

# ITEM #21 ATTACHMENT 12

KEY PLAN

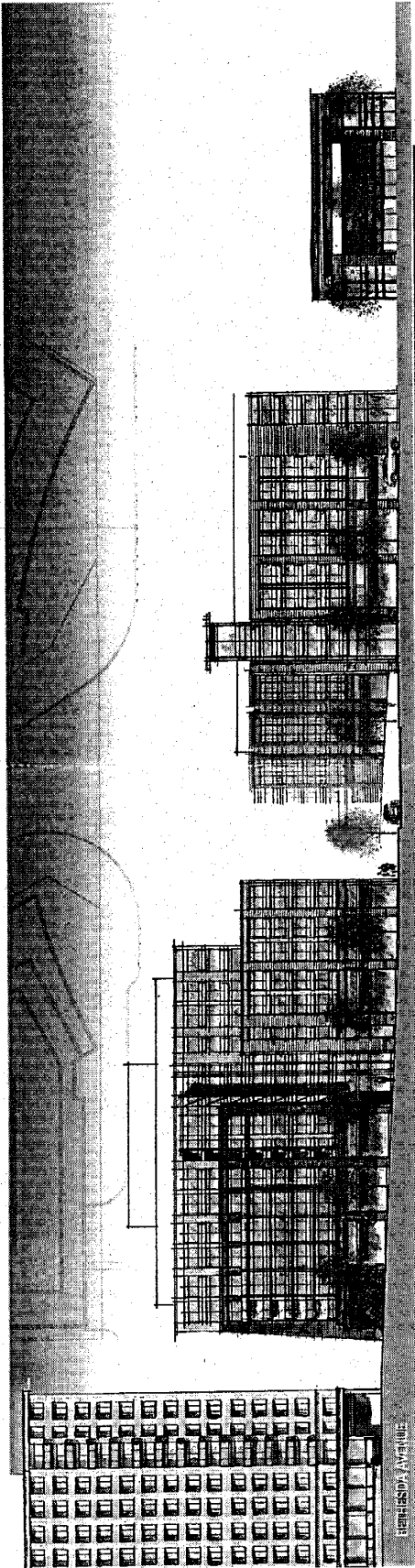
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Date: 10-22-2019

A03

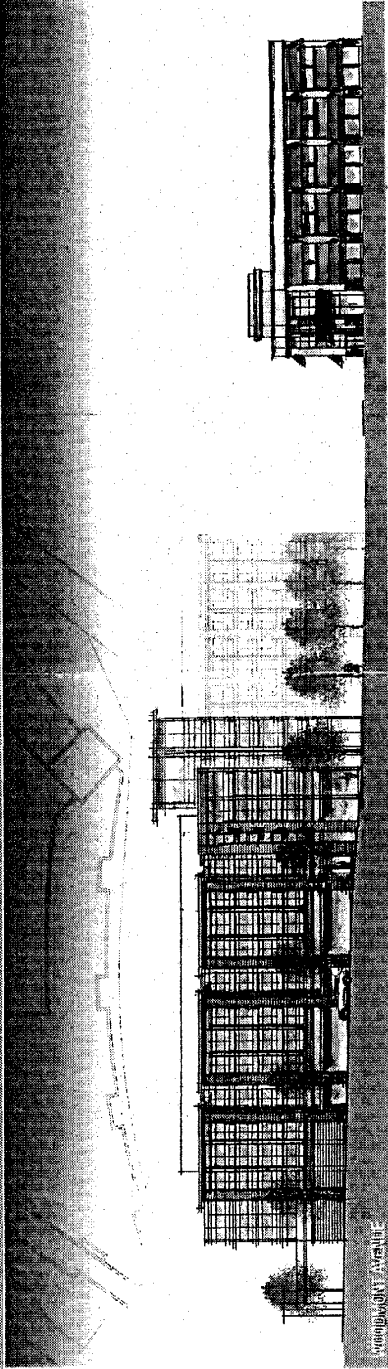
SK&I  
ARCHITECTS



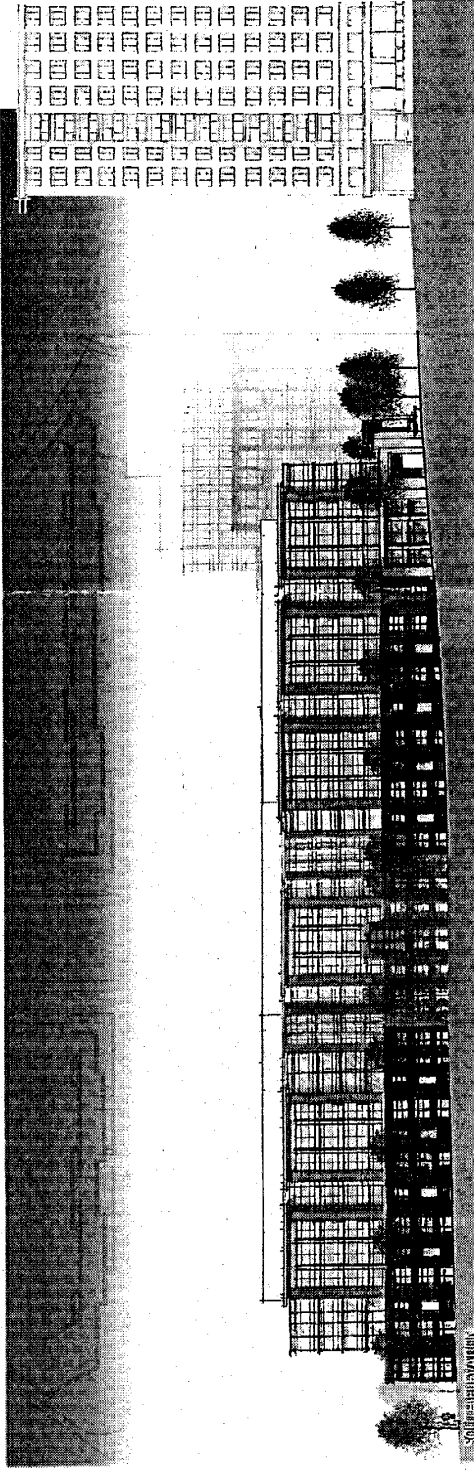
LOT 31 ASSOCIATES, LLC



BETHESDA AVENUE



BETHESDA AVENUE

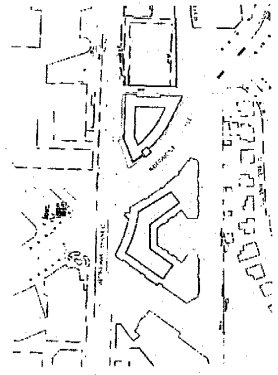


SOUTH ELEVATION

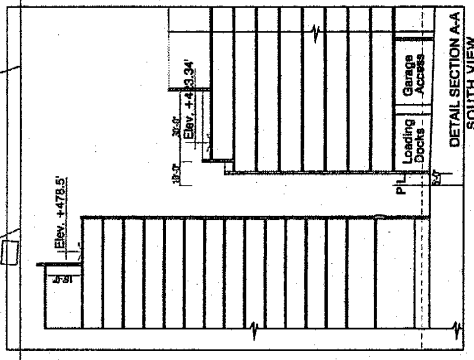
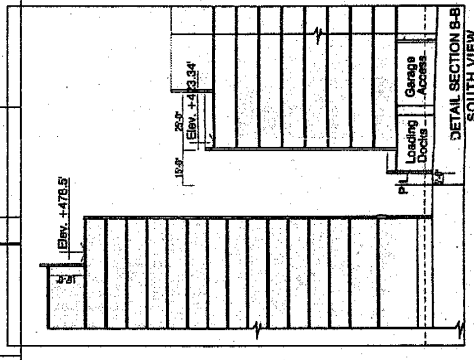
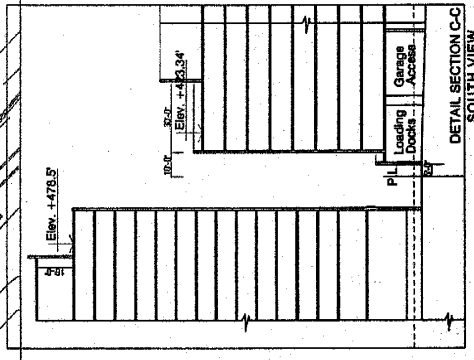
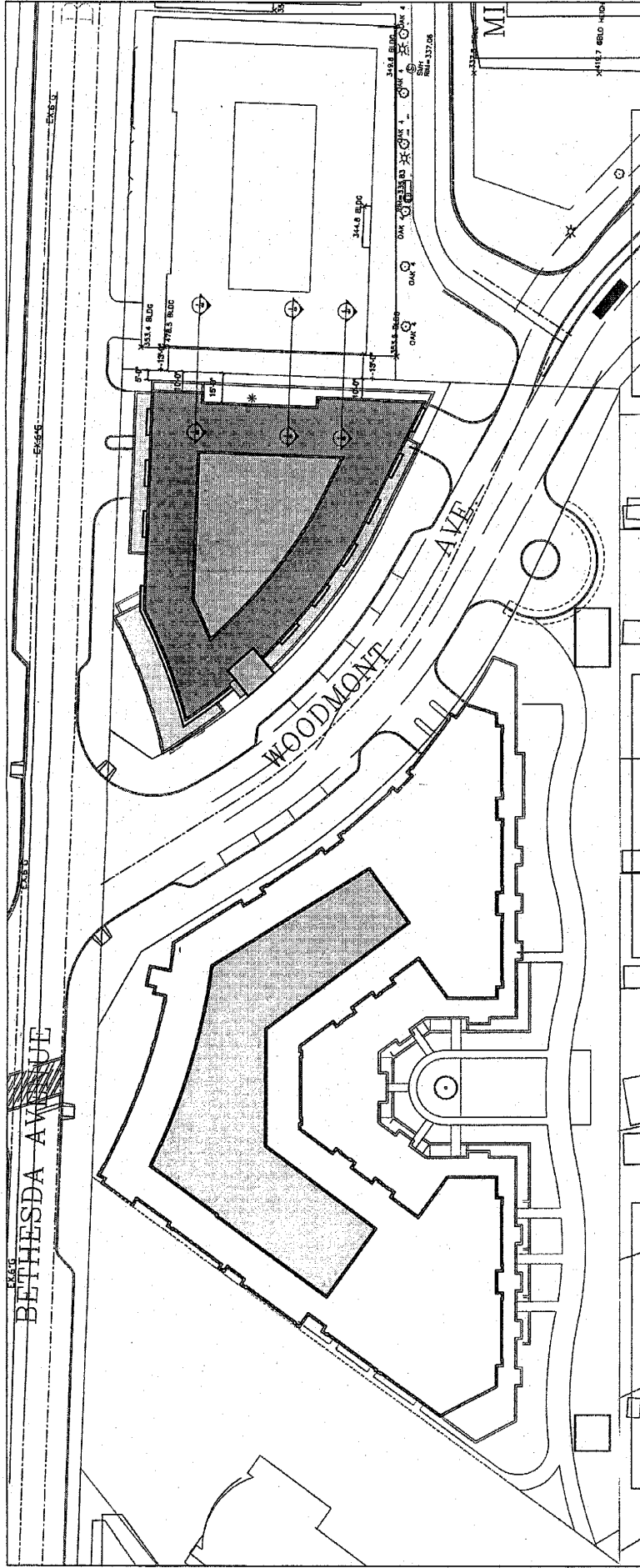
CONCEPTUAL ELEVATIONS

LOT 31

BETHESDA, MD



# ITEM #21 ATTACHMENT 13



LOT 31

DETAIL SECTIONS EXHIBIT



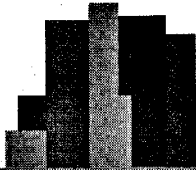
BETHESDA, MD.

LOT 31 ASSOCIATES, LLC

SK&I

Scale: 1/8" = 1'-0"  
Date: 01/22/2016

A04



LANDOW & Co. . . . . BUILDERS

4710 BETHESDA AVENUE, BETHESDA, MARYLAND 20814 • 301/657-4600

April 19, 2006

Mr. Dan Janousek  
Montgomery County Planning Board  
Division of Community Planning  
8787 Georgia Avenue  
Silver Spring, Maryland 20810

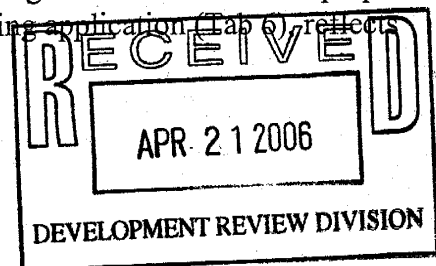
**Re: Local Map Amendment Application No. G-850 - Lot 31 Associates LLC.**

Dear Mr. Janousek:

We are principals of the limited partnership (The Seasons, a Maryland Limited Partnership) which owns The Seasons Apartments ("The Seasons"), which is an existing 15-story, 247 unit rental apartment building constructed and occupied since 1969. The Seasons is located at 4710 Bethesda Avenue on the south side of the street and is situated directly across the street from the Artery Plaza and Artery Plaza West buildings, which are two major office buildings (the "Artery Buildings") and immediately adjacent to Montgomery County, Maryland Public Parking Lot 31A.

As you know, the above referenced Local Map Amendment proposes that Parking Lots 31 and 31A be re-zoned to the TS-M zoning classification. Parking Lots 31 and 31A are located at the intersection of Bethesda and Woodmont Avenues in Bethesda, Maryland, and are owned by Montgomery County, Maryland (the "County"). Both parking lots are presently used for public surface parking and, together, contain approximately 279 parking spaces. The proposed redevelopment of Parking Lot 31A provides for a nine-story building (the "Proposed Lot 31A Building") which will contain (i) a first floor retail component, (ii) eight stories of multi-family housing above the retail component, and (iii) a below-grade parking garage consisting of 1,270 public parking spaces (County-operated) and 300 private parking spaces (privately operated). The 300 private parking spaces are intended to serve the 240 dwelling units proposed to be constructed on Parking Lots 31 and 31A.

The County Parcel Exhibit filed with the rezoning application (See Tab 1) prepared by Rodgers and Associates and dated November, 2005, indicates a total of 22 surface parking spaces, including handicap spaces, that currently exist on Parking Lot 31A. Sheet A01 prepared by SK&I Architectural Design Group and filed with the rezoning application (Tab 6) reflects



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that the following design elements will be included in the proposed development: (i) a loading dock to service the Proposed Lot 31A Building and a driveway for ingress and egress to and from the proposed 1,570 car garage being located immediately adjacent to The Seasons' existing driveway entrance into its underground parking garage (which accommodates 179 parking spaces), and (ii) construction of the Proposed Lot 31A Building on the shared property line with no building setback (unlike The Seasons, which is setback 13' from the shared property line).

We do not oppose the rezoning of either Parking Lot 31 or Parking Lot 31A to the TS-M zoning classification nor the mixed-use redevelopment which is proposed for Parking Lot 31 or, conceptually, the mixed-use redevelopment of Parking Lot 31A. However, we do oppose the construction of the Proposed Lot 31A Building because, unlike the proposed building height, scale, setbacks and massing for the building proposed to be constructed upon Parking Lot 31 (the "Proposed Lot 31 Building"), which takes into account the existing Sacks Subdivision and compliance with the specific urban guidelines set forth in the Sector Plan for the redevelopment of Parking Lot 31, the Proposed Lot 31A Building is not compatible with The Seasons as to height, setbacks, driveway locations for ingress/egress and loading dock access and location, nor is it consistent with the height restrictions and Urban Design Guidelines in the Sector Plan for the Wisconsin Avenue South Corridor study area within which Parking Lot 31A is located.

In particular, we have the following concerns about the development plan that has been submitted in conjunction with the above-referenced local map amendment application and Lot 31 Associates, LLC's (the "Applicant") justifications therefor:

1. Access to the proposed garage and loading facility from Bethesda Avenue:

The entrances to the loading dock and entrance to the proposed new 1,570 car parking garage are located immediately adjacent to The Seasons' garage entrance and directly across the street from the garage entrances to the Artery Buildings (which garages contain approximately 300 parking spaces).

These entrance locations will significantly impact (a) trucks making deliveries to the Proposed Lot 31A Building, The Seasons and the Artery Buildings, (b) pedestrians walking along Bethesda Avenue and cars entering or exiting The Seasons' garage and the garages serving the Artery Buildings, (c) cars driving either east or west on Bethesda Avenue and (d) cars entering and leaving the proposed new 1,570 car garage. The Applicant's proposed entrance locations will result in a convergence of traffic that will be unsafe and unmanageable for pedestrians and drivers alike.

2. Contention that, procedurally, all attributes of the Public Parking Garage are not part of the TS-M application and Development Plan:

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Notwithstanding the many references in the rezoning application to the proposed new 1,570 car garage and its benefits to the public, it is the Applicant's stated position that the number of parking spaces, organization of the garage structure's mechanical, ventilation, electrical, and other components, points of ingress and egress, etc. are outside the scope of the zoning application and are to be reviewed pursuant to State and local laws, regulations and requirements relating to mandatory referral for public projects.

We disagree with this contention for the following reasons:

First, the County does not need to rezone the subject property in order to build a County parking garage but the Applicant does need the subject property to be rezoned in order to accommodate its proposed mixed use development.

Second, the "public" garage will (a) provide 300 "private" parking spaces to serve the 240 residential units contained in the Proposed Lot 30 Building and the Proposed Lot 31A Building (*i.e.*, 20% of the total number of garage parking spaces), and the users of these private parking spaces will use the same ingress/egress driveways and other operational aspects of this "public" garage as will the general public through "easements or other right of passage", (b) serve the parking needs of the employees and customers of the proposed retail portions of the Proposed Lot 30 Building and the Proposed Lot 31A Building and (c) serve the parking needs of the guests and visitors of the residents of the 240 dwelling units.

Third, if the Applicant did not provide for the 1,570 car garage as part of its proposal, it would not have been chosen by the County to redevelop the subject property and the rezoning application could not - and would not - have been filed.

Fourth, we do not understand the reference to Article 28, Section 7-112 of the Annotated Code of Maryland (the "Code") to justify the Applicant's interpretation that the proposed parking garage is outside of the scope of this particular zoning application; and we believe that, as a matter of public policy, the garage element of the proposed project cannot be viewed as being outside the scope of this particular zoning application and that it should not be reviewed solely under the mandatory review process which allows the County to proceed without compliance with the Planning Board's comments.

Fifth, as previously noted, it is inappropriate for the Applicant to assert that the parking garage is a "public" garage and, as such, is outside the purview of the zoning review process and subject only to "mandatory referral process"; clearly, the Applicant does not qualify as "public" within the provisions of Article 28,

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Section 7-112 of the Code. It is incumbent upon the County, not the Applicant, to make such an assertion and to legally, and as a matter of public policy, justify it.

3. Height of Building:

In accordance with the recommendations of the Sector Plan, the height of the Proposed Lot 31 Building is a maximum of five-stories, while the height of the Proposed Lot 31A Building is 90'. Parking Lot 31A is within The Wisconsin Avenue South Corridor study area of the Sector Plan, which recommends a 75' maximum height for development within this study area.

At 90', plus the additional height which is necessary for a penthouse to contain mechanical equipment, the Proposed Lot 31A Building will materially adversely impact the apartment units in The Seasons which face the Proposed Lot 31A Building by blocking views, light and air; this impact will be further exacerbated by the absence of any set back from the common property line with The Seasons, which results in these apartments facing a dead wall 13' away. Finally, and perhaps most importantly, the close proximity of the two buildings will create potential safety issues for both buildings in the event of a fire or other casualty.

4. No building setback for the proposed building:

In addition to the impact on The Seasons' residential tenants, because of the absence of any set back from the common property line of the Proposed Lot 31A Building, (i) the resulting 100' long by 13' wide alley way "dead man's zone" created between the two buildings will be intimidating to pedestrians and present a needless security risk to those few pedestrians that do attempt to use it, and (ii) the absence of any setback will completely block all visibility and access to The Seasons' existing first floor retail tenant who is situated on the west side of The Seasons (and has been there for more than 25 years).

5. There are no Sector Plan recommendations for the development of Parking Lot 31A:

Unlike Parking Lot 31, there are no urban design guidelines specifically applicable to Parking Lot 31A (except for a recommendation of CBD-1 zoning) because it was never contemplated that Parking Lot 31A would be a part of the redevelopment of Parking Lot 31. Although the Applicant acknowledges this, the Applicant attempts to justify non-compliance with the 75' height guideline which has been applied to other rezoning applications (including but not limited to Crescent Plaza, which is located across Miller Avenue from Parking Lot 31A and

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within the same 75' height limitation area). There is no justification to allow the Proposed Lot 31A Building to exceed the recommended 75' height.

6. Additional traffic related issues:

- A. Bethesda Avenue has only single travel lanes in each direction and on-street parking presently exists on both sides east of The Seasons' garage, entrance and the driveway that serves the Artery Buildings' garages. There is frequent traffic congestion and back-ups on Bethesda Avenue, especially during the hours of peak use.
- B. Bulb-outs are proposed to be installed along Bethesda Avenue at Woodmont Avenue; while this will create shorter walking distances across Bethesda Avenue, their installation will reduce the traffic capacity of the intersection.
- C. There is currently a significant amount of mid-block pedestrian activity along Bethesda Avenue; this pedestrian activity and the presence of the traffic entering and exiting the driveways for The Seasons and the Artery Plaza Buildings already causes localized vehicle queues along Bethesda Avenue, especially during peak p.m. hours; this will only become a much worse condition with new driveway locations as proposed in the Applicant's development plan.
- D. Delivery trucks of all sizes presently park (and often double-park) along Bethesda Avenue in order to serve the existing buildings and businesses.

7. There are a host of other traffic-related issues that must be addressed:

- A. Service vehicles will have difficulty in maneuvering into the proposed new loading dock because backing maneuvers will be needed for trucks upon entry. Eastbound trucks attempting this backing maneuver, depending on the size of the truck, will require that on-going traffic be stopped. If a truck pulls in front first, backing maneuvers will be needed upon exit causing an even greater unsafe traffic condition because of reduced visibility and backing into on-coming traffic.
- B. Access to the existing driveways serving The Seasons, and the Artery Buildings, and on-street parking will be materially adversely affected.
- C. The Project's proposed design will result in three driveways along the south side of Bethesda Avenue, all of which shall be immediately adjacent

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to each other and opposite the driveway serving the Artery Buildings' garages.

Please note that the observations of existing conditions described above were conducted on a February weekday during the commuter peak hours. There are also high levels of vehicle and pedestrian activity during non-peak daytime and evening hours on both weekdays and weekends. Any reliable traffic analysis taking the proposed new development into account needs to be sensitive to periods outside the commuter peak hours, especially during the Spring, Summer, and Fall months, because of the high number of visitors to the area attracted by the many restaurants, retail stores and movie theaters along Bethesda and Woodmont Avenues.

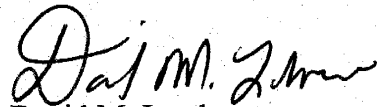
We would appreciate the opportunity to meet and discuss the above issues with you and other staff members at your earliest convenience.

On behalf of The Seasons, a Maryland Limited Partnership, we are,

Sincerely yours,



Nathan Landow



David M. Landow

Copy: Martin J. Hutt, Esquire  
C. Robert Dalrymple, Esquire  
Douglas M. Firstenberg  
Douglas Duncan  
John Carter



**Janousek, Daniel**

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**From:** Forbes, Beth [bForbes@wsscwater.com]  
**Sent:** Wednesday, April 26, 2006 1:28 PM  
**To:** Janousek, Daniel  
**Subject:** WSSC Comments on Zoning Application G-850

Dan,

I have reviewed the package sent for Zoning Application No. G-850.

There doesn't seem as if there would be any impact to the water or sewer systems should the zoning category change from R-60 & CBD-1 to TSM.

If you need any further information on the water and sewer system serving these lots, please do not hesitate to contact me.

Beth Forbes  
Development Services Group  
Washington Suburban Sanitary Commission  
301-206-8819      301-206-8232 (F)