



The Woodmont Triangle in the Bethesda Central Business District

**MAY 20, 2004 PUBLIC TESTIMONY DEVELOPMENT PROPOSALS/STAFF  
COMMENTS**

**SUMMARY OF TESTIMONY**

The following table provides a brief summary of the testimony submitted by mail or presented at the May 20, 2004, Public Hearing on the Woodmont Triangle Amendment to the Sector Plan for the Bethesda Central Business District. The Staff Report for Work Session No. 1 provides a more thorough response to the testimony.

<b>No.</b>	<b>Summary of Testimony</b>	<b>Staff Response</b>
1.	Mier Wolf, Councilmember, Town of Chevy Chase - The Approved and Approved 1994 Sector Plan for the Bethesda Central Business District is the proper level of development; dispute increased density at Metro; gridlock now; plan must specify amount of housing; additional height a problem; return proposal to staff; support Amenity Fund.	Additional analysis is provided in Work Session No. 1 to describe the impact of development on the schools and the transportation network. The Amendment continues to support density near Metro with building heights that step down to single-family detached neighborhoods.
2.	Julie Davis, Chevy Chase Village - Support housing, retention of retail. Staff Draft does not provide sufficient analysis of transportation and schools impacts, does make detailed land use and zoning recommendations, the amount of additional housing units and MPDU's is not specified, does not guarantee MPDU's will be built on-site; no description of how to create "great streets" and encourage small-scale retail, specific art facilities and recreation spaces must be identified in the Amendment. Village supports the proposed Arts and Amenities Fund.	The analysis of transportation, schools and the number of housing units has been provided in Work Session No. 1. The Amendment proposes additional density and building height for housing if MPDUs are provided on-site. The Arts and Amenity Fund will not replace the amenities required in the Optional Method of Development.
3.	Nancy Regelin, Esq., Aldon Management, the Brown Family, 7900 Associates - Support Amendment recommendation for hotel on CBD-R2 site; consider 200' for hotel, 143' for CBD-1 property; recommend parking garage #35 appropriate for joint-development with Wisconsin properties; amend R-10 to allow more urban form.	Amendment recommends a hotel, CBD-R2 building height to 143', CBD-1 to 90' and a stepping down from the Metro Core. Amendment to R-10 Zone is pending.

4.	Doug Wrenn, Aldon Management, Brown Family - Support the vision and action recommended in Amendment; recommend reducing minimum lot size requirement of Optional Method of Development; consider bonus density for residential sites over 40,000 s.f.; make zoning changes to Battery Lane housing area; increase height to 143' at 8218 Wisconsin Avenue; designate Battery Lane Urban Park for off-site public use space improvements.	Text amendments have been introduced by the County Council for changes to the R-10 Zone and revisions to the MPDU regulations. Battery Lane Urban Park is a priority for improvements.
5.	Sammi Kirkdill, Todd Brown, Leonard Greenberg, Greenhill Capital Corp. and White Flint Express Realty (2 projects) - Support Amendment's recommendation of CBD-R2 Zone and 200' for property. Support increased flexibility in providing public use space, reducing the 22,000 s.f. minimum for Optional Method, allowing transfer of density. Min. lot size and public use space requirement have limited development of housing in Woodmont. Support pooling public use space for area, possible fee in lieu for amenities.	Amendment recommends OMD projects provide public use space on and off-site. Executive opposes a reduction in the 22,00 s.f. lot size. Additional discussion will be provided in Work Session No. 2.
6.	Tim Dugan, Esq. Support Staff Draft - Clarify language to call Sector Plan Amendment a "guideline" unless intent is to have Amendment rule over the Zoning Ordinance; increase density to encourage housing, but do not require each project to provide housing for all income levels; Amendment may recommend MPDU's but cannot govern MPDU ordinance; include design guidelines for all zones in Triangle not just CBD zones.	Guidelines will be discussed in Work Session No. 2. Staff recognizes that the guidelines need to be coordinated with the pending text amendments and the MPDU regulations. Amendment recommends increased density to encourage housing at a variety of income levels as a guideline. Locating MPDUs on-site is a goal.
7.	Robert Metz & Ann Martin, Esq., Monte LLC, 8 lots in Woodmont Triangle - Support Staff Draft and proposed text amendments to the Optional Method including flexible provision of 20% public use space, removal of minimum lot size, rezoning of property to CBD-R2. Sector Plan restrictions have prevented redevelopment and revitalization.	Text changes to the Optional Method of Development have been introduced. Monte property recommended to be rezoned to CBD-R2 with first floor retail. Minimum lot size will be discussed as part of the pending text amendments.

8.	Robert Dalrymple, Esq., Four Point Sheraton - Support Staff Draft Amendment. Expand study area to include NIH parcel. Want more height at this location.	NIH parcel is recommended to remain outside the boundary of the CBD. Improvements to the NIH green buffer could be included as an off-site amenity. Sheraton should conform to the height limits in the Amendment.
9.	Kevin Maloney, Woodmont Triangle Advocacy Group, Tom Murphy, President, Bethesda Chamber, Ann Martin, Esq. - Support Staff Draft, support combined public amenities, all efforts to keep area pedestrian friendly, increase height limits, proceed in timely manner.	Chamber and Triangle owners initiated Woodmont effort with County Council. Amendment promotes revitalization through housing, support for retail and increased amenities for area.
10.	Stephen Kaufman, American Inn - Support Staff Draft recommendations to provide flexibility in 20% OMD public use space requirement, height and zoning. Want more than 143', near two Metro stations, not adjacent to single-family homes.	American Inn now agrees to 143', housing, and first floor retail.
11.	Douglas Yeuell, Colleen Mathias, Jim Roberts, Joy of Motion - Find new space in Woodmont for Joy of Motion. Make space for arts high priority, support amenity fund, live/work space; need regulatory method to keep dance in Woodmont.	Arts spaces could be encouraged through the Optional Method of Development. This regulatory technique will not provide a short-term solution for Joy of Motion.  Note: Over 100 e-mails and letters have been received in support of keeping the Joy of Motion and the Maryland Youth Ballet in the Woodmont Triangle.
12.	Congressman Van Hollen - Supports the Maryland Youth Ballet and the Joy of Motion Dance Center and the vibrancy they bring to downtown Bethesda.	Staff, Woodmont Advocacy Group, and the B-CC Chamber of Commerce area looking for space for two dance studios. See above.

13.	Carolyn Smith DeWaal, Ian DeWaal, Individuals - Support the MD Youth Ballet - Development should not exclude core community quality institutions; studio serves men and women of all ages; needs interim space; adult dance programs support area retail and restaurants.	See above
14.	Sarah Dash, Individual, MD Youth Ballet - Adult programs best in area, needs convenient downtown location near Metro, restaurants and retail.	See above.
15.	Ann Grossman, Individual, MD Youth Ballet - Metro access is important.	See above.
16.	Mollie Bawa, Individual - Bethesda is unique in dance; provides daily, high quality adult instruction.	See above.
17.	Dede Byrne, Rhodie Jorgenson, (faculty) Amara Suebsaeng (student); Margo Sanabria, Anastasia Simes, Erin Kelly, MD Youth Ballet - Need minimum 10,000 s.f. in Woodmont Triangle.	See above.
18.	Helen Hayes, Scott Knudson, Individuals - Joy of Motion collaborates with Cross Current Dance Company.	See above.
19.	Prudence Shaw, Individual - Supports Joy of Motion. Deaf dancer, "dance has no words."	See above.
20.	Wayne Goldstein, Montgomery County Civic Federation - May need abruptness in height; best ideas come from community, not the government; make arts incubator and moderately priced retail space a requirement.	Staff supports arts incubator and retention of existing retail through developer incentive programs including limits on size of first floor retail. Additional details will be discussed in Work Session No. 2.
21.	Richard Hoyer, Action Committee for Transit - Rezone Battery Lane "superblock" area and include in the CBD; improve access across Old Georgetown Road and parking policies; NIH should provide housing on their site; references University of MD. Student work on Triangle.	Battery Lane is incorporated into the Amendment. Changes have been introduced for the R-10 Zone. NIH is not included in the Amendment. DPWT will improve pedestrian access. Some University of MD projects are included as models for development in Scenario 2.

22.	<p>Jack Cochrane, Montgomery Bicycle Advocates (MOBIKE) - Supports the Staff Draft. Norfolk Avenue good for bicycles today; improve connection to Bethesda Row and Capital Crescent Trail; visit of pedestrian/bicycle expert Dan Burden to Bethesda stressed importance of traffic calming measures on St. Elmo and bike lanes entire length of Woodmont Avenue (link to Bethesda Row), get dedication of a minimum 10' bike lane through Battery Lane Park and private land adjacent to NIH, essential for North Bethesda Trail/Capital Crescent Trail link; improve intersection of Rugby and Norfolk Avenues for ped/bike safety.</p>	<p>DPWT consultants looking at improving Woodmont Triangle intersections and all intersections of Woodmont Avenue south to Bethesda Row for pedestrian and bicycle safety, and funding is available. Support the bikeway connections described in the 1994 Sector Plan.</p>
23.	<p>Bob Cope, Citizens Coordinating Committee of Friendship Heights - Compare Woodmont with Federal Realty/Bethesda Row, 3 stories with an anchor. Do one of following: (a) Get an anchor, (b) go with staff recommendation, (3) change zones and add height as developers requested, may get "canyonization" and unknown result. Need more amenities.</p>	<p>The Woodmont Triangle Advocacy Group and the Bethesda-Chevy Chase Chamber have searched for an anchor. An arts entity could be an anchor. Staff recommends concentration of height and density close to Metro and along Wisconsin through the Optional Method of Development projects with MPDUs, support of arts and amenities, concentration on Norfolk spine, attractive and safe streets for Woodmont Triangle.</p>
24.	<p>Allen Myers, Maplewood Citizens Association. Support existing height restrictions; plan does not maintain local community business; weak demand to support MPDU's, do not need more expensive apartments, reject plan.</p>	<p>Staff continues to support the Amendment. Existing zoning and height limits in the Woodmont Triangle have not created the housing recommended in the Sector Plan. Work Session No. 2 will discuss guidelines to maintain local community business.</p>

25.	Carol Trawick, Jack Hayes, Jason Hoffmann, Carol Beech, B-CC Community for Arts and Amenities, Bethesda Urban Partnership, East Bethesda Civic Association - Support a Downtown Bethesda Amenity Fund; connectivity needs right amenities, collective effort with Planning Board and staff to establish priorities for amenities, Norfolk Avenue, arts incubator, Art Park/Battery Lane Urban Park, artist live/work space, space for indoor performances.	Staff will substantially augment the concept of connecting Norfolk Avenue with Battery Lane Urban Park and Veterans Park as a linear urban, retail and pedestrian spine. Amenity fund will be discussed in Work Session No. 2.
26.	Councilman Howard Denis - Support creation of an Amenity Fund for the Bethesda CBD. Will foster cooperation between public and private sectors to coordinate enhanced public services and private initiatives.	The Amenity Fund should not replace the optional method requirement to provide amenities in a timely manner to support the additional density.
27.	Steve Robins, Montgomery County Chamber of Commerce - Support Staff Draft.	Staff supports the Amendment.
28.	Malcolm Rivkin, Individual - Endorses amendment and workshop process; permit transfer of density from existing low rise in Woodmont to other Woodmont sites to help keep human scale of structures to remain.	Transfer of density is already permitted from properties not seeking redevelopment to adjacent sites. Additional provisions will be discussed as part of future text amendments.
29.	Sarah Gilligan, Individual - Disconnect between Woodmont merchants and staff proposals. Merchants wanted street lighting, staff proposing major redevelopment. Woodmont does not need major development.	Staff supports the provision in the Amendment including the building height and density permitted in the CBD zones. Incentives to support retail and the arts will be discussed in Work Session No. 2.
30.	Jim Humphrey, Rally for Bethesda Coalition - Opposes the ULI recommendations; keep Woodmont low-rise, protect "mom and pop" stores; staff promoting Amendment as TOD/smart growth; existing Sector Plan should be retained.	Staff supports the provisions in the Amendment.
31.	Elyse Harrison, Gallery Neptune, Owner, Little City Arts Studio - Need more visual excitement in the Triangle, renovation of Battery Lane Urban Park; support amenity fund.	Amendment supports the Arts and Entertainment District. Amenities and facilities will be discussed in Work Session No. 2.

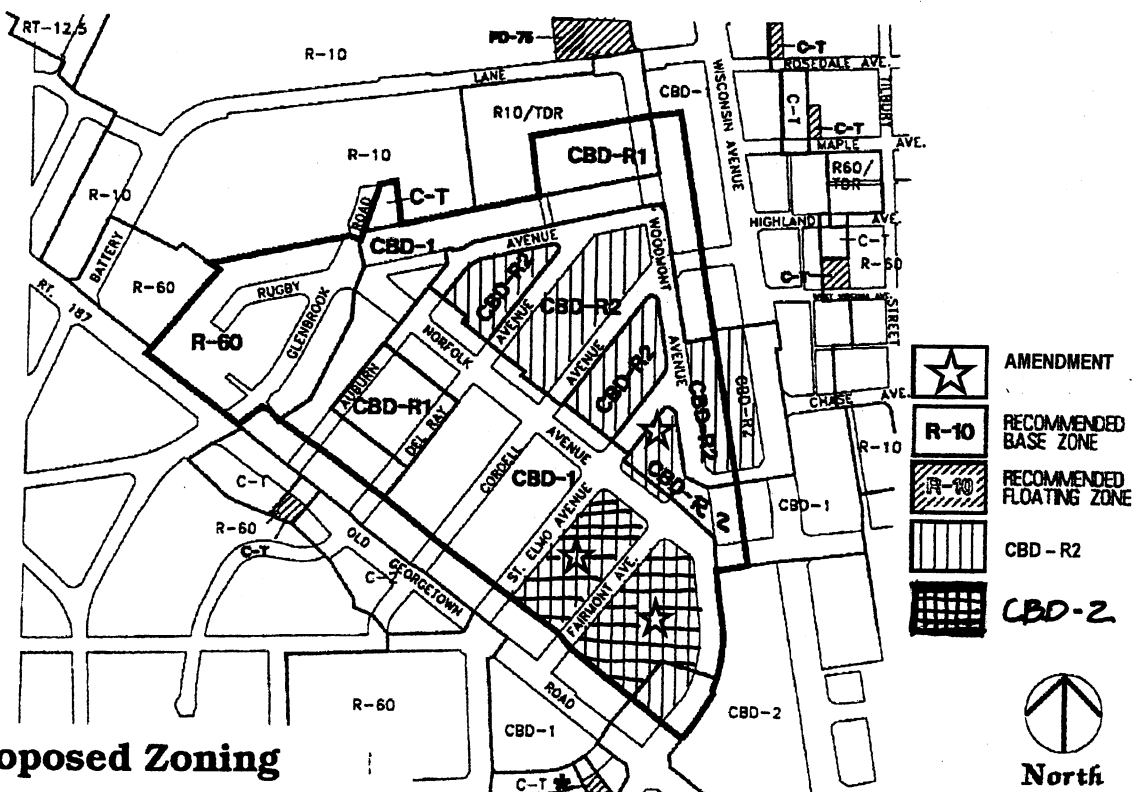
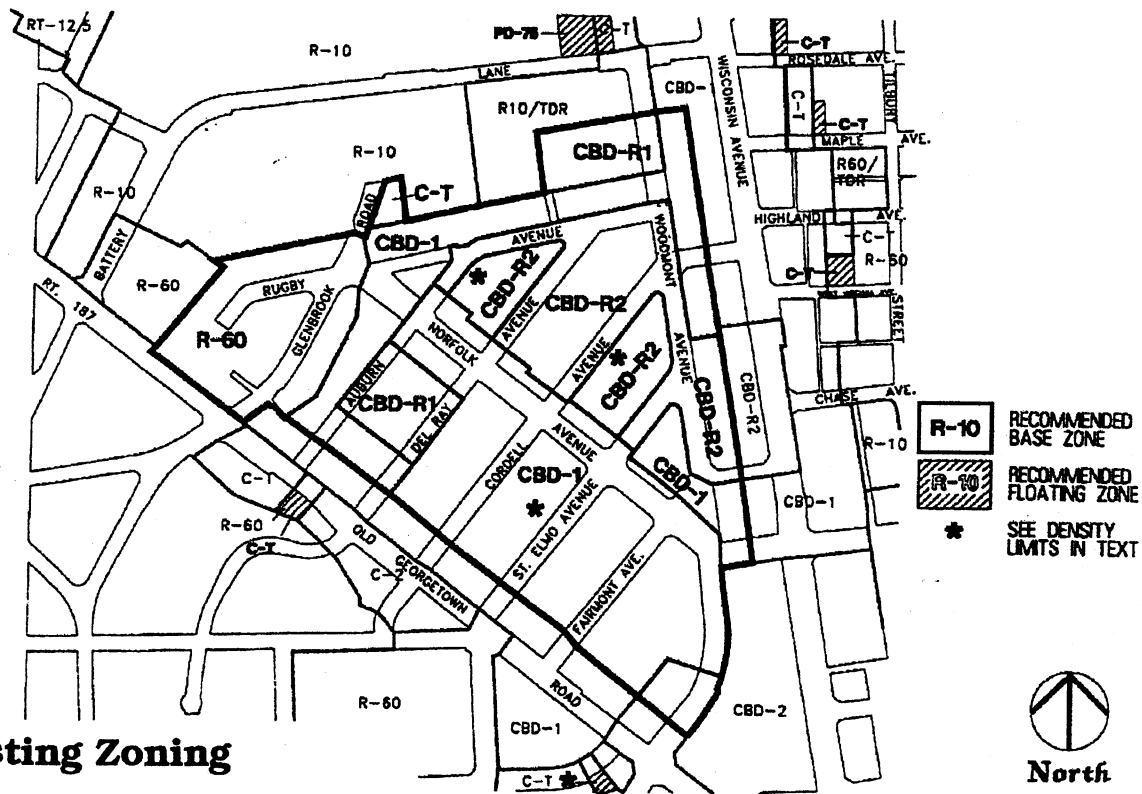
32.	Patricia Harris, Esq. - Eliminate the Building Height Limits map in the 1994 Bethesda CBD Sector Plan, allowing the zone and individual site plan review to determine height and compatibility of a project.	The Building Height Limit map has been changed for the Woodmont Triangle. Pending text amendments introduced by the County Council may revise building height limits in all areas of Montgomery County if MPDUs are provided on-site.
33.	Patricia Goucher, Local Planning Assistance, Maryland Department of Planning - Plan thoroughly examined changes needed to provide greater flexibility to achieve mixed-use neighborhoods; Show location of Metro on all maps, the boundary of the Arts and Entertainment District and its main components; provide brief description of the Optional Method of Development for Plan users.	Staff will provide location of Metro station, the boundary of the Arts and Entertainment District. The OMD will be further discussed in Work Session No. 2.
34.	George Kousoulas, Individual - The Plan needs more concrete prescriptions to guide implementation of the residential, retail and urban design goals.	Additional detail will be provided in Work Session No. 2 to address these issues.
35.	Kurt Mulholland, Individual - Developers will ruin Bethesda with 140-foot high buildings, overcrowding and gridlock will ensue; keep the human scale. Do not change the existing Plan.	Retain provisions in the Amendment.
36.	Carol A. Jarrett, Individual - Traffic is a problem throughout Bethesda; impacts on our schools is a concern; High-density development is not a way to generate revenue. Please reconsider this plan.	Staff has included an analysis of the impacts on schools and traffic in Work Session No. 1. Capacity remains in the area for schools. Additional dwelling units will not overburden the transportation network.
37.	Nadia Carrell, Individual- Do not support the Plan. Workshop participants want arts, unique stores, pedestrian spaces, but not 143-foot buildings. Keep the current Plan.	Staff continues to support the Amendment.
38.	Leslie Kahn, Individual - Do not increase the building heights in the Woodmont Triangle. Follow the Bethesda Row example. Do a traffic study.	Traffic study completed. See Work Session No. 1 discussion of retail and Bethesda Row.

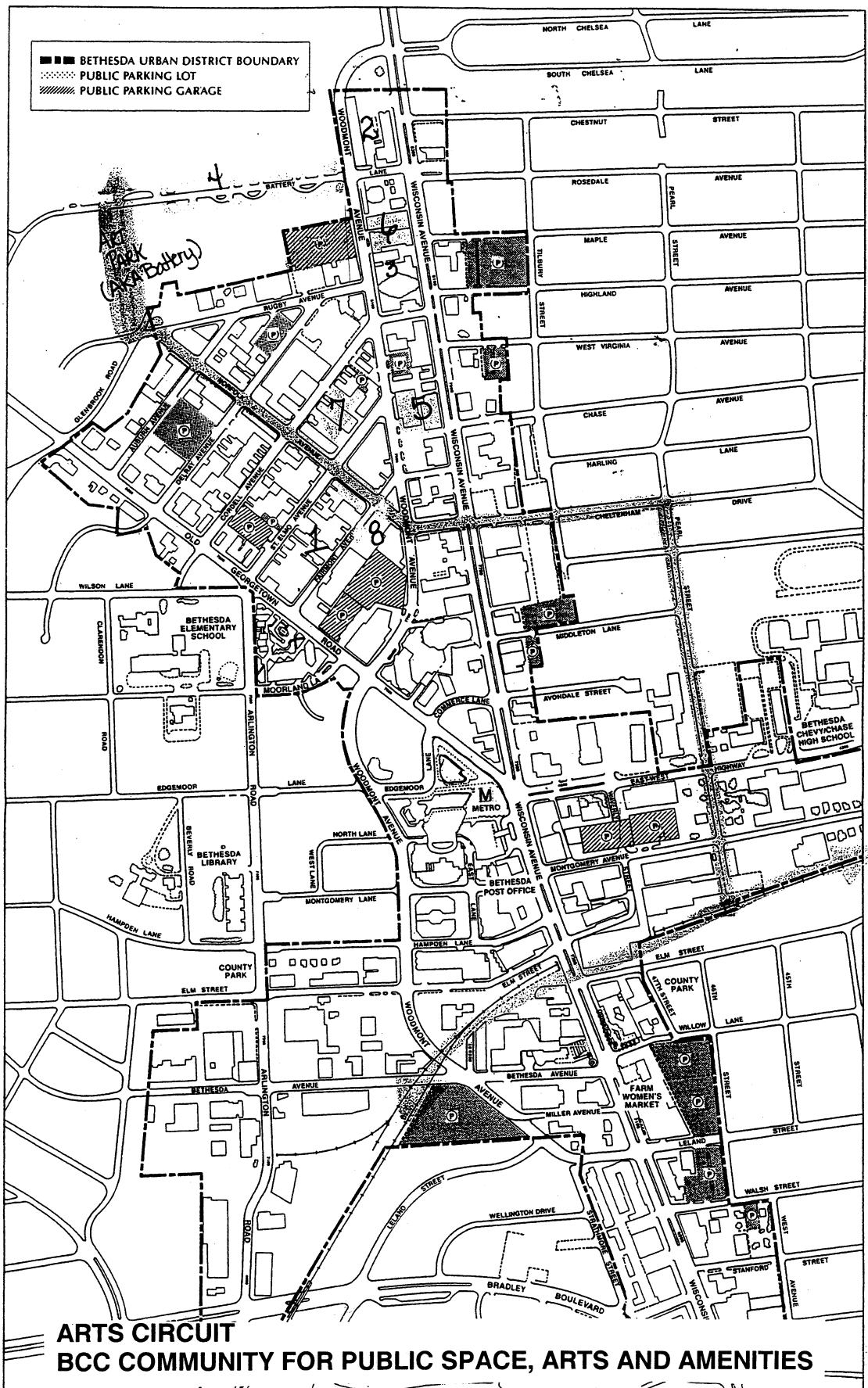


39.	<p>Douglas Duncan, County Executive - Support Amendment's general premise of increased housing for a variety of income levels and retaining existing business; support enhancements to public amenities, safety and character of the streets in the Triangle; support OMD in the Triangle on blocks designated in Plan for CBD-R2. The Plan should provide a description of housing incentives, should discuss transportation, and school and recreation impacts. Does not support any reduction in OMD minimum lot size of 22,000 s.f. Plan should discuss specific types of art spaces appropriate to complement existing spaces including site recommendations. Do not trade undergrounding of utilities for affordable housing. Provide further guidelines for pedestrian safety and access to transit, for any capital improvements.</p>	<p>Amenities and facilities will be discussed in more detail in Work Session No. 2. Staff continues to work closely with representatives of the County Executive to improve the Amendment. The Amendment recommends that OMD projects provide affordable housing on-site, amenities and streetscape in the public ROW and improvement to Battery Lane Local Park. Staff will continue to work with DPWT to improve bicycle and pedestrian pathways, address safety concerns, and improve access to transit.</p>
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**EXISTING AND PROPOSED ZONING**





**ARTS CIRCUIT  
BCC COMMUNITY FOR PUBLIC SPACE, ARTS AND AMENITIES**

- Linowes & Blocker*
1. Fairmont & Elmo (Metz)
  2. Sheraton (Dalyrmpole / Martin)
  3. American Inn (Kutman)
- Shulman Rodgers (Nancy)*
4. Alden/Battery Lane Apts
  5. 7900 Wisconsin
  6. Medical Bldg.

- Greenberg (Todd Brown)*
7. St. Elmo / Cordell
  8. Fairmont

*Garage 35  
Potential Public/Private  
Partnership*



**ARTS AND AMENITIES LIST  
FROM THE BCC COMMUNITY FOR PUBLIC SPACE, ARTS AND AMENITIES**

**IV. Amenity List Summary (Expanded Descriptions with \*)**

<p><b>NORFOLK AVENUE RECONSTRUCTION*</b></p>	<p>Linear park connecting three parks, the Capital Crescent Trail, our five present art anchors and two future art anchors.</p> <p>Amenity</p>
<p><b>ARTS INCUBATOR BUILDING*</b></p>	<p>A building on Norfolk Avenue managed by the BUP to provide studio space for emerging visual and performing artist on a scholarship/intern basis and open to the public.</p> <p>Public use space</p>
	<p>Stand alone older building</p>
	<p>8,000 – 10,000 feet</p>
<p><b>[REDACTED]</b></p>	<p>Set aside small living quarters based on income similar to MPDU program.</p> <p>Amenity</p>
<p><b>[REDACTED]</b></p>	<p>This Park would feature a swath of green space, which would include a performance area for live entertainment or movies and a children’s play area (accessible for special needs). The green space gives the flexibility for audiences, picnicking as well as accommodating walkways, and small gardens for totaling sculpture displays/shows.</p> <p>Public use space</p>
<p><b>[REDACTED]</b></p>	<p>Flexible space to provide a variety of social/recreational programs.</p> <p>Public use space</p>
<p>Large spaces donated to the Arts and Entertainment District and ten leased at below market rates to non-profit arts organizations as listed below:</p>	<p>The rent returns to the Amenity fund for other amenities such as paying expenses on the art incubator building, etc.</p>
<p><b>[REDACTED]</b></p>	
	<p>Seats - 140 fixed (up to 170 with additional of two flexible rows).</p>
	<p>Stage - 34’ deep x 41’ wide</p>
	<p>Sq. Footage – 2,583 sq ft (41 feet x 63 feet)</p>
<p><b>ROY OF MOTION PICTURE CENTER</b></p>	





## The Greater Bethesda-Chevy Chase Chamber of Commerce



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September 22, 2004

Your Business Is  
Our Only Business

The Honorable Derick P. Berlage, Chairman  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Woodmont Triangle – Amendment to the Sector Plan for the Bethesda CBD

Dear Chairman Berlage and Members of the Planning Board:

On behalf of The Greater Bethesda-Chevy Chase Chamber of Commerce (the "B-CC Chamber"), specifically the Woodmont Triangle Advocacy Committee (the "Advocacy Committee"), we wanted to thank you and the Planning Board staff for the long range planning recommendations for the Woodmont Triangle area in the Public Hearing Draft Amendment to the Sector Plan for the Bethesda CBD (the "Draft Amendment"). We find that the recommendations in the Staff Draft address the concerns of a large number of B-CC Chamber members that the current recommendations in the Bethesda CBD Sector Plan and CBD zone development standards do not encourage the necessary private reinvestment to help this area reach its full potential. We anticipate that the recommendations will encourage the redevelopment and reinvestment in the Woodmont Triangle area and thus maintain all of downtown Bethesda as a successful and vibrant business and residential community.

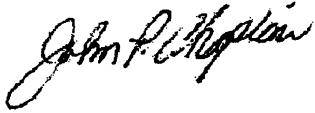
The Advocacy Committee supports the revisions to the current prohibitive restrictions on density and building height in the Woodmont Triangle area and encourages recommendations that will promote redevelopment that will utilize the optional method of development and thus provide appropriate densities and amenities for this urban community. Specifically, the Advocacy Committee supports the Draft Amendment recommendations to: 1) significantly reduce or eliminate the arbitrary 22,000 square foot minimum lot size for an optional method development and give the Planning Board the ability to review on a case-by-case basis during project plan review; 2) increase the flexibility to satisfy a portion or all of the 20% on-site public use space requirement for an optional method development through off-site improvements or contributions to an amenity fund for meaningful public improvements, including streetscapes, park enhancements, and arts projects; 3) eliminating the height restrictions and utilizing the development standards in the underlying zones and recommending additional height where appropriate; 4) rezone certain properties within the Triangle from the CBD-1 zone to the CBD-2 or CBD-R2 zone to permit more residential density where appropriate; and 5) permit transfers of density between CBD zoned properties to allow flexibility and preserve existing businesses.

The adoption of these recommendations in the Draft Amendment and implementation of the innovative zoning tools will encourage redevelopment, private reinvestment and meaningful amenities in the Woodmont Triangle. Further, the recommended actions will support the objectives of the Draft Amendment to provide significant housing in this Metro Station area and to provide meaningful public amenities through private, not public, investment. Further, the private reinvestment in the community with high quality redevelopment projects will address the B-CC Chamber and the community desire to enliven pedestrian activity and business in the Woodmont Triangle area of downtown Bethesda.

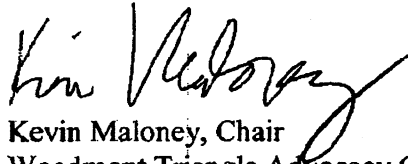
The Honorable Derick P. Berlage  
September 22, 2004  
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We thank you again for your vision and anticipated recommendations to the County Council for the Amendment to the Bethesda CBD Sector Plan to encourage redevelopment in the Woodmont Triangle area.

Sincerely,



John Chaplin, Chairman  
(Robert A. Pumphrey Funeral Homes)



Kevin Maloney, Chair  
Woodmont Triangle Advocacy Committee  
(Maloney & Metz)

- cc: The Honorable Douglas M. Duncan  
The Honorable Steven A. Silverman  
Mr. John A. Carter, Chief, M-NCPPC Community-Based Planning Division  
Mr. Rick Hawthorne, Acting Chief, M-NCPPC Development Review Division  
Ms. Marilyn Clemens, M-NCPPC Community-Based Planning Division

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

September 24, 2004

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**Via: Hand Delivery**

John A. Carter, Chief  
Community-Based Planning Division  
The Maryland-National Capital Park  
and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Bethesda Four Points Sheraton – Bethesda Gateway  
Amendment to Bethesda CBD Sector Plan for Woodmont Triangle (“Woodmont  
Triangle Amendment”) - Planning Board Worksession –September 30, 2004

Dear Mr. Carter:

As you know, we represent the owner of the Four Points Sheraton property, which consists of approximately 71,000 square feet in the CBD-1 zone located in the Woodmont Triangle Study Area at 8400 Wisconsin Avenue (the “Property”). The Property, located approximately 1,600 feet from the NIH-Medical Center Metro Station, forms the northern gateway to the Bethesda CBD and the Woodmont Triangle. As we referenced in our previous testimony, the owner desires to maintain the existing 5-story hotel on the Property on Wisconsin Avenue while redeveloping the western portion of the Property currently improved with a 2-story parking structure (adjacent to Woodmont Avenue, Battery Lane and the vacant 2-acre parcel of ground owned by NIH at the intersection of Woodmont Avenue and Wisconsin Avenue (the “NIH Open Space Parcel”). The Property owner has retained the services of Streetworks LLC (“Streetworks”), who have reviewed the recommendations in the Woodmont Triangle Amendment and applied the housing, amenity, streetscape, arts and retail goals contained therein to an exciting redevelopment concept for the Property appropriately referred to as the “Bethesda Gateway.” In order to accomplish all of these objectives and provide the economic incentive to redevelop the Property (a result we are presuming to be desirable in the context of the Woodmont Triangle Amendment), the owner needs flexibility beyond that currently recommended in the Woodmont Triangle Amendment. Specifically, we are requesting a recommendation that up to 140 feet of building height be permitted on the southern portion of the Property to accommodate new residential density and that the CBD-1 zone provisions be adjusted to provide the flexibility for this recommendation. Pursuant to your request, we have



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September 24, 2004  
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outlined below the reasons why a recommendation in the Woodmont Triangle Amendment for the flexibility to build a 140-foot tall residential building on the southern portion of the Property is necessary and appropriate. We also explain in greater detail the zoning text changes that we believe to be necessary and appropriate.

The Woodmont Triangle Amendment vision of a vibrant and urban mixed-use neighborhood, emphasizing residential, small-scale retail and the arts, is captured by the Bethesda Gateway redevelopment concept as reflected on the attached amenity concept plans prepared by Streetworks. For example, the green open space of the NIH Open Space Parcel is immediately identified as a significant asset that should be maintained as a green and passive gateway area, but enhanced for more community use and potential for an art component. The mixed-use objective of the Woodmont Triangle Amendment is addressed with the hotel, residential and a dynamic, community-oriented "corner" retail component. The pedestrian environment will be enhanced through improved streetscapes and connections to NIH-Metro Station (and the Bethesda Station via the convenient Bethesda 8 Trolley Shuttle) and across the northern end of the Property from Woodmont Avenue to Wisconsin Avenue to create "a more connected community." These public amenities and improvements are not possible, however, without the ability to redevelop the Property with a significant residential component, which is the primary objective of the Woodmont Triangle Amendment.

In order to redevelop part of the Property while maintaining the existing hotel (which we also presume to be a desirable result within the context of the Amendment), it is necessary to maximize the allowable FAR for the Property to make the project economically viable. With the portion of the Property containing the hotel at a density well below the allowable FAR, the ability to achieve the desired FAR for the Property becomes extremely difficult within the 90-foot height limitations of the CBD-1 Zone. As described below, additional height allowing the additional density is not only compatible with the surrounding area, but also allows for a better design and transition.

As depicted in the "Development Scenario" attachment, Streetworks proposes to allocate the residential density in two buildings of varying heights. This design will provide an open area to enhance the light and views for neighbors across Woodmont Avenue and to provide sufficient light and views for the residents of the Bethesda Gateway project and hotel guests as specifically referenced in the Urban Design Guidelines on page 13 in the Woodmont Triangle Amendment. The flexibility in the building height for a southern tower provides the ability to break up the mass and scale of the project with two buildings, instead of one building that may only be 90 feet tall but that would form a 300-foot long wall along Woodmont Avenue with minimized provision of light and air through the site, no building variation, and a lack of desired residential density. The attached "Shade Study" depicting the shadows created by the

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proposed Bethesda Gateway project in comparison to the 90-foot tall slab building demonstrates that the proposed 140-foot height actually generates less shadows on neighboring properties because of the ability to break up the mass of the structure and provide an opportunity for light and air to pass through the site. Further, the proposed Bethesda Gateway design and flexibility in height will provide a more vibrant streetscape with animated ground floor retail and pedestrian connections through the Property to break up the sense of a long arduous block.

The proposed 140-foot height of the southern building on Battery Lane will provide a step down from the existing buildings located to the south of the Property that are 150 feet or more in height in accordance with the desired "stepping" or "tenting" from the taller buildings toward the core of the Bethesda CBD, consistent with the recommendations on page 9 of the Woodmont Triangle Amendment. Please review the attached "Site Profile" attachment for a diagram demonstrating how the desired "stepping" pattern is maintained with the Bethesda Gateway project. The existing 5-story hotel to the east side of the Property on Wisconsin Avenue and the proposed 90-foot residential building to the north toward the NIH Open Space Parcel will similarly provide stepping and diversity of building height on the Property. The proposed 140-foot height of the southern building is necessary to achieve all of the desired goals of the Woodmont Triangle Amendment, most specifically providing significant market rate and affordable housing units in a transit-oriented development. The proximity of the Property to the NIH-Medical Center Metro Station and the NIH campus make this the perfect opportunity for a transit-oriented development that utilizes the available density opportunities, and this is best achieved by allowing 140 feet in height on the southern portion of the Property (stepping to 90 feet at the northern side of the Property).

The proposed 140 feet in height is currently only possible in the CBD-1 Zone (optional method) if certain criteria are met pursuant to §59-C-6.2, footnote 1 (a copy of which is attached), which includes a requirement for a Sector Plan recommendation for height above 90 feet. To satisfy this criteria, we are asking that the Woodmont Triangle Amendment include this recommendation. Additionally, the criteria for exceeding 90 feet in height pursuant to footnote 1 is currently only permitted for a project consisting of more than one lot (for reasons unknown to us and without any obvious purpose). We therefore also seek a recommendation in the Woodmont Triangle Amendment that the text of footnote 1 be amended to eliminate that requirement. The other criteria of the footnote regarding findings of compatibility, public use space and Sector Plan consistency (all of which we feel our proposal satisfies) will ensure that additional height can be achieved only in appropriate circumstances for CBD-1 zoned properties.

John A. Carter, Chief  
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We appreciate your willingness to work with us regarding the objectives of the Woodmont Triangle Amendment and the proposed concepts for Bethesda Gateway, and we look forward to working with Staff as this Sector Plan amendment process evolves. This Property is an important and strategic parcel for the Woodmont Triangle, and we are confident that the end result will be an appropriate gateway and housing resource for the business district.

Thank you for your consideration of these comments, and please do not hesitate to call us if you have any questions or need any additional information. We will also be present for the September 30 worksession should the Board have any questions for us.

Sincerely,  
**LINOWES AND BLOCHER LLP**

*C. Robert Dalrymple, ACM*  
C. Robert Dalrymple

*Anne C. Martin*  
Anne C. Martin

Enclosures

cc: Ms. Marilyn Clemens  
Mr. William Bernstein  
Mr. Joel Mesznik

MONTGOMERY COUNTY CODE  
ZONING ORDINANCE  
Chapter 59

§59-C-6.2

For projects using the optional method of development involving more than one lot under Section 59-C-6.2351, the Planning Board may approve height over 90 feet, but not more than 143 feet. In order to approve height over 90 feet, the Planning Board must find that:

- (1) The additional height is specifically recommended for the property in the applicable sector plan or urban renewal plan;
- (2) The additional height is consistent with the criteria and guidelines for the property as contained in the applicable sector plan or urban renewal plan;
- (3) Except as recommended in an urban renewal plan the portion of the property upon which the additional height is to be used is on all sides abutted by or adjacent to property recommended in the applicable sector plan or urban renewal plan for classification in the CBD-0.5, CBD-1, CBD-2, or CBD-3 zones;
- (4) The proposed development is compatible with the surrounding development, considering but not limited to the relationship of the building or buildings to the surrounding uses, the need to preserve light and air for the residents of the development and residents of surrounding properties, and any other factors relevant to the height of the building; and
- (5) The proposed development will produce a substantial amount of consolidated public open space in excess of that which would be required if this process were not used. The public open space must be designated as public amenity space and be accessible to and usable by the public in accordance with the applicable sector or master plan, or urban renewal plan.

Nonresidential structures in existence at the time the property is placed in the zone, that exceed the normal limit imposed for such uses will not be regarded as nonconforming and may be repaired, remodeled, or replaced so long as there is no increase in the amount of floor area.

In order to provide services to residents and continuity of retail street frontage activity, at least 5 percent of the gross floor area must consist of retail or personal service commercial uses. The Planning Board may waive a portion of this requirement during the course of project plan approval upon a finding that full compliance with this requirement is not practical, feasible, or would result in such uses being required on other than the ground or first floor. A hotel or motel up to FAR 1 is permitted. A hotel or motel with up to 3 FAR may be allowed where recommended as appropriate in the relevant sector plan.

Not to exceed 67 percent of the gross floor area.

Not to exceed 60 percent of the gross floor area.

Not to exceed 62.5 percent of the gross floor area.

Not to exceed 20 percent of the gross floor area.

All provisions of Section 59-C-18.10, entitled the Wheaton Retail Preservation Overlay Zone, shall continue in effect and remain unaltered, except that additional FAR for residential density may be included in a standard method project, provided the restrictions on the utilization of street level space for multi-story buildings constructed or reconstructed after July 16, 1990 are followed.

Additional density for housing purposes may be permitted, so long as the degree of nonconformity from the setback (59-C-6.231), lot coverage (59-C-6.232), and the public open space (59-C-6.233) requirements is not increased. The maximum density cannot exceed the density provisions in section (59-C-6.234)(a)(ii). Development that exceeds this FAR is subject to the procedures set forth in Div. D-3.

Under the optional method of development process, the Planning Board may approve height over 143 feet, but not more than 200 feet. In order to approve height over 143 feet, the Planning Board must find that:

- (1) The additional height is specifically recommended for the property in the applicable sector plan or urban renewal plan or the property is within a revitalization area designated in the applicable sector plan and is located fully or partially within 800 feet of an entrance to a metro station;

MONTGOMERY COUNTY CODE  
 ZONING ORDINANCE  
 Chapter 59

	CBD-0.5		CBD-R1 <sup>2</sup>		CBD-1		CBD-2		CBD-3		CBD-R2	
	S'	O	S	O	S'	O	S'	O	S'	O	S	O
—If adjoining or directly across a street from land which is recommended for or developed in a residential zone with a maximum density of less than 15 dwelling units per acre:	35		35		35							
plus an additional 8 feet for air conditioners or similar rooftop structures and mechanical appurtenances pursuant to division 59-B-1(b).												
(b) Optional method of development.												
—Normally:		60		60		60		143		143		143
—If approved by the Planning Board in the process of site plan or combined urban renewal project plan approval as not adversely affecting surrounding properties, height may be increased to:		60 <sup>12</sup>		143		90 <sup>1</sup>		200 <sup>11</sup>		200		200