



January 4, 2006

MEMORANDUM

TO: Sandra Youla, Zoning Analyst
FROM: Piera Weiss, Eastern County Team
SUBJECT: S-2656 *W*

The property that is the subject of Special Exception application S-2656 is located in the US 29 /Cherry Hill Road Employment Area, and carries two zones: I-1 and the US 29/Cherry Hill Road Employment Area Overlay Zone.

This employment area is designated in the 1997 Approved and Adopted Fairland Master Plan as the major employment area for the master plan. The area consists of over 400 acres of non-residential uses on property zoned I-1, I-2, I-3 and I-4, and C-6 and covered by the overlay zone. The master plan encouraged uses such as restaurants and banks were encouraged to support the businesses, employees and area residents. This proposed hotel is located next to a recently approved restaurant row with visibility to US 29

The master plan also recognized the eventual relocation of FDA to a site adjacent to the employment area, That relocation process is underway and will continue to add employees over the next decade. A federal installation such as FDA involves clients /applicants/ and visitors from all over the country who may need places to stay overnight or longer.

The proposed use and location are consistent with the intent of the master plan, is easily reached via the major road network and is a complementary use with the adjoining restaurants project.

orig rec'd 1/10/06

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

MEMORANDUM

TO: Sandra Youla, Development Review

VIA: Mary Dolan, Environmental Planning *MD*

FROM: Michael Zamore, Environmental Planning *MZ*

DATE: January 9, 2006

SUBJECT: Special Exception S-2656
Hilton Garden Inn, Broadbirch Drive

Environmental Planning staff has reviewed the Special Exception request referenced above. Staff recommends **approval** of this request with the following conditions:

1. Compliance with the conditions of Montgomery County Department of Permitting Service's letter of May 27, 2005 approving the site's Stormwater Management Concept Request.
2. No encroachment into wetland and wetland buffer areas except for necessary stormwater management outfalls.
3. Applicant must not disturb or in any way interrupt the groundwater monitoring wells at the site and must allow access for monitoring.

Forest Conservation

The project is located on Lot 39, which is subject to Preliminary Plan No. 1-91038 approved in 1991 for the 200-acre site then known as West*Farm Technology Park, of which the Property was a portion. Lot 39 is exempt from forest conservation under Chapter 22A-5(k), which is the Grandfathering Provision. Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) (No. 4-05011, issued November 18, 2004) and FCP exemption No. 4-02049E for Parcel CCC, also covers Lot 39. Final Forest Conservation Plan No. 8-05022 issued July 7, 2005, that covers the broader Montgomery Industrial Park also covers the site.

Environmental Guidelines

The NRI/FSD shows a small area of wetlands at the eastern end of the property. There is no encroachment into this sensitive area although the Special Exception Site Plan shows parking very close to the buffer area. The applicant has agreed to build parking with a retaining wall to protect the wetland and buffer area. The applicant plans to devote 40% of the site to green space, in excess of the 35% required by the I-1 zone. The property will also be improved with a large number of landscaping trees around the building, in the parking lot, and along the property boundary.

Environmental Concerns

The Maryland Department of the Environment (MDE) has required monitoring and remediation work on the property since the 1990's to remove tetrachloroethylene (PCE). This is a hazardous chemical that was generated by the dry-cleaning and related activities of (International Fabricare Institute) a previous occupant of the site. Based on data generated from soil and groundwater monitoring, MDE determined that the levels of contaminants in soil and groundwater in the area influenced by the remediation system had reached asymptotic levels and further treatment would not be effective. MDE authorized the shutdown of the remediation system in April 2003, to allow evaluation of the continued need for active remediation. The evaluation included the preparation of a Risk Assessment for the site to evaluate potential risks to human health and the environment from the groundwater contamination of the site. The Risk Assessment identified no unacceptable potential risks and MDE placed no constraints on the development and use of the property but groundwater monitoring continued.

A March 2005 report on groundwater monitoring done for the site (Lot 39), noted that the levels of PCE in the three wells on Lot 39 were above the 5 ppb Maximum Contaminant Level for drinking water set by the Environmental Protection Agency. However, the contamination is currently confined to the upper aquifer and groundwater is not utilized as a drinking water source in the area. MDE has concluded that the possible intrusion of contaminated vapors into buildings constructed over the contaminant plume should not present a health risk at the levels currently known to exist under the site. Continued monitoring is necessary, however, to track the levels in soil and groundwater and assure that conditions remain stable. Baywood and GB, LLC (the owner of the adjacent restaurant park site and previous owner of the Property) have a contractual arrangement that Baywood will not disturb or in any way interrupt the monitoring wells and will allow access for monitoring. GB, LLC retain legal responsibility for all other obligations with respect to environmental remediation.

Dust is not expected to be problematic because most of the site will be either paved or landscaped. The proposed use will generate no objectionable noise, vibrations, fumes or odor that will adversely affect surrounding users.

Stormwater Management

The Montgomery County Department of Permitting Services (DPS) has approved a Stormwater Management Concept Plan for the site. An existing regional type stormwater management facility previously approved as part of a stormwater management plan for West*Farm Technology Park, will accommodate stormwater management for the property. Water quality treatment will occur onsite in a sand filter system that will receive stormwater runoff from paved portions of the facility and convey them to another filter in the northeast portion of the facility. Storm drains from the roofs will convey roof runoff directly to dry wells.

In April 2005, MDE confirmed that the infiltration of stormwater would not flush or increase the movement of contamination into the groundwater via the sand filter and dry wells, nor would it present any danger to personnel if they augured into the sand filter as part of the inspection process. MDE also concluded that the levels of contamination in the soil were not high enough to have impact on site workers that might encounter subsurface soils on a casual basis. Accordingly, MDE had no objections to the stormwater plan as originally submitted.

Watershed Protection

The western portion of the site drains to the Middle Mainstem subwatershed while the eastern

portion drains to the West Farm subwatershed of the Paint Branch Watershed. The Paint Branch is classified as a Use III waterway. The *Montgomery County Countywide Stream Protection Strategy* (CSPS, 1998) lists subwatershed/stream and habitat conditions in the Middle Mainstem as 'good' based on data available at that time. A good riparian buffer continues to protect this stream section though uncontrolled runoff and sediment deposition continue to have an impact. By contrast, conditions at West Farm tributary are classified as 'poor'. West Farm Tributary is part of a Watershed Restoration Area because of the need to address the effects of highly impervious land uses and uncontrolled runoff.

Water and Sewer Availability

Adequate public water and sewer currently serve the area.

sly recd 1/9/06



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

May 27, 2005

Mr. Spott D. Roser
Macris, Hendricks & Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, MD 20886-1279

Re: Stormwater Management **CONCEPT** Request
for Baywood Hotel (Montgomery Industrial Park)
Preliminary Plan #: N/A
SM File #: 218278
Tract Size/Zone: 1.69 acres / I-1
Total Concept Area: 1.69 acres
Lots/Block: Lot 39
Parcel(s): Part of Parcel CCC West Farm
Technology Park
Watershed: Paint Branch

Dear Mr. Roser:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is acceptable. The stormwater management concept consists of on-site channel protection measures via the existing West farm Regional Pond; on-site water quality control via installation of a hydrodynamic water quality unit; and onsite recharge via direction of a portion of the roof runoff to recharge wells.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. Bypass the roof runoff around the proposed water quality facility. Do not allow roof runoff to enter the storm drain system above the proposed water quality unit. Water quality for the roof runoff will be provided by wet storage on the existing Regional Pond. This will provide more efficient treatment of the vehicular impervious areas on the subject property.
5. Recharge roof runoff directly. Do not use the crossover/overflow structure. Additional storm drain piping will likely be necessary.

This list may not be all-inclusive and may change based on available information at the time.



Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mark Etheridge at 240-777-8338.

Sincerely,

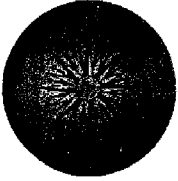


Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dtp mee

cc: R. Weaver
S. Federline
SM File # 218278

QN - ON; Acres: 1.89
QL - ON; Acres: 1.89
Recharge is provided



January 9, 2006

MEMORANDUM

TO: Sandra Youla
Development Review Division

VIA: Dan Hardy, Supervisor *DCH*
Transportation Planning

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

SUBJECT: Special Exception Case No. S-2656
Baywood Hotels, Inc.
Proposed 104 room Hotel (Lot 39)
Broadbirch Drive
Fairland/White Oak Policy Area

This memorandum presents Transportation Planning staff's Adequate Public Facilities (APF) review of the subject Special Exception case to construct a 104-room hotel on Lot 39 of WesTech Business Park, located along Broadbirch Drive just east of Tech Road. The property is zoned I-1, and is located within the US 29/Cherry Hill Employment Overlay Zone, within the Fairland/White Oak Policy Area.

RECOMMENDATIONS

Transportation Planning staff recommends the following conditions as part of the transportation-related requirements to grant this Special Exception request:

1. Limit development on the property as part of this Special Exception to a 104-room hotel (equivalent to 34,118 square feet of general office use).
2. At the time of Site Plan, the applicant shall provide adequate sidewalks, handicapped ramps and crosswalks – both on and off the property. Sidewalk ramps shall meet Americans with Disabilities Act (ADA) requirements.

3. At the time of Site Plan, the applicant shall provide adequate internal vehicular and pedestrian connection to WesTech Village Corner located to the west of the property.
4. At the time of Site Plan, the applicant shall coordinate with the Montgomery County Department of Public Works and Transportation/Division of Transit Services to install a bus shelter on Broadbirch Drive in the vicinity of the hotel.

DISCUSSION

Property Location, Vehicular/Pedestrian Access, Transit Facilities and Land Uses

The property is located along Broadbirch Drive approximately 500 feet east of its intersection with Tech Road. As part of the recently approved WesTech Village Corner Site Plan, several restaurants and a bank are currently being built immediately to the west of the site.

Primary access to and from the property is proposed from Broadbirch Drive, a four lane industrial road with four-foot wide sidewalks and street trees on both sides. The Special Exception site plan proposes internal vehicular and pedestrian connections to both Broadbirch Drive and WesTech Village Corner. Staff finds that the proposed hotel use will not adversely affect area pedestrian or bicyclist accessibility or safety.

Several Metrobus routes and RideOn route 10 serve this area and have stops along Broadbirch Drive and Tech Road. Land use mix in the area immediate to the site includes office, commercial, retail, industrial and warehousing uses.

Master Plan Roadways and Pedestrian/Bikeway Facilities

According to the 1997 Approved and Adopted *Fairland Master Plan*, the nearby master-planned facilities include:

1. Tech Road, designated as a four-lane Industrial Road (I-11) between US 29 and approximately 1,600 feet southwest of Industrial Parkway, with a minimum right-of-way width of 80 feet. The roadway is currently built to master plan recommendations with sidewalks on both sides.
2. Broadbirch Drive, designated as a four-lane Industrial Road (I-9) between Tech Road and Cherry Hill Road, with a minimum right-of-way width of 80 feet and a planned Class II bikeway (PB-65). The roadway is currently built with four travel lanes, sidewalks and street trees on both sides.

Nearby Transportation Improvement Projects

The Maryland State Highway Administration's (SHA) Consolidated Transportation Program (CTP) includes the following nearby projects:

1. US 29/East Randolph Road/Cherry Hill Road Interchange: This single-point urban diamond interchange is under construction and is approximately 92% complete as of November 2005. The estimated completion date for the project is June 2006.
2. US 29/Tech Road/Industrial Parkway Interchange: Given the significant land use changes that have occurred or are planned for the Cherry Hill area subsequent to the initial project planning studies for the US 29 corridor, SHA is revising/updating its preliminary design plans for this interchange to reflect current traffic trends. The project is currently funded for planning/preliminary design only.

Local Area Transportation Review

Subsequent to a *Trip Reduction Agreement* dated May 11, 1990, and in compliance with the 1990 Trip Reduction Amendment to the 1981 Eastern Montgomery Master Plan, West*Farm was allocated I-1 office density of up to 1,313,921 square feet (under Preliminary Plan No. 1-91038 for all of the original West*Farm I-1 lots, APF approval of which was extended to July 31, 2009 by the Planning Board at its November 4, 1999 public hearing). Currently, after accounting for sale, construction and/or approvals obtained for future development, GBLLC (current owner of West*Farm, which was renamed WesTech Business Park) owns approximately 107,196 square feet of approved density for those remaining I-1 zoned undeveloped parcels subject to the 1990 agreement. Of this remaining I-1 office density, through a recorded *Declaration of Restrictive Covenants Covering Lot 39* dated July 12, 2005, GBLLC sold Baywood Hotels, Inc. 34,118 square-feet of office density, and now have 73,078 square-feet of remaining office density.

Since the APF approval for the original preliminary plan is still valid, a traffic study to analyze traffic impact at nearby intersections (per the *Local Area Transportation Review (LATR) Guidelines*) is not required for this Special Exception case. However, the applicant is required to submit a traffic statement stating that the density currently proposed on the I-1 zoned parcel will not exceed the overall approved general office density ceiling allocated for GBLLC, as well as that density allocated to the parcel per the above covenant placed on the property.

To satisfy above requirements, the applicant's consultant submitted a traffic statement dated July 14, 2005 (Attachment No. 1; letter from David A. Nelson, P.E.), documenting that the total weekday morning peak hour trips estimated for the proposed 104-room hotel would be equivalent to that generated by the 34,118 square feet of office density allocated to the property. The subject Special Exception use therefore satisfies the LATR requirements.

CE:gw
Attachment

cc: Ed Axler
Chuck Kines
Shahriar Etemadi
Mary Goodman
Cathy Conlon
Piera Weiss
Greg Leck
Ray Burns
Melinda Peters
Sande Brecher
Howard Benn
Patricia Harris, Esq.
Bill Kominers, Esq.
Dave Nelson

memo to Youla re S-2656 baywood hotels



Street Traffic Studies, Ltd.

Attachment No. 1

July 14, 2005

William Kominers
Holland & Knight LLP
3 Bethesda Metro Center
Suite 800
Bethesda, Maryland 20814-6301

Re: Baywood Hotels@ WestFarm
Traffic Equivalency Study

Dear Mr. Kominers:

Based on our discussions concerning the above referenced project, we have conducted a review of the expected trip generation characteristics of the planned hotel project to determine a relationship to the current approvals for the site. The overall intent of this effort is to develop a conversion rate in square footage between the current office generated trip summary and the proposed development using site generated trips as the common thread.

The existing WesTech project, through a series of previous applications and approvals has a vested right to develop based on a 0.4 FAR for all ground within the subdivision pursuant to the Density Administration Agreement, with trip generation limits established based on the current office trip generation rates of $(1.70(A) - 8) = T$, morning peak hour and $(1.44(X) + 20) = (T)$, evening peak hour).

Baywood proposes to construct a 104 unit hotel, typical of a business suites model that will not include restaurant or conference facilities. For the purpose of the trip comparison, the hotel was analyzed based on the standard Institute of Transportation Engineers Trip Generation Manual, Land Use Code 311, Suites Hotels. Based on the trip rates contained in the manual, the 104 units hotel would be expected to generate 50 morning peak hour trips (rate = 0.48 trips per room) and 57 evening peak hour trips (rate = 0.55 trips per room).

Solving the office trip generation equation in reverse, knowing the trips, yields an equivalent office density of 34,118 square feet based on the morning trip rates and 25,694 square feet based on the evening trip rates.

William Kominers

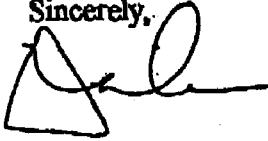
July 14, 2005

Page Two

Therefore, based on the study conducted, the proposed hotel development including 104 residence suites would equate to a typical office development of 34,118 square feet, using the controlling morning peak hour factors.

If you have any additional questions or require additional information, please let me know.

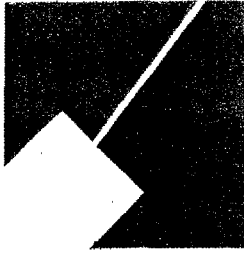
Sincerely,

A handwritten signature in black ink, appearing to read "D. Nelson", written over a faint rectangular box.

David A. Nelson, P.E.
President

CC: Al Patel, Baywood Hotels
Ed Axler - M-NCPPC Transportation

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

January 12, 2006

Memorandum

To: Sandra Youla, Development Review
Carlton Gilbert, Zoning Supervisor, Development Review

Via: Karl Moritz, Research & Technology Center, 301-495-1312

From: Gary Goodwin, Research Coordinator
Krishna Akundi, Senior Planner *krishna*

Re: Evaluation of the Proof of Need Analysis for Hilton Garden Inn, Special Exception S-2656

Finding: Applicant shows a need for the proposed hotel at 2200 Broadbirch Drive

Background

Baywood Hotels Inc. of Greenbelt, Maryland has proposed a "business-oriented hotel," a Hilton Garden Inn, within the Westech Business Park at 2200 Broadbirch Drive. On December 20, 2005, applicant (Baywood Hotels Inc.) submitted a proof of need analysis for review as required by County Zoning Ordinance 59-G-1.25

A special exception may only be granted if the Hearing Examiner "finds from a preponderance of the evidence of record that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentration in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood".

The ordinance gives a strong indication what avenues of analyses an applicant should pursue and what needs to be proved to support developing a new lodging facility.

(1) Analysis of Market Demand & Proof of Undersupply in County

The applicant must conduct a market demand analysis and prove that there is an undersupply of lodging rooms to meet Montgomery County demand.

(2) Analysis of Existing Similar Uses & Proof That Neighborhood Will Not Be Saturated

The applicant must complete an inventory of existing and planned lodgings offering facilities and amenities that would compete with the subject property. Since the lodging market is not comprised of a single product type (i.e. luxury hotels) but is made up of many different types (i.e. extended stay, business oriented, economy priced motel), the applicant must indicate what product they are proposing to build and how many similar and nearly similar products are within "the same general neighborhood" of the proposed development. Using this information, the applicant must show that an additional lodging facility will not lead to multiplicity or saturation of similar uses.

Proposed Hotel – Needs Study

The applicant provided a needs study using the work of Hospitality Appraisals, Inc. Transwestern Commercial Services, and Smith Travel Research. The applicant in making its case used the following: field surveys, industry data, FDA expansion plans, interviews, and commonly used methods of market analysis.

Staff, in conducting its evaluation, referenced the American Society of Real Estate Counselors textbook *How to Perform an Economic Feasibility Study of a Proposed Hotel/Motel*. Staff was further guided in its review by the following questions:

1. What is the "general neighborhood"? How has applicant defined the *market area*?
2. What are the *economic and demographic characteristics* of the market area?
3. Has applicant identified the *competition*—all lodging facilities that are directly and indirectly competitive with the subject property?
4. Does applicant examine *market demand*, i.e., show that there is an undersupply of rooms in the general neighborhood not currently being met by the existing hotel/motel market.

Staff Assessment of Applicant's Analysis of Existing Similar Uses & Proof That Neighborhood Will Not Be Saturated

Staff finds that the applicant's submitted proof of needs analysis and supplemental responses show that the proposed hotel will meet the growing demand for hotel rooms created by the Westech Business Park, the FDA Consolidation, and the East County Center for Science and Technology.

Staff finds that the existing Silver Spring hotel market will not be saturated by the entry of the Hilton Garden Inn brand. The Hilton Garden Inn hotel brand is currently unavailable in Montgomery County. There are five in the Washington-Baltimore CMSA: Downtown DC, Arlington, Fairfax, Columbia, and Linthicum, near the Baltimore-Washington International Airport.

Applicant defines the market area as a 3-mile radius centered at the FDA entrance. This demarcation includes the White Oak and Fairland planning areas.

Applicant provides detail as to why the market area is defined in this manner; and further explains why the designated market area is distinct and unique from the downtown Silver Spring market—thus, cautioning the reader not to confuse hotels in the downtown area as competitors to the proposed hotel.

Applying current and forecast data on population and employment, applicant makes the case that demand for hotel rooms in the designated market area as well as in the White Oak and Fairland Planning Areas will grow over the next several years. The proposed hotel will help meet that demand.

Staff Assessment of Applicant's Analysis of Market Demand & Proof of Undersupply in County

Applicant defines three types of guests that a hotel attempts to capture: commercial transient segment, leisure transient segment, and group market. Applicant submits that the group market would not be a major target of the proposed hotel. Applicant also downplays the impact of leisure transients—tourists who stopover on their way to some other place. The proposed hotel is not easily accessible from I-95 or I-495. Tourists would need to travel on MD-29. Even then, the proposed hotel is not within a retail or entertainment district; 2200 Broadbirch Drive is not a tourist destination. The subject property targets commercial transients.

Applicant reports that three-quarters of the guests at hotels in the area are commercial transients. In other words, the hotel's guests have come to the area because of a meeting, workshop, or consultation. Applicant contends that a large percentage of the subject property's guests will be connected to FDA, Westech Business Park, and eventually the East County Center. Thus, contractors will be drawn to the subject hotel because of convenience and cost as opposed to hotels that are further out such as the Fairfield Inn in Beltsville and the Sheraton in College Park—two of the three principal competitors.

The Westech-FDA-ECCST complex and by extension the surrounding retail establishments could become an established business destination. In which case, there will be a growing demand for hotel rooms. Currently, there is only one business-oriented hotel in proximity, the Courtyard Marriott North. This hotel is the prime competitor to the subject property in the County. According to statistics provided by applicant, there is more than enough room demand to keep both hotels competitive.

Applicant further reports that the Hilton Garden Inn will also serve as the designated overflow hotel for the downtown Hilton and for its Club members.

Staff concludes that the applicant's submitted report provides sufficient proof of need.

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