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October 29, 2021

BY ELECTRONIC DELIVERY

Ms. Grace Bogdan
Maryland National Capital Park and Planning Commission
2425 Reedie Drive, 14th Floor
Wheaton, MD 20902

Re: Response to Comments from Village of Friendship Heights
5500 Wisconsin Avenue
Sketch Plan No. 320220010

Dear Ms. Bogdan:

The purpose of this letter is to respond to comments and concerns raised by the Village of Friendship Heights (VFH) in: an email dated September 10, 2021 from VFH's attorney, Norman Knopf, Esq.; a letter from Robert Wilkoff with Archaeon, an architectural consultant hired by VFH, dated October 7, 2021; and an undated letter from Julian Mansfield, all submitted in connection with the above-referenced Sketch Plan application (the "Application"). As described extensively in the Applicant's Statement of Justification, and described in more detail herein - the proposed project fully complies with Sector Plan recommendations and Code requirements. In addition, the VFH has adequate and ample information to review and evaluate the Application.

- 1. The Application includes ample information for others to be able to independently evaluate and confirm the information at this Sketch Plan level of design.**

VFH and their Architect assert that "the plans, elevations and other proposed and existing structure drawings are lacking sufficient dimensions or even scalable accuracy to verify their submission." (See Archaeon letter, page 1). Respectfully, this is incorrect.

The level of detail provided on the subject plans is more detailed than that which is typically provided at the time of Sketch Plan. For example, each roof area includes a square footage and associated elevation marker. Per Section 7.3.3 of the Zoning Ordinance, "[a] sketch plan describes a project at an early stage to provide the public and the Planning

Board the chance to review a proposed development for general design, density, circulation, public benefits, and relationship to the master plan...” (emphasis added).

VFH’s architect asserts that “the floor-to-floor section drawings of the hotel scale at different floor-to-floor heights throughout the building,” but “cursory field measurements [by VFH’s architect] indicate the existing structure is remarkably consistent from floor-to-floor.” This supposition is incorrect, but more importantly, it is irrelevant. Roof heights are averaged, not individual floors. The Village’s architect suggests that the floor-to-floor heights “are critical elements in evaluating [the Applicant’s] height averaging submission.” However, the only relevant information to the overall averaged building height is the elevation and area of the individual roof components, not the floor-to-floor heights below it. The relevant information is provided in detail on sheet A.16.

Importantly, the Application plan drawings and elevations all include architectural scales that can be used to verify the accuracy of the information presented.¹ The electronic PDFs have been uploaded through E-plans and are of sufficient high quality to clearly read all details. VFH’s architect can: (1) scale off the PDFs via standard industry software like Bluebeam, (2) import PDFs into his CAD software, if he so wishes, or (3) print out the scaled drawings at 11 x 17 and measure them on paper.

The Applicant’s engineer met with the Village’s architect to walk him through how these tools can be used to scale the submitted Sketch Plan materials. Although the Village’s architect can scale the drawings as discussed above, for convenience, the Applicant also provided a scaled copy of the roof floor plan from sheet A.16, with primary dimensions, to the Village’s architect.²

2. The Project has Correctly Calculated FAR.

The Village incorrectly uses the net Lot area to calculate the “effective FAR” of the project. There is no such term as “effective FAR.” As the Planning Board knows, FAR is calculated as “the ratio between the gross floor area of all buildings on a tract divided by the area of the tract.” (emphasis added) (*See* Section 1.4.2).³ As demonstrated on Sketch Plan sheet SK-001, the Project achieves an overall FAR of 3.42 (not 5.14 FAR, as the Village suggests).

Moreover, the Village’s architect claims that “the necessary information to determine the total sq. ft. of existing and new buildings is not provided so that it is not possible to verify the conclusions” regarding the total FAR proposed. As discussed above, the floor plans and elevations are scalable. Moreover, the Applicant is only at Sketch Plan level of design – the Sketch Plan approves the overall building height and massing, and

¹ The exception is sheet A.16, which is an exhibit and is not to scale. However, the building sections on sheets A.10, A.11 and A.12 contain the same information and are scalable.

² As previously noted, Sheet A.16 is an exhibit and as such, was the only drawing without a scale.

³ Tract is defined to include “all proposed and existing rights-of-way, lots, parcels, and other land dedicated by the owner or a predecessor in title.” (*See* Section 4.1.7.A.1). The letter from Julian Mansfield suggests VFH wants to verify that the right-of-way dedications were for no or nominal consideration; the deed and plat references for these prior dedications are provided on sheet SK-001.

places limits on square footage and unit count. The final building square footage will be determined at time of Site Plan, when the building design is further refined, and will be further validated by DPS at building permit.

3. The Project is in Substantial Conformance with the Goals and Recommendations of the Sector Plan.

The Village asserts that “the density and heights of the project are inconsistent with the Sector Plan and incompatible with existing development.” (*See* Village email dated September 10). As discussed in detail in the Applicant’s Statement of Justification, the Project is in substantial conformance with the goals and recommendations of the Sector Plan and also compatible with the surrounding development. However, we’d like to respond directly to a few of the specific assertions from the Village below.

The Village relies in part on the recommendations of the previous Sector Plan from 1974.⁴ The 1998 Sector Plan controls. Irrespective, these references are not correct. The Village asserts that the 1974 Friendship Heights Sector Plan “down zoned Friendship Heights to expressly preclude buildings of such height and FAR” as what is currently being proposed. This is a mischaracterization of the 1974 Sector Plan, which removed a number of properties from the Central Business District (“CBD”) to achieve a reduction of total allowable development. In doing so, the CBD was reduced from 62 acres to approximately 37.5 acres (*See* Page 11 of 1974 Sector Plan). However, this Property remains within the CBD.

The Village also asserts that the 1974 Sector Plan recommends a maximum FAR of 2.0 and a 90 foot height limit for the Property. The Village’s email provides conflicting information regarding what they believe to be the recommendations of the 1998 Sector Plan – stating that the 1998 Sector Plan “confirmed [the] limitations” of the 1974 Sector Plan (*i.e.* 2.0 FAR and 90’ building height) and also stating that the “Sector Plan provides for a 3.0 FAR maximum (plus bonus for MPDUs).” Neither is correct. While the 1974 and 1998 Sector Plans do provide specific height and density recommendations for other properties,⁵ there are no specific recommendations for the Property.⁶ As a result, the proposed Project will not have the “precedent setting” impacts on the other two properties that the VFH has identified.

⁴ The 1998 Sector Plan supersedes the 1974 Sector Plan.

⁵ For example, the controlling 1998 Sector Plan recommends that Parcel 4 be limited to mid-rise redevelopment, and recommended two different density caps, depending on whether the office building was demolished (see page 77). The Sector Plan recommends that Parcel 6 provide a neighborhood park and preserve the small-scale character of the existing structures (see page 76). No such limitations were recommended for the subject Property.

⁶ The 1998 Sector Plan reconfirmed the then existing CBD-1 zoning for the Property, which allowed up to a 3.0 FAR, which is still the Property’s base zoning today (before taking advantage of the MPDU density bonus). In 2014, the Property was rezoned to CR 3.0 C-2.0 R-2.75 H-90T in connection with a County-wide, District Map Amendment G-956 (approved by the Montgomery County Council, sitting as the District Council, on July 15, 2014). The “T” zone allows for height averaging, which governs this current development.

The Village often refers to the recommendation of the Sector Plan intending to prevent the “canyonization” of streets – this is provided in quotes in their September 10th email, although we are unable to locate this reference in the Sector Plan. Regardless, as described in the Applicant’s Statement of Justification, the residential building component has been strategically designed and oriented to respond to earlier comments received from the VFH leadership. The Property is surrounded by streets on three sides that result in significant separation between the Project and the surrounding buildings. Furthermore, the unique and context-sensitive massing of the building, with a slender component that steps down in height to the adjoining streets, ensures light, air and views to and from the VFH. This is in contrast to existing Village high-rise buildings that are tall and horizontal along area streets, and do block light and air.

The Village asserts that the proposed residential building component will “protrude above all the other buildings lining Wisconsin Avenue” and “would dominate the skyline.” As demonstrated on Sketch Plan sheet G.01, the 18 stories proposed by the Project is compatible with the surrounding building heights. The existing residential buildings in Friendship Heights have a range of heights of 14 to 21 stories. The Applicant acknowledges that there is topography in Friendship Heights that results in varying elevations on the surrounding high-rise properties. Taking this grade change into consideration, the proposed 18-story building component is comparable and compatible with its immediate surroundings. Importantly, with the stepbacks and tower orientation proposed, the Project will not replicate the overpowering experience of many other 14-21 story buildings located in the VFH that have their full mass located against the property lines.

4. The Project will have no shadow impacts on the Hubert Humphrey Park and Retains Light and Air.

The Village incorrectly asserts that the proposed Project “threatens the existing vistas and light availability in the adjacent public park and in the community generally.” The Applicant submitted shadow studies with the Sketch Plan that demonstrate that the Project will not cast any shadows on Hubert Humphrey Park (*See* sheets A.17 – A.20). The Applicant’s decision to provide an east/west orientation of the building also minimizes impacts to surrounding apartment/condominium buildings.

The Village claims that it is impossible to evaluate the accuracy of the Applicant’s shadow studies because of “missing information.” As noted above, the Applicant has provided scalable drawings and height information that allow the VFH, and any other interested party, to confirm and evaluate the proposed development and application materials submitted. The shadow studies are computer generated, using the proposed building model. This method is widely accepted by professionals as being an accurate way to study shadow impacts.

5. The Applicant's traffic statement was prepared in accordance with the Local Area Transportation Review standards.

The Applicant's Traffic Exemption Statement was prepared in accordance with the Local Area Transportation Review standards. The results of the trip generation analysis show that the proposed development will result in a reduction in site trips with the proposed redevelopment of the Property. The proposed redevelopment will generate 208 AM peak hour person trips and 401 PM peak hour person trips compared to the existing retail, which generates 244 AM and 445 PM peak hour person trips. Thus, the Project will generate 36 fewer AM and 44 fewer PM peak hour person trips than the existing uses on the site.

The Village argues that this analysis is flawed because certain stores are empty or have been less successful in recent years. The LATR guidelines required the use of ITE trip generation rates for both the existing and approved uses. Specifically:

“If use and occupancy permits for at least 75 percent of the originally approved development were issued more than 12 years before the LATR transportation statement request, the applicant may take credit for existing site trips based on the current LATR trip generation methodology in support of determining the 50-peak-hour person trip threshold. Likewise, if the proposed use will be replacing an existing land use and that land use was occupied for more than 12 years, the applicant may take credit for the existing site trips based on the current LATR trip generation methodology.”

The LATR guidelines provide for specific trip generation rates based on the approved use (*e.g.* retail). This is important and intentional, as any “underperforming” retail on-site could be re-leased to another vibrant, active retailer at any time, which could generate significantly higher trips than an existing user. As such, the analysis must be conducted based on the approved use.

6. More than Adequate parking is provided on-site.

The Village questions “if sufficient parking is being provided in the proposed plans.” As demonstrated in the data table on sheet SK-001 and in the Applicant's Statement of Justification, more than adequate parking will be provided on-site to accommodate existing and proposed users of the Property (above the minimum and below the maximum number of spaces required by the Zoning Ordinance). Furthermore, given the Property's proximity to multiple forms of transit, including the Friendship Heights Metro Station and bus terminal (which is served by numerous bus lines), and existing and planned bicycle facilities, the Applicant anticipates that a significant number of its residents, patrons, visitors, and guests will utilize transit to access the site.

7. The “Woonerf” or shared street is generously sized to accommodate both vehicular and pedestrian users.

The Village, while “pleased that the new street to be constructed will provide access to the garage for residents, retail patrons, service vehicles, delivery vehicles and garbage trucks,” assert their opinion that the shared street is “undersized to accommodate the through traffic and all these uses.” The Woonerf is approximately 47 feet, which includes 20 feet for shared vehicular and pedestrian movements, and generous pedestrian only areas on either side of the shared street (ranging from 8.5 to 10 feet individually). The 20 feet for shared vehicular and pedestrian movements provides ample space for vehicular through traffic and is equal to the width of most private streets. Furthermore, there is ample pedestrian only areas on both sides of the shared street that will be visually and/or physically separated from the vehicular areas. The proposed width was carefully designed to provide a generous through-block connection, while also ensuring vehicular traffic will be calmed, at a pace that favors the pedestrians. While the design will be finalized at the time of Site Plan, the Applicant has begun to explore the use of paving patterns and textures to distinguish the various components within this space. For example, the Applicant is exploring ways to use paving patterns to create designated areas for ride-sharing and pick-up/drop off. The Woonerf will also have generous pedestrian only areas on both sides of the street that will be clearly distinguished through paving patterns/textures and some physical separations like building columns, planters etc. This is inclusive of a defined ADA accessible path(s) and means of access within the shared street. The Applicant is also exploring ways to provide direct access to the bike room and additional transparency and/or artistic design elements on the abutting façades to help activate this space. Furthermore, the Applicant is looking to provide a direct entrance to the residential lobby and/or package room to facilitate deliveries from the Woonerf, to avoid impacts to the surrounding Village streets. The Applicant has also submitted alternative designs of the shared street, including one-way traffic flow, to further demonstrate that the proposed two-way movements within the shared street continues to be the best option for accomplishing safe, adequate and efficient vehicular and pedestrian movements. These alternative designs also demonstrate that there are multiple ways that safe and efficient access may be provided on-site. These and other design elements will be finalized at time of Site Plan.

The Zoning Ordinance acknowledges that specific design details are not appropriate at time of Sketch Plan but instead, should be finalized at the time of Site Plan, in coordination with the detailed building architecture, landscaping and site design. Specifically, Section 7.3.3 only requires a finding of “satisfactory general vehicular, pedestrian and bicyclists access, circulation, parking and loading” at time of Sketch Plan. Whereas, Section 7.3.4 of the Zoning Ordinance requires a more detailed and comprehensive analysis of the proposed circulation at time of Site Plan (*i.e.* Section 7.3.4.E requires a finding that the project “provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.”). This Sketch Plan satisfies Section 7.3.3, as the Applicant has illustrated how the Woonerf can be designed to accommodate these various components. Accordingly, the Sketch Plan

demonstrates that the proposed vehicular access will be safe, adequate and efficient, with the final details to be determined at time of Site Plan.

The Village's architect claims that the building colonnades proposed result in a "confined, claustrophobic space." The VFH Architect also claims that the drawings are misleading. There is nothing misleading about the Applicant's plans – the plans have always shown the building overhang on the eastern and western ends of the shared street (*see, e.g.*, Sheets A.04 – A.06). As indicated on the Applicant's resubmission, the Applicant has eliminated the second-story overhang on the shared street, to increase the height of the colonnade on The Hills Plaza side of the Woonerf to a minimum of 16 feet (the colonnade on the Wisconsin Avenue side is already approximately 16 feet in height). These proposed overhangs make the space interesting, bring the buildings down to a human scale, and also have the practical benefit of providing some protection from the elements for pedestrians. The 16 foot minimum clearance certainly does not make these spaces feel claustrophobic. Approximately 90% of the shared street is open to sky.

8. Public open space is provided on-site in accordance with the requirements of the Zoning Ordinance.

The Village and their architect incorrectly assert that public open space is calculated on the gross Tract area, as opposed to net Lot area. Per Section 4.5.4.B.1 of the Zoning Ordinance, the gross Tract area and number of property frontages is used to determine the percentage of open space required. However, as clearly stated in that same section, "open space is calculated on the net site area." Site is defined in Section 4.1.7.A.2 of the Zoning Ordinance as "an area of land including all existing and proposed lots and parcels in one application, except proposed and previous dedications and rights-of-way." (*Emphasis added*). As demonstrated in the data table on sheet SK-001, the Project is required to provide a minimum of 7,901 square feet of open space.

9. The Application is free of irregularities and the port cochere was purposefully omitted to conservatively measure overall height averaging.

The VFH architect claims that there are "critical irregularities" provided on the Applicant's plans. For one, the VFH architect asserts that the dimensions on the engineer's topographical survey show a hotel tower roof footprint of 8,573.02 square feet, which is lower than the 9,656 square feet shown on the Applicant's Height Averaging exhibit (Sheet A.16). We are not sure how the Village's architect came up with the 8,573.02 square foot figure. When we calculate the roof area, by using the dimensions shown on the topographical survey, we get a roof area of 9,770 square feet. This number is extremely close to what is shown on the Height Averaging exhibit. In fact, the 9,656 square feet used for determining height averaging is the more conservative of the two. Importantly, the engineer's topographical survey was submitted as an existing condition plan, intended primarily to illustrate conditions at the ground plane, not the roof plane.

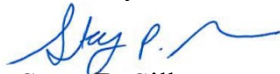
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The VFH architect also takes issue with the fact that the hotel's porte cochere was omitted from the height averaging calculations. This was done on purpose, in an effort to be conservative in calculating the "average building height." Given the low roof height of the porte cochere, inclusion of this in the height averaging calculations would just show the new residential building component could go even higher than the Applicant has currently calculated.

We request that this letter be included in the official record for this case. Please do not hesitate to contact us should you require additional information.

Sincerely,


Stacy P. Silber
Elizabeth C. Rogers