

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

January 10, 2024

MCPB No. 23-137
Sketch Plan No. 320230020
9801 Georgia Avenue
Date of Remand Discussion: December 14, 2023

RESOLUTION PURSUANT TO REMAND

WHEREAS, at a hearing on November 14, 2023, this matter was remanded to the Planning Board by the Circuit Court for Montgomery County to deliberate and issue a further decision, to wit, “Ordered, that on remand, the Montgomery County Planning Board shall consider and decide, based on the record and without further factfinding, whether (1) substantial compliance with pre-submittal meeting signage can satisfy applicable notice requirements, and (2) if substantial compliance can be sufficient, whether Respondent JLB Realty LLC’s notice signs substantially complied with the applicable notice requirements.”

NOW, THEREFORE, BE IT RESOLVED THAT on December 14, 2023, the Planning Board, after review of the record as provided to the Court and having considered the statements of its legal counsel, by motion of Commissioner Linden, seconded by Vice Chair Pedoeem, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem, Commissioners Bartley, Hedrick and Linden voting in favor, finds as follows:

As to issue one, Maryland law provides that substantial compliance with notice requirements is adequate based on *Heath v. Mayor and City Council of Baltimore*, 187 Md. 296 (1946) and subsequent cases, therefore the Board finds that substantial compliance is sufficient.

As to issue two, Petitioners allege a deficiency of approximately six inches in both length and width and that the pre-submittal sign was posted approximately twenty-five inches from the ground instead of thirty-six inches. Montgomery County Code § 59.7.5.2 (2023) provides the relevant sign advertising the pre-submittal meeting is required to be “equivalent to an application sign, and the “application sign” section of the Code then directs applicants to “use the sign template provided by the Planning Department,” which is an electronic document posted on the Planning Department’s website. That particular template is devoid of specific dimensional requirements. However, the ground

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Approved as to

Legal Sufficiency: /s/ Matthew Mills

M-NCPPC Legal Department

clearance standard invoked by Petitioners is from a different electronic document on the Department's website entitled "MNCPPC Sign Posting Procedures," which it not mentioned in the Zoning Ordinance. The length and width requirements alleged by Petitioners also find their origins with a sample illustration from the Commission sign posting procedures document.

Further, while application signs must include the application number and name, the proposed use, density, and structure, and a telephone number and website for the applicable intake agency, Montgomery County Code § 59.7.5.2.C.3, the pre-submittal meeting sign in this case described the property and the proposal, identified the date, time, and location of the pre-submittal community meeting, and contained contact information for applicant's counsel, in accordance with the specific requirements of COMCOR (Code of Montgomery County Regulations) § 59.00.05.04(d)(i), which requires that notice signs for pre-submittal meetings contain the meeting date, time, and place, the purpose of the meeting, and the applicant's contact information.

BE IT FURTHER RESOLVED, that the Board therefore finds that the pre-application meeting sign was substantially equivalent to an application sign in terms of size, posting height, and content and all statutory and regulatory requirements were substantially satisfied. Any variations were de minimis.

BE IT FURTHER RESOLVED, that all of these findings on remand are further supported with the notable attendance of 72 individuals at the Pre-Submittal Meeting on September 22, 2022.

BE IT FURTHER RESOLVED, that the remainder of this Resolution Pursuant to Remand is identical to the Resolution originally adopted on May 16, 2023, in accordance with the Court's Order.

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

WHEREAS, on November 16, 2022, JLB Realty, LLC ("Applicant") filed an application for approval of a sketch plan for construction of up to 460,000 square feet, with up to 455,000 square feet allocated to residential uses, including 15% MPDUs, and up to 5,000 square feet allocated to commercial uses, using the Optional Method of development on 3.97 acres of CRT-2.5, C-2.5, R-2.5, H-120'-zoned land, located approximately 800 feet north of the Georgia Avenue interchange of I-495, Capital Beltway and composed of Lots 1-3, Block 1 of Forest Glen Section 1, as shown on Plat 737, Parcel A, Block 1 of Forest Glen Section 1, as shown on Plat 8215, Parcel P400, as shown on Tax Map JP12, and Parcel P402, as shown on Tax Map JP12 ("Subject

Property”) in the Forest Glen Policy Area and 2020 *Forest Glen/Montgomery Hills Sector Plan* (“Sector Plan”) area; and

WHEREAS, Applicant’s sketch plan application was designated Sketch Plan No. 320230020, 9801 Georgia Avenue (“Sketch Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated March 20, 2023, providing its analysis and recommendation for approval of the Application subject to certain binding elements and conditions (“Staff Report”); and

WHEREAS, on March 30, 2023, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Pedoeem, seconded by Vice Chair Piñero, with a vote of 4-0-1; Chair Zyontz, Vice Chair Piñero, Commissioners Hedrick and Pedoeem voting in favor and Commissioner Bartley abstaining.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320230020, 9801 Georgia Avenue, for construction of up to 460,000 square feet, with up to 455,000 square feet allocated to residential uses, including 15% MPDUs, and up to 5,000 square feet allocated to commercial uses, using the Optional Method of development on the Subject Property, subject to the following binding elements and conditions:¹

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

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

All other elements are illustrative.

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

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

Density

1. The Sketch Plan is limited to a maximum of 460,000 square feet of total development composed of 455,000 square feet of residential development (including bonus density for providing 15% Moderately Priced Dwelling Units (MPDUs)) and 5,000 square feet of commercial development.

Height

2. The development is limited to a maximum height of 80 feet, as measured from the building height measuring point to be illustrated on the Certified Site Plan.

Incentive Density

3. 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) Transit Proximity, achieved through level 1 transit proximity;
 - b) Connectivity and Mobility, achieved by providing a through-block connection;
 - c) Diversity of Uses and Activities, achieved by providing 15% Moderately Priced Dwelling Units;
 - d) Quality of Building and Site Design, achieved through architectural elevations and structured parking; and
 - e) Protection and Enhancement of the Natural Environment achieved through providing a cool roof, energy generation, and vegetated area.

Building Design/ Urban Design

4. Before submittal of the Site Plan, the Applicant must revise the Project's architectural design to mitigate the building's bulk and massing along Woodland Drive and reduce the perceived length of the building along Georgia Avenue.
 - a) Woodland Drive. At a minimum, the Woodland Drive building façade must be revised to ensure compatibility with the residential neighborhood. Design elements should consider the following (as shown in Figure 9 on page 22 of the staff report):
 - i. The mass of the Woodland Drive façade must be visually broken up to appear as three or more buildings at a townhouse scale with visible spaces between each of the building masses.
 - ii. Set back Facade 1 by a minimum of 30 feet to create an open space at the northeastern corner of the building.
 - iii. Provide residential-scale porches/stoops for units at the ground level to facilitate direct access from the abutting Woodland Drive sidewalk.
 - iv. Use architectural elements, such as a varied façade that uses articulation step backs, glazing, material changes and varied heights to

- mitigate the perceived mass of the building, as seen from the single-family homes across Woodland Drive.
- v. Step back the building's mass above 35 feet of height by a minimum of 12 feet from the primary façade along Woodland Drive.
- b) Georgia Avenue. At a minimum, the Georgia Avenue building façade must be revised to break down the building mass. Design elements should consider the following:
- i. Utilize setbacks, varied materials, and articulation to differentiate Façades 5, 6, 7 and 8 on sheet number 20-ARCH-320230020-003.
 - ii. Step back the building's mass a minimum of 10 feet above the fourth floor along Façade 8 (on sheet number 20-ARCH-320230020-003).
 - iii. Provide residential-scale porches/stoops for all units at the ground level to facilitate direct access from the abutting Georgia Avenue sidewalk.
5. The Civic Green/ Urban Park located along Forest Glen Road must have a functional space of at least one-half (½) acre, per the Sector Plan, as determined by the design shown on the Certified Site Plan.
6. The Applicant must underground existing utilities on Forest Glen Road and develop a plan to underground utilities on Woodland Drive along as much of the Property frontage as possible, while minimizing the impacts on adjacent properties. Final determination of the extent of undergrounding on Woodland Drive will be established at Site Plan.

Transportation and Access

7. The Applicant must provide a designated pick-up/drop-off area for the Forest Glen Metrorail Station.
8. Vehicular access on Forest Glen Road is prohibited.
9. The Project must accommodate the County CIP project, "Forest Glen Passageway" P501911.
10. Sidewalks shown on the Forest Glen Road frontage must be located within the public right-of-way.

Public Open Space

11. The Applicant must provide a minimum of 10% of the Site Area (172,886 square feet) as Public Open Space, totaling a minimum of 17,289 square feet.

Future Coordination for the Preliminary and Site Plans

12. In addition to any other requirements for Preliminary Plans under Chapter 50 and Site Plans under Chapter 59, the following must be addressed in future applications:
- a) The Applicant must conduct a Transportation Study in accordance with the Local Area Transportation Review Guidelines.
 - b) The Applicant should unbundle residential parking and substantially reduce parking accordingly to encourage transit use.
 - c) The Applicant should evaluate potential traffic calming measures on Woodland Drive, in coordination with MCDOT.
 - d) The Applicant must work to remove or fully screen the transformers along the sidewalks of Woodland Drive and Forest Glen Road.
 - e) The Applicant must submit and receive approval of a Preliminary/Final Forest Conservation Plan.
 - f) Plantings should use a variety of native plants that provide habitat and food sources for wildlife.
 - g) The Applicant should revisit the unit mix provided with the development in order to meet the Sector Plan recommendation (Section 3.1.7) for 3-bedroom units.
 - h) The Applicant must include the on-street parking spaces in all parking calculations.
 - i) The North Open Space must be designed to be safe, comfortable, and well-lit.
 - j) The Applicant must try to save or relocate the cherry trees on the Forest Glen Road frontage, with the help of an arborist.

Validity

13. A site plan must be submitted within 36 months after the date the resolution for this Sketch Plan is sent.

Additional Transportation Requirement

14. Vehicular access on Georgia Avenue is preferred. Vehicular access on Woodland Drive may be permitted by the Planning Board at the time of the Preliminary Plan based on an operational traffic study of the site access point.

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

1. *The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.*

a. Development Standards

The Subject Property includes approximately 3.97 acres zoned CRT-2.5, C-2.5, R-2.5, H-120'. The data table below demonstrates the Application's conformance to the applicable development standards of the zone.

Data Table CRT-2.5, C-2.5, R-2.5, H-120

Development Standard	Permitted/ Required	Approved
Tract Area	n/a	214,627 square feet
Prior Dedication	n/a	41,741 square feet
Proposed Dedication	n/a	none
Site Area	n/a	172,886 square feet
Mapped Density Residential (GFA/FAR)	536,568 square feet/2.5 FAR	455,000 square feet/2.12 FAR
Commercial (GFA/FAR)	536,568 square feet/2.5 FAR	5,000 square feet/0.02 FAR
Total Mapped Density (GFA/FAR)	536,568 square feet/2.5 FAR	460,000 square feet/2.14 FAR
MPDU requirement	15.0 ² %	15.0%
MPDU Bonus Density (GFA/FAR)	100,100 square feet/0.47 FAR	0 square feet/0 FAR
Total GFA/FAR	636,668 square feet/2.97 FAR	460,000 square feet/2.14 FAR
Building Height, max average	120 feet	78 feet
Public Open Space (min s.f.)	17,289 square feet (10%) ³	17,289 square feet (10%)
Parking	402 spaces (minimum) 540 spaces (maximum)	540 spaces ⁴

² As required by the 2020 *Montgomery Hills/Forest Glen Sector Plan*

³ As required by Chapter 59-4.5.4.B.1 (optional method) because of three master planned frontages.

⁴ Pursuant to Condition 12(b), the Applicant should reduce parking at the time of Site Plan.

b. Intent of the Zone

- i. *Implement the recommendations of applicable master plans (59.4.5.1.A)*

As described in Finding 2 below, the development implements the recommendations of the 2020 *Montgomery Hills/Forest Glen Sector Plan* as well as the Bicycle Master Plan.

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

The Property is currently a medical office building with surface parking. The development will replace the current development with mixed use development with structured parking.

- iii. *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 development will provide a mix of unit sizes with 15% MPDUs, with structured parking. The entrance to the Forest Glen Metro station will be located adjacent to the commercial element and will help energize the open space. The Southern Open Space will connect the existing community to the Forest Glen Metro Station and the western side of Georgia Avenue in a safe manner. The Northern Open Space will provide a through lot connection to Georgia Avenue and access to transit options.

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

The building is nearly 600 feet long on the Georgia Avenue and Woodland Drive sides, and the development encompasses 2 ½ blocks of land. While the Applicant has shown some articulation, the conditions of approval require a meaningful transition and step-down to the single-family neighborhood to the east.

The building façade along Woodland Drive should include more substantial building step-backs and articulation to respond to the lower-scale residential neighborhood across Woodland Drive. These design changes will help the building respond to the surrounding context and provide a more compatible building transition.

- v. *Integrate an appropriate balance of employment and housing opportunities.*

While the development is primarily residential, with a small amount of convenience commercial uses, the proximity to the Forest Glen Metro station connects the housing to employment opportunities. The Property is also located on a number of bus lines and the future Georgia Avenue BRT line.

- vi. *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.*

The Project provides the required 50 public benefit points from a minimum of 3 categories to achieve the desired incentive density above the standard method limit. Final determination of public benefit points will be determined at the time of Site Plan.

c. Vehicle Access Requirements

Under the conditions of approval, vehicular access on Woodland Drive may be permitted by the Planning Board. Potentially allowing site access on Woodland Drive complies with the site access requirements of Chapter 59-6.1.4.E. This provision indicates that vehicle access to the Property must be provided from the street with the lower roadway classification unless that road is classified as a residential road. As Woodland Drive is classified as a residential road, the Board is therefore not required to allow site access from Woodland Drive. However, the provision does not prohibit the Board from allowing access from a residential road, therefore the Board will make a determination about site access from Woodland Drive at the time of Preliminary Plan review based on an operational traffic study of the site access point, as required by Condition 14.

- 2. *The Sketch Plan substantially conforms to the recommendations of the Sector Plan.*

Land Use and Zoning

The Sector Plan rezoned the Site from R-60 to CRT-2.5, C-2.5, R-2.5, H-120 to achieve a mixed-use, pedestrian-oriented development at the Forest Glen Metrorail station. The approved project is a mixed-use development with 5,000 square feet of ground-floor retail and 415 residential units, and a total floor area ratio of 2.14. The building transitions in height from 78 feet along Georgia Avenue to 35 feet along Woodland Drive to achieve compatibility with the single-family community east of the Site. While additional height is permitted

pursuant to existing zoning, the Applicant is using wood construction over a concrete podium due to construction costs and market forces, thereby limiting the height to 78 feet.

Urban Design

The Sector Plan includes several urban design recommendations to guide future redevelopment of the Site. These recommendations provide guidance on the building height, density, scale, and character, as well as recommendations related to parking and curb cuts. As conditioned, the Sketch Plan application substantially conforms with the Sector Plan's urban design recommendations, as discussed in detail below.

The Sector Plan recommends that the building height and density be concentrated at the intersection of Georgia Avenue and Forest Glen Road with transitions in size and scale to the surrounding residential neighborhoods. The project consists of a single building that transitions in height from six stories along Georgia Avenue to four stories along the Woodland Drive frontage. In addition to locating greater height along the Georgia Avenue frontage, the Applicant is locating the ground-floor retail and building amenities at the southwest corner of the Site, both to embrace this prominent location as well as to activate the plaza shown along Forest Glen Road. To ensure compatibility along Woodland Drive, the Applicant is providing transitions in building height as well as the introduction of building breaks in the façade to create the sense of multiple buildings. The conditions of approval provide additional direction to further mitigate the building's bulk and massing.

The Sector Plan also recommends a minimum setback of 25 feet from the building face to the curb along both Georgia Avenue and Forest Glen Road to accommodate generous sidewalks at this Metro-adjacent site. The Applicant is providing approximately 33 feet between the building face and the curb along Georgia Avenue, and over 70 feet between the building face and the curb along Forest Glen Road to accommodate the plaza and future Forest Glen Metrorail Station tunnel. Within the setback along Georgia Avenue, the Applicant is providing an eight-foot landscaped buffer adjacent to the curb and an 11-foot sidewalk.

The Sector Plan also "recommends a designated pick-up/drop-off area completely contained on the Forest Glen Medical Center site" (page 7) to provide a safe and efficient pick-up and drop-off area that will deter use of Georgia Avenue and Woodland Drive. While the approved Sketch Plan shows a pick-up/drop-off location on Woodland Road, the Planning Board has directed the Applicant to study this issue further and potentially revise the location based on an operational traffic study of the access points.

The Sector Plan also recommends reducing parking to the greatest extent possible, including providing shared parking and/or un-coupled parking. According to the Zoning Ordinance, the maximum number of parking spaces permitted for the residential units and retail is 540 spaces, and the Applicant is providing 540 parking spaces in a structured garage lined by the building. While the Applicant suggested that the area remains car-dependent due to the lack of commercial services in close proximity to the Site, the Planning Board directed the Applicant to reduce the parking spaces to encourage use of transit.

Parks

The Sector Plan recommends a civic green urban park ranging in size between ½ and one acre at the Site. A civic gathering space is defined by the Sector Plan as a contiguous space of ½ acre or more that can accommodate cultural programs, community events and neighborhood festivals. While the Applicant shows a plaza and open space of approximately 0.38 acres along the southern portion of the Site, the Planning Board required the Applicant to enlarge to a minimum size of ½ acre of usable space in order to appropriately address this Sector Plan recommendation.

Public Benefits

The Sector Plan prioritizes affordable housing and habitat preservation and restoration as the top public benefits for optional method development on the 9801 Georgia Avenue site. The Sector Plan further states: “Any optional method project that includes residential dwelling units should provide a minimum of 15 percent MPDUs. In addition, with redevelopment, a minimum of 25 percent of the units should be two-bedroom units and five percent of the units should be three-bedroom units. Additionally, given the substantial investment by the County in the Metro access tunnel construction, the Plan recommends 10 percent of the units also be provided as affordable to households earning at or below 100 percent of Area Median Income (AMI).” (Page 74.)

The Applicant will provide a minimum of 15 percent Moderately Priced Dwelling Units (MPDUs), and at least 25 percent of the units as two-bedroom units. The Planning Board directed the Applicant to revisit the unit mix provided with the development in order to meet the Sector Plan recommendation (Section 3.1.7) for 3-bedroom units, as well as explore opportunities to provide additional units as affordable to households earning at or below 100 percent of AMI.

While the Sector Plan includes habitat preservation as a public benefit priority, it does include an option to replace the existing forest with a vegetated area

with equal environmental benefits in other areas. The Applicant will provide layered native plantings that will provide habitat for wildlife, integrated into the development. Other environmental benefits provided include solar panels on the roof and the treatment of stormwater generated by off-site development. These features provide benefits to the overall air and water quality of the surrounding area.

Environment

The Sector Plan includes environmental recommendations for the Plan area, as well as site-specific recommendations. In combination, these recommendations seek to sequester carbon, improve air and water quality, reduce surface temperatures, provide habitat, and decrease greenhouse gases. To achieve these environmental outcomes, the Sector Plan recommends that all properties 2.5 acres or larger strive to achieve a minimum of 35 percent green cover, defined as intensively planted green roof, tree canopy cover, lawn with at least 30 inches of soil, or a combination thereof. The Sector Plan also indicates that the 35 percent requirement can be altered or decreased with the provision of on-site energy generation. The Sketch Plan includes a combination of elements to achieve the 35 percent recommendation, including tree canopy cover, lawn areas, biofiltration areas, and solar panels for on-site energy generation.

In addition to the green cover recommendation, the Sector Plan also includes recommendations related to energy conservation and generation, building orientation to reduce heating and cooling loads, and incorporation of sustainable design principles and initiatives. The Sketch Plan includes 18,750 square feet of solar panels on the roof surface for energy generation and has committed to orient the building to reduce heating and cooling loads to the extent possible given site constraints. Design techniques to further energy efficiency and conservation will be evaluated at the time of Site Plan, including strategies that evaluate the ratio of window to wall, and efficiency of HVAC systems.

The Sector Plan also includes a specific environmental recommendation for the site, which states:

“The 3.9 acre property contains approximately 1.25 acres of remnant forest dominated by native black locust trees. With respect to the remnant forest, at the time of redevelopment, maximum flexibility on the site should be given for providing an area of equal environmental benefit that also provides for improved community benefit and access. Equal environmental benefits may include improved water and air quality, strategies that provide for reduced greenhouse gas emissions and increased biodiversity and habitat protections, including improved tree canopy. Development should also, as a part of its open

space requirement, preserve healthy indigenous trees and replant stratified vegetation where possible.” (Pg. 75)

While the Sector Plan mentions 1.25 acres of forest, only 0.40 acres of forest are on the Property, as determined by NRI/FSD No. 420230690. The Sketch Plan shows the forest removed and mitigated for with stratified vegetation throughout the site, as well as micro-bioretenion planters along the perimeter of the building, some of which will accommodate the stormwater needs associated with the Maryland Department of Transportation State Highway Administration’s Montgomery Hills / MD 97 project. In addition, the Sketch Plan provides two consolidated open spaces, on the northern and southern portions of the Site, with landscaped areas, terraces, and outdoor seating, both of which are accessible for the benefit of the surrounding community. The layered native plantings will provide habitat for wildlife and will be accessible to the community. The solar panels on the roof and the treatment of stormwater generated by off-site development also provide benefits to the overall air and water quality of the community. The Planning Board also directed the Applicant to try to save or relocate the ornamental cherry trees located at the existing Forest Glen Road entrance.

Transportation

The Sector Plan embraces Vision Zero, a proven approach to eliminate roadway-related severe and fatal crashes and identifies several strategies to further this countywide goal. These strategies include reducing vehicular speeds, eliminating conflicts between users, and providing designated space for each mode of transportation. One strategy that the Sector Plan recommends is to consolidate driveways to minimize interruptions for pedestrians and bicyclists, as well as to minimize conflicts between cars turning and those walking, biking, and rolling. While the Sector Plan states that “redevelopment opportunities along Georgia Avenue should eliminate or consolidate driveways to reduce conflicts among travel modes,” (Pg 16) 9801 Georgia Avenue is not identified in the Plan as a location where the elimination or consolidation of driveways is necessary. Rather, the Sector Plan recommends the following for the Subject Property: “Maintain existing curb cuts on Georgia Avenue at the present location or farther north from the intersection.” (Pg 75.) The Sketch Plan moves the curb cut for the garage entrance farther north from the intersection, consistent with the Plan recommendation.

The Planning Board heard extensive testimony about compliance with the Sector Plan and, after considering the issues raised by witnesses, found the Sketch Plan to be in substantial compliance, as conditioned.

3. *The Sketch Plan satisfies, under Section 7.7.1.B.5 of the Zoning Ordinance, the binding elements of 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. *The Sketch Plan achieves compatible internal and external relationships between existing and pending nearby development.*

The development will strengthen relationships with the existing neighborhood by adding useable open space and safe pedestrian connections. As conditioned, the Application meets the compatibility requirements in Section 4.1.8 of the Zoning Ordinance for development adjacent to single-family houses and creates an articulated façade that reduces the impacts of the massing.

At a minimum, the Woodland Drive building façade must be revised to ensure compatibility with the residential neighborhood. Examples of design elements that should be considered include the following:

1. Visually break up the mass of the Woodland Drive façade to appear as three or more buildings at a townhouse scale with visible spaces between each of the building masses.
2. Set back Facade 1 by a minimum of 30 feet to create an open space at the northeastern corner of the building.
3. Provide residential-scale porches/stoops for units at the ground level to facilitate direct access from the abutting Woodland Drive sidewalk.
4. Use architectural elements, such as a varied façade that uses articulation step backs, glazing, material changes and varied heights to mitigate the perceived mass of the building, as seen from the single-family homes across Woodland Drive.
5. Step back the building's mass above 35 feet of height by a minimum of 12 feet from the primary façade along Woodland Drive.

The Georgia Avenue frontage is articulated to provide interest and scale, as well as clearly indicate the main lobby and entrances into the building. The building responds to the new Metro entrance by orienting commercial spaces and amenities to the plaza. This creates a transition from public space to private space and activates the plaza.

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

The Sketch Plan will add a through-block connection, connecting neighborhoods east of Woodland Drive to Georgia Avenue. It also will increase the safety of pedestrians using the site, by adding tree-lined green buffers between all sidewalks and the busy streets of Georgia Avenue, Forest Glen Road, and Woodland Drive. Woodland Drive will be a neighborhood greenway, with a shared road that will be comfortable for bicyclists and pedestrians. The 2018 *Bicycle Master Plan* includes recommendations for greenways for traffic calming, diversion, and crossing treatments, which will be fully designed in future applications.

Vehicular access is usually required from the street with the lower roadway classification. However, using Georgia Avenue as a main access this close to the Forest Glen Road intersection will impact traffic congestion and safety and can only be a right in/right out access point. The Forest Glen Road frontage is too close to the intersection with Georgia Avenue to allow for safe ingress and egress to the Property. Woodland Drive is a secondary residential roadway with an entrance shown opposite of Sherwood Road. While Woodland Drive is improved with 30 feet of paving and has a sidewalk on the Property frontage, Sherwood Road and Myrtle Road are only improved with 20 feet of paving, with parking on both sides, and have no pedestrian facilities.

The Planning Board heard extensive testimony about the access issues and impacts on the surrounding community. Pedestrian safety and bicycle safety were two prominent issues, as well as a traffic safety and the speed and volume of traffic in the neighborhood. While the Sketch Plan shows access from Woodland Drive and Georgia Avenue, the Planning Board preferred access solely from Georgia Avenue but allowed that access from Woodland Drive may be permitted by the Planning Board at the time of Preliminary Plan based on an operational traffic study of the site access points.

Parking is provided in an above-grade parking garage with 540 parking spaces, which is the maximum allowable under Section 6.2.3. Parking should be unbundled from the residential units and the Applicant must substantially reduce parking spaces to incentivize transit usage. Loading is integrated into the parking garage and accessed from Woodland Drive. This access will be evaluated with the operational traffic study of the site access points.

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

Taking into account the considerations in Section 59-4.7.1.B, including the recommendations and objectives of the 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 Planning Board finds that the following outline of public benefits supports the Applicant’s request for incentive density and is appropriate for the community surrounding the site. The final determination of public benefit point values will be determined at Site Plan(s).

Public Benefit	Maximum Points Allowed	Approved
Transit Proximity	50	25
Connectivity and Mobility		
Through-Block Connections	20	20
Diversity of Uses and Activities		
Moderately Price Dwelling Units	N/A	30
Quality Building and Site Design		
Architectural Elevations	20	10
Structured Parking	20	10
Tower Step-Back	10	5
Protection and Enhancement of the Natural Environment		
Cool Roof	10	5
Energy Conservation and Generation	15	10
Vegetated Area	10	10
Total Points		125

TRANSIT PROXIMITY

Transit Proximity

The Applicant requested 25 points for abutting or confronting an existing or master-planned Metrorail station. The Property will provide space for a new entrance to the Forest Glen Metro station, as well as a drop-off location for the Forest Glen Metro. The Planning Board supports the category at this time.

CONNECTIVITY AND MOBILITY

Through-Block Connections

The Applicant requested 20 points for providing a through-block connection. The development provides a through-block connection, connecting Georgia Avenue and Woodland Drive at the northern end of the Property. The Planning Board supports the category at this time.

DIVERSITY OF USES AND ACTIVITIES

Affordable Housing

The Applicant requests 30 points for providing 15% MPDUs. The development will provide 15% MPDUs, 2.5% above the minimum required. The Planning Board supports the category at this time.

QUALITY BUILDING AND SITE DESIGN

Architectural Elevations

The Applicant requests 10 points for providing architectural facades. Particular elements of design, such as minimum amount of transparency, maximum separation between doors, awning provisions, sign restrictions or lighting parameters that affect the perception of mass or pedestrian comfort, or enhance neighborhood compatibility, will be required and approved through the Site Plan process. The Planning Board supports the category at this time.

Structured Parking

The Applicant requests 10 points for providing structured parking. The development provides an above grade parking structure for the development. The Planning Board supports the category at this time.

Tower Step Back

The Applicant requests 5 points for providing a tower step back. The development will set back the building's upper floors by a minimum of 6 feet behind the first-floor facade. The Planning Board supports the category at this time.

PROTECTION AND ENHANCEMENT OF THE NATURAL ENVIRONMENT

Cool Roof

The Applicant requests 5 points for providing a cool roof. The development will construct a roof area that is not covered by a vegetated roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of

2:12, and a minimum SRI of 25 for slopes above 2:12. The Planning Board supports the category at this time.

Energy Generation

The Applicant requests 10 points for providing on-site energy generation. The development will provide solar panels, producing a minimum of 1.25% of the energy requirements for the development. The Planning Board supports the category at this time.

Vegetated Area

The Applicant requests 10 points for providing a vegetated area on-site. The development provides a vegetated area in addition to the required Public Open Space. The Planning Board supports the category at this time.

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

The development will be built in one phase.

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

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

BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of 9801 Georgia Avenue, Sketch Plan No.320230020, received by M-NCPPC as of the date of the Staff Report are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is


January 10, 2024

(which is the date that this Resolution is mailed to all parties of record); and

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 5-0, Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, Hedrick, and Linden, voting in favor of the motion, its regular meeting held on Thursday, December 21, 2023, in Wheaton, Maryland and via video conference.



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