

April 14, 2017

Honorable Roger Berliner  
President, Montgomery County Council  
Stella B. Werner Council Office Building  
100 Maryland Ave.  
Rockville, MD 20850

RE: Bethesda Downtown Plan

Dear Council President Berliner and honorable members of the Montgomery County Council:

As the draft Bethesda Downtown Plan comes before the full Council, leaders from the undersigned local governments, community associations and civic groups wish to recognize and thank the members of the PHED Committee: Chair Floreen and Councilmembers Leventhal and Riemer, and President Berliner and Councilmember Elrich, for the many hours they invested in a careful review of the draft Plan. We'd also like to acknowledge the work of your staffs, Marlene Michaelson, Glenn Orlin, Planning Board Chair Casey Anderson, Planning Director Gwen Wright, and Planning staff. We appreciate the many constructive conversations we've had as we offered our recommendations for a revised Plan.

Through these many conversations and attendance at PHED committee work sessions, we have taken careful note of the evolving changes to the Plan and of new information which has come to light during the review. We now take this opportunity to reinforce our support for many of the changes that have been recommended by Councilmembers and staff, emphasize remaining recommendations from our letter of January 17th, introduce the concept of "Priority 1 parks" as a follow-up to the petition signed by nearly 3,000 residents, and offer additional revisions.

Section	Notes
<a href="#">Data Integrity</a>	Revise Table 1.01 and Public Schools section
<a href="#">Section 2.6 Urban Design</a>	Vehicle queueing, delivery zones, Design Review Advisory Panel, all optional method development in the Plan area be subject to design review, emphasize the role of accessible and inviting public parks in placemaking.
<a href="#">Section 2.7 Parks and Open Space</a>	Support Councilmembers Berliner and Riemer April 7, 2017 memo, section 1, and the language recommended by the PHED Committee to emphasize conversion of the surface parking lots to parks. We also set out our top priority ("Priority 1") proposed

	parks.
<a href="#">Section 3.2.1 Pearl District</a>	Ask for minimum width of landscaping. Recommend 35 feet from trail edge, unless site constraints make such a width infeasible
<a href="#">Section 2.8.4 Educational Facilities</a>	Support Councilmembers Berliner and Riemer April 7, 2017 memo, section 4; update impact analysis
<a href="#">New Implementation Section: Staging</a>	Support recommendation for two stages, but recommend an interim cap at 29.1M square feet. We recommend mode share, full implementation of a reliable data tracking system, and CIP programming and implementation proposals for Priority 1 parks.
<a href="#">Section 4.1.2 Bethesda Overlay Zone (BOZ)</a>	Count all commercial and residential density towards cap, including bonus density; require 15% MPDU and design review for all optional method development; avoid density hoarding; restrict some properties to CRN uses
<a href="#">Section 4.1.3 Public Amenities and Benefits</a>	Support staff recommendation to remove amenity points for Metro proximity. Recommend that contributing to the development of parks be added as a "Top Priority Benefit" for which developers could earn amenity points.
<a href="#">Section 4.3 Legacy Open Space Designations</a>	Recommend Lot 24 and the Farm Women's Market site for Legacy Open Space designation.
<a href="#">Section 4.5 Greenway</a>	Support the new language suggested by Planning staff, and recommend its adoption.
<a href="#">Section 4.6 Capital Improvement Program</a>	Recommend adding the CCT tunnel under Wisconsin Ave., and identify specific parks which comprise the Eastern Greenway and Neighborhood Green Urban Parks
<a href="#">Section 4.7 Partnerships</a>	Support the proposals recommended by Councilmembers Berliner and Riemer
<a href="#">Building Heights and Sectional Map Amendment</a>	Appreciate the reductions in heights recommended for many properties. But recommend maximum heights be further reduced for selected properties.

In summary, CBAR fully supports the four overarching goals in the plan: parks and open spaces, affordable housing, environmental innovation, and economic competitiveness. We hope that this summary will prove helpful in your discussions, and we look forward to your approval of a Plan that does its best to fulfill those goals for the benefit of local residents, businesses, employees, and visitors, and for the wellbeing of the entire county.

Sincerely,

**Mary Flynn**, Founder, CBAR

**Scott Fosler**, Mayor, Town of Chevy Chase

**Jeffrey Z. Slavin**, Mayor, Town of Somerset

**William H. Brownlee**, Chair, Section 3 of the Village of Chevy Chase

**Katya Marin**, Vice President, East Bethesda Citizens Association

**Naomi Spinrad**, Vice President, Chevy Chase West Neighborhood Association

**Judy Gilbert Levey**, President, Edgemoor Citizens Association

**Cristina Echavarren**, President, Sacks Neighborhood Association

**Terry Long**, representing the residents of Middleton Lane

**Debrah Shaver**, V.P., Bradley House Condominium Assoc., 4800 Chevy Chase Drive

**Tara Brennan Primis**, President, Kenwood Citizens Association

**Eric f. Fedowitz**, Wood Acres Citizens Association

**Michael Looney**, Bethesda Crest Home Owners Association

**Richard Krajeck**, Chair of Village of Martin's Additions

**Chris Richardson**, Chair of Village of Chevy Chase Section 5

***List will be updated as more approvals are received.***

Attachment: April 7, 2017 memo from Council President Berliner and Councilmember Riemer

cc: Casey Anderson, Gwen Wright, Robert Kronenberg, Leslye Howerton, Glenn Orlin, Marlene Michaelson, Michael Durso, Jack Smith, Andrew Zuckerman, Joel Gallihue

## Data Integrity

We thank Council President Berliner and his staff for coordinating meetings with County officials so we could present the need for data revisions and updates, and establish a path forward. We have been advised that Council and the public will receive the following corrected and updated information:

1. **MCPS** will revise its long-term student enrollment forecasts, so that the cumulative impact of master plan development can be projected from realistic base numbers
2. **Planning Staff** will:
  - Publish an updated “parcel file” to quantify development **on the ground** in 2017
  - Publish an updated **Pipeline** report (raw data) and a Pipeline report with adjustments to anticipate development that is already approved or expected to move forward in the near-term, such as Marriott

We recommend that Planning staff use these data revisions to:

1. Update **Table 1.01: Sustainability Performance Area Metric for Bethesda** (page 11 in the Plan). Our specific recommendations for presenting this data are set out in Appendix A to this letter.
2. Apply these updates to *Section 2.8.4 Educational Facilities*, subsection **B. Public Schools**

## Section 2.6 Urban Design

CBAR supports the building form recommendations in section 2.6 Urban Design summarized in Figure 2.21 with the additional requirements that (i) **vehicle queueing, delivery and trash zones** be incorporated on-site, so as not to interfere with pedestrian, bicycle and vehicle traffic; and (ii) entries to loading docks, service areas and parking garages be located on non-residential streets when alternative access is feasible.

We also request that:

- The **Design Review Advisory Panel** include residents and not permit members with a conflict of interest.
- **All optional method development** in the Plan area be subject to design review.
- *Section 2.6.3 Placemaking* emphasize the role of accessible and inviting public parks in **placemaking**.

## *Section 2.7 Parks and Open Space*

CBAR strongly supports all the recommendations put forth by Council President Berliner and Councilmember Riemer in section 1 of their **April 7, 2017 memorandum** to the Council. Their letter notes and supports the recommendation of the PHED Committee that the entire footprint of all four surface parking lots - two in East Bethesda and two near the Farm Women's Market - be converted to parks. We greatly appreciate this commitment.

We have been asked to indicate which proposed parks would constitute our top priority for development. We respect this as a practical request, so that a manageable financial plan can be created that will lead to the near-term realization of these high priority sites, with associated accommodation of parking needs. It should be clear that longer term realization of the other proposed parks remains important to ultimate success of the Plan. With this understanding, we propose a "Priority 1" set of new parks, including (i) the Capital Crescent Urban Green near the Landmark Theatre; (ii) Battery Lane park expansion; (iii) Parking lot #25 in East Bethesda; (iv) Veteran's Park Civic Green, (v) Farm Women's Market site; and (vi) Lot #24 behind the Farm Women's Market.

Multiple figures throughout the Plan note "Potential Open Space." This notation should be strengthened, and we recommend the language be changed to "Recommended Open Space." This will ensure consistency with the recommendations in Section 2.7.3.

### *Section 3.2.1 Pearl District: Achieving green space along the Capital Crescent Trail*

We appreciate the vote of the PHED Committee to ensure that landscaping be required along the north side of the **Capital Crescent Trail**. However, we recommend that a minimum width be established of 35 feet from the north side edge of the new trail. This width would include any remaining space between this edge and the boundary of the public ROW, thus reducing the amount of green space required from properties on the south side of Montgomery Ave. We would accept comparable language to what is proposed for the Greenway in respect of width: if 35 feet isn't feasible due to the constraints of the lot, then a reduction could be permitted, subject to a 20 foot minimum.

### *Section 2.8.3 Public Safety*

CBAR is pleased with the decision to retain the existing zoning and add a height cap for **Fire Station 6**, but remains concerned regarding upzoning the property owned by the **BCC Rescue**

**Squad.** With a growing population, worsening traffic congestion, and limited possibility to expand services to other sites in the Plan area, we maintain that the Rescue Squad property should be preserved to allow expansion of public safety facilities for the future. Should financial assistance be required for updating or rebuilding the Bethesda-Chevy Chase Rescue Squad site, we support cost-sharing agreements with the County, whose primary interest is public safety, rather than private developers.

### *Section 2.8.4 Educational Facilities*

CBAR supports the recommendations put forth by Council President Berliner and Councilmember Riemer in section 4 of their **April 7, 2017 memorandum** to the Council.

We also anticipate receiving updates to the Plan's impact on public schools that incorporates revisions to MCPS's base long-term forecasting reports and Planning Staff's updated land use vision.

### *New Implementation Section: Staging*

CBAR concurs with the PHED Committee recommendation that development proceed in **two stages** with the following conditions:

- Stage 1 begins when the Sectional Map Amendment is approved, and ends when development reaches an **interim limit of 29.1** million square feet. As soon as possible, Planning should provide open data sets, updated and published monthly through *dataMontgomery*, that track purchase and use of density, and changes to the development pipeline.
- We recommend 29.1 million square feet as the interim limit because:
  - This limit coincides with Planning staff's traffic analysis, which used 90% theoretical achievement of the 32.4 million square foot land use vision.
  - Based on the recent pipeline numbers, 29.1 provides more than enough development capacity for current projects and the anticipated Marriott project to proceed, plus an *additional* 1 million square feet of development.
- Stage 2 begins when the following criteria are met:
  - The area achieves **NADMS-R (residential) of 60%** and **NADMS-E (employee) of 52%** over two consecutive years, as recommended by the PHED committee.
  - Improvements are made to the methodology of measuring the NADMS (Non-Auto Driver Mode Share, often referred to as "mode share"). We recommend requiring observed counts and improved survey response rates.
  - **CIP programming** and implementation proposals are in place for all "Priority 1 parks" that we recommend in [Section 4.6 Capital Improvement Program](#).

- CBAR selected Stage 2 criteria because:
  - Planning should provide a way for the public to track progress towards the 32.4 million square foot cap in a way that is easily accessible, fully transparent, and legally defensible. Automated data publishing through database Extract Transform and Load (ETL) systems is an affordable and efficient way to assure accountability and ease concerns by both developers and residents.
  - Parks are an important public amenity that contribute significantly to community well-being and placemaking. CIP programming and implementation proposals must be in place for building the parks with the greatest potential community benefit to balance and activate the downtown area.
- Stage 2 ends when the total development **cap of 32.4 million** square feet, achieved through the CR optional development method and **inclusive of all bonus density**, is attained.

### *Section 4.1.2 Bethesda Overlay Zone (BOZ)*

CBAR supports the creation of a Bethesda Overlay Zone with the following comments:

- We support the requirement to “Set a cap on development to ensure that total density in the Plan Area, including mapped CR density, does not exceed approximately **32.4 million** square feet.”
- We recommend language to clarify that the 32.4 million square feet **includes all commercial and residential density**, including density that was acquired through bonus incentives, density transfers, acquisition through a density pool, or any other method.
- We recommend splitting into two parts the text that reads: “Establish the process for obtaining approval of a development with overlay zone density and using it in a timely manner so that unused density is not hoarded.” All development approvals in the Bethesda Overlay Zone should **proceed in a timely manner** (e.g., two years) to allow viable projects to go forward without compromising the integrity of the 32.4M cap.
- We recommend splitting the text that reads “Establish the requirements for additional density received through the Bethesda Overlay Zone, including a requirement to provide a Park Impact Payment, provide 15 percent MPDUs and participate in a Design Review Advisory Panel at the Concept Plan and/or Sketch Plan application phase,” such that all optional development projects in the Bethesda Overlay Zone dedicate **15% of their total density to MPDUs and participate in the Design Excellence review**.
- We strongly recommend that CRT-zoned properties with vehicle entrances on residential roads be limited to **CRN uses**.

### *Section 4.1.3 Public Amenities and Benefits*

As stated above, we support Council staff recommendation that all optional development projects in the Plan area dedicate **15% of their total density to MPDUs**. We recommend that projects earn amenity points for using more than 15% of the density for MPDU's.

We support Council staff's recommendation to remove amenity points for **Transit Proximity**.

We recommend that the Plan permit a developer to earn amenity points for making financial contributions towards creation of parks in the Plan area, and add **Parks** to the list of "Top Priority Benefits" for all optional method projects.

### *Section 4.3 Legacy Open Space Designations*

CBAR recommends that **County surface parking lot #24**, which is included in the Eastern Greenway Neighborhood Green (South End), and the adjacent **Farm Women's Market Civic Green**, be considered sites of countywide significance that qualify for Legacy Open Space funding due to their proximity to the Capital Crescent Trail, the Purple Line, and the new southern Metro Station entrance. We consider these to be higher priority than the Eastern Capital Crescent Gateway Park, along Montgomery Avenue.

### *Section 4.5 Greenway*

We support the **revised language regarding the Greenway** that was provided by the Planning Department to Marlene Michaelson on March 24. The proposed language:

- Sets a minimum greenway width of 35 ft., unless infeasible due to site constraints, in which case a minimum of at least 20 ft. would still be required.
- Allows building height to be equivalent to the greenway width
- Ensures compatibility with the surrounding community on constrained sites

We have been assured by Council and Planning staff that the Greenway will be a requirement and not optional. We have also received assurance from Planning staff that this requirement will apply to all development in the Greenway area, regardless of whether a developer is assembling an array of lots or developing a single lot. We recommend that these assurances be memorialized in the resolution to be drafted. Finally, we seek clarification that where the plan suggests that either a Greenway or a Neighborhood Green or Open Space could be developed on a given site, priority be given to developing the Neighborhood Green and Open Space.

*Section 4.6 Capital Improvement Program*

CBAR requests the following amendments to the Capital Improvement Program projects table:

Project Name	Comments
Capital Crescent Trail tunnel under Wisconsin Avenue	Add; note coordination with M-NCPPC, MCDOT and/or private development as appropriate
Metro station bus bay improvements	Add; note coordination with private development, WMATA as appropriate
Strathmore Street Extension	Remove
Eastern Greenway Neighborhood Green Urban Parks	Distinguish the following proposed parks (page 86 of the Plan): <ul style="list-style-type: none"> <li>● North 5a: Lot 25</li> <li>● North 5a: Highland/West Virginia</li> <li>● North: add Lot 44</li> <li>● South 5b: Lot 24</li> <li>● South 5b: Lot 10</li> <li>● South 5b: Walsh/Stanford</li> </ul>

We also recommend that Parks be separated into its own Table for clarity, with introductory text to the Parks section indicating that a **combination of funding mechanisms** must be employed to realize parks goals. Proposed funding mechanisms include the CIP; the Parks Impact Payment development fee; Legacy Open Space (LOS); Parks, Recreation, and Open Space (PROS) grants; Advance Land Acquisition Fund (ALARF); private contributions raised through the Montgomery County Parks Foundation; dedication from property owners; and other infrastructure financing mechanisms.

The table should indicate which parks are recommended for **Legacy Open Space** funding (see [Section 4.3 Legacy Open Space Designations](#)). We also ask that the table identify the proposed Priority 1 parks, which we regard as parks with the greatest potential to balance and activate the downtown area in the near term. As Bethesda buildings start reaching for the sky, the County must foster a strong sense of place on the ground. These few parks are the foundation for that work. Our recommendations are set out in the following table:

	Legacy Open Space	Priority 1 parks
Capital Crescent Civic Green	x	x
Farm Women’s Market Civic Green	x*	x
Eastern Greenway Neighborhood Green Urban Parks		
• North 5a: Lot 25		x
• South 5b: Lot 24	x*	x
Veteran’s Park Civic Green		x
Battery Lane Urban Park Expansion		x
Eastern Capital Crescent Gateway Park	x	

\* Recommended by CBAR, see [Section 4.3 Legacy Open Space Designations](#)

## Section 4.7 Partnerships

4.7.4 Woodmont Triangle Action Group (WTAG): CBAR supports the recommendations put forth by Council President Berliner and Councilmember Riemer in section 3 of their **April 7, 2017 memorandum** to the Council, with the following comments:

Section 4.7.4 should be split into two sections for clarity. The first section should be updated so that instead of reading, “The Woodmont Triangle Action Group in its current form would not be worth retaining,” it instead read that the **WTAG would be replaced** by a new group that includes representatives from the full Plan area and adjacent neighborhoods.

A new section should follow Section 4.7.4 to describe the new advisory group, as recommended in Council President Berliner and Councilmember Riemer’s memo, with an emphasis on recruiting and encouraging **resident participation**.

4.7.6 Public Sector Partnerships within the Bethesda Community: The **Montgomery Parks Foundation** should be included under Public Sector Partnerships.

## *Building Heights and Sectional Map Amendment*

**Heights: Mapped heights should represent the maximum allowable height.**

CBAR supports the **height reduction recommendations** put forth by Council President Berliner and Councilmember Riemer in section 2 of their April 7, 2017 memo, but also recommends the following further changes:

- Parcel 78 and 79: Recommend 45 feet, consistent with the treatment of Parcel 81.
- Parcel 87: Recommend 90 feet with a step down to 70 feet along the eastern portion of the property. Protect the sunlight for Cheltenham Park and nearby townhomes and single family homes.
- Parcel 88: Recommend 90 feet.
- Parcel 89: Recommend 70 feet, to protect sunlight to Cheltenham Park and due to proximity of single family homes.
- Parcel 203: Recommend 90 feet.

We also request the opportunity to comment if the Council considers increasing the heights of any properties.

**Naturally Occurring Affordable Housing:** South Bethesda and Battery Lane are likely to be affected by how the zoning, heights, and language pertaining to naturally occurring affordable housing are addressed in the Plan. The PHED Committee did not determine a balance between redevelopment and preservation, so options to accomplish such a balance will be included in the staff report for the April 18 Council session. We request the opportunity to comment on these options.

**Borders:** We also request that the Sectional Map Amendment be updated to show that the Plan's border ends as recommended in the 1994 Plan adjacent to East Bethesda, and not extend into the single-family neighborhood.

## ***Appendix A: Recommendations for Table 1.01***

- **Recommend the columns be clarified and expanded as follows:**
  - Performance Indicators
  - Existing
  - Increment proposed by Plan (new)
  - Total (revise heading; this is the sum of Existing + Proposed)
  - % Change, calculated consistently as  $(\text{increment proposed} \div \text{existing}) \times 100$
  
- **Recommend the “Equity” rows be clarified as follows:**
  - Residential land use vision capacity (estimated square feet)
  - Multi-family housing units (rentals + condos)
    - All Rentals
    - - Market-Rate Affordable: discard or clearly define, as it appears that it currently includes “Moderate Income Households” that serve residents whose income can be as high as 120% AMI
    - - Rent-Restricted (include footnote to define term, e.g. “Rent-restricted by MPDU requirements, Low-Income Housing Tax Credits, or public subsidies”; see Feb 13 packet, © 4)