



4831 West Lane LLC, Local Map Amendment G-954 & Development Plan Amendment DPA 13-01

Erin Grayson, Senior Planner, Area 1, (301) 495-4598 erin.grayson@montgomeryplanning.org

PAK Robert Kronenberg, Acting Chief, Area 1, (301) 495-2187 robert.kronenberg@montgomeryplanning.org

Staff Report Date: 2/25/13

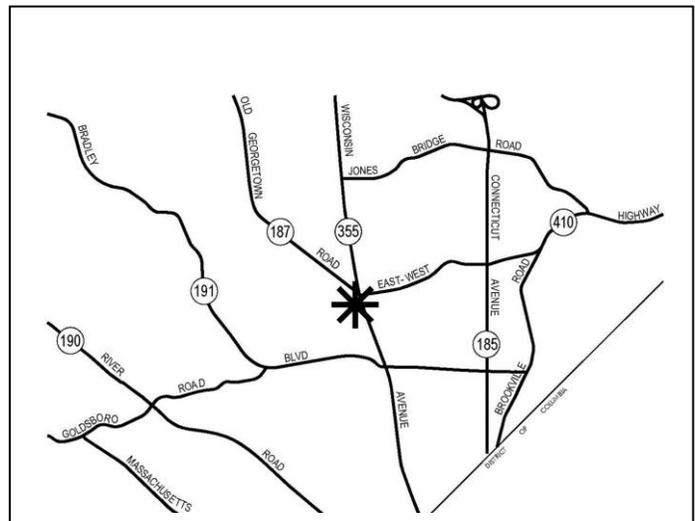
Description

Revised Proposal for Planning Board Review and Comment.

Revisions to the Development Plan Amendment application were submitted by the Applicant at the January 11, 2013 Hearing Examiner Hearing. The Hearing Examiner requested that Staff submit a technical memorandum analyzing the revisions. The following report in conjunction with recommendations by the Planning Board will be transmitted to the Hearing Examiner.

Staff recommendation: **Approve the revised plan with one additional binding element.**

Applicant: 4831 West Lane, LLC



Summary

The rezoning application and associated development plan amendment were previously reviewed by the Planning Board on December 20, 2012. The Board recommended approval but added certain binding elements and also advised the Applicant to explore alternative building designs for the sixth and seventh floors of the building. The Applicant presented revised plans and drawings at the subsequent hearing on January 11, 2013 to the Zoning Hearing Examiner. The revisions included in the current proposal concern the issues of public use space, building setbacks, as well as changes to the building design. The Hearing Examiner requested a subsequent review by Technical Staff based upon the proposed revisions to determine whether or not the findings and master plan conformance sections can still be met.

STAFF RECOMMENDATION

Staff recommends **approval** of the revised Development Plan Amendment with incorporation of the following binding element:

1. The final building design must include the following setbacks:
 - a. a minimum of 15 feet from the western property line.
 - b. a minimum of 15 feet from the northern property line.

DISCUSSION

Under Section 50-D-1.72 of the Montgomery County Zoning Ordinance, the applicant is required to transmit an amended development plan to the Planning Board when the amendment is made after the Planning Board's recommendation. This section also requires the Hearing Examiner to leave the record open for a reasonable amount of time to afford the Planning Board an opportunity to comment on the amendment. The applicant submitted revisions to Technical Staff and the Hearing Examiner has requested that Technical Staff submit a recommendation on the revised development plan and evaluate whether or not the revisions satisfy the concerns expressed by the Planning Board on December 20, 2012 and enumerated in the Planning Board transmittal letter dated January 2, 2013. The next public hearing with the Hearing Examiner is scheduled for April 8, 2013.

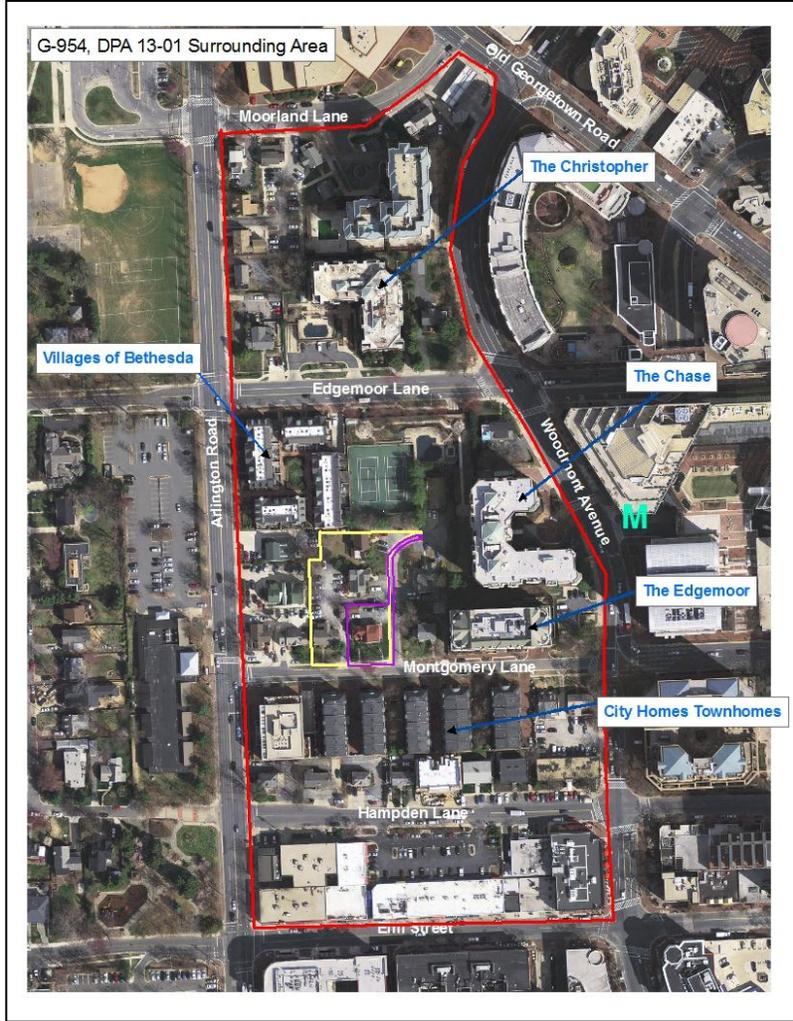
The Planning Board recommended approval of applications G-954 and DPA 13-01 by a vote of 4-0 on December 20, 2012, on motions made by Commissioner Anderson, seconded by Commissioner Presley, with Commissioners Anderson, Presley, Carrier and Dreyfuss voting in favor, Commissioner Wells-Harley being absent. In their transmittal letter to the Hearing Examiner dated January 2, 2013, the Planning Board recommended the applicant explore alternative building designs for the 6th and 7th floors to break up the bulk and mass of the building and recommended the inclusion of four additional binding elements (#'s 15-18) as follows:

15. The applicant will enter into a construction agreement with the property owner of 4828 West Lane prior to the commencement of construction to mitigate off-site impacts caused by construction activities.
16. The applicant will bury or screen the transformer units along the northern property line.
17. The applicant will meet the public use space requirement for the project in the front of the building along Montgomery Lane and West Lane.
18. The primary building entrance will be accessible only by residents of the building. Service providers will not be permitted to use the front door of the building.

SITE DESCRIPTION

Local Map Amendment G-954 includes Lot 26 and the previously dedicated right of way, located at the northwest quadrant of the intersection of Montgomery Lane and West Lane, approximately 200 feet

east of Arlington Road and approximately 400 feet west of Woodmont Avenue. Lot 26 is rectangular in shape and has approximately 60 feet of frontage on Montgomery Lane and approximately 85 feet of frontage on West Lane. Presently, it is developed with a one-family detached house used for commercial purposes. Adjacent to the area requested for rezoning are Lots 24, 25, and 27, which are also improved with one-family detached homes used for commercial purposes. Previously dedicated right-of-way associated with Lots 24, 25, and 26 is part of West Lane, which is a tertiary residential street with a pavement width of 20 feet. The applicant, 4831 West Lane LLC, submitted a development plan amendment application that includes Lot 26 and Lots 24, 25 and 27 to be reviewed in conjunction with Zoning Application G-954. These properties are located approximately 950 feet walking distance from the Bethesda Metro Station. The land area is located at the southern end of the Transit Station Residential District as delineated by the Bethesda CBD Sector Plan.



public use space area and a binding element was added that requires the applicant to locate the public use space along the property frontage of Montgomery and West Lane street frontage.

The applicant retained the open space along the northern property line but not for public use, rather, it is intended to provide a buffer area between the proposed building and the existing Villages of Bethesda townhomes. The applicant now proposes 10% public use space, rather than the 14% previously proposed, which is provided entirely along the front building facades which face Montgomery Lane and West Lane. The public use space will contain benches and landscaping along the West Lane and Montgomery Lane building façades. The largest component of public use space will include a circular landscape element framed by a seating bench along the interior edge located at the corner of the site. This area is approximately ~~600~~ 1,000 square feet in size, and the applicant envisions a small seating area upon completion. A curved façade at the corner now frames the public use space in this location.

While the percentage of public use space has been reduced, the proposal meets the zoning code minimum requirement of 10% and maintains a 15 foot setback at the northern property line. The proposed public use space at the corner of the site has an appropriate form and function. The circular shape provides variety in an area of linear planes and rectangular spaces located along the majority of Montgomery Lane. Pedestrians using both West Lane and Montgomery Lane will be able to use the space as a respite area, and its prominent location at the corner provides the desired visibility. As previously recommended in the initial review of the application, Staff believes the building edge located along Montgomery Lane as proposed is appropriate to maintain a cohesive building edge along Montgomery Lane.



Rendering of revised public use space concept and curvilinear building design

BUILDING SETBACKS

The building setbacks from the façade to the property line that were proposed as part of the development plan amendment application presented on December 20, 2012 were as follows:

- Northern Property Line: 15 feet
- Southern Property Line along Montgomery Lane: 10 feet
- Eastern Property Line along West Lane: 4 feet
- Western Property Line: 15 feet at grade level (the garage below the building extends to the property line)

Staff recommended a binding element be added stipulating the final building design include a minimum setback of 15 feet from the western property line and a minimum setback of 15 feet from the northern property line. Because discussion largely centered around the function of the public use space at the northern property line, Staff and the Planning Board did not focus on this recommendation and the binding element was not recommended by the Board at the December 20, 2012 public hearing.

The revised plan retains the north, south, and east setbacks. The building now, however, has a 12 foot, rather than a 15 foot setback from the western property line. Staff's position is that the 15 foot setback along the western property line is necessary to achieve compatibility with existing and approved but not yet constructed development located within adjacent and confronting properties to the north and west. Staff continues to recommend that a binding element be added that stipulates a minimum setback of 15 feet from the western and northern property boundary.

BUILDING DESIGN

The most significant design changes proposed in the revised plan is a curved façade at the corner of West and Montgomery Lanes, and the sixth and seventh floors are now setback 12 feet from the building edge rather than 9 feet as proposed on December 20, 2012.

These architectural modifications break up the overall bulk and mass of the building, which was a concern of many nearby residents in the previous application. The curved façade extends from the ground to the top of the building. This curved façade effectively increases the setback of all floors at the corner and reduces the width of the building's Montgomery Lane building face from 120 feet to 80 feet. The applicant explored various scenarios for the 6th and 7th floors of the building but did not make extensive alterations because such changes affected the location of the elevator core, and the applicant believes the elevator core should be easily accessible from the main building entrance.

PUBLIC NOTICE

Attendees of the January 11, 2013 Hearing Examiner hearing were given copies of the applicant's revised development plan amendment proposal. A meeting between the applicant and City Homes Townhomes owners was held on January 9, 2013 and a meeting between the applicant and residents of The Edgemoor condominiums was held on January 10, 2013 where various issues were discussed. Staff met with the applicant to discuss the revised proposal on January 15, 2013 and Staff later met with City Homes residents on January 25, 2013 to discuss their concerns regarding the application.

CONCLUSION

The proposed modifications to the development plan amendment application with the additional binding element recommended by Staff will continue to comply with the purposes and standards of the TS-R zone as well as the Bethesda CBD Sector Plan recommendations for this area. All public use space has been relocated to the front areas of the building, and the applicant made a good faith effort to explore alternative building designs for the sixth and seventh floors of the building. These modifications increase the compatibility of the development with respect to the surrounding neighborhood.

ATTACHMENTS

Attachment A – Applicant’s January 11, 2013 Exhibit to Hearing Examiner

Attachment B – G-954, DPA 13-01 Staff Report

Attachment C – Correspondence with Hearing Examiner



**Development Analysis of
Areas Zoned TS-R Pursuant to
1994 Bethesda Sector Plan**

Project	Total Number of Units	Units Per Acre	Land Area (square feet)	Average Unit Size¹ (square feet)	Total MPDUs
SJG – West Lane	100-120	112-135	38,804	585-1,158	15-18
4901 Hampden Approved	50-70	70-99	30,891	1,145-1,600	8-11
Pending	40-70	56-99		1,145-2,000	6-11
Highrise Edgemoor	54	102	23,136	1,900	0
Low Rise Edgemoor	12	27	19,638	2,600	0
City Homes	29	27	47,627	2,460	0
Villages of Bethesda	21	23	39,360	2,700	0
Sandy Spring LMA G- 908 Pending	4	27	6,217	3,300	0
Edgemoor at Arlington North (Rothstein)	31 (maximum)	35	38,079	1,770	4
Hamden Lane Associates	60	81	22,611	1,380	9

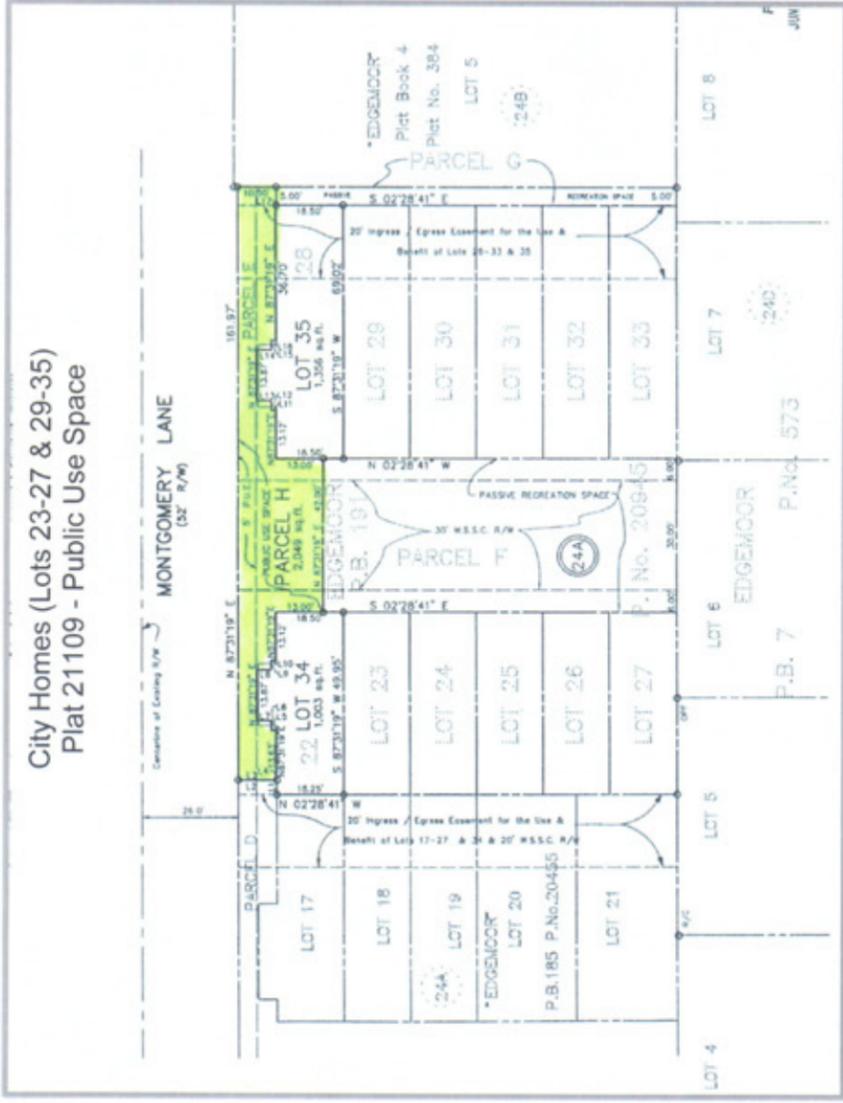
SIGNIFICANT TOTALS

	Without West Lane	With West Lane
Average Units Per Acre	48-54	57-66
Average Unit Size	2,120-2,230 s.f.	1,950-2,100 s.f.
MPDUs	27-35	42-53

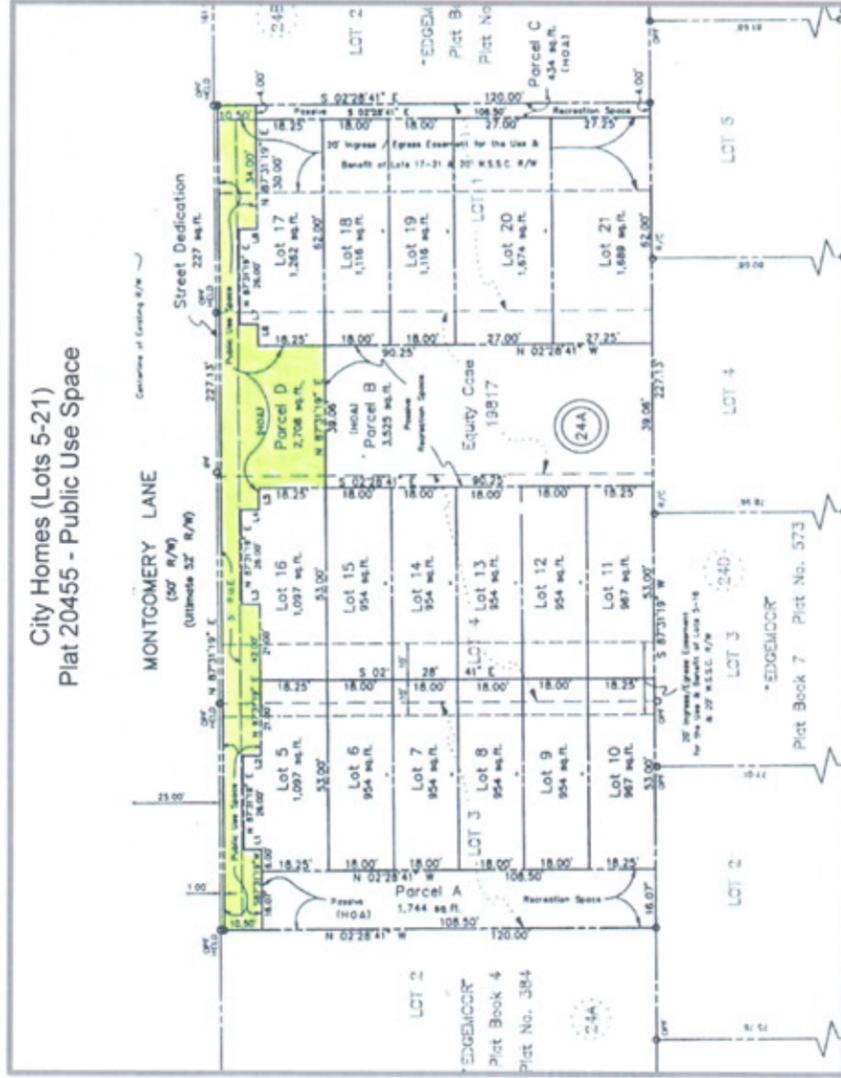
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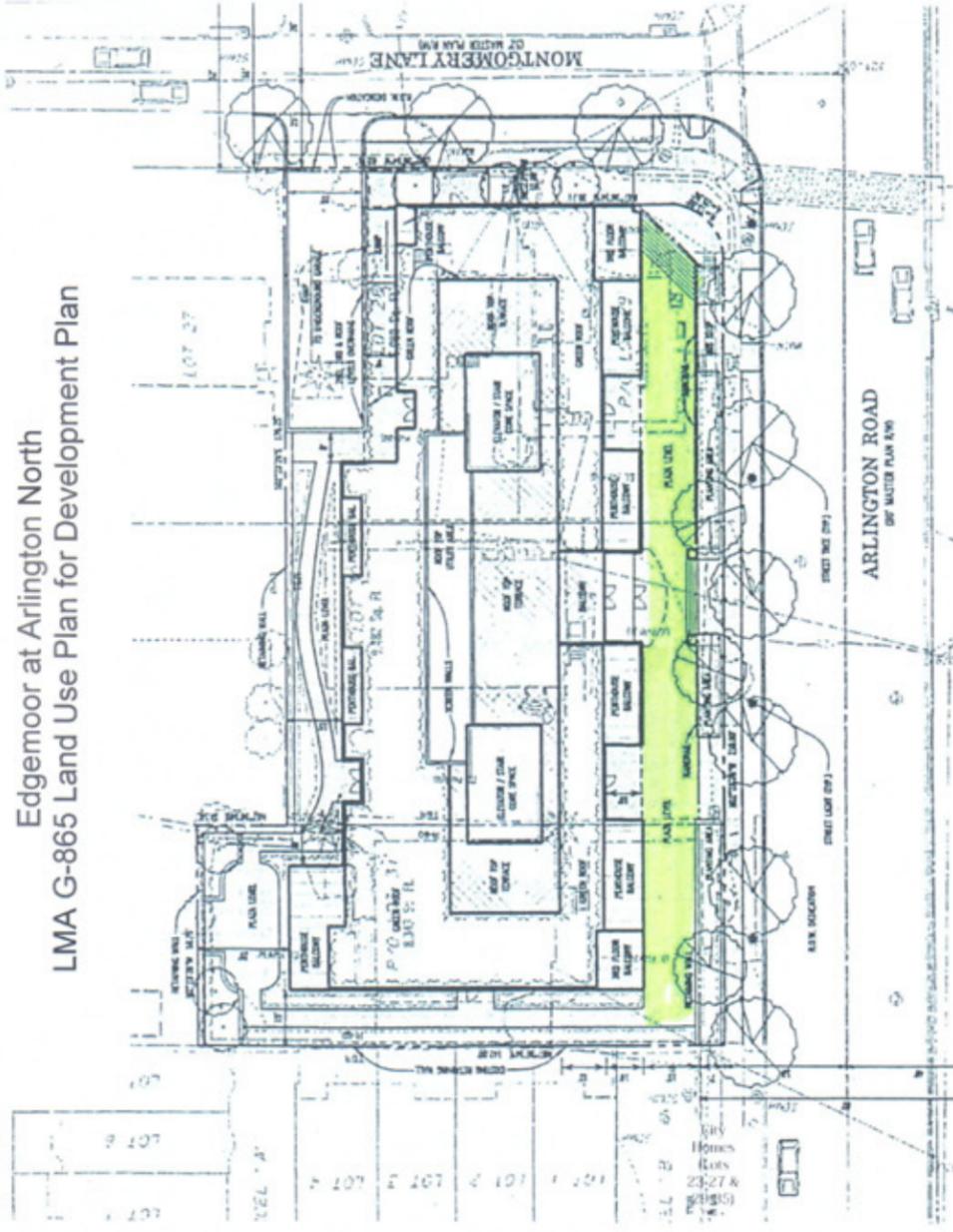
City Homes (Lots 23-27 & 29-35)
Plat 21109 - Public Use Space



City Homes (Lots 5-21)
Plat 20455 - Public Use Space



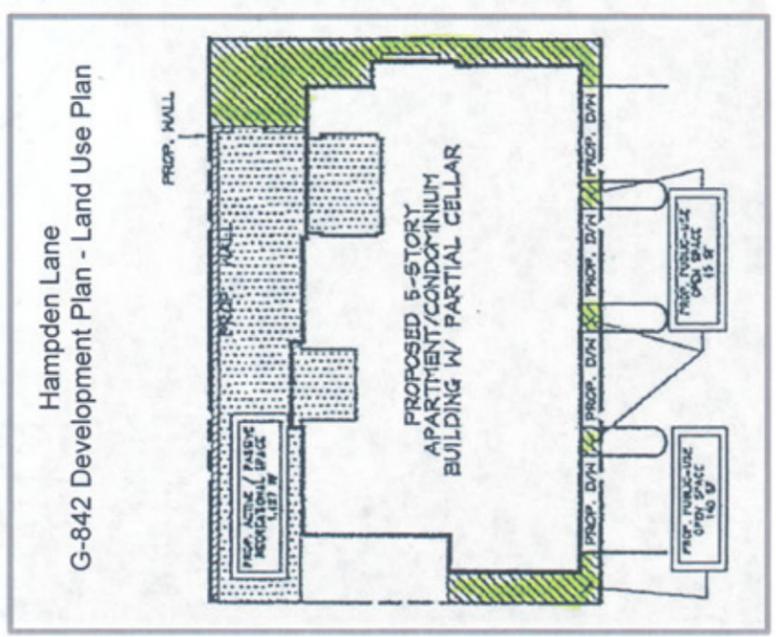
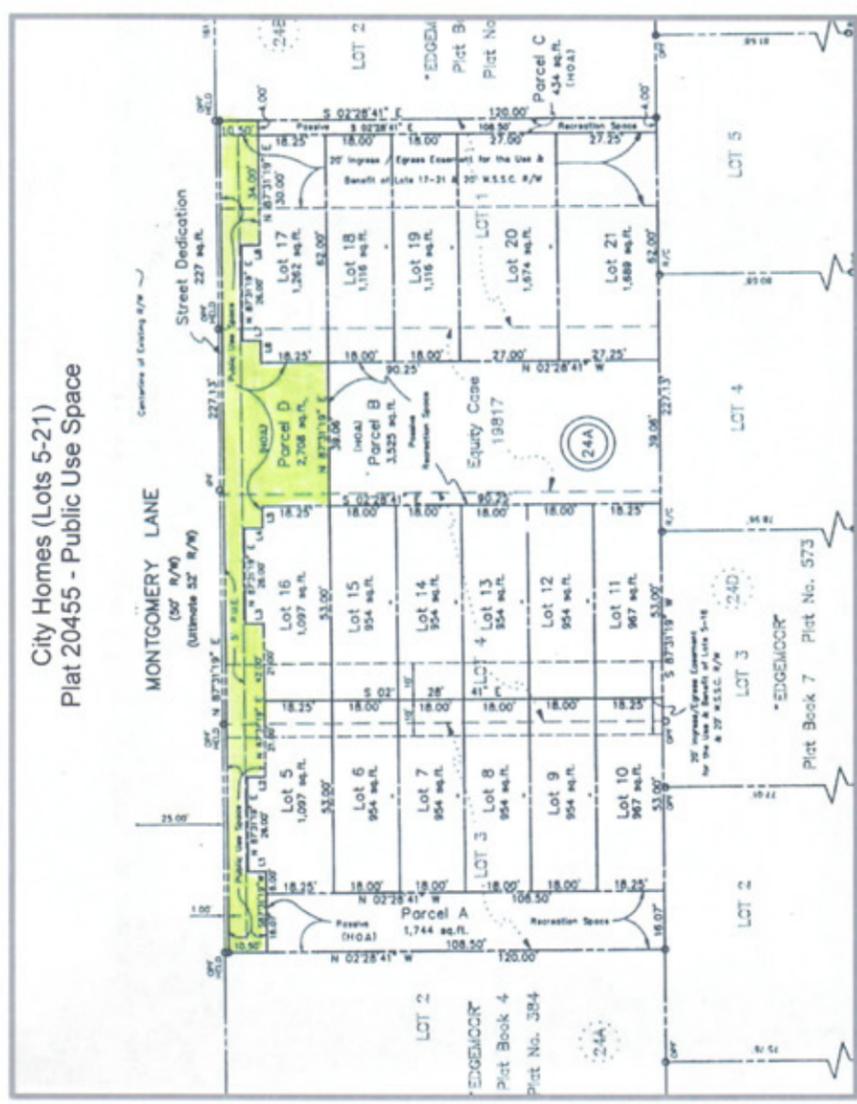
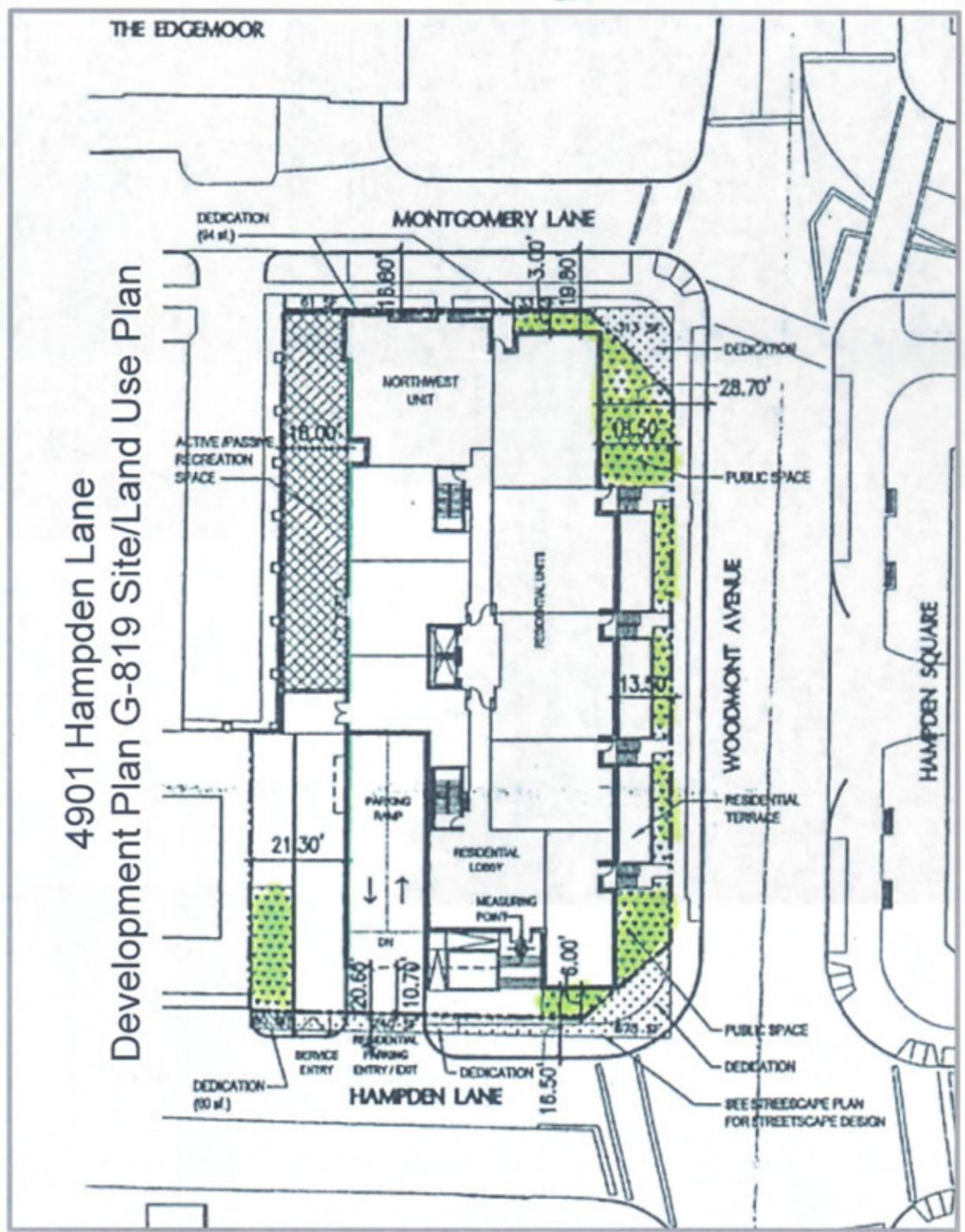
Edgemoor at Arlington North
LMA G-865 Land Use Plan for Development Plan



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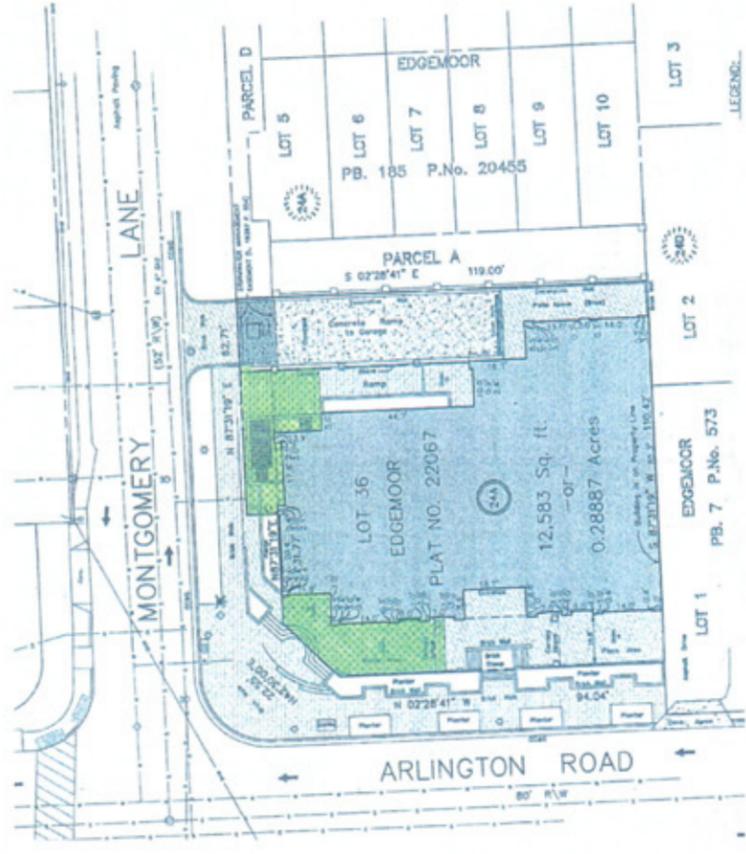
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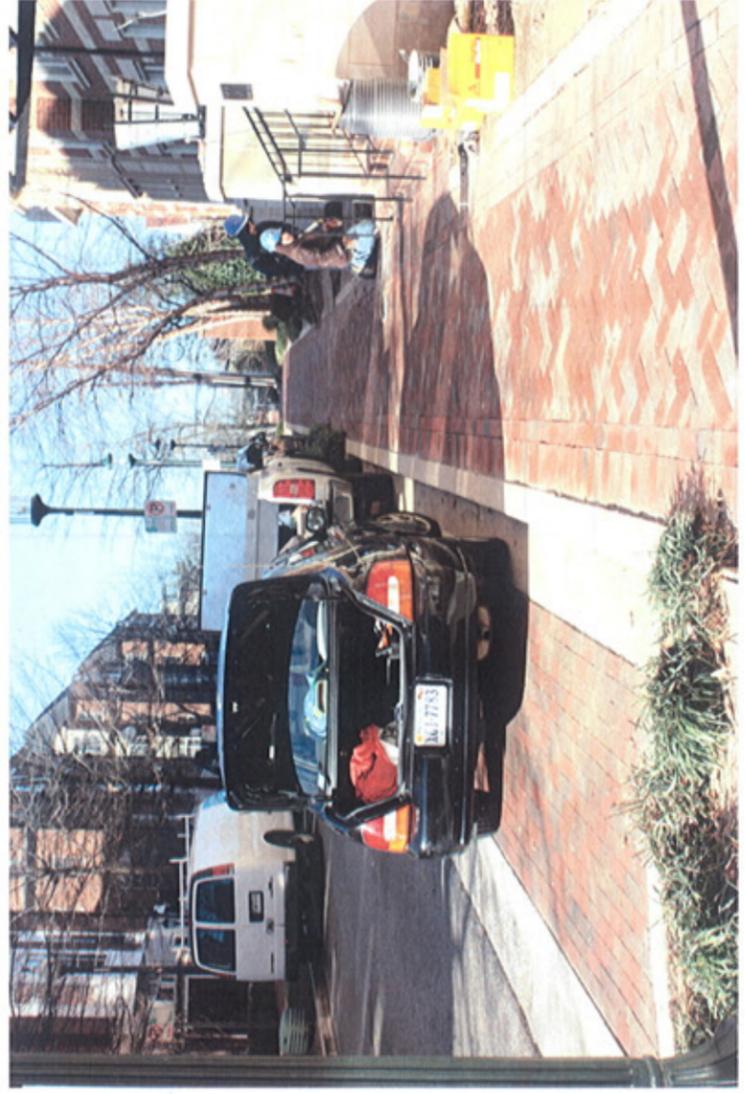
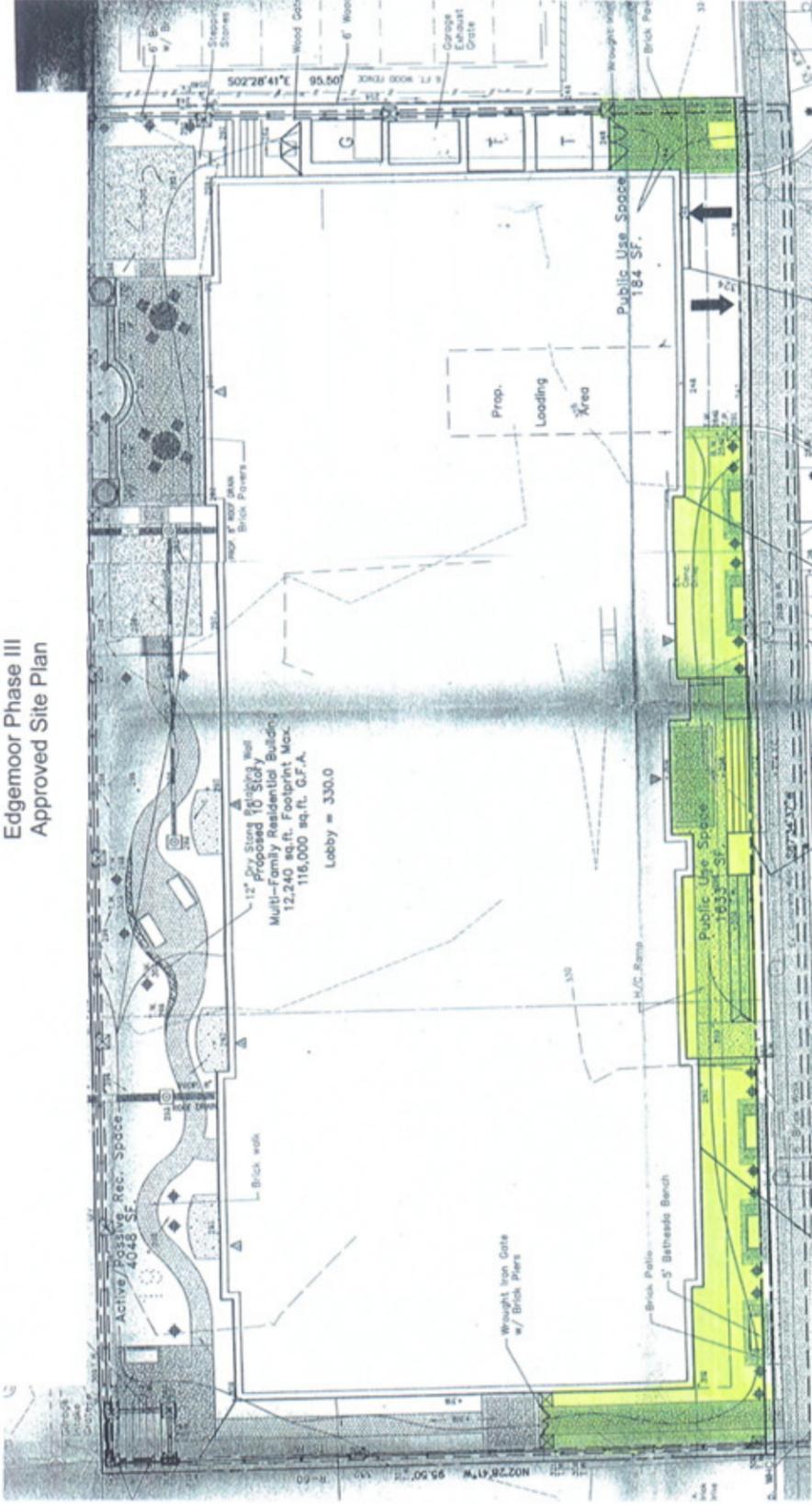
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Edgemoor Phase III
Approved Site Plan



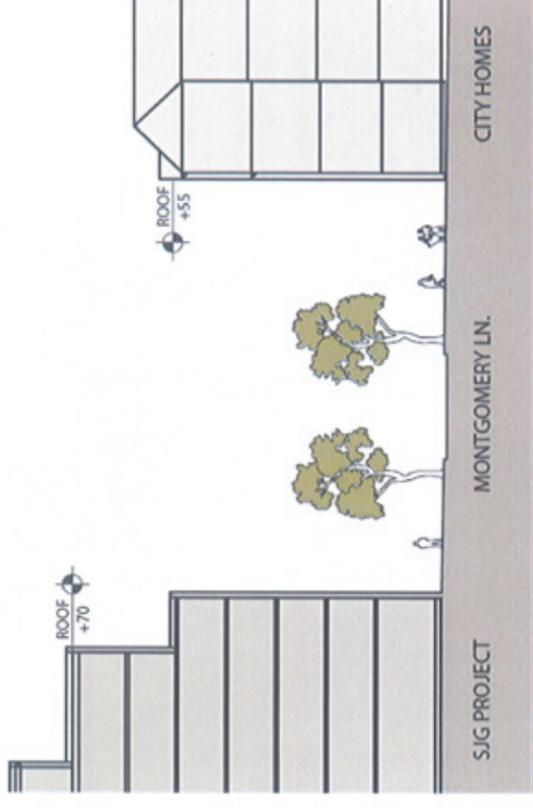
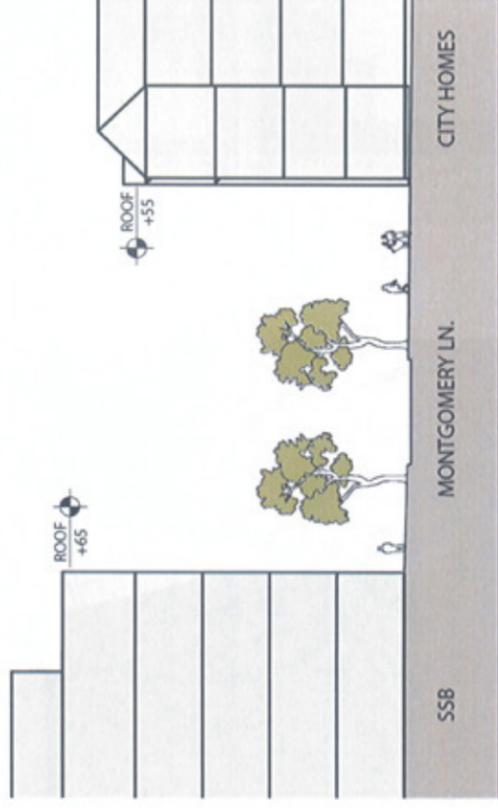
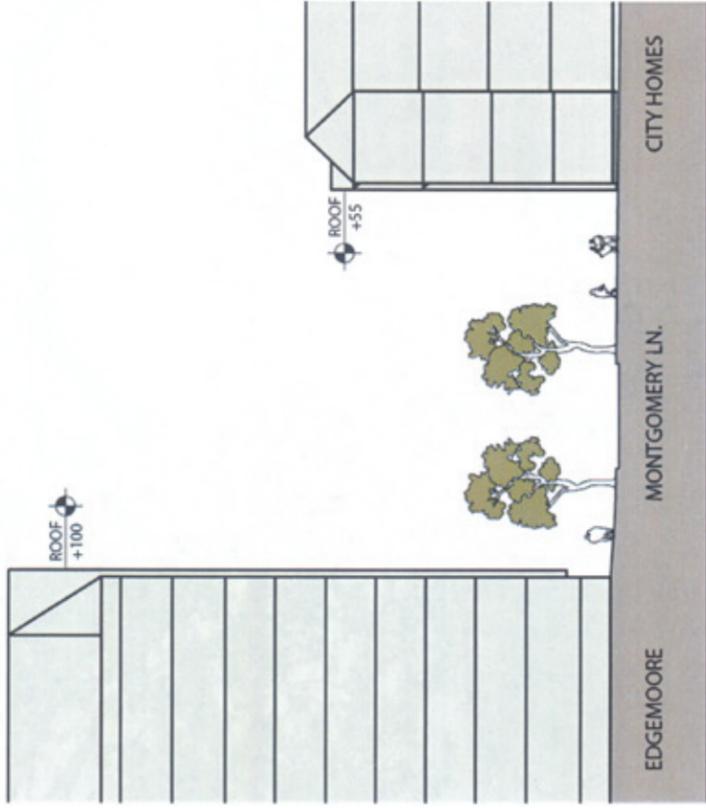
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SJG

Sector Plan Recommendations

	<u>Highrise Edgemoor</u>	<u>City Homes</u>	<u>SJG</u>
Lowrise	No	Yes	Yes
High Density	No	No	Yes
Appear to be Townhouses but 3-6 floors with units on every level	No	No	No
Minimum of 45 du/acre	Yes	No	Yes
Publicly owned open space in front of new apartments	Yes	Yes	Yes
Parking underground or in rear decks	Yes	No	Yes
Continuous building Line	Yes	Yes	Yes
Higher building coverage	Yes	No	Yes
Design Roof tops to achieve a residential image. Hip, gable, turrets, varied roof line	Yes	Yes	No
Locate entrances where units on first floor	No	No	No
Compliance with Sector Plan	6	4	7



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EX. 62

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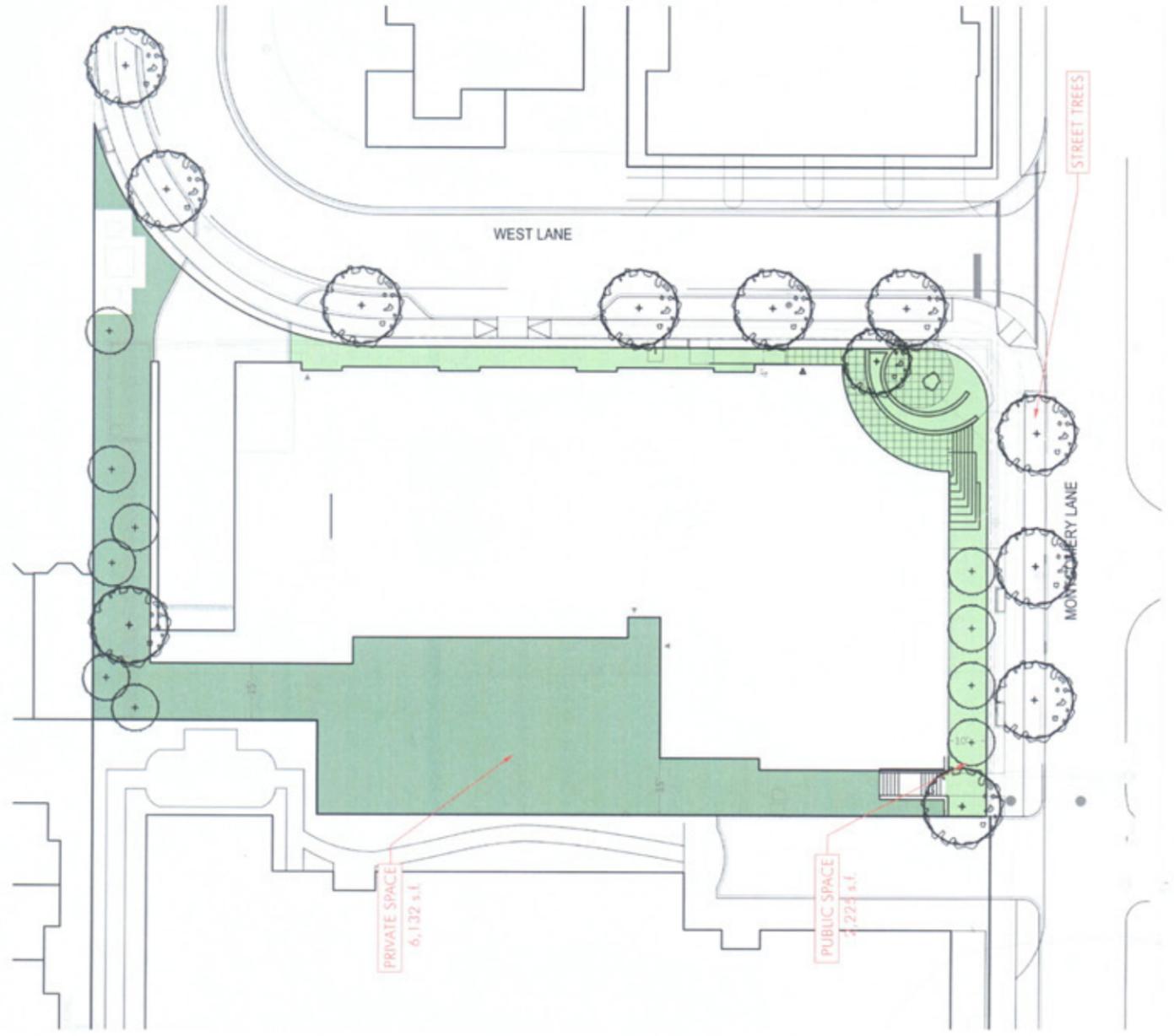
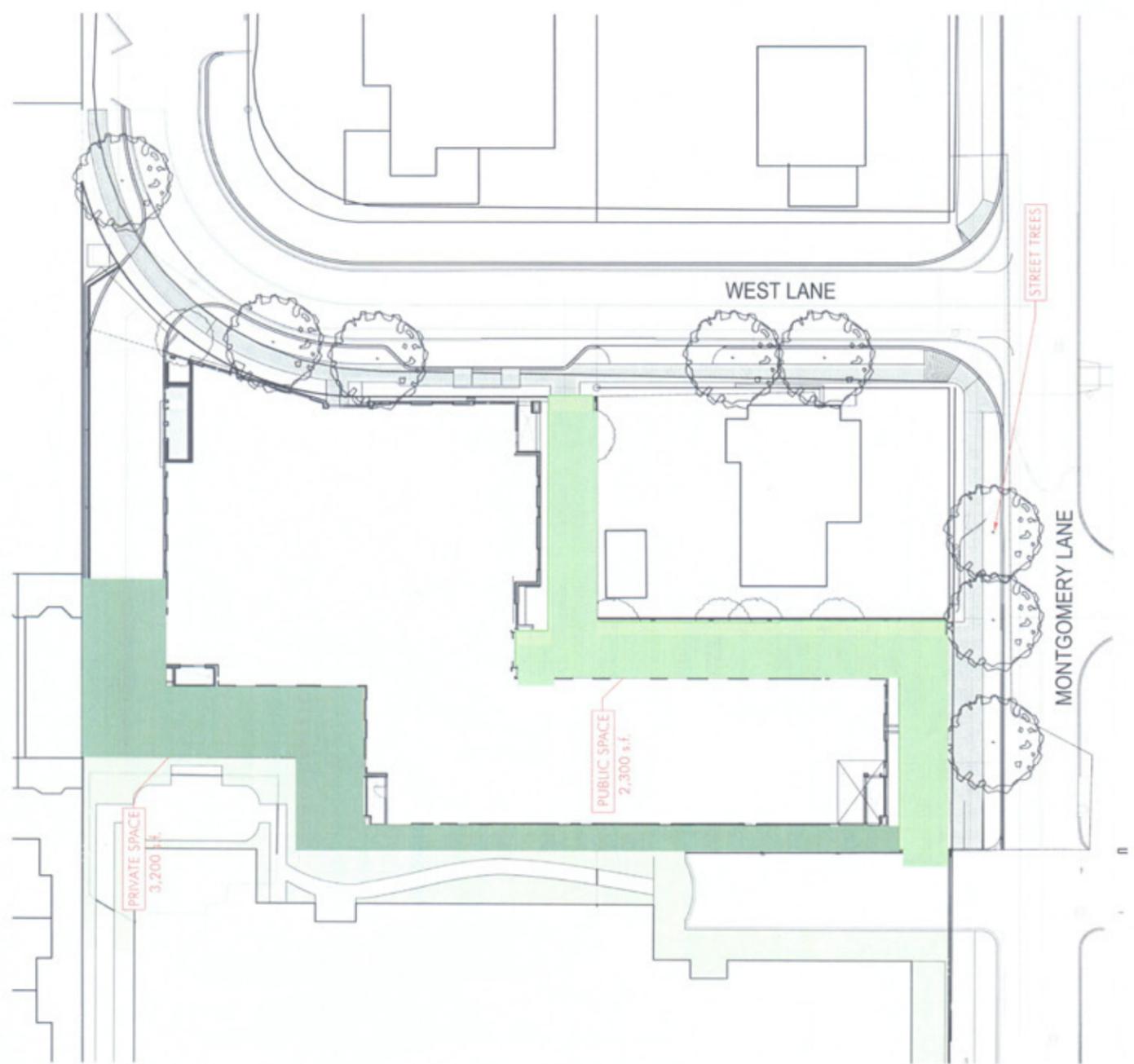
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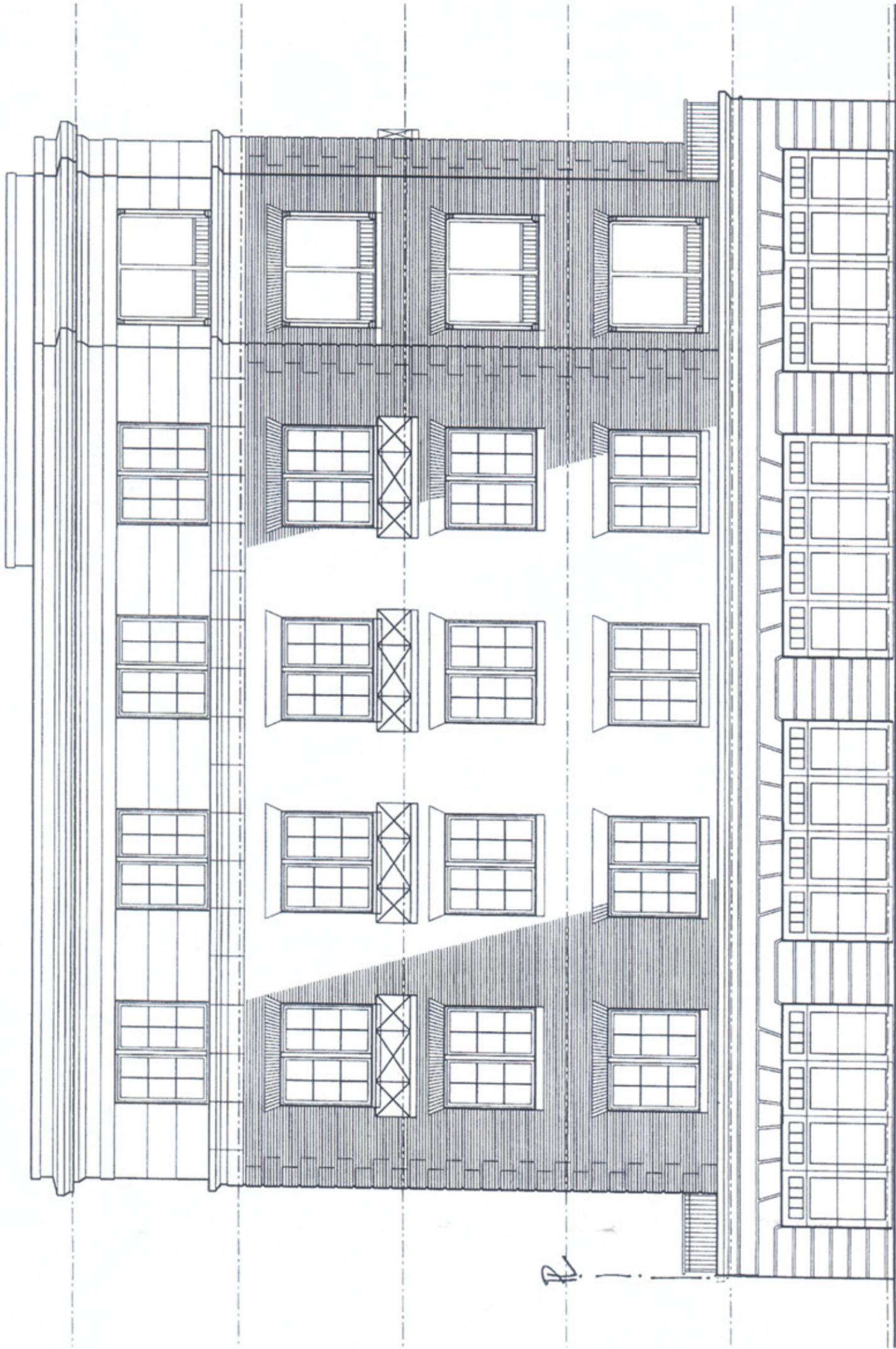
SJG PROPERTIES

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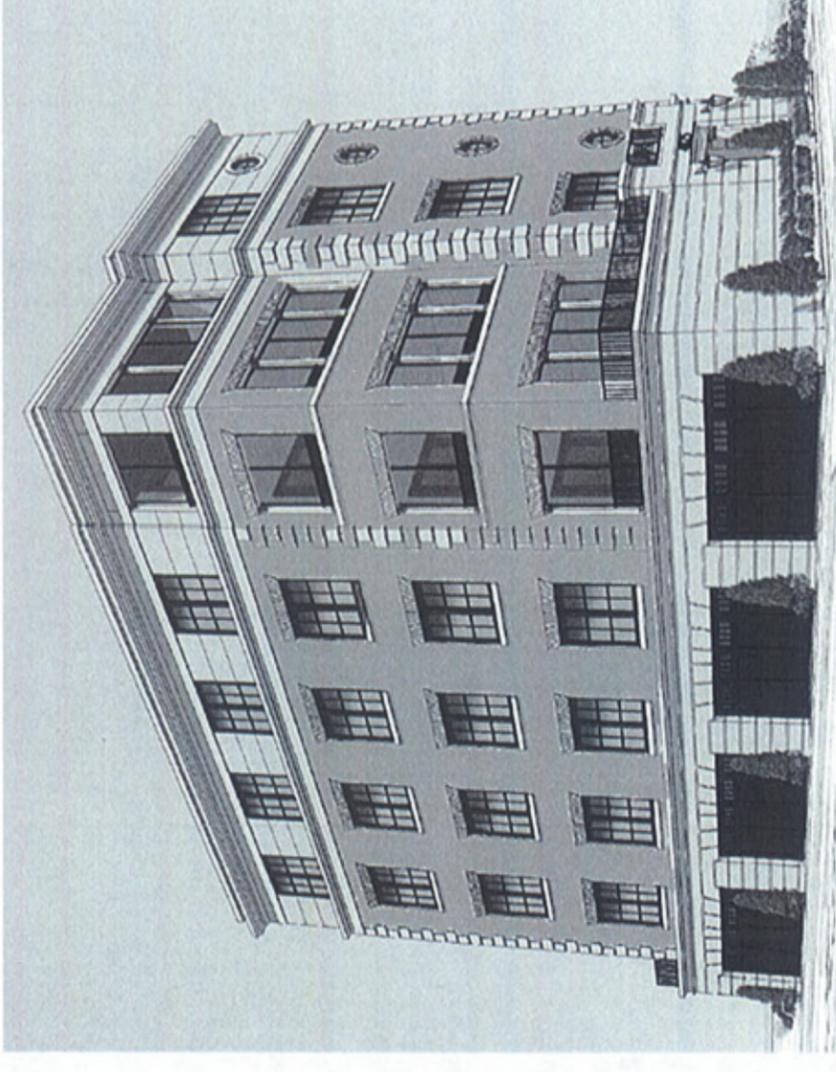
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SJG Project

MONTGOMERY LANE ELEVATION

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SJG Project

02/14/2013
 10:00 AM
 10:00 AM
 10:00 AM

SHADE ACCENT

METAL PANEL
TEXTURED METAL PANEL
CORNICE

BRICK VENEER
BRICK ACCENT
RAILING
METAL EDGE

PRECAST SILL

SOLDIER COURSE

RUSTICATED BRICK VENEER
"STOOP" FEATURE

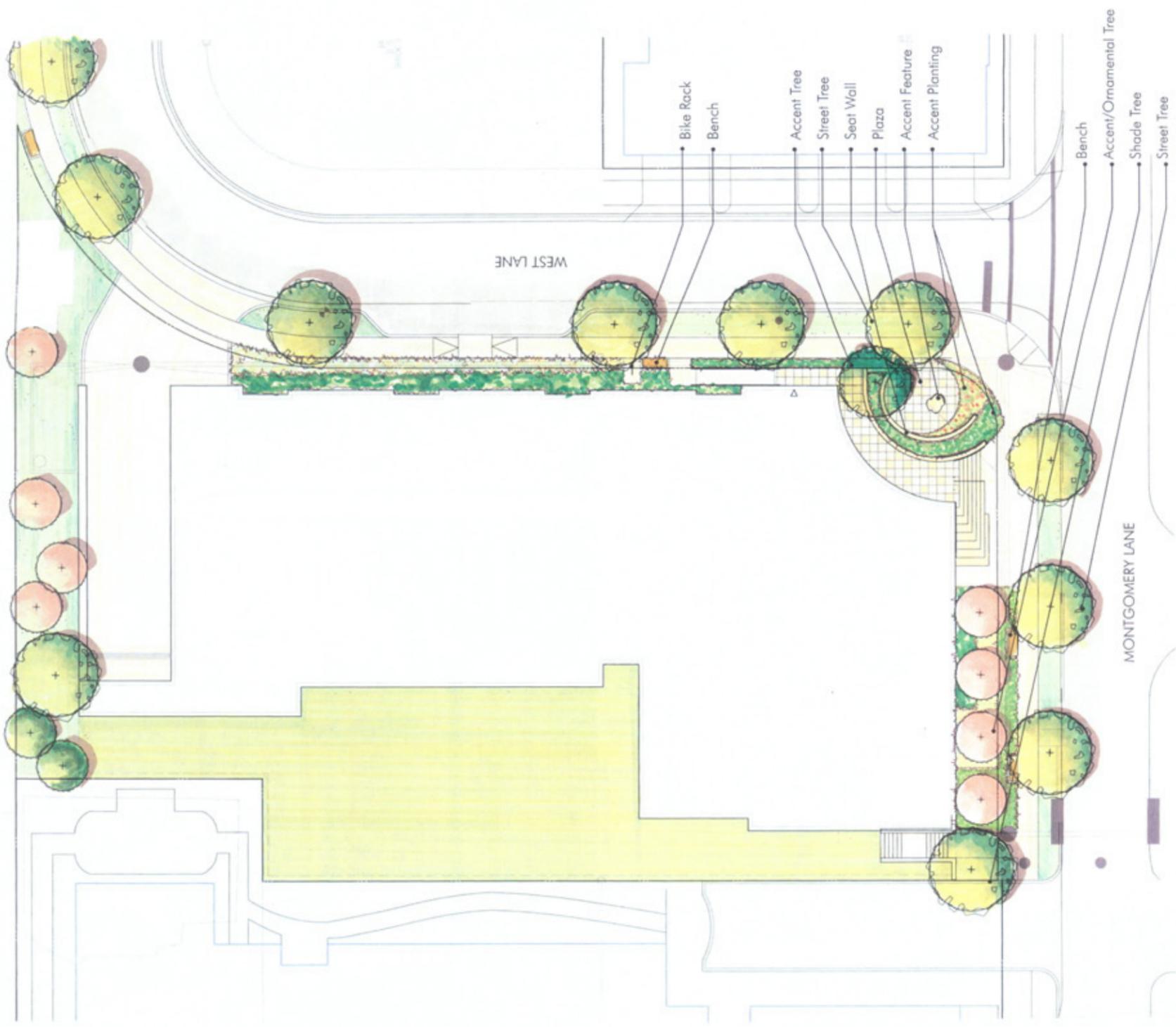


EAST ELEVATION

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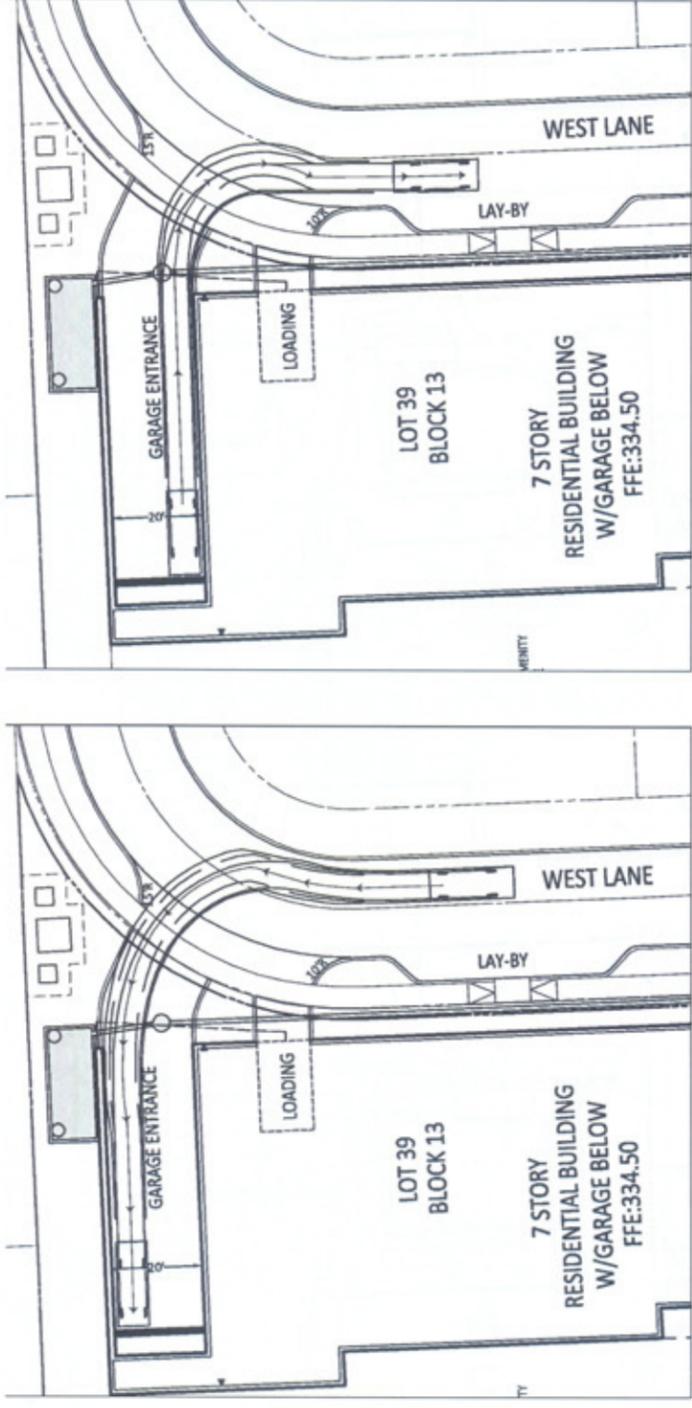
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EX. 58B

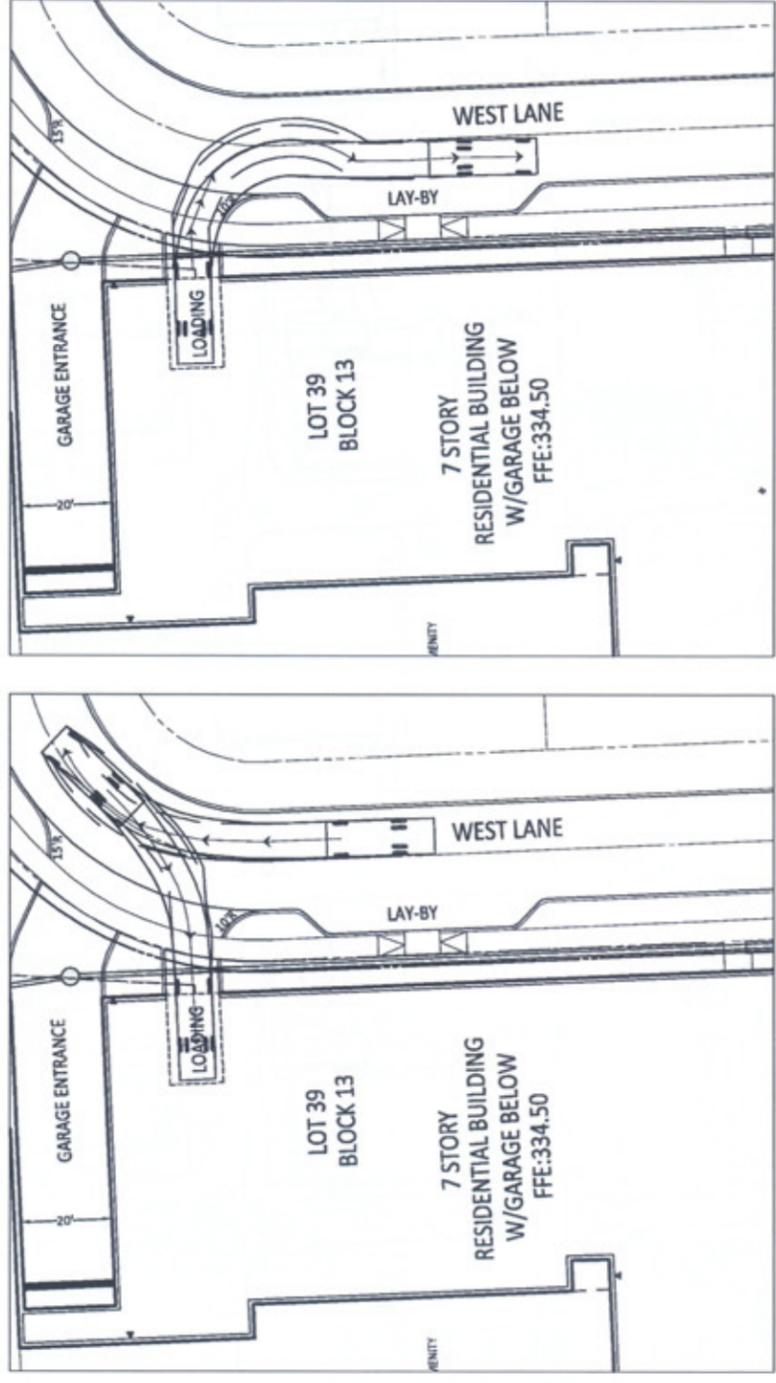




PASSENGER CAR
(EXITING PARKING GARAGE)

PASSENGER CAR
(ENTERING PARKING GARAGE)

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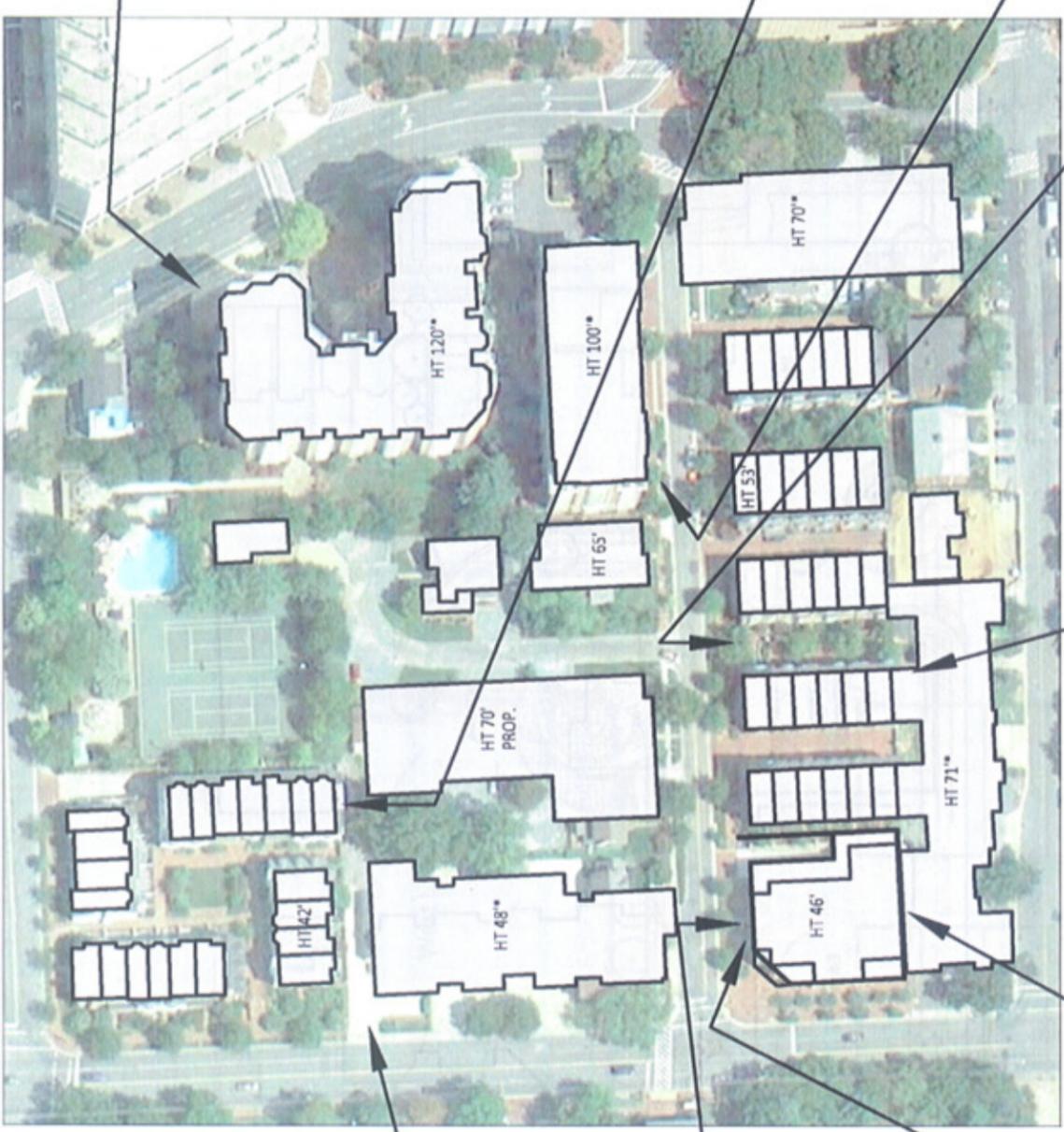


BOX TRUCK
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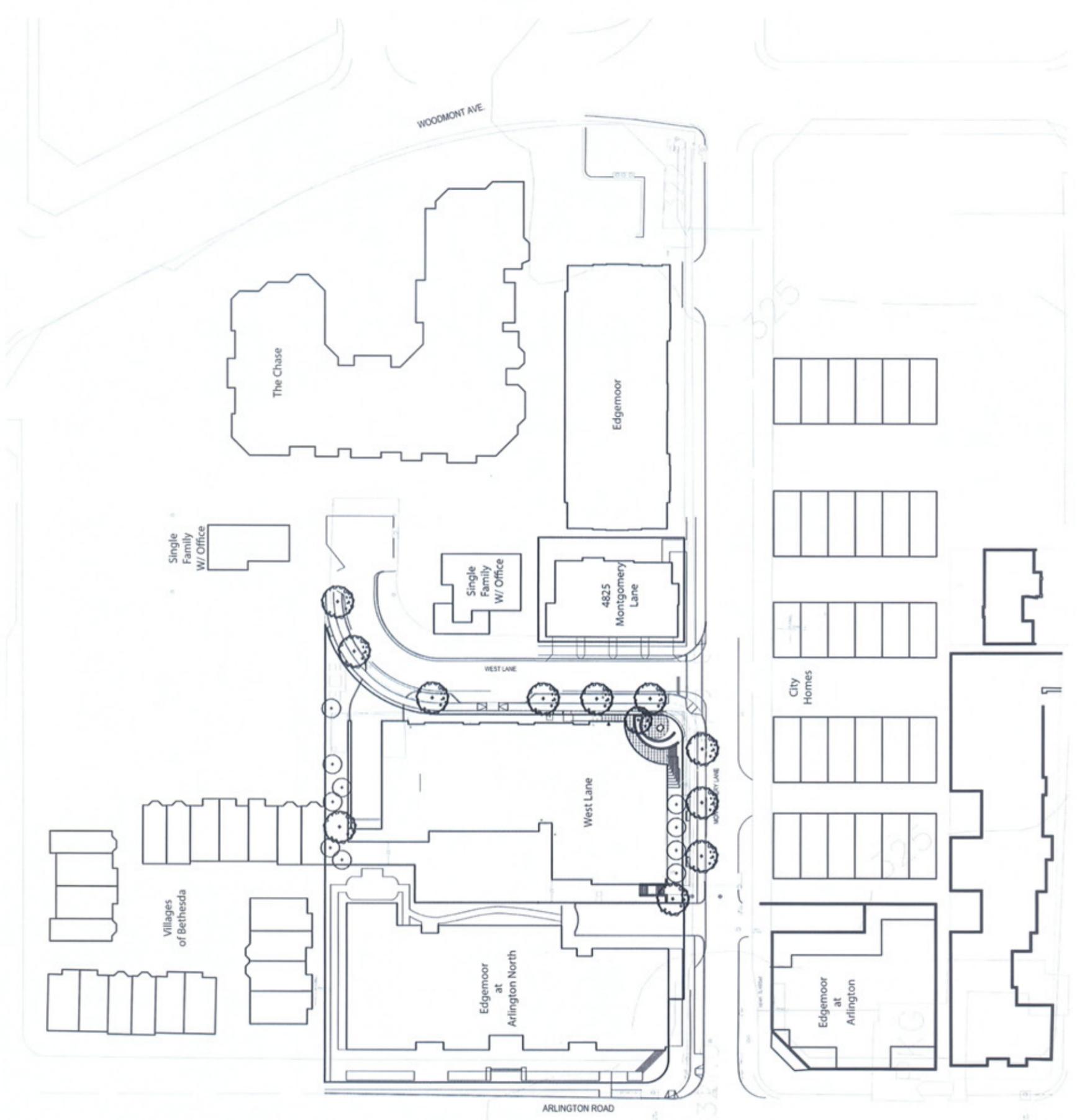
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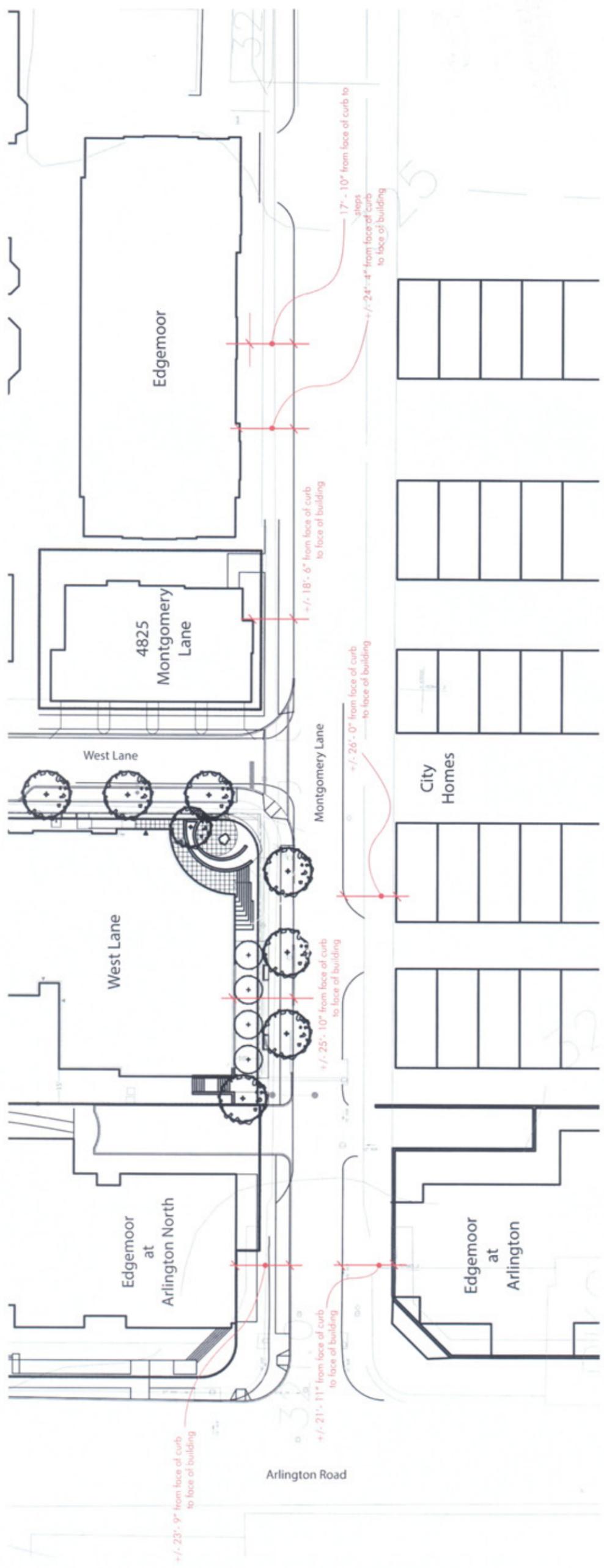


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Item No. 6

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4831 West Lane LLC, Local Map Amendment G-954 & Development Plan Amendment DPA 13-01

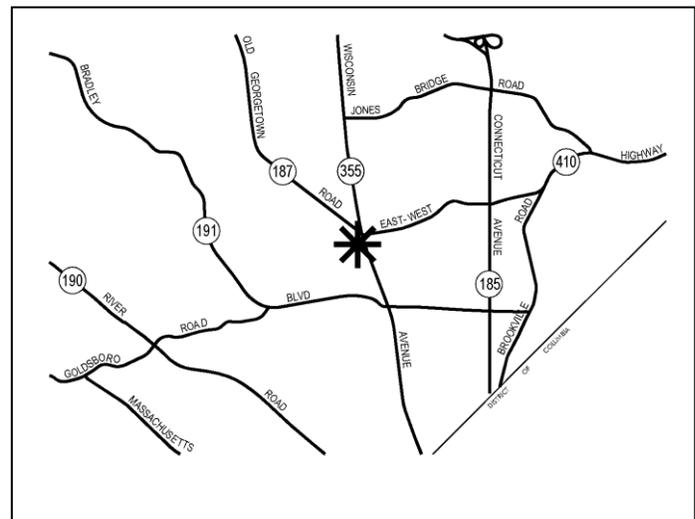
 Erin Grayson, AICP, Senior Planner, Area 1, erin.grayson@montgomeryplanning.org (301) 495-4598

 Robert Kronenberg, Acting Chief, Area 1 robert.kronenberg@montgomeryplanning.org (301) 495-2187

Staff Report Date: 12/7/12

Description

- Location: 4831 West Lane, Bethesda
- G-954 Tract Size: 12,521 square feet
- Request: Rezoning from R-60 zone to TS-R zone
- Sector Plan: Bethesda-Central Business District (CBD)
- DPA 13-01 Tract Size: 38,804 square feet
- Request: amendment to increase the number of residential units from 48 w/6 MPDUs to a maximum of 120 units including 15% MPDUs
- Applicant: 4831 West Lane, LLC
- Planning Board: December 20, 2012
- Hearing Examiner: January 11, 2012
- Filing Date: November 2, 2012



Summary

- The staff recommends **approval** of Local Map Amendment (G-954)
- The staff recommends **approval** of Development Plan Amendment (DPA 13-01)
- The local map amendment application, G-954, seeks to rezone Lot 26 and previous right-of-way dedications attributable to Lot 26, Lot 24, and Lot 25 from the R-60 zone to the TS-R zone located in the northwest quadrant of the intersection of Montgomery Lane and West Lane from the R-60 zone to the TS-R zone.
- If Lot 26 and the previous right-of-way dedications are approved for reclassification into the TS-R zone, the applicant seeks to incorporate this land area into a previously approved development plan, necessitating a development plan amendment.
- The applicant has submitted a concurrent development plan amendment application, DPA 13-01, which proposes a seven story, 70 foot tall building of approximately 118,000 square feet for up to 120 multi-family residential units.
- Approval of DPA 13-01 will allow for the applicant to proceed to the preliminary plan amendment and site plan amendment application stage.

RECOMMENDATION: Staff recommends **approval** of Local Map Amendment G-594 and DPA 13-01 for the following reasons:

- 1) The requested TS-R zone is compatible with the surrounding uses.
- 2) The proposed Local Map Amendment and Development Plan Amendment are consistent with the purpose clause of the Transit Station Residential (TSR) Zone.
- 3) The proposed Local Map Amendment and Development Plan Amendment conform to the Bethesda CBD Sector Plan.
- 4) Public facilities are adequate to serve this site.

G-954 ANALYSIS

PROJECT HISTORY

Application G-912 was previously filed on October 14, 2012 with an associated development plan amendment, DPA 12-03. G-912 requested the rezoning of Lot 26, Block 13 in the Edgemoor Subdivision, which contains 5,989 square feet. The applicant inadvertently failed to include previously dedicated right-of-way for West Lane as part of the rezoning request. As a result, the applicant withdrew both applications and submitted new applications, now G-954 and DPA 13-01. G-594 now requests the rezoning of Lot 26 and previous right-of-way dedications for West Lane attributable to Lot 26, Lot 24, and Lot 25 from the R-60 zone to the TS-R zone.

Two adjacent lots to Lot 26, lots 25 and 27, in addition to nearby lot 24, were rezoned under application G-843 from the R-60 zone to the TS-R zone in a resolution adopted by the District Council on July 10, 2007 (#16-246). Application G-843 rezoned these recorded lots but did not rezone previously dedicated right-of-way for West Lane from the R-60 zone to the TS-R zone. G-843 had an associated development plan that was also approved. The site and proposed building in G-843 was essentially L-shaped with the absence of Lot 26 from the project. The previous applicant, Holladay Corporation, did not implement the original development plan. In 2009, the current applicant, 4831 West Lane, LLC, acquired lots 24, 25, and 27 as well as lot 26.

If the applicant's request to rezone Lot 26 and previous right-of-way dedications attributable to Lot 26, Lot 24, and Lot 25 from the R-60 zone to the TS-R zone is approved, it will allow for a contiguous gross tract area of 38,804 square feet available for redevelopment under the TS-R zoning requirements. The applicant has applied for a new development plan amendment, DPA 13-01, to permit a larger building than was previously approved under the original development plan. Such a building is feasible with a larger, more rectangularly-shaped tract area. The development plan amendment application proposes to redesign the building to incorporate additional units and increase the overall density. The Hearing Examiner has permitted applications G-954 and DPA 13-01 to be processed concurrently.

DEVELOPMENT STANDARDS

The applicant is seeking to rezone Lot 26 and previous right-of-way dedications from the R-60 Zone to the TS-R zone. The rezoning of these areas must first meet the requirements of the TS-R Zone. The following chart shows the site's compliance with the TS-R Zone and the Sector Plan:

Lot 26 and ROW Proposed Zoning : TS-R Development Standards	Required	Proposed Lot 26 and ROW
Minimum area §59-C-8.41	18,000 sq ft ¹	12,521 sq ft
Max. Building Height §59-C-8.51	No height limit, to be determined at site plan	To be determined at site plan
Density of Development §59-C-8.42		
(a) FAR	2.5 ² (118,000 sf.)	To be determined at site plan
(b) Dwelling units per acre	150 ³	To be determined at site plan
Building Setback from Street R-O-W	NA	To be determined at site plan
Setback from other lot lines	NA	To be determined at site plan
Min. Open Space §59-C-8.43	30% (1,865 sf.)	To be determined at site plan
(a) Min. Public Use Space	10% (622 sf)	To be determined at site plan
(b) Min. Recreational Space	20% (1,244 sf)	To be determined at site plan

¹ (ZTA) 12-08 became effective on July 30, 2012, and allows a smaller parcel (less than 18,000 square feet) to be approved for either the TS-R or TS-M Zone if the parcel is designated in an approved and adopted master or sector plan and located adjacent to or confronting another parcel either classified in or under application for either zone.

² Projects can utilize the full density bonus (0.55 FAR) by constructing a minimum of 15% MPDUs onsite per Section 59-D-1.61(a)(1)(A) of the Zoning Ordinance which permits a development plan to exceed the dwelling units per acre recommended in a master or sector plan if it allows for the construction of all MPDUs under Chapter 25A including any bonus density units, on-site in zones with a maximum permitted density of more than 30 dwelling units per acre or a residential FAR more than 0.9.

³ The TS-R zone allows 150 dwelling units per acre. The Bethesda CBD sector Plan recommends 45-100 dwelling units per acre in the Transit Station Residential District. Section 59-D-1.61(a)(1)(A) of the Zoning Ordinance permits a development plan to exceed the dwelling units per acre recommended in a master or sector plan if it allows for the construction of all MPDUs under Chapter 25A including any bonus density units, on-site in zones with a maximum permitted density of more than 30 dwelling units per acre or a residential FAR more than 0.9.

Under Section 59-D-1.1 of the Zoning Ordinance, an application for reclassification to the TS-R Zone requires that a development plan be submitted with the rezoning application. As aforementioned, the applicant wishes to include Lot 26 and previously dedicated right-of-way areas into a previously approved development plan, necessitating a development plan amendment. While Lot 26 can be developed separately, consolidation with adjacent and nearby lots makes for a larger site area that can accommodate a building that can more readily meet the sector plan objectives and recommendations.

DESCRIPTION OF PROPERTY

Lot 26 and the previously dedicated right of way are located at the northwest quadrant of the intersection of Montgomery Lane and West Lane, approximately 200 feet east of Arlington Road and approximately 400 feet west of Woodmont Avenue. Lot 26 is rectangular in shape and has approximately 60 feet of frontage on Montgomery Lane and approximately 85 feet of frontage on West

Lane. Presently, it is developed with a one-family detached house used for commercial purposes. Adjacent to the area requested for rezoning is Lots 24, 25, and 27, which are also improved with one-family detached homes used for commercial purposes. Previously dedicated right-of-way associated with Lots 26, 24, and 25 is part of West Lane, which is a tertiary residential street with a pavement width of 20 feet. The land area requested for rezoning to the TS-R zone is located approximately 950 feet walking distance from the Bethesda Metro Station. The land area is located at the southern end of the Transit Station Residential District as delineated by the Bethesda CBD Sector Plan.





Pictures of site from West Lane

PROPOSAL

The applicant, 4831 West Lane LLC, has submitted an application for a Local Map Amendment to reclassify property located in the northwest quadrant of the intersection of Montgomery and West Lanes in Bethesda. The request is to rezone 12,521 square feet of R-60 zoned land to the TS-R zone. Adjacent lots 25 and 27 as well as lot 24 were rezoned as part of zoning application G-843 to TS-R per County Council Resolution 16-246 adopted on July 10, 2007.

The applicant, 4831 West Lane LLC, has also submitted an application for a Development Plan Amendment to amend the development plan approved in conjunction with Zoning Application G-843 that included adjacent lots 25 and 27 and lot 24 to now include the area included in application G-954. Amending the Development Plan for the surrounding lots that were rezoned to TS-R to include the subject property of G-954 allows the applicant to request an increase in the building size of the multifamily residential building from a 48 unit, six story building to a maximum 120 unit, seven story building. The height of the building is therefore proposed to be 70 feet rather than the previously approved 65 feet. Parking for the units is provided in garage spaces located on two levels below the building, accessed from West Lane. The proposed building will have its pedestrian entrance at the corner of West Lane and Montgomery Lane. Public pedestrian access will be provided via sidewalks along both Montgomery and West Lanes.

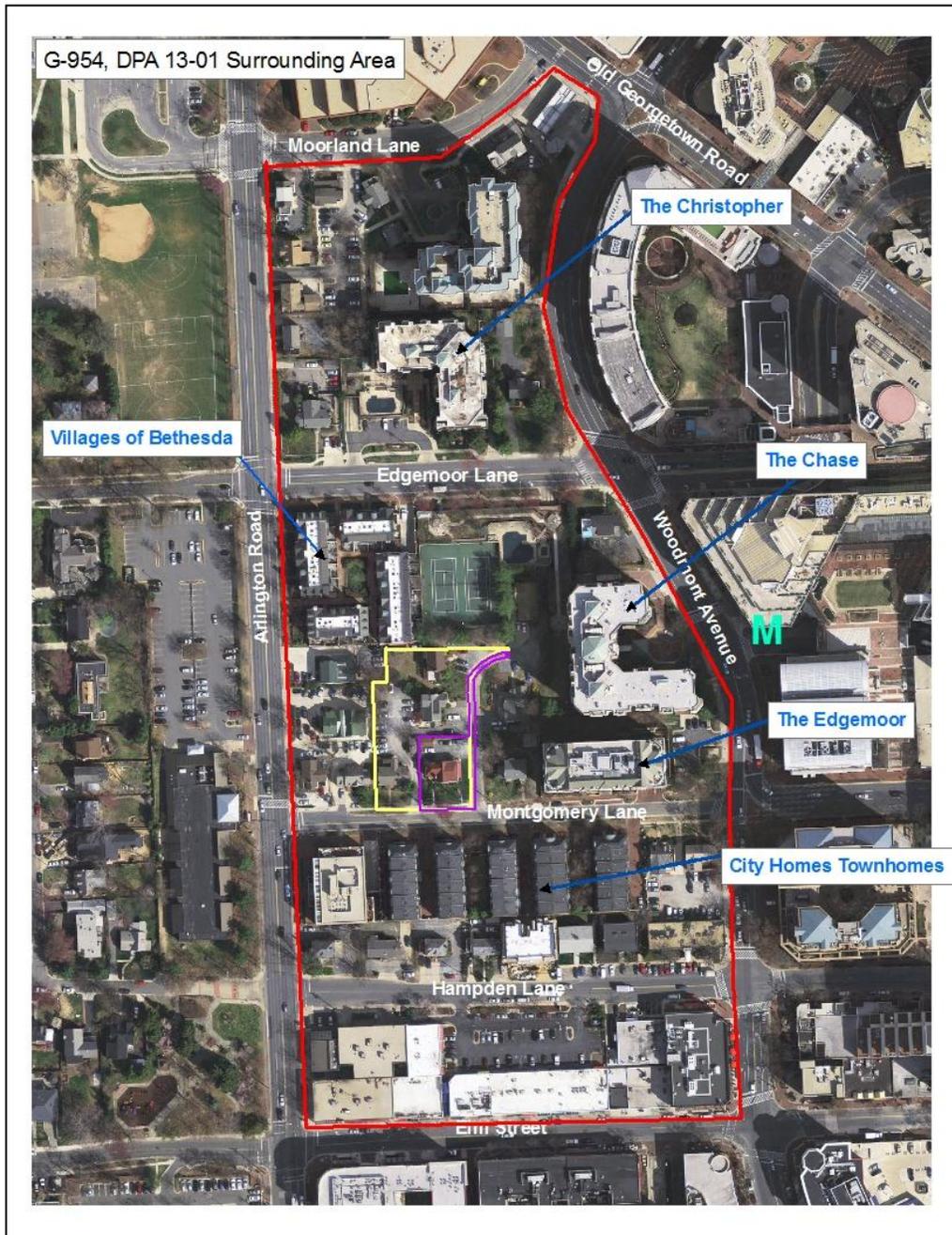
If the proposed applications are approved by the Hearing Examiner, the applicant will be required to submit preliminary plan and site plan amendment applications to amend previously approved site plan 820080030 and preliminary plan 120080050.

SURROUNDING AREA

As part of a floating zone application the neighborhood boundary or surrounding area must be properly identified so that compatibility can be properly evaluated. For this application, staff defines the surrounding area by the following boundaries: Moorland Lane on the north, Arlington Road on the west, Woodmont Avenue on the east, and Elm Street on the south. This area includes the Transit

Station Residential Development Area in the Sector Plan and is outlined in red in the surrounding area map below.

Surrounding lots 24, 25, 26, and 27 is a mix of primarily residential and some commercial uses. To the west are one and a half to two-story one-family homes currently operating as offices, though the properties have been approved for redevelopment under applications G-779 and G-865 to be rezoned from R-60 to TS-R for the eventual construction of a 46 foot high building containing 11 dwelling units. Northwest of the site is the Villages of Bethesda townhouse community, consisting of 21 dwelling units with a partially below-grade parking garage to serve the units. The units extend up to 42 feet in height.



Directly to the north is a partially below grade parking structure for the Chase apartment homes that also provides an outdoor recreation area on the top of the structure for residents of the Chase. The residential building for the Chase is a 12-story multi-family building in the TS-R zone northeast of the site with access from Woodmont Avenue. The building height of the Chase is 120 feet. Also northeast of the subject site, there is R-60 zoned property on the north side of West Lane improved with a one family detached dwelling unit.

Directly to the east across West Lane are Lots 20 and 22. Lot 20 contains a one-family home currently used for commercial purposes but is part of rezoning application LMA G-908 to reclassify the site from the R-60 to the TS-R zone. The Planning Board reviewed this zoning application and the associated development plan to construct a 65-foot tall building (69 feet to the parapet) containing four residential units, a partial cellar, and eight garage parking spaces. The Planning Board recommended approval of the application on September 13, 2012 and the application was approved by the Hearing Examiner on September 21, 2012. The application was recently approved by the County Council on December 4, 2012. Lot 22 contains a one-family detached residential dwelling unit. Further east along Montgomery Lane is property developed under the TS-R zone in accordance with LMA G-763, as a 10 story (100 foot height) multi-family building known as the Edgemoor.

Across Montgomery Lane to the south is the City Homes townhouse development in the TS-R zone. City Homes consists of 29 dwelling units, developed in five rows that run perpendicular to Montgomery Lane. These units are approximately 48 feet in height.

Per Section 59-C-8.24 of the Zoning Ordinance, “the TS-R and TS-M zones are permitted only in a Transit Station Development Area and in accordance with an approved and adopted master plan or sector plan.”

The rezoning application site was recommended for reclassification to the TS-R zone in the Plan, and is in a Transit Station Development Area designated by the Plan.

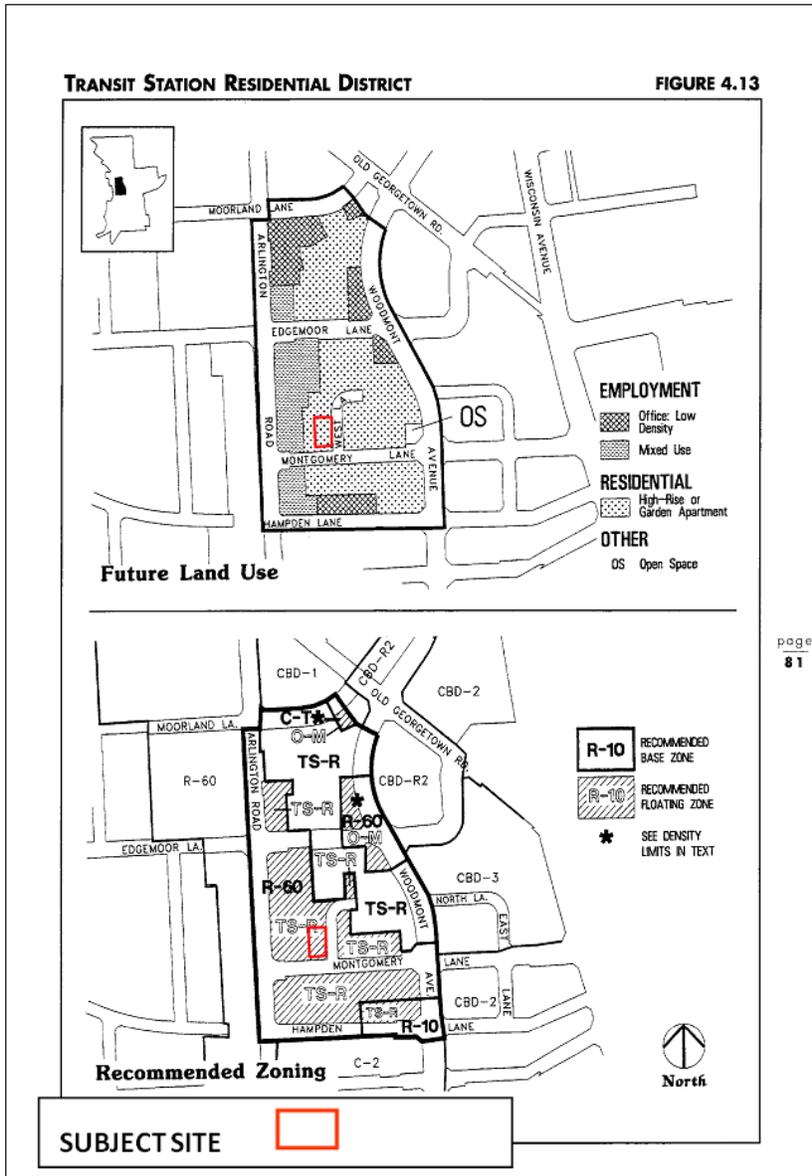


Figure 4.13, from Approved and Adopted 1994 Bethesda CBD Sector Plan, pg. 81

PURPOSE CLAUSE OF TS-R ZONE

Sect 59-C-8.23 Purpose

- (a) To promote the effective use of the transit station development area and access thereto;
- (b) To provide residential uses and certain compatible non-residential uses within walking distance of the transit stations;
- (c) To provide a range of densities that will afford planning choices to match the diverse characteristics of the several transit station development areas within the county; and

(d) Design of buildings to stimulate the coordinated, harmonious and systematic development; prevent detrimental effects to the use or development of adjacent properties or the surrounding neighborhood; to provide housing for persons of all economic levels;

The rezoning request promotes the effective use of the Metrorail Station because it can permit greater residential density within close proximity to mass transit facilities. Reclassification of the application tract area from the R-60 zone to the TS-R zone furthers the goals outlined in the purpose clause of the TS-R zone. In the development plan amendment section that follows, the specific density requested, building design proposed, and potential impacts of such a development are addressed.

ZONING HISTORY

1. 1954 - Countywide Comprehensive Zoning confirmed R-60 Zone
2. 1958 – Countywide Comprehensive Zoning confirmed R-60 Zone
3. F-736 - Adopted 8/15/72 reconfirmed R-60 Zone
4. G-20- Bethesda CBD adopted 12/6/77 reconfirmed R-60 Zone
5. G-665 - Georgetown Branch Master Plan adopted 6/26/90, reconfirmed R-60 Zone
6. G-666 - Bethesda Chevy Chase Map Plan adopted 6/26/90, reconfirmed R-60 Zone
7. G-711 - Bethesda CBD Sector Plan, adopted 10/11/94 reconfirmed R-60 zone, recommended TS-R Zone

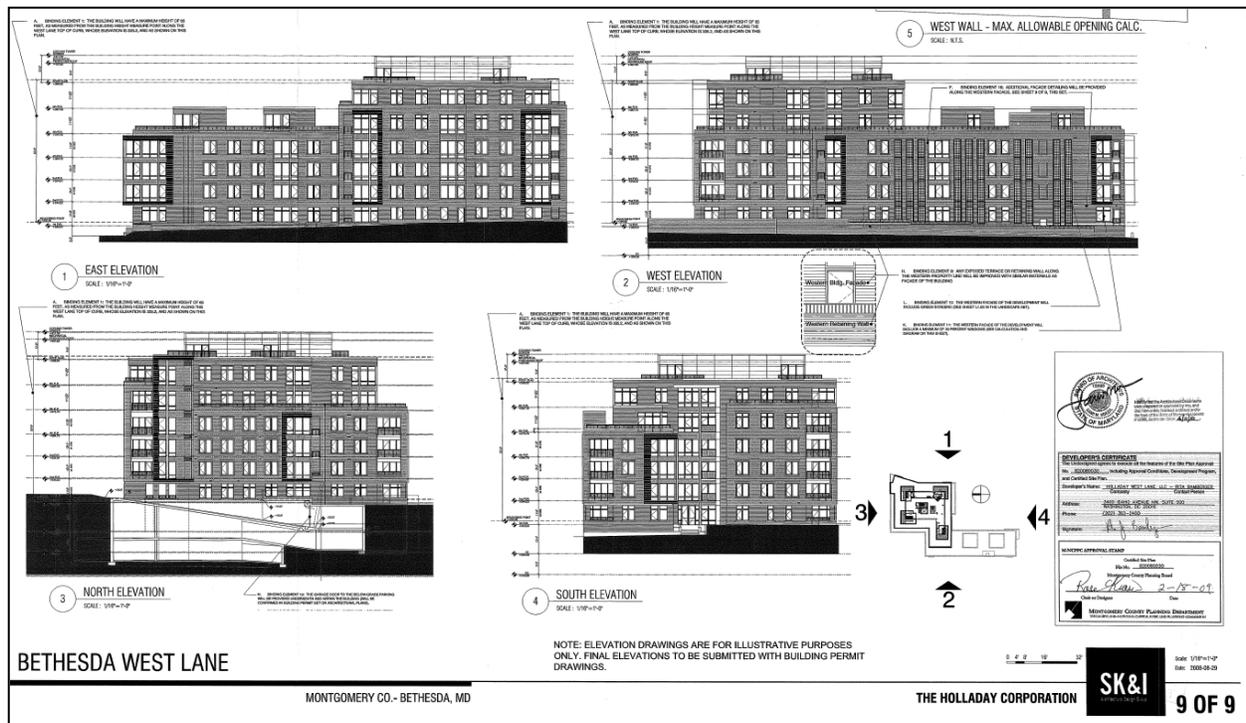
CONCLUSION

The proposed Local Map Amendment is consistent with the purpose clause and all applicable standards for the TS-R Zone and will be in substantial conformance with the zoning recommendations for the site contained in the 1994 Bethesda CBD Sector Plan. Therefore, staff recommends approval of Local Map Amendment G-954.

ANALYSIS OF DPA 13-01

BACKGROUND

The applicant, 4831 West Lane, LLC, is requesting an amendment to the Development Plan approved under LMA G-843, which was filed on November 3, 2005 to redevelop Lots 24, 25, and 27 once rezoned from the R-60 Zone to the TS-R Zone. Technical staff recommended denial of the application because adequate right-of-way for West Lane was not provided to accommodate 50 feet of right-of-way for the street. The Planning Board recommended denial to the Hearing Examiner as well on April 20, 2006. After the Planning Board recommended denial, the Applicant filed a revised application. Staff then recommended approval of the revised application in a report to the Planning Board dated October 25, 2006 and at its November 9, 2006 public meeting the Planning Board recommended approval to the Hearing Examiner. The application went before the Hearing Examiner on December 5, 2006 and the Hearing Examiner recommended that the application be deferred and remanded so that additional information could be provided regarding the application. The Applicant submitted a revised development plan on April 16, 2007 and the Hearing Examiner issued a recommendation of approval on



Building elevations for Holladay at Edgemoor, from Certified Site Plan 820080030 dated February 18, 2009

The original development plan proposed a multi-family building containing 48 dwelling units, including six MPDUs. Seventy-eight parking spaces were shown below grade for the 48 units, with vehicular access to the garage from West Lane. A loading area was provided via a lay-by area in front of the building along West Lane. The building was L-shaped since Lot 26 was not included in the application, and the primary pedestrian entrance to the building was set back from and not clearly visible from the street. The height of the proposed building was 65 feet. The building massing was varied to complement the existing and adjacent uses. Along Montgomery Lane, the building was four stories, comparable to City Homes across the street, and the height increased to five and then six stories as it progressed into the block towards taller buildings to the northeast along Woodmont Avenue. Setbacks along the northern and western property boundaries were the subject of much discussion in the original development plan. Binding elements required a six foot building setback from the western property line and 20 feet from the northern property line.

PROJECT DESCRIPTION

This amendment seeks to include Lot 26 in addition to Lots 24, 25, and 27 and increase the number of multi-family dwelling units from 48 to a building containing 100 to 120 units. Inclusion of lot 26 allows for a rectangular building rather than an L-shaped building and provides for consolidation of smaller properties within the TS-R district. Proposed setbacks of the residential units along the western property line in the current application are 15 feet at grade level (the garage below the building extends to the property line) and 15 feet from the northern property line. The entire building is approximately 118,000 square feet in size as currently proposed.

The proposed height of the building is now 70 feet with a step-down to 50 feet at the Montgomery Lane building façade. The sixth and seventh floors are setback nine feet from the face of the building along this façade. Parking for the units is again provided below the building, but with 117 rather than 78 underground spaces located off of West Lane. A loading space is proposed within the garage for tenants of the building, and the applicant will seek approval from DOT to retain the lay-by space in the front of the building along the property’s West Lane street frontage. The applicant recently revised the loading concept for the building to add an at-grade loading bay 11 feet in height, located along the site’s West Lane frontage near the underground garage entrance. The applicant intends to require service vehicles to make all deliveries via this loading bay, which will also have a door to the building within it.

The proposed building will have its primary entrance at the corner of the building near the intersection of West Lane and Montgomery Lane. Public pedestrian access will be provided via improved sidewalks along West and Montgomery Lanes.

SITE AREA ANALYSIS			
	CURRENT NET LOT AREA	PREVIOUS DEDICATION	GROSS TRACT AREA
LOT 24 - #4831 (TS-R ZONE)	7,980 SF	2,266 SF	10,246 SF
LOT 25 - #4833 (TS-R ZONE)	9,290 SF	1,443 SF	10,733 SF
LOT 26 - #4901 (R-60 ZONE)	5,989 SF	4,279 SF	10,268 SF
LOT 27 - #4903 (TS-R ZONE)	5,989 SF	1,568 SF	7,557 SF
TOTAL	29,248 SF	9,556 SF	38,804 SF
LESS PROPOSED DEDICATION ALONG MONTGOMERY LANE	125 SF		
LESS PROPOSED DEDICATION ALONG WEST LANE	713 SF		
PROPOSED NET AREA	28,410 SF		

4. THE DEVELOPMENT WILL PROVIDE 12.5 PERCENT OF THE UNITS ULTIMATELY PERMITTED FOR CONSTRUCTION AS MPDUs.	now 15 percent MPDUs proposed
5. THE DEVELOPMENT WILL PROVIDE A MINIMUM OF 10 PERCENT PUBLIC USE SPACE.	No change
6. THE DEVELOPMENT WILL PROVIDE A MINIMUM OF 20 PERCENT ACTIVE / PASSIVE RECREATIONAL SPACE.	No change
7. THE DEVELOPMENT WILL PROVIDE AN EVERGREEN LANDSCAPE SCREEN OF NOT LESS THAN TEN (10) EVERGREEN TREES OF NOT LESS THAN 8 TO 10 FEET TALL AT TIME OF PLANTING TO BE PLANTED ALONG THE NORTHWESTERN PROPERTY LINE TO SERVE AS A LANDSCAPE BUFFER.	deleted
8. ANY EXPOSED TERRACE OR RETAINING WALL ALONG THE WESTERN PROPERTY LINE WILL BE IMPROVED WITH SIMILAR MATERIALS AS FAÇADE OF THE BUILDING.	deleted
9. THE DEVELOPMENT WILL BE SET BACK FROM THE NORTHERN PROPERTY LINE A MINIMUM OF 20 FEET EXCLUSIVE OF BAY WINDOWS AND OTHER BUILDING PROJECTIONS.	deleted
10. THE WESTERN FAÇADE OF THE DEVELOPMENT WILL BE LOCATED SIX FEET FROM THE WESTERN PROPERTY LINE, EXCLUSIVE OF BAY WINDOWS AND OTHER BUILDING PROJECTIONS.	deleted
11. THE WESTERN FAÇADE OF THE DEVELOPMENT WILL INCLUDE A MINIMUM OF 20 PERCENT WINDOWS.	No change
12. THE WESTERN FAÇADE OF THE DEVELOPMENT WILL INCLUDE GREEN SCREENS.	deleted
13. THE GARAGE DOOR TO THE BELOW-GRADE PARKING WILL BE PROVIDED UNDERNEATH AND WITHIN THE BUILDING.	No change
14. THE APPLICANT WILL ENTER INTO A CONSTRUCTION AGREEMENT WITH THE VILLAGES OF BETHESDA PRIOR TO THE COMMENCEMENT OF CONSTRUCTION WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO UNDERPINNING PROVISIONS, CRANE SWING PROVISIONS AND AN AGREEMENT TO CONDUCT PRE AND POST CONSTRUCTION EVALUATIONS OF THE GARAGE AND FOUNDATION OF THE VILLAGES OF BETHESDA.	No change
15. ANY FENCE NEEDED ALONG THE WESTERN PROPERTY LINE AS A RESULT OF THE GRADE DIFFERENTIAL WILL BE AN OPEN RAIL DESIGN.	deleted
16. ADDITIONAL FAÇADE DETAILING WILL BE PROVIDED ALONG THE WESTERN FAÇADE.	deleted
17. APPLICANT WILL DEDICATE 2 ½ FEET ALONG THE WEST LANE FRONTAGE OF THE PROPERTY AND SUBJECT TO DPTW, DPS AND M-NCPPC REQUIREMENTS WILL PROVIDE AS FOLLOWS: 11' PAVING FROM CENTER LINE TO FACE OF CURB; 5' PLANTING STRIP FROM FACE OF	No change

CURB TO SIDEWALK; 5' SIDEWALK; AND 4' BUILDING SETBACK FROM THE PROPERTY LINE.	
18. IN CONNECTION WITH THE DEVELOPMENT, APPLICANT SHALL PAVE AND PROVIDE CURB ALONG WEST LANE IN ITS ENTIRETY TO 22 FEET IN WIDTH. THAT PORTION OF WEST LANE IN EXCESS OF 22 FEET AT NORTHEAST TERMINUS SHALL ONLY BE REPAVED TO CURRENT PAVED BOUNDARIES AS DELINEATED ON THE PLAN. PAVING OF SOUTHERN TERMINUS OF WEST LANE TO EXCEED 22 FEET IN WIDTH IN ORDER TO PROVIDE APPROPRIATE INTERSECTION WITH MONTGOMERY LANE, AS DETERMINED BY DPW&T. SEE PROPOSED WEST LANE ROAD SECTION, THIS SHEET.	No change
19. DECLARANT AND/OR ITS SUCCESSORS WILL MAINTAIN ON-SITE LANDSCAPING.	No change
20. DEVELOPMENT TO BE LEED CERTIFIED, CERTIFICATION TO BE ACHIEVED BY IMPLEMENTATION OF VARIOUS GREEN BUILDING ELEMENTS. •PROVISION OF GREEN BUILDING ELEMENTS SUCH AS PARTIAL SEDUM (GREEN) ROOF, ENERGY STAR APPLIANCES, AND GREEN INTERIOR FINISHES PACKAGE OPTION AND RECYCLED BUILDING MATERIALS.	more general now, stating development will comply with the Montgomery County green buildings law and achieve a minimum certified level rating in the appropriate LEED rating system, or equivalent rating in another energy and environmental standard as verified by DPS
21. THE FOLLOWING FEATURES WILL FORM THE BASIS FOR THE FINAL DESIGN TO BE DETERMINED AT SITE PLAN: •THE NUMBER OF STORIES AND GENERAL MASSING, EXCLUDING BALCONIES AND BAY WINDOW PROJECTIONS, WILL BE AS PROVIDED ON ELEVATIONS AND 3-D DRAWINGS SET FORTH ON DEVELOPMENT PLAN. •PREDOMINATELY MASONRY FAÇADE, EXCLUDING ACCENT DETAILS, WHICH MAY INCLUDE, BUT NOT BE LIMITED TO BRICK, STONE, OR MANUFACTURED STONE, PRECAST OR CERAMIC TILES. •LANDSCAPING TO INCLUDE STREET TREES ALONG WEST LANE AND MONTGOMERY LANE IN CONFORMANCE WITH BETHESDA STREETScape PLAN, LANDSCAPING ALONG MEWS, AND GROUND COVER ALONG THE WESTERN PROPERTY LINE. •WINDOWS ON ALL FACADES. •FLAT ROOFS •VEHICULAR ACCESS TO BE LOCATED IN NORTHEAST CORNER OF PROPERTY OFF OF WEST LANE. •ON-SITE PARKING LOCATED BELOW GRADE. •FINAL LOCATION AND CONFIGURATION OF 5TH FLOOR ROOF TOP ACCESS PENTHOUSE TO BE DETERMINED AT SITE PLAN.	deletion of the following: • The number of stories and general massing, excluding balconies and bay window projections, will be as provided on elevations and 3-D drawings set forth on development plan. • Windows on all facades. • Final location and configuration of 5 th floor roof top access penthouse to be determined at site plan.

Binding Elements proposed for DPA 13-01

1. This building will have a maximum height of 70 feet, as measured from the building height measure point along the West Lane top of curb whose elevation is 335.5, and as shown on the development plan.
2. The development will have a maximum density of 3.05 FAR.
3. The development will provide 15 percent of the units ultimately permitted for construction as MPDUs.
4. The development will provide a minimum of 10 percent public use space.
5. The development will provide a minimum of 20 percent active/passive recreational space.
6. The western façade of the development will include a minimum of 20 percent windows.
7. The garage door to the below-grade parking will be provided underneath and within the building.
8. The applicant will enter into a construction agreement with the Villages of Bethesda prior to the commencement of construction which shall include, but not be limited to underpinning provisions, crane swing provisions and an agreement to conduct pre and post construction of the garage and foundations of the Villages of Bethesda.
9. Applicant will dedicate 2 ½ feet along the West Lane frontage of the property and subject to DOT, DPS and M-NCPPC requirements and will provide 11' paving from center line to face of curb.
10. In connection with the development, applicant shall pave and provide curb along West Lane in its entirety to 22 feet in width except for that portion of West Lane from the center line east, along the frontage of Lot 20. That portion of West Lane in excess of 22 feet at northeast terminus shall only be repaved to current paved boundaries as delineated on the plan. Paving of southern terminus of West Lane to exceed 22 feet in width in order to provide appropriate intersection with Montgomery Lane, as determined by DOT. See proposed West Lane road section, this sheet.
11. Declarant and/or its successors will maintain on-site landscaping.
12. Development will comply with the Montgomery County green buildings law and achieve a minimum certified level rating in the appropriate LEED rating system, or equivalent rating in another energy and environmental standard as verified by DPS.
13. The following features will form the basis for the final design to be determined at site plan:
 - Predominantly masonry façade, excluding accenting details, which may include, but not be limited to brick, stone, or manufactured stone, precast or ceramic tiles.
 - Landscaping to include street trees along West Lane and Montgomery Lane in conformance with the Bethesda streetscape standards, as amended; and landscaping provided on the plaza edges along the western property line.
 - Flat roofs
 - Vehicular access to be located in northeast corner of property off West Lane
 - Bay window projections
 - On-site parking located below grade.
14. The Management Entity of the building (whether rental or condominium) must provide written requirements that all service deliveries shall occur through the service entry on located on West Lane.

Staff recommends the following binding element be incorporated by the Planning Board to achieve compatibility to surrounding development:

15. The final building design must include the following setbacks:
- a minimum of 15 feet from the western property line
 - a minimum of 15 feet from the northern property line.

Staff recommends the following binding element be incorporated by the Planning Board to ensure usability of the proposed public use space along the northern facade of the building at site plan review:

16. Public Use Space provided along the northern property line must be accessible at grade and must include activating elements that clearly indicate the area is intended for public use.



Proposed Building Elevation looking north along Montgomery Lane in relation to surrounding buildings (approved but not yet built projects superimposed)



East building elevation



East building elevation



South building elevation

DEVELOPMENT PLAN FINDINGS

Sect 59-D-1.61. Findings.

Before approving a development plan amendment, specific findings must be made under Sect 59-D-1.61 of the Zoning Ordinance. Based on the extent of the changes included in the proposed amendment and the lapse in time since the application's approval in 2007, staff has revisited all the required findings. These findings relate to conformance with the master or sector plan, compatibility with surrounding development, circulation and access, preservation of natural features and perpetual maintenance of common areas. The required findings are set forth below with analysis following:

Sect 59-D-1.61 (a) The proposed development plan substantially complies with the use and density indicated by the master plan or sector plan, and does not conflict with the general plan, the county capital improvements program, or other applicable county plans and policies. However:

(1) To permit the construction of all MPDUs under Chapter 25A, including any bonus density units, on-site in zones with a maximum permitted density more than 39 dwelling units per acre or a residential FAR more than .9, a development plan may exceed:

(A) any dwelling unit per acre or FAR limit recommended in a master plan or sector plan, but must not exceed the maximum density of the zone; and

(B) any building height limit recommended in a master plan or sector plan, but must not exceed the maximum height of the zone.

The additional FAR and height allowed by this subsection is limited to the FAR and height necessary to accommodate the number of MPDUs built on site plus the number of bonus density units.

(2) To permit the construction of workforce housing units under § 59-A-6.18 and Chapter 25B on site, the District Council may permit:

(A) any residential density or residential FAR limit of the applicable zone to be exceeded to the extent required for the number of workforce housing units that are constructed, but not by more than 10 percent.

(B) any residential density or residential FAR limit recommended in a master or sector plan to be exceeded to the extent required for the number of workforce housing units that are constructed, but not to more than the maximum density and FAR of the zone, except as provided in paragraph (1); and

(C) any building height limit recommended in a master or sector plan to be exceeded to the extent required for the number of workforce housing units that are constructed, but not to more than the maximum height of the zone.

The Bethesda CBD Sector plan (“The Plan”) recommends the TS-R zone for the entire tract area included in the Development Plan Amendment. The Council approved rezoning application G-843 in July 2007 to rezone three of the four lots in the tract area for DPA 12-03 from R-60 to TS-R. Application G-954 currently seeks approval of TS-R zoning for adjacent Lot 26 and previously dedicated right-of-way for West Lane. The Plan recommends residential uses for this site, which is located in the Transit Station Residential District, at a density of 45 to 100 dwelling units per acre. The submitted amendment continues to be in substantial compliance with the recommendations for residential uses. However, the maximum proposed density is 135 units per acre if the maximum 120 units are constructed. The maximum density permitted in the TS-R zone is 150 units per acre. A density of 135 units per acre is permissible in this instance per Section 59-D-1.61(a)(1)(A) of the Zoning Ordinance, which permits a development plan to exceed the dwelling units per acre recommended in a master or sector plan if it allows for the construction of all MPDUs under Chapter 25A, including any bonus density units, on-site in zones with a maximum permitted density of more than 30 dwelling units per acre or a residential FAR more than 0.9. Not all properties in the nearby vicinity of the subject site have been developed to provide a density of 45 to 100 dwelling units per acre near the transit station. The increase proposed by

the applicant in this instance will help fulfill the overall density envisioned in the Bethesda CBD Sector Plan for the TS-R district.

The amendment application is proposing to construct a minimum of 15% of the total number of units as MPDUs. Because the total number of units will range from 100 to 120 units depending on the final unit count, approximately 15 to 18 MPDUs will be constructed under this amendment if approved. The lower range of units proposed will more than double the number of MPDUs originally approved for this site. One of the objectives of the Sector Plan is to create more housing stock in Bethesda and to offer a variety of housing options including MPDUs.

The Plan recommends a height of no more than 65 feet for this area. As mentioned earlier, the original development plan for G-843 proposed a maximum height of 65 feet. The applicant now seeks approval of 70 feet for the maximum height of the building. This request is permissible by the District Council per section 59-D-1.61(a)(1)(B) of the Zoning Ordinance which allows a development plan to exceed the maximum height limit recommended in a master plan or sector plan that does not exceed the limit of the zone if exceeding such a recommended maximum height permits the construction of all MPDUS under Chapter 25A. There is no height maximum in the TS-R zone. The applicant states that a five foot increase in height is necessary to accommodate the construction of onsite MPDUs. If the applicant constructs the 15 percent MPDUs on site, a height of 70 feet will continue to meet the Plan's dual objectives of more housing stock and adding MPDUs to downtown Bethesda. Other nearby projects that exceeded the recommended 65 foot height limit by providing 15% MPDUs include the Hampden Lane project south of the City Homes townhome development (G-842, DPA 06-2) and the 4901 Hampden Lane project on the west side of Woodmont Avenue between Montgomery Lane and Hampden Lane (G-819, DPA 12-02). The applicant is not proposing workforce housing units under this amendment. There is no conflict with the general plan or the county capital improvements program.

SECTOR PLAN CONFORMANCE

Further conformance to the Bethesda CBD Sector Plan must be evaluated in the review of this Development Plan Amendment, particularly since the size and scale of the building has increased. The property is located in the Transit Station Residential District; the Plan recommends that development follow the recommendations and guidelines for that district, as well as the Sector Plan.

"The Plan recommends a minimum of 45 dwelling units per acre everywhere except Arlington Road, where there would not be a minimum density in order to allow townhouse development at lower densities. The Plan anticipates that some projects will incorporate higher densities, and the full 2.5 FAR densities (about 100 dwelling units per acre) would be allowed." (p. 82).

The original Development Plan was approved for 48 multi-family dwelling units, which yielded 73 dwelling units per acre. This range was within the Plan recommendation of 45 to 100 dwelling units per acre. This amendment seeks to increase the number of units to a range of 100 to 120 units. If approved for the construction of up to 120 units, the amendment would yield a density of 135 units per acre. As stated earlier in this report, Section 59-D-1.61(a)(1)(A) of the Zoning Ordinance permits a development plan to exceed the dwelling units per acre or FAR limit recommended in a master or sector plan if it allows for the construction of all MPDUs under Chapter 25A including any bonus density units, on-site in zones with a maximum permitted density of more than 30 dwelling units per acre or a residential FAR

more than 0.9. This is the only scenario in which the applicant could exceed the Sector Plan density recommendation.

The property is proposed to be developed at a FAR of 3.05. The Plan recommends a FAR of 2.5, however, under this application a minimum of 15% MPDUs will be constructed on site. The applicant is receiving a 22% bonus density allowed in the Zoning Ordinance in return for the additional MPDUs which results in an additional FAR of 0.55. Much like the unit per acre count, the FAR can be exceeded per Section 59-D-1.61(a)(1)(A) of the Zoning Ordinance. Therefore, the 3.05 FAR is allowable in this instance.

The Sector Plan also recommends “a combination of private and public open space both within and outside the TS-R district to serve new residents. Open space within the TS-R neighborhood would be developed as private recreational areas, possibly with both housing and private outdoor areas located above structured parking” (p. 82).

The development plan amendment shows active and passive recreation space for residents in a rear garden, common ground-level outdoor amenity areas, roof top amenity space, and indoor community rooms. Twenty-six percent of the site area includes active and passive recreation areas. Fourteen percent of the site is proposed as public open space, and this requirement will be met via new streetscape construction along Montgomery and West Lanes and within the open area located on the north side of the building. With the inclusion of lighting, landscaping, and sidewalks, such features will create a usable public open space on Montgomery and West Lanes where it does not presently exist. Members of the surrounding community have advocated for the majority of public open space to be provided in the front of the building along Montgomery Lane, necessitating the building be set back further from the street. Staff also has concerns that public use space along the northern building facade will be hidden from the public eye and be difficult to activate, however, Staff does not believe that a deeper building setback to accommodate public open space on Montgomery Lane is necessarily the answer. A small lawn area in front of the building is appropriate in a more suburban environment where maintaining a cohesive building line is less important. Staff suggests an additional binding element be included to insure that proposed public use space in this location is not under-utilized.

The Sector Plan’s Urban Design guidelines applicable to this amendment application are as follows:

1. Permit projects with a minimum lot size of 18,000 square feet to encourage smaller scale projects. Projects should not leave isolated parcels.

The Development Plan Amendment proposes a gross tract area of 38,804 square feet, which exceeds the minimum lot size. In the original development plan, Lot 26 was left as an isolated parcel. By including Lot 26 in the application, more cohesive streetscape and building lines will be present along West and Montgomery Lanes. Additionally, a more functionally efficient building can be designed for the site.



Image depicting building footprints and site areas. Left, original development plan building footprint. Right, development plan amendment building footprint.

2. Encourage low-rise buildings to fill out the parcel.

The original Holladay at Edgemoor mid-rise building was proposed to be 65 feet in height, and filled out the portions of the parcel included in the application. This amendment now shows a building with a height of 70 feet, which is an increase of 5 feet, or 7 percent.

The Sector Plan recommends building heights ranging from 35 feet to 200 feet, and recommends a height of 65 feet for the majority of the TS-R zone, while also recommending that the TS-R area include low-rise development. Since a building height of less than 5 stories is generally considered a low-rise building, and buildings greater than 10 stories are generally considered a high-rise building, a mid-rise building is generally considered to be 5 to 9 stories in height. As such, a mid-rise building is once again suitable for this site, since a building within this height range can ensure the inclusion of affordable housing units. The proposed building reaches a height of 70 feet but the revised design includes a building height of 50 feet along Montgomery Lane.

The 70 foot tall building has a more prominent building design than the design of the first building, where the rectangular shape of the larger site area which includes Lot 26, and makes for a rectangular building that creates a defined edge along the street. The building has been designed to fill out most of the tract area while still providing adequate active and passive recreation space for future residents. The proposed design satisfies this objective of the Sector Plan.

3. Maintain low-rise building heights which step down to three floors along Arlington Road. Heights of up to six floors are preferred along Woodmont Avenue to achieve the desired urban form.

The site fronts on neither Arlington Road nor Woodmont Avenue. However, the proposed 70 foot building height does fall within a range of building heights that will create a transition from Woodmont Avenue to Arlington Road. At Woodmont Avenue, the Edgemoor is 100 feet high, then the mid-rise building approved east of the subject property under G-908 will be 65 feet, followed by the subject building at 70 feet high, stepping down to the building fronting Arlington Road approved under G-865 at 46 feet in height.

4. Provide 25-foot building setbacks from the curb (15 feet from the Sector Plan right of-way) along Arlington Road. Setbacks in the remaining portion of the TS-R District will be decided on a case by case basis as redevelopment proceeds through the Planning Board approval process

The building does not front on Arlington Road. The Montgomery Lane façade will be set back 10 feet from the property line and 26 feet from the curb of the street. The proposed setback will be consistent with the setbacks of existing and approved but not yet built projects along Montgomery Lane. The proposed West Lane façade will be setback 4 feet from the property line and 18 feet from the curb of West Lane.

5. Design roof tops to achieve a residential image using hip roofs, gables, turrets, and other types of pitched roof lines. The varied roof line is desirable to improve character and reduce the sense of bulk.

This project achieves the broader intent of this design guideline of projecting a “modern, residential image” through various design features. For this reason, the provision of a “pitched roof line” or similar design feature is not essential to achieve the intent.

First, the primary architectural material is a red brick base, which corresponds with the existing low-rise residential development to the west and south, as well as the existing high-rise development to the east and north. Second, a partially set-back metal top breaks up the height of the building and expanse of red brick, as does the recently added corner canopy element. Third, a metal and glass corner element breaks up the width of the building, while at the same time highlighting the building’s entrance and residential lobby. Finally, the applicant has added additional balconies on the first floor of the building which clearly indicate the residential character of the building while at the same time enlivening the fenestration. Previously approved projects such as Edgemoor at Arlington North (LMA G-779) and 4825 Montgomery Lane project (LMA G-908) provide flat roofs much like the subject application.

6. Locate front unit entrances along the street when residences are provided on the first floor to encourage street life.

The previous development plan included an entry to the building located off West Lane that was less than obvious. The proposed development plan amendment shows the building’s primary entrance at the intersection of Montgomery and West Lanes. A lobby in this area will be provided for the comfort of residences and visitors. To establish a uniform building design, the applicant has not elected to provide unit entrances along West or Montgomery Lanes, as was the case in the previous development plan. Such entrances would impact the outdoor amenity areas that are intended for residents of the entire building and for the public along the street. The applicant has, however, revised the design to include balconies along the first floor units which will achieve a more active street presence.

7. Locate required parking either underground or in rear decks, so as not to be seen from surrounding streets.

As outlined in the Development Plan Amendment and described in this report, the development plan shows an underground parking garage with access from West Lane to service this project. Loading is provided within the building and along West Lane.

ZONING ORDINANCE CONFORMANCE

This application is subject to Section 59-D-1.61 (b), which requires that the proposed development comply with the purposes, standards, and regulations of the zone as set forth in article 59-C, which would provide for the maximum safety, convenience, and amenity of the residents of the development and would be compatible with adjacent development.

In its approval on July 10, 2007, the Council established that the proposal complied with the purpose and standards of the TS-R Zone as it provided for a maximum of safety, convenience and amenity of residents of the development and would be compatible with adjacent developments. Because of the expanded tract area and building footprint, staff has revisited the intent, purposes, standards and regulations of the TS-R Zone.

59-C-8.21. Intent

(a)The TS-R and TS-M zones are intended to be used in a Transit Station Development Area as defined in section 59-A-2.1. However, the TS-R zone may also be used in an area adjacent to a Central Business District, within 1,500 feet of a metro transit station, and the TS-M zone may be also be used within a Central Business District if the property immediately adjoins another property outside a Central Business District that is eligible for classification in the TS-M zone or separated only by a public right-of-way from property outside a Central Business District that is eligible for classification in the TS-M zone.

The property is located within a Transit Station Development Area and District. It is located approximately 950 feet from the Bethesda Metrorail Station.

(b)The TS-R zone is intended for locations where multiple-family residential development already exists or where such development is recommended by an approved and adopted master plan.

The Plan recommended the TS-R zone for this property as a way to achieve multi-family residential development in this location. The Chase and Edgemoor buildings within close proximity to the subject site were developed as high-rise multi-family buildings. This Development Plan Amendment continues to implement the Plan's recommendation for multi-family development in this area as a mid-rise building.

(c)The TS-M zone is intended for locations where substantial commercial or office uses already exist or where such uses are recommended by an approved and adopted master plan.

Not applicable to subject application, the site is zoned TS-R.

(d)In order to facilitate and encourage innovative and creative design and the development of the most compatible and desirable pattern of land uses, some of the specific restrictions which regulate, in some

other zoning categories, the height, bulk and arrangement of buildings and the location of the various land uses are eliminated and the requirement substituted that all development be in accordance with a plan of development meeting the requirements of this division.

In redeveloping the site, the applicant has employed the flexible standards of the TS-R Zone to incorporate the proposed building into the surrounding area. The building is larger than previously approved but the provided setbacks have been adjusted to attempt to mitigate this change. The building's design will contribute to a cohesive building line on Montgomery Lane, once projects on the east and west of the site are constructed. This amendment continues to achieve a compatible and desirable land use on the subject property.

Sect 59-C-8.23 Purpose

(a) To promote the effective use of the transit station development area and access thereto;

The amendment promotes the effective use of the Metrorail Station by adding new residential uses at this location and in close proximity to the station.

(b) To provide residential uses and certain compatible non-residential uses within walking distance of the transit stations;

The proposal will be providing up to 120 multi-family units within 950 feet of the Bethesda Metrorail station.

(c) To provide a range of densities that will afford planning choices to match the diverse characteristics of the several transit station development areas within the county; and

As originally approved, the density for the development was 73 dwelling units per acre. The development plan amendment proposes more units thereby increasing the density to a maximum of 135 dwelling units per acre, depending on the final unit count. This density exceeds the Plan's recommendation of 45 to 100 dwelling units per acre but will contribute to creating greater diversity of housing choices found within the Bethesda CBD. In addition to adding more MPDUs in the vicinity, the applicant intends to offer smaller units in an area of Bethesda where residential units are generally larger in size.

(d) Design of buildings to stimulate the coordinated, harmonious and systematic development; prevent detrimental effects to the use or development of adjacent properties or the surrounding neighborhood; to provide housing for persons of all economic levels;

The provided setbacks ensure that detrimental effects to adjacent residential properties will be minimized. The proposal will offer housing for persons of varying economic levels. With a building mass and height comparable to the surrounding existing and proposed residential developments, this amendment continues to provide a coordinated, harmonious and systematic development of this area as envisioned by the Sector Plan.

Sect 59-C-8.24. Location. According to Section 59-C-8.24 of the Zoning Ordinance, "the TS-R and TS-M zones are permitted only in a Transit Station Development Area and in accordance with an approved and adopted master plan or sector plan."

The DPA application site was recommended for reclassification to the TS-R zone in the Plan, and is in a Transit Station Development Area designated by the Plan.

Sect 59-C-8.25. Public facilities and amenities.

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

The subject property is served by existing sewer and water mains. The site is located within the school service areas of the Bethesda Chevy Chase Cluster (B-CC) which includes Bethesda Elementary School, Westland Middle School, and Bethesda-Chevy Chase High School. The FY 2013 Subdivision Staging Policy school test finds that the elementary and middle school capacity to be adequate in the B-CC cluster. At the high school level a school facility payment is required for subdivision approval in FY 2013.

The July 1994 Approved and Adopted Bethesda CBD Sector Plan recommends the following nearby transportation facilities:

1. Montgomery Lane, between Arlington Road to the west and Woodmont Avenue to the east, as a two-lane business district “mixed” street with parking on one side, and with a minimum right-of-way width of 52 feet.
2. West Lane, between Montgomery Lane and its terminus to the north, as a two-lane business district street with a minimum right-of-way width of 45 feet.

The submitted development plan shows one foot of right-of-way dedication along the site’s Montgomery Lane frontage and two and a half feet of right-of-way dedication along site’s West Lane street frontage. These dedications accommodate the 52 foot right-of-way for Montgomery Lane by providing 26 feet from the centerline to the property line and also accommodate the 50 foot right-of-way for West Lane by providing 25 feet from the centerline. The Plan recommends dedication to ensure safe and efficient circulation along the public sidewalks for residents, workers and visitors in the Bethesda downtown as well as future residents of this project.

Sect 59-8.3 Land uses. Dwelling units are permitted in the TS-R Zone. Multi-family units are included in the definition for “dwelling units” contained in Sect 59- A-2.1 of the Zoning Ordinance.

Sec. 59-C-8.4. Development standards. The table below notes how the amendment continues to meet the development standards required in the TS-R zone.

Development Standard	Permitted/Required	Approved G-843	DPA 13-01	Zoning Provision if applicable
Minimum Area	18,000 sq. ft.	23,260 sf	38,804 sf	Sect 59-C-8.41
Number of Dwelling Units	NA	48 units	100-120 units	NA
Dwelling Units per Acre	150 ¹	73	135 max.	Sect 59-C-8.42(b)
MPDUs	12.5%	12.5%	15%	NA
MPDUs (#)	NA	6	15-18	NA
FAR	2.5	2.5	3.05 ²	Sect 59-C-8.42(a)
Building Height	Determined at site plan	65 feet	70 feet	Sect 59-C-8.51
Setbacks from western property line	NA	6 ft	15 ft	NA
Setback from northern property line	NA	20 ft	15 ft	NA
Setback from West Lane ROW	NA	0 ft	4 ft	NA
Setback from Montgomery Lane ROW	NA	15 ft	10 ft	NA
Minimum Percent Public Use Space	10%	10%	14%	Sect 59-C-8.43 (a)
Minimum Percent Active/Passive Recreational Space	20%	20%	26%	Sect 59-C-8.43 (b)
Total minimum open space	30%	30%	40%	Sect 59-C-8.43
Parking	NA	78 spaces	117 spaces ³	Sect 59-E 3.7

¹The TS-R zone allows 150 dwelling units per acre. The Bethesda CBD sector Plan recommends 45-100 dwelling units per acre in the Transit Station Residential District.

²FAR – Floor Area Ratio is calculated on gross tract area of the site. The project is utilizing the full density bonus of (0.55 FAR) by constructing a minimum of 15% MPDUs onsite.

³ If up to 120 units are approved, the final parking count will be evaluated in detail at the time of site plan amendment review, and will be based on the final unit count and mix.

59-C-8.45 Procedures for application and approval.

This development plan amendment will need to be approved by District Council in accordance with provisions contained in section 59-D-1 of Zoning Ordinance entitled “Development Plan”. The applicant is not seeking partial cost developer participation for the subject site which is allowed in the transit station development area zone.

Sect 59-C-8.5. Special requirements in the TS-R zone

Sect 59-C-8.51. Building height limit.

There is no building height limit in the TS-R zone, it is established at site plan review. If approved, the building height will be a maximum of 70 feet with 15 percent MPDUs, as permitted by the zoning ordinance.

59-C-8.52. Off-street parking, minimal impact on adjoining residential properties. Parking shall be located as to have a minimal impact on any adjoining residential properties.

An underground parking garage containing approximately 117 spaces will provide parking for the development, with access to the garage from West Lane. Underground parking will minimize the sight and sounds that above ground parking can create, thereby lessening the impact on adjoining residential uses. The final parking calculations will be determined at site plan once the final unit count and unit mix is provided.

59-C-8.53. Streets, interior and right of -way.

There are no interior streets proposed under this application. As outlined in the public facilities section on the previous page, right-of-way dedication is adequate.

59-C-8.54. Ancillary commercial uses.

This development plan amendment does not propose any ancillary commercial uses.

Sect 59-D-1.61 (c) That the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient.

The amendment proposes pedestrian circulation along the site's borders. Public sidewalks on Montgomery and West Lanes will provide access that is efficient and adequate for internal and external pedestrian movement patterns of future residents and workers in the Bethesda CBD.

The active and passive recreation space along a portion of the site's western property line will provide a safe, adequate and efficient means to move around the property and into the building for future residents. The provision of only one vehicular access point along West Lane was designed to minimize pedestrian and vehicular conflicts. This access point serves as the entrance to the underground parking garage and will be clearly delineated.

The peak-hour trip generation estimate for the proposed development based on trip generation rates included in the *LATR/PAMR Guidelines* is provided in Table 1.

As shown in Table 1, the proposed 120-unit residential development (previously approved 48 units plus currently proposed 72 units) is estimated to generate 36 peak-hour trips during weekday morning and evening peak periods. The site is currently occupied with four buildings (6,735 SF of office uses) that generate 16 peak-hour trips during the morning peak period and 11 peak-hour trips during the evening peak period. With removal of these trips, the proposed development will add a total of 20 peak-hour trips during the morning peak period and 25 peak-hour trips during the evening peak period to the road network.

**TABLE 1
SUMMARY OF SITE TRIP GENERATION**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
Proposed residential development – 120 units	7	29	36	24	12	36
Existing Observed Trips (6,735 SF Office)	14	2	16	5	6	11
“Net” Additional Trips	-7	27	20	19	6	25

A traffic study (dated September 21, 2012) was submitted by the consultant for the Applicant for the subject application per the *LATR/PAMR Guidelines* since the proposed development was estimated to generate **30** or more peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. The traffic study determined traffic-related impacts of the proposed development on nearby roadway intersections during weekday morning and evening peak periods. A summary of the capacity analysis/Critical Lane Volume (CLV) analysis results for the study intersections for the weekday morning and evening peak-hours within the respective peak periods from the traffic study is presented in Table 2. As shown in Table 2, under Total (Build) traffic conditions, CLV values for intersections included in the study were estimated to be below the respective policy area congestion standards (1,800 CLV for the Bethesda CBD Policy Area). Based on the above analysis presented in the traffic study, the subject application satisfies the LATR requirements of the APF test.

**TABLE 2
SUMMARY OF CAPACITY CALCULATIONS
PROPOSED WEST LANE RESIDENTIAL DEVELOPMENT**

Intersection	Traffic Conditions					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Montgomery La/Arlington Rd	491	764	506	772	516	783
Montgomery La/West La	44	129	58	139	79	160
Montgomery La/Woodmont Ave	394	423	394	425	394	427
West La/Site Driveway	--	--	--	--	44	46

To satisfy the PAMR requirements of the APF test, and per the policy in place that offer a PAMR trip credit for CBD developments, a development located within the Bethesda CBD Policy Area is required to mitigate 25 percent of “new” peak-hour trips generated by the development using Countywide trip generation rates, and is then offered a credit on the PAMR trip mitigation requirement equivalent to any reduction in peak-hour trips achieved by the development as a result of its location within the CBD.

As shown in Table 3, using Countywide trip generation rates, the density proposed on the site after credit for existing density would generate 37 peak-hour trips during the weekday morning peak period and 38 peak-hour trips during the weekday evening peak period (Line C1). With the requirement to mitigate 25% of the “new” peak-hour trips, the PAMR mitigation requirement for the development is mitigation of 11 peak-hour trips during the weekday morning and evening peak periods (Line D1).

Using the Bethesda CBD trip generation rates, as shown in Table 1 (and Table 3), the density proposed on the site after credit for existing density on the site would generate 20 peak-hour trips during the weekday morning peak period and 25 peak-hour trips during the weekday evening peak period (Line G1).

The PAMR CBD trip credit, which is the difference in trips between the Countywide and CBD trip generation for the density proposed on the site, is 17 peak-hour trips during the weekday morning peak period and 13 peak-hour trips during the weekday evening peak period (Line H1). With the above credits, it is seen that the PAMR mitigation requirement for the development is fully mitigated during both the morning and evening peak-hours. Based on the above analysis presented in the traffic study, the subject application satisfies the PAMR requirements of the APF test.

**TABLE 3
PAMR MITIGATION REQUIREMENT CALCULATION
PROPOSED WEST LANE RESIDENTIAL DEVELOPMENT**

	Morning Peak-Hour	Evening Peak-Hour
Site Trip Generation – (Countywide Rates)		
A. Existing Density 6,735 SF Office (A1)	9	15
B. Proposed Density 120 High-Rise DU’s (B1)	46	53
C. Net New Trips (C1 = B1 – A1)	37	38
D. PAMR Mitigation Requirement (D1 = C1 x 0.25)	11	11
Site Trip Generation – (CBD Rates)		
E. Existing Density 6,735 SF Office (E1) [Observed]	16	11
F. Proposed Density 120 High-Rise DU’s (F1)	36	36
G. Net New Trips (G1 = F1 – E1)	20	25

	Morning Peak-Hour	Evening Peak-Hour
H. Trip Credit for CBD Location (H1 = C1 – G1)	17	13
I. Adjusted PAMR Mitigation Requirement (I1 = H1 – D1) [PAMR: Excess/Pass = +ve; Deficit/Fail = -ve]	+6 (Pass PAMR)	+2 (Pass PAMR)

Source: Wells and Associates, Inc. LATR/PAMR Traffic Study. September 21, 2012.

The following transportation planning comments are recommended to be part of the Planning Board recommendations for the subject applications, noting that these comments may or may not satisfy APFO or other Plan requirements at the time of filing future preliminary plan and site plan amendments.

1. The Applicant must limit future development on the site to 120 dwelling units.
2. The Applicant must provide necessary frontage dedication, corner truncation, as well as roadway and sidewalk improvements along Montgomery Lane and West Lane as recommended by the Bethesda CBD Sector Plan. These improvements must be coordinated with the frontage improvement requirements proposed for Rezoning Application No. G-908 (4825 Montgomery Lane) and with the Montgomery County Department of Transportation.
3. The Applicant must satisfy Local Area Transportation Review (LATR) and Policy Area Mobility Review (PAMR) requirements of the APF test required under the regulatory requirements in effect at the time of the filing of the preliminary plan amendment application.

Sect 59-1.6 (d) That by its design, by minimizing grading and by other means, the proposed development would tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the site. Any applicable requirements for forest conservation under Chapter 22A and for water resource protection under Chapter 19 also must be satisfied. The district council may require more detailed findings on these matters by the planning board at the time of site plan approval as provided in division 59-D-3.

The site is exempt from forest conservation requirements due to its size and the lack of existing forest cover. The stormwater management concept for the site must be in accordance with the 2010 Maryland Department of the Environment Stormwater Design Manual requirements. The applicant anticipates employing a vegetated green roof, planter-style micro biofilters, and a traditional underground stormwater vault to satisfy the requirements.

Sect 59- 1.6 (e) That any documents showing the ownership and method of assuring perpetual maintenance of any areas intended to be used for recreational or other common or quasi-public purposes are adequate and sufficient.

Binding element #11 states that the declarant and/or its successors will maintain on-site landscaping. Compliance with this element will be reiterated at the time of site plan review to ensure the perpetual maintenance of the common areas.

ENVIRONMENTAL REVIEW

As mentioned above, the applicant was granted an exemption from the requirements of Chapter 22A, the Forest Conservation Law. The exemption was granted because the proposed redevelopment will occur on a tract area that is less than one acre and activity will not result in the clearing of more than 20,000 total square feet of existing forest, or any existing specimen or champion tree. There are no forested areas on the property, and the property does not contain any significant environmental features.

CITIZEN CORRESPONDENCE

The Applicant has met all proper signage and noticing requirements. Staff has met with and spoken to a number of residents in the immediate area who are concerned with the proposed project's effect on their living environment in this area of Bethesda. Staff has also received a great deal of correspondence in opposition to the project. Citizen correspondence received as of the date of this report is included in Attachment F. The issues are summarized below:

Density

Citizens expressed concern that the density of the project greatly exceeds what was previously approved in G-843 and the increase in density is not proportional to the additional 5,989 square feet of land area that Lot 26 adds. Increasing the number of units in the area from 48 up to 120 will yield 72 more units and effectively increases the number of units by 150% while the net tract area has only increased by 20% and the gross tract area by 26%.

Compatibility/Building massing

Another concern brought to staff's attention is the size and scale of the building and the overall effect of the building's mass. These interested parties believe the tent concept in the Sector Plan of gradually reducing building heights from Woodmont Avenue to Arlington Road is not achieved with a seven story, flat roof building. Furthermore, they believe the building will not be compatible with City Homes to the South of the site and the redevelopment project approved under applications G-779 and G-865 to west of the site at the intersection of Arlington Road and Montgomery Lane, but many do believe a step-down approach to the height could greatly increase compatibility.

The residents of 4828 West Lane directly across the street from the project's West Lane lay-by area are concerned that users of the lay-by will use their driveway to turnaround and maneuver into the lay-by. These residents have also asked that replacement aprons serving their driveway be constructed as West Lane improvements are made.

Montgomery Lane character

The citizens whom staff has talked with also strongly believe that the character of Montgomery Lane will be eroded with the addition of 120 units and the residents that will live in the building. Such residents will place the typical demands on traffic. For instance, delivery vehicles will be much more frequent on the 20 foot wide street. The location of the building's entrance at the corner of the building near the

Montgomery Lane and West Lane intersection will encourage delivery vehicles to use Montgomery Lane to park the trucks and then deliver packages. Montgomery Lane is two-way at this location which residents of the area believe will be particularly problematic because traffic traveling west will have to enter oncoming traffic in order to maneuver past such delivery vehicles. Increased congestion, they argue, will impact the areas of respite that are provided for pedestrians along Montgomery Lane and add to the levels of noise and traffic that infringes upon the pedestrian environment.

Public Use Space

Another issue that citizens have found with the project is location of the public use space. Since these residents are potential users of the space, they believe placing it north of the building off of West Lane is not suitable because it will be isolated and not have a public feel. Many individuals suggest moving the public use space to the front of the building along Montgomery Lane. They believe the public use space in this area will achieve two things: create a more usable environment for pedestrians and set the building back further on the site to achieve greater compatibility with City Homes and a more peaceful environment along Montgomery Lane.

Staff has looked into these issues considerably in this report, and continues to find that the project is in compliance with the applicable sector plan and zoning code requirements. The site's close proximity to the Bethesda metro station and more dense development to the east make this a logical location to construct a building 70 feet in height that includes 15% MPDUs. While the density (number of units) does not seem to be proportional to the size of the lot included in the application, the previous Holladay at Edgemoor building did not achieve the maximum density allowed in the Sector Plan and the zone. The square footage gained from prior right-of-way dedication attributable to Lot 26 increased the gross tract area and thus allowed for the increased number of units provided in the development plan amendment application. Building design does evolve over time, and a flat roof building with smaller units reflects the changing nature of the condominium and apartment real estate market. Building design is conceptual during the zoning stage, but the proposed design does include materials and articulations emphasizing the character of Montgomery Lane and adds to the concept of a mixed street for pedestrians with a variety of building facades. Public use space and onsite recreation space will surpass requirements, which suggest that the scale of the project is not excessive. The applicant has slightly revised the building design to include a step-down to 50 feet for the Montgomery Lane façade of the building, and has included balconies for the first floor units to make the building appear more residential in character.

Based upon discussions with the applicant, a third loading area was added along the building's West Lane façade near the garage entry. The applicant has added a binding element so that operators of the building must require all deliveries be made through this loading bay and the interior door to the building. This additional loading bay will better facilitate deliveries from West Lane so as not to impede Montgomery Lane vehicular traffic. This driveway will also be the obvious turnaround point for users of the lay-by, rather than the driveway for the 4828 West Lane residence across the street. The driveway aprons for this residence should be addressed in the preliminary and site plan stage for application LMA G-908 which is immediately adjacent to that property.

Staff considered the alternative of a primary entry to the building from West Lane but believed the primary entry should remain from Montgomery Lane to emphasize a more prominent front façade and

to enliven Montgomery Lane in a fashion that emphasizes pedestrian activity on the street, which is consistent with objectives of the Sector Plan.

The additional peak-hour trips created by the proposed development and its impact on the overall traffic flow in the area will not severely degrade the pedestrian and vehicular environment on Montgomery Lane. If the proposed project is approved and eventually constructed, the values for the critical lane volume of intersections included in the study are estimated to be below the respective policy area congestion standards. An enforcement problem on Montgomery Lane does exist where visitors and delivery vehicles park illegally on the street. Staff suggests either the Planning Board or the County Council write a letter to the Montgomery County Department of Transportation urging more vigilance on Montgomery Lane.

CONCLUSION

The proposed Local Map Amendment and its associated Development Plan Amendment dated December 7, 2012 is consistent with the purpose clause and all applicable standards for the TS-R Zone and will be in substantial conformance with the land use recommendations contained in the 1994 Bethesda CBD Plan. Furthermore, the Development Plan Amendment is consistent with the findings in Section 59-D-1.61. Therefore, staff recommends approval of the rezoning application and the proposed Development Plan Amendment.

Attachments

- Attachment A – Council Resolution 16-246
- Attachment B – Resolution Preliminary Plan 120080050
- Attachment C – Resolution Site Plan 820080030
- Attachment D – Interoffice transportation memorandum
- Attachment E – Forest conservation exemption #42012159E
- Attachment F – Citizen Correspondence

Resolution No.: 16-246Introduced: July 10, 2007Adopted: July 10, 2007

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND**

By: District Council

**SUBJECT: APPLICATION NO. G-843 FOR AMENDMENT TO THE ZONING ORDINANCE MAP,
Patricia A. Harris, Esquire, Attorney for HOLLADAY WEST LANE, LLC, Applicant,
OPINION AND RESOLUTION ON APPLICATION**

Tax Account Nos. 07-00489478, 07-00487286 and 07-00487275

OPINION

Zoning Application No. G-843, filed on December 5, 2005, requests reclassification from the R-60 (Residential 6,000 square feet) Zone to the TS-R (Transit Station-Residential) Zone of 23,260 square feet of land known as Lots 24, 25 and 27, Block 13 of the Edgemoor Subdivision, and located at 4903 Montgomery Lane and 4831 and 4833 West Lane, Bethesda, Maryland, in the 7th Election District. As required under the TS-R Zone, the application was accompanied by a Development Plan with detailed specifications related to land use, density, development standards and staging. Pursuant to Code § 59-D-1.11, development under the TS-R Zone is permitted only in accordance with a development plan that is approved by the District Council when the property is reclassified to the TS-R Zone.

The Hearing Examiner recommends approval of the development plan on the basis that it conforms with all the requirements of 59-D-1.61 of the Zoning Ordinance. The Hearing Examiner

EXHIBIT NO. 7
APPLICATION NO. DPA 12-03

also recommends approval of the TS-R Zone at this location because the evidence of record establishes that it is a proper use for the comprehensive and systematic development of the County; that the proposed use is capable of accomplishing the purposes of the TS-R Zone; that the proposed development is in substantial compliance with the Sector Plan; and that the proposed development satisfies all the standards and requirements of the TS-R Zone. The Montgomery County Planning Board and its Technical Staff also recommend approval. The District Council agrees with the recommendation of the Technical Staff, the Planning Board and the Hearing Examiner and incorporates herein the Hearing Examiner's original report and recommendation dated February 26, 2007 and his supplemental report and recommendation dated June 21, 2007.

The subject property is located within the Bethesda Chevy-Chase Planning Area and more specifically within the Bethesda CBD Sector Plan area. The property is located 1,000 feet southwest of the Bethesda Metro Station, southwest of the intersection of Wisconsin Avenue with Old Georgetown Road and East-West Highway, and is located within the Bethesda Transit Station Residential District as described in the Bethesda CBD Sector Plan. The site is irregularly shaped and consists of three lots located on the north side of Montgomery Lane and the west side of West Lane in downtown Bethesda. The subject property contains a gross tract area of 28,537 square feet and is currently improved with single-family residential structures used for commercial purposes.

The property possesses about 233 feet in depth and 175 feet in width as measured at its deepest and widest points. The site rises to a high point at its northeast corner at 338 feet above sea level. From this point the property slopes downward in a southwest direction about 4 to 5% to a low point of 328 feet above sea level.

The 1954 Regional District Zoning applied the R-60 Zone to the site. The 1958 County-wide Comprehensive Zoning reaffirmed the R-60 Zone. The 1976 Bethesda CBD Sector Plan recommendations were applied by Section Map Amendment in 1977 and this action reconfirmed the

R-60 Zone for the site. The 1994 comprehensive amendments to the Bethesda CBD Sector Plan were applied by Sectional Map Amendment in 1994, again reconfirming the R-60 Zone.

The 1994 Sector Plan recommends the site for ultimate use under the TS-R Zone. The planning objectives for the area support higher density residential uses near both Metro and retail services. A maximum density of 150 dwelling units per acre and minimum density of 45 dwelling units per acre is the range recommended for the TS-R district in the Sector Plan, except for those lots facing Arlington Road where lower densities are recommended to allow for townhouses.

The District Council determines that the relevant surrounding area for the evaluation of this application include those properties within Bethesda Transit Station Residential District and properties or roads immediately adjacent to the district. This district is defined in the Sector Plan, was recommended by Technical Staff and is consistent with surrounding areas used in the evaluation of other TS-R Zoning applications for this area.

The land use and zoning pattern of this area reflects a predominately residential character, although high rise office uses are located in the eastern portion of the area and retail services are located at the southern edge. The area is composed of a number of multifamily and townhouse projects approved under the TS-R Zone after the adoption of the 1994 Sector Plan. Most of these projects have been developed. The remainder of the district is composed of older garden apartments and single-family structures either retained for residential use or converted to commercial uses by special exceptions.

Located northwest of the site are 22 townhouses built to a three-story height with below grade parking. This project was developed under the TS-R Zone as the Villages of Bethesda, approved under LMA G-720 on October 10, 1995. The Chase high rise is located east of the site along Woodmont Avenue and is developed under the TS-R Zone in two buildings, 90 and 120 feet in height, with a

density of 340 dwelling units. Located further north along Woodmont Avenue is another TS-R Zoning project known as the Christopher, which is developed to a height of 122 feet with 200 dwelling units.

Located to the south along Woodmont Avenue is a 100-foot tall multifamily building in the TS-R Zone known as the Edgemoor high rise. Located southeast of the site is an existing residential building at the corner of West and Montgomery Lanes used as a law office (Wolf, lot 26). Across West Lane from the site are three single-family buildings, one of which is still in residential use (Chipouras, Lot 22).

South of the site is the 29-unit City Homes townhouse project, approved for the TS-R Zone under LMA G-721. This project was approved on February 1, 2000 and is developed with five rows of townhouses perpendicular to Montgomery Lane, with a 55-foot height and three stories. Also on the south side of Montgomery Lane and the east side of Arlington Road is the Edgemoor at Arlington, another project approved under the TS-R Zone, with a 46-foot building height and underground parking.

The western edge of the site is bordered by three single-family structures currently in commercial use, located at the corner of Arlington Road and Montgomery Lane. However, this area was approved for the TS-R Zone on February 27, 2001 under LMA G-779. The future development was approved for 12 dwelling units, 9,100 square feet of office uses and 38 underground parking spaces. The approved building height is 33 feet along Arlington Road and 47 feet at the eastern edge where it abuts the subject property. Access to garage parking is expected to be by way of Montgomery Lane, adjacent to the subject property.

The Applicant proposes to build a multifamily residential building that will provide between 40 and 48 market rate dwelling units and up to six Moderately Priced Dwelling Units (MPDUs). The MPDUs are intended to provide housing for families below the median income. The density range is

proposed to fix the contours of the building so compatibility and other factors can be evaluated. The plan includes flexibility to reduce the number of dwelling units if future market conditions call for larger but fewer units. The overall building envelope will generally remain the same.

The proposed building will be composed of 4-story and 6-story wings. The 4-story wing will contain a pop up penthouse with a private terrace. The 6-story wing will contain a penthouse for mechanical equipment. The 4-story wing will extend along the southern and western portions of the site. The 6-story wing will extend along the northern end of the site. The site configuration is long and narrow and limits the scope of building design. The southern end of the site is only 40 feet wide and is bordered by Montgomery Lane. The building mass projects the 4-story height to Montgomery Lane and will be made up of townhouses. The building height is consistent with development across the street, which reflects townhouses and low-rise structures.

The building height along the northern portion of the site will be 65 feet. The Sector Plan recommends that a 65-foot height is appropriate for this area of Bethesda, with step down in building heights toward the Arlington Road corridor. Setbacks and other amenities will alleviate any compatibility problems with the neighbors.

West Lane will serve as the sole point of vehicular access. A two-level below grade parking garage will be located off West Lane at the northern edge of the site and will provide underground parking spaces. West Lane is a dead end street as it extends along the eastern perimeter of the site. The current paved width of West Lane is variable and reflects an 18 to 19 foot width. The Sector Plan does not specify the desired width of West Lane. Instead, the Technical Staff's Transportation Division recommended that the street have a 50-foot right of way. Its current right of way is 45 feet. The Applicant will dedicate 2 ½ feet and will pave the street to a full width of 22 feet.

The project contains a number of amenities. The building will use masonry materials that are characteristic of buildings in the area. Public use space will amount to 2,364 square feet or 10% of the site. Active and passive recreational space is proposed to occupy 4,600 square feet or 20 % of the site. Enhanced streetscape will be located along Montgomery Lane and West Lane. The streetscape along West Lane will have a 14-foot wide area with 5-foot wide sidewalks, street trees, and brick pavers. Testimony indicated that the southern end of the building will contain a townhouse type façade that will be compatible with development along Montgomery Lane. Montgomery Lane is the more prominent street and its sidewalk area is proposed to range from 7 to 10 feet. The streetscape at this location will also contain a strip of trees.

Testimony suggested that there will be common outdoor and public spaces, roof top terraces and interior community space, and a rear garden at the north end and near West Lane. Testimony also indicated that the top floors of the northern portion of the building will be set back so as to vary the building mass for the adjacent Villages of Bethesda residents. The building is proposed to have a green component that will be subject to a LEED (Leadership in Energy and Environmental Design) Certification process as a green building.

The District Council finds that the revised development plan satisfies the requirements of the § 59-D-1.61 of the Zoning Ordinance. The proposal is in substantial compliance with the use and density recommendations of the Sector Plan and promotes other county plans and policies, particularly the housing policy, which is furthered by the affordable housing component, and the Smart Growth transportation policy, which is furthered by locating higher density residential uses in proximity to metro. The development plan also complies with the requirements of the TS-R Zone and promotes residential enhancement and compatibility in terms of building mass, setbacks and an energy-efficient and environmentally friendly design. The proposed vehicular and pedestrian circulation systems will be safe, adequate and efficient due to the vehicular and pedestrian improvements. The development

also proposes a design that will minimize soil erosion and ensure appropriate natural features through plantings and landscape. The development plan is supported by documents that will adequately and sufficiently provide a method of assuring perpetual maintenance and care for recreational, common, and quasi-public areas through a condominium regime.

The District Council determines that the proposed development would be in conformance with the intent and purpose of the TS-R Zone as found in §§59-C-8.21 and 59-C-8.22. The proposed location is in a Transit Station Development Area, as defined in the Zoning Ordinance. It is also in an area where multiple-family residential development exists and is recommended by the Sector Plan. Moreover, the development's location and density will encourage effective use of Bethesda's transit station development area, will provide a residential use within walking distance of metro, will contribute to the range of densities in the area, will not have detrimental effects on the use or development of adjacent properties or the surrounding neighborhood, and will contribute to providing housing for persons of all economic levels.

The proposed zoning also meets the technical standards of the TS-R Zone. Section 59-C-8.21 prescribes a minimum lot size of 18,000 square feet and the subject property exceeds this minimum. The density is proposed at 2.5 FAR, which is the maximum standard. The proposed density is well below the maximum of 150 dwelling units per acre specified in the zone. The TS-R Zone also requires that 10% of the site be used for public open space and 20% of the site be used for active and passive recreational purposes, which is assured in this case by the textual binding elements.

The evidence of record indicates that the proposed development would have no adverse effects on traffic conditions, schools or public utilities, and would comply with forest conservation and stormwater management regulations.

Accordingly, having carefully weighed the totality of the evidence, the District Council concludes that approval of the requested zoning reclassification would be in the public interest. The

District Council further concludes that the TS-R Zone at the proposed location is proper for the comprehensive and systematic development of the County, is capable of accomplishing the purposes of the TS-R Zone, is in substantial compliance with the Sector Plan and satisfies all the requirements of the TS-R Zone.

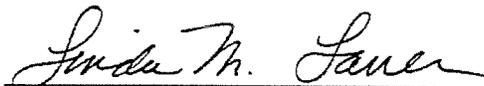
For these reasons and because to approve the instant zoning application will aid in the accomplishment of a coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District, the application will be approved in the manner set forth below.

Action

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

The revised development plan submitted as Ex. 85(a) is approved in its current form. Zoning Application No. G-843, requesting reclassification from the R-60 Zone to the TS-R Zone of 23,260 Square feet of land known as Lots 24, 25 and 27, Block 13 in the Edgemoor Subdivision and located at 4903 Montgomery Lane and 4831 and 4833 West Lane, Bethesda, Maryland, in the 7th Election District, is hereby approved in the amount requested subject to the specifications and requirements of the final Development Plan approved by the District Council, Exhibit 85(a); provided that, within 10 days of receipt of the District Council's approval resolution, the Applicant must submit to the Hearing Examiner for certification a reproducible original and three copies of the approved Development Plan, in accordance with §59-D-1.64.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council



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

MCPB No. 08-79
Preliminary Plan No. 120080050
Holladay at Edgemoor
Date of Hearing: June 5, 2008

JUL 21 2008

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on, the ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create 1 lot on 22,769 square feet of land located on West Lane at the intersection with Montgomery Lane ("Property" or "Subject Property"), in the Bethesda CBD sector plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120080050, Holladay at Edgemoor ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated May 21, 2008, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board Staff ("Staff") and the staffs of other governmental agencies, on June 5, 2008, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on June 5, 2008 the Planning Board approved the Application subject to conditions on the motion of Commissioner Robinson; seconded by Commissioner Cryor; with a vote of 4-0, Commissioners Bryant, Cryor, Hanson, and Robinson voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved

¹ This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to
Legal Sufficiency: DMD 7/8/08

8787 Georgia Avenue, N.C.P.C. Legal Department 10 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

Preliminary Plan No. 120080050 to create 1 lot on 22,769 square feet of land located on West Lane at the intersection with Montgomery Lane ("Property" or "Subject Property"), in the Bethesda CBD sector plan area ("Master Plan"), subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 1 lot for 48 multi-family dwelling units. 12.5 percent of the dwelling units must be Moderately Priced Dwelling Units (MPDUs).
- 2) The Applicant must dedicate 2.5 feet of right-of-way along the West Lane property frontage for a total of 25 feet from the centerline.
- 3) The Applicant must dedicate 1 foot of right-of-way along the Montgomery Lane property frontage for a total of total of 26 feet from the centerline.
- 4) The Applicant must construct all road improvements within the rights-of-way as shown on the approved Preliminary Plan to the full width mandated by the master plan and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the Preliminary Plan, "To Be Constructed By _____" are excluded from this condition.
- 5) A more detailed Final Tree Save Plan, including critical root zones of affected trees on the adjacent property, must be submitted with the Certified Site Plan. If this plan shows disturbance to more than 1/3 of the critical root zone of these trees, an ISA-certified arborist must prepare and sign the plan, which must include detailed and specific tree protection measures.
- 6) If by issuance of the building use and occupancy permit the tree protection measures have not adequately protected the trees on the adjacent property, the Applicant shall offer the affected property owner the option of removal and replacement of those trees at the Applicant's expense, at a rate of one tree per every tree removed. The replacement trees shall be native canopy trees suitable for urban situations and be a minimum of 4" DBH.
- 7) The proposed development shall comply with the conditions of the Final Tree Save Plan prior to any demolition, clearing, or grading on the subject property.
- 8) The sediment control plan must reflect a limit of disturbance no closer to the trees to be protected than that illustrated on the Final Tree Save Plan.

- 9) The record plat must reflect a public use and access easement over all areas indicated as "Public Open Space" on the preliminary, site and landscape plans as approved by the Planning Board.
- 10) The record plat must reflect all areas under Homeowners Association ownership, if applicable, and specifically identify stormwater management parcels.
- 11) No clearing, grading or recordation of plat prior to Certified Site Plan approval.
- 12) Final location of the building, sidewalks, and amenities to be determined at Site Plan.
- 13) The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management approval dated August 3, 2007, unless amended.
- 14) The Applicant must comply with the conditions of the Montgomery County Department of Public Works and Transportation (MCDPWT) letter dated May 23, 2008, unless otherwise amended.
- 15) The Applicant must satisfy provisions for access and improvements as required by MCDPWT prior to recordation of plat.
- 16) Before any building permit is issued, the applicable School Facilities Payment required by the 2007-2009 Growth Policy must be paid to MCDPS.
- 17) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board resolution.
- 18) All other necessary easements must be shown on the record plat.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the master plan.*

The Planning Board finds the Preliminary Plan complies with the recommendations of the Bethesda CBD Sector Plan. The site was approved for rezoning to the TS-R Zone in the Bethesda Central Business District (CBD) as recommended in the 1994 Sector Plan. The purpose of the Transit Station Zone and the standard for public facilities and amenities clearly states that development within this zone is provided a large degree of flexibility regarding development standards but it "must comply substantially to the facilities and amenities recommended by the approved and adopted master or sector plan...provide safe and efficient circulation, adequate public open space and recreation, and insure [sic] compatibility of the development with the surrounding area". The Planning Board finds the structure conforms to the 1994 Bethesda CBD Sector Plan recommendation for "high-density low-rise" housing for this area. The Board further finds that the Preliminary Plan allows for safe and efficient circulation through proper dedication for West Lane and Montgomery Lane as required by the 1994 Sector Plan, landscaping at the building, a 5-foot wide sidewalk, and appropriate streetscape using the Bethesda streetscape standards.

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

Roads and Transportation Facilities

Vehicular access to the site is proposed via a garage driveway along the West Lane property frontage. Pedestrian access will be provided via the existing sidewalks along Montgomery Lane and West Lane fronting the property. Montgomery Lane is designated as a business district street with a recommended 52-foot right-of-way and West Lane is designated as a business district street but a right-of-way width is not specified. As set forth in the conditions, the Applicant must dedicate 1 foot of right-of-way along the Montgomery Lane property frontage for 26 feet from the centerline, and the Applicant must also dedicate an additional 2.5 feet along the West Lane property frontage for 25 feet from the centerline. As previously noted, space for loading is provided by a lay-by in the West Lane right-of-way. The existing sidewalks will be improved to meet the required sidewalk width and handicapped ramps will be added at the Montgomery Lane/West Lane intersection in accordance with the Montgomery County Road Code and the Bethesda streetscape standards. The Planning Board finds roads and pedestrian access will be safe and adequate with the proposed improvements.

The site is located approximately 950 feet from the Bethesda Metrorail Station. Ride-On route 33 operates along Montgomery Lane. There are no bus routes operating along West Lane. The site is located within the Bethesda

Transportation Management District. As a multi-family development with fewer than 25 employees, the Applicant is not required to enter into a Traffic Mitigation Agreement to participate in the Bethesda Transportation Management Organization. The proposed multi-family residential development is expected to generate 14 peak-hour trips within the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.). A traffic study is not required to satisfy LATR because the proposed multi-family development generates less than 30 total peak-hour trips during the weekday morning and evening peak periods.

Under the *FY 2007-2009 Growth Policy*, the PAMR test is required because the Preliminary Plan was filed after January 1, 2007, and the proposed multi-family development generates over 3 peak-hour trips within the weekday morning and evening peak periods. However, the trips generated by 48 mid-rise apartments are mitigated simply by the project being conveniently located near a Metrorail Station.

Other Public Facilities

The Planning Board finds other public facilities and services are available and will be adequate to serve the proposed dwelling units. Schools, police stations, firehouses and health services are operating within the standards set by the Growth Policy Resolution currently in effect. Elementary schools in this area are currently operating between 105% and 120% of program capacity and, therefore, the project is subject to a School Facilities Payment. Water and sewer were found to be existing at the site boundaries and adequate to serve the project. MCDPS approved a stormwater management concept on August 3, 2007 that will control runoff from the site. The application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

The Planning Board reviewed the lot for compliance with the dimensional requirements for the TS-R zone as specified in Chapter 59, the Montgomery County Zoning Ordinance, and the Planning Board finds the proposed lot complies with all applicable provisions. The Planning Board finds the Preliminary Plan meets all the dimensional requirements including, but not limited to, area, frontage, width, height, and setbacks in the TS-R Zone and complies with Chapter 50, the Montgomery County Subdivision Regulations.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

According to the approved Natural Resources Inventory/Forest Stand Delineation Plan there are no forest stands, streams, floodplains, or environmental buffers on the site. There are, however, offsite trees along the property boundaries that should be protected. As noted previously, a Tree Save Plan was required for these trees. The Tree Save Plan must be finalized prior to any clearing or grading of the site and include specific protection measures. The Planning Board finds this project is exempt from the requirements of the Forest Conservation Law.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

MCDPS approved a stormwater management concept on August 3, 2007 that will control runoff from the site.

6. *The proposed Preliminary Plan complies with the binding elements included in Development Plan Amendment G-843.*

The Planning Board finds the Preliminary Plan complies with all applicable binding elements.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed; and

~~JUL~~ JUL 21 2008 BE IT FURTHER RESOLVED, that the date of this Resolution is _____ (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Robinson, seconded by Commissioner Cryor, with Commissioners Robinson, Cryor, and Hanson voting in favor of the motion and with Commissioners Alfandre and Presley abstaining, at its regular meeting held on Thursday, July 10, 2008, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board

[EEG]



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 08-74
Site Plan No. 820080030
Project Name: Holladay at Edgemoor
Date of Hearing: June 5, 2008

JUL 22 2008

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on August 7, 2007, Holladay Corporation ("Applicant"), filed an application for approval of a site plan for a 48-unit multi-family residential building, including 6 MPDUs, ("Site Plan" or "Plan") on 0.52 acres of TS-R-zoned land, located at the intersection of Montgomery Lane and West Lane on Lots 24, 25, and 27, Block 13, ("Property" or "Subject Property"); and

WHEREAS, Applicant's Site plan application was designated Site Plan No. 820080030, Holladay at Edgemoor (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated May 21, 2008, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staffs of other governmental agencies, on June 5, 2008, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on June 5, 2008, the Planning Board approved the Application subject to conditions on the motion of Commissioner Robinson; seconded by Commissioner Cryor; with a vote of 3-0, Commissioners Cryor, Hanson, and Robinson voting in favor, with Commissioner Bryant being absent.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board

Approved as to
Legal Sufficiency:

DMD 7/21/08

8787 Georgia Avenue, NCRPC Legal Department 10 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

APPROVES Site Plan No. 820080030 for a 48-unit multi-family residential building, including 6 MPDUs, on 0.52 gross acres in the TS-R zone, subject to the following conditions:

1. Preliminary Plan Conformance

The proposed development must comply with the conditions of the approved Resolution for preliminary plan 120080050.

2. Development Plan Conformance

The proposed development shall comply with the binding elements listed on the Development Plan for Local Map Amendment G-843.

3. Lighting

The Applicant must ensure that each of the following conditions is met:

- a. All private on-site downlighting fixtures shall be full cut-off fixtures;
- b. Deflectors shall be installed on all uplighting fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties;
- c. Illumination levels, excluding streetscape light fixtures, shall not exceed 0.5 footcandles (fc) at any property line abutting county roads or adjacent residential properties.

4. Loading

In accordance with the requirements of DPWT, by issuance of Use and Occupancy Permit, the Applicant shall incorporate into the condominium documents the following controls which shall govern the loading operations, unless amended by DPWT:

- a. Hours of operation are limited to two move-ins per day, permitted on weekdays and Saturdays, between 10:00 a.m. and 4:00 p.m. as determined by management; and
- b. Residents are required to provide the management company with three days' advance notice of move-ins in order that management may schedule accordingly. Further, Applicant shall require the management company to reserve the layby during the designated move-in times either by covering the meters, if meters are installed, or by providing the appropriate temporary signage.

5. Transportation improvements within the Right of Way

- a. Subject to DPWT approval, the Applicant must provide two DPWT-standard painted crosswalks, one across West Lane in line with the existing Montgomery Lane sidewalks, and a second across Montgomery Lane in extension of the sidewalk on the west side of West Lane. This improvement shall be completed with the streetscape improvements.

- b. Subject to DPWT approval, the Applicant must provide a DPWT-standard stop bar in the southbound side of West Lane.
- c. The Applicant will provide two ramps from the sidewalk to the street along Montgomery Lane and at the intersection of Montgomery and West Lanes:
 - i. across West Lane to connect the in-line sidewalk along the north side of Montgomery Lane;
 - ii. across Montgomery Lane to extend the sidewalk on the west side of West Lane to the south side of Montgomery Lane;
 - iii. by Certified Site Plan, the Applicant will remove from the Site Plan all other pedestrian ramps between the sidewalk and the street, unless specifically requested by DPWT or DPS to provide them;
 - iv. the Applicant shall remove the walkway stub between the sidewalk and the curb in front of Lot 26 as part of the streetscape improvements described in Condition 6;

6. Streetscape

- a. The Applicant must provide the Bethesda Streetscape Standard, as noted, for:
 - i. The west side of West Lane, from the intersection with Montgomery Lane to its terminus at the north end of the site;
 - ii. The North side of Montgomery Lane, from the intersection with West Lane to the western property boundary;
 - iii. The diagonal connecting walk in the northwest quadrant of the intersection of Montgomery Lane and Woodmont Avenue, as illustrated on the Site Plan;
 - iv. The Applicant must also relocate underground all utility lines along the property boundary;
- b. In addition to the streetlights provided as part of the Bethesda Standard streetscape described above, the Applicant shall replace the six existing non-standard street lights on the north side of Montgomery Lane, between West Lane and Woodmont Avenue.

7. Tree Planting

The Applicant shall replant trees of an equivalent number of caliper inches, not less than a total of 55 inches, within the Bethesda CBD, to replace two existing mature trees, a 29-inch pin oak and a 26-inch oak, being removed from the site to accommodate this building. The minimum caliper size of the replacement trees shall be 4 inches. The final location shall be approved by M-NCPPC staff prior to Certified Site Plan.

8. Moderately Priced Dwelling Units (MPDUs)

- a. The proposed development must provide 6 MPDUs (12.5%) on-site in accordance with Chapter 25A of the Montgomery County Code. The Applicant is not receiving a density bonus.
- b. The Applicant must obtain an agreement pertaining to the construction and staging of MPDUs from the Department of Housing and Community Affairs (DHCA) prior to the issuance of any building permits.

9. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated August 3, 2007, unless amended and approved by the Montgomery County Department of Permitting Services.

10. Development Program

The Applicant must construct the proposed development in accordance with Development Program. A Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the Certified Site Plan. The Development Program shall include a phasing schedule as follows:

- a. Street tree planting, and off-site mitigation tree planting described in site plan Condition 7, must be completed within six months of the issuance of any use and occupancy permits.
- b. Streetscape improvements, seating areas, indoor amenities, and the outdoor terrace, must be completed within six months of the issuance of any use and occupancy permits.
- c. All on-site landscaping and lighting must be completed within six months of the issuance of any use and occupancy permits.
- d. Phasing of pre-construction meetings, dedications, sediment/erosion control, or other features.
- e. Transportation-related improvements shall be completed as the building is completed.

11. Clearing and Grading

Applicant must ensure that there is no clearing or grading of the subject site prior to M-NCPPC approval of the Certified Site Plan.

12. Maintenance

The Applicant shall be responsible for the maintenance of on-site landscaping and recreation facilities.

13. Certified Site Plan

Prior to Certified Site Plan approval the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Minor corrections and clarifications to site details and labeling;
-

- b. Recreation Facilities Plan demonstrating the indoor recreation facilities' compliance with the M-NCPPC Recreation Guidelines;
- c. A Transportation Improvement Plan;
- d. Development Program, Inspection Schedule, Forest Conservation Exemption Letter, and Site Plan Resolution.

BE IT FURTHER RESOLVED that all site development elements as shown on Holladay at Edgemoor drawings stamped by the M-NCPPC on May 20, 2008, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

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

The Site Plan conforms to all non-illustrative elements of the approved Development Plan for Local Map Amendment G-843, including building height and setbacks, development density, MPDUs, public use and recreation space, landscape, building design, dedications, and street improvements.

2. *The Site Plan meets all of the requirements of the TS-R zone and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan meets all of the requirements of the Transit Station – Residential (TS-R) zone as demonstrated in the project Data Table below. There are no height restrictions or setbacks in the TS-R Zone – these were established during the Development Plan and are being retained with this Site Plan application.

The Board finds, based on the following data table, and other uncontested evidence and testimony of record, that the Application meets all of the applicable requirements of the TS-R Zone. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

Data Table

Development Standards Approved by
the Planning Board and Binding on
the Applicant

Min. Gross Tract Area (square feet)	22,769
Max. Building Height (feet)	65
Max. Floor Area Ratio (FAR)	2.5
Max. Dwelling Units Per Acre	93
Max. Dwelling Units	48
Min. Building Setbacks (feet)	
Montgomery Lane	15
West Lane	0
North Property Line	22
West Property Line	6
Open Space (percent of net lot area)	10.1
Active/Passive Recreation Space (percent of net lot area)	21.1
Parking Spaces	78

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

a. **Buildings and Structures**

The proposed building provides an appropriate mid-density residential use on an optimal site for accessibility to mass transit and neighborhood facilities. The design and layout of the building are compatible with the surrounding buildings in terms of massing, detailing, and height. Both the use and the design elements of the architecture provide an adequate, safe, and efficient building on the subject site.

b. **Open Spaces**

The Plan proposes 10 percent on-site Public Open Space along the frontage of Montgomery Lane and through a walkway connecting the main entrance to Montgomery and West Lanes. This public open space is

complemented by an additional 20 percent on-site active and passive recreational space provided for residents, including meeting and fitness rooms and an outdoor terrace, as well as voluntary streetscape improvements along West and Montgomery Lanes, including replacing non-Streetscape-Standard streetlights, and providing streetscape for the existing diagonal path between Montgomery Lane and Woodmont Avenue. Each of these features contributes to an improved pedestrian experience that is adequate, safe, and efficient.

c. Landscaping and Lighting

The proposed landscaping on the site consists of traditional foundation plantings along the foundation and entry walks of the building and street trees along Montgomery and West Lanes. The street trees will be installed per the Bethesda Streetscape Plan details for trees within a lawn panel. The shade provided by these trees and the plantings along the pedestrian paths provides an adequate, safe, and efficient environment for residents and passers-by.

The lighting plan consists of a Bethesda streetscape-specified Washington Globe Luminaires on Montgomery and West Lanes. Other site lighting will be full cut-off and will provide adequate, safe, and efficient site illumination.

d. Recreation Facilities

The plan is providing ample recreation facilities through a combination of on-site exterior seating areas, interior fitness and meeting rooms, and an extensive community pedestrian network. The provided facilities are adequate, safe, and efficient.

e. Vehicular and Pedestrian Circulation

Sidewalks along Montgomery and West Lanes will be improved to conform to the Bethesda Streetscape Plan. These sidewalks will further integrate the development into the existing community and provide safe and efficient pedestrian access to the neighborhood circulation system. The pedestrian environment, as a whole, is adequate, safe, and efficient.

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

The building is compatible with the other existing and proposed town-house and multi-family residential buildings to the north, south, east, and west in terms of

massing, scale, detailing, and layout. The setbacks and stepped building height ensure compatibility with nearby townhomes, apartments and proposed site plans.

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

The subject site plan is exempt from forest conservation requirements.

The proposed storm water management concept consists of on-site water quality via green roof technology and a proprietary, flow-based, structural filter. On-site recharge is not required since this is redevelopment. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

BE IT FURTHER RESOLVED, that this resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this resolution is JUL 22 2008 (which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

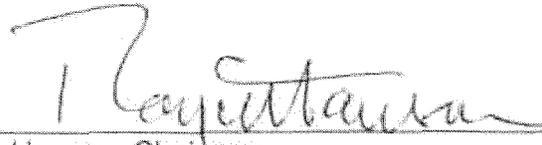
* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Robinson, seconded by Commissioner Cryor, with Commissioners Robinson, Cryor, and Hanson voting in favor

MCPB No. 08-74
Site Plan No. 820080030
Holladay at Edgemoor
Page 9

of the motion and with Commissioners Alfandre and Presley abstaining, at its regular meeting held on Thursday, July 10, 2008, in Silver Spring, Maryland.

A handwritten signature in cursive script, appearing to read "Royce Hanson", written over a horizontal line.

Royce Hanson, Chairman
Montgomery County Planning Board

EH-M



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

September 27, 2012

TO: Erin Grayson

FROM: Cherian Eapen

SUBJECT: Development Plan Amendment (DPA 12-3) and Local Map Amendment (G-912) applications for a 120 multi-family high-rise residential development Proposed West Lane Residential Development Previously approved as Holladay at Edgemoor, as a 48-unit multi-family residential development (Zoning Case No. G-843; Preliminary Plan No. 120080050; Site Plan No. 820080030)
4831 West Lane, LLC ("Applicant")
Northwest quadrant of Montgomery Lane and West Lane
Bethesda CBD Policy Area

This memorandum presents the Adequate Public Facilities (APF) and Plan review for the subject applications, DPA 12-3 and G-912, by the Applicant to construct a 7-story, 120-unit residential building replacing four existing buildings on the site.

The site is located within the northwest corner of Montgomery Lane/West Lane intersection in Bethesda, and is approximately 1,000 feet from the Bethesda Metro Station entrance to the northwest corner of Wisconsin Avenue (MD 355) and Montgomery Lane intersection. The area is well served by Metrobus and RideOn routes (with Metrobus Route J4 along Woodmont Avenue and RideOn Route 36 along Arlington Road), and the Bethesda Circulator shuttle (circulating along both Arlington Road and Woodmont Avenue).

RECOMMENDATIONS

The following transportation planning comments are recommended to be part of the Planning Board recommendations for the subject applications, noting that these comments may or may not satisfy APFO or other Plan requirements at the time of filing future preliminary plan and site plan amendments.

1. The Applicant must limit future development on the site to 120 dwelling units.
2. The Applicant must provide necessary frontage dedication, corner truncation, as well as roadway and sidewalk improvements along Montgomery Lane and West Lane as recommended by the Bethesda CBD Sector Plan. These improvements must be coordinated with the frontage improvement requirements proposed for Rezoning Application No. G-908 (4825 Montgomery Lane) and with the Montgomery County Department of Transportation.

3. The Applicant must satisfy Local Area Transportation Review (LATR) and Policy Area Mobility Review (PAMR) requirements of the APF test required under the regulatory requirements in effect at the time of the filing of the preliminary plan amendment application.

DISCUSSION

Recommended Area Roadways and Pedestrian/Bikeway Facilities

The July 1994 Approved and Adopted *Bethesda CBD Sector Plan* recommends the following nearby transportation facilities:

1. Montgomery Lane, between Arlington Road to the west and Woodmont Avenue to the east, as a two-lane business district “mixed” street with parking on one side, and with a minimum right-of-way width of 52 feet.
2. West Lane, between Montgomery Lane and its terminus to the north, as a two-lane business district street with a minimum right-of-way width of 45 feet.

Adequate Public Facilities Review

- Trip Generation

The peak-hour trip generation estimate for the proposed development based on trip generation rates included in the *LATR/PAMR Guidelines* is provided in Table 1.

As shown in Table 1, the proposed 120-unit residential development (previously approved 48 units plus currently proposed 72 units) is estimated to generate 36 peak-hour trips during weekday morning and evening peak periods. The site is currently occupied with four buildings (6,735 SF of office uses) that generate 16 peak-hour trips during the morning peak period and 11 peak-hour trips during the evening peak period. With removal of these trips, the proposed development will add a total of 20 peak-hour trips during the morning peak period and 25 peak-hour trips during the evening peak period to the road network.

**TABLE 1
SUMMARY OF SITE TRIP GENERATION
PROPOSED WEST LANE RESIDENTIAL DEVELOPMENT**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
Proposed residential development – 120 units	7	29	36	24	12	36
Existing Observed Trips (6,735 SF Office)	14	2	16	5	6	11
“Net” Additional Trips	-7	27	20	19	6	25

Source: Wells and Associates, Inc. LATR/PAMR Traffic Study. September 21, 2012.

- Local Area Transportation Review

A traffic study (dated September 21, 2012) was submitted by the consultant for the Applicant for the subject application per the *LATR/PAMR Guidelines* since the proposed development was estimated to generate **30** or more peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. The traffic study determined traffic-related impacts of the proposed development on nearby roadway intersections during weekday morning and evening peak periods.

A summary of the capacity analysis/Critical Lane Volume (CLV) analysis results for the study intersections for the weekday morning and evening peak-hours within the respective peak periods from the traffic study is presented in Table 2.

As shown in Table 2, under Total (Build) traffic conditions, CLV values for intersections included in the study were estimated to be below the respective policy area congestion standards (1,800 CLV for the Bethesda CBD Policy Area). Based on the above analysis presented in the traffic study, the subject application satisfies the LATR requirements of the APF test.

**TABLE 2
SUMMARY OF CAPACITY CALCULATIONS
PROPOSED WEST LANE RESIDENTIAL DEVELOPMENT**

Intersection	Traffic Conditions					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Montgomery La/Arlington Rd	491	764	506	772	516	783
Montgomery La/West La	44	129	58	139	79	160
Montgomery La/Woodmont Ave	394	423	394	425	394	427
West La/Site Driveway	--	--	--	--	44	46

Source: Wells and Associates, Inc. LATR/PAMR Traffic Study. September 21, 2012.

Note: Bethesda CBD Policy Area Congestion Standard: 1,800 CLV

- Policy Area Mobility Review

To satisfy the PAMR requirements of the APF test, and per the policy in place that offer a PAMR trip credit for CBD developments, a development located within the Bethesda CBD Policy Area is required to mitigate 25 percent of “new” peak-hour trips generated by the development using Countywide trip generation rates, and is then offered a credit on the PAMR trip mitigation requirement equivalent to any reduction in peak-hour trips achieved by the development as a result of its location within the CBD.

As shown in Table 3, using Countywide trip generation rates, the density proposed on the site after credit for existing density would generate 37 peak-hour trips during the weekday morning peak period and 38 peak-hour trips during the weekday evening peak period (Line C1). With the requirement to mitigate 25% of the “new” peak-hour trips, the PAMR mitigation requirement for the development are 11 peak-hour trips during the weekday morning and evening peak periods (Line D1).

Using the Bethesda CBD trip generation rates, as shown in Table 1 (and Table 3), the density proposed on the site after credit for existing density on the site would generate 20 peak-hour trips during the weekday morning peak period and 25 peak-hour trips during the weekday evening peak period (Line G1).

The PAMR CBD trip credit, which is the difference in trips between the Countywide and CBD trip generation for the density proposed on the site, is 17 peak-hour trips during the weekday morning peak period and 13 peak-hour trips during the weekday evening peak period (Line H1). With the above credits, it is seen that the PAMR mitigation requirement for the development is fully mitigated during both the morning and evening peak-hours. Based on the above analysis presented in the traffic study, the subject application satisfies the PAMR requirements of the APF test.

**TABLE 3
PAMR MITIGATION REQUIREMENT CALCULATION
PROPOSED WEST LANE RESIDENTIAL DEVELOPMENT**

	Morning Peak-Hour	Evening Peak-Hour
Site Trip Generation – (Countywide Rates)		
A. Existing Density 6,735 SF Office (A1)	9	15
B. Proposed Density 120 High-Rise DU's (B1)	46	53
C. Net New Trips (C1 = B1 – A1)	37	38
D. PAMR Mitigation Requirement (D1 = C1 x 0.25)	11	11
Site Trip Generation – (CBD Rates)		
E. Existing Density 6,735 SF Office (E1) [Observed]	16	11
F. Proposed Density 120 High-Rise DU's (F1)	36	36
G. Net New Trips (G1 = F1 – E1)	20	25
H. Trip Credit for CBD Location (H1 = C1 – G1)	17	13
I. Adjusted PAMR Mitigation Requirement (I1 = H1 – D1) [PAMR: Excess/Pass = +ve; Deficit/Fail = -ve]	+6 (Pass PAMR)	+2 (Pass PAMR)

Source: Wells and Associates, Inc. LATR/PAMR Traffic Study. September 21, 2012.

CE/-

mmo to EG re West Lane.doc



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

RECEIVED
MAY 10 2012

May 8, 2012

Ashley Gerstenfeld Wiltshire
SJG Properties
805 Fifteenth Street, NW, Suite 230
Washington, D.C. 20005

Re: Forest Conservation Exemption # 42012159E;
Existing Conditions plan, West Lane, Lots 24, 25, 26, 27; Block 13

Dear Madam or Sir:

This letter is to inform you that your request for an exemption from submitting a forest conservation plan 42012159E, Existing Conditions plan, West Lane, Lots 24, 25, 26, 27; Block 13, is **confirmed**. This plan submitted on May 1, 2012 is in compliance with Chapter 22A-5 (s)(1) of the Forest Conservation Law. This exemption covers an activity conducted on a tract less than 1 acre that will not result in the clearing of more than a total of 20,000 square feet of existing forest, or any existing specimen or champion tree, and reforestation requirements would not exceed 10,000 square feet. Forest in any priority area on-site must be preserved.

An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged, but before any clearing or grading begins. The property owner should contact the Montgomery County Planning Department inspection staff before construction to verify the limits of disturbance. The property owner, construction superintendent, forest conservation inspector, and Department of Permitting Services (DPS) sediment control inspector should attend this pre-construction meeting.

Any changes from the approved exemption request may constitute grounds to rescind or amend any approval actions taken and to take appropriate enforcement actions. If there are any subsequent modifications planned to the approved plan, a separate amendment must be submitted to M-NCPPC for review and approval prior to those activities occurring.

If you have any questions regarding these actions, please feel free to contact me at (301) 495-4581 or at david.wigglesworth@montgomeryplanning.org.

Sincerely,

David Wigglesworth
Development Applications & Regulatory Coordination Division

CC: 42012159E
Cindy Todd (Vika)

EXHIBIT NO. 15
APPLICATION NO. G-912

Grayson, Erin

From: Cyrus817@aol.com
Sent: Friday, December 07, 2012 9:20 AM
To: Grayson, Erin
Subject: Fwd: Development Plan Amendment(DPA No. 13-01)

RE: Development Plan Amendment (DPA No. 13-01) and Local Map Amendment (No. G-954) (the "Project")

Dear Ms. Grayson:

We are homeowners in the Villages of Bethesda, adjacent to the proposed in-fill development on Montgomery Lane cited above. Our home and community would be negatively affected by the huge construction to be built almost on top of us.

While the previously proposed development on this site would have fit in with surrounding architecture, this new plan definitely would not. It would also not fit with the building site: Montgomery Lane is quite narrow and is much used by pedestrians. The new plan would also increase car traffic to more than twice the current amount.

In addition to its impact on the neighborhood, the proposed structure would affect all of us in the Villages of Bethesda in terms of available sunlight, increased noise and traffic from cars and service vehicles. The sheer size of the construction would decrease our quality of life, not to mention property values.

Please give this new proposal the closest critical scrutiny that it requires.

We do realize that this part of Bethesda is a dense and growing area. But your best judgment is called for to make sure that new development is compatible with the attractive townhouses and condominium buildings of the community. A massive structure with blank walls such as the new proposed construction is out of character with the site and the community and should not be approved.

Sincerely,

Mr. and Mrs. Cyrus A. Ansary

7465 Arlington Road

Villages of Bethesda

Bethesda, MD 20814

This is regarding Development Plan Amendment (DPA No. 13-01) and Local Map Amendment (No G-954) (The "Project").

I am an owner and resident in 4821 Montgomery Lane, living on the same side of the street as the proposed project.

While we are not opposed to development, we think this is a poorly conceived project and would have a negative affect the neighborhood.

We supported the original proposed Halliday development plan on this site (G-843) because it planned for 48 units and had a number of features friendly to our neighborhood—such as shorter height on Montgomery Lane, increasing height toward the back, open useable public space, a façade on Montgomery Lane that was compatible with the town homes across the street, lower density and lower number of apartment units. All these features are gone with the new application.

This project is requesting a 70 foot maximum height which is higher than the 65 foot maximum recommended in the Master Plan for this area, and it is also higher than the adjacent approved project to the east which is 65 feet. It is also much higher than the town homes in our community which are 50feet. All this violates the planning concept of decreasing height or "tenting" starting at Woodmont ave. and ending at Arlington Rd.

It doesn't follow that the new Project be considered an amendment when the original Halladay development (G-843) is so different and so much smaller. Besides, there is plenty of new density being added to the Woodmont corridor, and this new Project would spoil the quality of life intended in the Master Plan for Montgomery Lane. The new Project adds almost 50 cars and units.

Montgomery Lane is much narrower than surrounding roads and therefore traffic circulation is a big problem already. East of West Lane, Montgomery Lane is one way, and with parking, there is only one narrow lane for traffic. If a single car or truck stops in the lane, the entire street is blocked. At West Lane and west of West Lane, it becomes two ways, but there is no parking allowed. The street is so narrow that even a single parked vehicle blocks one lane of traffic, so an temporary or illegal parking blocks a traffic lane, forcing traffic into the opposing traffic lane. The new development has 117 parking spaces, and poor circulation design and will make congestion much worse. This will be bad for cars, especially bad for bicycles and pedestrians. Bikes will be forced onto the sidewalk and those walking to the library will do so under hazardous conditions.

As the situation is now, east of West Lane, (where traffic is only one way) there is a lot of illegal parking---cars, delivery trucks, moving vans, workmen, Post Office trucks. Even with the one way traffic, blockages are created. With the new building, this situation will be extended further west, making for more congestion and danger. With 113 units there will be more move ins and outs, and more large truck traffic.

We recommend that the building's lobby be moved from the corner of West Lane and Montgomery Lane back to the middle of West Lane, then delivery trucks and cars dropping off and picking up passengers are more likely to turn into West Lane than to illegally park on Montgomery Lane. We also recommend an internal loading dock for the building so that moving vans and other service vehicles will be off Montgomery and West Lane.

The sheer number of apartments and cars planned for the project is too great for that corner and the narrow roadway. Reducing the number of units and cars will reduce the problem.

A great deal of County money has been spent fixing the intersections of both ends of Montgomery Lane—Woodmont Ave and Arlington Rd. This new project will cause unnecessary, but severe congestion and safety issues in the middle of the block. A street that is designated both a "Local Pedestrian Route" and a "Biker Friendly Area" will have all these new traffic problems.

The design of the building itself is just a tall box having no relationship to its surrounding neighbors. There is no attempt to vary the height of the roof line or to create interesting features like a pitched roof, gables, like at City Homes or the Edgemoor.

When the County Council approved the old plan they remarked that the 4 story frontage on Montgomery Lane was consistent with the town homes across the street. We liked that previous project's design. Now a 7 story building is proposed, with a design of a big box.

The location of the proposed public areas present a problem. The SJG plan puts the public spaces in areas that assure they will not be used, and will serve no practical purpose and the north and west sides of the development are isolated areas that are alleys and will create public safety issues.

An alternative would be that SJG move the public area to the front of the building on Montgomery Lane and create seating and other public features that will be pedestrian friendly.

As stated above, we support development so long as it is smart development. All the above suggested changes could make for a better situation for all—the residents of Montgomery Lane and the developers of this project. As the plan stands now, it makes for an unintended consequence of stifling further development and making the neighborhood a much less desirable place to live and work.

Sincerely,

MaryAnn P. Dubner

Grayson, Erin

From: Peter Locker <peter.locker@starpower.net>
Sent: Thursday, December 06, 2012 11:30 PM
To: Grayson, Erin
Subject: West Lane, Bethesda

RE: Development Plan Amendment (DPA No. 13-01) and Local Map Amendment (No. G-954) (the "Project")

Dear Ms. Grayson,

I write on behalf of the Villages of Bethesda Townhome community, an adjacent property to the proposed in-fill development on Montgomery Lane cited above. Our properties and our community will be substantially adversely affected by this proposed massively intrusive structure, which will come within 15 feet of our property line.

In distinct contrast to the previously proposed development on this site, this plan is incompatible with neighboring architecture and, indeed, incompatible with the site itself, which fronts on a very narrow street heavily used by pedestrians – a feature of life in the urban Bethesda district which this project stands to jeopardize. It more than doubles the likely vehicular traffic as compared to the predecessor proposal.

In terms of direct impact on residents of Villages of Bethesda, the bulk of the structure undoubtedly will affect sunlight, the numbers of vehicles entering and leaving the garage (within 15 feet of our property line) will increase noise at all times of day and night, as will trash pickups, and the project's sheer size will negatively impact quality of life and property values.

In brief, this is a new proposal that bears the closest critical scrutiny by planners.

Our area of Bethesda is dense and likely will get more so. We recognize that. But we depend upon your sound wisdom to insure that development is compatible with our area. We have a mix of townhouses and condominium structures, all of attractive and compatible architecture. It is a community within the larger Bethesda community. The large straight facades of this very large proposed structure threaten all of that, replacing step-up and step-down facades, as previously proposed, with blank walls from beginning to end of the property. Our understanding was that the step up/down was binding and because of the added parcel to the site, it was by a technicality that this important feature disappeared. Its importance has not disappeared.

Put simply, it is the wrong building for this site and should be rejected.

Villages of Bethesda Home Owners Association
Peter J. Locker, President
7449 Arlington Rd
Bethesda, Maryland 20815

Theodore P. and Mary L. Chipouras
4828 West Lane
Bethesda, MD 20814
December 5, 2012

Office of Zoning and Administrative Hearings
100 Maryland Avenue – Room 200
Rockville, MD 20850
and
Technical Staff
Montgomery County Planning Department
Maryland-National Capital Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

In re: DPA 13-01/LMA G-954
(formerly DPA 12-03/LMA G-912)

To Whom It May Concern:

As owners and residents of 4828 West Lane, we have concerns about the impact the proposed project will have on our property, especially with regard to the height and bulk of the building and the traffic circulation patterns on West Lane.

We submitted a letter describing our concerns about the earlier application for this property, DPA 12-03/LMA G-912. After reviewing the new application files at the OZAH, we find that those concerns have not been addressed. Our earlier letter, dated September 14, 2012, is attached here to ensure inclusion in the new application files. A primary issue for us remains the lack of a vehicular turn-around. A building of this size will generate a number of daily deliveries and passenger pick-ups/drop-offs. The proposed location of the vehicular "lay-by"/drop-off area on West Lane is directly across the street from our driveway which will encourage its use as a turn-around point.

In addition to our earlier comments, our review of the latest project drawings revealed a couple new issues:

1. Drawing DP-1 shows three new transformer pads with what are assumed to be three new large transformers at grade and very prominent at the end of West Lane. We feel this would be detrimental to the streetscape and ask that consideration be given to relocating or burying the transformers. Landscaping would be a better end-view to the

-2-

street to avoid an "alley-like" effect. The Sandy Spring project proposed for the other corner of West Lane and Montgomery Ave. will already be adding four double-bay garage doors and four driveway aprons to the West Lane streetscape.

2. Drawing DP-1 also shows West Lane being widened and a new curb constructed on our side of the street. However, replacement aprons serving our property are not shown. This may be early in the process to identify such details, but we feel the binding elements should include construction of new aprons on this side of the street.

After having been owners and residents of 4828 West Lane for over 27 years, we have been witnesses to a large number of multi-unit residential projects constructed with a reasonable, absorbable impact on the neighborhood as a whole. Consequently, our concerns are therefore only intended to mitigate and restrain the level of traffic and congestion which will be backed up into and out of West Lane and Montgomery on a daily basis from Arlington Road and Woodmont Avenue. Projects approved and on hold, and in the pipeline at both ends of Montgomery Lane will further exacerbate this problem near term.

While we are not in opposition to the project, we would like to see the developers specifically address our concerns, thereby benefiting the entire CBD.

Respectfully,

Theodore P. Chipouras
Mary L. Chipouras
Theodore P. and Mary L. Chipouras

Enclosure

Theodore P. and Mary L. Chipouras
4828 West Lane
Bethesda, MD 20814
September 14, 2012

Office of Zoning and Administrative Hearings
100 Maryland Avenue – Room 200
Rockville, MD 20850

and

Technical Staff
Montgomery County Planning Department
Maryland-National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Subject: DPA 12-03/LMA G-912
(Amendment to LMA G 843)

To Whom It May Concern:

We have been owners and residents of 4828 West Lane in Bethesda for over 25 years. Our home sits immediately across West Lane from the development proposed under DPA 12-03/LMA G-912. We have reviewed the application and drawings on file at the OZAH with professional assistance and have several concerns and observations:

1. The lot area under consideration has changed from roughly 23,000sf to 29,000sf, a 26% increase. However, the number of dwelling units now proposed has more than doubled to 113. Binding elements under the prior approval limited the site to 48 units. The number of units under the new proposal should be proportionally limited based on the increased lot area, which would yield a development of approximately 60 units.
2. Binding elements under the prior approval for this site limited the building height to 65 feet measured from the West Lane curb to the top of the parapet. That resulted in a six-story building. The current proposal is for seven stories with a height greater than 70 feet. We would like to see the prior binding height maintained.
3. The building elevations in the submittal package do not clearly show the overall building height. A dimension string totaling 70 feet is given but this is the measurement from the first floor to the roof. The applicant should provide the height from the curb at the center of the property to the top of the parapet. Penthouses and their heights should also be shown. To help maintain daylight on the street and on our property, the penthouses and rooftop screenwalls should be setback from the parapets a distance equal to or greater than their height.

4. In contrast to the prior application, the West Lane building wall has a minimal setback and is hard and straight the whole length, resulting in a very large mass. There does not appear to be any space for trees. Can the applicant propose alternatives to "soften" or break-up this edge?
5. The site development plan does not provide for an adequate or convenient vehicular pick-up/drop-off at the building. A small street widening, possibly ADA non-compliant, identified on the plan as a lay-by is not in the vicinity of the lobby. Whether picking up or dropping off passengers, packages or mail, etc., arriving vehicles will have to make a three-point turn at the end of West Lane or via one of the driveways in order to reach the drop off or to exit after entering, frequently in error. Since the amount of vehicular activity that will be stimulated, where no on-street parking is allowed, will increase congestion, double parking, and on-the-street maneuvering, we would like to see a complete turnaround provided on the subject property.
6. The traffic report states that the project will generate 20 peak AM and PM trips. The traffic report that was presented under the prior approval foresaw 14 peak trips for that development. The increase from 14 to 20 trips is not proportional to the increase in dwelling units from 48 to 113. Please ask the applicant to clarify. In any case, we believe a project this large will have a significant impact on the Montgomery/Arlington intersection. Its control times should be studied further to avoid having a line of cars waiting for the light and wrapping onto West Lane.
7. The required 10% "public use" space is accounted for in the application but it is not in a contiguous, well-designed form. There are three elements: a strip along Montgomery Lane in front of the building, a very narrow strip along West Lane, and the setback on the north side of the property which will likely be planted with dense screening. We feel a more defined, useable and beneficial public space should be provided to meet the 10% requirement rather than just aggregating residual site areas.
8. Binding elements under the prior application called for a twenty foot setback from the northern property line. The current proposal reduces that to fifteen feet.
9. Binding elements under the prior application called for the garage door to be below grade and underneath the building. The West Lane Elevation in the current proposal shows the door at grade, confronting our property.
10. The location of the building dumpster is not identified. Has the site plan accounted for truck maneuvering? How will it be screened?
11. With the developer having doubled his foot frontage on Montgomery Lane by adding 4901 to 4903, we feel that some serious consideration should now be given to relocating the garage access there, and not on West Lane, a one block cul-de-sac.

This project is difficult to support because the developer, as a result of acquiring an additional 5,989 square feet, seeks to incorporate a disproportionate number of units into the building. This is accommodated by simply increasing its height and breadth, failing to provide a complete turn around on

the subject property, minimizing and fragmenting public use spaces, setbacks, and lay-by areas and potentiating traffic burdens, and thereby making the end result a very large solid unbroken mass. We hope you will share our concerns and observations in bringing this building into reasonable scale and proportion.

Respectfully,

Theodore P. Chipouras
Mary L. Chipouras
Theodore P. and Mary L. Chipouras

John H. Chiles, M.D.
4910 Montgomery Lane
Bethesda, MD 20814-5304

December 1, 2012

Mr Robert Kronenberg, Acting Chief Area 1
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910



Dear Mr Kronenberg,

I am the owner of 4910 Montgomery Lane, Bethesda (City Homes of Edgemoor) and am writing about my concerns regarding the SJG proposed development at the corner of Montgomery Lane and Arlington Road (Amendment under DPA No. 13-01 and LMA No G-954).

I bought my home in November 2005, shortly after a year-long deployment to Iraq. I was an anesthesiologist on active duty in the Army and used money I saved while deployed as a down payment for the house. I was drawn to the neighborhood because of the urban village concept and because the Master Plan preserved the tenets of that concept. I knew that downtown Bethesda was undergoing significant development; but, trusted the appropriate county agencies to make fair and consistent decisions during the process. The Montgomery County government has rightfully won the reputation for enlightened urban planning and I was confident that would be the case regarding the developments surrounding City Homes.

I am currently the Vice President of the City Homes Home Owners Association (HOA) and like my fellow Board members have been supportive of the various proposed developments in our neighborhood. In November 2011 when the Housing and Opportunities Commission constructed Lasko Manor on Hampden Lane abutting our property, we supported the project although there was concern in the community regarding potential problems involving formerly homeless individuals living in our proximity. When the Edgemoor Condominiums (7405 Arlington Road) and The Edgemoor (4821 Montgomery Lane) were built, our HOA raised appropriate concerns that would impact City Homes; but, did not seek to block or modify the construction designs. That is not the case with the SJG project.

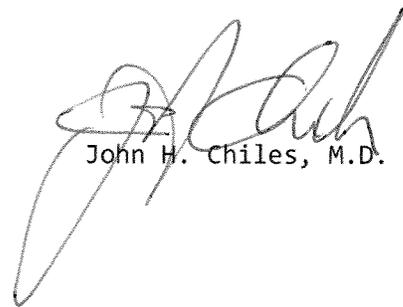
SJG acquired rights to a previously approved project by the Holladay Company. Understanding the need to increase density in our sector of Bethesda, our HOA was generally supportive of the Holladay plan. The plan called for forty eight apartments, seventy eight parking spaces, a four to six story roof line consistent with the Master Plan's concept of a sloping "tenting" effect and the incorporation of townhouses along Montgomery Lane that would be consistent with the neighborhood feel of the community. The SJG "amendment" more than doubles the number of rental units to one hundred and thirteen, creates one hundred and seventeen underground parking spaces, changes the structure to a box-like edifice and increases the height to seven stories, counter to the "sloping" roof line guidance of the Master Plan. In addition, the lobby of the new building will be on Montgomery Lane which will create significant traffic problems on the street, one of the narrowest in Bethesda. The increase in vehicular traffic, both cars

and commercial vehicles, will cause bottlenecks unseen before. The whole idea of a pedestrian and bicycle friendly environment envisioned in the Master Plan will be lost in the gridlock. The SJG proposal is not an "amendment" to an existing development plan; but, an entirely new proposal. To approve the "amended plan" is sleight of hand and a clear concession to the developer. This is not consistent with the spirit of thoughtful urban planning for which Montgomery County is noted for.

I understand that the "amended" proposal includes an additional lot that was not a part of the Holladay plan. This is an excellent opportunity for the developer to hew close to the original proposal and add more public space which is in the spirit of the Master Plan.

If you need to contact me, please do so at (301) 538-3680 or jhchiles@att.net.

Sincerely,



John H. Chiles, M.D.

cc Ms Francoise Carrier, Chairperson
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Grayson, Erin

From: Hywel Davies <hywelmd@verizon.net>
Sent: Wednesday, December 05, 2012 11:17 PM
To: Grayson, Erin
Cc: Capitalwriter@aol.com
Subject: SJC Properties Development - Montgomery Lane

Dear Ms. Grayson,

December 5, 2012

RE: Development Plan Amendment (DPA No. 13-01) and Local Map Amendment (No. G-954) (the "Project")

I reside at the Villages of Bethesda, which is an adjacent property to the proposed in-fill development on Montgomery Lane cited above. My property will be substantially affected by this proposed, huge structure that will come within 15 feet of the South East corner of the community. This large tasteless building will not only be an eyesore but it will also block sunlight to the to the South side of the VOB complex for a significant portion of the day. Clearly, the plan of this developer is to cram as may units as possible into as tall a box as possible, making no effort to accommodate the surrounding properties or their aesthetics. The essential step-up and step-down features of the previous proposal have completely disappeared.

The building will also be an eyesore for those using the Bethesda Library on Arlington Road – it will be in their line-of site looking West from the Library's floor to ceiling windows. People accessing the Library generate a steady volume of pedestrian traffic to and fore to Montgomery Lane, in addition to the unrelated pedestrian volume. All traffic from the proposed building will have to egress onto Montgomery Lane and then Arlington Road because the East end of Montgomery Lane is one-way in a Westerly direction. This will add significantly to volume at a critical intersection that, even with the recently installed traffic light, is dangerous. Arlington Road is a very heavily traveled thoroughfare with a very narrow sidewalk at that junction and where pedestrians are always at risk.

In brief, this new proposal requires critical scrutiny by planners. In distinct contrast to the previously proposed development on this site, this plan is incompatible with neighboring architecture and inconsiderate of the existing neighboring communities. It grossly infringes on the Bethesda Urban Village concept. It should be rejected.

Hywel M. Davies
Villages of Bethesda (VOB)
7433 Arlington Road
Bethesda, MD 20814

Grayson, Erin

From: aesumner@comcast.net
Sent: Wednesday, December 05, 2012 8:13 PM
To: Carrier, Françoise; Grayson, Erin; Kronenberg, Robert; Martin.Grossman@montgomerycountymd.gov; lynn.roberson@montgomerycountymd.org
Subject: RE: Development Plan Amendment (DPA No. 13-01) and Local Map Amendment (No. G-954) (the "Project")

Dear Ladies and Gentlemen:

I live at 4821 Montgomery Lane on the same side of the street as the Project (No. G-954). I am not opposed to development. I encourage and endorse development. But the development of such as dense residential population center-where the roads and sidewalks are so limited-will compromise everyone's ability to live comfortably and safely and should be significantly reconsidered and reconfigured.

In addition-and as stated by others I strongly endorse all positions presented below. I thank you in advance.

- I support the original proposed Halladay development on this site (G-843) which had only 48 units and a number of neighborhood friendly features – shorter height on Montgomery Lane with an increase or step-up in height toward the back of the project, open useable public space, a façade on Montgomery Lane that had separate entrances into townhouses so it was more compatible with other town homes across the street in the neighborhood, lower density and number of apartment units. All of the beneficial features of that plan are gone in the new application.
- I understand that the building heights for projects along Montgomery Lane were supposed to decrease as you went from Woodmont Avenue to Arlington Road. This Project is requesting a 70' maximum height which is not only higher than the maximum 65' recommended by the Master Plan for this area, but is also higher than the adjacent approved project to the east which is 65'. It is also much higher than the town homes in our community that are only 50'. This will violate the planning concept of decreasing height or "tenting" starting at Woodmont Avenue and ending at Arlington Road.
- How can the new Project be considered an amendment when the original Halladay development (G-843) is so different and so much smaller? The addition of the size of the lot, less than 6000 square feet, in the amendment would project increase in the size of the building from the previously approved 48 units to approximately 65 units and not the 113 units proposed. There is plenty of new density being added to the Woodmont corridor, let's not spoil the quality of life intended in the Master Plan for Montgomery Lane by the additional almost 50 cars and units.
- **Montgomery Lane is much narrower than surrounding roads and because it is so narrow, traffic circulation is a big problem already. East of West Lane, Montgomery Lane is one way and with the parking there is only one narrow lane for traffic. If a single car or truck stops in the lane, the entire street is blocked. At West Lane and west of West Lane, it becomes two ways but there is no parking allowed. However, the street is**

so narrow that even a single parked vehicle blocks one lane of traffic, so any temporary illegal parking blocks a traffic lane & forces traffic in that direction into the opposing lane. The new development with 117 parking spaces and poor circulation design will make congestion worse. This will make it bad for cars, and very bad for bicycles and pedestrians. Congestion forces bicycles on to the sidewalks. It will also be worse for people walking to the library.

- Our experience with situations east of West Lane, where again traffic is only one way, is that there is plenty of illegal parking – delivery trucks, moving vans, workmen, contractors, Post Office trucks. Even with one way traffic this creates blockages and bottlenecks. With the new building this will extend to the west, where the road is two way and the blockages will be worse and more dangerous. The projected 113 units will mean more move ins and outs, thus more large truck traffic.
- We recommend that the building's lobby be moved from the corner of West Lane and Montgomery Lane back to the middle of West Lane, so that delivery trucks and cars dropping off and picking up passengers are more likely to turn into West Lane than illegally park on Montgomery Lane. We also suggest that the building have an internal loading dock for moving vans and other service vehicles to get them off of Montgomery and West Lane. Finally, the sheer number of apartments and cars planned for the project are too great for that corner and the narrow roadways. It is simple, reduce the number of units and cars and reduce the problem.
- A lot of County money has been spent fixing the intersections on both sides of Montgomery Lane (Woodmont and Arlington). Now it appears that this new project will cause unnecessary congestion and safety issues mid-block. All of these new traffic problems, on a street that is designated as both a "Local Pedestrian Route" and a "Biker Friendly Area."
- Building design ignores the other uses on Montgomery Lane. It's just a tall, box with no relationship to its surrounding neighbors. There is no attempt in the design to vary the height of the roof line or create interesting features like pitch roofs, gables and other features like at City Homes or the Edgemoor.
- We liked the design of the previous project with setbacks and town homes entrances on Montgomery Lane. When the County Council approved the old plan, that they remarked that the 4 story frontage on Montgomery Lane was consistent with the town homes across the street. Now, we have the prospect of looking at a 7 story building that looks like a big box.
- We also have a problem with the location of the proposed public areas. Instead of massing public space in "the area in front of the new apartment structures along Montgomery Lane," the SJG plan puts the public spaces in areas that will assure that they will not be used. Even worse, besides serving no practical purpose, the public spaces provided on the west and north sides of the development, are isolated areas that create public safety issues. They are alleys!
- We propose that SJG take that public area and move it to the front of the building on Montgomery Lane and create seating and other public features that will be pedestrian friendly, and actually be used by the public.

Sincerely,
Anne E. Sumner, MD

4821 Montgomery Lane #105
Bethesda, Maryland 20814

Grayson, Erin

From: nancy koran <nancykoran@hotmail.com>
Sent: Wednesday, December 05, 2012 8:02 PM
To: Grayson, Erin
Subject: DPA No. 13-01

Nancy Koran

7453 Arlington RD

Bethesda MD 20814

6 December 2012

RE: Development Plan Amendment (DPA No. 13-01) and Local Map Amendment (No. G-954) (the "Project")

Dear Erin Grayson

I live in The Villages of Bethesda, a small townhome community adjacent to the proposed development on Montgomery Lane listed above. My home and my community will be seriously affected by this massive new structure, which will come within 15 feet of our community's property line.

The previously proposed Holladay development on this site included a number of features that softened its profile and mitigated its intrusiveness. However, this development plan is incompatible with neighboring structures and a poor match for the site itself. I often walk up Montgomery Lane to avoid busy Woodmont Ave. between Edgemore Lane and Montgomery Lane. This new development, with its additional cars and traffic, will destroy the charm and character of Montgomery Lane for its current residents and neighbors.

In addition, the proposed development will reduce the sunlight in our homes and our central courtyard, and it will increase noise and exhaust as vehicles come and go in the development's garage just 15 feet from our property line.

I entreat you to take a hard look at this development and realize that it will stick out like a sore thumb in this neighborhood. We know that the land is too valuable to sit idle or underutilized. But this proposal

does not reflect the standards and current “culture,” if you will, of this neighborhood. It needs to go back to the drawing board.

Nancy Koran

Villages of Bethesda Resident

Grayson, Erin

From: Michael Dougherty <michael@mjdpc.com>
Sent: Wednesday, December 05, 2012 7:10 PM
To: Carrier, Francoise
Subject: Development Plan Amendment (DPA No. 13-01) and Local Map Amendment (No. G-954) (the "Project")

Development Plan Amendment (DPA No. 13-01) and Local Map Amendment (No. G-954) (the "Project")

Dear Ms. Carrier,

I live in The Villages of Bethesda which is adjacent to the proposed monstrosity now proposed for development on Montgomery Lane as referenced above. My home and my lifestyle will be affected greatly by this colossal and grotesque building which by the way will block almost all sun from mu home until after 1:25 PM every day throughout the spring and summer months. Why you ask? Because it is twice the size of anything in the area or what was previously approved for that very same site. It will come within 15 feet of our property line.

From what I have seen, this plan is incompatible with any neighboring architecture. In my opinion it does not even seem to flow with the street itself. It fronts on a very narrow street (Montgomery LANE) which used heavily by dog walkers and residents out for a leisurely stroll in our calm neighborhood. One of the reason I moved into Bethesda. This project with 165 units stands to jeopardize the serenity that we now enjoy. It more than doubles the likely vehicular traffic as compared to the predecessor proposal. This on a lane that cannot possibly support 200 additional resident cars.

While I am aware that the current Board was not involved in the previous plan, I strongly urge that you give this design and its' ramifications your direct personal scrutiny. I will be happy to walk you around and point out what I am talking about.

This section of Bethesda is already dense but it is still attractive. While I understand that there will be growth, I depend upon your judgment to restrict development to structures compatible with our area and lifestyle. This section is a mixture of townhouses and condominium structures, all of similar and attractive architecture.

The large straight facades of this very large proposed structure threaten all of that, replacing the previously approved step-up and step-down facade, with blank walls from beginning to end of the property.

I am not opposed to development. I am opposed to this monstrosity being placed anywhere in Bethesda.

Thank you for your consideration and your efforts on my behalf.

Best regards,

Michael Dougherty
Villages of Bethesda

4910 Edgemoor Lane
Bethesda, MD 20814

Send e-mails individually to the following:

francoise.carrier@mncppc-mc.org chair of Planning Board
erin.grayson@montgomeryplanning.org the planner for this project [Ms]
Robert.Kronenberg@montgomeryplanning.org Erin's boss
Martin.Grossman@montgomerycountymd.gov the head hearing examiner
lynn.roberson@montgomerycountymd.org is the hearing examiner for this project [Ms]

The document circulated earlier by Bernie captures many of the basic points to be made in communications with the County officials involved in this issue. If you use the draft language above as your base document, please edit and rephrase to reflect your own "voice" and, of course, your own perspective. Keep in mind that the earlier document reflects the perspective of other residents of properties on Montgomery Lane and our perspective is somewhat different. While we share concerns about traffic flows and related issues, of more direct relevance for us are (a) the sheer size of the project and its impact on available sunlight and noise issues and (b) its incompatibility with the space and the immediate neighbors.

Please send a copy of your document to me and to Peter (just one is fine, noting you have sent it to all of the suggested recipients). If you have any questions contact one of us or Bernie.

**Sandra Fucigna
Peter E. McGrath**

4842 Montgomery Lane
Bethesda, Maryland 20814-5302

Home: (301) 986-9515
Cell Phone: (301) 908-6606
Email: pemcgra@bellatlantic.net

December 5, 2012

Ms. Erin Grayson, Lead Reviewer
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Project at northwest corner of West Lane and Montgomery Lane in Bethesda which has filed a Development Plan Amendment (DPA No. 13-01) and a Local Map Amendment (No. G-954) (the "Project")

Dear Ms. Grayson:

Since 1998 we have lived across the street, Montgomery Lane, from the proposed project. Before purchasing our townhouse, we reviewed the Master Plan for the area and on the basis of what we saw in the Plan we purchased our home. The proposed Project is at significant variance with the Master Plan, and in our opinion will have a negative impact on us and the quality of the neighborhood. While we are not opposed to development in general, we feel the Project as proposed is not suitable for our neighborhood. We were supportive of the original proposed Holladay development on this site (G-843), which had a number of neighborhood friendly features. We are familiar with the proposed Project because our Home Owners Association has kept us informed.

Some of the issues we are greatly concerned about are the following:

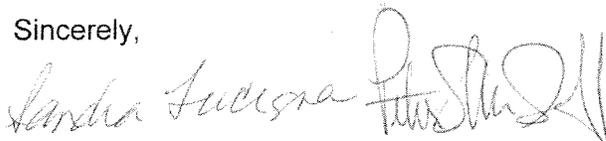
Traffic on Montgomery Lane west of West Lane will increase significantly because of the one way of Montgomery Lane east of West Lane. Montgomery Lane between West Lane and Arlington Road is a very narrow two way street. Delivery trucks frequently block one of the lanes.

Height of the proposed Project will dwarf our homes.

Location of the Project lobby will degrade the traffic flow on Montgomery Lane.

The overall design of the Project is not in keeping with the design of the surrounding buildings.

Sincerely,



Sandra Fucigna and Peter E McGrath

Grayson, Erin

From: shefali patel <ksrpatel@hotmail.com>
Sent: Wednesday, December 05, 2012 4:44 PM
To: Carrier, Françoise; Grayson, Erin; Kronenberg, Robert;
martin.grossman@montgomerycountymd.gov;
lynn.roberson@montgomerycountymd.org
Subject: RE: Development Plan Amendment (DPA No. 13-01) and Local Map Amendment (No. G-954) (the "Project")

RE: Development Plan Amendment (DPA No. 13-01) and Local Map Amendment (No. G-954) (the "Project")

Dear Sir/Madam

The Villages of Bethesda is an adjacent property to the proposed in-fill development on Montgomery Lane cited above. Our properties and our community will be substantially affected by this proposed massively intrusive structure, which will come within 15 feet of our property line.

In distinct contrast to the previously proposed development on this site, this plan is incompatible with neighboring architecture and, indeed, incompatible with the site itself, which fronts on a very narrow street heavily used by pedestrians – a feature of life in the urban Bethesda district which this project stands to jeopardize. It more than doubles the likely vehicular traffic as compared to the predecessor proposal.

In terms of direct impact on residents of Villages of Bethesda, the bulk of the structure undoubtedly will affect sunlight, the numbers of vehicles entering and leaving the garage (within 15 feet of our property line) will increase noise at all times of day and night, as will trash pickups, and the project's sheer size will negatively impact quality of life and property values.

In brief, this is a new proposal that bears the closest critical scrutiny by planners.

Our area of Bethesda is dense and likely will get more so. We recognize that. But we depend upon your sound wisdom to insure that development is compatible with our area. We have a mix of townhouses and condominium structures, all of attractive and compatible architecture. It is a community within the larger Bethesda community. The large straight facades of this very large proposed structure threaten all of that, replacing step-up and step-down facades, as previously proposed, with blank walls from beginning to end of the property.

Put simply, it is the wrong building for this site and should be rejected.

Mr Kalpesh and Mrs Shefali Patel
7459 Arlington Road, Bethesda MD 20814

To Whom It May Concern:

I am an owner/resident at 4821 Montgomery Lane. I live on the same side of the street as the proposed project. The project will have a big impact on the quality of life in my neighborhood. I am not opposed to development. In fact, I support a well-conceived project that would be a plus for the neighborhood.

I supported the original proposed Halladay development on this site (G-843). It had 48 units and a number of neighborhood friendly features. They were:

- A shorter height on Montgomery Lane with an increase or step-up in height toward the back of the project.
- Open useable public space.
- A façade on Montgomery Lane that had separate entrances into townhouses. It was compatible with the townhomes across the street.
- Lower density and number of apartment units.

All of the beneficial features of that plan are gone in the new application. We understand that the building heights for projects along Montgomery Lane were supposed to decrease from Woodmont Avenue to Arlington Road. The Project is requesting a 70' maximum height which is not only higher than the maximum 65' recommended by the Master Plan for this area, but is also higher than the adjacent approved project to the east which is 65'. It is also much higher than the townhomes in our community that are only 50'. The Project violates the planning concept of decreasing height or "tenting".

The Project is classified as an amendment to the original Halladay development (G-843). How can this be considering the size and specification changes made in the new Project proposal? The addition of the size of the lot, less than 6000 square feet, in the amendment would increase the size of the building from the previously approved 48 units to approximately 65 units and not the 113 units proposed. There is plenty of new density being added to the Woodmont corridor. Let's not spoil the quality of life intended in the Master Plan for Montgomery Lane by the addition of almost 50 cars and units.

Montgomery Lane is much narrower than surrounding roads. The width of Montgomery Lane causes traffic circulation problems. Montgomery Lane is one way East of West Lane and with parking there is only one narrow lane for traffic. If a single car or truck stops in the lane, the entire street is blocked. At West Lane and west of West Lane, it becomes two ways and there is no parking allowed. However, the street is so narrow that even a single parked vehicle blocks one lane of traffic. Any temporary illegal parking blocks a traffic lane and forces traffic in that direction

into the opposing lane. The new development with 117 parking spaces and poor circulation design will make congestion worse. This will make it difficult for cars, and even more difficult for bicycles and pedestrians. Congestion forces bicycles on to the sidewalks. It will also be difficult for people walking to the library.

East of West Lane, where traffic is only one way, experiences illegal parking – delivery trucks, moving vans, workmen, contractors, Post Office trucks, etc. This creates blockages and bottlenecks. The new proposed building will extend to the west of West Lane. Even though the street is two-way, it will extend the blockage the entire length of Montgomery Lane. The projected 113 units will mean more move ins and outs, thus more large truck traffic.

Considering the blockage description above, I recommend that the new building's lobby be moved from the corner of West Lane and Montgomery Lane to the middle of West Lane. Then delivery trucks and cars dropping off and picking up passengers are more likely to turn into West Lane than to illegally park on Montgomery Lane. I also suggest that the building have an internal loading dock for moving vans and other service vehicles to keep Montgomery and West Lane clear of these vehicles. The number of apartments and cars planned for the project are well beyond what the corner and the narrow roadways can handle. By reducing the number of units and cars the problems can be avoided.

Montgomery County has spent a large amount of money modifying the intersections on both sides of Montgomery Lane (Woodmont and Arlington). The new project will cause unnecessary congestion and safety issues mid-block. All of these new traffic problems are on a street that is designated as a "Local Pedestrian Route" and a "Biker Friendly Area."

The Building design ignores the other uses on Montgomery Lane. It's just a tall, box with no relationship to its surrounding neighbors. There is no attempt in the design to vary the height of the roofline or create interesting features like pitch roofs, gables and other features like the townhomes across the street and the Edgemoor. The design of the previous project with setbacks and townhome entrances on Montgomery Lane was more appropriate. When the County Council approved the old plan, they remarked that the four-story frontage on Montgomery Lane was consistent with the townhomes across the street. Now, we have the prospect of looking at a seven-story building that looks like a big box.

I also have a problem with the location of the proposed public areas. Instead of massing public space in "the area in front of the new apartment structures along Montgomery Lane," the SJG plan puts the public spaces in areas that will assure that they will not be used. Even worse, besides serving no practical purpose, the public spaces provided on the west and north sides of the development are isolated areas that create public safety issues. They are alleys! I propose that SJG take the public area and move it to the front of the building on Montgomery Lane and create

seating and other public features that will be pedestrian friendly, and actually be used by the public. The public areas at the townhomes across the street are landscaped seating areas that give pedestrians a shaded place to sit. Why should public space be squandered in alleys that no one will use or worse, create safety issues?

I indicated at the beginning of this letter, that I am supportive of development, so long as it is smart development. With the above suggestions including setbacks, a more user-friendly public space, better design and a reduction in height and density, this project could be a win-win for everyone. All the suggested changes are consistent with the Master Plan, and will enhance the quality of the neighborhood and of Bethesda. Unfortunately, the kind of development proposed by the developer will actually have the unintended consequence of choking off further development and making the neighborhood a much less desirable place to live and work.

The above situations and suggested modifications and improvements to the proposed project should be considered by the Montgomery County Planning Board. The project should not proceed as proposed.

Thank you for your consideration,



Gail V. Quigley
4821 Montgomery Lane
Apt 301
Bethesda, MD 20814

December 5, 2012

VIA ELECTRONIC MAIL

Ms. Lynn Robeson
Office of Zoning & Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, MD 20850
lynn.robeson@montgomerycountymd.gov

Mr. Robert Kronenberg, Acting Chief Area I
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910
Robert.Kronenberg@montgomeryplanning.org

Ms. Erin Grayson, Lead Reviewer
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910
erin.grayson@montgomeryplanning.org

RE: DPA No. 13-01 and LMA No. G-954

Dear Office of Zoning & Administrative Hearings and Montgomery County Planning Board,

We reside at 4902 Montgomery Lane across the street from the proposed project at West Lane and Montgomery Lane in Bethesda. We are aware of the specifics of the project through our Home Owner Association – City Homes of Edgemoor. We are not opposed to development; however, we have concerns about development that is not consistent with the Master Plan, and especially have concerns about development that might adversely affect the use of public areas and traffic along Montgomery Lane.

As dog owners that regularly monitor traffic patterns along Montgomery Lane, we have observed that cars routinely turn onto Montgomery Lane going eastbound only to turn onto West Lane (in order to go back onto Arlington Road) when they realize it is one way traffic east of

West Lane. If the proposed development has a lobby at the intersection of Montgomery Lane and West Lane (instead of our HOA recommendation to move it further back along West Lane), we have no doubt that it will result in accidents at that intersection, or at the very least, a lot of confusion and honking in frustration.

We also have concerns about the number of units and associated cars that the proposed development will bring to an already narrow Montgomery Lane. As parents of elementary school-aged children, we rely on using the sidewalks of Montgomery Lane and it is important that these sidewalks remain pedestrian-friendly. If Montgomery Lane were to become overly congested, it would force bicycles onto the sidewalks making the sidewalks more dangerous. Again, we are not opposed to any development, just ill-planned development that would bring in more traffic than Montgomery Lane can handle.

We ask that you reassess the proposed development plan and take into consideration the ultimate impact that it may have of making the entire neighborhood a less desirable place to work and live. Thank you for your consideration of our concerns.

Regards,



Kevin and Judy Hahm
4902 Montgomery Lane
Bethesda, MD 20814
301.215.6787

cc:

Ms. Francoise Carrier, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910
francoise.carrier@mncppc-mc.org

Grayson, Erin

From: Linda Grodin <grodinl@aol.com>
Sent: Wednesday, December 05, 2012 11:09 AM
To: Carrier, Francoise; Grayson, Erin; Kronenberg, Robert;
Martin.Grossman@montgomerycountymd.gov;
lynn.roberson@montgomerycountymd.org
Subject: Re:Development Plan Amendment (DPA No. 13-01) and local map amendment (No. G-954) (the "Project")

To Whom It May Concern:

I am a resident of 4821 Montgomery Lane, Bethesda, Md. 20814 known as The Edgemoor. I am writing in opposition to the amendment to the Haladay development on the G-843 site.

I was in favor of the original proposed plan and thought it would be an asset to the community. However, the increase of size and facade of the amended project is totally contrary to the best usage and visual impact of this property. The additional units, the additional height and the change in the placement of the lobby/delivery entrance will be detrimental to the aesthetic and reasonable usage of Montgomery Lane. All of the beneficial features of the original plan are now gone in the new application.

I don't consider the new Project as an amendment since it is completely different and larger than the original plan. The current traffic on Montgomery Lane - a one way local Pedestrian Route and a Biker Friendly Area - will be obliterated by the increase of congested, illegal parking by workmen, moving vans, delivery services such as UPS and regular mail service. It certainly will be an obstacle to Emergency Vehicles!

The proposed public areas will never be used in the proposed location. Originally, the public areas would have been along Montgomery Lane where they would have added to the aesthetics in a positive way. In the isolated areas on the west and north sides of the development they will actually be isolated and dangerous!

I support a more user-friendly public space, better design, and a reduction in height and density as consistent with the Master Plan. I strongly oppose any amendments that will downgrade the quality of the neighborhood.

Linda Grodin

Steven P. Berchem & Margaret A. Speich
4848 Montgomery Lane
Bethesda MD 20814

DECEMBER 5, 2012

MEMO TO:

Ms. Lynn Robeson
Office of Zoning & Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, MD 20850
lynn.robeson@montgomerycountymd.gov

Mr. Robert Kronenberg, Acting Chief Area I
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910
Robert.Kronenberg@montgomeryplanning.org

Ms. Erin Grayson, Lead Reviewer
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910
erin.grayson@montgomeryplanning.org

COPY TO:

Ms. Francoise Carrier, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910
francoise.carrier@mncppc-mc.org

REGARDING:

Proposed project at the northwest corner of West Lane and Montgomery Lane in Bethesda, which has filed a Development Plan Amendment (DPA No. 13-01) and a Local Map Amendment (No. G-954) (the "Project")

Dear Ms. Robeson, Mr. Kronenberg, and Ms. Grayson:

We own and reside in a townhouse directly south of Montgomery Lane from the proposed West Lane project. We bought 4848 Montgomery Lane preconstruction, taking possession July 1998, almost 15 years ago.

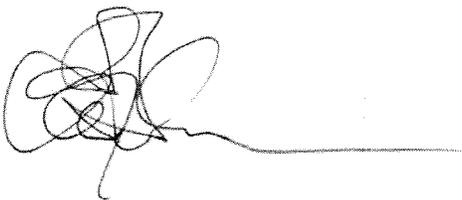
Over the last decade and a half, we have actively supported development of our immediate neighborhood. We were initially excited to learn of the proposed West Lane development, until we received the details. While we strongly support continued development in the immediate vicinity of our home, we have grave concerns about the proposed West Lane project:

1. It is much too tall. At 70 feet, it will visually dominate the mid-block portion of Montgomery Lane.
2. It is visually much too massive. It needs more set back from the street, height along the street should be compatible with adjacent properties, with higher elements tiered deeper into the lot.
3. The density exceeds the neighborhood capacity. There is simply no room in the four-block area for the high number of units planned, some 120 more cars, plus scores of service vehicles that would be required for a building of the proposed size.
4. Montgomery Lane is truly a *lane*: narrow, mostly one-way, providing one block of local access, about three on-street parking spots. Two cars can barely pass; two trucks are almost impossible. Add parked delivery trucks, landscaper trailers, Post Office vans, taxis and limos in waiting, and passenger drop-offs or pick-ups, traffic jams are common. Montgomery Lane was designed in accordance with the Master Plan. The West Lane project exceeds the Master Plan and fails to account for the inadequate traffic infrastructure. With nearly three-quarters of Montgomery Lane already developed in accordance with the Master Plan, it's too late to remake the street. Shoehorning a massive new development into a successfully developed area would be a big mistake—and a traffic nightmare.

We continue to urge development of the West Lane project, but at a scale more in line with the Master Plan, more in keeping with the aesthetics of the adjacent developments, and more sensitive to the traffic limitations of Montgomery Lane.

We respectfully request that you reject the proposed project and urge the developer to scale it back to something the community could support.

Sincerely,



Andrew Niebler
4821 Montgomery Lane #802
Bethesda, MD 20814

December 5, 2012

Planning Board
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Development Plan Amendment (DPA No. 13-01) and Local Map
Amendment (No. G-954)

Dear Ms. Carrier, Ms. Grayson and Mr. Kronenberg,

I reside in the Edgemoor Condominium, which is a 54-unit condominium building that is located on the same side of Montgomery Lane as the building SJG Properties ("SJG") proposes to build on Lots 24, 25, 26 and 27 at the corner of Montgomery Lane and West Lane (the "SJG Project"). I am writing to oppose the SJG Project in the form that it has been proposed because it is inconsistent with (i) those portions of the Bethesda Central Business District ("BCBD") Sector Plan (the "Plan") that relate to Montgomery Lane and (ii) the pattern of development that has been established on Montgomery Lane by virtue of the Planning Board's and County Council's implementation of those portions of the Plan since at least 2002.

Specifically, I oppose the SJG Project because (i) Montgomery Lane, as a deliberately planned narrow street with pedestrian characteristics, already cannot accommodate the significant number of service vehicles that frequent the street, and the proposed 113-unit SJG Project will overwhelm Montgomery Lane with many additional service vehicles, (ii) over the past 10 years the Planning Board and County Council have consistently deviated from the Plan in approving lower density developments and the current residents living on Montgomery Lane have a reliance interest in the consistent implementation of the BCBD Plan by the Planning Board and County Council, (iii) the general public living in the BCBD, especially the residents of Montgomery Lane, have purchased units and have moved their families to this area based on the actions of the Planning Board and County Council and, based on the principles of equitable estoppel, it would be extremely unfair to now shift to an entirely different development paradigm for Montgomery Lane, (iv) the traffic congestion standard that is generally applicable to the BCBD should not be applied to Montgomery Lane given its unique designation in the Plan as a "Mixed Street" with limited vehicular traffic, and the Planning Board should therefore develop an appropriate traffic congestion standard for Montgomery Lane and require the preparation and submission of a new traffic study, and (v) the SJG

Project fails to make any meaningful attempt to integrate architectural features that are required by the Plan.

Fortunately, there is an easy solution that addresses all of these concerns. The building that was previously approved by the Planning Board and County Council for Lots 24, 25 and 27 addressed all of these issues and received widespread praise from the community and County Council for its balanced approach to development on Montgomery Lane. That building demonstrates that smart, respectful urban development will be welcomed by the community and it should therefore be used as a benchmark when evaluating future development on Lots 24, 25, 26 and 27.

I. The Plan's Vision for Montgomery Lane is Threatened by Its Very Limited Capacity to Accommodate the Significant Number of Service Vehicles that are Required to Sustain a Pedestrian-Oriented Quality of Life in an Urban Environment

The purpose of the BCBD Plan is to "provide clear guidance regarding the general pattern of development in Montgomery County, while retaining enough flexibility to respond to unforeseeable circumstances as they arise."¹ The Plan indicates that Montgomery Lane should "provide pleasant pedestrian linkages between the public library and park on Arlington Road" and the metro station on Woodmont Avenue.² To achieve that end, the Plan designates Montgomery Lane as a Mixed Street, the only street in the BCBD given this designation.³ A Mixed Street is defined in the Plan as a street that "emphasizes pedestrian circulation while allowing **limited, slow vehicular traffic**. These streets should be developed with streetscape elements, including trees, plantings, special paving, and furniture. Bollards may be used rather than curbs to emphasize the **pedestrian character of the street**"⁴ (emphasis added).

In order to facilitate the pedestrian character of the street, the Plan specifies that Montgomery Lane "should be developed with 20 feet for travel lanes within a 52-foot right-of-way."⁵ Therefore, in 1994 when the BCBD Plan was approved, the Planning Board and County Council had an opportunity to widen Montgomery Lane in order to enable the street to handle the higher density associated with TS-R zoning, but the Planning Board and County Council intentionally and purposefully chose not to widen the street in order to enhance the quality of life for the eventual residents of Montgomery Lane as well as all users of the Bethesda Public Library. Unfortunately, the higher density associated with TS-R zoning and the decision to

¹ BCBD Plan, p. 9.

² BCBD Plan, p. 82.

³ See Figure 4.15 attached hereto.

⁴ BCBD Plan, p. 189.

⁵ BCBD Plan, p. 82.

make Montgomery Lane only 20 feet wide are objectives that are fundamentally at odds because the street cannot accommodate the daily flow of service vehicles that enable the residents of Montgomery Lane to realize the pedestrian-oriented quality of life that the Plan seeks to promote.⁶ The Planning Board's failure to recognize the incongruity of higher density TS-R zoning and a 20-foot wide street is at best a planning oversight and at worst a complete planning failure.

It is frankly very surprising that any urban design plan adopted as recently as 1994 would fail to address service vehicles in a comprehensive way. It would seem to be obvious – certainly to a professional urban planner – that, in the course of living their lives, people purchase services and things. Moreover, people who are drawn to Montgomery Lane because of its emphasis on pedestrian circulation will presumably be less inclined to use their cars and will require more services to be provided on site and more things to be delivered to them than the average resident living in Montgomery County. That means it is reasonable to expect a higher number of service vehicles per resident on a Mixed Street than on other streets in the BCBD or Montgomery County in general. In addition, higher density living arrangements by definition mean that there is a higher concentration of things that can break and that will need on-site repair by technicians such as plumbers, electricians, HVAC personnel, flooring and carpeting service providers, and appliance service providers for refrigerators, dishwashers, washing machines, dryers and televisions. Other required services consist of (i) in-home services, such as cleaning staff, cable and phone installation and maintenance, home healthcare providers, computer, printer and monitor maintenance, home child care providers, tutors, instrumental music instructors and similar educators, and laundry and drycleaning pick-up and drop-off, (ii) outside service providers, such as repair personnel for the exterior of buildings, landscaping services, window washers, moving vans, trash collection, and emergency vehicles and (iii) delivery services, including the U.S. mail and overnight couriers such as UPS and Fed Ex, that bring the items that residents are increasingly purchasing online in our modern age.

It would also seem to be obvious that all of these service providers drive trucks and vehicles that need to be parked somewhere. But, somehow, service vehicle parking was omitted from the urban design plan for Montgomery Lane and now the general flow of vehicular traffic on Montgomery Lane is severely stressed by the lack of adequate parking for these service vehicles. The 65-unit expansion proposed as part of the SJG Project would further exacerbate this problem to a breaking point.

⁶ See the annotated photo exhibit submitted by Mr. Louis Pohoryles to Ms. Erin Grayson, which depicts the daily vehicular struggles on Montgomery Lane.

II. Current Residents Living on Montgomery Lane Have a Reliance Interest in the Consistent Implementation of the BCBD Plan by the Planning Board and County Council

Fortunately, the Planning Board and County Council have not developed Montgomery Lane in accordance with the higher density that is allowed under TS-R zoning. This deviation from the Plan has enabled Montgomery Lane to meet most of the Plan's objectives for the street and has facilitated the realization of the "pedestrian character" of Montgomery Lane.

In 2002, the Planning Board and County Council approved the construction of (i) the 54-unit Edgemoor Condominiums, in which I live, (ii) the 29 townhomes that comprise the City Homes of Bethesda and (iii) the 11-unit Edgemoor at Arlington.⁷ Those developments filled the vast majority of gross tract area on the south side of Montgomery Lane and on the north side of Montgomery Lane east of West Lane. This balanced approach to development on Montgomery Lane gave comfort to the purchasers of these 94 units that the Planning Board was, in fact, serious about realizing the BCBD's description of Montgomery Lane as a Mixed Street and would not just cram as much density onto the street as it could. In my case, the development plan was an important part of my decision to purchase a unit on Montgomery Lane because I did not want to live in a high-density urban setting on a street that was fundamentally not able to handle that density, especially as the parent of two young children. The early development that was approved and constructed on Montgomery Lane gave me comfort that I would not wind up living in that type of a situation. I therefore decided to proceed with the purchase of my condominium and the transaction closed in December 2003.

Since then the actions of the Planning Board and County Council have consistently advanced a lower-density development pattern on Montgomery Lane. This year the Planning Board and County Council approved the development of a 4-unit building on one of the lots on the east side of West Lane immediately adjacent to the Edgemoor Condominium. More recently, the Planning Board and County Council have approved a reduction of the density in the building that will be built on Woodmont Avenue between Montgomery Lane and Hampden Lane, which utilizes the only remaining lots on the south side of Montgomery Lane.

Similarly, with respect to three of the four lots on which the SJG Project would be built, the Planning Board and County Council approved a building that received widespread praise from the community and from the County Council for its balanced approach to development on Montgomery Lane (the "Holladay Project"). To the best of my knowledge there was no community opposition to the Holladay

⁷ See exhibit entitled "Existing and Planned Units on Montgomery Lane" attached hereto.

Project at all, in large part, because it was consistent with the community's expectations based on the pattern of development on Montgomery Lane.

SJG now proposes to build a high-density, 113-unit building that would more than double the combined total of all existing and planned units on all the other parcels on Montgomery Lane and West Lane that have direct vehicular access to Montgomery Lane.⁸ The combination of the 117 cars that would be parked in this building and the service vehicles that would be required to maintain the pedestrian-oriented quality of life of the eventual residents of this building would create more vehicular and visual clutter, undermine the pedestrian character of the street, reduce the quality of life of the current residents of the street, and turn Montgomery Lane into an urban planning debacle. The Plan specifically seeks to avoid such an outcome, by stating that "in general, new development should **respect established patterns of development**" (emphasis added) and should seek to "improve compatibility with existing uses through urban design concepts and guidelines that address form, shadows and skyline, building heights, scale, massing, and setbacks."⁹ This statement is one of six urban design objectives included in the Plan, not just some throwaway sentence. This Plan objective and the Planning Board's and County Council's knowing departure from the Plan, as evidenced by their approval of multiple lower-density developments on Montgomery Lane, gave the residents of Montgomery Lane a reliance interest that should now preclude any development on Montgomery Lane that is not in conformity with those approvals.

III. Based on the Principles of Equitable Estoppel and the Prior Actions of the Planning Board and County Council, Approval of the SJG Project Would be Extremely Unfair to the Residents of Montgomery Lane as a Matter of Public Policy and Urban Planning

In 1914, the Maryland Court of Appeals held that the doctrine of equitable estoppel applies to municipal corporations, stating, "the municipality may, in obedience to the demands of justice, be estopped by its own conduct, or the conduct of its officers, from denying the existence or validity of [a grant]."¹⁰ According to the Maryland Court of Appeals, equitable estoppel is "the effect of the voluntary conduct of a party whereby he is absolutely precluded, both at law and in equity, from asserting rights which might have otherwise existed...as against another person who has in good faith relied upon such conduct, and has been led thereby to change his position for the worse and who on his part acquires some corresponding right,

⁸ See exhibit entitled "Existing and Planned Units on Montgomery Lane" attached hereto.

⁹ BCBD Plan, p. 37.

¹⁰ *Mayor and Council of City of Hagerstown v. Hagerstown Ry Co. of Washington County*, 91 A. 170, 174 (1914).

either of property, of contract, or of remedy.”¹¹ More recently, the Court of Special Appeals has clarified, “with respect to equitable estoppel in regard to a municipality, ‘there must have been some positive acts by such officers that have induced the action of the adverse party’ and ‘it must appear...that the party asserting the doctrine incurred a substantial change of position or made extensive expenditures in reliance on the act.’”¹²

As suggested by the above definitions, there are three elements necessary to establish equitable estoppel: “(1) voluntary conduct or representation; (2) reliance; and (3) detriment.”¹³ While traditionally wrongful or unconscionable conduct was an element of estoppel, “the rule now to be followed in Maryland is that equitable estoppel may be applied, not only when the conduct of the other party to be estopped has been wrongful or unconscientious, and relied upon by the other party to his detriment, but also when the conduct apart from its morality, has the effect of rendering it inequitable and unconscionable to allow the rights or claims to be asserted or enforced.”¹⁴

Whether an estoppel exists “is a question of fact to be determined in each case.”¹⁵ As noted by the Court of Special Appeals, “the question of estoppel is a question of fact because it involves ‘the assessment of conduct by one party and reliance by another.’”¹⁶

In the instant case, all three elements of estoppel are met: (1) the Planning Board and the County Council approved the Plan and the developments on Montgomery Lane that have consistently deviated from the higher density TS-R zoning, (2) the residents on Montgomery Lane, in good faith, relied upon the Plan and the pattern of development on Montgomery Lane that evolved as a result of the deviations from the Plan, and (3) the residents on Montgomery Lane expended

¹¹ *Permanent Financial Corp. v. Montgomery County*, 308 Md. 239, 247, 518 A.2d 123, 127 (1986), citing *Pomeroy*, EQUITY JURISPRUDENCE, § 804 (5th Ed. 1941). See also *Mona Elec. Co. v. Shelton*, 377 Md. 320, 334, 833 A. 2d 527 (2003).

¹² *Heartwood 88, Inc. v. Montgomery County*, 156 Md. App. 333, 372, 846 A. 2d 1096, 1118 (2004), quoting *Anne Arundel County v. Muir*, 149 Md. App. 617, 636, 817 A. 2d 938 (2003).

¹³ *Gregg Neck Yacht Club, Inc. v. County Comm’rs of Kent County*, 137 Md. App. 732, 773, 769 A. 2d 982, 1006 (2001).

¹⁴ *Gregg Neck Yacht Club, Inc. v. County Comm’rs of Kent County*, 137 Md. App. 732, 773, 769 A. 2d 982, 1006 (2001), citing *Zimmerman v. Summers*, 24 Md. App. 100, 123, 330 A.2d 722 (1975).

¹⁵ *Markov v. Markov*, 360 Md. 296, 307, 758 A.2d 75 (2000) (citation omitted).

¹⁶ *Heartwood 88, Inc. v. Montgomery County*, 156 Md. App. At 370, quoting *Allstate Ins. Co. v. Reliance Ins. Co.*, 141 Md. App. 506, 515, 786 A. 2d 27 (2001). See also *Grimberg v. Marth*, 338 Md. 546, 556, 659 A.2d 1287 (1995); *Travelers Indem. Co. v. Nationwide Construction Co.*, 244 Md. 401, 414, 224 A.2d 285 (1966).

substantial funds on the purchase of units on Montgomery Lane. Accordingly, approval of the SJG Project by the Planning Board and County Council would be extremely unfair to the general public and the current residents of Montgomery Lane as a matter of public policy and urban planning. Approval of the SJG Project by the Planning Board and County Council would mean that the Planning Board and County Council have, through their actions, misled the public and the current residents of Montgomery Lane over the past decade into believing that they could expect one outcome only to get an entirely different outcome that adversely affects their quality of life and economic investments.

IV. The Traffic Study Submitted by SJG is Not Consistent with the Plan's Designation of Montgomery Lane as a Mixed Street and Should be Rejected

As indicated above a Mixed Street is defined as a street that allows for "limited, slow vehicular traffic." The traffic study prepared by Wells & Associates Inc. in support of SJG's development plan application applies the 1,800 critical lane volume congestion standard that is generally applicable to the BCBD in accordance with the Local Area Transportation Review ("LATR") and Policy Area Mobility Review ("PAMR"). Montgomery Lane, however, is not just the average street in the BCBD - it is the only street in the BCBD to be designated as a Mixed Street and this designation demands the application of a significantly reduced congestion standard that is consistent with the description of Montgomery Lane in the Plan. Accordingly, the Planning Board is obligated to reject the traffic study submitted by SJG and must develop an appropriate LATR and PAMR congestion standard that meets the special needs of Mixed Streets. In the absence of such a congestion standard and a traffic study that applies that standard, SJG must be barred from proceeding with its application.

In the new traffic study, the Planning Board should also instruct SJG to specifically report on the number of cars that exit the metro station parking garage on Woodmont Avenue and then turn right onto Montgomery Lane in order to access Arlington Road. Montgomery Lane has developed into a major thoroughfare during the evening hours that has resulted in cars rushing to navigate around blockages on Montgomery Lane in an attempt to catch a green light at the Montgomery Lane/Arlington Road intersection. The volume and speed of cars during the evening hours is a safety hazard, especially for those pedestrians attempting to use the crosswalks at Montgomery Lane and Arlington Road, and is not at all consistent with the "limited, slow vehicular traffic" that is supposed to be one of the hallmarks of Montgomery Lane as a Mixed Street.

The Plan emphasizes that visuals are important to enhancing the walkability of a street. As stated in the Plan, "[a]n attractive pedestrian environment contributes to an active and lively CBD, encourages walking and social interaction, and provides a setting for public life. The public sidewalks form a major portion of

the pedestrian environment within a CBD in addition to plazas, parks, and other open spaces.”¹⁷ Unfortunately, the numerous illegally parked cars and trucks on Montgomery Lane create “visual clutter” that substantially detracts from the walkability of Montgomery Lane, especially when the cars and trucks are parked across a sidewalk, or when traffic has to navigate around illegally parked cars, or when frustrated drivers aggressively blow their horns. The traffic situation on the street can best be described as tense and that tension affects the pedestrians on the sidewalks as well. This traffic tension will only get worse if the number of units in the SJG Project is not substantially reduced to be more consistent with the Holladay Project.

Overall, the traffic situation on Montgomery Lane again highlights the inadequacy of Montgomery Lane as a public facility in the heart of the BCBD. Fortunately, the BCBD Plan retains flexibility to respond to unforeseeable circumstances as they arise. The Planning Board and County Council have responded to these circumstances by consistently deviating from the higher density allowed under TS-R zoning toward a lower-density built environment. That response was both prudent and necessary in order to attempt to ameliorate some of the unforeseeable urban planning issues associated with the Plan’s designation of Montgomery Lane as a Mixed Street in the middle of the BCBD.

V. From an Architectural Perspective the SJG Project Fails to Make Any Meaningful Attempt to Integrate the Building Features Required by the Plan

The SJG Project is the architectural equivalent of a slap-across-the-face to the residents of Montgomery Lane and those unfortunate pedestrians who may have to walk past it. The SJG Project shows no “respect [to] established patterns of development” or the residents of Montgomery Lane who purchased units on the basis of those patterns of development. The SJG Project also entirely fails to “[e]nhance the pedestrian environment to provide a visually diverse and simulating experience, maintain human scale, achieve good street definition, and enhance the visual character.”¹⁸ The SJG Project is very simply a money grab by a greedy developer that has displayed no willingness to seriously work with the community to produce an interesting and conforming architectural proposal. This greed is most obviously reflected in SJG’s over-the-top request to increase the number of units from the 48 units that were approved as a binding element of the Holladay Project to 113 units in the SJG Project. That is a 135 percent increase in the number of units even though the addition of Lot 26 increased the available gross tract area for the project by only 36 percent.

¹⁷ BCBD Plan, p. 187.

¹⁸ BCBD Plan, p. 37.

As previously noted, one of the six urban design objectives in the BCBD Plan is to “improve compatibility with existing uses through urban design concepts and guidelines that address form, shadows and skyline, building heights, scale, massing, and setbacks.”¹⁹ The SJG Project does not meaningfully address any of these issues. The SJG Project is simply a large mass that does not “[a]chieve compatibility with nearby residential areas through techniques such as stepped down heights, articulated building walls and facade treatments, and other architectural means designed to minimize building bulk and shadow impacts, and create a gradual transition.”²⁰ Furthermore, the SJG Project does not “treat rooftops as sculptural elements that contribute to the visual interest of the skyline”²¹ and fails “to achieve a residential image by using hip roofs, gables, turrets, and other types of pitched roof lines...to improve character and reduce the sense of bulk.”²²

The SJG Project also hides the public space in alleys next to and behind the building where they cannot easily be identified as public space. These public spaces are much less likely to be used as intended and may even create areas where crime can fester. This is all in direct contravention of the Plan, which clearly states that “[o]ne possible resource for publicly oriented open space within the TS-R District is the area in front of the new apartment structures along Montgomery Lane. Streetscape and special seating areas could be provided in the setback from the sidewalk to the building face, creating an outdoor community space.”²³

The failure of the SJG Project to incorporate the architectural features that are required by the Plan is yet another reason why the SJG Project should be rejected.

* * *

Fortunately, the Holladay Project provides a simple path forward that addresses all of these concerns. The portion of the Holladay Project on Lot 27, with frontage on Montgomery Lane, was designed by Holladay to have four stories and a townhouse facade. This portion of the building could simply be extended across Lot 26, which would enable SJG to realize an increase in the number of units that is commensurate with the increase in gross tract area. The County Council also agreed that the Holladay Project represented a very balanced approach in resolving several competing and conflicting issues. In its resolution approving the Holladay Project, the County Council explained that the Holladay building met Montgomery County’s housing and development goals while providing a building that (i) will have a “building height [that] is consistent with development across the street,

¹⁹ BCBD Plan, p. 37.

²⁰ BCBD Plan, p. 40.

²¹ BCBD Plan, p. 40.

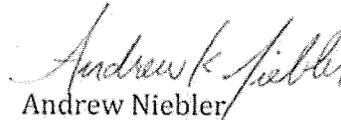
²² BCBD Plan, p. 85.

²³ BCBD Plan, p. 82.

which reflects townhouses and low-rise structures", (ii) "will contain a townhouse type facade that will be compatible with development along Montgomery Lane", (iii) "promotes residential enhancement and compatibility in terms of building mass [and] setbacks", (iv) "will contribute to the range of densities in the area, will not have detrimental effects on the use or development of adjacent properties or the surrounding neighborhood, and will continue to provide housing for persons of all economic levels", and (v) "would have no adverse effects on traffic conditions, schools or public utilities". The resolution also recognized that the Holladay Project was well below the maximum of 150 dwelling units per acre specified in the zone. In other words, in approving the zoning change for the Holladay Project, the County Council was not focused on maximizing density or dwelling units, but instead was very concerned with the compatibility of the building with its surrounding area and the impact that the building and its residents would have on issues directly affecting the pedestrian-oriented quality of life on Montgomery Lane as well as all BCBD residents seeking to use the Bethesda Public Library.

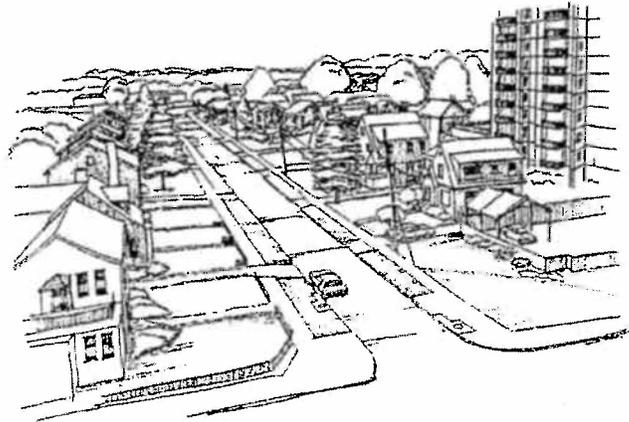
For all of the foregoing reasons, I respectfully ask the Planning Board to reject the SJG Project. The SJG Project, in the form that it has been proposed, is inconsistent with those portions of the BCBD Plan that relate to development on Montgomery Lane and the pattern of development that has been established on Montgomery Lane by virtue of the Planning Board's and County Council's implementation of the Plan since 2002. The Planning Board and County Council should instead require that Lots 24, 25, 26 and 27 be developed in a manner that is consistent with the previously-approved Holladay Project.

Sincerely,



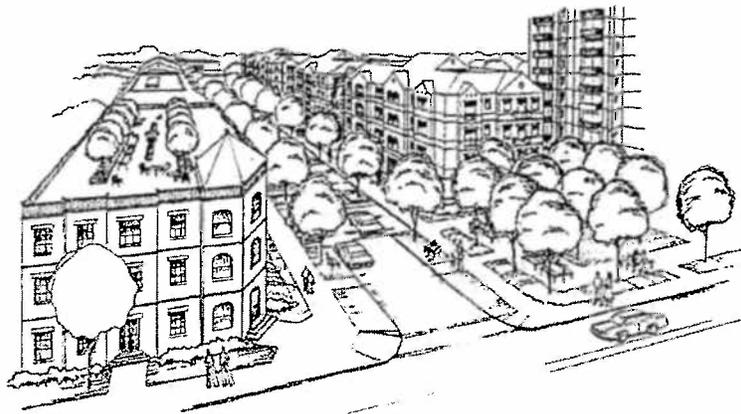
Andrew Niebler

cc: Martin Grossman
Lynn Robeson



"Before", Existing View of Montgomery Lane Looking West

page
84



"After", Proposed Low-Rise, High-Density Housing on a Mixed Street

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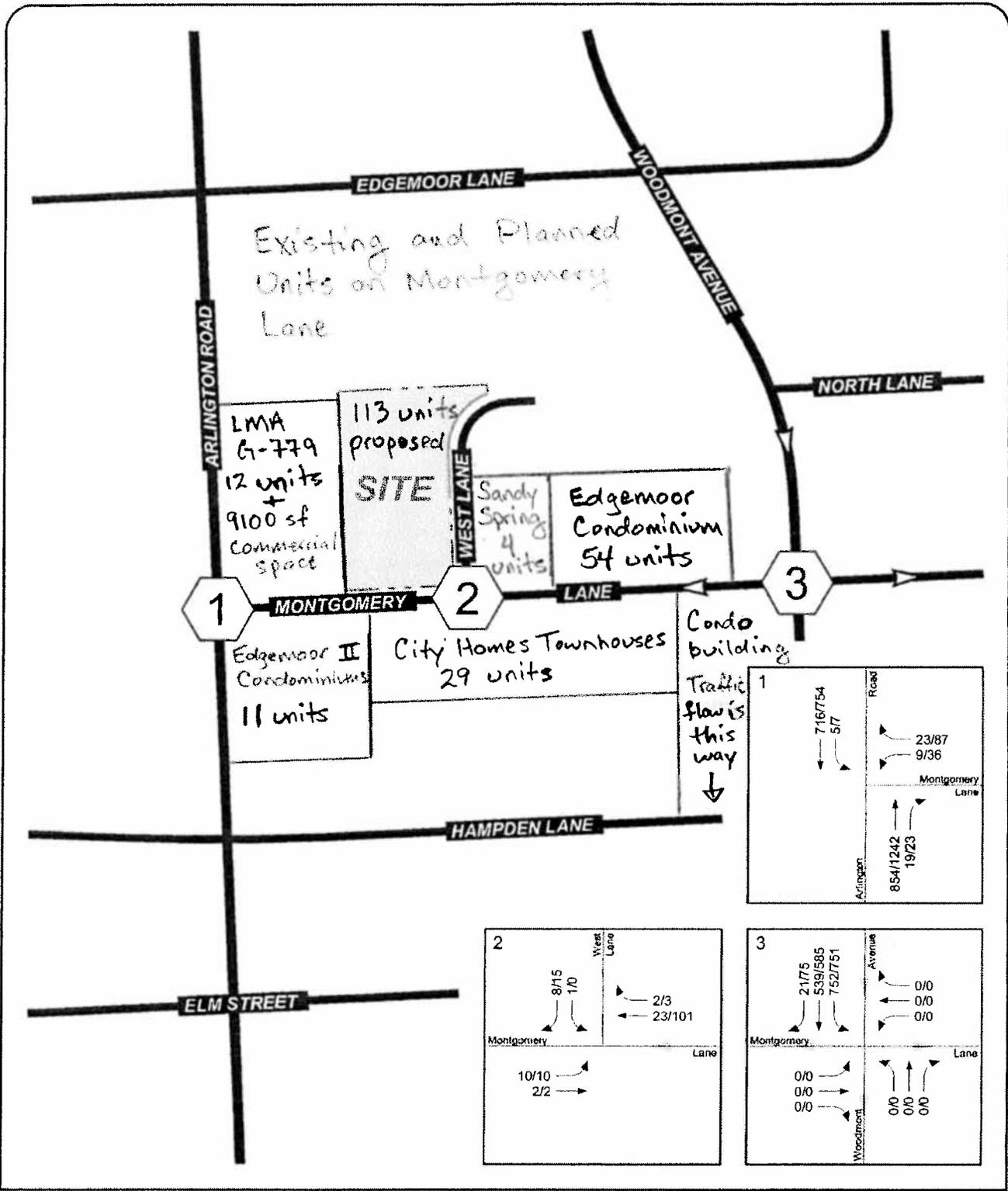


Figure 2-4
Existing Peak Hour Traffic Volumes





Pradeep Kaul <ppkaul@gmail.com>

RE: Development Plan Amendment (DPA No. 13-01) and Local Map Amendment (No. G-954) (the "Project")

Pradeep Kaul <ppkaul@gmail.com>

Mon, Dec 3, 2012 at 2:45 PM

To: "francoise.carrier@mncppc-mc.org" <francoise.carrier@mncppc-mc.org>, "erin.grayson@montgomeryplanning.org" <erin.grayson@montgomeryplanning.org>, "Robert.Kronenberg@montgomeryplanning.org" <Robert.Kronenberg@montgomeryplanning.org>, "Martin.Grossman@montgomerycountymd.gov" <Martin.Grossman@montgomerycountymd.gov>, "lynn.roberson@montgomerycountymd.org" <lynn.roberson@montgomerycountymd.org>
Cc: Jon Weintraub <jonweintraub@verizon.net>, Susan Kaul <susan.kaul@gmail.com>

We are residents of 4821 Montgomery Lane, Apt 1002, and would like to comment on the current proposal for constructing a new condo on the northwest corner of West Lane and Montgomery Lane.

It appears that their proposal has changed radically from the original proposal and will cause major problems to the neighborhood. Though we can support the idea of well planned condo's being added to their proposed location, their current proposal is outlandish.

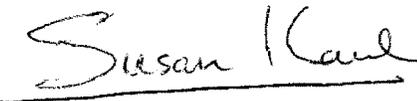
- It appears they have many significant deficiencies in their proposal such as violating height guidelines, etc..
- Further, Montgomery Lane is a narrow road and part of it is one way thus access would be restricted to only Arlington Rd. the proposed apartment density would cause significant traffic for this tight street, and would also add more commercial traffic to support the service people.
- As it is the number of commercial trucks and vans that are parked during work hours on Montgomery Lane are problematic. With this new building and it's density, the situation will only worsen.
- The proposed design needs to be remedied to a proper scale along with adequate parking spaces. They need to consider proper setbacks, etc.. In general, a design that does not impact the quality of life we currently have in our neighborhood.

Thank you for your time and consideration.

Pradeep & Sue Kaul
4821 Montgomery La., Apt 1002
Bethesda, MD, 20814
301.526.6759

x 

Sent from my iPhone

x 

Grayson, Erin

From: Etolldavis@aol.com
Sent: Tuesday, December 04, 2012 4:06 PM
To: Carrier, Françoise; Grayson, Erin; Tobert.Kronrnberg@montgomeryplanning.org; Martin.Grossman@montgomerycountymd.gov; lynn.robesson@montgomerycountymd.org; jonweintraub@verizon.net
Cc: etolldavis@aol.com
Subject: RE: Development Plan Amendment (DPA No. 13-01), Local Map Amendment (No. G-954)

Dear Ms. Carrier, Ms. Grayson, Mr. Kronenberg, Mr. Grossman, and Ms. Robeson,

My husband, Joel, and I are owners and residents at 4821 Montgomery Lane, The Edgemoor. We have been there since February, 2004. We love our neighborhood and our street. Of course there are pluses and minuses to any neighborhood. While we love the location, the accessibility of so many shops and restaurants, the convenience of the Metro, and the many opportunities to walk outside, we also experience heavy traffic, loud noise, and frequent congestion in our area. We think that this proposed project will have a negative impact on our street and on the quality of life in our wonderful neighborhood.

Of course our street experiences ups and downs. The street is narrow, narrower than most in the area. I understand it was originally designed as a walkway between Woodmont Avenue and the library on Arlington Road. As things stand now, there are many, many times when we cannot even navigate our own street because of delivery trucks and work crews. Woodmont Avenue has heavy vehicle traffic, and a lot of money has recently been spent to make the intersection of Woodmont and Montgomery Lane safer. The possibility of increased traffic on Montgomery Lane seems to defy logic. I walk in the neighborhood alot, and I can't imagine what it would be like with an additional 113 units several doors down the block. The car traffic and the delivery traffic would surely create an increased burden on our small street.

I understand that having density near the Metro is a goal of our community. There are new, large buildings going up all through downtown Bethesda, for example, at Woodmont and Bethesda Avenues, and on St. Elmo. Those are just two of many, and all of their residents would be conveniently located near the Metro. I personally don't see how the Bethesda Metro station can handle this huge influx of passengers. The trains are already quite crowded during peak hours. This is one of the reasons I have doubts about the building of 113 additional units on our small side street.

I have heard that the design of this proposed project is very boxy, and does not tie in at all with the design of the other residential buildings in the area. I thought that the Master Plan was supposed to assure some conformity in the look and height of the buildings. This building will be too tall and cumbersome for the property on which it will be standing.

We understand that there must be development in our area and on our street. We are not opposed to that per se. But we are definitely opposed to creating a property that will put burdensome stresses on our street. Montgomery Lane is already crowded, and sometimes impossible to drive through. When you are considering what should be done with this proposed project, please consider the many negative effects that those of us who live on Montgomery Lane are concerned about. Please reduce the size of the building, so that the impact on our street will be much less than the currently proposed design. Please take as much burden off of Montgomery Lane as you can, and put more burden onto West Lane. Please don't make our neighborhood so crowded that we are no longer happy to be there.

We live on a very special block in a very special building. We would be grateful for anything you can do to help us preserve that.

Thank you.

Sincerely,

Elizabeth Davis
4821 Montgomery Lane #505
Bethesda, MD 20814

Grayson, Erin

From: GAIL KAUFMANN <gkaufmann1@verizon.net>
Sent: Tuesday, December 04, 2012 2:51 PM
To: Carrier, Francoise; Grayson, Erin; Kronenberg, Robert; Martin.Grossman@montgomerycountymd.org; lynn.roberson@montgomerycountymd.org
Cc: Jon Weintraub
Subject: Development Plan CDPA No 13-01 Local Map Amendment (No.G-954) (the project)

This correspondence is to issue a strong protest against issuing the permit for the above mentioned project. My objections are many but I will list the most salient concerns.

The Condo , in which I live, and the Town Houses opposite the Edgemoor Condo, are aesthetic pleasing and are one of the many reasons that Downtown Bethesda is consider one of the most top places to live, not only in this area, but according to a recent national publication, one of the most desirable in the U.S. We are very proud of our neighborhood and hope to continue to be. The original plan by Halladay Development, was 48 units and an attractive physical plan that fit in appropriately. The request now is for a much larger, and unattractive building, that does not fit Delivery trucks, repair the surroundings.

Additionally, Montgomery Lane can barely handle the traffic and parking as it is now. Delivery trucks, repair trucks and EMERGENCY vehicles have been blocked or have blocked traffic. Around evening rush hour, people driving from the Metro come down Montgomery Lane. The additional traffic that the 114 unit building would create would cause potential danger to pedestrians and children, add pollution, and cause bottle necks. This apartment would generate not only traffic from the residents' cars, but delivery trucks, repair trucks, Post office. Fed Ex, and UPS vehicles, as well as trash and recycle trucks.

This building, as proposed, will impact the quality of life for this neighborhood.

I hope you will seriously recognize the above concerns and those expressed by my neighbors and not issue the permit that has been requested. My sincere thanks for your consideration.

Sincerely,
Gail Kaufmann
4821 Montgomery Lane, #302
Bethesda, MD 20814



GEORGETOWN LAW

Girardeau A Spann
Professor of Law

December 5, 2012

Ms. Francoise Carrier, Chair Montgomery County Planning Board
Ms. Erin Grayson, Montgomery County Planning Board
Mr. Robert Kronenberg, Montgomery County Planning Board
Mr. Martin Kronenberg, Head Hearing Examiner, Office of Zoning & Administrative Hearings
Ms. Lynn Robeson Hearing Examiner, Office of Zoning & Administrative Hearings

RE: Development Plan Amendment (DPA No. 13-01) and Local Map Amendment (No. G-954)

Dear Planning Board Members and Hearing Examiners:

I am an owner and resident of the Edgemoor Condominium, 4821 Montgomery Lane #405, Bethesda, Maryland, 20814-6324. I am writing because I am concerned about the size and design of a contemplated construction project on Montgomery Lane that I believe you are currently considering. The project contemplates the construction of a residential apartment building on the northwest corner of Montgomery Lane and West lane in Bethesda. Because this project would be constructed in the same block, and on the same side of the street, as my own condominium building, I am concerned about the effect that this new building will have on the character of the neighborhood, and on Montgomery Lane traffic. Accordingly, I hope that you will limit any approval that you may ultimately provide for the project to a size and design that will not inflict an excessive strain on the block.

Please do not mistake my concern for knee-jerk "not in my backyard" opposition to any construction in the area. On the contrary, I welcome the benefits that development can bring to downtown Bethesda. My goal is to ensure that development is conducted in a carefully-considered way that will neither change the character of our quiet residential block nor create traffic and other infrastructure demands that our block and the surrounding area cannot support. In fact, our condominium supported the 48 unit Halladay project that was originally proposed for this site (G-843). Both the size and design of that project seemed compatible with the neighborhood. However the new plan that is now being proposed for development of that lot seems to have forsaken the careful design considerations that were included in the original plan.

The new plan purports to be an amendment to the original Halladay project, but it actually appears to be a qualitatively different proposal. The new plan calls for a building that increases the number of units from the initial 48-65 units originally approved to a total of 113 units. This is a significantly larger building, in an area that already boasts enough other new residential construction to make the threat of overdevelopment on Montgomery Lane needlessly

dangerous. The proposed “amendment” would add approximately 50 new units, as well as the additional cars and enhanced traffic associated with those units. Because Montgomery Lane is a narrow residential street, I fear that the block will be unable to support this new volume of traffic. Congestion on the block from delivery trucks, and occasional illegally parked cars, already makes traveling on Montgomery Lane adventurous. The enhanced traffic from the new enlarged project would simply exacerbate a traffic problem that already exists. Because the new project will contain 117 parking spaces, with a questionable design for traffic circulation patterns, the threat to other traffic, to bicycle riders and to pedestrians, may prove to be substantial. The partial one-way traffic on Montgomery lane seems unlikely to ameliorate the potential traffic problems, but rather seems likely to create traffic bottlenecks. Moreover, because the new project will be constructed on the portion of Montgomery Lane that bears two-way traffic, the potential blockages are likely to be even worse. In addition, the inclusion of 50 more units in the proposed building will mean that there will be more frequent blockages produced by deliveries and by residents moving into and out of the building.

I am also concerned with the aesthetic damage that the new proposed project will inflict on the character of the neighborhood. The new plan seeks to disregard the building height restrictions that are incorporated in the Master Plan for development in this area. It also simply ignores the “tenting” concept that the Master Plan utilizes for gradual height *decreases* from Woodmont Avenue to Arlington Road. Moreover, the box-like design of the new project does not fit in well with the carefully considered design of the current buildings. The existing buildings on the block reflect significant attention to aesthetic design features, but all of this attention may be rendered meaningless if the character of the block now becomes dominated by the aesthetics of the weakest link in the aesthetic chain. The previously approved design included townhouses facing on Montgomery Lane that were more consistent with the current architectural character of the block. Moving the public areas of the new project to the front of the building facing Montgomery Lane would also facilitate consistency with the current aesthetic quality of the block. This would echo the pleasing public spaces currently utilized by the townhouse community that is presently across the street from the proposed new project. The new proposal also moves the entrance to the building from the middle of West Lane out to the corner of West Lane and Montgomery Lane. This will not only make the building look less attractive, but it too will increase likely congestion on Montgomery Lane caused by cars and delivery trucks stopping at the entrance of the building, or parking illegally on Montgomery Lane. Any approval for the new project could reduce these dangers by moving the entrance back to the middle of West Lane, and by requiring the building to have an internal loading dock. And, once again, limiting the number of units in the project to the 48-65 units originally approved would also greatly diminish these aesthetic and traffic problems.

In conclusion, I hope that the requested enlargement of the previously approved building will not be permitted. Rather, construction of the smaller building that was originally approved, combined with prudent and aesthetically pleasing use of setbacks, public spaces, and compliance with height restrictions, will make the project a welcome addition to the neighborhood. I fear that the requested amendments to the originally approved project threaten to make the new building more of a nuisance and an eyesore.

Yours truly,



Girardeau A Spann
4821 Montgomery Lane #405
Bethesda, MD 20814-6324
301-951-1150

cc: Ellen Forbes
Office Services Coordinator
Office of Zoning and Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, Maryland 20850
P: 240-777-6663
F: 240-777-6665
ellen.forbes@montgomerycountymd.gov

Good morning,

My name is Patrick Petit and I live with my wife and two children (8 and 10 y.o.) at 4908 Montgomery Lane. We purchased this house in October 2009. I am writing to you concerning the SJG Properties' West Lane Project on Montgomery Lane and West Lane LMA No. G-954 and DPA No. 13-01 to tell you that I strongly oppose the latest plans that were shared with our Homeowners Association. The height, size and type of development is completely at odds with the environment and would significantly add to existing traffic issues on Montgomery Lane.

Not only was the project completely changed, with more than twice as many units as originally planned, but the total height (including roof) would dwarf neighboring buildings and contribute to make the center of Bethesda a less inviting place to live, a more office-like environment. I also understand from discussions with my neighbors that this would even go against an already agreed upon neighborhood development master plan. (What is the point of having a plan?)

Most important to me and my family, we chose to live near Bethesda Elementary School given the age of our children, but have found that it is already difficult to let the children play outside given the type of traffic on Arlington avenue. They obviously never walk alone to school. It is often already difficult to cross Montgomery Lane in the morning to walk to school as cars driving down towards Arlington do not watch for pedestrians and drive down Montgomery Lane as if already on Arlington (where respect for the speed limits, stop lines, and pedestrian crossings appear to be a very small concerns). The prospect of adding a lot more traffic on such a small street is rather scary and would make this part of town truly uninviting for families with young children. A substantially higher number of cars turning from Arlington onto Montgomery Lane in the evening will also pose similar issues, as cars trying to turn from Arlington to Montgomery Lane (going towards Giant) watch for cars coming from the opposing direction on Arlington, and NOT for pedestrians crossing Montgomery Lane, and as cars turning on Montgomery Lane from the other direction (going towards Bethesda Elementary School) keep the high speed that they had on Arlington. I believe there is already enough of that, and although I do understand and agree that some apartment buildings/condos that fit with the Master plan can be constructed on the other side of the street, I would expect that the planning board would want to mitigate the downside of such developments, not exacerbate them.

I believe that an important reason why so many people prefer Bethesda (including many foreigners working for various agencies, NIH, diplomats, etc.) is that it is a place where it is possible to walk everywhere. That requires a careful balance between population density and quality of the environment, including traffic management, safe sidewalks, parks, pedestrian crossing that are visible and respected, and mostly importantly, sound urban planning. In this regard, I believe that the current project is step in the wrong direction. It simply does not fit with what I believed Bethesda was about.

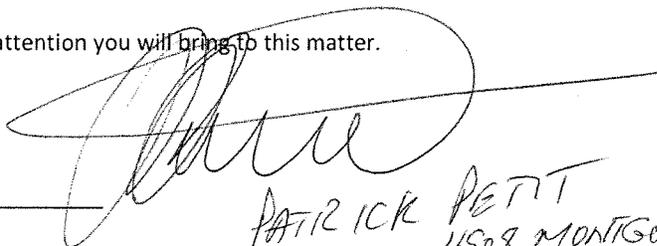
Many thanks for the attention you will bring to this matter.

PP

Patrick Petit

Senior Economist | Économiste principal
International Monetary Fund | Fonds monétaire international
Tel.: +1 202 623 9094
Fax: +1 202 589 9094
ppetit@imf.org

1900 Pennsylvania Ave NW
Washington, DC
USA - 20431



PATRICK PETIT
4908 MONTGOMERY LANE
BETHESDA

Grayson, Erin

From: Lou Pohoryles <lou.pohoryles@verizon.net>
Sent: Wednesday, December 05, 2012 10:38 AM
To: Carrier, Francoise; Kronenberg, Robert; Martin.Grossman@montgomerycountymd.gov; lynn.robeson@montgomerycountymd.org; Grayson, Erin
Cc: Ellen.Forbes@montgomerycountymd.gov; 'Norman G. Knopf'
Subject: Development Plan Amendment (DPA No. 13-01) and a Local Map Amendment (No. G-954)]
Attachments: Random snapshots of Montgomery Lane Congestion - December 5, 2012.pdf

Ladies and Gentlemen:

I am a member of the Board of Directors of the Edgemoor Condominium, a 54-unit condominium building at 4821 Montgomery Lane. Our condominium association's Board of Directors unanimously voted to oppose the referenced plan amendments and our individual unit owners, in a meeting specially convened to discuss the amendments overwhelmingly voted to oppose these amendments and authorized the Board of Directors to expend condominium association funds on the opposition.

I will not belabor here all of the many reasons that have been cited to you by residents of Montgomery Lane for the opposition to these amendments. You will also hear these arguments in person during the hearings. I am writing this to submit a photo exhibit that demonstrates current traffic issues, when only 97 dwelling units have to access Montgomery Lane for ingress and egress. The SJG proposal for 113 dwelling units would greatly exacerbate this situation. I am hereby requesting that staff please include this email and attached photo exhibit in the staff report.

One of our positions is that Montgomery Lane is not an adequate road to serve all of the proposed units and would fail an "adequate public facilities" test were it to be reasonably applied in connection with the planning review of the new development plan. As others have pointed out, Montgomery Lane was designed to be a pedestrian friendly lane to link the library and park on Arlington to the Metro at Woodmont. As it currently exists the traffic congestion makes it difficult for pedestrians and, frequently, for bicyclists who are forced out of the roadway and need to share the already narrow sidewalks.

For these reasons, and the many other reason cited by other residents of Montgomery Lane, we urge that the proposed amendments should be rejected and that SJG should be instructed to incorporate the additional lot into the scheme previously approved for the Holladay proposal.

I have been advised by Ellen Forbes that documents that are to be included in the record of the case must be signed. I am reprinting a copy of this email, signing it and sending it to OZAH for inclusion in the record. I understand that the exhibit enclosed herewith can be emailed as it is incorporated by reference into this email.

Sincerely,

Louis Pohoryles

Random snapshots of Montgomery Lane Congestion

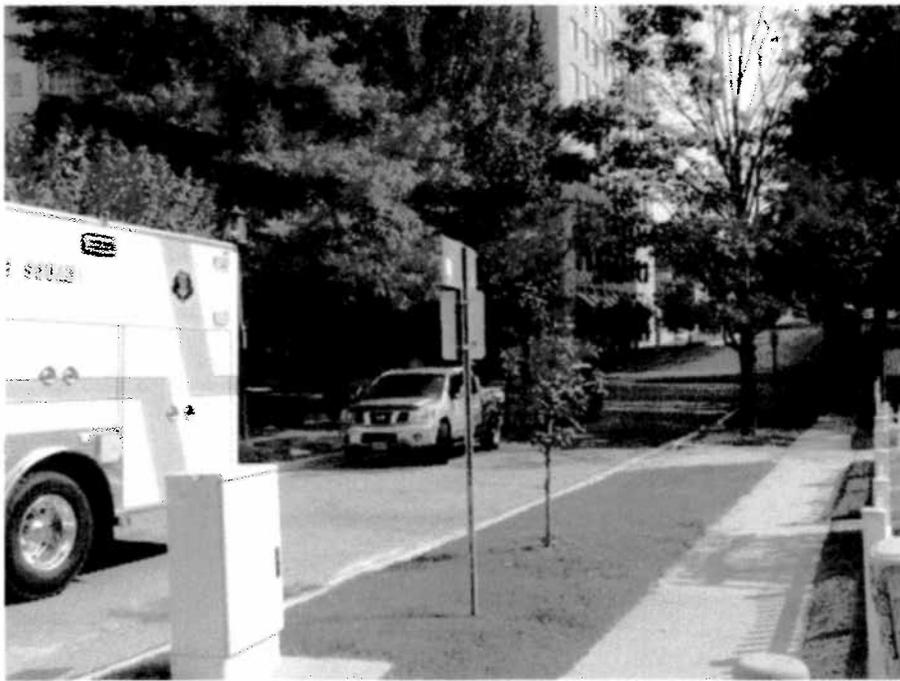
From Louis Pohoryles on behalf Edgemoor Condominium Residences

The photos herein were snapped on a few occasions without planning when we happened to chance on one of the frequent traffic congestions on Montgomery Lane. They illustrate the narrow Lane and the difficulties in traversing it with fewer than half of the dwelling units on Montgomery Lane than would exist if the SJG project proceeds with 113 units. The first six were taken in front of the Edgemoor when a fire truck needed to come to the building because of an alarm malfunction. While it may not be typical for a fire truck to be parked on Montgomery Lane, as these pictures show, it is not at all unusual for other types of trucks that are comparable in size to a fire truck to be parked on Montgomery Lane. This is a regular occurrence.



The fire truck is seen from above - note that there is a moving truck unloading in front of the building. Montgomery Lane is impassible.

Immediately below are three photos of the same from street level:





The two pictures below show an illegal exit from the Edgemoor garage - wrong way on the one way segment of the Lane -





The image below was taken on another day when a mover was unloading in the lay-by in front of the building - note one truck is unloading and another is waiting, illegally parked in a no-parking area. These show just how narrow the Lane is.



The next picture was snapped with a phone camera from the window of a car. It shows three vehicles, a contractor's truck, a postal vehicle and a mover's truck, all illegally parked on the South side of Montgomery Lane and West of West Lane, in front of the City Homes townhouses immediately opposite the property that is the subject of the zoning/development plan cases.

I had plenty of time to set up and snap the photo because I had to wait for several cars to come through in my westbound lane around the parked vehicles:



The remaining pictures were taken from Andrew Niebler's blackberry.



This picture shows a typical day outside the Edgemoor. The truck in the lower right corner is a service vehicle that is parked in the no parking lay-by because there is no other place for it to be parked while services are being rendered to residents in our building. On the left (South side of the street), the silver car is illegally parked. That is not an unusual occurrence as frequently the entire no- parking area on the left is congested with service trucks and vans (plumbers, HVAC repair people, remodelers, and the like). In the distance, a white station wagon/SUV is illegally parked at the corner of West Lane and Montgomery Lane in front of the parcels that will be developed by Sandy Spring. At rush hour, cars frequently speed down Montgomery Lane through this congestion as workers leave the Metro Station parking lot and turn right onto Montgomery Lane to get to Arlington Road, creating a particularly dangerous situation if anybody is trying to get into or out of any of these parked vehicles.

The next two pictures show the same scene from slightly different vantage points.





The picture above shows another typical day in front of the Edgemoor. In the lower right corner, a service vehicle is parked in the no parking lay-by in front of the Edgemoor. The dark blue car on the left is illegally parked. In the center of the image, an SUV or mini-van is parked in front of the Edgemoor in the 2-hour parking lay-by and is protruding into the street, constricting the already narrow space that cars traveling down Montgomery Lane need to traverse.

The following picture shows the same scene from a different vantage point.





The picture above shows another typical day at the Edgemoor. On the left, a UPS truck is illegally parked. Further up Montgomery Lane, on the same side of the street, a landscaping service trailer is illegally parked by the red pylons. On the right side, a service vehicle is parked in the entrance to the Edgemoor's loading dock, blocking the sidewalk because the only other option available is to illegally park in the no parking lay-by. In the far distance, a large blue truck is visible – it is illegally parked in front of the City Homes immediately opposite the property that is the subject of the zoning/development plan cases.



The picture above shows two illegally parked cars on the west end of Montgomery Lane next to the Edgemoor on Arlington, sometime referred to as the Edgemoor II. One car is entirely blocking the east bound lane very close to the corner, presenting a hazard for cars turning onto Montgomery Lane, and another car is partially blocking the west bound lane. At the same time a service vehicle is parked behind another vehicle in the driveway to the underground parking garage for the Edgemoor II and is completely obstructing the sidewalk, forcing pedestrians into the street.



The picture above show two illegally parked vehicles. On the left of the picture, a Chevy truck is illegally parked on West Lane (it appears as if the truck is turning, but it is actually parked). On the right side of the picture, a white truck is illegally parked outside the City Homes townhouses.



The picture above shows three service vehicles servicing Edgemoor II. The Edgemoor II is only a 11-unit building. The SJG building has more than 10 times as many units as the Edgemoor II. Where are all the vehicles that will be needed to service the SJG park?



The first above picture shows another illegally parked service vehicles in the distance. The second picture above shows the same illegally parked vehicle in the distance, but now with a delivery truck parked outside the Edgemoor. Another typical day on Montgomery Lane.



The picture above shows the east bound lane on Montgomery Lane completely obstructed by a chain consisting of a car and two large trucks. The car and trucks were parked there for many hours, which is why the pylons were placed around the vehicles.

Taken together, these photos depict the inadequacy of Montgomery Lane to accommodate the needs of the current Montgomery Lane residents. The vehicles shown in these pictures are on Montgomery Lane because they are providing services to people who currently live on Montgomery Lane as the residents live their lives. This vehicular traffic is serving the current total of 94 residential units (Edgemoor 54 units, City Homes 29 units and Edgemoor II 11 units) plus 9 houses that are used for commercial purposes and one house that is unoccupied.

Two houses will be replaced by the planned condominium building at the corner of Woodmont Avenue and Montgomery Lane. These houses do not currently contribute significantly to the vehicular traffic on Montgomery Lane because they have a parking lot behind them that is accessible from Woodmont Avenue. The condominium building that will replace these houses will be accessed from Hampden Lane and should therefore not significantly affect the traffic on Montgomery Lane.

One house will be replaced by the planned condominium building on the east side of West Lane to be developed by Sandy Spring builders. This house, which is currently unoccupied, will be developed into four residential condominium units. The residents in these units will add vehicular traffic to our street as they will require services.

SJG now proposes to replace four of the houses with a 113-unit apartment building. This will more than double the number of residential units on Montgomery Lane. The vehicular traffic from so many additional residential units will simply overwhelm Montgomery Lane, which was deliberately planned to be a narrow, residential, walkable lane.

The following diagram shows all of the existing residential units together with the planned and proposed projects on Montgomery Lane. As currently proposed, the SJG building would contain more than 50% of all of the residential units on the street. Such a large building would severely strain the limited capacity of Montgomery Lane and would be incompatible with the size of the surrounding buildings.

G:\PROJECTS\2000-2500\547- WEST LANE\GRAPHICS\3474 - PRT GRAPHCS.DWG

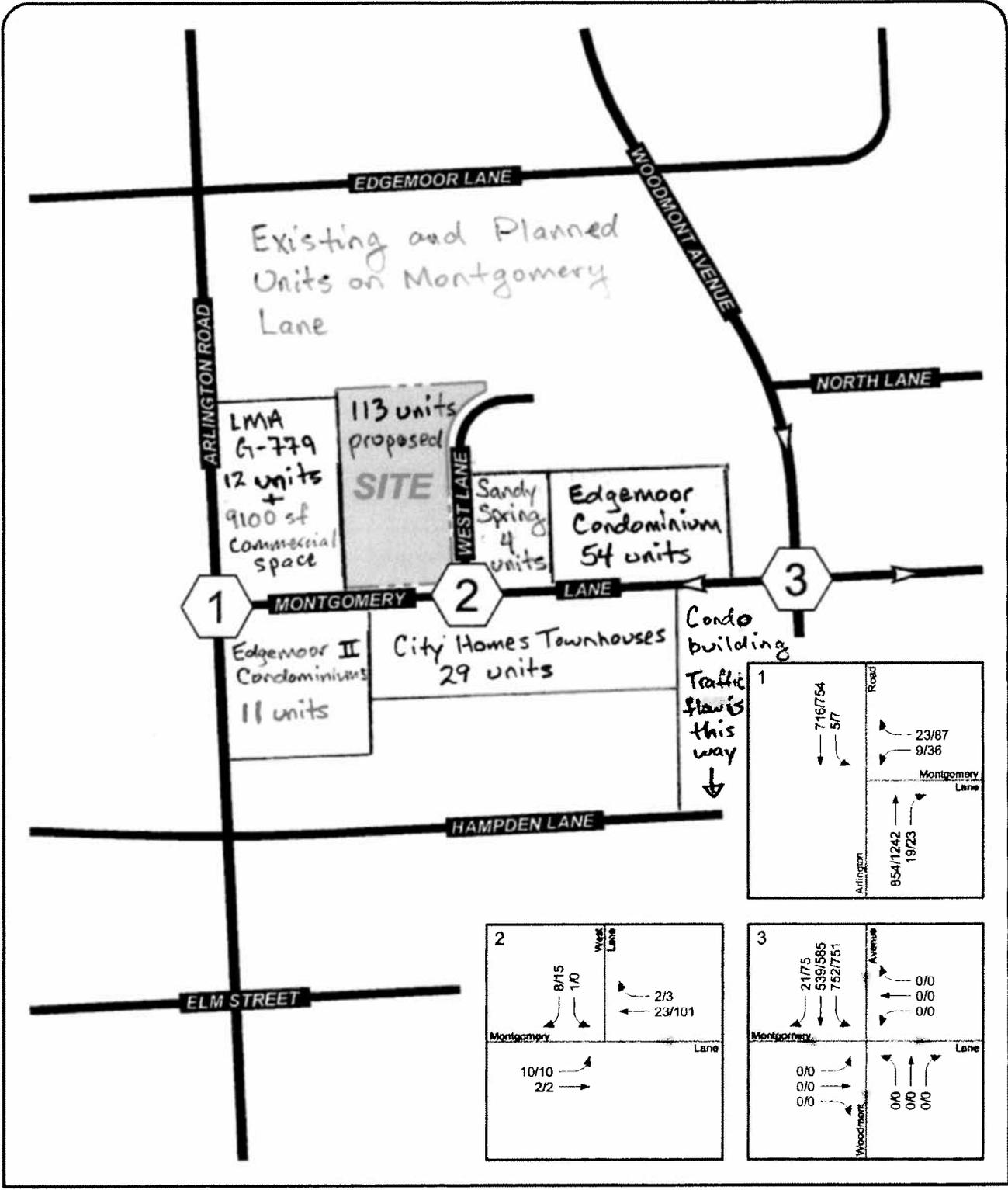


Figure 2-4
Existing Peak Hour Traffic Volumes



Grayson, Erin

From: Jon Weintraub <jonweintraub@verizon.net>
Sent: Monday, December 03, 2012 10:30 AM
To: Carrier, Françoise; Grayson, Erin; Kronenberg, Robert; Grossman, Martin; lynn.roberson@montgomerycountymd.org
Subject: RE: Development Plan Amendment (DPA No. 13-01) and Local Map Amendment (No. G-954) (the "Project")

My wife and I are owners and residents of the the Edgemoor Condominiums at 4821 Montgomery Lane and are writing because **Development Plan Amendment (DPA No. 13-01) and Local Map Amendment (No. G-954) (the "Project")** will have a major negative impact on the quality of life on Montgomery Lane. Let us go through point by point the reasons for our opposition.

- **We are not opposed to development. In fact, we would support a well conceived project would be a plus for our neighborhood. This project would not be a plus.**
- We were supportive of the original proposed Halladay development on this site (G-843) which had only 48 units and a number of neighborhood friendly features – shorter height on Montgomery Lane with an increase or step-up in height toward the back of the project, open useable public space, a façade on Montgomery Lane that had separate entrances into townhouses so it was more compatible with other town homes across the street in the neighborhood, lower density and number of apartment units. All of the beneficial features of that plan are gone in the new application.
- We understand that the building heights for projects along Montgomery Lane were supposed to decrease as you went from Woodmont Avenue to Arlington Road. This Project is requesting a 70' maximum height which is not only higher than the maximum 65' recommended by the Master Plan for this area, but is also higher than the adjacent approved project to the east which is 65'. It is also much higher than the town homes in our community that are only 50'. This will violate the planning concept of decreasing height or "tenting" starting at Woodmont Avenue and ending at Arlington Road.
- How can the new Project be considered only an amendment and not a new application when the original Halladay development (G-843) is so different and so much smaller? The addition of the size of the lot, less than 6000 square feet, in the amendment would project increase in the size of the building from the previously approved 48 units to approximately 65 units and not the 113 units proposed. There is plenty of new density being added to the Woodmont corridor, let's not spoil the quality of life intended in the Master Plan for the walkable Montgomery Lane by the additional almost 50 cars and units.
- Montgomery Lane was designed to be much narrower than surrounding roads and because it is so narrow, traffic circulation is a big problem already. East of West Lane, Montgomery Lane is one way and with the parking there is only one narrow lane for traffic. If a single car or truck stops in the lane, the entire street is blocked. At West Lane and west of West Lane, it becomes two ways but there is no parking allowed. However, the street is so narrow that even a single parked vehicle blocks one lane of traffic, so any temporary illegal parking blocks a traffic lane & forces traffic in that direction into the opposing lane. The new development with 117 parking spaces and poor circulation design will make

congestion worse. This will make it bad for cars, and very bad for bicycles and pedestrians. People order online and multiple boxes and food are delivered daily. These deliveries as part of normal life were never envisaged in the master plan. Congestion forces bicycles on to the sidewalks. It will also be worse for people walking to the library.

- Our experience with situations east of West Lane, where again traffic is only one way, is that there is plenty of illegal parking – delivery trucks, moving vans, workmen, contractors, Post Office trucks. Even with one way traffic this creates blockages and bottlenecks. With the new building this will extend to the west, where the road is two way and the blockages will be worse and more dangerous. The projected 113 units will mean more move ins and outs, thus more large truck traffic.
- We recommend that the building’s lobby be moved from the corner of West Lane and Montgomery Lane back to the middle of West Lane, so that delivery trucks and cars dropping off and picking up passengers are more likely to turn into West Lane than illegally park on Montgomery Lane. We also suggest that the building have an internal loading dock for moving vans and other service vehicles to get them off of Montgomery and West Lane. Finally, the sheer number of apartments and cars planned for the project are too great for that corner and the narrow roadways. It is simple, reduce the number of units and cars and reduce the problem.
- A lot of County money has been spent fixing the intersections on both sides of Montgomery Lane (Woodmont and Arlington). Now it appears that this new project will cause unnecessary congestion and safety issues mid-block. All of these new traffic problems, on a street that is designated as both a “Local Pedestrian Route” and a “Biker Friendly Area.”
- Building design ignores the other uses on Montgomery Lane. It’s just a tall, box with no relationship to its surrounding neighbors. There is no attempt in the design to vary the height of the roof line or create interesting features like pitch roofs, gables and other features like at City Homes or the Edgemoor.
- We liked the design of the previous project with setbacks and town homes entrances on Montgomery Lane. When the County Council approved the old plan, that they remarked that the 4 story frontage on Montgomery Lane was consistent with the town homes across the street. Now, we have the prospect of looking at a 7 story building that looks like a big box.
- We also have a problem with the location of the proposed public areas. Instead of massing public space in “the area in front of the new apartment structures along Montgomery Lane,” the SJG plan puts the public spaces in areas that will assure that they will not be used. Even worse, besides serving no practical purpose, the public spaces provided on the west and north sides of the development, are isolated areas that create public safety issues. They are alleys!
- We propose that SJG take that public area and move it to the front of the building on Montgomery Lane and create seating and other public features that will be pedestrian friendly, and actually be used by the public.
- The public areas at the town homes across the street are landscaped seating areas that give pedestrians a shaded place to sit. Why should public space be squandered in alleys that no one will use or worse, create safety issues?

- We indicated at the beginning of this letter, we are supportive of development, so long as it is smart development. With the above suggestions including set-backs, a more user friendly public space, better design and a reduction in height and density, this project could be a win-win for everyone. All the suggested changes are consistent with the Master Plan, and will enhance the quality of the neighborhood and of Bethesda. Unfortunately, the kind of development proposed by the developer will actually have the unintended consequence of choking off further development and making the neighborhood a much less desirable place to live and work.

Sincerely,

Jon Weintraub and Judith Heimlich

4821 Montgomery Lane #506
Bethesda, MD 20814

h] 301-664-9437
fax] 301-664-9439

Grayson, Erin

From: obryonco@aol.com
Sent: Monday, December 03, 2012 12:15 AM
To: lynn.robesson@montgomerycountymd.gov; Kronenberg, Robert; Grayson, Erin; Carrier, Françoise
Subject: SJG Properties' West Lane Project

Ms. Lynn Robeson
Office of Zoning & Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, MD 20850
lynn.robesson@montgomerycountymd.gov
lynn.robesson@montgomerycountymd.org

Mr. Robert Kronenberg, Acting Chief Area I
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910
Robert.Kronenberg@montgomeryplanning.org

Ms. Erin Grayson, Lead Reviewer
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910
erin.grayson@montgomeryplanning.org

With a copy to:

Ms. Françoise Carrier, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Springs, MD 20910
françoise.carrier@mncppc-mc.org

Re: SJG Properties' West Lane Project on Montgomery Lane and West Lane (the "SJG Project")LMA No. G-954 and DPA No.

With my experience as a former adjunct professor at George Washington University's urban planning department and AICP I am concerned about the the SJG project. I support wise growth and urban development. Such development however should follow best practices and that includes consideration of the neighborhood in which it is proposed.

I live across the street from the proposed development and support reasonable development but SJG's proposal is too large. A much more substantial setback at four stories would be appropriate. I urge the staff and board to look at serious modifications to the developer's proposal.

Margaret K. O'Bryon
4906 Montgomery Lane
Bethesda, MD 20814

Grayson, Erin

From: obryonco@aol.com
Sent: Sunday, December 02, 2012 11:55 PM
To: Grayson, Erin; Carrier, Françoise; lynn.robeson@montgomerycountymd.gov; Kronenberg, Robert
Subject: SJG Properties' West Lane Project on Montgomery Lane and West Lane (the "SJG Project") LMA No. G-954 and DPA No. 13-01

Ms. Lynn Robeson
Office of Zoning & Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, MD 20850
lynn.robeson@montgomerycountymd.gov
lynn.robeson@montgomerycountymd.org

Mr. Robert Kronenberg, Acting Chief Area I
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910
Robert.Kronenberg@montgomeryplanning.org

Ms. Erin Grayson, Lead Reviewer
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910
erin.grayson@montgomeryplanning.org

With a copy to:

Ms. Françoise Carrier, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Springs, MD 20910
françoise.carrier@mncppc-mc.org

Re: SJG Properties' West Lane Project on Montgomery Lane and West Lane (the "SJG Project")LMA No. G-954 and DPA No. 13-01

I am writing in opposition to the above referenced project as proposed. I support development in downtown urban Bethesda, but I expect it to fit into the neighborhood and follow the agreed upon master plan. I live in a neighboring property and previously I have supported a number of development projects adjacent to our property. Our community home owners association has supported the HOC project, the Holladay project and the Sandy Spring project among others, so my concern is based on the overall development **size** of the SJG project. It is inconsistent with the planning board's previously approved project and is inconsistent with the newly approved Sandy Spring project next door. It exceeds height limitations and master plans, as published and distributed to the community by the planning board.

The project has been defined both as a small amendment to the Holladay project and as a totally different project. The SJC project is one or the other. It cannot be both. It is a development that is way out of proportion to the adjacent neighborhood and as such it completely disregards the master plan. It also presents major vehicular circulation issues. Given the current traffic configurations, a development of this scale at this location compromises the safety of pedestrians. As you are probably aware, the safety of pedestrians has become more and more threatened throughout downtown Bethesda, especially on Arlington Road between Bethesda Elementary School and the Library at Montgomery Lane. I urge the board to consider the original design and expectations for Montgomery Lane, as found in the complete backup documents when the master plan was adopted. Please review the technical planning suggestions and anticipated development of the street in the original back up documents and attachments for this little lane (and consider them as part of the record).

The SJC project has gone from a 48- unit project to a 100 - 120 unit project by adding one adjacent lot. Another adjacent lot of similar size across the street was just approved for construction of four units. These decisions are inconsistent and totally incompatible with the neighborhood and the master plan of record. Again, the master plan calls for 3-4 story development. This agreement with the community should not be breached. When the county itself came forward with a development by the Housing Opportunities Commission (HOC) it was a four story unit.

I request that the planners who determined that four story development along Montgomery Lane was the appropriate density, make a similar finding in this case. That finding is consistent with the "tent" theory of development that was part of the Bethesda master plan and touted for years as the guiding principle of development in downtown Bethesda.

I also note for the record that the height of City Homes is 48-feet.

Finally, the setback for the SJC project must be similar to the setback for the Holladay project.

David O'Bryon
Past President of the CityHomes
4906 Montgomery Lane
Bethesda, MD 20814
Tel. 301-652-5066
Fax 301-913-9146
obryonco@aol.com

Daniel and Susan Joseph
4828 Montgomery Lane
Bethesda, Maryland 20814

December 1, 2012

Ms. Lynn Robeson
Office of Zoning & Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, MD 20850
lynn.robeson@montgomerycountymd.gov
lynn.robeson@montgomerycountymd.org

Mr. Robert Kronenberg, Acting Chief Area I
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910
Robert.Kronenberg@montgomeryplanning.org

Ms. Erin Grayson, Lead Reviewer
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910
erin.grayson@montgomeryplanning.org

With a copy to:

Ms. Francoise Carrier, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Springs, MD 20910

francoise.carrier@mncppc-mc.org

Re: SJG Properties' West Lane Project on Montgomery Lane and West Lane LMA No. G-954 and DPA No. 13-01

Ladies and Gentleman:

My wife Susan and I live in the townhouse at 4828 Montgomery Lane in the City Homes of Edgemoor development. Currently I am a member of the City Homes Board of Directors. Our house fronts on Montgomery Lane and both the south and east walls of the SJG project would be directly visible from all of the rooms in our house that have windows. On behalf of Susan and me, I would like to comment on the proposal of SJG Properties to construct a large building at Montgomery Lane and West Lane.

1. We are not NIMBYs. We moved here twelve years ago from a house in Edgemoor seeking an environment in which we could walk to stores and restaurants and to the Metro, which I use to commute to work. We knew we were moving into a semi-urban environment and wanted it. But we were also told that development in the area of our new house would be controlled and limited by the Bethesda CBD Sector Plan for the area near the Metro stop. We counted on that. Since we have lived here, a number of real estate projects have been developed and constructed and Susan and I have never objected to any of them. Right now, as you know, there are projects in progress directly to the east of City Homes, in an area bounded by Woodmont Avenue and Hampden and Montgomery Lanes, which we support, and we are negotiating a construction agreement with the developer. To the north of us there is a project being developed on the northeast corner of Montgomery and West Lanes that we also support, and we have negotiated a construction agreement with its developer as well. Both of these projects comport nicely with the limits and objectives described in the Sector Plan, and our discussions with their developers have been businesslike and even friendly. The SJG project, on the northwest corner of Montgomery and West Lanes, is another matter entirely.¹

2. The Holladay project, which does comply with the Sector Plan, morphs into the SJG project, which does not. The project previously planned for the SJG site was the Holladay project, on about 30 per cent less land (because the parcel at the corner of Montgomery and West Lanes was not acquired for it but is part of the SJG project). As neighbors we thought highly of the Holladay project, and in the documents approving it the County Council and the Planning Board expressly articulated the elements of the Sector Plan that it paid attention to. For the frontage on Montgomery Lane the Holladay Project had town-house-like structures with separate entrances and heights of four stories; there was a setback of between 50 and 100 feet before the taller part of the structure began. Moreover, there was public space that set that frontage back further from the street, space that could be used by neighbors and passers-by – as indeed the public space and benches that are part of the City Homes development are constantly used by ourselves, neighbors, and visitors to the neighborhood. Just as importantly, the overall height of the project was consistent with the Sector Plan's requirement that building heights descend gradually from those nearest the Metro stop to the shorter height allowed along Arlington Road.

¹ In fact, and we believe characteristically, SJG has even refused to discuss a construction agreement with us, its neighbors. It is my understanding, from limited experience, that an agreement with the neighbors of a construction project on adjoining land is the common and traditional thing to do. Such agreements cover issues like hours of work, noise, dust, and other issues. SJG, alone among the developers of projects adjacent to City Homes, has refused even to sit down to discuss such issues with us and presumably other nearby neighbors. Their counsel has said to us that they will not talk about doing any more than is required by the law. This decidedly un-neighborly attitude carries over, we believe, into their design plans.

The SJG project is different in every respect, and in every way it contradicts the requirements of the Sector plan. The building is a large, unrelieved hexahedron looking like the packing box that the Holladay design was shipped in; with 30 per cent more ground area the SJG project proposes to have 100 per cent more inhabitants – more than a doubling. The frontage on Montgomery Lane is straight concrete and glass; there is no setback, no breaking up of the frontage into townhouse shaped spaces, and the height throughout is seven stories PLUS a penthouse that is in the design is close to Montgomery Lane. There is a narrow strip of public space that runs around the building that is useless for any public purpose; on the west side of the building it serves as an alleyway that cynically connects to private space for the building's occupants. Thus the public space is made to serve strictly private purposes. We don't believe that any member of the public would want to wander in there. I have reviewed the Sector Plan promises about how building in this area will keep a town-house, walkable, public-space atmosphere. The SJG design keeps none of those. It is entirely incompatible with both the neighborhood and with the promises of the Sector plan.

(SJG recently asked for a meeting with City Homes and our counsel. Having to work, I missed that meeting. At it, SJG's counsel outlined a proposal that was said to be in response to our concerns – and the proposal was to create a NINE FOOT setback starting at 50 feet in height (the fifth story) of its building along Montgomery Lane. As I mentioned above, the Holladay proposal had a setback of over 50 feet – I am not sure of the exact number. Our Board chair, Richard Lawch, was at the meeting; had I been able to be there too we would have had a board majority present and been able to reject this offer out of hand because a nine foot setback would change the appearance of the frontage on Montgomery Lane only trivially. As it was our lawyer rejected the offer the next day.)

3. We meet with the Planning Board Staff – and are disappointed. The Planning Board staff met with representatives of the owners of City Homes of Edgemoor and our counsel. At the beginning of the meeting, the staff revealed that it had already completed a written recommendation on the SJG project and that it was favorable to SJG. The staff asserted that despite this it was still open minded and would listen to our statements and concerns about the proposal. While I believe and trust that the staff was proceeding in good faith, what followed was a discussion in which we raised issues and the staff sought to bat them away; it is contrary to human nature to expect someone who has concluded that he or she has enough information to make up his or her mind to be anywhere near as receptive to assertions that he or she has made a mistake or a misbalancing as someone who has not made up his or her mind would be to having attention called to factors to be regarded and balanced.

But that procedural difficulty was not the most surprising or distressing part about the meeting. The staff's attitude seems to have centered on one issue: density. Generally speaking when we raised concerns about the building's design, the frontage on Montgomery Lane not being town-house-like, the required public space not being arranged to suit the public, building height not being consistent with the Plan's requirement of a decline toward Arlington Road, and so on, the response was that the area required more density and that factor outweighed the requirements of the Sector

Plan. But this is not what the Sector Plan says, and it does not permit the many amenities that it promises may be dispensed with if density in an area is not what the Planning Board would like. One staff comment made at the meeting offended me. We of course resisted the staff's focus on the one issue of density, and at one point a staff member said that the need for density was attributable in part to the fact that the City Homes of Edgemoor development – the one in which we are homeowners – was not as dense as it should have been. The implication from the staff member was that because of this we were now facing our appropriate comeuppance and could not be heard to complain that the SJG proposal across the street from us would be too dense to provide the amenities that the Sector Plan assures. Two things need to be said about this remark. First, of course, those of us who live in City Homes did not plan it, did not propose it, and had no part in making any decision to approve the project in the first place. More importantly, the houses in City Homes were planned, built, and purchased at a time twelve and more years ago when there were no high rises not on Woodmont Avenue in this neighborhood and it was not at all clear that the experiment in “urban village” planning that our neighborhood represents was going to succeed. The presence of City Homes, and the commitment of those of us who were willing to buy houses there, and if I may say so, the high level of amenities such as landscaping and inviting public space that we provide, has been largely responsible for attracting other development to this area. (Without us on Montgomery Lane, a much larger portion of this area might look like the way Hampden Lane between Woodmont and Arlington now looks, including the abandoned and boarded up house that has blighted that block and our neighborhood for years.) Second, the remark is a form of blame-the-victim rationalizing that is a sure indicator that there is little if anything that can substantively be said to support the staff's position and recommendation. My hunch is that it also reflects a guilty conscience over the apparent fact that a different and much less restrictive standard is being applied to the JBG application than to the Holladay project. The Holladay project could have provided for much greater density had it been judged by the standards applied so far to the JBG project. As estimable as the Holladay developers may be, I doubt that they included all of the design features that the Planning Board and the City Council praised out of the goodness of their hearts.

4. The unique issue of Montgomery Lane must be considered but has been ignored so far. Montgomery Lane runs from Arlington Road, where the Bethesda Public Library is, past the T intersection with West Lane, to Woodmont Avenue, which intersection is one block from the Metro stop. Between Arlington Road and West Lane Montgomery is two ways, and from West Lane to Woodmont it is one way west.

Montgomery Lane is unusual in that it is very narrow. It is wide enough, if there are no parked cars, for two lanes of traffic only. Any parked vehicle blocks a lane of traffic. Montgomery Lane was intentionally planned thus was to be inviting to pedestrians and bicyclists as well as cars – it was to be a walkway from the Library to the Metro stop. The construction of the SJG project would create problems that would choke Montgomery Lane with traffic and render it unsafe for bicyclists especially but also for pedestrians.

The problem is that there is very limited parking on Montgomery Lane. East of West Lane, where the street is one way, there is parking for about four cars, blocking one lane of the street, and there is a lay-by across the street with parking for two or possibly three cars (if they are small). West of West Lane, there is no parking allowed at all, because that part of the street is two way with a double yellow line that legally cannot be crossed and, as mentioned, above any parked or stopped vehicle blocks a lane of traffic, forcing others to cross the double yellow line.

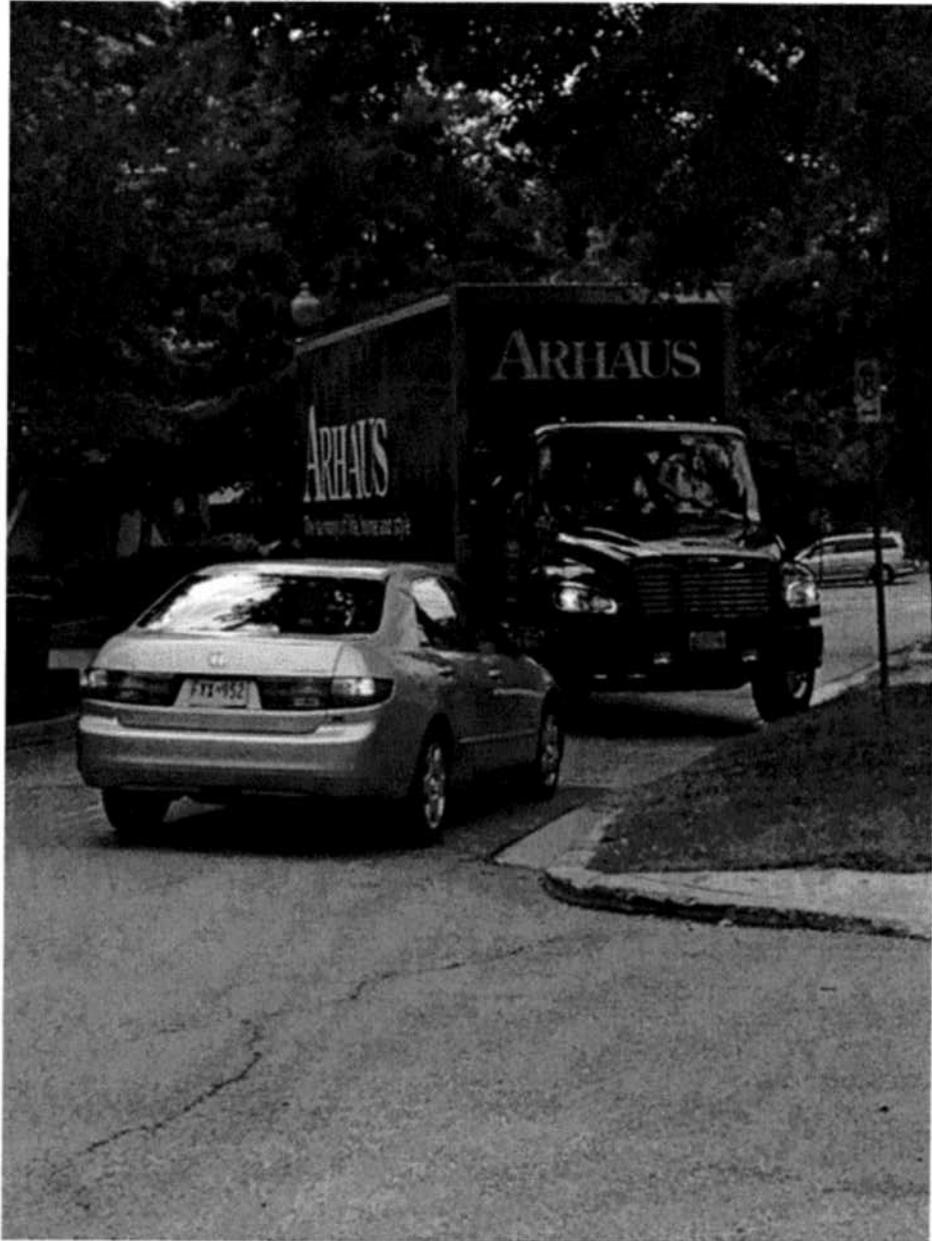
We in City Homes have enormous experience with parking on Montgomery Lane. There is a great deal of illegal parking, and a lot of it is delivery vehicles, such as Federal Express and UPS, and service trucks such as plumbers, electricians, and so on. Parking enforcement exists but it does not and probably cannot stop this kind of illegal parking. Currently most of this illegal parking is in the one way section of Montgomery Lane, where if one lane of traffic is blocked, there is still another lane in the same direction open. Even in the one way part of Montgomery Lane, there is often so much parking as various vehicles seek to do business in the area that traffic is completely choked or – more dangerously – an obstacle course. Here are some examples:



Facing Westbound; City Homes to the left. Fed Ex truck blocks most of the street.



An all-too-typical scene on Montgomery Lane. Illegally parked postal vehicle and pickup truck on the left. Moving van on right – the street is blocked completely.



Van must laboriously maneuver to get clear. Traffic blocked during this entire operation.

The problem presented by the SJG application is that it will expand these difficulties to the two-way portion of Montgomery Lane, and there, even blockage of a single lane of traffic will cause dangerous situations. Even now, without the SJG project, illegal parking occurs where Montgomery Lane is two way. As is shown by the following photographs, when this happens there is very dangerous traffic created. Vehicles in the blocked lane must shunt across the double yellow line into the opposite direction of traffic creating the real chance of collisions with cars or bicycles heading the other way. Here is an example:



This is a view on Montgomery west of West Lane. The photographer was facing east. The vehicles (apparently gardeners) are parked illegally, closing off the entire westbound lane.



A car heading westbound has crossed the double line to get around the parked vehicles. In so doing it has completely occupied and blocked the eastbound lane. Luckily the photographer had stopped to take the first picture and thus was not in danger of being hit.

The SJG project is of course located and fronts on the two-way portion of Montgomery Lane, East of the West Lane intersection. It would add 100 to 120 additional apartment units and provide parking for 117 cars. This will double (or more) the population that currently lives on Montgomery Lane. There will be incessant deliveries and service calls generated by that additional population. In rental units, which we understand is what is anticipated for the SJG building, there will be more frequent moves in and out. We are told there will be one parking space for a service vehicle inside the building, but this is at the end of a driveway so steep that we do not believe it is usable as a practical matter, certainly not for a sizable truck. In any event it is common knowledge that delivery vehicles like Federal Express and UPS park on the street regardless, and so would service vehicles. Not only that, but visitors to those who lived in this building would have no nearby place to park (other than the Library spaces, an impact that to our knowledge has also not been investigated). Our experience on the one-way side of Montgomery Lane tells us that there will be constant blockage of traffic lanes on the two-way side once this new demand materializes, creating the need to cross the double line and head into opposing traffic.² The danger to bicyclists and motor

² At City Homes there is some accommodation for off street parking for visitors and service people. Thus our lower density, of which a Board staff member complained (see page 4 above) helps the neighborhood by relieving much of the stress for off street parking. The SJG design makes no provision for this.

vehicles is clear. There will be dangers for pedestrians seeking to cross the street. Montgomery Lane will no longer be an inviting place to stroll or ride a bicycle – defeating the intended purpose of its narrow, lane-like design.

We do not believe that this very important issue has received any official attention at all. The traffic study submitted by JBG contents itself with calculating that the number of additional commuters in cars that the project would generate could be handled by the intersection of Montgomery Lane and Arlington Road. That, we submit, is not the issue. The issue is created by the deliberate narrow, lane-like quality of Montgomery Lane, which is, we believe, an unique issue in this neighborhood. The issue is both whether this additional parking demand will create safety issues – it is clear to us as residents and neighbors that it will – and also whether that new activity would defeat the purpose of creating a lane attractive to pedestrians and bicyclists. We residents think that is also very likely.

It certainly seems that the planners, whose idea it was to create the narrow Montgomery Lane, should examine the impacts of this SJD development proposal on that idea. Yet that has not occurred.

5. Our wishes are first that the design and esthetic standards of the Sector Plan be applied to the SJG project, so that it will have the town-house-like frontage on Montgomery Lane, public space allocated within the design so that can actually invite and be used by the public as they walk and bicycle along that street (as City Homes’s public space is), and a height limitation and roofline design that are consistent with the “tenting” effect promised by the Sector Plan. Finally, the practical effect of the existing plan on parking and traffic on Montgomery Lane should be realistically approached and studied, not with the rose-tinted assumption that existing traffic laws and parking limitations will be obeyed, but with the real world knowledge that the projects neighbors and others have.

Thank you for the opportunity to make these comments.

Sincerely yours,

Daniel Joseph
danjose@gmail.com

Susan Joseph

SENT VIA EMAIL AND FIRST CLASS MAIL

November 29, 2012

Ms. Lynn Robeson
Office of Zoning & Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, MD 20850

Mr. Robert Kronenberg, Acting Chief Area 1
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Northwest corner of West Lane and Montgomery Lane, Bethesda
DPA No. 13-01, Local Map Amendment (No. G-954) (the "Project")

Dear Ms. Robeson and Mr. Kronenberg:

We are sending this letter to express out opposition to the above-referenced Project. We reside at 4808 Montgomery Lane in Bethesda and this Project will have major impact on our quality of life.

Since moving to our townhouse in 2000, we have witnessed many changes, and expect and welcome future development as long as it enhances our neighborhood and lifestyle.

We are opposed to the above-referenced project for the following reasons:

The former proposed Holladay development on this site (G-843) proposed 48 condominium units with a maximum height of 65' with 4 stories facing Montgomery Lane and stepping up to 6 stories. The new Project is a rental building with 113 units. It will only be set back 9' at 4 stories before having a maximum height of 70'.

We understand that the heights of any new buildings along Montgomery Lane were to decrease as they led to Arlington Road. This Project does not comply with the "tenting" concept, and a building containing 113 units will overpower our neighborhood. In addition, the Project's building design is not compatible with the rest of our neighborhood. It will be a very tall, boring structure.

Ms. Robeson

Mr. Kronenberg

Page 2

We are also opposed to the proposed location of the Public Area(s). It is our understanding that the "Public Area" is supposed to be accessible, and an enhancement to the neighborhood. As presented, the "Public Area" will for the most part be isolated, and inaccessible to the neighborhood.

Our greatest concern is the additional traffic which will be added to an already congested and narrow street. At present, Montgomery "Lane" experiences safety issues generated by illegally parked trucks, and vehicles stopping to pick-up and discharge passengers. Montgomery "Lane" was specifically earmarked to be a biker and pedestrian friendly route between the Library and Metro. That concept is already compromised, and will deteriorate significantly by adding 113 units.

We understood when we purchased our home that there would be additional development on Montgomery Lane, and to that end, we supported the Holladay project. In voicing our opposition to the proposed amendment, we are stating a preference for a development that more closely reflects what was outlined in the Master Plan – a building that meets the tenting concept and is architecturally compatible with our neighborhood.

Thank you for your time and consideration.

Sincerely,

Sheryl Staren and Brent Polkes
4808 Montgomery Lane
Bethesda, MD 20814

Cc: Ms. Françoise Carrier, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Grayson, Erin

From: WBMead@aol.com
Sent: Saturday, December 01, 2012 1:35 PM
To: Carrier, Francoise; Grayson, Erin; Kronenberg, Robert;
Martin.Grossman@montgomerycountymd.gov;
lynn.robesson@montgomerycountymd.org
Cc: jonweintraub@verizon.net
Subject: DPA No.13-01 No. G-954

Ladies & Gentlemen

I live at 4821 Montgomery Lane, on the same side of the street as the proposed BIG Halladay apartment building. In this neighborhood, on a street designated by the county as a bike and pedestrian lane, this 113-unit monstrosity would be ruinous. Montgomery Lane is already jammed with delivery vans and contractor trucks. We have too much traffic now, with too little parking. I'm all for sensible development, but this looks like Houston, which spurns zoning, rather than sensible Montgomery County.

The proposed building has many design flaws. But the overriding flaw is its sheer size. It is too tall and too wide, and it would jam our street with too many people and too many cars.

Please don't let the developer go beyond the original 48-unit plan (G-843).

Thank you.

Sincerely,

William B. Mead

Grayson, Erin

From: jhhmead@aol.com
Sent: Saturday, December 01, 2012 12:04 PM
To: Carrier, Francoise; Grayson, Erin; Kronenberg, Robert;
MARTIN.GROSSMAN@MONTGOMERYCOUNTY.ORG;
LYNN.ROBESON@MONTGOMERYCOUNTYMD.ORG
Subject: RE: Development Plan Amendment (DPA No. 13-01) and Local Map Amendment (No. G-954) (the "Project")

DEAR PLANNERS:

PLEASE DON'T MESS UP MY WONDERFUL STREET WHICH IS MONTGOMERY LANE.

I AM THE HAPPY OWNER OF A UNIT AT 4821 MONTGOMERY LANE -
CONVINCED THAT YOUR ORIGINAL PLAN FOR HALLADAY DEVELOPMENT
ON SITE G-843 MIGHT ADD TO, MAYBE, CERTAINLY NOT RUIN THE FRIENDLY ATMOSPHERE OUT FRONT.

WE SIT OUT THERE ON MONTGOMERY LANE ON THE BENCHES AND WATCH THE CARS
DRIVEN BY NEIGHBORS - AND WALKERS TO AND FROM THE METRO - ENJOYING THE FEELING
OF BEING IN A VIBRANT PLACE.

BUT, SO MANY MORE UNITS, HIGHER THAN PROPOSED ORIGINALLY, ALL POINTING TO MONTGOMERY LANE
NOT TO WEST LANE AS IN THE PREVIOUS PLAN --- ALL THIS HASTILY ADDED-ON GRAB FOR EVERY POSSIBLE
INCH AND DOLLAR IS GOING TO TIP THE SCALES TOWARD A STERILE AND HARDENED STREET THAT INVITES
FEAR OF CRIME AND LOSS OF PRIDE.

LET LESS ENHANCE US, PLEASE. THE BUILDING'S NEW DESIGN IS NOT EVEN ATTRACTIVE.
PEOPLE NEED LESS TRAFFIC, LESS NOISE, NOT ALL THIS ADDITIONAL STUFF YOU ARE
PROPOSING.

SIGNED, JENNIFER MEAD

Robert K

Richard and Lee Ann Lawch
4810 Montgomery Lane
Bethesda, Maryland 20814

November 30, 2012

SENT VIA EMAIL AND US MAIL

Ms. Lynn Robeson
Office of Zoning & Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, MD 20850
lynn.robeson@montgomerycountymd.gov
lynn.robeson@montgomerycountymd.org

Mr. Robert Kronenberg, Acting Chief Area I
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910
Robert.Kronenberg@montgomeryplanning.org

Ms. Erin Grayson, Lead Reviewer
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910
erin.grayson@montgomeryplanning.org

With a copy to:

Ms. Francoise Carrier, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Springs, MD 20910
francoise.carrier@mncppc-mc.org

Re: SJG Properties' West Lane Project on Montgomery Lane and West Lane (the "SJG Project")
LMA No. G-954 and DPA No. 13-01

Ladies and Gentleman,

Lee Ann and I live at 4810 Montgomery Lane in one of the townhomes across from the proposed SJG Project. We moved half-a-dozen years ago from the suburbs seeking a more urban lifestyle. We have very much enjoyed our time living in Bethesda, and view Bethesda as a

wonderful place to live. We realize and appreciate that part of what makes Bethesda so great is successful urban planning and real estate developers willing to invest here.

Our townhome community, City Homes of Edgemoor (the "Association"), is surrounded by one recently completed and several soon to be started developments: 4913 Hampden Lane (the property developed by the Housing Opportunities Commission (the "HOC")), 4825 Montgomery Lane (G-908) and 4901 Hampden Lane (G-819). There are also several more developments coming, either already approved (G-842 and G-865) or in the case of the SJG Project (G-954), seeking approval. It's going to be very trying over the next couple of years for all of us in the community as these projects are built out, but we recognize that development is inevitable, and realize that ultimately, if the development is properly done, Bethesda will be a better place for all of us.

With regard to each of the first three projects, our Association has worked closely with the developers on construction issues and construction agreements. At 4913 Hampden Lane, our Association worked with HOC on a number of matters, including working out issues when excavation on its property compromised one of our driveways. The Association has within the last few months written letters in support for both the 4825 Montgomery Lane and 4901 Hampden Lane projects. The development at 4901 Hampden Lane will literally be in our "backyard" since the back of our unit faces this development site and will, when built, block our views and reduce the natural light from our rear windows. We're not complaining, we ultimately knew the development was coming. The Association has been negotiating a swing crane and tie-back agreement that will, among other things, allow the developer of 4901 Hampden Lane to swing a crane over Association property and the Association and affected residents will likely grant the developer permanent easements to put tie-backs under Association and residents' land. We don't have to do any of this. Agreeing to these accommodations will save the developer a significant amount of money and time, as well as promote public safety. We are telling you all this because we, and most if not all of my Association members, are very supportive of smart development and growth, even when it's not convenient or in our case, directly and to a certain degree adversely affects us (our views and light).

My wife and I, however, are not supportive of growth and density for the sake of growth and density. Poorly planned developments can ruin neighborhoods and lower property values. We are strongly opposed to the SJG Project because it appears that the SJG Project is being developed with one goal in mind: build the biggest building you can while doing as little for the community as possible. We understand that this is a very strong statement to make, but we feel it is totally supported by the facts, as we will explain in the course of this letter.

When we first learned of the SJG Project as currently proposed, We were shocked by the sheer size and bulk of the SJG Project (height, density, and number of units at 110 -120). As an aside, the SJG Project, on its relatively small footprint, will double the number of units in the neighborhood. In addition to its sheer size, the SJG Project, as proposed, is a monolithic, rectangular "box" (See architectural drawing of the east elevation below taken from the

Developer's TSR Rezoning Land Use Report (the "SJG Rezoning Report"), Exhibit D, Page 4) with little if any regard for the community: a design that is incompatible with the other buildings in the neighborhood, no significant building step ups to remove height from Montgomery Lane, public space tucked away in alley ways, no real streetscape, a design that fails to address solvable traffic issues, and a lack of basic architectural elements such as roof details. For example, there is no attempt in the design to vary the height of the roof line to take height away from Montgomery Lane or create interesting features like pitch roofs, gables and other features like those at City Homes of Edgemoor or the Edgemoor. One of the reasons the Developer is able to squeeze in so much FAR on such a relatively small lot is because the Developer has exceeded height restrictions, and hasn't put in the aforementioned typical and appropriate architectural elements. The "box" maximizes the massing! In our opinion, a 7 story development without a significant setback in an existing neighborhood where the buildings directly across the street are 4 story townhomes, lacks "compatibility" as defined on Page 37 of the Bethesda CBD Sector Plan (the "Master Plan"), and is woefully lacking from a planning and architectural perspective. The Master Plan also states that the buildings should "appear to be townhouses but actually be three to six-story buildings" (Page 84 of the Master Plan). Where are those features in the SJG Project? Where is an extra story contemplated in the Master Plan?



I assumed naively that this was SJG Properties' (the "Developer") opening bid, and that through negotiations with the community and the Planning Board, the Developer would ultimately come up with a compromise that would make the SJG Project palatable, or even valued by the community. We also did some of our own research and reviewed in some detail the Master Plan. We were initially comforted by the fact that the Master Plan had many applicable provisions that should mandate changes to the SJG Project as proposed by the Developer. The Master Plan made great sense to us and appeared to assure smart growth. We are great believers in the rule of law. In this case, we viewed the Master Plan as the law, and we felt it would be used to bring about the right project for this location.

Unfortunately, it appears that the Developer's opening bid was pretty close to their final bid. At a recent meeting with the Developer, the Developer indicated that they may agree to a building

that starts out at 5 stories on Montgomery Lane, and then, after a 9' setback, goes to the full 7 stories (plus a penthouse that is also placed close to Montgomery Lane). A 9' setback is a meaningless gesture since it fails to accomplish what is intended: to remove significant height, a significant distance from Montgomery Lane. But at least the Developer acknowledges the problem, sorta! The original Holladay project (G-843), that's being amended by the Developer in the SJG Project, provided for 4 stories on Montgomery Lane scaling up to 6 stories some 80 to 100 feet back. As we will indicate below, the Holladay project, that our Association did support, was "compatible."

The story gets a little gloomier. A group of residence from City Homes of Edgemoor and, Stan Abrams, an attorney retained by the Association to help us with this matter, visited the staff of the Planning Board. We apologize that we have to paraphrase and report second-hand, but the gist of the meeting was that the staff had already written a draft of the report and that report was generally supportive of the SJG Project. The staff was very honest with us and emphasized the importance of obtaining density at the site. The staff was also quite willing to consider any additional information we might provide them. First, we were very concerned that a draft of the document had already been prepared so early in the process, and without our input. This is not meant as a criticism of the obviously diligent Planning Board staff, but rather a criticism of the process. The Association has been very diligent in getting educated on the SJG Project and in meeting with the Developer, but this process seems to be moving ahead too quickly for even diligent community members to get their voices heard. In fact, Mr. Abrams asked for and was denied a postponement of the December 20th hearing because he was going to be away from Thanksgiving through December 18th. None of us thought the hearing would take place that day since the Developer only recently refiled the Amendment. If the Developer amends its application, we get no extra time to review it? The whole resubmitted application still has to be reviewed even if, as the Developer's attorney claims, it was just a minor fix. I am trying to be objective here, but it just seems that citizens with valid concerns are not being given their due process. We think we have reasonable suggestions that would change the SJG Project so that it would benefit the community while allowing the Developer to build a viable project. We made our suggestions to the Developer and to the Planning Board staff, but we are still writing letters, going to meetings, and ultimately going to appear at hearings. The process is racing along, and we see no progress, and still less compromise. We apologize, maybe we are just venting, but we were hoping throughout this process that the Planning Board and its staff would lead the fight and help us get to the right place. Maybe that will prove to be the case, but in the mean time it's exhausting and we are not convinced that logic and compromise will prevail.

I would like to use the rest of this letter to highlight other objections we have with the SJG Project, along with suggested changes that would mitigate these objections:

- In doing our research on the SJG Project, we looked at the original development proposed by Holladay for this site (G-843). Our first reaction was how can the Developer's new proposal be considered an amendment to the Holladay plan? The two proposals are completely different: height, density, setbacks, lot size, building design, you name it. We know very little about land use, but if a new proposal is completely

different than first proposal, isn't it a new application? Conversely, if it is an amendment, than shouldn't the Developer have to live with most of the "binding" elements of the original plan, like height and FAR? It seems the Developer has the best of both worlds: he gets to file an amendment, but none of the elements of the original plan are binding in any way on the Developer. It just doesn't sound fair to us.

- As we indicted above, the Association and its members were supportive of the original development plan for a host of reasons. The Holladay project had a much shorter height, 4 stories at Montgomery Lane going back 80 to 100 feet to 6 stories (with a 65' maximum height). This is in stark contrast to the Developer's latest proposal of 5 stories on Montgomery Lane going back only 9' to 7 stories (70' height maximum). The Holladay plan envisioned building 48 units and up to 6 MPDU's. The SJG Project plans to build 100 to 120 total units, inclusive of MPDU's, with 117 parking spaces. That doubles the total number of units in the immediate neighborhood, and the SJG Project is only on four lots! Is all this increased scope justified because the Developer added a little over 10,000 SF of gross tract area to an existing 28,537 SF site? In the Holladay plan, there was a 4 story façade on Montgomery Lane. It had separate entrances on Montgomery into townhouses so the design was more compatible with our Association's townhomes across the street. In fact, when the County Council approved the Holladay plan, they remarked, "The building mass projects the 4-story height to Montgomery Lane and will be made of townhouses. The building height is consistent with development across the street, which reflects townhouses and low-rise structures." Presumably, the County Council will find a 7 story, 70' building with no townhouses and that looks like a "box" to be "inconsistent" with our townhomes across the street? Finally, the original plan had a density of 2.5 FAR versus a 3.05 FAR for the new SJG Project. Everything requested in the new SJG Project is above and beyond what was in the Holladay plan, is inconsistent with the Master Plan and, as a result, has a detrimental impact on the traffic, safety, property values and architectural integrity of the neighborhood. The only plus under the SJG Project as proposed is the community gets more MPDU's. Although more MPDU's is a laudable goal, would we for example allow the Developer to built 200 to 240 units instead of 100 to 120 units if they agreed to make 15 % of those units MPDU's? Of course not. There is a limit to how much density should be on this site regardless of the number of MPDU's.
- According to the Master Plan, building heights for projects along Montgomery Lane were supposed to decrease as you go from Woodmont to Arlington. This "tenting" concept outlined in the Master Plan is critical to maintaining a natural transition from the Bethesda core to the residential areas. The SJG Project is proposing a 70' maximum height which is not only higher than the maximum 65' recommended by the Master Plan, but is also higher than the adjacent approved project to the east which is 65'. It is also considerably higher than the proposed project immediately west (G-865) which is only 48' at its highest point. It is also much higher than the homes in our community that are only 50'. The combination of too much height AND too much density creates a building whose height and bulk is simply out of scale for the neighborhood.

- The location of the proposed public areas is also a big issue for us. Instead of massing public space in “the area in front of the new apartment structures along Montgomery Lane” as suggested by the Master Plan (Page 82), the SJG plan puts two major sections of the public space in strips of land on the north and west sides of the SJG Project where they serve little public purpose and are unlikely to be used. They are alley ways! (See Exhibit F of the SJG Rezoning Report). In fact, they are so isolated that these public areas would constitute safety issues. That is, people are unlikely to use them during the day because they are so isolated, and unlikely to use them at night because it would be too dangerous.
- We have proposed to SJG that they take some of that public area and move it to the front of the building on Montgomery Lane and create seating and other public features that will be pedestrian friendly, and actually be used by the public. In addition, it would take building mass away from Montgomery Lane. At City Homes of Edgemoor we have benches in the shaded areas between each set of townhomes. They are well used by the public because they are right upfront on Montgomery Lane and the benches and shade make them inviting places for passing pedestrians. Yes, we do get some loiters and some smokers, but inviting streetscapes really do work and really benefit the community.
- Montgomery Lane has a right of way of around 52’, but its actual paved area for cars is an extremely narrow 20’ (if I am reading the Developer’s plans correctly). That width makes Montgomery Lane one of the narrowest roads in Bethesda. The Master Plan could have recommended that Montgomery Lane be widened, but it didn’t. In fact, to the contrary, Montgomery Lane was designated as a “Mixed Street” (one of three in all of Bethesda, and one of two newly designated under the Master Plan). A “Mixed Street” is intended to “emphasize pedestrian circulation while allowing limited, slow vehicular traffic.” (Page 189 of the Master Plan). Montgomery Lane was also designated under the Master Plan as a “Local Pedestrian Route,” linking the Bethesda Library with the Metro/CBD. (Page 48 of the Master Plan). Finally, Montgomery Lane is designated as a “Biker Friendly Area” or BFA. These streets are “special streets which cyclists are invited to use and where cyclists should be protected.” (Page 159 of the Master Plan). I think it is safe to assume that Montgomery Lane is narrow because the Master Plan wanted it to be narrow, and wanted Montgomery Lane to be a more pedestrian and biker friendly LANE, and not a major traffic STREET. To support Montgomery Lane as a pedestrian and cyclist friendly street, the County has spent a considerable amount of money fixing the intersections on both sides of Montgomery Lane (Woodmont and Arlington).
- Yes, the Master Plan also wants Montgomery Lane and the whole TS-R District to be “a low-rise, high density urban village.” A concept we agree with. But the Master Plan doesn’t provide for a HIGH-RISE AND HIGH DENSITY urban village which is what this proposed SJG Project would be. As we read the Master Plan, you are only entitled to the maximum density if you can otherwise satisfy the requirements of the Master Plan. As

we explained above and below, we don't think the SJG Project does conform to the Master Plan.

- The high density the Developer is proposing, coupled with the SJG Project's poor traffic design and its unique location mid-block between a one way and two way section of Montgomery Lane, will create a significant traffic and safety problem for vehicles, pedestrians and cyclists (on a street that is supposed to be pedestrian and cyclist friendly). Montgomery Lane has an unusual traffic pattern. Montgomery Lane is one way going west, but only between Woodmont and West Lane. With parking on both sides of the street, there is only one narrow lane for traffic. If a vehicle stops in the lane, the entire street will be blocked. On Montgomery Lane west of West Lane, it is two ways but there are only two lanes, one for each direction. Obviously, no parking is allowed in that section of Montgomery Lane since the street is so narrow that if a single vehicle blocks one lane of traffic, any vehicle heading the same way must go into the opposing lane to proceed. The new development with 117 parking spaces and poor circulation design will make congestion worse.
- There already exist traffic problems on Montgomery Lane caused primarily by the lack of available parking for delivery trucks, moving vans, contractors and other vehicles with legitimate reasons to be on Montgomery Lane. Because Montgomery Lane is so narrow, it can't have, and doesn't have, many legal parking spaces. The only place parking can be is on the section of the road east of West Lane where traffic is one way only. It's the one-way that creates the space for parking, but there are only 6 two-hour spots and two spots for loading and unloading only. During the day, these spots are almost always occupied, leaving very few alternatives for delivery trucks, moving vans, contractors and the like other than for these vehicles to park illegally. Making the entire lane, one way wouldn't work either. A one way all along Woodmont would dramatically increase the volume of traffic making a right turn off of Woodmont onto Montgomery Lane, right into a narrow one lane access between parked vehicles, causing additional safety and congestion problems.
- The SJG Project will make these issues far worse. The SJG Project is located at the crucial intersection of Montgomery Lane and West Lane, where Montgomery Lane changes from two way traffic to one way traffic. Vehicles that have turned onto Montgomery Lane from Arlington erroneously thinking that Montgomery Lane is a through street (and there are **a lot** of vehicles that do this) have to turn around at this intersection to go back to Arlington (or violate the law by going the wrong way down the one way portion of Montgomery Lane, which some do as well). While this is being done, a fairly steady stream of cars, particularly at peak traffic hours, are coming out of the one-way portion of Montgomery Lane. What we have never had before, is 117 cars from the SJG Project, plus all of the support vehicles servicing the SJG Project, entering, exiting and parking in and around this intersection. There are ways to partially mitigate the safety and congestion issues created by the additional traffic generated by the SJG Project. We recommended to the Developer that the lobby for the SJG Project be moved from the

corner of West Lane and Montgomery Lane to the middle of West Lane, so that delivery trucks and cars dropping off and picking up parcels and passengers are more likely to turn into West Lane and in front of the lobby rather than illegally park on Montgomery Lane and block traffic. We are also supportive of extending and widening the lay-by on West Lane (but not Montgomery Lane since that would add to the congestion). We also suggested that the building have an internal loading dock for moving vans and other service vehicles to get them off of Montgomery Lane and West Lane. In fact, the DOT had the same recommendation in the Holladay project. The staff report to the Planning Board for the Holladay project approved a waiver of the DOT request and instead required a Loading Plan on the grounds that a loading dock was “not conducive to the economic feasibility of the project.” Since this SJG Project is much larger and has a more efficient building lot configuration, the Developer can hardly argue with any credibility that the SJG Project wouldn’t be feasible with an internal loading dock. Finally, density matters, the sheer number of apartments and cars concentrated at the junction of Montgomery Lane and West Lane is too great for that corner and the narrow roadways. Reducing the number of units and cars, will reduce the congestion and safety issues.

- We also have a problem with the location of the proposed public areas. Instead of massing public space in “the area in front of the new apartment structures along Montgomery Lane” (page 82 of the Master Plan), the SJG plan puts the public spaces in areas that will assure that they will not be used. Even worse, besides serving no practical purposes, the public spaces provided on the west and north sides of the development, are isolated areas that create public safety issues. They are alley ways!
- We have proposed to SJG that they take that public area and move it to the front of the building on Montgomery Lane and create seating and other public features that will be pedestrian friendly, and actually be used by the public.
- The public areas at City Homes are landscaped seating areas that give pedestrians a shaded place to sit. Why should public space be squandered in alley ways that no one will use or worse, create safety issues?
- As we indicated at the beginning of this letter, we are supportive of development, so long as it is smart development. We think the recommendations we made here and to the Developer are fair. These recommendations would all be consistent with the Master Plan and include: lowering the maximum building height to 65’; transferring public space to the frontage on Montgomery Lane and making it public friendly; creating a building which has a townhouse look and starts at 4 stories on Montgomery Lane and steps up to 6 stories (a maximum of 65’) further back; reducing the number of units to a maximum of 75; moving the lobby half way down West Lane; providing a internal loading dock; and, creating a better design including a roof line design consistent with the neighborhood.

- We think the SJG Project as reconfigured could be a win-win for the community and a fair deal for the Developer. Right now we feel that the SJG Project maximizes the Developer's profit at the expense of the community.

Thank you in advance for all your consideration,

Richard and Lee Ann Lawch

Handwritten signature in cursive script, appearing to read "R/L + Lee".

November 29, 2012

Ms. Lynn Robeson
Office of Zoning & Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, MD 20850
Lynn.robeson@montgomerycountymd.gov

Mr. Robert Kronenberg
Acting Chief Area I
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910
Robert.Kronenberg@montgomeryplanning.org

Ms. Erin Grayson, Lead Reviewer
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910
erin.grayson@montgomeryplanning.org

Re: Project at Northwest Corner, West Lane and Montgomery Lane, Bethesda;
Development Plan Amendment No. 13-01, Local Map Amendment No. G-954

COMMENTS OF J. MICHAEL (Mike) HEMMER
4826 Montgomery Lane
Bethesda

I respectfully request that you consider these comments on the project referenced above. This proposed project radically amends a previously approved development proposal that was consistent with the County's Master Plan and did not raise concerns for me. The amendment is not an amendment at all, but an entirely new project, with more than twice as many dwelling units; it differs in every imaginable way from the approved project. It raises serious concerns and would, if approved, directly affect my family and me. Thank you for your consideration.

* * * *

After living for more than two decades in Chevy Chase and serving as a partner at Covington & Burling in Washington, I decided that I wanted to invest in a townhome or condominium for my future retirement, which has now begun. I was choosing among New York City, the Washington area, and Marin County. When a realtor showed me the City Homes townhomes at mid-block on Montgomery Lane, I

was interested. They are not only convenient to Metro and local shops, but also located on an attractive, narrow street in what appeared to be in a transition zone between much less attractive high-rises to the east and residential areas to the west.

A pivotal question for me was what would happen to the single-family structures on the north side of Montgomery Lane that obviously would be, and should be, redeveloped. After reviewing Montgomery Planning documents and discussions with real estate experts, I was satisfied that that these single family structures would certainly be redeveloped, but that the development would be consistent with the more residential scale developments that were already in place or planned to the north, west (Library), and south of these small structures. Indeed, the initial and approved proposal for redevelopment of those houses, the Holladay project (G-843), was consistent with the existing scale buildings in every direction but the high rise to the east.

Only last week, I learned through my homeowners' association that the developer has "amended" its approved plan and now wants to build a behemoth of a building that, while considerably more attractive than Soviet-style apartment buildings, has their familiar monolithic character and is out of scale with the buildings to its north, west, and south. If this development proposal is approved without significant mitigation, I will conclude that Montgomery County's planning documents are meaningless and ineffective and were disregarded by government officials. To potential future residents of Bethesda, I will say, "Caveat emptor. You can't trust anything they tell you. The plans mean nothing."

Misuse of Amendment Process. I wish to lodge a forceful procedural objection to treating an entirely new design as an "amendment." Characterizing a change from an attractive, 48-unit proposal (which our association did not oppose) to a 113-unit, unappealing block building as an "amendment" does violence to the meaning of that term, is quite possibly unlawful, and is likely to result in litigation and delays. I would be more inclined to characterize it as an "evasion," or perhaps worse. The developer's attempt to use this procedural circumvention has deprived me of a reasonable comment period, and explains why I have been forced to drop other activities, on short notice, in order to defend established and published development plans against abuse.

Inadequate Public Facilities to Support the New Proposal: Perhaps my greatest concern is that 20-foot-wide Montgomery Lane cannot support the activities that the proposed design will impose. This unique block of Montgomery Lane was intentionally designed to be unusually narrow and to be attractive for foot and bicycle traffic. It is officially designated a "Local Pedestrian Route" in the Master Plan, a link between the Library and the Metro. It was not designed to be a thoroughfare with parking on the sides. Already we experience instances where the roadway is blocked with delivery and repair vehicles. Illegal parking, especially by trucks, is common. Fire engines have been blocked, delaying emergency services. I have been blocked on numerous occasions. We also see a steady stream of traffic

turning eastward from Arlington Road onto Montgomery Lane, and when they figure out that Montgomery Lane is not a through street, performing a U-turn at West Avenue, and returning west toward Arlington Road.

I am not so concerned about the total body count of cars and trucks. I am very concerned, however, about how 113 new residences—a doubling of residences on this street--will conduct the day to day, necessary activities of life without repeatedly blocking the street, snarling traffic and inhibiting emergency access. Every day, delivery trucks make extended stops on the street to service existing residences, and the new proposal will double the demand. Every day, repair people congest the narrow street, sometimes for many hours. When grandparents, children, aunts and uncles, and friends come to visit, we already do not have enough room for parking. I have chased my own sister out of illegal parking spots along Montgomery Lane.

As I understand it, the 113-unit proposal makes virtually no accommodation to the inadequate street facility. The project needs a loading dock, but it doesn't have one. This is especially important if the project is going to be a rental building, requiring more movements in and out. The lobby of the project needs to be moved away from the congestion at the corner of Montgomery Lane and West Lane, to the middle of West Lane. This will likely encourage folks to drive down and park on West Lane rather than illegally park on Montgomery Lane. In my opinion, the project needs less spaces for residents (117 spots for a project next to the Metro?), and more parking for visitors and tradesmen. It needs a more extensive delivery area on West Avenue, with a place for trucks to turn. At heart, doubling the number of units on one of the smallest streets in Bethesda asks too much of the infrastructure. The number of units should be scaled back.

Inconsistency with Design Objectives. The Master Plan clearly calls for several features that the new proposal suddenly jettisoned. The Master Plan specifies step-downs in building height from Woodmont to Arlington, with three-story heights along Arlington. It calls for visually interesting rooftops. It recommends building styles compatible with other structures and transitions.

While the approved Holladay project made a serious effort to satisfy these Plan objectives, the new proposal throws them out the window. Based on the revised application, there is no east-to-west step-down in building height. Nothing of interest adorns the roof; this building is a large rectangular block with little to recommend it. All attempts to fit into the existing neighborhood style has been discarded. Instead of the previously planned separate entrances, the Montgomery Lane frontage would be monolithic. All of these aspects need to be revised.

The development's proposed use of common space is foolish and affirmatively dangerous. Mysteriously, the developers propose to create public space in two walled-in, presumably paved passages beside and behind the building. No one will want to enter them, and no one should. They would be crime scenes

awaiting an incident. How much smarter and more logical to move all of that space to the front of the building where someone might want to use it, and appearance would benefit.

In approving the prior Holladay project for this property, the County Council listed a number of features that made it attractive. The Council noted that the 4-story frontage on Montgomery Lane matched the City Homes building height, applauding a townhouse appearance that matches existing "townhouses and low-rise structures." In amending their plan, the developers threw out these benefits and instead proposed to install a largely undifferentiated, seven-story rectangular block that will dwarf properties on three sides.

I know that this property should be developed and look forward to development consistent with the Master Plan. Ignoring the Master Plan and existing developments, however, will create an eyesore for the community and leave those of us who live on tiny Montgomery Lane to sort out the resulting mess. I urge you either to reject the proposal or to require extensive modifications.

Respectfully,

A handwritten signature in black ink that reads "Mike Hemmer". The signature is written in a cursive, flowing style.

J. Michael Hemmer
4826 Montgomery Lane
Bethesda, MD 20814
jmichael.hemmer@gmail.com

Cc: Ms. Francoise Carrier, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910
Francoise.carrier@mncppc-mc.org

Grayson, Erin

From: Richard Weintraub <capitalwriter@aol.com>
Sent: Thursday, December 06, 2012 10:31 AM
To: Grayson, Erin
Subject: Development Plan Amendment (DPA No. 13-01) and Local Map Amendment (No. G-954) (The "Project")

RE: Development Plan Amendment (DPA No. 13-01) and Local Map Amendment (No. G-954) (the "Project")

Dear Ms. Grayson,

I am a resident of The Villages of Bethesda, a 21 townhome community adjacent property to the proposed in-fill development on Montgomery Lane cited above. Our properties come within 15 feet of this proposed massively intrusive structure and we clearly will be affected -- and not for the better.

This proposal, in sharp contrast to the previously proposed development on this site, is incompatible with neighboring architecture and, indeed, incompatible with the site itself, which fronts on a very narrow street heavily used by pedestrians – a feature of life in the urban Bethesda district which this project stands to jeopardize. It more than doubles the likely vehicular traffic as compared to the predecessor proposal.

In terms of direct impact on residents of Villages of Bethesda, the bulk of the structure undoubtedly will affect sunlight and the numbers of vehicles entering and leaving the garage (within 15 feet of our property line) will increase noise at all times of day and night, as will trash pickups. The project's sheer size will negatively impact quality of life and property values.

In brief, this is a new proposal that bears the closest critical scrutiny by planners.

Our area of Bethesda is dense and likely will get more so. We recognize that. But we depend upon your sound wisdom to insure that development is compatible with our area. We have a mix of townhouses and condominium structures, all of attractive and compatible architecture. It is a community within the larger Bethesda community. The large straight facades of this very large proposed structure threaten all of that, replacing step-up and step-down facades, as previously proposed, with blank walls from beginning to end of the property.

Put simply, it is the wrong building for this site and should be rejected.

Richard M. Weintraub
7463 Arlington Road
Villages of Bethesda

Vicki Rosenberg

4821 Montgomery Lane, #204 Bethesda, Maryland 20814

Mobile: 703-785-1300

vickiellenr@aol.com

December 6, 2012

To Whom It May Concern:

My name is Vicki Rosenberg and I reside at 4821 Montgomery Lane, Bethesda, MD. I live on the same side of the street as the proposed abovementioned project. This project will have a major impact on myself and my fellow tenants as well as the entire neighborhood.

I am not opposed to development, in fact, would support a well conceived project that would be a plus for our neighborhood.

I was supportive of the original proposed Halladay development on this site (G-843) which had only 48 units and a number of neighborhood friendly features – shorter height on Montgomery Lane with an increase or step-up in height toward the back of the project, open useable public space, a façade on Montgomery Lane that had separate entrances into townhouses so it was more compatible with other town homes across the street in the neighborhood, lower density and number of apartment units. All of the beneficial features of that plan are gone in the new application.

I understand that the building heights for projects along Montgomery Lane were supposed to decrease as you went from Woodmont Avenue to Arlington Road. This Project is requesting a 70' maximum height which is not only higher than the maximum 65' recommended by the Master Plan for this area, but is also higher than the adjacent approved project to the east which is 65'. It is also much higher than the town homes in our community that are only 50'. This will violate the planning concept of decreasing height or "tenting" starting at Woodmont Avenue and ending at Arlington Road.

How can the new Project be considered an amendment when the original Halladay development (G-843) is so different and so much bigger? The addition of the size of the lot, less than 6000 square feet, in the amendment would project increase in the size of the building from the previously approved 48 units to approximately 65 units and not the 113 units proposed. There is plenty of new density being added to the Woodmont corridor, let's not spoil the quality of life intended in the Master Plan for Montgomery Lane by the additional almost 50 cars and units.

Montgomery Lane is much narrower than surrounding roads and because it is so narrow, traffic circulation is a big problem already. East of West Lane, Montgomery Lane is one way and with the parking there is only one narrow lane for traffic. If a single car or truck stops in the lane, the entire street is blocked. At West Lane and west of West Lane, it becomes two ways but there is no parking allowed. However, the street is

so narrow that even a single parked vehicle blocks one lane of traffic, so any temporary illegal parking blocks a traffic lane & forces traffic in that direction into the opposing lane. The new development with 117 parking spaces and poor circulation design will make congestion worse. This will make it bad for cars, and very bad for bicycles and pedestrians. Congestion forces bicycles on to the sidewalks. It will also be worse for people walking to the library.

Our experience with situations east of West Lane, where again traffic is only one way, is that there is plenty of illegal parking – delivery trucks, moving vans, workmen, contractors, Post Office trucks. Even with one way traffic this creates blockages and bottlenecks. With the new building this will extend to the west, where the road is two way and the blockages will be worse and more dangerous. The projected 113 units will mean more move ins and outs, thus more large truck traffic.

I recommend that the building's lobby be moved from the corner of West Lane and Montgomery Lane back to the middle of West Lane, so that delivery trucks and cars dropping off and picking up passengers are more likely to turn into West Lane than illegally park on Montgomery Lane. I also suggest that the building have an internal loading dock for moving vans and other service vehicles to get them off of Montgomery and West Lane. Finally, the sheer number of apartments and cars planned for the project are too great for that corner and the narrow roadways. It is simple, reduce the number of units and cars and reduce the problem.

A lot of County money has been spent fixing the intersections on both sides of Montgomery Lane (Woodmont and Arlington). Now it appears that this new project will cause unnecessary congestion and safety issues mid-block. All of these new traffic problems, on a street that is designated as both a "Local Pedestrian Route" and a "Biker Friendly Area."

Building design ignores the other uses on Montgomery Lane. It's just a tall, box with no relationship to its surrounding neighbors. There is no attempt in the design to vary the height of the roof line or create interesting features like pitch roofs, gables and other features like at City Homes or the Edgemoor.

I liked the design of the previous project with setbacks and town homes entrances on Montgomery Lane. When the County Council approved the old plan, that they remarked that the 4 story frontage on Montgomery Lane was consistent with the town homes across the street. Now, I have the prospect of looking at a 7 story building that looks like a big box.

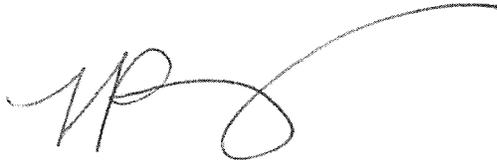
I also have a problem with the location of the proposed public areas. Instead of massing public space in "the area in front of the new apartment structures along Montgomery Lane," the SJG plan puts the public spaces in areas that will assure that they will not be used. Even worse, besides serving no practical purpose, the public spaces provided on the west and north sides of the development, are isolated areas that create public safety issues. They are alleys!

I propose that SJG take that public area and move it to the front of the building on

Montgomery Lane and create seating and other public features that will be pedestrian friendly, and actually be used by the public.

The public areas at the town homes across the street are landscaped seating areas that give pedestrians a shaded place to sit. Why should public space be squandered in alleys that no one will use or worse, create safety issues?

I indicated at the beginning of this letter, I am supportive of development, so long as it is smart development. With the above suggestions including set-backs, a more user friendly public space, better design and a reduction in height and density, this project could be a win-win for everyone. All the suggested changes are consistent with the Master Plan, and will enhance the quality of the neighborhood and of Bethesda. Unfortunately, the kind of development proposed by the developer will actually have the unintended consequence of choking off further development and making the neighborhood a much less desirable place to live and work.



Vicki Rosenberg

Home 301-652-7141

Cell 703-785-1300

vickiellenr@aol.com

Stella Tanyavutti
4812 Montgomery Lane,
Bethesda, MD 20814

December 4, 2012

Ms. Erin Grayson, Lead Reviewer
Montgomery County Planning Board
8787 Georgia Ave.
Silver Spring, MD 20910

RE: Project in Bethesda—Northwest corner of West Lane and Montgomery Lane,
Development Plan Amendment (DPA No. 13-01) and Local Map Amendment (No. G-
954).

Dear Ms. Grayson:

My family lives in one of the townhouses closest to the new development being
proposed.

Our townhome association has kept us abreast of the proposed plan and
amendments for West Lane. We are writing in support of the association's serious
concerns about the proposed amendments and "improvements" in the plan cited
above.

In particular, we question the proposed building size and height. Especially without
a meaningful step-back from the street (starting lower and increasing height toward
the back of the building), the amended plan seems incompatible with the
neighborhood. We also question the location of the building entrance, which the
amendment puts on Montgomery Lane. This is likely to add significant traffic
congestion to the street. We would like the exterior appearance to be compatible
with the townhomes which line the opposite side of this narrow street.

As a homeowner in this prime location, a well-designed and well-appointed
subdivision, we would like to see that the planning of any new developments to
enhance the neighborhood that we so valued, and subsequently, increase the value
of our homes as well. New development should be thoughtful of the overall appeal
of the neighborhood and be mindful of the increased traffic and new traffic patterns
that will be added to the quaint small street that we are on.

Best regards,



Stella Tanyavutti
Justin Tanyavutti
Azwa Salleh

4821 Montgomery Lane #802
Bethesda, MD 20814

December 6, 2012

Planning Board
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Development Plan Amendment (DPA No. 13-01) and Local Map
Amendment (No. G-954)

Dear Ms. Carrier, Ms. Grayson, and Mr. Kronenberg:

I am writing with regard to the proposed development on Montgomery Lane. The capacity of this narrow street to handle the traffic congestion that already exists is extremely limited and already appears strained at various points throughout the day. Any planning decision that would permit a small portion of the lane to more than double the number of existing residential units on the entire street will undoubtedly further exacerbate this problem.

I am especially concerned that the development currently being proposed will compromise pedestrian safety for both residents of the street and all children and adults seeking to visit the Bethesda library. While I think my neighbors and I all have no opposition to further development *per se*, and indeed welcome all reasonable proposed projects, we are very concerned that the current proposal before your board is not reasonable and entirely fails to take into account the current traffic patterns and problems that already exist on this small street. I therefore hope that the Planning Board will do its best to ensure that all further development on Montgomery Lane proceed with a recognition of the limited capacity of this street to handle additional traffic in a safe manner.

Sincerely,



Beth Pincus

cc: Martin Grossman
Lynn Robeson
Ellen Forbes

Grayson, Erin

From: Stanley Stern <ssstern384@aol.com>
Sent: Thursday, December 06, 2012 1:44 PM
To: Carrier, Francoise; Grayson, Erin; Kronenberg, Robert
Cc: jonweintraub@verizon.net; lou.pohoryles@verizon.net; aniebler@gmail.com
Subject: West Lane Project--Bethesda

Members of the Planning Board,

As board president of the Edgemoor Condominium, 4821 Montgomery Lane in Bethesda, I would like to voice my opposition to the plans by JBG to more than double the size of the original plan for this project. This plan would almost double the number of units on our narrow street. This would create significant problems for delivery and, more importantly, emergency vehicles access to the residences on Montgomery Lane. The original 45 unit plan would have been very acceptable, however the proposed 113 unit proposal is completely over the top and would have a very negative impact on our environment.

Thank you for your consideration.

Stanley Stern
President
Edgemoor Condominium

Newton K. Stablein and Kathryn L. Winsberg
4900 Montgomery Lane
Bethesda, Maryland 20814

December 2, 2012

SENT BY EMAIL AND U.S. MAIL

Ms. Lynn Robeson
Office of Zoning & Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, MD 20850
lynn.robeson@montgomerycountymd.gov
lynn.robeson@montgomerycountymd.org

✓ Mr. Robert Kronenberg, Acting Chief Area I
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910
Robert.Kronenberg@montgomeryplanning.org

Ms. Erin Grayson, Lead Reviewer
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910
erin.grayson@montgomeryplanning.org

Re: SJG Properties' West Lane Project on Montgomery Lane and West Lane (the "SJG Project") LMA No. G-954 and DPA No. 13-01

Dear Ms. Robeson, Mr. Kronenberg, and Ms. Grayson,

We live at 4900 Montgomery Lane, in the townhome community City Homes of Edgemoor. We are original owners, having moved here in August 1998 in the first phase of the development of our community. We acknowledge and are grateful every day that our home resulted from development in downtown Bethesda. We and our townhome community have not opposed and have worked with other development proposals immediately surrounding us because we recognize that well planned new development benefits us and Bethesda as a whole. However, we are writing with grave concerns regarding the pending development proposal for the parcels directly across the street from our home.

We did not oppose the original proposed Holladay development on this site (G-843), which was designed with a number of features that made it compatible with the neighborhood and with the Master Plan for this part of Bethesda. Unfortunately, the current "amendment" of the previously approved project removes all of the beneficial features of the Holladay project. It is incomprehensible that this proposal, that more than doubles the number of dwelling units, relocates the main entrance from West Lane to fronting on the narrowest part of Montgomery Lane, and eliminates all desirable design elements, can be considered an "amendment" of the previously approved Holladay plan. If this is to be treated as an "amendment" rather than a new project, we believe that at least some of the beneficial elements that won approval should be restored, consistent with the surrounding neighborhood and the Bethesda Master Plan.

Our most serious concerns relate to safety. We live on the barely two-lane (20 feet wide) portion of Montgomery Lane between West Lane and Arlington Road that is the only (legal) means of vehicular egress for all the residents of Montgomery Lane and West Lane and for any other motorists who enter Montgomery Lane from Woodmont Avenue. There is a perhaps two and a half car-length additional lane at the intersection of Arlington Road to allow a left turn lane. This road is not designed for, and cannot



serve an additional 100 - 120 residents with their own cars, their visitors' cars, service vehicles, delivery vehicles, etc. Furthermore, the SJG project is a rental building; consequently the number of moving vans for move-ins and move-outs will be much larger than for a condominium of the same size. The result of the SJG project as proposed would approximately double the number of residents who must use this street.

We would emphasize that we are among the most directly affected current residents: we are directly across the street from the proposed SJG project. Even with the current situation there are problems with the narrow street and lack of parking or standing space for cars. Many times a day we find cars parked in our driveway, blocking our garage for "just a minute" while they deliver something or wait for someone from across the street.

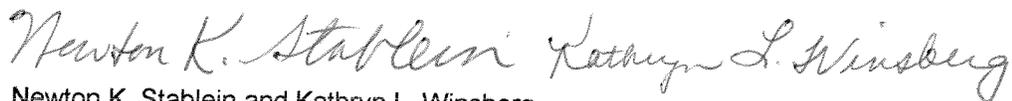
My (Kathryn's) experience yesterday will illustrate the traffic problems: I was driving home and I turned from Arlington Road onto Montgomery Lane. Once I made the turn, I found myself trapped in place. There were two cars immediately to my left waiting for the traffic light in the left turn lane. Ahead to my left there were two vehicles, a car and a truck with a long trailer, illegally parked nose-to-nose, blocking the west bound lane. There was also a car heading toward me in my lane trying to get around the illegally parked vehicles, but there was no room for that car to get back into the correct lane because of the cars waiting to turn left. We were all stuck in gridlock until the traffic light changed. Situations like this are an everyday occurrence now, before the proposed additional development. This creates a safety hazard to residents, motorists, pedestrians, bicyclists, and a potential impediment to access by emergency vehicles. One can barely imagine how much more difficult it could get if the SJG project is built as currently proposed.

We would like to suggest changes that could at least partially mitigate the impacts of the SJG proposal:

- We believe that the number of units should be scaled back to the density level that was previously approved. The previously approved Holladay plan described building 48 units and up to 6 MPDU's on 3 lots. The SJG amendment added one additional lot, yet increased the number of units by more than 100 percent.
- We recommend that the main entrance/lobby for the SJG Project be moved from the corner of West Lane and Montgomery Lane to the middle of West Lane. If this is done, the delivery trucks, service vehicles, and cars dropping off and picking up parcels and passengers are more likely to turn into West Lane and stop in front of the lobby there, rather than to park illegally on Montgomery Lane or in our driveway and block traffic. We would also recommend extending and widening the lay-by on West Lane for this purpose.
- We also suggest that the building have an internal loading dock for moving vans and other service vehicles to get them off of Montgomery Lane and West Lane. We understand that the Department of Transportation had the same recommendation for the Holladay project, although eventually only a Loading Plan was required. Since the current project is much larger than the Holladay project, an internal loading dock should be required.

We believe that these changes would go a long way toward making Montgomery Lane a livable place for both current and future residents. Thank you very much for your consideration.

Sincerely,



Newton K. Stablein and Kathryn L. Winsberg

CC: Ms. Francoise Carrier, Chairman
Montgomery County Planning Board
francoise.carrier@mncppc-mc.org

November 29, 2012



Ms. Lynn Robeson
Office of Zoning & Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, MD 20850

Mr. Robert Kronenberg, Acting Chief Area 1
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Northwest corner of West Lane and Montgomery Lane, Bethesda
DPA No. 13-01, Local Map Amendment (No. G-954) (the "Project")

Dear Ms. Robeson and Mr. Kronenberg:

We are sending this letter to express out opposition to the above-referenced Project. We reside at 4808 Montgomery Lane in Bethesda and this Project will have major impact on our quality of life.

Since moving to our townhouse in 2000, we have witnessed many changes, and expect and welcome future development as long as it enhances our neighborhood and lifestyle.

We are opposed to the above-referenced project for the following reasons:

The former proposed Holladay development on this site (G-843) proposed 48 condominium units with a maximum height of 65' with 4 stories facing Montgomery Lane and stepping up to 6 stories. The new Project is a rental building with 113 units. It will only be set back 9' at 4 stories before having a maximum height of 70'.

We understand that the heights of any new buildings along Montgomery Lane were to decrease as they led to Arlington Road. This Project does not comply with the "tenting" concept, and a building containing 113 units will overpower our neighborhood. In addition, the Project's building design is not compatible with the rest of our neighborhood. It will be a very tall, boring structure.

Barbara and Alan McConagha
4820 Montgomery Lane
Bethesda, MD 20814
301 654-5415



12/1/12

Mr. Robert Kronenberg, Acting Chief Area 1
Montgomery County Planning Board
8787 Georgia Av.
Silver Spring, MD 20910

Dear Mr. Kronenberg:

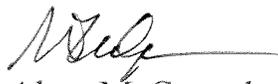
We have happily resided at 4820 Montgomery Lane in the City Homes of Edgemoor for the past decade and have been contented Bethesda taxpayers since 1970. We are very worried by the implications for serious overcrowding by SJG Properties' West Lane Project.

As a consequence we are anxious to declare our support for the very thoughtful appeal and review forwarded to you recently by Richard Lawch of the City Homes of Edgemoor Association.

We also would particularly like to focus your attention on the traffic and parking problems that will be experienced during and after construction. Montgomery Lane is hardly more than a *lane*, a path between developments with rush-hour activity already reaching uncomfortable levels.

We hope you will do everything possible to mitigate the problems related to an extraordinary influx of vehicles to an already saturated neighborhood.

Sincerely,


Alan McConagha

Grayson, Erin

From: Suki Dicker <sukidicker@mac.com>
Sent: Wednesday, December 05, 2012 7:38 PM
To: lynn.roberson@montgomerycountymd.gov; Kronenberg, Robert; Grayson, Erin
Cc: ellen.forbes@montgomerycountymd.gov
Subject: Re Development Plan Amendment (DPA No. 13-01) and local Map Amendment (No. G-954)

***4844 Montgomery Lane
Bethesda, MD 20814***

December 5, 2012

Dear Ms Robeson, Mr Kronenberg and Ms Grayson.

**Re: Project at the northwest corner of West Lane and Montgomery Lane in I
which has filed a Development Plan Amendment (DPA No. 13-01) and a Local
Amendment (No. C-054) (the "Development")**

3. From a traffic flow and safety issue, I would draw your attention to the fact that Montgomery Lane is much narrower than the surrounding roads. Because Montgomery Lane is so narrow, traffic circulation is a big issue. East of West Lane, Montgomery Lane is one way and with the parking there is only one narrow lane for traffic. If a truck stops in the lane, the entire street is blocked. At West Lane and west of West Lane, it becomes two ways but there is no parking allowed. However, the street is so narrow that even a single parked vehicle blocks one lane of traffic, so any temporary parking blocks a traffic lane and forces traffic in that direction into the opposite lane. The new development with 117 parking spaces and poor circulation design will make congestion worse. This will make it bad for cars, and very bad for bicycles and pedestrians. Congestion forces bicycles on to the sidewalks. The traffic on Montgomery Lane in busy time periods waiting to exit onto Arlington Road causes disruption and congestion.
4. The City Homes of Edgemoor HOA has recommended to the developer to address those traffic issues. One recommendation was to move their lobby from the middle of West Lane and Montgomery Lane back to the middle of West Lane, so that trucks and cars dropping off and picking up passengers are more likely to be on West Lane than illegally park on Montgomery Lane. Another suggestion was to have an internal loading dock for moving vans and other service vehicles t

sukidicker@mac.com
+1 301 272 0101



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

January 2, 2013

Lynn Robeson, Hearing Examiner
Montgomery County Office of Zoning and Administrative Hearings
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 200
Rockville, Maryland 20850

SUBJECT: Local Map Amendment No. G-954; Development Plan Amendment No. DPA 13-01

Dear Ms. Robeson:

The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed Local Map Amendment No. G-954 and Development Plan Amendment DPA 13-01 at our regular meeting on December 20, 2012. On motions made by Commissioner Anderson, seconded by Commissioner Presley, Chair Carrier and Commissioner Dreyfuss voting in favor, Commissioner Wells-Harley being absent, the Planning Board recommended by a vote of 4-0 that Local Map Amendment G-954 and Development Plan Amendment DPA 13-01 be approved.

The rezoning of Lot 26 from the R-60 Zone to the TS-R Zone and previous right-of-way dedications attributable to Lot 26, Lot 24, and Lot 25 are analyzed in detail in the technical staff report.

The Planning Board finds that the rezoning application is consistent with the Sector Plan for the Bethesda Central Business District (CBD). The application will comply with the purposes, standards and regulations of the TS-R zone.

The development plan amendment proposal for a seven story, 70 foot tall building of approximately 118,000 square feet with a maximum of 120 multi-family residential units was also analyzed in detail in the technical staff report. The Board received testimony from the applicant and their representative as well as concerned members of the community on this application.

The Planning Board finds that the development plan amendment application is consistent with the Sector Plan for the Bethesda Central Business District (CBD). The application will comply with the purposes, standards and regulations of the TS-R zone. The topics of density, compatibility, and parking enforcement were thoroughly discussed by the Board at the Hearing.

While Commissioners Anderson, Dreyfuss, and Presley find the development proposal as reflected on the Development Plan Amendment application is of an appropriate density for the

location of the development, Chair Carrier expressed a different opinion. Chair Carrier articulated that reducing the number of units is reasonable since the Sector Plan recommends development in the TS-R zone occur at a density of 45-100 dwelling units per acre. Chair Carrier recommended the number of dwelling units be limited to 100 units including Moderately Priced Dwelling Units.

To achieve greater compatibility with the surrounding neighborhood, the Planning Board recommends the public use space be moved to a location along the Montgomery Lane site frontage rather than along the northern property line, adjacent to the parking garage entrance. Such a revision will result in public use space that is more accessible and functional for the public. The Planning Board also recommends that the applicant explore alternative building designs for the 6th and 7th floors to break up the bulk and mass of the building.

The Planning Board finds that a lack of parking enforcement exists on Montgomery Lane and the applicant should incorporate measures to prevent service vehicles from illegally parking near the building's primary entrance. The Planning Board recognizes that this project cannot resolve all parking issues on Montgomery Lane, but the applicant can mitigate this issue for the proposed building. The Planning Board, therefore, recommends a binding element be added that prohibits service delivery vehicles from using the main door of the building.

The Binding Elements as listed below were recommended by the Planning Board. The Board recommended one change be made to binding element number eight and binding elements 15-18 be added to those included in the Development Plan dated December 7, 2012.

Binding Elements

1. This building will have a maximum height of 70 feet, as measured from the building height measure point along the West Lane top of curb whose elevation is 335.5, and as shown on the development plan.
2. The development will have a maximum density of 3.05 FAR.
3. The development will provide 15 percent of the units ultimately permitted for construction as MPDUs.
4. The development will provide a minimum of 10 percent public use space.
5. The development will provide a minimum of 20 percent active/passive recreational space.
6. The western façade of the development will include a minimum of 20 percent windows.
7. The garage door to the below-grade parking will be provided underneath and within the building.
8. The applicant will enter into a construction agreement with the Villages of Bethesda prior to the commencement of construction which shall include, but not be limited to underpinning provisions, crane swing provisions and an agreement to conduct pre and post construction inspections of the garage and foundations of the Villages of Bethesda.
9. Applicant will dedicate 2 ½ feet along the West Lane frontage of the property and subject to DOT, DPS and M-NCPPC requirements and will provide 11' paving from center line to face of curb.
10. In connection with the development, applicant shall pave and provide curb along West Lane in its entirety to 22 feet in width except for that portion of West Lane from the center line east, along the frontage of Lot 20. That portion of West Lane in excess of 22 feet at northeast

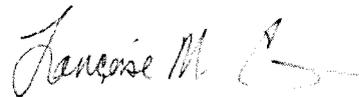
terminus shall only be repaved to current paved boundaries as delineated on the plan. Paving of southern terminus of West Lane to exceed 22 feet in width in order to provide appropriate intersection with Montgomery Lane, as determined by DOT. See proposed West Lane road section, this sheet.

11. Declarant and/or its successors will maintain on-site landscaping.
12. Development will comply with the Montgomery County green buildings law and achieve a minimum certified level rating in the appropriate LEED rating system, or equivalent rating in another energy and environmental standard as verified by DPS.
13. The following features will form the basis for the final design to be determined at site plan:
 - Predominantly masonry façade, excluding accenting details, which may include, but not be limited to brick, stone, or manufactured stone, precast or ceramic tiles.
 - Landscaping to include street trees along West Lane and Montgomery Lane in conformance with the Bethesda streetscape standards, as amended; and landscaping provided on the plaza edges along the western property line.
 - Flat roofs
 - Vehicular access to be located in northeast corner of property off West Lane
 - Bay window projections
 - On-site parking located below grade.
14. The Management Entity of the building (whether rental or condominium) must provide written requirements that all service deliveries shall occur through the service entry on located on West Lane.
15. The applicant will enter into a construction agreement with the property owner of 4828 West Lane prior to the commencement of construction to mitigate off-site impacts caused by construction activities.
16. The applicant will bury or screen the transformer units along the northern property line.
17. The applicant will meet the public use space requirement for the project in the front of the building along Montgomery Lane and West Lane.
18. The primary building entrance will be accessible only by residents of the building. Service providers will not be permitted to use the front door of the building.

Additional correspondence and exhibits submitted to the Planning Board following publication of the staff report are attached to the technical staff report.

We hope these recommendations are helpful to the Hearing Examiner and the District Council.

Sincerely,



Françoise M. Carrier
Chair

Enclosure
FMC/eeg/cp

Attachment: staff report



MONTGOMERY COUNTY, MARYLAND

January 16, 2013

Francoise Carrier
Chairperson
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: LMA G-954/DPA 13-01, 4831 West Lane LLC

Dear Chairperson Carrier:

Pursuant to §59-D-1.72 of the Montgomery County Zoning Ordinance, the purpose of this letter is to advise you that the Applicant in the above case has amended its rezoning application and development plan. As you know, §59-D-1.72 requires the Applicant to transmit an amended development plan to the Planning Board when the amendment is made after the Planning Board's recommendation. It also requires the Hearing Examiner to leave the record for a reasonable amount of time to afford the Planning Board "an opportunity to comment". *Montgomery County Code*, §59-D-1.72.

In a memorandum January 2, 2013, (Exhibit 55), the Planning Board recommended approval of the application, which requests rezoning from the R-60 Zone to the TS-R Zone of one parcel and an amendment of the development plan approved for an adjacent parcel in the TS-R Zone. The Planning Board recommended several changes to the development plan and binding elements to reduce the bulk and massing of the building, yield more functional public use space, and address other concerns.

At the public hearing on January 11, 2013, the Applicant submitted a revised development plan intended to address the concerns expressed by the Planning Board. It is my understanding that the Applicant has submitted the revised plan to Technical Staff.

The next public hearing on the application is scheduled for April 8, 2013, at 9:30 a.m. If the Planning Board wishes to provide comments, but is unable to prior to the public hearing, please advise how long the Board will need to submit its comments so that the record of the public hearing may be kept open to receive them.

By copy of this letter, I am also requesting Technical Staff to submit a recommendation on the revised development plan, and in particular, whether it satisfies the concerns expressed by the Planning Board in the case.

This letter and any response thereto will be placed in the record of the case.
Thanks as always for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn A. Robeson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Lynn A. Robeson
Hearing Examiner

cc: Pat Harris, Esq.
Stan Abrams, Esq.
Norman Knopf, Esq.
Robert Kronenberg
Erin Grayson



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

OFFICE OF THE CHAIR

January 25, 2013

Lynn Robeson, Hearing Examiner
Montgomery County Office of Zoning and Administrative Hearings
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 200
Rockville, Maryland 20850

SUBJECT: Local Map Amendment No. G-954; Development Plan Amendment
No. DPA 13-01

Dear Ms. Robeson:

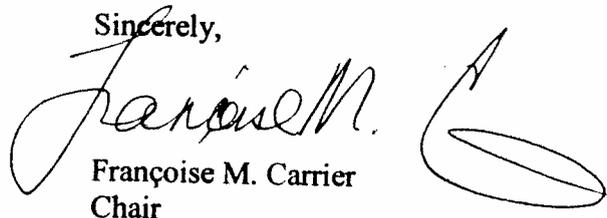
Thank you for your correspondence dated January 16, 2013. As outlined in your letter, the applicant submitted a revised plan at the public hearing on January 11, 2013, intended to address the Planning Board's concerns expressed at the December 20, 2012 public hearing. The revised Development Plan Amendment building design and layout is scheduled to go before the Planning Board on March 14, 2013, in advance of the April 8, 2012 Zoning Hearing Examiner hearing. The Planning Board will address the following at our hearing:

1. Public use space
2. Building setbacks
3. Changes to the building design

Public testimony will be permitted on these three issues at the March 14, 2013 hearing. The technical staff memorandum and the Planning Board's recommendation on these three issues will be transmitted to your office following the public hearing.

Thank you for the opportunity to provide further comments on these applications.

Sincerely,


Françoise M. Carrier
Chair

Enclosure: Staff Report
FMC/eeg/cp

Crack # 2013-0041