



rec'd by zoning staff
TO 12/14/04

DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

MEMORANDUM

December 7, 2004

To: Robert Hubbard, Director
Department of Permitting Services

From: Reggie Jetter, Chief *RJ*
Division of Casework Management

Subject: Parking Waiver – Request for a waiver of the required 10 ft. landscape strip adjacent to a public street right-of-way. The parking facility is for the proposed redevelopment of 10001 New Hampshire Avenue. The landscape strip is required in accordance with Sec.-59-E-2.71

This is written to outline the proceedings related to a parking waiver request by Ralph J. Duffie, Inc. the property owner. Steven J. Orens, attorney with DuFour & Orens, Chtd, represented the owners.

BACKGROUND

The applicant in this case is involved in the re-development of the property zoned C-1 in Silver Spring, Maryland. The property is located at the corner of New Hampshire Ave. and Elton Rd. backing up to the 495 Capital Beltway, in the Hillandale section of Silver Spring. The right-of-way requiring the waiver is the ramp leading from the Capital Beltway to New Hampshire Ave.

The proposed project includes rezoning the property to the O-M zone, and redeveloping with a six-story office building that includes a ground floor restaurant space. Both surface and structured parking will serve the building. The proposed waiver will enable the property owner to provide a retaining wall which will allow additional surface parking, prevent vehicle headlights from shining into Beltway traffic and provide better internal circulation than could otherwise be achieved if the landscape strip were required. The applicant feels that the proposed design will be aesthetically attractive and provide a safe and secure barrier from the Beltway ramp, while meeting the intent of the ordinance.

Neither MNCCP nor the Maryland State Highway Administration (SHA) have objected to this proposed waiver request.



The Department of Permitting Services has received a letter from SHA stating that a proposed alternative of the Capital Beltway may have a future impact on Parcels 18, 23 and 24 of the Ralph J. Duffie, Inc. properties. The Maryland State Highway Administration (SHA) has no jurisdiction in the decision to grant or deny the waiver request.

There was no oral or written opposing testimony introduced for this application.

ANALYSIS AND RECOMMENDATION

The applicant has provided testimony that substantiates the importance of this waiver of the landscape strip. In order to comply with requirements of the Zoning Ordinance, and to maximize the parking facility, a reduction in the landscape strip is necessary. Without a waiver the project would not be compatible with Sec. 59-E-2.41 requirements.

The developer has been in contact with the community and with adjoining property owners prior to the submission of this waiver request.

In order to improve the site conditions, a detailed plan has been entered into the record. This plan has been developed in conjunction with abutting property owners and reflects the combined efforts of all parties to come up with an improved landscaping plan, that best complies with the intent and the objectives of the Ordinance.

Based upon the evidence presented at the hearing and further review of the record, it has been demonstrated that the applicant has met the intent and spirit of the Code. It is recommended that the requested waiver be granted.

DEVELOPMENT STANDARDS

**TABLE
10001 NEW HAMPSHIRE AVENUE
PARCEL 18
DEVELOPMENT STANDARDS AND PROPOSED DEVELOPMENT**

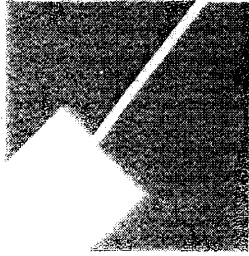
Development Standard	Zoning Ordinance Requirement	Proposed
Lot Coverage	75% permitted	34%
Building Height –stories	7 stories permitted	5 stories
Building Height Feet	72 feet permitted	60 feet
FAR	1.5	1.5
Green Area	15% required	24 %
Building Setback - from New Hampshire Avenue	15 feet required	105.75 feet
Building Setback – from Elton Road	15 feet required	20 feet
Off Street Parking	262 spaces required	291 spaces provided

* The design elevations of the building have been submitted for illustrative purposes only.

**TABLE
CAPITAL BELTWAY BUILDING I
1701 Elton Road
Parcel 23
DEVELOPMENT STANDARDS**

Development Standard	Zoning Ordinance Requirements	Existing Development & Binding Elements
Lot Coverage	75% Permitted	18%
Building Height- stories	7 stories	2 stories
Building Height- in feet	72 feet	27.5 feet
Floor Area Ratio (FAR)	1.5 permitted	.33 FAR
Gross Floor Area (GFA)	93,739.50 GFA	20,831 GFA
Green Area	15% required	15.9%
Building Setback- from Elton Road	15 feet required	15 feet
Setback - From Capital Beltway Ramp	15 Feet	17 feet
Setback – From adjacent commercial property Parcel 24 - Walls with windows or openings	$27.5' \div 3 = 9.16$ feet (1 foot for each 3 feet of height)	386 feet
Off Street Parking	61 spaces required	100 spaces provided

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

rec'd 1/14/05

BB

January 12, 2005

MEMORANDUM

TO: Sandra L. Youla, Zoning Analyst, Community-Based Planning

FROM: Bill Barron, Team Leader, Eastern County, Community-Based Planning
Calvin Nelson, Jr., Planner, Eastern County, Community-Based Planning

SUBJECT: Local Map Amendment No. G-826, Ralph J. Duffie, Inc., Applicant

A circular stamp containing the initials 'BB' and a handwritten signature.

This application is in the "Hillandale Commercial Center" in the Approved and Adopted White Oak Master Plan, dated 1997 (Pages 34 and 35). The Master Plan states the following in regard to this area:

"The Hillandale Commercial Center is primarily a local, retail center with a significant amount of office use...There is little opportunity for growth in this center, although redevelopment of older office and commercial buildings may occur." (underlining added)

The schematic on Page 35 of the Master Plan, designates New Hampshire Avenue and Elton Road as a "Gateway Location".

Application G-826 will replace a vacant, one story commercial building with a 5-story office development (Parcel 18) which will be a major visual element and "gateway" at New Hampshire Avenue and Elton Road. All of the commercial and office development in the area is 1 to 3 stories. The proposed office building, at this prominent location, will function as a "gateway" to Hillandale.

The schematic on Page 35 of the Master Plan also notes that streetscaping, to include street trees and sidewalks, be provided along New Hampshire Avenue and Elton Road. Staff will review the proposed streetscaping at the time of site plan. The Applicant has requested a waiver of the required 10-foot planting strip between the rear of the parking area and the Beltway. The Schematic Development Plan shows a minimum 3-foot high brick wall with a cast stone cap proposed along the rear of the parking in this area. The waiver has been approved by the Department of Permitting Services. We believe that the architectural wall would provide an attractive and effective alternative to the landscape strip.

Application G-826 includes Binding Elements for Parcels 18 and 23. The existing two-story office building (Parcel 23) will not be modified as indicated in the Schematic Development Plan and the Binding Elements contained therein. The Binding Elements for Parcel 18 includes limiting the height of the proposed building to 5-stories (7-stories possible in the Zone) and a minimum of 20% green space (10% minimum green space required in the Zone).

We believe that a 5-story office building in the O-M (Office Building, Moderate Intensity) Zone, as modified by the Schematic Development Plan, will promote redevelopment that is consistent with the recommendations in the White Oak Master Plan and is compatible with the existing 1 to 3 story buildings and uses in the Hillandale commercial area.

We would recommend approval of this O-M Zoning Application, as modified by the Schematic Development Plan and its Binding Elements.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

January 20, 2005

MEMORANDUM

TO: Sandra L. Youla, Planner
Community-Based Planning Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning

FROM: *for* Cherian Eapen, Planner/Coordinator
Transportation Planning
301-495-4525

SUBJECT: Local Map Amendment/Rezoning Application No. G-826
Request for reclassification of subject parcels from C-1 Zone to the O-M Zone
Parcel 18 and Parcel 23; Avenel Gardens Subdivision
New Hampshire Avenue and Elton Road
Fairland/White Oak Policy Area

This memorandum presents Transportation Planning staff's Adequate Public Facilities (APF) review of the subject Local Map Amendment/Rezoning application for Parcels 18 and 23 ("property") located within the southeastern quadrant of the New Hampshire Avenue (MD 650) and Elton Road intersection. The application seeks zoning reclassification for the subject parcels from C-1 Zone to O-M Zone, to obtain subdivision approval for a 90,327 square-foot general or professional commercial building on Parcel 18 with a 5,000 square-foot restaurant to its interior and 85,327 square feet of general office space. Parcel 18 previously accommodated a sit-down restaurant. The existing 20,831 square-foot office use on Parcel 23 is proposed to remain as is in the future.

RECOMMENDATIONS

Transportation Planning staff recommends the following transportation-related comments to be part of the Planning Board's recommendations on the subject Local Map Amendment/Rezoning application. Staff notes that these recommendations may or may not satisfy APF requirements at the time of subdivision, but could be considered "reasonably probable of fruition" in the foreseeable future for the purpose of satisfying APF test for the subject rezoning application.

1. Limit future development on Parcel 18 to a 90,327 square-foot general or professional commercial building with a 5,000 square-foot restaurant to its interior and 85,327 square-feet of general office space. The existing 20,831 square-foot office use on Parcel 23 should remain as is.
2. Limit access at the proposed site access driveway off Elton Road closest to MD 650 to a right-turn in/right-turn out only driveway.
3. Address APF issues related to the subject use, including implementation of an improvement identified in the traffic study at the MD 650/Elton Road intersection, at the time of subdivision through consultation with Maryland State Highway Administration (SHA).

DISCUSSION

Site Location, Access, Circulation and Transportation Facilities

The subject property, consisting of Parcels 18 and 23, is located within the southeast quadrant of the MD 650/Elton Road intersection, and within the northeast quadrant of MD 650/I-495 interchange. Elton Road is to the north, MD 650 is to the west and Capital Beltway (I-495) is to the south of the property. Parcel 18 previously accommodated a Shoney's restaurant with access to Elton Road. An office building, with access to Elton Road, currently exists on Parcel 23, and is proposed to remain as is in the future.

In the vicinity of the property, MD 650 is a six-lane divided major highway with sidewalks on both sides, and has median breaks at Elton Road and Powder Mill Road. Powder Mill Road is a master planned arterial road that intersects MD 650 to the north of the site at a signalized intersection. Elton Road is a business street that extends east from its signalized intersection with MD 650 to Prince George's County, where it connects to Riggs Road and Powder Mill Road via Wooded Way. Within Prince George's County, land use along Elton Road, Wooded Way, and Riggs Road is primarily residential. While Powder Mill Road only has sidewalk to its south side, Elton Road has sidewalks along both sides within Montgomery County. Parking is also permitted along this section of Elton Road. The Hillendale Shopping Center is located to the north of the property.

Vehicular access to the property is gained from Elton Road. Parking on Parcels 18 and 23 is located to the rear and sides of the property.

Staff has also reviewed concerns raised by the local community regarding cut-through traffic to and from the property via the Elton Road/Wooded Way connection to Riggs Road and Powder Mill Road, and concludes that the occurrence of cut-thru traffic directly from the property through local roads, if any, would be minimal, and will not significantly affect current operation of Elton Road or Wooded Way, especially given the proximity of the property to I-495 and MD 650. It is anticipated that a significant amount of site traffic will utilize I-495 and other major highways/arterials in the area to travel to and from the property, rather than the above local roads.

Metrobus routes K6 and C8, and Ride-On bus routes 10, 20, 22 and 24 serve MD 650 with bus stops in the vicinity of the property. The Hillandale transit center is located approximately 1,200 feet from the property, at the terminus of Powder Mill Road just to the west of MD 650.

Master Plan Roadways and Pedestrian/Bikeway Facilities

The 1997 Approved and Adopted *White Oak Master Plan* and the 2000 Approved and Adopted *East Silver Spring Master Plan* consists of the following master-planned roadways and pedestrian/bikeway facilities within the study area:

1. New Hampshire Avenue, which is classified as a six-lane divided Major Highway (M-12) with a 120-foot right-of-way within the White Oak master plan boundary. A Class I or Class III bikeway (PB-24) is recommended for MD 650 between Lockwood Drive to the north and its southern master plan boundary (I-495). The roadway is recommended within the East Silver Spring master plan boundary (between I-495 to the north and Prince George's County line to the south) as a six-to eight-lane divided major highway with a right-of-way of 150 feet and a dual-bikeway. The May 2004 Planning Board Draft of the *Countywide Bikeways Functional Master Plan* recommends a dual bikeway (DB-7) for MD 650 south of Lockwood Drive to Prince George's County line.
2. Adelphi Road, which is classified as a four-lane Major Highway (M-80) with 120 feet of right-of-way between MD 650 and Prince George's County line. This section of Adelphi Road within the master plan area is less than 500 feet in length.
3. Oakview Drive, which is classified as a two-lane Primary Residential Street (P-6) with 60-feet of right-of-way and a proposed Class III bikeway (Route Number 11) between MD 650 and Northwest Branch Park.
4. Elton Road, which is classified as a four-lane Business Street (B-3) with an 80-foot right-of-way between MD 650 and Prince George's County line. Though the 1,600-foot section of the roadway within Montgomery County is currently built as a four-lane roadway, it operates as a two-lane roadway with parking on both sides. The roadway transitions into a two-lane residential street with no sidewalks within Prince George's County.
5. Powder Mill Road, which is classified as a four-lane Arterial Road (A-94) with an 80-foot right-of-way between MD 650 and Prince George's County line, and a Class III bikeway (PB-31). However, it is built with five-lanes with a center two-way left-turn lane, and has over 90 feet of right-of-way.
6. Lockwood Drive, which is classified as a two-lane Arterial Road (A-286) between US 29 to the southwest and Stewart Lane to the northeast, with a minimum right-of-way width of 80 feet. The Master Plan also recommends on-street parking, sidewalks, tree panel and a Class I or Class II bikeway (PB-27) along Lockwood Drive. The May 2004 Planning Board Draft of the *Countywide Bikeways Functional Master Plan* recommends a dual bikeway (DB-10) for the section of Lockwood Drive between US 29 and MD 650.

7. Capital Beltway, which is classified as a ten-lane divided Freeway (F-8) within the master plan area with a right-of-way of 300 feet.

Nearby Transportation Improvement Projects

The SHA Consolidated Transportation Program (CTP) and the Montgomery County Department of Public Works and Transportation (DPWT) Capital Improvement Program (CIP) include the following nearby projects:

1. New Hampshire Avenue: SHA has begun re-construction along MD 650 to widen the roadway from Powder Mill Road to the north of US 29. It is to provide for an additional northbound through lane along MD 650 with intersection improvements at the following locations:
 - MD 650/Powder Mill Road,
 - MD 650/Mahan Road/Schindler Drive,
 - MD 650/Relocated Michelson Road,
 - MD 650/Lockwood Drive, and
 - MD 650/US 29 Interchange.

The project will include improved vehicular, pedestrian and bicycle access to existing and planned activity centers along MD 650, including commercial sites. Currently, the project is 42% complete, and is anticipated to be completed in August 2006.

2. Oakview Drive: This DPWT project involves construction of turn lanes along the east and west legs of Oakview Drive, in addition to sidewalk improvements along Oakview Drive. The project is anticipated to start construction in April 2005.

Local Area Transportation Review

A traffic study was required for the subject Local Map Amendment/Rezoning application per the 2004 *Local Area Transportation Review (LATR) Guidelines* since the proposed development on the subject property was estimated to generate **30** or more total peak-hour trips during the typical weekday morning (6:30 – 9:30 a.m.) and evening (4:00 – 7:00 p.m.) peak periods.

The consultant for the applicant submitted a traffic study (dated June 2, 2004; Revised September 10, 2004) that determined traffic-related impacts of the proposed change on the property (the 90,327 square-feet of restaurant/office use on Parcel 18) on nearby roadway intersections during weekday morning and evening peak periods. The existing office use on Parcel 23 is to remain as is without any change in the future and therefore was determined not to add additional traffic to the existing street traffic. Staff notes that the traffic study complied with the requirements of the *LATR Guidelines* and the traffic study scope provided by the staff. Traffic conditions presented in the study adequately incorporate traffic associated with identified background developments to Existing traffic, and incorporate estimated site traffic to Background (no-build) traffic to develop Total (build) traffic conditions.

The trip generation estimates for the uses proposed on Parcel 18, as analyzed in the traffic study, were based on M-NCPPC and ITE Trip Generation trip-generation rates. Based on these rates, it was estimated that the proposed uses on Parcel 18 would generate approximately 141 peak-hour trips during the weekday morning peak-period, and approximately 180 peak-hour trips during the weekday evening peak-period. It is noted that the traffic study conservatively assumed all of the peak-hour trips associated with the restaurant to be “new”, and did not incorporate any discounting for “pass-by” and “linked” trips. A summary of the above is provided in Table 1.

**TABLE 1
SUMMARY OF SITE TRIP GENERATION
PROPOSED 90,327 SF RESTAURANT/OFFICE USES ON PARCEL 18**

Time Period	Trip Generation		
	In	Out	Total
Weekday Morning Peak-Hour	122	19	141
Weekday Evening Peak-Hour	48	132	180

Source: 10001 New Hampshire Avenue Traffic Study. STS, Ltd. June 2, 2004; Revised Sept. 10, 2004.

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

As shown in Table 2, under Total (build) traffic conditions, CLV values for intersections included in the study were either below the respective policy area congestion standards, or with an applicant-identified roadway improvement (lane designation changes to the westbound Elton Road approach to MD 650) did not exceed the Background (no-build) CLV. Staff notes that the above improvement was conceptually accepted by the SHA (see Attachment 1).

Based on the review of the analysis presented in the traffic study, staff therefore concludes that the zoning reclassification request for the property satisfies requirements under the LATR Guidelines and therefore, the APF test.

TABLE 2
SUMMARY OF CAPACITY CALCULATIONS
PROPOSED 90,327 SF RESTAURANT/OFFICE USES ON PARCEL 18

Intersection	Traffic Conditions								
	Existing		Background		Total		Total w/Applicant Funded Imps		
	AM	PM	AM	PM	AM	PM	AM	PM	
<i>Within Silver Spring/Takoma Park Policy Area:</i>									
MD 650/Adelphi Road/Dilston Road	1,253	1,450	1,262	1,466	1,272	1,478	--	--	
MD 650/Oakview Drive	1,553	1,509	1,562	1,534	1,564	1,538	--	--	
<i>Within Fairland/White Oak Policy Area:</i>									
MD 650/Elton Road ¹	1,125	1,310	1,185	1,453	1,196	1,539	1,187	1,465	
MD 650/Powder Mill Road ²	1,515	1,290	1,461	1,364	1,481	1,383	--	--	
Elton Road/Site Driveway	--	--	--	--	1,272	1,478	--	--	

Source: 10001 New Hampshire Avenue Traffic Study. STS, Ltd. June 2, 2004; Revised September 10, 2004.
 Congestion Standards: Fairland/White Oak Policy Area: 1,500; Silver Spring/Takoma Park Policy Area: 1,600

¹ A November 2004 analysis of the operation of this intersection (with the same base existing traffic data) as part of the Draft SEIS for the FDA Relocation/Consolidation at White Oak indicated that the respective Background AM/PM CLV for the MD 650/Elton Road intersection were 1,489 and 1,622, respectively, because of a substantially larger study area and number of additional background developments. While this represents a higher CLV for the intersection than presented in Table 2, the traffic impact of the proposed use will still be adequately mitigated by the improvement proposed for the intersection by the applicant (since site build conditions are the same under either scenario).

² Background and Total Traffic Conditions reflect SHA improvements at the intersection as part of the MD 650 project.

CE:gw
 Attachment

cc: Carlton Gilbert
 Bill Barron
 Cathy Conlon
 Michael Ma
 Mary Goodman
 Jeff Riese
 Sarah Navid
 Greg Cooke
 Steven G. Petersen



Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

October 18, 2004

Mr. Shahriar Etemadi
Transportation Coordinator
M-NCPPC
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Montgomery County
MD 650
10001 New Hampshire Avenue

Dear Mr. Etemadi:

Enclosed are State Highway Administration's (SHA) comments on the review of the Revised Traffic Impact Study Report by Street Traffic Studies, Ltd. dated September 10, 2004 (received by the EAPD on September 16, 2004) that was prepared for proposed 10001 New Hampshire Avenue commercial development in Montgomery County, Maryland. The comments and conclusions are as follows:

- Access to the development that will include 85,327 square feet of Office Development and a 5,000 square foot Quality Restaurant is proposed from one (1) full movement driveway on Elton Road (a County roadway).
- The traffic consultant determined that the proposed development would negatively impact the MD 650 at Elton Road intersection. Therefore, the traffic consultant proposed to widen the westbound Elton Road approach from the existing 1 left turn lane and 1 left/right lane -to- 2 left turn lanes and 1 right turn lane.

In conclusion, SHA concurs with the report findings. Therefore, SHA recommends that the M-NCPPC require the applicant to design and construct the roadway improvements at the MD 650 at Elton Road intersection. Roadway improvement plans and traffic signal modification plans should be submitted to SHA for our review and comment in order to receive a permit to construct the necessary roadway improvements. Dedication of right-of-way may also be necessary to construct the necessary roadway improvements. Unless specifically indicated in SHA's response on this report, the comments contained herewith do not supersede previous comments made on this development application. If there are any questions on any issue requiring a permit from SHA on this application, please contact Greg Cooke at (410) 545-5595. If you have any questions regarding the enclosed traffic report comments, please contact Larry Green at (410) 995-0090 x20.

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

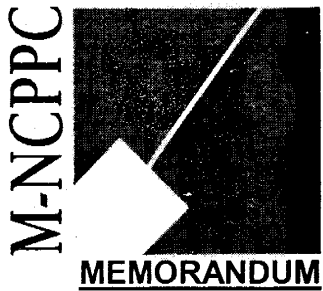
cc: Greg Cooke – SHA Engineering Access Permits Division
Larry Green – Daniel Consultants, Inc.
Lee Starkloff – SHA District 3 Traffic Engineering
Joseph Finkle – SHA Travel Forecasting Section
William Richardson – SHA Traffic Development & Support Division
Bob French – SHA Office of Traffic & Safety
Stephen Petersen – STS, Ltd.

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

100' of Hwy 280' of Staff
1/27/05



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

DATE: January 20, 2004
TO: Sandra Youla, Development Review Division
VIA: Mary Dolan, Countywide Planning Division, Environmental
FROM: Marion Clark, Countywide Planning Division, Environmental
SUBJECT: Zoning Application No. G-826
10000 New Hampshire Avenue

Recommendation

Environmental Planning staff recommends **approval** of this application.

Discussion

This site is located in an urbanized area at the intersection of New Hampshire Ave. and Interstate 495. The site is developed and entirely impervious with the exception of a small strip of lawn on the south and west sides. The subject site has no forest or specimen trees. It is not located within a Special Protection Area or Primary Management Area. There are no streams, floodplains, steep slopes or environmental buffers associated with environmental features.

An approved Natural Resource Inventory/Forest Stand Delineation will be a requirement for Site Plan approval submission. This application has an exemption for Forest Conservation requirements.

Since the applicant will retain ownership of the building, staff recommends that consideration be given to including a certified Leadership in Energy and Environmental Design (LEED) professional on the design team during the site plan approval process, and that the applicant should strive to meet a minimum level of certification in the United States Green Building Council program.

Water Quality

The site of this application is in the Lower Mainstem subwatershed of the Paint Branch watershed. Paint Branch is considered a Use III category stream by the Maryland Department of the Environment. This category is given to streams having waters capable of supporting self sustaining trout populations.

The *Countywide Stream Protection Strategy* (CSPS) assesses this tributary as having fair stream and habitat conditions. The subwatershed is designated as a Watershed

Restoration Area, usually applied to older previously developed areas where the CSPA supports stopping further degradation and improvement made to streams in fair to poor condition.

rec'd 1/21/05
4:15 pm

10404 Sweetbriar Parkway
Silver Spring, MD 20903

January 20, 2005

Montgomery County Planning Board
Montgomery County Department of Park & Planning
The Maryland-National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Sent via e-mail to: mcp-chairman@mncppc-mc.org

Subject: Zoning Application No. G-826

Dear Chairman Berlage and Commissioners,

The redevelopment of the old Shoney's at New Hampshire Avenue and Elton Road will be a vast improvement over the currently dilapidated structure. The \$10-million five-story office building proposed obviously provides an opportunity for the developer to maximize the return on his property, and *could* help to improve the retail offerings in the Hillandale Shopping Center. But, in reviewing the application, I have two concerns regarding the application:

TRAFFIC: The original traffic analysis was submitted in June 2004, with small a revision in September 2004. According to the study, the only mitigation needed to accommodate the added traffic and meet county standards would be to re-stripe Elton Road at New Hampshire.

Unfortunately, the traffic study was based on traffic projections which are much lower than those released by GSA in the November 2004, FDA Draft Supplemental Environmental Impact Statement (or the numbers contained in the State's November 2003, Rt 650 EIS). For example, the FDA's DSEIS has 19% **more** traffic moving through the Elton Road and Powder Mill Road intersections than shown on the applicant's traffic study. According to the FDA's DSEIS, the anticipated Level of Service (LOS) for the two critical intersections closest to the proposed office are:

Anticipated Level of Service (LOS)				
Showing Critical Lane Volume (CLV), Data from page 4-51, FDA DSEIS, November 2004				
Intersection	AM	LOS (CLV)	PM	LOS (CLV)
New Hampshire at Elton Road	F	(1,520)	F	(1,641)
New Hampshire at Powder Mill	F	(1,863)	F	(1,737)

F (Failure) based on the value of 1500CLV for the White Oak/Fairland area

And, there's an additional "Catch-22," the FDA analysis does not include the proposed office building, because it has not been added to a list of the county's approved projects.

Beyond CLV counts, there are particular problems associated with Elton Road. Elton only intersects with New Hampshire and becomes a narrow, residential street within two blocks of the proposed office building. Briefly, here are the difficulties:

1. Motorists exiting Elton onto New Hampshire and desiring to use the westbound beltway will rely on the less-than-safe practice of making U-turns on New Hampshire at Powder Mill. This is a recognized safety problem now.
2. The three lights on northbound New Hampshire (at Powder Mill, Elton and the Beltway exit ramp) often cause back ups and grid lock during the evening rush. Additional traffic at this intersection will make this condition chronic.
3. Northbound New Hampshire traffic currently uses Elton (possibly encouraged by the normally empty must-turn-right lane) as the relief valve to the backups. Traffic (a) cuts through the congested area in front of the CVS store in the Shopping Center to exit onto Powder Mill or (b) travels Elton into the neighborhood to exit on Riggs or Powder Mill.

Recognizing that the LATR Guidelines offer options for developers to participate in easing congestion by participating in road projects, or buying mitigation through investment in transit and pedestrian improvements, I believe that the traffic analysis for this project must be re-run. The developer should be required to mitigate the additional above-CLV traffic generated by this project. Ignoring the problem or dismissing the traffic as *FDA's problem* is not consistent with the county's commitment to Adequate Public Facilities.

Please require the developer to rerun the traffic numbers with the more accurate FDA DSEIS traffic numbers, and require appropriate mitigation measures for this project.

REZONING OF A SECOND PARCEL: The request to rezone the existing two-story office building parcel adjoining the Shoney's parcel raises the question of how and when this building will be redeveloped. Although there are binding elements offered, a potential higher-intensity use of the second property must be considered in evaluating the rezoning. Given the current problems with Elton Road, and the lack of a secondary road network to support additional development, I do not see that granting the O-M zone to this second parcel (Parcel 23) as *compatible*. One O-M building is desirable, but two is too much for the area to absorb.

Since rezoning of the second parcel does not impede the redevelopment of the Shoney's site, please evaluate the desirability, compatibility of two O-M buildings at "build out."

Thank you for your time and attention to these two issues.

Regards,

Eileen Finnegan
301-439-2263