

Item 6 - Correspondence

From: [Tracie Z](#)
To: [Gatling, Tsaiquan](#); [MCP-Chair](#)
Subject: Re: 4824 Woodmont Avenue CRM:0497002
Date: Friday, February 24, 2023 2:23:34 PM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Hello and thanks for the note.

This is all very disturbing.

Now it is noted as group housing and bungalow living and we have been told that is for profitability (and an over abundance of apartment buildings).

It is all being modified behind the scenes. Now, the date for meeting is moved which will lead to challenges as no one will know when the meeting is. Did you share the information about the change to the specs and the change of the meeting from mid-March to March 9 with all local homeowner groups?

This is going to be very destructive to the community, home values, landscape and traffic. We are having violence all over this area and I can only imagine what group loving and short term homes will do to woodmont drive and the increasing traffic issues and destruction of property in the area.

On Fri, Feb 24, 2023 at 2:15 PM Gatling, Tsaiquan
<tsaiquan.gatling@montgomeryplanning.org> wrote:

Ms. Zaepfel,

Thank you for submitting your feedback on the proposed project. Parts of the concerns you raised are related to impacts which fall outside of the development review process for these Applications. I would, however, like to relay a perspective as described in the Applicant's Statement of Justification.

The Applicant notes that the increase in the proposed number of units and change in proposed unit type is based on the change in market and the need for smaller, more affordable rental units. The needs of various living situations can be met by short term rentals such as temporary relocation for work/education, or a change in family structure. The presence of vacant units associated with other developments indicates that the existing buildings are not adequately filling the housing needs of the area. As stated by the Applicant, the current proposal is seeking to address this gap.

As you noted, the Applicant has revised their Application such that they are proposing a total of 111 residential units, of which up to 65 may be short term rental units, which per Section 59-3.3.3.I are defined as the following:

“Short-Term Residential Rental means the residential occupancy of a dwelling unit for a fee for less than 30 consecutive days. Short-Term Residential Rental is not a Bed and Breakfast.”

The Applicant inadvertently used the word “hotel” in their application when stating short term rentals/hotel. Short term rentals are residential units whereas hotel units are commercial, under the Zoning Ordinance. After discussion with the Applicant, they realized the mistake as this project will remain residential and they are sending out new notices and updating the signs to remove hotel.

From a transportation review perspective, all 111 units are residential, and therefore the net new person trips estimated to be generated by the proposed use is 41 trips in the morning and 47 in the evening peak hours.

Please be aware that the Bethesda Central Business District is categorized as a Red Transportation Policy area (page 15 of the LATR Guidelines), and therefore is not subject to a motor vehicle adequacy test.

The Bethesda Downtown Sector Plan recommended a constrained parking policy, which encourages development to provide fewer parking spaces. This is predicated on the prevalence of rapid transit, both existing (Metrorail, Metrobus) and planned (Purple Line light rail). This Site is located a block from the Bethesda Metrorail station, and diagonally from the Waverly Public Parking Garage (No.47).

The sight line analysis conducted for the Preliminary Plan was completed in accordance with the County’s standards for a proposed driveway with access to an Arterial roadway. This was approved by the Planning Board and MCDOT at the time of Preliminary Plan. We reached out to MCDOT again with this Site Plan Amendment with your concerns and MCDOT staff confirmed that they will not be reevaluating the sight distance analysis for the Site Plan, as they were satisfied with the analysis completed with the previously approved Preliminary Plan.

Please reach out to me if you have any further questions; as a reminder, this project is scheduled on the March 9, 2023 Planning Board hearing.

Thank you,

Tsaiquan Gatling

Tsaiquan Gatling

Planner III, DownCounty Planning

Montgomery County Planning Department

[2425 Reedie Drive, Wheaton, MD 20902](#)

Tsaiquan.Gatling@montgomeryplanning.org

p: 301.495.2116

From: Tracie Z <traciez@gmail.com>

Sent: Wednesday, January 25, 2023 11:32 AM

To: Gatling, Tsaiquan <tsaiquan.gatling@montgomeryplanning.org>

Cc: Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>; Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>

Subject: Re: [4824 Woodmont Avenue](#) CRM:0497002

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Thank you. It is very disappointing the county would even consider a hotel in a residential area. We bought here as full-time residents hoping the county would ensure our homes were a good investment:(

On Wed, Jan 25, 2023 at 10:58 AM Gatling, Tsaiquan <tsaiquan.gatling@montgomeryplanning.org> wrote:

Thank you so much for your letter regarding the Applications at [4824 Edgemoor Lane](#). We are preparing a response to your concerns. The Applicant has currently requested an extension through March 16, 2023 to further work through the proposal for this amendment. We are still working with the Applicant on their proposal and intend to provide a response based on the latest revisions and anticipate gaining more information

in that within the next couple of weeks. A Planning Board hearing for this Application is now expected to be held on March 16, 2023.

Thanks again,

Tsaiquan Gatling

Tsaiquan Gatling

Planner III, DownCounty Planning

Montgomery County Planning Department

[2425 Reedie Drive, Wheaton, MD 20902](#)

Tsaiquan.Gatling@montgomeryplanning.org

p: 301.495.2116

----- Original Message -----

From: Tracie Zaepfel <traciez@gmail.com>;

Received: Tue Jan 17 2023 20:05:58 GMT-0500 (Eastern Standard Time)

To: MCP-Chair@mncppc-mc.org <mcp-chair@mncppc-mc.org>; MCP-Chair # <mcp-chair@mncppc-mc.org>; <mcp-chair@mncppc-mc.org>;

Subject: [4824 Woodmont Avenue](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Dear Mr. Zyontz and others,

Thank you for your consideration of my concerns.

Tracie

--

Tracie Zaepfel

(301) 466-4431

--

Tracie Zaepfel

(301) 466-4431

--

Tracie Zaepfel

(301) 466-4431

From: [Cathy Salkeld](#)
To: [MCP-Chair](#)
Subject: Edgemoor Lane Project
Date: Friday, February 24, 2023 2:31:01 PM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Dear Planning Board Chair,

As property owners at the Chase in Bethesda, my husband and I are very concerned about the proposed changes to the oversized development project at Edgemoor Lane.
Please see our attached letter below.

Sincerely,

Cathy and John Salkeld
Please see

February 24, 2023

To Whom it May Concern,

As the owner of an apartment at the Chase of Bethesda, I would like to officially voice my concern regarding the proposed change to the 4824 Edgemoor Lane property, specifically the change in capacity from 75 units to 111. In the conclusion statement of the Preliminary Plan and Site Amendment it is stated that "the changes are very minor in nature and simply increase the number of allowable units from 76 to 111." This statement is insulting to the intelligence of all citizens of Montgomery County. This change represents a 48.05% increase in the capacity of the building, by no means a small amount.

Given the size of the property and its proximity to the Chase, it was always unreasonable to believe that traffic patterns on this block would not be affected by both the resident parking and general vehicle presence that such a building would require. An over 48% increase in residents would simply add to this impact in an area that already experiences tons of traffic congestion.

It is both appropriate and necessary for the Planning Board to provide an explanation as to exactly how it plans to accommodate this increase in vehicle traffic without creating serious problems for vehicles in and around our block.

Sincerely,

Handwritten signatures of Cathy and John Salkeld in black ink. The signature for Cathy is on the left and for John is on the right, connected by a small 'and'.

Cathy and John Salkeld

ethesda, my husband and I are very concerned about the proposed changes to the over-sized development project at Edgemoor Lane. Please see our attached letter.

Sincerely,

Cathy and John Salkeld

From: robertswallach@verizon.net
To: [MCP-Chair](#)
Subject: 4824 Edgemoor Lane Site Plan
Date: Friday, February 24, 2023 7:07:28 PM
Attachments: [Letter_Edgemoor_Development.pdf](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Please find attached a letter regarding the 4824 Edgemoor Lane Site Plan for your review prior to the March 9th hearing.

Robert S. Wallach, AIA
8517 Whittier Blvd.
Bethesda, MD 20817
240|417|9602

Robert S. Wallach
8715 Whittier Boulevard
Bethesda, MD 20817

February 24, 2023

To: Montgomery County Planning Board Chair
mcp-chair@mncppc-mc.org,

Re: 4824 Edgemoor Lane Site Plan

Planning Board:

I am writing this letter in opposition to the revised design for the development proposed at 4824 Edgemoor Lane. This project was approved previously, but brought back with revisions by the developer for financial reasons.

Major Increase in Density

The resubmission has been treated as a minor change by Planning Staff because the look of the building has not been substantially changed. The primary revision was changing from 77 units to 111 units. Additionally, the initial modified proposal included 65 of those units being short-term rental/hotel units. Due to hotel units being commercial, the application was changed to include 65 short-term rental units. In the Statement of Justification, the developer has listed the requirements for short-term rentals, with the note that they are understood and will be complied with. What is not clear is how they could be used if occupied by the Owner, which is one of the requirements. Are they renting out bedrooms? Or are they only going to be rented out 120 days in a year, which is a requirement if not occupied by the Owner? The second revised program also includes 22 co-living units of 3 and 4 bedrooms each. This means a common area with kitchen and living room with bedrooms occupied by separate non-affiliated renters.

These changes will have a significant impact on the building population. Based on the limited plans provided, the originally approved proposal had 98 bedrooms. Making some assumptions on the current proposal, the bedroom count would be 162, or a 64% increase. The population density would increase by a similar percent. This is a significant change having a substantial impact on traffic, especially as related to delivery and service vehicles.

Unsafe Loading Condition

Being on such a small lot, the building does not have a proper drop-off. All deliveries will be made through the garage loading area which has very little space for queuing and no turnaround area. Transportation guidelines require that the distance from a garage exit to the corner of an intersection be a minimum of 100 feet. The garage loading area entrance is only 40 foot from the intersection. All of the delivery and maintenance vehicles will have to back out into the oncoming traffic across and into the bicycle lane. Anyone turning right from Edgemoor will

have minimal time to react to such a situation, Given the heavy bus, truck and car traffic on Woodmont, and the loss of one lane to bicycles, this will be an unsafe condition.

Unacceptable Adjacency to Tower of Chase at Bethesda

Per the Bethesda Downtown Plan Design Guidelines adjacent towers shall be separated by a minimum of at least 45 feet. In DAP's February 26, 2020 review of the massing of the tower, they gave instructions to the developer to design the tower to be an average of 40 feet from the Chase tower.

At the April 16, 2020, Planning Board sketch plan hearing, the developer displayed for the Board two "Options" for the south façade, facing the north side Chase residents, in addition to an early sketch rejected by the DAP which was shown only for purposes of their evolution on the design of this matter. Option 1 was a step back leading to an average 35' tower separation. Option 2 showed a step back resulting in an average 37.5' tower separation between it and the Chase.

At the subsequent June 24, 2020, DAP meeting, the developer's attorney led the DAP to believe that the Board had specifically and knowingly approved the 35' tower separation, whereas the Board was not aware of the separations of the schemes presented. Thinking that the Board had approved the lesser separation and not being presented with the greater separation option, the DAP approved what was before them as they were not aware that 35' tower separation was not the best developer was able to achieve.

Every foot of separation is important as the Edgemoor tower will block the view from the many balconies on the north side of the Chase.

For these reasons, the revised Edgemoor development should not be approved as a minor amendment to the originally approved plan but should be treated as a substantial change and go back for DAP review. In general, the project is too big for the size and location of the lot which is only 0.8 acres and located at a very busy intersection. It should not be approved.

Sincerely,



Robert S. Wallach

From: [Gatling, Tsaiquan](#)
To: [Hisel-McCoy, Elza](#); [Dickel, Stephanie](#); [Mencarini, Katherine](#); [MCP-Chair](#)
Subject: FW: 4824 Edgemoor Lane Project
Date: Tuesday, February 28, 2023 3:46:14 PM

Tsaiquan Gatling

Planner III, DownCounty Planning
Montgomery County Planning Department
2425 Reedie Drive, Wheaton, MD 20902
Tsaiquan.Gatling@montgomeryplanning.org
p: 301.495.2116

From: Cathy Salkeld <cathysalkeld28@gmail.com>
Sent: Monday, February 27, 2023 7:10 PM
To: Gatling, Tsaiquan <tsaiquan.gatling@montgomeryplanning.org>
Subject: 4824 Edgemoor Lane Project

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Tsaiquan,

My husband and I have owned condo #604 at The Chase in Bethesda since 2009. My son and his wife have lived there for the last 6 years. We are very much concerned with changes in the plan and are vehemently opposed. Please see the attached letter.

Sincerely,

Cathy and John Salkeld

Home address: 15224 Donna Drive Silver Spring, MD 20905
The Chase at Bethesda 7500 Woodmont Ave. #604 Bethesda, MD 20905
The Chase at Bethesda 7500 Woodmont Ave. Bethesda, MD 20814

February 24, 2023

To Whom it May Concern,

As the owner of an apartment at the Chase of Bethesda, I would like to officially voice my concern regarding the proposed change to the 4824 Edgemoor Lane property, specifically the change in capacity from 75 units to 111. In the conclusion statement of the Preliminary Plan and Site Amendment it is stated that "the changes are very minor in nature and simply increase the number of allowable units from 76 to 111." This statement is insulting to the intelligence of all citizens of Montgomery County. This change represents a 48.05% increase in the capacity of the building, by no means a small amount.

Given the size of the property and its proximity to the Chase, it was always unreasonable to believe that traffic patterns on this block would not be affected by both the resident parking and general vehicle presence that such a building would require. An over 48% increase in residents would simply add to this impact in an area that already experiences tons of traffic congestion.

It is both appropriate and necessary for the Planning Board to provide an explanation as to exactly how it plans to accommodate this increase in vehicle traffic without creating serious problems for vehicles in and around our block.

Sincerely,

Handwritten signatures of Cathy and John Salkeld in black ink. The signature for Cathy is on the left and for John is on the right, connected by a small 'and'.

Cathy and John Salkeld

From: [Sheffler, Walt](#)
To: [MCP-Chair](#)
Subject: Re: 4824 Edgemoor Lane Site Plan
Date: Tuesday, February 28, 2023 6:18:36 PM
Attachments: [20230228183300722.pdf](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Please review my attached letter surrounding the above site plan hearing, thank you, Walt Sheffler

Walter Sheffler
7500 Woodmont Ave
Unit 1217
Bethesda, MD 20814

February 28, 2023

To: Montgomery County Planning Board Chair

mcp-chair@mncppc-mc.org

Re: 4824 Edgemoor Lane Site Plan

Dear Planning Board:

I am writing this letter in opposition to the revised design for the development proposed at 4824 Edgemoor Lane. This project was previously approved, but recently resubmitted with revisions by the developer for financial reasons that causes harm to the property value of my condominium unit located at The Chase, 7500 Woodmont Ave.

Improper Set-back Requirement

Per the Bethesda Downtown Plan Design Guidelines adjacent towers shall be separated by a minimum of at least 45 feet. The current plan submitted by the Developer does not adhere to the Bethesda Downtown Plan Design Guidelines and is in violation of the plan by approximately 28.5% (35 feet versus 45 feet). This violation of the setback requirements impedes the view from my unit's balcony AND does not meet the established guidelines by a significant percentage.

Density Increase

The newly submitted plan calls for an increase in units at the 4824 Edgemoor Lane project from 77 to 111 units or a 44% increase. In addition, the developer is requesting that 65 of the 111 units or 58% of the units be considered short term or Hotel rental units. As a result, this project should be considered a commercial short term rental hotel project versus a residential project and should be required to be reviewed as a hotel project versus a residential housing project. Permitting, Insurance and Liability for Hotel/short term rentals is different than residential properties. These changes should be considered significant versus a minor amendment and should require a new full review by the Planning Board.

Sincerely,



Walter Sheffler

From: [Gatling, Tsaiquan](#)
To: [MCP-Chair](#); [Harris, Patricia A.](#)
Cc: [DickeI, Stephanie](#); [Mencarini, Katherine](#)
Subject: FW: 4824 Edgemoor Lane – Plan Amendments and Site Plan Amendments
Date: Thursday, March 2, 2023 3:09:25 PM

FYI

Tsaiquan Gatling

Planner III, DownCounty Planning

Montgomery County Planning Department

2425 Reddie Drive, Wheaton, MD 20902

Tsaiquan.Gatling@montgomeryplanning.org

p: 301.495.2116

From: Laura Hansen Reynolds <laura9hansen@gmail.com>
Sent: Thursday, March 2, 2023 3:07 PM
To: Gatling, Tsaiquan <tsaiquan.gatling@montgomeryplanning.org>
Subject: 4824 Edgemoor Lane – Plan Amendments and Site Plan Amendments

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Dear Mr. Gatling:

I am an owner in the Chase condominium building which surrounds the proposed 12-story building on the 8,000 sq. ft. plot of land (originally built as a single-family home). This project was approved for 76 condominium units with 62 to 65 parking spaces.

These amendments increase the project to 111 rental units with only 45 to 46 parking spaces. Of the 111 units, 22 will be “co-living” units, 65 will be short-term rental units and 24 long-term standard units. On this basis alone, the request should be denied, as not compatible with neighboring uses and inappropriate transportation infrastructure at the Woodmont Avenue/Edgemoor Lane intersection.

The 46% increase in the number of units will certainly increase the number of vehicles to be parked, yet the minimum spaces drop by 27%. Again, this proposal should not be approved.

Between daily deliveries (think Amazon) for this increase in the number of residents to move-in/move-out activity for the 89 rental units, this project would render the intersection of Woodmont/Edgemoor unsafe for pedestrians, bicyclists and cars.

Please, act the best interests of the Montgomery County residents you represent and vote these amendments down. Thank you.

Sincerely,

Laura Hansen Reynolds
7500 Woodmont Avenue, Unit 520
Bethesda, MD 20184
202-714-0249

From: [Dennis Mai](#)
To: [MCP-Chair](#)
Subject: 4824 Edgemoor Lane - Plan Amendments and Site Plan Amendments
Date: Thursday, March 2, 2023 5:41:01 PM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Dear Mr. Chairperson :

I live in the Chase condominium which is next to the proposed 12-story building on the 8,000 sq. ft. plot of land (the plot is the size for a single-family home). I object the amendment.

The small area has insufficient space to support the dramatic increase in traffic from delivery vehicles, maintenance vehicles, taxis, and guest vehicles that would be in demand from the proposed increase in density from residents and hotel/short-term rental guests. The developer's traffic study did not take into account these factors, and we are highly concerned that their proposal is affecting our safety. By approving such high density on a small plot area, especially right next to a busy intersection, will reduce Montgomery residents' confidence of the Montgomery Planning Board's capability of prioritizing residents' safety. In order for us to be safe from traffic accidents, we have to have meticulous planning from the board so that pedestrians are able to walk on sidewalks safely. Such a small plot of land for such density does not provide adequate assurance that pedestrians will not be hit by vehicles coming in and out of the building or illegally parked vehicles on sidewalks and on non-street parking spaces. The developer's study does not take into account planned developments of other high density residential apartments and retail at the Bethesda Metro building , and the future increase of traffic for Metro buses for purple and red lines commuters. The Woodmont intersection will therefore be too congested for the proposed amendments. We live near this intersection , and we are highly troubled and concerned for our safety.

Sincerely,

Dennis Mai
7500 Woodmont Ave, Unit 1116
Bethesda, MD 20814

503-473-2598

From: [Martin Mclean](#)
To: [MCP-Chair](#)
Subject: Submission for Planning Board Hearing
Date: Saturday, March 4, 2023 11:18:16 AM
Attachments: [Planning Board.pdf](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Attached is a submission concerning a property at 4824 Edgemoor Lane. A hearing on March 9 will consider Preliminary Plan Amendment 12020007A and Site Plan Amendment 82021004A.

7500 Woodmont Avenue 618
Bethesda, MD 20814

March 4, 2023

Chair
Montgomery County Planning Board
2425 Reedie Drive
Wheaton, MD 20902

To whom it may concern:

I wish to comment on Preliminary Plan Amendment 12020007A and Site Plan Amendment 82021004A for a property at 4824 Edgemoor Lane in Bethesda. A public hearing on these amendments will be held on March 9. Parking arrangements for this proposed building are inadequate and would become even less adequate with the numerous additional residents who would be added by these amendments. The builder proposes to increase the number of units by almost one-third but to eliminate 21 previously approved parking spaces.

Even if the new residents do not have cars themselves, they can be expected to rely on various delivery services, from the Post Office to Amazon to Doordash. They will need maintenance visits from plumbers and electricians. The new residents will take taxi and Uber rides. Where will these vehicles stand or park? I see only one 12' loading area in the site plan and no provision for temporary parking and standing, either at ground level or inside the building.

As I look out of my window while writing this, I see a car carrier unloading in the No Parking lane on the north side of Edgemoor. Behind it, also in the No Parking area, is a delivery truck, presumably serving the Edge apartment building. In the absence of a convenient parking area at 4824 Edgemoor, I expect that vehicles serving that building will use "no parking" areas on Edgemoor and Woodmont. This will cause even more congestion if Edgemoor is narrowed to three lanes by a planned bike lane.

The only access to the parking garage in the building where I live, the Chase at Bethesda, is on Edgemoor, adjacent to the proposed new construction. Even now, vehicles waiting for the light at Woodmont can impede access to the garage. Our ability to come and go safely will be jeopardized if the public roads are further constricted by illegal parking.

I also expect that vehicles unable to stop legally at 4824 Edgemoor will spill over into the adjacent loading lane and parking area belonging to the Chase at Bethesda.

In spite of a considerable increase in the number of units proposed, the site amendments call for "parking waiver to reduce the parking below the minimum required pursuant to Zoning Ordinance Section 6.2.10." I see no grounds for reducing the number of parking spaces or for increasing the number of units without providing for more temporary parking and standing space on the site.

Sincerely,

Martin McLean

From: [alcira_fonseca](#)
To: [MCP-Chair](#)
Subject: Fwd: 4824 Edgemoor Lane Site Plan Amendments
Date: Saturday, March 4, 2023 7:14:44 PM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

>>

>> TO WHOM IT MAY CONCERN:

>>

>> Regarding the above-mentioned plan, I would like to voice my strong opposition to the amendments the developer is proposing. I believe that if this amendment is approved it will be detrimental to the near by residents of the area because the traffic, where the plan is being proposed, will be worse than what it is already. This will also negatively affect the ability to allow the residents of The Chase of Bethesda enter the parking garage due to its immediate proximity to the proposed Site Plan.

>> I would appreciate it if the Plan amendment is denied.

>> Thank you for your cooperation on this matter.

>> Alicia Menza

>>

>> Sent from my iPhone

From: bmarion22@aol.com
To: [MCP-Chair](#)
Subject: Re: 4824 Edgemoor Lane Site Plan
Date: Sunday, March 5, 2023 4:46:22 PM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Planning Board,

I am writing this letter to address my concerns about the Site Plan Amendments to the 4824 Edgemoor Lane Project.

The Increase in Density

The problem with the change from 76 multi-family dwelling units to 111 multi-family dwelling units, including 65 short-term rental units and 22 "co-living" units, is that it brings more people to this busy corner than the original proposed plan. This will result in more additional truck and vehicle deliveries and pick-ups. With only one parking space available within the garage for these vehicles, it is very likely that these deliveries and rideshares will occur along Edgemoor Lane where GPS will direct people, since the address for this project is on Edgemoor Lane. These vehicles will cause a safety hazard for residents of The Chase exiting their garage where their view of oncoming cars will be blocked. With respect to traffic hazards, this proposed amendment is a major revision, not a minor one.

The Unsafe Loading Concern

The one on-site loading space is inadequate for the newly proposed number of 111 units. The apartment building of this size will have trucks moving people in and out, occasional plumbers' trucks, heating and air conditioning service trucks, painting and small construction vehicles, etc. Where will these vehicles park?

Vehicles using the one on-site loading space will have to back out into the oncoming traffic on Woodmont Ave. and into the proposed bicycle lane. This is very hazardous due to the heavy car, bus, truck and emergency vehicle traffic on Woodmont Avenue.

Changes to the Facade

The Planning Board has determined that the changes to the façade are minor changes. Adding additional windows and balconies are a major change for the residents of The Chase with northern exposure.

Sincerely,

Barbara Marion
7500 Woodmont Ave. Apt. 915
Bethesda, MD 20814

From: [Penny](#)
To: [MCP-Chair](#)
Cc: [Gatling, Tsaiquan](#); [Dickel, Stephanie](#); [Mencarini, Katherine](#)
Subject: 4824 Edgemoor Lane Plan Number 12020007A and 82021004A
Date: Monday, March 6, 2023 9:53:56 AM
Attachments: [2023.3.6 APD Comments to Planning Board Re Address Change.pdf](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Please include the attached comments in the record in this matter, which is scheduled for a hearing on Thursday, March 9.

Thank you.

Penny Dash
The Chase at Bethesda, Owner

March 6, 2023

Dear Planning Board Chair and Members;

Re: 4824 Edgemoor Lane, Plan Amendments, Plan Number 12020007A and 82021004A

I am an owner of a condo at The Chase of Bethesda. Our Garage sits immediately adjacent to this development on Edgemoor Lane. I am writing to: (1) oppose the plan for increased density and for short-term transient “renters;” and (2) ask the Planning Board to correct the egregious mistake made at the site plan hearing by former Chair Anderson regarding the Chase’s request to change the address to a Woodmont address. The change address would direct all arriving vehicles using GPS to arrive on Woodmont Avenue where the garage single pull-off space and loading dock are located. This problem affects the Chase drivers who utilize the 282 garage spaces in our building, as well as the community at large who drive on Edgemoor Lane.

At the time of the site plan hearing in March 2021, the Chase Board of Directors and other Chase residents, in writing and in testimony, requested that the former Planning Board require developer to move the address to a Woodmont address. We perceived the obvious problem, with even with 76 condo units, of vehicles arriving by GPS stopping on Edgemoor Lane and blocking its one lane for all drivers and most notably the Chase drivers trying to exit our adjacent garage. This will be greatly exacerbated by the increased density, if approved.

Former Chair Anderson endorsed this idea orally at site plan, it sounded as if it was going to be required of Acumen, but former Chair Anderson **neglected to memorialize it in writing as a condition or requirement**. Acumen is under no obligation to make this minor change. This leads us now back to square one now with the current Planning Board which can easily rectify the situation.

The salient facts are as follows:

1. **Edgemoor Lane is being reduced to one lane** to accommodate a two-way bicycle lane (see Acumen’s diagram of the area; a copy is contained in my January 24, 2023 comments to this Board). No one at the Planning Department has thus far acknowledged the importance of this upcoming change and its impact on the adjacent community.
2. **The Chase garage entrance/exit is adjacent to the Acumen property and any one vehicle standing on Edgemoor will cause a logjam in the one lane of Edgemoor and will prevent Chase drivers from exiting the garage safely.** More broadly, this logjam will obstruct all traffic on Edgemoor. Commuters routinely use Edgemoor Lane to get dropped off or picked up at the Bethesda Metro Kiss and Ride directly across from this development.
3. **All vehicles arriving by GPS will arrive on Edgemoor Lane and stop.** This is around the corner from the one interior pull-off space on Woodmont designated for vehicle traffic for the development. These GPS-arriving vehicles will be “standing” in their cars waiting for passengers or unloading, texting them, parking to make a takeout delivery, or other not-previously-scheduled delivery.

The Management Loading plan addresses scheduled deliveries, but simply states that nonscheduled deliveries (ubers, etc) can pull into the one space in the garage, but does not recognize that all GPS directed vehicles will arrive on Edgemoor to first learn or figure out where to go and will be standing, texting or calling the residents to find out where they are or where they need to go. The “No Parking-No Loading” signs will obviously be ineffective to prevent anyone from stopping on Edgemoor, just as the current “No Parking” signs on Edgemoor are routinely ignored and there will be no regular traffic enforcement dedicated to this. The planned designated drop-off space across Edgemoor would require U-turns in the middle of the busy street to utilize even if there were some way to alert GPS-arriving drivers that such a space exists.

4. The problem exists even with the original 76 units and any change to short-term rentals, even without added density, exponentially increases the number of vehicles that will arrive by GPS to the Edgemoor side of the building before finding out that Woodmont is the preference. For example, looking only at ubers/lyfts arriving to pick up or unload passengers, we will be seeing:

a. At a minimum, assuming only 30-day rentals year round for 65 units there will be a minimum of 1,560 trips simply for loading and unloading at rental turnover. This does not account for interim trips or deliveries for food or other items or visitors, along with all other vehicles arriving by GPS to service all other residents of the building. [*Calculation: There would be 12 turnovers per unit each year, each turnover is one in and one out or 2 ubers per turnover or a total of 24 vehicles arriving per unit. With 65 units that is 1,560 ubers yearly.*]

b. At the upper end, a more likely scenario with the Airbnb-type situation, rentals will be every 3 days resulting in **15,730 ubers** arriving yearly just for the short-term rental population. [*Calculation: 365 days in a year divided by a 3-day stay results in 121 turnovers. Each turnover, one in and one out, is 242 ubers per unit. With 65 units is 15,730 uber trips.*]

5. The burden to developer to make the requested address change is minimal.

a. The lobby for the new development will be on the corner so no reconstruction of the entrance is needed.

b. Acumen’s lawyer told the Chase and developer in meetings prior to site plan that an address change is extremely feasible and merely a paperwork requirement.

c. Acumen was hesitant previously because it had set the location of the fire room to be Edgemoor, and was wary of committing to a redesign of the lobby floor. This hesitation is no longer pertinent as is clear from the August 5, 2022, revised October 4, 2022 and revised again February 8, proposed Amendments, developer is currently reconfiguring interior space, including the lobby floor. Their justification states they are removing most bicycle storage to the parking garage, which frees up the Woodmont side of the building’s lobby floor if they need to move the fire access room to that side, should the Fire Department require it. A redesign, therefore, at this point in time, when the interior is in a state of flux, is not a burden to Acumen. Their legal and architectural team is eminently able to accomplish a satisfactory placement of the fire access room.

In conclusion, this is a straightforward and feasible requirement for developer and does not affect the nature of the building, the density, etc. The Planning Board should **put as a firm unconditional requirement that the developer will change the address to a Woodmont address.** This will correct the error on the part of former Chair Anderson who endorsed the idea but neglected to include it as a condition.

Respectfully submitted,

Penny Dash
Chase Owner

From: alcira.fonseca
To: [MCP-Chair](#)
Subject: Plan 4824 Edgemoor
Date: Monday, March 6, 2023 10:12:14 AM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Regarding the proposed plan located in the southwest quadrant, intersection of Woodmont and Edgemoor Lane, I strongly oppose the developers request to increase the number of units for that project. I believe that additional units will contribute to traffic jams in the area and vicinity. In addition, the entrance to the parking garage of The Chase of Bethesda will be negatively affected by its proximity to the new development.

Thanks for allowing me to express my opinion.

Alicia Menza
7500 Woodmont Ave,
Unit 1002
Bethesda, MD 20814

Sent from my iPhone

From: [Penny](#)
To: [MCP-Chair](#)
Cc: [Gatling, Tsaiquan](#)
Subject: 4824 Edgemoor Lane, Plan Amendments, Plan Number 12020007A and 82021004A
Date: Tuesday, March 7, 2023 1:37:22 PM
Attachments: [2023.3.7. Comments on Vanishing Tower Separation and OOPs Tactic.pdf](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Please enter the attached comments in the record in the above-referenced matter. Thank you.
Penny Dash

March 7, 2023

Dear Planning Board Chair and Members;

Re: 4824 Edgemoor Lane, Plan Amendments, Plan Number 12020007A and 82021004A

Topic: THE CASE OF THE VANISHING TOWER SEPARATION ASSAULTS THE INTEGRITY OF THE DEVELOPMENT PROCESS

I am an owner of a condo at The Chase of Bethesda and write to request that this Planning Board restore the integrity of the development process. As is further explained below, Acumen utilized the “OOPs Tactic” in obtaining former Chair Anderson’s approval of a tower separation between the adjacent Chase Condo and this development that was far below the Bethesda Guideline and only 1/3 of the lower Design Advisory Panel’s (DAP) condition. The “OOPs Tactic” is now in the public domain and will be utilized time and again by developers and their lawyers before this Board unless action is taken now.

The facts from 45’ down to 33’ are as follows:

1. The applicable Bethesda Design Guidelines, provides for a Tower Separation Distance of between 45-60 feet, at 2.4.6. Tower: Separation Distance.
2. As an accommodation to Acumen and in recognition of the small size of the lot, on February 26, 2020, the DAP, in response to an outpouring of concern by Chase residents, approved the sketch plan **with a condition, that the Applicant “must endeavor” to achieve a minimum an average separation of 40 feet** [Planning Department May 14 Memorandum correcting the Resolution from the April 16, 2020, Planning Board sketch plan hearing; and see Bethesda Development Design Advisory Panel Minutes, February 26, 2020, and see videorecording of the April 16 sketch plan hearing before the Planning Board.]
3. At the April 16, 2020, sketch plan hearing, Acumen displayed for the Board two “Options” for the south façade. **Significantly, both options used the professionally-accepted method of consistently measuring from the Chase primary building face to arrive at measure the tower separation distance.** Option 1 was a step back leading to an average 35’ tower separation; Option 2 showed a step back resulting in an average 37.5’ tower separation. (See video of April 16 Planning Board hearing, Option 1 and Option 2 drawings). Former Chair Anderson casually showed his pro-developer bias and remarked that he liked the designs, even though both were below the DAP condition, but he made no endorsement.
4. Notwithstanding that Acumen “endeavored” and “found” an average 37.5’ tower separation at the April sketch plan, at a June 11, 2020, public meeting, Acumen introduced the current drawing and told the public it represented an average 35’ tower separation. They displayed a drawing which utilized a newly made-up methodology for **calculating the separation distance** - that benefitted Acumen to the detriment of the Chase. Chase members in discussion at that time and in a subsequent phone call and emails to Acumen questioned the calculation as it could

not be replicated by Architect representatives from the Chase and the calculation methodology failed to use professional standards. [Interestingly, the diagram of the tower separation and calculation was the ONLY document not available for the public to access at the June 11, 2020, public meeting, and it was not made available to the Chase until AFTER the June 24th DAP meeting, see emails during that period between Ms. Harris and myself which were cc'd to Planning Staff.]

5. The OOPs Tactic began at the June 24, 2020, DAP meeting. Notwithstanding the repeated questioning of the tower separation distance and the calculation methodology, Acumen TOLD THE DAP there was “an average 35.05 foot” tower separation distance. Architect Robert Kuentzel representing Acumen, obscuring the calculation methodology explained to the DAP as follows: “So here we have the average separation distance and how we measured this is, we took essentially all of the points along our façade, our south façade and measured the distance of those along the property line and the length of those along the property line and the distance from the property line. We took an average and that gets us to 35.05’ between the Chase and our building.” [June 24, 2020, DAP meeting found at <https://www.youtube.com/watch?v=P4DJplvgtu8> at 17:01 minutes]

6. The OOPs Tactic continued on November 11, 2020, when Acumen submitted its site plan documents including the same drawing showing the average tower separation distance, but for the first time with a lower separation distance, an average of 34.03’ – NOT 35.05’. (DAIC, Site Plan document number 09-ARCH-8202100400-1000.pdf.) This measurement derives from the unorthodox calculation methodology created by Acumen’s architects.

7. Based on input by professionals to the Chase at that time, it is believed that using a professional calculation methodology (measuring from the primary face of each building), the tower separation distance on average is about 33’ – 2’ lower than what the DAP was told and a foot lower than that belatedly acknowledged by Acumen.

8. All of the above regarding the vanishing tower separation distance was brought to then Chair Anderson’s attention in writing as comments for the March 25, 2021 site plan hearing and was also discussed in testimony. Only at that delayed time did Acumen orally acknowledged its mistake in previously stating 35.05’ to the DAP.

9. Former Chair Anderson not surprisingly, given his pro-developer bias, made a gross mistake in approving the project without a further limited hearing before the DAP on the tower separation distance or alternatively requiring Acumen to adhere to the 35.05’ tower separation it had previously contended was the distance (and which was the lower of the two “Options” shown at the Sketch Plan hearing).

Former Chair Anderson incorrectly stated at the site plan hearing that the DAP approved the tower separation, but indeed **the DAP was unaware the true separation distance was about 1/3 of that which the DAP requested and believed was reasonable and attainable.** Glossing over the difference between the DAP hearing testimony and the so-called corrected site plan presentation rewarded developer’s deliberate misstatement or sloppy work. The matter should not have proceeded in March 2021 without further corrections being made by Acumen.

The existence of the OPPs Tactic is now in the public record and serves as a model for all future developers. To restore integrity to the development process, Acumen must be required to either: (1) return to the DAP solely on the tower separation issue; or (2) be required now to adopt an average tower separation of 35.05' as measured from primary face of each building. **To fail to do this undermines the integrity of the development process and provides a roadmap for all developers to utilize the OPPs Tactic to get their projects through the Planning Board without meeting established conditions.**

Acumen's plans are currently in a state of flux and redesign, as evidenced by various proposals for Amendments that continue to be presented and are pending now. Whatever delay this will cause developer will on balance be worth it to ensure a development process with integrity for Montgomery County.

Respectfully submitted,

Penny Dash
Chase Owner

From: [Mina Addo](#)
To: [MCP-Chair](#)
Subject: Comments for March 9, 2023 Planning Board Hearing
Date: Tuesday, March 7, 2023 10:32:34 PM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Mr. Zyonts:

I am writing to express concerns about the planned development at 4824 Edgemoor Lane in Bethesda. I own a condo in The Chase at Bethesda located at 7500 Woodmont Avenue, adjacent to the planned development site. Since the last public hearing, plans have been amended to increase the number of units in the proposed development and to include short-term rentals. I have three primary concerns:

Garage Access at The Chase: The planned construction and completed structure will impede access to the Chase's garage and loading dock during the construction period and beyond. It is already difficult to exit the garage during prime commuting times. This development which includes parking will add more cars to an already extremely busy and dense intersection, exacerbating challenges entering and exiting the Chase garage. While some move-ins/move-outs are expected in a residential building, short-term rentals are likely to have more frequent move-ins/move-outs, increasing traffic and impeding access to our loading dock and trash disposal. What steps will be taken to protect Chase residents' access to our garage?

Pedestrian Safety: I am extremely concerned about risks to pedestrian safety. Sidewalk closures and the introduction of construction vehicles will hinder visibility making walking more risky, and may require pedestrian detours. Given proximity to the Bethesda Metro entrance, it is imperative that sidewalks remain unobstructed, accessible, and safe for pedestrians. Construction of other developments in the area have meant years' long closure of sidewalks requiring pedestrian detours and lane closures in order to accommodate construction vehicles. As noted in my previous comment, construction vehicles during the building phase and resident/visitor traffic at completion will add traffic to this already congested area; increased traffic poses risks to pedestrian safety. What steps have been taken to protect pedestrian safety and ensure safe passage to the Metro from Woodmont Avenue and Edgemoor lane?

Planning Board Approval Processes: Montgomery County has development and construction guidelines to protect residents and manage growth in the area. The planned development will take a very small lot that currently houses a single-family home that has been converted into an office, and will replace it with a multi-story residential building. I would like to understand why the developer has been granted variances that would enable the project to move ahead despite not meeting County guidelines--reducing the spacing between buildings, reducing the sidewalk setback, changing the number of units and short-term rentals. What steps has the Planning Board taken to protect the interests of County residents who will be negatively affected by the proposed development?

I look forward to hearing about how these and other concerns raised by the community will be addressed.

Thank you,
Mina Addo

From: [Katie Spidalieri](#)
To: [MCP-Chair](#)
Subject: Public Comment for March 9, 2023 Hearing on 4824 Edgemoor
Date: Wednesday, March 8, 2023 4:48:19 AM
Attachments: [Gmail - 4824 Edgemoor Lane re Public notice requirements and project amendments.pdf](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Please see below for a public comment submitted for the March 9, 2023 Montgomery County Planning Board Hearing on 4824 Edgemoor. Please also consider the attached email chain as part of my public comment. Please confirm receipt of this email and inclusion in the record for this hearing. Thank you in advance!

BEGIN PUBLIC COMMENT FOR MARCH 9, 2023 MONTGOMERY COUNTY PLANNING BOARD HEARING ON 4824 EDGEMOOR

To Whom it May Concern:

Thanks for the opportunity to provide public comments in reference to the proposed amendments for the development at 4824 Edgemoor Lane. With these comments and my forwarded emails attached below (incorporated by reference here), I strongly oppose the proposed amendments (dated February 24) on many grounds, including the lack of transparency and public engagement that has occurred throughout this process; and the legal questions this project raises.

In addition to the increased density, which is incompatible with the size and location of this lot, and traffic and pedestrian safety concerns, the proposed amendments raise more common sense questions than answers. Notably, nearly doubling the size of allowed units from 76 to 111 and allowing the developers to build to the property line on less than one-fifth of an acre is frankly mind-boggling.

For another example, in response to concerns about parked cars and stalling on Woodmont Avenue, the 4824 Edgemoor Staff Report provides: "*The entrance to the garage includes one short-term parking space to allow cars to wait onsite for ridesharing purposes or unscheduled deliveries. . . . All residents will be instructed to communicate to taxis, rideshare drivers, and food deliveries to use that space. To manage the loading space, the management company is required to make staff available onsite, on-demand Monday through Friday, 7 AM to 8 PM to assist with loading operations. Outside of that time, residents will need to electronically reserve time for access to the loading space.*" (Section 7: Community Outreach, p. 16).

Aside from the fact that one parking space is insufficient to accommodate deliveries for 111 units in today's post-pandemic world, which will also include needs for repairpeople and cleaning and maintenance crews that will be necessary at a hotel-like building, I find it highly improbable and down right unrealistic to expect that

residents, especially ones who may be staying less than 30 days, will "electronically reserve time for access to that loading space." Services like Uber, Lyft, and Instacart do not even function in a way that gives people a precise arrival time in which they could reserve the one spot, let alone what happens if multiple people are competing for that spot at the same time. On a daily basis, the Chase turnaround on the front of the building and the guest parking lot are frequently full. One parking spot and an electronic reservation system are not logical.

These are only two examples of why the proposed amendments for 4824 Edgemoor Lane should not be approved or, alternatively, be subjected to additional analyses and public engagement.

This comment highlights three primary concerns:

- **The process to engage and notify community residents about these proposed amendments was not transparent. In addition, this raises questions about whether the project applicants and/or the Planning Department properly followed Montgomery County's relevant regulations.** In summary, the public process leading up to the March 9 , 2023 hearing has been confusing and it is questionable as to whether the county's public process laws at 50.10.01 have been followed. Trust and transparency with a community must be cultivated and maintained. Meaningful public engagement is more than a "check-the-box" exercise and should not cut out the most interested and impacted stakeholders. Instead, these stakeholders must receive adequate notice and opportunities to comment about proposed development in their communities, particularly when they take the time out of their busy work and family, etc. schedules to stay apprised of and participate in these processes for the benefit of their communities.

Here are four points and concerns of particular note, as evidenced by email correspondence with Planning Department staff incorporated by reference here and the 4824 Edgemoor Staff Report:

(1) Per 50.10.01.04(A)(1), I believe written notice is required for both major and minor preliminary plan and site plan amendments. In this case, written notice was only provided in August 2022 and on February 24, 2023 (per the postmark). This written notice coincidentally coincided with emails to the Planning Department the weeks of February 12 and 19 inquiring about public notice requirements and the lack of written notice provided in 2023, despite several revised versions of the proposed amendments, including versions dated February 8 and 15.

(2) In email correspondence with Planning Department staff incorporated by reference here and the 4824 Edgemoor Staff Report: "*In this case, the Applicant provided public notice and held community meetings for both the original Applications as well as for the amendment Applications. The notice list for the original and amendments are linked here for your convenience.*" (email dated February 23, 2023); and "*The Applicant held the required pre-submittal public*

meeting for the Subject Preliminary Plan Amendment and Site Plan Amendment. The meeting was conducted virtually per COVID-19 Guidelines and has complied with all submittal and noticing requirements. In addition to the required public meeting, the Applicant has conducted additional outreach." (Section 7: Community Outreach, p. 15).

In response to this email and the staff report, I inquired with other residents adjoining 4824 Edgemoor and did not hear from anyone who received notice about or was aware of either community meetings held for the "amendment Applications" nor "additional outreach." When I followed up with Planning Department staff about the hyperlink to view the notice list or other evidence of these community meetings "linked here for [my] convenience," I was not provided with said link or evidence (as of March 7, 2023). Therefore, I am still unsure if said community meetings and additional outreach took place for the various amendments between August 2022 and February 24, 2023 and/or if they did take place, whether residents of the Chase, the only adjoining property, were duly notified and invited to participate.

(3) Given the questions around the community meetings that may have taken place, I requested a community meeting, in accordance with county regulations. As of March 7, 2023, 12 days after I sent my email request on February 24, 2023, I still have not received a response to my request. Even if a community meeting is not required for a preliminary plan and site plan amendment, 50.10.01.06(C)(2) explicitly provides that members of the public can request a meeting and, for "particularly complex or controversial cases," "staff may initiate a community meeting."

(4) It is unclear why the hearing date was moved up from March 16 to March 9. This is in spite of at least two amendment revisions I am aware of on February 8 and 15. Further, as of March 7, 2023, I have not received a response to this question from Planning Department staff.

- **The short-term residential rentals and co-living dorm units included in the proposed amendments raise legal questions, including the legal authority to approve these types of residential uses.**
- **If approved, the proposed short-term residential rentals could functionally operate on their face as a commercial hotel without being classified and regulated as one.** Despite the technical classification for a "hotel" as commercial and a "short-term residential rental" as residential, in practice, the two will likely operate very similarly, minus some potentially reduced regulation and services provided to residents or guests.

This proposed amendment is for 65 short-term residential rentals. This is not like a one-off AirBnB or a VRBO (Vacation Rental by Owner) house or unit, which the [short-term residential regulations](https://www.montgomerycountymd.gov/DPS/Process/zspe/Short-term-residential-regulations) approved by voters are intended to cover ([https://www.montgomerycountymd.gov/DPS/Process/zspe/Short-](https://www.montgomerycountymd.gov/DPS/Process/zspe/Short-term-residential-regulations)

[Term-Rentals.html](#)). The former sounds a lot like a commercial enterprise, even if the technical term and definition in the zoning ordinance say otherwise. For example, it is illustrative that the definition for a "short-term residential rental" excludes bed and breakfasts, a smaller-scale or small-business version of a hotel that is much more like the proposal for 65 units here compared to an AirBnB or a VRBO. In addition, imagine one or two of your neighbors rented out their homes as an AirBnB. Then, imagine 65 of your neighbors rented out their homes as an AirBnB. Whether you have neighbors in an apartment, a condominium, or a stick-built house, this 65-neighbor scale marks a significant and impactful difference.

What will the developer be putting in place that, in practice, distinguishes 65 short-term residential rentals from a hotel, other than revising the technical term in its application? Anyone could stay at one of the many hotels in this area for less than 30 days. Why does Bethesda need more short-term residential rentals?

Further, it is possible that the developer incorrectly used the term "hotel" in at least two of its amendment applications in August 2022 and February 8, 2023; however, I find that explanation questionable, especially given the lack of public engagement throughout this process. Why did it take experienced project applicants and staff at the Planning Department since August 2022 and multiple versions of amendments to recognize and revise such a significant "error" (as described in email correspondence with Planning Department staff, incorporated by reference here)? As such, this further underscores the need for a community meeting to provide the public with an opportunity to ask questions and for the project applicants to explain the rationale behind this proposal.

- **The co-living dorm units should not be approved because they are not authorized by Montgomery County's zoning ordinance or housing regulations.** In email correspondence with Planning Department staff, incorporated by reference here, and the 4824 Edgemoor Staff Report, the county has been explicit that it lacks the authority to approve co-living dorm units under both Montgomery County's zoning ordinance and housing regulations: *"As it relates to 'co-living' units, these are not a use recognized within the County Zoning Ordinance or Chapter 25 Housing Policy/Regulations. Without standard language for guidance, the Applicant has coordinated with Planning Staff and DHCA in order to meet all applicable development regulations associated with the proposal which will be further described and upheld as conditions of approval in the staff report."* (Section 7: Community Outreach, p. 17).

What alternate legal authority can the county cite for approving such a use if it is not authorized in the county's zoning or housing laws, particularly when voters in Montgomery County have approved other measures to regulate and limit the use of non-traditional residential uses like short-term residential rentals?

Since the county admittedly lacks the legal authority under its zoning and housing laws to approve this residential use, it should be denied. Aside from inherent questions of legal authority and risk, approving co-living dorm units would set a bad precedent for the county to approve uses, residential or otherwise, that are not authorized by the county's zoning ordinance, as long as they come with "conditions." These "conditions" are undefined and not reassuring; they could be anything. Further, approving the co-living dorm units would only undermine public transparency and voter-approved processes, particularly at a critical time for the Planning Board and Planning Department given recent turnover.

- **The negative impacts of too much development and increased density are already apparent in the Woodmont Triangle area. This proposed amendment would only exacerbate these impacts.** From increased street and pedestrian traffic prompting safety and congestion concerns, I see and live the negative impacts of over-development in my community every day. In particular, I have noticed increased stormwater flooding and degrading environmental conditions and aesthetics as grass and green cover that were present only a few years ago are now over-treaded and unable to regrow. Instead, our formerly green streets are replaced with mud and dirt and dead and dying grass. This is on top of an increased amount of litter, an increased number of rats, and people consistently walking in the streets and dodging cars as they pass their neighbors because the sidewalks are not wide enough to accommodate all of the people outside at the same time. Despite no parking signs, cars frequently violate those restrictions by parking on Edgemoor, whether for temporary deliveries or overnight.

As a younger person who was originally excited about moving to Bethesda and purchasing my first home in this suburban area outside of the city, I must confess I am dismayed by what I encounter on my walks every time I see another crane in my vista, which leads me to wonder things like if they are really going to add another floor to a building already exceeding surrounding ones in height or question how much harder it will be to get direct sunlight during the day or spot the moon and stars at night. If I wanted to live in a more urban area like Arlington or the District of Columbia, I would have chosen to live there; I picked Bethesda for specific reasons.

To me, the impacts I am observing are the direct result of concentrating too many people in an area not intended to hold and not capable of holding that many. Increased density, reduced property setbacks and sidewalk widths, decreased amounts of greenspace, the lack of parking and drop off areas, and other decisions made by the Montgomery County Planning Board and Planning Department affect the lives of community members long after a site plan and preliminary plan are approved. As representatives of the communities in Montgomery County, please listen to the words and experiences of the people who live here to inform the carrying capacity of new development in Bethesda.

However, as stated in my forwarded and attached emails incorporated by reference here, I will elevate two additional points:

- **The proposed amendments to provide short-term residential rentals and co-living dorm units are not affordable housing and could further undermine an equitable approach to housing in Montgomery County.** Affordable housing necessitates long-term, stable residential options that allow people to thrive in their communities. A meaningful and equitable strategy to address the area's affordable housing crisis must combat the true cause of this problem: The total cost of housing, which includes the portion of a person's income that is being spent on a mortgage, rent, and other housing-related expenses, such as utilities. Providing people with short-term residential rentals and/or adult-dorm units is not a solution to this problem.

One could perceive this amendment as suggesting or endorsing that longer-term or more permanent housing options and the privacy and comforts that come with even a studio apartment or condominium are only for the financially privileged. Instead, affordable housing could be inequitably equated with 30-day or less restrictions, transient taxes (which add to total housing costs), and/or a shared living space and kitchen. Moreover, I am not aware of short-term residential rentals and co-living dorm units being classified as "missing middle" housing. If that was the case, what would stop corporations like Marriott or Hilton from advertising their hotels as affordable housing?

Nationally, articles that talk about hotels and affordable housing focus on the *permanent, not temporary* conversion of hotels to affordable apartment and owner-occupied units. Moreover, this [national Bloomberg article about Atlanta](https://www.bloomberg.com/news/articles/2022-06-23/when-extended-stay-hotel-rooms-become-affordable-housing), among other articles, tells one story about some of the impacts that can result when significant new development pushes people out of their homes, forcing them to live in extended-stay hotels (<https://www.bloomberg.com/news/articles/2022-06-23/when-extended-stay-hotel-rooms-become-affordable-housing>). In relevant part, the articles states:

"Shavetta Simmons loved the house in Lawrenceville, Georgia, where she lived much of the past two years, but couldn't afford the \$2,000 monthly rent anymore, with utilities piling up. She moved out, stayed with family for several months, and finally took refuge in a single room extended-stay hotel in an Atlanta suburb.

Simmons is one of a growing number of residents priced out of the red-hot housing market in Metro Atlanta. The city has one of the largest concentrations of discount extended-stay accommodations in the US - hotels initially designed for traveling workers needing temporary lodging, but are increasingly being used as permanent housing for low-income workers. In a sign that more families are forced to cram into one-bedroom units for long periods: local school districts include stops at the hotels in their bus routes. . . . 'My hope is to get into a house to rent,' Simmons, 43, said last month, standing under the portico of the Studio 6 hotel in Duluth, Georgia, where she'd been

living with two of her children since February. 'But unfortunately, not everyone can get to that point.'"

For many reasons, including the ones cited here, please do not approve this amendment and let it stand for an improperly labelled "affordable housing solution" in Montgomery County.

- **It is unclear whether there is successful precedent for this type of "tri-brid" residence (i.e., apartments, short-term residential rentals, and co-living dorm units) in Montgomery County or Maryland or whether the developer's proposal aligns with the county's actual housing needs.** I believe the developer cites changing market conditions as a primary driver for this amendment. However, I am unaware of any financial market, housing, or other types of analyses similarly supporting this unique, and I do not mean that in a positive way, tri-brid approach to housing development. In my emails to the Planning Department, I have requested but not been provided with this information.

In the absence of such data or studies, common sense would suggest that market trends and housing needs always change and vary over time. However, in the long term, I would guess that people will always need traditional owner-occupied and apartment homes, but the market for short-term residential rentals and dorm units after college or university is far less certain.

New development approved by Montgomery County is in effect permanent, in the sense that it will be around for decades. It will fundamentally impact the character of a community and the lives of the people that live there. Please do not allow a strangely unique and potentially locally untested or unproven tri-brid concept to be piloted in our community. Bethesda should not be played with as a test site. Moreover, if this tri-brid concept fails, please do not force our community to be stuck with it into the future.

Again, thank you for reading this comment. Within the bounds of the state's and county's laws, this board has discretion to deny these amendments; or at a minimum, require the project applicants and the Planning Department's staff to follow the county's public process laws and provide a more meaningful and transparent opportunity to meet and confer about the plans for 4824 Edgemoor Lane. As stated above and below, this amendment raises a lot of questions that should be discussed with the community members who will be impacted by it, now and for decades to come.

Thanks in advance for any and all consideration.

--

Cordially,

Katie Spidalieri



Katie Spidalieri <k.a.spidalieri@gmail.com>

4824 Edgemoor Lane re: Public notice requirements and project amendments

Katie Spidalieri <k.a.spidalieri@gmail.com>

Fri, Feb 24, 2023 at 3:16 PM

To: "Gatling, Tsaiquan" <tsaiquan.gatling@montgomeryplanning.org>

Dear Tsaiquan,

Thank you for providing me with a timely response and an answer to most of my questions. I have follow up questions and comments. I plan to submit additional comments in advance of the March 9 hearing; however, please consider this email and my previous one dated February 15 as public comments to be included as part of the record for this application.

- What is the reason for moving up the hearing from March 16 to March 9? This seems counterintuitive given, as your email communicated about the hotel "error," there is yet another change in the proposal for this property. If anything, the hearing date should be pushed back. Members of the public cannot adequately comment on a moving target.
- Can you please resend the link for the public notices and community meetings for the amendment applications? It was not included in the first email below. Several residents in the Chase have been tracking the original and amended applications for years. While we in fact received a letter via regular mail about the first amendment back in August 2022, none of the residents I have communicated with: (1) received notice about a community meeting for the August 2022 amendment application (which I believe several people would have attended); nor (2) received additional notices about community meetings nor written notice about either of the now apparently at least two February amendments.
 - After reading section 50.10.01.04 for public notice requirements, it looks like, at a minimum, adjoining residents and property owners should be provided written notice from the applicant for both major and minor preliminary plan and site plan amendments. At this point, I am not sure how the county is classifying the different versions of these amendments; however, that seems beside the point since the county's requirements at 50.10.01.04(A)(1) apply to both. In this case, I believe written notice has not been provided for either of the new February project amendments.
 - In addition, even if a community meeting is not required for a plan and site plan amendment (even if the applicant potentially had one between August and February, which Chase residents were not aware of), 50.10.01.06(C)(2) explicitly provides that members of the public can request a meeting and, for "particularly complex or controversial cases," "staff may initiate a community meeting," which, for reasons articulated in my first email and here, seems warranted. As such, I would formally like to request a community meeting in advance of the March 9 hearing. If you are the lead reviewer, please let me know how to proceed. If you are not the lead reviewer, please pass my request along to the appropriate contact.
 - "2. *Community meetings during review.* Meetings with members of the public may be scheduled for a case upon request to the lead reviewer, or for particularly complex or controversial cases, staff may initiate a community meeting. These meetings must include other agency representatives and the applicant, as appropriate."
- I will also add, given the recent turnover and allegations of corruption, abuse of discretion, and/or unprofessional conduct by the previous members of the county's Planning Board, this lack of public notice and multiple 11th-hour amendments to the amendments in February seem to be cutting the public out of the process and are not doing anything to instill trust in the new governance of the Planning Board.
- With regard to the co-living units, what authority can the county cite to for approving such a use if it is not authorized in the county's zoning or housing laws, particularly when voters have approved other measures to regulate and limit the use of short-term residential rentals in Montgomery County?
 - "As it relates to 'co-living' units, these are not a use recognized within the County Zoning Ordinance or Chapter 25 Housing Policy/Regulations. Without standard language for guidance, the Applicant has coordinated with Planning Staff and DHCA in order to meet all applicable development regulations associated with the proposal which will be further described and upheld as conditions of approval in the staff report."
- While it is possible that the developer incorrectly used the term "hotel" in two of its amendment applications in August 2022 and February 8, 2023, I do not find that explanation plausible. This is an experienced developer who is working with an experienced local land-use and zoning firm. Moreover, it took the developer, its law firm, and the county since August 2022 and at least three iterations of amendments to recognize and revise this "error." This seems unlikely. As such, this further underscores the need for a community meeting in advance of the March 9 hearing to provide the public with an opportunity to ask questions and for the developer to explain the rationale behind its proposal either virtually or in person.

- Despite the technical classification for a "hotel" as being commercial and a "short-term residential rental" as being residential, in practice, the two will likely operate very similarly, minus some potentially reduced regulation and services provided to residents or guests, and I would presume without the same county and/or state fees for the latter. Anyone could stay at one of the many hotels in this area for less than 30 days. Compared to at least the co-living units, where, as described in the applicant's February 8 submission, bathrooms and kitchens will be separate, I presume that most people drawn to the Bethesda community would rather have their own bathroom, at a minimum, and stay at a hotel.
 - What will the developer be putting in place that, in practice, distinguishes the short-term rentals and co-living units from a hotel, other than revising the technical term in its application?
 - This is not like a one-off AirBnB or VRBO house or unit. This is 65 proposed short-term residential rentals. The latter sounds a lot like a commercial enterprise, even if the technical term and definition in the zoning ordinance say otherwise. For example, it is illustrative that the definition for a "short-term residential rental" excludes bed and breakfasts, a smaller-scale or small-business version of a hotel that is much more like the proposal for 65 units here compared to an AirBnB or VRBO.
- Does the county have any other examples of approved short-term residential rentals and/or co-living units on this scale?
 - Moreover, has the developer cited any proofs of concept for either or both approaches in Montgomery County or Maryland?
 - Have there been any market analyses conducted to suggest that this would be a viable concept?
 - If the stated need to amend the original proposal is a shift in the market, how has the market shifted to support this amended application?
 - In addition, has the developer cited or provided a potential buyer or client for this project?
- As part of this application, has the developer or the county evaluated the types of clients or customers or residents who would be interested in the hotel-like short-term residential rentals and co-living units? Given what I believe is a novel, albeit not in a good way, approach to providing temporary housing, it would make sense to understand if this is a viable venture before it is approved by the county.
 - I have been brainstorming who the intended client base could be and have not identified any potential candidates, for example: businesspeople and tourists will probably stay at one of the many well-known hotels in the area, especially if the developer cannot market this as a commercial hotel; fellows, interns, and other short-term professionals in D.C. (e.g., on the Hill) commonly come for more than 30 days to several months; university and college students are in the area for a minimum of nine to 12 months per year; diplomats and their families also typically need longer-term rentals, let alone apartments with their own bathroom and a kitchen.
 - Above all, these short-term residential rentals and co-living units, even if offered at an "affordable" rate, whatever that may be, in no way classify as affordable housing. As someone with a bit of work experience in this area and listening to and learning from both local governments and community-based organizations and advocates in this space, people need affordable, stable, longer-term housing (i.e., more than 30 days) for themselves and their families. Short-term residential rentals and co-living units are not a tool to mitigate this area's affordable housing crisis.
 - How would the short-term residential rentals and co-living units align with any housing plans, goals, or analyses in the county, if at all? The fact that this property is located across the street from a Metro station does not in and of itself create affordable housing.

Thank you in advance for answering what I know is a long list of questions. The primary question necessitating a quick response is the one formally requesting a community meeting in advance of the March 9 hearing. Given the length of this email alone, I firmly believe that these discussions are better suited to a public virtual or in-person forum.

Katie Spidalieri

On Thu, Feb 23, 2023 at 1:52 PM Gatling, Tsaiquan <tsaiquan.gatling@montgomeryplanning.org> wrote:

Ms. Spidalieri,

Thank you for sharing your questions and concerns about the proposed Site Plan Amendment at 4824 Edgemoor Lane. I hope this response can provide some clarification and I am happy to provide links to the resources you requested.

First, to address the procedural questions related to Applications and noticing, I can refer you to the Planning Department Policies for the Development Review Process, found in Chapter 50 of the County Code. Generally, these Applications are reviewed on a 120-day period from the date of acceptance and are required to provide hearing notices as directed by Article 59-7. Similarly, the requirements for evaluating Site Plans are found within Article 59 as well, while requirements for Preliminary Plans are found in [Chapter 50](#).

In this case, the Applicant provided public notice and held community meetings for both the original Applications as well as for the amendment Applications. The notice list for the original and amendments are linked here for your convenience.

As you noted, the Applicant has revised their Application such that they are proposing a total of 111 residential units, of which up to 65 may be short term rental units, which per [Section 59-3.3.3.I](#) are defined as the following:

“Short-Term Residential Rental means the residential occupancy of a dwelling unit for a fee for less than 30 consecutive days. Short-Term Residential Rental is not a Bed and Breakfast.”

Also, to clarify, the Applicant inadvertently used the word “hotel” in their application when stating short term rentals/hotel. Short term rentals are residential units whereas hotel units are commercial, under the Zoning Ordinance. After discussion with the Applicant, they realized the mistake as this project will remain residential and they are sending out new notices and updated the signs to remove hotel from the proposal. The referenced section provides the regulations and findings which the Applicant must meet for these units. As it relates to “co-living” units, these are not a use recognized within the County Zoning Ordinance or Chapter 25 Housing Policy/Regulations. Without standard language for guidance, the Applicant has coordinated with Planning Staff and DHCA in order to meet all applicable development regulations associated with the proposal which will be further described and upheld as conditions of approval in the staff report.

Should you have follow-up questions, please feel free to contact me. Please note this project is scheduled on the March 9, 2023 Planning Board hearing.

Thank you,

Tsaiquan

Tsaiquan Gatling

Planner III, DownCounty Planning

Montgomery County Planning Department

2425 Reedy Drive, Wheaton, MD 20902

Tsaiquan.Gatling@montgomeryplanning.org

p: 301.495.2116

From: Katie Spidalieri <k.a.spidalieri@gmail.com>

Sent: Wednesday, February 15, 2023 8:16 PM

To: Gatling, Tsaiquan <tsaiquan.gatling@montgomeryplanning.org>

Subject: 4824 Edgemoor Lane re: Public notice requirements and project amendments

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Dear Tsaiquan,

I hope you are well. I am a resident at The Chase in Bethesda. I have four sets of questions about the proposed development for 4824 Edgemoor Lane and the preliminary plan and site plan amendments submitted to the county on February 8, 2023.

- Does Montgomery County have public notice requirements for preliminary plan and site plan amendments? If so, what are those public notice requirements and what is the supporting legal citation in the county's ordinance or regulations?
 - Is there a minimum or maximum distance or other requirement to whom said notice must be provided (e.g., residences on the same block, within one mile)?
 - Is there a county requirement that mandates a minimum amount of time between when a completed application is submitted/accepted and when project proposals can be heard at a Planning Board public meeting?
 - Is there a county requirement that mandates a maximum amount of time between when a completed application is submitted/accepted and when any public notice must be provided?
 - In addition, is there a county requirement that mandates a minimum amount of time between when any public notice is provided and when project proposals can be heard at a Planning Board public meeting?
 - When the developer for 4824 Edgemoor Lane previously submitted different preliminary plan and site plan amendments in fall 2022, I received a notice letter via regular mail from the developer's law firm; however, I only found out about the February 8 preliminary plan and site plan amendments second hand and have not received any formal notice from the developer. Given the *significant* changes to these amendments between the fall and now, I am concerned that there may not be sufficient public notice before the March 16 Planning Board meeting; previously, the public had more than 30 days to be notified about and review the fall 2022 amendments.
- Are affected members of the public able to request a community meeting with planning staff and/or the developer for preliminary plan and site plan amendments? If so, what are the requirements, procedures, and/or timing considerations affecting such a potential request?
- Can you provide me with the legal citation for the county's criteria or requirements against which preliminary plan and site plan amendments are evaluated by the Planning Board and staff? Alternatively, if said requirements or guidelines are found in external policies or guidance, can you please provide me with a copy of the relevant documents or direct me to where they are on the county's website?
- In terms of classifying different types of residential units in the county's zoning and land use code, how would the county classify both the 65 short-term or hotel units and the 22 "co-living units" included in the developer's February 8 proposal?
 - As described in the February 8 proposal, would either or both of these types of units be subject to Montgomery County's [short-term residential rentals regulations](#) (where I presume the developer or eventual owner of the proposed building/hotel-apartments-hybrid building [whatever it would be classified in terms of a residential or commercial building?] would be subject to these requirements)?

I am happy to answer any follow up questions.

Thanks in advance for your assistance!

--

Cordially,

Katie Spidalieri

--

Cordially,

3/8/23, 4:13 AM

Gmail - 4824 Edgemoor Lane re: Public notice requirements and project amendments

Katie Spidalieri

--

Cordially,

Katie Spidalieri

From: [Michael Panarella](#)
To: [MCP-Chair](#)
Subject: Development at 4824 Edgemoor Lane
Date: Wednesday, March 8, 2023 8:25:57 AM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Planning Board Chair,

Writing today as a resident of The Chase in Bethesda MD located at 7500 Woodmont Ave. I'll get straight to the point, the idea of a "co-living" space that isn't an officially monitored hotel scares me. There are already laws in Montgomery County which state that a dwelling cannot contain more than 2 people of different last names in the same space. Technically speaking, you're breaking your own law if you allow the current plan to be approved. Understanding the lot size is small and located on the corner of Woodmont and Edgemoor, I get there are challenges with the space. However there **MUST** be a better solution that doesn't simply revolve around someone getting super rich. For example, the condos located at 4825 Montgomery Lane can serve as a template for what you can put on the corner at 4824 Edgemoor.

I'm urging you to **PLEASE** reconsider the development as it will not only be an absolute eye sore on an already over-developed Bethesda, but it will bring more transient residents to the area when we need more "owned" properties. The amount of apartments or temporary dwellings in the county and in Bethesda has gotten out of control.

Thank you for hearing my concern, hopefully a reasonable alternative can be found.

Michael

--

Michael Panarella
m: 240.388.0263

From: [Gatling, Tsaiquan](#)
To: [MCP-Chair](#)
Cc: [Dickel, Stephanie](#); [Mencarini, Katherine](#)
Subject: FW: 4824 Edgemoor Lane, Planning and Site Amendments
Date: Wednesday, March 8, 2023 9:33:54 AM

-----Original Message-----

From: Annette Jacobs <jacobs105@hotmail.com>
Sent: Tuesday, March 7, 2023 9:32 PM
To: Gatling, Tsaiquan <tsaiquan.gatling@montgomeryplanning.org>
Cc: Annette Jacobs <jacobs105@hotmail.com>
Subject: 4824 Edgemoor Lane, Planning and Site Amendments

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Dear Mr. Gatling,

My name is Annette Jacobs; I am a resident of The Chase of Bethesda. You have received many emails and letters from my neighbors regarding the proposed building adjacent to The Chase. My concerns mirror those of my neighbors. I invite the members of the planning board to visit this site to observe the reasons for our concerns.

The Edgemoor Lane and Woodmont Avenue corridor is a major route for cars and pedestrians, especially due to its proximity to the Bethesda Library, Bethesda Elementary School, and the Bethesda Metro Station. With the increases of units to the proposed building, in addition of the existing bike lanes, this area will decrease the safety of pedestrians and car riders. It is already more difficult to enter and exit from The Chase's garage, due cars stopped at the streetlight, and trucks making deliveries.

Please visit to observe the situation at the site, a large building on a small footprint, along with its accompanying large numbers of vehicles blocking the roads. The proposed changes will increase the dangers to pedestrians and car riders. I know Montgomery County is working to to improve the safety of its residents.

I appreciate your listening to my concerns, and hope the planning board will observe the site before approving these unsafe changes.

Sincerely,
Annette Jacobs
The Chase of Bethesda. Unit 515

Sent from my iPhone

From: [Josh Pollack](#)
To: [MCP-Chair](#)
Cc: [Kathleen Pollack](#)
Subject: Comments on 4824 Edgemoor Lane Amendments
Date: Wednesday, March 8, 2023 11:24:31 AM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Dear Planning Board,

As an owner/resident of a unit at the Chase, the condominium building immediately adjacent to the development at 4824 Edgemoor Lane, I am writing in strong opposition to the proposed amendments submitted by the developer.

Most notably, the proposed amendment that will be debated tomorrow contains a significant increase in the number of residents at 4824 Edgemoor. This significant increase in density will compound one of the principle challenges of the development -- the number of vehicles that will be entering and exiting the property, the number of additional truck and vehicle deliveries and pickups, and overall traffic on Edgemoor avenue.

This increased traffic will make it nearly impossible for drivers to enter and exit the existing Chase garage on Edgemoor Lane. While this was already an issue with the approved development, the proposed increase in density will only make the problem worse.

In addition, the proposed amendment calls for a significant increase in the number of windows facing the northern exposure of the Chase. For the many Chase residents and owners with such a northern exposure, the number of windows facing our windows and balconies will be significantly affected, creating even less privacy and more obstruction.

I request that the planning board reject this significant amendment to a development that is already far too large for the small parcel of land it is slated to occupy.

Thank you very much.

Kathleen Pollack
Owner/Resident, The Chase
7500 Woodmont Avenue
#415
Bethesda, Maryland 20814



Figure 3: Edgemoor Lane Frontage
(Looking South)

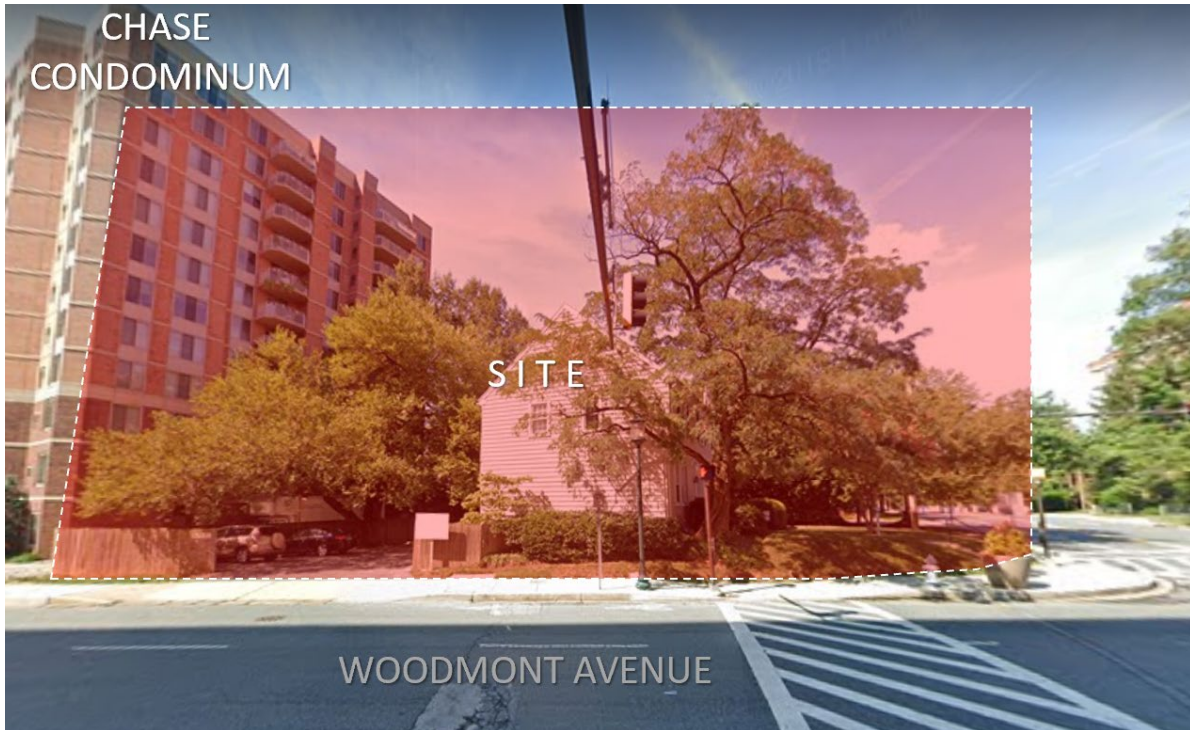


Figure 4: Woodmont Avenue Frontage
(Looking West)

Neil Goldstein

Community Member exhibit

MCPB 3/9/23

Item 6: 4824 Edgemoor, Preliminary Plan Amendment No. 12020007A &
Site Plan Amendment 82021004A

