

# Bethesda

## Downtown Plan

Public Hearing Draft  
June 24, 2015

Letters and Correspondence

June 25, 2015 – July 2, 2015  
(close of Record)

Law Offices Of  
**MILLER, MILLER & CANBY**  
**MM&C**  
CLIENT FOCUSED. RESULTS DRIVEN.

---

200-B MONROE STREET, ROCKVILLE, MARYLAND 20850 P: 301.762.5212 F: 301.424.9673 WWW.MILLERMILLERCANBY.COM  
All attorneys admitted in Maryland and where indicated.

PATRICK C. MCKEEVER (DC)  
JAMES L. THOMPSON (DC)  
LEWIS R. SCHUMANN  
JODY S. KLINE  
ELLEN S. WALKER  
JOSEPH P. SUNTUM

EDWARD S. WEST (DC, PA, VA)  
SUSAN W. CARTER  
ROBERT E. GOUGH  
DONNA E. MCBRIDE (DC)  
GLENN M. ANDERSON (FL)  
HELEN M. WHELAN (DC, WV)

MICHAEL G. CAMPBELL (DC, VA)  
SOO LEE-CHO (CA)  
BOBBY BAGHERI (DC, VA)  
DAMON B. OROBONA (DC)  
DIANE E. FEUERHERD  
MICHAEL S. SPENCER

JSKLINE@MMCANBY.COM  
DAMON@MMCANBY.COM

July 1, 2015

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

Re: The Shoppes at Bethesda and the Arlington & Elm Center;  
Elm Street and Hampden Lane;  
Comments on the Staff Draft Bethesda Downtown Plan

Dear Chairman Anderson and Members of the Planning Board:

We are requesting that the Planning Board consider increased height for the properties known as "The Shoppes at Bethesda" and the "Arlington & Elm Center". While we are aware that the Board has been receiving numerous requests to increase density for properties throughout the master planning area, these particular sites comprise one of the very few large developable tracts whose redevelopment can enact substantial positive change in the Bethesda Row District.

The Shoppes at Bethesda is an approximate 40,000 square foot strip retail center that was constructed in 1991. The Arlington & Elm Center is an approximate 26,000 square foot retail and office center constructed in 1986. The location of the buildings are highlighted in yellow on the attached aerial photograph. Today, the two buildings comprise an integrated commercial center with a variety of retail tenants that include a Japanese restaurant, a County beer and liquor store, a drycleaners, a shipping store, a fitness center, a coffeehouse, a pizza delivery store, and other similar retail tenants, as well as office users. While many of these uses provide valuable everyday services to the residents and employees in downtown Bethesda, these buildings were developed at a time when the neighborhood was in its infancy as a dynamic urban community. The Shoppes at Bethesda, in particular, is best characterized today as a typical suburban-style

strip shopping center, not in keeping with nearby developments in Bethesda, with storefronts set well off of Hampden Lane. The Center's stores are separated from the street by a controlled access parking lot, and the streetside sidewalk is very narrow and is located directly along Hampden Lane with no landscaped panel or bike lane to help separate pedestrians walking along the sidewalk from vehicular traffic. The Arlington and Elm Center is a similarly outdated 2-story building that, with redevelopment, could better frame the intersection of Arlington Road with Elm Street and Hampden Lane. The tract is one of the very few large sites whose redevelopment has the ability to enact immediate, positive change on the character of the surrounding neighborhood by providing new buildings in an updated urban form that could better reflect the new developments surrounding the tract and provide upgraded retail experiences and additional housing choices (please see the attached photographs of the existing conditions of the subject property).

The subject property falls within the Bethesda Row District of the Downtown Bethesda Master Plan. On page 98, the draft Master Plan characterizes this district as the "heart of downtown Bethesda" and "a regional destination and [a] model for placemaking with thriving retail, human-scaled design, and an active streetscape environment." The Plan recommends a human-scaled, mixed use, main street character for the neighborhood, similar to the existing character of Bethesda Avenue, just one block south of the subject property. The draft Plan encourages the redevelopment of the subject properties by specifically identifying the tract as a potential redevelopment site (page 101), and recommends a zoning classification of CRT-2.75, C-1.75, R-1.0, H-45 for the properties (page 99).

While the draft Plan encourages the redevelopment of the tract, the zoning designation for the subject properties do not allow sufficient flexibility, in particular sufficient height, to stimulate the redevelopment of these aging strip centers into a mixed use project that can further the image of the Bethesda Row District. A height limitation of only 45 feet will merely allow a nominal amount of residential development above any ground floor retail establishments, which will, pragmatically, dissuade any landowner from razing an existing, near fully leased commercial center to speculatively develop a new project that is only slightly larger than what exists today. However, with an appropriate height recommendation that provides additional opportunity to provide residential living spaces, a new mixed use project at this location can replace the aging strip centers and provide more housing choices and upgraded retail establishments in this key location that is located only 700 feet from the entrance to the Bethesda Metro Station and many other amenities. As the Board is well aware, providing living areas above retail establishments not only benefits retailers by providing prospective customers to local shopkeepers, it enhances the security of the neighborhood by providing engaged residents that watch over the streetfront when retail stores are closed during evening hours.

An increase in height in this location also makes logical sense from a placemaking perspective. The properties located just north of the tract, confronting Hampden Lane, are recommended for 90-foot and 60-foot height limits, respectively. The recently developed Bethesda Lane project, which confronts the tract along Elm Street, was developed at 6 stories in height. Allowing a similar scale for the subject properties will help balance the pedestrian scale along both Hampden Lane and Elm Street.

In closing, an increase in height allocated to the subject properties will allow the redevelopment of the tract into a vibrant mixed use project that furthers the overall goals for the Bethesda Row District and provides upgraded retail and housing choices in this key location that

is just 700 feet from the Bethesda Metro Station and even closer to numerous other public amenities such as parks, schools, and libraries. If the height recommendation remains as drafted, then there will be insufficient incentive for any landowner to redevelop the aging suburban-style strip center and outdated commercial building. The subject properties are already surrounded with properties that have been recently completed or are currently redeveloping at a substantially higher height. A similar designation on the subject property will help ensure that it redevelops as envisioned in the Master Plan.

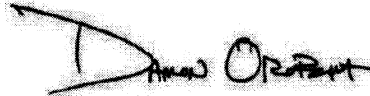
Therefore, the landowner requests that the Planning Board recommend that the subject properties be designated CRT 2.75, C-1.75, R-1.0, H-70 in the Planning Board Draft Plan. We thank you for your review and consideration of this request and we are available to work with the Board and Planning Staff to further this request on behalf of the landowner.

Very truly yours,

MILLER, MILLER & CANBY

Handwritten signature of Jody Kline in black ink.

Jody S. Kline

Handwritten signature of Damon B. Orobona in black ink.

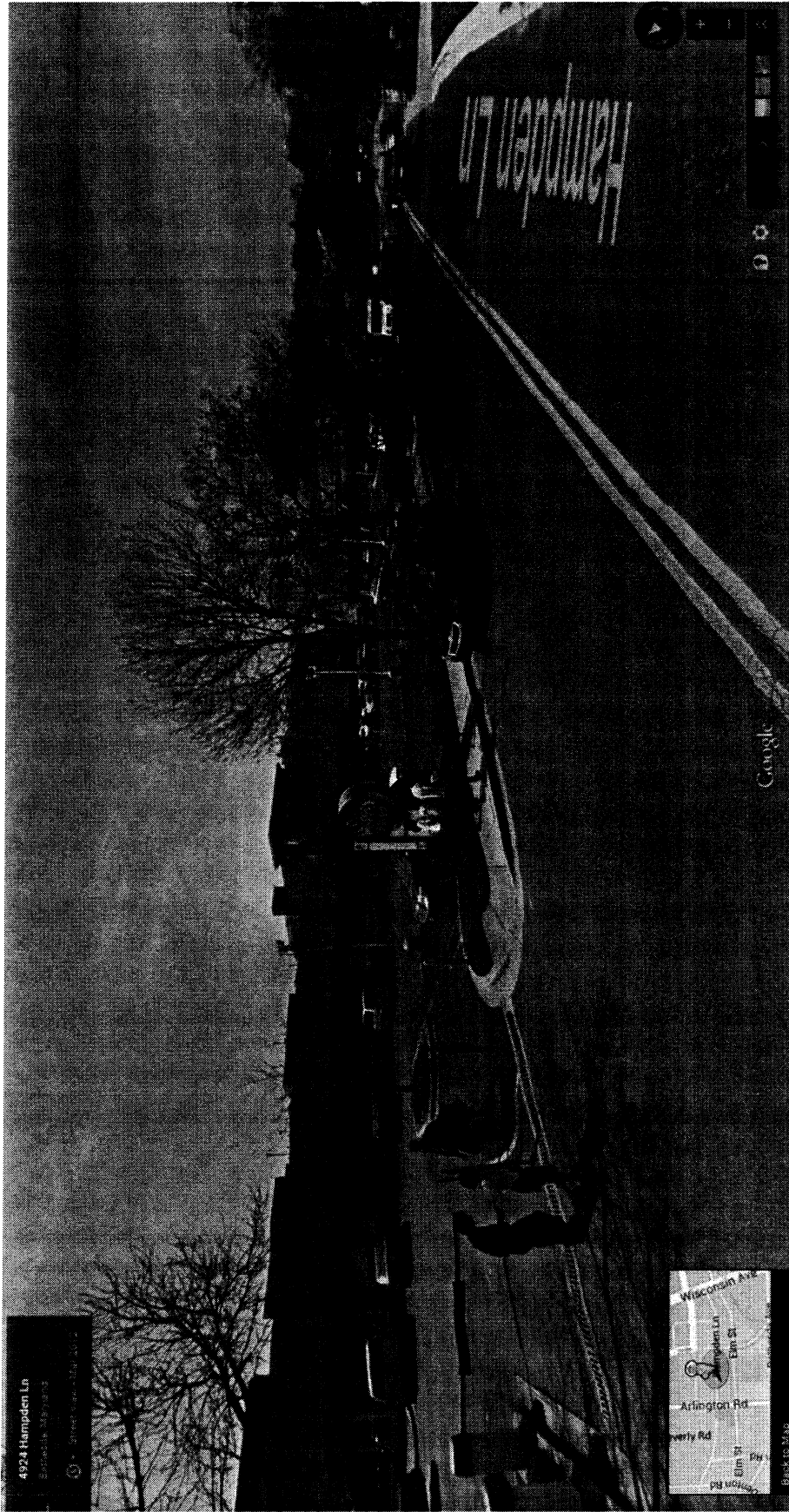
Damon B. Orobona

cc: Leslye Howerton  
Robert Kronenberg  
Marc DeOcampo  
David Draiman

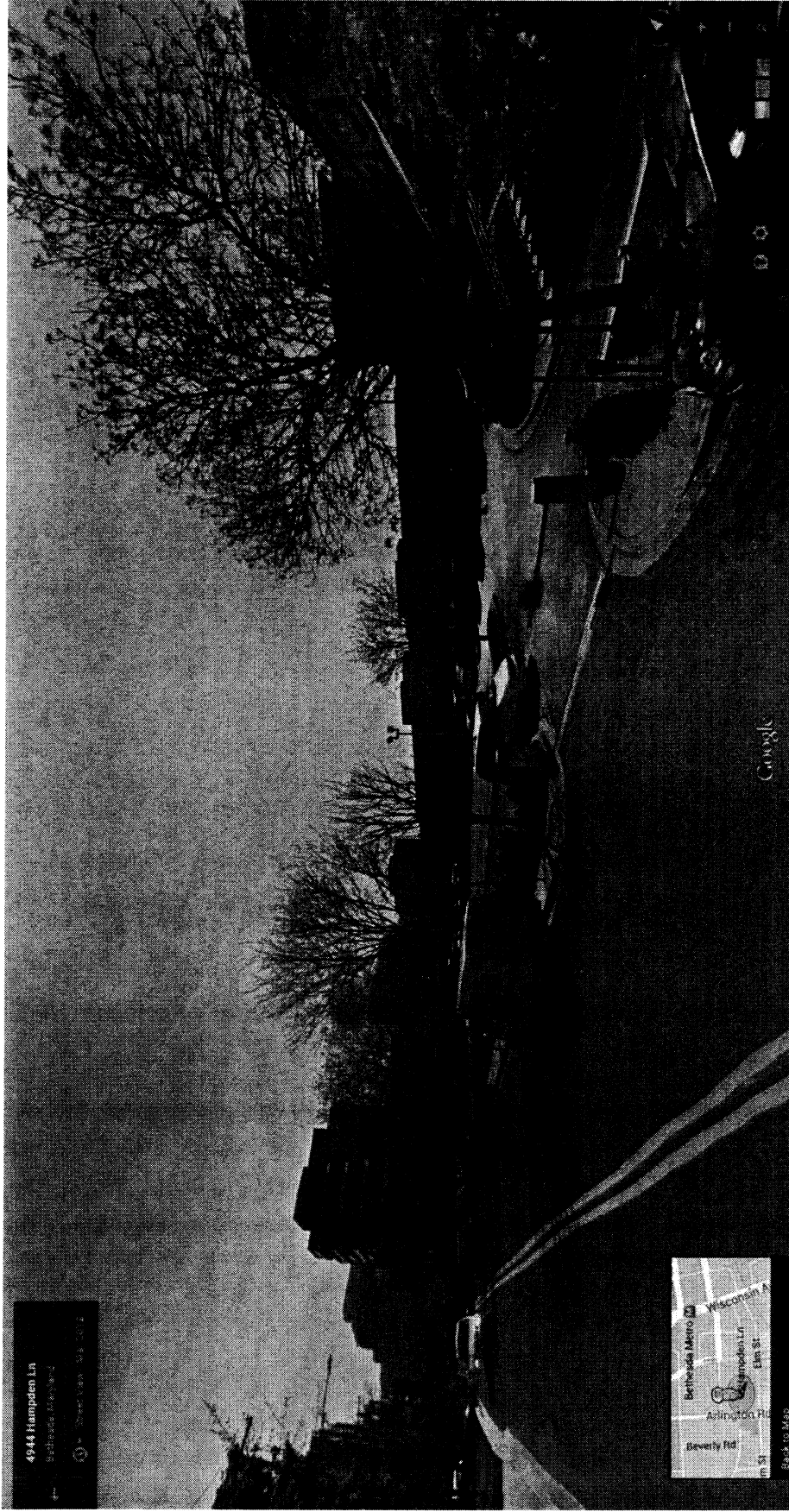
**The Subject Properties Offer a Substantial Redevelopment Opportunity Just 700 Feet from the Bethesda Metro Station**



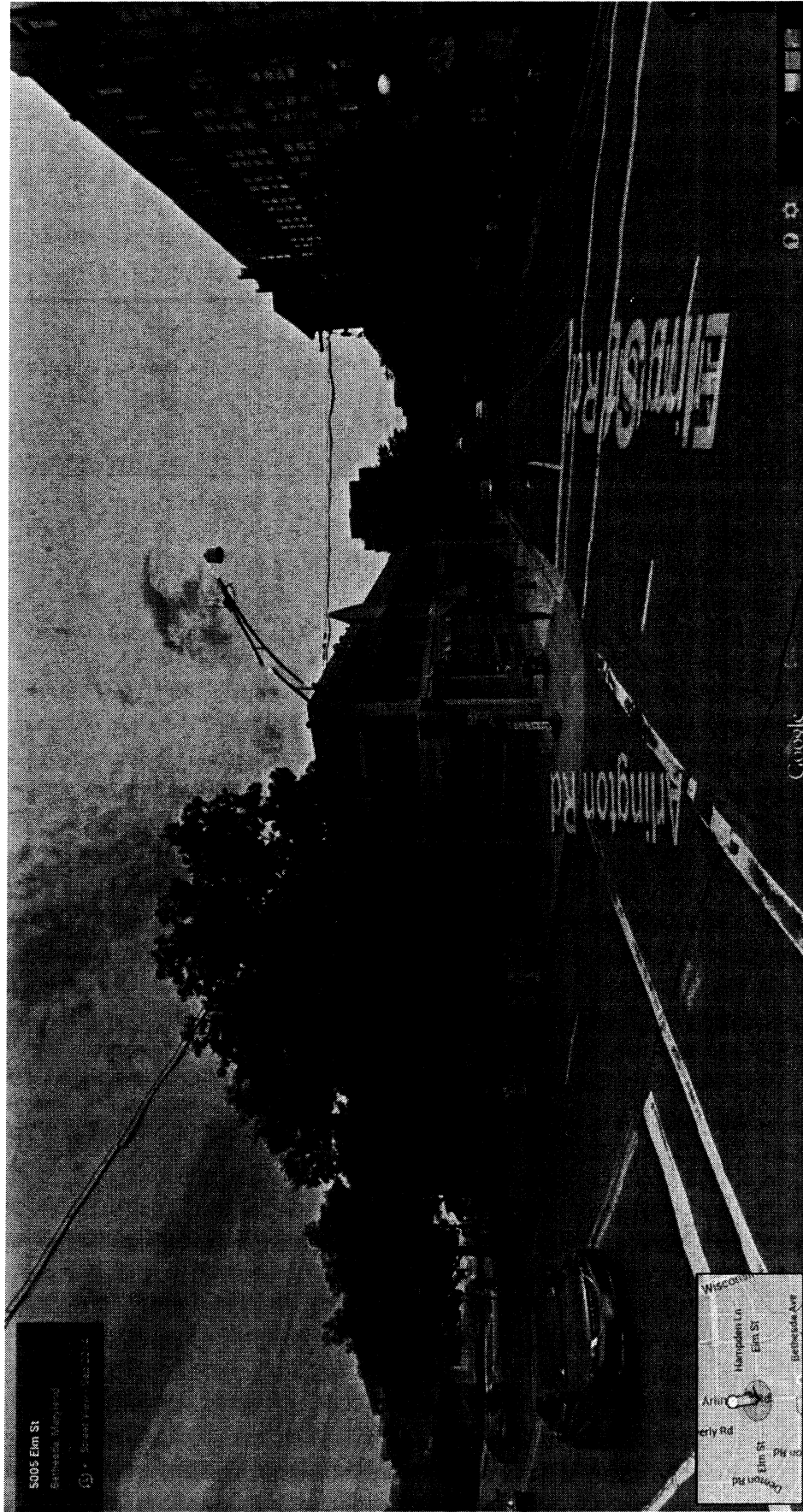
**The Shoppes of Bethesda Building – Looking West on Hampden Lane**



The Shoppes of Bethesda Building – Looking East on Hampden Lane



The Arlington & Elm Center – At the Intersection of Arlington Road and Elm Street





RECEIVED  
JUN 01 2015

**MCP-CTRACK**

**From:** Dlhopsky, Heather - HXD <HDlhopsky@linowes-law.com>  
**Sent:** Tuesday, June 30, 2015 5:45 PM  
**To:** MCP-Chair  
**Cc:** Kronenberg, Robert; Howerton, Leslye  
**Subject:** 7750 Old Georgetown Road (commonly known as 7700 Old Georgetown Road) -  
Written Testimony on Bethesda Downtown Plan  
**Attachments:** 201506301723.pdf

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

All,

Attached please find our written testimony for the Planning Board's record on the Bethesda Downtown Plan, on behalf of the owner of 7750 Old Georgetown Road (commonly known as 7700 Old Georgetown Road).

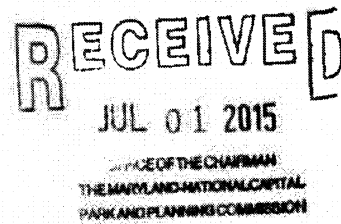
Thank you.

Heather

Heather Dlhopsky  
Linowes and Blocher LLP  
7200 Wisconsin Avenue, Suite 800  
Bethesda, MD 20814-4842  
(301) 961-5270 (direct phone)  
(301) 654-0504 (switchboard)  
(301) 654-2801 (fax)  
[hdlhopsky@linowes-law.com](mailto:hdlhopsky@linowes-law.com)  
[www.linowes-law.com](http://www.linowes-law.com)

This e-mail message is intended only for the addressee and may contain confidential and/or privileged material. Any interception, review, retransmission, dissemination, or other use of, or taking of any action upon this information by persons or entities other than the intended recipient is prohibited by law and may subject them to criminal or civil liability. If you received this communication in error, please contact us immediately at the direct dial number set forth above, or at (301) 654-0504, and delete the communication from any computer or network system. Although this e-mail (including attachments) is believed to be free of any virus or other defect that might negatively affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus free, and no responsibility is accepted by the sender for any loss or damage arising in any way in the event that such a virus or defect exists.

**LINOWES  
AND BLOCHER LLP**  
ATTORNEYS AT LAW



June 30, 2015

**C. Robert Dalrymple**  
301.961.5208  
bdalrymple@linowes-law.com  
**Heather Dlhopsky**  
301.961.5270  
hdlhopsky@linowes-law.com

**VIA EMAIL AND HAND DELIVERY**

Mr. Casey Anderson, Chair  
and Members of the Planning Board  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Garden Plaza property (7750 Old Georgetown Road, commonly identified as 7700 Old Georgetown Road), Bethesda – Written Testimony for 6/24/15 Planning Board Hearing on the Bethesda Downtown Plan (the “Sector Plan”)

Dear Mr. Anderson and Members of the Planning Board:

On behalf of Garden Plaza LLC (an entity related to B. F. Saul Real Estate Investment Trust, or “Saul”), owner of the property located at 7750 Old Georgetown Road (commonly identified as 7700 Old Georgetown Road) in Bethesda (the “Property”), we are submitting this letter as our written testimony for the Montgomery County Planning Board’s (the “Planning Board”) public hearing on the Sector Plan held on June 24<sup>th</sup> (specifically, the Public Hearing Draft dated May 2015 – the “Public Hearing Draft”).

The Property is currently zoned CR-3.0, C-2.0, R-2.75, H-90T pursuant to the District Map Amendment that became effective on October 30, 2014. Page 69 of the Public Hearing Draft indicates that the Property is recommended for up to 110 feet in height. However, the Public Hearing Draft (page 103, #12) reflects that the Property is proposed to be rezoned to CR-3.5, C-2.5, R-3.25, H-40, thus reflecting height of only 40 feet.

In addition to the need to correct the Public Hearing Draft materials to reconcile the recommended building height (which should be the 110 feet noted on page 69), we believe that the Property is ripe for additional density and height beyond that currently proposed given its proximity to the Bethesda Metro Station and direct adjacency to numerous properties approved and/or developed with well over 110 feet in height. The Property is located less than a three-minute walk to the Metro Station via Old Georgetown Road and Edgemoor Lane, and is one of the few remaining properties that are legitimate candidates for redevelopment within such close proximity to the Metro; unlike many of its neighboring high-rise buildings, the Property is not currently improved with its highest and best use. Redeveloping the Property with appropriate

\*\*L&B 5003142v2/05709.0033

Mr. Casey Anderson, Chair,  
and Members of the Planning Board

June 30, 2015

Page 2

density provides a great opportunity to further one of the central principles of smart growth and sound urban planning by concentrating development in the vicinity of mass transit. Bethesda's continued success depends on its ability to grow, particularly within its urban core. For these reasons, we believe that the Property would be most appropriately rezoned to CR-6.0, C-4.75, R-5.75, H-175, with a bar along the southwest side of the Property adjacent to Arlington Road limited to 110 feet in order to provide further compatibility with properties to the south and west (as reflected in the attachment to this letter). We also note that the most immediate adjacent property across Arlington Road is an elementary school, so this institutional use is a further transitional buffer to the single-family residential neighborhood beyond the school and thus the proposed 110-foot height on the Property adjacent to the school is an effective transition.

The Property is surrounded to the north, south, and east by projects far exceeding 90 feet in height. The 4990 Fairmont project is approved directly to the north of the Property for up to 174 feet in height (with all properties across Old Georgetown now zoned for 175 feet); east of the Property is the existing Lions Gate condominium, constructed at approximately 145 feet in height; and immediately south of the Property is The Christopher condominium, constructed at approximately 120 feet in height. Thus, the Property's proposed 110-foot building height limit is a significant gap between the building heights directly to its north and south. Also contributing to its tolerance for height, the Property's topography sits well below the ground level of the Metro sites where 290 feet of height is proposed. This provides an additional transition to those created by the gradual reduction in building envelopes as the plan tapers down from its peak heights. Notably, the Sector Plan locates the Property in the Woodmont Triangle District, and the Property should have density and height consistent with adjacent properties and those nearby in the District.

Permitting additional density and height on the Property, including the stretch along the east side of the Arlington Road corridor, would also help foster desired connectivity between the north and south ends of Bethesda (along with improved connectivity between Bethesda Row and the Woodmont Triangle via better bike and pedestrian access across Old Georgetown Road). There are existing institutional uses to the west and southwest of the Property (Bethesda Elementary School, its ballfields, and the Bethesda Library) that appropriately separate the Property from single-family homes to the west and create generous transitional buffers. The width of these buffers far exceeds those separating single-family homes from high-rise buildings in other sections of Bethesda/Chevy Chase (indeed the Public Hearing Draft itself proposes far less buffering in numerous other portions of downtown Bethesda), and thus it makes good urban planning sense and would foster the goals of the Sector Plan to allow increased density and height on the Property.

Mr. Casey Anderson, Chair,  
and Members of the Planning Board  
June 30, 2015  
Page 3

The Property represents an exciting opportunity to develop the western gateway to Bethesda's downtown with a signature building announcing the arrival into Bethesda. In addition to considerable pedestrian and bicycle activity routinely passing by the Property, over 52,000 cars per day travel on the roads bordering the Property, giving it significant activity and visibility for those entering Bethesda. Downtown Bethesda should continue to be the economic engine of Montgomery County, but in order to accomplish this the Sector Plan must ensure that strategically located properties with direct access to mass transit and that are primary candidates to redevelop are provided with density and height opportunities to incentivize redevelopment. The Property is such a candidate. Saul is excited about the prospects posed by future redevelopment of the Property, and requests appropriate density and height increases on the Property in order to further the vision and the goals of the Sector Plan.

We thank you for consideration of these comments, and look forward to continuing to work with you and Planning Staff on the Bethesda Downtown Plan. If you have any questions or require any additional information, please do not hesitate to contact us.

Very truly yours,

**LINOWES AND BLOCHER LLP**



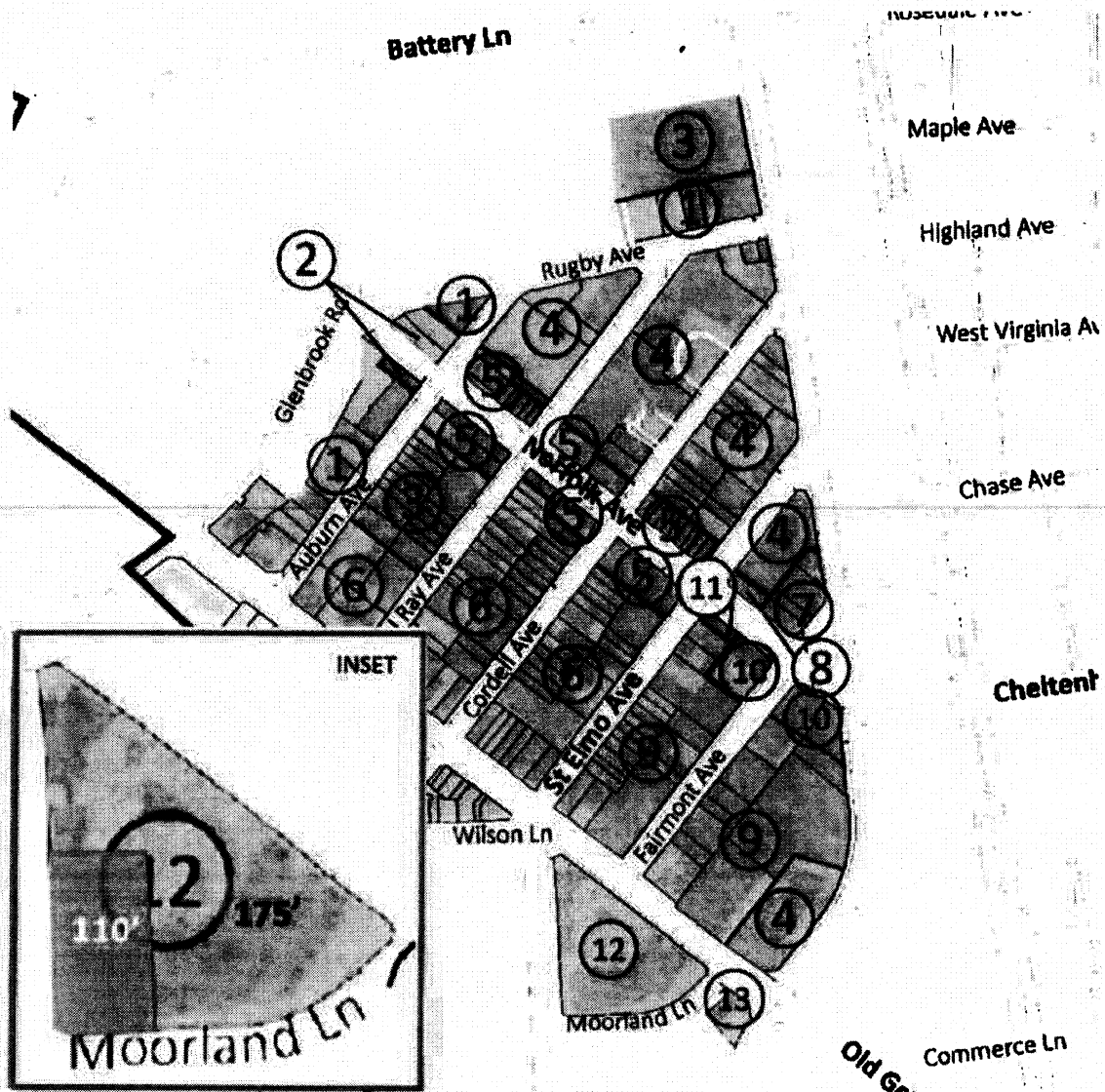
C. Robert Dalrymple



Heather Dlhopsky

cc: Mr. Robert Kronenberg  
Ms. Leslye Howerton  
Mr. Page Lansdale  
Mr. John Collich  
Mr. Brian Downie  
Mr. Vince Burke

Figure 3.05: Woodmont Triangle District Recommended Zoning



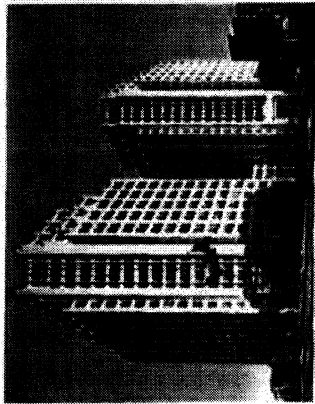
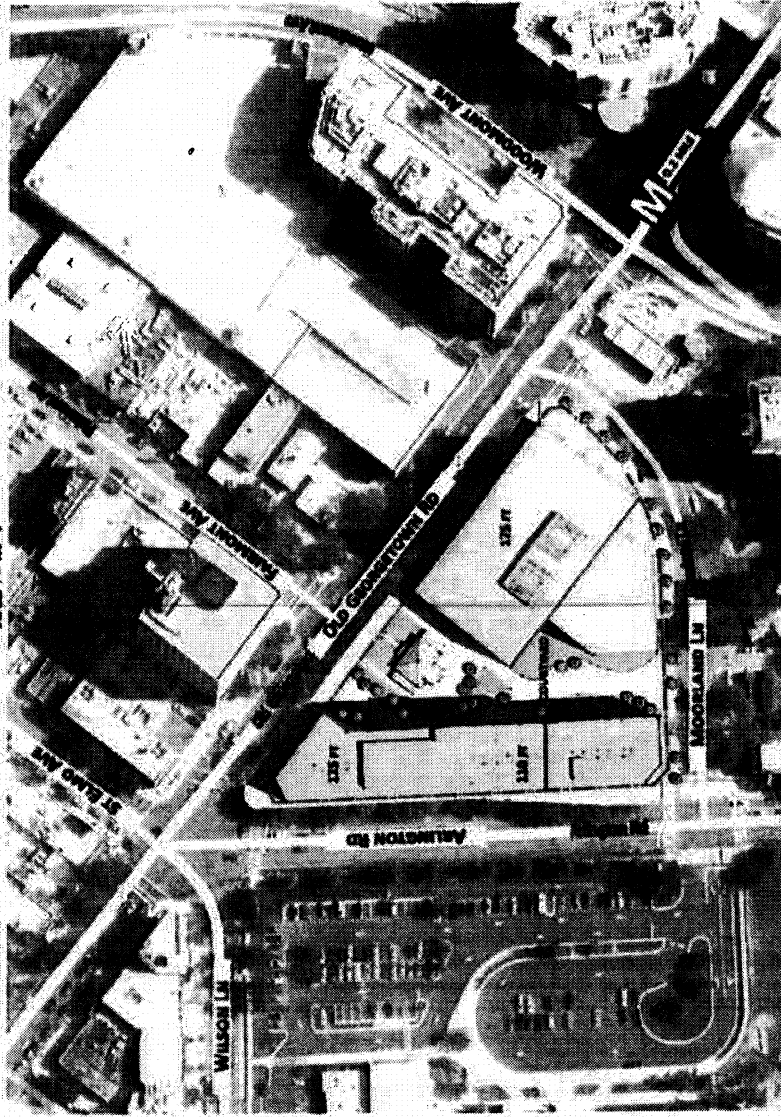
- Sector Plan Boundary
- CRN-0.75, C-0.75, R-0.25, H-40
- CRF-1.75, C-1.75, R-0.75, H-40

- ① CR 3.5, C-1.25, R-3.0, H-120
- ② CR 3.5, C-1.25, R-3.0, H-50
- ③ CR 3.5, C-1.0, R-3.5, H-175
- ④ CR 6.0, C-1.25, R-6.0, H-175
- ⑤ CR 3.5, C-1.25, R-3.5, H-50
- ⑥ CR 3.5, C-1.25, R-3.25, H-110
- ⑦ CR 6.0, C-1.25, R-6.0, H-250

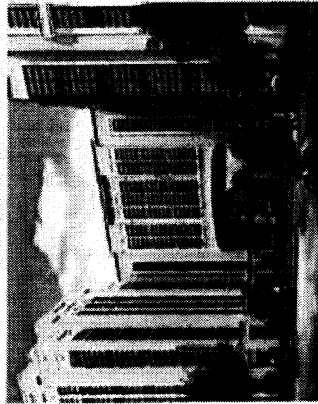
- ⑧ CR 6.0, C-1.25, R-6.0, H-50
- ⑨ CR 6.0, C-1.25, R-5.75, H-175
- ⑩ CR 6.0, C-1.25, R-5.75, H-250
- ⑪ CR 6.0, C-1.25, R-5.75, H-50
- ⑫ ~~CR 3.5, C-1.25, R-3.25, H-40~~
- ⑬ CR 3.5, C-2.5, R-3.25, H-110

Proposed revision to #12: (see inset)  
 CR 6.0, C-4.75,  
 R-5.75, H-175'  
 CR 6.0, C-4.75,  
 R-5.75, H-110'

**SITE PLAN**  
SCALE 1"=40'-0"



Office Sample Architecture  
Corner of Old Georgetown Rd & Moorland Lane



Residential Sample Architecture  
Corner of Old Georgetown Rd & Wilson Lane

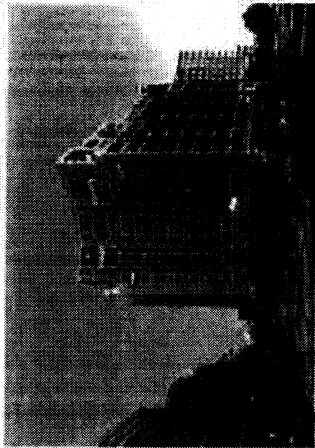
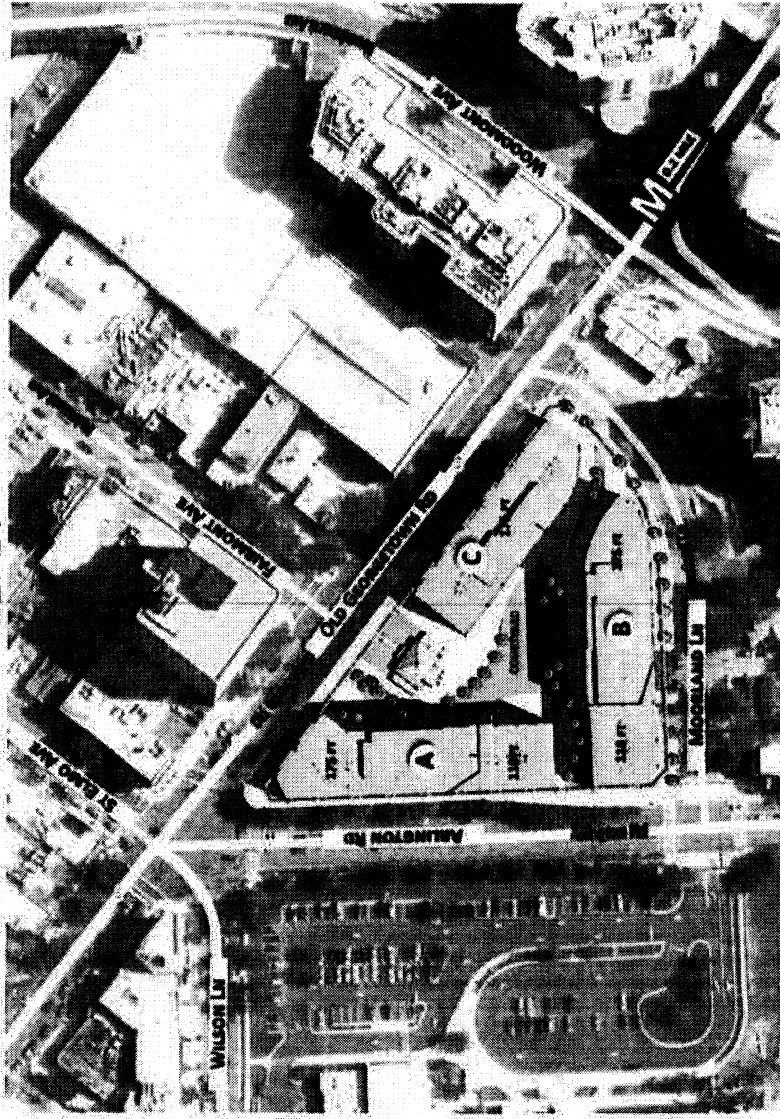
**SAMPLE STREET VIEWS - OFFICE + RESIDENTIAL RESIDENTIAL OPTION 1**

7700 OLD GEORGETOWN RD  
BETHESDA, MD

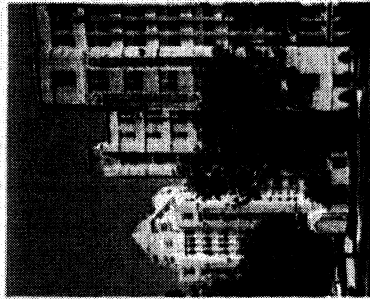
June 2015



**SITE PLAN**  
SCALE: 1" = 50'-0"



Residential Sample Architecture  
Corner of Old Georgetown Rd & Moonlark Lane



Residential Sample Architecture  
Corner of Old Georgetown Rd & Wilson Lane

**SAMPLE STREET VIEWS - ALL RESIDENTIAL OPTION 2**

7300 OLD GEORGETOWN RD  
METHUEN, MA

June 2015



**MCP-CTRACK**

RECEIVED

JUL 01 2015

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

**From:** Dlhopsky, Heather - HXD <HDIhopolsky@linowes-law.com>  
**Sent:** Tuesday, June 30, 2015 5:45 PM  
**To:** MCP-Chair  
**Cc:** Kronenberg, Robert; Howerton, Leslye  
**Subject:** 8001 Block of Wisconsin Avenue - Written Testimony on Bethesda Downtown Plan  
**Attachments:** 201506301722.pdf

All,

Attached please find our written testimony for the Planning Board's record on the Bethesda Downtown Plan, regarding the 8001 block of Wisconsin Avenue.

Thank you.

Heather

Heather Dlhopsky  
Linowes and Blocher LLP  
7200 Wisconsin Avenue, Suite 800  
Bethesda, MD 20814-4842  
(301) 961-5270 (direct phone)  
(301) 654-0504 (switchboard)  
(301) 654-2801 (fax)  
[hdihopolsky@linowes-law.com](mailto:hdihopolsky@linowes-law.com)  
[www.linowes-law.com](http://www.linowes-law.com)

This e-mail message is intended only for the addressee and may contain confidential and/or privileged material. Any interception, review, retransmission, dissemination, or other use of, or taking of any action upon this information by persons or entities other than the intended recipient is prohibited by law and may subject them to criminal or civil liability. If you received this communication in error, please contact us immediately at the direct dial number set forth above, or at (301) 654-0504, and delete the communication from any computer or network system. Although this e-mail (including attachments) is believed to be free of any virus or other defect that might negatively affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus free, and no responsibility is accepted by the sender for any loss or damage arising in any way in the event that such a virus or defect exists.



**LINOWES**  
**AND BLOCHER LLP**  
ATTORNEYS AT LAW

June 30, 2015

**C. Robert Dalrymple**  
301.961.5208  
bdalrymple@linowes-law.com  
**Heather Dlhopsky**  
301.961.5270  
hdlhopsky@linowes-law.com

**VIA EMAIL AND HAND DELIVERY**

Mr. Casey Anderson, Chair  
and Members of the Planning Board  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: 8001 Block of Wisconsin Avenue, Bethesda – Written Testimony for 6/24/15 Planning Board Hearing on the Bethesda Downtown Plan (the “Sector Plan”)/May 2015 Public Hearing Draft (“Draft Plan”)

Dear Mr. Anderson and Members of the Planning Board:

On behalf of 8001 Wisconsin LLC (“8001”), collective owner representative of properties located in the 8001 block of Wisconsin Avenue in Bethesda (the “Properties”), 8001 is submitting this letter as its written testimony for the Montgomery County Planning Board’s (the “Planning Board”) public hearing on the Draft Plan that was held on June 24<sup>th</sup>.

The Properties are located on the northern end of what the Sector Plan identifies as the Wisconsin Avenue District, along the north side of West Virginia Avenue directly east of its intersection with Wisconsin Avenue. The Properties are currently split-zoned, with those located closer to Wisconsin Avenue currently zoned CR-3.0, C-2.0, R-2.75, H-75T; properties mid-block zoned with the same density but at H-60T; and property closer to Tilbury Street and the residential community beyond zoned CRT-0.5, C-0.5, R-0.25, H-35. [Both the current zoning and new requested zoning are reflected in the attachments to this letter.] The Properties, and in reality the entirety of the block bound by Wisconsin Avenue, West Virginia Avenue, Highland Avenue, and Tilbury Street (and other similarly situated blocks in the northern end of the Wisconsin Avenue Corridor, east of Wisconsin Avenue), are strategically important in order to provide a balanced Wisconsin Avenue corridor that looks, feels, and acts like an urban corridor while also providing the incentive and wherewithal for an effective and definitive transition from the urban “downtown” and the suburban residential community to the east. The current zoning and height of the Properties and the block as a whole are far below what is needed in order to spur redevelopment, which is why the east side of Wisconsin Avenue has been left with a preponderance of one-story retail buildings that are inconsistent with the remainder of Bethesda’s commercial districts both in scale and architectural quality.

Representatives of 8001 met several times with Maryland-National Capital Park and Planning Commission (“M-NCPPC”) Staff during the preparation of the Draft Plan regarding the recommendations for and positioning of the Properties through the Sector Plan process, and most

\*\*L&B 4971462v3/05709.0033

Mr. Casey Anderson, Chair,  
and Members of the Planning Board  
June 30, 2015  
Page 2

recently met again last week to review comments delivered in 8001's oral testimony to the Planning Board on June 24<sup>th</sup>. From the outset 8001 has expressed that the Property is ripe for increased density and height above what is currently permitted, given its location on and just east of Wisconsin Avenue at the northern end of downtown Bethesda. The Properties represent an excellent opportunity to create a strong, identifiable urban presence complementing the density and height currently permitted directly across Wisconsin Avenue to the west.

The Draft Plan seems to recognize that the Properties and the subject block (and similar blocks to the north and south) as a whole are desirable for redevelopment. However, given the constraints that will be imposed on the block in the coming years – with Bus Rapid Transit (“BRT”) proposed along Wisconsin Avenue and a future BRT stop proposed directly along the Properties' Wisconsin Avenue frontage (where Cordell Avenue intersects Wisconsin Avenue on the western side of the roadway) for which additional right-of-way will be required, and the Draft Plan's vision for an Eastern Greenway along the eastern side of the block – the density and height that the Draft Plan proposes for the Property and block are insufficient to accommodate these constraints and also spur redevelopment. To be clear, 8001 supports BRT and believes in the vision for a linear park running north-south along the eastern side of blocks fronting Wisconsin Avenue. However, if it is desired that the block redevelop (which in reality is the only way that additional right-of-way for BRT and land for the Eastern Greenway will be achieved), density and height beyond that currently proposed in the Draft Plan is also necessary, along with some additional tweaks on implementation of the Greenway.

In addition, the density and height currently proposed do not allow 8001 to meet market conditions, which will result in an inferior and uncompetitive product lacking the benefits and amenities expected for redevelopment in this area. As a result and in combination with the constraints on the block discussed above, there is currently insufficient incentive for 8001 to redevelop the Properties. For these reasons, 8001 proposes that height be permitted to 145 feet for the first row of lots fronting Wisconsin Avenue (8001 Wisconsin Avenue and the small lots directly to the north in the subject block, shown as #7 on page 95 of the Draft Plan). This would match the height proposed directly across Wisconsin Avenue from the Properties. The proposed zoning for the next row of lots (4707 West Virginia Avenue and the lot directly adjacent to the north, shown on page 123) is currently CR-3.5, C-2.5, R-3.25, H-70, but 8001 believes that a height of 90 feet is more conducive to the desired step-down effect from west to east.

Further, as can be seen on page 123 of the Draft Plan, the CR zoning within the subject block does not extend as far east before transitioning to CRT as it does in the blocks directly to the north and south. For this reason, 8001 proposes that the CR zoning be extended one row of lots further east within the subject block (to 4705 West Virginia Avenue and the lot directly adjacent to the north), consistent with properties to the north and south, and that height also be permitted in this section to 90 feet. Finally, with respect to the proposed CRT-zoned properties nearest Tilbury Street, 8001 suggests that a

Mr. Casey Anderson, Chair,  
and Members of the Planning Board  
June 30, 2015  
Page 3

maximum FAR of 1 is more appropriate for these properties than the currently proposed 0.5 FAR. In the CRT Zone, standard method development is permitted up to a 1 FAR, and thus it does not seem appropriate to limit these properties to less FAR than is permitted under the standard method.

As indicated, 8001 representatives most recently met with M-NCPPC Staff on June 22<sup>nd</sup> regarding the Draft Plan, and while not to speak for Staff there seems to be concurrence from Staff that an increase in building height along Wisconsin Avenue is desirable, as is extending the CR zoning one row of lots further east in order to provide consistency with the blocks directly to the north and south.

8001 also has concerns regarding the seemingly inextricable connection between implementation of the Eastern Greenway and redevelopment of the block as a whole. While 8001 strongly supports the Eastern Greenway plan and the proposed shift of density and height toward the Wisconsin Avenue frontage, 8001 is concerned with the "all or nothing" approach for the block, as well as concerned that there is insufficient zoning incentive for all of the owners within the block to participate. Zoning in this case needs to serve as the compelling tool for cooperation within the block since it is highly unlikely that the County would utilize condemnation authority in order to realize the desired Eastern Greenway. A feasible, valid "back-up plan" needs to be in place rather than the harsh "all or nothing" approach currently recommended.

8001 shares the Draft Plan's vision for this block – as a transitional area between the high-density, Wisconsin Avenue and BRT-fronting western side of the block, to the Eastern Greenway and single-family character of the eastern side of the block – but as noted adjustments are needed to the zoning recommendations of the Draft Plan in order to realize the desired vision.

We thank you for consideration of these comments, and we look forward to continuing to work with you and M-NCPPC Staff on the Sector Plan. If you have any questions or require any additional information, please do not hesitate to contact us.

Very truly yours,

**LINOWES AND BLOCHER LLP**

*C. Robert Dalrymple, H.D.*

C. Robert Dalrymple

*H. Dhopolsky*

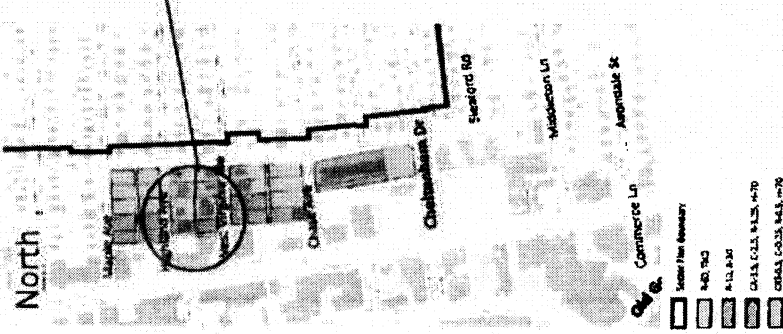
Heather Dhopolsky

Mr. Casey Anderson, Chair,  
and Members of the Planning Board  
June 30, 2015  
Page 4

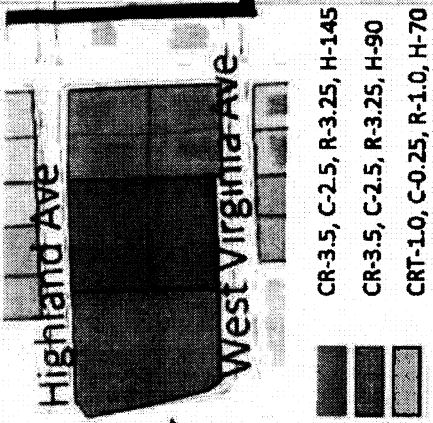
cc: Mr. Robert Kronenberg  
Ms. Leslye Howerton  
Mr. Page Lansdale  
Mr. John Collich  
Mr. Brian Downie  
Mr. Vince Burke

**Planning Board  
Draft Recommendations**

Figure 1.14: Eastern Greenway District Recommendations



**Proposed Revisions to Planning Board Draft**



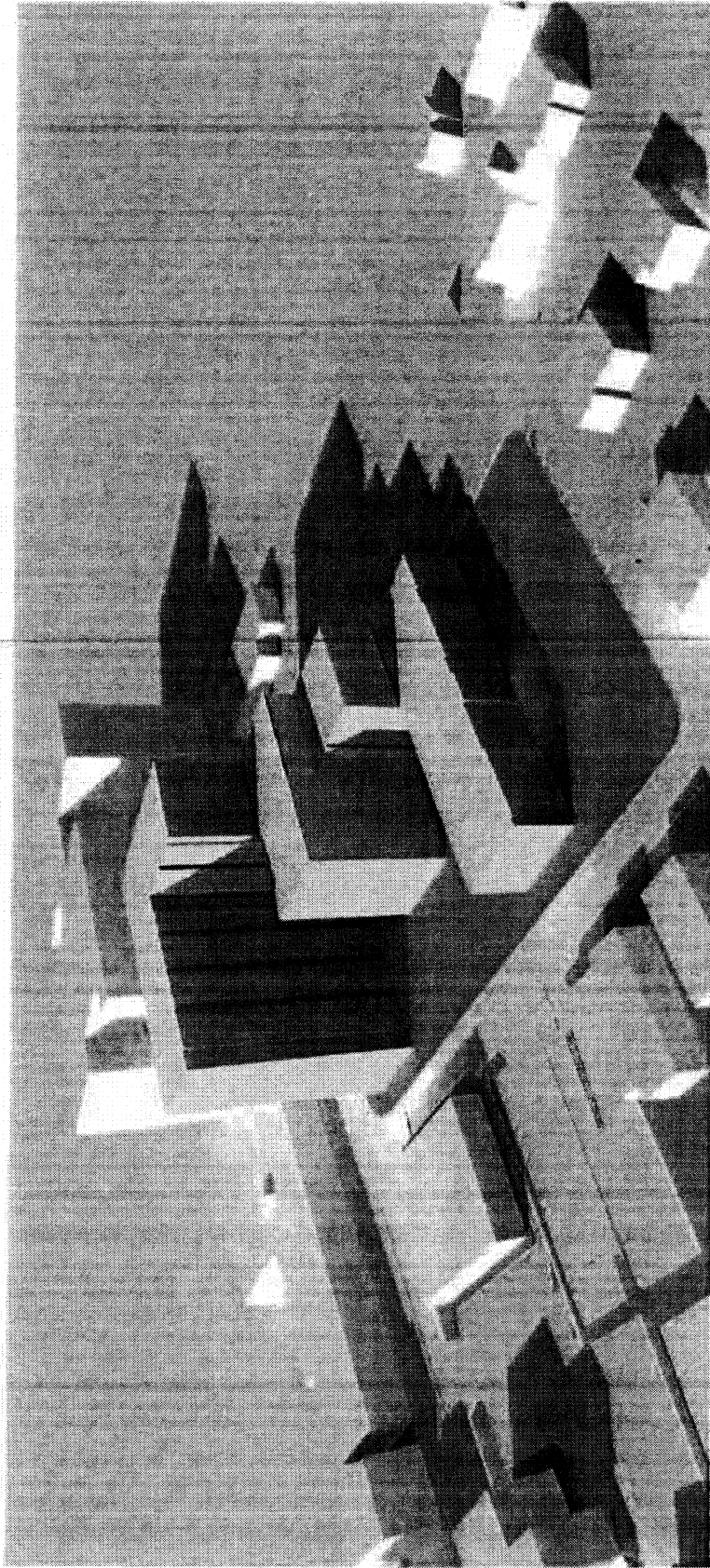
**Rezoning & Urban Design Considerations**

- Expand CR-3.5 one lot east
- More in line with adjacent properties directly north and south
- Increase CR-3.5 zones' height
- Stepped: CR-3.5 - H-145 to CR-3.5 ... H-90
- Viewshed maintained (see section)
- Wide Wisconsin Ave R.O.W. requires tall buildings for pedestrian comfort (1:1 min)
- Equivalent height (145) and density (3.5 FAR) as proposed zoning across street
- Additional dedications required
- Full 75' greenway width provided per Figure 3.16 Eastern Greenway Districts Tiered Allowable Heights, Bethesda Downtown Plan
- CRT-1.0, C-0.25, R-1.0, H-70
- Optional method begins at 1.0 FAR in CRT
- R-60 at full build-out = 0.9 FAR
- Height & Commercial FAR remain limited



**ZONING RECOMMENDATIONS**

WEST CHEVY CHASE HEIGHTS, BLOCK 5  
 WESTCHEVY  
 MONTGOMERY COUNTY, MD  
 1 OF 3  
 JUNE 2015



# MASSING ILLUSTRATIVE

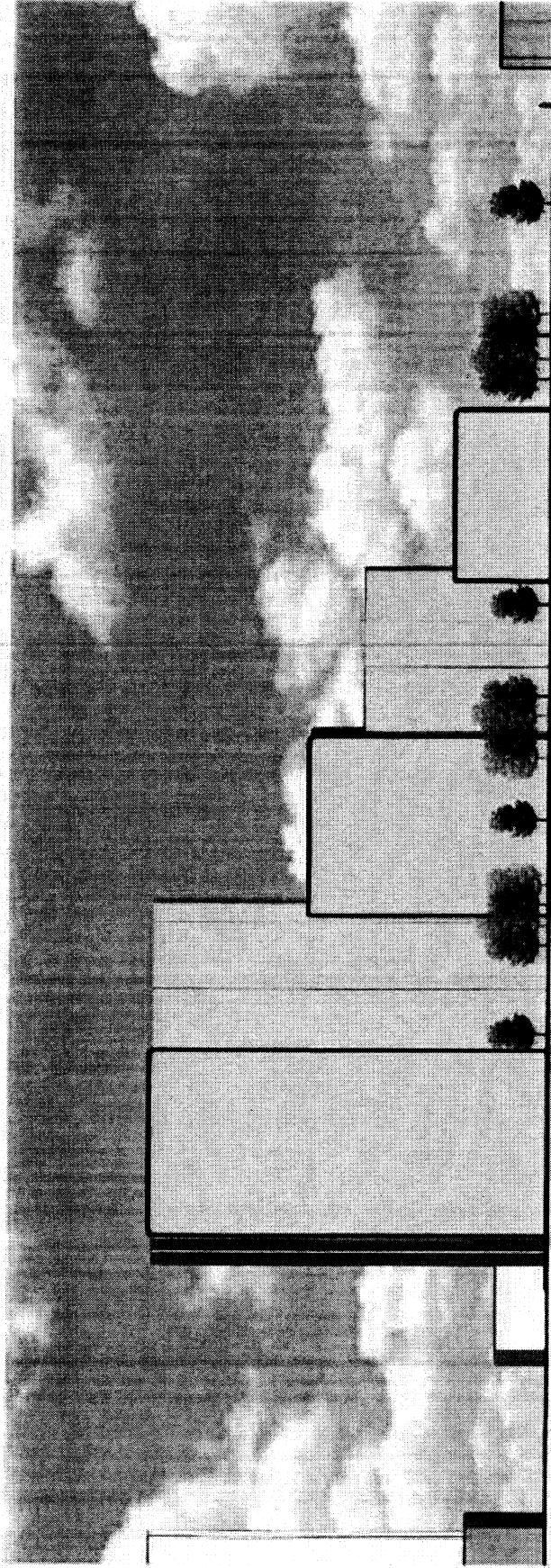
## WEST CHEVY CHASE HEIGHTS, BLOCK 5

JUNE 2013

MONTGOMERY COUNTY, MD

2 OF 3

10/20/15 10:15 AM - 10/20/15 10:15 AM



WEST PIEDMONT ARCHITECTS  
ARCHITECTS  
1000 W. HARRIS STREET  
MONTGOMERY, AL 36102  
PH: 205.261.1100  
WWW.WESTPIEDMONTARCHITECTS.COM

# MASSING SECTION

WEST CHEVY CHASE HEIGHTS, BLOCK 5  
MONTGOMERY COUNTY, MD  
JUNE 2015  
3 OF 8

PRINTED UNDER LICENSE FROM THE ARCHITECTS AND ENGINEERS BOARD OF MONTGOMERY COUNTY, MARYLAND

**MCP-CTRACK**

**RECEIVED**

JUL 01 2015

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

**From:** Shahin <shahinsebastian@gmail.com>  
**Sent:** Tuesday, June 30, 2015 8:28 PM  
**To:** MCP-Chair  
**Subject:** Save Battery Lane park!

Dear Mr Ken Hartman, please save the few green spaces providing refuge, sports activities and play areas left around battery park. We are residing in this area for 6 yrs and regularly use and highly appreciate the advantages of this green oasis in an increasingly concretized jungle that downtown Bethesda is turning into. Thanks, Shahin Sebastian Lucas Lane.

Sent from my iPhone



**MCP-CTRACK**

RECEIVED

JUL 01 2015

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

**From:** Arlene Bruhn <a.p.bruhn@verizon.net>  
**Sent:** Tuesday, June 30, 2015 9:13 PM  
**To:** MCP-Chair  
**Subject:** Bethesda Master Plan

Dear Chairman Anderson, Members of the Planning Board:

Recently changes to two park sites near my home have been proposed which I find disturbing for entirely different reasons.

1. Proposed building at Metro Center on current "park-like" site.

While use of this park-site declined with closure of the Food Court, some rethinking could retain it. Most objectionable is the implicit devaluation of the Metro Center office space due to lack of light. While a site drawing of the proposed new building shows lots of sun and light, this image is intentionally misleading given the way sunlight is expressed, and takes no account of shadowing and the profound change in atmosphere that a canyon-like cluster would produce.

What was delightful about this park was the intimate scale and friendly conversations this area formerly generated.

Recently, a proposed redesign of the Frick was abandoned due to parallel considerations. While there is no comparison with the aesthetics of that space, the loss of a city garden is nevertheless an irreplaceable loss. See: [http://www.nytimes.com/2015/06/04/nyregion/frick-museum-abandons-contested-renovation-plan.html?\\_r=2](http://www.nytimes.com/2015/06/04/nyregion/frick-museum-abandons-contested-renovation-plan.html?_r=2)

Let's keep Bethesda (vegetated) Green.

2. Bisection of Battery Lane Park with road from Norfolk to Battery Lane.

In comments widely circulated in my neighborhood, I stated that the bisection of this park with a road would render a quiet, get-away space and safe play area for children both noisy, uninviting and ultimately dangerous to children due to vehicular traffic. Already, aggressive cyclists race back and forth between NIH and downtown areas. Adding cars to this mix, especially police vehicles, is in my view foolhardy. Now that the NIH campus is generally closed to neighborhood residents, this park is one of the few quiet areas left in Bethesda. Our community needs sylvan parks, a place to walk, to sit and "visit" and read, not another paved gathering spot filled with non-resident people-on-the-go. We have plenty of those sidewalk gathering spots. Soon we will have a noisy Purple Line and the elimination of the Capital Crescent Trail as we know it. Let's keep the trees, the peace and the quiet.

Respectfully submitted,

Arlene Bruhn  
7820 Glenbrook Road  
Bethesda, MD 20814

**MCP-CTRACK**

---

**RECEIVED**

JUL 01 2015  
OFFICE OF THE CHAIRMAN  
THE MARYLAND-NATIONAL CAPITAL  
PLANNING COMMISSION

**From:** Linda Whitney <llwhitney@gmail.com>  
**Sent:** Tuesday, June 30, 2015 9:27 PM  
**To:** MCP-Chair  
**Subject:** Density in Bethesda

I am registering my strong distaste for the ever-increasing density of Bethesda. The benefits must be financial for some interests, but what about the quality of life for those living in Bethesda? With each new expansion-- apartment bldg, business-- congestion increases and time in Bethesda becomes more unpleasant and frenetic. Please factor in those concerns.

**LINOWES**  
**AND BLOCHER LLP**  
ATTORNEYS AT LAW

RECEIVED

JUL 01 2015

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

June 30, 2015

Emily J. Vaias  
301.961.5174  
evaia@linowes-law.com

**Via Electronic Mail**  
**and Overnight Delivery**

Casey Anderson, Chair  
and Members of the Montgomery County Planning Board  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Ave  
Silver Spring, MD 20910

Re: Public Hearing Draft of the Bethesda Downtown Plan, May 2015 (the "Plan")  
4503 and 4507 Stanford Street: Request to Remove Potential Open Space Symbol and to  
Rezone Properties Uniformly to **CR 3.5, C-3.5, R-3.25, H-70**

Dear Chair Anderson and Members of the Planning Board:

We represent Hadjin Associates LLC ("Owner"), the owner of 4503-4507 Stanford Street, Chevy Chase, Maryland (the "Properties"). The Properties are identified as Block D, Lots 12 and 13 in Section 8 Chevy Chase and are recorded on Plat No. 269, as shown on the tax map attached as Exhibit "A", the SDAT sheets attached as Exhibit "B" and the record plat attached as Exhibit "C". The purpose of this letter is to request that the "Potential Open Space" symbol be removed from the Properties, and that they be zoned uniformly to the **CR 3.5, C-3.5, R-3.25, H-70** zone, instead of the currently-recommended split-zoning.

The Properties are currently split-zoned, with 4507 zoned CRT-1.5, C-1.5, R-0.5, H-35, and 4503 zoned R-60. A copy of the current zoning map is attached as Exhibit "D". Combined, the Properties are 14,700 square feet in size and are located on the north side of Stanford Street in the middle of the block which includes the County's Writer's Center. They are bounded to the south by Stanford Street and the Shops of Wisconsin, to the east by a single-family dwelling structure, to the north by a surface parking lot and a two-story office building, and to the west by a surface parking lot. The Properties are improved with the two-story commercial/retail space on 4507 Stanford Street ("4507") and a surface parking lot on 4503 Stanford Street ("4503"). An aerial map showing the Property and the surrounding structures is included as Exhibit "E".

The Properties are designated in the Plan's Eastern Greenway District for Mixed Use-Residential and Commercial as well as Transition Areas in the Plan's Concept Framework. However, the Plan also shows the symbol for a "potential open space" and/or "neighborhood green" on the Properties in multiple figures throughout the Plan - Concept Framework (p. 11), Public Space Network (See p. 67 attached as Exhibit "F"), Urban Parks Hierarchy (p. 75), and Eastern Greenway Districts Public Realm Improvements (p. 126). In addition, the Properties are

Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
June 30, 2015  
Page 2

recommended for split-zoned with 4507 recommended for the CRT 1.75, C-1.75, R-0.75, H-70 zone, and 4503 recommended for the CRT 0.5, C-0.25, R-0.5, H-70 zone. A copy of the relevant Plan zoning map is attached as Exhibit "G".

While the Owner understands the intent of the Eastern Greenway District to act as a buffer between the higher densities along Wisconsin Avenue and the East Chevy Chase residential community across West Avenue, placing an "Open Space" symbol on the Properties and keeping them split-zoned could severely limit development opportunities for the Properties as well as the surrounding properties to the west. Accordingly, we submit the following two requests:

Remove the Open Space Symbol from the Properties

The Owner's first request is that the "Open Space" and/or "Neighborhood Green" symbols be removed from the Properties. While we understand that these symbols are located on the Properties "TBD", adopting the Plan with these symbols located in these locations creates uncertainty as to the future uses on the Properties that could result in making it difficult, if not impossible, to refinance, develop or sell the Properties.

Although the Owner agrees that additional park space in Bethesda would be beneficial, it is well understood that larger, more substantial, park spaces, like the ones suggested elsewhere in the Plan area, are the truly valuable and treasured forms of green space. Indeed, smaller "pocket" parks like the one that appears to be suggested for the Properties have been determined to provide little to no value to the community and are quickly going out of favor. To that end, it makes little sense to possibly devalue the Properties by identifying them as "potential" open space areas, when the value of such open space is limited at best. Any redevelopment could address the need for open space as part of the design process.

Rezone the Properties to CR 3.5, C-3.5, R-3.25, H-70

The Owner requests that the Properties be zoned uniformly to the **CR 3.5, C-3.5, R-3.25, H-70** zone, instead of keeping the Properties split-zoned, with 4507 recommended for the CRT 1.75, C-1.75, R-0.75, H-70 zone, and 4503 recommended for the CRT 0.5, C-0.25, R-0.5, H-70 zone.

The CR 3.5, C-3.5, R-3.25, H-70 zone is comparable to the zone being proposed for the two lots to the west that are currently improved with a surface parking lot. Because lots fronting on Stanford Street are small in size, it is possible that in the future, the property owners may try to redevelop all of them collectively into one development that could transform the currently underutilized existing conditions into a lively commercial and/or residential development just a

Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
June 30, 2015  
Page 3

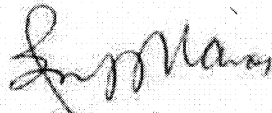
half a block off of Wisconsin Avenue. Consistent zoning will help encourage this redevelopment.

This zone provides sufficient development density in terms of uses, massing and height to potentially create such a development, which would provide significant environmental improvements over the existing surface parking lots through the introduction of modern stormwater environmental site design and additional vegetation and greenery that would be required as part of any development. Further, the existing single-family dwelling structures to the east abutting West Avenue will serve as a sufficient buffer between a new development and the neighboring residential communities, and the site plan could create additional design elements to protect the neighborhood.

The Owner supports the more modern, green and well-designed Bethesda envisioned in the Plan. We look forward to working with you and the community during the Plan process to create a document that will allow this vision to become a reality. If you have any questions, please feel free to contact me.

Sincerely,

**LINOWES AND BLOCHER LLP**



Emily J. Vaias

**Enclosures**

cc: Ms. Leslye Howerton  
Mr. Marc DeOcampo  
Mr. Robert Kronenberg  
Mrs. Melissa Keshishian  
Mr. Thomas W. Roberson  
Samantha L. Mazo, Esq.



N 2

MAP HN 342  
W.B.S.C. 209 NW 04  
LOC. 101 BETHESDA

H 4  
MONTGOMERY CO.,  
MARYLAND



H 3

Properties

2

Real Property Data Search ( w3)

Guide to searching the database

Search Result for MONTGOMERY COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
<b>Account Identifier:</b>		<b>District - 07 Account Number - 00472172</b>			
Owner Information					
<b>Owner Name:</b>		HADJIN ASSOCIATES LLC		<b>Use:</b>	COMMERCIAL
<b>Mailing Address:</b>		4507 STANFORD ST CHEVY CHASE MD 20815-5205		<b>Principal Residence:</b>	NO
				<b>Deed Reference:</b>	/23711/ 00754
Location & Structure Information					
<b>Premises Address:</b>		4503 STANFORD ST CHEVY CHASE 20815-0000		<b>Legal Description:</b>	SEC 8 CHEVY CHASE
<b>Map:</b>	<b>Grid:</b>	<b>Parcel:</b>	<b>Sub District:</b>	<b>Subdivision:</b>	<b>Section:</b>
HN32	0000	0000		0016	D
					12
					2014
					269
					Plat No:
					Plat Ref:
<b>Special Tax Areas:</b>		<b>Town:</b>		NONE	
		<b>Ad Valorem:</b>		79	
		<b>Tax Class:</b>		79	
<b>Primary Structure Built</b>	<b>Above Grade Enclosed Area</b>		<b>Finished Basement Area</b>		<b>Property Land Area</b>
					7,350 SF
					<b>County Use</b>
					461
<b>Stories</b>	<b>Basement</b>	<b>Type</b>	<b>Exterior</b>	<b>Full/Half Bath</b>	<b>Garage</b>
					<b>Last Major Renovation</b>
Value Information					
	<b>Base Value</b>		<b>Value</b>		<b>Phase-in Assessments</b>
			<b>As of</b>		<b>As of</b>
<b>Land:</b>	257,200		01/01/2014		07/01/2014
<b>Improvements</b>	1,000		308,700		As of 07/01/2015
<b>Total:</b>	258,200		309,700		292,533
<b>Preferential Land:</b>	0				0
Transfer Information					
<b>Seller:</b> KESHISHIAN, JAMES M ET AL		<b>Date:</b> 04/29/2003		<b>Price:</b> \$0	
<b>Type:</b> NON-ARMS LENGTH OTHER		<b>Deed1:</b> /23711/ 00754		<b>Deed2:</b>	
<b>Seller:</b>		<b>Date:</b>		<b>Price:</b>	
<b>Type:</b>		<b>Deed1:</b>		<b>Deed2:</b>	
<b>Seller:</b>		<b>Date:</b>		<b>Price:</b>	
<b>Type:</b>		<b>Deed1:</b>		<b>Deed2:</b>	
Exemption Information					
<b>Partial Exempt Assessments:</b>	<b>Class</b>	07/01/2014		07/01/2015	
<b>County:</b>	000	0.00			
<b>State:</b>	000	0.00			
<b>Municipal:</b>	000	0.00 0.00		0.00 0.00	
<b>Tax Exempt:</b>	<b>Special Tax Recapture:</b>				
<b>Exempt Class:</b>	NONE				
Homestead Application Information					
<b>Homestead Application Status:</b> No Application					

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

Real Property Data Search ( w3)

Guide to searching the database

Search Result for MONTGOMERY COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
<b>Account Identifier: District - 07 Account Number - 00470958</b>		
Owner Information		
<b>Owner Name:</b>	HADJIN ASSOCIATES LLC	<b>Use:</b> COMMERCIAL
<b>Mailing Address:</b>	4507 STANFORD ST CHEVY CHASE MD 20815-5206	<b>Principal Residence:</b> NO <b>Deed Reference:</b> /23700/ 00759
Location & Structure Information		
<b>Premises Address:</b> 4507 STANFORD ST CHEVY CHASE 20816-5205		<b>Legal Description:</b> CHEVY CHASE SEC 8
<b>Map:</b> HN32	<b>Grid:</b> 0000	<b>Parcel:</b> 0000
<b>Sub District:</b>	<b>Subdivision:</b> 0016	<b>Section:</b>
<b>Block:</b> D	<b>Lot:</b> 13	<b>Assessment Year:</b> 2014
<b>Plat No:</b>	<b>Plat Ref:</b>	269
<b>Special Tax Areas:</b>		<b>Town:</b> NONE
		<b>Ad Valorem:</b>
		<b>Tax Class:</b> 76
<b>Primary Structure Built:</b> 1979	<b>Above Grade Enclosed Area:</b> 11040	<b>Finished Basement Area:</b>
		<b>Property Land Area:</b> 7,350 SF
<b>County Use:</b> 637		
<b>Stories:</b>	<b>Basement:</b>	<b>Type:</b> RETAIL STORE
		<b>Exterior:</b>
		<b>Full/Half Bath:</b>
		<b>Garage:</b>
		<b>Last Major Renovation:</b>
Value Information		
	<b>Base Value</b>	<b>Value As of 01/01/2014</b>
<b>Land:</b>	882,000	1,068,400
<b>Improvements:</b>	1,023,500	1,252,200
<b>Total:</b>	1,905,500	2,310,600
<b>Phase-in Assessments As of 07/01/2014</b>		2,040,533
<b>Phase-in Assessments As of 07/01/2015</b>		2,175,567
<b>Preferential Land:</b>	0	0
Transfer Information		
<b>Seller:</b> KESHISHIAN, JAMES M ET AL	<b>Date:</b> 04/29/2003	<b>Price:</b> \$0
<b>Type:</b> NON-ARMS LENGTH OTHER	<b>Deed1:</b> /23700/ 00759	<b>Deed2:</b>
<b>Seller:</b>	<b>Date:</b>	<b>Price:</b>
<b>Type:</b>	<b>Deed1:</b>	<b>Deed2:</b>
<b>Seller:</b>	<b>Date:</b>	<b>Price:</b>
<b>Type:</b>	<b>Deed1:</b>	<b>Deed2:</b>
Exemption Information		
<b>Partial Exempt Assessments:</b>	<b>Class:</b>	<b>07/01/2014</b>
		<b>07/01/2015</b>
<b>County:</b>	000	0.00
<b>State:</b>	000	0.00
<b>Municipal:</b>	000	0.00 0.00
<b>Tax Exempt:</b>		0.00 0.00
<b>Exempt Class:</b>	<b>Special Tax Recapture:</b>	
	NONE	
Homestead Application Information		
<b>Homestead Application Status: No Application</b>		

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.



204

SECTION 8  
CHEVY CHASE  
Montgomery County  
Maryland  
87-445 ST. NW  
WASHINGTON, D.C.

ENGINEER'S CERTIFICATION -

I, the undersigned, Engineer, do hereby certify that the following...  
I have examined the plans and specifications...  
and find that they conform to the requirements...  
of the Suburban Sanitary Commission...  
and that the same are in accordance with...  
the regulations of the Commission...  
and that the same are in accordance with...  
the regulations of the Commission...

OWNER'S DEDICATION -

The dedication of this tract...  
is for the use of...  
and the same is...  
dedicated to the...  
of the Suburban Sanitary Commission...  
and the same is...  
dedicated to the...  
of the Suburban Sanitary Commission...

APPROVED - DECEMBER 7, 1925

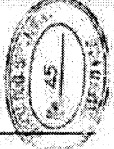
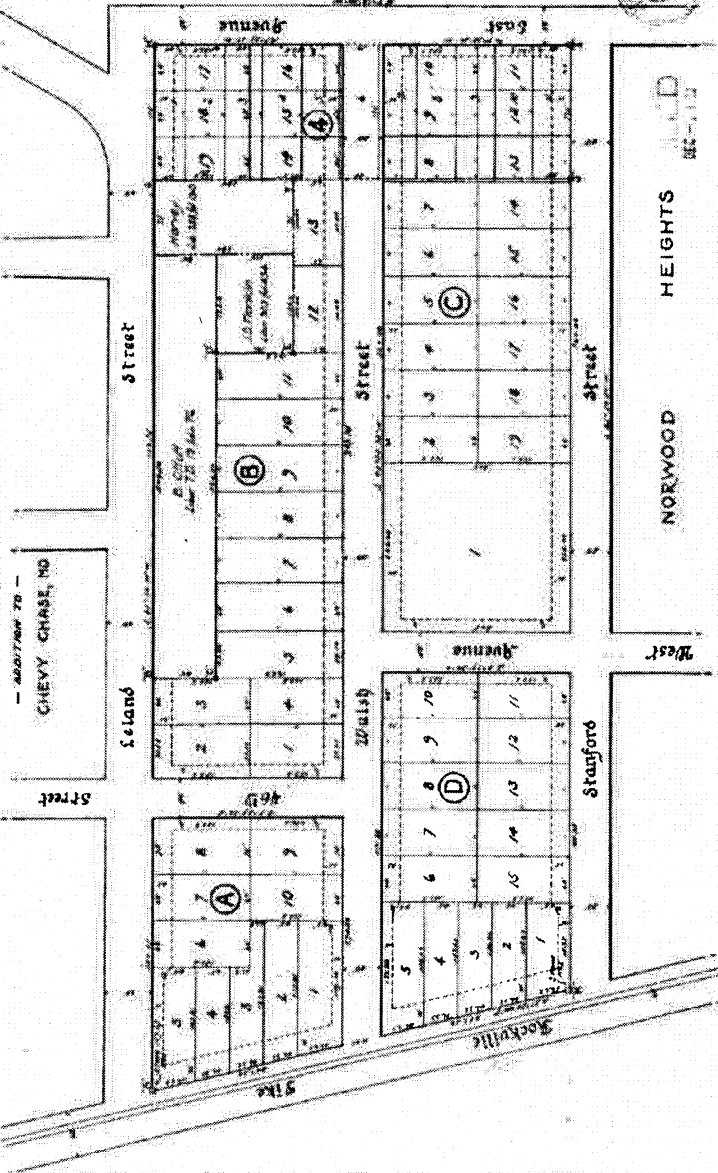
WASHINGTON SUBURBAN SANITARY COMMISSION  
*James G. Quinn*  
*James G. Quinn*

*John L. Warrens*  
OWNER'S SIGNATURE

JOHN L. WARRENS  
- ABANDON TO -  
CHEVY CHASE, MD



NORWOOD HEIGHTS



NO. 45  
1917

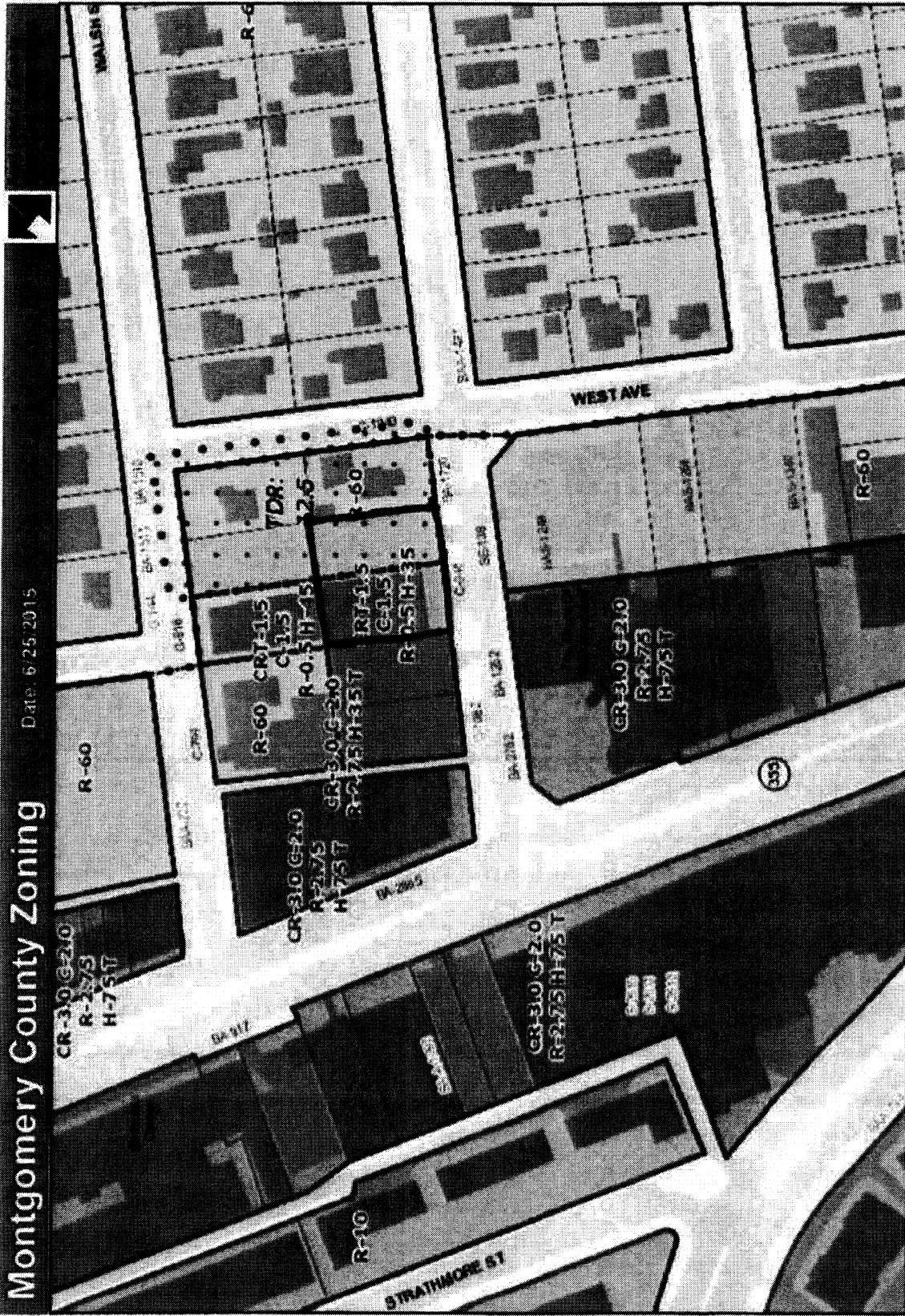
NORWOOD HEIGHTS

West

Stanford

# Montgomery County Zoning

Date: 6/25/2015



Account #	NA	Parking District	NA	Bike/Ped Priority Area	NA
Address	NA	CBD	NA	Urban Renewal Area	NA
Zone	NA	Special Protection Area	NA	Metro Station Policy Area	NA
Overlay Zone	NA	Urban District	NA	Priority Funding Area	NA
TDR Overlay Zone	NA	Enterprise Zone	NA	Septic Tank	NA
Landuse	NA	Arts & Ent. District	NA	Municipality	NA
Parcel, Lot, Block	NA	Special Tax District	NA	Master Plan	NA
		Legal Description	NA	Historic Site/District	NA



1 inch = 167 feet

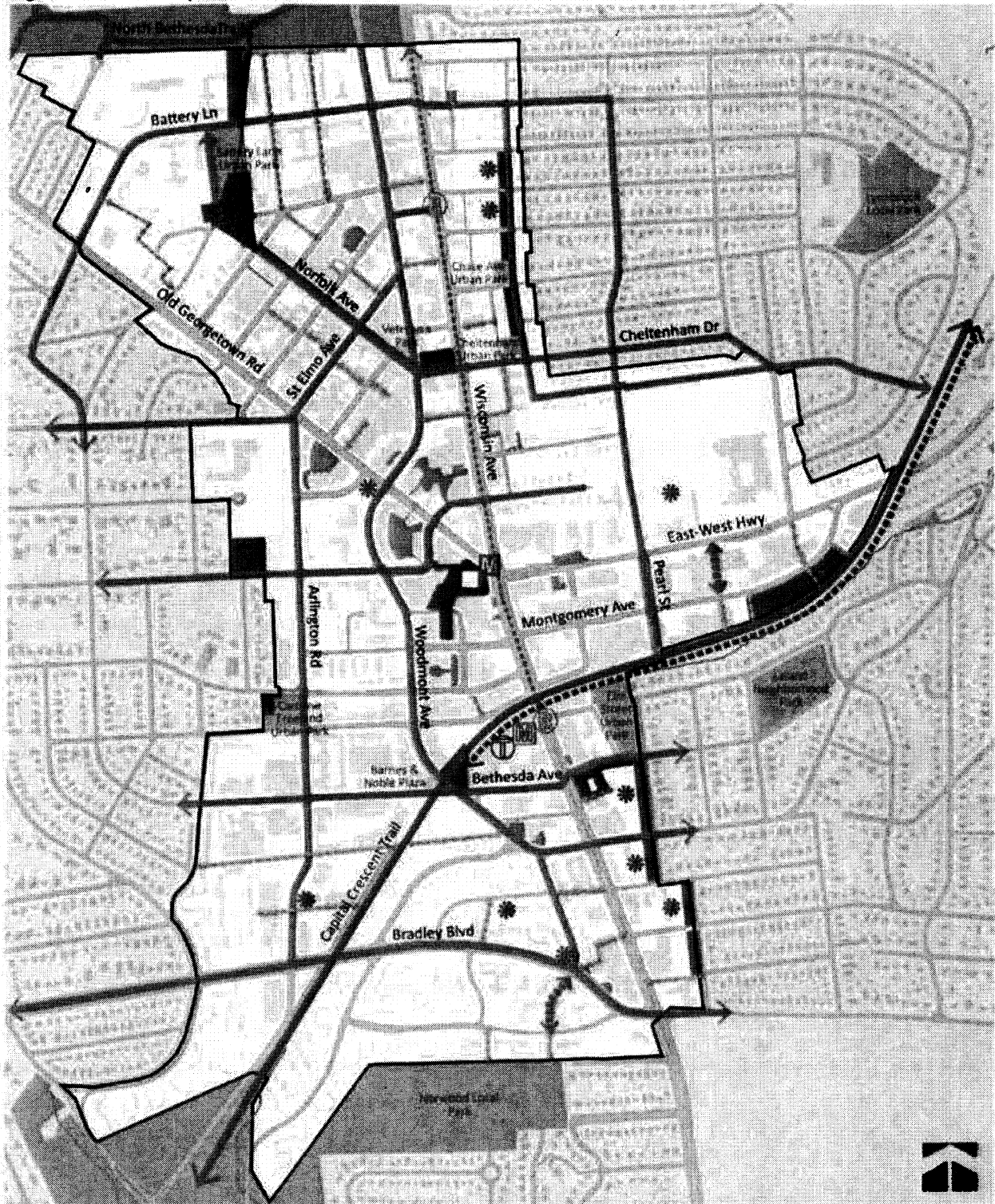
Exhibit D



GOOD

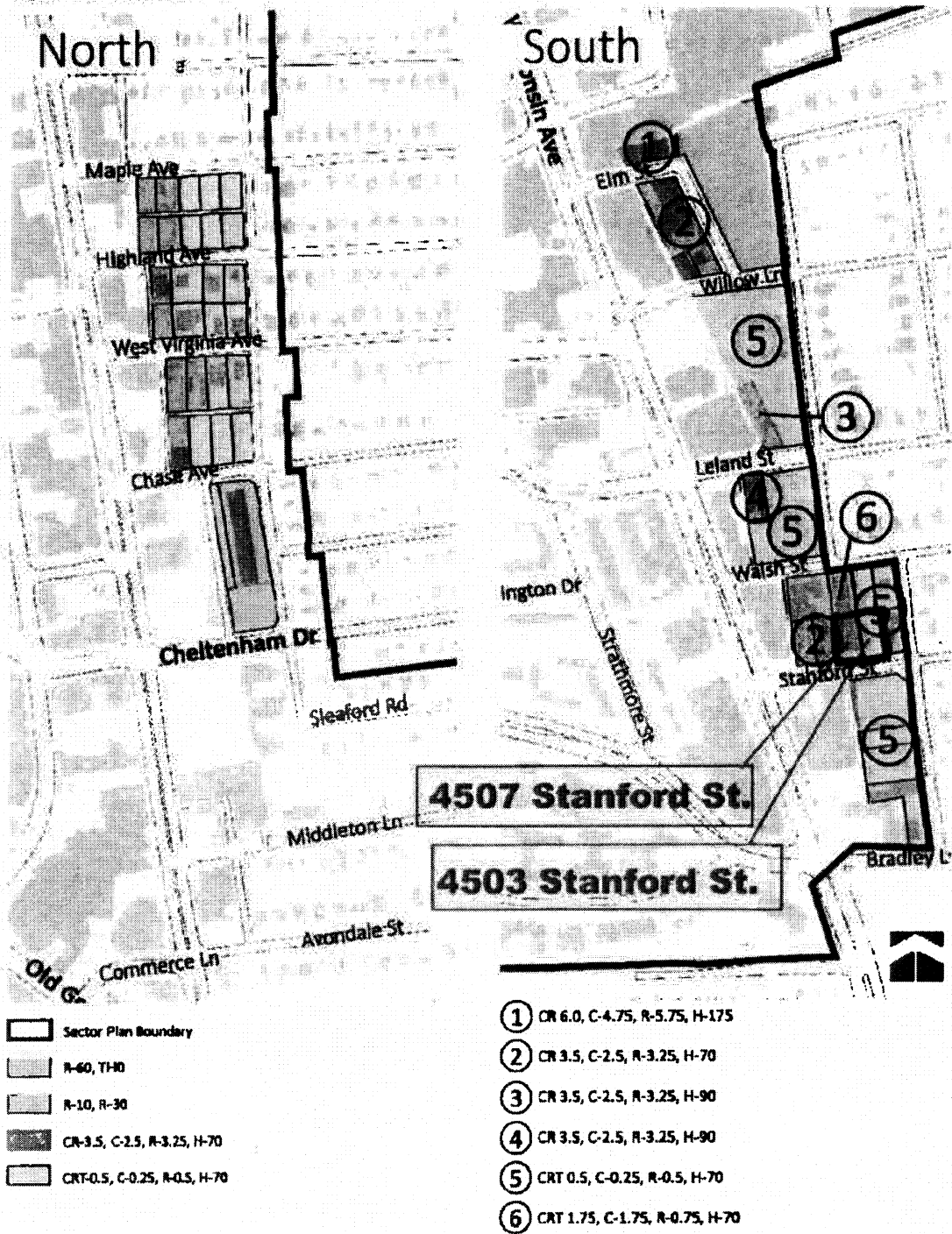
Exhibit E

**Figure 2.19: Public Space Network**



- |                                  |                                 |   |                                     |
|----------------------------------|---------------------------------|---|-------------------------------------|
| Sector Plan Boundary             | Metro Station                   | Proposed Bike Priority Street + Canopy Corridor | Proposed/Enhanced Open Space        |
| M-NCPPC Park                     | Proposed Metro Station Entrance | Proposed Public Connection                      | Potential Open Space (Location TBD) |
| County DOT Owned Public Space    | Proposed Purple Line            | Proposed New Street                             |                                     |
| Privately Owned Public Use Space | Proposed BRT                    | Proposed Shared Street                          |                                     |
| Trail                            |                                 |   |                                     |

Figure 3.14: Eastern Greenway Districts Recommended Zoning



**LINOWES**  
**AND BLOCHER LLP**  
ATTORNEYS AT LAW

**RECEIVED**

JUL 01 2015

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

June 30, 2015

Emily J. Vaias  
301.961.5174  
evaias@linowes-law.com

Via Electronic Mail (bethesdadowntownplan@montgomeryplanning.org)  
and Overnight Delivery

Casey Anderson, Chair  
and Members of the Montgomery County Planning Board  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Ave  
Silver Spring, Maryland 20910

Re: St. John's Episcopal Church, Norwood Parish – 6701 Wisconsin Ave. & 6700 West Ave.  
Public Hearing Draft of the Bethesda Downtown Plan, May 2015 (the “Plan”) – Request  
for Changes to Zoning, Priority Sending Site Criteria and Public Benefits Criteria

Dear Chair Anderson and Members of the Planning Board:

We represent St. John's Episcopal Church, Norwood Parish<sup>1</sup> (“St. John's”), the owner of property located at 6701 Wisconsin Avenue (Pt. Lot A, Plat Book B, Plat 55, consisting of 41,316 square feet<sup>2</sup>) and 6700 West Avenue (Lot 16, Plat Book B, Plat 55, consisting of 15,829 square feet<sup>3</sup>) located in the northeast quadrant of the intersection of Wisconsin Avenue and Bradley Boulevard, Chevy Chase, Maryland (collectively, the “Property”). The Property is currently split-zoned with the 6701 Wisconsin Avenue portion (the “Front Parcel”) zoned CR-3.0 C-2.0 R-2.75 H-75 T and the 6700 West Avenue portion (the “Back Parcel”) zoned R-60.

<sup>1</sup> The legal owner in the SDAT records is listed as Vestry Norwood Parish.

<sup>2</sup> SDAT records show this as Pt Lot A consisting of 41,316 square feet, however, it also identifies the adjacent Lot 14, or Pt. Lot 14, as being within the same tax account, No. 07-00524083. Further, although the old Plat, Plat Book B, Plat 55 does not identify square footage for this Lot A, it does show a Lot 14 consisting of 9,140 square feet. St. John's owns both of these areas.

<sup>3</sup> SDAT records show this as Lot 16 consisting of 15,829 square feet, however, the Plat shows Lot 16 as consisting of 7,624 square feet and Lot 15 consisting of 8,205 square feet which combined would equal 15,829 square feet. Further, SDAT identifies both lots as having the same tax account number, No. 07-00524094. St. John's owns both lots.

Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
June 30, 2015  
Page 2

The Property is currently the site of St. John's Episcopal Church and related and ancillary uses, that together create a community resource serving the greater Bethesda area.

The Property is identified and recommended to be used as one of several "Public Facilities and Institutions" in the Plan (p. 25). The Plan recommends maintaining the split-zoning of the Property, with the Front Parcel recommended for the CR 3.5, C-2.5, R-3.25, H-120 Zone (see p. 95 of the Plan attached as part of Exhibit "A") as part of the Wisconsin Avenue District and the Back Parcel recommended for CRT 0.5, C-0.25, R-0.5, H-70 Zone (see p. 143 of the Plan attached as part of Exhibit "A") as part of the Eastern Greenway District. Within the Eastern Greenway, the goals of the Plan include ensuring the stability of the land uses, preventing overflow parking and cut-through traffic, and providing compatible transition to the residential neighborhood to the east (p. 122). Further, for properties fronting West Avenue located between Stanford Street and Bradley Boulevard, including St. John's property, provide redevelopment opportunities at an appropriate scale (p. 124). A public greenway is proposed along the "west side of 46<sup>th</sup> Street and West Avenue between Willow Lane and Bradley Lane" (see p. 126 of the Plan attached as Exhibit "B") (it is unclear if this greenway is supposed to extend through St. John's Property or not as the diagram shows it stopping on the north side, but the words suggest it extends to Bradley Boulevard). Development within the greenway is subject to three Tiers that establish heights and setbacks (p. 127 & 144).

The entire Property is also recommended as a "Priority Sending Site" (although it is unclear if it is a Landmark Priority Sending Site or other type, for which we would seek clarification)(p.140-142). As a Priority Sending Site, density transfers are "encouraged... in order to achieve the density transfer objectives of the Plan" (p. 140). The Plan specifies that Landmark Priority Sending Sites must extinguish all "development rights associated with an existing structure" before the density can be transferred to another site (p. 142). Further, surface parking is not allowed on any Priority Sending site (p. 142).

St. John's would suggest the following modifications to the Plan to better address its current and future mission of expanding its service to the Bethesda community:

1) **Zoning the Property Uniformly and Increasing Commercial Density:** The entire Property should be zoned **CR 3.5, C-3.5, R-3.25, H-120**. The Property contains the church structure of approximately 28,000 square feet that straddles the Front and Back Parcels, but is used as a cohesive unit. If the Property were ever redeveloped, or, as is more likely St. John's transfers its density to another site, the split-zoning only serves to make this a more complicated process. Although in the past, prior Euclidean zones may have warranted this type of split-zoning to protect adjacent neighborhoods, the CR zone is designed and used to produce developments on

Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
June 30, 2015  
Page 3

specific properties that are compatible with the surrounding neighborhood. Therefore, through the site plan process, as well as design guidelines that will be a part of the Bethesda Downtown Plan and the proposed Greenway Tiers, sufficient protections can be included that will allow for a creative design but still respect the neighborhood. Further, the zone should allow a full use of the Property for commercial purposes, and/or transfer of the full commercial density, by increasing the C from 2.5 to 3.5.

2) **Modify Priority Sending Site Criteria.** We appreciate the Plan's recommendations to make transferring density easier, from a technical point of view; however, there are still substantive issues that need to be modified to truly encourage use of these sites for density transfers. Some of these are as follows:

a) **Eliminate the requirement that all development rights not associated with an existing structure be extinguished** on a Landmark Priority Sending Site, before the approval of any plan that uses such density in a density averaging scheme. This is overly restrictive and would not allow the Church to transfer density if it has any plans that would trigger an addition beyond the existing footprint of the building.

b) **Eliminate the need for increased public benefits points** when Priority Site density is used. Currently, the CR zone requires that when density is transferred from another CR site, the public benefits points increase from 100 to 150 points. To help encourage the Priority Sending Sites to transfer their density, this requirement should be eliminated. These sites are already identified as "public resources" of some kind, and it does not make sense to increase public benefit points when their density is being sold, thus preserving the pre-existing public benefit.

c) **Create a 25% density multiplier** when using density from a Priority Sending Site. To truly encourage the transfer of density from the Priority Sending Sites, there should be an added multiplier of 25% to give developers more incentives to buy this density. In order for the concept of Priority Sites to be successful, there must be a real and direct benefit to purchasing this density.

d) **Surface parking should not be prohibited** on Priority Sending Sites. Although the reduction in parking spaces, and thus expected fewer automobiles on the road, is a laudable goal, an outright prohibition on parking on these sites is overly restrictive. This is especially true when these are community resources, such as the Property, that include large gathering places that may necessarily need parking.



Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
June 30, 2015  
Page 4

e) Exclude existing community resource buildings from density calculations. In certain instances, as with this Property, the retention of the existing building is important to the community, and allowing for the full density of the underlying Property to be transferred will help to retain this resource.

3) Include Contributions Towards Community Resources and Priority Sending Sites as High Priority Public Benefits in the CR Zone. The use of density from Community Facilities, such as St. John's, coupled with other design or operational support aiding in its continued existence in the community, should be given a high priority and public benefits points as part of Diversity of Uses and Activities and/or Quality Building and Site Design criteria. This will help to ensure they that are a continuing resource for the overall community. Some of these specific items could be as follows:

a) Providing parking for St. John's on the receiving property. Currently, St. John's has no parking on its own Property, and this is a challenging situation for its church members and community uses within the building. If nearby properties would include permanent parking for St. John's in their design plans, they should receive public benefit points for this worthwhile contribution that helps St. John's function and prevents overflow parking in the neighborhood.

b) Identify the Memorial Garden as a specific resource for protection. The Property includes a very unique and precious resource in its Memorial Garden (no others like this exist in the Bethesda Plan area). The ability to sustain and support this resource needs to be acknowledged in the Plan such that any redevelopment on adjacent parcels must take this into account. Further, its preservation could also be included as a priority item that could allow for more public benefit points.

c) Encourage adjacent properties to design and develop respectfully. The adjacent properties should be incentivized to not only purchase density from the Property, but to also design any redevelopment with great sensitivity to the Property and its character as a community resource. This would include, as the Plan mentions at page 96, providing "building separation to assure design allows for light and air, and reduces shadows cast onto public spaces." Light into the church nave as well as yard areas, is critical to maintaining the atmosphere of this contemplative space. Again, additional public benefit points could be added for such collaboration and sensitive design.

4) Modify Greenway Tiered Allowable Heights. The idea of protecting the adjacent neighborhood, to the east of West Avenue is important, and setbacks and buffers can help to assure there is a transition for these areas. However, the proposed heights and setbacks should

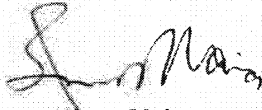
Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
June 30, 2015  
Page 5

be modified such that they are steps moving away from West Avenue as follows: for buildings or portions of a building 35 feet in height the setback is 20 feet, for those 36 feet to 50 feet the setback is 40 feet, and for those up to 75 feet in height the setback is 60 feet.

We look forward to continuing to work with you on this important Plan. If you have any questions, please feel free to contact me.

Sincerely,

**LINOWES AND BLOCHER LLP**



Emily J. Vaia

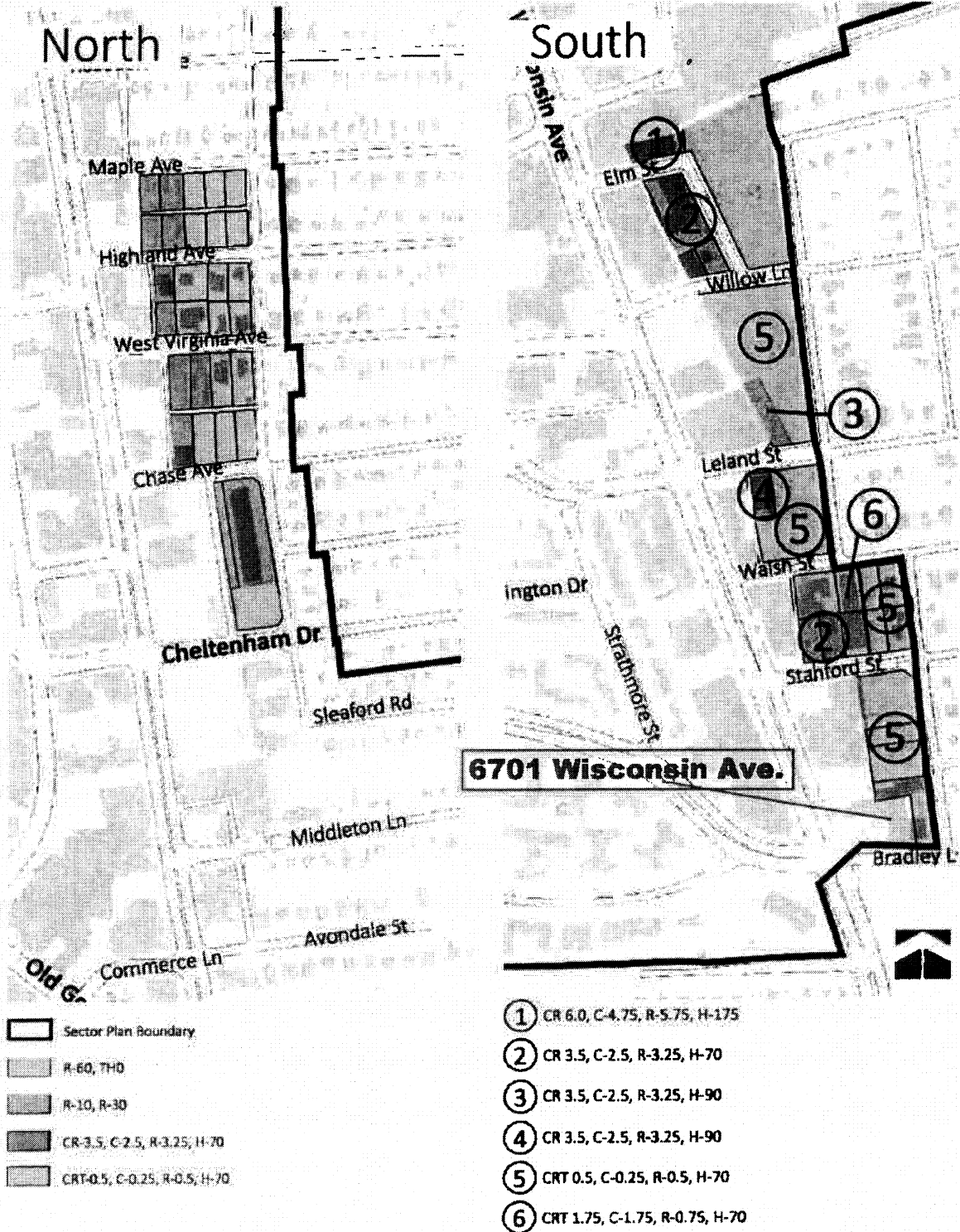
cc: Ms. Leslye Howerton  
Mr. Marc DeOcampo  
Mr. Robert Kronenberg  
Ms. Anne Derse  
Mr. William Fry

Figure 3.01: Wisconsin Avenue District Recommended Zoning

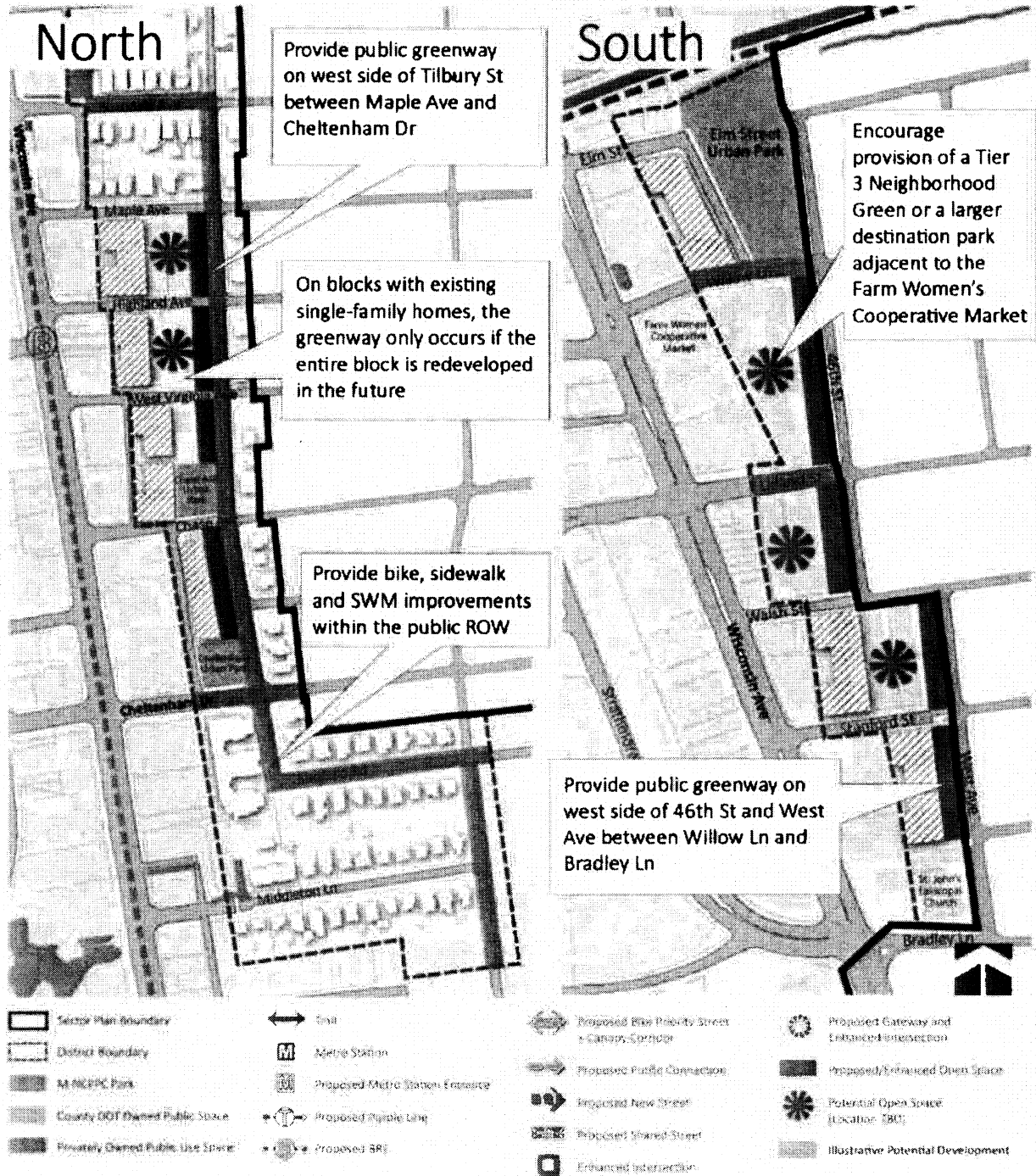


6701 Wisconsin Ave.

Figure 3.14: Eastern Greenway Districts Recommended Zoning

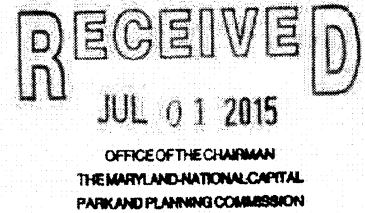


**Figure 3.15: Eastern Greenway Districts Public Realm Improvements**



4977 Battery Lane #312  
Bethesda, MD 20814  
June 29, 2015

Montgomery County Planning Board  
8787 Georgia Ave  
Silver Spring, MD 20910



Members of the Board,

I am writing to protest against the part of the Bethesda Downtown Plan that would put a road through the Battery Lane Park. This park is a prized community asset for the hundreds of us who live in apartments along Battery Lane. Whenever I visit the park, I find my neighbors of all ages enjoying the park in different ways. Families with small children use the "kiddie park" at one end. Older children and adults shoot hoops or play tennis. People of all ages socialize on the benches and picnic tables.

I am at a loss to understand what problem this proposed road would solve. During all the years I've lived here, I've never felt that we needed an extra road.

The plan contained wording about "maintaining" the number of square feet of "open space". But the shape and diameter of a piece of "open space" is as important as the raw number of square feet. A long skinny park would not have room for amenities such as the tennis court, basketball court, "kiddie park" or picnic areas.

If someone thinks the park needs "improvement", how about installing coin-operated lights for the tennis and basketball courts?

I am sure that Montgomery County has many more worthwhile uses for its money than putting an unnecessary road through a beloved neighborhood park.

I urge you to modify the plan to eliminate this road.

A handwritten signature in cursive script that reads "Carla X. Gladstone".

Carla X. Gladstone

Bethesda resident since 1998

**MCP-CTRACK**

RECEIVED

JUL 01 2015

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

0573

**From:** JC L <larosecpa@gmail.com>  
**Sent:** Wednesday, July 01, 2015 12:43 AM  
**To:** MCP-Chair  
**Subject:** Written testimony regarding Battery Lane Park

To Whom it May Concern:

I have been residing on Battery Lane for over five years and I am opposed to the proposed changes to the Battery Lane Park. In particular, I am opposed to providing any sort of vehicular lane or "connector" between Battery Lane and Norfolk even if it is a restricted access lane. I am opposed to the destruction of any of the mature trees. Have you listened to the birds in the morning in the park? Have you seen the thousands of lightening bugs/fireflies there at night? And even more importantly have you seen my family's delight in these things? This is a green slice of heaven experienced by so many even if its just passing through in the morning...not only now, but decades in the past and hopefully into the future.

When you are considering the future of this park, please ask yourself how many people have petitioned for a vehicular lane versus how many have petitioned against it. The results would likely be the same 10 years ago and 10 years into the future.

Robert Kronenberg a Bethesda area planning chief who seems to be a driving force behind the plan is quoted in Bethesda Magazine as saying "many people asked for more connections to Battery Lane". I ask, who are these many people, and why do they need more connections to Battery Lane, they have one on each side of this rather short stretch of road and it's a residential neighborhood where many live without cars. Residents of this stretch of Battery Lane have easy walking access to Norfolk and for those located further from the middle of park, they have easy driving access from Woodmont or Old Georgetown Road. I have resided for years near the park, for the rare time I decide to drive, it takes literally 40 seconds to drive around to get to the other side and I don't think to myself I wish they tore down these old trees and put a connector.

Mr. Kronenberg is also quoted as saying--"If you were a pedestrian and bicyclist and you're coming from Norfolk Avenue or Woodmont Triangle to Battery Lane, it's hard to navigate a little bit unless you know where you're going," "We're trying to make it more prominent and more accessible." To that I respond, is Kronenberg serious, I can assure you no one is encountering the Appalachian mountains when they come to the park entrance. Perhaps put up a nice map that shows a straight line to the other side? Mr. Kronenberg says it himself when he says "it's hard to navigate A LITTLE BIT". The majority of the people going through the park know exactly where they are going, otherwise they wouldn't have encountered the park in the first place. Not to mention in

today's connected world, where everyone seems to have a smart phone, no one stays lost for long and routes are planned ahead of time.

Please think about the designs that have been proposed and if this type of development is really necessary or just a waste of taxpayer dollars at the expense of those that appreciate the mature trees and no paved road going through the park. Please consider expanding the park without making a connector.

I did not have a chance to sign the petition against the proposed connector plan but I would have.

Feel free to call me to discuss 202-701-8547.

Joe



## **MCP-CTRACK**

---

**From:** Aaron Forsberg <forsberg.state@gmail.com>  
**Sent:** Wednesday, July 01, 2015 12:53 AM  
**To:** MCP-Chair; Anderson, Casey; Dreyfuss, Norman; Fani-Gonzalez, Natali; Presley, Amy; Wells-Harley, Marye  
**Cc:** council.council@montgomerycountymd.gov;  
councilmember.berliner@montgomerycountymd.gov;  
councilmember.leventhal@montgomerycountymd.gov;  
councilmember.floreen@montgomerycountymd.gov;  
councilmember.elrich@montgomerycountymd.gov;  
councilmember.katz@montgomerycountymd.gov;  
councilmember.rice@montgomerycountymd.gov;  
councilmember.navarro@montgomerycountymd.gov;  
councilmember.hucker@montgomerycountymd.gov;  
councilmember.riemer@montgomerycountymd.gov; A Forsberg  
**Subject:** Letter re South Bethesda in Downtown Bethesda Development Plan (from homeowner Aaron P. Forsberg)  
**Attachments:** 20150630 FORSBERG Aaron letter-DBDP (re South Bethesda).PDF

Aaron P. Forsberg

4720 Chevy Chase Dr. #102

Chevy Chase, MD 20815

June 30, 2015

Montgomery County Planning Board

8787 Georgia Ave.

Silver Spring, MD 20910

Chair Casey Anderson

Vice Chair Marye Wells-Harley

Commissioner Norman Dreyfuss

Commissioner Natali Fani-Gonzalez

Commissioner Amy Presley:

Having returned to Montgomery County after several years of representing the United States government at our embassies abroad, I wish to applaud the Planning Board for releasing the **Downtown Bethesda Development Plan** and for building opportunities to gather meaningful public comment into your consideration of it. Such governance represents the best of America's democratic traditions that we seek to promote around the world, because it provides for the kind of transparent discussion necessary to distinguish proposals that stand on their merits from those best not pursued.

As a homeowner in the South Bethesda District, at 4720 Chevy Chase Drive Condominium south of Bradley Boulevard, I support the plan's aim of guiding Downtown Bethesda's development so that it continues to thrive as a community for the next twenty years. Building on existing policies as it does, I am confident many of its elements will serve as models for other communities around the country. At the same time, certain recommendations in the staff draft are best rejected because they are both inconsistent with the past and would point future development of the community in the wrong direction, detracting from quality of life.

**Specifically, I wish to join nearby homeowners, condominium communities, and neighborhood associations to urge the planning board and the commissioners remove the area south of Bradley Boulevard from the plan and reject the recommended Commercial Residential (CR) zoning of 6600 Wisconsin Ave., the site of Montgomery County Fire Station 6.**

**Retaining current zoning maintains quality of life and is consistent with existing planning.** The plan's proposed inclusion of the area south of Bradley Boulevard, and accompanying zoning changes (described in pp. 128-130), stands at odds with its general aim of stepping down height and density in relation to properties' distance from the Metro station. Retaining the boundary for downtown Bethesda at Bradley Boulevard and letting the communities to the south maintain their garden character, tree-lined streetscapes and planted setbacks is consistent with past development and character of neighborhoods concerned. Refraining from developing the 6600 Wisconsin Ave. site more intensely also aligns with the Bethesda-Chevy Chase Master Plan, the Bethesda and Friendship Heights Sector Plans and the new zoning code.

---

**The proposed rezoning and development of 6600 Wisconsin Ave. is not based on any demonstrated need to renovate the fire station.** A basic principle of public safety administration is decision-making by professional public safety authorities. Significantly, Montgomery County Fire and Rescue Services has not advocated for updating the fire station and has not publicized any plan to do so. Advocacy for updating the fire station has come from entities such as the Bethesda Fire Department (BFD).

Moreover, the main -- and most specific -- argument for development (based on BFD public statements and testimony before the board on June 24) appears to flow from how the development of the property under CR zoning would facilitate fundraising rather than enhance public safety. Without denying that increasing the density and height of development on the location of the current fire station may generate revenue, it must be emphasized that such fact alone does not provide sufficient justification for proceeding. Rather, in the absence of clearly supported reasons of public safety to alter the fire station, as determined by the competent authorities, presumption should be against making any change.

**Foreseeable -- but unexamined -- consequences of extending Downtown Bethesda and developing 6600 Wisconsin Ave. would detract from public safety and quality of life.** The intersection of Wisconsin and Bradley is already a busy crossroads, and current residents need the use of existing parking. Adding additional residential units and opening the area to new commercial occupants would add to current congestion and potentially degrade public safety by delaying the exit of emergency vehicles from the fire station, as described in the written testimony of Naomi Spinrad, Vice President of the Chevy Chase West Neighborhood Association. Finally, extending the boundary of Downtown Bethesda across Bradley Boulevard would likely generate pressure for further expansion southward of the downtown, particularly if Nottingham Drive were to become, in effect, a service alley for 6600 Wisconsin Ave. Absent credible evidence that existing infrastructure can handle traffic resulting from a proposed development without negatively impacting public safety, such development should not be allowed to proceed.

Finally, regarding additional access and mobility from Downtown Bethesda to **Norwood Park**. I understand that a number of these accesses would go through our residential neighborhood, but the park is there for all. Like other residents in this area, however, I wish to highlight the need to take into account parking realities and the care for the internal streets of our neighborhood, as well as the Chevy Chase West neighborhood, both of which border Norwood Park.

---

Thank you for your efforts on behalf of Downtown Bethesda and Montgomery County.

Sincerely,

Aaron P. Forsberg

E-mail: [forsberg.state@gmail.com](mailto:forsberg.state@gmail.com)

Aaron P. Forsberg  
4720 Chevy Chase Dr. #102  
Chevy Chase, MD 20815

June 30, 2015

Montgomery County Planning Board  
8787 Georgia Ave.  
Silver Spring, MD 20910

Chair Casey Anderson  
Vice Chair Marye Wells-Harley  
Commissioner Norman Dreyfuss  
Commissioner Natali Fani-Gonzalez  
Commissioner Amy Presley:

Having returned to Montgomery County after several years of representing the United States government at our embassies abroad, I wish to applaud the Planning Board for releasing the **Downtown Bethesda Development Plan** and for building opportunities to gather meaningful public comment into your consideration of it. Such governance represents the best of America's democratic traditions that we seek to promote around the world, because it provides for the kind of transparent discussion necessary to distinguish proposals that stand on their merits from those best not pursued.

As a homeowner in the South Bethesda District, at 4720 Chevy Chase Drive Condominium south of Bradley Boulevard, I support the plan's aim of guiding Downtown Bethesda's development so that it continues to thrive as a community for the next twenty years. Building on existing policies as it does, I am confident many of its elements will serve as models for other communities around the country. At the same time, certain recommendations in the staff draft are best rejected because they are both inconsistent with the past and would point future development of the community in the wrong direction, detracting from quality of life.

**Specifically, I wish to join nearby homeowners, condominium communities, and neighborhood associations to urge the planning board and the commissioners remove the area south of Bradley Boulevard from the plan and reject the recommended Commercial Residential (CR) zoning of 6600 Wisconsin Ave., the site of Montgomery County Fire Station 6.**

**Retaining current zoning maintains quality of life and is consistent with existing planning.** The plan's proposed inclusion of the area south of Bradley Boulevard, and accompanying zoning changes (described in pp. 128-130), stands at odds with its general aim of stepping down height and density in relation to properties' distance from the Metro station. Retaining the boundary for downtown Bethesda at Bradley Boulevard and letting the communities to the south maintain their garden character, tree-lined streetscapes and planted setbacks is consistent with past development and character of neighborhoods concerned. Refraining from developing the 6600 Wisconsin Ave. site more intensely also aligns with the Bethesda-Chevy Chase Master Plan, the Bethesda and Friendship Heights Sector Plans and the new zoning code.

**The proposed rezoning and development of 6600 Wisconsin Ave. is not based on any demonstrated need to renovate the fire station.** A basic principle of public safety administration is decision-making by professional public safety authorities. Significantly, Montgomery County Fire and Rescue Services has not advocated for updating the fire station and has not publicized any plan to do so. Advocacy for updating the fire station has come from entities such as the Bethesda Fire Department (BFD).

Moreover, the main -- and most specific -- argument for development (based on BFD public statements and testimony before the board on June 24) appears to flow from how the development of the property under CR zoning would facilitate fundraising rather than enhance public safety. Without denying that increasing the density and height of development on the location of the current fire station may generate revenue, it must be emphasized that such fact alone does not provide sufficient justification for proceeding. Rather, in the absence of clearly supported reasons of public safety to alter the fire station, as determined by the competent authorities, presumption should be against making any change.

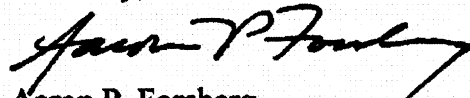
**Foreseeable -- but unexamined -- consequences of extending Downtown Bethesda and developing 6600 Wisconsin Ave. would detract from public safety and quality of life.** The intersection of Wisconsin and Bradley is already a busy crossroads, and current residents need the use of existing parking. Adding additional residential units and opening the area to new commercial occupants would add to current congestion and potentially degrade public safety by delaying the exit of emergency vehicles from the fire station, as described in the written testimony of Naomi Spinrad, Vice President of the Chevy Chase West Neighborhood Association. Finally, extending the boundary of Downtown Bethesda across Bradley Boulevard would likely generate pressure for further expansion southward of the

downtown, particularly if Nottingham Drive were to become, in effect, a service alley for 6600 Wisconsin Ave. Absent credible evidence that existing infrastructure can handle traffic resulting from a proposed development without negatively impacting public safety, such development should not be allowed to proceed.

Finally, regarding additional access and mobility from Downtown Bethesda to Norwood Park. I understand that a number of these accesses would go through our residential neighborhood, but the park is there for all. Like other residents in this area, however, I wish to highlight the need to take into account parking realities and the care for the internal streets of our neighborhood, as well as the Chevy Chase West neighborhood, both of which border Norwood Park.

Thank you for your efforts on behalf of Downtown Bethesda and Montgomery County.

Sincerely,



Aaron P. Forsberg

E-mail: [forsberg.state@gmail.com](mailto:forsberg.state@gmail.com)

## **MCP-CTRACK**

---

**From:** WordPress <obriens@visi.org>  
**Sent:** Wednesday, July 01, 2015 8:41 AM  
**To:** Wright, Gwen; MCP-Chair; councilmember.berliner@montgomerycountymd.gov;  
councilmember.floreen@montgomerycountymd.gov; Wells-Harley, Marye; Presley, Amy;  
Dreyfuss, Norman; Natali.Fani-Gonzales@mncppc-mc.org;  
county.council@montgomerycountymd.gov  
**Subject:** Bethesda Downtown Plan

Sent from: [obriens@visi.org](mailto:obriens@visi.org)

**To:**  
Gwen Wright, Planning Director  
Casey Anderson, Chair, Planning Board  
Roger Berliner, Councilmember  
Nancy Floreen, Councilmember

I support the vision to preserve the plaza at Bethesda Metro Center, at the corner of Wisconsin Avenue and Old Georgetown Road, as a significant community gathering space and urban park in the new Bethesda Downtown Plan. This public space should not be developed.

**Additional Message:**

I object to the construction of a 290 building in downtown Bethesda. The first 200 foot building was already too high and blocked the sun. We do not need a tower that would cause more congestion and traffic to Bethesda and we do not need it to look like New York or Dubai.

Name: Sharon O\ \ \ \ \ \ \ \ Brien  
City: Bethesda  
Zip: 20816



## **MCP-CTRACK**

---

**From:** Stephanie Lowet <s\_lowet@verizon.net>  
**Sent:** Wednesday, July 01, 2015 9:30 AM  
**To:** MCP-Chair@mncppc-mc.org.  
**Subject:** Bethesda Sector Plan Must Include Sustainable Requirements

To Whom It May Concern,

The Bethesda Sector Plan must maintain meaningful *requirements* for adequate green space, energy efficiency, prior investments in basic infrastructure, and other features that would make Bethesda environmentally and socially "sustainable." Currently the proposed Plan, in spite of its glossy "green" presentation, has NO such requirements, only "recommendations."

Thank you for your attention to these important community issues.

Sincerely,  
Stephanie Lowet  
[s\\_lowet@verizon.net](mailto:s_lowet@verizon.net)  
Town of Chevy Chase Resident

## MCP-CTRACK

---

**From:** Rachel Petersen <rjpetersen@worldbank.org>  
**Sent:** Wednesday, July 01, 2015 10:09 AM  
**To:** MCP-Chair  
**Subject:** Comments Battery Lane Park DEADLINE WED 1 July 2015

Dear Chair,

Please accept my written comments below as a contribution to the stakeholder consultation concerning the proposed changes to Battery Park.

I, alongside my family, have resided in Battery Lane for a number of years now and am extremely concerned about the proposal to build a road through the park and dog park by NIH.

I moved from New Zealand to Bethesda, specifically the Battery Lane area, in order to continue the outdoor/active lifestyle myself and my children were spoiled with back in New Zealand. Given current statistics of child obesity within American society and the competitiveness of schooling, the need to focus on both the mental and physical wellbeing of our children is critical. Having a park and exercise area (Trolley Trail) close by, which is easily accessible to the children is IMPERATIVE to meeting this need. Having a park more than half a mile away is not conducive to their wellbeing, as it becomes a deterrent, dis-enabling them to build a daily exercise routine into their day. The value of daily exercise cannot and should not be undervalued. While this is an 'intangible', the return on investment is huge. The community which would be affected by this road development boasts some of the most diverse, happy children in the area, who excel both academically, socially and through sports. The Battery Park and Trolley Trail are strong socialization modalities whereby various societal strata come together, forge friendships and common interests, creating a strong sense of community. Please do not rob this rich community of this in an effort to create another connecting road. Please think about this from a lens of family and community as if you and your children were living there.

Many thanks,

Rachel

**Rachel Petersen**  
Leadership Development Specialist  
Collaborative Leadership

Leadership, Learning and Innovation  
T +1 (202) 458-7091  
E [rjpetersen@worldbank.org](mailto:rjpetersen@worldbank.org)  
W [www.worldbank.org](http://www.worldbank.org)



**WORLD BANK GROUP**  
Leadership, Learning and innovation

## **MCP-CTRACK**

---

**From:** Ilgenfritz, Pat A. - PAI <PIlgenfritz@linowes-law.com>  
**Sent:** Wednesday, July 01, 2015 10:44 AM  
**To:** MCP-Chair  
**Cc:** Kronenberg, Robert; Howerton, Leslye; DeOcampo, Marc  
**Subject:** 7725 & 7735 Wisconsin Ave. - Bethesda Downtown Plan  
**Attachments:** 201507011007.pdf

The attached letter is from Bob Dalrymple & Matthew Gordon of Linowes and Blocher LLP. Paper copies will be hand delivered to you, as well. Thank you.

Pat Ilgenfritz  
Secretary to C. Robert Dalrymple  
Linowes and Blocher LLP  
7200 Wisconsin Avenue, Suite 800  
Bethesda, Maryland 20814-4842  
Phone Number: 301-961-5230  
Fax Number: 301-654-2801  
[pilgenfritz@linowes-law.com](mailto:pilgenfritz@linowes-law.com)  
[www.linowes-law.com](http://www.linowes-law.com)

This e-mail message is intended only for the addressee and may contain confidential and/or privileged material. Any interception, review, retransmission, dissemination, or other use of, or taking of any action upon this information by persons or entities other than the intended recipient is prohibited by law and may subject them to criminal or civil liability. If you received this communication in error, please contact us immediately at the direct dial number set forth above, or at (301) 654-0504, and delete the communication from any computer or network system. Although this e-mail (including attachments) is believed to be free of any virus or other defect that might negatively affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus free, and no responsibility is accepted by the sender for any loss or damage arising in any way in the event that such a virus or defect exists.

**LINOWES**  
**AND BLOCHER LLP**  
ATTORNEYS AT LAW

July 1, 2015

**C. Robert Dalrymple**  
301.961.5208  
[bdalrymple@linowes-law.com](mailto:bdalrymple@linowes-law.com)

**Matthew M. Gordon**  
301.961.5233  
[mgordon@linowes-law.com](mailto:mgordon@linowes-law.com)

**VIA EMAIL AND FIRST CLASS MAIL**

Mr. Casey Anderson, Chair  
and Members of the Planning Board  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: 7725 and 7735 Wisconsin Avenue, Bethesda – May 2015 Public Hearing Draft of the  
Bethesda Downtown Plan (the “Sector Plan”)

Dear Chair Anderson and Members of the Planning Board:

On behalf of F & H Investments Limited Partnership (the “Partnership”), owners of the property located at 7725 and 7735 Wisconsin Avenue in the Wisconsin Avenue Corridor of Bethesda (the “Property” - shown on the Attachment hereto), we are submitting this letter as our testimony for the Montgomery County Planning Board’s (the “Planning Board”) June 24<sup>th</sup> public hearing on the Sector Plan (specifically, the Public Hearing Draft dated May 2015 – the “Public Hearing Draft”). We especially urge your attention to this particular Property given the potential to allow a long-time existing employer in Downtown Bethesda to grow in place, while also preserving, protecting and enhancing the ability of the Partnership to seek out the highest and best alternative use of the Property should circumstances dictate this course of action, recognizing the importance that the Property could have at a prominent location along the main corridor of this emerging urban city.

The Partnership has operated Chevy Chase Automotive, LLC (the “Dealership”) at the Property since 1939, which makes the Dealership the oldest business in a continuous location in all of Downtown Bethesda. In fact, the Sector Plan should specifically acknowledge the importance that the Dealership has had historically serving as a long-time pillar of the Downtown and a fixture in the community. The Property is well-suited to accommodate the Dealership into the future, including possible expansion and/or modernization, and the Partnership fully intends to continue to operate the Dealership on the Property for the foreseeable future. As such, the Partnership desires that the Sector Plan recognize the benefits of the Dealership at this location in the Wisconsin Avenue Corridor and provide the flexibility and incentive for the Dealership to remain and potentially expand at this location, including practical accommodations for allowing

Mr. Casey Anderson, Chair  
and Members of the Planning Board

July 1, 2015

Page 2

the full-service Dealership to co-exist with future residential and non-residential uses and users that will emerge with the progression of Downtown Bethesda into a vibrant, active urban center.

The Sector Plan should specifically identify the continuing operations of the Dealership in recommending that the adjacent streets will be mixed-use streets that are accommodating to the needs of the Dealership while also recognizing the urban fabric within which the Dealership and surrounding uses will co-exist. The accessibility and availability of parking, loading and temporary queuing along Cheltenham Drive has long been vital to the continued operation and success of the Dealership. The Public Hearing Draft recommends an 80-foot right-of-way (for a "shared roadway") along Cheltenham Drive between Wisconsin Avenue and Tilbury Street, which is at the highest end of recommendations applicable to Business District roadways. (p. 34), and while the Partnership recognizes the Public Hearing Draft's goal to "enhance roadway accommodation for all users," the Sector Plan must make clear that Cheltenham Drive must continue to provide adequate parking, service and access to accommodate the future needs of the Dealership.

While acknowledging and accommodating the Dealership operations going forward, the Sector Plan must also provide for an appropriate urban redevelopment of the Property should circumstances over the life of the Sector Plan lead to that path. Located along the urban corridor of Wisconsin Avenue and with excellent proximity to Metro, other mass transit and immediate vehicular, pedestrian and bicycle accessibility, the Property should be planned and zoned for high-density mixed-use redevelopment. The Property is currently zoned CR-5.0, C-4.0, R-4.75, H-90T, and the Public Hearing Draft proposes to rezone a portion of the Property (part of Lot 8) to CR-6.0, C-4.75, R-5.75, H-250 with the remainder of the Property (the remainder of Lot 8, Lot 7 and Lot 2) rezoned to CR-6.0, C-4.75, R-5.75, H-110. The Public Hearing Draft appears for the most part to simply add 20% to the density throughout the Property, but fails to recognize that all three (3) contiguous lots comprising the Property are owned by the Partnership and should have a consistent maximum allowable height across the entire Property. In light of the fact that the Public Hearing Draft places an emphasis on ensuring that there are opportunities in appropriate locations where the assemblage of properties can occur, it makes the best urban planning sense for the entire Property to receive a maximum height of 250 feet (extending the recommended 250-foot height at the corner of Wisconsin and Cheltenham to the other parcels comprising the Property to the south, moving closer to the Bethesda Metro). The Partnership seeks the flexibility to utilize such additional height across the entire Property which will allow future market considerations and "design excellence" for redevelopment to shape where growth occurs on the Property, achieving the Public Hearing Draft's recommendation that the Wisconsin Avenue Corridor "emphasize mixed land uses focused on employment and high density residential." (page 93).


**LINOWES**  
AND **BLOCHER LLP**  
ATTORNEYS AT LAW

Mr. Casey Anderson, Chair  
and Members of the Planning Board  
July 1, 2015  
Page 3

The Partnership looks forward to continuing to work with you and Planning Staff on the Bethesda Downtown Plan. If you have any questions or require any additional information, please do not hesitate to contact us.

Very truly yours,

**LINOWES AND BLOCHER LLP**



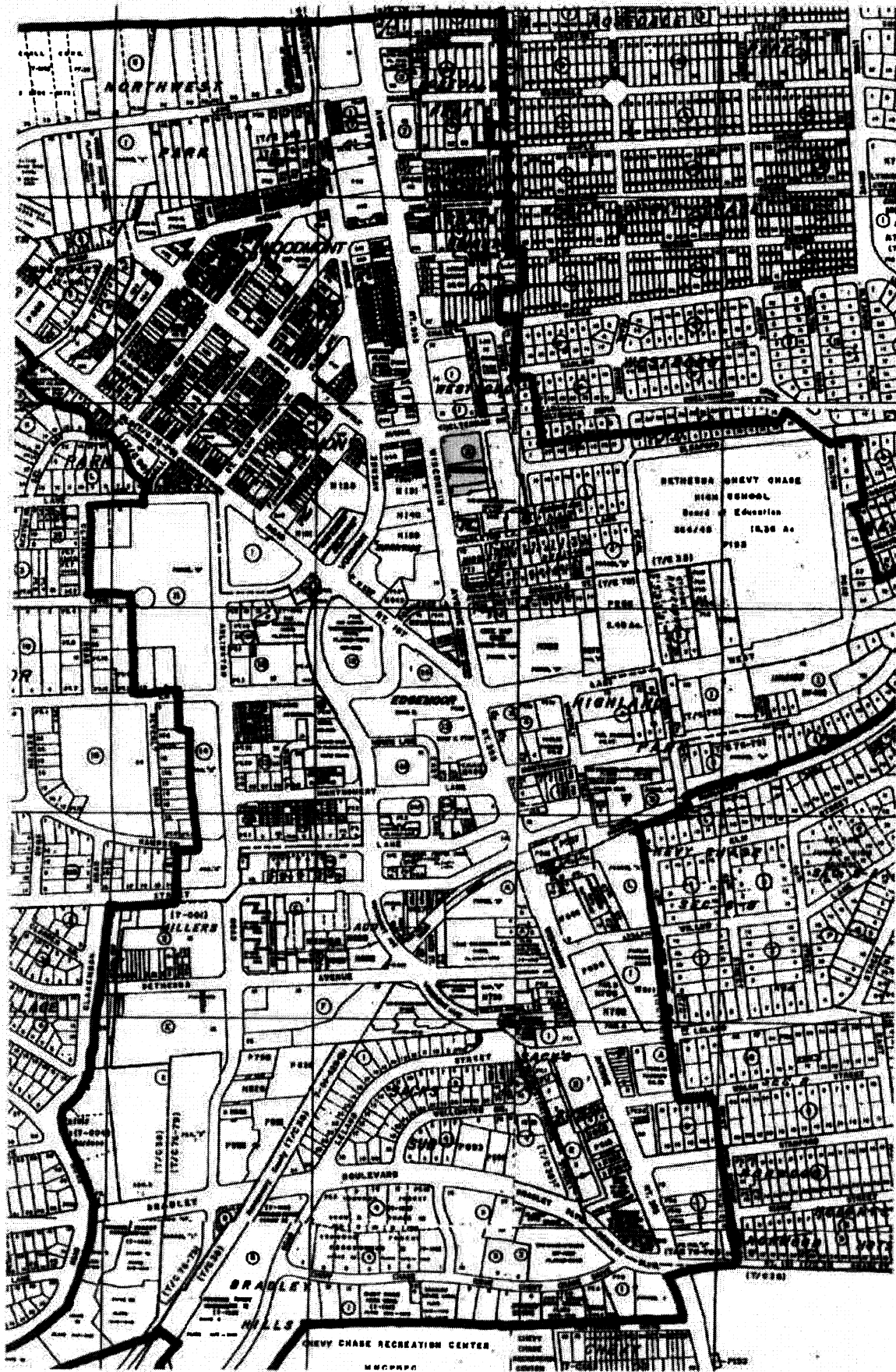
Robert Dalrymple



Matthew M. Gordon

Enclosure

cc: Members of the Planning Board ([MCP-Chair@mncppc-mc.org](mailto:MCP-Chair@mncppc-mc.org))  
Mr. Robert Kronenberg  
Mr. Mark DeOcampo  
Ms. Leslye Howerton  
Mr. Hank Bowis  
Mr. John Bowis



## **MCP-CTRACK**

---

**From:** Mertens, Stephanie E. <smertens@mail.smcvt.edu>  
**Sent:** Wednesday, July 01, 2015 11:36 AM  
**To:** MCP-Chair  
**Cc:** pemccm1@aol.com  
**Subject:** Bethesda Sector Plan Advancements

To Whom It May Concern:

My name is Stephanie Mertens and I am a born & raised Bethesda native. My parents brought me to our house on Maple Ave, 22 years ago this month. I attended school at Our Lady of Lourdes, North Chevy Chase (due to the construction at Bethesda Elementary), Westland Middle School, and Bethesda-Chevy Chase. Over the course of those 20 years, I have seen Bethesda swell with people, buildings, and traffic. From being the cute little town right outside DC, we are now a boisterous metropolis with constant traffic and construction. Yes, I agree that most of what has been built has bettered the community, however, it has come with a cost: loss of public green space & parks, loss of locally owned businesses, and a significant increase of time spent in bumper to bumper traffic.

That is why I am voicing my opinion against the proposed Bethesda Sector Plan ideas. We don't need more density and height in Bethesda. Already, we have close to 64,000 people living in the roughly 13.2 miles of Bethesda. If we are trying to become the "attractive alternative" to DC, like Pat Harris has stated, then we are risking cramming more people into tighter places. Washington, D.C. is five times larger in space than Bethesda. With so many surrounding cities/towns such as Chevy Chase, Friendship Heights, Silver Spring, and Kensington, why are we trying to cram this all into one spot? We don't need one alternative. We have an entire region that already is so popular and sought after.

Additionally, we cannot afford to build upwards. One of the reasons that Washington, D.C. is such a beautiful city is because of the building height restrictions. There are parks and gardens that are not overshadowed by skyscrapers. Bethesda does not need to become the next New York City. We cannot lose the green spaces that Bethesda has to offer. Even more so, I can't even imagine having to deal with the construction that this plan hopes to build. Already, the city is filled with constant construction. Residents are dealing with constantly dodging pot holes, traffic going down to one lane, noise, etc. Before we even think about developing Bethesda further, I think we better figure out a better schedule for construction. Who in their right mind signed off on the construction that has taken place for months closing half of Wisconsin Ave during the middle of rush hour during the work week? Let's work on that first.

I understand that as a city, Bethesda wants to grow. More businesses and more capital, lead to a stronger and wealthier city. However, it is my hope that these proposed plans don't get approved. There is only so much more space that we have to grow, and I hope that its not upward in height. Keep Bethesda as the "attractive alternative" that it already is and expand in a greener fashion. More parks, more bike routes, more green space. I hope that when I'm older, married, and have kids I will still be able to recognize the place I have called home for the past 20 years. I hope it will remain similar to the "cute little" city I grew up in.

Thank you for taking the time to read my email and I hope you have a good day.

Best,

Stephanie Mertens

Student of Political Science, Class of 2015

Saint Michael's College

1 Winooski Park Box 2907



Colchester, VT 05439  
[smertens@mail.smcvt.edu](mailto:smertens@mail.smcvt.edu)  
(301) 385 4343

## **MCP-CTRACK**

---

**From:** Tim Eden <timeden@starrcapital.com>  
**Sent:** Wednesday, July 01, 2015 11:46 AM  
**To:** Presley, Amy; Anderson, Casey; Wright, Gwen; Howerton, Leslye; DeOcampo, Marc; Wells-Harley, Marye; Fani-Gonzalez, Natali; Dreyfuss, Norman; Kronenberg, Robert  
**Cc:** Bob Dalrymple; hdlhopolsky  
**Subject:** Bethesda Master Plan Hearing

### **Members of the Board and Planning Staff:**

Thank you for the opportunity to speak last Wednesday at the Bethesda Master Plan Hearing. We are all excited about the current and planned development activity in Bethesda, and remain enthusiastic about the planning process that will set the stage for the next 20 years.

As a developer, we are planning to start construction of 72 condominium units at 4990 Fairmont Avenue ([www.4990fairmont.com](http://www.4990fairmont.com)) this Fall and found the approval process to be predictable and quite manageable under Robert Kronenberg's leadership. We are now looking forward to another project at 7000 Wisconsin that is also an excellent redevelopment candidate. For your convenience, our testimony is reprinted as follows:

### **Master Plan Hearing Statement for 7000 Wisconsin Avenue**

We recently acquired the property adjacent to that of Washington Property Company at 7008 Wisconsin Avenue that Bob Dalrymple just reviewed, and we strongly support their proposal. Bob and his team also represent our interests and will be submitting written testimony.

Located at 7000 Wisconsin Avenue, our Property consists of 23,000 square feet of land with 25,180 square feet of fully leased retail including Orvis and Sleepy's. And sleepy is a good description of this neighborhood with a collection of older retail and properties.

In a letter and meeting with Staff in March 2015, we requested an FAR of 5.0 and a height of 120 feet that is consistent with other properties on Wisconsin Avenue equidistant from Metro to the north. We think that this makes good urban planning sense to help meet the goals and objectives of the Plan for the following reasons:

1. The current plan recommends 90 feet and an FAR of 3.5 that is insufficient to encourage large scale construction which is a key economic development objective of the Plan. Since we have significant cash flow as a retail property, it would be uneconomic to build if we are not granted the additional density and height. We would simply add more retail to our 9,000 sf parking lot.
2. Along with our neighbors to the north and south, this section of Wisconsin Avenue consisting of over 2 acres offers critical mass to accommodate large energy efficient buildings. It also offers a gateway location to Bethesda at Woodmont Avenue and good proximity to transit, providing an opportunity for an architectural statement. The Property is buffered from the single-family

communities outside of the Bethesda CBD, and additional height in this location would naturally taper to the west.

3. We are willing to invest in the urban redevelopment of the Property and are working cooperatively with our neighbors to allow for cohesive development regarding open space, architecture, parking and loading.

4. We further believe that the Property should be recognized as an opportunity for allowing more density and height through the density sharing program being recommended in the Plan. Again this would be consistent with the Plan on Wisconsin Avenue at Cheltenham Avenue equidistant north of Metro that shows heights of 250 feet.

In summary, we are generally supportive of the Draft Sector Plan that establishes broad goals and objectives for Downtown Bethesda regarding green space, transportation, affordable housing and economic development. Beyond this general plan for development, however, the market should be the guiding force for where density and height should occur. We believe the plan is too specific block to block in a manner that attempts to define the skyline and open space. Since each project will have open space requirements, we believe the private sector will innovate to consolidate properties and provide creative solutions.

The outstanding Bethesda development community is prepared to deliver on the promise of the Plan to be one of the most successful urban centers in the region. The Sector Plan should be broad and flexible enough to allow the market to exceed expectations. Thank you.

Thank you for your consideration of our testimony and we look forward to working with your organization on the future of Bethesda.

Best regards,

Tim

Timothy S. Eden

Managing Partner

Starr Capital LLC

5425 Wisconsin Avenue

Suite 600

Chevy Chase, MD 20815

(o) 240-842-1388

(c) 240-338-4836

(f) 240-842-1480

[www.starrcapital.com](http://www.starrcapital.com)

## **MCP-TRACK**

---

**From:** WordPress <sean.scully@proquest.com>  
**Sent:** Wednesday, July 01, 2015 12:01 PM  
**To:** Wright, Gwen; MCP-Chair, councilmember.berliner@montgomerycountymd.gov;  
councilmember.floreen@montgomerycountymd.gov; Wells-Harley, Marye; Presley, Amy;  
Dreyfuss, Norman; Natali.Fani-Gonzales@mncppc-mc.org;  
county.council@montgomerycountymd.gov  
**Subject:** Bethesda Downtown Plan

Sent from: [sean.scully@proquest.com](mailto:sean.scully@proquest.com)

To:  
Gwen Wright, Planning Director  
Casey Anderson, Chair, Planning Board  
Roger Berliner, Councilmember  
Nancy Floreen, Councilmember

I support the vision to preserve the plaza at Bethesda Metro Center, at the corner of Wisconsin Avenue and Old Georgetown Road, as a significant community gathering space and urban park in the new Bethesda Downtown Plan. This public space should not be developed.

**Additional Message:**  
please do not develop Bethesda Metro Center.

A shaded park with the water fountain will be much better than another silly office building. I have worked at LexisNexis and proquest for eight years in Bethesda and the metro center plaza is a great place to chill or take a break from work. please do not get rid of it or change it for the worse -Sean

Name: Sean Scully  
City: Bethesda  
Zip: 20814

## **MCP-CTRACK**

---

**From:** Lila Asher <lilaasher@verizon.net>  
**Sent:** Wednesday, July 01, 2015 12:23 PM  
**To:** MCP-Chair@mncppc-mc.org.  
**Subject:** town

I think green and open space is great but we NEED the parking. We need the ground level parking and lots of it. Older people need to park nearby when they come to Bethesda. Underground parking is not safe and also is difficult for people who have made purchases and need to carry them to their cars. The parking we have now is often completely filed up. We cannot be without it.

Lila Asher  
Thornapple St Chevy Chase

## MCP-CTRACK

---

**From:** James Nelson <jln7909@gmail.com>  
**Sent:** Wednesday, July 01, 2015 1:43 PM  
**To:** Anderson, Casey; Dreyfuss, Norman; Fani-Gonzalez, Natali; Presley, Amy; Wells-Harley, Marye  
**Cc:** councilmember.berliner@montgomerycountymd.gov  
**Subject:** 2015 revisions to Bethesda plan

June 30, 2015

Chair Casey Anderson

Commissioner Norman Dreyfuss

Commissioner Natali Fani-Gonzalez

Commissioner Amy Presley

Commissioner Marye Wells-Harley

Dear Mr. Anderson and Members of the Commission:

I attended the Planning Commission hearing last week. I listened to the parade of lawyers and developers request additional density and height enhancements so they could add ever more tenants and square footage to their properties. Other than some discussion about changing East West Highway to allow transit in both directions, I did not hear any of them mention the word traffic or changes to infrastructure in any of their testimony.

I live on Chevy Chase Drive, just south of Bradley Boulevard. Currently, Chevy Chase Drive and Offutt Lane are barely adequate to serve the current population. In addition, Bradley Boulevard is a safety hazard as currently configured. The green right turn arrow for turning south onto Wisconsin Avenue has turned the right eastbound lane into a raceway creating an unsafe hazard to pedestrian, bicycle and car traffic. Adding thousands of weekly trips to this intersection is an unwise proposition. The alternative to eliminating the right turn green arrow is that traffic would back up to Arlington Road.

I oppose any changes to the current fire station and the Aldon garden apartments because the infrastructure cannot support more density south of Bradley Boulevard. I invite you on any weekday morning to spend some time in our neighborhood. You will see that cars must stop to allow oncoming traffic to pass on Chevy Chase Drive and Offutt Lane. You will see the difficulty for drivers in trying to go eastbound on Bradley Boulevard from the two streets because of the speeding traffic on Bradley. Above all, for safety considerations, are the school buses trying to maneuver down the narrow streets and pick up young students.

The testimony on behalf of the Aldon properties gave the impression that the apartments were filled with prosperous doctors from NIH and other professions. This is a fiction. Watch the many students getting on the buses. You will see that a very diverse population is currently being served.

The testimony for the fire department centered on the fact that the station is outdated and in need of renovation and a major development is the only way to go. There were no facts to back this up. Adding hundreds of residents and car trips is not prudent for this busy intersection.

Thank you for listening to citizen concerns and taking the time to read my letter.

Sincerely,

*James L. Nelson*

James L. Nelson

4720 Chevy Chase Drive



# BAINBRIDGE

WEST PALM BEACH | RALEIGH | WASHINGTON D.C.

RECEIVED

JUL 01 2015

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

June 30, 2015

Mr. Casey Anderson, Chair  
and Members of the Planning Board  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: 7340 Wisconsin Avenue, Bethesda – Written Testimony for 6/24/15 Planning Board Hearing on the  
Bethesda Downtown Plan (the "Sector Plan")

Dear Mr. Anderson and Members of the Planning Board:

This letter supplements my oral testimony on behalf of The Bainbridge Companies delivered at the Montgomery County Planning Board's hearing on Wednesday, June 24, 2015 regarding the Public Hearing Draft of the Sector Plan (the "Public Hearing Draft"). An affiliate of The Bainbridge Companies is the owner of 7340 Wisconsin Avenue, the former Exxon gas station site located on the west side of Wisconsin Avenue between Montgomery Lane and Hampden Lane. Bainbridge purchased the Property from Exxon in May 2012 and subsequently received entitlements to redevelop the Property under the CBD-2 zoning then in effect. Our approvals are for a 143-foot high residential tower with 200 units and ground level retail.

At the time we went to the Planning Board for site plan approval, there was general consensus between Bainbridge and the Planning Board (and Planning Staff) that building to the maximum density and height permitted at that time would result in an under-utilization of the Property given its prominent location at the core of the CBD with frontage on Wisconsin Avenue and immediate access not only to the existing Bethesda Metro station, but also to the pending Purple Line and the proposed new south entrance to the Metro Station. A fair amount of discussion took place during that hearing process regarding ways that Bainbridge might design and construct its project to potentially accommodate more height and density at this location resulting from the Sector Plan and related comprehensive rezoning process that were just getting underway.

Based on those conversations and this apparent alignment of public and private interests concerning the vision for the future of the CBD, Bainbridge has delayed design and construction of the project in order to ultimately develop a project that would be much more consistent with that vision. With the CR Zone as the tool fueling those discussions, it was our expectation that the revised Sector Plan would permit a maximum building height of at least 250 feet and that the allowable FAR would be in the range of an 8 in order to allow a redesigned project to achieve the proposed maximum height in economically and aesthetically acceptable ways. Since the current approvals for the project already reflect a total FAR of just over 6 and a height of 143 feet, the only way to attain the scale represented by a height of 250 or more feet would be to significantly increase the allowable FAR.

As such, we were disappointed and confused at the recommendations contained in the Public Hearing Draft for this site. With a total recommended FAR of 6, it is not practical to achieve a building height of 250 feet. It is not feasible to construct a "pencil" building just to achieve another 100 feet in height with the same FAR. Further, it is not practical or, in our opinion, sound public policy from either an economic or timing standpoint to expect

Creating exceptional living environments.

# BAINBRIDGE

WEST PALM BEACH | RALEIGH | WASHINGTON D.C.

Bainbridge and other CBD property owners to purchase additional FAR from other property owners in order to achieve the densities that justify the increased building height.

To make matters worse, we also did not anticipate the recommendation in the Public Hearing Draft that the right-of-way along Wisconsin Avenue expand from 47 feet from centerline to 61 feet from centerline (to accommodate Bus Rapid Transit, or "BRT", well into the future). Our approved site plan already incorporates the 47-foot right-of-way requirement, and the new recommendation would require an additional taking of 14 feet. Our site is only about 18,000 square feet and an additional 14 feet of right-of-way would negatively affect both the below-grade garage footprint and the above-grade building footprint (we could potentially accommodate a surface easement for this additional 14 feet of right-of-way, but again none of this is feasible at the density recommended).

While we generally support the vision for downtown Bethesda and applaud Planning Staff on the comprehensive Public Hearing Draft and its provisions and objectives, the low base FAR recommendation and expanded right-of-way requirement remove all incentive for Bainbridge to do anything but proceed immediately with development under its current approvals. On the otherhand, an increased base FAR would allow us to modify our approved design so as to successfully address the Sector Plan's objectives of encouraging transit-oriented developments of a scale and density that would contribute to the future vibrancy, sustainability, and health of the CBD. Furthermore, to further the objectives of the Sector Plan relating to the identified priority sending sites for the transfer of density through density averaging, Bainbridge would consider the possible acquisition of additional density rights, but this only becomes remotely economical if the density would be added to the appropriate base density at this location (an FAR of 8) and if an incremental increase over appropriate building height (250 feet minimum) is to be allowed with the shifting of density rights (requiring acquisition of density to get to the appropriate base, as mentioned above, is economically infeasible and a non-starter).

We respectfully request that the Planning Board reconsider the FAR, height, right-of-way, and density transfer recommendations contained in the Public Hearing Draft. Absent such reconsideration, Bainbridge will have no choice but to immediately move forward with its redevelopment under its current approvals for a 200-unit residential tower at 143 feet in height. On a more micro-scale, we assert that these policy issues will dictate whether downtown Bethesda flourishes as a major, competitive urban center in the region, or instead regrettably becomes an example of a major lost opportunity.

Sincerely,

THE BAINBRIDGE COMPANIES



Tom Keady  
President/Chief Operating Officer

Creating exceptional living environments.

MCP-CTRACK

RECEIVED  
0573

JUL 01 2015

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

**From:** Laura Aguilera <lmaguilera@gmail.com>  
**Sent:** Wednesday, July 01, 2015 2:50 PM  
**To:** MCP-Chair  
**Subject:** Petition to save Battery Lane Park.

To who it might concern,

I am sending my comments for the urban park they are planning.

With so many apartments being built around the area, what we need is more green spaces. The google map of the area shows how few public green spaces we have in the area.

Every morning I walk through the park and what i see there is a lot of people running, exercising, walking their dogs; and in the evening parents bring their kids to the playground. Kids run free, and its so nice that parents can watch their kids without worrying that a car is coming...

Also, It is a fairly small park as it is. Especially because the renders presented online show the car lane(s) on the opposite side to the bike lane. With the curbs and the space they have to leave between the building next to the park, that street is going to take half of the park. It wont be long until somebody thinks: "this park is so small, we'll just build something else"

To the best of my knowledge, the local planning authority is trying to recover more spaces according with the Bethesda Magazine <http://www.bethesdamagazine.com/Bethesda-Beat/2014/Downtown-Bethesda-Plan-To-Focus-On-Public-Spaces/> the priorities include **"locate new parks and open space to better serve the needs of the Bethesda Downtown community"** and **"extend green space further into the Downtown for both recreational and environmental benefits."** If anything we need more green spaces...

Beside all this, I have notice that neighbors do not want this to happen either; so i hope authorities listen to us (the residents) and preserve our park.

Sincerely,  
laura

## **MCP-CTRACK**

---

**From:** stephenjardella@gmail.com  
**Sent:** Wednesday, July 01, 2015 3:12 PM  
**To:** MCP-Chair  
**Cc:** Ron Kaplan; Andrew Altman; Robert R. Harris  
**Subject:** Bethesda Downtown Master Plan  
**Attachments:** Chairman Letter for the Record.pdf

Chairman Anderson, Members of the Montgomery County Planning Board,

On behalf of Ron Kaplan and Streetscape Partners, please find attached a letter for the public hearing record that was held on June 24th at the Bethesda Chevy Chase Center.

Thank you.

Stephen J. Nardella  
Land & Development Associates, LLC  
[stephenjardella@gmail.com](mailto:stephenjardella@gmail.com)  
240-793-2194



June 25, 2015

Mr. Casey Anderson, Chairman  
Montgomery County Planning Board  
The Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Bethesda Downtown Plan-Staff Draft  
Bethesda Gateway Property  
4300, 4302, 4304 East West Highway

Dear Chairman Anderson,

First and foremost, I want to thank you for the time you took to spend with us on June 8, to meet on site and walk East West Highway. We hope that it provided an opportunity for you to gain insight into our plans and how they will fit into the existing and future Pearl District neighborhood.

While I provided oral testimony and a slide presentation at the public hearing on June 24 and submitted my presentation to staff for the record, (which is also attached). I want to also provide this letter for the record.

Streetscape Partners is contract purchaser of this Gateway site, which consists of three single family detached formerly residential structures. The property is currently zoned EOF-1.5 H-50. We have been working with staff for nearly a year to develop plans for the redevelopment of the site that will be consistent with and reinforce the goals and objectives now clearly stated in the Downtown Plan.

Some of those primary goals for the Pearl District as an Emerging Center as outlined on page 109-110 of the plan and are directly applicable to our site:

- *Create a gateway to Bethesda along East-West Highway*
- *Improve visual quality of buildings and streetscapes along Montgomery Lane to enhance the public realm for pedestrians and incentivize economic investment*
- *Encourage attractive, compatible redevelopment and infill development on properties with low densities.*
- *Encourage infill development on the remain sites in the district*
- *Rezone employment office (EOF) properties in the **triangle of land** created by East-West Highway, Montgomery Avenue and Pearl Street to a commercial residential (CR) zone with allowable building heights of a maximum of 120 ft. to promote infill redevelopment with a mix of uses.*

What seems inconsistent with these goals is the following zoning assignments outlined on page 110 which will not allow us to achieve the above goals for our "Gateway" site:

- *Redevelop the office uses in the triangle currently zoned EOF-1.5 to CR-2, C-1.75, R-2.0, H-120*

Despite the fact that there are strong and consistent goals for this important gateway triangle of land, the oddity of this particular site never having upzoned as was anticipated in the 1970's (as most of the other neighbors did) forces an unfair burden on the land owner.

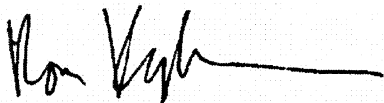
This site is one of only two emerging centers in the downtown sector and we need policies that will stimulate redevelopment and encourage the quality streetscape required to activate this now unappealing three block stretch to the metro. Similarly, dramatic and high end architecture is required to properly anchor the neighborhood and mark the Gateway to the Pearl District and downtown Bethesda.

As the attached table indicates, other gateway sites, as properties directly adjoin the subject site on both side, are being designated for 3.5 FAR. We also note that many properties are receiving density bumps above existing zoning which are much greater than a threshold 20%. This is totally appropriate where those properties, as with the subject site, are located where such additional density is fully compatible and appropriate.

We respectfully request that our three individual lots be assigned zoning categories and densities of 3.5, consistent with those recommended for the immediately adjacent neighboring properties. We further suggest that emerging centers be provided any available incentives relative to other established areas of the planning area to help encourage and stimulate development.

Thank you for your kind consideration of our request.

Respectfully



Ron Kaplan, Manager  
Streetscape Partners

Cc: Robert Kronenberg  
Leslye Howerton  
Mark Deocampo  
Andrew Altman  
Robert Harris  
Stephen Nardella

### Gateway Sites

1. BCC Rescue – R-60 to CR 3.5 (next to SFD)
2. Riviera – CR 3.5 (next to SFD)
3. East West Towers/Topaz House – CR 3.5
4. St. Johns Church – CR 3.5 (next to SFD)
5. Wisconsin Avenue – CR 3.5 (next to TH) (north of Chestnut)

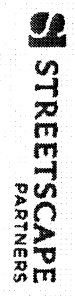
### Sites with Large Increases in FAR

1. Sport & Health – CRN 0.5 to 3.5  
(near SFD)
2. Lot next to Sport & Health – EOF 1.5 to 3.5  
(near SFD)
3. Wisconsin Avenue (East) - CR 3.0 to 6.0  
(north of Cheltenham)
4. Wisconsin Avenue (West) – CR 3.0 to 6.0  
(north of Cheltenham)
5. Wisconsin Avenue (East) – CR 3.0 to 6.0  
(north of Willow)
6. 7475 Wisconsin Avenue – CR 5.0 to 8.0
7. 7140 Wisconsin Avenue – CR 3.0 to 6.0
8. Farm Women's Co-op and adjoining lot – CR 3.0 to 6.0
9. Several TS-R area sites (west of core) – R-60 to CR 2.5

# EAST WEST

Bethesda, Maryland

June 24, 2015



Shalom Baranes Associates architects

OEHRLE | VAN SWEDEN | OVS





SITE CONTEXT Aerial Photogram

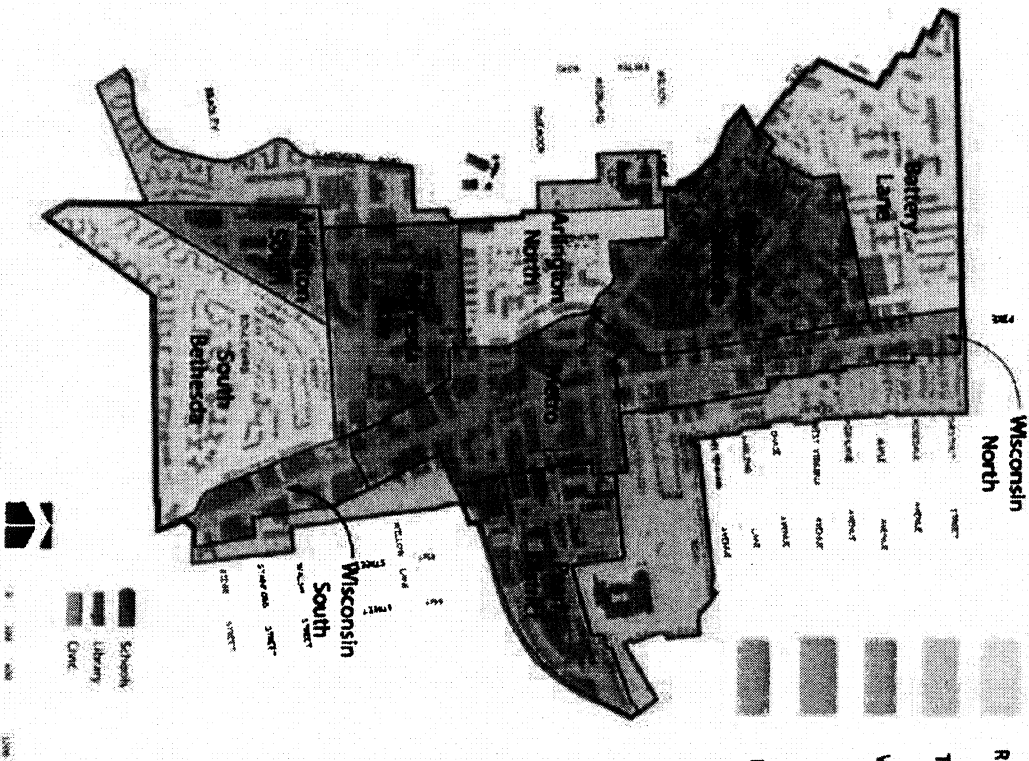
**STREETSCAPE**  
PARTNERS

PHILIP HERRING ASSOCIATES ARCHITECTS

OEHNIE VAN SWEDEN | OYS

**EAST WEST**

BETHESDA, MARYLAND



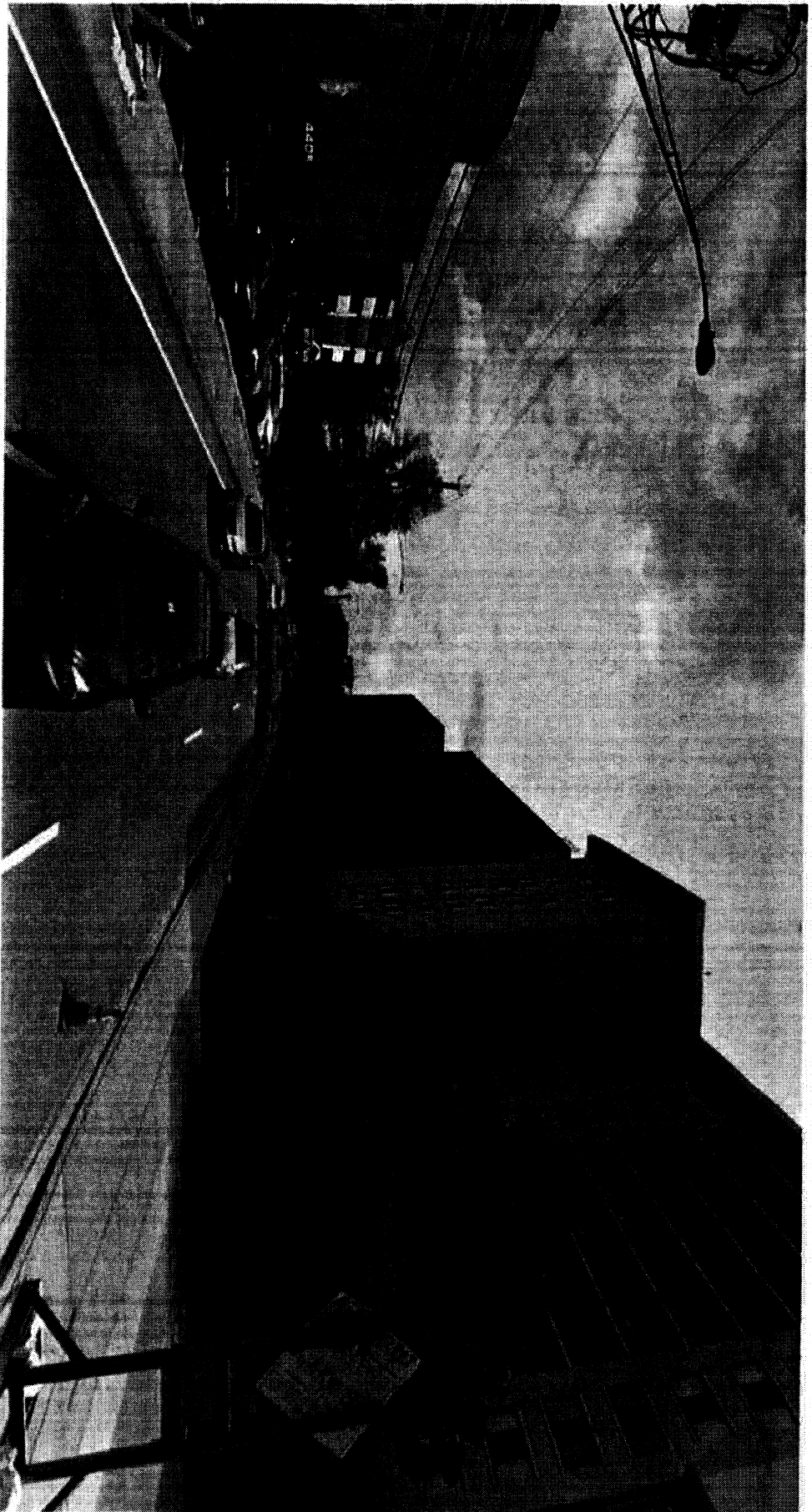
**LEGEND**

- RESIDENTIAL DISTRICT
- TRANSITION AREA
- WISCONSIN AVENUE CORRIDOR
- ESTABLISHED CENTERS
- EMERGING CENTERS

**EAST WEST**  
 BETHESDA, MARYLAND

**BETHESDA District Plan**

SOURCE: 2014 VISIONING DOCUMENT



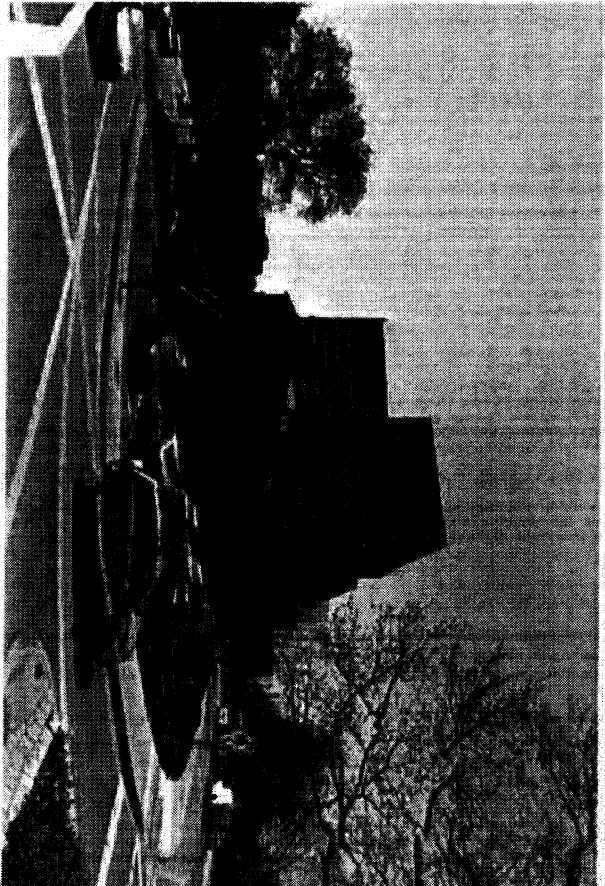
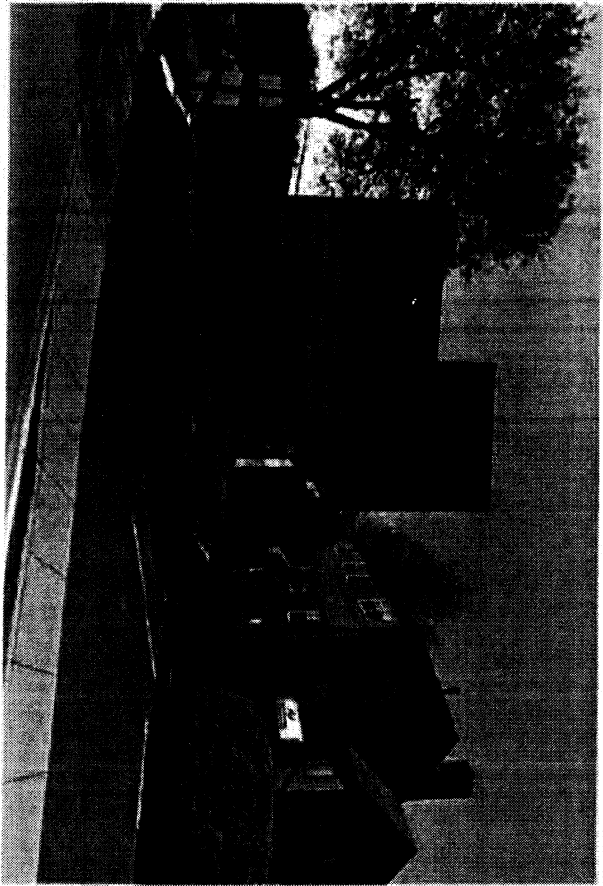
**STREETScape**  
PARTNERS

SHARON BERENSON ASSOCIATES    #110013

DEHNIE JAM SWEDEN    OVS

**EAST WEST**  
BETHESDA, MARYLAND

June 24, 2015  
page 4



**STREETSCAPE**

PARTNERS

SHARON BARNUM ASSOCIATES

ARCHITECT

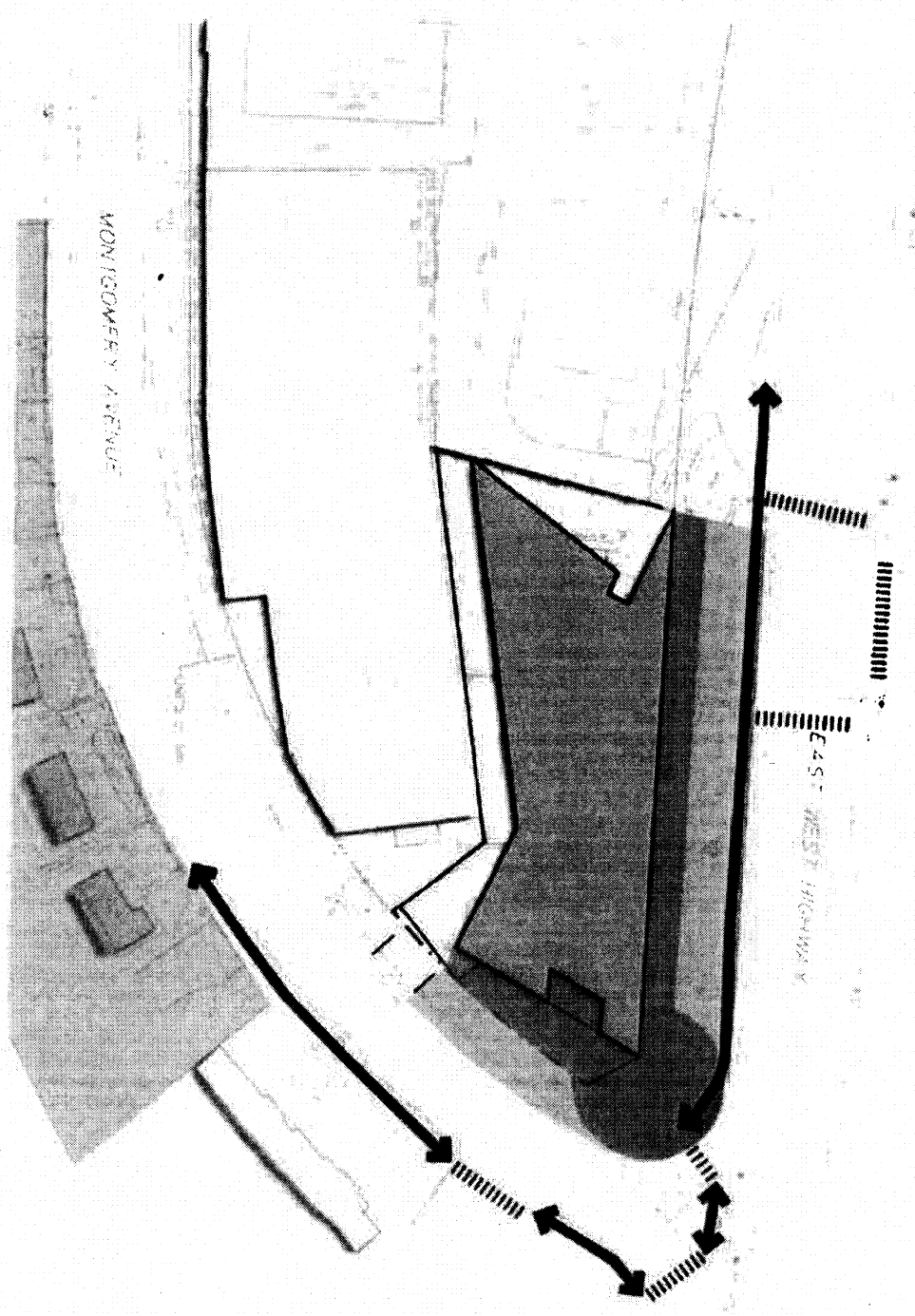
OEHRME | VAN SWEDEN | OWS

**EAST WEST**

BETHE SIDA, MARYLAND

LEGEND

- ACTIVATED CORNER
- SUSTAINABLE STREETSCAPE
- CAFE & RETAIL OPPORTUNITIES
- LINEAR PARK (SECTOR PLAN)
- PEDESTRIAN CONNECTIONS



CONCEPTUAL SITE PLAN

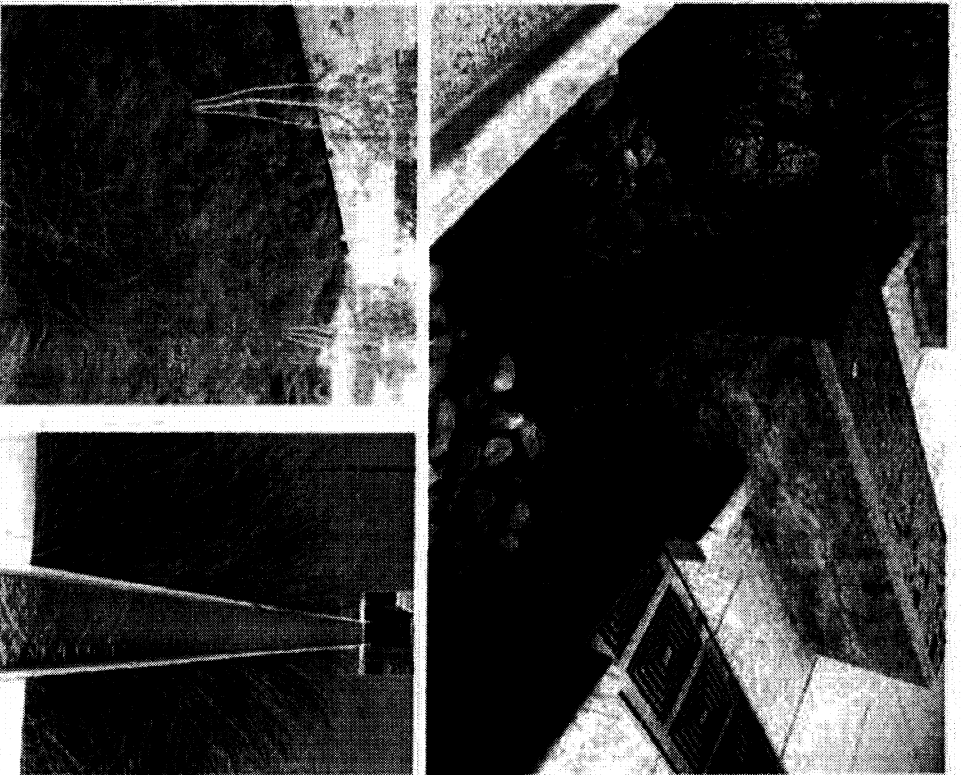
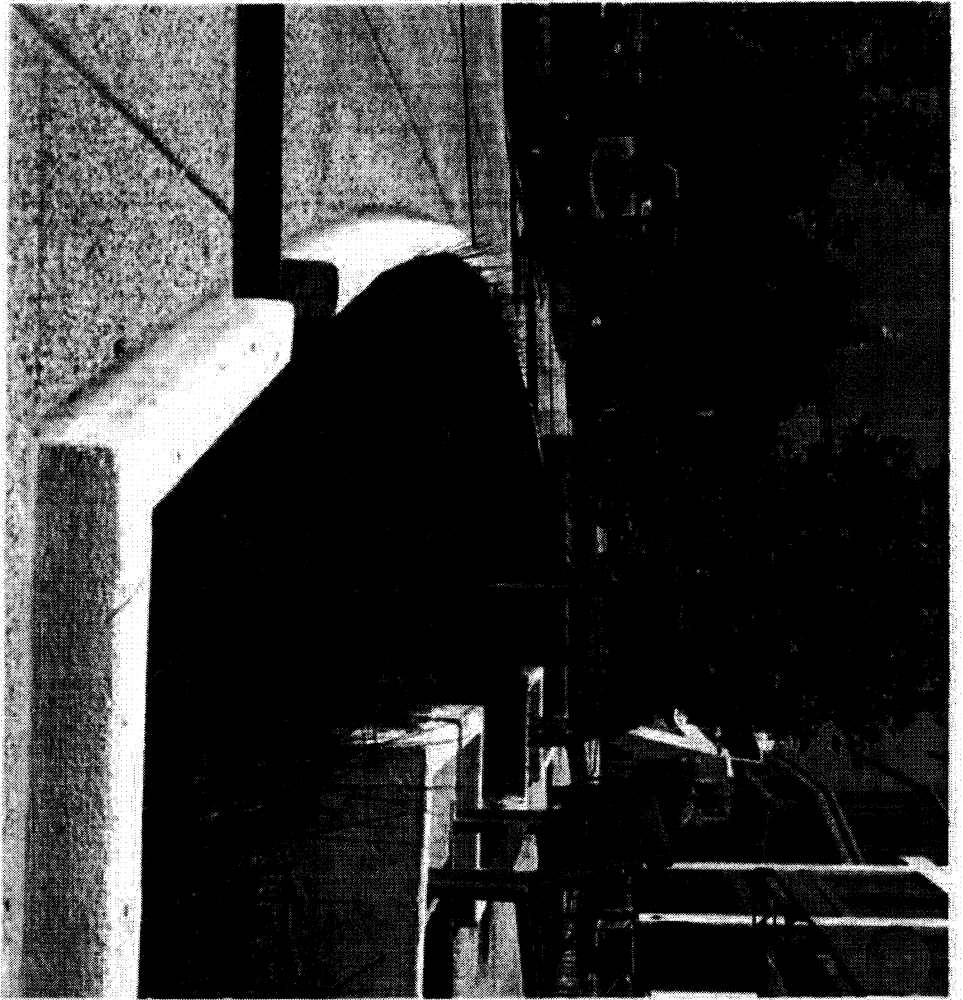


**STREETSCAPE**  
PARTNERS

shalom baranes associates architects

OEHME JAN SWEDEN OVS

EAST WEST  
BETHESDA, MARYLAND



CONCEPTUAL IMAGES Sustainable Streetscape

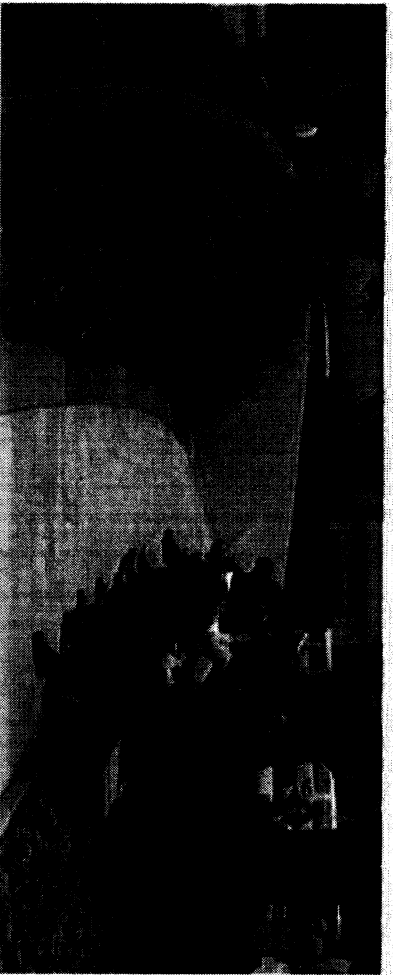
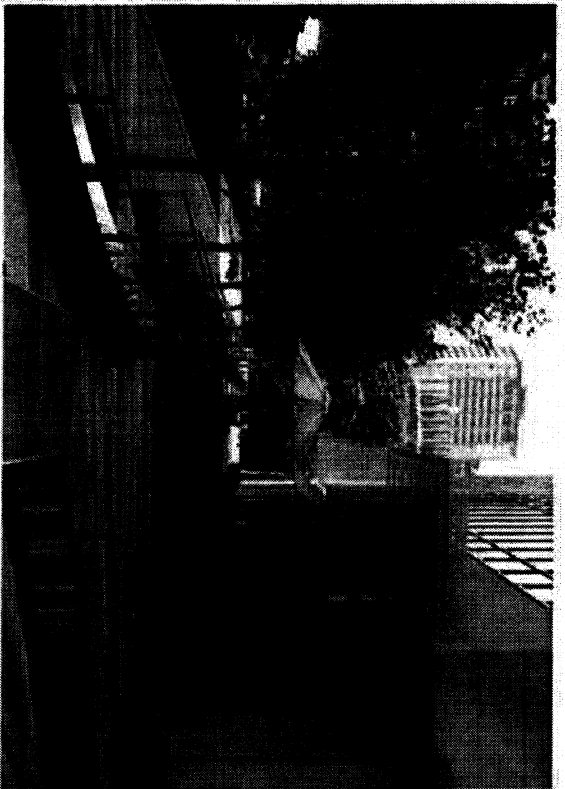
**STREETSCAPE**

PARTNERS

Shelton Gardens Association | architect

DEHME AND SWEDEN | OWS

**EAST WEST**  
BETHESDA, MARYLAND



CONCEPTUAL IMAGES Activated Corner

**STREETSCAPE**

PARTNERS

SHAW-DUNN ARCHITECTS

OPEN

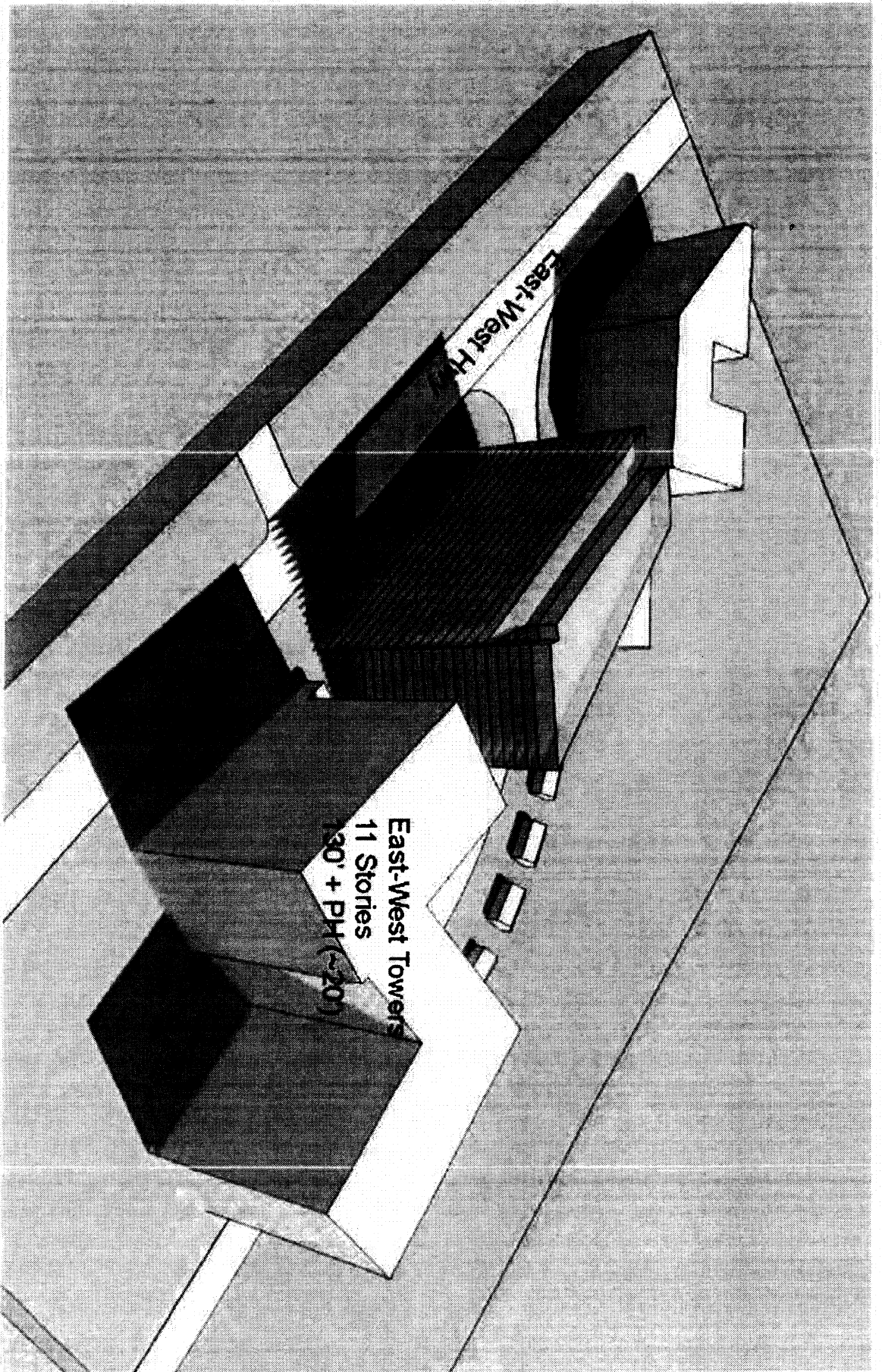
CEHME VAN SWEDEN | OVS

**EAST WEST**

BETHESDA, MARYLAND

June 24, 2015

page 8



**STREETSCAPE**  
PARTNERS

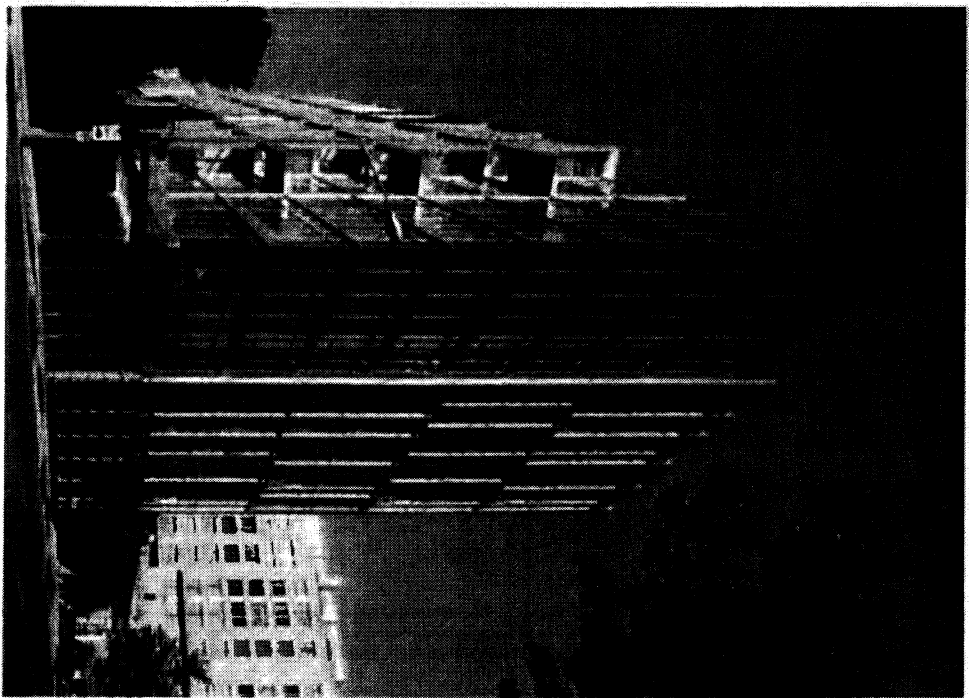
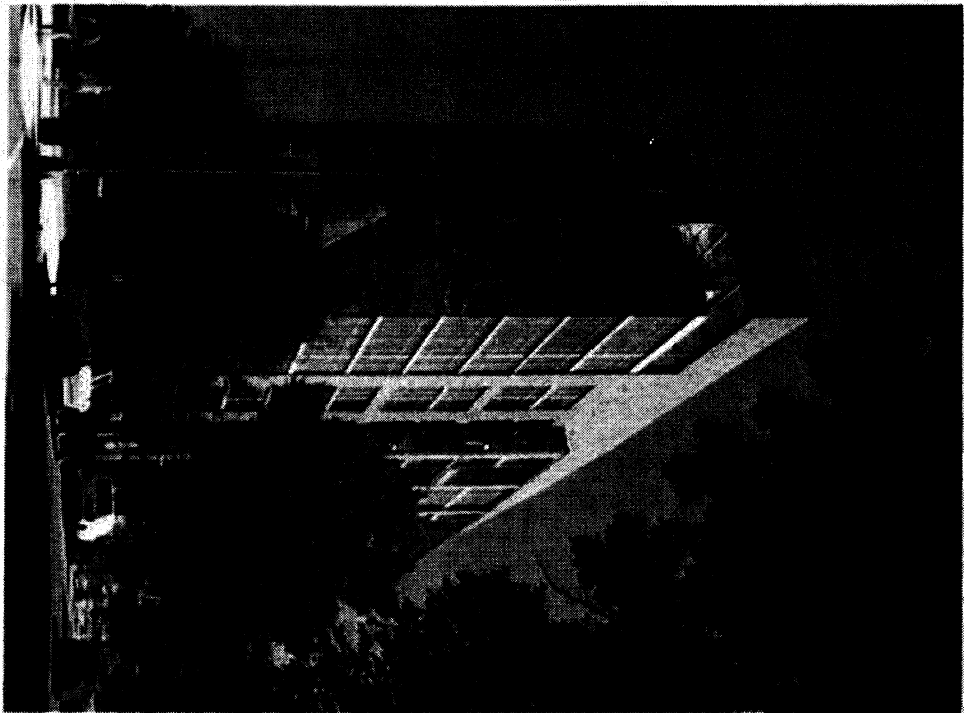
Shelton Brannen Associates Architects

CEHME VAN SWEDEN | OWS

**EAST WEST**  
BETHESDA, MARYLAND

June 24, 2015  
page 9





**S** STREETSCAPE  
PARTNERS

SHAWNEE HEIGHTS ASSOCIATION | ARCHITECTS

OEHNKE, JENSEN, SWEDEN | OVS

EAST WEST  
BETHESDA, MARYLAND

## MCP-CTRACK

---

**From:** Timothy Dugan <TDugan@shulmanrogers.com>  
**Sent:** Wednesday, July 01, 2015 3:21 PM  
**To:** MCP-BethesdaDowntownPlan; MCP-Chair  
**Cc:** Wright, Gwen; Kronenberg, Robert; Krasnow, Rose; DeOcampo, Marc; Howerton, Leslye; Robert Herman (baronsqb@gmail.com); Guido Adelfio (gadelfio@gmail.com); playay; Rui A. Ponte (r.ponte@ponte-mellor.com); Daralyn Grogg  
**Subject:** Adelfio/Herman Properties on Pearl Street = Letter to Planning Board  
**Attachments:** Adelfio\_Herman Properties on Pearl Street = Letter to Casey Anderson, Chair, and Planning Board Members, Bethesda Downtown Plan\_6270111\_1.PDF

Dear Chairman Anderson and Other Members of the Planning Board and the Planning Department:

I am attaching a July 1, 2015 letter for the Adelfio/Herman properties. Thank you for your consideration.

Tim Dugan

121970.00002

**TIMOTHY DUGAN**  
ATTORNEY AT LAW

[tdugan@shulmanrogers.com](mailto:tdugan@shulmanrogers.com) | T 301.230.5228 | F 301.230.2891

SHULMAN, ROGERS, GANDAL, PORDY & ECKER, P.A.  
12505 PARK POTOMAC AVENUE, 6TH FLOOR, POTOMAC, MD 20854  
1600 Tysons Boulevard, Suite 200, McLean, VA 22102

[ShulmanRogers.com](http://ShulmanRogers.com) | [BIO](#) | [VCARD](#)

**SHULMAN  
ROGERS** | **GANDAL  
PORDY  
ECKER**

The information contained in this electronic message and any attached documents is privileged, confidential, and protected from disclosure. It may be an attorney-client communication and, as such, is privileged and confidential. If you are not the intended recipient, note that any review, disclosure, copying, distribution, or use of the contents of this electronic message or any attached documents is prohibited. If you have received this communication in error, please destroy it and notify us immediately by telephone (1-301-230-5200) or by electronic mail ([LawFirm@srgpe.com](mailto:LawFirm@srgpe.com)). Thank you.

July 1, 2015

By Email

Casey Anderson, Chair  
Montgomery County Planning Board  
The Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Draft Bethesda Downtown Plan  
Adelfio/Herman Properties on the East Side of Pearl Street  
Between East West Highway and Montgomery Avenue

Dear Mr. Anderson and Members of the Planning Board:

We represent Mr. Guido Adelfio, the owner and operator of Bethesda Travel, located at 4422 East West Highway, and Robert Herman, DDS, who operates his Bethesda Dental practice adjacent to Mr. Adelfio's Bethesda Travel, at 4425 Montgomery Avenue.

As noted, the two properties are in the Pearl District. They run north to south along the east side of Pearl Street, between East-West Highway and Montgomery Avenue.

On Page 111, Figure 3.07, "Pearl District Recommended Zoning," the Adelfio/Herman properties are included in area "Circle 6."

The recommended classification is: CR 2.0, C-1.75, R 2.0, H-120.

Please see attached a copy of Page 111, Figure 3.07, with the Adelfio/Herman properties highlighted.

We submitted a May 19, 2015 letter. We also testified at the June 24, 2015 public hearing. We support the recommended zoning. We support the recommendation to extend the Parking Lot District to include the

Pearl District. We urge that the Pearl District not be burdened with a different streetscape requirement of "integrated stormwater management."<sup>1</sup> Such stormwater requirement is explicitly *not* recommended for other Bethesda Downtown areas.<sup>2</sup>

The owners proposed essentially the recommended zoning classification by assuming that the properties would be redeveloped as a standalone project, i.e., solely on the Adelfio/Herman properties.

Our nearby neighbors requested greater height and density than what was recommended for the Adelfio/Herman properties.

As for the abutting property owner to the east, at 4416 East West Highway, they report that their existing improved property's density is 1.67 FAR, and, thus already almost 2.0 FAR, which is the maximum recommended density for their property under "Circle 6" on Page 111. They request that their land be rezoned to at least CR 3.5, to provide a meaningful possibility of redevelopment.

On the west side of Pearl Street, immediately across the street from the Adelfio/Herman properties, the new Carr building was built to accommodate additional stories. During the public hearing, the owner requested that the designation on Page 111, "Circle 5," of CR 6.0, C-4.75, R-5.75, H-145, be amended to provide for greater flexibility between commercial and residential uses, and greater height, to accommodate additional stories as, CR 6.0, C-6.0, R-5.75, H-175.

---

<sup>1</sup> Please see Page 112, Para. 3.2.1.B.1.a. "Pearl District/Urban Design/Public Realm" that reads, "Create a shared street along Pearl Street with integrated stormwater management."

<sup>2</sup> Please see Page 30, Para 2.3 "Transportation" where it reads in part, "It is important to note that due to the operational focus of Complete Streets design strategies, this approach does not include "Green Streets" enhancements, such as storm water management, as part of its primary objective. Due to the transit-oriented nature of Downtown Bethesda, future transportation improvements within the Sector Plan area should consider Complete Streets strategies as critical elements of the transportation network."

If the Planning Board follows our neighbors requests for more overall density, greater flexibility between commercial and residential uses, and more height, we request that the Adelfio/Herman properties be treated similarly.

Applied to the Adelfio/Herman properties, the zoning classification should be: CR 3.5, C-3.5, R-3.5, H-145, as explained below.

Assuming that the additional density of 1.5 FAR, i.e., from 2.0FAR to 3.5 FAR, were located on the Adelfio/Herman properties, I calculate that additional height, yielding a total height of 145 feet, would be necessary to accommodate both the additional density and quality building and site design. Please consider the following calculations that I believe support my conclusion.

Description	Amount
Building footprint approx., based on an architect's analysis, spanning the Adelfio/Herman properties.	10,125SF
Calculation of Number of Floors to Accommodate 3.5FAR: (27,134SF = Tract Area times 3.5 FAR = 94,969)/ Divided by Footprint 10,125SF	10 floors approx
First floor retail height	20 feet
Floors 2-10 at 12 feet per floor (9 times 12)	108 feet
Additional Height To Accommodate Quality Building and Site Design	17 feet
Total Height	145 feet

As for the composition of commercial and residential uses, it seems prudent to also provide more flexibility to accommodate market forces; thus, we recommend an even level of commercial and residential uses as indicated, 3.5 FAR for each use.

Guido Adelfio and Bob Herman again extend their thanks to the Planning Department for their hospitality and fine work that produced the draft Bethesda Downtown Plan. We look forward to participating in the upcoming work sessions. Please call with your comments, questions and instructions. Thank you.

Very truly yours,

Timothy Dugan

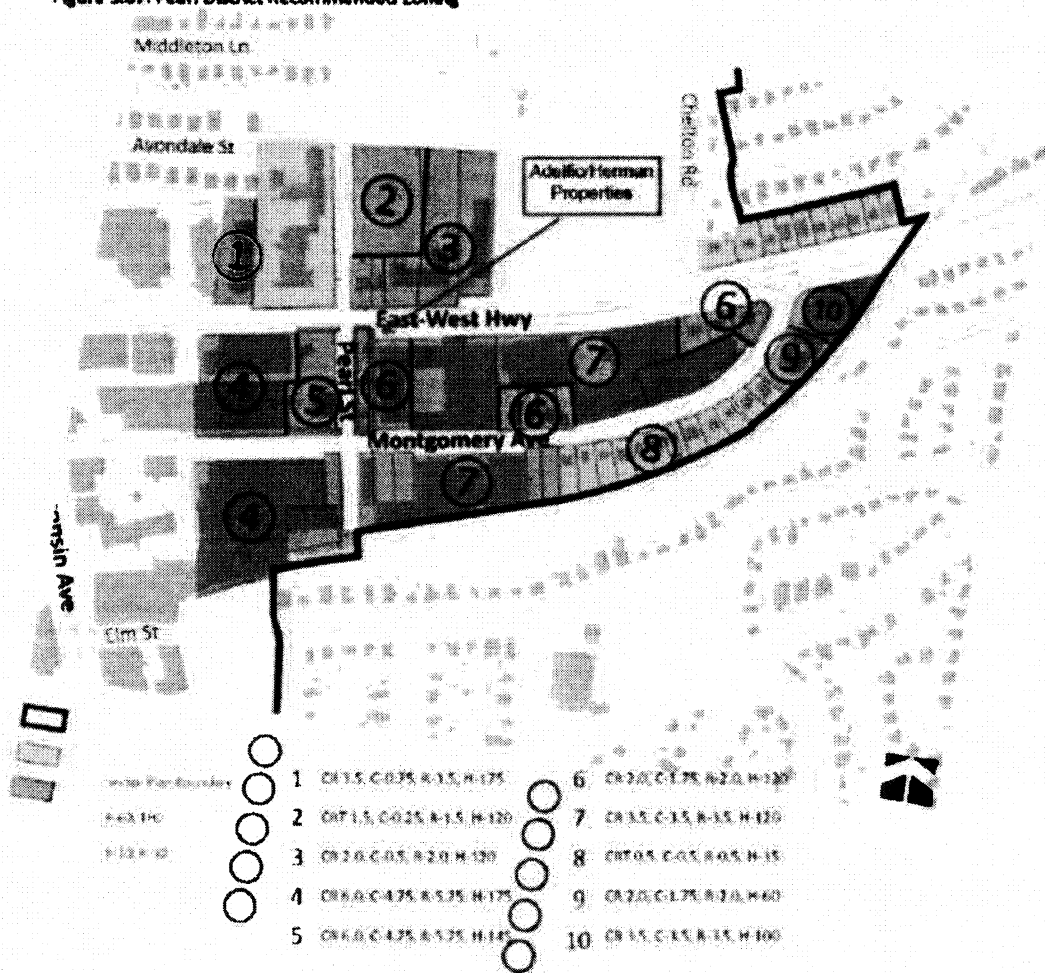
Attachment: Page 111 Figure 3.07, "Pearl District Recommended Zoning."  
with the Adelfio/Herman properties noted.

cc:

Ms. Gwen Wright	Ms. Rose Krasnow
Mr. Robert Kronenberg	Mr. Marc DeOcampo
Ms. Leslye Howerton	Robert Herman, DDS
Mr. Guido Adelfio	Mr. Patrick LaVay
Mr. Rui Ponte	

12/17/2022

**Figure 3.07: Pearl District Recommended Zoning**



## **MCP-CTRACK**

---

**From:** Titman, Dorothy R. <drtitman@lercheearly.com>  
**Sent:** Wednesday, July 01, 2015 3:24 PM  
**To:** MCP-Chair  
**Cc:** Wright, Gwen; Krasnow, Rose; Kronenberg, Robert; DeOcampo, Marc; Howerton, Leslye; Harris, Robert R.  
**Subject:** ON BEHALF OF ROBERT HARRIS/BETHESDA DOWNTOWN PLAN AMENDMENT - BATTERY LANE & STRATHMORE STREET APARTMENTS  
**Attachments:** Ltr to the Planning Board\_Bethesda Downtown Plan Amendment\_Battery Lane and Strathmore Street Apartments.PDF; Testimony of Michael Miller\_Bethesda CBD Sector Plan.PDF

At the request of Mr. Harris, I am forwarding to you the attached documents. Please note that the original is being forwarded by first class mail.

**Robert R. Harris - Attorney**

Lerch, Early & Brewer, Chtd. ideas that work  
3 Bethesda Metro Center - Suite 460 - Bethesda, MD 20814  
Tel: (301) 841-3826 Fax: (301) 347-1779 Email: [rrharris@lercheearly.com](mailto:rrharris@lercheearly.com)

**Dorothy R. Titman - Legal Assistant**

Lerch, Early & Brewer, Chtd. ideas that work  
3 Bethesda Metro Center - Suite 460 - Bethesda, MD 20814  
Tel: (301) 841-3828 Fax: (301) 986-0332 - [drtitman@lercheearly.com](mailto:drtitman@lercheearly.com)

Please consider the environment before printing this message.

**Attention:** This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.  
[www.lercheearly.com](http://www.lercheearly.com)





ideas that work

*Attorneys at Law*

3 Bethesda Metro Center, Suite 460  
Bethesda, MD 20814-5367

www.lerchearly.com

**Robert R. Harris**

Tel. (301) 841-3826

Fax (301) 347-1779

rrharris@lerchearly.com

July 1, 2015

VIA E-MAIL AND FIRST CLASS MAIL

Casey Anderson Esq.  
Chairman  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Bethesda Downtown Plan Amendment - Battery Lane and Strathmore Street Apartments

Dear Chairman Anderson and Planning Board Members:

We represent the owners of the Battery Lane Apartments located at 4887 Battery Lane (near the intersection of Battery Lane and Woodmont Avenue) and Strathmore Apartments, located at 7025 – 7039 Strathmore Street, near Wisconsin Avenue at Woodmont Avenue. We are attaching for the record a copy of the testimony presented at the hearing on June 24 by Mr. Michael Miller, one of the property owners.

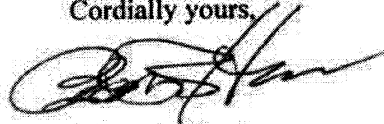
In addition to that testimony, we want to offer some additional observations based on other testimony presented to you at the time. First, Aldon Management, presented testimony very similar to that presented by Mr. Miller, explaining why the recommendations in the Draft Plan will not protect affordable housing and will actually disserve those objectives. Included in those remarks, were the explanation that the existing units in those buildings do not serve people qualified for MPDU rents. Rather, the normal profile of those renters is someone with income levels well above MPDU qualifications. We also agree with Aldon's observations that all of these aging apartment units will require substantial renovations and improvements in coming years. The HVAC systems alone do not compare with modern, energy-efficient standards resulting in far higher energy costs for tenants and far higher energy usage than the County's sustainability goals call for. Moreover, the units generally are not ADA compliant, have other aging mechanical and structural systems and will need improvement. Making huge capital improvements to these projects and converting them to condominium units remains one viable option to address these shortcomings. The other, as our client and Aldon both testified, is to provide sufficient height and density so that the properties can redevelop with a sufficient number of units to provide a large number of MPDUs, guaranteed for an extended period of time to serve the most important housing needs in the area, while also providing sufficient returns for the owners to make the substantial investments.

Casey Anderson Esq.  
July 1, 2015  
Page 2

We note that no witnesses spoke against redeveloping these properties in such a manner and, we believe those speaking in favor of MPDUs would recognize the benefit of a substantial number of MPDU restricted units under a redevelopment scenario.

Consistent with the other recommendations in the Sector Plan for properties near each of these, where densities are being recommended in the 4.0 and greater range, and heights of 150 feet or more, we respectfully request that both the Battery Lane Apartments and the Strathmore Apartments sites (Area 1 on page 119 along Battery Lane and Area 6 on page 129) be recommended for CR zoning at a 4.0 FAR density, (with a residential density permitted of 4.0 FAR) and a height of 150 feet. These properties are not proximate to any single-family residential units, have excellent transit service, and are integral parts of downtown Bethesda. They should have heights and densities consistent with those characteristics.

Cordially yours,



Robert R. Harris

Enclosure

cc: With enclosure:  
Marye Wells-Harley  
Norman Dreyfuss  
Natali Fani-Gonzalez  
Amy Presley  
Gwen Wright  
Rose Krasnow  
Robert Kronenberg  
Marc Deocampo  
Leslye Howerton

6/24/2015

## Bethesda CBD Sector Plan

### Testimony of Michael Miller

I am here today representing the owners of Battery Lane Apartments, which is at 4887 Battery Lane (off the corner of Battery Lane and Woodmont Ave) and Strathmore Apartments at Woodmont Ave and Strathmore Street. These properties have been owned by the same partnership (and group of families) for over 30 years. We have a critical opportunity for Bethesda that should not be squandered. The opportunity, specifically, is to create affordable housing units in perpetuity, versus incentivizing the current owner to seek alternative uses for what the planners currently characterize as "naturally occurring affordable housing". The apartments, which they are referring to carry no jurisdictional or other legal requirement to offer what is considered affordable housing.

The current draft plan provides for minor additional FAR with the intent of transferring that FAR and using the monetary proceeds from that transfer to reinvest in the decaying infrastructure within our building. This is not going to happen.

Not permitting substantial extra density on such a uniquely situated and valuable parcel of land, (which in the case of Battery lane is 2 acres with no single family homes in the general vicinity and backing up directly to NIH), is not in keeping with the goal of creating affordable housing in the county. It may be expected that the naturally occurring affordable housing will be maintained if there is no ability for owners to redevelop their properties to higher densities; this is flawed logic. Investors in real estate, always seek the highest and best use for their properties. The highest and best use of the current properties is not as rentals, but rather as condominium units or as a redevelopment (of a similar size structure) without any requirement to provide rental units of any kind. In other words, trying to simply maintain the status quo will actually promulgate the opposite outcome, the disappearance of these so called naturally occurring affordable housing.

It should be noted, that the resident population at our properties is not consistent with MPDU type incomes, but rather, is often the well-paid doctor or other professional in the surrounding area, desirous to get a less expensive place for a couple years, until they move on. The vast majority of renters at our buildings are highly transient and usually stay no longer than 2 or 3 years.

Alternatively, if we are prescribed a greater density on our land, with an FAR of at least 4, we would construct a new property, which, through current laws would provide for legally required affordable units in perpetuity, which would actually go to those individuals truly needing affordable housing and not well paid physicians

and executives. The larger density should apply to all properties near the intersection of Woodmont and Battery as they are in between 2 metro stops and are close to the center of downtown Bethesda. This would permit us to provide both the needed housing to the growing NIH and Naval campuses (which our property is closest to) but also to create this critical stock of legally sanctioned affordable rentals. This is truly smart growth.

We are owners for the long run, and our business is to own and operate rental housing, we have buildings in the district which our family has owned for over 90 years. We would like to create something that is viable for the next 90 years, that we can continue to own and operate, but if the staff fails to recommend a density that is viable for higher density redevelopment then we will have no choice but to consider our alternatives for a property whose infrastructure is already beyond its useful life; and I am sorry to say I do not see that ending in the preservation or maintenance of what are currently referred to as naturally occurring affordable housing.

## **MCP-CTRACK**

---

**From:** Elsa Silverman <ebsilverman@gmail.com>  
**Sent:** Wednesday, July 01, 2015 3:43 PM  
**To:** MCP-Chair  
**Subject:** Bethesda downtown plan

PLEASE! More green space, fewer highrisers!

RECEIVED  
0376  
JUL 01 2015

**MCP-CTRACK**

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

**From:** O'Neil, Patrick L. <ploneil@lercheary.com>  
**Sent:** Wednesday, July 01, 2015 3:46 PM  
**To:** MCP-Chair  
**Cc:** Howerton, Leslye; Kronenberg, Robert; DeOcampo, Marc; O'Neil, Patrick L.  
**Subject:** Euro Motorcars - Bethesda Downtown Plan Clarification  
**Attachments:** Anderson Ltr 070115.pdf

Please accept this letter on behalf of our client, Euro Motorcars, as part of the comment record regarding the Bethesda Downtown Plan.

Thank you.

**Patrick L. O'Neil - Attorney**  
Lerch, Early & Brewer, Chtd. ideas that work  
3 Bethesda Metro Center - Suite 460 - Bethesda, MD 20814  
Tel: (301) 657-0738 Fax: (301) 347-1536 - [ploneil@lercheary.com](mailto:ploneil@lercheary.com)  
Cell: (202) 330-1127  
Bio: [www.lercheary.com/team/patrick-l-oneil](http://www.lercheary.com/team/patrick-l-oneil)  
Vcard: [www.lercheary.com/team/patrick-l-oneil-vcard](http://www.lercheary.com/team/patrick-l-oneil-vcard)

Please consider the environment before printing this message.

**Attention:** This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.  
[www.lercheary.com](http://www.lercheary.com)



ideas that work

*Attorneys at Law*

3 Bethesda Metro Center, Suite 460  
Bethesda, MD 20814  
www.lerchearly.com

**Patrick L. O'Neil**

Tel. (301) 657-0738  
Fax (301) 347-1536  
ploneil@lerchearly.com

July 1, 2015

*Via Electronic Mail*

Mr. Casey Anderson, Chairman  
Montgomery County Planning Board  
Maryland National Capital Park & Planning Comm.  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Bethesda Downtown Plan – Public Hearing Draft  
Euro Motorcars Property  
7020 Arlington Road, Bethesda, MD

Dear Chairman Anderson:

Our firm represents the Euro Motorcars dealership at 2020 Arlington Road in Bethesda, Maryland, which is located within and adjacent to the Bethesda Row District of the Bethesda Downtown Plan – Public Hearing Draft. The Bethesda Row portion of the property is more particularly identified as Circle 9 on page 99 of the Public Hearing Draft.

Consistent with the Public Hearing Draft, the Bethesda Row portion of the property is recommended to be CRT 2.75, C-1.75, R-1.0, H-70, which is an increase from the current zoning of CRT 2.25, C-1.5, R-.75, H-45. However, it is the property owner's desire and Planning Staff's intent (as we understand) to upzone an additional portion of the Euro Motorcars property (totaling approximately half of the property), as reflected on the Recommended Building Heights Figure on page 69 of the Public Hearing Draft. The purpose of this letter is to seek a slight modification of the Public Hearing Draft to clearly identify the eastern half of the property that is to be rezoned under the Sector Plan.

The confusion may be better understood by referring to page 92 of the Public Hearing Draft, which identifies the various proposed districts in the Downtown Plan. You will note that some properties within the Sector Plan area are not included in any of the proposed districts, and are not otherwise addressed in the Downtown Plan. This is presumably to illustrate that the zoning for these properties will not change as a result of the Downtown Plan. However, at least a quarter of the Euro Motorcars property, within the un-districted area to the west of the Bethesda Row District, is indeed supposed to be rezoned.

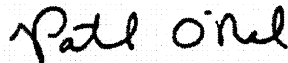
To correct this oversight, we suggest that the Bethesda Row District be expanded slightly to the west to include the roughly one-quarter portion of the Euro Motorcars property that is intended to be upzoned. We also note that the Arlington South district may be similarly expanded to the north as an alternative. In either event, we are seeking to create a clear record of

Mr. Casey Anderson, Chairman  
July 1, 2015  
Page 2

the new zoning for the Euro Motorcars property. The new zoning for the easterly half of the Euro Motorcars property is essential to facilitate the long-planned commercial redevelopment of this site. This proposed redevelopment has been discussed twice with Staff and nearby property owners, and everyone is supportive.

Thank you for your consideration of this matter. We look forward to your direction, with Planning Staff input, on how it may be best addressed in the Downtown Plan.

Very truly yours,



Patrick L. O'Neil

cc: Paul DiPiazza  
Jon Penny  
Robby Brewer



## **MCP-CTRACK**

---

**From:** Titman, Dorothy R. <drtitman@lercheary.com>  
**Sent:** Wednesday, July 01, 2015 3:46 PM  
**To:** MCP-Chair  
**Cc:** Wright, Gwen; Krasnow, Rose; Kronenberg, Robert; DeOcampo, Marc; Howerton, Leslye; 'Simon Carney (simon.carney@brookfield.com)' (simon.carney@brookfield.com); richard.fernicola@brookfield.com  
**Subject:** ON BEHALF OF ROBERT HARRIS/BETHESDA DOWNTOWN PLAN AMENDMENT - BETHESDA METRO CENTER  
**Attachments:** Ltr to the Planning Board\_Bethesda Downtown Plan Amendment\_Bethesda Metro Center.PDF; Comments in Support of Public Hearing Draft\_Brookfield.PDF

At the request of Mr. Harris, I am forwarding to you the attached documents. Please note that the original is being forwarded to you via first class mail.

**Robert R. Harris - Attorney**

Lerch, Early & Brewer, Chtd. ideas that work  
3 Bethesda Metro Center - Suite 460 - Bethesda, MD 20814  
Tel: (301) 841-3826 Fax: (301) 347-1779 Email: [rrharris@lercheary.com](mailto:rrharris@lercheary.com)

--

**Dorothy R. Titman - Legal Assistant**

Lerch, Early & Brewer, Chtd. ideas that work  
3 Bethesda Metro Center - Suite 460 - Bethesda, MD 20814  
Tel: (301) 841-3828 Fax: (301) 986-0332 - [drtitman@lercheary.com](mailto:drtitman@lercheary.com)

Please consider the environment before printing this message.

**Attention:** This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.  
[www.lercheary.com](http://www.lercheary.com)



ideas that work

*Attorneys at Law*

3 Bethesda Metro Center, Suite 460  
Bethesda, MD 20814-5367  
www.lerchearly.com

**Robert R. Harris**

Tel. (301) 841-3826  
Fax (301) 347-1779  
rrharris@lerchearly.com

July 1, 2015

**VIA E-MAIL AND FIRST CLASS MAIL**

Casey Anderson Esq.  
Chairman  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

**Re: Bethesda Downtown Plan Amendment - Bethesda Metro Center**

Dear Chairman Anderson and Planning Board Members:

We represent Brookfield Property Partners, L.P., the owner of the Bethesda METRO Center project. The purpose of this letter is to expand upon the testimony which Simon Carney presented on behalf of Brookfield at the public hearing on June 24, 2015. In a nutshell, we support the Public Hearing Draft recommendations for the METRO Center project. With the exception of Clark Construction's individual opposition and that of several speakers triggered by Clark's anti-development campaign, the Draft recommendations have extensive support and fully reflect the overall goals and vision set forth in the Public Hearing Draft for Downtown Bethesda. For the convenience of the Planning Board and Staff, we are attaching Mr. Carney's statement to this letter which reflects his testimony on June 24. As outlined below, we want to use this opportunity to address both our assessment of the public hearing itself and Clark Construction's opposition efforts.

I. Overall Hearing Observations

The vast majority of people speaking at the hearing supported the Public Hearing Draft vision for Bethesda, with taller buildings, greater density, a more intense mix of uses, greater orientation to public transportation, new buildings with a higher sensitivity to sustainability in design and construction and the overall evolution of Bethesda from the vision first created 40 years ago, to one more reflective of the 21st century and beyond. In fact, many of those speaking at the hearing were advocating even greater heights and densities than those proposed in the Public Hearing Draft. Brookfield has no opposition to that position but notes that its goal at METRO Center is not to seek support for taller buildings or greater density than allowed already by the current zoning and already contained in the Draft Plan; it simply wants to be able to use that height and density to improve an aging complex.

A variety of witnesses spoke in favor of improved and better programed open space in Bethesda. Brookfield shares in those desires and intends to implement them with improved open space design for the aging plaza, and through its in-house events programming experience. We

call your attention to the general and specific support at the hearing for such redevelopment plans from organizations like The Coalition for Smarter Growth, The Washington Area Bicycle Association, Action Committee for Transit (written), The Town of Chevy Chase, the Greater Bethesda Chevy Chase Chamber of Commerce, The Sierra Club, The Bethesda Urban Partnership and the Hyatt Hotel, as well as various individual Bethesda residents interested in Brookfield's plans for improved public space, a better METRO bus bay and more sustainable buildings. We recognize that representatives from Clark Construction spoke in opposition as did some individuals recruited by Clark but, as addressed in the following section, we do not believe that opposition in any way supports departing from the recommendations in the Public Hearing Draft.

## II. Clark Opposition

A small group of individuals joined Clark in arguing that green space alone, not redevelopment along with open space and METRO improvements, is the most important objective for the METRO Center area. We are unclear about Clark Construction's motives. They have owned their adjoining building for more than 30 years. Until Brookfield's plans for a new building at METRO Center and plans for improving the Plaza and METRO bus area emerged, Clark had never proposed any improvements to the Plaza. Rather, even though they are aged and unattractive, the existing facilities appear to have served their interests very well. We can only assume that Clark either is concerned that a new office building, built to far more sustainable and energy-efficient standards than the aging Clark Building, would compete with them for tenants. Alternatively they may believe that their corporate executives' views to the south should be protected at all costs. For whatever reason, Clark has engaged in an active direct mail campaign to solicit opposition to the Draft Plan, has had multiple rallies and meetings to find possible opponents and has engaged in an anti-development campaign highly uncharacteristic for a construction company and developer. Equally concerning, the campaign appears to be based on an erroneous "either or" message: either the community can have green space at METRO Center or they can have a new building, residents have been told. What the residents have not been told is that if Clark's ideas for this location were to prevail, then the status quo – an unattractive and aging plaza in the middle of Bethesda, will likely continue since they have offered nothing in terms of how to pay for their plans for Brookfield's site nor do they control the site. The fact is that any significant improvements to this area will require a new building to make them a reality.

Consistent with the recommendations in the Public Hearing Draft, Brookfield's plans do call for a new building (either office or residential, with ground-floor retail) as well as major improvements to both the existing public Plaza and to the METRO bus station area below. We are attaching to this letter some visual materials including perspectives and plans showing how a new building and significantly improved green space would be incorporated into, and financed by the new development. Contrary to representations made by Clark's representatives, the public use space at the plaza level would not shrink. In fact, we expect that it will grow from approximately 36,000 square feet today to nearly 40,000 square feet under the redevelopment scenario. Moreover, when that public use space at the METRO Center project alone is combined

with Plaza level space controlled by the Hyatt, Clark Construction and the Newlands Building, there will be even more open space. Equally important, it will be improved substantially over the physical features that exist today - a hodgepodge of planters and bricks divided by different elevations, with very little lawn area, and next to no retail activation. Additionally, Brookfield's vast experience in programming open space through its "Arts Brookfield" affiliate, ensures a robust and diverse level of programmed public activities ranging from dancing and arts events to farmers markets, movies on the lawn, outdoor dining and passive recreation. None of this would occur under a scenario in which a green area is built along the Street edge at Wisconsin Avenue and Old Georgetown Road as Clark has suggested.

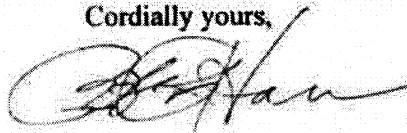
In its efforts to seek recruits against Brookfield's plans, Clark has developed a story which asserts that a Plaza area, framed by existing buildings and a future building connected to the streets with retail promenades, will not offer meaningful open space. Rather, Clark contends that open space must be along Wisconsin Avenue and Old Georgetown Road to be usable. We respectfully disagree. In fact, the type of community activities mentioned above are far more appropriate in a central park set well back from busy roadways and bracketed with active ground-floor retail. Examples of how such protected open spaces can be very active and inviting range from the Rockville Town Center Square, Reston Town Center and other local examples, up to, perhaps the best examples of all, being Rockefeller Plaza in New York City and squares and piazzas in Europe. Indeed, some of Clark's witnesses testified that they wanted the Plaza preserved and they harkened back to the early days of the Plaza when it was active. Unfortunately, over time and because of various factors, that activity level did not survive - this was largely due to the fact that the "food court" building (which was to have activating retail) was hidden behind dark brown glass so that none of the internal uses could be seen from the street and, on top of that, no exterior signage was allowed. That was a sure way to doom retail and restaurant space. Downtown Bethesda also held only a fraction of the current and planned office and residential populations, interested in having all types of open spaces to enjoy.

Today, the daytime and nighttime populations of downtown Bethesda have both grown and evolved. We now have the Roundhouse Theater, Bethesda Blues and Supper Club, Imagination Stage and numerous other arts and entertainment activities attracting people here. Even more indoor and outdoor performance spaces are important. Additionally, people are now walking, bicycling and generally being more active in downtown Bethesda more than they were 30 years ago. Brookfield is prepared to support this evolution through significant physical improvement to the Plaza (including better pedestrian paths, and way-finding and bike facilities), and its expertise in managing and programming such facilities. Perhaps even more importantly, their intent, as reflected in the Draft Sector Plan, provides for a new sustainable, mixed-use building at METRO Center, the most important location for new, downtown Bethesda development to occur. We believe the Draft Sector Plan and Brookfield's efforts will help to achieve the visions set forth in the Draft Bethesda Downtown Plan. Our only request is that the sustainability goals of the plan recognize the unique features of this site. It is fully "paved" today and any new construction would be built on top of those structural components. The new building itself would include all suitable environmental features but the site itself will have to remain largely impervious.

Casey Anderson Esq.  
July 1, 2015  
Page 4

With these comments we strongly support the recommendations in the Draft Plan and are pleased to have such broad public support for those ideas.

Cordially yours,

A handwritten signature in black ink, appearing to read "R. Harris", written in a cursive style.

Robert R. Harris

**Enclosures**

cc: Marye Wells-Harley  
Norman Dreyfuss  
Natali Fani-Gonzalez  
Amy Presley  
Gwen Wright  
Rose Krasnow  
Robert Kronenberg  
Marc DeOcampo  
Leslye Howerton  
Simon Carney  
Rich Fernicola

Comments in Support of Public Hearing Draft  
Bethesda Downtown Plan

Brookfield Property Partners  
Bethesda METRO Center Improvements

June 23, 2015

As owners of the Bethesda METRO Center properties, Brookfield Property Partners, L.P., offers this Statement in support of the public hearing draft of the Bethesda Downtown Plan. Brookfield supports the proposed zoning and improvements to the METRO Center project that are possible under the Public Hearing Draft. Brookfield will be testifying in support of the Public Hearing Draft at the hearing on June 24, 2015. Given the limited amount of time available for testimony, this Statement and the attachments to it are being submitted to document the many reasons Maryland-National Capital Park and Planning Commission Staff are recommending redevelopment opportunities for METRO Center. This Statement is also offered in order to address efforts led by Clark Construction to prevent such redevelopment.

I. Background

The current METRO Center development is the product of the 1976 Bethesda CBD Sector Plan, a Plan that is now nearly 40 years old. Although that Plan was developed with METRO in mind, it was conceived well before METRO was extended to Bethesda and at a time when the County did not fully appreciate the importance of METRO, public transit and smart growth. It predated contemporary principles of sustainable design, the importance of urban areas for mixed-use development at the highest possible densities, and the advancing transformation of down County areas in Montgomery County from suburbs to vital urban areas, in many cases providing 24/7 activities. As discussed in more detail in this Statement, all of these reasons underscore the importance of achieving new development potential at the Bethesda METRO Center.

In recent years, other parts of Bethesda (for example Bethesda Row and the Woodmont Triangle) and areas outside of Bethesda (for example downtown Silver Spring, White Flint and now, Wheaton), all have seen major Master Plan changes promoting redevelopment at greater densities and heights than envisioned in the 1970s. In the meantime, the Bethesda METRO Center area has remained stagnant. At the same time, it presents substantial opportunities for new, mixed-use development without adversely impacting the environment or the surrounding Bethesda community.

Eight years ago, the prior owners of the Bethesda METRO Center project recognized these factors and proposed redevelopment of the portions of the METRO Plaza area that are currently occupied by the three-story "food court" building and part of the surrounding Plaza. M-NCPPC Staff fully supported the vision as did: Montgomery County Executive Leggett, the Washington Metropolitan Area Transit Authority, the Washington Smart Growth Alliance, the

Maryland Department of Transportation, the Coalition for Smarter Growth, the Sierra Club, the Maryland Department of Business and Economic Development, the Action Committee for Transit, Governor Glendenning, multiple bicycle organizations, the Hyatt Hotel, local businesses, and members of the community. The Montgomery County Planning Board concluded that provisions in the 1994 Bethesda CBD Sector Plan, which still applied at the time, first required an amendment to the Sector Plan before such redevelopment could occur. Due to the press of many competing Master Plan studies, an update to the Bethesda CBD Sector Plan was not possible until now. The current update provides the opportunity to now proceed.

## II. Location

In real estate, sites recognized for their key development potential are often referred to as being at "the corner of Main and Main." This site, in the very center of the Bethesda CBD, at the intersection of Wisconsin Avenue and East-West Highway/Old Georgetown Road, certainly is at the corner of Montgomery County's "Main and Main." Even better than that, with the increasing importance of public transportation, it might be referred to as a site at the corner of "Main and Train." This location sits directly atop the Bethesda Station on METRO's Redline, has the best bus service in the entire Western Montgomery County area, and will be connected via the Bethesda METRO Station to the future Purple Line. This location is also served by 14 METRO bus and Ride-On routes, as well as the Bethesda Circulator, it has an excellent pedestrian network connecting it to the rest of the CBD and the surrounding community, and it is served by both local and regional bicycle routes. This location is within a 10 minute walk of more than 10,000 residents. It is also well separated from single-family communities surrounding Bethesda. It would be difficult to identify a site in Montgomery County where development is more appropriate.

## III. Zoning

The property has long held the most intensive zoning in Montgomery County with the greatest possible heights. The recent changes to accommodate redevelopment in the White Flint area have now demonstrated the propriety of even greater heights and densities in key METRO station areas. The Development Plans created for the site in the 1970's, did not take full advantage of the zoning potential then, enabling additional development even without a zoning change. Significantly, the recent rewrite of the Zoning Ordinance, the creation of the CR zones, and the rezoning of the property to the CR 8.0, C6.0, R7.5, and H-175T now opens the door for new uses there. The public hearing Draft recommendation for the site to keep the existing density, but to allow a taller building (as being recommended for the rest of the CBD core along Wisconsin Avenue), ensures the ability of the owners of the under-developed portion of the METRO Center area (the Hyatt Hotel and 3 Bethesda METRO Center) to find ways to expand the mix of uses to allow additional retail and office and new residential uses, and revitalize the entire METRO Center area.

## IV. Transportation

No one denies the growing importance of public transportation in the region and in Montgomery County. The Bethesda CBD already boasts a 42% Non-Auto Driver Modal Split

(NADMS) with a goal of reaching 50% as provided in the new Sector Plan draft. Sites like this, on top of a multi-modal transportation system, represent the most desirable ways in which to achieve the NADMS of the future. Moreover, redevelopment of this property will make use of an existing parking garage and require no additional parking. As discussed below, it will enhance the multi-modal operations with new bike station/bike storage facilities, wayfinding, and significant improvements to the multi-modal station itself.

#### V. Sustainable Design

One of the goals of the new Sector Plan is to achieve new measures of sustainable design. Redevelopment of this property will result in no loss of trees and no impact on streams or wetlands. It will create no new impervious area. Rather, it will result in added storm water management facilities which are now nonexistent and LEED design features will be incorporated. In this respect, Brookfield has a track record throughout the country of achieving the highest environmental sustainability marks, and currently has 39 Buildings in North America with LEED certification. This includes green initiatives through energy reduction, water conservation, recycling, enhanced indoor air quality, alternative transportation measures, environmentally friendly cleaning materials and other practices.

#### VI. Amenities to Benefit Greater Bethesda Community

The property owners are committed to a major upgrade to the METRO Plaza and courtyard area to attract broader community use. This will include the creation of a "living room" for all of Bethesda, with a noise and traffic protected area suitable for "movies on the lawn", community events, yoga classes, farm markets, community events and other services. New restaurant and retail services to be incorporated into the ground-floor of a new building, as well as contemplated improvements to the ground-floor of the Hyatt Hotel and the existing 3 BMC, building will greatly improve the vitality of this area and its attractiveness to the greater community. To execute this, Brookfield has a well-established group in-house, known as "Arts Brookfield" that designs, programs and operates public use spaces such as this throughout the country and overseas. With these experiences and the financial commitments of the owner, the METRO Plaza area can become a much greater community resource than was ever possible before. The addition of new mixed-use development both at the METRO Center itself and in the neighboring areas of the CBD core will provide both the opportunity and the demand for additional services like this.

Equally important, through discussions with a wide variety of Bethesda organizations and others in the Bethesda area, as well as the Washington Metropolitan Area Transit Authority, the owners have identified a series of highly-desirable improvements to the Bethesda bus station area. The improvements currently under consideration (which would be funded through the redevelopment), include better lighting, improved seating areas, improved bicycle facilities, better way-finding, continuation of the artwork from the Wisconsin pedestrian tunnel into the bus bay, a new covered escalator leading from the bus bay to the Plaza, enhanced commercial signage activating high visibility areas, public Wi-Fi, real time bus signs, and a possible vestibule separating the bus bay from the pedestrian egress into and out of the bus station to the



Plaza. The specifics of these features will be refined through discussions with WMATA and the community but it is safe to say that the benefits will be significant.

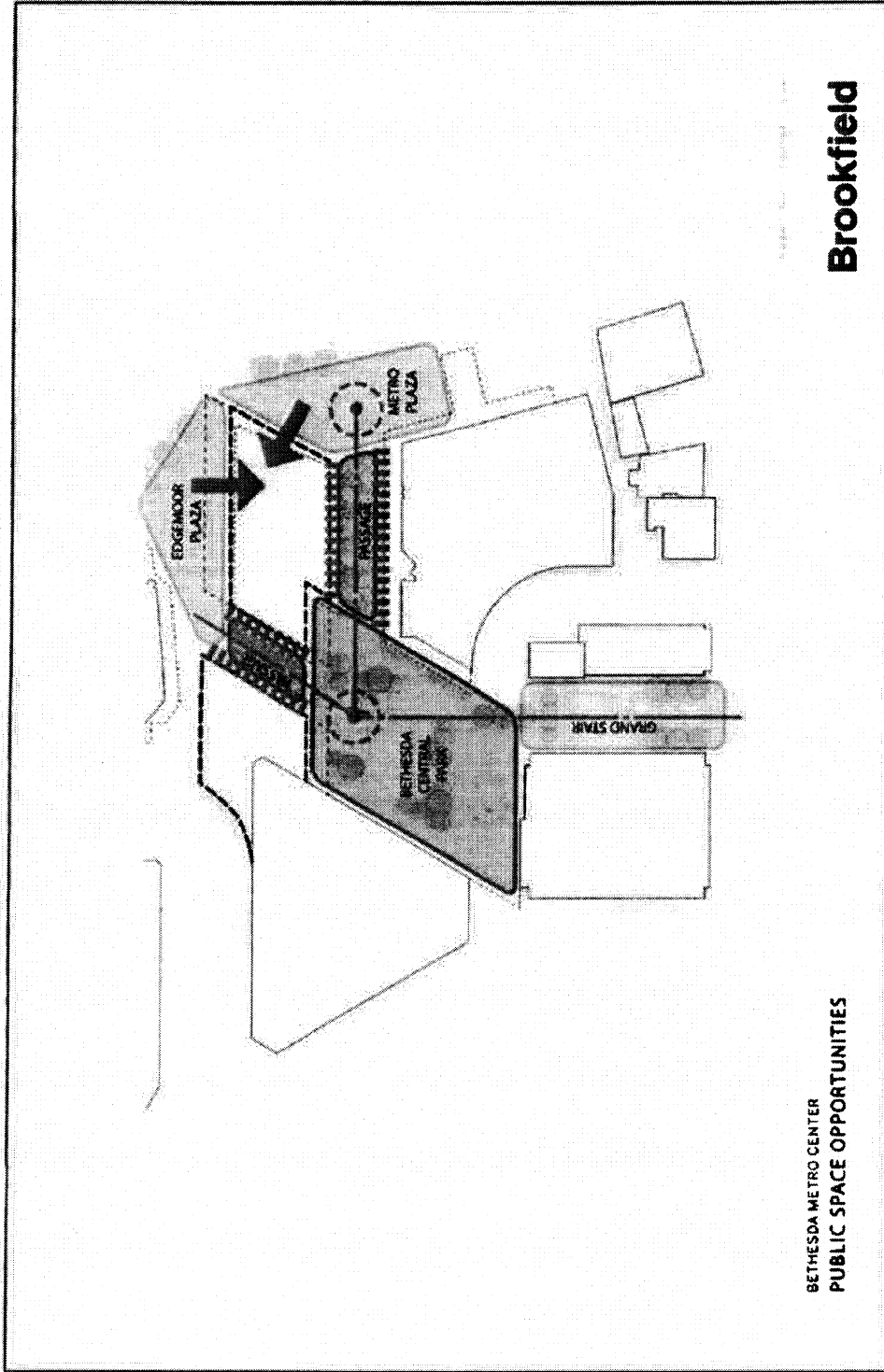
#### VII. Physical Benefits

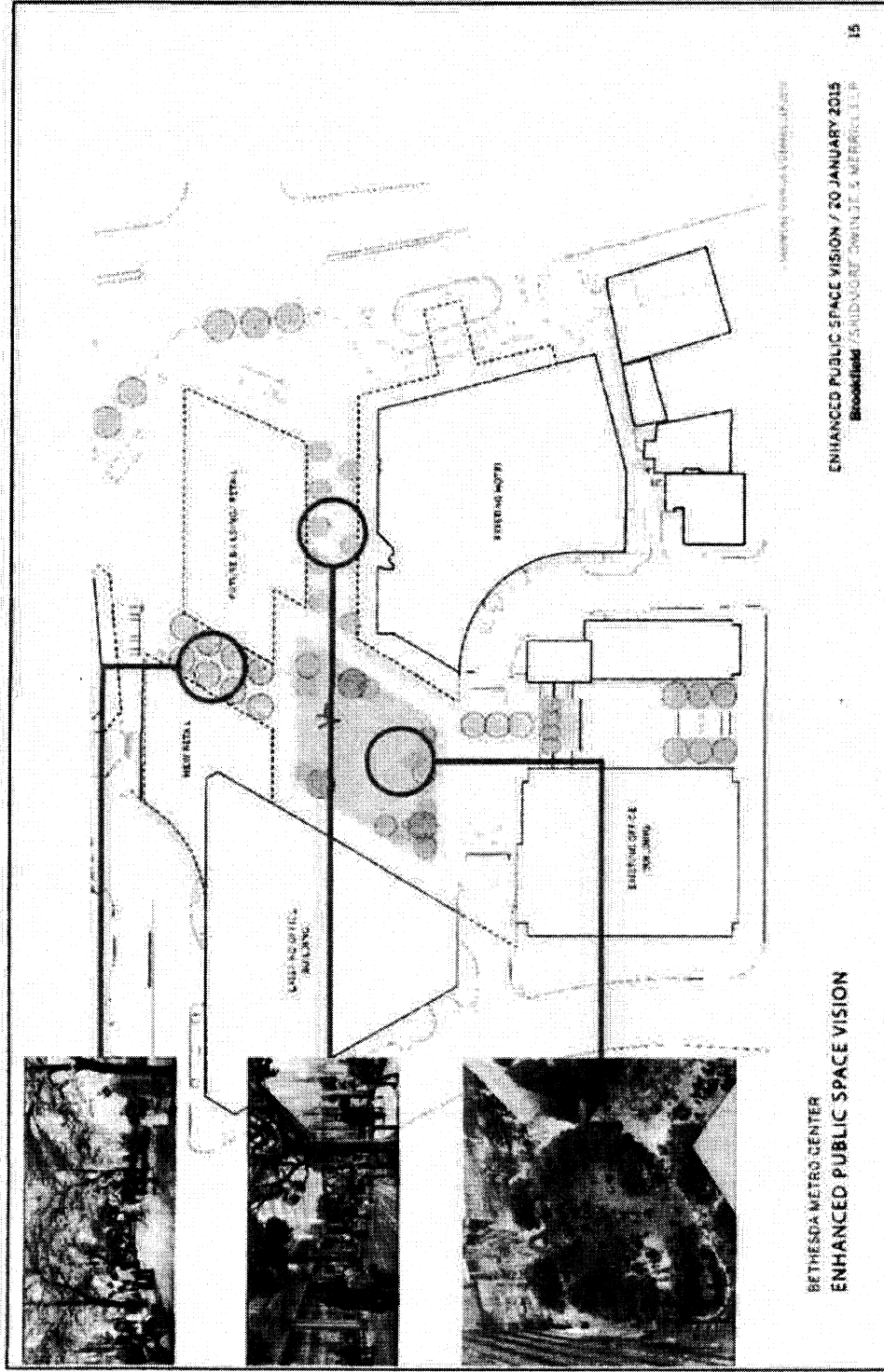
Yet another important basis for allowing new development at the Bethesda METRO Center is the beneficial results for the County from a fiscal perspective. No new public infrastructure investments will be required, because the contemplated improvements to the Plaza and bus area will be supported by the new development. Moreover, the new development itself, and the improved vitality for the remainder of the METRO Center area will result in major tax benefits to both the County and the State. Additional METRO-oriented development will also provide additional financial support for WMATA at a time when such funds are so important. Finally, the ability to construct new, iconic buildings in downtown Bethesda, particularly at the METRO Center, will enhance Bethesda's attractiveness as a business center in competition with Tysons Corner, downtown Washington and other areas, and also increase the vitality of the METRO Center area.

#### VIII. Clark Construction Opposition

Sadly, whether out of interest in protecting its existing corporate headquarters as the tallest building at the METRO Center, seeking to avoid competition from a potential new office building that would be substantially more desirable from an environmental and sustainability standpoint than the existing Clark building, or the protection of skyline views for corporate executives, Clark Construction has undertaken an active campaign to oppose the Public Hearing Draft and prevent any redevelopment at METRO Center under its existing zoning. Members of the community have been asked by Clark to comment as to whether they favor green space or a new building at METRO Center, implying that the choices are one or the other. Not surprisingly, many people may choose open space. The reality, however, is that new development at the METRO Center will achieve both new, transit oriented development and significantly improved open space. It is not an either/or scenario. We ask that you not let Clark Construction's individual interests interfere with overall County land use policies and the Sector Plan goals for a truly sustainable downtown, with new economic, social and environmental benefits.

Simon Carney  
Brookfield Property Partners  
750 9th Street, NW  
Suite 700  
Washington, DC 20001



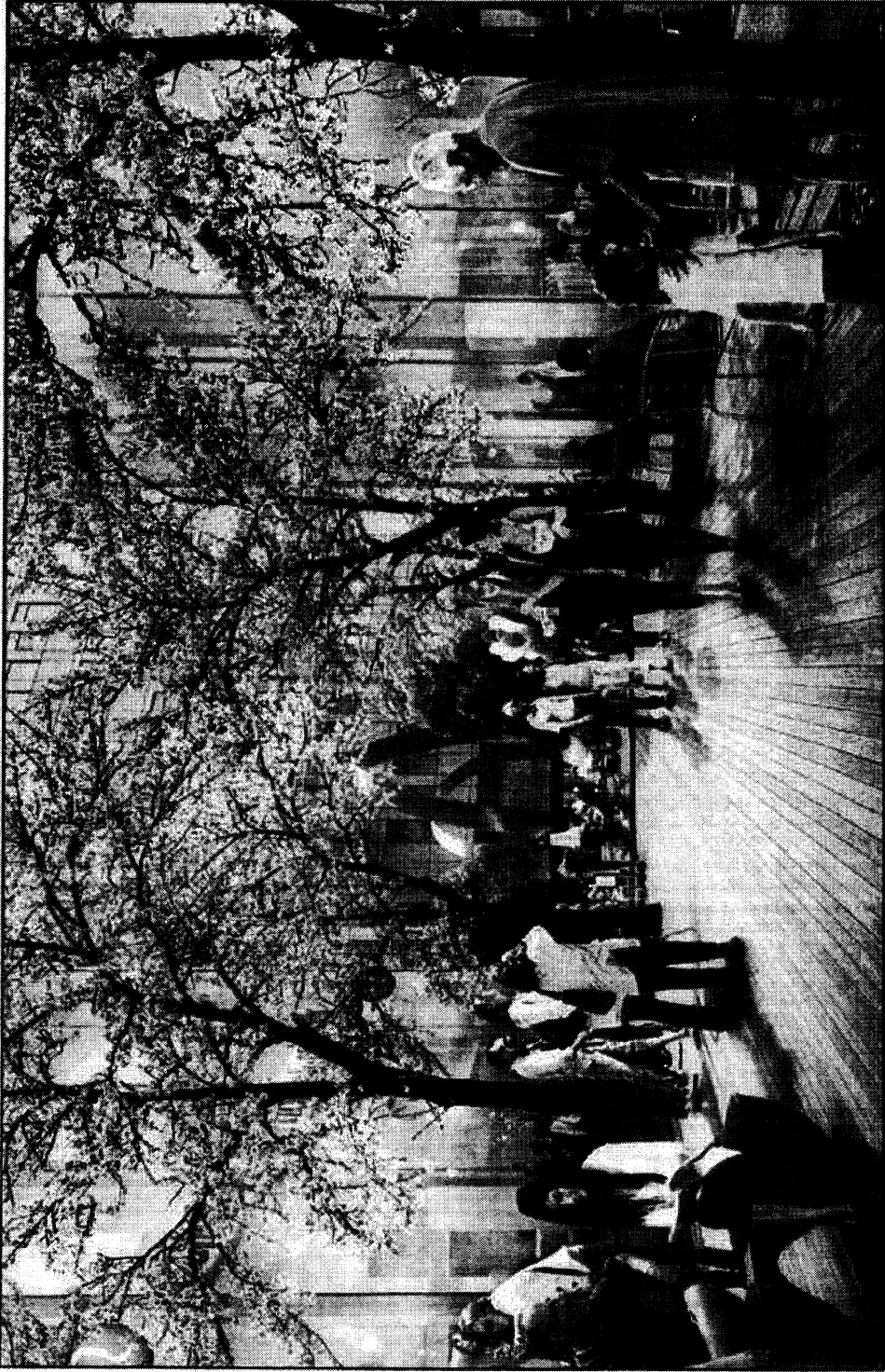


BETHESDA METRO CENTER  
ENHANCED PUBLIC SPACE VISION

ENHANCED PUBLIC SPACE VISION / 20 JANUARY 2015  
Brookfield LANDSCAPE ARCHITECTURE & METRO CENTER

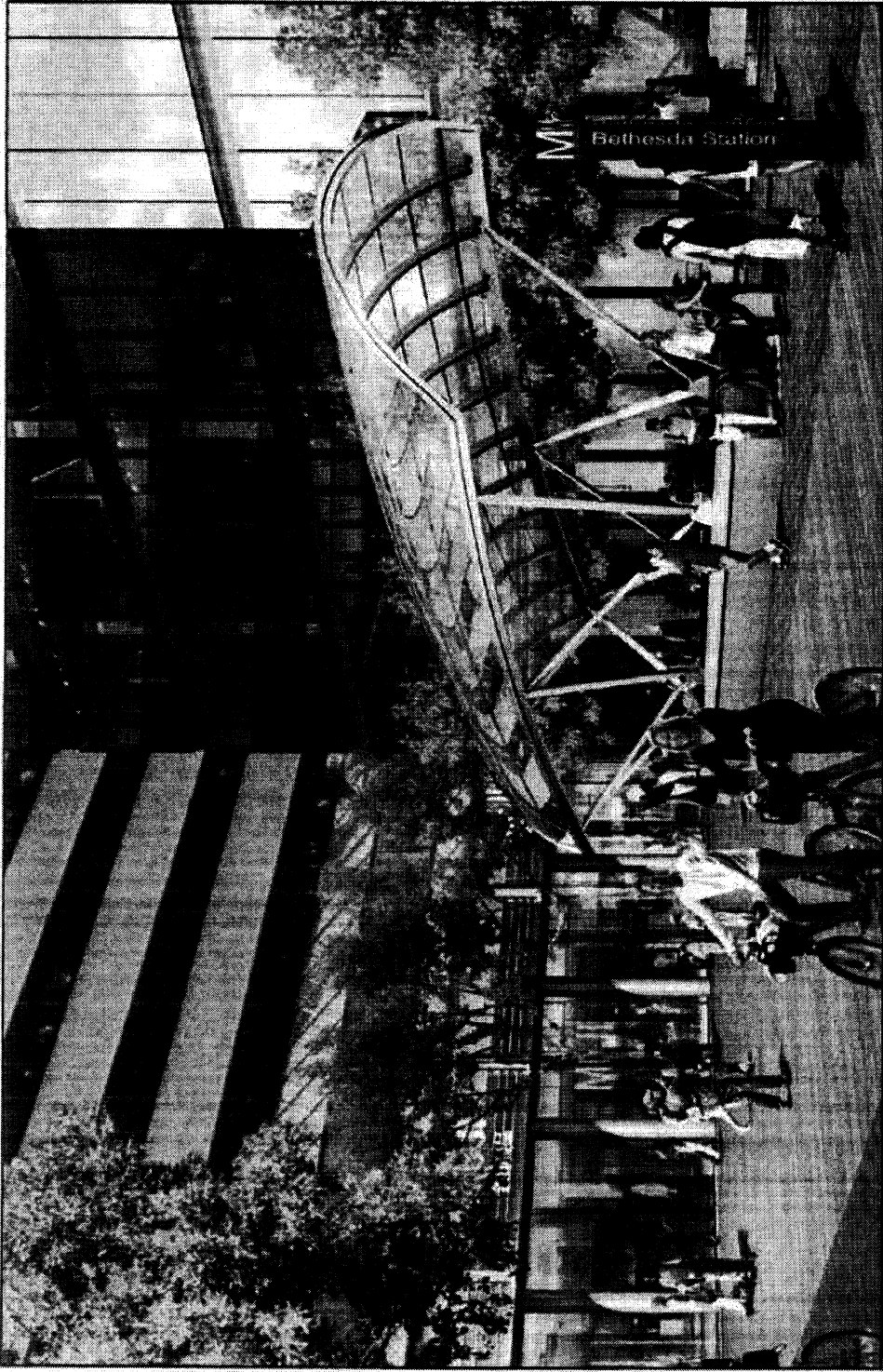
6/22/2015





6/22/2015





## **MCP-CTRACK**

---

**From:** Marsha Liss <lissmjs@gmail.com>  
**Sent:** Wednesday, July 01, 2015 3:57 PM  
**To:** MCP-Chair  
**Subject:** Battery Lane Park

Many residents moved to Battery Lane Park area for the park and the quiet - the undisturbed walking and street that is safe

First, we had to go through the reorganization of Naval Medical/Walter Reed and the NIH - both creating far more traffic, far more people and congestion (and losing some of the access we had to the area)

Second, we are expecting the new Harris Teeter to open shortly. While it will be nice to have another grocery closeby, we shudder at the traffic it too will bring to that section of Bethesda - to the Woodmont/Wisconsin/Battery Lane intersections.

That was plenty of change.

Now you want to destroy whatever is left of the quiet safe street for a purpose no one but the developers want! Our condominium had as an asset, the quiet of the area - you will decrease the property value immensely.

Let those who want to drive in the area take the extra 30seconds-1 minute to go around the block.

Many youth in our area use the park and the quiet of the street to walk to school, to BCC without fearing getting hit.

Not in our front yard!

Marsha Liss  
Battery Lane Park area resident



## **MCP-CTRACK**

---

**From:** Laura Boyer <ljmboyer@gmail.com>  
**Sent:** Wednesday, July 01, 2015 3:59 PM  
**To:** MCP-Chair  
**Subject:** PLEASE save the PARK in Battery Lane Park

We strongly urge you to vote to keep Battery Lane Park as is. It is so important not to destroy the greenery in this part of the county.

Thank you for your consideration

Laura and Pete Boyer

## **MCP-CTRACK**

---

**From:** Morken, Amanda (DC) <morkenA@ballardspahr.com> on behalf of Leatham, Erica A. (Bethesda) <LeathamE@ballardspahr.com>  
**Sent:** Wednesday, July 01, 2015 4:34 PM  
**To:** MCP-Chair  
**Subject:** Bethesda Downtown Plan  
**Attachments:** 22161593\_1.PDF

Dear Chairman Anderson and Boardmembers:

Please see the attached letter and call me with any questions. Thank you.

Sincerely,

Erica

**Erica A. Leatham** LEED AP  
**Ballard Spahr LLP**

<u>Bethesda Office</u>	<u>DC Office</u>
4800 Montgomery Lane	1909 K Street, NW
Seventh Floor	12th Floor
Bethesda, MD 20814-3401	Washington, DC 20006
Direct: 301.664.6254	202.661.7654
Fax: 301.664.6299	

[leathame@ballardspahr.com](mailto:leathame@ballardspahr.com) | [www.ballardspahr.com](http://www.ballardspahr.com)

This e-mail and any files transmitted with it are confidential attorney-client communication or may otherwise be privileged or confidential and intended solely for the individual or entity to whom they are addressed. If you are not the intended recipient, please do not read, copy or retransmit this communication but destroy it immediately. Any unauthorized dissemination, distribution or copying of this communication is strictly prohibited.

# Ballard Spahr LLP

4800 Montgomery Lane, 7th Floor  
Bethesda, MD 20814-3401  
TEL 301.664.6200  
FAX 301.664.6299  
www.ballardspahr.com

1909 K Street, NW, 12th Floor  
Washington, DC 20006-1157  
TEL 202.661.2200  
FAX 202.661.2299  
www.ballardspahr.com

Erica A. Leatham  
Tel: 202.661.7654  
Fax: 202.661.2299  
leathame@ballardspahr.com

July 1, 2015

*Via E-mail*

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

Re: Bethesda Downtown Plan

Dear Chairman Anderson and Boardmembers:

The Bethesda Downtown Plan creates a vibrant and sustainable framework for the growth of the CBD over the next 20 years and we are excited to be part of it. In order to preserve the flexibility envisioned by the Plan, we submit the following comment for your review.

Specifically, the Plan places an emphasis on creating and maintaining affordable housing within the Plan area and Figure 2.07 presents a static image of the affordable housing options as of the date the plan was drafted. However, the affordable options in Bethesda will vary over time, as new units are added and or existing units phase out.

Therefore, the following language clarifying that the properties identified on Figure 2.07 are not permanently restricted in number or scope of affordability should be added:

*The locations of affordable market rate and rent-restricted rental units as identified on Figure 2.07 are based on 2014 data and are not intended (1) to restrict the locations of new rent-restricted units or (2) prohibit the redevelopment of the rent-restricted residential communities existing as of 2014, including a reduction in the number of rent-restricted units.*

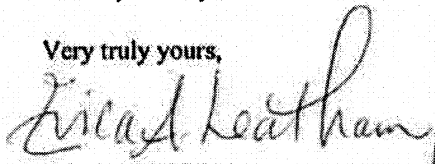
This language can be placed on Figure 2.07 itself or as part of a broader discussion in the new Affordable Housing section about the need for flexibility to create, replace and establish new affordable housing.

DMEAST #22140220 v1

Montgomery County Planning Board  
July 1, 2015  
Page 2

Thank you for your attention. Please do not hesitate to contact me if you have any questions.

Very truly yours,

  
Erica A. Leatham *by AKM*

EAL/akm

## **MCP-CTRACK**

---

**From:** sandy burk <swburk@gmail.com>  
**Sent:** Wednesday, July 01, 2015 4:45 PM  
**To:** MCP-Chair  
**Subject:** Bethesda sector plan

Hello,

My name is Sandy Burk and I live at 7211 Oakridge Ave., Chevy Chase, MD. I would like to comment on the portion of the plan that proposes development of the two county parking lots, one beside the Writer's Center and the other behind the Farm Women's Market.

I am strongly opposed to developing these two lots and getting rid of the above ground parking that they provide. These two lots provide much needed parking for people shopping and utilizing Bethesda. People with disabilities, including myself, use the parking lot now to access Bethesda. Putting underground parking at these sites would hamper access to Bethesda and businesses such as the Farm Women's Market.

If development is approved for these two lots, then I would want to see above-ground parking added to the plans for any buildings. Please let me know how to be involved as this process moves forward.

Sincerely,

Sandy Burk

--

phone: 301-502-8833 email: [swburk@gmail.com](mailto:swburk@gmail.com)

## **MCP-CTRACK**

---

**From:** Tracy and Alan Yaffe <yaffes4@msn.com>  
**Sent:** Wednesday, July 01, 2015 4:48 PM  
**To:** MCP-Chair  
**Subject:** Battery Lane Park

Please do not put a road along side of Battery Lane Park. It is one of the few oases of quiet in downtown Bethesda. Please do not ruin that for those of us who use the park.

Yours truly,  
Tracy Yaffe

5115 Manning Drive  
Bethesda MD 20814

Sent from Windows Mail

## **MCP-CTRACK**

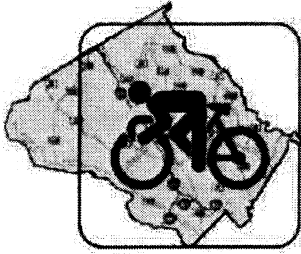
---

**From:** Jack Cochrane <webgecko@earthlink.net>  
**Sent:** Wednesday, July 01, 2015 4:53 PM  
**To:** MCP-Chair  
**Cc:** Anspacher, David  
**Subject:** MoBike input on the Bethesda Downtown Plan  
**Attachments:** bethesda\_plan\_testimony.pdf

To the Montgomery County Planning Board:

Please accept the attached comments from MoBike on the Bethesda Downtown Plan. Thank you.

Jack Cochrane  
Chair, Montgomery Bicycle Advocates (MoBike)  
7121 Thomas Branch Drive  
Bethesda, Md. 20817  
[www.mobike.org](http://www.mobike.org)  
[webgecko@earthlink.net](mailto:webgecko@earthlink.net)



## Montgomery Bicycle Advocates Montgomery County, Maryland

July 1, 2015

Dear Members of the Planning Board,

On behalf of Montgomery Bicycle Advocates (MoBike), I applaud the Bethesda Downtown Plan for recognizing the importance of bicycling and walking in Bethesda. Its bikeway recommendations are thoughtfully conceived and the plan could serve as a basis for other community plans in the county. The plan also outlines a vision for a vibrant urban community with a good mix of transit-oriented development and open space. As a resident of Bethesda myself, I look forward to seeing the community grow into an even more appealing, interesting, and accessible place.

Please consider the following commentary on bike elements in the plan.

### General Comments:

- **Shared roadway comment (Table 2.3.4, footnote 3).** The statement that all streets are planned as shared roadways, even if not specifically identified (unless they have a more robust bikeway type) is excellent. It's a welcome new paradigm, assuming it carries weight when streets are modified or properties are redeveloped. A few comments:
  - To avoid confusion, the second sentence in the footnote should be changed from "These shared roadways..." to "The listed shared roadways..." or something similar.
  - Additional shared roadways should be called out in the plan (or any plan following the same approach) in the following situations:
    - If sharrows are recommended (e.g. Old Georgetown Rd)
    - If the road has or will have bikeable shoulders, a fact that can be forgotten during resurfacing, traffic calming, or installation of bus pads
    - If the plan's bikeway network would appear, based on the map, to be incomplete or disconnected without them (e.g. Hillandale Rd). In other words, don't leave sizeable holes in the network of colored lines.



I go through it street by street below. Unfortunately the message that all roads are planned shared bikeways might not reach everyone, e.g. DOT or SHA engineers doing resurfacing, adding curb extensions, etc. So it's good to include the footnote *and* identify a hole-free network for those who miss the footnote. Having good coverage of the area is good for wayfinding too.

- **Bike Parking.** There needs to be much more sidewalk parking for bikes than exists currently, not just for the rail station but at frequent intervals along Bethesda Ave, Woodmont Ave, etc. for shoppers and diners.

#### Specific Bikeways:

- **Woodmont Ave – General.** The plan has a good grasp of the issues on Woodmont. The text outlining options on the segment north of Old Georgetown Rd could state a little more clearly that this is the segment it's talking about. Also, Woodmont Ave south of Old Georgetown could also be discussed more in the text, not just in footnotes in the table.

The commentary here reflects MoBike's detailed analysis of Woodmont Ave, at [cyclemoco.com/?p=3231](http://cyclemoco.com/?p=3231) and [cyclemoco.com/?p=3357](http://cyclemoco.com/?p=3357).

- **Woodmont Ave north of Old Georgetown Rd.** The plan's discussion is good. Notes:
  - Bike accommodations should continue north to the Wisconsin Ave intersection.
  - For the bike lane solution, I had considered removing parking on one side, but I see that the plan's suggestion to remove the center lane instead may provide more room for bikes.
  - For the one-way cycle track solution, I had suggested providing short left turn lanes alternating with curbside parking (forcing a slalom) to retain some of both.
  - For the two-way cycle track solution, putting the cycle track behind parking creates visibility problems, increases bike-pedestrian conflicts, and (as pictured) puts cyclists in the door zone, so parking really should be removed on that side. Parked cars or not, two-way cycle tracks are more hazardous than one-way.
- **Woodmont Ave from Bethesda Ave to Hampden Lane.** Cycle tracks would be very problematic in those two blocks, so the plan should call for standard bike lanes for the segment. Pedestrian (and cyclist) behavior borders on anarchy there and many pedestrians wouldn't respect the cycle tracks, which would have to be placed between parking and the curb due to save space. Car/bike interactions are complicated by frequent turning movements, turn lanes, very short blocks, a major trail crossing (soon

to be a cycle track itself) and the crazy Bethesda Ave intersection. That big skewed intersection has traffic entering from six directions, counting the trail. Trying to support left turns from Woodmont cycle tracks would push the intersection completely over the edge. The existing configuration must be improved, however, to widen the bike lanes and eliminate turn lane crossovers.

- **Woodmont Ave from Hampden Lane to Old Georgetown Rd.**
  - If this segment remains one-way for cars, there are trade-offs between two-way and one-way cycle tracks. I recommend the latter, to avoid putting cyclists on the wrong side of the street for the direction they're headed, which drivers don't expect.
  - Footnote 1 in Table 2.3.4 in the plan states that "two-way separated bike lanes" are necessary if the street remains one-way. That should be clarified because the term "two-way" in the context of cycle tracks implies a two-way facility on one side of the street, which is not the only solution.
  - Making Woodmont a two-way street for cars might not leave room for decent bike lanes, let alone cycle tracks. That's a concern for us. It could also make it more difficult for pedestrians to cross the street. It's not a simple decision.
  
- **Intersection of Woodmont Ave and Bethesda Ave.** There were discussions 10 years ago about completely rebuilding this intersection to improve pedestrian safety. Dan Burden walked through downtown Bethesda and made recommendations. At this intersection he suggested a sort of elongated roundabout. Another option was to straighten the angles by creating a double-T. At the very least, address the problem of cars turning from westbound Bethesda Ave to northbound Woodmont Ave or vice versa at high speed and ignoring the crosswalks. Walking across that stream of traffic, even with the walk signal, is dangerous. Structural changes may be needed.
  
- **Battery Lane.** Table 2.3.4 and the note under *Intersection Improvements* state that the bike lanes on Battery Lane terminate at Woodmont Ave, but the map shows them ending at Wisconsin Ave. If possible they should go all the way to Wisconsin, providing a link to Rosedale Ave.
  
- **Edgemoor Lane.** This street should be identified as a shared roadway bikeway all the way to the CBD boundary. Wayfinding signs already exist.
  
- **Arlington Road.** Extend the bike accommodations south past Bradley Blvd to Little Falls Parkway. North of Bradley, I agree that buffered bike lanes are the best option, because left turns from cycle tracks can be awkward on a busy road that's difficult to cross.

- **Old Georgetown Road.** Where the street is one-way, bike lanes of some kind should be considered. This would also help secure bike lanes if it's ever reconfigured. For the two-way portion of Old Georgetown (north of Woodmont Ave), WABA and MoBike have asked for sharrows to be painted in the right-hand lane, so plan it explicitly as a shared roadway to encourage implementation of sharrows.
- **Cordell Ave.** While not specifically a bike issue, the unsignalized Old Georgetown Rd intersection is busy and messy. Crossing Old Georgetown using the crosswalk is scary for pedestrians, and it's difficult for vehicles to turn left onto Old Georgetown or cross it. Adding a signal would improve safety and access.
- **Wilson Lane.** The master-planned bike lanes aren't feasible outside the CBD, and would be difficult inside the CBD. But it would be good for the Bethesda plan to explicitly identify the CBD portion as a shared roadway to achieve sharrows, while bike lanes should remain an option. This may also help clarify that the bikeway type has been changed from what's in the countywide bikeway plan rather than dropped entirely.
- **East Lane.** Provision should be made for northbound bike travel on this one-way southbound street, such as a contraflow bike lane. This would provide another way to reach the Metro station from the south.
- **46<sup>th</sup> St/West Ave.** Designate a bikeway along 46<sup>th</sup> St and West Ave from the Capital Crescent Trail to Bradley Lane, and connect this route across the trail to Pearl St, in order to provide a complete north-south route as an alternative to Wisconsin Ave. Where the streets are one-way, provide a path or contraflow bike lane.
- **Hillandale Rd.** This is a through-route so it would help to note it as a bikeway. The specific type may be left TBD – possibly bike lanes where there's width.
- **Chevy Chase Dr.** Possibly note this as a shared roadway bikeway.

Thank you very much for considering this input.

Regards,

Jack Cochrane  
Chair, Montgomery Bicycle Advocates (MoBike)  
7121 Thomas Branch Drive  
Bethesda, Md. 20817  
Web: [www.mobike.org](http://www.mobike.org)  
Email: [email@mobike.org](mailto:email@mobike.org)

RECEIVED  
0578  
JUL 02 2015

**MCP-CTRACK**

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

**From:** Silber, Stacy P. <spsilber@lercheary.com>  
**Sent:** Wednesday, July 01, 2015 5:32 PM  
**To:** MCP-Chair; Wright, Gwen; Kronenberg, Robert; Howerton, Leslie; DeOcampo, Marc; 23serra@msn.com  
**Subject:** Serra Stone, 4310 and 4312 Montgomery Avenue  
**Attachments:** Scan315.PDF

Dear Chairman Anderson and Members of the Planning Board and Planning Department:

Please find attached a letter for Serra Stone and their properties located at 4310 and 4312 Montgomery Avenue for inclusion in the record for the Bethesda Downtown Plan.

Thank you.

**Stacy P. Silber - Attorney**

Lerch, Early & Brewer, Chtd. ideas that work  
3 Bethesda Metro Center - Suite 460 - Bethesda, MD 20814  
Tel: (301) 841-3833 Fax: (301) 347-1767 - [spsilber@lercheary.com](mailto:spsilber@lercheary.com)  
Bio: <http://www.lercheary.com/team/stacy-p-silber>  
Vcard: <http://www.lercheary.com/team/stacy-p-silber-vcard>

Please consider the environment before printing this message.

**Attention:** This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.  
[www.lercheary.com](http://www.lercheary.com)



Ideas that work

*Attorneys at Law*

3 Bethesda Metro Center, Suite 460  
Bethesda, MD 20814-5367

www.lerchearly.com

**Stacy Plotkin Silber**

Tel. (301) 841-3833

Fax (301) 347-1767

spsilber@lerchearly.com

July 1, 2015

The Honorable Casey Anderson  
Chair  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Serra Stone  
4310 and 4312 Montgomery Avenue

Dear Chairman Anderson and Members of the Planning Board:

On behalf of Serra Stone Corporation ("Serra Stone"), the owner of certain properties located at 4310 and 4312 Montgomery Avenue (collectively, the "Property"), we are providing comments on Staff's Public Hearing Draft of the Bethesda Downtown Plan, dated May 2015 (the "Draft Plan").

Serra Stone has a long history in Montgomery County. Serra Stone is a locally owned, forty year old small business that was established in 1975. The company employs over 70 people, as well as an additional 15 subcontractors who work exclusively for Serra Stone. The existing storefront provides great visibility and, because Serra Stone serves clients in Maryland, Virginia and the District of Columbia, the Property's location, proximity to transit, and on-site parking provides desirable accessibility and convenience for Serra Stone's employees and customers. Serra Stone is the kind of small business that the County promotes and wants to retain. However, the Draft Plan, as currently written, will significantly devalue Serra Stone's Property. Thus, Plan modifications are essential.

The Property is designated as a proposed public open space in the Draft Plan. Serra Stone understands that one of the primary objectives of the Draft Plan is to expand the network of public open spaces and provide signature gateways to the major trail systems, but this should not be at the expense of existing businesses. To facilitate the creation of these desired public open spaces, within an already developed urban environment, there must be sufficient incentive density for a property owner to sell its density, especially where the business location is ideal and the property is an income producing asset. To be effective, the Draft Plan recommendations must make an owner "whole."

**I. Background**

The Property is currently developed with single family homes that have been converted to commercial uses, with associated surface parking. 4312 Montgomery Avenue is improved with an approximately 2,022 square foot two-story building, which serves as the headquarters and storefront for Serra Stone. 4310 Montgomery Avenue is improved with an approximately 792

The Honorable Casey Anderson  
July 1, 2015  
Pate 2

square foot single-story structure that is currently operated as a day care use. Access to both parcels is provided off of Montgomery Avenue and parking is located directly behind the buildings. Both of these existing businesses provide desirable, neighborhood oriented services to County residents and will be adversely impacted by the current recommendations contained in the Draft Plan.

**II. Density Recommendation for the Property Must be Increased to Facilitate Proposed Redevelopment as a Recreational Park**

The Property is located on the south side of Montgomery Avenue, along the Capital Crescent Trail. The Draft Plan designates the Property as proposed public open space. Specifically, the Draft Plan recommends the creation of a 1.98 acre gateway park – the Eastern Capital Crescent Urban Greenway (the "Greenway") – at this location. The Greenway is envisioned as an active recreation destination, to include facilities such as adult fitness equipment, a dog park, skate boarding, courts and a playground. (Draft Plan page 79).

To facilitate the Draft Plan's goal of redeveloping the Property and surrounding parcels as a recreational park, the Draft Plan designates the Property as a priority sending site. (Draft Plan page 141). Serra Stone understands Staff's goal is to encourage the sale of all development density from the Property. To discourage continuation of the existing development and uses, the Draft Plan requires all development rights be extinguished before any transferred density from the Property can be used.

If the intent is to encourage property owners like Serra Stone to vacate their businesses and sell off all density from their properties, then there must be sufficient density on the Property to make this economically enticing and viable. The current Draft Plan fails to provide such incentive.

The Draft Plan's recommended zoning of the Property to CRT 0.5, C-0.5, R-0.5, H-35 is insufficient to provide any economic incentive for the Property owner to sell off the existing density and relocate their business. At the same time, the recommendations preclude redevelopment of the Property. If the Draft Plan desires to create a park at this location, it must take into account the impacts of this recommendation on the existing businesses. As currently written, the Draft Plan fails to make the Property owner whole.

To sufficiently incentivize redevelopment of the Property as a recreational park, the Property should be rezoned to CRT 4.0, C-4.0, R-4.0, H-35. Limiting the height to 35 feet, in combination with the required site plan finding of substantial conformance with Master Plan recommendations, ensures that the Property will not be redeveloped. Yet the increased density will incentivize the sale of Serra Stone's density and the creation of a Greenway at this location. This increased density is the minimum necessary to make it palatable to consider selling off the existing density, which would effectively preclude operation and require relocation of the businesses on the Property. In addition to being compensated for the full assessed value of the Property, there are numerous other financial hardships associated with relocating these businesses for which compensation is needed. To find a comparably priced property in Bethesda, that has the same visibility and accessibility, will be challenging. As such, the

The Honorable Casey Anderson  
July 1, 2015  
Pate 3

Property owner may have to settle for a less desirable location or pay a premium for a new space. The Property owner will also incur additional costs associated with effectuating the transfer of density and moving. Without compensation for these additional expenses, a property owner, who does not otherwise desire to relocate, will have no incentive to do so.

**III. Transferred Density from Priority Sending Sites Should not be Required to Provide 50% Additional Public Benefit Points**

The Draft Plan already recognizes the need to modify the default density transfer rules for priority sending sites. In addition to the current recommendations, we recommend that the Draft Plan exempt projects, which utilize density from priority sending sites, from having to provide additional public benefit points (as would otherwise be required by Section 4.5.2.B.3.c of the Zoning Ordinance).

**IV. Summary of Proposed Changes to Sector Plan.**

Additions are denoted by underlining, and deletions through strikethroughs. Plain text represents existing recommendations within the Draft Plan.

**A. Density/ Height Recommendations (Draft Plan page 111)**

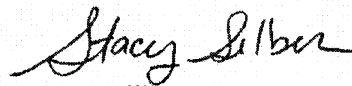
- (8) CRT 4.0 0-5, C-4.0 0-5, R-4.0 0-5, H-35

**B. Eliminate Requirement to Exceed Public Benefit Points for Priority Sending Sites (Draft Plan page 140)**

- Applications that use density from a Priority Sending Site do not need to exceed the minimum public benefit points required by 50%, as would otherwise be required by Section 4.5.2.B.3.c of the Zoning Ordinance. The purpose of this rule is to incentivize acquisition of density from Priority Sending Sites.

We appreciate your consideration of these requests and ask that this letter be included in the record.

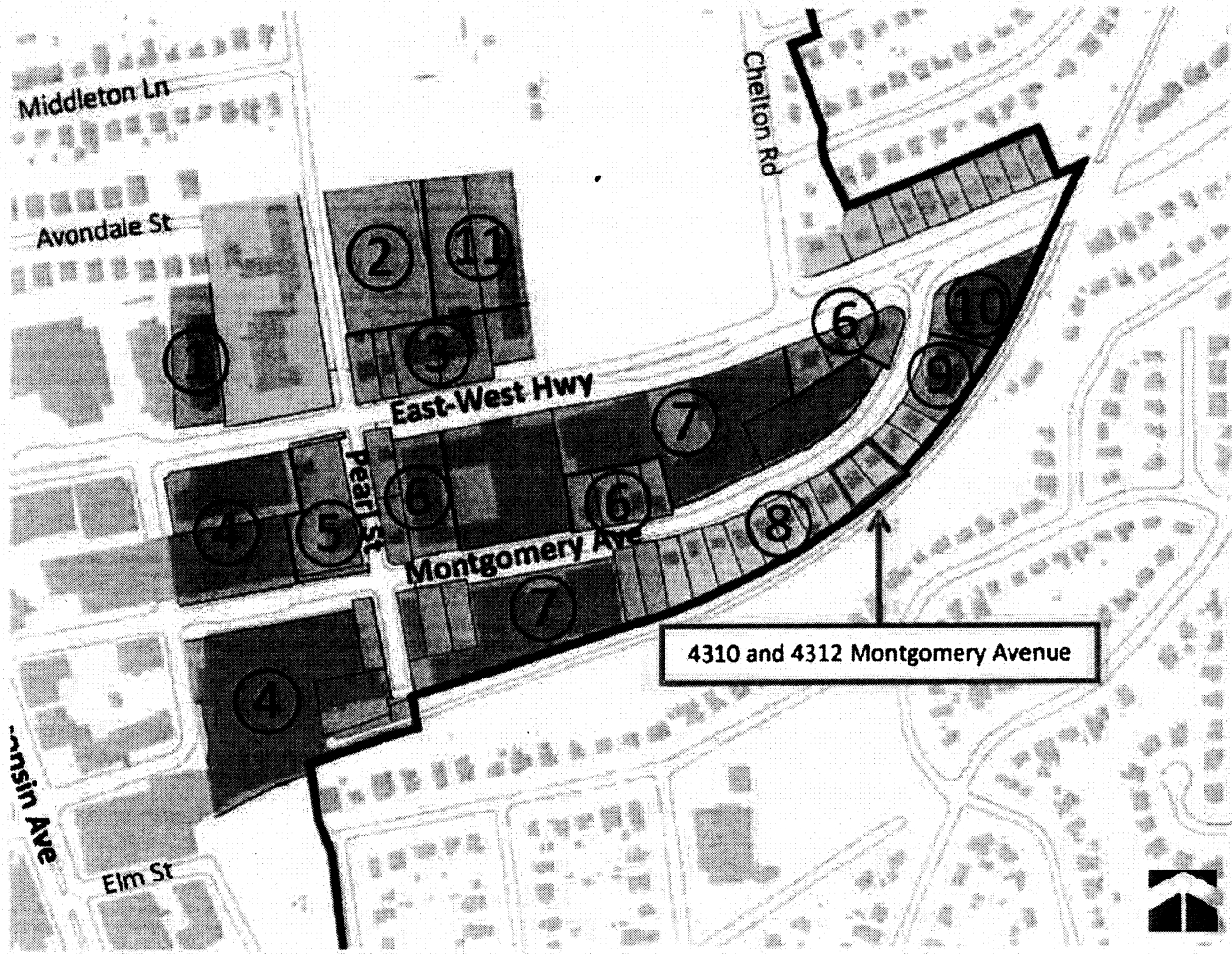
Sincerely,

  
Stacy P. Silber

encl.

cc: Gwen Wright  
Robert Kronenberg  
Leslye Howerton  
Marc DeOcampo  
Jose Serra

Figure 3.07: Pearl District Recommended Zoning

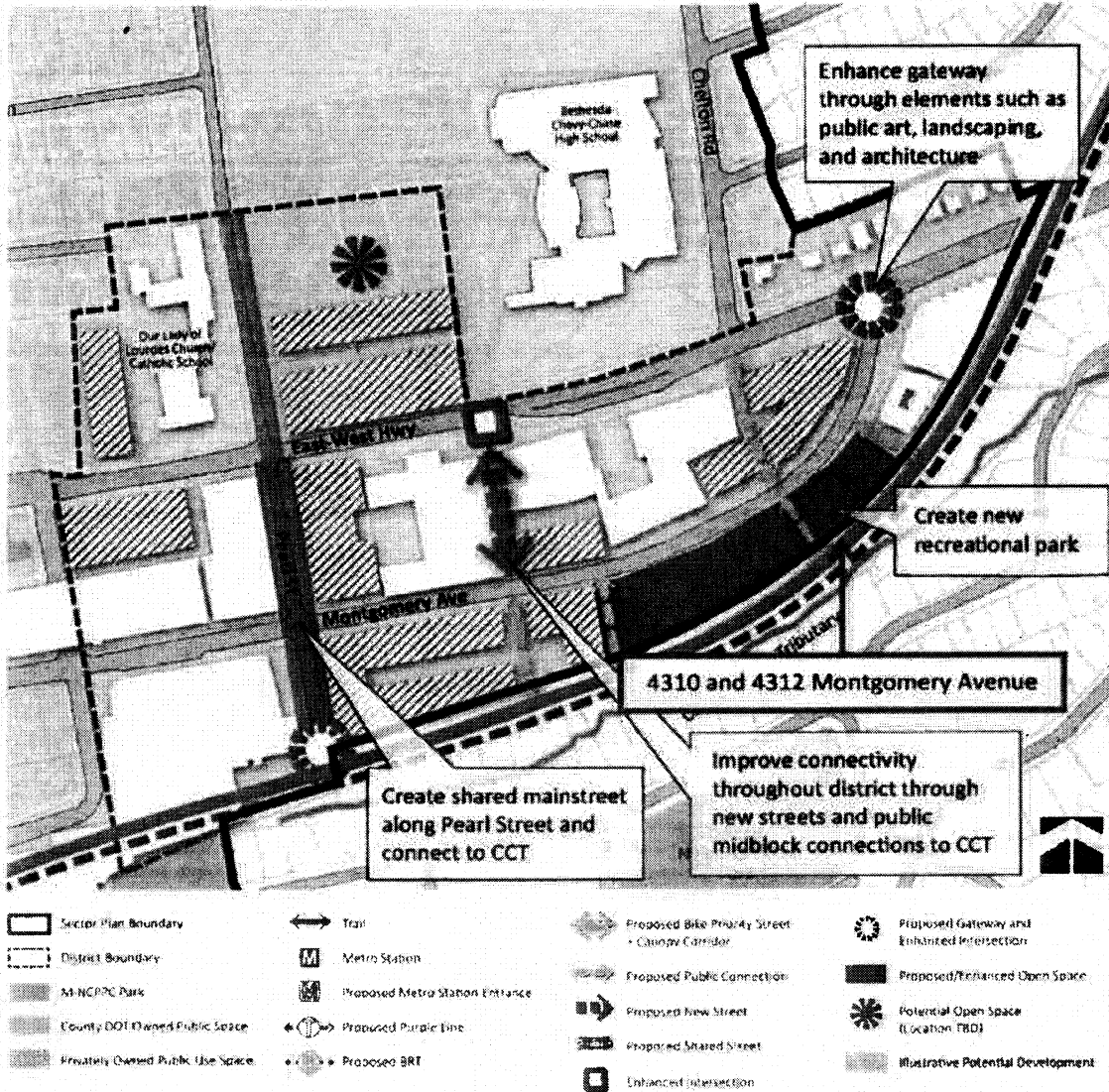


- Sector Plan Boundary
- R-60, THD
- R-10, R-30

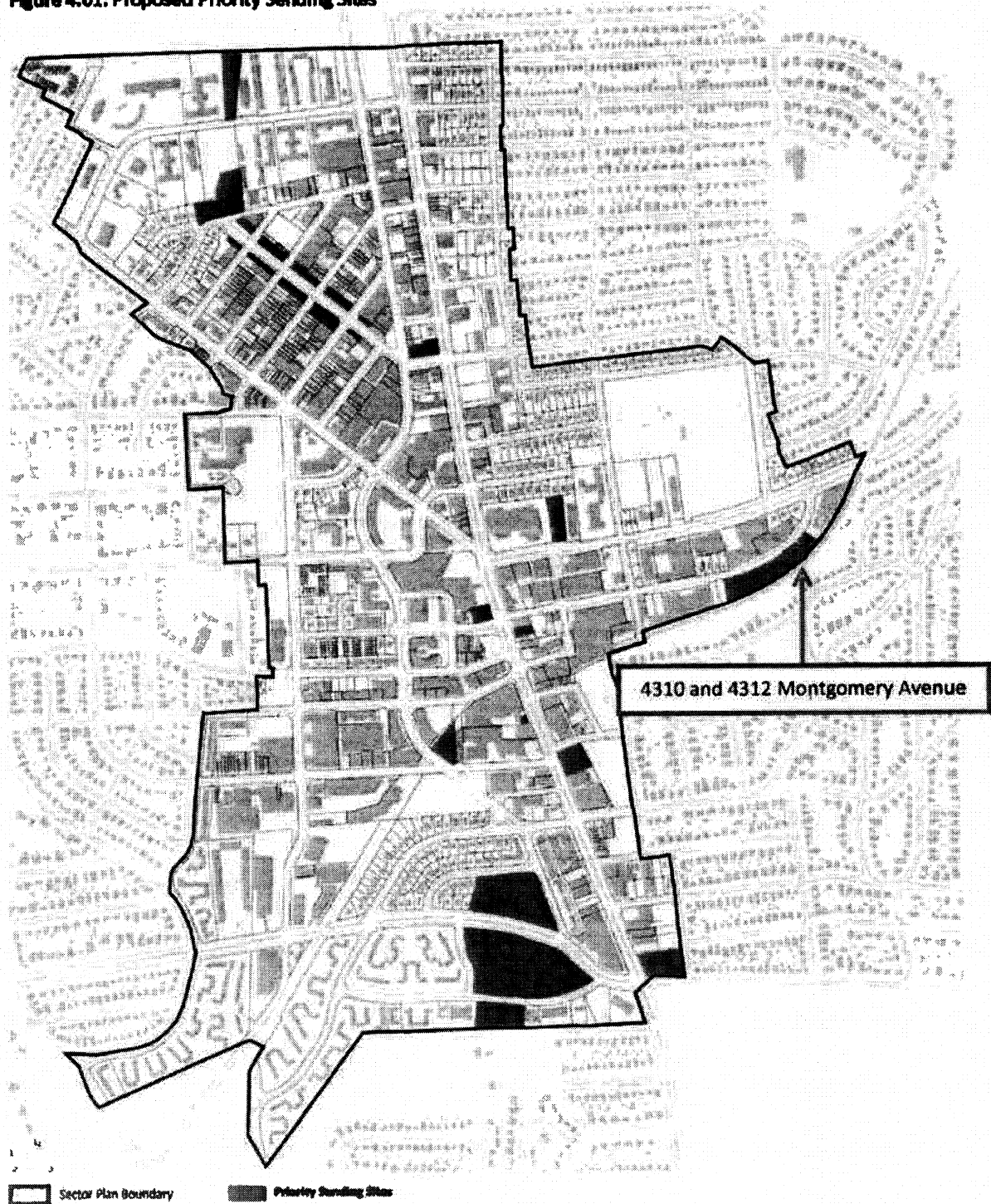
- |                                 |                                |
|---------------------------------|--------------------------------|
| ① CR 3.5, C-0.75, R-3.5, H-175  | ⑥ CR 2.0, C-1.75, R-2.0, H-120 |
| ② CRT 1.5, C-0.25, R-1.5, H-50  | ⑦ CR 3.5, C-3.5, R-3.5, H-120  |
| ③ CR 2.0, C-0.5, R-2.0, H-120   | ⑧ CRT 0.5, C-0.5, R-0.5, H-35  |
| ④ CR 6.0, C-4.75, R-5.75, H-175 | ⑨ CR 2.0, C-1.75, R-2.0, H-60  |
| ⑤ CR 6.0, C-4.75, R-5.75, H-145 | ⑩ CR 3.5, C-3.5, R-3.5, H-100  |
|                                 | ⑪ CR 2.0, C-0.5, R-2.0, H-50   |



**Figure 3.08: Pearl District Public Realm Improvements**



**Figure 4.01: Proposed Priority Sending Sites**



**4310 and 4312 Montgomery Avenue**

- Sector Plan Boundary
- Priority Sending Sites
  - Proposed Public Open Spaces
  - Norfolk Avenue
  - Historic Resources
  - Community Resources
  - Existing Market-Rate Affordable Housing

## MCP-CTRACK

---

**From:** O'Neil, Patrick L. <ploneil@lercheearly.com>  
**Sent:** Wednesday, July 01, 2015 6:28 PM  
**To:** MCP-Chair  
**Cc:** Howerton, Leslye; Kronenberg, Robert; DeOcampo, Marc; O'Neil, Patrick L.  
**Subject:** Bethesda-Chevy Chase Rescue Squad: Bethesda Downtown Plan Testimony  
**Attachments:** Public Hearing.pdf

Attached for the record is the testimony provided by my client, the Bethesda-Chevy Chase Rescue Squad, at the June 24<sup>th</sup> public hearing for the Bethesda Downtown Plan – Public Hearing Draft.

Thank you.

--

**Patrick L. O'Neil - Attorney**  
Lerch, Early & Brewer, Chtd. ideas that work  
3 Bethesda Metro Center - Suite 460 - Bethesda, MD 20814  
Tel: (301) 657-0738 Fax: (301) 347-1536 - [ploneil@lercheearly.com](mailto:ploneil@lercheearly.com)  
Cell: (202) 330-1127  
Bio: [www.lercheearly.com/team/patrick-l-oneil](http://www.lercheearly.com/team/patrick-l-oneil)  
Vcard: [www.lercheearly.com/team/patrick-l-oneil-vcard](http://www.lercheearly.com/team/patrick-l-oneil-vcard)

Please consider the environment before printing this message.

**Attention:** This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.  
[www.lercheearly.com](http://www.lercheearly.com)

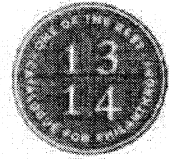


**Fire, Rescue & EMS**

Serving  
Bethesda  
Chevy Chase  
NW Washington DC

5020 Battery Lane  
Bethesda  
Maryland 20814-2699  
www.bccrs.org

Business: 301.652.0077  
Fax: 301.656.6523  
Voice Mail: 301.656.5423  
Emergency MD: 911  
Emergency DC: 301.652.1000



**BETHESDA-CHEVY CHASE RESCUE SQUAD, INC**

**Public Hearing Comments – Bethesda Downtown Plan  
June 24, 2015**

In support of Zoning, Height and Density Recommendations: CR-2.5, C-0.5, R-2.5, H-120

Good evening. My name is Robert Kretzmer and I am President of the Bethesda-Chevy Chase Rescue Squad, a nonprofit organization comprised of over 150 volunteers that has served the Bethesda community for 75 years.

I am here before you to strongly support the recommendations in the Bethesda Downtown Plan for the Rescue Squad property located at the intersection of Old Georgetown Road and Battery Lane. The increased height and density, which have been recommended for the site, will facilitate a redevelopment opportunity that will allow the Rescue Squad to adapt to and support future changes in the emergency service needs in Bethesda. In particular, the Plan recommendations allow the Rescue Squad to capitalize on its primary asset, its property, in order to:

- co-locate the Rescue Squad with a multi-family building;
- replace its deteriorating facility with a state of the art structure;
- adopt new fire station design able to substantially increase volunteer participation;
- enhance its in-station training capacity; and
- create a reserve fund for the long-term viability of the Rescue Squad

As you are aware, the Rescue Squad is a civic- and community-minded organization providing life-saving services to the broader Bethesda community by volunteers as part of the Montgomery County Fire and Rescue Service. We perform these life-saving services 24/7 365 - all from donated contributions from local individuals, local businesses, corporations, and philanthropic groups. Together, we save Montgomery County more than \$4 million in public funds every year, while setting the highest standards for emergency services.

We are also one of the last bastions of progressive, long-term volunteerism in the County. At the Rescue Squad, a very young person can receive quality training and meaningful public service opportunities that foster a lifelong commitment to others, regardless of where their careers may take them. This opportunity is valuable to the individual and the taxpayers.

To continue this mission, we desperately need the redevelopment opportunity that the current Downtown Plan provides. We selected a development partner, Redbrick Development Group that shares our community focus, and we look forward to implementing our project plan that will ensure that the Rescue Squad can operate successfully for another 75 years.

Thank you for this opportunity to share my comments with you.

**Volunteer, the experience of a lifetime!**

## **MCP-CTRACK**

---

**From:** O'Neil, Patrick L. <ploneil@lercheary.com>  
**Sent:** Wednesday, July 01, 2015 6:41 PM  
**To:** MCP-Chair  
**Cc:** Howerton, Leslye; Kronenberg, Robert; DeOcampo, Marc; O'Neil, Patrick L.  
**Subject:** Greater Bethesda-Chevy Chase Chamber of Commerce Downtown Plan Comments  
**Attachments:** GBCCC Testimony.pdf

Attached is the Greater Bethesda-Chevy Chase Chamber of Commerce's comments on the Bethesda Downtown Plan – Public Hearing Draft. We delivered a portion of the comments during the public hearing on June 24, 2015 and submit this document as a record of our comprehensive comments.

Thank you for your consideration of them.

--

**Patrick L. O'Neil - Attorney**  
Lerch, Early & Brewer, Chtd. ideas that work  
3 Bethesda Metro Center - Suite 460 - Bethesda, MD 20814  
Tel: (301) 657-0738 Fax: (301) 347-1536 - [ploneil@lercheary.com](mailto:ploneil@lercheary.com)  
Cell: (202) 330-1127  
Bio: [www.lercheary.com/team/patrick-l-oneil](http://www.lercheary.com/team/patrick-l-oneil)  
Vcard: [www.lercheary.com/team/patrick-l-oneil-vcard](http://www.lercheary.com/team/patrick-l-oneil-vcard)

Please consider the environment before printing this message.

**Attention:** This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.  
[www.lercheary.com](http://www.lercheary.com)



**THE GREATER  
BETHESDA-CHEVY CHASE  
CHAMBER OF COMMERCE**

7910 Woodmont Avenue, Suite 1204  
Bethesda, MD 20814  
T: (301) 652-4900  
F: (301) 657-1973  
staff@bccchamber.org  
www.bccchamber.org

Your Business Is  
Our Only Business

**THE GREATER BETHESDA-CHEVY CHASE CHAMBER OF COMMERCE  
TESTIMONY BEFORE THE PLANNING BOARD ON  
BETHESDA DOWNTOWN PLAN  
June 24, 2015**

Good evening. My name is Patrick O'Neil and I am the Co-Chair of the Greater Bethesda-Chevy Chase Chamber of Commerce's Bethesda Sector Plan Steering Committee. The business community has been watching, with great interest, the evolution of the Bethesda Downtown Plan and is generally pleased with the direction it has taken.

The proposed heights of 290 feet in the Metro Core are a great start in providing needed incentive for redevelopment that will capitalize on our most valuable transportation asset – Metro. At the same time, we note that height is the key variable in a 20-year plan and this Plan needs to provide realistic height opportunities for the achievement of redevelopment and other County objectives. For example, there needs to be plausible growth opportunities in Bethesda to ensure the Agricultural Preserve remains untouched. We also note there are other properties within the Sector Plan area that are in need of additional height incentives to spur desired renewal and hope that you will be open to this height discussion on a case-by-case basis.

Similarly, the Plan could be improved to better incentivize density in order to achieve stated redevelopment visions. In a few cases, the Plan requires the buying of major density in order to achieve the recommended height. This inconsistency should be rectified.

We also applaud the flexibility of design in the Downtown Plan, which relies on the Sketch Plan process to accommodate creative and innovative placemaking over time. This is a different approach, and marked improvement, from previous Plans that sought to dictate how and where development should occur. Having said that, we have concerns with how the High Performance Areas may be implemented in the Plan. While the stated priorities for these areas may be universally desired, they may not be achievable in certain circumstances. The prioritization may also preclude other desirable amenities or design considerations. The High Performance goals must be aspirational and allow for other non-priority elements to be implemented in place of stated priorities –if it makes sense to do so.

The business community is also encouraged by the Plan's program to pool developers' public space contributions for the creation of quality public amenities. We support this effort and look forward to a Bethesda-wide advisory committee, in conjunction with the Bethesda Urban Partnership, to implement this initiative.

---

One area of concern for the business community is the right-of-way requirements for Wisconsin Avenue, which require developers on either side to dedicate 9 feet of frontage in order to redevelop. We recognize and appreciate that the purpose for the proposal is to accommodate future dedicated bus lanes. However, it is highly unlikely that this objective may be achieved without the redevelopment of 100% of the properties along Wisconsin Avenue. As such, the required set aside for an objective that will never be achieved seems rather onerous. It also forecloses the possibility that a dedicated bus lane along Woodmont Avenue may be a better option. We ask for a review of the Wisconsin Avenue right-of-way requirements and, at the very least, flexible design concessions that would allow impacted property owners to recapture lost density through below and above grade designs within the right-of-way area.

Lastly, the Chamber encourages even bigger thinking with respect to transportation, especially mass transit. For example, the Plan recommends an expanded Circulator, but stops short of recommending a Circulator connection between the NIH Metro and Bethesda Metro stations to maximize intra-Bethesda connectivity. Another big idea that would take some time to sink-in and fund would be another Metro station mid-way between NIH and Bethesda. 20-year Sector Plans should have "big" ideas and this Plan should propose more such ideas for expanding mass transit.

On behalf of the Greater Bethesda-Chevy Chase Chamber of Commerce, thank you for the opportunity to present these comments.

## **MCP-CTRACK**

---

**From:** Molly Ilconich <molly.ilconich@gmail.com>  
**Sent:** Wednesday, July 01, 2015 7:00 PM  
**To:** MCP-Chair  
**Subject:** Battery Lane Park

To Whom It May Concern-

I am writing with regards to the proposal to build a road through Battery Lane Park. My husband and I have resided on Battery Lane for almost 3 years now and love the Battery Lane Park. I think building a road through said park, thus compromising the open space, would be a disservice to the neighborhood. I hope my input is considered when discussing this proposal. Thank you.

Kind regards-

Molly M.

Sent from my iPhone



## **MCP-CTRACK**

---

**From:** eks1958@rcn.com  
**Sent:** Wednesday, July 01, 2015 7:06 PM  
**To:** MCP-Chair  
**Subject:** Re: [bcccommunity] Better email to save PARK in Battery Lane Park- expires today!

Hello folks at MNCPPC,

Please consider keeping Battery Park open as a park - with no street activity. It is so very nice to be able to sit there, on a lunch break or otherwise, and just relax and breathe deep to refresh and restore oneself. A cut-through will not do much for that neighborhood, but losing a park will be a huge loss for all!

**Keep Battery Park!!!**

Thank you,  
Eva Santorini  
8714 Sundale Drive  
Silver Spring, MD 20910

works in Bethesda!

## **MCP-CTRACK**

---

**From:** Eric Bernard <ebernard@mcvfra.org>  
**Sent:** Wednesday, July 01, 2015 8:58 PM  
**To:** MCP-Chair  
**Subject:** Support for Bethesda Fire Department

Mr. Casey Anderson  
Chair Montgomery Planning Board  
Sent via e-mail to [MCP-Chair@mncppc-mc.org](mailto:MCP-Chair@mncppc-mc.org)

Dear Montgomery Planning Board Members,

The Montgomery County Volunteer Fire-Rescue Association (MCVFRA) is a partner with Montgomery County Fire and Rescue Service in the provision of fire, rescue and emergency medical services to the residents and businesses of Montgomery County. As such we want to do everything we can to ensure our County volunteer and career first responders and citizens have the highest quality fire and emergency management services and facilities.

We are aware that the Bethesda Fire Department's Station 6 is approaching 50 years old and that the demands on the station will grow as the density and heights of building within downtown Bethesda increase. We are also aware that the Bethesda Fire Department Board is considering a number of options as to how to address the future fire and rescue needs of the Bethesda Community. One of the options being considered is to incorporate a new Station 6 within a residential structure at the corner of Bradley and Wisconsin. The MCVFRA Board of Directors has unanimously approved a motion to support the efforts of the Bethesda Fire Department to secure a new station to support the needs of the Bethesda community.

Respectfully submitted,

**Marcine D. Goodloe**  
President

Montgomery County Volunteer Fire-Rescue Association  
230 N. Washington St  
Rockville, MD 20850

301-942-2406 - Marcine  
301-455-6648 - Eric  
301-424-1297 - office



## MCP-CTRACK

---

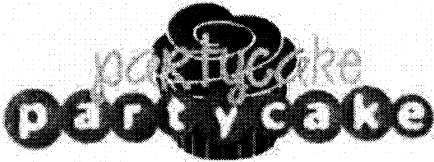
**From:** Wendy Borrelli <wendy\_borrelli@live.com>  
**Sent:** Wednesday, July 01, 2015 10:45 PM  
**To:** MCP-Chair  
**Subject:** Battery Lane Park

To Whom it May Concern:

As a resident of South Brook Lane in Bethesda (one block off Battery at Old Georgetown), my children and I visit Battery Lane park almost daily. We ride our scooters to play on the playground, pop in on our route to or from dinner and play soccer on the basketball courts. Battery Lane park is the already the saddest playground in Bethesda. The playground equipment is extremely outdated and it does not make good use of the green space. Still, with all its faults I appreciate that it is close and safe. Adding roads/cars into this local kids park would be so unfortunate for those of us who call this area home. Instead, please consider revitalizing the space with new playground items for our children, a spray area, decent picnic tables and the like.

Sincerely,

Wendy Borrelli  
Executive Baker Mommy  
[www.partycakepartycake.com](http://www.partycakepartycake.com)  
301-531-4244  
[Like Partycake Partycake on Facebook](#)



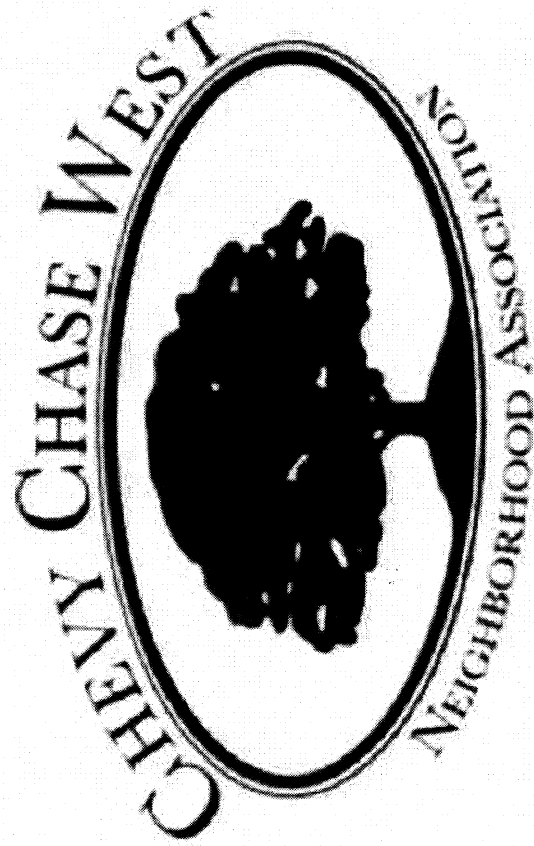
RECEIVED  
0580  
JUL 02 2015

**MCP-CTRACK**

---

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

**From:** Naomi Spinrad <nspinrad68@verizon.net>  
**Sent:** Thursday, July 02, 2015 12:15 AM  
**To:** MCP-Chair; Anderson, Casey; Wells-Harley, Marye; Dreyfuss, Norman; Presley, Amy; Fani-Gonzalez, Natali  
**Subject:** CCW on Bethesda Fire Station 6, add to hearing record  
**Attachments:** PastedGraphic-1.pdf; ATT00001.htm; MC Fire Stations and Zones.xlsx.pdf; ATT00002.htm



	A	B	C	D
	DEPARTMENT	STATION	ADDRESS	ZONING
1			18910 GERMANTOWN ROAD	R-200
2	MCFRS	22 KINGSVIEW	9615 DARNESTOWN ROAD	LSC
3		32 TRAVILAH	20633 BOLAND FARM ROAD	R-200
4		34 MILESTONE	22610 GATEWAY CENTER DR, SUITE 400	EOF
5		35 CLARKSBURG		
6				
7	BETHESDA FD		6600 WISCONSIN AVE	R-10
8			9041 OLD GEORGETOWN RD	R-60
9			6700 DEMOCRACY BLVD	R-90
10				
11	BCC RESCUE SQ	RESCUE 1	5020 BATTERY LANE	R-60
12				
13	BURTONSVILLE VFD		13900 OLD COLUMBIA PIKE	R-200
14				
15	CABIN JOHN PARK VFD		10 8001 RIVER ROAD	R-200
16			30 9404 FALLS ROAD	RE2
17				
18	CCFD		8001 CONNECTICUT AVE	R-90
19			7	

	A	B	C	D
20	DAMASCUS VFD		26334 RIDGE	CRT-1.75 H-55T
21		13	ROAD	
22	GAITHERSBURG- WASH GROVE VFD	8	801 RUSSELL AVE	Industrial
23			7272 MUNCASTER	
24		28	MILL RD	R-200
25	GERMANTOWN		20001 CRYSTAL	
26	VFD	29	ROCK DR	CR H-60T
27	GLEN ECHO VFD	11	5920 MASS AVE	R-60
28		12	10617 NH AVE	RE-2
29	HILLANDALE VFD	24	13216 NH AVE	R-200
30				
31				
32	HYATTSTOWN VFD		25801 FREDERICK	NR H-45
33		9	RD	
34	KENSINGTON VFD		10620	
35		5	CONNECTICUT	CRT H-60
36			11435	
		18	GRANDVIEW	CR H-130
37		21	12500 VEIRS MILL	R-200
38			14401	Transit-oriented, mixed use
39	LAYTONSVILLE	25	CONNECTICUT	
40	DISTRICT VFD		21400	
		17	LAYTONSVILLE RD	Industrial
41	ROCKVILLE VFD		380 HUNGERFORD	
42		3	DR	Industrial
		23	121 ROLLINS AVE	Industrial

	A	B	C	D
43			12100	
44			31 DARNESTOWN RD	R-200
45			33 FALLS RD	R-200
46	SANDY SPRING VFD		417921 BROOKE RD	R-200
47			16911 GEORGIA	
48			40 AVE	RE-2
49	SILVER SPRING VFD		8110 GEORGIA	
50			1 AVE	CR H 200
51			111 UNIVERSITY	
52			16 BLVD EAST	R-60
53			1945 SEMINARY	
54	TAKOMA PARK VFD		19 ROAD	r-60
55	UPPER MONTGOMERY VFD		7201 CARROLL	
56			2 AVE	CRT H50
57	WHEATON RESCUE SQUAD	RESCUE 2	19801 14 BEALLSVILLE RD	AR R-90



**MCP-TRACK**

---

**From:** yourbestaddress <yourbestaddress@gmail.com>  
**Sent:** Thursday, July 02, 2015 7:30 AM  
**To:** Folden, Matthew  
**Cc:** Kronenberg, Robert; MCP-Chair; DeOcampo, Marc; bethesdadownplan@montgomeryplanning.org  
**Subject:** Bethesda Downtown Sector Plan - Request for Leland Street (Sacks) as Residential Designation

Dear Matt,

Sending on behalf of Cristina Echavarren and the Leland Street (Sacks Residents) outlined below.....

Pursuant to our discussions last week, we spoke and corresponded with the Leland residents in the Sacks Neighborhood. The majority of residents indicated their preference for the Leland Street designation as Residential.

We were able to reach over 72% of the residents, of which **100%** expressed a vehement desire to designate the street as a **Residential Street**. The households who responded by email are listed below. Please accept this aggregated request for re-classification to Residential and ensure that it is entered into the public record on behalf of the 26 households that requested it below. The remaining 10 households could not be reached (assuming they are on vacation or away). Individual responses will be forwarded for your records as well.

The residential nature and character of our neighborhood was recently recognized and emphasized in the master plan draft. Classifying Leland Street as a Residential Street would be consistent with the master plan and with the one-hundred percent single family nature of our street.

The level of cut-through traffic on our residential street is a safety hazard to both residents and pedestrian's traversing our neighborhood. The volume of traffic on our streets makes exiting and entering our driveways more than difficult. Some drivers seem infuriated that they have to wait on us to turn into our driveways and many have no courtesy to allow us to leave our driveways as we wait for the queue to diminish so we can exit.

Now that the buildings in the Lot 31 development are ready for occupancy, residents fear that the cut through traffic on Leland Street will become worse than it has ever been. While changing the designation from arterial to residential will not obliterate cut through traffic; it will allow for traffic control measures that are not possible on an arterial road.

The re-classification would vastly improve the safety of all Leland street residents as well as the pedestrians that walk along the street on a daily basis.

Thank you in advance for your time and consideration regarding this matter.

4802 Leland Street	Residential	email 6/30 -
4804 Leland Street	not home	not home
4806 Leland Street	not home	not home
4808 Leland Street	Residential	email 6/30
4810 Leland Street	not home	not home
4811 Leland Street	Residential	email 6/23 - Folden

4812 Leland Street	Residential	email 6/29 -
4813 Leland Street	Residential	email 6/23 - Folden
4814 Leland Street	Residential	email 6/30 -
4815 Leland Street	Residential	email - Folden
4816 Leland Street	not home	not home
4817 Leland Street	Residential	email 7/1 -
4818 Leland Street	Residential	email 7/1 -
4819 Leland Street	Residential	email 7/1 -
4820 Leland Street	Residential	email 6/23 - Folden
4821 Leland Street	Residential	email 6/30 -
4822 Leland Street	Residential	email 6/30 -
4823 Leland Street	Residential	email 6/30 -
4824 Leland Street	not home	not home
4825 Leland Street	Residential	email 6/29 -
4826 Leland Street	Residential	email 7/1 -
4827 Leland Street	Residential	email 6/23 - Folden
4828 Leland Street	Residential	email 6/30 -
4829 Leland Street	Residential	email 6/29
4830 Leland Street	not home	not home
4831 Leland Street	not home	not home
4832 Leland Street	Residential	email 7/1
4833 Leland Street	not home	not home
4835 Leland Street	Residential	email 6/30
4837 Leland Street	Residential	email 7/1
4839 Leland Street	Residential	email 6/30
4841 Leland Street	Residential	email 6/30
4843 Leland Street	deceased	deceased
4845 Leland Street	Residential	email 6/20
4847 Leland Street	Residential	email 6/23 - Folden
4849 Leland Street	not home	not home

## **MCP-CTRACK**

---

**From:** Robert Arjona <rarjona@live.com>  
**Sent:** Thursday, July 02, 2015 8:23 AM  
**To:** MCP-Chair; Anderson, Casey; Dreyfuss, Norman; Fani-Gonzalez, Natali; Presley, Amy; Wells-Harley, Marye  
**Cc:** council.council@montgomerycountymd.gov;  
councilmember.berliner@montgomerycountymd.gov;  
councilmember.leventhal@montgomerycountymd.gov;  
councilmember.floreen@montgomerycountymd.gov;  
councilmember.elrich@montgomerycountymd.gov;  
councilmember.katz@montgomerycountymd.gov;  
councilmember.rice@montgomerycountymd.gov;  
councilmember.navarro@montgomerycountymd.gov;  
councilmember.hucker@montgomerycountymd.gov;  
councilmember.riemer@montgomerycountymd.gov  
**Subject:** DEVELOPMENT PLAN FOR DOWNTOWN BETHESDA - 4720 CHEVY CHASE DR.  
**Attachments:** Letter to chair re DBDP\_signed.pdf

Dear Planning Board,

We are owners at 4720 Chevy Chase Dr. Chevy Chase Md, 20815 and we are submitting a signed letter explaining our views and concerns about the new development plan for Downtown Bethesda.

Please see attached PDF and thank you in advance for your consideration.

Roberto Arjona & Vanessa Trejos  
4720 Chevy Chase Dr  
Chevy Chase MD  
20815

July 1, 2015

Chair Casey Anderson  
Commissioner Norman Dreyfuss  
Commissioner Natali Fani-Gonzalez  
Commissioner Amy Presley  
Commissioner Marye Wells-Harley:

As a homeowner in the South Bethesda District, south of Bradley Boulevard, (Insert the name of your neighborhood association here -- Bradley House Condominium Association, 4720 Condominium Association, Chevy Chase Park Condominium Association, Kenwood Homeowner Association) I am writing regarding the Downtown Bethesda Development Plan.

The South Bethesda District has been a stable residential community since the 1940s and there is no compelling reason to change that environment. **I encourage the planning board and the commissions to remove the area south of Bradley Boulevard from this plan** and let this community continue to function with its garden character, tree-lined streetscapes and planted setbacks.

The plan extends zones meant for the center of Bethesda -- where you want high density -- to the edges -- where you want appropriate transitions via lower density multi-unit housing to single family residential neighborhoods.

In addition,

1. I do NOT support the CR zoning for 6600 Wisconsin Ave., the Bethesda Fire Department. The CR zone, as noted above, was meant for the urban center. The multi-family/retail development allowed by the zone will have a negative impact on our neighborhood, with increased vehicular traffic and the need to provide delivery and service access to any multi-unit building on the site. Our roads barely support the residents who currently live in this neighborhood. Chevy Chase Drive is a narrow County road that cannot support any increased traffic or parking. This zoning will also have a negative impact on the confronting neighborhood of single family homes on Nottingham Drive, a dead end County street that will effectively become a service alley if the CR zoning and development go forward.

What will the effect of a CR zoning be on the fire station's ability to provide timely and effective emergency response? Failure to ensure that risks the safety of not only our neighborhood, but all of the areas served by Fire Station 6.

**6600 Wisconsin Ave., the Bethesda Fire Department, should be zoned for a standalone fire station.**

2. I do not support aligning the boundaries of the Parking Lot District (PLD) within the Plan's boundaries, which would extend the boundary south of the north side of Bradley Boulevard and into our neighborhood. In 2012, the County attempted to install parking meters on the south side of Bradley Boulevard, Chevy Chase Drive and Offutt Lane. **The residents of this neighborhood showed the County that this is a neighborhood where residents and their guests require parking, and**

**that parking meters were not appropriate for our neighborhood.** The parking on south Bradley, Chevy Chase Drive and Offutt are the only on street parking the residents of this neighborhood have. In light of the findings in 2012, why is the PLD boundary being revised, with the likelihood that meter installation will be considered again?

3. I support additional access and mobility from Downtown Bethesda to Norwood Park. I understand that a number of these accesses would go through our residential neighborhood, but the park is there for all. However, I feel it is necessary to take into account parking realities and the care for the internal streets of our neighborhood, as well as the Chevy Chase West neighborhood, both of which border Norwood Park.

Sincerely,



Roberto Arjona

Owner



Vanessa Trejos

Owner

4720 Chevy Chase Dr. Apt 307,  
Chevy Chase, MD 20815

## **MCP-CTRACK**

---

**From:** Francoise Carrier <[fcarrier@bregmanlaw.com](mailto:fcarrier@bregmanlaw.com)>  
**Sent:** Thursday, July 02, 2015 9:00 AM  
**To:** Anderson, Casey; Howerton, Leslye; Kronenberg, Robert; MCP-Chair  
**Subject:** Comment letter on Bethesda Downtown Plan  
**Attachments:** GNRW comment letter Beth SP 7-2-15.pdf

Please find attached a comment letter regarding the Bethesda Downtown Plan on behalf of my client, GNRW LLC.

Thank you.

Françoise M. Carrier, Of Counsel  
BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC  
Suite 800 West  
7315 Wisconsin Avenue  
Bethesda, Maryland 20814  
301-656-2707 office phone  
202-210-6284 cell phone  
301-961-6525 fax  
[www.bregmanlaw.com](http://www.bregmanlaw.com)  
mailto: [fcarrier@bregmanlaw.com](mailto:fcarrier@bregmanlaw.com)

**BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC**

ATTORNEYS AT LAW  
7315 WISCONSIN AVENUE  
SUITE 600 WEST

BETHESDA, MARYLAND 20814-3244

TELEPHONE: (301) 656-2707

FACSIMILE: (301) 961-6525

[www.bregmanlaw.com](http://www.bregmanlaw.com)

VIRGINIA OFFICE  
5529 LEE HIGHWAY  
ARLINGTON, VIRGINIA 22207

KAY B. SCHWARTZ (1956-2011)

EDWARD WEISS (DC)  
OF COUNSEL

SUSAN ELEFF (MD, PA, NJ, IL)  
OF COUNSEL

RICHARD E. SCHIMEL (MD, DC)  
OF COUNSEL

MARK L. ROSENBERG (MD, DC)  
OF COUNSEL

FRANÇOISE M. CARRIER (MD, DC, CA)  
OF COUNSEL

[fcARRIER@bregmanlaw.com](mailto:fcARRIER@bregmanlaw.com)

DOUGLAS M. BREGMAN (MD, DC)  
LAURENCE H. BERBERT (MD, DC)  
TIMOTHY P. SCHWARTZ (MD, DC, VA)  
MARK A. GILDAY (MD, DC)  
GEOFFREY T. HERVEY (MD, DC, VA)  
KEVIN B. McPARLAND (MD, DC)  
DANIEL P. RIGTERINK (MD, DC)  
HEATHER LIBMAN KAFETZ (MD, DC)  
DANIELLE T. ERKMANN (VA ONLY)  
WENDY D. PULLANO (MD, DC)  
CATHERINE B. HARRINGTON (MD, DC)  
CHRISTOPHER B. BOWMAN (DC, VA)  
GRACE BURNSIDE (MD, DC, VA)  
CHRISTINE S. PUGH (MD, DC)  
KEVIN G. BARKER (MD, DC, NY)  
BELLA HELFORD (MD, NY, NJ)

July 2, 2015

By electronic mail

Hon. Casey Anderson  
Chair, Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Bethesda Downtown Plan Public Hearing Draft  
8101 Glenbrook Road and 7945 Norfolk Avenue

Dear Mr. Anderson and Planning Board Members:

I am writing on behalf of my client, GNRW Properties, LLC, to transmit more detailed comments on the Public Hearing Draft of the Bethesda Downtown Sector Plan, as a supplement to my hearing testimony of June 24, 2015. GNRW is a family-owned company whose members are Karen Johnson, her husband William Garrett and Ms. Johnson's elderly parents Robert and Ruth. GNRW owns the two properties listed above, both of which are in the Battery Park district of the Sector Plan. GNRW also owns property at 4907 Rugby Avenue, but has no comments on the draft Sector Plan's recommendations for that property at this time. We will address 8101 Glenbrook and 7945 Norfolk in turn.

8101 Glenbrook Road

8101 Glenbrook Road, at the corner of Glenbrook and Rugby, sits adjacent to Battery Lane Urban Park and is the site of a three-story, brick office building. The property has been in the family for many years and is the subject of a ground lease that runs through the year 2041. The rental payments on the ground lease are an important source of family income.

The draft Sector Plan recommends that the entirety of 8101 Glenbrook be used to expand Battery Lane Urban Park. (Sector Plan at 121.) The Plan designates the property as a Priority Sending Site, which would allow the owners to sell density to other parties for use on CR- and

CRT-zoned properties in the Bethesda Sector Plan area, provided that they first place a covenant on the property stating that it cannot be developed. (SP at 140-142.) The proposed zoning is designed to strongly incentivize this outcome.

8101 Glenbrook is currently split-zoned. The back part, closer to the park, is in the CRN zone, with an FAR of 0.5 and a height of 35 feet. (SP at 26; see also Planning Department interactive maps.) The front part, with frontage on Glenbrook and Rugby, is in the CR zone, with an FAR of 3.0 and a height of 90 feet. (id.) The draft Sector Plan recommends rezoning the entire property to the CR zone, with an FAR of 3.5 and a height of 35 feet. (SP at 119.) The property measures 25,733 square feet in size, and the existing 3-story building contains approximately 28,624 square feet. The proposed zoning combination would artificially depress the height limit on the property, making it impossible to use the full 3.5 FAR. The combination of (i) a recommendation exclusively for park use and (ii) zoning that severely limits development on the site could leave the owners with only one viable option: selling the density (assuming there is a willing buyer) and getting compensation from the Parks Department for the newly undevelopable land, presumably at a level equal to its value as open space. It is unclear whether the value the property owners could achieve from this combination of transactions would approach the value they might attain over the long term if the property were rezoned in a manner more in keeping with other Sector Plan recommendations for properties in the Battery Lane district. Moreover, the tax ramifications of having to sell the FAR rather than receiving a yearly income for the next 26 years would further penalize this longtime Montgomery County family.

GNRW requests a height limit of 120 feet at 8101 Glenbrook Road. A 120-foot height limit would be consistent with every other property in the CR zone within the Battery Lane district – every CR property in the district is recommended for 120 feet except for 8101 Glenbrook and two additional parcels that are recommended for park use and proposed for a 35-foot height limit. The 120-foot height recommendation includes property abutting Battery Lane Urban Park that stretches along two-thirds of the park's eastern boundary. If a 120-foot building is appropriate at that location, surely the same height is appropriate at 8101 Glenbrook, which is separated from the park by Glenbrook Road.

GNRW considers the recommendation to convert 8101 Glenbrook entirely to parkland, with no mention of its current use or its owners' plans for the property, inappropriate. To preserve a normal range of options for future use of the property, the family requests that the property be recommended in the Sector Plan for mixed use development, like its neighbors. If the Planning Board wishes to identify this site as potential parkland to provide a justification for a possible future Parks Department purchase, that goal can be met by text stating that the property would be appropriate as an extension of Battery Lane Urban Park if it becomes available. This can be done without showing the property as parkland on maps throughout the plan, and without recommending it for use solely as parkland. Identifying it in this manner would allow the Parks Department to acquire the property through eminent domain, should the funding be available. It would allow the property owners to sell the density and then sell the residual land to the Parks Department, if the market for density makes that option desirable. It would also allow for the possibility that a portion of the property might be transferred to the Parks Department, for instance if a taller building could be built on part of the site, leaving part



of it available for open space use. At the same time, this approach would give the property's owners a normal range of options for its use.

If the current recommendations stand, GNRW will be in a difficult position. Should the market for excess density in Bethesda turn out not to be strong, selling the density might not be an attractive option. However, with a 35 foot height limit, options for re-use of the property would be very limited. Moreover, with a master plan recommendation solely for park use, it is not clear whether any development could be approved for the property that requires a site plan or any other approval calling for a finding of substantial consistency with the master plan. We would argue that fairness dictates a 120-foot height limit and a broadening of the use recommendation.

#### 7945 Norfolk Avenue

7945 Norfolk Avenue is located at the northeast corner of Norfolk and Del Ray Avenues, and is currently leased to Bacchus Restaurant on a month to month basis, the former lease having expired. GNRW is currently negotiating a new lease, and is considering selling or redeveloping the property at some point.

7945 Norfolk is currently in the CR zone, with an FAR of 3.0 and a height of 90 feet. (SP at 26; see also Planning Department interactive maps.) It is recommended in the draft Sector Plan for continued CR zoning, with an FAR of 3.5 and a height of 50 feet. (SP at 103.) Like GNRW's Glenbrook Road property, 7945 Norfolk is designated as a Priority Sending Site to allow the transfer and sale of density from this site to others in the Bethesda planning area. (SP at 141.) For this property and its neighbors fronting on Norfolk Avenue, the low height recommendation is intended to "preserve the pedestrian-scale main street atmosphere." (SP at 102.)

Decreasing the permitted height at 7945 Norfolk from 90 feet to 50 feet would limit the use of the property. While there may be value available from selling the density that the 50-foot height limit renders unusable, that value is uncertain, due to the lack of an established market for density in the Bethesda planning area.

GNRW would like to request that 7945 Norfolk Avenue retain its current height limit of 90 feet. A height of 90 feet would still represent a significant step down from the properties immediately northeast of the Norfolk Avenue frontage properties – the draft Sector Plan recommends the frontage properties for 50-foot height limits and the properties abutting them for 175 feet. On the south side of the street, properties fronting on Norfolk are again recommended for 50-foot height limits, while the properties abutting them to the southwest are recommended for a mixture of 110- and 175-foot height limits. We would argue that a 90-foot height limit for 7945 Norfolk Avenue is more consistent with the Sector Plan's vision for this area of Bethesda than a 50-foot limit, given the very tall heights recommended for surrounding properties. A transition from 175 feet or even 110 feet to 50 feet would be very abrupt. Moreover, the planning goal of preserving a pedestrian-scale atmosphere on Norfolk Avenue can be readily met through techniques such as stepping back building frontages at a specified height, or using architectural treatments to visually separate lower floors from upper floors.

July 2, 2015  
Page 4

GNRW would also like to comment on the proposal in the draft Sector Plan's Transportation section to put a two-way vehicular road through Battery Lane Urban Park. (SP at 32-33.) As longtime Bethesda landowners, they agree with local residents that a vehicular road at this location is not necessary for traffic purposes and would greatly diminish the character of the park as an urban respite.

GNRW would like to recommend that if the Priority Sending Sites model is retained in the Sector Plan, density from such sites be made transferable to any CR- or CRT-zoned location in the County. This would increase the market and likely the value of such density, which would enhance both the return to property owners and the likelihood that the intended public policy purposes will be met.

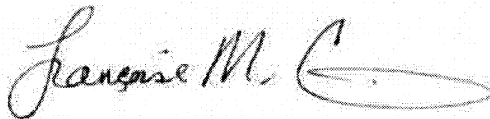
Finally, we note that although the draft Sector Plan states that Open Space Priority Sending Sites are to be zoned to allow completely for residential or commercial development, to maximize the flexibility with which the density from such sites can be used (SP at 142), this is not fully reflected in the zoning recommendations for 8101 Glenbrook and 7945 Norfolk. 8101 Glenbrook is recommended for CR 3.5, C-1.25, R-3.0, H-35. 7945 Norfolk Avenue is recommended for CR 3.5, C-1.25, R-3.5, H-50. Thus, the recommended zoning would allow all or almost all residential development, but caps commercial development at roughly one third of the overall density. If the Priority Sending Sites model remains in place, we would request an increase in commercial density for both properties for purposes of flexibility.

The four family members who own these two properties respectfully request your favorable consideration of their requests, so that they do not suffer the twin blows of losing long-term property value at both locations.

Sincerely yours,

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

By:



---

Françoise M. Carrier

cc: Leslye Howerton  
Robert Kronenberg

## MCP-CTRACK

---

**From:** Bob Stoddard <bob@rjsrealtyservices.com>  
**Sent:** Thursday, July 02, 2015 9:01 AM  
**To:** MCP-Chair  
**Subject:** Bethesda Plan - Bethesda Fire Dept.  
**Attachments:** Letter to Planning Board Casey Anderson 6-30-15.doc; 150624 RJS Final plan testimony.pdf; Portion of 5-19-15 Master Plan draft by MCFRS.pdf

Please enter this into the record for the Downtown Bethesda Plan.  
Please confirm receipt of this. If this was already submitted, I apologize for the duplication.



Robert J. Stoddard, CCIM  
*Principal*

P. (240) 678-5958  
F. (301) 294-0799  
Bob@RJSRealtyServices.com

**RJS Realty Services, LLC**

13609 Willow Tree Drive  
Rockville MD 20850

*Acquisitions • Development • Due Diligence • Entitlements • Consulting*



**Bethesda Fire Department, Inc.**  
6600 Wisconsin Ave.  
Bethesda, MD 20815

*President*  
John B. Murgolo  
Email: Murgolo@comcast.net  
Cell: 301-332-0348

*Administrative Officer*  
Janeth Mora  
Email: jmora@bethesdafire.org  
Cell: 301-873-7974

*Office*  
Phone: 301-652-5602  
PO Box: 30384  
Bethesda, MD 20824

*Station 6*  
6600 Wisconsin Ave.  
Bethesda MD 20815

*Station 20*  
9041 Old Georgetown Rd.  
Bethesda, MD 20814

*Station 26*  
6700 Democracy Blvd.  
Bethesda, MD 20814

Web: [www.bethesdafire.org](http://www.bethesdafire.org)

June 30, 2015

Casey Anderson, Chair,  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Bethesda Downtown Sector Plan Public Hearing  
6600 Wisconsin Avenue – Fire Station 6 – Page 129 Circle 3

Dear Members of the Planning Board:

As a supplement to the testimony you heard from two of our representatives last Wednesday, we would like to add some additional information into the record for the Bethesda Downtown Plan pertaining to our property at 6600 Wisconsin Avenue.

Since 1926, the mission of the Bethesda Fire Department (BFD) has been to prevent loss of life and property through community education and service. Safety of the residents of the Bethesda/Chevy Chase Community is our number one priority. In order to meet the growing needs of the communities we serve, the BFD's Board of Directors is in the early stages of a comprehensive exploration of potential upgrades, improvements and/or redevelopment of its firehouse and adjacent property at Wisconsin and Bradley.

Over the next 25 years, the population in our community is expected to increase significantly. As our population grows, we want to still be able to ensure optimum service and continued low emergency response times well into the future that is consistent with increased population density. Even with population growth, BFD still has a fiduciary obligation to the County and its citizens that requires funding for all three of its fire stations.

Over the past year, we have engaged in public discussions with many of the community stakeholders including civic associations, individual neighbors, planning staff members, and Montgomery County Fire and Rescue. We are sensitive to our residential neighbors and will continue to work with them. If redevelopment becomes the best option of providing optimum fire and rescue service to the community, our goals for redevelopment of the property would include:

1. Partnering with a developer to provide a new state of the art fire station at no cost to County taxpayers.
2. Included affordable housing in a new residential building exceeding the 12.5% required by the County.
3. Retain a residual long term account that will maintain this new station as well as stations 20 and 26 for decades to come.

As a recap to our testimony and to aid in meeting our goals, the Bethesda Fire Department respectfully requests your consideration of the following changes to Sector Plan Draft:

1. Increase the proposed FAR cap in total and for residential from 1.5 to 2.5.

2. Increase the building height from 70' to 80' to allow a higher first floor required for fire and rescue equipment.
3. We suggest a text amendment that would exclude counting the floor area of a public facility like a fire station against the FAR cap of the property in the CR zone.

We have attached a copy of a presentation from Robert Stoddard who spoke on our behalf. The attached document is more detailed than the three minute presentation and includes examples of fire stations in mixed use projects.

During the public hearing last Wednesday, you heard several people speak out against our proposal. We believe that many of the concerns can be discussed or addressed in a site plan process if and when a real plan is created. Some of the concerns you heard include:

**Montgomery County has not highlighted future needs for Station 6** - Please see the attached pages from a recent master plan draft by Montgomery County Fire and Rescue that outlines many of the reasons we will need to consider redevelopment of this property as the Bethesda area continues to grow and demands for services are increased. The draft also references this redevelopment or renovation to be done without County funds.

**Safe operation of the fire station with mixed use**- Any plan that is presented will have to initially be reviewed by Montgomery County Fire and Rescue as Greg Ossont from Montgomery County testified. The operation and safety of the fire station will supersede any other element of a redevelopment plan and will occur before any submittal to the County for approval. The attached presentation has specific local examples of fire stations in a mixed use development including Potomac Yard in Alexandria and a project under construction in Washington, DC. It is our understanding the Montgomery County is discussing a mixed use of a fire station, county services and affordable housing at the proposed station 23 in the White Flint Plan.

**The massing is not compatible with single family**- As we testified and is clear from driving in the area; there are numerous buildings along both Bradley Boulevard and Chevy Chase Drive that are multifamily mid-rise buildings. We have consistently shown in our concept and numerous public forums that our intent is to taper the height from the Bradley Boulevard face downward as we approach Nottingham Drive. We would also like to note that the fire station property has always been included in the CBD Sector Plan and excluded from the green mile referenced in some correspondence.

**Traffic and parking** – We will need to retain a traffic consultant and perform mitigation efforts as warranted if our study shows that we have a significant impact on the neighboring intersections. Any redevelopment will be done with below grade parking. Access for parking, deliveries, trash, etc. will be addressed with a final plan which we will discuss with the community before submission. We believe that we can mitigate many of these concerns.

**Commercial versus residential** – Many spoke out against commercial development on the South side of Bradley. We anticipate a residential development and would be willing to significantly decrease the permitted commercial FAR and maximize the total residential component. The only space that we need to allocate if it is considered commercial is the fire station itself.

**Bethesda Fire Department should not manage an apartment building** – We agree. This redevelopment would be managed either by the developer of the multifamily portion or a professional third party management company. The Bethesda Fire Department will retain ownership of the station itself and be responsible for the fire station as we are now. The ownership of the property will be structured accordingly and will also require approval by Montgomery County Fire and Rescue.

Bethesda Fire Department is a 501c3 non-profit organization, that owns and maintains three fire stations: Fire Station 6 (Headquarters) is located at the corner of Wisconsin Avenue and Bradley Boulevard; Fire Station 26 is on Democracy Boulevard near Old Georgetown Road; and Fire Station 20 is at the intersection of Old Georgetown Road and West Cedar Lane.

Bethesda Fire Department is managed by a volunteer community-based Board of Directors. Most Board members represent residential constituent communities of Bethesda and Chevy Chase such as Somerset, Wyngate and Edgemoor, and the business community through the active participation of the Greater Bethesda Chevy Chase Chamber of Commerce for over 75 years. While Montgomery County provides paid fire fighters and fire trucks to the three Fire Stations, the Bethesda Fire Department Inc. is responsible for the maintenance and upkeep of the physical property of the three Fire Stations. BFD offers numerous public and educational events throughout the year emphasizing safety.

We look forward to working with the Plan Commission and staff during the work sessions and hope we can show our need for the requested density and height stated above. As always we welcome the opportunity to participate in all public forums related to the Bethesda Downtown Plan.

Sincerely,

BETHESDA FIRE DEPARTMENT INC.

A handwritten signature in cursive script, appearing to read "John Muzab".

President

Attachments – Presentation by Bob Stoddard – June 24, 2015 – 5 Pages  
Pages from Draft 2 of MCFRS draft Master Plan dated May 19, 2015 – 14 pages

---

# **RJS Realty Services, LLC**

Acquisitions • Development • Due Diligence • Entitlements • Construction Management • Consulting

---

Bethesda Fire Department – 6600 Wisconsin Avenue  
Bethesda Downtown Plan  
Staff Draft Public Hearing  
June 24, 2015

Members of the Planning Board:

Thank you for allowing me the opportunity to appear before you tonight. I'm Bob Stoddard representing the Bethesda Fire Department who own 2 parcels at the southwest corner of Wisconsin Avenue and Bradley Boulevard. The parcel at the corner is the current fire station #6 at 6600 Wisconsin Avenue.

As you heard earlier today, The Bethesda Fire Department is a not for profit volunteer organization that works in partnership with the County to ensure that the Bethesda area has the best possible fire and rescue service available.

Over the past few years, the Bethesda Fire Department has started discussing what the future of station 6 will require in order to continue providing this level of service in a growing community. Station 6 is the first responder to numerous areas including a large portion of the CBD that is under discussion tonight and portions of the Westbard area you will discuss in the future.

Station 6 was constructed in 1969 and is need of either a redevelopment or substantial renovation. The attached text from a recent Montgomery County Fire and Rescue master plan draft highlights this need. I believe everyone agrees that station 6 is strategically located and is an important asset to the community. While both options are and will continue to be under consideration, I am here to discuss the redevelopment option.

Over the past year, we have engaged in public discussions with many of the community stakeholders including civic associations, individual neighbors, planning staff members, and Montgomery County Fire and Rescue. We are sensitive to our residential neighbors and will continue to work with them if redevelopment becomes the best option of providing optimum fire and rescue service to the community.

The concept of mixed use with a fire station is becoming more prevalent as tax dollars for public facilities are dwindling and land is becoming scarce. I have attached two local examples of mixed use properties that have incorporated a fire station including

- A fire station in Alexandria Virginia at Potomac Yard that includes 64 units of work force housing and
- A project under construction in Washington DC incorporating a fire station with a Hyatt Hotel at 400 E Street SW.

There are other local projects currently under consideration including discussions to incorporate affordable housing with the new fire station 23 in the White Flint Plan. The Tysons plan also envisions the incorporation of fire and police stations into new mixed use developments.

Based on recent County budgets, the cost for a new fire station excluding land cost is in the range of \$15 to \$18 Million. Understanding that taxpayer dollars are limited for public projects, the Bethesda Fire Department's goal is to have the ability to partner with an outside developer and build a new station with private funds.

Redevelopment of this property is not out of character with the area as can be seen in the attached aerial with several existing mid-rise buildings nearby along Bradley Boulevard and Chevy Chase Drive some of which are also looking to redevelop in the future.

Redevelopment of this property will help with another goal and objective of the plan by providing additional affordable housing. At a minimum, 12.5% of the new units would be affordable. We would look to partner with someone that could increase that amount and meet our objectives for a new station at the same time.

The sector plan which has been presented provides a good start to accomplish these goals. The draft plan has suggested that this property be rezoned from R-10 to CR 1.5 C 1.5 R 1.5 H 70'.

After analyzing the plans proposed density and height we respectfully request consideration of the following revisions and language to make the goals feasible:

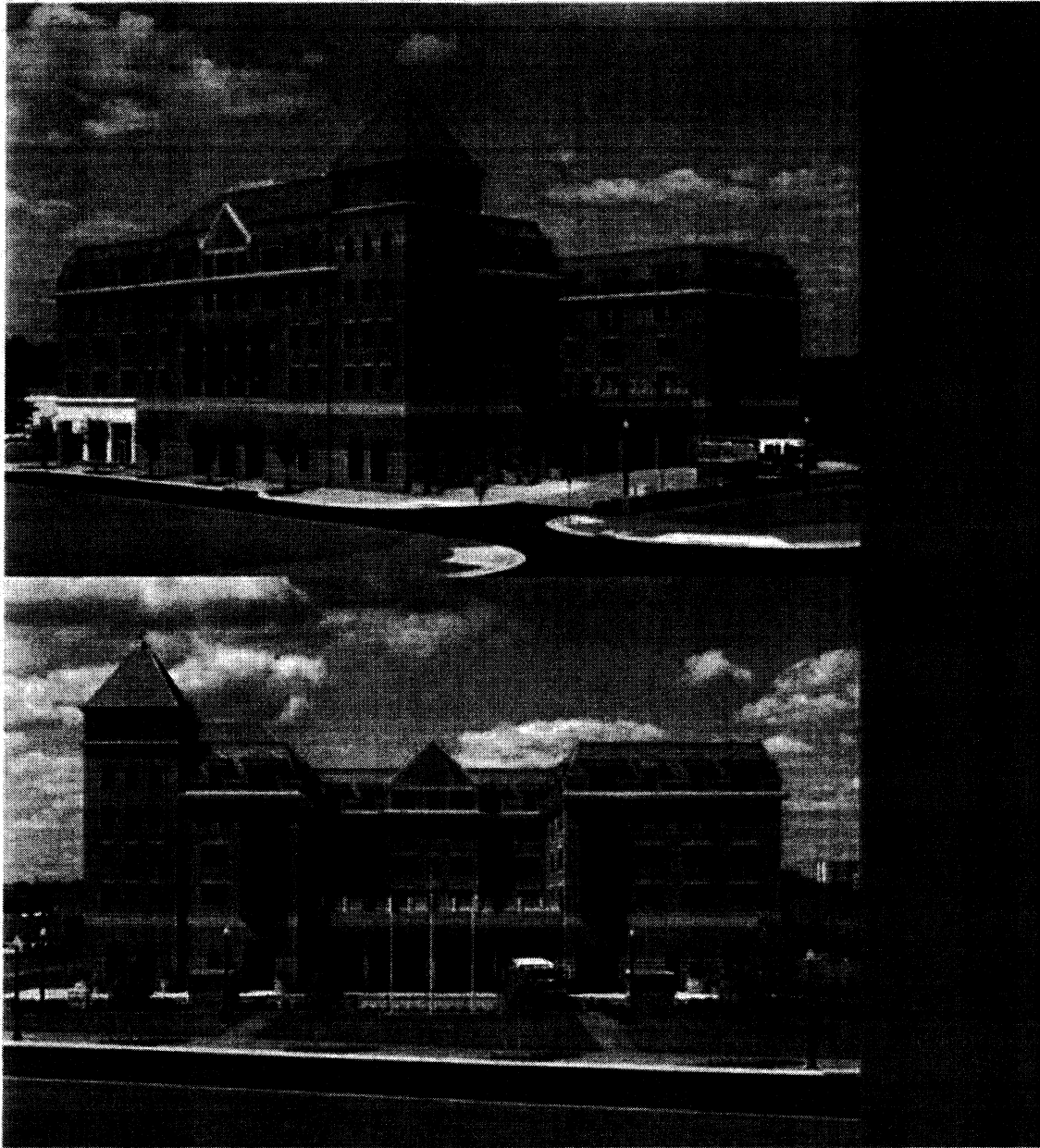
1. Increase the proposed FAR cap in total and for residential from 1.5 to 2.5.
2. Increase the building height from 70' to 80' to allow the higher first floor required for fire and rescue equipment.
3. We suggest a text amendment that would exclude counting the floor area of a public facility like a fire station against the FAR cap of the property in the CR zone.

Thank you again for your time tonight. I would be happy to answer any questions you may have.



**Fire Station at Potomac Yard – Alexandria, VA**

Situated on the edge of a new park, the station serves as the ground level “podium” for 64 units of work force housing located on the four stories above.



## 400 E Street, SW Washington, DC

214-Room Hyatt Place Hotel	State-Of-The-Art Fire Station	Corner Retail
----------------------------	-------------------------------	---------------



### Aerial of existing Station # 6- 6600 Wisconsin Avenue

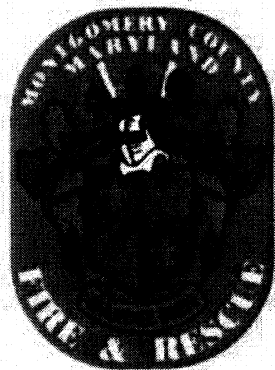


#### Text from May 19, 2015 draft by MCFRS for their upcoming Master Plan:

- The Bethesda Downtown area is primarily served by Bethesda Fire Department Station 6 and the Bethesda-Chevy Chase Rescue Squad. Fire-rescue incident call load within the Bethesda CBD (i.e., not Station 6's entire first-due area) is expected to increase by an estimated 50% at build out. Approximately 80% of the incidents will be EMS in nature
- The Westbard area is mostly located within Glen Echo Fire Station 11's first-due area, with the remaining portion located within Bethesda Station 6's first-due area.
- STATION 6 – BETHESDA
- Station 6, located at 6600 Wisconsin Avenue and owned by the Bethesda Fire Department (BFD), is in need of renovation or rebuilding on site as determined by the BFD Board of Directors who are considering selling a portion of this property. The first-due area covered by Station 6 has a high level of fire and EMS risk due to its high population density and many high-rise buildings. Density will likely increase under the Bethesda Downtown Plan which was being written concurrently with this Fire-Rescue Master Plan. The renovated or rebuilt station will need to accommodate all existing frontline and reserve apparatus (i.e., paramedic engine, ladder truck, battalion chief, and reserve engine), equipment, and personnel, plus a future ambulance and potentially an ALS chase unit.
- Without County involvement or funding, the Bethesda Fire Department will continue its planning and design of an extensive renovation or rebuilding on site of Station 6 located at 6600 Wisconsin Avenue at the intersection with Bradley Boulevard. The renovated station will need to accommodate all existing frontline and reserve apparatus, equipment, and personnel, plus an ambulance and potentially an ALS chase unit if determined to be needed at Station 6.

**FIRE, RESCUE, EMERGENCY  
MEDICAL SERVICES AND  
COMMUNITY RISK  
REDUCTION MASTER PLAN**

**DRAFT 2**



**MAY 19, 2015**

*ATTACHED PAGES PERTAINING TO  
1 STATION 6 - BETHESDA*

**2015-2020 FIRE, RESCUE, EMERGENCY MEDICAL SERVICES,  
AND COMMUNITY RISK REDUCTION MASTER PLAN**

Fire-Rescue Risk	4-7
• Emergency medical risk	4-8
• Fire risk	4-11
• Hazardous materials risk	4-13
• Explosive/destructive device (bomb) risk	4-17
• Water-ice risk	4-19
• Technical rescue-related risk	4-20
• Aviation risk	4-21
• Terrorism risk	4-22
• Natural hazards risk	4-24
• Technological hazards risk	4-24
• Societal hazards risk	4-25
 Impact of Change on Risk and Service Demand	 4-26
• Impact of demographics	4-26
○ Population	4-26
○ Race/ethnicity	4-27
○ Age and gender	4-27
○ Income and jobs	4-29
○ Households and language spoken	4-31
○ Housing/building stock	4-32
• Impact of development	4-35
○ Development in progress	4-36
○ Planned development	4-42
○ Limited development	4-47
○ <b>Planning in progress</b>	<b>4-48</b>
• Impact of mass transit development/expansion	4-53
○ Purple Line	4-53
○ Bus Rapid Transit Corridors	4-54
○ Corridor Cities Transitway	5-56
 Standards of Cover	 4-57
• Critical tasks	4-57
• Staffing levels	4-58
• Response times	4-58
○ First-arriving unit response times	4-59
○ Effective Response Force response times	4-60

**2015-2020 FIRE, RESCUE, EMERGENCY MEDICAL SERVICES,  
AND COMMUNITY RISK REDUCTION MASTER PLAN**

**SECTION 5 – ISSUES AND NEEDS**

<b>Preparedness/Readiness Issues and Needs</b>	5-1
• <b>Emergency Services</b>	5-1
○ Emergency medical services	5-1
○ Fire suppression	5-4
○ Special operations	5-5
• <b>Apparatus</b>	5-5
• <b>Fire code compliance</b>	5-6
• <b>Community outreach and public information</b>	5-6
• <b>Community Emergency Response Team (CERT)</b>	5-8
<b>Resource Deployment and Staffing Issues and Needs</b>	5-8
• <b>Emergency medical services</b>	5-8
• <b>Fire suppression</b>	5-9
• <b>Special operations</b>	5-9
• <b>Bomb Squad</b>	5-10
• <b>Staffing</b>	5-10
○ Operational staffing	5-10
○ Administrative staffing	5-11
<b>Planning and Assessment Issues and Needs</b>	5-11
• <b>Planning</b>	5-11
• <b>Assessment</b>	5-14
<b>Infrastructure and Communications Issues and Needs</b>	5-15
• <b>Facilities</b>	5-15
• <b>Apparatus maintenance, rehab, and replacement</b>	5-21
• <b>Equipment maintenance and replacement</b>	5-22
• <b>Emergency communications</b>	5-22
• <b>Information technology</b>	5-23
<b>Data Analysis and Application Issues and Needs</b>	5-24
<b>Training and Wellness Issues and Needs</b>	5-25
• <b>Training</b>	5-25
• <b>Wellness and safety</b>	5-26
<b>Support Services Issues and Needs</b>	5-27
• <b>Fiscal management</b>	5-27
• <b>Procurement</b>	5-27

## **2015-2020 FIRE, RESCUE, EMERGENCY MEDICAL SERVICES, AND COMMUNITY RISK REDUCTION MASTER PLAN**

• Logistics	5-28
• Human resources	5-28
Other Issues and Needs	5-29
<b><u>SECTION 6 – INITIATIVES AND PRIORITIES</u></b>	
Preparedness/Readiness Initiatives and Priorities	6-1
• Emergency services	6-1
○ Emergency medical services	6-1
○ Fire suppression and heavy rescue	6-4
○ Special operations	6-4
• Apparatus	6-5
• Fire and explosives investigations	6-6
• Fire code compliance	6-7
• Community outreach and public information	6-7
• Volunteer Services	6-9
○ Community Emergency Response Team (CERT)	6-10
Resource Deployment and Staffing Initiatives and Priorities	6-11
• Operations	6-11
• Emergency medical services	6-11
• Fire suppression	6-13
• Special operations	6-13
• Bomb Squad	6-14
• Facilities	6-14
Planning and Assessment Initiatives and Priorities	6-14
• Planning	6-14
○ Strategic and long-range planning	6-14
○ Succession planning	6-15
○ Site evaluation/selection	6-15
○ Land reservation/acquisition for stations	6-16
○ Geographic Information System	6-17
○ Planning Section staffing	6-17
• Assessment	6-17
○ Performance measures and dashboards	6-17
○ Performance appraisal	6-18
○ Accreditation compliance	6-18

# **2015-2020 FIRE, RESCUE, EMERGENCY MEDICAL SERVICES, AND COMMUNITY RISK REDUCTION MASTER PLAN**

Infrastructure, Communications and IT Initiatives and Priorities	6-19
• Facilities/CIP	6-19
• Apparatus maintenance, rehab, and replacement	6-24
• Equipment maintenance and replacement	6-25
• Emergency communications	6-26
• Information technology	6-28
Data Analysis and Application Initiatives and Priorities	6-29
Training and Wellness/Safety Initiatives and Priorities	6-30
• Training	6-30
• Wellness and safety	6-31
Support Services Initiatives and Priorities	6-33
• Fiscal management	6-33
• Procurement	6-35
• Logistics	6-35
• Human resources	6-36
Other Initiatives and Priorities	6-37

## **APPENDICES**

Appendix A – Laws, Statutes and Standards Impacting MCFRS

Appendix B – MCFRS Organizational Chart and Station Locations Map

Appendix C – Table of Highest Risk Level per Station Area

Appendix D – Incident Density Maps

Appendix E – Demographic Maps

Appendix F – Planned Mass Transit Network Maps

Appendix G – 2020 Response Time Benchmark Tables

Appendix H – Chart of Facility, Resource and Staffing Initiatives



**DRAFT 2**  
**FIRE, RESCUE, EMERGENCY MEDICAL SERVICES,**  
**AND COMMUNITY RISK REDUCTION MASTER PLAN**

commercial and industrial development. In addition to preserving farmland and open space, farms are important to the County's economy. There are 540 farms and 350 horticultural enterprises in the Agricultural Reserve, collectively having sales of \$287.5 million in 2012.

Residential development is restricted to only one single-family dwelling per 25 acres per property owned. For example, a 100-acre farm in the Agricultural Reserve would be allowed a maximum of four dwellings. Instead of building three additional homes on this property in addition to the single existing home, the owner can sell Transfer of Development Rights (TDRs) that have been assigned to his/her property that can be purchased and used by developers to increase building density in TDR receiving areas located outside of the Agricultural Reserve. Of approximately 19,000 TDRs created in 1980, about 10,000 have been transferred/purchased; thus leaving about 9,000 for future transfer.

Due to the restrictions on development within the Agricultural Reserve, the area will experience little development during the 5-year time frame of this Fire-Rescue Master Plan. For this reason, incident call load within the Agricultural Reserve is expected to remain almost even, with a slight increase at most.

### PLANNING IN PROGRESS

At the time this Fire-Rescue Master Plan was being written, there were four notable master planning efforts underway led by Maryland-National Capital Park & Planning Commission (M-NCPPC) and City of Rockville planners. These four community plans will have significant impact on fire-rescue service demand and types/levels of risk. Each plan is described briefly below.

#### **BETHESDA CENTRAL BUSINESS DISTRICT ("DOWNTOWN BETHESDA")**

At the time this Fire-Rescue Master Plan was being written, M-NCPPC was leading an effort to revisit the master plan for the Bethesda Central Business District (CBD) and prepare a new plan known as the "Bethesda Downtown Plan." The new plan will address land use and density, urban design, mobility, open space, and environmental quality. Preliminary concepts centered on: 1) increased residential density in a business district consisting primarily of offices and retail uses; and 2) increased number of businesses and jobs. Projections to 2040 are for the residential population to nearly double (from 10,610 in 2010 to 21,900 in 2040), the number of households to increase by 82% (from 6500 in 2010 to 11,800 in 2040), and the number of jobs to increase by 38% (from 37,700 to 51,900 in 2040).

Preliminary recommendations call for increased maximum heights, including 290 ft buildings in the Bethesda Metro Station core, 250 ft buildings on Wisconsin Avenue and Elm Street around the proposed Purple Line Station and 250 ft buildings where a new arts center is proposed for Wisconsin and Norfolk Avenues, 120 ft development heights along portions of Battery Lane

**DRAFT 2**  
**FIRE, RESCUE, EMERGENCY MEDICAL SERVICES,**  
**AND COMMUNITY RISK REDUCTION MASTER PLAN**

including the site of the B-CC Rescue Squad, and 70 ft heights along Arlington Road including Bradley Boulevard Shopping Center and office buildings across from the shopping center.

The Bethesda Downtown area is primarily served by Bethesda Fire Department Station 6 and the Bethesda-Chevy Chase Rescue Squad. Fire-rescue incident call load within the Bethesda CBD (i.e., not Station 6's entire first-due area) is expected to increase by an estimated 50% at build out. Approximately 80% of the incidents will be EMS in nature, and the majority of the fire-related incidents are expected to involve automatic fire alarms, activated smoke alarms, and alarm bells. All new buildings will have fire detection and suppression systems in accordance with County Code.

**WESTBARD (BETHESDA-GLEN ECHO)**

At the time this Fire-Rescue Master Plan was being written, M-NCPPC was leading an effort to update the Westbard Sector Plan (to be renamed "Plan Westbard"). The focus of the updated plan will be land-use/zoning, transportation and amenities. The Westbard area is generally bounded by Massachusetts Avenue to the south, Little Falls Parkway to the east, Ridgefield Road to the north, and the Springfield neighborhood to the west (but not including that neighborhood). Major roadways running through the area include River Road (MD 190) and Westbard Avenue.

The draft concept plan includes the following major elements:

- Changes mixed-use zoning to permit higher building height limits which could double or triple the number of residential units
- New road grid configuration for the area that includes Westwood Towers, BowMor Lanes on the east side of Westbard Avenue and the Giant shopping center and surface parking lot on the west side of Westbard Avenue.
- Potential new elementary school or expansion of Westland Middle School
- New library in the redeveloped Westbard area
- Extension and improvement of Butler Road, possibly extended to Westbard Avenue

The increased mixed-use zoning and higher building height limits could double or triple the amount of residential units in the Westbard area. The existing number of residential units in the area is 1104. If it was built out to current zoning, another 550 to 971 units could be added. Under the proposed zoning in the draft concept plan, 1685-1972 additional units could be built. If everything were to be built, the area could have more than 3,000 residential units. All new buildings in the Westbard plan area will have sprinkler protection and be served by fire hydrants.

The Westbard area is mostly located within Glen Echo Fire Station 11's first-due area, with the remaining portion located within Bethesda Station 6's first-due area. These stations are

**DRAFT 2**  
**FIRE, RESCUE, EMERGENCY MEDICAL SERVICES,**  
**AND COMMUNITY RISK REDUCTION MASTER PLAN**

distributed well to provide timely response to the Westbard area. Existing suppression resources at these stations are expected to adequately handle fire risk and incident call load in the Westbard area, but additional ALS resources will be needed, including the upgrading of Engine 711 to Paramedic Engine 711 as well as the deployment of an EMS transport unit and possibly an ALS chase unit at Station 6.

**ROCKVILLE (CITY OF ROCKVILLE)**

The City of Rockville, which has its own planning department independent of the Montgomery County Planning Department, was preparing the City of Rockville Comprehensive Master Plan at the same time this Fire-Rescue Master Plan was being written. One major component of the City's new plan is an independent document required of Maryland municipalities by the State known as the "Municipal Growth Element." That document was completed in 2010 and adopted by the City Council in December 2010. Pages 45-49 of the Municipal Growth Element address fire, rescue and emergency medical services provided to the City by MCFRS and the Rockville Volunteer Fire Department. Existing Stations 3 and 23 (located within City limits) are highlighted, and surrounding stations (outside the City limits) that serve the City are identified as well. Also identified are future County fire stations to be sited at Darnestown and Shady Grove Roads (Station 32 –open February 2014) and near Frederick and Shady Grove Roads (planned Station 36). The City has an Adequate Public Facilities Ordinance that requires the response of fire suppression resources from at least three stations within 10 minutes in order for certain proposed high-risk occupancies (i.e., schools, hospitals, nursing homes, and places of assembly seating more than 500) to be approved by the City Council.

The City's Municipal Growth Element forecasts certain demographics from 2010 to 2040 in 10-year increments. City population is projected to increase by almost 9400 (15.0%) from 62,476 in 2010 to 71,874 in 2020, and number of households is projected to increase by about 4450 (18.3%), from 24,327 in 2010 to 28,784 in 2020. During that 10-year period, the number of jobs within the City (private and public) are projected to increase by over 17,000 (22.9%), from 74,549 to 91,600. Housing demographics were also provided but not by 10-year increments, only from 2010 to 2040. Approximately 47% of Rockville residents live in single-family detached houses, 14% of residents in single-family attached (townhouses), and 39% in multi-family residences.

It is difficult to determine the impact that growth and development within the City of Rockville would have on fire-rescue risk and service demand until such time that the City's new Comprehensive Master Plan is completed and approved. Based solely on the population projections for 2020, there could be an increase of approximately 1000-1100 incidents within the City to be handled mostly by Stations 3, 23, 32 and 33. It is anticipated that approximately 75-80% of the increased call load would involve EMS incidents. Additional resources will be needed to address this increased risk and call load. The addition of planned Station 36 in the vicinity of Frederick and Shady Grove Roads would make possible the deployment of an additional engine and EMS unit on the northern edge of Rockville to help in meeting this risk /demand. Additional EMS resources would be needed at Station 23 and possibly Station 3 to

**DRAFT 2**  
**FIRE, RESCUE, EMERGENCY MEDICAL SERVICES,**  
**AND COMMUNITY RISK REDUCTION MASTER PLAN**

• **STATION RENOVATIONS, EXPANSIONS AND REBUILDS**

Six fire-rescue stations need renovation, expansion or rebuilding. An approved CIP project is in place for four of these stations. For the other two stations, the need for County CIP projects is not anticipated as the two LFRDs plan to fund the projects on their own. The six station projects are described below and presented in numerical order.

**STATION 3 – ROCKVILLE**

Station 3, located at 380 Hungerford Drive and owned by the Rockville Volunteer Fire Department (RVFD), is in need of an extensive renovation or rebuilding (possibly relocation<sup>76</sup>) as determined by the RVFD Board of Directors. This project has been included in the County's FY15-20 CIP. The first-due area covered by Station 3 has a high level of fire, EMS, and hazmat risk and typically has the 2<sup>nd</sup> highest incident call load in Montgomery County. If relocated, Station 3 will need to be sited in close proximity of the existing site, preferably along Rockville Pike/Hungerford Drive. The renovated or rebuilt (possibly relocated) station will need to accommodate all existing apparatus, equipment, and career and volunteer personnel. Existing apparatus includes a paramedic engine, rescue engine, aerial tower, rescue squad, and two EMS transport units. A future, frontline ALS chase unit will need to be housed at Station 3 as well.

**STATION 6 – BETHESDA**

Station 6, located at 6600 Wisconsin Avenue and owned by the Bethesda Fire Department (BFD), is in need of renovation or rebuilding on site as determined by the BFD Board of Directors who are considering selling a portion of this property. The first-due area covered by Station 6 has a high level of fire and EMS risk due to its high population density and many high-rise buildings. Density will likely increase under the Bethesda Downtown Plan which was being written concurrently with this Fire-Rescue Master Plan. The renovated or rebuilt station will need to accommodate all existing frontline and reserve apparatus (i.e., paramedic engine, ladder truck, battalion chief, and reserve engine), equipment, and personnel, plus a future ambulance and potentially an ALS chase unit.

**STATION 11 – GLEN ECHO**

Station 11, located at 5920 Massachusetts Avenue and owned by the Conduit Road Fire Board and Glen Echo Volunteer Fire Department, is in need of an extensive renovation. This project has been included in the County's FY15-20 CIP. As recommended in the MCFRS Station Location and Resource Allocation Study – Phase 2B Report, Station 11 can best serve the Glen Echo area by remaining at its present site but requires a major renovation to address its size and functionality limitations. The renovated/expanded station will need to accommodate the existing apparatus complement, including an engine, ambulance, ATV, and

---

<sup>76</sup> It is possible this project could be a station relocation should a suitable site be found nearby.

**DRAFT 2**  
**FIRE, RESCUE, EMERGENCY MEDICAL SERVICES,**  
**AND COMMUNITY RISK REDUCTION MASTER PLAN**

construction, maintenance and operation. The Purple Line would transport an estimated 69,000 passengers per day (on average) between its Bethesda and New Carrollton stations.

MTA has been working on the Conceptual and Preliminary Engineering Phase of the Purple Line Project since 2009 in close coordination with Montgomery and Prince George's Counties, Washington Metropolitan Area Transit Authority, Maryland-National Capital Park and Planning Commission, State Highway Administration, and local municipalities in the project area. MCFRS has participated in this phase of the project since 2009 by being members of the Purple Line's Montgomery County planning group as well as members of the MTA's Fire, Life Safety and Security Committee. In 2013, MTA decided to use a public-private partnership (P3) to design, build, operate, maintain and finance<sup>58</sup> the Purple Line. At the time this Fire-Rescue Master Plan was being written, MTA had issued the RFP for P3 proposals and was awaiting bids.

Through participation in the initial phase of the project, MCFRS was able to provide input to the preliminary design in terms of adequate fire department access to both the rail and trail systems as well as fire protection and life safety systems/equipment to be installed in the rail system structures, including tunnels, stations, Silver Spring Transit Center, Lyttonsville Yard, and power stations.

**Combined fire, rescue and EMS risk associated with the construction and operation of the Purple Line was being assessed by MCFRS as this Fire-Rescue Master Plan was being written based upon the preliminary design plans. While some aspects of the Purple Line will present risks similar to those of the Metro Rail System found in Montgomery County, there will be new risks to assess and prepare for related to a light rail system involving the use of overhead catenaries. Based upon this risk assessment, MCFRS will need to ensure operational readiness in terms of new/additional fire suppression and technical rescue equipment, specialized training, and standard operating procedures specific to the Purple Line and trail systems. For rescue and EMS-related incidents along the trail system, the strategic deployment of ATVs at fire stations along the Purple Line will also need to be determined and the ATVs acquired and deployed.**

### **BUS RAPID TRANSIT CORRIDORS**

Bus Rapid Transit (BRT) combines features of both a bus system and a light rail system, but BRT is far less costly than a light rail system. BRT systems feature dedicated travel lanes, lane and signal priority, low-floor buses allowing for faster/easier entry and exiting, and pay stations to pay for fares before boarding.

The Countywide Transit Corridors Functional Master Plan (CTCFMP), adopted by the Planning Board of the Maryland-National Capital Park and Planning Commission in December 2013, recommends implementing a 102-mile BRT network comprised of 10 corridors (82 miles) plus the 20-mile Corridor Cities Transitway (see separate heading below). The plan also recommends expanding right-of-way for the CSX Metropolitan Branch to allow for enhanced MARC

---

<sup>58</sup> The estimated cost of the project as of Fall 2014 was \$2.448 billion.

**DRAFT 2**  
**FIRE, RESCUE, EMERGENCY MEDICAL SERVICES,**  
**AND COMMUNITY RISK REDUCTION MASTER PLAN**

## SECTION 6

# INITIATIVES AND PRIORITIES

Section 6 identifies the initiatives and their corresponding priorities that address the issues and needs described in Section 5. Initiatives are presented below under the subject headings: Preparedness/Readiness, Resource Deployment and Staffing, Planning and Assessment, Infrastructure and Communications, Data Analysis and Application, Training/Wellness, Support Services, and Other Initiatives.

The priorities shown below have been divided into levels A, B and C. Priority A is the highest level, Priority C the lowest, and Priority B in between them. While initiatives identified below as Priority A are of the highest priority and will therefore receive the quickest and greatest attention, Priorities B and C should not be viewed as medium or low priorities as they should all be addressed within the 5-year time frame of this master plan.

### PREPAREDNESS/READINESS

Preparedness/Readiness initiatives are presented below under the subject headings: Emergency Services, Volunteer Services, Fire and Explosives Investigations, Fire Code Compliance, and Community Outreach and Public Information.

Table 5 in Appendix H summarizes facility, resource and staffing initiatives for 2016-2020.

### EMERGENCY SERVICES

#### EMERGENCY MEDICAL SERVICES

- I. [**PRIORITY A**] Implement modified ALS delivery model:
  - A. Replace the majority of medic units with one-person (or, in limited cases, two-person) ALS chase units; thus allowing for the county-wide redistribution of a limited number of ALS providers. ALS chase units will not normally be dispatched on BLS incidents nor will they transport patients; thus improving the availability of ALS units and reliability<sup>82</sup> of ALS service.

---

<sup>82</sup> Reliability addresses both availability of a specific type of unit and whether its response time is within established 90<sup>th</sup> percentile goals of the department.

**DRAFT 2**  
**FIRE, RESCUE, EMERGENCY MEDICAL SERVICES,**  
**AND COMMUNITY RISK REDUCTION MASTER PLAN**

- Replace medic units, except Medic 713 (Damascus) and Medic 714 (Upper Montgomery)<sup>83</sup>, with ALS chase units each operated by one paramedic, or in limited cases two paramedics<sup>84</sup>; thus deploying ALS chase units at Stations 1, 3, 8 (two chase units), 12, 15, 23, 25, 41 and 42 (two chase units). This will involve redeploying the paramedic from each medic unit to an ALS chase unit.
  - Convert medic units, except Medics 713 and 714, to BLS transport units (i.e., ambulances). This will involve adding a second BLS provider (EMT-B) to the former medic unit; thus creating a two-person ambulance, with the remaining BLS provider from the medic unit paired with the second BLS provider.
- B. Initiate ALS chase unit service at two stations:
- Station 28 – Deploy an ALS chase unit, while having Ambulance 728 remain
  - One of the planned new-additional stations if open by 2020
- C. Continue and upgrade ALS first-responder apparatus (AFRA) service delivery:
- Continue deployment of paramedic engines at 28 stations.
  - Add firefighter-paramedic to remaining seven engines lacking ALS capability to create four-person paramedic engines at Stations 2, 5, 10, 11, 20, 26 and 40.
  - Deploy four-person paramedic engines at future stations.
  - Continue deployment of Paramedic Aerial Tower 708 at Station 8.
  - Add firefighter-paramedic to remaining 14 aerial units to create four-person paramedic aerial units at Stations 3, 6, 10, 15, 16, 18, 19, 23, 24, 25, 31, 34, 35 and 40.
  - Add firefighter-paramedic to all six rescue squads to create four-person paramedic rescue squads at Stations 3, 15, 17, 29, 41 and 42.
2. **[PRIORITY A]** Increase BLS transport capacity to meet increasing BLS service demand and to transport ALS patients accompanied by a paramedic from an ALS chase unit or AFRA.
- Deploy an ambulance at each of Stations 6, 7, 9, 18, 19 and 20 where this type of unit is currently lacking. Consider deployment of a BCCRS ambulance at each of Stations 6, 7 and 20 and a WVRS ambulance at each of Stations 18 and 19.
  - Convert 11 medic units to BLS transport units at 9 stations (i.e., Stations 1, 3, 8, 12, 15, 23, 25, 41 and 42) as a result of the ALS chase unit deployment (see above).

---

<sup>83</sup> Medics 713 and 714 will remain to provide ALS transport in their respective rural areas where BLS transport units (i.e., ambulances) are not readily available to handle timely transport of ALS patients.

<sup>84</sup> A limited number of ALS chase units may be staffed by two paramedics as needs dictate in certain high call volume areas of the County.

**DRAFT 2**  
**FIRE, RESCUE, EMERGENCY MEDICAL SERVICES,**  
**AND COMMUNITY RISK REDUCTION MASTER PLAN**

- Establish central supply at Southlawn Warehouse
  - Obtain automated materials management system
  - Hire fulltime warehouse manager
- B. Develop non-durable supplies management:
- Develop system to monitor shelf life
  - Implement program to ensure rotation
  - Rotate stock at stations

### FIRE SUPPRESSION AND HEAVY RESCUE

1. [**PRIORITY A**] Complete the implementation of four-person staffing of fire suppression and heavy rescue apparatus. A total of 27 frontline units lack a guaranteed fourth person:
  - Engines at Stations 2, 5, 10, 11, 20, 26 and 40
  - Aerial units at Stations 3, 6, 10, 15, 16, 18, 19, 23, 24, 25, 31, 34, 35 and 40
  - Rescue Squads at Stations 3, 15, 17, 29, 41 and 42
2. [**PRIORITY C**] Implement the following new deployments to improve fire suppression readiness:
  - Paramedic Engines at future Stations 36-39 with 4-person staffing, including a firefighter-paramedic
  - Aerial unit at existing Station 28 or future Shady Grove Station 36
3. [**PRIORITY C**] Establish extrication capability at Station 40 by replacing Truck 740 with a tractor-drawn aerial –the desired platform for extrication equipment - when that truck is scheduled for replacement.

Table 5 in Appendix H summarizes facility, resource and staffing initiatives for 2016-2020.

### SPECIAL OPERATIONS

1. [**PRIORITY B**] Improve supervision of Special Operations field personnel through oversight and coordination provided by an on duty Battalion Chief. This will be achieved by funding/staffing a Battalion Chief's position on shift work.
2. [**PRIORITY C**] Improve supervision of Technical Rescue and Swift Water Rescue Teams through oversight and management provided by an on duty Battalion Chief. This will be achieved by funding /staffing a Battalion Chief's position on shift work.



**DRAFT 2**  
**FIRE, RESCUE, EMERGENCY MEDICAL SERVICES,**  
**AND COMMUNITY RISK REDUCTION MASTER PLAN**

STATION 35 – CLARKSBURG [PRIORITY A]

Initiate planning and design for permanent Clarksburg Fire Station #35 (CIP Project #450300) to replace Interim Station 35 at a nearby location. The site will likely have been selected by the County by the time this fire-rescue master plan has been approved. This project is the 5<sup>th</sup> priority among MCFRS FY17-22 CIP projects to be requested.

• **STATION RENOVATIONS, EXPANSIONS, REBUILDS**

Six fire-rescue stations require renovation, expansion or rebuilding. An approved CIP project is in place for four of these stations. For the other two stations, the need for County CIP projects is not anticipated as the two LFRDs plan to fund the projects on their own. The six station projects are described below and presented in numerical order.

STATION 3 – ROCKVILLE [PRIORITY C]

In coordination with the Rockville Volunteer Fire Department (owner of Station 3), initiate planning and design for an extensive renovation or relocation<sup>46</sup> of Station 3 (CIP Project #450105) located at 380 Hungerford Drive at the intersection with Beall Avenue. The renovated or relocated station will accommodate all existing frontline apparatus, equipment, and career and volunteer personnel. This project is the 8<sup>th</sup> priority among MCFRS FY17-22 CIP projects to be requested.

STATION 6 – BETHESDA [PRIORITY C]

Without County involvement or funding, the Bethesda Fire Department will continue its planning and design of an extensive renovation or rebuilding on site of Station 6 located at 6600 Wisconsin Avenue at the intersection with Bradley Boulevard. The renovated station will need to accommodate all existing frontline and reserve apparatus, equipment, and personnel, plus an ambulance and potentially an ALS chase unit if determined to be needed at Station 6.

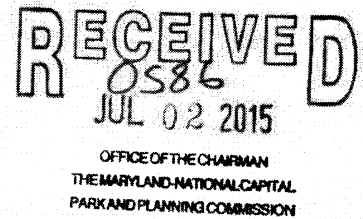
STATION 11 – GLEN ECHO [PRIORITY B]

In coordination with the Conduit Road Fire Board, Glen Echo Volunteer Fire Department, and County departments/agencies, conduct planning and design for an extensive renovation of Station 11 (CIP Project #450702) located at 5920 Massachusetts Avenue at the intersection with Sangamore Road. This project is the 7<sup>th</sup> priority among MCFRS FY17-22 CIP projects to be requested. The preparation and signing of an MOU between the County and the Conduit Road Fire Board will precede planning and design of the Station 11 renovation.

---

<sup>46</sup> It is possible this project could be a station relocation should a suitable site be found nearby.

**LINOWES**  
**AND BLOCHER LLP**  
ATTORNEYS AT LAW



July 1, 2015

Emily J. Vaias  
301.961.5174  
evaias@linowes-law.com

**Via Electronic Mail (BethesdaDowntownPlan@montgomeryplanning.org)**

Casey Anderson, Chair  
and Members of the Montgomery County Planning Board  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Ave  
Silver Spring, Maryland 20910

Re: Public Hearing Draft of the Bethesda Downtown Plan, May 2015 (the "Plan")  
6831 Wisconsin Avenue/Douglas Development: Request to Rezone entire Property to  
**CR 3.5, C-3.0, R-3.25, H-120**

Dear Chair Anderson and Members of the Planning Board:

We represent the Douglas Development Corporation/Jemals Shops of Ch Ch LLC ("Owner"), the owner of 6831 Wisconsin Avenue, Chevy Chase, Maryland 20815 (the "Property"). The Property provides a valuable neighborhood resource by housing the "Shops of Wisconsin," including the Trader Joe's Grocery Store. However, due to the changing retail market and the influx of on-line retailers, finding the right tenant mix and keeping the occupancy high has been a challenge. Accordingly, the Owner must retain as much flexibility in the zoning and use envelope as possible to keep options available to fit out the Property as requested by future (and current) tenants. Further, the Owner's recent experience with making positive changes to the Property resulted in significant time delays and costs, based in part on the current split-zoning of the Property between a CR zone along Wisconsin Avenue and the R-60 zone along the rear portion (see current zoning map, attached hereto as Exhibit "A"). The purpose of this letter is to request that the Property be zoned uniformly to the **CR 3.5, C-3.0, R-3.25, H-120** zone, and that the entire Property be designated within the Wisconsin Avenue District, instead of the current treatment with the front of the Property designated in that district, and the rear designated in the Eastern Greenway district.

The Property consists of one lot, Lot 18, Norwood Heights, being 48,981 square feet in size, and extending from Wisconsin Avenue to West Avenue (see tax map attached hereto as Exhibit "B"). To the north, the Property is bounded by Stanford Street, and to the south it is bordered by low-density commercial and surface parking lots. As mentioned above, the Property is currently split-zoned, with the front portion ("Front Portion") along Wisconsin Avenue zoned CR-3.0, C-2.0, R-2.75, H-75-T, and the rear portion ("Rear Portion") facing West Avenue zoned R-60.

Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
July 1, 2015  
Page 2

As referenced, the Property is designated in two "districts," with the Front Portion in the Wisconsin Avenue District and the Rear Portion in the Eastern Greenway District. The entire Property is recommended for "Mixed Use-Residential and Commercial," with the area of the Front Parcel adjacent to Wisconsin Avenue designated as an "Emerging Center of Activity," and the rest of the Property designated as "Transition Area." Further, as stated above, the Property is split-zoned with the Front Portion recommended for the CR 3.5, C-2.5, R-3.25, H-90 zone, and the Rear Portion recommended for the CRT 0.5, C-0.25, R-0.5, H-70 zone (see Plan pp. 95 and 123 attached as Exhibit "C").

While the Owner supports many of the Plan's goals of the Wisconsin Avenue Corridor District and understands the intent of the Eastern Greenway District to act as a buffer between the higher densities along Wisconsin Avenue and the East Chevy Chase residential community across West Avenue, the existing and proposed split-zoning will unnecessarily complicate redevelopment efforts. Further, designating the Property for two different districts within the Plan also creates some ambiguities and could lead to confusion. In particular, as retail needs change, the Owner must be in the best position to adapt to new designs and layouts in order to attract the best possible tenant mix. Keeping the Property split-zoned severely limits this flexibility, and could result in losing key tenants, or tenant opportunities that would be attractive to the neighboring community and could keep the Shops vibrant.

Further, the split zoning and placing the Property in two-separate Districts is not necessary to limit the impact of any future development on the neighboring community because of the additional protections for residential communities already within the CR zones. For example, projects in CR zones that confront residentially-zoned property require setbacks that are 1.5 times the minimum setback of the confronting residential zone (in this instance that would mean a minimum setback of 37.5 feet) and 45-degree, height lay-backs, with height measured from the confronting, residentially-zoned property. (Sections 59.4.1.8.A-B of the Zoning Ordinance). Accordingly, even at a higher density and height, any development along West Avenue would be set back almost 40 feet from the curb, and would be much lower in height along the face of the building. Further, any optional method development on the Property would require providing at least 100 public benefit points, which could require provision of various benefits that would help to assure compatibility with the adjacent neighborhood. (Section 59.4.7.2 of the Zoning Ordinance). Therefore, split-zoning the Property, and severely restricting the developability of the Rear Portion is not the only, or even the best, method to buffer the neighborhood. Instead, allowing the entire Property to be uniformly zoned and comprehensively redeveloped, using the stringent compatibility requirements of the CR zone, will allow for a thoughtful transition to the neighborhood.

Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
July 1, 2015  
Page 3

To that end, the Owner requests that the entire Property be rezoned to the CR 3.5, C-3.0, R-3.25, H-120, to be compatible with the property at 6800 Wisconsin Avenue to the west. This zoning provides a slightly higher commercial density component and allows for 30 feet of additional height. In so doing, this proposed zoning provides sufficient flexibility to allow the Owner to redesign or adjust the development as necessary to attract modern retailers. In particular, with the additional height, the Owner could have the opportunity concentrate height and massing on Wisconsin Avenue, away from the residential neighborhood to the east. Finally, this proposed zoning would allow for sufficient height to potentially construct residential units on top of the existing retail podium if that was feasible and desirable.

Finally, the Owner requests that some of the "areawide" recommendations regarding "ecology," be reviewed by the Planning Board. In particular, the Owner is concerned about the requirements that would be imposed on the Property due to the location within the High Performance Area. Further, the greenway tiers proposed along West Avenue should be more explicit in their description of the required setbacks and should not hinder comprehensive redevelopment opportunities on the Property.

We look forward to working with you and the community during the Plan process to create a document that will allow Bethesda to be strong for many years to come. If you have any questions, please feel free to contact me.

Sincerely,

**LINOWES AND BLOCHER LLP**

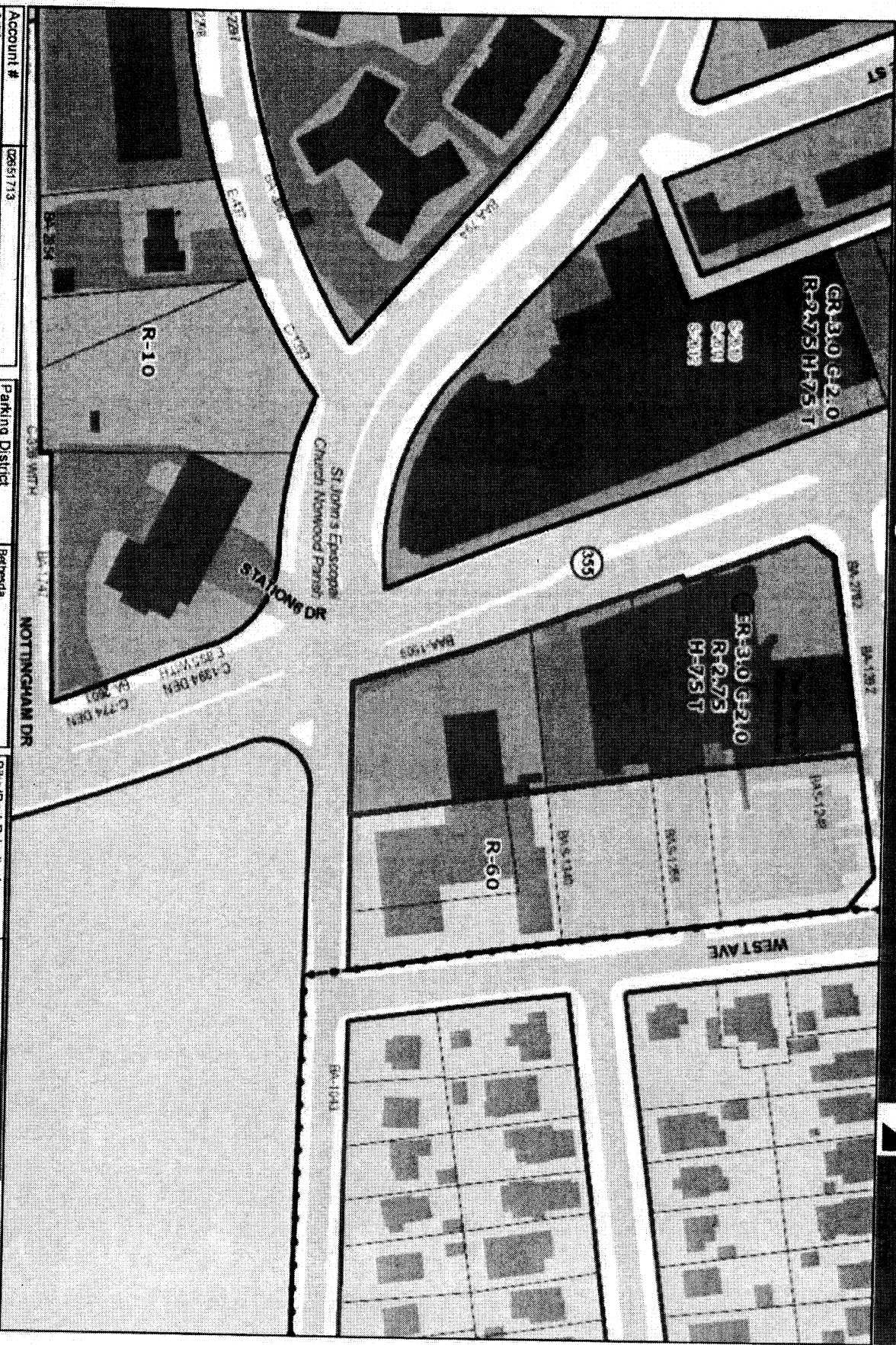


Emily J. Vaias

cc: Ms. Lesley Howerton  
Mr. Marc DeOcampo  
Mr. Robert Kronenberg  
Mr. Norman Jemal  
Mr. Patrick Cooper  
Samantha L. Mazo, Esq.

# Montgomery County Zoning

Date: 7/1/2015



Account #	02651713
Address	6631 WOODS IN AVE CHEVY CHASE, 20815
Zone	CR-3.0 C-2.0 R-2.75 H-75 T
Overlay Zone	N/A
TDR Overlay Zone	N/A
Landuse	Residential
Parcel Lot Block	NA, 18, 1

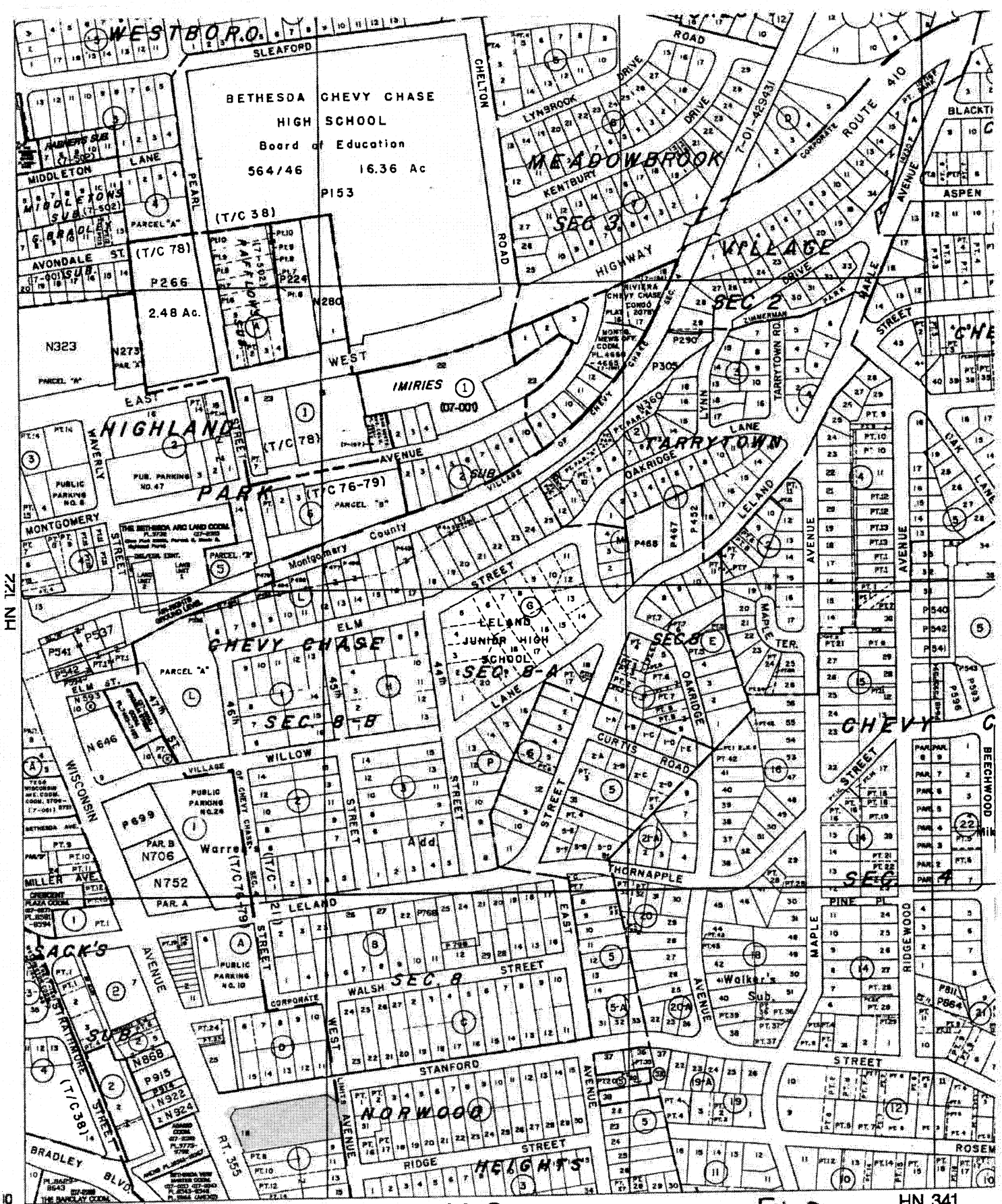
Parking District	Bethesda
CBD	Bethesda
Special Protection Area	N/A
Urban District	BETHESDA
Enterprise Zone	N/A
Arts & Ent. District	Bethesda Arts and Entertainment District
Special Tax District	N/A
Legal Description	NORWOOD HEIGHTS

Bike/Ped Priority Area	Bethesda CBD
Urban Renewal Area	N/A
Metro Station Policy Area	Bethesda CBD
Priority Funding Area	Yes
Septic Tier	Tier 1 Sewer existing
Municipality	N/A
Master Plan	BETHESDA CBD MASTER PLAN
Historic Site/District	N/A



1 inch = 167 feet

Ex. A



HN 122

10

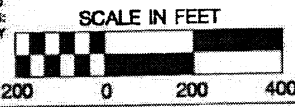
H 3

EX. B

HN 341

W24000  
 COPYRIGHT - 1992 BY THE  
 STATE OF MARYLAND  
 ALL RIGHTS RESERVED.

THESE MAPS ARE PROTECTED BY COPYRIGHT. THEY MAY NOT BE COPIED  
 OR REPRODUCED IN ANY FORM INCLUDING ELECTRONIC MEANS SUCH AS:  
 DIGITIZING, SCANNING, VECTORIZING, OR IMAGE PROCESSING, OR BY ANY  
 SYSTEM NOW KNOWN OR TO BE INVENTED WITHOUT PERMISSION IN  
 WRITING FROM THE MARYLAND DEPARTMENT OF PLANNING.



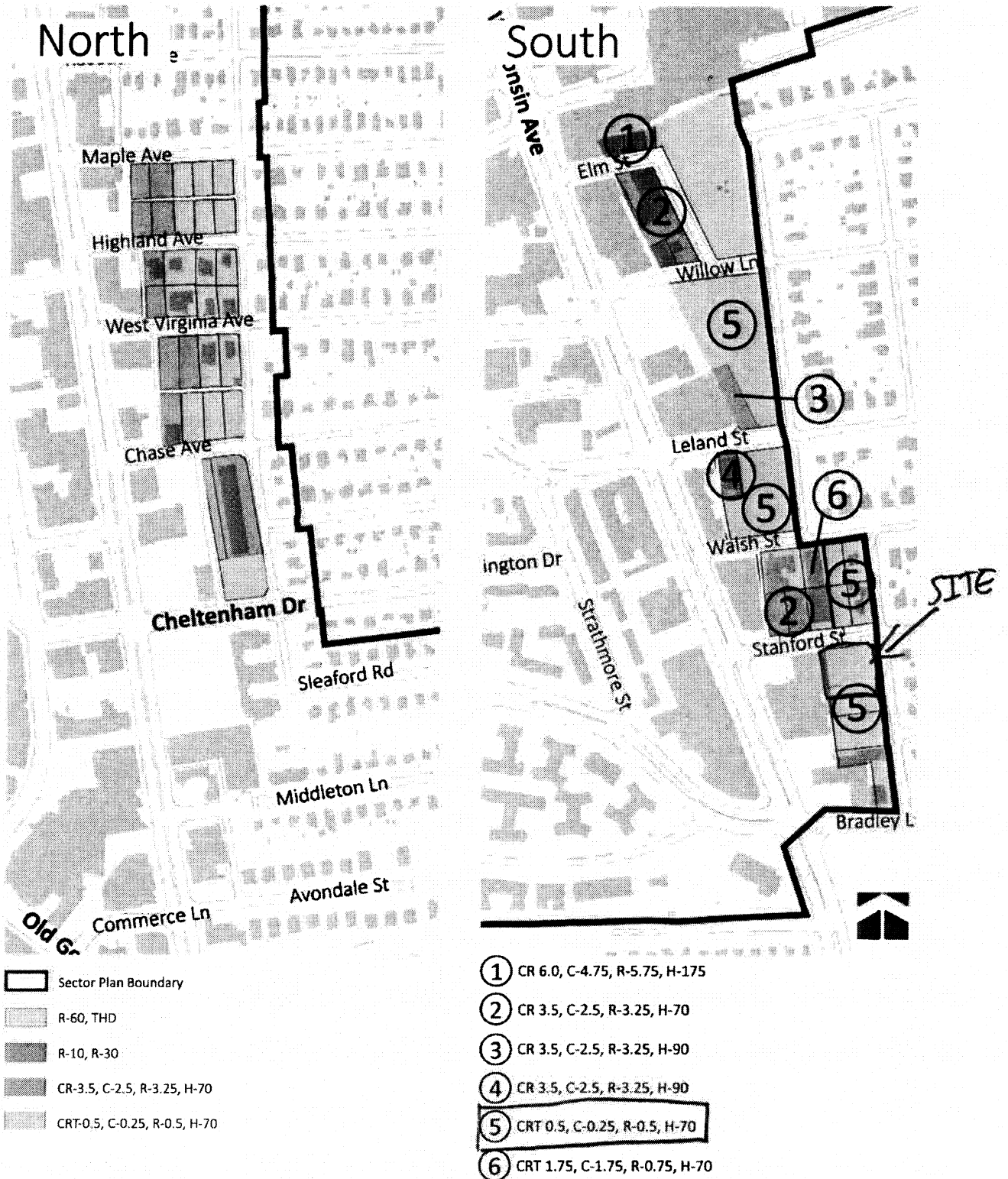
OFFICE OF <b>MARYLAND DEPARTMENT OF PLANNING</b> PROPERTY MAPPING SECTION		PROPERTY LINE BOUNDARY TOWN BOUNDARY COUNTY BOUNDARY STATE BOUNDARY
<small>The information shown on this map has been compiled from local          jurisdictions and other sources and is not a field survey. It should not be          used for legal proceedings. There is no warranty, express or implied,          by the Maryland Department of Planning, Property Mapping Section,          Room 1501, 201 W. Franklin St., Baltimore, MD 21201-2206.</small>		
REVISIONS TO: DATE: JUNE 12 BY: EJE	DRAWN BY: LMR CHECKED BY: LMR	SCALE: 1"=200' (RF 1:2400) PHOTO:

Figure 3.01: Wisconsin Avenue District Recommended Zoning



EX.C

Figure 3.14: Eastern Greenway Districts Recommended Zoning





**LINOWES**  
**AND | BLOCHER LLP**  
ATTORNEYS AT LAW

July 1, 2015

**Emily J. Vaias**  
301.961.5174  
evaias@linowes-law.com

*Via Electronic Mail* (BethesdaDowntownPlan@montgomeryplanning.org)

Casey Anderson, Chair  
and Members of the Montgomery County Planning Board  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Ave  
Silver Spring, Maryland 20910

Re: Public Hearing Draft of the Bethesda Downtown Plan, May 2015 (the "Plan")  
7979 Old Georgetown Road/Douglas Development: Request to Change Zoning  
to **CR-3.5, C-3.5, R-3.5, H-120**

Dear Chair Anderson and Members of the Planning Board:

We represent the Douglas Development Corporation/Jemal's 7979 LLC ("Owner"), the owner of the properties located at 7979 Old Georgetown Road Bethesda, Maryland 20814 (the "Properties"). The purpose of this letter is to request increasing the recommended zoning in the Plan to **CR-3.5, C-3.5, R-3.5, H-120**, instead of the currently proposed CR-3.5, C-1.25, R-3.0, H-120 (see Plan p. 103, attached hereto as Exhibit "A"). This proposed zone would allow increasing the Properties' commercial zoning to be consistent with the size and use of the existing office building located on the Properties as well as increasing the residential density to allow flexibility for a possible conversion to residential uses in the future.

The Properties, consisting of several lots or parts of lots (as shown on the tax map attached hereto as Exhibit "B"), have a net lot area of approximately 20,135 square feet and are located at the southeast corner of Old Georgetown and Glenbrook Roads, with single-family residential to the east and a single-story gas station to the south. The Properties are improved with an approximately 11-story, 55,616 square foot office building with surface parking in the rear accessed from Glenbrook. Accordingly, the existing office building on the Properties has an approximate density of 4.0 FAR. All of this density is "commercial." The Property is currently zoned CR-3.0, C-1.0, R-2.75, H-90-T (the current zoning map is attached as Exhibit "C").

The Properties are located within the Plan's "Woodmont Triangle District" and "High Performance Area." The Properties are within the Plan's "Emerging Center of Activity" and are recommended for "Mixed-Use Residential and Commercial" uses (Plan pp. 11, 25). The Plan

Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
July 1, 2015  
Page 2

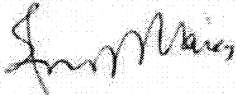
recommends the Properties for the CR 3.5, C-1.25, R-3.0, H-120 Zone, but it does not include other property or district-specific recommendations that impact the Properties.

Because the existing office building is all commercial, we request that the amount of "Commercial" density be increased over what is proposed to cover this amount of commercial area. Similarly, as the market demands flexibility in future development options, we also request that the "Residential" density be increased. In sum, we recommend that the Properties be zoned **CR-3.5, C-3.5, R-3.5, H-120**, which would allow the "Commercial" density to be consistent with what the existing, office structure, and the "Residential" density to be flexible enough for the Owner to respond to future market forces. We note that these densities will have no impact on the surrounding properties because they merely reflect the size and massing of the existing, office building.

We believe that the zoning on these Properties should be adjusted as proposed to reflect the size and massing of the existing building. If you have any questions, please feel free to contact me.

Sincerely,

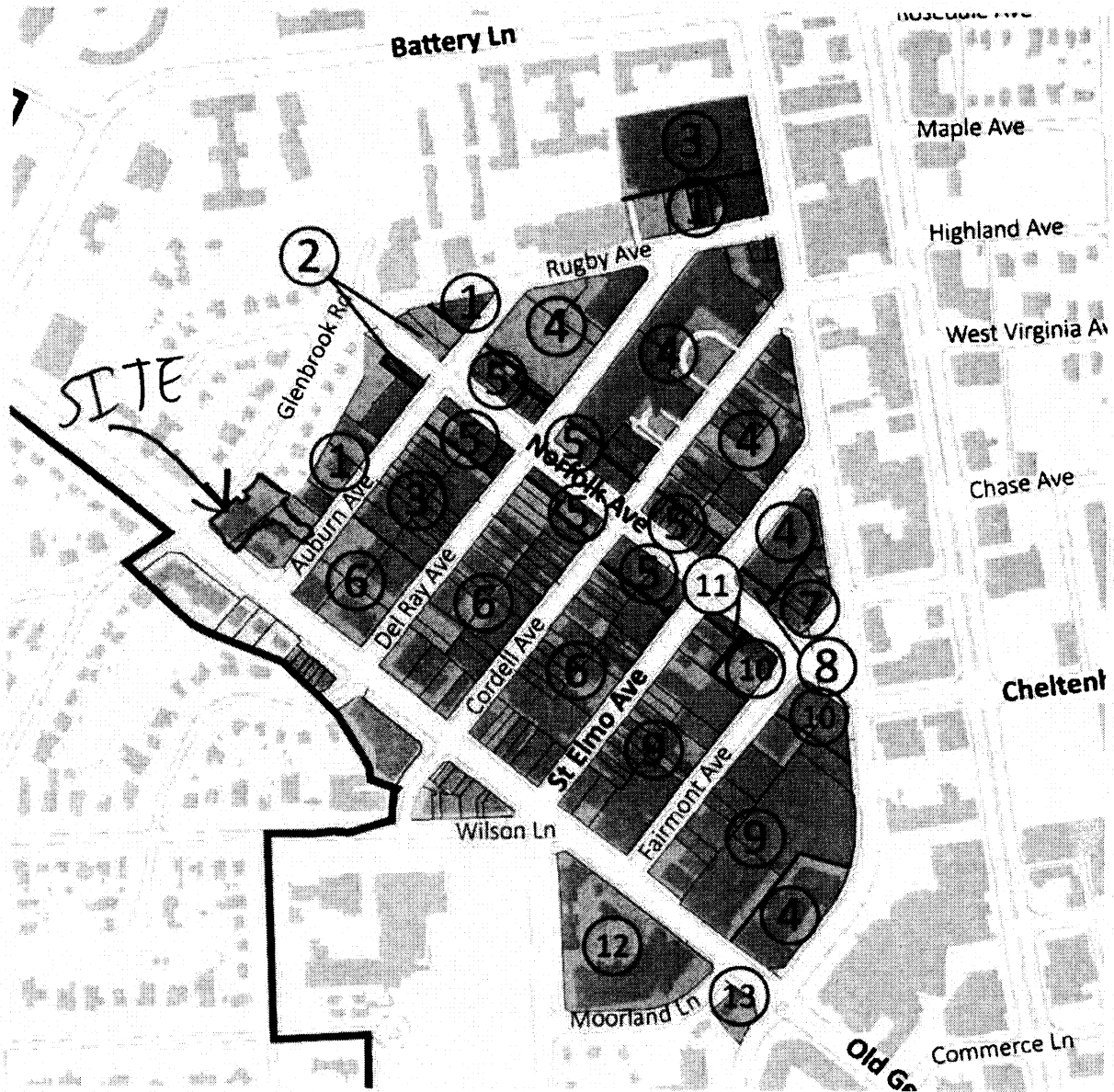
**LINOWES AND BLOCHER LLP**



Emily J. Vaias

cc: Ms. Leslye Howerton  
Mr. Marc DeOcampo  
Mr. Robert Kronenberg  
Mr. Norman Jemal  
Mr. Patrick Cooper  
Samantha L. Mazo, Esq.

Figure 3.05: Woodmont Triangle District Recommended Zoning



- Sector Plan Boundary
- CRN-0.75, C-0.75, R-0.25, H-40
- CRT-1.75, C-1.75, R-0.75, H-40

- 1** CR 3.5, C-1.25, R-3.0, H-120
- 2 CR 3.5, C-1.25, R-3.0, H-50
- 3 CR 3.5, C-1.0, R-3.5, H-175
- 4 CR 6.0, C-1.25, R-6.0, H-175
- 5 CR 3.5, C-1.25, R-3.5, H-50
- 6 CR 3.5, C-1.25, R-3.25, H-110
- 7 CR 6.0, C-1.25, R-6.0, H-250

- 8 CR 6.0, C-1.25, R-6.0, H-50
- 9 CR 6.0, C-1.25, R-5.75, H-175
- 10 CR 6.0, C-1.25, R-5.75, H-250
- 11 CR 6.0, C-1.25, R-5.75, H-50
- 12 CR 3.5, C-2.5, R-3.25, H-40
- 13 CR 3.5, C-2.5, R-3.25, H-110

EA

U. S. A.  
1230/89  
47.92 Ac.  
P98

STITUTES OF HEALTH

NAVAL  
MEDICAL  
CENTER  
U. S. A.

. A.  
/ 93  
Ac.  
3



HN 343 N 3

Ex. B

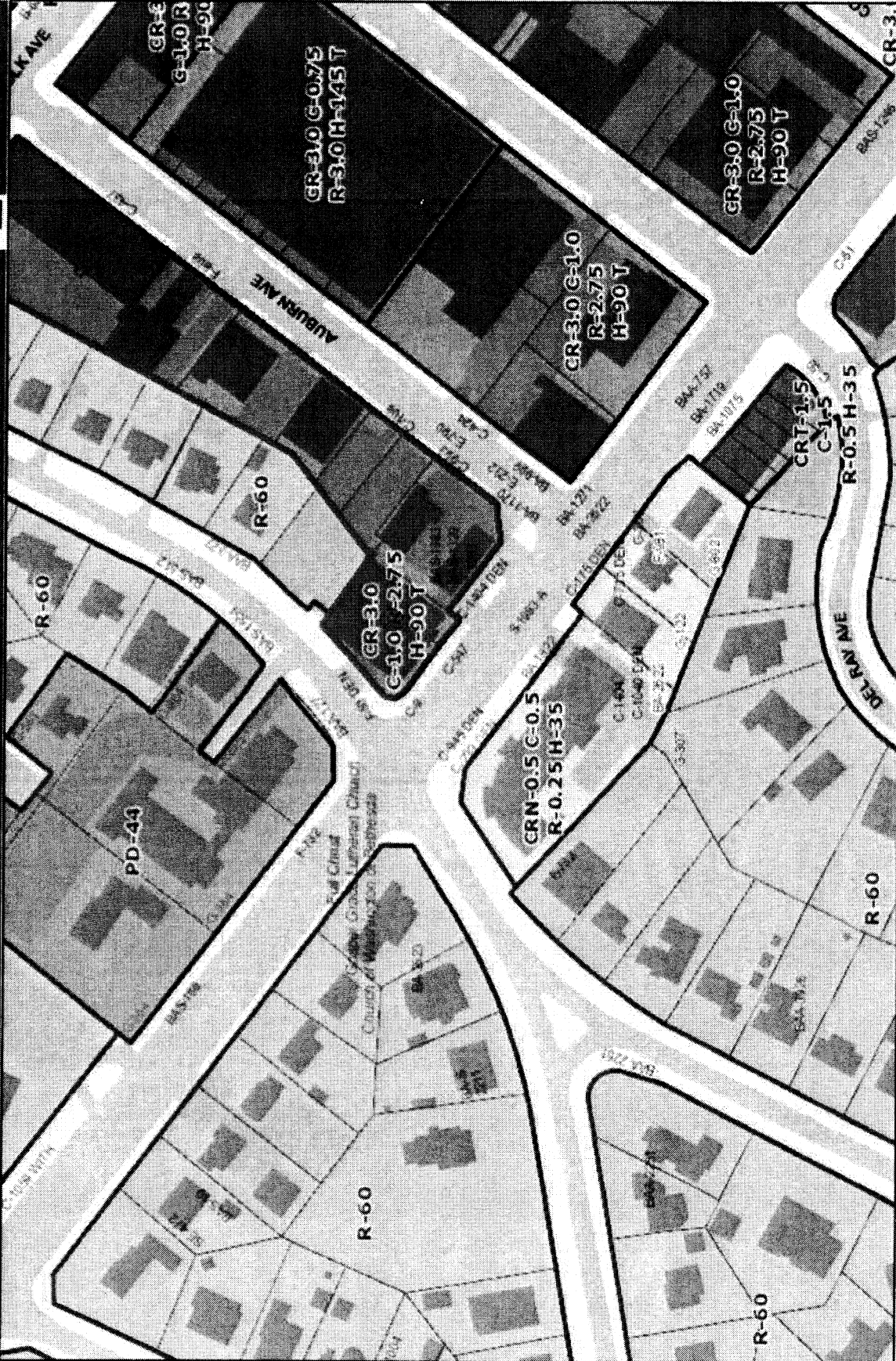
H 2  
MONTGOMERY CO.,  
MARYLAND

MAP HN 123  
W.S.S.C. 210 NW 05  
Location: WOODMONT

MDDP  
Maryland Department of Planning  
17-1891  
17-1892  
17-1893  
17-1894  
17-1895  
17-1896  
17-1897  
17-1898  
17-1899  
17-1900

# Montgomery County Zoning

Date: 7/1/2015



Account #	02108595	Parking District	Bethesda
Address	7979 OLD GEORGETOWN RD BETHESDA, 20814	Special Protection Area	NA
Zone	CR-3.0 C-1.0 R-2.75 H-90 T	Urban District	BETHESDA
Overlay Zone	N/A	Enterprise Zone	NA
TDR Overlay Zone	N/A	Arts & Ent. District	NA
Landuse	Office	Special Tax District	NA
Parcel, Lot Block	NA, 11, A	Legal Description	ST ROBERTSONS ADD BETHESDA
		Bike/Ped Priority Area	Bethesda CBD
		Urban Renewal Area	NA
		Metro Station Policy Area	Bethesda CBD
		Priority Funding Area	Yes
		Septic Tier	Tier 1: Sewer existing
		Municipality	NA
		Master Plan	WOODMONT TRIANGLE AMENDMENT
		Historic Site/District	NA



1 inch = 167 feet

EX. C

**LINOWES**  
**AND | BLOCHER LLP**  
ATTORNEYS AT LAW

July 1, 2015

Emily J. Vaias  
301.961.5174  
evaias@linowes-law.com

*Via Electronic Mail (BethesdaDowntownPlan@montgomeryplanning.org)*

Casey Anderson, Chair  
and Members of the Montgomery County Planning Board  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Ave  
Silver Spring, Maryland 20910

Re: Public Hearing Draft of the Bethesda Downtown Plan, May 2015 (the "Plan")  
7900 & 7920 Norfolk Avenue/Douglas Development: Request to Change Zoning to  
**CR 6.0, C-6.0, R-5.75, H-110** for Consistency with nearby Densities/Height and  
Conformity of Existing Office Building

Dear Chair Anderson and Members of the Planning Board:

We represent the Douglas Development Corporation/Jemal's Phillips LLC ("Owner"), the Owner of properties located at 7900 and 7920 Norfolk Avenue, each about 8,000 square feet in size (collectively, the "Properties" and individually, "7900" and "7920"). 7900 Norfolk contains the Rock Bottom Brewery and 7920 Norfolk is an eleven story office building with first floor retail. The purpose of this letter is to request increasing the recommended zoning in the Plan to **CR 6.0, C-6.0, R-5.75, H-110** for the Properties and to further explore the intention behind designating 7920 as a Priority Sending Site.

The Properties are located along Norfolk Avenue with St. Elmo Avenue to the south and Cordell Avenue to the north. 7900 is at the corner of Norfolk and St. Elmo Avenues, and 7920 is at the corner of Norfolk and Cordell Avenues. Across St. Elmo Avenue to the south is the newly constructed 17- story, Bainbridge multi-family building. To the east across Norfolk Avenue and to the west towards Old Georgetown Road are commercial buildings of varying heights.

The Properties are comprised of two, separate record and tax lots as shown on the tax map attached as Exhibit "A," and are currently zoned CR-3.0, C-1.0, R-2.75, H-90 T (see current zoning map attached as Exhibit "B"). As referenced above, the Properties are improved: 7900 is improved with the existing, approximately 7,427 square foot Rock Bottom Brewery restaurant, and 7920 is improved with an 11-story office building that is approximately 103,000 gross square feet in size. Accordingly, the existing Rock Bottom Brewery on 7900 is approximately 20-feet in height with an all commercial density of approximately 1 FAR, and the existing office

Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
July 1, 2015  
Page 2

building is approximately 110-feet in height with an all commercial density of approximately 12.25 FAR (103,000 s.f. office building / 8,400 s.f. size of 7920).

The Properties are located within the Plan's "Woodmont Triangle" District and are identified as "Priority Sending" sites. The Properties are also located in the Plan's "Main Street Activity Area" at page 11 and are recommended for "Mixed- Use – Residential and Commercial Uses" at page 25 of the Plan.

The Owner is in support of many of the Plan's recommendations for the District including the enhancements proposed for Norfolk Avenue. The idea of making a Norfolk Avenue a "main street" and a potential, future shared street is innovative and has the potential to enliven the area during the day and night. However, due to the fact that the 7920 is improved with an existing office building that is approximately 12.25 FAR and 110-feet in height, the Owner does not support the recommendation on page 102 that all of the areas that face Norfolk Street should become "small-scale standard method infill development." Rather, the Owner believes that the zoning and recommendation should satisfy another goal of the Woodmont Triangle District to "maintain scale and character of Norfolk Avenue..." (Plan, p. 104). In this instance, the existing "scale and character" of 7920 is an 11-story office building with a commercial density of approximately 12.25 FAR.

For this reason, and the ones discussed below, the Owner asserts that the proposed zoning of CR 3.5, C-1.25, R-3.5, H-50 zone does not "maintain the scale and character" of the existing structures along Norfolk Avenue (see Plan p. 103 for proposed zoning attached hereto as Exhibit "C"). Instead, we request the **CR 6.0, C-6.0, R-5.75, H-110** zone, which is reasonable on both properties for the following reasons:

- 7900

This proposed zoning is consistent with the overall and residential density recommended for the properties to the south across St. Elmo Avenue (CR 6.0, R-5.75 – identified in circles 10 and 11 ) and as well as the height recommendations for the properties directly to the west (H-110- identified in circle 6). If this proposed zoning is adopted, it would make the density along the west side of Norfolk Avenue consistent for the blocks between Fairmont Avenue and Cordell Avenues, but allow variable heights, ranging from 250 feet at the intersection of Fairmont and Norfolk Avenues to 110 feet at 7900. This range in heights would add contrast and visual impact along Norfolk Avenue, thereby supporting efforts to secure it as an urban, shared main street. Also, as a Priority Sending Site, the additional density proposed in this zoning could generate sufficient density transfer opportunities that could be used elsewhere in the Plan area.

Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
July 1, 2015  
Page 3

Accordingly, this proposed zone is more appropriate for 7900 than is the lower density zone proposed in the Plan.

- 7920


The requested zoning is equally as appropriate for 7920, because as stated above, that property is improved with an 11-story office building that is approximately 103,000 gross square feet in size. Accordingly, the proposed **CR 6.0, C-6.0, R-5.75, H-110** zone, would be more consistent with the existing office use and structure on this property. The Zoning Ordinance is clear that the existing office building could be "continued, renovated, repaired or reconstructed" provided that the height is not increased and the floor area is not increased more than 10% or 30,000 square feet (Sections 59.7.7.1.A.1 and 59.7.7.1.C.2). Accordingly, the office building could be reconstructed to the existing height and even moderately expanded, even if the zoning is not changed as the Owner recommends. However, amending the zoning to be more consistent with the office building is preferable from a zoning and planning perspective because it provides more certainty for the community and would allow for additional flexibility if the Owner ever decided to convert the existing office building to another use in the future.

Finally, because there is currently no density to transfer off of 7920 due to the fact that the existing office building far exceeds the existing and recommended zoning in the Plan, it is unclear how the Priority Sending Site designation would be effectuated. Indeed, even with the suggested **CR 6.0, C-6.0, R-5.75, H-110** zone, there would be no potential density to transfer, and identifying the 7920 as a "priority sending site" needs further explanation.

The Owner embraces the Plan's vision of an enlivened and more pedestrian-friendly, Norfolk Avenue, however, it believes the recommended zoning for the Properties should be increased to be consistent with the zoning proposed for the area surrounding 7900 and with the existing office building on 7920. If you have any questions, please feel free to contact me.

Sincerely,

**LINOWES AND BLOCHER LLP**



Emily J. Vaias



Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
July 1, 2015  
Page 4

cc: Ms. Leslye Howerton  
Mr. Marc DeOcampo  
Mr. Robert Kronenberg  
Mr. Norman Jemal  
Mr. Patrick Cooper  
Samantha L. Mazo, Esq.

\*\*L&B 5002755v5/07425.0026

U. S. A.  
1230/89  
47.92 Ac.  
P98

TITUTES OF HEALTH

NAVAL  
MEDICAL  
CENTER  
U. S. A.

A.  
93  
Ac.



HN 343 N 3

Ex A

H 2

MONTGOMERY CO.,  
MARYLAND

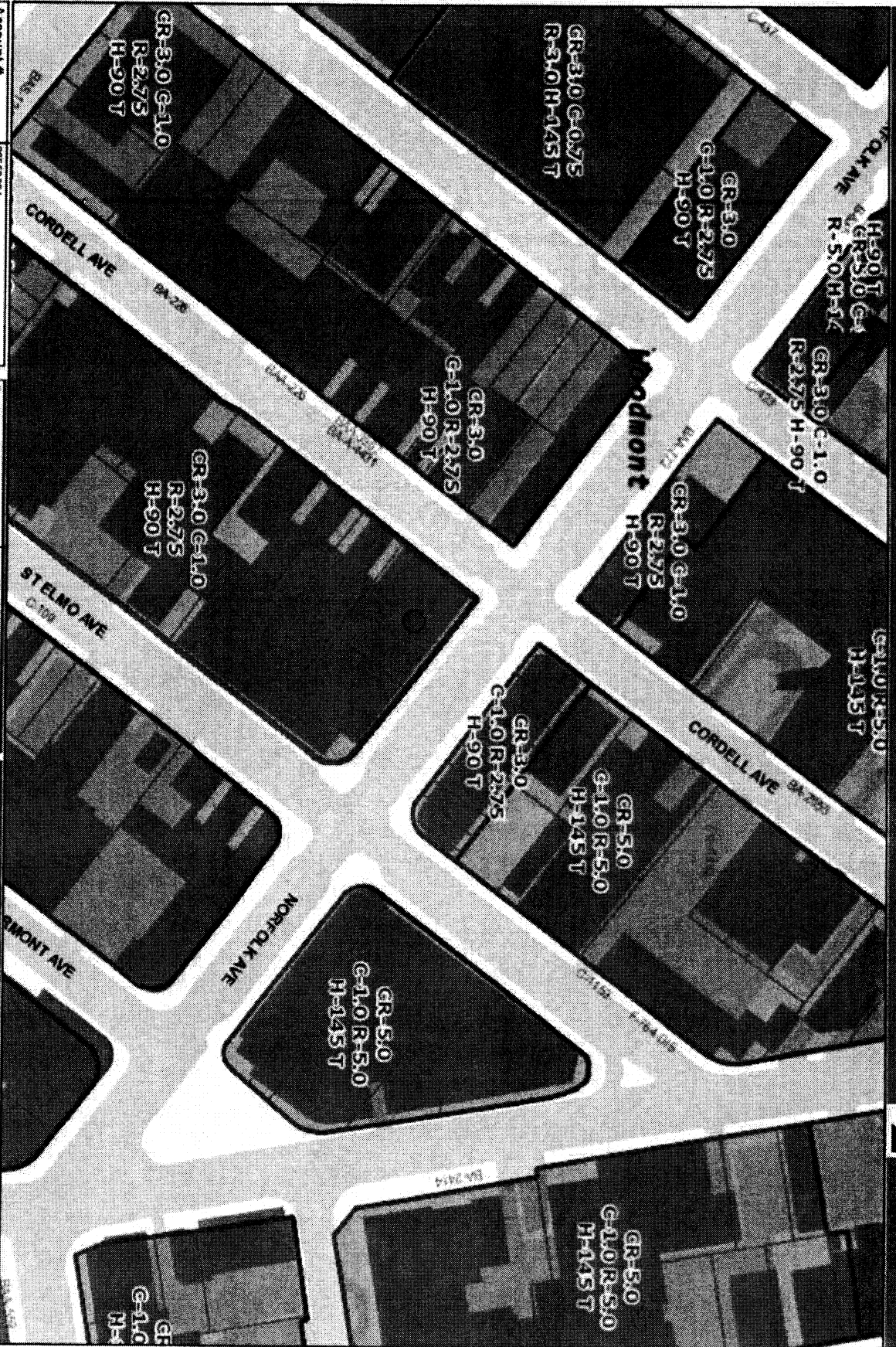
MAP HN 123  
W.S.S.C. 210 NW 05  
Location: WOODMONT

DIVISION OF PLANNING

CHANGABLE 846 080

# Montgomery County Zoning

Date: 7/1/2015



Account #	00522651
Address	7520 NORFOLK AVE BETHESDA, 20814
Zone	GR-3.0 G-1.0 R-2.75 H-90 T
Overlay Zone	N/A
IDR Overlay Zone	N/A
Landuse	Office
Parcel, Lot Block	N/A

Parking District	Bethesda
CBD	Bethesda
Special Protection Area	N/A
Urban District	BETHESDA
Enterprise Zone	N/A
Arts & Ent. District	Bethesda Arts and Entertainment Dist
Special Tax District	N/A
Legal Description	PT LITS 175-178 WOODMONT

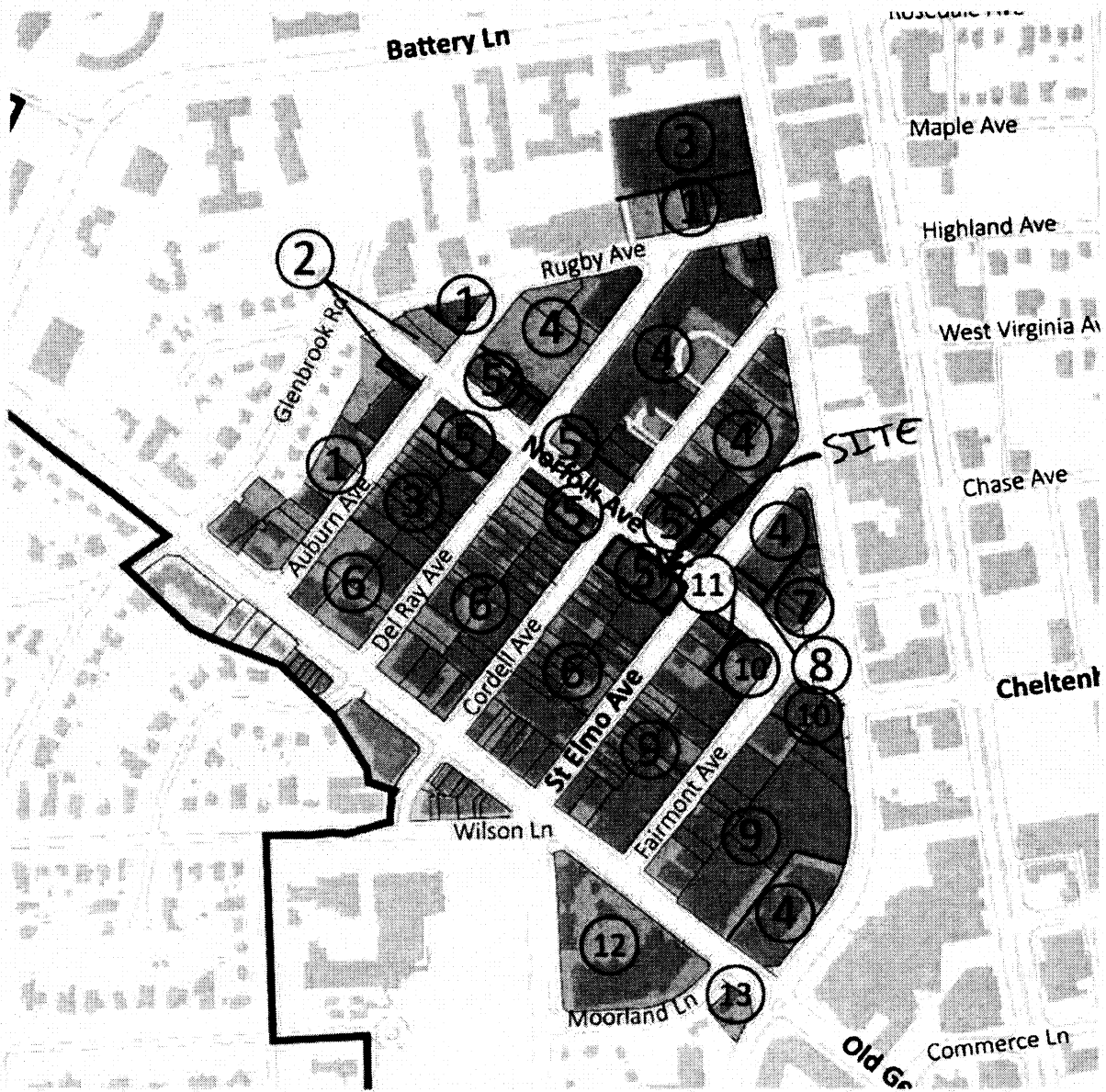
Bike/Ped Priority Area	Bethesda CBD
Urban Renewal Area	N/A
Metro Station Policy Area	Bethesda CBD
Priority Funding Area	Yes
Septic Tier	Tier 1: Sewer existing
Municipality	N/A
Master Plan	WOODMONT TRIANGLE AMENDMENT
Historic Site/District	N/A






1 inch = 167 feet

B  
5

Figure 3.05: Woodmont Triangle District Recommended Zoning



-  Sector Plan Boundary
-  CRN-0.75, C-0.75, R-0.25, H-40
-  CRT-1.75, C-1.75, R-0.75, H-40

- ① CR 3.5, C-1.25, R-3.0, H-120
- ② CR 3.5, C-1.25, R-3.0, H-50
- ③ CR 3.5, C-1.0, R-3.5, H-175
- ④ CR 6.0, C-1.25, R-6.0, H-175
- ⑤ CR 3.5, C-1.25, R-3.5, H-50
- ⑥ CR 3.5, C-1.25, R-3.25, H-110
- ⑦ CR 6.0, C-1.25, R-6.0, H-250
- ⑧ CR 6.0, C-1.25, R-6.0, H-50
- ⑨ CR 6.0, C-1.25, R-5.75, H-175
- ⑩ CR 6.0, C-1.25, R-5.75, H-250
- ⑪ CR 6.0, C-1.25, R-5.75, H-50
- ⑫ CR 3.5, C-2.5, R-3.25, H-40
- ⑬ CR 3.5, C-2.5, R-3.25, H-110

EX C

**LINOWES**  
**AND | BLOCHER LLP**  
ATTORNEYS AT LAW

July 1, 2015

**Emily J. Vaias**  
301.961.5174  
evaias@linowes-law.com

*Via Electronic Mail (BethesdaDowntownPlan@montgomeryplanning.org)*

Casey Anderson, Chair  
and Members of the Montgomery County Planning Board  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Ave  
Silver Spring, MD 20910

Re: Public Hearing Draft of the Bethesda Downtown Plan, May 2015 (the "Plan")  
4714 Montgomery Lane & 4703 - 4715 Hampden Lane – Tommy Joe's/Pines of Rome  
Request to Increase Recommended Zoning to **CR 8.0, C-6.0, R-7.5, H-290**

Dear Chair Anderson and Members of the Planning Board:

We represent the Douglas Development Corporation/Jemal's Pines of Roam LLC and Jemal's Dirty Nelly's LLC (collectively, the "Owner"), the Owner of properties located at 4714 Montgomery Avenue and 4703-4715 Hampden Lane, Bethesda, Maryland 20814 (collectively, the "Properties") (see tax map attached hereto as Exhibit "A"). The Properties consist of about 16,000 square feet and are often identified by the well-known eating establishments that are located on them, with the Tommy Joe's restaurant fronting on Montgomery Lane and the Pines of Rome Italian restaurant fronting on Hampden Lane. The purpose of this letter is to request increasing the recommended zoning in the Plan to **CR 8.0, C-6.0, R-7.5, H-290**, instead of the currently proposed CR 6.0, C-4.75, R-5.75, H-250 (see p. 95 of the Plan attached hereto as Exhibit "B").

The Properties are located directly across Montgomery Lane from the Bethesda Metro Station elevator entrance area and slope downward from the east to the west. To the east, the Properties are bordered by the recently approved Bainbridge multi-family project, and to the west are the multi-story American Occupational Therapy Association building on Montgomery Lane and the Washington Property Company building on Hampden Lane (see aerial map showing the Properties and the surrounding uses attached as Exhibit "C"). The Properties are currently zoned CR-5.0, C-4.0, R-4.75, H-145-T (see current zoning map attached as Exhibit "D").

Unlike many of the areas located in the Plan's metro core, the Properties are not built out or approved for maximum development, and are poised for redevelopment during the lifetime of the Plan. Accordingly, identifying the correct zoning to incentivize development is critically important for the success of the area and achievement of the Plan's goals.

Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
July 1, 2015  
Page 2

To that end, the Properties are located within the Plan's Wisconsin Avenue Corridor District and the High Performance Area ("HPA"). In addition, the Properties are intended for mixed-use residential and commercial uses within an "Expanded Center of Activity" (see p. 11 of the Plan). The Plan also encourages "infill and reinvestment on underutilized commercial sites" and "develop[ing] compact nodes that place the highest intensity in those centers, provide distinctive infill buildings and step down to lower densities and heights near the edges" (see p. 93 of the Plan).

Due to the fact that the Properties are currently under-utilized, yet successful uses in the core of the downtown area, the proposed CR 6.0, C-4.75, R-5.75, H-250 zone does not fully appreciate the Properties' proximity to Metro and potential to create a distinguished and unique building that will be visible from several vantage points and provide activity along two street frontages. Accordingly, we request the **CR 8.0, C-6.0, R-7.75, H-290** zone, which is comparable to that recommended for the properties to the north across Montgomery Lane. Further, this will recognize that commercial development is an important part of the downtown area, as well as residential components, and will allow flexibility for both uses which is key to strengthening and sustaining the area for the long-term.

Increase Zoning Density to CR 8.0 with C 6.0: The Properties are one of the Metro-adjacent areas that are likely to redevelop during the life of the Plan. However, due to the small size of the site, additional density is required to incentivize meaningful, place-making design and architecture. Further, while many of the surrounding buildings were developed prior to the imposition of current environmental regulations, additional density on the Properties will help to off-set the impact on the developability of this site due to its true infill nature, increased stormwater regulations, additional environmental requirements being contemplated by the Plan, and increased affordable housing components.

Moreover, because development on the Properties would require the purchase and transfer of density, recommending a CR 8.0 density on the Properties supports the Plan's density-averaging market that could result in the preservation of landmarks, cultural institutions and open space as envisioned in the Plan. Lastly, increasing the commercial component of the zoning will permit the Owner to consider more mixed use options for the area.

Height of 290 feet is compatible with downtown development: Due to its proximity to Metro, the location is ideal for a height of 290 feet, which is identical to what is recommended for the properties to the north across Montgomery Lane. Allowing this height will almost certainly create a striking building design that can positively contribute to the character of Bethesda without negatively impacting less dense areas.

Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
July 1, 2015  
Page 3

We also suggest that the Planning Board review the environmental/ecology recommendations of the Plan (Plan pp. 56-65) to ensure that incentives to development are not contradicted by onerous development requirements. Although all of these issues should be carefully reviewed, we highlight the following:

- Green Roofs: The recommendation/requirement that public benefit points only be approved for green roofs of 6 inches or more and requiring 35% of the rooftop be green may not be appropriate throughout the Plan area because of construction limitations, etc. Further, such a specific green roof requirement does not provide sufficient flexibility for the implementation of future, potentially more ecologically-sensitive building materials that may not support green roofs, or may have some alternative mechanism of achieving the goals of green roofs. Accordingly, we would request that this requirement be eliminated, and instead, all green roofs should be eligible for public benefit points, with additional points being allocated for green roofs deeper than 6 inches.
- Impervious cover: It goes without saying that most, if not all, of the redevelopment in the Plan area will be infill, and this Property, like many others, is small in size. Accordingly, it will be difficult to “reduce” impervious cover and increase green space on this Property, as well as other tight, infill sites, while still providing the necessary development incentives to encourage transit-oriented development of a sufficient height and massing to satisfy the Plan’s overall vision.
- Tree canopy and green cover: Providing 50% canopy cover along streets and 35% green cover on private property may be very restrictive for an urban environment where an essential factor in allowing more development is the increased efficiencies apparent in areas where infrastructure is readily available. If these sites are burdened with “suburban-type” requirements, they may lose their attraction.
- Stormwater management: The County already has specific stormwater management regulations that deal with water quality issues. To add an additional layer of requirements as part of the master plan seems overly burdensome and could lead to conflicts between the County’s administration of the stormwater regulations and review of projects under the Plan.
- Clarify that the “whole building design” approach for energy efficiency only applies to new buildings: Without a clarification that the “whole building approach” applies only to completely new buildings, the concern is that this recommendation could be interpreted to require the retrofitting of all energy building components when a building is being

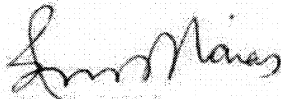
Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
July 1, 2015  
Page 4

upgraded or expanded. Such retrofitting of an existing building that would remain following an expansion would be excessively costly and could result in unintended consequences because the new energy components may not be compatible with the design and layout of the existing building.

We look forward to working with you and the community during the Plan process. If you have any questions, please feel free to contact me.

Sincerely,

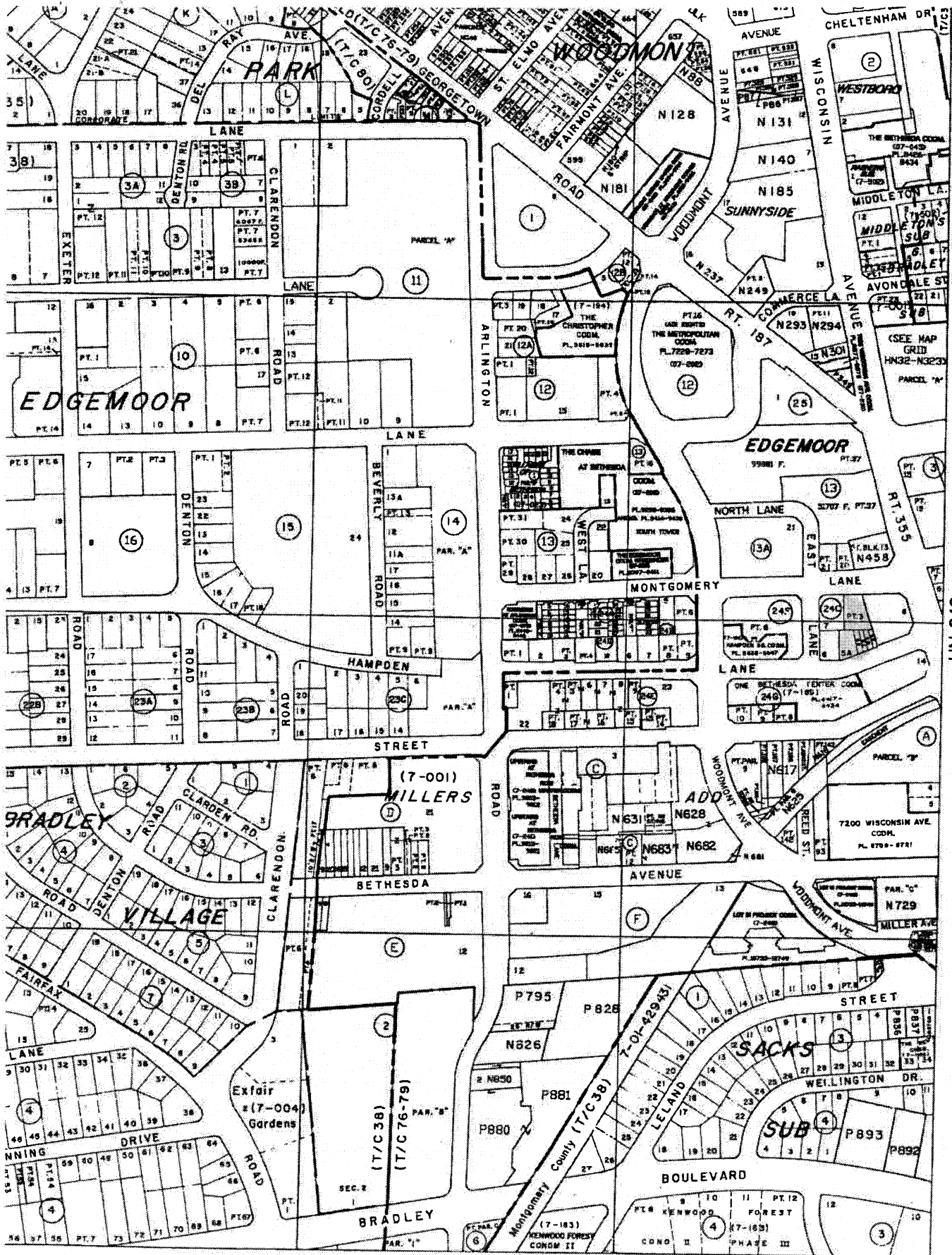
**LINOWES AND BLOCHER LLP**



Emily J. Vaias

cc: Ms. Leslye Howerton  
Mr. Marc DeOcampo  
Mr. Robert Kronenberg  
Mr. Norman Jemal  
Mr. Patrick Cooper  
Samantha L. Mazo, Esq.





HN 342 N 2

H 2

MONTGOMERY CO., MARYLAND

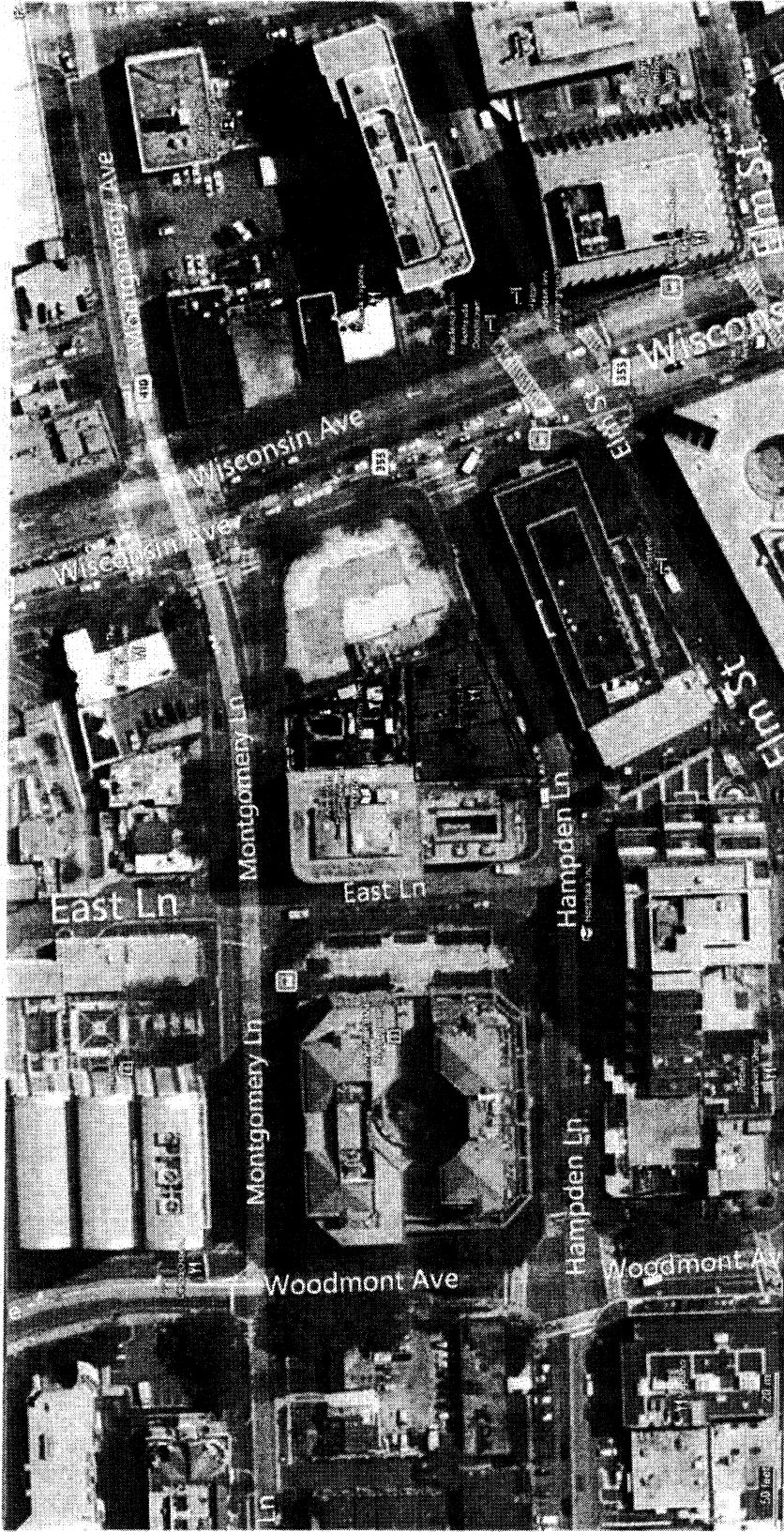
Ex. A

MAP HN 122  
W.S.S.C. 209 NW 05  
Location: BETHESDA

Zoning		
PHOTO QUANTITY DIMENSIONS		

**Figure 3.01: Wisconsin Avenue District Recommended Zoning**





WDG

HAMPDEN LANE



A0.0  
06/04/2014

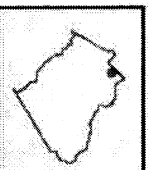
Ex. C.

# Montgomery County Zoning

Date: 7/1/2015



Account #	0048721	Parking District	Bethesda	Bike/Ped Priority Area	Bethesda CBD
Address	4714 MONTGOMERY LN BETHESDA, 20814	CBD	Bethesda	Urban Renewal Area	N/A
Zone	CR-5.0 C-4.0 R-4.75 H-145 T	Special Protection Area	N/A	Metro Station Policy Area	Bethesda CBD
Overlay Zone	N/A	Urban District	BETHESDA	Priority Funding Area	Yes
TDR Overlay Zone	N/A	Enterprise Zone	N/A	Septic Tier	Tier 1: Sewer existing
Landuse	Rebil	Arts & Ent. District	Bethesda Arts and Entertainment District	Municipality	N/A
Parcel, Lot, Block	N/A, P3, 24C	Special Tax District	N/A	Master Plan	BETHESDA CBD MASTER PLAN
		Legal Description	EDGEWOOD	Historic Site/District	N/A



1 inch = 167 feet

EX. D

**LINOWES**  
**AND | BLOCHER LLP**  
ATTORNEYS AT LAW

July 1, 2015

**Emily J. Vaias**  
301.961.5174  
evaias@linowes-law.com

**Via Electronic Mail (BethesdaDowntownPlan@montgomeryplanning.org)**

Casey Anderson, Chair  
and Members of the Montgomery County Planning Board  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Ave  
Silver Spring, MD 20910

Re: 8240 Wisconsin Avenue/Donohoe Companies - Request **CR 3.5, C-3.5, R-3.25, H-145 Zone** (increased commercial density and height)  
Public Hearing Draft of the Bethesda Downtown Plan, May 2015 (the "Plan")

Dear Chair Anderson and Members of the Planning Board:

We represent the Donohoe Companies ("Donohoe"), the contract purchaser of the property located at 8240 Wisconsin Avenue (the "Property"). The purpose of this letter is to request increasing the recommended zoning in the Plan to **CR 3.5, C-3.5, R-3.25, H-145** so as to allow additional commercial density and create a height that is reasonable and is compatible with those recommended further to the south, instead of the currently proposed CR 3.5, C-1.25, R-3.25, H-120 (see proposed zoning map on p. 95 of the Plan, attached hereto as Exhibit "A").

The Property has a net lot area of approximately 19,122 square feet and is located at the southwest corner of Wisconsin Avenue and Battery Lane. The Property is currently zoned CR-3.0, C-1.0, R-2.75, H-90-T, and is improved with a gas station (see current zoning map attached as Exhibit "B"). However, the Property is part of the previously approved Woodmont Central project that envisioned a 90,000 square foot office building at a height of 90 feet. Unfortunately, this plan has never been implemented due to a lack of market interest.

Pursuant to the Plan, the Property is located within the Plan's "High Performance Area" ("HPA") and the "Wisconsin Avenue Corridor District." We note that the Plan, like the Countywide Transit Corridors Functional Master Plan adopted in December 2013, recommends the Bus Rapid Transit ("BRT") line along Wisconsin Avenue, as well as a 122-foot Wisconsin Avenue right-of-way. (Plan, pp. 34, 37-40). Further, the Plan's Wisconsin Avenue Corridor District Public Realm Improvement plan at Figure 3.02 identifies the intersection of Wisconsin Avenue and Battery Lane as a "Proposed Gateway and Enhanced Intersection." (Plan, p. 97).

Donohoe supports the "shared streets" approach to Norfolk Avenue and the plan for expanding and improving Battery Urban Park, including a low-speed connection alongside the expanded park. The park could use the improved visibility and accessibility that a low-speed connection

Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
July 1, 2015  
Page 2

would provide. Further, a 20-mph maximum speed limit throughout the downtown area, or at least on County-controlled streets, could be a benefit to the businesses and residents in the area.

However, in light of the recommended 122-foot Wisconsin Avenue right-of-way and “enhanced intersection” at Wisconsin Avenue and Battery Lane, as well as the inability of Donohoe to attract a major tenant to the Property with its current approval, we are requesting that the proposed CR-3.5, C-1.25, R-3.25, H-120 zone be changed to the **CR 3.5, C-3.5, R-3.25, H-145** zone. This is similar to the zoning recommended for the properties to the southwest across Woodmont Avenue and further to the south along the same block of Wisconsin Avenue as shown on the Plan’s proposed zoning maps attached as Exhibit “A”.

**Increase commercial density and height** As stated above, the Plan recommends a 122-foot Wisconsin Avenue right-of-way in front of the Property. Although the details of the BRT right-of-way are not yet determined, it is certain that development under any CR zoning will need to address this issue in some manner. The requested additional commercial density and height will provide more flexibility for the developer to work with the County to accommodate certain improvements. Whether the Property is developed as commercial or residential, or some mixture of the two, it is a prominent location at the northern gateway into downtown Bethesda. Also, the Property is within walking distance of the Medical Center Metro stop as well as the National Institutes of Health campus. By using the CR zone’s design flexibility and emphasis on design excellence, the Property can truly make an impressive statement for Bethesda as a vibrant center of commerce and residences. By allowing the height to go to 145 feet, the building will create a presence along Wisconsin Avenue without adversely affecting any single-family areas. There are no negative externalities relative to this increased height as other buildings provide buffers to the lower density areas to the east and north outside of the CR zone.

In addition to the requested zoning increase, we also provide the following suggestions for the Plan:

- **Recommend construction over and under the BRT right-of-way areas:** As properties along Wisconsin Avenue develop in the future, the Planning Board should work with the County Department of Transportation and the Maryland State Highway Administration to allow underground and above-grade/cantilevered buildings in the portions of the BRT rights-of-way or public easement areas that will only be used for pedestrian traffic. Within these tight urban in-fill sites, where space is truly at a premium, the ability to build under and over certain areas can produce interesting design solutions without compromising the functionality of the needed public space. The Plan should expressly recognize this possibility.

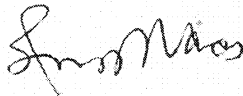
Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
July 1, 2015  
Page 3

- **Adjust HPA requirements:** Several of the Plan's "areawide" recommendations regarding "ecology" and in particular, the additional HPA requirements, should be carefully reviewed to be sure they do not become counter-productive regarding the vision of creating a truly urban Bethesda environment. By law, all buildings in the Plan area would have to comply with the current International Green Construction Code ("IgCC"), which already requires strict energy-efficiency requirements. Adding additional requirements to exceed the IgCC's already stringent ASHRAE standard 90.1 by 15% could result in raising construction and development costs to amounts that are beyond what is feasible, forcing would-be developers to construct smaller, less efficient buildings, or to leave under-utilized areas, such as the Property, undeveloped all-together. It is difficult at this time to even estimate what these costs and consequences may be. In addition, requiring that all optional method projects in the HPA use the "maximum amount of public benefit points allowed for constructing buildings that exceed energy-efficient standards," (Plan, p. 139) could be an onerous requirement that eliminates the ability to balance competing demands on different projects.

In closing, Donohoe supports the Plan's vision of an enlivened, transit-oriented and decidedly more urban Bethesda of the future. However, we believe that the height and commercial density on this Property should be increased in order to better position it for viable and productive future development.

Sincerely,

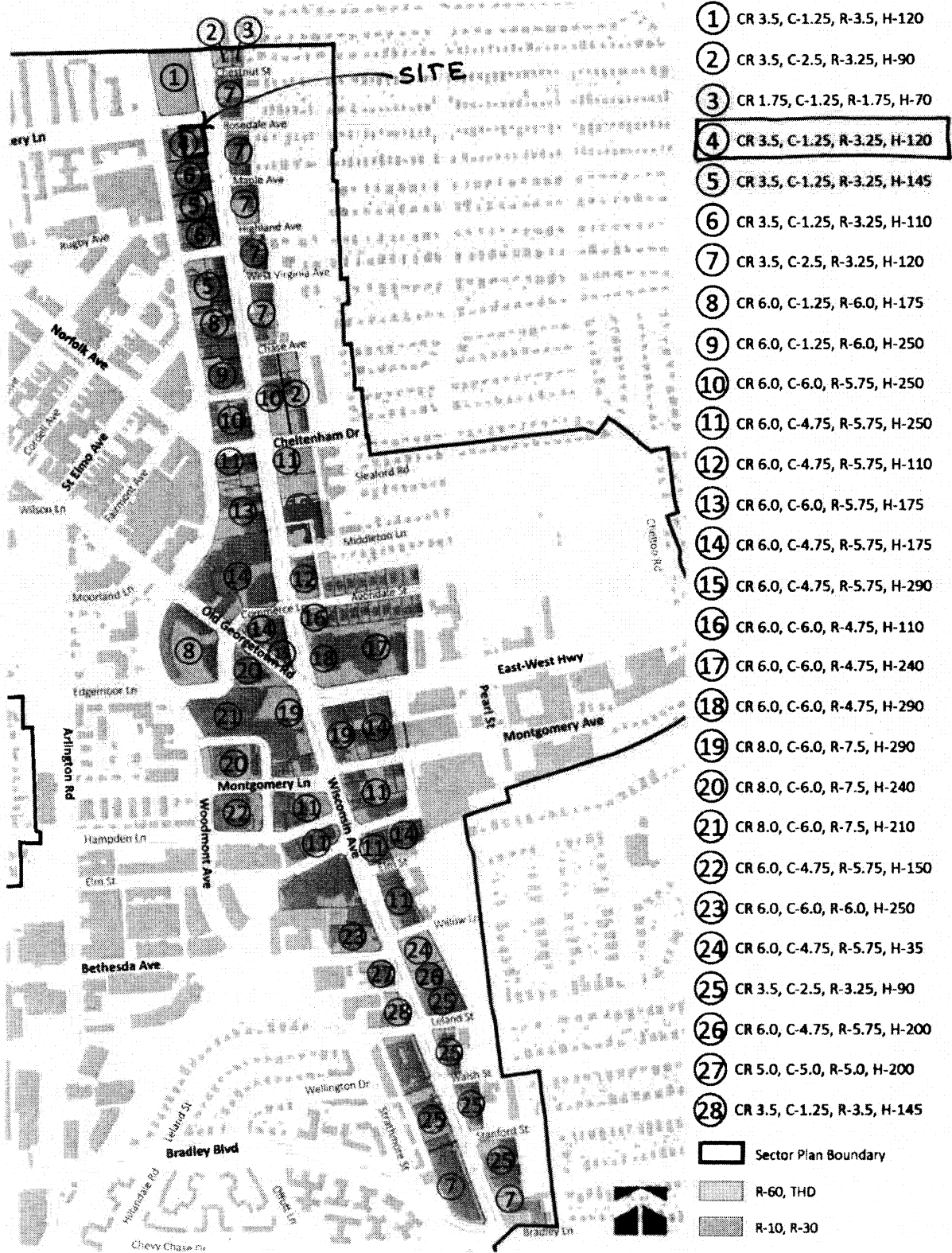
**LINOWES AND BLOCHER LLP**



Emily J. Vaias

cc: Ms. Leslye Howerton  
Mr. Marc DeOcampo  
Mr. Robert Kronenberg  
Mr. Jad Donohoe  
Samantha L. Mazo, Esq.

Figure 3.01: Wisconsin Avenue District Recommended Zoning





# Montgomery County Zoning

Date: 7/1/2015



Account #	Address	Zone	Overlay Zone	TDR Overlay Zone	Landuse	Parcel, Lot Block	Parking District	Bethesda	Bike/Ped Priority Area	Urban Renewal Area	Metrol Station Policy Area	Priority Funding Area	Septic Tier	Municipality	Master Plan	Historic Site/District
0686000	6340 WISCONSIN AVE BETHESDA, 20814	CR-3.0	G-1.0 R-2.75 H-90 T	N/A	Retail	N/A, 63, 1	CBD	Bethesda	Bethesda CBD	N/A	Bethesda CBD	Yes	Tier 1: Sewer existing	N/A	WOODMONT TRIANGLE AMENDMENT	N/A
							Special Protection Area	N/A	Urban Renewal Area	Metrol Station Policy Area						
							Urban District	BETHESDA	Priority Funding Area							
							Enterprise Zone	N/A	Septic Tier							
							Arts & Ent. District	Bethesda Arts and Entertainment District	Municipality							
							Special Tax District	N/A	Master Plan							
							Legal Description	NORTHWEST PARK	Historic Site/District							



1 inch = 167 feet

**LINOWES**  
**AND BLOCHER LLP**  
ATTORNEYS AT LAW

July 1, 2015

Emily J. Vaias  
301.961.5174  
evaia@linowes-law.com

**Via Electronic Mail**

Casey Anderson, Chair  
and Members of the Montgomery County Planning Board  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Ave  
Silver Spring, MD 20910

Re: Public Hearing Draft of the Bethesda Downtown Plan, May 2015 (the "Plan")  
8004 -8006 Wisconsin Avenue and 8013 Woodmont Avenue/Douglas Development  
Request to Change Zoning to **CR-6.0, C-1.25, R-5.75, H-175**

Dear Chair Anderson and Members of the Planning Board:

We represent Douglas Development Corporation/ Jemal's Surplus LLC ("Owner"), the owner of the properties located at 8004 - 8006 Wisconsin Avenue and 8013 Woodmont Avenue, Bethesda, MD 20814 (the "Property"). The purpose of this letter is to request increasing the recommended zoning in the Plan to **CR-6.0, C-1.25, R-5.75, H-175**, to be consistent with the zone recommended to the west and the approved plans for the Property, instead of the currently proposed CR-3.5, C-1.25, R-3.25, H-145 zone (see Plan p. 95 attached hereto as Exhibit "A").

The Property has a net lot area of approximately 15,389 square feet and is bounded by Wisconsin Avenue to the east, Cordell Avenue to the north, Woodmont Avenue to the west and the Plank Inc. two-story office building to the south. It is a walkable distance from both the Bethesda and Medical Center Metro Stations. The Countywide Transit Corridors Functional Master Plan ("Functional Master Plan"), adopted in December 2013, recommends a 122-foot right of way along Wisconsin Avenue to accommodate the County's proposed bus rapid transit system ("BRT"). Furthermore, the Functional Master Plan includes a proposal to locate a BRT station/pedestrian area along the Property's Wisconsin Avenue frontage, triggering additional right-of-way area. The Property is currently zoned CR-3.0, C-1.0, R-2.75, H-120-T, and is improved with three, single-story, retail buildings and two surface parking lots (see the current zoning map attached as Exhibit "B").

On June 18, 2015, the Planning Board approved Project Plan No. 920150020 that permits a 14-story (143 feet in height), mixed-use building of approximately 156,453 square feet

Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
July 1, 2015  
Page 2

(approximately 5.8 FAR), with up to 140 dwelling units (including 15% moderately priced dwelling units), and up to 4,500 square feet of non-residential uses on the ground floor along Woodmont Avenue. Even with this approval, and because it is difficult to know exactly what the future may hold, we believe zoning the Property to CR-6.0, C-1.25, R-5.75, H-175 will better reflect the surrounding neighborhood and the anticipated development there.

The Property is located within the Plan's "High Performance Area" ("HPA") and the "Wisconsin Avenue Corridor District." It is also designated for "Mixed-Use Residential and Commercial Uses" and located within an "Expanded Center of Activity." The Plan, like the Functional Master Plan, recommends the BRT along Wisconsin Avenue, as well as the 122-foot Wisconsin Avenue right-of-way. (Plan, pp. 34, 37-40). Further, the Plan's Public Use Space Network at Figure 2.19 shows a proposed BRT Station at the intersection of Cordell and Wisconsin Avenues. (Plan, p. 67).

In light of the recommended expanded 122-foot Wisconsin Avenue right-of-way and the BRT Station, and the need to achieve a zoning category on the Property that is appropriate, the Owner requests the **CR-6.0, C-1.25, R-5.75, H-175** zone. This zone is similar to the zoning recommended for the properties to the west across Woodmont Avenue (see Plan p. 103, attached hereto as Exhibit "C") and to the south along the same block of Wisconsin Avenue.

CR 6.0 provides sufficient development density: As stated above, the Plan recommends a BRT station in front of the Property for which the actual design and configuration will not be identified for several years. Therefore, in addition to the 13.5-feet of additional right-of-way dedication for the BRT line, the BRT station requires at least an additional 10 feet of area to be dedicated or put into an easement for public use. The 6.0 FAR helps to offset this dedication and setback. We note that the only other property in the Plan area that is proposed to be adjacent to a BRT station is recommended for a CR-6.0, C-4.75, R-5.75, H-250. The Owner believes its property should be afforded similar density in light of the importance of the BRT and the transit-oriented nature of this Property. Also, as stated above, the properties directly to the west across Woodmont Avenue are proposed to be zoned CR-6.0, C-1.25, R-6.0, H-175. Accordingly, the zone proposed by the Owner would be consistent with the surrounding zoning.

Height of 175 feet is compatible: Like the density, additional height is needed to help offset the required setbacks for the BRT and the station and to be consistent with the heights to the west across Woodmont Avenue and to the south along Wisconsin Avenue. There is no planning rationale supporting a step down in the heights from 175 to 145 on the Property as you approach Wisconsin Avenue, which is a wider street than Woodmont Avenue and can accommodate the additional height, especially in light of the fact that the footprint of any building on the Property

Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
July 1, 2015  
Page 3

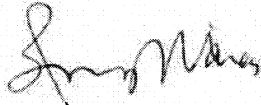
would be setback almost 25 feet from the existing curb of Wisconsin Avenue (that will remain in place until some date in the future when the BRT is funded and operating). Accordingly, the increased height is reasonable in light of the surrounding area and setbacks.

We also request that the Plan specifically recommend that State Highway Administration ("SHA") accept all additional right-of-way for the BRT as "public improvement easement" areas, in lieu of dedication, and that SHA specifically allow construction below and above this easement area. Such a recommendation would allow for underground parking to be constructed under the entire expanded Wisconsin Avenue right-of-way area and for additional stories of buildings to be constructed over that same area while still preserving the ground floor for public use as required by the BRT. This will help to further the urbanization of the Plan area and to increase architectural interest along Wisconsin Avenue.

Thank you for your consideration of these requests.

Sincerely,

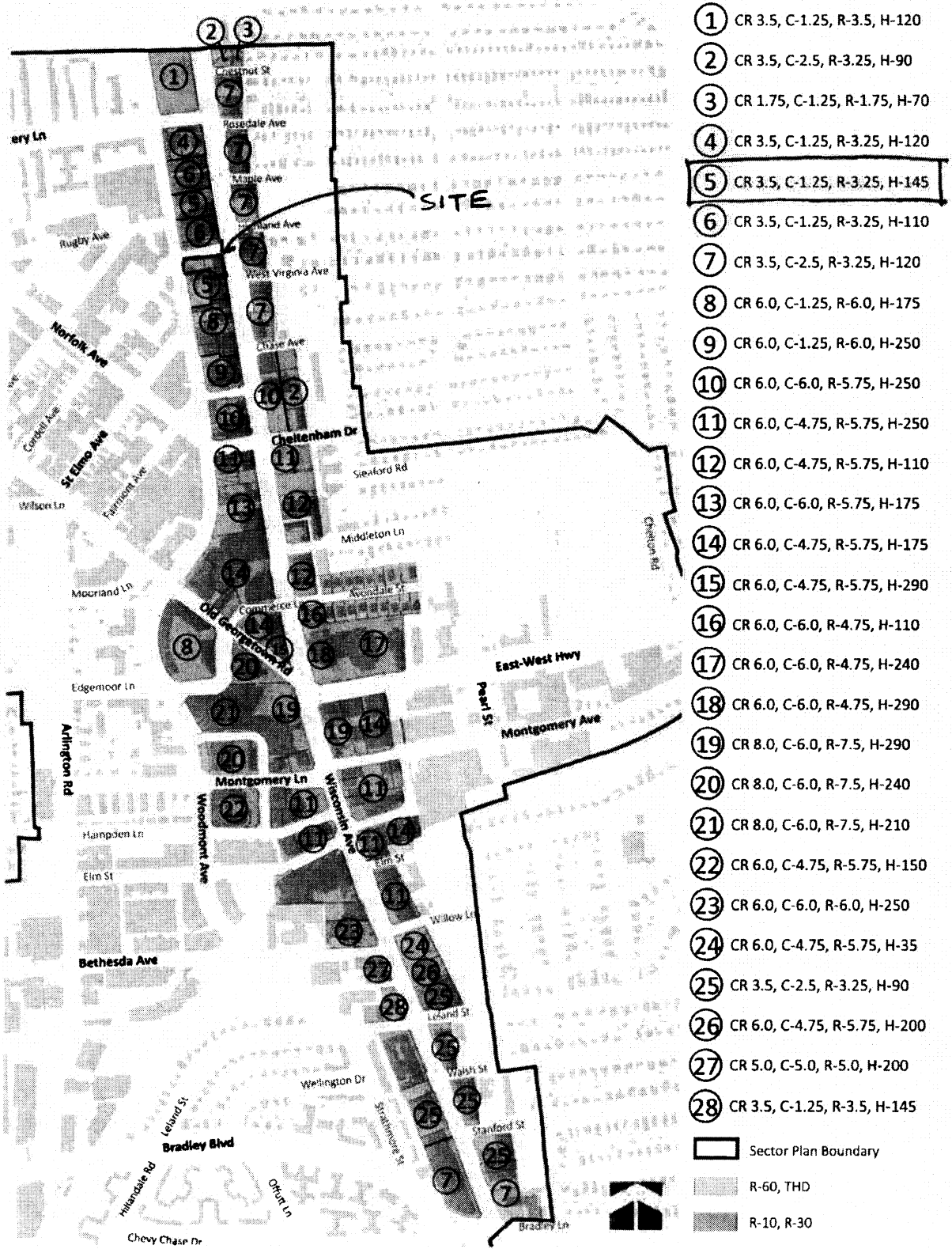
**LINOWES AND BLOCHER LLP**



Emily J. Vaias

cc: Ms. Leslye Howerton  
Mr. Marc DeOcampo  
Mr. Robert Kronenberg  
Mr. Norman Jemal  
Mr. Patrick Cooper  
Samantha L. Mazo, Esq.

Figure 3.01: Wisconsin Avenue District Recommended Zoning



Ex. A

# Montgomery County Zoning

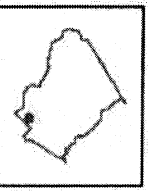
Date: 7/1/2015



Account #	0551224
Address	8006 WISCONSIN AVE BETHESDA, 20814
Zone	GR-3.0 C-1.0 R-2.75 H-120 T
Overlay Zone	N/A
TDR Overlay Zone	N/A
Landuse	Retail
Parcel Lot Block	N/A

Parking District	Bethesda
CBD	Bethesda
Special Protection Area	N/A
Urban District	BETHESDA
Enterprise Zone	N/A
Arts & Ent. District	Bethesda Arts and Entertainment District
Special Tax District	N/A
Legal Description	PTS LTS 570 571 572 WOODMONT

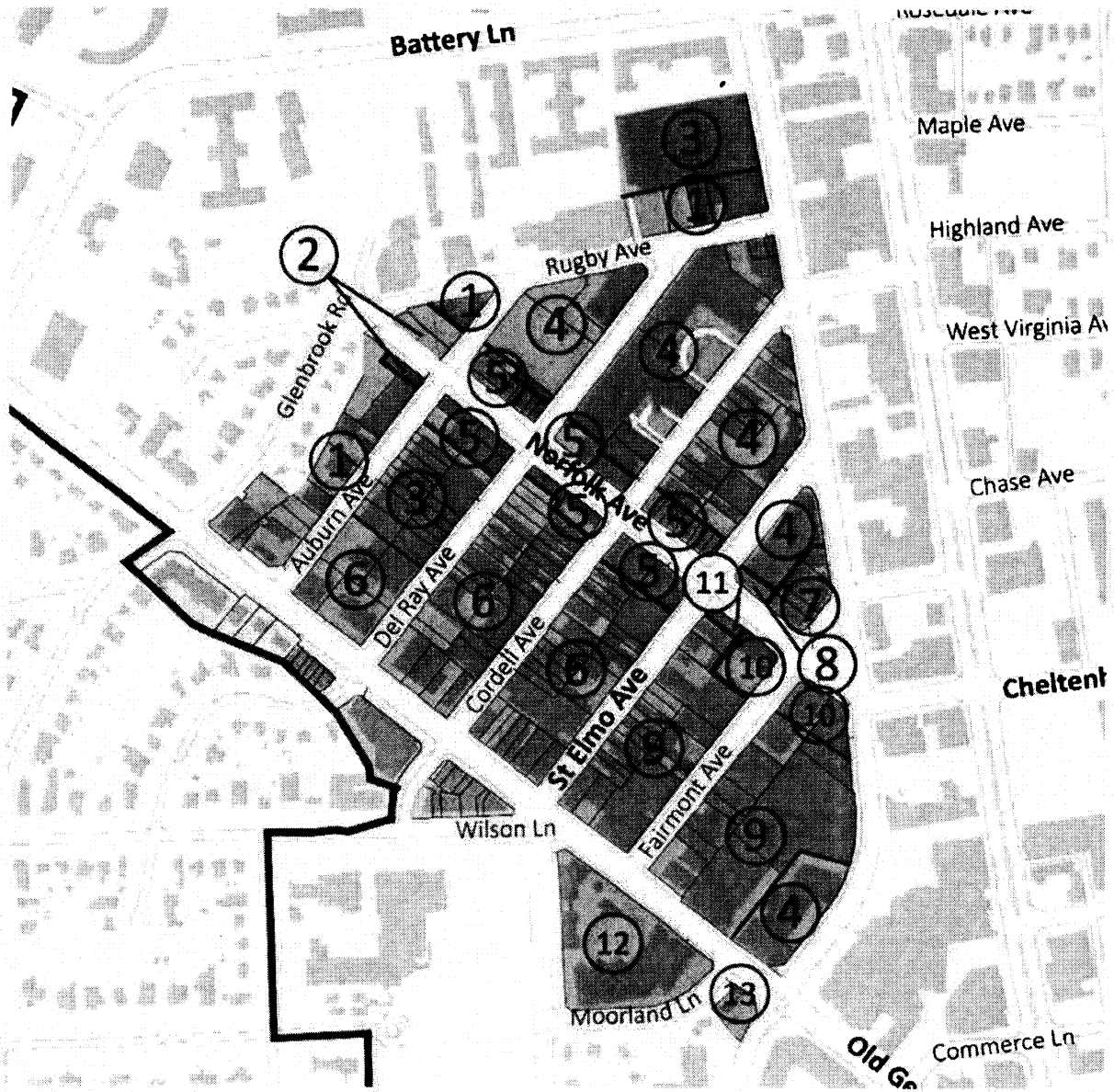
Bike/Ped Priority Area	Bethesda CBD
Urban Renewal Area	N/A
Metro Station Policy Area	Bethesda CBD
Priority Funding Area	Yes
Septic Tier	Tier 1 - Sewer existing
Municipality	N/A
Master Plan	WOODMONT TRIANGLE AVE INDENT
Historic Site/District	N/A






1 inch = 167 feet

Ex. B

Figure 3.05: Woodmont Triangle District Recommended Zoning



-  Sector Plan Boundary
-  CRN-0.75, C-0.75, R-0.25, H-40
-  CRT-1.75, C-1.75, R-0.75, H-40

- |  |  |
|--|--|
| <b>①</b> CR 3.5, C-1.25, R-3.0, H-120  | <b>⑧</b> CR 6.0, C-1.25, R-6.0, H-50   |
| <b>②</b> CR 3.5, C-1.25, R-3.0, H-50   | <b>⑨</b> CR 6.0, C-1.25, R-5.75, H-175 |
| <b>③</b> CR 3.5, C-1.0, R-3.5, H-175   | <b>⑩</b> CR 6.0, C-1.25, R-5.75, H-250 |
| <b>④</b> CR 6.0, C-1.25, R-6.0, H-175  | <b>⑪</b> CR 6.0, C-1.25, R-5.75, H-50  |
| <b>⑤</b> CR 3.5, C-1.25, R-3.5, H-50   | <b>⑫</b> CR 3.5, C-2.5, R-3.25, H-40   |
| <b>⑥</b> CR 3.5, C-1.25, R-3.25, H-110 | <b>⑬</b> CR 3.5, C-2.5, R-3.25, H-110  |
| <b>⑦</b> CR 6.0, C-1.25, R-6.0, H-250  |  |

Ex. C

Law Offices Of  
MILLER, MILLER & CANBY  
**MM&C**  
CLIENT FOCUSED. RESULTS DRIVEN.

200-B MONROE STREET, ROCKVILLE, MARYLAND 20850 P: 301.762.5212 F: 301.762.6044 WWW.MILLERMILLERCANBY.COM

All attorneys admitted in Maryland and where indicated.

PATRICK C. MCKEEVER (DC)  
JAMES L. THOMPSON (DC)  
LEWIS R. SCHUMANN  
JODY S. KLINE  
ELLEN S. WALKER  
JOSEPH P. SUNTUM

EDWARD S. WEST (DC, PA, VA)  
ROBERT E. GOUGH  
DONNA E. MCBRIDE (DC)  
GLENN M. ANDERSON (FL)  
HELEN M. WHELAN (DC, WV)

MICHAEL G. CAMPBELL (DC, VA)  
SOO LEE-CHO (CA)  
BOBBY BAGHERI (DC, VA)  
DAMON B. OROBONA (DC)  
DIANE E. FEUERHERD  
MICHAEL S. SPENCER

[JSKLINE@MMCANBY.COM](mailto:JSKLINE@MMCANBY.COM)

June 24, 2015

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

RE: Bethesda Downtown Plan,  
May, 2015 Staff Draft;  
Testimony of East-West Highway Property Owners Group,  
"Pearl District"

Dear Chairman Anderson and Members of the Planning Board,

I am writing this letter on behalf of four property owners who have banded together under the name "East-West Highway Property Owners Group" for the purposes of planning and advocacy for their properties in the Bethesda Downtown Plan. The location of the four properties is shown on the attached aerial photo with the clients' properties shaded in light red (adjacent to the parking lot for Our Lady of Lourdes Church). You will note that the East-West Highway Property Owners Group controls all of the land on the north side of East-West Highway between the private institutional use of Our Lady of Lourdes Catholic Church and the public institutional use of Bethesda-Chevy Chase High School. In essence, the property owners control a substantial portion of the block, and all of the frontage on East-West Highway, between Pearl Street and B-CC High School.

The East-West Highway Property Owners Group have been active participants in the formulation of ideas for the "Pearl District". Our clients support the concepts regarding the Pearl District found on pages 108-110 of the Staff Draft Master Plan.

On the other hand, our clients had anticipated that the implementation of the Plan's goals for the "Pearl District" would be accomplished through more generous zoning recommendations than are found in the Staff Draft. In particular, all of our clients properties are recommended for the CR 2.0, C-0.5, R-2.0, H-120 zone (see page 111 of the Staff Draft plan). For that reason, our clients have asked me to write and explain why the East-West Highway Property Owners Group



feel that the following points should be considered in the Planning Board's deliberation regarding the recommendations contained in the Staff Draft.

1. CR 2.0 FAR is inadequate zoning for this assemblage of properties.
  - a) Our clients consulted the respected design firm of Perkins Eastman to obtain recommendations for form, scale and mix of development on their combined properties. The expert designers at Perkins Eastman concluded that the property should be developed with a mix of office, retail and residential uses at a densities in the range of 3.0+ FAR. A "massing drawing" prepared by Perkins Eastman is attached showing how the existing buildings on our clients respective properties could be removed and replaced with mixed-use buildings and residential structures in order to further the goals of the Master Plan while generating a reasonable revenue stream for the property owners.
  - b) Our clients understand that their property is located adjacent to single family detached zoning and single family residences. However, those residences are located substantial distances to the north and the activity level contemplated to occur on the office/retail components of our clients' property will be less dramatic than occurs currently on the B-CC High School campus. If the Planning Board feels that the northern portions of our clients' property, that abuts single family detached zoning, should exhibit more "transition" to the residential uses to the north, the Planning Board could consider "split zoning" for our clients' property so that the greatest density could occur along the East-West Highway frontage and development at the rear (or northern sector) of the properties would "step down" in a manner compatible with the scale of development to the north.
  - c) Our clients request that the Planning Board consider bestowing FAR greater than 2.0 on our clients' properties for the reasons set forth above. Alternatively, our clients suggest that there be two "bands" of zoning on their property, one adjacent to East-West Highway at CR 4.0 and that the northern portions of the properties be given zoning of CR 2.0. The attached sketch from Perkins Eastman is representative of what the clients wish to achieve on their combined properties and this sketch demonstrates how these properties could be developed with such a zoning configuration.
2. A commercial FAR of greater than 0.5 is appropriate for the subject properties.
  - a) All of our clients own and occupy offices located on each of their properties. It is the desire of at least two of the property owners, through redevelopment, to continue to use and even expand the amount of office space that is present today.
  - b) Our clients' vision for the redevelopment potential of their combined properties may be different than other property owners in the Downtown planning area, our clients view residential development as

adding "energy" to the "Pearl District and as a value enhancing factor that allows them to retain and even expand their existing envelope of office space including retail uses supportive of the goals of the "Pearl District", rather than opting for residential development because the office market is so weak.

3. Neighborhood park designation

Our client notes the asterisk on the northern portion of its lot as shown on Figure 3.08 ("Pearl District Public Realm Improvements") reading Potential open space (location TBD)" The drawing on page 75 of the Staff Draft Plan (Figure 2.22; "Urban Parks Hierarchy") labels such a green area as a "neighborhood green." Text on page 112 describes the intended purpose of the "neighborhood green". Creating a "neighborhood green" from our clients' property in order to benefit B-CC High School and Our Lady of Lourdes Church is contrary to the vision of our clients who are trying to focus on making the "Pearl District" an energetic urban activity area. The location for a "neighborhood green" as shown on the Staff Draft Master Plan will reduce our client's buildable area and will not serve to enhance their combined redevelopment. Our clients would rather, through the development review process, create an urban node at the intersection of Pearl Street and East-West Highway that would be more in the nature of an "Central Civic Green" as an alternative form of park space identified in the Plan.

In conclusion, the East-West Highway Property Owners Group appreciate the attention that the Plan gives to the potential for the "Pearl District." Our clients do ask however that the zoning to be placed on their property be more representative of what they feel is necessary to make the Pearl District a reality.

Sincerely yours,

MILLER, MILLER & CANBY

A handwritten signature in black ink that reads "JODY KLINE". The signature is written in a cursive, slightly stylized font. Above the signature, there is a horizontal line that is slightly longer than the signature itself.

Jody S. Kline

JSK/sf

CC: Leslye Howerton  
Robert Kronenberg  
Marc DeOcampo



EAST WEST HIGH

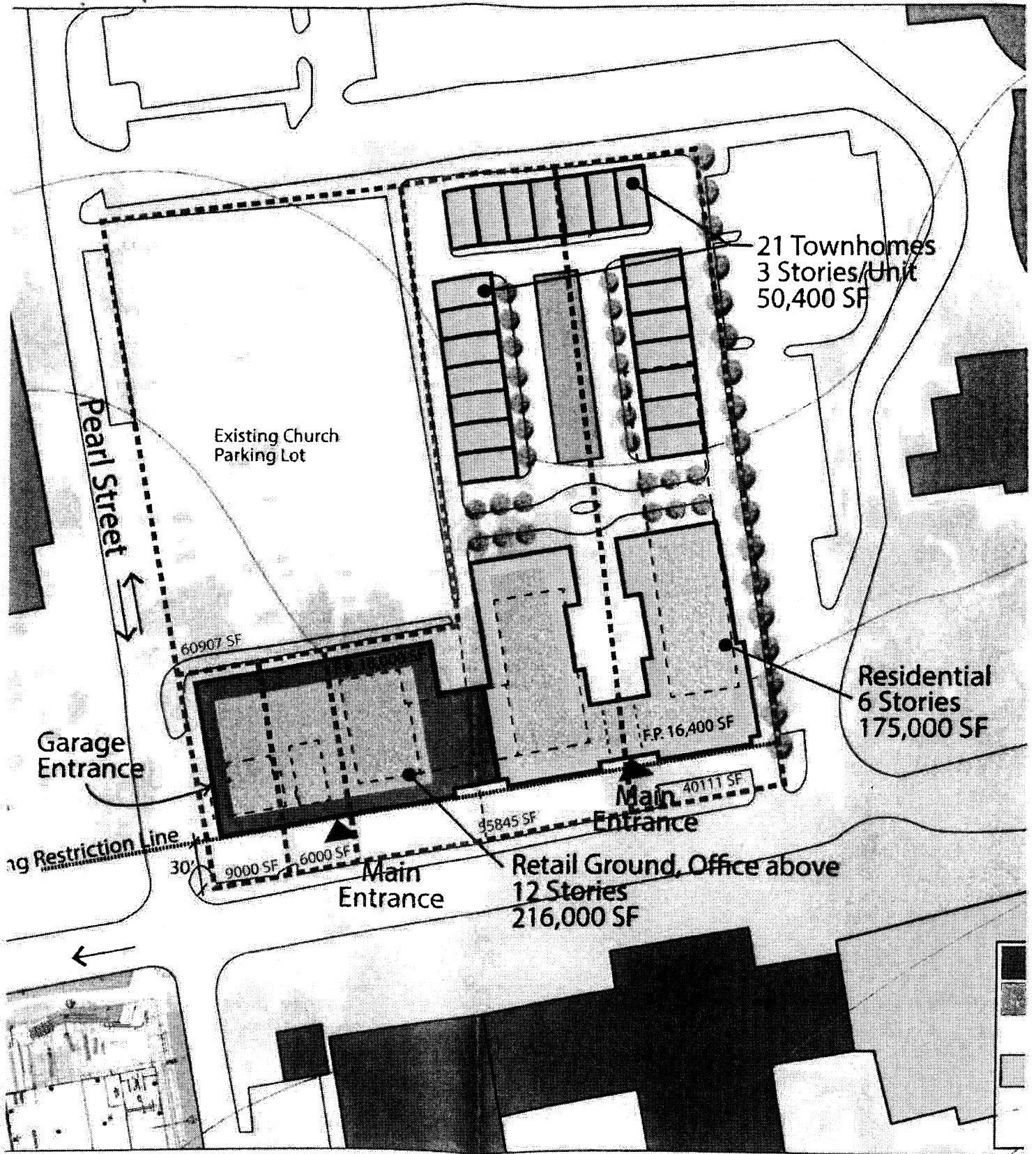
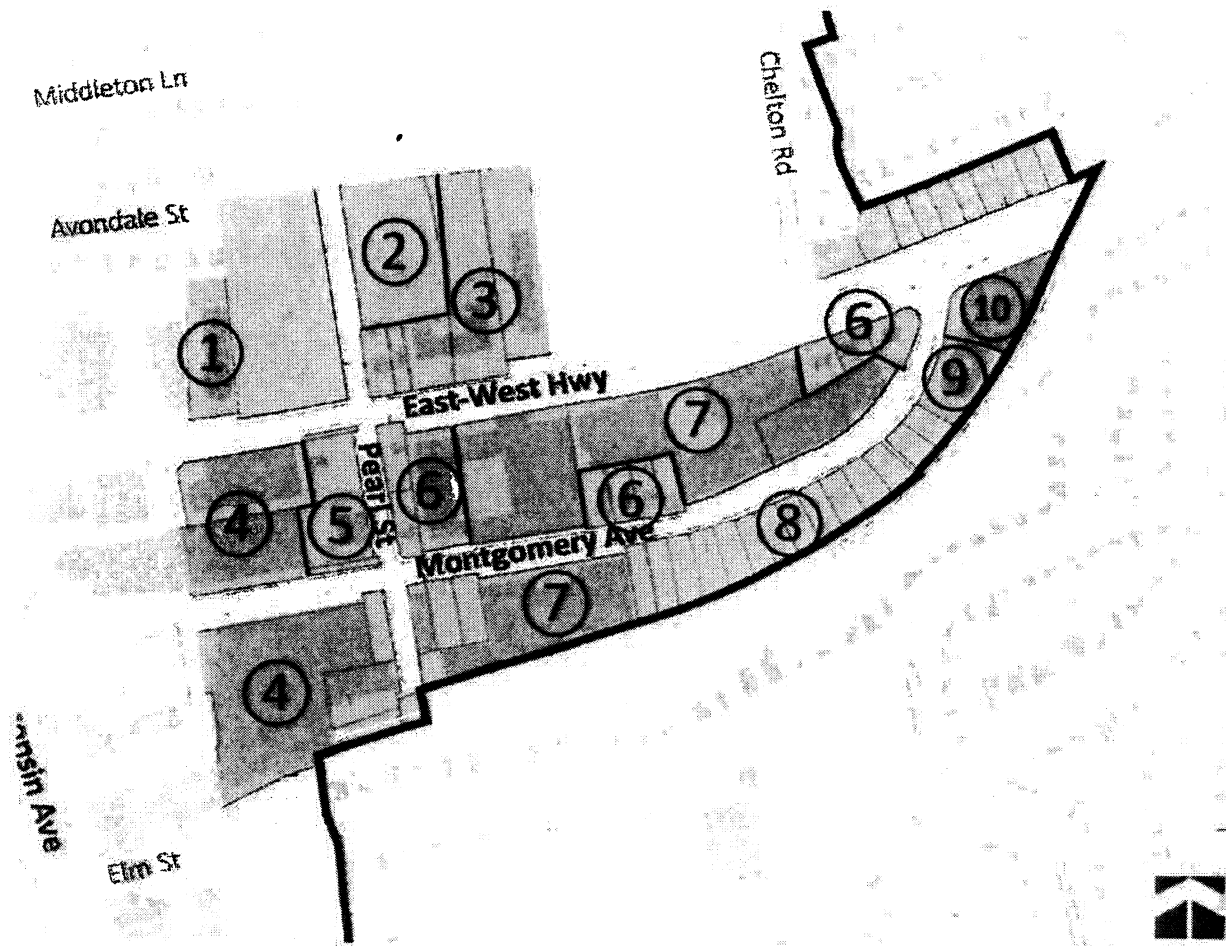


Figure 3.07: Pearl District Recommended Zoning



- Sector Plan Boundary
- R-60, THD
- R-10, R-30

- |                                 |                                |
|---------------------------------|--------------------------------|
| ① CR 3.5, C-0.75, R-3.5, H-175  | ⑥ CR 2.0, C-1.75, R-2.0, H-120 |
| ② CRT 1.5, C-0.25, R-1.5, H-120 | ⑦ CR 3.5, C-3.5, R-3.5, H-120  |
| ③ CR 2.0, C-0.5, R-2.0, H-120   | ⑧ CRT 0.5, C-0.5, R-0.5, H-35  |
| ④ CR 6.0, C-4.75, R-5.75, H-175 | ⑨ CR 2.0, C-1.75, R-2.0, H-60  |
| ⑤ CR 6.0, C-4.75, R-5.75, H-145 | ⑩ CR 3.5, C-3.5, R-3.5, H-100  |

Law Offices Of  
**MILLER, MILLER & CANBY**  
**MM&C**  
CLIENT FOCUSED. RESULTS DRIVEN.

200-B MONROE STREET, ROCKVILLE, MARYLAND 20850 P: 301.762.5212 F: 301.762.6044 WWW.MILLERMILLERCANBY.COM

All attorneys admitted in Maryland and where indicated.

PATRICK C. MCKEEVER (DC)  
JAMES L. THOMPSON (DC)  
LEWIS R. SCHUMANN  
JODY S. KLINE  
ELLEN S. WALKER  
JOSEPH P. SUNTUM

EDWARD S. WEST (DC, PA, VA)  
ROBERT E. GOUGH  
DONNA E. MCBRIDE (DC)  
GLENN M. ANDERSON (FL)  
HELEN M. WHELAN (DC, WV)

MICHAEL G. CAMPBELL (DC, VA)  
SOO LEE-CHO (CA)  
BOBBY BAGHERI (DC, VA)  
DAMON B. OROBONA (DC)  
DIANE E. FEUERHERD  
MICHAEL S. SPENCER

[JSKLINE@MMCANBY.COM](mailto:JSKLINE@MMCANBY.COM)

June 24, 2015

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

RE: Bethesda Downtown Plan,  
May, 2015 Staff Draft;  
Testimony on Bradley Boulevard Shopping Center;  
"Arlington South District"

Dear Chairman Anderson and Members of the Planning Board,

I am submitting this letter in conjunction with my testimony on the Bethesda Downtown Plan on behalf of the owners of the Bradley Boulevard Shopping Center located in the northwest quadrant of the intersection of Arlington Road and Bradley Boulevard.

The Bradley Boulevard Shopping Center is a 3.13 acre parcel of land which is developed today as a strip shopping center containing almost 51,000 square feet of stores that provide neighborhood-serving retail services for the area including such community favorites as Strosnider's Hardware store and the Bradley Beer & Wine store with delicatessen service. A copy of a tax plate map is attached with the Shopping Center property outlined in blue. Also attached is an aerial photograph of the area with the Shopping Center marked in the center of the photograph and surrounding uses identified.

The Shopping Center property was originally zoned in the C-2 zone, subject to the overlay zone for the Arlington Road district (Section 59-C-18.12) until October 31, 2014 when it was comprehensively rezoned. The Staff Draft of the Plan recommends that the property be rezoned to the **CRT 0.75, C-0.75, R-0.5, H-70 zone**.

The owners intend to maintain the current shopping center in its present form into the foreseeable future providing that retail demand remains strong. They also intend to retain the neighborhood orientation of their leasing program. It is when the current leases end and redevelopment is appropriate that the owners have asked me to address in this letter.

The owners have sought advice from respected mixed use designers and have been advised that an appropriate redevelopment model for their property would be retention of ground floor retail uses, the market with which the owners are most familiar, topped by multiple floors of multi-family residential dwelling units. The question that the Staff Draft's modest recommendation for zoning on the subject property (CRT 0.75, C-0.75, R-0.5, H-70) raises is what is the proper redevelopment density for their land?

The owners were surprised, and disappointed, that the Staff Draft recommended only a total of 0.75 FAR redevelopment potential for their property. Such zoning essentially allows only one floor of residential development over the existing 50,646 square foot shopping center footprint. For both economic and design reasons, no property owner is likely to redevelop their property solely to add a single floor of residential development over ground floor retail uses.

The owners understand that they are located at the southwestern edge of the planning area boundary and sensitivity to residential uses to the west is necessary when considering an appropriate density for the Shopping Center. However, the Shopping Center property is adjoined on the west by land zoned R-10 which allows **43.5** dwelling units per acre (effectively a 1.0 FAR density) **and no height limit**. Furthermore, detached residential uses are located at least 425 feet (and as much as 558 feet) from the Shopping Center's property line. (See the attached annotated aerial photograph).

In summary, the owners believe that the Staff Draft's recommendations are too "modest" in the densities that they recommend for the Shopping Center property and, in effect, perpetuate the limitations contained in the highly restrictive Arlington Road overlay zone. Given its location, the Shopping Center can accommodate greater density without an adverse effect on surrounding residential development. The owners would particularly like to see the FAR recommendations for residential increased to be more in keeping with the multi-family residential component which they hope to someday integrate into their existing development. Therefore, the owners request that zoning of **CRT 1.25, C-1.0, R-1.0, H-70** be placed on their property.

Thank you for your consideration of these comments on behalf of the owners of the Bradley Boulevard Shopping Center.

Sincerely yours,

MILLER, MILLER & CANBY



Jody S. Kline

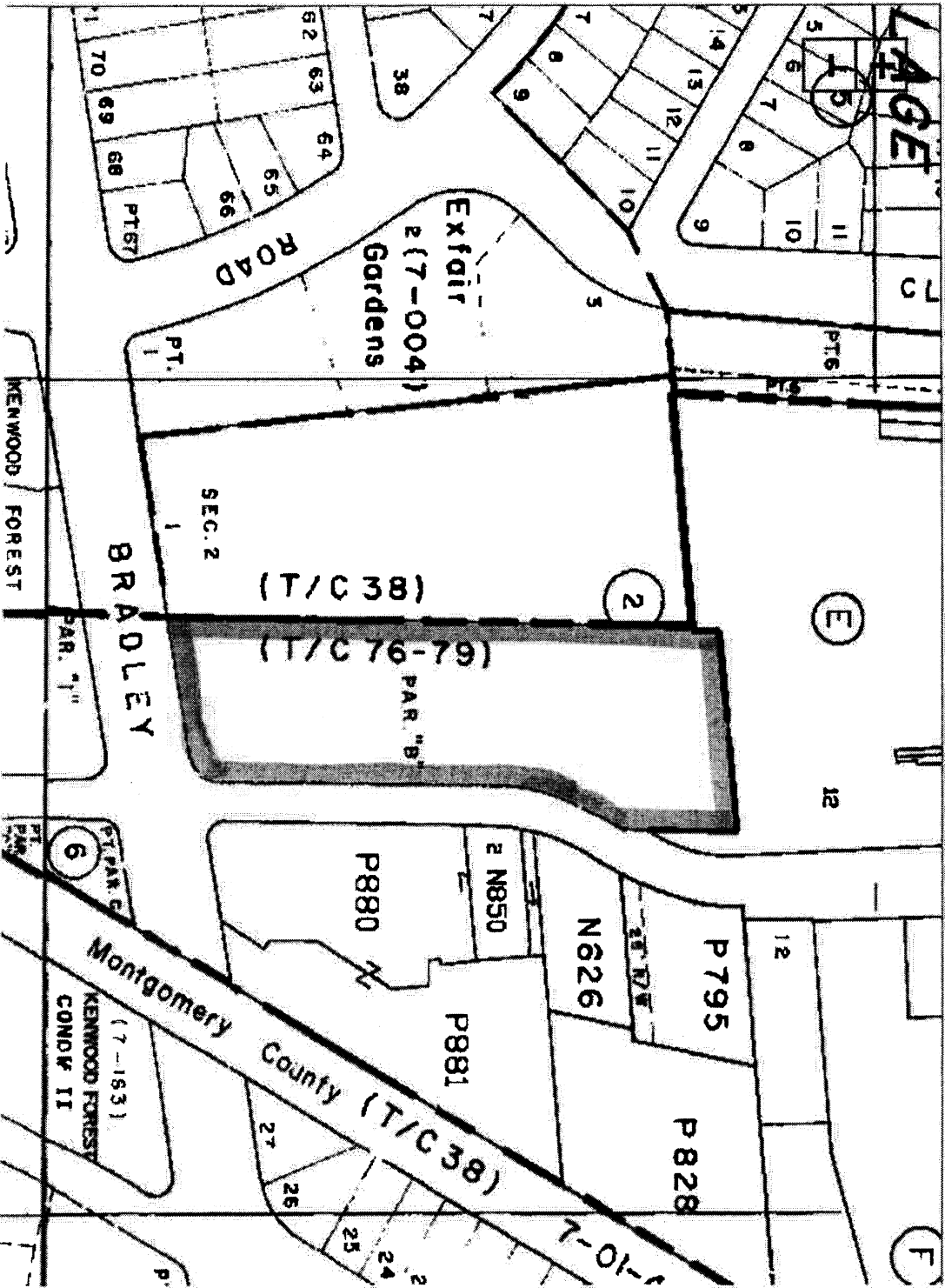
JSK/sf

CC: Leslye Howerton  
Robert Kronenberg  
Marc DeOcampo

Montgomery County

District: 07 Account Number: 00446014

New Search (<http://sdata.resi.usa.org/RealProperty/>)







Grant Government Office

Arthur B. Ripstein Park

Beltsville Road

Old Post Office  
PERFORMERS CENTER  
(MULTI-PURPOSE)

Le 31 Development

Capital Crescent Corridor

The Elms Garden  
Area (1850s-1950s)

N. S. ...

197

191

9

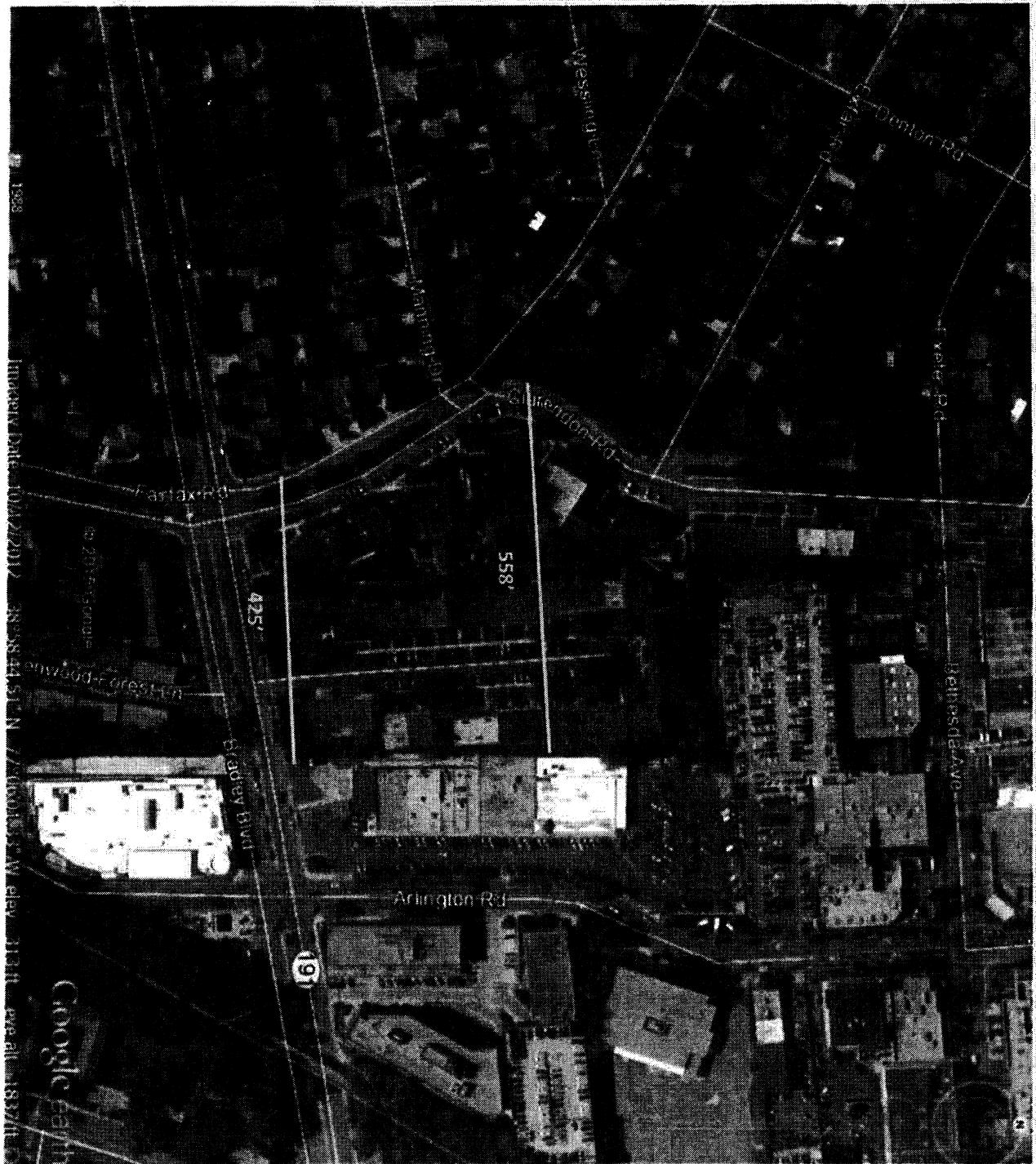
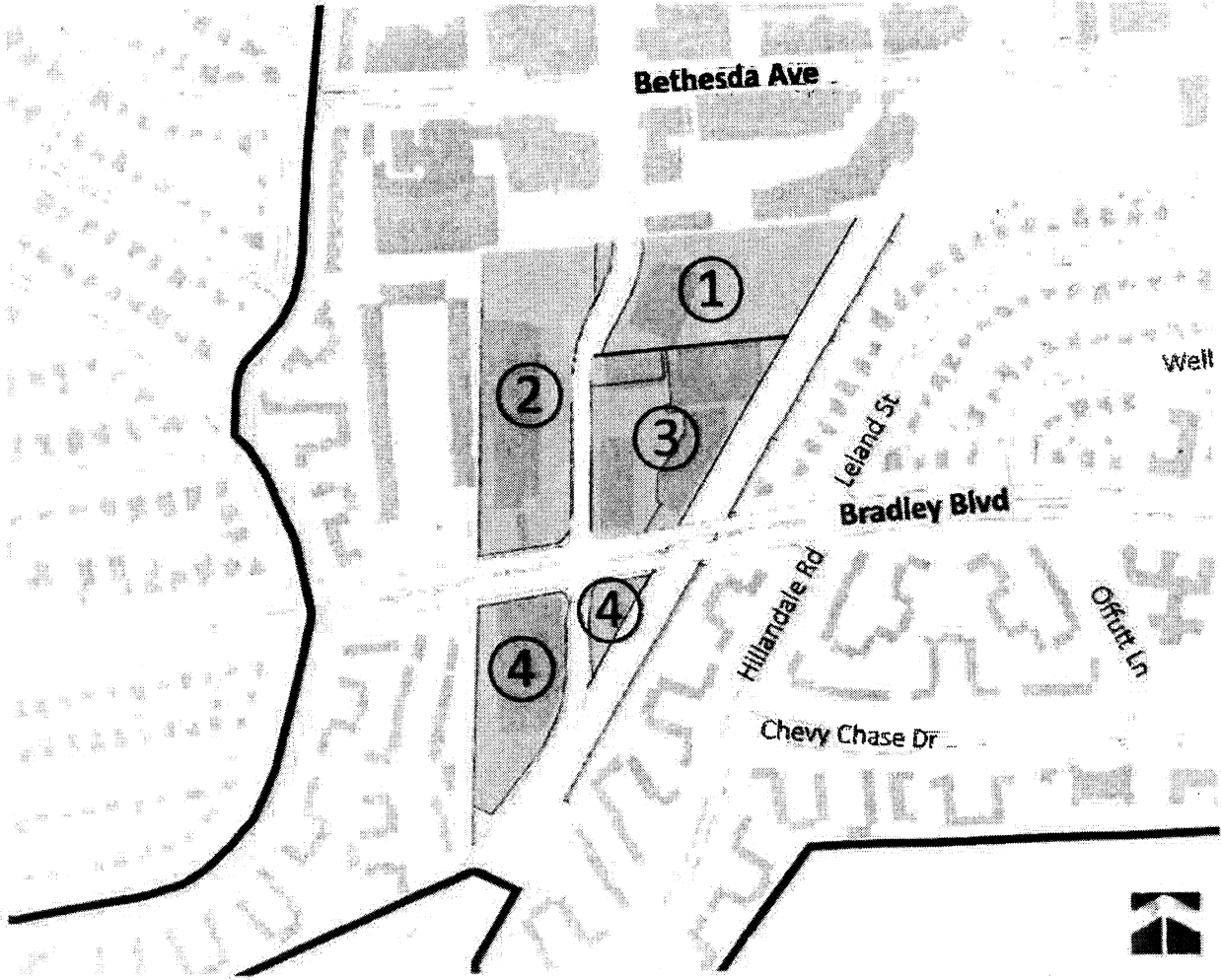



Figure 3.09: Arlington South District Recommended Zoning



 Sector Plan Boundary

- ① CRT 2.0, C-0.5, R-2.0, H-70
- ② CRT 0.75, C-0.75, R-0.5, H-70
- ③ CRT 2.75, C-1.75, R-1.0, H-70
- ④ CRT 0.75, C-0.75, R-0.5, H-45



CLARK ENTERPRISES, INC.

**Rebecca L. Owen**  
**Senior Vice President & Chief Legal Counsel**  
**Legal, Acquisitions, Development and**  
**Repositioning**

**301.657.7216 Direct**  
**rowen@clarkus.com**

June 29, 2015

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

**Subject: Clark Enterprises testimony on the Staff Draft Bethesda Downtown Plan**

Dear Chair Anderson and Commissioners,

Thank you for accepting my letter as part of the public record for your review of the Staff Draft Bethesda Downtown Plan on behalf of Clark Enterprises Inc. This written testimony addresses the proposed changes for the public plaza at Bethesda Metro Center, Clark's vision for preserving the Plaza for a community park, and Clark's commitment to helping to bring this vision to fruition.

There are two very different visions for this public space atop the Bethesda Metro station, which is the largest community gathering space in Downtown Bethesda. Clark believes strongly that the County should retain the current designation of the Plaza as a public urban space. This will allow for the possibility of a large, visible and sustainable civic green in the recognized center of downtown.

The current draft plan, on the other hand, proposes a significant change for the Plaza. Planning staff and our neighbor, Brookfield Properties, recommend abandoning the current common gathering designation to allow for developing a building of up to 290 feet on the public space. At roughly 25 stories, this would be 10 stories taller than current tallest building in Bethesda. Brookfield has promoted that in addition to this new building, they would provide community space in the form of an ancillary, interior park that's about half the usable size of the current Plaza and would be hidden behind the new massive structure. This change will destroy Downtown Bethesda's most prominent open space.

Clark has been headquartered in Bethesda for over 50 years. As the largest employer in Downtown Bethesda, Clark wants to ensure this area remains a desirable place to attract employees and tenants. As a long time charitable supporter of the community, Clark also wants to protect the quality of life of our neighbors.

7500 OLD GEORGETOWN ROAD · 15TH FLOOR · BETHESDA, MARYLAND 20814-6195

T: 301-657-7100 · F: 301-657-7263 · WWW.CLARKENTERPRISESINC.COM

G:\LADR\REAL ESTATE - ACTIVE\ClarkOfficeBuilding\11 DEVELOPMENT\Metro Plaza\RLO letter to Montgomery County Planning Board (06.29.15).docx

**CLARK**



Jim Clark, Clark's founder, was heavily involved in creating the Metro Plaza in 1980, along with the County, WMATA, and Brookfield's predecessor. This group chose to create a public amenity at the Plaza, paid for by Clark and Brookfield's predecessor, in exchange for the County transferring the development rights from the Plaza's public space to additional height for the four existing buildings on the Metro Plaza. The four buildings were specifically situated and designed to maximize sunlight to the Plaza's public space and the Metro buildings. Mr. Clark recently passed away, but before his death, he asked that we try to retain this public benefit for his beloved Bethesda.

We've seen firsthand that interior plazas such as the one proposed by Brookfield don't work. I cite as examples the current Pancake House plaza and the park above Chipotle that go unused. Your staff has noted the failure of these interior spaces in earlier reports. Rather than eliminating an existing well-located public amenity at the Metro, Clark supports breathing new life into the Plaza to make it a centerpiece of the Bethesda Downtown Plan. If we let this opportunity to perpetuate active urban open space at the core of Bethesda pass, there will be no replacement; this is the last large public space available in Downtown Bethesda.

The community agrees with Clark, as is evidenced by more than 1,000 Facebook fans, more than 400 individual letters of support, and additional letters of support from the nearby neighborhoods of Edgemoor, Kenwood and Battery Park representing hundreds of homes. These letters have also been submitted into the public record.

Please know that Clark is not proposing a vision without backing it up. Clark will commit dollars and leadership to help bring a renovation of the existing Plaza to fruition.

I urge the Planning Board to retain the Plaza's current designation as public open space and a major community gathering area in its recommended Bethesda Downtown Plan. It was created as a public amenity for long term community benefits—and should remain as such. Thank you for your time and consideration.

Sincerely,

Rebecca L. Owen  
Senior Vice President & Chief Legal Counsel  
Clark Enterprises Inc.

cc: Gwen Wright  
Leslye Howerton  
Robert Kronenberg  
County Councilmember Roger Berliner

Enclosure

Law Offices Of  
MILLER, MILLER & CANBY  
**MM&C**  
CLIENT FOCUSED. RESULTS DRIVEN.

200-B MONROE STREET, ROCKVILLE, MARYLAND 20850 P: 301.762.5212 F: 301.762.6044 WWW.MILLERMILLERCANBY.COM

All attorneys admitted in Maryland and where indicated.

PATRICK C. MCKEEVER (DC)  
JAMES L. THOMPSON (DC)  
LEWIS R. SCHUMANN  
JODY S. KLINE  
ELLEN S. WALKER  
JOSEPH P. SUNTUM

EDWARD S. WEST (DC, PA, VA)  
ROBERT E. GOUGH  
DONNA E. MCBRIDE (DC)  
GLENN M. ANDERSON (FL)  
HELEN M. WHELAN (DC, WV)

MICHAEL G. CAMPBELL (DC, VA)  
SOO LEE-CHO (CA)  
BOBBY BAGHERI (DC, VA)  
DAMON B. OROBONA (DC)  
DIANE E. FEUERHERD  
MICHAEL S. SPENCER

[JSKLINE@MMCANBY.COM](mailto:JSKLINE@MMCANBY.COM)

July 1, 2015

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

RE: Bethesda Downtown Plan;  
Bethesda Metro Center Plaza

Dear Mr. Anderson and Members of the Planning Board,

As I sat and listened to the testimony at the June 24th public hearing on the Staff Draft of the Bethesda Downtown Plan, I thought that witnesses testifying on either side of the issue about how the Bethesda Metro Center Plaza should be used were not familiar with the history of the creation and the purpose of the Plaza. At the risk of sounding a bit pedagogical, I would like to provide you with some relevant parts of that history.

Before the first building ever was approved for development (the Clark Building) on or surrounding the Bethesda Metro Center, the Planning Commission adopted an "Urban Design Study" (January 24, 1980), the purpose of which was "...the creation of a village plaza level development in the CBD-3 zone [is] intended to provide a zone of pedestrian scale that is either lacking in the existing CBD or is so intermittent as to be ineffective, and to carry out the objectives of the Sector Plan".

The Urban Design Study identified certain "Urban Design Factors" that should influence the character of the Bethesda Metro Center Plaza and the configuration of buildings surrounding the Plaza. The first enumerated design feature was to make the plaza a "People Space". This design principle is emphasized in both text (see excerpt from Urban Design Study, page 5, attached) and graphic materials (see Figure 5 from the Urban Design Study, attached), emphasizing the "community gathering space function of the plaza. It is clear from text and drawings in the Urban Design Study that the Metro Center Plaza was intended to be open, visible from the street and urban due to the energy of those drawn to this designated "People Space."

I have enclosed a copy of Figure 12 from the 1980 Urban Design Study providing a perspective view of what the urban core of Bethesda (the area zoned CBD-3) was predicted to look like. The Core has actually been built out in substantial conformance with the concept shown on Figure 12.

We all recognize that master plans are not intended to "lock in" design features forever. However, the principles embodied in the 1980 Urban Design Study remain valid today. That is, that the Plaza should be visible from the adjoining streets, be open and be an active urban center for community activities. The "Conclusion" (page.11, attached) in the Urban Design Study remains valid today for this space and it should be a goal of the Bethesda Downtown Plan to continue to fulfill the stated purpose of the Bethesda Metro Center Plaza:

"Montgomery County has an unequalled opportunity to promote the creation of an urban space of great public benefit in the Bethesda Metro Center Study area. It is staff's opinion that the County should make every effort possible towards the realization of the Plan in its totality. The public stands significantly with the achievement of this Plan".

Our client, Clark Enterprises remains committed to achieving the public interest goal contained in the "Conclusion" cited above. Clark looks forward to the opportunity to help make the Plaza into the urban public open space that it was originally conceived to be and can be in the future.

Sincerely yours,

MILLER, MILLER & CANBY

A handwritten signature in black ink that reads "JODY KLINE". The signature is written in a bold, slightly slanted, sans-serif font. A horizontal line is drawn above the first few letters of the name.

Jody S. Kline

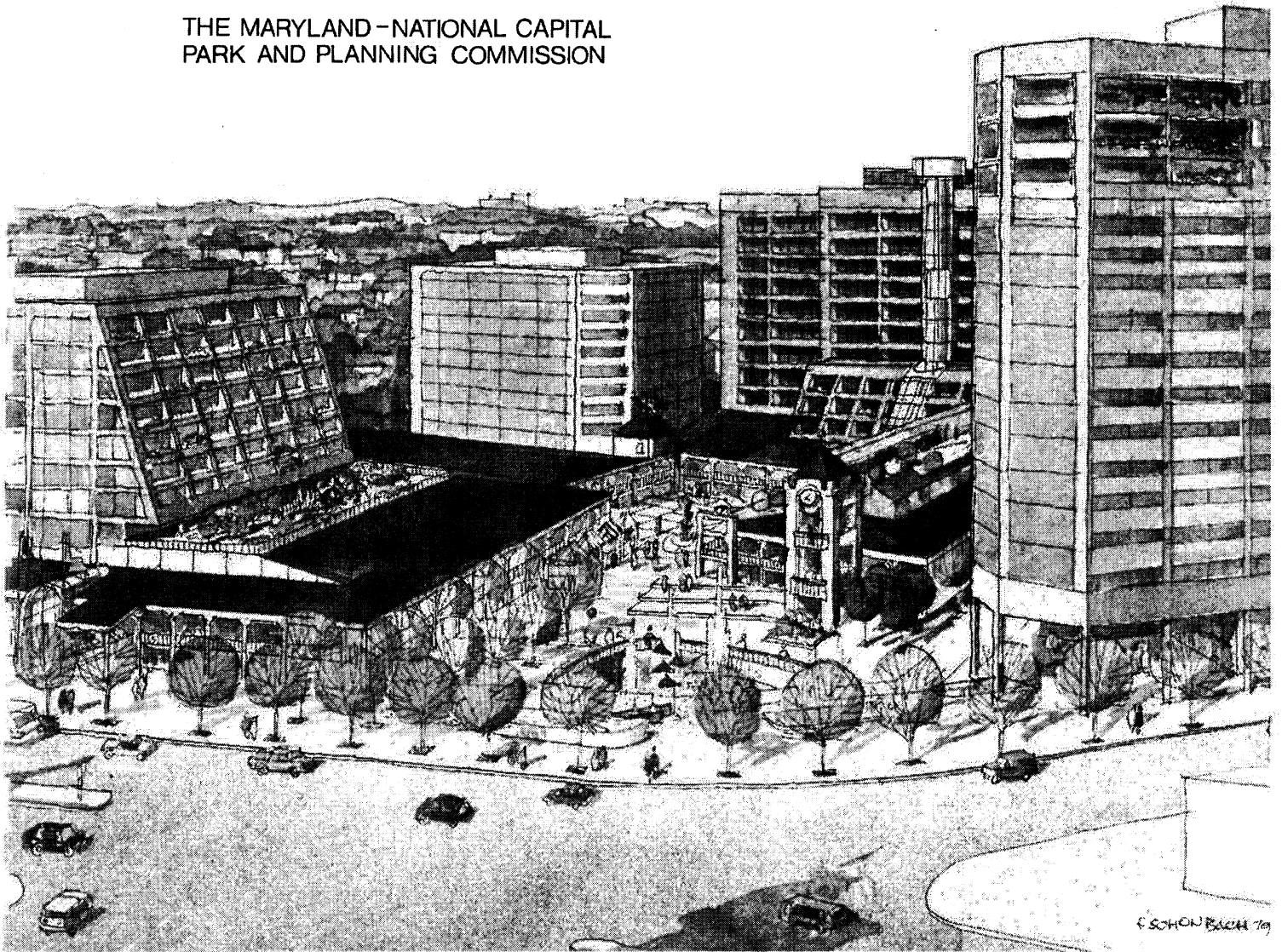
JSK/sf

CC: Gwen Wright  
Leslye Howerton  
Robert Kronenberg  
Marc DeOCampo  
Mike Reilly  
Clark Enterprises

# Bethesda Metro Center

Urban Design Study

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION





**BETHESDA METRO CENTER: URBAN DESIGN STATEMENT**

**January 24, 1980**

**Prepared by the staff of the Urban Design Division of the Maryland-National Capital  
Park and Planning Commission, 8787 Georgia Avenue, Silver Spring, Maryland 20907**

approximately 14 feet below the level of Wisconsin Avenue. Four relatively isolated building sites around the WMATA facility would probably develop in the near future. It is uncertain what would occur in the air rights space above the WMATA facility; options may include a parking garage for WMATA development or park-'n'-ride, or it may remain simply a "hole in the ground." Development over the bus facility after the opening of Metro is unlikely due to both expense and disruption.

Without early and vigorous encouragement, it is not possible that any parking would be placed under the bus facility, with the result that above grade parking would have to be placed either in CBD-2 or TS-R Zones. There would be considerable pressure to place it in the TS-R Zone due to lower land costs. The prospect of having either the bus facility or an air rights parking garage as the central feature of the Bethesda Urban Core is distressing; a major urban opportunity would be lost.

### The Urban Design Factors

The proposed urban design plan incorporates urban design "factors" which are judged significant and which arise both from analysis of existing conditions and from objectives for development.

#### 1. People Space

The creation of a major urban public space that would be supportive of a variety of human activities. A series of interconnected public outdoor "rooms," the public plaza would include sunlight penetration, extensive planted areas, a range of seating options, changes in level, water play, a program of two and three dimensional art, and other features implied in the Sector Plan.

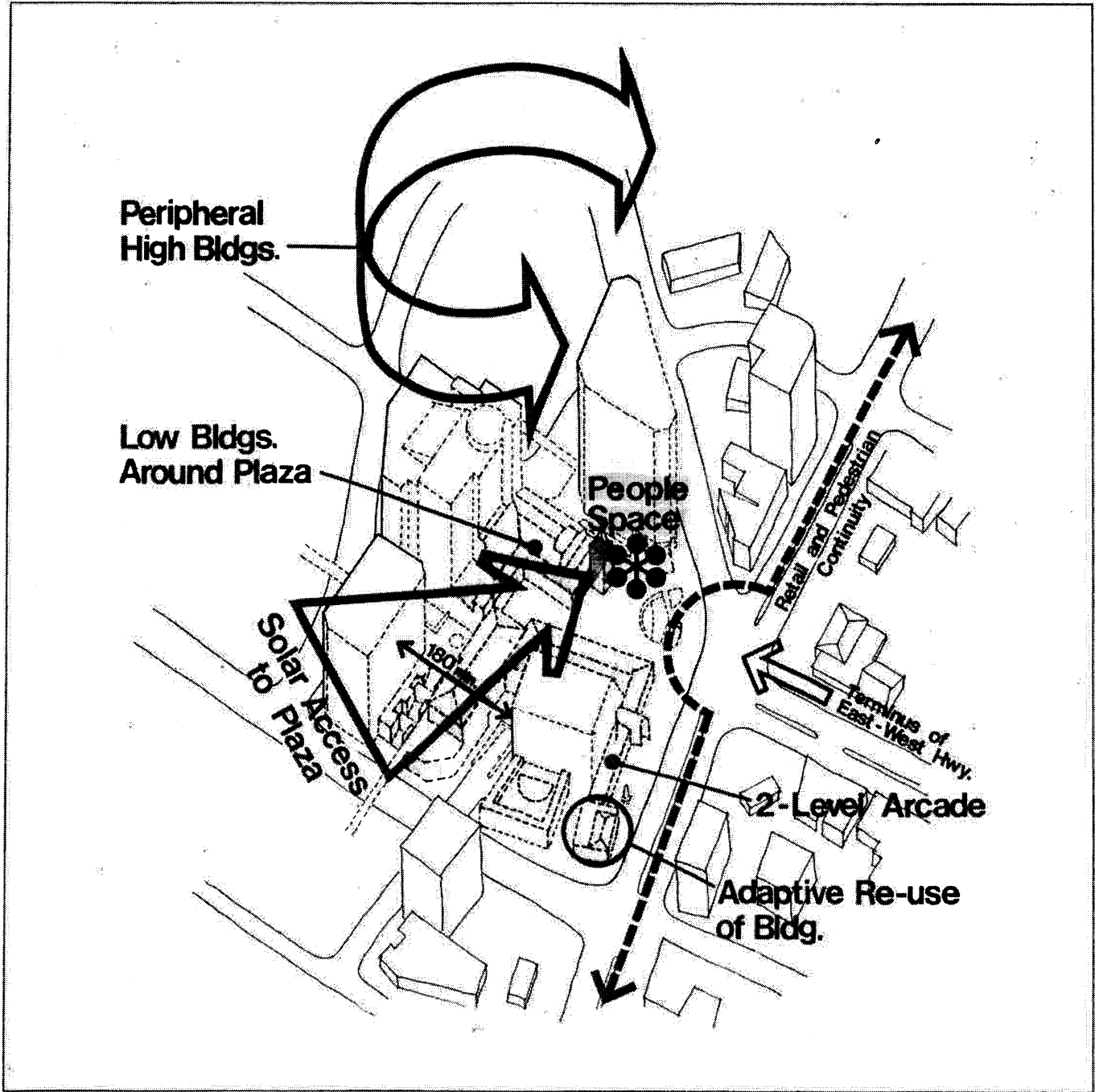
It is both practical and preferable for these people spaces to be located on a deck built above the Metro bus facility, with building development around the periphery. Other options, such as proposing a major building in the center with public space around the base, were rejected for functional reasons, and for placing undue emphasis upon buildings rather than on the public spaces. The deck, which supports the people space (plaza), will start level with the Wisconsin Avenue sidewalk and will rise in stages to a height approximately three feet above Wisconsin Avenue, in order to accommodate Metrobus operations on the level below.

#### 2. Low Buildings on Plaza Deck

The plaza deck, on the order of 110,000 square feet, should be occupied in part by low buildings of 2 to 4 stories that can support the activity of the plaza by offering food service, boutique shopping, and commercial recreation such as theaters and bowling alleys. These buildings would be designed to relate to the human scale and would serve to buffer the public space from the large buildings behind. The pattern of low buildings before higher ones is established as essential to plaza vitality and comfort. Outdoor cafes with umbrella tables should be especially encouraged. Diverse small scale retail and vending operations would support plaza activity.

#### 3. Building Mass: Peripheral Tall Buildings

The bulk of the 1,183,000 square feet of density in the CBD-3 Zone will be located on the periphery of the zone in four buildings varying from 10 to 20



# BETHESDA METRO CENTER

## Urban Design Study

The Maryland - National Capital Park and Planning Commission Jan. 24, 1980.



URBAN DESIGN FACTORS **FIGURE 5**

courtyard below. Several stairs that provide interesting ascent will connect the two arcade levels. This level will also be served by a public elevator and by the elevator cores of the surrounding high buildings. (See Figure 9.)

#### Upper Levels

The space, including and above level three, will be premium office space or hotel rooms, with good views of the plaza area. Elevators will conveniently connect these levels with the shopping arcade and with Metrobus and garage levels below. (See Figure 10.)

#### Implementation

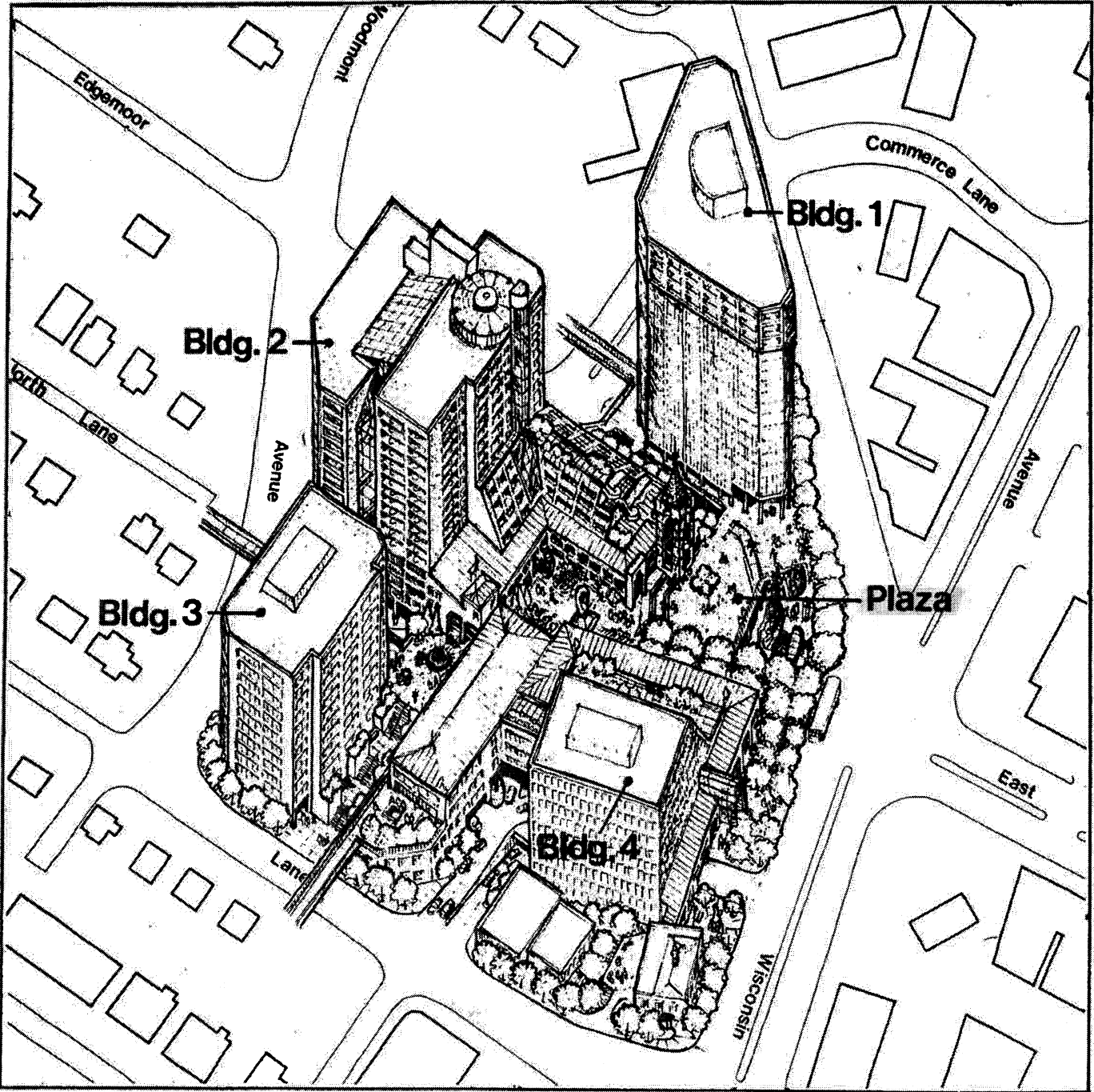
It is projected that the value of the public plaza as an asset to all the buildings in this zone will make the construction of the plaza financially possible. The developments that attach to the plaza will be asked to contribute to its construction as a condition of approval under the optional method of development. The development of the amenities on the plaza deck would be supported by those benefiting from the plaza. The coming of Metro will give great impetus to redevelopment of the CBD-3 Zone. The optional method applications that are submitted will be approved according to their conformance in spirit with the Urban Design Plan described in this report.

#### Conclusion

Montgomery County has an unequalled opportunity to promote the creation of an urban space of great public benefit in the Bethesda Metro Center Study area. It is the staff's opinion that the County should make every effort possible towards the realization of the plan in its totality. The public stands to gain significantly with the achievement of this plan.

The planned opening of the Bethesda Metro station in December 1983 imposes an important time constraint on some of the facilities described in this report. It would be most desirable for the greatest part of this center to be constructed in time for a joint opening with Metro. It is unlikely that underground parking and the extensive plaza planned could be constructed after Metro begins operation. This is a tremendous challenge to both public and private concerns, but it is a challenge that can be met if enthusiasm and careful planning are brought to bear. Successful completion of the Bethesda Metro Center will be a great credit to all involved.

The following plans illustrate a means of reaching the objectives of the Urban Design Study. Appendices A and B, describe the design guidelines and the performance requirements of development proposals.



# BETHESDA METRO CENTER

## Urban Design Study

The Maryland - National Capital Park and Planning Commission

AERIAL VIEW FIGURE 12

**LINOWES**  
**AND BLOCHER LLP**  
ATTORNEYS AT LAW

July 1, 2015

**Emily J. Vaias**  
301.961.5174  
evaias@linowes-law.com

*Via Electronic Mail (BethesdaDowntownPlan@montgomeryplanning.org)*

Casey Anderson, Chair  
and Members of the Montgomery County Planning Board  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Ave  
Silver Spring, Maryland 20910

Re: Public Hearing Draft of the Bethesda Downtown Plan, May 2015 (the "Plan")  
6831 Wisconsin Avenue/Douglas Development: Request to Rezone entire Property to  
**CR 3.5, C-3.0, R-3.25, H-120**

Dear Chair Anderson and Members of the Planning Board:

We represent the Douglas Development Corporation/Jemals Shops of Ch Ch LLC ("Owner"), the owner of 6831 Wisconsin Avenue, Chevy Chase, Maryland 20815 (the "Property"). The Property provides a valuable neighborhood resource by housing the "Shops of Wisconsin," including the Trader Joe's Grocery Store. However, due to the changing retail market and the influx of on-line retailers, finding the right tenant mix and keeping the occupancy high has been a challenge. Accordingly, the Owner must retain as much flexibility in the zoning and use envelope as possible to keep options available to fit out the Property as requested by future (and current) tenants. Further, the Owner's recent experience with making positive changes to the Property resulted in significant time delays and costs, based in part on the current split-zoning of the Property between a CR zone along Wisconsin Avenue and the R-60 zone along the rear portion (see current zoning map, attached hereto as Exhibit "A"). The purpose of this letter is to request that the Property be zoned uniformly to the **CR 3.5, C-3.0, R-3.25, H-120** zone, and that the entire Property be designated within the Wisconsin Avenue District, instead of the current treatment with the front of the Property designated in that district, and the rear designated in the Eastern Greenway district.

The Property consists of one lot, Lot 18, Norwood Heights, being 48,981 square feet in size, and extending from Wisconsin Avenue to West Avenue (see tax map attached hereto as Exhibit "B"). To the north, the Property is bounded by Stanford Street, and to the south it is bordered by low-density commercial and surface parking lots. As mentioned above, the Property is currently split-zoned, with the front portion ("Front Portion") along Wisconsin Avenue zoned CR-3.0, C-2.0, R-2.75, H-75-T, and the rear portion ("Rear Portion") facing West Avenue zoned R-60.

Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
July 1, 2015  
Page 2

As referenced, the Property is designated in two “districts,” with the Front Portion in the Wisconsin Avenue District and the Rear Portion in the Eastern Greenway District. The entire Property is recommended for “Mixed Use-Residential and Commercial,” with the area of the Front Parcel adjacent to Wisconsin Avenue designated as an “Emerging Center of Activity,” and the rest of the Property designated as “Transition Area.” Further, as stated above, the Property is split-zoned with the Front Portion recommended for the CR 3.5, C-2.5, R-3.25, H-90 zone, and the Rear Portion recommended for the CRT 0.5, C-0.25, R-0.5, H-70 zone (see Plan pp. 95 and 123 attached as Exhibit “C”).

While the Owner supports many of the Plan’s goals of the Wisconsin Avenue Corridor District and understands the intent of the Eastern Greenway District to act as a buffer between the higher densities along Wisconsin Avenue and the East Chevy Chase residential community across West Avenue, the existing and proposed split-zoning will unnecessarily complicate redevelopment efforts. Further, designating the Property for two different districts within the Plan also creates some ambiguities and could lead to confusion. In particular, as retail needs change, the Owner must be in the best position to adapt to new designs and layouts in order to attract the best possible tenant mix. Keeping the Property split-zoned severely limits this flexibility, and could result in losing key tenants, or tenant opportunities that would be attractive to the neighboring community and could keep the Shops vibrant.

Further, the split zoning and placing the Property in two-separate Districts is not necessary to limit the impact of any future development on the neighboring community because of the additional protections for residential communities already within the CR zones. For example, projects in CR zones that confront residentially-zoned property require setbacks that are 1.5 times the minimum setback of the confronting residential zone (in this instance that would mean a minimum setback of 37.5 feet) and 45-degree, height lay-backs, with height measured from the confronting, residentially-zoned property. (Sections 59.4.1.8.A-B of the Zoning Ordinance). Accordingly, even at a higher density and height, any development along West Avenue would be set back almost 40 feet from the curb, and would be much lower in height along the face of the building. Further, any optional method development on the Property would require providing at least 100 public benefit points, which could require provision of various benefits that would help to assure compatibility with the adjacent neighborhood. (Section 59.4.7.2 of the Zoning Ordinance). Therefore, split-zoning the Property, and severely restricting the developability of the Rear Portion is not the only, or even the best, method to buffer the neighborhood. Instead, allowing the entire Property to be uniformly zoned and comprehensively redeveloped, using the stringent compatibility requirements of the CR zone, will allow for a thoughtful transition to the neighborhood.

Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
July 1, 2015  
Page 3

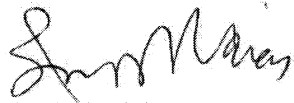
To that end, the Owner requests that the entire Property be rezoned to the CR 3.5, C-3.0, R-3.25, H-120, to be compatible with the property at 6800 Wisconsin Avenue to the west. This zoning provides a slightly higher commercial density component and allows for 30 feet of additional height. In so doing, this proposed zoning provides sufficient flexibility to allow the Owner to redesign or adjust the development as necessary to attract modern retailers. In particular, with the additional height, the Owner could have the opportunity concentrate height and massing on Wisconsin Avenue, away from the residential neighborhood to the east. Finally, this proposed zoning would allow for sufficient height to potentially construct residential units on top of the existing retail podium if that was feasible and desirable.

Finally, the Owner requests that some of the "areawide" recommendations regarding "ecology," be reviewed by the Planning Board. In particular, the Owner is concerned about the requirements that would be imposed on the Property due to the location within the High Performance Area. Further, the greenway tiers proposed along West Avenue should be more explicit in their description of the required setbacks and should not hinder comprehensive redevelopment opportunities on the Property.

We look forward to working with you and the community during the Plan process to create a document that will allow Bethesda to be strong for many years to come. If you have any questions, please feel free to contact me.

Sincerely,

**LINOWES AND BLOCHER LLP**



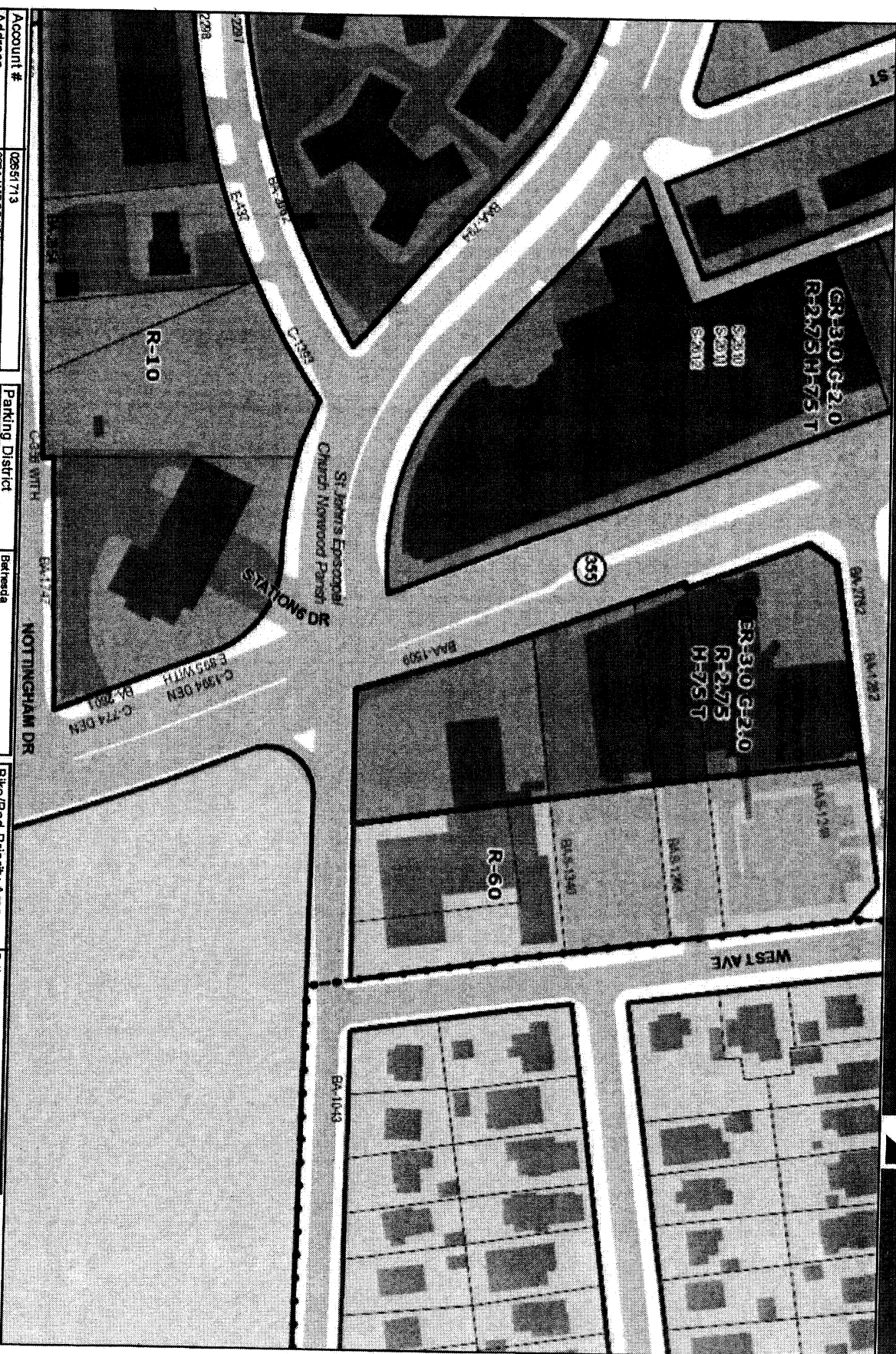
Emily J. Vaias

cc: Ms. Lesley Howerton  
Mr. Marc DeOcampo  
Mr. Robert Kronenberg  
Mr. Norman Jemal  
Mr. Patrick Cooper  
Samantha L. Mazo, Esq.

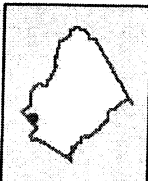


# Montgomery County Zoning

Date: 7/1/2015

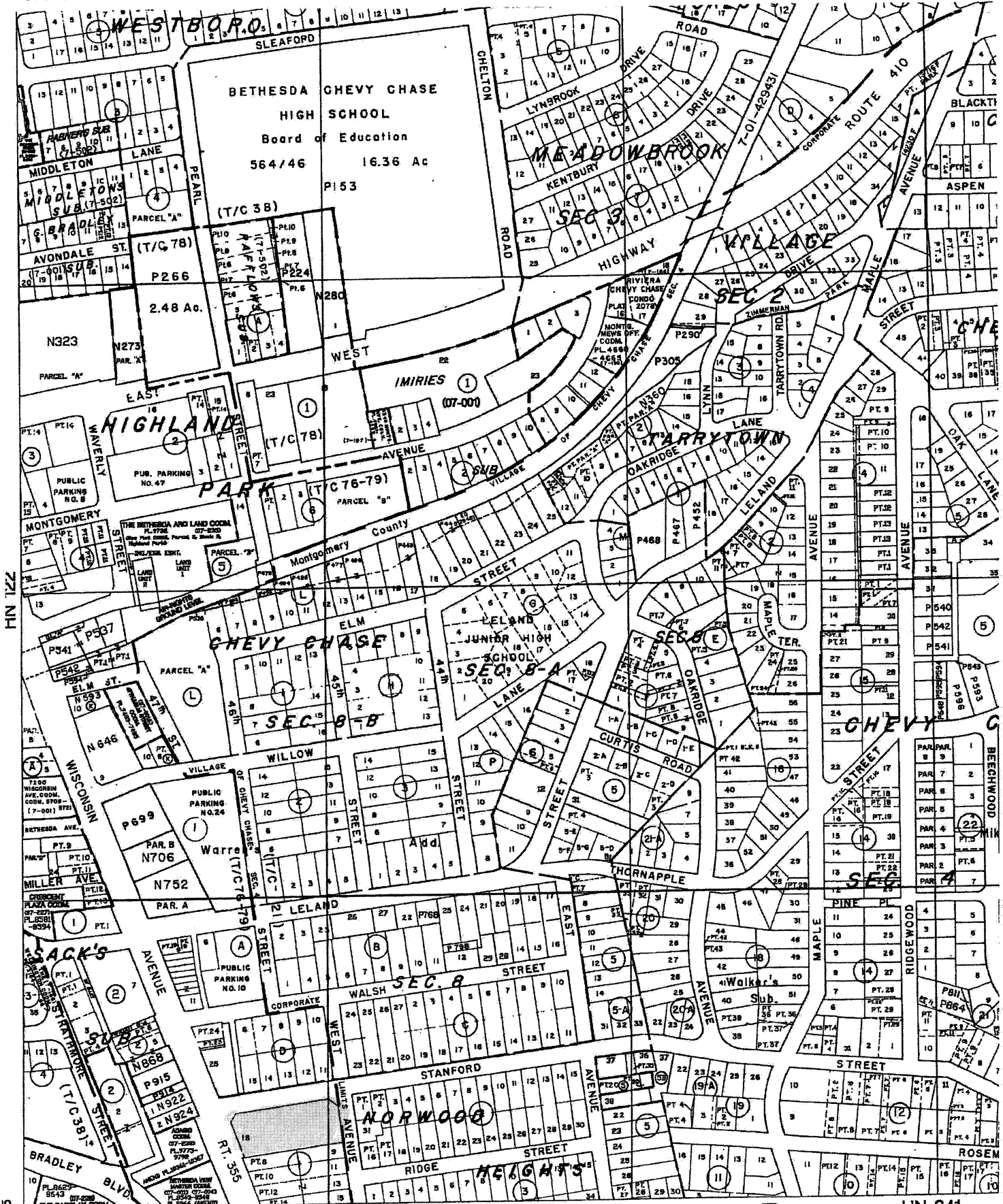


Account #	02651713	Parking District	Bethesda	Bike/Ped Priority Area	Bethesda CBD
Address	8881 WISCONSIN AVE CHEVY CHASE, 20815	CBD	Bethesda	Urban Renewal Area	N/A
Zone	CR-3.0 C-2.0 R-2.75 H-75 T	Special P Protection Area	N/A	Metro Station Policy Area	Bethesda CBD
Overlay Zone	N/A	Urban District	BETHESDA	Priority Funding Area	Yes
TDR Overlay Zone	N/A	Enterprise Zone	N/A	Seismic Tier	Tier 1: Sewer existing
Landuse	Retail	Arts & Ent. District	Bethesda Arts and Entertainment District	Municipality	N/A
Parcel, Lot Block	N/A, 18, 1	Special Tax District	N/A	Master Plan	BETHESDA CBD MASTER PLAN
		Legal Description	NORWOOD HEIGHTS	Historic Site/District	N/A



1 inch = 167 feet

EA



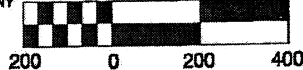
W24000

COPYRIGHT - 1992 BY THE STATE OF MARYLAND ALL RIGHTS RESERVED.

THESE MAPS ARE PROTECTED BY COPYRIGHT. THEY MAY NOT BE COPIED OR REPRODUCED IN ANY FORM INCLUDING ELECTRONIC MEANS SUCH AS: DIGITIZING, SCANNING, VECTORING, OR IMAGE PROCESSING, OR BY ANY SYSTEM NOW KNOWN OR TO BE INVENTED WITHOUT PERMISSION IN WRITING FROM THE MARYLAND DEPARTMENT OF PLANNING.

H 3

SCALE IN FEET



EX. B

HN 341

REVISIONS		DATE	BY	FILE
1	REVISED TO:	JUNE '12	ELE	

PROPERTY LINE	STANDARD BOUNDARY	TOWN BOUNDARY	PRIVATE ROAD	STREET LINE	CONTINGENT OWNERSHIP	PARCEL NUMBERING - PARCELS SHOWN	SCALE 1"=200' (RF 1:2000)

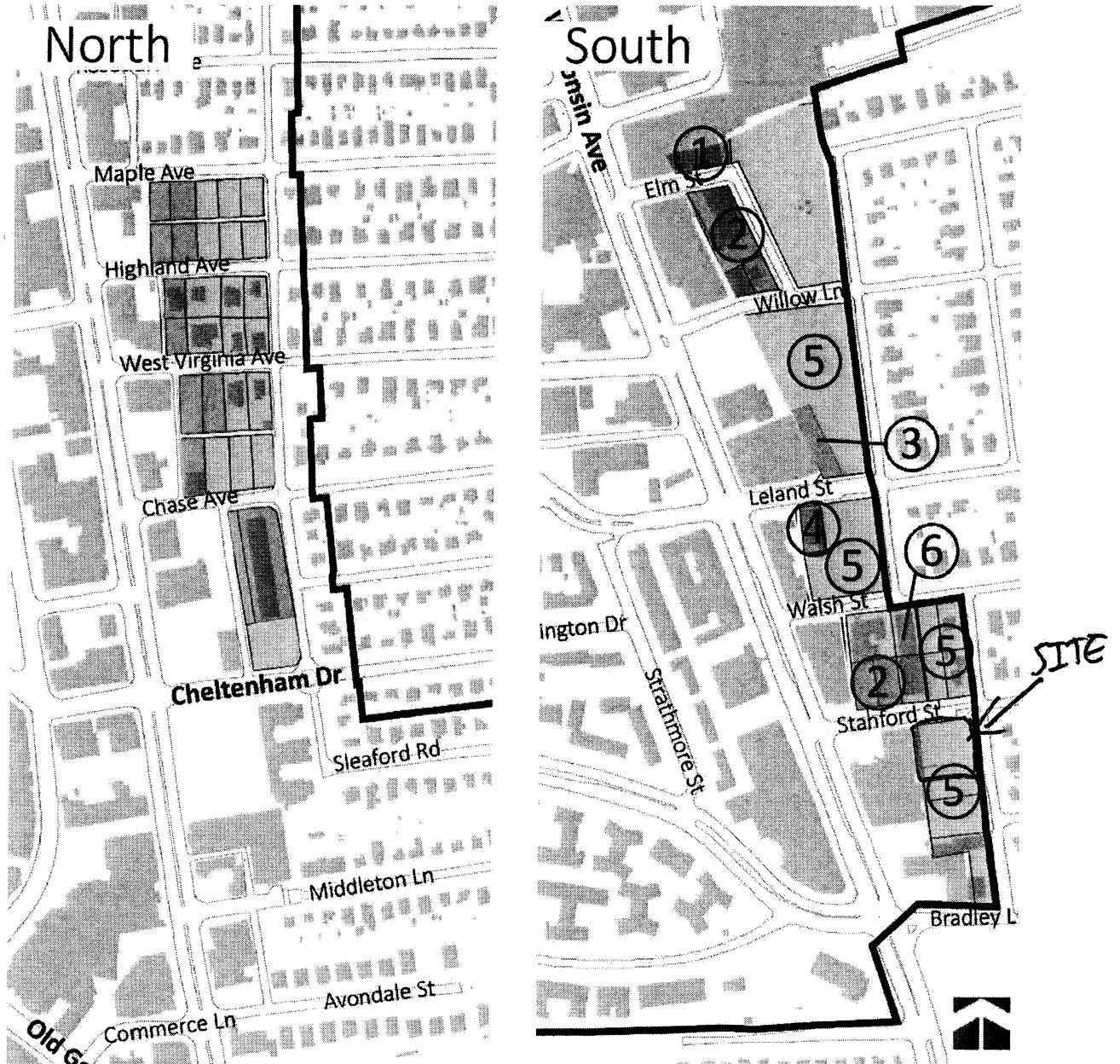
Figure 3.01: Wisconsin Avenue District Recommended Zoning



- ① CR 3.5, C-1.25, R-3.5, H-120
  - ② CR 3.5, C-2.5, R-3.25, H-90
  - ③ CR 1.75, C-1.25, R-1.75, H-70
  - ④ CR 3.5, C-1.25, R-3.25, H-120
  - ⑤ CR 3.5, C-1.25, R-3.25, H-145
  - ⑥ CR 3.5, C-1.25, R-3.25, H-110
  - ⑦ CR 3.5, C-2.5, R-3.25, H-120
  - ⑧ CR 6.0, C-1.25, R-6.0, H-175
  - ⑨ CR 6.0, C-1.25, R-6.0, H-250
  - ⑩ CR 6.0, C-6.0, R-5.75, H-250
  - ⑪ CR 6.0, C-4.75, R-5.75, H-250
  - ⑫ CR 6.0, C-4.75, R-5.75, H-110
  - ⑬ CR 6.0, C-6.0, R-5.75, H-175
  - ⑭ CR 6.0, C-4.75, R-5.75, H-175
  - ⑮ CR 6.0, C-4.75, R-5.75, H-290
  - ⑯ CR 6.0, C-6.0, R-4.75, H-110
  - ⑰ CR 6.0, C-6.0, R-4.75, H-240
  - ⑱ CR 6.0, C-6.0, R-4.75, H-290
  - ⑲ CR 8.0, C-6.0, R-7.5, H-290
  - ⑳ CR 8.0, C-6.0, R-7.5, H-240
  - ㉑ CR 8.0, C-6.0, R-7.5, H-210
  - ㉒ CR 6.0, C-4.75, R-5.75, H-150
  - ㉓ CR 6.0, C-6.0, R-6.0, H-250
  - ㉔ CR 6.0, C-4.75, R-5.75, H-35
  - ㉕ CR 3.5, C-2.5, R-3.25, H-90**
  - ㉖ CR 6.0, C-4.75, R-5.75, H-200
  - ㉗ CR 5.0, C-5.0, R-5.0, H-200
  - ㉘ CR 3.5, C-1.25, R-3.5, H-145
- Sector Plan Boundary  
 R-60, THD  
 R-10, R-30

EX.C

Figure 3.14: Eastern Greenway Districts Recommended Zoning



- Sector Plan Boundary
- R-60, THD
- R-10, R-30
- CR-3.5, C-2.5, R-3.25, H-70
- CRT-0.5, C-0.25, R-0.5, H-70

- ① CR 6.0, C-4.75, R-5.75, H-175
- ② CR 3.5, C-2.5, R-3.25, H-70
- ③ CR 3.5, C-2.5, R-3.25, H-90
- ④ CR 3.5, C-2.5, R-3.25, H-90
- ⑤ CRT 0.5, C-0.25, R-0.5, H-70
- ⑥ CRT 1.75, C-1.75, R-0.75, H-70

July 1, 2015

*Via Electronic Mail (BethesdaDowntownPlan@montgomeryplanning.org)*

Casey Anderson, Chair  
and Members of the Montgomery County Planning Board  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Ave  
Silver Spring, MD 20910

Re: 7400 Wisconsin Avenue/Donohoe Companies - Request **CR 10.0, C-8.0, R-9.75, H-300 Zone (increased density and height) and incentives for priority sending sites**  
Public Hearing Draft of the Bethesda Downtown Plan, May 2015 (the "Plan")

Dear Chair Anderson and Members of the Planning Board:

The Donohoe Companies ("Donohoe") is the owner of 7400 Wisconsin Avenue (the "Property"). The purpose of this letter is to 1., request increasing the recommended zoning for the Property to **CR 10.0, C-8.0, R-9.75, H-300** so as to allow additional density and height at the "core of the core" and 2., recommend further incentives to achieve the goals for priority sending sites.

Although this Property sits directly atop the Metro – in fact, the existing Metro elevator is on the Property – and is in the geographic center of downtown Bethesda, we have not received any increase in density, remaining at 8.0 FAR (see proposed zoning map on p. 95 of the Plan, circle #19, northwest corner of Wisconsin and Montgomery). The 8.0 FAR limitation in the CR zone is arbitrary and simply not appropriate for the core of the core of Bethesda, which this location is. We respectfully suggest that a 10.0 FAR is appropriate for those few locations at the very core of Bethesda such as this site. Increasing densities throughout much of Bethesda – but ignoring the center of town – seems illogical.

The Property is designated as a "priority sending site" for the transfer of density. As an owner who has utilized a density transfer on sites in Bethesda already (as allowed in the Woodmont Triangle neighborhood), we are more familiar with density transfers than most. It is our informed opinion that the incentives offered for these priority sending sites fail to provide sufficient incentive. Whereas a square foot of transferable density might be worth \$50-55, a well-located development site might sell for twice that. It is thus typically much more profitable to use density on one's site than to transfer it.

Since the incentives to use priority sending sites are currently planned to be so modest, many new projects will choose to use other sites instead. And since many properties that are not priority sending sites will see modest density increases (e.g., a 0.5 FAR "bump"), and many of those sites are already improved with optional method buildings, those properties will likely choose to sell their newfound density, which would not fulfill the goal of encouraging preservation of priority sites.

and Members of the Montgomery County

Planning Board,  
Casey Anderson, Chair

July 1, 2015

Page 2

If the objective is to encourage priority sending sites to transfer away their density and relinquish future redevelopment potential, one solution could be a “multiplier.” Each SF transferred could be recognized as worth three SF on the receiving site – but only if transferred. This multiplier effect would make it more profitable to sell the density rather than attempt to utilize it on the site. It would also incentivize owners of receiving sites to seek out and buy density from priority sending sites, rather than other nearby sites

In addition, the use of density from a priority sending site could also fulfill a receiving site’s requirement for purchase of BLTs. Waiving the BLT requirement for purchasers of priority sending sites’ density seems fitting: thereby preserving a downcounty site in lieu of an upcounty one.

We would also like to note that we are excited by the possibility of restoring all of Bethesda’s one-way streets back to two-way functionality. This will be a huge improvement for merchants, business owners, and visitors. While it may slow traffic somewhat, it will provide drivers more options to route around congestion. It will also calm traffic, making the downtown core more pedestrian friendly, and making it a more hospitable walk from Metro to other parts of downtown.

This Property includes the former Bethesda Post Office, which is considered historic on the local level, although the building has been renovated and expanded in more recent times. Additional height, density, and better priority sending site incentives will give this property better flexibility to develop or not to develop in a way that preserves historic elements, adding to the character of Bethesda.

In closing, Donohoe supports the Plan’s vision of an enlivened, transit-oriented and decidedly more urban Bethesda of the future. However, we believe that the density on this Property and the incentives for priority sending sites should be increased to help achieve the Board’s goals for the future of Bethesda.

Sincerely,

**The Donohoe Companies, Inc.**

James A. “Jad” Donohoe, IV

and Members of the Montgomery County  
Planning Board  
Casey Anderson, Chair  
July 1, 2015  
Page 3

cc: Ms. Leslye Howerton  
Mr. Marc DeOcampo  
Mr. Robert Kronenberg  
Ms. Emily Vaias

**LINOWES**  
**AND BLOCHER LLP**  
ATTORNEYS AT LAW

July 1, 2015

**Emily J. Vaias**  
301.961.5174  
evaias@linowes-law.com

Via Electronic Mail (BethesdaDowntownPlan@montgomeryplanning.org)

Casey Anderson, Chair  
and Members of the Montgomery County Planning Board  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Ave  
Silver Spring, Maryland 20910

Re: Public Hearing Draft of the Bethesda Downtown Plan, May 2015 (the "Plan")  
7979 Old Georgetown Road/Douglas Development: Request to Change Zoning  
to **CR-3.5, C-3.5, R-3.5, H-120**

Dear Chair Anderson and Members of the Planning Board:

We represent the Douglas Development Corporation/Jemal's 7979 LLC ("Owner"), the owner of the properties located at 7979 Old Georgetown Road Bethesda, Maryland 20814 (the "Properties"). The purpose of this letter is to request increasing the recommended zoning in the Plan to **CR-3.5, C-3.5, R-3.5, H-120**, instead of the currently proposed CR-3.5, C-1.25, R-3.0, H-120 (see Plan p. 103, attached hereto as Exhibit "A"). This proposed zone would allow increasing the Properties' commercial zoning to be consistent with the size and use of the existing office building located on the Properties as well as increasing the residential density to allow flexibility for a possible conversion to residential uses in the future.

The Properties, consisting of several lots or parts of lots (as shown on the tax map attached hereto as Exhibit "B"), have a net lot area of approximately 20,135 square feet and are located at the southeast corner of Old Georgetown and Glenbrook Roads, with single-family residential to the east and a single-story gas station to the south. The Properties are improved with an approximately 11-story, 55,616 square foot office building with surface parking in the rear accessed from Glenbrook. Accordingly, the existing office building on the Properties has an approximate density of 4.0 FAR. All of this density is "commercial." The Property is currently zoned CR-3.0, C-1.0, R-2.75, H-90-T (the current zoning map is attached as Exhibit "C").

The Properties are located within the Plan's "Woodmont Triangle District" and "High Performance Area." The Properties are within the Plan's "Emerging Center of Activity" and are recommended for "Mixed-Use Residential and Commercial" uses (Plan pp. 11, 25). The Plan



Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
July 1, 2015  
Page 2

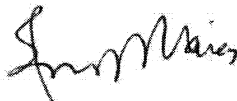
recommends the Properties for the CR 3.5, C-1.25, R-3.0, H-120 Zone, but it does not include other property or district-specific recommendations that impact the Properties.

Because the existing office building is all commercial, we request that the amount of "Commercial" density be increased over what is proposed to cover this amount of commercial area. Similarly, as the market demands flexibility in future development options, we also request that the "Residential" density be increased. In sum, we recommend that the Properties be zoned **CR-3.5, C-3.5, R-3.5, H-120**, which would allow the "Commercial" density to be consistent with what the existing, office structure, and the "Residential" density to be flexible enough for the Owner to respond to future market forces. We note that these densities will have no impact on the surrounding properties because they merely reflect the size and massing of the existing, office building.

We believe that the zoning on these Properties should be adjusted as proposed to reflect the size and massing of the existing building. If you have any questions, please feel free to contact me.

Sincerely,

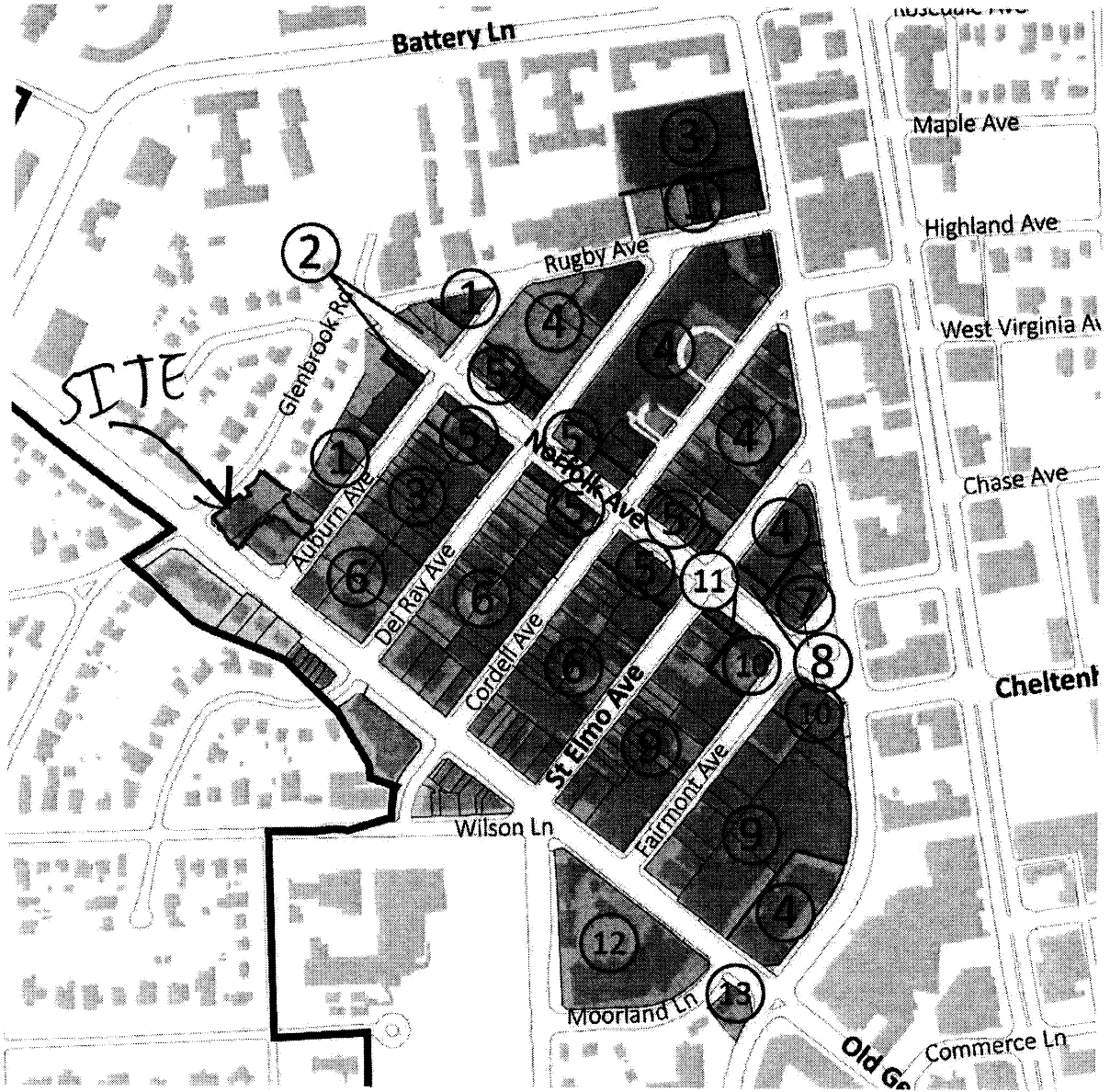
**LINOWES AND BLOCHER LLP**






Emily J. Vaias

cc: Ms. Leslye Howerton  
Mr. Marc DeOcampo  
Mr. Robert Kronenberg  
Mr. Norman Jemal  
Mr. Patrick Cooper  
Samantha L. Mazo, Esq.

Figure 3.05: Woodmont Triangle District Recommended Zoning



-  Sector Plan Boundary
-  CRN-0.75, C-0.75, R-0.25, H-40
-  CRT-1.75, C-1.75, R-0.75, H-40

- ①** CR 3.5, C-1.25, R-3.0, H-120
- ②** CR 3.5, C-1.25, R-3.0, H-50
- ③** CR 3.5, C-1.0, R-3.5, H-175
- ④** CR 6.0, C-1.25, R-6.0, H-175
- ⑤** CR 3.5, C-1.25, R-3.5, H-50
- ⑥** CR 3.5, C-1.25, R-3.25, H-110
- ⑦** CR 6.0, C-1.25, R-6.0, H-250

- ⑧** CR 6.0, C-1.25, R-6.0, H-50
- ⑨** CR 6.0, C-1.25, R-5.75, H-175
- ⑩** CR 6.0, C-1.25, R-5.75, H-250
- ⑪** CR 6.0, C-1.25, R-5.75, H-50
- ⑫** CR 3.5, C-2.5, R-3.25, H-40
- ⑬** CR 3.5, C-2.5, R-3.25, H-110

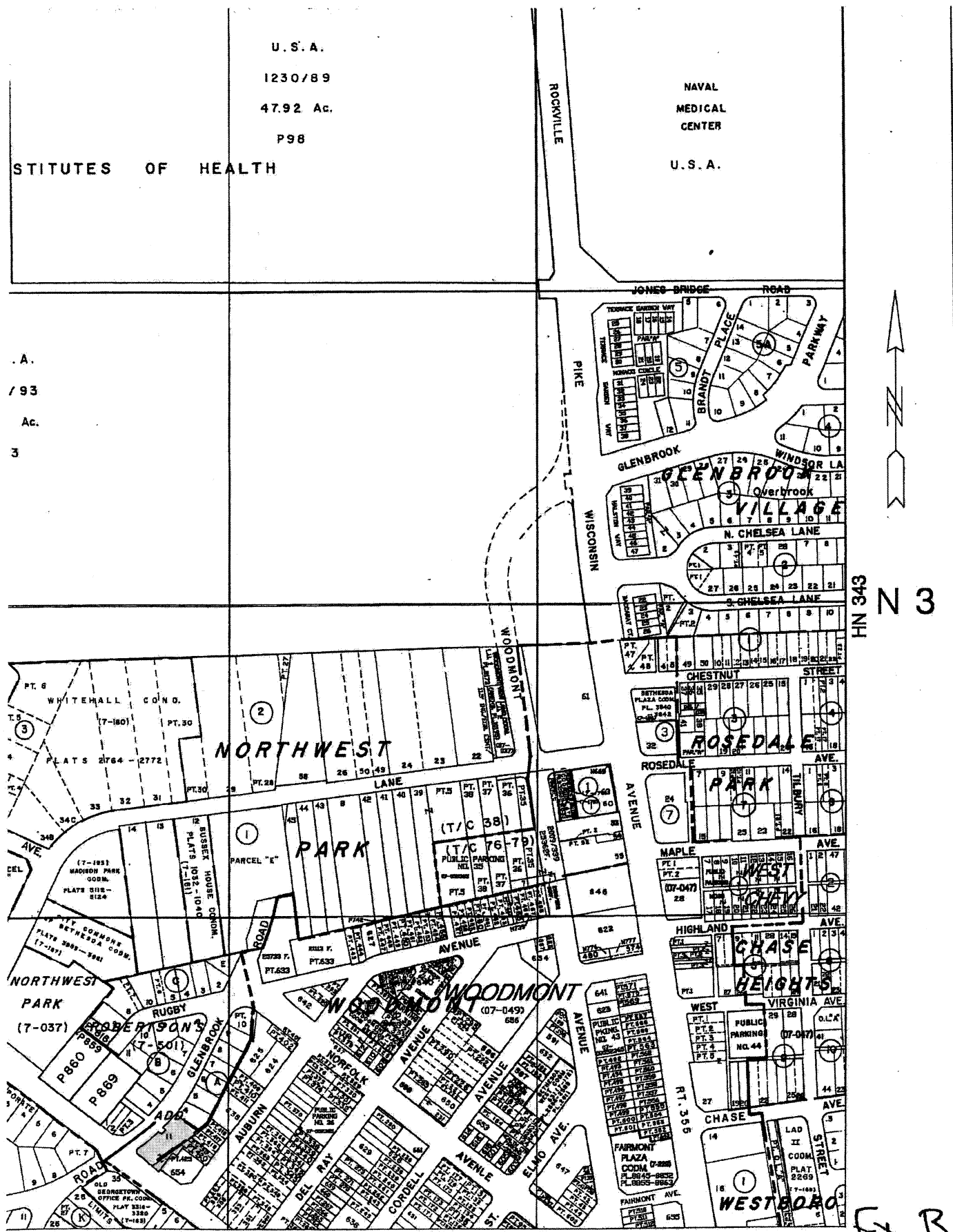
GA

U. S. A.  
1230/89  
47.92 Ac.  
P98

STITUTES OF HEALTH

NAVAL  
MEDICAL  
CENTER  
U. S. A.

. A.  
/ 93  
Ac.  
3



HN 343 N 3

H 2

F. B

MONTGOMERY CO.,  
MARYLAND

MAP HN 123  
W.S.S.C. 210 NW 05  
Location: WOODMONT

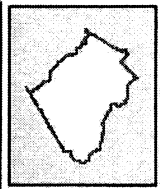
MARYLAND DEPARTMENT OF PLANNING

1977 CONVERSION, MUST BE FACSIMILED BY A MAP NUMBER

201 CHANDLER BLVD. #100

# Montgomery County Zoning

Date: 7/1/2015



1 inch = 167 feet

Account #	02108595	Parking District	Bethesda	Bike/Ped Priority Area	Bethesda CBD
Address	7978 OLD GEORGETOWN RD BETHESDA, 20814	CBD	Bethesda	Urban Renewal Area	N/A
Zone	CR-3.0 C-1.0 R-2.75 H-90 T	Special P protection Area	N/A	Metro Station Policy Area	Bethesda CBD
Overlay Zone	N/A	Urban District	BETHESDA	Priority Funding Area	Yes
TDR Overlay Zone	N/A	Enterprise Zone	N/A	Septic Tier	Tier 1: Sewer existing
Landuse	Office	Arts & Ent. District	N/A	Municipality	N/A
Parcel, Lot, Block	N/A, 11, A	Special Tax District	N/A	Master Plan	WOODMONT TRIANGLE AMENDMENT
		Legal Description	ST ROBERTSONS ADD BETHESDA		

EX. C

**LINOWES**  
**AND | BLOCHER LLP**  
ATTORNEYS AT LAW

July 1, 2015

**Emily J. Vaias**  
301.961.5174  
evaias@linowes-law.com

**Via Electronic Mail**

Casey Anderson, Chair  
and Members of the Montgomery County Planning Board  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Ave  
Silver Spring, MD 20910

Re: Public Hearing Draft of the Bethesda Downtown Plan, May 2015 (the "Plan")  
8004 -8006 Wisconsin Avenue and 8013 Woodmont Avenue/Douglas Development  
Request to Change Zoning to **CR-6.0, C-1.25, R-5.75, H-175**

Dear Chair Anderson and Members of the Planning Board:

We represent Douglas Development Corporation/ Jemal's Surplus LLC ("Owner"), the owner of the properties located at 8004 - 8006 Wisconsin Avenue and 8013 Woodmont Avenue, Bethesda, MD 20814 (the "Property"). The purpose of this letter is to request increasing the recommended zoning in the Plan to **CR-6.0, C-1.25, R-5.75, H-175**, to be consistent with the zone recommended to the west and the approved plans for the Property, instead of the currently proposed CR-3.5, C-1.25, R-3.25, H-145 zone (see Plan p. 95 attached hereto as Exhibit "A").

The Property has a net lot area of approximately 15,389 square feet and is bounded by Wisconsin Avenue to the east, Cordell Avenue to the north, Woodmont Avenue to the west and the Plank Inc. two-story office building to the south. It is a walkable distance from both the Bethesda and Medical Center Metro Stations. The Countywide Transit Corridors Functional Master Plan ("Functional Master Plan"), adopted in December 2013, recommends a 122-foot right of way along Wisconsin Avenue to accommodate the County's proposed bus rapid transit system ("BRT"). Furthermore, the Functional Master Plan includes a proposal to locate a BRT station/pedestrian area along the Property's Wisconsin Avenue frontage, triggering additional right-of-way area. The Property is currently zoned CR-3.0, C-1.0, R-2.75, H-120-T, and is improved with three, single-story, retail buildings and two surface parking lots (see the current zoning map attached as Exhibit "B").

On June 18, 2015, the Planning Board approved Project Plan No. 920150020 that permits a 14-story (143 feet in height), mixed-use building of approximately 156,453 square feet

Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
July 1, 2015  
Page 2

(approximately 5.8 FAR), with up to 140 dwelling units (including 15% moderately priced dwelling units), and up to 4,500 square feet of non-residential uses on the ground floor along Woodmont Avenue. Even with this approval, and because it is difficult to know exactly what the future may hold, we believe zoning the Property to CR-6.0, C-1.25, R-5.75, H-175 will better reflect the surrounding neighborhood and the anticipated development there.

The Property is located within the Plan's "High Performance Area" ("HPA") and the "Wisconsin Avenue Corridor District." It is also designated for "Mixed-Use Residential and Commercial Uses" and located within an "Expanded Center of Activity." The Plan, like the Functional Master Plan, recommends the BRT along Wisconsin Avenue, as well as the 122-foot Wisconsin Avenue right-of-way. (Plan, pp. 34, 37-40). Further, the Plan's Public Use Space Network at Figure 2.19 shows a proposed BRT Station at the intersection of Cordell and Wisconsin Avenues. (Plan, p. 67).

In light of the recommended expanded 122-foot Wisconsin Avenue right-of-way and the BRT Station, and the need to achieve a zoning category on the Property that is appropriate, the Owner requests the **CR-6.0, C-1.25, R-5.75, H-175** zone. This zone is similar to the zoning recommended for the properties to the west across Woodmont Avenue (see Plan p. 103, attached hereto as Exhibit "C") and to the south along the same block of Wisconsin Avenue.

CR 6.0 provides sufficient development density: As stated above, the Plan recommends a BRT station in front of the Property for which the actual design and configuration will not be identified for several years. Therefore, in addition to the 13.5-feet of additional right-of-way dedication for the BRT line, the BRT station requires at least an additional 10 feet of area to be dedicated or put into an easement for public use. The 6.0 FAR helps to offset this dedication and setback. We note that the only other property in the Plan area that is proposed to be adjacent to a BRT station is recommended for a CR-6.0, C-4.75, R-5.75, H-250. The Owner believes its property should be afforded similar density in light of the importance of the BRT and the transit-oriented nature of this Property. Also, as stated above, the properties directly to the west across Woodmont Avenue are proposed to be zoned CR-6.0, C-1.25, R-6.0, H-175. Accordingly, the zone proposed by the Owner would be consistent with the surrounding zoning.

Height of 175 feet is compatible: Like the density, additional height is needed to help offset the required setbacks for the BRT and the station and to be consistent with the heights to the west across Woodmont Avenue and to the south along Wisconsin Avenue. There is no planning rationale supporting a step down in the heights from 175 to 145 on the Property as you approach Wisconsin Avenue, which is a wider street than Woodmont Avenue and can accommodate the additional height, especially in light of the fact that the footprint of any building on the Property

Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
July 1, 2015  
Page 3

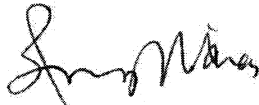
would be setback almost 25 feet from the existing curb of Wisconsin Avenue (that will remain in place until some date in the future when the BRT is funded and operating). Accordingly, the increased height is reasonable in light of the surrounding area and setbacks.

We also request that the Plan specifically recommend that State Highway Administration (“SHA”) accept all additional right-of-way for the BRT as “public improvement easement” areas, in lieu of dedication, and that SHA specifically allow construction below and above this easement area. Such a recommendation would allow for underground parking to be constructed under the entire expanded Wisconsin Avenue right-of-way area and for additional stories of buildings to be constructed over that same area while still preserving the ground floor for public use as required by the BRT. This will help to further the urbanization of the Plan area and to increase architectural interest along Wisconsin Avenue.

Thank you for your consideration of these requests.

Sincerely,

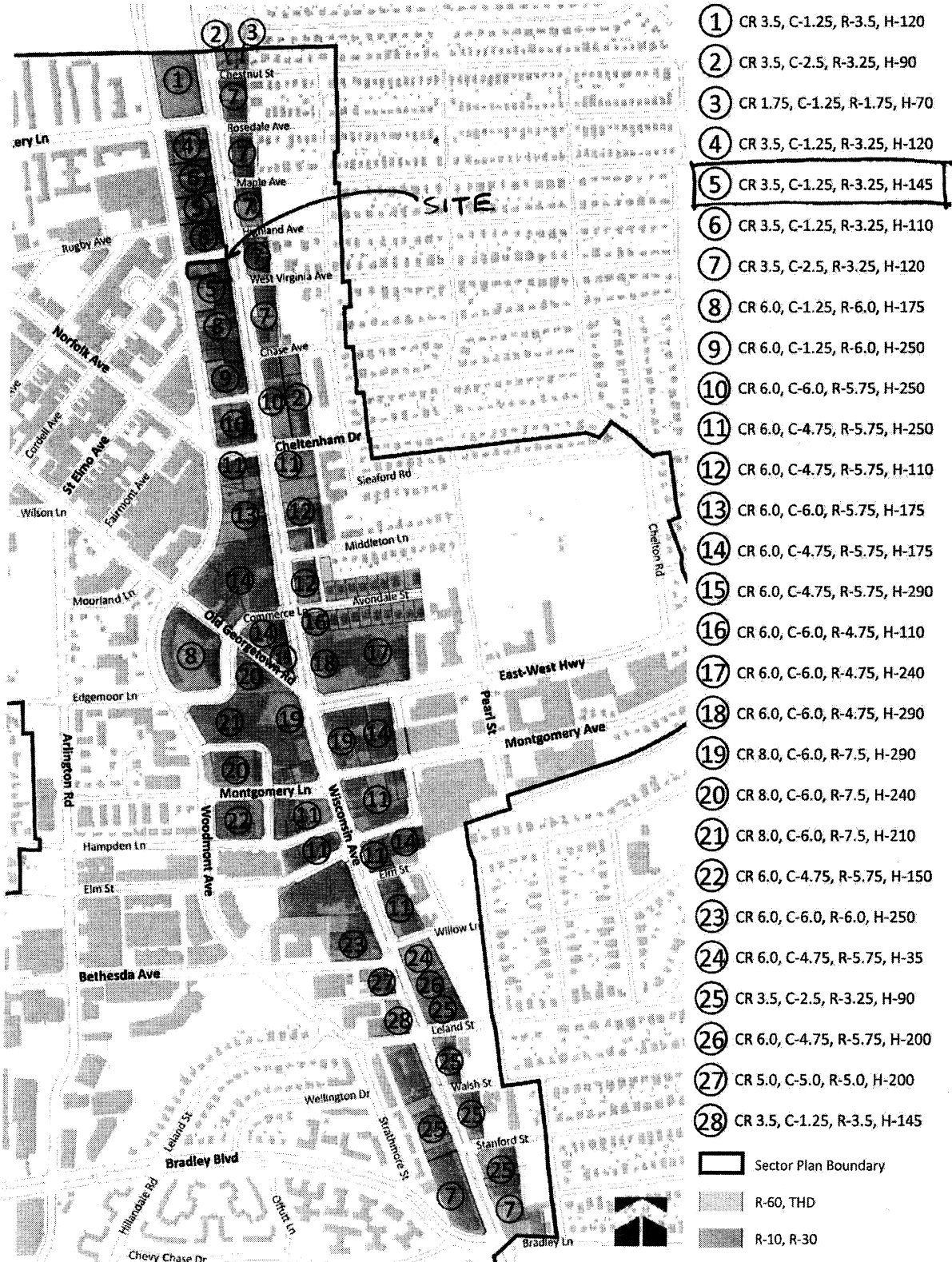
**LINOWES AND BLOCHER LLP**



Emily J. Vaias

cc: Ms. Leslye Howerton  
Mr. Marc DeOcampo  
Mr. Robert Kronenberg  
Mr. Norman Jemal  
Mr. Patrick Cooper  
Samantha L. Mazo, Esq.

Figure 3.01: Wisconsin Avenue District Recommended Zoning



Ex. A



# Montgomery County Zoning

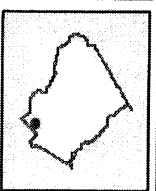
Date: 7/1/2015



Account #	00551224
Address	8008 WISCONSIN AVE BETHESDA, 20814
Zone	CR-3.0 C-1.0 R-2.75 H-120 T
Overlay Zone	N/A
TDR Overlay Zone	N/A
Landuse	Resial
Parcel, Lot Block	N/A

Parking District	Bethesda
CBD	Bethesda
Special Protection Area	N/A
Urban District	BETHESDA
Enterprise Zone	N/A
Arts & Ent. District	Bethesda Arts and Entertainment District
Special Tax District	N/A
Legal Description	PTS LITS 570 571 572 WOODMONT

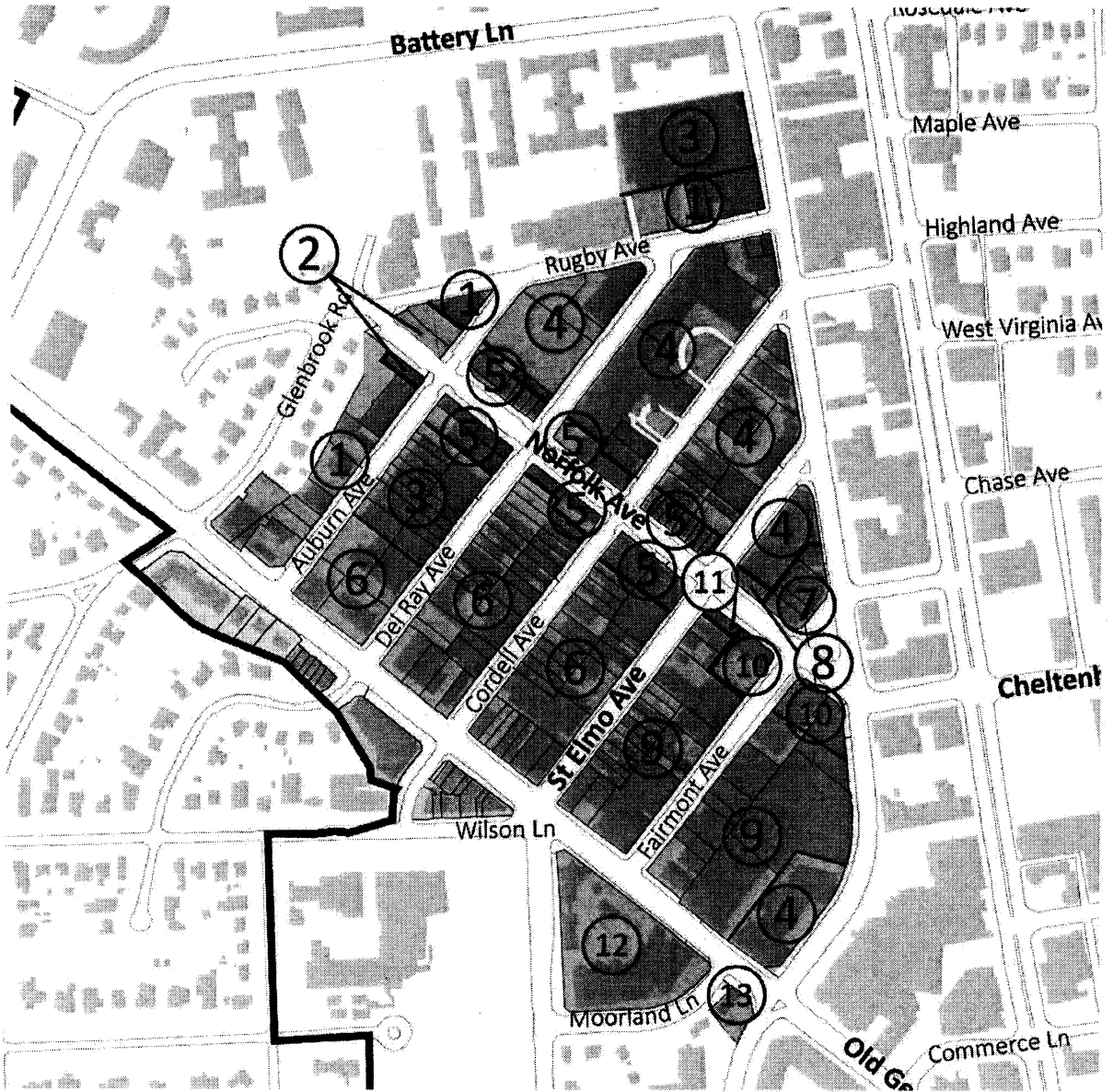
Bike/Ped Priority Area	Bethesda CBD
Urban Renewal Area	N/A
Metro Station Policy Area	Bethesda CBD
Priority Funding Area	Yes
Septic Tier	Tier 1: Sewer existing
Municipality	N/A
Master Plan	WOODMONT TRIANGLE AMENDMENT
Historic Site/District	N/A



1 inch = 167 feet

Ex. B

Figure 3.05: Woodmont Triangle District Recommended Zoning



- Sector Plan Boundary
- CRN-0.75, C-0.75, R-0.25, H-40
- CRT-1.75, C-1.75, R-0.75, H-40

- ①** CR 3.5, C-1.25, R-3.0, H-120
- ②** CR 3.5, C-1.25, R-3.0, H-50
- ③** CR 3.5, C-1.0, R-3.5, H-175
- ④** CR 6.0, C-1.25, R-6.0, H-175
- ⑤** CR 3.5, C-1.25, R-3.5, H-50
- ⑥** CR 3.5, C-1.25, R-3.25, H-110
- ⑦** CR 6.0, C-1.25, R-6.0, H-250
- ⑧** CR 6.0, C-1.25, R-6.0, H-50
- ⑨** CR 6.0, C-1.25, R-5.75, H-175
- ⑩** CR 6.0, C-1.25, R-5.75, H-250
- ⑪** CR 6.0, C-1.25, R-5.75, H-50
- ⑫** CR 3.5, C-2.5, R-3.25, H-40
- ⑬** CR 3.5, C-2.5, R-3.25, H-110

Ex. C

**LINOWES**  
**AND | BLOCHER LLP**  
ATTORNEYS AT LAW

July 1, 2015

Emily J. Vaias  
301.961.5174  
evaias@linowes-law.com

*Via Electronic Mail (BethesdaDowntownPlan@montgomeryplanning.org)*

Casey Anderson, Chair  
and Members of the Montgomery County Planning Board  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Ave  
Silver Spring, Maryland 20910

Re: Public Hearing Draft of the Bethesda Downtown Plan, May 2015 (the "Plan")  
7900 & 7920 Norfolk Avenue/Douglas Development: Request to Change Zoning to  
**CR 6.0, C-6.0, R-5.75, H-110** for Consistency with nearby Densities/Height and  
Conformity of Existing Office Building

Dear Chair Anderson and Members of the Planning Board:

We represent the Douglas Development Corporation/Jemal's Phillips LLC ("Owner"), the Owner of properties located at 7900 and 7920 Norfolk Avenue, each about 8,000 square feet in size (collectively, the "Properties" and individually, "7900" and "7920"). 7900 Norfolk contains the Rock Bottom Brewery and 7920 Norfolk is an eleven story office building with first floor retail. The purpose of this letter is to request increasing the recommended zoning in the Plan to **CR 6.0, C-6.0, R-5.75, H-110** for the Properties and to further explore the intention behind designating 7920 as a Priority Sending Site.

The Properties are located along Norfolk Avenue with St. Elmo Avenue to the south and Cordell Avenue to the north. 7900 is at the corner of Norfolk and St. Elmo Avenues, and 7920 is at the corner of Norfolk and Cordell Avenues. Across St. Elmo Avenue to the south is the newly constructed 17- story, Bainbridge multi-family building. To the east across Norfolk Avenue and to the west towards Old Georgetown Road are commercial buildings of varying heights.

The Properties are comprised of two, separate record and tax lots as shown on the tax map attached as Exhibit "A," and are currently zoned CR-3.0, C-1.0, R-2.75, H-90 T (see current zoning map attached as Exhibit "B"). As referenced above, the Properties are improved: 7900 is improved with the existing, approximately 7,427 square foot Rock Bottom Brewery restaurant, and 7920 is improved with an 11-story office building that is approximately 103,000 gross square feet in size. Accordingly, the existing Rock Bottom Brewery on 7900 is approximately 20-feet in height with an all commercial density of approximately 1 FAR, and the existing office

Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
July 1, 2015  
Page 2

building is approximately 110-feet in height with an all commercial density of approximately 12.25 FAR (103,000 s.f. office building / 8,400 s.f. size of 7920).

The Properties are located within the Plan's "Woodmont Triangle" District and are identified as "Priority Sending" sites. The Properties are also located in the Plan's "Main Street Activity Area" at page 11 and are recommended for "Mixed- Use – Residential and Commercial Uses" at page 25 of the Plan.

The Owner is in support of many of the Plan's recommendations for the District including the enhancements proposed for Norfolk Avenue. The idea of making a Norfolk Avenue a "main street" and a potential, future shared street is innovative and has the potential to enliven the area during the day and night. However, due to the fact that the 7920 is improved with an existing office building that is approximately 12.25 FAR and 110-feet in height, the Owner does not support the recommendation on page 102 that all of the areas that face Norfolk Street should become "small-scale standard method infill development." Rather, the Owner believes that the zoning and recommendation should satisfy another goal of the Woodmont Triangle District to "maintain scale and character of Norfolk Avenue..." (Plan, p. 104). In this instance, the existing "scale and character" of 7920 is an 11-story office building with a commercial density of approximately 12.25 FAR.

For this reason, and the ones discussed below, the Owner asserts that the proposed zoning of CR 3.5, C-1.25, R-3.5, H-50 zone does not "maintain the scale and character" of the existing structures along Norfolk Avenue (see Plan p. 103 for proposed zoning attached hereto as Exhibit "C"). Instead, we request the **CR 6.0, C-6.0, R-5.75, H-110** zone, which is reasonable on both properties for the following reasons:

- 7900

This proposed zoning is consistent with the overall and residential density recommended for the properties to the south across St. Elmo Avenue (CR 6.0, R-5.75 – identified in circles 10 and 11 ) and as well as the height recommendations for the properties directly to the west (H-110- identified in circle 6). If this proposed zoning is adopted, it would make the density along the west side of Norfolk Avenue consistent for the blocks between Fairmont Avenue and Cordell Avenues, but allow variable heights, ranging from 250 feet at the intersection of Fairmont and Norfolk Avenues to 110 feet at 7900. This range in heights would add contrast and visual impact along Norfolk Avenue, thereby supporting efforts to secure it as an urban, shared main street. Also, as a Priority Sending Site, the additional density proposed in this zoning could generate sufficient density transfer opportunities that could be used elsewhere in the Plan area.

Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
July 1, 2015  
Page 3

Accordingly, this proposed zone is more appropriate for 7900 than is the lower density zone proposed in the Plan.

- 7920

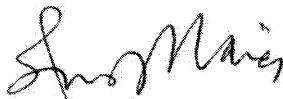
The requested zoning is equally as appropriate for 7920, because as stated above, that property is improved with an 11-story office building that is approximately 103,000 gross square feet in size. Accordingly, the proposed **CR 6.0, C-6.0, R-5.75, H-110** zone, would be more consistent with the existing office use and structure on this property. The Zoning Ordinance is clear that the existing office building could be “continued, renovated, repaired or reconstructed” provided that the height is not increased and the floor area is not increased more than 10% or 30,000 square feet (Sections 59.7.7.1.A.1 and 59.7.7.1.C.2). Accordingly, the office building could be reconstructed to the existing height and even moderately expanded, even if the zoning is not changed as the Owner recommends. However, amending the zoning to be more consistent with the office building is preferable from a zoning and planning perspective because it provides more certainty for the community and would allow for additional flexibility if the Owner ever decided to convert the existing office building to another use in the future.

Finally, because there is currently no density to transfer off of 7920 due to the fact that the existing office building far exceeds the existing and recommended zoning in the Plan, it is unclear how the Priority Sending Site designation would be effectuated. Indeed, even with the suggested **CR 6.0, C-6.0, R-5.75, H-110** zone, there would be no potential density to transfer, and identifying the 7920 as a “priority sending site” needs further explanation.

The Owner embraces the Plan’s vision of an enlivened and more pedestrian-friendly, Norfolk Avenue, however, it believes the recommended zoning for the Properties should be increased to be consistent with the zoning proposed for the area surrounding 7900 and with the existing office building on 7920. If you have any questions, please feel free to contact me.

Sincerely,

**LINOWES AND BLOCHER LLP**



Emily J. Vaias

Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
July 1, 2015  
Page 4

cc: Ms. Leslye Howerton  
Mr. Marc DeOcampo  
Mr. Robert Kronenberg  
Mr. Norman Jemal  
Mr. Patrick Cooper  
Samantha L. Mazo, Esq.

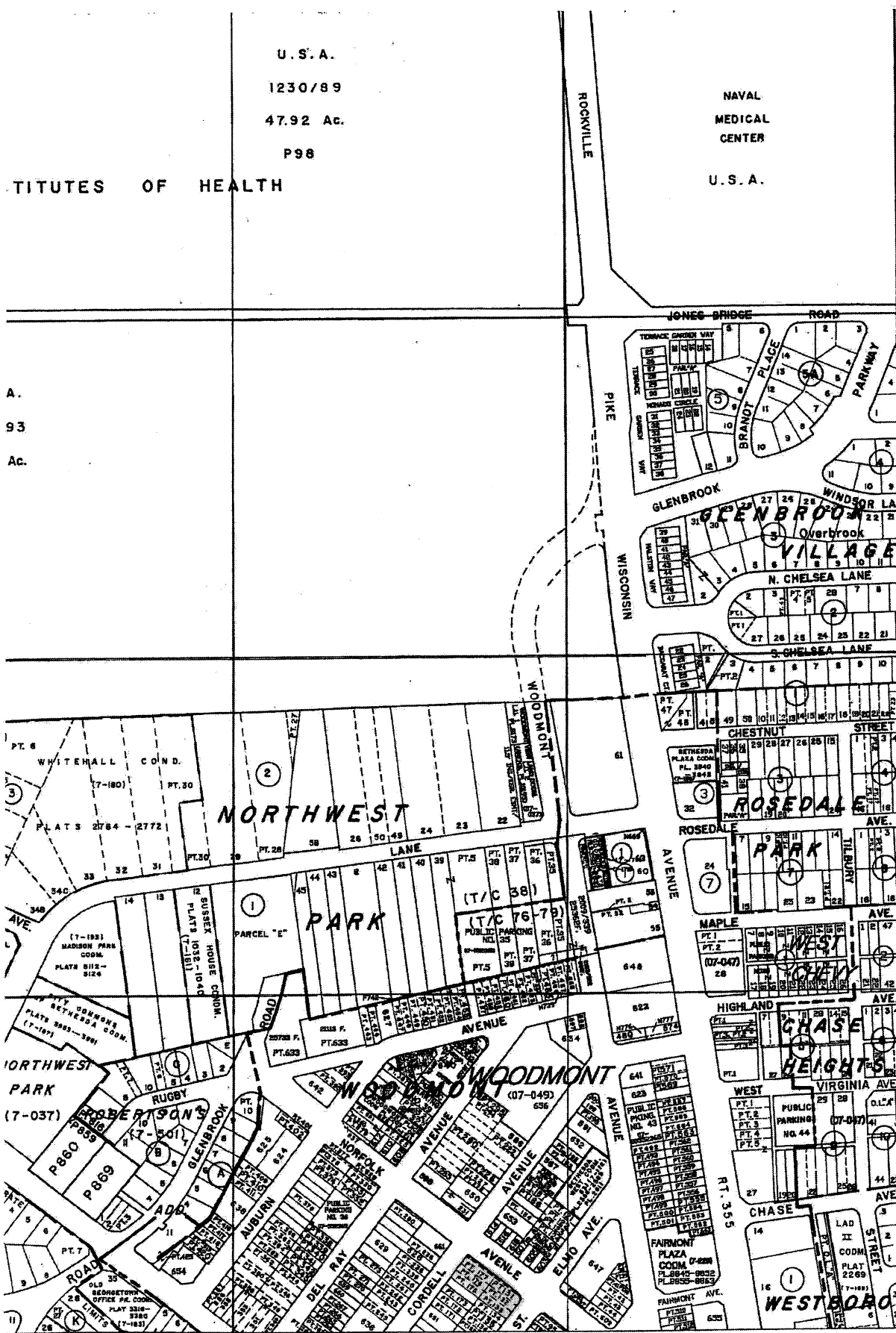
\*\*L&B 5002755v5/07425.0026

U.S.A.  
1230/89  
47.92 Ac.  
P98

DEPARTMENT OF HEALTH

NAVAL  
MEDICAL  
CENTER  
U.S.A.

A.  
93  
Ac.



HN 343

N 3

Ex A

H 2

MONTGOMERY CO.,  
MARYLAND

MAP HN 123  
W.S.S.C. 210 NW 05  
Location: WOODMONT

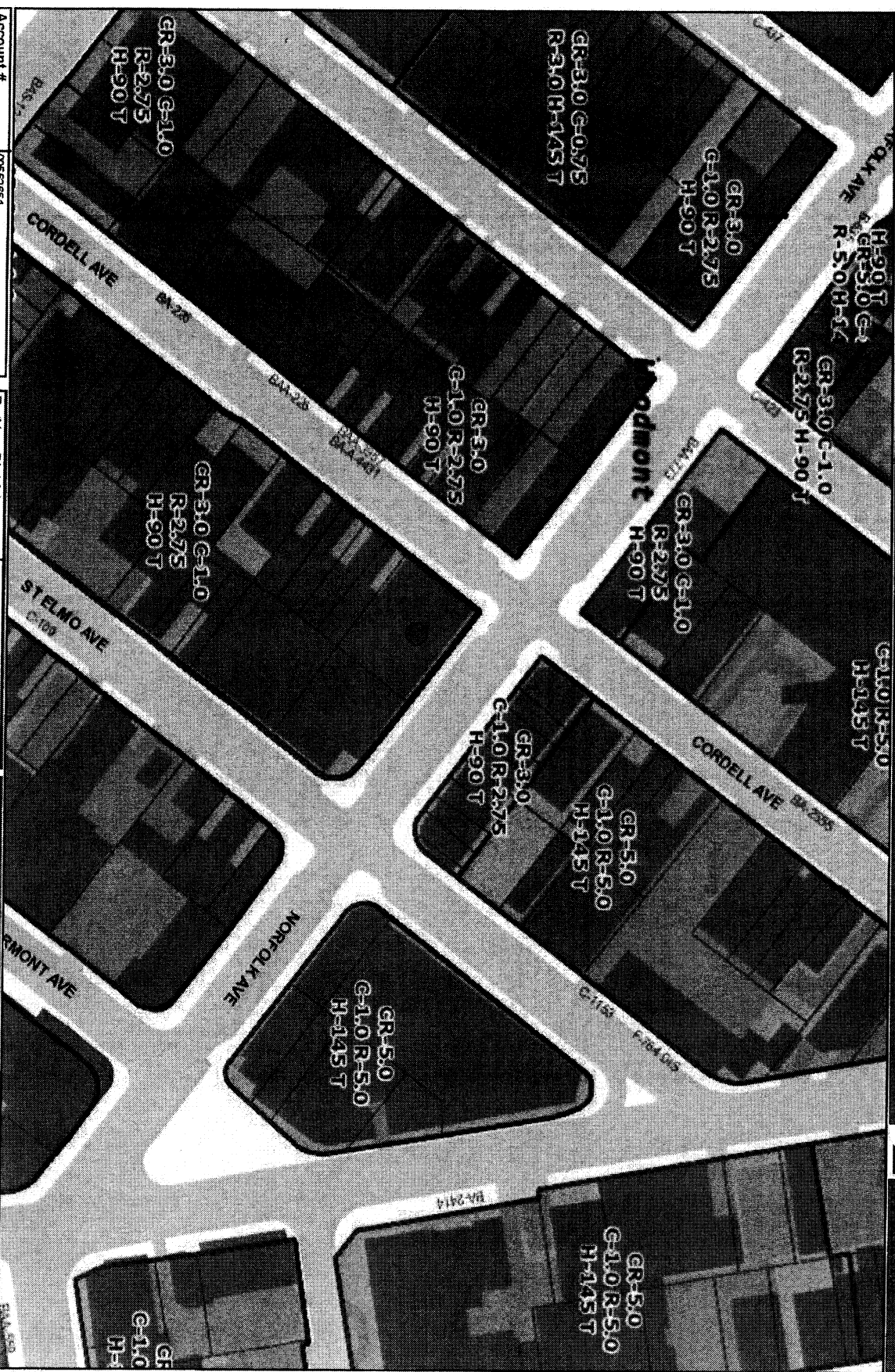
MARYLAND DEPARTMENT OF PLANNING

OWNERSHIP MUST BE PROVIDED BY A MAP NUMBER

COUNCILMANIC 844 0183

# Montgomery County Zoning

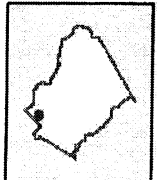
Date: 7/1/2015



Account #	00552651
Address	7320 NORFOLK AVE BETHESDA, 20814
Zone	CR-3.0 C-1.0 R-2.75 H-90 T
Overlay Zone	N/A
TDR Overlay Zone	N/A
Landuse	Office
Parcel, Lot, Block	N/A

Parking District	Bethesda
CBD	Bethesda
Special Protection Area	N/A
Urban District	BETHESDA
Enterprise Zone	N/A
Arts & Ent. District	Bethesda Arts and Entertainment Dist
Special Tax District	N/A
Legal Description	PT LITS 775-178 WOODMONT

Bike/Fed Priority Area	Bethesda CBD
Urban Renewal Area	N/A
Metro Station Policy Area	Bethesda CBD
Priority Funding Area	Yes
Septic Tier	Tier 1: Sewer existing
Municipality	N/A
Master Plan	WOODMONT TRIANGLE AMENDMENT
Historic Site/District	N/A

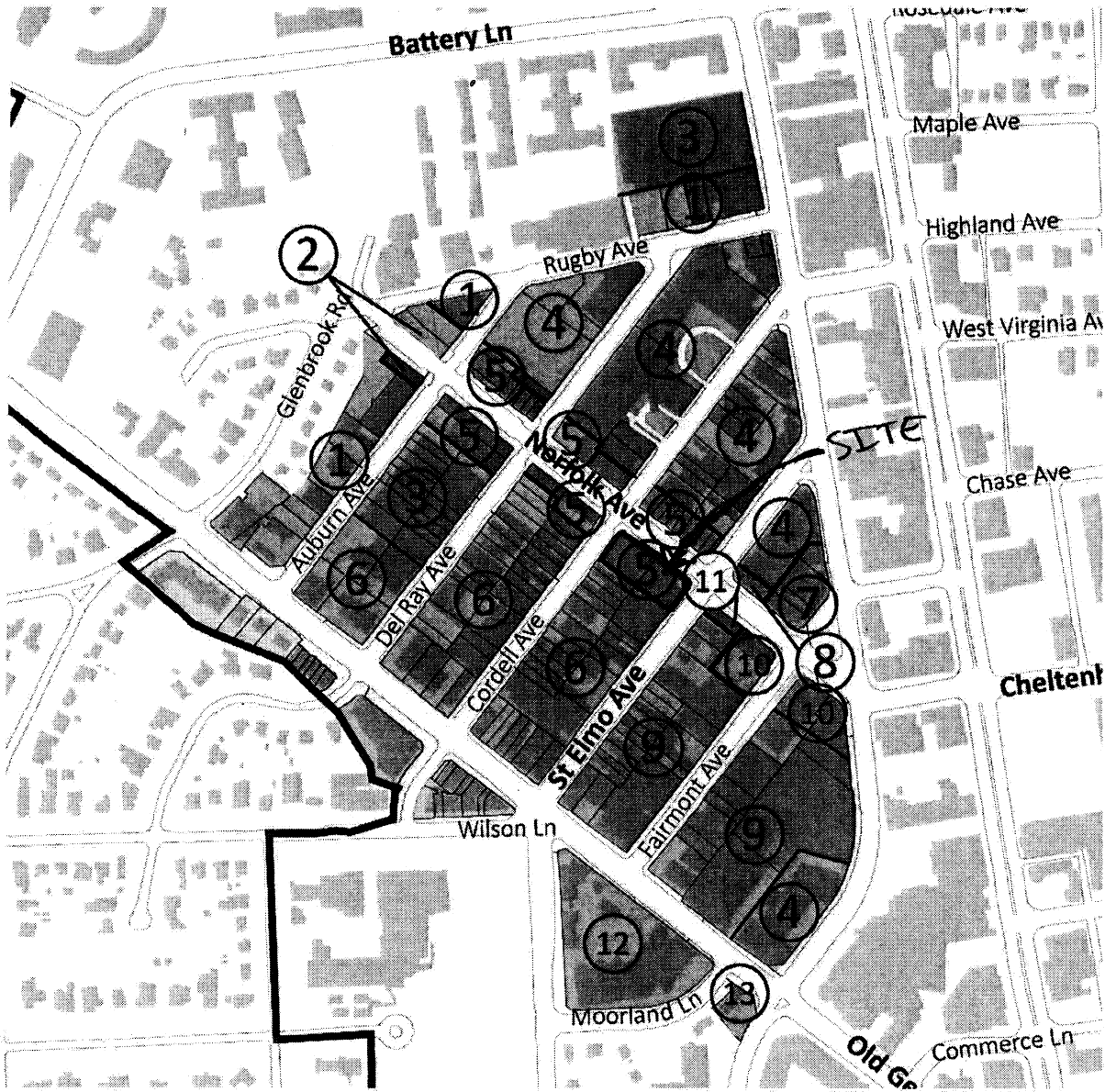





1 inch = 167 feet

B  
IT



Figure 3.05: Woodmont Triangle District Recommended Zoning



-  Sector Plan Boundary
-  CRN-0.75, C-0.75, R-0.25, H-40
-  CRT-1.75, C-1.75, R-0.75, H-40

- |  |   |
|--|---|
| <b>1</b> CR 3.5, C-1.25, R-3.0, H-120  | <b>8</b> CR 6.0, C-1.25, R-6.0, H-50    |
| <b>2</b> CR 3.5, C-1.25, R-3.0, H-50   | <b>9</b> CR 6.0, C-1.25, R-5.75, H-175  |
| <b>3</b> CR 3.5, C-1.0, R-3.5, H-175   | <b>10</b> CR 6.0, C-1.25, R-5.75, H-250 |
| <b>4</b> CR 6.0, C-1.25, R-6.0, H-175  | <b>11</b> CR 6.0, C-1.25, R-5.75, H-50  |
| <b>5</b> CR 3.5, C-1.25, R-3.5, H-50   | <b>12</b> CR 3.5, C-2.5, R-3.25, H-40   |
| <b>6</b> CR 3.5, C-1.25, R-3.25, H-110 | <b>13</b> CR 3.5, C-2.5, R-3.25, H-110  |
| <b>7</b> CR 6.0, C-1.25, R-6.0, H-250  |   |

EX C

**LINOWES**  
**AND | BLOCHER LLP**  
ATTORNEYS AT LAW

June 30, 2015

**Heather Dlhopsky**  
301.961.5270  
hdlhopsky@linowes-law.com

**VIA EMAIL AND FIRST CLASS MAIL**

Mr. Casey Anderson, Chair  
and Members of the Planning Board  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: 4311 Montgomery Avenue, Bethesda – Written Testimony for 6/24/15 Planning Board  
Hearing on the Bethesda Downtown Plan (the “Sector Plan”)

Dear Mr. Anderson and Members of the Planning Board:

On behalf of East-West Garage LLC, owner (“Owner”) of the property located at 4311 Montgomery Avenue, located on the north side of Montgomery Avenue just west of its junction with East-West Highway in Bethesda (the “Property”), I am submitting this letter into the record for the Montgomery County Planning Board’s (the “Planning Board”) June 24<sup>th</sup> public hearing on the Sector Plan (specifically, the Public Hearing Draft dated May 2015 – the “Public Hearing Draft”).

The Property is a true eastern gateway into the heart of downtown Bethesda. It is currently improved with an above-ground parking garage and, while this use serves a needed and practical purpose in support of the nearby office buildings, it is not the highest and best use for such a prominent and strategic location. That said, the parking garage is fully utilized and there is no incentive to redevelop the garage if the site is not recommended through the Sector Plan process and the subsequent comprehensive rezoning for density and height that is appropriate for its location.

The Public Hearing Draft envisions the Pearl District, in which the Property is located, as an emerging center of activity. It also endeavors to create a gateway into Bethesda along East-West Highway, and the Property plays a necessary role in implementing this gateway. We believe that the zoning that the Public Hearing Draft recommends for the Property – CR-3.5, C-3.5, R-3.5, H-120 – is a strong start in the right direction for providing future incentive for the Property to redevelop as part of the overall vision for the Pearl District. However, we believe that limiting maximum density to 3.5 FAR is less than would be desirable in order to achieve the desired

\*\*L&B 5009139v1/12715.0001

Mr. Casey Anderson, Chair,  
and Members of the Planning Board

June 30, 2015

Page 2

gateway effect, and that a maximum FAR of 4 or 4.5 is more in alignment with the vision for the Pearl District and the eastern entrance into Bethesda, with maximum flexibility in uses permitted in order to respond as the market continues to evolve.

We thank you for consideration of these comments, and look forward to continuing to work with you and Planning Staff on the Bethesda Downtown Plan. If you have any questions or require any additional information, please do not hesitate to contact us.

Very truly yours,

**LINOWES AND BLOCHER LLP**



Heather Dlhopsky

cc: Mr. Robert Kronenberg, M-NCPPC  
Ms. Leslye Howerton, M-NCPPC  
Mr. Lloyd Moore  
Stephen Z. Kaufman, Esq.

**LINOWES**  
**AND BLOCHER LLP**  
ATTORNEYS AT LAW

June 30, 2015

**C. Robert Dalrymple**  
301.961.5208  
bdalrymple@linowes-law.com  
**Heather Dlhopsky**  
301.961.5270  
hdlhopsky@linowes-law.com

**VIA EMAIL AND HAND DELIVERY**

Mr. Casey Anderson, Chair  
and Members of the Planning Board  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: 8001 Block of Wisconsin Avenue, Bethesda – Written Testimony for 6/24/15 Planning Board Hearing on the Bethesda Downtown Plan (the “Sector Plan”)/May 2015 Public Hearing Draft (“Draft Plan”)

Dear Mr. Anderson and Members of the Planning Board:

On behalf of 8001 Wisconsin LLC (“8001”), collective owner representative of properties located in the 8001 block of Wisconsin Avenue in Bethesda (the “Properties”), 8001 is submitting this letter as its written testimony for the Montgomery County Planning Board’s (the “Planning Board”) public hearing on the Draft Plan that was held on June 24<sup>th</sup>.

The Properties are located on the northern end of what the Sector Plan identifies as the Wisconsin Avenue District, along the north side of West Virginia Avenue directly east of its intersection with Wisconsin Avenue. The Properties are currently split-zoned, with those located closer to Wisconsin Avenue currently zoned CR-3.0, C-2.0, R-2.75, H-75T; properties mid-block zoned with the same density but at H-60T; and property closer to Tilbury Street and the residential community beyond zoned CRT-0.5, C-0.5, R-0.25, H-35. [Both the current zoning and new requested zoning are reflected in the attachments to this letter.] The Properties, and in reality the entirety of the block bound by Wisconsin Avenue, West Virginia Avenue, Highland Avenue, and Tilbury Street (and other similarly situated blocks in the northern end of the Wisconsin Avenue Corridor, east of Wisconsin Avenue), are strategically important in order to provide a balanced Wisconsin Avenue corridor that looks, feels, and acts like an urban corridor while also providing the incentive and wherewithal for an effective and definitive transition from the urban “downtown” and the suburban residential community to the east. The current zoning and height of the Properties and the block as a whole are far below what is needed in order to spur redevelopment, which is why the east side of Wisconsin Avenue has been left with a preponderance of one-story retail buildings that are inconsistent with the remainder of Bethesda’s commercial districts both in scale and architectural quality.

Representatives of 8001 met several times with Maryland-National Capital Park and Planning Commission (“M-NCPPC”) Staff during the preparation of the Draft Plan regarding the recommendations for and positioning of the Properties through the Sector Plan process, and most

\*\*L&B 4971462v3/05709.0033

Mr. Casey Anderson, Chair,  
and Members of the Planning Board  
June 30, 2015  
Page 2

recently met again last week to review comments delivered in 8001's oral testimony to the Planning Board on June 24<sup>th</sup>. From the outset 8001 has expressed that the Property is ripe for increased density and height above what is currently permitted, given its location on and just east of Wisconsin Avenue at the northern end of downtown Bethesda. The Properties represent an excellent opportunity to create a strong, identifiable urban presence complementing the density and height currently permitted directly across Wisconsin Avenue to the west.

The Draft Plan seems to recognize that the Properties and the subject block (and similar blocks to the north and south) as a whole are desirable for redevelopment. However, given the constraints that will be imposed on the block in the coming years – with Bus Rapid Transit (“BRT”) proposed along Wisconsin Avenue and a future BRT stop proposed directly along the Properties’ Wisconsin Avenue frontage (where Cordell Avenue intersects Wisconsin Avenue on the western side of the roadway) for which additional right-of-way will be required, and the Draft Plan’s vision for an Eastern Greenway along the eastern side of the block – the density and height that the Draft Plan proposes for the Property and block are insufficient to accommodate these constraints and also spur redevelopment. To be clear, 8001 supports BRT and believes in the vision for a linear park running north-south along the eastern side of blocks fronting Wisconsin Avenue. However, if it is desired that the block redevelop (which in reality is the only way that additional right-of-way for BRT and land for the Eastern Greenway will be achieved), density and height beyond that currently proposed in the Draft Plan is also necessary, along with some additional tweaks on implementation of the Greenway.

In addition, the density and height currently proposed do not allow 8001 to meet market conditions, which will result in an inferior and uncompetitive product lacking the benefits and amenities expected for redevelopment in this area. As a result and in combination with the constraints on the block discussed above, there is currently insufficient incentive for 8001 to redevelop the Properties. For these reasons, 8001 proposes that height be permitted to 145 feet for the first row of lots fronting Wisconsin Avenue (8001 Wisconsin Avenue and the small lots directly to the north in the subject block, shown as #7 on page 95 of the Draft Plan). This would match the height proposed directly across Wisconsin Avenue from the Properties. The proposed zoning for the next row of lots (4707 West Virginia Avenue and the lot directly adjacent to the north, shown on page 123) is currently CR-3.5, C-2.5, R-3.25, H-70, but 8001 believes that a height of 90 feet is more conducive to the desired step-down effect from west to east.

Further, as can be seen on page 123 of the Draft Plan, the CR zoning within the subject block does not extend as far east before transitioning to CRT as it does in the blocks directly to the north and south. For this reason, 8001 proposes that the CR zoning be extended one row of lots further east within the subject block (to 4705 West Virginia Avenue and the lot directly adjacent to the north), consistent with properties to the north and south, and that height also be permitted in this section to 90 feet. Finally, with respect to the proposed CRT-zoned properties nearest Tilbury Street, 8001 suggests that a

Mr. Casey Anderson, Chair,  
and Members of the Planning Board  
June 30, 2015  
Page 3

maximum FAR of 1 is more appropriate for these properties than the currently proposed 0.5 FAR. In the CRT Zone, standard method development is permitted up to a 1 FAR, and thus it does not seem appropriate to limit these properties to less FAR than is permitted under the standard method.

As indicated, 8001 representatives most recently met with M-NCPPC Staff on June 22<sup>nd</sup> regarding the Draft Plan, and while not to speak for Staff there seems to be concurrence from Staff that an increase in building height along Wisconsin Avenue is desirable, as is extending the CR zoning one row of lots further east in order to provide consistency with the blocks directly to the north and south.

8001 also has concerns regarding the seemingly inextricable connection between implementation of the Eastern Greenway and redevelopment of the block as a whole. While 8001 strongly supports the Eastern Greenway plan and the proposed shift of density and height toward the Wisconsin Avenue frontage, 8001 is concerned with the "all or nothing" approach for the block, as well as concerned that there is insufficient zoning incentive for all of the owners within the block to participate. Zoning in this case needs to serve as the compelling tool for cooperation within the block since it is highly unlikely that the County would utilize condemnation authority in order to realize the desired Eastern Greenway. A feasible, valid "back-up plan" needs to be in place rather than the harsh "all or nothing" approach currently recommended.

8001 shares the Draft Plan's vision for this block – as a transitional area between the high-density, Wisconsin Avenue and BRT-fronting western side of the block, to the Eastern Greenway and single-family character of the eastern side of the block – but as noted adjustments are needed to the zoning recommendations of the Draft Plan in order to realize the desired vision.

We thank you for consideration of these comments, and we look forward to continuing to work with you and M-NCPPC Staff on the Sector Plan. If you have any questions or require any additional information, please do not hesitate to contact us.

Very truly yours,

**LINOWES AND BLOCHER LLP**

*C. Robert Dalrymple, Esq.*

C. Robert Dalrymple

*H. Dlhopsky*

Heather Dlhopsky

Mr. Casey Anderson, Chair,  
and Members of the Planning Board  
June 30, 2015  
Page 4

cc: Mr. Robert Kronenberg  
Ms. Leslye Howerton  
Mr. Page Lansdale  
Mr. John Collich  
Mr. Brian Downie  
Mr. Vince Burke









**LINOWES**  
**AND | BLOCHER LLP**  
ATTORNEYS AT LAW

June 30, 2015

**C. Robert Dalrymple**  
301.961.5208  
bdalrymple@linowes-law.com

**Heather Dhopolsky**  
301.961.5270  
hdhopolsky@linowes-law.com

**VIA EMAIL AND HAND DELIVERY**

Mr. Casey Anderson, Chair  
and Members of the Planning Board  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: ~~Garden Plaza property (7750 Old Georgetown Road, commonly identified as 7700 Old Georgetown Road), Bethesda – Written Testimony for 6/24/15 Planning Board Hearing on the Bethesda Downtown Plan (the “Sector Plan”)~~

Dear Mr. Anderson and Members of the Planning Board:

On behalf of Garden Plaza LLC (an entity related to B. F. Saul Real Estate Investment Trust, or “Saul”), owner of the property located at 7750 Old Georgetown Road (commonly identified as 7700 Old Georgetown Road) in Bethesda (the “Property”), we are submitting this letter as our written testimony for the Montgomery County Planning Board’s (the “Planning Board”) public hearing on the Sector Plan held on June 24<sup>th</sup> (specifically, the Public Hearing Draft dated May 2015 – the “Public Hearing Draft”).

The Property is currently zoned CR-3.0, C-2.0, R-2.75, H-90T pursuant to the District Map Amendment that became effective on October 30, 2014. Page 69 of the Public Hearing Draft indicates that the Property is recommended for up to 110 feet in height. However, the Public Hearing Draft (page 103, #12) reflects that the Property is proposed to be rezoned to CR-3.5, C-2.5, R-3.25, H-40, thus reflecting height of only 40 feet.

In addition to the need to correct the Public Hearing Draft materials to reconcile the recommended building height (which should be the 110 feet noted on page 69), we believe that the Property is ripe for additional density and height beyond that currently proposed given its proximity to the Bethesda Metro Station and direct adjacency to numerous properties approved and/or developed with well over 110 feet in height. The Property is located less than a three-minute walk to the Metro Station via Old Georgetown Road and Edgemoor Lane, and is one of the few remaining properties that are legitimate candidates for redevelopment within such close proximity to the Metro; unlike many of its neighboring high-rise buildings, the Property is not currently improved with its highest and best use. Redeveloping the Property with appropriate

\*\*L&B 5003142v2/05709.0033

Mr. Casey Anderson, Chair,  
and Members of the Planning Board

June 30, 2015

Page 2

density provides a great opportunity to further one of the central principles of smart growth and sound urban planning by concentrating development in the vicinity of mass transit. Bethesda's continued success depends on its ability to grow, particularly within its urban core. For these reasons, we believe that the Property would be most appropriately rezoned to CR-6.0, C-4.75, R-5.75, H-175, with a bar along the southwest side of the Property adjacent to Arlington Road limited to 110 feet in order to provide further compatibility with properties to the south and west (as reflected in the attachment to this letter). We also note that the most immediate adjacent property across Arlington Road is an elementary school, so this institutional use is a further transitional buffer to the single-family residential neighborhood beyond the school and thus the proposed 110-foot height on the Property adjacent to the school is an effective transition.

The Property is surrounded to the north, south, and east by projects far exceeding 90 feet in height. The 4990 Fairmont project is approved directly to the north of the Property for up to 174 feet in height (with all properties across Old Georgetown now zoned for 175 feet); east of the Property is the existing Lions Gate condominium, constructed at approximately 145 feet in height; and immediately south of the Property is The Christopher condominium, constructed at approximately 120 feet in height. Thus, the Property's proposed 110-foot building height limit is a significant gap between the building heights directly to its north and south. Also contributing to its tolerance for height, the Property's topography sits well below the ground level of the Metro sites where 290 feet of height is proposed. This provides an additional transition to those created by the gradual reduction in building envelopes as the plan tents down from its peak heights. Notably, the Sector Plan locates the Property in the Woodmont Triangle District, and the Property should have density and height consistent with adjacent properties and those nearby in the District.

Permitting additional density and height on the Property, including the stretch along the east side of the Arlington Road corridor, would also help foster desired connectivity between the north and south ends of Bethesda (along with improved connectivity between Bethesda Row and the Woodmont Triangle via better bike and pedestrian access across Old Georgetown Road). There are existing institutional uses to the west and southwest of the Property (Bethesda Elementary School, its ballfields, and the Bethesda Library) that appropriately separate the Property from single-family homes to the west and create generous transitional buffers. The width of these buffers far exceeds those separating single-family homes from high-rise buildings in other sections of Bethesda/Chevy Chase (indeed the Public Hearing Draft itself proposes far less buffering in numerous other portions of downtown Bethesda), and thus it makes good urban planning sense and would foster the goals of the Sector Plan to allow increased density and height on the Property.

Mr. Casey Anderson, Chair,  
and Members of the Planning Board

June 30, 2015

Page 3

The Property represents an exciting opportunity to develop the western gateway to Bethesda's downtown with a signature building announcing the arrival into Bethesda. In addition to considerable pedestrian and bicycle activity routinely passing by the Property, over 52,000 cars per day travel on the roads bordering the Property, giving it significant activity and visibility for those entering Bethesda. Downtown Bethesda should continue to be the economic engine of Montgomery County, but in order to accomplish this the Sector Plan must ensure that strategically located properties with direct access to mass transit and that are primary candidates to redevelop are provided with density and height opportunities to incentivize redevelopment. The Property is such a candidate. Saul is excited about the prospects posed by future redevelopment of the Property, and requests appropriate density and height increases on the Property in order to further the vision and the goals of the Sector Plan.

---

We thank you for consideration of these comments, and look forward to continuing to work with you and Planning Staff on the Bethesda Downtown Plan. If you have any questions or require any additional information, please do not hesitate to contact us.

Very truly yours,

**LINOWES AND BLOCHER LLP**



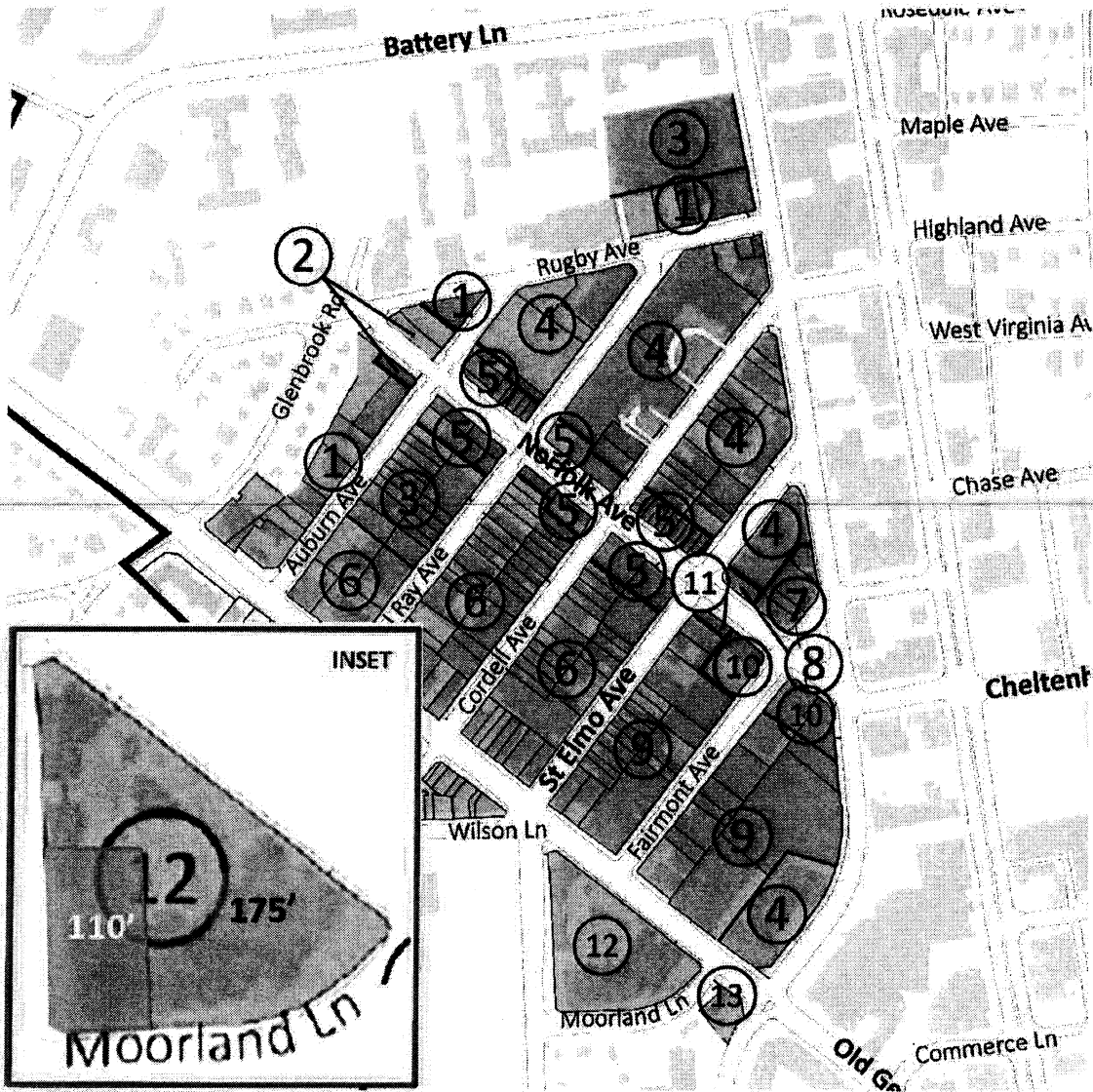
C. Robert Dalrymple



Heather Dlhopsky

cc: Mr. Robert Kronenberg  
Ms. Leslye Howerton  
Mr. Page Lansdale  
Mr. John Collich  
Mr. Brian Downie  
Mr. Vince Burke

Figure 3.05: Woodmont Triangle District Recommended Zoning



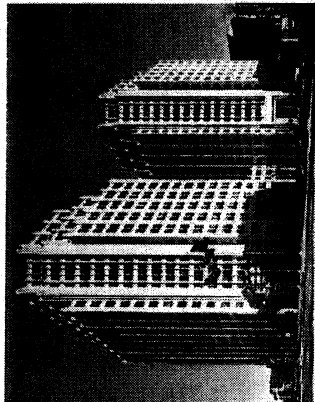
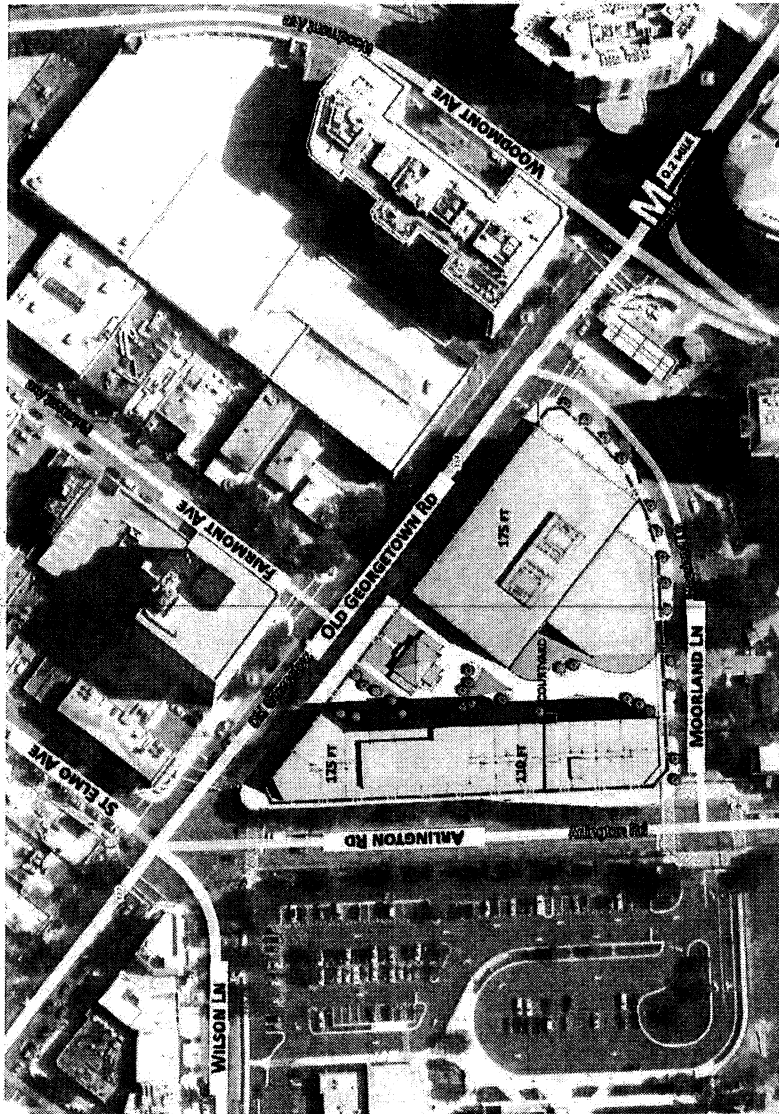
- Sector Plan Boundary
- CRN-0.75, C-0.75, R-0.25, H-40
- CRT-1.75, C-1.75, R-0.75, H-40

- ① CR 3.5, C-1.25, R-3.0, H-120
- ② CR 3.5, C-1.25, R-3.0, H-50
- ③ CR 3.5, C-1.0, R-3.5, H-175
- ④ CR 6.0, C-1.25, R-6.0, H-175
- ⑤ CR 3.5, C-1.25, R-3.5, H-50
- ⑥ CR 3.5, C-1.25, R-3.25, H-110
- ⑦ CR 6.0, C-1.25, R-6.0, H-250

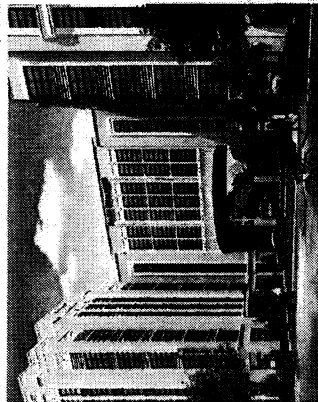
- ⑧ CR 6.0, C-1.25, R-6.0, H-50
- ⑨ CR 6.0, C-1.25, R-5.75, H-175
- ⑩ CR 6.0, C-1.25, R-5.75, H-250
- ⑪ CR 6.0, C-1.25, R-5.75, H-50
- ⑫ ~~CR 3.5, C-2.5, R-3.25, H-40~~
- ⑬ CR 3.5, C-2.5, R-3.25, H-110

Proposed revision to #12: (see inset)  
CR 6.0, C-4.75, R-5.75, H-175'  
CR 6.0, C-4.75, R-5.75, H-110'

**SITE PLAN**  
SCALE: 1" = 100'-0"



**Office Sample Architecture**  
CORNER OF OLD GEORGETOWN RD & MOORLAND LANE



**Residential Sample Architecture**  
CORNER OF OLD GEORGETOWN RD & WILSON LANE

**SAMPLE STREET VIEWS - OFFICE + RESIDENTIAL RESIDENTIAL OPTION 1**

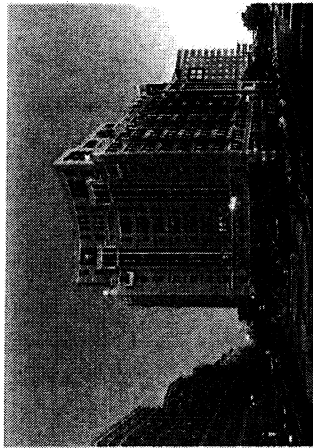
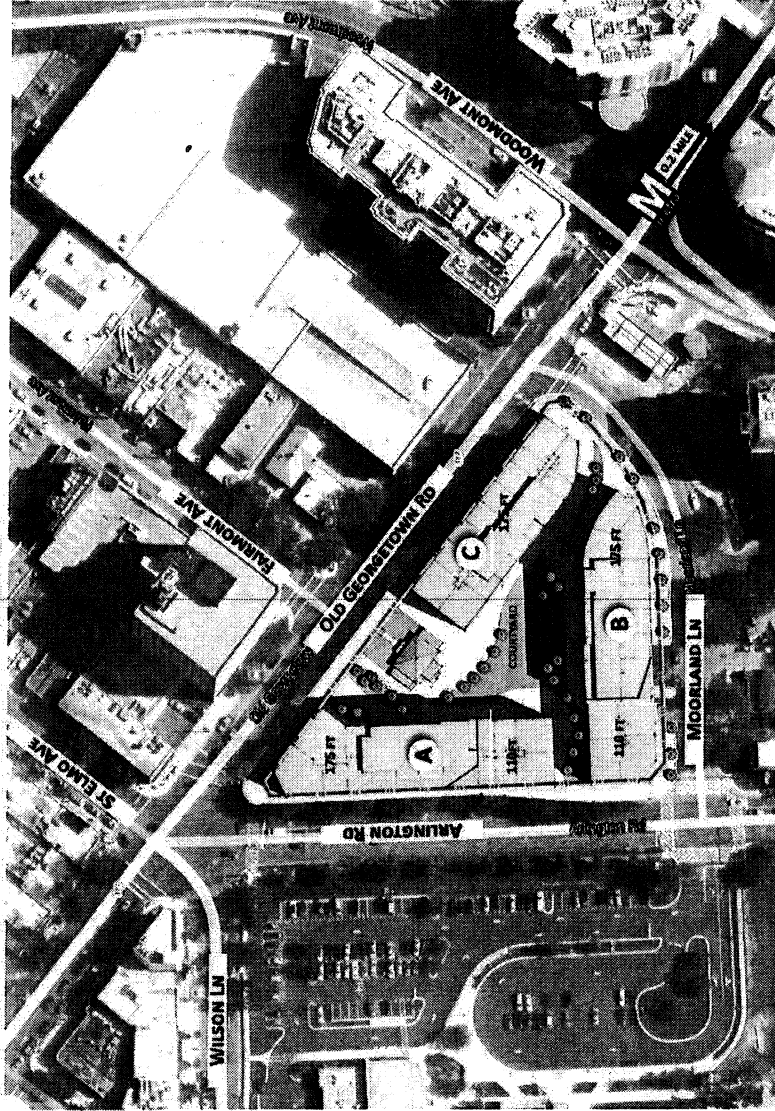
7700 OLD GEORGETOWN RD  
BETHESDA, MD

June 2015

**B.F. SAUL**



SITE PLAN  
SCALE: 1" = 100'-0"



Residential Sample Architecture  
CORNER OF OLD GEORGETOWN RD & MOORLAND LANE



Residential Sample Architecture  
CORNER OF OLD GEORGETOWN RD & WILSON LANE

**SAMPLE STREET VIEWS - ALL RESIDENTIAL OPTION 2**

7700 OLD GEORGETOWN RD  
BETHESDA, MD

June 2015

B.F. SAUL





**LINOWES**  
**AND | BLOCHER LLP**  
ATTORNEYS AT LAW

July 1, 2015

**C. Robert Dalrymple**  
301.961.5208  
[bdalrymple@linowes-law.com](mailto:bdalrymple@linowes-law.com)  
**Matthew M. Gordon**  
301.961.5233  
[mgordon@linowes-law.com](mailto:mgordon@linowes-law.com)

**VIA EMAIL AND FIRST CLASS MAIL**

Mr. Casey Anderson, Chair  
and Members of the Planning Board  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: 7725 and 7735 Wisconsin Avenue, Bethesda – May 2015 Public Hearing Draft of the  
Bethesda Downtown Plan (the “Sector Plan”)

Dear Chair Anderson and Members of the Planning Board:

On behalf of F & H Investments Limited Partnership (the “Partnership”), owners of the property located at 7725 and 7735 Wisconsin Avenue in the Wisconsin Avenue Corridor of Bethesda (the “Property” - shown on the Attachment hereto), we are submitting this letter as our testimony for the Montgomery County Planning Board’s (the “Planning Board”) June 24<sup>th</sup> public hearing on the Sector Plan (specifically, the Public Hearing Draft dated May 2015 – the “Public Hearing Draft”). We especially urge your attention to this particular Property given the potential to allow a long-time existing employer in Downtown Bethesda to grow in place, while also preserving, protecting and enhancing the ability of the Partnership to seek out the highest and best alternative use of the Property should circumstances dictate this course of action, recognizing the importance that the Property could have at a prominent location along the main corridor of this emerging urban city.

The Partnership has operated Chevy Chase Automotive, LLC (the “Dealership”) at the Property since 1939, which makes the Dealership the oldest business in a continuous location in all of Downtown Bethesda. In fact, the Sector Plan should specifically acknowledge the importance that the Dealership has had historically serving as a long-time pillar of the Downtown and a fixture in the community. The Property is well-suited to accommodate the Dealership into the future, including possible expansion and/or modernization, and the Partnership fully intends to continue to operate the Dealership on the Property for the foreseeable future. As such, the Partnership desires that the Sector Plan recognize the benefits of the Dealership at this location in the Wisconsin Avenue Corridor and provide the flexibility and incentive for the Dealership to remain and potentially expand at this location, including practical accommodations for allowing

Mr. Casey Anderson, Chair  
and Members of the Planning Board  
July 1, 2015  
Page 2

the full-service Dealership to co-exist with future residential and non-residential uses and users that will emerge with the progression of Downtown Bethesda into a vibrant, active urban center.

The Sector Plan should specifically identify the continuing operations of the Dealership in recommending that the adjacent streets will be mixed-use streets that are accommodating to the needs of the Dealership while also recognizing the urban fabric within which the Dealership and surrounding uses will co-exist. The accessibility and availability of parking, loading and temporary queuing along Cheltenham Drive has long been vital to the continued operation and success of the Dealership. The Public Hearing Draft recommends an 80-foot right-of-way (for a “shared roadway”) along Cheltenham Drive between Wisconsin Avenue and Tilbury Street, which is at the highest end of recommendations applicable to Business District roadways. (p. 34), and while the Partnership recognizes the Public Hearing Draft’s goal to “enhance roadway accommodation for all users,” the Sector Plan must make clear that Cheltenham Drive must continue to provide adequate parking, service and access to accommodate the future needs of the Dealership.

While acknowledging and accommodating the Dealership operations going forward, the Sector Plan must also provide for an appropriate urban redevelopment of the Property should circumstances over the life of the Sector Plan lead to that path. Located along the urban corridor of Wisconsin Avenue and with excellent proximity to Metro, other mass transit and immediate vehicular, pedestrian and bicycle accessibility, the Property should be planned and zoned for high-density mixed-use redevelopment. The Property is currently zoned CR-5.0, C-4.0, R-4.75, H-90T, and the Public Hearing Draft proposes to rezone a portion of the Property (part of Lot 8) to CR-6.0, C-4.75, R-5.75, H-250 with the remainder of the Property (the remainder of Lot 8, Lot 7 and Lot 2) rezoned to CR-6.0, C-4.75, R-5.75, H-110. The Public Hearing Draft appears for the most part to simply add 20% to the density throughout the Property, but fails to recognize that all three (3) contiguous lots comprising the Property are owned by the Partnership and should have a consistent maximum allowable height across the entire Property. In light of the fact that the Public Hearing Draft places an emphasis on ensuring that there are opportunities in appropriate locations where the assemblage of properties can occur, it makes the best urban planning sense for the entire Property to receive a maximum height of 250 feet (extending the recommended 250-foot height at the corner of Wisconsin and Cheltenham to the other parcels comprising the Property to the south, moving closer to the Bethesda Metro). The Partnership seeks the flexibility to utilize such additional height across the entire Property which will allow future market considerations and “design excellence” for redevelopment to shape where growth occurs on the Property, achieving the Public Hearing Draft’s recommendation that the Wisconsin Avenue Corridor “emphasize mixed land uses focused on employment and high density residential.” (page 93).

Mr. Casey Anderson, Chair  
and Members of the Planning Board


July 1, 2015

Page 3


The Partnership looks forward to continuing to work with you and Planning Staff on the Bethesda Downtown Plan. If you have any questions or require any additional information, please do not hesitate to contact us.

Very truly yours,

**LINOWES AND BLOCHER LLP**



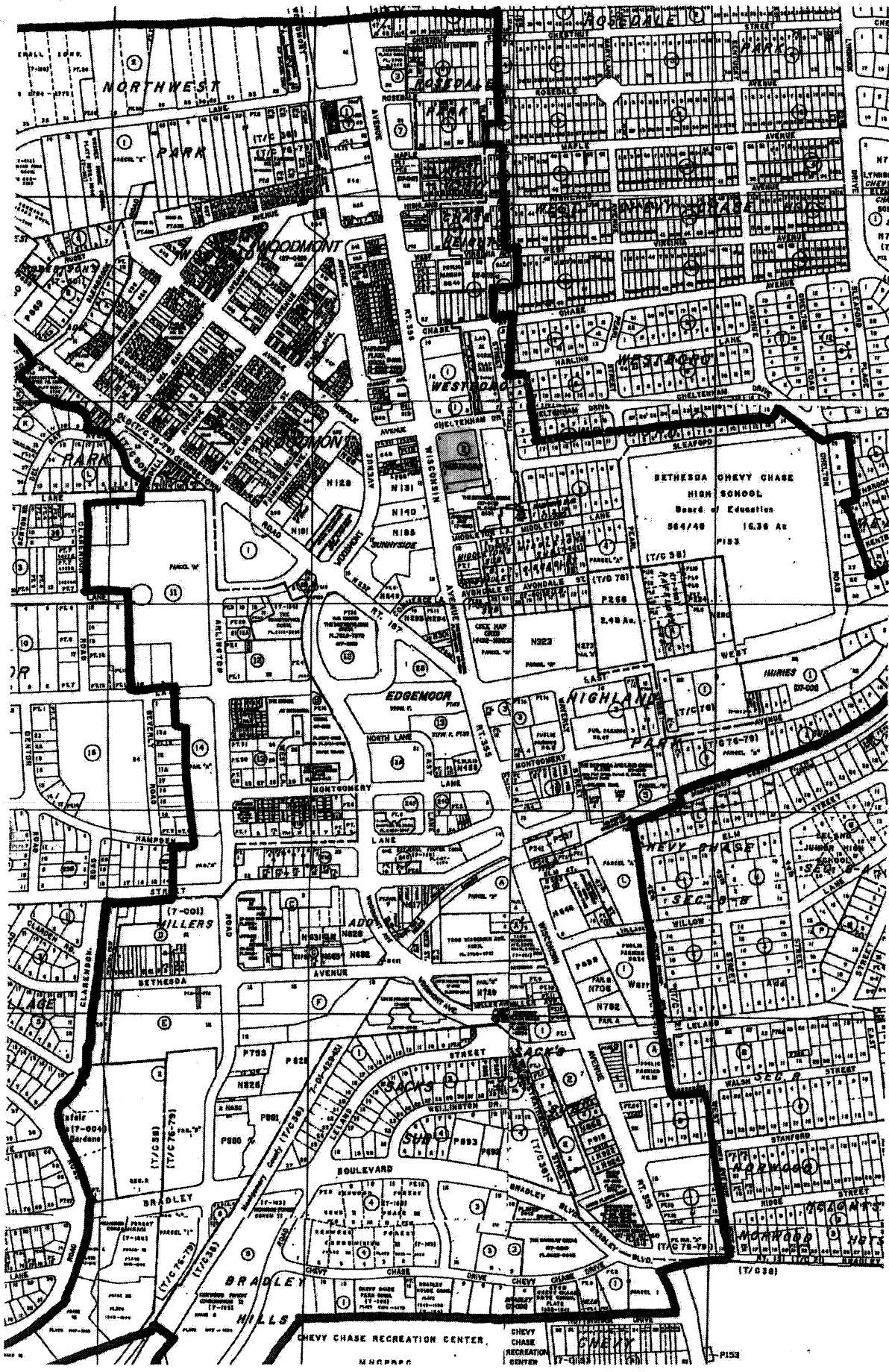
Robert Dalrymple



Matthew M. Gordon

Enclosure

cc: Members of the Planning Board ([MCP-Chair@mncppc-mc.org](mailto:MCP-Chair@mncppc-mc.org))  
Mr. Robert Kronenberg  
Mr. Mark DeOcampo  
Ms. Leslye Howerton  
Mr. Hank Bowis  
Mr. John Bowis



NORTHWEST

PARK

WOODMONT

WEST

BETHESDA CHEVY CHASE  
HIGH SCHOOL  
Board of Education  
564/46 16.36 Ac  
P183

EDGEMOOR

HIGHLAND

(7-001)  
MILLERS

ADD  
HILLS

NEW

BRADLEY

BRADLEY

BOULEVARD

BRADLEY

(17-038)

CHEVY CHASE RECREATION CENTER

CHEVY CHASE  
RECREATION  
CENTER

MDCPP&C

P152

July 1, 2015

By Email

Casey Anderson, Chair  
Montgomery County Planning Board  
The Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Draft Bethesda Downtown Plan  
Adelfio/Herman Properties on the East Side of Pearl Street  
Between East West Highway and Montgomery Avenue

Dear Mr. Anderson and Members of the Planning Board:

We represent Mr. Guido Adelfio, the owner and operator of Bethesda Travel, located at 4422 East West Highway, and Robert Herman, DDS, who operates his Bethesda Dental practice adjacent to Mr. Adelfio's Bethesda Travel, at 4425 Montgomery Avenue.

As noted, the two properties are in the Pearl District. They run north to south along the east side of Pearl Street, between East-West Highway and Montgomery Avenue.

On Page 111, Figure 3.07, "Pearl District Recommended Zoning," the Adelfio/Herman properties are included in area "Circle 6."

The recommended classification is: CR 2.0, C-1.75, R 2.0, H-120.

Please see attached a copy of Page 111, Figure 3.07, with the Adelfio/Herman properties highlighted.

We submitted a May 19, 2015 letter. We also testified at the June 24, 2015 public hearing. We support the recommended zoning. We support the recommendation to extend the Parking Lot District to include the

Pearl District. We urge that the Pearl District not be burdened with a different streetscape requirement of "integrated stormwater management."<sup>1</sup> Such stormwater requirement is explicitly *not* recommended for other Bethesda Downtown areas.<sup>2</sup>

The owners proposed essentially the recommended zoning classification by assuming that the properties would be redeveloped as a standalone project, i.e., solely on the Adelfio/Herman properties.

Our nearby neighbors requested greater height and density than what was recommended for the Adelfio/Herman properties.

As for the abutting property owner to the east, at 4416 East West Highway, they report that their existing improved property's density is 1.67 FAR, and, thus already almost 2.0 FAR, which is the maximum recommended density for their property under "Circle 6" on Page 111. They request that their land be rezoned to at least **CR 3.5**, to provide a meaningful possibility of redevelopment.

On the west side of Pearl Street, immediately across the street from the Adelfio/Herman properties, the new Carr building was built to accommodate additional stories. During the public hearing, the owner requested that the designation on Page 111, "Circle 5," of CR 6.0, C-4.75, R-5.75, H-145, be amended to provide for greater flexibility between commercial and residential uses, and greater height, to accommodate additional stories as, CR 6.0, C-**6.0**, R-5.75, H-**175**.

---

<sup>1</sup> Please see Page 112, Para. 3.2.1.B.1.a. "Pearl District/Urban Design/Public Realm" that reads, "Create a shared street along Pearl Street with integrated stormwater management."

<sup>2</sup> Please see Page 30, Para 2.3 "Transportation" where it reads in part, "It is important to note that due to the operational focus of Complete Streets design strategies, this approach does not include "Green Streets" enhancements, such as storm water management, as part of its primary objective. Due to the transit-oriented nature of Downtown Bethesda, future transportation improvements within the Sector Plan area should consider Complete Streets strategies as critical elements of the transportation network."

If the Planning Board follows our neighbors requests for more overall density, greater flexibility between commercial and residential uses, and more height, we request that the Adelfio/Herman properties be treated similarly.

Applied to the Adelfio/Herman properties, the zoning classification should be: CR 3.5, C-3.5, R-3.5, H-145, as explained below.

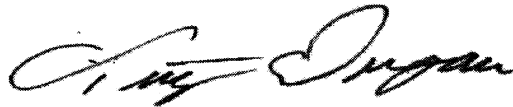
Assuming that the additional density of 1.5 FAR, i.e., from 2.0FAR to 3.5 FAR, were located on the Adelfio/Herman properties, I calculate that additional height, yielding a total height of 145 feet, would be necessary to accommodate both the additional density and quality building and site design. Please consider the following calculations that I believe support my conclusion.

Description	Amount
Building footprint approx., based on an architect's analysis, spanning the Adelfio/Herman properties.	10,125SF
Calculation of Number of Floors to Accommodate 3.5FAR: (27,134SF = Tract Area times 3.5 FAR = 94,969)/ Divided by Footprint 10,125SF	10 floors approx
First floor retail height	20 feet
Floors 2-10 at 12 feet per floor (9 times 12)	108 feet
Additional Height To Accommodate Quality Building and Site Design	17 feet
Total Height	145 feet

As for the composition of commercial and residential uses, it seems prudent to also provide more flexibility to accommodate market forces; thus, we recommend an even level of commercial and residential uses as indicated, 3.5 FAR for each use.

Guido Adelfio and Bob Herman again extend their thanks to the Planning Department for their hospitality and fine work that produced the draft Bethesda Downtown Plan. We look forward to participating in the upcoming work sessions. Please call with your comments, questions and instructions. Thank you.

Very truly yours,



Timothy Dugan

Attachment: Page 111 Figure 3.07, "Pearl District Recommended Zoning."  
with the Adelfio/Herman properties noted.

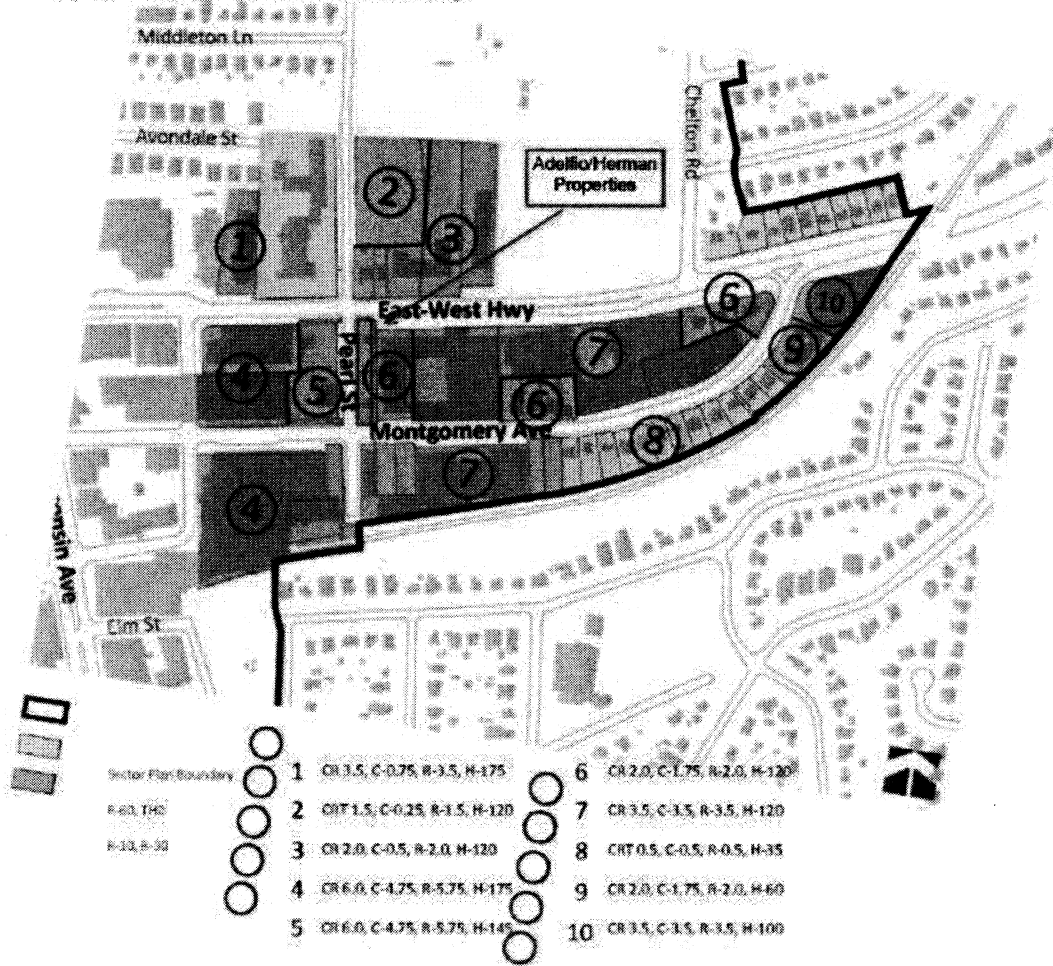
cc:

Ms. Gwen Wright	Ms. Rose Krasnow
Mr. Robert Kronenberg	Mr. Marc DeOcampo
Ms. Leslye Howerton	Robert Herman, DDS
Mr. Guido Adelfio	Mr. Patrick LaVay
Mr. Rui Ponte	



6267723-2

Figure 3.07: Pearl District Recommended Zoning





ideas that work

*Attorneys at Law*

3 Bethesda Metro Center, Suite 460  
Bethesda, MD 20814  
www.lerchearly.com

**Steven A. Robins**

Tel. (301) 657-0747  
Fax (301) 347-1778  
sarobins@lerchearly.com

June 30, 2015

***BY ELECTRONIC MAIL***

The Honorable Casey Anderson and  
Members of the Montgomery County Planning Board  
Maryland National Capital Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

**Re: Additional Comments on the Bethesda Downtown Sector  
Plan on behalf of PNC Bank, NA for Property located at 7935  
Wisconsin Avenue**

Dear Mr. Anderson and Members of the Planning Board:

Our firm represents PNC Bank, NA, the co-trustee for certain beneficiaries of property located at 7935 Wisconsin Avenue (the "Property"). The Property serves as the location for the Benihana of Tokyo restaurant. The purpose of this letter is to provide additional comments on the Bethesda Downtown Sector Plan public hearing draft based on certain testimony that was delivered by our neighbors to the south of the Property – the 7901 Wisconsin Avenue property owned by Huron Associates LLC, which is located within the same block. I am attaching an exhibit that depicts the Property's location. The Property is located in the Wisconsin Avenue District and is proposed to be rezoned to the CR 3.5 C 2.5 R 3.25 H 120.

Originally, we requested that the Planning Board consider adjusting the density on the Property from 3.5 FAR to 4.0 FAR. Justification for this request included that the Property has an extremely strong and visible presence on Wisconsin Avenue and is directly adjacent to property recommended for CR 6.0 C 6.0 R 5.75 H 250 zoning. We understand that the CR 6.0 property is located in a priority area for density and height. Having said that, we believed, and continue to

The Honorable Casey Anderson and  
Members of the Montgomery County Planning Board  
June 30, 2015  
Page 2

believe, that the tapering from a CR 6.0 to somewhat lower CR zone makes good planning sense and is justified at this particular location.

At the public hearing, the owners of the 7901 Wisconsin Avenue site requested that its property be rezoned to the CR 5.0 C 4.0 R 5.0 H 200 designation. This request also was based on a similar argument, which is the density should be tapered from the CR 6.0 property to the south but not at such an extreme as currently is recommended in the Plan. The density, at a 5.0 FAR, also would be in line with densities recommended on the west side of Wisconsin Avenue, across from the Property. We concur with the thoughts articulated in Huron's testimony and would urge the Planning Board, if it is included to do so, to extend the CR 5.0 zoning designation on the Property so that the entire block along Wisconsin Avenue is similarly zoned.

Regarding height, the property just to the south of the site is being afforded a 250 foot height designation. The owners of the 7901 Wisconsin Avenue property requested a height of 200 feet. In our testimony before the Board, we articulated that there is a better and more appropriate transition from 250 feet to 120 feet (also, the property across Wisconsin Avenue is proposed for 175 feet) for the Property. We concluded that this would suggest that the height be increased to at least 150 feet. However, given Huron's testimony for its property within the same block (and the logic articulated in its correspondence), we would request that the height on the Property be increased to at least 175 feet (and probably 200 feet if the Board is inclined to zone the block the same zoning designation). This height designation would be compatible with heights recommended in close proximity to the Property (on the east and west sides of Wisconsin Avenue) and would provide for the tapering that the Plan attempts to achieve.

We appreciate the Board's willingness to leave the record open for additional testimony and for the opportunity to comment on the Sector Plan. We will be available at the Board's worksessions. Thank you in advance for your consideration of our position.

Yours truly yours,

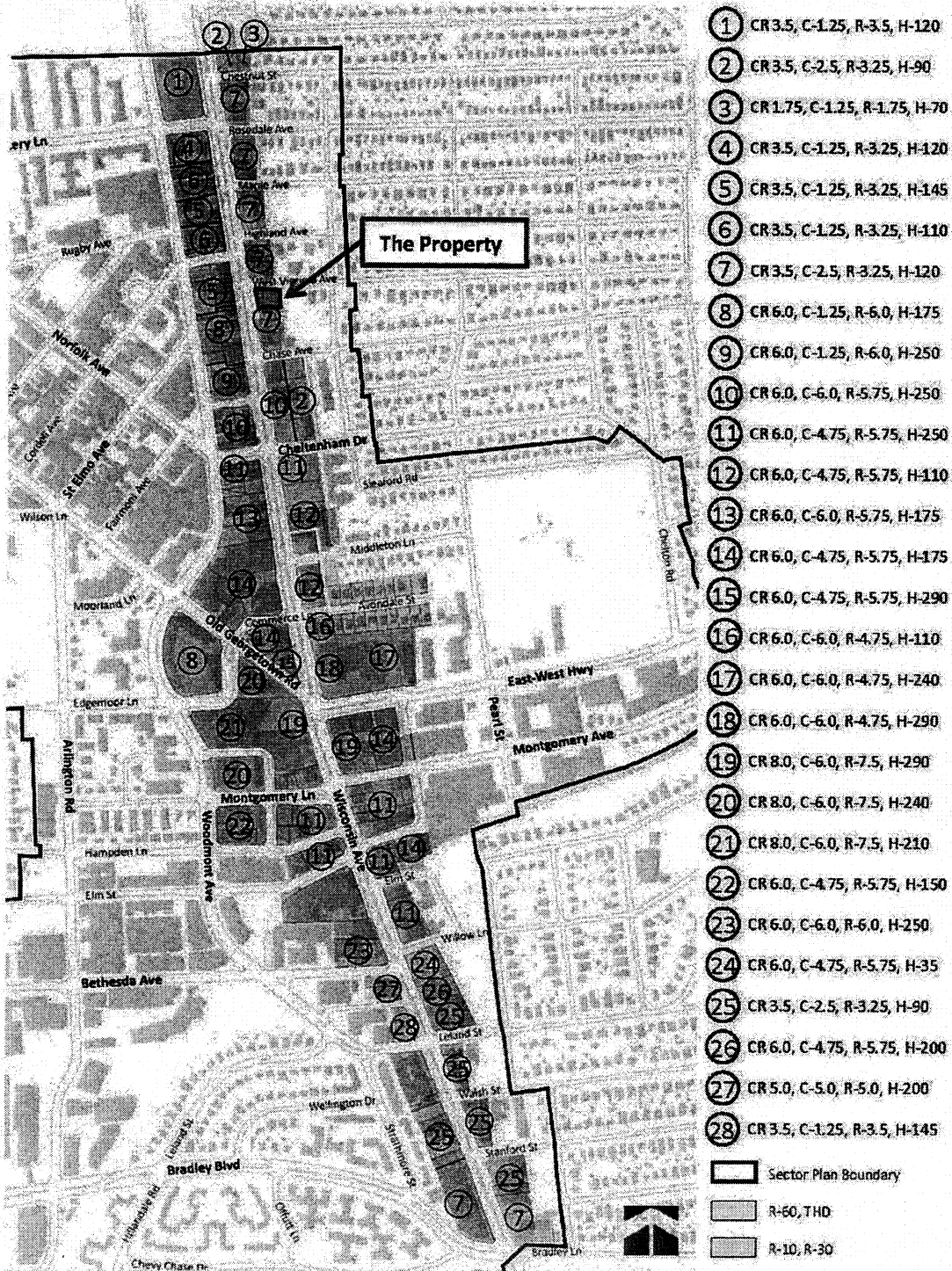


Steven A. Robins

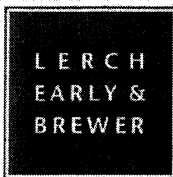
The Honorable Casey Anderson and  
Members of the Montgomery County Planning Board  
June 30, 2015  
Page 3

Cc: Robert Kronenberg  
Leslye Howerton  
Marc DeOcampo  
Eve N. Shavatt, CPM

Figure 3.01: Wisconsin Avenue District Recommended Zoning



- ① CR 3.5, C-1.25, R-3.5, H-120
- ② CR 3.5, C-2.5, R-3.25, H-90
- ③ CR 1.75, C-1.25, R-1.75, H-70
- ④ CR 3.5, C-1.25, R-3.25, H-120
- ⑤ CR 3.5, C-1.25, R-3.25, H-145
- ⑥ CR 3.5, C-1.25, R-3.25, H-110
- ⑦ CR 3.5, C-2.5, R-3.25, H-120
- ⑧ CR 6.0, C-1.25, R-6.0, H-175
- ⑨ CR 6.0, C-1.25, R-6.0, H-250
- ⑩ CR 6.0, C-6.0, R-5.75, H-250
- ⑪ CR 6.0, C-4.75, R-5.75, H-250
- ⑫ CR 6.0, C-4.75, R-5.75, H-110
- ⑬ CR 6.0, C-6.0, R-5.75, H-175
- ⑭ CR 6.0, C-4.75, R-5.75, H-175
- ⑮ CR 6.0, C-4.75, R-5.75, H-290
- ⑯ CR 6.0, C-6.0, R-4.75, H-110
- ⑰ CR 6.0, C-6.0, R-4.75, H-240
- ⑱ CR 6.0, C-6.0, R-4.75, H-290
- ⑲ CR 8.0, C-6.0, R-7.5, H-290
- ⑳ CR 8.0, C-6.0, R-7.5, H-240
- ㉑ CR 8.0, C-6.0, R-7.5, H-210
- ㉒ CR 6.0, C-4.75, R-5.75, H-150
- ㉓ CR 6.0, C-6.0, R-6.0, H-250
- ㉔ CR 6.0, C-4.75, R-5.75, H-35
- ㉕ CR 3.5, C-2.5, R-3.25, H-90
- ㉖ CR 6.0, C-4.75, R-5.75, H-200
- ㉗ CR 5.0, C-5.0, R-5.0, H-200
- ㉘ CR 3.5, C-1.25, R-3.5, H-145



ideas that work

*Attorneys at Law*

3 Bethesda Metro Center, Suite 460

Bethesda, MD 20814

[www.lerchearly.com](http://www.lerchearly.com)

**Patrick L. O'Neil**

Tel. (301) 657-0738

Fax (301) 347-1536

[ploneil@lerchearly.com](mailto:ploneil@lerchearly.com)

July 1, 2015

*Via Electronic Mail*

Mr. Casey Anderson, Chairman  
Montgomery County Planning Board  
Maryland National Capital Park & Planning Comm.  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Bethesda Downtown Plan – Public Hearing Draft  
Euro Motorcars Property  
7020 Arlington Road, Bethesda, MD

Dear Chairman Anderson:

Our firm represents the Euro Motorcars dealership at 2020 Arlington Road in Bethesda, Maryland, which is located within and adjacent to the Bethesda Row District of the Bethesda Downtown Plan – Public Hearing Draft. The Bethesda Row portion of the property is more particularly identified as Circle 9 on page 99 of the Public Hearing Draft.

Consistent with the Public Hearing Draft, the Bethesda Row portion of the property is recommended to be CRT 2.75, C-1.75, R-1.0, H-70, which is an increase from the current zoning of CRT 2.25, C-1.5, R-.75, H-45. However, it is the property owner's desire and Planning Staff's intent (as we understand) to upzone an additional portion of the Euro Motorcars property (totaling approximately half of the property), as reflected on the Recommended Building Heights Figure on page 69 of the Public Hearing Draft. The purpose of this letter is to seek a slight modification of the Public Hearing Draft to clearly identify the eastern half of the property that is to be rezoned under the Sector Plan.

The confusion may be better understood by referring to page 92 of the Public Hearing Draft, which identifies the various proposed districts in the Downtown Plan. You will note that some properties within the Sector Plan area are not included in any of the proposed districts, and are not otherwise addressed in the Downtown Plan. This is presumably to illustrate that the zoning for these properties will not change as a result of the Downtown Plan. However, at least a quarter of the Euro Motorcars property, within the un-districted area to the west of the Bethesda Row District, is indeed supposed to be rezoned.

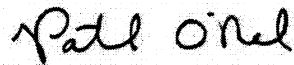
To correct this oversight, we suggest that the Bethesda Row District be expanded slightly to the west to include the roughly one-quarter portion of the Euro Motorcars property that is intended to be upzoned. We also note that the Arlington South district may be similarly expanded to the north as an alternative. In either event, we are seeking to create a clear record of

Mr. Casey Anderson, Chairman  
July 1, 2015  
Page 2

the new zoning for the Euro Motorcars property. The new zoning for the easterly half of the Euro Motorcars property is essential to facilitate the long-planned commercial redevelopment of this site. This proposed redevelopment has been discussed twice with Staff and nearby property owners, and everyone is supportive.

Thank you for your consideration of this matter. We look forward to your direction, with Planning Staff input, on how it may be best addressed in the Downtown Plan.

Very truly yours,



Patrick L. O'Neil

cc: Paul DiPiazza  
Jon Penny  
Robby Brewer

July 1, 2015

Leslye Howerton, Montgomery Planning, Draft Plan  
leslye,howerton@montgomeryplanning.org

From: Holly and Jim Clemans  
4977 Battery Lane Apt 420, Bethesda MD 20814, holclem@aol.com

Dear Leslye Howerton,

Thank you for working on the Bethesda Downtown Draft Plan. George Léventhal, President of the Montgomery County Council, advised us to contact you on the matter of your draft plan for a road through Battery Lane Park.

We are writing to express our opposition to the proposed "shared park street" for car traffic to cut through Battery Lane Urban Park from Norfolk Avenue to Battery Lane. This is shown on page 120 of the Bethesda Downtown Sector Plan, Staff Draft, May 2015, and Figure 3.13 "Battery Lane District Public Realm Improvements".

We use our neighborhood park, with its grass and mature trees, for playing with grandchildren and strolling to the Norfolk Avenue. It is not a brick and concrete public space for gathering. We do not want to lose this grass space and large tree area for concrete, even though concrete and brick technically meet the definition of public space and are sometimes colored dark green on plan maps.

We want to preserve the wonderful children's play ground, the walkways, the bike path, the ball courts, the Trolley trail and the trees and grass areas for people and dogs. The current quiet park will be disrupted by adding "retail opportunities" and/or "flexible public space for events" and concerts.

We do not see the logic of connecting the downtown to a relatively quiet residential area by road. The park and Norfolk Avenue would be less 'walkable' for most of us, because the extension adds a road to cross and non-local traffic to our roads.

The additional intersection would be dangerous because it is near the apex of the curvature of Battery Lane. A traffic light would be necessary. The Bethesda Chevy Chase Rescue Squad trucks, which use Battery Lane at all times of day and night, would need to run sirens and honk at the new intersection in our relatively quiet neighborhood. Traffic management would be needed to avoid having the added traffic signal cause gridlock during rush hour, when Battery Lane is busiest.

The proposed road is unnecessary. Car drivers can continue to drive around the park. Woodmont Triangle is easily accessible by car from Battery Lane using Old Georgetown Road or by turning right on Woodmont Avenue from Battery Lane. Woodmont Avenue and Old Georgetown Roads give access to public parking lots, therefore these are the roads for cars to use, rather than a new cut through road.

Battery Lane Urban Park is a quiet, safe, well-used park that improves the quality of life for residents and visitors, and it provides habitat to plants, birds, squirrels and other wild life. We feel that it is essential to preserve and enhance our neighborhood walking and biking potential rather than expand car traffic, especially through our lovely green park.

Please remove the road through Battery Lane Park from your draft plan.

Sincerely,  
Holly and Jim Clemans



**From:** [WordPress](#)  
**To:** [MCP-BethesdaDowntownPlan](#)  
**Subject:** Bethesda Downtown Plan  
**Date:** Wednesday, July 01, 2015 12:01:39 PM

---

Sent from: sean.scully@proquest.com

To:  
Gwen Wright, Planning Director  
Casey Anderson, Chair, Planning Board  
Roger Berliner, Councilmember  
Nancy Floreen, Councilmember

I support the vision to preserve the plaza at Bethesda Metro Center, at the corner of Wisconsin Avenue and Old Georgetown Road, as a significant community gathering space and urban park in the new Bethesda Downtown Plan. This public space should not be developed.

Additional Message:  
please do not develop Bethesda Metro Center.

A shaded park with the water fountain will be much better than another silly office building. I have worked at LexisNexis and proquest for eight years in Bethesda and the metro center plaza is a great place to chill or take a break from work. please do not get rid of it or change it for the worse -Sean

Name: Sean Scully  
City: Bethesda  
Zip: 20814

**From:** [WordPress](#)  
**To:** [MCP-BethesdaDowntownPlan](#)  
**Subject:** Bethesda Downtown Plan  
**Date:** Wednesday, July 01, 2015 8:41:26 AM

---

Sent from: obriens@visi.org

To:  
Gwen Wright, Planning Director  
Casey Anderson, Chair, Planning Board  
Roger Berliner, Councilmember  
Nancy Floreen, Councilmember

I support the vision to preserve the plaza at Bethesda Metro Center, at the corner of Wisconsin Avenue and Old Georgetown Road, as a significant community gathering space and urban park in the new Bethesda Downtown Plan. This public space should not be developed.

Additional Message:

I object to the construction of a 290 building in downtown Bethesda. The first 200 foot building was already too high and blocked the sun. We do not need a tower that would cause more congestion and traffic to Bethesda and we do not need it to look like New York or Dubai.

Name: Sharon O\Brien  
City: Bethesda  
Zip: 20816

**From:** [WordPress](#)  
**To:** [MCP-BethesdaDowntownPlan](#)  
**Subject:** Bethesda Downtown Plan  
**Date:** Wednesday, July 01, 2015 8:40:46 AM

---

Sent from: obriens@visi.org

To:  
Gwen Wright, Planning Director  
Casey Anderson, Chair, Planning Board  
Roger Berliner, Councilmember  
Nancy Floreen, Councilmember

I support the vision to preserve the plaza at Bethesda Metro Center, at the corner of Wisconsin Avenue and Old Georgetown Road, as a significant community gathering space and urban park in the new Bethesda Downtown Plan. This public space should not be developed.

Additional Message:

I object to the construction of a 290 building in downtown Bethesda. The first 200 foot building was already too high and blocked the sun. We do not need a tower that would cause more congestion and traffic to Bethesda and we do not need it to look like New York or Dubai.

Name: Sharon O'Brien  
City: Bethesda  
Zip: 20816

**From:** [WordPress](#)  
**To:** [MCP-BethesdaDowntownPlan](#)  
**Subject:** Bethesda Downtown Plan  
**Date:** Tuesday, June 30, 2015 4:53:27 PM

---

Sent from: shepburr@comcast.net

To:  
Gwen Wright, Planning Director  
Casey Anderson, Chair, Planning Board  
Roger Berliner, Councilmember  
Nancy Floreen, Councilmember

I support the vision to preserve the plaza at Bethesda Metro Center, at the corner of Wisconsin Avenue and Old Georgetown Road, as a significant community gathering space and urban park in the new Bethesda Downtown Plan. This public space should not be developed.

**Additional Message:**

What has changed since 2009, when the Planning Board confirmed the public space plan allowed by Bethesda Metro Park, other than much more congestion in the area caused by the growth of the Bethesda Naval Hospital and the addition of numerous huge apartment projects?

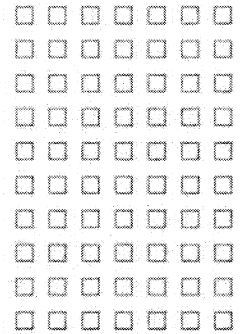
The result of these changes over the last six years has been a huge increase in rush hour traffic, which would be exacerbated by a new 290 foot office tower in the heart of Bethesda.

At some point, the quality of life of those who live and work in the areas where the Planning Board is reviewing new developments must be considered. I urge you to confirm the Bethesda Metro Park plan once and for all, and not subject us to any more overbuilding.

Name: Shep Burr  
City: Chevy Chase  
Zip: 20815



FOUNDATIONS OF OPPORTUNITY



1626 East Jefferson Street  
Rockville, MD 20852-4041  
PH 301.998.8100  
FX 301.998.3700

July 1, 2015

Mr. Casey Anderson, Chairman  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Bethesda Downtown Plan Staff Draft Comments of Federal Realty Investment Trust

Dear Chairman Anderson and Members of the Planning Board:

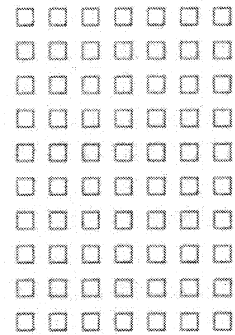
On behalf of Federal Realty Investment Trust (“Federal Realty”), we are providing supplemental materials as follow-up to our initial letter dated June 22, 2015 regarding the Bethesda Downtown Plan Staff Draft (the “Plan”).

As before, we commend the Planning Staff on their extensive efforts to develop a comprehensive plan for the future of Bethesda. We also believe that certain elements of the Plan as they apply to our property, Bethesda Row, should be modified to successfully achieve the Plan’s vision and goals. We specifically want to make sure that like our neighbors, we will have the opportunity to take advantage of the environment we have created through selective and appropriate development of over time.

We have requested the below noted adjustments to the density and height within Bethesda Row. The Plan for the Bethesda Row District (Figure 3.03 on page 99, a copy of which is attached as Exhibit 1) recommends a maximum range of density and height for Bethesda Row from 2.75 FAR and 45’ of height on the west side of Woodmont Avenue to 6.0 FAR and 145’ of height on the east side of Woodmont Avenue. We agree that higher densities should be located closest to the Metro Station and Wisconsin Avenue. However, the Plan’s approach scales the proposed height down significantly across Woodmont Avenue, not taking into account the relative heights across the street or the proximity of our property to the proposed Red Line Metro Entrance and Purple Line Station at Elm Street and Wisconsin Avenue. Additionally, with the Plan goal of scaling height away from the Metro entrances, it is of note that Bethesda Row falls within a 0.25 mile radius of the existing Metro entrance and a 0.15 mile radius of the proposed new Metro entrance. Other properties within this radius have heights ranging from 145’-290’.

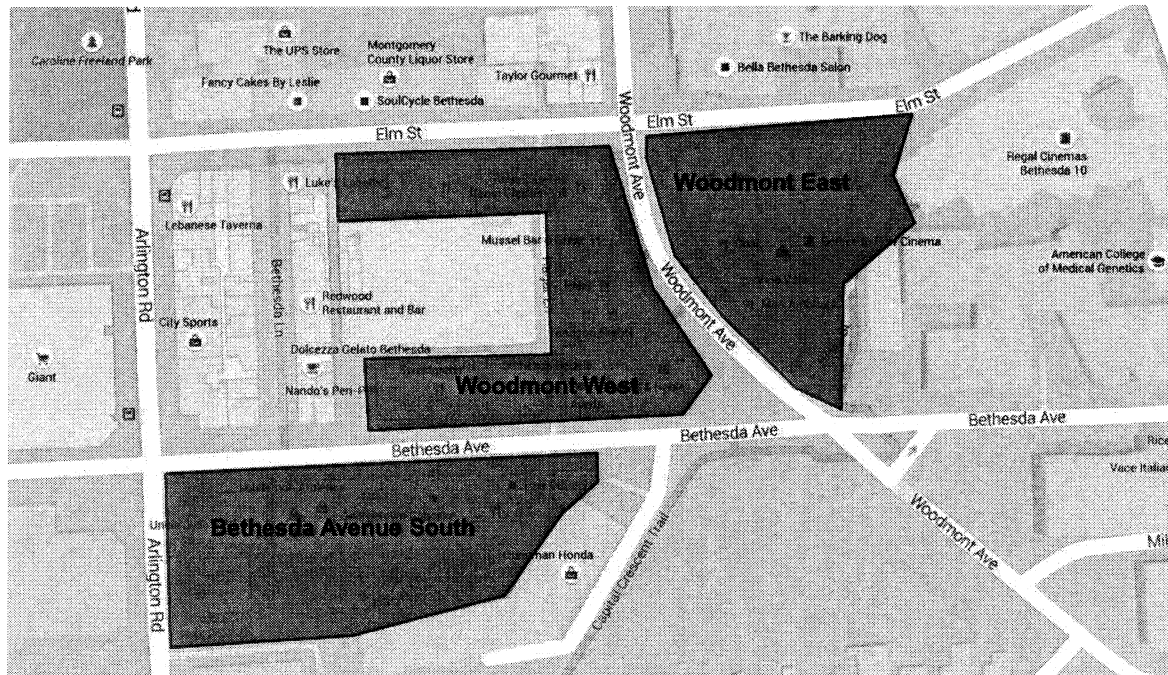


FOUNDATIONS OF OPPORTUNITY



1626 East Jefferson Street  
 Rockville, MD 20852-4041  
 PH 301.998.8100  
 FX 301.998.3700

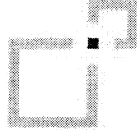
While FRIT recognizes that Bethesda Row is an established property, there remain redevelopment opportunities which will assist in the ability to retain Bethesda’s competitive edge and for the area to successfully evolve over time by responding to market demands and opportunities. Specifically, Federal Realty is looking to create growth and value from the following locations in the next ten to fifteen years:



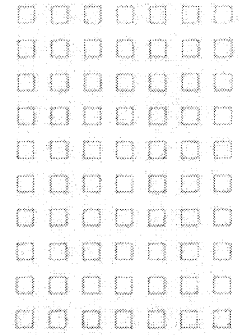
***Accordingly, we request that the height limit recommendations for Bethesda Row be revised to reflect a minimum of 100’ with peak height of 250’ on top of the proposed Metro Station entrance, and the density limit recommendations be increased to reflect a minimum of 3.25 FAR (further outlined in Exhibit 1).***

As part of our supplemental letter, we have attached a massing study to provide context for our requested building heights which we believe to be in-line with the existing surrounding buildings (see attached Bethesda Row Massing Study).

Federal Realty  
INVESTMENT TRUST



FOUNDATIONS OF OPPORTUNITY



1626 East Jefferson Street  
Rockville, MD 20852-4041  
PH 301.998.8100  
FX 301.998.3700

Thank you for considering our comments and suggestions on the Plan. Should you have any questions or require any additional information, please contact us.

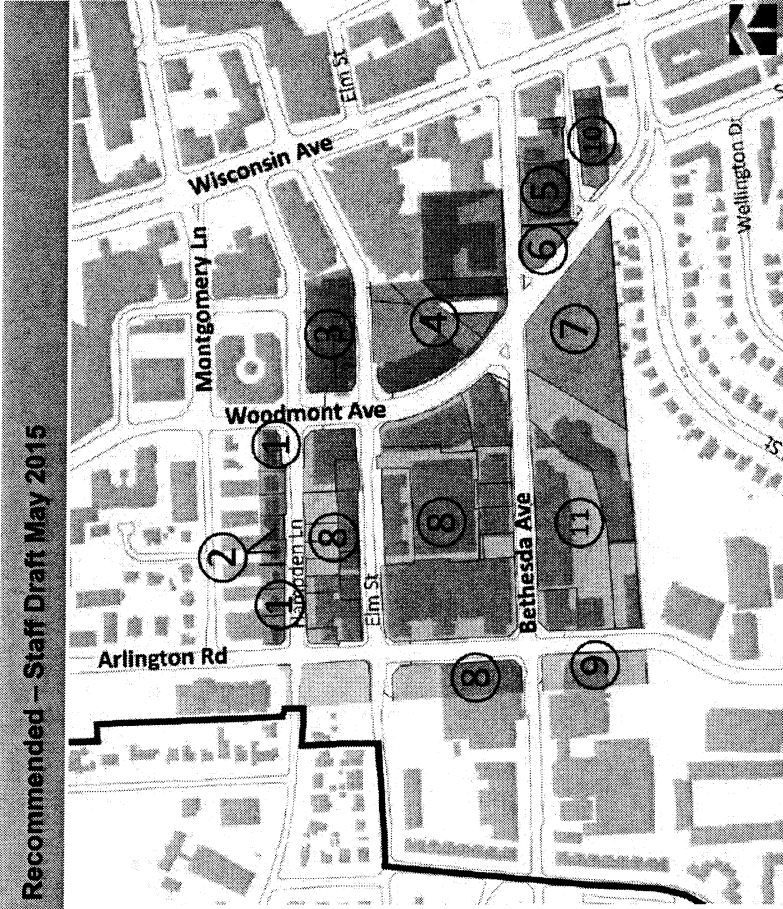
Sincerely,

Alison M. Williams

Enclosures

cc: Donald T. Briggs, EVP – Development, Federal Realty Investment Trust  
Evan Goldman, VP - Development, Federal Realty Investment Trust  
Barbara A. Sears, Esq.

# Exhibit 1 - Bethesda Row District Density



Proposed Changes		
Zone	Recommended – Staff Draft	Proposed Changes
4	CR 6.0, C-4.75, R-5.75, H-145/35	CR 6.0, C-6.0, R-6.0, H-250
8	CRT 2.75, C-1.75, R-1.0, H-45	CR 3.25, C-3.25, R-3.0, H-100
11	CRT 2.75, C-1.75, R-1.0, H-70	CR 3.25, C-3.25, R-3.0, H-100

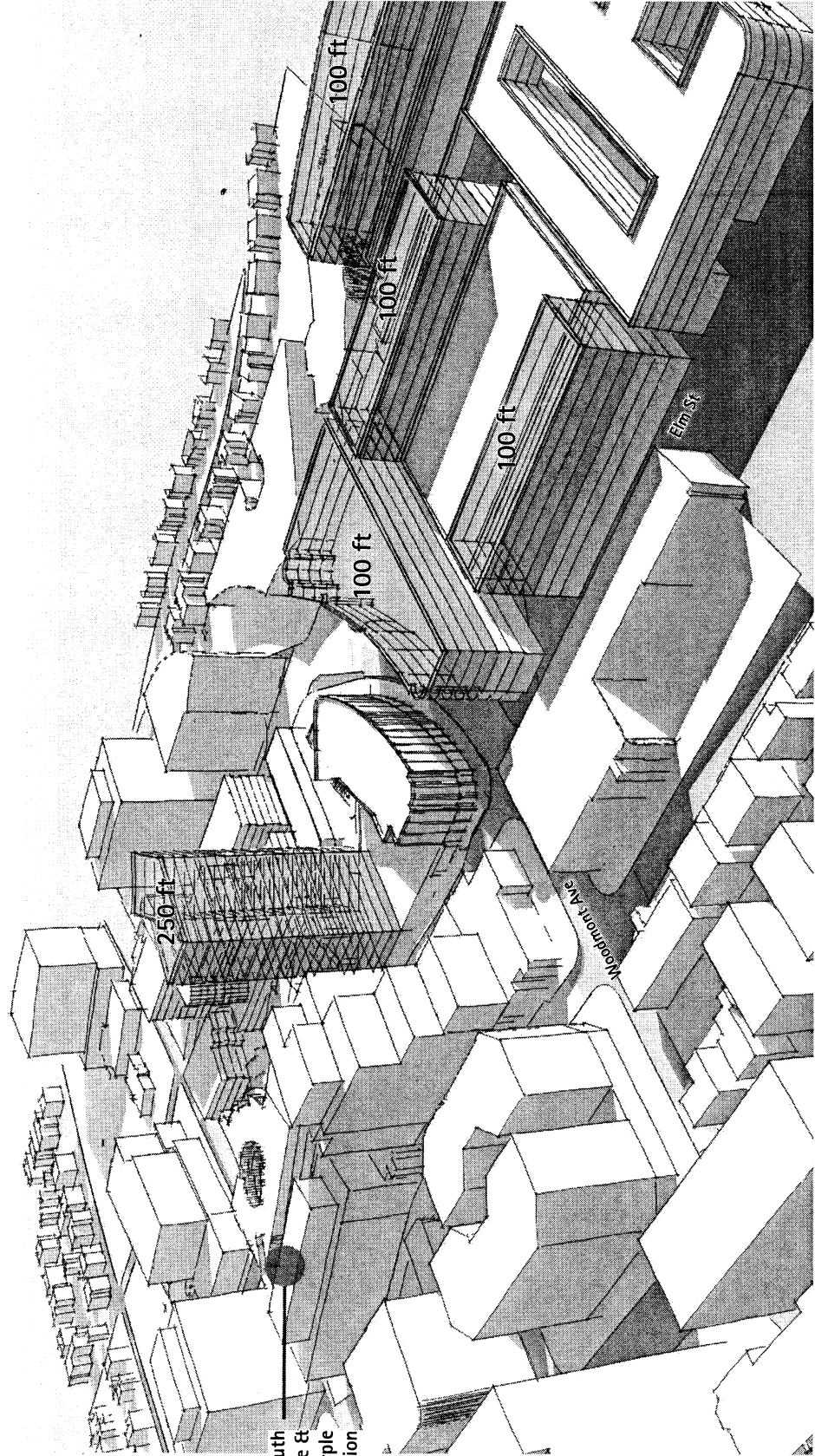
- 1 CR 3.0, C-0.25, R-3.0, H-90
- 2 CR 2.0, C-0.25, R-2.0, H-60
- 3 CR 6.0, C-4.75, R-5.75, H-175
- 4 CR 6.0, C-6.0, R-6.0, H-145/35
- 5 CR 3.5, C-2.25, R-3.25, H-90
- 6 CR 3.25, C-0.75, R-3.0, H-110
- 7 CR 3.25, C-0.75, R-3.0, H-65
- 8 CRT 2.75, C-1.75, R-1.0, H-45
- 9 CRT 2.75, C-1.75, R-1.0, H-70
- 10 CR 3.5, C-1.25, R-3.5, H-90
- 11 CRT 2.75, C-1.75, R-1.0, H-70

June 24, 2015



# Bethesda Row Massing Study

July 01, 2015



Bethesda South  
Entrance &  
Proposed Purple  
Line Station

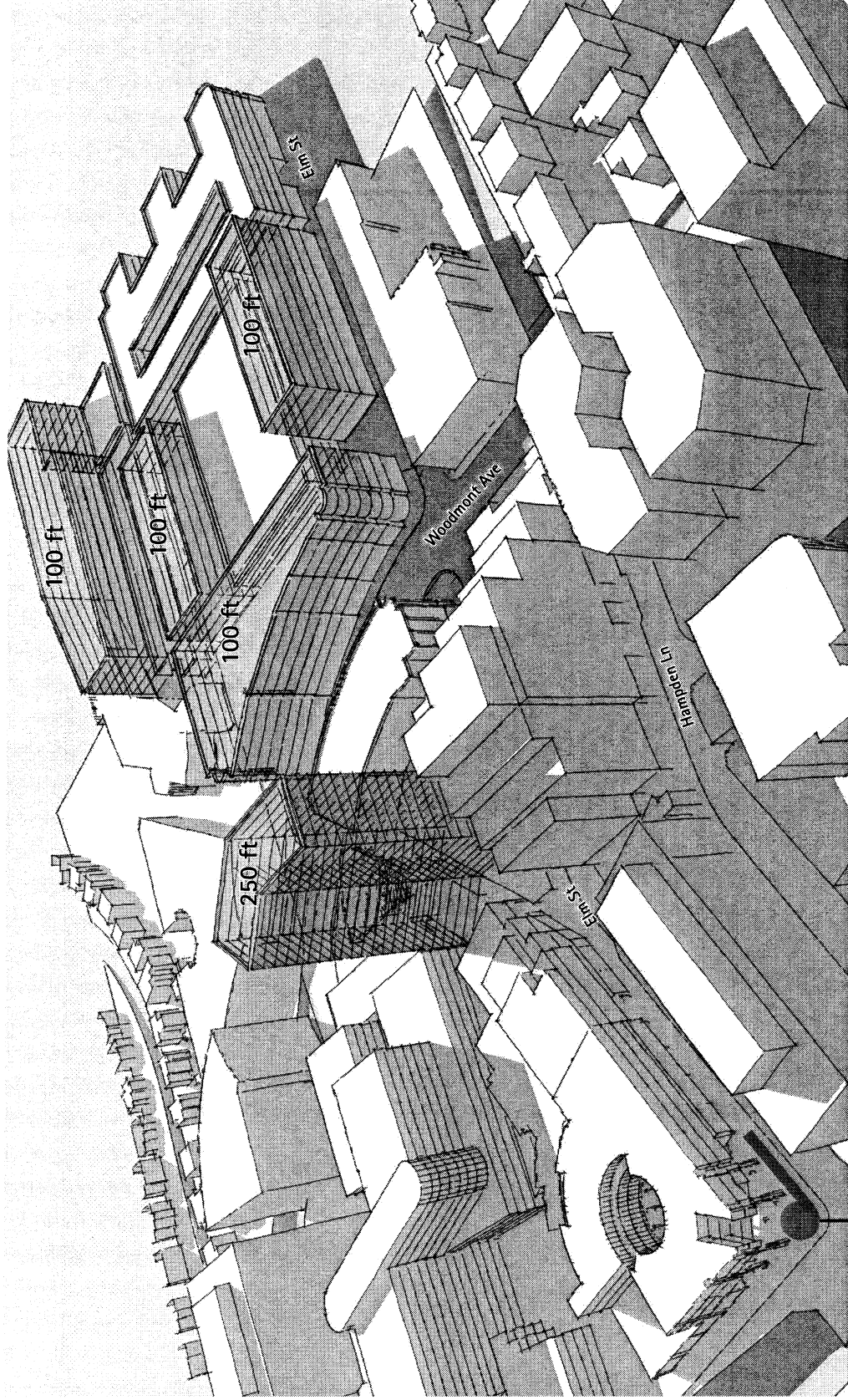


View Looking Southeast



# Bethesda Row Massing Study

July 01, 2015



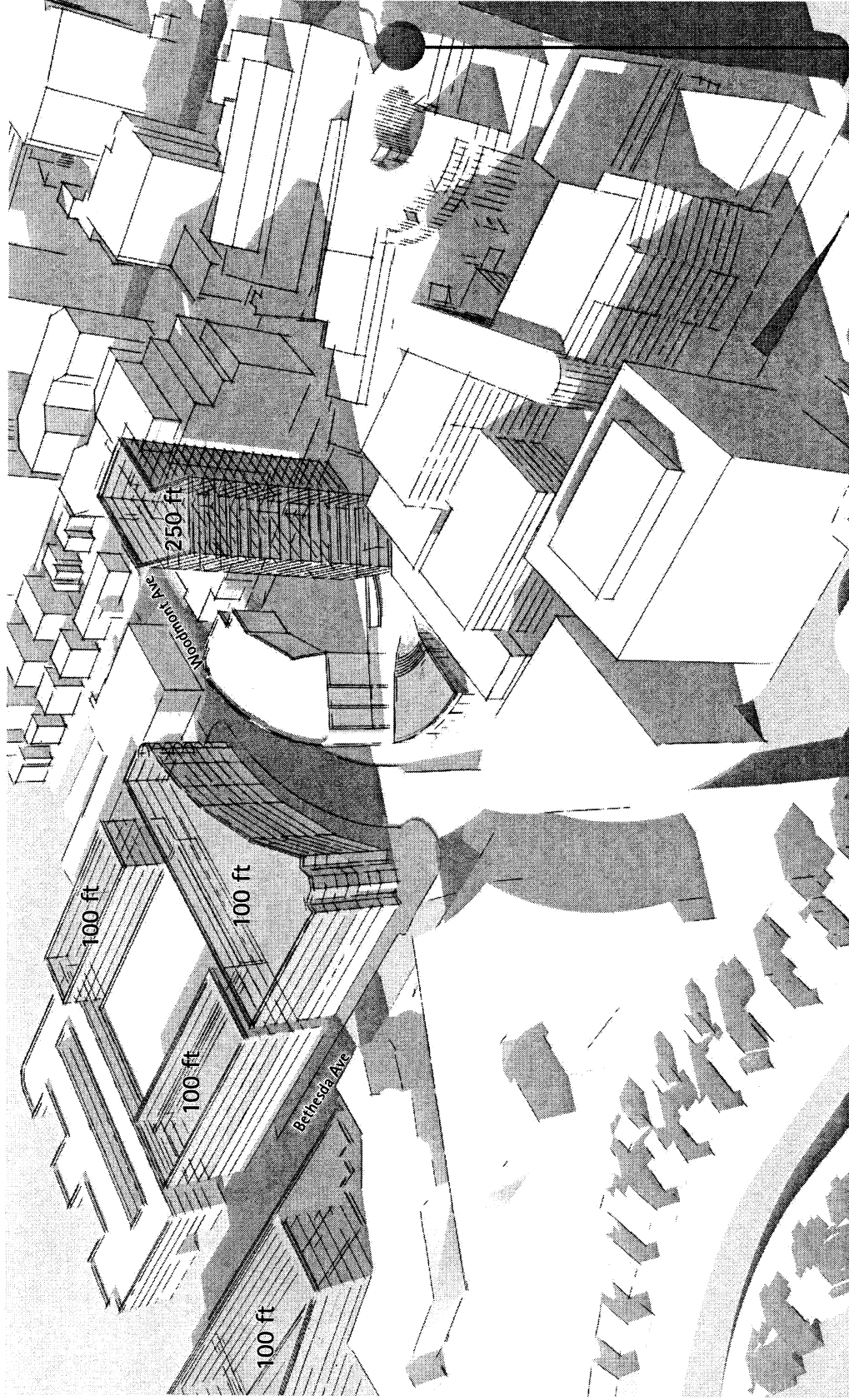
Bethesda South Entrance  
& Proposed Purple Line  
Station

View Looking Southwest



# Bethesda Row Massing Study

July 01, 2015



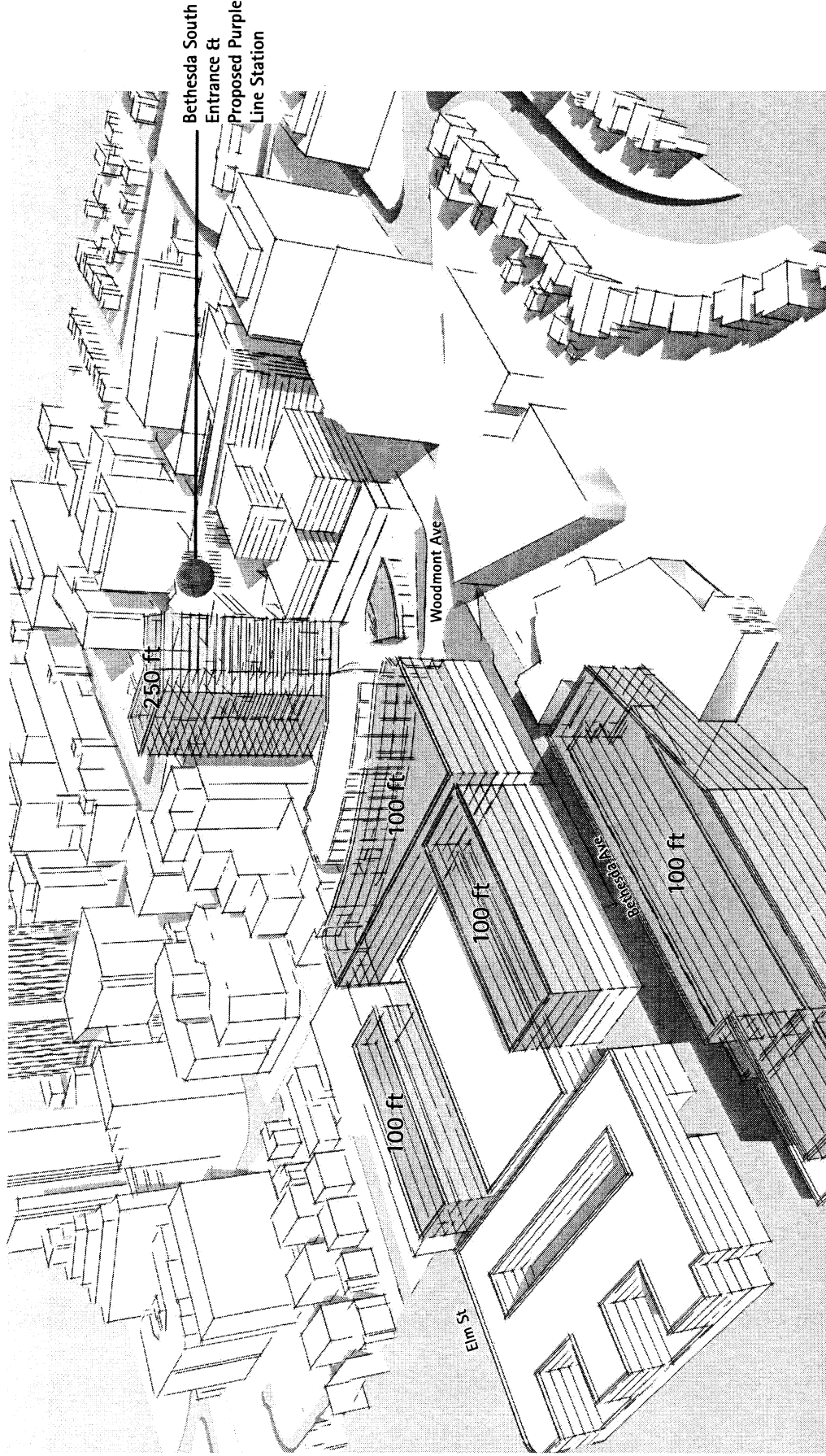
View Looking Northwest

Bethesda South Entrance  
& Proposed Purple Line  
Station



# Bethesda Row Massing Study

July 01, 2015



View Looking Northeast



**From:** [Charlotte v.S.](#)  
**To:** [MCP-BethesdaDowntownPlan](#)  
**Subject:** Bethesda Downtown Sector Plan  
**Date:** Tuesday, June 30, 2015 4:17:11 PM

---

Hello,

I am commenting by the July 1, 2015 deadline on the Bethesda Downtown Sector Plan.

I am particularly opposed to the proposal to extend Norfolk Avenue through Battery Lane Park, as stated on p. 120 of the **Battery Lane District** plan.

As a 25 year resident of Battery Lane, I have watched the traffic on Battery Lane grow and finally slow down. Before the street had biking and parking lanes as well as well-marked pedestrian crossings, commuters from downtown Washington and Bethesda would roar through here at 60 mph. It was downright dangerous to attempt to leave one's home. The bike lanes and marked crossing are a welcome change. There is less traffic and cars actually slow down.

Yet now, knowing full well this is a concentrated residential area, the planning board is considering turning this neighborhood into a commercial nightmare by connecting Norfolk Avenue with Battery Lane. The traffic will come from downtown commuters seeking to avoid Wisconsin Avenue and Old Georgetown Road. It will become congested and dangerous for pedestrians (of which there are many, as this part of Battery Lane is chock full of apartment and condominium buildings). I predict speeding cars and horrible accidents should this plan go through.

Frankly, there is no need for a commercial road like Norfolk Avenue to meet up with a residential street like Battery Lane. There already is easy access to Norfolk Avenue via the streets one block below Battery Lane which are not as packed with residential buildings. Auburn, Del Ray, Rugby, and Cordell are all close by. These streets, unlike Battery Lane, are lined with commercial buildings and have parking garages.

I enjoy and hope to continue to enjoy Battery Lane Park. It has something for everyone. Large trees for shade, walking trails, benches, a tennis court, a basketball court, and a playground for toddlers are all well-used. The proposal would require tearing up this tiny park, including its old trees (not easily replaceable).

The voice of developers who do not live here should not take precedence over those who will live with the consequences of an extension of Norfolk Avenue to meet up with Battery Lane. This plan should be aborted. It is not necessary and will have a negative impact on the neighborhood.

The park is fine as it is and does not need a public "event" space. There have been no problems with setting up such a space on Norfolk Avenue's dead end below the park. If anything, having events there draws more of the public to the businesses.

Traffic in Bethesda as well as parking has turned off many potential visitors to these businesses. Turning Norfolk into a pedestrian-only street, as is done in other cities with this type of problem, makes more sense. Publicizing the walkability of Bethesda and the Bethesda

Circulator is a better option than making a known problem worse.

I am also concerned about the plans for the **Bethesda Metro Park** area. We do not need a 290 foot tower. We need more shade and more ground-level, public, grass-covered space. I support Clark Enterprises proposal over that of Brookfield Properties. I am, frankly, horrified at the prospect of one of the few public places being taken over by such a huge building. The green space planned by Brookfield is tiny and hidden.

This area has in the past been used for public dances, an ice skating rink, and other amenities the people of Bethesda need and should have access to. It's central location makes it the perfect place for an event space as well as green (not "urban", concrete or brick) park.

In conclusion, I urge you to keep Battery Lane Park as it is now and consider routing traffic to Norfolk Avenue from the streets below Battery Lane. I also urge you to make sure there is as much public green (as in grass) space left by the Bethesda Metro and to reject the plan to build a 290 foot tower there.

Thank you for your attention.

Sincerely,  
Charlotte von Salis  
4977 Battery Lane

**From:** [Tim Eden](#)  
**To:** [Presley, Amy](#); [Anderson, Casey](#); [Wright, Gwen](#); [Howerton, Leslie](#); [DeOcampo, Marc](#); [Wells-Harley, Marye](#); [Fani-Gonzalez, Natali](#); [Dreyfuss, Norman](#); [Kronenberg, Robert](#)  
**Cc:** [Bob Dalrymple](#); [hdlhopolsky](#)  
**Subject:** Bethesda Master Plan Hearing  
**Date:** Wednesday, July 01, 2015 11:45:54 AM

---

Members of the Board and Planning Staff:

Thank you for the opportunity to speak last Wednesday at the Bethesda Master Plan Hearing. We are all excited about the current and planned development activity in Bethesda, and remain enthusiastic about the planning process that will set the stage for the next 20 years.

As a developer, we are planning to start construction of 72 condominium units at 4990 Fairmont Avenue ([www.4990fairmont.com](http://www.4990fairmont.com)) this Fall and found the approval process to be predictable and quite manageable under Robert Kronenberg's leadership. We are now looking forward to another project at 7000 Wisconsin that is also an excellent redevelopment candidate. For your convenience, our testimony is reprinted as follows:

## Master Plan Hearing Statement for 7000 Wisconsin Avenue

We recently acquired the property adjacent to that of Washington Property Company at 7008 Wisconsin Avenue that Bob Dalrymple just reviewed, and we strongly support their proposal. Bob and his team also represent our interests and will be submitting written testimony.

Located at 7000 Wisconsin Avenue, our Property consists of 23,000 square feet of land with 25,180 square feet of fully leased retail including Orvis and Sleepy's. And sleepy is a good description of this neighborhood with a collection of older retail and properties.

In a letter and meeting with Staff in March 2015, we requested an FAR of 5.0 and a height of 120 feet that is consistent with other properties on Wisconsin Avenue equidistant from Metro to the north. We think that this makes good urban planning sense to help meet the goals and objectives of the Plan for the following reasons:

1. The current plan recommends 90 feet and an FAR of 3.5 that is insufficient to encourage large scale construction which is a key economic development objective of the Plan. Since we have significant cash flow as a retail property, it would be uneconomic to build if we are not granted the additional density and height. We would simply add more retail to our 9,000 sf parking lot.

2. Along with our neighbors to the north and south, this section of Wisconsin Avenue consisting of over 2 acres offers critical mass to accommodate large energy efficient buildings. It also offers a gateway location to Bethesda at Woodmont Avenue and good proximity to transit, providing an opportunity for an architectural statement. The Property is buffered from the single-family communities outside of the Bethesda CBD, and additional height in this location would naturally taper to the west.
3. We are willing to invest in the urban redevelopment of the Property and are working cooperatively with our neighbors to allow for cohesive development regarding open space, architecture, parking and loading.
4. We further believe that the Property should be recognized as an opportunity for allowing more density and height through the density sharing program being recommended in the Plan. Again this would be consistent with the Plan on Wisconsin Avenue at Cheltenham Avenue equidistant north of Metro that shows heights of 250 feet.

In summary, we are generally supportive of the Draft Sector Plan that establishes broad goals and objectives for Downtown Bethesda regarding green space, transportation, affordable housing and economic development. Beyond this general plan for development, however, the market should be the guiding force for where density and height should occur. We believe the plan is too specific block to block in a manner that attempts to define the skyline and open space. Since each project will have open space requirements, we believe the private sector will innovate to consolidate properties and provide creative solutions.

The outstanding Bethesda development community is prepared to deliver on the promise of the Plan to be one of the most successful urban centers in the region. The Sector Plan should be broad and flexible enough to allow the market to exceed expectations. Thank you.

Thank you for your consideration of our testimony and we look forward to working with your organization on the future of Bethesda.

Best regards,

Tim

Timothy S. Eden

Managing Partner

Starr Capital LLC



5425 Wisconsin Avenue

Suite 600

Chevy Chase, MD 20815

(o) 240-842-1388

(c) 240-338-4836

(f) 240-842-1480

[www.starrcapital.com](http://www.starrcapital.com)



June 25, 2015

Mr. Casey Anderson, Chairman  
Montgomery County Planning Board  
The Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Bethesda Downtown Plan-Staff Draft  
Bethesda Gateway Property  
4300, 4302, 4304 East West Highway

Dear Chairman Anderson,

First and foremost, I want to thank you for the time you took to spend with us on June 8, to meet on site and walk East West Highway. We hope that it provided an opportunity for you to gain insight into our plans and how they will fit into the existing and future Pearl District neighborhood.

While I provided oral testimony and a slide presentation at the public hearing on June 24 and submitted my presentation to staff for the record, (which is also attached). I want to also provide this letter for the record.

Streetscape Partners is contract purchaser of this Gateway site, which consists of three single family detached formerly residential structures. The property is currently zoned EOF-1.5 H-50. We have been working with staff for nearly a year to develop plans for the redevelopment of the site that will be consistent with and reinforce the goals and objectives now clearly stated in the Downtown Plan.

Some of those primary goals for the Pearl District as an Emerging Center as outlined on page 109-110 of the plan and are directly applicable to our site:

- *Create a gateway to Bethesda along East-West Highway*
- *Improve visual quality of buildings and streetscapes along Montgomery Lane to enhance the public realm for pedestrians and incentivize economic investment*
- *Encourage attractive, compatible redevelopment and infill development on properties with low densities.*
- *Encourage infill development on the remain sites in the district*
- *Rezone employment office (EOF) properties in the **triangle of land** created by East-West Highway, Montgomery Avenue and Pearl Street to a commercial residential (CR) zone with allowable building heights of a maximum of 120 ft. to promote infill redevelopment with a mix of uses.*

What seems inconsistent with these goals is the following zoning assignments outlined on page 110 which will not allow us to achieve the above goals for our "Gateway" site:

- *Redevelop the office uses in the triangle currently zoned EOF-1.5 to CR-2, C-1.75, R-2.0, H-120*

Despite the fact that there are strong and consistent goals for this important gateway triangle of land, the oddity of this particular site never having upzoned as was anticipated in the 1970's (as most of the other neighbors did) forces an unfair burden on the land owner.

This site is one of only two emerging centers in the downtown sector and we need policies that will stimulate redevelopment and encourage the quality streetscape required to activate this now unappealing three block stretch to the metro. Similarly, dramatic and high end architecture is required to properly anchor the neighborhood and mark the Gateway to the Pearl District and downtown Bethesda.

As the attached table indicates, other gateway sites, as properties directly adjoin the subject site on both side, are being designated for 3.5 FAR. We also note that many properties are receiving density bumps above existing zoning which are much greater than a threshold 20%. This is totally appropriate where those properties, as with the subject site, are located where such additional density is fully compatible and appropriate.

We respectfully request that our three individual lots be assigned zoning categories and densities of 3.5, consistent with those recommended for the immediately adjacent neighboring properties. We further suggest that emerging centers be provided any available incentives relative to other established areas of the planning area to help encourage and stimulate development.

Thank you for your kind consideration of our request.

Respectfully



Ron Kaplan, Manager  
Streetscape Partners

Cc: Robert Kronenberg  
Leslye Howerton  
Mark Deocampo  
Andrew Altman  
Robert Harris  
Stephen Nardella

### Gateway Sites

1. BCC Rescue – R-60 to CR 3.5 (next to SFD)
2. Riviera – CR 3.5 (next to SFD)
3. East West Towers/Topaz House – CR 3.5
4. St. Johns Church – CR 3.5 (next to SFD)
5. Wisconsin Avenue – CR 3.5 (next to TH) (north of Chestnut)

### Sites with Large Increases in FAR

1. Sport & Health – CRN 0.5 to 3.5  
(near SFD)
2. Lot next to Sport & Health – EOF 1.5 to 3.5  
(near SFD)
3. Wisconsin Avenue (East) - CR 3.0 to 6.0  
(north of Cheltenham)
4. Wisconsin Avenue (West) – CR 3.0 to 6.0  
(north of Cheltenham)
5. Wisconsin Avenue (East) – CR 3.0 to 6.0  
(north of Willow)
6. 7475 Wisconsin Avenue – CR 5.0 to 8.0
7. 7140 Wisconsin Avenue – CR 3.0 to 6.0
8. Farm Women's Co-op and adjoining lot – CR 3.0 to 6.0
9. Several TS-R area sites (west of core) – R-60 to CR 2.5

# EAST WEST

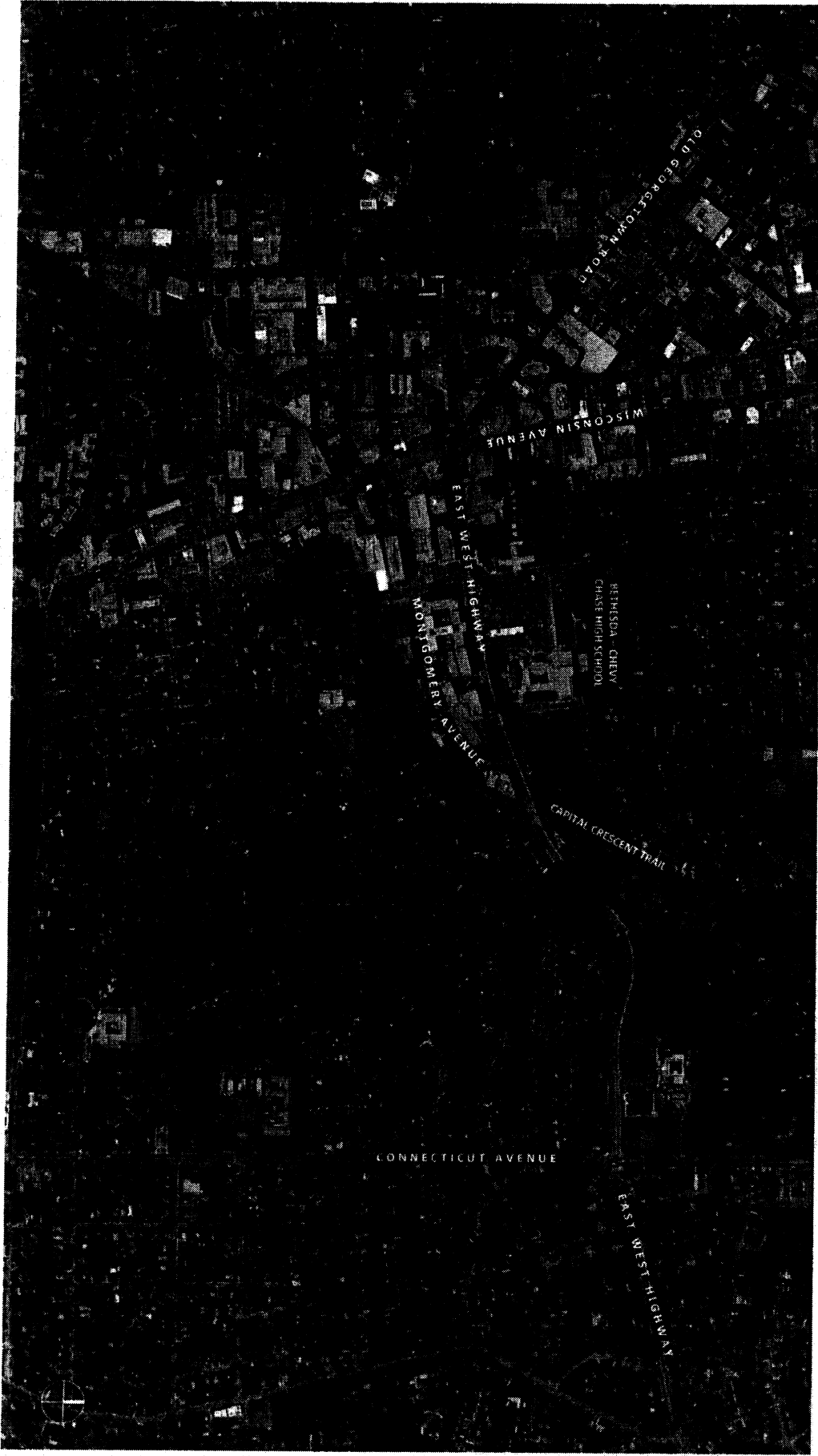
Bethesda, Maryland

June 24, 2015

**SI** STREETSCAPE  
PARTNERS

shalom baranes associates | architects

OEHME, VAN SWEDEN | OVS



SITE CONTEXT Aerial Photograph

**STREETSCAPE**

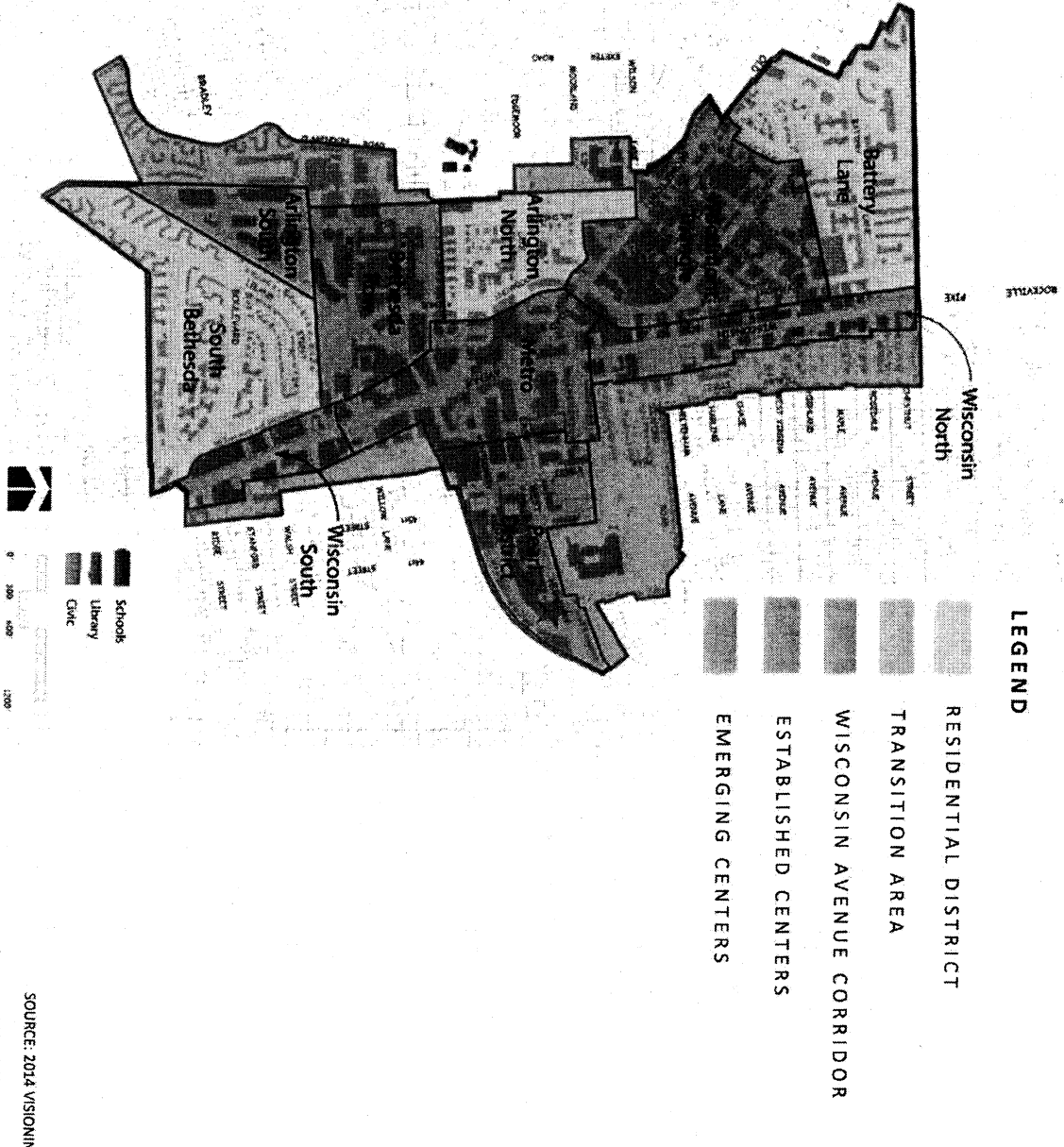
PARTNERS

Shalom Baranes associates  
architects

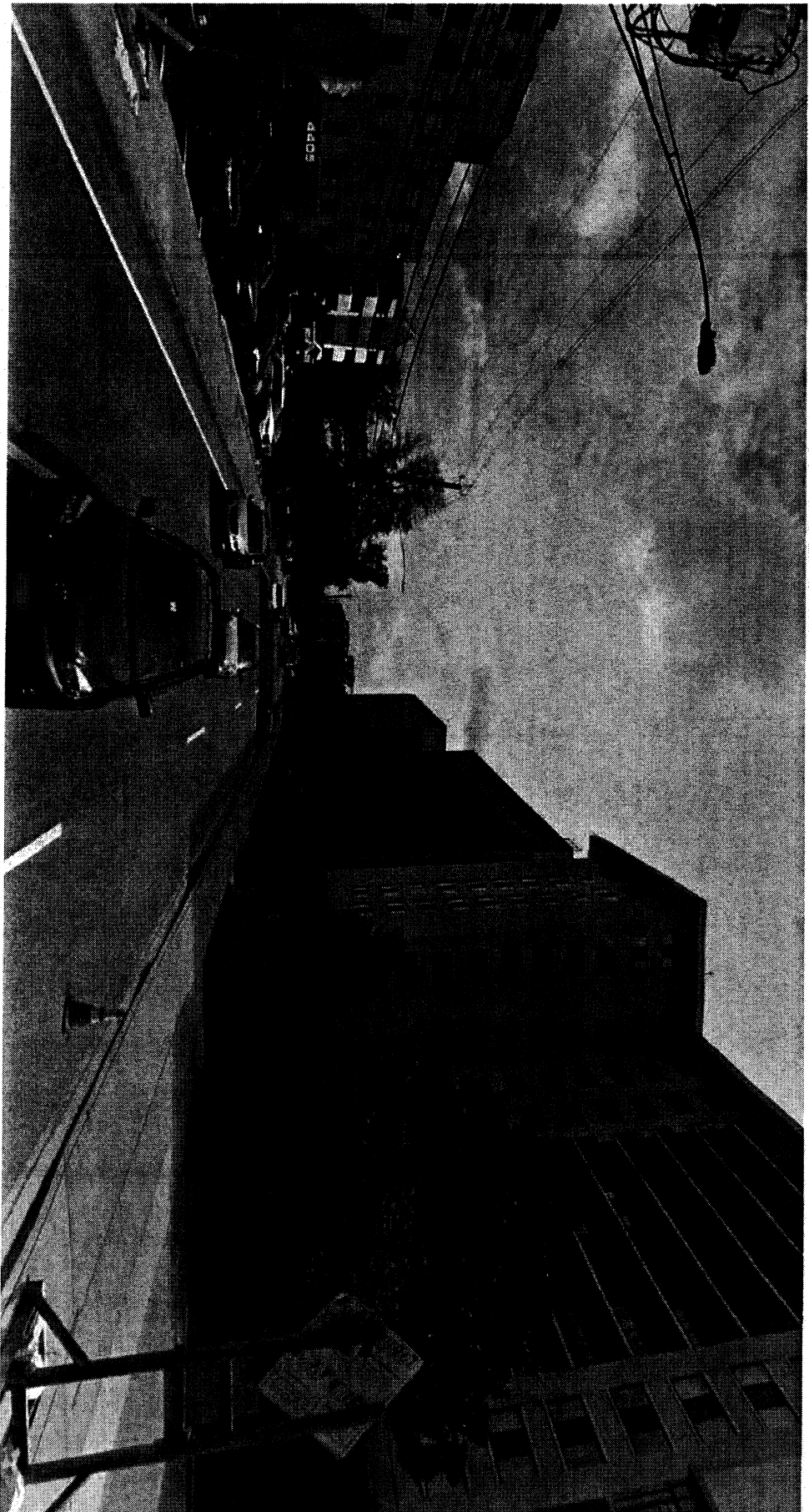
OEHME VAN SWEDEN  
OVS

**EAST WEST**  
BETHESDA, MARYLAND

**EAST WEST**  
 BETHESDA, MARYLAND



SOURCE: 2014 VISIONING DOCUMENT  
**BETHESDA District Plan**



**STREETSCAPE**

PARTNERS

Sharon baranes associates | architects

OEHME, VAN SWEDEN | OWS

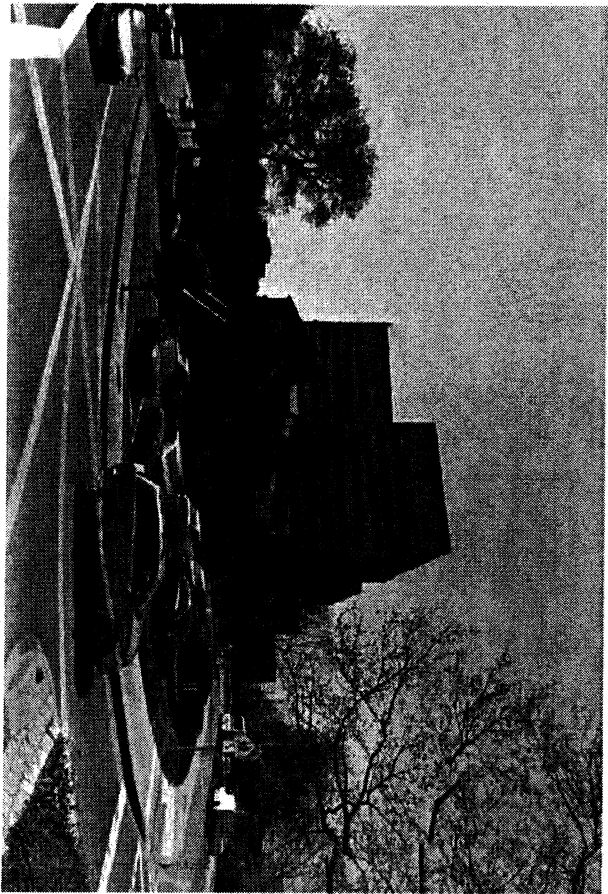
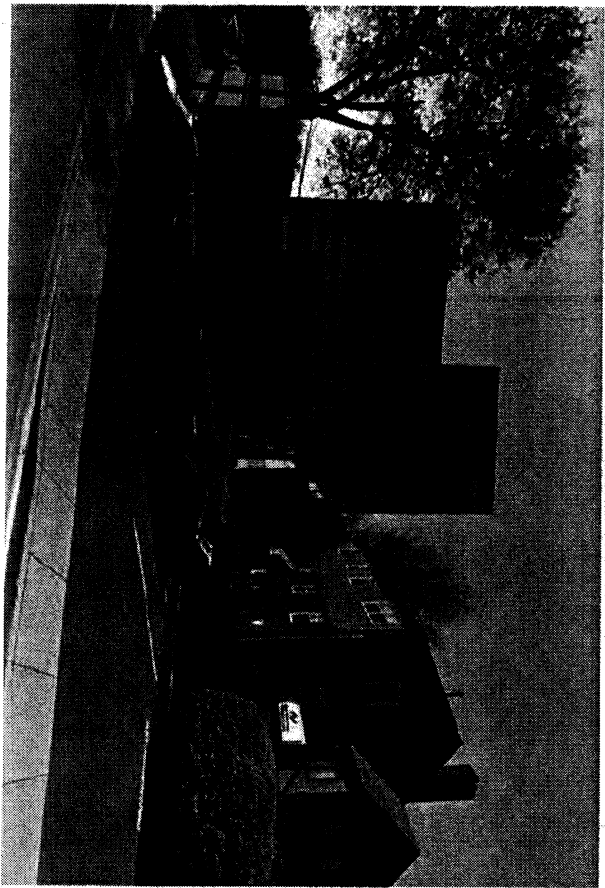
**EAST WEST**

BETHESDA, MARYLAND

June 24, 2015

page 4



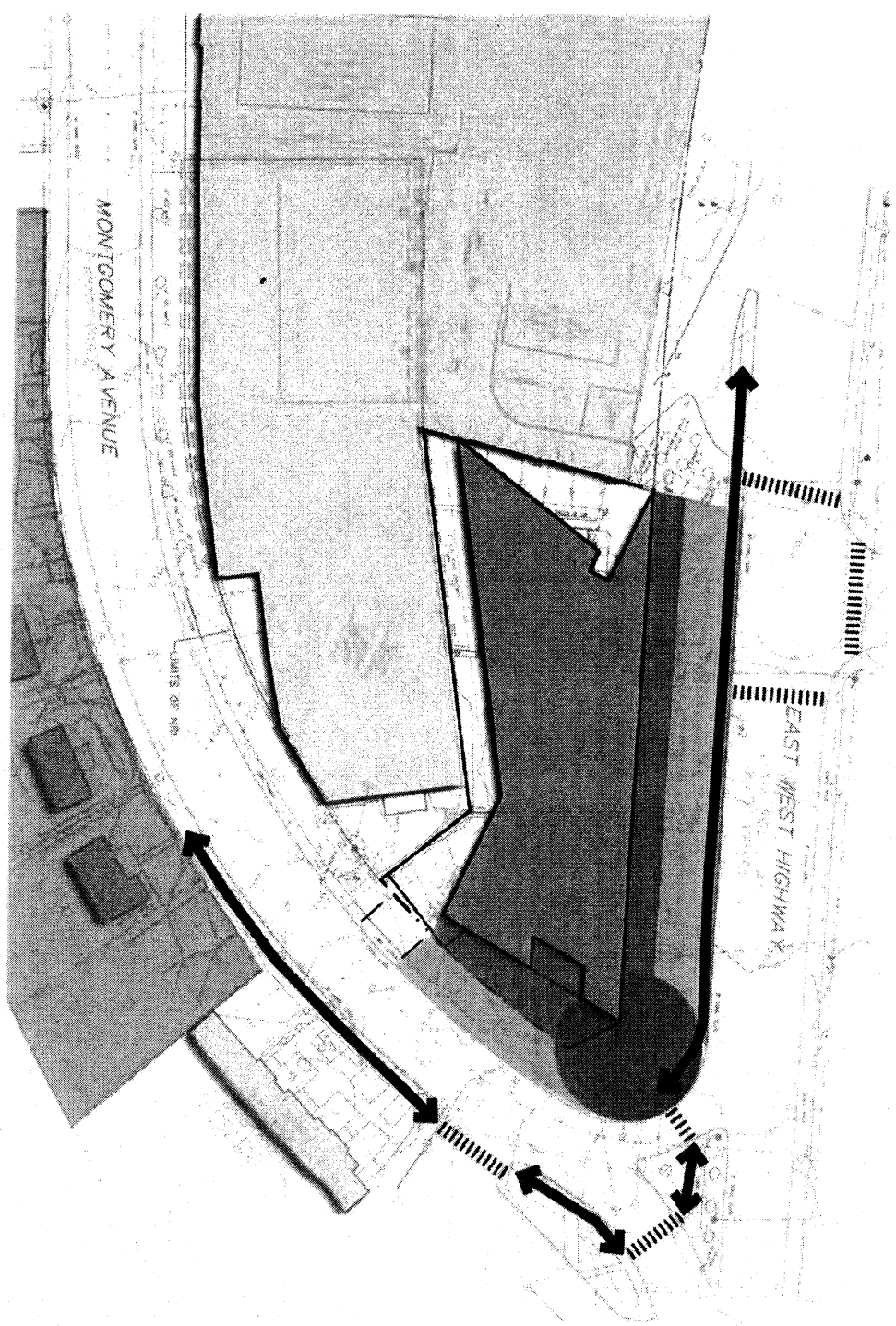


**STREETSCAPE**  
PARTNERS

shalom boranes associates | architects

OEHME, VAN SWEDEN | OWS

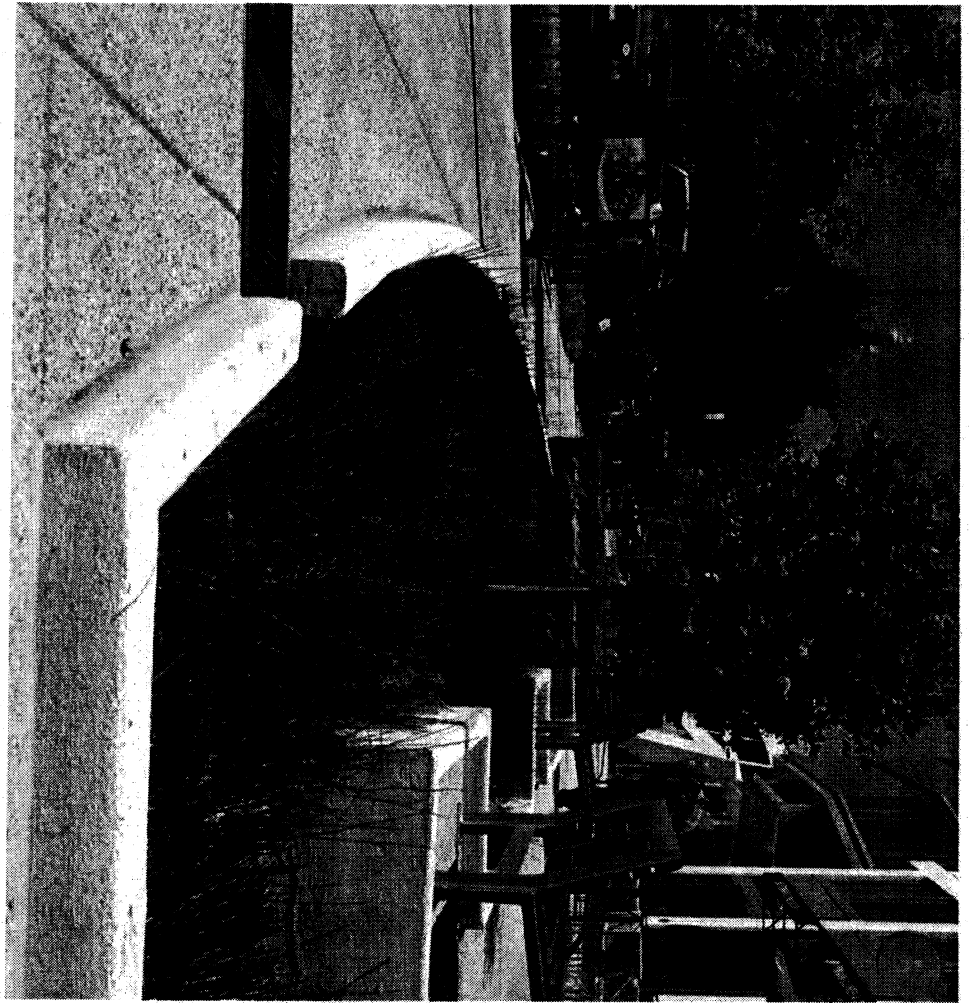
**EAST WEST**  
BETHESDA, MARYLAND



- LEGEND**
- ACTIVATED CORNER
  - SUSTAINABLE STREETSCAPE
  - CAFÉ & RETAIL OPPORTUNITIES
  - LINEAR PARK (SECTOR PLAN)
  - PEDESTRIAN CONNECTIONS

**CONCEPTUAL SITE PLAN**

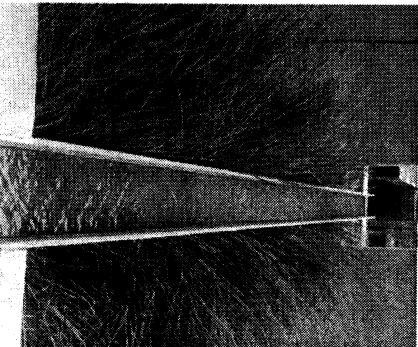
Constitution Square / Parker Hadjigeorg



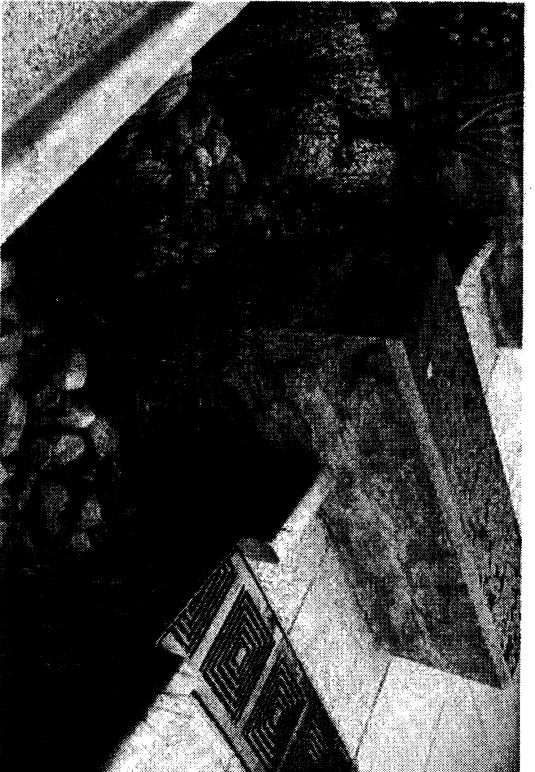
CSU Plant Science Center / Oehme, van Sweden



Langley Science Center / OMA Boston



Constitution Square / Parker Hadjigeorg



CONCEPTUAL IMAGES Sustainable Streetscape

**STREETSCAPE**

PARTNERS

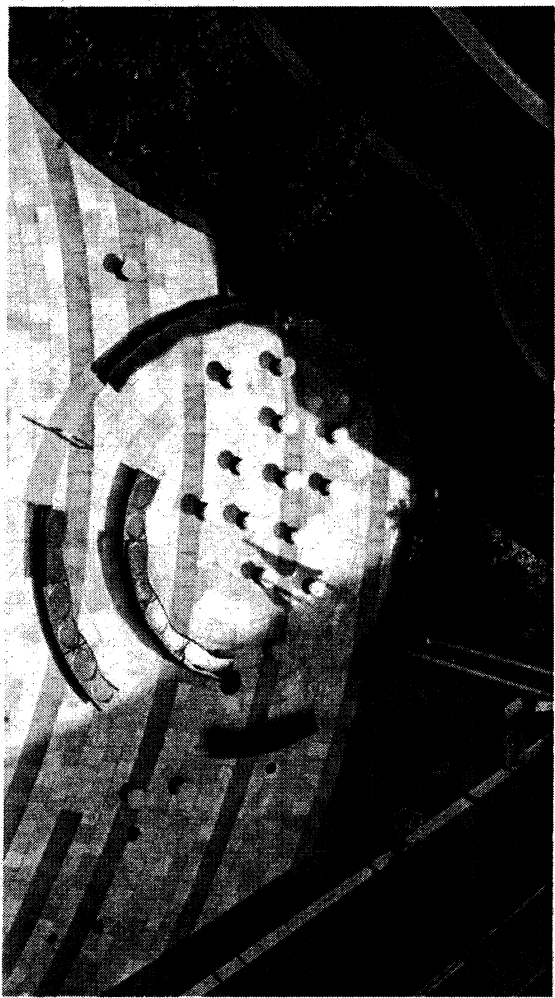
Shalom Baranes associates

architects

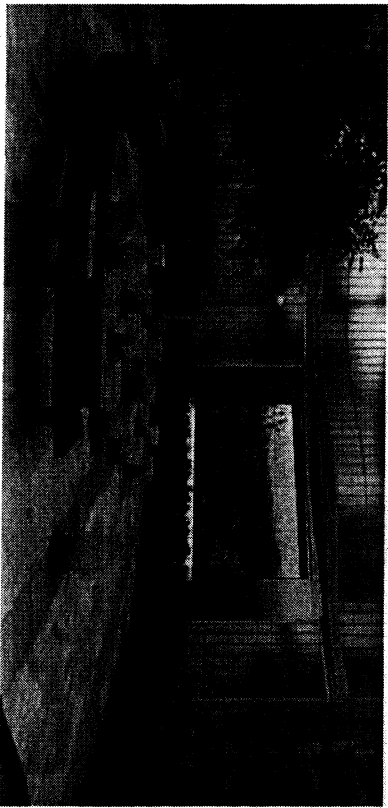
OEHME, VAN SWEDEN | OVS

**EAST WEST**  
BETHESDA, MARYLAND

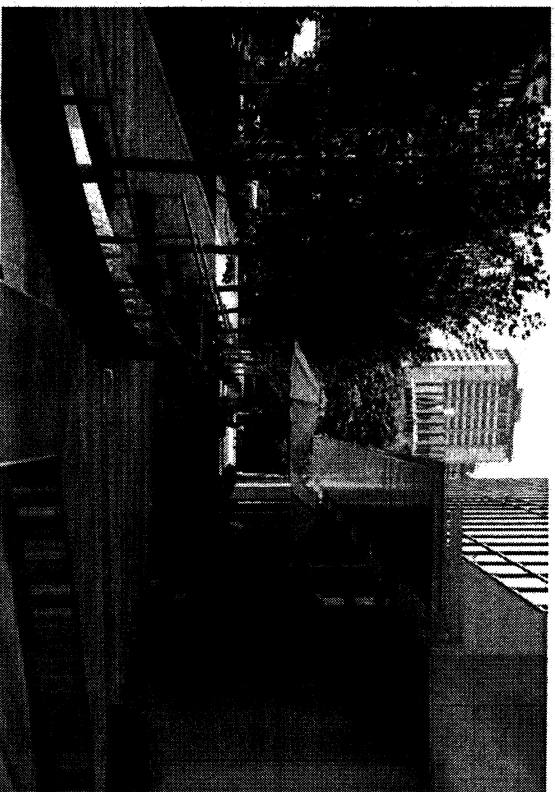
June 24, 2015  
page 7



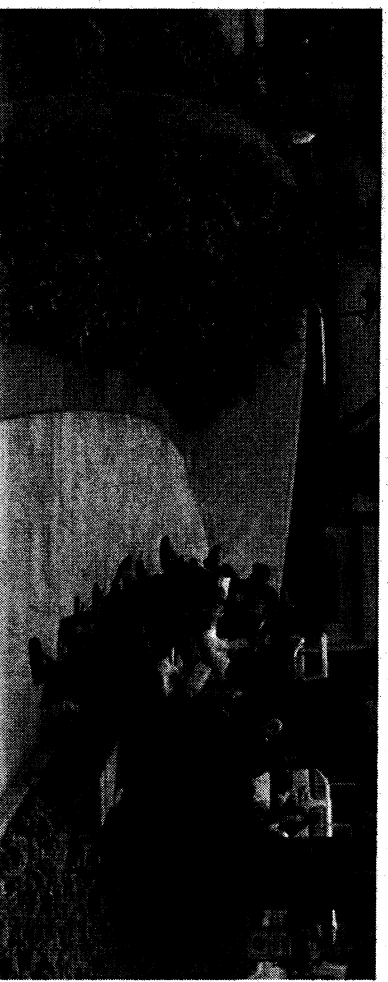
Chihwa, van Sweden / Louisa Thomasson



Chihwa, van Sweden / Louisa Thomasson



Belknap Plaza / Thomas Robley Associates



Thomas Robley Associates / Simsbury City

CONCEPTUAL IMAGES Activated Corner

**STREETSCAPE**

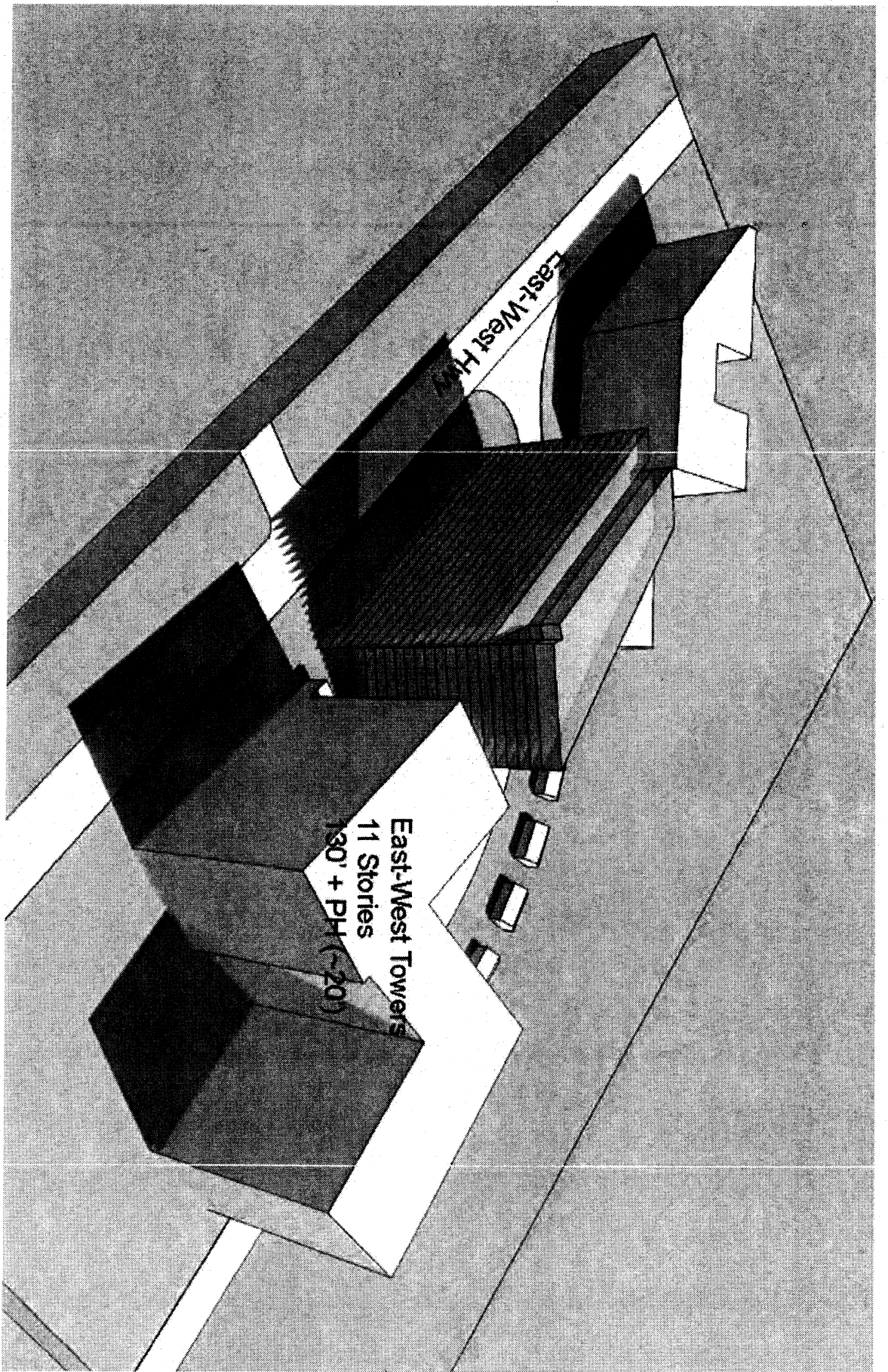
PARTNERS

shalom baranes associates architects

OEHME, VAN SWEDEN | OWS

**EAST WEST**

BETHESDA, MARYLAND



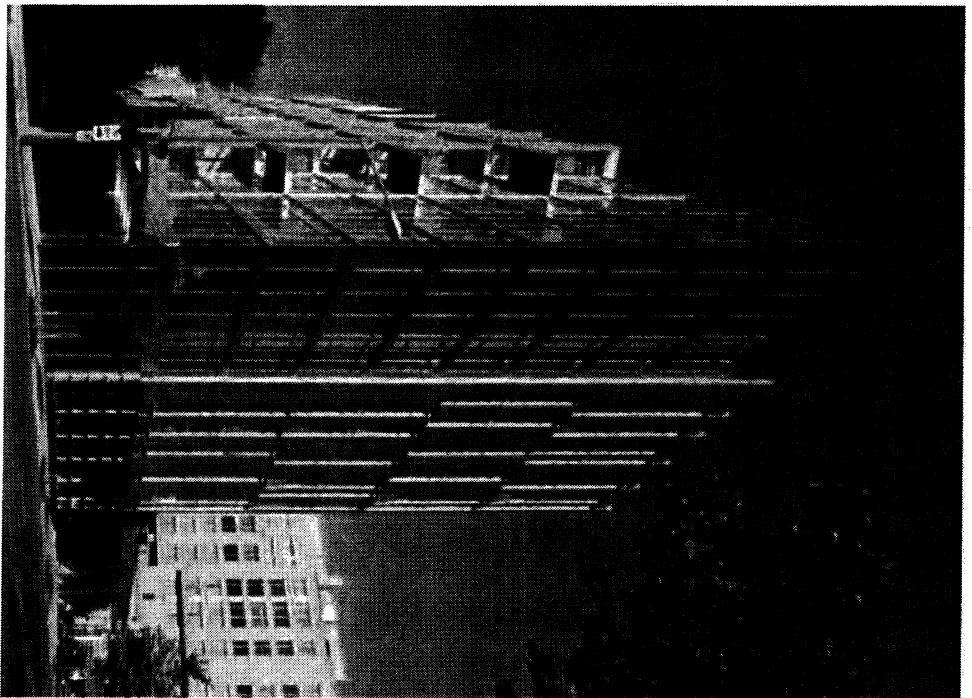
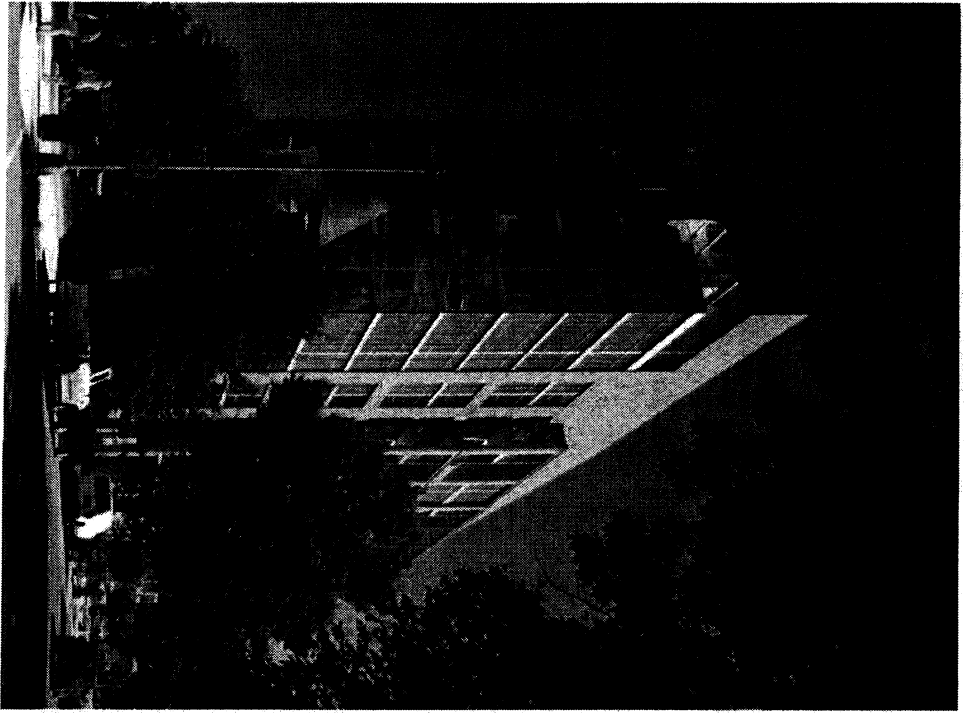
**STREETSCAPE**  
PARTNERS

shalom baron associates | architects

OEHME, VAN SWEDEN | OWS

**EAST WEST**  
BETHESDA, MARYLAND

June 24, 2015  
page 9



**STREETScape**  
PARTNERS

stalom barones associates | architects

OEHME, VAN SWEDEN | OVS

**EAST WEST**

BETHESDA, MARYLAND

**Michael and Jessica Chapman**

4611 Sleaford Road  
Bethesda, MD 20814  
(301) 442-9712  
ma.chapman@verizon.net

June 26, 2015

M-NCPPC  
Montgomery County Planning Department  
8787 Georgia Avenue  
Silver Spring, MD 20910

**Re: Comments on the Bethesda Downtown Plan--Staff Draft May 2015**

Dear Planning Department:

I am providing comments on the Staff Draft issued May 2015 of the Bethesda Downtown Plan (the “Staff Draft”). These comments are made on behalf of my family—we are 20-year residents of the East Bethesda neighborhood—and also some of my neighbors. We live on Sleaford Road, which is in a zone described in the Staff Draft as a “buffer” or “transitional area” between the advancing and heightening downtown and the rest of the established residential East Bethesda neighborhood. We oppose a change to the single-family residential character of Sleaford Road, and we have some serious concerns about proposed increases to building heights and other aspects of the Staff Draft as detailed below. We also acknowledge that there is much to like about the Plan, but several significant changes are needed to make it fit appropriately with the existing character of the area.

**1. Change the designation of Sleaford Road to “Residential” from a “Business Street” designation (Figure 2.08: Roadway Classification). This also should apply to Middleton Lane and Pearl Street north of Lady of Lourdes.** This is consistent with the fact that the Staff Draft proposes no zoning changes affecting properties on Sleaford, Middleton or Pearl north of Lourdes, based on a check of Figures 2.03: Land Use, 2.04: Existing Zoning and 2.05: Recommended Zoning. It is important to us that the East Bethesda Neighborhood and specifically Sleaford, Middleton and Pearl retain their current character as single-family residential streets. It would be helpful and reassuring to state this explicitly (e.g., there are no property zoning changes unless specifically described in the Plan).

**2. Clarify and indicate on the Figure 3.15: Eastern Greenway Districts Public Realm Improvements and/or in related discussion that the “Tiered Allowable Heights” concept is not applicable to Sleaford Road.** Section 4.4 speaks to implementation of the Greenway concepts such as the Tiered Allowable Height proposal, but the Tiers elements (heights up to 75 feet, setbacks, below-grade parking, etc.) don’t

seem applicable to Sleaford since the street consists of and is zoned for detached single-family houses. In fact the note on Figure 3.15 states that the “public greenway” only applies to the west side of Tilbury between Maple and Cheltenham, the inference being that the Tiered Allowable Height proposal only applies to a few blocks of Tilbury. Please clarify where the Tiers apply. Also, Figure 3.15 shows Sleaford Road as a proposed “Bike Priority Street”, while Figure 2.11: Bikeway Classification shows Sleaford Road as a proposed “Shared Roadway”. Please clarify in the Plan what these designations mean and how they affect the applicable streets.

**3. Remove the concept of “signature tall buildings” in the Staff Draft as a necessary component to a successful Bethesda (@ 1.3.5.B; 2.6.2.A).** We reject this concept as a requirement or even as an enhancement to the Bethesda downtown. Other than bowing to developers’ desires to maximize the profit potential of a given site, we do not see extremely tall buildings as in any way necessary to “occupy the symbolic center” or “mark civic gathering spaces” or “create visual interest” or “create gateways”. Please remove these vague justifications for massive increases in building heights that have no real benefit to the existing community. The 200-ft buildings around the Bethesda Metro station have already created a “concrete canyon” effect that is not conducive to street-level development or residential neighbors.

**4. Scale back the proposed increase in building heights in the areas of the Cheltenham/Wisconsin intersection (i.e., CVS, Chevy Chase Cars), Veterans Park and Farm Womens’s Coop Market areas.** The proposed increases in building heights especially in these new areas are totally out of proportion to the community and ignore previous agreements. The Plan would allow a 250-foot tall building to be permitted within one block of residential single-family homes. Previous Bethesda plans spoke about centering the tallest buildings at the Bethesda Metro station and scaling down heights as one moved away from this “business center”. This was part of the justification for the massive Chevy Chase Bank towers. We urge Staff to find a better balance between developers’ desires for height and the existing close-in single-family neighborhoods that do not wish to literally live in the afternoon shadows of these massive 250-ft planned structures.

Specifically, we request the following modifications to Figure 2:20: Recommended Building Heights and Figure 3.01: Wisconsin Avenue District Recommended Zoning and related discussion in the Staff Draft:

- a) Maintain a maximum height of 120 feet for buildings on the east side of Wisconsin Avenue between the northern Plan Boundary and the existing Chevy Chase Bank Towers. (Agreement on this height limit was established through previous work with Staff during the Bethesda Theater/Whitney permitting process.)
- b) Maintain a maximum height of 70 feet for buildings on the west side of Tilbury St., limited by the Greenway proposal and its Tiered Allowable Heights concept.



- c) Maintain a maximum height of 110 feet for buildings facing Veterans Park, with a 50-foot street-facing tier similar to the Plan proposal for Norfolk Ave. (To allow huge buildings to surround Veterans Park would create a canyon effect that would shade the park in morning and afternoon and seems to us to be in conflict with many of the Plan's goals for such gathering places.)
- d) Maintain a maximum height of 110 feet for buildings in the Woodmont Triangle District generally, with grandfather exceptions for the buildings that were somehow already permitted to be taller.
- e) Maintain a maximum height of 150 feet for buildings located in the block between Wisconsin Avenue and Woodmont Avenue, north of Commerce Lane.

**4. Provide a more complete analysis of the potential number of K-12 students that would be introduced to Bethesda resulting from the units envisioned in the Draft Plan, and include cost estimates to expand Bethesda's public school facilities to accommodate those potential students.** The Staff Draft states that the 20-year build-out would result in "8,355 additional units, a 46 percent increase above current levels" (@ 2.2 Land Use; paragraph 3; @2.8.4 B Public Schools). The Draft Plan estimates that these residential units will result in 695 incremental students, or about 1 student for every 12 units, which seems like a low estimate. Please provide the experience base for Staff's conclusion, including the range of actual student-to-unit-ratios in a sample of other buildings in the region.

We believe these changes to the Staff Draft will help the Plan better integrate into the local community and ultimately achieve the stated objectives. We also appreciate the opportunity to provide comments and continue working with Staff on the Bethesda Downtown Plan.

Sincerely,

Mike and Jessica Chapman

**From:** [Barry Lemley](#)  
**To:** [MCP-BethesdaDowntownPlan](#)  
**Cc:** [Sanna Solem](#); [Donald R. Cuming](#); [Tim Smith](#)  
**Subject:** Christ Evangelical Lutheran Church support of the Downtown Bethesda Plan  
**Date:** Thursday, July 02, 2015 11:56:15 AM

---

I am writing as the official business representative of Christ Evangelical Lutheran Church, property owner at 8011 and 8015 Old Georgetown Road (and surrounding Glenbrook and Rugby addresses) for over 75 years.

As such we are lending our overall support for the Bethesda Downtown Sector Plan as we feel that it will embrace a number of much needed public benefits for the future growth of our surrounding community. It also supports our property's County Council approved LMA rezoning and Site Plan that we are moving through the Park and Planning process.

We do have one special request that be entered into the public comment. On page 41, **Figure 2.10: Proposed Circulator Route Revisions**, we support the extension of the circulator north to Battery Lane. However, we formally request consideration for an additional circulator stop midway between Cordell and Battery at the corner of Old Georgetown and Glenbrook (in front of our 8011 Old Georgetown address) for the following reasons:

1. There is currently a Ride-On stop for multiple bus routes at that Old Georgetown and Glenbrook corner.
2. The proposed new Circulator stop, with spacing midway between Cordell and Battery, would be similar to other Circulator stop spacing on Old Georgetown Road.
3. We understand that bus stop would be enhanced and maintained for Ride-On (and proposed Circulator) in the Site Plan process
4. As previously testified, our planned redeveloped worship and community center facility (and adjacent new multi-tenant residential) will provide a number public benefits for multi-generational citizens. All would be encouraged to ideally take advantage of convenient, safe and cost effective Ride On and Circulator Bus transportation located within feet of the front door of our facility.

Respectfully submitted,

Barry M. Lemley  
Owners Representative  
Christ Evangelical Lutheran Church  
8011 Old Georgetown Road  
Bethesda, MD 20184  
301 652-5160

Comments in Support of Public Hearing Draft  
Bethesda Downtown Plan

Brookfield Property Partners  
Bethesda METRO Center Improvements

June 23, 2015

As owners of the Bethesda METRO Center properties, Brookfield Property Partners, L.P., offers this Statement in support of the public hearing draft of the Bethesda Downtown Plan. Brookfield supports the proposed zoning and improvements to the METRO Center project that are possible under the Public Hearing Draft. Brookfield will be testifying in support of the Public Hearing Draft at the hearing on June 24, 2015. Given the limited amount of time available for testimony, this Statement and the attachments to it are being submitted to document the many reasons Maryland–National Capital Park and Planning Commission Staff are recommending redevelopment opportunities for METRO Center. This Statement is also offered in order to address efforts led by Clark Construction to prevent such redevelopment.

I. Background

The current METRO Center development is the product of the 1976 Bethesda CBD Sector Plan, a Plan that is now nearly 40 years old. Although that Plan was developed with METRO in mind, it was conceived well before METRO was extended to Bethesda and at a time when the County did not fully appreciate the importance of METRO, public transit and smart growth. It predated contemporary principles of sustainable design, the importance of urban areas for mixed-use development at the highest possible densities, and the advancing transformation of down County areas in Montgomery County from suburbs to vital urban areas, in many cases providing 24/7 activities. As discussed in more detail in this Statement, all of these reasons underscore the importance of achieving new development potential at the Bethesda METRO Center.

In recent years, other parts of Bethesda (for example Bethesda Row and the Woodmont Triangle) and areas outside of Bethesda (for example downtown Silver Spring, White Flint and now, Wheaton), all have seen major Master Plan changes promoting redevelopment at greater densities and heights than envisioned in the 1970s. In the meantime, the Bethesda METRO Center area has remained stagnant. At the same time, it presents substantial opportunities for new, mixed-use development without adversely impacting the environment or the surrounding Bethesda community.

Eight years ago, the prior owners of the Bethesda METRO Center project recognized these factors and proposed redevelopment of the portions of the METRO Plaza area that are currently occupied by the three-story "food court" building and part of the surrounding Plaza. M-NCPPC Staff fully supported the vision as did: Montgomery County Executive Leggett, the Washington Metropolitan Area Transit Authority, the Washington Smart Growth Alliance, the

Maryland Department of Transportation, the Coalition for Smarter Growth, the Sierra Club, the Maryland Department of Business and Economic Development, the Action Committee for Transit, Governor Glendenning, multiple bicycle organizations, the Hyatt Hotel, local businesses, and members of the community. The Montgomery County Planning Board concluded that provisions in the 1994 Bethesda CBD Sector Plan, which still applied at the time, first required an amendment to the Sector Plan before such redevelopment could occur. Due to the press of many competing Master Plan studies, an update to the Bethesda CBD Sector Plan was not possible until now. The current update provides the opportunity to now proceed.

## II. Location

In real estate, sites recognized for their key development potential are often referred to as being at "the corner of Main and Main." This site, in the very center of the Bethesda CBD, at the intersection of Wisconsin Avenue and East-West Highway/Old Georgetown Road, certainly is at the corner of Montgomery County's "Main and Main." Even better than that, with the increasing importance of public transportation, it might be referred to as a site at the corner of "Main and Train." This location sits directly atop the Bethesda Station on METRO's Redline, has the best bus service in the entire Western Montgomery County area, and will be connected via the Bethesda METRO Station to the future Purple Line. This location is also served by 14 METRO bus and Ride-On routes, as well as the Bethesda Circulator, it has an excellent pedestrian network connecting it to the rest of the CBD and the surrounding community, and it is served by both local and regional bicycle routes. This location is within a 10 minute walk of more than 10,000 residents. It is also well separated from single-family communities surrounding Bethesda. It would be difficult to identify a site in Montgomery County where development is more appropriate.

## III. Zoning

The property has long held the most intensive zoning in Montgomery County with the greatest possible heights. The recent changes to accommodate redevelopment in the White Flint area have now demonstrated the propriety of even greater heights and densities in key METRO station areas. The Development Plans created for the site in the 1970's, did not take full advantage of the zoning potential then, enabling additional development even without a zoning change. Significantly, the recent rewrite of the Zoning Ordinance, the creation of the CR zones, and the rezoning of the property to the CR 8.0, C6.0, R7.5, and H-175T now opens the door for new uses there. The public hearing Draft recommendation for the site to keep the existing density, but to allow a taller building (as being recommended for the rest of the CBD core along Wisconsin Avenue), ensures the ability of the owners of the under-developed portion of the METRO Center area (the Hyatt Hotel and 3 Bethesda METRO Center) to find ways to expand the mix of uses to allow additional retail and office and new residential uses, and revitalize the entire METRO Center area.

## IV. Transportation

No one denies the growing importance of public transportation in the region and in Montgomery County. The Bethesda CBD already boasts a 42% Non-Auto Driver Modal Split

(NADMS) with a goal of reaching 50% as provided in the new Sector Plan draft. Sites like this, on top of a multi-modal transportation system, represent the most desirable ways in which to achieve the NADMS of the future. Moreover, redevelopment of this property will make use of an existing parking garage and require no additional parking. As discussed below, it will enhance the multi-modal operations with new bike station/bike storage facilities, wayfinding, and significant improvements to the multi-modal station itself.

#### V. Sustainable Design

One of the goals of the new Sector Plan is to achieve new measures of sustainable design. Redevelopment of this property will result in no loss of trees and no impact on streams or wetlands. It will create no new impervious area. Rather, it will result in added storm water management facilities which are now nonexistent and LEED design features will be incorporated. In this respect, Brookfield has a track record throughout the country of achieving the highest environmental sustainability marks, and currently has 39 Buildings in North America with LEED certification. This includes green initiatives through energy reduction, water conservation, recycling, enhanced indoor air quality, alternative transportation measures, environmentally friendly cleaning materials and other practices.

#### VI. Amenities to Benefit Greater Bethesda Community

The property owners are committed to a major upgrade to the METRO Plaza and courtyard area to attract broader community use. This will include the creation of a "living room" for all of Bethesda, with a noise and traffic protected area suitable for "movies on the lawn", community events, yoga classes, farm markets, community events and other services. New restaurant and retail services to be incorporated into the ground-floor of a new building, as well as contemplated improvements to the ground-floor of the Hyatt Hotel and the existing 3 BMC, building will greatly improve the vitality of this area and its attractiveness to the greater community. To execute this, Brookfield has a well-established group in-house, known as "Arts Brookfield" that designs, programs and operates public use spaces such as this throughout the country and overseas. With these experiences and the financial commitments of the owner, the METRO Plaza area can become a much greater community resource than was ever possible before. The addition of new mixed-use development both at the METRO Center itself and in the neighboring areas of the CBD core will provide both the opportunity and the demand for additional services like this.

Equally important, through discussions with a wide variety of Bethesda organizations and others in the Bethesda area, as well as the Washington Metropolitan Area Transit Authority, the owners have identified a series of highly-desirable improvements to the Bethesda bus station area. The improvements currently under consideration (which would be funded through the redevelopment), include better lighting, improved seating areas, improved bicycle facilities, better way-finding, continuation of the artwork from the Wisconsin pedestrian tunnel into the bus bay, a new covered escalator leading from the bus bay to the Plaza, enhanced commercial signage activating high visibility areas, public Wi-Fi, real time bus signs, and a possible vestibule separating the bus bay from the pedestrian egress into and out of the bus station to the

Plaza. The specifics of these features will be refined through discussions with WMATA and the community but it is safe to say that the benefits will be significant.

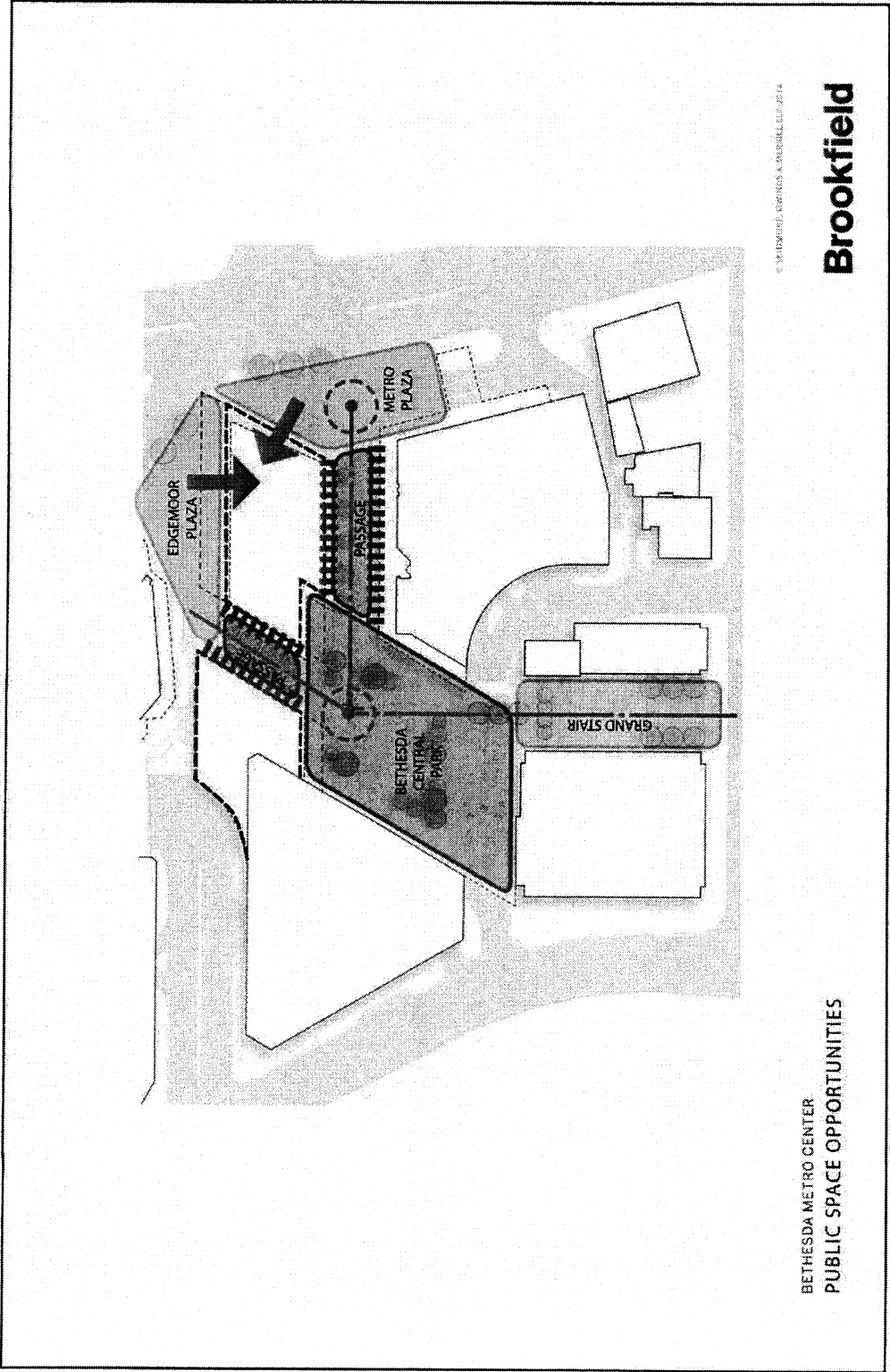
#### VII. Physical Benefits

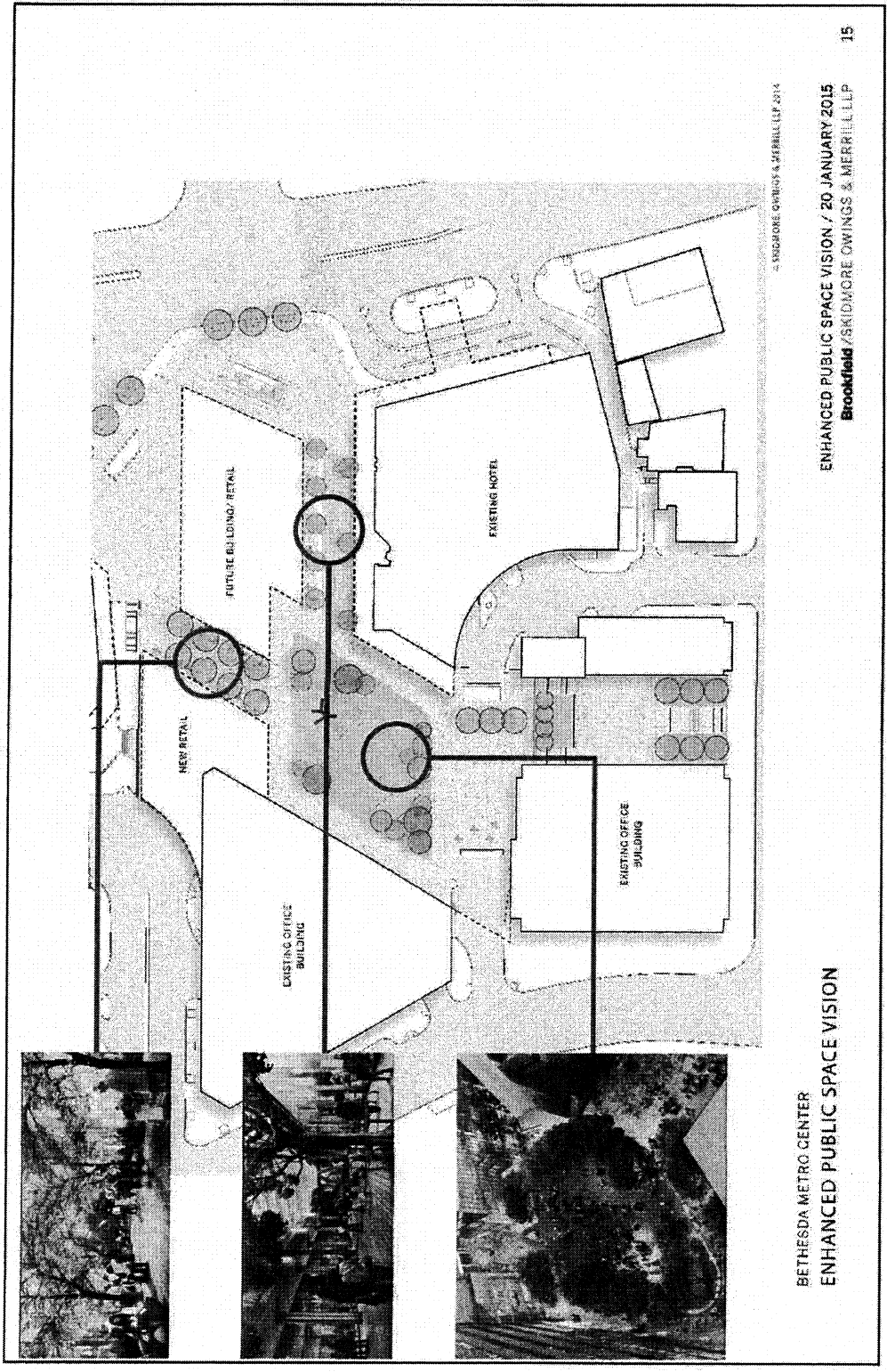
Yet another important basis for allowing new development at the Bethesda METRO Center is the beneficial results for the County from a fiscal perspective. No new public infrastructure investments will be required, because the contemplated improvements to the Plaza and bus area will be supported by the new development. Moreover, the new development itself, and the improved vitality for the remainder of the METRO Center area will result in major tax benefits to both the County and the State. Additional METRO-oriented development will also provide additional financial support for WMATA at a time when such funds are so important. Finally, the ability to construct new, iconic buildings in downtown Bethesda, particularly at the METRO Center, will enhance Bethesda's attractiveness as a business center in competition with Tysons Corner, downtown Washington and other areas, and also increase the vitality of the METRO Center area.

#### VIII. Clark Construction Opposition

Sadly, whether out of interest in protecting its existing corporate headquarters as the tallest building at the METRO Center, seeking to avoid competition from a potential new office building that would be substantially more desirable from an environmental and sustainability standpoint than the existing Clark building, or the protection of skyline views for corporate executives, Clark Construction has undertaken an active campaign to oppose the Public Hearing Draft and prevent any redevelopment at METRO Center under its existing zoning. Members of the community have been asked by Clark to comment as to whether they favor green space or a new building at METRO Center, implying that the choices are one or the other. Not surprisingly, many people may choose open space. The reality, however, is that new development at the METRO Center will achieve both new, transit oriented development and significantly improved open space. It is not an either/or scenario. We ask that you not let Clark Construction's individual interests interfere with overall County land use policies and the Sector Plan goals for a truly sustainable downtown, with new economic, social and environmental benefits.

Simon Carney  
Brookfield Property Partners  
750 9th Street, NW  
Suite 700  
Washington, DC 20001





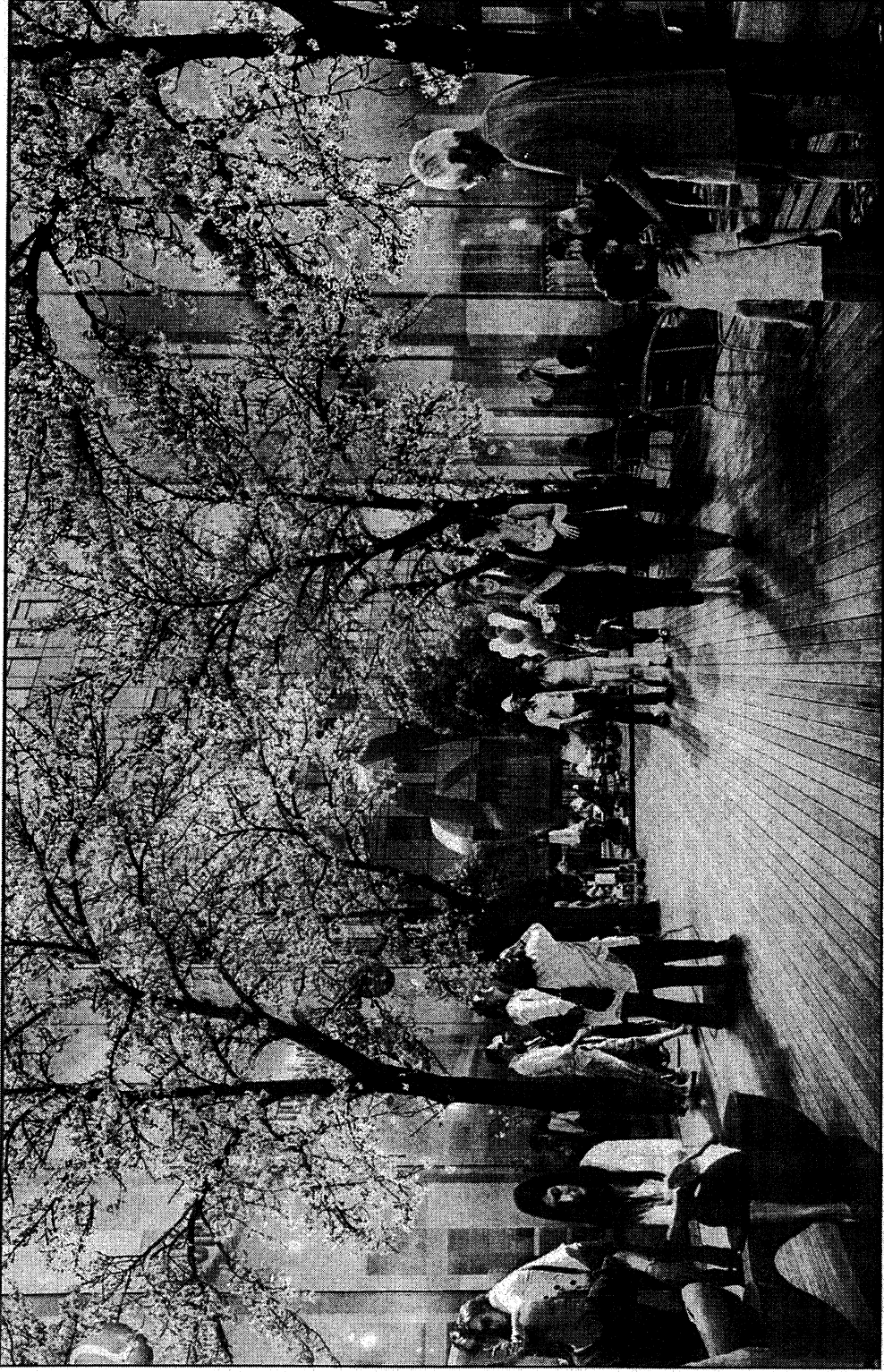
© SKIDMORE OWINGS & MERRILL LLP 2014

BETHESDA METRO CENTER  
ENHANCED PUBLIC SPACE VISION

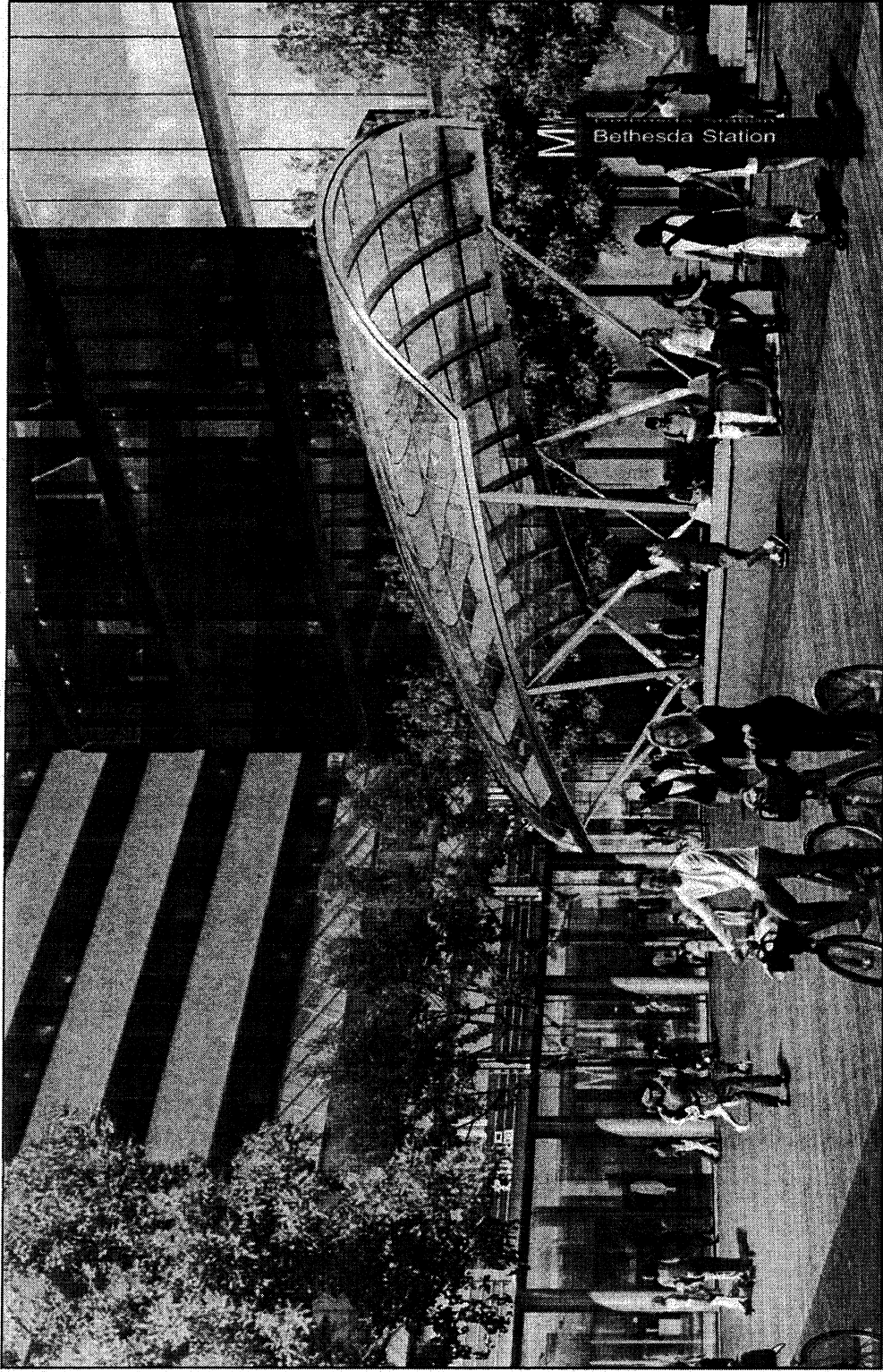
ENHANCED PUBLIC SPACE VISION / 20 JANUARY 2015  
Brookfield / SKIDMORE OWINGS & MERRILL LLP











**LINOWES**  
**AND BLOCHER LLP**  
ATTORNEYS AT LAW

July 1, 2015

Emily J. Vaias  
301.961.5174  
evaias@linowes-law.com

*Via Electronic Mail (BethesdaDowntownPlan@montgomeryplanning.org)*

Casey Anderson, Chair  
and Members of the Montgomery County Planning Board  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Ave  
Silver Spring, MD 20910

Re: 8240 Wisconsin Avenue/Donohoe Companies - Request **CR 3.5, C-3.5, R-3.25, H-145**  
**Zone** (increased commercial density and height)  
Public Hearing Draft of the Bethesda Downtown Plan, May 2015 (the "Plan")

Dear Chair Anderson and Members of the Planning Board:

We represent the Donohoe Companies ("Donohoe"), the contract purchaser of the property located at 8240 Wisconsin Avenue (the "Property"). The purpose of this letter is to request increasing the recommended zoning in the Plan to **CR 3.5, C-3.5, R-3.25, H-145** so as to allow additional commercial density and create a height that is reasonable and is compatible with those recommended further to the south, instead of the currently proposed CR 3.5, C-1.25, R-3.25, H-120 (see proposed zoning map on p. 95 of the Plan, attached hereto as Exhibit "A").

The Property has a net lot area of approximately 19,122 square feet and is located at the southwest corner of Wisconsin Avenue and Battery Lane. The Property is currently zoned CR-3.0, C-1.0, R-2.75, H-90-T, and is improved with a gas station (see current zoning map attached as Exhibit "B"). However, the Property is part of the previously approved Woodmont Central project that envisioned a 90,000 square foot office building at a height of 90 feet. Unfortunately, this plan has never been implemented due to a lack of market interest.

Pursuant to the Plan, the Property is located within the Plan's "High Performance Area" ("HPA") and the "Wisconsin Avenue Corridor District." We note that the Plan, like the Countywide Transit Corridors Functional Master Plan adopted in December 2013, recommends the Bus Rapid Transit ("BRT") line along Wisconsin Avenue, as well as a 122-foot Wisconsin Avenue right-of-way. (Plan, pp. 34, 37-40). Further, the Plan's Wisconsin Avenue Corridor District Public Realm Improvement plan at Figure 3.02 identifies the intersection of Wisconsin Avenue and Battery Lane as a "Proposed Gateway and Enhanced Intersection." (Plan, p. 97).

Donohoe supports the "shared streets" approach to Norfolk Avenue and the plan for expanding and improving Battery Urban Park, including a low-speed connection alongside the expanded park. The park could use the improved visibility and accessibility that a low-speed connection

Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
July 1, 2015  
Page 2

would provide. Further, a 20-mph maximum speed limit throughout the downtown area, or at least on County-controlled streets, could be a benefit to the businesses and residents in the area.

However, in light of the recommended 122-foot Wisconsin Avenue right-of-way and “enhanced intersection” at Wisconsin Avenue and Battery Lane, as well as the inability of Donohoe to attract a major tenant to the Property with its current approval, we are requesting that the proposed CR-3.5, C-1.25, R-3.25, H-120 zone be changed to the **CR 3.5, C-3.5, R-3.25, H-145** zone. This is similar to the zoning recommended for the properties to the southwest across Woodmont Avenue and further to the south along the same block of Wisconsin Avenue as shown on the Plan’s proposed zoning maps attached as Exhibit “A”.

**Increase commercial density and height** As stated above, the Plan recommends a 122-foot Wisconsin Avenue right-of-way in front of the Property. Although the details of the BRT right-of-way are not yet determined, it is certain that development under any CR zoning will need to address this issue in some manner. The requested additional commercial density and height will provide more flexibility for the developer to work with the County to accommodate certain improvements. Whether the Property is developed as commercial or residential, or some mixture of the two, it is a prominent location at the northern gateway into downtown Bethesda. Also, the Property is within walking distance of the Medical Center Metro stop as well as the National Institutes of Health campus. By using the CR zone’s design flexibility and emphasis on design excellence, the Property can truly make an impressive statement for Bethesda as a vibrant center of commerce and residences. By allowing the height to go to 145 feet, the building will create a presence along Wisconsin Avenue without adversely affecting any single-family areas. There are no negative externalities relative to this increased height as other buildings provide buffers to the lower density areas to the east and north outside of the CR zone.

In addition to the requested zoning increase, we also provide the following suggestions for the Plan:

- **Recommend construction over and under the BRT right-of-way areas:** As properties along Wisconsin Avenue develop in the future, the Planning Board should work with the County Department of Transportation and the Maryland State Highway Administration to allow underground and above-grade/cantilevered buildings in the portions of the BRT rights-of-way or public easement areas that will only be used for pedestrian traffic. Within these tight urban in-fill sites, where space is truly at a premium, the ability to build under and over certain areas can produce interesting design solutions without compromising the functionality of the needed public space. The Plan should expressly recognize this possibility.

Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
July 1, 2015  
Page 3

- **Adjust HPA requirements:** Several of the Plan's "areawide" recommendations regarding "ecology" and in particular, the additional HPA requirements, should be carefully reviewed to be sure they do not become counter-productive regarding the vision of creating a truly urban Bethesda environment. By law, all buildings in the Plan area would have to comply with the current International Green Construction Code ("IgCC"), which already requires strict energy-efficiency requirements. Adding additional requirements to exceed the IgCC's already stringent ASHRAE standard 90.1 by 15% could result in raising construction and development costs to amounts that are beyond what is feasible, forcing would-be developers to construct smaller, less efficient buildings, or to leave under-utilized areas, such as the Property, undeveloped all-together. It is difficult at this time to even estimate what these costs and consequences may be. In addition, requiring that all optional method projects in the HPA use the "maximum amount of public benefit points allowed for constructing buildings that exceed energy-efficient standards," (Plan, p. 139) could be an onerous requirement that eliminates the ability to balance competing demands on different projects.

In closing, Donohoe supports the Plan's vision of an enlivened, transit-oriented and decidedly more urban Bethesda of the future. However, we believe that the height and commercial density on this Property should be increased in order to better position it for viable and productive future development.

Sincerely,

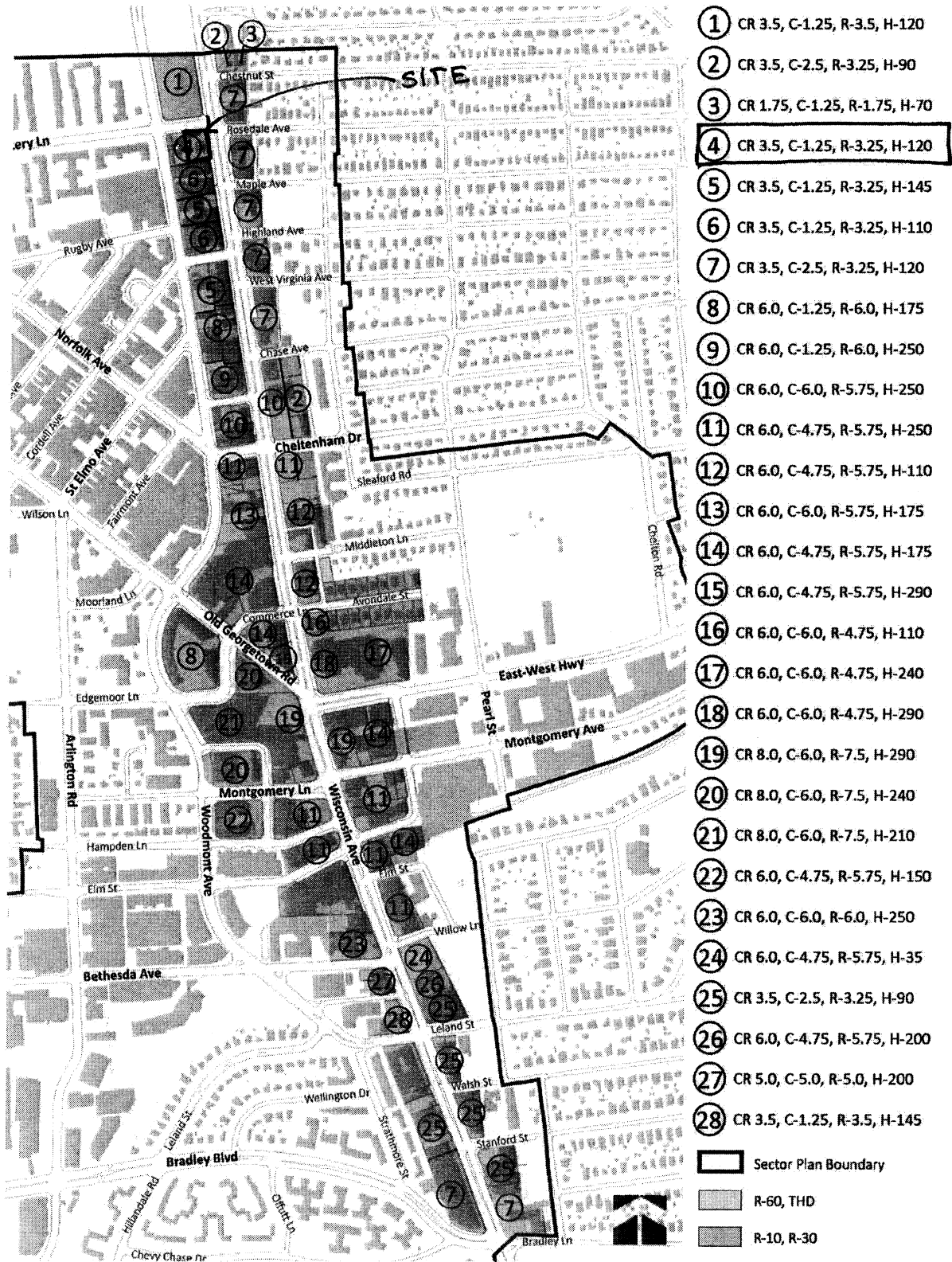
**LINOWES AND BLOCHER LLP**



Emily J. Vaias

cc: Ms. Leslye Howerton  
Mr. Marc DeOcampo  
Mr. Robert Kronenberg  
Mr. Jad Donohoe  
Samantha L. Mazo, Esq.

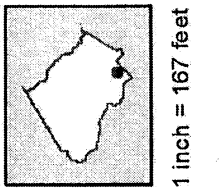
**Figure 3.01: Wisconsin Avenue District Recommended Zoning**





# Montgomery County Zoning

Date: 7/1/2015



Bike/Ped Priority Area	Bethesda CBD
Urban Renewal Area	N/A
Metro Station Policy Area	Bethesda CBD
Priority Funding Area	Yes
Septic Tier	Tier 1: Sewer existing
Municipality	N/A
Master Plan	WOODMONT TRIANGLE AMENDMENT
Historic Site/District	N/A

Parking District	Bethesda
CBD	Bethesda
Special Protection Area	N/A
Urban District	BETHESDA
Enterprise Zone	N/A
Arts & Ent. District	Bethesda Arts and Entertainment District
Special Tax District	N/A
Legal Description	NORTHWEST PARK

Account #	03698000
Address	8240 WISCONSIN AVE BETHESDA, 20814
Zone	CR-3.0 C-1.0 R-2.75 H-90 T
Overlay Zone	N/A
TDR Overlay Zone	N/A
Landuse	Retail
Parcel, Lot, Block	N/A, 83, 1

Ex. B

**From:** [Alicia Wattenberg](mailto:Alicia.Wattenberg@MCP-BethesdaDowntownPlan.com)  
**To:** [MCP-BethesdaDowntownPlan](mailto:MCP-BethesdaDowntownPlan@comcast.net)  
**Cc:** [rbsmythe@comcast.net](mailto:rbsmythe@comcast.net)  
**Subject:** FW: Sacks Neighborhood and the 2014 Bethesda Master Plan draft to the Planning Board  
**Date:** Thursday, July 02, 2015 4:20:01 PM

---

Planning Board,

Please note that the email below was not authorized by the executive board of the Sacks Neighborhood Association or by a vote of its members. Therefore its content should be considered the opinions of only the person who sent it, who is not a resident of Montgomery County. Please continue to review communications from residents or owners of Sacks properties regarding the Bethesda Master Plan individually as the Sacks Neighborhood Association will not take a position.

Regards,

**Alicia Wattenberg, Treasurer**  
**Sacks Neighborhood Association**  
4814 Wellington Drive

**From:** Cristina Echavarren [<mailto:sacksneighborhood@gmail.com>]  
**Sent:** Sunday, June 28, 2015 9:15 PM  
**To:** Adam Thomas; Alicia Wattenberg; Ann Marie Lynch; Anne Owens; Barry M Zuckerman; Bill and Alice Cheng; Bill and Andrea McCarren; Bill Goodman; Bob Smythe; Carl and Amy Patton; Chickie Smythe; Christopher Nicoletti; Chuck Rybos; Clark Bouwman; Cristina Echavarren; Cynthia Lee; Donald White; Dr. Steven Oh; Edward and Sarah Wade; Ellen Buchanan; Ellen Rader; Esther Kim; Fernanda Ruiz Núñez; Gordon Swan; Haleh Troy; Haya and Shyke Goldstein; Howard Fleischman; Jay and Dotti Martin; Jessica Wills; Jim and Rukmini JimSeevaratnam Seevaratnam; Jim Meyer; Jo Pelham; John Schreiber; Judy and Geary Fisher; Julie Lazar; Karen and George Diamond; Linda Swan; Luis and Mary Mirantes; Lyn and Barry Chasen; Mario Macis; Michael Boyle; Mimi Brodsky Kress Sandy Spring Builders; Miriam Israel; Morris Pelham; Nancy Putney; Noah and Stacy Feldman Cantor; Nuala O'Connor; Paula Zuckerman; Rachel Kravitz; Raj and Rasika Shetty; Rita and Chris Albina; Rob and Brigitte Lever; Robert Gore; Ruth and Richard Dudley; Sasan Modiri; Shahram and Fatemeh Sharafi Sharafi; Steve Marcone; Sue King; Susan Daisy; Susan Fleishman; Tas and Asimina Coroneos; Tom Carruthers, III; Tom Carruthers, Jr.; Walter and Jo Ann Horn  
**Subject:** Fwd: Sacks Neighborhood and the 2014 Bethesda Master Plan draft to the Planning Board

I am forwarding to all property owners a copy of the letter I sent to the Planning Board on behalf of the neighborhood.

Cristina Echavarren  
President  
Sacks Neighborhood Association  
410-295-5035

----- Forwarded message -----

**From:** **Cristina Echavarren** <[sacksneighborhood@gmail.com](mailto:sacksneighborhood@gmail.com)>  
**Date:** Sun, Jun 28, 2015 at 9:13 PM  
**Subject:** Sacks Neighborhood and the 2014 Bethesda Master Plan draft to the Planning Board  
**To:** [bethesdadowntownplan@montgomeryplanning.org](mailto:bethesdadowntownplan@montgomeryplanning.org)

I am writing this email on behalf of the Sacks neighborhood property owners. The Sacks neighborhood is a single-family neighborhood located adjacent to downtown Bethesda;

properties are on Bradley Blvd., Leland Street, and Wellington Dr.

Last year, we became aware that the Planning Board staff was considering zoning changes to our neighborhood in conjunction with the 2014 Bethesda Master Plan. Many meetings followed between Sacks property owners, your staff, lawyers and adjacent neighborhood representatives. In these last months, Sacks property owners have been actively listening to the various opinions and interests, and taking sides on whether they want to remain residential or rezone to higher density. Unfortunately, we have no consensus in Sacks. We don't even have a consensus among all members of the same household.

Seven years ago, a developer made written offers to all Sacks property owners to purchase their properties for a very large sum of money, contingent on obtaining approval from the County to develop a mixed-use complex. The conversations leading up to the offer showed how divided Sacks property owners were regarding what we wanted for the future of Sacks. Those deep divisions continue today, though the opinions and aspirations of some individuals have changed from seven years ago to today.

In order to have a better grasp of where people stand regarding the options presented to us, and in order to better represent the community, I conducted a survey of property owners. The results of the survey show that 14.6 percent responded as very desirable to Sacks remain as a residential single-family community and very desirable to have no other type of development in the community. An almost equal group of 12 percent responded as very desirable to have commercial development within Sacks. The group responding as very desirable for high-density housing was 10 percent. The largest group of 22 percent responded very desirable to allow townhouses or low-rise condos to co-exist in Sacks. In some cases, respondents answered very desirable to allow commercial development and very desirable to allow higher density housing (as long as there is a buffer).

Reflecting on the many meetings I have attended regarding this issue, and supported by the survey, I am absolutely certain that the Planning Board will never make everyone happy with its decision. There will be a core of property owners that will remain unhappy with your recommendation, whether it is to remain residential or to rezone to higher density. I am therefore unable to support a particular position, other than to request that the Planning Board show creativity and fairness in its recommendation to the County Council on what to do with Sacks. Please work with our community to find a solution that balances our divergent interests.

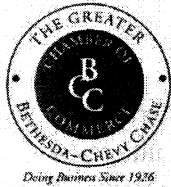
Regarding the height limitations of properties adjacent to Sacks, the results of the survey cited above indicate that 60 percent of property owners would accept increasing height limitations on buildings adjacent to Sacks. Of these, 52 percent want a step-down look. In the past, construction of a step-down has not been executed as property owners expected. The "tenting" look promoted by the County seeks the highest buildings at a core with decreasing height limitations as one moves away from the core. Unfortunately, the tent above the Sacks community has a hole, and the height of adjacent buildings make this area inconsistent with the intended tent look. We request that the Planning Board pay special attention to the building heights when reviewing development plans for projects adjacent to Sacks.

Property owners are especially unhappy with the arterial designation of Leland Street in the 2014 Bethesda Master Plan draft. Our community has long complained about the discrepancy between the text and the maps in the 1994 Master Plan. The text of the 1994 plan indicated

that Leland Street should be allowed to deter cut-through traffic by implementing traffic control measures, including the possibility of a one-way designation. It is essential that while we remain a neighborhood of single-family homes, that the street designation be in line with the character of the neighborhood. As more commercial and high-density housing projects are built around us, we lose the ability to travel safely in our own neighborhood. Please reinstate the residential designation of Leland Street, and include the option for deterring cut-through traffic with the possibility of designating Leland as a one-way street.

Sincerely,

Cristina Echavarren  
President  
Sacks Neighborhood Association  
410-295-5035



THE GREATER  
**BETHESDA-CHEVY CHASE**  
CHAMBER OF COMMERCE

7910 Woodmont Avenue, Suite 1204  
Bethesda, MD 20814  
T: (301) 652-4900  
F: (301) 657-1973  
staff@bccchamber.org  
www.bccchamber.org

Your Business Is  
Our Only Business

**THE GREATER BETHESDA-CHEVY CHASE CHAMBER OF COMMERCE  
TESTIMONY BEFORE THE PLANNING BOARD ON  
BETHESDA DOWNTOWN PLAN  
June 24, 2015**

Good evening. My name is Patrick O'Neil and I am the Co-Chair of the Greater Bethesda-Chevy Chase Chamber of Commerce's Bethesda Sector Plan Steering Committee. The business community has been watching, with great interest, the evolution of the Bethesda Downtown Plan and is generally pleased with the direction it has taken.

The proposed heights of 290 feet in the Metro Core are a great start in providing needed incentive for redevelopment that will capitalize on our most valuable transportation asset – Metro. At the same time, we note that height is the key variable in a 20-year plan and this Plan needs to provide realistic height opportunities for the achievement of redevelopment and other County objectives. For example, there needs to be plausible growth opportunities in Bethesda to ensure the Agricultural Preserve remains untouched. We also note there are other properties within the Sector Plan area that are in need of additional height incentives to spur desired renewal and hope that you will be open to this height discussion on a case-by-case basis.

Similarly, the Plan could be improved to better incentivize density in order to achieve stated redevelopment visions. In a few cases, the Plan requires the buying of major density in order to achieve the recommended height. This inconsistency should be rectified.

We also applaud the flexibility of design in the Downtown Plan, which relies on the Sketch Plan process to accommodate creative and innovative placemaking over time. This is a different approach, and marked improvement, from previous Plans that sought to dictate how and where development should occur. Having said that, we have concerns with how the High Performance Areas may be implemented in the Plan. While the stated priorities for these areas may be universally desired, they may not be achievable in certain circumstances. The prioritization may also preclude other desirable amenities or design considerations. The High Performance goals must be aspirational and allow for other non-priority elements to be implemented in place of stated priorities –if it makes sense to do so.

The business community is also encouraged by the Plan's program to pool developers' public space contributions for the creation of quality public amenities. We support this effort and look forward to a Bethesda-wide advisory committee, in conjunction with the Bethesda Urban Partnership, to implement this initiative.

One area of concern for the business community is the right-of-way requirements for Wisconsin Avenue, which require developers on either side to dedicate 9 feet of frontage in order to redevelop. We recognize and appreciate that the purpose for the proposal is to accommodate future dedicated bus lanes. However, it is highly unlikely that this objective may be achieved without the redevelopment of 100% of the properties along Wisconsin Avenue. As such, the required set aside for an objective that will never be achieved seems rather onerous. It also forecloses the possibility that a dedicated bus lane along Woodmont Avenue may be a better option. We ask for a review of the Wisconsin Avenue right-of-way requirements and, at the very least, flexible design concessions that would allow impacted property owners to recapture lost density through below and above grade designs within the right-of-way area.

Lastly, the Chamber encourages even bigger thinking with respect to transportation, especially mass transit. For example, the Plan recommends an expanded Circulator, but stops short of recommending a Circulator connection between the NIH Metro and Bethesda Metro stations to maximize intra-Bethesda connectivity. Another big idea that would take some time to sink-in and fund would be another Metro station mid-way between NIH and Bethesda. 20-year Sector Plans should have "big" ideas and this Plan should propose more such ideas for expanding mass transit.

On behalf of the Greater Bethesda-Chevy Chase Chamber of Commerce, thank you for the opportunity to present these comments.

## BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

ATTORNEYS AT LAW  
7315 WISCONSIN AVENUE  
SUITE 800 WEST

BETHESDA, MARYLAND 20814-3244

TELEPHONE: (301) 656-2707  
FACSIMILE: (301) 961-6525

[www.bregmanlaw.com](http://www.bregmanlaw.com)

VIRGINIA OFFICE  
5529 LEE HIGHWAY  
ARLINGTON, VIRGINIA 22207

KAY B. SCHWARTZ (1956-2011)

EDWARD WEISS (DC)  
OF COUNSEL

SUSAN ELEFF (MD, PA, NJ, IL)  
OF COUNSEL

RICHARD E. SCHIMEL (MD, DC)  
OF COUNSEL

MARK L. ROSENBERG (MD, DC)  
OF COUNSEL

FRANÇOISE M. CARRIER (MD, DC, CA)  
OF COUNSEL

[fcARRIER@bregmanlaw.com](mailto:fcARRIER@bregmanlaw.com)

DOUGLAS M. BREGMAN (MD, DC)  
LAURENCE H. BERBERT (MD, DC)  
TIMOTHY P. SCHWARTZ (MD, DC, VA)  
MARK A. GILDAY (MD, DC)  
GEOFFREY T. HERVEY (MD, DC, VA)  
KEVIN B. McPARLAND (MD, DC)  
DANIEL P. RIGTERINK (MD, DC)  
HEATHER LIBMAN KAFETZ (MD, DC)  
DANIELLE T. ERKMANN (VA ONLY)  
WENDY D. PULLANO (MD, DC)  
CATHERINE B. HARRINGTON (MD, DC)  
CHRISTOPHER B. BOWMAN (DC, VA)  
GRACE BURNSIDE (MD, DC, VA)  
CHRISTINE S. PUGH (MD, DC)  
KEVIN G. BARKER (MD, DC, NY)  
BELLA HELFORD (MD, NY, NJ)

July 2, 2015

### By electronic mail

Hon. Casey Anderson  
Chair, Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Bethesda Downtown Plan Public Hearing Draft  
8101 Glenbrook Road and 7945 Norfolk Avenue

Dear Mr. Anderson and Planning Board Members:

I am writing on behalf of my client, GNRW Properties, LLC, to transmit more detailed comments on the Public Hearing Draft of the Bethesda Downtown Sector Plan, as a supplement to my hearing testimony of June 24, 2015. GNRW is a family-owned company whose members are Karen Johnson, her husband William Garrett and Ms. Johnson's elderly parents Robert and Ruth. GNRW owns the two properties listed above, both of which are in the Battery Park district of the Sector Plan. GNRW also owns property at 4907 Rugby Avenue, but has no comments on the draft Sector Plan's recommendations for that property at this time. We will address 8101 Glenbrook and 7945 Norfolk in turn.

### 8101 Glenbrook Road

8101 Glenbrook Road, at the corner of Glenbrook and Rugby, sits adjacent to Battery Lane Urban Park and is the site of a three-story, brick office building. The property has been in the family for many years and is the subject of a ground lease that runs through the year 2041. The rental payments on the ground lease are an important source of family income.

The draft Sector Plan recommends that the entirety of 8101 Glenbrook be used to expand Battery Lane Urban Park. (Sector Plan at 121.) The Plan designates the property as a Priority Sending Site, which would allow the owners to sell density to other parties for use on CR- and

CRT-zoned properties in the Bethesda Sector Plan area, provided that they first place a covenant on the property stating that it cannot be developed. (SP at 140-142.) The proposed zoning is designed to strongly incentivize this outcome.

8101 Glenbrook is currently split-zoned. The back part, closer to the park, is in the CRN zone, with an FAR of 0.5 and a height of 35 feet. (SP at 26; see also Planning Department interactive maps.) The front part, with frontage on Glenbrook and Rugby, is in the CR zone, with an FAR of 3.0 and a height of 90 feet. (id.) The draft Sector Plan recommends rezoning the entire property to the CR zone, with an FAR of 3.5 and a height of 35 feet. (SP at 119.) The property measures 25,733 square feet in size, and the existing 3-story building contains approximately 28,624 square feet. The proposed zoning combination would artificially depress the height limit on the property, making it impossible to use the full 3.5 FAR. The combination of (i) a recommendation exclusively for park use and (ii) zoning that severely limits development on the site could leave the owners with only one viable option: selling the density (assuming there is a willing buyer) and getting compensation from the Parks Department for the newly-undevelopable land, presumably at a level equal to its value as open space. It is unclear whether the value the property owners could achieve from this combination of transactions would approach the value they might attain over the long term if the property were rezoned in a manner more in keeping with other Sector Plan recommendations for properties in the Battery Lane district. Moreover, the tax ramifications of having to sell the FAR rather than receiving a yearly income for the next 26 years would further penalize this longtime Montgomery County family.

GNRW requests a height limit of 120 feet at 8101 Glenbrook Road. A 120-foot height limit would be consistent with every other property in the CR zone within the Battery Lane district – every CR property in the district is recommended for 120 feet except for 8101 Glenbrook and two additional parcels that are recommended for park use and proposed for a 35-foot height limit. The 120-foot height recommendation includes property abutting Battery Lane Urban Park that stretches along two-thirds of the park's eastern boundary. If a 120-foot building is appropriate at that location, surely the same height is appropriate at 8101 Glenbrook, which is separated from the park by Glenbrook Road.

GNRW considers the recommendation to convert 8101 Glenbrook entirely to parkland, with no mention of its current use or its owners' plans for the property, inappropriate. To preserve a normal range of options for future use of the property, the family requests that the property be recommended in the Sector Plan for mixed use development, like its neighbors. If the Planning Board wishes to identify this site as potential parkland to provide a justification for a possible future Parks Department purchase, that goal can be met by text stating that the property would be appropriate as an extension of Battery Lane Urban Park if it becomes available. This can be done without showing the property as parkland on maps throughout the plan, and without recommending it for use solely as parkland. Identifying it in this manner would allow the Parks Department to acquire the property through eminent domain, should the funding be available. It would allow the property owners to sell the density and then sell the residual land to the Parks Department, if the market for density makes that option desirable. It would also allow for the possibility that a portion of the property might be transferred to the Parks Department, for instance if a taller building could be built on part of the site, leaving part



of it available for open space use. At the same time, this approach would give the property's owners a normal range of options for its use.

If the current recommendations stand, GNRW will be in a difficult position. Should the market for excess density in Bethesda turn out not to be strong, selling the density might not be an attractive option. However, with a 35 foot height limit, options for re-use of the property would be very limited. Moreover, with a master plan recommendation solely for park use, it is not clear whether any development could be approved for the property that requires a site plan or any other approval calling for a finding of substantial consistency with the master plan. We would argue that fairness dictates a 120-foot height limit and a broadening of the use recommendation.

#### 7945 Norfolk Avenue

7945 Norfolk Avenue is located at the northeast corner of Norfolk and Del Ray Avenues, and is currently leased to Bacchus Restaurant on a month to month basis, the former lease having expired. GNRW is currently negotiating a new lease, and is considering selling or redeveloping the property at some point.

7945 Norfolk is currently in the CR zone, with an FAR of 3.0 and a height of 90 feet. (SP at 26; see also Planning Department interactive maps.) It is recommended in the draft Sector Plan for continued CR zoning, with an FAR of 3.5 and a height of 50 feet. (SP at 103.) Like GNRW's Glenbrook Road property, 7945 Norfolk is designated as a Priority Sending Site to allow the transfer and sale of density from this site to others in the Bethesda planning area. (SP at 141.) For this property and its neighbors fronting on Norfolk Avenue, the low height recommendation is intended to "preserve the pedestrian-scale main street atmosphere." (SP at 102.)

Decreasing the permitted height at 7945 Norfolk from 90 feet to 50 feet would limit the use of the property. While there may be value available from selling the density that the 50-foot height limit renders unusable, that value is uncertain, due to the lack of an established market for density in the Bethesda planning area.

GNRW would like to request that 7945 Norfolk Avenue retain its current height limit of 90 feet. A height of 90 feet would still represent a significant step down from the properties immediately northeast of the Norfolk Avenue frontage properties – the draft Sector Plan recommends the frontage properties for 50-foot height limits and the properties abutting them for 175 feet. On the south side of the street, properties fronting on Norfolk are again recommended for 50-foot height limits, while the properties abutting them to the southwest are recommended for a mixture of 110- and 175-foot height limits. We would argue that a 90-foot height limit for 7945 Norfolk Avenue is more consistent with the Sector Plan's vision for this area of Bethesda than a 50-foot limit, given the very tall heights recommended for surrounding properties. A transition from 175 feet or even 110 feet to 50 feet would be very abrupt. Moreover, the planning goal of preserving a pedestrian-scale atmosphere on Norfolk Avenue can be readily met through techniques such as stepping back building frontages at a specified height, or using architectural treatments to visually separate lower floors from upper floors.

July 2, 2015

Page 4

GNRW would also like to comment on the proposal in the draft Sector Plan's Transportation section to put a two-way vehicular road through Battery Lane Urban Park. (SP at 32-33.) As longtime Bethesda landowners, they agree with local residents that a vehicular road at this location is not necessary for traffic purposes and would greatly diminish the character of the park as an urban respite.

GNRW would like to recommend that if the Priority Sending Sites model is retained in the Sector Plan, density from such sites be made transferable to any CR- or CRT-zoned location in the County. This would increase the market and likely the value of such density, which would enhance both the return to property owners and the likelihood that the intended public policy purposes will be met.

Finally, we note that although the draft Sector Plan states that Open Space Priority Sending Sites are to be zoned to allow completely for residential or commercial development, to maximize the flexibility with which the density from such sites can be used (SP at 142), this is not fully reflected in the zoning recommendations for 8101 Glenbrook and 7945 Norfolk. 8101 Glenbrook is recommended for CR 3.5, C-1.25, R-3.0, H-35. 7945 Norfolk Avenue is recommended for CR 3.5, C-1.25, R-3.5, H-50. Thus, the recommended zoning would allow all or almost all residential development, but caps commercial development at roughly one third of the overall density. If the Priority Sending Sites model remains in place, we would request an increase in commercial density for both properties for purposes of flexibility.

The four family members who own these two properties respectfully request your favorable consideration of their requests, so that they do not suffer the twin blows of losing long-term property value at both locations.

Sincerely yours,

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

By:



---

Françoise M. Carrier

cc: Leslye Howerton  
Robert Kronenberg

**LINOWES**  
**AND BLOCHER LLP**  
ATTORNEYS AT LAW

July 1, 2015

Emily J. Vaias  
301.961.5174  
evaia@linowes-law.com

Via Electronic Mail (BethesdaDowntownPlan@montgomeryplanning.org)

Casey Anderson, Chair  
and Members of the Montgomery County Planning Board  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Ave  
Silver Spring, MD 20910

Re: Public Hearing Draft of the Bethesda Downtown Plan, May 2015 (the "Plan")  
4714 Montgomery Lane & 4703 - 4715 Hampden Lane – Tommy Joe's/Pines of Rome  
Request to Increase Recommended Zoning to **CR 8.0, C-6.0, R-7.5, H-290**

Dear Chair Anderson and Members of the Planning Board:

We represent the Douglas Development Corporation/Jemal's Pines of Roam LLC and Jemal's Dirty Nelly's LLC (collectively, the "Owner"), the Owner of properties located at 4714 Montgomery Avenue and 4703-4715 Hampden Lane, Bethesda, Maryland 20814 (collectively, the "Properties") (see tax map attached hereto as Exhibit "A"). The Properties consist of about 16,000 square feet and are often identified by the well-known eating establishments that are located on them, with the Tommy Joe's restaurant fronting on Montgomery Lane and the Pines of Rome Italian restaurant fronting on Hampden Lane. The purpose of this letter is to request increasing the recommended zoning in the Plan to **CR 8.0, C-6.0, R-7.5, H-290**, instead of the currently proposed CR 6.0, C-4.75, R-5.75, H-250 (see p. 95 of the Plan attached hereto as Exhibit "B").

The Properties are located directly across Montgomery Lane from the Bethesda Metro Station elevator entrance area and slope downward from the east to the west. To the east, the Properties are bordered by the recently approved Bainbridge multi-family project, and to the west are the multi-story American Occupational Therapy Association building on Montgomery Lane and the Washington Property Company building on Hampden Lane (see aerial map showing the Properties and the surrounding uses attached as Exhibit "C"). The Properties are currently zoned CR-5.0, C-4.0, R-4.75, H-145-T (see current zoning map attached as Exhibit "D").

Unlike many of the areas located in the Plan's metro core, the Properties are not built out or approved for maximum development, and are poised for redevelopment during the lifetime of the Plan. Accordingly, identifying the correct zoning to incentivize development is critically important for the success of the area and achievement of the Plan's goals.

Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
July 1, 2015  
Page 2

To that end, the Properties are located within the Plan's Wisconsin Avenue Corridor District and the High Performance Area ("HPA"). In addition, the Properties are intended for mixed-use residential and commercial uses within an "Expanded Center of Activity" (see p. 11 of the Plan). The Plan also encourages "infill and reinvestment on underutilized commercial sites" and "develop[ing] compact nodes that place the highest intensity in those centers, provide distinctive infill buildings and step down to lower densities and heights near the edges" (see p. 93 of the Plan).

Due to the fact that the Properties are currently under-utilized, yet successful uses in the core of the downtown area, the proposed CR 6.0, C-4.75, R-5.75, H-250 zone does not fully appreciate the Properties' proximity to Metro and potential to create a distinguished and unique building that will be visible from several vantage points and provide activity along two street frontages. Accordingly, we request the **CR 8.0, C-6.0, R-7.75, H-290** zone, which is comparable to that recommended for the properties to the north across Montgomery Lane. Further, this will recognize that commercial development is an important part of the downtown area, as well as residential components, and will allow flexibility for both uses which is key to strengthening and sustaining the area for the long-term.

Increase Zoning Density to CR 8.0 with C 6.0: The Properties are one of the Metro-adjacent areas that are likely to redevelop during the life of the Plan. However, due to the small size of the site, additional density is required to incentivize meaningful, place-making design and architecture. Further, while many of the surrounding buildings were developed prior to the imposition of current environmental regulations, additional density on the Properties will help to off-set the impact on the developability of this site due to its true infill nature, increased stormwater regulations, additional environmental requirements being contemplated by the Plan, and increased affordable housing components.

Moreover, because development on the Properties would require the purchase and transfer of density, recommending a CR 8.0 density on the Properties supports the Plan's density-averaging market that could result in the preservation of landmarks, cultural institutions and open space as envisioned in the Plan. Lastly, increasing the commercial component of the zoning will permit the Owner to consider more mixed use options for the area.

Height of 290 feet is compatible with downtown development: Due to its proximity to Metro, the location is ideal for a height of 290 feet, which is identical to what is recommended for the properties to the north across Montgomery Lane. Allowing this height will almost certainly create a striking building design that can positively contribute to the character of Bethesda without negatively impacting less dense areas.

Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
July 1, 2015  
Page 3

We also suggest that the Planning Board review the environmental/ecology recommendations of the Plan (Plan pp. 56-65) to ensure that incentives to development are not contradicted by onerous development requirements. Although all of these issues should be carefully reviewed, we highlight the following:

- Green Roofs: The recommendation/requirement that public benefit points only be approved for green roofs of 6 inches or more and requiring 35% of the rooftop be green may not be appropriate throughout the Plan area because of construction limitations, etc. Further, such a specific green roof requirement does not provide sufficient flexibility for the implementation of future, potentially more ecologically-sensitive building materials that may not support green roofs, or may have some alternative mechanism of achieving the goals of green roofs. Accordingly, we would request that this requirement be eliminated, and instead, all green roofs should be eligible for public benefit points, with additional points being allocated for green roofs deeper than 6 inches.
- Impervious cover: It goes without saying that most, if not all, of the redevelopment in the Plan area will be infill, and this Property, like many others, is small in size. Accordingly, it will be difficult to “reduce” impervious cover and increase green space on this Property, as well as other tight, infill sites, while still providing the necessary development incentives to encourage transit-oriented development of a sufficient height and massing to satisfy the Plan’s overall vision.
- Tree canopy and green cover: Providing 50% canopy cover along streets and 35% green cover on private property may be very restrictive for an urban environment where an essential factor in allowing more development is the increased efficiencies apparent in areas where infrastructure is readily available. If these sites are burdened with “suburban-type” requirements, they may lose their attraction.
- Stormwater management: The County already has specific stormwater management regulations that deal with water quality issues. To add an additional layer of requirements as part of the master plan seems overly burdensome and could lead to conflicts between the County’s administration of the stormwater regulations and review of projects under the Plan.
- Clarify that the “whole building design” approach for energy efficiency only applies to new buildings: Without a clarification that the “whole building approach” applies only to completely new buildings, the concern is that this recommendation could be interpreted to require the retrofitting of all energy building components when a building is being

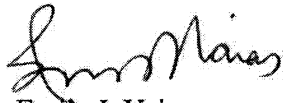
Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
July 1, 2015  
Page 4

upgraded or expanded. Such retrofitting of an existing building that would remain following an expansion would be excessively costly and could result in unintended consequences because the new energy components may not be compatible with the design and layout of the existing building.

We look forward to working with you and the community during the Plan process. If you have any questions, please feel free to contact me.

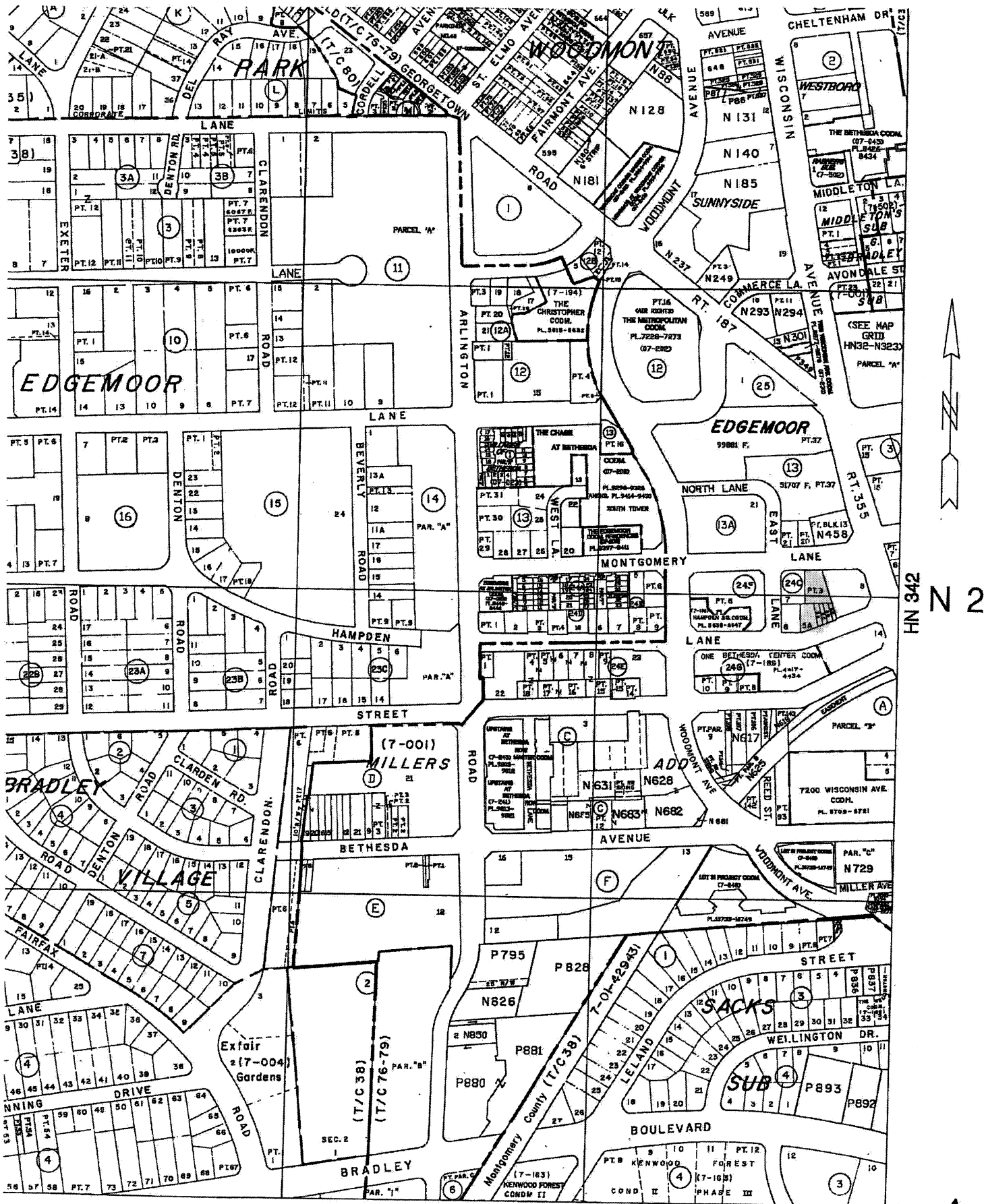
Sincerely,

**LINOWES AND BLOCHER LLP**

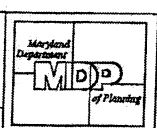


Emily J. Vaias

cc: Ms. Leslye Howerton  
Mr. Marc DeOcampo  
Mr. Robert Kronenberg  
Mr. Norman Jemal  
Mr. Patrick Cooper  
Samantha L. Mazo, Esq.



7-2-2  
 (As shown to County owners, must be furnished by  
 1:2400)  
 PHOTO QUARTER CLARENDOON GSA GRID

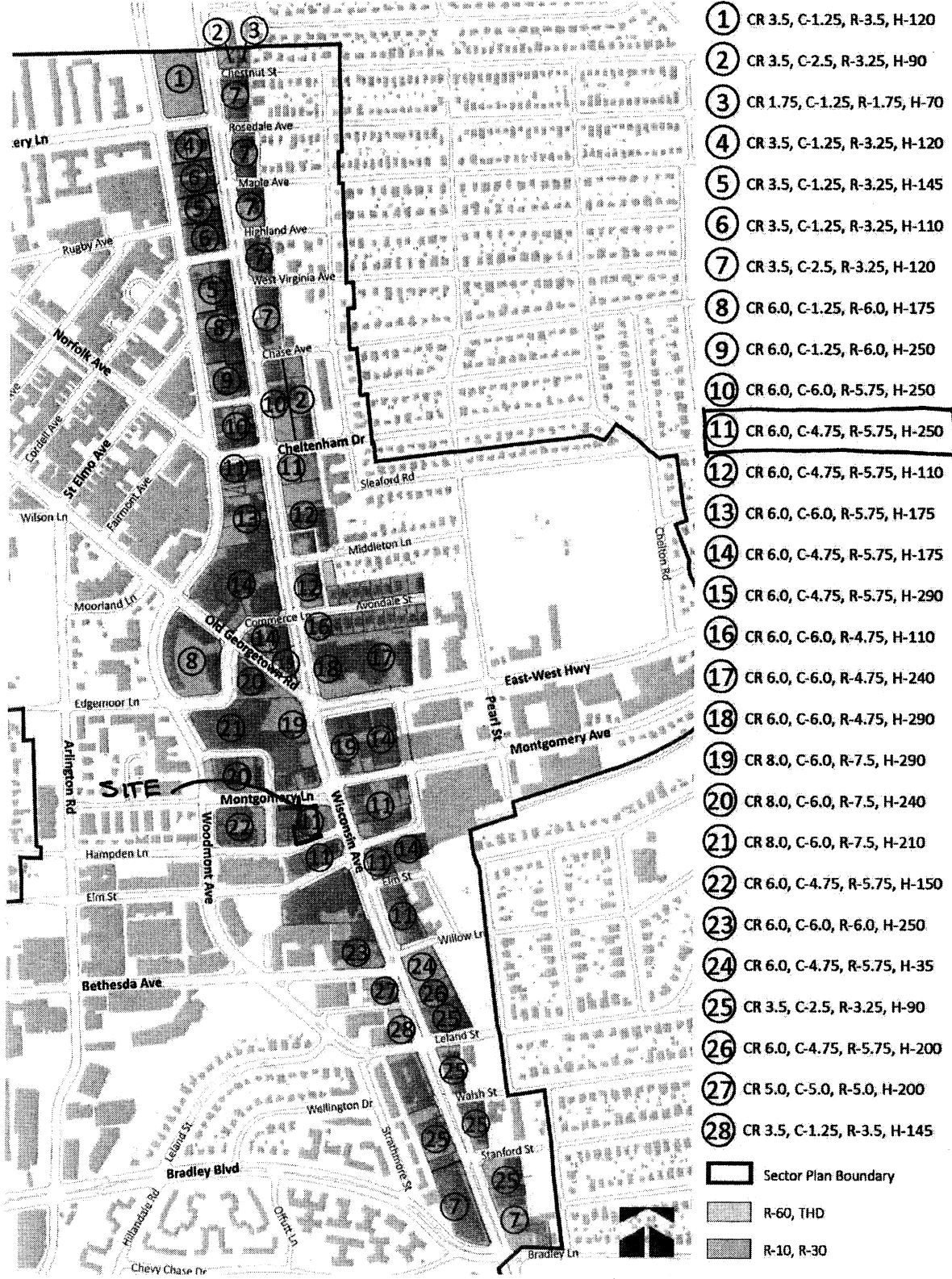


H 2  
**MONTGOMERY CO.,  
 MARYLAND**

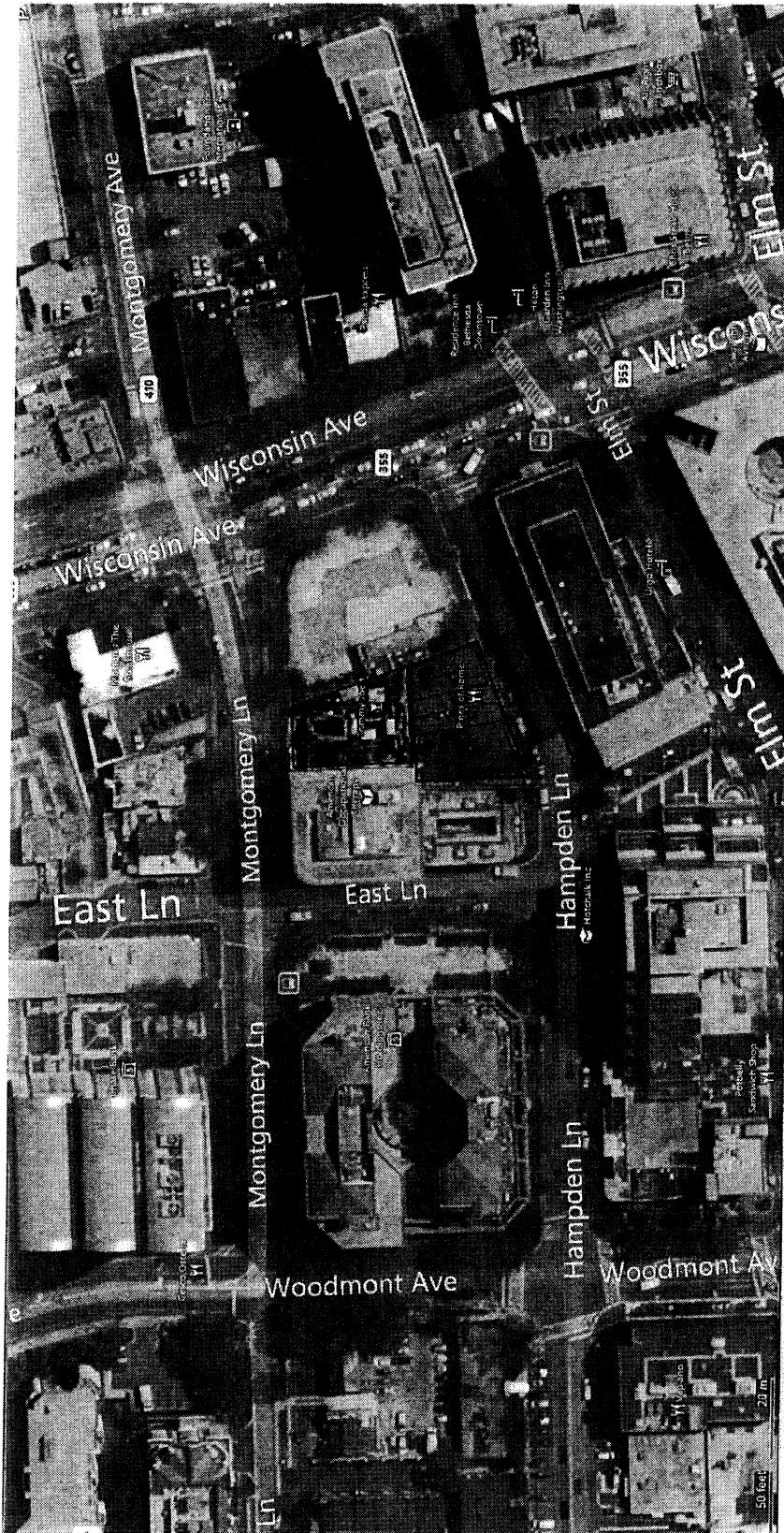
**MAP HN 122**  
 W.S.S.C. 209 NW 05  
 Location BETHESDA

Ex. A

**Figure 3.01: Wisconsin Avenue District Recommended Zoning**

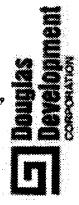






WDG

HAMPDEN LANE

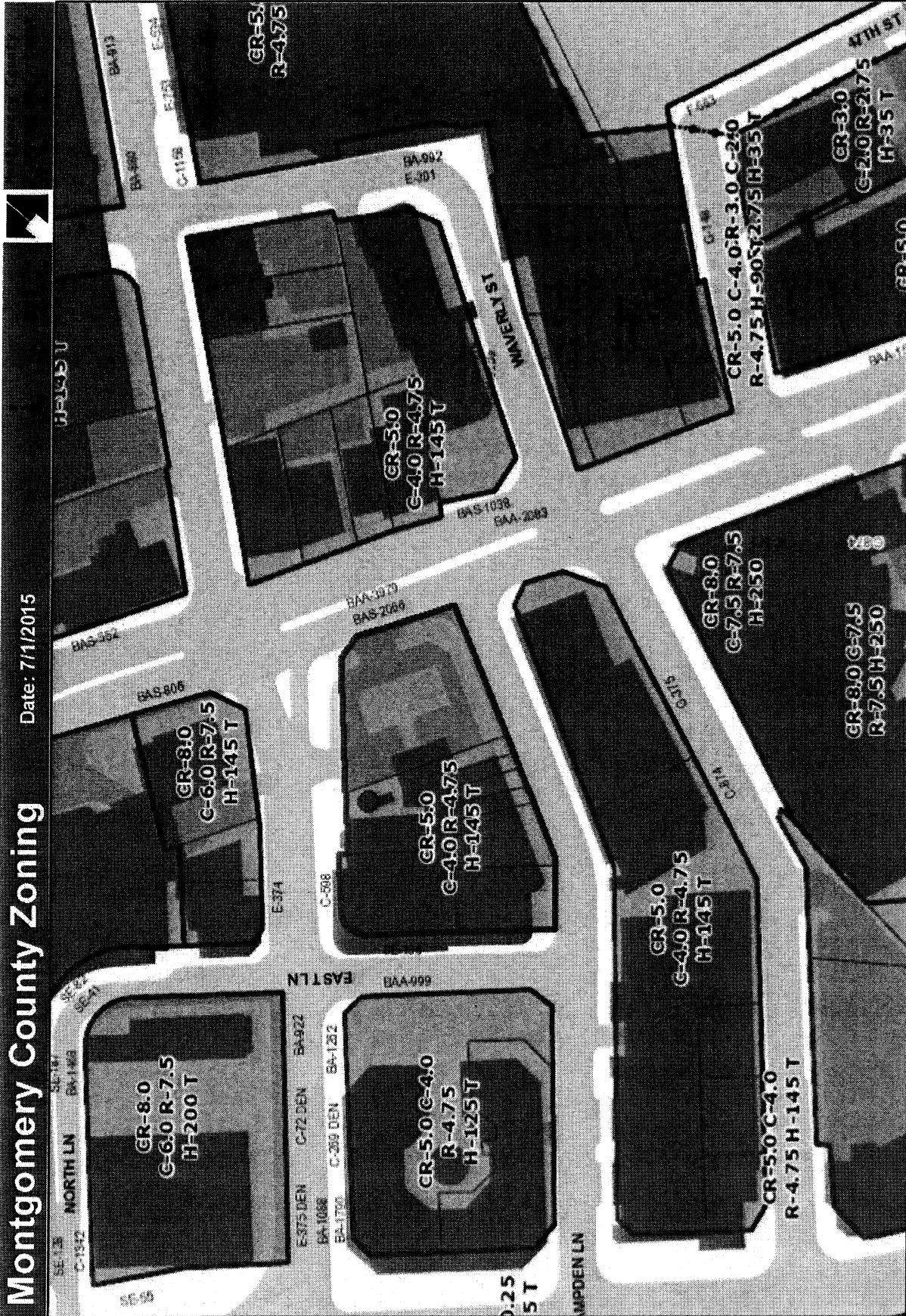


A0.0  
06/04/2014

Ex. C

# Montgomery County Zoning

Date: 7/1/2015



Account #	Address	Zone	Overlay Zone	TDR Overlay Zone	Landuse	Parcel, Lot, Block	Parking District	Bethesda	Bethesda CBD	Bike/Ped Priority Area	Urban Renewal Area	Metro Station Policy Area	Priority Funding Area	Septic Tier	Municipality	Master Plan	Historic Site/District
00487721	4714 MONTGOMERY LN BETHESDA, 20814	CR-5.0 C-4.0 R-4.75 H-145 T	N/A	N/A	Retail	N/A, P3, 24C	Bethesda	Bethesda	N/A	N/A	Bethesda CBD	Bethesda CBD	Yes	Tier 1: Sewer existing	N/A	BETHESDA CBD MASTER PLAN	N/A



1 inch = 167 feet

EX. D



ideas that work

*Attorneys at Law*

3 Bethesda Metro Center, Suite 460

Bethesda, MD 20814

www.lerchearly.com

**Robert G. Brewer, Jr.**

Tel. (301) 657-0165

Fax (301) 347-1772

rgbrewer@lerchearly.com

June 30, 2015

By Electronic Mail

Hon. Casey Anderson  
Chair, Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Bethesda Sector Plan Staff Draft  
4641 Montgomery Avenue  
4921 Bethesda Avenue

Dear Mr. Anderson,

Our firm represents Katz & Company, manager of the referenced properties, which are substantially owned by Yoav Katz through partnership entities. We are writing to offer comments to the Staff Draft for your consideration.

**4641 Montgomery Avenue**

This property is directly across the street from the current Bethesda Police Station front door on Montgomery Avenue, less than one-half block from the Bethesda METRO station entrance. It is an older office building ripe for redevelopment, either as an individual building or in combination with adjoining and/or confronting properties. The Staff Draft recommends the zoning for this property as CR 6.0, C-4.75, R-5.75, H-175. Yet the adjoining property to the west, fronting Wisconsin Avenue, is recommended for CR 8.0, C 6.0, R 7.5, H-290. At a minimum, this property should have the same zoning recommendation as the adjoining property—with an FAR of 8.0 and height of 290'. There is no logic to distinguish between these two properties, particularly when the property is a short stone's throw from Wisconsin Avenue and the Bethesda METRO station.

**4921 Bethesda Avenue**

This property is directly across the street from Euro Motorcars along Bethesda Avenue, adjoining the Giant grocery store on the north side of Bethesda Avenue just three storefronts from Arlington Road. It is currently a two story building, with a restaurant on the ground floor and offices on the second floor. The Staff Draft recommends the zoning for the adjoining

Hon. Casey Anderson

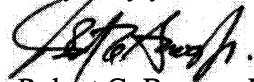
June 30, 2015

Page 2

property as CRT 2.75, C-1.75, R-1.0, H-45, and appears not to make zoning recommendations for precisely this site. We request that the Staff Draft recommend new zoning for the properties on the north side of Bethesda Avenue from Arlington Road to the alley behind the Giant grocery store; this would be consistent with the zoning pattern being recommended for Euro Motorcars. And, consistent with the south side of Bethesda Avenue, the north side should be recommended for 70' of building height, not 45'. This property is functionally part of Bethesda Row in a portion of the block close to Arlington Road and distant from the Edgemoor community.

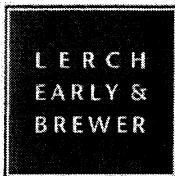
Thank you very much for your consideration. With regards,

Very truly yours,



Robert G. Brewer, Jr.

cc: Mr. Robert Kronenberg  
Ms. Leslye Howerton  
Mr. Yoav Katz



ideas that work

*Attorneys at Law*

3 Bethesda Metro Center, Suite 460  
Bethesda, MD 20814-5367  
www.lerchearly.com

Tel. (301) 841-3826  
Fax (301) 347-1779  
rrharris@lerchearly.com

**Robert R. Harris**

July 1, 2015

VIA E-MAIL AND FIRST CLASS MAIL

Casey Anderson Esq.  
Chairman  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Bethesda Downtown Plan Amendment - Battery Lane and Strathmore Street Apartments

Dear Chairman Anderson and Planning Board Members:

We represent the owners of the Battery Lane Apartments located at 4887 Battery Lane (near the intersection of Battery Lane and Woodmont Avenue) and Strathmore Apartments, located at 7025 – 7039 Strathmore Street, near Wisconsin Avenue at Woodmont Avenue. We are attaching for the record a copy of the testimony presented at the hearing on June 24 by Mr. Michael Miller, one of the property owners.

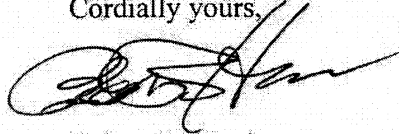
In addition to that testimony, we want to offer some additional observations based on other testimony presented to you at the time. First, Aldon Management, presented testimony very similar to that presented by Mr. Miller, explaining why the recommendations in the Draft Plan will not protect affordable housing and will actually disserve those objectives. Included in those remarks, were the explanation that the existing units in those buildings do not serve people qualified for MPDU rents. Rather, the normal profile of those renters is someone with income levels well above MPDU qualifications. We also agree with Aldon's observations that all of these aging apartment units will require substantial renovations and improvements in coming years. The HVAC systems alone do not compare with modern, energy-efficient standards resulting in far higher energy costs for tenants and far higher energy usage than the County's sustainability goals call for. Moreover, the units generally are not ADA compliant, have other aging mechanical and structural systems and will need improvement. Making huge capital improvements to these projects and converting them to condominium units remains one viable option to address these shortcomings. The other, as our client and Aldon both testified, is to provide sufficient height and density so that the properties can redevelop with a sufficient number of units to provide a large number of MPDUs, guaranteed for an extended period of time to serve the most important housing needs in the area, while also providing sufficient returns for the owners to make the substantial investments.

Casey Anderson Esq.  
July 1, 2015  
Page 2

We note that no witnesses spoke against redeveloping these properties in such a manner and, we believe those speaking in favor of MPDUs would recognize the benefit of a substantial number of MPDU restricted units under a redevelopment scenario.

Consistent with the other recommendations in the Sector Plan for properties near each of these, where densities are being recommended in the 4.0 and greater range, and heights of 150 feet or more, we respectfully request that both the Battery Lane Apartments and the Strathmore Apartments sites (Area 1 on page 119 along Battery Lane and Area 6 on page 129) be recommended for CR zoning at a 4.0 FAR density, (with a residential density permitted of 4.0 FAR) and a height of 150 feet. These properties are not proximate to any single-family residential units, have excellent transit service, and are integral parts of downtown Bethesda. They should have heights and densities consistent with those characteristics.

Cordially yours,



Robert R. Harris

Enclosure

cc: With enclosure:  
Marye Wells-Harley  
Norman Dreyfuss  
Natali Fani-Gonzalez  
Amy Presley  
Gwen Wright  
Rose Krasnow  
Robert Kronenberg  
Marc Deocampo  
Leslye Howerton



ideas that work

*Attorneys at Law*

3 Bethesda Metro Center, Suite 460  
Bethesda, MD 20814-5367

www.lerchearly.com

**Robert R. Harris**

Tel. (301) 841-3826

Fax (301) 347-1779

rrharris@lerchearly.com

July 1, 2015

VIA E-MAIL AND FIRST CLASS MAIL

Casey Anderson Esq.  
Chairman  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

**Re: Bethesda Downtown Plan Amendment - Bethesda Metro Center**

Dear Chairman Anderson and Planning Board Members:

We represent Brookfield Property Partners, L.P., the owner of the Bethesda METRO Center project. The purpose of this letter is to expand upon the testimony which Simon Carney presented on behalf of Brookfield at the public hearing on June 24, 2015. In a nutshell, we support the Public Hearing Draft recommendations for the METRO Center project. With the exception of Clark Construction's individual opposition and that of several speakers triggered by Clark's anti-development campaign, the Draft recommendations have extensive support and fully reflect the overall goals and vision set forth in the Public Hearing Draft for Downtown Bethesda. For the convenience of the Planning Board and Staff, we are attaching Mr. Carney's statement to this letter which reflects his testimony on June 24. As outlined below, we want to use this opportunity to address both our assessment of the public hearing itself and Clark Construction's opposition efforts.

I. Overall Hearing Observations

The vast majority of people speaking at the hearing supported the Public Hearing Draft vision for Bethesda, with taller buildings, greater density, a more intense mix of uses, greater orientation to public transportation, new buildings with a higher sensitivity to sustainability in design and construction and the overall evolution of Bethesda from the vision first created 40 years ago, to one more reflective of the 21st century and beyond. In fact, many of those speaking at the hearing were advocating even greater heights and densities than those proposed in the Public Hearing Draft. Brookfield has no opposition to that position but notes that its goal at METRO Center is not to seek support for taller buildings or greater density than allowed already by the current zoning and already contained in the Draft Plan; it simply wants to be able to use that height and density to improve an aging complex.

A variety of witnesses spoke in favor of improved and better programmed open space in Bethesda. Brookfield shares in those desires and intends to implement them with improved open space design for the aging plaza, and through its in-house events programming experience. We

call your attention to the general and specific support at the hearing for such redevelopment plans from organizations like The Coalition for Smarter Growth, The Washington Area Bicycle Association, Action Committee for Transit (written), The Town of Chevy Chase, the Greater Bethesda Chevy Chase Chamber of Commerce, The Sierra Club, The Bethesda Urban Partnership and the Hyatt Hotel, as well as various individual Bethesda residents interested in Brookfield's plans for improved public space, a better METRO bus bay and more sustainable buildings. We recognize that representatives from Clark Construction spoke in opposition as did some individuals recruited by Clark but, as addressed in the following section, we do not believe that opposition in any way supports departing from the recommendations in the Public Hearing Draft.

## II. Clark Opposition

A small group of individuals joined Clark in arguing that green space alone, not redevelopment along with open space and METRO improvements, is the most important objective for the METRO Center area. We are unclear about Clark Construction's motives. They have owned their adjoining building for more than 30 years. Until Brookfield's plans for a new building at METRO Center and plans for improving the Plaza and METRO bus area emerged, Clark had never proposed any improvements to the Plaza. Rather, even though they are aged and unattractive, the existing facilities appear to have served their interests very well. We can only assume that Clark either is concerned that a new office building, built to far more sustainable and energy-efficient standards than the aging Clark Building, would compete with them for tenants. Alternatively they may believe that their corporate executives' views to the south should be protected at all costs. For whatever reason, Clark has engaged in an active direct mail campaign to solicit opposition to the Draft Plan, has had multiple rallies and meetings to find possible opponents and has engaged in an anti-development campaign highly uncharacteristic for a construction company and developer. Equally concerning, the campaign appears to be based on an erroneous "either or" message: either the community can have green space at METRO Center or they can have a new building, residents have been told. What the residents have not been told is that if Clark's ideas for this location were to prevail, then the status quo – an unattractive and aging plaza in the middle of Bethesda, will likely continue since they have offered nothing in terms of how to pay for their plans for Brookfield's site nor do they control the site. The fact is that any significant improvements to this area will require a new building to make them a reality.

Consistent with the recommendations in the Public Hearing Draft, Brookfield's plans do call for a new building (either office or residential, with ground-floor retail) as well as major improvements to both the existing public Plaza and to the METRO bus station area below. We are attaching to this letter some visual materials including perspectives and plans showing how a new building and significantly improved green space would be incorporated into, and financed by the new development. Contrary to representations made by Clark's representatives, the public use space at the plaza level would not shrink. In fact, we expect that it will grow from approximately 36,000 square feet today to nearly 40,000 square feet under the redevelopment scenario. Moreover, when that public use space at the METRO Center project alone is combined



with Plaza level space controlled by the Hyatt, Clark Construction and the Newlands Building, there will be even more open space. Equally important, it will be improved substantially over the physical features that exist today - a hodgepodge of planters and bricks divided by different elevations, with very little lawn area, and next to no retail activation. Additionally, Brookfield's vast experience in programming open space through its "Arts Brookfield" affiliate, ensures a robust and diverse level of programmed public activities ranging from dancing and arts events to farmers markets, movies on the lawn, outdoor dining and passive recreation. None of this would occur under a scenario in which a green area is built along the Street edge at Wisconsin Avenue and Old Georgetown Road as Clark has suggested.

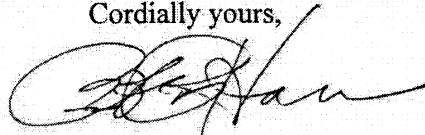
In its efforts to seek recruits against Brookfield's plans, Clark has developed a story which asserts that a Plaza area, framed by existing buildings and a future building connected to the streets with retail promenades, will not offer meaningful open space. Rather, Clark contends that open space must be along Wisconsin Avenue and Old Georgetown Road to be usable. We respectfully disagree. In fact, the type of community activities mentioned above are far more appropriate in a central park set well back from busy roadways and bracketed with active ground-floor retail. Examples of how such protected open spaces can be very active and inviting range from the Rockville Town Center Square, Reston Town Center and other local examples, up to, perhaps the best examples of all, being Rockefeller Plaza in New York City and squares and piazzas in Europe. Indeed, some of Clark's witnesses testified that they wanted the Plaza preserved and they harkened back to the early days of the Plaza when it was active. Unfortunately, over time and because of various factors, that activity level did not survive - this was largely due to the fact that the "food court" building (which was to have activating retail) was hidden behind dark brown glass so that none of the internal uses could be seen from the street and, on top of that, no exterior signage was allowed. That was a sure way to doom retail and restaurant space. Downtown Bethesda also held only a fraction of the current and planned office and residential populations, interested in having all types of open spaces to enjoy.

Today, the daytime and nighttime populations of downtown Bethesda have both grown and evolved. We now have the Roundhouse Theater, Bethesda Blues and Supper Club, Imagination Stage and numerous other arts and entertainment activities attracting people here. Even more indoor and outdoor performance spaces are important. Additionally, people are now walking, bicycling and generally being more active in downtown Bethesda more than they were 30 years ago. Brookfield is prepared to support this evolution through significant physical improvement to the Plaza (including better pedestrian paths, and way-finding and bike facilities), and its expertise in managing and programming such facilities. Perhaps even more importantly, their intent, as reflected in the Draft Sector Plan, provides for a new sustainable, mixed-use building at METRO Center, the most important location for new, downtown Bethesda development to occur. We believe the Draft Sector Plan and Brookfield's efforts will help to achieve the visions set forth in the Draft Bethesda Downtown Plan. Our only request is that the sustainability goals of the plan recognize the unique features of this site. It is fully "paved" today and any new construction would be built on top of those structural components. The new building itself would include all suitable environmental features but the site itself will have to remain largely impervious.

Casey Anderson Esq.  
July 1, 2015  
Page 4

With these comments we strongly support the recommendations in the Draft Plan and are pleased to have such broad public support for those ideas.

Cordially yours,

A handwritten signature in black ink, appearing to read "R. Harris", written in a cursive style.

Robert R. Harris

Enclosures

cc: Marye Wells-Harley  
Norman Dreyfuss  
Natali Fani-Gonzalez  
Amy Presley  
Gwen Wright  
Rose Krasnow  
Robert Kronenberg  
Marc DeOcampo  
Leslye Howerton  
Simon Carney  
Rich Fericola

To: Leslye Howerton, Planner Coordinator, Area One and Casey Anderson, Chair,  
Montgomery County Planning Board

We are writing this as written testimony since we were unable attend the meeting where people had the opportunity to testify about the Master Plan for downtown Bethesda. We own a house on Leland Street that my mother has been living in for almost ten years. So far, we are very disappointed in what appears to be a lack of leadership or willingness to make difficult decisions about rezoning our neighborhood. Along with a majority of our neighbors, we are strongly in favor of rezoning Sacks to a higher density and find it difficult to understand the reluctance to do so. We hope that as the planning process continues, this will change.

As you know, Sacks is the only residential zoned area within the Bethesda Central Business District. It is surrounded on three sides by high-rises, with a six lane road on the fourth side. It is within a short walk to the Bethesda Metro Station and an even shorter walk to the proposed Purple Line station. It is situated in such a way that it screams to be rezoned for high density, mixed-use development. It meets all criteria for such zoning. In MNCPPC's own words: "MNCPPC's decision will be based on a number of factors including community input, forecasted growth for the next twenty years, redevelopment potential and interest, transportation and land use analysis that is currently being studied, proximity to core and Purple Line, appropriateness of use so close to the core of downtown etc."

According to the Metropolitan Washington Council of Governments, the area's population will increase by 1.3 million and jobs by 1.2 million by 2040. According to COG, "the inner suburbs will continue to have the largest share of the region's population and employment in 2040." Please see the two more paragraphs from the COG report below.

"Montgomery County Councilmember Marc Elrich, who serves on the TPB, said local governments are preparing to accommodate the projected growth in their master plans. He added that these figures underscore **the importance of concentrating development in places with established infrastructure**, rather than spreading out the growth."

"COG Community Planning and Services Director Paul DesJardin noted recent data that shows the region is increasing development in more transit-accessible, mixed-use Activity Centers, including more than half of new residential growth and three-quarters of new job growth."

For all of these reasons, rezoning Sack is the only logical thing to do.

We have heard from some neighbors and a zoning attorney is that MNCPPC takes a cautious approach when it comes to rezoning single-family residential neighborhoods. We find this somewhat understandable because there is often a very small, very vocal group that opposes any change. However, we feel that a county planning board should be required to consider the greater good and make those difficult decisions when

necessary. Is it right that a hundred households who would like to live in downtown Bethesda are deprived of the opportunity because of a very few selfish people who lack vision? Should a new neighborhood be built far from downtown and public transportation to accommodate new residents adding to sprawl and traffic? Should the county and state be deprived of greater tax revenue generated by the additional property taxes from a larger number of dwellings and income taxes of more residents and businesses? Should all of these things be allowed to happen, defying all logic, because it is difficult to stand up to a few vocal people?

It would be disingenuous of us to pretend that we are not interested in the increase in the value of our home that could result from rezoning. Of course we are. My mother and I are at a stage in life when that increase in value would be very welcome. The fact is that the rezoning would be in everyone's best interest: it would promote economic growth (please see attached Economist article) and tax revenue. Current residents would benefit from increasing home values and future residents would have the opportunity to live in vibrant, exciting area. Even those who oppose the rezoning would undoubtedly be pleased when they sold their homes sometime in the future for a good price. In fact, it has emerged from neighborhood discussions that even those opposing rezoning most loudly admit that they have their price for which they would be willing to sell their homes to a developer. One of these neighbors has even said that if the neighborhood won't stay the same, he wants the highest possible density so he can sell his home for the most money.

For all of the reasons we hope very much that the final decision will be to focus on the common good and rezone Sacks, even if it means making difficult decisions. Even though some Sacks residents oppose any change, the neighborhood is already changing dramatically and it's unrealistic to pretend otherwise. The location is perfect for an "Activity Center" and should be developed accordingly. The benefit to the community would be enormous in terms of our property values, Smart Growth, increased tax revenue, more space for affordable housing, reduction in traffic and on and on.

Sincerely,  
Julie and Anna Lazar 4822 Leland St.

# The Economist

APRIL 11th 2014 2015

Economist.com

Dealing with Iran

Nigeria's watershed election

The lasting toll of prenatal damage

Sexism in Silicon Valley

Britain's shrunken global stature

## Space and the city

The high cost of wasting land



## Space and the city

Poor land use in the world's greatest cities carries a huge cost



**B**UY land, advised Mark Twain; they're not making it any more. In fact, land is not really scarce: the entire population of America could fit into Texas with more than an acre for each household to enjoy. What drives prices skyward is a collision between rampant demand and limited supply in the great metropolises like London, Mumbai and New York. In the past ten years real prices in Hong Kong have risen by 150%. Residential property in Mayfair, in central London, can go for as much as £55,000 (\$82,000) per square metre. A square mile of Manhattan residential property costs \$16.5 billion.

Even in these great cities the scarcity is artificial. Regulatory limits on the height and density of buildings constrain supply and inflate prices. A recent analysis by academics at the London School of Economics estimates that land-use regulations in the West End of London inflate the price of office space by about 800%; in Milan and Paris the rules push up prices by around 300%. Most of the enormous value captured by land-owners exists because it is well-nigh impossible to build new offices to compete those profits away.

The costs of this misfiring property market are huge, mainly because of their effects on individuals. High housing prices force workers towards cheaper but less productive places. According to one study, employment in the Bay Area around San Francisco would be about five times larger than it is but for tight limits on construction. To top these costs in lost earnings and unrealised human potential, and the figures become dizzying. Lifting all the barriers to urban growth in America could raise the country's GDP by between 6.5% and 13.5%, or by about \$1 trillion-2 trillion. It is difficult to think of many other policies that would yield anything like that.

### Metro stops

Two long-run trends have led to this fractured market. One is the revival of the city as the central cog in the global economic machine (see pages 21-23). In the 20th century, rumbling transport costs weakened the gravitational pull of the city; in the 21st, the digital revolution has restored it. Knowledge-intensive industries such as technology and finance thrive on the clustering of workers who share ideas and expertise. The economies and populations of metropolises like London, New York and San Francisco have rebounded as a result.

What those cities have not regained is their historical ability to stretch in order to accommodate all those who want to come. There is a good reason for that: unconstrained urban growth in the late 19th century fostered crime and disease. Hence the second trend, the proliferation of green belts and rules on zoning. Over the course of the past century land-use rules have piled up so plentifully that getting planning permission is harder than hailing a cab on a wet afternoon. London has strict rules preventing new structures blocking certain views of St Paul's Cathedral. Google's plans to build housing on its Mountain View campus in Silicon Valley are being resist-

ed on the ground that residents might keep pets, which could harm the local owl population. Nimbyish residents of low-density districts can exploit planning rules on everything from light levels to parking spaces to block plans for construction.

A good thing, too, say many. The roads and rails criss-crossing big cities already creak under the pressure of growing populations. Dampening property prices hurts one of the few routes to wealth-accumulation still available to the middle classes. A cautious approach to development is the surest way to preserve public spaces and a city's heritage: give economists their way, and they would quickly pave over Central Park.

However well these arguments go down in local planning meetings, they wilt on closer scrutiny. Home ownership is not especially egalitarian. Many households are priced out of more vibrant places. It is no coincidence that the home-ownership rate in the metropolitan area of downtrodden Detroit, at 71%, is well above the 55% in booming San Francisco. You do not need to build a forest of skyscrapers for a lot more people to make their home in big cities. San Francisco could squeeze in twice as many and remain half as dense as Manhattan.

### Property wrongs

Zoning codes were conceived as a way to balance the social good of a growing, productive city and the private costs that growth sometimes imposes. But land-use rules have evolved into something more pernicious: a mechanism through which landowners are handed both unwarranted windfalls and the means to prevent others from exercising control over their property. Even small steps to restore a healthier balance between private and public good would yield handsome returns. Policymakers should focus on two things.

First, they should ensure that city-planning decisions are made from the top down. When decisions are taken at local level, land-use rules tend to be stricter. Individual districts receive fewer of the benefits of a larger metropolitan population (jobs and taxes) than their costs (blocked views and congested streets). Moving housing-supply decisions to city level should mean that due weight is put on the benefits of growth. Any restrictions on building won by one district should be offset by increases elsewhere, so the city as a whole keeps to its development budget.

Second, governments should impose higher taxes on the value of land. In most rich countries, land-value taxes account for a small share of total revenues. Land taxes are efficient. They are difficult to dodge; you cannot stuff land into a bank-vault in Luxembourg. Whereas a high tax on property can discourage investment, a high tax on land creates an incentive to develop unused sites. Land-value taxes can also help cater for newcomers. New infrastructure raises the value of nearby land, automatically feeding through into revenues—which helps to pay for the improvements.

Neither better zoning nor land taxes are easy to impose. There are logistical hurdles, such as assessing the value of land with the property stripped out. The politics is harder still. But politically tricky problems are ten-a-penny. Few offer the people who solve them a trillion-dollar reward. ■

**From:** [Andrew Niebler](#)  
**To:** [MCP-BethesdaDowntownPlan](#)  
**Subject:** Perhaps our planners might find some inspiration in this article  
**Date:** Thursday, July 02, 2015 1:51:48 AM

---

# We mustn't forget the deep emotional impact of the buildings around us

By **Daniel Libeskind**, Special to CNN

Updated 5:30 AM ET, Wed July 1, 2015



Source: CNN

Daniel Libeskind: Architecture that touches the heart and soul 03:00

"Architect **Daniel Libeskind** is CNN Style's first guest editor. He's commissioning a series of features that explore the theme of "Architecture and Emotion," to be published throughout July. Here, he explains some of the thoughts behind his chosen subject. "

*New York (CNN)* Many people don't see architecture as important, even very smart people. They leave it to somebody else.

But to me, there's nothing more important than architecture. It creates your world and influences how you feel both mentally and spiritually.



Architect and CNN Style guest editor, Daniel Libeskind

So, if you live in a horrible place, you'll be impaired mentally. Let's say you live in a dark environment with no windows and with nothing but a blank wall behind you. You'd be in a prison, and that would have a detrimental impact on your mental health.

The most neutral architecture is often the most aggressive. But in buildings that move us, there's an element of care. It's not a question of whether a building makes us feel good or bad. It's about being moved. That's what the word emotion means. What we feel is the sense of intensity, passion and involvement. It's something that goes very deep.

Look at a Frank Gehry building, for instance, and you can see the love and care and infinite labor it took to bend that piece of steel. You can see it in high-tech architecture like that of Norman Foster, the love for an incredible suspended piece of glass and how difficult it is to

make a piece of glass look like it's floating. It's also why people love going to old medieval towns or beautiful villages -- because they inspire us to feel moved.



In great cities, the great buildings tell you things you don't know and remember things which you've forgotten. It's a collective wisdom, an engine superior to your own intelligence. Architecture is the biggest unwritten document of history.

We are certainly writing a new chapter today. Places that were just caravans in the desert are suddenly high-density cities with incredible buildings. Cities that were neglected are now competing with other major cities: Shanghai vs. Beijing, Beijing vs Frankfurt, Frankfurt vs. New York. Nobody could have predicted 50 years ago that it would be cities competing with each other rather than nations.

And it's important for a city to have incredible variety. I don't like oppressive cities that offer no relief. We see this in authoritarian attempts at controlling architecture, whether it was enlightenment thinkers or Stalin or Hitler or Mussolini. They tried to rebuild the world in their image, and their idea of playing God failed because of our irrepressible individuality.

I often wish the city was more creative, that the sidewalk was a more fantastic experience, because life is short and you don't want to walk through a dull-witted place. The great cities we really admire have this perplexing variety of thoughts, forms, colors, dialects, spiritual ideas.

As an architect, it's my responsibility to make a personal connection -- not just with the physical environment but how it triggers our memories and emotional responses.

When I explored the site for the Jewish Museum in Berlin, I put myself into the souls of those who are not there, into the emptiness I felt. I tried to see how it would feel to be there when you're not there. What does it mean to create a space for those who were murdered, who disappeared in the smoke?

You could feel that emotion here in New York after 9/11, the souls of those who are lost at ground zero. You don't have to be a mystic or religious in any way. Everybody would feel it.

You come to the bedrock, the slurry wall, the emptiness, and you are suddenly enveloped in a space that isn't just what you see on the ground. You're in connection with this place and its history, and that connection speaks to you.



It tells you what the limits are, the taboos. You cannot treat it as if you were just walking on another kind of ground. This place is unique. There is a delicacy about it that has to be protected. That's all part of exploring the site. I would call it a spiritual journey.

Even with a regular site, you have to be interested in it and sensitive to it. If not, you can do whatever you want. Architecture is already violent -- you always have to dig a foundation -- and we can tell when somebody does something just for a quick buck. We can feel that carelessness and the silence it produces.



When I first came here in 2001 it was a ghost town. Once in a while I would see two or three people standing in the rain looking at the site.

Every day I have seen this site transform itself, but transform itself with a memory -- not by hiding what happened.

The talk about ground zero also changed very slowly. It was like something coming up out of an abyss, not different from my experience in Berlin.

When I started working on ground zero, the developers were speaking of large floor plates for trading floors, and my idea was very different — that this is not going to be Wall Street again, it's going to be a new neighborhood.

To me the proof of its success is how many people have moved into that neighborhood. A hundred thousand people have moved to Lower Manhattan since I started working here. It's a rebirth of a zone of a city that was very functionally Wall Street. Now it's a place for creativity.

There are both the profane and the sacred in architecture. But sacred does not preclude celebration. So eating an ice cream or even throwing a Frisbee at ground zero is not in contradiction with the space, because it's the space that allows you to do certain things.



It takes a long time for a public space to shape itself. For ground zero, it's taking more than two hundred years. At first, New York was just a few streets laid out on a map. But incarnated in that initial gesture was the spirit of this island, this tip, jutting out into the world. A spirit of the unexpected.

That's the optimism that is lodged in every gesture of architecture. The metaphor of life is rooted in architecture. To be born, to grow, to be, is an architectural experience. It starts from excavation, from nothing, and has only a plan that in time comes to fruition. No matter how sad, how tragic a site might be, how abused by history, architecture has the notion of a future.

That sense prevents it from being something in a minor chord. Even erecting a monument to the dead, in any form -- writing a book or planting a flower or a tree -- has a sense of hope and redemption.



**Fire, Rescue & EMS**

Serving  
Bethesda  
Chevy Chase  
NW Washington DC

5020 Battery Lane  
Bethesda  
Maryland 20814-2699  
www.bccrs.org

Business: 301.652.0077  
Fax: 301.656.6523  
Voice Mail: 301.656.5423  
Emergency MD: 911  
Emergency DC: 301.652.1000



CREATED WASHINGTON

**BETHESDA-CHEVY CHASE RESCUE SQUAD, INC**

**Public Hearing Comments -- Bethesda Downtown Plan**  
June 24, 2015

In support of Zoning, Height and Density Recommendations: CR-2.5, C-0.5, R-2.5, H-120

Good evening. My name is Robert Kretzmer and I am President of the Bethesda-Chevy Chase Rescue Squad, a nonprofit organization comprised of over 150 volunteers that has served the Bethesda community for 75 years.

I am here before you to strongly support the recommendations in the Bethesda Downtown Plan for the Rescue Squad property located at the intersection of Old Georgetown Road and Battery Lane. The increased height and density, which have been recommended for the site, will facilitate a redevelopment opportunity that will allow the Rescue Squad to adapt to and support future changes in the emergency service needs in Bethesda. In particular, the Plan recommendations allow the Rescue Squad to capitalize on its primary asset, its property, in order to:

- co-locate the Rescue Squad with a multi-family building;
- replace its deteriorating facility with a state of the art structure;
- adopt new fire station design able to substantially increase volunteer participation;
- enhance its in-station training capacity; and
- create a reserve fund for the long-term viability of the Rescue Squad

As you are aware, the Rescue Squad is a civic- and community-minded organization providing life-saving services to the broader Bethesda community by volunteers as part of the Montgomery County Fire and Rescue Service. We perform these life-saving services 24/7 365 - all from donated contributions from local individuals, local businesses, corporations, and philanthropic groups. Together, we save Montgomery County more than \$4 million in public funds every year, while setting the highest standards for emergency services.

We are also one of the last bastions of progressive, long-term volunteerism in the County. At the Rescue Squad, a very young person can receive quality training and meaningful public service opportunities that foster a lifelong commitment to others, regardless of where their careers may take them. This opportunity is valuable to the individual and the taxpayers.

To continue this mission, we desperately need the redevelopment opportunity that the current Downtown Plan provides. We selected a development partner, Redbrick Development Group that shares our community focus, and we look forward to implementing our project plan that will ensure that the Rescue Squad can operate successfully for another 75 years.

Thank you for this opportunity to share my comments with you.

**Volunteer, the experience of a lifetime!**

**From:** [Jim Ford](#)  
**To:** [MCP-BethesdaDowntownPlan](#)  
**Subject:** Re: Comments on Proposed Update to the Bethesda Downtown Plan  
**Date:** Thursday, July 02, 2015 8:48:48 AM

---

On Jul 2, 2015, at 8:33 AM, Jim Ford <[jimford188@gmail.com](mailto:jimford188@gmail.com)> wrote:

Please include this e-mail in public comments on the pending update of the Bethesda Downtown Plan.

My name is James E. Ford. I reside at 4427 Walsh Street, town of Chevy Chase. My family and I have resided in our house for 30 years, and my wife and I currently plan to continue living there for the foreseeable future. Quality-of-life revisions to the proposed master plan are critical to maintaining our decision to remain as taxpayers in Chevy Chase, Montgomery County and Maryland. I support the elements of the town meeting summary submitted by the Town of Chevy Chase. In particular:

*Maintaining buffer zones around residential neighborhoods:* The existing buffer zones perform a critical role in shielding neighborhoods from the urbanizing downtown. How can these buffers be maintained and even enhanced? Would it be possible to convert street level parking behind Wisconsin Avenue to underground parking (if necessary) while expanding Elm Street Park to provide critically needed additional park and recreational space?

4) *Increased building height:* While recognizing the advantages of channeling new development in areas where public transit is available, recent proposals for heights as high as 250 feet raise major concerns and the specter of other developments of similar heights bordering the Town. Bethesda Row, the most vibrant part of Bethesda, has heights of less than 60 feet, while the least vibrant area downtown is Metro Center which has the area's tallest buildings.

5) *Traffic congestion from future development:* Residents are concerned about increased traffic on already congested streets, how this will be modeled as part of the analysis supporting the planning process, and what will be the boundaries included in the analysis.

6) *Overcrowding of schools:* With the large number of new residential units coming to Bethesda, what additional burden will these place on already overcrowded schools. Current plans to expand BCC High School appear to be at best a short-term fix to what demands a long-term solution.

7) *Increased demands on parks, playgrounds and athletic fields:* Parks and recreational facilities are already in short supply in and around Bethesda. How will the sector plan analyze the future need for more of these facilities and what recommendations will it make to overcome the high costs and lack of available open space to meet these growing needs? How can we make better use of

underutilized existing public spaces (e.g., metro center, Discovery Trail, BCC resources center)?

8) *Minimize disruption/maintain quality of life:* With the rapid development of downtown, a growing number of streets and sidewalks are disrupted during construction. Longer-term, increased development will make already dangerous street-crossings and inadequate bicycle lanes a growing safety concern. Future increases in development must also be closely linked to infrastructure and environmental requirements (streets, parks, bike lanes, storm water management, etc.). "My family and I have lived in our Walsh Street house for 30 years, and my spouse and I plan to maintain the address as our sole residence foreseeably. An update to the Bethesda Downtown Plan Our plan that enhances the quality of life that we enjoy today is critical to our decision to remain as taxpayers in Chevy Chase, Montgomery County and Maryland.

I associate myself with those who have commented in support of modifications to the downtown plan. In particular, I endorse the following concerns outlined in the Town of Chevy Chase's summary of a town meeting held on the subject:

*Maintaining buffer zones around residential neighborhoods:* The existing buffer zones perform a critical role in shielding neighborhoods from the urbanizing downtown. How can these buffers be maintained and even enhanced? Would it be possible to convert street level parking behind Wisconsin Avenue to underground parking (if necessary) while expanding Elm Street Park to provide critically needed additional park and recreational space?

*Increased building height:* While recognizing the advantages of channeling new development in areas where public transit is available, recent proposals for heights as high as 250 feet raise major concerns and the specter of other developments of similar heights bordering the Town. Bethesda Row, the most vibrant part of Bethesda, has heights of less than 60 feet, while the least vibrant area downtown is Metro Center which has the area's tallest buildings.

*Traffic congestion from future development:* Residents are concerned about increased traffic on already congested streets, how this will be modeled as part of the analysis supporting the planning process, and what will be the boundaries included in the analysis.

*Overcrowding of schools:* With the large number of new residential units coming to Bethesda, what additional burden will these place on already overcrowded schools. Current plans to expand BCC High School appear to be at best a short-term fix to what demands a long-term solution.

*Increased demands on parks, playgrounds and athletic fields:* Parks and recreational facilities are already in short supply in and around Bethesda. How will the sector plan analyze the future need for more of these facilities and what recommendations will it make to overcome the high costs and lack of available

open space to meet these growing needs? How can we make better use of underutilized existing public spaces (e.g., metro center, Discovery Trail, BCC resources center)?

*Minimize disruption/maintain quality of life:* With the rapid development of downtown, a growing number of streets and sidewalks are disrupted during construction. Longer-term, increased development will make already dangerous street-crossings and inadequate bicycle lanes a growing safety concern. Future increases in development must also be closely linked to infrastructure and environmental requirements (streets, parks, bike lanes, storm water management, etc.)."

I am particularly concerned about the issue of green buffer zones. The thorough inadequacy of 75 foot buffer zones is borne out by the recreational trail access buffer between existing single-family dwellings on Leland Street and the newly constructed apartment/retail building that abuts Woodmont Ave. Residents in the Leland Street houses are hard against the trail access buffer and the looming apartment building. Applying this same concept to the current parking lots east of Wisconsin Avenue and abutting 46th Street, as well as Walsh Street, would catastrophically degrade the quality of life for me and others who live in the western portions of the town of Chevy Chase. The parking lots should be replaced with green space as a badly needed extension of Elm Street Park. If need be, underground parking could be constructed beneath an expanded Elm Street Park.

James E. Ford, 4427 Walsh Street, Chevy Chase, MD, 20815. 301-657-2759.  
[jimford188@gmail.com](mailto:jimford188@gmail.com)

**From:** [Sandra Purohit](#)  
**To:** [MCP-BethesdaDowntownPlan](#)  
**Subject:** Sandra Purohit Testimony  
**Date:** Thursday, July 02, 2015 12:10:47 AM

---

To the planning board:

Below for the record is first a written copy of the testimony I read during the oral hearing on June 24<sup>th</sup>. It's followed by additional thoughts and comments that I couldn't get to on the night. Thank you for your consideration.

Good Evening. My name is Sandra Purohit and I am a Bethesda Resident.

I am here this evening to present a petition on behalf of over 470 members of the Bethesda community all of whom are vehemently opposed to the proposal in the plan to run a road through Battery Park --one of the last roadless greenspaces left in Bethesda. This issue matters to people and I urge you to read their comments including

How a road will destroy the nature of the park

How it will create dangerous conditions for children and the elderly

How we should be adding green space not fragmenting what little we have with roads

Well over a hundred millenials signed the petition and many asked to circulate it to others. It's a constituency that matters and they care about keeping the Park road free.

I have heard it stressed that the plan calls for no net loss in the acreage of the park. But if acreage was all that mattered, then the grassy median that runs for hundreds of miles along I-95 would be one of the most popular parks on the east coast. Now I understand that the plan proposes a two lane road, not a mega-highway but the reality is that **roads seriously degrade the value of park space**.

A road would undermine the very aspects of green space that the plan says it is trying to obtain. It's not conducive to the "natural green settings that help reduce stress" mentioned on page 72) or the "open space" places for "quiet contemplation" (Pg 76). A road through Battery park means the opposite of tranquility, community and stress reduction.

In short, we don't just need park acres. We **need quality park acres** and one very fundamental aspect of park quality is **roadlessness!!! So I join my neighbors in strongly urging you to eliminate from the plan any proposal to ruin Battery Park by putting a road through it.**

**In regards to the rest of the plan** I would like to stress that Bethesda is a progressive community. A community that believes in science and climate change. The people I met during this petition want to live in a place that reflects their progressive views. This plan doesn't **yet** do that.

Given the huge influx of people expected over the next 20 years, the plan will need much stronger mandates for water and energy efficiency and for green cover **Just to maintain the "poor to fair" water quality and the already high carbon footprint of the city**. In order to actually improve these conditions, the board really needs to push the envelope.

While I strongly support the ecology and High Performance Area goals outlined in the plan --including efforts to address impervious surfaces, better storm water management through increased vegetation and tree canopy and more energy and water efficient buildings--- I am also disheartened by the weakness of the language and some of the standards discussed. Why are we asking for just minor improvements over the county mandates for LEED, and storm water treatment when we should be setting a high bar that actually addresses our climate and water concerns.

High Performance Areas are a good start but the report admits that even these areas will just "slightly exceed existing and proposed energy standards **to levels that are already being achieved throughout the**

**Washington DC region”** That’s treading water not making progress.

In closing I’d like to reiterate that there should be NO ROAD through Battery Park, and there should be substantially stronger climate, water and energy efficiency mandates in the plan so that over the next 20 years Bethesda will actually reflect the values of the people who live, work and recreate here.

Thank you

**In addition,**

I would like to express my support for the comments submitted by the Sierra Club on the importance of moderate and low income housing; I would add that it would be helpful if the MDU program were more transparent. I would also urge that the MPDU rental options be run by the government and not the developer, again to ensure transparency and independence in who gets the units. As we raise our family in Bethesda I would like to see more racial and more economic diversity in our community. These programs are important aspects of a real community.

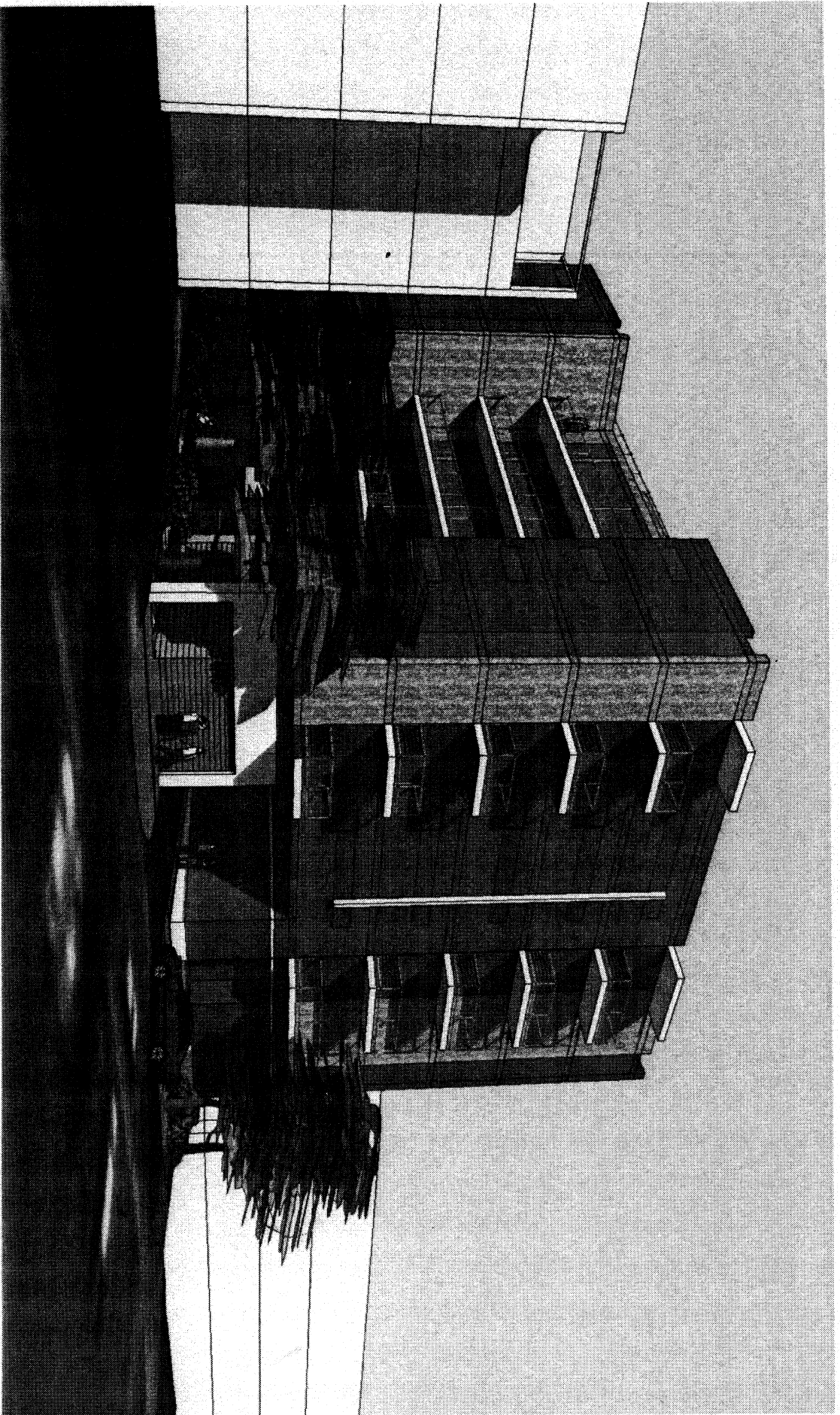
I also support the open space/public park concept above the metro rather than the 290ft building. So while I do support higher density buildings near the Bethesda core and again urge that more be done to enable moderate and low income residents to be part of our community, I differ from the Sierra Club members in that I would also urge that the plaza be spared because park space is so important to the livability of any city. My husband and I attended a few of the planning work sessions and noted how difficult it was to find green space options. Even looking at the Battery Lane scenario where the board proposed expanding the park – it will cost millions because the land is privately held and property values are high. Taking one of the few already public options off the table seems like a poor decision which will be difficult if not impossible to undo and loss of that public space will similarly be difficult if not impossible to offset elsewhere.

The plan contains a lot of language about what “should” be done “where feasible” or talks about things that developers should take into consideration. All of which sounds a lot like wiggle room to allow developers to get around actually improving buildings and livability. I urge the planning board to provide strong, fixed requirements and clear mandates for energy efficiency, storm water management, MPDU’s and open space and density transfers.

I strongly support the transition of Norfolk Ave into a more pedestrian and bike-friendly street with permeable surface instead of tar. The images presented in the plan look encouraging. More generally, I am attaching photos of some sidewalks in DC which provide a combination of storm water management, wildlife habitat, a place to sit, and a nicer atmosphere than the current sidewalks in Bethesda. I would like to advocate for wider sidewalks and many more planted sidewalks like the ones in the pictures.

My oral testimony speaks to opposing a road through Battery Park. We clearly do not need cars driving through our park. One thing that could be helpful is to create a pervious pavement option where the current bike path exists. The thing that holds people back in the park, is not the lack of a road, but rather the muddiness of the path that is there after it rains. Water not only settles in parts of the path it also runs off the path and creates sections of erosion which then adds to muddiness. The path is about the right size, it just needs to be made of a different substance.

Thank you for your time and consideration. I echo Anna Maria Mutter in expressing thanks that this process solicits our views and am hopeful that the end product will reflect the community as a result. I am grateful to the planning board for having the hearing sessions in Bethesda and the staff for their efforts on the plan. I can tell it was a huge amount of work. I hope that going forward the plan can be made stronger from an environmental/livability stand point both because we need it and because as the plan points out there is a “growing market demand for sustainable living that includes healthy places to live, work and play.” Stronger ecology and high performance areas standards that push developers to do more than what is already being done today would facilitate that. Thank you.



4740 CHEVY CHASE ROAD  
BETHESDA, MD

Nicholas Lucarelli Architects, LLC  
6723 Whitaker Avenue Suite 414 McLean, VA 22101  
T 703.790.9506 / F 703.790.0005

Rich Markus Architects  
2801 P Street NW 2nd Floor Washington, DC 20007  
T 202.333.2733 / F 202.333.2779





ideas that work

*Attorneys at Law*

3 Bethesda Metro Center, Suite 460  
Bethesda, MD 20814-5367  
www.lerchearly.com

Tel. (301) 841-3833  
Fax (301) 347-1767  
spsilber@lerchearly.com

**Stacy Plotkin Silber**

July 1, 2015

The Honorable Casey Anderson  
Chair  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Serra Stone  
4310 and 4312 Montgomery Avenue

Dear Chairman Anderson and Members of the Planning Board:

On behalf of Serra Stone Corporation ("Serra Stone"), the owner of certain properties located at 4310 and 4312 Montgomery Avenue (collectively, the "Property"), we are providing comments on Staff's Public Hearing Draft of the Bethesda Downtown Plan, dated May 2015 (the "Draft Plan").

Serra Stone has a long history in Montgomery County. Serra Stone is a locally owned, forty year old small business that was established in 1975. The company employs over 70 people, as well as an additional 15 subcontractors who work exclusively for Serra Stone. The existing storefront provides great visibility and, because Serra Stone serves clients in Maryland, Virginia and the District of Columbia, the Property's location, proximity to transit, and on-site parking provides desirable accessibility and convenience for Serra Stone's employees and customers. Serra Stone is the kind of small business that the County promotes and wants to retain. However, the Draft Plan, as currently written, will significantly devalue Serra Stone's Property. Thus, Plan modifications are essential.

The Property is designated as a proposed public open space in the Draft Plan. Serra Stone understands that one of the primary objectives of the Draft Plan is to expand the network of public open spaces and provide signature gateways to the major trail systems, but this should not be at the expense of existing businesses. To facilitate the creation of these desired public open spaces, within an already developed urban environment, there must be sufficient incentive density for a property owner to sell its density, especially where the business location is ideal and the property is an income producing asset. To be effective, the Draft Plan recommendations must make an owner "whole."

**I. Background**

The Property is currently developed with single family homes that have been converted to commercial uses, with associated surface parking. 4312 Montgomery Avenue is improved with an approximately 2,022 square foot two-story building, which serves as the headquarters and storefront for Serra Stone. 4310 Montgomery Avenue is improved with an approximately 792

square foot single-story structure that is currently operated as a day care use. Access to both parcels is provided off of Montgomery Avenue and parking is located directly behind the buildings. Both of these existing businesses provide desirable, neighborhood oriented services to County residents and will be adversely impacted by the current recommendations contained in the Draft Plan.

**II. Density Recommendation for the Property Must be Increased to Facilitate Proposed Redevelopment as a Recreational Park**

The Property is located on the south side of Montgomery Avenue, along the Capital Crescent Trail. The Draft Plan designates the Property as proposed public open space. Specifically, the Draft Plan recommends the creation of a 1.98 acre gateway park – the Eastern Capital Crescent Urban Greenway (the "Greenway") – at this location. The Greenway is envisioned as an active recreation destination, to include facilities such as adult fitness equipment, a dog park, skate boarding, courts and a playground. (Draft Plan page 79).

To facilitate the Draft Plan's goal of redeveloping the Property and surrounding parcels as a recreational park, the Draft Plan designates the Property as a priority sending site. (Draft Plan page 141). Serra Stone understands Staff's goal is to encourage the sale of all development density from the Property. To discourage continuation of the existing development and uses, the Draft Plan requires all development rights be extinguished before any transferred density from the Property can be used.

If the intent is to encourage property owners like Serra Stone to vacate their businesses and sell off all density from their properties, then there must be sufficient density on the Property to make this economically enticing and viable. The current Draft Plan fails to provide such incentive.

The Draft Plan's recommended zoning of the Property to CRT 0.5, C-0.5, R-0.5, H-35 is insufficient to provide any economic incentive for the Property owner to sell off the existing density and relocate their business. At the same time, the recommendations preclude redevelopment of the Property. If the Draft Plan desires to create a park at this location, it must take into account the impacts of this recommendation on the existing businesses. As currently written, the Draft Plan fails to make the Property owner whole.

To sufficiently incentivize redevelopment of the Property as a recreational park, the Property should be rezoned to CRT 4.0, C-4.0, R-4.0, H-35. Limiting the height to 35 feet, in combination with the required site plan finding of substantial conformance with Master Plan recommendations, ensures that the Property will not be redeveloped. Yet the increased density will incentivize the sale of Serra Stone's density and the creation of a Greenway at this location. This increased density is the minimum necessary to make it palatable to consider selling off the existing density, which would effectively preclude operation and require relocation of the businesses on the Property. In addition to being compensated for the full assessed value of the Property, there are numerous other financial hardships associated with relocating these businesses for which compensation is needed. To find a comparably priced property in Bethesda, that has the same visibility and accessibility, will be challenging. As such, the

The Honorable Casey Anderson  
July 1, 2015  
Pate 3

Property owner may have to settle for a less desirable location or pay a premium for a new space. The Property owner will also incur additional costs associated with effectuating the transfer of density and moving. Without compensation for these additional expenses, a property owner, who does not otherwise desire to relocate, will have no incentive to do so.

**III. Transferred Density from Priority Sending Sites Should not be Required to Provide 50% Additional Public Benefit Points**

The Draft Plan already recognizes the need to modify the default density transfer rules for priority sending sites. In addition to the current recommendations, we recommend that the Draft Plan exempt projects, which utilize density from priority sending sites, from having to provide additional public benefit points (as would otherwise be required by Section 4.5.2.B.3.c of the Zoning Ordinance).

**IV. Summary of Proposed Changes to Sector Plan.**

Additions are denoted by underlining, and deletions through strikethroughs. Plain text represents existing recommendations within the Draft Plan.

**A. Density/ Height Recommendations (Draft Plan page 111)**

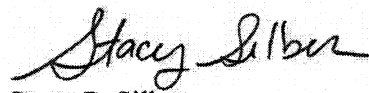
- (8) CRT 4.0 0-5, C-4.0 0-5, R-4.0 0-5, H-35

**B. Eliminate Requirement to Exceed Public Benefit Points for Priority Sending Sites (Draft Plan page 140)**

- Applications that use density from a Priority Sending Site do not need to exceed the minimum public benefit points required by 50%, as would otherwise be required by Section 4.5.2.B.3.c of the Zoning Ordinance. The purpose of this rule is to incentivize acquisition of density from Priority Sending Sites.

We appreciate your consideration of these requests and ask that this letter be included in the record.

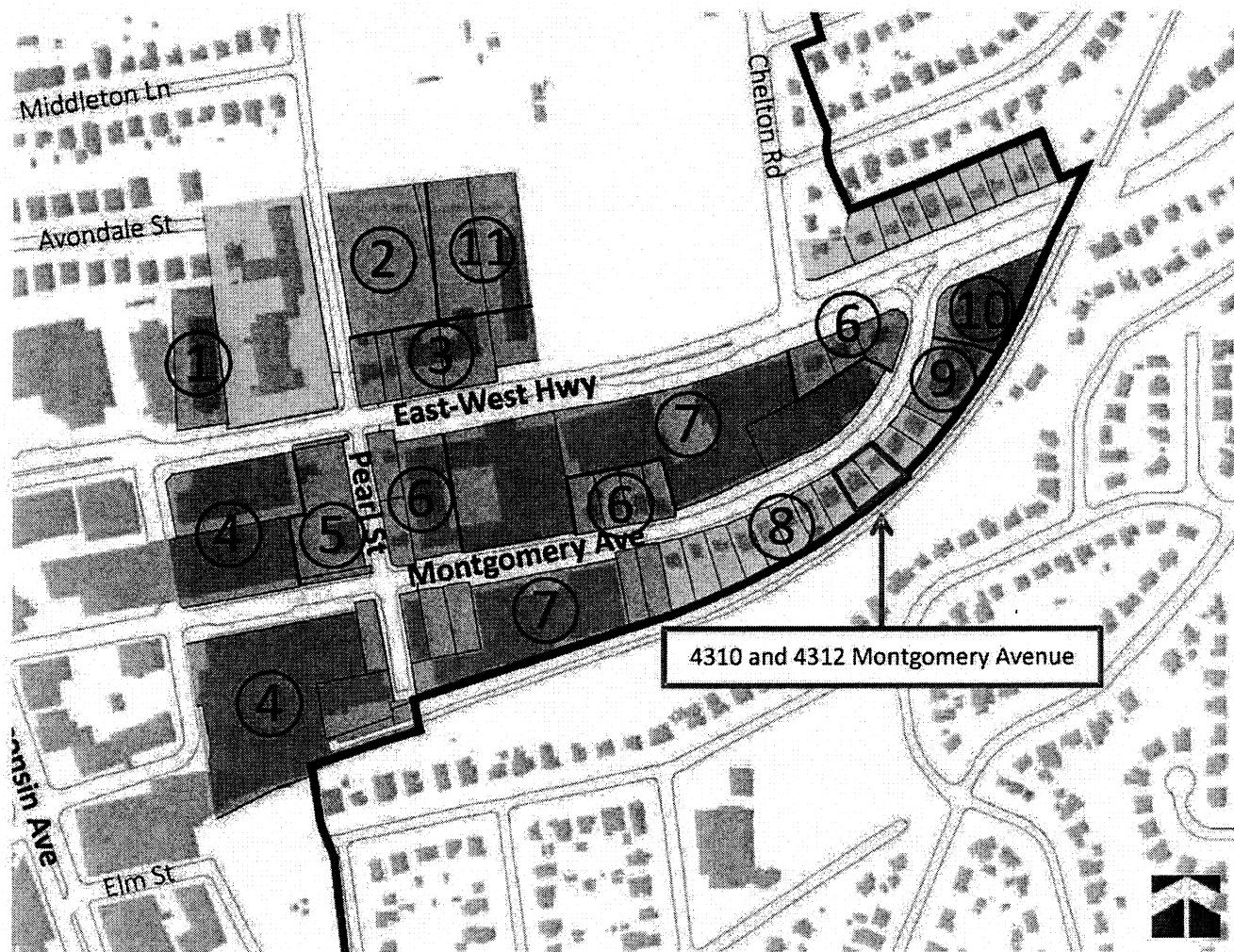
Sincerely,

  
Stacy P. Silber

encl.

cc: Gwen Wright  
Robert Kronenberg  
Leslye Howerton  
Marc DeOcampo  
Jose Serra

Figure 3.07: Pearl District Recommended Zoning






- |  |                                 |                                |
|--|---------------------------------|--------------------------------|
|  Sector Plan Boundary | ① CR 3.5, C-0.75, R-3.5, H-175  | ⑥ CR 2.0, C-1.75, R-2.0, H-120 |
|  R-60, THD            | ② CRT 1.5, C-0.25, R-1.5, H-50  | ⑦ CR 3.5, C-3.5, R-3.5, H-120  |
|  R-10, R-30           | ③ CR 2.0, C-0.5, R-2.0, H-120   | ⑧ CRT 0.5, C-0.5, R-0.5, H-35  |
|  | ④ CR 6.0, C-4.75, R-5.75, H-175 | ⑨ CR 2.0, C-1.75, R-2.0, H-60  |
|  | ⑤ CR 6.0, C-4.75, R-5.75, H-145 | ⑩ CR 3.5, C-3.5, R-3.5, H-100  |
|  |                                 | ⑪ CR 2.0, C-0.5, R-2.0, H-50   |

Figure 3.08: Pearl District Public Realm Improvements

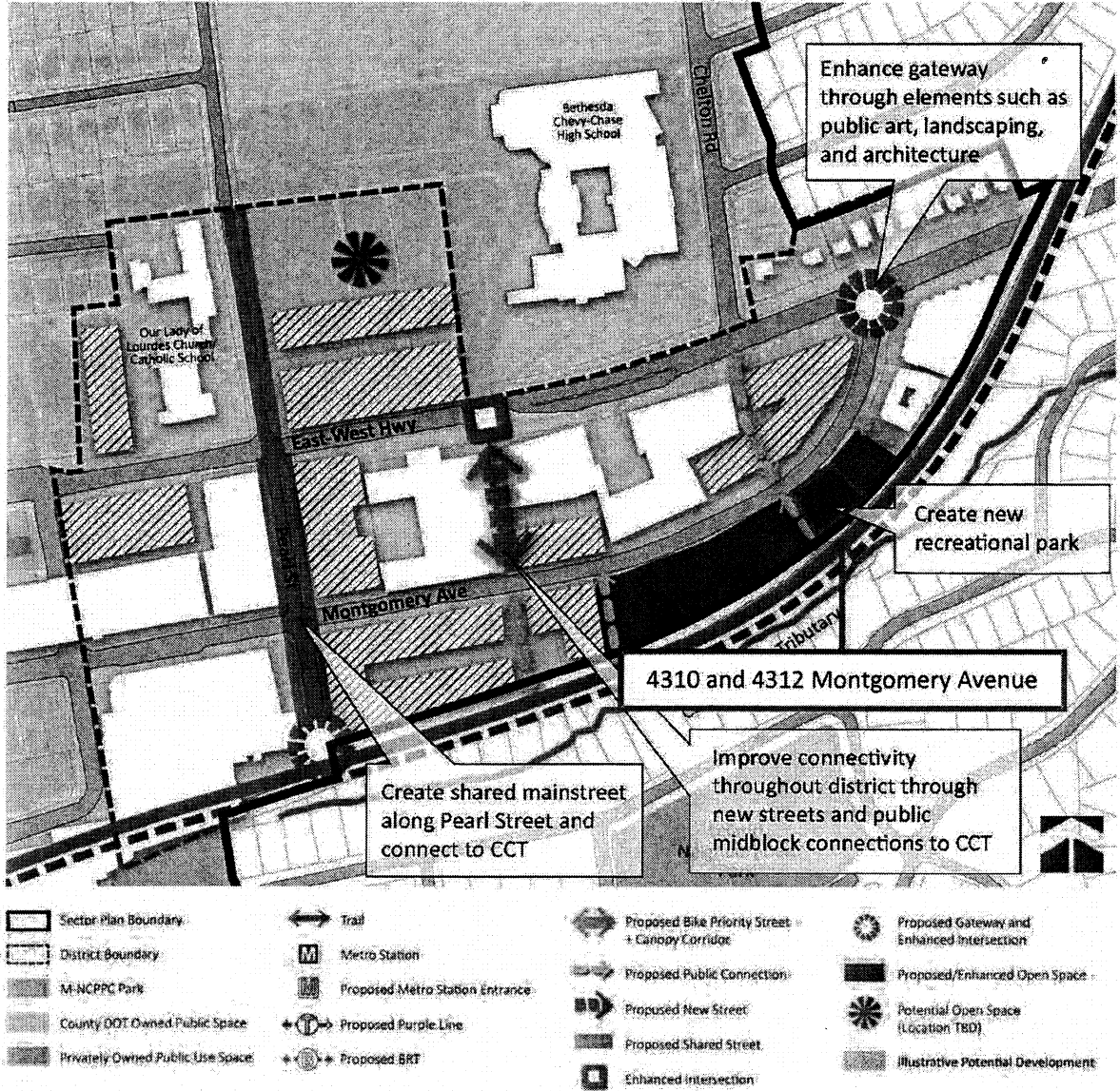
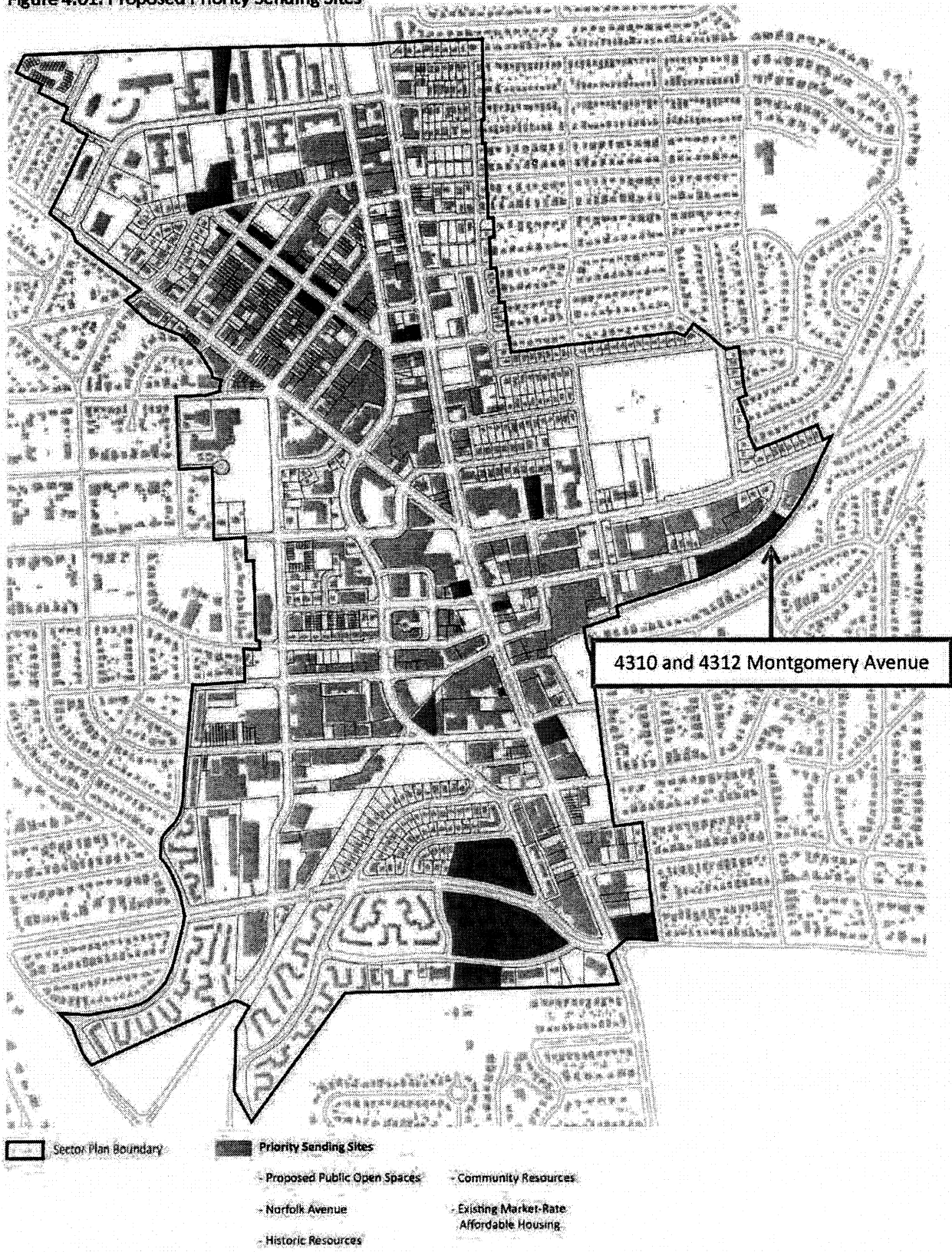


Figure 4.01: Proposed Priority Sending Sites



**LINOWES**  
**AND | BLOCHER LLP**  
ATTORNEYS AT LAW

June 30, 2015

Emily J. Vaias  
301.961.5174  
evaias@linowes-law.com

**Via Electronic Mail**  
**and Overnight Delivery**

Casey Anderson, Chair  
and Members of the Montgomery County Planning Board  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Ave  
Silver Spring, MD 20910

Re: Public Hearing Draft of the Bethesda Downtown Plan, May 2015 (the "Plan")  
4503 and 4507 Stanford Street: Request to Remove Potential Open Space Symbol and to  
Rezone Properties Uniformly to **CR 3.5, C-3.5, R-3.25, H-70**

Dear Chair Anderson and Members of the Planning Board:

We represent Hadjin Associates LLC ("Owner"), the owner of 4503-4507 Stanford Street, Chevy Chase, Maryland (the "Properties"). The Properties are identified as Block D, Lots 12 and 13 in Section 8 Chevy Chase and are recorded on Plat No. 269, as shown on the tax map attached as Exhibit "A", the SDAT sheets attached as Exhibit "B" and the record plat attached as Exhibit "C". The purpose of this letter is to request that the "Potential Open Space" symbol be removed from the Properties, and that they be zoned uniformly to the **CR 3.5, C-3.5, R-3.25, H-70** zone, instead of the currently-recommended split-zoning.

The Properties are currently split-zoned, with 4507 zoned CRT-1.5, C-1.5, R-0.5, H-35, and 4503 zoned R-60. A copy of the current zoning map is attached as Exhibit "D". Combined, the Properties are 14,700 square feet in size and are located on the north side of Stanford Street in the middle of the block which includes the County's Writer's Center. They are bounded to the south by Stanford Street and the Shops of Wisconsin, to the east by a single-family dwelling structure, to the north by a surface parking lot and a two-story office building, and to the west by a surface parking lot. The Properties are improved with the two-story commercial/retail space on 4507 Stanford Street ("4507") and a surface parking lot on 4503 Stanford Street ("4503"). An aerial map showing the Property and the surrounding structures is included as Exhibit "E".

The Properties are designated in the Plan's Eastern Greenway District for Mixed Use-Residential and Commercial as well as Transition Areas in the Plan's Concept Framework. However, the Plan also shows the symbol for a "potential open space" and/or "neighborhood green" on the Properties in multiple figures throughout the Plan - Concept Framework (p. 11), Public Space Network (See p. 67 attached as Exhibit "F"), Urban Parks Hierarchy (p. 75), and Eastern Greenway Districts Public Realm Improvements (p. 126). In addition, the Properties are

Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
June 30, 2015  
Page 2

recommended for split-zoned with 4507 recommended for the CRT 1.75, C-1.75, R-0.75, H-70 zone, and 4503 recommended for the CRT 0.5, C-0.25, R-0.5, H-70 zone. A copy of the relevant Plan zoning map is attached as Exhibit "G".

While the Owner understands the intent of the Eastern Greenway District to act as a buffer between the higher densities along Wisconsin Avenue and the East Chevy Chase residential community across West Avenue, placing an "Open Space" symbol on the Properties and keeping them split-zoned could severely limit development opportunities for the Properties as well as the surrounding properties to the west. Accordingly, we submit the following two requests:

Remove the Open Space Symbol from the Properties

The Owner's first request is that the "Open Space" and/or "Neighborhood Green" symbols be removed from the Properties. While we understand that these symbols are located on the Properties "TBD", adopting the Plan with these symbols located in these locations creates uncertainty as to the future uses on the Properties that could result in making it difficult, if not impossible, to refinance, develop or sell the Properties.

Although the Owner agrees that additional park space in Bethesda would be beneficial, it is well understood that larger, more substantial, park spaces, like the ones suggested elsewhere in the Plan area, are the truly valuable and treasured forms of green space. Indeed, smaller "pocket" parks like the one that appears to be suggested for the Properties have been determined to provide little to no value to the community and are quickly going out of favor. To that end, it makes little sense to possibly devalue the Properties by identifying them as "potential" open space areas, when the value of such open space is limited at best. Any redevelopment could address the need for open space as part of the design process.

Rezone the Properties to CR 3.5, C-3.5, R-3.25, H-70

The Owner requests that the Properties be zoned uniformly to the **CR 3.5, C-3.5, R-3.25, H-70** zone, instead of keeping the Properties split-zoned, with 4507 recommended for the CRT 1.75, C-1.75, R-0.75, H-70 zone, and 4503 recommended for the CRT 0.5, C-0.25, R-0.5, H-70 zone.

The CR 3.5, C-3.5, R-3.25, H-70 zone is comparable to the zone being proposed for the two lots to the west that are currently improved with a surface parking lot. Because lots fronting on Stanford Street are small in size, it is possible that in the future, the property owners may try to redevelop all of them collectively into one development that could transform the currently underutilized existing conditions into a lively commercial and/or residential development just a



Casey Anderson, Chair  
and Members of the Montgomery County  
Planning Board  
June 30, 2015  
Page 3

half a block off of Wisconsin Avenue. Consistent zoning will help encourage this redevelopment.

This zone provides sufficient development density in terms of uses, massing and height to potentially create such a development, which would provide significant environmental improvements over the existing surface parking lots through the introduction of modern stormwater environmental site design and additional vegetation and greenery that would be required as part of any development. Further, the existing single-family dwelling structures to the east abutting West Avenue will serve as a sufficient buffer between a new development and the neighboring residential communities, and the site plan could create additional design elements to protect the neighborhood.

The Owner supports the more modern, green and well-designed Bethesda envisioned in the Plan. We look forward to working with you and the community during the Plan process to create a document that will allow this vision to become a reality. If you have any questions, please feel free to contact me.

Sincerely,

**LINOWES AND BLOCHER LLP**



Emily J. Vaias

Enclosures

cc: Ms. Leslye Howerton  
Mr. Marc DeOcampo  
Mr. Robert Kronenberg  
Mrs. Melissa Keshishian  
Mr. Thomas W. Roberson  
Samantha L. Mazo, Esq.

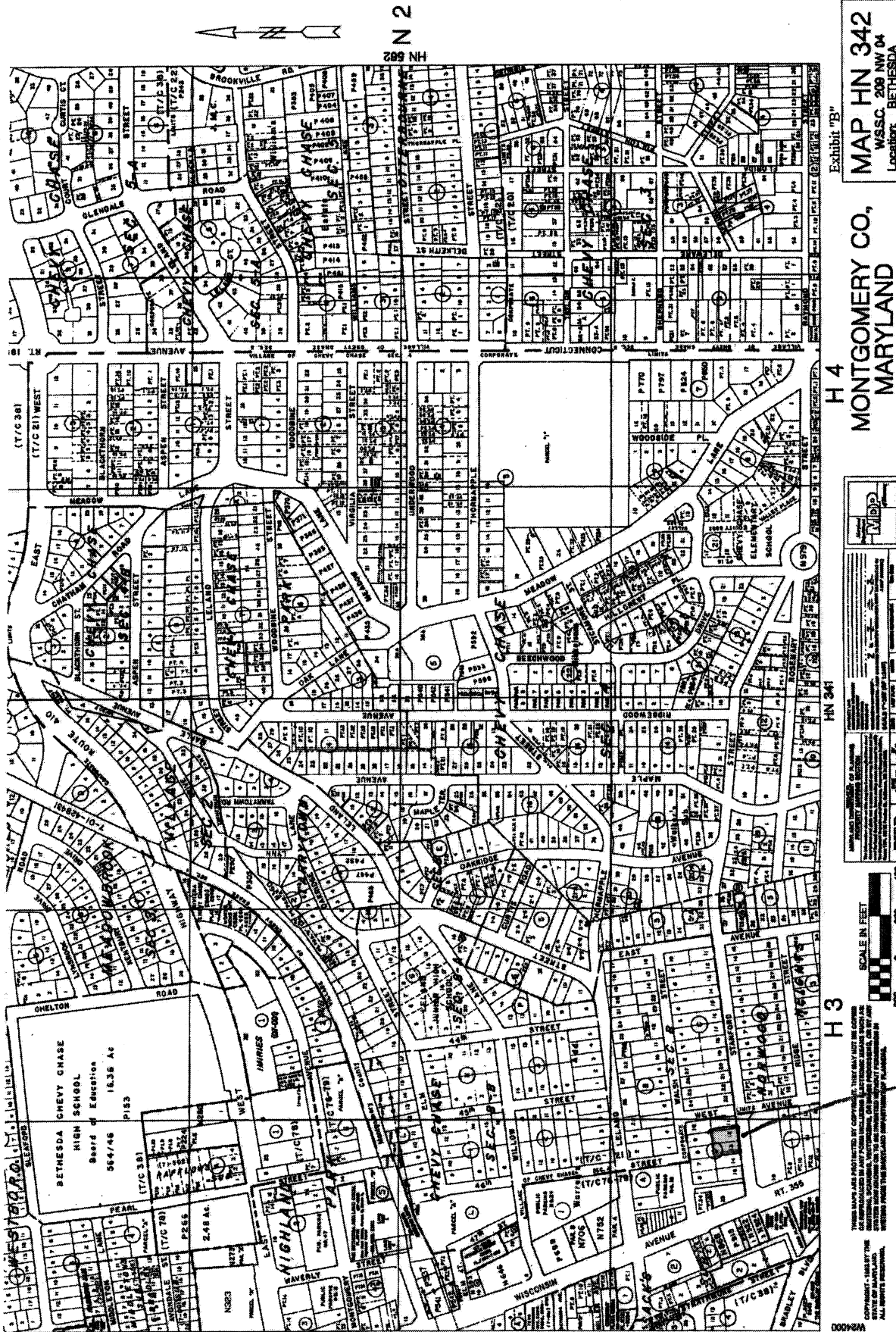
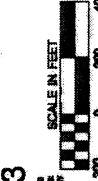


Exhibit "B"  
MAP HN 342  
WSSC 208 NW 04  
Location BETHESDA

H 4  
MONTGOMERY CO.,  
MARYLAND

UNAPPORTIONED SURVEY OF LANDS

PLAT	SECTION	ACRES	FRAC
		16.36	



H 3

THIS MAP WAS PROTECTED BY COPYRIGHT. IT MAY NOT BE COPY-  
RIGHTED, REPRODUCED, OR TRANSMITTED IN ANY FORM OR BY ANY  
MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING,  
RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL  
SYSTEM WITHOUT PERMISSION IN WRITING FROM THE  
LANDS SECTION OF THE OFFICE OF THE REGISTER  
GENERAL.

Properties

Real Property Data Search ( w3)

Guide to searching the database

Search Result for MONTGOMERY COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
<b>Account Identifier:</b>		<b>District - 07 Account Number - 00472172</b>			
Owner Information					
<b>Owner Name:</b>	HADJIN ASSOCIATES LLC		<b>Use:</b>	COMMERCIAL	
<b>Mailing Address:</b>	4507 STANFORD ST CHEVY CHASE MD 20815-5205		<b>Principal Residence:</b>	NO	
			<b>Deed Reference:</b>	/23711/ 00754	
Location & Structure Information					
<b>Premises Address:</b>		4503 STANFORD ST CHEVY CHASE 20815-0000		<b>Legal Description:</b>	SEC 8 CHEVY CHASE
<b>Map:</b>	<b>Grid:</b>	<b>Parcel:</b>	<b>Sub District:</b>	<b>Subdivision:</b>	<b>Section:</b>
HN32	0000	0000		0016	D
					<b>Block:</b>
					12
					<b>Lot:</b>
					2014
					<b>Assessment Year:</b>
					269
					<b>Plat No:</b>
					Plat Ref:
<b>Special Tax Areas:</b>				<b>Town:</b>	NONE
				<b>Ad Valorem:</b>	
				<b>Tax Class:</b>	79
<b>Primary Structure Built</b>	<b>Above Grade Enclosed Area</b>	<b>Finished Basement Area</b>	<b>Property Land Area</b>	<b>County Use</b>	
			7,350 SF	461	
<b>Stories</b>	<b>Basement</b>	<b>Type</b>	<b>Exterior</b>	<b>Full/Half Bath</b>	<b>Garage</b>
					<b>Last Major Renovation</b>
Value Information					
	<b>Base Value</b>	<b>Value As of 01/01/2014</b>	<b>Phase-in Assessments</b>		
<b>Land:</b>	257,200	308,700	<b>As of 07/01/2014</b>	<b>As of 07/01/2015</b>	
<b>Improvements</b>	1,000	1,000			
<b>Total:</b>	258,200	309,700	275,367	292,533	
<b>Preferential Land:</b>	0			0	
Transfer Information					
<b>Seller: KESHISHIAN, JAMES M ET AL</b>		<b>Date:</b> 04/29/2003	<b>Price:</b> \$0		
<b>Type: NON-ARMS LENGTH OTHER</b>		<b>Deed1:</b> /23711/ 00754	<b>Deed2:</b>		
<b>Seller:</b>		<b>Date:</b>	<b>Price:</b>		
<b>Type:</b>		<b>Deed1:</b>	<b>Deed2:</b>		
<b>Seller:</b>		<b>Date:</b>	<b>Price:</b>		
<b>Type:</b>		<b>Deed1:</b>	<b>Deed2:</b>		
Exemption Information					
<b>Partial Exempt Assessments:</b>	<b>Class</b>	<b>07/01/2014</b>	<b>07/01/2015</b>		
<b>County:</b>	000	0.00			
<b>State:</b>	000	0.00			
<b>Municipal:</b>	000	0.00 0.00	0.00 0.00		
<b>Tax Exempt:</b>		<b>Special Tax Recapture:</b>			
<b>Exempt Class:</b>		NONE			
Homestead Application Information					
<b>Homestead Application Status: No Application</b>					

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

Real Property Data Search ( w3)

Guide to searching the database

Search Result for MONTGOMERY COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration				
<b>Account Identifier:</b>		<b>District - 07 Account Number - 00470958</b>								
Owner Information										
<b>Owner Name:</b>	HADJIN ASSOCIATES LLC				<b>Use:</b>	COMMERCIAL				
<b>Mailing Address:</b>	4507 STANFORD ST CHEVY CHASE MD 20815-5205				<b>Principal Residence:</b>	NO				
					<b>Deed Reference:</b>	/23700/ 00759				
Location & Structure Information										
<b>Premises Address:</b>		4507 STANFORD ST CHEVY CHASE 20815-5205				<b>Legal Description:</b>		CHEVY CHASE SEC 8		
<b>Map:</b>	<b>Grid:</b>	<b>Parcel:</b>	<b>Sub District:</b>	<b>Subdivision:</b>	<b>Section:</b>	<b>Block:</b>	<b>Lot:</b>	<b>Assessment Year:</b>	<b>Plat No:</b>	<b>269</b>
HN32	0000	0000		0016		D	13	2014		
<b>Special Tax Areas:</b>					<b>Town:</b>	NONE				
					<b>Ad Valorem:</b>					
					<b>Tax Class:</b>	76				
<b>Primary Structure Built</b>	<b>Above Grade Enclosed</b>				<b>Finished Basement Area</b>	<b>Property Land Area</b>		<b>County Use</b>		
1979	11040					7,350 SF		637		
<b>Stories</b>	<b>Basement</b>	<b>Type</b>	<b>Exterior</b>	<b>Full/Half Bath</b>	<b>Garage</b>	<b>Last Major Renovation</b>				
		RETAIL STORE								
Value Information										
	<b>Base Value</b>		<b>Value</b>		<b>Phase-in Assessments</b>					
			<b>As of</b>		<b>As of</b>		<b>As of</b>			
			<b>01/01/2014</b>		<b>07/01/2014</b>		<b>07/01/2015</b>			
<b>Land:</b>	882,000		1,058,400							
<b>Improvements</b>	1,023,500		1,252,200							
<b>Total:</b>	1,905,500		2,310,600		2,040,533		2,175,567			
<b>Preferential Land:</b>	0						0			
Transfer Information										
<b>Seller:</b> KESHISHIAN, JAMES M ET AL				<b>Date:</b> 04/29/2003			<b>Price:</b> \$0			
<b>Type:</b> NON-ARMS LENGTH OTHER				<b>Deed1:</b> /23700/ 00759			<b>Deed2:</b>			
<b>Seller:</b>				<b>Date:</b>			<b>Price:</b>			
<b>Type:</b>				<b>Deed1:</b>			<b>Deed2:</b>			
<b>Seller:</b>				<b>Date:</b>			<b>Price:</b>			
<b>Type:</b>				<b>Deed1:</b>			<b>Deed2:</b>			
Exemption Information										
<b>Partial Exempt Assessments:</b>	<b>Class</b>		<b>07/01/2014</b>		<b>07/01/2015</b>					
<b>County:</b>	000		0.00							
<b>State:</b>	000		0.00							
<b>Municipal:</b>	000		0.00 0.00		0.00 0.00					
<b>Tax Exempt:</b>					<b>Special Tax Recapture:</b>					
<b>Exempt Class:</b>					NONE					
Homestead Application Information										
<b>Homestead Application Status: No Application</b>										

1. This screen allows you to search the Real Property database and display property records.
2. Click here for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

269

ENGINEER'S CERTIFICATION

I, the undersigned, CERTIFICATE ASSETS, hereby certify to the following:
1. That the lot lines and public highways shown, indicated on this plan have been carefully surveyed and found to conform to the original survey and to the present day conditions...

OWNER'S DEDICATION

This dedication of easement made this 24th day of March 1928...
WITNESSETH that the Sigs, Berman and Trust Company of Baltimore City, Maryland...

SECTION 8 CHEVY CHASE Montgomery County Maryland

CHESTERFIELD ARMY SARGE 877-1423 ST. NW. WASHINGTON, D.C. SCALE 1" = 100'

APPROVED DECEMBER 1928 WASHINGTON SUBURBAN SANITARY COMMISSION

John L. Warrens, Engineer

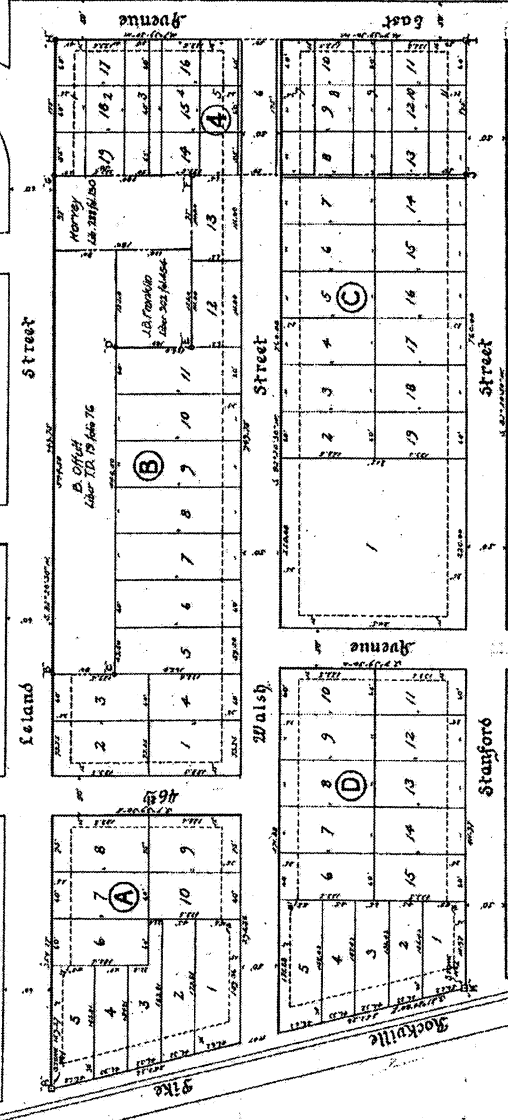
APPROVED DECEMBER 1928 CHEVY CHASE, MD

John L. Warrens, Engineer

FILED DEC 1928



JOHN L. WARREN'S ADDITION TO CHEVY CHASE, MD



FILED DEC 1928

NORWOOD HEIGHTS

NORWOOD HEIGHTS

# Montgomery County Zoning

Date: 6/25/2015



Account #	N/A	Parking District	N/A	Bike/Ped Priority Area	N/A
Address	N/A	CBD	N/A	Urban Renewal Area	N/A
Zone	N/A	Special P relection Area	N/A	Metro Station Policy Area	N/A
Overlay Zone	N/A	Urban District	N/A	Priority Funding Area	N/A
TDR Overlay Zone	N/A	Enterprise Zone	N/A	Septic Tier	N/A
Landuse	N/A	Arts & Ent. District	N/A	Municipality	N/A
Parcel, Lot, Block	N/A	Special Tax District	N/A	Master Plan	N/A
		Legal Description	N/A	Historic Site/District	N/A

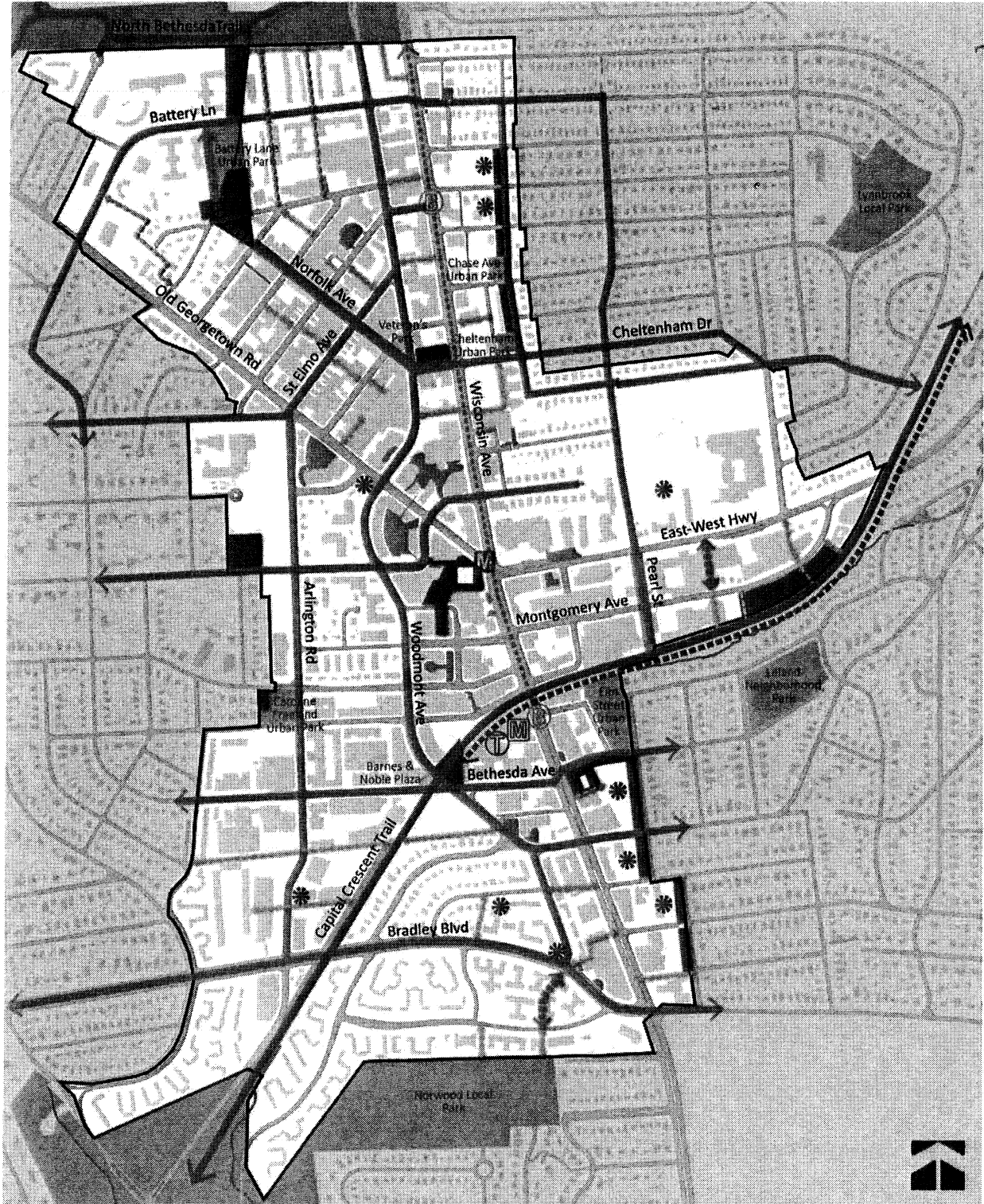


1 inch = 167 feet



Exhibit E

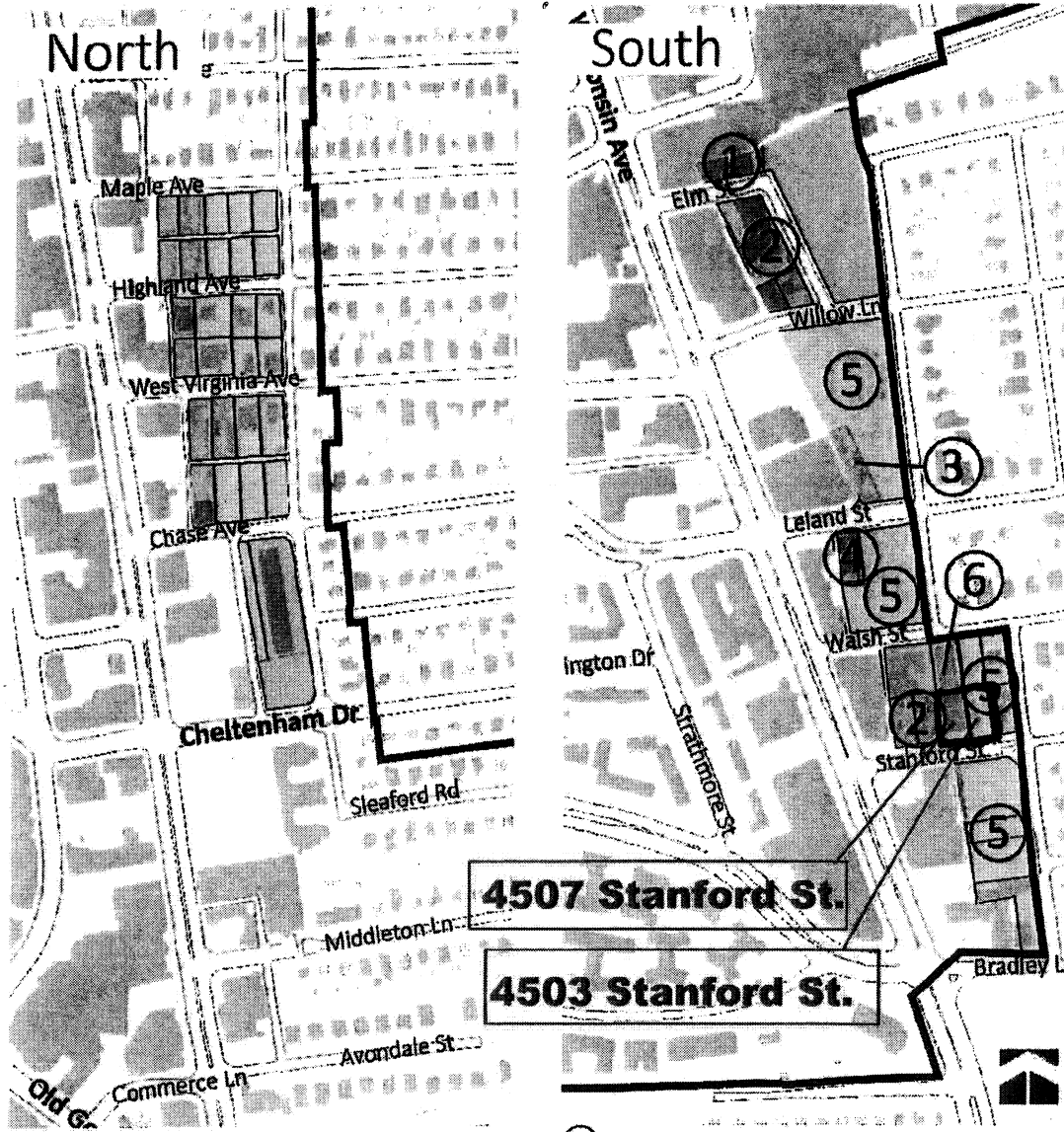
**Figure 2.19: Public Space Network**



- |                                  |                                 |   |                                     |
|----------------------------------|---------------------------------|---|-------------------------------------|
| Sector Plan Boundary             | Metro Station                   | Proposed Bike Priority Street + Canopy Corridor | Proposed/Enhanced Open Space        |
| M-NCPPC Park                     | Proposed Metro Station Entrance | Proposed Public Connection                      | Potential Open-Space (Location TBD) |
| County DOT Owned Public Space    | Proposed Purple Line            | Proposed New Street                             |                                     |
| Privately Owned Public Use Space | Proposed BRT                    | Proposed Shared Street                          |                                     |
| Trail                            |                                 |   |                                     |



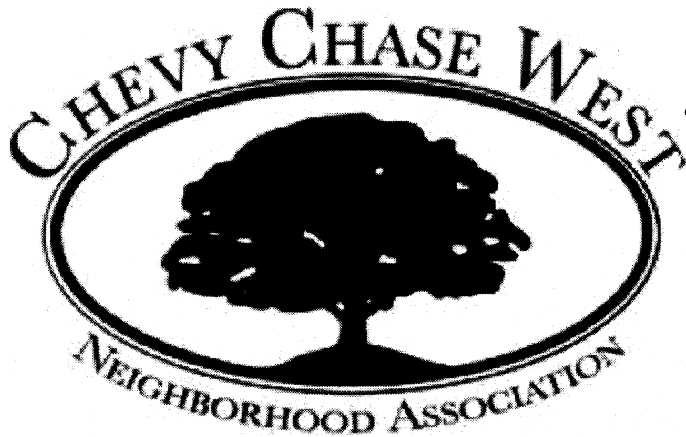
Figure 3.14: Eastern Greenway Districts Recommended Zoning



- Sector Plan Boundary
- R-60, THD
- R-10, R-30
- CR-3.5, C-2.5, R-3.25, H-70
- CRT-0.5, C-0.25, R-0.5, H-70

- ① CR 6.0, C-4.75, R-5.75, H-175
- ② CR 3.5, C-2.5, R-3.25, H-70
- ③ CR 3.5, C-2.5, R-3.25, H-90
- ④ CR 3.5, C-2.5, R-3.25, H-90
- ⑤ CRT 0.5, C-0.25, R-0.5, H-70
- ⑥ CRT 1.75, C-1.75, R-0.75, H-70

From: Naomi Spinrad Nspinrad68@verizon.net  
Subject: CCW on Bethesda Fire Station 6, add to hearing record  
Date: July 2, 2015 at 12:14 AM  
To: MCP-Chair MCP-Chair@mncppc-mc.org, Casey.Anderson@mncppc-mc.org, Marye.Wells-Harley@mncppc-mc.org, Norman.Dreyfuss@mncppc-mc.org, Amy.Presley@mncppc-mc.org, Natali.Fani-Gonzalez@mncppc-mc.org



Dear Chair Anderson and Commissioners,

Thank you for providing an opportunity to add to our testimony on the Bethesda plan. The work you and planning staff have put in already, and will continue to put in to the plan, is mind boggling, and we appreciate your willingness to listen to our concerns and ideas.

We do have some additional comments in light of testimony at the hearing on June 24.

1. Chevy Chase West strenuously objects to the request from Bob Stoddard, representing the Bethesda Fire Department, for additional height and density on their two lots at 6600 Wisconsin Avenue and to the request for a zoning text amendment that would exempt the floor space for the fire station from the FAR. This would effectively give the BFD the density it wanted originally plus another 10' in height. Planners rejected this in their recommendations, recognizing community opposition. CCW continues to believe that zoning for this property should be at the least dense level of surrounding zoning, in this case R-60, as is true for a majority of fire and rescue stations in the County (see attached chart, based on MCFRS list of stations and Planning Department zoning maps).

2. Although the Bethesda Fire Department has indeed met with local communities through two public meetings and an unknown number of community-specific meetings, it cannot be said to have listened, despite Mr. Stoddard's comment at the hearing that the BFD is sensitive to its residential neighbors. The request for additional density and height directly conflicts with what neighboring communities (CCW, Drummond, Somerset, Chevy Chase Village, 4720 Chevy Chase Drive Condominium, 4800 Chevy Chase Drive Condominium) and residents have told them, as well as planners and the Planning Board.

Nat Finkelstein, a director of the BFD, lives in Somerset, yet failed to persuade the Town of Somerset to support this rezoning request – indeed, the Town has gone on record opposing it and anything other than a standalone station here. Similarly, John Murgolo, president of the BFD, lives in Chevy Chase Village, and they too have gone on record opposing the rezoning and redevelopment. CCW's own Melissa Tye, our representative to the BFD and director thereof, testified against the rezoning and redevelopment at the hearing.

The Citizens Coordinating Committee on Friendship Heights, which has been active in both the Bethesda and Westbard planning processes, has also adopted a position in opposition to the BFD request for rezoning and potential redevelopment. CCCFH encompasses Brookdale, Glen Echo Heights, Green Acres-Glen Cove, Kenwood, Kenwood Condominium, Kenwood House Cooperative, Kenwood Place Condominium, Springfield, Sumner, Sumner Square Condominium, Sumner Village Condominium, Westbard Mews, Westmoreland, Westwood Mews Condominium, and Wood Acres, in addition to Chevy Chase West, Drummond, Somerset, and Chevy Chase Village - in all, about 12,000 residents.

3. The nearby communities to whom the Bethesda Fire Department claims fiduciary responsibility have rejected the BFD's arguments for rezoning and redevelopment. A key reason for this is that there is no certainty that BFD will retain ownership of the property, and therefore rezoning it in the CR family of zones opens it to uses and densities incompatible with the confronting single-family homes, incompatible with the residential nature of this area south of Bradley Boulevard, and incompatible with the Green Mile.

4. We applaud your desire to see more green space in Bethesda, but wonder why the approximately 35,000 square feet of green space that is part of this property is not a candidate for gathering space and access to Norwood Park. It dwarfs other proposed locations along Bradley Boulevard, is already used as a play area by neighborhood children, and could provide a connection from the eastern greenway through Norwood Park to the Little Falls and Crescent trails. CCW and condo associations on Chevy Chase Drive believe this green space deserves serious consideration with community input.

5. CCW believes there is a serious issue of equitable treatment in the draft plan. For example, recommendations for the area between Wisconsin Avenue and the Town of Chevy Chase include green space and generous setbacks, yet neither of those are present along Nottingham Drive, the current border between downtown Bethesda and Chevy Chase West. We do not believe the setbacks allowed in the proposed CR zoning for the fire station site are adequate or fair, in light of the setbacks proposed for the Town's border, where there is

similar zoning and development proposed. This is not something that should be dependent on site plan review once there is a redevelopment plan.

In summary, we believe that this area south of Bradley does not belong in the Bethesda plan; that the proposed zoning in this area and particularly at the Bethesda Fire Department is incompatible with the neighborhoods it borders as well as the Green Mile concept as adopted by Montgomery County in various plans and reports (outlined in my written testimony); that the BFD has not been sensitive to its residential neighbors; that the opportunity for more expansive green space on the BFD site should be seriously explored; and that this edge area and that of the Town of Chevy Chase should be treated equally.

Thank you again for your consideration of our concerns.

Sincerely,

Naomi Spinrad

Vice President, Chevy Chase West Neighborhood Association



MC Fire Stations and  
Zones.xlsx.pdf

**MCP-CTRACK**

RECEIVED  
0570  
JUN 30 2015

**From:** Brenda Sonneveldt <bkshane@erols.com>  
**Sent:** Tuesday, June 30, 2015 4:16 PM  
**To:** MCP-Chair  
**Subject:** too much development

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

Hello,

We've seen this before. Too much development is followed by a crash. Even if it is not followed by a crash, a big dip in the market hurts. Let's behave. Investors will and come over time if the market is there. We do not need to do it all at once.

On another note, this current wave of development is hurting town with too much frustration. Remember, the price for frustration is harder to quantify. Still, frustration deliver a hit.

Thank you,  
Brenda Sonneveldt

## **MCP-CTRACK**

---

**From:** Brewer, Robert G. <rgbrewer@lercheearly.com>  
**Sent:** Tuesday, June 30, 2015 4:39 PM  
**To:** MCP-Chair; Anderson, Casey  
**Cc:** Kronenberg, Robert; Howerton, Leslye; Yoav Katz  
**Subject:** Beth. Sector Plan Written Testimony  
**Attachments:** Katz & Co Sector Plan Letter.pdf

See the attached. Thanks

Robby

**Robert G. Brewer, Jr. - Attorney**  
Lerch, Early & Brewer, Chtd. ideas that work  
3 Bethesda Metro Center - Suite 460 - Bethesda, MD 20814  
Tel: (301) 657-0165 Fax: (301) 347-1772 - [rgbrewer@lercheearly.com](mailto:rgbrewer@lercheearly.com)  
Bio: [www.lercheearly.com/team/robert-g-brewer](http://www.lercheearly.com/team/robert-g-brewer)  
Vcard: [www.lercheearly.com/team/robert-g-brewer-vcard](http://www.lercheearly.com/team/robert-g-brewer-vcard)

**Attention:** This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.  
[www.lercheearly.com](http://www.lercheearly.com)



ideas that work

*Attorneys at Law*

3 Bethesda Metro Center, Suite 460

Bethesda, MD 20814

[www.lerchearly.com](http://www.lerchearly.com)

**Robert G. Brewer, Jr.**

Tel. (301) 657-0165

Fax (301) 347-1772

[rgbrewer@lerchearly.com](mailto:rgbrewer@lerchearly.com)

June 30, 2015

By Electronic Mail

Hon. Casey Anderson  
Chair, Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Bethesda Sector Plan Staff Draft  
4641 Montgomery Avenue  
4921 Bethesda Avenue

Dear Mr. Anderson,

Our firm represents Katz & Company, manager of the referenced properties, which are substantially owned by Yoav Katz through partnership entities. We are writing to offer comments to the Staff Draft for your consideration.

**4641 Montgomery Avenue**

This property is directly across the street from the current Bethesda Police Station front door on Montgomery Avenue, less than one-half block from the Bethesda METRO station entrance. It is an older office building ripe for redevelopment, either as an individual building or in combination with adjoining and/or confronting properties. The Staff Draft recommends the zoning for this property as CR 6.0, C-4.75, R-5.75, H-175. Yet the adjoining property to the west, fronting Wisconsin Avenue, is recommended for CR 8.0, C 6.0, R 7.5, H-290. At a minimum, this property should have the same zoning recommendation as the adjoining property—with an FAR of 8.0 and height of 290'. There is no logic to distinguish between these two properties, particularly when the property is a short stone's throw from Wisconsin Avenue and the Bethesda METRO station.

**4921 Bethesda Avenue**

This property is directly across the street from Euro Motorcars along Bethesda Avenue, adjoining the Giant grocery store on the north side of Bethesda Avenue just three storefronts from Arlington Road. It is currently a two story building, with a restaurant on the ground floor and offices on the second floor. The Staff Draft recommends the zoning for the adjoining

Hon. Casey Anderson

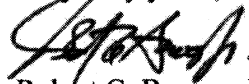
June 30, 2015

Page 2

property as CRT 2.75, C-1.75, R-1.0, H-45, and appears not to make zoning recommendations for precisely this site. We request that the Staff Draft recommend new zoning for the properties on the north side of Bethesda Avenue from Arlington Road to the alley behind the Giant grocery store; this would be consistent with the zoning pattern being recommended for Euro Motorcars. And, consistent with the south side of Bethesda Avenue, the north side should be recommended for 70' of building height, not 45'. This property is functionally part of Bethesda Row in a portion of the block close to Arlington Road and distant from the Edgemoor community.

Thank you very much for your consideration. With regards,

Very truly yours,



Robert G. Brewer, Jr.

cc: Mr. Robert Kronenberg  
Ms. Leslye Howerton  
Mr. Yoav Katz

## MCP-CTRACK

---

**From:** Robins, Steven A. <sarobins@lercheary.com>  
**Sent:** Tuesday, June 30, 2015 4:47 PM  
**To:** MCP-Chair; Garcia, Joyce  
**Cc:** Kronenberg, Robert; Howerton, Leslye; Robins, Steven A.; marco.deocampo@montgomeryplanning.org  
**Subject:** Bethesda Downtown Plan  
**Attachments:** Anderson Ltr 063015.PDF

**Importance:** High

Please accept this additional testimony of PNC Bank, NA into the record for the Bethesda Downtown Sector Plan matter. Thank you very much.

Steven Robins

--

**Steven A. Robins - Attorney**  
Lerch, Early & Brewer, Chtd. ideas that work  
3 Bethesda Metro Center - Suite 460 - Bethesda, MD 20814  
Tel: (301) 657-0747 Fax: (301) 347-1778 - [sarobins@lercheary.com](mailto:sarobins@lercheary.com)  
Cell: (301) 252-1904 Toll Free: (800) 264-8906  
Bio: [www.lercheary.com/team/steven-a-robins](http://www.lercheary.com/team/steven-a-robins)  
Vcard: [www.lercheary.com/team/steven-a-robins-vcard](http://www.lercheary.com/team/steven-a-robins-vcard)

Please consider the environment before printing this message.

**Attention:** This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.  
[www.lercheary.com](http://www.lercheary.com)

---

**From:** Phillips, Brenda J.  
**Sent:** Tuesday, June 30, 2015 4:41 PM  
**To:** Robins, Steven A.  
**Subject:** Casey Anderson Ltr

--

**Brenda J. Phillips**  
*Legal Assistant to Steven A. Robins, Patrick L. O'Neil, Arthur F. Lafionatis,  
Harry W. Lerch, and Elizabeth C. Geare*  
Lerch, Early & Brewer, Chtd. ideas that work  
3 Bethesda Metro Center - Suite 460 - Bethesda, MD 20814  
Tel: (301) 961-8093 Fax: (301) 986-0332 - [bjphillips@lercheary.com](mailto:bjphillips@lercheary.com)

Please consider the environment before printing this message.

**Attention:** This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.  
[www.lercheary.com](http://www.lercheary.com)





ideas that work

*Attorneys at Law*

3 Bethesda Metro Center, Suite 460  
Bethesda, MD 20814  
www.lerchearly.com  
Steven A. Robins

Tel. (301) 657-0747  
Fax (301) 347-1778  
sarobins@lerchearly.com

June 30, 2015

**BY ELECTRONIC MAIL**

The Honorable Casey Anderson and  
Members of the Montgomery County Planning Board  
Maryland National Capital Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

**Re: Additional Comments on the Bethesda Downtown Sector  
Plan on behalf of PNC Bank, NA for Property located at 7935  
Wisconsin Avenue**

Dear Mr. Anderson and Members of the Planning Board:

Our firm represents PNC Bank, NA, the co-trustee for certain beneficiaries of property located at 7935 Wisconsin Avenue (the "Property"). The Property serves as the location for the Benihana of Tokyo restaurant. The purpose of this letter is to provide additional comments on the Bethesda Downtown Sector Plan public hearing draft based on certain testimony that was delivered by our neighbors to the south of the Property – the 7901 Wisconsin Avenue property owned by Huron Associates LLC, which is located within the same block. I am attaching an exhibit that depicts the Property's location. The Property is located in the Wisconsin Avenue District and is proposed to be rezoned to the CR 3.5 C 2.5 R 3.25 H 120.

Originally, we requested that the Planning Board consider adjusting the density on the Property from 3.5 FAR to 4.0 FAR. Justification for this request included that the Property has an extremely strong and visible presence on Wisconsin Avenue and is directly adjacent to property recommended for CR 6.0 C 6.0 R 5.75 H 250 zoning. We understand that the CR 6.0 property is located in a priority area for density and height. Having said that, we believed, and continue to

The Honorable Casey Anderson and  
Members of the Montgomery County Planning Board  
June 30, 2015  
Page 2

believe, that the tapering from a CR 6.0 to somewhat lower CR zone makes good planning sense and is justified at this particular location.

At the public hearing, the owners of the 7901 Wisconsin Avenue site requested that its property be rezoned to the CR 5.0 C 4.0 R 5.0 H 200 designation. This request also was based on a similar argument, which is the density should be tapered from the CR 6.0 property to the south but not at such an extreme as currently is recommended in the Plan. The density, at a 5.0 FAR, also would be in line with densities recommended on the west side of Wisconsin Avenue, across from the Property. We concur with the thoughts articulated in Huron's testimony and would urge the Planning Board, if it is included to do so, to extend the CR 5.0 zoning designation on the Property so that the entire block along Wisconsin Avenue is similarly zoned.

Regarding height, the property just to the south of the site is being afforded a 250 foot height designation. The owners of the 7901 Wisconsin Avenue property requested a height of 200 feet. In our testimony before the Board, we articulated that there is a better and more appropriate transition from 250 feet to 120 feet (also, the property across Wisconsin Avenue is proposed for 175 feet) for the Property. We concluded that this would suggest that the height be increased to at least 150 feet. However, given Huron's testimony for its property within the same block (and the logic articulated in its correspondence), we would request that the height on the Property be increased to at least 175 feet (and probably 200 feet if the Board is inclined to zone the block the same zoning designation). This height designation would be compatible with heights recommended in close proximity to the Property (on the east and west sides of Wisconsin Avenue) and would provide for the tapering that the Plan attempts to achieve.

We appreciate the Board's willingness to leave the record open for additional testimony and for the opportunity to comment on the Sector Plan. We will be available at the Board's worksessions. Thank you in advance for your consideration of our position.

Yours truly yours,

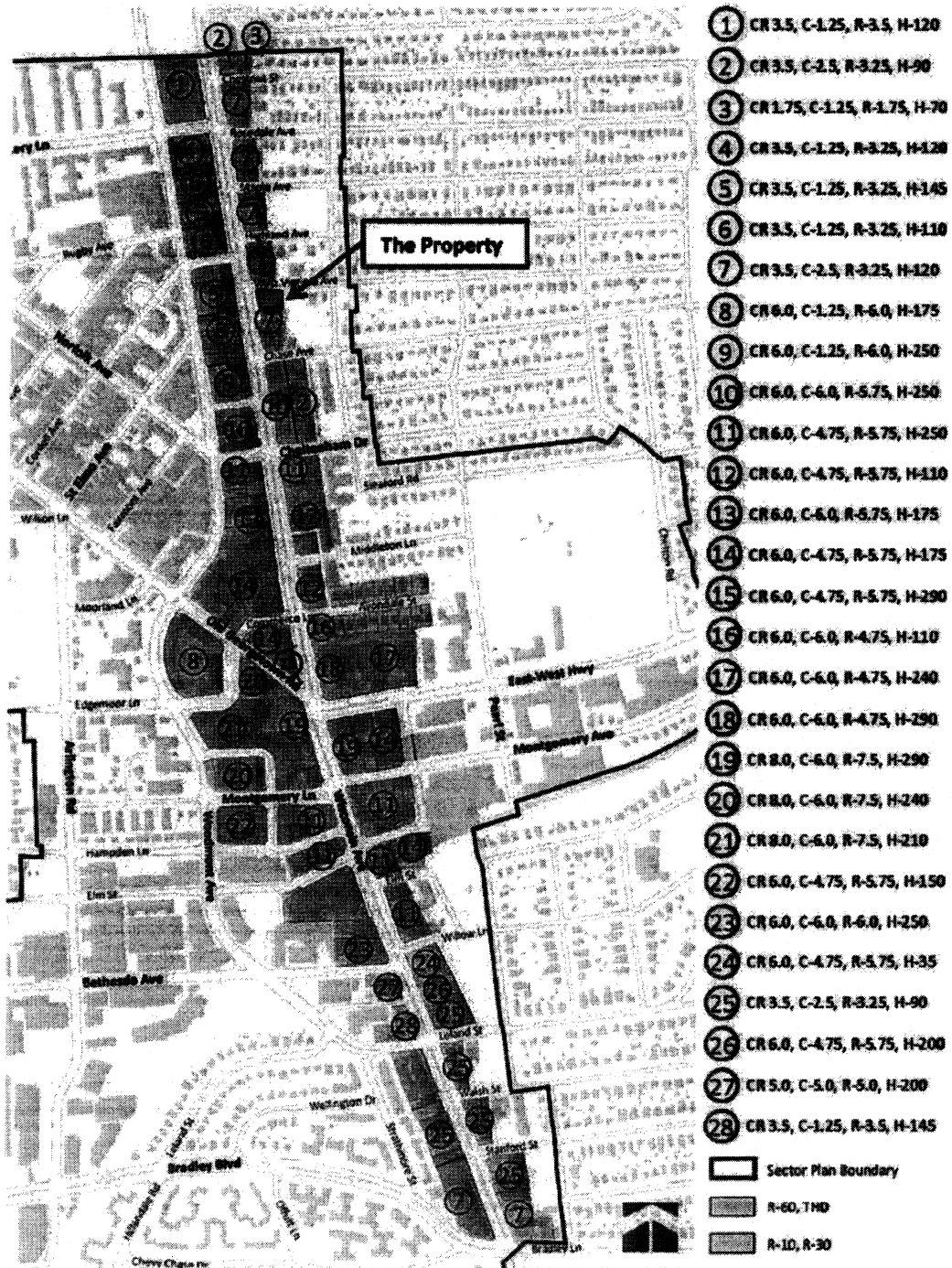


Steven A. Robins

**The Honorable Casey Anderson and  
Members of the Montgomery County Planning Board  
June 30, 2015  
Page 3**

**Cc: Robert Kronenberg  
Leslye Howerton  
Marc DeOcampo  
Eve N. Shavatt, CPM**

Figure 3.01: Wisconsin Avenue District Recommended Zoning



## MCP-CTRACK

---

**From:** WordPress <shepburr@comcast.net>  
**Sent:** Tuesday, June 30, 2015 4:53 PM  
**To:** Wright, Gwen; MCP-Chair; councilmember.berliner@montgomerycountymd.gov; councilmember.floreen@montgomerycountymd.gov; Wells-Harley, Marye; Presley, Amy; Dreyfuss, Norman; Natali.Fani-Gonzales@mncppc-mc.org; county.council@montgomerycountymd.gov  
**Subject:** Bethesda Downtown Plan

Sent from: [shepburr@comcast.net](mailto:shepburr@comcast.net)

To:  
Gwen Wright, Planning Director  
Casey Anderson, Chair, Planning Board  
Roger Berliner, Councilmember  
Nancy Floreen, Councilmember

I support the vision to preserve the plaza at Bethesda Metro Center, at the corner of Wisconsin Avenue and Old Georgetown Road, as a significant community gathering space and urban park in the new Bethesda Downtown Plan. This public space should not be developed.

**Additional Message:**

What has changed since 2009, when the Planning Board confirmed the public space plan allowed by Bethesda Metro Park, other than much more congestion in the area caused by the growth of the Bethesda Naval Hospital and the addition of numerous huge apartment projects?

The result of these changes over the last six years has been a huge increase in rush hour traffic, which would be exacerbated by a new 290 foot office tower in the heart of Bethesda.

At some point, the quality of life of those who live and work in the areas where the Planning Board is reviewing new developments must be considered. I urge you to confirm the Bethesda Metro Park plan once and for all, and not subject us to any more overbuilding.

Name: Shep Burr  
City: Chevy Chase  
Zip: 20815



**Bethesda Fire Department, Inc.**  
6600 Wisconsin Ave.  
Bethesda, MD 20815

*President*  
John B. Murgolo  
Email: Murgolo@comcast.net  
Cell: 301-332-0348

*Administrative Officer*  
Janeth Mora  
Email: jmora@bethesdafire.org  
Cell: 301-873-7974

*Office*  
Phone: 301-652-5602  
PO Box: 30384  
Bethesda, MD 20824

*Station 6*  
6600 Wisconsin Ave.  
Bethesda MD 20815

*Station 20*  
9041 Old Georgetown Rd.  
Bethesda, MD 20814

*Station 26*  
6700 Democracy Blvd.  
Bethesda, MD 20814

Web: [www.bethesdafire.org](http://www.bethesdafire.org)

RECEIVED  
0570  
JUN 30 2015

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

June 30, 2015

Casey Anderson, Chair,  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Bethesda Downtown Sector Plan Public Hearing  
6600 Wisconsin Avenue – Fire Station 6 – Page 129 Circle 3

Dear Members of the Planning Board:

As a supplement to the testimony you heard from two of our representatives last Wednesday, we would like to add some additional information into the record for the Bethesda Downtown Plan pertaining to our property at 6600 Wisconsin Avenue.

Since 1926, the mission of the Bethesda Fire Department (BFD) has been to prevent loss of life and property through community education and service. Safety of the residents of the Bethesda/Chevy Chase Community is our number one priority. In order to meet the growing needs of the communities we serve, the BFD's Board of Directors is in the early stages of a comprehensive exploration of potential upgrades, improvements and/or redevelopment of its firehouse and adjacent property at Wisconsin and Bradley.

Over the next 25 years, the population in our community is expected to increase significantly. As our population grows, we want to still be able to ensure optimum service and continued low emergency response times well into the future that is consistent with increased population density. Even with population growth, BFD still has a fiduciary obligation to the County and its citizens that requires funding for all three of its fire stations.

Over the past year, we have engaged in public discussions with many of the community stakeholders including civic associations, individual neighbors, planning staff members, and Montgomery County Fire and Rescue. We are sensitive to our residential neighbors and will continue to work with them. If redevelopment becomes the best option of providing optimum fire and rescue service to the community, our goals for redevelopment of the property would include:

1. Partnering with a developer to provide a new state of the art fire station at no cost to County taxpayers.
2. Included affordable housing in a new residential building exceeding the 12.5% required by the County.
3. Retain a residual long term account that will maintain this new station as well as stations 20 and 26 for decades to come.

As a recap to our testimony and to aid in meeting our goals, the Bethesda Fire Department respectfully requests your consideration of the following changes to Sector Plan Draft:

1. Increase the proposed FAR cap in total and for residential from 1.5 to 2.5.

2. Increase the building height from 70' to 80' to allow a higher first floor required for fire and rescue equipment.
3. We suggest a text amendment that would exclude counting the floor area of a public facility like a fire station against the FAR cap of the property in the CR zone.

We have attached a copy of a presentation from Robert Stoddard who spoke on our behalf. The attached document is more detailed than the three minute presentation and includes examples of fire stations in mixed use projects.

During the public hearing last Wednesday, you heard several people speak out against our proposal. We believe that many of the concerns can be discussed or addressed in a site plan process if and when a real plan is created. Some of the concerns you heard include:

**Montgomery County has not highlighted future needs for Station 6** - Please see the attached pages from a recent master plan draft by Montgomery County Fire and Rescue that outlines many of the reasons we will need to consider redevelopment of this property as the Bethesda area continues to grow and demands for services are increased. The draft also references this redevelopment or renovation to be done without County funds.

**Safe operation of the fire station with mixed use**- Any plan that is presented will have to initially be reviewed by Montgomery County Fire and Rescue as Greg Ossont from Montgomery County testified. The operation and safety of the fire station will supersede any other element of a redevelopment plan and will occur before any submittal to the County for approval. The attached presentation has specific local examples of fire stations in a mixed use development including Potomac Yard in Alexandria and a project under construction in Washington, DC. It is our understanding the Montgomery County is discussing a mixed use of a fire station, county services and affordable housing at the proposed station 23 in the White Flint Plan.

**The massing is not compatible with single family**- As we testified and is clear from driving in the area; there are numerous buildings along both Bradley Boulevard and Chevy Chase Drive that are multifamily mid-rise buildings. We have consistently shown in our concept and numerous public forums that our intent is to taper the height from the Bradley Boulevard face downward as we approach Nottingham Drive. We would also like to note that the fire station property has always been included in the CBD Sector Plan and excluded from the green mile referenced in some correspondence.

**Traffic and parking** – We will need to retain a traffic consultant and perform mitigation efforts as warranted if our study shows that we have a significant impact on the neighboring intersections. Any redevelopment will be done with below grade parking. Access for parking, deliveries, trash, etc. will be addressed with a final plan which we will discuss with the community before submission. We believe that we can mitigate many of these concerns.

**Commercial versus residential** – Many spoke out against commercial development on the South side of Bradley. We anticipate a residential development and would be willing to significantly decrease the permitted commercial FAR and maximize the total residential component. The only space that we need to allocate if it is considered commercial is the fire station itself.

**Bethesda Fire Department should not manage an apartment building** – We agree. This redevelopment would be managed either by the developer of the multifamily portion or a professional third party management company. The Bethesda Fire Department will retain ownership of the station itself and be responsible for the fire station as we are now. The ownership of the property will be structured accordingly and will also require approval by Montgomery County Fire and Rescue.

Bethesda Fire Department is a 501c3 non-profit organization, that owns and maintains three fire stations: Fire Station 6 (Headquarters) is located at the corner of Wisconsin Avenue and Bradley Boulevard; Fire Station 26 is on Democracy Boulevard near Old Georgetown Road; and Fire Station 20 is at the intersection of Old Georgetown Road and West Cedar Lane.

Bethesda Fire Department is managed by a volunteer community-based Board of Directors. Most Board members represent residential constituent communities of Bethesda and Chevy Chase such as Somerset, Wyngate and Edgemoor, and the business community through the active participation of the Greater Bethesda Chevy Chase Chamber of Commerce for over 75 years. While Montgomery County provides paid fire fighters and fire trucks to the three Fire Stations, the Bethesda Fire Department Inc. is responsible for the maintenance and upkeep of the physical property of the three Fire Stations. BFD offers numerous public and educational events throughout the year emphasizing safety.

We look forward to working with the Plan Commission and staff during the work sessions and hope we can show our need for the requested density and height stated above. As always we welcome the opportunity to participate in all public forums related to the Bethesda Downtown Plan.

Sincerely,

BETHESDA FIRE DEPARTMENT INC.

A handwritten signature in cursive script, appearing to read "John Murgolo".

President

Attachments – Presentation by Bob Stoddard – June 24, 2015 – 5 Pages  
Pages from Draft 2 of MCFRS draft Master Plan dated May 19, 2015 – 14 pages



---

# **RJS Realty Services, LLC**

Acquisitions • Development • Due Diligence • Entitlements • Construction Management • Consulting

---

Bethesda Fire Department – 6600 Wisconsin Avenue  
Bethesda Downtown Plan  
Staff Draft Public Hearing  
June 24, 2015

## Members of the Planning Board:

Thank you for allowing me the opportunity to appear before you tonight. I'm Bob Stoddard representing the Bethesda Fire Department who own 2 parcels at the southwest corner of Wisconsin Avenue and Bradley Boulevard. The parcel at the corner is the current fire station #6 at 6600 Wisconsin Avenue.

As you heard earlier today, The Bethesda Fire Department is a not for profit volunteer organization that works in partnership with the County to ensure that the Bethesda area has the best possible fire and rescue service available.

Over the past few years, the Bethesda Fire Department has started discussing what the future of station 6 will require in order to continue providing this level of service in a growing community. Station 6 is the first responder to numerous areas including a large portion of the CBD that is under discussion tonight and portions of the Westbard area you will discuss in the future.

Station 6 was constructed in 1969 and is need of either a redevelopment or substantial renovation. The attached text from a recent Montgomery County Fire and Rescue master plan draft highlights this need. I believe everyone agrees that station 6 is strategically located and is an important asset to the community. While both options are and will continue to be under consideration, I am here to discuss the redevelopment option.

Over the past year, we have engaged in public discussions with many of the community stakeholders including civic associations, individual neighbors, planning staff members, and Montgomery County Fire and Rescue. We are sensitive to our residential neighbors and will continue to work with them if redevelopment becomes the best option of providing optimum fire and rescue service to the community.

The concept of mixed use with a fire station is becoming more prevalent as tax dollars for public facilities are dwindling and land is becoming scarce. I have attached two local examples of mixed use properties that have incorporated a fire station including

- A fire station in Alexandria Virginia at Potomac Yard that includes 64 units of work force housing and
- A project under construction in Washington DC incorporating a fire station with a Hyatt Hotel at 400 E Street SW.

There are other local projects currently under consideration including discussions to incorporate affordable housing with the new fire station 23 in the White Flint Plan. The Tysons plan also envisions the incorporation of fire and police stations into new mixed use developments.

Based on recent County budgets, the cost for a new fire station excluding land cost is in the range of \$15 to \$18 Million. Understanding that taxpayer dollars are limited for public projects, the Bethesda Fire Department's goal is to have the ability to partner with an outside developer and build a new station with private funds.

Redevelopment of this property is not out of character with the area as can be seen in the attached aerial with several existing mid-rise buildings nearby along Bradley Boulevard and Chevy Chase Drive some of which are also looking to redevelop in the future.

Redevelopment of this property will help with another goal and objective of the plan by providing additional affordable housing. At a minimum, 12.5% of the new units would be affordable. We would look to partner with someone that could increase that amount and meet our objectives for a new station at the same time.

The sector plan which has been presented provides a good start to accomplish these goals. The draft plan has suggested that this property be rezoned from R-10 to CR 1.5 C 1.5 R 1.5 H 70'.

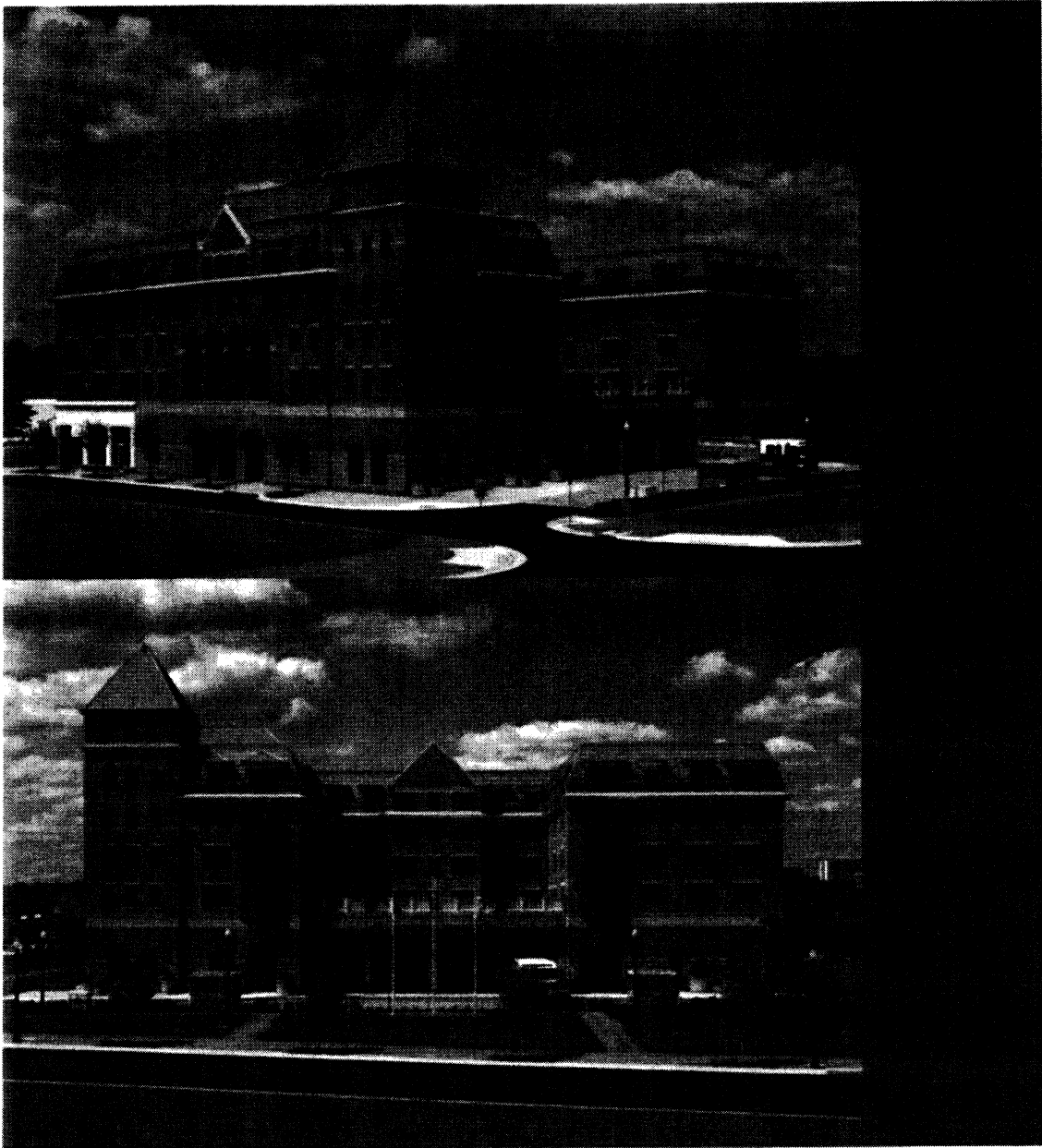
After analyzing the plans proposed density and height we respectfully request consideration of the following revisions and language to make the goals feasible:

1. Increase the proposed FAR cap in total and for residential from 1.5 to 2.5.
2. Increase the building height from 70' to 80' to allow the higher first floor required for fire and rescue equipment.
3. We suggest a text amendment that would exclude counting the floor area of a public facility like a fire station against the FAR cap of the property in the CR zone.

Thank you again for your time tonight. I would be happy to answer any questions you may have.

**Fire Station at Potomac Yard – Alexandria, VA**

Situated on the edge of a new park, the station serves as the ground level "podium" for 64 units of work force housing located on the four stories above.



## 400 E Street, SW Washington, DC

214-Room Hyatt Place Hotel	State-Of-The-Art Fire Station	Corner Retail
----------------------------	-------------------------------	---------------



## Aerial of existing Station # 6- 6600 Wisconsin Avenue



### Text from May 19, 2015 draft by MCFRS for their upcoming Master Plan:

- The Bethesda Downtown area is primarily served by Bethesda Fire Department Station 6 and the Bethesda-Chevy Chase Rescue Squad. Fire-rescue incident call load within the Bethesda CBD (i.e., not Station 6's entire first-due area) is expected to increase by an estimated 50% at build out. Approximately 80% of the incidents will be EMS in nature
- The Westbard area is mostly located within Glen Echo Fire Station 11's first-due area, with the remaining portion located within Bethesda Station 6's first-due area.
- STATION 6 – BETHESDA
- Station 6, located at 6600 Wisconsin Avenue and owned by the Bethesda Fire Department (BFD), is in need of renovation or rebuilding on site as determined by the BFD Board of Directors who are considering selling a portion of this property. The first-due area covered by Station 6 has a high level of fire and EMS risk due to its high population density and many high-rise buildings. Density will likely increase under the Bethesda Downtown Plan which was being written concurrently with this Fire-Rescue Master Plan. The renovated or rebuilt station will need to accommodate all existing frontline and reserve apparatus (i.e., paramedic engine, ladder truck, battalion chief, and reserve engine), equipment, and personnel, plus a future ambulance and potentially an ALS chase unit.
- Without County involvement or funding, the Bethesda Fire Department will continue its planning and design of an extensive renovation or rebuilding on site of Station 6 located at 6600 Wisconsin Avenue at the intersection with Bradley Boulevard. The renovated station will need to accommodate all existing frontline and reserve apparatus, equipment, and personnel, plus an ambulance and potentially an ALS chase unit if determined to be needed at Station 6.

**FIRE, RESCUE, EMERGENCY  
MEDICAL SERVICES AND  
COMMUNITY RISK  
REDUCTION MASTER PLAN**

**DRAFT 2**



**MAY 19, 2015**

*ATTACHED PAGES PERTAINING TO  
1 STATION 6 - BETHESDA*

## 2015-2020 FIRE, RESCUE, EMERGENCY MEDICAL SERVICES, AND COMMUNITY RISK REDUCTION MASTER PLAN

Fire-Rescue Risk	4-7
• Emergency medical risk	4-8
• Fire risk	4-11
• Hazardous materials risk	4-13
• Explosive/destructive device (bomb) risk	4-17
• Water-ice risk	4-19
• Technical rescue-related risk	4-20
• Aviation risk	4-21
• Terrorism risk	4-22
• Natural hazards risk	4-24
• Technological hazards risk	4-24
• Societal hazards risk	4-25
Impact of Change on Risk and Service Demand	4-26
• Impact of demographics	4-26
○ Population	4-26
○ Race/ethnicity	4-27
○ Age and gender	4-27
○ Income and jobs	4-29
○ Households and language spoken	4-31
○ Housing/building stock	4-32
• Impact of development	4-35
○ Development in progress	4-36
○ Planned development	4-42
○ Limited development	4-47
○ <b>Planning in progress</b>	4-48
• Impact of mass transit development/expansion	4-53
○ Purple Line	4-53
○ Bus Rapid Transit Corridors	4-54
○ Corridor Cities Transitway	5-56
Standards of Cover	4-57
• Critical tasks	4-57
• Staffing levels	4-58
• Response times	4-58
○ First-arriving unit response times	4-59
○ Effective Response Force response times	4-60

**2015-2020 FIRE, RESCUE, EMERGENCY MEDICAL SERVICES,  
AND COMMUNITY RISK REDUCTION MASTER PLAN**

**SECTION 5 – ISSUES AND NEEDS**

Preparedness/Readiness Issues and Needs	5-1
• Emergency Services	5-1
○ Emergency medical services	5-1
○ Fire suppression	5-4
○ Special operations	5-5
• Apparatus	5-5
• Fire code compliance	5-6
• Community outreach and public information	5-6
• Community Emergency Response Team (CERT)	5-8
 Resource Deployment and Staffing Issues and Needs	 5-8
• Emergency medical services	5-8
• Fire suppression	5-9
• Special operations	5-9
• Bomb Squad	5-10
• Staffing	5-10
○ Operational staffing	5-10
○ Administrative staffing	5-11
 Planning and Assessment Issues and Needs	 5-11
• Planning	5-11
• Assessment	5-14
 Infrastructure and Communications Issues and Needs	 5-15
• Facilities	5-15
• Apparatus maintenance, rehab, and replacement	5-21
• Equipment maintenance and replacement	5-22
• Emergency communications	5-22
• Information technology	5-23
 Data Analysis and Application Issues and Needs	 5-24
 Training and Wellness Issues and Needs	 5-25
• Training	5-25
• Wellness and safety	5-26
 Support Services Issues and Needs	 5-27
• Fiscal management	5-27
• Procurement	5-27



## **2015-2020 FIRE, RESCUE, EMERGENCY MEDICAL SERVICES, AND COMMUNITY RISK REDUCTION MASTER PLAN**

• Logistics	5-28
• Human resources	5-28
Other Issues and Needs	5-29
 <b><u>SECTION 6 – INITIATIVES AND PRIORITIES</u></b>	
Preparedness/Readiness Initiatives and Priorities	6-1
• Emergency services	6-1
○ Emergency medical services	6-1
○ Fire suppression and heavy rescue	6-4
○ Special operations	6-4
• Apparatus	6-5
• Fire and explosives investigations	6-6
• Fire code compliance	6-7
• Community outreach and public information	6-7
• Volunteer Services	6-9
○ Community Emergency Response Team (CERT)	6-10
Resource Deployment and Staffing Initiatives and Priorities	6-11
• Operations	6-11
• Emergency medical services	6-11
• Fire suppression	6-13
• Special operations	6-13
• Bomb Squad	6-14
• Facilities	6-14
Planning and Assessment Initiatives and Priorities	6-14
• Planning	6-14
○ Strategic and long-range planning	6-14
○ Succession planning	6-15
○ Site evaluation/selection	6-15
○ Land reservation/acquisition for stations	6-16
○ Geographic Information System	6-17
○ Planning Section staffing	6-17
• Assessment	6-17
○ Performance measures and dashboards	6-17
○ Performance appraisal	6-18
○ Accreditation compliance	6-18

**2015-2020 FIRE, RESCUE, EMERGENCY MEDICAL SERVICES,  
AND COMMUNITY RISK REDUCTION MASTER PLAN**

Infrastructure, Communications and IT Initiatives and Priorities	6-19
• Facilities/CIP	6-19
• Apparatus maintenance, rehab, and replacement	6-24
• Equipment maintenance and replacement	6-25
• Emergency communications	6-26
• Information technology	6-28
Data Analysis and Application Initiatives and Priorities	6-29
Training and Wellness/Safety Initiatives and Priorities	6-30
• Training	6-30
• Wellness and safety	6-31
Support Services Initiatives and Priorities	6-33
• Fiscal management	6-33
• Procurement	6-35
• Logistics	6-35
• Human resources	6-36
Other Initiatives and Priorities	6-37

## APPENDICES

Appendix A – Laws, Statutes and Standards Impacting MCFRS
Appendix B – MCFRS Organizational Chart and Station Locations Map
Appendix C – Table of Highest Risk Level per Station Area
Appendix D – Incident Density Maps
Appendix E – Demographic Maps
Appendix F – Planned Mass Transit Network Maps
Appendix G – 2020 Response Time Benchmark Tables
Appendix H – Chart of Facility, Resource and Staffing Initiatives

**DRAFT 2**  
**FIRE, RESCUE, EMERGENCY MEDICAL SERVICES,**  
**AND COMMUNITY RISK REDUCTION MASTER PLAN**

commercial and industrial development. In addition to preserving farmland and open space, farms are important to the County's economy. There are 540 farms and 350 horticultural enterprises in the Agricultural Reserve, collectively having sales of \$287.5 million in 2012.

Residential development is restricted to only one single-family dwelling per 25 acres per property owned. For example, a 100-acre farm in the Agricultural Reserve would be allowed a maximum of four dwellings. Instead of building three additional homes on this property in addition to the single existing home, the owner can sell Transfer of Development Rights (TDRs) that have been assigned to his/her property that can be purchased and used by developers to increase building density in TDR receiving areas located outside of the Agricultural Reserve. Of approximately 19,000 TDRs created in 1980, about 10,000 have been transferred/purchased; thus leaving about 9,000 for future transfer.

Due to the restrictions on development within the Agricultural Reserve, the area will experience little development during the 5-year time frame of this Fire-Rescue Master Plan. For this reason, incident call load within the Agricultural Reserve is expected to remain almost even, with a slight increase at most.

### PLANNING IN PROGRESS

At the time this Fire-Rescue Master Plan was being written, there were four notable master planning efforts underway led by Maryland-National Capital Park & Planning Commission (M-NCPPC) and City of Rockville planners. These four community plans will have significant impact on fire-rescue service demand and types/levels of risk. Each plan is described briefly below.

#### **BETHESDA CENTRAL BUSINESS DISTRICT ("DOWNTOWN BETHESDA")**

At the time this Fire-Rescue Master Plan was being written, M-NCPPC was leading an effort to revisit the master plan for the Bethesda Central Business District (CBD) and prepare a new plan known as the "Bethesda Downtown Plan." The new plan will address land use and density, urban design, mobility, open space, and environmental quality. Preliminary concepts centered on: 1) increased residential density in a business district consisting primarily of offices and retail uses; and 2) increased number of businesses and jobs. Projections to 2040 are for the residential population to nearly double (from 10,610 in 2010 to 21,900 in 2040), the number of households to increase by 82% (from 6,500 in 2010 to 11,800 in 2040), and the number of jobs to increase by 38% (from 37,700 to 51,900 in 2040).

Preliminary recommendations call for increased maximum heights, including 290 ft buildings in the Bethesda Metro Station core, 250 ft buildings on Wisconsin Avenue and Elm Street around the proposed Purple Line Station and 250 ft buildings where a new arts center is proposed for Wisconsin and Norfolk Avenues, 120 ft development heights along portions of Battery Lane

**DRAFT 2**  
**FIRE, RESCUE, EMERGENCY MEDICAL SERVICES,**  
**AND COMMUNITY RISK REDUCTION MASTER PLAN**

including the site of the B-CC Rescue Squad, and 70 ft heights along Arlington Road including Bradley Boulevard Shopping Center and office buildings across from the shopping center.

The Bethesda Downtown area is primarily served by Bethesda Fire Department Station 6 and the Bethesda-Chevy Chase Rescue Squad. Fire-rescue incident call load within the Bethesda CBD (i.e., not Station 6's entire first-due area) is expected to increase by an estimated 50% at build out. Approximately 80% of the incidents will be EMS in nature, and the majority of the fire-related incidents are expected to involve automatic fire alarms, activated smoke alarms, and alarm bells. All new buildings will have fire detection and suppression systems in accordance with County Code.

**WESTBARD (BETHESDA-GLEN ECHO)**

At the time this Fire-Rescue Master Plan was being written, M-NCPPC was leading an effort to update the Westbard Sector Plan (to be renamed "Plan Westbard"). The focus of the updated plan will be land-use/zoning, transportation and amenities. The Westbard area is generally bounded by Massachusetts Avenue to the south, Little Falls Parkway to the east, Ridgefield Road to the north, and the Springfield neighborhood to the west (but not including that neighborhood). Major roadways running through the area include River Road (MD 190) and Westbard Avenue.

The draft concept plan includes the following major elements:

- Changes mixed-use zoning to permit higher building height limits which could double or triple the number of residential units
- New road grid configuration for the area that includes Westwood Towers, BowlMor Lanes on the east side of Westbard Avenue and the Giant shopping center and surface parking lot on the west side of Westbard Avenue.
- Potential new elementary school or expansion of Westland Middle School
- New library in the redeveloped Westbard area
- Extension and improvement of Butler Road, possibly extended to Westbard Avenue

The increased mixed-use zoning and higher building height limits could double or triple the amount of residential units in the Westbard area. The existing number of residential units in the area is 1104. If it was built out to current zoning, another 550 to 971 units could be added. Under the proposed zoning in the draft concept plan, 1685-1972 additional units could be built. If everything were to be built, the area could have more than 3,000 residential units. All new buildings in the Westbard plan area will have sprinkler protection and be served by fire hydrants.

The Westbard area is mostly located within Glen Echo Fire Station 11's first-due area, with the remaining portion located within Bethesda Station 6's first-due area. These stations are

**DRAFT 2**  
**FIRE, RESCUE, EMERGENCY MEDICAL SERVICES,**  
**AND COMMUNITY RISK REDUCTION MASTER PLAN**

distributed well to provide timely response to the Westbard area. Existing suppression resources at these stations are expected to adequately handle fire risk and incident call load in the Westbard area, but additional ALS resources will be needed, including the upgrading of Engine 711 to Paramedic Engine 711 as well as the deployment of an EMS transport unit and possibly an ALS chase unit at Station 6.

**ROCKVILLE (CITY OF ROCKVILLE)**

The City of Rockville, which has its own planning department independent of the Montgomery County Planning Department, was preparing the City of Rockville Comprehensive Master Plan at the same time this Fire-Rescue Master Plan was being written. One major component of the City's new plan is an independent document required of Maryland municipalities by the State known as the "Municipal Growth Element." That document was completed in 2010 and adopted by the City Council in December 2010. Pages 45-49 of the Municipal Growth Element address fire, rescue and emergency medical services provided to the City by MCFRS and the Rockville Volunteer Fire Department. Existing Stations 3 and 23 (located within City limits) are highlighted, and surrounding stations (outside the City limits) that serve the City are identified as well. Also identified are future County fire stations to be sited at Darnestown and Shady Grove Roads (Station 32—open February 2014) and near Frederick and Shady Grove Roads (planned Station 36). The City has an Adequate Public Facilities Ordinance that requires the response of fire suppression resources from at least three stations within 10 minutes in order for certain proposed high-risk occupancies (i.e., schools, hospitals, nursing homes, and places of assembly seating more than 500) to be approved by the City Council.

The City's Municipal Growth Element forecasts certain demographics from 2010 to 2040 in 10-year increments. City population is projected to increase by almost 9400 (15.0%) from 62,476 in 2010 to 71,874 in 2020, and number of households is projected to increase by about 4450 (18.3%), from 24,327 in 2010 to 28,784 in 2020. During that 10-year period, the number of jobs within the City (private and public) are projected to increase by over 17,000 (22.9%), from 74,549 to 91,600. Housing demographics were also provided but not by 10-year increments, only from 2010 to 2040. Approximately 47% of Rockville residents live in single-family detached houses, 14% of residents in single-family attached (townhouses), and 39% in multi-family residences.

It is difficult to determine the impact that growth and development within the City of Rockville would have on fire-rescue risk and service demand until such time that the City's new Comprehensive Master Plan is completed and approved. Based solely on the population projections for 2020, there could be an increase of approximately 1000-1100 incidents within the City to be handled mostly by Stations 3, 23, 32 and 33. It is anticipated that approximately 75-80% of the increased call load would involve EMS incidents. Additional resources will be needed to address this increased risk and call load. The addition of planned Station 36 in the vicinity of Frederick and Shady Grove Roads would make possible the deployment of an additional engine and EMS unit on the northern edge of Rockville to help in meeting this risk/demand. Additional EMS resources would be needed at Station 23 and possibly Station 3 to

**DRAFT 2**  
**FIRE, RESCUE, EMERGENCY MEDICAL SERVICES,**  
**AND COMMUNITY RISK REDUCTION MASTER PLAN**

• **STATION RENOVATIONS, EXPANSIONS AND REBUILDS**

Six fire-rescue stations need renovation, expansion or rebuilding. An approved CIP project is in place for four of these stations. For the other two stations, the need for County CIP projects is not anticipated as the two LFRDs plan to fund the projects on their own. The six station projects are described below and presented in numerical order.

STATION 3 – ROCKVILLE

Station 3, located at 380 Hungerford Drive and owned by the Rockville Volunteer Fire Department (RVFD), is in need of an extensive renovation or rebuilding (possibly relocation<sup>76</sup>) as determined by the RVFD Board of Directors. This project has been included in the County's FY15-20 CIP. The first-due area covered by Station 3 has a high level of fire, EMS, and hazmat risk and typically has the 2<sup>nd</sup> highest incident call load in Montgomery County. If relocated, Station 3 will need to be sited in close proximity of the existing site, preferably along Rockville Pike/Hungerford Drive. The renovated or rebuilt (possibly relocated) station will need to accommodate all existing apparatus, equipment, and career and volunteer personnel. Existing apparatus includes a paramedic engine, rescue engine, aerial tower, rescue squad, and two EMS transport units. A future, frontline ALS chase unit will need to be housed at Station 3 as well.

STATION 6 – BETHESDA

Station 6, located at 6600 Wisconsin Avenue and owned by the Bethesda Fire Department (BFD), is in need of renovation or rebuilding on site as determined by the BFD Board of Directors who are considering selling a portion of this property. The first-due area covered by Station 6 has a high level of fire and EMS risk due to its high population density and many high-rise buildings. Density will likely increase under the Bethesda Downtown Plan which was being written concurrently with this Fire-Rescue Master Plan. The renovated or rebuilt station will need to accommodate all existing frontline and reserve apparatus (i.e., paramedic engine, ladder truck, battalion chief, and reserve engine), equipment, and personnel, plus a future ambulance and potentially an ALS chase unit.

STATION 11 – GLEN ECHO

Station 11, located at 5920 Massachusetts Avenue and owned by the Conduit Road Fire Board and Glen Echo Volunteer Fire Department, is in need of an extensive renovation. This project has been included in the County's FY15-20 CIP. As recommended in the MCFRS Station Location and Resource Allocation Study – Phase 2B Report, Station 11 can best serve the Glen Echo area by remaining at its present site but requires a major renovation to address its size and functionality limitations. The renovated/expanded station will need to accommodate the existing apparatus complement, including an engine, ambulance, ATV, and

<sup>76</sup> It is possible this project could be a station relocation should a suitable site be found nearby.

**DRAFT 2**  
**FIRE, RESCUE, EMERGENCY MEDICAL SERVICES,**  
**AND COMMUNITY RISK REDUCTION MASTER PLAN**

construction, maintenance and operation. The Purple Line would transport an estimated 69,000 passengers per day (on average) between its Bethesda and New Carrollton stations.

MTA has been working on the Conceptual and Preliminary Engineering Phase of the Purple Line Project since 2009 in close coordination with Montgomery and Prince George's Counties, Washington Metropolitan Area Transit Authority, Maryland-National Capital Park and Planning Commission, State Highway Administration, and local municipalities in the project area. MCFRS has participated in this phase of the project since 2009 by being members of the Purple Line's Montgomery County planning group as well as members of the MTA's Fire, Life Safety and Security Committee. In 2013, MTA decided to use a public-private partnership (P3) to design, build, operate, maintain and finance<sup>58</sup> the Purple Line. At the time this Fire-Rescue Master Plan was being written, MTA had issued the RFP for P3 proposals and was awaiting bids.

Through participation in the initial phase of the project, MCFRS was able to provide input to the preliminary design in terms of adequate fire department access to both the rail and trail systems as well as fire protection and life safety systems/equipment to be installed in the rail system structures, including tunnels, stations, Silver Spring Transit Center, Lyttonsville Yard, and power stations.

**Combined fire, rescue and EMS risk associated with the construction and operation of the Purple Line was being assessed by MCFRS as this Fire-Rescue Master Plan was being written based upon the preliminary design plans. While some aspects of the Purple Line will present risks similar to those of the Metro Rail System found in Montgomery County, there will be new risks to assess and prepare for related to a light rail system involving the use of overhead catenaries. Based upon this risk assessment, MCFRS will need to ensure operational readiness in terms of new/additional fire suppression and technical rescue equipment, specialized training, and standard operating procedures specific to the Purple Line and trail systems. For rescue and EMS-related incidents along the trail system, the strategic deployment of ATVs at fire stations along the Purple Line will also need to be determined and the ATVs acquired and deployed.**

### BUS RAPID TRANSIT CORRIDORS

Bus Rapid Transit (BRT) combines features of both a bus system and a light rail system, but BRT is far less costly than a light rail system. BRT systems feature dedicated travel lanes, lane and signal priority, low-floor buses allowing for faster/easier entry and exiting, and pay stations to pay for fares before boarding.

The Countywide Transit Corridors Functional Master Plan (CTCFMP), adopted by the Planning Board of the Maryland-National Capital Park and Planning Commission in December 2013, recommends implementing a 102-mile BRT network comprised of 10 corridors (82 miles) plus the 20-mile Corridor Cities Transitway (see separate heading below). The plan also recommends expanding right-of-way for the CSX Metropolitan Branch to allow for enhanced MARC

<sup>58</sup> The estimated cost of the project as of Fall 2014 was \$2.448 billion.

**DRAFT 2**  
**FIRE, RESCUE, EMERGENCY MEDICAL SERVICES,**  
**AND COMMUNITY RISK REDUCTION MASTER PLAN**

**SECTION 6**

**INITIATIVES AND PRIORITIES**

Section 6 identifies the initiatives and their corresponding priorities that address the issues and needs described in Section 5. Initiatives are presented below under the subject headings: Preparedness/Readiness, Resource Deployment and Staffing, Planning and Assessment, Infrastructure and Communications, Data Analysis and Application, Training/Wellness, Support Services, and Other Initiatives.

The priorities shown below have been divided into levels A, B and C. Priority A is the highest level, Priority C the lowest, and Priority B in between them. While initiatives identified below as Priority A are of the highest priority and will therefore receive the quickest and greatest attention, Priorities B and C should not be viewed as medium or low priorities as they should all be addressed within the 5-year time frame of this master plan.

**PREPAREDNESS/READINESS**

Preparedness/Readiness initiatives are presented below under the subject headings: Emergency Services, Volunteer Services, Fire and Explosives Investigations, Fire Code Compliance, and Community Outreach and Public Information.

Table 5 in Appendix H summarizes facility, resource and staffing initiatives for 2016-2020.

**EMERGENCY SERVICES**

**EMERGENCY MEDICAL SERVICES**

1. [**PRIORITY A**] Implement modified ALS delivery model:
  - A. Replace the majority of medic units with one-person (or, in limited cases, two-person) ALS chase units; thus allowing for the county-wide redistribution of a limited number of ALS providers. ALS chase units will not normally be dispatched on BLS incidents nor will they transport patients; thus improving the availability of ALS units and reliability<sup>82</sup> of ALS service.

---

<sup>82</sup> Reliability addresses both availability of a specific type of unit and whether its response time is within established 90<sup>th</sup> percentile goals of the department.



**DRAFT 2**  
**FIRE, RESCUE, EMERGENCY MEDICAL SERVICES,**  
**AND COMMUNITY RISK REDUCTION MASTER PLAN**

- Replace medic units, except Medic 713 (Damascus) and Medic 714 (Upper Montgomery)<sup>83</sup>, with ALS chase units each operated by one paramedic, or in limited cases two paramedics<sup>84</sup>; thus deploying ALS chase units at Stations 1, 3, 8 (two chase units), 12, 15, 23, 25, 41 and 42 (two chase units). This will involve redeploying the paramedic from each medic unit to an ALS chase unit.
  - Convert medic units, except Medics 713 and 714, to BLS transport units (i.e., ambulances). This will involve adding a second BLS provider (EMT-B) to the former medic unit; thus creating a two-person ambulance, with the remaining BLS provider from the medic unit paired with the second BLS provider.
- B. Initiate ALS chase unit service at two stations:
- Station 28 – Deploy an ALS chase unit, while having Ambulance 728 remain
  - One of the planned new-additional stations if open by 2020
- C. Continue and upgrade ALS first-responder apparatus (AFRA) service delivery:
- Continue deployment of paramedic engines at 28 stations.
  - Add firefighter-paramedic to remaining seven engines lacking ALS capability to create four-person paramedic engines at Stations 2, 5, 10, 11, 20, 26 and 40.
  - Deploy four-person paramedic engines at future stations.
  - Continue deployment of Paramedic Aerial Tower 708 at Station 8.
  - Add firefighter-paramedic to remaining 14 aerial units to create four-person paramedic aerial units at Stations 3, 6, 10, 15, 16, 18, 19, 23, 24, 25, 31, 34, 35 and 40.
  - Add firefighter-paramedic to all six rescue squads to create four-person paramedic rescue squads at Stations 3, 15, 17, 29, 41 and 42.
2. [**PRIORITY A**] Increase BLS transport capacity to meet increasing BLS service demand and to transport ALS patients accompanied by a paramedic from an ALS chase unit or AFRA.
- Deploy an ambulance at each of Stations 6, 7, 9, 18, 19 and 20 where this type of unit is currently lacking. Consider deployment of a BCCRS ambulance at each of Stations 6, 7 and 20 and a WVRS ambulance at each of Stations 18 and 19.
  - Convert 11 medic units to BLS transport units at 9 stations (i.e., Stations 1, 3, 8, 12, 15, 23, 25, 41 and 42) as a result of the ALS chase unit deployment (see above).

---

<sup>83</sup> Medics 713 and 714 will remain to provide ALS transport in their respective rural areas where BLS transport units (i.e., ambulances) are not readily available to handle timely transport of ALS patients.

<sup>84</sup> A limited number of ALS chase units may be staffed by two paramedics as needs dictate in certain high call volume areas of the County.

**DRAFT 2**  
**FIRE, RESCUE, EMERGENCY MEDICAL SERVICES,**  
**AND COMMUNITY RISK REDUCTION MASTER PLAN**

- Establish central supply at Southlawn Warehouse
- Obtain automated materials management system
- Hire fulltime warehouse manager

**B. Develop non-durable supplies management:**

- Develop system to monitor shelf life
- Implement program to ensure rotation
- Rotate stock at stations

### **FIRE SUPPRESSION AND HEAVY RESCUE**

1. **[PRIORITY A]** Complete the implementation of four-person staffing of fire suppression and heavy rescue apparatus. **A total of 27 frontline units lack a guaranteed fourth person:**
  - Engines at Stations 2, 5, 10, 11, 20, 26 and 40
  - **Aerial units at Stations 3, 6, 10, 15, 16, 18, 19, 23, 24, 25, 31, 34, 35 and 40**
  - Rescue Squads at Stations 3, 15, 17, 29, 41 and 42
2. **[PRIORITY C]** Implement the following new deployments to improve fire suppression readiness:
  - Paramedic Engines at future Stations 36-39 with 4-person staffing, including a firefighter-paramedic
  - Aerial unit at existing Station 28 or future Shady Grove Station 36
3. **[PRIORITY C]** Establish extrication capability at Station 40 by replacing Truck 740 with a tractor-drawn aerial –the desired platform for extrication equipment - when that truck is scheduled for replacement.

**Table 5 in Appendix H** summarizes facility, resource and staffing initiatives for 2016-2020.

### **SPECIAL OPERATIONS**

1. **[PRIORITY B]** Improve supervision of Special Operations field personnel through oversight and coordination provided by an on duty Battalion Chief. This will be achieved by funding/staffing a Battalion Chief's position on shift work.
2. **[PRIORITY C]** Improve supervision of Technical Rescue and Swift Water Rescue Teams through oversight and management provided by an on duty Battalion Chief. This will be achieved by funding /staffing a Battalion Chief's position on shift work.

**DRAFT 2**  
**FIRE, RESCUE, EMERGENCY MEDICAL SERVICES,**  
**AND COMMUNITY RISK REDUCTION MASTER PLAN**

**STATION 35 – CLARKSBURG [PRIORITY A]**

Initiate planning and design for permanent Clarksburg Fire Station #35 (CIP Project #450300) to replace Interim Station 35 at a nearby location. The site will likely have been selected by the County by the time this fire-rescue master plan has been approved. This project is the 5<sup>th</sup> priority among MCFRS FY17-22 CIP projects to be requested.

• **STATION RENOVATIONS, EXPANSIONS, REBUILDS**

Six fire-rescue stations require renovation, expansion or rebuilding. An approved CIP project is in place for four of these stations. For the other two stations, the need for County CIP projects is not anticipated as the two LFRDs plan to fund the projects on their own. The six station projects are described below and presented in numerical order.

**STATION 3 – ROCKVILLE [PRIORITY C]**

In coordination with the Rockville Volunteer Fire Department (owner of Station 3), initiate planning and design for an extensive renovation or relocation<sup>96</sup> of Station 3 (CIP Project #450105) located at 380 Hungerford Drive at the intersection with Beall Avenue. The renovated or relocated station will accommodate all existing frontline apparatus, equipment, and career and volunteer personnel. This project is the 8<sup>th</sup> priority among MCFRS FY17-22 CIP projects to be requested.

**STATION 6 – BETHESDA [PRIORITY C]**

Without County involvement or funding, the Bethesda Fire Department will continue its planning and design of an extensive renovation or rebuilding on site of Station 6 located at 6600 Wisconsin Avenue at the intersection with Bradley Boulevard. The renovated station will need to accommodate all existing frontline and reserve apparatus, equipment, and personnel, plus an ambulance and potentially an ALS chase unit if determined to be needed at Station 6.

**STATION 11 – GLEN ECHO [PRIORITY B]**

In coordination with the Conduit Road Fire Board, Glen Echo Volunteer Fire Department, and County departments/agencies, conduct planning and design for an extensive renovation of Station 11 (CIP Project #450702) located at 5920 Massachusetts Avenue at the intersection with Sangamore Road. This project is the 7<sup>th</sup> priority among MCFRS FY17-22 CIP projects to be requested. The preparation and signing of an MOU between the County and the Conduit Road Fire Board will precede planning and design of the Station 11 renovation.

---

<sup>96</sup> It is possible this project could be a station relocation should a suitable site be found nearby.

## **MCP-CTRACK**

---

**From:** Dlhopsky, Heather - HXD <HDIhopolsky@linowes-law.com>  
**Sent:** Tuesday, June 30, 2015 5:10 PM  
**To:** MCP-Chair  
**Cc:** Kronenberg, Robert; Howerton, Leslye  
**Subject:** 4311 Montgomery Avenue - Written Testimony on Bethesda Downtown Plan  
**Attachments:** 201506301657.pdf

All,

Attached please find our written testimony for the Planning Board's record on the Bethesda Downtown Plan, on behalf of the owner of 4311 Montgomery Avenue.

Thank you.

Heather

Heather Dlhopsky  
Linowes and Blocher LLP  
7200 Wisconsin Avenue, Suite 800  
Bethesda, MD 20814-4842  
(301) 961-5270 (direct phone)  
(301) 654-0504 (switchboard)  
(301) 654-2801 (fax)  
[hdlhopolsky@linowes-law.com](mailto:hdlhopolsky@linowes-law.com)  
[www.linowes-law.com](http://www.linowes-law.com)

This e-mail message is intended only for the addressee and may contain confidential and/or privileged material. Any interception, review, retransmission, dissemination, or other use of, or taking of any action upon this information by persons or entities other than the intended recipient is prohibited by law and may subject them to criminal or civil liability. If you received this communication in error, please contact us immediately at the direct dial number set forth above, or at (301) 654-0504, and delete the communication from any computer or network system. Although this e-mail (including attachments) is believed to be free of any virus or other defect that might negatively affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus free, and no responsibility is accepted by the sender for any loss or damage arising in any way in the event that such a virus or defect exists.

**LINOWES**  
**AND BLOCHER LLP**  
ATTORNEYS AT LAW

June 30, 2015

**Heather Dhopolsky**  
301.961.5270  
hdhopolsky@linowes-law.com

**VIA EMAIL AND FIRST CLASS MAIL**

Mr. Casey Anderson, Chair  
and Members of the Planning Board  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: 4311 Montgomery Avenue, Bethesda – Written Testimony for 6/24/15 Planning Board  
Hearing on the Bethesda Downtown Plan (the “Sector Plan”)

Dear Mr. Anderson and Members of the Planning Board:

On behalf of East-West Garage LLC, owner (“Owner”) of the property located at 4311 Montgomery Avenue, located on the north side of Montgomery Avenue just west of its junction with East-West Highway in Bethesda (the “Property”), I am submitting this letter into the record for the Montgomery County Planning Board’s (the “Planning Board”) June 24<sup>th</sup> public hearing on the Sector Plan (specifically, the Public Hearing Draft dated May 2015 – the “Public Hearing Draft”).

The Property is a true eastern gateway into the heart of downtown Bethesda. It is currently improved with an above-ground parking garage and, while this use serves a needed and practical purpose in support of the nearby office buildings, it is not the highest and best use for such a prominent and strategic location. That said, the parking garage is fully utilized and there is no incentive to redevelop the garage if the site is not recommended through the Sector Plan process and the subsequent comprehensive rezoning for density and height that is appropriate for its location.

The Public Hearing Draft envisions the Pearl District, in which the Property is located, as an emerging center of activity. It also endeavors to create a gateway into Bethesda along East-West Highway, and the Property plays a necessary role in implementing this gateway. We believe that the zoning that the Public Hearing Draft recommends for the Property – CR-3.5, C-3.5, R-3.5, H-120 – is a strong start in the right direction for providing future incentive for the Property to redevelop as part of the overall vision for the Pearl District. However, we believe that limiting maximum density to 3.5 FAR is less than would be desirable in order to achieve the desired

\*\*L&B 5009139v1/12715.0001

Mr. Casey Anderson, Chair,  
and Members of the Planning Board  
June 30, 2015  
Page 2

gateway effect, and that a maximum FAR of 4 or 4.5 is more in alignment with the vision for the Pearl District and the eastern entrance into Bethesda, with maximum flexibility in uses permitted in order to respond as the market continues to evolve.

We thank you for consideration of these comments, and look forward to continuing to work with you and Planning Staff on the Bethesda Downtown Plan. If you have any questions or require any additional information, please do not hesitate to contact us.

Very truly yours,

**LINOWES AND BLOCHER LLP**



Heather Dlhopsky

cc: Mr. Robert Kronenberg, M-NCPPC  
Ms. Leslye Howerton, M-NCPPC  
Mr. Lloyd Moore  
Stephen Z. Kaufman, Esq.



RECEIVED  
0583  
JUL 02 2015

**MCP-CTRACK**

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

**From:** WordPress <irissol@aol.com>  
**Sent:** Thursday, July 02, 2015 11:38 AM  
**To:** Wright, Gwen; MCP-Chair; councilmember.berliner@montgomerycountymd.gov;  
councilmember.floreen@montgomerycountymd.gov; Wells-Harley, Marye; Presley, Amy;  
Dreyfuss, Norman; Natali.Fani-Gonzales@mncppc-mc.org;  
county.council@montgomerycountymd.gov  
**Subject:** Bethesda Downtown Plan

Sent from: [irissol@aol.com](mailto:irissol@aol.com)

To:  
Gwen Wright, Planning Director  
Casey Anderson, Chair, Planning Board  
Roger Berliner, Councilmember  
Nancy Floreen, Councilmember

I support the vision to preserve the plaza at Bethesda Metro Center, at the corner of Wisconsin Avenue and Old Georgetown Road, as a significant community gathering space and urban park in the new Bethesda Downtown Plan. This public space should not be developed.

**Additional Message:**

We need more green space in downtown Bethesda.  
Our responsibility is to leave it clean and green for future generations.  
Anymore building, let alone high-rises and towers, will strangle the area and ruin its infrastructure.  
We need more playgrounds nearby for the children.  
So, please protect the existing parks and increase the green areas, including the one shown above.

Name: Iris E. Soliman, MD  
City: Bethesda  
Zip: 20814



## **MCP-CTRACK**

---

**From:** Christine Real de Azua <christinerealdeazua@gmail.com>  
**Sent:** Thursday, July 02, 2015 1:07 PM  
**To:** MCP-Chair  
**Subject:** Fwd: Bethesda Sector Plan  
**Attachments:** Testimony on Downtown Bethesda Sector Plan-Christine Real de Azua-with additional sign-on.pdf

Dear Montgomery Planning Board Chair,

Please find attached my comments of June 22, now augmented with an additional sign-on by Anthula Gross. Kindly include this in the record since the record was extended until today.

Thank you,  
Christine Real de Azua

----- Forwarded message -----

**From:** Anthula Gross <[anthula.john@starpower.net](mailto:anthula.john@starpower.net)>  
**Date:** Mon, Jun 29, 2015 at 11:18 AM  
**Subject:** Bethesda Sector Plan  
**To:** [christinerealdeazua@gmail.com](mailto:christinerealdeazua@gmail.com)

Could you please add my name affirming your testimony a propos the Bethesda Sector Plan. I have no comments to augment your eloquence. The need to assure that green space will become a reality rather than just a suggestion is dire. Thank you for all your efforts for our community. Your voice is irreplaceable.

Anthula Gross  
7307 Oakridge Avenue  
Chevy Chase, Md. 20815  
301 652-3017

**Comments on Downtown Bethesda Sector Plan Public Hearing Draft**

Amended July 2 to include additional sign-on by Anthula Gross

Submitted on June 22, 2015 by  
Christine Real de Azua, 4502 Elm Street Chevy Chase MD 20815  
(presenting oral testimony)

Lydia Adelfio, 6915 Woodside Pl., Chevy Chase, MD 20815

Jane Axelrad, 4417 Ridge St. Chevy Chase MD 20815

Wicca and David Davidson, Rebecca Falk,  
7600 Connecticut Ave Chevy Chase, MD 20815

John Fitzgerald, 4502 Elm Street, Chevy Chase MD 20815

Jerry Garfinkel, 7407 Oak Lane, Chevy Chase MD 20815

Anthula Gross, 7307 Oakridge Avenue, Chevy Chase MD 20815

Georgia Guhin, 4006 Rosemary St, Chevy Chase, MD 20815

Bridget Hartman, 7214 Ridgewood Avenue, Chevy Chase MD 20815

Brooke Haughey, 46th Street Chevy Chase MD 20815

Raymond and Michele Johnston, 4419 Walsh St, Chevy Chase, Md 20815

Beth Kevles, 4407 Elm Street, Chevy Chase MD 20815

Francis Kline, PhD, 4400 Ridge St., Chevy Chase, MD 20815\*

John Kolakowski, 4115 Aspen Street, Chevy Chase MD 20815\*

David Lefever, 7106 Beechwood Drive, Chevy Chase MD 20815

Carol and Peter Levin, 6908 Maple Ave., Chevy Chase Md. 20815

Marcie Meditch, AIA, 4002 Underwood Street, Chevy Chase MD 20815\*

Kirk Renaud, 3906 Woodbine St. Chevy Chase 20815\*

Ann Wild, 7104 Oakridge Ave., Chevy Chase MD 20815

Thank you for the opportunity to comment on the Downtown Bethesda Sector Plan Public Hearing Draft.

The Plan, in its introduction, correctly identifies major challenges, including although not limited to:

- Highest average rents in the County and a need to preserve and enhance existing affordable housing options.
- Lack of urban parks and green space.
- High impervious cover within watersheds exhibiting poor-to-fair water quality.
- High energy demand and carbon generator"

The Plan, in its introduction, also outlines an excellent vision and goals that reflect *citizen* input, including:

- "--model for sustainability, accessibility, equity and innovation.
- affordable choices of housing.
- safely walk and bike to stores and offices, past new energy-efficient buildings and familiar landmarks.
- New parks and open spaces that provide green, tranquil places."

However, it is disappointing to find that there is virtually nothing in the Plan to ensure that Downtown Bethesda WILL successfully address those challenges and achieve that vision, and HOW it will achieve it.

Worse, as the reader goes through the various sections of the Plan ("Approaches," "Areas," "Districts," "Implementation,"), it becomes apparent that not only are the "suggestions" regarding environmental sustainability goals toothless, but that what *is* outlined as the regulatory framework for implementation will in fact take us even further from those goals. For example:

- Instead of setting and requiring environmental sustainability building standards at least as strong as those we are seeing in Washington DC and other leading urban communities, or of setting standards and requirements to achieve the "Towards net-zero" goal for buildings energy consumption (page 64) that the Plan itself suggests, the Plan relegates energy-efficiency measures and standards to an "Ecology" section (2.4) that is merely a recommendation, and therefore destined to be ignored by developers.
- While the Plan touts in colorful charts proposed goals and metrics for "400% increase in open and park space", and "36 acres of green roofs," those are merely suggestions, with no regulatory mechanism to ensure that they will occur.

- Instead of nurturing and connecting existing, scarce park and open space resources, like the unique open space alignment from Elm Street Park and the Farmer's Market to the Writer's Center, the Plan will entomb this space with some of the highest buildings and development in all of Bethesda and along the Wisconsin corridor.
- Basic stormwater management techniques will be overlooked under this Plan. Features such as bioswales, green roofs, pervious pavement, and others (Ecology section 2.4) are mere "recommendations".
- There is no analysis of the infrastructure needs that need to be met BEFORE developers come in to build, including water supply as well as measures to control the additional sewage and stormwater runoff that can be expected.
- There is no big picture vision for watershed and stream restoration, and water quality management in spite of the opportunities provided by Coquelin Run, a significant tributary to Rock Creek, which is totally ignored in the Plan but could be a site for restoration projects. The Plan includes a proposal to "daylight" the Bethesda Mainstem Branch, but that, again, is a mere recommendation.
- Air quality: The Plan fails to assess environmental impacts, including on air quality. Increased air pollution is likely to result from the increased traffic, from pass-through traffic, the increased number of workers in Bethesda, and traffic from people in the increased number of housing units. No discouraging of parking or alternative modes of transportation will eliminate this effect. The Plan should therefore set forth standards to offset that air quality impact in order to not lose ground in the effort to comply with state and federal standards.
- Heat island effect: A substantial "heat island" and effect is likely to be created by the large buildings that will be built, including in the western part of Town. This cannot be eliminated even with the "green roofs" suggested (but not likely to be achieved unless the Plan is substantially revised).
- Transportation and biking lanes: Changing (decreasing) the number of lanes on busy streets by adding bicycle lanes is likely to increase congestion and residents ability to navigate in and around Bethesda. This will increase air pollution, which will not be offset by biking.
- Clustering buildings close to transportation is not enough for buildings or a community to be sustainable. Because many new proposed buildings will de-facto be close to Metro and to public transportation, they will already have "earned" a major chunk of credit towards LEED certification and have

few further incentives to adopt sustainability features. The entire system of public benefits needs to be revisited and strengthened to ensure that downtown Bethesda is truly sustainable.

- Currently, the Optional Methods for Public Benefits requirements in the Commercial Residential (CR) zone and other public benefits requirements are woefully insufficient to ensure that the goals (or more accurately, "suggestions,") described in the Plan can be met. In other words, as illustrated by the bullets above, there are no sufficient mechanisms or standards to require development to meet the described goals, such as high performance building standards, and expansion and acquisition of new parks and open spaces, while also respecting height limits. For developers of small buildings, the proposal is for them to pay a fee should they wish to exceed height restrictions. This would be sustainable and equitable only if the payment is set high enough and supports defined and local goals in downtown Bethesda, such as acquisition of green space or subsidizing affordable housing.
- The Plan assumes that the Purple Line will go forward and that a South entrance to the Bethesda Metro station will be built. But it's possible that the Purple Line may not go forward as currently assumed. Another plan should be in the works for an alternative including improvements to the tunnel for bicycle and pedestrian use under Wisconsin Avenue and full connection via the tunnel to the Georgetown Branch/Capital Crescent Trail on the east side of the tunnel.
- By the way, a few of the numbers in "Table 1.01 Sustainability Performance Area Metrics for Bethesda" are incorrect. For example: the 48% quoted is incorrect. The correct value is 4800%.

These are big disappointments, especially since we know from the experience of other cities and countries that allowing more density without additional energy consumption, pollution, and (car) traffic, and creating urban forest, linear parks and other popular green open spaces--all goals outlined in the plan--are goals that are do-able, achievable, and popular.

We therefore urge the Planning Board revise the Plan to address and correct the discrepancies listed above.

We also urge that, in the Plan, you:

--Give as much weight to the Ecology criteria and recommendations (2.4) as to the other considerations and requirements in the Plan.

**--Instead of entombing Elm Street Park and the Farmer's Market, set the same lower building heights that have ensured the success of Bethesda Row. Also revise the Plan to include a continuous Bethesda Commons and green space that stretches from Elm Street Park to the Writers Center, with plenty of air and light.**

**-With proper redesign, the Plan can and should include green corridors that are wide (like Elm Street Park), not narrow, token strips. Larger areas have greater health, emotional and social, and ecosystem (water filtration, biodiversity) benefits. Consider community gardens. One disincentive to moving to a high rise is the lack of opportunity to have a garden. Washington, DC has recognized this and set aside many areas for community gardens. There should be spaces in Bethesda for community gardens as well.**

**-- Establish a new regulatory framework and system of public benefits requirements, specific to Downtown Bethesda and this Sector Plan, that will require developers to achieve the necessary sustainability standards, and to contribute the necessary amounts to achieve the open space land dedications, contribution to arts/entertainment and amenities funds required to secure the Bethesda Commons and other green and civic space goals identified in the Plan.**

**\* Member of the Climate and Environment Committee of the Town of Chevy Chase. The comments are submitted in their individual capacity and expertise rather than as an official document of Town of Chevy Chase.**

