™ Montgomery Planning

WHITE OAK SELF-STORAGE

SKETCH PLAN 320230040 SITE PLAN 820230100 FOREST CONSERVATION PLAN F20230330

Description

Request to expand the existing Self-Storage Facility with a 3,600-square-foot addition to the front of the existing building, and a new building at the rear of the property with 116,000 square feet of self-storage use.

Nos. 320230040, 820230100 and

F20230330

Completed: 10-27-2023

MCPB Item No. 6 11-9-2023 Montgomery County Planning Department 2425 Reedie Drive Floor 14 Wheaton, MD 20902

Planning Staff



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LOCATION

11105 New Hampshire Avenue, Silver Spring, MD, 1,800 feet southeast of the intersection of Columbia Pike and New Hampshire Avenue.

MASTER PLAN

2014 White Oak Science Gateway Master Plan

ZONE

CRTF-2.5, C-2.25, R-1.5, H-200

PROPERTY SIZE

113,650 square feet

APPLICANT

White Oak Storage Owner LLC

ACCEPTANCE DATE

July 12, 2023

REVIEW BASIS

Chapter 59 and Chapter 22A

BSummary:

- Staff recommends approval of the Sketch Plan, Site Plan, and Forest Conservation Plan.
- The Applicant proposes expansion of the existing self-storage facility with a 3,600square-foot addition to the existing building and a new, 116,000-square-foot self-storage building.
- The Planning Board recommended approval of Local Map Amendment H-147 and Conditional Use CU202302 to expand the selfstorage facility on January 5, 2023.
- The Office of Zoning and Administrative
 Hearings held a public hearing on January 13,
 2023 and the Hearing Examiner formally
 approved Conditional Use CU202302, which
 included a parking waiver, on February 23,
 2023.
- The Montgomery County Council approved Local Map Amendment H-147 on March 21, 2023.
- The details of the Subject Application are unchanged from what was approved as part of the Conditional Use and Local Map Amendment with binding elements.
- The Subject Application includes a Final Forest Conservation Plan in compliance with the Montgomery County Environmental Guidelines, which is recommended for approval.
- Staff has not received any correspondence regarding this application.

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SECTION 1: EXECUTIVE SUMMARY

The Subject Property is currently improved with a 115,200-square-foot, three-story Self-Storage facility at the west of the property with a surface parking lot between the building and the Property's New Hampshire Avenue frontage to the west. The existing self-storage facility was developed in 2002 under the Property's previous C-2 zone, which allowed for the development of a self-storage facility by-right. The Subject Application proposes to construct a new, 116,000-square-foot, five-story building at the rear/east of the property, in a location where a gated surface parking lot associated with the self-storage use currently exists. The Applications also propose a 3,600-square-foot addition to the front of the upper stories of the existing self-storage building, which will serve as shelter for a newly covered and reconfigured parking area at the front of the Site. Consistent with the recommendations of the Master Plan, and the previously approved Local Map Amendment and Conditional Use applications, the Project also provides a covenant for future dedication of a 15-foot-wide trail easement at the rear of the Subject Property.

The Planning Board recommended approval of a Local Map Amendment, H-147, and a Conditional Use, CU202302 on January 5, 2023, to allow for the proposed expansion of the self-storage facility. The Local Map Amendment proposed to change the zoning of the Subject Property from CR to CRTF and was later approved by the County Council on March 21, 2023. The purpose of this Local Map Amendment was to change the zoning of the Property to a zone in which self-storage is allowed as a conditional use so the self-storage use could expand.

The Applicant submitted a Conditional Use application for a self-storage facility concurrently with the Local Map Amendment. The Conditional Use application to expand the self-storage facility was recommended for approval by the Planning Board and was subsequently approved by the Hearing Examiner on February 23, 2023.

The Subject Application consists of a sketch plan and site plan for the construction of the expanded self-storage facility that was proposed as part of the approved Local Map Amendment and Conditional Use applications. The details of the proposed expansion shown in the Subject Application are wholly consistent with what was approved as part of the Local Map Amendment and Conditional Use. The sketch plan application outlines how the proposal achieves 50 public benefit points as required by the Zoning Code, and the site plan establishes the details of the proposed expansion. A preliminary plan is not needed since the Subject Property is recorded in Plat 8280.

SECTION 2: RECOMMENDATIONS AND CONDITIONS

SKETCH PLAN 320230040

Staff recommends approval of White Oak Self Storage, Sketch Plan No. 320230040, for up to 234,800 square feet of self-storage development on 2.61 acres zoned CRTF, in the 2014 *White Oak Science Gateway Master Plan*. The development must comply with the binding elements for Local Map Amendment No. H-147 and the conditions of approval for Conditional Use No. CU202302. The following site development elements shown on the latest electronic version of Sketch Plan No. 320230040, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the conditions below.

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

All other elements of the Sketch Plan are illustrative and subject to refinement at the time of Site Plan.

This approval is subject to the following conditions:

1. Density

The Sketch Plan is limited to a maximum of 234,800 square feet of total non-residential development, including the existing building to remain.

2. Height

The development is limited to a maximum average building height of 55 feet, as measured from the building height measuring point to be illustrated on the Certified Site Plan.

3. Transportation

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated August 30, 2023, with the exception of recommendation number 3 related to a 54-foot future dedication for a Bus Rapid Transit connection, and incorporates them as conditions of the Sketch Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Sketch or Site Plan approval.

4. Incentive Density

The development must be constructed with the public benefits listed below unless modifications are made under Section 59.7.3.3.I. Total points must equal at least 50 and be chosen from at least 3 categories as required by Section 59.4.5.4.A.2. The requirements of Division 59.4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

- a) Connectivity and Mobility, achieved by providing fewer than the maximum parking spaces under the Zoning Ordinance;
- b) Quality of Building and Site Design, achieved through architectural elevations and exceptional design; and
- c) Protection and Enhancement of the Natural Environment achieved through energy generation, cool roof, and a recycling facility plan.

SITE PLAN 820230100

Staff recommends approval of Site Plan No. 820230100, for the construction of 119,600 square feet of additional self-storage space. The development must comply with the binding elements for Local Map Amendment No. H-147 and the conditions of approval for Conditional Use No. CU202302. All site development elements shown on the latest electronic version of the Site Plan, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.¹

New Conditions

DENSITY, HEIGHT & HOUSING

1. <u>Density</u>

The Site Plan is limited to a maximum of 234,800 square feet of total development on the Subject Property, including 234,800 square feet of self-storage non-residential uses.

2. <u>Height</u>

The development is limited to a maximum height of 55 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

OPEN SPACE, FACILITIES AND AMENITIES

3. Public Open Space, Facilities, and Amenities

- a) Before release of the site plan surety bond, the Applicant must construct the interim streetscape improvements along the property's frontage on New Hampshire Avenue as shown on the Certified Site Plan, consistent with the 2014 White Oak Science Gateway Master Plan Streetscape Standards.
- b) The Applicant must provide a landscape buffer between the sidewalk and the street of at least six feet.

4. Public Benefits

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

- a) Connectivity between Uses, Activities, and Mobility Options
 - Minimum Parking
 The Applicant must not provide/construct more than 12 parking spaces.
- b) Quality Building and Site Design

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

i. Architectural Elevations

Final elevation design must be shown on the Certified Site Plan. The exterior architectural elements must be substantially similar to architectural elevations as shown on the Certified Site Plan and as determined by M-NCPPC Staff.

ii. Exceptional Design

The Applicant must continue to work with Planning Staff to ensure the design quality of the project. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by M-NCPPC Staff at time of Certified Site Plan.

c) Protection and Enhancement of the Natural Environment

i. Cool Roof

The Applicant must provide a minimum solar reflectance index (SRI) of 75 for newly constructed roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12.

ii. Energy Conservation and Generation

The Applicant must construct rooftop solar panels that generate a minimum of 2.5% of the projected energy requirement for the new construction. The Applicant must provide an energy use/generation model with comparisons to average use/generation (in kwh) for building type based on U.S. Department of Energy standards or as modeled by a LEED-accredited professional as part of the Certified Site Plan.

iii. Recycling Facility Plan

The Applicant must provide a plastic bag recycling container, electronics/e-waste recycling collection containers and service, and a Compact Fluorescent Light Bulb Recycling container on-site. The Applicant must abide by the recommendations of the Montgomery County Department of Environmental Protection as outlined in their Recycling Facility Plan approval letter dated August 30, 2023.

5. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to benches and landscaping.

ENVIRONMENT

6. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated May 22, 2023, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

TRANSPORTATION & CIRCULATION/ADEQUATE PUBLIC FACILITIES (APF)

7. <u>Transportation</u>

- a) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated July 19, 2023 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.
- b) At the time DPS collects development impact taxes, the applicant must comply with the White Oak Local Area Transportation Improvement Program (LATIP). The LATIP may be satisfied by either the payment of the required fee according to Chapter 52 and the 2020-2024 Growth and Infrastructure Policy, or construction of an improvement identified in "White Oak Science Gateway LATR/LATIP Cost Estimating Analysis White Paper" dated May 2019, as determined by MCDOT.

8. Pedestrian & Bicycle Circulation

- a) Before issuance of the first building permit, the Applicant must record a covenant for future dedication in the Land Records of Montgomery County for a north-south 15-footwide easement located at the rear of the property. The covenant will allow for the future construction of a pedestrian/bike connection (by others) and unencumbered pedestrian and bicycle access.
- b) Before issuance of the first use and occupancy permit, Applicant must construct New a 10-foot-wide sidewalk with 6-foot-wide street buffer along Hampshire Avenue (MD 650), which must be designed and permitted in accordance with the requirements of the Maryland State Highway Administration.
- c) Before issuance of the first building permit, the Applicant must accommodate and make a payment to provide for the following master planned bicycle facility, the exact location, design, and construction of which must comply with requirements of the Maryland State Highway Administration, before right-of-way permit.
 - i. New Hampshire Avenue (MD 650): 6-foot-wide raised pedestrian/bicycle buffer, 11-foot-wide separated bike lane, and pavement striping.

9. Fire and Rescue

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated September 16, 2022, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

SITE PLAN

10. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheets P200 to P207 of the submitted architectural drawings, as determined by M-NCPPC Staff.

11. Lighting

- a) Before Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on proposed fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by street lights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f) On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

12. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, whichever comes first, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

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

13. <u>Development Program</u>

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

14. APF Validity

The Adequate Public Facilities Review (APF) will remain valid for five (5) years from the mailing date of the site plan resolution in Section 50.4.3.J.5 of the County Code.

15. Certified Site Plan

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

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution and other applicable resolutions on the approval or cover sheet(s).
- b) Add the following notes:
 - i. "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
 - ii. "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services and/or the Maryland State Highway Administration as appropriate."
 - iii. "The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur before any site development work commencement and before any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan along with any subsequent amendments is required to be on-site at all times."
- c) Include approved Fire and Rescue Access Plan.
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.

FOREST CONSERVATION PLAN F20230330

Staff recommends approval of Forest Conservation Plan No. F20230330, that proposes to construct a new, 116,000-square-foot, five-story self-storage building and a 3,600-square-foot addition to the existing self-storage building, subject to the following conditions:

- 1. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- 2. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
- 3. The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the certified Final Forest Conservation Plan.
- 4. Before the start of any demolition, clearing, grading, or construction for this development Application, whichever comes first, the Applicant must:
 - a) Record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Paint Branch watershed or Priority Area to satisfy the reforestation requirement for a total of 0.41 acres of mitigation credit. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval, if forest mitigation bank credits are not available for purchase within the Paint Branch watershed or Priority Area or by making a fee-in-lieu payment to M-NCPPC if mitigation credits are not available at any bank.

SECTION 3: SITE DESCRIPTION

VICINITY

The Subject Property is located at 11105 New Hampshire Avenue in White Oak (the "Property" or the "Site"), in a mixed-use neighborhood around the intersection of Columbia Pike and New Hampshire Avenue. To the southeast of the Site is the Food and Drug Administration (FDA) campus, to the north are commercial uses located in the White Oak Shopping Center, to the northwest are multi-family apartments, and to the south and southwest is the existing residential neighborhood of Hillandale.

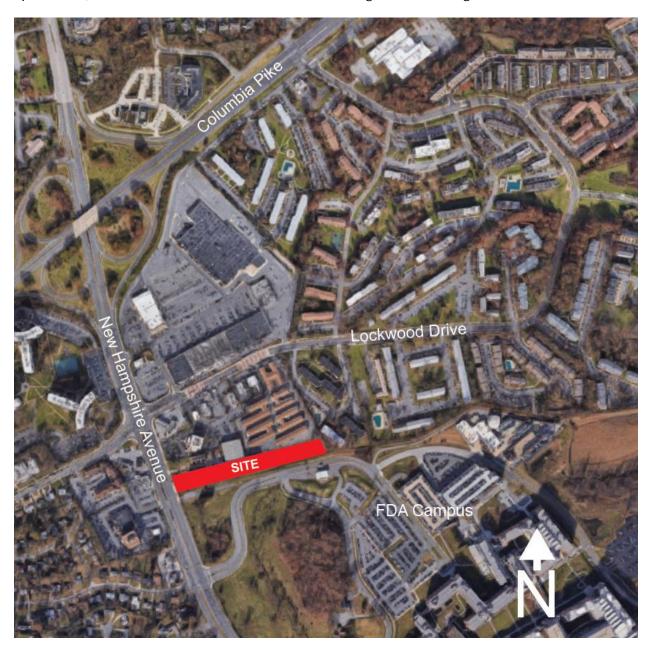


Figure 1: Neighborhood Vicinity Map

The surrounding vicinity includes the major intersection of New Hampshire Avenue and Columbia Pike. Surrounding the intersection of New Hampshire Avenue and Columbia Pike is a node of commercial uses, predominantly White Oak Shopping Center at the northeast corner of Lockwood Drive and New Hampshire Avenue. White Oak Shopping Center includes Walgreens, Giant, Dollar City, Mattress Firm, a number of restaurants and food options, and other commercial/retail uses. The shopping center is served by a large surface parking lot. To the south of Lockwood Drive and east of New Hampshire Avenue are more commercial uses, including a gas station at the corner of Lockwood Drive and New Hampshire Avenue, a 7-Eleven along Lockwood Drive, and self-storage uses located immediately north of the Subject Property. Immediately to the south of the Subject Property is the Food and Drug Administration (FDA) campus, which is currently fenced along the Subject Property's southern property line. West of New Hampshire Avenue are some commercial and office uses, and further west is the Hillandale neighborhood that consists of single-family homes. East of the Subject Property are multifamily residential uses, including garden apartments that abut the Subject Property along the eastern property line.

PROPERTY DESCRIPTION

The Subject Property is known as Part of Parcel E in the "White Oak" subdivision, as recorded among the Montgomery County Land Records as Plat No. 8280. It contains approximately 114,234 square feet of land. The Property is long and narrow with a width of 102 feet and length of 1,050 feet.



Figure 2: Subject Property (Outlined in Dotted Yellow)

The Subject Property's only vehicular access is from New Hampshire Avenue and is shown highlighted in red on Figure 1 and outlined with a dotted yellow line in Figure 2. The Subject Property is bounded by New Hampshire Avenue to the west, existing commercial and self-storage uses to the north, the FDA campus to the south, and garden apartments to the east. This Property was rezoned subject to Local Map Amendment H-147 from CR-2.5, C-1.5, R-1.5, H-200 to CRTF-2.5, C-2.25, R-1.5, H-200. There is an existing self-storage facility on the western side of the Site with associated parking and loading spaces along the New Hampshire Avenue frontage, and an existing parking lot at the east of the Site that is gated and used for vehicle storage. The existing building is three (3) stories and 35 feet 6 inches tall and contains 115,200 square feet of self-storage use.



Figure 3: Existing Building Frontage, as viewed looking East from New Hampshire Avenue

The front of the Property is currently improved with a large surface parking lot, containing nine (9) parking spaces including two (2) ADA parking spaces. There is currently minimal landscaping along the property's frontage, and this area at the front of the property is auto-oriented in nature.



Figure 4: Parking Area at the Rear/East of the Site looking East

At the rear of the Property is a gated parking lot that serves as vehicle storage for the existing self-storage facility. This parking lot will be replaced with the new self-storage building proposed in this Application, and the self-storage facility will no longer offer vehicle storage. Natural Resources Inventory 420221930, approved on May 10, 2022, determined that there was no forest, wetlands, streams, or floodplains on the property.

SECTION 4: PROJECT DESCRIPTION

PROJECT HISTORY

The Subject Property was previously zoned C-2 under the 2004 Zoning Code, in effect prior to October 29, 2014. Under the C-2 zone, self-storage was a permitted use, and therefore the existing self-storage facility was constructed by-right. As part of the Zoning Code rewrite in 2014, the Subject Property's zoning was changed from C-2 to CRT-2.25. As part of the 2014 *White Oak Science Gateway Master Plan,* the Property's zoning was changed from CRT-2.25 to CR-2.5, C-1.5, R-1.5, H-200. As described below, the property subsequently received approval to rezone the property to CRTF-2.5, C-2.25, R-1.5, H-200. Self-storage is not permitted as a by-right use in the CRTF zone, and a Conditional Use was approved on February 23, 2023 to allow the use. A Natural Resources Inventory, 420221930, was approved for the property on May 10, 2022.

PREVIOUS APPROVALS

Local Map Amendment H-147

Based on the Use Table in the Montgomery County Zoning Code (59.3.1.6) under the Subject Property's previous CR zone, Self-Storage was allowed only as a Limited Use. A Limited Use may be allowed by-right and without Planning Board approval, but only if the Limited Use standards are met. In the case of a Self-Storage Limited Use, Section 59.3.6.8.D.2.a.ii outlines that Self-Storage is allowed only under the standard method of development, and that the Self-Storage use must be in a basement or cellar of a building used for other purposes. The Applicant wished to construct a second Self-Storage building on their property which is already improved with an existing Self-Storage facility. The Applicant's proposal did not meet the requirements of the Limited Use standards, and thus the Applicant proposed to rezone the Property from CR to CRTF. The Applicant received County Council approval on March 21, 2023 to rezone the Property from CR-2.5, C-1.5, R-1.5, H-200 to CRTF-2.5, C-2.25, R-1.5, H-200 for the construction of a second, five-story, 116,000-square-foot self-storage facility at the rear of the property. In the newly approved CRTF zone, self-storage is a Conditional Use, and the Applicant received approval for the self-storage Conditional Use concurrent with the Local Map Amendment application.

Conditional Use CU202302

The Applicant received approval of Conditional Use CU202302 for a self-storage use on the Subject Property on February 23, 2023. The approved Conditional Use plan includes the same details as the Subject Sketch and Site Plan applications, including the new 116,000-square-foot self-storage building at the rear of the property and the 3,600-square-foot addition to the existing self-storage building at the front of the property. Under the CRTF zone, Self-Storage is allowed only as a Conditional Use. The Project received a recommendation for approval from the Montgomery County Planning Board and an approval of the Conditional Use by the Montgomery County Hearing Examiner.

PROPOSAL - SKETCH PLAN AND SITE PLAN

The Subject Property is currently improved with a self-storage facility at the front/west of the property. The Subject Application proposes a 3,600-square-foot expansion to the third story of the existing building, creating a cantilevered structure that shelters the parking lot at the front of the property. This addition will add about two feet of height to the existing self-storage facility, increasing the height from 35 feet 6 inches to 37 feet 4 inches, and will increase the square footage of the existing facility from 115,200 square feet to 118,800 square feet. At the rear/east of the property, the Applicant is proposing to construct a new self-storage building that will be five stories and 55 feet tall and contain 116,000 square feet of self-storage use. In total, the proposed square footage of commercial self-storage development on the property between the two buildings is 234,800 square feet.



Figure 5: Proposed Self-Storage Facility looking East from New Hampshire Avenue

The Applicant proposes to construct an addition to the front of the western side of the currently existing building, creating an overhang space that will serve as additional storage units. The addition to the front of the building will also enhance the design and street presence of the property, as discussed in the design portion of this report. The Applicant is providing improved landscaping and a reconfigured parking area at the front of the Property as well, which will allow for efficient vehicle circulation and enhance pedestrian safety. The Applicant proposes to add one (1), freestanding, 11-foot-1-inch sign at the front of the Site. Also proposed is the introduction of a rain garden along New Hampshire Avenue, provision of stormwater management on-site (where there currently is none), and solar panels and cool roofs on top of the two (2) self-storage buildings.

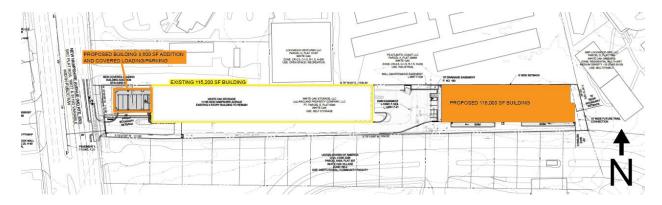


Figure 6: Site Plan

The Applicant is also providing a covenant for future dedication of a trail easement at the rear of the property, along the Subject Property's eastern edge. This connection was envisioned in the 2014 White Oak Science Gateway Master Plan as a connection between the FDA campus to the south and Lockwood Drive to the north. The covenant for future dedication will allow the trail to be constructed, by others, if and when properties surrounding the Subject Property redevelop and the full extent of the envisioned connection can be realized. This connection was previously reviewed and endorsed by the Planning Board, Hearing Examiner, and County Council through their respective actions on the Local Map Amendment and Conditional Use applications.

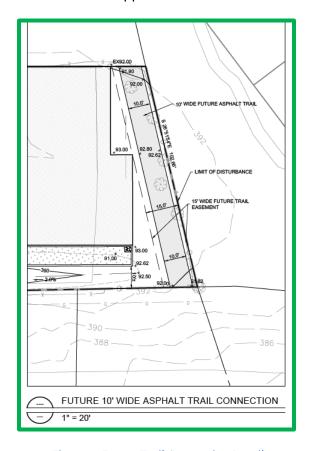


Figure 7: Future Trail Connection Detail

The self-storage facility's business office is anticipated to be staffed Monday through Friday, 9:30 AM to 6:00 PM, Saturday 9:00 AM to 5:00 PM and Sunday 10:00 AM to 4:00 PM. The Project will have controlled access through keypad-protected automatic doors and security gates. Access for existing customers with a valid access code is provided 365 days a year between the hours of 6:00 AM and 10:00 PM. The Project also features additional security measures in the form of perimeter fencing and security cameras. The self-storage use will have a maximum of four (4) employees on site at any one time, with one (1) office employee and one resident manager for each of the two (2) self-storage buildings.

MASTER PLAN

The Subject Property is within the boundary of the 2014 White Oak Science Gateway Master Plan (Master Plan). The Master Plan's primary goal is to ensure the local community's longevity by "reimagining existing centers – and providing a framework for reinvestment" (p. 11). The Master Plan envisioned "White Oak's major centers – Hillandale, White Oak, and Life Sciences/FDA Village evolving from conventional, auto-dependent suburban shopping centers, business parks, and light industrial areas into vibrant, mixed-use, transit-served nodes." The Master Plan also envisioned redevelopment that was carefully integrated with existing residential neighborhoods and adjacent major institutional uses.

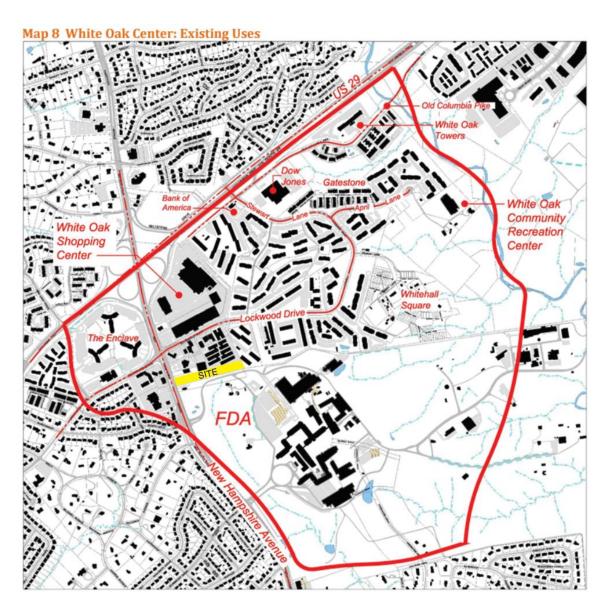


Figure 8: White Oak Center, as defined in the 2014 White Oak Science Gateway Master Plan

The Property is located within the White Oak Center, an area identified by the Master Plan as prominent and highly visible. Zoning recommendations support the establishment of a vertical, high intensity scale along with a pedestrian-friendly environment for this center to support the future bus rapid transit (BRT) stations recommended at the U.S. Food and Drug Administration campus's main entrance, just south of the Site. Redevelopment should also focus on both sides of Lockwood Drive to transform this street into a walkable focal point for the area. A connection to link the adjacent FDA campus with a redeveloped White Oak node along Lockwood Drive is also recommended. A segment of this connection is being accommodated at the east of the Property in the form of a covenant for future dedication of a 15-foot trail easement.

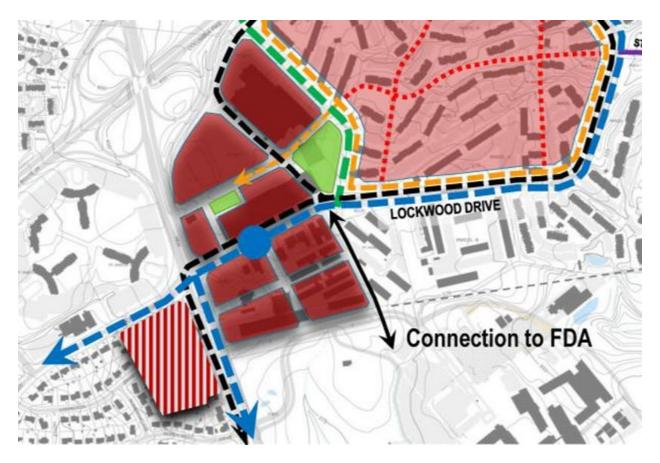


Figure 9: FDA-Lockwood Drive Connection as shown in the Master Plan

While the Master Plan supports the transition to mixed uses in this area, it recognizes the existing mix of uses and ownership and acknowledges that significant property assembly will be needed to achieve the Master Plan's vision for mixed-use development within the White Oak Center. In the interim, an improved storage facility would not preclude the transition to envisioned mixed-use in the remaining part of this quadrant, should property assembly occur. Improvements to this existing use could provide an adequate buffer to the utilitarian/vehicular uses projected near this area in the FDA campus. This would be consistent with the Master Plan goal of carefully integrating redevelopment with adjacent uses.

DESIGN

The Subject Application provides a significant opportunity to refresh and modernize the existing self-storage building, particularly as the building relates to the street along the New Hampshire Avenue façade.

The front portion of the existing building facing New Hampshire Avenue will be re-skinned to provide a more modern aesthetic in the White Oak Center. The proposed addition to the front of the existing building will bring the facility closer to the street frontage and create an urban edge along this prominent roadway.



Figure 10: Rendering of Project looking Northeast from New Hampshire Avenue

A *porte-cochere* style addition has been incorporated in the front of the existing building to conceal the front-loading spaces and help bring the building mass closer to the street. The semi-enclosed loading addition will incorporate the same materials being applied to the main building massing. The new addition will provide screening from the street of loading activities while providing enhanced design of the overall façade.

The existing building has minimal expression, with muted exterior colors that appear to the naked eye as a big concrete block, with bright-colored, opaque metal roll-up doors at the base of this prominent frontage. This industrial-looking architecture fails to activate the street or contribute toward the goals of the Master Plan, which, in part, seeks to revitalize the commercial properties within the White Oak Center. However, with the proposed expansion, the existing building will be transformed by redesigning the existing façade with new materials and building forms to provide a more engaging and warm expression.



Figure 11: Rendering of Project looking Southeast from New Hampshire Avenue

The revised building architecture features a modern, new corner element to emphasize the main visitor entrance. This element utilizes unique geometry to add interest and depth to the existing façade. The front façade incorporates fiber cement siding with a natural wood appearance to provide warmth, designed to contrast with the dark charcoal elements expressed through the aluminum surrounds.

Furthermore, the existing brightly colored, opaque roll-up doors on the ground floor will be replaced with glass sliding doors and storefront windows to create a more urban and inviting expression with ample ground-floor transparency.

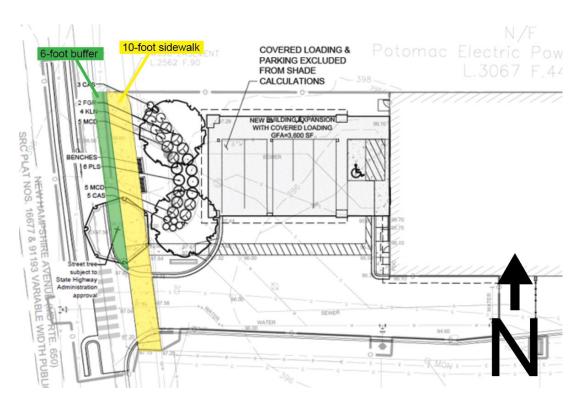


Figure 12: Streetscape Landscape Plan

The Project also provides streetscape improvements, which along with the transformed building architecture, will further activate the public realm and engage the pedestrian environment. Benches, landscaping elements, and an 11-foot-tall pedestrian-level ground-mounted sign for the building are some of the streetscape improvements that will be delivered along New Hampshire Avenue, in addition to the 10-foot-wide sidewalk with a 6-foot landscape buffer being constructed. Also located along New Hampshire Avenue is a future two-way separated bikeway. The Applicant will make a payment-in-lieu of construction for this segment of master-planned bicycle facilities, and the bikeway will be constructed as either a Capital Improvement Project or as part of adjacent redevelopment. The Subject Application does not preclude the future bicycle facilities from being implemented.

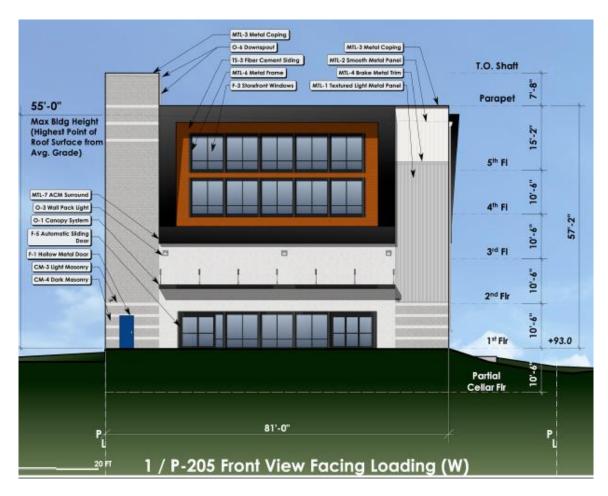


Figure 13: Western Façade of new Self-Storage Building at Rear of the Property

Additionally, this Project expands the existing self-storage facility by constructing a new five-story building in the rear of the site, providing additional self-storage services to support the surrounding community. The new self-storage facility will be constructed at the rear of the Property. Given the long, narrow configuration of the Property, the rear building is not readily visible from the street. However, the rear building has been designed to blend seamlessly with the refreshed overall building architecture. Specifically, the western and southern facing façades have been designed to incorporate the same wood-like appearance and charcoal accents, surrounding upper story windows that have been designed in a similar grid pattern to match the New Hampshire Avenue façade. This expression will provide a complementary backdrop as viewed over the front building, which is shorter at three (3) stories and 37 feet and 4 inches.

The customer entry/loading area along the western façade of the new building, although not directly visible from the street, has also been designed to incorporate ample transparency at the ground level, defined by a metal canopy, to similarly frame and identify this entrance. The rear building design also incorporates various vertical and horizontal elements and material changes to break down the building mass further. These design elements and the proposed building landscaping will provide a compatible transition to the surrounding properties.

At the Planning Board Hearing on the Local Map Amendment and Conditional Use plans on January 5, 2023, the Planning Board expressed concerns about compatibility of the proposed new self-storage building with the garden apartments that exist to the east of the property. The Conditional Use approval conditioned that cross-sections of the rear of the property be provided as part of the Sketch and Site Plan submittals. The Applicant has provided these cross-sections, as well as other exhibits that demonstrate the compatibility of the proposed new self-storage building with the property to the east. The compatibility requirements in Section 59.4.1.8 of the Zoning Code do not apply to this property due to the property to the east's zoning of R-20. Despite not being subject to the compatibility requirements, the Applicant has provided exhibits that show how the Proposal would meet those requirements anyway. As shown by the compatibility exhibits, the new self-storage building will be sufficiently compatible with the property to the east.

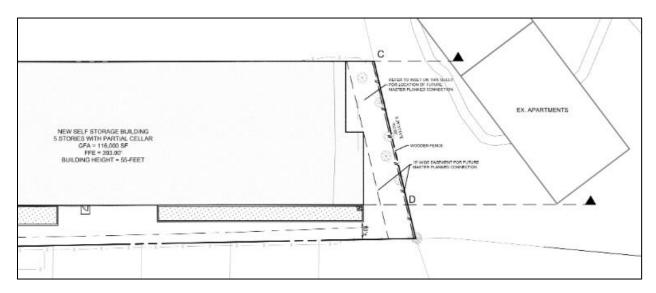


Figure 14: Plan View of Eastern Property Line

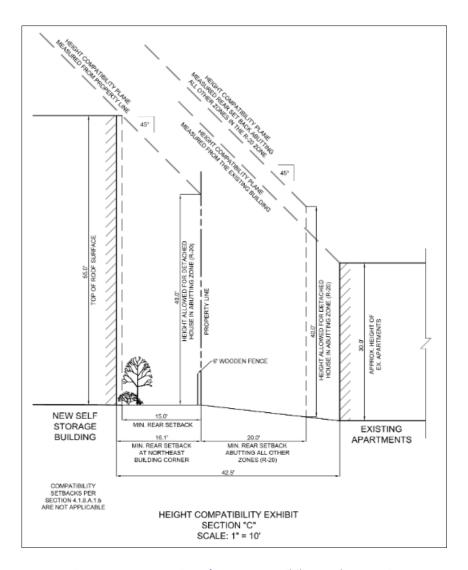


Figure 15: Cross-section of Rear Compatibility at Closest Point

TRANSPORTATION

MASTER PLANNED ROADWAYS

According to the 2014 White Oak Science Gateway Master Plan, New Hampshire Avenue is recommended for a minimum right-of-way width of 130 feet. The Applicant's frontage measures 86 feet from the New Hampshire Avenue pavement center line allowing the right-of-way to achieve the prescribed 130-foot width. The 2018 Bicycle Master Plan requires a future separated bicycle facility on New Hampshire Avenue along the Property frontage, which is being shown as part of this proposal. The Applicant will make a payment-in-lieu of construction for this segment of bicycle facilities, and the bikeway will be constructed as either a Capital Improvement Project or as part of adjacent redevelopment. The Subject Application does not preclude the future bicycle facilities from being implemented.

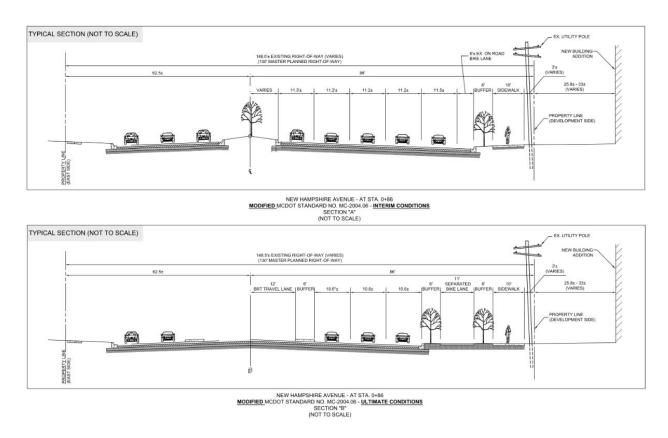


Figure 16: New Hampshire Avenue Interim and Ultimate Sections

PEDESTRIAN FACILITIES

The Applicant is providing a ten-foot -wide sidewalk along the property's New Hampshire Avenue frontage, with a six-foot-wide landscape buffer between the New Hampshire Avenue curb and the sidewalk. This configuration meets the standards set out in the *Complete Streets Design Guide*, which calls out this portion of New Hampshire Avenue as a Town Center Boulevard with a minimum six-foot-wide landscape buffer and minimum eight-foot-wide sidewalk.

The 2014 White Oak Science Gateway Master Plan envisions a connection between Lockwood Drive and the FDA campus. To comply with the Master Plan, the Applicant is providing a covenant for future dedication of a 15-foot-wide easement at the rear of the property, along the Subject Property's eastern edge to allow for a future through-block connection. This is consistent with the previously approved Conditional Use application CU202302 and Local Map Amendment H-147.

TRANSIT SERVICE

A bus stop is located at Lockwood Drive and New Hampshire Avenue, about 200 feet north of the Site, that serves Ride On routes 10 and 22, and WMATA bus routes C8 and K6.

The 2013 *Countywide Transit Corridors Master Plan* recommends a Bus Rapid Transit (BRT) line along New Hampshire Avenue. Stops are recommended at the FDA campus to the south, and at the White Oak Transit Center to the north.

PARKING

The Applicant is providing a total of 12 parking spaces on the Property, spread between two (2) parking areas. Six (6) of the parking spaces, including one (1) ADA space, will be located in an open-air parking area with a building addition to the self-storage facility above at the front of the Property. An additional six (6) spaces, including another ADA space, are located in the area between the existing self-storage building at the west of the property and the new self-storage building at the east of the property. The two (2) parking facilities will be accessed via a driveway that runs east-west along the southern edge of the site. Section 59.6.2.4.B would require the applicant to provide 25 parking spaces for the application's proposed use and intensity. The Applicant was granted a 13-space parking waiver from the requirements of 59.6.2.4.B by the Hearing Examiner to provide 12 parking spaces.

LOCAL AREA TRANSPORTATION REVIEW

The Applicant submitted a transportation exemption statement that shows the projected number of trips generated during the peak periods in the morning (6:30-9:30 AM) and in the evening (4:00-7:00 PM). Based on the transportation exemption statement, the proposed self-storage use will generate up to 16 net new person trips during morning peak hour and 26 during evening peak hour.

In accordance with the 2020-2024 Growth and Infrastructure Policy, a transportation impact study is not required to satisfy the LATR test because projects within the White Oak Policy Area are exempt from the LATR but are subject to a Local Area Transportation Improvement Program (LATIP). The Applicant will pay a fee per their assumed impact based on trip generation, to the satisfaction of the Montgomery County Department of Transportation (MCDOT), which operates the LATIP program, prior to the issuance of building permit.

ENVIRONMENTAL

Final Forest Conservation Plan ("FFCP") No. F20230330 was submitted for review and approval concurrently with Site Plan No. 820230100 (Attachment E). The total net tract area for forest conservation purposes includes the tract area of 2.62 acres and 0.11 acres of off-site disturbance for a total of 2.73 acres. The Property is zoned CRTF-2.5, C-2.25, R-1.5, H-200' and is a commercial development. The Property contains no forest but there is a 0.41-acre afforestation requirement as calculated in the Forest Conservation Worksheet. The afforestation requirement will be met off-site in a forest bank or by payment of fee-in-lieu.

SECTION 5: FINDINGS AND ANALYSIS - SKETCH PLAN

The Subject Application complies with the general requirements and development standards of Chapter 59, the Zoning Ordinance, Chapter 22A, the Forest Conservation Law, and substantially conforms with the goals and recommendations of the 2014 *White Oak Science Gateway Master Plan*.

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

Table 1: White Oak Self Storage Sketch Plan Data Table for CRTF Zone, Optional Method, Section 59.4.5.4

Development Standard	Permitted/ Required	Proposed
Tract Area	n/a	113,650 sf
Site Area ¹ (tract area minus dedications)	n/a	113,650 sf
Commercial (GFA/FAR)	2.25 FAR	2.06 FAR
Total Mapped Density (GFA/FAR)	2.5 FAR	2.06 FAR
Building Height, max average	200 ft	55 ft
Public Open Space (min s.f.)	0%	n/a
Parking Spaces (min)	25 spaces	12 spaces*

^{*}Parking Waiver for 13 spaces granted by the Hearing Examiner in Conditional Use CU202302

a) Implement the recommendations of applicable master plans (59.4.5.1.A)

The Subject Property is within the 2014 White Oak Science Gateway Master Plan area. The proposed expansion of the existing self-storage use was found to have been compliant with this Master Plan as part of the review and approval of the Local Map Amendment and Conditional Use for the property. The Subject Application is wholly consistent with what was previously approved, and the proposal continues to be in compliance with the Master Plan. The Master Plan's vision states that "reimagining existing centers – and providing a framework for reinvestment – is vital to the community's longevity". The Master Plan also envisions redevelopment that enhances "the entire area's quality of life, appearance, walkability, and sense of place." The Subject Application is designed to comply with this vision by reinvesting in an existing property in a way that will significantly improve the property's appearance and streetscape.

Given the demand for self-storage facilities, the existing use will remain for the foreseeable future, in any scenario. The Subject Application allows for the expansion and reinvestment in the existing improvements on-site, which accomplishes several of the goals of the Master Plan which are focused on physical improvements within the White Oak Center. The proposed exterior improvements will enhance the aesthetics of the Subject Property by elevating the building architecture and improving the building's relationship with the street.

The Subject Application also proposes environmental improvements in accordance with the Master Plan. The Master Plan recommends that imperviousness be reduced and that stormwater management be added to areas that currently lack treatment. The project will provide stormwater management where it doesn't currently exist through on-site microbioretention planters. The imperviousness of the project will remain approximately the same, and the self-storage buildings will incorporate cool roofs and solar panels.

The Subject Application is also in compliance with the connectivity goals of the Master Plan. The front building addition will bring the building mass up to the street to define and enhance the streetscape. This, in combination with the landscaping and seating proposed along the Property frontage, will significantly improve the pedestrian experience. The Applicant will also record a covenant for future dedication of a 15-foot-wide trail easement, allowing the connection to be realized if and when the properties to the north redevelop and the FDA permits this connectivity. The 2014 White Oak Science Gateway Master Plan included this recommendation as a future pedestrian connection, and does not call for this connection to be a vehicular connection or transit connection.

b) Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses.

The Subject Application will allow the Applicant to expand the existing self-storage facility onsite. The Project will repurpose an existing surface parking lot at the rear of the property currently used for vehicle storage into a second self-storage building. While the property will remain as a single commercial use, the intensification of that use on the property is preferable to having the added square footage realized in the form of a new self-storage location elsewhere in the county.

c) Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street.

The Subject Application will greatly enhance the area at the front of the property that contains parking and loading spaces for the self-storage facility. The parking area at the front of the building has been enclosed by a new building addition that brings the massing of the building closer to the property's frontage. This improvement in building massing, combined with enhanced landscaping and pedestrian facilities, will promote a wider range of mobility options and create a better urban environment for all.

d) Allows a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.

The Subject Application has been designed to promote compatibility with the surrounding uses. The new self-storage building will be set back from the adjacent garden-style apartment

buildings at the rear. A 15-foot rear yard setback is proposed on the Property, which results in a separation from the existing garden apartments that ranges from 42 feet to 109 feet. The front building addition has also been designed to bring the building up to the street to align with the required build-to-area for the properties to the north along New Hampshire Avenue.

e) Integrate an appropriate balance of employment and housing opportunities.

The Subject Application allows the Applicant flexibility to reinvest in the existing self-storage facility on the Subject Property. The Subject Property is a very long, narrow lot, that is not conducive to other uses. The reinvestment in and expansion of the existing self-storage facility will support both existing and future nearby residential and commercial development by continuing to provide this essential community need. As such, the Subject Application supports a mix of employment and housing opportunities within the broader White Oak Center.

f) Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.

For the proposed development, the Zoning Ordinance requires 50 points in at least 3 categories. The Project will provide the required 50 public benefit points to achieve the desired incentive density above the standard method limit. The following table shows both the categories and points for the public benefits requested to demonstrate the Project's ability to meet the requirement to provide sufficient benefit points. Staff supports the categories listed in Table 2. Further discussion of the details of each Public Benefit is in Site Plan Finding 2.d.ii below.

Table 2: Public Benefit Calculations- Division 59-4.7

Public Benefit	Maximum Points Allowed	Proposed
Connectivity and Mobility		
Minimum Parking	10	10
Quality Building and Site Design		
Architectural Elevations	20	10
Exceptional Design	10	5
Protection and Enhancement of the		
Natural Environment		
Cool Roof	10	5
Energy Conservation and Generation	15	15
Recycling Facility Plan	10	5
Total Points	50 (required)	50

Substantially conforms to the recommendations of the applicable master plan;

As described in Sketch Plan Finding 1.a above, the Subject Application substantially conforms to the recommendations of the 2014 *White Oak Science Gateway Master Plan*. This finding was also made as part of the approved Local Map Amendment and Conditional Use plans. The proposed Sketch and Site Plans are virtually identical to what was previously approved.

3. Satisfy any development plan or schematic development plan in effect on October 29, 2014;

The Sketch Plan is not subject to a development plan or schematic development plan.

4. Achieve compatible internal and external relationships between existing and pending nearby development;

The Subject Application seeks to reinvest in the existing self-storage use on the Property. The front building addition and enhanced building architecture will significantly elevate the building's presence on the street. Additionally, the new building proposed at the rear of the site has been designed to ensure a compatible relationship with surrounding development. Consistent with previous approvals, the Project will have a maximum height of 55 feet. The new self-storage building proposed at the rear of the property has a rear setback of 15 feet from the property line, which results in a minimum of 42 feet and a maximum of 109 feet between the rear self-storage building and the adjacent garden apartments. The compatibility requirements of Section 59.4.1.8 do not apply to the Property because it does not abut an Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zone. The abutting property to the east is zoned R-20, which is a Residential Multifamily zone.

5. Provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;

Adequate vehicular parking will be provided on-site to accommodate the proposed demand, as determined by the Hearing Examiner in approving the Applicant's parking waiver request. The existing parking and loading at the front of the site must remain given the internal configuration of the existing building, which will remain unchanged by the Subject Application, but will be substantially screened from view by the proposed front building addition. Additional vehicular parking will be provided internal to the site to serve the new, rear annex building. This parking and loading access in the approximate center of the Property is essential to the operation of the Project.

The project also provides significant improvements to the pedestrian environment through the proposed streetscape improvements, including a 10-foot sidewalk and 6-foot landscape buffer. Additionally, the driveway access to the site has been narrowed to 25 feet (as

compared to 34.5 feet, previously proposed) and the sidewalk crossing has been raised to provide a continuous pedestrian path along the Property's New Hampshire Avenue frontage.

As the Applicant's street sections demonstrate, there is more than adequate right-of-way width for New Hampshire Avenue to accommodate pedestrian, vehicular, and bicycle circulation, as well as the future Bus Rapid Transit. Per the County Council Approved and Adopted *Countywide Transit Corridors Functional Master Plan*, Bus Rapid Transit is approved to operate within the New Hampshire Avenue right-of-way, which was reconfirmed by the 2014 *White Oak Science Gateway Master Plan* (pages 61 and 62). Consistent with the recommendations of the Master Plan, and the previously approved Local Map Amendment and Conditional Use applications, the Project also provides a covenant for future dedication of a 15-foot-wide trail easement at the rear of the Subject Property.

While the MCDOT letter dated August 30, 2023 recommends a 54-foot-wide future dedication between the existing and proposed building aligned with the existing NW Loop Road on the FDA campus to implement Bus Rapid Transit, this recommendation is not consistent with the 2014 White Oak Science Gateway Master Plan. The Local Map Amendment and Conditional Use plans that have already been approved for the Subject Property allowed for the Department of Transportation to make comments on the Project, and the 54-foot future dedication was not mentioned as part of that review process. Also, as part of the Local Map Amendment and Conditional Use plans, the Planning Board, Hearing Examiner, and County Council reviewed the Project and found it to be in compliance with the 2014 White Oak Science Gateway Master Plan. The details of the Subject Application are unchanged from what was approved by the Planning Board, Hearing Examiner, and County Council. Furthermore, binding element number 3 of the approved Local Map Amendment states "Vehicular access to the Site will be limited to the existing access point." For the reasons above, Planning Staff recommends that the Planning Board eliminate recommendation number 3 of the Department of Transportation's Agency Letter.

Propose an outline of public benefits that supports the requested incentive density and is appropriate for the specific community;

Taking into account the considerations in Section 59.4.7.1.B, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the Applicant has provided an outline of public benefits that supports the Applicant's request for incentive density and is appropriate for the community surrounding the site. This outline of public benefits is provided in Sketch Plan Finding 1.f.

7.	Establish a feasible and appropriate provisional phasing plan for all structures, uses,
	rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan
	applications.

The Project will be developed in one phase.

SECTION 6: FINDINGS AND ANALYSIS - SITE PLAN

Section 59.4.5.4.A.1 requires that Optional Method projects in the CRT zone receive an approved Site Plan under Section 59.7.3.4 for any development on a property with an approved Sketch Plan.

 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;

The Site Plan is consistent with the binding elements of the approved Local Map Amendment (No. H-147) and the use and densities of the approved Conditional Use (CU202302).

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 because the zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

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

As described above, the Site Plan complies with the development standards set forth in the CRTF zone, as well as the general requirements contained in the Zoning Ordinance.

i. Division 4.5 CRTF Zone

Table 3: White Oak Self Storage Site Plan Data Table for CRTF Zone, Optional Method, Section 59.4.5

Development Standard	Permitted/ Required	Proposed
Tract Area	n/a	2.62 acres
Site Area	n/a	2.62 acres
Commercial (GFA/FAR)	2.25 FAR	2.06 FAR
Total Mapped Density (GFA/FAR)	2.5 FAR	2.06 FAR
Building Height	200 feet	55 feet
Public Open Space (min s.f.)	n/a	n/a
Minimum Setbacks (ft) – Front*	25 feet	25 feet
Minimum Setbacks (ft) – Rear*	15 feet	15 feet
Minimum Setbacks (ft) – Side*	0 feet	0 feet
Parking Spaces (min)	25 spaces	12 spaces**

^{*}Established by approved Local Map Amendment H-147

ii. Division 4.7 Optional Method Public Benefits

As discussed in Sketch Plan finding 1.f above, the Subject Application achieves 50 Public Benefit points. A description of how the Subject Application meets the criterion of the proposed Public Benefit categories is below.

Table 4: Public Benefit Calculations- Division 59-4.7

Public Benefit	Maximum Points Allowed	Proposed
Connectivity and Mobility		
Minimum Parking	10	10
Quality Building and Site Design		
Architectural Elevations	20	10
Exceptional Design	10	5
Protection and Enhancement of the		
Natural Environment		
Cool Roof	10	5
Energy Conservation and Generation	15	15
Recycling Facility Plan	10	5
Total Points	50 (required)	50

^{**}Parking Waiver for 13 spaces granted by the Hearing Examiner in Conditional Use CU202302

CONNECTIVITY AND MOBILITY

Minimum Parking

The Applicant requests 10 points for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points for providing maximum allowable number of on-site spaces to 10 points for providing no more than the minimum number of spaces on-site. The Applicant is providing even fewer than the minimum parking spaces as outlined in the Zoning Code and received a parking waiver to allow the provision of 12 spaces as part of the approved Conditional Use for the Subject Property. Staff supports 10 points for this category.

QUALITY BUILDING AND SITE DESIGN

Architectural Elevations

The Applicant requests 10 points for Architectural Elevations. The Project proposes to reinvest in the existing building architecture. The revised building architecture features a modern, new corner element, to emphasize the main visitor entrance. This element utilizes unique geometry to add interest and depth to the existing façade. The front façade of the existing building incorporates fiber cement siding with a natural wood appearance to provide warmth, which is designed to contrast with the dark charcoal elements expressed through the aluminum surrounds. Furthermore, the existing brightly colored opaque roll-up doors facing the front on the ground floor have been removed to provide a more neutral appearance. The loading doors along the front façade will be substantially screened by the cantilevered building addition. The storefront glass will remain at the front main entrance, which will create an inviting and activated expression, with ample ground-floor transparency.

Per CR Incentive Density Guidelines, 10 points is appropriate for development that provides and is bound by architectural elevations as part of the Certified Site Plan. The Applicant agrees to be bound by the following design parameters:

- Minimum of 12% transparency along the front elevation at the upper floor;
- Maximum of 30-foot separation between operable doors on existing building, facing New Hampshire Avenue; and
- Maximum front building setback of approximately 28 feet and maximum height of 49.5 feet along New Hampshire Avenue, consistent with recommendations of the Design Guidelines.

Staff supports 10 points for this category.

Exceptional Design

The Applicant is seeking 5 points for Exceptional Design. The Applicant's reinvestment in the existing building will significantly elevate the appearance of the Property and hopefully serve as a catalyst for other nearby reinvestment and redevelopment. The Project meets the criterion established by the

Zoning Ordinance and the Commercial/Residential and Employment Incentive Density Implementation Guidelines for Exceptional Design, as discussed below:

- Providing innovative solutions in response to the immediate context;

The existing self-storage facility has a very plain and somewhat sterile expression, with muted exterior colors that appear to the naked eye as a big concrete block, with bright colored, opaque metal roll-up doors at the base of this prominent frontage. This industrial looking architecture, and significant building setback, fails to activate the street, or contribute toward the goals of the Master Plan, which, in part, seeks to revitalize the commercial properties within the White Oak Center.

The existing self-storage use will remain unchanged. Additionally, given the internal configuration of the existing building, which will remain unchanged by the Application (e.g. elevator location and need for two points of access, given the length of the existing building), the existing parking and loading at the front of the site must remain. Nonetheless, the Applicant has developed a creative solution that will allow the Applicant to bring the building up to the street, in line with the goals of the County and Master Plan, while still accommodating the existing site constraints. This front building expansion will help to define and activate the pedestrian environment along this prominent frontage.

- Enhancing the public realm in a distinct and original manner;

The Subject Application will significantly enhance the public realm. The Applicant proposes to construct a third-floor elevated addition that will bring the building up to the street and visually conceal the necessary parking and loading in front of the building. The Subject Application will also provide new landscaping and seating opportunities along New Hampshire Avenue, to further enhance the streetscape and provide passive public gathering space. This, in combination with the substantial façade modifications to the existing building, will significantly transform and revitalize the site and the public realm.

- Introducing materials, forms, or building methods unique to the immediate vicinity or applied in a unique way;

With the goals of the Master Plan in mind, the Applicant is proposing to transform the existing building by redesigning the existing façade with new materials and building forms, to provide a more engaging and warm expression. The existing expressionless building will be updated to provide new massing proportions between the existing three-story building and the new elevated third-floor addition. The street frontage of the existing building and the new addition will introduce a variety of a new, modern color palette and textures. The use of wood-tone siding will provide warmth, which will be juxtaposed against charcoal aluminum metal panels.

The use of masonry, steel, and glass as additional materials will aid in the updated building design.

- Designing compact, infill development so living, working and shopping environments are more pleasurable and desirable on a problematic site; and

The Property is a long narrow lot, the rear of which is currently used for vehicular storage. The Subject Application proposes to provide infill development on this challenging site, through the construction of a new self-storage building at the rear of the Property. This expanded self-storage facility will better serve the surrounding community and will be more compatible with the surrounding neighborhood, as compared to the existing vehicular storage lot.

 Integrating low-impact development methods into the overall design of the site and building, beyond green building or site requirements.

The Subject Application will significantly improve the treatment of stormwater management on-site, through the introduction of modern stormwater practices. Additionally, the new building will incorporate both cool roof and solar panels.

Staff supports 5 points for this category.

PROTECTION AND ENHANCEMENT OF THE NATURAL ENVIRONMENT

Energy Conservation and Generation

The Subject Application will provide solar panels on the roof of the new building that will provide renewable energy generation on-site equivalent to 2.5% of the new building's energy requirements. As such, Staff supports 15 points for this category.

Cool Roof

In accordance with the CR Incentive Density Guidelines, on sites larger than 1 acre, 5 points is appropriate for constructing any roof area that is not covered with vegetated roof with a minimum solar reflective index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12. Staff supports 5 points for this category.

Recycling Facility Plan

The Subject Application proposes to incorporate a recycling plan and facilities that will meet or exceed the Executive Regulations 15-04AM and 18-04. In accordance with the CR Incentive Density requirements, five points are appropriate for developments that meet this requirement. The proposed Recycling Facility Plan has been accepted and approved by the Montgomery County

Department of Environmental Protection – Recycling and Resource Management Division. Staff supports 5 points for this category.

iii. Division 59-6 General Development Standards

(1) Division 6.1 Site Access

Vehicular access will occur via the existing driveway access on New Hampshire Avenue (MD 650). Pedestrian access will also be made off New Hampshire Avenue (MD 650) utilizing the improved ten-foot-wide sidewalk which will be separated from the street with a six-foot-wide landscaped buffer. The existing six-foot-wide on-street bicycle lane will remain. However, as conditioned, the Applicant will make a payment-in-lieu for an 11-foot-wide separated bikeway to be constructed as either a Capital Improvement Project or as part of adjacent redevelopment. The Subject Application does not preclude the future bicycle facilities from being implemented.

The 2014 White Oak Master Plan identifies a through-block connection between Lockwood Drive to the north and the FDA campus located to the south. To comply with this Master Plan connection, the Applicant is providing a covenant for future dedication of a 15-foot-wide easement at the rear of the property, along the Subject Property's eastern edge to allow for a future through-block connection. This is consistent with the previously approved Conditional Use and Local Map Amendment applications.

(2) Division 6.2 Parking, Queuing and Loading

Within the Site, a drive aisle will provide vehicular circulation between the two parking and loading areas. The first parking and loading area is located under the cantilevered expansion of the existing building. The second parking and loading area is located between the existing building and the proposed second building.

A total of twelve parking spaces and five loading spaces will be provided, including two ADA spaces. This is fewer spaces than the minimum parking requirements for the land use under the Zoning Code. However, the Hearing Examiner approved a 13-space Parking Waiver pursuant to Section 59.6.2.10 as part of the approved Conditional Use application (CU202302), allowing the Applicant to provide 12 parking spaces and 5 loading spaces on site. The proposed parking is also in compliance with condition number 5 of approved Conditional Use CU202302, requiring a minimum of 12 parking spaces and five loading spaces on site.

(3) Division 6.3 Open Space and Recreation

Pursuant to Sections 59.5.3.5.D.2.b and 59.4.5.4.B.1.a, based on the Property's tract area and number of existing and proposed right-of-way frontages, no open space is required to be provided on-site. The project will provide enhanced landscaping and seating opportunities along New Hampshire Avenue, which will serve as a passive gathering space for the community and significantly enhance the pedestrian environment.

(4) Division 6.4 General Landscaping and Outdoor Lighting

The Subject Application's landscaping and lighting meets all requirements of the Zoning Code.

e) Satisfies the applicable requirements of:

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

DPS approved a Combined Stormwater Management Concept on May 22, 2023. The plan proposes to meet required stormwater management goals via micro-bio planter boxes and a request for waiver.

ii. Chapter 22A, Forest Conservation.

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines as further discussed in the findings for Forest Conservation Plan F20230330.

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

The project provides safe, adequate and efficient vehicular, pedestrian, and bicyclist access, circulation, and parking and loading. Vehicular access to the Site will occur off New Hampshire Avenue (MD 650) via an existing access point. Within the Site, a drive aisle will provide vehicular circulation between the two parking and loading areas. The first parking and loading area is located under the cantilevered expansion of the existing building. The second parking and loading area is located between the existing building and the proposed second building. Bicycle and pedestrian access will be made using the improved frontage on New Hampshire Avenue (MD 650).

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

As described in Sketch Plan finding 1.a, the Subject Application substantially conforms with all applicable master plans.

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;

The public facilities will be adequate to accommodate the proposed development. The Traffic Statement submitted with the Conditional Use application demonstrates that the Project will result in fewer than 50 net new peak hour person trips.

Additionally, in accordance with the 2020-2024 Growth and Infrastructure Policy, a transportation impact study is not required to satisfy the LATR test because projects within the White Oak Policy Area are exempt from the LATR but are subject to a Local Area Transportation Improvement Program (LATIP). By virtue of this exemption, the transportation portion of the Growth and Infrastructure policy is satisfied and Adequate Public Facilities exist to serve this site. The Adequate Public Facilities validity period for the Project will be five years from the mailing date of the Planning Board Resolution. The Applicant will pay a fee per their assumed impact based on trip generation, to the satisfaction of the Montgomery County Department of Transportation (MCDOT), which operates the LATIP program, prior to the issuance of building permit.

The Project has no residential component and as such, will have no impact on school facilities. The Property already is served by existing water and sewer. The Property is located within water and sewer categories W-1 and S-1. Water and sewer needs are expected to be met by the Washington Suburban Sanitary Commission ("WSSC") through connections to the existing water and sewer lines. WSSC will evaluate the water and sewer capacity through a Hydraulic Planning Analysis in connection with the building permit. There is a new water service connection and new sanitary service connection planned for the new self-storage building proposed at the rear of the Property. The existing water and sanitary service to the existing building will be reconfigured to accommodate the front building addition. Electric, gas and telecommunications services will also be available. Other public facilities and services including police stations, firehouses, and health care

facilities are currently operating in accordance with the Growth and Infrastructure Policy and will continue to be sufficient following completion of the Project expansion.

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

Not applicable.

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

As described in Sketch Plan finding 4, the Project has been designed to ensure that it is compatible with, and not detrimental to, existing and future development surrounding the Property. Consistent with previous approvals, the Project will have a maximum height of 55 feet. The new self-storage building proposed at the rear of the property has a rear setback of 15 feet from the property line, which results in a minimum of 42 feet and a maximum of 109 feet between the rear self-storage building and the adjacent garden apartments. The compatibility requirements of Section 59.4.1.8 do not apply to the Property because it does not abut an Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zone. The abutting property to the east is zoned R-20, which is a Residential Multifamily zone.

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 was zoned C-2 on October 29, 2014, but received approval of a Local Map Amendment on March 21, 2023.

SECTION 7: FINDINGS AND ANALYSIS - FINAL FOREST CONSERVATION PLAN

FOREST CONSERVATION

The Application is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code) under Section 22A-4(a) as a project by "a person required by law to obtain approval or amendment to a development plan, diagrammatic plan, project plan, floating zone plan, sketch plan, preliminary plan of subdivision, administrative subdivision, minor subdivision, or site plan." The Application meets the requirements of Chapter 22A - Montgomery County Forest Conservation Law ("FCL")². On January 5, 2023, the Planning Board approved a Preliminary Forest Conservation Plan in conjunction with Local Map Amendment H-147. Final Forest Conservation Plan ("FFCP") No. F202303300 was submitted for review and approval concurrently with Site Plan No. 820230100 (Attachments E & F). The total net tract area for forest conservation purposes includes the tract area of 2.622 acres and 0.11 acres of off-site disturbance for a total of 2.73 acres. The Property is zoned CRTF-2.5, C-2.25, R-1.5, H-200' and is a commercial development. The Property contains no forest but there is a 0.41-acre afforestation requirement as calculated in the Forest Conservation Worksheet. The afforestation requirement will be met off-site in a forest bank or by payment of fee-in-lieu.

SECTION 8: COMMUNITY OUTREACH

The Applicant has met signage and noticing requirements for the submitted Application. Staff has not received correspondence about the Subject Application.

SECTION 9: CONCLUSION

The Subject Application meets all of the requirements established in the Zoning Ordinance Section 59.7.3.3, Section 59.7.3.4 and Chapter 22 Forest Conservation Law and conforms to the recommendations of the 2014 *White Oak Science Gateway Master Plan*. Therefore, Staff recommends approval of the Sketch Plan, Site Plan, and Final Forest Conservation Plan, with the conditions specified at the beginning of the Staff Report.

² Based on the initial submittal date for the Subject Application, the Forest Conservation Plan is subject to the Forest Conservation Law in effect prior to April 3, 2023.

ATTACHMENTS

Attachment A: Floating Zone Plan

Attachment B: Local Map Amendment H-147 County Council Opinion

Attachment C: Conditional Use CU202302 Hearing Examiner Report and Decision

Attachment D: Sketch Plan

Attachment E: Site Plan

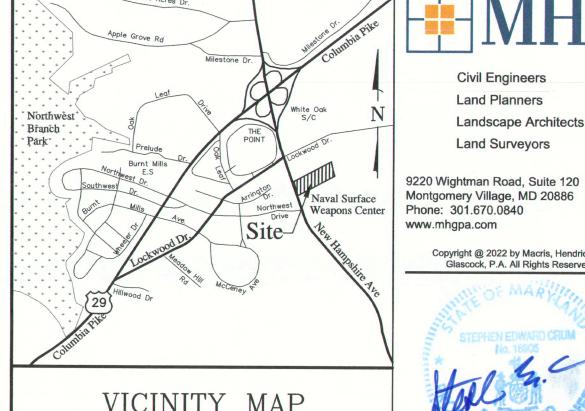
Attachment F: Forest Conservation Plan

Attachment G: Agency Letters



WHITE OAK SELF STORAGE

WHITE OAK, PT. PARCEL E



SCALE 1" = 2,000'

Land Planners

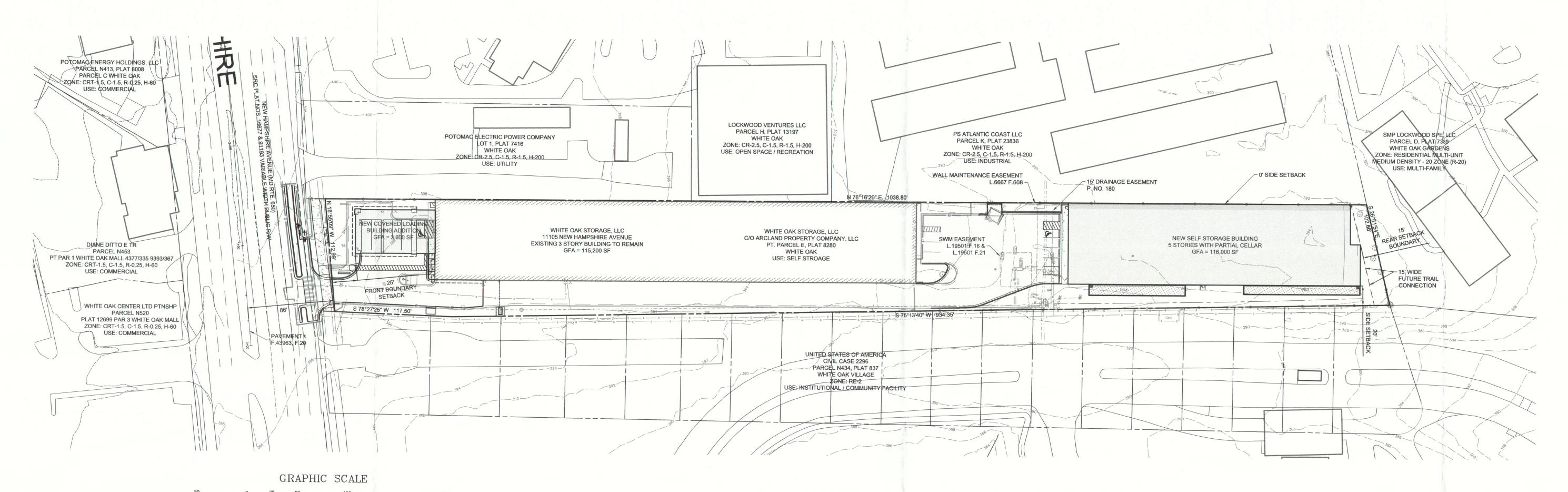
Land Surveyors

Landscape Architects

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Professional Certification hereby certify that these documents were prepared or approved by me, and that I am a duly licensed essional Engineer under the Laws of the State of

WHITE OAK STORAGE, LLC C/O ARCLAND PROPERTY COMPANY, LLC 1055 THOMAS JEFFERSON ST NW WASHINGTON, D.C. 20007



DEVELOPMENT PROGRAM

(IN FEET) 1 inch = 50 ft.

1. THE USE OF THE PROPERTY WILL BE LIMITED TO SELF-STORAGE. THE PROPOSED SELF-STORAGE FACILITY WILL NOT EXCEED 234,800 SQUARE FEET OF COMMERCIAL DENSITY. VEHICULAR ACCESS TO THE SITE WILL BE LIMITED TO THE EXISTING ACCESS POINT. 4. THE MAXIMUM BUILDING HEIGHT ON THE SUBJECT PROPERTY IS LIMITED TO 55 FEET (AS MEASURED PER

5. THE BUILDING MASSING COMPRISING THE EASTERN BUILDING FACADE MUST BE ARTICULATED TO FURTHER

GENERAL NOTES

COMPATIBILITY WITH THE ABUTTING R-20 ZONE, AS SHOWN ON THE CERTIFIED SITE PLAN.

- 1. THE TOPOGRAPHY SHOWN IS A COMPILATION OF FIELD RUN SURVEY PERFORMED BY MACRIS, HENDRICKS AND GLASCOCK, P.A. IN JULY 2001 AND UPDATED IN SEPTEMBER 2014.
- 2. THE PROPERTY BOUNDARY & EASEMENTS SHOWN ARE PER AN ALTA SURVEY PREPARED BY MACRIS, HENDRICKS
- AND GLASCOCK IN SEPTEMBER OF 2014. 3. THE PROPERTY TAX ACCOUNT NUMBER IS 05-00276584.

SECTION 4.1.7.C).

THE PROJECT WILL BE DEVELOPED IN ONE PHASE

- 4. THE PROPERTY IS WITHIN THE WHITE OAK SCIENCE GATEWAY WATER PLAN AREA.
- 5. THE PROPERTY IS WITHIN THE PAINT BRANCH WATERSHED (USE CLASS III).
- 6. THE SITE IS SUBJECT TO APPROVED NATURAL RESOURCES INVENTORY / FOREST STAND DELINEATION #420221930.
- 7. THERE ARE NO 100-YEAR FLOODPLAINS, WETLANDS OR CHAMPION TREES ON THE PROPERTY.
- 8. THE PROPERTY IS NOT IDENTIFIED IN THE LOCATION ATLAS AND INDEX OF HISTORICAL SITES, NOR ITS IT IDENTIFIED IN THE MASTER PLAN FOR HISTORIC PRESERVATION.
- 9. THE PROPERTY IS NOT WITHIN A SPECIAL PROTECTION AREA.
- 10. THE EXISTING WATER SERVICE CATEGORY IS W-1.
- 11. THE EXISTING SEWER SERVICE CATEGORY IS S-1.
- 12. THE PROPERTY IS LOCATED IN FLOOD HAZARD ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM MAP FOR MONTGOMERY COUNTY, MARYLAND, COMMUNITY PANEL NUMBERS 24031C0390D, EFFECTIVE DATE SEPTEMBER 29, 2006
- 13. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN THEIR APPROXIMATE LOCATIONS AS PER AVAILABLE RECORDS. THE EXACT LOCATIONS OF ALL UNDERGROUND UTILITIES SHOULD BE VERIFIED BY "MISS UTILITY" PRIOR TO EXCAVATION. MACRIS, HENDRICKS AND GLASCOCK, P.A. DOES NOT EXPRESS OR IMPLY AN GUARANTEE OR WARRANTY AS TO THE LOCATION OR EXISTENCE OF ANY UNDERGROUND UTILITY.
- 14. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED. NO STATEMENT OS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS SITE.

	CONNECTIVITY AND MOBILITY				
	MINIMUM PARKING: MAXIMUM ALLOWED SPACES (A): 67 SPACES MINIMUM REQUIRES SPACES (R): 25 SPACES PROPOSED SPACES (P): 13 SPACES FORMULA: (A-P)/(A-R) x 10 = (54/42) x 10 = 12 POINTS POINTS PROPOSED = 12 POINTS				
	QUALITY BUILDING AND SITE DESIGN				
	ARCHITECTURAL ELEVATIONS: PER CR INCENTIVE DENSITY GUIDELINES, 10 POINTS IS APPROPRIATE FOR DEVELOPMENT THAT PROVIDES AND IS BOUND BY ARCHITECTURAL ELEVATIONS AS A PART OF THE CERTIFIED SITE PLAN. THE APPLICANT IS PROVIDING FACADE IMPROVEMENTS TO THE EXISTING SELF STORAGE BUILDING, SIGNAGE, AND LIGHTING. ARCHITECTURAL ELEVATIONS ARE A PRIORITY FOR BOTH THE NEW AND EXISTING SELF STORAGE BUILDINGS. PROPOSED POINTS = 10 POINTS				
CULATIONS	EXCEPTIONAL DESIGN: PER CR INCENTIVES GUIDELINES, 5 POINTS IS APPROPRIATE FOR DEVELOPMENT THAT MEETS AT LEAST FOUR OF THE FOLLOWING CRITERIA. REFER TO ARCHITECTURAL AND DESIGN NARRATIVE IN THE STATEMENT OF JUSTIFICATION FOR DETAILS. POINTS PROPOSED = 5 POINTS				
	PROTECTION AND ENHANCEMENT OF THE NATURAL ENVIRONMENT				
PUBLIC BENEFIT POINTS CALC	ENERGY CONSERVATION AND GENERATION: 15 POINTS APPROPRIATE FOR PROVIDING RENEWABLE ENERGY GENERATION ON SITE EQUIVALENT TO 2.5% OF THE NEW BUILDINGS ENERGY REQUIREMENTS POINTS PROPOSED = 15 POINTS COOL ROOF: PER CR INCENTIVE GUIDELINES, ON SITES LARGER THAN 1 ACRE 5 POINTS IS APPROPRIATE FOR CONSTRUCTING ANY ROOF AREA THAT IS				
	NOT COVERED BY A VEGETATED ROOF WITH A MINIMUM SOLAR REFLECTIVE INDEX (SRI) OF 75 FOR ROOFS WITH A SLOPE AT OR BELOW RATIO OF 2:12. POINTS PROPOSED = 5 POINTS				
	RECYCLING FACILITY PLAN: PER CR INCENTIVE DENSITY GUIDELINES 5 POINTS IS APPROPRIATE FOR DEVELOPMENT THAT MEETS THE REQUIREMENTS OF OF THE ZONING ORDINANCE AND MONTGOMERY COUNTY EXECUTIVE REGULATION 15-04AM OR MONTGOMERY COUNTY EXECUTIVE REGULATION 18-04. PROPOSED POINTS = 5 POINTS				
	PUBLIC BENEFIT POINTS SUMMARY (INCENTIVE DENSITY = 93,776 SF)				
	PUBLIC BENEFIT (SEE CALCULATIONS)	POINTS POSSIBLE	POINTS ACHIEVED		
	CONNECTIVITY AND MOBILITY MINIMUM PARKING	10	12		
	QUALITY BUILDING AND SITE DESIGN ARCHITECTURAL ELEVATIONS EXCEPTIONAL DESIGN	20 10	10 5		
	PROTECTION AND ENHANCEMENT OF THE NATURAL ENVIRONMENT ENERGY CONSERVATION AND GENERATION	30	15		

COOL ROOF

RECYCLING FACILITY PLAN

TOTAL POINTS (5 CATEGORIES)

NET LOT AREA: 114,234 SF (2.62 AC) PROPOSED USES: SELF STORAGE (234,800 SF)		
ZONING STANDARD	PERMITTED/REQUIRED	PROVIDED PER PLAN
PREREQUISITES REQUIRED 59-5.1.3.C.3	NONE	N/A
MAXIMUM TOTAL DENSITY (FAR) 59-5.3.5.A.2	6.0	2.06
MAXIMUM COMMERCIAL DENSITY (FAR) 59-5.3.5.A.2	4.5	2.06
MAXIMUM RESIDENTIAL DENSITY (FAR) 59-5.3.5.A.2	4.5	0.0
MAXIMUM HEIGHT 59-5.3.5.B.2	NOTE 8	55 FT
MINIMUM SETBACK - FRONT SITE BOUNDARY 59-5.3.5.B.2	NOTE 8	25 FT
MINIMUM SETBACK - REAR SITE BOUNDARY 59-5.3.5.B.2	NOTE 8	15 FT
MINIMUM SETBACK - SIDE SITE BOUNDARY 59-5.3.5.B.2	NOTE 8	0 FT
MINIMUM LOT SIZE 59-5.3.5.C	NOTE 9	114,234 SF OR 2.62 AC.
MINIMUM OPEN SPACE 59-5.3.5.D.1.b / 59-4.5.4.B.1.a	0%2	N/A
MINIMUM PUBLIC BENEFIT POINTS 59-5.3.5.E.1	50 POINTS (3 CATEGORIES)	52 POINTS (3 CATEGORIES)
PARKING LOT LANDSCAPING - LANDSCAPED AREA 59-6.2.9.C.1	5%	SEE LANDSCAPE PLANS ⁶
PARKING LOT LANDSCAPING - TREE CANOPY 59-6.2.9.C.2	25%	SEE LANDSCAPE PLANS ⁶
PARKING LOT LANDSCAPING - PERIMETER PLANTING WIDTH 59-6.2.9.C.3.b.i	6 FT	SEE LANDSCAPE PLANS ⁶
PARKING LOT LANDSCAPING - PERIMETER PLANTING HEIGHT 59-6.2.9.C.3.b.ii	3 FT	SEE LANDSCAPE PLANS ⁶
PARKING REQUIREMENTS (REDUCED PARK	ING AREA) ³	
VEHICLE 22 SPACES (MIN.) ¹ / 75 SPACES (MAX.) SELF STORAGE GFA = 234,800 SF) (MIN. = 1.0 PER 10,000 SF OF GFA, PLUS 1 69-6.2.4.B (MAX. = 3.0 PER 10,000 SF OF GFA, PLUS	PER EMPLOYEE ⁴) 1 PER EMPLOYEE ⁴)	9 SPACES ¹¹
ACCESSIBLE SPACES 59-6.2.3.B / COMAR 05.02.02	1 SPACE	2 SPACE
MOTORCYCLE / SCOOTER SPACES 69-6.2.3.C	N/A ⁵	N/A ⁵
CAR-SHARE SPACES 9-6.2.3.D	N/A ⁵	N/A ⁵
ELECTRIC VEHICLE CHARGING SPACES 9-6.2.3.E	N/A ⁶	N/A ⁶
SICYCLE 9-6.2.4.C	N/A ⁷	N/A ⁷
OADING 9-6.2.8.B	3 SPACES	8 SPACES

FINAL NUMBER AND TYPES OF PARKING SPACES PROVIDED, INCLUDING BICYCLE PARKING, WILL BE DETERMINED AT SITE PLAN.

1. IN ACCORDANCE WITH SECTION 59-6.2.3.H.2, THE APPLICANT MAY PROVIDE FEWER PARKING SPACES THAN REQUIRED, ONLY IF A PARKING

PER THE OWNER THERE WILL BE 1 OFFICE EMPLOYEE AND 1 RESIDENT MANAGER FOR EACH BUILDING, 4 EMPLOYEES TOTAL.

THERE ARE NO BICYCLE PARKING REQUIREMENTS SPECIFIED IN THE ZONING ORDINANCE FOR SELF STORAGE.

WAIVER UNDER SECTION 6.2.10 IS APPROVED. THE APPLICANT IS REQUESTING A WAIVER UNDER SECTION 6.2.10. 2. FUTURE FRONTAGE IMPROVEMENTS ALONG NEW HAMPSHIRE AVENUE (MD 650) WILL BE CONSTRUCTED BY OTHERS.

0. REFER TO LANDSCAPE PLANS FOR DEVELOPMENT STANDARDS RELATED TO LANDSCAPING.

SET BY FLOATING ZONE PLAN

5. THE PARKING FACILITY CONTAINS LESS THAN 50 SPACES TOTAL.
THE PARKING FACILITY CONTAINS LESS THAN 100 SPACES TOTAL

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS CERTIFICATION
THIS IS A TRUE COPY OF THE FLOATING ZONE PLAN APPROVED BY THE DISTRIC COUNCIL ON MARCH 21, 2023, IN APPLICATION NUMBER H-147.
HEARING EXAMINER DATE
HEARING EXAMINER NAME PRINTED

-----402----- CONTOUR (2FT) -----402 ------

SPOT ELEVATION

CURB & GUTTER

CONCRETE PAVING

UNDERGROUND

COMMUNICATION

LIGHT POLE

PROPERTY BOUNDARY

EASEMENT

_____E _____E

STORM DRAIN (SIZE/MATERIAL)

RETAINING WALL

с ——

REVISI	IONS	
NO.	DESCRIPTION	N
	- P	
2 6 1		
1 1 1 1 X		
TAX MAP	JQ61	WSS
PLAT 82	280	
MONTGO	CTION DISTRICT DMERY COUNTY	
MARYLAN	ND	

FLOATING ZONE COVER LOCAL MAP AMENDMENT

NO. H147 PROJECT NO. 00.148.41

WHITE OAK, PT. PARCEL E

DCM

DCM

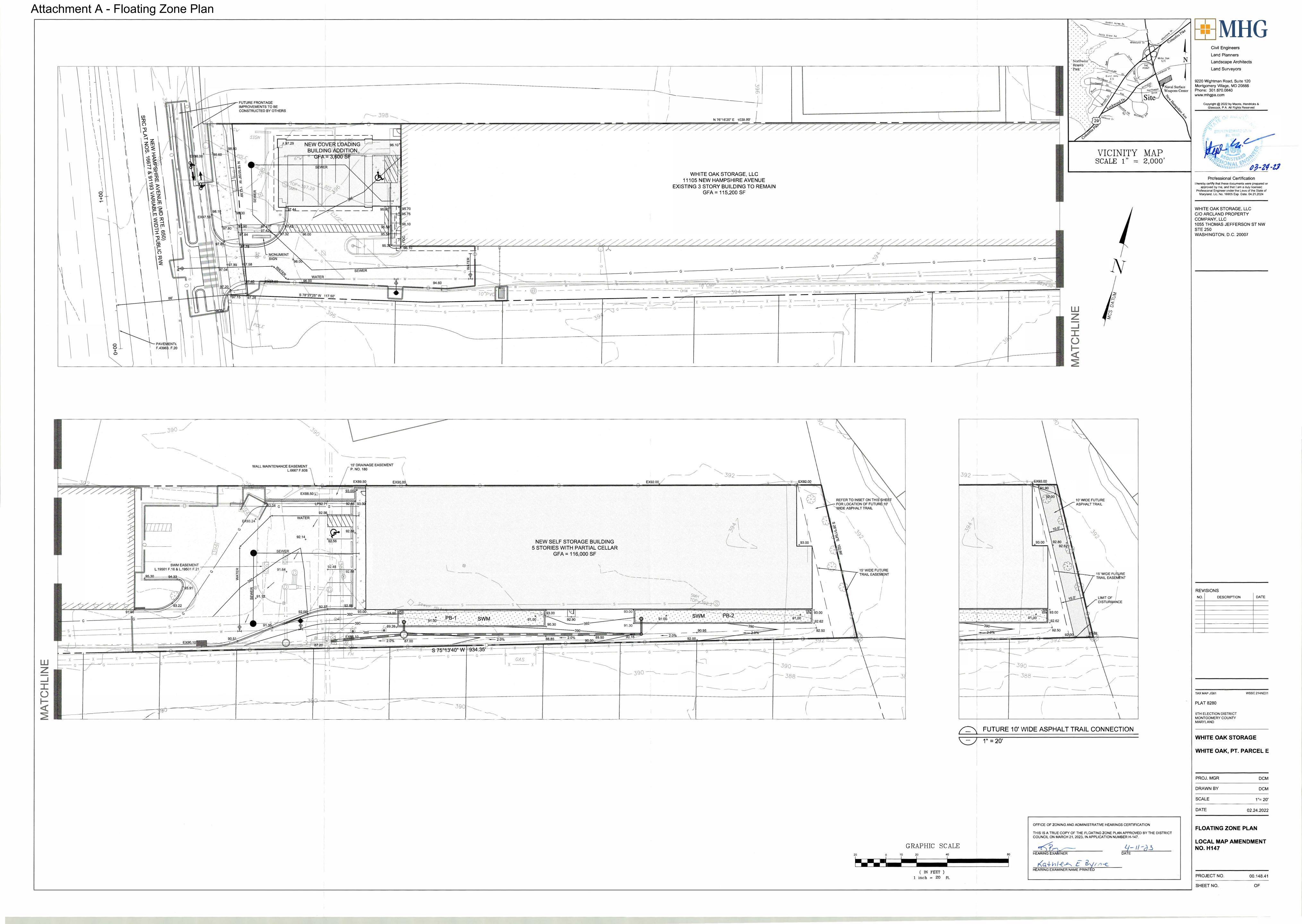
1"= 50'

04.12.22

PROJ. MGR

DRAWN BY

SHEET NO.



Resolution No.: 20-86

Introduced: March 21, 2023
Adopted: March 21, 2023

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT IN MONTGOMERY COUNTY, MARYLAND

By: District Council

SUBJECT: APPLICATION NO. H-147 FOR AMENDMENT TO THE ZONING ORDINANCE MAP, Elizabeth Rogers, Esquire, Attorney for the Applicant, White Oak Storage, LLC; OPINION AND RESOLUTION ON APPLICATION; Tax Account No. 05-00276584.

OPINION

White Oak Self Storage (Applicant or White Oak) filed two applications on September 15, 2022. The first, LMA Application No. H-147, seeks to rezone approximately 2.62 acres of property from the CR-2.5, C-1.5, R-1.5, H-200 (Commercial Residential) to CRTF 2.5, C-2.25, R-1.5, H-200' (Commercial Residential Town Floating). The second seeks Conditional Use Approval for a self-storage use. Exhibit 1. On February 23, 2023, the Hearing Examiner granted the Conditional Use for self-storage subject to certain conditions. The subject property is located at 11105 New Hampshire Avenue, Silver Spring, MD 20904, and is further identified as part of Lot E in the "White Oak" subdivision recorded as Plat No. 8280.

Staff of the Montgomery County Planning Department recommended approval of the application, as did the Planning Board. Exhibits 30, 29. The Planning Board approved a Preliminary Forest Conservation Plan (PFCP) at a meeting on January 5, 2023. Exhibit 29. The Hearing Examiner held a public hearing on January 13, 2023. No one appeared in opposition to the application. The Hearing Examiner left the record open for completion of the hearing transcript. The record closed on January 24, 2023.

The Hearing Examiner issued her report on February 23, 2023. She recommended approval of the application because it meets the standards for rezoning in the Zoning Ordinance and will be consistent with the coordinated and systematic development of the Regional District under State law. *Md. Land Use Art.*, §21-101(a) and (b). To avoid unnecessary detail in this Opinion, the Hearing Examiner's Report and Recommendation is incorporated herein by reference. Based on its review of the entire record, the District Council finds that the application meets the standards required for approval of the requested rezoning for the reasons set forth by the Hearing Examiner.

Page 2 Resolution No.: 20-86

Subject Property

The subject property contains 114,234 square feet of land and is improved with a 115,200 square foot self-storage building. In addition to the existing building, the property hosts a surface parking area used for short term parking and long-term vehicle storage. The property is bounded by New Hampshire Avenue to the west, existing commercial and self-storage uses to the north, the FDA campus to the south, and garden apartments to the east. The property contains no forests, wetlands, streams or floodplains.

Surrounding Area

The "surrounding area" is identified and characterized in a Floating Zone application to measure whether the FZP will be compatible with those properties directly impacted. Once delineated, the surrounding area is "characterized" to compare the Floating Zone with the character of the area.

The Hearing Examiner agreed with Planning Staff and the Applicant that the surrounding area is bounded by Columbia Pike to the north, Oak Leaf Drive to the west and south, where the commercial uses terminate on either side of New Hampshire Avenue, White Oak Shopping Center to the east and where the commercial uses south of Lockwood Drive transition to multifamily. Staff characterized the area as a "commercial node," containing several existing approved conditional uses, various commercial uses including other self-storage facilities, the FDA campus and garden apartments.

The Hearing Examiner agreed that the area is "commercial node" located near a bustling intersection. The property abuts existing commercial uses of similar type and intensity. The District Council agrees with the Hearing Examiner's characterization and so finds.

Proposed Development

The Applicant plans to continue the self-storage use and proposes substantial façade improvements to the existing building including a third-floor cantilevered building addition that will bring the building up to the street and visually conceal the parking. Exhibit 18(b), pg. 4. In addition, the Applicant proposes to construct a new five-story building plus a partial cellar at the rear of the Property. *Id.* The new building will sit on the land at the rear of the lot, eliminating the current long-term vehicle storage use. *Id.*

Criteria for Approval

Every application for rezoning to a Floating Zone must be accompanied by a Floating Zone Plan (FZP) that meets certain requirements. *Zoning Ordinance*, §59-7.2.1.B.2.g. The Applicant has filed an FZP (Exhibit 20(a)) and related documents.

As stated, a Floating Zone application must meet the standards required by the Zoning Ordinance and State law. Generally, these standards fall into five categories: (1) conformity to the applicable Master Plan, (2) compatibility with adjacent uses and the surrounding area, (3) the adequacy of public services to support the proposed development, (4) technical requirements regarding whether the property is eligible to apply for a Floating Zone, and (5) whether the FZP meets the development standards of the zone requested.

Substantial Conformance with the Master Plan¹

The 2014 White Oak Science Gateway Master Plan (Master Plan or Plan) guides development of this property. The Plan's primary goal is to ensure the local community's longevity by "reimagining existing centers – and providing a framework for reinvestment." *Plan*, p.11. The Plan also envisioned White Oak's major centers evolving into vibrant mixed-use transserved nodes that are carefully integrated with existing residential neighborhoods and adjacent major institutional uses. *Id*.

Planning Staff determined that the existing mix of uses and ownerships would require significant property assembly to achieve the Master Plan's vision for White Oak. Exhibit 30, pg. 17. However, Planning Staff concluded that this FZP meets the goals of the Master Plan because an improved storage facility would not preclude the planned transition and that the proposed improvements could provide an adequate buffer to the "utilitarian/vehicular uses projected near this area." In addition, the project would be consistent with the Master Plan's goal of carefully integrating redevelopment with adjacent uses. *Id*.

The Applicant's expert in land development and civil engineering testified that the Master Plan calls for redevelopment that continues to provide a significant amount of neighborhood services and that this project provides a self-storage service much needed in the area especially due to recent trends of people working from home. T. 32, 39. The expert opined that this redevelopment would create a more "urban form" in keeping with the Master Plan vision by significantly enhancing the frontage of the existing building along New Hampshire Avenue. T. 39. He further stated this creates not only an improvement in appearance but enhances the pedestrian streetscape providing walkability and overall enhancing the quality of life for residents. T. 38. In addition, Applicant's expert identified the recommendation in the Master Plan for a connection from the FDA property up through Lockwood Drive. The proposal provides for that the future trail connection with a dedication at the rear of the lot. T. 39.

The Applicant's expert also opined that certain features of the project satisfy the environmental recommendations in the Master Plan. Specifically, providing stormwater management on the interior of the site rather than the perimeter, minimizing imperviousness

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¹ Section 59-7.2.1.E.2.a. of the Zoning Ordinance requires the District Council to find that the FZP "substantially conforms with the recommendations of the applicable master plan, general plan, and other applicable County plans." Section 59-7.2.1.E.2.b requires the FZP to be "in the public interest," which includes a review of conformity with County plans and policies and whether the development will be consistent with the coordinated and systematic development in the Regional District under State law. Section 59-7.2.1.E.2.c requires the application to further the intent of Floating Zones. The intent of Floating Zones incorporates compliance with the applicable master plan. *Zoning Ordinance*, §59-5.1.2.A.1.

through compact development, reduction in vehicular impervious area, and the incorporation of solar panels on the roof and the use of cool roofs. T. 40.

The District Council finds that the FZP conforms to the Master Plan, as did the Hearing Examiner. The proposed improvements provide reinvestment in an existing center in line with "reimaging of an existing center" Master Plan goal. The service provided to the community also is in furtherance of the Master Plan's goals. The improvement to the street front and existing building meets the Master Plan's goals creating a more "urban form" and walkability leading to quality-of-life improvements for residents. In addition, the proposed environmental improvements to the site also align with the Master Plan goals.

Compatibility with Adjacent Uses and the Surrounding Area

Multiple standards for approval require the District Council to find that the FZP be compatible with adjacent uses and the surrounding area.² The existing indoor self-storage use will not change but will expand. Exhibit 30, pg. 33. Planning Staff found that the FZP would be compatible with development adjacent and the surrounding commercial area because of the proposed design including new landscaping and changes to building materials along with changes to horizontal and vertical elements of the buildings. Exhibit 30, pgs. 23, 33. The Applicant's expert opined that the use itself will not change and will remain compatible with the surrounding uses. T. 22, 43. In addition, the expert opined that the building addition in the rear is set back from the property line to accommodate the future trail connection and is further setback from the garden style apartments to east. T. 43, 96-97. Further, the renovation of the existing building and new building is designed specifically to be compatible with the surrounding properties through enhancements the existing building and the limited visibility of the new building at the rear from the street. T. 55-56. The Hearing Examiner agreed with this analysis.

The District Council finds that the proposed development will be compatible with adjacent properties and the surrounding area in terms of scale, density, and design for the reasons stated by the Hearing Examiner. The project design complements the surrounding uses and revitalizes the site. The change in elevation and materials creates an urban streetscape feel and the elimination of the existing outdoor storage will lessen the impact of the use to the multi-family property to the east. In addition, the underlying use will remain the same and continue to be compatible with the surrounding commercial uses.

Adequacy of Public Facilities/Public Interest

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² The FZP must further the intent of Floating Zones in general and the CRTF Zone in particular. *Zoning Ordinance*, §§59-7.2.1.E.2.c; 59-5.1.2.C; 59-5.3.2. Floating zones are intended to (1) establish compatible relationships between new development and existing neighborhoods through limits on applicability, density, and uses, (2) provide development standards and general compatibility standards to protect the character of adjacent neighborhoods; and (3) allow design flexibility to mitigate any negative impacts found to be caused by the new use. *Id.*, §59-5.1.2.C. One purpose of the CRTF Zone is to provide "provide mixed-use development that is compatible with adjacent development." *Id.*, §59-5.3.2.C. Similarly, Section 59-7.2.1.E.2.d of the Zoning Ordinance requires the Council to find that the FZP is "compatible with existing and approved adjacent development."

To approve a Floating Zone, the District Council must find that public facilities will be adequate to serve the FZP.³ The Applicant submitted an Exemption Statement for the development pursuant to 2020-2024 Growth and Infrastructure Policy and the LATR Guidelines. *Zoning Ordinance*, §59.7.2.1.E.2.e; Exhibit 12. The Applicant conducted a trip generation study and determined that pursuant to LATR guidelines the project generates less than 50 new peak hour trips making the site exempt from providing quantitative auto, transit, bicycle, or pedestrian analysis. Exhibit 12, Exhibit 30, pg. 25, T. 64. Having no evidence to the contrary, the District Council determines that there is adequate traffic and transit capacity to serve the proposed development, as did the Hearing Examiner.

Uncontroverted evidence establishes that most other public facilities are adequate as well. The Applicant's expert in civil engineering testified that gas, electric, water and sewer utilities are located at the property. He also testified that fire and police stations are within an acceptable distance from the site. T. 64. The District Council finds that these public facilities are adequate to support the proposed development.

Stormwater Management/Environmental Issues

Stormwater management and environmental issues factor into the rezoning review for several reasons: (1) stormwater management is a public facility that must be adequate to serve the use, (2) an intent of Floating Zones is to ensure that development meets basic sustainability requirements such as "environmental protection and mitigation," and (3) the County Code requires approval of a Preliminary Forest Conservation Plan before the Council may act on a rezoning application. *See, Zoning Ordinance*, §§59-5.1.2.B.3.e, 59.7.2.1.E.2.b; *Montgomery County Code*, §22A-11(a)(1).

Currently, no stormwater management exists on the Property. Exhibit 30, pg. 28. The Applicant received approval of their stormwater management concept plan from the Department of Permitting Services, Water Resources on December 9, 2022. *Id.* at 35. The concept meets required stormwater management goals using a combination of environmental site designs. *Id.* The Applicant's expert opined that the proposed development improves the stormwater management on the site by the introduction of new stormwater management structures and removal of vehicular impervious area. T. 36-37.

The Applicant will provide additional green space and landscaping to promote sustainability and activate the pedestrian environment. Exhibit 30, pp. 28. In addition, the Applicant proposes a cool roof and solar panels on the self-storage buildings, furthering the

³Section 59.7.2.1.E.2.e requires that an Applicant demonstrate traffic generated from the proposed development "does not exceed the critical lane volume or volume/capacity ratio standard as applicable under the Planning Board's LATR Guidelines, or, if traffic exceeds the applicable standard, that the applicant demonstrate an ability to mitigate such adverse impacts . . ." The adequacy of other facilities is part of the Council's determination that an application will be "in the public interest..." and that it be "it will be consistent with a coordinated and systematic development of the Regional District" under State law. Zoning Ordinance, §59-7.2.1.E.2.b; *Md. Land Use Art.*, §21-101(a) and (b). The intent of the Floating Zones is to "implement comprehensive planning objectives by...ensuring that the proposed uses are in balance with and supported by the existing and planned infrastructure..." Zoning Ordinance, §59-7.2.1.E.1.b; 59-5.1.2.A.2.

sustainability goals of the County. *Id.* A segment of a future trail connection is reserved at the rear of the property. *Id.*

No forests, wetlands, streams, floodplains or large specimen trees exist on the property. Exhibit 30, pp. 12. Planning Staff determined the proposed forest conservation plan conforms with environmental guidelines. *Id.* pp. 37. The Planning Board approved the Preliminary Forest Conservation Plan on January 5, 2023. Exhibit 29.

The Hearing Examiner concluded that the application met the intent of the Floating Zone to maximize sustainable development. Hearing Examiner found that this purpose of the Commercial/Residential Town Floating Zones has been sufficiently met at the rezoning stage.

The Intent and Standards of the Zone as set forth in Section 59.5.1.2.4

The District Council must determine whether the FZP fulfills the intent of the Floating Zones. Several of these have already been addressed. The balance of those (from Section 59-5.1.2) are:

Section 59-5.1.2.A.3. Implement comprehensive planning objectives by:

3. allowing design flexibility to integrate development into circulation networks, land use patterns, and natural features within and connected to the property; and

Staff concluded that the FZP meets this goal because the "project has been designed to complement the surrounding uses and revitalize community." Exhibit 30, pg. 27. Expert testimony established that the FZP uses the flexibility of the floating zones to allow the continuation of the existing use on a uniquely shaped site, not suitable for other uses and development. T. 44. The District Council finds that the FZP meets this intent of the Floating Zones for these reasons, as did the Hearing Examiner.

Section 5.1.2.B. Encourage the appropriate use of land by:

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

⁴ The intent of Floating Zones contained in Sections 59-5.1.2.A.1 and 2 and 59-5.1.2.C of the Zoning Ordinance has already been addressed in the Council's findings relating to the compatibility of the FZP with surrounding uses, the adequacy of public facilities, and creation of a sustainable development. The balance of the Floating Zone intent clauses is discussed here.

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Planning Staff and the Applicant point out that the Master Plan was published prior to the ongoing Covid-19 Pandemic and does not consider new challenges presented to families because of changes to work and living environments. Exhibit 30, pp. 28, T. 42. Staff concluded that the FZP met this intent through expansion of the self-storage facility providing much needed storage opportunities for the community. Exhibit 30 pp. 28. Staff and the Applicant's expert testimony identified the site's long and narrow geometry is well suited for this particular use. *Id.* The District Council finds that the FZP meets this intent of the Floating Zone, as did the Hearing Examiner.

The Applicability of the Zone (Section 59.5.1.3.)

Section 59.5.1.3. of the Zoning Ordinance sets up a series of threshold tests to determine whether a site may apply for a Floating Zone. No prerequisites are required, however, if the floating zone is recommended by the Master Plan. Prerequisites are not required for a property with a non-Residential base zone. *Zoning Ordinance*, §5.1.3.B.

Planning Staff determined that the Master Plan does not recommend CRTF Floating Zone for this property and the base zone for the subject property is CR, non-residential, and therefore, this section is inapplicable. Exhibit 30, pg. 29. The District Council agrees with the Hearing Examiner that there are no prerequisites required for this FZP.

The Purpose of Commercial/Residential Floating Zones (Purpose, Permitted Uses, and Permitted Building Types, Sections 59.5.3.2 through 59.5.3.4)

Zoning Ordinance Division 59-5.3 lists the Commercial Residential Floating Zones, specifies their purpose, lists the allowed uses and building types and sets forth the applicable development standards. Section 59.5.3.1. establishes the Commercial/Residential Town Floating Zone.

Purpose. The District Council has already found that the FZP is compatible with adjacent development, one of the purposes of the Commercial/Residential Zones. *Zoning Ordinance*, §5.3.2.C. The remaining purposes are:

Section 5.3.2. Purpose

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

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

The Hearing Examiner found that the FZP was designed in response to the property's unique settings, maintains the existing use and will remain compatible with the community and surrounding properties. The FZP fulfills this purpose.

Uses and Building Types Permitted (Section 59.5.3.3 and 59.5.3.4): The CRTF Zone permits only the uses allowed in the CRT (Commercial/Residential Town Zone) and permits any building type. Zoning Ordinance, §§5.3.3.3, 59.5.3.4. The binding elements of the FZP limit the

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use of the property to self-storage, which is permitted as a conditional use in the CRTF Zone and any building type is permitted. *Zoning Ordinance*, §59.3.1.6. The FZP meets this standard.

Development Standards of the Zone (Section 5.3.5)

Density. Where a floating zone is not recommended in a Master Plan, density limits set forth in §59.5.3.5.A.2. apply. The proposed density is 2.06, within the limits of the permitted density.

Height and Setbacks. Where a floating zone is not recommended in a Master Plan, setbacks are established by the site plan approval process and height must satisfy the compatibility standards for the applicable building type under Section 4.1.8.B. Zoning Ordinance, §59.5.3.5.B. The Applicant presented expert testimony that the buildings comply with height and setback requirements of CRTF Zone and bring the site more in alignment with current codes, and goals as expressed in the Master Plan. T. 76. The Hearing Examiner included a maximum building height on the subject property be limited to 55 feet as measured per Section 4.1.7.C as a binding element. The Hearing Examiner found the standards for height and setback to be met. The District Council does as well.

Lot size, parking, recreation and open space. Lot sizes are not part of the District Council's review at the rezoning stage. *Id.*, §59.5.3.5. C. This site has a tract area of less than 3 acres and only one right of way frontage. T. 46. No open space or recreation is required for this application. *Id.*, See §59.5.3.5.D. Article 59.6 of the Zoning Ordinance contains standards that regulate the number and design of parking spaces among other elements. The Hearing Examiner found the proposed development conformed the required standards in all areas except for parking. The Hearing Examiner granted a waiver to the parking requirement concurrent with Conditional Use application approval. *See Hearing Examiner's Report and Recommendation*, pg. 26. With the grant of the parking waiver, the District Council finds the FZP shows adequate parking.

Conclusion

Based on the foregoing analysis and after a thorough review of the entire record, the District Council concludes that the proposed reclassification and development will meet the standards set forth in the Zoning Ordinance, and that it will be consistent with a coordinated and systematic development of the Regional District under State law.

ACTION

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, Maryland, approves the following resolution:

Local Map Amendment Application No. H-147, requesting reclassification from the existing CR-2.5, C-1.5, R-1.5, H-200 (Commercial/Residential Zone) to the CRTF-2.5, C-2.25, R-1.25, H-200 (Commercial Residential Town Floating Zone), of property described as 11105 New

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Hampshire Avenue, Silver Spring, MD 20904, and is further identified as part of Lot E in the "White Oak" subdivision recorded as Plat No. 8280, (Tax Account No. 05-00276584) is hereby **approved** in the amount requested and subject to the specifications and requirements of the Floating Zone Plan, Exhibit 20(a), provided that the Applicant files an executed Declaration of Covenants reflecting the binding elements in the land records and submits to the Hearing Examiner for certification a true copy of the Floating Zone Plan approved by the District Council within 10 days of approval, in accordance with §§59.7.2.1.H.1.a. and b. of the Zoning Ordinance.

This is a correct copy of Council action.

udy Rupp

Clerk of the Council

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS

Stella B. Werner Council Office Building 100 Maryland Avenue, Suite 200 Rockville, Maryland 20850 (240) 777-6660

IN THE MATTER OF:	*	
WHITE OAK STORAGE OWNER, LLC	*	
Applicant	*	
	*	
Anthony Piscitelli	*	
Steve Cratin	*	
Patrick La Vay	*	OZAH Case No. CU 23-02
Rebekah Brown	*	
Brian Donnelly	*	
	*	
For the Applicant	*	
	*	
* * * * * * * * * * * * * * * * * * * *	* * *	
Elizabeth Rogers, Esquire	*	
Attorney for the Applicant	*	
	*	
* * * * * * * * * * * * * * * * * * *	* * *	
Before: Kathleen Byrne, Hearing Examiner		

HEARING EXAMINER'S REPORT AND DECISION

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IV.

I. STATEMENT OF THE CASE

White Oak Self Storage (Applicant or White Oak) filed two applications on September 15, 2022. The first, LMA Application No. H-147, seeks to rezone approximately 2.62 acres of property from the CR-2.5, C-1.5, R-1.5, H-200 (Commercial Residential) to CRTF 2.25, C-2.25, R-1.5, H-200' (Commercial Residential Town Floating). Exhibit 1. The second, CU23-02 seeks conditional use approval to operate a self-storage facility. *Id.* The Hearing Examiner issued a separate Report and Recommendation recommending approval of the rezoning application. *See LMA H-147 Hearing Examiner Report and Recommendation dated February 23*, 2023. The subject property is located at 11105 New Hampshire Avenue, Silver Spring, MD 20904 as part of Lot E in the "White Oak" subdivision recorded as Plat No. 8280 (Tax Account No. 05-00276584). *Id.*

Notice of the public hearing was mailed and posted on OZAH's website on December 13, 2022. Exhibit 24. The notice established a hearing date of January 13, 2023. The Applicant submitted an amended application on December 5, 2022 and revised plans on November 1, 2022. Exhibits 18-23.

Staff of the Montgomery County Planning Department (Planning Staff or Staff) issued a report recommending approval of the conditional use application on December 2, 2022, subject to the following conditions of approval (Exhibit 31, pg. 6):

- 1. Applicant must receive approval for their Local Map Amendment H-147 from County Council prior to approval of the conditional use for a self-storage facility on the property.
- 2. This self-storage facility is limited to a total of 234,800 square feet of self-storage development, contained in one self-storage building of 118,800 square feet at the west of the Site and one self-storage building of 116,000 square feet at the east of the Site.

- 3. The Applicant must pay a fee-in-lieu for the construction of the bicycle facilities along the Property's New Hampshire Avenue frontage, which may be a part of the Project's payment into the White Oak Local Area Transportation Improvement Program (LATIP).
- 4. At time of sketch and site plan, the Applicant must provide a cross section of the proposed bicycle and pedestrian facilities along New Hampshire Avenue.
- 5. Applicant must provide a minimum of 12 parking spaces and 5 loading spaces on site.

At its meeting on January 5, 2023, the Planning Board agreed with Staff's recommendations, but expressed concerns regarding the compatibility of the new structure at the rear of the property with the apartments to the east of the subject property. Exhibit 31. Because of those concerns, the Planning Board amended the Staff's recommended conditions as follows:

- 1. Applicant must receive approval for their Local Map Amendment H-147 from County Council prior to approval of the conditional use for a self-storage facility on the property.
- 2. This self-storage facility is limited to a total of 234,800 square feet of self-storage development, contained in one self-storage building of 118,800 square feet at the west of the Site and one self-storage building of 116,000 square feet at the east of the Site.
- 3. The Applicant must pay a fee-in-lieu for the construction of the bicycle facilities along the Property's New Hampshire Avenue frontage, which may be a part of the Project's payment into the White Oak Local Area Transportation Improvement Program (LATIP).
- 4. At time of sketch and site plan, the Applicant must provide a cross section of the proposed bicycle and pedestrian facilities along New Hampshire Avenue.
 - a. <u>Cross section of the proposed bicycle and pedestrian facilities along New Hampshire Ave.</u>
 - b. Cross section of the master-planned trail connection and landscaping along the eastern (rear) edge of the Subject Property.
- 5. Applicant must provide a minimum of 12 parking spaces and 5 loading spaces on site.
- 6. The maximum building height on the Subject Property is limited to 55 feet (as measured per Section 4.1.7.C).

Exhibit 31. The Planning Board unanimously voted to approve CU23-02.

The public hearing proceeded as scheduled on January 13, 2023. The Applicant presented three witnesses, one representing a principal of the Applicant and two expert witnesses. No additional witnesses appeared in either support or opposition of the Application. The Hearing Examiner held the record open for ten days only to receive the transcript of the proceedings. Upon receipt of the transcript, the record the record closed on January 24, 2023.

II. FACTUAL BACKGROUND

A. Subject Property

The subject property contains approximately 114,234 square feet of land and is bounded by New Hampshire Avenue to the west, existing commercial and self-storage uses to the north, the FDA campus to the south, and garden apartments to the east. The Property is long and narrow. Exhibit 31, pgs. 7-8 An aerial photograph of the property is shown below. *Id.* at 8



Today, the lot is developed with a 115,200 square foot self-storage building with associated surface parking. Exhibit 31, pg. 10. A driveway from New Hampshire provides access to the site and access to an additional vehicle storage parking area in the rear of the lot.

White Oak's expert in civil engineering, Mr. Patrick La Vay, testified that the property is approximately 400 feet south of Lockwood Drive fronting New Hampshire Avenue and measures 1,000 feet from east to west and 100 feet from north to south. There are no natural resources of significance. T. 26-27. Staff confirmed the lot is narrow and contains no forest, wetlands, streams or floodplains. Exhibit 31, pgs. 10-11.



Staff Report - Exhibit 31; Figure 7
Existing Condition - Front



Staff Report – Exhibit 31; Figure 5
Existing Conditions - Rear

B. Surrounding Area

The "surrounding area" of a proposed conditional use is the area that will experience the direct impacts of the use. It is delineated and characterized in a conditional use case to determine whether the proposed use will be compatible with the properties that will be impacted. Once delineated, the Hearing Examiner must assess the character of the area to determine whether the impacts of the proposed conditional use will adversely affect that character.

Staff defined the neighborhood boundaries as follows, "Columbia Pike to the north and Oak Leaf Drive to the west [and] [t]o the south, the neighborhood terminates where the commercial uses on either side of New Hampshire Avenue terminate, and to the east the

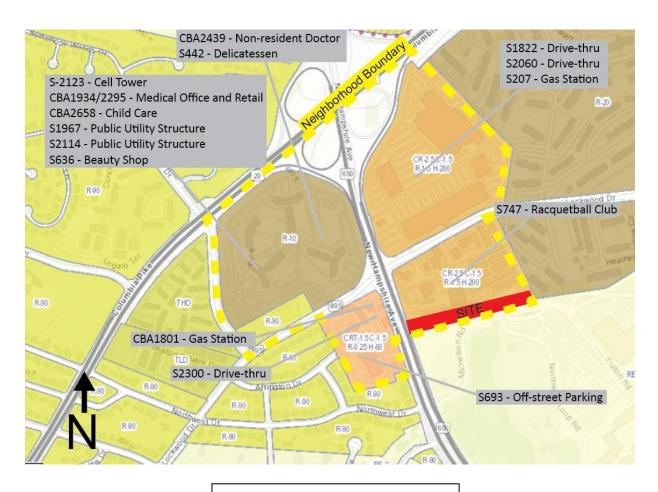
neighborhood terminates east of the White Oak Shopping Center and where the commercial uses south of Lockwood Drive transition to multi-family residential." *Id.* at 8.

A figure from the Staff Report identifying the "Neighborhood", is shown below. *Id.* at 7.



Staff Report – Exhibit 31, Figure 1

Staff described the status of the area as a "commercial node" *Id.* The defined neighborhood contains several existing approved conditional uses, some in residential properties including medical practices, childcare, telecommunications towers on an apartment building, and others in commercial properties such as drive-thru restaurants. *Id.* at 7-8. The property abuts commercial and self-storage uses to the north, FDA campus to the south and garden apartments to the west. *Id.* at 9. A map showing existing neighborhood conditional uses and special exceptions is shown on the following page.



Staff Report – Exhibit 31, Figure 2

Based on the record, the Hearing Examiner agrees with Staff that the neighborhood is a "commercial node" located near a bustling intersection. It is undisputed that Property's current and proposed use are the same. In addition, the Property abuts existing commercial uses of similar type and intensity.

C. Proposed Use

The Applicant plans to continue the current self-storage use. The Applicant proposes substantial façade improvements to the existing building with a third-floor cantilevered building addition that will bring the building up to the street and visually conceal the parking. Exhibit

18(b), pg. 4. This building will be re-skinned to have a more modern aesthetic that will improve the building's presence as viewed from the street. *Id*. In addition, the Applicant proposes to construct a new five-story building plus a partial cellar at the rear of the Property, where the large surface parking lot exists today. *Id*.

Mr. Steve Craitin testified on behalf of the owner, Arcland. T. 12. Based in Washington, DC, Arcland develops, acquires and manages self-storage facilities in the Metro area. T. 13. Arcland acquired this property in 2021 as part of an 8-store acquisition in a joint venture with ASB, a large investment management firm. *Id.* Since 2018, prior to purchase, Arcland served as the property manager. *Id.* Since 2009, Arcland specialized in self-storage facilities in the Metro area, owns 40 facilities and is the 3rd party management for an additional 25 facilities. *Id.* Mr. Craitin testified that during the COVID pandemic the industry in general saw a surge in demand. T. 14. Based on Arcland's research, he believes there is a shortage of self-storage supply in this area. T. 14.

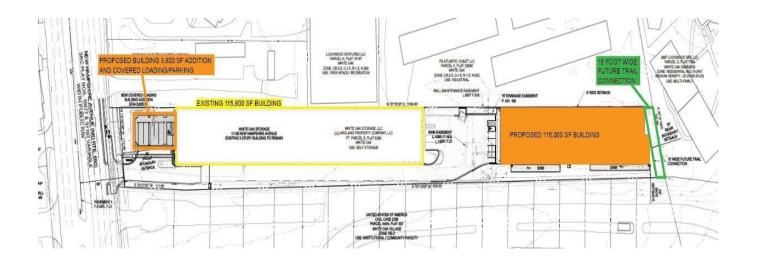
1. Site Plan & Floor Plans

Mr. La Vay, the Applicant's engineer, presented the conditional use site plan. He explained the project in two parts – the existing building and the new building construction. The renovations to the existing building facing New Hampshire Avenue include streetscape enhancements, with new landscaping, and substantial façade improvements including a 3rd floor cantilevered addition above a parking and loading area. T. 33-34. The construction of a new 5 story self-storage building, with a partial cellar will sit on land that is recessed down at the rear of the property that currently is used for vehicle storage. T. 34-35. Mr. La Vay opined that the development standards under the CRFT are very flexible. T. 45. Access to the site will remain on New Hampshire Avenue and the proposed access point meets Maryland State Highway

Administration standards. T. 35-36. The Planning Board approved the forest conservation plan.

T. 36. The Department of Permitting services approved the stormwater management concept plans, and there are no open space requirements because the tract is less than 3 acres. T. 36, 46. Exhibit 15(a) through 15(r) provide detailed floor plans and elevations describing locations of individual storage units and access in both buildings.

Staff determined the project provides a significant opportunity to refresh and modernize the existing self-storage building. Exhibit 31, pg. 19. In addition, Staff found the revised building architecture utilizes "unique geometry to add interest and depth to the existing façade" and updates to the ground floor doors and windows will create a more urban and "inviting expression with ample ground floor transparency." *Id.* at 21. The new construction at the rear of the lot will not be readily visible from the street but "has been designed to blend seamlessly with the refreshed overall building architecture" and these design elements along with landscaping will "provide a compatible transition to the surrounding properties." *Id.* at 23.



Staff Report – Exhibit 31; Figure 6: Site Plan

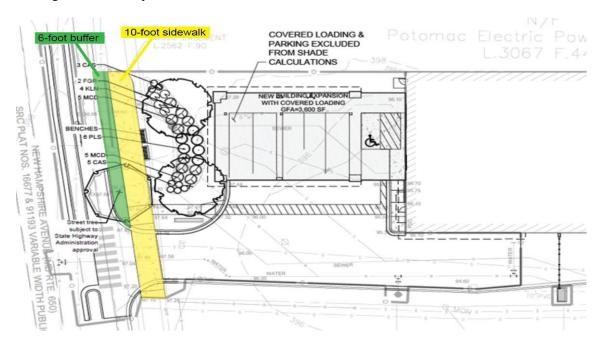


Staff Report – Exhibit 31; Figure 8 Proposed Renovation – Front, East

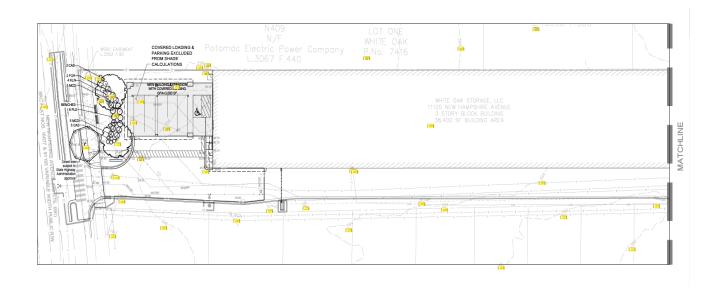
2. Landscaping, Lighting, Parking and Signage

a. Landscaping

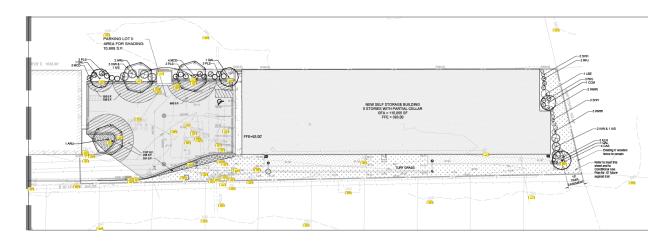
Mr. La Vay testified to Exhibit 23(f), the Applicant's landscape plan. Mr. La Vay found the 5% requirement for internal islands and the 25% shading of the parking lot are both met by the landscape plan. T. 53. Additional changes to the streetscape include benches and landscaping elements. Exhibit 31, pg. 22. The Applicant is providing a ten-foot wide sidewalk with a 6-foot landscape buffer between the New Hampshire Avenue curb and side walk. *Id.* at 24. *See* streetscape landscape plan from the Staff Report and the Applicant's landscape plan on the following pages.



Staff Report – Exhibit 31; Figure 16 Streetscape Landscape Plan



Landscape Plan – Ex. 23 (f) "Front"



Landscape Plan – Ex. 23(f) "Rear"

b. Lighting

Ms. Brown, the Applicant's architectural expert, testified that the site would be lit primarily from building mounted wall packs with new full cutoff wall packs incorporated into the new building and updated on the existing building. T. 77. Ms. Brown opined that the proposed lighting is in line with today's standards for mitigation of light trespass and dark sky compliance and the surrounding neighborhood will not suffer any adverse effects from the lighting. T. 78.

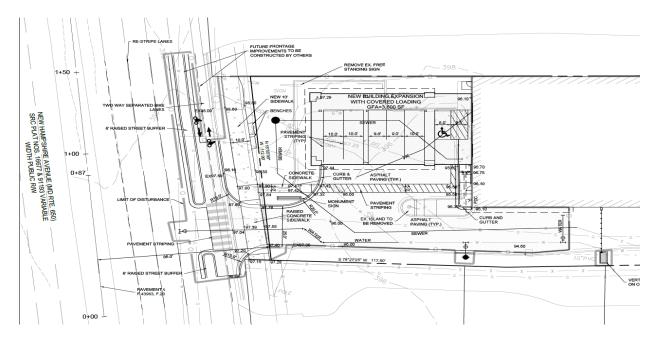
c. Parking

The Applicant seeks a parking waiver for 13 spaces pursuant to Section 59.6.2.1. of the Zoning Code. T. 46-47. The Zoning Ordinance requires 22 parking spaces and 3 loading spaces for a total of 25 spaces. T. 48. The Applicant is proposing 12 parking and 5 loading spaces and asserts that a total of 17 spaces meets the intent of the ordinance and provides enough parking and loading for operations because in the self-storage business "parking and loading" are viewed as one in the same. *Id.* The Applicant also points out that there are roll-up doors along the south

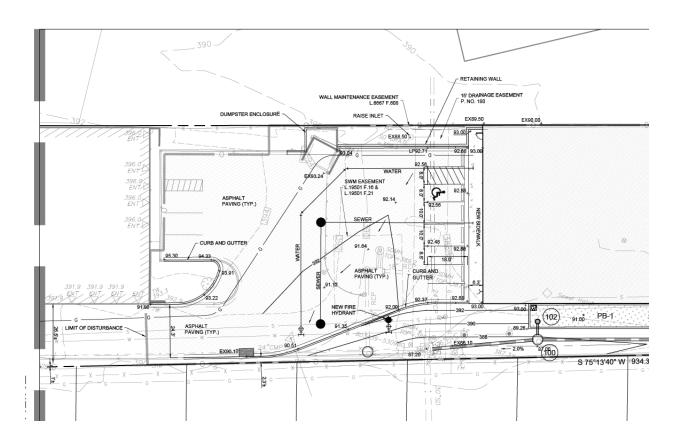
Hearing Examiner's Report and Decision

side of the existing facility where customers pull up to load and unload items in an area not specifically identified for parking or loading. T. 49. Montgomery County law allows persons to park in a fire lane so long as the driver stays with the vehicle. *Id.* The Applicant's expert based on operational experience opined that 17 total spaces is enough to meet demand on site. T. 50.

The 12 parking spaces are spread between two parking areas with 6 spaces located in an open are parking area at the front of the property and an additional 6 spaces between the existing self-storage building and the new building to the rear of the property. Exhibit 31, pg. 24. The Staff Report states that the anticipated "dual-use" of the spaces means that almost all of the spaces have been sized to meet loading design standards. *Id.* at 32. As a result, of this loading sizing based on anticipate used, Staff found fewer spaces can be provided based on-site constraints. *Id.* See portions of revised site plan identifying parking below and on next page.



Site Plan - Exhibit 23(e), pg. 2; Portion of plan fronting New Hampshire Ave.

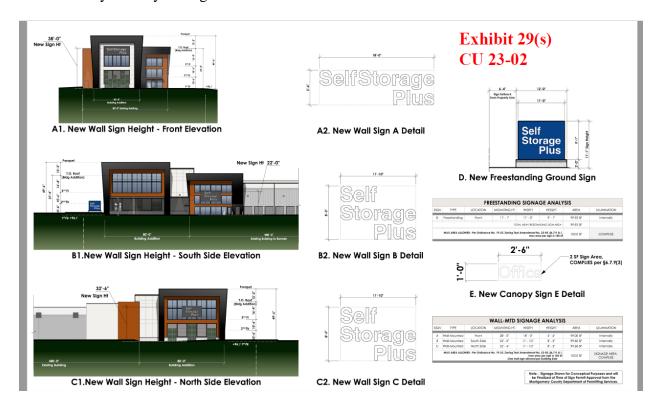


Site Plan - Exhibit 23(e), pg. 2; Portion of plan between existing and proposed structures

d. Signage

The existing property has a 25-foot-tall pole mounted sign and a building mounted signs on the west and north sides. T. 78. Ms. Brown testified that the pole mounted sign will be replaced with an internally lit monument sign. She opined the new signs will be more "pleasing" and "appropriated sized" providing identification for both vehicles or pedestrian users immediately accessing and turning into the property. *Id.* The new wall mounted signs will also be internally lit and located on the north and south facades to provide vehicular wayfinding. *Id.*

Ms. Brown opined that the proposed signage is compatible with the surrounding neighborhood and necessary for wayfinding. *Id*.



Signage - Exhibit 29(s)

3. Operations

a. Staffing & Operations

The Applicant's affiliated management company, Self-Storage Plus currently manages the existing storage facility. Exhibit 18(b), pg. 9. Upon completion of the proposed project, the existing contractual relationship between the Applicant and affiliated management company will be extended to cover the expanded property. *Id.* The facility will be staffed with professionals to oversee operations. The anticipated business office hours will be Monday through Friday 9:30 am to 6:30 pm, Saturday 9:00 am to 5:00 pm and Sunday 10 am to 4 pm. *Id.* The facility will

have a maximum of four (4) employees on site at any one time with one office employee and one resident manager for each of the two buildings. Exhibit 31, pg. 17. Controlled access to the building via keypad protected automatic doors and security gates provide access to existing customers 365 days per year between the hours of 6 am and 10 pm. In addition to the keypad entry, the site will have additional security in the form of perimeter fencing and security cameras. Exhibit 18(b) pg. 9.

b. Trash Disposal

Mr. La Vay testified that the dumpster on site is not allowed to be used by customers and the use itself produces very little trash. T. 52. The location of the dumpster will remain the same, halfway between the existing building and the new rear building upon completion and backs to an existing self-storage facility on the adjacent property and will be surrounded by an enclosure. *Id.*

D. Environmental Issues

Staff found that the site is currently developed with a storage facility and associated asphalt surface parking lots with no forest, streams or large specimen trees on site. Exhibit 31, pg. 37. Staff also found that while there is no forest on the property, the applicant must meet the forest conservation requirements through an off-site mitigation bank or fee-in-lieu payment if no banks are available. In addition, Staff determined the forest conservation plan as submitted complies with Chapter 22A. *Id.*

E. Community Response

No community members appeared at the hearing either in support or opposition of the application. Staff determined the Applicant met signate and notice requirements for the

submitted Application. Staff received no correspondence about the subject Application. Exhibit 31, pg. 37.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A conditional use is a zoning device that authorizes certain uses provided that pre-set legislative standards are met. Pre-set standards are both specific (to a particular use) and general (applicable to all conditional uses). The specific standards applied for a Self-Storage Facility are in Section 59.3.6.8.D.2.b of the Zoning Ordinance. The general standards (termed "Necessary Findings" in the Zoning Ordinance) for all conditional uses are found in Section 59.7.3.1.E. An applicant must prove that the use proposed meets all specific and general standards by a preponderance of the evidence. The Hearing Examiner concludes that Applicant has done so in this case, with the conditions of approval included in Part IV of this Report.

A. Necessary Findings (General Standards, Section 59.7.3.1.E)

The relevant standards and the Hearing Examiner's findings for each standard are discussed below.¹ For discussion purposes, the general standards may be grouped into four main areas:

- 1. Substantial Conformance with the Master Plan;
- 2. Adequate Public Services and Facilities;
- 3. No Undue Harm from Non-Inherent Adverse Effects; and
- 4. Compatibility with the Neighborhood

E. Necessary Findings

- 1. To approve a conditional use application, the Hearing Examiner must find that the proposed development:
 - a. satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended;

¹ Although §59.7.3.1.E. contains six subsections (E.1. though E.6.), only subsections 59.7.3.1.E.1., E.2. and E.3. contain provisions that apply to this application. Section 59.7.3.1.E.1. contains seven subparts, a. through g.

<u>Conclusion</u>: The property is not subject to any previous approvals and will comply with the requirements of the Floating Zone Plan submitted simultaneous with the Conditional Use Application (Exhibit 31, pg. 31). This provision is inapplicable.

b. satisfies the requirements of the zone, use standards under Article 59.3, and to the extent the Hearing Examiner finds necessary to ensure compatibility, meets applicable general requirements under Article 59.6;

<u>Conclusion</u>: This subsection requires review of the development standards of the CRTF Zone contained in Article 59.5; the use standards for a Self-Storage Facility contained in Article 59.3; and the applicable development standards contained in Article 59.6. Each of these Articles is discussed below in Parts III.B, C, and D, of this Report, respectively. For the reasons explained there, the Hearing Examiner finds that the application satisfies these requirements.

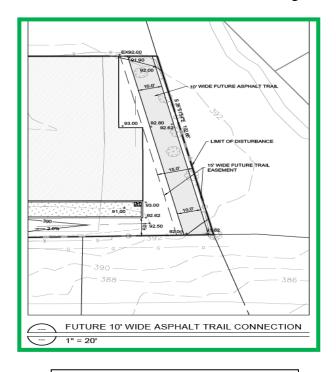
1. Substantial Conformance with the Master Plan

c. substantially conforms with the recommendations of the applicable master plan;

The Property is located within the boundary of the 2014 White Oak Science Gateway Master Plan and overall, the Application is in conformance with the Plan. Exhibit 31, pg. 31. The Master Plan calls for "reimagining existing centers – and provided a framework for reinvestment." *Id.* at 17, *citing*, Master Plan pg. 11. The Plan also envisioned the major centers in White Oak evolving into vibrant, mixed-use, transit-served nodes, and redevelopment that was carefully integrated with existing residential neighborhoods. *Id*.

Staff found the project promotes the Plan's "desired" reinvestment in the Property through physical appearance and streetscape improvements. Exhibit 31, pg. 31. Staff concluded that streetscape improvements will enhance the pedestrian network and the proposed path at the rear of the property will be part of the through-connection envisioned in the Master Plan. Staff

also determined that the Project promotes the Plan's environmental objectives through the creation of a rain garden along New Hampshire Avenue, onsite stormwater management and the installation of solar panels and cool roofs. *Id.* See rear trail in image below.



Staff Report – Exhibit 31 pg. 16 Fig. 11 - Future Trail Connection

Conclusion: Based on this record, the Hearing Examiner agrees that the self-storage facility will substantially conform to the recommendations of the Master Plan. The project provides reinvestment in the physical structures and streetscape. It also puts in place a path as a "through-connection" envisioned by the Plan. The project accomplishes the Plan's environmental goals. The Hearing Examiner agrees with Mr. La Vay that the redevelopment will create a more urban front along the street in furtherance of the Master Plan's goals. T. 39.

e. will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity, or scope of conditional uses sufficiently to affect the area adversely or alter

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the predominantly residential nature of the area; a conditional use application that substantially conforms with the recommendations of a master plan does not alter the nature of an area;

The property is located within the commercial center of White Oak. Exhibit 31, pg. 34. The property does abut a RE-2 zoned multi-family residential use, but also adjacent in that RE-2 zone is the U.S. Food and Drug Administration, an institutional use. *Id.* Staff determined that continuation of the self-storage use will not affect the surrounding area adversely or alter the existing nature of the surrounding area which is commercial. *Id.* The large number of existing conditional uses and special exceptions within the vicinity of the Property all fit within the commercial nature of the neighborhood and the continuation of the existing use will not change the Property's relationship with the neighborhood. *Id.*

Conclusion: The Hearing Examiner agrees the proposed conditional use will not increase the number, intensity or scope of conditional uses sufficiently to affect the area adversely. It is undisputed that no new use is being proposed at this location and that the existing use self-storage use will continue. She has already found that the project conforms to the Master Plan. The buildings design, setbacks and landscaping at the front and dedication of land to the rear meet the Plan's goals of creating a more urban streetscape. Reinvestment in the Property improves the site's relationship to the adjacent uses. For reasons stated in Part III.A.4 of this Report below, she agrees with Staff that the site's relationship with the neighborhood will not change, and the project will remain compatible with the surrounding area.

2. Adequate Public Services and Facilities

f. 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 conditional use 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 and:

- i. if a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner 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; or
- ii. if a preliminary subdivision plan is filed concurrently or required subsequently, 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; and

Staff determined the conditional use will be served by adequate public facilities including police and fire protection, water, sanitary sewer, public roads and storm drain. Exhibit 31, pg. 35. Fire and rescue reviewed the application and determined the Property contains appropriate access for fire and rescue vehicles. *Id.* Police and health care facilities will be sufficient to serve the Property after completion of construction. Montgomery County DPS, Water Resources approved the stormwater management concept. *Id.* Staff also found the property is not subject to a water quality plan or floodplain requirements and that Chapter 19 for stormwater management are satisfied. *Id.*

Mr. La Vay opined that the project is exempt from the LATR because it will result in less than 50 peak hour person trips to the site. T. 64. In additional support, the Applicant provided information that the number of trips generated during peak hours would be less than 50 and also pointed out that the property is located in the White Oak Policy area to assert that the project is exempt from the LATR. Exhibit 36. Mr. La Vay also determined that there is adequate water, sewer, electric, gas and that there are no "noted deficiencies in police, fire, accidents, healthcare

facilities to serve the property as well." T.64. Mr. La Vay further opined that since this is not a residential project it will not have an impact on schools. T. 60.

<u>Conclusion</u>: The Hearing Examiner agrees with the findings in the Staff Report and finds the evidence provided and testimony of Applicant's expert persuasive regarding adequate public facilities. Based on the information in the record, adequate public facilities do exist for the project, including police, fire, schools, healthcare, stormwater, sewer, water, and public roads.

3. No Undue Harm from Non-Inherent Adverse Effects

- g. will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:
 - i. the use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;
 - ii. traffic, noise, odors, dust, illumination, or a lack of parking; or
 - iii. the health, safety, or welfare of neighboring residents, visitors, or employees.

Conclusion: This standard requires consideration of the inherent and non-inherent adverse effects of the proposed use on the surrounding area. Inherent adverse effects are "adverse effects created by physical or operational characteristics of a conditional use necessarily associated with a particular use, regardless of its physical size or scale of operations." *Zoning Ordinance*, §1.4.2. Inherent adverse effects, alone, do not justify the denial of a conditional use. Non-inherent adverse effects are "adverse effects created by physical or operational characteristics of a conditional use not necessarily associated with the particular use or created by an unusual characteristic of the site." *Id.* Non-inherent adverse effects may be a basis to deny a conditional use, alone or in combination with inherent effects, if they cause "undue" harm to properties in the surrounding area.

Staff concluded that the following physical and operational characteristics are inherent to a self-storage facility (Exhibit 31, p.37):

- Physical buildings and structures;
- Parking and loading facilities; and
- Traffic to and from the site by staff and patrons.

The Hearing Examiner agrees with Staff's list of inherent adverse characteristic of this use.

Staff determined that the proposed conditional use will not result in adverse effects over and above the Report's identified inherent impacts. *Id.* Mr. La Vay determined that the impacts of physical buildings and structures both existing and new are mitigated by the following factors: 1) significant enhancement to the existing building 2) overall the design of the new building to minimized visibility from the street, 3) new design is compatible with the surrounding neighborhood and 4) the new construction is well setback from the property line. T. 55. Regarding the parking and loading facilities, Mr. La Vay further found that the impacts were mitigated by the cantilever addition design to the existing building which will hide parking visibility from the street and the additional parking in the rear of the property is blocked from view by either the new building itself or the extensive landscaping along the side. T. 56. Mr. La Vay referred to the statements made in Exhibit 36 and affirmed that the project will result in less than 15 peak hour person trips a day and will have a "negligible impact on the surrounding infrastructure." T. 56. The Hearing Examiner agrees with Staff and the expert testimony presented by the witnesses that the project does not result in undue adverse effects requiring denial of this application.

As stated above non-inherent adverse effects may result from the "physical or operational characteristics of a conditional use not necessarily associated with the particular use or created by an unusual characteristic of the site". Staff did not identify any non-inherent adverse impacts

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from the proposed use or site. The Hearing Officer agrees with Staff that there are no non-inherent adverse effects from the proposed development and concludes that use and proposed development will not cause undue harm to the surrounding neighborhood from either non-inherent adverse effects or a combination of inherent or non-inherent adverse effects.

4. Compatibility with the Neighborhood

Several sections of the Zoning Ordinance require a proposed conditional use be compatible with the character of the surrounding neighborhood.

Section 59.7.3.1.E.1 includes the standards of approval below:

d. is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the [master] plan.²

Staff found that the project was compatible with the neighborhood (Section 59.7.3.1.E.1.2) because (*Id.* at 26) because:

The Project will continue to operate as a self-storage facility and the expanded use and accompanying exterior modifications will remain compatible with the neighborhood's surrounding commercial uses. The proposed modifications to the Property are designed to enhance and modernize the building's design and expand the self-storage opportunities available to the White Oak community. The rear of the property, which abuts garden apartments in the R-20 zone, will be screened with an existing six-foot wood fence along the eastern property line. The eastern façade of the building will be further screened with landscaping, and the area between the new building's eastern façade and eastern property line will be improved with a 15-foot-wide trail easement and a 10-foot-wide trail. This trail connection is envisioned in the Master Plan and will be fully realized when surrounding properties redevelop.

The Applicant's architect expert, Ms. Brown, found that the surrouding neighborhood is largely commercial and industrial and the expansion of the existing self-storage use serves the community. T. 79. Ms. Brown opined the expansion of the use creates reinvestment in the

² Section 59.7.3.2.E.2 requires that "any structure to be constructed ... under a conditional use in a Residential Detached zone must be compatible with the character of the residential neighborhood." This conditional use is in a CRT zone, not a residential detached zone making this provision not applicable.

property elevating the aesthetics of the existing building and the new building in the rear will be more compatible to the residential use because the current vehicular storage will be eliminated.

T. 79. In addition, Ms. Brown determined that the project complies with height and setback requirements of the CRTF zone. T. 76.

Conclusion: Section 59.7.3.1.E.2.d examines whether the Master Plan goals are achieved in a manner compatible with the area. The Hearing Examiner has adopted Staff's characterization of the existing neighborhood as being commercial in nature and that the property itself is located within the Commercial Center of White Oak. She already found that the use fulfills the goals of the Master Plan and further finds that it does so in a manner that is compatible with the surrounding area. Key to this finding are a number of factors, including (1) the use itself will remain the same, meaning the relationship with the surrounding neighborhood will also remain the same (2) the reinvestment and addition to the existing building creates an "urban street front", (3) termination of the existing vehicular storage at the rear of the property, (4) the overall design and materials chosen on the facade, (5) the building's setback from the rear of the property from the garden apartments, and (6) the dedication of trail space at the rear of the property.

The fact that the underlying use will not change weighs heavily in favor of compatibility. The opportunity for reinvestment in the existing building and exchanging outdoor vehicle storage for indoor storage also lessens the existing use's impact on the neighborhood. The overall design and trail dedication improves the property's relationship with the surrounding properties. For these reasons, the Hearing Examiner finds that the use is compatible with the surrounding neighborhood in a manner consistent with the Master Plan and will not adversely affect the character of the surrounding area.

Section 59.7.3.1.E.3. The fact that a proposed use satisfies all specific requirements to approve a conditional use does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require conditional use approval.

<u>Conclusion</u>: The application satisfies all specific requirements for the conditional use, and with the conditions imposed, meets the standards required for approval.

B. Development Standards of the Zone (Article 59.6)

To approve a conditional use, the Hearing Examiner must find that the application meets the development standards of the Floating Zone Plan, submitted simultaneously with this Conditional Use application. Staff included a table (Exhibit 31, p.32, shown below) in its report comparing the permitted development standards with those proposed in this application.

Development Standards Table - White Oak Self-Storage	Permitted	Proposed
Maximum Total Density (FAR)	2.5	2.06
Maximum Commercial Density (FAR)	2.25	2.06
Maximum Residential Density (FAR)	1.5	0
Maximum Height	200 ft	60 ft
Minimum Setback - Front Site Boundary	TBD at Site Plan	25 ft
Minimum Setback - Rear Site Boundary	TBD at Site Plan	15 ft
Minimum Setback - Side Site Boundary	TBD at Site Plan	0 ft
Minimum Lot Size	n/a	2.62 acres
Minimum Open Space	0%	n/a
Minimum Public Benefits (to be finalized at sketch plan)	50 points (3 categories)	52 points (3 categories)
Parking Lot Landscaping - Landscaped Area	5% (549 sf)	569 sf
Parking Lot Landscaping - Tree Canopy	25% (2,747 sf)	2,858 sf
Parking Lot Landscaping - Perimeter Planting Width	6 ft	8 ft 6 in
Parking Lot Landscaping - Perimeter Planting Height	3 ft	>3 ft

Staff Report – Exhibit 31, Pg. 32 Development Standards

<u>Conclusion</u>: Nothing contradicts Staff's assessment of compliance with the development standards of the Zone. The Hearing Examiner finds that the proposed facility complies with the standards of the CRTF Zone

C. Use Standards for a Self-Storage Facility (Section 59.3.6.8.D)

The specific use standards for approval of a Self-Storage Facility are set out in Section 59.3.3.2.C.2.b. of the Zoning Ordinance.

Zoning Ordinance §59.3.6.8.D.

C. Self-Storage

1. Defined

A structure providing separate storage areas for personal or business use designed to allow private access by the tenant.

<u>Conclusion</u>: The term self-storage is somewhat self-explanatory. Mr. Craitin testified he has worked in the self-storage business for more than 15 years and that most self-storage customers place goods in self-storage units for extended periods of time, while a smaller number of customers come and go from the facility for small trips to drop off or pick up items from the facility. T. 16-17. The use proposed meets this definition.

2. Use Standards

b. Where a Self-Storage is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional use.

Conclusion: The only criteria specified for a self-storage facility in the Zoning Ordinance §59.3.6.8.D.2.b. is that it may be permitted by the Hearing Examiner under the general conditional use provisions Zoning Ordinance §59.7.3.1. As discussed in Part III.A. of this Report and Decision, the Hearing Examiner finds that the application meets the findings required by the Zoning Ordinance §59.7.3.1 as conditioned below.

D. General Development Standards (Article 59.6)

Article 59.6 sets the general requirements for site access, parking, screening, landscaping, lighting, and signs. These requirements need be satisfied only "to the extent the Hearing Examiner finds necessary to ensure compatibility." *Zoning Ordinance*, §59.7.3.1.E.1.b. The

applicable requirements, and whether the use meets these requirements, are discussed below.

The proposed use and Zone do not require the review of Division 6.1 for Site Access, Division 6.3 for Open Space and Recreation, or Division 6.6 for Outdoor Storage.

1. Parking and Loading

Parking and loading standards are governed by Division 6.2 of the Zoning Ordinance.³ A Self-Storage Facility requires the number of vehicle parking spaces based on a minimum of 1 space per 10,000 sq. ft. of GFA plus 1 space per employee and a maximum of 3 spaces per 10,000 sq. ft. of GFA, plus 1 per employee. *Zoning Ordinance* §59.6.2.4.B. The minimum required parking spaces for this self-storage use would be 22.⁴ A minimum of 3 loading spaces must be provided for a self-storage facility with 200,001 to 350,000 sq. ft. of GFA.⁵

The Applicant proposes providing 9 parking spaces, 2 of which will be ADA accessible and 8 loading spaces for a total of 17 spaces. Exhibit 37, pg. 1; T. 48. Because 17 spaces proposed is less than the Code requirement, the Applicant seeks a parking waiver as provided in \$59.6.2.10 of the Zoning Code. The Hearing Examiner may waive the requested 13 space vehicle parking requirement under \$59.6.2.4 if the alternative design satisfies \$59.6.2.1, "Intent". The Hearing Examiner must "ensure[s] that adequate parking is provided in a safe and efficient manner." Mr. La Vay opined that given the nature of a self-storage operation parking and loading can be considered "one in the same" and in viewing the two types of spaces together, the Applicant is providing 17 of the 25 required total spaces. T. 48. Mr. La Vay also determined that the "roll-up doors" along the southside of the property that front the fire lane provide additional parking. While parking is not permitted in a fire lane, Mr. La Vay asserts those customers

³ Queuing requirements apply only to uses with a drive-thru, and therefore do not apply to this use. *Zoning Ordinance*, §59.6.2.7.A.

⁴ See *Zoning Ordinance*, §59.6.2.3.A.1 and §59.6.2.3.I.7.a.

⁵ See Zoning Ordinance, §59.6.2.8.B.3

accessing the roll-up door units can stop in that area and load and unload, which provides an additional location for customers to place their vehicles other than the designed parking/loading spots. T. 49.

The Staff Report found that almost all the spaces have been sized to meet loading design standards, which while important for the self-storage operations reduces the overall number of spaces that can fit on the long narrow site. Exhibit 31, pg. 32. Staff also found that the proposal removes parking spaces from the portion of the site along New Hampshire Avenue and that this "de-prioritization of auto-oriented spaces" is in line with the goals and objects of the County and its Vision Zero initiative. *Id*.

<u>Conclusion</u>: Based on the record summarized above, the Hearing Examiner finds that the alternative design creating combined total of 17 parking and loading spaces proposed by the Applicant meets the intent §59.6.2.1. The spaces provided satisfy the functional operation of self-storage and are designed in such a way as to provide adequate parking in a safe and efficient manner. The Hearing Officer grants a waiver of 13 parking spaces.

2. Site Landscaping and Screening

Conclusion: Section 59-6.2.9.C sets forth landscape requirements for conditional use parking lots with 10 or more spaces. The Hearing Examiner accepts Staff's conclusion regarding compliance with the CRTF zone requirements (Exhibit 31, pg. 21) and the undisputed statements of the Applicant's experts and finds that the Landscape Plan (Exhibits 23 and 23(f)) meets the technical requirements of Article 59-6. Also see discussion above in Section II.B.1.a. The Hearing Examiner has already concluded that the landscaping shown is compatible with the surrounding uses; compliance with the technical requirements is necessary only to the extent needed to ensure compatibility.

Section 59.6.5.2.B.A.2 requires only standard method development projects to provide screening, and this project being developed under the "optional method of development." As this is not a standard development project, screening is not required under this Code section. In addition, per §59.5.3.5.D, §59.4.5.4.B.1 and related tables, no open space is required.

3. Outdoor Lighting

<u>Conclusion</u>: The outdoor lighting proposed for the conditional use was discussed in Part II.C.2. of this Report and Decision. As indicated there, permissible lighting levels for a conditional use are specified in Zoning Ordinance §59.6.4.4.E., which provides,

Outdoor lighting for a conditional use must be directed, shielded, or screened to ensure that the illumination is 0.1 footcandles or less at any lot line that abuts a lot with a detached house building type, not located in a Commercial/Residential or Employment zone.

It is undisputed that the subject property does not abut a lot with a detached house building type. With that said, Mr. Brown testified that the wall pack lights will be incorporated into the new building and updated on the existing building and that the standards for mitigation of light tress pass and dark sky compliance will be satisfied. T. 77. She also opined that there would be no adverse effects from either exterior or interior lighting. T. 77.

<u>Conclusion</u>: Based on the undisputed evidence described above, the Hearing Examiner finds that the outdoor lighting proposed conforms to the requirements of the Zoning Ordinance.

IV. CONCLUSION AND DECISION

As set forth above, the application meets all the standards for approval in Articles 59.3, 59.4, 59.5, 59.6 and 59.7 of the Zoning Ordinance.

Based on the foregoing findings and conclusions and a thorough review of the entire record, the application of White Oak Storage Owner, LLC (CU 23-02) for a conditional use under Section

59.3.6.8.D. of the Zoning Ordinance to renovate, build and operate a Self-Storage Facility on property described as 11105 New Hampshire Avenue, as part of Lot E in the "White Oak" subdivision recorded as Plat No. 8280 (Tax Account No. 05-00276584), in Silver Spring, Maryland, is hereby *GRANTED*, subject to the following conditions:

- 1. Applicant must receive approval for their Local Map Amendment H-147 from County Council prior to approval of the conditional use for a self-storage facility on the property.
- 2. This self-storage facility is limited to a total of 234,800 square feet of self-storage development, contained in one self-storage building of 118,800 square feet at the west of the Site and one self-storage building of 116,000 square feet at the east of the Site.
- 3. The Applicant must pay a fee-in-lieu for the construction of the bicycle facilities along the Property's New Hampshire Avenue frontage, which may be a part of the Project's payment into the White Oak Local Area Transportation Improvement Program (LATIP).
- 4. At time of sketch and site plan, the Applicant must provide a cross section of the proposed bicycle and pedestrian facilities along New Hampshire Avenue.
 - a. Cross section of the proposed bicycle and pedestrian facilities along New Hampshire Ave.
 - b. Cross section of the master-planned trail connection and landscaping along the eastern (rear) edge of the Subject Property.
- 5. Applicant must provide a minimum of 12 parking spaces and 5 loading spaces on site.
- 6. The maximum building height on the Subject Property is limited to 55 feet (as measured per Section 4.1.7.C).

Issued this 23 day of February 2023.

Kathleen E. Byrne

KB2

Hearing Examiner

NOTICE OF RIGHT TO APPEAL

Any party of record may file a written request to appeal the Hearing Examiner's Decision by requesting oral argument before the Board of Appeals, within 10 days issuance of the Hearing Examiner's Report and Decision. Any party of record may, no later than 5 days after a request for oral argument is filed, file a written opposition to it or request to participate in oral argument. If

the Board of Appeals grants a request for oral argument, the argument must be limited to matters contained in the record compiled by the Hearing Examiner. A person requesting an appeal, or opposing it, must send a copy of that request or opposition to the Hearing Examiner, the Board of Appeals, and all parties of record before the Hearing Examiner.

Additional procedures are specified in Zoning Ordinance §59.7.3.1.f.1. Contact information for the Board of Appeals is:

Montgomery County Board of Appeals 100 Maryland Avenue, Room 217 Rockville, MD 20850 (240) 777-6600

http://www.montgomerycountymd.gov/boa/

PLEASE NOTE THE FOLLOWING BOARD OF APPEALS FILING REQUIREMENTS DURING THE COVID-19 PANDEMIC:

The Board of Appeals website sets forth these procedures for filing documents:

Because remote operations may not always allow us to promptly date-stamp incoming U.S. Mail, until further notice, all time-sensitive filings (administrative appeals, appeals of conditional use decisions/requests for oral argument, requests for public hearings on administrative modifications, requests for reconsideration, etc.) should be sent via email to BOA@montgomerycountymd.gov, and will be considered to have been filed on the date and time shown on your email. In addition, you also need to send a hard copy of your request, with any required filing fee, via U.S. Mail, to the Board's 100 Maryland Avenue address (above). Board staff will acknowledge receipt of your request and will contact you regarding scheduling.

If you have questions about how to file a request for oral argument, please contact Staff of the Board of Appeals.

The Board of Appeals will consider your request for oral argument at a work session. Agendas for the Board's work sessions can be found on the Board's website and in the Board's office. You can also call the Board's office to see when the Board will consider your request. If your request for oral argument is granted, you will be notified by the Board of Appeals regarding the time and place for oral argument. Because decisions made by the Board are confined to the evidence of record before the Hearing Examiner, no new or additional evidence or witnesses will be considered. If your request for oral argument is denied, your case will likely be decided by the Board that same day, at the work session.

Parties requesting or opposing an appeal must not attempt to discuss this case with individual Board members because such *ex parte* communications are prohibited by law. If you have any questions regarding this procedure, please contact the Board of Appeals by calling 240-777-6600 or visiting its website: http://www.montgomerycountymd.gov/boa/.

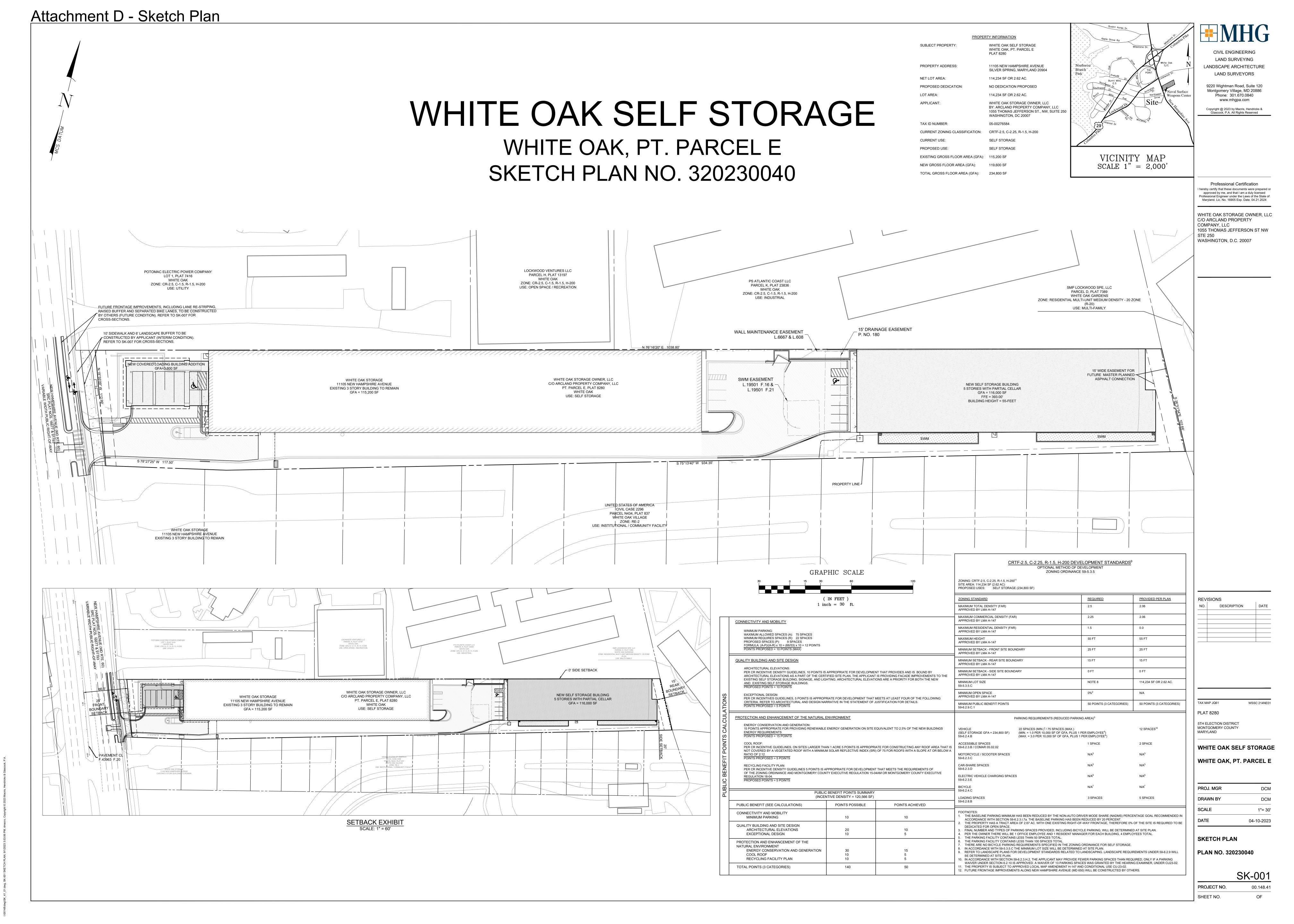
Attachment C - Conditional Use CU202302 Hearing Examiner Report and Decision

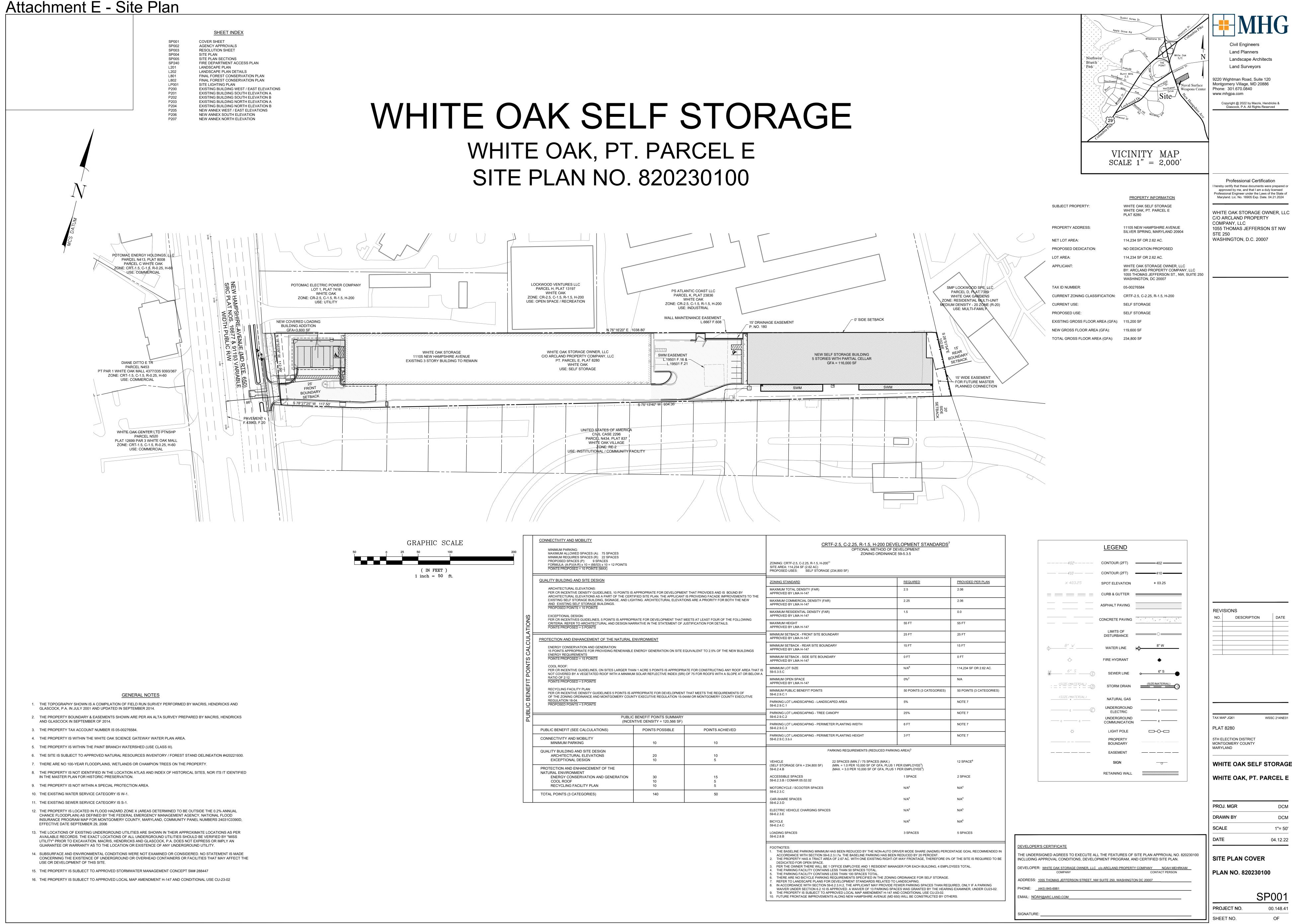
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NOTIFICATION OF DECISION TO BE SENT TO:

Elizabeth Rogers, Esquire
Attorney for the Applicant
Barbara Jay, Executive Director, Montgomery County Board of Appeals
Robert Kronenberg, Deputy Director, Planning Department
Parker Smith, Planning Department
Greg Nichols, Manager, Department of Permitting Services
Victor Salazar, Department of Permitting Services
Michael Coveyou, Director, Finance Department
Charles Frederick, Esquire, Associate County Attorney





I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed

WHITE OAK STORAGE OWNER, LLO 1055 THOMAS JEFFERSON ST NW

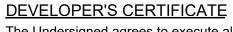
Maryland. Lic. No. 16905 Exp. Date. 04.21.2024

Attachment F - Forest Conservation Plan COMMON NAME BOTANICAL NAME SIZE (DIAMETER) FOREST CONSERVATION NOTES: CONDITION FAIR - CRACK, INCLUDED BARK, QUERÇUS ALBA CODOMINANT AT 5', OFFSITE PROPERTY DESCRIPTION: PARCEL E, PLAT 8280 GOOD - OFFSITE ADDRESS: 11105 NEW HAMPSHIRE AVE QUERCUS RUBRA FAIR - DEADWOOD, OFFSITE TAX ACCOUNT #05-00276584 QUERCUS RUBRA RED OAK QUERCUS RUBRA GOOD - OFFSITE CURRENT ZONING CLASSIFICATION: CRTF-2.5, C-2.25, R-1.5, H-200 SPECIAL PROTECTION AREA: NA 9220 Wightman Road, Suite 120 PRIMARY MANAGEMENT AREA: NA Montgomery Village, MD 20886 Phone: 301.670.0840 www.mhgpa.com GRAPHIC SCALE VICINITY MAP SCALE 1" = 2,000'1 inch = 15.24 m. and county forest conservation legislation SUITE 250 WASHINGTON, DC 20007 LEGEND SIGNIFICANT TREE CRITICAL ROOT ZONE _____ ROOT PRUNING ALONG FOREST CONSERVATION WORKSHEET LIMITS OF DISTURBANCE A. Total tract area .. B. Additions to tract area (Off-Site Work, etc.; construction required by this plan)... PROPERTY BOUNDARY C. Land dedication acres (parks, county facility, etc.) ... D. Land dedication for roads or utilities (construction not required by this plan) ... ———— 320 ———— **EXISTING CONTOUR** E. Area to remain in commercial agricultural production/use ... F. Other deductions (specify) G. Net Tract Area **LAND USE CATEGORY**: (from Chapter 22A-3. Definitions) Input the number "1" under the appropriate land use, limit to only one entry. PROPOSED CONTOUR ARA CDR MDR IDA HDR MPD 0 0 0 0 0 0 PROPOSED WATER LINE REVISIONS G. Afforestation Threshold ... 15% x G = 0.41 0.41 H. Conservation Threshold ... 15% PROPOSED STORM DRAIN LINE **EXISTING FOREST COVER:** 0.00 Existing forest cover 0.00 J. Area of forest above afforestation threshold= K. Area of forest above conservation threshold= 0.00 **BREAK EVEN POINT:** 0.00 L. Forest retention above threshold with no mitigation= 0.00 M. Clearing permitted without mitigation= PROPOSED FOREST CLEARING: 0.00 N. Total area of forest to be cleared= 0.00 O. Total area of forest to be retained= PLANTING REQUIREMENTS: P. Reforestation for clearing above conservation threshold= 0.00 1 Q. Reforestation for clearing below conservation threshold= PLAT 8280 0.00 R. Credit for retention above conservation threshold= 0.00 1 S. Total reforestation required= 0.41 T. Total afforestation required= U. Credit for landscaping (may not be used to meet reforestation requirement if MARYLAND project is located outside an EFA. For projects within EFA, may not exceed 20% of "S")= 0.00 0.41 V. Total reforestation and afforestation required= worksheet date 5/13/2019

FORE	ST CONSERVATION	DATA TABLE	
DESCRIPTION			SIZE
Property Area			2.62 Acres
Off-site Disturbance			0.11 Acres
Total Tract Area			2.73 Acres
Tract remaining in Ag use			0.00 Acres
Road & Utility ROW (Unimproved)			0.00 Acres
Existing Forest			0.00 Acres
Total Forest Retention			0.00 Acres
Total Forest Cleared			0.00 Acres
Land Use Category			CIA
Afforestation Threshold			15%
Reforestation Threshold			15%
Stream(s) Length: NA	Av	erage Buffer Width: NA	
Acres of Forest in:	Retained	Cleared	Planted
Wetlands	0.00	0.00	0.00
100yr Floodplain	0.00	0.00	0.00

ണ	FOD LITH		IONC	
Other Priority Areas	0.00	0.00	0.00	
Stream Buffers	0.00	0.00	0.00	
, ,				

FOR UTILITY LOCATIONS CONTACT "ONE CALL" AT 811 AT LEAST 48 HOURS PRIOR TO CONSTRUCTION



The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. F20230330 , including financial bonding, forest planting, maintenance and all other applicable agreements. Developer's Name: WHITE OAK STORAGE OWNER LLC NOAH MEHRKAM

Contact Person

Address: 1055 THOMAS JEFFERSON ST NW SUITE 250 WASHINGTON, DC 20007

Phone: 202-809-1290

FOREST CONSERVATION REQUIREMENT OF 0.41 ACRES TO BE MET VIA FOREST

BANK IF AVAILABLE OTHERWISE TO BE MET VIA FEE-IN-LIEU.

Email: NANA@ARC.LAND Signature:

Land Planners

Landscape Architects Land Surveyors

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08/17/2023

MD DEPT. OF NATURAL RESOURCES
COMAR 08.19.06.01

Qualified Professional Certification I hereby certify that the information shown hereon is correct and that this plan has been prepared in accordance with the requirements of the existing state

WHITE OAK STORAGE OWNER LLC 1055 THOMAS JEFFERSON ST. NW

DESCRIPTION

WSSC 214NE01 & 02

5TH ELECTION DISTRICT MONTGOMERY COUNTY

PART OF PARCEL E WHITE OAK SELF STORAGE

PROJ. MGR	DM
DRAWN BY	FCJ
SCALE	1"= 50'
DATE	07.10.2023

FINAL FOREST CONSERVATION PLAN #F20230330 PLAN VIEW

L8.03 PROJECT NO. 00.148.41 SHEET NO. 3 of 4

DPS-ROW CONDITIONS OF APPROVAL

820230100 White Oak Self Storage

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan file:

"07-SITE-820230100-004.pdf V2" uploaded on/dated "7/1/2023".

As there seems to be minimal impact to the County ROW, we do not have any comment at this point.



Marc Elrich
County Executive

Christopher R. Conklin *Director*

August 30, 2023

Mr. Parker Smith, Planner II Midcounty Planning Division The Maryland-National Capital Park & Planning Commission 2425 Reedie Drive, 14th Floor, Wheaton, MD 20902

> RE: Sketch Plan No. 320230040 White Oak Self Storage

Dear Mr. Smith:

We have completed our review of the revised Sketch Plan uploaded in eplans dated July 1, 2023. This plan was reviewed by the Development Review Committee at its meeting on August 1, 2023. The property is already platted and does not need a preliminary plan. We recommend approval of the plan based on the following comments:

- 1. All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Montgomery County Department of Permitting Services (MCDPS) in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.
- 2. New Hampshire Avenue (MD-650): Access and improvements along New Hampshire Avenue (MD-650) as required by the Maryland State Highway Administration (MDSHA).
- 3. Enabling the BRT: The 2014 White Oak Science Gateway Master Plan and the 2018 FDA Master Plan draws a line representing a connection between the Michelson Road and Lockwood Drive. MCDOT believes that this line was shown to represent a BRT connection. This connection would make sense due to the following reasons:
 - a. The transit route would be more efficient through the FDA NW Loop Road and the proposed extension to Lockwood Road instead of New Hampshire Avenue (MD-650) would reduce the travel time.
 - b. Easy access to the future BRT Transit station at Lockwood Drive.

We are concerned that the proposed 15-ft trail easement as shown in the plan as part of the Sketch Plan behind the proposed building does not enable the implementation of the BRT nor

Attachment G - Agency Letters

Mr. Parker Smith Sketch Plan No. 320230040 August 30, 2023 Page 2

provides adequate pedestrian and bicycle facilities in the future. Since this property is already platted and this applicant is proposing a building in addition to the existing building therefore does not have to go through the preliminary plan process where the dedications are required. In order to achieve the proposed connection per the Master plan and the reasons mentioned above, we strongly recommend the proposed building be pushed back to provide a 54-ft future dedication between the existing and proposed buildings, aligned with the existing NW Loop Road. This would provide an adequate thoroughfare for bus, vehicular and pedestrian and bicycle facilities in the future in compliance with Complete Streets Design Guidelines. We ask the applicant to consider this and design the site to operate into the long-term when the new connection is implemented.

- 4. Project is subject to the White Oak Local Area Transportation Improvement Program (LATIP) https://montgomerycountymd.gov/dot-dir/Resources/Files/LATR-WhitePaper(1).pdf. Pay LATIP fee prior to or at the building permit issuance. Coordinate with Mr. Andrew Bossi at 240-777-7200 or at andrew.bossi@montgomerycountymd.gov.
- a. At the time of certified site plan, submit a storm drain study for the portion of the subject site draining to the Montgomery County public storm drain system for review and approval by MCDPS. MDSHA approval required for the portion of the site draining to the public storm drain system maintained by MDSHA.
- 5. If the site has private streets, storm drainage systems, and/or open space areas a covenant shall be recorded for the operation and maintenance.

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

Sincerely,

Deepak Somarajan, Engineer III Development Review Team

Deepak Somarajan

Office of Transportation Policy

Attachment G - Agency Letters

Mr. Parker Smith Sketch Plan No. 320230040 August 30, 2023 Page 3

cc: SharePoint\Correspondence Folder FY-24

cc-e: Steve Cratin White Oak Storage, LLC

Dylan Macro MHG, P.A.

Elizabeth Rogers Lerch, Early, and Brewer

Matthew Folden MNCPPC Richard Brockmyer MNCPPC

Kwesi WoodroffeMDSHA District 3Atiq PanjshiriMCDPS RWPRSam FarhadiMCDPS RWPRMark EtheridgeMCDPS WRSMarie LaBawMCDPS FRSChristopher ConklinMCDOT Director

Maricela Cordova MCDOT Act. Dep. Director

Corey Pitts MCDOT DTE

Mark Terry MCDOT DTEO

Andrew Bossi MCDOT OTP

Rebecca Torma MCDOT OTP



Wes Moore Governor Aruna Miller Lieutenant Governor Paul J. Wiedefeld Secretary William Pines, P.E. Administrator

August 18, 2023

Richard Brockmyer, AICP Planner III Montgomery County Planning Department 2425 Reedie Drive, Wheaton, MD 20902

Dear Mr. Brockmyer:

Thank you for the opportunity to review the Sketch and Site Plan Applications (320230040 & 820230100, respectively) for the White Oak Self Storage development. The State Highway Administration (SHA) has reviewed the plans and we are pleased to respond.

Based on preliminary review, a Permit will be required for the improvements in the State's right of way. SHA recommends approval of the above referenced Applications and reserves the right to provide additional comments as needed once detailed plans and supporting documents are formally submitted to SHA for a comprehensive review in the process of acquiring the Permit.

If you have any questions or require additional information, please contact Mr. Kwesi Woodroffe at 301-513-7347, by using our toll free number (in Maryland only) at 1-800-749-0737 (x7347), or via email at kwoodroffe@mdot.maryland.gov.

Sincerely,

for Derek Gunn, P.E.

Crick Florence

District Engineer, District 3, MDOT SHA

DG/kw

cc: Mr. Parker Smith Montgomery County Planning Department