

VILLAGE OF FRIENDSHIP HEIGHTS

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November 1, 2021

Casey Anderson, Chair
and Members of the Montgomery County Planning Board
2425 Reedie Drive
Silver Spring, MD 20902

Re: 5500 Wisconsin Ave. Development Sketch Plan

On October 26, 2021, the Friendship Heights Village Council, after public hearing, voted 5-2 to **OPPOSE** the sketch plan for 5500 Wisconsin Avenue. The disapproval was based primarily on two concerns: (1) height of the proposed new building and (2) the absence of provisions for safe and adequate vehicular, pedestrian, bicycle circulation as well as safe and adequate parking and loading.

The Council very much favors redevelopment of this site. The Council believes that its concerns can be mitigated by reasonable changes to the plan. The Council has suggested changes to the developers who, at least to date, have not accepted the suggestions. **We urge the Planning Board to deny the sketch plan as presently proposed, or at a minimum, approve the plan with binding conditions sufficient to assure the Council that the project as ultimately approved and constructed will have the mitigating features requested.**

I. HEIGHT

1. The proposed new apartment building will be located at the highest point in Friendship Heights, protruding 213 feet into the air. It will appear as a 21-story building.

- the first 6 stories occupy the full site extending to the sidewalks of the 3 streets it borders, Wisc. Ave., S. Park Ave., Hills Plaza;
- 12 more stories, set back from the sidewalks, on top of the wider 6 stories (these 18 stories are 185 ft in elevation);
- 2 rooftop stories of 10 feet each, (total 205 ft in elevation);
- plus 8 additional feet due to topography (total 213 ft in elevation)

2. The building will protrude like a sore thumb above the roofline of neighboring buildings along the west side of Wisconsin Ave. It will be the tallest building on Wisconsin Ave. south to the Potomac River. The building adjacent to the site to north is downhill and 12 stories (Marriott Hotel) and next to the Marriott, further downhill, is the Chevy Chase Medical Bldg of 14 stories; adjacent to the proposed building, to the south, is the Highland House, 15 stories and next to that, the 14-story Barlow Bldg.



Photo No. 1 left: line of buildings along Wisc. Ave; furthest building on left (north) is Ch. Ch. Bldg, before that building is Highland House; between those buildings is the 12 story Marriott Hotel (unseen) and the site of the proposed building (unseen)

3. The site of the proposed building, between the Marriott Hotel and the Highland House, is presently occupied by retail stores one story in height. The open space above these stores is the only break in the wall of buildings lining the west side of Wisconsin Ave, permitting light, air and a view of the sky. The site is at the top of the hill of the Village's main internal street, North Park Avenue, and affords one walking east on N. Park uphill toward Wisconsin Avenue the only unobstructed view of open space and a clear view of the sky. A 213ft high building will not only obstruct this last remaining open space and view of the sky, but will loom over the Village Center, its park and N. Park Ave.



Photo No. 2 left: view from near the top of hill (east) on N. Park Ave, facing open space above site. In front of site is the Village Center, with its park, to the right (unseen); to the left of the site is 12 story Marriott Hotel; in front of hotel is 8 story Brighton Gardens Assisted Living,; on N. Park Ave to the right is the Willoughby building.

The Council recognizes a multistory structure may be constructed on the site, and, as noted, the Council favors such development. However, this plan's proposed height is too extreme.

4. Additional adverse consequences from such a tall building arise from the fact that the building confronts the Highland House apartments on the opposite side of the relatively narrow S. Park Ave. The 15 stories of apartments in the Highland House will look directly into the 18 stories of the proposed building's apartments and vice versa.



Photo No. 3 above: 15 story Highland House Apartment house occupying an entire block of S. Park Ave. The proposed new building will occupy the entire block of the opposite side of the street.

Further, the height of the proposed building confronting a 15 story building will "canyonize" the street, affecting not only views but reducing light on the entire block of S. Park Ave. and otherwise making it aesthetically unattractive. The Village already experiences the negative effects of such "canyonization" (see photo No. 4 below.) Its main internal street, N. Park Ave, is lined with high rises, blocking open space, views from dwelling units, sun, light, air, making the street not an aesthetically pleasing one. As discussed below, a principal purpose of the Sector Plan is to preclude the re-creation of such conditions.



Photo No. 4 left:
Downhill, western end of
N. Park Ave, the former
Irene straight ahead (16
stories), on left 4620
Condominiums (16
stories), on right 4615
Apartments (16 stories).

5. The height of the proposed building is exactly the type height the Sector Plan precludes. Prior to the adoption of the 1974 Sector Plan, the Village of Friendship Heights had been extensively developed with very tall and dense buildings permitted under the then code, e.g. the (former) Irene, 16 stories, FAR 6.6; Barlow Bldg, 14 stories, FAR 5.10. The 1974 Sector Plan found this level of development excessive and **downzoned** all parcels in the Village to a *maximum height of 90 ft and a maximum FAR of 2.0* by applying the newly adopted CBD-1 (optional) zone.

The current 1998 Sector Plan **reconfirms** the downzoning of the 90 ft height limit and 2.0 FAR. Pages 35-36 show all parcels in the Village continue to be zoned CBD-1. The 1998 plan notes (p-140):

- The 1974 Sector Plan recommended *medium density* commercial and office use of the parcels *nearest to the Metro station and lower density* primarily residential uses for the undeveloped properties further from the station." (Emphasis added.)

In confirming the down zoning, the current plan notes (p. xxviii):

- **"In a densely built-up area like Friendship Heights, open space is critical to the quality of life".** (Emphasis added.)

Thus, a main principle of the current plan is to (p. 31) :

- *Preserve and enhance the environment for residents of high rise buildings....This principle can be achieved... by limiting the height of new buildings close to high rise apartments to preserve views.*"(Emphasis added.)

Of course, in order to approve a sketch plan, the Board must find that the plan "substantially conforms" to the Sector Plan. Sec. 59.7.3.3 E.2. Also for approval, the Board must find the plan is "compatible" with existing development. (E. 5) Not only does the height render the plan unable to meet these requirements, but if it were nevertheless approved, it would serve as a precedent for ignoring the Sector Plan's height and compatibility provisions and other protections for the Village on the remaining developable sites.

6. The Council is aware that since the adoption of the Sector Plan zoning, zoning changes have been made which may permit averaging. A parcel with zone height limit of 90 ft could have buildings or portions of building more than 90 ft providing that the whole project averages 90 ft. The fact that a zone may permit a higher height, of course, does not nullify a Sector Plan height limit requirement nor does it permit such development as a matter the right. Other factors must be considered such as compatibility with existing development as well as conformity with the Sector Plan. Permitting any building higher than 90 ft here is particularly inappropriate since the Sector Plan recommends a 90 ft height limit with the purpose of preventing any more buildings over 90ft in height.*

Similarly, the Council is aware that in 2014 new zones replaced the old zones. Although it was represented that only the names of the zones were being changed, not the substance, the FAR of the CBD-1 zone was changed from 2.0 to 3.0, for reasons that appear to be in error. In any event, the developer is proposing an effective FAR of 5.14! The actual size of the site that is to be redeveloped is 79,012 sq. ft. The development is 406,563 sq. ft. which yields an FAR of 5.14. The developers' claim the FAR is only 3.42, including more FAR for additional MPDU's. Their lower FAR is based upon using an additional approximately 40,400 sq. ft of land asserted to have been dedicated for public roads, starting as far back as the 18th century. However, the actual number of sq. ft on the parcel, the actual the size of the site as one views it, is 79,012 sq. ft with over 406,00 sq ft on it, and therefore it appears as having an FAR in excess of 5.0. Again, the fact that a zone may permit a higher FAR does not confer a right to develop a project to the maximum FAR nor permit ignoring of the Sector' Plan's FAR limitations, here a maximum FAR of 2.0.

* The 90 ft average height of the entire development, total square footage, square footage of the parcels claimed to have been dedicated for roads in the past qualifying to be considered for FAR purposes, and the location of shadows cast by the high-rise building are only the developers' conclusions. The specifications and other details necessary to be able to independently verify these conclusions have not been submitted with the sketch plan application. Our review of the limited data has disclosed apparent errors raising questions about the accuracy of the developers' conclusions. The developers have denied our request for the needed information which, of course, does not inspire confidence in the correctness of their conclusions. Such information is essential for the staff, Board and DPS to have in order to know correctly what they are asked to approve and enforce. The necessity of this information is discussed in more detail in the email of the Village's attorney, Norman Knopf, of September 10, 2021 to Grace Bogdan.

7. Representatives of the Village have made suggested changes to the sketch plan that could mitigate the Village's concerns about height and lead to avoiding opposition and litigation. For example, one suggestion is that the height be significantly reduced. To help recover some of the reduced square footage, one or two floors—e.g. 7th and 8th, now part of the narrower tower—could be expanded to the current size of floors 6, and below. While this will recoup only a small percentage of the reduced square footage, the building would remain a substantial one with an FAR closer to 5.0 than the 2.0 of the Sector Plan. Since the developers, at least to date, have made no height changes to their plans, we ask that the Board: (i) not approve the plan at the November 18th hearing; or (ii) continue the hearing to give the developers time to make revisions; or (iii) condition approval of the plan on a requirement of a significant reduction in the height of the apartment building to bring it more in conformity with the Sector Plan and more compatible with existing development. The Village's other concerns and conditions are addressed below.

II. VEHICULAR, PEDESTRIAN, BICYCLE, CIRCULATION PARKING AND LOADING

1. Friendship Heights Village is responsible for the construction, regulation and maintenance of its streets. Most of the buildings in the Village were constructed with no, or inadequate, provisions for pick-up and drop-off of residents and guests, or parking for visitors, delivery vehicles, service vehicles, mail trucks, moving trucks, garbage trucks, etc. As a result, there are numerous problems on the streets: pick-up and drop off in the street where no area for this on this on site; back-up of vehicles on the street waiting to access to the front door where there is inadequate pick-up and drop-off area on site; delivery and service vehicles lining the street, frequently double parked, parked in "No Parking" areas or cruising the streets in search of a parking space; stopped moving trucks and garbage trucks blocking street traffic. Joining these cruising vehicles in search of a parking space are cars of visitors to the residential buildings that have no or very limited visitor parking. This creates unsafe conditions for vehicles and pedestrians. Further, the Village is experiencing traffic congestion at the intersections of S. Park and Wisc. Avenues, S. Park Ave. and Hills Plaza, Somerset Terrace at Wisc. Ave. One frequently waits through several Wisconsin Ave traffic light cycles before being able to proceed through the intersection.

2. The Village was delighted when the developers represented that their proposed plan would not exacerbate these problems but in fact would improve all conditions by the creation of a new street between the hotel and the apartment building. The new street would help alleviate traffic congestion onto Wisconsin Avenue and provide adequate parking space for all vehicles. In addition, it was represented this street would provide safe pedestrian and bicycle paths and areas for outdoor restaurant seating along the side of the road. However, analysis shows the street is narrow and substantial portions will necessarily be devoted to the entrance/exit areas for the apartment house garage, garbage truck pick-up area, moving truck loading / unloading area, and traffic lanes to accommodate two way traffic. There seems to be little to no room for delivery/service

vehicles, visitor/guest parking, adequate apartment building pick-up and drop-off, bicycle paths, pedestrian paths, and outdoor restaurant seating. The Village is concerned that the new road appears more likely to become a congested, unpleasing alley with cars backed up to enter the alley from The Hills Plaza. In addition, cars of visitors and delivery and service vehicles will line Hills Plaza and other Village streets as well as pick-up and drop-off occurring in the streets. Comments by various agencies to the DRC note the inability of the proposed new road to achieve all the purposes claimed. Even the developers' responding comments indicate that revisions to the new road are needed.

3. The developers have presented no workable plan that resolve these problems. Their response to the Village is that things will be worked out later, at the site plan stage, and we must wait. However, the zoning code expressly requires that before any sketch plan approval:

- "... the Planning Board must findthe sketch plan...provide[s] satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking and loading;" (Sec. 59.7.3.3E. 6)

Such a finding cannot be made. The Village believes that a satisfactory solution must be found now, before any approval of the sketch plan, not only because the law requires it but because it is far from certain that such a plan can be devised at all, or if it can, the siting of the building and/or its total square footage may need to be changed. This has to be resolved now to preclude the developers from claiming before the Board or a court at a later stage that such needed changes cannot be made as the siting and square are footage had been settled by approval of the sketch plan.

4. Representatives of the Village have made suggestions for changes to the sketch which might mitigate the circulation/parking/loading problems. These include:

i. Provide adequate parking areas in the garage for visitors and service vehicles as well as multiple loading/unloading docks for moving trucks servicing the 380 rental apartments; and garbage pick-up.

ii. Provide a two-lane pick-up/drop-off area, running the frontage of the building on Hills Plaza, located on the street level, set back under the second story of the building. This is similar to the pick-up drop off area of the 4620 N. Park Condominiums. This may provide adequate room for the quick stops of delivery vehicles such as Amazon, grocery deliveries, Fed Ex. etc., as well as resident and guest drop-offs and pick-ups.

iii. Widen the new street to provide adequate safe paths for pedestrians, including the many elderly Village residents using canes, walkers, wheel chairs, as well as sufficient area for through vehicular traffic. Widening may require setting back the apartment building farther from the new road, or possibly providing more road width by setting back the first and second stories of the apartment building along the length of the building to provide a safe walking area and possibly space for restaurant seating.

As noted, the developers to date have made no changes to their plans that will assure satisfactory circulation, parking and loading. We therefore request, that the Board: (i) not approve the sketch plan at the November 18th hearing; or (ii) continue the hearing to give the developers time to make revisions. Whatever the Board's action, it must make expressly clear that there be a detailed plan for satisfactory circulation, loading and parking, which can result in changes to the siting, design and square footage of the sketch plan as presently proposed.

Sincerely,

FOR THE COUNCIL



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Mayor

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