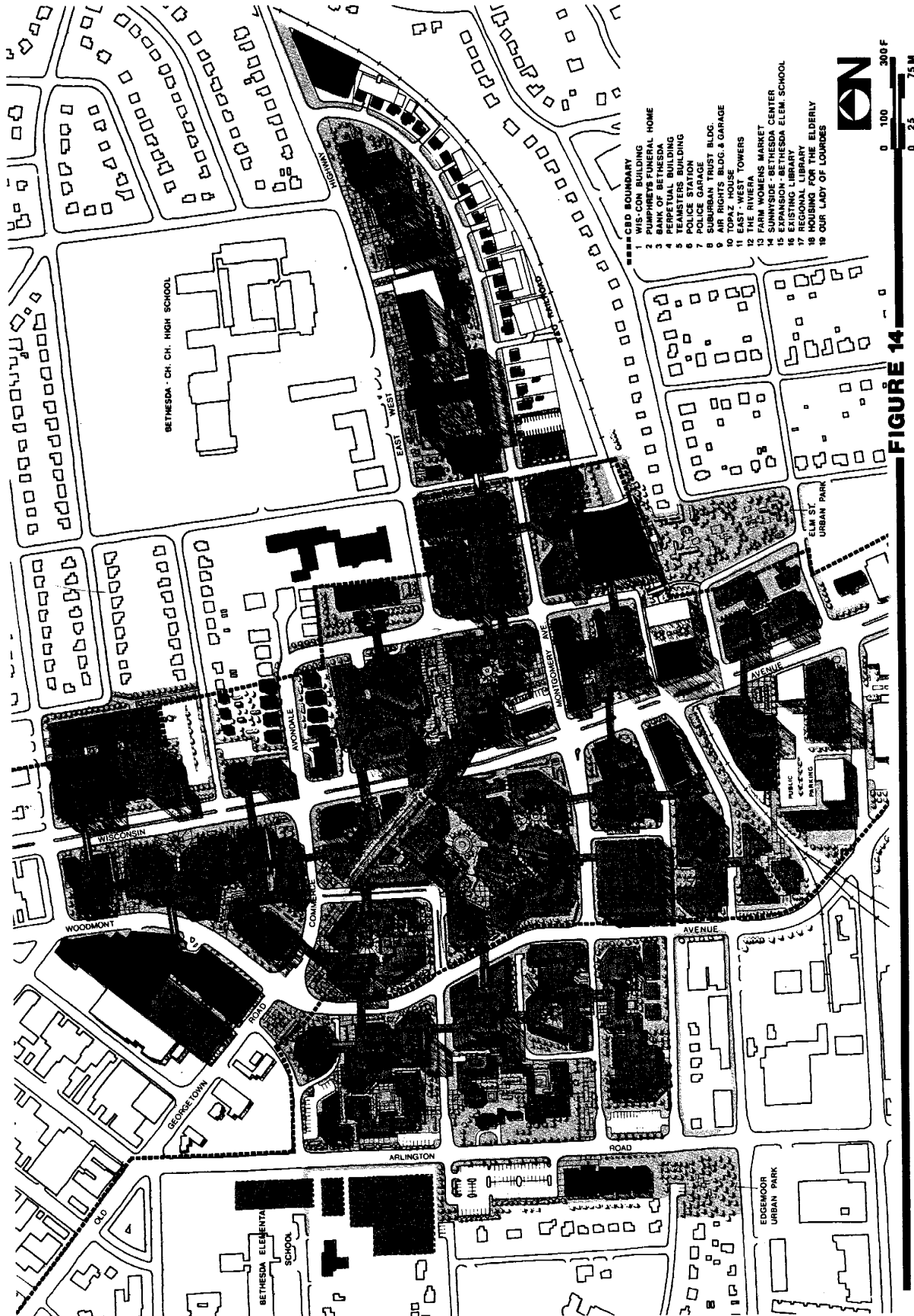


FIGURE 13 0 200 600 F
0 50 150 M

BETHESDA CBD

Analysis Areas



Improvement of the man/nature relationship demands a concerted effort to provide settings in which man can enjoy sky, sun, trees, grass, and water at a human scale. Urban spaces must be carefully designed to include elements of water and natural vegetation as a relief from the visual impact of concrete, brick, and stone. The improved relationship of man to the built-up environment depends heavily on the variety and richness of urban spaces provided. Movement through the major public spaces should be enhanced by a sense of surprise and discovery as narrower, intimate areas open up into spacious plazas of varying sizes and shapes. These plazas or "town squares" can create natural meeting places and can provide opportunity for public attractions, such as concerts, folk dances, fashion shows, and art exhibits.

Finally, the public spaces must be "people spaces," imaginatively designed to induce activities that will generate increased human interaction. Overhead weather protection, attractive directional signing, lighting, planting, paving, street furniture, and fountains are some of the amenities necessary to enliven these public spaces and attract people to the Core Area.

- Core Area Land Uses

In order to ensure an exciting, animated, "24-hour" CBD Core Area, it is the intent of the Sector Plan to encourage the development of an intense mix of urban elements and uses in a relatively small area.

In addition to the convenience retail and service shops normally required to serve office employees and residents, the Core should provide establishments, such as cafes, theatres, restaurants, a 24-hour drug store, private health or athletic clubs, and exhibition halls, to preserve life and vitality during evening hours. Some such facilities must be situated in proximity to the METRO portal to serve late evening travelers and give them a sense of activity and security.

It is further the intent of the Sector Plan to attract joint public/private financing of the major urban elements, such as air rights development over the WMATA facilities and overhead pedestrian crossings, as illustrated on Figure 14. The Plan will encourage retail and entertainment facilities largely at the ground level of selected major developments. These developments will generally occur in strategic locations in the various plazas located throughout the Core. The office functions will occur on the intermediate levels of the major buildings. Residential or hotel-motel facilities can then develop on the higher levels of major buildings, with rooftops devoted to recreation space for tenants and/or residents.

- Pedestrian Circulation in the Core Area

At a time when pollution, congestion, and lack of fuel are fast reducing the potential of the individual to drive into and around urban areas, the pedestrian circulation system is emerging as a vital element of any central business district plan. Even in areas dominated by the automobile, each trip by car or mass transit begins or ends as a pedestrian trip.

APPENDIX C



Tom Wolf
General Manager

Hyatt Regency Bethesda
One Bethesda Metro Center
Bethesda, MD 20814 USA

Tel: 301.657.6441
Fax: 301.657.6440

September 21, 2007

Chairman Royce Hanson
The Maryland-National Capital Park and Planning Commission
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Chairman Hanson,

I understand that the "4 Bethesda Metro Center" project may be facing some opposition. Respectfully, I would like to contribute the following comments:

- Hotel environment – The project plans include improvements to the bus station which is presently in very poor condition and not consistent with community standards or sites where Hyatt is typically located. For many visitors it is the first and last impression of Bethesda and it's a very poor impression. Guests of the hotel make use of the bus station or pass through it to access the trains for trips to DC and National airport. The new building will also add up to a 1,000 new employees on the site and additional retail spaces on the plaza level enlivening the plaza and improving the environment surrounding the hotel.
- The new project will be located right at the Metro station and immediately adjacent to the Hyatt hotel and embraces the principles of smart growth, creating density at transit nodes and reducing dependence on the car.
- Benefits hotel business – an additional 290,000 GSF office building will generate increased demand for hotel services via conference facilities, restaurants and rooms. This in turn, will help offset some

of the NIH business, which has migrated to the Marriott Bethesda North Conference Center.

- The developer has successfully upgraded the existing plaza, by replacing two failing restaurants on the site with highly successful operations by Morton's and the Daily Grill and should be encouraged in this new project.

Chairman Hanson, for these reasons, the Hyatt Regency Bethesda would formally like to express our support of this initiative.

Thank you in advance for your positive consideration.

Yours truly,

(original signed)

Tom Wolf
General Manager

WASHINGTON SMART GROWTH ALLIANCE

July 16, 2007

Mr. David Cheek
The Meridian Group
3 Bethesda Metro Center, Ste. 610
Bethesda, Maryland 20814

RE: 4 Bethesda Metro Center – Smart Growth Recognition

Dear Mr. Cheek:

We are pleased to inform you that the Smart Growth Alliance's Project Recognition Jury has recognized 4 Bethesda Metro Center as a Smart Growth Project Proposal.

The Smart Growth Alliance (SGA) is a partnership of the Urban Land Institute Washington, the Chesapeake Bay Foundation, the Greater Washington Board of Trade, the Coalition for Smarter Growth, the Metropolitan Washington Builders' Council and Enterprise Community Partners. SGA's mission is to research, identify and encourage land use, development and transportation policies and practices that protect environmental assets and enhance our region's quality of life. SGA's Recognition Program distinguishes development proposals that exemplify smart growth characteristics. Please note that this recognition comes solely from the Smart Growth Alliance, and should not be construed or communicated as coming from any of the six organizations individually.

ALLIANCE PARTNERS

Chesapeake Bay
Foundation

Coalition for
Smarter Growth

Enterprise Community
Partners

Greater Washington
Board of Trade

Metropolitan Washington
Builders' Council

Urban Land Institute
Washington

The Alliance's Recognition Program evaluation criteria include project location, mobility and accessibility, density, design, diversity of uses, affordable housing, the environment, community assets, and public participation. The Recognition Jury meets quarterly to evaluate and select proposals that best meet the criteria.

The jury met on July 12, 2007 to review a number of projects including 4 Bethesda Metro Center. The jury carefully analyzed each project on the basis of specific information submitted with the application as well as independent research. Applying all of the SGA criteria, the jury agreed to recognize your project as a Smart Growth Project Proposal. The jury was pleased to see that the project will provide increased density where it is most appropriate and that the transit-oriented design will enhance the pedestrian environment for transit riders and members of the public. The proposed mix of office and retail uses for the project will complement existing residential and hotel uses in the area, and the unique design of the building will contribute to the sense of place and help make Bethesda Metro Center a recognized and desirable destination. The jury also viewed the commitment to obtain LEED certification very favorably.

July 16, 2007
Page Two

The jury recognizes a project proposal based on the project's design as of the time of the jury's review and based on the information available to the jury at the time of review. The jury reserves the right to modify or revoke its recognition if the project changes so significantly that it no longer meets one or more of the SGA criteria. For projects at an early development approval stage, we encourage work by the developer and the public authorities to fully utilize the Smart Growth Recognition Program criteria as such design details are finalized.

We consider this letter confidential, and will not share it with anyone without your approval. You may, however, use this letter as you choose. If we can provide more support, such as by submitting comments to any of the public reviewing bodies, we would be glad to do so.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah A. Miness". The signature is fluid and cursive, with the first name being more prominent.

Deborah A. Miness
Executive Director
Washington Smart Growth Alliance



THE STEAKHOUSE.

RECEIVED
1244
OCT 15 2007

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

October 11, 2007

Chairman Royce Hanson
The Maryland-National Capital Park and Planning Commission
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Re: 4 Bethesda Metro Center

Dear Mr Hanson:

Morton's opened its Bethesda location in January of 2005, replacing a failed restaurant on the Wisconsin Avenue façade of the Hyatt Regency at Bethesda Metro Center. Unlike our predecessor, our operation is successful and has become a great amenity for the hotel and the patrons drawn from the neighboring businesses.

The Meridian Group is planning to develop a striking sixteen-story high rise office building on the footprint of the present 3 story brown glass building that formerly housed a failing food court and some office space at Bethesda Metro Center. Morton's welcomes the new development as an opportunity to deliver a new focal point at the heart of the town, which will revitalize the plaza and, with up to 1,000 new employees on site, support local businesses.

The project makes good sense from many perspectives: it will replace a tired structure on the plaza, it is located on the Metro which will increase ridership and mitigate traffic congestion, it is located next to the Hyatt hotel where tenants and their clients can walk to conference facilities, restaurants and hotel rooms and the developer has committed to making changes to the dilapidated bus station.

In addition, the Meridian Group has proposed that the building be constructed to LEED Silver standards, meeting those requirements for recycling, energy efficiency and other environmental goals. It is hard to imagine a project more in keeping with the County's goals of Smart Growth than 4 Bethesda Metro Center. We ask that you approve the project

Sincerely,

Ned Mirkovic
General Manager
Morton's the Steakhouse Bethesda

One Bethesda Metro Center
7400 Wisconsin Ave. • Bethesda, Maryland 20814

Phone: (301) 657-2650 • Fax: (301) 657-3677 • www.mortons.com

Action Committee for Transit

www.actfortransit.org

P.O. Box 7074, Silver Spring, MD 20907

October 3, 2007

Mr. Royce Hanson, Chair
Montgomery County Planning Board
8787 Georgia Ave.
Silver Spring, MD 20910

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OCT 04 2007

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

Subject: 4 Bethesda Metro Center

Dear Mr. Hanson:

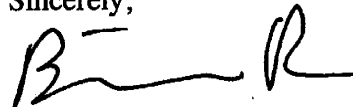
The Action Committee for Transit strongly endorses the proposed replacement of the empty food court above the Bethesda Metro with an office building. The proposed building is ideally located directly above the Metro, and it will make possible a badly needed upgrade of the station's heavily used bus terminal.

This project has a significance that goes beyond its own merits. In several ways, it exemplifies the directions that the Planning Board has outlined in its Growth Policy recommendations to the County Council:

- **Sustainability** - No new impervious surface and no new parking.
- **Urban design** - By creating a more appealing gateway to Bethesda for the thousands of commuters, shoppers, diners, and visitors who arrive daily by transit, it will help overcome the design mistakes that have driven activity away from the core of the CBD toward the Woodmont Triangle and Bethesda Row.
- **Modal balance in transportation** - Developer-funded capital improvements to the county's transportation network have been skewed overwhelmingly to roads rather than transit; this project begins to right the balance.

The growth of Metro commuting to jobs in Montgomery County is one of the few bright spots in our transportation picture. Over the last 12 years, the number of commuters arriving at Bethesda Metro during the morning rush hour has grown by 68%. Four Bethesda Metro Center would do much to continue this trend; it deserves your approval.

Sincerely,



Ben Ross
Vice President

 **COPY**



October 30, 2007

The Honorable Royce Hanson
Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Re: 4 Bethesda Metro Center Development – Project Plan No. 91992004B

Dear Chairman Hanson:

Thank you for the opportunity to comment on the 4 Bethesda Metro Center application. The staff of the Washington Metropolitan Area Transit Authority (WMATA) supports the Meridian Group's site plan amendment for 4 Bethesda Metro Center, which is pending approval by the Montgomery County Planning Board. WMATA transit stations represent unique development opportunities to incorporate transit-oriented development (TOD) principles. WMATA is interested in maximizing the development potential of properties at Metro stations, promoting Metro ridership and finding creative ways to improve our Metro stations. In that context, we are pleased to provide the following comments for your consideration.

4 Bethesda Metro Center will utilize the air rights above the existing food court in the central plaza of the Bethesda Metro Center complex, including a 250,000 square foot; 16-story office structure with retail/restaurant utilizing existing underground parking. In addition, ~~the proposed development~~ includes improvements to the outdoor plaza and to the Metro bus facilities below the plaza. This project adheres to many smart growth principles such as reducing auto dependency, fostering a pedestrian oriented walkable environment and creating active public spaces in an environmentally sensitive way. The 4 Bethesda Metro Center project is consistent with WMATA's goals of promoting TOD at our station and maximizing the investment in transit that has been made.

**Washington
Metropolitan Area
Transit Authority**

600 Fifth Street, NW
Washington, DC 20001
202/962-1234

By Metrorail:
Judiciary Square—
Red Line
Gallery Place-Chinatown—
Red, Green &
Yellow Lines

By Metrobus:
Routes D6, P6, B0, X2

A District of Columbia,
Maryland and Virginia
Transit Partnership

Mr. Royce Hanson
Page 2

The Metropolitan Washington Council of government forecasts that 1.9 million people and 1.3 million jobs will be added to the region between 2002 and 2030. An important component of addressing the forecasted growth is to focus jobs and housing around Metrorail stations where infrastructure exists. WMATA is committed to its Joint Development program as a tool to address the influx of jobs and people that will come to the region in the next 20 years. The proposed 4 Bethesda Metro Center project, would accomplish these objectives by continuing to focus jobs where there is direct access to the Bethesda Metrorail station.

In addition to these Smart Growth objectives, from a transit ridership standpoint, the Bethesda station is a great example of places where we should be continuing to focus development. Providing commercial space outside the downtown core offers opportunities to 1) increase reverse commuting on Metrorail, which better utilizes existing underutilized rail capacity in a non-peak direction, and 2) mitigate crowding issues in the peak direction since some riders would exit to jobs before reaching the downtown core.

The project also provides a great opportunity to improve the physical facilities of the Metro station at no public cost. Specifically, the Meridian Group proposes to invest \$2 million in improvements to the existing bus facility. The bus service area is the gateway to Bethesda for people taking transit. Being designed when the system was in its infancy, this facility is in need of improvement. Improvements would be expensive and WMATA does not have the resources to make them. The Meridian Group's proposal includes improved lighting, special paving for pedestrian and rider waiting areas, architectural elements to enhance the station appearance, unified signage and wayfinding features, better street furniture, improved bicycle storage features and regular maintenance for the area. This investment supports WMATA's commitment to improve our facilities to provide high-quality transit service for our current and future riders.

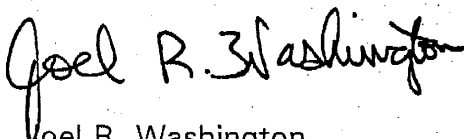
Mr. Royce Hanson

Page 2

In conclusion, WMATA supports maximizing the use of our land resources by placing development where it can be best served by transit while providing an economic return to help us achieve our overall mission.

The proposed 4 Bethesda Metro Center project accomplishes these objectives as well as offering several other important benefits including attracting new transit riders while continuing to maximize the impact and benefit of the transit investment that has been made. We appreciate the opportunity to comment on this proposed development. If we can provide any additional information regarding this project, please do not hesitate to contact me at 202-962-2616.

Sincerely,

A handwritten signature in black ink that reads "Joel R. Washington". The signature is written in a cursive, flowing style.

Joel R. Washington

Director of Station Area Planning and Asset Management
Department of Planning and Joint Development

Post-It® Fax Note	7671	Date	5/9/05	# of pages	1
To	Bob Metz	From	GARY EDERNICK		
Co./Dept.		Co.			
Phone #		Phone #	240-777-7154		
Fax #	301-654-2101	Fax #			



COUNTY EXECUTIVE

David Cheek

Douglas M. Duncan
County Executive

Bruce Romer
Chief Administrative Officer

May 4, 2005

Mr. Gary Malasky, Director
Property Development and Management
Washington Metropolitan Area Transit Authority
600 Fifth Street, N.W.
Washington, DC 20001

Dear Mr. Malasky:

This letter is to support the sale by the Washington Metropolitan Area Transit Authority of a fee simple interest in a portion of WMATA's property at the Bethesda Metro Center to the current tenant under the existing ground lease. I understand that the tenant has reached an agreement with WMATA on business terms to purchase in fee a portion of the property without any reduction in the ground rent for the duration of the lease.

The tenant is using this part of the site as a food court but has plans to develop a 192-unit condominium residential building. This proposal for high-density residential units at the Bethesda Metro Station is an excellent example of smart growth and is consistent with the County's goal of providing residential units at Metrorail stations.

We continue to support the joint development and smart growth efforts of WMATA and look forward to working together on this and other proposals that promote our mutual goals. If you have any questions or need additional information, please do not hesitate to contact me at 240-777-2513.

Sincerely,

Jerry Pasternak
Special Assistant to the County Executive

cc: Gordon Linton, Metro Board Member
Robert Smith, Metro Board Member





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07-1574
DEC 24 2007

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

December 20, 2007

The Honorable Royce Hanson
Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Chairman Hanson:

I am writing you to add some information regarding the 4 Bethesda Metro Center Project that I did not include in my letter to you of October 30th. It has been brought to my attention that, while clearly laying out the grounds for WMATA staff support for the project, my October 30th letter neglected to describe the status of the project at WMATA in procedural terms. I would like to provide this information now so that you and MNCPPC staff are fully informed of the steps that remain from a WMATA decision-making point of view assuming you approve the project, and what additional opportunities remain for public comment and project refinement.

At present, WMATA staff has negotiated a contract agreement with Meridian that is predicated on Meridian obtaining approval from the MNCPPC for its project proposal. Following any action by the Planning Board that would permit the project to advance to the Site Plan stage, two events would be triggered at WMATA. First, WMATA staff would begin working with the Meridian team to prepare refined project documentation based on the Planning Board's action, to support review and action by the WMATA Board of Directors. Second, WMATA staff would evaluate the need for a WMATA Compact public hearing.

Compact public hearings are required when WMATA proposes introduction or removal of facilities or transit service, modification of existing transit service, or a major modification of facilities. This project, however, includes measures oriented predominantly towards transit patrons' experience of the bus facility, such that a compact public hearing would likely not be warranted. If a compact public hearing is ultimately held, a hearing report would be prepared for WMATA Board of Directors review as part of the larger package of information materials for review.

**Washington
Metropolitan Area
Transit Authority**

600 Fifth Street, NW
Washington, DC 20001
202/962-1234

By Metrorail:
Judiciary Square—Red Line
Gallery Place-Chinatown—
Red, Green and
Yellow Lines
By Metrobus:
Routes D1, D3, D6, P6,
70, 71, 80, X2

A District of Columbia,
Maryland and Virginia
Transit Partnership

Dear Chairman Hanson
Page 2

The public hearing process requires about five months, from the initial public notice of a planned hearing until approval of the action by WMATA's Board of Directors. In addition, after Board approval WMATA will seek approval from the Federal Transit Administration of the requested joint development agreement. FTA approval process may vary from two to four months depending whether a new appraisal is needed.

I hope that this additional information proves to be of assistance to the Planning Board in understanding the status of this project procedurally at WMATA.

Yours sincerely,

A handwritten signature in dark ink, reading "Joel R. Washington". The signature is written in a cursive, flowing style.

Joel R. Washington
Director of Station Area Planning and Asset Management
Department of Planning and Joint Development

RECEIVED
JAN 15 2008

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



January 11, 2008

The Honorable Royce Hanson
Chairman
Maryland National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: 4 Bethesda Metro Center Project Proposal

Dear Chairman Hanson:

Previous correspondence from my staff has communicated to you respectively, Metro staff's assessment of benefits to Metro from the 4 Bethesda Metro Center project presently being considered by the Planning Board, and a staff summary of Metro Board procedures that would be followed in order for the 4 Bethesda Metro Center project to receive approval by the Metro Board and, ultimately by the Federal Transit Administration.

This communiqué is to clarify the information previously shared regarding the project proposal. We were 1) outlining anticipated benefits to Metro, and 2) emphasizing that any changes to previously approved plans at the Bethesda Metrorail station would have to be reviewed and approved by the Metro Board of Directors.

If you need additional information or assistance please feel free to contact me directly - (202) 962-2730 or via email nbottigheimer@wmata.com.

Sincerely yours,

Nat Bottigheimer
Assistant General Manager
Planning and Joint Development

Washington
Metropolitan Area
Transit Authority

860 Fifth Street, NW
Washington, DC 20001
(202) 962-1234

By Metrobus
Routes 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 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February 27, 2008

Bethesda Metro Center Holdings, LLC
c/o Robert R. Harris
Holland & Knight, LLP
3 Bethesda Metro Center
Suite 800
Bethesda, MD 20814

Re: 4 Bethesda Metro Center – Project Plan Application No. 91992004B

Dear Mr. Harris:

The purpose of this letter is to confirm our authorization to Bethesda Metro Center Holdings, LLC, an affiliate of The Meridian Group, to file and process an application to amend the existing Project Plan and Preliminary Plan of Subdivision for redevelopment of a portion of the property. Should you require any further information, please feel free to contact me.

Sincerely,

Joel R. Washington
Director
Station Area Planning and Asset Management

**Washington
Metropolitan Area
Transit Authority**

600 Fifth Street, NW
Washington, DC 20001
202/962-1234

By Metrorail:
Judiciary Square—Red Line
Gallery Place-Chinatown—
Red, Green and
Yellow Lines
By Metrobus:
Routes D1, D3, D6, P6,
70, 71, 80, X2

Attachment

cc: Nat Bottigheimer, AGM, WMATA
Charlie Scott, WMATA
Carol O'Keeffe, WMATA
Roger Berliner, Council Member, Montgomery County
Andy Scott, MDOT



January 4, 2008

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

7500 Old Georgetown Road
9th Floor
Bethesda, MD 20814

T 301.654.6740
F 301.656.4012

The Honorable Royce Hanson
Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Sir:

It has recently come to my attention that the Meridian Group is planning to build a 200 foot officer tower (4 Bethesda Metro Center) in front of our current office space. Should this tower be built, it will obstruct views from our existing space, reduce the amount of light coming into our offices, eliminate privacy, and reduce the overall appeal of the current space.

The CDM Group, Inc. is a tenant at 7500 Old Georgetown Road in Bethesda, Maryland. We are a government contractor supporting the Department of Health and Human Services (mostly NIH and SAMHSA). Our clients and visitors do occasionally include high level government-ranking individuals such as the Surgeon General or various Governor Spouses. They also include all other levels of government employees. Because of the importance of these individuals to our work, we felt it was important to choose a location that would provide convenience, amenities, and visual appeal to our clients as well as to our employees. We thought downtown Bethesda would accommodate all of these concerns.

In addition, the Clark Building had a special appeal to us for several reasons: they are next to the metro and the Hyatt Hotel; they offer additional amenities such as ample parking either within the building or nearby public parking; they offer meeting rooms to their tenants. These items are of interest to CDM because we often have meetings involving content experts around the country who need sleeping accommodations, eating areas, meeting spaces, and parking facilities.

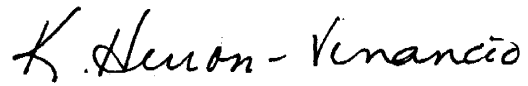
Bethesda has been able to fulfill these requirements. However, should the additional office space be built what would happen to the parking situation, to hotel accommodations, and eating spaces?

As a tenant who would be directly affected by this new building structure, we request that the Montgomery County Park & Planning Commission reevaluate its approval of such a plan and consider the concerns of the current commercial residents of downtown

Bethesda. We also invite you to come to our offices to see, first-hand, how such a tower would adversely affect our space.

Thank you for your time.

Sincerely,

A handwritten signature in cursive script, reading "K. Herron-Venancio". The signature is written in dark ink and is positioned above the printed name.

Kathryn Herron-Venancio
President and CEO

RECEIVED
0028
JAN 07 2008

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

421 Gaither Street
Gaithersburg MD 20877
2 January 2008

Dr Royce Hanson, Chairman
Montgomery County Planning Board

Re: Bethesda Metro Center – Project Plan Application No. 91992004

Dear Dr. Hanson and Board members:

I am writing to support the plan to build this office building at the Bethesda Metro station. I note the ongoing need for more housing construction to better balance the jobs and housing opportunities in the Route 355/Metro corridor. However, I agree with the rationale given for constructing this office building at this location at this time. The proposed 16 story building at 4 Bethesda Metro Center uses more efficiently one of the sites closest to Metro. The building's height of 200 feet (the maximum in its CBD3 zone) is appropriate given its location in the center of the CBD immediately at the Metro entrance.

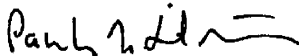
Housing construction has dominated in Bethesda in the last few years. The result is a shortage of office space for existing businesses that wish to expand. I understand this is the situation with several larger employers in Bethesda. It is certainly good environmental practice to keep these employers in downtown Bethesda rather than allowing them to move to an auto-dependent sprawl location.

Furthermore, we are impressed with the argument that Bethesda CBD occupies a unique central point on the red line. People find it worthwhile to ride from upcounty residences to jobs in the Bethesda, thus freeing up a seat for another rider to commute on to downtown DC. The same efficiency operates in the other direction in the evening.

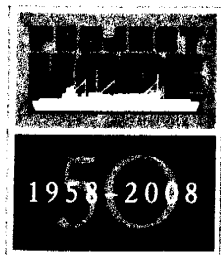
The developer's plan also provides several public amenities that would benefit the community, in particular the remodeling of the bus station and improving lower level pedestrian access to Metro. The improvements to the elevated plaza and reopening of retail at the plaza level would also be welcome.

For environmental improvements, the developer proposes to meet LEED silver standards. They also propose significant car traffic management, reducing peak hour trips by 30% from what is expected. The environmental standards and timely provision of the amenities should be binding conditions of the Board's approving this plan. A higher level of car trip reduction should be considered.

Sincerely,



Pamela Lindstrom



Project HOPE
 Millwood, Virginia 22646
 (540) 837-2100
 Fax: (540) 837-1813
 www.projecthope.org

January 10, 2008

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 Chief Financial Officer


The Honorable Royce Hanson, Chairman
 Montgomery County Planning Board
 8787 Georgia Avenue
 Silver Spring, MD 20910

Dear Sir:

We at Project HOPE, the tenants of 7500 Old Georgetown Road, Suite 600, Bethesda, Md., are extremely concerned about the proposal to build a new 16-story building in an area that is already experiencing traffic congestion and a parking shortage. The area parking garages are currently so full that whenever there is a large function in one of the area hotels, which is often, daily commuters with monthly parking accounts have nowhere to park. With a bus terminal and the Hyatt parking garage already located under the proposed construction site, there is no space to accommodate the influx of vehicles a new office tower would bring. The current construction of residential high-rise buildings in the area, along with the impending relocation to Bethesda of Walter Reed Army Medical Center (WRAMC), will bring area traffic to a halt, as noted in the following excerpt from the NIH Record. *"In any event, between 2,500 and 4,000 workers are expected to be added to the existing NNMC and tenant staff of 7,500. In addition, NNMC outpatient visits are expected to double to about 4,000 per weekday. Given existing peak-hour congestion on the Beltway and local roads that surround NIH, the governor's BRAC sub-cabinet and Montgomery County's BRAC implementation committee has identified increased traffic congestion as a major impact."* [http://nihrecord.od.nih.gov/newsletters/2007/12_14_2007/story3.htm]

Also, open space is at a premium in the Bethesda area, and with new condominiums and office buildings being constructed at an alarming rate, it is imperative that we protect and preserve the few open, public spaces that are left. The Bethesda Metro Center plaza in particular, provides a central location for residents and visitors to gather for dances, concerts and cultural events that give downtown Bethesda a strong sense of community, and make it an attractive place to live, to work, to visit, and to discover and patronize the hundreds of local businesses that have enabled Bethesda to thrive.

Sincerely,


 Estella Mobin
 Office Manager

CC C. William Fox, Jr., M.D., COO
 J. Robinson, Ph.D., V.P. Health Affairs

RECEIVED
 JAN 16 2008

OFFICE OF THE CHAIRMAN
 THE MONTGOMERY COUNTY PLANNING BOARD
 PARK AND PLANNING COMMISSION



Maryland Department of Transportation
The Secretary's Office



Department of Business &
Economic Development

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

April 10, 2008

Dr. Royce Hanson
Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

RE: *4 Bethesda Metro Center*
(Preliminary Plan No. 1-1981068A, Project Plan No. 91992994B)

Dear Dr. Hanson:

On behalf of both the Maryland Department of Transportation (MDOT) and the Maryland Department of Business and Economic Development (DBED), we are writing to express our support of the Meridian Group's application to build a new office building at 4 Metro Center. This project is consistent with several transportation and economic development goals, including:

- Promoting Transit Oriented Development;
- Improving transit and pedestrian access; and
- Supporting the retention and expansion of a major employer.

Transit Oriented Development

The State of Maryland actively promotes Transit Oriented Development (TOD), the concentration of jobs, housing and retail at our transit stations. This is a critical strategy to accommodate growth and leverage the billions of dollars the State has invested in rail transit. By the year 2030, the Washington region is expected to grow by 1.9 million people and 1.3 million jobs. Providing opportunities for TOD is critical to maintaining our quality of life and economic vibrancy. By better concentrating growth at our transit stations, we can reduce the growth of highway congestion and sprawl development, increase transit ridership and support the creation of vibrant, sustainable communities.

MDOT telephone number is 410-865-1000
Toll Free Number 1-888-713-1414 TTY Users Call Via MD Relay
7201 Corporate Center Drive, Hanover, Maryland 21076

Dr. Royce Hanson
Page Two

Governor Martin O'Malley has made TOD a priority in the State's efforts to encourage sustainable development. The Governor introduced legislation this past session – recognizing TOD as a transportation priority. The General Assembly overwhelmingly passed this legislation and it awaits his signature. In addition, the governor's appointees to the Washington Metropolitan Area Transit Authority (WMATA) Board of Directors are working to remove bureaucratic barriers to development at our Metro stations.

The 4 Bethesda Metro Center project is consistent with the principles of TOD, constructing a 16-story commercial office building with convenient access to transit, utilizing air rights above the Bethesda Metro Station. This project represents a higher and better use for the property, replacing an underutilized 3-story structure. By locating offices at suburban Metro stations, we can also encourage a reverse commute on Metrorail, taking advantage of transit capacity that is in place today. While Metro trains are crowded inbound to job centers in the District of Columbia during the morning commute, trains have excess capacity outbound.

Transit and pedestrian access improvements

This project also presents an opportunity to improve transit service and the pedestrian environment in Bethesda. The Meridian Group has proposed investing \$2 million in improvements to the bus service area of the Bethesda Metro Station. These improvements include improved lighting, special paving for passenger waiting areas, way-finding signs and better street furniture and bicycle storage. Additionally, improvements are proposed to the aesthetics of the bus service area, which is a gateway to Bethesda for riders of the Metro system. In addition to the station improvements, the proposed development will also promote pedestrian activity on the current plaza, by providing more foot-traffic and retail space, creating a focal point for the community at the Metro plaza.

Economic Development

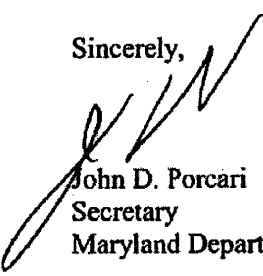
This project is also significant to the State's economic development efforts, as it would support the retention and growth of a major employer in the financial services industry. American Capital is a financial services company headquartered in Bethesda, managing \$17 billion in assets, with about 400 employees based in the area, receiving a \$78 million annual payroll. American Capital is a growing company, which is seeking to consolidate its operations in downtown Bethesda. In an October 1, 2007 letter, the company stated that it has reached a preliminary understanding with Meridian to lease the entire building. According to representatives from Meridian, the parties have since agreed to terms.

American Capital has sought no financial incentives to remain in Bethesda, but only support in securing its space needs. The Bethesda market has extremely low vacancy rates for Class A office, constraining economic opportunities for growth. DBED supports efforts to retain this nationally recognized company. American Capital has been on Fortune Magazine's list of America's 100 Fastest Growing Companies for the past two years and is listed in the Standard & Poor's 500.

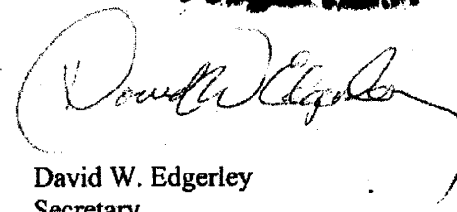
Dr. Royce Hanson
Page Three

In conclusion, this proposed project represents a tremendous opportunity for TOD, a sustainable development pattern that is critical to preserving our quality of life and economic prosperity in the future. If you have any questions, please contact Mr. Andrew J. Scott, Special Assistant to the Secretary for Economic Development, at MDOT. Mr. Scott may be reached at 410-865-1095 or ascott@mdot.state.md.us. Or you may contact Dominick E. Murray, Assistant Secretary, Regional Development, at DBED. Mr. Murray may be reached at 410-767-0082 or dmurray@choosemaryland.org. They would be pleased to assist you.

Sincerely,



John D. Porcari
Secretary
Maryland Department of Transportation



David W. Edgerley
Secretary
Maryland Department of Business and
Economic Development

cc: Mr. Peter Benjamin, Board member, Washington Metropolitan Area Transit Authority (WMAT) Board of Directors
Mr. John Catoe, General Manager, WMATA
Mr. Pradeep Ganguly, Ph.D., Director, Montgomery County Department of Economic Development
Mr. Gordon Linton, Board member, WMATA



Montgomery County Group

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

January 25, 2008

Dr. Royce Hanson, Chairman
The Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Dr. Hanson and Planning Board members:

We write in support of the proposed new office building at Bethesda Metro Center 4 (BMC4). The Sierra Club Montgomery County Group is engaged in developing criteria by which we recognize projects that exemplify Smart Growth. We distinguish between Top Tier criteria, which every Smart Growth project must meet, and Second Tier criteria, some of which will be met by all Smart Growth projects, with the detailed assessment depending on the individual project.

The BMC4 office building would meet all of our Top Tier criteria, and many of the Second Tier criteria. We suggest several improvements that seem feasible and that would make the building environmentally smarter and a greater asset to downtown Bethesda.

Top Tier Criteria:

These are (1) central, transit-oriented location; (2) contribution to balanced land use; and (3) efficient, appropriately dense, use of the site.

- 1) The location of the BMC4 building would be only a few feet away from the Bethesda Metro entrance.
- 2) Despite the overall shortage of housing in the Route 355 Corridor, a new office building is justified in Bethesda in the present situation. Recent development in downtown Bethesda has been entirely residential buildings, consequently the office vacancy rate is low. Construction of this office building will likely discourage movement of growing businesses to sprawl locations. The Bethesda sector plan calls for office development to be concentrated in the business district's core closest to the Metro station, with housing in more peripheral locations. This building implements that reasonable land use pattern.
- 3) The proposed height of 200 feet, the upper limit in the site's CBD3 zone, is justified given the need to locate as many jobs as possible in closest proximity to Metro.

Second Tier Criteria:

- The architecture and design of the building at plaza level, along with remodeling of the plaza, would give Bethesda a more livable central place. The rather barren plaza should feature extensive landscaped areas, not only for esthetics, but also to reduce summer heat and

103 North Adams Street

Rockville, MD 20850

impervious area.

- The developer proposes a small amount of retail space at the plaza level. We would encourage that the developer survey local residents and workers in nearby office buildings to determine the types of services lacking in the area and ensure that the facilities meet the needs of workers and residents in the area.

- The development includes a major contribution to local public transport and bicycle/pedestrian access to Metrorail, by rebuilding the bus station and the pathways under the plaza. These improvements would clearly benefit the entire neighborhood.

- We endorse the developer's proposal to add no more parking spaces. This project is an excellent opportunity for serious traffic reduction measures. We recommend a target of reducing peak hour car trips by 50%, as in the Shady Grove Sector Plan.

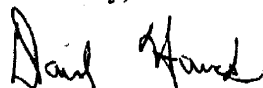
- We appreciate the developer's proposal to build to LEED silver standards. We also appreciate the glass façade facing the plaza, but note that the glass raises issues that need to be addressed as the LEED features are planned:

- Special attention must be given to energy conservation, to compensate for unwanted thermal gains and losses from the glass walls.

- Care needs to be taken with the finish of the glass to increase its visibility to birds.

In conclusion, a development project needs to offer more than simply dense transit-oriented development in order to be true smart growth. Our support for the BMC4 office building takes in many aspects of the developer's proposal. We ask the Planning Board to make such aspects as the LEED silver certification, energy conservation, the transit/pedestrian improvements, the car trip reduction requirement, and plaza landscaping binding elements of the plan, so we are assured of reaping the potential benefits of the project.

Sincerely,



David Hauck
Chair, Sierra Club Montgomery County Group
24 Holt Place
Takoma Park, Maryland 20912

301-270-5826
david.hauck@maryland.sierraclub.org

January 14, 2008

The Honorable Royce Hanson, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

RECEIVED
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JAN 16 2008

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

RE: Proposed 200 Foot Office Tower
4 Bethesda Metro Center

Dear Mr. Chairman


It is our understanding that the Montgomery County Park and Planning Commission has received a proposal from a developer to construct a 200 foot office tower on the current Bethesda Metro Plaza. As a major tenant in the Clark Building located at 7500 Old Georgetown Road, we would like to express our opposition to this proposal as we believe it would have a significant negative impact on our occupancy as follows:

- There would be damage to and diminishment of the long-established and much needed open space amenity that has been an important asset to the community and our employees.
- The proposed building would severely obstruct views and restrict natural light currently enjoyed by us.
- It would curtail recreational and entertainment activities in the Plaza area.
- It appears this would violate Montgomery County's carefully constructed Sector Plan, which brings order and consistency to development in the center of Bethesda.
- We would experience an unnecessary increase in congestion in the area.

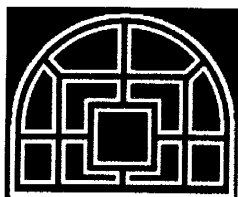
We have enjoyed occupying office space in downtown Bethesda for many years. The Commission's past actions have created a very efficient and effective open space area in downtown Bethesda which has had a positive impact on our employees. We hope that this plan continues for the benefit of not only our staff, but also the Bethesda community.

We appreciate your consideration in this matter.

Sincerely



Jerome R. Sharkey



COALITION FOR SMARTER GROWTH

Celebrating 10 Years of Smart Growth!

November 5, 2007

Chairman Royce Hanson
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Support for Office development at 4 Bethesda Metro Center

Dear Chairman Hanson:

We wish to express our support for the 4 Bethesda Metro Center project. The Coalition for Smarter Growth recognizes this project's contribution to smart growth, as it will offer more transit accessible workplaces and improvements to the Bethesda Metro station through an appropriately designed development. This project is consistent with our mission to provide more job and housing opportunities in walkable, transit-accessible locations, especially close to the urban core of the region where vehicle trips and miles travel can be minimized.

The proposed office development at 4 Bethesda Metro Center is an urban infill project located above a major Metro train and bus station. The proposed mix of office and retail uses will complement existing residential and hotel uses in the area, and the unique design of the building will contribute to the sense of place and help make Bethesda Metro Center a recognized and desirable destination.

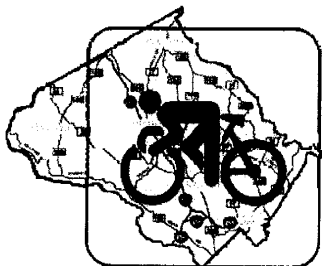
We support the proposed community benefits which include streetscape and bus terminal improvements, as well as achieving LEED Silver certification. The project increases the density of development at the transit station - where it is most appropriate - and the transit-oriented design will enhance the pedestrian environment for transit riders and members of the public.

We recommend that the County gain the full benefit of potential improvements to the public spaces, Metro entrance and bus facilities through this process. We also ask that a sizable investment and secured funding be committed by the developer for improved bicycling facilities and possibly creating a bicycle station. We also recommend aggressive trip reduction measures, beginning with reduced, separately sold, and fully priced parking for commuters and visitors as a part of this project.

We believe the proposed development at 4 Bethesda Metro Center is a smart growth opportunity that should not be missed and ask you to advance this project. Thank you for your consideration.

Sincerely,

Cheryl Cort
Policy Director



Montgomery Bicycle Advocates Montgomery County, Maryland

November 2, 2007

Royce Hanson, Chairman
Montgomery County Planning Board
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Chairman Hanson,

MoBike heartily supports the proposed redevelopment of office space at 4 Bethesda Metro Center in Bethesda. We also urge you to integrate a bike station into the development, which would provide a variety of important services to cyclists including a secure place to lock up bikes.

We support the new development because it would provide dense office space very close to a major transit hub, essential to reducing traffic congestion. The center would replace a development that unfortunately fell short of its potential to increase transit use or attract pedestrians. The new development, on the other hand, would enhance the urban environment and feature direct indoor access to Metro. The development would also provide needed aesthetic and architectural improvements to the Metro station.

Downtown Bethesda is a prime cycling area and Bethesda Metro is one of its most important bike destinations. The redevelopment of 4 Bethesda Metro Center offers a unique opportunity to integrate a bike station into a major transit center. The bike station must include a facility where bike commuters can safely leave their bikes during the day, much needed at that location.

Finally, we'll remind you again how poorly conceived the streets around Bethesda Metro are for cyclists. Woodmont Ave. needs to be a two-way street for its entire length. The current configuration discourages cycling in the heart of Bethesda and forces cyclists to choose among dangers or make ridiculous detours. The configuration makes it

unacceptably difficult for cyclists to reach Metro and the Woodmont Triangle from the Capital Crescent Trail and Bethesda Row. Woodmont Avenue's sterile canyon-like environment north of Hampden Lane also discourages any kind of street activity (except fast driving).

Thank you for considering our input.

Sincerely,

A handwritten signature in black ink, reading "Jack S. Cochrane". The signature is written in a cursive style with a large, looping initial "J".

Jack S. Cochrane
Chair, Montgomery Bicycle Advocates (MoBike)
7121 Thomas Branch Drive
Bethesda, Maryland 20817
301-503-9931
www.mobike.org

WASHINGTON AREA BICYCLIST ASSOCIATION

1803 Connecticut Ave. NW ♦ Washington, DC 20009

p: 202-518-0594 f: 202-518-0936 www.waba.org



November 2, 2007

Chairman Royce Hanson

The Maryland-National Capital Park and Planning Commission

Montgomery County Planning Board

8787 Georgia Avenue

Silver Spring, MD 20910

Subject: Proposed 4 Bethesda Metro Center development project

Dear Chairman Hanson:

I am writing today on behalf of the Washington Area Bicyclist Association (WABA) to express our support for the proposed 4 Bethesda Metro Center development project. Our association strongly believes in promoting a fully integrated transportation system that links transit, trails, bicycling and walking facilities to connect places where people live, work and play. This goal combined with smart growth oriented development, which reduces the need for long car trips, will cut automobile emissions and improve the environment.

Of 68 metropolitan regions in the US, Metro Washington ranks 3rd in traffic congestion, 4th in the amount of extra time needed for a trip during rush hour and 5th in the average amount of time each person wastes in traffic jams. "Smart Growth" development at transit stations is the sensible alternative to an ever increasing metropolitan area with choked road networks and ever increasing infrastructure budgets.

The project at 4 Bethesda Metro Center is situated at the heart of Bethesda, right over the bus and train station and close to the Georgetown Branch and Capital Crescent Trails. It will provide needed space in a tight office market; larger tenants looking for expansion space are presently contemplating moving out of Bethesda, which, rather than increasing ridership on mass transit will contribute to the traffic congestion in the area.

The transit station will gain ridership as tenants of the new building, and their visitors, opt for the convenience of using the train, the bus or the bike to get to and from the airport, meetings downtown, and for commuting. In addition, the site is within easy walking distance of the shops and restaurants of Bethesda Row and the Woodmont Triangle area.

Part of the proposed project includes improvements to the bus station. At present, the bus station is in desperate need of work – the existing lighting is dingy, the posted signs are confusing, the place is dirty and does not encourage use of the trains and buses. Bike racks are a mish mash of different designs and many do not provide adequate security – people who would cycle / ride the Metro are discouraged by the prospect of having their bicycle stolen. It is our understanding that the developer is working with WMATA to come up with solutions to the problems in the bus station including a potential bike station similar to the one proposed for Union Station in DC. In addition the developer is planning other important improvements for the space including improved lighting and better signage which are both long overdue.

WABA supports environmentally responsible programs and welcomes the developer's decision to build the new office building to a LEED silver standard which will include showers and changing facilities for employees to further encourage bicycle commuting.

The project will provide a significant community benefit in the improvements to the bus station; more people will decide to use mass transit if the environment is welcoming. The new building will also keep new office space where it belongs – where it maximizes use of an existing investment in a transit station rather than away from the town center, where it would require more from an already stretched road network. WABA supports the Smart Growth development at 4 Bethesda Metro Center and asks that you approve it.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric Gilliland', with a stylized flourish at the end.

Eric Gilliland
Executive Director
Washington Area Bicyclist Association

October 10, 2007

Chairman Royce Hanson
The Maryland-National Capital Park and Planning Commission
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Re: 4 Bethesda Metro Center development project

Dear Mr Hanson:

Daily Grill has restaurants distributed nationally and opened the Bethesda location in 2004 in the Hyatt Regency Hotel at Bethesda Metro Center. We have learned of The Meridian Group's plans to develop an office tower at 4 Bethesda Metro Center and support the project.

Although Meridian did much to improve the plaza in 2003, creating a more inviting green space, more flowering plants and a fountain, the plaza is not used to its full potential. We at the Grill have an outside seating area, which helps in the summer months, but there is not much foot traffic. Both the existing office towers on the plaza have alternate entrances on Woodmont Avenue. The addition of a new office tower with up to 1,000 new employees on the site will generate more foot traffic and more support for the businesses in the immediate vicinity, including ours. The project will activate the plaza and bring more retail space, making the plaza more of a destination to the benefit of everyone.

The project is sited on the Metro station which is in keeping with the current trend in green thinking - more people will be using existing mass transit rather than getting in their cars. The developer is also proposing to make improvements to the bus station which would benefit our patrons. Customers wishing to patronize our restaurant and opt for mass transit (including metro-rail riders) presently have to walk through a gloomy, dirty and uninviting bus station; improvements to the bus station are needed now and the project will provide a major benefit to the community when it is built.

We look forward to seeing this development at 4 Bethesda Metro Center move ahead - it will provide more office space where it should be, at the town center and on top of the Metro station. It will provide a new architectural focal point at the major intersection of Wisconsin Avenue, East West Highway and Old Georgetown Rd and it will rejuvenate the existing public amenities, the bus station and the plaza to the benefit of local business and residents. We ask that you approve the project.

Sincerely,



Todd Brown,
General Manager