



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

December 4, 2024

Mr. Artie Harris, Chair
Montgomery County Planning Board
2425 Reedie Drive, 14th Floor
Wheaton, Maryland 20902

Dear Chair Harris:

I am commenting on the Bethesda Minor Master Plan Amendment (MMPA) Public Hearing Draft, pursuant to Sec. 33A-5. This section (Sec. 33A-5) requires the Executive to present comments and recommendations “on the effect of the public hearing draft upon public facilities and the County capital improvements program.” As discussed below and in the attached comments of MCDOT, DEP, and DGS, the removal of the Development Cap will notably exacerbate the current deficit in adequate public facilities in Downtown Bethesda and require substantial additional funding in the CIP. The Draft would benefit from an assessment of the current level of public infrastructure, as well as future infrastructure needs based on the three scenarios of development. This would allow the Executive agencies to better estimate the investment costs needed to support future development. As currently written, the Draft makes some flawed assumptions: it assumes that the new development will supply the needed infrastructure either directly through frontage and LATR requirements or indirectly through Park Impact Payment (PIP) funds and increases in tax revenues. For parks, the Draft either ignores or is unaware that the Downtown Bethesda Plan recommends finding a public funding source in addition to the PIP funds. For these and other reasons explained below, this Draft is defective.

Specifically, the Draft lacks basic information needed to understand and comment on it. The Draft recommends “updating the BOZ to remove a specific development level...” and allow development at the pace set by the private sector. While it discusses three scenarios of development, it never chooses one to establish the outer limit of development in Bethesda. As a result, it is impossible to assess the infrastructure that would be needed to support the Draft’s primary recommendation. The absence of any outer limit is of particular concern with respect to parks. The Draft lacks basic facts about the current number of recommended parks, their location, function, and estimated cost of completion. It contains no information about future park needs.

Additionally, while the 2017 Bethesda Downtown Plan addresses the importance of Bethesda as an economic center, the Public Hearing Draft omits any discussion of the critical

importance of encouraging commercial development that brings more jobs to Bethesda. It leaves the decision of commercial or residential to the developers for the foreseeable future by removing the Development Cap and retaining the exclusive use of the CR zones. The Draft should analyze and make a recommendation as to whether the exclusive use of the CR zone with no Development Cap will, under current market conditions, encourage more residential development with the unintended consequence that when market conditions become more favorable to commercial development, it will be much more difficult to accommodate the economically preferred office/commercial uses. Bethesda would once again become a bedroom community, although with an urban rather than suburban character.

I do not support the Bethesda MMPA Public Hearing Draft's recommendation to remove the Development Cap, as this recommendation undermines the core County policy of Adequate Public Facilities and raises questions about the County's commitment to economic development that brings more jobs to Montgomery County.

I. Parks and Open Space: The Draft fails to explain why none of the master-planned parks have been completed in the seven years of the Bethesda Downtown Plan, and how implementation would improve under the MMPA—even though implementation was one of the primary reasons for opening up the Bethesda Downtown Plan.

A. The Planning Board needs to exercise oversight over the Department of Parks to understand the reasons that the Parks Department has yet to complete and deliver one park/greenway recommended in the Downtown Plan.

There is no cogent discussion of the astonishing fact that no new parks have been completed in seven years. The Planning Board should review each proposed park, identify what is needed to complete the park, and the cost of the park. The Bethesda Downtown Plan recognizes that PIP funds alone will not be enough. The Planning Board should consider and recommend additional public funding sources for the master-planned parks and include these funding sources in the MMPA.

B. The Planning Board should not approve an amendment to the Bethesda Downtown Plan that would make a property purchased by Parks with PIP funds for \$9.75M in 2020 no longer eligible to be part of the Veterans Park Civic Green. The status of the Veterans Park Civic Green is another reason for the Planning Board to exercise oversight over the Department of Parks with respect to master-planned parks in Bethesda. Without explanation, the Draft recommends amending the Bethesda Downtown Master Plan such that the \$9.75M properties purchased in 2020 for the Veterans Civic Green would no longer be eligible to be used for the Veterans Civic Green.

According to the Draft, Montgomery Parks has collected over \$15M in PIPs out of a total of approximately \$24.5M conditioned by the Planning Board with Site Plan approvals. For more than four years—since 2020—almost two-thirds of the PIP revenues (\$9.75M)

have been tied up in Parks' purchase (with Planning Board approval) of the properties at 7800 and 7810 Wisconsin Avenue, at the intersection of Wisconsin Avenue and Norfolk Avenue for the Veterans Park Civic Green. In fact, to date Veterans Green properties are the only properties that have been purchased with PIP funds. An additional \$2.5M in PIP funds has been approved for use, but not spent, on the future park at Parking Lots 10 and 24 in Bethesda.

Parks purchased the Veterans Green properties but has not been able to either move forward with the park, or to sell the property (a sale to a developer with a project adjacent to the properties was approved, but never completed). Parks currently owns the properties, and the Draft is now recommending that the master plan be amended to remove the location of Veterans Park Civic Green from the east side where the \$9.75M property is and locate the park on the west side.

This recommendation is not supported by any facts. What is the purpose of this amendment? How does the Department of Parks explain the removal of the properties from use as a park? How will the public recoup the loss of almost two-thirds of the PIP funds? How does Parks address the serious consequences of having two-thirds of the PIP funds tied up in the dysfunctional Veterans Park Civic Green purchase? Why will Parks not use the properties for a smaller Veterans Park Civic Green, and what will be done with the properties if they are not used for their intended purpose? What is the status of the purchase negotiations that almost, but did not, culminate in a sale? If Parks intends to sell the property, what is the pool of potential purchasers? These are the questions that need to be answered in a public forum before any amendment is supported.

II. Transportation improvements. Contrary to the Draft, MCDOT identifies important transportation improvements that are necessary to support new development in Bethesda and asks that the Plan include a transportation funding mechanism to pay for new transportation infrastructure.

MCDOT points out that Bethesda's high-capacity transportation network remains incomplete, in particular expansion of bus rapid transit (BRT). There are other transportation improvements that lack full funding or have been pushed to out years of the CIP due to lack of fiscal capacity, including expansion of the bike and pedestrian network, and streetscape and intersection improvements in Bethesda. MCDOT urges the Planning Board to include a funding mechanism like PIP to fund transportation needs.

An adequate transportation system, with a general schedule for implementation, is a mandatory requirement for the open-ended increase in development recommended by the Draft.

III. Environmental concerns. As DEP explains, the Draft fails to adequately address the environmental concerns about the impact of more development, including the loss of tree

canopy, and weakens the current energy standards by recommending the complete removal of the high-performance building energy requirements.

A. Water and Sewer: DEP notes that the MMPA should mention the County’s Comprehensive Water Supply and Sewerage Systems Plan but does not. DEP proposes language to correct the omission.

B. Increasing Tree Canopy: DEP notes that expanding the tree canopy is a top priority for the Bethesda Downtown Plan Implementation Advisory Committee (IAC) and residents, and yet the primary strategies in the draft are frontage streetscape improvements and park construction and dedication, “both of which rely on development.” Tree canopy coverage was about 21.6% in 2014 and declined to about 20.5% in 2020, a loss of about 1.1%. Although redevelopment may include streetscape improvements and help fund parks, DEP concludes that the net impact of development is probably detrimental to tree canopy. Additionally, DEP concludes that relying on parks to increase tree canopy may not be successful. “If tree canopy expansion is a top priority, achieving it will require a more intentional effort. This minor master plan amendment misses an opportunity to address this top priority for the Bethesda community and the County’s climate initiatives.”

C. Maintain high-performance energy requirements: DEP does not support the Draft’s recommendation for the complete removal of the high-performance building energy requirements for the Bethesda Downtown Plan. Due to the complexity of the new energy codes, the existing 17.5 percent above code in the downtown Bethesda Sector Plan has become increasingly difficult to meet. However, rather than a complete removal of the high-performance building energy requirements, DEP strongly encourages the Planning Department to coordinate with Department of Permitting Services on incorporating more innovative—not necessarily more stringent—building requirements in the Bethesda Downtown area, such as buildings that exceed the current energy code by at least 5 percent, Passive House design, biophilic design elements, bird-friendly design standards, Dark-Skies compliant buildings, and/or an increased multiplier for renewable energy requirements in the current energy code. DEP notes that the Draft omits a unique opportunity to lead by example on the County’s climate objectives through creative problem solving.

In sum, this Draft needs substantial re-examination. Attached are the memos from our agencies, including MCDOT, DEP, and DGS. We are pleased to read on your website that “[t]he Planning team is working closely with the Bethesda Downtown Plan Implementation Advisory Committee”; they can provide important input as well. We appreciate the opportunity to comment on the Public Hearing Draft.

Mr. Artie Harris, Chair of Montgomery County Planning Board

December 4, 2024

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Sincerely,



Marc Elrich
County Executive, Montgomery County

ME:ds

Enclosures: MCDOT Bethesda MMPA Public Hearing Draft
DEP - Bethesda-MMPA-Public-Hearing-Draft
DGS Bethesda MMPA Public Hearing Draft

Cc: Kate Stewart, Council President, Montgomery County Council
Will Jawando, Council Vice President, Montgomery County Council
Andrew Friedson, Council Member, Chair, Planning, Housing and Parks Committee,
Montgomery County Council
Chris Conklin, Director, Montgomery County Department of Transportation
David Dise, Director, Montgomery County Department of General Services
Jon Monger, Director, Montgomery County Department of Environmental Protection
Ken Hartman, Assistant Chief Administrative Officer, Office of the County Executive
Jason Sartori, Planning Director, Montgomery County Planning Department
Elza Hisel-McCoy, Division Chief, Montgomery County Downcounty Planning



DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher R. Conklin
Director

November 25, 2024

Artie Harris, Chair
Montgomery County Planning Board
2425 Reedie Drive, 14th Floor
Wheaton, Maryland 20902

Re: Comments on the Bethesda Downtown Plan Minor Master Plan Amendment (MMPA)

Dear Chair Harris and Members of the Montgomery County Planning Board,

Thank you for the opportunity to review and comment on the Bethesda Downtown Plan (MMPA). MCDOT is supportive of housing and development in Bethesda that benefits from the high-capacity transit and bicycle and pedestrian network in place. However, the network remains incomplete and there several unfunded transportation improvements in this area, including bus rapid transit (BRT), expansion of the bike and pedestrian network, and streetscape and intersection improvements. We urge the inclusion of language to increase revenue from new development to support the very real multimodal mobility needs of this area. In the last iteration of the Bethesda Downtown Plan, the Park Impact Payment (PIP) was implemented to fund open space initiatives. A complementary approach is needed to fund transportation needs. Additionally, we have several issue-specific comments we submit for your consideration:

- We request language supporting expanding bus and shuttle services for the downtown area since a variety of transit services are needed to fully serve the travel market for Bethesda. The Red Line and Purple Line only serve a portion of this area and a robust network of commuter bus, bus rapid transit, local bus, microtransit and shuttles are needed to serve a wide variety of trips. We would also request that the MMPA consider bus lanes, transit signal priority, and bus layby and layover spaces.
- The Bethesda Master Plan (2017) calls for converting the one-way couplet currently serving East West Highway and Montgomery Ave. to two-way operation. MCDOT's studied this and found it infeasible due to a resulting high level of traffic congestion, compromised ability to implement the bicycle master plan facilities, and high cost. MCDOT recommends the MMPA remove the recommendation as part of this update.

Office of the Director

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Located one block west of the Rockville Metro Station

- Section 4.2, page 14: The bulleted list notes that Montgomery Lane Cycletrack was completed in 2022; however, later phases are still incomplete – the plan should reflect that this project is still in progress.
- Table 1, page 13: The Plan says growth in households and jobs in downtown Bethesda will lead to a sizeable increase in demand for low-stress bicycling, but does not state how this will be accommodated through new infrastructure. If expansion of the low-street network is assumed through frontage improvements only, we are concerned this could lead to an inconsistent, fractured network. While the full build out of the planned bicycle network should adequately support all new users, the lack of a clear funding source and strategy to complete this network runs the risk of having significant gaps remain unfilled well into the future.

Thank you for your consideration of our comments. Please let me know if you have any questions.

Sincerely,



Christopher Conklin, PE
Director
Montgomery County Department of Transportation

Cc: Haley Peckett, MCDOT
Corey Pitts, MCDOT
Chris Van Alstyne, MCDOT



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Marc Elrich
County Executive

Jon Monger
Director

MEMORANDUM

November 12, 2024

TO: Kara Olsen Salazar, Planning Specialist
Department of General Services

FROM: Amy Stevens, Chief, Watershed Restoration Division *AS*
Department of Environmental Protection

SUBJECT: Bethesda Downtown Plan Minor Master Plan Amendment, Public Hearing Draft –
Executive Branch Comments

Thank you for the opportunity to provide comments on the Bethesda Downtown Plan Minor Master Plan Amendment, Public Hearing Draft (October 2024). As requested, the Department of Environmental Protection (DEP) has reviewed the Public Hearing Draft and is submitting the following comments.

- All Master Plans should include reference the County’s Comprehensive Water Supply and Sewerage Systems Plan. The following is recommended language to add to the public hearing draft: “The provision of water supply and wastewater disposal service within the master plan area is addressed by the County’s Comprehensive Water Supply and Sewerage Systems Plan (CWSP). The CWSP identifies properties within the master plan area as approved for community (public) water and sewer service. The master plan area receives community water and sewer service from the Washington Suburban Sanitary Commission (WSSC Water). Anticipated increased development density within the master plan area may require additional water supply and wastewater disposal capacity in WSSC Water’s community systems serving this area.”
- The plan notes that expanding tree canopy is a top priority for the Bethesda Downtown Plan Implementation Advisory Committee (IAC) and residents. However, the primary methods identified for achieving this are through frontage streetscape improvements or through park construction and dedication, both of which rely on development. Tree canopy coverage was about 21.6% in 2014 and declined to about 20.5% in 2020, a loss of about 1.1%. Although redevelopment may include streetscape improvements and help fund parks, the net impact is probably detrimental to tree canopy. Relying on development to expand tree canopy is unlikely to be successful. As an example, the Edgemont at Bethesda II project removed a significant

amount of canopy from both the site and from the streetscape. The street trees that were replanted to replace those removed will take quite a few years to reach sizes that would act as replacements. Much of the tree canopy coverage lost from the site will be permanently irrecoverable. Additionally, relying on parks to increase tree canopy may not be successful. Park development can frequently result in an at least temporary loss of tree canopy and only a fraction of the plan area will be park land. Relying on the status quo has, so far, resulted in loss of tree canopy, not expansion. If tree canopy expansion is a top priority, achieving it will require a more intentional effort. This minor master plan amendment misses an opportunity to address this top priority for the Bethesda community and the County's climate initiatives.

- Due to the complexity of the new energy codes, the existing 17.5 percent above code in the downtown Bethesda Sector Plan has become increasingly difficult to meet. However, DEP does not support the complete removal of the high-performance building energy requirements for the Bethesda Downtown Plan. DEP strongly encourages the Planning Department to coordinate with Department of Permitting Services on incorporating more innovative—not necessarily more stringent— building requirements in the Bethesda Downtown area, such as buildings that exceed the current energy code by at least 5 percent, Passive House design, biophilic design elements, bird-friendly design standards, Dark-Skies compliant buildings, and/or an increased multiplier for renewable energy requirements in the current energy code. These amendments omit a unique opportunity to lead by example on the County's climate objectives via the development of high-performance buildings.

We appreciate the opportunity to comment on the Public Hearing Draft and look forward to continuing to partner with Planning staff on future master plans.

cc: Claire Iseli, CEX
Meredith Wellington, CEX
Jon Monger, DEP
Jeff Seltzer, DEP
Stan Edwards, DEP
Lindsey Shaw, DEP



DEPARTMENT OF GENERAL SERVICES

Marc Elrich
County Executive

David Dise
Director

MEMORANDUM

November 21, 2024

TO: Meredith Wellington, Land Use Planning Policy Analyst
Office of the County Executive

FROM: Kara Olsen Salazar, Planning Specialist *KOS*
Department of General Services

VIA: Greg Ossont, Deputy Director *GO*
Department of General Services

SUBJECT: DGS Comments - Bethesda Downtown Plan Minor Master Plan Amendment

The Amendment recommends technical updates to improve implementation of recommendations in the 2017 Bethesda Downtown Plan. This memorandum provides DGS comments on the Amendment.

Recreation Center: The 2017 Plan recommends the “study and implementation” of a new recreation center. The Plan Amendment recommends the following incentives to help realize the recreation center (page 19):

- Allow the Planning Board to reduce a Park Impact Payment (PIP) for land dedicated to a new recreation center.
- Update the priority Public Benefits identified in the 2017 Plan to include a new recreation center as a “Major Public Facility.”
- Credit the area of the recreation center toward any required public open space; and
- Allow the Planning Board to approve up to two additional stories above the mapped building height for a site that includes a new recreation center.

The County’s Department of Recreation identified a need for a recreation center in *Vision 2030*. To the extent these incentives hasten the delivery of a desired public amenity or facility, DGS recommends support.

Additionally, the 2017 Plan identifies projects that qualify for a fee-in-lieu payment under Section 6.3.6.C.2 of the County Zoning Ordinance (see pages 151-152 of 2017 Plan). The

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Bethesda Downtown Plan Amendment – DGS Comments

November 21, 2024

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Plan Amendment recommends adding a “new recreation center and/other civic buildings or spaces, including related studies” (page 22 of Plan Amendment). DGS recommends deleting the phrase “including related studies” from this recommendation.

Thank you for your consideration. Please contact me directly if you have any questions.

cc: Claire Iseli, CEX
Robin Riley, REC
Shawna Facht, REC