



**Hillandale Gateway, Sketch Plan Amendment 32018002A, Preliminary Plan 120190220, Site Plan 820190130**



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**Completed: 2/3/2021**

**Description**

Request to create two lots for up to 598,721 square feet of mixed-use development, with up to 16,039 square feet of commercial development and up to 582,682 square feet of residential development with 463 units, 155 of which are age-restricted (including a 35% density bonus for providing 25% MPDUs).

Location: 10110 and 10140 New Hampshire Avenue.

Master Plan: 2014 *White Oak Science Gateway Master Plan*.

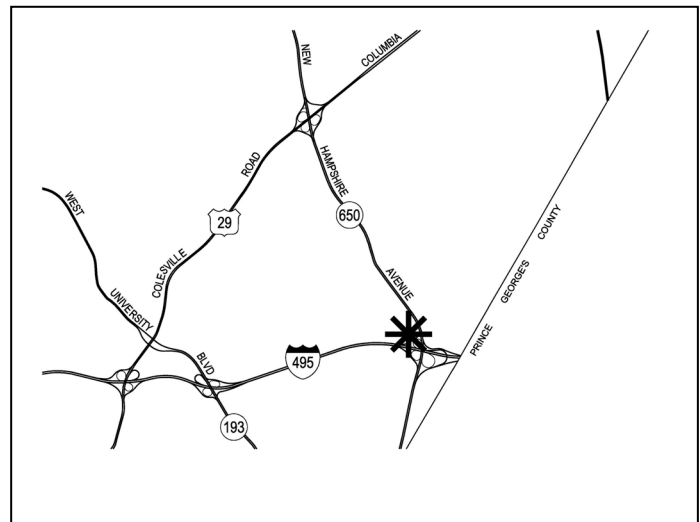
Zone: CRT-1.75, C-0.5, R-1.5, H-85.

Size: 6.61-acre tract.

Applicant: Hillandale Gateway, LLC.

Acceptance Date: June 20, 2019.

Review Basis: Chapters 50, 59.



**Summary**

- Staff recommends approval with conditions.
- The Applicant represents a partnership between The Duffie Companies and the Housing Opportunities Commission of Montgomery County (HOC).
- The Project proposes replacement of an HOC-owned aging, affordable senior housing building with an equal number of new affordable senior housing units as part of a new mixed-use community.
- The Sketch Plan Amendment proposes to increase Moderately Priced Dwelling Units (MPDUs) from 15% to 25%, increase density and height based on the additional MPDUs, and include two small commercial/retail buildings in lieu of the previously proposed Phase 2 office building.
- The Project accommodates a new Ride On transit station as requested by MCDOT.
- The Applicant intends to incorporate sustainability features into the Project including Passive House construction, solar panels, and one Zero Net Energy building.
- The following public benefits are included in the Project: transit proximity, MPDUs, and structured parking.
- Staff supports the Applicant's request for flexibility to either construct the right-of-way improvements on Powder Mill Road or pay the White Oak Local Area Transportation Improvement Program (LATIP) mitigation fee.

## **TABLE OF CONTENTS**

<b>SECTION 1 – RECOMMENDATIONS AND CONDITIONS</b>	<b>3</b>
<b>SECTION 2 – SITE DESCRIPTION</b>	<b>14</b>
<b>SECTION 3 – PROJECT DESCRIPTION</b>	<b>16</b>
<b>SECTION 4 – SKETCH PLAN ANALYSIS AND FINDINGS</b>	<b>23</b>
<b>SECTION 5 – PRELIMINARY PLAN ANALYSIS AND FINDINGS</b>	<b>24</b>
<b>SECTION 6 – SITE PLAN ANALYSIS AND FINDINGS</b>	<b>32</b>
<b>SECTION 7- CONCLUSION</b>	<b>44</b>

## **ATTACHMENTS**

1. Site Plan No. 820080060 Resolution
2. Sketch Plan No. 320180020 Resolution
3. Agency Letters
4. Forest Conservation Plan
5. Variance Request
6. Noise Study
7. Correspondence

## SECTION 1: RECOMMENDATIONS AND CONDITIONS

### Sketch Plan Amendment No. 32018002A

Staff recommends approval of Hillandale Gateway Sketch Plan Amendment No. 32018002A, with conditions. The following site development elements shown on the latest electronic version of the Sketch Plan as of the date of this Staff Report submitted via ePlans to the M-NCPPC are binding under Section 59-7.3.3.F:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other conditions of the Sketch Plan No. 320180020 remain in full force and effect, except conditions 1 through 3, which are modified as follows:

1. Density

The Sketch Plan is limited to a total maximum gross floor area of ~~579,675~~ 598,721 square feet of mixed-use development comprising ~~555,175~~ 582,682 square feet of multi-family residential, ~~with 500 units~~ (including ~~bonus density for providing 15%~~ 25% MPDUs), and ~~24,500~~ 16,039 square feet of non-residential retail space ~~including 2,500 square feet as a free-standing building with a Drive-Thru~~. The final amount of non-residential floor area and exact number of market rate, MPDUs, and age-restricted, affordable units will be determined at Site Plan review.

2. Height

The development is limited to a maximum height of ~~110~~ 121 feet, including additional height for providing 25% MPDUs.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59-7.3.3.I

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- b. Diversity of Uses and Activities, achieved through the provision of a minimum of ~~15%~~ 25% Moderately Priced Dwelling Units on-site, and

## **Preliminary Plan 120190220**

### **General Approval**

1. This Preliminary Plan is limited to two lots for a maximum of 598,721 square feet of mixed-use development comprising 16,039 square feet of commercial uses and 582,682 square feet of multi-family residential use (including bonus density for providing 25% MPDUs) for up to 463 total dwelling units, of which 155 residential units are Age Restricted. The final amount of non-residential floor area and exact number of market rate, MPDUs, and age-restricted, affordable units will be determined at Site Plan review.

### **Adequate Public Facilities and Outside Agencies**

2. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of this Planning Board Resolution.

### **Outside Agencies**

3. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated May 1, 2020, and amended November 10, 2020, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
4. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
5. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration’s requirements for access and improvements.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated October 16, 2020 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
7. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section in its letter dated December 5, 2020 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
8. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (“DHCA”), in its letter dated May 22, 2020, and incorporates them as conditions of approval. The Applicant must comply with each of the



recommendations as set forth in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

#### Concurrent Site Plan Approval

9. Before approval of a record plat application or any demolition, clearing or grading for the Subject Property, the Applicant must receive Staff certification of Site Plan No. 820190130. The number and location of site elements including but not limited to buildings, dwelling units, on-site parking, site circulation, sidewalks and bikepaths is determined through site plan review and approval.
10. If an approved site plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the site plan amendment.

#### **Environment**

##### Forest Conservation

11. The Applicant must comply with the conditions of approval of Final Forest Conservation Plan 820190130.
12. Before demolition, clearing, or grading on the Subject Property, the Applicant must record a Certificate of Compliance to use an off-site forest mitigation bank easement in the Montgomery County Land Records. The certificate of compliance must be in a form approved by the M-NCPPC Office of the General Counsel.

#### **Transportation**

13. The applicant must pay the White Oak Local Area Transportation Improvement Program (LATIP) mitigation payment or construct an improvement listed in the updated "White Oak Science Gateway LATR/LATIP Cost Estimating Analysis White Paper" dated May 2019. The timing of whether the improvement will be constructed, or the applicant will be making the payment, must be determined no later than application for the right-of-way permit. The timing of the payment or construction of the improvement will be per County Code Chapter 52.
14. If the applicant elects to make the LATIP payment, then they must construct the following at a minimum along their Powder Mill Road street frontage in accordance with County standards:
  - a 6-foot lawn panel
  - a 6-foot sidewalk; and
  - a new 8-foot x 22-foot shelter pad (the applicant is also responsible for temporary removal and storage of the existing bus shelter and construction).

##### Existing Frontage Improvements

15. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:

- a) All land necessary to accommodate eighty-four (84) feet from the existing pavement centerline along the Subject Property frontage for New Hampshire Avenue.
  - b) Twenty-two (22) through twenty-three (23) feet along the Subject Property frontage on Powder Mill Road as shown on the Certified Site Plan.
16. The Applicant must satisfy all necessary requirements of the Maryland State Highway Administration (MDSHA) to construct a 10-foot wide sidepath along New Hampshire Avenue between Powder Mill Road and the Beltway Outer Loop access ramp, as shown on the Preliminary Plan.

#### Private Roads

17. The Applicant must provide Private Road "A" and "B," including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by either the Preliminary Plan or the subsequent Site Plan within the delineated private road area (collectively, the "Private Road"), subject to the following conditions:
- a) The record plat must clearly delineate the Private Road and include a metes and bounds description of the boundaries of the Private Road.
  - b) The Private Road must be subjected by reference on the plat to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338, and the terms and conditions as required by the Montgomery County Code with regard to private roads set forth at § 50-4.3.E et seq.
  - c) Before issuance of building permit, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Road has been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on this Preliminary Plan or a subsequent Site Plan, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.
  - d) A separate bond shall be set aside for ongoing maintenance requirements with respect to the private roads, in an amount approved by M-NCPPC Staff.

#### **Record Plats**

18. Except for demolition of existing structures, there shall be no clearing or grading of the site prior to recordation of plat(s).

#### Easements

19. The record plat must show necessary easements.
20. The record plat must reflect a minimum four-foot wide public infrastructure area within or adjacent to all Private Streets.

21. The record plat must reflect common ingress/egress and utility easements over all shared driveways.

#### Notes and Labels

22. The record plat must reflect all areas under common ownership.
23. The record plat must reference the Common Open Space Covenant recorded among the Montgomery County Land Records at Book 28045 Page 578 ("Covenant").

#### **Certified Preliminary Plan**

24. The certified Preliminary Plan must contain the following note:

*Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*

25. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
  - a) Show resolutions and approval letters on the certified set.
  - b) Include all road cross sections and road design details with the certified set, including the LATIP Alternate Plan.

## Site Plan 820190130

Staff recommends approval of Site Plan 820190130. The development must comply with the binding elements and conditions of approval for Sketch Plan 320180020, as amended, and Preliminary Plan 120190220.

All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.<sup>1</sup>

### Density, Height & Housing

1. Density

The Site Plan is limited to a base density of 431,616 square feet and 151,066 square feet of MPDU Bonus Density, for a maximum of 16,039 square feet of non-residential uses and 582,682 square feet of residential uses, for up to 463 units, of which 155 units are Age Restricted, and a minimum of 25% of all units are MPDUs, or Department of Housing and Community Affairs (DHCA) approved equivalent.

2. Height

The development is limited to a maximum height of 121 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

3. Occupancy Provisions

- a) One hundred fifty-five of the residential units must be Age-Restricted (restricted to persons who are fifty-five (55) years of age or older), as defined by Section 59.1.4.2. of the Zoning Ordinance.
- b) Prior to Certified Site Plan:
  - i. The Applicant must enter into a covenant with the Planning Board reflecting the age restriction in a form approved by the M-NCPPC Office of General Counsel;
  - ii. The covenant must be recorded in and among the Land Records of Montgomery County; and
  - iii. The Book/Page reference must be included on the Certified Site Plan.

### Open Space, Facilities and Amenities

4. Public Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 22,800 square feet of public open space (10% of net lot area) on-site.
- b) Before the issuance of Final Use and Occupancy certificate for the first residential building that is constructed, all public open space areas on the Subject Property must be completed.

5. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the CR Zone Incentive Density Implementation Guidelines for each one.

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<sup>1</sup> For the purposes of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor (s) in interest to the terms of this approval.

- a) Transit Proximity – The Property is adjacent to Powder Mill Bus Transfer Station and the Future New Hampshire Avenue BRT station. The Project qualifies for 15 points under the Level 2 designation for CRT Zone.
  - b) Diversity of Uses and Activities
    - i. Affordable Housing/MPDUs –
      - a) The development must provide 25 percent MPDUs consistent with the requirements of Chapter 25A and the applicable Master Plan. The Applicant is receiving a 35 percent density bonus for providing 25 percent MPDUs.
      - b) Before issuance of any building permit for any residential unit, the MPDU agreement to build between the Applicant and the DHCA must be executed.
      - c) The Planning Board has reviewed and accepts the recommendations of DHCA in its letter dated May 22, 2020, and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by DHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.
  - c) Quality Building and Site Design
    - i. Structured Parking
 

Of the 691 total parking spaces provided for the Project, 111 spaces must be within a below-grade parking structure and 550 spaces must be within an above-ground parking structure.
6. Recreation Facilities
- a) Before Certified Site Plan approval, the Applicant must meet the square footage requirements for all of the applicable recreational elements and demonstrate to M-NCPPC Staff that each element meets M-NCPPC Recreation Guidelines.
  - b) The Applicant must provide the minimum required recreation facilities as shown on the Certified Site Plan.
7. Maintenance of Public Amenities
- The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to, public open spaces and publicly accessible pedestrian paths.

## **Site Plan**

- 8. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheets A501-A505 of the submitted architectural drawings, as determined by M-NCPPC Staff.
- 9. Lighting
  - a) Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior

area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).

- b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on all fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f) On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

## **Environment**

### **10. Forest Conservation**

The development must comply with the Final Forest Conservation Plan (FFCP).

- a) Prior to the release of the first Use and Occupancy permit, mitigation must be provided for the removal of one (1) tree subject to the variance provision that is not included in the forest clearing calculations. Mitigation must be provided in the form of planting native canopy trees totaling eight (8) caliper inches, with a minimum planting stock size of three (3) caliper inches. The mitigation trees must be planted on the Subject Property, in locations shown on the certified Final Forest Conservation Plan, outside of any rights-of-way, or utility easements, including stormwater management easements. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC forest conservation inspector.
- b) The limit of disturbance (LOD) of the Sediment Control Plan must match the LOD on the certified FFCP.

### **11. Noise Attenuation**

- a) Before issuance of any above-grade building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatment that the building shell for residential dwelling units affected by exterior noise levels projected above 65 dBA Ldn will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b) If the plan changes in any manner that affects the validity of the noise analysis dated January 8, 2021 for acoustical certifications and noise attenuation features, the Applicant must conduct a new noise analysis to reflect the revised plans, and new noise attenuation features may be required.
- c) Before issuance of Use and Occupancy Certificate for noise impacted units, the Applicant must certify that the noise impacted units have been constructed in accordance with the certification of an engineer that specializes in acoustical treatments.

## Transportation & Circulation

### 12. Transportation Demand Management

Prior to issuance of the first use and occupancy permit, the Applicant must obtain approval from the Montgomery County Department of Transportation for a level three results project-based transportation demand management (TDM) plan.

### 13. Right-of-Way Improvements

- a) The Applicant must pay the White Oak Local Area Transportation Improvement Program (LATIP) mitigation payment or construct an improvement listed in the updated “White Oak Science Gateway LATR/LATIP Cost Estimating Analysis White Paper” dated May 2019. The timing of whether the improvement will be constructed, or the applicant will be making the payment, must be determined no later than application for the right-of-way permit. The timing of the payment or construction of the improvement will be per County Code Chapter 52.
- b) If the applicant elects to make the LATIP payment, then they must construct the following at a minimum along their Powder Mill Road street frontage prior to issuance of the Use and Occupancy Certificate for the commercial building on the northern lot in accordance with County standards:
  - i. a 6-foot lawn panel;
  - ii. a 6-foot sidewalk; and
  - iii. a new 8-foot x 22-foot shelter pad (the applicant is also responsible for temporary removal and storage of the existing bus shelter and construction).
- c) Prior to submitting any application for ROW permit, the applicant must formally advise M-NCPPC, MCDOT and MCDPS of its intention to choose between implementing improvements for the LATIP or providing the payment.
- d) Prior to issuance of the Use and Occupancy permit for the commercial building on the northern lot, the Applicant must complete the streetscape improvements, including the 10-foot wide sidepath, along the property’s New Hampshire Avenue frontage between Powder Mill Road and Private Road B.
- e) Prior to issuance of the final Use and Occupancy permit for the age-restricted building, the Applicant must complete the streetscape improvements, including 10-foot wide sidepath, along the property’s New Hampshire Avenue frontage south of Private Road B.

### 14. Pedestrian & Bicycle Circulation

- a) The Applicant must provide a minimum of 95 long-term and 8 short-term bicycle parking spaces.
- b) The long-term spaces must be in a secured, well-lit bicycle room within the parking garage, and the short-term spaces must be inverted-U racks (or approved equal) installed in a location convenient to building main entrances (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.

### 15. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or

other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, mailbox pad sites, fences, railings, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

16. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

17. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution and other applicable resolutions on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- c) Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.
- f) Add a note to the Site Plan stating that "An on-site pre-construction meeting is required to be set up with the Department of Permitting Services (DPS), Zoning & Site Plan Enforcement Division before any building construction activity occurs on-site. The owner or his designee who has signature authority, and general contractor must attend the pre-construction meeting with the DPS Site Plan Enforcement inspector. A copy of the Certified Site Plan is required to be on-site at all times."
- g) Revise FFCP to include name of forest bank where credits are being purchased.
- h) Revise FFCP to show variance mitigation trees and all necessary details.
- i) Revise the FFCP to include any additional offsite disturbance required by other conditions.
- j) Add Cross-Section for New Hampshire Avenue to plan set.
- k) Update the bicycle parking table to reflect what is provided; the proposal appears to exceed what is required by Code, but the spaces should be adequately documented in the bicycle parking table.



- l) Update the parking table to reflect the required number of electric vehicle (EV) spaces; the proposal appears to exceed what is required by Code, but should be adequately documented in the parking table.
- m) Provide, maintain, and comply with the loading management plan for the site, dated October 2, 2020.
- n) Must show detail for mountable curb and clearly show limits.
- o) Must provide detail surface and curb at directional islands around the traffic circle
- p) Must provide clear limits of buildings for Fire Department Vehicles.
- q) Provide detail method of access to control the gate.
- r) Must coordinate details for Sheet 2 and Sheet 1 for fire access plan.
- s) Label the 4,049 square feet of 2<sup>nd</sup> floor retail space in the age-restricted building.
- t) Include the three (3) noise mitigation measures determined to be feasible as shown on the Environmental Noise Study dated January 8, 2021, namely the playground solar canopy mitigation, the 10 foot, eight inch barrier at the age-restricted building patio, and the six-foot barrier for the multi-family roof deck.

## SECTION 2: SITE DESCRIPTION

### Site Vicinity and Analysis

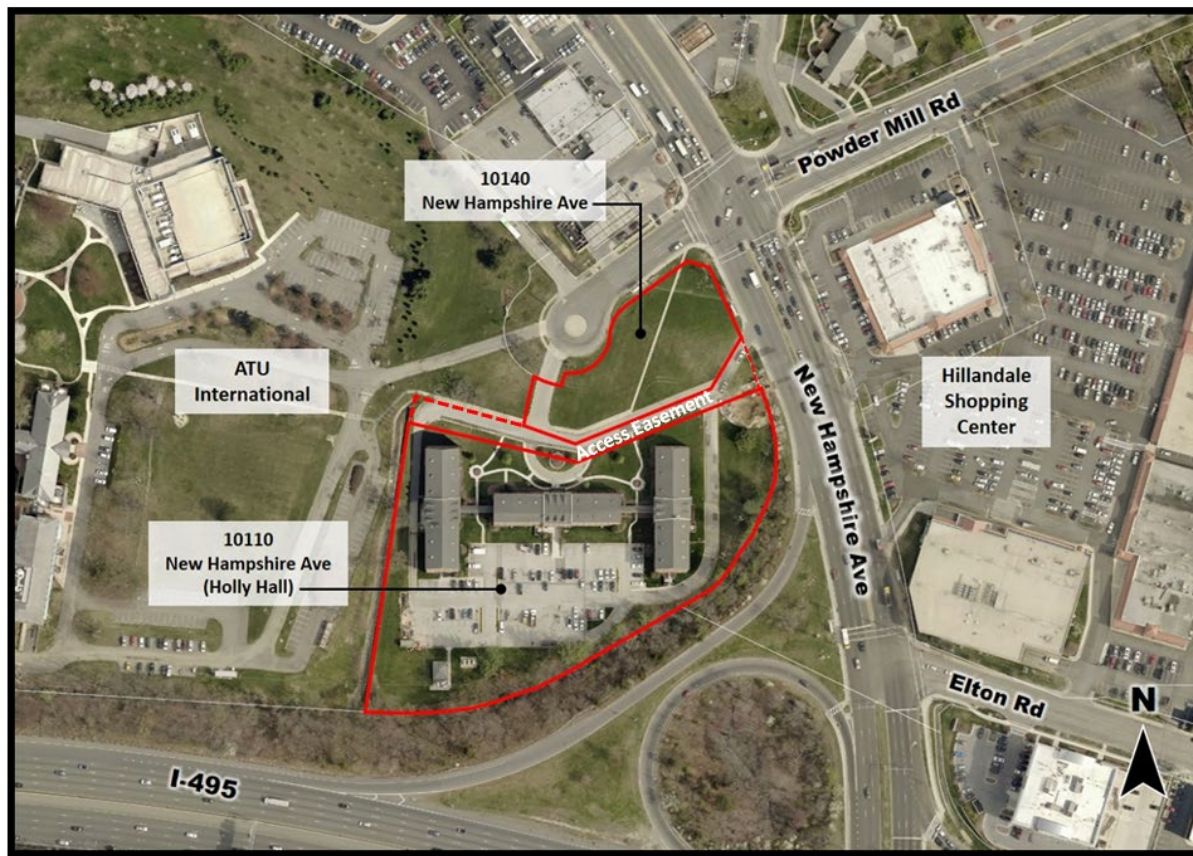
#### Site Vicinity

The Property is surrounded by a mix of existing office, retail commercial and residential uses. To the north across Powder Mill Road is an Exxon Gas Station zoned CRT. On the east side of New Hampshire Avenue is the Hillandale Shopping Center zoned CRT, with a variety of retail commercial users. Across New Hampshire Avenue, on the south side of Elton Road are two office buildings zoned CRT. The Capital Beltway's westbound on-ramp from southbound New Hampshire Avenue marks the southern boundary of the Property. To the west is the Amalgamated Transit Union (ATU)-owned site (the former National Labor College) zoned CRT. The Hillandale residential neighborhoods to the north and northwest are zoned R-90 (Figure 1).



Figure 1: Vicinity Map





**Figure 2: Site Map**

### Subject Property

The Property is located at the southwest quadrant of the New Hampshire Avenue/Powder Mill Road intersection. The western segment of Powder Mill Road is a cul-de-sac that abuts the Property to the north. The Property has a tract area of 287,744 square feet, or 6.6 acres, and is zoned CRT-1.75, C-0.5, R-1.5, H-85. The site comprises two lots as shown in Figure 2.

The 4.35-acre South Lot includes the Holly Hall Apartments located at 10110 New Hampshire Avenue. The Housing Opportunities Commission of Montgomery County (HOC) owns and operates the Holly Hall apartments which currently provide 96 units of affordable senior housing. Holly Hall consists of three apartment buildings developed in the 1960's that are nearing the end of their useful and functional life, and many residents have been provided with affordable housing elsewhere.

The Holly Hall complex includes a large surface parking lot behind the buildings and landscaped areas surround each building. A wooded area separates the South Lot from the Capital Beltway's westbound on-ramp from southbound New Hampshire Avenue. The South Lot slopes up toward the Beltway's on-ramp.

The North Lot (10140 New Hampshire Avenue) is currently an undeveloped grassy field. The two lots are separated by a portion of the ATU property, encumbered with an access easement, that is used to access Holly Hall from New Hampshire Avenue.

## **SECTION 3: PROJECT DESCRIPTION**

### **Prior Approvals**

The Planning Board approved Site Plan No. 820080060 on September 25, 2008 for a 3,170-square foot drive-thru bank use on 10140 New Hampshire Avenue (North Lot). The drive-thru bank has not been constructed. The Applicant notes that the North Lot is subject to certain covenants and restrictions that prohibit residential uses and many other commercial uses that would otherwise be customary for a mixed-use community.

On November 16, 2017, the Planning Board approved Sketch Plan No. 320180020 for a mixed-use development on the Property (MCPB-17-109, January 22, 2018). The approval comprised a maximum gross floor area of 579,675 square feet of mixed-use development including 555,175 square feet of multi-family residential, with 500 units (including 15% MPDUs), and 24,500 square feet of commercial space including 2,500 square feet as a free-standing building with a Drive-Thru.

### **Current Proposal**

The Applicant proposes to demolish the aging Holly Hall apartment complex and construct a 598,721-square foot mixed-use development on the Property. The residential portion of the Project will be on the South Lot and includes 25% MPDUs, while the North Lot will contain a drive-thru restaurant and the Project's primary open space.

#### Sketch Plan Amendment

To accommodate the current proposal, the Applicant proposes to amend Sketch Plan 320180020 as follows:

- Increase the total density of the development from 579,675 square feet to 598,721 square feet.
- Increase the percentage of MPDUs from 15% to 25% and increase the residential density from 555,175 square feet to 582,682 square feet.
- Reduce the commercial density from 24,500 square feet to 16,039 square feet.
- Increase the maximum height from 110 feet to 121 feet.
- Develop the project in one phase instead of two.
- Replace the Phase 2 commercial building with two smaller commercial/retail buildings.
- Eliminate access directly from Powder Mill Road to the drive-thru commercial establishment.
- Accommodate MCDOT's request for a new Ride On Bus transit station along the Property's Powder Mill Road frontage.

#### South Lot

The South Lot, the location of the existing Holly Hall apartments, will be redeveloped with two high-rise, primarily residential buildings and two stand-alone commercial buildings. A single structured parking lot located along the southern portion of the Property will serve all the buildings on the south lot.

A proposed 11-story building with 155 age-restricted units will be located at the corner of New Hampshire Avenue and the I-495 ramp. Ninety-six of the age-restricted units will be MPDUs that replace the existing affordable senior housing at Holly Hall. The proposed age-restricted building will also contain 4,850 square feet of first floor commercial space that is intended for retail uses. A courtyard is proposed on the second level of the building. Proposed loading and trash pick-up are located internal to the building.

Another proposed eleven-story building will be located on the west side of the Property, adjacent to the ATU site. This building will contain 308 standard market rate units and 20 MPDUs. A proposed ground level courtyard includes a dog park and access to a walking path that traverses the perimeter of the Property behind both residential buildings and the parking garage. Also, a proposed rooftop amenity deck will overlook I-495 to the west.

The proposed structured parking garage connects the two residential buildings and includes 691 vehicle parking spaces. A loading area and dumpsters are proposed inside the parking garage for the non-age-restricted building. On-street parking is proposed on both sides of the mutual access easement/private road.

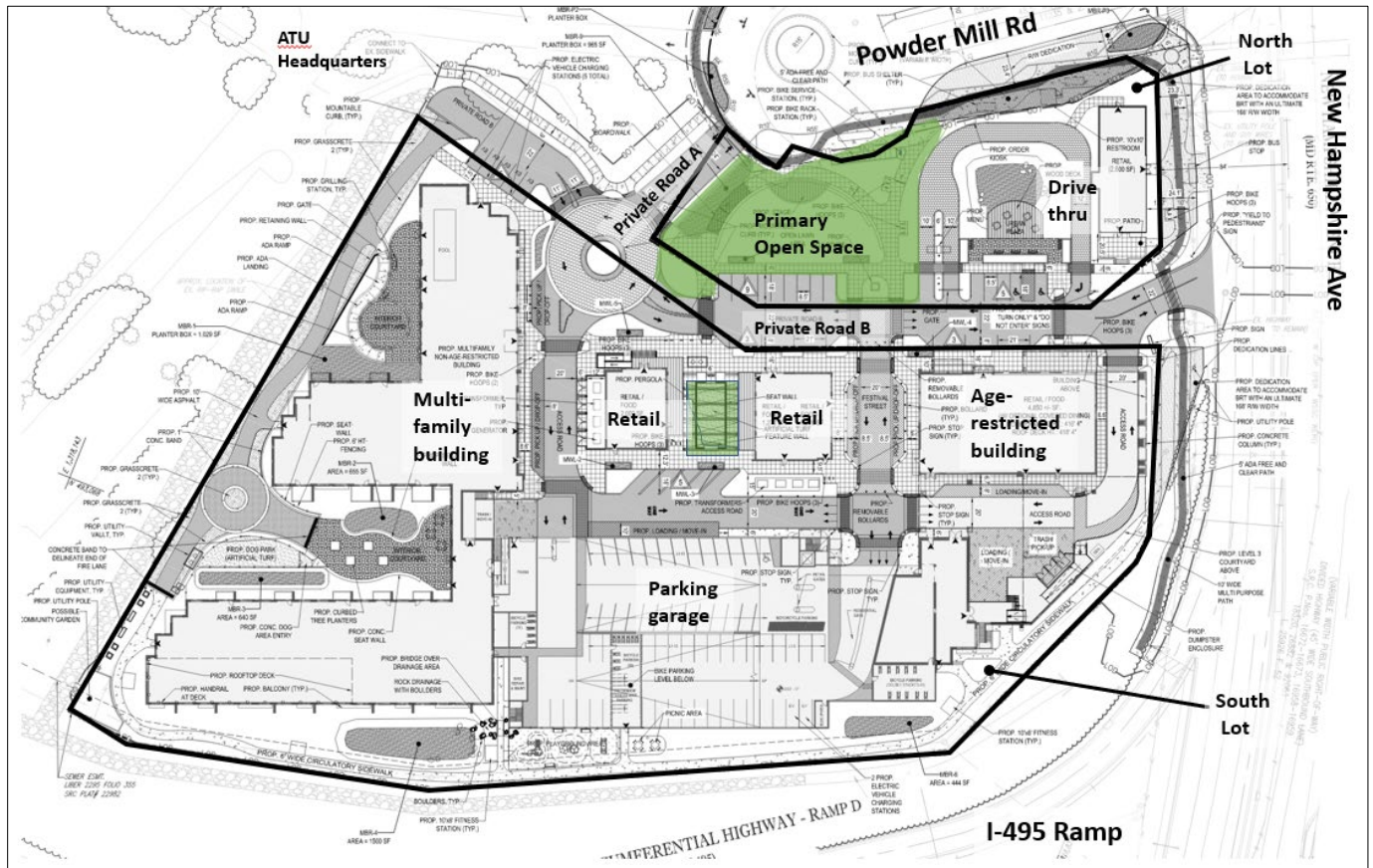
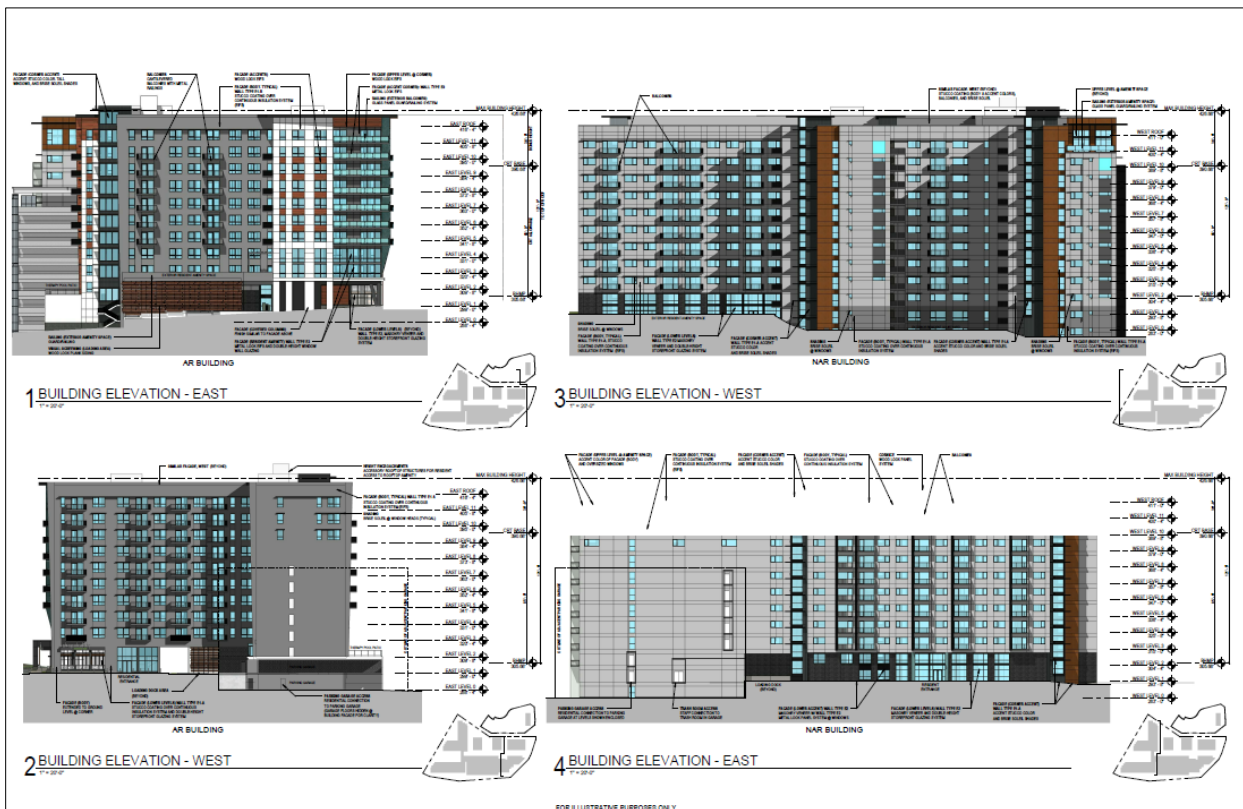


Figure 3: Site Plan

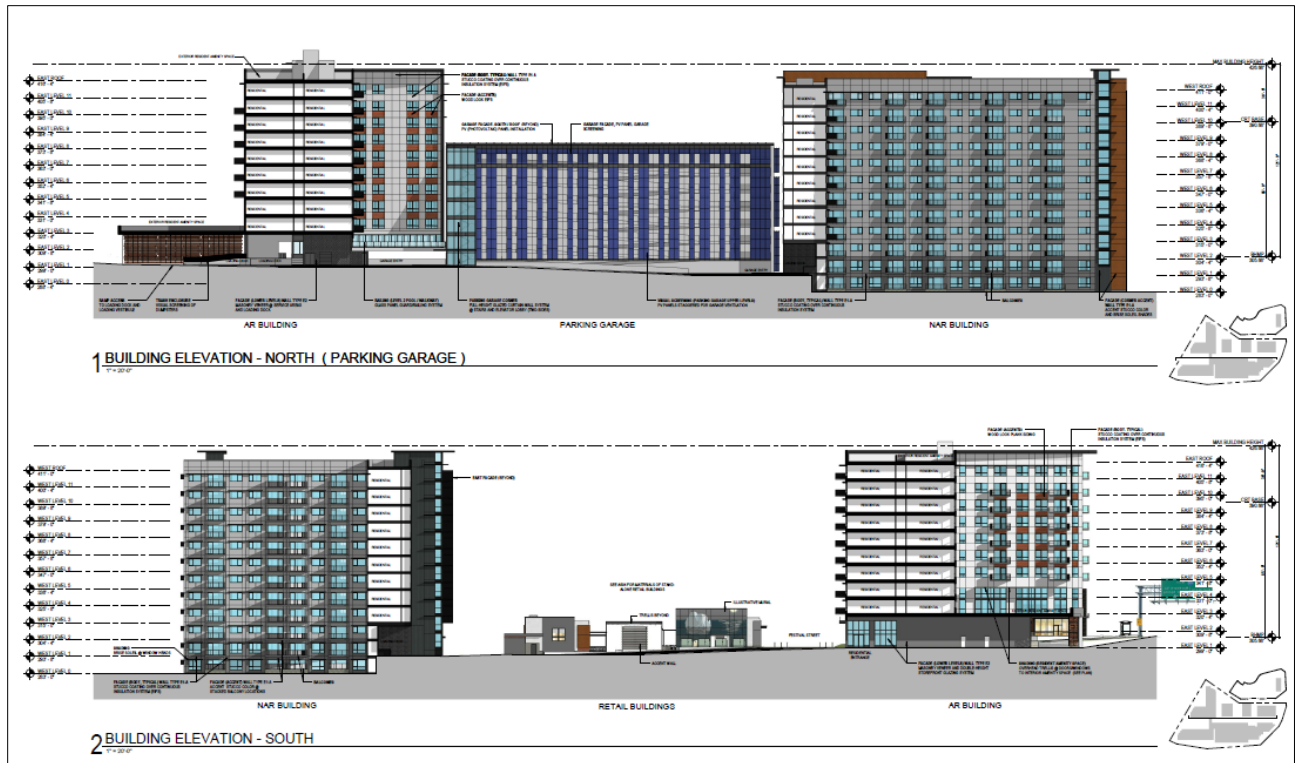




**Figure 4: View of residential buildings and parking garage from I-495**



**Figure 5: Residential Building Elevations (age-restricted building on left, non-age restricted building on right)**



**Figure 6: Southern Lot Building Elevations, facing north from I-495 (top) and facing south from North Lot (bottom)**

Two proposed commercial buildings intended for retail/food uses – including an approximately 2,000-square foot building and an approximately 2,540-square foot building– will line the south side of the Mutual Access Easement. Place-making amenities for the Project will also be provided adjacent to these buildings, including dining terraces and a flexible lawn space with movable seating. A proposed private road segment between this commercial area and the age-restricted building will be able to be closed as a "Festival Street" from time to time to for special events and activities.



**Figure 7: View of open space between commercial buildings on South Lot**





**Figure 8: Festival Street**

### North Lot

The northern lot includes a proposed 2,600-square foot commercial building, planned as a coffee shop with a drive-thru lane, located along the Property's New Hampshire Avenue frontage. A hardscape patio will serve customers of the commercial building and facilitate pedestrian connectivity between the building and the larger development. The Project's primary open space, the Central Green, is located west of the commercial building. This public open space is planned as a centerpiece and foreground for the development, establishing a focal point for the proposed building grouping. The proposed Central Green includes both a bicycle sharing station and a limited number of surface parking spaces located adjacent to the open space just north of the Mutual Access Easement/private road.



**Figure 9: Retail Building Elevations**





**Figure 10: Retail Building Elevations**

### Design/Architecture

The Statement of Justification describes the overall design concept as follows:

*The Applicant and its consultants have conceived Hillandale Gateway as an ensemble, with the various buildings sharing similar but unique architectural elements that will work together to deliver a clean, contemporary aesthetic. The multifamily residential buildings will primarily utilize a light-colored motif, with accents of darker materials and wood-tones. These accents, along with building elements such as balconies and other solar shading devices, will help break up the building volumes and provide layers of visual interest to the facades. The Applicant anticipates that the design will utilize masonry materials at the ground floor facades, with EIFS above (in a variety of patterns and textures). The Applicant further anticipates significant use of EIFS because it can be made to look like a variety of materials (e.g., stone and metal), is readily available in the market and, most importantly, achieves the high R-value performance that the design team is seeking for the Project.*

The main facade of the northeast corner of the age-restricted building will be highly visible from both New Hampshire Avenue and Powder Mill Road. The building will feature balconies above the first-floor retail space, increased glazing, and a two-story lobby/amenity to add interest along the New Hampshire Avenue frontage. The parking garage behind the residential buildings will be clad with perforated screen panels (or similar screening devices) that allow for ventilation. The southern facade of the parking garage, visible from the Capital Beltway, will be screened by vertical PV panels that will convey the high-tech, sustainable nature of the overall Project.

The Applicant intends to incorporate a number of sustainability features into the Project including Passive House construction methodologies and rooftop solar panels and anticipates that the age-restricted building will achieve Zero Net Energy.

#### Access/Circulation

Vehicular access to the Property is provided from New Hampshire Avenue and Powder Mill Road. The access point on New Hampshire Avenue is right-in, right-out and connects to the Mutual Access Easement/private road, which serves as a central spine through the Project. The Property's second access point is located off of the Powder Mill Road Roundabout. Private Roads and driveways provide internal circulation throughout the Property.

The site is designed to facilitate pedestrian travel internally as well as allow for circumferential navigation around the property. The internal sidewalks are buffered by parking in numerous locations and are between six and 16 feet wide. Staff worked with the Applicant to ensure travel lanes were designed to be ten and eleven feet wide to help slow vehicular movements in locations where six-foot sidewalks remain unbuffered near loading areas. Beyond internal circulation, the Applicant has provided a six-foot wide circulatory sidewalk behind the residential buildings.

#### **Community Outreach**

The Applicant held a pre-submittal public meeting on March 11, 2019 at the Tommy Douglas Conference Center and has complied with all submittal and noticing requirements. Staff received one letter of opposition and two letters in support of the Project (Attachment 7).

The letter of opposition expresses concerns about the Project's MPDU height and density bonus, traffic and noise generation, lack of open space, and the public benefit point system. Planning Staff have concluded that the Project complies with all applicable laws and guidelines and the proposed public benefit points far exceed the amount required.

## SECTION 4: SKETCH PLAN ANALYSIS AND FINDINGS

The purpose of a Sketch Plan is to identify general land uses, development intensity, and public benefits for the optional method of development in the CR, CRT, EOF, or LSC Zones. The Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, heights and anticipated uses, the locations of open and public open spaces, the general access and circulation patterns for all modes of transportation, an estimated range of peak hour trips and relationships between existing or proposed adjacent buildings and rights-of-way. Details of the proposed development are determined during Preliminary and Site Plan review. Findings of approval from previously approved Sketch Plan No. 320180020 are still valid and in full force and effect, except as modified below.

Section 59-7.3.3.E of the Zoning Ordinance states: “To approve a sketch plan the Planning Board must find that the following elements are appropriate in concept and appropriate for further detailed review at site plan. The sketch plan must:”

1. *meet the objectives, general requirements, and standards of this Chapter;*

*Section 4.51.C. Commercial Residential Town (CRT) states that “The CRT Zone is intended for small downtown, mixed-use, pedestrian-oriented centers and edges of larger, more intense downtown. Retail tenant ground floor footprints are limited to preserve the town center scale. Transit options may include light rail, Metro, and bus.”*

The Sketch Plan meets these objectives because it contains a small, mixed-use, pedestrian-oriented center, it includes a mix of uses, and will be alongside the future Bus Rapid Transit (BRT) corridor on New Hampshire Avenue. The Sketch Plan also meets the general requirements of Section 59.4.5.4.A., and the development standards of Section 59.4.5.4.B., Optional Method Development for the CRT Zone, as shown in Table 1:

Table 1: Development Standards Data Table – CRT 1.75, C 0.5, R 1.5, H-85 Zone		
Development Standard	Permitted/Required	Proposed
<b>Section 59-4.5.4.</b>		
<b>Gross Tract Area (sf)</b>	n/a	287,744
<b>Non-residential (C)</b>	0.5 FAR (143,872 sf)	0.056 FAR (16,039 sf)
<b>Residential (R)</b>	1.50 FAR (431,616 sf)	1.50 FAR (431,616 sf)
<b>Total Mapped Density</b>	1.75 FAR (503,552 sf)	1.56 FAR (447,655 sf)
<b>MPDU Bonus Density for 25% MPDUs</b>	N/A	.525 FAR (151,066 sf) or 35% bonus density
<b>Total Density including MPDU bonus</b>	N/A	2.08 FAR (598,721 sq. ft.)
<b>Max Building Height (feet)</b>	85	121 <sup>1</sup>
<b>Minimum Public Open Space (%) of Lot</b>	10% (22,432 sf)	10% (22,432 sf)

<sup>1</sup> Pursuant to Section 59-4.7.3.D.6.c.i: If a project exceeds 12.5% MPDUs, the height limit of the applicable zone or master plan does not apply to the extent required to provide the MPDUs. The additional height is calculated as the floor area provided for MPDUs above 12.5% divided by the average residential floor plate area, where each whole number and each remaining fraction allows an increase of 12 feet.

## SECTION 5: PRELIMINARY PLAN ANALYSIS AND 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 proposed lot size, width, shape, orientation, and density of lots are appropriate for the location of the subdivision considering the recommendations in the 2014 *White Oak Science Gateway Master Plan* and the type of development and use contemplated. Besides for right-of-way dedications of approximately 8,802 square feet, the existing lots will retain substantially the same shape and configuration, organized around a mutual access easement. The lots were reviewed and found to be in compliance with the dimensional requirements for the CRT Zone, as specified in the Zoning Ordinance. A development standards table is included in the site plan findings section of this report.

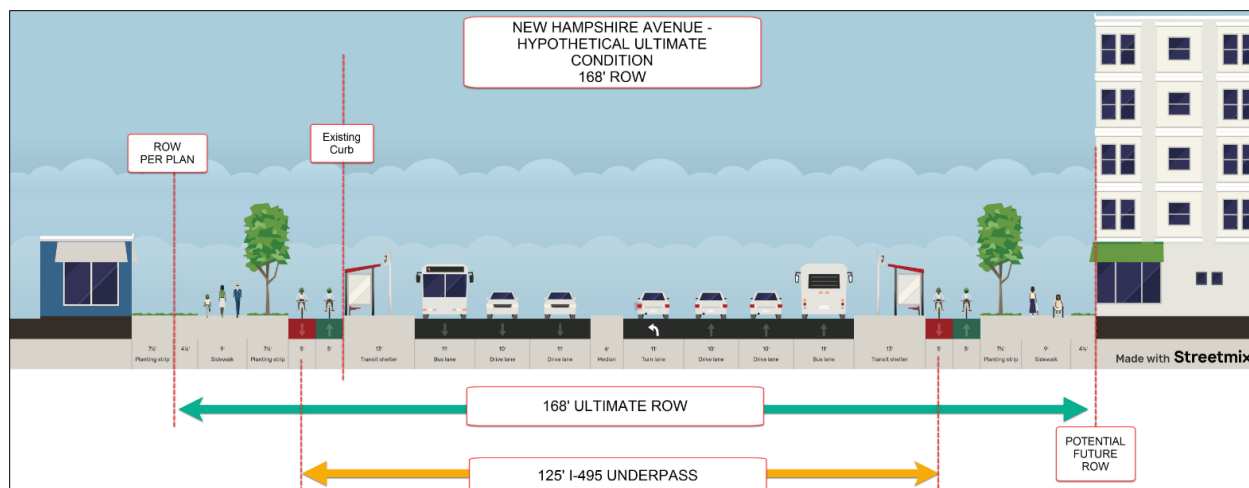
2. *The preliminary plan substantially conforms to the master plan;*

The Project substantially conforms to the recommendations of the 2014 *White Oak Science Gateway Master Plan*. The overarching goal of this Master Plan is to transform the built environment from auto-oriented single-purpose nodes into vibrant mixed-use centers” (pg. 23). The Master Plan identifies the Property as one of the activity centers designated to transform into a walkable mixed-use community to support a future BRT system along New Hampshire Avenue (pg. 29).

The Project furthers the Master Plan’s goal of enhancing the New Hampshire Avenue/Powder Mill Road intersection by including active uses and accessible public open space. The proposed mix of residential and commercial uses supports the future BRT along New Hampshire Avenue. The proposed site design effectively uses the parking garage to buffer residential uses from I-495 traffic. The building massing will be broken into smaller components, which will reduce the visual scale of the buildings and achieve the “village center” character and scale envisioned by the Master Plan for this activity center. The Proposal creatively interprets the direction provided by the Design Guidelines to consolidate frontages along the Avenue to improve the area for pedestrians (Design Guidelines, page 14). The smaller coffee shop pad site fronting on New Hampshire Avenue effectively creates a street edge and allows visibility to the larger buildings beyond. The viewshed into the Property helps to establish visual connections between future developments at the Hillandale Shopping Center and the ATU property. It also provides a visual connection across the intersection to the existing (Our Savior Episcopal Church) chapel, a local landmark, furthering the Plan’s goal of using it as a focal point for development.

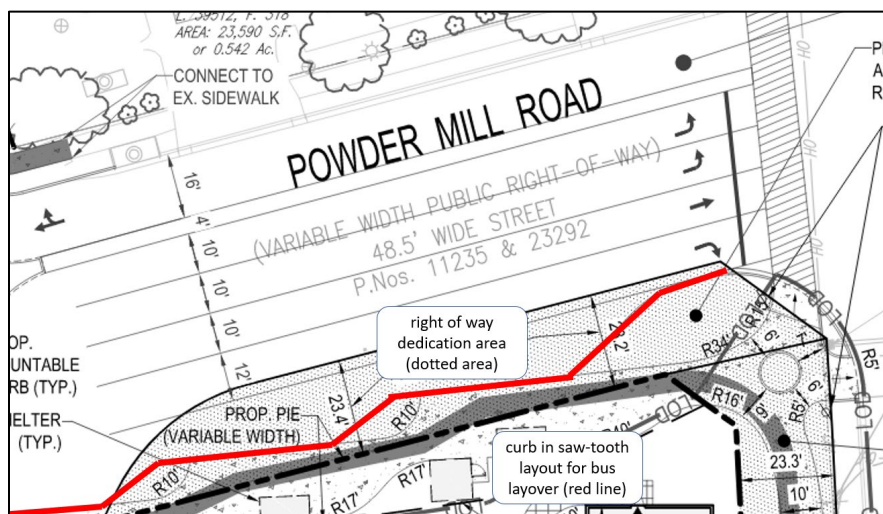
### Master Planned Transportation Facilities

New Hampshire Avenue, also known as MD 650, (M-12) is classified as a 168-foot major highway with division and one lane of planned transit. The Applicant is proposing to dedicate space to ensure 84 feet between the property line and centerline are achieved. While MCDOT has neither a facility nor conceptual plan for the ultimate New Hampshire Avenue cross-section, the Applicant has provided a conceptual section illustrating how bus rapid transit (BRT), associated space for BRT stations, and separated bike lanes could be accommodated in an ultimate curb-running alignment (Figure 11).



**Figure 11– Conceptual New Hampshire Avenue Section**

Powder Mill Road (A-94) is a master-planned arterial east of New Hampshire Avenue, but is not master-planned adjacent to the site. Instead, the intersection of Powder Mill Road and New Hampshire Avenue (including the extent of Powder Mill adjacent to the site) is included in the County’s LATIP program. The Applicant proposes to dedicate a variable width between 23 and 24 feet of right of way adjacent to the property. This will allow for the development of a saw-tooth bus layover for MCDOT’s Ride On service, while still maintaining the number of lanes and division on Powder Mill Road as envisioned in the County’s LATIP program. Figure 12 depicts the proposed right-of-way dedication and the proposed dedication area.



**Figure 12 – Powder Mill Road Curb Layout and Dedication Area**

The *Countywide Transit Corridors Functional Master Plan* designates New Hampshire Avenue as a future BRT route. While the facility has yet to be advanced into an alternatives analysis study or facility planning, the Applicant is dedicating 84 feet from centerline to ensure the 168-foot right-of-way recommendation in the Master Plan can be realized.

The *Bicycle Master Plan* recommends two-way separated bicycle lanes adjacent to the Site along New Hampshire Avenue; these are shown in the Conceptual New Hampshire Avenue cross section

(Figure 11). However, in the interim, prior to implementation of the BRT along this section of New Hampshire Avenue, the Applicant proposes to provide an interim ten-foot wide sidepath extending from Powder Mill Road to the Beltway Outer Loop access ramp on New Hampshire Avenue. Staff accepts this proposal as the section will likely need to be reconstructed in full when the New Hampshire Avenue BRT is realized.

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

**Transportation**

Site Access & Vehicle Circulation

The Site is situated on Powder Mill Road and New Hampshire Avenue (MD 650) and is a corner lot, albeit a significantly large one. Typically, only one site access point is allowed on a corner lot per Chapter 59 § 6.1.4.E, and that access point must be located on the lowest volume road which, in this case, would be Powder Mill Road. However, at the time of Sketch Plan approval, the Applicant's proposed site access on New Hampshire Avenue was approved on the condition the Applicant would address comments and questions from the Maryland State Highway Administration (MDSHA) during review of the preliminary plan. This curb cut exists today and is positioned on an easement provided by the adjacent property owner, the Amalgamated Transit Union. MDSHA conditionally approved the New Hampshire Avenue access pending their review of detailed engineering plans.

The access point on New Hampshire Avenue is a right-in, right-out point, and Staff has worked with the Applicant to ensure the impact of access on this major roadway is reduced to the extent possible. To improve safety for pedestrians and cyclists crossing the access point, the crossing point is pulled further into the site to provide more reaction time for vehicles entering the site to recognize pedestrians and cyclists. Because the proposed layout positions internal intersections near the access point, staff has requested the heaviest movement, a potential left-turn from the coffee shop's drive through loop, be redesigned and signed to indicate that only right turns are allowed and left turns are prohibited. While the New Hampshire Avenue access point is less than ideal, Staff recognizes that the magnitude of density proposed on the Site may warrant this access point and defers to MDSHA to make a final determination.

The Property's second access point is located off the slightly repositioned Powder Mill Road Roundabout. Staff anticipates that the proposed coffee shop will function as a heavy traffic generator on weekday mornings. Because left turns are restricted out of the drive-through, vehicles will move back through internal streets and exit via Powder Mill Road.

While a significant amount of transportation research demonstrates the safety of roundabouts, large format roundabouts can result in higher roadway speeds as opposed to high-volume intersections with stop control, which forces vehicles to slow at intersection approaches. Additionally, little research has been done regarding pedestrian yield rates at roundabouts. For these reasons, Staff generally prefers the application of stop control in high density environments. However, Staff worked with the Applicant to improve pedestrian safety at the proposed roundabout located on the Subject Property. The Applicant reduced the radius and width of entry lanes for the proposed roundabout, creating a tighter, slower design. The Applicant also agreed to amend the initial design to provide pedestrian facilities on the northern legs of the roundabout and positioned crossings on the southern legs of the roundabout's approach further away from the facility, creating a safer and narrower environment for pedestrians.

### Transit Service

The site is adjacent to two bus stops, including the redesigned bus layover transfer facility. These stops are serviced by the following lines:

- WMATA K6 Line; provides service between Fort Totten and White Oak; approximately 20-minute weekday peak hour headways.
- Ride On 10 Line; provides service between Twinbrook Metro Station and Hillandale; approximately 30-minute peak hour headways.
- Ride On 20; provides service between Hillandale and the Silver Spring Metro Station; approximately 10-15 minute weekday peak-hour headways.
- Ride On 22; provides service between Hillandale and the Silver Spring Metro Station; varied peak-hour weekday service schedule.

### Transportation Demand Management

The Applicant is required to obtain approval from the Montgomery County Department of Transportation (MCDOT) for a project-based transportation demand management (TDM) plan. Because the project falls within an orange policy area and provides over 160,000 square feet, a “level three results” plan is required. Level three plans are reserved for high intensity projects.

### White Oak Local Area Transportation Improvement Program (LATIP)

The Project is located within the White Oak Local Area Transportation Improvement Program (LATIP) area. As such, the project is not subject to the County’s Local Area Transportation Review (LATR). In the White Oak LATIP District, Applicants must pay a fee to the County based on the number of trips a proposed project will generate or must implement LATIP improvements as a credit applied toward the required fee.

In this case, the Applicant intends to coordinate with MCDOT to implement improvements at the Powder Mill Road and New Hampshire Avenue (MD 650) intersection, as detailed in the White Oak LATIP Improvement Program Project List. However, the Applicant has requested flexibility to pay the LATIP fee in lieu of constructing improvements, pending discussions with MCDOT regarding the LATIP credits. If the Applicant pays the LATIP fee in lieu of constructing the LATIP improvements shown conceptually on the Preliminary and Site Plans, then a 6-foot lawn panel, a 6-foot sidewalk, and a new 8-foot by 22-foot shelter pad must be constructed on the Powder Mill Road frontage.

## **Schools**

### Overview and Applicable School Test

Preliminary Plan #120190220 for Hillandale Gateway is scheduled to come before the Planning Board for review on February 25, 2021. Therefore, the updated FY21 Annual School Test, approved by the Planning Board on December 17, 2020 and effective January 1, 2021 is applicable. This project proposes 308 multifamily high-rise dwelling units and 155 age-restricted units, for a total of 463 units.

### School Adequacy Test

The proposed project is served by Roscoe R. Nix/Cresthaven ES, Francis Scott Key MS and Springbrook HS. Based on the FY21 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

**Table 2: Applicable FY2021 School Adequacy**

School	Projected School Totals, 2024				Adequacy Status	Adequacy Ceilings		
	Program Capacity	Enrollment	% Utilization	Surplus/ Deficit		Tier 1	Tier 2	Tier 3
Nix/Cresthaven ES	1,443	1,260	87.3%	+183	No UPP	268	472	689
Francis Scott Key MS	960	1,026	106.9%	-66	No UPP	60	126	270
Springbrook HS	2,135	1,946	91.1%	+189	No UPP	369	616	937

The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school's adequacy status and ceilings, as determined in the Annual School Test. If an application is estimated to generate more students than the identified ceilings, then payments at multiple tiers will be required.

#### Calculation of Student Enrollment Impacts

To calculate the number of students generated by the proposed development, the number of dwelling units is multiplied by the applicable School Impact Area student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low-rise multifamily unit, or high-rise multifamily unit.

With a net of 308 multifamily high-rise units that are not age-restricted, the proposed project is estimated to generate the following number of students based on the subject property's location within a Turnover Impact Area:

**Table 3: Estimated Student Enrollment Impacts**

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
SF Detached	0	0.198	0.000	0.112	0.000	0.156	0.000
SF Attached	0	0.230	0.000	0.120	0.000	0.157	0.000
MF Low-rise	0	0.124	0.000	0.063	0.000	0.073	0.000
MF High-rise	308	0.023	7.084	0.013	4.004	0.019	5.852
<b>TOTALS</b>	<b>308</b>		<b>7</b>		<b>4</b>		<b>5</b>

On average, this project is estimated to generate 7 elementary school students, 4 middle school students and 5 high school students. The number of students generated does not exceed the adequacy ceilings identified for each school in Table 1, therefore split payments across multiple UPP tiers are not required.

#### Analysis Conclusion

Based on the school capacity analysis performed, using the updated FY2021 Annual School Test, this application does not require a Utilization Premium Payment.

#### **Other Public Facilities**

Other public facilities and services are available and will be adequate to serve the proposed development. The Property is served by public water and sewer service. This Application has been reviewed by the Montgomery County Department of Permitting Services Fire Department Access



and Water Supply Group, which has determined that the Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by the SSP resolution currently in effect and will be adequate to serve the Property. Electrical, telecommunications, and gas services are also available to serve the Property.

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

Environmental Guidelines

Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD No. 420180100) on August 4, 2017. The Property contains no streams or stream buffers, wetlands or wetland buffers, hydraulically adjacent steep slopes, 100-year floodplains, or known habitats of Rare, Threatened and Endangered species, or historic resources. The Property is within the Northwest Branch Watershed, which is a Maryland State Use Class IV stream. This watershed is not in a Special Protection Area. The submitted Preliminary Plan is in conformance with the Montgomery County Planning Department's *Environmental Guidelines*.

Forest Conservation

The Project is subject to the Montgomery County Forest Conservation law (Chapter 22A of the Code) and a Final Forest Conservation Plan (FFCP) (Attachment 4) was submitted in conjunction with the Preliminary and Site Plan applications. There is no forest and one specimen tree on the Subject Property. The FFCP shows all forest conservation planting requirements being met through purchase of credits in a forest conservation bank. Onsite forest planting is not possible given the intensity of the proposed development. As submitted, and including approval of the accompanying variance request, the FFCP complies with Chapter 22A, Forest Conservation.

Variance

Section 22A-12(b) (3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater, DBH; are part of a historic site or designated with a historic structure; are designated as a national, State, or County champion tree; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. The Applicant submitted a variance request on June 6, 2019 to remove one (1) tree that is considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law. Tree A is a 32" Silver Maple in fair condition, located adjacent to the western property line. Tree A is proposed for removal in order to provide for Fire Department Access.

Unwarranted Hardship

The proposed development is in accordance with both the intent and recommendations of the *White Oak Science Gateway Master Plan* and the CRT zoning. The Subject Property is located directly adjacent to the Washington Beltway (I-495) and New Hampshire Avenue (MD 650). The Site Plan responds to the existing transportation network that constrains and shapes the develop plan. For these reasons, the Applicant has demonstrated a sufficient unwarranted hardship to consider a variance request.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determinations in the review of the variance request and the proposed forest conservation plan:

Variance Findings

Staff has made the following determination based on the required findings that granting of the requested variance:

- 1) *Will not confer on the applicant a special privilege that would be denied to other applicants.*

As noted above, the proposed design responds to the multiple site constraints and is consistent with both the zoning and Master Plan recommendations. Granting the variance will not confer a special privilege to the applicant.

- 2) *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is based on the constraints of the site and the engineering challenges, rather than on conditions or circumstances which are the result of actions by the Applicant.

- 3) *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the proposed site design and constraints on the subject property and not as a result of land or building use on a neighboring property.

- 4) *Will not violate State water quality standards or cause measurable degradation in water quality.*

Mitigation must be provided for removal of this tree by planting 3 native shade trees of at least three inches caliper, each, within the new development. This is based on Planning Department policy that requires replacement of variance trees at a rate of 1" replaced for every 4" removed, using replacement trees of no less than 3" caliper, to replace lost environmental functions performed by the trees removed. The mitigation trees must be added to the Final Forest Conservation Plan. These mitigation plantings will provide sufficient tree canopy in a few years to replace the lost water quality benefits of the variance tree being removed. Therefore, the Project will not violate State water quality standards or cause measurable degradation in water quality.

Variance Recommendation

Staff recommends that the variance be granted.

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

The Montgomery County Department of Permitting Services (DPS) Stormwater Management Section issued a letter accepting the stormwater management concept approval on October 16, 2020. Stormwater treatment will be accomplished through the use of micro bioretention, drywells, green roof and structural practices.

6. *Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M; and*

Not applicable; the Applicant has not had actual or constructive notice of any burial site and the Property does not include a burial site that is included in the Montgomery County Cemetery Inventory.

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

Justification for Private Roads

Per Section 50-4.3.E.4.b, private roads must be built to the construction specifications of the corresponding public road standard. The Applicant proposes that the Project's main roadway segment connecting Powder Mill Road to New Hampshire Avenue function as a private road area. Staff supports the classification of the private roads as modified business district with the below grade structural standards of an urban arterial (MC-2004.03).

The private road area will not be platted in a separate parcel, as the Applicant does not have full control of the land area proposed for mobility (much of this area is owned by ATU, the adjacent property owner). The proposed private road area deviates from the typical MCDOT design standard in the following ways:

- The lanes vary in width between segments and differ from MC-2004.03;
- There is no center turn lane;
- Parallel parking is proposed; however, the Applicant also proposes some perpendicular parking spaces along the northern side of the roadway; and
- The sidewalk widths vary and do not have consistent landscape panels; however, tree boxes and parking separate pedestrians from vehicles.

MC-2004.03 requires 3" of bituminous concrete in two equal layers, 5" of bituminous concrete, 8" of graded aggregate in two equal layers, and an approved subgrade. The road should be designed not to exceed a 25 mile per hour design speed nor an eight percent grade, per the requirements of the standard detail.

The private road area designation allows for flexible design including the tabled crossing at the festival street, the roundabout, the conversion of landscape panels to tree boxes, and the provision of perpendicular parking. Per Section 50-4.3.E.2.f, urban arterials are required to have intersections spaced no less than 300 feet apart; however, the Applicant proposes a layout with spacing at approximately 150 feet. The centerline curve radii approaching the proposed private street roundabout is less than 300'; however, the design encourages slower speeds allowing for vehicles to enter the roundabout safely. Additionally, MCDOT will not maintain the private road area, which means responsibility will fall on the Applicant.

## SECTION 6: SITE PLAN ANALYSIS AND FINDINGS

1. *When reviewing an application, the approval findings apply only to the site covered by the application.*

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

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

The proposed development is consistent with the prior provided Sketch Plan No. 320170020 which is superseded by Sketch Plan Amendment No. 320170020A and Preliminary Plan No. 120180010, which is being reviewed concurrently with this Site Plan. If approved, the Subject Site Plan will supersede approved Site Plan No. 820080060.

*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; the Property was not associated with any development plan or schematic development plan in effect on October 29, 2014.

*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;*

This section is not applicable; the zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

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

### **Use Standards**

Multi-Unit Living, Retail/Service Establishments (up to 15,000 square feet), and Restaurants are permitted uses in the CRT Zone. A drive-thru is allowed as a limited use and must meet the following standards under Section 3.5.14.E.2.a:

*1) A Drive-Thru, including the queuing area, must be located a minimum of 100 feet from any property that is vacant or improved with a residential use in the Agricultural, Rural Residential, or Residential Detached zones.*

The proposed drive-thru is not located within 100 feet of any property in an Agricultural, Rural Residential, or Residential Detached zone.

*2) For a Restaurant with a Drive-Thru, access to the site from a street with a residential classification is prohibited.*

Access for the drive-thru is not proposed from a residential street, but rather a private road internal the proposed development.

- 3) *A drive-thru service window, drive aisle, or queuing area located between the street and the front main wall of the main building is prohibited.*

No service windows, drive aisles, or queuing areas are located between the street and the front main wall of the main building.

- 4) *A drive-thru service window, drive aisle, or stacking area may be located between the street and the side wall of the main building on a corner lot if permanently screened from any street by a minimum 3-foot-high wall or fence.*

Not applicable, the drive-thru service window, drive aisle, and stacking area are not located between the street and the side wall of the main building.

- 5) *Site plan approval is required under Section 7.3.4.*

Staff recommends approval of the drive-thru with the subject site plan application.

- 6) *A conditional use application for a Drive-Thru may be filed with the Hearing Examiner if the limited use standards under Section 3.5.14.E.2.a.i through Section 3.5.14.E.2.a.iv cannot be met.*

Because the limited use standards have been satisfied, no conditional use application is necessary. The Planning Board's site plan approval is sufficient to satisfy permitting of the proposed limited use drive-thru.

#### **Development Standards**

The Site covers approximately 6.606 acres Zoned CRT 1.75, C-0.5, R-1.5, H-85. The data table below (Table 4) demonstrates the Application's conformance to the development standards of Section 59-4.5.4.

<b>Table 4- Data Table: CRT-1.75, C-0.5, R-1.5, H-85 Zone</b>			
<b>Chapter 59</b>	<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Proposed</b>
<b>4.5.4.B.2.b</b>	Tract Area (sf)	n/a	287,744 sq. ft.
	Previous Dedication	n/a	54,486 sq. ft.
	Proposed Dedication	n/a	8,802 sq. ft.
	Site Area	n/a	224,328 sq. ft.
	<b>Density</b>		
	Commercial	C-0.5 FAR (143,872 sq. ft.)	C-0.056 FAR (16,039 sq. ft.)
	Residential	R-1.5 FAR (431,616 sq. ft.)	R-1.5 FAR (431,616 sq. ft.)
	Total Mapped Density	1.75 FAR (503,552 sq. ft.)	1.56 FAR (447,655 sq. ft.)
	Bonus Density for 25% MPDUs	n/a	151,066 sq. ft. (35% density bonus)
	Total Density including MPDU bonus	n/a	2.081 FAR (598,721 sq. ft.)

<b>4.5.4.B.2.b</b>	<b>Building Height (feet)</b>	85	121 <sup>1</sup>
<b>4.5.4.B.3</b>	<b>Minimum Setback (feet)</b>	TBD at Site Plan	0
<b>4.5.4.B.1</b>	<b>Minimum Public Open Use Space (%)</b>	10%	10% (22,432 sq. ft.)
<b>6.2.4.</b>	<b>Total Vehicle Parking Spaces (min/max)</b>	510/721	691
	<b>Bicycle Parking Spaces (min)</b>	103	103
	<b>Loading Spaces (min)</b>	3	4
<b>6.2.7.</b>	<b>Vehicle Queuing Spaces for Drive-Thru Restaurant (min)</b>	5	14

<sup>1</sup> Pursuant to Section 59-4.7.3.D.6.c.i: If a project exceeds 12.5% MPDUs, the height limit of the applicable zone or master plan does not apply to the extent required to provide the MPDUs. The additional height is calculated as the floor area provided for MPDUs above 12.5% divided by the average residential floor plate area, where each whole number and each remaining fraction allows an increase of 12 feet.

For an optional method development in the CRT Zone, the zoning code requires 50 points in at least three categories. The following table (Table 5) shows both the categories and points for the proposed public benefits to demonstrate the project's ability to meet the required benefit points. Per Section 59-4.7.1.B, granting points as a public benefit for any amenity or project feature otherwise required by law is prohibited.

**Table 5: Public Benefit Points**

<b>Section #</b>	<b>Benefit Categories</b>	<b>Points Allowed</b>	<b>Points Recommended</b>
59-4.7.3.B	<b>Transit Proximity</b>	25	15
<b>59-4.7.3D: Diversity of Uses and Activities</b>			
D.6	Moderately Priced Dwelling Units	N/A	150
<b>59-4.7.3E Quality Building and Site Design</b>			
F.10	Structured Parking	20	11
<b>Total</b>		<b>176</b>	

#### *Transit Proximity*

The proposed Project abuts the master-planned BRT Route (New Hampshire Avenue Corridor) with a dedicated right-of-way, as defined in Section 59.4.7.3.B.1.b., because it shares a property line with a right-of-way for a master-planned transit station, and 100% of the tract is within a quarter-mile of the transit portal. Transit proximity for the master-planned BRT is considered a Level 2 category per Section 59.4.7.3.B.1.a.ii. Therefore, the proposed Project qualifies for 15 points for transit proximity.

#### *Diversity of Uses and Activities—Moderately Priced Dwelling Units*

Pursuant to the approved 2017 Commercial/Residential and Employment Zones *Incentive Density Implementation Guidelines*, 12 points are to be granted for every 1% of MPDUs greater than 12.5%, and any fraction of 1% increase in MPDUs entitles the Applicant to an equal fraction

of 12 points. There is no limitation on the number of points for providing more than 12.5% of the residential units as MPDUs as required under Chapter 25A. The Project is providing a minimum of 25% MPDUs and qualifies for 150 points based on the following formula:  $(25\% - 12.5\%) * 12 = 150$  points.

#### *Quality Building and Site Design—Structured Parking*

The Project is providing a total of 691 vehicle parking spaces, with 661 spaces in a parking structure that is largely above grade. Of the 661 garage spaces, 550 will be provided in the above-grade portion and 111 in the below-grade portion. Staff supports the Applicant's request for 11 points based on the following formula:  $[(550/691)*10] + [(111/691)*20] = 11.17$ .

### **General Development Requirements**

#### *Site Access*

As conditioned, the Project provides safe, adequate, and efficient circulation, parking, and loading for cars, trucks, pedestrians, and bicyclists and integrates the project into the surrounding area. The Site is situated on Powder Mill Road and New Hampshire Avenue (MD 650) and is a corner lot, albeit a significantly large one. Typically, only one site access point is allowed on a corner lot per Chapter 59 § 6.1.4.E, and that access point must be located on the lowest volume road which, in this case, would be Powder Mill Road. However, at the time of Sketch Plan approval, the Applicant's proposed site access on New Hampshire Avenue was approved on the condition the Applicant would address comments and questions from the Maryland State Highway Administration (MDSHA) during review of the preliminary plan. This curb cut exists today and is positioned on an easement provided by the adjacent property owner, ATU. MDSHA conditionally approved the New Hampshire Avenue access pending their review of detailed engineering plans.

The access point on New Hampshire Avenue is a right-in, right-out point, and Staff has worked with the Applicant to ensure the impact of access on this major roadway is reduced to the extent possible. To improve safety for pedestrians and cyclists crossing the access point, the crossing point is pulled further into the site to provide more reaction time for vehicles entering the site to recognize pedestrians and cyclists. Because the proposed layout positions internal intersections near the access point, Staff has requested the heaviest movement, a potential left-turn from the coffee shop's drive through loop, be redesigned and signed to indicate that only right turns are allowed and left turns are prohibited. While the New Hampshire Avenue access point is less than ideal, Staff recognizes that the magnitude of density proposed on the Site may warrant this access point and defers to MDSHA to make a final determination.

#### *Parking, Queuing, and Loading*

Parking, queuing, and loading will be provided in an adequate, safe, and efficient manner. As demonstrated in Table 1, the Site Plan provides an adequate number of parking, queuing, and loading spaces for the proposed uses. The majority of vehicle parking spaces are located within a structured parking garage, and some surface parking spaces are provided along the Private Road in locations that are convenient to the retail/restaurant uses.

The proposed restaurant drive-thru lane provides fourteen (14) queuing spaces, well in excess of the minimum number of queuing spaces required for a restaurant drive-thru use. The drive-thru lane is a minimum of ten (10) feet wide and is clearly marked and separated from the driveway

aisles, parking spaces, and pedestrian walkways. The queuing aisle will accommodate vehicles without interfering with the public use of streets and sidewalks.

The Applicant is required to provide a minimum of three loading spaces and proposes to provide four spaces per the submitted plans. The Applicant provided Staff with a Loading Management Plan (LMP) dated October 2, 2020 to ensure adequate and safe operations given the magnitude of the project and movements of larger heavy vehicles that may serve the site. Staff supports the proposals in the LMP and recommends that Applicant be conditioned to comply with the submitted Plan.

#### *Open Space and Recreation*

The Project will provide the required minimum 10% Public Open Space. The proposed primary open space is located on the North Lot and includes an open lawn area, a stage, and a sculpture.

The Applicant has demonstrated that by providing the Public Open Spaces, sidewalks, urban plaza, open grass lawn, picnic and seating areas, rooftop amenity, dog park, and playground, the development satisfies the Recreational Guidelines.

## Proposed Onsite Recreation Facilities and their Supply Points

Recreation Facility	Quantity	% Bonus Points	Tots	Children	Teens	Young Adults	Adults	Seniors
Fitness Trail	1	0%	0	8	12	14	14	7
Dog Park	1	10.00%	0	2.20	3.30	5.50	6.60	6.60
Dog Cleaning Station	1	0%	0	0	2	3	3	3
Open Grass Area Lawn - Small (5,000 sf)	1	0%	3	4	9	9	9	3
Ornamental Garden or Sculpture Garden	1	0%	2	3	3	7	8	5
Playground (Age 2-12) [Multi-age Play]	1	0%	9	11	3	2	4	2
Interior Courtyard, Garden or Lawn	3	0%	6	9	12	21	21	15
Rooftop Amenity	2	0%	0	4	14	20	14	10
Urban Plaza	2	0%	8	12	12	36	30	12
Through-Block Connection	1	0%	3	5	5	10	8	5
Swimming Pool –Indoor	1	0%	4.63	6.48	5.56	135.20	77.78	46.30
Picnic/Seating	1	0%	1	1	1.50	3	3	3
<b>Total Onsite Supply Points=</b>			<b>36.63</b>	<b>65.68</b>	<b>82.36</b>	<b>265.70</b>	<b>198.38</b>	<b>117.90</b>

## Results: Demand, Supply & Adequacy

Age Group	Total Demand Points	Offsite Supply Points	Onsite Supply Points	Total Supply Points	Adequacy
Tots	46.30	7.79	36.63	44.42	Adequate
Children	32.41	11.34	65.68	77.02	Adequate
Teens	13.89	4.86	82.36	87.22	Adequate
Young Adults	337.99	59.95	265.70	325.65	Adequate
Adults	259.28	44.71	198.38	243.09	Adequate
Seniors	115.75	14.93	117.90	132.83	Adequate



#### *General Landscaping and Outdoor Lighting*

The project provides adequate landscaping and lighting, as well as other site amenities, to ensure that these facilities will be safe, adequate, and efficient for residents and visitors. The Project will include streetscaping along many new and existing streets, with widened sidewalks, street trees, and lighting that connects to the onsite amenities.

As shown in the Development Standards table and findings above, the proposed Site Plan meets all the applicable use standards, development standards of Division 4.5. of the Zoning Ordinance, and the general development requirements of Article 6 of the Zoning Ordinance.

*e. satisfies the applicable requirements of:*

*i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and*

The Montgomery County Department of Permitting Services (DPS) Stormwater Management Section issued a letter accepting the stormwater management concept approval on October 16, 2020. Stormwater treatment will be accomplished through the use of micro bioretention, drywells, green roof and structural practices.

*ii. Chapter 22A, Forest Conservation.*

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Environmental Guidelines and the Forest Conservation Law.

The Final Forest Conservation Plan (FFCP No. 820190130) is being reviewed as part of the Site Plan. Staff recommends approval of a variance request within the Preliminary Plan findings. The FFCP needs to be amended prior to Certified Site Plan to show the species and planting locations of the Variance Mitigation Trees required as a part of the Variance approval. The FFCP indicates that the Applicant seeks to fulfill their required afforestation by obtaining credits in an approved off-site forest conservation bank.

#### **Noise**

The Environmental section of the 1993 *General Plan Refinement for Montgomery County* contains multiple objectives directing Staff to protect future residents and workers from unacceptable noise levels. The 1983 *Staff Guidelines for the Consideration of Transportation Noise* ("Noise Guidelines") contain strategies for mitigating the impact of transportation noise on new residential development. In the area of the County where the Project is located, the Guidelines recommend a maximum value of 65 dBA Ldn for exterior recreation areas and 45 dBA Ldn for indoor residential spaces.

The Property is located directly to the north of I-495 and to the west of New Hampshire Avenue. The ramp from New Hampshire Avenue to I-495 serves as a source of transportation noise. There are no noise barriers along I-495 at this location and the Property is 30' lower than I-495. This means that the highest noise impacts occur at the upper levels of the proposed Project's façade.

The Applicant has created a model for the noise impacts on the proposed development using existing and future transportation conditions. The Applicant has compared the

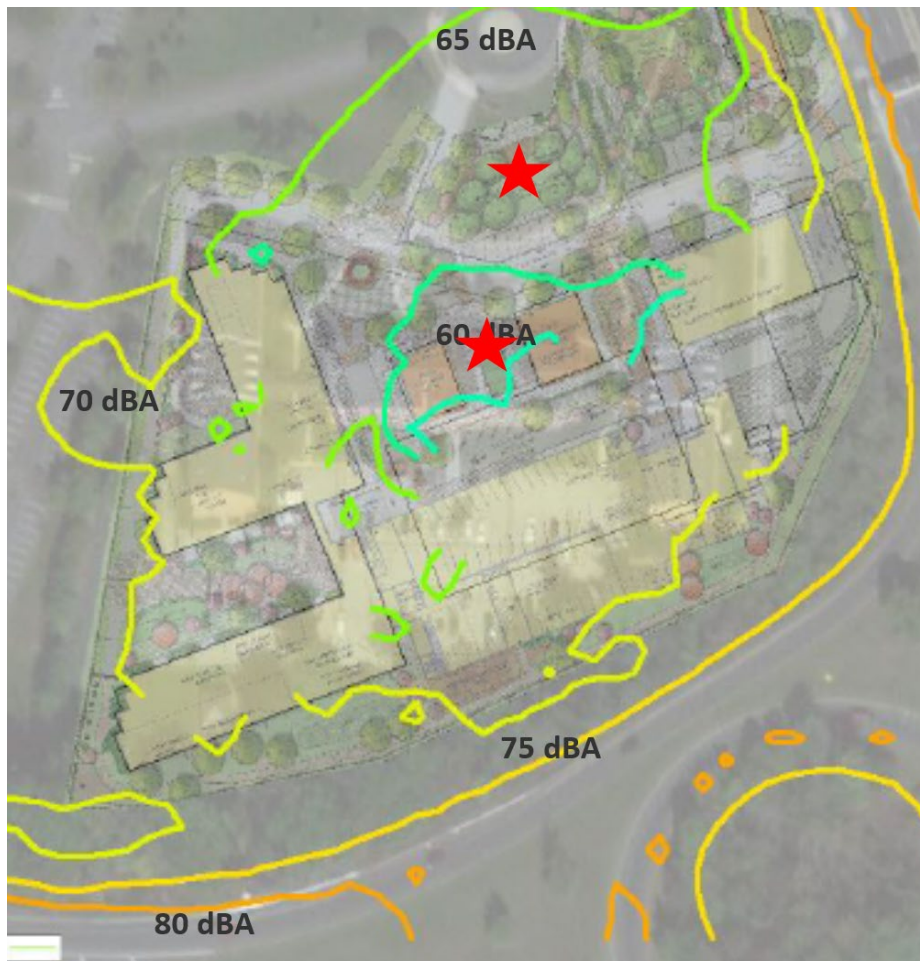
modeled conditions to a background noise analysis taken over a 24-hour period on September 20 (Wednesday) – September 22 (Thursday) 2016 to ensure the validity of the model.

Exterior recreation space compliance with the Noise Guidelines can be divided into three different categories as described below.

- Meets the 65 Ldn level with no noise mitigation measures.
- Meets the 65 Ldn level with noise mitigation measures.
- Cannot meet the 65 dBA level even with noise mitigation measures.

Meets the 65 dBA level with no noise mitigation measures

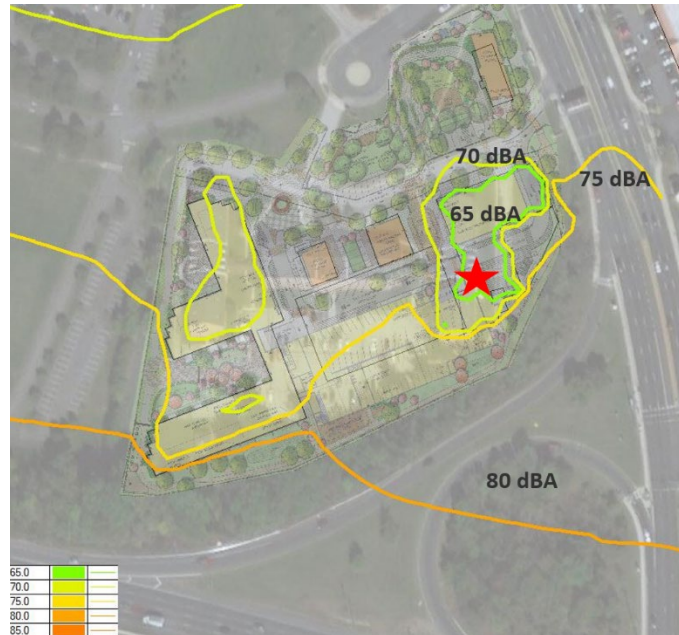
Figure 13 shows the future noise contours at the ground level. The proposed development shelters the Public Open Spaces (red stars) from the noise from I-495 and associated on ramps and meets the 65 dBA Ldn guideline for outdoor recreation spaces. No mitigation measures are necessary for these areas.



**Figure 13: Public Open Space Noise Impacts**

Figure 14 shows the future noise contours impacting the rooftop amenity space (red star) on the age-restricted building. This space is at approximately 115' above ground level so the space is higher than the surrounding noise sources. This space meets the 65

dBa Ldn guideline for outdoor recreation spaces. No mitigation measures are necessary for this area.



**Figure 14 Age-Restricted Roof Amenity Noise Impacts**

Meets the 65 dBA level with noise mitigation measures

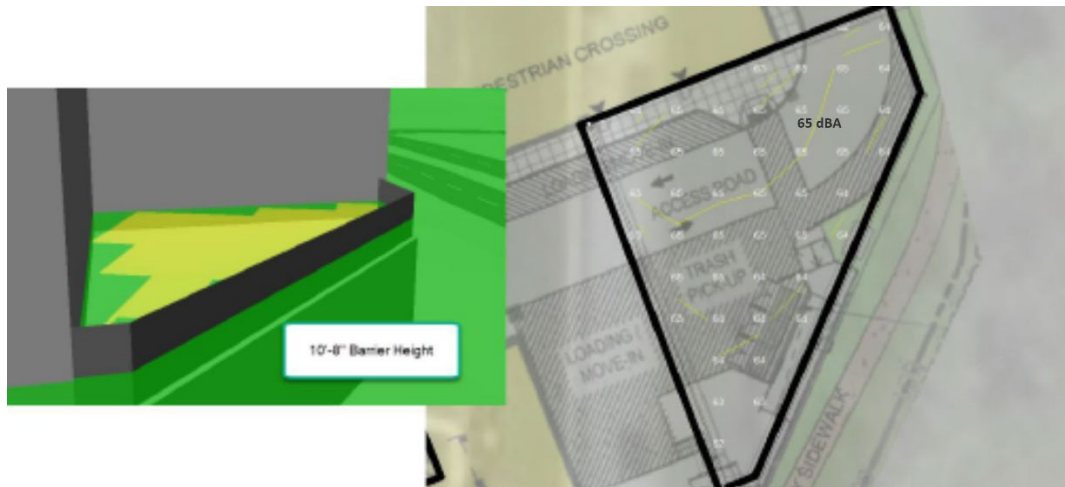
The playground is at ground level, below the sources of transportation noise. The playground is in an area with an unmitigated noise level between 65 and 70 dBA Ldn. The Applicant is proposing a solar canopy for this area, which will mitigate the noise to the 65 dBA Ldn guideline for outdoor recreation spaces. Figure 15 shows future noise contours impacting the playground with noise mitigation measures.



**Figure 15: Playground with Solar Canopy**

The patio on the third level of the age-restricted building has an unmitigated noise level between 70 and 75 dBA Ldn (Figure 16). The Applicant is proposing a 10'-8" barrier to

reduce the noise levels to 65 dBA Ldn. While this is a tall barrier, it works in this location due to the shape and size of the space.



**Figure 16: Third Level Patio on Age-Restricted Building with 10' 8" Barrier**

Does not meet the 65 dBA level with noise mitigation measures

The two courtyards (red stars) adjacent to the multi-family building are impacted by the transportation noise from I-495 but are more than 20 feet lower than the interstate (Figure 17). Noise barriers are most effective when they are placed directly adjacent to the noise source. This is not possible in this case due to the width of the right of way and the grade change. The Applicant has modeled 10' walls adjacent to the courtyards and the walls provided negligible mitigation, with noise levels still above 65 dBA Ldn. The addition of the walls would significantly impact the value of the open space while providing little benefit.

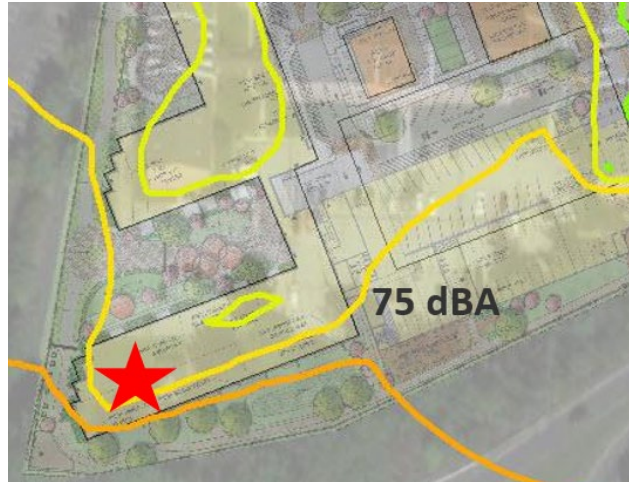


**Figure 17: Multi-family Building Courtyards Noise Impacts**

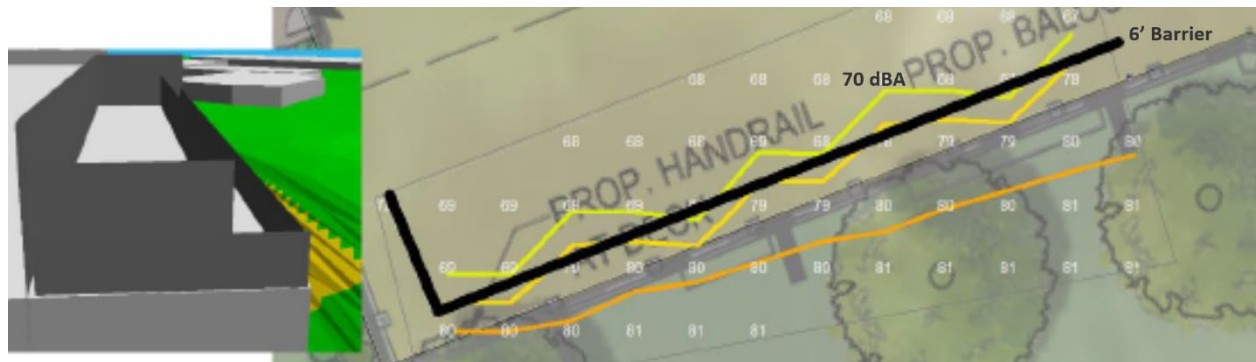
The rooftop amenity space (red star) on the multi-family building is located at approximately 115 feet in height and is impacted by transportation noise from I-495 of approximately 75 dBA (Figure 18). The Applicant has modeled noise barriers in an effort



to reduce the rooftop noise levels to 65 dBA and found that walls greater than eight feet in height would be required. However, a wall of this height would impact the function of the amenity space due to the narrow nature of the space. A six-foot barrier will reduce the noise levels to 70 dBA while preserving the usability of the amenity (Figure 19).



**Figure 18: Rooftop Space on multi-family building**



**Figure 19: Multi-family Rooftop Space with 6' Barrier**

#### Noise Waiver

The Noise Guidelines Section 2.2.2 allow the Planning Board to waive part or all of the guidelines *if use of all feasible exterior attenuation measures cannot protect noise sensitive rooms on upper floors or outdoor patio areas, or if exterior attenuation is not feasible. Exterior noise attenuation measures may be infeasible due to economics, aesthetics, or site-related constraints of size, shape, or topography.* The Applicant is proposing mitigation measures for most of the exterior amenity spaces. However, it is not feasible to mitigate noise levels for the two courtyards and rooftop amenity space on the multi-family building as discussed above. As conditioned, Staff supports the mitigation proposed by the Applicant as the best possible given the constraints and recommends the Board approve the waiver and accept the findings of the provided noise analysis.

Nearly all facades of the building will be impacted by elevated noise levels so enhanced building materials (such as modified windows, doors, and wall construction) will be necessary for the residences. The Applicant has provided a detailed analysis with recommended materials with enhanced Sound Transmission Class (STC) ratings to provide internal noise levels below the 45 dBA level for indoor residential spaces. With the use of these construction materials, the proposed development will meet the Noise Guidelines.

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

As conditioned, the Site Plan provides adequate, safe, and efficient parking and circulation patterns. The Project provides well-integrated onsite surface parking and structured parking with multiple access points. The Site Plan provides adequate open space and site amenities, circulation patterns, streetscape improvements, safe pedestrian environments, and adequate building massing consistent with the zone. The Application includes sidewalk and streetscape upgrades to the Property's frontage along Powder Mill Road and New Hampshire's frontages. These enhancements will facilitate improved pedestrian connections from nearby neighborhoods by offering access to existing and planned bikeways, transit, side paths, and retail uses.

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

As discussed in Preliminary Plan finding 2 above, the Site Plan substantially conforms with the recommendations of the 2014 White Oak Science Gateway Master Plan.

- h. 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;*

As discussed in Preliminary Plan Finding No. 3 above, the Property will be served by adequate public facilities, including police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

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

Not applicable, the Subject Property is zoned CRT.

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

The development is compatible with existing and approved or pending adjacent development. Given the location of the Property at the prominent intersection of New Hampshire Avenue and Powder Mill Road, and adjacent to I-495 and a proposed BRT station, the massing and scale of

the development is appropriate and will provide future residents with multiple transportation options.

*3. To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.*

The Project proposes a drive-thru for the retail pad site building at the corner of the Property. There is only one other drive-thru located within a one-mile radius of the Properties, which is the drive-thru for the SunTrust Bank, located at 1711 Elton Road. As a result, the proposed drive-thru on the Property will not result in a multiplicity of similar uses in the same general neighborhood. The proposed drive-thru for the retail building would be only the second in the immediate vicinity and will be associated with a restaurant use.

*4. For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

Not applicable, the Subject Property was not zoned C-1 or C-2 on October 29, 2014.

## **SECTION 7: CONCLUSION**

Sketch Plan Amendment 32018002A, Preliminary Plan 120190220, and Site Plan 820190130 satisfy the applicable findings under the Subdivision Regulations and the Zoning Ordinance, meet all applicable requirements of the Forest Conservation Law and substantially conform to the recommendations of the 2014 *White Oak Science Gateway* Master Plan. Therefore, Staff recommends approval of Sketch Plan Amendment 32018002A, Preliminary Plan 120190220, and Site Plan 820190130 with the conditions included at the beginning of this report.



**MONTGOMERY COUNTY PLANNING BOARD**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB No. 08-95****Site Plan No. 820080060****Project Name: Chevy Chase Bank - Hillandale****Date of Hearing: July 24, 2008****MONTGOMERY COUNTY PLANNING BOARD****RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on September 18, 2007, National Labor College ("Applicant"), filed an application for approval of a site plan for the construction of a 3,170 sq.ft. bank with three, drive-thru windows ("Site Plan" or "Plan") on 1.0269 acres of O-M zoned land, located at the intersection of New Hampshire Avenue (MD 650) and Powder Mill Road ("Property" or "Subject Property"); and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820080060, Chevy Chase Bank - Hillandale ("Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated June 26, 2008, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on July 24, 2008, the Planning Board held a public hearing on the Application ("Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on July 24, 2008, the Planning Board voted to approve the Application subject to conditions on the motion of Commissioner Presley; seconded by Commissioner Alfandre; with a vote of 5-0, Commissioners Alfandre, Cryor, Hanson Presley and Robinson voting in favor.

APPROVED AS TO LEGAL SUFFICIENCY  
*Christina Soneto* 9/10/08  
M-NCPPC LEGAL DEPARTMENT

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820080060 for the construction of a 3,170 sq.ft. bank with a maximum of three, drive-thru windows on 1.0269 acres in the O-M zone, subject to the following conditions:

1. Preliminary Plan Conformance

The proposed development must comply with the conditions of the approved Resolution for Preliminary Plan No. 120080090.

2. Lighting

The Applicant must ensure that each of the following conditions is met and is reflected on the site plan:

- a. Lighting distribution must conform to IESNA standards for commercial development.
- b. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- c. Illumination levels, excluding streetscape light fixtures, shall not exceed 0.5 footcandles (fc) at any property line abutting county roads or adjacent residential properties.
- d. The height of any on-site light poles shall not exceed 20 feet including the mounting base.

3. Environment

The Applicant must comply with the conditions of approval from M-NCPPC Environmental Planning in the memorandum dated June 24, 2008.

4. Transportation

The Applicant must comply with the conditions of approval from Maryland State Highway Administration in the memorandum dated November 12, 2007.

5. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions, as outlined in the memorandum dated June 20, 2007 unless amended and approved by the Montgomery County Department of Permitting Services.

6. Development Program

The Applicant must construct the proposed development in accordance with a Development Program. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the Certified Site Plan. The Development Program shall include a phasing schedule as follows:

- a. Street tree planting must be completed within six months of the issuance of any use and occupancy permits.
- b. All on-site landscaping, lighting, and paving must be completed within six months of the issuance of the use and occupancy permit.
- c. Phasing of pre-construction meetings, dedications, stormwater management, sediment/erosion control, trip mitigation or other features shall be noted.
- d. All off-site improvements, including the proposed 5' wide sidewalk and handicapped ramps shall be completed within six-months of the issuance of the use and occupancy permits.

7. Clearing and Grading

Applicant must ensure that there is no clearing or grading of the subject site prior to M-NCPPC approval of the Certified Site Plan.

8. Certified Site Plan

Prior to the Certified Site Plan approval the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development Program, Inspection Schedule, and Site Plan Resolution.
- b. The Applicant must make all reasonable efforts to achieve a LEED certified rating.

BE IT FURTHER RESOLVED that all site development elements as shown on Chevy Chase Bank - Hillandale drawings stamped by M-NCPPC on June 27, 2008 shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board finds, with the conditions of approval, that:

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.*

This Site Plan conforms to the binding elements set forth in the Schematic Development Plan approved by the District Council on March 18, 2008 (G-866). Neither a diagrammatic plan, nor a project plan was required for the subject site.

2. *The Site Plan meets all of the requirements of the O-M zone and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan meets all of the requirements of the O-M zone as demonstrated in the project Data Table. In particular, the proposed development has more than the minimum required percentage of green area; less than the maximum height restriction for the proposed building and; more than the required amount of parking spaces.

**Project Data Table for the OM Zone**

Development Standard	Permitted/ Required	Development Standards Approved by the Board and Binding on the Applicant
<b>Min. Gross Tract Area (Acres)</b>	n/a	1.02
<b>Max. Building Height (Feet)</b>	60	25
<b>Min. Building Setbacks (Feet)</b> <sup>1</sup>		
North Setback (Front/Powder Mill Road)	8.33	26
East Setback (Front/New Hampshire Ave)	15	41.9
South Setback (Side/Private Drive R-90)	8.33	53.6
West Setback (Side/R-90)	8.33	112.7
<b>Landscape Buffer Setbacks (Feet)</b>		
North Setback (Front)	10	15.4
East Setback (Front)	10	26.9
South Setback (Side)	8	8
West Setback (Side)	8	8
<b>Parking Space Dimensions</b>	18' x 8.5'	18' x 8.5'
<b>Parking Space Requirements</b> (3,170 sf GFA @ 5 spaces per 1,000 sf)	16 Spaces	31 Spaces <sup>2</sup>
<b>Green Area (%)</b>	10	32 +/-
<b>Floor Area Ratio</b>	1.5	0.07
<b>Minimum Drive Aisles (Feet)</b>		
Two-Way	20	24
One-Way	10	14
<b>Lot Coverage (%)</b>	60	7.2

<sup>1</sup> 59-C-4.313 All buildings shall be set back from lot lines at least as follows:

- (a) From any street right-of-way as shown on a master plan - 15 feet.
- (b) From any other lot line:
  - (1) If the building has windows or aperture providing light, access or ventilation to a space intended to be occupied for commercial or residential a purpose that faces that lot line - One foot for each 3 feet of building height.
  - (2) If the adjoining lot is in a residential zone and is not recommended for commercial or industrial zoning on a master plan - one foot for each 3 feet of building height.

Building Measurements taken from established building envelope

<sup>2</sup> Includes two (2) Handicapped Spaces (8.5' x 18' with 5' accessible striped aisle)

3. *The locations of the buildings and structures, the open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a. Locations of buildings and structures

The proposed building provides a commercial, free-standing, bank use and drive-thru on an optimal site for accessibility for traveler and highway users, as it is immediately adjacent to the on-ramp for the Capital Beltway (I-495). The design and layout of the building is compatible with the surrounding buildings in terms of massing, detailing, and height. The minimal visual and circulation impact of the parking lot is in keeping with the recommendations of the zone and the Sector Plan through placement of the building on the site close to the road frontage, and providing adequate parking on site for the building's use. The locations of the building is safe, adequate, and efficient.

b. Open Spaces

The plan proposes 32 percent green area, which is primarily focused along the frontages of Powder Mill Road and New Hampshire Avenue. This area provides visual interest with plantings and lighting integrated into landscape beds. The Open Spaces are safe, adequate, and efficient.

c. Landscaping and Lighting

The proposed landscaping on the site consists of a mix of evergreen shrubs and deciduous trees with perennials and ornamental grasses along the streetscape and in planting beds in the interior of the site. The street trees along Powder Mill Road and New Hampshire Avenue will be installed per the details specified for trees by the State and County transportation agencies for trees within lawn panels. The shade of these trees provides an adequate, safe, and efficient environment for residents and passers-by.

The lighting plan consists of a collection of 20' high, 400 Watt, and 14'9" high 250 Watt Gardco Luminaires distributed throughout the site. This lighting technique will provide a safe environment for patrons of the proposed bank and for its pedestrians. The landscaping and lighting is safe, adequate, and efficient.

d. Pedestrian and Vehicular Circulation Systems

Pedestrian access to the site is enhanced by sidewalks and staircases added around the reconfigured Powder Mill cul-de-sac. These new sidewalks will provide greater pedestrian accessibility around the southwestern half of the cul-de-sac.



The Applicant is also providing a transit area along the northern property line, to satisfy PAMR requirements, which will provide more available bus options for the community.

The design of site provides a safe, adequate, and efficient atmosphere for pedestrians, cyclists, and vehicles.

4. *Each structure and use is compatible with other uses and other site plans and with adjacent development.*

The proposed bank is compatible in scale, architecture, materials, setbacks, and massing with the adjacent and confronting retail. As proposed, this plan will provide a service to meet local residents' day-to-day needs.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) for the entire 46.97-acre site was approved by Environmental Planning Staff on September 14, 2007 for the entire property. The streams and floodplain are protected by an environmental buffer. The plan meets all applicable requirements for protection of environmentally sensitive areas as specified in the Environmental Guidelines.

There are 8.94-acres of existing forest on the property. All forest exists on the western portion of the National Labor College site where there is no proposed development. The forest conservation plan maximizes the amount of forest planting within the environmental buffer. Retained and planted forest within the environmental buffer will be protected in a Category I forest conservation easement in all areas except where it is precluded by other types of existing easements. The preliminary Forest Conservation plan for the overall site includes requirements for Lot 1 and Lot 2. Therefore, the forest conservation requirements are being satisfied for this site.

The proposed storm water management concept consists of on-site water quality control via installation of a proprietary filtration facility with hydrodynamic pretreatment and on-site recharge via construction of two recharge trenches. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

BE IT FURTHER RESOLVED, that this resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this resolution is SEP 25 2008 (which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Commissioner Cryor, with Commissioners Hanson, Alfandre, Cryor, and Presley voting in favor of the motion, and Commissioner Robinson absent, at its regular meeting held on Thursday, September 18, 2008, in Silver Spring, Maryland.

  
Royce Hanson, Chairman  
Montgomery County Planning Board

## ATTACHMENT 2



### MONTGOMERY COUNTY PLANNING BOARD THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 17-109  
Sketch Plan No. 320180020  
Hillandale Gateway  
Date of Hearing: November 16, 2017

JAN 22 2018

#### RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review sketch plan applications; and

WHEREAS, on August 14, 2017, Hillandale Gateway, LLC ("Applicant") filed an application for approval of a sketch plan for construction of up to 555,175 square feet of residential floor area (including gross floor area for all MPDUs) with 500 units including 15% Moderately Priced Dwelling Units (MPDUs) and 24,500 square feet of retail floor area with a drive-thru, related public open space, recreation amenities, hardscape, landscape and stormwater management improvements on 6.60 acres of CRT 1.75, C-0.5, R-1.5, H-85 zoned-land, located at the southwest corner of the New Hampshire Avenue (MD 650) and Powder Mill Road intersection, ("Subject Property") in the and the *White Oak Science Gateway Master Plan* ("Master Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320180020 Hillandale Gateway ("Sketch Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated November 6, 2017, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on November 16, 2017, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on November 16, 2017 the Planning Board voted to approve the Application, subject to certain binding elements and conditions, on the motion of Commissioner Cichy, seconded by Commissioner Patterson, with a vote of 5-0;

---

Approved as to  
Legal Sufficiency:

M-NCPPC Legal Department  
8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320  
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org



Commissioners Anderson, Cichy, Dreyfuss, Fani-Gonzalez, and Patterson voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320180020, Hillandale Gateway, subject to the following binding elements and conditions:<sup>1</sup>

A. Binding Elements. The following site development elements are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

1. Density

The Sketch Plan is limited to a total maximum gross floor area of 579,675 square feet of mixed-use development comprising 555,175 square feet of multi-family residential, with 500 units (including 15% MPDUs), and 24,500 square feet of retail space including 2,500 square feet as a free-standing building with a Drive-Thru. The final amount of non-residential floor area and exact number of market rate, MPDUs, and age-restricted, affordable units will be determined at Site Plan review.

2. Height

The development is limited to a maximum height of 110 feet.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59-7.3.3.I. Total points must equal at least 50 and must be chosen from at least three categories as required in Section 59.4.5.4.A.2. The requirements of Section 59.4.7.1 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan.

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<sup>1</sup> For the purpose of these binding elements and conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- a. Transit Proximity, achieved through the Site's location within ½ to 1-mile of the existing Powder Mill Bus Transfer Station; and abutting a Master-planned BRT Station (planned at the New Hampshire Avenue/Powder Mill Road intersection).
  - b. Diversity of Uses and Activities, achieved through the provision of a minimum of 15% MPDUs on-site and;
  - c. Quality Building and Site Design, achieved through structured parking with most of the parking spaces in an above-grade garage; a portion of the parking garage will be below-grade.
4. Future Coordination for Preliminary and Site Plan Submission
- In addition to any other requirements for Preliminary Plans under Chapter 50 and Site Plans under Chapter 59, the following must be addressed at Preliminary or Site Plan review:
- a. At Preliminary Plan, the Applicant will confirm the turning movement for full movement egress from the drive-thru lane;
  - b. Corner turning radii must be as narrow as possible to foster greater pedestrian safety, where feasible. Provide turning diagrams if turning radii of 25 feet or greater is necessary;
  - c. The Applicant must address comments from the Maryland State Highway Administration regarding the access easement/drive aisle from New Hampshire Avenue at Preliminary Plan.
  - d. Submit a noise study at preliminary plan.
  - e. At site plan, coordinate with the Montgomery County Department of Transportation (MCDOT's) Commuter Services Section regarding placement of a bikeshare station, if required.
  - f. The Applicant must comply with all fire regulations at Site Plan. In the event the Applicant elects to utilize construction Type 5A on either building, material modifications to the building layouts may be required at the time of Site Plan review to assure appropriate fire access.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of the Zoning Ordinance, the Board finds that, as conditioned, the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan, and that:

1. *The Sketch Plan meets the objectives, general requirements, and standards of this Chapter.*

Section 4.51.C. Commercial Residential Town (CRT) states that “The CRT Zone is intended for small downtown, mixed-use, pedestrian-oriented centers and edges of larger, more intense downtown. Retail tenant ground floor footprints are limited to preserve the town center scale. Transit options may include light rail, Metro, and bus.”

The Sketch Plan meets these objectives because it includes a mix of uses, which will be located alongside the future Bus Rapid Transit (BRT) corridor on New Hampshire Avenue. The Sketch Plan also meets the general requirements of Section 59.4.5.4.A., and the development standards of Section 59.4.5.4.B., Optional Method Development for the CRT Zone as follows:

a. Use Standards

The Sketch Plan includes two mixed-use buildings primarily for multi-unit living, and retail uses with a Drive-Thru component, which are permitted uses in the CRT Zone.

b. Development Standards

The Subject Property includes approximately 6.60 acres and is zoned CRT 1.75, C-0.5, R-1.5, H-85. The data table below demonstrates the Application’s conformance to the applicable development standards of the CRT Zone.

*Table 1: Development Standards Data Table*

<b>Development Standard</b> <b>Section 59-4.5.4.</b>	<b>Permitted/Required</b>	<b>Approved</b>
<b>Gross Tract Area (sf)</b>	287,744	287,744
<b>Maximum Density (CRT)</b> <b>Non-residential (C)</b> <b>Residential (R)</b>	1.75 FAR (503,552 sf)* 0.5 FAR (143, 872 sf) 1.50 FAR (431,616 sf)*	1.58 FAR (454,675 sf)* 0.09 FAR (24,500 sf) 1.49 FAR (430,175 sf)*
<b>Max Building Height (feet)</b>	85	110 <sup>1</sup>
<b>Minimum Public Open Space (%) of Net Lot</b>	10% (22,432 sf)	Minimum 10%

<b>Parking (spaces) Multi-family</b>	Minimum 1 space/unit; Maximum 1 space/studio, 1.25 space/one bedroom, 1.5/two bedroom	TBD at Site Plan
<b>Retail/service establishment</b>	Minimum 3.5 space/1,000 sf GLA; Maximum 6 space/1,000 sf of GLA	

\*This amount does not include approximately 125,000 square feet of gross floor area of MPDUs because the Sketch Plan provides a minimum of 15% MPDUs. Per Section 59.4.7.3.D.6.c.iii of the Zoning Ordinance, "For a project providing a minimum of 15% MPDUs, the gross floor area of all MPDUs provided is exempt from the calculation of FAR."

<sup>1</sup> Pursuant to Section 59-4.7.3.D.6.c.i: If a project exceeds 12.5% MPDUs, the height limit of the applicable zone or master plan does not apply to the extent required to provide the MPDUs. The additional height is calculated as the floor area provided for MPDUs above 12.5% divided by the average residential floor plate area, where each whole number and each remaining fraction allows an increase of 12 feet.

c. General Requirements

i. *Site Access*

The Sketch Plan meets the four site access requirements in Section 59.6.1 as demonstrated on Bicycle, Pedestrian and Vehicular Circulation Plans that allow a vehicle, pedestrian or bicycle to enter and exit the property to and from a street or an abutting site safely. The Applicant will address these requirements more closely at Site Plan review.

ii. *Parking, Queuing, and Loading*

The Sketch Plan meets the general intent of Section 59.6.2.1 and these requirements are reviewed more closely at Site Plan review.

2. *The Sketch Plan substantially conform(s) with the recommendations of the applicable master plan.*

The Sketch Plan substantially conforms to the overriding goal and recommendations of the 2014 *White Oak Science Gateway* Master Plan and its Design Guidelines. The Master Plan states that "[t]his Plan's overriding goal is to transform the built environment from auto-centered single-purpose nodes into vibrant mixed-use centers." The Master Plan's 'Land Use and Zoning' section *Map 5, Activity Centers* states the following for the Subject Property: "The Plan seeks to change and transform these communities over

time, with the support of a future BRT system. Mixed-use developments with walkable centers that bring employment, housing, and shopping opportunities together are desirable for these centers as well.” Finally, the Master Plan’s ‘Proposed Development and Zoning Overview’ Section states: “The recommended CR Zones are designed to encourage a mix of uses in the Plan’s centers, where BRT routes and stations are planned. The Plan proposes CR zones at sufficient densities to provide incentives for private reinvestment, promote transit, and provide needed public amenities in redeveloping areas, including open space, recreation, day care centers, better building design, and affordable housing.”

The Sketch Plan furthers these goals. The Application enhances the New Hampshire Avenue/Powder Mill Road intersection with active uses and public open space. The mix of uses included in the Sketch Plan supports the future Bus Rapid Transit (BRT) along New Hampshire Avenue. The distribution of uses on the Subject Property effectively use the parking garage to buffer residential uses from traffic noises from I-495, and by wrapping the parking structure with residential and commercial uses minimizes the impact of parking on the areas intended for public use. The building massing will be broken into smaller components, which will reduce the visual scale of the buildings and achieve the “village center” character and scale envisioned by the master plan for this activity center.

The Sketch Plan also creatively interprets the direction provided by the Design Guidelines to consolidate frontages along New Hampshire Avenue. The smaller coffee shop pad site fronting on New Hampshire Avenue effectively creates a street edge, contains the provided public open space, and allows visibility to the larger buildings beyond. Locating the public open space in the front portion of the Subject Property creates a viewshed to the buildings beyond, which establishes visual connections between future developments at the Hillandale Shopping Center and the ATU property. It also provides a visual connection across the intersection to the existing Our Savior Episcopal chapel, a local landmark, furthering the Plan’s goal of using it as a focal point for development.

3. *The Sketch Plan 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.*

The Subject Property is not associated with a development plan or schematic development plan.

4. *The Sketch Plan achieve(s) compatible internal and external relationships between existing and pending nearby development.*

The buildings will be compatible in height, building massing and scale in relation to existing and pending nearby development in the Hillandale Activity Center of the 2014 *White Oak Science Gateway Master Plan* area. It is anticipated that adjacent properties (i.e., the ATU, Hillandale Shopping Center, and the Exxon Gas station) and properties to the north on New Hampshire Avenue will redevelop at similar heights, building mass, and scale as envisioned in the 2014 *WOSG Master Plan*. The Subject Property is the first among the Hillandale Activity Center properties to undergo Sketch Plan review to implement the Plan's vision in this part of the *White Oak Science Gateway Master Plan* area.

5. *The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.*

The Sketch Plan will provide satisfactory vehicular, pedestrian, and bicyclist access, circulation, parking and loading. The drive-thru will be screened from the public ROW to address required development standards at Site Plan review. Designated loading space for the coffee shop will be shown at Site Plan review. Pedestrian and bicyclist access and circulation on New Hampshire Avenue will include a shared-use path as recommended in the *Countywide Bikeways Functional Master Plan*. Provision of this public facility along with the required ROW for the planned BRT station will be determined as BRT facility planning moves forward and these provisions will be shown at the required preliminary plan and site plan reviews.

The parking garage and on-street parking spaces will meet all applicable zoning requirements at site plan review. Truck circulation for the proposed coffee shop are adequate and will be further reviewed at site plan.

6. *The Sketch Plan proposes an outline of public benefits that supports the requested incentive density and is appropriate for the specific community.*

Taking into account the considerations in Section 59-4.7.1.B, including the recommendations and objectives of the Master Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site. Final determination of public benefit point values will be determined at Site Plan.

For development of the Subject Property in the CRT Zone, the Zoning Ordinance requires 50 points in at least three categories. Although at the time of Sketch Plan review, only the categories need to be approved, the following table shows both the categories and points for public benefits requested at Sketch Plan to demonstrate the project's ability to meet the requirements to provide sufficient public benefits points. The Applicant's three proposed public benefits for Transit Proximity, Diversity of Uses and Activities, and Quality Building and Site Design are as follows:

*Table 2: Public Benefits*

Public Benefits Calculations		
Public Benefit	Incentive Density Points	
	Max Allowed	Approved
<b>59-C-15.852.: Transit Proximity</b>		
Transit Proximity	25	15
<b>59-C-15.854.: Diversity of Uses and Activities</b>		
Moderately Priced Dwelling Units	No limit	30
<b>59-C-15.855.: Quality of Building and Site Design</b>		
Structured Parking	20	10.26
<b>Total Points</b>	Min./required: 50	<b>55.26</b>

#### Transit Proximity

The Subject Property abuts a master-planned BRT Route (New Hampshire Avenue Corridor) with a right-of-way, as defined in Section 59.4.7.3.B.1.b., because it shares a property line with a right-of-way for a master-planned transit station, and 100% of the tract is within a quarter-mile of the transit portal. Transit proximity for the master-planned BRT Station is considered a Level 2 category per Section 59.4.7.3.B.1.a.ii. Therefore, the Application qualifies for up to 15 points for transit proximity. The Applicant is requesting the full 15 points. The redevelopment includes provision of a BRT Station at New Hampshire Avenue and Powder Mill Road to implement public transit opportunities for residents and employees as envisioned in the Master Plan. The Planning Board supports granting these points at this time.

#### Diversity of Uses and Activities

Pursuant to the approved October 2015 Commercial/Residential and Employment Zones *Incentive Density Implementation Guidelines*, 12 points

are to be granted for every 1% of MPDUs greater than 12.5%, and any fraction of 1% increase in MPDUs entitles the Applicant to an equal fraction of 12 points. The Application is providing a minimum of 15% MPDUs and therefore qualifies for 30 points based on the following formula:  $(15\% - 12.5\%) * 12 = 30$  points. The Planning Board supports 30 points at this time.

#### Quality Building and Site Design

The Application includes approximately 750 parking spaces in a parking structure that will be largely above-grade. Approximately 630 spaces will be in the above-grade portion of the garage and an estimated 70 spaces will be below-grade. In this sub-category up to 20 points can be achieved for placing parking in an above or below grade parking structure. Thus, 10.26 points will be achieved based on the following formula:  $[(630/750) * 10] + [(70/750) * 20] = 10.26$ . At site plan review, the Master Plan's design guidelines will be addressed to implement the New Hampshire Avenue Streetscape. The Master Plan's vision requires such sites to activate the street and provide a predominantly pedestrian-oriented environment that is adequate, safe and efficient. The proposal adequately addresses "the relationship of the site to adjacent properties" in a proposed design and building massing as envisioned in the Master Plan for sites in the CRT zone. The Planning Board supports 10.26 points at this time.

*7. The Sketch Plan establishes a feasible and appropriate phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The Sketch Plan will be built in one phase.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the *White Oak Science Gateway Master Plan*; and

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of Hillandale Gateway Sketch Plan No. 320180020, received by M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and



BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 22 2018 (which is the date that this Resolution is mailed to all parties of record); and

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Commissioner Cichy, with Chair Anderson and Commissioners Fani-González, Cichy, and Patterson voting in favor, and Vice Chair Dreyfuss absent at its regular meeting held on Thursday, January 11, 2018, in Silver Spring, Maryland.

  
\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board



## ATTACHMENT 3

### DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
County Executive

Mitra Pedoeem  
Director

October 16, 2020

Mr. Andrew Jones  
Charles P. Johnson & Associates, Inc.  
1751 Elton Road, Suite 300  
Silver Spring, MD 20903

Re: **COMBINED STORMWATER MANAGEMENT  
CONCEPT/SITE DEVELOPMENT  
STORMWATER MANAGEMENT PLAN** for  
Hillandale  
10000, 10110, 10140 New Hampshire Ave.  
Prel. Plan 120190220, Site Plan 820190130  
SM File #: 284825  
Tract Size/Zone: 4.31 ac, 0.85 ac, 45.78ac  
CRT-1.75, C-0.5, R-1.5, H-85  
Total Concept Area: 1.55 ac/ 66,000 sq. ft.  
Parcel/Lots/Block: Parcel A, Lot 1 , Lot 3,  
Powder Mill Rd ROW  
Watershed: Northwest Branch, Class IV

Dear Mr. Jones:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via Micro-bioretenention and Modular Linear Wetlands or DPS approved equivalent. Filterra or DPS approved equivalent device will be provided as a condition of approval for vehicular runoff that cannot be directly treated in an ESD measure.

This concept approves two options for improvements to Powder Mill Road in coordination with the submitted Site Plan.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.



255 Rockville Pike, 2<sup>nd</sup> Floor, Rockville, Maryland 20850 | 240-777-0311  
[www.montgomerycountymd.gov/permittingservices](http://www.montgomerycountymd.gov/permittingservices)

Mr. Andrew Jones  
October 16, 2020  
Page 2 of 3

4. All facilities must be designed using latest available MCDPS guidance
5. Proprietary measures must be designed in accordance with approvals granted by MDE and DPS. Modular Linear Wetlands must be designed as ESD measures.
6. ESD computations must be corrected prior to submission of final engineering. Contact staff prior to preparing the report.
7. Stormwater for this project is dependent on off-site permissions. Prior to plan approval the applicant must document necessary permissions have been obtained.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mary Fertig at 240-777-6340 or at [mary.fertig@montgomerycountymd.gov](mailto:mary.fertig@montgomerycountymd.gov).

Sincerely,



Mark C. Etheridge, Manager  
Water Resources Section  
Division of Land Development Services

MCE:MMF

cc: N. Braunstein  
SM File # 285976

Parcel A  
ESD: Required/Provided 25,098 cf / 25,238 cf  
PE: Target/Achieved: 2.2"/2.2"  
STRUCTURAL: n/a  
WAIVED: n/a

Mr. Andrew Jones  
October 16, 2020  
Page 3 of 3

**Lot 1**

ESD: Required/Provided 3658 cf / 3740 cf  
PE: Target/Achieved: 2.2"/2.2"  
STRUCTURAL: n/a  
WAIVED: n/a

**Lot 3**

ESD: Required/Provided 2886 cf / 2889 cf  
PE: Target/Achieved: 2.2"/2.2"  
STRUCTURAL: n/a  
WAIVED: n/a

**Powder Mill Road**

ESD: Required/Provided 3610 cf/ 2875 cf  
PE: Target/Achieved: 2.2"/1.8"  
STRUCTURAL: 594 cf  
WAIVED: n/a

**Powder Mill Road – ALT A**

ESD: Required/Provided 936 cf / 936 cf  
PE: Target/Achieved: 1.8"/1.8"  
STRUCTURAL: n/a  
WAIVED: n/a



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
County Executive

Mitra Pedoeem  
Director

August 5, 2020

Mr. Brian Hargis  
Charles P. Johnson & Associates, Inc.  
1751 Elton Rd. Suite 300,  
Silver Spring, MD 20903

Re: Floodplain Study for Hillandale Gateway  
Floodplain Study Number: 286224  
Address: 10110 New Hampshire Ave.  
Watershed: Northwest Branch

Dear Mr. Hargis:

The Department of Permitting Services (DPS) has reviewed floodplain delineation study for an approximate floodplain determination, dated 06/15/202 for Hillandale Gateway and has found it acceptable. The approximate floodplain is acceptable for use with this project. As the submitted application did not meet the standards required to precisely map the limits of the floodplain, it does not establish or affect the delineated 100year floodplain in this area and may only be used for the activities detailed in this floodplain delineation study application.

While the existing storm drain network does concentrate surrounding runoff the overland runoff is less than 30 acres. Please find the USG Stream Stats.pdf file saved in the ProjectDox "Documents" folder for confirmation of the drainage area. Per Montgomery County Floodplain Policy storm drains and inlets are normally assumed blocked for the purposed of determining a floodplain. Assuming the drainage area was sufficient to meet the criteria of a floodplain, the proposed construction is outside the 100 year water surface elevation and it would have no effect on the conveyance or capacity of the floodplain.

The approximate 100-year floodplain and its associated 25 ft. Floodplain Buffer must be shown and labeled with the MC DPS Study Number on any Site, Sediment Control, and Floodplain District Permit Plans. Per County Code Section 19-37 (b) land disturbing activity within 25 feet of a floodplain that disturbs 5,000 square feet of area or substantially blocks or impedes the flow of water or changes the cross section of the floodplain requires the approval of a Floodplain District Permit.

If you need any additional information, feel free to contact Bill Musico of this office at 240-777-6340.

Sincerely,

*Mark Etheridge*

Mark C. Etheridge, Manager  
Water Resources Section  
Division of Land Development Services

WJM

cc: Mark Pfefferle - MNCPPC  
Bill Musico – DPS  
FP Study File: 286224



255 Rockville Pike, 2<sup>nd</sup> Floor, Rockville, Maryland 20850 | 240-777-0311  
[www.montgomerycountymd.gov/permittingervices](http://www.montgomerycountymd.gov/permittingervices)



DEPARTMENT OF TRANSPORTATION

Marc Elrich  
*County Executive*

Christopher R Conklin  
*Director*

May 01, 2020

Ms. Emily Tettelbaum, Planner Coordinator  
Area 2 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Sketch Plan No. 32018002A  
Preliminary Plan No. 120190220  
Hillandale Gateway

Dear Ms. Tettelbaum

We have completed our review of the revised sketch plan and preliminary plan uploaded to eplans dated April 24, 2020. A previous plan was reviewed by the Development Review Committee at its July 23, 2019 meeting. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Montgomery County Department of Permitting Services (MCDPS) in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

**Significant Plan Review Comments**

1. On the certified preliminary plan, provide a roadway cross section for New Hampshire Avenue (MD-650) to include the 2-way separated bikeway and the Bus Rapid Transport (BRT) station. We recommend that the applicant coordinate with Mr. Corey Pitts of our Transportation Engineering Section at 240-777-7217 or at [corey.pitts@montgomerycountymd.gov](mailto:corey.pitts@montgomerycountymd.gov) regarding the Bikeway and Pedestrian Improvement (BIPPA) project along New Hampshire Avenue (MD-650) and BRT station.

**Office of the Director**

---

101 Monroe Street 10<sup>th</sup> Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX

[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

*Located one block west of the Rockville Metro Station*

2. There are two existing bus stops along their Powder Mill Road and New Hampshire Avenue (MD-650) street frontages. Prior to the right-of-way permit application, the applicant will contact Mr. Wayne Miller of our Division of Transit Services to coordinate interim conditions and final bus stop improvements. If the applicant decides on constructing the LATIP improvements (final condition) the applicant will be responsible to add restroom facilities and two new shelters along the Powder Mill Road street frontage along with the existing shelter that will remain or be relocated.  
  
If the applicant decides on paying the LATIP fee instead of the building the ultimate improvements, the applicant may be responsible for the temporary removal and storage of the existing bus shelter and construct an 8'x22' shelter pad prior to issuance of the first use and occupancy permit. Mr. Miller may be contacted at 240-777-5836 or at [Wayne.Miller2@montgomerycountymd.gov](mailto:Wayne.Miller2@montgomerycountymd.gov).
3. The applicant must pay the White Oak Local Area Transportation Improvement (LATIP) Mitigation payment or construct an improvement listed in the updated "White Oak Science Gateway LATR/LATIP Cost Estimating Analysis White Paper" dated May 2019. The timing of whether the improvement will be constructed, or the applicant will be making the payment, must be determined no later than application for the right-of-way permit. The timing of the payment or construction of the improvement will be per County Code Chapter 52.
4. The alternative plan (the applicant decides on paying the LATIP fee instead of the building the LATIP improvements) should be included as part of the certified preliminary plan.
5. The applicant shall show the following on the certified preliminary plan:
  - a. If the applicant decides on constructing the Local Area Transportation Improvement Program (LATIP) improvements (final condition) the plan should show the right-of-way dedication and a PIE along Powder Mill Road to accommodate the additional right turn lane, a minimum 6-foot sidewalk, and transit station improvements (bus shelters and a restroom).
  - b. If the applicant decides on paying the LATIP fee instead of the building the ultimate improvements, the alternative plan should show the right-of-way dedication and a PIE to incorporate the LATIP improvements (final condition).
6. The applicant must record the Public Improvement Easement (PIE) as it is required to accommodate the ultimate condition. The Declaration of PIE document is to be recorded in the Land Records of Montgomery County. The deed reference is to be provided on the record plat.



7. If the applicant elects to make the LATIP payment, then they must construct the following at a minimum along their Powder Mill Road street frontage:
  - a. a 6-ft lawn panel;
  - b. a 6-ft sidewalk along the Powder Mill Road; and
  - c. Relocate the existing bus shelter per comment# 3 above.

8. Sight Distance:
  - a. Prior to approval of the record plat by the MCDPS, submit a completed, executed and sealed Montgomery County Department of Transportation (MCDOT) Sight Distances Evaluation certification form, for the existing and proposed driveway(s), for MCDPS review and approval.
  - b. The sight distance for proposed access on New Hampshire Avenue (MD-650) must be approved by Maryland State Highway Administration (MDSHA).

9. Storm Drain Analysis: **INCOMPLETE**

At or before the right-of-way permit stage submit the storm drain study for review and approval by DPS.

- a. Identify the closest public storm drain system maintained by Montgomery County. Is there an increase/decrease in run off at all the study point(s) without using the reduced RCN? Provide outfall analysis of at all the study point(s).
  - i. If there is an increase in runoff from the proposed site, analyze the existing public storm drain system from the proposed connection point to a point where three (3) consecutive storm drain pipe runs can convey the proposed peak design discharge without surcharging the system per the Section 1.3.5 of the Montgomery County Drainage Design Criteria.
  - ii. If there is a decrease in runoff from the proposed site, analyze the one (1) downstream storm drainpipe of existing public storm drain system from the proposed connection point.
- b. If the proposed subdivision drains to an existing closed section street maintained by Montgomery County, include spread computations in the impact analysis.
- c. The applicant shall be responsible to improve the existing downstream storm drain pipe. If the existing downstream storm drain pipe maintained by Montgomery County is found to be inadequate by DPS.

- d. The portion of the site draining to New Hampshire Avenue (MD 650) or any storm drain/inlet relocations along New Hampshire Avenue (MD 650) shall be approved by MDSHA.
10. The Stormwater Management Plan must be approved by MCDPS.
11. Transportation Demand Management (TDM):
- a. Applicability of Bill 36-18 Provisions:
    - i. A Traffic Mitigation Agreement (TMAg) is not required.
    - ii. The project is in the White Oak Transportation Management Districts (TMD), which is in the Orange Subdivision Staging Policy Area. The project proposes to develop more than 160,000 sf of gross floor area. A new development in the Orange Policy Area with more than 160,000 gsf must submit a Project-Based Level 3 Results Plan. The Plan must be submitted and approved by MCDOT prior to issuance of any building permit from MCDPS.
  - b. Level 3 Results Plans requires the following:
    - i. Appoint a Transportation Coordinator;
    - ii. Notify the Department within 30 days of receipt of final Use &Occupancy certificate, of the designated Coordinator's contact information; and within 30 days of any subsequent change in that designation or contact information;
    - iii. Provide space in the project for the promotion of TDM;
    - iv. Display TDM-related information in highly visible location(s);
    - v. Identify specific TDM actions to be implemented in order to achieve 5% above the White Oak TMD commuter goals. The Non-Auto Driver Mode Share (NADMS) goal is 30% for all new development, residential and commercial, based on the area's future transit service and connectivity opportunities;
    - vi. Add or substitute strategies if those initially selected do not result in the project achieving goals by 6 years after date of final occupancy. The owner/applicant must agree to implement revised strategies if required at a level consistent with the owner/applicant's commitment to fund and implement the plan.
    - vii. Commit increased funding if the project has not actually achieved the goal within 6 years of final occupancy;

- viii. Provide higher additional funding if the project has not achieved the goal within 8 years of final occupancy; and
- ix. Conduct independent monitoring to determine if the project is meeting its goals, until the project's goals are achieved.

c. Parking (Highly Recommended TDM Strategy)

Under the provisions of Bill 36-18, providing less than the maximum number of spaces allowed is one of the "highly recommended" TDM Strategy options the Applicant can select. Highly recommended strategy options are recommended for a highly effective TMD program with greater potential to help the project achieve its NADMS goals. Per the SOJ, the total amount of parking to be provided is 872 spaces. This is approximately 90% of the maximum number of parking spaces allowed for all types of uses (945 spaces). CSS recommends that the Applicant reduce the amount of parking proposed for the Phase 2 commercial/office buildings to help meet the non-auto driver mode share (NADMS) goal of 30% for White Oak Science Gateway Master Plan area and to encourage use of the non-auto transportation options and facilities in close proximity to the Project (i.e., Hillandale Transit Center, Metro and Ride On bus stops and the future Hillandale BRT station across New Hampshire Avenue). As noted on the PP drawing, per Section 59-6.2.3.1.7. A of the Zoning Ordinance, the baseline parking minimum may be reduced by the NADMS percentage goal recommended in the Application Master Plan up to a maximum reduction of 20%. (The White Oak Science Gateway Master Plan recommends a 25% NADMS goal for all new development in the Hillandale Center of the Plan Area.)

d. Onsite Bicycle/Dockless Vehicles Support (TDM Strategy Option)

As part of its Level 3 TDM Results Plan, the Applicant should consider choosing one or more TDM strategies options that support bicycles and dockless vehicles (i.e., subsidies, space for storage of dockless vehicles, shower facility in the Phase 2 commercial/office building, etc.) as part of its Level 3 TDM Results Plan.

The landscape of mobility devices is changing and will likely continue to change over the span of this development's build-out. Use of various types of personal and shared bicycles or micro-mobility devices to connect to the Hillandale BRT station (near the Hillandale Shopping Center) and other nearby destinations for commuting or non-work-

related trips will assist in meeting the NADMS goals for the project.

While the Applicant has shown the location for a bikeshare station on the preliminary plan, it must be stated that the County maintains full discretion to install, operate, move, relocate or discontinue service of a bikeshare station based on review and analysis of usage, performance, or budget.

If an on-site bikeshare station is not provided (due to site constraints, low projected demand generated by the project, or other), racks, repair stations, or other suitable facilities and equipment for the orderly storage of mobility devices, or other bicycle-supporting improvements or facility that support the use and orderly storage of shared-use micro-mobility devices, as deemed suitable by MCDOT, must be provided by the Applicant. Applicant must provide conduit to provide power to the space in the event of insufficient solar access (to support potential recharging equipment). Applicant must pay costs associated with preparing the space and for the alternative public facilities.

Applicant must allow MCDOT, its contractors or other authorized vendors, access to the Project to install, service and maintain a bikeshare station or similar facility as determined by MCDOT. Applicant will be required to assist MCDOT in the promotion of bikesharing or other mobility devices among residents, employees and visitors at the Project, in order to accomplish the objectives of the TMD.

- e. The applicant should coordinate with Ms. Sandra Brecher, Chief of the Commuter Services Section. Ms. Brecher may be contacted at 240-777-8380 or at [Sandra.Brecher@montgomerycountymd.gov](mailto:Sandra.Brecher@montgomerycountymd.gov).

#### **Standard Plan Review Comments**

1. No steps, stoops or retaining walls for the development are allowed in County right-of-way. In addition, doors are not allowed to swing into the county right-of-way.
2. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with MCDPS Right-of-Way Plan Review Section.

3. If the proposed development will alter any existing street lights, replacement of signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 or at [Yazdan.sanayi@montgomerycountymd.gov](mailto:Yazdan.sanayi@montgomerycountymd.gov) for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
4. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Kamal Hamud of our Transportation Systems Engineering Team at (240) 777-2190 or at [Kamal.hamud@montgomerycountymd.gov](mailto:Kamal.hamud@montgomerycountymd.gov) for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
5. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets/alleys, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
6. The proposed private streets must be sufficiently wide to accommodate two-way vehicular traffic. Private streets are to be designed to allow an SU-30 truck to circulate without crossing the centerline nor the curbline.
7. Posting of the ROW permit bond is a prerequisite to MCDPS approval of the record plat. The right-of-way permit will include, but not necessarily be limited to, the following improvements:
  - a. Any improvements including the storm drainage along Powder Mill Road frontage shall be per Significant Plan Review Comment #2 & #3 above.
  - b. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
  - c. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the MCDPS and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the MCDPS.
  - d. Developer shall ensure final and proper completion and installation of all utility lines underground along their site frontage.

- e. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Deepak Somarajan, our Development Review Team Engineer for this project at [deepak.somarajan@montgomerycountymd.gov](mailto:deepak.somarajan@montgomerycountymd.gov) or (240) 777-2194.

Sincerely,

*Deepak Somarajan*

Deepak Somarajan, Engineer III  
Development Review  
Office of Transportation Policy

SharePoint\teams\DOT\Director's Office\Development Review\Deepak\Preliminary Plan\Hillandale Gateway\Letter\120100220  
Hillandale Gateway- MCDOT Prelim Plan ltr

cc: Correspondence FY 2020

cc-e: Goyer Roberts,	Duffie Companies
Shane Pollin,	Duffie Companies
Christopher Ruhlen	Lerch Early and Brewer Chtd.
Zachary Marks	Housing Authority of Mont. Co
Bradford Fox	Bohler Engineering
Debbie Spielberg	MC CEX
Peter Fosselman	MC CEX
Carrie Sanders	MNCPPC Area-2
Patrick Butler	MNCPPC Area-2
Troy Leftwich	MNCPPC Area-2
Patrick Reed	MNCPPC Area-2
Michael L. Paylor	MCDOT DTEO
Mark Terry	MCDOT DTEO
Dan Sanayi	MCDOT DTEO
Kamal Hamud	MCDOT DTEO

MS. Emily Tettelbaum  
Sketch Plan No.32018002A  
Preliminary Plan No. 120190220  
May 01, 2020  
Page 9

Wayne Miller	MCDOT DTS
Corey Pitts	MCDOT DTE
Atiq Panjshiri	MCDPS
Sam Farhadi	MCDPS
Chris Conklin	MCDOT Director
Beth Dennard	MCDOT DCS
Sandra Brecher	MCDOT DCS
Andrew Bossi	MCDOT OTP
Rebecca Torma	MCDOT OTP
Deepak Somarajan	MCDOT OTP





DEPARTMENT OF TRANSPORTATION

Marc Elrich  
*County Executive*

Christopher R Conklin  
*Director*

November 10, 2020

Ms. Emily Tettelbaum, Planner Coordinator  
Midcounty Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
2425 Reedie Drive,  
Wheaton, MD 20902

RE: Sketch Plan No. 32018002A  
Preliminary Plan No. 120190220  
Hillandale Gateway  
**AMENDED LETTER**

Dear Ms. Tettelbaum

This letter is to amend the comments contained in our May 01, 2020 preliminary plan review letter.

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Montgomery County Department of Permitting Services (MCDPS) in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. All previous comments in our May 01, 2020 letter remain applicable unless modified below.

**Standard Plan Review Comments**

2. **Comment # 7(d):**

Original language: *"Developer shall ensure final and proper completion and installation of all utility lines underground along their site frontage."*

shall be **DELETED.**

**Office of the Director**

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101 Monroe Street 10<sup>th</sup> Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX

[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

*Located one block west of the Rockville Metro Station*

MS. Emily Tettelbaum  
Sketch Plan No.32018002A  
Preliminary Plan No. 120190220  
AMENDED LETTER  
November 10, 2020  
Page 2

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Deepak Somarajan, our Development Review Team Engineer for this project at [deepak.somarajan@montgomerycountymd.gov](mailto:deepak.somarajan@montgomerycountymd.gov) or (240) 777-2194.

Sincerely,

*Deepak Somarajan*

Deepak Somarajan, Engineer III  
Development Review  
Office of Transportation Policy

SharePoint\teams\DOT\Director's Office\Development Review\Deepak\Preliminary Plan\Hillandale Gateway\Letter\ 120190220  
Hillandale Gateway- MCDOT Prelim Plan AMENDED ltr

cc: Correspondence FY 2020

cc-e:	Goyer Roberts,	Duffie Companies
	Shane Pollin,	Duffie Companies
	Christopher Ruhlen	Lerch Early and Brewer Chtd.
	Zachary Marks	Housing Authority of Mont. Co
	Bradford Fox	Bohler Engineering
	Debbie Spielberg	MC CEX
	Peter Fosselman	MC CEX
	Carrie Sanders	MNCPPC Midcounty
	Patrick Butler	MNCPPC Midcounty
	Troy Leftwich	MNCPPC Midcounty
	Patrick Reed	MNCPPC Midcounty
	Michael L. Paylor	MCDOT DTEO
	Mark Terry	MCDOT DTEO
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	Kamal Hamud	MCDOT DTEO
	Wayne Miller	MCDOT DTS
	Corey Pitts	MCDOT DTE
	Atiq Panjshiri	MCDPS
	Sam Farhadi	MCDPS

MS. Emily Tettelbaum  
Sketch Plan No.32018002A  
Preliminary Plan No. 120190220  
AMENDED LETTER  
November 10, 2020  
Page 3

Chris Conklin	MCDOT Director
Beth Dennard	MCDOT DCS
Sandra Brecher	MCDOT DCS
Andrew Bossi	MCDOT OTP
Rebecca Torma	MCDOT OTP
Deepak Somarajan	MCDOT OTP

**820190130 Hillandale gateway**

Contact: Sam Farhadi at 240 777-6333

We have reviewed site and landscape plans files:

**“07-SITE-820190130-005.pdf V6”** uploaded on/ dated **“4/24/2020”**,  
**“07-SITE-820190130-009.pdf ”** uploaded on/ dated **“4/28/2020”**,  
**“08-LL-820190130-001.pdf V5”** uploaded on/ dated **“4/24/2020”**, and

Please address the following comments prior to the certification of site plan:

1. Please provide public utility easement along the site frontage. It needs to be widened accordingly, if public improvement easement is also proposed.
2. Label the curb radii for the access point.
3. Please show (similar to the utility plan) the existing and proposed storm drain within the cul-de-sac and provide easement for the outfall.
4. Street tree comments:
  - a. Provide approved major species street trees at designated spacing 50'+/- 5'.
  - b. Provide adequate soil volume for all street trees (minimum 600cf) for sheet 5 alternative. A green panel is the preferred option.

And, the following needs to be a condition of the certified site plan:

1. Prior to submitting any application for ROW permit, the applicant is required to formally advise MNCPPC, MCDOT and MCDPS of its intention to choose between implementing improvements reflected on sheet 5 or sheet 9 above along with providing LATIP payment.



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Marc Elrich  
*County Executive*

Aseem K. Nigam  
*Director*

May 22, 2020

Mr. Troy Leftwich  
Area 2 Division  
Montgomery County Planning Department  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Hillandale Gateway  
Preliminary Plan No. 120190220 & Site Plan No. 820190130

Dear Mr. Leftwich:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced plans and recommends Approval. Within each building, the number of efficiency and one-bedroom MPDUs each must not exceed the ratio that market-rate efficiency and one-bedroom units respectively bear to the total number of market-rate units. The final MPDU bedroom mix, unit layouts and locations will be determined at the Agreement to Build stage.

Sincerely,

*Lisa Schwartz*

Lisa Schwartz, Manager  
Affordable Housing Programs Section

cc: Brad Fox, Bohler Engineering

[https://mcgov.sharepoint.com/teams/DHCA/Housing/Affordable/Shared Documents/MPDU/Developments/Hillandale Gateway/Hillandale DHCA Letter\\_5-22-2020.docx](https://mcgov.sharepoint.com/teams/DHCA/Housing/Affordable/Shared Documents/MPDU/Developments/Hillandale Gateway/Hillandale DHCA Letter_5-22-2020.docx)

**Division of Housing**

Affordable Housing

Common Ownership Communities

Landlord-Tenant Affairs

Multifamily Housing

1401 Rockville Pike, 4th Floor • Rockville, Maryland 20852 • 240-777-0311 • 240-777-3691 FAX • [www.montgomerycountymd.gov/dhca](http://www.montgomerycountymd.gov/dhca)

[montgomerycountymd.gov/311](http://montgomerycountymd.gov/311)



240-773-3556 TTY



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**Department of Permitting Services  
Fire Department Access and Water Supply Comments**

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**DATE:** 05-Dec-20  
**TO:** David O'Bryan  
Charles P Johnson & Associates  
**FROM:** Marie LaBaw  
**RE:** Hillandale Gateway  
820190130

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**PLAN APPROVED**

1. Review based only upon information contained on the plan submitted **23-Nov-20**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

**\*\*\* See statement of performance based design and statement of operations \*\*\***

**\*\*\* Modifications to any product or detail relevant to fire department vehicular access shall be reviewed and approved prior to implementation \*\*\***











## ATTACHMENT 4

REFERENCES:

1. ALTCAMAC LAND TITLE SURVEY ENTITLED "HOLLY HALL APARTMENTS, COLESVILLE #76 ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND," DATED APRIL 11, 1915, PREPARED BY CHARLES P. JOHNSON & ASSOCIATES, INC.
2. ALTCAMAC LAND TITLE SURVEY ENTITLED "SUNNTER PARKS, 1000E NEW HAMPSHIRE AVE., PARCEL A LOT NO 2272B, GEORGE MENEY CENTER FOR THE ELDERLY, 1000E NEW HAMPSHIRE AVE., PARCEL A LOT NO 2272B, MARYLAND," DATED APRIL 10, 2003, PREPARED BY CONTROL POINT ASSOCIATES, INC.
3. SUBDIVISION RECORD PLAT ENTITLED "SUBDIVISION RECORD PLAT, LOTS 1 AND 2, RESUBDIVISION OF PARCELS OF GEORGE MENEY CENTER FOR ELDERLY STUDIES, COLESVILLE #76 ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND," DATED JULY 3, 2008, PREPARED BY SOHMER ENGINEERING AND RECORDED AGAINST THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN PLAT NO 23929.
4. RECORD PLAT ENTITLED "PARCEL X, HOLLY HALL APARTMENTS, MONTGOMERY COUNTY, MARYLAND," DATED APRIL 16, 1994, PREPARED BY BEN DYER ASSOCIATES, INC. AND RECORDED AGAINST THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN PLAT NO. 7671 NO. 7599.

### STANDARD SYMBOLS

FOR EROSION AND SEDIMENT CONTROL PRACTICES

TITLE	KEY	SYMBOL
STABILIZED STONE CONSTRUCTION ENTRANCE		
SILT FENCE		
SILT FENCE ON PAVEMENT		
AT GRADE INLET PROTECTION		
TREE PROTECTION FENCE		

PROPERTY NOTES:

1. THE PROPERTY IS KNOWN AS PARCEL #079. PART OF PARCEL A HOLLY HALL APARTMENTS AS RECORDED IN PLAT #0029. PLAT NUMBER 0029 HAS NOT YET BEING KNOWN AS THE LANDS OF HOUSING AUTHORITY OF MONTGOMERY COUNTY. THE LANDS ARE LOCATED BETWEEN LOT 72 AND LOT 72.2 ANCHORING THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND AND HAVING A TAX MAP NO. KP12.
2. REFERENCE MAP ENTITLED "SUBDIVISION RECORD PLAT, PARCEL A, GEORGE MEYER CENTER FOR LABOR STUDIES, 233 NORTH DETHMERS DRIVE, BALTIMORE, MARYLAND, PREPARED BY CPJ ASSOCIATES INC., DATED JANUARY 2002, PREPARED BY CPJ ASSOCIATES AND RECORDED AGAINST THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN PLAT NO. 22279.
3. ZONING LOT 1 = CRT-1.75-C-5-SH-1.5H-85  
ZONING PARCEL A = CRT-1.75-C-5-SH-1.5H-85
4. AREA LOT 1 = 43.671 SQUARE FEET OR 1.003 ACRES.  
AREA PARCEL A = 186.618 SQUARE FEET OR 4.263 ACRES.  
233.201 ± SQ FT. OF LOT 1 AND PARCEL A TOGETHER INCLUDES 125 ACRES OF PREVIOUS DESIGNATIONS.
5. LOCATION OF ALL UNDERGROUND UTILITIES ARE APPROXIMATE. SOURCE INFORMATION FROM PLANS AND RECORDS HAS BEEN USED TO IDENTIFY THE EXISTING LOCATION OF UTILITIES TO DEVELOP A VIEW OF THOSE UTILITIES. THE UTILITY INFORMATION OBTAINED FROM EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FACILITIES CANNOT BE ACCURATELY, COMPLETELY AND FULLY DEPICTED. IF ADDITIONAL INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION MAY BE NECESSARY.
6. THIS SURVEY IS BASED ON INFORMATION AND REFERENCE MATERIALS AS LISTED HEREIN.
7. THE EXISTENCE OF UNDERGROUND STORAGE TANKS, IF ANY, WAS NOT KNOWN AT THE TIME OF THE FIELD SURVEY. THEREFORE, A PHYSICAL INVESTIGATION OF THE SITE WOULD FOUND THE STATE OF THE FIELD INSPECTION OF THIS SITES.
8. ELEVATIONS ARE BASED UPON +1629 DATUM PER WSSC BM ELIZABETH A PUBLIC BENCHMARK. THE UTM COORDINATES AND SURVEY MERIDIAN ARE BASED ON MARYLAND STATE PLANE NAD83 PER REFERENCE #1.
9. THE PROPERTY IS LOCATED IN OTHER AREAS ZONE X. CHANGE FLOODPLAIN PER MAP ENTITLED "FIRM, FLOOD HAZARD MAP RATE MAP, PARCEL A, GEORGE MEYER CENTER FOR LABOR STUDIES, 233 NORTH DETHMERS DRIVE, BALTIMORE AND INCORPORATED AREAS. PANEL 390 OF THE FLOOD HAZARD MAP, NUMBER 24031 C0390D, WITH A MAP DATE OF 11/11/2003.
10. UTILITIES ARE SHOWN PER MARK OUT AND LOCATION ABOVE GROUND STRUCTURE.

### MAPPED SOILS TABLE

SYMBOL	MAP UNIT NAME	HYDROLOGIC SOIL GROUP	DRAINAGE CLASS
1B	GAILA SILT LOAM, 3 TO 8% SLOPES	B	WELL DRAINED

TREE TABLE

TAG NO	COMMON NAME	SCIENTIFIC NAME	DBH	CONDITION	COMMENTS
A	Silver Maple	SACCHARINUM	32"	FAIR	TO BE REMOVED
1	Silver Maple	SACCHARINUM	26	FAIR	VINE COVERED, LEANING, CROWN DIEBACK
2	Red Maple	RUBRUM	24	FAIR	CROWN DIEBACK
	American Elm	ULMUS AMERICANA	24	FAIR	STEM SPROUTS, POOR CROBT ATTACHMENTS
	Eastern White Pine	STROBILUS	29"	GOOD	TO BE REMOVED
	Scarlet Oak	COCCINEA	24	GOOD	
	Eastern White Pine	STROBILUS	24"	FAIR	TO BE REMOVED
7	Silver Maple	SACCHARINUM	26"	FAIR	TO BE REMOVED

\* 111" of total calipers to be removed and replaced at a quarter, or 25% of total tree calipers  
 $111 \times 0.25 = 27.75$  or 28" total calipers  
 Forest Mitigation will be provided via purchased credits from an approved Forest Mitigation Bank or through a Fee-in-Lieu payment.

### RESOURCE DATA TABLE

EXISTING FOREST .....	0.00 ACRES
NON-TIDAL WETLANDS .....	0.00 ACRES
FOREST WITHIN THE NON-TIDAL WETLANDS .....	0.00 ACRES
EXISTING FLOODPLAIN .....	0.00 ACRES
FOREST WITHIN THE FLOODPLAIN .....	0.00 ACRES
EXISTING STREAM BUFFER .....	0.00 ACRES
FOREST WITHIN THE STREAM BUFFER .....	0.00 ACRES















GENERAL NOTES:

1. TOTAL TRACT AREA: 6.61 AC.
2. CURRENT ZONING: CRT - 1.5, C-5, R-1.5, H-65.
3. WATERSHED: NORTHWEST BRANCH OF ANACOSTIA RIVER, POTOMAC BASIN
4. SPECIAL PROTECTION AREA: NO.
5. SPECIAL PROTECTION OR PRIMARY MANAGEMENT AREA: NO.
6. 100-YEAR FLOODPLAIN SOURCE: NONE.
7. NON-TIDE WETLANDS: NONE - FIELD INVESTIGATION ON JUNE 26, 2017.
8. INTERMITTENT STREAM: NONE - FIELD INVESTIGATION ON JUNE 26, 2017.
9. NO RARE, THREATENED OR ENDANGERED SPECIES WERE OBSERVED ON THE SITE. IN ADDITION, A LETTER FROM THE U.S. FISH AND WILDLIFE SERVICE REQUESTING AN ENVIRONMENTAL REVIEW OF THE PROPERTY WAS RECEIVED ON JUNE 26, 2017.
10. THIS PROPERTY IS NOT LOCATED ON THE DISTRICT OF COLUMBIA'S SPECIAL SITES.
11. ONE SPECIES TREE AND SEVEN SIGNIFICANT TREES WERE IDENTIFIED ON OR IMMEDIATELY ADJACENT TO THE PROPERTY.
12. NO TREES WERE IDENTIFIED ON SITE THAT ARE 75% OF THE STATE OR COUNTY CHAMPIONS.
13. THE DISTRICT BOARD FOR THE DISTRICT OF COLUMBIA DELIBERATED ON A PLAN WAS COMPLETED BY KENNETH F. HARRIS AND STUDIES AND SOLUTIONS, INC. ON JUNE 26, 2017.
14. A FORESTRY DIAMETER TAPE WAS USED TO MEASURE THE DIAMETER OF THE SPECIES TREES LOCATED ON THE SITE. THE DIAMETER, CONDITION AND LOCATION OF THE SPECIES TREES WERE ESTIMATED. THE GREATEST LOCATION OF THE PROPERTY WERE ESTIMATED.

**FOREST CONSERVATION BANK:**

Izaak Walton League  
17.2 Acres Planted  
Watershed; Upper Potomac  
Contact: Pat Smith  
6310 Friendship Court  
Bethesda, MD. 20817  
(301) 530-9152  
pbs100@verizon.net

### LEGEND

	OFFSITE FOREST		SIGNIFICANT TREE		CRITICAL RIDE ZONE
	NON-FOREST CANOPY		SPECIMEN TREE		EXISTING SLOPES ≥2°
	PROPERTY BOUNDARY		SIGNIFICANT TREE (TO BE REMOVED)		CRZ IMPACTED BY SITE REDEVELOPMENT
	SOL TYPE SYMBOL		SPECIMEN TREE (TO BE REMOVED)		PROPOSED MICRO-SILORENTATION
	EXISTING SLOPES 15%-25%		EXISTING CONTOUR		

DEVELOPER'S CERTIFICATE

The undersigned agrees to execute all the features of Approved First Forest Conservation Plan No. 620190130, including financial bonding, forest planting, maintenance and all other applicable agreements.

Developer's Name: Hillendale Gateway, LLC  
Printed Company Name

Contact Person or Owner: Shane Pollin  
Printed Name

Address: 57 Randolph Road, Suite  
#200, Silver Spring, MD 20904

Phone and Email: (301) 434-3040 spollin@duffieinc.com

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE CODES AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DEFINED BY THE DRAWINGS AND

1 SURFACE FEATURES IN  
THIS AREA NOT FIELD  
LOCATED, BASED ON G  
DATED: 08/11/14

Signature: \_\_\_\_\_

REVISIONS			
REV	DATE	COMMENT	BY
1	09/18/19	PER DRC COMMENTS	LMW
2	02/28/20	PER MINCPFC COMMENTS	LMW
3	04/24/20	PER MINCPFC COMMENTS	LMW
		PER MINCPFC	



NOT APPROVED FOR  
CONSTRUCTION

PROJECT No.:	2015-1324
DRAWN BY:	MJL
CHECKED BY:	LWP
DATE:	05/24/19
SCALE:	1"=40'

PROJECT:  
HILLANDALE  
GATEWAY

FOR  
HILLANDALE  
GATEWAY,  
LLC.  
LOCATION OF SITE  
10110 NEW HAMPSHIRE AVE.  
MONTGOMERY COUNTY  
SILVER SPRING, MD

**CPJ**  
Associates

---

1751 ELTON ROAD STE: 300  
SILVER SPRING, MARYLAND 20903

Phone: (301) 434-7000  
Fax: (301) 434-9394

SHEET TITLE:  
PRELIMINARY/  
FINAL FOREST  
CONSERVATION  
PLAN

SHEET NUMBER:  
1  
OF 2



## ATTACHMENT 5



**BOHLER**  
ENGINEERING

16701 Melford Boulevard, Suite 310  
Bowie, MD 20715  
PHONE 301.809.4500

September 18, 2019

VIA ePLAN UPLOAD

Ms. Amy Lindsey  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Forest Conservation Tree Variance Request Hillandale Gateway, Hillandale, MD  
Site Plan 820190130/Forest Conservation Plan 820190130

Dear Ms. Lindsey:

On behalf of the applicant, we are submitting this tree variance request. The proposed Site Plan 820190130 has an impact on Specimen Tree A as shown on the submitted Final Forest Conservation Plan. The specimen tree is to be removed, which is due to Fire Department Access to the proposed non-age restricted apartment building as part of the development.

<i><b>SPECIMEN TREE TABLE</b></i>					
<i>No.</i>	<i>Common Name</i>	<i>Scientific Name</i>	<i>DBH (inches)</i>	<i>Condition Rating</i>	<i>Comments</i>
A	Silver Maple	<i>Acer Saccharinum</i>	32	Fair	Root damage from mowers, 2 dead branches in crown

The specific rationale in support of the request for this variance is as follows:

1. The requested tree variance is necessary for implementation of this redevelopment project consistent with the proposed Site Plan. There is no forest on the subject property nor are there any environmental buffers. The conditions related to this request are the unavoidable consequence of the development process under the zoning. Not granting the variance is an unwarranted hardship. The subject tree is impacted by proposed permeable pavement sidewalk, that provides connectivity for the site off of Powder Mill Road. The tree is also impacted by improvement to fire department access to the proposed non-age restricted apartment units at the southwestern corner of the site.
2. The site is located in a dense urban area that was developed before modern stormwater management regulations were enacted, and existing stormwater management currently provided on the site does not meet current requirements. The stormwater management plan proposed incorporates environmental site design. The specimen tree being impacted is not in a stream valley buffer, wetland or special protection area. The plan provides stormwater treatment to the MEP for the areas of reconstruction.

Upon your review, should you have any questions or require additional information, please do not hesitate to contact this office at (301) 809-4500. Thank you.

Sincerely,  
Bohler Engineering VA, LLC

Bradford Fox, P.E.

# **HILLANDALE GATEWAY**

10110 NEW HAMPSHIRE AVE  
SILVER SPRING, MD 20903

## **ENVIRONMENTAL NOISE STUDY**

**Submitted to:**

Goyer Roberts  
Hillandale Gateway, LLC  
57 Randolph Rd, Suite 200  
Silver Spring, MD 20904

**Submitted by:**

A<sup>3</sup> Acoustics, LLP  
241 S Lander St., Suite 200  
Seattle, WA 98134

8 January 2021



## **TABLE OF CONTENTS**

<b>1.</b>	<b>Introduction .....</b>	<b>1</b>
<b>2.</b>	<b>Noise Descriptors.....</b>	<b>2</b>
2.1.	Sound Pressure Level and Decibels .....	2
2.2.	A-Weighting .....	2
2.3.	Equivalent Sound Level (L <sub>EQ</sub> ) .....	4
2.4.	Day-Night Average Noise Level (L <sub>DN</sub> ) .....	4
<b>3.</b>	<b>Regulatory Framework: Montgomery County Noise Guidelines .....</b>	<b>5</b>
<b>4.</b>	<b>Noise Model Methodology .....</b>	<b>6</b>
4.1.	Model Inputs .....	6
<b>5.</b>	<b>Noise Model Results .....</b>	<b>7</b>
5.1.	Noise Contours.....	7
5.2.	Building Façade.....	15
<b>6.</b>	<b>Mitigation Measures .....</b>	<b>18</b>
6.1.	Interior Mitigation .....	18
6.1.1.	Windows .....	18
6.1.2.	Exterior Wall .....	22
6.3.	Exterior Mitigation.....	23
6.3.1.	Areas in Compliance without Mitigation .....	23
6.3.2.	Areas in Compliance with Mitigation .....	26
6.3.3.	Areas Where Noise Levels Exceed 65 L <sub>DN</sub> with Feasible Mitigation .....	28

## 1. INTRODUCTION

This report serves to document the environmental noise assessment for Hillandale Gateway, a mixed-use housing development at 10110 New Hampshire Avenue in Silver Spring, MD. The goal of the noise assessment is to develop mitigations where feasible to bring environmental noise in interior areas and outdoor use areas down to levels that comply with the local noise standards.

The main environmental noise sources at the site are I-495 and MD-650. To analyze existing noise at the site, a 3D noise model is built using Computer Aided Noise Abatement software (Cadna A, Datakustik GmbH). The model utilizes freely available GIS data, including traffic counts, topography and land cover to predict the noise impact at the proposed site. Long term noise measurements previously taken at the site are used to verify the model.

The model reflected that the site's proximity and elevation relative to the adjacent roadways results in consistent noise in excess of  $65 L_{DN}$ . While this result qualifies the entire site for consideration of a waiver in accordance with §2.2.2 of the Montgomery County Guidelines, noise mitigation recommendations were nonetheless developed to successfully address all interior spaces and most exterior spaces. Only three exterior areas faced constraints preventing the design of feasible mitigations and for which spaces we therefore recommend pursuit of a waiver from  $65 L_{DN}$  up to  $70 L_{DN}$ .

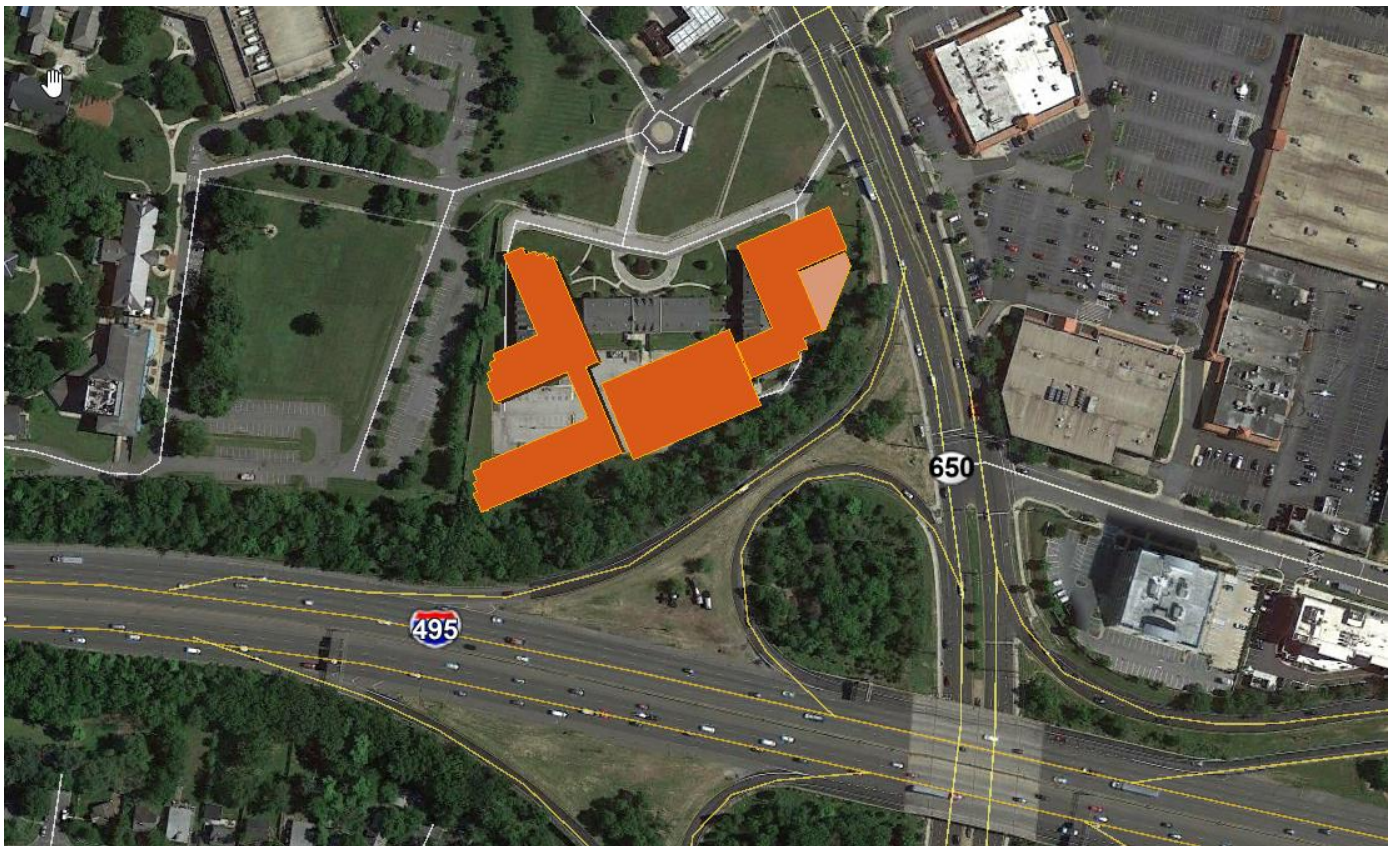


Figure 1 – Hillandale Gateway Site Vicinity – Approximate Building Envelope Shown in Orange

## **2. NOISE DESCRIPTORS**

The following sections briefly describe the noise descriptors that will be used throughout this study:

### **2.1. Sound Pressure Level and Decibels**

Sound propagating through the environment is quantified in terms of sound pressure level (SPL), which is the pressure in Pascals (Pa) of the medium that the sound is travelling through at a specified point. Expressing sound in terms of Pascals would be very cumbersome, as the range of the majority of day to day sounds would be 0.001 Pa to 0.2 Pa, and the total range of human hearing would be 0.00002 Pa to 200+ Pa. Accordingly, sound pressure levels are described with a logarithmic relationship, the decibel. The decibel on its own does not represent any physical unit – it requires a reference value and value that is being compared to the reference. Specifically, a sound pressure level, in decibels (dB SPL) is calculated as follows:

$$SPL = 20 \log_{10} \left( \frac{X}{0.00002 Pa} \right)$$

Where X is the measured sound pressure and 0.00002 Pa, the threshold of hearing, is the reference pressure.

### **2.2. A-Weighting**

The perception of “loudness” of a sound is dependent on frequency (in cycles per second or Hz) as well as the overall sound pressure. In general, the healthy human ear is most sensitive to sounds between 1 kHz and 5 kHz and perceives lower frequency (less than 500 Hz) sounds of the same sound pressure as being less loud. In order to better relate noise to the characteristics of this equal loudness perception across frequencies, a frequency-dependent weighting scale, “A-Weighting,” is used. Usually, when using the dB SPL to quantify environmental noise, A-Weighting is assumed, but it is also written as dB(A).

**Table 1 – Common Noise Sources and A-Weighted Noise Levels**

dBA SPL	Sound Source	Description
0	Threshold of Hearing	Only theoretically audible to barely audible
10	Watch Ticking, Breathing	
20	Leaves Rustling	Very quiet noise levels encountered in isolated rooms and rural areas
30	Background Noise in a Library	
40	HVAC Background Noise in Typical Office	Typical noise levels encountered in day to day life
50	Moderate Rainfall	
60	Conversational Speech	
70	Inside car at 60 mph, Vacuum Cleaner at 10'	
75	Vacuum Cleaner 5' distance	Likely to be considered a nuisance, but little risk of noise induced hearing loss, even with extended exposure
80	Heavy Highway Traffic, 20' distance	
85	Garbage Disposal, 5' distance	<b>NIHL Risk Threshold- 8 hrs continuous exposure</b>
90	Subway Train arriving at Platform, 10' distance	<b>NIHL Risk - 4 hrs continuous exposure</b>
100	Motorcycle Pass, 20' distance	<b>NIHL Risk - 15 min continuous exposure</b>
110	Chainsaw, 5' distance	<b>NIHL Risk - 1 min continuous exposure</b>
120	Typical Rock Concert, 50' from loudspeakers	<b>NIHL Risk - 7.5 seconds continuous exposure</b>
130	Military Jet Take-off from 50' - Threshold of Pain	<b>Dangerous - Instant Hearing Loss</b>
140	Gun Shot, 5' distance	
150	Nuclear Explosion, 10-mile distance	

10 dB change  
perceived as twice  
or half as loud



5 dB change perceived  
as "clearly noticeable"



3 dB change perceived as  
"barely noticeable"



1-2 dB change is not noticeable

### 2.3. Equivalent Sound Level ( $L_{EQ}$ )

Many noise sources produce levels that fluctuate over time, such as mechanical equipment that cycles on and off, construction work, or passing cars and trucks. The equivalent sound level ( $L_{EQ}$ ) describes the continuous sound level that is equivalent in terms of the total sound emission to a time-variant source in the same time period. While dB SPL signifies an instantaneous sound pressure level and is only able to quantify sound pressure for a brief moment, the  $L_{EQ}$  metric is able to quantify the total sound pressure over an extended period of time. Like dB SPL,  $L_{EQ}$  can be A-Weighted and may be written as  $LA_{EQ}$ .  $L_{EQ}$  is used when describing traffic noise to better quantify long-term noise impact, as a single number can be used to quantify the noise impact over the course of a few hours or days.

### 2.4. Day-Night Average Noise Level ( $L_{DN}$ )

The Day-Night Average Noise Level ( $L_{DN}$ ) is a measure of the cumulative 24-hour noise exposure that considers not only the variation of the A-weighted noise level but also the duration and the time of day of the disturbance. The  $L_{DN}$  is derived from the twenty-four A-weighted 1-hour  $L_{EQ}$  periods that occur in a day, with a 10 dB penalty added to the 22:00 to 7:00 hourly  $L_{EQ}$  periods to account for increased noise sensitivity during nighttime hours. The formula to calculate  $L_{DN}$  is as follows:

$$LDN = 10 \log_{10} \left\{ \left( \frac{1}{24} \right) \left( \sum_{7:00}^{21:00} 10^{\frac{x}{10}} \right) + \left( \sum_{22:00}^{6:00} 10^{\frac{x+10}{10}} \right) \right\}$$

where x equals the hourly  $L_{EQ}$  from 0:00 through 23:00 in the same 24-hour period.



### 3. **REGULATORY FRAMEWORK: MONTGOMERY COUNTY NOISE GUIDELINES**

The Montgomery County “Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development” (Montgomery County Guidelines) define noise level maximums for residential developments in major highway corridor areas. Maximums are defined for interior spaces and outdoor use areas, and are 45  $L_{DN}$  and 65  $L_{DN}$ , respectively.

#### 4. NOISE MODEL METHODOLOGY

Using traffic volumes for the surrounding roadways provided by the Maryland State Highway Administration, noise emissions are modeled using Cadna A. Software calculations predict the noise emissions from the roadways considering overall traffic count, heavy vehicle percentage, average speed and road gradient. The surrounding terrain, roads and buildings are modeled using 2018 LiDAR point cloud data and vector shapefiles from the Montgomery County Parks and Planning Commission. Additionally, the model is verified by previous long-term noise measurement taken at the site in 2016 by Polysonics Corporation. Based on the model input, the noise emissions from the surrounding roadways are mapped on the proposed building façade and outdoor areas in a three-dimensional receiver grid. This model is used to recommend the minimum noise mitigations required to meet the noise criteria.

##### 4.1. Model Inputs

###### I-495

Parameter	Model Input
Average Vehicle Speed	60 mph
2020 ADT	213,000
2040 ADT	226,000
% Autos	94.30%
% Heavy Vehicles	5.60%
% Nighttime Traffic	38%

###### New Hampshire Avenue

Parameter	Model Input
Average Vehicle Speed	40 mph
2020 ADT	59,000
2040 ADT	64,000
% Autos	95.70%
% Heavy Vehicles	4.30%
% Nighttime Traffic	33%

###### New Hampshire Ave S I-495 W On Ramp

Parameter	Model Input
Average Vehicle Speed	35 mph
2020 ADT	6,000
2040 ADT	6,500
% Autos	92.80%
% Heavy Vehicles	7.20%
% Nighttime Traffic	33%

###### I-495 Off Ramp to New Hampshire Ave S

Parameter	Model Input
Average Vehicle Speed	35 mph
2020 ADT	10,000
2040 ADT	11,000
% Autos	94.10%
% Heavy Vehicles	5.90%
% Nighttime Traffic	33%

###### Powder Mill Road

Parameter	Model Input
Average Vehicle Speed	25 mph
2020 ADT	12,000
2040 ADT	13,000
% Autos	80.00%
% Heavy Vehicles	20.00%
% Nighttime Traffic	33%

## 5. NOISE MODEL RESULTS

### 5.1. Noise Contours

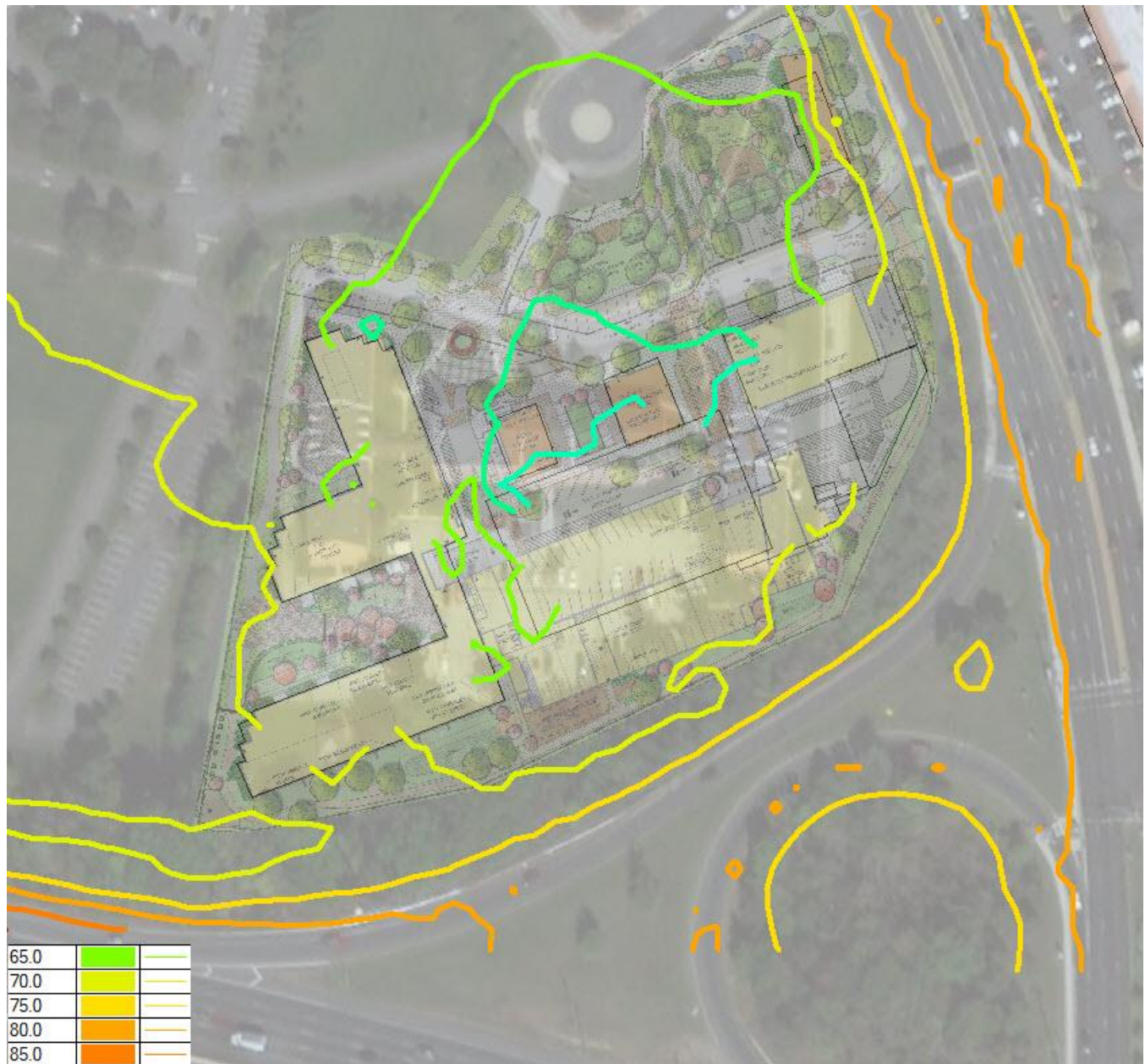


Figure 2 – 5 dB Noise Contours –  $L_{DN}$  – 5' Height (2020)



Figure 3 – 5 dB Noise Contours – L<sub>DN</sub> – 5' Height (2040)







Figure 5 – 5 dB Noise Contours –  $L_{DN}$  – 15' Height (2040)





Figure 6 – 5 dB Noise Contours –  $L_{DN}$  – 35' Height (2020)





Figure 7 – 5 dB Noise Contours –  $L_{DN}$  – 35' Height (2040)

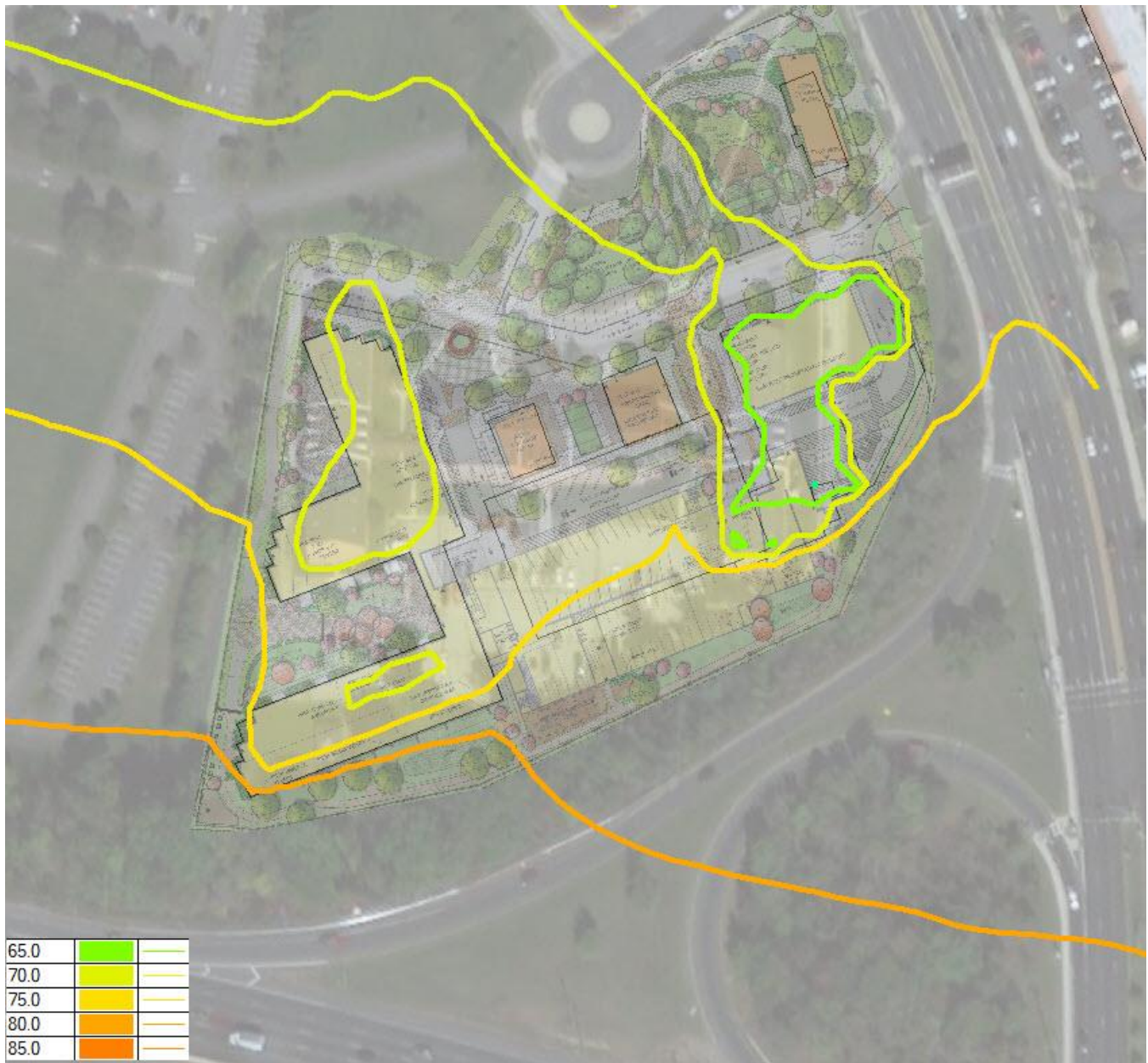


Figure 8 – 5 dB Noise Contours –  $L_{DN}$  – 115' Height (2020)





Figure 9 – 5 dB Noise Contours –  $L_{DN}$  – 115' Height (2040)

## 5.2. Building Façade

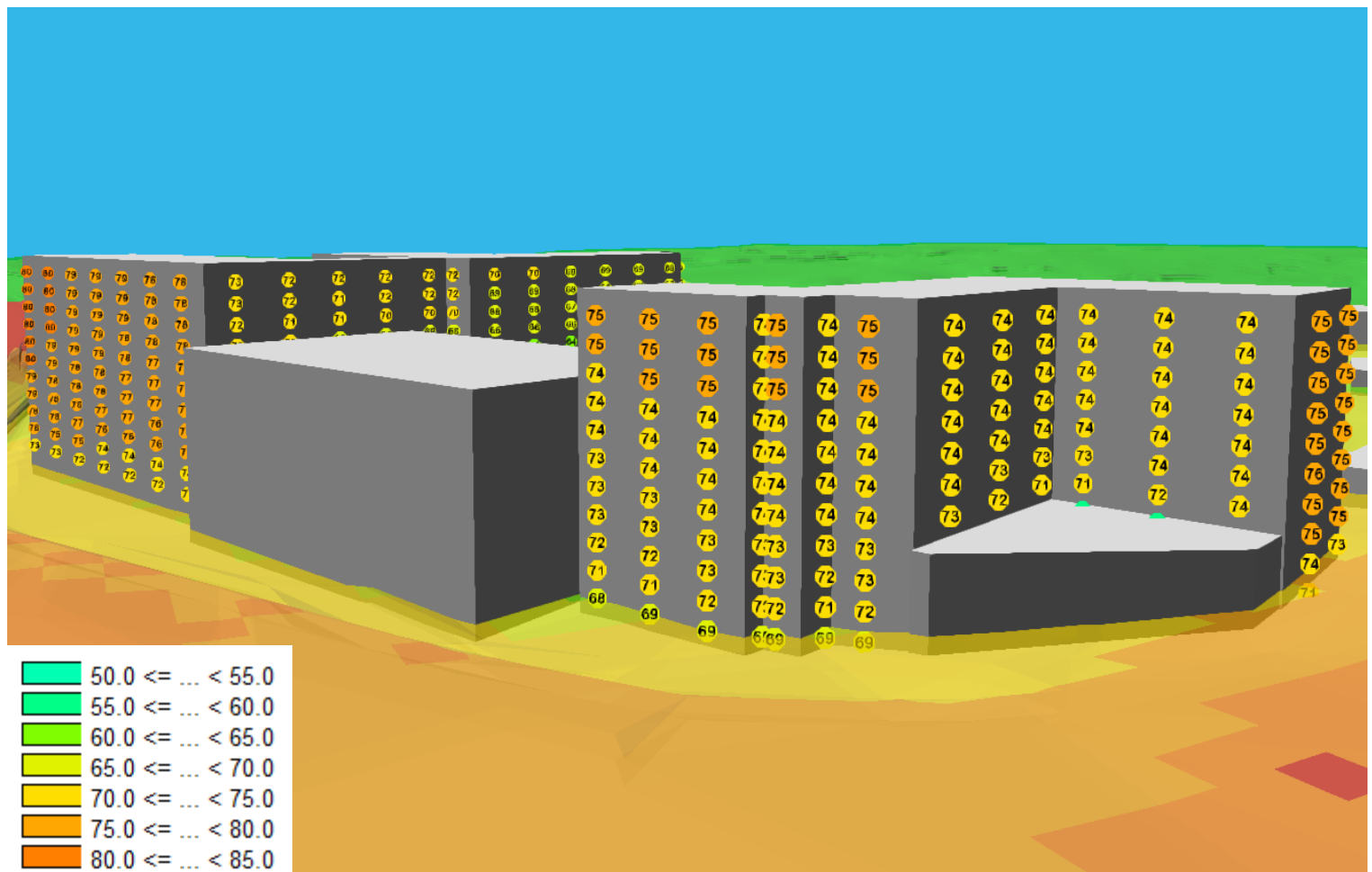


Figure 10 – Traffic Noise Model – Southeast Elevation (L<sub>DN</sub>)

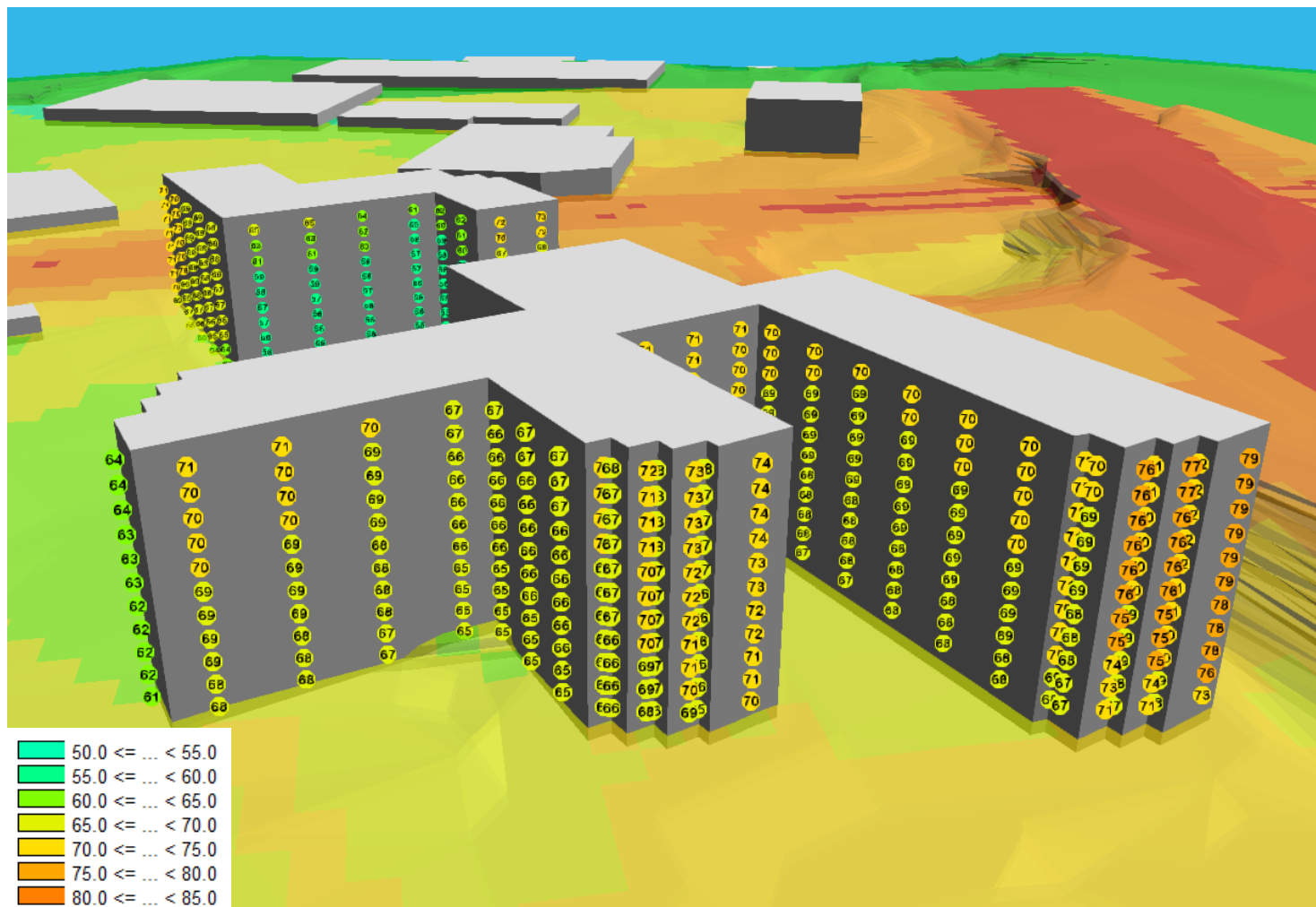


Figure 11 – Traffic Noise Model – Northwest Elevation (L<sub>DN</sub>)

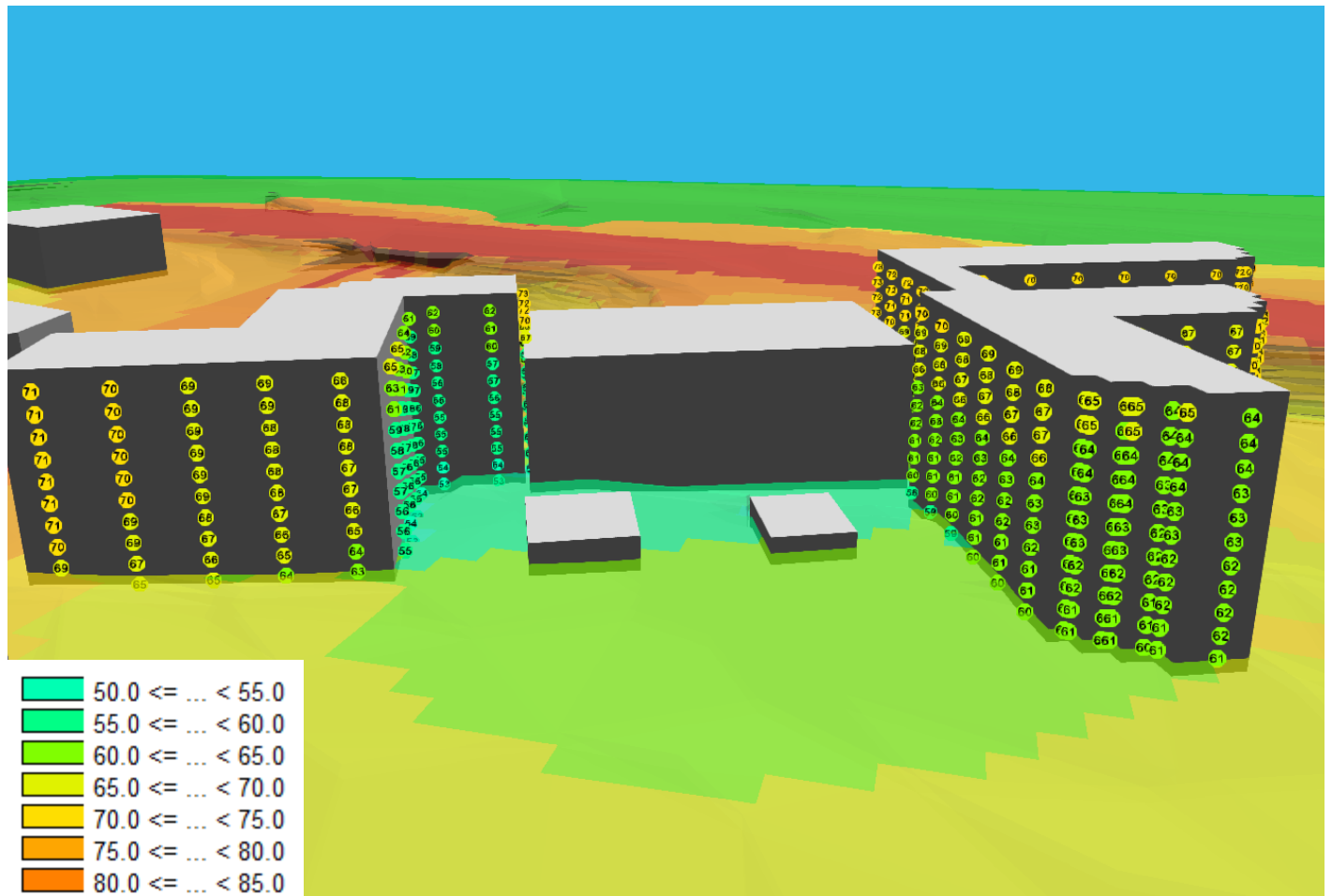


Figure 12 – Traffic Noise Model – North Elevation - ( $L_{DN}$ )



**Figure 13 – Window Recommendations – South Elevation**





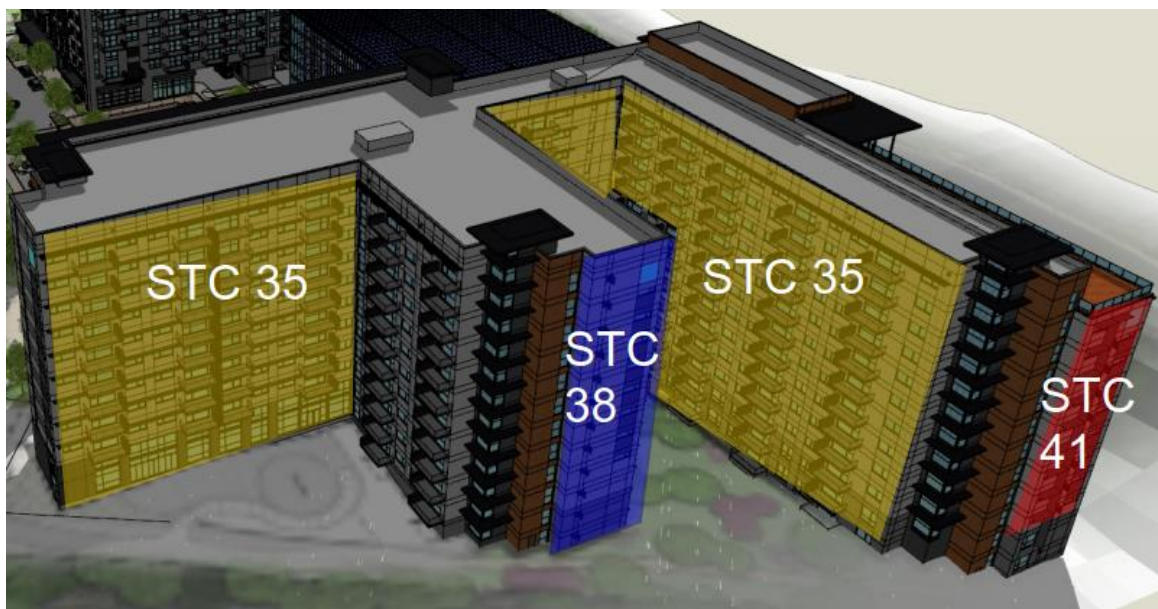


Figure 16 – Window Recommendations – West Elevation 2

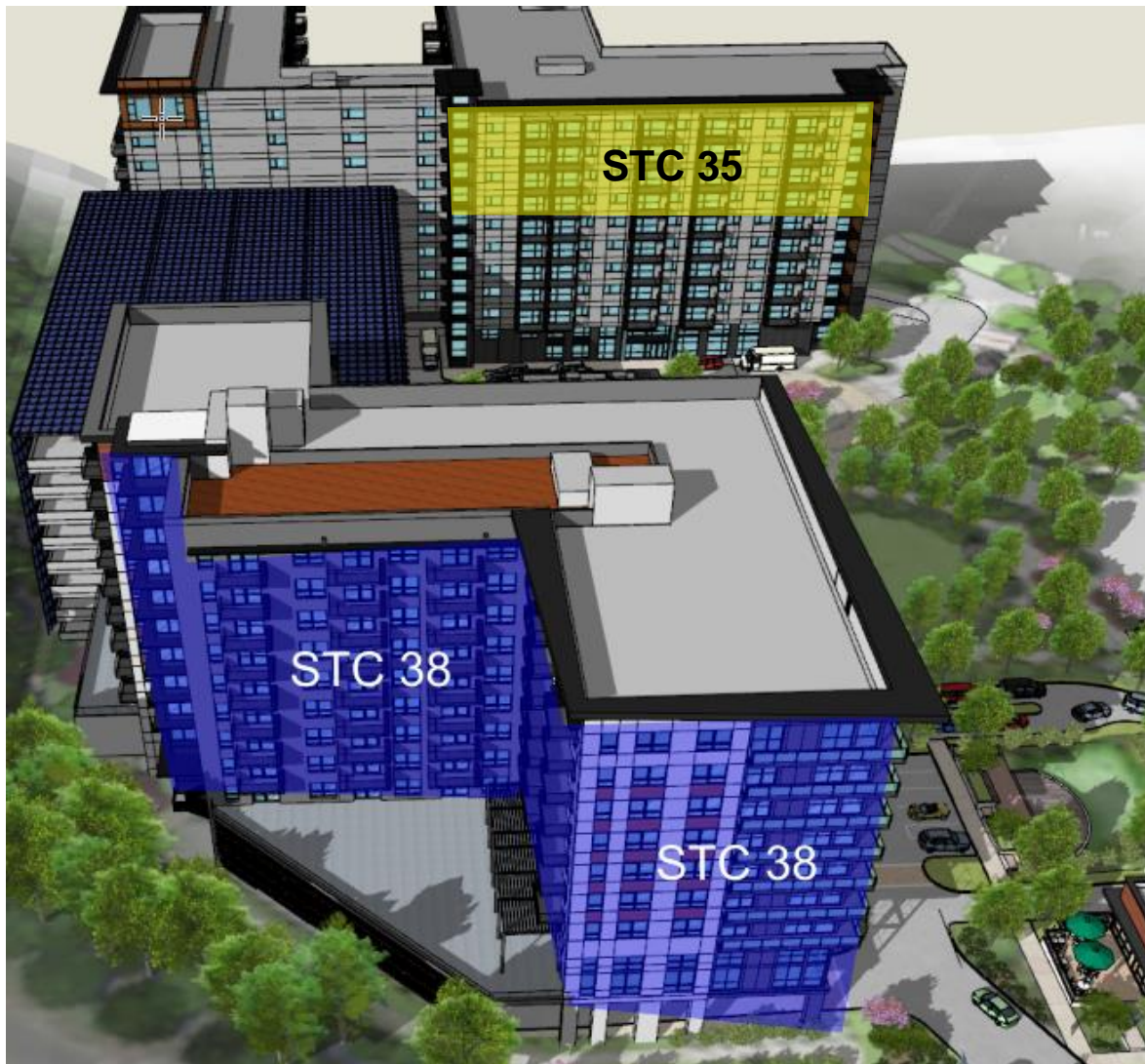


Figure 17 – Window Recommendations – East Elevation

Notes:

- ◆ *Windows are required to have a fixed sash or an efficiently weather-stripped, operable sash. The sash shall be rigid and weather-stripped with material that is compressed airtight when the window is closed, so as to conform to an infiltration rate not to exceed 0.5 cubic foot per minute per foot of crack length in accordance with ASTM E-283-65-T.*
- ◆ *Glass shall be sealed in an airtight manner with a non-hardening sealant or a soft elastomeric gasket or gasket tape.*
- ◆ *The perimeter of window and door frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following Federal specifications: TT-S-00227, TT-S-00230 or TT-S-00153.*
- ◆ *In case the ventilation is achieved through slots within the window case, we recommend using offset vents that maintain the STC rating of the window. Please note that a standard trickle vent is a straight hole in the window, which reduces the acoustical performance of the window significantly.*

### 6.1.2. Exterior Wall

To achieve the minimum exterior composite transmission loss to meet interior design criteria, the following minimum exterior construction details are required:

Where **STC 41** windows are recommended:

- ◆ EPS System
- ◆ 5/8" Gypsum Sheathing
- ◆ 6" steel studs
- ◆ 5.5" batt insulation in the cavity
- ◆ (2) layers 5/8" GWB

Where **STC 38** windows are recommended:

- ◆ EPS System
- ◆ 5/8" Gypsum Sheathing
- ◆ 6" steel studs
- ◆ 5.5" batt insulation in the cavity
- ◆ (1) layer 5/8" GWB

Careful attention should be given to sound leaks. Sound leaks can reduce the performance of a wall by more than 10 STC points if not treated. The following recommendations should be implemented to reduce sound transmission due to sound leaks.

*Notes:*

- ◆ *Acoustic construction details are essential to the performance of any wall assembly. Refer to ASTM C919: Standard Practice of Use of Sealants in Acoustical Applications. In type I construction, the first layer of 5/8" gypsum board on the unit side should be sealed top and bottom with resilient caulk, as well as around the junction boxes.*
- ◆ *Window rough-in seams should be no greater than 1/4", and all seams should be caulked with resilient caulking.*
- ◆ *Seal, caulk, gasket or weather-strip all joints and seams to eliminate air leakage through these assemblies. This would include around window and door frames; at penetrations through walls, and all other openings in the building envelope.*

### 6.3. Exterior Mitigation

Outdoor Areas were tested for compliance with the Guidelines. Outdoor areas may be divided into one of three categories: 1) Areas which comply with Guidelines without the need for mitigation, 2) Areas which comply with Guidelines with mitigation, and 3) Areas for which feasible mitigation could not be designed to allow for compliance with the Guidelines.

#### 6.3.1. Areas in Compliance without Mitigation

##### 6.3.1.1. Northern Public Space

As modeled, the Northern Open Space reflects compliance with the Guidelines without the need for mitigation.

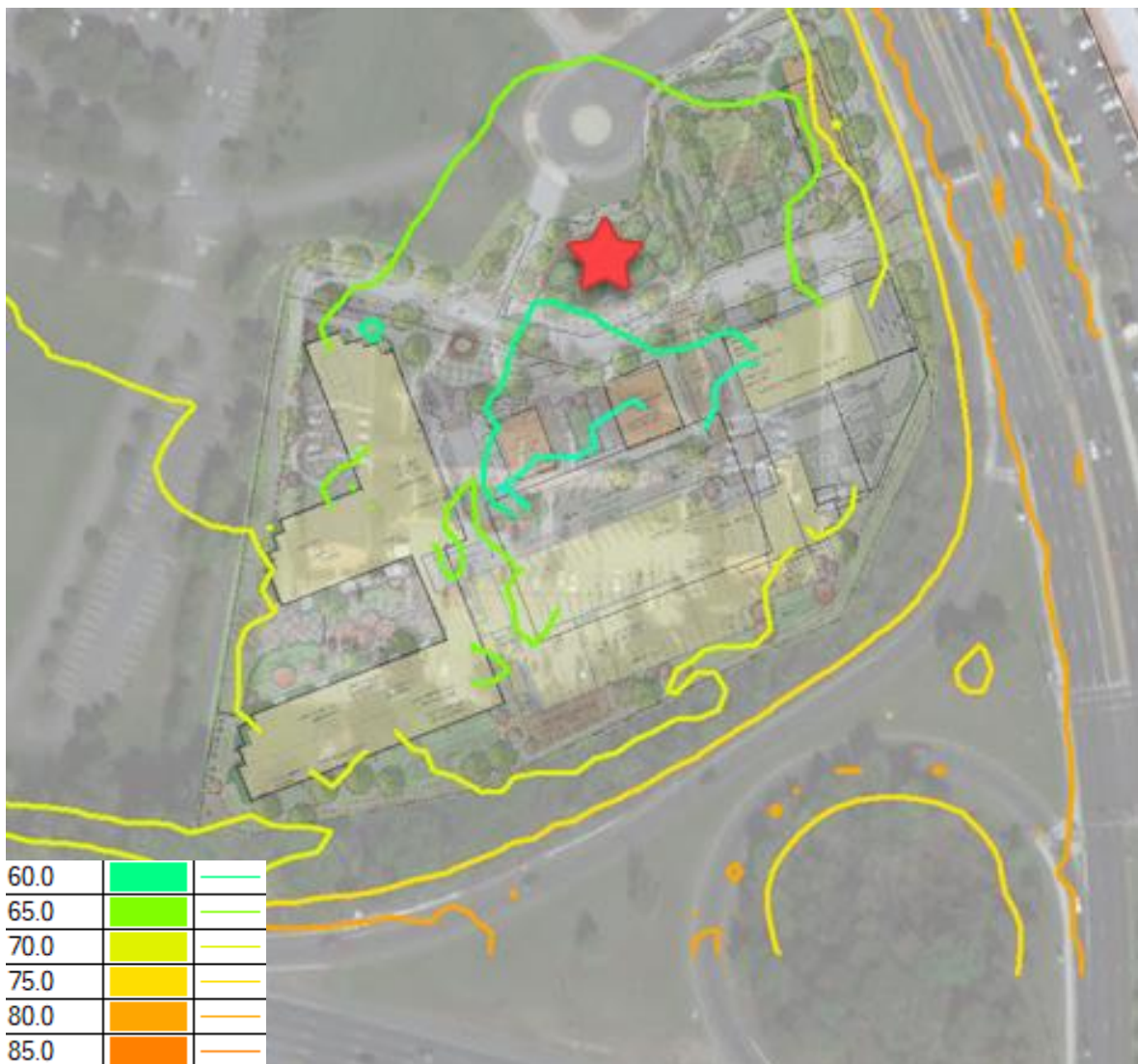


Figure 18 – 5 dB Noise Contours –  $L_{DN}$  – 5' Height (2020)



### 6.3.1.2. Retail Gathering Area/Northern Open Space

As modeled, Retail Gathering Area/Northern Open Space reflects compliance with the Guidelines without the need for mitigation.

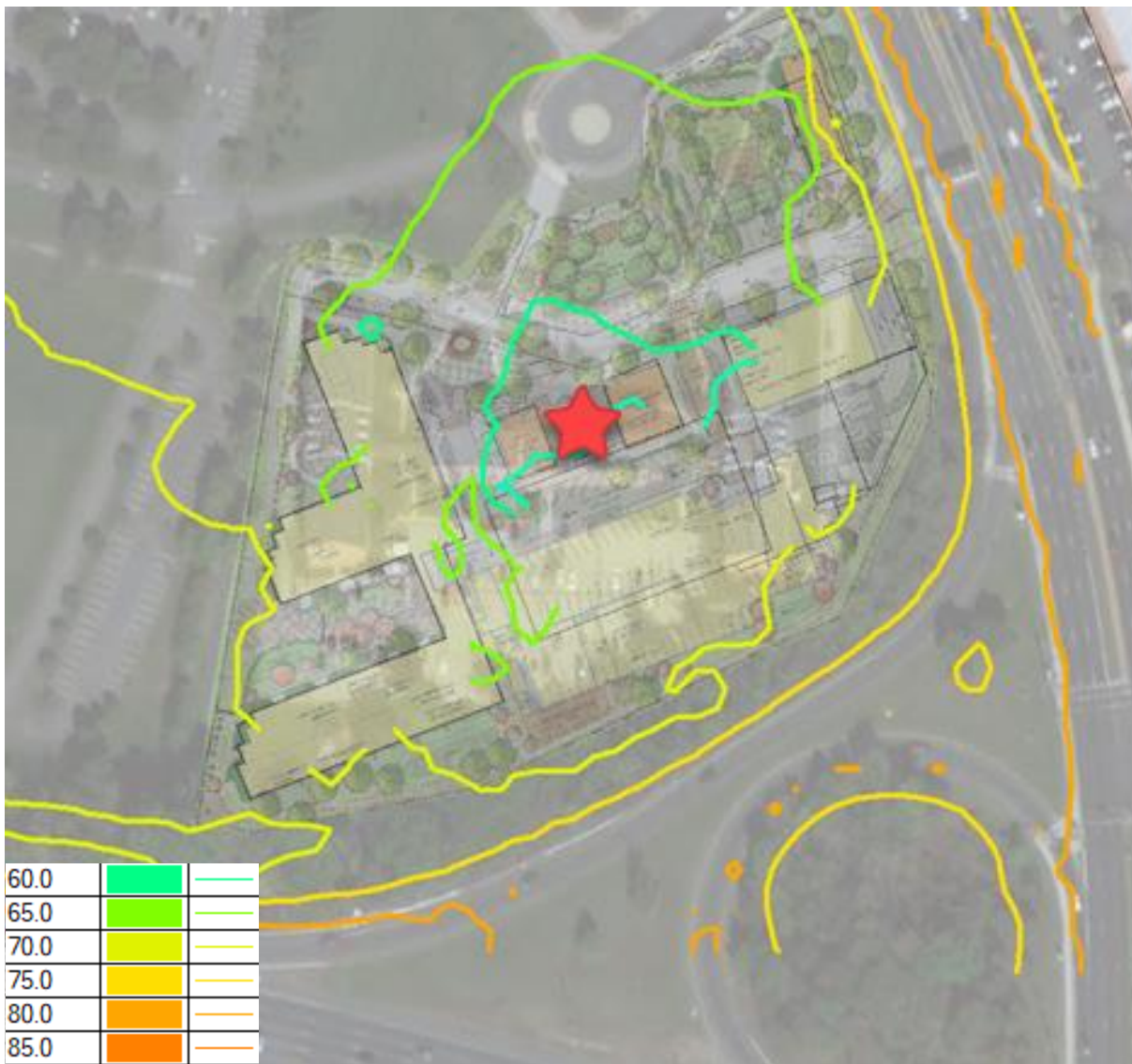


Figure 19 – 5 dB Noise Contours –  $L_{DN}$  – 5' Height (2020)

### 6.3.1.3. AR Roof

As modeled, the AR Roof reflects compliance with the Guidelines without the need for mitigation.

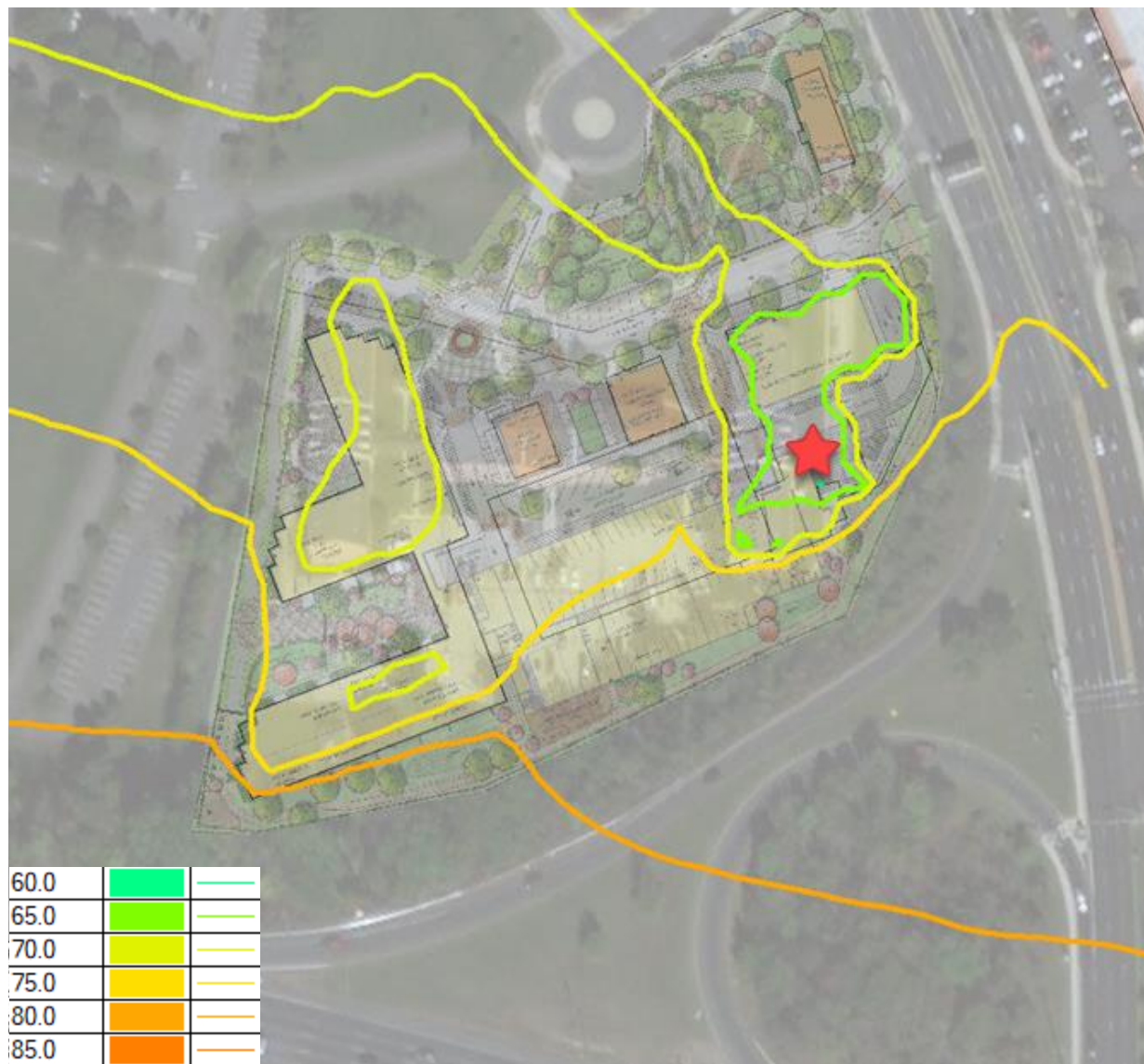


Figure 20 – 5 dB Noise Contours –  $L_{DN}$  – 115' Height (2020)

### 6.3.2. Areas in Compliance with Mitigation

Barriers are assumed to be continuous with no gaps at the bottom or between panels and have a minimum density of 4 lb/psf.

#### 6.3.2.1. AR Patio

Noise levels at the 3rd floor AR patio are within a range that can be feasibly reduced to 65  $L_{DN}$  with a 10'-8" barrier. The barrier calculation and proposed extents are shown in Figure 22.

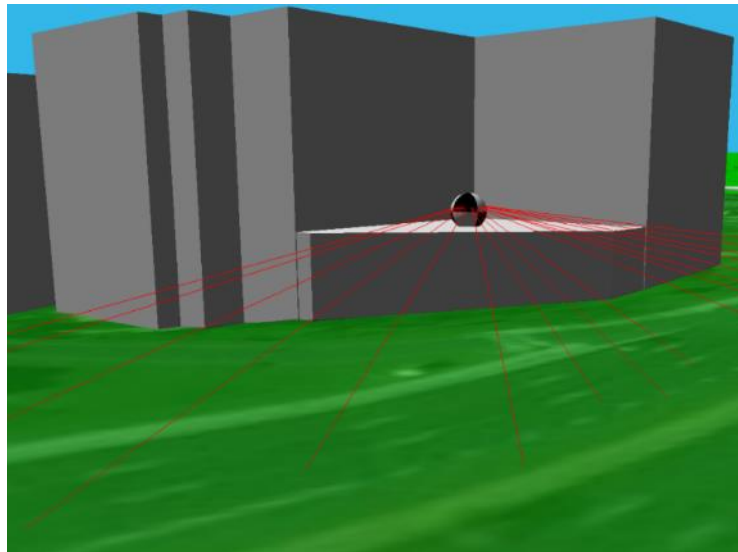


Figure 21 – Line of Sight from Hwy 650 to L3 Patio

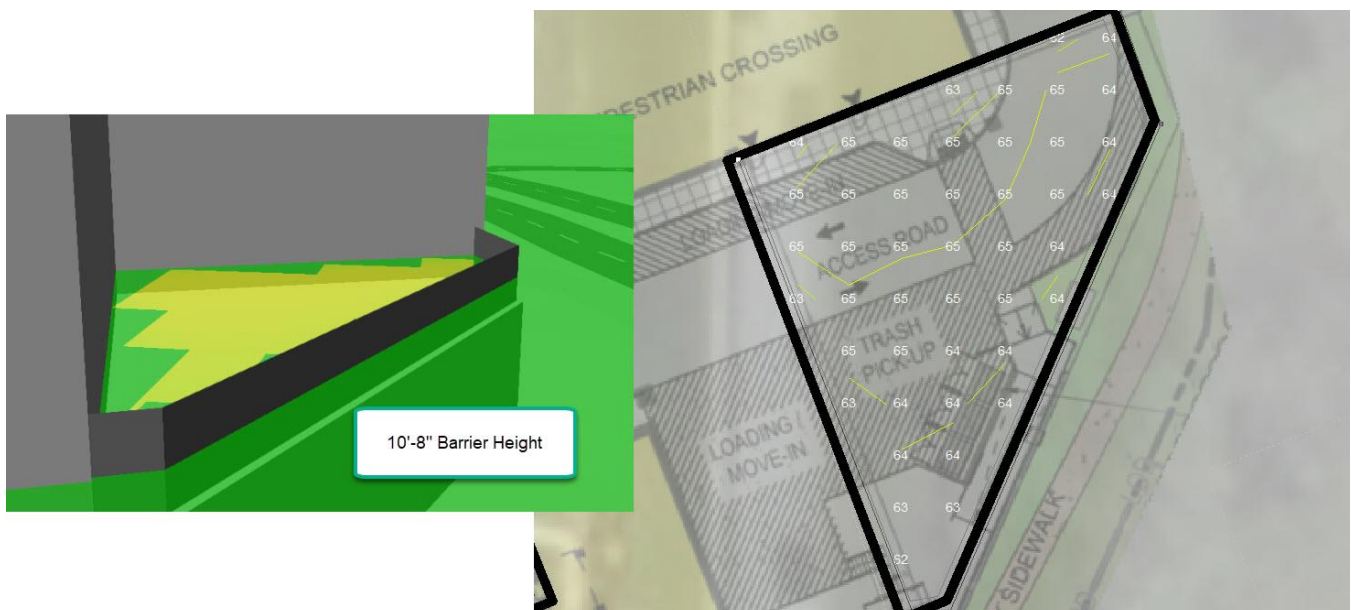


Figure 22 – Noise Levels ( $L_{DN}$ ) Received at AR Patio with 10'-8" Barrier\



### 6.3.2.2. Playground Area

Due to the topography at the site, a typical noise barrier would not be feasible to construct in the playground area. Accordingly, a solar canopy, shown below, is proposed to reduce noise levels to 65  $L_{DN}$  at the playground.

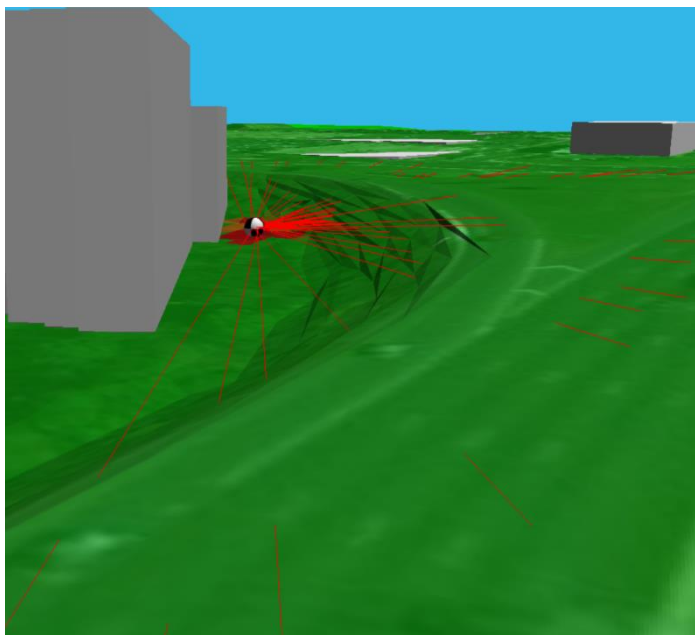


Figure 23 – Line of Sight from I-495 and Hwy 650 to Playground ( $L_{DN}$ )



Figure 24 – Noise Levels ( $L_{DN}$ ) Received at Playground with Solar Canopy



### 6.3.3. Areas Where Noise Levels Exceed 65 L<sub>DN</sub> with Feasible Mitigation

With respect to exterior areas within Hillandale Gateway, the entire site qualifies for consideration of a waiver given the existence of transportation noise in excess of 65 L<sub>DN</sub>.

Per §2.2.2 of the Montgomery County Guidelines, a waiver from exterior noise guidelines is appropriate in areas where transportation noise exceeds 65 L<sub>DN</sub> when the use of all feasible exterior attenuation measures cannot provide protection due to site-related constraints including size, shape, topography, economics, and aesthetics.

#### §2.2.2 Waiver of Exterior Guidelines for Residential Areas and Other Noise-Sensitive Land Uses

*Waiver of exterior noise guidelines for residential areas and other noise-sensitive land uses **in areas where transportation noise exceeds 65 dBA L<sub>dn</sub>** may be considered under the following circumstances:*

- (1) In areas where land use is not based on outdoor activities and internal ventilation permits year-round closing of windows.*
- (2) **If use of all feasible exterior attenuation measures cannot protect** noise-sensitive rooms on upper floors (e.g. bedrooms) or **outdoor patio areas, or if exterior attenuation is not feasible. Exterior noise attenuation measures may be infeasible due to economics, aesthetics, or site-related constraints of size, shape, or topography.***

Due to site constraints, mitigation to 65L<sub>dn</sub> was not feasible in three areas i) the Northern Interior Courtyard, ii) the Southern Interior Courtyard, and iii) the NAR Rooftop deck. In these three areas **we recommend pursuit of a waiver in accordance with §2.2.2 from the Montgomery County Guidelines from 65 L<sub>DN</sub> up to 70 L<sub>DN</sub>.**

### 6.3.3.1. Interior Courtyards

With respect to the Project's two Western facing Interior Courtyards, due to site constraints including the accommodation of a fire department access route along the Project's Western property line and the height of the courtyards relative to I-495, even the construction of the tallest barriers feasible are calculated to make only a barely perceptible difference in noise levels. Modeled barriers and results which reflect little perceivable difference in noise levels are shown in Figures 27 and 28. The barriers are assumed to be continuous with no gaps at the bottom or between panels and have a minimum density of 4 lb/psf. We recommend pursuit of a waiver to 70  $L_{DN}$  in these areas.



Figure 25 – Fire Department Access along Western Property Line

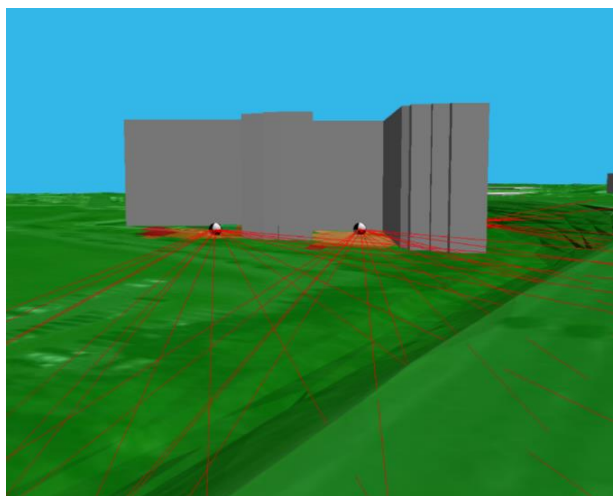


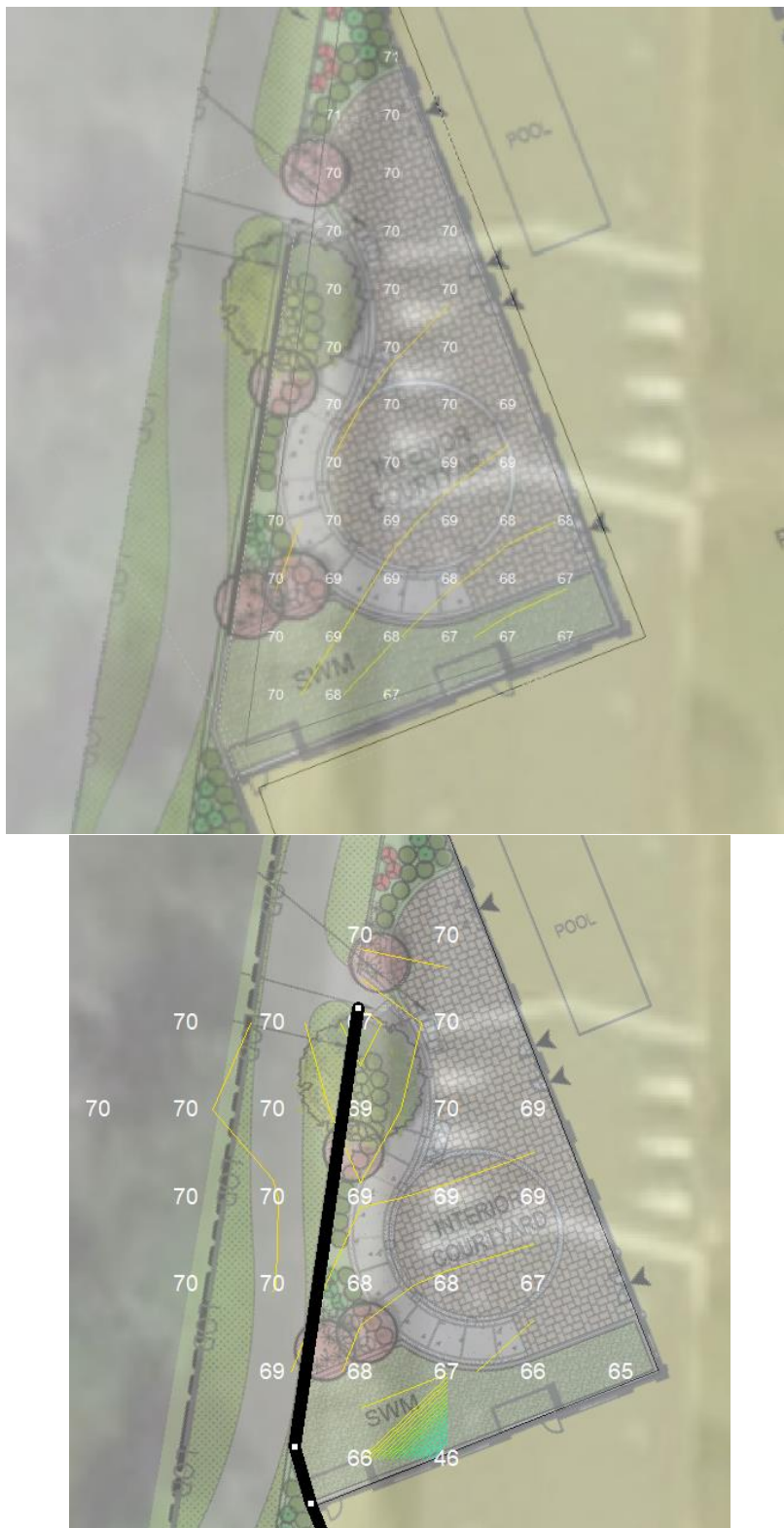
Figure 26 – Line of Sight from I-495 to Ground Level Courtyards

**NAR Interior Courtyard – South**



**Figure 27 – Noise Levels ( $L_{DN}$ ) Received at Interior Courtyard (South) with 9' tall barrier negligible difference with or without mitigation.**

**NAR Interior Courtyard – North**



**Figure 28 – Noise Levels (L<sub>DN</sub>) Received at Interior Courtyard (North) with 10' tall barrier negligible difference with or without mitigation.**



### 6.3.3.2. NAR Roof Deck

Noise levels received at the NAR roof deck can feasibly be reduced but not to 65  $L_{DN}$ . Reduction of noise to the criteria level would require an eight foot (8'-) tall sound barrier. We believe that such a barrier could be difficult to implement structurally and would impact the feel and function of the adjacent rooftop amenity space. Reflected below is the design of a six foot (6') sound barrier which would result in mitigation to 70  $L_{DN}$  according to the model. We recommend pursuit of a waiver to 70  $L_{DN}$  in this area. The barrier calculation and proposed extents are shown in Figure 30.

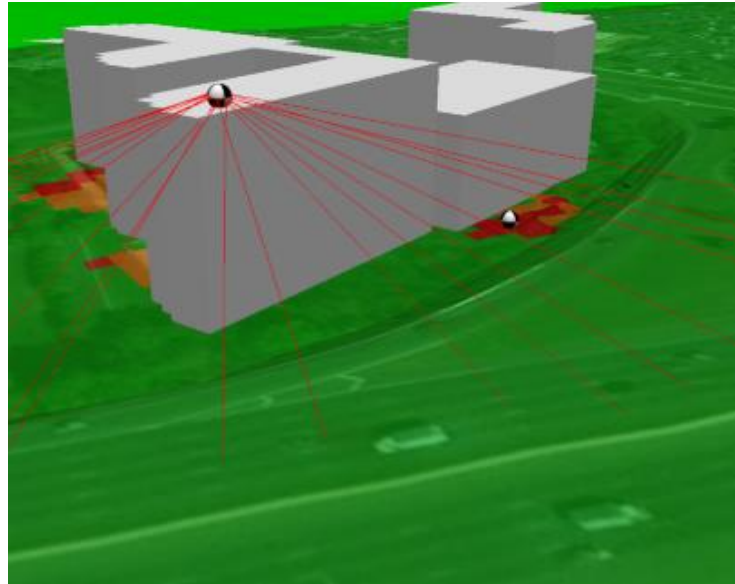


Figure 29 – Line of Sight from I-495 to NAR Roof Deck

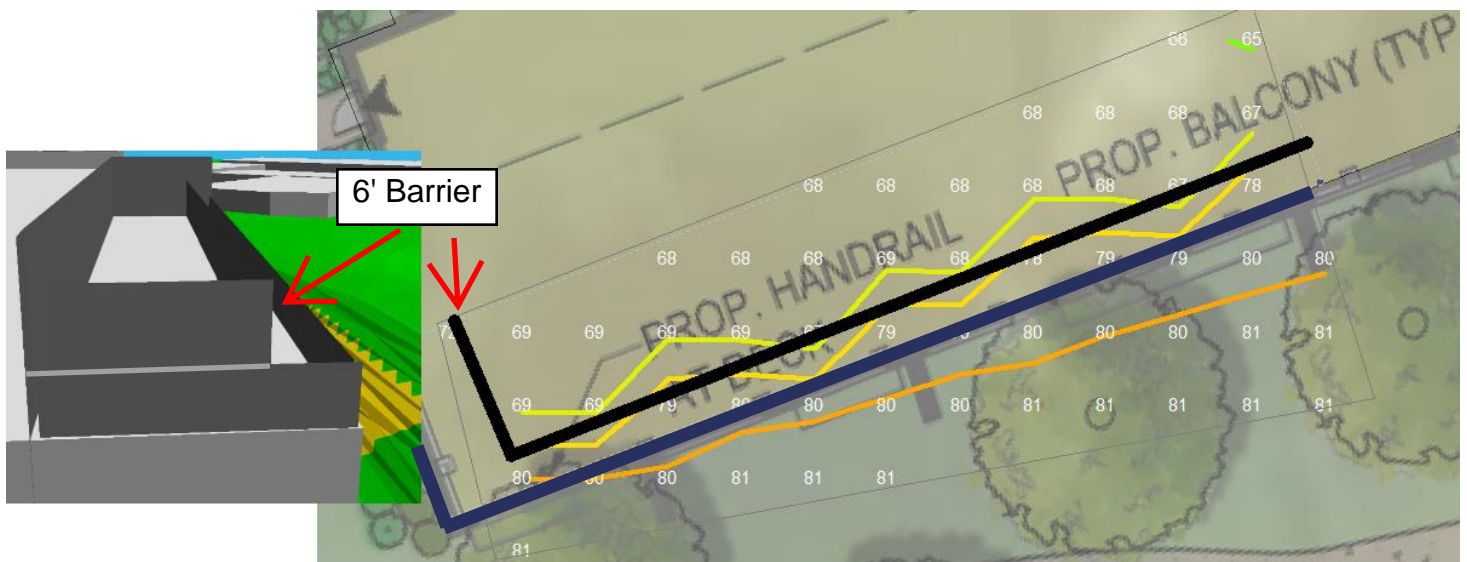


Figure 30 – Noise Levels ( $L_{DN}$ ) Received at NAR Roof Deck with 6' Tall Barrier

Sincerely,



**JOHN DAVENPORT**  
ACOUSTICAL CONSULTANT



**MOHAMED AIT ALLAOUA**  
MANAGING PARTNER & ACOUSTICAL CONSULTANT

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# ATTACHMENT 7

Gail Fisher  
10412 Rodney Road  
Silver Spring, MD 20903

December 15, 2020

Montgomery County Planning Board  
Casey Anderson  
2425 Reddie Drive  
Wheaton, MD 20902

Dear Planning Board:

I am submitting my comments for the December 17, 2020 hearing on the Hillandale Gateway project. I reside in Hillandale, at the address above.

The Hillandale Gateway has expanded significantly since it was envisioned in the Master Plan and enabled through zoning changes. Because of the need for affordable housing in the County, the Hillandale community will be the beneficiaries of a previously unimagined density of development. In return for the increase in traffic and noise, reduction of open space, the County has made little effort to ensure that the local community will benefit. In fact, the Public Benefit Points that qualify the Hillandale Gateway project do not accrue to the existing community. How do I benefit from 600 structured parking spaces? How do I benefit from “transit proximity” given that the County has not improved the transit situation on New Hampshire? The County is making a bargain with me, that in order for the County to gain more MPDUs, I will get to spend another long part of my week sitting in traffic and confusion at the New Hampshire and Powder Mill Drive/Beltway intersection. It is a bargain that for more truck and vehicle noise and traffic on New Hampshire which depreciate my quality of life, I will get to have a drive through latte. It is a bargain that for my aggravation with the noise and the traffic, I will be able to find solace in the tiny and insignificant patch of grass that is being promoted as “open space”, shaded by 11 stories of high rise and overwhelmed by thousands of pedestrians and the noise of thousands of vehicles, buses and trucks. No amount of drive-through coffee will mitigate the decreases in a safe, organized and well-planned community. I have spent years taking the bus system to the Metro from Hillandale, and the only difference in this approach from driving is the quality of seat. The traffic still snarls buses.

The scoring system developed by the Planning Board sets up this inequitable bargain. The Hillandale Gateway received 15 points because it will be built on New Hampshire, so residents will be able to take existing buses. This does not benefit the existing community. The buses exist. The Hillandale Gateway received 150 points for the excess MPDU development. The increased MPDU do not benefit the existing community any more than the existing MPDU. Finally, the Hillandale Gateway project received 11 points for structure parking. The existing community is NOT going to drive to the Hillandale Gateway and park. Anyhow, that’s not what the County rules promote- we are supposed to be developing a walkable community. The Hillandale Gateway does not receive 50 points in three categories, and the existing local community does not receive significant benefit.



**Table 3: Public Benefit Points**

Section #	Benefit Categories	Points Allowed	Points Recommended
59-4.7.3.B	Transit Proximity	25	15
<b>59-4.7.3D: Diversity of Uses and Activities</b>			
D.6	Moderately Priced Dwelling Units	N/A	150
<b>59-4.7.3E Quality Building and Site Design</b>			
F.10	Structured Parking	20	11
<b>Total</b>		<b>176</b>	

The fiction that is being perpetuated here is that high density development and wider streets that speed traffic along, will create really a nice place to live. That myth is predicated on substantial investments in high quality infrastructure. The quality of life in Hillandale will not improve at a level commensurate with the detriment levied by the combination of all permitted development and lack of State and County investment in infrastructure. The lack of political will is obvious by the lack of focus on the “public benefit points” system.

While it’s too late to turn back on the Hillandale Gateway plan, the obvious problems can be instructive. The Master Plan calls for enhancing the New Hampshire Avenue/Powder Mill Road intersection by including active uses *and accessible public open space*. Only 22,436 sq ft of open space will be maintained in this development because the zoning law does not allow for expanded open space commensurate with exemptions that allow for increased height. In other words, as the Hillandale Gateway has grown in height by nearly 50%, the patch of open space will be felt to recede under the mass of the buildings. Unfortunately, this is allowable by flaws in zoning law that are not allowed in residential development zoning. The “open space” should have been increased along with the density.



*Figure 7: View of open space between commercial buildings on South Lot*

Specific benefits that would both support this development and return to the existing Hillandale community some benefit to mitigate the detriment of additional development are: increased open space elsewhere in Hillandale – we should not strive for minimums but maximums; a walkway between the development and the grocery store across New Hampshire Ave either over or under the Highway so the elderly can safely reach the grocery store and northbound buses; improved walkway striping on New Hampshire and Powder Mill; an enlarged Fire Station; improved lighting at the bottom of the beltway ramps where there are cross walks; and expeditious New Hampshire BRT planning. More imaginatively, the Planning Board could examine ways to work with the FDA and Montgomery Parks Dept to increase public access to open space, perhaps acquiring under utilized Federal land on the FDA property to act as a riparian north-south pathway, with public access.

While the Planning Staff report hints at efforts to work with the developer to create safe conditions for the development, to date I have not seen any engagement with the existing community to develop mitigating and compensatory public benefit for the existing community. Such engagement would be welcome.

Sincerely,

*Gail Fisher*

Gail Fisher  
Gail.fisher@gmail.com



# LABQUEST COMMUNITY PARTNERSHIP

10733 KINLOCH ROAD SILVER SPRING, MD 20903

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December 9, 2020

Casey Anderson, Chair  
Montgomery County Planning Board  
2425 Reedie Drive, 14th Floor  
Wheaton, MD 20902

Dear Planning Board Chair Anderson and Planning Board Members:

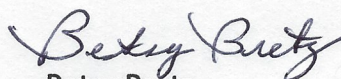
This is to convey the very strong support of LABQUEST for the approval of the Hillandale Gateway project.

The White Oak community badly needs the type of positive development that Hillandale Gateway represents. The project will feature sustainable elements within a mixed use, mixed income environment. Notably, it will have a transit hub for both current bus and future BRT. It is also walkable and bikeable to the FDA campus on New Hampshire Avenue and the nearby Hillandale Shopping Center.

Importantly, Hillandale Gateway reflects the vision of the White Oak Science Gateway Master plan. It will provide the quality residential and commercial opportunities that have long been missing in the White Oak area.

In sum, we believe that Hillandale Gateway will be a model project for highly attractive new development in Eastern Montgomery County. We respectfully request that the Planning Board give its approval to this very significant project.

Sincerely,



Betsy Bretz

Chair

LABQUEST Community Partnership

# C•H•I Inc.

*Lifting the Limits Since 1948*

**Marylove Moy**  
*President*

**Daphne Pallozzi, M.S.**  
*Chief Executive Officer*

Casey Anderson, Chair  
Montgomery County Planning Board  
2425 Reddie Drive, 14th Floor  
Wheaton, MD 20902

December 7<sup>th</sup>, 2020

Re: Support for Hillandale Gateway – Request for APPROVAL

Dear Planning Board Chair Anderson and fellow Planning Board Members:

I am writing you today to express my enthusiastic support for the approval of the Hillandale Gateway project.

Our community needs the type of positive development that Hillandale Gateway represents. The project will incorporate highly sustainable features within a mixed use, mixed income environment which is adjacent to transit (both current bus & future BRT). Simply put, I believe this project reflects the vision of the White Oak Science Gateway Masterplan. I believe Hillandale Gateway will encourage revitalization in the commercial properties along New Hampshire Avenue, hopefully sparking a 'face lift' and an increase in desirable services, retail, and jobs.

CHI is a midsize employer located between the Hillandale Gateway site and the FDA. We are excited about the possibility of developing a new pool of applicants by recruiting residents of Hillandale Gateway in the future for our job openings.

I would like to see the benefits of this type of vibrant new development in Eastern Montgomery County. Please approve this great new project.

Sincerely,



Daphne Pallozzi  
Chief Executive Officer