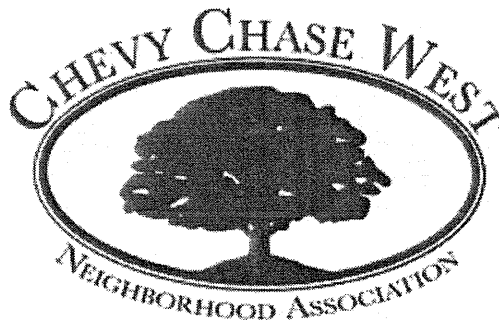


**MCP-CTRACK**

RECEIVED  
0720  
JUN 14 2016

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

**From:** Naomi Spinrad <nspinrad68@verizon.net>  
**Sent:** Tuesday, June 14, 2016 9:41 AM  
**To:** MCP-Chair; Anderson, Casey; Wells-Harley, Marye; Dreyfuss, Norman; Fani-Gonzalez, Natali; Presley, Amy  
**Cc:** Wright, Gwen; Kronenberg, Robert; Howerton, Leslye; Newhouse, Rachel; Councilmember Berliner's Office; Councilmember.floreen@montgomerycountymd.gov Gov; Councilmember.leventhal@montgomerycountymd.gov Gov; Councilmember Riemer's Office; councilmember.Elrich@montgomerycountymd.gov; board@bethesdafire.org  
**Subject:** Bethesda Downtown Plan - 6600 Wisconsin Avenue (Fire Station)



Dear Chair Anderson, Vice Chair Wells-Harley, Commissioner Dreyfuss, Commissioner Fani-Gonzalez, and Commissioner Presley:

The Chevy Chase West Neighborhood Association thanks you for hearing our concerns about the property at 6600 Wisconsin Avenue, site of Fire Station 6. Your approval of a CRF zone and of "asterisking" the green space (pending approval by all parties of the actual language) – which leaves open the possible sale of some or all of the green space to create a park and to generate funds that can be used for an upgraded or new standalone fire station - recognizes the strong concerns that our Association, and the individual homeowners and residents of our Association who live on Nottingham Drive, have about redevelopment.

We understand that the floating zone requires the Bethesda Fire Department to go through a lengthy and detailed review process with multiple opportunities for the public to weigh in. Such exhaustive review is appropriate in light of the many issues and widespread objections to rezoning and redevelopment on this site. In the course of your work, you have heard via written and oral testimony and communications not just from the CCW Neighborhood Association, but also from Drummond, Somerset, Chevy Chase Village, the Town of Chevy Chase, the condominium and townhome associations south of Bradley Boulevard, and the Citizens Coordinating Committee on Friendship Heights (representing 19 communities, all of which are within the Bethesda Fire Department's area of operations) – all opposing redevelopment here. Despite presentations to a number of communities by members of the BFD's board, not a single municipality or civic or condo association

reversed its position to favor rezoning or redevelopment, and in fact one went from supporting redevelopment at the hearing in June 2015 to subsequently opposing it.

CCW also thanks you for providing multiple opportunities for us to meet with you and planning staff, for your willingness to entertain multiple questions and suggestions, and for your general commitment over the past two years to listen to all of us. We look forward to seeing the complete plan make its way to the Council in the near future.

Best regards,

Naomi Spinrad

Vice President/Development, CCWNA

cc: Gwen Wright

Robert Kronenberg

Leslye Howerton

Councilmember Roger Berliner

Councilmember Nancy Floreen

Councilmember George Leventhal

Councilmember Hans Riemer

Councilmember Marc Elrich

Board, Bethesda Fire Department

**MCP-CTRACK**

RECEIVED  
0717  
JUN 13 2016

**From:** pemacneill@aol.com  
**Sent:** Sunday, June 12, 2016 5:06 PM  
**To:** MCP-Chair; County.Council@MontgomeryCountyMD.gov;  
councilmember.berliner@montgomerycountymd.gov; Wright, Gwen  
**Subject:** Downtown Bethesda Sector Plan

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

Dear Sir/Madam,

I have recently looked at the new Downtown Bethesda Sector Plan and as a long term resident of East Bethesda, I found the plan appalling.

I am especially opposed to building 70-foot-high buildings on the edge of both Chevy Chase and East Bethesda.

I noticed that redistricting map is showing East Bethesda with 35-foot height restrictions on its borders. That is deceptive, in that those areas are currently residential areas, and in fact those current commercial areas adjoining East Bethesda will be permitted to be 70-foot high. This is a back door way of allowing 70-foot buildings adjacent to East Bethesda.

Furthermore, I notice that there is a shortage of open space in the plan. I think the county looks at every parking lot as a cash cow to sell for commercial development. In fact, I think the county government looks at all of Bethesda as a cash cow.

I would appreciate it if more open space was planned and not the so called 'developer amenity', but real parks for basketball games, volleyball games and or swing sets for the children.

I urge you all to reject the current plan and go back to the planning stage.

Thank you.

Philip MacNeill  
(301)657-3462  
4405 Fairfield Drive  
Bethesda, MD 20814

MCP-CTRACK

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**From:** Joshua C. Sloan <sloan@vika.com>  
**Sent:** Thursday, June 09, 2016 11:32 AM  
**To:** MCP-Chair  
**Subject:** Bethesda Park fee and bonus density comment

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0697  
JUN 09 2016

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

It should be noted that the comparison of the PIP to other options to "purchase" density through averaging or some other options is not fair. In addition to the PIP you have to add cost of additional MPDUs and process under the design review board. That analysis may show a much less equitable comparison.

Joshua Sloan, VIKA, MD  
ASLA, AICP, LEED AP ND  
Sent from my iPhone, I apologize for strange auto-corrections

Garcia, Joyce

RECEIVED

JUN 08 2016

**From:** Kronenberg, Robert  
**Sent:** Wednesday, June 08, 2016 3:34 PM  
**To:** Garcia, Joyce  
**Subject:** FW: East Bethesda needs a say in the impending development boom.

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

Joyce, would you please c-track. thanks

**From:** mary knight [mailto:[purrna2go@yahoo.com](mailto:purrna2go@yahoo.com)]  
**Sent:** Wednesday, June 08, 2016 3:21 PM  
**To:** Kronenberg, Robert <[robert.kronenberg@montgomeryplanning.org](mailto:robert.kronenberg@montgomeryplanning.org)>  
**Subject:** Fw: East Bethesda needs a say in the impending development boom.

Hello Robert,

My email to Leslye will arrive too late. Thank you for taking my comments. - Mary

----- Forwarded Message -----

**From:** mary knight <[purrna2go@yahoo.com](mailto:purrna2go@yahoo.com)>  
**To:** "[leslye.howerton@montgomeryplanning.org](mailto:leslye.howerton@montgomeryplanning.org)" <[leslye.howerton@montgomeryplanning.org](mailto:leslye.howerton@montgomeryplanning.org)>  
**Sent:** Wednesday, June 8, 2016 3:14 PM  
**Subject:** Fw: East Bethesda needs a say in the imposed impending development boom.

----- Forwarded Message -----

**From:** mary knight <[purrna2go@yahoo.com](mailto:purrna2go@yahoo.com)>  
**To:** "[leslye.howerton@montgomeryplanning.org](mailto:leslye.howerton@montgomeryplanning.org)" <[leslye.howerton@montgomeryplanning.org](mailto:leslye.howerton@montgomeryplanning.org)>  
**Sent:** Wednesday, June 8, 2016 3:06 PM  
**Subject:** East Bethesda needs a say in the imposed impending development boom.

My comments are for the record. My roots are in East Bethesda. My mother, who is 93, has roots in East Bethesda. Glenbrook Village and East Bethesda are important to me. I have witnessed many changes, including the paving of Jones Bridge Road. People live here. I feel as if we have very inadequate representation when it comes to development. We must be informed, we must have a voice. Currently, there is one citizen representative. There should be at least four representatives, as we are not paid and we have many viewpoints to present. I should have a voice. The insights of residents in absolutely invaluable in creating livable spaces; to ignore this is to commit a terrible omission and disregard for these residents.

Sincerely yours,

Mary Knight  
Glenbrook Village, East Bethesda

**MCP-CTRACK**

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**From:** Jill McKay <mckay.jill@gmail.com>  
**Sent:** Tuesday, June 07, 2016 6:42 PM  
**To:** Anderson, Casey; MCP-Chair  
**Cc:** CM Berliner; Wright, Gwen  
**Subject:** Bethesda Sector Plan

RECEIVED  
0607  
JUN 08 2016

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

To Planning Board Commissioners:

I am a long time resident of Bethesda, and am deeply concerned about the direction in which the Planning Board is taking the Bethesda Sector Plan.

I note in the Summary document for Bethesda Sector Plan: Work Session 14, the following paragraph:

**“Design Review Panel:**

An important goal of the Bethesda Downtown Plan is to heighten design excellence and improve the quality of architecture, urban design and landscape design. High quality design of buildings and the public realm are key to reflect Bethesda's community identity and improve economic competitiveness, livability and environmental quality.”

I believe it is a well-established fact among forward-looking urban design professionals that generous amounts of open green space, with significant plantings of mature shade-giving trees, are a key element for successful design.

If the Planning Board truly does wish to “improve economic competitiveness, livability and environmental quality” we need to see a more serious commitment to giving easily accessed open spaces a priority. At present there seems to be no such commitment.

I would like to draw your attention to two excellent examples of Urban design in locations that were not initially favored. Sisters Park in Philadelphia sits on the edge of a major thoroughfare, Benjamin Franklin Parkway. The site is relatively small, but creative design that includes mature shade trees, grassy areas, two water features and a concession stand make it an oasis for those who live in Center City. The location outside the Bethesda Row cinema would be a perfect location for such an amenity.

The second example is the area surrounding the old Lechmere building in Cambridge Massachusetts. Again, mature shade trees, plenty of green space, benches, and an abundance of coffee shops and restaurants have made this a welcome amenity in the midst of biotech high rise buildings. It is true that Cambridge has the Charles River to anchor this amenity, but Bethesda could make more creative use of the Capital Crescent Trail to anchor open spaces. In East Bethesda a Greenway is planned on paper along Tilbury Street. An existing small park, and an existing parking lot could be turned into a beautiful open area that would be a wonderful amenity for all those who will be living and working in the high rise office and apartment buildings proposed along Wisconsin Avenue.

I urge the Planning Board to be more proactive in allocating space and budget to creating beautiful open spaces that will serve residents of Bethesda for years to come.

Sincerely,

Jill McKay

4401 Highland Avenue

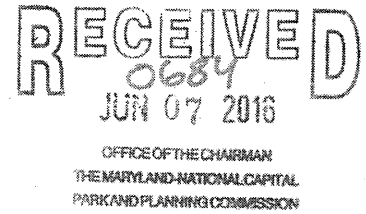
Bethesda MD 20814



MCP-Chair

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**From:** mdohlie <mdohlie@gmail.com>  
**Sent:** Monday, June 06, 2016 11:33 PM  
**To:** MCP-Chair  
**Cc:** Wright, Gwen; Councilmember Berliner; councilmember.floreen@montgomerycountymd.gov; councilmember.riemer@montgomerycountymd.gov; councilmember.leventhal@montgomerycountymd.gov; councilmember.elrich@montgomerycountymd.gov  
**Subject:** Bethesda sector plan work session no 14 on Bethesda sector plan



To Chairman Anderson,

We have the following comments re: Thursday's work session on the Bethesda Sector Plan:

The proposed Design Review Advisory Panel should

- retroactively review all recently submitted and approved buildings in Bethesda. Bethesda cannot afford any more unattractive buildings
- for the same reason, all planned projects - with NO exceptions - should undergo design review. This review must also include landscaping and street tree review to maximize greenery. (Green roofs are important but cannot replace the shade and wellbeing from having large street trees and good landscaping)
- One sole "citizen" on the proposed review panel is insufficient. There needs to be several to counteract the excessive pro-developer/anti-citizen inclination in the planning process in Montgomery County. (In addition, Montgomery County needs to revive the Citizens Advisory Panel to participate in the entire planning process which has become a charade). Needless to say, no members on such panels - professional or citizens - should personally, through family members or employment have any financial interests in the projects reviewed
- No additional density should be sent to edge areas. In fact, height and density must be reduced in edge areas such as East Bethesda to make projects there more compatible with a single family neighborhood - and more in line with other edge areas. Proposed heights are totally unacceptable
- We question the densities provided to many sending sites as well as to surface parking lots. They have set off incredible levels of greed. Ultimately, we think it will become more difficult to buy land for parks and other amenities

Finally, new development in any shape or form should pay all impact fees for schools, parks and other. It is unacceptable to push the cost of development on current residents who are already fed up with the current situation: congested roads that are dangerous for pedestrians, failing public transportation, overcrowded schools, lack of green space, and disappearing tree canopy - in short, decreasing quality of life in Bethesda.

Man-Britt Dohlie and Michael Evenson  
Bethesda

Sent from my iPhone

## MCP-CTRACK

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**From:** Grace Palladino <palladin20814@yahoo.com>  
**Sent:** Tuesday, June 07, 2016 3:24 PM  
**To:** MCP-Chair  
**Subject:** Fw: Design Review Advisory Panel

----- Forwarded Message -----

**From:** Grace Palladino <palladin20814@yahoo.com>  
**To:** "Leslye.Howerton@montgomeryplanning.org" <Leslye.Howerton@montgomeryplanning.org>  
**Cc:** "county.council@mccouncilmd.lmhostediq.com" <county.council@mccouncilmd.lmhostediq.com>  
**Sent:** Tuesday, June 7, 2016 2:33 PM  
**Subject:** Design Review Advisory Panel

We read with interest the Planning Board's agenda for Work Session #14, particularly the section on the Design Review Advisory Panel. As residents of East Bethesda especially concerned with "edge" issues, we are not persuaded that a "five person group made up of three architects (Director, Senior Urban Designer), one developer, and one citizen" will give adequate voice to the residents who have to live with your decisions. If the reported comments of one Board member (who apparently thought the microphone was off after your last session) are accurate, developers already have more than their share of representation.

Those who pay the bills should also have a say about their built environment, their quality of life, and their vision of a vibrant, walkable, downtown. We all know that change is coming; we just want to be a part of that change. How will "high quality design of buildings and the public realm" truly "reflect Bethesda's community identity" if members of the community are basically left out of the process?

Grace Palladino and Brad Piepmeier  
4524 N. Chelsea Lane  
Bethesda

## MCP-CTRACK

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**From:** Marilyn <mwlucht@hotmail.com>  
**Sent:** Tuesday, June 07, 2016 4:15 PM  
**To:** MCP-Chair  
**Cc:** Howerton, Leslye; ploneil@lercheary.com; Michele Rosenfeld  
**Subject:** BUP request to eliminate various districts & add certain edge properties to Bethesda's Urban District  
**Attachments:** Christopher Condo Ltr re BUP Request.PDF

To: Chair, Montgomery County Planning Board

Chairman Anderson,

Attached please find a letter to you from The Christopher Condominium

in opposition to the request of the Bethesda Urban Partnership (BUP) to eliminate various districts and to add certain edge properties to Bethesda's Urban District

Thank you.

Marilyn Lucht

President

The Christopher Council of Unit Owners  
4808 Moorland Lane  
Bethesda, MD 20814

The Christopher Condominium  
4808 Moorland Lane  
Bethesda, MD 20814

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

June 7, 2016

Re: Bethesda Urban Partnership (BUP) request to the Planning Board to eliminate various districts and to add certain edge properties to Bethesda's Urban District

Dear Chairman Anderson,

This letter is written in opposition to BUP's letter dated 5/16/16 suggesting that the Board (1) recommend eliminating entirely the various districts within the Bethesda Downtown Plan;<sup>1</sup> and (2) specifically calling out as an example, expanding the Urban District to include the blocks west of Woodmont Avenue, between Middlesex and Hampden Lanes. As you know, the Christopher Condominium is located within these blocks.

Launching a discussion about the elimination of one or more of these districts at this stage of the hearing process, which is expected to conclude within a month or so, is highly prejudicial not just to the Christopher Condominium, but to everyone who has participated in this process with the understanding that the planning principles associated with each district would remain in place. We urge the Board to reject this suggestion. If the Board elects to consider it, then we ask for an opportunity to testify on this subject.

With respect to BUP's suggestion to add certain edge properties to Bethesda's Urban District because "they clearly benefit from Urban District amenities," BUP provides the following benefits inside Bethesda's Urban District: trash cans, seats, trash and litter pickup, street sweeping, streetlight maintenance, sidewalk repair, street landscaping (flowers), tree pruning, artwork on public display, and promotional ads for business and cultural events.

None of those benefits -- with the exception of a trash can and a seat (on the corner of Arlington Road & Montgomery Lane), and 2 flower pots on Woodmont Ave -- can be found in the 2 and a half block area bordered by Moorland Lane, Woodmont Ave, Arlington Road, and Hamden Lane -- described in BUP's letter to the Planning Board on 5/16/16 as "properties on the west side of Woodmont Avenue between Middlesex and Hampden Lane." Middlesex Lane was abandoned in 1988 when it became the driveway of The Christopher Condominium.

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<sup>1</sup> The letter cites specifically the Central Business District, the Urban District, the Arts and Entertainment District, the Parking Lot District and the Transportation Management District.

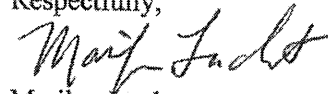
In the area of the "properties...between Middlesex and Hampden Lanes" described in BUP's letter, (except for a seat, a trash can, and 2 flower pots) there are no benefits:

- There are no trash cans -- provided or needed. Property owners have provided and maintain their own seats and trash cans.
- There is no litter pickup or street sweeping -- provided or needed. Property owners keep the area clean.
- There is no landscaping - provided or needed. All of the property owners, like The Christopher, pay their own landscapers to plant flowers and prune and mulch street trees as well as their own trees.
- There has been no BUP tree maintenance in the area of the "properties...between Middlesex and Hampden Lanes" in the past 10 years.
- There is no sidewalk repair -- provided or needed. The sidewalks in this area are either new (built as part of a new building's streetscape) or in good repair.
- There has been no streetlight maintenance -- provided or needed. On the Christopher's block, there are no street lights on the south side of Moorland Lane or on the east side of Arlington Road. The Christopher pays for the 11 streetlights on its unified site with the five adjacent houses and their 17 large shade trees.
- The only significant BUP artwork is a large display in the Metro tunnel east of Wisconsin, rarely used by those on the west side of Wisconsin.
- The Circulator benefits mostly those on the far ends of the Wisconsin Corridor.

While it is true that we benefit indirectly from BUP's worthy activities throughout the Urban and Central Business Districts, we benefit only as much as all the other edge and surrounding neighborhoods outside of the Urban District.

In view of the above lack of direct benefits in our area, and our lack of a need for them, we feel it is unfair to add our edge district to the taxable Urban District. We ask you to recommend denial of BUP's request to eliminate various districts and to add the "properties...between Middlesex and Hampden Lanes" to the Urban District.

Respectfully,



Marilyn Lucht

President

The Christopher Condominium

cc: Leslye Howerton, MC Planning Dept. Staff  
Patrick O'Neill, Lerch, Early & Brewer, BUP Chair

**MCP-CTRACK**

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**From:** Marilyn <mwlucht@hotmail.com>  
**Sent:** Tuesday, June 07, 2016 4:20 PM  
**To:** MCP-Chair  
**Cc:** Howerton, Leslye; hdlhopolsky; Michele Rosenfeld  
**Subject:** ZOM Development Plan for Arlington North District of Bethesda Downtown Sector Plan  
**Attachments:** Christopher Condo Ltr re ZOM 6-7-16.PDF

To: Chair, Montgomery County Planning Board

Chairman Anderson,

Attached please find a letter to you from The Christopher Condominium  
in response to ZOM's email to you of 5/17/16.

Thank you.

Marilyn Lucht

President

The Christopher Council of Unit Owners  
4808 Moorland Lane  
Bethesda, MD 20814

The Christopher Condominium  
4808 Moorland Lane  
Bethesda, MD 20814

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

June 7, 2016

Re: Bethesda Downtown Plan:  
Moorland Lane & Arlington Road Properties

Dear Chairman Anderson,

This letter responds to an email dated May 17, 2016 from Ms. Heather Dlhopsky representing ZOM Mid-Atlantic asking the Board to reconsider its 60-foot height decision for the properties under contract to ZOM identified in her email. Having reviewed the Board's May 12, 2016 Worksession, when the Board discussed specific properties for the purpose of confirming or changing height recommendations, we do not anticipate that the Board will revisit this issue for the reasons given at both the April 28 and May 12 hearings. We submit this letter only to note for the record our opposition to ZOM's latest request.

Respectfully,



Marilyn Lucht  
President

The Christopher Condominium

cc: Leslye Howerton, MC Planning Dept. Staff  
Heather Dlhopsky, Esq.

MCP-CTRACK

RECEIVED  
0676  
JUN 06 2016

**From:** Cary Kountoupes <carykountoupes@gmail.com>  
**Sent:** Friday, June 03, 2016 4:44 PM  
**To:** MCP-Chair; Kronenberg, Robert; Mark Kramer; sarobins@lercheary.com; ike.leggett@montgomerycountymd.org  
**Subject:** Old Georgetown Office Park

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

Dear Montgomery County Planning Board,

I write to request that the Montgomery County Planning Board reverse its April 28, 2016 grant of a zoning request to increase the population density and the permitted height of the Old Georgetown Office Park at 7960 Old Georgetown Road Bethesda, MD. I was never notified that this request was even made, let alone that the Planning Board approved it, and only heard about it recently from my neighbors. Unless reversed, the grant of the request will have a significant impact on me, my family, and my neighborhood. As a resident of Battery Park, who also walks by this building twice a day, I am well acquainted with the parking and traffic issues at this site. There are often cars parked on the driveway apron on Old Georgetown or in the apron (which is also a fire lane) on the Glenbrook side. Increasing the height and density can only add to these problems.

The Planning Board's own Staff recognized the negative impact that grant of the zoning request would have on the neighboring single-family homes and community, and recommended that the Planning Board deny the request. And, indeed, prior to the Planning Board's April 28 meeting, the Planning Board itself had agreed with that recommendation. Nothing at that April 28 meeting, however, changed the basic facts underlying the Staff's or the Planning Board's prior determination. Therefore, it is hard to understand how the grant of the zoning request over the Staff's and Planning Board's own prior recommendation can be justified, especially considering that grant of the zoning request is inconsistent with the Master Plan itself. In light of these facts, we urge the Planning Board to reverse its prior grant.

Thank you for your further consideration.

Cary Kountoupes  
7806 Maple Ridge Road



## **MCP-CTRACK**

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**From:** John Freedman <johnafreedman@gmail.com>  
**Sent:** Monday, June 06, 2016 3:18 PM  
**To:** MCP-Chair  
**Cc:** CM Berliner; Wright, Gwen; Kronenberg, Robert; Howerton, Leslye; cebaskir  
**Subject:** Bethesda Sector Plan Worksession #14 Comments on Review Advisory Panels and Priority Sending Sites

Dear Chairman Anderson --

Since we will likely not be able to attend Thursday's work session on the Bethesda Sector Plan, we are sending comments related to the Staff proposals regarding the Design Review Advisory Panel and the Priority Sending Sites, as described in the June 2 staff memo.

### Design Review Advisory Panel

1. Because of the importance of achieving high quality design throughout the sector, the Design Review Advisory process ought to apply to projects that either avail themselves of the optional method or that request or obtain additional density allocation through the overlay zone (BOZ) or from priority sending sites (PSS). While the Staff memo indicates that projects that go through optional method or request BOZ density will go through design review, it does not expressly state that PSS density recipients will go through design review. To the extent this omission was intentional, it makes no sense. The stated goal of achieving high quality design throughout the sector should apply evenly to all projects, regardless of the source of additional density.
2. Allocating one of the five seats on the review panel to a "citizen" while giving four seats to developers and architects does not give sufficient weight to the views of area communities. Because it is reasonable to expect that many commercial architects with the "senior urban designer" designation (whose major clients are developers) and developers will be highly deferential to proposals of other developers, we would suggest two modifications to the proposed composition of the panel to ensure adequate consideration of community views.

First, the composition of the panel needs to be more balanced and include multiple citizen representatives.

Second, members of the panel should be expressly subject to the Maryland Public Ethics Law, Md. Code s. 5-101 *et seq.*, including restrictions preventing participation of any individual on the panel where that individual or their employer has a direct financial interest (as that term is used in 5-501(a)(2)(i)) in any project covered in the Bethesda Sector. We would expect this would shift the composition of the panel from commercial to academic architects.

### Priority Sending Sites

The Staff has included as an attachment to the June 2 memo a series of specific proposals related to PSS that apparently have been provided by the Lerch, Early & Brewer firm. These are some additional points to consider, as well as some responses to the Lerch proposals:

1. In point 2, Lerch Early suggests that PSS sites be granted the densities previously proposed. Many of the density grants previously proposed were overly generous (including grants between FAR 3.0 and 8.0, with ample heights). For example, the old Bethesda post office was granted CR 8.0 H-290, and the Farm Women's Cooperative was granted CR 6.0. Overly generous grants are not necessary to achieve the goal of preserving landmark institutions or promoting park or affordable housing development; indeed, overly generous grants potentially undermine those goals by making it far more lucrative for the property owners to sell their land for redevelopment. In addition, the grants to these properties reduces the amount of density available to the BOZ density pool and reduces the amount of funds available for park acquisition. In light of this, we would urge the Board to reconsider the density and height grants to each of the proposed priority sending sites to confirm that the grants make sense and do not undermine goals of the PSS program.
2. In point 5, Lerch Early suggests eliminating the requirement that PSS density be utilized within a quarter mile of the sending site. While lifting this restriction seems sensible, the Board should also make clear that any PSS density should not be used in "edge" districts, i.e., that only properties within the high performance area can receive density.
3. In point 6, Lerch Early recommends rejecting the Staff proposal that "landmark" PSS must extinguish development rights once they have transferred their density. This makes no sense as applied to landmark properties. If the point of PSS is to preserve landmark properties because they are important landmarks, once a landmark property sells its density, the property should not be allowed to redevelop. Period.
4. In points 4, 9, 10 & 11, Lerch Early proposes various incentives to projects that receive PSS density. While waiver of the Park Impact Payment cost is one thing, collectively, the Lerch proposal is ridiculously overgenerous and includes several points that are unnecessary to make purchase of PSS density desirable and otherwise make no sense. For example, it makes no sense (under any circumstance) why a

receiving property would not have to pay impact taxes (which go to fund improvements to transportation or school capacity), SDC, or permit fees, or to eliminate TPAR review or to reduce public benefit requirements for optional method approval.

Thank you for your consideration of these points.

John Freedman & Cecily Baskir  
4408 Ridge Street  
Chevy Chase

**MCP-CTRACK**

RECEIVED  
0671  
JUN 03 2016

**From:** Naomi Spinrad <nspinrad68@verizon.net>  
**Sent:** Thursday, June 02, 2016 5:21 PM  
**To:** MCP-Chair; Anderson, Casey; Wells-Harley, Marye; Dreyfuss, Norman; Fani-Gonzalez, Natali; Presley, Amy; Wright, Gwen; Howerton, Leslye  
**Cc:** Kronenberg, Robert; Councilmember Berliner's Office  
**Subject:** Bethesda plan/fire station

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

Dear Chair Anderson, Vice Chair Wells-Harley, Commissioner Dreyfuss, Commissioner Fani-Gonzalez, and Commissioner Presley, Director Wright, and Ms. Howerton:

On behalf of the Chevy Chase West Neighborhood Association, I'm writing to thank you for rolling back the density increases that were made over your many work sessions and adopting in the last work session the hard cap on overall density recommended in the staff draft. We appreciate that this is more in line with historical development trends in Bethesda.

However, we remain concerned about the piece of the plan that directly affects our community, zoning of the fire station property at Bradley and Wisconsin. You had good reasons for proposing a CRF zone, which we acknowledged by agreeing to your proposal. There were also good reasons to consider retaining the undeveloped space next to the fire station structure as green space, and the two options are not mutually exclusive.

At this point, CCW has no clear understanding of how floating zones fit in the proposed BOZ or how the fire station property will be handled. We would appreciate any advance guidance on what might be proposed, and the opportunity to speak at the next work session if this comes up.

If it would be helpful to you or to us to meet, I'd be happy to do that at a mutually convenient time.

Thanks again for your consideration.

Best regards,

Naomi Spinrad  
Vice President/Development  
Chevy Chase West Neighborhood Association

## **MCP-CTRACK**

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**From:** Tilghman, Yvonne <TilghmanY@ballardspahr.com>  
**Sent:** Friday, June 03, 2016 1:39 PM  
**To:** MCP-Chair  
**Cc:** Leatham, Erica A.  
**Subject:** EQR Edgemont update letter to planning board on R-60 conversion.DOCX  
**Attachments:** EQR Edgemont Update Letter to Planning Board on R-60 Conversion.pdf

Dear Montgomery County Planning Board:

On behalf of Erica Leatham, Ballard Spahr LLP, please see the attached letter. If you have any questions regarding the attached letter, please contact Ms. Leatham at (202) 661-7654 or via e-mail at [leathame@ballardspahr.com](mailto:leathame@ballardspahr.com).

Sincerely,

**Yvonne V. Tilghman**  
Legal Administrative Assistant  
Ballard Spahr LLP  
1909 K Street, N.W., 12th Floor  
Washington, D.C. 20006  
Direct: 202.661.7663  
Fax: 202.661.2299  
E-mail: [tilghmany@ballardspahr.com](mailto:tilghmany@ballardspahr.com) | [www.ballardspahr.com](http://www.ballardspahr.com)

# Ballard Spahr LLP

1909 K Street, NW  
12th Floor  
Washington, DC 20006-1157  
TEL 202.661.2200  
FAX 202.661.2299  
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Erica A. Leatham  
Tel: 202.661.7654  
Fax: 202.661.2299  
leathame@ballardspahr.com

June 3, 2016

*Via E-mail*

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

Re: Bethesda Sector Plan – Zoning Recommendations  
4885 Edgemoor Lane

Dear Chairman Anderson and Boardmembers:

On behalf of the Ground-Lessor of the Property referenced above, we respectfully request that the subject Property be recommended for CR 4.0 C 0.5 R 4.0 H 150 from its existing R-60 Zone. This residentially zoned property located at the corner of Woodmont Avenue and Edgemoor Lane is surrounded on all sides by CR-zoned land and the Metro station entrance is directly across the street (except for one other R-60 piece across Edgemoor).

At its most recent worksession, the Board advised Staff to convert all R-60 properties to the equivalent CR Zone, focusing on the “edge” properties adjoining existing residential neighborhoods. In this case, there are no single family neighborhoods near this Property. Because the intent of the Bethesda Plan is to allow development on sites located near transit and away from the residential neighborhoods, there is no reason to convert this property to a low density CR Zone.

Without a realistic density, this consolidation/redevelopment may not be realizable and the property will remain unoccupied across the street from the Metro.

Thank you for your time and consideration of this matter. We request the opportunity to discuss this in more detail at the Sector Plan work sessions.

Very truly yours,



Erica A. Leatham

EAL/akm

cc: Ben Stoll  
Emily Vaias

DMEAST #25835035 v1

## MCP-CTRACK

---

**From:** Mika Ikeda <mika.ikeda@gmail.com>  
**Sent:** Friday, June 03, 2016 3:13 PM  
**To:** MCP-Chair  
**Cc:** Kronenberg, Robert; kramerarch@att.net; sarobins@lercheary.com; ike.leggett@montgomerycountymd.org  
**Subject:** Request to Reverse Approval to Increase Height and Density of Old Georgetown Office Park (7960 Old Georgetown Rd.)

Dear Montgomery County Planning Board:

I am on the Board of Directors of the Battery Park Citizens Association. I write to request that the Montgomery County Planning Board reverse its April 28, 2016 grant of a zoning request to increase the population density and permitted height of the Old Georgetown Office Park at 7960 Old Georgetown Road, Bethesda, MD.

Granting this request will have a significant impact on me, my family, and my neighborhood of Battery Park. The Old Georgetown Office Park is directly adjacent to Battery Park. As currently constructed, the Office Park already creates significant parking and traffic issues, and at 35 feet high, overshadows the neighboring single-family homes and Battery Park neighborhood. Increasing the population density and permitted height will lead to increased traffic and parking issues, noise pollution, and decreased sunlight, thereby diminishing the attractiveness and home values of Battery Park.

The Planning Board's own Staff recognized the negative impact that the zoning request would have on the neighboring single-family homes and community, and recommended that the Planning Board deny the request. Indeed, prior to the Planning Board's April 28 meeting, the Planning Board itself had agreed with that recommendation. Nothing at the April 28 meeting, however, changed the facts underlying the Staff's or the Planning Board's prior determination. Therefore, I fail to understand why the Board granted the zoning request over the Staff's and Planning Board's own prior recommendation, especially considering that the zoning request is inconsistent with the Master Plan itself.

Even more troubling is the fact that the Battery Park community was never notified that this request was even made, let alone that the Planning Board approved it. Had one of my neighbors not attended a recent Planning Board meeting, I would still be unaware.

For the above reasons, I urge the Planning Board to reverse its prior grant.

Sincerely,

Mika Ikeda

7809 Fairfax Rd.

Bethesda, MD 20814

## MCP-CTRACK

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**From:** Sears, Barbara A. - BAS <BSears@linowes-law.com>  
**Sent:** Friday, June 03, 2016 3:24 PM  
**To:** MCP-Chair  
**Cc:** Wright, Gwen; Howerton, Leslye; Don Briggs (dbriggs@federalrealty.com); Ramsey Meiser (RMeiser@federalrealty.com); Alison Williams (AWilliams@federalrealty.com); Sears, Barbara A. - BAS  
**Subject:** Federal Realty Investment Trust - Bethesda Row Properties; June 9, 2016 Worksession on Downtown Bethesda Plan  
**Attachments:** FRIT Letter to MCPB 6-3-16\_201606031516.pdf

On behalf of Federal Realty Investment Trust, enclosed please find a letter dated June 3, 2016 regarding the Downtown Bethesda Plan. Please circulate the letter to all Planning Board members. If possible, we would appreciate consideration of this letter at the June 9, 2016 worksession of the Planning Board.

If you have any questions, please feel free to contact me. Thank you.

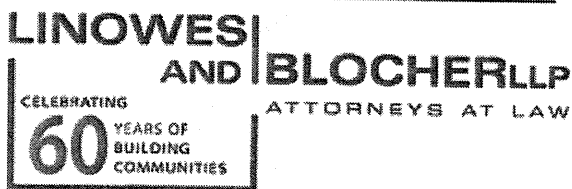
Barbara Sears

**Barbara A. Sears**  
Partner

---

**Linowes and Blocher LLP**  
7200 Wisconsin Avenue, Suite 800  
Bethesda, Maryland 20814

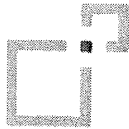
Direct: 301.961.5157  
Main: 301.654.0504  
E-mail: [bsears@linowes-law.com](mailto:bsears@linowes-law.com)  
LinkedIn: [www.linkedin.com/in/barbarasears](http://www.linkedin.com/in/barbarasears)  
Website: [www.linowes-law.com](http://www.linowes-law.com)



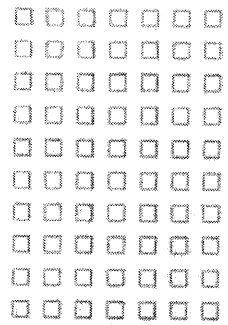
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FOUNDATIONS OF OPPORTUNITY



1626 East Jefferson Street  
Rockville, MD 20852-4041  
PH 301.998.8100  
FX 301.998.3700

June 3, 2016

Casey Anderson, Esq., Chair, and  
Members of the Montgomery County Planning Board  
The Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760

Re: Federal Realty Investment Trust ("FRIT") Bethesda Row Properties and May 12, 2016  
Bethesda Downtown Plan Worksession

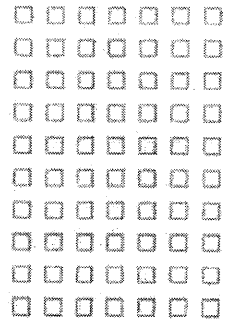
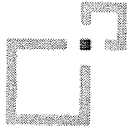
Dear Chair Anderson and Members of the Planning Board:

During the May 12, 2016 worksession on the Bethesda Downtown Plan (the "Plan"), the Planning Board voted to reduce the recommended building heights on certain FRIT-owned properties in Bethesda Row (the "Properties"). See attached Location Map:

- From 90 feet to 70 feet on the property located south of Bethesda Avenue and west of Woodmont Avenue ("Bethesda Avenue South")
- From 250 feet to 145 feet on the property located east of Woodmont Avenue, and improved with approximately 130,000 sf of retail and office, and a parking deck ("Woodmont East").

As discussed in detail below, these decisions were based on a misunderstanding of fact. As a result, we respectfully request that building heights for the Properties be reinstated prior to transmittal of the Plan.

The May 2015 public hearing draft of the Plan recommended zoning with maximum building heights of 70 feet for Bethesda Avenue South and 145 feet for Woodmont East. In letters dated June 24, 2015 and July 1, 2015, FRIT requested, among other things, modifying Bethesda Avenue South's maximum building heights to 100 feet and Woodmont East's maximum building heights to 250 feet in order to ensure Bethesda Row's future success and growth by making redevelopment opportunities available. In advance of the Planning Board's September 17, 2015 worksession on the Plan, Planning staff recommended an increase in Bethesda Avenue South's

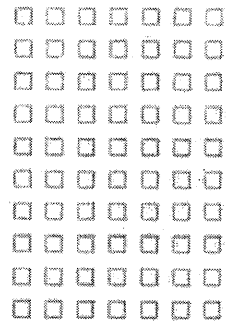
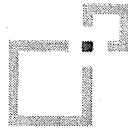


maximum building height to 90 feet (not 100 feet as requested), and Woodmont East to 250 feet. During the September 17, 2015 worksession, at which FRIT appeared and testified, the Planning Board unanimously agreed to a height of 90 feet for Bethesda Avenue South and 250 feet for Woodmont East. FRIT's stated rationale requesting the height increase was based on compatibility, access to existing and future transit, and future redevelopment opportunities. (See June 24, 2015 and July 1, 2015 letters). Importantly, the actions of the Planning Board to change the heights to 90 feet and 250 feet were not based on reasons other than these core planning principles.

However, at the May 12, 2016 worksession on the Plan, without prior notice to FRIT or opportunity to comment, the Planning Board reduced the building heights for the Properties. For Woodmont East, the sole rationale was the statement of the Planning Board Chair that a 250-foot building height limit on Woodmont East was not appropriate due to unspecified civil engineering issues establishing that the property could not physically redevelop to this height. Accordingly, the Planning Board Chair recommended a building height limit of 145 feet. The Planning Board Chair also advocated to reduce the building heights on Bethesda Avenue South to a maximum of 70 feet based on a stated visual incompatibility with the Sacks subdivision to the southeast. The Planning Board agreed to reduce the heights by a contested 3-2 vote.

The Planning Board's decision at its May 12, 2016 worksession was not based on an accurate understanding of the facts as they pertain to the Properties. Although the inaccuracy was unintentional on the part of the Planning Board Chair and staff, it is important to set the record straight regarding this issue and rectify the potential harm that would be caused by unfairly preventing FRIT from redeveloping the Properties to their highest and best use.

With respect to Woodmont East, FRIT earlier indicated to staff that the existing building does not have the structural capacity to add additional stories without major foundation and column reinforcement. While it will be difficult to add underpinning with the theatre tenant in place, there are approximately 11 years left on this lease term at which point FRIT will have the opportunity to redevelop this site. Once FRIT is free to redevelop the site, there are no engineering issues that would prevent constructing a 250-foot building. The Plan has a stated 20-year life and clearly events may occur within this period that will allow Woodmont East to redevelop. This opportunity should not be curtailed by an inappropriate height recommendation based on a mistake of fact involving an aging and arguably outdated improvement.



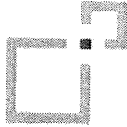
1826 East Jefferson Street  
Rockville, MD 20852-4041  
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Woodmont East adjoins the Apex Building, is proximate to an existing Metro entrance and will be adjacent to the future Metro and Purple Line access beneath the Apex Building. The Plan recommends a 290-foot height for the Apex Building and 250 feet for confronting properties. Given Woodmont East's location in the heart of downtown Bethesda, its immediate proximity to existing and future Metro entrances and the future Purple Line, as well as the fact that the Plan recommends maximum height recommendations of 290 feet and 250 feet for abutting and confronting properties, a 250-foot building height recommendation for Woodmont East is consistent with sound planning principles and the treatment of similarly situated properties. It is fundamentally unfair to recommend heights of 290 and 250 feet confronting and adjacent to our parcel with the same or, in many cases, less proximity to Metro and the future Purple Line but reduce the height of our property to 145 feet based on a mistake of fact. The above clarifying facts should serve as the basis for an appropriate height recommendation in the Plan of 250 feet as originally approved by the Board, which Plan will constitute the decades-long vision for Bethesda Row, one of Montgomery County's most celebrated mixed-use neighborhoods.

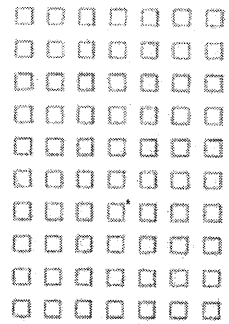
Regarding Bethesda Avenue South, a 90-foot building height recommendation is necessary for FRIT to capture existing redevelopment potential in the established center of activity in downtown Bethesda and ensure the ability to design a structure that is compatible with its surroundings. Bethesda Avenue South is not an edge property and does not abut residentially zoned properties. The closest house in the Sacks subdivision is located approximately 300 feet away from the Bethesda Avenue South property, and the two are separated by both the Ourisman Honda property, on which the Plan envisions building heights up to 70 feet, and the Capital Crescent Trail. Furthermore, the Plan recommends a maximum building height of 120 feet at the intersection of Arlington Road and Bradley Boulevard, which is 200 feet closer to the Sacks subdivision at its closest point than Bethesda Avenue South. Further, as demonstrated by the attached Site Line Plans, the homes in the Sacks subdivision will not be impacted by a 90-foot height on Bethesda Avenue South. These plans confirm that a 90-foot building on the Bethesda Avenue South site would not be seen as a result of the Ourisman facilities.

A 90-foot building height recommendation is suitable for Bethesda Avenue South as it will permit redevelopment, the plans for which are now underway and depend on achieving 90 feet. This height is necessary to allow FRIT to design a building that sits above the existing retail along Bethesda Avenue, which is 20-25 feet in height. At a height of 70 feet, this project is unlikely to proceed. This height will provide an appropriate transition between the heights envisioned on the Ourisman site (70 feet) and along Arlington Road (120 feet). Because of the

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timing of the leases on Bethesda Avenue South, FRIT has the ability to move forward on its redevelopment plan as early as October 2018.

Thus, reinstating the building heights for Woodmont East at 250 feet and Bethesda Avenue South at 90 feet achieves the Plan's vision of promoting the long term economic vibrancy of Bethesda while ensuring redevelopment that relates well to existing improvements.

We appreciate your attention to this matter and look forward to continuing to work together to build upon Bethesda's success. Should you have any questions or require any additional information, please contact us.

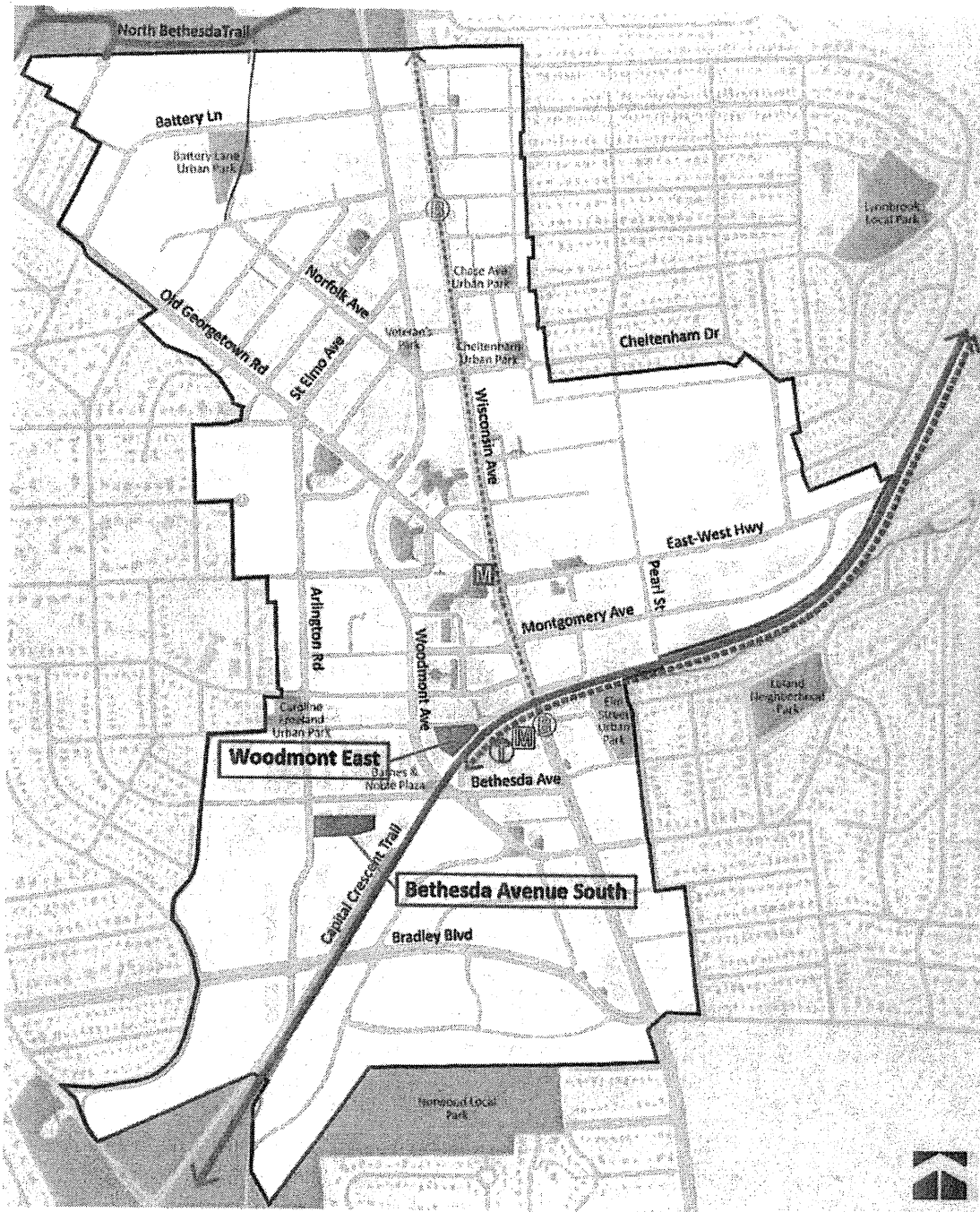
Sincerely,










Ramsey Meiser

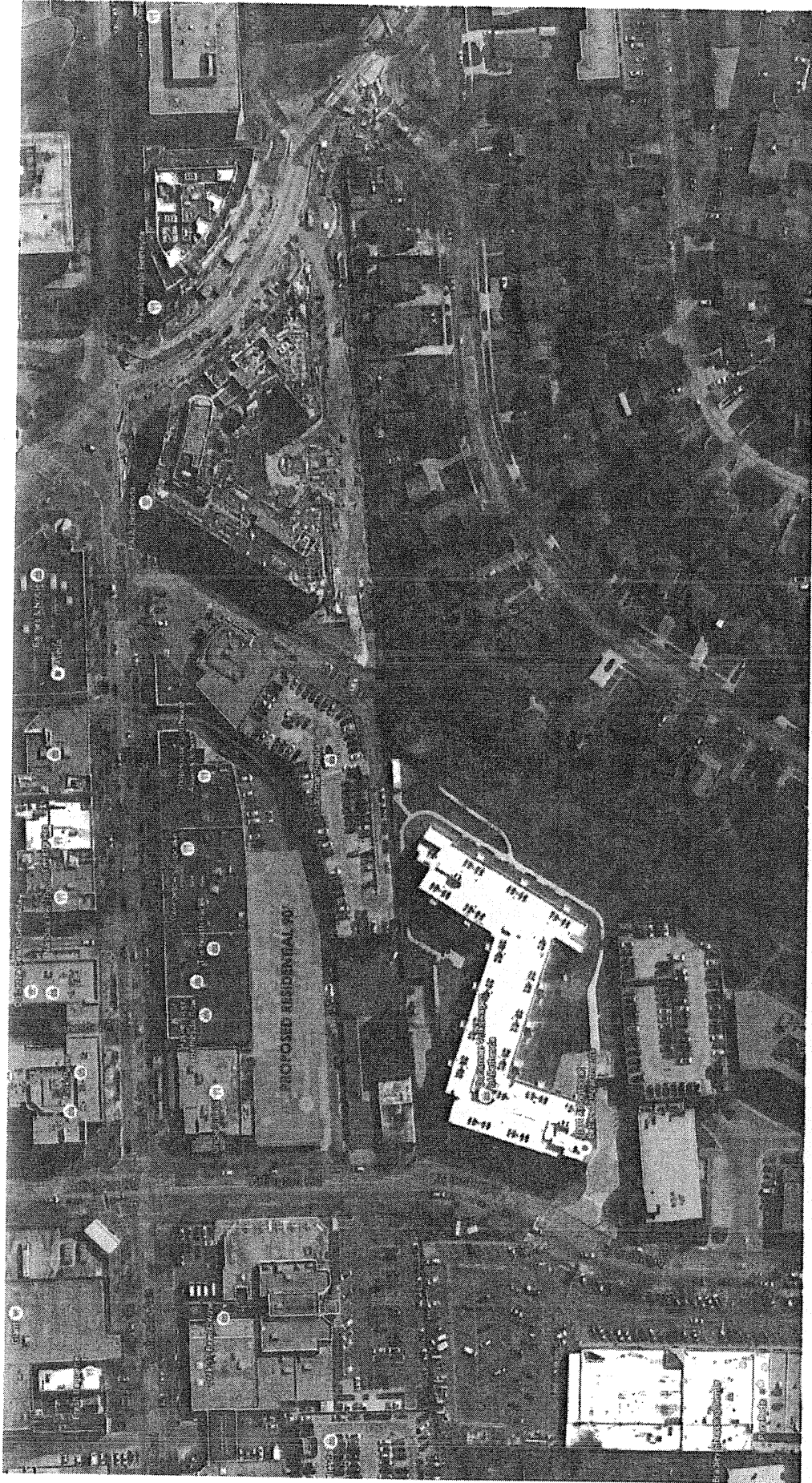
Enclosures

cc: Gwen Wright, Director of Planning, Montgomery County Planning Board  
Donald T. Briggs, EVP – Development, Federal Realty Investment Trust  
Alison Williams, Development Manager, Federal Realty Investment Trust  
Barbara A. Sears, Esq.

# Location Map



- |   |                                  |   |                                 |
|---|----------------------------------|---|---------------------------------|
|  | Sector Plan Boundary             |  | Metro Station                   |
|  | M-NCPPC Park                     |  | Proposed Metro Station Entrance |
|  | County DOT Owned Public Space    |  | Proposed Purple Line            |
|  | Privately Owned Public Use Space |  | Proposed BRT                    |
|  | Trail                            |   |                                 |

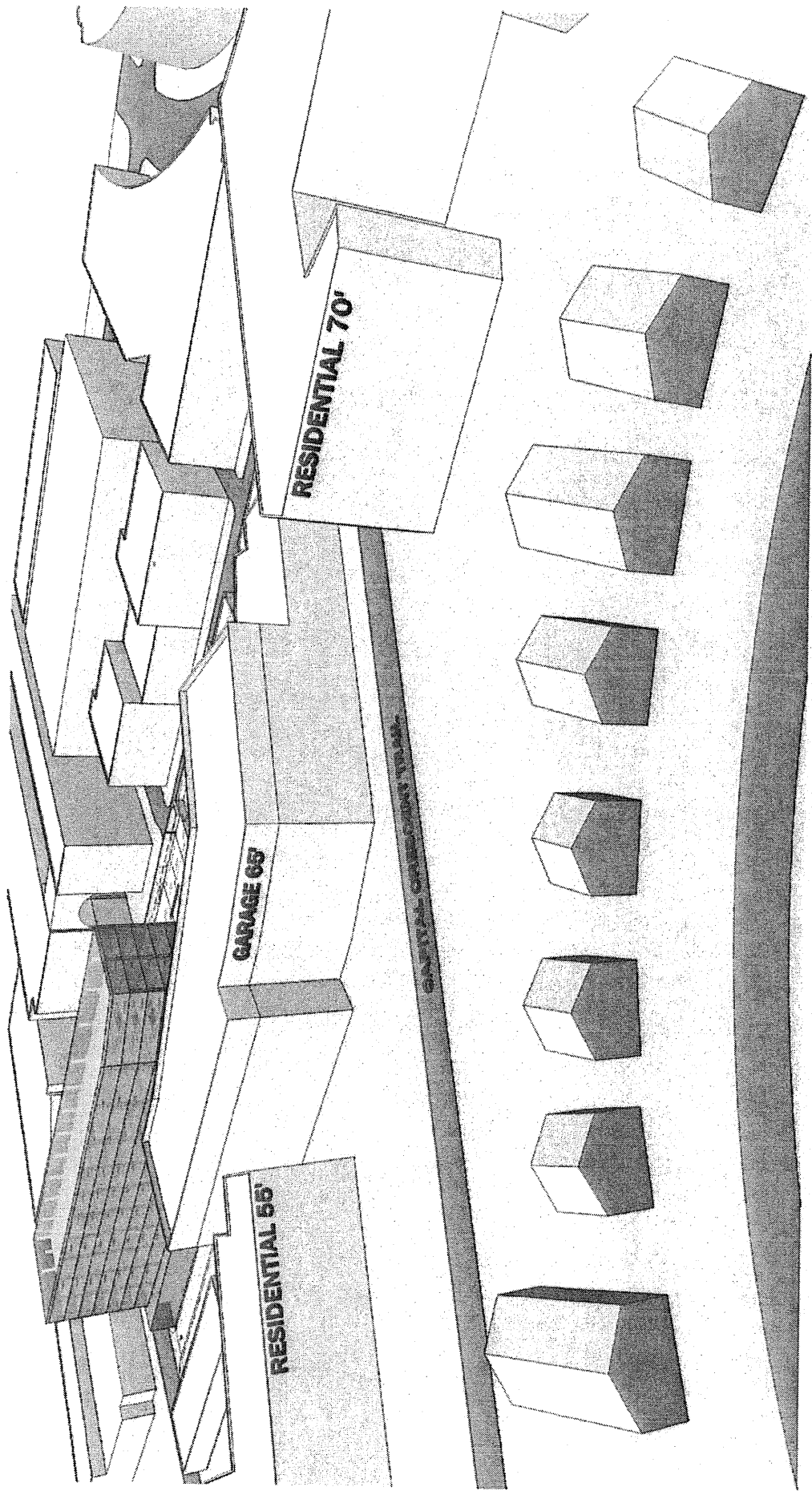


Bethesda Avenue South  
06/01/16

# AREA MAP

Federal Realty  
COMMERCIAL REAL ESTATE

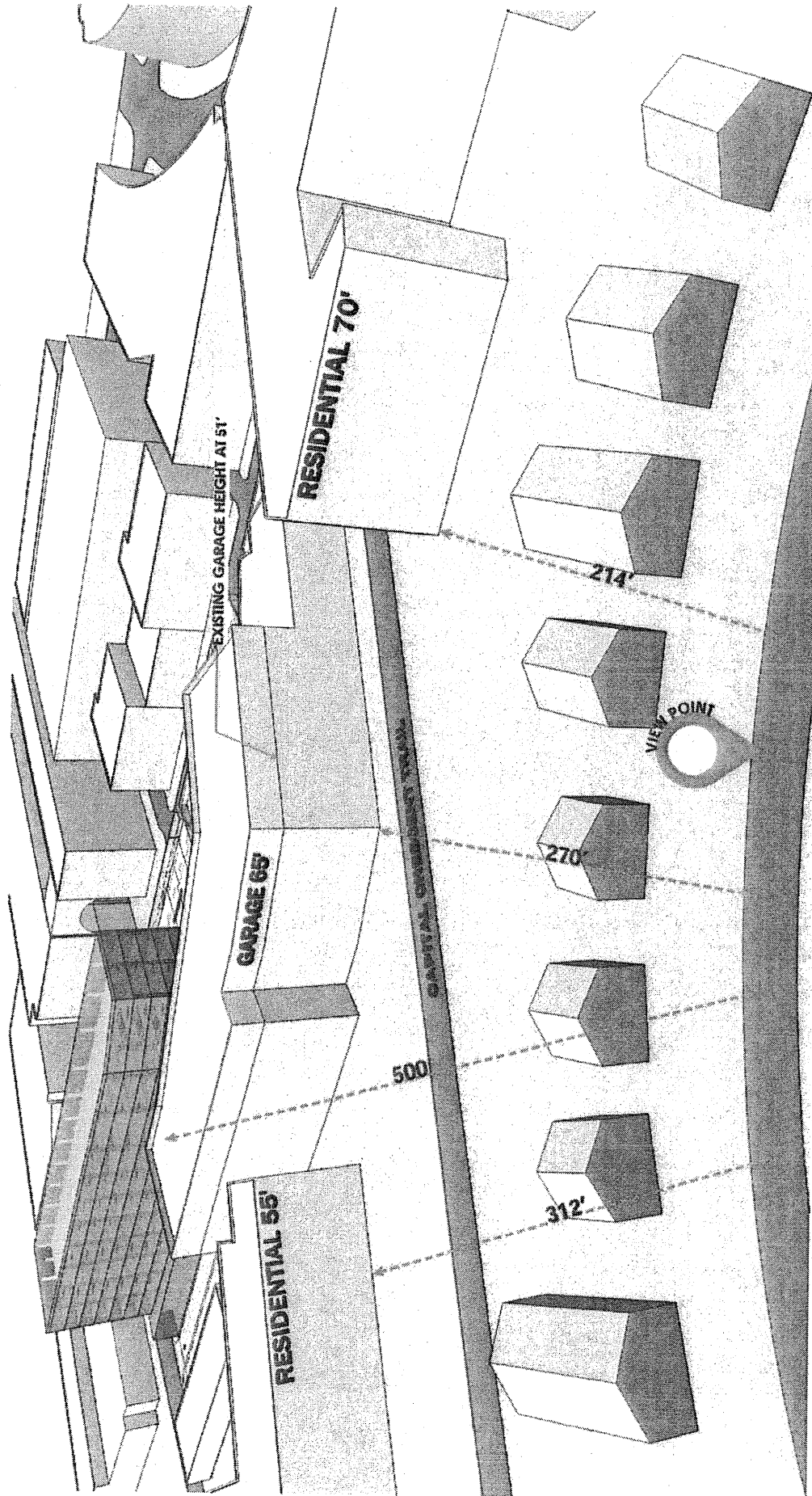
ADD Inc. Startec



Bethesda Avenue South  
08/01/16

# BUILDING HEIGHTS





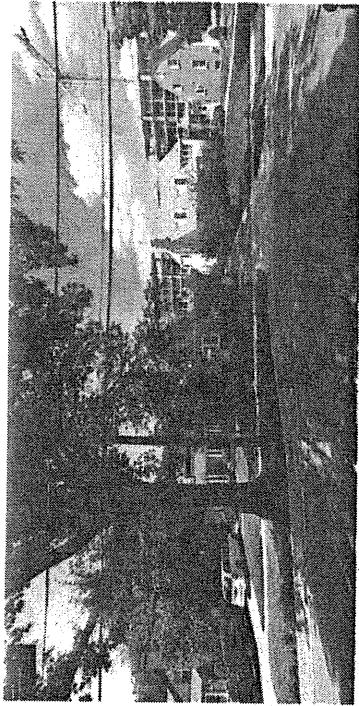
• ALL DIMENSIONS ARE APPROXIMATE

Bethesda Avenue South  
06/01/16

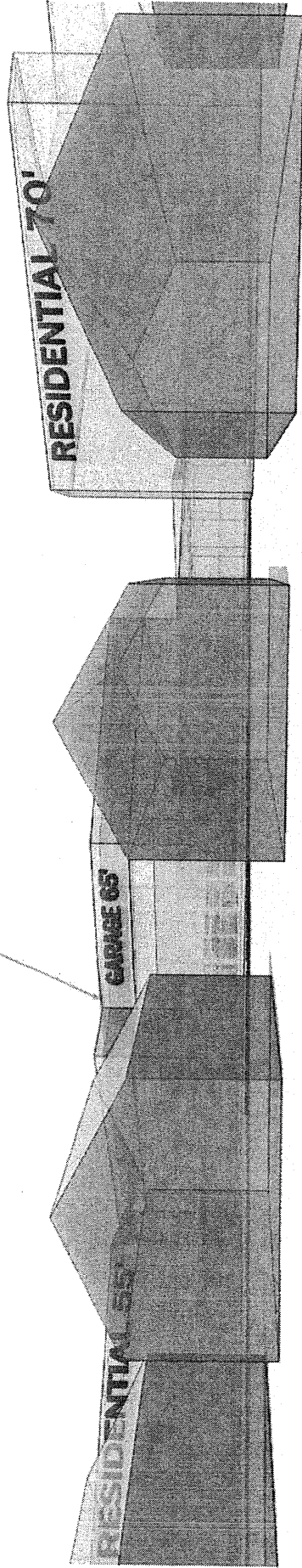
## BUILDING DISTANCES







PROPOSED RESIDENTIAL BEYOND

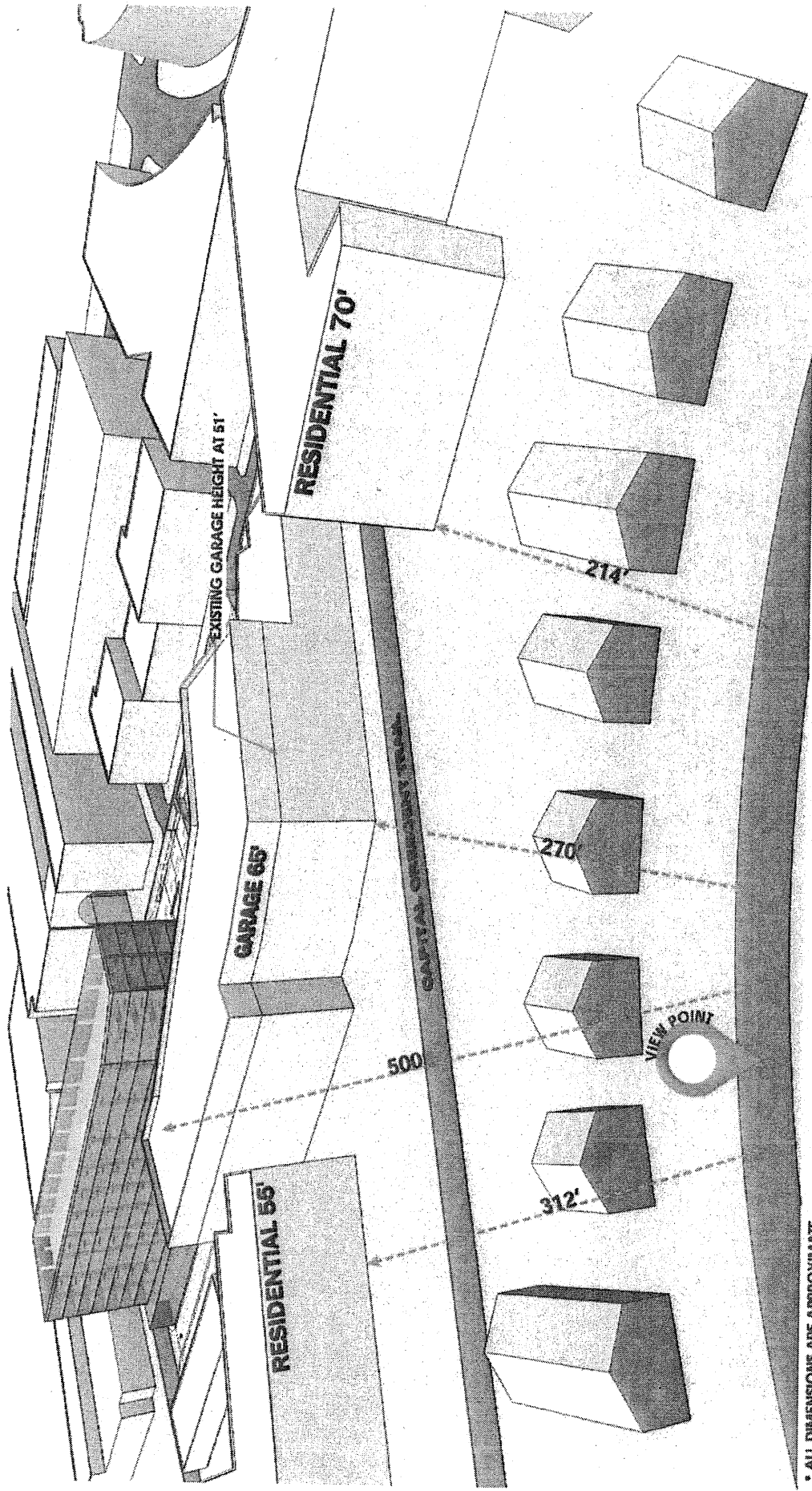


\* ALL DIMENSIONS ARE APPROXIMATE

**VIEW FROM LELAND ST.**

Bethesda Avenue South  
08/01/16





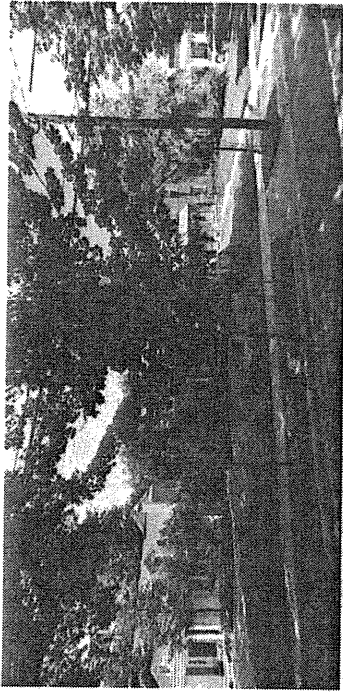
\* ALL DIMENSIONS ARE APPROXIMATE

Bethesda Avenue South  
08/01/16

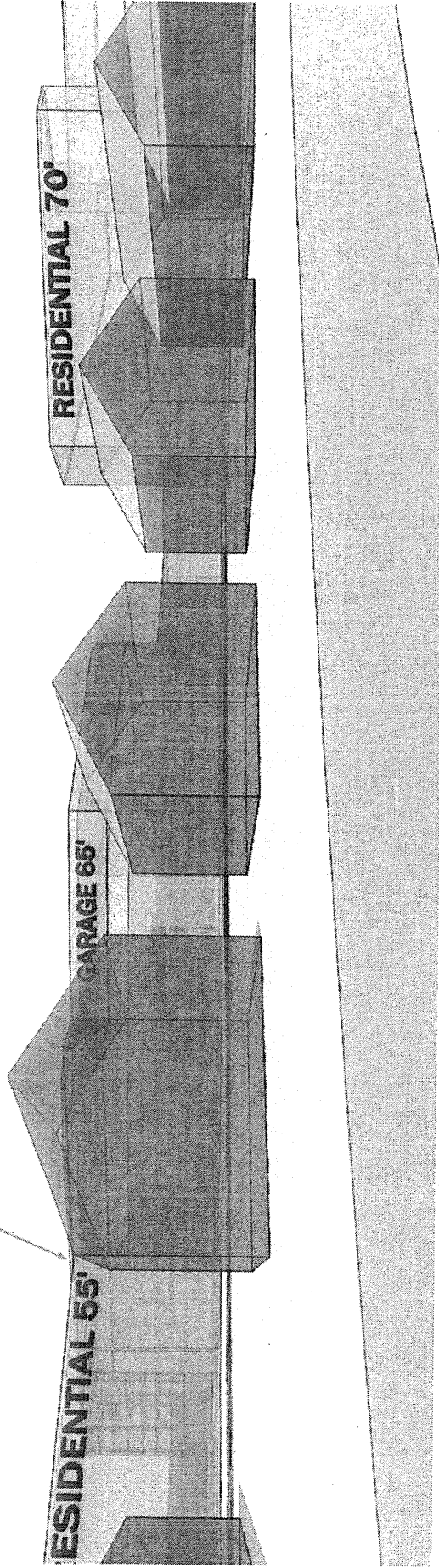
**BUILDING DISTANCES**

Federal Realty  
COMMERCIAL REAL ESTATE

A.D.D. Inc. Stantec



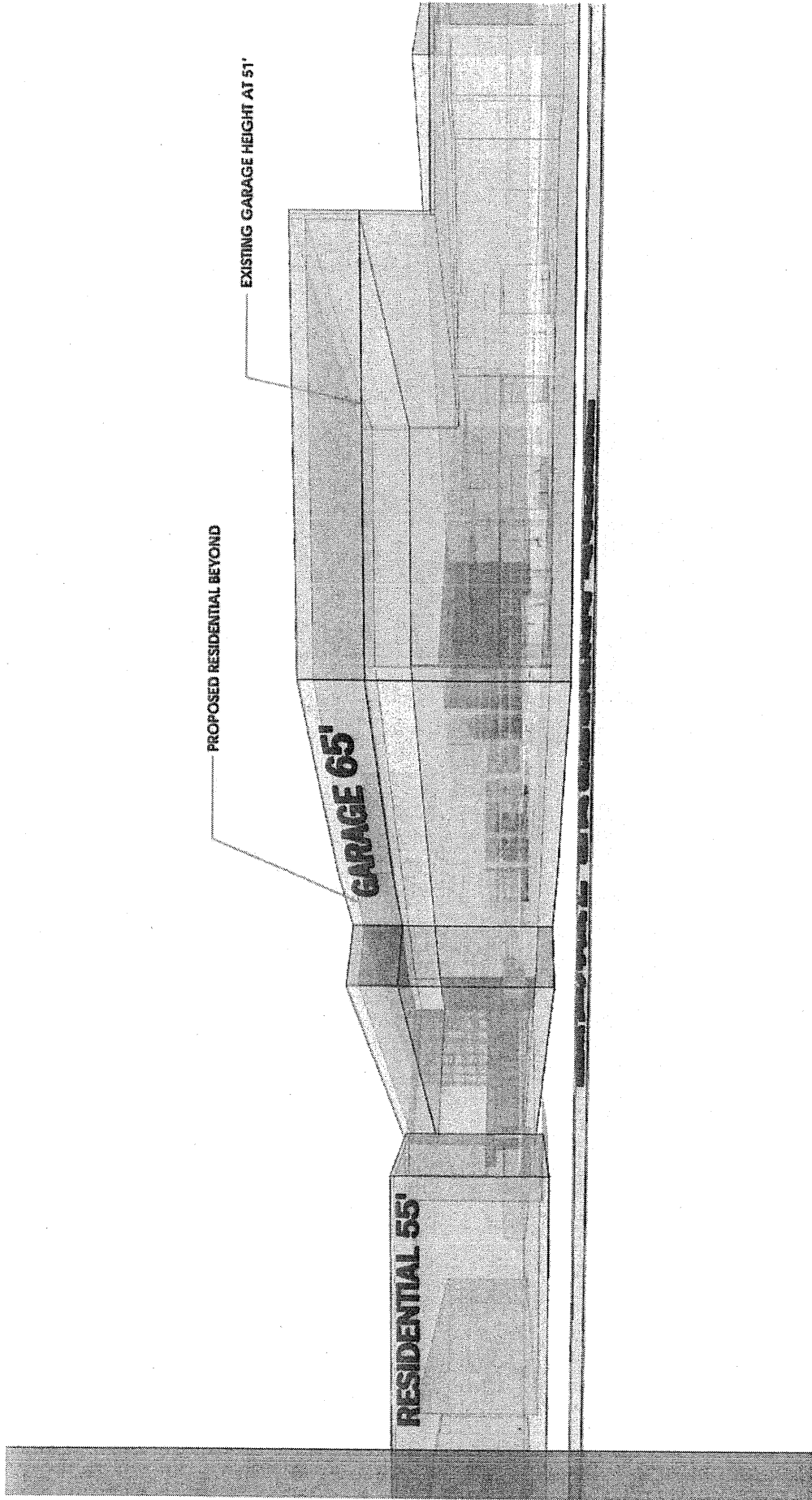
PROPOSED RESIDENTIAL BEYOND



Bethesda Avenue South  
06/01/16

VIEW FROM LELAND ST.





VIEW LOOKING OUT BACKYARD ON 2ND FLOOR

Bethesda Avenue South  
06/01/16



MCP-CTRACK

RECEIVED  
0663  
JUN 02 2016

**From:** Francoise Carrier <fcarrier@bregmanlaw.com>  
**Sent:** Thursday, June 02, 2016 1:25 PM  
**To:** Anderson, Casey; MCP-Chair  
**Cc:** Wells-Harley, Marye; Presley, Amy; Dreyfuss, Norman; Fani-Gonzalez, Natali; Kronenberg, Robert; Howerton, Leslye; kaga@comcast.net; rgbrewer@lerchearly.com  
**Subject:** Bethesda Sector Plan: 8101 Glenbrook Road  
**Attachments:** GNRW comment letter Bethesda Plan 6-2-16.pdf

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

Dear Planning Board Members,

Attached is a brief letter regarding 8101 Glenbrook Road and how it may be affected by your ongoing discussions concerning Priority Sending Sites. I would appreciate your taking this letter into account in your upcoming deliberations.

Many thanks,

Françoise M. Carrier  
Bregman, Berbert, Schwartz & Gilday, LLC  
7315 Wisconsin Avenue, Ste. 800 West  
Bethesda, Maryland 20814  
240-428-4671 business cell  
301-656-2707 office phone  
[www.bregmanlaw.com](http://www.bregmanlaw.com)  
mailto: fcarrier@bregmanlaw.com

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

ATTORNEYS AT LAW  
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June 2, 2016

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5529 LEE HIGHWAY  
ARLINGTON, VIRGINIA 22207

KAY B. SCHWARTZ (1956-2011)

EDWARD WEISS (DC)  
OF COUNSEL

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

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

Dear Mr. Anderson and Planning Board Members:

I am writing on behalf of my client, GNRW Properties, LLC, regarding the potential treatment of 8101 Glenbrook Road in the Bethesda Downtown Plan in light of discussions during your recent work sessions. As you will recall, 8101 Glenbrook is adjacent to Battery Lane Urban Park, and was recommended in the Public Hearing Draft as a Priority Sending Site for purposes of park expansion. After discussing the property and the park, the Planning Board concluded that the sector plan should allow enough flexibility for the site either to be acquired for park expansion or to be redeveloped with mixed-use development, potentially in a way that would allow part of the property to be used for park expansion. The Board recommended unifying the existing split zoning on the site, giving it CR zoning with an FAR of 3.5 and a height limit of 120 feet to match surrounding properties in the Battery Lane District. The Board further directed planning staff to work with me, as the owner's representative, on language to express the Board's intent regarding possible future use of the property. Staff and I have worked on such language, which we plan to present to you in June.

Your May 19 work session included discussion of potential changes to the treatment of Priority Sending Sites. The possibility was raised of not mapping them with additional density, but leaving them with their existing density as proposed for the rest of the properties covered by the proposed Bethesda Overlay Zone. This was discussed in the context of the affordable

June 2, 2016

Page 2

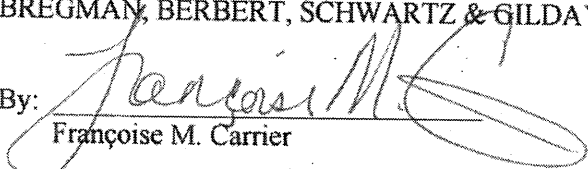
housing Priority Sending Sites, and it was unclear whether it would apply to park-related Priority Sending Sites. I am writing to request that if the Board decides not to map the park-related Priority Sending Sites with the zoning and density recommended in earlier work sessions, that 8101 Glenbrook nonetheless be mapped with unified CR zoning. To maintain the property's current split zoning, CR 3.0 on the front half and CRN .5 on the rear half, would leave the property dramatically under-zoned compared to properties around it, and with very little density available to transfer, given the density occupied by the existing office building on the site. Mapping the property with unified CR zoning and the 3.5 FAR recommended in the Public Hearing Draft – or even the 3.0 FAR currently mapped on the front half – would better support the potential either for a transfer of density, if the property owner were to choose that option, or for redevelopment in a form that would allow a portion of the site to be used for park expansion.

We respectfully request your favorable consideration of this request. I will be available to discuss the matter with you at the appropriate work session if desired.

Sincerely yours,

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

By:

  
Françoise M. Carrier

cc:   Leslye Howerton  
      Robert Kronenberg  
      Karen Johnson  
      Robbie Brewer

## MCP-CTRACK

---

**From:** Vaias, Emily J. - EJV <EVAias@linowes-law.com>  
**Sent:** Thursday, June 02, 2016 3:40 PM  
**To:** MCP-Chair  
**Cc:** Kronenberg, Robert; Howerton, Leslye; Joanne Morrison; Erica A. Leatham (leathame@ballardspahr.com)  
**Subject:** Bethesda Plan - 4885 Edgemoor Lane  
**Attachments:** 201606021525.pdf

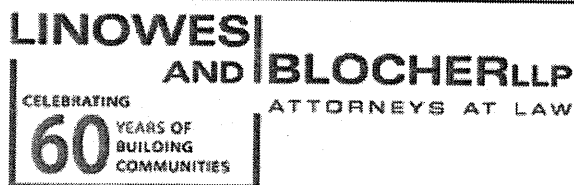
Planning Board – Attached please find our letter regarding 4885 Edgemoor Lane in Bethesda and the proposed zoning. Thank you.

**Emily J. Vaias**  
Partner

---

**Linowes and Blocher LLP**  
7200 Wisconsin Avenue, Suite 800  
Bethesda, Maryland 20814

Direct: 301.961.5174  
Main: 301.654.0504  
E-mail: [evaias@linowes-law.com](mailto:evaias@linowes-law.com)  
LinkedIn: [www.linkedin.com/in/emilyvaias](http://www.linkedin.com/in/emilyvaias)  
Website: [www.linowes-law.com](http://www.linowes-law.com)



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

June 2, 2016

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

**By Email**

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

Re: 4885 Edgemoor Lane (the Property) - Bethesda Plan Zoning Recommendations  
Abraham Morrison Memorial, LLC (the "Owner")

Dear Chairman Anderson and Members of the Planning Board:

On behalf of the Owner of the Property referenced above, we are respectfully requesting that the subject Property be recommended for rezoning from its existing R-60 zoning to the previously recommended CR 4.0 C 0.5 R 4.0 H 150. This residentially zoned property located at the corner of Woodmont Avenue and Edgemoor Lane is surrounded on all sides by CR-zoned land (except for one other R-60 piece across Edgemoor) and the Metro station entrance is directly across the street (see attached Zoning Map). There are no single family neighborhoods near this Property and the intent of the Bethesda Plan is to allow development on sites located near transit and away from the residential neighborhoods, which is the case for this Property.

As we understand it, the Planning Board is now considering keeping all existing zoning densities and only increasing the heights of properties in Bethesda, with a few exceptions. One of those exceptions, which is relevant in this instance, is that residentially zoned properties (R-60, R-10, etc.) would get a CR zone with density comparable to the residential zone and a height increase. This would possibly result in zoning the Property to CR 0.5 with a height of 150 feet. This is not a realistic zone for a property that was previously spot zoned and clearly did not belong in the R-60 zone based on its location to Metro, surrounding properties and existing developments. This illogical result should not be perpetuated by the Bethesda Plan, and the Property should obtain the zoning as previously suggested by the Board – CR 4.0 C 0.5 R 4.0 H 150.

It is recognized that a single-family dwelling on this Property is not a practical or sustainable use. As previously explained, the neighboring property owner has a contract to purchase the Property and create a consolidated development. If the Property does not receive a realistic density, this consolidation/redevelopment may not be realizable.

June 2, 2016  
Page 2

Thank you for your consideration. We would request an opportunity to speak on this issue at any upcoming worksessions.

Sincerely,

**LINOWES AND BLOCHER LLP**

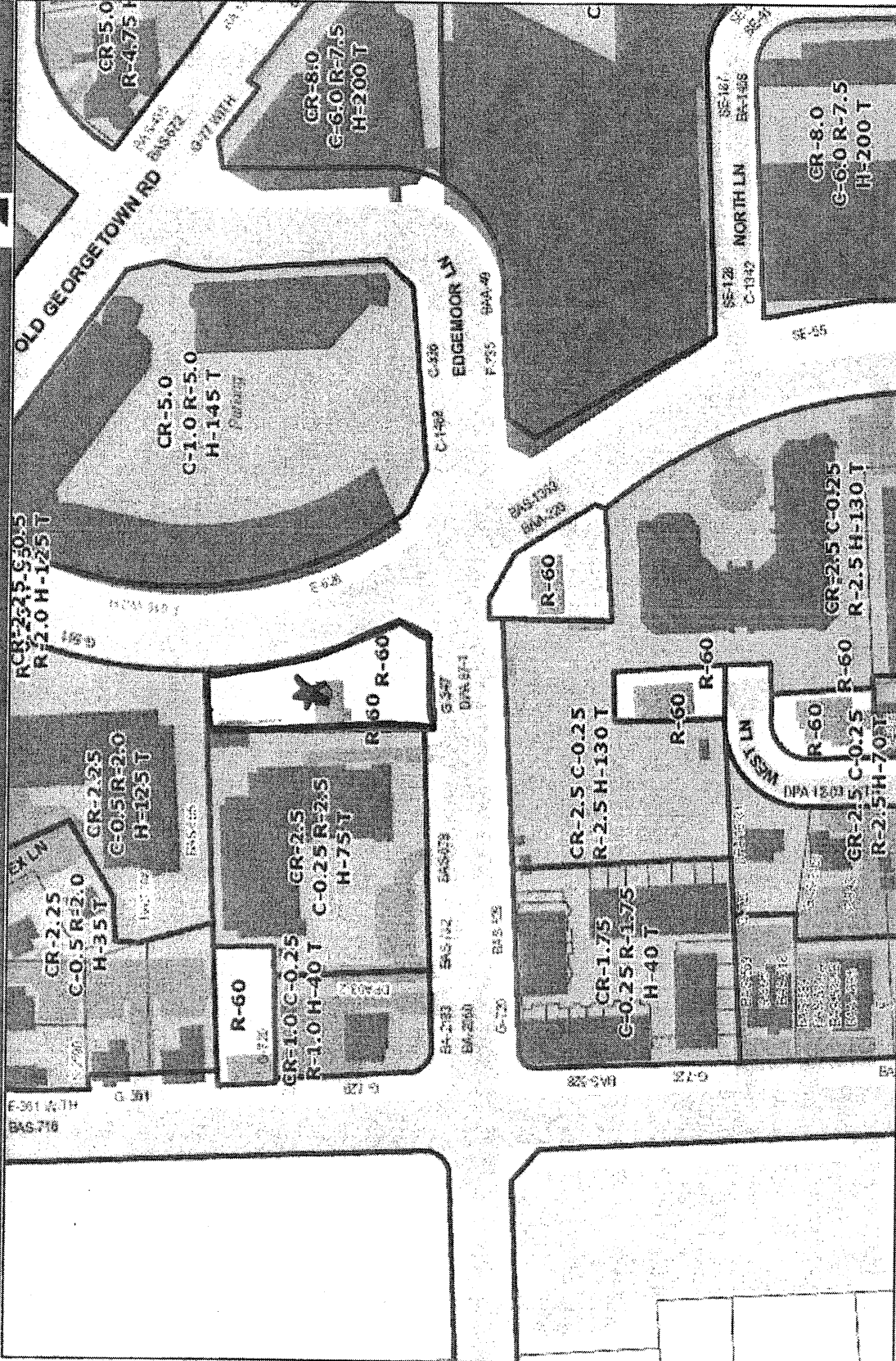


Emily J. Vaia

cc: Erica A. Leatham, Esq.  
Ms. Joanne Morrison

# Montgomery County Zoning

Date: 6/1/2016



Account #	0045025	Parking District	N/A	Bike/Ped Priority Area	Bethesda CBD
Address	4865 EDGEMOOR LN BETHESDA, 20814	CBD	N/A	Urban Renewal Area	N/A
Zone	R-60	Special Protection Area	N/A	Metro Station Policy Area	Bethesda CBD
Overlay Zone	N/A	Urban District	N/A	Priority Funding Area	Yes
TDR Overlay Zone	N/A	Enterprise Zone	N/A	Septic Tier	Tier 1: Sewer existing
Landuse	Single Family Detached	Arts & Ent. District	N/A	Municipality	N/A
Parcel, Lot, Block	N/A, P4, 12	Special Tax District	N/A	Master Plan	BETHESDA CBD MASTER PLAN
		Legal Description	PT 5.0 EDGEMOOR 1180552	Historic Site/District	N/A



1 inch = 167 feet

Morrison

To The Planning Board

do Chairman Anderson:

Enclosed is one more signature on the petition requesting rollbacks in the Bethesda Sector Plan. This submission is from another resident neighborhood with no complaints or dissatisfaction with the current Plan which includes very minor rollbacks.

Residents in single family dwellings in East Bethesda are quite unhappy

about the current Sector Plan which dramatically redesigns the area

in ways which will reduce the quality of life and attractiveness of this area.

At this point, we can only keep requesting attention of our own councilors.

Sincerely,  
Dennis H. Levin

1404 W. Va Ave  
Bethesda



39607NPS

## Support the Bethesda Sector Plan Rollbacks

The Montgomery County Planning Board has provisionally approved a 50% increase in building capacity for downtown Bethesda -- from 23 to 35 million square feet. This is far more than necessary to promote smart growth in the area and will exacerbate school overcrowding and traffic congestion. Much of the new development will be at the "edges" of Bethesda far from the Metro station, where it will undermine the quality of life in long-standing, stable neighborhoods.

In response, concerned citizens have requested that the Planning Board rescind zoning decisions made for particular properties -- these requests will be considered in May. Collectively, rescinding these zoning decisions will remove up to 4.5 million square feet of density from downtown Bethesda, reducing the overall impact of the sector plan on congestion and school overcrowding and will mitigate the impact of over-development on the surrounding communities. Beyond these specific properties, overall density reductions are necessary in downtown Bethesda.

I support the requests for each of the identified properties to be reconsidered and for the provisionally approved heights to be lowered. In addition, I support lowering the provisionally approved density, and oppose allowing additional density to be transferred to the identified properties that are adjacent to single-family homes.

1. The Jaffe Tower (6801-6807 Wisconsin Avenue) – 145 ft.
2. Parking Lots 10 (behind Moby Dick) and 24 (behind Farm Women's Market) – 90 ft.
3. Garden Plaza Building (7750 Old Georgetown Road, corner of Arlington & Old Georgetown) – 170 ft.
4. ZOM Mid-Atlantic (7505-7511 Arlington Road, across from Bethesda Elementary) – 70 ft.
5. 7201 & 7121 Wisconsin Avenue (either side of Farm Women's Market) – 250 & 200 ft.
6. 4508 Walsh Street (the Writer's Center) – 90 ft.
7. 4400 Montgomery Avenue (Bethesda Sport & Health) – 120 ft.
8. 4300-4336 Montgomery Avenue (single story houses along CC trail) – upzoned to promote development.
9. 7301-7313 Wisconsin Avenue (Air Rights Building) – 250 ft.
10. The Battery Lane Canyon (9 buildings on Battery Lane) – all 120 ft.
11. 4500 Avondale Street – 70-100 ft.
12. Cheltenham Drive (7725-7845 Wisconsin) – all 250 ft.
13. 7901, 7925 & 8001 Wisconsin Avenue – 200, 175 & 145 ft.
14. The Northern Gateway (8401 Wisconsin) – 120 ft.

Name

Address

Email for Mailing List

Martha Reilly 4605 West Virginia Ave Bethesda, Md. 20814

For more Info, go to [www.cbar.info](http://www.cbar.info)



## MCP-CTRACK

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**From:** Karin Krchnak <karin.krchnak@gmail.com>  
**Sent:** Wednesday, June 01, 2016 3:31 PM  
**To:** Wright, Gwen; MCP-Chair; Councilmember Berliner  
**Subject:** Fernwood Development

RECEIVED  
06 01  
JUN 02 2016

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

Dear Ms. Wright and Mr. Anderson,

How would you feel if you had to wait 15 minutes to get out of your driveway? Welcome to my life. Yesterday a Ride On Bus driver was nice enough to let me out. When we first bought our house 15 years ago at 9912 Fernwood Road, I thought about writing to ask for a speed bump as the cars were constantly speeding down Fernwood Road. Now, I need to ask for a traffic guard to help make the cars give me a chance to get out of my driveway and not be late to work, to take my daughter to school, etc. The cars are not moving fast. Walking down the street would be faster. But there is so much traffic that they don't even want to open up a slot to add another car—meaning me!

I work as Director for Water for the World Wildlife Fund. We are not against hydropower dam development but rather try to work with governments and industry and communities to find the right solutions to advance sustainable development. A dam could be built in every river but is that the right thing to do? No as it means losses of floodplain systems, fish productivity, community livelihoods and potential economic losses as climate change impacts the hydrological cycle. My point is that just because a dam can go in every river doesn't mean it should. In the US, dams are actually being removed in some places so as to try and bring some local economies back to life. And so with the Fernwood Development, yes it may be zoned R-90 but does that mean 300 some houses should be built there? I would argue no. And once they are built, they can't be removed like a dam. We will have to live with the repercussions—well at least those of us living here, as I don't know if any of you live in the neighborhood and for sure Toll Brothers do not.

Development is occurring everywhere one looks today. The projects in Bethesda and Rockville are choking us with congestion. And the Fernwood Development is even worse as it is a huge housing project in essence on a cul de sac!

I have been out of the loop for several months as I had vision issues and became slower on emails but I heard rumor that access would be not just via GrazeWood but also back via GreenTree. The Toll Brothers proposal doesn't seem to include that. Is that because the homeowners back in Burning Tree Court and that area are much wealthier and they have either influenced the politicians or you have felt the pressure and respond more to that than from the others who are not as wealthy? My father was a small time developer. We spent years not speaking as I could not stomach the corruption in the developer and construction world. So yes this may hit a sensitive spot for me. My daughter and I were driving through Bethesda the other day and she asked why our gas station was gone. I said because they can make more money from a high-rise development than from a gas station. Her response was "why do they need more money?" Yes Toll Brothers is in it to make money. But you,

in going for public service, should not be and should work to make our lives better not destroying the fabric of our community.

As with any potential project, I don't see why there can't be discussion about other options. Perhaps the County doesn't have the money to purchase the land. But Cumulus could perhaps consider tax benefit options to donate the land or find some other mechanism.

I would welcome the chance to meet and discuss this more. Putting 300+ houses there is just unsustainable.

Thank you, Karin Krchnak





RECEIVED  
0658  
JUN 02 2016

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

VIA MAIL

May 27, 2016

The Honorable Casey Anderson  
Chair, Montgomery County Planning Board  
M-NCPPC  
8787 Georgia Ave.  
Silver Spring, MD 20910

Re: 7272 Wisconsin Avenue – Bethesda Purple Line Station

Dear Chairman Anderson,

On behalf of Carr Properties, I want to formally announce our purchase this week of the Apex Building at 7272 Wisconsin Avenue. I also want to thank all involved for helping us reach agreement with the Maryland Transit Administration and the Montgomery County Department of Transportation on the demolition of the existing building and reconstruction of a new building to accommodate the Purple Line station. Two years ago, in response to the County's Master Plan vision for demolition of this building and construction of the Purple Line station improvements, we began working with the owner of the property to acquire it. Suffice it to say, the work was not easy, the price tag extremely high and the resulting obligations manifold. Even now, with the referenced agreements in place, this project will be an extremely challenging project. The project will be very expensive to build with our agreement to pay for major components of the Purple Line station, relocating existing tenants, accommodation of the Capital Crescent Trail below the building, and other design features. It will require close coordination not only with MTA and MC-DOT, but equally significant coordination with the Washington Metropolitan

1776 Eye Street, NW Suite 500 Washington, DC 20006 Phone: 202-303-3080 Fax: 202-303-3088



Area Transit Authority given the proximity of the Red Line tunnel below it and the planned connections to the Red Line station from the Purple Line.

Over the past nine months, every faction of County government, including the Maryland-National Capital Park and Planning Commission, MC-DOT, County Executive Leggett, the County Council members and various other officials and members of the community, have worked with us in a way that enabled us to close on the purchase of this property well before all of the necessary redevelopment plans are approved or the station improvements fully designed. We will require that some cooperation and support in the coming months in order to ensure that we can meet the aggressive demolition and construction schedule MTA has set and, equally importantly, can deliver a new building in place of the Apex within the vision established in the Purple Line Minor Master Plan Amendment.

We do not want to take undue advantage of your time but would be happy to meet with you or your staff to explain the project further and to ensure a strong continuing relationship between the various government agencies and private parties involved in this incredible public private partnership. Like you, we look forward to the day six years from now when the Purple Line will be operational and an important new mixed-use project will sit above it, providing new excitement to Bethesda, and iconic buildings either for mixed residential/office use or for a possible corporate headquarters, all producing major fiscal benefits to the County and economic benefits to Bethesda. Thanks again for working with us.



Sincerely,

A handwritten signature in black ink, appearing to read "Oliver T. Carr III".

Oliver T. Carr III

Chief Executive Officer

CC: Marye Wells-Harley, Vice Chair, Montgomery County Planning Board  
Norman Dreyfuss, Commissioner, Montgomery County Planning Board  
Natali Fani-Gonzalez, Commissioner, Montgomery County Planning Board  
Amy Presley, Commissioner, Montgomery County Planning Board  
Gwen Wright, Planning Director, Montgomery County Planning Board  
Rose Krasnow, Deputy Director, Montgomery County Planning Board  
Robert Kronenberg, Chief Planning Area 1, Montgomery County Planning Board  
Elza Hinsel-McCoy, Planning Coordinator, Montgomery County Planning Board