


**Takoma Junction, Mandatory Referral No. MR2021019, Preliminary Plan No. 120190150, Site Plan No. 820190090**

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**Description**

- Mandatory Referral: Request for the disposition of land owned by the City of Takoma Park
- Preliminary Plan: Request for one lot for up to 40,762 square feet of commercial uses
- Site Plan: Request to construct a 40,762 square feet commercial building for restaurant, retail, and office, waiver for 15 off-street parking spaces, and waiver to allow a loading space within a layby along the site frontage on Carroll Avenue
- Located on the south side of Carroll Avenue at its intersection with Ethan Allen Avenue in the City of Takoma Park
- 1.25 acres, NR-0.75 H-50 and Takoma Park/East Silver Spring Commercial Revitalization Overlay zones
- 2000 *Takoma Park Master Plan*
- Preliminary & Site Plan applications accepted February 14, 2019, Mandatory Referral accepted June 1, 2021
- Applicant: NDC Takoma Junction LLC
- Review Basis: Chapter 50, Chapter 59, Chapter 22A, Land Use Article, Sections 24-202 & 20-301 et seq.

Completed: 09.03.2021



**Summary**

- **Staff recommends denial of the Mandatory Referral, Preliminary Plan and Site Plan.**
- At their June 23<sup>rd</sup> meeting, the City Council of Takoma Park voted to disapprove the Takoma Junction combined plans, Resolution 2021-19 included as Attachment H. To override the City's recommendation, the Planning Board must vote with a super-majority to approve.
- The Project is a public-private partnership between the City of Takoma Park and NDC for the redevelopment of a surface parking lot owned by the City with a two-story commercial building of up to 40,762 square feet.
- The Project is located within the Takoma Park Historic District and is subject to review and approval by the Historic Preservation Commission.
- The Applicant is requesting a parking waiver for 15 off-street parking spaces. Staff is not supportive of the parking waiver since the loading requirement may impact the number of spaces required.
- The Applicant is requesting a waiver to allow a loading space within a layby along the site frontage on Carroll Avenue to provide loading for both the Project and the adjacent Takoma Park-Silver Spring Co-Op Market, which currently uses the City parking lot for loading. Staff is not supportive of the waiver to the loading requirement, as it has not been approved by SHA.
- As of a letter dated August 19, 2021, the State Highway Administration has not approved the layby design and access off of Carroll Avenue, a state-owned public right-of-way. Staff cannot make required findings for Preliminary Plan and Site Plan without SHA approval.
- The City of Takoma Park staff confirmed in an email dated June 8, 2021 that the Mandatory Referral could be reviewed concurrently with the Preliminary and Site Plan applications.
- Staff has received community comment regarding the applications regarding the layby, historic preservation, design and impacts to the existing uses.

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## SECTION 1: EXECUTIVE SUMMARY

The City of Takoma Park has owned the majority of the Subject Property, which is currently a surface parking lot, since before the 2000 *Takoma Park Master Plan*. In its ongoing efforts to realize commercial revitalization of the Site, in January 2014, the City issued a Request for Proposals for a public-private partnership to redevelop the parking lot. In April 2015 the City selected the Applicant, NDC, as the developer and in July 2016 executed the Development Agreement. After a period of review and negotiations, in July 2018 the City Council authorized NDC to submit the subject applications to Montgomery Planning. Through the course of the project evolution, the land of the adjacent Takoma Auto Clinic property has been added to the project area.

The Preliminary Plan and Site Plan applications for the Subject Property were originally submitted in February of 2019. Over the course of two and a half years, several iterations of the Project have been reviewed by Staff, Montgomery County Department of Permitting Services (MCDPS) and Department of Transportation (MCDOT), State Highway Administration (SHA), Historical Preservation Commission (HPC), and the City of Takoma Park staff and residents. During this time, SHA also conducted a Visioning Study to identify potential improvements to the Carroll Avenue intersection.

While many components of the Applications have demonstrated compliance with the requirements of the Subdivision and Zoning Ordinances and the Master Plan, the Project has not received approval from SHA for site access from Carroll Avenue or a loading layby within the Carroll Avenue right-of-way.

Without this approval, Staff must recommend denial under Chapter 50, as the Applicant cannot demonstrate the proposed subdivision adequately accommodates all infrastructure necessary for the use and development proposed, particularly relating to site access and off-street service, and is not in compliance with Chapter 59 for Loading Design and conformance with an approved Subdivision. Staff is also not supportive of the waivers for parking and loading, therefore the application is not compliant with the Zoning Ordinance development standards and findings needed to support all three applications. Further, the Takoma Park City Council voted to disapprove the Project as reflected in Resolution 2021-19, Attachment H. To override this recommendation, the Planning Board must approve with a two-thirds majority vote pursuant to Section 24-202 of the Land Use Article of the Maryland Code.

## SECTION 2: RECOMMENDATION AND CONDITIONS

### **Mandatory Referral No. MR2021019**

This Project includes the disposition of land owned by the City of Takoma Park, which requires a mandatory referral review. Staff recommends denial of Mandatory Referral MR2021019.

### **Preliminary Plan No. 120190150**

Staff recommends denial of Preliminary Plan 120190150.

### **Site Plan No. 820190090**

Staff recommends denial of Site Plan 820190090.

## SECTION 3: SITE DESCRIPTION

### Site Vicinity and Analysis

The subject site (Subject Property or Property) is located on the south side of Carroll Avenue at its intersection with Ethan Allen Avenue in the City of Takoma Park in the 2000 *Takoma Park Master Plan* area. The Property has frontage on both Carroll Avenue (MD Route 410) to the north and Columbia Avenue to the south. The Site is comprised of Lot 36, parts of Lots 32, 33, 34, 35 and 37 within the “B.F. Gilberts Addition to Takoma Park” Subdivision, as recorded in the Montgomery County Land Records in Plat Book A, Plat 2 (dated, 1885). The Site has a tract area of approximately 54,350 square feet (1.25 acres) and a site area of approximately 46,875 square feet (1.08 acres). The Property is zoned NR 0.75 H50, is within the Takoma Park-East Silver Spring Commercial Revitalization Overlay Zone (TPESS), and the Takoma Park Historic District.

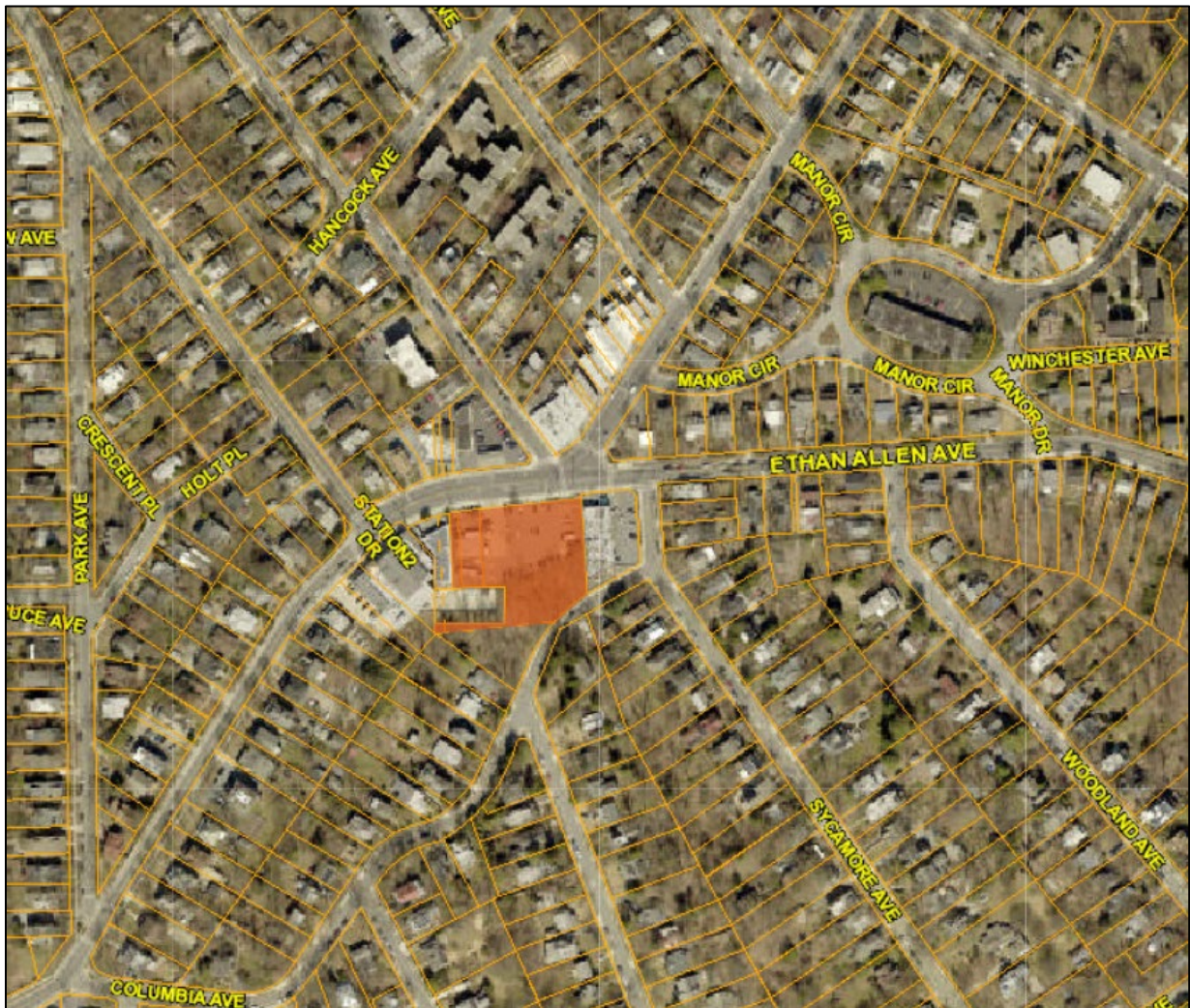


Figure 1 – Site Vicinity Aerial View

### Surrounding Uses

Surrounding the Property along MD 410 are low-density commercial uses, including Roland’s Barber Shop, Kinetic Artistry Dramatic Supply, the Takoma Park-Silver Spring Co-Op Market (Co-Op), the Spring Mill Bread Company, the restaurant Seoul Food DC, the Takoma Park Volunteer Fire Department, and three automotive-related uses including the Takoma Auto Clinic, the Healey Surgeons, and the County’s only fully electric vehicle charging “gas”

station, RS Automotive. The blocks surrounding these uses are primarily occupied by single-family residential uses, as well as a 3-story office condominium building and several garden-style apartment buildings.

*Site Analysis*

The Property is currently improved with a surface parking lot owned by the City and an auto mechanic shop, Takoma Auto Clinic. Vehicular access to the Property is currently provided through a curb cut on Carroll Avenue. The rear of the Site, behind the existing parking lot, slopes significantly down to Columbia Avenue. The City of Takoma Park also owns the residentially zoned lot that abuts the Subject Property in the rear. This rear portion of the Site is forested and contains slopes that exceed 25%. The on-site forest is comprised of one forest stand of approximately 0.59-acres which is dominated by white oak, tulip poplar, and understory beech species. Much of the forest floor is covered by invasive species and miscellaneous debris. There are no known rare, threatened, or endangered species on Site; there are no 100-year floodplains, stream buffers, or wetlands on site.



Figure 2 – Site Aerial View

## SECTION 4: PROJECT DESCRIPTION

### *Background*

The City of Takoma Park has owned the surface parking lot portion of the Property since before the 2000 *Takoma Park Master Plan*. In its ongoing efforts to realize commercial revitalization of the site, in January 2014, the City issued a Request for Proposals for a public-private partnership to redevelop the parking lot. In April 2015 the City selected the Applicant, NDC, as the developer and in July 2016 executed the Development Agreement. After a period of review and negotiations, in July 2018 the City Council authorized NDC to submit the subject applications to Montgomery Planning. Through the course of the project evolution, the land of the adjacent Takoma Auto Clinic property has been added to the project area.

### **Previous/Concurrent Reviews**

In 2017, the Applicant submitted a Concept Plan application, designated 520180040. Planning and Reviewing Agency staff discussed the proposals with the Applicant at the September 19, 2017 Development Review Committee (DRC) meeting and provided comments to the Applicant in a memorandum dated October 4, 2017.

The Applicant has participated in three Preliminary Consultations with the Historic Preservation Commission (HPC). At their October 23, 2019 meeting, the HPC determined they had given enough direction to the Applicant and had come to a consensus about the massing, height, and volume of the proposed building such that the Applicant should proceed with their other required reviews. Should the Planning Board approve the Applications, the HPC will continue its review of the project, including architectural details of the building elevations, as well as the rear façade and other issues, prior to the issuance of a Historic Area Work Permit (HAWP).

### **Proposal**

The Applicant proposes to create one lot for a two-story building with up to 40,762 square feet of commercial uses, including restaurant, retail, and office, and below-grade parking. The following Figures show a layby on Carroll Avenue that has not been approved by the State Highway Administration.

The two-story building will front onto Carroll Avenue with a driveway to the below-grade parking garage at the western Property line. The building features several ground floor retail and restaurant storefront bays, with second story office above. The below-grade parking level, which is exposed at the rear opposite Columbia Avenue, includes parking spaces for 78 cars. The building façade steps back along Carroll Avenue to accommodate the open space and streetscape improvements discussed below. The building also sets back 10 feet along the shared property line with the Co-Op to allow pedestrian access to the garage and sidewalk as well as Co-Op access for loading and trash to the proposed layby on Carroll Avenue, also discussed in greater detail below.

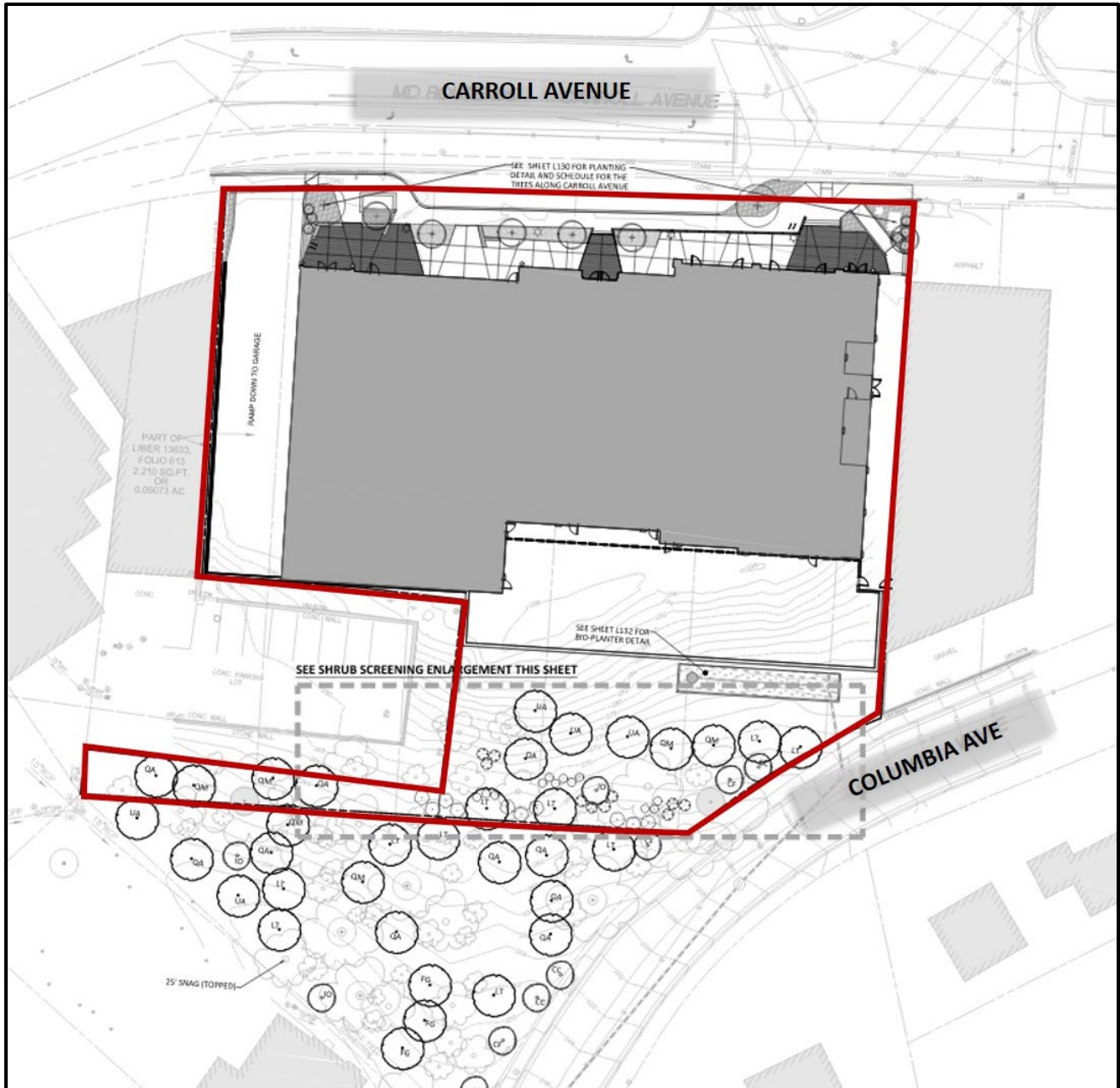


Figure 3 – Illustrative Site Plan

### Building elevations

This design focusing on blending into the existing context and incorporates comments provided during the HPC Preliminary Consultations. The one large building has been broken down through massing, material changes, and articulation of storefronts, to feel like multiple buildings adjacent to each other, similar to the existing rhythm of Carroll Avenue’s established main street. The Applicant proposes to provide an art exhibit area along the Carroll Street façade above two storefronts, which is intended to be a living façade that may change as time goes by. An alternative location has also been proposed on the side of the building facing west.



Figure 4 – Aerial Perspective of Carroll Avenue frontage



Figure 5 – Rear Perspective from Columbia Avenue (trees not shown for clarity)

The rear of the building, which will also be the roof of the parking garage below, will allow for private outdoor areas for the retail tenants and green roof. The second story roof will also be utilized for green roof, totaling approximately 9,655 square feet. The garage level will include screening to minimize the impact of headlights on the homes across Columbia Avenue. The Applicant proposes to avoid blank walls on the eastern, western, and rear facades through masonry detailing and varying colors.

As discussed above, façade design and details would be further addressed by the HPC during the HAWP process.

#### *Open Space*

The Project is required to provide 10% of the Site Area as amenity open space, which totals approximately 4,688 square feet. Amenity open space must include 10% permeable area as well as 10% tree canopy coverage, among other criteria listed in Section 59.6.3.7 of the Zoning Ordinance. The Applicant proposes to achieve this entirely



within the Site frontage between the building façade and Carroll Avenue roadway, through significant pedestrian improvements with new seating and planting areas adjacent to the Carroll Avenue sidewalk. As a purely commercial development, the Project is not required to provide recreation facilities.

*Requested waivers*

Parking Waiver

The Applicant proposes 78 off-street parking spaces in the underground parking garage, which is fewer than the minimum required by Section 59.6.2.4 of the County’s Zoning Ordinance (101 spaces). The Project proposes more than one use on the Site and is therefore eligible to submit a shared-parking analysis applying the approved methodology in Section 59-6.2.3 of the Zoning Ordinance<sup>1</sup>. The Applicant submitted a Shared Parking Study based on this model, included as Attachment E, which concluded the Project would have a maximum demand of 93 spaces. As permitted under the TPESS overlay zone implemented by the 2000 *Takoma Park Master Plan*, the Applicant has requested under Section 59.4.9.16.D.2.a. that the Planning Board waive the remaining balance of 15 parking spaces. The Planning Board can grant a waiver of the required number of parking spaces, where the waiver will accomplish the goals of the Master Plan, including revitalization, enhancing the pedestrian environment, and encouraging the use of transit.

Loading Waiver

The Applicant is also requesting under Section 59.6.2.10 a waiver of the one off-street loading space required for all projects with more than 15,000 square feet of retail use (Section 59.6.2.8.B). The Applicant instead proposes a layby on the Carroll Avenue Site frontage to provide a designated area for short-term loading activities completely outside the adjacent travel lanes, to be used by both the tenants of the Site and the TPSS Co-Op, as shown in Figure 6 below. The proposed loading area included in the Application would provide a 14-foot by 140-foot lane with an adjacent 6-foot wide sidewalk connecting to the eastern façade of the proposed building as well as the western side of the TPSS Co-Op. The proposed loading area in the layby on Carroll Avenue is subject to SHA approval because Carroll Avenue is a State roadway. In an effort to secure SHA approval for the layby, the Applicant has modified several elements of the design, which as of this writing remains in flux. Even with modification, SHA has not approved the layby to date.

**Transportation**

*Access & Circulation*

Pedestrian access to the Site is proposed from the established sidewalk network along Carroll Avenue which includes a “Barnes Dance” or “all pedestrian” shared walk signal at the intersection of Carroll Avenue and Ethan Allen Avenue. The Applicant proposes improving the pedestrian pathway to provide a minimum of 6-foot sidewalk along the entire street frontage on Carroll Avenue. In conformance with the 2018 *Bicycle Master Plan* the Applicant proposes to install the master-planned 6-foot bike lanes<sup>2</sup> on the south side of Carroll Avenue along the Site’s frontage.

Vehicular access to the Site is proposed via a single point from Carroll Avenue. Off-street parking will be located in a below-grade on-level structure accessed by the Site driveway, located on it’s northwestern corner.

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<sup>1</sup> Urban Land Institute Shared Parking Model 2<sup>nd</sup> Edition.

<sup>2</sup> As the bike lanes will only be installed along a segment of Carroll Avenue, they will not be marked with the bicycle symbol. Striping will be installed, and the space will be provided. Final pavement striping and marking are subject to MDOT SHA approval.

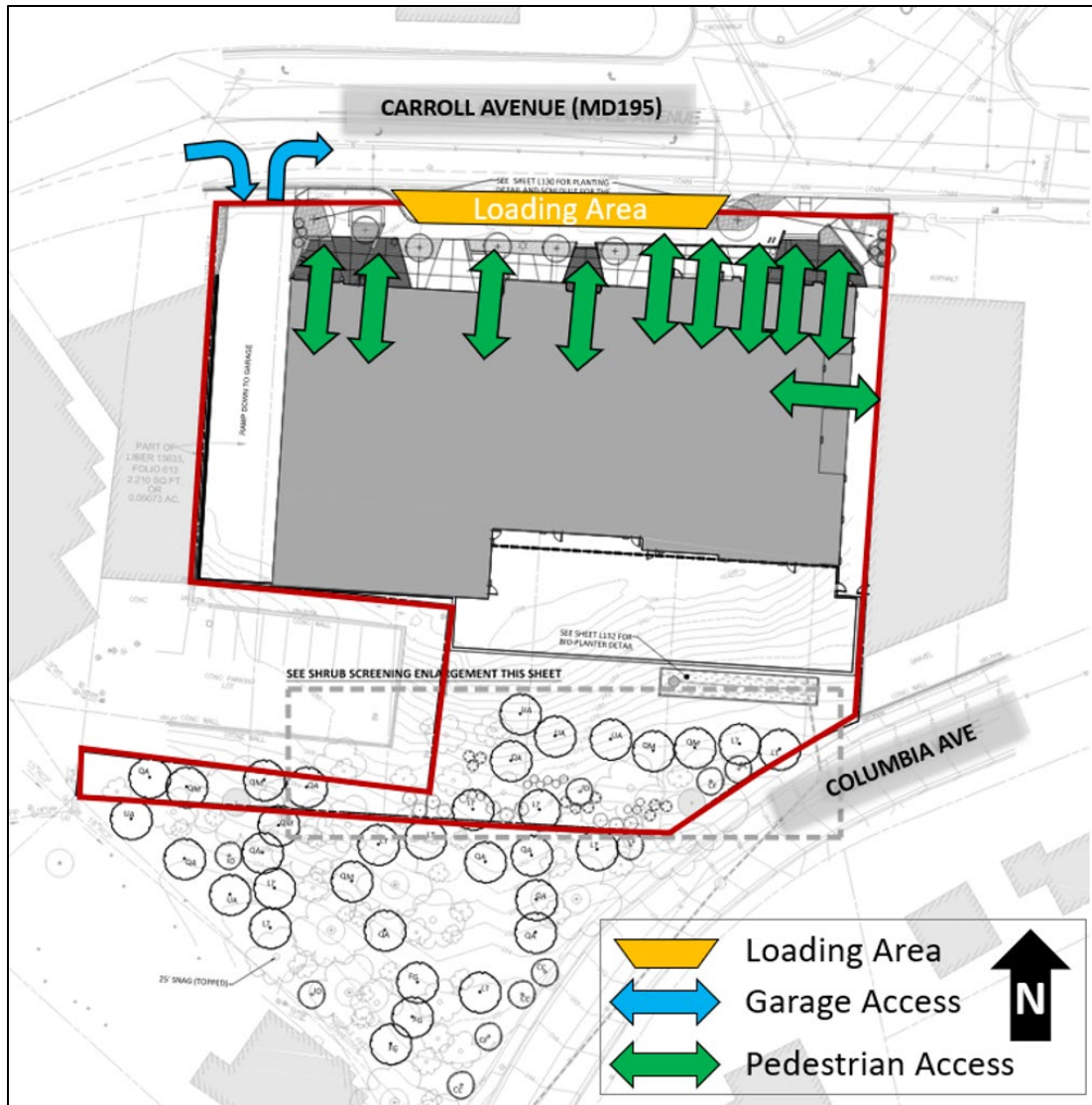


Figure 6 – Pedestrian and Vehicular Circulation

The Project proposes providing more than the minimum required bicycle parking spaces with 8 short-term bicycle parking spaces (inverted U-racks) on the Site’s Carroll Avenue frontage, and 7 long-term within the below-grade on-site parking structure in accordance with the County Bicycle Parking Design Guidelines.

*Transit Connectivity*

Regional and local Transit is conveniently accessible from the existing bus stop along the Site’s Carroll Avenue frontage, to be improved on by the Project. It is served by WMATA’s F4 line (providing service between New Carrollton to the Silver Spring Transit Center) and RideOn Routes, 12, 13, and 18 (providing service between Silver Spring, Langley, and Takoma Park). The bus stop is proposed to be improved with a new shelter, bench, and trash receptacle. The Site is also located within .75 miles of the Takoma Metro Station, served by the WMATA Red line. A Capital Bikeshare station is present on the Site and will be relocated near the Site in coordination with the City of Takoma Park.

*SHA’s Visioning Study*

In the fall of 2018, SHA initiated a study to develop and document a range of potential future transportation improvements to address pedestrian, bicycle, and vehicular mobility within the vicinity of the intersections of Carroll Avenue (MD 195) and Ethan Allen Avenue/Philadelphia Avenue (MD 410). After two years of public

engagement and technical analysis, SHA released the final document in December of 2020. The *Takoma Junction Vision Study* acknowledges challenges specific to the planning area including comparatively high traffic volumes for all travel modes, significant vehicle travel delays (particularly during peak periods), and sidewalks of varying quality and comfort adjacent to two arterial roadways.

The Study made several short-and long-term recommendations to improve transportation safety and traffic flow. The key recommendations around the Site include installation of a brick center median on Carroll Avenue between Grant Avenue and Philadelphia Avenue to prevent turning movements between the intersections, improving bus stop amenities, consideration to consolidate curb ramps to minimize disruptions to pedestrian walkways, and installing on-street bike lanes on Carroll Avenue.

While the Project incorporated many of these recommendations such as improving streetscape and upgrading the on-site bus stop, the Applicant has not demonstrated to SHA's satisfaction that pedestrians, bicyclists, and vehicles travelling along Carroll Avenue can safely navigate around the proposed layby design or access the site.

### **Environment**

Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) for the Subject Property on August 20, 2018. The approved NRI/FSD shows that there is existing forest, containing mature trees, and steep slopes, of 25% or greater, on-site. Other than these features, there are no further environmentally sensitive features such as rare, threatened, or endangered species, flood plains, or streams/buffers. The Subject Application falls within a historic district; as such, an additional survey of trees 1 inch or greater has been included with this Application for assessment related to Forest Conservation requirements. The soils within the Site are classified as Chillum Silt Loam, which are generally associated with moderate slopes and are not inherently environmentally sensitive. The Subject Property is located within the Sligo Creek Watershed, a Use I<sup>1</sup> watershed which drains into the Potomac River.

As the Property is located within the City of Takoma Park, the Applicant must comply with the City's Tree Ordinance in addition to Chapter 22A Forest Conservation.

### *Forest Conservation*

This Application is subject to Chapter 22A Forest Conservation Law and has submitted a Forest Conservation Plan along with the Preliminary and Site Plan. The Forest Conservation Plan shows that within the 1.17-acre site area, including offsite Limits of Disturbance (LOD), there is 0.32 acres of existing forest, and 0.2 acres of forest proposed to be cleared. The Forest Conservation Worksheet included in the Plan shows a calculated reforestation requirement of 0.14-acres, which the Applicant proposes to meet through off-site Category 1 Forest Conservation Easement provided at a 2-to-1 ratio (for a total of 0.28-acres) on the adjacent Lot 39, which is also owned by the City of Takoma Park.

### *Forest Conservation Variance*

Section 22A-12(b)(3) of the 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. Unless approved as part of a variance, the Law requires no impact to trees that measure 30 inches DBH or greater; are part of a historic site or designated with a historic structure; are designated as national, state, or county champion trees; are at least 75% of the diameter of the current State

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<sup>1</sup>Use I: WATER CONTACT RECREATION & PROTECTION OF AQUATIC LIFE

Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply and industrial water supply.

champion tree of that species; or to trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

The subject Application includes disturbance/removal of trees that are associated with a historic property, as mentioned above, therefore a variance is required. The Applicant submitted a variance request on November 6, 2020 (Attachment D) for the proposed removal 69 subject trees and impact to 5 subject trees that are considered high-priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. In the table below, the impacts to 33 of the 69 affected trees, those sized 6 inch or greater, are detailed. Within the attached variance request, the same detail is provided for the remaining trees sized 1 inch or greater.

**Table 1: Subject Trees to be Impacted (6" or greater DBH)**

TREE #	TYPE	DBH	Percent of CRZ Impacted by LOD	CONDITION	PROPOSED STATUS
1	American Elm	7"	100%	Good	REMOVE
2	American Elm	9"	100%	Good	REMOVE
3	Mulberry	19"	100%	Good	REMOVE
4	Black Locust	16"	100%	Fair	REMOVE
5	Black Locust	13"	100%	Good	REMOVE
6	Box Elder	9"/7"	100%	Good	REMOVE
7	Box Elder	11"/12"	100%	Fair	REMOVE
8	Mulberry	9"/7"/11"/9"	100%	Fair	REMOVE
9	American Elm	7"	100%	Good	REMOVE
10	Red Oak	12"	100%	Good	REMOVE
11	Catalpa	7"	100%	Poor	REMOVE
12	White Ash	10"	100%	Fair	REMOVE
13	Black Cherry	12"	100%	Good	REMOVE
14	White Oak	36.5"	27%	Good	RETAIN
15	White Oak	29.5"	9%	Fair	RETAIN
16	Box Elder	7"	100%	Poor	REMOVE
17	Black Locust	11"	100%	Poor	REMOVE
19	Box Elder	8"	100%	Fair	REMOVE
20	Cherry	11"	100%	Poor (Deceased)	REMOVE

22	American Elm	6"	100%	Poor	<b>REMOVE</b>
24	Linden	6"	100%	Good	<b>REMOVE</b>
26	American Elm	24"	19%	Good	<b>RETAIN</b>
29	Black Locust	12"	100%	Poor	<b>REMOVE</b>
30	American Elm	14"	100%	Good	<b>REMOVE</b>
31	Black Locust	14"	100%	Fair	<b>REMOVE</b>
32	Mulberry	15"	100%	Good	<b>REMOVE</b>
33	American Elm	11"	100%	Good	<b>REMOVE</b>
34	Black Cherry	14"	100%	Fair	<b>REMOVE</b>
35	Catalpa	4"/10"	100%	Fair	<b>REMOVE</b>
36	American Elm	3"/14"	100%	Good	<b>REMOVE</b>
37	Catalpa	13"	100%	Poor	<b>REMOVE</b>
38	Black Locust	4"/8"	100%	Good	<b>REMOVE</b>
40	Ash	14"	17%	Poor	<b>RETAIN</b>
42	American Elm	8"	100%	Poor	<b>REMOVE</b>
45	Beech	22"	9%	Good	<b>RETAIN</b>

#### Stormwater Management (SWM)

The Project must comply with the stormwater requirements of the City of Takoma Park. There are no known stormwater management facilities located on the Property. As part of any plan approval, the Applicant would need to utilize Environmental Site Design (ESD) to the Maximum Extent Practicable to significantly improve the onsite treatment of stormwater runoff. Stormwater management treatment for quality that would be provided onsite through groundwater recharge volume storage, green roof, and bioretention. The City of Takoma Park has further directed the Applicant to meet storage requirements under the 2009 regulations by maximizing storage in the bioretention facility and using vegetated areas around the site for ESD or exploring the use of permeable pavers in the pedestrian walkway area along the Site frontage.

## SECTION 5: TAKOMA PARK CITY COUNCIL REVIEW AND ACTION

The Subject Site is located within the City of Takoma Park (and the City owns the parking lot portion of the Site). City staff and Council have reviewed the applications and at their June 23, 2021 meeting, the City Council voted to disapprove the combined plans for the Takoma Junction Project in Resolution 2021-19, citing the following reasons:

1. The plan has not received approval from the MDOT-SHA for the layby.
2. More work is needed to address the rear façade design in order to have a minimal impact on the residential neighborhood and wooded area behind it and ensure a less intrusive and more visually appropriate design.
3. The plan does not provide 2,700 square feet of public space of the type and quality of that included in the plans that were submitted for development review pursuant to Resolution 2018-41.
4. The plan does not demonstrate adequate public parking for area businesses as stated in Resolution 2018-41.
5. Stormwater treatment does not significantly exceed the 50% requirement specified in Resolution 2018-41.

## SECTION 6: MANDATORY REFERRAL 2021019

Mandatory Referral review is guided by the 2001 Montgomery County Department of Park and Planning *Uniform Standards for Mandatory Referral Review*, as amended, and through the authority granted through the Maryland Land Use Article, Section 20-301. As set forth in Section 20-301, all federal, state, and local governments and public and private utilities are required to submit proposed projects for a Mandatory Referral review and approval by the Commission. The law is briefly stated but has a very broad application, requiring that the Planning Board review and approve the proposed location, character, grade and extent of any road, park, public way or ground, public (including federal) building or structure, or public utility (whether publicly or privately owned) prior to the project being located, constructed or authorized. The Planning Board must also review the widening, extension, relocation, narrowing, vacation, abandonment or change of use of any road, park, public way or ground, public building, and the acquisition or sale of any land by any public board, body or official.

The Planning Board must conduct its review within 60 days of the submission of a complete application unless a longer period is granted by the applicant. The Board's failure to act within 60 days is deemed an approval, unless the applicant agrees to extend the review period. In case of disapproval, the law requires the Planning Board to communicate its reasons to the applicant agency. In practice, the Planning Board communicates its approval, approval with conditions, and disapproval, with the reasons for its actions to the applicant agency. Mandatory Referral review and comments by the Planning Board are advisory in that the statute allows the applicant to overrule the Planning Board's disapproval, or any conditions attached to approval, and proceed.

Pursuant to the *Uniform Standards for Mandatory Referral Review*, the Planning Board considers all relevant land use and planning aspects of the proposal including, but not limited to, the following:

1. *whether the proposal is consistent with the County's General Plan, functional plans such as the master plan of highways, environmental guidelines, the approved and adopted area master plan or sector plan, and other public plans or programs for the area;*

As discussed in Preliminary Plan Finding 2 below, the 2000 *Takoma Park Master Plan* contains recommendations for the Takoma Junction district and the Plan Area overall. However, as described in subsequent findings, there are outstanding concerns regarding safety for pedestrian, bicycle, and vehicular circulation, based on the proposed layby design within the public right-of-way, which are in conflict with the Master Plan's goal for enhanced pedestrian safety and bicycle access.

2. *whether the proposal is consistent with the intent and the requirements of the zone in which it is located;*

*i. Development Standards*

As shown in the Data Table within Section 8, Site Plan Analysis and Findings, the Project does not meet all of the general requirements and development standards of the NR zone, specifically for Section 59.6.2.4, Parking Requirements and Section 59.6.2.8, Loading Design Standards.

*ii. Division 6.1. Site Access*

SHA has not approved access to the Site from Carroll Avenue, a state-owned public right-of-way. Therefore, access is not sufficient.

Local Area Transportation Review (LATR)

The Applicant has demonstrated compliance with the 2016-2020 *Subdivision Staging Policy*. The Local Area Transportation Review (LATR) for the project is discussed in greater detail within the findings for the Preliminary Plan. LATR analysis focuses on trip generation and adequacy of the surrounding network, regardless of parking or site access.

*iii. Division 6.2. Parking, Queuing, and Loading*

Parking is proposed within a below-grade parking garage accessed by a new driveway on Carroll Avenue. The existing driveway is proposed to be eliminated. The Applicant is seeking a waiver for 15 parking spaces. While Staff is supportive of reduced parking, the impact of the parking as it pertains to the loading requirement and whether or not the loading space would need to be incorporated into the building design remains unclear. As such, the parking waiver should not be approved at this time.

An off-street loading facility is required for the Project based on the total square footage of the uses proposed. The Applicant is seeking a waiver for the off-street loading facility as it does not meet the requirements of Section 59-6.2.8.C. As an alternative, the Applicant requests use of the proposed layby on Carroll Avenue for the building. The layby is partially located within the MDOT SHA right-of-way and is therefore subject to MDOT SHA approval. At the time of this report, MDOT SHA has not issued written approval for site access nor layby design. For this reason, Staff recommends denial of the loading waiver request. Therefore, the Application does not meet the loading requirements of Section 59-6.2.8 of the Zoning Ordinance.

3. *whether the nature of the proposed site and development, including its size, shape, scale, height, arrangement and design of structure, is compatible with the surrounding neighborhood and properties;*

As discussed in Section 6, Site Plan Analysis and Findings, the proposed site and development is compatible with the surrounding neighborhood and properties. However, the City of Takoma Park recommended in Resolution 2021-19 more design improvements to the rear façade in order to have a minimal impact on the residential neighborhood.

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

As discussed in Section 6, Site Plan Analysis and Findings, the proposed building location, open space, and landscaping are adequate and meet the standards of the Zoning Ordinance, however vehicular circulation systems, specifically the proposed vehicular access point and proposed loading facility, have not been deemed adequate by MDOT SHA, citing concerns for safety of all roadway users, pedestrians, bicyclists,

and transit users. For this reason, the proposed pedestrian and vehicular circulation systems are not adequate, safe, and efficient.

5. *whether the proposal has an approved NRI/FSD and a preliminary SWM concept plan, and meets the requirements of the Forest Conservation law (Chapter 22A of the County Code). Forest Conservation Plan, if applicable, must be approved by the Planning Board, either before or at the time of the Board's mandatory referral review and action on the project. Unlike the mandatory referral review by the Board, the conditions of the Forest Conservation Plan are binding on all county projects.*

As discussed in Section 5, Preliminary Plan Analysis and Findings, the Project would meet the standards for Chapter 22A, Forest Conservation through an off-site Category 1 Forest Conservation Easement provided at a 2-to-1 ratio (for a total of 0.28-acres) on the adjacent Lot 39 property. The Project also requires a variance for proposed impacts to 5 subject trees and the proposed removal of 69 subject trees. The Applicant proposes mitigation in the form of 47 plantings of at least 3 caliper inch trees totaling 141 caliper inches, which exceeds the mitigation planting requirement of 121.6 caliper inches.

On June 26, 2018, the City of Takoma Park, Department of Public Works conditionally approved a Storm Water Management concept that features green roof and bio-retention facilities. In the letter the City requested additional groundwater recharge volume on-site, to be finalized at building permit in coordination with the City.

6. *whether a Preliminary or a Final Water Quality Plan has been reviewed by the Planning Board if the project is located in a Special Protection Area. In addition, for a Water Quality Plan for a project on public property, the Board must determine if the plan meets the standards of Article V. WATER QUALITY REVIEW IN SPECIAL PROTECTION AREAS, of the County Code (pursuant to Section 19-65(d)(4));*

n/a

7. *whether or not the site would be needed for park use if the proposal is for disposition of a surplus school.*

n/a

8. *whether alternatives or mitigation measures have been considered for the project if the proposal is inconsistent with the General Plan or other plans and policies for the area, or has negative impacts on the surrounding properties or neighborhood, the transportation network, the environment or other resources.*

Site and transportation network constraints preclude significant alternatives. SHA has reviewed several alternative approaches to the on-street loading, none of which has garnered approval. Based upon lack of support for alternatives or mitigation measures from the City of Takoma Park and the MD State Highway Administration, the Mandatory Referral should be denied.

**Staff Recommendation: Denial of Mandatory Referral**

Planning Staff recommends denial of the Mandatory Referral based upon the inability to obtain approval for the layby, which is required to meet the development standards for the proposed application, and lack of conformance with the findings necessary in the Uniform Standards for Mandatory Referral.



## SECTION 7: PRELIMINARY PLAN 120190150 ANALYSIS AND FINDINGS

### ANALYSIS AND FINDINGS

The Preliminary Plan would create one lot, measuring approximately 46,875 square feet or 1.08 acres of Site area, for a maximum density of up to 40,762 square feet of commercial uses. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application has been reviewed by other applicable State, County and City agencies. The Application does not meet all applicable sections. The shape and orientation of the proposed lot is not appropriate for the location of the subdivision taking into account the type of development and use contemplated, because the State Highway Administration has not approved the site access or on-street loading design.

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 layout cannot adequately accommodate all infrastructure necessary for the use and development proposed, particularly relating to site access and off-street service. As proposed, both driveway access and loading access is proposed directly from Carroll Avenue. Loading access is proposed via a layby along the Carroll Avenue frontage, to be shared with the adjacent Co-Op. MDOT SHA has determined the proposed driveway cannot meet the required intersection and stopping site distance and that the street network cannot support the on-street loading layby on Carroll Avenue.

The vehicular circulation systems, specifically the proposed vehicular access point and proposed loading facility, have been deemed inadequate by MDOT SHA, citing concerns for safety of all roadway users, pedestrians, bicyclists, and transit users. For this reason, the proposed layout of the subdivision and location and design of roads is not appropriate given its location and type of development contemplated.

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

The 2000 *Takoma Park Master Plan* makes recommendations for the Takoma Junction district specifically (p. 39-45) and for the Plan Area overall, to which the application substantially conforms.

#### *Takoma Junction*

The Plan identifies the Takoma Junction district as a commercial center and an extension of Old Town Takoma Park and recommends the district and the Property – the only undeveloped site in the Junction – for commercial revitalization. The Plan vision for Takoma Junction recommends maintaining the “low scale, small town, historic character of the area.” The purpose of the public-private partnership between the City of Takoma Park and the Applicant is precisely this commercial revitalization. The development consists of a single, low-scale, two-story commercial building. The Applicant has worked extensively with the Historic Preservation Commission to ensure that the scale, massing, and articulation of the building are consistent with the historic character of the area, and will continue to do so in greater detail during the Historic Area Work Permit process.

#### *Parking*

The Master Plan recognized that “Since most parcels are small and parking is limited, there is the potential for customers to park on nearby neighborhood streets.” The Plan encouraged flexibility concerning the waiver of parking standards in commercial areas: “This Plan supports reductions in parking if the applicant demonstrates that less parking is needed, that overflow parking will not be a problem in nearby residential or commercial areas, and that high levels of pedestrian or transit access are expected.” The Applicant is requesting such a reduction in parking, for 78 spaces: 15 spaces from the required 93 spaces. While Staff

is supportive of reduced parking, the impact of the final location of the layby/loading area and whether or not the parking reduction will increase based upon accommodation of a loading space internally within the Site remains unclear. For this reason, Staff cannot support the parking waiver at this time.

### *Commercial Centers*

Looking at the Commercial Centers more broadly, the Plan makes recommendations to sustain, revitalize, and improve viable commercial centers to better serve the needs of local and area residents and people passing through the area without negatively impacting the surrounding neighborhoods. (p. 3,7) This Project will create a low-scale, small-town development that will revitalize a priority development site in this commercial center and further expand the restaurant and retail opportunities available to resident and visitors, as well as create places where local small businesses can find storefront opportunities right-sized for them.

The Master Plan illustrates (p. 38) that to achieve the vision of the Plan each commercial center should be:

- Safe: designed for visibility, good lighting, and a general feeling of security.
- Successful: economically viable, clear market orientation and good land use mix.
- Community-serving: meets retail and service needs of area residents; often provides an outdoor space for public use and gatherings.
- Attractive: well-maintained, nice-looking buildings and facades, nice landscaping, and undergrounding of utilities.
- Convenient: good pedestrian, transit, and auto access; adequate parking.

This development will contribute to the Takoma Junction meeting each of these criteria. It will install new streetlights along the Carroll Avenue frontage and provide “eyes on the street” year-round with restaurant and shop fronts to extend street life at night along the Avenue where it now stops at the Co-Op. The Applicant has developed the project to be economically viable, with a good land use mix for the Junction district. As described above, the development will provide new opportunities both for local retail and restaurant businesses and consumers and will provide space on this small site for public use. However, the proposal for the layby is not supported by the City of Takoma Park or the MD State Highway Administration which could impact the safety and success of the development. This conflicts with the vision of the plan for the commercial center.

### *Circulation*

The Master Plan supports accommodation of local and regional traffic, while enhancing pedestrian and bicycle access to shops, transit, schools, and other community facilities by improving pedestrian safety and providing wide, tree-lined sidewalks throughout the area (p. 9). The Project would provide updated streetscape along the Site's frontage with amenity area including outdoor dining areas and short-term bicycle parking. However, as described in subsequent findings, there are outstanding concerns regarding safety for pedestrian, bicycle, and vehicular circulation, based on the proposed layby design within the public right-of-way.

The Master Plan acknowledges that traffic congestion is the result of development and economic growth throughout the region and supports alternatives to auto travel such as an improved pedestrian environment, completion of bicycle routes, and expansion of transit services. Anticipated traffic growth will result in some congested intersections within Takoma Park during peak periods of travel. Widening of roads in this area is not recommended due to the impact on neighborhoods along the roadways, but minor improvements to serve existing intersections are supported (p. 82). To address congestion at intersections near the Site, the Applicant has worked with SHA to adjust traffic signal timing to improve traffic flow through the district.

*Master Plan Roadways and Pedestrian/Bikeway Facilities*

The 2018 *Master Plan of Highways and Transitways* and the 2018 *Bicycle Master Plan* recommends the following Sector Plan facilities along the Property frontage:

1. Carroll Avenue MD 195, along the northern site frontage, as an Arterial with a minimum right-of-way width of 50 feet. Conventional on-street bicycle lanes are recommended on either side of the roadway and the Applicant will construct a 6-foot striped bikeway along the Site frontage. The Applicant has demonstrated that no additional right-of-way is needed to achieve the master-planned width.
2. Columbia Avenue is considered a Secondary Residential street with a minimum right-of-way of 40 feet. The street is located within the City of Takoma Park, which has determined that no additional right-of-way must be dedicated as part of approval of the Project.

*Sector-Planned Transportation Demand Management*

The 2016-2020 *Subdivision Staging Policy*<sup>1</sup> encourages a Non-Auto Driver Mode Share (NADMS) of 48 percent, averaged between employees and residents of the Silver Spring/Takoma Park Transportation Policy Area. As a development with more than 40,000 square feet of proposed density, the Project is required to coordinate with and gain approval from MCDOT on a Level 1 Basic Transportation Demand Management (TDM) Plan to help achieve this goal. If the Project were approved, the Applicant would be required to coordinate with DOT during the building permit process.

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

***Adequate Public Facilities***

The Project is estimated to generate 79 net new morning peak-hour person trips (49 vehicle trips) and 238 net new evening peak-hour person trips (143 vehicle trips). As the estimated number of peak hour trips for the Project was greater than 50, the Applicant submitted a transportation impact study in compliance with the 2016 *Subdivision Staging Policy* and the 2017 *Local Area Transportation Review Guidelines* (LATR), for review. The Site is not estimated to generate more than 50 peak hour pedestrian, bicycle, or transit trips, and is therefore exempt from adequacy tests associated with those modes of transportation. The estimated peak-hour trip generation for the Site as proposed is summarized in the tables below.

Table 2: Project Peak-Hour Trip Generation						
Land Use	Vehicle Rates		Adjusted Vehicle Rates		Person Trips	
	AM	PM	AM	PM	AM	PM
<b>Proposed</b>						
Restaurant 6,555 SF <sup>2</sup>	5	51	4	42	7	71
Office, 18,772 SF	44	23	37	19	59	30
Retail, 10,182 SF	10	100	8	82	13	138
				<b>Total</b>	79	238

Source: *The Traffic Group Transportation Impact Study, December 17, 2018, final revision January 14, 2021*

<sup>1</sup> At the time the Application was filed, the 2016-2020 *Subdivision Staging policy* was in effect. The 2020-2024 *Growth and Infrastructure Policy* does not apply to projects filed before January 1, 2021.

<sup>2</sup> Per the ITE Trip Generation Manual 10<sup>th</sup> Edition, the 6,555 SF of restaurant does not include the 2,810 SF of commercial kitchen on the Site.

Table 3: Peak Hour Trip Generation By Mode					
	Auto-driver	Transit	Pedestrian*	Bicycle	Person Trips
AM	49	10	20	10	79
PM	143	19	57	38	238

Source: *The Traffic Group Transportation Impact Study, December 17, 2018, final revision January 14, 2021*

\*Pedestrian trips are the sum of all pedestrian trips and bicycle trips generated by the project.

### Vehicle Adequacy

The number of vehicle trips estimated to be generated by the project in the peak hour is fewer than 250 and therefore the Applicant was required to study only a single tier of significant intersections within the vicinity of the Site. In coordination with MCDOT, SHA and planning staff, the Applicant evaluated a total of 3 intersections<sup>1</sup>, including the proposed site driveway. A map of the intersections studied are shown in Figure 7.



Figure 7 – Map of Study Intersections

The Site is in the Silver Spring/Takoma Park Policy Area, which is designated as an Orange Policy Area by the 2016-2020 *Subdivision Staging Policy*. Traffic congestion in Orange Policy Areas is measured using Highway Capacity Manual (HCM) delay-based level of service standards, which applies to all signalized study intersections. The HCM average vehicle delay standard for the Silver Spring/Takoma Park Policy Area is 80 seconds. Transportation Impact Studies must evaluate three scenarios for the morning and evening peak hours: existing conditions, background (includes approved but unbuilt development) and total future (adding the estimated trips from the proposed project to the background scenario). Motor vehicle mitigation is required for projects that are forecasted to exceed the average vehicle delay standard at any of the study intersections. For those intersections where the net new trips generated by the project causes the intersection to exceed the average vehicle delay standard, the Applicant must identify and participate in mitigation that will return the average vehicle delay below the average vehicle delay standard. In cases where an intersection exceeds the average vehicle delay standard in the current condition or is forecasted to exceed the average vehicle delay standard in the background condition, Applicants are required to mitigate back to the forecasted average vehicle delay of the background

<sup>1</sup> Given the proximity of the intersections of Sycamore Avenue & Ethan Allen Avenue and Ethan Allen Avenue & Carol Avenue/Grant Avenue, these intersections were studied as one, functional intersection.

condition or lower. In other words, the Projects are required to mitigate their contribution to the average vehicle delay.

Intersection	Standard	Existing		Background		Total Future		Mitigation	
		AM	PM	AM	PM	AM	PM	AM	PM
1. Ethan Allen Avenue & Carroll Avenue/Sycamore Avenue	80 sec.	116.6	62.8	128.9	76.6	131.7	87.8	121.7	77.7
2. Carroll Avenue & Philadelphia Avenue	80 sec.	16.3	99.9	18.0	111.7	25.6	128.5	25.1	88.6
3. Carroll Avenue & Site Access	80 sec.	N/A	N/A	N/A	N/A	3.4	17.1	3.5	18.0

Source: *The Traffic Group Transportation Impact Study, December 17, 2018, final revision January 14, 2021*

As shown in Table 4, the HCM vehicle delay standard is currently exceeded at the intersection of Ethan Allen Avenue & Carroll Avenue/Sycamore Avenue during the morning peak period and at Carroll Avenue & Philadelphia Avenue in the evening peak hour. The Project is estimated to increase the delay at Ethan Allen Avenue and Carroll Avenue in the morning peak hour by 2.8 seconds. The trips associated with the Project are also estimated to increase the average vehicle delay at this intersection in the evening peak hour such that it exceeds the average vehicle delay standard which it does not currently. At Carroll Avenue and Philadelphia Avenue in the evening peak hour, the trips generated by the Project estimate an average vehicle delay increase by 16.8 seconds. Based on the results of the analysis, the Applicant was required to identify and participate in motor vehicle mitigation.

The Applicant worked closely with SHA and MCDOT to determine the Site’s traffic impact to the intersections of Ethan Allen Avenue & Carroll Avenue/Sycamore Avenue and to Carroll Avenue & Philadelphia Avenue and ultimately came to consensus on an acceptable mitigation strategy, the results of which are included in the last columns of Table 4. The Applicant submitted a Design Request for a traffic signal modification to SHA at the intersections of Ethan Allen Avenue & Carroll Avenue/Sycamore Avenue and Carroll Avenue & Philadelphia Avenue. That Design Request sought to reallocate the available green time to different approaches and movements and adjust the offset time between the two coordinated signals. As proposed, the signal modifications would significantly reduce congestion at Ethan Allen Avenue & Carroll Avenue/Sycamore Avenue during the morning peak hour bringing the estimated average vehicle delay from 131.7 seconds in the total future scenario down to 121.7 seconds (7.2 seconds fewer than the background condition), thereby reducing the congestion standard beyond the 2.8 seconds of delay estimated to be increase by the Project. The mitigation proposed also reduces the average vehicle delay in the evening peak hour down to 77.7 seconds, thereby meeting the standard.

At the intersection of Carroll Avenue and Philadelphia Avenue, the signal modification reduces the average delay down to 88.6 seconds. This decrease is more than the 16.8 seconds attributed to the Project, and further reduces the delay beyond even the existing condition.

The proposed mitigation demonstrates compliance with the 2017 *LATR* because at all intersections, the average vehicle delay will be reduced beyond the estimated increase that would be incurred by the Project.

The Applicant was directed by SHA to study the potential impacts of the requested signal modification on queuing lengths at the intersections immediately upstream and downstream of the modified signals at the intersections of Ethan Allen Avenue & Carroll Avenue/Sycamore Avenue and at Carroll Avenue &

Philadelphia Avenue. The results indicate that queuing will still exist for various movements, though in most cases, the queuing lengths will overall be decreased and is reflected in the delay results. For these reasons, the studied mitigation strategy was approved by SHA and MCDOT, and the Planning Department and MCDOT require the Applicant to participate in the signal redesign if the Project is approved. If approved, the payment for the signal redesign would be determined by and paid to MCDOT prior to issuance of the SHA right-of-way permit.

#### **Other Public Facilities**

Public facilities and services are available and will be adequate to serve the proposed development. The Subject Property is proposed to be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Subject Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as electrical, telecommunications, gas, police stations, firehouses, and health services are operating according to the *Subdivision Staging Policy* resolution currently in effect and will be adequate to serve the Property.

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

This Application is subject to Chapter 22A Forest Conservation Law and has submitted a Forest Conservation Plan along with the Preliminary and Site Plan. The Forest Conservation Plan shows that within the 1.17-acre site area, including offsite LOD, there is 0.32-acres of existing forest, and 0.20-acres of forest proposed to be cleared. The Forest Conservation Worksheet included in the Plan shows a calculated Reforestation Requirement of 0.14-acres, which the Applicant proposes to meet through off-site Category 1 Forest Conservation Easement provided at a 2x ratio (for a total of 0.28-acres) on the adjacent Lot 39 property.

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. In addition to the required findings outlined numerically below, the Applicant has demonstrated that enforcement of the variance provision would result in an unwarranted hardship because given the locations of the impacted trees on and adjacent to the Property; given the lot configuration of the site, and the associated roadways which support site access, any redevelopment of the Property to improve it would necessitate the same or similar tree impacts as those proposed in order to accommodate emergency access and comply with the modern requirements of adequate public facilities in place today. The proposed redevelopment of the Property is consistent with the Takoma Park Master Plan, which calls for an alternative use of the Property, and is the result of years of study by the City and close collaboration between the City and NDC to bring to fruition. The project is a reasonable and significant use of the Property, however without approval of a variance request the project could not move forward despite the Master Plan recommendations for this site. With this in mind, the Applicant has proposed a limit of disturbance (LOD) designed to avoid or minimize impacts to trees as much as possible, while still providing sufficient access for construction of the Project, whose massing and density are in accordance with the Property's zoning. Further, the trees to be removed are of lower quality, including many invasive species or trees in poor condition. Trees that are of better condition and quality will be retained as part of a forest conservation easement.

The existing conditions, the location of the impacted trees on and adjacent to the Property, the Master Plan's specific recommendations for the Property, and the involvement of the City in directing the proposed redevelopment all represent conditions particular to the Property. With these factors in mind, denial of the requested variance would restrict the Applicant's ability to implement the Project, causing unwarranted hardship.

### Variance Findings

The following determinations are based on the required findings for granting of the requested variance:

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

The requested variance is based on development plans that are consistent with the zoning approved through the County planning process and developed through extensive collaboration with the City of Takoma Park. Strict protection of all trees 1" and larger on site would prevent any significant changes from being allowed to be made to the site, in conflict with the Master Plan's vision. Denial of the variance would therefore deprive NDC of the redevelopment and improvement opportunities enjoyed by neighboring and similar properties that do not have protected trees located in areas slated for improvement. Additionally, the proposed conservation easement and mitigation plantings will provide significant environmental benefit. Given these factors, the variance request would be granted to any applicant in a similar situation and does not represent a special privilege granted to this Applicant.

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

As stated above, the requested variance and associated tree impacts are due to the concerns related to the site area in pursuit of a Master Plan recommended reuse of the project site. The variance request submitted by the Applicant reflects efforts to minimize the impacts to healthy trees while providing environmental benefits. The proposal also includes site improvements associated with stormwater management requirements, fire and rescue access, and other elements required for new developments by the zoning code. Therefore, this variance request is not based on circumstances which are the result of actions by the Applicant but rather the need to provide adequate facilities for this site to function as envisioned.

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 layout 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.*

The Site is located in an urban area that was developed before modern stormwater management regulations were enacted and no stormwater management is currently provided on the site. Given the current lack of stormwater infrastructure, there is not expected to be degradation in water quality as this site will improve water quality through both the required mitigation plantings, which serve to increase water uptake and improve the permeability of the soil, and the implementation of several best management practices designed using ESD criteria per the Maryland Stormwater Design Manual and the Montgomery County Stormwater Regulations. Further, the sizable forest conservation easement will also help water quality goals by providing shading and water retention and uptake.

Additionally, the stormwater management plan for this Application incorporates environmental site design (ESD) to the maximum extent practicable (MEP) according to the latest revision to Chapter 5 of the MDE Stormwater Management Design Manual. The plan provides stormwater treatment to the maximum extent practicable through the use of micro bioretention facilities and green roof. These facilities will provide treatment for stormwater management runoff. The proposed project will also have an approved sediment and erosion control plan. Stormwater management facilities will be provided in accordance with County and City of Takoma Park regulations to meet stormwater quality

goals as noted above. No use of stormwater management waivers was included in the Applicant's concept plan approval. Therefore, the Application will ultimately result in an improvement of water quality, rather than cause measurable degradation in water quality or violate State water quality standards

Mitigation for Trees Subject to the Variance Provisions

In total, there are 69 subject trees proposed for removal in association with this Application. Planting mitigation for the removal should be at a rate that approximates the form and function of the trees removed, at a ratio of approximately 1" DBH for every 4" DBH removed, using trees that are a minimum of 3" caliper. As a result of the proposed removal of 64 subject trees, for a total of 486.5" DBH removed, which results in a mitigation requirement of at least 121.6 caliper inches of native canopy trees sized at least 3 caliper inches each. In the included Variance Request, the Applicant has proposed 47 new trees to be planted in mitigation for these removals. These mitigation plantings must meet the standards of Montgomery County Forest Conservation Law as well as the standards of the City of Takoma Park and consist of native canopy trees sized at least 3" or greater in caliper. Thus, the proposed 47 mitigation plantings will provide 141 caliper inches. This exceeds the minimum requirement of 121.6 caliper inches. This approach, in combination with the proposed conservation easement, will greatly enhance the natural features onsite and aid in reducing stormwater impacts.

County Arborist's Recommendations

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The Applicant's request was forwarded to the County Arborist on November 9, 2020. To date, no response has been provided.

Recommendation on the Variance

As a result of the above findings, the Applicant's request for a variance from the Forest Conservation Law to remove 69 subject trees and impact to 5 subject trees associated with the application are acceptable and may be approved, if the Planning Board were to approve the Project.

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

On June 26, 2018, the City of Takoma Park, Department of Public Works conditionally approved a Storm Water Management concept that features green roof and bio-retention facilities. In their letter, the City requested additional groundwater recharge volume on-site. If the Project were approved, the Applicant would continue to work with the City during building permit review to finalize the stormwater approval.

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.*

Not applicable to this Property.

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

No other provisions apply to the Subdivision.



## SECTION 8: SITE PLAN 820190090 ANALYSIS AND FINDINGS

### FINDINGS

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

The findings herein apply only to the Subject Property.

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;*

Staff is recommending denial of the related Mandatory Referral No. 2021-19 and Preliminary Plan No. 120190150. The Site Plan cannot be approved without an approved subdivision, and is inconsistent with the findings for Site Plan, specifically Section 59.6.2.4, Parking Requirements and Section 59.6.2.8, Loading Design Standards.

- 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 as there are no binding elements of an associated 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 as the Subject Property's 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;*

- i. *Division 4.6. Employment Zones*

#### Development Standards

The Tract is approximately 1.25 acres or 54,350 gross square feet, zoned NR 0.75 H 50 and within the Takoma Park/East Silver Spring Commercial Revitalization Overlay Zone (TPESS). The following Data Table shows the Application does not comply with all of the development standards of the Zoning Ordinance, specifically those found in Section 59.6 for on-site loading and parking.

<b>Table 5: Project Data Table</b>		
<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Proposed</b>
<b>Tract Area (Square Feet/ Acres)</b> NR 0.75 H 50 and TPESS <b>Total Tract Area</b>	n/a	<b>54,350 sf (1.25)</b>
<b>Site Area (Square Feet/ Acres)</b> Prior Dedication Proposed Dedication <b>Site Area (Tract Area – Dedications)</b>	n/a	7,475 sf (0.17) 0 sf (0) <b>46,875 (1.08)</b>
<b>Commercial Density (GFA/ FAR)</b>	<b>40,762 sf (0.75)</b>	<b>40,762 sf (0.75)</b>
<b>Building Height</b>	42 feet <sup>1</sup>	33 feet
<b>Public Open Space (min)</b>	10% (4,688 sf)	10% (4,688 sf)
<b>Minimum Setbacks (feet)</b> Front, Carroll Avenue Side, eastern Side, western Rear, NR zone Rear, R60 zone <sup>2</sup>	0 0 0 0 30	22 10 28 0 60
<b>Parking, Vehicle (min/max)<sup>3</sup></b> Office, 18,772 sf of Gross Leasable Area Restaurant, 6,555.5 sf of Patron Use Retail, 12,625 sf of Gross Leasable Area <b>Total per Section 59.6</b> <b>Total per Parking Study<sup>4</sup></b>	2/4 per 1,000 GLA 3.5/6 per 1,000 GLA 4/12 per 1,000 <b>101</b> <b>93</b>	<b>78</b> <b>78<sup>5</sup></b>
<b>Parking Bicycle (short term / long term)</b> Office Restaurant/Retail <b>Total</b>	1/5,000 of GFA 1/10,000 of GFA <b>7 / 5</b>	<b>8 / 7</b>
<b>Loading</b> Office: 25,001 – 250,000 sf of GFA	1 space	<b>0<sup>6</sup></b>

<sup>1</sup> Per Section 59.4.9.16.C, TPESS Overlay Zone restricts height to 30 feet, however the Planning Board may allow up to 42 feet for commercial development.

<sup>2</sup> Per Section 59.4.1.8.A.2, Residential Compatibility standards apply to the rear lot line adjacent to the vacant lot zoned R-60, therefore a 30-foot rear setback is required.

<sup>3</sup> The Property is considered a Reduced Parking Area as it is zoned NR and within 1 mile of a transit station.

<sup>4</sup> The Applicant provided a Shared Parking Study by the Traffic Group dated 7/16/2020 (Attachment E), this study was based on the ULI Shared Parking Mode and concluded that the Site would require a minimum of 93 spaces to meet the projected demand.

<sup>5</sup> Per Section 59.4.9.16.D.2, the Applicant is seeking a Parking Waiver from the Planning Board for 15 vehicle spaces, see below for analysis.

<sup>6</sup> Per Section 59.6.2.10, the Applicant requests a waiver to allow loading space to be adjacent to the street within the public right-of-way, see below for analysis. SHA has not approved the loading space to be in the public right-of-way.

*Parking Waiver*

The Project provides 78 off-street parking spaces in the underground parking garage, which is fewer than the minimum required by Section 59.6.2.4 of the County’s Zoning Ordinance (101 spaces). The Project proposes more than one use on the Site and is therefore eligible to submit a shared parking analysis

applying the approved methodology in Section 59-6.2.3 of the Zoning Ordinance<sup>1</sup>. The Applicant submitted a Shared Parking Study based on this model which concluded the Project would have a maximum demand of 93 spaces, resulting in the parking waiver request for the remaining 15 spaces.

The TPESS Overlay Zone Section 59.4.9.16.D.2.a. allows the Planning Board to waive these 15 spaces if it finds that doing so meets the goals of the master plan, revitalization, enhancing the pedestrian environment, and encouraging the use of transit. As discussed in Preliminary Plan Finding 2, the waiver is in conformance with the Master Plan recommendations for the commercial revitalization of the Property. However, while Staff is supportive of reduced parking, the impact of the final location of the layby/loading area and whether or not the parking reduction will increase based upon accommodation of a loading space internally within the Site remains unclear. For this reason, Staff cannot support the parking waiver at this time.

*Waiver for Loading within the Public Right-of-Way*

The Applicant is also requesting under Section 59.6.2.10, a waiver of the off-street loading space required for projects generating with at least 15,000 square feet of retail use. Based on the square footage proposed in the Application, the Zoning Ordinance requires one designated off-street loading space for on-site deliveries and trash collection.

With a total site area of 46,875 square feet of infill development and the existing topography at the rear of the Property facing Columbia Avenue, the Site is constrained. In an effort to balance the loading needs of the Site and the adjoining TPSS Co-Op, the physical constraints of the Site, and traffic safety within the Site's immediate vicinity, the Applicant proposes a layby on the Carroll Avenue (MD 195) Site frontage to provide a designated area for short-term loading activities separate from the adjacent travelways, to be used by both the tenants of the Site and the TPSS Co-Op.

The Applicant posits that this design is more desirable and feasible to implement than an additional driveway for a more traditional-style off-street loading space and therefore, the Applicant seeks a waiver from the Loading Location Standards in the Zoning Code, per Section 59-6.2.10. The proposed design requires approximately 6-feet of dedicated right-of-way, which is owned by MDOT SHA. The layby design and location has been reviewed by SHA, MCDOT, MCDPS, and Planning staff.

The Applicant has not received written approval from MDOT SHA for the design of the layby, nor has the design or location been supported by the City of Takoma Park. Among the concerns included in correspondence with the Applicant are several safety issues with adjacent roadway users, pedestrians and transit users, and bicyclists. These these issues have not been resolved to the satisfaction of MDOT SHA and therefore the requested off-street loading waiver should be denied.

*ii. Division 4.9. Overlay Zones*

The Property is within the Takoma Park/East Silver Spring Commercial Revitalization Overlay Zone. The purpose of this zone is to:

*Foster economic vitality and attractive community character in areas needing revitalization.*

The Project will redevelop an existing surface parking lot with a new multi-use building with underground parking. The building will provide new retail storefronts and office space in a walkable, downtown area of Takoma Park.

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<sup>1</sup> Urban Land Institute Shared Parking Model 2<sup>nd</sup> Edition.

*Promote an enhanced pedestrian environment and improved circulation system to pedestrians and bicycles as well as motor vehicles.*

The Project would provide updated streetscape along the Site's frontage with amenity area including outdoor dining areas and short-term bicycle parking. However, SHA has not approved the site access nor layby due to particular concern regarding safety for pedestrian, bicycle, and vehicular circulation. The streetscape will need to be modified from the current proposal with the change to the location and design of the layby.

*Substantially conform with the master plan vision for specific existing commercial areas.*

As discussed in Preliminary Plan Finding 2, the Project is in conformance with the 2000 *Takoma Park Master Plan* recommendations for commercial revitalization within the Takoma Junction center.

*Provide for the combination of residential with commercial uses.*

While the Project does not propose any residential, it will compliment and provide neighborhood commercial storefronts for the surrounding existing residential neighborhoods of Takoma Park, particularly those neighborhoods within walking distance.

*iii. Division 6.1. Site Access*

Pedestrian access to the Site will be from the established sidewalk network along Carroll Avenue. Bicyclists will access the Site from the master-planned on-street bike lanes on Carroll Avenue. The Applicant's proposal will accommodate the master-planned bike lanes on the south side of Carroll Avenue along the Site frontage. A total of 8 short-term bicycle parking are proposed on Carroll Avenue. The Proposal includes 7 long-term bicycle parking for the office use in the below-grade parking facility, accessible from the east side elevator bays.

Vehicular access is proposed from a driveway off Carroll Avenue at the western property line, which would operate right-in, right-out only. As of August 19, 2021, MDOT SHA has not approved the proposed vehicular site access due to concerns regarding the Site Distance analysis. Therefore, the Project is not in compliance with Section 59-6.1 of the Zoning Ordinance.

*iv. Division 6.2. Parking, Queuing, and Loading*

As described under Division 6.1 Site Access, the driveway access from Carroll Avenue leads to a below-grade parking facility for the proposed building. The sight-distance analysis for the vehicular access point has not been approved by MDOT SHA. For this reason, the Project is not in compliance with Section 59-6.2 of the Zoning Ordinance.

As discussed in Finding 2.d.i above, the Applicant requests a parking waiver for 15 parking spaces and a waiver of the on-site loading requirement to instead load via a layby located along the Carroll Avenue frontage, partially within the public right-of-way. Staff does not support either waiver request, therefore the Application is not in conformance with Division 6.2 of the Zoning Ordinance for Parking Requirements or Loading Design Standards.

*v. Division 6.3. Open Space and Recreation*

The Project is required to provide 10% of the Site Area as amenity open space, which totals approximately 4,688 square feet. Amenity open space must include 10% permeable area as well as 10% tree canopy coverage, among other criteria listed in Section 59.6.3.7. The Applicant proposes to achieve this predominantly within the Site frontage between the building façade and Carroll Avenue roadway, through significant pedestrian improvements with new seating and planting areas adjacent to the Carroll Avenue sidewalk. As a purely commercial development, the Project is not required to provide recreation facilities.

vi. *Division 6.4. General Landscaping and Outdoor Lighting*

The Project proposes landscaping and lighting, as well as other site amenities, to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by tenants and visitors. The Project proposes to transform existing streetscape along Carroll Avenue with new street trees, improved, wider sidewalks, street lighting, and street furniture. The on-site lighting would limit the necessary light levels to streets and sidewalks and residential neighborhoods adjacent to the rear of the Property.

As shown in the Development Standards table and discussed above, the Site Plan does not meet all general requirements and development standards of Section 4.6 and Section 4.9 of the Zoning Ordinance and the general development requirements of Article 59-6 of the Zoning Ordinance.

e. *satisfies the applicable requirements of:*

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

As discussed in Preliminary Plan Finding 5, the Application was conditionally approved by the City of Takoma Park Department of Public Works. If the Project were approved, the Applicant would continue to work with the City during building permit review to finalize the stormwater approval.

ii. *Chapter 22A, Forest Conservation.*

As discussed in Preliminary Plan Finding 4, the Application must comply with Chapter 22A Forest Conservation Law as well as the variance provisions. The Forest Conservation Plan and variance request are acceptable and may be approved, if the Planning Board were to approve the Project.

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

As proposed, the Project includes several pedestrian access points to the building along the Carroll Avenue frontage. The Project proposes enhancing the public streetscape along the Carroll Avenue frontage through new planting and landscaping as well as outdoor seating and short-term bicycle parking. The Project does not provide adequate, safe, and efficient parking and circulation patterns. As proposed, the driveway from Carroll Avenue provides vehicular access to the underground parking garage and a designated space for loading activity is provided along the Carroll Avenue frontage. MDOT SHA has not approved the sight-distance analysis for either the access to the parking garage or the layby. Without written approval from MDOT SHA on the modifications within the State right-of-way, this finding is not satisfied.

The Project is located within the City of Takoma Park's Historic District. As such, the Applicant participated in three Preliminary Consultations with the Historic Preservation Commission (HPC). At their October 23, 2019 meeting, the HPC determined they had given enough direction to the Applicant and had come to a consensus about the massing, height, and volume of the proposed building such that the Applicant should

proceed with their other required reviews. Should the Planning Board approve the applications, the HPC would continue its review of the project, including architectural details of the building elevations, as well as the rear façade and other issues, prior to the issuance of a Historic Area Work Permit (HAWP).

This design focuses on blending into the existing context and incorporates comments provided during the HPC Preliminary Consultations. The one large building has been broken down through massing, material changes, and articulation of storefronts, to feel like multiple buildings adjacent to each other, similar to the existing rhythm of Carroll Avenue's established main street.

The Applicant proposes to provide an art exhibit area along the Carroll Street facade, which is intended to be a living façade that may change as time goes by. An alternative location has also been proposed on the side of the building facing west.

The rear of the building, which will also be the roof of the parking garage below, will allow for private outdoor areas for the retail tenants and green roof. The second story roof will also be utilized for green roof, totaling approximately 9,655 square feet. The garage level will include screening to minimize the impact of headlights on the homes across Columbia Avenue. The Applicant proposes to avoid blank walls on the eastern, western, and rear facades through masonry detailing and varying colors. However, the City of Takoma Park recommended in Resolution 2021-19 more design improvements to the rear façade in order to have a minimal impact on the residential neighborhood.

As discussed above, façade design and details would be further addressed by the HPC during the HAWP process.

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

See Preliminary Plan Finding 2 for discussion.

- 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 the Preliminary Plan No. 120190150 findings, the development will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. While the public facilities have been deemed adequate on the basis of capacity, as discussed in Finding f above, the proposed access off Carroll Avenue and layby within the public right-of-way have yet to demonstrate safe and efficient circulation patterns.

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

The Subject Property is not located in a Rural Residential or Residential zone.

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

The Project includes a mix of commercial uses that are appropriate for this area of Takoma Park, which is a neighborhood center comprising of several one and two-story neighborhood serving business as well as a recently constructed Takoma Park Volunteer Fire Department building. The Property abuts residential zoned properties to the rear along Columbia Avenue; however, the Site has been designed to focus development to the Carroll Avenue frontage. While the development may be visible from Columbia Avenue, the Project maintains the existing slope and forested areas, and proposes mitigation plantings to further screen the proposed development from the adjacent residential neighborhood. However, the City of Takoma Park recommended in Resolution 2021-19 more design improvements to the rear façade in order to have a minimal impact on the residential neighborhood.

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.*

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

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 is not zoned C-1 or C-2.

## **SECTION 9: COMMUNITY OUTREACH & CONCERNS**

The Applicant has met all signage, noticing, and submission meeting requirements. The Applicant held a pre-submittal public meeting on November 27, 2018 at the Takoma Park Middle School. Staff has received correspondence on the Application, copies of which are included in Attachment F. Given Staff is recommending denial of the Project, provided below is a list of issues raised in the correspondence received with generalized response from Staff.

- Environmental
  - Tree Removal
  - Impact of Wooded Lot by development location
  - Stormwater Management
  - Soil erosion
  - Increased noise (due to traffic)
  - Increased air pollution (due to traffic)

As it relates to the Environmental aspects of the proposed development, Staff has been made aware of concerns regarding tree removal, stormwater management, soil erosion, and noise/air pollution impacts. While many of these concerns relate to areas of regulatory review and have been addressed as a part of this Application, others fall outside of the realm of applicable environmental regulations. As described in the Staff Report, tree/forest impacts and removals fall under both City of Takoma Park regulations as well as the Montgomery County Environmental Guidelines and Chapter 22A (Forest Conservation Law) of the County Zoning Ordinance and were adequately addressed during the review process; further, concerns related to Stormwater Management are subject to review by the City of Takoma Park whose findings would be incorporated as a required condition of approval if this Project were to move forward. Regarding soil erosion, the Applicant proposed pre-construction notes and details that would adequately address

and prevent erosion and runoff during construction. Further, sediment control measures are incorporated as part of Montgomery County Department of Permitting Services review.

Issues relating to noise and air pollution stemming from traffic are not subject to regulatory statutes of the Montgomery County Environmental Guidelines; Traffic and transportation related issues would, however, be reviewed and considered based on standard access, circulation, and adequate public facility needs; this review includes study regarding idling and trip generation which directly relates to the environmental concerns of noise and air pollution. Therefore, as proposed, the Application addresses all applicable environmental issues although a small number of the raised questions relate more directly to issues beyond environmental regulatory control.

- Traffic
  - Increased traffic due to development
  - Delay fire department's response time and emergence response time
  - Exiting garage and left turns into garage- dangerous for Pedestrians
  - Increased traffic intersection congestion – longer commutes
  - Lay-By/ truck parking
  - Pedestrian safety

The Project's potential impact on the adjacent transportation network was analyzed as part of the Project's LATR review. After several discussions and revisions to the original proposal, the Applicant was unsuccessful in attaining approval from MDOT SHA for a new curb cut within State right-of-way on Carroll Avenue to provide vehicular access to the Site's off-street parking facility as well as for a layby within the State's right-of-way which was necessary for approval of a waiver for the design of the required loading facility per Section 59-6.2.8.C. For these reasons staff is recommending denial of Preliminary Plan 120190150.

The Applicant was required to provide a transportation impact study for the purpose of evaluating the potential detriment to the safety and efficiency of the adjacent transportation network. Based on the results of that analysis the Applicant coordinated with MDOT SHA, MCDOT, and Planning staff on a signal timing adjustment at the intersection of Ethan Allen Avenue/Carroll Avenue at Sycamore Avenue to mitigate the increased average vehicle delay attributed to the subject Application.

The Takoma Park Volunteer Fire Department is located at 7201 Carroll Avenue, west of the Site. The westbound travel lane on Carroll Avenue already has signage and pavement markings enforcing state Code that prohibits standing or queuing within 20 feet of a fire station driveway. Any queuing that occurs on Carroll Avenue, by law is required to keep this area free and clear for fire truck egress.

The sidewalk's current condition on Carroll Avenue is such that there is no buffer from motor vehicle traffic on Carroll Avenue. The Project proposes maintaining a 6-foot sidewalk free and clear of obstruction along the frontage that would be buffered from the travel lanes by the layby, if it were approved.

While the subject Application demonstrated compliance with some of the standards, findings, and requirements of the County Code and relevant policies, failure to garner approval from MDOT SHA of the proposed Site access for vehicles and the proposed layby makes it impossible for staff to recommend approval of the Application.

- Economic impacts
  - Increased rents
  - Small businesses' business will be affected (due to lay-by), unloading into CO-OP will be too difficult
  - Loss of delivery space and parking for small business



- Impact racial equity in Takoma Park – TP Food Co-op employs diverse staff (development could disperse staff), welcomes all customer income

Staff received multiple concerns regarding potential economic impacts of the proposed development including increased rents, hiring practices and ensuring racial equity, and impacts of the proposed layby and loss of existing parking lot on existing small businesses. While these concerns are valid and documented in the attached correspondence, this particular regulatory process does not address these topics. The Takoma Junction Project is a public/private partnership and the City outlined several project goals for the development, which is contained in Resolution 18-41.

- Design
  - Facade color
  - Need Maintain residential character
  - “Too large” on a “too small” space
  - Development height from Columbia Ave
  - Visibility of garage and rear (due to loss of trees)
  - “out of place”

Regarding design, several concerns are related to the proposed building’s character, massing, color, and visibility of the rear facing Columbia Avenue. The Takoma Junction is located within the City of Takoma Historic District, therefore the Historic Preservation Commission has weighed in significantly on the proposal with emphasis on the Carroll Avenue façade and, if the Project were approved, would continue to throughout the HAWP process. At their October 13, 2019 meeting, the HPC expressed the need for additional details and elevations for the rear of the building, as the entire property falls within the historic designation, and compatibility from the public right-of-way of Columbia Avenue must be ensured. While Staff is not recommending approval, it is not on the basis of design. As proposed, the rear of the building would be well screened by the existing vegetation and additional trees that the Applicant would be planting as required by the Forest Conservation Plan, with continuing review from the HPC during the HAWP process.

## **SECTION 10: CONCLUSION**

The Applications do not meet all of the Subdivision and Zoning Ordinance requirements. The Project does not satisfy the findings of the Subdivision Regulations relating to site access and off-street loading, and the Zoning Ordinance requirements for Parking and Loading Design. Therefore, the Mandatory Referral No. 2021019, Preliminary Plan No. 120190150, and Site Plan No. 820190090 should be denied.

### **ATTACHMENTS**

- A. HPC staff reports
- B. Agency Letters
- C. Forest Conservation Plan
- D. Variance Request Letter
- E. Shared Parking Study, dated 7/16/2020
- F. Community Correspondence
- G. Takoma Park Resolution 2018-41
- H. Takoma Park Resolution 2021-19