

Bethesda Downtown Plan Testimony
June 24, 2015

Good afternoon, Commissioners, Greg Ossont, Deputy Director of the Department of General Services, testifying on behalf of County Executive Leggett.

Thank you for the opportunity to comment on the Public Hearing Draft for the Bethesda Downtown Plan. We appreciate the time and effort that the Planning Board and staff have invested in developing this comprehensive plan. Many of the recommendations complement the County Executive's commitment to promoting targeted redevelopment opportunities that create healthy, sustainable communities while preserving existing affordable housing and creating opportunities for more affordable housing. We look forward to working with the Planning staff on the technical elements of the Plan but would like to highlight a few items for your consideration.

As you are aware, there are concerns regarding the Bethesda Fire Department Inc. property at 6600 Wisconsin Avenue, Fire Station 6. Fire Station 6 is not a County-owned property and any concept plans prepared or presented to the Planning Board by the Bethesda Fire Department, Inc. are not representations of County plans. Montgomery County Fire Rescue Service (MCFRS) is charged with the supervision and operations of all County fire stations and MCFRS will closely monitor any proposed changes to the property.

Redevelopment of County owned Parking Lot District or PLD parking assets should be considered, but particular attention should be given to the relative scale of development in relationship to adjacent land uses. Additionally, the Board should consider the important matter of public versus private cost assignment, in

particular where the Plan references underground structured parking. While the County supports context sensitive redevelopment of PLD parking lots, the County does not anticipate any additional surface or structured parking capacity in Bethesda at this time. Any development or redevelopment of PLD lots will require private contributions for the replacement of publicly owned parking.

In addition to County owned parking facilities, the Plan should consider potential redevelopment opportunities for other County-owned land and facilities to create opportunities for assemblage and public-private partnerships. As you are aware, the County has entered into public-private partnerships to facilitate needed investment in new public facilities. Redevelopment of publicly owned land should fully consider public and private cost assignments and of course, consider scale and compatibility with adjacent neighborhoods and land uses. The Board may consider adding the Private Sector to the list of potential partners in Section 4.6.

As is the case with all Master Plans, the Board should consider impacts within and outside the sector plan area. The network and mobility in general should consider roadway and transit adequacy as well as any potential impacts that changes to the transportation network will have on emergency response times. Intersections within and immediately outside the plan area should be considered in this analysis.

The Emerging Centers identified in the Plan are not necessarily new areas, but have not redeveloped at the same pace as some other areas in the Bethesda Downtown Plan. Many of the properties in these areas have unique site conditions that should allow for additional height with appropriate transitions. Ultimately, these areas need enough flexibility to attract new investment to allow for appropriate redevelopment opportunities. Delivering public benefits like the

creation of gateways, public connections, green areas, and excellent architectural design requires incentives through extra density and height. Properties in emerging centers like Arlington South, for example, have unique site conditions that allow for appropriate transitions and additional height.

Finally, it was noted that the affordable housing sending and receiving areas are a new element of the master plan process, as are many of the energy performance recommendations contemplated in the draft. We applaud the Planning staff's efforts to preserve existing affordable housing and create new opportunities for ecological and energy efficiencies in Bethesda. We look forward to working to further refine these innovative concepts as the plan moves forward.

Thank you again for the opportunity to comment on the Bethesda Downtown Plan.

MEMORANDUM

TO: Greg Ossont, Deputy Director
Department of General Services

FROM: Gary Erenrich, Acting Deputy Director for Transportation Policy
Department of Transportation, Directors Office

DATE: June 23, 2015

SUBJECT: Bethesda Downtown Master Plan
May 2015 Public Hearing Draft

The following Montgomery County Department of Transportation (MCDOT) comments are offered for consideration in the Montgomery County response on the May 2015 Bethesda Downtown Plan Public Hearing Draft. Items noted with ** should be included as part of the County's testimony for the Planning Board.

General Comments:

- While MCDOT offers a number of comments on this plan, we want to emphasize we generally support many of these elements and ideas in creating a vibrant urban community. The comments are generally geared toward technical considerations and clarifications to avoid future confusions & discrepancies.
- It is important to include a safety component in all transportation projects involving County roadways and for each modal element referenced in the Transportation Sections
- **The relationship and impacts of the downtown plan amendment recommendations for the Bethesda CBD and Bethesda Chevy Chase policy areas for TPAR roadway and transit adequacy (for existing, build-out and TPAR milestone analysis years) should be addressed in the plan
- ** Redevelopment of County owned parking facilities can be considered, but attention should be given to the relative scale of development in relationship to adjacent land use as well as being aware of public versus private cost assignment. It is unlikely that the County can absorb costs associated with development of new above-ground or under-ground structured parking.
- **Potential mitigation for failing intersections inside and outside of the Plan area should be discussed.
- The transportation appendix should be available for review as part of the Public Hearing Draft Plan review.
- The Existing vs Proposed cross-sections are very useful, please retain them in future iterations of the plan.

- Pervious pavement within the right-of-way may be under the jurisdiction of the County Department of Montgomery County Department of Environmental Protection (MCDEP), and comments should be solicited accordingly.
- The plan enlists options to accommodate different transportation modes including bicycles and transit facilities. However, further traffic analysis is required to conduct feasibility of implementing the recommendations in order to maintain acceptable level of service at intersections and along the roadways. In addition, a comparison between travel time delay and cost using different modes of transportation will help.
- The plan does not reference any evaluation/assessment of WMATA, Ride On routes and facilities and no recommendations were made to improve the service and/or facilities. The transit section should consider stronger language of the existing conditions with a description of the services being provided and then discuss potential expansion needs. There is some concern with the duplication of service; particularly with the proposed re-routing along Battery Lane. It would be helpful (and so noted) to include all of the existing services in the Bethesda Downtown Plan area on a map to show the maximum transit coverage.
- Specific stormwater management treatments, design and placement are subject to review and approval by the Montgomery County Department of Environmental Protection (DEP), Department of Permitting Services (DPS), MCDOT and SHA. Available right-of-way for the accommodation such facilities should be recommended and future maintenance should be considered when referencing this recommendation.

Element/Page Specific Comments:

Section 1.2.3 Planning Objectives

- *Page 8, D. Public Facilities, Mobility Bullet* - Recommend updating mode descriptions from “pedestrian” to “walking”, “bike” to “bicycling”.
- *Page 8, D. Public Facilities, Community Services Bullet* - “Provide support for public facilities..”, Clarify what “Provide support for” means in the context of this goal.
- *Page 9, Table 1.01* – Green Roof acreage is shown twice in Habitat and Water Sections of table. Review the percent increase given for the two Green Roof listings. The 0.75 acres existing to 36 acres proposed is given as a 48 percent increase.
- *Page 9, Table 1.01* – Consider addition / relationship to 1994 Plan Dwelling Units 8,300 and Employment Jobs 54,900 and difference from 1994 plan to update
- *Page 9, Table 1.01* – “Multi-family rental units” Clarify if this is the entirety of new units in the plan. Are there any owned units or single family?

Section 1.2.4 Concept Framework

- *Page 11, Figure 1.01: Concept Framework Graphic* – “Community Connector Street” and “Emerging Connector Street” should be defined relative to function, right-of-way and design.

Section 1.3 Summary of Recommendations

Section 1.3.1 Land Use and Zoning

- *Page 12, A. Land Use Recommendations “Coordinate and align the Central Business District (CBD), Urban District (UD) and Parking Lot District (PLD)” - Clarify: Coordinate the “boundaries”? “Coordinate the management of”?*
- *Page 12, B. Zoning Recommendations, first bullet – add “Metropolitan Washington” to “Council of Governments”. Clarify how the Plan’s proposed density increase is relating to the Cooperative Forecasts. Since Cooperative Forecasts are fed by the master plans, any plan density increase would either result in an overall increase in jurisdictional land use totals or result in a decrease or shift of density from zones other than those increased to maintain balanced land use totals.*

Section 1.3.2 Transportation

- *Page 13, C. Bicycle and Pedestrian Recommendations, first bullet – “Confirm Bicycle Pedestrian Priority Areas (BPPA)”. Please note what needs to be confirmed. Is it just confirming the Bethesda CBD Sector Plan area BPPA?*
- *Page 13, C. Bicycle and Pedestrian Recommendations, second bullet – “Design all roads with the Sector Plan area for shared use by motor vehicles and bicycles.” Using “Shared use” without a definition could be construed as shared lanes only when a recommended treatment might be bike lanes or other separated bikeway facility. What about pedestrians?*
- *Page 13, D. Transportation Demand Management Recommendations, first bullet – See general comment. Are there any development staging requirements associated with the 50% NADMS goals? Confirm if this value is to include new &/or existing residents+employees.*
- *Page 13, Section 1.3.2, Subsection E - Add the word ‘demand’ to complete the phrase ‘Promote incentives to reduce parking’. MCDOT prioritizes carpool and carshare spaces and funds the urban districts’ circulator buses.*
- *Page 13 1.3.2.B Transit Recommendations third and fourth bullet - Extension of the MD 355 South BRT Corridor and adding additional space for bus circulation along Elm Street at the Bethesda South Station will require extensive coordination with MD SHA, MCDOT Engineering and MCDOT Ride On Operations due to limits on available right-of-way.*
- *Page 13, Section 1.3.3.A, first and third bullet – “Provide soil volumes for canopy trees of no less than 600 cubic feet” & “Install green roofs with at least 6 inches of soil depth.” Consider rewording removing specific amount of tree planting soil cubic feet and soil depth requirement as zoning, planting standards and specifications may vary.*
- *Page 14, Section 1.3.3.A, first, second and third bullets referencing street tree planting – street tree planting guidance in the plan should be general in nature with specific coverage and spacing requirements set forth in the zoning ordinance, design guidelines, and/or design standards.*

- *Page 14, Section 1.3.3.B* - MCDOT supports permeable paving in public parking lots and some public on-street spaces but further research and analysis is needed prior to moving forward on any pavement conversion. It's currently unknown if a permeable surface can support the recently installed in-ground sensors that are used to monitor parking utilization and turnover. Maintenance may also be a concern.
- *Page 15, Section 1.3.5.A Public Space Network, second bullet, "Organize streets, midblock connections, greenways and trails to contribute to a well connected network"* Consider rewording to clarify intent. What does "Organize" mean here in context? Is "well connected network" meant to reference a transportation network, public space network? Both? Something else?
- *Page 15, Section 1.3.5.A Public Space Network, fifth bullet, "Activate Norfolk Avenue as a main street"* Consider rewording to clarify intent of "activate" and referencing a design / function of "main street".
- *Page 15, Section 1.3.5.B, Urban Form, fourth bullet, "Create a green connector along the eastern edge of the Sector Plan Area"*. Clarify by defining "green connector" concept.
- *Page 15, Section 1.3.5.C, Placemaking, first bullet, "Design streets not just for mobility but also as great public spaces for gathering, events and play"* - Does this recommendation meant apply to all classifications of streets in the Plan area, all streets in the Plan area or just certain classifications / streets? What is specific design proposed,, different than approved standards?

Section 2.2 Land Use

- *p.21, "Figure 2.01: "Sector Plan Area"* - Verify that the areas labelled "County DOT Owned Public Space" are actually in fee simple ownership of MCDOT. If not (or if uncertain), they should be relabeled – perhaps "non-transportation County right-of-way" or other appropriate description.
- *p.21, "Figure 2.01: "Sector Plan Area"* - Please delineate the limits of the Bethesda Urban Area (proposed maximum limits of the streetscaped CBD areas) and Parking Lot District on this map (similar to that shown on Figure 2.06 on p. 28).
- *Page 22, second paragraph, "The Plan estimate and additional 14,155 jobs by 2040, a 38 percent increase above existing levels."* Consider noting existing and proposed total jobs and adding a reference to the planned growth versus the adopted 1994 plan in a table.
- *Page 22, third paragraph, "The Plan estimates an ultimate build-out over the next 20 years of approximately 8,355, additional units, a 46 percent increase above current levels."* 8,355 additional units on page 22 is different than the 8,456 proposed units noted in Table 1.01 on page 9.

- *Page 21-22, third paragraph - Figure 2.01* is shown on page 21 and referenced on page 22, but does not seem to represent the 1994 Plan land use.
- *Page 23, Section 2.2.2.A first bullet* - add “Metropolitan Washington” to “Council of Governments”. Clarify how the Plan’s proposed density increase is relating to the Cooperative Forecasts. See comment page 12.B
- *p.25, “Figure 2.03: “Recommended Land Use”* - Recommend the label “Parking Facilities” be revised to read “County-owned Parking Facilities.” Is there a reason why the County’s Capital Crescent parking garage (at the intersection of Woodmont & Bethesda Avenues) is not depicted on this drawing?

Section 2.3 Transportation

- Page 30, first paragraph – “during the horizon year of this planning document”. The horizon year should be provided here.

Section 2.3.2 Roadways

- *Page 32, Section 2.3.2.A, Battery Lane Connector Street (B-1)”:*
 - This title is not consistent with the title on p. 43 (“Norfolk Avenue”); change one or the other to be consistent.
 - There is not currently a Design Standard for a 2 lane business district street (with bicycle lanes and a shared use path), per recommendation 2 and 4 on p.43. A proposed cross-section, showing the desired Complete Streets facilities, should be submitted in the next iteration of the report for Executive Branch review and comment.
 - The report should identify the caveats needed for the private ownership option (such as those established in the White Flint Sector Plan and subsequently for individual developments in the Great Seneca Sciences Corridor Sector Plan area). These criteria should reflect items such as provisions for perpetual public access easements, private maintenance and liability coverage, procedure for when/how the right-of-way may be temporarily closed to public use, etc.
 - A conceptual horizontal alignment and grading study should be prepared as part of this document. An analysis should be provided on how this proposal can be implemented with “no net loss of parkland”.
 - In the last sentence under B-1, Battery Lane is typo’d as “Battery Land”.
- *Page 32, Section 2.3.2.B, Pearl District Connector (B-2):*
 - Identify the MCDOT design standard or provide a proposed typical section for Executive Branch review and comment.
 - The last sentence appears to be incomplete.
- *Page 32, Section 2.3.2.C, Strathmore Street Extended:*
 - Identify the MCDOT design standard or provide a proposed typical section for Executive Branch review and comment.

- Include text along the lines of “specific horizontal alignment should be determined at the time adjacent properties are reviewed for regulatory approval” to clarify that the line shown on page 33 is not set in stone.
 - Implementation of this proposal will require redevelopment of the property and removal of existing building(s).
 - Consider whether this may be implemented as a private street (no reference is given; implying public street only).
 - Need MD SHA approval of this proposal.
 - Reference “B-3” in this section header.
- *Page 32, Section 2.3.2.D, Woodmont Avenue/Bethesda Avenue Intersection Improvements:*
 - The pedestrian crossing at this intersection will be improved under a pending permit for the Capital Crescent project and the design of the northwest corner of the intersection was amended (to facilitate pedestrian crossings while slowing vehicle turning movements) a number of years ago – so the comments to shorten the pedestrian crossing distance and reconfigure the northwest corner of the intersection should be removed.
 - The alignment and related street crossings for the nearby Capital Crescent Trail remain under consideration at this time.
- *Page 32, Section 2.3.2 – “Arlington Road Existing and Proposed Street Sections” -* Provide a copy of the traffic analysis that concluded only 2 travel lanes are needed on Arlington Road.
- *Page 32, Section 2.3.2.E, Further Evaluation:*
 - The report suggests making MD 187 (Old Georgetown Road), MD 410 (E.W. Highway), and Woodmont Avenue, Montgomery Lane two-way in order to slow traffic and to improve bicycle transportation. However, even with the current one-way designation, there is no speeding issue along these roadways. Traffic literally stops ever block and during rush hours of traffic the 85th percentile speed could very well be less than posted speed limit along these roadways. MCDOT supports further evaluation to make these roadways two-way. However, all the intersections at roadways in consideration require reconstruction. Moreover, traffic impacts will be significant and improvements are required at the intersections in the immediate vicinity. The plan also includes an option to maintain one-way traffic with the implementation of 'road diet.' This option is easier to implement. A comparison between the two options and their respective traffic impacts will help to choose one option over another.
 - It should be noted that one-way road network conversion will enable improved bus access to the Metro station entrance.
 - The recommendations to remove the one-way couplets and implement two-way streets merit more detailed traffic analysis and inter-agency review. This analysis should quantify the projected implications and feasibility of implementing this proposal; its review should be completed as part of this plan update before this report is forwarded to the County Council.

- *Page 33, “Figure 2.08: “Roadway Classification”:*
 - Designation labels and names for all streets listed in Table 2.01 (“Street Classification and Right-of-Way Recommendations”) should be added to this drawing.
 - Why is Elm Street (between Arlington Road and Wisconsin Avenue) proposed to be classified as a Residential Primary Street? The report should include a discussion on this proposed change.
 - Is the realignment of Arlington Road between Bradley Boulevard and Bethesda Avenue (discussed on pages 138-140 and 185-187 of the 1994 Approved & Adopted Bethesda CBD Sector Plan) no longer under consideration? If so, this document should include a discussion on the rationale for that recommendation.
 - Does this report propose to remove the one-way restrictions on Montgomery Lane and Fairmont Avenue (described on p. 187 of the 1994 Sector Plan)?
- *Pages 34-35, “Table 2.01: “Street Classification and Right-of-Way Recommendations”:*
 - The table should be expanded to identify the matching MCDOT design standard(s) for each street listed in the table. If there is not matching design standard, consider removing cross section, tables or text references to specific travel lane width, bicycle facility width or sidewalk width while noting the number of lanes, bicycle/pedestrian facilities presence/type, transit lanes, buffers and a total right-of-way width. This would allow for the flexibility for the roadway designer to maximize flexibility in design and accommodate any pending/future changes to roadway design standards.
 - The table should provide Designation Labels for the affected streets, to be reflected on Figure 2.08 (per recommendation above).
 - Why does this table include Residential Streets? Historically, Master Planned Primary Streets are the lowest classification of residential streets addressed in Master Plan documents – yet this report proposes some rights-of-way as low as 50 feet. Are the 50 foot wide rights-of-way to be considered as tertiary residential streets or do they represent the old secondary (pre-tertiary classification) residential streets?
 - For all proposed non-standard rights-of-way widths, the report should include proposed typical sections for those roads – for Executive Branch review and comment.
 - The standard note about the number of lanes (*i.e.*, “the number of planned through lanes for each segment, not including lanes for turning, parking, acceleration, deceleration, or other purposes auxiliary to through travel”) should be added to the notes.
 - More technical analysis (and Executive Branch review) is needed on the road diets proposed for Woodmont Avenue and Arlington Road in note no. 2. Please provide a copy of the traffic analysis that concluded only 2 travel lanes are needed on Arlington Road.

- *Pages 34-36*, - It would be beneficial if a changelist could be provided that shows each street with a different ROW &/or pavement width than under the currently approved plan. This will help in identifying costs associated with this master plan.
- *Pages 34-36*, - Clarify that the Residential streets are, presumably, Primary Residential.
- *Pages 34-36*, - Delineate the number of lanes for each Business and Primary Residential street.
- *** Page 36*, - Are the four intersections outside the plan area w/ failing CLVs failing under 2040 No Build conditions? How much are they affected by this proposed plan? While transit alternatives exist for these locations, this policy area is inadequate per the TPAR Transit Test. Are there any recommended improvements, changes in land use or changes in mode share associated with failing intersections within and outside of the plan area.
- *** Page 36*, - Four intersections are recognized just outside the sector plan where the CLV exceeds the congestion standards. The report did not present mitigation measure to improve the level of service.
- ***Page 36*, The relationship and impacts of the Downtown Plan Update recommendations to transit and roadway adequacy for the Bethesda CBD and Bethesda Chevy Chase policy areas (for existing, build-out and TPAR milestone analysis years) (for existing, build-out and TPAR milestone (2018, 2022 & 2040) analysis years should be more clearly discussed in this section.
- Are there mode-specific goals for NADMS, e.g. increases in bike/walk share, rail/bus transit share? Consider providing a discussion and recommendations as to how to meet the NADMS goals. For example, per the sector plan's recommendation, constrained parking to discourage single occupancy vehicle trips (SOVT) is acceptable. However, a comparison of travel time and cost using transit and other possible modes including a discussion about parking rates and/or cost-benefit analysis should be considered.
- *Page 36, 2.3.2.F. Capacity* - Regarding the discussion for p. 32, "E. Further Evaluation" and provide the technical analysis for Executive Branch review and comment.
- *Page 36, 2.3.2.F Capacity* - The recommendations to remove the one-way couplets and implement two-way streets merit more detailed traffic analysis and inter-agency review. This analysis should quantify the projected implications and feasibility of implementing this proposal; its review should be completed as part of this plan update.
- *Pages 37-41* - Bethesda Circulator (BC) expansion routes and the potential stop explained in detail. However, the County's Ride On and Metrobus service is not included in the report. What are plan recommendations and relationships between Ride On, Metrobus, and the Circulator on some or all routes within downtown Bethesda?

- *Pages 37-41, Figure 2.09* - The cross sections are presented in the report and there is no reference to following any standard. A discussion as to how roadway recommended roadway designation and the applicability / relationship to existing and future design standards should be provided. There is no discussion as to how the additional right of way can be acquired in order to implement the proposed cross sections.
- *Page 37, 2.3.3 Transit* – An analysis of the plan recommendations and TPAR Transit Adequacy and relationship to BCC policy area should be completed and referenced as part of this plan update.
- *Page 37-40, [proposed typical sections for “Wisconsin Avenue”]:*
 - MCDOT defers to the MD SHA for review and comment on the proposed typical sections.
 - MD SHA’s on-street bicycle accommodation policy should be referenced/addressed/discussed with respect to relationship of shared street – parallel bikeway route recommendations / cross sections for MD 355, MD 410 and MD 187 in cross sections figures and/or section 2.3.4 Bicycle and Pedestrian Facilities
 - Consider deleting the term “Silva Cells” and describe these stormwater management structures using a non-proprietary title.
 - For those sections where potential BMPs are proposed within the median, how will the roadway be graded to promote positive drainage to those facilities? Is the road to be reconstructed to result in crowned sections in each direction?
- *Page 38-40, -* Ensure any reductions in general purpose lanes are properly reflected in the transportation models. Also give consideration toward peak directionality of lanes, such as whether BAT lanes are in peak directions / general purpose off-peak. While (off)-peak lanes are an operational issue that should not necessarily be a part of the master plan, it is important to understand what was assumed in the models.
- *Page 38-40, -* Give consideration of how the BRT would circulate around the Bethesda South access. Might southbound BRT instead travel along Woodmont Ave, onto eastbound Elm, to northbound MD 355? How would this affect associated cross-sections?
- *Page 38, -* Consider switching the locations of the sidewalk & the side BRT stations. While we recognize benefit to using overhead buildings as shelters, in practice BRT riders are likely to prefer to be nearer to the curb, and shelters will have to be provided separately. A minimum 5’ sidewalk should be included in the public ROW, with the remainder being permitted to in easement (it doesn’t appear this would pose an issue).
- *Page 39, -* Ensure that models account for the operational impacts of on-street parking on the adjacent travel lanes.
- *Page 40, -* Show a northbound BRT station under Option 3b.
- *Pages 42 – 49, -* Cross sections for different roadways with bike lanes were presented. However, reducing lanes will have significant impacts to level of service and the delay will be significant. Hence, all the roadways that are listed in this report should have a traffic analysis conducted on case-by-case basis before authenticating any option.

Example: Considering the current traffic volumes on Arlington Road it is not recommended to reduce travel lanes without studying the traffic impacts. MCDOT traffic analysis showed unacceptable queues with three lane sections on Arlington Road. If adjacent neighborhoods continue to have access restrictions, there is no place to direct traffic especially if capacity is reduced on MD 355 (proposed cross sections).

- Page 42-43, “Figure 2.11, “Bikeway Classification” and Table 2.02 “Bicycle and Pedestrian Facilities””:
 - “LB” and “BL” seem to interchange on the table, there are LB’s in both Bicycle Lane and Shared Roadway sections of table. Clarify BL vs. LB.
 - Consider adding a legend to explain the different facility classifications. Comparable typical sections would also be helpful.
 - Figure 2.11, Bikeway Map – Check SR 9 and SR 8 mapping versus description in Table 2.02; consider adding CT,BL,SP,CT abbreviations in legend.
 - The roadway/route description for CT-3 in the table should mention that part of this facility is located within the rights-of-way of Bethesda Avenue and Willow Lane.
 - LB-3 (Pearl Street between East-West Highway and Montgomery Lane) is proposed as a bicycle lane on Table 2.02 yet depicted with the proposed shared roadway symbol on Figure 2.11. Similarly, LB-7 (Pearl Street north of East-West Highway) is listed in the table as a shared roadway but depicted on the figure as a proposed bike lane. Which ones are correct?
 - The roadway/route for SR-8 is described as “Edgemoor Ln/Commerce Ln/Avondale St” while the limits for same are described as “Exeter Road to Avondale Street.” The table appears to indicate the limits extend from Arlington Road to Pearl Street. Correction(s) needed.
 - What is the intent for LB-4 (Cheltenham Drive from Wisconsin Avenue to Tilbury Street)? The table indicated new shared roadway recommendation, while the figure depicts a combination of bike lane and shared roadway.
 - The table has runoff words for the limits of the proposed shared use path on Bethesda Avenue.
 - Figures 2.08 (“Roadway Classification”) and 2.11 should delineate the “alternative Auburn Avenue Road Extension” discussed in note 4 on p. 43.
 - Is MCDOT committed to performing a CIP facility study for Bradley Boulevard within the limits of this plan? (The discussion on p. 44 is not clear.) If not, note no. 5 on p. 43 should be deleted or amended as appropriate. Also, the table and map should reconcile the designation for the Bradley Boulevard facility: is it CT-5 or DB-4?
 - What is the designation for the proposed shared use path along Sleaford Road (between Tilbury Street and the eastern boundary of the study area)? It should be identified on the map and the table.
 - Figure 2.11 should label SP-3, all sections of SP-44, SP-62, and DB-4.
- Page 43, - Confirm that footnote 2 should refer to the new (extended) section of Norfolk Ave or to existing Norfolk Ave. Given its placement in the table above, it appears to refer to existing. If it is to refer to the extension, consider merging footnote 2 into footnote 4.
- Page 44, Consider a discussion of existing / proposed pedestrian facilities in this section. Consider a reference to existing Bethesda Streetscape guidelines in this or another section

- *Page 44, Section 2.3.4, Subsection A.1-* Woodmont Avenue Options 1 & 2 would have the least disruption on parking capacity and therefore are the preferred options. Minimizing the loss of parking on Woodmont Ave. is important since these spaces turnover frequently, generally have high occupancy rates and serve as loading areas during off-peak hours.
- *Page 45-46, -* Ensure that the diagram of Woodmont Ave and traffic models accurately reflect existing conditions. The parking lanes listed are actually off-peak parking lanes, and while the curb-to-curb appears to be correct, the individual lane widths appear to actually have more parity. Each of the proposed options reduces net peak period travel lanes.
- *Pages 44-46, “A.1 New Bikeway Proposals [Woodmont Avenue]” and Figure 2.12, “Woodmont Avenue Existing and Proposed Street Sections”:*
 - Regarding installation of pervious surface pavement in the parking lanes along Woodmont Avenue. Pervious pavement in parking areas should be limited to low volume, low speed roads; it should not be installed on arterial roadways due to the potential for pavement failures.
 - Table 2.01 proposes “2-4” lanes on Woodmont Avenue (between the northern boundary of the study area and Leland Street) yet each of these typical sections depict only 2 travel lanes (and 2 parking lanes). The report should identify where 4 lanes area proposed on this road and provide typical sections for those 4 lane sections.
 - The various bikeway proposals merit more detailed traffic analysis and inter-agency review. This analysis should quantify the projected implications and feasibility of implementing this recommendation.
- *Pages 44-49, “A.3 New Bikeway Proposals [Norfolk Avenue]” and Figure 2.13, “Norfolk Avenue Existing and Proposed Street Sections”:*
 - “Parklet” should be clearly defined in the plan.
 - The discussion on p. 44 for the Bicycle Lanes Alternative indicates “two 5-foot wide bicycle lanes can be implemented without any reallocation of the existing roadway or loss of parking” – yet the “Proposed Section Short Term: Bike Lanes and Parklets” on Figure 2.13 indicates providing two 6-foot bike lanes. Which one is correct?
 - MCDOT support the “Proposed Section Short Term: Bike Lanes and Parklets” since it can be implemented and maintained at nominal cost.
 - Regarding the “Proposed Section Long Term: Shared Street with Stormwater Best Management Practices (BMPs)” – this proposed typical section will require unnecessary expense for the County (in the form of a CIP project), the suitability of the subgrade soils for infiltration has not been confirmed, and long-term maintenance implications of a “continuous pervious paving with flush curb” are debatable. This experimental typical section should be considered for use on a pilot basis only on a low volume, low speed road where the conditions and maintenance requirements can be properly observed and documented over an

appropriate period of time – before recommending it for use on an existing business district street.

- *Pages 47-46, “A.4 New Bikeway Proposals [Arlington Road]” and Figure 2.13, “Arlington Road Existing and Proposed Street Sections”* - Provide a copy of the traffic analysis that concluded only 2 travel lanes are needed on Arlington Road.
- *Page 54, Figure 2.15* - Expansion of the Bethesda Parking Lot District’s boundaries should align with the Transportation Management District’s and Urban District’s boundaries - Lot 8 is not displayed on the map.
- *Page 55,* - Are any adjustments anticipated to the TMD boundary?

Section 2.3.5 Transportation Demand Management

- *Page 55, Paragraphs 1 & 2.* Note if there any development staging requirements anticipated for developments that may proceed prior to meeting the 50% NADMS goals set forth in the plan.
- The 1994 Bethesda Chevy Chase Master Plan has a detailed staging plan associated with implementation. The Bethesda Downtown Plan should include providing an update and relationship to the Public Hearing Draft Plan recommendations to the status of this 1994 staging (Stages I, II, and III) and implementation.
- *Page 55 Section 2.3.6 A third bullet* – MCDOT will ask for better definition of what is meant by co—location of public facilities. Also MCDOT should not be responsible for the funding responsibility of co-location improvements or replacement of parking as part of the redevelopment project.
- *Page 57, “2.4.1.B, [Habitat] Recommendations – 1st and 4th bullets”* - Conceptual typical section(s) and plan view(s) to illustrate what will be needed to achieve the 600 CF soil volume and 50% cover for canopy trees should be provided.
 - *Consider removing prescriptive soil volumes and soil depths as they should be referenced in zoning ordinance, design guidelines, standards and/or regulations.*
- *Page 59, “2.4.2.B, [Water Quality] Recommendations”:*
 - The recommendations “stormwater planters” and “pervious pavement” appear to be duplicated.
 - Pervious pavement should only be allowed behind the curb within County right-of-way on arterial and business district classification roads – the suggestion to allow “permeable paving for roads, road shoulders, parking lots and parking lanes” should be limited to “road shoulders, parking lots, and parking lanes of only residential streets.”
 - The last bullet (re incorporating stormwater management measures in the right-of-way when building new or retrofitting roadways) should be deleted – it is already a requirement under the Context Sensitive Roads Executive Regulation.
- *Page 67, Figure 2.19* - Define Bike Priority Street

- *Page 70, “2.6.3, [Placemaking] Recommendations” – 2nd bullet* - Please define “Activate.” And fix typo “PActivate”
- *Page 77, “new Civic Green spaces”* - The discussion of the three civic green spaces quantify each site’s recommended size. The plan should include sketches of potential amenities at each proposed facility and quantify the limits of each site area.
- *Page 100, Public Realm, second and third bullet* – Clarify intent of “enhance the pedestrian experience” and “Enhance the streetscape design”
- *Page 101, Figure 3.04, “Bethesda Row District Public Realm Improvements”*:
 - See earlier discussion regarding the recommendation to decrease the Woodmont/Bethesda intersection (by increasing the size of the plaza at Barnes & Noble). This recommendation will also impact vehicle southbound right turn vehicle turning movements (particularly trucks).
 - More information should be provided on the proposed special paving streetscape design for Woodmont Avenue. Where will it be located within the right-of-way? Is it consistent with the Council’s directive on brick paved sidewalks? A typical section and plan view of the proposal should be included. Note that brick pavements are not allowed between the curblines of County-maintained streets.
 - “Reduce the size of the intersection of Woodmont Ave and Bethesda Ave” – Consider changing “reduce the size” to “improve safety and operations for trail, sidewalk and roadway users at the” or similar.
- *Page 104, Section 3.1.3, Subsection B.1.a - Parklets* in a few on-street spaces on Norfolk Ave. could be considered. Clarification is needed on whether the parklets are a permanent or seasonal installation.
- *Page 105, Figure 3.06, “Woodmont Triangle District Public Realm Improvements”* - The plan should recommend installing bumpouts to facilitate pedestrian crossings at all proposed “public midblock connections” – subject to verification of adequate sight distances.
- *Page 106, “Norfolk Avenue Shared Street”* - See earlier comments regarding the proposed long-term typical section for Norfolk Avenue.
- *Page 107 & Page 47 (first paragraph)*, - Norfolk Ave: The proposed roadway section indicated in the Plan indicated brick pavers, the maintenance of which should be discussed with MCDOT before Plan is finalized. In general, before finalizing to use alternate paving materials and flush curbs on any County maintained roadway, discuss and finalize with MCDOT
- *Page 120, B.1.a, third bullet “shared park street”*- Be consistent with the terminology and use of shared street, shared roadway, park street, shared mainstreet and/or shared park street. Is this to be maintained as a park or as a street?
- *Page 114-116, “Arlington Road South District”*:
 - See earlier comments regarding Arlington Road.

- Regarding the proposed midblock crossings of Arlington Road – pedestrians and bicyclists should be encouraged to cross this road at nearby signalized intersections (a traffic signal was recently installed by the developer of the old Post Office site).
- *Page 117-121, “Battery Lane District”* - The plan should recommend installing bumpouts to facilitate pedestrian crossings at the proposed “public midblock connection” on Battery Lane – subject to verification of adequate sight distances.
- ***Page 122 Section 3.3.2 Eastern Greenway Districts A.2.a first bullet - Zoning:* re: rewording the bullet first bullet regarding the county surface parking lots to be more generalized and sensitive to height and scale of adjacent land uses. (For guidance, reference the general language on Page 124 Section Page 122 Section 3.3.2 Eastern Greenway Districts A.2.a Zoning: fifth bullet on page 124 re: Public Parking Lots and 24 and 10 – this is the kind of language we would like for page 122 above)
- *Pages 124, 125 and 144 “Green Street”* – earlier in the document on page 30 there is a discussion of design complete streets and not green streets, but now on pages 124, 125 and 144 there are references to green streets. Be consistent and clear as with appropriate references to County standards for SWM and roadway design.
- *Page 127,* - Give heed of ROW lines versus locations of underground structures. Underground structures are not permitted in the public ROW, but may be permissible in private ROW via easements, with attention given toward ensuring that pedestrian facilities within these easements adequately serve transportation needs.
- ***Page 127 – Figure 3.16* shows underground parking for Tier 2 and Tier 3 concepts– MCDOT requests the addition of language suggesting that “undergrounding of parking would be developer / private responsibility only. County would not take on the undergrounding of parking as part of any recommended improvement projects for open space, greenway or private development.”.. or similar
- *Page 128-132, “South Bethesda District”* - The plan should recommend installing bumpouts to facilitate pedestrian crossings at all proposed “public midblock connections” – subject to verification of adequate sight distances.

Chapter 4: Implementation

- *Page 145-146, Table 4.01: Capital Improvements Program* - Note Private Sector as a potential Funding source / Coordinating Agency (Partner/Stakeholder) for all items. (This is noted in the introduction paragraph but should be noted somehow in the table also.
- *In the table “redesign” should be replaced with reconstruct or construct.*
- *Page 145 “New Bikeway Lanes”* – should be bicycle facilities; bikeways; signing/markings – not “Bikeway Lanes”
- *MCDOT requests a GIS dataset of proposed capital improvements to assist in assessment of capital improvement costs.*

Please contact Mr. John Thomas, Planning Specialist, Directors Office, Montgomery County DOT, Mr. Andrew Bossi, Senior Traffic Engineer, Directors Office, Montgomery County DOT, or myself if you have any questions. I can be reached at 240-777-7156 or gary.erenrich@montgomerycountymd.gov. Mr. Thomas can be reached at 240-777-7193 or john.thomas@montgomerycountymd.gov. Mr. Bossi can be reached at 240-777-7200 or andrew.bossi@montgomerycountymd.gov

cc: Mr. Gary Erenrich, Acting Deputy Director for Transportation Policy, MCDOT
Mr. Andrew Bossi, Senior Engineer, MCDOT
Mr. John B. Thomas, Senior Planning Specialist, MCDOT
Ms. Amy Donin, Planning Specialist, Dept. of General Services, Montgomery County

1-1

LINOWES
AND | BLOCHER LLP
ATTORNEYS AT LAW

June 24, 2015

C. Robert Dalrymple

301.961.5208

bdalrymple@linowes-law.com

Heather Dlhopsky

301.961.5270

hdlhopsky@linowes-law.com

VIA HAND DELIVERY

The Honorable Casey Anderson, Chairman
Montgomery County Planning Board
M-NCPPC
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Bethesda Downtown Plan – May 2015 Public Hearing Draft (the “Draft Plan”)/7607 Old Georgetown Road (the “Property”)

Dear Chairman Anderson and Members of the Montgomery County Planning Board:

Thank you for considering these written comments concerning the Draft Plan submitted on behalf of the owners of the Property (shown on the attachment hereto), a 14,687 square foot parcel of ground located in the northwest quadrant of the intersection of Old Georgetown Road and Commerce Lane in the center of Downtown Bethesda. Ms. Alison Rea, a representative of the owners of the Property, will provide the Planning Board with oral testimony, but we also wanted to provide these written comments to ensure that the Board will give proper planning and zoning consideration for this Property. The Property is majority-owned by sisters Elizabeth D Taylor (94) and Dorothea Drayton (92), and has been owned by this family since 1939. For over two decades, and for the foreseeable future, the tenant at this location has been and will be La Madeleine, long an iconic destination for the community. While this retail use remains quite successful, with the aging of the majority owners and the opportunity brought about with this Draft Plan the family and their representatives would be remiss not to explore the highest and best use or uses for the Property into the future. Furthermore, with Property frontage on Old Georgetown Road and Commerce Lane, and being immediately proximate to the Bethesda Metro in the core of what already is the commerce center for Montgomery County, it is essential to the evolution of this area into one of the region’s most successful urban centers to include this strategic parcel in a meaningful way in the Draft Plan study. With much of the core of the Downtown area already redeveloped, the proposed redevelopment of this Property to capitalize on the public’s substantial investment in mass transit and other public infrastructure must be evaluated in the best interests of the general public.

The Honorable Casey Anderson, Chair
and Members of the Planning Board
June 24, 2015
Page 2

This said, we believe that the current recommendations of the Draft Plan do not fully contemplate the appropriate density and height for this urban location. Being less than 1,000 feet from the entrance to the Bethesda Metro, and being in the core of the urban district and extremely insulated from the single-family residential communities at the edges of the Downtown area, this Property is most suitable for the maximum density and height allowable under County zoning. With so few opportunities for the market place to respond to ideal locations for urban redevelopment, this market place opportunity should be clearly and unequivocally planned and zoned through this Draft Plan process. As such, we believe that the site should be planned and zoned for the maximum density and height allowable under current CR zoning, which is an FAR of 8 and building height of 300 feet. Furthermore, again because of the central location and proximity to Metro, even more density and height should be encouraged for the Property through the use of density averaging from the transfer of density from suitable sending sites (which we understand will require a change of density transfer policy, but we believe such a change is both necessary and appropriate).

Because the site is relatively small and somewhat constrained, allowing maximum building height (as well as appropriate density) is essential to proper urban redevelopment of the Property. Because of the relatively small size of the Property, it is most likely best suited for residential or hotel use above street level retail (as the owners have been told by persons who better understand urban redevelopment that the Property probably could not yield a floor plate found desirable to the office market, assuming an office market is even available for the foreseeable future). Allowing maximum building height will allow suitable urban density to be realized, also helping to establish a Downtown Bethesda Skyline that will both help define the Downtown as a successful urban center and allow a redevelopment project to be competitive with the other urban areas competing with Montgomery County for economic development. We are looking for this comprehensive planning and zoning process to provide the incentive for urban redevelopment of this Property, and we truly believe that the location is such that the redevelopment of this site can serve as a monumental part of the urban fabric that will be Downtown Bethesda.

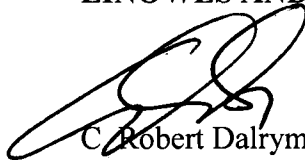
While in its one-story building with surface parking La Madeleine has been and continues to be a wonderful and successful part of the Downtown area, it would be a lost opportunity not to contemplate a more urban utilization of this site during the 20 years envisioned by the Sector Plan. --maybe even with a La Madeleine as ground floor anchor retail tenant. La Madeleine is under lease and will continue at this location for the foreseeable future, and the owners of the Property have no immediate plans for any other use of the property; however, the owners frequently receive inquiries as to the availability of this property for redevelopment and look forward to further contemplating the more urban utilization of the property that we expect to occur with appropriate densities and heights assigned through this comprehensive planning and zoning effort.

The Honorable Casey Anderson, Chair
and Members of the Planning Board
June 24, 2015
Page 3

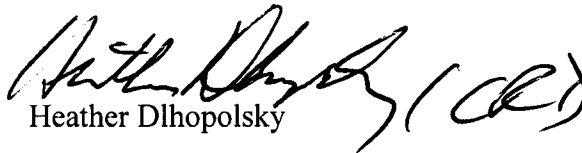
In conclusion, this Property is an important site for Downtown Bethesda, and we ask that the right zoning be in place to allow the market forces to control the ultimate destiny of the Property should the owners determine to seek out a more urban re-use of the land. We will be present at the worksessions following the public hearing should you have any questions or a need for more information. Thank you for your consideration of this written testimony and the oral testimony provided by Ms. Rea.

Very truly yours,

LINOWES AND BLOCHER LLP



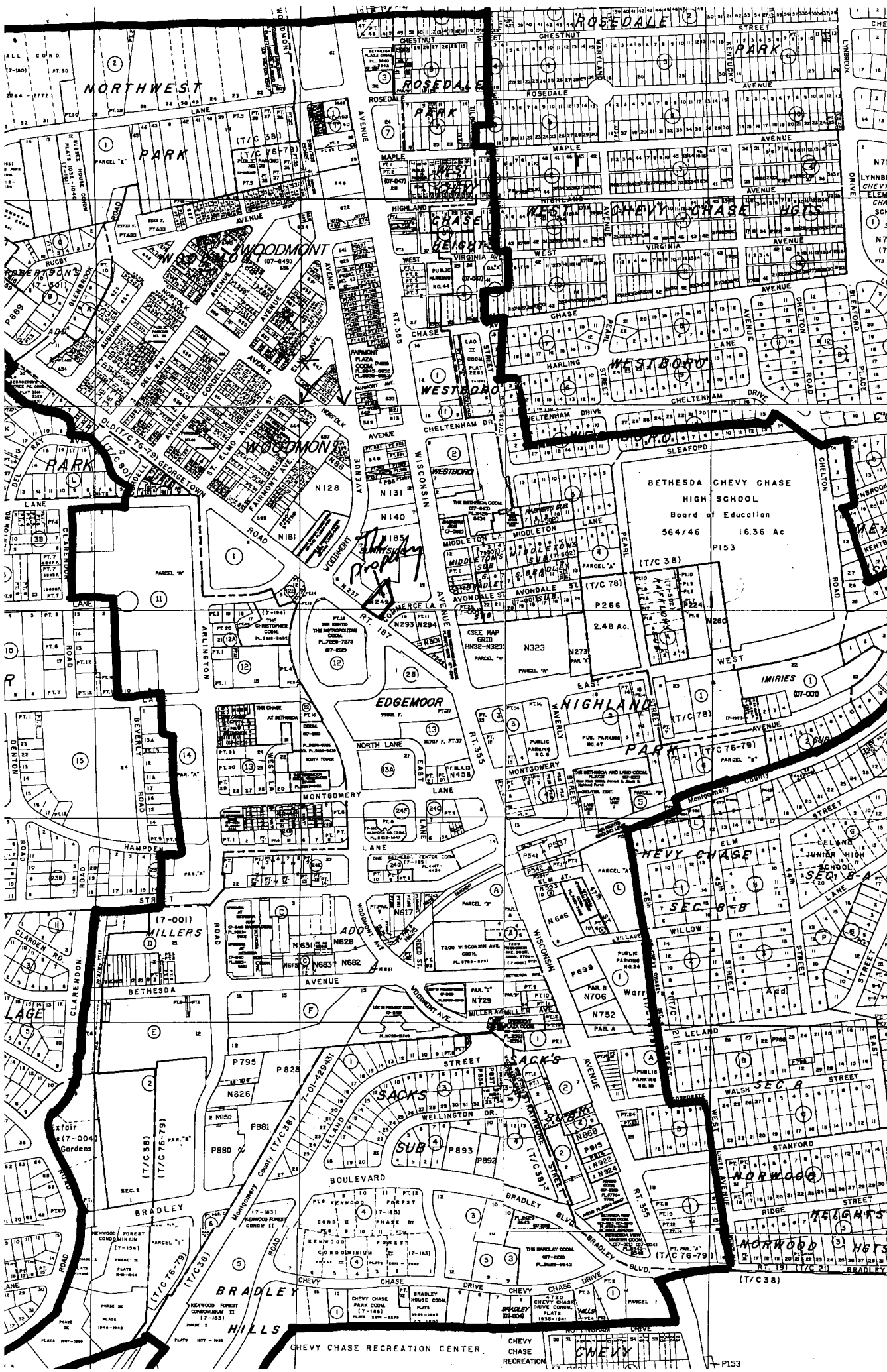
C. Robert Dalrymple



Heather Dlhopsky

Enclosure

cc: Members of the Planning Board (MCP-Chair@mncppc-mc.org)
Mr. Robert Kronenberg
Mr. Marc DeOcampo
Ms. Leslye Howerton
Ms. Alison Rea



N71
LYNNBRI
CHEVY
ELEM
CHA
SCH
N7
P7A

The Bethesda
Chevy Chase
Property

CHEVY
CHASE
RECREATION

CHEVY

P153

Provided to staff at public hearing
6/24/15
3-1

EAST WEST

Bethesda, Maryland

June 24, 2015

 **STREETSCAPE**
PARTNERS

shalom baranes associates | architects

OEHME, VAN SWEDEN | OvS



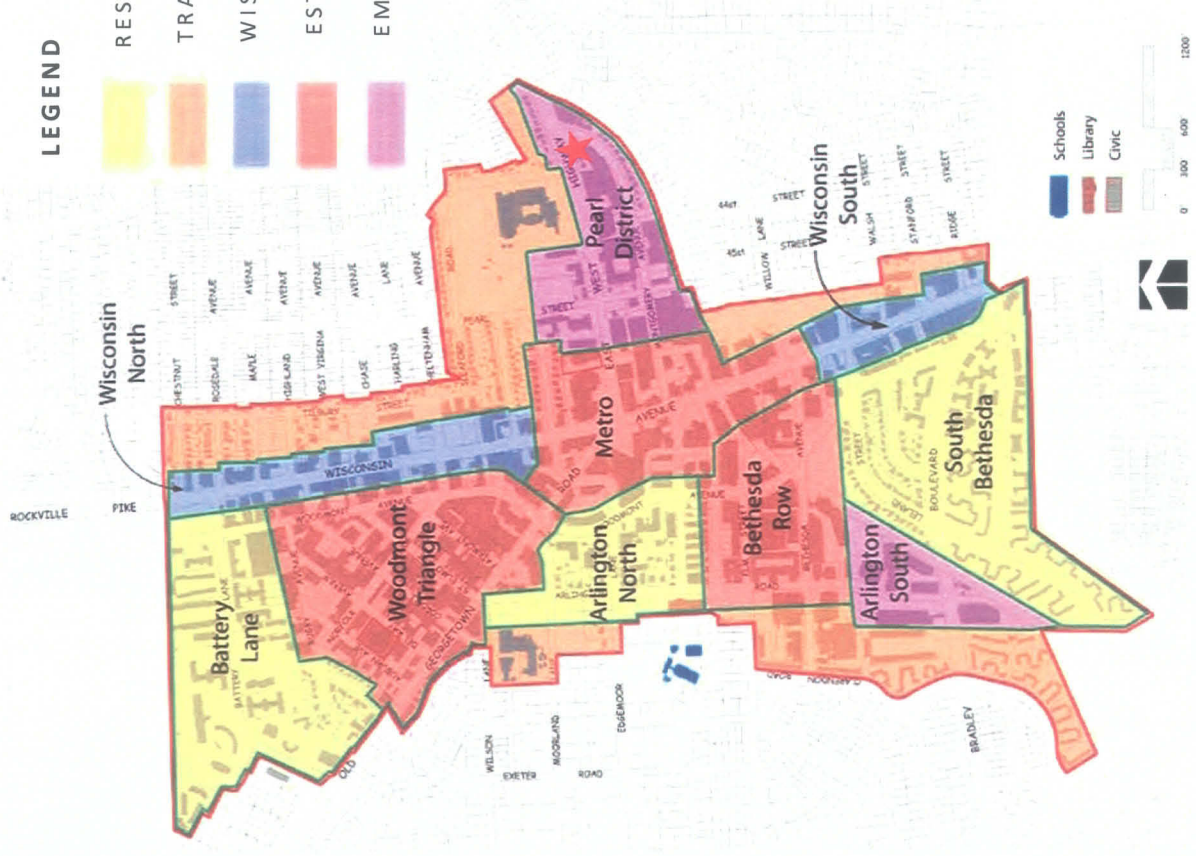
SITE CONTEXT Aerial Photoarab

EAST WEST BETHESDA, MARYLAND

June 24, 2015
page 2

LEGEND

- RESIDENTIAL DISTRICT
- TRANSITION AREA
- WISCONSIN AVENUE CORRIDOR
- ESTABLISHED CENTERS
- EMERGING CENTERS



- Schools
- Library
- Civic



SOURCE: 2014 VISIONING DOCUMENT

BETHESDA District Plan





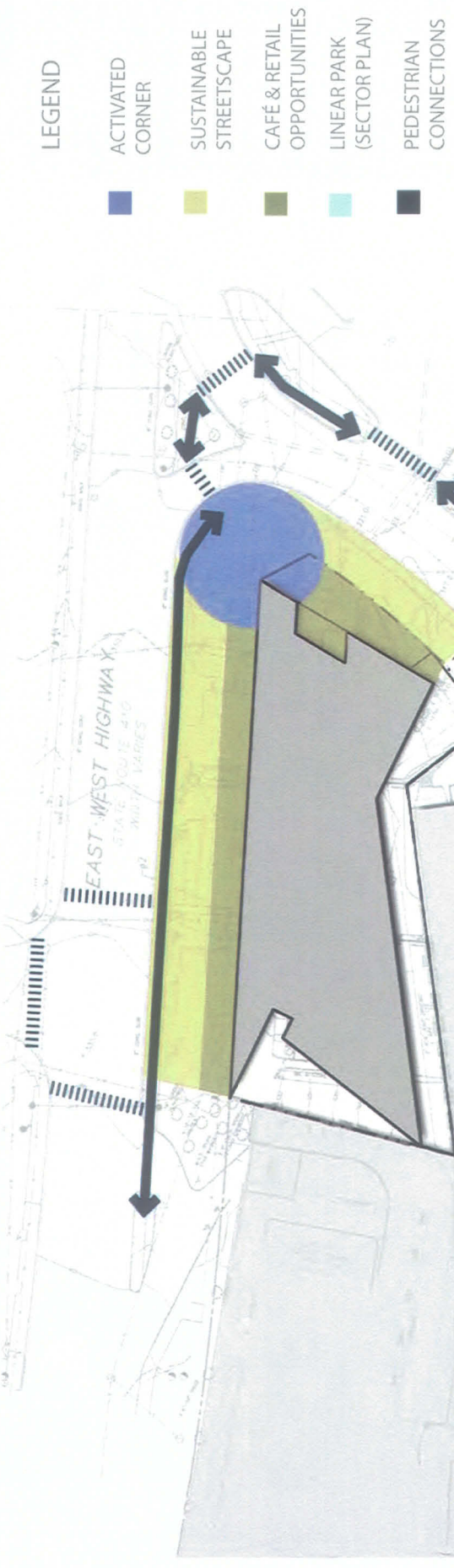
STREETSCAPE
PARTNERS

shalom baranes associates | architects

OEHME, VAN SWEDEN | OvS

EAST WEST BETHESDA, MARYLAND

June 24, 2015
page 5



CONCEPTUAL SITE PLAN

EAST WEST
 BETHESDA, MARYLAND

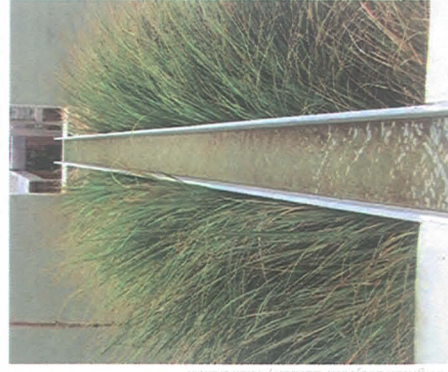
June 24, 2015
 page 6



Constitution Square / Parker Rodriguez



Constitution Square / Parker Rodriguez



Highton Seafront Garden / Nick Dexter



CBS Plant Science Center / Oehme, van Sweden

CONCEPTUAL IMAGES Sustainable Streetscape



Thomas Balsley Associates / Thomas Balsley Associates



Oehme, van Sweden / United Theatropics



Thomas Balsley Associates / Jinhao City

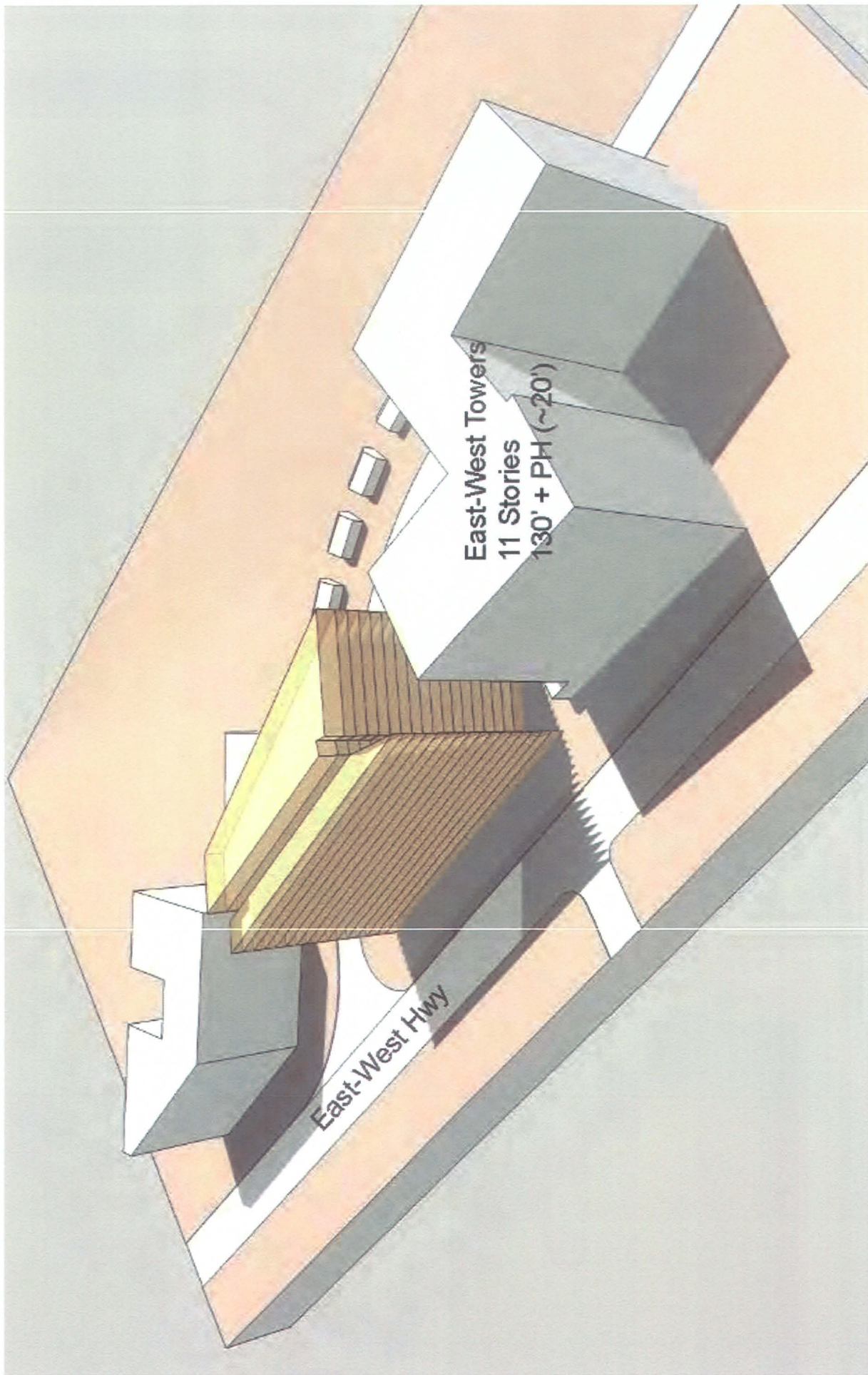


Oehme, van Sweden / United Theatropics

CONCEPTUAL IMAGES Activated Corner

EAST WEST BETHESDA, MARYLAND

June 24, 2015
page 8





STREETSCAPE
PARTNERS

shalom baranes associates | architects

OEHME, VAN SWEDEN | OVS

EAST WEST

BETHESDA, MARYLAND

6/24/2015

Bethesda CBD Sector Plan

Testimony of Michael Miller

I am here today representing the owners of Battery Lane Apartments, which is at 4887 Battery Lane (off the corner of Battery Lane and Woodmont Ave) and Strathmore Apartments at Woodmont Ave and Strathmore Street. These properties have been owned by the same partnership (and group of families) for over 30 years. We have a critical opportunity for Bethesda that should not be squandered. The opportunity, specifically, is to create affordable housing units in perpetuity, versus incentivizing the current owner to seek alternative uses for what the planners currently characterize as “naturally occurring affordable housing”. The apartments, which they are referring to carry no jurisdictional or other legal requirement to offer what is considered affordable housing.

The current draft plan provides for minor additional FAR with the intent of transferring that FAR and using the monetary proceeds from that transfer to reinvest in the decaying infrastructure within our building. This is not going to happen.

Not permitting substantial extra density on such a uniquely situated and valuable parcel of land, (which in the case of Battery lane is 2 acres with no single family homes in the general vicinity and backing up directly to NIH), is not in keeping with the goal of creating affordable housing in the county. It may be expected that the naturally occurring affordable housing will be maintained if there is no ability for owners to redevelop their properties to higher densities; this is flawed logic. Investors in real estate, always seek the highest and best use for their properties. The highest and best use of the current properties is not as rentals, but rather as condominium units or as a redevelopment (of a similar size structure) without any requirement to provide rental units of any kind. In other words, trying to simply maintain the status quo will actually promulgate the opposite outcome, the disappearance of these so called naturally occurring affordable housing.

It should be noted, that the resident population at our properties is not consistent with MPDU type incomes, but rather, is often the well-paid doctor or other professional in the surrounding area, desirous to get a less expensive place for a couple years, until they move on. The vast majority of renters at our buildings are highly transient and usually stay no longer than 2 or 3 years.

Alternatively, if we are prescribed a greater density on our land, with an FAR of at least 4, we would construct a new property, which, through current laws would provide for legally required affordable units in perpetuity, which would actually go to those individuals truly needing affordable housing and not well paid physicians

and executives. The larger density should apply to all properties near the intersection of Woodmont and Battery as they are in between 2 metro stops and are close to the center of downtown Bethesda. This would permit us to provide both the needed housing to the growing NIH and Naval campuses (which our property is closest to) but also to create this critical stock of legally sanctioned affordable rentals. This is truly smart growth.

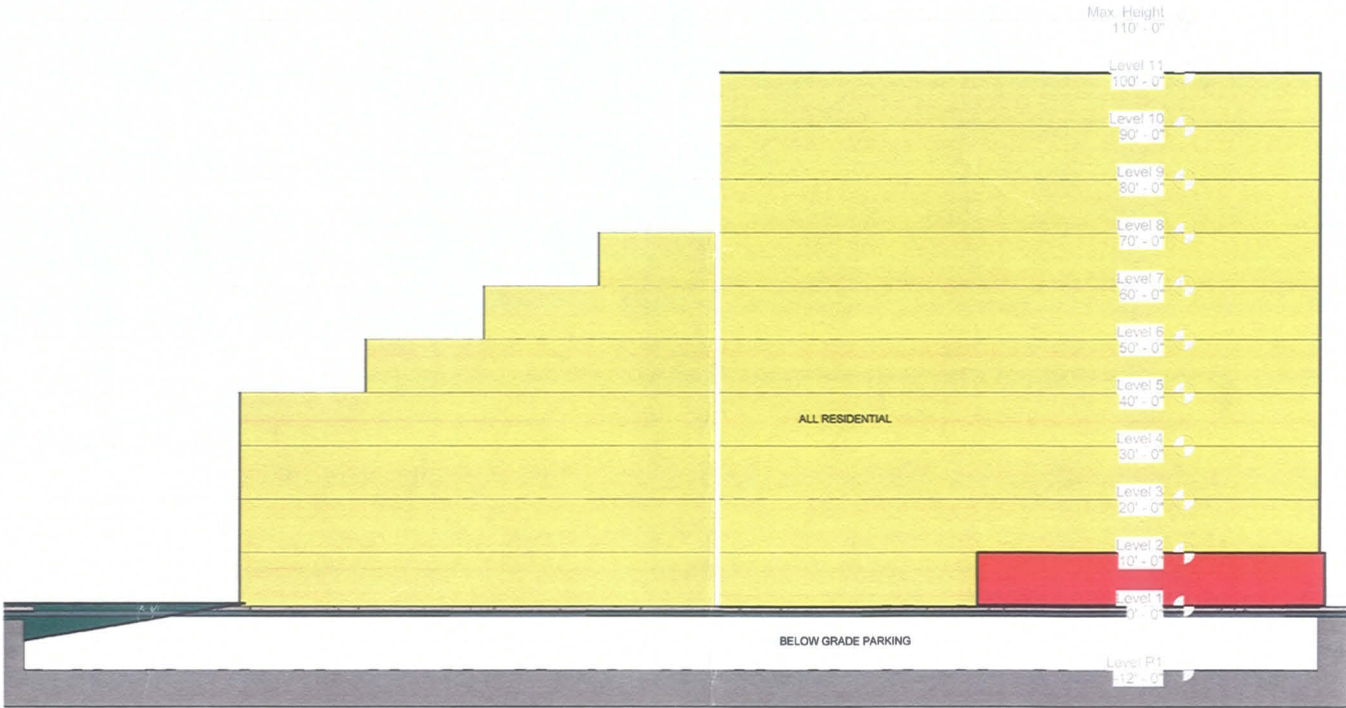
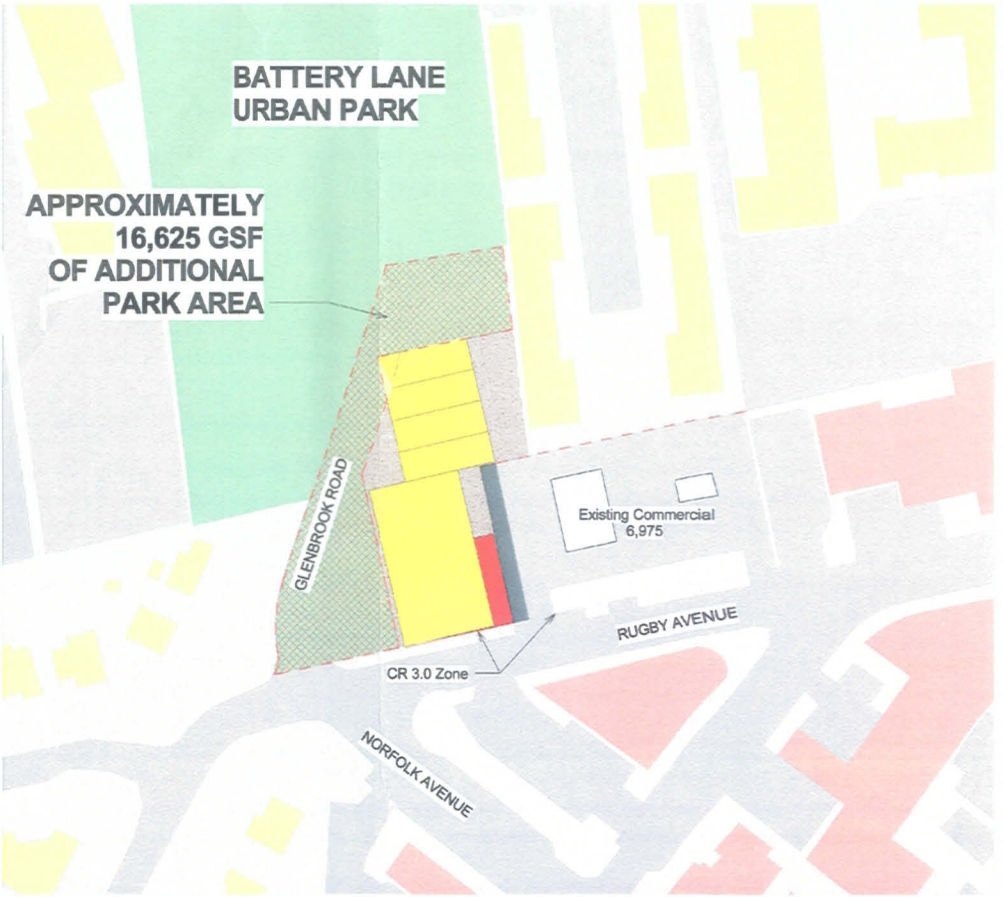
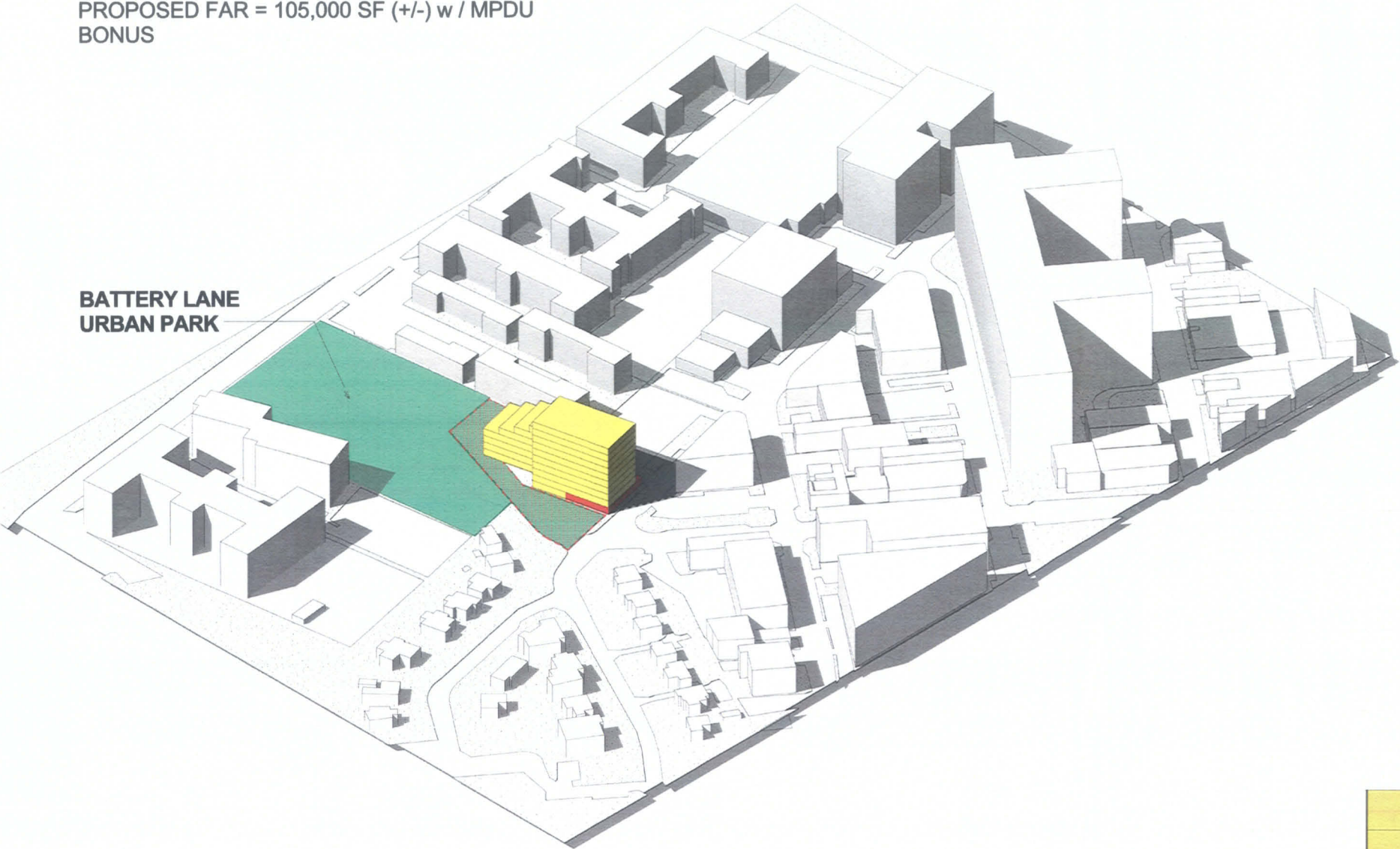
We are owners for the long run, and our business is to own and operate rental housing, we have buildings in the district which our family has owned for over 90 years. We would like to create something that is viable for the next 90 years, that we can continue to own and operate, but if the staff fails to recommend a density that is viable for higher density redevelopment then we will have no choice but to consider our alternatives for a property whose infrastructure is already beyond its useful life; and I am sorry to say I do not see that ending in the preservation or maintenance of what are currently referred to as naturally occurring affordable housing.

ASSUMPTIONS:

LOT 633 CR ZONING GLENBROOK PORTION, ONLY.

GROSS TRACT AREA = 16,500+18,801 = 35,300 GSF

PROPOSED FAR = 105,000 SF (+/-) w / MPDU BONUS



LINOWES
AND | BLOCHER LLP
 ATTORNEYS AT LAW

June 24, 2015

C. Robert Dalrymple
 301.961.5208
 bdalrymple@linowes-law.com
Heather Dlhopsky
 301.961.5270
 hdlhopsky@linowes-law.com

VIA EMAIL AND HAND DELIVERY

Mr. Casey Anderson, Chair
 and Members of the Planning Board
 Montgomery County Planning Board
 8787 Georgia Avenue
 Silver Spring, Maryland 20910

Re: 4526 and 4530 Avondale Street, Bethesda, Maryland (the "Properties") – Written
 Testimony for 6/24/15 Planning Board Hearing on the Bethesda Downtown Plan (the
 "Sector Plan")

Dear Mr. Anderson and Members of the Planning Board:

On behalf of HP11 LLC ("HP11"), owners of the two properties referenced above, we are submitting this letter as our written testimony for the Montgomery County Planning Board's (the "Planning Board") June 24th public hearing on the Sector Plan (specifically, the Public Hearing Draft dated May 2015 – the "Public Hearing Draft"). The Public Hearing Draft locates the Properties in the Wisconsin Avenue District, seemingly recognizing them as part of the spine of downtown Bethesda, yet inexplicably recommends that they remain in the current R-10 zone (see Figure 3.01 on page 95 of the Public Hearing Draft). We believe that the Sector Plan should consider alternative zoning for such lots located just east of Wisconsin Avenue along the south side of Avondale Street, particularly the Properties and potentially ones adjacent to them, to allow the development of higher density multi-family mid-/high-rise projects. The Properties are located only two lots east of Wisconsin Avenue, less than 700 feet in walking distance from the Bethesda Metro Station, and are directly adjacent to the 200-foot tall Chevy Chase Bank towers to the south (which cast considerable shadows over the Properties during times of the day and create a sense of enclosure). Given these existing conditions, we believe that certain properties on Avondale Street that are nearer to Wisconsin Avenue provide a great opportunity to create higher density development than the current R-10 zoning permits and which the Public Hearing Draft does not propose to change.

With the County's focus on centralizing the downtown core of Bethesda through increased heights and density, and further considering the height and density of The Whitney at Bethesda Theater (the existing multi-family development located just one block north of the Properties, which is zoned for up to 5 FAR and up to 90 feet in height), increasing the allowable height and density of properties located along Avondale Street closest to Wisconsin Avenue would allow redevelopment of these properties consistent with the immediate neighborhood and stated goals

**L&B 4969020v1/12849.0001

Mr. Casey Anderson, Chair
and Members of the Planning Board

June 24, 2015

Page 2

of the County. Specifically, we believe that the Properties should be rezoned to CR with a density of 5 FAR and maximum building height of up to 120 feet.

Development of a 10- to 12-story residential building in place of the existing improvements on the Properties would not meaningfully change or extend north-leaning shadows or the characteristics of the neighborhood or Avondale Street, and would improve the opportunities for an increased level and quality of housing, including affordable housing, and public space. Certainly a higher density of all the properties between Avondale Street and Middleton Lane that are close to Wisconsin Avenue could also be considered during the County's deliberations; however, it is important to note that given the formidable existing improvements immediately to the south of the Properties and the existing configuration of roads, the Properties (perhaps in conjunction with other similar properties contiguous to the Properties) are likely limited to what is proposed in this letter because they cannot be joined with properties on the north side of Avondale Street. We believe that, for these reasons, increasing the permitted density and height of the Properties makes good planning and urban design sense on its own, regardless of the County's desire or enthusiasm for a larger canvas of increased density in this neighborhood.

We thank you for your consideration of these comments, and we look forward to continuing to work with you and Planning Staff on the Bethesda Downtown Plan.

Very truly yours,

LINOWES AND BLOCHER LLP



C. Robert Dalrymple



Heather Dlhopsky

cc: Ms. Leslye Howerton
Mr. Robert Kronenberg
Mr. John Avioli
Mr. Davis Camalier

**TESTIMONY OF BARBARA SEARS
ON BEHALF OF BETHESDA LAND LLC
(Aris Mardirossian)**

**Bethesda Downtown Plan Public Hearing
June 24, 2015**

- Good afternoon. My name is Barbara Sears, an attorney with Linowes and Blocher, and I am appearing on behalf of my client, Bethesda Land LLC, who is the owner of Lot 655 of the Woodmont Subdivision, a property containing approximately 17,000 gross square feet at the southwest corner of the intersection of Wisconsin Avenue and Fairmont Avenue and improved with a 7-11 Convenience Store. The street address is 7820 Wisconsin Avenue.
- The Property is located in the Wisconsin Avenue District and is recommended on Figure 3.01, page 95 of the Plan for CR 6.0, C-6.0, R-5.75, H-250 zoning. (See Circle 10 west of Wisconsin Avenue.) South of the Property, abutting Norfolk Avenue, the Veterans Park Civic Green is recommended as an extension of the existing public open space in front of Veterans Park.
- The recommended height for the Property of 250 feet is intended to encourage signature buildings that frame a welcoming and revitalized civic gathering space. This area is intended to serve as a center of activity to enliven and draw people into the Woodmont Triangle and connect to the Wisconsin Avenue corridor, transit and existing and planned recreational opportunities.

- Importantly, Norfolk Avenue is recommended to be a shared street to further implement the goals of the Plan as they pertain to pedestrian activity, biking, outside enjoyment and connectivity with established and recommended green areas and major roadways. This improved connectivity will provide a critical link to the envisioned public space network from Battery Lane Park, south through the Downtown, and to Metro, the future Purple Line and the Capital Crescent Trail while promoting existing and planned mixed-use development in the area and creating the desired activity node and community identity for the area.
- The owner supports the goals of the Plan and is enthusiastic about the potential for redevelopment. However, to achieve this potential, the owner requests an FAR of 8 (CR 8.0, C 8.0, R 7.5, H-250) for the area. We believe that this increase in FAR will provide a few important opportunities.
 - First, we believe that achieving the height recommendation is critical to the success of the vision for this area as a center of activity and distinct place for people to visit, enjoy and return. To achieve this height and vision, without excessive cost, additional FAR should be permitted as part of the base zone.
 - Second, Bethesda Land LLC is interested in exploring the possible inclusion of workforce housing in its redevelopment.
 - Currently, workforce housing is not exempted from FAR as are all MPDUs if built at 15% or greater. The retention of affordable housing and construction of new MPDUs are a major goal in the Plan. Workforce housing at 80-100% AMI fosters

these goals and provides an important element of housing not now achieved by new development in the Downtown.

Allowing the additional FAR will, therefore, not only implement the major land use goals and design goals of the Plan, but also allow additional consideration for the potential of incorporating workforce housing into new development at this location.

- Thank you for the opportunity to speak, and we are available to work with you and Staff as the Plan proceeds.

Figure 3.01: Wisconsin Avenue District Recommended Zoning



Figure 3.01: Wisconsin Avenue District Recommended Zoning

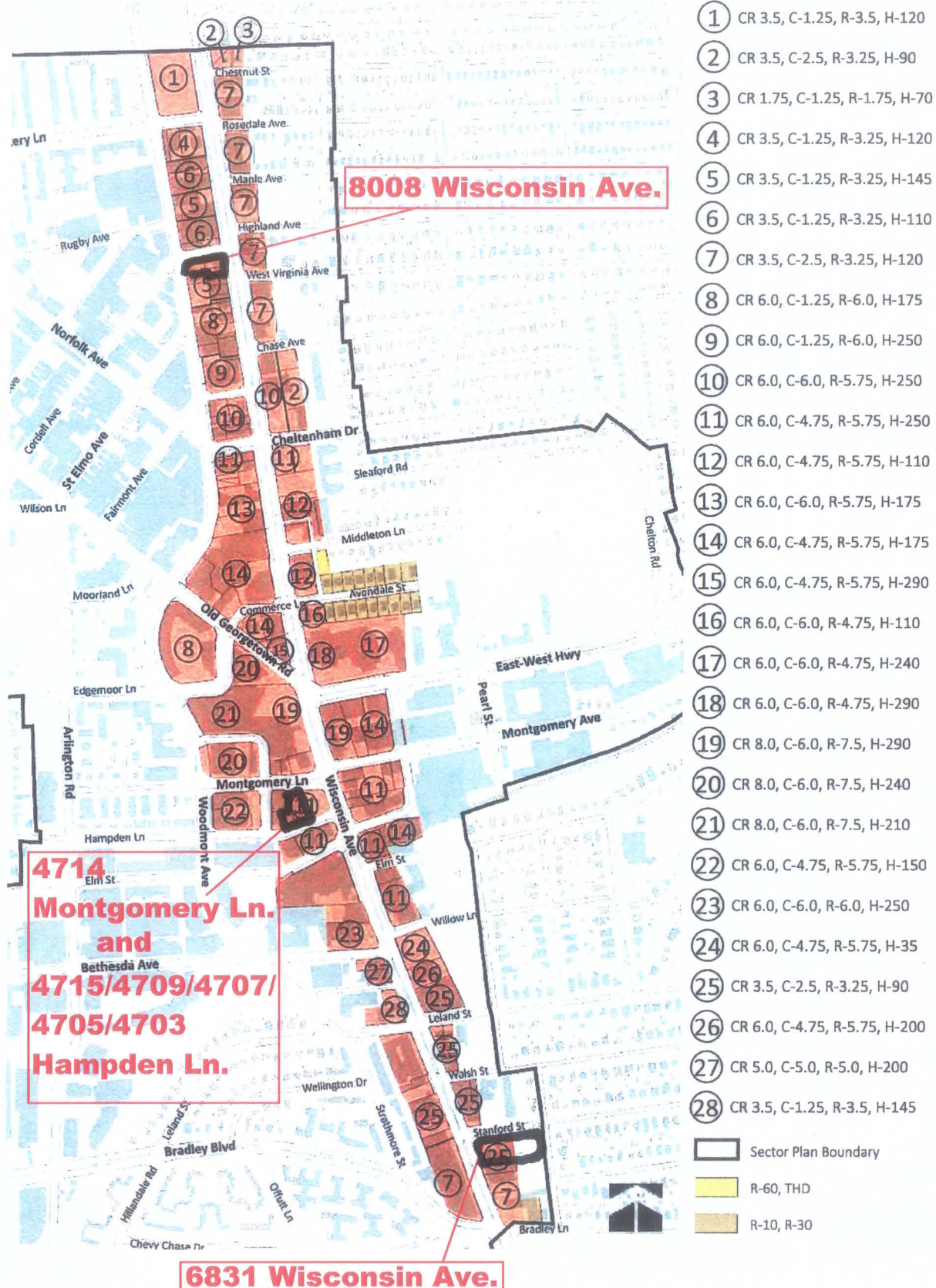
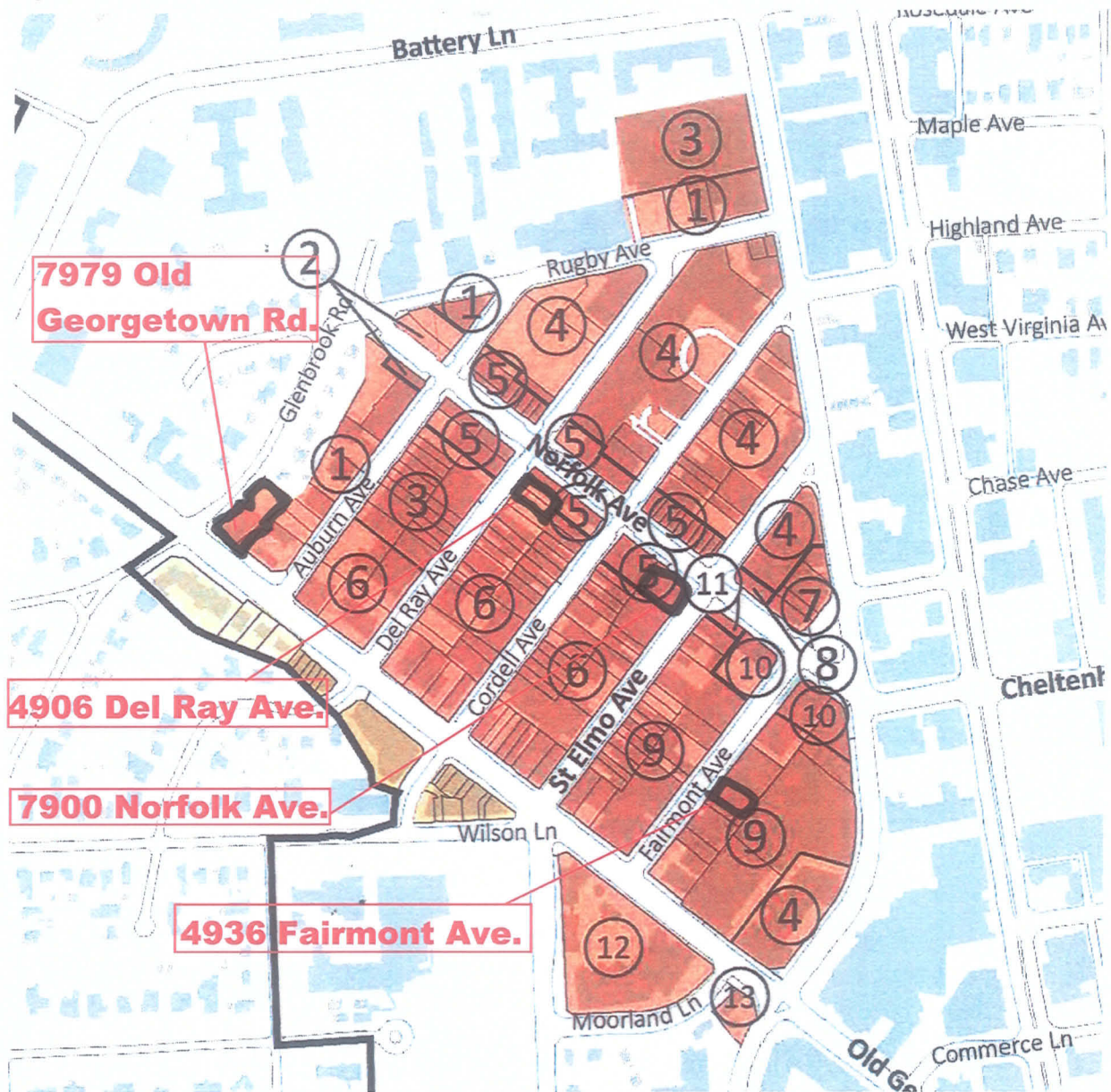


Figure 3.05: Woodmont Triangle District Recommended Zoning



— Sector Plan Boundary

CRN-0.75, C-0.75, R-0.25, H-40

CRT-1.75, C-1.75, R-0.75, H-40

① CR 3.5, C-1.25, R-3.0, H-120

② CR 3.5, C-1.25, R-3.0, H-50

③ CR 3.5, C-1.0, R-3.5, H-175

④ CR 6.0, C-1.25, R-6.0, H-175

⑤ CR 3.5, C-1.25, R-3.5, H-50

⑥ CR 3.5, C-1.25, R-3.25, H-110

⑦ CR 6.0, C-1.25, R-6.0, H-250

⑧ CR 6.0, C-1.25, R-6.0, H-50

⑨ CR 6.0, C-1.25, R-5.75, H-175

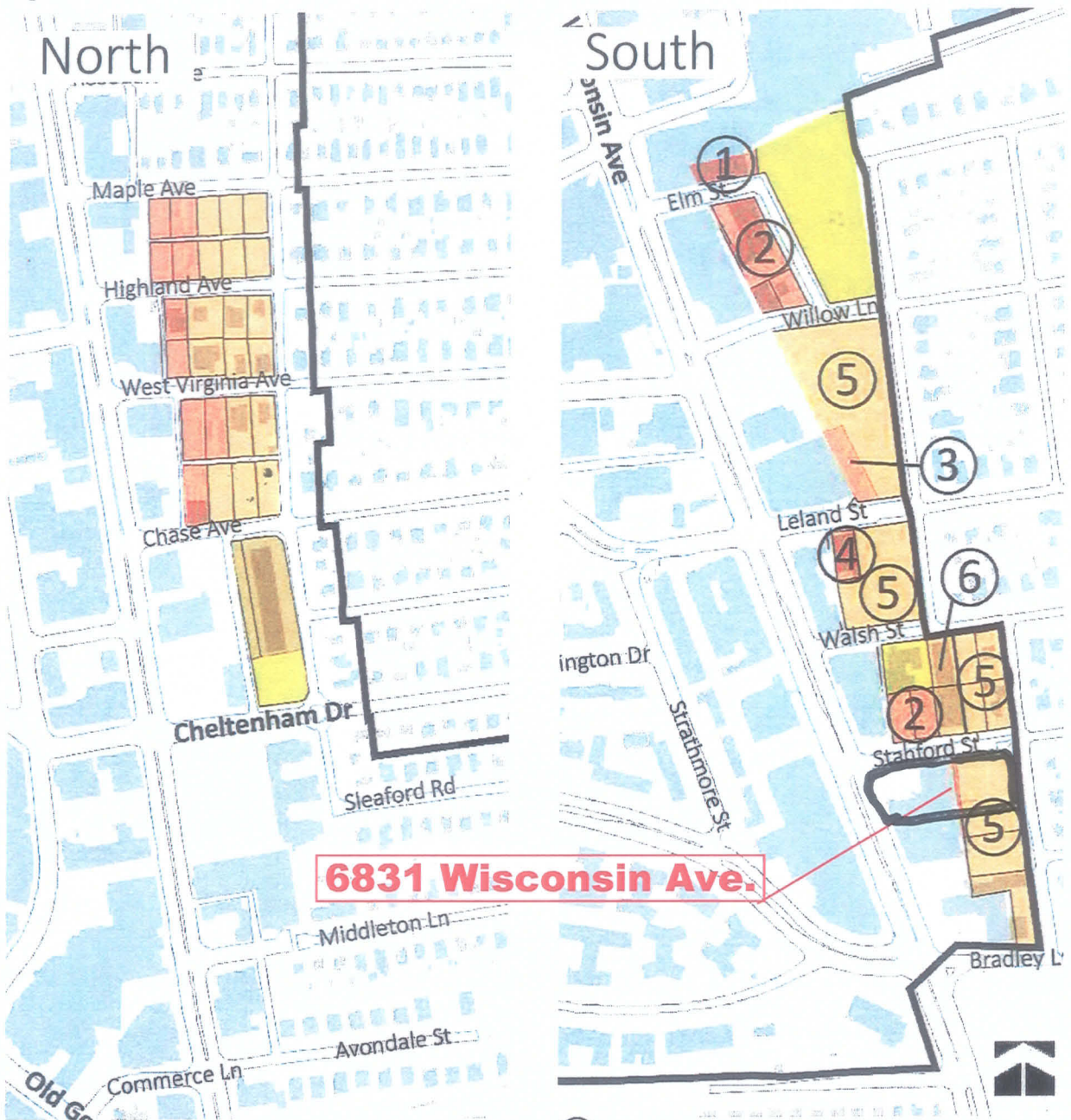
⑩ CR 6.0, C-1.25, R-5.75, H-250

⑪ CR 6.0, C-1.25, R-5.75, H-50

⑫ CR 3.5, C-2.5, R-3.25, H-40

⑬ CR 3.5, C-2.5, R-3.25, H-110

Figure 3.14: Eastern Greenway Districts Recommended Zoning



— Sector Plan Boundary

Yellow R-60, THD

Orange R-10, R-30

Red CR-3.5, C-2.5, R-3.25, H-70

Light Orange CRT-0.5, C-0.25, R-0.5, H-70

① CR 6.0, C-4.75, R-5.75, H-175

② CR 3.5, C-2.5, R-3.25, H-70

③ CR 3.5, C-2.5, R-3.25, H-90

④ CR 3.5, C-2.5, R-3.25, H-90

⑤ CRT 0.5, C-0.25, R-0.5, H-70

⑥ CRT 1.75, C-1.75, R-0.75, H-70

LINOWES
AND | BLOCHER LLP
 ATTORNEYS AT LAW

June 24, 2015

C. Robert Dalrymple
bdalrymple@linowes-law.com
 301.961.5208
Heather Dlhopsky
hdlhopsky@linowes-law.com
 301.961.5270

VIA HAND DELIVERY

The Honorable Casey Anderson, Chair
 and Members of the Planning Board
 Montgomery County Planning Board
 8787 Georgia Avenue
 Silver Spring, Maryland 20910

Re: Bethesda Downtown Plan – May 2015 Public Hearing Draft (the “Draft Plan”)
 Property located at: Bethesda Lot 7, Block 2
 7008, 7010, 7022, 7026, 7028, 7032 and 7034 Wisconsin Avenue (the
 “Properties”)

Dear Chairman Anderson and Members of the Planning Board:

Washington Property Company (WPC) owns the Properties (shown on the attachment hereto), located at the southwest corner of Wisconsin Avenue and Woodmont Avenue and comprised of approximately 57,466 square feet of gross tract area. While we generally agree with the vision behind the thorough and comprehensive analyses of your Staff reflected in the Draft Plan, we want to repeat concerns previously expressed by us to the Planning Board and Staff that the building height recommended for the Properties is not sufficient for the type and scale of urban redevelopment that we believe is suitable and appropriate in the overall consideration of Downtown Bethesda.

The Wisconsin Avenue Corridor is the main artery serving Downtown Bethesda, and as such the Draft Plan appropriately identifies it as the symbolic center is establishing the urban character of the entire Downtown. The Properties, along with other properties in this block fronting Wisconsin Avenue between Woodmont Avenue and Bradley Boulevard (the owners of which with whom WPC is working cooperatively to ensure a well-coordinated and cohesive pattern of redevelopment), are important and strategic in terms of creating an urban southern gateway for the arrival into Downtown Bethesda from the south and the departure from the north. While the recommended 90 feet of building height (along with a recommended 3.5 FAR) is better than the current 75 feet allowed, WPC strongly urges the Planning Board to support at least 120 feet of building

The Honorable Casey Anderson, Chair,
and Members of the Planning Board
June 24, 2015
Page 2

height, and even more if the Properties are to serve as receiving sites for density averaging from sending sites within the Downtown area. With 120 feet of height recommended along the western side of Wisconsin Avenue both south and north of the Properties, being very accessible to mass transit, vehicular and pedestrian mobility, and being located such that transitioning of height and density to the edges of the urban district is available, it makes for good urban planning to allow sufficient flexibility to permit the market to respond to redevelopment opportunities at this location in the context of the overall urban redevelopment of Downtown Bethesda.

An important element in considering the redevelopment opportunities for Downtown Bethesda is to ensure that there are opportunities in appropriate growth locations where assemblage of properties can occur, and upon identifying the areas where growth is appropriate the Draft Plan should be flexible enough to allow market considerations to shape where the growth actually occurs. Being too fine in having a master plan try to identify exact locations for redevelopment to occur has the risk of working against the market forces and being less likely of being successful. As indicated, WPC has a considerable assemblage already in place with the Properties, and WPC is working closely with others in the immediate vicinity to ensure that redevelopment will be consistent and compatible. WPC urges the Planning Board to broadly identify where growth, density and height is appropriate and allow the market forces to be a major determining factor in how and where urban redevelopment will occur in order to ensure that Downtown Bethesda succeeds in becoming one of the regions premiere urban centers.

For all of these reasons, and to allow the Properties to offer an appropriate transition of building height and density in relation to the public realm in which it exists, it is requested that the Downtown Bethesda Plan include recommended building height for the Properties of at least 120 feet, with the potential for approval of more height to accommodate MPDUs above the minimum required 12.5% and to accommodate more density through density averaging via transfer from priority sending sites. This will permit the southern gateway to Downtown Bethesda to establish the appropriate urban character for the rest of the Wisconsin Avenue Corridor and Downtown Bethesda.

The Honorable Casey Anderson, Chair,
and Members of the Planning Board
June 24, 2015
Page 3

Very truly yours,

LINOWES AND BLOCHER LLP



C. Robert Dalrymple

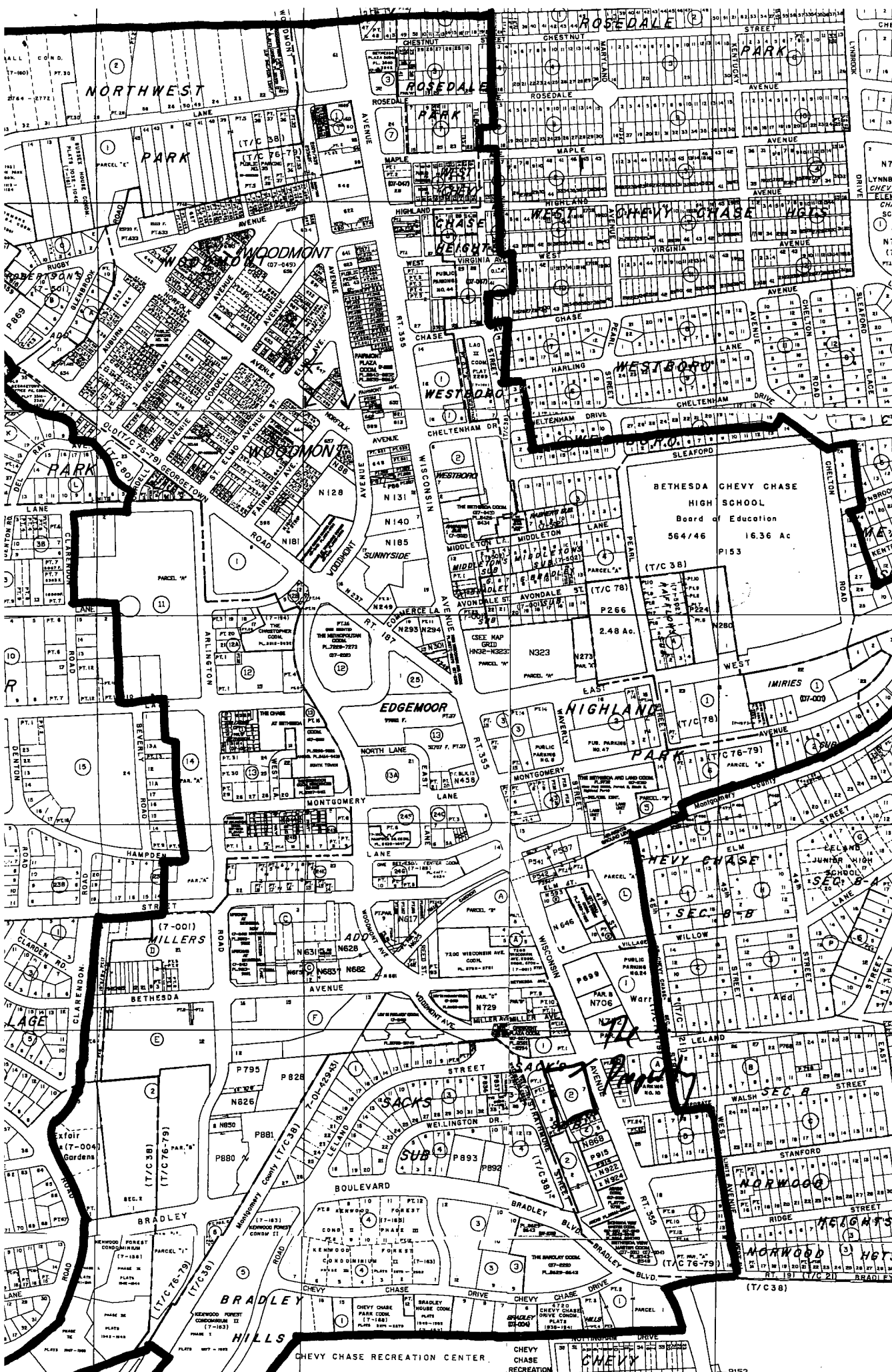


Heather Dlhopsky

1001)

Enclosure

cc: Members of the Planning Board (MCP-Chair@mncppc-mc.org)
Mr. Robert Kronenberg
Mr. Marc DeOcampo
Ms. Leslye Howerton
Mr. Daryl South, SVP, Washington Property Company



LINOWES
AND | BLOCHER LLP
 ATTORNEYS AT LAW

June 24, 2015

C. Robert Dalrymple
bdalrymple@linowes-law.com
 301.961.5208

VIA HAND DELIVERY

The Honorable Casey Anderson, Chair
 and Members of the Planning Board
 Montgomery County Planning Board
 8787 Georgia Avenue
 Silver Spring, Maryland 20910

Re: 4720 Hampden Lane (the "Property") – Written Testimony for 6/24/15 Planning Board Hearing on the Bethesda Downtown Plan (the "Sector Plan")/May 2015 Public Hearing Draft ("Draft Plan")

Dear Chairman Anderson and Members of the Planning Board:

A development entity of Washington Property Company ("WPC") owns the Property, a 8,800 +/- square foot parcel located with frontage on Hampden Lane, east of Woodmont Avenue and west of Wisconsin Avenue (shown on the attachment hereto). The Property is currently improved with a 12,000 +/- square foot office building, which serves as the headquarters for WPC. While WPC does not have immediate plans for redevelopment of the Property, it did not acquire the site over 8 years ago to have it sit as an under-performing property immediately proximate to the Bethesda Metro and the future Purple Line. The long-awaited amendment to the Sector Plan has carried with it an expectation that the Property will be rezoned in a manner consistent with basic planning and zoning principles for urban redevelopment; WPC believes that the Draft Plan falls well short of expectation. WPC asks that the Planning Board recognize the strategic importance of the properties located in the core area of Downtown Bethesda, and provide the maximum building height and density allowed under County zoning, a result fully supported by all valid and legitimate considerations in this process.

The basic tenets of "smart growth" have been deviated from with this Draft Plan. Rather than identifying the logical, suitable and appropriate locations for maximum redevelopment opportunities, the Draft Plan seems to pick and choose which sites should redevelop and which shouldn't, without any real explanation for the basis of this selective process. This "tenting" concept, where height and density varies throughout the Plan rather than in a manner where more density and height is encouraged at the core with transitioning to the edges, completely ignores market forces which need to be in play for this Plan to be successful. The tenting sought to be forced though the Draft Plan will

The Honorable Casey Anderson, Chair,
and Members of the Planning Board
June 24, 2015
Page 2

occur naturally with the previous “tenting” planning concept, simply through the natural progressing of the market. Some properties will redevelop and others will not; some properties will seek maximum density and height, others will not; some properties will seek out more density through density averaging (if provided the necessary incentives, including especially height), and other won’t. This will all occur through market forces without the heavy-handed regulation of the local zoning process, still ensuring that the most density and height will occur in the core and less will occur at the edges.

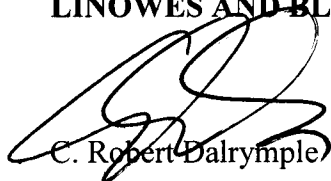
WPC is leaving open all options moving forward in terms of the redevelopment of the Property, but in order to make redevelopment (through assemblage or otherwise) economically feasible and to yield an urban project worthy of this prominent location, the density and height cannot be artificially restricted with the hope that appropriate density and height, applying sound planning and zoning principles, will be acquired through the density averaging program promoted with this Draft Plan. While WPC has no objectives to density averaging in order to preserve strategic properties for civic space, landmark building or affordable housing, the program must be an incentive program, not a program laced with disincentives.

At the end of the day, any redevelopment of the Property must be supportable to the finance world, which pays close attention to the market. Having and zoning and planning that is not fully consistent with market forces has the legitimate risk of failing. We ask that you pay close attention to the details of the Draft Plan and make sure that the Plan is one that will allow Downtown Bethesda to be consistent with other jurisdictions in the region, as this Plan is perhaps the best opportunity for the County to provide a truly active, vibrant, successful urban redevelopment plan all of the bells and whistles that come therewith – but it all starts with the Plan.

Thank you for your consideration of these comments.

Very truly yours,

LINOWES AND BLOCHER LLP



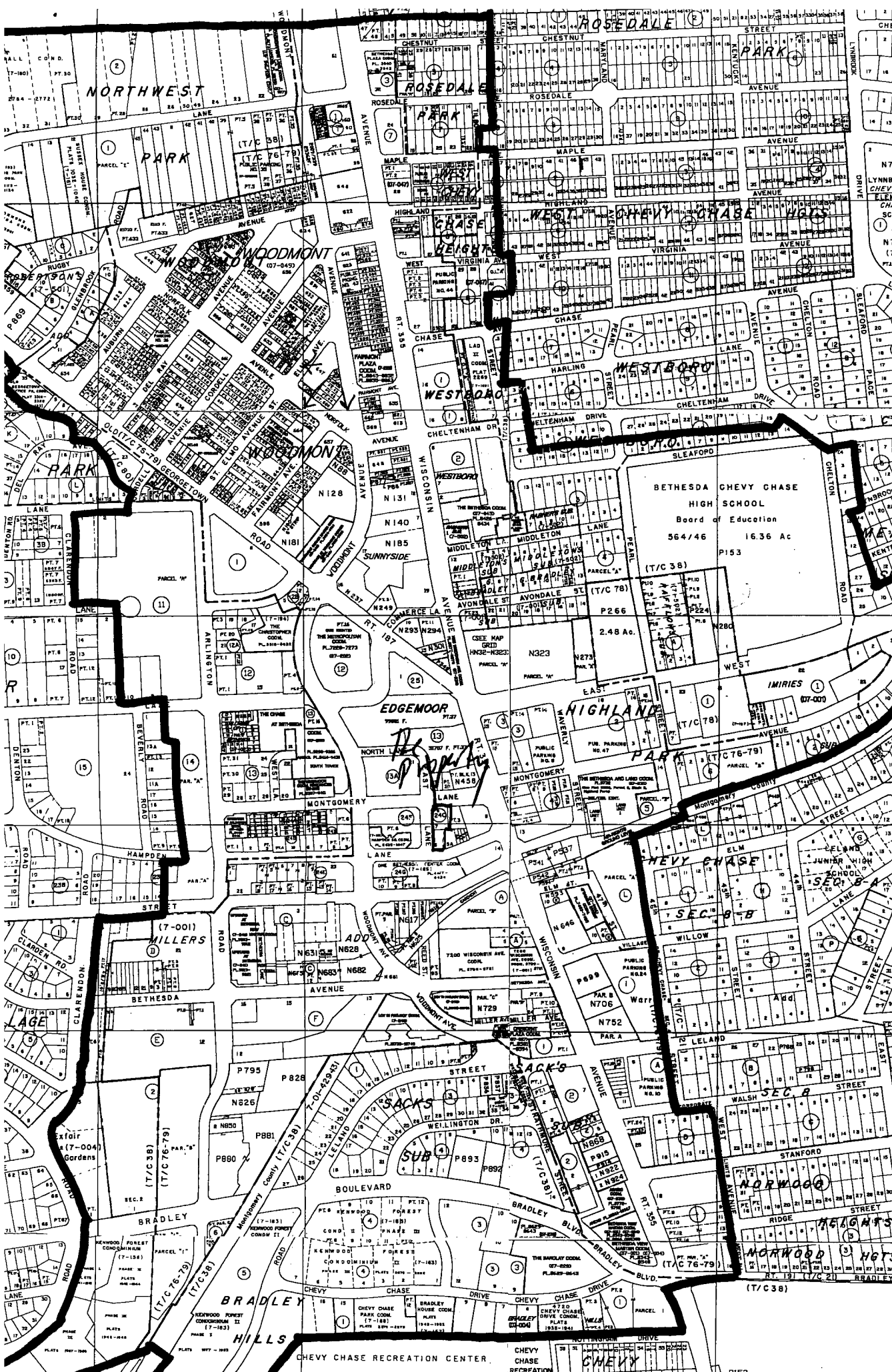
C. Robert Dalrymple

The Honorable Casey Anderson, Chair,
and Members of the Planning Board
June 24, 2015
Page 3

Enclosure

cc: Members of the Planning Board (MCP-Chair@mncppc-mc.org)
Mr. Robert Kronenberg
Mr. Marc DeOcampo
Ms. Leslye Howerton
Mr. Charles Nulsen
Heather Dlhopsky, Esq.

**L&B 5004316v2/10361.0100



CHEVY CHASE RECREATION CENTER

LINOWES
AND BLOCHER LLP
 ATTORNEYS AT LAW

June 24, 2015

C. Robert Dalrymple
 301.961.5208
 bdalrymple@linowes-law.com

Heather Dlhopsky
 301.961.5270
 hdlhopsky@linowes-law.com

VIA HAND DELIVERY

The Honorable Casey Anderson, Chair
 And Members of the Planning Board
 Montgomery County Planning Board
 8787 Georgia Avenue
 Silver Spring, Maryland 20910

Re: Bethesda Downtown Plan – May 2015 Public Hearing Draft (the “Draft Sector Plan”)/6936, 6950 and 7000 Wisconsin Avenue (collectively, the “Property”)

Dear Chairman Anderson and Members of the Montgomery County Planning Board:

On behalf of Starr Capital LLC (“Starr”), contract purchaser of the Property (shown on the attachment hereto), we are submitting this letter regarding the Draft Sector Plan to supplement oral testimony to be presented by Mr. Tim Eden, a representative of Starr, during the Planning Board’s public hearing on the Draft Sector Plan on Wednesday, June 24, 2015. The Property is located at the southern end of the Wisconsin Avenue Corridor District, with frontage on the west side of Wisconsin Avenue, between Woodmont Avenue to the north and Bradley Boulevard to the south. The Property is comprised of approximately 23,000 square feet of existing lot area with single story retail improvements comprised of approximately 25,180 square feet. The Wisconsin Avenue Corridor through Downtown Bethesda is one of the most important main arteries in Montgomery County, if not the broader DMV region, and the high visibility of the Property, with close proximity to mass transit and excellent vehicular and pedestrian access, provides an opportunity to establish an urban southern gateway to Bethesda that sets the tone for the Wisconsin Avenue Corridor and the entire Downtown Bethesda as a successful, vibrant urban center. To this end, we believe that the Draft Sector Plan falls short of creating the urban gateway opportunity that Downtown Bethesda deserves and does not take full advantage of the urban growth potential that we believe this area has for the next several years. To better facilitate the goals and objectives of establishing Downtown Bethesda as one of the regions more successful urban centers, we believe that the zoning for the Property should at a minimum allow for up to a 5 FAR (3.5 is currently recommended), with building height of at least 120 feet (90 feet is currently recommended).

Generally speaking, Starr believes that the Draft Sector Plan should establish broad goals and objectives for Downtown Bethesda, following the long-established planning principle that more density and height should be located closest to mass transit and along the main artery through Bethesda (Wisconsin Avenue), with “tenting” allowing for density and height to decrease as the

The Honorable Casey Anderson, Chair,
and Members of the Planning Board
June 24, 2015
Page 2

downtown area transitions to the well-established single-family communities that surround the Central Business District. Beyond this general plan for development, the market should be the guiding force for where the density and height should occur. Of critical importance, of course, is identifying where properties can be assembled and where property owners are prepared to invest in redevelopment. In addition to the assemblage of this Property by Starr, and a complete willingness to invest in the urban redevelopment of the Property, Starr is also working cooperatively with other property owners in the this block to allow for a coordinated and cohesive redevelopment of most of the entire block, an opportunity that will not be present in many other locations in Downtown Bethesda where growth should be encouraged.

Not only should the likelihood of assemblages occurring in areas appropriate for growth be factored into decisions relating to base planning for downtown Bethesda, but Starr also believes that the Property should be recognized as an opportunity for allowing more density and height through the density sharing program being recommended in the Draft Sector Plan (for the preservation of the identified priority sending sites). However, to make the density sharing concept feasible, Starr believes that the density transferred from a sending site needs to be above and beyond the base density and height otherwise allowed by the established CR zoning.

Wisconsin Avenue in the location of the Property offers critical mass to site larger buildings, but sufficient building height is needed in order to allow the urban redevelopment to be successful. With its gateway location, proximity to transit being made even more proximate with the construction of the south entrance to the Bethesda Metro Station to occur just three blocks to the north of the Property, and the Property's location just south of the important intersection of Wisconsin and Woodmont Avenues, redevelopment of the Property with increased height and density makes good urban planning sense. The Property is buffered from the single-family communities outside of the Bethesda CBD, and additional height in this location would naturally taper to the west.

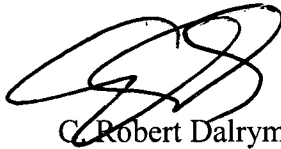
In sum, Starr believes that the highest and best use for the Property is as a mixed-use project, with ground-floor non-residential uses and multi-family dwellings units above, with a maximum density of at least 5 FAR and height of at least 120 feet. In addition, the Property should be recognized as an excellent opportunity to receive density transferred (by averaging) from other properties with the Downtown area, with density and height allowances in addition to the based CR zoning. The market place should be the ultimate guide as to where redevelopment occurs, and the Draft Sector Plan should be broad and flexible enough to allow the market choices to be made; being too specific or limiting with the Draft Sector Plan could negatively impact the enormous potential that Downtown Bethesda has to be one of the most successful urban centers in the region.

The Honorable Casey Anderson, Chair,
and Members of the Planning Board
June 24, 2015
Page 3

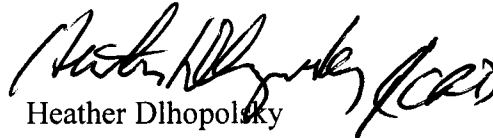
If you have any questions or require any additional information, please do not hesitate to contact us, and thank you for considering these comments.

Very truly yours,

LINOWES AND BLOCHER LLP



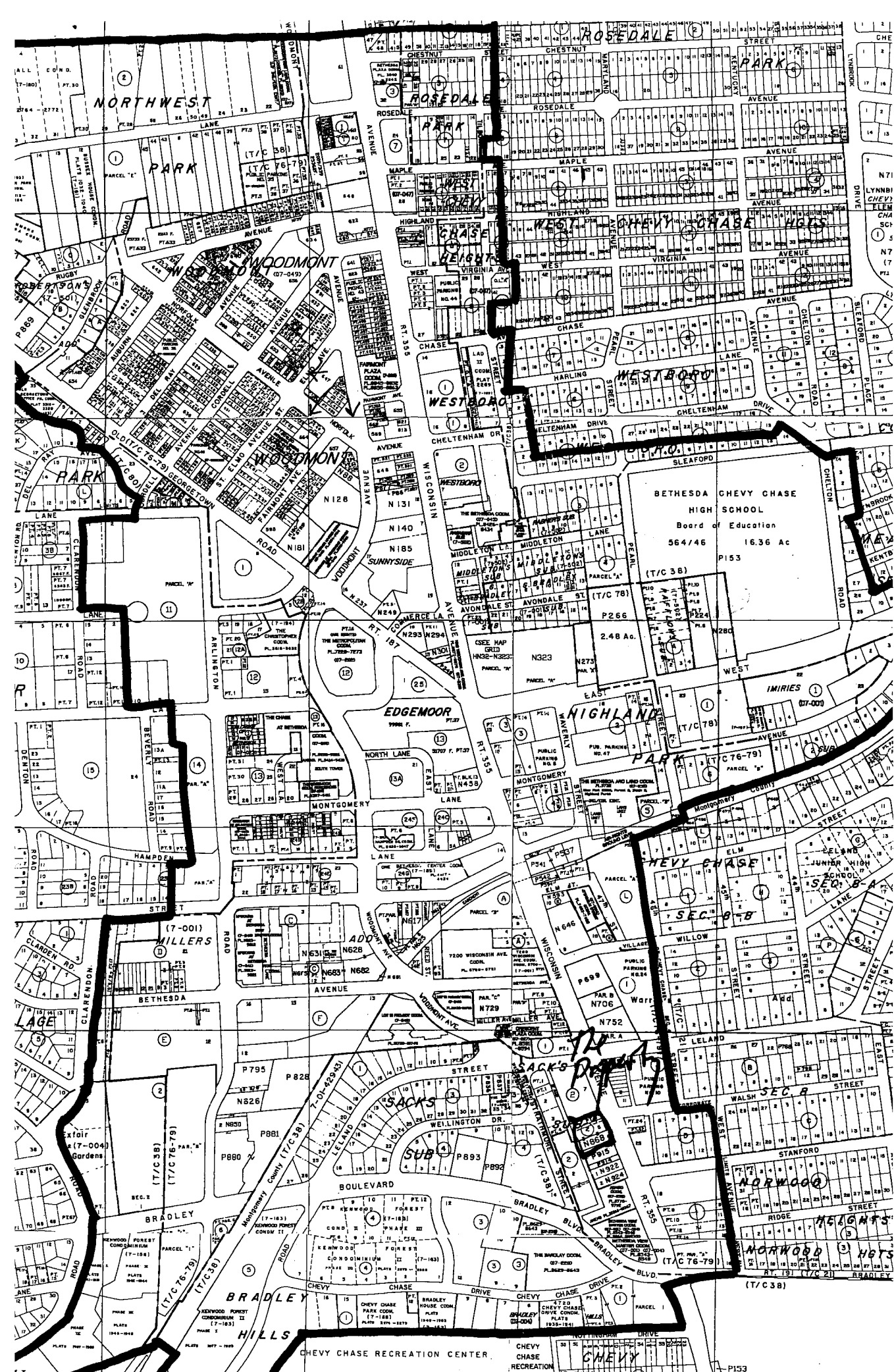
C. Robert Dalrymple



Heather Dlhopsky

Enclosure

cc: Members of the Planning Board (MCP-Chair@mncppc-mc.org)
Mr. Robert Kronenberg
Mr. Marc DeOcampo
Ms. Leslye Howerton
Mr. Timothy Eden



**LINOWES
AND BLOCHER LLP**
ATTORNEYS AT LAW

June 22, 2015

C. Robert Dalrymple
301.961.5208
bdalrymple@linowes-law.com

Erin E. Girard
301.961.5153
egirard@linowes-law.com

Mr. Casey Anderson, Chair, and
Members of the Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Request for Revisions to the Staff Draft ("Staff Draft") of the Bethesda Downtown Plan ("Plan") for Properties Located at 7938-8000 Wisconsin Avenue, 8011 Woodmont Avenue, and Public Parking Lot 43 (collectively, the "Property")

Dear Mr. Anderson and Members of the Planning Board:

Our client, Aksoylu Properties, in joint venture with the members of Plank, Inc., and as RFP awardee for Public Parking Lot 43, has assembled the Property, located between Wisconsin Avenue and Woodmont Avenue, just south of Cordell Avenue, for the purpose of its redevelopment with a significant new mixed-use project incorporating features that provide various benefits to the public ("Project"). The Property, identified on the attached tax map, is currently improved with 2-story retail spaces and surface parking areas. As currently improved, the Property does nothing to further the goals and objectives of the Plan and is primed for redevelopment. It is our client's intention to transform the Property into a more urban development, blending with its adjacent land uses and appropriate for the Property's location, that contributes to the Plan's vision for the area.

In the Staff Draft, the majority of the Property is recommended for CR 3.5, C 1.25, R 3.25, H 145, although one parcel (2,325 sf) of the assemblage is recommended for CR 6.0, C 1.25, R 6.0 H 175. To truly achieve a desirable mixed-use project on the Property, provide significant affordable housing, as discussed below, and avoid a split zoning of the properties within the assemblage, we request that the entirety of the Property receive the CR 6.0, C 1.25, R 6.0, H 175 zone in the Plan.

The Plan emphasizes the need for affordable housing in the planning area, increased sustainability, design excellence, and connectivity, all features that are to be incorporated in the

Mr. Casey Anderson, Chair, and
Members of the Montgomery Co. Planning Board
June 22, 2015
Page 2 of 3

Project. The height and density hereby requested would assure that the Project could achieve all of these objectives. By contrast, economics may dictate that the Project be compromised with the zoning recommended by Staff. With regard to affordable housing in particular, the Project proposes the provision of 20% affordable housing, serving a population with a 65% average median income. Given the scope of the Project as currently envisioned, this would provide a significant amount of affordable housing in the planning area. Less density on the Property would, however, directly translate to fewer affordable units. The Staff Draft notes that height increases are appropriate to prioritize affordable housing opportunities and create signature buildings and we request that this recommendation be acted upon with regard to the Property, with an attendant density increase, to allow our client to provide this important housing.

The Project also envisions a mid-block pedestrian connection to connect Wisconsin and Woodmont Avenues in compliance with the recommendations of the Plan. To create such a connection, however, increased height is necessary to allow for the provision of more FAR above the ground plane. From a sustainability standpoint, incentivizing redevelopment of the Property through beneficial zoning would also allow for the removal of the existing outdated buildings and large areas of surface parking and their replacement with below-grade parking and a new mixed-use building meeting current standards, in close proximity to transit.

The requested zoning for the Property is in keeping with the recommendations for parcels that adjoin and confront the Property and we believe that allowing for more consistent zoning in this area would make better planning sense. Properties immediately contiguous to the south, including, as noted above, a small portion of the Property, and properties across Woodmont Avenue to the west and northwest are all recommended for CR 6.0, C 1.25, R 6.0, H 175. The properties to the south are as close to the residential areas to the east as is the Property, and both have adequate transition area to those residential areas on the east side of Wisconsin Avenue. Rather than artificially delineating zoning lines within blocks as is done in the Staff Draft, the Plan should zone by block and allow the market to control what development is appropriate within a given block. With the review process required of CR-zoned properties, it is reasonable to assume that massing could be worked out as part of the development process and therefore need not be dictated by the Plan. We also note that the Staff Draft identifies a number of properties for increased density that appear to have little chance of redeveloping, either due to recent improvements or hurdles to assemblage, while other properties that are clearly poised for redevelopment have largely been kept at the status quo. We respectfully suggest that the areas poised for redevelopment, including the Property, should be more closely examined with regard to the potential density and height increases hereby requested in light of their impending redevelopment.

Mr. Casey Anderson, Chair, and
Members of the Montgomery Co. Planning Board
June 22, 2015
Page 3 of 3

Finally, the Plan identifies a BRT station just to the northeast of the Property and recognizes the need for additional dedication for the BRT right-of-way along the Property's Wisconsin Avenue frontage. In light of the expectation for this dedication, additional height on the Property is appropriate. Additionally, given the impact such dedication may have on the Property, we request that the Board consider including provisions in the Plan explicitly allowing for building below and above these rights-of-way to allow for below-grade parking, etc., that do not impact the operational aspects of the BRT, but would allow for necessary design flexibility.

Based on the foregoing, we respectfully request that the Planning Board endorse the application of the CR 6.0, C 1.25, R 6.0, H 175 to the Property to ensure the goals and objectives of the Plan can be achieved. Thank you.

Sincerely,

LINOWES AND BLOCHER LLP



C. Robert Dalrymple



Erin E. Girard

Attachment

cc: Robert Kronenberg
Leslye Howerton
Ahmet Aksoylu

IONAL INSTITUTES OF HEALTH

U.S.A.
1230/89
47.92 Ac.
P98

(See Map Grid HP2! P780)

NAVAL
MEDICAL
CENTER
U.S.A.

U.S.A.
1230/93
115.87 Ac.
P333

HN 343 N 3

NORTHWEST

PARK

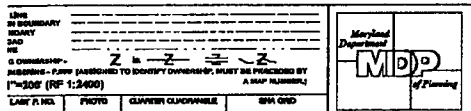
122

H 2

MONTGOMERY CO.,
MARYLAND

MAP HN 123

W.S.S.C. 210 NW 05
Location: WOODMONT





THE BERNSTEIN COMPANIES

June 24, 2015

VIA HAND DELIVERY

Mr. Casey Anderson, Chair
and Members of the Planning Board
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: 7720, 7740, 7752, and 7756 Wisconsin Avenue – Written Testimony for 6/24/15 Planning Board Hearing on the Bethesda Downtown Plan (the “Sector Plan”)

Dear Mr. Anderson and Members of the Planning Board:

On behalf of Bethesda Center Holdings, LLC (“Bethesda Center”), owner of the property located at 7720, 7740, 7752, and 7756 Wisconsin Avenue in Bethesda (the “Property” – shown on the attachment hereto), we are submitting this letter as our written testimony for the Montgomery County Planning Board’s (the “Planning Board”) June 24th public hearing on the Sector Plan (specifically, the Public Hearing Draft dated May 2015 – the “Public Hearing Draft”). The Property has dual frontage on both Wisconsin Avenue and Woodmont Avenue, just south of Norfolk Avenue, and is currently zoned CR-5.0, C-5.0, R-4.75, H-145T. The Property is approved for redevelopment with a 466,470 square-foot mixed-use (hotel, office, and retail) project, with building height of 143 feet on the southern part of the Property and 122 feet on the northern side, pursuant to approvals issued most recently by the Planning Board in April 2013.

Bethesda Center is currently in the process of navigating post-approval requirements prior to beginning construction on the hotel component of the Project, including minor amendments to the approvals in order to permit some residential units on top of the hotel use and to reflect the phased build-out of the Project (with the office market not strong enough to support the single-phased

Since 1933

3299 K STREET NW, SUITE 700, WASHINGTON, DC 20007
(PHONE) 202-333-9000 • (FAX) 202-333-3323 • (INTERNET) WWW.THEBERNSTEINCOMPANIES.COM

construction of the Project that was envisioned at the time of initial approval). While Bethesda Center intends to build out the hotel/residential/retail component in the initial construction phase pursuant to the existing approvals, there is a significant opportunity to provide higher and greater urban redevelopment at the Property with the second phase of construction through the Sector Plan now under consideration.

The Public Hearing Draft proposes (on page 95) that the Property be rezoned through the Sector Plan process and subsequent sectional map amendment to CR-6.0, C-6.0, R-5.75, H-175, though it appears that perhaps a small northern portion of the Property is recommended for CR-6.0, C-4.75, R-5.75, H-250 (Figure 3.01 on page 95 is not entirely clear as to where the demarcation line between the zoning lies). Notwithstanding exactly where that line lies, it is unclear why the extreme northern half of this block is proposed for height up to 250 feet, when it actually lies further from the entrance to the Bethesda Metro Station than does the southern half of the Property. This is further questionable in light of an analysis as to which properties are of sufficient size to accommodate meaningful urban redevelopment. While it has been explained to us by staff that the properties in the northern portion of the block are intended to create “walls” to frame the proposed new civic gathering space at Norfolk and Wisconsin Avenue, the reality is that this recommendation for greater height to the north is unlikely to be implemented. We submit that the entirety of the Property is appropriate for up to 250 feet in height, given its proximity to Metro and the heart of downtown Bethesda. The Public Hearing Draft recommends height of up to 250 feet along the stretch of Wisconsin Avenue from north of Fairmont Avenue (two blocks north of the Property), dropping down to 175 feet in height for the Property (or at least most of the Property) south to Commerce Lane, and then up to 290 feet where Wisconsin Avenue and Old Georgetown Road intersect. This makes little planning or urban design sense given the location of these properties, and the entirety of this frontage should be permitted up to 250 feet in height. Furthermore, should there be a desire for the Property to serve as a receiving site for the transfer of density through density averaging from an appropriate sending site, greater building height is essential to make this viable for consideration.

More generally speaking, it is important that the Sector Plan recognize that there are a number of assemblages of multiple individual parcels in downtown Bethesda, and additional assemblages are likely to come as the Plan unfolds and is ultimately approved. The Sector Plan should not try to pinpoint very specific densities and heights on individual parcels, and rather should recommend larger areas of increased densities and heights and let the market decide exactly where on any given site density and height is appropriate. It is near impossible for this Sector Plan to read the tea leaves regarding likely redevelopment and the nature of such redevelopment in the future, and broad recommendations will result in the most flexibility and options moving forward. So again, the Sector Plan should not identify greater height for only the small northern portion of the block, but rather should treat the entire block the same, allowing for assemblages to produce good urban projects as the market dictates. Additionally, attention should be paid to key or ‘gateway’ parcels that will inevitably shape what the future of Bethesda looks like. An individual parcel that is unlikely to redevelop on its own, should be encouraged to be part of a larger assemblage or community amenity to help redefine that block or neighborhood.

We thank you for consideration of these comments, and look forward to continuing to work with you and Planning Staff on the Bethesda Downtown Plan. If you have any questions or require any additional information, please do not hesitate to contact us.

Very truly yours,

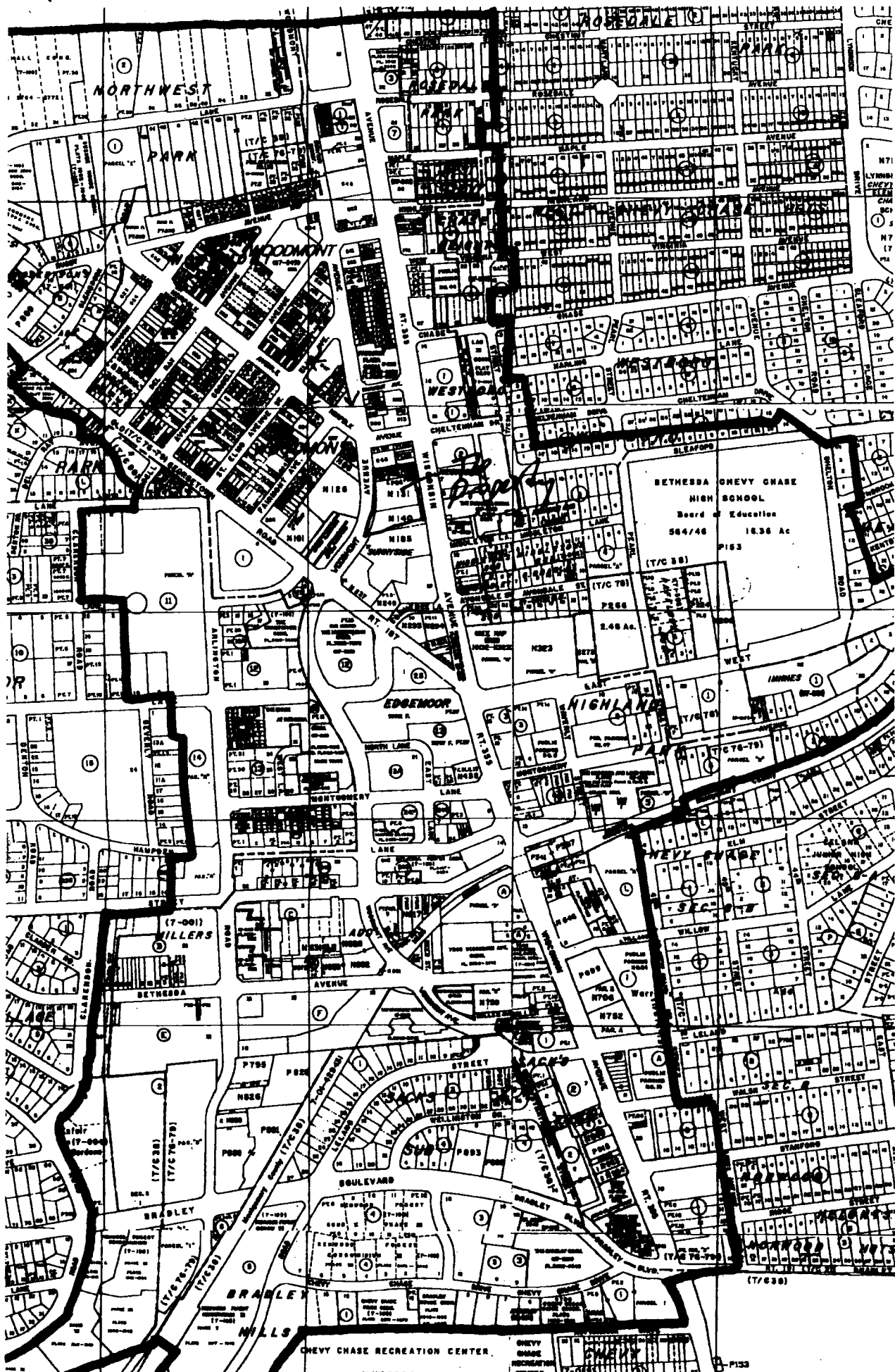
THE BERNSTEIN COMPANIES



Marc Duber

Enclosure

cc: Mr. Robert Kronenberg
Ms. Leslye Howerton
C. Robert Dalrymple, Esq.
Mr. Greg Rooney



LINOWES
AND | BLOCHER LLP
 ATTORNEYS AT LAW

June 24, 2015

C. Robert Dalrymple
 301.961.5208
 bdalrymple@linowes-law.com

Heather Dlhopsky
 301.961.5270
 hdlhopsky@linowes-law.com

VIA HAND DELIVERY

Mr. Casey Anderson, Chair
 and Members of the Planning Board
 Montgomery County Planning Board
 8787 Georgia Avenue
 Silver Spring, Maryland 20910

Re: 4926 and 4930 Del Ray Avenue, Bethesda – Written Testimony for 6/24/15 Planning Board Hearing on the Bethesda Downtown Plan (the “Sector Plan”)

Dear Mr. Anderson and Members of the Planning Board:

On behalf of the American Gastroenterological Association (the “Association”), owners of the property located at 4926 and 4930 Del Ray Avenue in the Woodmont Triangle District of Bethesda (the “Property” - shown on the Attachment hereto), we are submitting this letter as our written testimony for the Montgomery County Planning Board’s (the “Planning Board”) June 24th public hearing on the Sector Plan (specifically, the Public Hearing Draft dated May 2015 – the “Public Hearing Draft”). We especially urge your attention to this particular Property given the potential to allow an existing employer in downtown Bethesda to grow in place.

The Association has located its national headquarters in Bethesda since 1991 and on this Property since 2000, and the site is well-suited to accommodate the Association into the future, including possible expansion and/or modernization. As we noted in our prior communications to Planning Staff regarding the ongoing Sector Plan process, the Association desires that the Sector Plan recognize the benefits of the Association’s headquarters at this location in the Woodmont Triangle and provide the flexibility and incentive for the Association to remain and potentially expand at this location.

The Property is currently zoned CR-3.0, C-1.0, R-2.75, H-90T, and the Public Hearing Draft proposes to rezone the Property to CR-3.5, C-1.25, R-3.25, H-110. The Public Hearing Draft appears for the most part to simply add 20% to the density and height permitted by the current zoning, without reflection on what density and height makes the best planning sense for the Property given that it is currently improved entirely with an office uses, and given the desirability of maintaining and possibly expanding a successful office use in the Woodmont Triangle area. The Association seeks additional height and density with the flexibility to utilize such height and density for commercial use in addition to the residential use currently favored by

**L&B 5000664v1/04908.0002

Mr. Casey Anderson, Chair
and Members of the Planning Board
June 24, 2015
Page 2

the proposed rezoning and the previous recommendations of the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan.

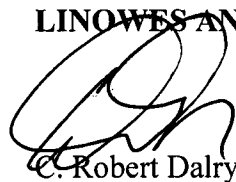
The current "C" and "R" components of the Property's proposed rezoning heavily favor development of residential density on the Property, with the commercial component limited to only a 1.25 FAR. Given the Association's commercial use of the Property, the proposed "C" component does not even allow for the existing improvements on the site yet alone expansion of the improvements to allow for future growth of the Association. Therefore, the Association seeks the ability to develop the Property to its maximum permitted density utilizing either the full "C" or full "R" components, and believes that at a minimum zoning of CR-5, C-4.75, R-4.75, H-175 is appropriate considering surrounding properties and land uses.

The Woodmont Triangle Amendment sought to provide housing stock for the Bethesda CBD as a primary objective, and significant housing has been and continues to be constructed and delivered in the area. At this time, given that there are few office uses in the Woodmont Triangle area and the challenges that have continued to face the office market in Bethesda and the County as a whole, the recommended rezoning for the Property should both permit existing office uses and allow such uses to expand. Appropriate rezoning of the Property through the Sector Plan process will enable the Association to continue to grow in place and to provide an employment use where there are few currently.

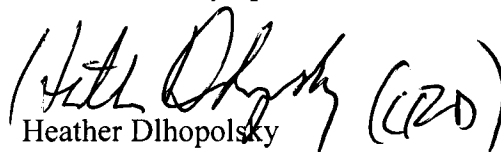
The Association looks forward to continuing to work with you and Planning Staff on the Bethesda Downtown Plan. If you have any questions or require any additional information, please do not hesitate to contact us.

Very truly yours,

LINOWES AND BLOCHER LLP

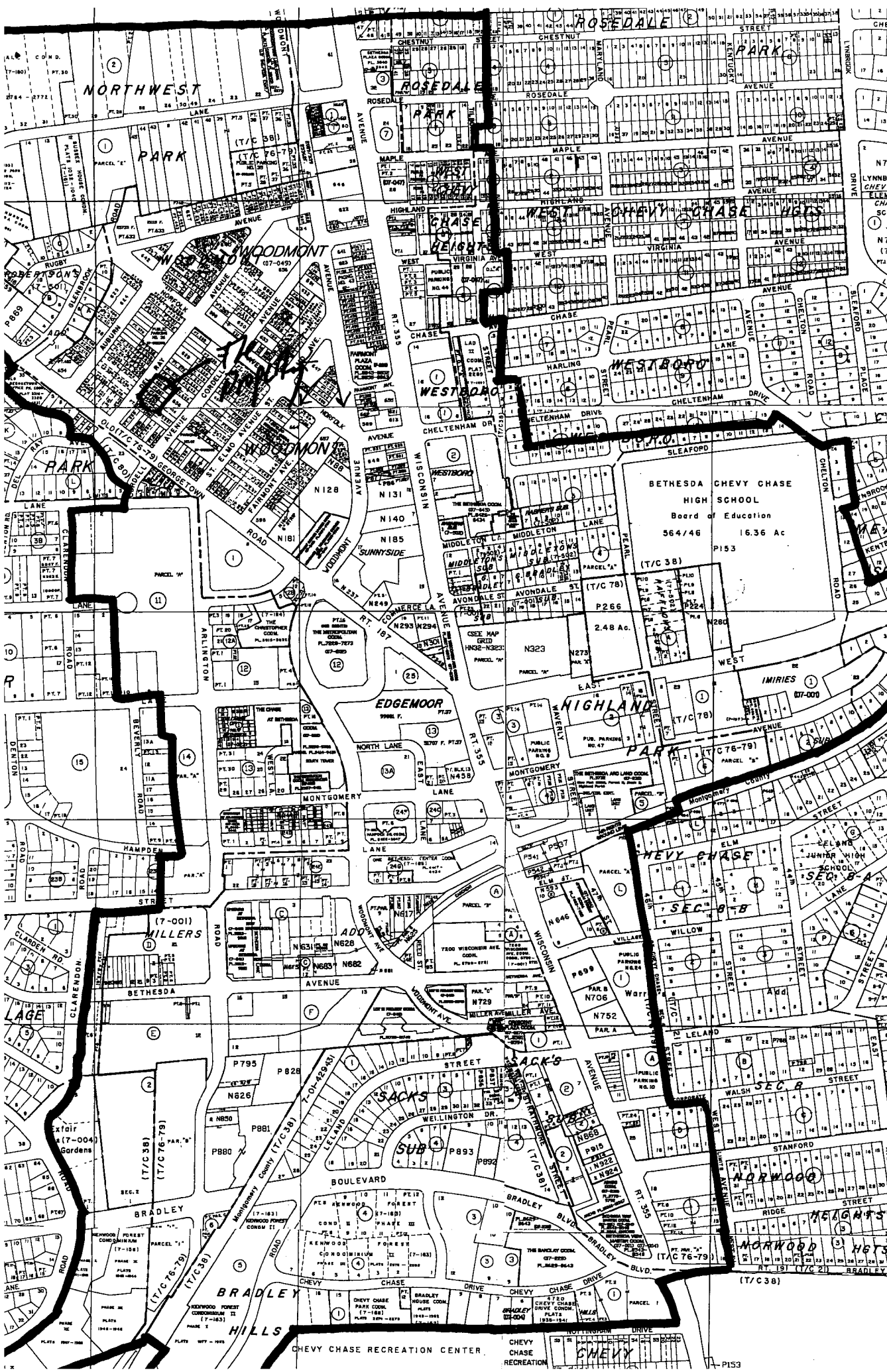


C. Robert Dalrymple



Heather Dlhopsky

cc: Mr. Robert Kronenberg
Ms. Leslye Howerton
Mr. Thomas Serena



N71
LYNNB
CHEVY
CHA
SC
N7
L7
P7
S
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

STONEBRIDGE CARRAS

June 24, 2015

VIA HAND DELIVERY

The Honorable Casey Anderson, Chair
and Members of the Planning Board
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: 7359 Wisconsin Avenue (Existing 2nd District Police Station), 7351 Wisconsin Avenue –
Written Testimony for 6/24/15 Planning Board Hearing on the May 2015 Public Hearing
Draft (the “Draft Plan”) of the Bethesda Downtown Plan (the “Plan”)

Dear Chairman Anderson and Members of the Planning Board:

StonebridgeCarras, LLC (“SC”), through a related development entity, is the contract purchaser of the Property located at 7359 Wisconsin Avenue in Bethesda (the “Property”). The Property is the existing location of the County’s 2nd District Police Station, and SC will eventually own and redevelop the Property as the selected developer through the County’s competitive Request for Proposal (“RFP”) process to allow for the construction of a new 2nd District Police Station with mitigated costs to the public. SC is also the owner of 7351 Wisconsin Avenue in Bethesda. Pursuant to a public/private partnership that was entered into by the County and SC as a result of the RFP process, SC is designing and building a new 2nd District Police Station at 4823 Rugby Avenue in the Woodmont Triangle area of Downtown Bethesda, and upon turn-key delivery of the new Station to the County, SC will secure control and redevelop the Property. At this point, the specifics of this redevelopment are not finalized, but SC wants to ensure that the Property is provided with the appropriate height, density and use flexibility to allow this redevelopment to be responsive to the market when it is time to entitle the redevelopment project.

The Draft Plan does not recommend the height, density or flexibility in the mix of uses worthy of this prominent location at the core of Downtown Bethesda. In its review of the Draft Plan, we ask that the Planning Board consider the following:

- While SC generally agrees with the vision behind the comprehensive analyses of your Staff reflected in the Draft Plan, SC generally believes that the building height and densities recommended for the Property (and Downtown Bethesda generally) is not sufficient for the type and scale of urban redevelopment that SC believes is suitable and appropriate in the overall consideration of Downtown Bethesda;
- The existing 2nd District Station at 7359 Wisconsin Avenue, now combined with 7351 Wisconsin Avenue (which SC has acquired), becomes one of the prime redevelopment opportunities at the heart of the Bethesda Metro Core;

STONEBRIDGECARRAS, LLC

7200 Wisconsin Avenue • Suite 700 • Bethesda, Maryland 20814-5332
Telephone: 301.913.9610 Fax: 301.913.9615
www.stonebridgecarras.com

- There are not many identifiable sites in Downtown Bethesda that are assembled and good candidates for redevelopment, but this site is both available and in an ideal location to redevelop with a mixed use, vibrant urban project;
- Bethesda is and should continue to be the primary commerce center of the County, and the fundamental premise of planning for this area remains unchanged, with more density and height at the core with “tenting” to the perimeters to protect established residential neighborhoods. While the draft Plan recommends maintaining a “tenting” concept, the revised concept relates to height and density moving up and down throughout the Plan area rather than the established pattern of the previous concept with density and height at the core with “tenting” to the residential edges of the Downtown area. This revised concept will vastly under-utilize properties in the Bethesda Metro Core, including the Property, which under-utilization will not only have detrimental economic impacts to the County but also sacrifice other important social programs, such as affordable housing inventory;
- The sites in the Bethesda Metro Core, including SC’s, with frontage on Wisconsin Avenue and immediate access to mass transit, should be planned and zoned for the maximum density and height allowed under County zoning, leaving to the market place the proper mix of uses going forward with redevelopment;
- While SC has not yet determined what that right mix of uses should be for the Property, SC is hopeful that the market will support a substantial office project among the mix of uses delivered at this location. The 6 FAR and 250 feet of height recommended for this Property (and the core area generally) in the Draft Plan would produce a significant under-utilization of the County’s prime real estate assets. Further, it is especially puzzling why office use should be restricted as recommended in the Draft Plan to an FAR of 4.75 when the area, and the County generally, desperately needs to incentive and encourage office development to further expand the 18 hour, mixed-use vibrancy associated with a successful urban center. Office should be strongly encouraged, not artificially restricted;
- To be competitive with our neighbors across the river, Montgomery County’s urban areas need to provide opportunities to create urban projects that at least match, if not exceed, the opportunities offered in these other jurisdictions. The May 2015 Draft Rosslyn Sector Plan, the “C-O Rosslyn” district, allows for density up to a maximum 10 FAR, is cited as a critical tool for strengthening Rosslyn’s competitive edge in the region. Additionally, the Tysons Corner Comprehensive Plan provides developers/investors an opportunity to create high-quality urban environments with a mix of uses and activities without limiting a maximum density level when located within ¼ mile of a Metrorail station. While opportunities do and will exist in jurisdictions such as Rosslyn and Tysons for projects to establish a strong, identifiable urban sky line in the core areas that is inviting to mixed use developers/investors, this draft planning document lacks some of this the foundation for making Downtown Bethesda competitive;
- While SC generally supports the Draft Plan’s intent to preserve strategic properties for urban parks, landmark structures and more affordable housing inventory by identifying strategic properties as priority density sending sites, SC questions whether the TDR program as outlined in the Draft Plan is either optimal or can be successfully implemented to accomplish the

objectives. The transfer of density should be an incentive program, geared towards increasing density and height beyond what the zoning should otherwise allow, rather than a restoration program where rational and logical density at given locations must be acquired (and currently the transfer of density does not permit additional height, which needs to be reconsidered in formulating a successful density averaging program). Establishing base zoning artificially low in order to require that the suitable and appropriate density be purchased from designated sending properties will be a disincentive, require additional complexity in developing projects and will lead to an under-utilization of the County's most vibrant market. Furthermore, the mechanics for ensuring that all surplus density from a sending site be extinguished before any of the density from that site can be applied through a transfer will create a significant barrier to the successful implementation of any density transfer/density averaging program, and

- Finally, the Draft Plan is recommending that rights-of-way along Wisconsin Avenue be increased to accommodate the future BRT, now extending to properties all the way south to Elm Street (currently, this increased right-of-way as per the BRT Functional Plan stops from the north at the existing entrance to Metro). Should this additional right-of-way truly be deemed necessary to implement the BRT well into the future, SC asks that the Sector Plan identify that this additional right-of-way shall be at the surface only, thereby preserving the opportunities to build above and below the right-of-way. As well, this additional right-of-way and the resulting limitations on buildings should be factored in with the discussion of appropriate building heights, creating more height to offset restrictions on building floor plate. Without these considerations, the goal of preserving right-of-way for the long-term objective of BRT will serve to unnecessarily sacrifice good urban planning and zoning without a clear nexus to need or public benefits.

Thank you for your consideration of these comments, and please advise if we can answer any questions or provide useful information.

Very truly yours,

STONEBRIDGECARRAS, LLC



Douglas M. Firstenberg
Principal



Jane G. Mahaffie
Principal

cc: Members of the Planning Board (MCP-Chair@mncppc-mc.org)
Mr. Robert Kronenberg
Mr. Marc DeOcampo
Ms. Leslye Howerton
Robert Dalrymple, Esq
Heather Dishopolsky, Esq.

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

June 24, 2015

C. Robert Dalrymple
bdalrymple@linowes-law.com
301.961.5208

VIA HAND DELIVERY

The Honorable Casey Anderson, Chair
and Members of the Planning Board
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: 8300 Wisconsin Avenue (the "Property") – Written Testimony for 6/24/15
Planning Board Hearing on the May 2015 Public Hearing Draft of the Bethesda
Downtown Plan (sometimes the "Plan" and sometimes the "Draft Plan"))

Dear Chairman Anderson and Members of the Planning Board:

StonebridgeCarras, LLC ("SC"), through a separate development entity, is the owner and developer of the Property, an entire city block comprised of 1.6± acre of lot area and bounded by Wisconsin Avenue, Battery Lane and Woodmont Avenue, just south of the NIH vacant parcel at the intersection of Wisconsin Avenue and Woodmont Avenue. The Property is well under construction for The Flats at 8300, a project approved under the CBD-1 zone optional method, being a mixed-use project consisting of residential multi-family apartments above a 50,000 +/- square foot Harris Teeter grocery store and underground parking, as well as on and off-site public spaces and amenities (the "Project"). While it is not feasible at this juncture to modify the Project to incorporate any changes that may come about as a result of the Plan, SC nevertheless wanted to take this opportunity to share generally its thoughts and comments on the May 2015 Public Hearing Draft of the Plan (the "Draft Plan").

While SC agrees that many of the goals, objectives, and visions for Downtown Bethesda as set forth in the Draft Plan are legitimate for a successful, competitive urban city, we want to share certain concerns, comments and suggestions of SC relating to how SC believes the Plan can better produce the urban center desired.

- Public Infrastructure – most of the public infrastructure to support Downtown Bethesda going to the next level of urban redevelopment is in place. Mass transit is in place, with plans in motion for expanding that presence; the road network

The Honorable Casey Anderson, Chair,
and Members of the Planning Board
June 24, 2015
Page 2

and much of the network within which pedestrian and bicycle mobility can be vastly improved is largely in place; the land use patterns of the business district are well established, with classic concentric rings establishing an urban core and transitioning to well-established residential edges in place. As such, this Plan should be about updating the previous plan to reflect a desire to allow Downtown Bethesda to better compete as a urban center in a region with significant competition already in place;

- “Tenting” – as it has been explained to us by Planning Staff, a central theme to the Draft Plan is to create the most height and density within the Downtown area around the established and emerging centers of activity, including the three proposed civic gathering spaces (Norfolk, Farmer’s Market, Bethesda Row), with lower density and height between these activity centers so as to create up and down “tenting” throughout the Downtown. The long-established planning concept framework for the Bethesda CBD was to encourage more height and density in the core area of the business district, with height and density lowering or “tenting” as you move away from the core and towards the established residential communities at the edge of the business district. This fundamental change in the planning concept framework is significant, and SC proffers its opinion that the long-established framework of “tenting” from the higher and denser core to the lower and less dense edges is a better overall concept for long term success of this urban district;
- Market influence – consistent with the above, SC believes that the areas of the Downtown best served by mass transit and vehicular, pedestrian and bicycle mobility should be identified in a broad sense as the general areas where more density and height is desired, appropriate and encouraged. From there, the market forces should be allowed to come into play in determining where assemblages can occur, where redevelopment is feasible, and what the proper mix of uses and density and height should be in responding to market demand;
- The areas directly proximate to Metro, located in the core area of the business district and without any issues of compatibility, should be encouraged to consider the maximum density and height permitted under County zoning. There is not a more appropriate location in the County for this maximum, and not allowing this to be presented to the market is an under-utilization of the best real estate in the County;

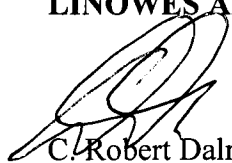
The Honorable Casey Anderson, Chair,
and Members of the Planning Board
June 24, 2015
Page 3

- Density transfer/density averaging – setting base zoning artificially low so as to force density to be acquired from other designated priority sending sites in the Downtown area is not good planning, totally disrupts the economics of basic supply and demand, and is sending the wrong message to the market place about the County desiring to be competitive within the region. To make the density transfer program more feasible, suitable receiving areas where height and density should not be at issue, should be allowed to transfer density through density averaging from appropriate sending sites over and above the density and height established through sound planning and zoning principles (and not artificially adjusted down so as to require density and height to be made up through the transfer of density. As well, the entire scheme of the density averaging program and how and when density from sending sites can be utilized should be carefully thought through to ensure a viable, predictable, successful program.

As to the Property specifically, as indicated above it is unlikely that the utilization of the land will be meaningfully impacted by the Plan, other than if there is an opportunity to sell off un-used density rights. Again, however, the long-term of success of the Flats at 8300 is dependent upon the entire Downtown Bethesda being a successful, vibrant, urban center of activity. With this as the back drop, please consider the general concerns of SC as expressed herein and we are happy to further discuss any of this during Planning Board worksessions or in the subsequent processes necessary for this Plan to be developed and implemented. We encourage the Board to recommend to the Council a Plan that properly utilizes the incredibly strong assets available with this Plan, and not to over-regulate it by being too specific when the circumstances instead call for the market to play the leading role.

Very truly yours,

LINOWES AND BLOCHER LLP

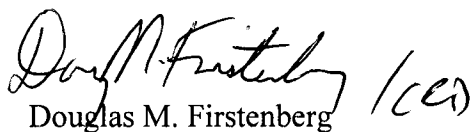


C. Robert Dalrymple

The Honorable Casey Anderson, Chair,
and Members of the Planning Board
June 24, 2015
Page 4

Very truly yours,

STONEBRIDGECARRAS, LLC


Douglas M. Firstenberg

cc: Members of the Planning Board (MCP-Chair@mncppc-mc.org)
Mr. Robert Kronenberg
Mr. Marc DeOcampo
Ms. Leslye Howerton
Mr. Douglas Firstenberg
Heather Dlhopsky, Esq.

LINOWES
AND | BLOCHER LLP
 ATTORNEYS AT LAW

June 24, 2015

C. Robert Dalrymple
 301.961.5208
 bdalrymple@linowes-law.com

Heather Dlhopsky
 301.961.5270
 hdlhopsky@linowes-law.com

VIA HAND DELIVERY

Mr. Casey Anderson, Chair
 and Members of the Planning Board
 Montgomery County Planning Board
 8787 Georgia Avenue
 Silver Spring, Maryland 20910

Re: 4424 Montgomery Avenue, Bethesda – Written Testimony for 6/24/15 Planning Board
 Hearing on the Bethesda Downtown Plan (the “Sector Plan”)

Dear Mr. Anderson and Members of the Planning Board:

On behalf of Pearlmont Associates LLC (“Pearlmount”), owners of the property located at 4424 Montgomery Avenue in Bethesda (the “Property” – shown on the Attachment hereto), we are submitting this letter as our written testimony for the Montgomery County Planning Board’s (the “Planning Board”) June 24th public hearing on the Sector Plan (specifically, the Public Hearing Draft dated May 2015 – the “Public Hearing Draft”). During the course of preparation of the Public Hearing Draft, and the Staff Draft of the Sector Plan prior to that, Pearlmount met several times with Maryland-National Capital Park and Planning Commission (“M-NCPPC”) Staff regarding the recommendations for and positioning of the Property through the Sector Plan process. From the outset Pearlmount has expressed excitement for the potential posed by the ongoing Sector Plan process. Pearlmount agrees with M-NCPPC Staff and the Public Hearing Draft that the Pearl District has enormous potential to be an emerging urban center, bringing to the east side of Wisconsin Avenue multi-family housing opportunities, potential new office or hotel uses, and restaurant and retail uses that activate the surrounding streets and create a true vibrant community.

Pearlmount supports the emergence of the Pearl District as a center of activity, and in particular creation of a new “main street” along Pearl Street, with street-activating uses, public open spaces and amenities, and enhanced pedestrian connectivity to the rest of downtown Bethesda and the Capital Crescent Trail. The Public Hearing Draft specifically supports the redevelopment that Pearlmount envisions, calling for “attractive, compatible redevelopment and infill development on properties with low densities” (page 109). However, the emergence of this desired public realm anchored by Pearl Street and redevelopment of low-density properties will only be viable (both economically and practically) if sufficient density and height are allowed in order to create an urban form and feel worthy of a “downtown Main Street”.

Mr. Casey Anderson, Chair
and Members of the Planning Board
June 24, 2015
Page 2

The Public Hearing Draft currently recommends rezoning of the Property to CR-3.5, C-3.5, R-3.5, H-120, and envisions that such zoning would allow redevelopment, including high-density residential. However, in order to redevelop the Property in the future in accordance with the vision that the Public Hearing Draft expresses for the Pearl District, a maximum building height of 175 feet and a density of 6 FAR is most appropriate for the site, allowing the market to determine what is most appropriate and what will be most successful. Furthermore, should there be a desire for the Property to serve as a receiving site for the transfer of density through density averaging from an appropriate sending site, greater building height is essential to make this viable for consideration.

With the Public Hearing Draft's recommendation of only 120 feet in building height and a maximum of 3.5 FAR for the southern portion of the Pearl District, including the Property, we do not believe that such height and density will be sufficient to encourage the redevelopment that is sought. While we recognize the need to take into account the surrounding context in establishing building heights, the Property is not adjacent to any single-family residential uses, but rather is located directly east of a high-rise hotel (permitted up to 145 feet in height, though the Public Hearing Draft proposes rezoning of this property up to 175 feet in height and 6 FAR) and directly west of the large Bethesda Sport & Health facility (proposed to increase to 120 feet and up to 3.5 FAR by the Public Hearing Draft) and is separated from the nearest single-family residences by the Georgetown Branch right-of-way/Capital Crescent Trail. In order to encourage the redevelopment of the Pearl District that the Sector Plan materials envision, greater height than 120 feet and density of 3.5 FAR is needed.

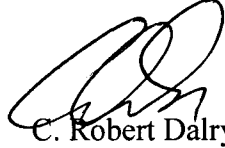
We believe the Pearlmont Property, located at the prominent corner of Montgomery Avenue and Pearl Street, is the most important redevelopable property in the Pearl District, serving as the anchor site for this emerging urban center. Limiting the Property to a lower height and density than the parcels directly to the west, and to the same height and density as the east and south, will not create the desired impact or foster the vision being established for the Pearl District. Certainly, the proposed increases in height and density for the properties directly west of Pearl Street should extend to the Pearlmont Property, in order to create the vibrant sense of place envisioned by the Public Hearing Draft for the Pearl District.

We thank you for consideration of these comments, and look forward to continuing to work with you and M-NCPPC Staff on the Bethesda Downtown Plan. If you have any questions or require any additional information, please do not hesitate to contact us.

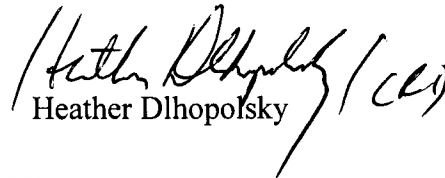
Mr. Casey Anderson, Chair
and Members of the Planning Board
June 24, 2015
Page 3

Very truly yours,

LINOWES AND BLOCHER LLP

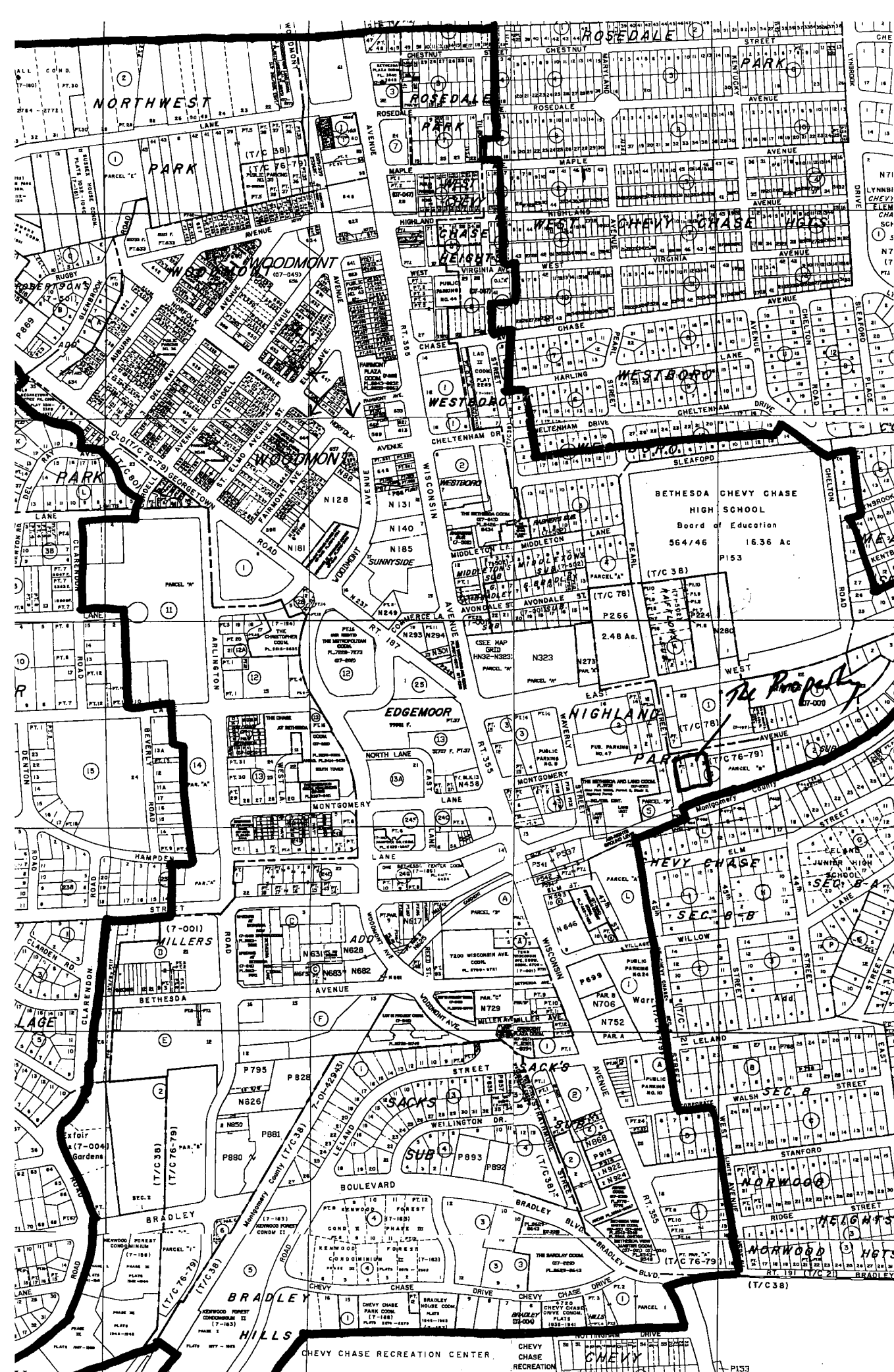


C. Robert Dalrymple



Heather Dlhopsky

cc: Mr. Robert Kronenberg
Ms. Leslye Howerton
Mr. Tom Leachman
Mr. Davis Camalier
Mr. John Avioli



LINOWES
AND | BLOCHER LLP
 ATTORNEYS AT LAW

June 24, 2015

Heather Dlhopsky
 301.961.5270
 hdlhopsky@linowes-law.com

VIA EMAIL AND HAND DELIVERY

Mr. Casey Anderson, Chair
 and Members of the Planning Board
 Montgomery County Planning Board
 8787 Georgia Avenue
 Silver Spring, Maryland 20910

Re: 7735 Old Georgetown Road, Bethesda – Written Testimony for 6/24/15 Planning Board
 Hearing on the Bethesda Downtown Plan (the “Sector Plan”)

Dear Mr. Anderson and Members of the Planning Board:

On behalf of the Fairmont Building, LLC (the “Fairmont Building”), owner of the property located at 7735 Old Georgetown Road (the “Property”) in Bethesda, I am submitting this letter as the Fairmont Building’s written testimony for the Montgomery County Planning Board’s (the “Planning Board”) June 24th public hearing on the Public Hearing Draft of the Sector Plan (the “Public Hearing Draft”).

The Fairmont Building is currently owned by the Stewart Bainum Declaration of Trust. Mr. Bainum, who passed away in February 2014 at the age of 94, was the founder of Manor Care, Inc. and Choice Hotels International. The Fairmont Building is the last large investment Mr. Bainum made, and at the time he was looking for a building to house his family foundation, the Commonweal Foundation. Commonweal operates and supports educational programs and projects assisting underserved children and youth, from early childhood through post-secondary education. Mr. Bainum bequeathed the Fairmont Building to the Commonweal Foundation and, as of January 2015, the Fairmont Building has become their new headquarters.

The Fairmont Building is in an ideal location to serve the needs of the Commonweal Foundation over the long-term, but it is important that the Sector Plan both account for the current improvements on the Property, as well as allow for moderate growth and expansion in the future. The Property is currently zoned CR-5.0, C-1.0, R-4.75, H-145T. The Public Hearing Draft (on page 103, #9) proposes rezoning of the Property to CR-6.0, C-1.25, R-5.75, H-175, allowing for additional density and height that is appropriate given the Property’s location at the heart of downtown Bethesda where Old Georgetown Road, Arlington Road, Wilson Lane, and St. Elmo Avenue converge, only three blocks north of the Bethesda Metro Station. However, the Property is currently improved entirely with commercial uses (a 12-story office building) and an adjacent

**L&B 4950818v1/12492.0001

Mr. Casey Anderson, Chair
and Members of the Planning Board
June 24, 2015
Page 2

four-level structured parking facility, and thus the proposed rezoning does not reflect the existing uses on the Property. We request that the Property be rezoned through the Sector Plan and subsequent comprehensive rezoning process to CR-6.0, C-6.0, R-5.75, H-175 in order to reflect the nature and square footage of the existing uses on the site. Given the challenges that have continued to face the office market in Bethesda and the County as a whole, it is vital that the recommended zoning both permit existing office uses and allow such uses to expand and flourish.

We thank you for consideration of these comments, and look forward to continuing to work with you and Planning Staff on the Bethesda Downtown Plan. If you have any questions or require any additional information, please do not hesitate to contact me.

Very truly yours,

LINOWES AND BLOCHER LLP



Heather Dlhopsky

cc: Mr. Robert Kronenberg
Ms. Leslye Howerton
Ms. Pat Bowditch
Mr. William Everngam

LINOWES
AND | BLOCHER LLP
 ATTORNEYS AT LAW

June 24, 2015

C. Robert Dalrymple
 301.961.5208
 bdalrymple@linowes-law.com
Heather Dlhopsky
 301.961.5270
 hdlhopsky@linowes-law.com

VIA EMAIL AND HAND DELIVERY

Mr. Casey Anderson, Chair
 and Members of the Planning Board
 Montgomery County Planning Board
 8787 Georgia Avenue
 Silver Spring, Maryland 20910

Re: 7770 Norfolk Avenue, Bethesda – Written Testimony for 6/24/15 Planning Board
 Hearing on the Bethesda Downtown Plan (the “Sector Plan”)

Dear Mr. Anderson and Members of the Planning Board:

On behalf of 4900 Fairmont Residential, LLC (“4900 Fairmont”), owner of the property located at 7770 Norfolk Avenue (previously known as 4900 Fairmont Avenue) in Bethesda (the “Property”), we are submitting this letter as our written testimony for the Montgomery County Planning Board’s (the “Planning Board”) June 24th public hearing on the Sector Plan (specifically, the Public Hearing Draft dated May 2015 – the “Public Hearing Draft”). The Property is located at the southwestern corner of the intersection of Fairmont Avenue and Norfolk Avenue in the Woodmont Triangle Area of Bethesda, and is currently zoned CR-5.0, C-1.0, R-4.75, H-145T. The Property is presently under construction with a mixed-use, 174-foot tall building (with the additional height to 174 feet permitted as the result of including 15 % moderately priced dwelling units, or “MPDUs”), comprised of ground-floor non-residential uses and 200 multi-family dwelling units including the 15% MPDUs (the “Project”), pursuant to approvals issued by the Planning Board in June 2012 (with an administrative Site Plan Amendment just recently approved for some minor modifications to the building).

The Public Hearing Draft proposes (on page 103, #9 and #10) that the Property be rezoned through the Sector Plan process and subsequent sectional map amendment to CR-6.0, C-1.25, R-5.75, with the northeastern half of the Property proposed for H-250 and the southwestern half of the Property proposed for H-175. While the Property is currently under construction and not likely to again redevelop in the lifetime of the Sector Plan, nevertheless we support the increased height that is proposed for the Property as it makes good, urban planning sense given its prominent location at the terminus of Norfolk Avenue at Woodmont Avenue and the desire for increased height near Veterans Park (directly across Norfolk Avenue from the Property) in order

**L&B 5000806v1/04376.0021

Mr. Casey Anderson, Chair,
and Members of the Planning Board
June 24, 2015
Page 2

to punctuate the presence of the park and the new civic green anticipated for the small portion of Norfolk Avenue located between Woodmont and Wisconsin Avenues.

However, given the 250 feet in height that is proposed for the northeastern half of the Property, we believe that limiting it to a maximum FAR of 6 is incongruous with the recommended height. An 8 FAR is more in alignment with the density that would be likely to be achieved with a 250-foot building and is, in fact, more desirable for purposes of presenting a strong presence on the Norfolk Avenue frontage and drawing attention to the proximity of Veterans Park and the new civic green.

Overall, 4900 Fairmont is supportive of the Public Hearing Draft's vision for the Property, as well as the recommendations to enhance Norfolk Avenue as a main street connecting the Wisconsin Avenue corridor with the Battery Lane area, with activating retail and arts and community events. In addition, 4900 Fairmont supports the proposed improved connectivity in the Woodmont Triangle District through provision of public mid-block pedestrian connections and enhanced walkability, and notes that the Project currently under construction on the Property includes a new pedestrian connection into Garage 11, directly adjacent to the Property.

We thank you for consideration of these comments, and look forward to continuing to work with you and Planning Staff on the Bethesda Downtown Plan. If you have any questions or require any additional information, please do not hesitate to contact us.

Very truly yours,

LINOWES AND BLOCHER LLP



C. Robert Dalrymple



Heather Dlhopsky

cc: Mr. Robert Kronenberg
Ms. Leslye Howerton
Mr. William Leibner
Mr. Andrew Vanhorn
Mr. Craig Ciekot
Mr. Jason Klippel

LINOWES
AND BLOCHER LLP
 ATTORNEYS AT LAW

June 24, 2015

Heather Dlhopsky
 301.961.5270
 hdlhopolsky@linowes-law.com

VIA EMAIL AND HAND DELIVERY

Mr. Casey Anderson, Chair
 and Members of the Planning Board
 Montgomery County Planning Board
 8787 Georgia Avenue
 Silver Spring, Maryland 20910

Re: Moorland Lane and Arlington Road Properties, Bethesda – Written Testimony for
 6/24/15 Planning Board Hearing on the Bethesda Downtown Plan (the “Sector Plan”)

Dear Mr. Anderson and Members of the Planning Board:

On behalf of ZOM Mid-Atlantic (“ZOM”), I am submitting this letter as our written testimony for the Montgomery County Planning Board’s (the “Planning Board”) June 24th public hearing on the Sector Plan (specifically, the Public Hearing Draft dated May 2015 – the “Public Hearing Draft”). ZOM currently has under contract a significant number of properties located along the south side of the western end of Moorland Lane, wrapping around to the east side of Arlington Road, and is in discussions with the remaining property owners within those frontages. ZOM desires to seek redevelopment of this segment of the eastern side of Arlington Road following approval of the Sector Plan and subsequent comprehensive rezoning process with a mid-rise, primarily multi-family residential project, that makes the highest and best use of this area while also respecting and fostering the transitional nature of the area between the urban core to the north and east and single-family neighborhoods west of Bethesda Elementary School. The Public Hearing Draft envisions redevelopment of the Moorland Lane/Arlington Road frontage and recognizes that redevelopment opportunities should be promoted for underutilized sites such as single-family homes in this area. However, the rezoning that the Public Hearing Draft recommends does not align with the narrative in the Public Hearing Draft regarding Planning Staff’s vision for redevelopment of this area, nor does it align with ZOM’s.

The six northernmost parcels wrapping Moorland Lane and Arlington Road (identified as #3 on page 133 of the Public Hearing Draft) are currently zoned CR-2.25, C-0.50, R-2.0, H-35T, with the next parcel to the south zoned R-60 (#4 on page 133) and the parcel at the corner of Arlington Road and Edgemoor Lane (#5 on page 133) zoned CR-1.0, C-0.25, R-1.0, H-40T. The Public Hearing Draft recommends rezoning primarily to CR-2.75, C-0.75, R-2.5, H-40 (#3), with the two southernmost parcels proposed to drop in total density (to CR-2.0 and CR-1.25,

**L&B 4941254v1/10489.0002

Mr. Casey Anderson, Chair
and Members of the Planning Board
June 24, 2015
Page 2

respectively) in comparison to the six northernmost parcels, but to actually increase in height from the six parcels to the north from 40 feet to 50 feet.

The proposed rezoning that the Public Hearing Draft recommends will prevent the redevelopment of this area, which the narrative in the Public Hearing Draft simultaneously calls for, from occurring. Further, rather than taking a fresh, comprehensive look at this area, which forms the entire east side of Arlington Road between Moorland and Edgemoor Lanes, and determining what would implement the vision for redevelopment of this frontage, the Public Hearing Draft appears for the most part to simply add 20% to the density and height permitted by the current zoning, assuming that that will lead to the redevelopment that the Public Hearing Draft desires. There is an incongruity between what the text of the Public Hearing Draft recommends (redevelopment that respects the transitional nature of the area) and the zoning it recommends.

ZOM is seeking a rezoning that would enable the vision for this area to be fulfilled. The portion of Arlington Road between Moorland and Edgemoor Lanes is located less than a five-minute walk to the Bethesda Metro Station, and is directly adjacent to properties developed to approximately 125 feet in building height (The Christopher condominium directly to the east), 90 feet (the 7750 Old Georgetown Road property to the north across Moorland Lane), and 90 feet (the Edgemont apartments to the southeast). In addition, the current improvements along this frontage of Moorland Lane and Arlington Road (which are generally commercial/office uses located in former single-family homes) are significantly aging and approaching the point of functional obsolescence, having been constructed in the 1920s and 1930s, and are an anomaly given their location within such close proximity to numerous transit options. As noted previously, the rezoning that the Public Hearing Draft recommends will ensure that this area does not redevelop, and remains as underutilized sites.

Rezoning to allow a density of 4 FAR (floor area ratio) and up to 75 feet in building height, with the greatest height toward the northern and eastern ends of the assemblage stepping down toward the west (along Arlington Road) and the south is more in alignment with the desired redevelopment of this area that the Public Hearing Draft recommends in its narrative. ZOM notes that it is supportive of the Public Hearing Draft's vision for improved access, mobility, and pedestrian safety along Arlington Road, as well as improved bike connectivity along Arlington Road and Edgemoor Lane. With the desired redevelopment of the western edge of this block, it is likely that pedestrian and bicycle activity will only increase as the area becomes more connected.

We also note that several of the properties wrapping Moorland Lane/Arlington Road previously sold a significant portion of their development rights to The Christopher condominium directly

Mr. Casey Anderson, Chair
and Members of the Planning Board

June 24, 2015

Page 3

to the east, and under the current zoning as well as the rezoning proposed by the Public Hearing Draft there is very little redevelopment that can be achieved. For this reason, we request that the Planning Board keep in mind the density that has already been lost in recommending the new zoning for this area under the Sector Plan. Additional density (at an FAR of 4) and up to 75 feet in height is needed in order to realize the goals of the Sector Plan, including redevelopment of this portion of Arlington Road.

This Sector Plan process represents an exciting opportunity to redevelop the western side of Bethesda's downtown, while also maintaining proper buffers from residential uses further to the west. This can only be achieved if the rezoning that is proposed aligns with the narrative that is included in the Public Hearing Draft calling for such redevelopment.

ZOM thanks you for your consideration of these comments, and looks forward to continuing to work with you and Planning Staff on the Bethesda Downtown Plan. If you have any questions or require any additional information, please do not hesitate to contact us.

Very truly yours,

LINOWES AND BLOCHER LLP



Heather Dlhopsky

cc: Mr. Robert Kronenberg
Ms. Leslye Howerton
Mr. Andrew Cretal
Mr. Chris Love

Testimony of Aldon Management Company

Good afternoon. My name is Maria Rico, I am Vice President of Aldon Management, a third-generation family-owned real estate portfolio founded in Bethesda over 65 years ago. The Aldon portfolio is one of the largest landowner and landlords in the Bethesda CBD. Since the 1950s and 1960s, we have quietly built, owned, and managed over 900 rental garden, mid-rise and high-rise apartments on more than 20 acres of land on Battery Lane, Bradley Boulevard and Wisconsin Avenue. You may recognize their traditional red brick facades. We are proud of our tradition of providing quality housing for our Bethesda community.

Aldon's 20 acres of land is already assembled in large parcels in the established neighborhoods on Battery and Bradley, close to two metro stations, with walk scores up to 94 out of 100, as well as close to jobs, amenities, and acres of impervious surface parking lots.

At 50 to 60 years old, these traditional apartment buildings have aged and will be at the end of their useful life in 7 to 15 years. Aldon has been the steward of these properties for decades, that community dedication will continue for generations to come. With buildings reaching physical obsolescence, including energy inefficiencies, decisions are being made. Aldon has been renovating units in appropriate buildings and positioning other buildings for redevelopment .

If all reasonable opportunity to re-develop these aging properties are frustrated by recommendations for very low densities and limited heights then what is the Plan actually guiding the property owner to? Complete renovation of its unregulated market rate apartments into upgraded unregulated market rate apartments. Not one new affordable unit will be created and no affordable units are ensured by this plan strategy. And none of the other goals of the Plan will be implemented– not connectivity, not new gathering spaces, not sustainability, not economic viability.

Aldon has 900 market rate apartments and not one of them is regulated or subsidized to provide affordable housing as defined by County. However, Aldon has always voluntarily provided reasonably affordable market rate rentals. Contrary to the incomplete, misleading and incorrect Affordable Housing Unit Snapshot exhibit at page 37, the rental rates for the Aldon units are not as low as MPDU rents . A very small number of Aldon's lowest rental rate units,

not the hundreds of units indicated on page 37, currently meet rents affordable to the top of the workforce housing income range. But this, as we all know, is fleeting – as market rents rise in Bethesda – all market rents rise including the Aldon portfolio.

The Council of Governments study found that 50% of naturally occurring affordable housing is actually occupied by residents who could afford more expensive apartments but choose not to, making them unavailable to a lower income population. Aldon's percentage of higher income residents is significantly higher than 50% due to our proximity and walkability to NIH and other high salary employment facilities. Retaining a traditional apartment portfolio is not effective in providing affordable housing to the defined population. Increasing the overall supply of housing of all types will produce affordable housing.

If the goal of the Plan were to increase affordable housing, the Aldon properties alone could deliver over 500 MPDUs if allowed to redevelop at up to 4 FAR – a game changer for this downtown. The Aldon Properties large assembled land areas, if redeveloped, could provide the space for new pedestrian connections and new streets and bike paths that would integrate the whole length of the CBD from NIH to Norwood Park. The Aldon 's redevelopment of its very energy inefficient buildings, almost 100% impervious surface, and limited tree canopy could be a game changer in the carbon footprint and sustainability of this city.

But how could the Plan achieve these goals?

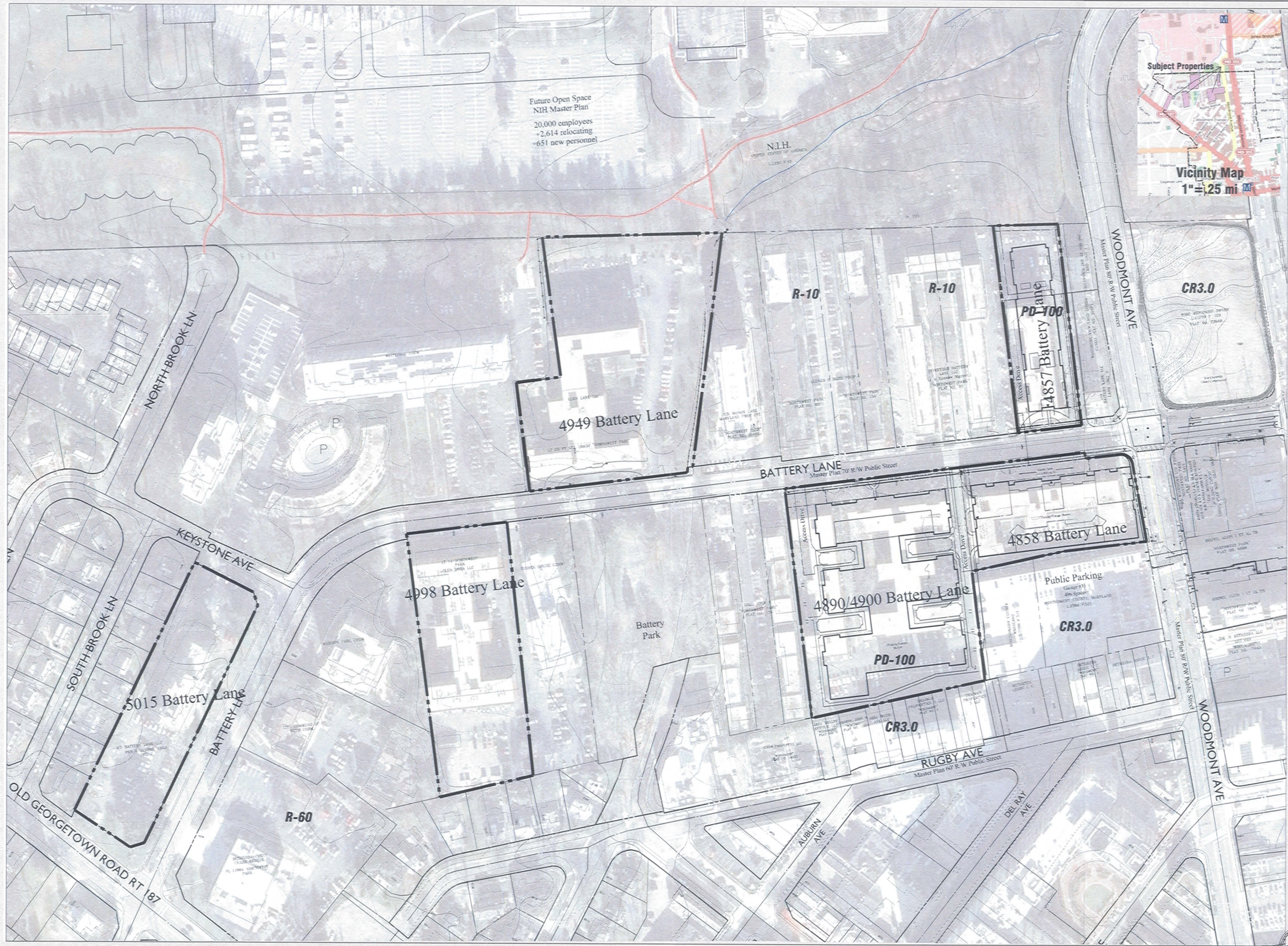
1. Give property owners who want to provide mid-range housing a fighting chance to create market rate affordable housing.
2. Provide sufficient density at 4 FAR and heights up to 150 feet for the Aldon portfolio. Coupled with plan language recommending transitions to lower heights compatible to adjacent low-rise residential.
3. Provide for transfer of density between properties with heights that provide real opportunities that would allow some of the Aldon properties to redevelop and some garden apartments to remain in place.
4. Eliminate all R-10 zoning with its inflexible and antiquated development standards.
5. Retain PD zoning on Battery at Woodmont that provides MPDUs, voluntary workforce housing, and detailed development standards.

6. Provide for flexibility in development standards such as increasing lot coverage to provide the option to build a second building on the acres of asphalt parking lots while retaining the existing garden apartment.
7. Expand the parking district to create flexible parking requirements for new buildings.
8. Incentivize the creation of gathering spaces and parks by increasing allowable heights to minimize building footprints and lot coverage.

The bottom line is that we need a bigger vision for Bethesda that will create updated, desirable neighborhoods in the Battery Lane District and the Bradley Boulevard area and increase the supply of rental housing units overall, creating additional-MPDUs and market rate workforce housing. The Plan needs to remove barriers to creating market rate affordable housing by providing flexibility, eliminating all unnecessary costs, and incentivizing the creation of market rate affordable housing by the private sector.

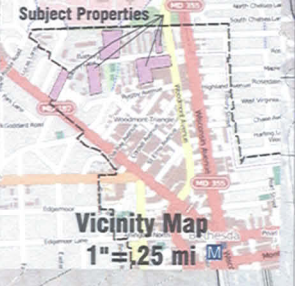
Attachment: Map of Aldon Properties





Future Open Space
NIH Master Plan
20,000 employees
+2,614 relocating
+651 new personnel

N.I.H.
NATIONAL INSTITUTE OF HEALTH



R-10

R-10

PD-100

CR3.0

4949 Battery Lane

BATTERY LANE
Master Plan 70' R.W. Public Street

4998 Battery Lane

Battery Park

4890/4900 Battery Lane

PD-100

Public Parking

CR3.0

4858 Battery Lane

5015 Battery Lane

R-60

RUGBY AVE
Master Plan 60' R.W. Public Street

WOODMONT AVE
Master Plan 80' R.W. Public Street

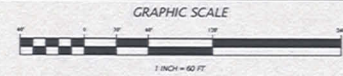


Exhibit is for conceptual purposes only





Woodmont Circle Ownership

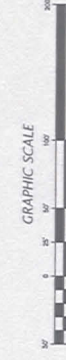


Exhibit is for conceptual purposes only

Testimony of:

Doug Wrenn, Principal

Rodgers Consulting, Inc.

Planning Board Public Hearing – June 24, 2015

Bethesda CBD Sector Plan

Chairman Anderson and members of the Planning Board; I am Doug Wrenn, a Principal with Rodgers Consulting. We are land planners, civil engineers, and landscape architects and have been advising the Brown family and Aldon Management during the Sector Plan Amendment process.

The Brown family and Aldon have been a part of the Bethesda community for many decades. As long-term property owners, they want to contribute to making downtown Bethesda one of the best urban centers in the region, and as owners of over 20 acres of land within the Sector Plan boundaries, they are well positioned to do so.

Unfortunately, the Staff Draft Sector Plan overlooks the potential of the Aldon properties to transform the Battery Lane and Bradley Boulevard areas of Bethesda. I believe that the Concept Plans attached to this testimony demonstrate that these underutilized properties are unsurpassed in their potential to achieve the sustainability, connectivity, compatibility and affordability goals outlined in the Draft Plan.

The Concept Plan for Battery Lane builds upon the 2012 rezoning of the three Aldon properties near Woodmont Avenue. The Approved Development Plan replaces four apartment buildings, containing 260 unrestricted market-rate units, with: three new residential buildings providing 578 market rate units, 104 MPDUs, and 10 workforce rent level units. In addition, the Development Plan allows for new pedestrian connections to be made to the Woodmont Triangle, and surface parking lots to be converted to green space. As we began to evaluate the other three Aldon properties on Battery Lane, it became obvious that the focus should be on the public park as the unifying element of this enhanced neighborhood. We fully support the recommendation to expand the park and create better connectivity through the area. Our Concept Plan calls for the Battery Park Neighborhood to be redeveloped with higher density residential buildings under a zoning designation that provides a 4 FAR and a range of building heights up to 150 feet. Over the 20-year life of this Sector Plan the Battery Park Neighborhood could grow from 549 market rate apartments to 1,800 market rate units, 330 MPDUs, and 70 workforce units.

The Concept Plan for Bradley Boulevard offers another tremendous opportunity to transform Bethesda. We collaborated with the Housing Opportunities Commission in order to extend Woodmont Avenue from Bethesda Row along Strathmore Street and through the block south of Bradley Boulevard all the way to Chevy Chase Drive, with pedestrian/bike connections extending to the Chevy Chase Recreation Center. With this improved access and mobility we are proposing to redevelop the properties bordering the new intersection of extended Woodmont and Bradley into a predominately residential, mixed-use neighborhood with new open space and social gathering places. Utilizing a zoning designation that provides a 4 FAR and a range of building heights up to 130 feet, the Concept Plan replaces 404 unrestricted market rate apartments on Aldon's properties with 1,000 market rate units, 195 MPDUs, and 105 workforce rent level units.

The Planning Staff focused on preserving the Aldon buildings as an aging housing resource and in doing so overlooked the greater asset, which is the real estate. Over 20 acres of property assembled decades ago in the Battery and Bradley corridors creates the potential to provide diversified opportunities for economic vitality, public enjoyment, and civic identity. We ask that the Planning Board embrace our vision for Bethesda.



SECTOR PLAN OBJECTIVES

- Connectivity**
 - Bethesda Trolley Trail/ NIH Campus
 - Enhanced Pedestrian Experience
 - Streetscape improvements, Bike Lanes
 - Parallel Parking
 - Sidewalk Connections
 - Enhanced Urban Grid/Network

- Sustainability**
 - Improved Storm Water Management/ Environmental Site Design
 - Building Solar Orientation
 - Green Building Techniques

- Social Interaction**
 - New Public Open Space
 - Battery Park Improvements

- Economic Viability**
 - Sufficient Density and Building Height
 - Affordable Housing/HOC
 - Housing Diversity
 - Ability to Phase

Name	Addresses	YrBuilt	Acres	Lot Sq Feet	Existing On-Site Parking (Approx.)	Existing Units
4949 Battery Lane	4949 Battery Lane	3.13	136,367	?	?	
4998 Battery Lane	4998 Battery Lane	2.00	87,120	?	?	
5015 Battery Lane	5015 Battery Lane	1.05	72,077	?	84 - 11 stories 103499 sq. ft. existing so. ft.	
total:		6.19	295,564	0		
PD		5.70	22.49			

Battery Park Neighborhood

Residential Multi-modal EcoDistrict

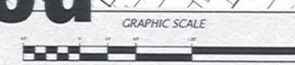


Exhibit is for conceptual purposes only





Figure 3.13: Battery Lane District Public Realm Improvements



Figure 3.17: South Bethesda District Recommended Zoning

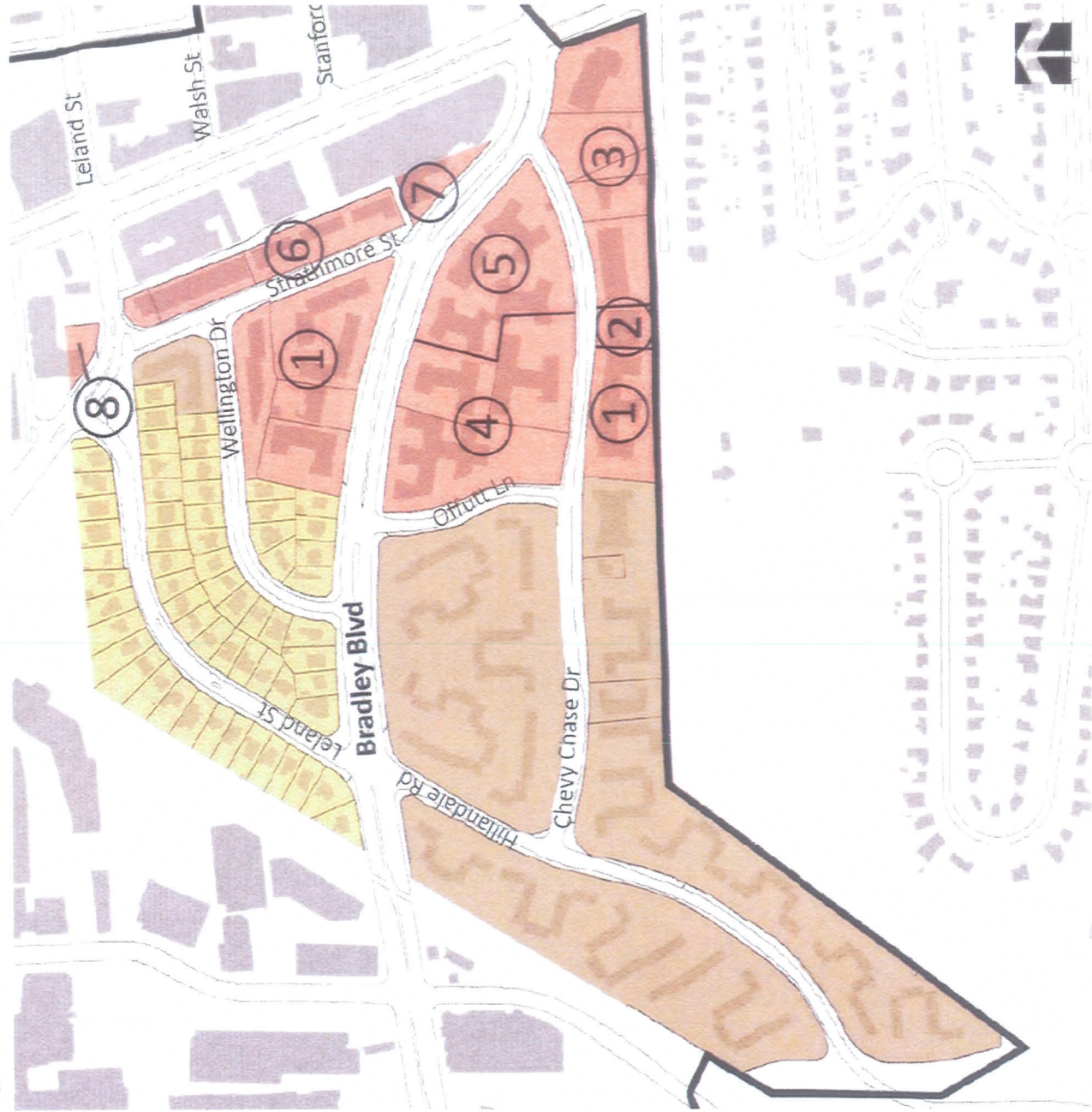


Figure 3.18: South Bethesda District Public Realm Improvements



Montgomery County Planning Board Hearing on the Bethesda Downtown Sector Plan

June 24, 2015

Testimony on Behalf of Owners of 7945 Norfolk Avenue, Bethesda, given by Françoise M. Carrier

Good afternoon members of the Planning Board. For the record I am Francoise Carrier testifying on behalf of four family members who together have a small company that owns property at 7945 Norfolk Avenue, on the corner of Del Ray, which is currently the site of Bacchus Restaurant. This is the same family-owned company on whose behalf I testified a little while ago with regard to property at the corner of Glenbrook and Rugby.

7945 Norfolk is currently in the CR zone, with an FAR of 3.0 and a height of 90 feet. It is recommended in the draft sector plan for the CR zone with an FAR of 3.5 and a height of 50 feet. Like the family's Glenbrook Road property, this property is also designated as a Priority Sending Site, allowing the owners to sell the density they cannot use to other property owners for use in the Bethesda Sector Plan area. For this property and its neighbors fronting on Norfolk Avenue, the designation as a sending site and the low height limit are intended to preserve a pedestrian-scale main street atmosphere along Norfolk Avenue.

The owners of this property are concerned that decreasing the permitted height from 90 feet to 50 will limit their options in the use of the property and reduce the value they can achieve from it. While there may be value available from selling the density that could not be used due to the 50-foot height limit, that value is uncertain, given the lack of an established market for density in the Bethesda Sector Plan area.

The owners of 7945 Norfolk would like to request that their site retain its current 90-foot height limit, which is still dramatically lower than heights of 110, 120 and 175 on many nearby properties. We would argue that a 90-foot height limit is more consistent with the Plan's vision for this area of Bethesda than a 50-foot limit, given the very tall heights recommended for surrounding properties. The owners would also argue that additional density is appropriate, in keeping with nearby properties. Finally, they reiterate a request that the Planning Board consider making the density from Priority Sending Sites available for sale to developers in any part of the County, rather than just the Bethesda Sector Plan area, to ensure a reasonable market and value for the density.

I look forward to the chance to discuss the family's concerns about both of their Battery Lane district properties with you during a future work session. Thank you again for your time.

Montgomery County Planning Board Hearing on the Bethesda Downtown Sector Plan

June 24, 2015

Testimony on Behalf of Owners of 8101 Glenbrook Road and 4907 Rugby Avenue, Bethesda, given by Françoise M. Carrier

Good afternoon members of the Planning Board. It is a pleasure to appear before you. For the record, I am Françoise Carrier testifying on behalf of four family members who together have a small company that owns property on the corner of Glenbrook Road and Rugby Avenue, and adjacent property on Rugby Avenue, in the Battery Lane District of the draft Sector Plan. The corner property is developed with a three-story office building, and the adjacent property is partially developed with warehouses.

These properties have been in the family for many years. The corner property is the subject of a ground lease. The rental payments from this lease are an important source of income for family members. While the draft Sector Plan is well written and presents a compelling vision for downtown Bethesda as a whole, the owners of this corner property, 8101 Glenbrook Road, have objections to the Plan's recommendations for it.

The draft Sector Plan recommends that 8101 Glenbrook be used to expand the adjacent Battery Lane Urban Park. The plan designates this property as a Priority Sending Site, which would allow the property owners to sell density to other parties for use in the Bethesda Sector Plan area, provided that they first place a covenant on the property stating that it cannot be developed. The proposed zoning is designed to strongly incentivize this outcome.

The site is currently split-zoned. The back part is in the CRN zone, with an FAR of 0.5 and a height of 35 feet. The front part is in the CR zone, with an FAR of 3.0 and a height of 90 feet. The Plan recommends rezoning the entire corner property to the CR zone, with an FAR of 3.5 and a height of 35 feet. Obviously a 3.5 FAR cannot be fully used on a half-acre site with a 35-foot height limit. This zoning combination would artificially depress the height allowed on the property so that the owners will be more likely to sell the density than to try and

redevelop. This would make the residual, undevelopable property available for acquisition by the Parks Department at a reduced cost. This combination of a recommended use as parkland and a height limit that is very low compared to most surrounding properties would make it more difficult to re-lease the property when the current ground lease expires, or to redevelop or sell it. As a result, the owners may be left with only one viable option: selling the density and getting compensation from the Parks Department for the undevelopable land. It is not clear how the value they could receive from these transactions would compare with the value of the property if it were rezoned in a manner more in keeping with the Sector Plan's recommendations for the Battery Lane area generally.

The owners of 8101 Glenbrook request a height limit of 90 feet, to preserve the normal range of options for future use of the property. They also would like a higher density than currently recommended, particularly if the Priority Sending Site designation remains in place. Finally, they strongly recommend that if the Priority Sending Site arrangement remains in the Plan, the density from such sites be made transferable to property anywhere in the County. This change would make a huge difference in the marketability and value of the density.

I look forward to the chance to discuss the family's concerns with you during a future work session. Thank you for your time.

LINOWES
AND | BLOCHER LLP
ATTORNEYS AT LAW

June 24, 2015

Heather Dlhopsky
301.961.5270
hdlhopsky@linowes-law.com

VIA EMAIL AND HAND DELIVERY

Mr. Casey Anderson, Chair
and Members of the Planning Board
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: 4809 Auburn Avenue, Bethesda – Written Testimony for 6/24/15 Planning Board Hearing
on the Bethesda Downtown Plan (the “Sector Plan”)

Dear Mr. Anderson and Members of the Planning Board:

On behalf of F&L Associates, LLLP (“F&L Associates”), owner of the property located at 4809 Auburn Avenue in Bethesda (the “Property”), I am submitting this letter as our written testimony for the Montgomery County Planning Board’s (the “Planning Board”) June 24th public hearing on the Sector Plan (specifically, the Public Hearing Draft dated May 2015 – the “Public Hearing Draft”). The Property is located in the triangle of land formed by the convergence of Auburn Avenue, Rugby Avenue, and Norfolk Avenue in the Woodmont Triangle District, and is currently zoned CR-3.0, C-1.0, R-2.75, H-90T. It is comprised of two lots, totaling approximately 12,903 square feet, both owned by F&L Associates. The two lots essentially function as one property on which a Sherwin-Williams paint store and surface parking for the store are currently located. F&L Associates, a family-owned business, has owned the Property for many years. Prior to the Sherwin-Williams paint store, a Duron paint store was located on the Property. As a result, the Property has housed businesses which fulfill a need for practical, useful stores in the Woodmont Triangle area. In particular, the surface parking provided is vital to paint/home improvement stores, as very few customers can walk or utilize public transit options while carrying home improvement items.

The Public Hearing Draft proposes (on page 103) that the northeastern side of the Property be rezoned through the Sector Plan process and subsequent sectional map amendment to CR-3.5, C-1.25, R-3.0, H-120 (#1 in Figure 3.05), and that the southwestern side of the Property adjacent to Norfolk Avenue be rezoned to CR-3.5, C-1.25, R-2.0, H-50 (#2 in Figure 3.05). This proposed rezoning, in particular the recommendation for building height at a maximum of 50 feet on the southwestern portion of the Property, leaves few options for future redevelopment. Of utmost

**L&B 5000801v1/77777.7777

Mr. Casey Anderson, Chair,
and Members of the Planning Board
June 24, 2015
Page 2

concern, however, is that the Public Hearing Draft also recommends that the Norfolk Avenue/Rugby Avenue intersection and adjacent properties be reconfigured to expand the Battery Lane Urban Park and improve the street connection to Norfolk Avenue. This proposal and the graphic included on page 105 of the Public Hearing Draft (Figure 3.06) reflect that the entire western half of the Property (all of the surface parking and it appears that even part of the building) would be converted to a park/open space, which would result in the removal of all of the surface parking on the Property and essentially put out of business the Sherwin-Williams store currently on the Property. A paint/home improvement store cannot survive without easily accessible surface parking. We also note that the Public Hearing Draft (page 102, A, 1, second bulletpoint) expresses a goal of enhancing existing commercial/retail businesses with improved accessibility, visibility, and upgraded streetscape guidelines. This stated goal and the recommendation to create a park/open space on the Property's surface parking lot are mutually exclusive. We do support enhancing the streetscape in the area and along the Property's frontage, and we note that the Property already has a significant green buffer and wide sidewalk along Norfolk Avenue, but this must be done without adversely affecting the surface parking and current business on the site.

The recommendation to slightly upzone (from 3 FAR to 3.5 FAR and from 90 feet to 120 feet) the northeastern portion of the Property seems to imply that perhaps that portion of the Property could redevelop in the future, independent of the southwestern portion of the Property that is proposed for a park/open space. However, this is rather unrealistic given that the northeastern lot is comprised of only 6,297 square feet (and that the Public Hearing Draft seems to recommend that part of this lot be taken for park/open space, further reducing the developable area). Therefore, we have two serious concerns with the Public Hearing Draft's recommendations for the Property: (1) the park/open space recommendation would adversely affect both the surface parking and the building on the Property, putting out of business the current tenant on the Property, which we note is a practical, needed use for residents in the Woodmont Triangle area; and (2) simultaneously the Public Hearing Draft essentially strips the Property of any future redevelopment opportunities by leaving less than a 6,297 square-foot portion of the site open for redevelopment, which is far too small of an area for most uses.

We believe that the entire Property should be rezoned to CR-3.5, C-1.25, R-3.0, H-120, in order to allow continuance of the existing business on the Property as well as future redevelopment opportunities for the Property. We also believe that the goals for improvement of the streetscape along Norfolk Avenue leading into Battery Lane Urban Park can be accomplished along the Property's frontage through sidewalk and landscaping improvements, without adversely affecting the Property or the successful, useful business on it.

Mr. Casey Anderson, Chair,
and Members of the Planning Board
June 24, 2015
Page 3

We thank you for consideration of these comments, and look forward to continuing to work with you and Planning Staff on the Bethesda Downtown Plan. If you have any questions or require any additional information, please do not hesitate to contact me.

Very truly yours,

LINOWES AND BLOCHER LLP



Heather Dlhopsky

cc: Mr. Robert Kronenberg
Ms. Leslye Howerton
Mr. Scott Wilson

LINOWES
AND | BLOCHER LLP
ATTORNEYS AT LAW

June 24, 2015

Heather Dlhopsky
301.961.5270
hdlhopsky@linowes-law.com

VIA EMAIL AND HAND DELIVERY

Mr. Casey Anderson, Chair
and Members of the Planning Board
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: 4918 Battery Lane, Bethesda – Written Testimony for 6/24/15 Planning Board Hearing
on the Bethesda Downtown Plan (the “Sector Plan”)

Dear Mr. Anderson and Members of the Planning Board:

On behalf of 4918-4938 Battery Lane LLC, owner of the property located at 4918 Battery Lane in Bethesda (the “Property”), I am submitting this letter as our written testimony for the Montgomery County Planning Board’s (the “Planning Board”) June 24th public hearing on the Sector Plan (specifically, the Public Hearing Draft dated May 2015 – the “Public Hearing Draft”).

The Property is currently zoned R-10. The Public Hearing Draft proposes (on page 119, #1) that the Property be rezoned through the Sector Plan process and subsequent sectional map amendment to CR-1.5, C-0.5, R-1.5, H-120. While the height that is proposed for the Property seems appropriate given the nature of nearby uses (mid- and high-rise apartment buildings) and the Property’s proximity to Woodmont Avenue and Norfolk Avenue, the two spine roads of the Woodmont Triangle and Battery Lane Districts, the density that is proposed, a maximum of 1.5 FAR, seems far out of alignment with the proposed height. It appears that the Public Hearing Draft simply adds 20% to the density permitted by the current R-10 zoning, without taking a fresh look at the changes in the area and the nature of the uses in proximity to the Property and what resulting density would make the best planning sense given this context.

We believe that a density of 3.5 FAR is more in alignment with a 120-foot building height limit, particularly given that the properties directly east of the Property along Battery Lane and due south and southwest of the Property are all proposed for CR-3.5 at a height of 120 feet (with the exclusion of the one parcel suggested for density transfer and thus a height of 35 feet, identified as #4 on page 119), with an “R” component of either 3.0 or 3.5. The buildings on the Property were constructed in the late 1950s and, while there are no immediate plans to redevelop the site, at some point it will become inevitable that the buildings will need significant improvements,

****L&B 5000808v1/77777.7777**

Mr. Casey Anderson, Chair,
and Members of the Planning Board
June 24, 2015
Page 2

and a rezoning to CR-3.5, C-0.5, R-3.5, H-120 will provide options for the future of this site that a density limit of 1.5 FAR would simply preclude.

We thank you for consideration of these comments, and look forward to continuing to work with you and Planning Staff on the Bethesda Downtown Plan. If you have any questions or require any additional information, please do not hesitate to contact me.

Very truly yours,

LINOWES AND BLOCHER LLP



Heather Dlhopsky

cc: Mr. Robert Kronenberg
Ms. Leslye Howerton
Mr. John Gill