

9801 GEORGIA AVENUE

SITE PLAN NO. 820230130

FOREST CONSERVATION PLAN NO. F20240040

PROJECT NARRATIVE AND JUSTIFICATION STATEMENT

I. INTRODUCTION

JLB Realty LLC (“Applicant”) is the contract purchaser and developer of approximately 4.93 acres¹ of land generally located in the northeast quadrant of the intersection of Georgia Avenue and Forest Glen Road in Silver Spring (“Property”).² The Property is more particularly described as: 1) Parcel A, Block 1, Forest Grove, as shown on Plat No. 8215 recorded among the Land Records of Montgomery County, Maryland (“Land Records”) on April 21, 1966; 2) Lots 1-3, Block 1, Forest Grove Section One, as shown on Plat 737 recorded among the Land Records on October 10, 1937; and 3) Parcels P400 and P402 on Tax Map JP12. The Property is zoned CRT-2.5, C-2.5, R-2.5, H-120, in accordance with the recommendations of the March 2020 approved and adopted *Forest Glen Montgomery Hills Sector Plan* (“Sector Plan”) and associated Sectional Map Amendment No. H-137. The southern portion of the Property is improved with a medical office building and associated surface parking, known in the community as the Forest Glen Medical Center. The northern portion of the Property is unimproved.

On May 16, 2023, the Planning Board approved Sketch Plan No. 320230020 for the Property (“Sketch Plan”) allowing for a maximum of 460,000 square feet of residential development, consisting of approximately 415 units and 5,000 square feet of commercial space. The Applicant is now submitting this Site Plan Application (“Application”) under the optional method of development in the CRT Zone in accordance with Section 7.3.4 of Chapter 59 (“Zoning Ordinance”) of the Montgomery County Code, 2014, as amended (“County Code”). Consistent with the Sketch Plan, the Application proposes redevelopment of the Property with up to 420,000 square feet of multi-family residential uses, consisting of up to 390 multi-family dwelling units, including 15% Moderately Priced Dwelling Units (“MPDUs”), up to 5,000 square feet of commercial use, structured parking,

¹ Tract area. Site area is 3.97 acres.

² The Property is addressed 9801, 9907, and 0 Georgia Avenue and 9818, 9816 and 0 Woodland Drive, Silver Spring, Maryland 20902.

public and private open space and amenities (including a public through-block connection and new civic green) and streetscape improvements (“Project”).

Concurrent with the filing of this Application, the Applicant is also filing and seeking approval of a preliminary plan application for the Property and requests that both applications be processed simultaneously.

II. THE PROPERTY AND SURROUNDING AREA

The Property is located in the northeast quadrant of the intersection of Georgia Avenue and Forest Glen Road in Silver Spring. The Property has frontage on Georgia Avenue, Forest Glen Road, and Woodland Drive. As described above, the Property is partially improved with the Forest Glen Medical Center and associated surface parking lot. The remainder of the Property is unimproved.

Single-family detached homes in the R-60 zone both abut the Property to the north and confront the Property to the east, across Woodland Drive. To the south, across Forest Glen Road, are a single-family homes and a church in the R-60 zone. To the west, across Georgia Avenue, are multifamily buildings in the R-20 zone.

III. PRIOR DEVELOPMENT APPROVALS

The portion of the Property addressed 9801 Georgia Avenue was previously subject to special exception approvals BA-21354, BA-1849, BA-1836 and CBA-1838, all associated with the existing office building use. Those approvals dated back to 1965, when the Property was zoned R-60, which only permitted medical office by grant of a special exception. With the recent rezoning of the Property to CRT, which permits medical office uses by right, the need for the special exception approval was removed, and, as such, the owner of the Property recently abandoned those prior approvals.

As noted above, the Sketch Plan for the Property was approved on May 16th of this year, and the Site Plan conforms to this approval in all respects.

IV. THE PROJECT

As explained more fully below, the Sector Plan identifies the Property as a potential housing resource located in close proximity to the Forest Glen Metro Station, and makes a number of specific recommendations pertaining to its future redevelopment. Sector Plan pg. 57. In

accordance with the Sector Plan's recommendations, the Application proposes redevelopment of the Property with up to 390 multi-family residential units, structured parking, public open space, private amenities, and approximately 5,000 square feet of retail space. Consistent with the Sector Plan's vision, the Project's design also accommodates the entrance to the future tunnel under Georgia Avenue leading to the Forest Glen Metrorail Station ("Tunnel"), which will be constructed by the Montgomery County Department of Transportation ("MCDOT"). The proposed design also addresses a number of other development constraints that were not even recognized in the Sector Plan, including the accommodation of a new dedicated right-turn lane on Forest Glen Road required by the Maryland State Highway Administration ("SHA"), the incorporation of stormwater management associated with SHA's Montgomery Hills/ MD 97 Project, and the relocation of significant utility lines that currently bisect the Property.

Access, Circulation and Loading

Condition No. 14 of the Sketch Plan approval noted the Planning Board's preference that access to the Project be solely from Georgia Avenue, with access to Woodland Drive provided subject to an operational study at the time of Preliminary Plan. Subsequent to the Sketch Plan approval, the Applicant conducted the required analysis and engaged in further coordination with both MCDOT and SHA. That operational study is included as part of this submittal and demonstrates that the Woodland Drive access shown in the Sketch Plan is, in fact, required to ensure safe and efficient access to and around the site.

The provision of the Woodland Drive access point is also consistent with both Section 59.6.1.4.E of the Zoning Ordinance, which dictates that access occur from frontages with the lower roadway classification, and the County's new Complete Streets Guidelines. *See* p. 193 of the Complete Streets Guidelines ("Access from lower classification streets should be prioritized per the Department of Permitting Services' Driveway Construction Policy."); *See also* Federal Highway Administration's Access Management in the Vicinity of Intersections ("To the extent possible, it is best to manage driveways so that access is provided to and from the roadway with the lower functional classification as these roadways typically have lower traffic volumes and speeds. This helps to reduce the frequency of conflicts, which minimizes both the opportunity for crashes and the severity of those crashes, should they occur.").

Because Woodland Road is a residential road, however, Section 59.6.1.4.E of the Zoning Ordinance would technically require access to the Property from Forest Glen Road. Due to the presence of the Tunnel and Sector Plan- recommended public open space along this frontage, however, the Applicant cannot reasonably provide access off Forest Glen Road both due to insufficient spacing and safety concerns associated with conflicts with pedestrians and bicyclists seeking to use the Tunnel and open space.³ In this regard, the Applicant is seeking Alternative Compliance approval for this requirement pursuant to Section 6.8.1 of the Zoning Ordinance to allow for the right-in, right-out driveway off Georgia Avenue and a full-movement driveway off Woodland Drive, aligning with Sherwood Road. Such alternative compliance is warranted given the unique characteristics of the site. The Property has three frontages and is located immediately adjacent to a single-family neighborhood. As noted above, sole access from Georgia Avenue is not safe or consistent with County policy. Both entrances are needed in order to properly disperse traffic to and from the site, and prevent unwanted congestion on Woodland Drive.

Loading and the service area for the Project will be located internal to the building, with vehicular access off Woodland Drive, adjacent to the vehicular entrance. All garage entrances will feature a Bethesda-style driveway apron to allow for a flush pedestrian walkway through the vehicular entrances.

Pedestrian access to the Project will be provided via the sidewalks along the Property's Woodland Drive, Georgia Avenue, and Forest Glen Road frontages, and via the through-block connection provided along the north side of the Project. The main pedestrian entrance for the multifamily residential component of the Project will be located along Georgia Avenue, and the commercial spaces will be accessed via the plaza located along Forest Glen Road. The Woodland Drive frontage will also feature a number of individual entrances to activate the streetscape.

Bicycle access to the Project will be provided via Forest Glen Road and Woodland Drive. The Applicant understands that new bicycle facilities are proposed along the Property's Forest Glen Road frontage by SHA. Additionally, the Sector Plan recommends a neighborhood greenway along Woodland Drive, which will provide a comfortable and safe environment for cyclists along

³ In recognition of this fact, Sketch Plan Condition No. 8 expressly prohibits vehicular access to the Property from Forest Glen Road.

that frontage. The traffic study accompanying this Site Plan submission makes recommendations regarding the implementation of many elements of this greenway.

Finally, in accordance with the Sector Plan's recommendation for a Metro pick-up/drop-off point on the Property, the Applicant is proposing the reservation of some on-street parking spaces along Woodland Drive, proximate to the access to the future Tunnel, for this purpose. As explained more fully in the Traffic Study, this drop-off can be accommodated without adversely affecting area circulation and is expected to facilitate Metro drop-off and pick-ups initiating largely from the adjacent residential neighborhood.

Architectural Design

The Project consists of a single building that steps down in height from six stories along Georgia Avenue to three stories along the majority of the Woodland Drive frontage. The building will wrap around the proposed parking structure in order to screen it from view. The Project architecture features a 360-degree facade, emphasizing the importance of all sides of the building and eliminating the concept of "back" or "service" facades. Each facade has been thoughtfully articulated to harmonize with the immediate surroundings and address the significant grade difference between Georgia Avenue and Woodland Drive.

The section of the building that faces the new park and Metro entrance and extends towards Georgia Avenue has a more commercial ambiance at the ground level, with retail spaces facing the new urban plaza. As the building turns along Georgia Avenue, the ground floor treatment signifies the public functions of the building, such as the lobby, leasing areas, and amenities. This transparent design enables pedestrians to engage with both the architecture and the interior courtyard.

The facade along Georgia Avenue is divided into various sections, employing horizontal and vertical articulation, as well as a variety of elements that introduce a range of scales and rhythms. This approach creates visual interest and adds variety to the building's appearance. Towards the north end of the Property, a mid-block connection is provided, featuring a linear park, and an open courtyard creates a significant break in the building façade. Viewed from the north, the building also steps down significantly on the east and west side. These elements break up the massing of the building, offering relief and enhancing the overall composition.

Along Woodland Drive, where the building confronts a single-family neighborhood, the design adopts a townhome-style facade, limited to three stories. This design approach fosters a comfortable pedestrian experience while respecting the residential character of the street. Above the third story, the building sets back, creating an intriguing massing expression that reveals layers and adds visual intrigue to the building's ends.

Throughout each of the facades, careful consideration has been given to the selection of materials, which were chosen to achieve a contextual building that seamlessly integrates into the neighborhood and contributes to the overall fabric of the area.

Finally, while the Sketch Plan included 540 parking spaces, which was the maximum number of spaces allowed under the Zoning Ordinance, the parking proposed in the Site Plan has been reduced by 85 spaces, to 455. These spaces will serve both the commercial space and building tenants and their guests.

Open Space and Amenities

A primary feature of the Project will be the public plaza located along Forest Glen Road, adjacent to Georgia Avenue. This space is now proposed to be ½ acre, in accordance with both the recommendation of the Sector Plan and Sketch Plan Condition No. 5, and will function as a civic green in terms of both potential program and form. This plaza is envisioned to become a public gathering space where commuters as well as residents of the adjacent community can come to interact, run errands, and enjoy a cup of coffee. In this regard, the commercial spaces will likely be service retail establishments.

The design for this open space creates a series of stepped terraces with each terrace having a slightly different character, although each will have full access to the surrounding streetscapes. The westernmost terrace is comprised of a hardscape plaza at the intersection of Georgia Avenue and Forest Glen Road. This is intended to act as a gathering space around the future Metro entrance and will also provide space for outdoor seating adjacent to the proposed retail space within the building. This space would also contain landscaped plant beds and fixed and moveable seating.

The central lawn terrace is intended to be used both for periodic community gatherings, as well as everyday use by the community and local building residents. The space is to be wrapped in landscape on its northern edge adjoining the building with terraced/sculptural seating that could be used for periodic gatherings and performances on the lawn. Given the proximity to the future

Metro tunnel entrance and its prominence in the overall open space, the lawn itself is envisioned to be a synthetic material to address wear and tear.

The easternmost portion of the plaza is comprised of two terraced areas: the first is at the corner of Woodland Drive and Forest Glen Road. This area will serve as the gateway to the open space from the Forest Glen streetscape and is comprised of a stepped seating area that culminates at the central lawn with a shade structure. A second terrace wraps the building and extends a bit further north along Woodland Drive. This section also acts as a gateway and is intended to draw in pedestrians to both the civic open space and to provide a direct access to the Metro tunnel located at the corner of Forest Glen and Georgia Avenue.

The Project also features a northern open space intended to serve as an attractive connection between Georgia Avenue and Woodland Drive. The overall concept for this area is to create a linear open space that is composed of a series of lawns that are wrapped in landscape and that give the impression of a meadow with a central connecting trail. The landscape will define and create this series of open spaces, provide a buffer to neighboring properties to the north, and act as a backdrop to the residential building to the south. The zone immediately around the primary trail utilizes lower landscape material and lighting to allow for a clear view through the space and ensure that the trail is illuminated at all times for safety. The series of smaller open spaces culminates in a “triangular” open space on Woodland Drive that expands the open space along Woodland Drive to signal that this open space is publicly accessible and is not “privatized.” This lower triangular space is in many ways the bookend to a similar space located at the Civic Green and is intended to be more of a small plaza/seating area that also serves as the gateway from Woodland Drive into the north meadow open space.

Green Features and Stormwater Management

The Property currently contains no stormwater management facilities. The redevelopment will therefore significantly improve stormwater management on and around the Property. Stormwater management is proposed to be provided through a number of microbioretention planters along the perimeter of the proposed building. As noted above, some of these facilities will be sized to accommodate SHA’s future needs as well.

With regard to other environmental improvements, the Sector Plan recommends that private development strive for a minimum of 35% green cover, defined as a combination of tree

canopy and intensive green roof. Sector Plan pg. 51. The Sector Plan further allows the provision of on-site energy generation as a substitute for a portion of the minimum green cover requirement. As shown on the Green Cover Exhibit included with the Application, ground-level green cover on the Property has been maximized to the extent practicable. Because the building's wood construction type makes the provision of a green roof problematic, the Applicant is proposing approximately 9,184 square feet of solar panels on the roof surface for on-site energy generation for the Project. The proposed tree canopy and green areas, in combination with these solar panel areas, will meet the recommended 35% in satisfaction of the intent of the Sector Plan, as shown on the Green Cover Exhibit included with the Application.

Noise Analysis

In light of the Project's proximity to Georgia Avenue, the Applicant engaged Phoenix Noise and Vibration to conduct a noise analysis for the Project in accordance with the *Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development (June 1983)*. This analysis concluded that, while the Georgia Avenue frontage will experience moderate noise impacts, reasonable modifications to the proposed building's materials would bring the interior noise levels into conformance with the County's noise regulations.

It was also noted in this study, however, that the proposed civic green would likely experience noise levels above 65 dBA Ldn. The only method available to reduce the noise levels in this area would be the installation of a noise barrier. Given the adverse impact such a barrier would have on the openness of this space, the Applicant is requesting a waiver of this requirement pursuant to Section 2.2.2. of the Noise Guidelines to allow for the increased noise levels in this open space. Pursuant to provision (2) of Section 2.2.2 of the Noise Guidelines, "[e]xterior noise attenuation measures may be infeasible due to...aesthetics..." Given the significant impact a physical barrier would have on the aesthetics and accessibility of this area, the Applicant believes a waiver is appropriate.

V. THE PROJECT SATISFIES THE REQUIREMENTS FOR APPROVAL OF A SITE PLAN FOR OPTIONAL METHOD DEVELOPMENT IN THE CRT ZONE

Section 59.7.3.4.E.2 of the Zoning Ordinance sets forth the findings that the Planning Board must make before approving a site plan application. The following analysis establishes the Application's satisfaction of, and conformance to, these standards:

To approve a site plan, the Planning Board must find that the proposed development:

a. satisfies any previous approval that applies to the site.

As noted above, the only applicable previous approval is the Sketch Plan approved by the Planning Board on May 16, 2023. As discussed herein, the Application conforms to the Sketch Plan approval in all respects.

b. satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014.

This section is not applicable to the Site Plan, as the Property is not subject to a development plan or a schematic development plan.

c. satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.

The current zoning of the Property is not the result of a Local Map Amendment. Thus, this provision does not apply to the Application.

d. satisfies applicable use standards, development standards, and general requirements under this Chapter.

The Project satisfies the applicable use standards, development standards, and general requirements of the Zoning Ordinance, as explained more fully below:

A. Use Standards

Section 59.3.1.6 of the Zoning Ordinance lists uses permitted in the CRT zone. The Project proposes multifamily dwelling units and commercial uses, both of which are permitted uses.

B. General Requirements for the Optional Method in the CR Zone

Section 59.4.5.4.A of the Zoning Ordinance lists the general requirements for development under the optional method in the CRT zone. The Site Plan meets all of these general requirements as follows:

1. *Procedure for approval*

Section 59.4.5.4.A of the Zoning Ordinance requires a site plan to be approved for any development on a property with an approved sketch plan. This Application and accompanying materials are being submitted in accordance with this requirement.

2. *Public benefit points and categories*

The Application contains a Public Benefits Calculations Chart outlining how this optional method development project will provide significant public benefits in order to realize the proposed density on the Property. The Project is anticipated to provide substantially more than the 50 public benefit points required, as outlined in that chart. All public benefits will comply with the specifications prescribed by the CR Zone Incentive Density Implementation Guidelines, as discussed below:

(i) *Transit Proximity*

The Application is entitled to receive 25 public benefit points for transit proximity, as it confronts the Forest Glen Metrorail Station across Georgia Avenue.

(ii) *Connectivity and Mobility.*

The Application is entitled to receive 20 public benefit points for the provision of a through-block connection on the northern end of the Property.

(ii) *Diversity of Uses and Activities.*

The Application is entitled to receive 30 public benefit points for affordable housing for the provision of greater than 12.5 percent MPDUs, and 5 public benefit points for the proposed dwelling unit mix, which includes 5% three-bedroom units.

(iii) *Quality of Building Design.*

The Application is entitled to receive public benefit points for quality building and site design (approximately 25 points) as noted below:

- *Architectural Elevations.* The Applicant and its design team have put a particular focus on the provision of great building design at this location and anticipate receiving 10 points in this category. The Project meets the specific criteria for this category set forth in the Implementation Guidelines as follows:

(1) Minimum amount of transparency on the first floor

The majority of the ground floor along Georgia Avenue consists of expansive double height storefront glass and leasing/ amenity space that will activate this frontage. The Forest Glen Road frontage is dominated by the proposed retail space, which also features significant expanses of glass.

(2) Minimal spacing between operable doors

Pedestrian entrances are located along all Property frontages. On Georgia Avenue, the main residential entrance is located towards the middle of the frontage, tenant entrances are located next to the proposed vehicular entrance on the north side of this façade, and retail entries are located along the southern portion, proximate to the proposed civic green. The Forest Glen Road façade contains a number of retail entries that will activate this frontage. Along Woodland Drive a number of the residential units have their own unit entry off of the street, creating an enhanced streetscape and active pedestrian experience.

(3) Design priorities of the applicable master plan and/or implementing design guidelines

As detailed more fully below, the design of the Project furthers the objectives and design priorities of the Sector Plan.⁴ The Project provides an appropriate transition between Georgia Avenue and the confronting residential areas to the east, and incorporates the Tunnel, as called for in the plan.

- *Structured Parking:* The Project will provide all structured parking and, therefore, achieves 10 points in this category.
- *Tower Stepback:* The Project includes a step back along its Woodland Drive frontage and is therefore entitled to 5 public benefit points in this category.

(iv) *Protection and Enhancement of the Natural Environment.*

- *Cool Roof:* The Project includes a cool roof, therefore entitling it to 5 public benefit points for protection and enhancement of the natural environment for the provision of a cool roof.

⁴ The Sector Plan does not have any associated implementation guidelines.

- *Renewable Energy Generation:* The Project includes approximately 9,184 square feet of rooftop solar panels that will provide on-site renewable energy generation. As such, 10 public benefit points are appropriate for this category.
- *Vegetated Area:* In excess of 5000 square feet of plantings within a minimum soil depth of 12 inches is proposed along the north side of the Property, entitling the Project to 10 public benefit points in this category.⁵

C. *Development Standards for the Optional Method of Development*

Section 59.4.5.4.B of the Zoning Ordinance sets forth the development standards for development under the optional method in the CRT zone. The Site Plan satisfies all of these development standards as described below and detailed more fully in the development standards chart depicted on the Site Plan.

(a) Open space

Because the Property’s tract area is approximately 4.93 acres and the Property has three right-of-way frontages, the Project is required to provide 10% public open space as measured against the site area of the Property. The Project will meet this requirement, primarily through the civic green on the south and public through-block connection on the north.

(b) Lot, density, and height

The Project proposes up to 420,000 square feet of residential uses and approximately 5,000 square feet of retail on one record lot. Since the Property has a tract area of 4.93 acres and is zoned for up to 2.5 residential FAR, approximately 536,568 square feet can be constructed on the Property, well in excess of the density proposed. Additionally, the current zoning for the property would allow for up to 120 feet in height, and the proposed height of 78 feet is well below this maximum.

⁵ Per the recommendations of the Sector Plan, all lawn areas counted as green cover will have a minimum soil depth of 30 inches.

(c) Placement

Section 59.4.5.4.B.3 of the Zoning Ordinance provides that setbacks for principal buildings, accessory structures, and parking are established by the site plan approval process. The proposed setbacks are identified on the Site Plan submitted with the Application.

(d) Form

Section 59.4.5.4.B.4 of the Zoning Ordinance provides that form standards are established by the site plan approval process and must address, at a minimum, transparency, blank walls, and active entrances. As noted in the design narrative above, and depicted on the architectural plans included with the Application, the Project provides a significant amount of transparency, minimizes blank walls, and incorporates a number of activating entrances at the ground level.

D. General Development Requirements

Article 59.6 of the Zoning Ordinance contains general development requirements. The Application meets all of these requirements, as follows:

(i) Site Access (Division 6.1)

As noted above, vehicular access to the Project will be provided via driveways off Woodland Drive and Georgia Avenue. The Woodland Drive access includes a secondary access point leading directly to internalized loading and service for the Project. These access points will separate and distribute traffic and create safe circulation.

Section 59.6.1.4.E of the Zoning Ordinance dictates that, for a corner or through lot, vehicular access be limited to one driveway from the road with the lower roadway classification, unless that street is a residential road. Because Woodland Drive is a residential road, vehicular access would technically be required off Forest Glen Road. Due to the presence of the Tunnel and Sector Plan- recommended public open space along this frontage, however, the Applicant cannot reasonably provide access off Forest Glen Road both due to insufficient spacing and safety concerns associated with conflicts with pedestrians and bicyclists seeking to use the Tunnel and open space. In this regard, the Applicant is seeking Alternative Compliance approval for this requirement pursuant to Section 6.8.1 of the Zoning Ordinance.

Pursuant to this provision, the Planning Board may approve alternative compliance where the site has a unique characteristic, the alternative design still satisfies the intent of the division,

and the alternative furthers the public interest. The proposed vehicular access via a right-in, right-out driveway off Georgia Avenue and a full-movement driveway off Woodland Drive, aligning with Sherwood Road, meet these required findings. The Property has three frontages and is located immediately adjacent to a single-family neighborhood. Given the median in Georgia Avenue, the creation of a single full-movement access point along this frontage is not possible, and the right-in, right-out limitation would create the need for a significant number of U-turns at nearby intersections, which is not advisable given the high-volume of this roadway. Full-movement access from Woodland Drive is therefore required to ensure safe and efficient circulation to and around the site.

Pedestrian circulation will be enhanced through significant public realm improvements along each of the Property's frontages, including new streetscapes that conform to current standards. Bicycle facilities will likewise be enhanced. A primary feature of the Project will be the institution of the Woodland Drive greenway, which will calm traffic and greatly improve pedestrian and bicycle safety and circulation along this road.

(ii) Parking, Queuing, and Loading (Division 6.2)

As noted above, an internal structured parking facility will provide the required parking for the Project, and additional on-street parking along Woodland Drive will also be available for shorter-term parking for patrons, visitors, and residents.⁶ All of the proposed parking spaces will comply with the design standards identified in Section 59.6.2.5 of the Zoning Ordinance. Similarly, the proposed loading space will comply with the dimension, location and maneuvering requirements identified in Section 59.6.2.8 of the Zoning Ordinance.

Bicycle parking will also be provided in accordance with Section 59.6.2.4.C of the Zoning Ordinance and will satisfy the bicycle parking design standards identified in Section 59.6.2.6 of the Zoning Ordinance.

(iii) Open Space and Recreation (Division 6.3)

Section 59.6.3.2 of the Zoning Ordinance references Division 4.5 as the controlling standard for open space requirements in the CR Zone. As noted above, the Project will require

⁶ Pursuant to Sketch Plan Condition No. 12h and Section 59.2.3.A.5 of the Zoning Ordinance, these on-street spaces have been included in the parking tabulations for the Project.

10% open space and is proposing to meet this requirement primarily within the civic green and the through-block connection.

(iv) General Landscaping and Outdoor Lighting (Division 6.4)

Landscaping and lighting will be provided in accordance with Section 59.6.4.1 of the Zoning Ordinance to ensure that the Project is safe, compatible with the surrounding community, and improves water and air quality. The Project includes a comprehensive lighting scheme designed to keep the Project, on-site open spaces and adjoining area attractive and safe. As shown on the landscape plans included with the Application, the Project also includes significant landscaping, utilizing a variety of native plantings that will be attractive and provide habitat and food sources for wildlife.⁷

(v) Screening Requirements (Division 6.5)

Section 59.6.5 of the Zoning Ordinance does not apply to the Project, which is being developed under the optional method.

(vi) Outdoor Display and Storage (Division 6.6)

This division is inapplicable because the Project does not propose any outside display or storage.

(vii) Signs (Division 6.7)

The Applicant will obtain all necessary approvals from the Montgomery County Department of Permitting Services (“MCDPS”) for proposed signage on the Property.

e. satisfies the applicable requirements of:

(i) Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

Pursuant to Chapter 19 of the Montgomery County Code, the Applicant will provide sediment and erosion control and water quality and quantity treatment for stormwater in accordance with applicable laws. A concept stormwater management plan has been submitted with this Application. An Erosion and Sediment Control Plan will also be submitted for approval by MCDPS along with the Final Stormwater Management Plans.

⁷ See Sketch Plan Condition No. 12f.

(ii) *Chapter 22A, Forest Conservation*

Pursuant to Chapter 22A of the Montgomery County Code, the Applicant will provide forest conservation in accordance with applicable laws and regulations. A Forest Conservation Plan demonstrating compliance with applicable codes is included in the Application.

f. Provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;

As noted above, the parking for the Project will be integrated within, and screened by, the building structure. Site circulation will be significantly improved by wider sidewalks along the Property's frontages, and by the through-block connection providing direct access for pedestrians traveling between Woodland Drive and Georgia Avenue. This through-block connection will be appropriately lit to create a safe environment, and will be visible from the northern multi-family units, ensuring eyes into this space.

As noted above, the building massing steps down to the confronting residential neighborhood to ensure compatibility. Finally, the Project's open spaces, including the civic green on the south side of the Property, have been carefully designed to integrate a number of uses and circulation patterns into a safe and comfortable environment.

g. substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;

Despite the numerous constraints affecting the Property, the Site Plan substantially conforms with the Sector Plan's recommendations as detailed below:

- *“Provide active and human-scaled building frontage on streets, trails, midblock connections and open spaces, such as ground-floor retail/offices, patios, balconies and outdoor seating areas.” (p.49)*

As noted above, the prominent corner of Georgia Avenue and Forest Glen Road will feature activating retail uses and connect directly to a significant plaza along the entire Forest Glen Road frontage. This area includes numerous outdoor seating areas and is designed to accommodate both small and large gatherings. This plaza will wrap around to Woodland Drive, where building entrances and the smaller-scale of the building will provide activation along this frontage. The placement of the main residential lobby and associated amenities along the Georgia Avenue

frontage will provide activation along this frontage, and the through-block connection on the north side of the Property will feature seating areas for respite and adjoin an amenity space for residents.

- *“Minimize building setbacks along primary streets and sidewalks to enhance a sense of enclosure and walkability.”* (p.49)

Building setbacks have been minimized to the extent possible, given competing objectives in the plan. The Sector Plan explicitly calls for a minimum 25-foot setback from the face of curb along both Georgia Avenue and Forest Glen Road to accommodate generous sidewalks, and the Sector Plan further calls for the Forest Glen Road frontage to accommodate the future Tunnel. As a result, the building has been placed as close to Georgia Avenue and Forest Glen Road as possible, while also providing generous sidewalks and accommodating the future Tunnel and the civic green.

- *“Step down building heights and create fine-grained building designs through variations in wall planes, colors, materials and textures to transition to single-unit residential areas.”* (p. 49)

As shown on the architectural plans included with the Application, the building steps-down from Georgia Avenue to Woodland Drive and the eastern façade has been broken down significantly to create numerous variations in wall planes and breaks in the building facade. As also reviewed more fully in the architectural description included above, careful consideration was given to the selection of materials for the Project to create a contextual building that seamlessly integrates into the neighborhood and contributes to the overall fabric of the area.

- *“Place surface parking at the rear or interior of the lot and include active ground-floor uses in parking garages to enhance the pedestrian experience.”* (p. 49)

As noted above, the parking associated with the Project will be central to the site and obscured from view by the residential uses that wrap around it. The ground floor uses surrounding the garage will include the residential lobby and amenities, as well as activating retail uses.

- *“Provide individual entrances to ground-floor residential units and storefronts where possible to increase activity on the street, particularly near residential neighborhoods.”* (p. 49)

The storefronts along the Forest Glen Road frontage will have direct access to the new plaza and will create a vibrant atmosphere at this important corner. Along Woodland Drive, a

number of residential units have been given individual entrances to activate this frontage and give it more of a pedestrian scale.⁸

- *“Limit shadows cast by buildings onto public spaces, where possible.”* (p. 49)

The primary open space associated with the Project is the plaza located on the south side of the building, which location will not be in shadows given its southern exposure.

- *“Create gateways at transit and street entrances to the sector plan area that integrate elements, such as building form, landscape and wayfinding signage reflective of community character.”* (p. 50)

As noted above, the prominent corner of Georgia Avenue and Forest Glen Road will provide an important gateway, accentuated by distinctive architectural features on the building and the new plaza surrounding the future Tunnel entrance. This area will feature lush landscaping and will serve as an important community gathering space at the entrance to the surrounding community to the east.

- *“The Plan recommends that all properties 2.5 acres or larger, which have a greater likelihood of redevelopment under the Commercial Residential (CR) zones, should strive to provide a minimum of 35 percent green cover. Properties smaller than 2.5 acres should strive for 35 percent green cover however, the Plan recognizes the challenges faced by smaller properties under redevelopment.”* (pg. 51)

As discussed above and shown on the Green Cover Exhibit included with the Application, the Project conforms to this recommendation through a combination of green cover and solar panels.

- *“Meet or exceed the minimum county stormwater treatment volumes. If full on-site treatment is infeasible, applicable waiver fees or compensatory actions may be instituted.”* (p.52)

The Project proposes to exceed the minimum county treatment through ESD measures (micro biofilters) and is not proposing any structural facilities to meet the county requirements. In addition, stormwater management for a portion of Georgia Avenue will also be treated through this Project, in coordination with the State Highway Administration.

⁸ Although explored by the design team, individual unit entrances along the Georgia Avenue frontage are not feasible given the stormwater management facilities needed in this area and the significant grade differential.

- *“Install cool roofs on rooftops not covered by vegetation.” (p. 53).*

As noted above, the Project includes a cool roof.

- *Implement recommendations outlined in the Green Cover and Transportation sections of this sector plan. (p.53)*

As discussed herein, the Project implements the Green Cover and Transportation recommendations as applicable and practicable.

- *“Obtain public benefit points under the optional method of development in the category of energy conservation and generation.”(p. 53)*

The Applicant expects to receive public benefit points for the proposed cool roof, on-site renewable energy generation from the proposed solar panels, and the provision of the vegetated area on the north side of the Property, all in accordance with this recommendation.

- *Orient buildings to reduce a building’s heating and cooling loads and costs. (p.53)*

To the extent possible given the constraints of the site, the proposed building will be oriented to reduce its heating and cooling loads and costs.

- *“Use alternative energy systems to supply a portion of the building’s energy demand. Some alternative energy systems may include: Solar power, Geothermal, Purchase of electricity generated from renewable sourced or low polluting sources.” (p. 53)*

The Project is providing solar panels over a portion of the roof to supply energy to the building, in accordance with this recommendation.

- *“Utilize passive and active building orientation and design techniques for energy efficiency and conservation.” (p. 53)*

As noted above, the Project includes the provision of solar paneling on the roof to enhance the energy efficiency of the building, and the building has been oriented to reduce its heating and cooling loads to the extent possible. The design team will continue to work in a coordinated manner through the planning and development process to build additional energy efficient/saving strategies into the design, which may include high-efficient HVAC systems/thermal envelope.

- *Integrate façade systems that optimize building orientation for daylight and minimize energy use for heating, cooling and lighting. (p.53)*

The Project incorporates passive design strategies to optimize thermal comfort and daylighting throughout the year. During winter, the design aims to maximize heat gain, utilizing solar radiation to warm the interior spaces. This is achieved by carefully adjusting the window

surface area based on sun exposure. Windows are strategically positioned to capture sunlight and allow it to penetrate deep into the building, providing natural warmth and reducing the need for artificial heating.

Conversely, during warmer seasons, the design focuses on minimizing heat gain and maintaining a cool interior environment. This is achieved through the implementation of shading devices such as eaves and projections. These architectural elements are strategically positioned to block direct sunlight from entering the building and prevent excessive heat buildup. By creating shade on the facade, the interior spaces are protected from solar heat gain, reducing the reliance on mechanical cooling systems and promoting energy efficiency.

Additionally, the design prioritizes the harvesting of daylight. The adjustment of window surface area not only considers solar heat gain but also ensures optimal daylight penetration. By carefully selecting the size and placement of windows, natural light is maximized, reducing the need for artificial lighting during daylight hours. This not only saves energy, but also creates a more pleasant and comfortable interior environment.

Overall, the design integrates these architectural strategies to promote energy efficiency, thermal comfort, and daylight utilization, creating a sustainable and enjoyable living environment throughout the year.

- *Consider the incorporation of sustainable design principles and sustainability initiatives, such as STAR Communities, Eco District, LEED ND and net zero construction. (p.53)*

The Project will achieve a silver rating under one of the green building systems, such as LEED/NGBS or equivalent.

- *“Concentrate new housing near transit.” (p. 56)*

The Project will locate up to 390 new residential units across Georgia Avenue from the Forest Glen Metro Station.

- *Encourage childcare facilities in key locations within the plan area, specifically at/near public transit.* (p. 58)

While the Sector Plan identifies the Property as a recommended location⁹ for a childcare facility (p. 59), Project constraints and competing Sector Plan objectives prevent the accommodation of such a facility at this location. A childcare facility on the Property would present significant operational challenges in terms of stacking for pick-up/drop-off and would create peak-hour circulation issues for Woodland Drive and Georgia Avenue. Given the change in grade between Georgia Avenue and Woodland Drive, cars would not be able to simply drive through the site to get from one access point to another, but instead would be limited to one point of ingress and egress or, alternatively, have to circulate between floors, conflicting with retail and residential circulation patterns. Additionally, the accommodation of play areas on the site to serve the childcare facility would be difficult, as such areas would need to be separated from the public open spaces called for by the Sector Plan, and would affect the size and usability of these public spaces.

- *“Strive to provide min. 35% green cover; on-site energy generation may alter requirement.”* (p.51)

As discussed above, and shown on the Green Cover Exhibit included with the Application, the Project conforms to this recommendation through a combination of green cover and solar panels.

- *“Rezone the Forest Glen Medical Center (9818 Woodland Drive- Lot 2, 9816 Woodland Drive – Lot 3, Parcel P400 and Parcel PN402 and 9907 Georgia Avenue- Lot 1) from R-60 to CRT-2.5, C-2.5, R-2.5, H-120 to accommodate a mixed-use, pedestrian-oriented development at the Metro transit station.”* (p. 74).

In accordance with this recommendation, the Project is a pedestrian-oriented, mixed-use development in close proximity to the Forest Glen Metro Station. The proposed plaza along the south side of the Project will feature street-activating retail and amenities and incorporate the future Tunnel, creating an activated pedestrian experience along this frontage.

⁹ While this is a general recommendation made regarding the Property it is not, nor could it be, a strict requirement.

- *“Prioritize affordable housing and habitat preservation and restoration as the top public benefit for optional method development.” Id. at 74.*

As shown on the Public Benefits Chart included with the Application, the Applicant expects to receive 30 public benefit points for the provision of affordable housing and 25 points for Protection and Enhancement of the Natural Environment¹⁰, which represents a significant portion of the public benefit points requested.

- *“Any optional method project that includes residential dwelling units should provide a minimum of 15 percent MPDUs. In addition, with redevelopment, a minimum of 25 percent of the units should be two-bedroom units and five percent of the units should be three-bedroom units. Additionally, given the substantial investment by the County in the Metro access tunnel construction, the Plan recommends 10 percent of the units also be provided as affordable to households earning at or below 100 percent of Area Median Income (AMI).” (p. 74).*

In conformance with this recommendation, 15% of the units constructed will be MPDUs. A minimum of 25% of the units are proposed to be two-bedroom units, in accordance with the Sector Plan’s recommendations, and 3% three-bedroom units. Given Project constraints directly impacting financial feasibility and competing Sector Plan and government agency objectives, however, further affordable housing is not being proposed. Market forces dictate wood construction over a concrete podium, which limits the achievable building height to approximately 78 feet and, therefore, the overall density that can be achieved. Additionally, other Project costs, such as the approximately \$1.7 million dollars in transit, bicycle and pedestrian improvements expected to be required under the LATR Guidelines, and the need to underground certain utilities, further impact the feasibility of subsidizing an increased amount of affordability.

- *“Development should also, as a part of its open space requirement, preserve healthy indigenous trees and replant stratified vegetation where possible.” (p. 74).*

Due to the need to relocate utility lines along the north side of the Property, it is not possible to preserve the existing trees within this area. Additionally, the approved NRI for the Project identifies significant issues with invasive species and health decline for these trees.

The Project’s new open spaces will feature stratified vegetation with shade trees, planting beds and open lawn areas in accordance with this recommendation.

¹⁰ While this category is the umbrella category for Protection and Enhancement of the Natural Environment, given the utility relocation that must occur along the north side of the Property, the Applicant believes providing other benefits within the same category substantially conforms to the intent of the Sector Plan.

- *“Concentrate building height and density at the intersection of Georgia Avenue and Forest Glen Road with appropriate transitions to surrounding residential neighborhoods.” (p.74).*

The proposed building will be six stories along Georgia Avenue, stepping down to three stories along the Woodland Drive frontage, in accordance with this recommendation. As noted above, refinement of the building’s massing to ensure a compatible relationship with the confronting residential neighborhood was a particular focus of the Sketch Plan, and the Site Plan reflects Staff’s and the Planning Board’s direction in this regard.

- *“The 3.9 acres property contains approximately 1.25 acres of remnant forest dominated by native black locust trees. With respect to remnant forest, at the time of redevelopment, maximum flexibility on the site should be given for providing an area of equal environmental benefit that also provides for improved community benefit and access. Equal environmental benefits may include improved water and air quality, strategies that provide for reduced greenhouse gas emissions, and increased biodiversity and habitat protections, including improved tree canopy. Development should also, as a part of its open space requirement, preserve healthy indigenous trees and replant stratified vegetation where possible.” (p. 74)*

As identified on the approved NRI/ FSD included with this Application, only approximately 0.4 acres of forest actually exist on the site and, as explained above, it is not possible to preserve any of the indigenous trees within this area. The Project will, however, provide areas of equal environmental benefit that are of more value to the surrounding community. The through-block connection along the northern portion of the site will provide an attractive and direct connection between Woodland Road and Georgia Avenue that will enhance water and air quality, provide habitat, and contribute to green cover and tree canopy. The new plaza along the south side of the Property will also contain lush landscaping in a location easily accessible to the surrounding community. Stratified vegetation will be provided both within these spaces and throughout the site.

Stormwater controls will be greatly enhanced over existing conditions, and the Project will provide additional stormwater treatment for Georgia Avenue. This additional treatment is in lieu of a large surface pond proposed by SHA that would have removed almost all of the existing forest.

Additionally, the Project itself will replace an aging building and large surface parking area with high-density residential uses and community-serving retail in close walking distance to Metro, advancing the goal of reduced greenhouse gas emissions, and the provision of solar panels on the roof of the Project will reduce its carbon footprint.

- *“Consider coordinating an entrance to the planned passageway under Georgia Avenue with future development at the corner of Forest Glen Road and Georgia Avenue.”* (p. 75).

An entry to the Tunnel and associated plaza is proposed to be located in the southern portion of the Property.

- *“Provide an on-site drop-off and pick-up area for transit users that is accessible from Woodland Drive.”* (p. 75).

The Project conforms to this requirement in all respects except that the drop-off/ pick-up can not be located on-site. The on-site circulation pattern that would be needed to accommodate such a facility on the Property would create many inefficiencies and displace other activating ground floor uses, making the project infeasible. Additionally, given where the entrance to such a facility would have to be placed (aligned with Sherwood Road on the east and at or north of the existing Georgia Avenue curb cut to the west), pedestrians would still need to traverse a significant distance to get from the drop off point to the Metro tunnel in the southwest corner of the site.

The Applicant is therefore instead proposing that a pick-up/ drop-off area be located along the Project’s Woodland Drive frontage, in reserved on-street parking spaces. This accommodation will create a more direct pedestrian route through the new plaza to the future Tunnel. These reserved spaces will function like ordinary street parking spaces, but with faster turnover. This proposed pick-up/ drop-off area will achieve substantial conformance with the Sector Plan, as it meets the overall intent of the recommendation, which is to provide a safe and efficient pick-up/ drop-off point for Metro passengers that is accessible from Woodland Drive.

- *“Reduce parking to the greatest extent possible, including but not limited to providing for shared parking and un-coupled parking.”* (p. 75).

As noted above, since the time of Sketch Plan approval, the Applicant has substantially reduced the amount of parking proposed for the Project, in accordance with both this recommendation and Sketch Plan Condition No. 12b. The Applicant believes the currently proposed 455 spaces is the minimum necessary to accommodate visitor and retail customer parking and prevent spillover into the adjacent neighborhood. Parking for residents will be uncoupled from rents in order to discourage tenants from bringing unnecessary vehicles onsite, in accordance with the Sector Plan’s recommendation.

- *“Buildings along Woodland Drive should be residential and have size and scale compatible with the existing community.”*(p. 75).

The Project, which is primarily residential, steps down to three stories along the majority of the Property’s Woodland Drive frontage, and the articulation along this frontage will create visual interest and break up the building’s massing significantly. This design will ensure the compatibility of the building with the adjacent residential neighborhood.

- *“Maintain existing curb cuts on Georgia Avenue at the present location or farther north from the intersection.”* (p. 75).

The proposed curb cut along Georgia Avenue will be moved further from the intersection than the existing entrance, in accordance with this recommendation.¹¹

- *“Provide a 25-foot setback, at a minimum, from building face to curb along Georgia Avenue and Forest Glen Road to accommodate a generous sidewalk.”* (p.75).

The building will be set back approximately 35 feet from the Georgia Avenue curb, and an 11-foot-wide sidewalk will be accommodated in accordance with the Complete Streets Guidelines. Along Forest Glen Road, the building will be set back further to accommodate the new Tunnel entrance and featured plaza. The sidewalk along the Forest Glen Road is proposed to be six feet wide in accordance with the Complete Streets Guidelines but will widen at various locations to create connectivity with the adjacent plaza.

- *“½-1 acre Civic Green Urban Park”.* (p. 75).

The proposed plaza and open space along the south side of the Property, which wraps the corner and continues along a portion of Woodland Drive, is a ½ acre in size, in accordance with this requirement.¹² The plaza will serve the function of a civic green, as defined in the Sector Plan, and, as such, will create a gathering place for the surrounding community. As depicted on the landscape plans included with the Application and described more fully above, the plaza’s design will include seating opportunities as well as open areas for gathering. The plaza’s proximity to

¹¹ While other provisions of the Sector Plan generally call for the elimination or consolidation of driveways along Georgia Avenue to reduce conflicts among travel modes, and include a list of driveways to be considered for consolidation with redevelopment (p. 16), the existing driveway is not included on this list, and the more specific provisions pertaining to maintaining the existing curb cut at its present location or further north on the Property control.

¹² This area was increased following the Sketch Plan approval.

the Tunnel and the proposed service retail establishments will activate it and draw in community members. Additionally, the plaza will have a flexible design that allows it to be used for cultural programs, community events, and neighborhood festivals.

i. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads and storm drainage.

(1) *Roads and public transportation facilities*

Included with the Application is a Transportation Study conducted in accordance with the LATR Guidelines and Sketch Plan Condition No. 14. Although the Property's location in a Red Policy Area would typically mean that no vehicular analysis was required, pursuant to the Board's direction a vehicular operational study was performed to analyze whether the Woodland Drive access was required for safe and efficient circulation to and around the Property. As detailed more fully in the Transportation Study, the analysis indicates that this access point is necessary.

The Forest Glen Metro station is located across Georgia Avenue from the Property, and the bus stop located immediately adjacent to the Property along Georgia Avenue is served by multiple bus routes.

As detailed above, pedestrian circulation around and through the site will be enhanced by wide sidewalks along the Property's three frontages, the new plaza providing access to the Tunnel, and the through-block connection.

(2) *Sewerage and water services, schools, police stations, firehouses and health clinics*

Other public facilities and services are also adequate to serve the Project. The Property is located in the S-1 and W-1 sewer and water categories and sewer and water service to the Property is adequate to serve the Project.

With regard to schools, the Project would feed to Singer Elementary School, Sligo Middle School, and Einstein High School, all of which have adequate capacity under the Growth and Infrastructure Policy's FY 2024 School Test.

Fire and police service is also available for the Project. Both are considered adequate under the Growth and Infrastructure Policy unless there is evidence that a local area problem will be generated. There are no circumstances present that would rebut this presumption of adequacy.

- i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

The Property is located in the CRT zone. Therefore, this section is inapplicable to the Project.

- j. on a property in all other zones, is compatible with existing and approved or pending adjacent development.*


The design of the Project acknowledges the importance of housing density near transit, while also creating a compatible relationship to confronting single family residential areas to the north and east through setbacks and stepbacks. To this end, the Project includes up to 78 feet of building height along Georgia Avenue and scales down towards confronting single-family dwellings across Woodland Drive. As discussed more fully above, the Site Plan incorporates and addresses the Sketch Plan conditions relating to compatibility of design.

VI. CONCLUSION

The Applicant requests approval of this Site Plan to allow for development of this optional method development Project under the CRT Zone. As explained above, the Project satisfies all of the findings that the Planning Board must make in approving a Site Plan under the CRT Zone and substantially complies with the goals and objectives of the Sector Plan, including the introduction of new multi-family residential units (including 15% MPDUs) in close proximity to the Forest Glen Metro Station. The Site Plan will also incorporate MCDOT's Tunnel design, to facilitate east/ west access to the Metro Station, and will surround this entrance with an attractive new civic green. The Project will significantly enhance pedestrian and bicycle circulation within the area, and the massing and arrangement of the proposed building will be compatible with the surrounding area.

Respectfully submitted,

MILES & STOCKBRIDGE P.C.

A handwritten signature in cursive script that reads "Erin E. Girard".

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