



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

#5 738
4-10-03

Date: April 4, 2003

To: Montgomery County Planning Board

From: Development Review Staff

Subject: Correspondence Received to the files for Preliminary Plan No. 1-02038
and Site Plan No. 8-03005 – Goodwill Property

Staff has compiled all correspondence received to date for both the preliminary plan and site plan on the Goodwill Property and have attached each to this memorandum. Since the submission of the preliminary plan in October 2001 and the submission of the Site Plan in September 2002 numerous letters have been submitted regarding the proposed development.

The plans have evolved as a result of the reviews of both the preliminary plan and site plan. The earlier dated correspondence and comments relate to plans submitted in response to the original applications and may not be applicable to the more recent plans under consideration.

Staff has arranged the submitted correspondence with the most recently dated material first.

MAPLEWOOD CITIZENS ASSOCIATION

#7

4-10-03

April 4, 2003

Derek Berlage
Chairman
And Members of the Board
Montgomery County Planning Board
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

**REQUEST TO DENY PRELIMINARY PLAN FOR 100%
ATTACHED DWELLING UNITS AT THE GOODWILL
PROPERTY**

Re: Goodwill Property #1-02038

Dear Chairman Berlage and Commissioners:

On March 31, 2003, Elm Street Development and Charles P. Johnson & Associates, Inc. submitted a plan for developing 100% single-family attached units on the Goodwill Property, under the R-60 optional method for MPDUs. The Planning Board hearing on Elm Street's proposal is scheduled for April 10, 2003.

After review of the plan at its March 19th meeting, the Maplewood Citizens Association voted and respectfully requests that the Maryland National Capital Park and Planning Commission reject the requested waiver from 60% attached/40% detached to 100% attached units.

1. The proposed plan is not compatible with the adjacent single-family detached homes.

In September of 2000, the applicant presented a series of options at a meeting of the general membership of the Maplewood Citizens Association. The three options presented were for a) 100% detached units b) 100% semi-detached units and c) 100% attached units. The association was asked by the applicant for opinions regarding the possibilities for the Goodwill site. In November of 2000, the Maplewood Citizens Association submitted signatures from 200 households (including those of the adjacent neighbors) that outlined the two primary priorities of the community.

These two priorities, as explicitly stated in the petition, were a) that the site include single-family detached units and b) that existing traffic pattern for entry and exit on the site be continued. While we have come to understand that the traffic patterns requested

by the community were not possible to maintain, we have never received any explicit explanation from either the applicant, or the Planning Board Staff, as to why or how a 100% attached plan serves community compatibility more than having the 40% detached units prescribed as the norm by code section 59-C-1.63.

2. The proposed plan is not more desirable from an environmental perspective than could be achieved with 60% attached and 40% attached units.

According to the waiver request (5-29-02), the 100% attached plan affords an additional one-half acre of green space. We believe that Elm Street's April 2002 plan for attached and detached units could be altered to achieve an equivalent amount of green space and would be superior from the standpoint of community compatibility.

For these and other reasons, the Maplewood Citizens Association requests that the Planning Board reject Elm Street's proposal for developing 100% attached and semi-detached units on the Goodwill Property.

Sincerely,



Allen L. Myers, President
Maplewood Citizens Association

5003 Acacia Ave.
Bethesda, MD 20814
April 2, 2003

Ms. Wynn Witthans
Development Review
Montgomery County Planning Board
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20907

REQUEST TO DENY PLAN FOR 100% ATTACHED DWELLING UNITS AT THE GOODWILL PROPERTY

Re: Goodwill Property #8-03005

Dear Chairman Berlage and Commissioners:

We are responding to the plan submitted on March 31, 2003, by Elm Street Development and Charles P. Johnson & Associates, Inc. for all single-family attached units under R-60 optional method for MPDUs - Planning Board Hearing to be held April 10, 2002 and **request that this letter be included in the report for the Planning Board Hearing.**

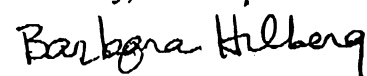
We are homeowners residing at 5003 Acacia Ave., immediately adjacent to the Goodwill Property. We request that the Maryland National Capital Park and Planning Commission reject the waiver to move from "60% detached/40% attached" to "100% attached" units.

A plan that is based on requests for waivers should not be the departure point for discussion regarding this property. **The plan provided to the Planning Commission by Elm Street Development that contains single family detached units along the perimeter of the property should be the plan under discussion and approval.** This plan was not presented to us or to the community by the developer, but rather surfaced in a meeting with the Planning Board on February 11, 2003.

The height (40') and depth (88.5') of the proposed townhouses, combined with the bulk of having 5 townhouses next to our 3 bedroom home, will certainly overwhelm our property. It will be equivalent to living next to a small apartment building.

We find no justification for allowing this departure from current code and request that this plan be rejected. We look forward to working with the developer on a plan that is compatible with the existing community. Thank you for considering the county code and the interests of the neighbors and community.

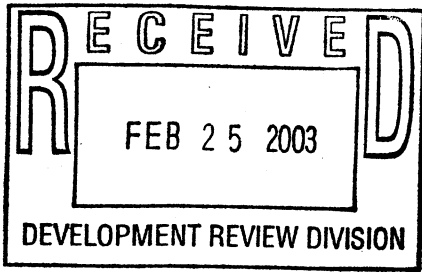
Sincerely,



Barbara Hilberg



Robert Hilberg



5003 Acacia Ave.
Bethesda, MD 20814

February 14, 2003

Mr. Joseph Davis
Chief, Development Review
Montgomery County Department of Park & Planning
8787 Georgia Ave.
Silver Spring, MD 20910

Dear Mr. Davis:

I want to thank you and your staff for meeting with me and several of my neighbors on February 11 to discuss the proposed building plans for the Goodwill property. As we mentioned in our meeting, we fully support the objectives of the Planning Board: 1) for new housing to be compatible with perimeter housing; and 2) for every effort to be made to save trees. We also support an effort for MPDUs to look like market-rate housing.

I am concerned that the extensive detailed plans submitted to your group by Elm Street Development is one that requires several exceptions: for type of housing, for number of units of excepted housing, and for height of buildings. This seems to create a "de facto" situation in which the Planning Board and County Council are presented ONLY with a plan that requires numerous exceptions. I believe that it is Elm Street's responsibility to develop a carefully thought out detailed plan that falls within the guidelines of current regulations.

As an adjacent homeowner, I am drastically affected by the current Elm Street plan for 100% townhouses on the Goodwill property. Next to my house at 5003 Acacia will be a block of 5 townhouses, a total of 110 ft wide, 88 ft deep (including garage) and 40 ft high. In relation to my house (38 ft wide, 30 ft deep, and 27 ft high), it will be the equivalent in bulk and light-deprivation of living next to a small apartment building.

I support asking Elm Street Development to develop a plan that has compatible perimeter housing, no more than 60% attached houses, and makes every attempt to save trees.

Thank you again for your consideration. I look forward to another opportunity to meet with you once Elm Street Development develops new plans.

Sincerely,

Barbara S. Hilberg
Barbara S. Hilberg

5002 Benton Avenue
Bethesda, MD 20814
December 4, 2002

Mr. Malcolm Shaneman
Supervisor, Subdivision Section
Development Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring MD 20910-3760

Dear Mr. Shaneman:

On October 30 I wrote you about the general aspects of our concern, as neighbors, with the proposal of Elm Street Development, Inc., for development of the Goodwill property in Bethesda. I am now writing about a specific aspect which I discussed with Mr. John Clarke of Elm Street after a recent County Council meeting.

The site development plan concerning this property (for a townhouse/MPDU subdivision) as submitted to the Planning Board/Planning Staff September 26, 2002, shows the "limit of disturbance" at the junction of Benton Avenue (not labelled on the plan) and Corsica Lane as impinging slightly on our property. Mr. Clarke at once said this was a drafting error and would be corrected. However the effect on the County property at that corner also raises potential problems which it appears should be considered by the Planning Staff and perhaps by the Planning Board.

The plan as drawn would require relocation of the utilities pole (street light, and electric, telephone, and cable lines) at the southeast corner of the intersection. The pole is about two feet from the concrete gutter corner. Mr. Clarke suggested that this could be done by moving the pole a few feet south. He did not seem to be aware that there is a large, County-property oak tree about twelve feet west of the utilities pole, and four feet south of the gutter. The utilities lines now run on the north (street) side of the tree, with very narrow clearance. Moving them to the other side of the tree, with reasonable clearance, would move the street light to a location

where it is doubtful that the intersection would be safely illuminated.

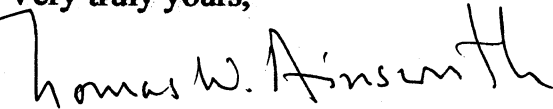
I also pointed out to Mr. Clarke that the proposed location of the subdivision entry (described as a private street), continuing straight east from Benton Avenue, appeared likely to present real problems for snow-plowing. The County snowplows have always made a broadly-curving left turn from Benton Avenue into Corsica Lane at this intersection, leaving almost half the roadway uncleared. They also plow in all the driveways and presumably would do the same with the private-road entry to the proposed subdivision. I suggested to Mr. Clarke, and I suggest to the Planning Staff, locating the subdivision entry a few yards further north on Corsica Lane. This would put it at or near the present back entry to Goodwill Headquarters and the snowplows would have a straight run past the front of the entry, making it much easier to clear it out. Such a relocation would avoid both the snowplowing problem and the one with the utilities pole.

Mr. Clarke said that the presently proposed location of the entry had been chosen at the suggestion of the street/highway authorities concerned with the planning process. It looks as if whoever came up with the idea had not looked thoughtfully at the actual location on the ground.

Please pass this letter on to the Planning Staff people working on this project, to see whether they would see any objection to moving the entry as suggested above. Mr. Clarke did not mention any objection from the Elm Street side, if the street/highway people would go along.

In the interest of full disclosure, I should add that this would also let us save plantings of dogwood trees and azalea shrubs which we put in to control erosion on the County land at this intersection!

Very truly yours,



Thomas W. Ainsworth

cc Mr. John Clarke, Elm Street Development, Inc.

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

December 11, 2001

Eleanor M. Rice, President
Locust Hill Citizens Association
9320 West Parkhill Drive
Bethesda, Maryland 20814

Re: Preliminary Plan No
1-02038 – Goodwill Property

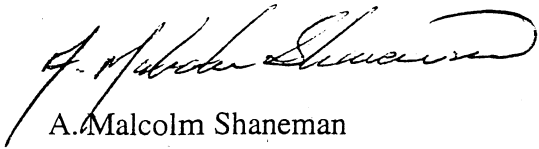
Dear Ms. Rice,

I am responding to your letter received on November 16, 2001 to Chairman Holmes regarding the preliminary plan of subdivision for the Goodwill site in Bethesda. Since Ex Parte rules apply regarding pending applications for subdivision, I am responding on the Chairman's behalf. I have forwarded your letter to the appropriate reviewing agencies addressing traffic circulation.

On November 5, 2001 the subdivision application was presented to the Development Review Committee for comment. The Development Review Committee is comprised of various representatives of state and local government agencies. An issue identified at this meeting concerned the lack of adequate road connections to the existing community. As is indicated on the plans, only one road is shown connecting to the community. At this point in the review process the staff's of the Maryland State Highway Administration, the Montgomery County Department of Transportation and Public Works, Park and Planning's Transportation Division as myself all believe that an additional access to the community should be provided. We have asked the applicant to provide a traffic circulation plan to address the flow and amount of traffic that would be anticipated on the neighborhood roads. Collectively we will be reviewing this data once it is submitted to the file.

Thank you for your interest in this application and conveying your concerns on behalf of your community. Please note that the file is available for public review at our offices from 8:30 to 5:00 Monday – Friday. Written comments are also welcome and will be added to the file.

Sincerely

A handwritten signature in black ink, appearing to read "A. Malcolm Shaneman". The signature is fluid and cursive, with a large loop at the end.

A. Malcolm Shaneman
Supervisor
Development Review Division

File

Withhans, Wynn

From: Barbara Hilberg [BHILBERG@GlobalLearningSystems.com]
Sent: Monday, November 04, 2002 4:44 PM
To: Withhans, Wynn
Subject: FW: Comments on site plan for Goodwill property

Thanks for your time. As we discussed, the Planning Board will not consider the site plan for the Goodwill property until you have received the cross-section diagrams from Elm Street. Once I have that information, I will provide comments.

-----Original Message-----

From: Barbara Hilberg
Sent: Thursday, October 31, 2002 5:44 PM
To: 'wynn.withhans@mncppc-mc.org'
Subject: Comments on site plan for Goodwill property

Ms. Withhans,

As an adjacent property owner to Goodwill, I would like to provide comments on the site plan that was mailed to me. I understand that we would also be receiving information on the height and cross sections of the proposed buildings in order to review the relationship between proposed and existing homes. If that is the case, I would like to wait until I receive that information before I respond. However, I don't want to miss the 30 day deadline for submitting comments. The mailing I received was postmarked October 7. I would appreciate information as to when and if we will be receiving the above mentioned information and also if I could request an extension of the deadline until I have had a chance to review the information. Thank you for your help. I will be out of the office tomorrow, but will read my email in the evening.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

The Maryland General Assembly
Sixteenth District Delegation
446 Miller Senate Building
Annapolis, Maryland 21401

July 5, 2002

Dear Senator Bronrott,

Thank you for your letter dated June 27, 2002 regarding the proposed development on the Goodwill Industries property located on Rockville Pike just outside of the Bethesda Central Business District. I am responding on behalf of Chairman Holmes due to the ex-parte rules of procedure that prevent him from responding directly. The proposed development is located within the boundaries of the Bethesda- Chevy Chase Master Plan. The current and recommended zoning for the property is R-60, a single-family development zone. The applicant proposes developing the property with twenty-eight (28) single family attached dwelling units. The applicant proposes to utilize the Moderately Priced Dwelling Unit (MPDU) option in the Zoning Ordinance in order to construct one family attached townhomes on the property. The applicant must demonstrate that the development is better environmentally than standard development consisting of detached homes. In addition the Planning Board must find that the single family townhomes will be compatible with adjacent development. In order to utilize the MPDU option 12.5% or Four (4) units must be moderately priced. The Master Plan supports housing as the preferred use if redevelopment is to occur on this property. Therefore the proposed development does not, in our view, violate the Master Plan. As you know the Goodwill Industry site, is an institutional use, and has been located on this property for many years.

The subject property is currently under review as a preliminary plan of subdivision. Many aspects of the review have been completed with an anticipated public hearing date in September 2002. If you should have any questions regarding the Master Plan please contact Margaret Kaii-Zigler at 301-495-2183 or me if you have questions concerning the subdivision application 301-4954587. Thank you again for your letter.

Sincerely

A. Malcolm Shaneman
Supervisor
Development Review Division

SENATOR BRIAN E. FROSH
DELEGATE WILLIAM A. BRONROTT
DELEGATE MARILYN GOLDWATER
DELEGATE SUSAN C. LEE

16TH DISTRICT DELEGATION
446 MILLER SENATE BUILDING
ANNAPOLIS, MARYLAND 21401-1991
301-858-3124 · 410-841-3124



THE MARYLAND GENERAL ASSEMBLY
SIXTEENTH DISTRICT DELEGATION

1-02038

June 27, 2002

Mr. Arthur Holmes
Chairman – MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20901

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1016
JUL 01 2002

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

Dear Chairman Holmes:

We have received a call from our constituent, Mr. Dick Sackett, regarding the proposed townhouse development on the Goodwill Industries property. Mr. Sackett advises that he believes such a use violates the Master Plan and that townhouses should not be permitted on the property.

Thanks for taking his comments into consideration.

Sincerely,


Brian E. Frosh William A. Bronrott Marilyn Goldwater Susan C. Lee

BEF/WAB/MG/SCL/lcs

Shane

LAW OFFICES OF

KNOFF & BROWN

401 EAST JEFFERSON STREET

SUITE 206

ROCKVILLE, MARYLAND 20850

(301) 545-6100

FAX: (301) 545-6103

E-MAIL KNOFF@KNOFF-BROWN.COM

WRITER'S DIRECT DIAL

(301) 545-6104

NORMAN G. KNOFF

June 13, 2002

VIA FACSIMILE & MAIL

(301) 495-1304

Chairman Arthur Holmes, Jr.
and Commissioners
Maryland National Park and
Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

RECEIVED
JUN 13 2002

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

RE: Good Will Property - Preliminary
Plan of Subdivision No. 1-02038

Dear Chairman Holmes and Commissioners:

This law firm represents Sarah and James Gilligan, Melanie Killen and Rob Tycko, homeowners within the immediate vicinity of the proposed subdivision.

We respectfully request that the Board DENY the subdivision application as the Board legally has no authority to authorize such a subdivision under §59-C-1.6.

Approval of the preliminary plan of this subdivision is sought pursuant to §59-C-1.6. That section provides for an optional method of development which permits in the R-60 zone construction of townhouses and moderate priced dwelling units at a greater density than for the normal detached single family home development. As a matter of law, this optional method of development is not available to the instant project. The proposal before the Board is for under 50 dwelling units (about 28 units). The governing statutory provision makes clear that the optional method of development is applicable only for development of 50 or more dwelling units.

Specifically, §59-C-1.61, "Purpose and Description", states that:

"Where moderately priced dwelling units are included in a development in accordance with Chapter 25A of this Code, as amended, this optional method of development is permitted in order to facilitate the construction of those units." [emphasis added]

Chairman Arthur Holmes, Jr.
and Commissioners
June 13, 2002
Page 2

Thus, by its express terms, the optional method is available only for development in accordance with Chapter 25A, and Chapter 25A applies solely to subdivisions of 50 or more dwelling units. §25A-2(5) & §25A-3(a).

Other provisions of Chapter 25A make clear that this optional method of development provided for in the Zoning Code is applicable solely to projects in which the applicant "must" build MPDUs. §25A-6(a) "Optional Zoning Provisions", states that the District Council has enacted zoning standards in Chapter 59 which establish optional density bonus provisions and permits alternative dwelling unit types. The Section further provides that these standards apply only in a specified situation:

"Land upon which the applicants **must** build MPDUs may, at the applicant's election, be subject to optional zoning provisions." [emphasis added]

The express language of this provision is in accord with its purpose. Additional density and townhouse units in a R-60 zone are authorized to compensate the developer for constructing the required MPDUs. As noted, the MPDU requirement exists solely for the developments of 50 or more dwelling units.

Ignoring the plain language of these provisions in order to apply the optional method to this property would also be inconsistent with Council policy expressed in other zoning code provisions. The property involved here is under 5 acres. The proposed project would not only provide for cluster development, but townhouses, MPDUs and increased density. Normally cluster development in an R-60 zone, §59-C-1.532, permits houses to be clustered but they remain single family detached or semi-detached, not townhouses, and the density is not increased. Even with these limitations, the Council has determined, as a matter of policy, that a land area of at least 5 acres must be the subject of the cluster development in order to provide sufficient room and flexibility to assure that the cluster development is compatible with adjacent development. Here, as noted, we do not have 5 acres but we do have additional density and townhouse development. Clearly, this is contrary to the Council's policy of having a minimum sized parcel of 5 acres for even less intense development. A 50 dwelling unit development, as required in Chapter 25A for the MPDUs, assures that the optional method of development under §59-C-1.6 would occur on greater than 5 acres.

Chairman Arthur Holmes, Jr.
and Commissioners
June 13, 2002
Page 3

For the above stated reasons, the application must be denied for failure to meet the statutory requirements of §59-C-1.61, "Optional Method of Development".

Respectfully submitted,


Norman G. Kropp

cc: Sarah and James Gilligan
Melanie Killen
Rob Tycko

DR. JERRY J. SWIFT

NUCLEAR ENGINEERING PH.D.
CERTIFIED HEALTH PHYSICIST

5303 W. CEDAR LANE
BETHESDA, MD 20814

RECEIVED
JUN 20 2002

(301) 530-8482

**Mr. Arthur Holmes Jr., Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910-3760**

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

Fax: (301) 495-1320

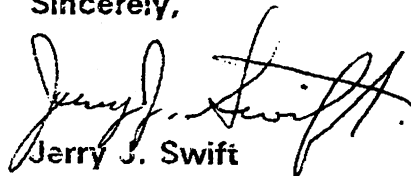
**Re: Goodwill Property
Subdivision File No.: 1-02038
Hearing: June 20, 2002**

Dear Mr. Holmes:

i am writing with regard to development of the Goodwill property. Our interest stems from Mrs. Swift's ownership of the nearby rental residence at 9400 Corsica Drive. We are also members of the Maplewood Citizens Association.

We support the position of the Maplewood Citizens Association. However, if it is really necessary that this development have a road connection providing direct access to the streets of Maplewood, we strongly recommend that the connection be to the end of Acacia rather than to Benton Avenue. This will minimize the traffic impact on the Maplewood citizens, as the new residents would need to use only a short block on Acacia Avenue and a block of Crestwood Drive to get out to a main road, W. Cedar Lane.

Sincerely,


Jerry J. Swift

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



Department of Park & Planning, Montgomery County, Maryland

8787 Georgia Avenue • Silver Spring, Maryland 20910

Montgomery County Department of Park & Planning
County-wide Planning Division
Environmental Planning
Fax Transmittal Sheet

PHONE: (301) 495-4550 *** FAX (301) 495-1303
EMAIL: *steve.federline@mncppc-mc.org*

May 29, 2002

To: Sharon Constantine
From: Steve Federline
Re: Goodwill Property #1-02038: 100% Townhouse/Attached Unit
Waiver Provisions

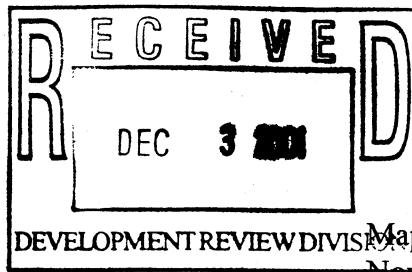
As we discussed, here is the applicant's letter requesting the waiver to go to 100% townhouses (from the allowed 60% townhouses) in the R-60 zone on the Goodwill Property. This letter amplifies on an earlier version, dated May 10th, and provides a more fully articulated and documented justification of the environmental benefits.

Also, I have attached the pertinent section from the zoning ordinance (Section 59-C-1.621) allowing the Planning Board to waive the 60% maximum attached unit provisions (to go up to 100% attached units) for environmental **AND** compatibility reasons as specified in the ordinance language.

I expect to have base plans for comparison purposes which fully comply with the zoning ordinance (i.e., without any waivers) into MNCPPC by the end of the week. These plans include a 100% single family detached layout, and a 60% attached unit layout.

If you have further questions, please contact me at the above numbers and addresses, and always remember to include our reference number #1-02038. I recommend that all correspondence also be made a matter of the formal public record by addressing to Malcolm Shaneman, Supervisor, Development Review Division at the same address above.

cc: Martin Klauber, PZC
Malcolm Stoneman, M-NCPAC



Maplewood Citizens' Association
November 28, 2001

Malcolm Shaneman
Supervisor, Subdivision Section
Development Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Larry Ponsford
Site Plan Review Coordinator
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

M-NCPPC Planning Board

Dear Mr. Shaneman, Mr. Ponsford, and Planning Board members:

We are writing to express the concerns of the Maplewood Citizens' Association (MCA) regarding the plan submitted by Elm Street Development for the development of the property currently occupied by Goodwill Industries at 9200 Rockville Pike in Bethesda. This property lies within the Maplewood section of Bethesda and is immediately adjacent to property owned by members of the MCA. As you conduct your review of this submitted plan, or any future plans, we ask that you give serious consideration to our concerns, as the new development will strongly affect the safety, quality of life, and property values of many MCA members and their families, as well as the aesthetic quality of the neighborhood.

The MCA has three principal areas of concern, namely (1) the vehicular traffic impact of the proposed new development, (2) the density of the new housing structures and their compatibility with the surrounding neighborhood, and (3) the environmental impact of the new development. Our specific requests in these three areas are as follows:

1. Traffic impact

The MCA believes that an approved plan for development of the Goodwill Industries property should minimize the increased vehicular traffic burden on any single street in the Maplewood section. The increased traffic burden may have two sources: (a) traffic associated with residents

of the new development (*i.e.*, their own cars, deliveries to their homes, service providers, etc.), and (b) “cut-through” traffic from non-residents traveling between Rockville Pike and Cedar Lane or Old Georgetown Road.

It is important to realize that the surrounding streets are quite narrow, and most do not have sidewalks. Vehicles are frequently parked along both sides of these streets. Many young children reside on these streets, and this means the streets must accommodate bus stops, ball games, bicycles, strollers, scooters, and roller blades. There is also a great deal of pedestrian traffic through the surrounding neighborhood as adult residents of existing houses make their way to and from the NIH, the Naval Hospital, or Medical Center Metro station. Additional vehicular traffic in our neighborhood poses a serious safety issue for children and pedestrians.

2. Compatibility with surrounding neighborhood

The most recent plan from Elm Street Development (as discussed at the November 5, 2001 meeting of the Development Review Committee with Elm Street Development and other interested parties) consists of 25 so-called “cluster” homes, *i.e.* town houses, rather than the detached single-family homes that make up the rest of the Maplewood section in accordance with the R60 zoning. This plan from Elm Street Development does not provide adequate justification for a cluster development and appears simply to be an attempt to maximize the density of units in the new development. Whereas Maplewood is a highly wooded area with many mature trees lining the streets, no significant green space is preserved in this plan. It is also unclear whether there is sufficient acreage to meet the requirements of a cluster development, as the Goodwill Industries property is very close to and possibly below the 5 acre requirement. An approved plan should consist only of single-family homes in accordance with the R60 zoning of our community and the established residences that surround the Goodwill property.

3. Environmental impact

The submitted plan eliminates nearly all of the approximately 180 trees on the Goodwill Industries property. These include essentially all “specimen” trees and all trees along the western boundary of the property that now create an aesthetically pleasing segue between the established neighborhood and the new subdivision. Such mass destruction of trees is aesthetically and environmentally unacceptable and violates county regulations that require at least 15% tree preservation. A final plan should preserve the “specimen” trees and the trees that line the western boundary. In the most recent plan, the set-back of new structures from the western boundary is roughly 10 feet or less. This set-back distance is inadequate and should be increased significantly to permit tree preservation and to minimize the negative aesthetic impact of the new development on the adjacent and nearby properties.

The MCA strongly believes that these concerns represent minimal and quite reasonable requirements for a new development on the Goodwill Industries property that will mitigate the

negative impact on existing residents and our community. It is our expectation that these concerns will be met before a final plan is approved.

Sincerely yours,

A handwritten signature in cursive script that reads "Sharon Constantine". Below the signature, there are some faint, illegible initials or marks.

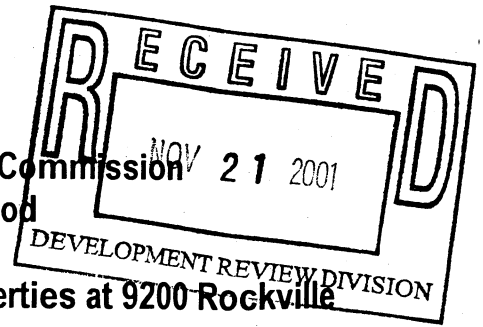
Sharon Constantine
Co-President, Maplewood Citizens' Association

A handwritten signature in cursive script that reads "Harriet Finkelstein".

Harriet Finkelstein
Co-President, Maplewood Citizens' Association

Cc: Martin Klauber, People's Counsel; Kristin O'Connor, Community Planner

TO: Larry Ponsford, Supervisor, Site Review
The Maryland National Capital Park and Planning Commission
FROM: Bethesda residents in the Maplewood neighborhood
DATE: November 19, 2001
RE: The Development Proposal for the Goodwill Properties at 9200 Rockville
Pike, Bethesda, Maryland
File No. #1-02-38



Dear Mr. Ponsford:

We have enclosed several documents regarding the Elm Street Development Proposal #1-02-38, for the Goodwill Industries site. These are documents that we sent to Malcolm Shaneman.

1. A recent letter regarding our request that the spirit of the Cluster option be enforced regarding green space. This was in response to our recent meeting with planners on October 22, 2001.
2. A letter detailing our request that no traffic flow be allowed into the neighborhood. This was in response to the presentation made by John Clarke to the neighborhood in October, 2000.
3. A sample of the petition signed by 200 residents requesting no traffic flow into the neighborhood (Malcolm has the actual petitions).

Thank you for reading our documents and considering our requests.

Sincerely,

A handwritten signature in cursive script, appearing to read "Melanie Killen".

Melanie Killen
301.564.5989

A handwritten signature in cursive script, appearing to read "Sarah Gilligan".

Sarah Gilligan
301.564.4373

TO: Malcolm Shaneman, Supervisor, Subdivision Section, Developmental Review, The Maryland National Capital Park and Planning Commission
FROM: Bethesda residents in the Maplewood neighborhood
DATE: October 29, 2001
RE: The Development Proposal for the Goodwill Properties at 9200 Rockville Pike, Bethesda, Maryland
File No. #1-02-38

This letter is a follow-up to our meeting on October 22, 2001 with Kristin O'Connor, Margaret Ziegler, Tanya Wilson, and C. Michael Ma, all Planners at M-NCPPC in Silver Spring, regarding our reaction to the proposal submitted by the Elm Street Development for the Goodwill Property on Rockville Pike, Maryland. Present at this meeting were Melanie Killen, Sarah Gilligan, Robert Tycko, and Alfredo Echeverria.

We very much appreciated the opportunity to meet with the planners regarding our questions and reactions to the proposal. Based on this meeting, we would like to provide a summary of our reaction to the proposal, and a set of issues that we feel represents the adjacent neighbors. We have discussed our meeting with the adjacent neighbors and have listed the concerns in this letter.

As stipulated in our petition and cover letter dated October 22, 2001, the traffic flow is our overriding concern. The developer has met this issue by designing a plan that does not allow any traffic flow into the neighborhood. We are very relieved at the developer's consideration of this issue in his revised plan.

Our second most pressing issue pertains to the lack of adequate green space in the proposal Cluster option plan. The current plan includes the destruction of 180 trees, and an increase in the density of units from 21 to 25. The site is zoned as R60, which is for detached single-family dwellings of 6,000 sq feet, and the developer has used the Cluster option. By the county regulations, the use of the Cluster option requires a justification that preserves open space or green space. However, we feel that the green space on the plan is not adequate, is not well justified, and is not compatible with our neighborhood. Currently, the "green space" is an area on the Rockville side of the property, which is a steep slope that cannot be built on due to the geological features of this part of the land. This part of the land, however, is not visible from the neighborhood side of the property. The neighborhood side of the property, which currently has a significant number of trees will be turned into a densely-packed set of townhouses. These townhouses are less than 10 feet from the neighborhood property lines.

From our viewpoint, there are several problems with this use of the Cluster option in

the existing plan. First, approximately 180 trees will be destroyed. Only a small handful of trees on the Rockville side on the slope will be preserved. This is very upsetting to us because trees provide a sound barrier, help diminish pollution (from the approximately 75,000 cars per day on Rockville Pike), and add to the (diminishing) natural beauty of Bethesda. Second, there is no clear justification for the increased density in the number of units. Under R60, 21 houses would be permitted. From our viewpoint, the developer is using the Cluster option to primarily increase the number of units from 21 to 25, and to avoid having to build on the steep slope on the eastern side of the property. We believe that this violates the spirit of the R60 zoning. We do not understand why the developer is allowed to increase the number of units to 25, particularly when he is not providing sufficient green space for the neighborhood, and is destroying 180 trees.

Therefore, we would like to propose the following:

- 1. That the developer be asked to reduce the number of units from 25 to 21.
- 2. That the units to be removed be the four units along the western boundary of the property (units #8, 9, 15, and 16).

This would allow the developer to retain the existing line of trees along the western boundary of the property. This would also provide green space visible to the neighborhood, and would be compatible with the neighborhood character (which has many tall trees).

While we would prefer that the site remain as it is, we realize that development is a part of life in Bethesda in the year 2001. Thus, given that the land will be developed we would urge the Planners at MN-CPPC to enforce the spirit of the R60 Cluster option, which is to ensure that adequate and compatible green space is part of the Elm Street Development plan for the Goodwill Industries Site.

We have enclosed a set of photographs, which provide our viewpoint on the number of trees adjacent to the neighborhood.

Thank you for considering our request.


 Melanie Killen

Sarah Gilligan

Rob Tycko

Helen Tom

Alfredo Echeverria

James Dao

*Other signatures
 on file
 with Malcolm
 Shaneman*

TO: Montgomery County Parks and Planning (MN-CPPC)
FROM: Bethesda residents in the Maplewood neighborhood
DATE: October 22, 2001
RE: The Development Proposal for 9200 Rockville Pike, Bethesda, Maryland

This letter is to request that the development planned for the site at 9200 Rockville Pike, Bethesda (currently the Goodwill Industries International Headquarters site) not be granted permission to increase traffic flow through Maplewood neighborhood. The developer, John M. Clarke, has provided a plan that would not allow traffic access into the neighborhood, and we encourage the board to approve a plan that would not allow traffic flow to increase. We oppose any plan that allows vehicular traffic to enter the neighborhood. We will list our reasons below regarding why we have made this request.

In addition, the property is zoned as R60 which is for detached single-family dwellings of 6,000 sq feet. We prefer single-family dwellings because of the better integration into our neighborhood, the opportunity for participation in our neighborhood association, and the physical compatibility of the design with our neighborhood that includes detached homes with yards. We are concerned about the density of housing with the cluster homes, and we are unclear as to the rationale for allowing cluster homes on a site designated for single-family dwellings.

Maplewood is a neighborhood sandwiched between Rockville Pike (Rt. 355), Old Georgetown Road (Rt. 187), The Capital Beltway (495), and West Cedar Lane. Thus, we are a neighborhood in which going to the grocery store means dealing with traffic congestion, rush hour delays, and frequent road accidents. What keeps this neighborhood desirable and attractive is that within our boundaries the neighborhood is very quiet; it's filled with tree-lined streets, an absence of sidewalks on most roads, and very little vehicular traffic. If the proposed development is allowed to create street access from the development onto Benton, Corsica, and/or Acacia avenues then the quality of life in this neighborhood will greatly change for the worse, and, in particular, the safety of the pedestrians, bikers, children, pedestrian commuters, handicapped, dog-walkers, and joggers. The increased traffic volume would add noise, pollution, and most seriously, imperil the safety of the citizens in this neighborhood.

Our neighborhood is a Metro Transit zone. This means that it is an area in which the county encourages its citizens to use public transportation and take advantage of alternative modes of transportation. Our neighborhood is exemplary in this way. Because our neighborhood is walking distance to the Metro (the NIH Medical Center), the NIH, the

Bethesda Naval Hospital, and the Capital Crescent Bike Trail, many people walk or bike to work. In addition, many people walk to the Ride-On bus, bicycle to the Metro, bicycle to the Capital Crescent Trail to get to Georgetown or downtown, bicycle to D.C., and walk to the Ride-on bus to downtown Bethesda. In other words, a great number of residents in our neighborhood do not use their cars to get to work; they walk or bike through the neighborhood on a daily basis. This lifestyle is aligned with the goals of the county to encourage alternative modes of transportation. However, because most of the blocks in our neighborhood do not have sidewalks, an increase in vehicular traffic flow could greatly create an unsafe and dangerous environment for the residents in this neighborhood. This includes those who have chosen to leave their cars at home and walk, bike, bus, or metro to work.

The use of the neighborhood roads is not restricted to pedestrian and bike-riding commuters. We have a MCPS park on Alta Vista road and the B-CC YMCA on Beech avenue which draw children on bicycles and nannies and au pairs strolling babies and toddlers. In addition, we have children getting off school buses four times a day (kindergartners, elementary school, middle school, and high school), and day walkers from the NIH who exercise at the noon hour by walking through the streets of our neighborhood. Again, without sidewalks, we are very concerned that an increase in traffic flow will make the streets unsafe. As it is, we have to be very vigilant. (The feasibility of adding sidewalks has been rejected due to the layout of the original trees, and the overall design of the neighborhood; adding sidewalks would cause extensive disruption to the properties, eliminate large proportions of the existing front yards, and negatively affect the overall quality of the neighborhood.)

Because of these concerns, we request that the new, proposed development have road access at Rockville Pike, and only Rockville Pike, as an entrance and exit. This would eliminate the traffic problem for Benton, Corsica, and Acacia Avenues as well as Cedarcrest Drive and the nearby streets in our neighborhood. We have circulated petitions in our neighborhood stating this request and we will submit these petitions to the Planning board.

We would like to address issues that the State Highway may raise regarding providing relief for Rockville Pike by allowing the development to enter the neighborhood. Currently, the Goodwill Industries has about 65-70 employees who use only Rockville Pike as an entrance and exit. We do not see why this could not continue as the source of traffic flow with a new development. We have counted the number of cars on several occasions and we have found that about 100 cars currently park at the Goodwill Industries and commute in and out of Rockville Pike. The estimate for the number of cars with the new

development is less than the number of cars that are presently using the site. Thus, we are not asking to increase the burden to Rockville Pike, we are just asking to keep it the way it is currently being used.

Moreover, we have discovered that several other projects along Rockville Pike have been approved which will increase traffic flow onto Rockville Pike. Less than one mile away, there is a proposal to build a 3,000 person concert hall at the Strathmore Arts Center. This project would increase the traffic flow onto Rockville Pike at a much, much larger volume than would be created by a development in our neighborhood. We believe that the relief to Rockville Pike generated by avenues into our neighborhood is so small that it does not warrant or justify the erosion to the quality of life and safety to the citizens of our neighborhood. If the State Highway feels that Rockville Pike needs relief than we believe that this is a justification for arguing that the site should not be developed. It may be that this area just cannot handle new traffic patterns. This area is already very congested and our neighborhood should not be made to suffer in order to add a very minor relief to one of the busiest roadways in our state. Moreover, if traffic is allowed to enter the neighborhood, than we feel that the R60 designation should be strictly followed, that is, that single-family dwellings with yards should be required, with fewer houses than currently planned. We would then request that the consideration of "other opportunities" (such as Cluster housing) be denied.

Another issue has to do with the history of the site. The "mansion" currently inhabited by the Goodwill Industries Inc., was, at one time, up for consideration as a historic landmark at Montgomery County. Almost two decades ago, the historic status was considered and denied. However, the first president of the Goodwill Industries promised the neighbors that no traffic would enter the roads, and that a pedestrian gate would be established on Corsica Avenue so that Maplewood residents could walk onto the beautiful grounds (more than 100 trees are on the property) and walk their dogs, or stroll over to Rockville Pike. Next to the Goodwill Industries is the Bethesda Meeting House and a very old cemetery. Many neighbors take advantage of these grounds for their evening and weekend walks and strolls. Depriving the residents of this lovely setting is quite unfortunate. The first preference for the neighbors in this area would be to designate the site a historic landmark and to keep the grounds in tact. This would preserve the old trees, a natural sound barrier, and the unusual topography (a very steep gradation over rock), which we believe contributes to the beauty of this area. The plan to alter the landscape is quite disappointing.

We are particularly concerned that the current plan will eliminate over 150 trees currently on the site. We were under the impression that cluster housing is supposed to

preserve green space. We do not see any evidence of this in the current plan. We would like to request that the preservation of green space be considered by the board, and in particular, to preserve at least 50+ trees, which provide a sound barrier and add to the beauty of our area.

The authors of the Bethesda-Chevy Chase Master Plan designated this site as an R60 zone and we would like to see their design upheld. As mentioned above, our neighborhood is bordered by the most congested roadways in Montgomery County. We would like to see the housing density decrease, not increase. A Cluster plan, or duplexes without yards, creates additional density that we feel cannot be supported by the traffic pattern surrounding this neighborhood.

**TO: John M. Clarke, Vice President of Elm Street Development
Suite 200, McLean, VA, 22101**

FROM: Maplewood neighborhood residents

We, the undersigned, request that the new development at the Goodwill Industries site have road access at Rockville Pike, and only Rockville Pike, as an entrance and exit. Currently, the Goodwill Industries has about 65-70 employees who use only Rockville Pike as an entrance and exit. This traffic pattern could continue as the sole source of traffic flow with a new development.

We believe that this is a very important issue that strongly affects our quality of life as well as the safety of the pedestrians, children, senior citizens, bikers, and walking commuters who currently use these streets. Increasingly, pedestrian safety has become a major issue in Bethesda and in Montgomery County. We are concerned that the increased number of vehicle trips on these residential streets will imperil the citizens using these roads.

We also prefer to have single-family dwellings at the new development site of the Goodwill Industries location. This is because of the opportunity for participation in our neighborhood association, and the physical compatibility of the design with our neighborhood that includes detached homes with yards.

NAME (print)

ADDRESS

SIGNATURE

Sample
C. H. Smith

TO: Malcolm Shaneman, Supervisor, Subdivision Section, Developmental Review, The Maryland National Capital Park and Planning Commission
FROM: Bethesda residents in the Maplewood neighborhood
DATE: October 29, 2001
RE: The Development Proposal for the Goodwill Properties at 9200 Rockville Pike, Bethesda, Maryland
File No. #1-02-38

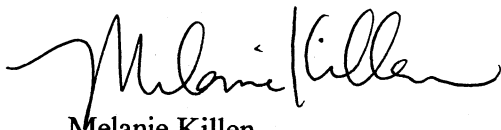
Dear Mr. Shaneman:

We have enclosed several documents regarding the Elm Street Development Proposal #1-02-38, for the Goodwill Industries site:

1. A recent letter regarding our request that the spirit of the Cluster option be enforced regarding green space. This was in response to our recent meeting with planners on October 22, 2001.
2. A letter detailing our request that no traffic flow be allowed into the neighborhood. This was in response to the presentation made by John Clarke to the neighborhood in October, 2000.
3. A petition signed by 200 residents requesting no traffic flow into the neighborhood.
4. Photographs of the neighborhood side of the Goodwill property.

Thank you for reading our letters and considering our requests.

Sincerely,



Melanie Killen
301.564.5989



Sarah Gilligan
301.564.4373

✓
September 16, 2001

RECEIVED
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Mr. Arthur Holmes, Jr., Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

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

RE: GOODWILL PROPERTY
ID# 89004, APRIL, 1998

Dear Sir:

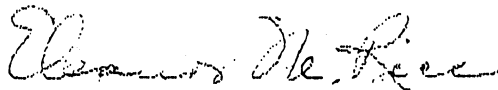
I am writing on behalf of my community, Locust Hill, to protest the demand made by the Maplewood Citizens Association and agreed to by Elm Street Development that residents of the above-mentioned property be required to enter and exit using the driveway on Rockville Pike near Cedar Lane and not the back gate accessing Acacia or Corsica.

Our position is that residents of the proposed community should have interconnectivity by providing access to the adjacent secondary roads (Acacia and Corsica). It strikes us as hardly worthy of serious consideration that the residents of Maplewood have, on the one hand, taken a position against allowing gated or separate communities to be built de novo within or adjacent to Maplewood, but then demand that new residents be denied access to their street.

In addition, we believe that denying buyers of the new homes access to those streets would expose them to unnecessary hazards on Rockville Pike where traffic volume is among the highest in the county (75,000 vehicles per day).

We would appreciate an opportunity to testify regarding this project. Please let me know when the hearing will be held.

Sincerely yours,



Eleanor M. Rice, President
Locust Hill Citizens Association
9320 West Parkhill Drive
Bethesda, Maryland 20814

Telephone: 301-530-7386