

# Montgomery Planning

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB

Item No. 7

Date: 03.25.2021

## Park Montgomery, Local Map Amendment H-140

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Completed: 3.12.2021

### Description

Request to rezone a 3.29-acre property from R-H to CRTF-1.6, C-0, R-1.6, H-140 to allow the construction of a new multi-family structure for up to 76 units with an existing 141 unit apartment building to remain, with 15% of total units (217) as MPDUs.

**Location:** 8860 Piney Branch Avenue approximately 900 feet east of University Boulevard

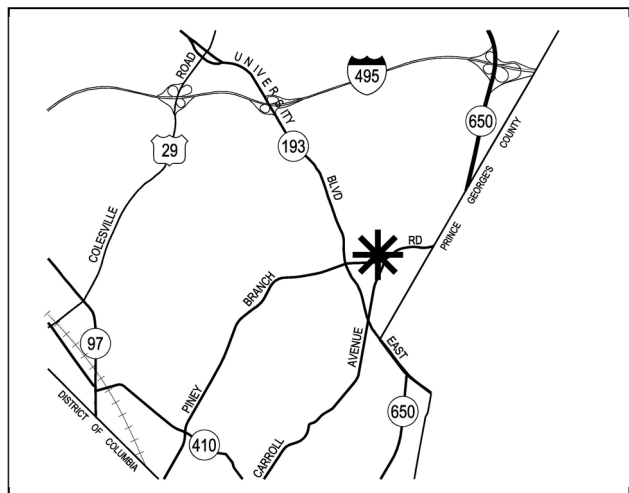
**Master Plan:** 2013 *Long Branch Sector Plan*

**Applicant:** Park Montgomery Limited Partnership

**Application Accepted:** December 4, 2020

**Public Hearing by the Hearing Examiner:** April 12, 2021

**Review Basis:** Chapter 59, Zoning Ordinance



### Summary

- Staff recommends approval of the Local Map Amendment (LMA) to rezone the 3.29-acre property to CRTF-1.6, C-0, R-1.6, H-140, with conditions, to be transmitted to the Hearing Examiner.
- The Property is currently developed with one 14-story multi-family building containing 141 affordable units, a two-story parking structure, and surface parking.
- The proposed rezoning would increase the maximum density onsite, to allow future development of a second 98-foot tall multi-family structure for up to 76 units for the sole purpose of affordable housing.
- The Proposal will provide affordable housing in the existing and proposed buildings covered by three separate programs: Housing Initiative Fund, Low-Income Housing Tax Credits, and Moderately Priced Dwelling Unit program.
- An associated Preliminary Forest Conservation Plan and Tree Variance is recommended for approval and discussed in a separate staff report.
- The Property is not recommended for a floating zone in the 2013 *Long Branch Sector Plan*, therefore the application must meet the prerequisites as specified in Section 59.5.1.3.C & D of the Zoning Ordinance.
- Subsequent Sketch and Site Plan reviews will be required if the Local Map Amendment is approved.
- Staff has not received any correspondence regarding this Application.

## SECTION 1: STAFF RECOMMENDATION

Staff recommends approval of Local Map Amendment H-140 and the associated Floating Zone Plan with the following binding elements:

1. The use of the property will be limited to multifamily residential and associated garage and surface parking.
2. Maximum building height on the Property will be 140' for existing building, however new development will be limited to 98 feet in height.
3. Total residential units onsite will not exceed 217 units.
4. Vehicular access to the Site will be limited to the existing driveway.
5. Fifteen percent of total units onsite will be regulated as Moderately Priced Dwelling Units, per Chapter 25A of the County Code, subsequent to the expiration of the LIHTC restrictions.

At the time of Sketch Plan and Site Plan approval, the Applicant must address the following:

1. The Applicant will participate in the implementation of the 2-way separated bikeway along the north (Site) side of Piney Branch Road, as envisioned by the 2018 *Bicycle Master Plan*.
2. The Applicant will provide a 10-foot sidewalk behind the curb along the Site's Piney Branch Road frontage in compliance with the 2013 *Long Branch Sector Plan*.
3. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration's requirements for access and improvements.
4. Submit a public open space design in conformance with Section 59.6.3 of the Zoning Ordinance.

## SECTION 2: PROPERTY AND PROJECT DESCRIPTION

### Vicinity

The 3.29-acre Property is located on the northern side of Piney Branch Road (MD 320) approximately 800 feet east of the intersection at University Boulevard (MD 193). Many of the properties fronting on Piney Branch Road are developed with multifamily residential buildings at varying densities and setback far from the road. Directly to the west of the Site is a 13-story condominium building, and directly to the east are three-story garden apartments. A detached single-family neighborhood is located to the rear of the Property. Confronting the Property on the south side of Piney Branch Road is El Calvario Church, a gas station, townhouses, and New Hampshire Estates Park and Elementary School.

The Staff-defined Neighborhood, outlined in blue in Figure 1 below, is primarily defined by properties fronting on Piney Branch Road between the main intersections of University Boulevard to the west and Carroll Avenue to the east, as well as the single-family neighborhood abutting in the rear.

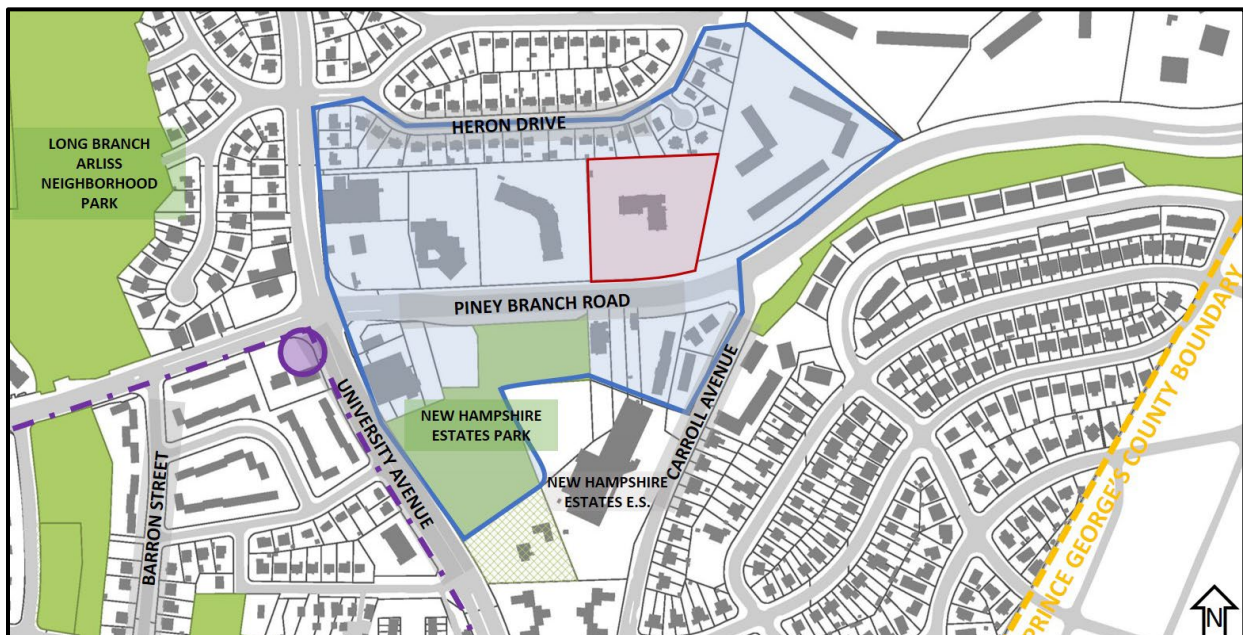


Figure 1: Vicinity Map/Staff Defined Neighborhood in blue, with Property in red

### Property Description

The Property is currently zoned R-H (multiple-unit, high-rise planned residential), and improved with a 14-story multi-family building containing 141 units with one access point from Piney Branch Road with surface parking and a two-story parking structure. The existing building is supported by the County Housing Initiative Fund, and a large portion of those units are reserved for households at 60% area median income (AMI), while some units are market rate affordable. For further discussion on affordable housing, see Page 7.

The Property topography slopes significantly from north to south (rear to front) with the grade dropping approximately 36 feet towards the Piney Branch Road frontage. The Property contains a small portion of forest (approximately 12,875 square feet) located along the eastern boundaries, which features several mature trees. There are no other environmentally sensitive features such as wetlands, 100-year floodplain or stream valley buffers, and the Site is not located within a Special Protection Area. There are no cultural facilities or historic sites located within or adjacent to this Site nor any known endangered species or critical habitats.





Figure 2: Aerial View of Property and Property outlined in red



Figure 3: Street View of existing Site from Piney Branch Road, looking north

### Existing Transportation Access and Transit Service

The Property has direct access from Piney Branch Road (MD 320), which is classified as a 4-lane major highway with a master-planned 120-foot right-of-way. Immediately adjacent to the western boundary of the Property is a bus stop served by Montgomery County Ride On routes 16, 20, and 24, providing connections between the Silver Spring Central Business District and the City of Takoma Park. The Purple Line light-rail transit service, currently under construction, will include a station at University Boulevard and Piney Branch Road, approximately 800 feet west of the Site. Within the vicinity of the Purple Line transit station is a planned station for the University Boulevard Bus Rapid Transit (BRT) route, which will connect the Takoma/Langley Transit Center to the Wheaton Metro Station.

### **Zoning Context**

The Property is located within the 2013 *Long Branch Sector Plan*, which did not recommend any changes to this Site, nor did it recommend this Site for a floating zone.

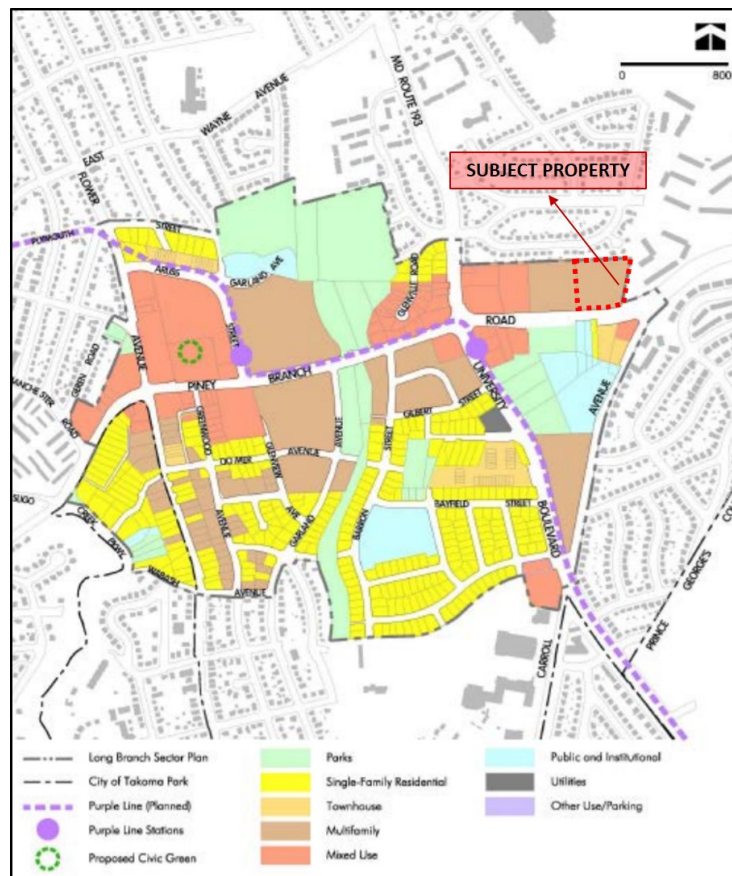


Figure 4: 2013 Long Branch Sector Plan Proposed Land Use (Subject Property highlighted in red)

In 2014, subsequent to the adoption of the Sector Plan, the County Council adopted a new Zoning Ordinance. As part of this update, the new Zoning Ordinance removed several zoning designations and introduced other. Previous zones that had been replaced were updated on the Zoning Map as generally equivalent conversions to new zones. Some zones, including the R-H zone of the Subject Property, were retained from the old Zoning Code. The R-H zone development standards regulate density and maximum dwelling units based on lot size, not FAR. Based on these development standards, the current zoning on the Subject Property has been maximized and no further density is allowed.



## Proposal

The Applicant proposes to rezone the Property from the existing R-H zone to CRTF 1.6 C 0.5 R 1.6 H 140'. The purpose of this rezoning is to allow the Site to increase allowable density for the construction of a second multi-family building with structured parking for affordable housing. The new building will be a maximum of 98 feet in height and will provide up to 76 multifamily dwelling units. In total, the Site would allow up to 217 housing units within two buildings.

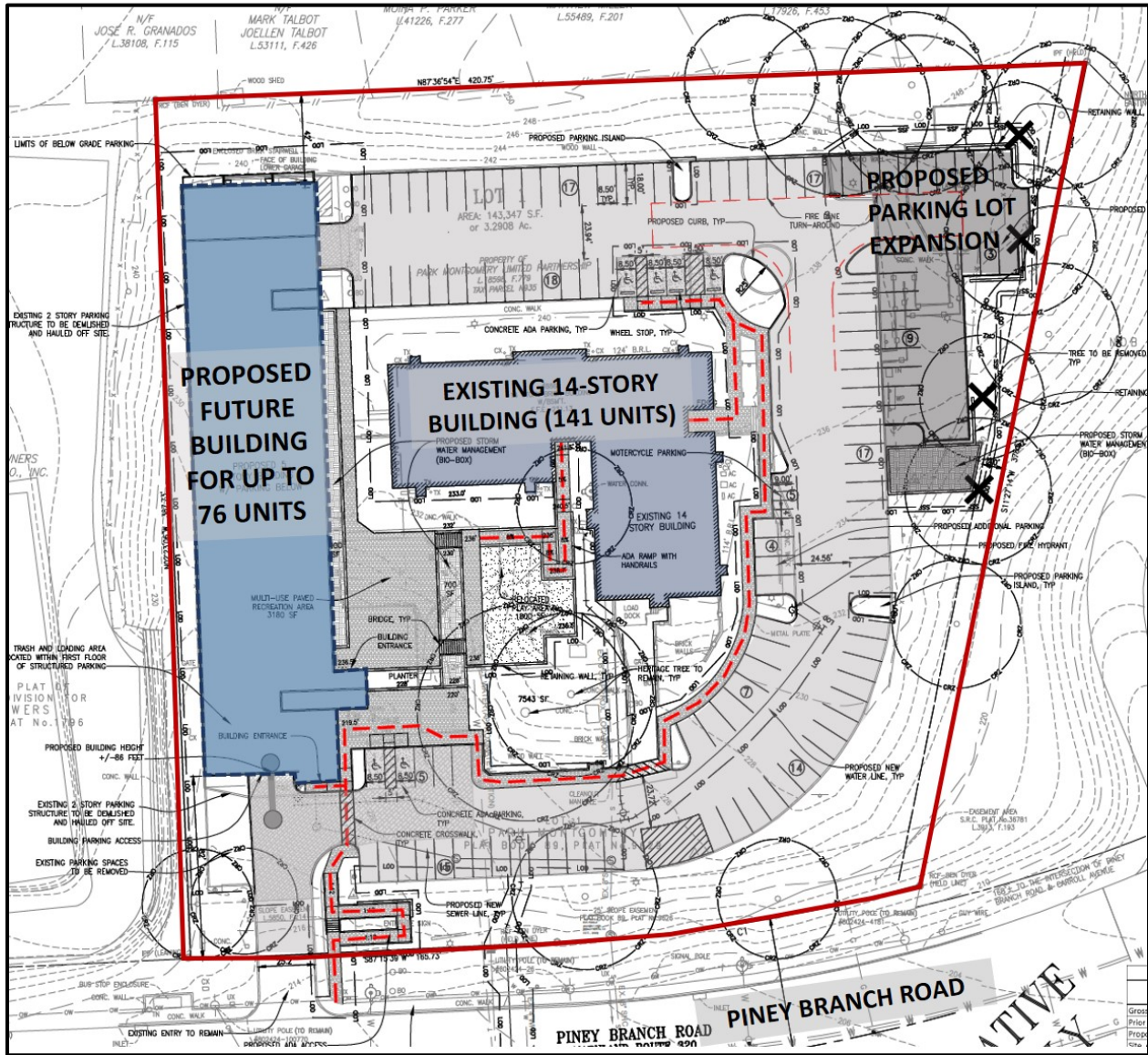


Figure 5: Proposed Floating Zone Plan



*Figure 6: Schematic Rendering of Proposed Addition from Piney Branch Road, looking north*

As shown in Figure 6 above, the new building is proposed mostly within the existing footprint of the two-story parking structure, which will be demolished to accommodate the new building. The proposed building location will limit impacts to undeveloped portions of the Property and provide a building footprint closer to Piney Branch Road, enhancing the relationship of the Site to the street.

#### Affordable Housing

In 2000, the Subject Property was acquired by Community Preservation and Development Corporation (CPDC) to prevent the Property from converting to market rate apartments. The existing building maintains affordable housing through assistance from the County Housing Initiative Fund. The developer for this subject application is Enterprise Community Development Inc, which is the real estate arm for Enterprise Community Partners, a national non-profit organization created by the Rouse Company to end housing insecurity. The proposed development will increase available affordable housing onsite through the federal Low-Income Housing Tax Credit program and the County MPDU program. In total, the affordable housing onsite will range in affordability and will be restricted and monitored through different programs. Each of these programs are described below:

#### **County Housing Initiative Fund (HIF):**

Montgomery County's Housing Initiative Fund (HIF) is a locally funded housing trust fund that provides loans to the Housing Opportunities Commission (HOC), nonprofit developers, experienced rental property owners, and for-profit developers to build new housing units, renovate deteriorated multi-family housing developments, preserve existing affordable housing, and provide special needs rental housing.

As a condition for use of HIF funding, 50% of existing units at Park Montgomery are restricted to 60% AMI. A handful of the existing units (20) became out of compliance due to increased income

and will be removed from the HIF program, however the Applicant is working to have new restrictions placed on these units through refinancing/tax credit awards. The existing building is also restricted by the Community Development Administration (CDA), a state-run program, which requires 100% of the units be 60% or less of AMI.

**Low-Income Housing Tax Credit (LIHTC)**

This program is funded by the IRS and administered through state housing financing agencies and provides funding for the development costs of low-income housing rental units. The LIHTC program restricts units to 20-80% affordability for a 15-year compliance period. The Applicant has received these tax credits for the construction of the new building that will contain 76 units and is applying for additional tax credits to renovate the existing building.

**Moderately Priced Dwelling Unit (MPDU)**

A Montgomery County specific program with a mandatory set aside of 12.5%-15% units in new developments greater than 20 units. The MPDU program serves households at 65-75% AMI, dependent on construction type, for a 99-year control period. This Property is only required to provide 12.5% MPDUs, however, to receive the requested density bonus the Applicant is proposing 15% MPDUs based on the entire Site unit count (217 units), resulting in 33 MPDUs. The MPDU regulations will begin subsequent to the expiration of the LIHTC restrictions. Essentially, for the first 15 years after construction, 100% of the new building (76 units) will be restricted under the LIHTC program to 20-80% AMI, and then for the subsequent 99 years, 33 units will be restricted to 65-75% AMI through the MPDU program.

Circulation

Access for all modes of transportation is provided by the existing full-movement driveway on Piney Branch Road, located approximately 360 feet west of the intersection of Carroll Avenue and Piney Branch Road. The Application proposes no substantial changes to the Site's existing access configuration. The driveway is approximately 28-feet wide, in compliance with the minimum (20-feet) and maximum (32-feet) width of a driveway within the CRT zones (Section 59.6.1.4.A).



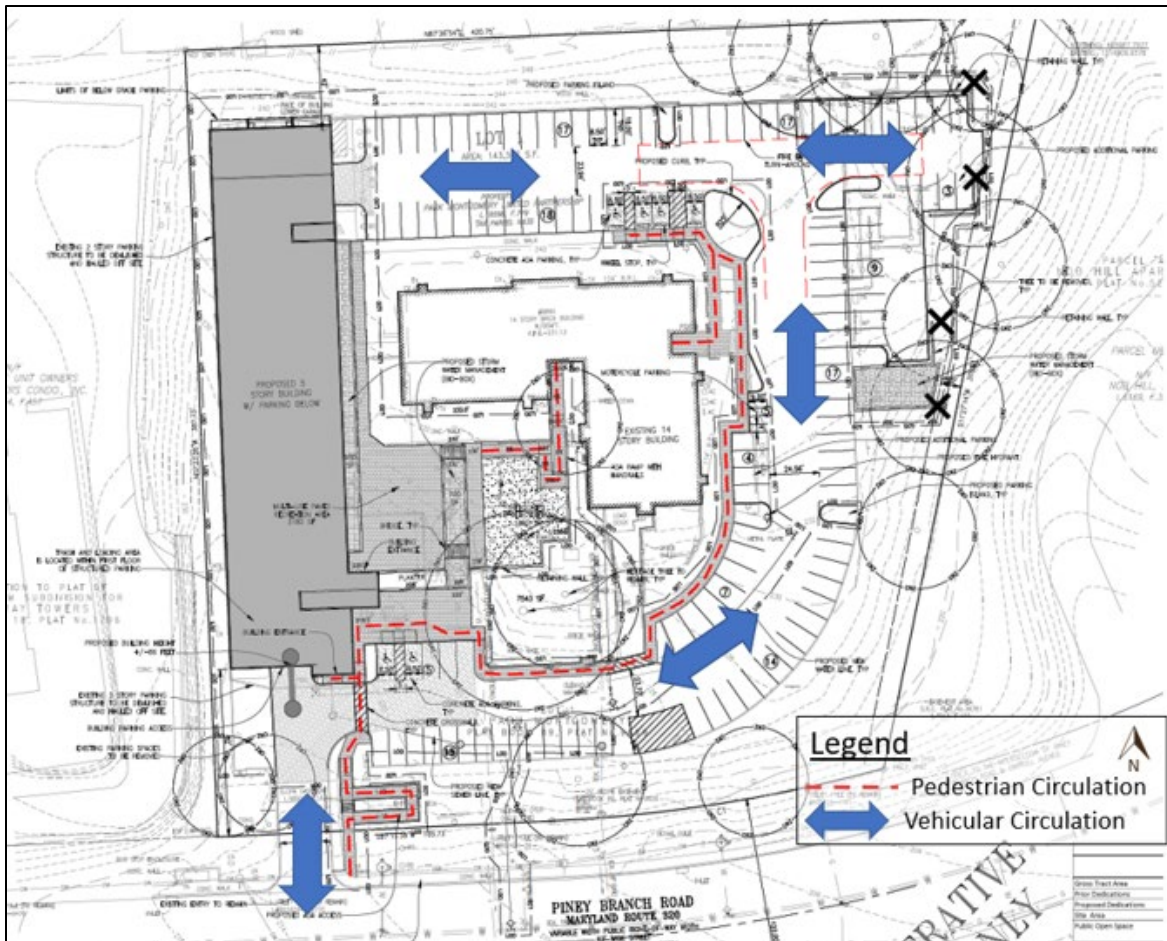


Figure 7 – Site Circulation and Access

### Master-Planned Roadways, Bikeways, and Transitways

Piney Branch Road is classified as a 4-lane major highway with a master planned 120-foot right-of-way (ROW). As demonstrated per Plat 9626 (1970) 60-feet has been dedicated between the roadway centerline and the Property frontage. The proposed Floating Zone Plan shows that the existing and master-planned cross section of Piney Branch Road can be accommodated within the existing dedicated ROW, therefore no further dedication will be required.

The Applicant proposes widening the existing 5-foot sidewalk along the Piney Branch Road frontage, in compliance with the 2013 *Long Branch Sector Plan* vision for a 10-foot pedestrian pathway between University Boulevard and Carroll Avenue.

The 2018 *Bicycle Master Plan* recommends a 2-way separated bike lane along the north side of Piney Branch Road between Flower Avenue and Carroll Avenue. The Applicant has worked closely with MCDOT and MDOT SHA to ensure the frontage improvements proposed along the Piney Branch Road frontage uphold and do not preclude the master-planned bikeway. The Applicant will participate in the construction of the planned bikeway in one of two ways, to be determined at future development stages. The Applicant will have the choice of paying a fee in-lieu of constructing the bikeway, based on a cost estimate reviewed and approved by MCDOT, or, will construct an interim condition of the Ultimate Roadway Design, as approved by MDOT SHA and MCDOT. The interim condition requires widening of the northern section of roadway by 5-feet to provide the necessary curb alignment for the future road diet and construction of the 2-way, 8-foot wide separated bikeway. The additional 5-feet along the frontage

will be striped in accordance with MDOT SHA standards to serve as a shoulder until MCDOT reconfigures the Piney Branch Roadway for the separated bikeway, currently under design.

#### **Local Area Transportation Review (LATR)**

The Application submitted a traffic study in November of 2020<sup>1</sup> as the Project is estimated to generate more than 50 person trips in the evening peak hour. Although an Adequate Public Facilities finding for transportation is not required at this time, the study demonstrates that there is adequate capacity on the adjacent roadways to accommodate the additional vehicle traffic estimated to be generated by the Project. The Project is estimated to generate 42 total new person trips during the morning peak hour and 51 total new person trips in the evening peak hour.

The Project is estimated to generate 22 new vehicle trips in the morning peak hour and 28 in the evening peak hour and was therefore required to study one tier of intersections, as approved by Planning, MCDOT and MDOT SHA staff. The identified intersections were studied in November of 2020 and shown in Figure 8 below. In accordance with the Planning Department's adjusted policy for conducting traffic counts during the COVID 19 pandemic, the Applicant applied a growth rate of 1.07 to the evening peak hour traffic volumes.

*Table 1: Summary of Site Trip Generation*

Trip Generation	Morning Peak Hour			Evening Peak Hour		
	ITE	Policy Area Adjustment	Person Trips	ITE	Policy Area Adjustment	Person Trips
Proposed 76 units	27	22	42	33	28	51

*Source: Transportation Impact Study conducted by Traffic Concepts, Inc., dated November 2020, modified by staff.*

*Table 2: Net New Person Trips by Travel Mode*

Peak Travel Period	Auto Driver	Transit	Pedestrian <sup>1</sup>	Bicycle	Total Person Trips
AM	22	4	10	6	42
PM	27	5	13	8	51

<sup>1</sup> Pedestrian trips subtotal represents the combined total of transit trips and non-motorized trips, as required by the 2016-2020 LATR.

*Source: Transportation Impact Study conducted by Traffic Concepts, Inc., dated November 2020, modified by Staff.*

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<sup>1</sup> The Application was accepted in November of 2020 and therefore is subject to the 2016-2020 LATR.

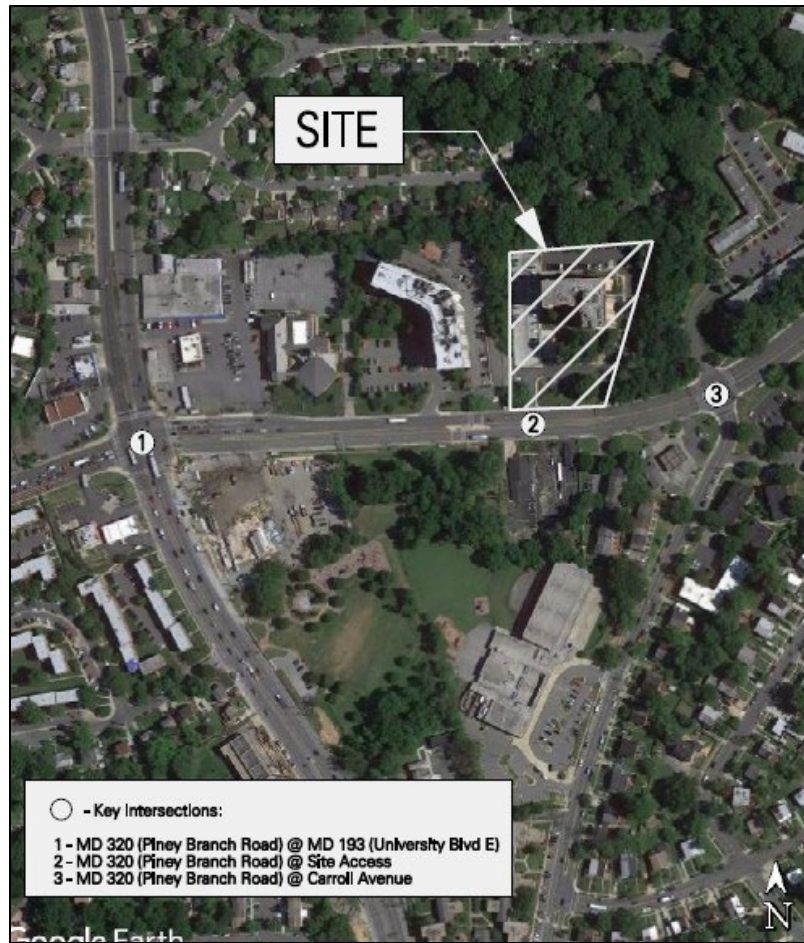


Figure 8 – Map of Study Intersections

Table 3: Summary of Transportation Impact Study

Intersection	Operating Condition	Policy Area Congestion Standard	AM Peak Period (Avg. vehicle delay in seconds)		PM Peak Period (Avg. vehicle delay in seconds)	
			Existing	Future	Existing	Future
1. Piney Branch Road/ University Blvd	Signalized	80 sec.	46.2	46.3	49.7	49.7
2. Piney Branch Road/ Carroll Avenue	Signalized	80 sec.	9.5	9.5	11.5	11.6
3. Piney Branch Road/ Site Driveway	Unsignalized	80 sec.	0.3	0.6	0.2	0.5

Source: Transportation Impact Study conducted by Traffic Concepts, Inc., dated November 2020.

All intersections studied show an average vehicle delay that is fewer than 80 seconds in both the morning and even peak hours. Therefore, a finding can be made that the adjacent network has adequate capacity today and can accommodate the vehicle trips estimated to increase by the Project. As per the 2016-2020 LATR, no mitigation will be required by the Applicant.

### Community Outreach

The Applicant has complied with the required notification signage and has informed all of the adjacent Property owners, community organizations and homeowners associations within one-half mile of the Property about the Application and the proposed Project. Staff has not received any correspondence about this Application.



### SECTION 3: FINDINGS

*For a Floating zone application, the District Council must find that the floating zone plan will:*

*Section 59.7.2.1.E.2.a. substantially conform with the recommendations of the applicable master plan, general plan, and other applicable County plans;*

The Floating Zone Plan substantially conforms with the recommendations of the 2013 *Long Branch Sector Plan* (Sector Plan). The Sector Plan identifies four goals (p. 24):

- **Community:** Creating a strong sense of place and identity through design, parks, and public facilities;
- **Land Use and Zoning:** Addressing compatibility issues and providing redevelopment incentives;
- **Sustainability:** Creating a place for people that also supports and enhances natural systems; and
- **Mobility:** Providing options for getting around and integrating connections.

The proposed redevelopment will allow reinvestment in the Property and community with an increase in low- and middle-income housing, without displacing any existing residents, and will be in proximity to the future Purple Line, allowing future residents a wide range of mobility options.

The Sector Plan encourages reinvestment and new development while minimizing potential displacement of residents. Therefore, the Sector Plan intentionally limited rezonings and specifically, this Property was not rezoned nor recommended for a floating zone. However, given the nature of this proposal being an affordable housing project, the requested rezoning consistent with the intent of the Sector Plan.

#### Master-Planned Bikeways and Bicycle Parking

The Sector Plan specifically recommends right-of-way improvements for Piney Branch Road, including upgraded sidewalks and bicycle lanes, and the 2018 *Bicycle Master Plan* specifies the bicycle lanes should be two-way separated lanes located on the north side of Piney Branch Road. The Subject Property has previously dedicated to the 120-foot master planned ROW, and the Applicant has committed to participate in the master planned vision for Piney Branch Road. There have been several meetings with Staff, Montgomery County Department of Transportation (MCDOT), Bicycle and Pedestrian Priority Areas (BiPPA), and State Highway Administration (SHA) to discuss design and various constraints within the existing right-of-way. Further discussion on participation will be conditioned to occur at the Sketch and Site Plan phase.

*Section 7.2.1.E.2.b. further the public interest;*

The proposed rezoning seeks to respond to the market demand for more affordable dwelling units in the vicinity, given the close proximity to the future Purple Line currently under construction. The proposed development will build upon and enhance existing improvements resulting in a Project that furthers the public interest without burdening the existing infrastructure.

*Section 59.7.2.1.E.2.c. satisfy the intent and standards of the proposed zone and, to the extent the Hearing Examiner finds it necessary to ensure compatibility, meet other applicable requirements of this Chapter;*

#### Section 59.5.1.2. Floating Zone Intent Statement

*The intent of the Floating zones is to:*

*A. Implement comprehensive planning objectives by:*

- 1. furthering the goals of the general plan, applicable master plan, and functional master plans;*
- 2. ensuring that the proposed uses are in balance with and supported by the existing and planned infrastructure in the general plan, applicable master plan, functional master plan staging, and applicable public facilities requirements; and*
- 3. allowing design flexibility to integrate development into circulation networks, land use patterns, and natural features within and connected to the Property; and*

As described above, the proposed development is consistent with the goals and recommendations of the 2013 *Long Branch Sector Plan*. The rezoning will provide redevelopment opportunities for the Property and reinvestment in the community to provide additional affordable housing near public transit.

The public facilities are adequate to accommodate the proposed use. Based on the potential trips generated, the Project was required to submit a Transportation Impact Study, which was reviewed by Planning Staff, MCDOT, and SHA. The TIS concluded that all of the studied intersections will operate within acceptable levels and no mitigation is required.

The Project is subject to the Growth and Infrastructure Policy for Fiscal Year 2021. The Property is located within the DownCounty Consortium (Blair) school cluster and is served by Blair High School, Eastern Middle School, and Pine Crest and Montgomery Knolls Elementary Schools. Given that the Proposal for the new building will be affordable and constructed through the Low-Income Housing Tax program, the Project anticipates being exempt from any Utilization Premium Payments that would typically be required due to the capacity issues for Blair High School. The full evaluation will be determined at the Adequate Public Facility Stage during the Site Plan application review.

The Property is serviced by existing water and sewer and is located within water and sewer categories W-1 and S-1. Electric, gas, and telecommunications services are also be available. Other public facilities and services – including police stations, firehouses, and health care facilities – are currently operating in accordance with the Growth and Infrastructure Policy and will continue to be sufficient following construction of the Project.

The proposed design will demolish an existing two-story parking structure and locate the new 98-foot tall building generally within this footprint. The new building will be oriented towards Piney Branch Avenue, which will integrate the new development within the circulation network. The Applicant will be required to participate in the Sector Planned and Bicycle Master Planned vision for Piney Branch Road, which includes enhanced sidewalks, bicycle lanes, and streetscape improvements. The final design and participation will be evaluated during the Sketch and Site Plan application process.

*B. Encourage the appropriate use of land by:*

- 1. providing flexible applicability to respond to changing economic, demographic, and planning trends that occur between comprehensive District or Sectional Map Amendments;*
- 2. allowing various uses, building types, and densities as determined by a Property's size and base zone to serve a diverse and evolving population; and*

*3. ensuring that development satisfies basic sustainability requirements, including open space standards and environmental protection and mitigation; and*

While the Sector Plan recommended the Property remain zoned R-H, at that time the Sector Plan recognized that the Purple Line construction “could impact real estate values and drive up prices” so ultimately, the Plan recommended “retaining the zoning on most of the existing multifamily developments” with the intent to prevent the loss of market affordable units and potential displacement of lower-income residents. However, the requested rezoning will allow the construction of a new building to increase affordable housing opportunities for low and middle-income families, while maintaining the existing multifamily building and affordable units onsite, thereby not resulting in displacement. The rezoning and future development proposal addresses the very concerns of the Sector Plan while allowing flexibility to respond to changing economic, demographic, and planning trends.

Section 59.5.2.5.A.1.b provides criteria for applying density to floating zones for Properties that were not recommended by the Sector Plan for rezoning. Based on these provisions, an FAR of 1.5<sup>2</sup> is appropriate for this Property, however the Applicant is seeking bonus density per the provisions of Section 59.5.1.3.C.1 & 59.4.5.2.C. The Project is only requesting to utilize a small portion of the potential bonus density (0.1), resulting in a FAR of 1.6.

The Project will be required to provide 5% of the site as public open space, per the standards in Section 59.6.3 of the Zoning Ordinance, which will be reviewed during the Sketch and Site Plan application process. The Project has been designed to limit further impact to the existing slope and mature trees onsite by locating the new building within the existing footprint of the two-story parking garage. However, the Project will require the removal of 4 specimen trees to allow for the surface parking lot expansion for proper Fire Access movement and additional parking. These impacts have been evaluated with the associated Preliminary Forest Conservation application. The FCP will require 0.13 acres of afforestation and the removal of two specimen trees, for which 17 caliper inches of mitigation plantings will be required.

*C. Ensure protection of established neighborhoods by:*

- 1. establishing compatible relationships between new development and existing neighborhoods through limits on applicability, density, and uses;*
- 2. providing development standards and general compatibility standards to protect the character of adjacent neighborhoods; and*
- 3. allowing design flexibility to provide mitigation of any negative impacts found to be caused by the new use.*

The proposed floating zone will allow for the construction of a new multifamily residential building which will achieve compatible relationships between the new and existing development. The density proposed is the minimum necessary to financially support an affordable housing project, which is significantly less than the potential allowed density per the density bonus provisions of the Zoning Ordinance. The new building will contain a maximum of 76 affordable units, increasing affordable housing onsite. The Floating Zone Plan proposes a new amenity space between the two buildings to strengthen the relationship

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<sup>2</sup> Section 59.5.2.5.A.1.b specifies density for pre-existing Euclidean zones which does not include the R-H zone, as the R-H zone was retained in the updated Zoning Ordinance. Therefore, the R-10 zone was utilized as an equivalent zone based on the Property's existing density.



between the new and existing development and providing proximate amenity space to the residents.

The Floating Zone Plan will set development standards and general compatibility standards to protect the character of the adjacent neighborhoods. The Property is adjacent to an existing single-family detached neighborhood in the rear and therefore must meet the residential compatibility standards of Section 59.4.1.8 of the Zoning Ordinance. The new building is proposed to be a maximum 98 feet in height, which will step down in the rear to conform to the residential compatibility standards. Additionally, the existing slope onsite increases towards the rear, further reducing the perceived height from the single-family neighborhood. The existing building onsite is approximately 140' in height, and the neighboring property contains a 13-story condominium building. The Floating Zone plan specifies minimum side setbacks which are more generous than the required setbacks for a typical CRT development, thereby setting the standard for compatibility which will be further reviewed for design in the Sketch and Site Plan application process.

As noted in the associated Preliminary Forest Conservation Plan, the Subject Property contains several mature trees and areas of steep slope particularly around the edges of the Property. The proposed new construction will avoid many of these sensitive areas by locating the new building with the existing developed footprint, however where impacts cannot be avoided, the PFCP requires appropriate mitigation for any negative impacts.

#### Section 59.5.1.3. Applicability

The Property is currently classified as a Multi-Family Residential Zone, rather than an Agricultural or Rural Residential zone, so a floating zone can be approved on this Property. A floating zone is not recommended for the Property in the Sector Plan, so prerequisites are required for this Application. The Applicant is requesting a Commercial Residential Town Floating zone, CRTF, so the Property must front on a nonresidential street or must confront or abut a property that is in a Commercial/Residential, Employment, or Industrial zone; and the application must satisfy a minimum of 2 prerequisites for each of the categories under Section 5.1.3.D. The Property fronts onto Piney Branch Road, a nonresidential street. The Application meets the following prerequisites:

##### *Transit & Infrastructure:*

- 1. At least 75% of the site is within ¼ mile of a Level 3, ½ mile of a Level 2, or ¾ mile of a Level 1 transit station/stop.*
- 2. The site is served by existing water and sewer infrastructure that will not require either an upgrade to the service line or installation of a pump station due to the proposed development.*

The entirety of the Property fronts on Piney Branch Road and is entirely within a ½ mile of a Level 2 transit station/stop, the Piney Branch Road Purple Line Station currently under construction at the intersection of University Boulevard just west of the Site. Additionally, the site is served by existing water and sewer infrastructure that is not expected to require either an upgrade to the service line or installation of a pump station due to the proposed development.

*Vicinity & Facilities:*

- 1. The site is in a transitional location between property in an existing Residential Multi-Unit, Residential Townhouse, or non-Residential zone and property in a Residential Multi-Unit, Residential Townhouse, or Residential Detached zone.*
- 2. The site is adjacent to a pedestrian route that provides access to existing public park and recreation facilities that satisfy a minimum of 30% of the recreation demand under the Planning Board's Recreation Guidelines, as amended, within ¼ mile.*

The Property is located between properties in a residential detached zone (R-60) directly to the north, and properties in residential multi-unit (R-10, R-30) and non-residential (CRT) zones to the west, south, and east. New Hampshire Estates Neighborhood Park confronts the Property to the southwest. There are sidewalks on the north and south side of Piney Branch Road and a pedestrian crossing to the southwest, resulting in a 300-foot travel distance from the Property to the Park.

*Environment & Resources:*

- 1. The site does not contain any forest or, if forest is present, the limits of disturbance for the development will not reduce the forest cover to less than an area of 10,000 square feet and width of 35 feet at any point.*
- 2. The site does not contain any rare, threatened, or endangered species or critical habitats listed by the Maryland Department of Natural Resources.*

The proposed development will not impact the existing forest cover on the site to less than an area of 10,000 square feet and width of 25 feet. The Site does not contain any forest or rare, threatened, or endangered species or critical habitats listed by the Maryland Department of Natural Resources.

Section 59.5.3.2. Purpose

*The purpose of the Commercial/Residential Floating zones is to:*

- A. allow development of mixed-use centers and communities at a range of densities and heights flexible enough to respond to various settings;*
- B. allow flexibility in uses for a site; and*
- C. provide mixed-use development that is compatible with adjacent development.*

The proposed Floating Zone Plan will allow the Property to increase in density for the purposes of affordable housing, with the construction of a new multi-family residential building affordable units will increase by 76. The height, setback, and density limitations proposed are commensurate with the size and location of the Property in relation to the existing development.

Section 59.5.3.3. Land Uses

In the CRTF zone, only the uses allowed in the CRT zone are allowed. Pursuant to Section 59.3.1.6 (Use Table), multi-unit living, as proposed, is a permitted use in the CRT zone.

Section 59.5.3.4. Building Types Allowed

The CRTF Zone allows any building type.

Section 59.5.3.5. Development Standards for CRTF Zone

As detailed in Table 1 below, the proposed Floating Zone will meet the standards listed in Section 59-5.3.5.A - Density, 5.3.5.B - Height, and 5.3.5.C - Setback.

Table 4: Proposed Floating Zone standards

Development Standards	Required	Proposed
<b>Tract Area</b>		150,087 sf
Prior Dedications	n/a	6,740 sf
New Dedication		0 sf
Site		143,347 sf
<b>Section 59.5.3.5.A: Density</b>		
Total FAR/GFA	1.5 (225,130 sf)	1.6 (240,140 sf)
Commercial	1.5 (225,130 sf)	0 (0 sf)
Residential	1.5 (225,130 sf)	1.6 (240,140 sf) <sup>1</sup>
<b>MPDUs</b>	12.5%	15% <sup>2</sup>
<b>Section 59.5.3.5.B: Building Height</b>		
Existing Building	Established by Plan	140 ft
Proposed Building	Established by Plan <sup>2</sup>	98 ft
<b>Section 59.5.3.5.C: Building Setbacks</b>		
Public Street	Established by Plan	75 ft
Adjoining Lot		
Side	Established by Plan	10 ft
Rear	Established by Plan <sup>3</sup>	30 ft
<b>Open Space</b>	5% of site	7,168 sf
<b>Parking<sup>4</sup></b>		
Vehicle		
Studio	Min 0.5 space per unit / Max 1 space per unit	
1 Bed	Min 0.5 space per unit / Max 1.25 space per unit	
2 Bed	Min 0.5 space per unit / Max 1.5 space per unit	
3 Bed	Min 0.5 space per unit / Max 2 spaces per unit	
<b>Total</b>	<b>109 min / 343 max</b>	<b>220 spaces</b>
Bicycle	Min 0.5 per unit / Max 100	100
Motorcycle	Min 2% of total parking	5
Loading	1	2
<b>Public Benefit Points</b>	50 points / 3 categories	50 points / 3 categories

<sup>1</sup> The proposed density reflects the entire Site, including existing and proposed multi-family structure. The Applicant proposes new units as affordable housing and therefore may achieve an additional 8.45 FAR in bonus density, however the Applicant is proposing to only receive a portion of that density bonus (0.1) for a total of 1.6 FAR.

<sup>2</sup> 15% of total units onsite will be regulated by DHCA subsequent to the expiration of LIHTC restrictions.

<sup>3</sup> Height and rear setbacks are established by the Plan and must be in conformance with Residential Compatibility standards of Section 59.4.1.8.

<sup>4</sup> Parking is calculated for the existing and proposed building. Final unit count to be determined at Site Plan.

#### Section 59.5.3.5.D, General Requirements

Parking, recreation facilities, screening, and landscaping must be provided under Article 59.6 as required for the Euclidean zone that establishes uses under Section 59.5.3.3. Therefore, the Project will be required to comply with the CRT Zone requirements for these categories. As shown on the plans included with the Application, the Project will comply with parking requirements (Division 59.6.2), recreation facility requirements (Division 59.6.3), general landscaping and outdoor lighting requirements (Division 59.6.4), and screening requirements (Division 59.6.5). With regard to loading and trash, there is a loading space proposed on the first level of the parking garage. Trash will also be collected from this location, so both loading and trash removal will occur interior to the garage. It should also be noted that the existing playground, currently located at



the rear of the site in the northeast corner, as part of the Project will be relocated closer to the front of the Property.

*Section 59.7.2.1.E.2.d. be compatible with existing and approved adjacent development;*

As stated in previous findings, the new construction and use will be compatible with existing and approved development as the Property is already developed with a multi-family residential building approximately 140 feet in height. The adjacent properties to the east and west are similarly developed with medium and high density multi-family buildings. To the rear is a single family detached residential neighborhood, and therefore the Proposal must be in conformance with the Residential Compatibility standards of Section 59.4.1.8, which are met by the proposed height and rear setbacks specified in Table 4.

*Section 59.7.2.1.E.2.e. generate traffic that does not exceed the critical lane volume or volume/ capacity ratio standard as applicable under the Planning Board's LATR Guidelines, or, if traffic exceeds the applicable standard, that the applicant demonstrate an ability to mitigate such adverse impacts; and*

The Application for 76 new multi-family units will generate 42 total new person trips during the morning peak hour and 51 total new person trips in the evening peak hour. The Project is estimated to generate 22 new vehicle trips in the morning peak hour and 28 in the evening peak hour and was therefore required to submit a Transportation Impact Study covering one tier of intersections, as approved by Planning, MCDOT and MDOT SHA staff. The submitted study demonstrates that all of the studied intersections will operate within acceptable levels and no mitigation is required.

*Section 59.7.2.1.E.2.f. when applying a non-Residential Floating zone to a Property previously under a Residential Detached zone, not adversely affect the character of the surrounding neighborhood.*

Not applicable, as the existing zoning is not a Residential Detached zone.

## **SECTION 4: CONCLUSION**

The proposed CRTF Zone complies with the standards and requirements for approval of a Local Map Amendment. The proposed zone and use are consistent with the goals and recommendations of the 2013 *Long Branch Sector Plan*, are in the public interest, and will not alter the character of the surrounding neighborhood. Staff recommends approval of the Local Map Amendment and the associated Floating Zone Plan with the proposed binding elements.

### **ATTACHMENT**

- A. Floating Zone Plan
- B. Architectural supplements
- C. Statement of Justification