

**TAKOMA JUNCTION JUSTIFICATION STATEMENT
PRELIMINARY PLAN NO. 120190150**

I. INTRODUCTION

The Applicant, NDC Takoma Junction LLC (“Applicant”) by its attorneys, Linowes and Blocher LLP, submits this Preliminary Plan Justification Statement to demonstrate conformance of the proposed development with all applicable review requirements and criteria. The subject property contains a gross tract area of approximately 1.25 acres and is comprised of several parcels bounded on the north by Carroll Avenue, on the south by a wooded lot and Columbia Avenue, on the east by the Takoma Park Silver Spring Grocery Co-operative (“Co-op”), and on the west by a single story automobile parts store (“Property”). More specifically, the Property is comprised of a number of record lots known as Lot 36 and parts of Lots 32-35 and 37, Block 19, in “B.F. Gilbert’s Addition to Takoma Park”. The Property is partially improved. The eastern half of the Property is paved and primarily used for parking. The western portion of the Property is currently occupied by the Takoma Auto Clinic, consisting of a one story building and associated parking area.

The Property is zoned NR-0.75, H-50¹. The Property is located within the planning boundaries of the Takoma Park Master Plan, which was approved and adopted in December 2000 (the “Master Plan”). The Property is also located in the Takoma Park East Silver Spring Commercial Revitalization Zone (“TPESS Overlay”) and the Takoma Park Historical District.

Pursuant to the applicable provisions of Chapter 50 of the Montgomery County Code (“Subdivision Regulations”), Applicant is submitting this preliminary plan application

¹ There is a GIS mapping error on the official zoning map, which causes it to appear that the property is split-zoned CRT 2.25/NR 0.75. To amend the error, M-NCPPC staff has filed Corrective Map Amendment No. H-130.

("Application") to allow for the proposed redevelopment of the Property with approximately 19,386 square feet of new retail space and approximately 21,376 square feet of new office space (collectively, the "Project").

As discussed more fully below, the Project will replace a surface parking lot and auto service center with community serving retail and office uses, helping to transform Takoma Junction into a "village center with traditional small town charm" by providing "unique stores and services both to nearby neighborhoods and regional visitors" as envisioned in the Master Plan. Master Plan at p. 44. Applicant therefore respectfully requests that the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission ("Planning Board") grant approval of the Application.

II. BACKGROUND AND PRIOR APPROVALS

The City of Takoma Park (the "City" or "Takoma Park") selected Applicant to develop the Property through a Request for Proposals issued on January 22, 2014. The City and Applicant thereafter entered into a Development Agreement on July 27, 2016. Since that time the Applicant has worked closely with the City to develop plans for the Project. To receive initial technical feedback on its development plans, the Applicant also submitted Concept Plan No. 520180040 ("Concept Plan") on August 24, 2017. The Concept Plan proposed two alternatives for the Project. The first, Scheme 6B, proposed 14,699 square feet of new ground-level retail space, and approximately 19,800 square feet of second story office and/or event space as well as sub-grade parking for up to 72 cars. The second, Scheme 6C, proposed 11,700 square feet of new ground-level retail space, and approximately 22,650 square feet of second story office and/or event space, as well as at-grade parking for approximately 39 cars. Planning Staff provided

Applicant comments on both Schemes 6B and 6C of the Concept Plan on October 4, 2017. Those comments are incorporated into this Application where applicable.

On July 25, 2018, the City passed “Resolution Authorizing Neighborhood Development Company, LLC to Submit the Takoma Junction Development Project Combined Site Plan to the Montgomery County Planning Department” that authorized the Applicant to file the Application for the Project as reflected on the submitted plans.

III. EXISTING CONDITIONS AND SURROUNDING AREA

The Property is located in an area of Takoma Park known as Takoma Junction. The Master Plan envisions Takoma Junction as “the commercial heart of Takoma Park” with “various neighborhood-oriented and some area-serving commercial uses”. Master Plan at 44.

The Master Plan describes the Property as a city owned “vacant lot” next to the Food Co-op at Takoma Junction. *Id.* As noted above, the Property is partially improved, with the eastern half of the site being a paved parking area and the western half occupied by the one story Takoma Auto Clinic building. There are currently two curb cuts providing access to the Property from Carroll Avenue.

The Co-op, zoned NR-0.75, H-50, abuts the Property to its west. To the east, a single story automobile parts store, zoned C.R.T.-1.5, C-1.5, R-0.75, H-50 and the Takoma Park Fire Station abut the Property. To the south, the Property abuts a steeply sloping, tree-covered hillside in the R-60 zone that is owned by the City, upon which some of the Project’s forest conservation requirement will be met. Confronting the Property across Carroll Avenue to the north are several small businesses including restaurants, a barber shop, and an automotive shop. That area is zoned C.R.T.-1.5, C-1.5, R-0.75, H-50 east of Grant Avenue and N.R.-0.75, H-50 west of Grant

Avenue. Confronting the Property to its northeast across Ethan Allen Avenue and to its south across Columbia Avenue are single family homes zoned R-60.

IV. THE PROJECT

The Project is proposed in accordance with Section 59.4.6.3 of the Zoning Ordinance. Specifically, as shown on the plans included with the Application, Applicant seeks to construct a two-story structure with Applicant seeks to construct a two-story structure with approximately 40,762 square feet of total commercial space comprised of approximately 19,386 square feet of new retail space and approximately 21,376 square feet of new office space.²

A. Access and Circulation

Vehicular access to the Property is proposed to be provided via a single drive aisle from Carroll Avenue leading to the below grade parking. Applicant intentionally located the drive aisle on the western end of the Property, approximately halfway between the Carroll Avenue/Philadelphia Avenue intersection, and the Carroll Avenue/Ethan Allen Avenue/Sycamore Avenue intersection in order to minimize impact on traffic patterns. The below grade parking garage will include approximately 79³ spaces.

Pedestrians will access the Property via a sidewalk along Carroll Avenue. The Project also incorporates three bicycle racks into the Carroll Avenue streetscape, as well as bicycle parking in the below grade parking garage in satisfaction of the Master Plan's request for greater

² The Applicant is pursuing the possibility of purchasing approximately 12,031 square feet of additional density from adjacent and/or confronting property owners pursuant to Section 59.4.6.2.B of the Zoning Ordinance. Should the Applicant successfully purchase this density, the Applicant is proposing to redevelop the Property with approximately 52,794 square feet of total commercial space comprised of approximately 26,026 square feet of retail space and approximately 26,768 square feet of office space. Plans showing this alternative are included with this submission as "Supporting Drawings."

³ This includes approximately 51 regular parking spaces, 3 compact car spaces, 3 ADA spaces, 4 car share spaces, and 10 motorcycle spaces.

bicycle access in the Takoma Junction area. In addition, the Bicycle Master Plan, approved and adopted in 2018, recommends a striped bikeway along the Property's Carroll Avenue frontage.

Along the Property's Carroll Avenue frontage, there will be a lay-by lane primarily intended not only to serve the Project, but also the neighboring Co-op. Historically, the Co-op has used the existing surface parking lot on the Property for its loading that the Project will replace. As shown in the application materials, there will also be a loading zone adjacent to the lay-by. Deliveries will be taken through the loading zone to the access point between the Project and the Co-op.

B. Open Space, Streetscape, and Amenity Areas

Twenty percent of the total lot, or approximately 9,321 square feet, will be open space. The Project will include an eight foot wide sidewalk along Carroll Avenue that widens at the west end to create a public social gathering space. This space will be an inviting area with greenery and benches in which individuals of all ages may congregate.

C. Green Features and Stormwater Management

The Project will be LEED Gold. Low-impact development and green infrastructure will be utilized to manage the runoff within the Project boundary. The Project qualifies as redevelopment under the City of Takoma Park's Stormwater Management regulations. However, the Applicant will work to implement strategies to exceed the City's redevelopment treatment requirements. More specifically, stormwater management will be provided by green roof and a bioretention planter located at the rear of the building. Green roof has been maximized to the extent practical to also accommodate mechanical equipment and other building uses. The entire roof, including the green roof areas, will drain to the bioretention planter to the rear of the building. This location for the bioretention planter is needed to accommodate a storm drain connection to Columbia Avenue, the only existing storm drain infrastructure adjacent to the site.

V. COMPLIANCE WITH SUBDIVISION REGULATIONS

Sections 50.4 *et seq.* of the Subdivision Regulations set forth the findings the Planning Board must make before approving a preliminary plan application. The following analysis establishes the Application's conformance with these required findings:

§ 50.4.2.D *Required Findings.*

To approve a preliminary plan, the Board must find that:

1. *the layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59;*

The Preliminary Plan application seeks consolidation of a number of existing lots and parts of lots that comprise the Property into a single record lot. The size, width, shape, orientation, and density of the proposed lot are all appropriate given the Property's location in Takoma Junction. The record lot will have frontage on Carroll Avenue and will be of sufficient size to allow for the construction of the proposed mixed-use retail/office building that will continue the commercial streetscape along Carroll Avenue in Takoma Junction. No roads internal to the lot are proposed. While the lot is broader than other commercial properties within Takoma Junction, the Applicant proposes a rhythmic façade for the Project that will blend the Project with its narrower neighbors.

2. *The Preliminary Plan substantially conforms to the Master Plan.*

The Application substantially conforms to the Master Plan's specific guidance for the Property, as well as its area-wide planning goals. The Master Plan's chief aspiration for Takoma Junction is for it to be an "extension of Takoma Old Town, providing unique stores and services." Master Plan at p. 44. It states that new development in Takoma Junction should "support maintenance of the low scale, small town, historic character of [Takoma Junction]". *Id.*

at 45. The Master Plan specifically refers to the Property as a City-owned vacant lot, which the City has attempted to market for redevelopment for many years. *Id.* at 44. The Master Plan recommends a concept study addressing “alternative uses for [the Property]”. *Id.* at 45 As noted above, in conformance with this recommendation, the proposed development is the result of years of study by the City and collaboration between the City and the Applicant regarding the most appropriate development for the site.

The Applicant proposes a low-scale building that will contribute to the low-scale, small town quality along Carroll Avenue as recommended by the Master Plan. *Id.* at p. 45. As proposed, the Project will include a two-story mixed-use building with retail on the lower floor and office space on the upper floor, as well as pedestrian-friendly streetscaping along Carroll Avenue. The building will have a broad yet rhythmic façade such that it feels like a series of attached buildings rather than a single long building. Applicant is proposing a height of approximately 35 feet, which is compatible with the other one and two story commercial buildings in Takoma Junction and in the surrounding R-60 zone. Additionally, as recommended by the Master Plan, the building’s setback will be consistent with the setbacks of the neighboring buildings to create continuity along the block.

The proposed streetscape along Carroll Avenue is consistent with the “Main Street” streetscape the Master Plan recommends and will further contribute to the historic, small town feel of Takoma Junction. *Id.* at 45. In Takoma Junction, the Master Plan recommends that the streetscape “extend the existing character of Old Town by adding trees and improving the sidewalk on the south side along with other streetscape enhancements.” *Id.* at 94. The Master Plan specifically recommends “sidewalks on both sides of the road with trees to shade both sidewalks and the travel lane.” Master Plan at p. 93. It further recommends that the sidewalk

should be “set back from the curb to separate users from traffic.” *Id.* As previously described and as depicted on the site plan included with the Application, elements of the streetscape will separate sidewalk users from the lay-by lane and travel lane. Trees will shade both the travel lane and sidewalk and provide a further barrier between the pedestrian zone and travel lanes. Overall, Applicant’s proposed streetscape conforms to the Master Plan’s “Main Street streetscape” concept for Carroll Avenue. *Id.* at 45.

The Project is also “sensitive to the scale and historic character of the area” as discussed more below in the “Takoma Park Historic District Compatibility” section. *Id.* The Project will conform to the applicable Design Guidelines for the City of Takoma Park (“Design Guidelines”), Historical Preservation Master Plan, and relevant portions of the Takoma Park Municipal Code. Applicant will also work with the Montgomery County Historic Preservation Commission (HPC) to obtain the necessary Historic Area Work Permit (HAWP) after approval of the Site and Preliminary Plans for the Property.

In line with the Master Plan’s recommendations, the Project is tailored to the TPESS Overlay Zone’s⁴ purpose of fostering “economic vitality and community character.” Zoning Ordinance Section 59.4.9.15.A. As previously stated, the Project will replace the underutilized City-owned parking lot with several vibrant retail establishments.

The Master Plan also recommends that projects in Takoma Junction address traffic calming, circulation, bicycle access, and adequate parking. With respect to traffic calming, the Applicant is actively working with the State Highway Administration (“SHA”) to address the intersection of Carroll, Ethan Allen, and Sycamore Avenues. With respect to circulation, as

⁴ The Master Plan recommends applying “the proposed Commercial Revitalization Overlay Zone” to the area of the Property, which is now in the TPESS Commercial Revitalization Zone. *Id.*

described above, the Project provides for safe and efficient circulation of pedestrians, cyclists, and vehicles to and from the Property. With respect to bicycle access, as described above, the Project provides bicycle parking at and below grade.

3. *Public facilities will be adequate to support and service the area of the subdivision.*

Vehicular circulation to the Property is proposed to remain via a driveway on Carroll Avenue. Congestion issues already exist at the Carroll Avenue/Ethan Allen Avenue/Sycamore Avenue intersection. The Applicant is working with the State Highway Administration to address the existing issues with this intersection.

Other available public facilities and services are adequate to serve the proposed Project. As the Property is located in the S-1 and W-1 sewer and water categories, there is adequate on-site sewer and water service to serve the Project. The school test is not required as the Project does not include residential units.

Adequate police and fire protection also serve the Property. The nearest fire station is approximately 203 feet from the Property. Takoma Park Police serve the Property and the nearest police station is approximately 0.4 miles from the Property.

4. *All Forest Conservation Law, Chapter 22A requirements are satisfied.*

As shown on the forest conservation plans included with the Application, the Project meets all applicable requirements of Chapter 22A.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

As shown on the Sediment and Erosion Control and Stormwater Management Plans included with the Application, the Project meets all applicable requirements of Chapter 19.

6. *any other applicable provision specific to the property and necessary for approval of the subdivision is satisfied.*

The Property is located in the area known as Takoma Junction, which is part of the Takoma Park Historic District (“Historic District”). The Project complies with all applicable standards for new buildings located within the Historic District including the following: 1) Takoma Park Ordinance 1985-30 (“Ordinance 1985-30), 2) Chapter 8.40 of the Takoma Park City Code (“Chapter 8.40”), 3) the Design Guidelines for Commercial Buildings in the City of Takoma Park, Md. (“Design Guidelines”), 4) the Approved and Adopted Amendment to the Master Plan for Historic Preservation in Montgomery County, MD Takoma Park Historic District & Carroll Manor/Douglas House (“Historic Preservation Master Plan”).

In designating Takoma Junction as historic, the City did not intend “to stop or limit new development,” but to “encourage new development that is sensitive to the historic and architectural character of Takoma Park.” Historic Preservation Master Plan at p. 17. Under the applicable ordinances, new buildings should have facades that are “compatible with and enhance the character of the adjacent areas” and “should respect the traditional quality of the surrounding commercial area and of the residential neighborhood.” Takoma Park Code 8.40.150. According to the Design Guidelines: “Achieving compatibility does not mean duplicating [. . .]. A new building [. . .] should be seen as a product of its own time. However, by effectively relating to the neighborhood, a new building shows a district’s evolution just as the existing buildings show its past.” Design Guidelines at 10. The Project’s design blends with the historic properties in its vicinity, but also includes modern elements that distinguish it from those historic properties.⁵

⁵ Historic district properties are rated as “outstanding resources”, “contributing resources,” and “non-contributing or out-of-period resources.” Historic Preservation Master Plan at 12. Both buildings neighboring the property – the Co-op and the single story automobile parts store – are “non-contributing resources.” *Id.* Appx. A. The commercial buildings across the Carroll Avenue from the Property are “contributing resources.” *Id.*

Applicant is proposing a low-scale two story building that will blend with its neighbors, which are one to two stories high. Design Guidelines at 13; *see also* Ordinance 1985-30(L)(2). The proposed canopy delineating the first and second stories of the Project will be roughly the same height as the Co-op and serves as a datum for the new building to relate to the context of the neighboring structure. The building has a broad elevation facing Carroll Avenue, but the architecture includes rhythmic and varied elements, which make the building appear to be a series of connected buildings. This breaks down the building's scale and blends it in with its neighbors.

The Project's proposed orientation respects the "primary orientation of its immediate neighbors," which, like the Project, are oriented such that their principal façades face Carroll Avenue. Historic Preservation Master Plan at 19; Design Guidelines at 11. The proposed setback will be approximately equal to the setbacks of the neighboring buildings with the exception of some rhythmic elements as shown on the plans included with this Application. Design Guidelines at 11. At street level, shopfronts are proposed to be pedestrian-oriented with "display windows immediately adjacent to the sidewalk" except for a single step back which will add interest to the façade. *Id.* Parking is proposed to be out of view below grade so as not to detract from the pedestrian experience. *Id.*

The building has been carefully designed to be respectful of the sobriety, timelessness, and sturdy materials that typify the neighborhood. Solid construction that includes brick and metal, punched windows, moderate decoration and human scaled fenestration have all been chosen to seamlessly integrate with the architectural heritage of Takoma Park.

The building is intended to fit comfortably on the site and provide a familiar architectural language. Some components are intentionally modern, including the tower element that houses the primary stair and elevator, while the basic language is a simple and sturdy gentle articulation within the context of a strong and lasting building.

The colors are also compatible with the Takoma Park palette. Clay brick with mixed dark and light tones are common in the neighborhood. Metal windows with divided lights respond to the age of the neighborhood. Articulated but simple window headers and sills provide shadow lines without being overly ornamental. Occasional brick details and fretwork are used in a reserved capacity to highlight the roof shape, but not be extravagant.

The streetscape along the Carroll Avenue frontage is calibrated to provide safe passage along the pedestrian routes, shade, seating for both dining and simple passive socializing, and the necessary infrastructure for loading and service. The proposed streetscape will be a source of community pride and culture by incorporating opportunities for art in the public realm and public space for the community to gather.

Signage is intended to be integrated into the design of the building while allowing a variety of tenants to express their individuality.

VI. DURATION OF PRELIMINARY PLAN APPROVAL

§ 50.4.2.G.2.a.ii Single-phase project. *A preliminary plan approved after March 31, 2017 remains valid 36 months after its initiation date.*

The Project will be constructed in one phase and the Applicant believes a 36 month validity period is sufficient.

VII. ROADS

§ 50.4.3.E. Roads

1. *Plan requirements*

a. *Master plan roads. Preliminary plans must include roads shown on any adopted Master Plan of Highways, in satisfaction of the Road Design and Construction Code. Where applicable, an approved plan must include recommendations of the State Highway Administration for construction and access to State roads. Where private roads are specifically recommended by a master plan, the roads must be provided to the standards for private roads under this Section.*

The Preliminary Plan depicts the full right-of-way widths for the adjacent Carroll Avenue and Columbia Avenue. No public or private roads are depicted within the limits of the Property on either the Master Plan or Master Plan of Highways.

Design standards.

a. *Right-of-way. Area for a road on a subdivision plan must include the full width of all rights-of-way recommended for the applicable road classification in the adopted master plan and in the Road Design and Construction Code.*

As noted above, Carroll Avenue, already has the full right-of-way width called for in the Master Plan. The Master Plan does not identify any specific roads or right-of-way widths for within the Property.

VIII. DETERMINATION OF ADEQUATE PUBLIC FACILITIES

§ 50.4.3.J *Adequate public facilities.*

2. *The Board may only approve a preliminary plan when it finds that public facilities will be adequate to support and service the subdivision. Public facilities and services to be examined for adequacy include roads and transportation facilities, sewer and water service, schools, police stations, firehouses, and health clinics.*

Compliance with the requirements of this provision are detailed in Section V above.

IX. CONCLUSION

In summary, the Application proposes transforming the Property from an underutilized surface parking lot into a vibrant, mixed-used project with office and retail space. This transformation will accomplish the Master Plan's objectives for the Property and complement the historic character of Takoma Junction.

Respectfully submitted,

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