



Connecticut Avenue (MD185) at Jones Bridge Road/Kensington Pkwy – Phase 3, Mandatory Referral No. MR2012036

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Completed: 07/12/12

Description

This project would construct intersection improvements at Connecticut Avenue (MD185), Jones Bridge Road and Kensington Parkway in connection with the BRAC relocation at the Walter Reed National Military Medical Center at Bethesda.

Mandatory Referral approval is requested for this project along Jones Bridge Road from about 400 feet west of Platt Ridge Drive to about 300 feet west of Manor Road, a distance of approximately ½-mile.

The project is located within the Bethesda-Chevy Chase Master Plan area. The applicant is the Maryland State Highway Administration (SHA).

Summary

This project is one of several transportation projects undertaken by the Maryland State Highway Administration to accommodate the relocated Walter Reed Army Hospital’s move to Bethesda. It would construct improvements along Jones Bridge Road east and west of Connecticut Avenue. The roadway project that is now under construction – Phases 1 and 2 – is constructing improvements along Connecticut Avenue. The Planning Board reviewed the Phases 1 and 2 project on July 22, 2010 and recommended denial. Their recommendation is discussed in greater detail below.

This Phase 3 project would impact a Category I Conservation Easement on the Howard Hughes Medical Institute (HHMI) property. The easement would be mitigated on site, but the formal vacating of the existing easement and establishment of the new easement are not proposed at this time. The plat for the new easement and an amendment to HHMI’s Preliminary Plan, Forest Conservation Plan and Special Exception will be submitted at a future date. The approval of the Mandatory Referral is recommended to be conditioned on the Board’s future approval of the Conservation Easement changes.

Issue to be resolved: SHA has proposed that a small percentage of the Category I easement be re-established as Category I, but the rest of the mitigation is proposed to be provided as Category II, which is not consistent with the policy guidance on mitigation that the Planning Board gave to staff on October 30, 2008.

Recommendation

We recommend that the Planning Board **approve** this project with the following conditions and comments:

Conditions

1. No disturbance will be permitted in the area of the Category I Conservation Easement until a plat of the revised easement has been submitted to the Planning Board and approved. The mitigation for the approximately 11,357 s.f. of impacts to the easement must include a minimum of 2,615 s.f. of new Category I easement along the south side of the existing easement and an additional area of approximately 20,099 s.f. of Category II easement along the MD185 frontage of the HHMI property, for a total of 2:1 easement mitigation.

Additional Board Comments

2. Maintain the existing median break at Spring Valley Road until the Planning Board has approved the Platt Ridge Drive Extended project.
3. Provide an update at the time of the submission of the revised Conservation Easement on the status of the temporary signal at Spring Valley Road.
4. Provide an eight-foot-wide shared use path along Jones Bridge Road from the southeast corner of the intersection with MD185 to the eastern project limit:
 - a. Consider the use of pervious concrete for the path.
 - b. The handicap ramps at intersecting driveways along this path should be eight feet wide to accommodate bike traffic.
 - c. Where the path is bordered by the future Chevy Chase Park HOA boundary wall and/or fence, the path should be separated from both the curb and the wall by a minimum of two feet.
 - d. East of the future Chevy Chase Park HOA boundary wall and/or fence, the landscaped offset of the path from the curb should be five feet wide minimum.
5. Work with the Chevy Chase Park HOA on how best to achieve an acceptable replacement for their boundary wall and fence.
6. Provide a median pedestrian refuge island on the west leg of Jones Bridge Road at Connecticut Avenue (MD185).
7. Coordinate with MCDOT on these recommended changes to the traffic-calming devices along Jones Bridge Road:

- a. Relocate the proposed median pedestrian refuge island to the east leg of the Montgomery Avenue intersection, in line with the existing sidewalk on Montgomery Avenue, and provide handicap ramps at this location.
 - b. Provide an ADA-accessible crossing of Jones Bridge Road at Montrose Driveway, including the use of a pedestrian refuge in the proposed traffic island.
8. Provide a two-foot-wide minimum offset from the curb for all proposed sidewalks wherever possible.
 9. Work with our staff to identify additional areas where trees can be planted in the right-of-way.

Previous Board action

The Planning Board reviewed Phases 1 and 2 of the improvements at this intersection on July 22, 2010 and denied the project. SHA's response to the Board's denial, which incorporates the Board's comments on the Mandatory Referral, is shown as Attachment 1. (Three other intersections in the BRAC program - Old Georgetown Road (MD187)/West Cedar Lane/Oakmont Avenue, Rockville Pike (MD355)/Cedar Lane/West Cedar Lane, and Rockville Pike (MD355)/Center Drive/ Jones Bridge Road – were reviewed during the same hearing and were approved.)

The Board denied Phases 1 and 2 at this intersection largely for two reasons: 1) Phase 3 (the subject project) had been deleted from the Mandatory Referral only one week prior to the posting of the staff memo, leaving an insufficient time for staff review of the revised plans, and 2) the Board felt that SHA had not worked enough with the community to address their concerns about neighborhood access. SHA's outreach effort since the Mandatory Referral is discussed below.

Site context

Three quadrants of the subject intersection are bordered by single-family residential properties, with the Chevy Chase Park community in the southeast corner being separated from both Connecticut Avenue and Jones Bridge Road by a decorative brick boundary wall. The southwest corner is bordered by the Howard Hughes Medical Institute. North Chevy Chase Local Park is located on the north side of Jones Bridge Road at the western project limit. North Chevy Chase Elementary School is located on the south side of Jones Bridge Road at the eastern project limit.

Phases 1 and 2 of the intersection project are already under construction. Phases 1 and 2 will:

- Construct a continuous southbound right turn lane on MD185 from the ramp from the Inner Loop to Jones Bridge Road
- Remove the free-right-turn island in the northwest corner of the MD185/Jones Bridge Road intersection
- Construct an additional northbound through lane on MD185 from 300 feet north of Manor Road to the Capital Beltway
- Construct a new sidewalk along the east side of MD185 from Montrose Driveway to Inverness Drive at the northbound ramp to the Inner Loop

- Construct a stormwater management facility at the end of the Inner Loop ramp to southbound MD185.

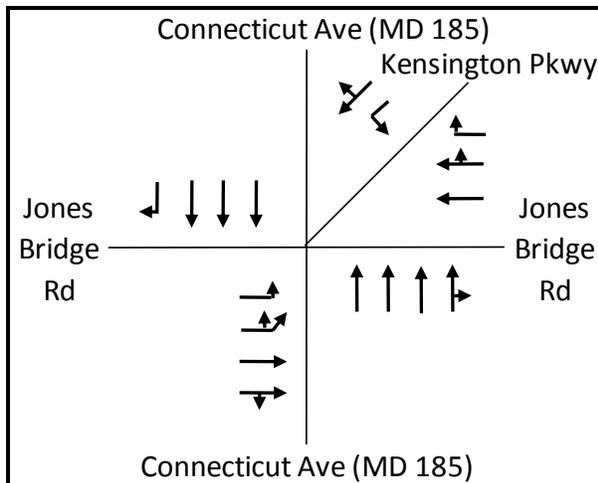
Project Description

Phase 3 project – the subject of this Mandatory Referral – would:

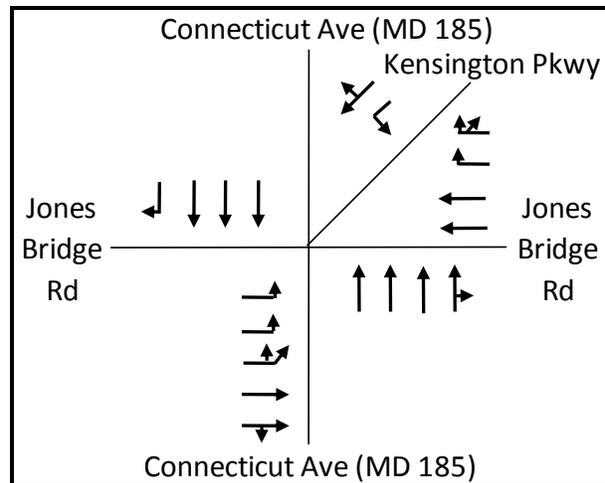
- Construct an additional left turn lane on eastbound Jones Bridge Road, requiring the relocation of the HHMI boundary wall west of the intersection.
- Remove the free-right-turn island in the southwest corner of the MD185/Jones Bridge Road intersection.
- Replace the westbound through-right lane with separate through and right lanes, requiring the relocation of the boundary wall of the Chevy Chase Park HOA along Jones Bridge Road east of the intersection.
- Construct an eight-foot-wide shared use path on the south side of Jones Bridge Road between Platt Ridge Drive and MD185 and construct five-foot-wide sidewalks in the other three quadrants of the intersection.

The diagrams below show the intersection after completion of the current construction project as the existing lane configuration, and after completion of the subject project as the proposed lane configuration:

Existing Lane Configuration



Proposed Lane Configuration



Master Plan Consistency

Roadway: Although roadways are often widened as they approach Major Highways, the proposed improvements are more extensive than most. The B-CC Master Plan classifies Jones Bridge Road west of MD185 as an Arterial road with 48 feet of pavement in an 80-foot-wide right-of-way (ROW). There is additional guidance that states that the existing roadway width should be retained except where

intersection improvements are needed. The maximum proposed pavement width is 92 feet, which exceeds the Master Plan recommendation.

The B-CC Master Plan classifies Jones Bridge Road east of MD185 as a Primary Arterial road with 36 feet of pavement in a 70-foot-wide ROW. There is additional guidance that states that the road should be widened to Primary standards as necessary and that a wider roadway would have an impact on abutting residences. The maximum proposed pavement width is 66 feet, which exceeds the Master Plan recommendation.

The Master Plan however also recommends that intersections operate at a mid-level LOS E to be considered to be operating acceptably. Given the competing Master Plan objectives and the leeway in pavement width normally provided when considering intersections, we believe that the proposed project is consistent with the B-CC Master Plan.

Bikeway: The Countywide Master Plan of Bikeways recommends bike lanes along Jones Bridge Road but the decision was made by MCDOT and confirmed by the Planning Board that bikes along Jones Bridge Road should be accommodated via a shared use path that would be on the north side of the road west of Platt Ridge Drive, crossing to the south side of the road east of that intersection. MCDOT has built the segment west of Platt Ridge Drive and SHA proposes to build the segment between Platt Ridge Drive and MD185. This is not consistent with the Master Plan, but is **consistent** with the joint County-Planning Board decision on bikeway accommodation at this location.

East of MD185, SHA proposes to build a five-foot-wide sidewalk. No designated on-road or off-road bike accommodation is proposed. This is **not consistent** with either the original Master Plan recommendation for bike lanes or the joint County-Planning Board decision to proceed with a shared use path on the south side of Jones Bridge Road, although SHA has provided sufficient space to do so.

Additional analysis

Roadway

The proposed intersection improvements are more extensive than usual because of the large percentage of turning movements between the west leg of Jones Bridge Road and the north leg of Connecticut Avenue. (Attachment 2A shows the overall project area; Attachments 2B-2D show specific issues that are referred to throughout this memo.) While the proposed pavement greatly exceeds the Master Plan recommendations for pavement width, page 112 of the B-CC Master Plan also states:

The mid-point of Level of Service "E", which corresponds to a Critical Lane Volume of 1,525, is the maximum point at which intersections are considered to be operating under acceptable traffic conditions in the Bethesda-Chevy Chase Planning Area. Intersections with Critical Lane Volumes over 1,525 are considered to be in need of additional capacity.

Without this project, SHA projects that the MD 185/Jones Bridge intersection would operate at LOS F during the AM peak with an average delay of 84.8 sec/veh, and LOS F during the PM peak with an average delay of 148.2 sec/veh. With this project, the LOS at this intersection would improve to LOS E during the AM peak with an average delay of 75.7 sec/veh. During the PM peak, the level of service

would remain at LOS F but delay would be reduced from 148.2 sec/veh to 88.8 sec/veh, about a 40% reduction.

Although the extent of the proposed intersection improvements on Jones Bridge Road exceed typical intersection approach widenings, this is a needed project that is consistent with the Master Plan recommendation to have intersections operate at an acceptable LOS.

This project requires impacts to the Category 1 Conservation Easement on HHMI's property. For the project to proceed without impacting the easement, SHA would have to shift the road widening to the north, impacting the residences on the north side of Jones Bridge Road, an outcome that the Board sought to avoid with their recommendation to MCDOT to shift the shared use path to HHMI's side of the road. HHMI is agreeable to the project, including the greater impact to their property required by the shift in the location of the path, and to the easement mitigation as now proposed by SHA. More detail on the Conservation Easement and mitigation is provided below.

Spring Valley Road and Platt Ridge Drive: Just prior to the July 22, 2010 Mandatory Referral of Phases 1 and 2, Chevy Chase Valley residents requested that a traffic signal be installed at the intersection of Jones Bridge Road and Spring Valley Road because of a concern that the proposed intersection improvements at MD185/ Jones Bridge Road would make it harder for them to get into and out of their neighborhood. SHA and MCDOT had concerns however that such a traffic signal would be too close to the MD185/ Jones Bridge Road intersection to operate safely. Residents then suggested that an extension of Platt Ridge Drive could be built through the southeast corner of North Chevy Chase Local Park to allow them safer access to and from Jones Bridge Road via the existing traffic signal at Platt Ridge Drive. This road extension, which would intersect Jones Bridge Road opposite existing Platt Ridge Drive and extend to Montrose Driveway just west of Spring Valley Road, is not recommended in the Master Plan however.

MCDOT agreed to install a temporary traffic signal at Spring Valley Road to ease residents' access problems in the near-term with the understanding that it could be removed if problems developed. The Planning Board agreed that planning for the Platt Ridge Drive extension could proceed but would only be approved by the Board if the new signal was shown not to be operating safely. That planning has just recently begun.

A full evaluation of the temporary traffic signal, which was installed about a year ago, has not yet been done, but the proposed design of the subject project assumes that the Platt Ridge Drive extension will be built. The median is proposed to be closed at Spring Valley Road, and the temporary signal removed, to provide more left turn storage for eastbound Jones Bridge Road traffic. We believe that this is an acceptable design if the Platt Ridge Drive extension is built, but we recommend that SHA's plans maintain the median opening at Spring Valley Road and that SHA provide the Board with a status update on the temporary traffic signal at Spring Valley Road at the time of the submission of the revised Forest Conservation Easement.

On July 27, 2010, Councilmember Roger Berliner requested that SHA set aside \$2M in funding for the Platt Ridge Drive extension. State Highway Administrator Neil Pedersen responded that only Phases 1 and 2 of the MD185/Jones Bridge Road project would be moving forward because of funding and timing constraints, but when funds became available, SHA would begin preliminary engineering of the road extension and would not "exhaust funding and move forward with the Platt Ridge Road (sic) Extension

without full support from MCDOT M-NCPPC, and the Planning Board.” (See Attachments 3 and 4.) While MCDOT has just begun the planning for this project (see the project description in the Executive’s Recommended FY13-18 Capital Improvements Program in see Attachment 5), we believe that SHA still has the responsibility to provide the funding for this road extension that Councilmember Berliner requested.

The extension of Platt Ridge Drive would result in significant impacts to North Chevy Chase Park. While we need to ensure that the residents of Chevy Chase Valley have safe access to their neighborhood, we also need to ensure that park property is not lost unless it’s absolutely necessary.

Pedestrian Accommodation

The proposed five-foot-wide sidewalks meet the minimum accommodation required by the American with Disabilities Act (ADA), but do not meet ADA Best Practices in that some sidewalks are located adjacent to the curb at driveways, requiring users to negotiate multiple ramps to travel along the sidewalk. The lack of an offset from the curb is also contrary to the recommendations of American Association of State Highway and Transportation Officials (AASHTO) to be two feet wider where immediately adjacent to the roadway curb. In addition to the safety concern posed by the lack of an offset, a sidewalk that is immediately adjacent to the roadway is more subject to splashes from roadway runoff, debris and grit thrown from the roadway, and plowed snow that sometimes makes the sidewalks impassable. We recommend that SHA provide a two-foot-wide minimum offset from the curb for all proposed sidewalks wherever possible.

The crossing distance of the west leg of Jones Bridge Road would be 90 feet wide, in excess of AASHTO’s recommendation to provide a median pedestrian refuge island where the crossing distance is greater than 60 feet. This is also a difficult crossing because of the large amount of traffic turning right from southbound Connecticut Avenue onto westbound Jones Bridge Road, for which SHA is building a continuous southbound right-turn lane on Connecticut Avenue between the Beltway and Jones Bridge Road. We recommend that this median pedestrian refuge be provided.

Jones Bridge Road at Montrose Driveway

The plans include a traffic island at Montrose Driveway, but no pedestrian refuge is proposed. Montrose Driveway is closed to traffic at Jones Bridge Road but there is a pedestrian connection to the sidewalk on the north side of Jones Bridge Road. This is a natural route to the elementary school on the south side of the road but no ramps are proposed for this crossing. We recommend that SHA provide an ADA-accessible crossing of Jones Bridge Road at Montrose Driveway, including a pedestrian refuge in the proposed traffic island.

Jones Bridge Road at Montgomery Avenue

The proposed widening of Jones Bridge Road east of Connecticut Avenue would accommodate pedestrian and traffic-calming improvements that were recently constructed by MCDOT, including a pedestrian refuge at North Chevy Chase Elementary School. This island is offset about 60 feet from the intersection of Montgomery Avenue to accommodate an eastbound left turn bay, requiring a detour for pedestrians. No crosswalk is provided on the east leg of Jones Bridge Road at this intersection however, which would require a longer detour for residents on Montgomery Avenue, where a sidewalk exists only

on the east side. The use of the refuge island for those headed east to Rock Creek Park would require a 400-foot-long detour, something that able-bodied adults are unlikely to do.

It appears that this crossing can accommodate the addition of a median pedestrian refuge island without widening the proposed pavement since the proposed lane tapers begin in advance of the Montgomery Avenue intersection. Beginning the lane tapers at this location is at odds with the goal of improving pedestrian safety at the school. We believe that safety would be improved by beginning the lane tapers just west of the intersection.

We recommend that the proposed median pedestrian refuge island be relocated to the east leg of the intersection, in line with the existing sidewalk on Montgomery Avenue, and that handicap ramps be provided at this location. SHA should coordinate with MCDOT on any changes to the traffic-calming devices along Jones Bridge Road.

Bike Accommodation

The proposed shared use path on the south side of Jones Bridge Road would accommodate the shift from the north side to the south side as recommended by the Planning Board in their July 15, 2010 Mandatory Referral review of MCDOT's path project (see comment #9 in Attachment 6 for MCDOT's response to the Board's Mandatory Referral follow-up letter). Residents on the north side of Jones Bridge Road between Spring Valley Road and MD185 had concerns about the physical impacts of the proposed path as well as safety concerns about bicyclists on the path not being sufficiently visible when the residents exit their driveways. The Board recommended to MCDOT that they shift the path to the south side of Jones Bridge Road if SHA agreed to construct it, which they have. This shift in the path location increased the impact to the Conservation Easement on HHMI's property by a little more than a third (see further discussion below).

For this path to achieve its purpose in providing an east-west link between the MD355 path along NIH's frontage and the shared use path that would connect to the Capital Crescent Trail and Purple Line, it needs to be extended to Manor Road where it can then tie into the Coquelin Parkway ROW in the southeast corner of the intersection. We recommend that SHA replace the proposed sidewalk with an eight-foot-wide shared use path between MD185 and the eastern limit of work near Manor Road, separated from both the curb and the Chevy Chase Park boundary wall by two feet.

SHA has expressed reluctance to widen the proposed sidewalk because the increased impervious surface would require more stormwater management. We recommend that SHA consider the use of pervious concrete for the recommended path, the same material that MCDOT used for the path west of Platt Ridge Drive. No additional stormwater runoff would then be generated.

Neither the proposed shared use path west of MD185 nor the recommended extension east of MD185 would meet the AASHTO recommendation to either be located five feet from the roadway or be separated by a barrier from the roadway. Unfortunately, this is a very constrained area and there is not the room to accomplish this. There would be a two-foot-wide safety buffer for both the proposed segment and the recommended extension, and there are also few driveways along the south side of this segment of Jones Bridge Road that would disrupt the grade of the path. While we would prefer better accommodation, we believe that the proposed bike accommodation provides a good balance of the many objectives we are trying to achieve in the project area.

Conservation Easement

To accomplish the widening of Jones Bridge Road, SHA would impact 6,725 s.f. of Category I Conservation Easement in the area to be taken for ROW and 4,632 s.f. of Category I easement in the area to be taken for a temporary construction easement, for a total of 11,357 s.f. of impact to the easement. As noted above, a significant portion of this impact would be required to meet the Planning Board's recommendation to move the shared use path to run along HHMI's Jones Bridge Road frontage.

The Board's approval of the proposed amendments to the easement and of the mitigation for the impact is required prior to any construction. The Mandatory Referral of this project is being submitted by SHA in advance of the formal request to change the easement because of a procedural difficulty with the State paying HHMI to prepare the necessary plans for the easement change when M-NCPPC actually holds the easement. In conjunction with the easement changes, HHMI will be submitting changes to their Preliminary Plan, Forest Conservation Plan, and Special Exception for the Board's approval. While the Board normally makes only comments on Mandatory Referrals, which are advisory, we recommend that the easement changes be stated as conditions since M-NCPPC is the easement holder. SHA and HHMI have not yet signed a Letter of Agreement detailing how SHA will pay HHMI for their work, but both parties appear to be in agreement on the work to be done.

SHA has proposed that 2,615 s.f. of the Category I easement be replaced along Jones Bridge Road to widen those areas where the easement is below the minimum of 50 feet in width, but would provide an additional area of 20,099 s.f. of Category II easement along the MD185 frontage of the HHMI property, for a total of 2:1 easement mitigation. SHA has been closely coordinating with HHMI on this project and HHMI prefers that the additional area of mitigation be Category II so that they can maintain the area under the trees in a manner that is closer to the level of maintenance of the rest of their campus.

Environmental staff has determined that the proposed mitigation is not consistent with the Planning Board's general policy guidance, as discussed on October 30, 2008 (see Section C on page 4 of the staff memo, shown as Attachment 7) and recommend that 1:1 mitigation of the impacted easement area (11,357 s.f.) be provided on site as Category I (see Attachment 8).

Functional Planning and Policy staff believes that this is an unusual case that warrants a variance from the Board's mitigation policy for the following reasons:

- The impacts would be caused by a State project rather than by the property owner.
- The Planning Board's previous action increased the impact to the conservation easement by about 35% by shifting the proposed shared use path to run along HHMI's frontage.
- The proposed easement would provide 2:1 mitigation, doubling the area of mature trees to be protected.
- The new easement area would be contiguous to the remaining Category 1 area, which is already narrower than desired.

We recommend that the Board give its conceptual approval of the proposed mitigation as a condition of the Mandatory Referral approval. This conceptual approval would be used to prepare the documents for the Board's future formal consideration of the revisions to HHMI's:

- Preliminary Plan No. 12002096A
- Forest Conservation Plan No. 1-02096
- Special Exception S-1565, as amended
- Plat No. 23792, showing the conservation easement and revised Preliminary Plan

The submission of these documents is anticipated in a few months' time.

Landscaping

Two boundary walls would be impacted by the proposed construction, those of HHMI and Chevy Chase Park. HHMI's two-level stone wall would be rebuilt about twelve feet behind the existing wall. The proposed wall would have a concrete core built by SHA's contractor. The salvaged stone facing from the existing wall would be reset by HHMI's contractor on the concrete core constructed by SHA. While HHMI initially wanted to construct the wall completely to ensure the same level of quality as their existing wall, having SHA construct the core would minimize impacts to HHMI's property and to the Conservation Easement.

Chevy Chase Park's brick wall and iron fence would be relocated to about fourteen feet behind the existing wall. SHA will pay for the impacts to Chevy Chase Park's property and the HOA will be responsible for the new wall and/or fence construction.

We recommend that SHA work with the Chevy Chase Park HOA to see if they would like to follow the same staged construction schedule as SHA is doing with HHMI's wall. If SHA builds the concrete core first, the amount of slope work that would be required on the community's property would be reduced, as would the potential impact to a grove of large tulip poplar trees that are near the slope limits.

While SHA has generally provided a reasonable level of landscaping where space is available, the landscape buffers proposed are generally substandard. The proposed shared use path on the south side of Jones Bridge Road west of MD185 has only a two-foot-wide grass panel to limit further impacts to HHMI's Conservation Easement. Achieving staff's recommendation to replace the proposed sidewalk on the south side of Jones Bridge Road east of MD185 with a shared use path will require that the five-foot-wide tree panel be reduced to a two-foot-wide grass panel. Moving the Chevy Chase Park boundary wall is not desirable since it would require a higher wall to accommodate the slopes at the rear of the wall as well as increase impacts to the community.

The community and Board should be aware that the buffer areas for sidewalks and shared use paths will be less than standard and less than desired in order to achieve some other important objectives. There are also some small areas however where we believe that additional trees could be planted, and we recommend that the Board request that SHA work with our staff toward that goal.

Park Impacts

The property of North Chevy Chase Local Park extends into the roadway of Jones Bridge Road by about ten feet at the western project limit. Only resurfacing of the existing roadway is proposed however with no change to the curb line and no work proposed behind the curb, so no real impact to the park would occur.

The far greater potential for park impacts lies in the potential extension of Platt Ridge Drive, as discussed above. This includes not only the new road itself, but also by the associated construction of a new left-turn lane from eastbound Jones Bridge immediately west of Platt Ridge Drive that would impact the Jones Bridge Road frontage of North Chevy Chase Local Park.

Outreach

SHA has undertaken a large community outreach effort for this intersection project. Since the Mandatory Referral on Phases 1 and 2, they have held seven community meetings, as well as making presentations to the BRAC Implementation Committee and closely coordinating with HHMI.

SHA has also worked with the Chevy Chase Valley community to incorporate curb changes and signage into their Phases 1 and 2 project to reinforce turn restrictions from southbound MD185 to Woodlawn Road, Montrose Drive, and Parsons Road – changes that were requested by the community. These streets now operate as exit only to eliminate cut-through traffic.

They also held a meeting with members of the Chevy Chase Park community on July 10, 2012 to discuss the community's concerns, particularly in regard to the impacts on their property. Residents questioned the need for the widened pavement on the east leg of Jones Bridge Road, which would require their boundary wall to be removed and some HOA property be taken. Their main concern is the loss of some large tulip poplar trees and many smaller trees that were planted with their development about ten years ago. These trees provide a visual buffer from the roadway but most would be removed for this project. Their other main concern is the extent to which the proposed slope for the widened roadway would reduce the usable land in their HOA property, much of which is used by individual property owners for playground equipment because their backyards are fairly small. SHA is working with property owners to achieve a mutually acceptable solution.

A public notice of this Planning Board meeting was sent by staff to area community associations and countywide groups, and was forwarded to all recipients on the County's BRAC e-mail list.

Conclusion

We believe that SHA has worked diligently to ensure that the Chevy Chase Valley community's concerns about safe access have been addressed. More work needs to be done to come to a final resolution as to whether the temporary traffic signal at Spring Valley Road is working adequately or whether the Platt Ridge Drive extension through North Chevy Chase Local Park is needed. The Board's approval of this roadway will be required - and adequate compensation for impacted parkland identified - before proceeding with construction of the extension.

SHA has also worked well with HHMI to ensure that the impacts to the latter's property and conservation easement are addressed in an appropriate and mutually acceptable way.

SHA is continuing to work with Chevy Chase Park to achieve a mutually acceptable solution to the impacts to their property that would be required by this project.

Confirmation is needed from SHA that they will extend the Jones Mill Road shared use path east of MD185 to ensure that this important piece of the regional bike network can be achieved.

We recommend that this Mandatory Referral be approved with the enumerated conditions and comments.

LC/RK/TA/MD/kr

Attachments

1. Letter from SHA dated October 22, 2010 responding to Planning Board comments from the July 22, 2012 Mandatory Referral of Phases 1 and 2 of the MD185/Jones Bridge Road project
2. Project area and graphic depictions of staff recommendations, Attachments 2A-2D
3. Letter from Councilmember Roger Berliner dated July 27, 2010
4. Letter from State Highway Administrator Neil Pedersen dated August 18, 2010
5. CIP description of Platt Ridge Drive Extended with map
6. Letter from Dept. of Transportation dated October 8, 2010 responding to Planning Board comments from July 15, 2010 Mandatory Referral of Jones Bridge Road Shared Use Path project
7. Forest Conservation Discussion Memo dated October 30, 2008
8. Environmental Planning/Area 1 memo on the subject project

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



RECEIVED
OCT 26 2010

OFFICE OF THE CHAIRMAN
Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

October 22, 2010

Ms. Françoise M. Carrier
Chair
Maryland-National Capital Park and Planning Commission
Montgomery County Planning Commission
Office of the Chairman
8787 Georgia Avenue
Silver Spring MD 20910

Dear Chair Carrier:

Thank you for your letter regarding the Mandatory Referral Review for the Base Realignment and Closure (BRAC) Intersection Improvement Project at MD 185 (Connecticut Avenue) and Jones Bridge Road/Kensington Parkway. The State Highway Administration (SHA) understands the importance of this project not only for BRAC in Bethesda, but also for the neighborhoods of the surrounding area. The SHA has reviewed your concerns on this project, to which we offer the following responses:

1. *Our staff received a revised Mandatory Referral submission on July 7th, only one week prior to the due date for a public posting of their memo to us. We believe that the truncated review time was not sufficient for a full review.*

Response: Since the official submittal of the Mandatory Referral package in March, SHA has been working extensively on the review with the Montgomery County Planning Board, Maryland-National Capital Park and Planning Commission (M-NCPPC), Montgomery County Department of Transportation (MCDOT), Howard Hughes Medical Institute (HHMI), local communities, and other stakeholders. The submittal was not intended to be an official submittal; rather, it was an interim submittal to address comments prior to an official submittal to the Montgomery County Planning Board. Once an official submittal is made, SHA will provide enough time for a thorough review by M-NCPPC.

My telephone number/toll-free number is 410-545-0400 or 1-800-206-0770
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.roads.maryland.com

Ms. Françoise M. Carrier

Page Two

2. *Phase 3 was deleted from the project under review, but since the intent is to build it as part of the same overall BRAC program, it should have been submitted with Phases 1 and 2.*

Response: The BRAC intersection project at MD 185 and Jones Bridge Road/Kensington Parkway has been separated into three construction phases and, at this point, only Phase 1 and Phase 2 will be moving forward due to funding and time constraints. Phases 1 and 2 will include the widening along southbound and northbound MD 185, and Phase 3 will include the widening along eastbound and westbound Jones Bridge Road. Phase 3 of the proposed scope will affect the Montgomery County Category I Forest Conservation Easement along the frontage of HHMI. At the request of HHMI in early July, SHA decided to pull out Phase 3 from the Mandatory Referral Review package and only submit Phases 1 and 2.

3. *The ultimate SHA proposal requires the Board's approval of a forest conservation easement revision as well as additional park impacts that were not submitted for Mandatory Referral review.*

Response: At the request of HHMI, Phase 3 has been pulled out from the submittal for Mandatory Referral review and deferred to a later date. The SHA has been working actively with the Montgomery County Planning Board, M-NCPPC, and HHMI regarding impacts and mitigations to the Forest Conservation Easement and park property. Our goal is to provide all necessary improvements at this intersection with minimum impacts to the environment and surrounding neighborhoods including M-NCPPC and HHMI, and to look for appropriate treatments and locations, both on-site and off-site, to mitigate the impacted forest conservation easements.

4. *The combined SHA and MCDOT agency proposals to address access concerns to the Chevy Chase Valley community that could be adversely affected by the proposed project seem to prematurely presume M-NCPPC concurrence on a new roadway crossing North Chevy Chase Local Park.*

Response: The SHA has been in close coordination with MCDOT and the Chevy Chase Valley Community on the access and safety issues associated with the Chevy Chase Valley area. We have reviewed and evaluated the Spring Valley Traffic Study provided by MCDOT. The SHA concurred with the findings of the county's study that the Platt Ridge Road Extension will provide the best solution to address the community access concerns, while minimizing the impacts to the surrounding roadway network. The SHA also supported the construction of a temporary traffic signal at Jones Bridge Road and Spring Valley Road. And SHA agreed the Spring Valley Road signal is a reasonable way to address the access concerns in the interim, while the ultimate solution is being sought.

During the past years, SHA attended four community meetings, with the residents seeking resolution to their concerns. At the latest meeting on October 4, the Chevy Chase Valley Community agreed to the interim solution of a temporary traffic signal and the ultimate solution of Platt Ridge Road Extension. The Platt Ridge Road Extension will have impacts to the North Chevy Chase Local Park, owned by M-NCPPC. The SHA agrees to begin the Preliminary Engineering phase for the Platt Ridge Road Extension when funds become available, provided MCDOT accepts the ownership and maintenance of the new roadway and the Montgomery County Planning Board and M-NCPPC supports the park impacts of the new roadway.

- 5. The eastern end of the Jones Bridge Road Shared Use Path project proposed by MCDOT is affected by your project as submitted and also by the Phase 3 project. In our approval of MCDOT's project on July 15, 2010, we recommended that the eastern 350 feet be constructed as part of your intersection project, but also that an alignment of the path along the south side of Jones Bridge Road be considered (see Enclosure 2).*

Response: The Jones Bridge Road Shared Use Path project proposed by MCDOT will tie into the sidewalk improvement of this BRAC intersection project at MD 185 and Jones Bridge Road. The SHA has been in close coordination on the design and schedule with MCDOT and M-NCPPC. With regard to the proposal to relocate the path from the north side of Jones Bridge Road to the south side, we will evaluate the advantages and disadvantages of these two options, including physical constraints, park impact, forest easement impact, community opposition, and funding availability, with input from MCDOT, M-NCPPC, HHMI and other stakeholders.

- 6. Providing a good level of landscaping as part of these projects is important in achieving the residents' vision for their community, the fulfillment of the Master Plan's vision for the Green Corridors Policy, and the General Plan's vision for the county (See Enclosure 3, a memo from our Urban Design Division). This is true on Connecticut Avenue as well as the other state highways covered by these projects.*

Response: The SHA is aware of the Bethesda-Chevy Chase (B-CC) Master Plan in regards to the Green Corridors Policy and strives to construct Master Plan amenities throughout the project limits with support from the affected property owners. As stated in previous correspondence, the proposed design will provide a 3- to 10-foot-wide buffer or wider curb-attached sidewalks, wherever feasible. Wide enough median areas will receive turf grass, perennials, shrubs, flowering trees or street trees. Where it is not possible to provide a median of adequate size for trees, other appropriate types of plant materials will be provided. When determining the location and selection of plant materials, SHA will take into consideration issues such as sight visibility, signs, overhead and underground utilities, and any other potential conflicts. The SHA will also consider your recommendations on the selection of plant materials.

Ms. Françoise M. Carrier

Page Four

7. *While the BRAC coordination process demonstrated extensive community coordination, the public testimony we received revealed that the affected communities and individual property owners at this location do not yet have an understanding or consensus on how their long-standing access and safety concerns are being addressed. The community's concerns, and ours, are exacerbated by the many moving parts itemized above.*

Response: Mitigating for BRAC and providing improvements that benefit all stakeholders have been, and continue to be, challenging endeavors. The SHA has attended four community meetings with the Chevy Chase Village Community, two community meetings with the Chevy Chase Park Community, and five meetings with HHMI, working with affected property owners and addressing citizens' concerns. Communication and coordination with the surrounding neighborhoods has been ongoing, and our goal is to reach an understanding in the near future.

Thank you again for your letter. If we may be of further assistance, please do not hesitate to contact me or Ms. Yuqiong Bai, Project Engineer, Highway Design Division, SHA at 410-545-8816, toll-free 1-888-228-5003 or via email at ybai@sha.state.md.us.

Sincerely,



Neil J. Pedersen
Administrator

cc: Ms. Yuqiong Bai, Project Engineer, Highway Design Division, SHA
Mr. Brian Young, District Engineer, SHA



Platt Ridge Drive extension

Jones Bridge Road path connection to Purple Line path via Coquelin Parkway ROW

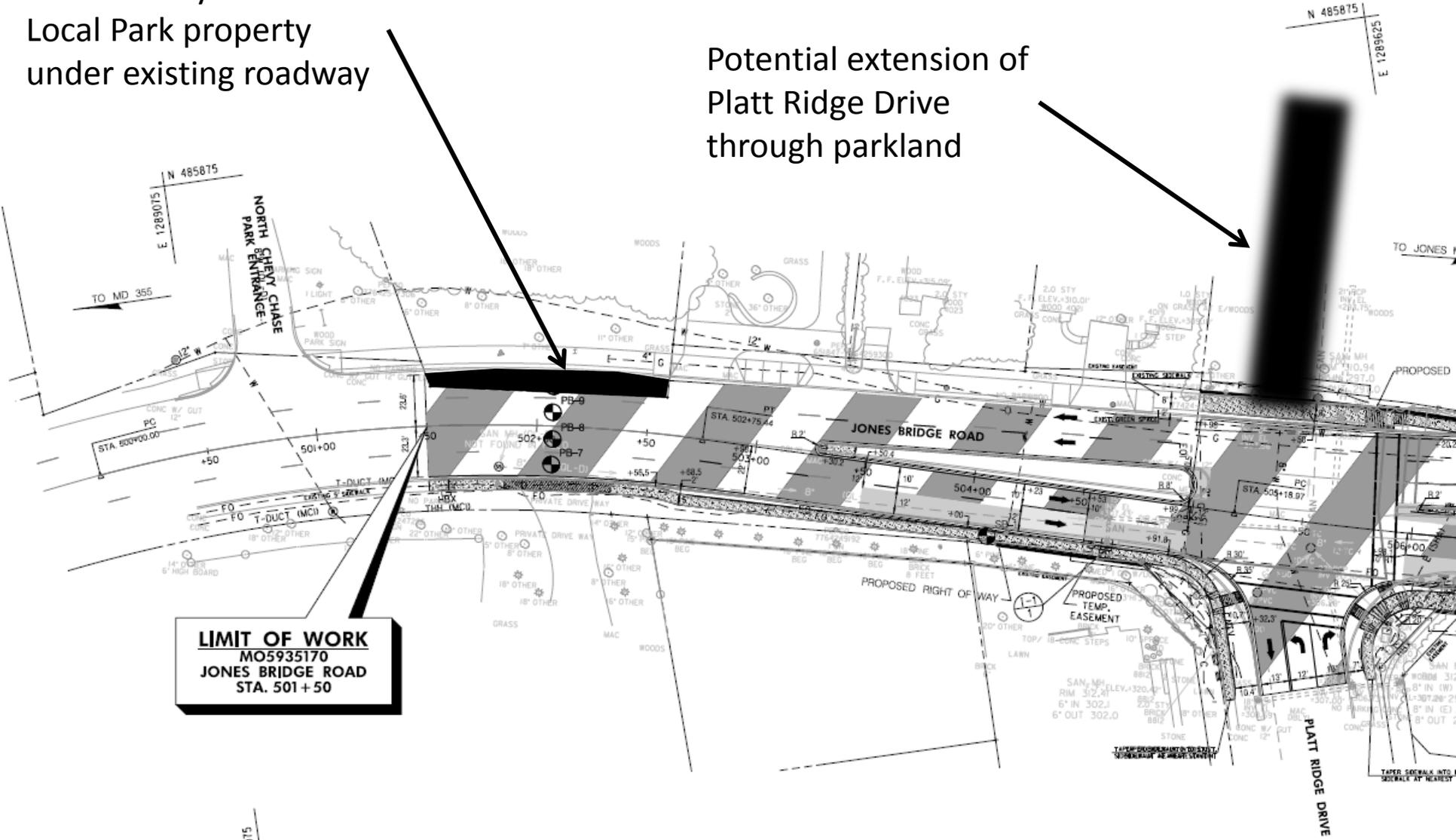
Limits of work

Platt Ridge Drive

Future Purple Line

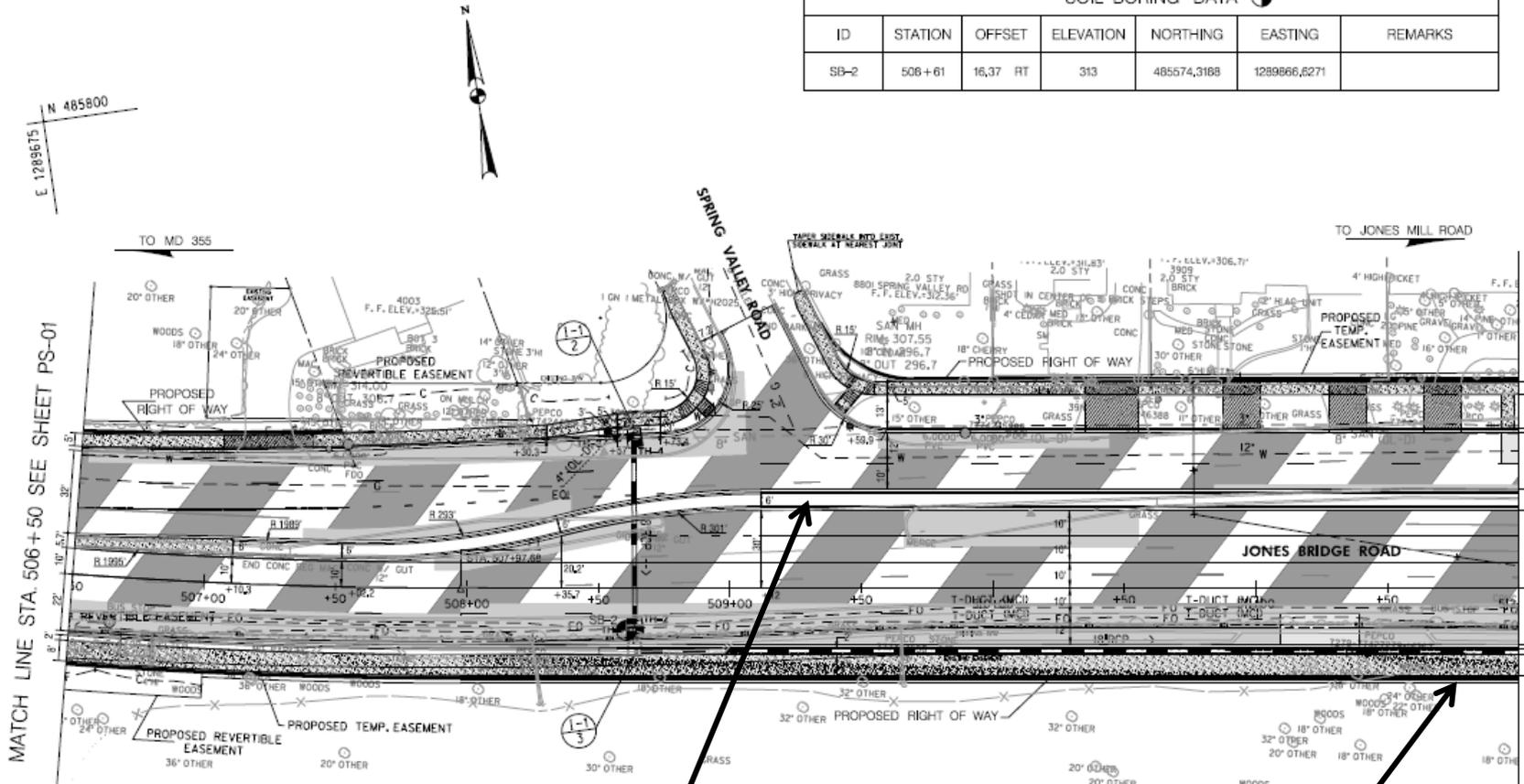
North Chevy Chase
Local Park property
under existing roadway

Potential extension of
Platt Ridge Drive
through parkland



LIMIT OF WORK
MO5935170
JONES BRIDGE ROAD
STA. 501+50

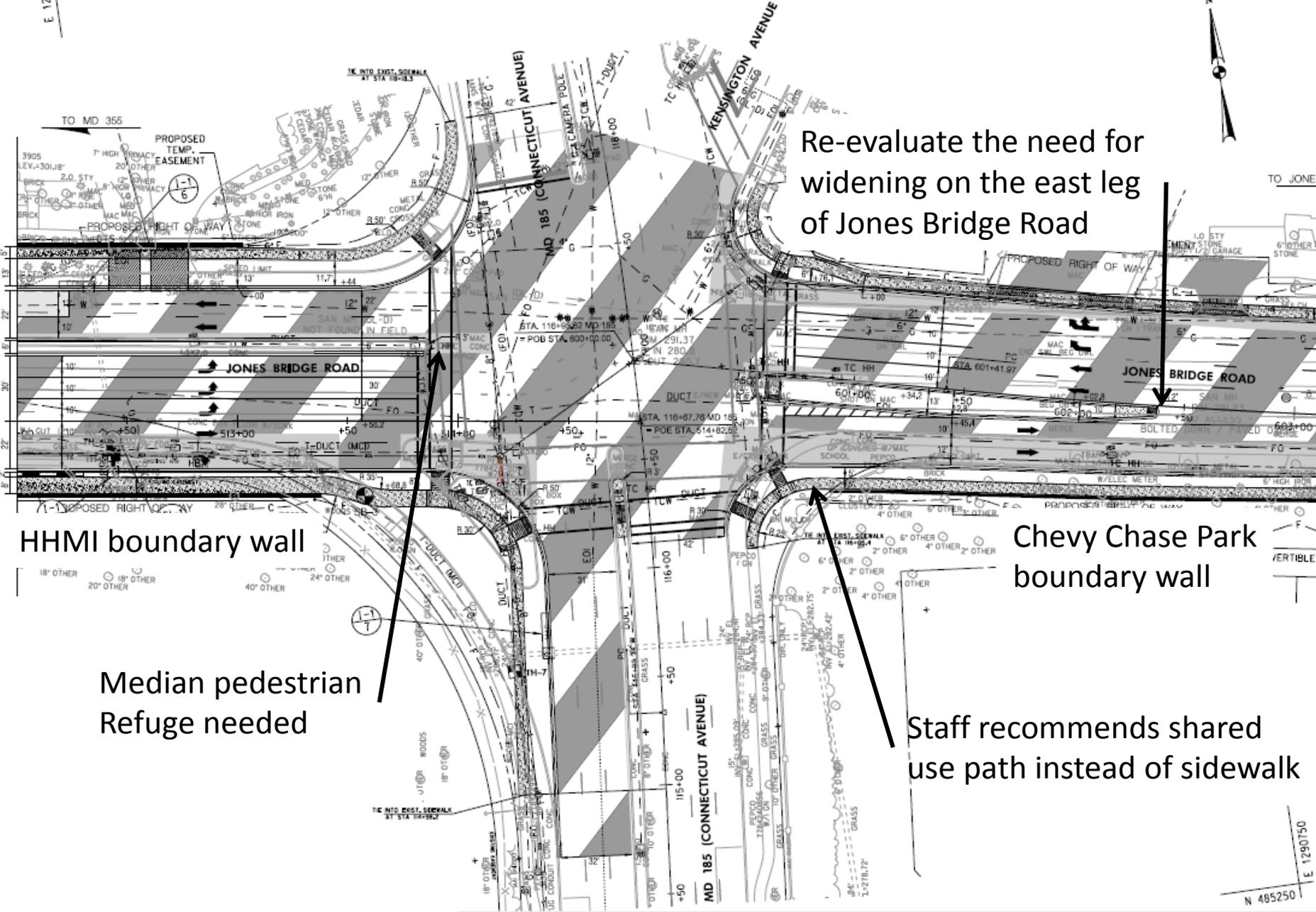
SOIL BORING DATA						
ID	STATION	OFFSET	ELEVATION	NORTHING	EASTING	REMARKS
SB-2	506+61	16,37 RT	313	485574,3188	1289866,6271	



Location of temporary traffic signal and proposed median closure

Relocation of proposed shared use path to HHMI's frontage required more impact to existing Conservation Easement

MATCH LINE STA. 512+00 SEE SHEET PS-02



Re-evaluate the need for widening on the east leg of Jones Bridge Road

HHMI boundary wall

Chevy Chase Park boundary wall

Median pedestrian Refuge needed

Staff recommends shared use path instead of sidewalk



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

ROGER BERLINER
COUNCILMEMBER
DISTRICT 1

July 27, 2010

Mr. Neil Pedersen
Administrator
Maryland State Highway Administration
PO Box 717
Baltimore, MD 21203-0717

Dear Administrator Pedersen:

Thank you for the many hours you and your staff have worked to make the improvements around the revamped National Navy Medical Center in Bethesda, Maryland a hoped for success. I realize this has been a very difficult challenge given the federal, state and local competing and over lapping jurisdictions and the lack of certainty for funding for these improvements.

There have been many many hours of public and private meetings, numerous phone calls and much cooperation prior to the consideration of the proposed intersection improvements before the Montgomery County Planning Board last week. Much of the deliberations before the Board last week centered upon the Connecticut Avenue and Jones Bridge Road intersection. Earlier this year, members of the Chevy Chase Valley community asked for help with ingress and egress for their community with the proposed improvements to Connecticut Avenue in mind.

As a result, the County funded the Spring Valley Traffic Study that was completed in June 2010. The study's recommendations call for a traffic signal at Jones Bridge Road and Spring Valley Road as an interim measure anticipating the BRAC improvements designed by your agency. Further, the study describes as the operationally best option to be the construction of an extended Platt Ridge Drive. Other options were considered as a part of this study.

During last weeks' considerations, our staffs conferred on the possibility that BRAC designated monies could be used in the event that the Platt Ridge Road option becomes viable. We are early in this review process and need more consideration of community views as well as a concurrence from the Montgomery County Department of Parks as their land would be impacted for this possible solution.

Given the timing of the BRAC intersection improvement construction schedule, my understanding is that when monies are available they will be allocated for these projects. I was gratified that your staff indicated a willingness to include the possible Platt Ridge Road project for funding under BRAC. I am hoping you will set aside \$2 million when funds become available so that this project can proceed with funding if and

when the solution is embraced. I understand this set side would not be forever but, at this time, it would be appropriate for the community to understand that their concerns are being addressed on equal footing with all intersection impacts.

Thank you for your consideration of my request.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger Berliner". The signature is fluid and cursive, with the first name "Roger" and last name "Berliner" clearly distinguishable.

Roger Berliner
Councilmember
District 1

Martin O'Malley, *Governor*
Anthony G. Brown, *LL, Governor*



Beverley K. Swann-Staley, *Secretary*
Neil J. Pedersen, *Administrator*

August 18, 2010

The Honorable Roger Berliner
Montgomery County Council
6th Floor
100 Maryland Avenue
Rockville MD 20850

Dear Councilmember Berliner:

Thank you for your letter regarding the Base Realignment and Closure (BRAC) Intersection Improvement Project at MD 185 (Connecticut Avenue) and Jones Bridge Road/Kensington Parkway. The State Highway Administration (SHA) understands the importance of this project, not only for the BRAC implementation in Bethesda, but also for the residents of the surrounding area. In particular, your letter urges SHA to set aside \$2 million.

Mitigating for BRAC and providing improvements that benefit all stakeholders have been, and continue to be, challenging endeavors. My staff and I will continue to work to seek resolution to the concerns of the Chevy Chase Valley Community. Communication and coordination with that community has been ongoing, and I am confident we will be able to reach consensus.

The SHA has reviewed and evaluated the Spring Valley traffic study provided by the Montgomery County Department of Transportation (MCDOT). The SHA concurs with the county's findings that the Platt Ridge Road Extension will provide the best solution to address the community access concerns, while minimizing the impacts to the surrounding roadway network. The extension of Platt Ridge Road will have impacts to the North Chevy Chase Local Park, owned by the Maryland-National Park and Planning Commission (M-NCPPC). The SHA also supports the construction of a temporary traffic signal at Jones Bridge Road and Spring Valley Road. We also agree that the Spring Valley Road signal is a reasonable way to address the access concerns in the interim, while the ultimate solution is sought.

My telephone number/toll-free number is 410-545-0400 or 1-800-206-0770
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.com

The Honorable Roger Berliner
Page Two

The BRAC intersection project at MD 185 and Jones Bridge Road/Kensington Parkway has been separated into three phases. At this point, only Phase 1 and Phase 2 will be moving forward, given funding and timing constraints. When funds become available, SHA agrees to begin the preliminary engineering phase for the Platt Ridge Road Extension, provided that MCDOT accepts the ownership and maintenance responsibilities of the new roadway and the Montgomery County Planning Board and M-NCPPC support the park impacts of the new roadway. The SHA will not exhaust funding and move forward with the Platt Ridge Road Extension without full support from MCDOT, M-NCPPC, and the Planning Board.

Thank you again for your letter. If we may be of further assistance, please do not hesitate to contact me or Ms. Barbara L. Solberg, Assistant Division Chief, Highway Design Division, SHA at 410-545-8830, toll-free 1-888-228-5003 or via email at bsolberg@sha.state.md.us.

Sincerely,



Neil J. Pedersen
Administrator

cc: Mr. Arthur Holmes, Director, Montgomery County Department of Transportation
Ms. Barbara L. Solberg, Assistant Chief, Highway Design Division, SHA
Mr. Brian W. Young, District Engineer, SHA

Platt Ridge Drive Extended -- No. 501200

Category Transportation
 Subcategory Roads
 Administering Agency Transportation
 Planning Area Bethesda-Chevy Chase

Date Last Modified
 Required Adequate Public Facility
 Relocation Impact
 Status

January 06, 2012
 No
 None.
 Planning Stage

EXPENDITURE SCHEDULE (\$000)

Cost Element	Total	Thru FY11	Est. FY12	Total 6 Years	FY13	FY14	FY15	FY16	FY17	FY18	Beyond 6 Years
Planning, Design, and Supervision	620	0	170	450	210	240	0	0	0	0	0
Land	0	0	0	0	0	0	0	0	0	0	0
Site Improvements and Utilities	30	0	0	30	0	30	0	0	0	0	0
Construction	3,050	0	0	3,050	0	3,050	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
Total	3,700	0	170	3,530	210	3,320	0	0	0	0	0

FUNDING SCHEDULE (\$000)

G O Bonds	3,639	0	170	3,469	210	3,259	0	0	0	0	0
Intergovernmental	61	0	0	61	0	61	0	0	0	0	0
Total	3,700	0	170	3,530	210	3,320	0	0	0	0	0

OPERATING BUDGET IMPACT (\$000)

Maintenance				4	0	0	1	1	1	1
Net Impact				4	0	0	1	1	1	1

DESCRIPTION

This project consists of a northerly extension of existing Platt Ridge Drive from its terminus at Jones Bridge Road, approximately 600 feet through North Chevy Chase Local Park to connect with Montrose Driveway, a street in the Chevy Chase Valley (also known as Spring Valley or Chevy Chase Section 9) subdivision. To minimize impact to the park environment, it is proposed that the road be of minimal complexity and width. The road would be a two-lane rolled curb section of tertiary width (20') with guardrails and a minimum right-of-way width of 30'. Sidewalks, streetlights, drainage ditches and similar features are not proposed to minimize impacts to the park. Pedestrian access will continue to be provided by the existing five-foot sidewalks on both sides of Spring Valley Road.

CAPACITY

The project will benefit the residents and visitors to the 60 homes in Chevy Chase Valley plus the members and users of the Chevy Chase Recreation Association swim and tennis club whose only access is through the Chevy Chase Valley community.

ESTIMATED SCHEDULE

Detailed planning and design activities began in FY12 and will be completed in FY13. Construction will start in FY13 and be completed in FY14.

JUSTIFICATION

Vehicle ingress and egress anticipated from the Chevy Chase Valley community is currently difficult and will become even more difficult with the predicted increase in traffic from the BRAC relocation of Walter Reed Army Medical Center to Bethesda, especially with construction of a new southbound lane on Connecticut Avenue between I-495 and Jones Bridge Road now proposed by the State Highway Administration. As a result, an engineering traffic study seeking solutions to the congestion problem was commissioned by the Department of Transportation. The study entitled "Spring Valley Traffic Study" dated June 2010 was prepared by STV Incorporated and serves as the facility planning document for this project. Four alternative solutions to the traffic problem were studied. It was found that "Alternative 2" (new traffic signal at Jones Bridge Road and Spring Valley Road) would have a positive effect for a limited period of time. As a result, a temporary traffic signal will be installed in FY11 with funding from the Traffic Signals project #507154. It was also found that "Alternative 3", the extension of Platt Ridge Drive to Montrose Driveway would provide the most cost-effective approach to a permanent solution. All planning and design work will be done in close consultation and coordination with the MNCPPC.

OTHER

Right-of-way for this project will be dedicated to the public by the MNCPPC or purchased through ALARF funding.

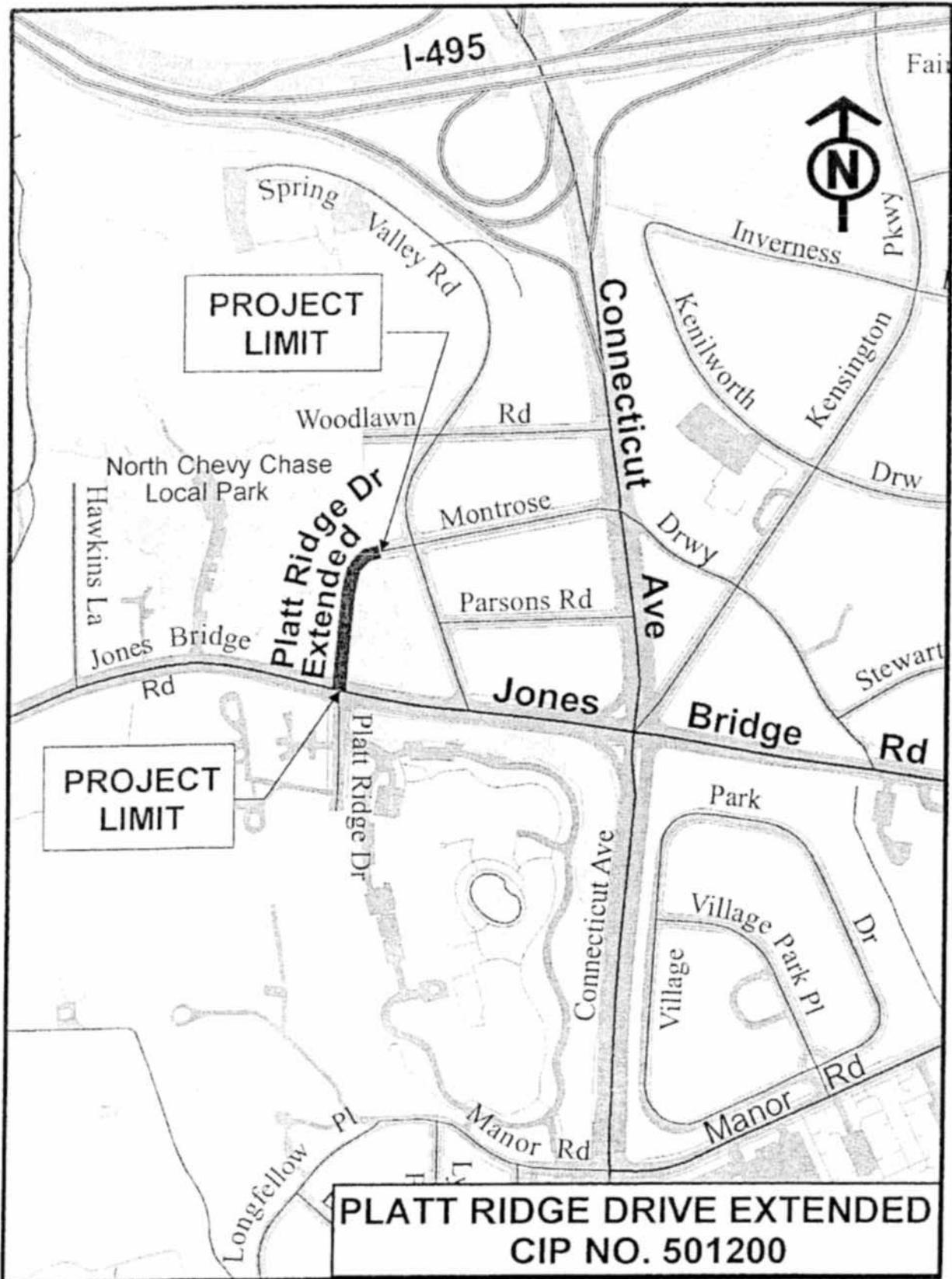
FISCAL NOTE

Intergovernmental funding represents Washington Suburban Sanitary Commission's (WSSC) share of the water and sewer relocation costs.

OTHER DISCLOSURES

- A pedestrian impact analysis has been completed for this project.

APPROPRIATION AND EXPENDITURE DATA	COORDINATION	MAP
Date First Appropriation FY12 (\$000)	Maryland-National Capital Park & Planning Commission	See Map on Next Page
First Cost Estimate FY12 3,700	Maryland State Highway Administration	
Current Scope FY12 3,700	Washington Suburban Sanitary Commission	
Last FY's Cost Estimate 3,700	Department of Transportation	
Appropriation Request FY13 3,320	Department of Permitting Services	
Appropriation Request Est. FY14 0	Department of Environmental Protection	
Supplemental Appropriation Request 0		
Transfer 0		
Cumulative Appropriation 380		
Expenditures / Encumbrances 0		
Unencumbered Balance 380		
Partial Closeout Thru FY10 0		
New Partial Closeout FY11 0		
Total Partial Closeout 0		





DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

October 8, 2010

RECEIVED
0746
OCT 14 2010

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Arthur Holmes, Jr.
Director

Ms. Francoise M. Carrier, Chair
Montgomery County Planning Board
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: BRAC – Jones Bridge Road Shared Use Path (CIP 501000)
From Wisconsin Avenue (MD 355) to Connecticut Avenue (MD 185)
Mandatory Referral No. MR2010809

Dear Chairwoman:

The following is in response to Planning Board comments received by letter dated August 20, 2010, resulting from the July 15, 2010, Mandatory referral meeting for the Jones Bridge Road Shared Use Path CIP Project in which the proposed project was approved with conditions.

1. **Comment:** *Widen the proposed segments of five-foot wide shared-use path to eight-foot minimum.*

Response: We have made a concerted effort to widen the path to eight-foot minimum. However, one location was found not to be feasible; we investigated widening the proposed five-foot path in front of 411 Jones Bridge Road, a property within the Hawkins Lane Historic District, and determined that this would result in excessive property impacts and costs. Due to very steep driveway slopes, the close proximity of the building to the road and the adjacent hill, widening the proposed path would result in extensive reconstruction of the driveway, significant grading to the front lawn, a retaining wall, and realigning and reconstruction of the private sidewalk connection and steps.

2. **Comment:** *The proposed path adjacent to the curb should be ten feet wide.*

Response: We have made every effort to provide a ten-foot wide path and as wide a landscape panel as possible for the full length of the project. Where the plans call for an eight-foot path against the curb, it is because the path cannot be widened any further without impacting the Navy security fence or causing excessive property impacts and costs.

3. **Comment:** *Widen the proposed landscape panel to greater than five feet where possible.*

Response: Same response as for Comment number 2.

4. **Comment:** *At the western project limit, extend the proposed path about 60 feet and realign the first 300 feet of the proposed path to be behind the utility pole to provide a greater offset from the road.*

Response: Will comply (although additional PEPCO guy-wire relocations will be necessary).

Office of the Director

101 Monroe Street, 10th Floor • Rockville, Maryland 20850 • 240-777-7170 • 240-777-7178 FAX
www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

5. **Comment:** *Provide handicap ramps at all bus stops and at all intersections within the project limits where safe pedestrian crossing of Jones Bridge Road can be accommodated. Where a safe intersection cannot be provided, signs should be posted to prohibit the crossing and direct pedestrians to the nearest safe crossing.*

Response: Will comply. It appears that ramps for pedestrian crossings can be provided for the bus stops near the intersections with Lynbrook Drive, University Road, and Hawkins Lane. Signing will be provided for the bus stops near Gunnell Road and Platt Ridge Drive. We will coordinate with the Navy regarding crossing at University Drive.

6. **Comment:** *Locate the proposed path behind handicap ramps wherever possible.*

Response: We have reviewed all proposed sidewalk ramps with a goal to utilize perpendicular ramps where possible. At each location we found this not to be feasible without impacting the Navy security fence or causing excessive private property impacts and costs.

7. **Comment:** *Provide shade trees between the path and curb wherever possible. Where it is not possible to achieve this, provide trees behind the path and provide other plant materials between the path and curb.*

Response: Maximum attainable width of greenspace within the project limits is five feet, which is insufficient for trees. Therefore, trees are being provided behind the path where feasible, considering slopes, rights-of-way, existing vegetation, fences, driveways, and other features.

8. **Comment:** *Provide a ten-foot wide path in front of the home and driveway at 4003 Jones Mill Road.*

Response: This is a moot point, as the location now falls outside the new project limits. The proposed path will now end at the crosswalk on the east side of the Platt Ridge Drive intersection. The State Highway Administration (SHA) will design and construct the remaining shared-use path from this point to Connecticut Avenue, which will probably be on the south side of Jones Bridge Road.

9. **Comment:** *Delete the easternmost 350 feet of proposed path from the project if SHA agrees to construct it as part of their MD 185/Jones Bridge Road intersection project.*

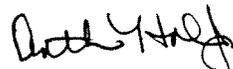
Response: Will comply. The eastern project limit will now be at the crosswalk on the east side of the Platt Ridge Drive intersection. SHA has agreed to design and construct the shared-use path beyond this point.

10. **Comment:** *Continue to coordinate with SHA on their work within your project limits.*

Response: Will comply.

Thank you for the Mandatory Referral approval of the BRAC-related Jones Bridge Road Shared-Use Path CIP Project.

Sincerely,



Arthur Holmes, Jr.
Director



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item # 11
October 30, 2008

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Jorge A. Valladares, P.E., Chief, Environmental Planning

FROM: Mark Pfefferle, Forest Conservation Program Manager *MP*

DATE: October 24, 2008

SUBJECT: Forest Conservation Discussion

The purpose of this discussion item is to obtain guidance from the Planning Board on three separate issues related for forest conservation. The three issues are:

- A. Fee-in-lieu expenditures
- B. Onsite planting requirements
- C. Compensation for amending forest conservation plans and conservation easements.

Staff is seeking confirmation of the approach either currently utilized or proposed.

A. Fee-in-lieu expenditures

The Planning Department has collected more than \$500,000 from the forest conservation in-lieu fees and has assumed planting requirements equaling 21.23 acres of forest. According to the Section 22A-27(a) of the County code, funds deposited into the in-lieu account can only be expended for forest plantings. Individual tree planting can occur only after the forest planting requirements are satisfied. Spring 2008 was the first expenditure of in-lieu fees when 1.5 acres of forest was planted within the Reddy Branch stream buffer. The Reddy Branch is within the Patuxent River watershed. An additional 5.0 acres of planting is scheduled for November. This will include an additional 2.5 acres of planting along Reddy Branch and 2.5 acres of forest planting along Rock Creek near East-West Highway. The budgeted cost for the fall 2008 planting is just under \$22,000 per acre. This per acre cost includes site preparation, purchase of the trees, planting labor and materials, maintenance mowing, and projected drought watering. This cost does not include costs associated with acquiring the land or easements since the planting will occur on land owned by the Commission.

After the 5.0 acre planting occurs, the Planning Department will still have a 15.23 acre

planting deficit and more than \$400,000 remaining in the account. The Department of Parks has agreed that in-lieu funds can be utilized for additional forest planting on Commission owned properties. The Department of Parks has committed to provide locations for up to 7.0 acres of new forest to be planted each year funded by in-lieu fees. The Department of Parks has also agreed that trees can be planted at the Pope Farm with in-lieu fees. These trees would be used exclusively at future in-lieu fee planting areas. Utilizing the Pope Farm nursery to grow trees, and parkland to locate the new forest will keep per acre planting costs lower than what is otherwise possible.

A second initiative is that the Planning Department is considering promoting a tree planting coupon that would incentivize individual property owners to plant trees on their land. The program would be modeled after the coupon program in Baltimore County. The Baltimore County program provides a \$10 coupon for trees purchased from participating nurseries. The participating nursery collects the coupons and submits payment requests to the County. The County provides a \$5 reimbursement to the nursery for each coupon.

As previously mentioned, the in-lieu fee planting requirements are not satisfied; therefore staff does not believe an in-lieu fees can be used to reimburse a planting coupon. However, there is a second dedicated fund, the forest conservation penalty fund that could be utilized. Staff has recently learned that the Maryland Department of Natural Resources will offer individual property owners a \$25 coupon for acquiring and planting trees. Staff believes the Planning Department should piggy back onto this program and provide an additional \$25 coupon on selected trees from participating nurseries. However, staff believes the funding for the first year should not exceed \$20,000.

Staff has approached selected nurseries and they are interested in participating in the program. Staff will continue to expand the network of participating nurseries. Additional requirements for this program still need to be established such as the type and size of trees which must be purchased for reimbursement. Staff believes the trees should be limited to native canopy trees.

Staff would like the Planning Board to confirm the approach for in-lieu fees and authorize staff to complete and publicize the coupon program to promote individual tree planting for the spring 2009.

B. Onsite planting requirements

Under Section 22A-12 of the County code property owners with planting requirements must maintain the planted materials for a minimum of 2 years. The Planning Board approved *Environmental Guidelines for Development in Montgomery County* requires a 5 year maintenance period for developments with planting requirements within Special Protection Areas. Section 22A-12(i) of the County code requires applicants provide a financial security to ensure all requirements of an approved forest conservation plan, including forest planting and maintenance is performed. The Planning Department can release up to 50 percent of the financial security upon successful planting and the forest

conservation inspector starting the maintenance period. Some developers request a bond reduction but not all make this request. At the end of the 2 year maintenance period the Planning Department is required to release the complete bond if more than 50 percent of the trees are alive. Release of the performance bond and the end of the maintenance period does not address the proliferation of non native and invasive materials or deer predation. Soon after the applicant is released after their obligations, the planted trees may be negatively impacted by invasives, deer and drought.

The Planning Board, in September 2007, forwarded recommended changes to the forest conservation law that would increase the maintenance and management period from 2 to 5 years. The Council introduced Bill 37-07, an amendment to the forest conservation law in December 2007 reflecting the change. Since the introduction of the bill there has been considerable discussion with Council members and staff concerning the increase in the maintenance period.

At the last Council subcommittee meeting on the amendments to the forest conservation law, there was preliminary discussion on possibly allowing someone other than the applicant be responsible for the planting and the maintenance of the forests. Staff still supports an increase in the maintenance and management period to five years, however; staff believes there is another option that would release the applicant from their onsite forest conservation planting obligation. This option would allow the applicant with onsite forest planting requirements to pass that responsibility to the Planning Department. The applicant would have to select this option prior to staff approval of the final forest conservation plan. If the applicant selects this option they would have to contribute funds equal to the in-lieu fee rate plus 5 years of maintenance. If the applicant does not select this option they will be required to plant and maintain the planting areas for 5 years. The Planning Department would retain vendors to plant new forests and maintain those plantings for 5 years. If the Council does not extend the maintenance period, staff does not recommend the Planning Department assume the developers planting responsibilities. There are a number of pros and cons with this option. The pros for this approach include:

1. The applicant would not need to provide financial security for the plantings; rather they would make a payment prior to any clearing or grading activities occurring on site.
2. The applicant would not need to hire contractors to plant the forests or provide the maintenance of the planted materials.
3. Planting of the onsite forest could occur sooner in the process. Under the forest conservation law, applicants are not required to plant forests until final stabilization is complete. If the planting area is not within the active limits of disturbance, the forest planting could occur simultaneously with the construction activities or prior to construction.

Some of the cons with this approach include:

1. Conservation easements would need to be revised that would provide permission for the Planning Department to enter the property to conduct planting and

- maintenance of the forests.
2. Liability and access issues during active construction would need to be addressed so the construction sequencing is not compromised.
 3. The Planning Department would need to issue requests for proposals (RFPs) and award contracts to vendors that would then bid on individual planting jobs.
 4. Additional staff, most likely a part-time contract employee, would be required to manage the contractors and to work with the developers that utilize this option. This person could be funded through the forest conservation penalty fund.

If the applicant chooses not to accept this approach, a 5 year maintenance period should be required. As previously mentioned there is already a process that allows for the release of up to 50 percent of the financial security after planting occurs. Under the current law the entire financial security is returned after two years if the planted forest meets the established survival requirements. If the maintenance period is extended to 5 years with the passage of the proposed amendments, staff would support a second financial security reduction after 3 years. The second reduction should not exceed an additional 25 percent of the original bond. If the planted material does not meet a pre-established survival requirement after 3 years, there should be no additional reduction until reinforcement planting occurs and the reinforcement plantings have survived at least one growing season. If after this additional year of growth and the survival threshold is achieved, then release of another 25 percent of the original bond could be authorized. If after 5 years the plantings do not meet the survival requirements, or the non native and invasives are not controlled, the maintenance period should be extended.

Staff requests guidance from the Planning Board as to whether or not this option should be presented to the Council.

C. Compensation for amending forest conservation plans and conservation easements

Environmental Planning staff is receiving an increasing number of requests to modify approved final forest conservation plans and abandon conservation easement on recorded single lots. Staff is requesting confirmation from the Planning Board that the approach taken by staff for the review of plans and required compensation is the right approach.

Requests to modified approved forest conservation plan are typically submitted by the original applicant or a developer. Request to abandon conservation easements are from the individual homeowners. Section 22A-11(a)(2) of the County code states that, the Planning Director, on a case-by-case basis, to approve modifications to an approved forest conservation plan when field inspections or other evaluation reveal minor inadequacies of the plan; or each modification is minor and does not impact any forest in a priority area. Section 113 of the Forest Conservation regulation clarifies minor and major amendments. Under this section, a major amendment entails clearing of 5,000 square feet of additional forest, and a minor amendment is any forest removal less than 5,000 square feet.

The requests from developers are typically necessitated because the other government agencies have determined that: a stormwater management facility needs to be enlarged; a stormwater management outfall needs to be extended into a tree save area; or an applicant did not locate the water and sewer connections to existing lines main lines. Most changes are addressed by staff because they do not involve more than 5,000 square feet of additional forest removal and they occur in the time frame between the approval of the preliminary forest conservation plan and the final forest conservation plan. However, sometimes it is necessary to have the Planning Board approve the modification when more than 5,000 square feet of additional forest is proposed for removal.

The second type of modification request is from individual homeowners. The individual property owners typically want to encroach into a conservation easement to make an improvement such as locating a shed, swimming pool, or building addition into a recorded conservation easement area. Environmental Planning staff has discouraged property owners from submitting these modifications in the past and will continue to do so, however, some property owners still wish to pursue the abandonment of the easement or a modification to the easement boundaries. In other instances, homeowners request to modify or abandon an easement after activities have occurred within the easement that violates the terms of the easement prohibitions. It is staff's desire to have the Planning Board approve requests to abandon recorded conservation easements on individual lots regardless of the size of the easement to be abandoned. The easement is granted to the Commission and the terms of the easement does not expressly allow the Director to authorize the abandonment of an easement. Therefore, the responsibility should be with the Planning Board.

It is staff practice to review each modification request on a case-by-case basis. Each review includes:

1. An assessment of the natural resource inventory/forest stand delineation to determine if the easement is for the protection of environmentally sensitive areas or existing high quality forests.
2. A review of the forest conservation plan to determine if the removal of the forest will still allow the subdivision to meet the minimum forest retention requirements, when it is required by Section 22A-12(f) of the County code.
3. A determination if the easement is for planted forest and if planting has occurred, what is the success of the planted forest.
4. A review of the Planning Board hearing and opinion/resolution to determine if the easement was to buffer incompatible uses.
5. How the applicant proposes to compensate for the removal of the easement.

In cases where staff supports a request to modify an approved plan or abandon/modify a conservation easement, staff requests the applicant replace the existing conservation easement area with a reforestation requirement at least 2 times the area to be abandoned. The basis of this decision is found in Section 22A-11(a)(2) and 22A-12(c)(1) of the County code. Section 22A-11(a)(2) allows the substitution of a marginal on-site conservation area for equal or greater amount of off-site priority area. Section 22A-

12(c)(1) requires that all existing forest removed below the conservation threshold be reforested at a ratio of 2 acres planted for every one acre removed. These two sections provide sufficient justification to exceed a 1:1 replacement requirement.

Some applicants have expressed a desire to use approved forest mitigation banks to meet the requirements. Under section 22A-12(e)(2) of the County code, if an applicant desires to meet the requirements through the protection of existing forest in a mitigation bank, the forest cover protected must be 2 times the planting requirements. Under the existing staff practice, an applicant can either plant an area 2 times the easement area to be modified/abandoned or protect an existing forest equal to 4 times the area to be modified/abandoned.

Staff does not support all amendments to approved forest conservation plans, or the removal of conservation easement in every case. In some cases it is warranted and required by other governmental agencies, in others the environmental impact is too detrimental, and the request is not supported by staff. Staff has been successful in reviewing and approving minor forest conservation plan modifications in the past. Few requests have resulted in major amendments that must be approved by the Planning Board. However, staff will soon present to the Planning Board numerous requests to abandon existing conservation easements that were required as part of a development plan.

Staff requests the Board confirm the existing staff practice, particularly as it relates for mitigating a modified or abandoned easement.



ATTACHMENT 8

MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

TO: Lawrence Cole, P.E., Functional Planning and Policy Division
M-NCPPC

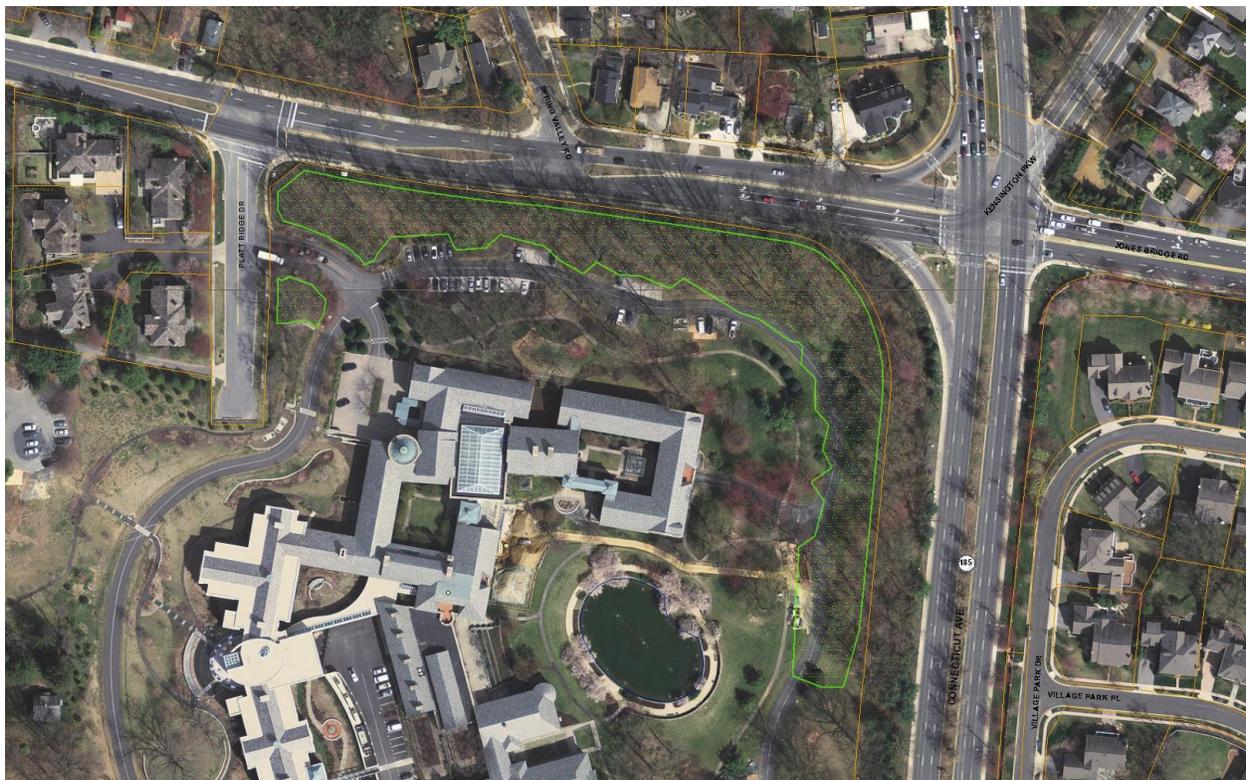
FROM: Marco Fuster, Senior Planner, Area 1

SUBJECT: MD185/Jones Bridge Road Mandatory Referral

DATE: June 27, 2012

The Howard Hughes Medical institute site (HHMI) contains recorded Category I easements. The easements were established to comply with a Final Forest Conservation Plan (FFCP) 120020960 which was approved on 5/3/2007 for renovations and new construction on the HHMI property. The plans and related information can be viewed at the following link:

<http://www.daicsearch.org/imageENABLE/search.asp?Keyword=120020960>

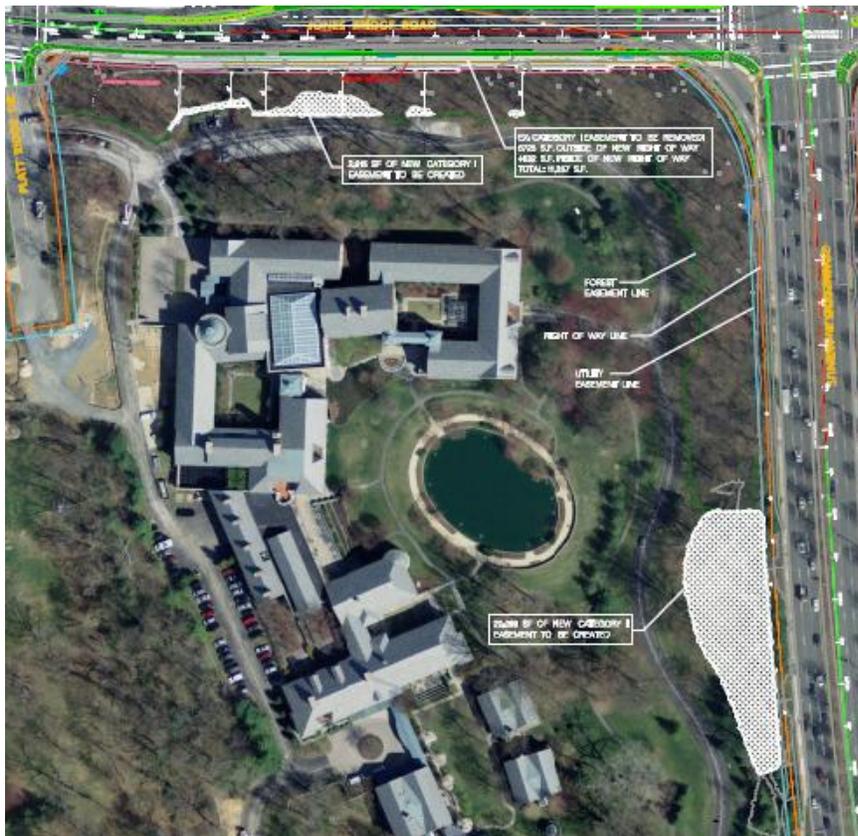


Existing Category I easement areas (shown in green outline)

The plans provided by SHA for the MD185/Jones Bridge Road Phase 2 project (located adjacent to the HHMI site) propose to permanently impact portions of the existing conservation easement area. The submitted plans show the removal of approximately 11,357 square feet of Category I easement area and the proposed onsite mitigation by a combination of 2,615 square feet of Category I easement and 20,999 square feet of Category II easement area.

Staff does not support the currently proposed mitigation and has an alternate scenario recommend for approval as discussed further below.

Several years ago discussions had been held among M-NCPPC staff, HHMI representatives and SHA. The original idea for this site was for SHA to remove what they need to, maintain Category I status of existing easement (per HHMI's request), and take mitigation off-site creating no additional burden to HHMI. Staff had offered both SHA and HHMI off-site mitigation options to mitigate for the loss of easement. It was at the request of HHMI to retain the Category I status of the existing easement and to provide mitigation on site. Another option discussed included using Category II easement as part of the new onsite mitigation areas. However since those previous discussions never moved forward and the Planning Board has adopted an Easement Removal mitigation policy of 2:1 off-site planting requirement or 1:1 on-site requirement (Category I/forest planting), the Category II concept would not be consistent with the current easement mitigation policy.



HHMI's current mitigation proposal

More recently on March 19, 2012 a meeting was held at HHMI, where an updated mitigation scenario was agreed upon. The loss of the existing Category I easement would be replaced onsite at a 1:1 ratio, by providing approximately 2,429 square feet of new Category I easement area along Jones Bridge Road and mitigated by approximately 9,671 square feet along Connecticut Avenue¹. This loss would be further mitigated by the creation of a new Category II easement area along Connecticut Avenue immediately south of the above Category I easement (beyond the 1:1 category I replacement areas).

However in recent weeks the HHMI proposal evolved to replace only a minor portion of the Category I removal and instead provide a less restrictive Category II easement (although at an approximately 2:1 replacement ratio). Since the proposed Category II areas would not meet forest definition and are not consistent with the current easement mitigation policy adopted by the Planning Board. Staff does not support the current proposal and recommend that the Category I easement area either be replaced in kind and on site or that portions of the mitigation occur offsite through the use of a forest conservation bank.

Therefore, the Howard Hughes Medical Institute (HHMI) must submit an amended preliminary plan, forest conservation plan and record plat for approval by the Planning Board to address transportation improvements on Connecticut Avenue and Jones Bridge Road. The loss of the existing Category I easement will be replaced by providing approximately 2,615 square feet of new/mitigated Category I easement area along Jones Bridge Road and by addressing the 8,742 square feet balance of the requirement by either providing offsite mitigation or by placement of additional Category I easement at appropriate onsite locations (totaling 11,357 square feet of onsite mitigation at 1:1 ratio). No construction work within the existing forest conservation easement area will be permitted until a new record plat appropriately reflecting the abandonment (and applicable onsite mitigation) is recorded and a certificate of compliance is appropriately recorded to address any offsite mitigation if applicable.

A forest conservation variance for the impact to onsite subject trees will be included at the time of the HHMI amendment submission.

¹ The projected figures for the easement *impacts* have increased slightly on the most current proposal.