

MONTGOMERY COUNTY PLANNING BOARD
AFFIDAVIT OF PRE-SUBMISSION PUBLIC MEETING

PLD Lot 25 Redevelopment

Preliminary Plan and Site Plan Applications

I HEREBY CERTIFY that on July 31, 2024 at 6:00 pm, representatives of Lot 25 Associates LLC, its consultants, and Matthew Gordon of Selzer Gurvitch, held a Pre-Submission Public Meeting in order to discuss the preliminary plan and site plan applications for PLD Lot 25 Redevelopment. The purpose of this meeting was to comply with Section 59.7.5.1 of the Zoning Ordinance and the Administrative Procedures for Development Review, which require a Pre-Submittal Public Meeting to be held no more than 90 days prior to initial application submittal. The meeting was held at the Connie Morella Library (Bethesda), located at 7400 Arlington Road, Bethesda, MD 20814.



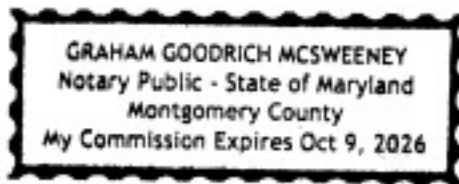
By: Matthew Gordon
Selzer Gurvitch Rabin Wertheimer & Polott, P.C., Attorney
for the Applicant, Lot 25 Associates LLC

Subscribed and sworn to before me, a Notary Public for Montgomery County, Maryland, this 21st day of August, 2024.



My Commission Expires:

[SEAL]





July 12, 2024

Matthew M. Gordon, Esquire
mgordon@sgrwlaw.com
Direct Dial: 301-634-3150

FIRST CLASS MAIL
NOTICE OF PRE-SUBMISSION PUBLIC MEETING

Name of Plan: PLD Lot 25 Redevelopment
Applicant: Lot 25 Associates LLC
Current Zoning: Commercial-Residential (CR-3.0, C-2.0, R-2.75, H-70), Commercial Residential Town (CRT-0.5, C-0.25, R-0.5, H-70) and Bethesda Overlay Zone (BOZ)
Number of Proposed Lots/ Area Included 2 lots totaling approximately 82,063 square feet in tract area (1 buildable lot, and 1 lot to be dedicated to Montgomery County for the Eastern Greenway Park)
Geographical Location: 4700 through 4704 Maple Avenue and 4701 through 4705 Highland Avenue and several adjoining parcels without addresses on Maple and Highland Avenue, comprising the entirety of Montgomery County Parking Lot District Lot 25 that is located to the south of Maple Avenue, to the west of Tilbury Street, to the north of Highland Avenue, and to the east of 8101 through 8125 Wisconsin Avenue, in the northern section of the Eastern Greenway District of Downtown Bethesda (the "Property")
Proposed Applications: Preliminary Plan and Site Plan Applications for redevelopment of the property with approximately 230,000 square feet of mixed-use development, including a combination of up to 235 multi-family dwelling units and live/work units (including a minimum of 20% Moderately Priced Dwelling Units, or "MPDUs"), public and private structured parking spaces, a public park integrated into the Eastern Greenway, and private amenities (the "Project").

An informational meeting regarding the above-referenced Project has been scheduled for **Wednesday, July 31, 2024 at 6 PM at the Connie Morella Library (Bethesda), located at 7400 Arlington Road, Bethesda, MD 20814.**

The Property that is the subject of the Preliminary Plan and Site Plan applications consists of approximately 82,063 square feet of tract area and is comprised of several assembled lots comprising Montgomery County Parking Lot District Lot 25 that is located to the south of Maple Avenue, to the west of Tilbury Street, and to the north of Highland Avenue, and to the east of 8101 through 8125 Wisconsin Avenue, in the northern portion of the Eastern Greenway District of Downtown Bethesda. The Preliminary Plan and Site Plan application propose to redevelop the Property with approximately 230,000 square feet of mixed-use development, including a combination of up to 235 multi-family dwelling units and live/work units (including a minimum of 20% Moderately Priced Dwelling Units, or "MPDUs"), public and private structured parking spaces, a public park integrated into the Eastern Greenway, and private amenities. The purpose of this meeting is to review the proposed Preliminary Plan and Site Plan applications, obtain feedback from the community, and answer any questions regarding the proposed Project.

If you are interested in receiving more information about the proposed Project, you may contact either Matthew Gordon (301-634-3150; mgordon@sgrwlaw.com), or Graham McSweeney (301-634-3177; gmcswweeney@sgrwlaw.com) of Selzer Gurvitch Rabin Wertheimer & Polott, P.C.. You may also contact the Maryland-National Capital Park and Planning Commission ("M-NCPPC") if you have general questions about M-NCPPC's process. The Information Counter may be

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Selzer Gurvitch Rabin Wertheimer & Polott, P.C.

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reached at (301) 495-4610. The Development Applications and Regulatory Coordination Division may be reached at (301) 495-4550 or www.montgomeryplanning.org/development.

Thank you in advance for your interest and attention.

Very truly yours,

Selzer Gurvitch Rabin Wertheimer & Polott, P.C.

Matthew M. Gordon

Matthew M. Gordon

PLD Lot 25 Redevelopment**Preliminary Plan and Site Plan Applications
Pre-Submission Community Meeting
*Wednesday, July 31, 2024, 6:00 PM*****Connie Morella Library (Bethesda)
7400 Arlington Road, Bethesda, MD 20814****MEETING MINUTES**Attendees on behalf of the Applicant:

Ryan Kim, Monument Realty
 Patrick La Vay, Macris Hendricks & Glascock, Civil Engineer
 Jeremy Sharp, Torti Gallas Partners, Architect
 Chris Kabatt, Wells + Associates, Traffic Engineer
 Trini Rodriguez, ParkerRodriguez, Landscape Architect
 Matthew Gordon, Selzer Gurvitch, Land Use Counsel

Start time: 6:07 PM

End time: 7:07 PM

1) Applicant's presentation:

Matthew Gordon of Selzer Gurvitch began the meeting by welcoming everyone to this required pre-filing community meeting that relates to a Preliminary Plan of Subdivision and Site Plan applications for a multi-family residential project at Montgomery County PLD Lot 25, which is bounded by Maple Avenue to the north, Tilbury Street to the east, Highland Avenue to the south, and 8101 through 8125 Wisconsin Avenue to the west.

The assembled Property consists of approximately 1.88 acres of tract area and is improved with approximately 129 public parking spaces. The Property is split zoned Commercial-Residential (CR-3.0, C-2.0, R-2.75, H-70), Commercial Residential Town (CRT-0.5, C-0.25, R-0.5, H-70) and Bethesda Overlay Zone (BOZ), in the northern portion of the Wisconsin Avenue Corridor and Eastern Greenway Districts of Downtown Bethesda as identified in the Bethesda Downtown Sector Plan, approved and adopted in May of 2017.

The Applicant, Lot 25 Associates LLC, is part of a joint venture that was selected by the County through a competitive RFDP to redevelop Lot 25 and 44 (two blocks to the south along West Virginia Avenue). The redevelopment of Lot 25 will deliver several public benefits recommended by the Sector Plan, including a plus/minus ½ acre park integrated into the Eastern Greenway, replacement public parking, and deeply affordable rental units (20% of the project will be affordable).

If you have not already asked to be added as a party of record and wish to receive future notices relating to the project, please sign-up at the front of room with Graham McSweeney. We are taking meeting minutes and will submit meeting minutes and the attendance list with the Preliminary Plan and Site Plan applications.

The Planning Board approved the Sketch Plan application for the project on May 30, 2024 and the Preliminary Plan and Site Plan presented tonight represent a more detailed level of design for the Project.

The Preliminary Plan will illustrate the creation of 2 subdivision lots, one for the project, and one to be dedicated to the County for the Greenway public park. It will also include a determination of a adequate public facilities, which involves the analysis of transportation and school adequacy to support the project.

A Site Plan is a more detailed plan that shows proposed development on a site in relation to immediately adjacent areas. It indicates roads, walks, parking areas, buildings, landscaping, open space, recreation facilities, lighting, etc. Architecture and the design of the Greenway park will be included in the Site Plan submission.

Slides were displayed throughout the Applicant's presentation showing a Vicinity Map, Existing Conditions, Landscape Concept Design, Building Floor Plans, Building Sections, Views, Precedents, and Schedule. Jeremy Sharp of Torti Gallas Partners explained the site serves as an important transition between the residential neighborhood on one side, and the more intense commercial development closer to Wisconsin Avenue. Lot 25 is also the anchor to the Eastern Greenway on the northern end and this project incorporates a ±half-acre public park in response to the Bethesda Downtown Plan's recommendation for this area.

Trini Rodriguez of ParkerRodriguez explained there is almost never an opportunity quite like this to contribute to a connected, activated greenway across several properties with flexible space that will serve a variety of functions. Whether it is playing a game, just sitting down with a blanket and having a picnic, or potentially planning a movie on the green – these activities are all included and encouraged as intended uses of the public park. Strong edges, a defined terminus, and multi-purpose promenades will create an activated space that will emphasize the large green area and its incorporation into the Eastern Greenway. In consultation with Parks Department staff, the Applicant included a large, flexible green space was much needed in this area.

Mr. Sharp explained that the Property's CR/CRT zoning includes a 70-foot maximum height limit as recommended for the property by the Bethesda Downtown Plan. However, where the building faces single-family detached residential zoned lots on Maple Avenue, the Applicant is required to match the allowable zoned (R-60 zoning) height of those lots, which is 35 feet. The building will then slope back at a 45-degree angle to create a step-back effect that, in combination with other architectural features of the building, will help break down the mass of the building facing the residential lots. Mr. Sharp also explained that the design orients the building and courtyard to allow for more natural light to enter from the West end.

Lot 25 Public Benefits:

- 145 Public Parking Spaces
- +/- 21,780 SF Public Park integrated into the Eastern Greenway
- Both dedicated to Montgomery County & Constructed by the Applicant per the General Dev. Agreement Terms.
- 11 Deeply affordable rental Moderately Priced Dwelling Units ("MPDU's) at 50% Area Median Income.

- In addition to 15% MPDU's otherwise required at 70% AMI.

Project Schedule (Estimated):

- Planning Board approval of Sketch Plan: May 30, 2024
- Pre-Application Community Meeting – Prelim/Site Plans: July 31, 2024
- Preliminary Plan and Site Plan Filing: August/September 2024
- Presentation of Site Plan to Design Advisory Panel: September 25, 2024
- Planning Board Hearing Prelim/Site Plans: December 2024/January 2025
- Commencement of construction for redevelopment: 4th quarter 2025/1st quarter 2026

2) Questions/comments from the audience:

- Any change to the on-street parking?

Applicant response: There will be 3 short-term pick up/drop off spaces in front of the building located along Highland Avenue.

- Are 100 parking spaces enough for 235 units? I am worried about excess cars taking on-street parking and clogging up the streets.

Applicant response: The Planning Board is actually encouraging developers to build less overall parking spaces with new developments in downtown areas such as this. The County will probably tell us 100 parking spaces is too much because their focus is on multi-modal transportation, especially so close to the metro. In the parking garage, there will be 100 parking spaces specifically for the residents and 145 County parking spaces that anyone can use (including residents). No on-street parking permits will be issued to the residents of the project, so they may not park in the neighborhood during weekdays when permits are necessary.

- I am also concerned about pedestrian and biker safety. Given the non-zero increase in the number of cars this project will bring, I am concerned about more accidents occurring and hope the traffic consultant has considered some strategies to address this such as a curb cut to direct traffic towards Wisconsin Avenue. I would encourage the traffic consultant to look very carefully at the corner of Maple Avenue and Wisconsin Avenue – perhaps put a traffic light there with a crosswalk.

Applicant response: We understand your concerns. The required 6+ month traffic study is comprehensive and doesn't just take into account vehicle counts. The County in this area requires five or six different tests for pedestrian level adequacy, bicycle level adequacy, transit adequacy, etc. and if there is a sidewalk within a certain radius beyond the property lines that is not ADA compliant, for example, the Applicant must address/fix at its own cost as part of the project. We must be able to address and serve all user groups, not just vehicular traffic, because the County requires it. Adding a traffic signal at Maple Ave/Wisconsin Ave would need to be reviewed and decided by the County Department of Transportation and/or State Highway Administration, as the Applicant has no control over off-site traffic signals.

- If a traffic signal is not possible, what about High Intensity Activated Crosswalk (HAWK)?

Applicant response: We have no control over off-site improvements beyond upgrading sidewalks within a certain radius as needed to meet regulations for pedestrian and bicycle access. A HAWK signal at any intersection would need to be approved and implemented by County DOT and/or SHA.

- Are any pedestrian/bicycle/sidewalk improvements within the site area coordinated with other projects? We love the red brick sidewalk

Applicant response: The pedestrian and bicycle improvements are coordinated so the County knows what is going on and work doesn't overlap. However, we have no control over when other properties redevelop, so timing of improvements can't necessarily be coordinated.

- In the greenways will there be signs to make it clear it is a public park and will the County maintain?

Applicant response: Yes, there will be signs indicating it's a public park and the Parks Department will be responsible for maintenance like any other County public park.

- Where you have the 45-degree step-down on Maple Avenue, will there be balconies or air conditioning units? Is it going to be visually appealing?

Applicant response: There may be some step-out balconies in this area but that will be determined during the final design stages. However, all air conditioning units will be on the roof.

- Will the air conditioning units on the roof be noisy?

Applicant response: No, there are regulations regarding noise that will be met.

- Will it be central air conditioning?

Applicant response: We haven't made a complete determination on the mechanical system yet, but it will probably be individual heat pumps; there's not a going to be a central cooling tower spewing steam or anything like that.

- What material is slate shingles? Does it deteriorate or fade?

Applicant response: Slate is a natural rock material that is very durable and much more resistant to deterioration/fading than regular shingles.

- The windows from the plans look to be loft-style, will that be true?

Applicant response: Not true loft apartments with 15-foot ceilings, but the units will have 8-9 feet ceilings with large windows as seen in the design drawings.

- I am concerned about speeding and increased cut-through traffic along our streets. Is it possible to implement some type of traffic-calming barrier/measures, add a stop sign, or raise the height of speed bumps along Maple Ave and Highland Ave? Does the traffic account include all intersections within a radius of the property? Would the Applicant be willing to work with the neighborhood to petition County DOT and/or SHA for the items we are recommending?

Applicant response: Only the County DOT and/or SHA have the authority to implement your traffic recommendations, but we are willing to help as much as possible in support of the neighborhood's concerns regarding cut-through traffic and speeding. The traffic count only includes a few intersections within proximity to the property; the radius of improvements previously mentioned only applies to pedestrian and bicycle improvements. The Bethesda Downtown Plan and the County encourage non-auto modes of transportation, so there is no equivalent vehicular improvement requirement.

- What is a deeply affordable unit?

Applicant response: A typical MPDU has a 70% Area Median Income (AMI) limit, while a deeply affordable unit has a 50% AMI limit and was required by the County Executive as part of the General Development Agreement (GDA). Teachers and firefighters are examples of jobs whose salaries that would likely fall under the 50% AMI limit.

- Is the project schedule realistic in terms of construction timeline? What assurances can you provide that the property will not be a boarded-up parking lot in 5 years if financing falls through?

Applicant response: The project schedule depends on several factors including timing of entitlements, financing, etc., but the proposed schedule is a realistic estimate based on where we are today. As part of the GDA, the parking lot will remain, and no land interest will be transferred, until we have all the entitlements/permits to begin construction.

- Will the Applicant be the landlord of the property once the units are occupied?

Applicant response: Yes, but we will hire a reputable management company to assist with operations.

- While construction is occurring, will there be protected access along Highland Ave and Maple Ave for pedestrians?

Applicant response: We will comply with all regulations pertaining to pedestrian access during construction and there will be a maintenance and traffic plan with signage and flaggers to help assist traffic. Per the County's request, 20-25 parking spaces on a corner of Lot 25 will be preserved while construction is occurring to maintain some parking space capacity.

- When will the traffic study be available for review?

Applicant response: Once the preliminary plan and site plan applications are accepted, the traffic study will be part of the public record for the applications and the traffic study will be available to review and download online.

3) Conclusion

- Mr. Gordon reminded all attendees that they should feel free to contact him via email or phone at any time with any comments, questions, or concerns they may have. Mr. Gordon thanked the attendees for their interest in the project and participating in the community meeting. The meeting concluded at 7:07 PM.

Meeting minutes taken by Graham McSweeney, paralegal at Selzer Gurvitch.