

ATTACHMENT 4



WMAL Transmitter Property

Registered in Inventory of Maryland State Historic Sites (Maryland Historical Trust Inventory Survey # M:30-24), National Historic Registry eligible.

West Fernwood Citizens Association OFFICIAL COMMUNITY ACTION LIST

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I. Introduction & Background

The West Fernwood Citizen Association (WFCA) is a community bounded by I-495 Fernwood, Greentree Road and Democracy Blvd. This is a community of 300+ families and the most directly impacted area from the pending development of the WMAL site/Toll Brothers. At the present time, the pending development will literally double the residents and size of the community. This is a community that already suffers from severe traffic congestion, poorly marked/designed intersections, weak support for multi-modal transportation, and extreme school overcrowding. This document is an outcry from the community to not only improve present conditions, but to grow smarter and with an acute and urgent understanding that the forthcoming decisions will have a long lasting impact on our community.

II. Scope & Purpose

- This document contains the cumulative ideas and needs coming directly from the residents in this community. The list is largely compiled as a result of the impending development of the WMAL site, but many are also current issues.
- This list is cumulative, but not exhaustive, and will be updated as new ideas or issues are developed and as we receive updates from responsible parties.
- This list is directed to multiple government entities, Toll Brothers, community groups, and local press.
- WFCA is looking to discuss these items with all responsibilities parties identified herein.

III. Notes

- WFCA recognizes that many of these options require feasibility assessments, costs, and budgeting. However, the impact of the WMAL property development in combination with the redevelopment of the Rock Spring Master Plan will have a profound impact on the community. The changes requested herein are not just “nice to have”, but rather, most become of necessity if the County approves the requested growth and density associated with this development. Consequently, WFCA is looking for creative solutions, including shifting costs to developers, establishing new projects to secure future funding, and identifying other alternative ways to achieve the items documented herein.
- WFCA also recognizes that many broader scale changes including the Subdivision Staging Policy (SSP), and Bicycle Planning efforts are on-going in the community and we applaud these efforts. However, given the development that has already begun in Rock Spring as well as the impending WMAL property, the items in this document carry an urgency that will not necessarily be able to wait for approval for long range plans.
- WFCA will be looking to meet with the responsible parties prior to approval of any development plans.

IV. Action Items

1. GENERAL – PRELIMINARY PLAN COMMENTS

Perhaps the single most important concern expressed by WFCA membership is that the planned number of homes is far too many for the site in many ways: traffic, schools, environment, and aesthetics.

See **Figure 1** in **Figure 1** below, of the Toll Brothers preliminary plan superimposed onto Google Maps. Visual inspection shows that the plan clearly contradicts the message conveyed by Toll Bros that "The new neighborhood would look similar in density to the existing homes" in the WFCA area. On the contrary, our rough calculations indicate that the Preliminary Plan results in a dwelling density that is about 50% greater than the surrounding neighborhoods.

WFCA is opposed to the Preliminary Plan; feels misled; and will continue to be opposed in public meetings with officials if the number of planned homes comes anywhere close to the existing drawings.



Figure 1 -Toll Brothers Preliminary Plan – Overlay onto Google Maps

a. Density - Housing Density Allowed Under R-90 via “Optional MPDU Method”

Action: Evaluate the guidelines for moderate density and examine Toll Brothers Preliminary Plan to determine if it involves excessive dwelling density.

According to the submitted *Statement of Justification*, the Preliminary Plan utilizes the Optional MPDU Development Method in order to be able to incorporate townhouses into the Preliminary Plan (under R-90 Zoning). Ironically, the Optional Method (regardless of whether it's an MPDU or Cluster Development) is supposed to result in more open space. According to the zoning ordinance (Montgomery County Zoning Ordinance effective October 30, 2014, Article 59-4, Section 4.4.8.A -R-90 Intent Statement):

The intent of the R-90 zone is to provide designated areas of the County for moderate density residential uses. The predominant use is residential in a detached house. A limited number of other building types may be allowed under the optional method of development.

First, the operative word “predominant”, does not mean a mathematical majority. We interpret that the intent of this approach is more akin to the most “marked influence” or “clearly more prevalent” in the community. A casual observance of Exhibit 1 shows that the Preliminary Plan does not have the visual characteristics of a development that is based on single family detached homes. Rather, the incredible “packed density” of townhomes seems to be the most predominant feature.

We believe the Preliminary Plan falls short of the required percentage of Common Open Space, as noted in the “Open Space/Greenspace” section below, assuming an Optional Method is being utilized. Furthermore, based on a high-level review of land use in the existing WFCA community we estimate:

- 108 existing acres, not including Stratton Woods Park.
- 273 single family homes.
- 49 townhouses.

This creates an existing density of about $322/108 = 2.98$ dwellings/acre. However, the Toll Bros. preliminary plan is estimated at $328/75 = 4.37$ dwellings/acre. The end result is a much higher density than the surrounding neighborhood. This also contradicts the message conveyed by Toll Bros that “The new neighborhood would look similar in density to the existing homes” in the WFCA area. This could not be further from the truth and we feel it will negatively impact the process of integrating the existing and new communities.

Action: WFCA requests that the housing density and greenspace for the WMAL property be reviewed and clarified. Most importantly we are seeking to have the housing density reduced to be consistent or lower than the existing community.

- Responsible: MCDOT, Toll Bros. P&P

b. Public versus Private Roads

Action: *WFCA recommends the County approve only public roads or materially reduce density in other ways.*

Toll Bros. has requested private roads throughout the new development. We believe this is merely an approach to increase density by means of 10' versus 25' setbacks and combined drainage systems for lots and streets. The community plan is entirely too dense, hence our advocacy for public roads.

- Responsible: MCDOT, P&P

c. Five Acre Parcel

Action: *Identify how Toll Brothers will interpret this parcel of land within the scope of their building guidelines.*

The 5-acre parcel of land "held" for County purchase represents an opportunity to preserve precious land for public use. We applaud the County's efforts to retain this property and hope to see creative solutions to retain this property. However, the acquisition of this property should not be done at the expense of increased density, deforestation or reduced green space.

- Responsible: P&P, Toll Bros.

2. GREENSPACE / ENVIRONMENT

a. Open Space/Greenspace

Action: *WFCA believes the Preliminary Plan to be deficient in Common Open Space, in violation of the County Zoning Ordinance. We seek both clarification of the County Code and believe the current plan to be inadequate under our current understanding.*

WFCA has been provided numerous and conflicting interpretations of the amount of open and/or greenspace required in the new development. While admittedly there are many rules published within the County Zoning Code, our latest understanding is that in addition to retaining the current forests, an additional 15% of the property must be designated as Common Open Space, where Common Open Space is defined by the County Zoning Code (Article 59-4, Section 6.3.5.A.2). As such, 50% of the required common open space must be in one contiguous area or only separated by a residential street. Toll Bros appears to include bio-swales, easements, and areas that are too small as contributions to the requirement.

Responsible: P&P

b. Perimeter Walking Trail

Action: *WFCA request the trails run along the "inside" perimeter of the development and preserve any forest as it is intended.*

We applaud the use of a walking trail around the perimeter of the new development. However, the trail is shown traversing directly through the center of what little protected forest remains.

While on the map, these trails appear small inside the trees, we can assure you that clearing a path through what is actually quite a narrow forest will be destructive to the environment.

- Responsible: P&P, Toll Bros.

3. TRAFFIC

a. Greyswood Road Traffic (High Speed) Study

Action: *Conduct a traffic study to confirm the speed of traffic and identify remedies. We believe this study will show speeds way in excess of the posted 25 MPH speed limit.*

- Responsible: MCDOT
- Status: Met with MCDOT 5/30 & Submitted Request.

b. Greyswood Road Traffic (High Speed) Traffic Calming/Aesthetics

Action: *Build "Bump Outs" at intersections with stamped concrete and crosswalks to blend with new community. These improvements should be added into Toll Brothers plan.*

- Responsible: P&P, MCDOT, Toll Bros.

c. Greyswood Road – High speeds – Traffic Calming.

Action: *Consistent with the Toll Brothers preliminary plan, build a small traffic "circle" or similar traffic calming approach at the intersection of Greyswood and Harrogate.*

This would be a traffic calming barrier similar to the one shown by Toll Brothers. Build into Toll Brothers plan

- Responsible: P&P, Toll Bros.

d. Greyswood Road – High Speeds- Traffic Calming - Signage

Action: *Additional and more prominent signs should be posted (speed limits, children playing, others suggestions)*

The signage on Greyswood Road is limited and given the expected enormous increase in traffic, an electronic speed sign(s) with underground power, should show the speed at which you are traveling.

- Responsible: P&P, MCDOT, MC Police

e. Fernwood Road – Traffic Congestion Study

Action: *Conduct a traffic study to "Baseline" the traffic congestion as well as a measurement of the "cut-through" traffic.*

- Responsible: MCDOT

f. Fernwood Road & Democracy Blvd. – Poor Signage.

Action: *We suggest signage that is much larger and lighted.*

The intersection at Democracy and Fernwood has poor signage and is potentially dangerous. In particular, the “No Thru” traffic signs for southbound traffic on Fernwood headed towards Democracy are blocked by power lines and difficult to see. Another issue concerning southbound traffic on Fernwood is that the “keep right” sign, while essential, can be confusing to traffic turning left onto eastbound Democracy. Many vehicles can be seen trying to go straight through this intersection (from both directions), which is against the intent of the current design and quite dangerous. In fact, the traffic count on November 17, 2015 for the Toll Brothers project shows that 36 vehicles went straight through the intersection on Fernwood.

- Responsible: MCDOT

g. Saturated/Gridlocked Intersections

Action: *We request that all affected intersections be reviewed and traffic mitigated as appropriate (e.g., lane widening, double left hand turn lanes on Fernwood to Democracy, signage that suggests “local only” traffic to minimize cut-through traffic). We also recommend that any improvements to intersections do not come at the expense of pedestrian and bike safety.*

The intersection of Democracy & Fernwood consistently saturates during rush hour and generates queue spill-over and documented back-ups on Fernwood Road back to Greentree Road and Bradley Blvd. It is only a matter of time before this backup extends to NIH.

Intersections of concern include:

- Fernwood & Democracy
- Fernwood & Greentree
- Fernwood & Bradley
- Greentree & Old Georgetown

- Responsible: MCDOT, Toll Bros.

h. Fernwood & Brixton – Traffic Light

Action: *As a follow-up the traffic study measuring traffic, we are requesting a traffic light be considered at Fernwood Road and Brixton Lane to allow better entry/exit in the WFCA community*

- Responsible: MCDOT

i. Fernwood & Greentree – Traffic Light

Action: *As a follow-up the traffic study measuring traffic, we are requesting a traffic light be considered at Fernwood and Greentree lane to facilitate the complex flow presently handled by a challenging 4-way stop.*

- Responsible: MCDOT

j. **Renita Lane – Access/Egress Safety**

Action: We are requesting the County study this plan and determine if Renita should actually be an entry point. If so, we request that it be designated for emergency vehicles only.

The Toll Bros. plan shows that Renita Lane will be 1 of 3 entry points to the new community. Given the very narrow width (25 ft) of this road, parking on both sides, and the winding nature of this street, we are concerned about safety with what is expected to be a significant amount of traffic. We note that access to Renita would permit access to Fernwood indirectly (via Tusculum Road and/or Rutley and Brixton Roads), already problematic intersections for vehicle access.

- Responsible: MCDOT

4. **RESPONSE TO TOLL BROTHERS' TRAFFIC STUDY**

Toll Brothers completed a traffic study as part of their Preliminary Plan submitted to Montgomery County Planning Department (i.e., conducted by Wells & Associates on behalf of Toll Brothers dated June 7, 2016). While it seems there is not much recourse at present, WFCA has serious concerns regarding the Local Area Transportation Review (LATR) in effect. A succinct technical analysis of the LATR efficacy (or lack thereof) pertaining to Critical Lane Volume (CLV) is included in this document as **Appendix A**.

Anecdotally, the community finds it incredulous that the study concludes Fernwood Road (South of Democracy Blvd.) does not require any mitigation; it takes no more than a casual observation during most evening rush hours to see that there are obvious issues with the Democracy/Fernwood intersection.

A brief technical analysis making use of Google Maps finds that the typical travel time index (TTI) for this segment of Fernwood Road on Wednesdays can be greater than or equal to 2.0; according to the Metropolitan Washington Council of Governments (MWCOG), this is "Heavy Congestion". The calculated TTI versus time of day is shown in **Figure 2** below. Details concerning the analysis are included in this document as **Appendix B**.

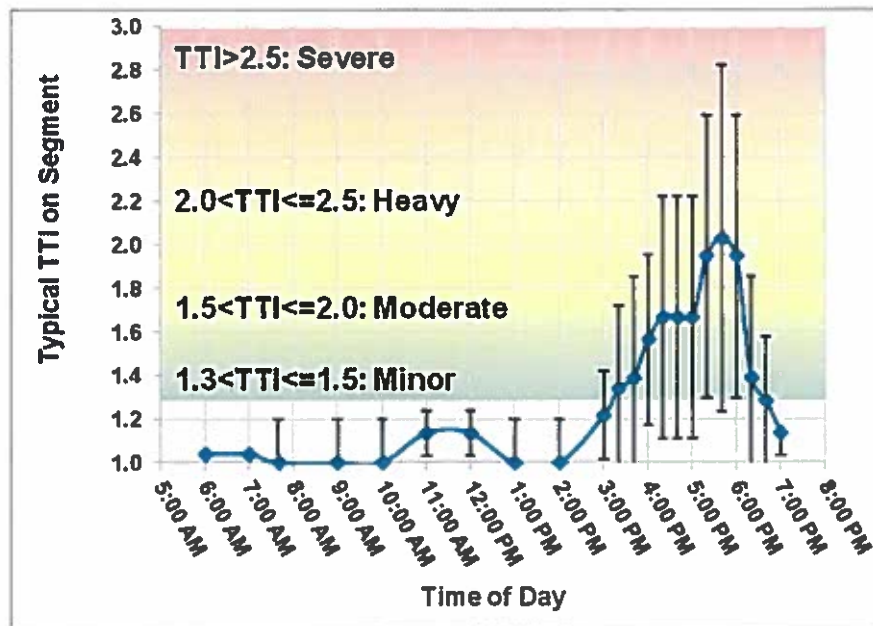


Figure 2 – Fernwood Road TTI

After review of the submitted traffic impact study, we have generated the below requests. These points document where we believe details have been overlooked, guidelines have not been followed, and the policy has been interpreted so as to favor the developer.

Action: *The community has the following requests and comments.*

- Responsible: MCDOT, P&P

a. Background CLV Analysis

- We request that the background traffic analysis include the large percentage of vacancy often cited in the Rock Spring office buildings.* Our understanding is that this is not mandatory, but is a judgment call by the Planning Department; we feel it is warranted.
- We request that the study should include the forecast of expected traffic growth associated with the planned enrollment increases at Ashburton Elementary and Walter Johnson (and perhaps Woodward) High Schools.*
- We request details and that the Planning Department review the trip distribution for the designated pipeline projects.*
 - The study text states that trip distribution numbers for *commercial* properties were used for the background analysis. In reality, the included pipeline projects are a mix of residential, commercial properties; trip distribution numbers should be applied appropriately.

- The study did not include information to validate the trip distribution numbers for most of the pipeline projects (the ones that were provided were Westfield Montgomery Mall, Rock Spring Centre and 5400 Grosvenor Lane).
- We specifically request that Parks & Planning review the trip distribution applied to the National Institutes of Health (NIH) project, since this is of particular concern to us. The expanded NIH will attract over 2,000 peak hour vehicle trips in the AM, with a corresponding production in the PM (in addition to over 1,000 peak hour vehicle trips in the opposite directions). However, the Traffic Forecast Worksheets show only 66 trips impact the intersection of Fernwood & Democracy. We are skeptical of the validity of this, given that this intersection is a nexus for virtually all Westbound traffic and a significant fraction of Northbound traffic.

b. Proposed Project CLV Analysis

- i. ***We request that the Planning Department specifically review the CLV analysis of the intersection at Fernwood and Democracy.*** The study designates the northbound Fernwood right-turn as a "free right". This turn-lane is only available starting at Winnipeg Road; we are doubtful that it meets the criteria as an *exclusive* turn lane, which is necessary in order to be considered a "free right."
- ii. ***We request that the Planning Department review the trip distribution numbers used for the proposed project.*** According to the Scope of Work, 23% of the site traffic was supposed to go to Democracy Eastbound. However, the traffic impact study has only 19% of the forecasted traffic going to Democracy Eastbound.
- iii. ***We request that the study account for the fact that, on account of this project, many existing homes will have new access to Fernwood Road via Greyswood road.***
- iv. ***We request access to any collected data not included in the study report in order to gauge test repeatability. The study states that Critical Lane Volume (CLV) data were collected in November 2015 and April 2016. However, the study only includes one set of data for each intersection (2 intersections in November, 6 in April)***
- v. ***We request clarification of the "peak hour".*** Although it appears that the study follows the LATR guidelines in this respect, it should be noted that the peak volume hour does not necessarily coincide with the peak CLV hour: in fact it doesn't for the PM window for Fernwood & Democracy. According to the study, the CLV at the peak volume hour (4:45-5:45) is 1222. However, the CLV between 5:15-6:15 is 1242.
- vi. ***The study failed to follow LATR guidelines with respect to traffic count collection windows.*** To support the CLV analysis, the applicant collected traffic counts from 6:30-9:00 AM and from 2:00-7:00 PM. However, the LATR guidelines clearly indicate that the AM window needs to go until at least 9:30 AM. As such, the traffic study is flawed. Note that for the intersection at Fernwood and Democracy, the study reports 8:00-9:00 as the peak volume hour. Since the study did not collect from 9:00-9:30, it is impossible to determine whether or not the traffic continued to increase past 9:00.

5. MULTI-MODAL TRANSPORTATION (Pedestrian/Bicycle)

a. Bicycle and Sidewalks

Action: *The bike trail/sidewalk should be continuous all the way from Democracy to Marywood, meeting with the bike trail to NIH that proceeds past North Bethesda Middle School.*

A recent project to build sidewalks from Greentree Lane near NIH and Old Georgetown Road terminated both sidewalks and a bicycle trail at the intersection of Greentree and Fernwood. Access from Democracy to Greentree along Fernwood is extremely dangerous other than by car. Existing speed bumps extend entirely across the road making it difficult for bicycles. The bumps should be removed at the ends.

Note that the County has proposed that the entire length of Fernwood-Greentree have “bike lanes” defined as 4-6 ft. lanes in each direction with traffic flow. This should be considered in any plans to improve intersections along Fernwood Road (or the roadway itself).

- Responsible MCDOT, P&P
- Status: Met with MCDOT on 5/30 and submitted request for study.

b. Access to Walter Johnson, Montgomery Mall, & Metro Transportation Hub

Action: *The first recommendation is to change signaling and signage to make crossing at Democracy and Fernwood intersection easier.*

As the Democracy and Fernwood traffic volume increases, the ability to cross Democracy as a Pedestrian or Bicyclist has become difficult and dangerous. The WFCA citizens are feeling “boxed into” the community between traffic and a lack of alternatives.

- Responsible: MCDOT

c. Access to Walter Johnson, Montgomery Mall, and Metro Transportation Hub

Action: *Pursuant to “b” above, we recommend that a new budget item be placed on the MCDOT agenda for either an overhead bicycle/pedestrian bridge over Democracy Blvd or an underground tunnel.*

We recognize this is a bold and costly addition but respectfully request this be built into the budget and consider Toll Bros. paying for part of this as it will greatly benefit the new community.

- Responsible: MCDOT, State Highway, P&P, Toll Bros.

d. Greyswood Road – High vehicle Speeds are Unsafe for Pedestrian Crossing

Action: *We request that streets are lined properly (e.g., center lines, side lines, crosswalks at all intersections most notably:*

- A center line and side lines on Greyswood
- Crosswalks on Greyswood at Inglemere and Harrogate, leading to Stratton Woods Park

- Responsible: MCDOT

e. Transit Availability

Action: *We are requesting the County review Ride-On routes and determine additional routes/stops that can better service the existing and new community.*

The new combined community will cover over 175 acres. At the current time, the closest public transit is along Fernwood Road. As an example, it is approximately 0.5 miles (straight line, not following streets) from the center of the plan site to Fernwood Road. The intent is to obviously improve public transport, reduce auto trips, and environmental impact.

- Responsible: MCDOT

6. AESTHETICS, SAFETY & COMMUNITY (BLENDING OLD/NEW NEIGHBORHOODS)

a. Greyswood Road - Lighting

Action: *The increased pedestrian, vehicle, and bicycle traffic necessitates improved lighting along Greyswood Road.*

Lighting should be consistent with the Toll Brothers development for aesthetic reasons, but more importantly, for safety. This road should be added to the Toll Brother preliminary plan. It is a vital part of the plan and leaving it off the plan is to ignore the impact on this vital artery.

- Responsible: P&P, Toll Bros.

b. Greyswood Road - Trees

Action: *We recommend planting new Cherry Trees or other arborist recommended ornamentals on the entire length of Greyswood (with the homeowner's approval only).*

Greyswood will be the primary access into the new Toll Bros. neighborhood. WFCA would like to see improvements made to this road to blend the neighborhoods and offer some minor but important improvements to those directly affected to by the development.

- Responsible: P&P, Toll Bros

c. Greyswood Road & Fernwood Road Storm Water Drains, Signage, & Landscaping

Action: *While functional, we believe the aesthetics surrounding the drains should be materially improved with signage, hardscaping, and landscaping.*

At the intersection of Greyswood and Fernwood are concrete storm water drains that are protected by iron rails. We believe Toll Bros. should include these improvements in their plan. An example

follows, but the exact reading of the sign would be something to the effect of West Fernwood, or Stratton Woods.



- Responsible: P&P, Toll Bros.

d. Greyswood Road – Power Lines

Action: *Electrical lines will be buried in the new neighborhood and we suggest feeder lines at Greyswood and Greentree be considered and buried.*

Significant equipment and labor forces will be utilized during the construction of the proposed neighborhood. We recognize the cost associated with this request but believe it will improve stability to the power grid that has been unstable, allow trees to grow unencumbered by the significant damage from Pepco, and beautify the environment. If coordinated properly, we believe costs can be mitigated by leveraging the work that must already be done by Toll Bros.

- Responsible: Pepco, P&P, Toll Bros.

e. Community Center & Pools

Action: *In an effort to blend the communities, we recommend that the existing community should be allowed membership to or use of the proposed pool and community center, as there is no community pool/center within safe walking distance of the existing neighborhood.*

Such a decision would help create a better sense of an *integrated community* and provide amenities to the existing homeowners.

- Responsible: Toll Bros, P&P

f. Naming the New Community

Action: *WFCA would like to be involved in the naming of the new community and suggest that it be something that ties the two together such as “New Community” at West Fernwood or “New Community” at Stratton Woods.*

The name of the new community is important to Toll Bros. but also has a significant impact on the perceived unity of the future community.

- Responsible: Toll Bros, P&P

7. SCHOOLS

a. Severe overcrowding in Cluster

Action: For the sake of our community, additional school construction must be included in the development plans for the WMAL land BEFORE Toll Brothers begins construction.

The new development resides in the Ashburton ES/North Bethesda MS/Walter Johnson HS boundary. Ashburton ES is currently at 145% capacity. With over 952 students, it is the third largest in the County and exceeds the upper limit of MCPS's own preferred range of enrollment for the elementary school level (750 students maximum).

Both the middle and high schools are large and projected to grow. WJ, currently has 2,335 students and is anticipated to reach almost 3,000 students by 2020-2021 with current projections. If that happens, it will be one of the largest high schools in the County. North Bethesda MS is currently at 1,183 students. By 2022, it will likely be larger than many high schools in the region.

Along with growing schools is the growing disappointment among parents and other community members that the County lacked planning and coordination. This frustration culminated in a Cluster Roundtable Discussion led by MCPS to address the issue of overcrowding. A full report of their findings has been sent to the Superintendent and he is expected to make his recommendation to the Board of Education in November 2016. The WJ Cluster (all nine schools) agreed to the following in order to best serve all students:

1. Support the feasibility study for the future rev/ex of Tilden Middle School, as well as the proposed additions for North Bethesda Middle School, Ashburton Elementary School (to a capacity of 750) and Kensington-Parkwood Elementary School. Support full funding of these projects.
2. Support the revitalization/expansions of Luxmanor Elementary and the old Tilden Middle School on Tilden Lane for use as Tilden Middle School once again.
3. Support the option of opening Woodward as a grades 9-12 high school and keeping all current neighborhoods within our cluster.
4. Support the WJ cluster recommendation that MCPS, as soon as possible, (i) pursue all means to acquire land within the cluster for a 7th elementary school and (ii) open the new elementary school within the cluster. The cluster adamantly opposes any solution to elementary school overcrowding that would redistrict any of our neighborhoods outside of the WJ cluster.

However, all proposed solutions are considered long-term – resulting in severe overcrowding at both Ashburton and Walter Johnson until at least 2020.

With the reputation of the cluster's schools at stake and with so many unknowns, we are recommending the County wait to approve any new development that would impact the WJ Cluster (and particular Ashburton ES) until solutions are implemented. **With school capacity adequacy test results closing in on the 120% threshold, we urge the County to put in place the school moratorium that was supposed to safeguard any cluster from growing too fast, without adequate school facilities.**

At a minimum, we ask that until the plans for addressing the issue are a known entity, no new development should be considered including the development of the WMAL property.

V. Conclusion/Summary

The residents of West Fernwood Citizens Association (WFCA) would like to thank the Montgomery County Planning Department (MCPD), MCDOT, and other County Representatives for their continued effort to work with us on adapting a reasonable and lawful solution to the Toll Brothers development as well as remembering the extensive impact this building project will have in conjunction with the continuous growth surrounding the Democracy Boulevard corridor.

The Citizens Association acknowledges the WMAL property is private land and will be developed by Toll Brothers. We also know the preliminary plans to build an R-90 residential community are being reviewed and evaluated by the Montgomery County Planning Department. We are asking you to maintain diligence as this development moves forward because, the Toll Brothers plan simply does not yet reflect the tenants proposed by the Montgomery County Planning Department role to:

"...review development applications for consistency with the adopted master plan as well as impact on the environment, quality of design, compatibility with neighboring uses and the availability of public facilities (water and sewer, transportation, schools)."(1)

We do not want the WMAL land to be developed with the density specified in the Toll Brothers plan because there are no plans for solving the already existing issues of deteriorating road conditions, traffic and school congestion nor do the plans align with reasonable solutions to greenspace, community integration or safe multi-modal transportation.

The WFCA understands Toll Brothers has performed their own in-house evaluation of traffic, noise and environmental studies. These reports should not stand alone in determining the impact residential growth would have on our community nor should it be considered a singular entity within the larger scope of community planning. We are asking MCPD to take a leading role in considering the issues outlined within this document and adapt a "smart growth" philosophy. This translates into ensuring that the surrounding community infrastructure is able to support more growth. Based on the Master Plan presented to date, this is NOT the case. The Toll Brothers plan submitted in April is far too dense and the impact of this building project does not align with a "moderate level" of development within our community. Additionally, the Toll Brothers development, in conjunction with projects in Rock Spring, White Flint, and even Rockville Pike, is not adequately taking into consideration the extensive cumulative impact this will have on our community at large. Thus far, the reports from MCDOT, Toll Brothers, and their related sub-contractors are operating in "silos" and do not adequately reflect or acknowledge the real impact that that this incremental and aggregated development will have on the pre-existing community.

The West Fernwood Citizens Association is opposed to the submitted Preliminary Plan by Toll Brothers and is requesting that the Montgomery County Planning Department and Toll Brothers work together to significantly reduce the density of the proposed development. We are resolute in our continuous involvement on this issue and look forward to meeting with the Montgomery County Planning Department to address our concerns and answer the questions proposed herein this Official Community Action List.

Appendix A

Analysis: Use of Critical Lane Volume (CLV) in the Subdivision Staging Policy

Written Submission Concerning Critical Lane Volume (CLV) and Use Thereof in the Subdivision Staging Policy (SSP)

July 5, 2016

West Fernwood Citizens Association (WFCA)

Debunking CLV
July 5, 2016

WFCA Contact Information

Brian Krantz: Traffic Committee

301.571.4538

Sanford Markey: Traffic Committee

George Wolfand: President

WFCA – Home of Historic WMAL Transmitter Property
Maryland Historical Trust Inventory Survey # M-30-24

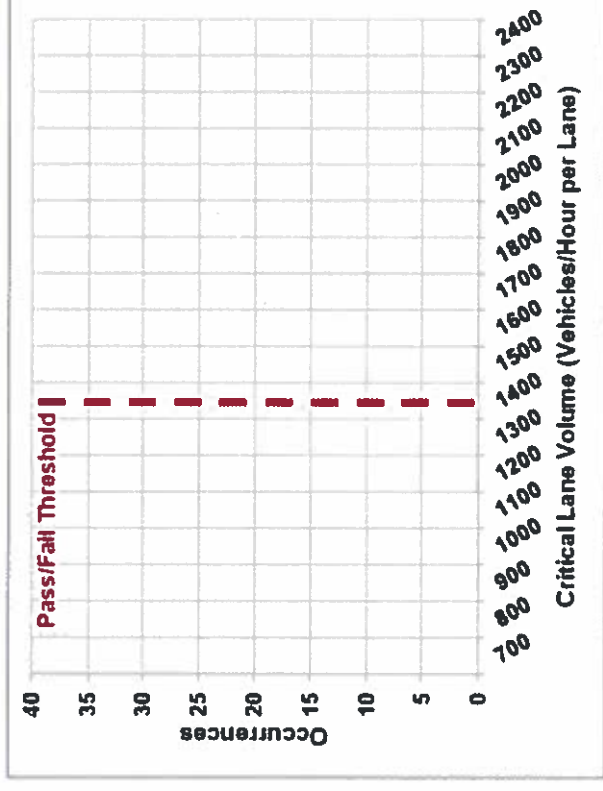
Overview/Purpose

- The way Critical Lane Volume is used in the current (2012) and recommended (2016) Subdivision Staging Policy results in an inaccurate and faulty measurement of roadway adequacy (intersection or network)
- Continuing to use CLV “as is” in the SSP will prevent legitimate assessment of transportation adequacy; presumably this is a mistake
- The current and recommended usage of CLV share the two fundamental flaws that are demonstrated in the following slides
 - **Statistical Robustness:** Adequacy Tests Based on Only 1 or 2 Snapshots of CLV are Statistically Meaningless
 - **CLV Performance:** CLV Does Not Accurately Measure Intersection Congestion or Roadway Congestion

Lack of Statistical Robustness

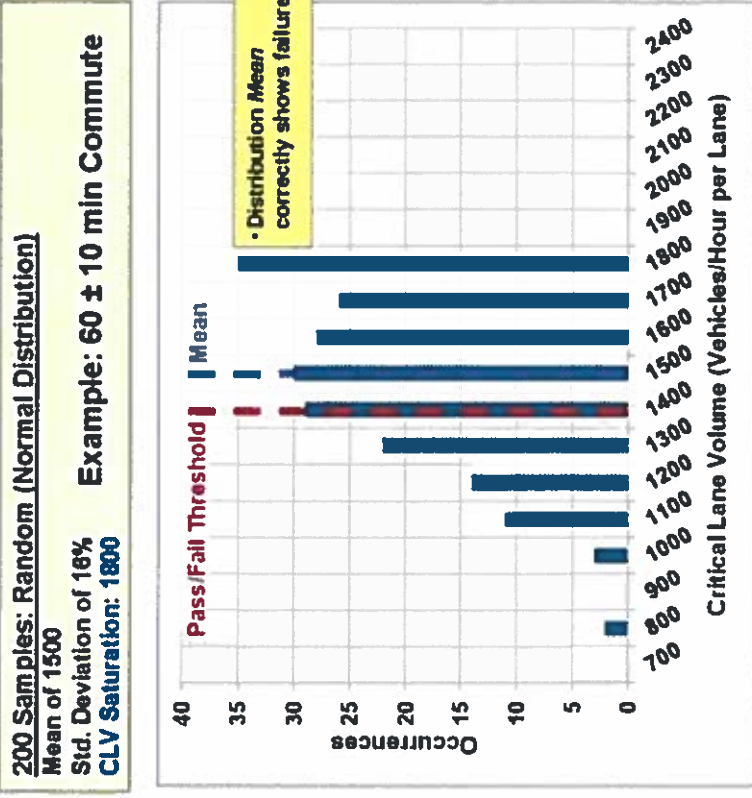
- Assume that CLV is an ideal measure of intersection congestion
- Traffic congestion varies from day to day, and is a function of many variables
- The SSP requires measurement for only a single or at most 2 days
- The measurement could take place on days where congestion is better or worse than “normal”, to varying degrees
- Without measurements over a sufficient number of days, it is impossible to obtain a reasonable estimate of CLV (or congestion, given the above initial assumption is correct)

Consider a CLV Pass/Fail Threshold of 1400



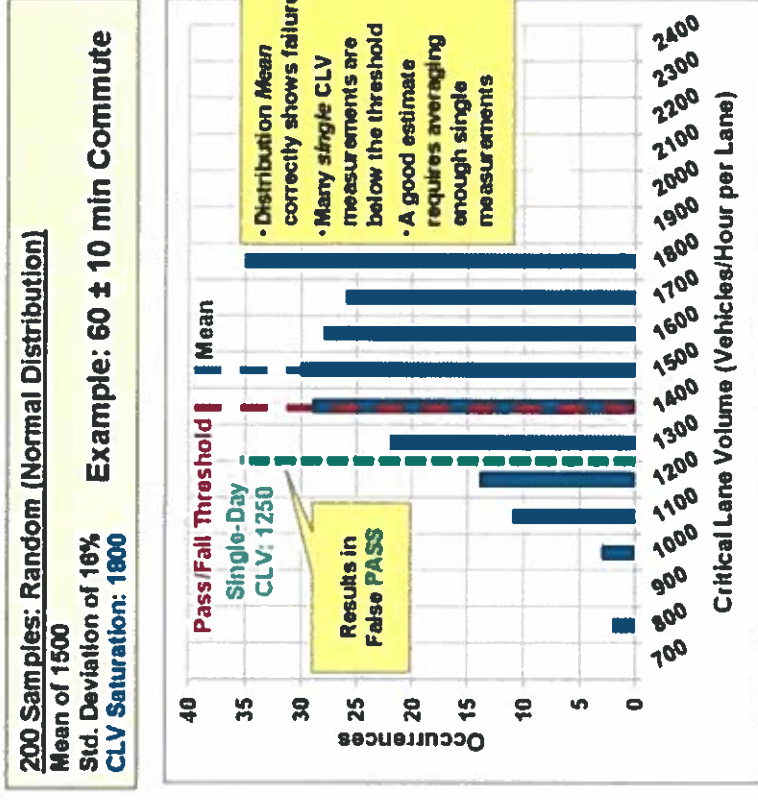
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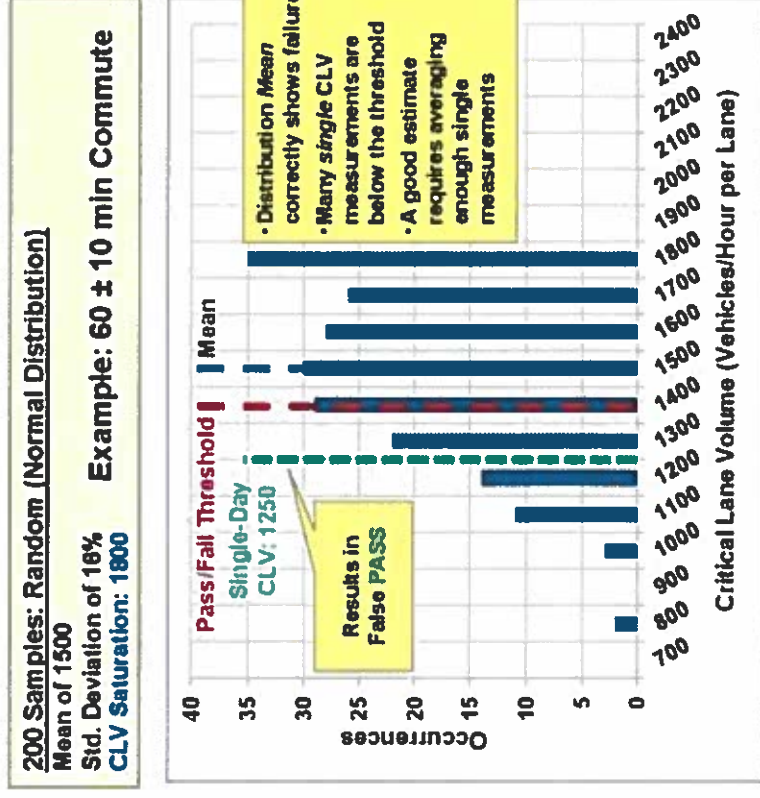
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Single-Day Snapshots of CLV Are Likely Inaccurate and Subject to User Selectivity (e.g., Cherry-Picking)

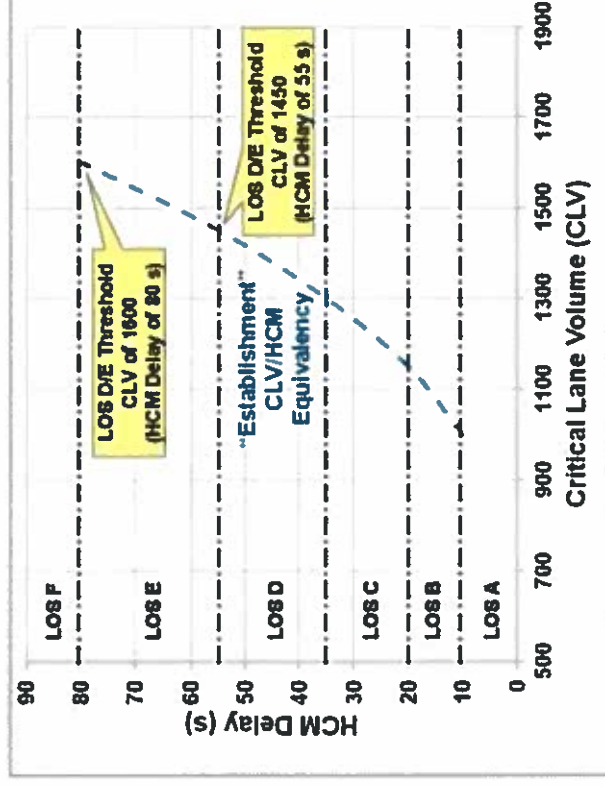
Debunking CLV
 July 5, 2016

WFCA – Home of Historic WMAL Transmitter Property
 Maryland Historical Trust Inventory Survey # M-30-24

CLV – A Poor Indicator of Congestion

- Premise is that CLV is indicative of Highway Capacity Manual Delay and therefore Level of Service (HCM LOS)
- Despite repeated requests, the County has not provided any data to support the asserted equivalency between CLV and HCM LOS; *citizens* are burdened to *disprove* the equivalency

Montgomery County Claims CLV is Highly Correlated to HCM Delay (and therefore LOS)



The Claim is that CLV is Easier/Cheaper to Assess than HCM, and that CLVs below 1600 are "Good Estimates" of HCM Delay

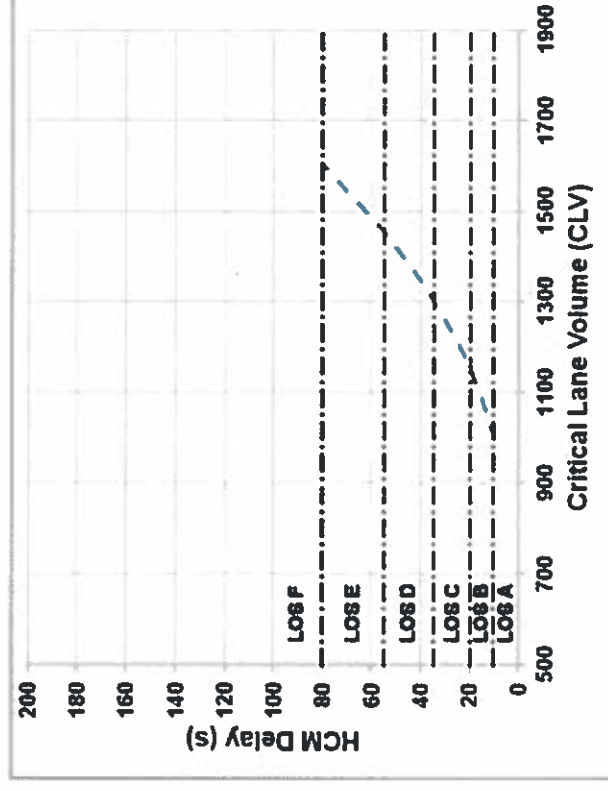
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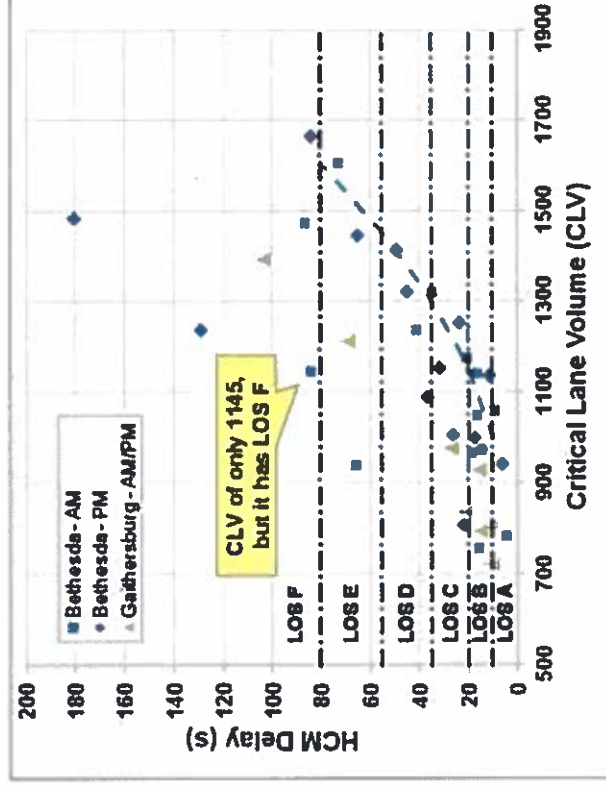


References
 [1] Bethesda Purple Line Minor Master Plan Appendix - Traffic Analysis
 [2] Appendix - Traffic Study for City of Gaithersburg (2013) by "The Traffic Group"

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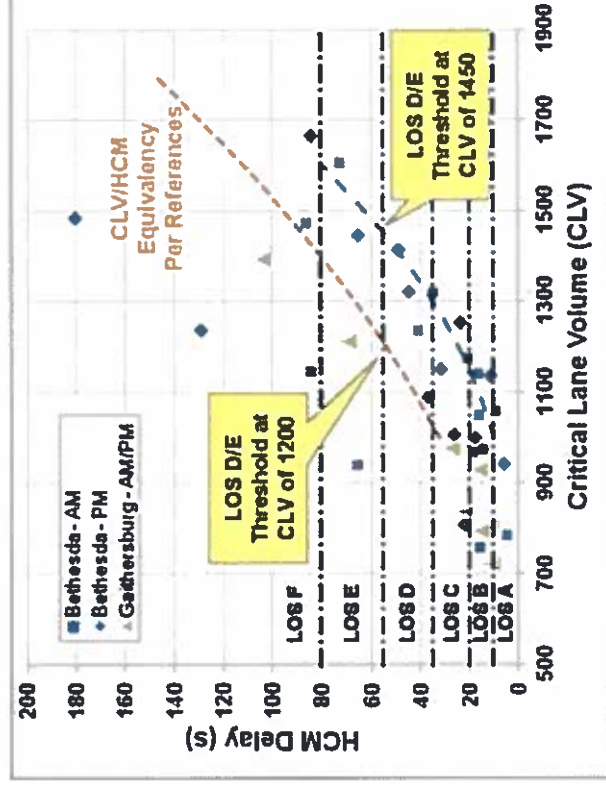
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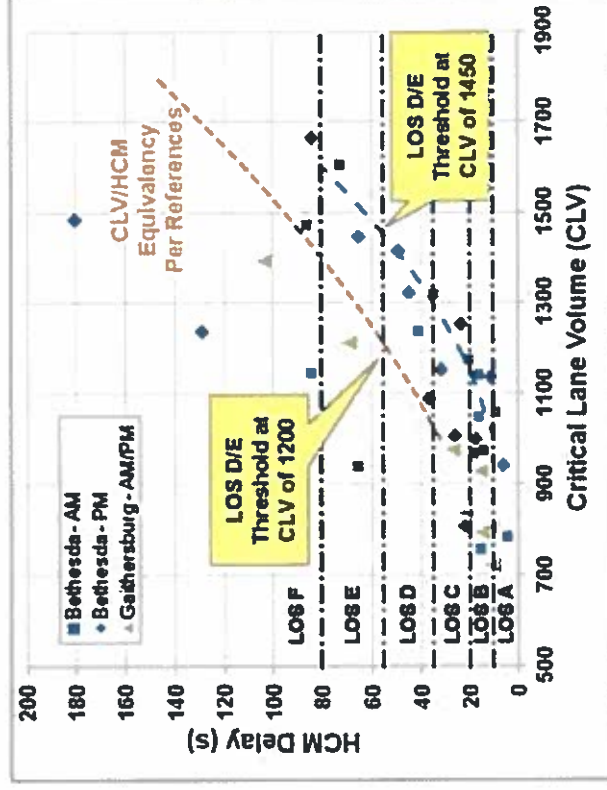
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References

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These Data Demonstrate CLV Does not Indicate Intersection Congestion Very Well and not in the Relationship Being Used by the County

Summary

- The way Critical Lane Volume is used in the current (2012) and recommended (2016) Subdivision Staging Policy results in an inaccurate and faulty measurement of roadway adequacy (intersection or network)
- Continuing to use CLV “as is” in the SSP will prevent legitimate assessment of transportation adequacy; presumably this is a mistake
- The current and recommended usage of CLV share the two fundamental flaws that are demonstrated in the following slides
 - **Statistical Robustness:** Adequacy Tests Based on Only 1 or 2 Snapshots of CLV are Statistically Meaningless
 - **CLV Performance:** CLV Does Not Accurately Measure Intersection Congestion or Roadway Congestion
- **We Recommended Using HCM Analysis Instead of CLV**
 - Interestingly, this is the same conclusion determined in a 2012 Literature Review of Local Area Traffic Impact Study Processes³ for Montgomery County as part of the 2012 SSP Process

Remove CLV as a Screening Test in the 2016 SSP and
Rely on HCM for Intersection Analysis

[3] SABRA, WANG & ASSOCIATES, INC., Technical Memorandum, April 9, 2012
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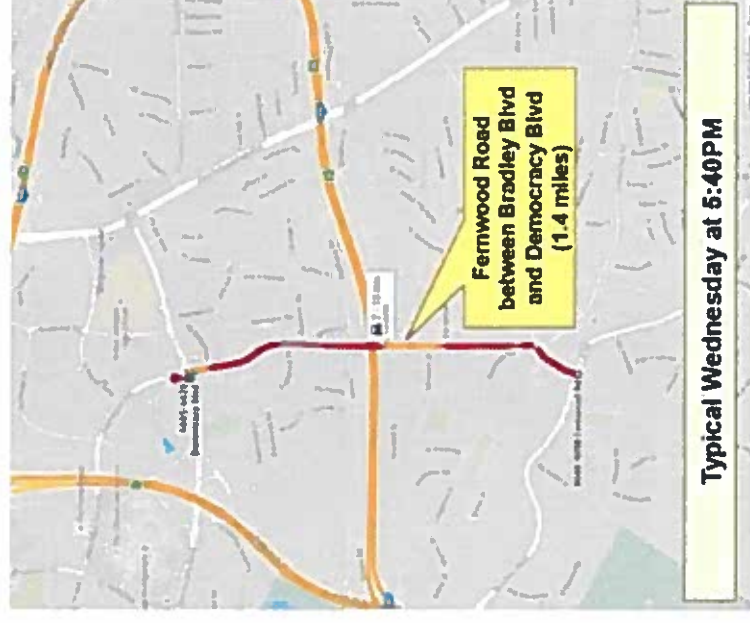
Appendix B

Analysis: Current Congestion Levels on Fernwood Road

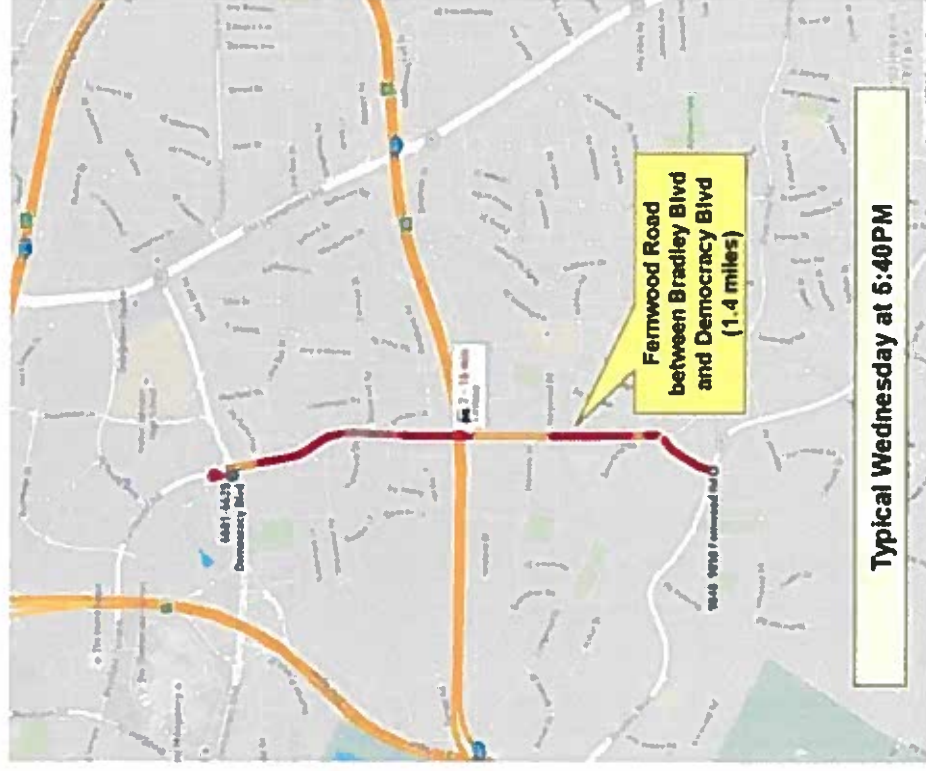
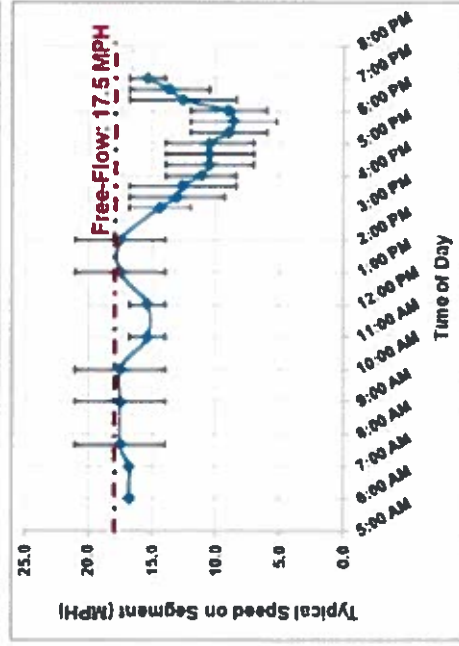
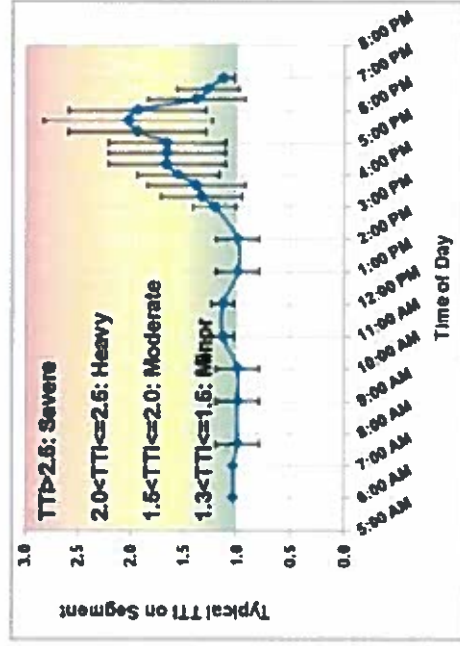
Methodology: Determining Weekday Congestion

Google Maps Provides the Robustness of Thousands of Daily Datapoints

- Google Maps can provide typical travel times for a specific route
 - Users can pick a day of the week and arrival/departure time
 - Result is a window that represents the average plus some degree of variance
- Route was set for Northbound on Fernwood Road from Bradley to Democracy (just past the light): a 1.4 mile stretch
- Wednesdays were selected, and departure time was varied between 7:00AM and 7:00PM
- Travel time was converted to miles per hour (MPH), including stop signs/lights
- Travel Time Index (TTI) was calculated; TTI is the ratio of the actual average speed to the free-flow average speed.



Weekday Congestion Profile Results



WMAL Property Development
OFFICIAL COMMUNITY ACTION LIST

Contact: George Wolfand,

President

West Fernwood Citizens Association

george@wolfand.com

202-965-3263

January 5, 2016

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I. Density

1. OVERLY DENSE DEVELOPMENT

This is the most important issue. The density in this development just cannot be supported with the surrounding infrastructure. The placement of >300 residences on 75 acres exceeds the density in the existing community that already exhibits traffic and school problems associated with the existing density.

This is unlike Westbard, White Flint, or Rock Spring, all of which have surrounding roads with more robust access/egress. Fernwood and Greentree roads are just not substantive enough to support this type of growth and are already close to their capacity. Fernwood has been known as a congestive bottleneck at MCDOT for more than 15 years.

Our solution is for Toll Brothers to design and build a less dense community, one that meets the intent of the law with respect to common open space. This approach would permanently reduce vehicle trips, especially if required public transport, bicycle, and pedestrian solutions were included, and would improve the look, feel, and integration with the surrounding communities. We are reasonable in our expectations, but believe that simply no change to the density and open space would be irresponsible and in conflict with the intent of the zoning regulations.

a. Visual Inspection:

See the Exhibit below, of the Toll Brothers preliminary plan superimposed onto Google Maps. A mere casual look at the current plans shows a dramatically different feel and look of the surrounding community. Furthermore, the plan clearly contradicts the message conveyed by Toll Bros that "The new neighborhood would look similar in density to the existing homes" in the WFCA community. On the contrary, our rough calculations indicate that the Preliminary Plan results in a dwelling density that is about 50% greater than the surrounding neighborhoods.



b. Optional MPDU Method

WFCA is opposed to the Preliminary Plan; feels misled; and will continue to be opposed in public meetings with officials if the number of planned homes comes anywhere close to the existing drawings.

According to the submitted *Statement of Justification*, the Preliminary Plan utilizes the Optional MPDU Development Method in order to be able to incorporate townhouses into the Preliminary Plan (under R-90 Zoning). Ironically, the Optional Method (regardless of whether it's an MPDU or Cluster Development) is supposed to result in more open space. According to the zoning ordinance (Montgomery County Zoning Ordinance effective October 30, 2014, Article 59-4, Section 4.4.8.A -R-90 Intent Statement):

The intent of the R-90 zone is to provide designated areas of the County for moderate density residential uses. The predominant use is residential in a detached house. A limited number of other building types may be allowed under the optional method of development.

First, the operative word “predominant”, does not mean a mathematical majority. We interpret that the intent of this approach is more akin to the most “marked influence” or “clearly more prevalent” in the community. A casual observance of Exhibit 1 shows that the Preliminary Plan does not have the visual characteristics of a development that is based on single family detached homes. Rather, the incredible “packed density” of townhomes seems to be the most predominant feature.

2. LACK OF COMMON OPEN SPACE

We believe the Preliminary Plan falls short of the required percentage of Common Open Space,

As it currently stands, the Common Open Space in the planned development is de minimis. Even the letter from Montgomery Country Parks (7/24/16) commenting on the preliminary plan indicates that there is clearly not enough open space for the purpose of:

- Open fields areas for practicing or playing sports
- Play areas for 2-12 year olds
- Dog parks
- Picnic and seating areas
- Basketball courts

Action: The intent of the MC Parks letter is consistent with the community view and every effort should be taken to have it enforced.

Action: We request that the housing density and greenspace for the WMAL property be reviewed and held to the intent of the Parks and Planning regulations and guidelines – e.g., that there be 15% contiguous open space publicly accessible, independent of the forest conservation and any parcel designated as transferable to the county.

a. Comparison to Existing Development

Based on a high-level review of land use in the existing WFCA community we estimate:

- 108 existing acres, not including Stratton Woods Park.
- 273 single family homes.
- 49 townhouses.

This creates an existing density of about $322/108 = 2.98$ dwellings/acre. However, the Toll Bros. preliminary plan is estimated at $328/75 = 4.37$ dwellings/acre. The end result is a much higher density than the surrounding neighborhood. This also contradicts the message conveyed by Toll Bros that "The new neighborhood would look similar in density to the existing homes" in the WFCA area. This could not be further from the truth and we feel it will negatively impact the process of integrating the existing and new communities.

b. Code Ambiguity

It is our understanding that based on Section 6.3.5 of the Montgomery County Code, *common open space is required for any:*

- *optional method development in an RNC or Residential zone. Furthermore, Common open space means an outdoor area that is intended for recreational use by residents and their visitors. Common open space does not include private individual lots.*
- *Common open space must be located in a central position or central positions in the neighborhood bordered by streets or building lots. It may be public or private. Common open space may also be placed in a location taking advantage of an important adjacent natural feature or open space.*
- *The minimum width for any required common open space is 50 feet unless the deciding body grants an exception for items such as a trail easement, a mid-block crossing, or a linear park, by finding that its purpose meets the intent of Division 6.3.*
- *A minimum of 50% of the required common open space must be in one contiguous area or only separated by a residential street. Any other areas must be a minimum of 2,000 square feet each and connected by sidewalks, paths, or trails.*

WFCA has been provided numerous and conflicting interpretations of the amount of open and/or greenspace required in the new development. In addition to the above, our understanding is:

- in addition to retaining the current forests, an additional 15% of the property must be designated as Common Open Space, where Common Open Space is defined by the County Zoning Code (Article 59-4, Section 6.3.5.A.2).
- Toll Bros appears to include bio-swales, easements, and areas that are too small as contributions to the requirement. Bio-swales technically contribute to open space but these types of small strips of land should not be equated with common open space as presently defined by county planning documentation. These rules seemingly contradict the purpose of common open space

The plan simply does NOT meet the INTENT of the zoning rules. Lastly, while we applaud the forest conservation, and the efforts to dedicate land to the County for a school or some other purpose, this has had a minimal impact to the density of the remaining development. In other words, the remaining areas are still in violation of the above rules and intent and we cannot rely on a *tentative* dedication of land to meet these criteria. This tentatively dedicated 4.3 acre site should absolutely not be designated, in any way, as a substitute for density and cannot contribute to any open space calculation.

Action: We request that the housing density and greenspace for the WMAL property be reviewed and clarified. Most importantly we are seeking to have the housing density reduced to be consistent or lower than the existing community.



II. Traffic Impact

The most recently posted (28 Oct 2016 Version) LATR/TPAR prepared by Wells + Associates, Inc. concludes that all of the study intersections will continue to operate within the congestion standard thresholds, and as such, no off site road improvements are required. However, for a variety of reasons and considerations detailed in following sections, WFCA contends that a more rigorous review of the LATR analysis is warranted.

Action: *P&P should review WFCA's arguments below and perform/request an operational analysis of Fernwood Road between Democracy Boulevard and Bradley Boulevard, including the intersection at Fernwood and Democracy Boulevard.*

Note that WFCA has been actively working with MCDOT on baselining existing local traffic as well as improvements to local roads ranging from sidewalks, street lining, traffic "pacing", and intersection upgrades. Any further LATR analyses should take into account MCDOT data and plans.

1. RENITA LANE

Action: *Consider making Renita Lane a private road for Emergency use only. Consider other traffic calming measures in the event that it cannot be restricted.*

Action: *Add traffic island plus speed bumps on WMAL side of Renita as a visual and actual traffic inhibiting measures*

We question the revised plan that shows Renita being connected directly to Greentree. We suggest that, to comply with emergency vehicle access to the site, the entrance at Renita connect with a private road with limited access. Emergency vehicle access to Renita does not require that Renita be connected straight thru to Greentree. Connecting Renita straight thru would turn it into a commuter cut-thru, effectively connecting Bradley to Fernwood thru residential streets. Google Maps and Waze will guide backed up area traffic thru this residential community, an unintended consequence of this plan. The serious detrimental effect of establishing a public street map connection between Bradley and Fernwood using Renita would endanger more local residents than would be benefitted by establishing a limited, emergency vehicle back-door entrance to the WMAL site.

As residents of this area, we know that Renita is unusually narrow and curved, not a suitable connecting roadway. The measured curb-to-curb width of Renita is 25.5 ft., significantly less than the usual 28 ft. curb-to-curb standard. Limited driveways and garages preclude adequate off-street parking when most residential households have 2-3 cars. Routinely school buses, trash, and delivery trucks have to halt, back up and take alternative routes when residents' cars are parked on the streets due to the fact that Renita is unusually narrow in comparison to other Montgomery County streets.

2. EXISTING CONGESTION OF FERNWOOD ROAD (BETWEEN DEMOCRACY AND BRADLEY)

Action: *Perform an analysis to forecast future congestion of Fernwood Road, based on existing, pipeline and proposed WMAL traffic.* We are working with MCDOT to conduct traffic studies to "Baseline" the traffic congestion, measure "cut-through" traffic, and address above noted issues. As a note, this study should consider "local traffic only" signs at Old Georgetown and Greentree.

The existing congestion along Fernwood Road is already heavy to severe, particularly in the evening (Northbound); this is before any additional vehicles attributed to pipeline projects or the WMAL proposal. Substantiating data/arguments include:

- Google Maps can provide a route's typical driving time. These times are an average of 10's of thousands of data points for a selectable day of the week and time of day. Given the number of datapoints, the results have higher statistical significance than any metric based on a single observation. The technique was used to profile the driving time for the 1.4 mile stretch of Northbound Fernwood between Bradley and Democracy. The *average typical* PM peak-hour time travel index is over 2.0, which is "Heavy Congestion" as defined by the Metropolitan Washington Council of Government (MWCOG). The *high typical* time travel index is 2.8, which MWCOG defines as "Severe Congestion". Metropolitan Washington Council of Governments (MWCOG), this is "Heavy Congestion". Details concerning the analysis are included in this document as *Appendix A*.
- MCDOT speed studies for Fernwood Road on 7-8 Sept 2016 show an average peak-hour slow-down factor of 1.5 and 1.9 for Southbound and Northbound, respectively. This data is based on an average of individual vehicle speeds at a single location near Greyswood Road. Although this is based on only 2 observations, it does appear to corroborate the above Google Maps analysis.
- MCDOT employee comments that Fernwood has been failing for 15 years and has been at the top of the area's "problem list" for some time – and that nobody at MCDOT/Traffic Engineering knows what to do about it, since widening it is not an option.
- MCDOT statements that Fernwood Road is designed for a maximum capacity of 800 vehicles per hour. The WMAL traffic study showed that volume on Fernwood through the Greyswood intersection was 910 and 866 vehicles/hour for northbound and southbound directions, respectively.

3. INTERSECTION OF FERNWOOD & DEMOCRACY

a. Operational Analysis

Action: We request a more rigorous operational analysis of the intersection Fernwood and Democracy, even though the study concludes that intersection will continue to operate within the acceptable congestion standard thresholds.

The intersection of Democracy & Fernwood consistently saturates during rush hour and generates queue spill-over and documented back-ups on Fernwood Road back to Greentree Road and Bradley Blvd. The intersection is shown to pass LATR with a future CLV forecast of 1512 – a mere 38 cars per lane per hour short of the 1,550-standard limit. Given the tiny margin by which this intersection passes and the considerations listed below, WFCA believes a more rigorous operational analysis of the intersection is warranted. Even Planning Board Chair Anderson has testified at PHED and County Council meetings to the effect that Planning Department reviewers should have discretion in further analyzing intersections that have queuing/back-up issues, *even if they do not surpass CLV thresholds*. Furthermore, one or more of the following considerations and/or oversights would easily move the future CLV above the required threshold:

- Montgomery County commissioned a CLV study of this intersection on 10/14/2015, 4 weeks prior to the Wells & Associates study. The County's CLV for AM and PM were 1153 and 1284, respectively – which was 160 and 62 greater than the Wells & Associates study. Given the short time lapse between measurements, it would be prudent to use an average of the two observations for a more statistically significant estimate of CLV. This would increase the PM CLV by 31, bringing it to within 7 points of the threshold. Incidentally, *we consider the CLV measurements made by Wells + Associates*

anomalous, given that the values are the historical lows for both AM and PM since 2004. Note that both the AM and PM Wells + Associates CLVs are over 2 standard deviations away from the mean/distribution of the five historical measurements.

- We believe that, in error, a balance of as much as 429 peak PM trips are not assigned to the intersection resulting from the NIH Expansion Pipeline Project. Of these 429, 322 are trips turning left on Westbound Democracy from Northbound Fernwood, directly affecting the intersection CLV. These 322 unassigned trips are based on:
 - The expectation that the trip distribution for the NIH expansion should be somewhat similar or even far exceed that of the Suburban Hospital expansion.
 - The Suburban Hospital traffic study and the WMAL traffic study "Traffic Forecast Worksheets" are consistent in that about 9% of the total PM peak-hour trips are assigned to traffic eventually turning left on Westbound Democracy from Northbound Fernwood.
 - According to the WMAL traffic study, the NIH Expansion results in a potential 4,266 PM peak-hour trips. Using the same 9% percentage, there should be a total of 380 cars assigned to left onto Westbound Democracy from Northbound Fernwood. However, the WMAL "Traffic Forecast Worksheets" only allocate 58 trips (only 1.4%). Therefore, the balance of unassigned trips for PM is 322. Even if only 1/3 of the NIH expansion traffic exits via Old Georgetown road, the balance of assigned PM trips is still well over 100.
- Other Considerations - additionally, several oversights in the LATR policy/guidelines and judgement calls by the Planning Department favor the developer. These items include:
 - Background traffic analysis does not include the large percentage of vacancy often cited in the Rock Spring office buildings. It does not make sense that pipeline projects include those projects that are approved but unbuilt, but do not include projects that are approved, unbuilt, but unoccupied.
 - LATR guidelines state that CLV should be calculated at the peak volume hours for AM and PM. However, the peak volume hours do not necessarily correlate with the peak CLV hour. In fact, for the WMAL traffic study, the PM peak-hour is 4:45-5:45PM, with a CLV of 1,222, whereas the hour of peak PM CLV is 5:15-6:15, with a CLV of 1,242 (a difference of 20 CLV points)

b. Safety

Action: We are working with MCDOT to review this entire intersection and possible provide "angled" lanes, improved signage that is much more visible. Further changes to make this intersection more pedestrian friendly are requested.

The configuration of the intersection, in conjunction with traffic congestion, make crossing Democracy on foot difficult and unsafe. With additional traffic from pipeline and proposed WMAL projects, it is presumed that crossing will only become more difficult. WFCA recommends that any mitigation should improve prioritize pedestrian/bicycle safety.

4. GREYSWOOD ROAD

Greyswood Road is planned to be the major access egress point through to the new development. This street already has safety issues and thus the following projects are either in progress or requested as noted herein

a. High Speed Study

Action: *A traffic study to confirm the speed of traffic and identify remedies is underway. The study has recommended bump outs and a median at two intersections as traffic calming measures.*

b. Traffic Calming - Signage

Action: *Additional and more prominent signs should be posted (speed limits, children playing, others suggestions)*

The signage on Greyswood Road is limited and given the expected enormous increase in traffic, an electronic speed sign(s) with underground power, should show the speed at which you are traveling.

Action: *We request that streets are lined properly (e.g., center lines, side lines, crosswalks at all intersections most notably:*

- A center line and side lines on Greyswood
- Crosswalks on Greyswood at Inglemere and Harrogate, leading to Stratton Woods Park

III. Integration with Surrounding Community

1. NOISE BARRIER

A noise barrier had been placed in the plan where it will adversely affect the noise to existing neighborhoods, in an absolutely egregious location without consideration that the existing community has wanted a noise barrier along 270 for 30 years.

As we discussed, the current placement of the Interstate 270 noise barrier in the latest plan is something that we agree, does not achieve our mutual objectives for several reasons:

- The integration of the surrounding communities is compromised by a wall that is physically separating the old and new developments. In fact, the mere concept of a wall is the complete opposite of integration.
- The aesthetics of the placement of this wall means that the existing communities that were previously facing trees, and would continue to do so under forest conservation would now be facing large walls.
- The introduction of noise abatement at the specified location is highly likely to make sound from 270 worse for those residents on the other side of the wall. Again this would be completely the opposite effect of what the noise abatement is trying to achieve.

As we discussed, the solution for noise abatement that has been drawn into the plan is absolutely a “non-starter” and alternative and creative ideas should be sought to address the issue. As you now know, the residents of the existing community have been fighting many years for a sound barrier along Interstate 270 and this new development is likely to help meet the criterion to construct such a barrier. This would create a win/win for the old and new neighborhoods. While we recognize this might take more time/effort, we believe it's once again the “right” approach to grow and integrate environments with surrounding communities.

Action: Eliminate sound barrier from plan as it currently exists. Find alternatives to sound abatement. Most notably work with SHA to identify ways to construct a sound barrier or isolate funding for such a project.

2. INTEGRATING WITH CONNECTING ROADS – STREETSCAPING

No integrated streetscaping on major access/egress points (e.g., Greyswood/Greentree) have been built into the plans. Recognizing that Greyswood road will be one of the main access points into the new neighborhood (if not the MAIN entry point), we have on numerous occasions with TB and the County suggested that “streetscape” improvements be made to help integrate the communities. The suggestions have ranged from consistency in trees, lighting, walkways, powerlines, signs, and even some small storm water changes on Fernwood to beautify the entrance. TB has been receptive to these types of changes and this would be an excellent way for both the County and TB to demonstrate how to integrate communities. This seems like a win/win but one that takes the leadership and authority at a high enough level to recognize how planning integration can actually improve the lives of those around it.

- **Lighting** should be consistent with the Toll Brothers development for aesthetic reasons, but more importantly, for safety. Greyswood and Greentree roads should be added to the Toll Brother preliminary plan. It is a vital part of the plan and leaving it off the plan is to ignore the impact on this vital artery.
- **Trees** should be consistent with Toll Brothers plans. Many of the trees along Greyswood are old or have been mutilated by Pepco. This will probably require resident permission.

- **Storm-water Drains:** At the intersection of Greyswood and Fernwood are concrete storm water drains that are protected by iron rails. While functional, we believe the aesthetics surrounding the drains should be materially improved with signage, hardscaping, and landscaping. We believe Toll Bros. should include these improvements in their plan.
- **Signage:** The introduction of signs at the entry points to the community can help improve the feel and aesthetics of a community. The signs should read "Stratton Woods" allowing the old/new communities to be one after construction rather than creating artificial barriers with community names.
- **Power Lines:** Significant equipment and labor forces will be utilized during the construction of the proposed neighborhood. We recognize the cost associated with this request but believe it will improve stability to the power grid that has been unstable, allow trees to grow unencumbered by the significant damage from Pepco, and beautify the environment. If coordinated properly, we believe costs can be mitigated by leveraging the work that must already be done by Toll Bros.

Action: Expand the plan to include Greentree and Greyswood for streetscaping improvements to include walkways, bike lanes, street lining, bump outs, stamped concrete corners, trees, lighting, powerlines, street signs, development entry signs, and storm-water improvements.

3. COMMUNITY CENTER & POOLS

Action: In an effort to blend the communities, we recommend that the existing community should be allowed membership to or use of the proposed pool and community center, as there is no community pool/center within safe walking distance of the existing neighborhood.

Such a decision would help create a better sense of an *integrated community* and provide amenities to the existing homeowners.

IV. School Overcrowding

Ashburton is one of the most overcrowded elementary schools in the County, and North Bethesda Middle School and Walter Johnson High School do not fall far behind. While the school board wrestles with the answers, no definitive and acceptable decision has been reached.

1. SEVERE OVERCROWDING IN CLUSTER

The new development resides in the Ashburton ES/North Bethesda MS/Walter Johnson HS boundary. Ashburton ES is currently at 145% capacity. With over 952 students, it is the third largest in the County and exceeds the upper limit of MCPS's own preferred range of enrollment for the elementary school level (750 students maximum).

Both the middle and high schools are large and projected to grow. WJ, currently has 2,335 students and is anticipated to reach almost 3,000 students by 2020-2021 with current projections. If that happens, it will be one of the largest high schools in the County. North Bethesda MS is currently at 1,183 students. By 2022, it will likely be larger than many high schools in the region.

Along with growing schools is the growing disappointment among parents and other community members that the County lacked planning and coordination. This frustration culminated in a Cluster Roundtable Discussion led by MCPS to address the issue of overcrowding. A full report of their findings was sent to the Superintendent the Board of Education in November 2016. The School Board Voted on November 21st with the following outcome:

- Elementary Schools:
 - The board of education pushed MCPS staff to do a deeper study of growth in the area and to identify the potential sites for a 7th elementary school in the WJ Cluster, and to begin a site selection process following the completion of that study.
- Middle Schools:
 - North Bethesda is increasing capacity to 1,200 (shovel hits the ground in January 2017).
 - The new Tilden will also be built to 1,200 (Opening in the fall of 2020).
 - The board also asked the MCPS staff to get back to them about as site for a 3rd middle school.
- High School:
 - The board indicated: "We are going to re-open Woodward. Period."
 - The board further stated "Woodward is to be used to solve W.J.'s overcrowding. That's the point. If we need to move/create some other programs or move some neighborhoods in to get enough population to justify the re-opening, fine. But Woodward re-opening is first and foremost to solve WJ's overcrowding."

Although this represents significant progress, with all the new developments in the area, the cluster will still have insufficient capacity. More specifically, 1 more middle school and 2 more elementary schools are required.

Action: No further development should occur without plans for and additional middle school and two more elementary schools. Completion of the 7th elementary school be completed by the time the Toll Bros. homes are built and the site for the eighth elementary school identified. Site selection to be wrapped up for the third Middle School by the time the Toll Bros. homes are built.

V. Environmental Impact

1. RUNNING TRAIL

While we applaud the concept of a running trail around the new property, we have, on numerous occasions suggested that the forest Conservation areas NOT to be affected. More specifically, any design for trails should be along the "inside edge of the tree canopy and not through the middle of forest conservation land. We believe protecting the environment is integral to purpose of forest conservation and that running a path through the middle of these narrow tree lines will have an immediate and long lasting detrimental impact. The plans should reflect this as such and not wait for subsequent reviews/details.

Action: We request the trails run along the "inside" perimeter of the development and preserve any forest as it is intended.

2. SOIL TESTS

Our understanding from the those testing the soil at the WMAL tower site that significant copper in the ground will be difficult to remediate with mere Bio-swales and that further construction of sewers will possibly be required.

Action: Please provide us with the results/impact of the soil tests

VI. Accessibility

1. BICYCLE LANES AND SIDEWALKS

a. Fernwood/Greentree Road

A recent project to build sidewalks from Greentree Lane near NIH and Old Georgetown Road terminated both sidewalks and a bicycle trail at the intersection of Greentree and Fernwood. Access from Democracy to Greentree along Fernwood is extremely dangerous other than by car. Existing speed bumps extend entirely across the road making it difficult for bicycles. The bumps should be removed at the ends.

Note that the County has proposed that the entire length of Fernwood-Greentree have “bike lanes” defined as 4-6 ft. lanes in each direction with traffic flow. This should be considered in any plans to improve intersections along Fernwood Road (or the roadway itself).

Action: *The bike trail/sidewalk should be continuous all the way from Democracy to where it currently ends, meeting with the bike trail to NIH that proceeds past North Bethesda Middle School. Greentree should be evaluated for Bicycle lanes*

b. WMAL Development

Little focus has been given to pedestrian/bicycle access to surrounding destinations such as schools, NIH, Montgomery Mall and Transit Center.

Action: *We request that pedestrian/bicycle access be addressed prior to the TB plan being finalized.*

2. PUBLIC TRANSPORTATION

a. Bus/Shuttle Service within WMAL Property

An urbanized development of more than 300 homes requires access to public transport, especially in the traffic environment of the WMAL site. We note that developments such as King Farm have required developer/homeowner-association financed shuttle services connecting to Metro or bus terminals. The planned dense WMAL development should include a plan for mandatory unit/owner fees to support bus shuttle service to Westfield Mall or Metro.

Action: *The WMAL development should include a plan for mandatory unit/owner fees to support bus/shuttle service to Westfield Mall and/or Metro*

b. Bus/Shuttle Service - Ride-On Routes

The new combined community will cover over 175 acres. At the current time, the closest public transit is along Fernwood Road. As an example, it is approximately 0.5 miles (straight line, not following streets) from the center of the plan site to Fernwood Road. The intent is to obviously improve public transport, reduce auto trips, and environmental impact.

Action: *We are requesting the County review Ride-On routes and determine additional routes/stops that can better service the existing and new community.*

3. ACCESS TO WALTER JOHNSON, MONTGOMERY MALL & METRO TRANS. HUB

The planned community is attempting to pack 300+ homes into an area that was not designed for multi-modal transportation. The results is higher density without the benefits of what new mixed used communities enjoy. As such, it is essential to make this new area accessible to Schools, shopping, and Metro.

Action: We recommend that a new budget item be placed on the MCDOT agenda for either an overhead bicycle/pedestrian bridge over Democracy Blvd or an underground tunnel. We believe TB would also be in favor of contributing to creative solutions that would facilitate bicycle/pedestrian connections to schools, shopping, and public transportation.

We recognize this is a bold and costly addition but respectfully request this be built into the budget and consider Toll Bros. paying for part of this as it will greatly benefit the new community.

Appendix A

Analysis: Current Congestion Levels on Fernwood Road

Methodology: Determining Weekday Congestion

Google Maps Provides the Robustness of Thousands of Daily Datapoints

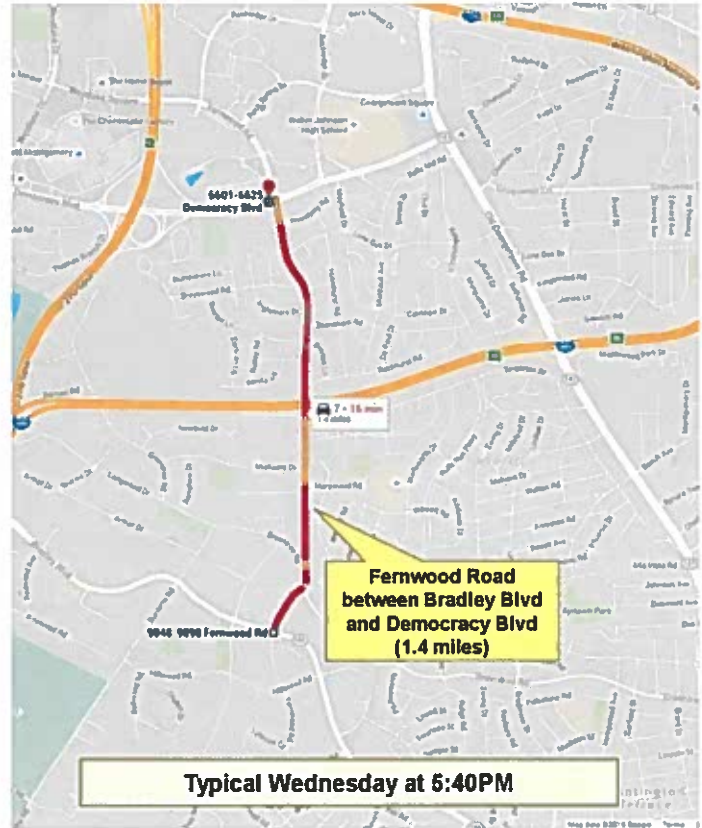
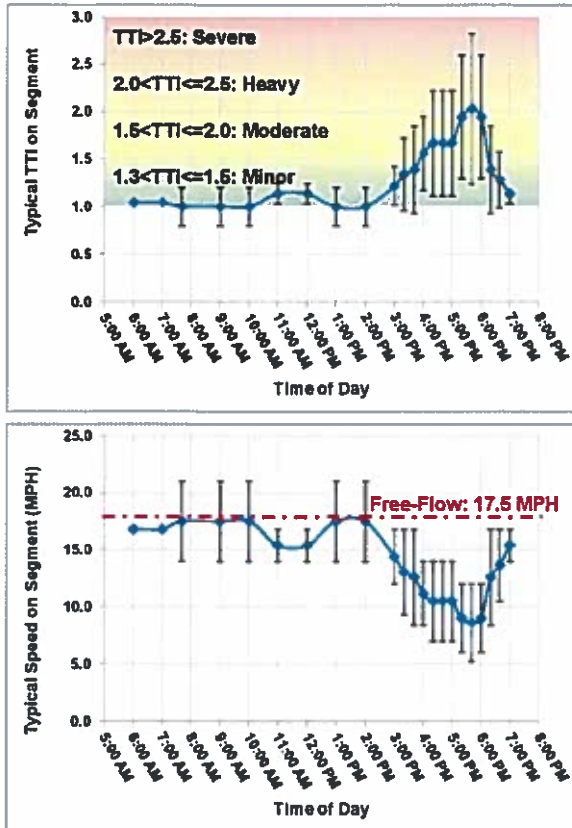
- Google Maps can provide typical travel times for a specific route
 - Users can pick a day of the week and arrival/departure time
 - Result is a window that represents the average plus some degree of variance
- Route was set for Northbound on Fernwood Road from Bradley to Democracy (just past the light): a 1.4 mile stretch
- Wednesdays were selected, and departure time was varied between 7:00AM and 7:00PM
- Travel time was converted to miles per hour (MPH), including stop signs/lights
- Travel Time Index (TTI) was calculated; TTI is the ratio of the actual average speed to the free-flow average speed.



Fernwood Congestion
July 7, 2016

WFCA – Home of Historic WMAL Transmitter Property
Maryland Historical Trust Inventory Survey # M 30-24

Weekday Congestion Profile Results



Fernwood Congestion
 July 7, 2016

WFCA -- Home of Historic WMAL Transmitter Property
 Maryland Historical Trust Inventory Survey # M 30-24

WMAL – Civic Association Coordination/Review

Greenspace Issues

February 7, 2017

Requests from Community

The Communities Adjacent to WMAL are requesting:

1. Rejection of waiver by Rogers Consulting Forest Conservation waiver of 4.77 acres
2. Rejection of waiver of Rogers Consulting variance on removing 50% of the specimen trees
3. That the continuous open space requirement of 5.6 acres be located centrally on the site with no reduction in forest conservation
4. Support of proper location of perimeter trail
5. Encourage MDOT to build a noise wall adjacent to I270
6. Expanding the plan for streetscaping to include Greentree and Greyswood
7. Support of enhancements to park facilities
8. Results of soil test

Forest Conservation

- The math on forest conservation
 - 15.84 acres exist
 - 14.29 acres of forest required by code
 - Toll Brothers requesting clearance of 6.32 acres or 4.77 above allowable limit
- Reasons for rejection
 - 4.3 acres of dedicated land should not be a bargaining chip for destroying the forest
 - It is our strong position that the private financial interest of Toll Brothers should not, in any way, be a factor in evaluating their variance request
 - Rogers Consulting comments:
 - School Impact tax does not equal the value of the land reduction
 - Must reduce forest land to make project “economically feasible”
 - Greater forest conservation = Less density = Less harmful environment
- Other points to consider
 - We have asked the Planning Board to re-consider the plan to make Renita Road a through street. If that proposal is accepted, it would save 2.13 acres of forest
 - If the noise wall on the north end is eliminated, 0.19 acres of forest are saved

Specimen Trees

- Our objective is to limit the destruction of specimen trees
- The Rogers Consulting Report, dated Oct 27, 2016, asks for a variance on the number of specimen trees that can be removed
- Report indicates that 42 of the 77 specimen trees will be removed.
- Reasons for rejection
 - 4.3 acres of dedicated land should not be a bargaining chip for removing specimen trees
 - It is our strong position that the private financial interest of Toll Brothers should not, in any way, be a factor in evaluating their variance request
 - Rogers Consulting comments
 - 12 trees will be removed because the 4.3 acre dedication puts unanticipated burden on Toll Brothers.
 - Specimen trees need to be removed to make project economically feasible.
- Other comment to consider
 - We have asked the Planning Board to re-consider the plan to make Renita Road a through street. If that proposal is accepted, 6 trees will be saved
 - Rejecting the wall at I270 will save 3 trees

Specimen Trees

- 77 trees on property, 42 will be removed

Greentree/Renita Connections	6
Greentree/Greyswood Connections	7
Grubby Thicket Way Sidewalk	6
Noise Wall (I270 & I495)	4
Poor Health	3
Critical root zone impact	4
Totality of project, 4,3 acres of dedicated land, design excellence	12

Continuous Open Space

- Toll Brothers should centrally locate the open space without any reduction in forest conservation
- Requirement
 - Intended for recreational use.
 - Centrally located or in location to take advantage of important adjacent natural features or open spaces
 - 7.5% of land or 5.6 acres on WMAL lot
- Two locations suggested by Toll Brothers
 - 4.8 acres at north end of lot
 - 6.5 acres at south end of lot

Continuous Open Space

- North End lot
 - Not suitable for recreational use because of noise from I270.
 - Wall suggested then vetoed to combat noise
 - Backing on I270 does not suggest an “important natural feature
 - Not centrally located
- South End lot
 - Not suitable for recreational use because ill shaped lot
 - Site is approximately 750 yards long and less than 40 yards wide in many places, soon to be bordered by noisy, less than attractive wall
 - Forest will be reduced 3.9 acres, south of Renita if it is extended
 - Recommendation – Toll Brothers select a location for 5.6 acre continuous open space that satisfied the recreational and central location requirement

Trail Location

- The neighborhood is designed with a walking trail around the perimeter of the new development
- The trail should run along the inside of the tree line to preserve the existing forestry
- Action requested: Insist the Toll Brothers draw the trail on the map in next version of plan

I270 Wall

- The Bethesda Place community has 44 townhomes located between I270 and Greentree Road. The noise level is so bad, it is difficult to have a conversation on an outside deck.
- The community petitioned MDT to build a wall at I270 for nearly 10 years and the documentation is attached. All request were denied.
- We request that the dialogue be opened again with MDT in lieu of the new WMAL development
- Documentation:
 - Jan 2004: SHA to Bethesda Place: Rejecting our appeal request for the wall.
 - Jan 2008: Roger Berliner to SHA: Requesting the wall be built
 - Jul 2008: MD Dept. of Transportation (MDT) to Roger Berliner: Rejecting Berliner request
 - July 2010: MDT conducts noise study (just missed the cutoff))
 - Nov 2010: MDT to Bethesda Place shows the increase in noise level just misses the cutoff

Streetscaping

- Expand the plan to include Greentree and Grayswood for streetscaping improvements
- Objective is to integrate the “look and feel” of the new development with the existing developments
 - Walkways
 - Bike lanes
 - Street lighting
 - Trees
 - Development entry signs

Enhance Local Parks

- We support Department of Parks assertion that the public parks in the local area are not adequate with the addition of 1,000 plus new residents.
- Enter negotiations with Toll Brothers for sale of 3 acres located just east of the 4.3 acres already dedicated
- Toll Brothers should consider amenity upgrades and improvements to Stratton Local Park

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Section 11.1: Storage and Archiving Features in Power Server

Acknowledgements

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1. Study Area of the Research

APPLY FOR YOUR COPY TODAY

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14 AC FACILITY BUILDING ALONG POND, OFFSHORE, 100' LONG, 40' WIDE
87 AC LAKE
37 AC BEACH
124 AC COMBINED
100 AC LAKE

FOR MORE INFORMATION VISIT US AT WWW.CONCRETECONCRETE.COM

- AREA "A" (NORTH FOREST): 8.2 AC±
- CONTIGUOUS PROVIDED (56.4%)
- AREA "B" (CENTRAL GREENWAY AND SOUTH FOREST): 10.4 AC± CONTIGUOUS

WMAL - Civic Association Coordination/Review

**Traffic Issues
January 24, 2017**

**West Fernwood Citizens Association, Bradley Boulevard Citizens Association,
Wyngate Neighborhood, Ashburton Neighborhood**


Requests from Community

The Communities Adjacent to WMAL are requesting:

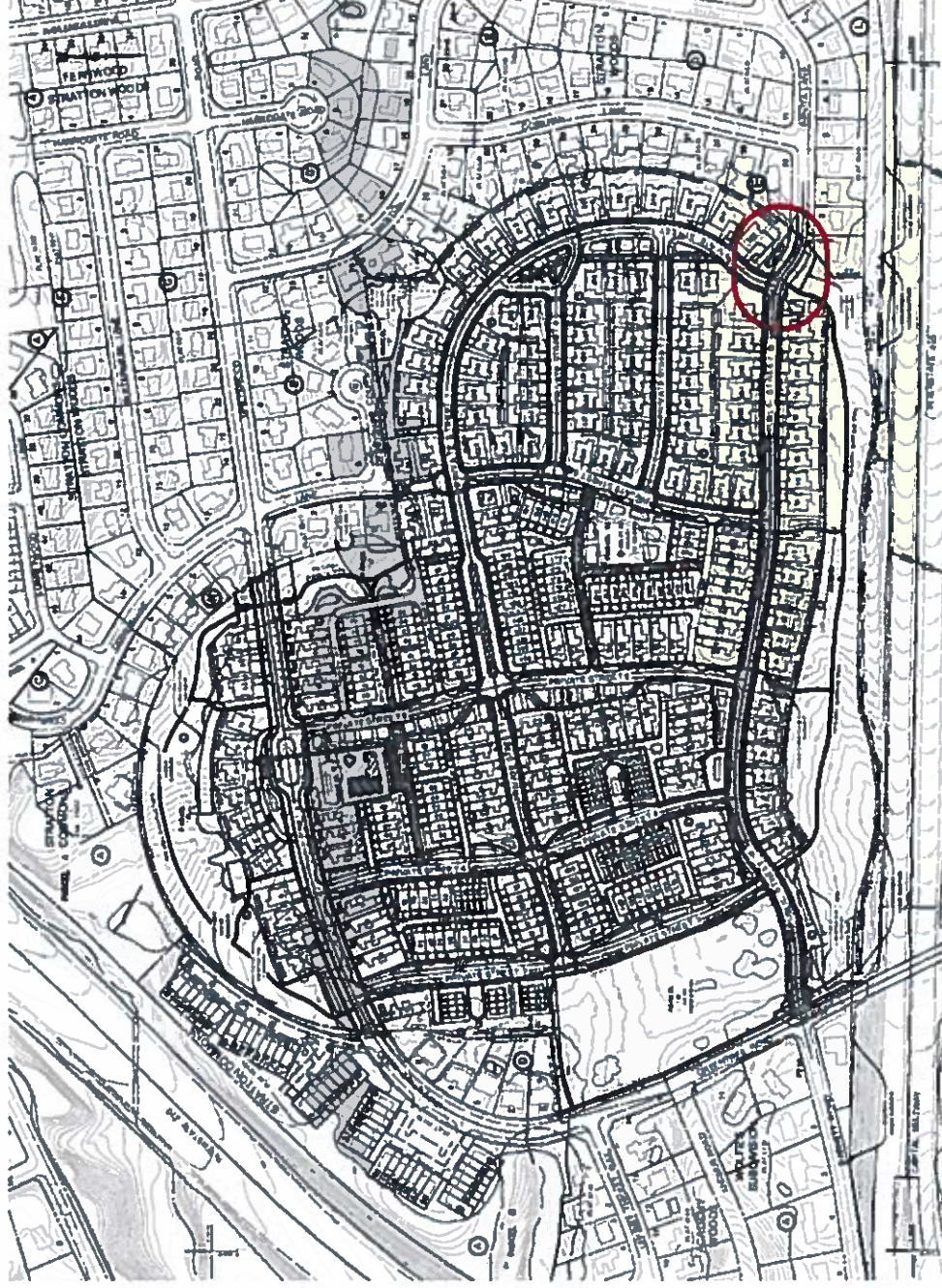
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Renita Lane



Access to WMAL via Renita, and Connecting Renita to Greentree, will Drastically Impact Safety and Quality of Life for the Existing Neighborhoods

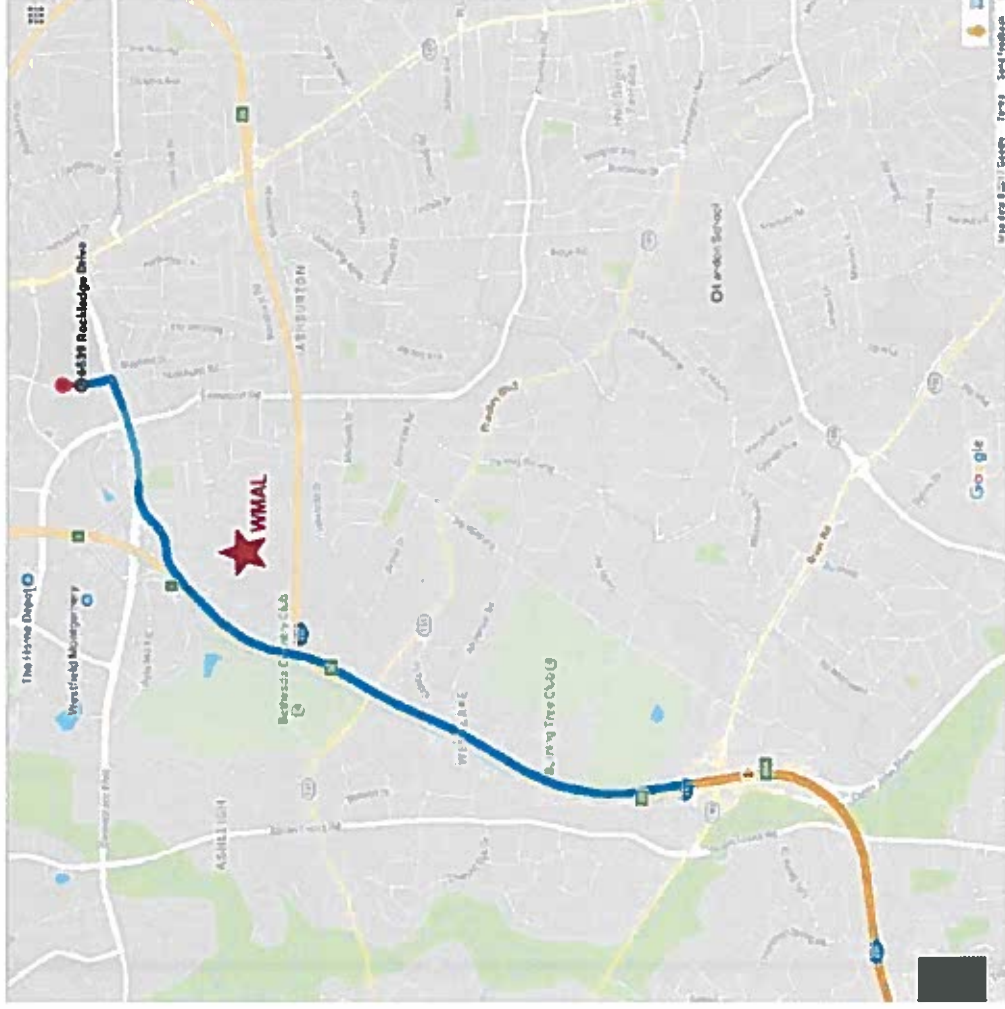
Renita Lane



The Overarching Issue is That Connecting Greentree to Renita Enables Cut-Through Traffic on Low-Capacity Neighborhood Streets

Renita Lane

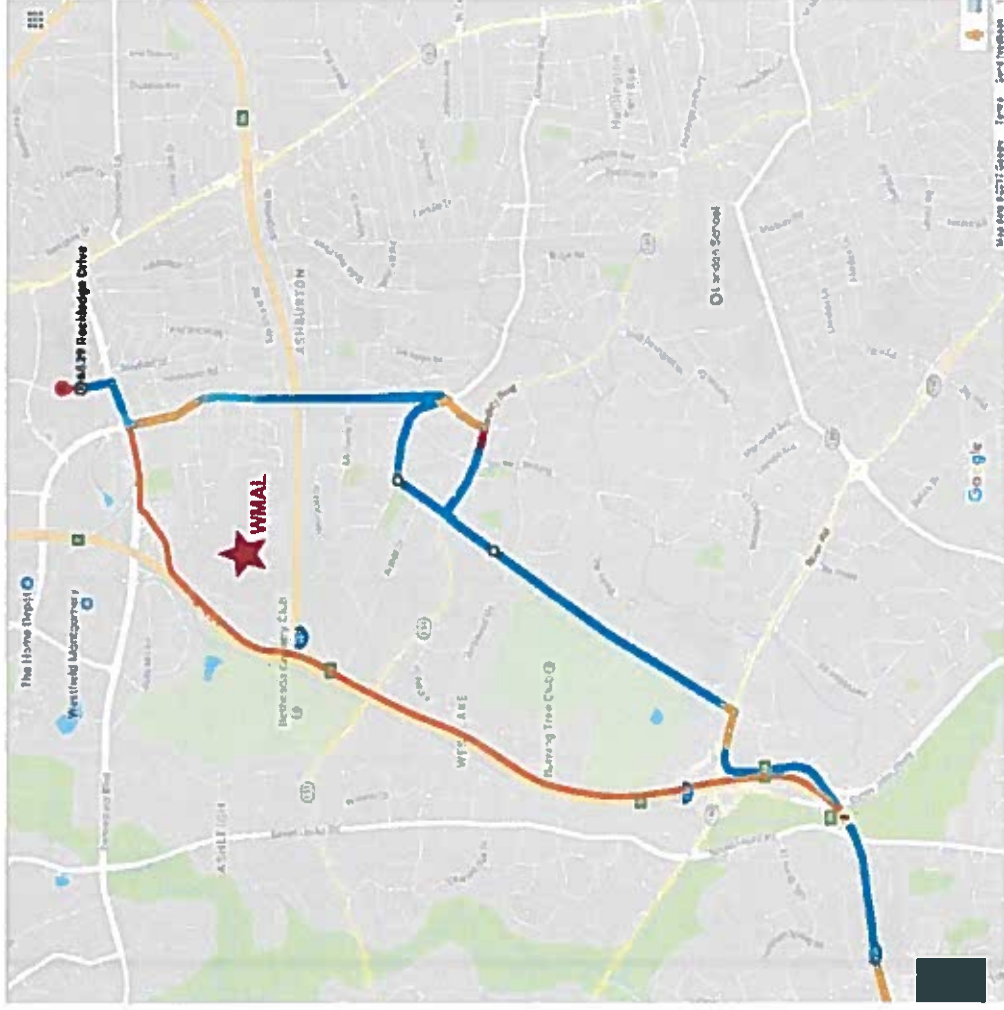
Expected Traffic Pattern: Northern VA to Rock Spring



- Traffic Routes
 - I-495, Democracy, Rockledge

Renita Lane

Existing Traffic Pattern to Avoid I-270/Spur Back-ups

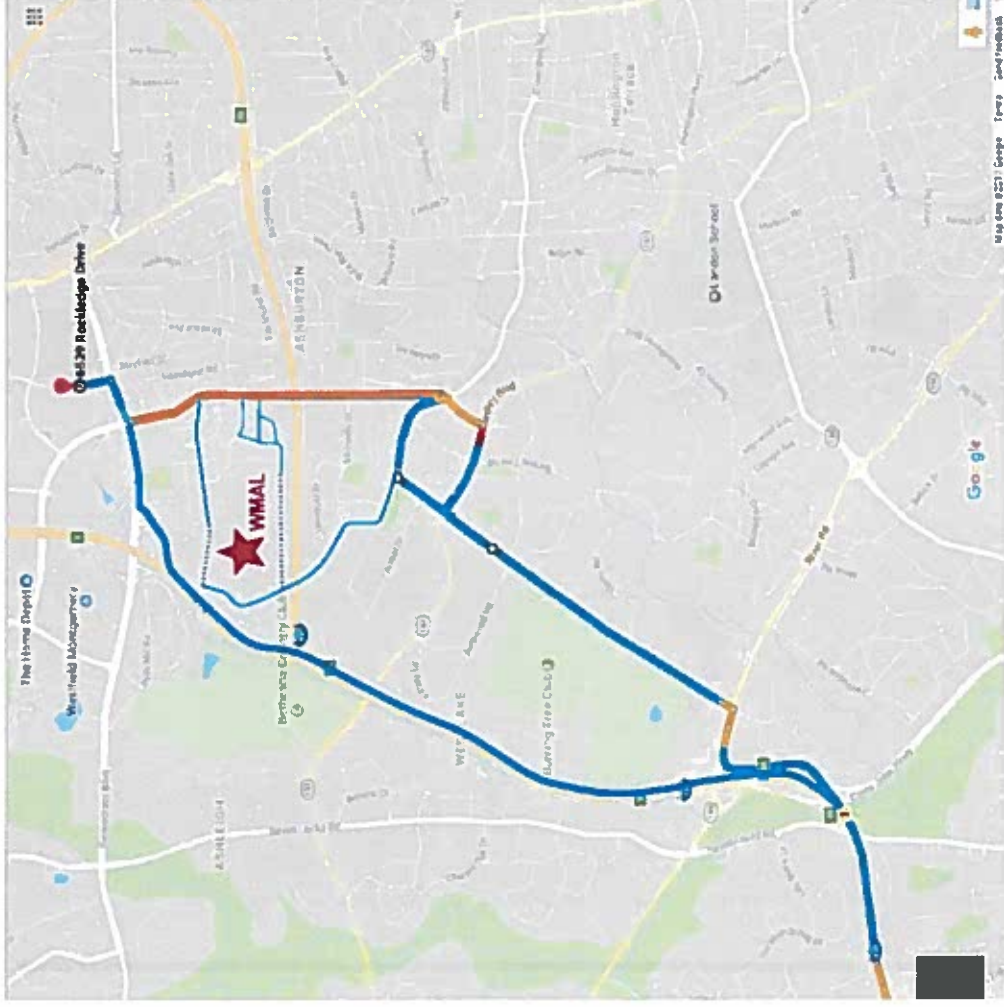


Traffic Routes

- I-495, Democracy, Rockledge
- I-495, River, Burdette, Greentree/Bradley, Fernwood, Democracy, Rockledge

Renita Lane

Traffic Patterns Enabled by WMAL Greyswood & Renita Cut-Throughs



Traffic Routes

- I-495, Democracy, Rockledge
- I-495, River, Burdette, Greentree/Bradley, Fernwood, Democracy, Rockledge
- I-495, River Burdette, Greentree, Greyswood, Fernwood Democracy, Rockledge
- I-495, River, Burdette, Greentree, Renita, Tusculum, Fernwood, Democracy, Rockledge

Renita Lane

Options from the Community

1. Allow access to WMAL site from Greentree onto the “new” Renita, but do not connect to “existing” Renita
 - Provides a 3rd WMAL emergency access
 - Allows access to dedicated land parcel
 - Retains more of the forest
 - Helps mitigate safety concerns on “existing” Renita
2. Allow thru-Renita-Greentree access to be for Emergency Use Only (and peds/bikes);
 - May require approving the Renita Lane extension to be a private road, consistent with rest of plan for internal private streets
3. If Renita is connected to Greentree as in the current plan, then require significant traffic-calming measures on the WMAL side of Renita to make cut-throughs less attractive:
 - a) Speed bumps
 - b) Bump-outs
 - c) Traffic Circle
 - d) Median Island

Pipeline projects will Increase Fernwood traffic, Increasing Likelihood and Severity of Spillover onto a Connected Renita-Greentree Cut-Through

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Planning Department Comments on WMAL Traffic Impact Study

- County comments on the Preliminary Plan have been made available via the DAIC website
- We have yet to see any Planning Department comments in response to the WMAL Property Local Areas Transportation and Transportation Area Policy Area Review; has this submission been reviewed yet?

**We Would Like to Know What the Planning Department Thinks About the
Submitted Traffic Study (Primarily Regarding LATR)**

Requests from Community

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Community Comments: Submitted Traffic Study

Summary of Applicant's Traffic Impact Study³: Democracy Blvd. and Fernwood Rd.

- Existing Critical Lane Volume (CLV) of Intersection
 - AM: 993³
 - PM: 1222³
- Background CLV (Existing + Pipeline Projects)
 - AM: 1146³
 - PM: 1444³
- Total Future CLV (Existing + Pipeline Projects + Proposed)
 - AM: 1208³
 - PM: 1502³



Total Future CLV does not Exceed North Bethesda Standard (1550): LATR PASSES

Community Comments: Submitted Traffic Study

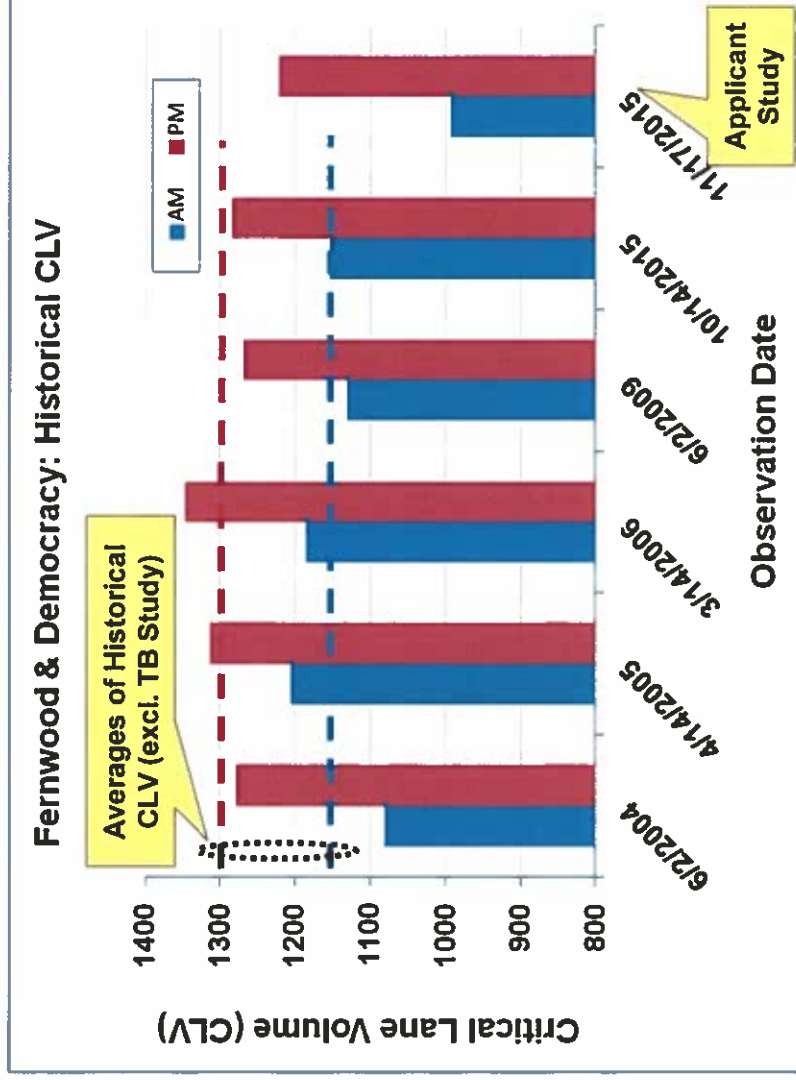
Independent of Planning Department Reaction to the WMAL LATR, Rationale for a Community Request for a New Study Includes:

1. The *existing* traffic counts collected for intersection of Fernwood & Democracy are anomalous, with respect to historical data – including an observation just 4 weeks prior to the Applicant's data
2. As many as **334** PM peak-hour trips are unaccounted for or improperly distributed in the Applicant's tabulation of *Background* traffic conditions for a single "pipeline" Project (Outbound PM trips for NIH Expansion)

We find the Current Study Flawed and Deficient

Anomalous Traffic Counts (Fernwood & Democracy)

Planning Department's "Intersection Analysis Tool" has data from 6 observations since 2004



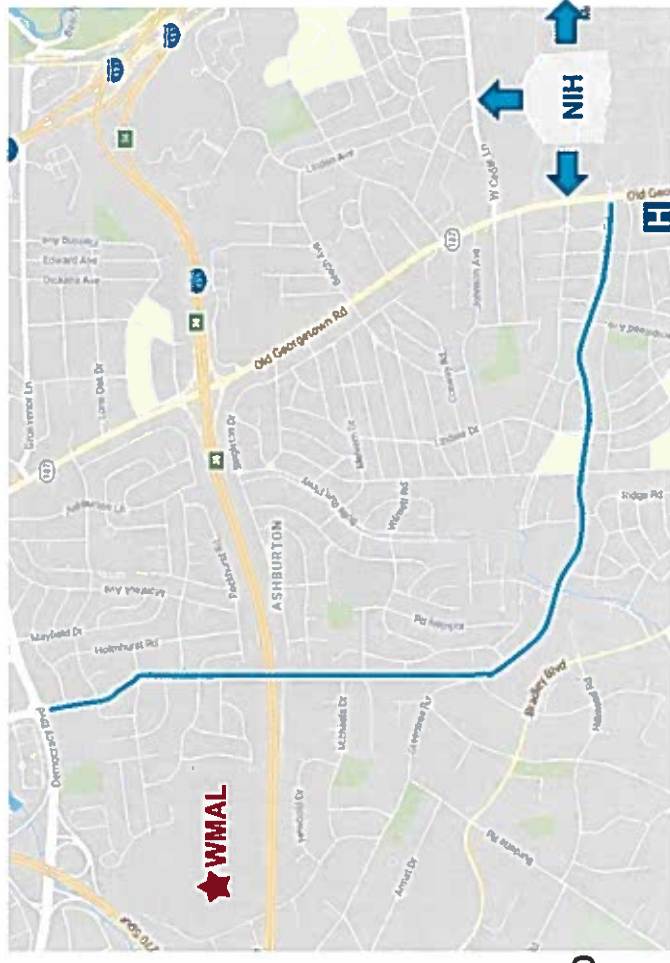
Date	CLV	
	AM	PM
6/2/2004	1080	1278
4/14/2005	1205	1314
3/14/2006	1185	1348
6/2/2009	1130	1270
10/14/2015	1153	1284
11/17/2015	993	1222

Even to a Layperson, the Applicant's Datapoints are Outliers
(and by Standard Statistical Standards as Well)

Background Traffic From NIH Expansion

Applicant Traffic Study Does Not Appear to Properly Account for Future Vehicle Trips from NIH Expansion at Fernwood & Democracy

- NIH Expansion “Pipeline” Project Generates 4266 PM Vehicle Trips
 - 1364 In, 2902 Out
- Some of these vehicles travel through the intersection at Fernwood and Democracy
- Applicant Study does not provide trip distribution detail for the NIH Expansion Project
- Applicant is *not* allocating enough of these trips to Fernwood/Democracy when:
 - Using adjacent Suburban Hospital Pipeline Project as a model for the trip distribution; or
 - Using County Trip Distribution percentages from the 2013 TPAR & LATR guidelines



Study may be Missing Up to 334 PM Outbound Peak-Hour Vehicles (Originating from NIH) Turning Left onto Democracy From Fernwood Road

Background Traffic From NIH Expansion

Method: Use Suburban Hospital Trip Distribution

- Percentage of PM Suburban Outbound traffic routed to Northbound Greentree Road (and to Fernwood & Greentree)
 - 15.7% from Suburban Hospital Traffic Study⁴
 - 13.5% from WMAL Study³
- Percentage of PM NIH Expansion Outbound traffic routed to Northbound Greentree Road: 2% (58 Vehicles)
- Number of vehicles routed Northbound Greentree at Suburban rate of 13.5% is 392, a difference of 334 trips
 - All of these turn left on Democracy, contributing to CLV

Suburban Study ⁴ for Suburban Hospital Trip Distribution: PM Outbound			
NB Greentree		17	
Total (Outbound)		108	
% NB on Greentree		15.7 %	

WMAL Study ³ for Suburban Hospital Trip Distribution: PM Outbound			
NB Greentree		17	
Total		126	
% NB on Greentree		13.5%	

NIH Expansion ³ PM Outbound			
NB Greentree		58	
Total		2902	
% NB on Greentree		2.0%	
NB Greentree @ 13.5%		392	
Unaccounted for		334	

Study may be Missing Up to 334 PM Peak-Hour Vehicles (Originating from NIH) Turning Left onto Democracy From Fernwood Road

Background Traffic From NIH Expansion

Method: Trip Distribution from LATR/TPAR Guidelines

- Total percentage of NIH trips that could result in a route through Fernwood & Democracy is 27%
- Some of the routes (e.g. Potomac) would certainly include Fernwood/Democracy
- Other routes are alternatives to North on Old Georgetown Road to I-270
- A conservative estimate is 9% (about a 1/3), which is somewhat consistent with the previous Suburban Hospital method which yielded 13.5% (certainly not as low as the 2% per the WMAL Study)

Auto-Driver Trip Distribution for Development (NIH) in Super District 1 (Bethesda/Chevy Chase)

Trip Distribution to Super District for	Office Development	Residential Development
1. Bethesda/Chevy Chase	11.7%	22.8%
2. Silver Spring/Takoma Park	3.8%	2.1%
3. Potomac/Darnestown/Travilah	7.3%	1.8%
4. Rockville/North Bethesda	9.4%	9.8%
5. Kensington/Wheaton	8.7%	1.6%
6. White Oak/Fairland/Cloverly	4.3%	0.7%
7. Gaithersburg/Shady Grove	7.5%	4.0%
8. Aspen Hill/Olney	5.1%	0.4%
9. Germantown/Clarksburg	3.3%	0.2%
10. Rural: West of I-270	0.6%	0.0%
11. Rural: East of I-270	2.0%	0.15%
12. Washington, DC	7.4%	39.5%
13. Prince George's County	12.4%	4.6%
14. Virginia	12.2%	11.7%
15. Frederick County	2.1%	0.2%
16. Howard County	2.2%	0.5%

Ref: LATR/TPAR Guidelines (Jan 2013)

Study may be Missing Up to 334 PM Peak-Hour Vehicles (Originating from NIH) Turning Left onto Democracy From Fernwood Road

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Base-Lining Existing Performance of Intersection of Fernwood & Democracy

We Request a Government (unbiased) Operational Analysis¹ for the Intersection of Democracy and Fernwood Road

1. At best, this intersection passes LATR by an extremely small margin of 38 (well below day-to-day variations)
2. Previously discussed issues concerns with the submitted study
3. Additional oversights in the applicable LATR guidelines favor the Applicant:
 - a) CLV is calculated at the peak hours based on **volume**, **not CLV**. If the peak CLV was required, the PM peak-hour CLV for Democracy and Fernwood would have been 1242 instead of 1222 (increase of 20).
 - b) Traffic analyses does not account for large vacancy at nearby Rock Spring office park. Analysis should include commensurate number of potential vehicle trips.

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1. At best, this intersection passes LATR by an extremely small margin of 38 (well below day-to-day variations)
2. Previously discussed issues concerns with the submitted study
3. Additional oversights in the applicable LATR guidelines favor the Applicant:

Planning Board Chair Anderson testified at recent PHED and County Council Meetings that Planning Department reviewers have the discretion to further analyze intersections that have cueing/back-up issues, even if they do not surpass CLV threshold

Clearly, an Operational Analysis¹ is Warranted for Fernwood & Democracy

Forecasting Future Performance of Intersection of Fernwood & Democracy

Excerpt of CLV Analysis⁵ from Rock Spring Sector Plan

ID	E-W Road	N-S Road	2015 Existing		2040 Vision Plan		2040 Vision Plan w/Road Diet	
			AM	PM	AM	PM	AM	PM
6	Democracy Blvd.	Fernwood Rd.	1,153	1,284	1,179	1,309	1,251	1,469
8	Rock Spring Dr.	Rockledge Dr.	819	826	669	883	1,297	1,555
10	Democracy Blvd.	Old Georgetown Rd.	1,166	1,289	1,191	1,369	1,329	1,633
14	Tuckerman Ln.	Old Georgetown Rd.	1,568	1,487	2,030	2,042	2,023	1,973

PM CLV Increase
2040: 25
2040 w/ Diet: 185

- WMAL Pipeline Projects (and presumably Rock Spring 2040) are forecasted to generate 7,454 AM peak-hour trips and 10,832 PM peak-hour trips to the area road network
- Applicant Traffic forecasts PM CLV increase of 222 (and may be missing NIH Expansion trips)
- Rock Spring 2040 forecasts PM CLV increase of only 25, but an additional 160 with Road Diet
- Applicant's total future PM CLV forecast , 1514; total including the road diet is **1674**

While CLV is not Reliable for Saturated Intersections, and is not the Method of Effectiveness for this Policy Area anymore, this Scenario Exemplifies Conflicting and Competing Goals (the Balance Between Vehicle Congestion and Bike/Ped Safety)

We are Eagerly Anticipating the Results of the Planned Delay-Based Operational Analysis for this Intersection

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Base-Lining Existing Performance of Fernwood Road

We Request a Government (unbiased) Operational Analysis² for the Segment of Fernwood Road between Bradley and Democracy Blvds.

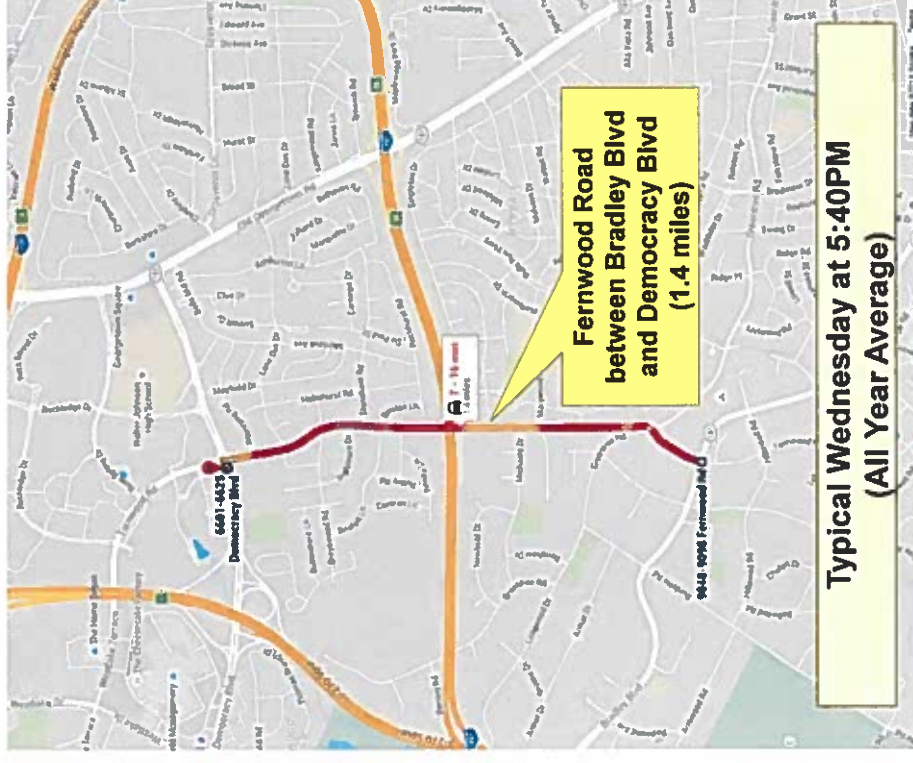
1. Google Maps “Big Data” analysis yields typical Time Travel Indices in excess of 2.0, which is “Heavy Congestion”, as defined by the Metropolitan Washington Council of Governments (MWCOCG)
2. Recent MCDOT speed studies appear to loosely corroborate the above “Big Data” results
3. Recent MCDOT volume measurements document that the volume on this segment significantly exceeds the capacity of the road’s design

If These Results Do Not Sufficient Conclude that Fernwood Road is Already Failing, We Request an Additional Operational Analysis²

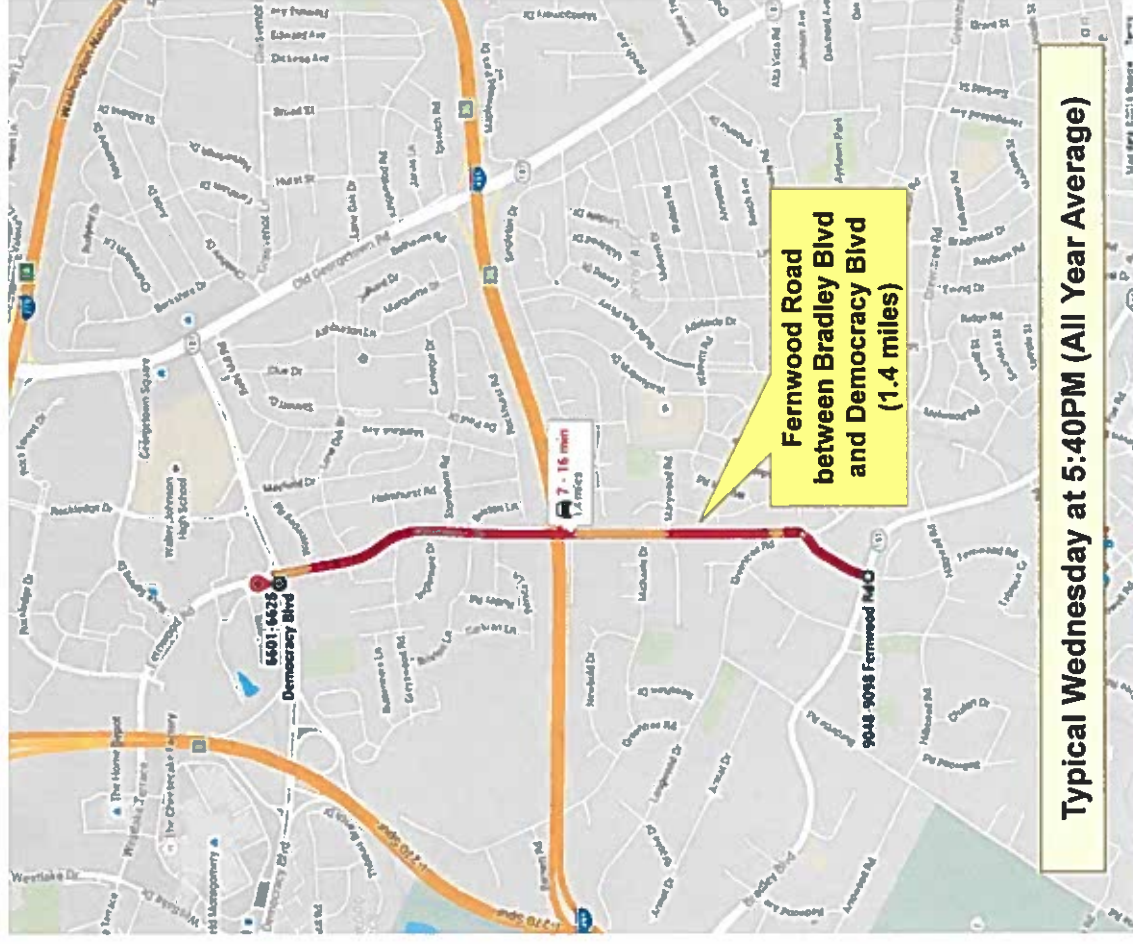
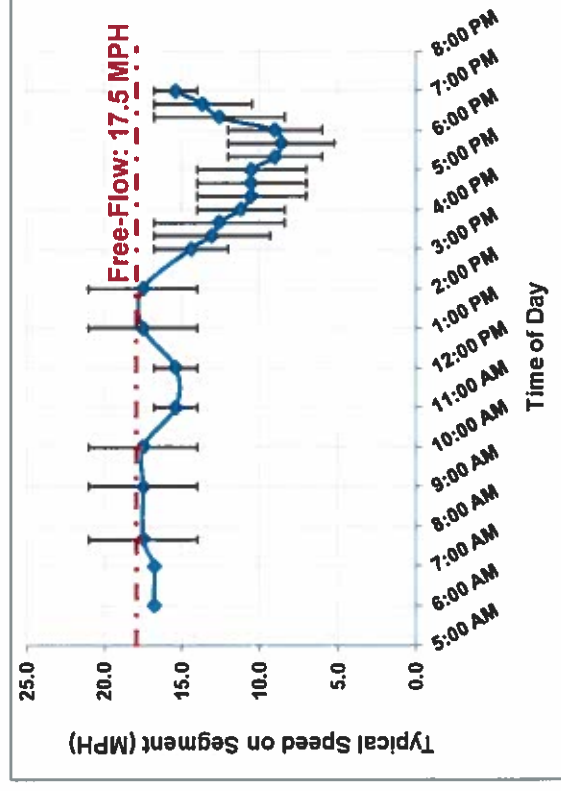
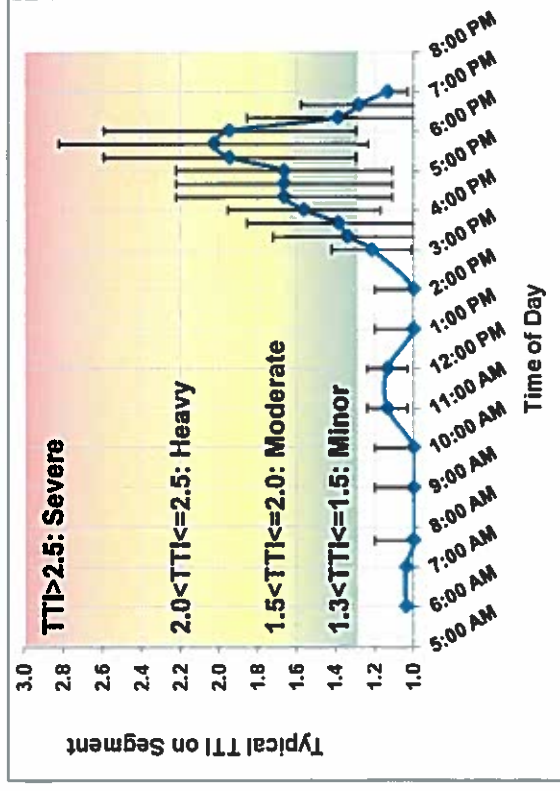
Fernwood: Time Travel Index via “Big Data”

Google Maps Provides the Robustness of Thousands of Daily Datapoints

- Google Maps can provide typical travel times for a specific route
 - Users can pick a day of the week and arrival/departure time
 - Result is a window that represents the average plus some degree of variance
- Route was set for Northbound on Fernwood Road from Bradley to Democracy (just past the light): a 1.4 mile stretch
- Wednesdays were selected, and departure time was varied between 7:00AM and 7:00PM
- Travel time was converted to miles per hour (MPH), including stop signs/lights
- Travel Time Index (TTI) was calculated; TTI is the ratio of the actual average speed to the free-flow average speed.



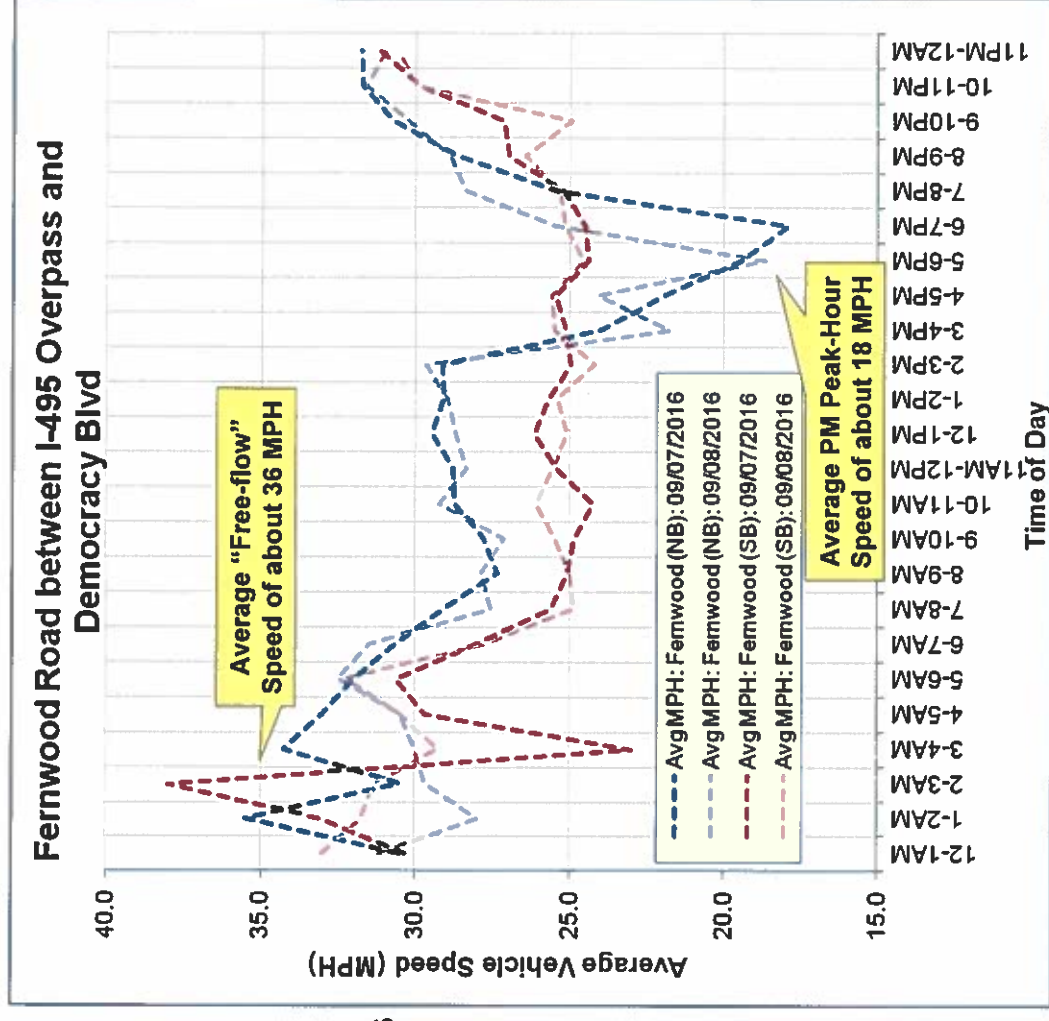
Fernwood: Time Travel Index via “Big Data”



Shows the Roadway is Already Congested without Pipeline nor WMAL

Fernwood: MCDOT Speed Study

- MCDOT conducted a speed study on Fernwood road in Sept 2016
- Only 2 days, so not statistically significant, but estimated evening TTI is about 2.0 (17 mph/36 mph)
 - Consistent with previous “Big Data” analysis
 - “Heavy Congestion” per MWCOG



Ref: MCDOT Fernwood Speed Study, Sept 2016

Another Datapoint that Roadway is Already Congested without Pipeline nor WMAL

Fernwood: MCDOT Volume Data

- MCDOT collected traffic counts and turning motions for the following intersections on 7 Sept, 2016
 - Fernwood & Greentree
 - Fernwood & Brixton
- MCDOT employee states that Fernwood is designed for maximum capacity of 800 vehicles/hour
 - Clearly there are issues in that volume on Fernwood routinely exceeds 800 vehicles hour
- MCDOT employee also commented that they have known Fernwood has been “failing” for 10-15 years and has been at the top of the area’s “problem list” – but that they don’t have a solution for it

Peak-Hour Volumes on Fernwood (Vehicles/Hr)

Cross-Street	Northbound Fernwood		Southbound Fernwood	
	AM	PM	AM	PM
Greentree	480	835	730	559
Brixton	599	815	943	755

Ref: MCDOT CLV Studies, Sept 2016
Fernwood/Brixton, Fernwood/Greentree

Peak Volume on Fernwood Already Exceeds its Design without Pipeline nor WMAL

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Delaying the Approval of the WMAL Traffic Study

Given the Previous Concerns, We Request that Delaying Approval of the WMAL Traffic Study Until

1. We are provided Planning Department review comments on the submitted Traffic Study; and
2. If applicable, a thorough review of a new WMAL Traffic Study that addressed our concerns (and that the new study “passes”); and
3. The intersection at Fernwood & Democracy is shown to be sufficient for current and forecasted conditions through a delay-based Operational Analysis; and
4. Fernwood Road (South of Democracy) is shown to be sufficient for current and forecasted conditions through some form of an Operational Analysis

Please Do Not Approve the WMAL Traffic Study without Sufficient Due Diligence and/or Information

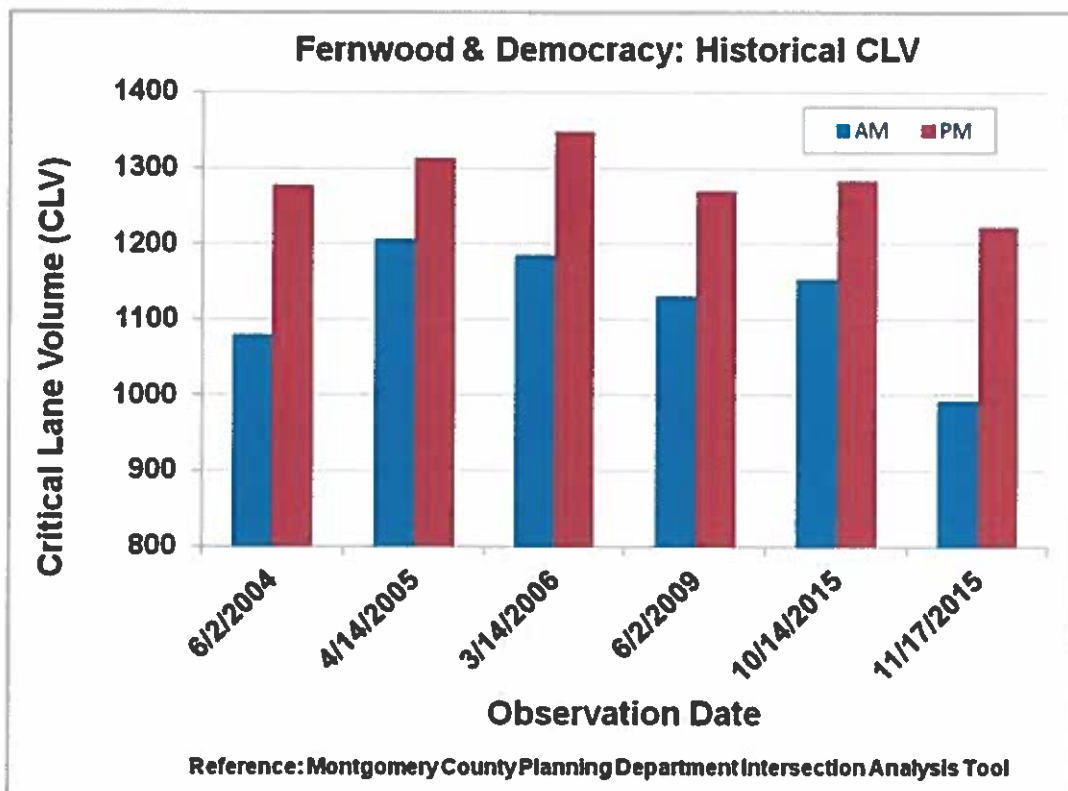
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Thank You for your Time and Consideration!

The Toll Bros traffic impact study for the redevelopment of the WMAL property includes the intersection of Fernwood and Democracy. Based on the details below, we are shocked at the results and request that the Planning Department revisit this study and propose a path forward that is consistent with the intent of traffic impact studies. The citizens are extremely disappointed by the study's lack of common sense, and makes us even more concerned about future County decisions related to this development application. The following are the details of our observations.



According to the Wells + Associates study (prepared for Toll Brothers), the intersection CLV of Fernwood and Democracy was observed on Nov 17, 2015 - resulting in existing CLVs of 993 and 1,222 for AM and PM, respectively. After accounting for pipeline projects and the proposed development, the study's forecasted future CLVs for this intersection are 1,201 and 1,514 for AM and PM, respectively. The policy area CLV threshold is 1,550, meaning that the LATR adequacy test passes with a margin of 36.

One of our issues with the current Local Area Transportation Review (LATR) policy is that it is acceptable to observe CLV on only one day. It is obvious that traffic congestion varies day to day, and if CLV is indicative of congestion, it too must vary day to day. As such, we contend that averaging CLV over multiple days yields a far better CLV estimate than a single observation. A single observation can be significantly higher or lower than the actual average CLV of that intersection. Furthermore, a single observation invites potential "cherry-picking", where someone can make multiple observations and use the one observation that is most advantageous to their cause. For example, an applicant's traffic study could include a CLV that

is lower than the average CLV in order to pass the LATR test. This concern was addressed in many inputs to the Planning Department and Planning Board (e.g., oral and written testimony regarding the Subdivision Staging Policy, conversations in TISTWG meetings). To our knowledge, the Planning Board has not provided a response to this concern. An informal response from Planning Department staff (7 Sep TISTWG meeting) was that the Planning Department has historical data and "knows" if a developer's CLV is reasonable or not, and would request a re-measurement if the CLV was deemed unreasonable. However, for the majority of local roads (not state highways) it does not appear that the Planning Department has any ability to ascertain the "reasonableness" of a CLV observation. This is because the database of intersection CLVs for local roads is not large enough. Our understanding is that the vast majority of CLV data for local roads are accessible through the Planning Department's "Intersection Analysis" tool; the most observations for any single intersection is about 10, over a span of about 10 years. With such limited data, how does one distinguish between longer-term trends and day-to-day fluctuations? For that matter, if the Planning Department is only going to accept CLVs that are "reasonable", why require applicants to make a CLV measurement at all? Why not take an average of historical CLV results to be more statistically significant?

With regards to the intersection of Fernwood and Democracy, there are 6 CLV observations in the Planning Department database (2004-2015). The associated CLVs are shown in the chart below. The measurement on Nov 17, 2015 was associated with the Toll Brothers traffic study. Note that both the AM and PM CLVs for Toll Brothers are the *historical lows* for all of the observations; either congestion has gone down over the years, or there is some other factor not being addressed. In particular, compare the Toll Brothers CLV datapoints (993 AM, 1222 PM) with the observation only one-month prior on Oct 14, 2015 (1153 AM, 1284 PM). According to the data, the CLV decreased (in 1 month) by 160 (AM) and 62 (PM). Assuming these represent typical day-to-day variation, the aforementioned LATR "Pass Margin" of 36 seems rather insignificant.

In addition to other concerns and issues with the Toll Brothers traffic impact study (addressed in the WFCMA Action List and provided to the Planning Department this summer), we are advocating that the Planning Department require Toll Brothers to revise their LATR study using an average of the available historical CLV data. Alternatively, perhaps the study could be revised using a combination of methodologies that more realistically assess the challenges of this intersection and associated roadway segments.



May 18, 2017

Mr. Patrick Butler
Acting Regulatory Supervisor, Area 2 Division
MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

RE: WMAL Preliminary Plan No. 120160290

Dear Mr. Butler:

I am sending this letter on behalf of my client, the Bradley Boulevard Citizens Association (BBCA), in follow-up to my letter of May 15, which requested a continuance of the pending WMAL preliminary plan Board hearing based on the fact that on Friday afternoon, May 12, for the first time we learned that the applicant had filed a noise study including a recommendation on the location and design of a noise wall. BBCA's membership includes a significant portion of Stratton Commons, which is highly affected by this issue. People who live in homes abutting the proposed noise wall have a direct interest in the study's conclusions and recommendations, and have had no time to review either.

Since January, Planning staff has hosted meetings every other week with community representatives which, at times, included Tom Mateya of Toll Brothers and which were held for the express purpose of communicating information about this project. Either BBCA President Gail Bancroft or I attended each of these meetings. During the bi-weekly meeting the afternoon of Tuesday May 16 we learned for the first time that the noise study we received on May 12 was the third iteration of that study. We also were told that all three studies had been posted to DAIC.

As shown on the attached screen-shot of the WMAL DAIC website, which I took the evening of May 16, only the most recent noise study was uploaded to DAIC -- and not until Monday, May 15. Nobody looking for information related to this project on DAIC before Monday would have any inkling that there was a noise study, let alone have the specific recommendations regarding the siting or design of the wall available for review. I note that the need for -- and location/design of -- a noise wall has been discussed in the abstract on a regular basis during the bi-weekly meetings, including updates on staff discussions with SHA regarding possible locations. At no time was there any mention of a study or its recommendations.

In light of what we learned yesterday afternoon, I ask the following:

First, please send to me by email copies of the two earlier studies.

Second, I reiterate Ms. Bancroft's request during Tuesday's meeting for the backup data supporting the noise study (just as backup data is provided in support of a traffic report). I understand that a staff representative advised Ms. Bancroft that she would not be able to read the background data if it were provided. Even if true (and I submit it is not), staff has no basis to



THE LAW OFFICE OF
Michele
Rosenfeld LLC

deny information to community representatives based on assumptions about a recipient's ability to understand the material.

Finally, we again renew our request for a postponement of the hearing to no sooner than Thursday, June 22, to allow a realistic amount of time to distribute this information to our members and evaluate it in advance of the hearing.

Sincerely,

Michele Rosenfeld

Cc: Mr. Casey Anderson, Chairman, Montgomery County Planning Board
Ms. Gwen Wright, Director, Planning Department
Ms. Gail Bancroft, President, BBCA
Ms. Susan Polan, BBCA Representative, Stratton Commons HOA
Mr. George Wolfand, President, West Fernwood Citizens Association

Other Document	Supporting Documents	10/28/2016	10-13LTR-120160290.pdf	1	Open the PDF
Sight Distance Evaluation Form	Submitted Supporting Documents	5/27/2016	18-SIGHT-120160290.pdf	1	Get PDF
Additional Item	Submitted Supporting Documents	1/11/2017	32-01_11_17General Comments Summary-120160290.pdf	1	Get PDF
Additional Item	Submitted Supporting Documents	1/11/2017	32-01_11_17Project Markups Listing-120130160.pdf	1	Get PDF
Additional Item	Submitted Supporting Documents	3/29/2017	32-03_29_17General Comments Summary-120160290.pdf	1	Get PDF
Additional Item	Submitted Supporting Documents	3/29/2017	32-03_29_17Project Markup Listing-120160290.pdf	1	Get PDF
Additional Item	Submitted Supporting Documents	4/18/2017	32-04_18_17General Comments Summary-120160290.pdf	1	Get PDF
Additional Item	Submitted Supporting Documents	4/18/2017	32-04_18_17Project Markup Listing-120160290.pdf	1	Get PDF
Additional Item	Submitted Supporting Documents	5/16/2017	32-5_16_17General Comments Summary-120160290.pdf	1	Get PDF
Additional Item	Submitted Supporting Documents	5/16/2017	32-5_16_17Project Markup Listing-120160290.pdf	1	Get PDF
Additional Item	Submitted Supporting Documents	7/28/2016	32-DRC GENERAL COMMENTS-120160290.pdf	1	Get PDF
Additional Item	Submitted Supporting Documents	7/28/2016	32-DRC MARKUP SUMMARY-120160290.pdf	1	Get PDF
Additional Item	Submitted Supporting Documents	5/15/2017	32-NOISE-120160290.pdf	3	Get PDF
Owner Authorization Statement	Submitted Supporting Documents	6/20/2016	32-OWNERAUTH-120160290.pdf	1	Get PDF
Additional Item	Submitted Supporting Documents	5/15/2017	32-PVTSOI-120160290.pdf	3	Get PDF
Additional Item	Submitted Supporting Documents	5/15/2017	32-RESLTR-120160290.pdf	2	Get PDF
Other Document	Submitted Supporting Documents	7/25/2016	WMAL Park Comment July.24.2016.pdf	1	Get PDF



May 15, 2017

Mr. Patrick Butler
Acting Regulatory Supervisor, Area 2 Division
MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

RE: WMAL Preliminary Plan No. 120160290

Dear Mr. Butler:

I am sending this letter on behalf of my client, the Bradley Boulevard Citizens Association (BBCA).

On April 18, at my request, you emailed to me certain Waiver Letters related to the WMAL Bethesda preliminary plan¹ which had not been uploaded to DAIC. Toll Brothers subsequently revised its plan drawings, and on May 4 I send an email inquiry as to whether those Waiver Letters had also been updated.

Late Friday afternoon, May 12, you sent to me updated Waiver Letters. I also received an April 25, 2017 "WMAL North Bethesda Phase I Noise Analysis" ("Noise Study"), which is the first time that the applicant has produced any type of this analysis.

The Noise Study is a highly technical document and it includes specific recommendations for the location and design of noise mitigation walls. As you know, noise from the west (I-270) and south (I-495) is a significant issue for the existing and proposed community, as is the design of the wall.

Based on my review, the originals Waiver Letters have never been uploaded to DAIC. For certain the updated letters and the Noise Study had not been uploaded.

Learning of these materials three or more weeks after they were filed (depending on the document) seriously compromises BBBCA's ability to review/comment in advance of the anticipated June 8 or June 15 hearing dates. BBBCA's members include a number of abutting property owners that will be directly affected by the Board's decision regarding any noise wall and associated noise mitigation features. Attachment One.

Assuming a June 8 hearing, any correspondence we want *addressed* in the staff report is due by May 22, and anything to be simply included in the staff report is due by May 25 - only 10 calendar days from now.

¹ Specifically the WMAL Bethesda (a) March 27, 2017 Tree Variance Request and Justification (updated April 21, 2017); (b) March 22, 2017 Forest Conservation Law Section 22A-12(f) letter; and (c) March 3, 2017 Statement of Justification for Private Roads (updated April 7).



As you know, we are not late-comers to this process. We have met with staff regularly on many issues related to this plan, and inquired routinely about updates to the plans and process, both during meetings and by email. On behalf of BBCA I want to thank you for the considerable time that you have spent explaining the applicant's plan submissions, and I can understand -- given the many revisions to these plans -- how these materials may have been overlooked when updating DAIC.

During the past year, BBCA has kept its membership updated on the Preliminary Plan design and process. On May 10 BBCA held its spring membership meeting, attended by nearly 100 people, and the agenda was dedicated solely to the WMAL Preliminary Plan. In presenting the plan, BBCA President Ms. Bancroft and I were entirely unaware of these updated materials. As you might expect, the Noise Study and recommended wall would have been the subject of considerable discussion at that meeting had this information been available.

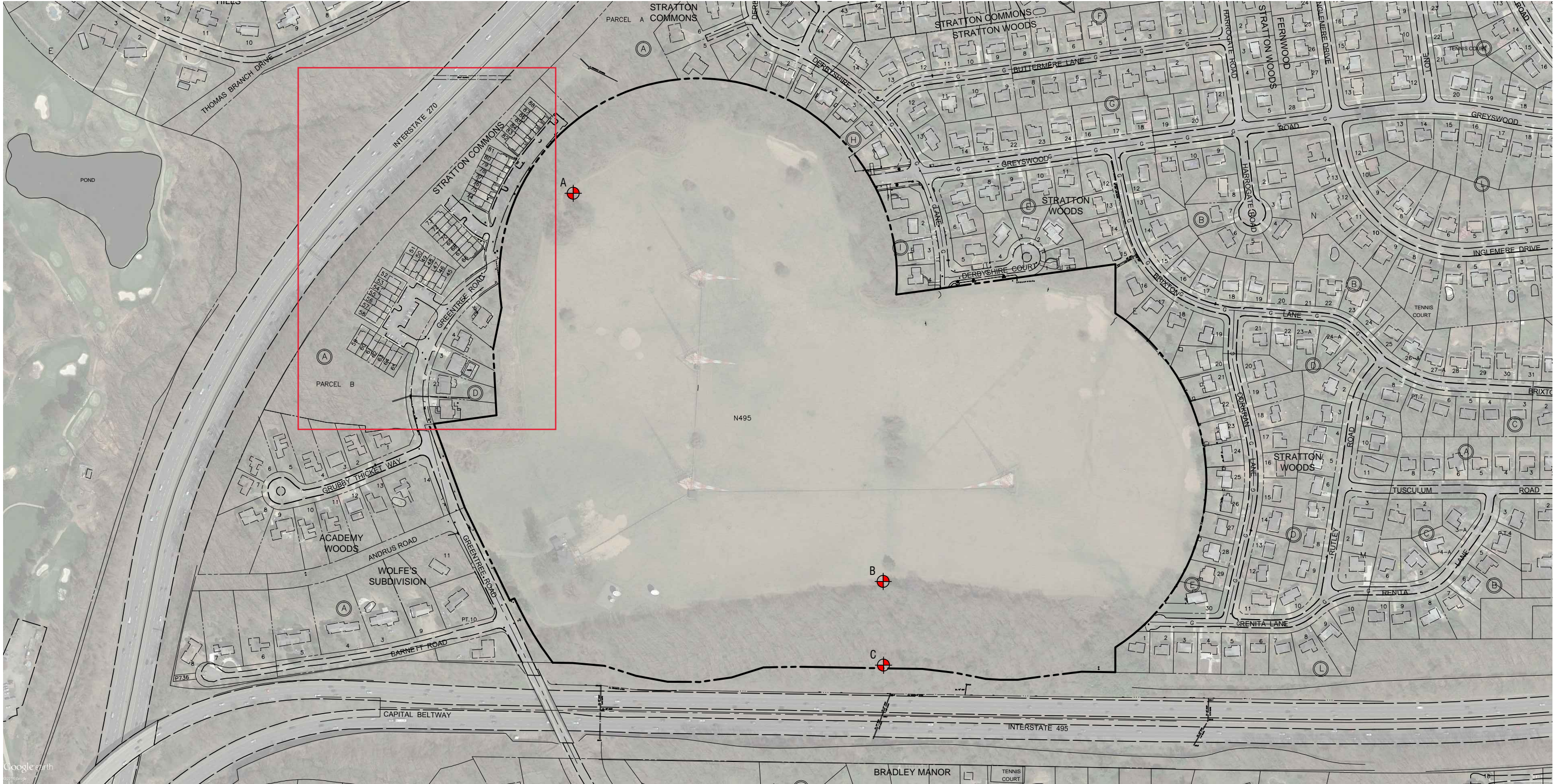
BBCA has nearly 1,000 members, including adjoining and confronting property owners, who need to be apprised of this updated information. We need a reasonable amount of time to distribute this information to our members and to evaluate it in preparation for the upcoming public hearing.

BBCA requests that the tentative June 6 and June 15 Planning Board hearing dates be deferred to no earlier than Thursday June 22, to allow a realistic amount of time to distribute, review and respond to these substantive new materials. Please confirm any new Board date at your earliest convenience, so we can plan accordingly.

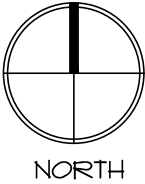
Sincerely,

Michele Rosenfeld

Cc: Ms. Gail Bancroft, President, BBCA
Mr. George Wolfand, President, West Fernwood
Ms. Gwen Wright, Director, Planning Department



LEGEND	
	MEASUREMENT LOCATION
	PROPERTY LINE



5216 Chairmans Court Suite 107
Frederick, MD 21703
301-846-4227

WMAL North Bethesda MEASUREMENT LOCATIONS		
DWG. No. 1	PRJ. No. TLB1501	DATE 161105
SCALE NOT TO SCALE		DRAWN BY WCC